



Truro Planning Board Agenda

Remote Meeting

Wednesday, December 2, 2020 – 5:00 pm
www.truro-ma.gov

Open Meeting

This will be a remote 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 via the link below, which can also be found on the calendar of the Board's webpage along with the meeting Agenda and Packet, or by calling in toll free at [1-866-899-4679](tel:1-866-899-4679) and entering the following access code when prompted: [163-875-845](tel:163-875-845). 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 the Town Planner at planner1@truro-ma.gov.

Meeting link: <https://global.gotomeeting.com/join/163875845>

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.

Public Hearing

2020-001/PB – Nathan A. Nickerson III seeks approval of a Definitive Subdivision Plan of Land, pursuant to G.L. c. 41, §81L and §2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 4-H Bay View Road and 3 Laura's Way, Truro, MA, Map 39, Parcels 77 and 325.

- Letter dated November 16, 2020 from David S. Reid, Esq. in Opposition
- Letter dated November 16, 2020 from Diedra Dietter and Michael Schultz in Opposition
- Email dated November 22, 2020 from Robert Carlson
- Letter dated November 24, 2020 from Gary M. Cooper and Ronald D. Spinks
- Staff Report for Planning Board meeting of February 19, 2020
 - ◆ Town Counsel Opinion dated February 16, 2016

Board Action/Review

2020-011/PB – Samantha Perry, Hillside Farm, LLC 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 23 Perry Road, Truro MA, Map 45, Parcel 131.

- Continued from 10/21/2020 Meeting at request of applicant’s counsel

Approve replacement of APPENDIX 3 – Forms within the Rules and Regulations Governing the Subdivision of Land with the Application and Procedures forms approved by the Planning Board at their June 3, 2020 meeting

Identification of Planning Board Representative to Community Preservation Committee and Water Resources Oversight Committee

Cloverleaf update

Update on Housing Initiative Work Session Invitations

Discussion for setting dates for future Board public workshops

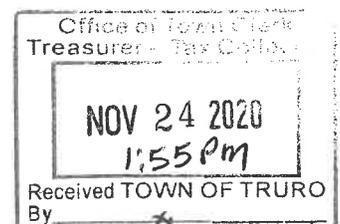
Minutes

None

Next Meeting

Wednesday, December 16, 2020, at 5:00 p.m.

Adjourn



STAFF MEMORANDUM

To: Truro Planning Board

From: Barbara Carboni, Interim Town Planner/Town Counsel, KP Law

Date: November 28, 2020

Re: Meeting December 2, 2020

2020-001/PB – Property at 4-H Bay View Road (Map 39, Parcel 77) and 3 Laura’s Way (Map 39, Parcel 325). Application of Nathan A. Nickerson III for approval of a Definitive Subdivision Plan of Land

Current Proposal

The subject property consists of Assessor’s Map 39, Parcel 77 (Hutchings lot) and Map 39, Parcel 325 (Nickerson lot). The current proposal is for a two-lot subdivision composed of Lot 1 (6.3 acres, essentially the Hutchings lot); Lot 2A (42,872 sq ft, essentially the Nickerson Lot) and Tashmuit Lane, depicted as a 40-footway connecting to Sawyer Grove Road. Tashmuit Lane provides conforming frontage on Lot 2A, and terminates in a cul-de-sac providing frontage to Lot 1. Lot 2A also has frontage on Laura’s Lane or Way.

History of Applications and legal issues previously raised

2015 Proposal

In 2015, a five-lot subdivision was proposed on the subject property (D’Arezzo Hutchings subdivision). At that time, several issues were addressed by Town Counsel in a memorandum (dated February 16, 2016; included in the meeting packet). Town Counsel noted that Sawyer Grove Road had been constructed pursuant to the Helen Sawyer Definitive Subdivision Plan endorsed by the Planning Board on February 7, 1990 and recorded at Book 468, Page 9. Town Counsel further noted that the Planning Board clearly “intended to prevent connection of other subdivisions through Sawyer Grove Road,” and intended to impose a condition restricting the use of Sawyer Grove Road to the 17-lot Helen Sawyer Subdivision. Town Counsel memo at 2. However, Town Counsel found, this condition had not been recorded as part of the decision, nor endorsed on the plan. Rather, it was among a list of conditions attached to the Form D covenant. This condition stated:

“5. Approval of this definitive plan is limited to construction of Sawyer Grove Road as shown on said plan to provide access for the 17 lots shown on the plan and is not approval for construction of any ways to adjoining land.”

Attachment to Covenant, Helen Sawyer Reserve at North Truro. This Attachment was recorded with the covenant (Book 7061, Page 93, Feb. 4, 1990) and rerecorded with an added limitation of

time for construction (8642, Page 78, June 23, 1993).¹ But the Covenant was later released by the Board on December 2, 1997 (recorded January 13, 1998, Book 11165 Page 329). Town Counsel concluded that “[i]t does not appear that any other document memorializing the condition regarding connection to Sawyer Grove Road has ever been recorded.” See Town Counsel Memorandum at p. 2.

Town Counsel noted that a second subdivision on land adjacent to the Helen Sawyer subdivision was constructively approved in 2007 (Cyoski Subdivision). This provided for construction of Laura’s Way, a dead-end road serving fifteen lots. Sawyer Grove, also a dead-end road, provides the sole access to Laura’s Way.

Town Counsel concluded that access over Sawyer Grove Road to Tashmuit Lane and the lots proposed was not precluded by the condition contained in the Attachment to the Form D covenant. See pp. 2-3 of Town Counsel memorandum. This conclusion was based on two grounds: 1) the condition by its own terms did not preclude connection to adjoining subdivisions; and 2) the condition was neither “inscribed on the plan [n]or contained in a separate document referred to on the plan.” Town Counsel memo at 3, citing *Green v. Board of Appeals of Norwood*, 358 Mass. 253, 262 (1970).

Town Counsel further concluded, however, that the Board could consider the adequacy of Sawyer Grove Road to provide access for additional subdivision lots, and noted that the Board had previously found Sawyer Grove Road “insufficient and inadequate to serve development on any adjacent property, which will require additional and separate roads and access.” Town Counsel memorandum at p. 4, quoting 1989 Planning Board minutes.

Town Counsel further concluded that secondary access to the proposed D’Arezzo Hutchings subdivision would not be required under Section 3.6.3 of the Subdivision Rules and Regulations, which calls for secondary access for “subdivisions containing a total of thirty (30) or more lots.” Town Counsel concluded that the combined number of lots in the proposed subdivision (5) and the Helen Sawyer subdivision (17) did not exceed thirty; the fifteen lots in the Cyoski subdivision would not be included because they did not fall within the Regulation’s definition of “total lots.” Town Counsel memo at p. 4.² Town Counsel noted, however, that the

¹ A second Definitive Plan was recorded on April 10, 1995 (Book 512, Page 13); a second Form D Covenant was recorded at that time, with an Attachment to Covenant containing another limitation on time for construction (Book 9623 Page 61, April 10, 1995). In 1997, an “Amendment to Form D Covenant,” was recorded (Book 10638 Page 63, March 5, 1997), consisting of the “Attachment to Covenant” with a modification to Condition 5 providing specifications for road construction. Insight as to the purpose of the second Definitive Plan would be appreciated.

² The Regulation defines total number of lots as including: “lots fronting on pre-existing subdivision roads used for access to the proposed subdivision as well as new proposed lots.” Town Counsel noted that Laura’s Way was not “used for access to the proposed subdivision” and therefore the 15 lots it served did not count towards the “total number of lots.” Town Counsel memo at p. 4. Town Counsel suggested a revision to the Regulation so that it provides:

Board had authority to required secondary access for any size subdivision, if determined necessary for public health and safety, and that it would be reasonable in this case. Town Counsel memo at 4. Finally, Town Counsel concluded that the length of the proposed dead-end street (Tashmuit) may be combined with the length of the existing dead-end street serving it (Sawyer Grove) for purposes of determining compliance with the 1,000 foot limit for dead-end streets set by Section 3.6.6(a). Town Counsel memo at p. 5

The five-lot subdivision proposal was withdrawn in 2016.

2020 Proposal

In early 2020, an application for a 3-lot subdivision of the subject property was submitted to the Board. The configuration was similar to the current proposal: the Nickerson lot (“Lot 2A”) had frontage on the unnamed way and Laura’s Lane, but with two lots on the Hutchings parcel served by the cul-de-sac. There was considerable public comment submitted regarding the proposal. Town Counsel’s 2016 memo was reviewed. The Town Planner’s memo noted that he had “conferred with the Fire Chief, and they share concerns about any intensification of use along Sawyer Grove Road without the provision of secondary access.” Staff Memo for February 19, 2020 Planning Board meeting. Hearing was evidently continued several times, and the application was withdrawn shortly before intended hearing on July 22, 2020.

Comment on Current Proposal

Considerable public comment has been received on the current proposal (and included in the packet). Concerns are raised regarding the capacity of Sawyer Road to serve additional lots, as well as other concerns regarding safety. A legal argument is made that the Condition attached to the Form D Covenant survives as a recorded restriction precluding additional ways or subdivisions to be served by Sawyer Grove Road. See letter dated November 16, 2020 with attached letter dated February 13, 2020 from Attorney David Reid, Stone & Reid (representing Ms. Shelley Fischel, 15 Sawyer Grove Road, abutter to proposed Tashmuit Lane). Further argument is made that the proposed subdivision plan may not be approved unless the Sawyer Grove subdivision covenant is amended to eliminate or modify the condition, and a determination made that Sawyer Grove Road can serve additional lots. See Feb. 13, 2020 letter at p. 2.

Sufficiency of Application

The Application does not include a list of requested waivers; presumably this means that the Applicant believes none are required. At the very least, a waiver of the 1,000 foot limit for dead-end roads is required. The distance from Hughes Road to the entrance of proposed Tasmuit Land is approximately 1050 feet, and Tashmuit itself is 488.11, for a total of 1,538.11 feet. As stated in the Town Counsel memo, it is reasonable to interpret this restriction as applying to the

For this purpose, ‘total number of lots’ includes the lots fronting on pre-existing subdivision roads used for access to the proposed subdivision, *lots relying upon such pre-existing subdivision roads as the sole access to the roads upon which they front*, as well as new proposed lots.” [italicized language added]

combined length of the dead-end private roadways, where they are served by a single means of access (here, to Hughes Road).

The Plan does not contain:

- Topography of land using 2 foot contours (2.5.2.b.10) – roadway only shown (on separate plan)
- Zoning classification (b.11); explanation “n/a.”
- notation of any waivers being requested (b.18); explanation “n/a.”
- identification of trees of 10” diameter and otherwise required (b.30); explanation “n/a”
- Vertical scale of 1 inch to 4 feet (c.2); 1 inch to 5 feet provided
- Limit of clearing (c.11); explanation “n/a”
- Landscape plans, including method of final slope stabilization (c.15); explanation “n/a”
- Erosion control plan (c.16); most elements not included
- Staking of Proposed Subdivision (2.5.3); explanation “site visit previously made”

Threshold Issues for Consideration

1. Is access to additional lots over Sawyer Grove Road precluded by the condition recorded on the Attachment to the Form D Covenant associated with the Helen Sawyer subdivision?

Town Counsel has previously opined that this condition does not legally preclude connection to additional subdivisions or lots, nor does any other recorded document or restriction. See Town Counsel Memo at p. 2-3. This conclusion was based on two grounds: 1) the condition by its own terms did not preclude connection to adjoining subdivisions; and 2) the condition was neither “inscribed on the plan [n]or contained in a separate document referred to on the plan.” Town Counsel memo at 3.

Town Counsel further opined, however, that the *adequacy* of Sawyer Grove Road to serve additional lots could be considered under Section 3.9 of the Subdivision Rules and Regulations. Town Counsel memo at p. 3. Pursuant to this section, the Board may disapprove a plan if it determines that access road(s) to the proposed subdivision are inadequate for safe travel and access, including emergency access, or may require secondary access.³

³ That section provides in part:

“The Board may disapprove a plan if it determines that access roads to the subdivision are inadequate to carry the volume of traffic reasonably anticipated. The applicant shall show to the satisfaction of the Board that the roads and ways to and from the proposed subdivision shall be adequate to provide emergency medical, fire, and police protection as well as safe travel and adequate circulation for the project volume of traffic including, but not limited to a way or way having sufficient width, suitable grades and adequate construction to provide for vehicular traffic . . .”

2. Is adequate access to the proposed subdivision provided over Sawyer Grove Road and the proposed Tashmuit Lane?

Assuming that the Board finds that an additional subdivision served by Sawyer Grove Road is not legally precluded, the Board may make determinations regarding the adequacy of Sawyers Grove Road and the proposed Tashmuit Lane to serve the proposed subdivision. Under Section 3.9, the burden is on the Applicant to prove such adequacy to the satisfaction of the Board. See Section 3.9. Input from the Police Chief and Fire Chief is warranted.

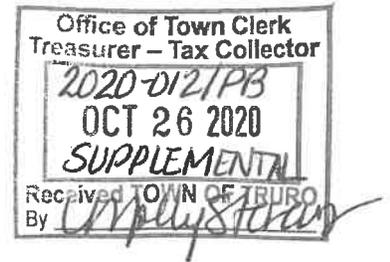
Additional issues

There will be many, identified by the Board and the public. Once identified, these issues may be discussed in a subsequent memorandum focused on the Board's concerns.

2020-011/PB –Samantha Perry, Hillside Farm, LLC, 23 Perry Road (Map 45, Parcel 131)

Application for a determination that Plan does not Require Approval (ANR). Continued from meeting on October 21, 2020 at Applicant's request.

In response to discussion at the October 21, 2020 meeting, counsel for the Applicant advised that he would submit more robust information on the title question raised. This question is whether the property sought to be divided through the ANR process is part of 30 or more contiguous acres held in common ownership. If it is, then a referral to the Cape Cod Commission as a DRI is required.



October 26, 2020

Truro Planning Board
Truro Town Hall
P.O. Box 2030
Truro, MA 02666

Re: Nathan A. Nickerson III Applicant
Definitive subdivision Plan of Land #4-H Bay View Rd. and 3 Laura's Way

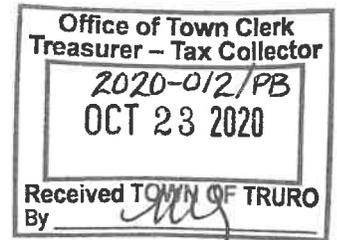
Dear Board Members,

The applicant agrees to complete the proposed ways by June 1st after the asphalt plant opens in April and install all utilities required as scheduling is available with the electric company.

Sincerely,

Donald T. Poole, P.L.S.

DTP/dls



October 23, 2020

Truro Planning Board
Truro Town Hall
P.O. Box 2030
Truro, MA 02666

Re: Definitive subdivision Plan of Land #4-H Bay View Rd. and 3 Laura's Way

Dear Board Members,

Enclosed please find twelve copies of the application and plan for a two lot definitive subdivision plan of land #3 Laura's Way.

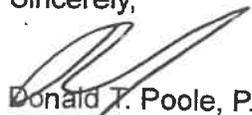
The undersigned's (Nathan A. Nickerson III) title to said land is derived under deed from Laura's Way LLC dated 5/29/2015 and recorded in the Barnstable Registry of Deeds Book 28753, page 258

#4-H Bay View Road. The undersigned's (Charles S Hutchings, Jon R. Hutchings, Joan L. Hutchings and David E. Hutchings) title to said land is derived under deed from Rose L. D'Arezzo dated 3/23/15 and recorded in the Barnstable Registry of Deeds Book 28902, Page 61.

In addition you will find twelve copies of plans, profiles and cross sections showing proposed design and location of streets, drainage and utilities and drainage calculations with plans, two copies of the subdivision plan at 1"=100', and a certified list of all abutters as well as the application fee of \$275.00. The three road name options are Tashmuit Lane, Tashmuit Drive, Tashmuit Way. The subdivider agrees to complete proposed ways and install utilities within three years. Please see road plans from application submitted

I would like to be placed on the next available Planning Board agenda so that we can discuss this.

Sincerely,


Donald T. Poole, P.L.S.

DTP/dls



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

Office of Town Clerk
Treasurer - Tax Collector
2020-012/PB
OCT 23 2020
\$275.00 fee pd.
Received TOWN OF TRURO
By *Molly Stevens*

FORM C

APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN

To the Planning Board of the Town of Truro, MA

Date September 29, 2020

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled Definitive Subdivision Plan of Land #4-H Bay View Road and 3 Laura's Way Truro, MA prepared for Nathan A. Nickerson III by Outermost Land Survey, Inc. dated Sept. 28, 2020 and described as follows:

Located: off of Laura's Way Assessor's Map(s) and Parcel(s): Map 39 Parcels 77 & 325

Number of Lots Proposed: 2 Total Acreage of Tract: 7.53

Said applicant hereby submits said plan as a *Definitive* subdivision plan in accordance with the Rules and Regulations of the Truro Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived under deed from see attached, dated _____, and recorded in the Barnstable Registry of Deeds Book and Page _____ or Land Court Certificate of Title No. _____ registered in Barnstable County, and said land is free of encumbrances except for the following:

Said plan has has not (circle appropriate) evolved from a preliminary plan submitted to the Board on _____ and approved/approved with modifications/disapproved (circle appropriate) on _____

Applicant:

Nathan A Nickerson III
(Printed Name of Applicant)

Nathan A Nickerson III
(Signature of Applicant)

Applicant's Telephone Number(s) 508-240-8000

Applicant's Legal Mailing Address PO Box 1568 North Eastham, MA 02651

Owner's Signature if not the applicant
or applicant's authorization if not the owner:

(Printed Name)

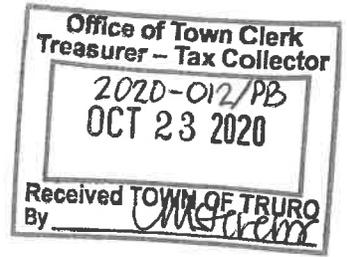
(Signature)

Owner's Legal Mailing Address _____

Surveyor Name/Address Donald T Poole 46 Main St Brewster MA 02631
(or person responsible for preparation of the plan)

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

**Charles S. Hutchings, Jon R. Hutchings
Joan L. Hutchings and David E. Hutchings**



December 2, 2019

Building Commissioner

Town of Truro

P.o. Box 2030

Truro, MA 02666

Re: Filing of Plans and Permit Applications

4-H Bay View Road, Truro, MA 02666

Dear Sir or Madam:

We are the owners of the premises known as 4-H Bay View Road, Truro, MA 02660 which is under agreement with Nickerson Realty Corporation, of Main Street Mercantile Route 6, Eastham, Massachusetts.

This letter is for the purpose of authorizing Nickerson Realty Corporation and its officers and agents to file any and all plans and applications for permits with the Truro Building Department, Board of Health and any other municipal department related to the subdivision of land and or construction of single family dwellings at 4-H Bay View Road, Truro, MA 02660.

Sincerely,

Charles S. Hutchings

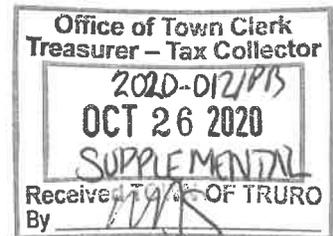
Jon R. Hutchings

Joan L. Hutchings

David E. Hutchings

2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: <u>3 Laura's Way & 4-H Bay View Rd.</u> Applicant Name: <u>Nathan A. Nickerson III</u> Date: <u>10-26-20</u>				
No.	Requirement	Included	Not Included	Explanation, if needed
<u>2.5.2 Submission Requirements for Definitive Plans</u>				
a.	General - The following documentation shall be submitted along with a Definitive Plan; to the Planning Board:	x		
a.1	A properly executed application for Definitive Subdivision Plan Review. (Form C).	x		
a.2	A list of the names and addresses of all abutters, as defined in Section 1.6 and as certified by the Deputy Assessor.	x		
a.3	Twelve (12) paper prints of the plan.	x		
a.4	Twelve (12) copies of all plans, profiles and cross-sections, showing proposed design and location of streets, drainage and utilities.	x		
a.5	Two (2) copies of the subdivision plan prepared at a scale of 1 inch = 100' feet. The plan shall include the lot numbers and lot areas in acres and square footage. Distances and bearing need not be shown.	x		
a.6	Two (2) copies of drainage calculations based on a fifty (50) year storm, stamped and signed by an engineer, along with a topographic plan delineating contributing areas.	x		
a.7	A list of requested waivers from these Rules and Regulations consistent with §1.5, if applicable, and a narrative explanation detailing the reasons for such waivers and the bases for finding that such waivers are in the public interest.		x	
a.8	A digital copy of the subdivision application and accompanying plans in PDF format. This digital copy shall be sent to the Planning Department within 1 business day of the paper filing at the Town Clerk's Office. In addition, the Board and/or its consultants may require submission of the plans and other relevant documents in CAD or other formats.	x		



2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: <u>3 Laurels Way & 4-H Bay View Rd.</u> Applicant Name: <u>Nathan A. Nickerson III</u> Date: <u>10-26-20</u>				
No.	Requirement	Included	Not Included	Explanation, if needed
a.9	A traffic impact and access study shall be required, for all developments that propose to create ten (10) or more buildable lots, at the developments access to existing roadway networks. The study shall be based on standards traffic engineering guidelines developed by the Massachusetts Environmental Protection Act (MEPA). The Planning Board may also require a traffic study if in their determination one is warranted because of public safety concerns.		x	n/a
a.10	Three proposed road name(s) for each new street. The Board reserves the right to reject proposed street names.	x		
a.11	A written statement stating the time within which the applicant/subdivider agrees to complete the proposed ways and to install all utilities required by the Board. The Board may decline to approve any plan unless the applicant agrees to complete the way shown thereon and install the utilities aforesaid within an agreed upon period after the date of endorsement. In the event the work is not completed within the time set forth, or as extended, the Board may rescind its approval and require a new public hearing.	x		
b.	Contents of Plan - A Definitive Plan shall be prepared by a land surveyor, shall be clearly and legibly drawn in permanent ink upon a reproducible film, and shall comply with the recording requirements of the Registry of Deeds and/or Land Court, whichever is applicable. Final plans and profiles submitted for approval shall be the following sizes: 24 inches by 36 inches maximum, 11 inches by 17 inches minimum, with a ¼-inch border. If multiple sheets are used, they shall be accompanied by an index showing the entire subdivision. Cross-sections shall be provided for all streets.	x		
	The following information shall be shown:			
b.1	The subdivision name, date of the plan, scale, north arrow, assessor' s map and parcel numbers of all land shown on the plan, legend and the title "Definitive Plan".	x		
b.2	A locus plan containing sufficient information to locate the proposed subdivision, such as streets bounding or providing access to the property.	x		

2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: <u>3 Laura's Way & 4-H Bay View Rd.</u> Applicant Name: <u>Nathan A. Nickerson III</u> Date: <u>10-26-20</u>				
No.	Requirement	Included	Not Included	Explanation, if needed
b.3	The boundaries, area, frontage, and dimensions of each lot and of any contiguous lot(s) in common ownership.	x		
b.4	The name(s) and address of the owner(s) of record and of the applicant, and the name, address, seal and signature of the land surveyor who prepared the plan.	x		
b.5	The existing and proposed methods of providing road drainage and utilities.	x		
b.6	The following information shall be noted on the plan:	x		
	• Gross area of the subdivision in square feet and acres.	x		
	• Gross area of roads and cul-de-sacs, in square feet and acres.	x		
	• Area(s) subject to the Wetlands Protection Act and approval and/or restriction(s) of the Conservation Commission or the Board.	x		
	• Gross area of wetlands, in square feet and acres, for the entire subdivision.		x	n/a
	• Net area of wetlands within each lot or parcel, in square feet and percentage.		x	n/a
	• Net area of contiguous upland of each lot or parcel, in square feet and percentage.		x	n/a
b.7	Easements, covenants, rights-of-way, and/or restrictions applicable to the area shown on the plan.		x	n/a
b.8	The existing and proposed lines of streets, ways, lots, easements and any public or common areas within the subdivision.	x		
b.9	The existing and proposed lines of any easements access or other purposes. The location, ownership and expiration date(s) of any conservation restrictions or easements.	x		
b.10	The topography of the land, using two (2) foot contours, derived from an actual survey or photogrammetry based on USGS Datum. This may be shown on a separate plan.	x		
b.11	Zoning classification (including overlay districts) and the location of any zoning district boundaries that lie within the subdivision boundaries.		x	n/a
b.12	The location and setbacks of all existing buildings and other structures on the land to be subdivided.		x	n/a
b.13	The location of any wetlands on the land to be subdivided or within one hundred (100) feet of its boundaries.	x		

2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: <u>3 Laura's Way & 4-H Bay View Rd.</u> Applicant Name: <u>Nathan A. Nickerson III</u> Date: <u>10-26-20</u>				
No.	Requirement	Included	Not Included	Explanation, if needed
b.14	Base flood elevation data, as shown on the Flood Insurance Rate Map, as most recently revised, published by the U.S. Department of Housing and Urban Development. The Base Flood Elevation date shall be provided for all proposals where any portion of the subject property lies within the 100-year flood plain.		x	n/a
b.15	Sufficient data to determine the location, direction and length of every way, lot lines and boundary lines including lengths and radii of all curves, to establish and reproduce these lines on the ground, and to comply with the requirements of the Registry of Deeds and/or Land Court.	x		
b.16	For all ways involved in access for the proposed subdivision, whether within, abutting or without the subdivision, the grade and width of road layout, the location of the roadway within the layout, sight distances at intersections, and the physical condition of the roadway including actual width, surface type, depth of surface materials and condition of the road surface.	x		
b.17	A notation on the plan indicating that permanent bounds shall be set at all points of curvature and changes in direction of street side lines and at all lot comers, as appropriate.	x		
b.18	A notation on the plan indicating any waiver to these Rules and Regulations being requested.		x	n/a
b.19	Suitable space to record the action of the Board and the signatures of the Board members.	x		
b.20	Suitable space for noting the following dates shall be provided:			
	• Date of Preliminary Application	x		
	• Date of Preliminary Approval	x		
	• Date of Definitive Application	x		
	• Date of Definitive Approval	x		
	• Date of Definitive Endorsement	x		

2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: <u>3 Laura's Way & 4-H Bay View Rd.</u> Applicant Name: <u>athan A. Nickerson III</u> Date: <u>10-26-20</u>				
No.	Requirement	Included	Not Included	Explanation, if needed
b.21	All plans shall have the following notation lettered adjacent to the record of Board's approval as a condition of approval: "No lots may be conveyed and no building permits shall be issued by the Town of Truro until all applicable requirements of the <i>Rules and Regulations Governing the Subdivision of Land</i> have been met."	x		
b.22	Two benchmarks taken from U.S.G.S. datum shall be established within the subdivision. Selection of the benchmark location shall be a point that will not be disturbed during construction operations.	x		
b.23	Names of all direct abutters as they appear in the most recent tax list and approximate location of intersecting boundary lines of the abutting land.	x		
b.24	All information required on a preliminary plan.		x	n/a
b.25	All deed references and plan references of the subdivision area and abutting properties.	x		
b.26	A place on the plan shall be reserved for the noting of the approval and/or restrictions of the Board of Health.	x		
b.27	Lot numbers to be noted on the plan.	x		
b.28	Legend.	x		
b.29	Notes indicating that all "Utilities shall be underground".	x		
b.30	All trees with an outside bark diameter of ten (10) inches or greater measured four and one-half (4½) feet above existing grade on the uphill side of the tree and all specimen trees (including but not limited to holly trees, cedar trees, etc.), shall be shown on the plan, and the species of the tree shall be identified. This may be shown on a separate plan.		x	n/a
b.31	Location of ancient ways, historic walls, foundations, or other similar structures.		x	n/a
c.	Content of Plan and Profiles, and Cross-sections - The Construction Plan and Profile of proposed street(s), prepared by an engineer and with all elevations referred to the U.S.G.S. datum, shall include:			
c.1	Horizontal scale of one (1) inch to forty (40) feet.			1" to 30' to fit
c.2	Vertical scale of one (1) inch to four (4) feet.			1" to 5'
c.3	Existing centerline elevations every fifty (50) feet.	x		

2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: <u>3 Laura's Way & 4-H Bay View Rd.</u> Applicant Name: <u>Nathan A. Nickerson III</u> Date: <u>10-26-20</u>				
No.	Requirement	Included	Not Included	Explanation, if needed
c.4	Existing right side line.			n/a
c.5	Existing left side line.			n/a
c.6	Proposed centerline grades and elevations, with elevations at every fifty (50) foot station, except that in vertical curves elevations shall be shown at twenty-five (25) foot stations and at PVC and PVT (point of vertical curve and point of vertical tangent).	X		
c.7	Proposed right and left side lines.	x		
c.8	Gradient of traveled surface.	x		
c.9	Spot elevations at centerline of each intersecting street or driveway.	x		
c.10	All existing intersecting walks and driveways.	x		
c.11	The limits of clearing to accommodate the road layout, utilities and shoulders.		x	
c.12	Size and location of existing and proposed water mains and their appurtenances, if any, and surface drains and their appurtenances.			
c.13	Profiles shall show vertical locations of water lines, drainage lines and other utilities. Sizes of all pipes shall be shown as well as inverts of all pipes at each manhole or catch basin, together with invert elevation and rim elevation of each manhole or catch basin.	X		
c.14	Cross sections shall show cuts, fill, subgrade, finished surface, shoulders, curbs or berms, and slopes.	x		
c.15	A detailed landscape plan, which may be included on the plan and profile or as a separate plan, showing:			
	a. Location, size and species of proposed streets trees, if any and other plantings associated with all areas to be disturb.		x	
	b. Existing trees, as described in §2.5.2.b.30, which are proposed to be removed.		x	
	c. Method of final slope stabilization.		x	
c.16	An erosion control plan, which may be included on the plan and profile or as a separate plan or in conjunction with the landscape plan described in item #15, shall include the following:			
	a. Topographical contours at two-foot intervals.	x		

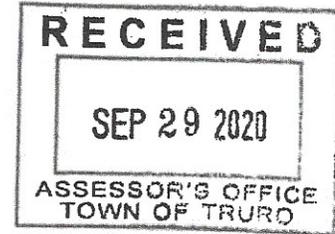
2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: <u>3 Laura's Way & 4-H Bay View Rd.</u> Applicant Name: <u>Nathan A. Nickerson III</u> Date: <u>10-26-20</u>				
No.	Requirement	Included	Not Included	Explanation, if needed
	b. Drainage patterns and watershed boundaries, if any.	x		
	c. Existing vegetation.		x	
	d. Proposed limit of clearing.		x	
	e. The location, identification and narrative description with detailed drawings of all temporary and permanent erosion and sediment control Best management Practices.		x	see notes on plan
	f. Temporary driveway apron to serve during all phases of site preparation and construction that shall consist of ¾" crushed stone 3" thick or bituminous binder 2-1/2" thick.	x		
	g. Narrative description of the construction schedule and the concurrent sequencing and timing of erosion control measures as shown on the plan.		x	
<u>2.5.3 Staking of Proposed Subdivision</u>				
	In order to facilitate on-site review by the various reviewing boards, the applicant shall, at the time of filing of a Definitive Plan, stake and brush cut to a minimum of three (3) feet wide the centerline of all proposed ways in the subdivision and shall stake all points where lot lines intersect rights-of-way.		x	site visit previously made



TOWN OF TRURO

Assessors Office
Certified Abutters List
Request Form



DATE: 9/29/20

NAME OF APPLICANT: Nathan Nickerson

NAME OF AGENT (if any): Dawn Sternlieb

MAILING ADDRESS: 46 Main St.

CONTACT: HOME/CELL 508-255-0477 EMAIL dawn@outermostlandsurvey.com

PROPERTY LOCATION: 4-H Bay View Road
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 39 PARCEL 77 EXT. _____
(if condominium)

ABUTTERS LIST NEEDED FOR:

(please check all applicable)

(Fee must accompany the application unless other arrangements are made)

FEE: \$15.00 per checked item

- Board of Health⁵
- Cape Cod Commission
- Conservation Commission⁴
- Licensing
- Type: _____
- Other _____

- Planning Board (PB)
- Special Permit¹
- Site Plan²
- Preliminary Subdivision³
- Definitive Subdivision³
- Accessory Dwelling Unit (ADU)²

- Zoning Board of Appeals (ZBA)
- Special Permit¹
- Variance¹

(Please Specify)

(Fee: Inquire with Assessors)

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

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 9/29/2020

Date completed: 9/29/2020

List completed by: D. Farrell

Date paid: Due Cash/Check _____

¹Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

²Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.

³Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. **Note:** For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

⁴All abutters within 300 feet of parcel, except Beach Point between Knowles Heights Road and Provincetown border, in which case it is all abutters within 100 feet. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.

⁵Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.



TRURO ASSESSORS OFFICE

PO Box 2012 Truro, MA 02666

Telephone: (508) 214-0921

Fax: (508) 349-5506

Date: September 29, 2020

To: Outermost Land Survey (for Nathan Nickerson)

From: Assessors Department

Certified Abutters List: 4 H Bay View Road (Map 39, Parcel 77)

Definitive Subdivision

Attached is a combined list of abutters for the property located at 4 H Bay View Road. The current owners are Charles S. Hutchings, Jon R. Hutchings et al.

The names and addresses of the abutters are as of September 25, 2020 according to the most recent documents received from the Barnstable County Registry of Deeds.

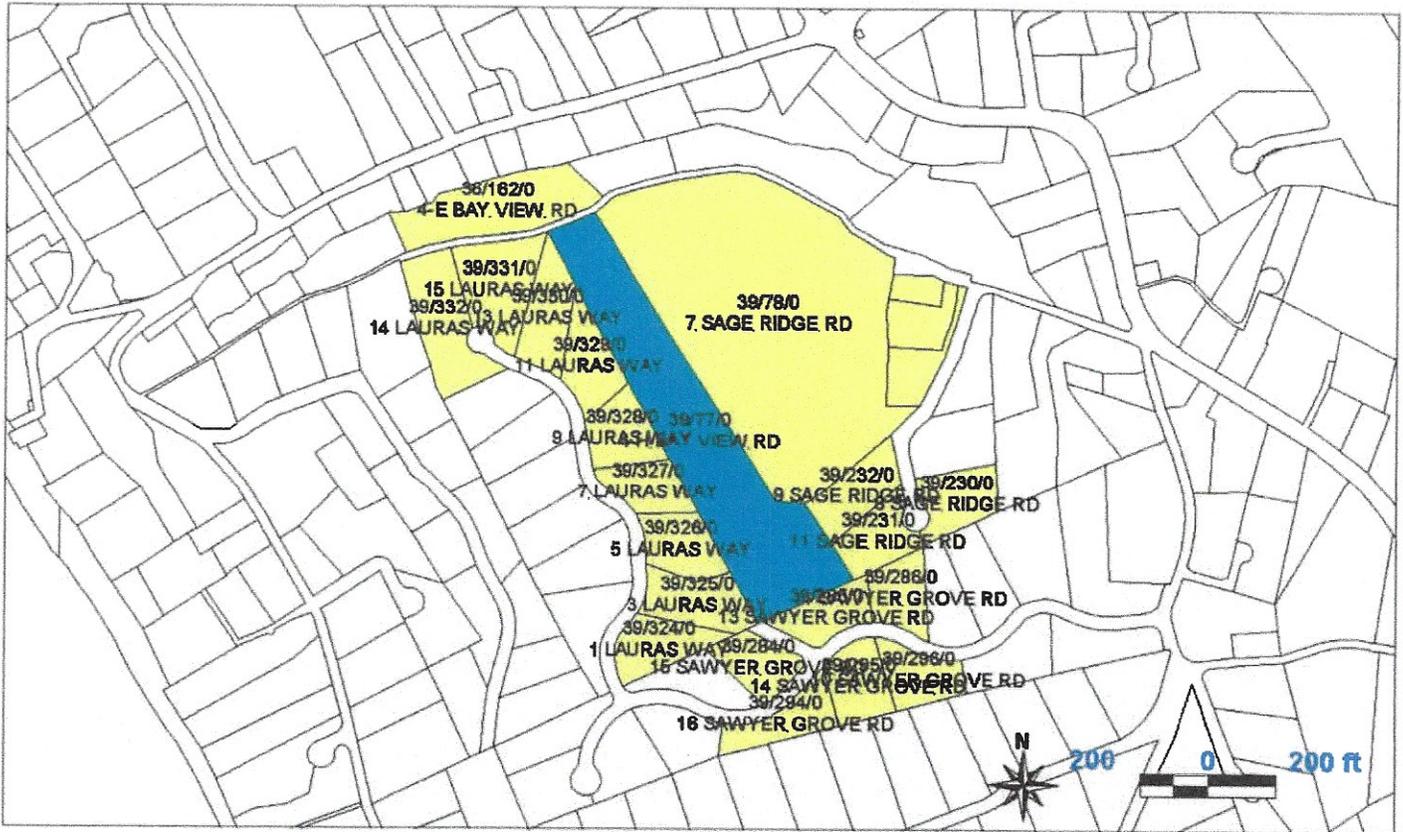
Certified by: _____

Olga Farrell
Assessing Clerk

4 H Bay View Road
 Map 39, Parcel 77
 Definitive Subdivision

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

Custom Abutters List



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1048	36-162-0-R	BUMPS LUTHER A & BUMPS LORA H	4-E BAY VIEW RD	PO BOX 277	NORTH TRURO	MA	02652
1077	36-191-0-E	FRANCIS ROAD CONDO TRUST	9 FRANCIS RD	9 FRANCIS RD	N TRURO	MA	02652
7265	36-191-A-R	COWIE ANNE D & GRAVES AMY K	9 FRANCIS RD	PO BOX 672	NORTH TRURO	MA	02652
7267	36-191-B-R	GRASSO BARBARA & JAFFE MICHELLE E	9-A FRANCIS RD	PO BOX 339	PROVINCETOWN	MA	02652
1206	39-77-0-R	HUTCHINGS CHARLES S & HUTCHINGS JON R ET AL	4-H BAY VIEW RD	c/o JOAN HUTCHINGS 10 PINE ISLAND ROAD	MATTAPOISETT	MA	02739
1207	39-78-0-R	PETERS DEVELOPMENT NOMINEE TR TRS: PETERS THOMAS H & ERIK A	7 SAGE RIDGE RD	PO BOX 910	SO WELLFLEET	MA	02663
1208	39-79-0-R	BYRNE JAMES M & LAUREN T	11 FRANCIS RD	PO BOX 659	N TRURO	MA	02652
1209	39-80-0-R	PERRY ANDREW KNUBEL, ET AL	13 FRANCIS RD	PO BOX 320424230	SIoux FALLS	SD	57186
1350	39-230-0-R	REIS ARTHUR F & HEATHER	8 SAGE RIDGE RD	PO BOX 1557	PROVINCETOWN	MA	02657
1351	39-231-0-R	QUINN GILLIAN R	11 SAGE RIDGE RD	PO BOX 58	NO TRURO	MA	02652-0058
1352	39-232-0-R	FOSTER DAVID S SR & MARGARET K	9 SAGE RIDGE RD	PO BOX 247	NO TRURO	MA	02652-0247
1403	39-284-0-R	SHELLEY D FISCHEL REV LIV TRST TRS: FISCHEL SHELLEY D	15 SAWYER GROVE RD	1133 WARBURTON AVE, APT P12N	YONKERS	NY	10701
1404	39-285-0-R	OBRIEN WILLIAM H & FAY JULIETTE E	13 SAWYER GROVE RD	BOX 867	VINEYARD HAVEN	MA	02568
1405	39-286-0-R	MARIN RAFAEL H & BARBARA	11 SAWYER GROVE RD	PO BOX 401	NO TRURO	MA	02652-0401
1413	39-284-0-R	KOTT DOUGLAS G & C/O MICHAEL MACINTYRE LIVING T	16 SAWYER GROVE RD	PO BOX 1116	NO TRURO	MA	02652

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1414	39-295-0-R	GAGNON DONNA M	14 SAWYER GROVE RD	PO BOX 188	NORTH TRURO	MA	02652
1415	39-296-0-R	MOORE FRANK E & DEJO DEJO-SUAREZ GUSTAVO	10 SAWYER GROVE RD	13 FAYETTE STREET	BOSTON	MA	02116
6675	39-324-0-R	MARTIN ROBERT J & PETTERUTI MARK S	1 LAURAS WAY	PO BOX 820	NO TRURO	MA	02652
6676	39-325-0-R	NICKERSON REALTY TRUST C/O NICKERSON NATHAN III	3 LAURAS WAY	PO BOX 1568	N EASTHAM	MA	02651
6677	39-326-0-R	BERGEN ROBERT	5 LAURAS WAY	2213 60TH RD	BOCA RATON	FL	33496
6678	39-327-0-R	A & B NOMINEE REALTY TRUST TRS: POULIN THEO CHRISTA A	7 LAURAS WAY	268 BRADFORD ST	PROVINCETOWN	MA	02657
6679	39-328-0-R	COOPER GARY M	9 LAURAS WAY	PO BOX 886	NORTH TRURO	MA	02652
6680	39-329-0-R	A AND B NOMINEE REALTY TRUST TRS: POULIN THEO CHRISTA A	11 LAURAS WAY	268 BRADFORD ST	PROVINCETOWN	MA	02657
6681	39-330-0-R	A AND B NOMINEE REALTY TRUST TRS: POULIN THEO CHRISTA A	13 LAURAS WAY	268 BRADFORD ST	PROVINCETOWN	MA	02657
6682	39-331-0-R	A AND B NOMINEE REALTY TRUST TRS POULIN THEO CHRISTA A	15 LAURAS WAY	268 BRADFORD ST	PROVINCETOWN	MA	02657
6683	39-332-0-R	J & M REALTY TRUST TRS MICHAEL W & JUDITH A	14 LAURAS WAY	PO BOX 132	NO TRURO	MA	02652

OR 9.29.2020
9/29/2020

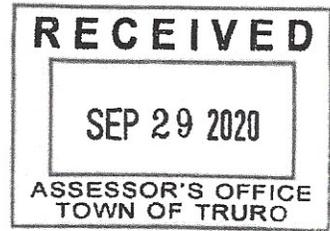


TOWN OF TRURO

Assessors Office

Certified Abutters List

Request Form



NAME OF APPLICANT: Nathan Nickerson DATE: 9/29/20
 NAME OF AGENT (if any): Dawn Sternlieb
 MAILING ADDRESS: 46 Main St.
 CONTACT: HOME/CELL 508-255-0477 EMAIL dawn@outermostlandsurvey.com
 PROPERTY LOCATION: 3 Lauras Way Truro
(street address)
 PROPERTY IDENTIFICATION NUMBER: MAP 39 PARCEL 325 EXT. _____
(if condominium)

ABUTTERS LIST NEEDED FOR:
(please check all applicable)

FEE: \$15.00 per checked item
(Fee must accompany the application unless other arrangements are made)

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

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

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 9/29/2020 Date completed: 9/29/2020
 List completed by: [Signature] Date paid: Due Cash/Check _____

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



TRURO ASSESSORS OFFICE
PO Box 2012 Truro, MA 02666
Telephone: (508) 214-0921
Fax: (508) 349-5506

Date: September 29, 2020

To: Outermost Land Survey (for Nathan Nickerson)

From: Assessors Department

Certified Abutters List: 3 Laura's Way (Map 39, Parcel 325)

Definitive Subdivision

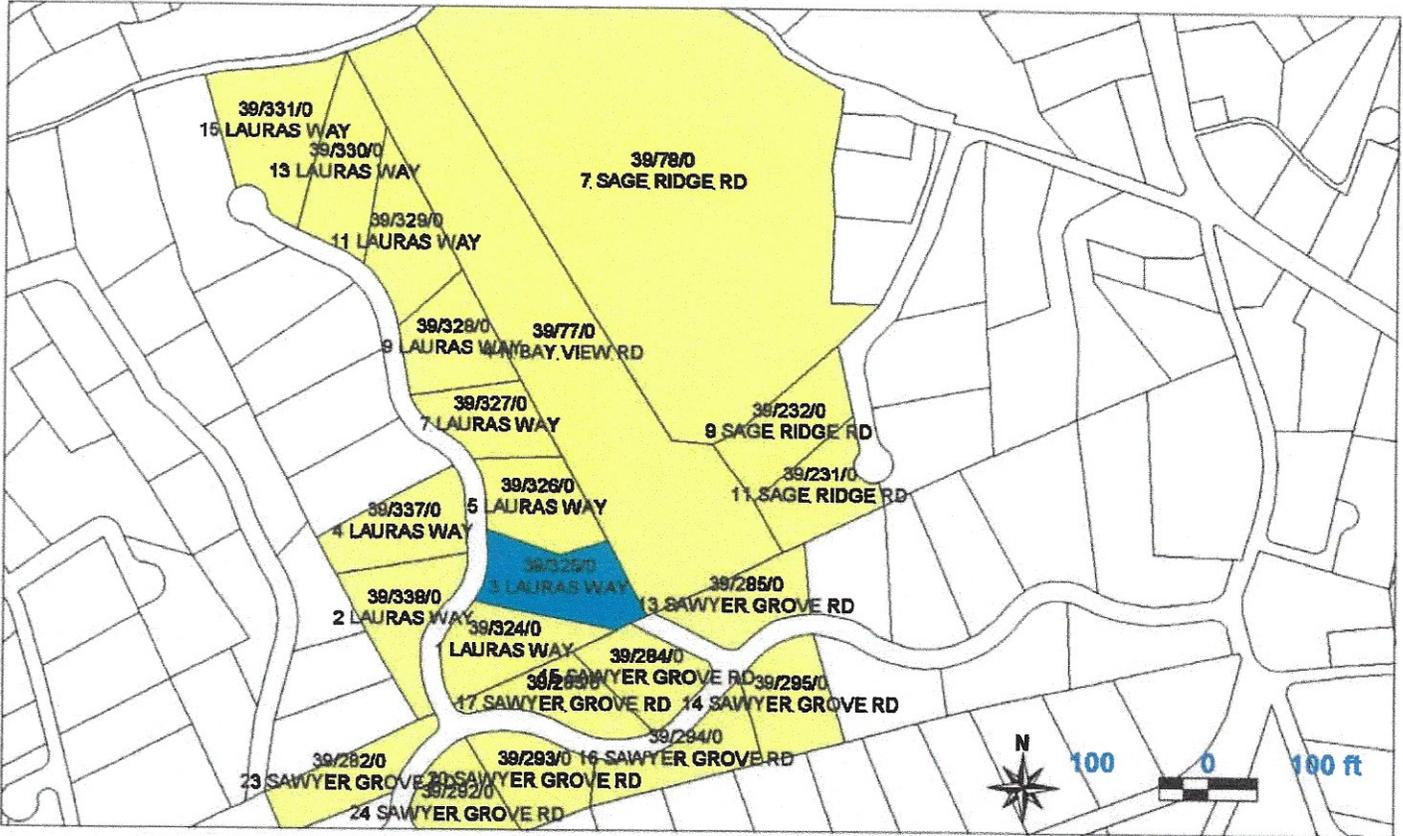
Attached is a combined list of abutters for the property located at 3 Laura's Way.
The current owner is Nickerson Realty Trust.

The names and addresses of the abutters are as of September 25, 2020 according to the
most recent documents received from the Barnstable County Registry of Deeds.

Certified by: _____

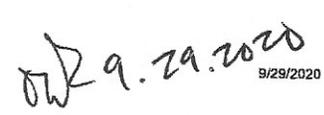
Olga Farrell
Assessing Clerk

Custom Abutters List



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1206	39-77-0-R	HUTCHINGS CHARLES S & HUTCHINGS JON R ET AL	4-H BAY VIEW RD	c/o JOAN HUTCHINGS 10 PINE ISLAND ROAD	MATTAPOISETT	MA	02739
1207	39-78-0-R	PETERS DEVELOPMENT NOMINEE TR TRS: PETERS THOMAS H & ERIK A	7 SAGE RIDGE RD	PO BOX 910	SO WELLFLEET	MA	02663
1351	39-231-0-R	QUINN GILLIAN R	11 SAGE RIDGE RD	PO BOX 58	NO TRURO	MA	02652-0058
1352	39-232-0-R	FOSTER DAVID S SR & MARGARET K	9 SAGE RIDGE RD	PO BOX 247	NO TRURO	MA	02652-0247
1401	39-282-0-R	GORDON JOHN	23 SAWYER GROVE RD	PO BOX 76	N TRURO	MA	02652
1402	39-283-0-R	CARLSON ROBERT W & JUDITH S	17 SAWYER GROVE RD	PO BOX 372	NO TRURO	MA	02652-0372
1403	39-284-0-R	SHELLEY D FISCHEL REV LIV TRST TRS: FISCHEL SHELLEY D	15 SAWYER GROVE RD	1133 WARBURTON AVE, APT P12N	YONKERS	NY	10701
1404	39-285-0-R	OBRIEN WILLIAM H & FAY JULIETTE E	13 SAWYER GROVE RD	BOX 867	VINEYARD HAVEN	MA	02568
1411	39-292-0-R	BRENDA HOROWITZ 2017 LIV.TRUST TRUSTEE: BRENDA HOROWITZ	24 SAWYER GROVE RD	463 WEST STREET APT C-619	NEW YORK	NY	10014
1412	39-293-0-R	LEOMBRUNO DONNA	20 SAWYER GROVE RD	PO BOX 281	NO TRURO	MA	02652-0281
1413	39-294-0-R	KOTT DOUGLAS G & C/O MICHAEL MACINTYRE LIVING T	16 SAWYER GROVE RD	PO BOX 1116	NO TRURO	MA	02652
1414	39-295-0-R	GAGNON DONNA M	14 SAWYER GROVE RD	PO BOX 188	NORTH TRURO	MA	02652
6675	39-324-0-R	MARTIN ROBERT J & PETERUTI MARK S	1 LAURAS WAY	PO BOX 820	NO TRURO	MA	02652
6676	39-325-0-R	NICKERSON REALTY TRUST C/O NICKERSON NATHAN III	3 LAURAS WAY	PO BOX 1568	N EASTHAM	MA	02651
6677	39-326-0-R	BERGEN ROBERT	5 LAURAS WAY	2213 60TH RD	BOCA RATON	FL	33486

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
6678	39-327-0-R	A & B NOMINEE REALTY TRUST TRS: POULIN THEO CHRISTA A	7 LAURAS WAY	268 BRADFORD ST	PROVINCETOWN	MA	02657
6679	39-328-0-R	COOPER GARY M	9 LAURAS WAY	PO BOX 886	NORTH TRURO	MA	02652
6680	39-329-0-R	A AND B NOMINEE REALTY TRUST TRS: POULIN THEO CHRISTA A	11 LAURAS WAY	268 BRADFORD ST	PROVINCETOWN	MA	02657
6681	39-330-0-R	A AND B NOMINEE REALTY TRUST TRS: POULIN THEO CHRISTA A	13 LAURAS WAY	268 BRADFORD ST	PROVINCETOWN	MA	02657
6682	39-331-0-R	A AND B NOMINEE REALTY TRUST TRS POULIN THEO CHRISTA A	15 LAURAS WAY	268 BRADFORD ST	PROVINCETOWN	MA	02657
6688	39-337-0-R	MORAN THERESA & MURPHY MARY ELIZABETH	4 LAURAS WAY	PO BOX 910	NO TRURO	MA	02652
6689	39-338-0-R	EGAN RICHARD M	2 LAURAS WAY	526 COLUMBUS AVE	BOSTON	MA	02118



 9/29/2020

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North Truro, MA 02652

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95

Sent To: **GARON DONNA M**
 Street and Apt. No., or PO Box No.: **PO BOX 188**
 City, State, ZIP+4®: **NO TRURO MA 02652**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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North Truro, MA 02652

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95

Sent To: **Moran Theresa & Murphy Mary**
 Street: **PO box 910**
 City, State: **N. Truro, MA 02652**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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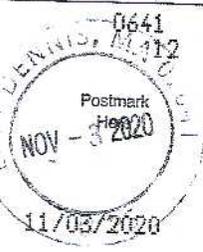
For delivery information, visit our website at www.usps.com

Boca Raton, FL 33496

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95

Sent To: **BERGEN ROBERT**
 Street and Apt. No., or PO Box No.: **2213 GOLF RD**
 City, State, ZIP+4®: **BOCA RATON FL 33496**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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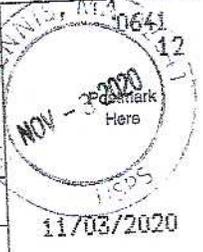
For delivery information, visit our website at www.usps.com

North Truro, MA 02652

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95

Sent To: **Grasso Barbara & Jaffe Michelle**
 Street and: **PO Box 339**
 City, State: **Provincetown, MA 02652**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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North Truro, MA 02652

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95

Sent To: **QUINN GILLIAN R**
 Street and Apt. No., or PO Box No.: **PO BOX 58**
 City, State, ZIP+4®: **NO TRURO MA 02652-0058**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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North Truro, MA 02652

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95

Sent To: **Cowie Anne D. & Graves Amy K**
 Street at: **PO Box 672**
 City, State: **N. Truro, MA 02652**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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 Vineyard Haven, MA 02558

OFFICIAL USE

Certified Mail Fee	\$3.55	0641
Extra Services & Fees (check box, add fee as appropriate)	\$2.85	12
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	11/03/2020
Total Postage and Fees	\$6.95	

Sent To: OBRIEN WILLIAM H.
 Street and Apt. No., or PO Box No.: Box 867
 City, State, ZIP+4®: VINEYARD HAVEN MA 02568

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7019 2280 0001 6704 4690

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OFFICIAL USE

Certified Mail Fee	\$3.55	0641
Extra Services & Fees (check box, add fee as appropriate)	\$2.85	12
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	11/03/2020
Total Postage and Fees	\$6.95	

Sent To: Byrne, James M. & Lauren T.
 Street and Apt.: PO Box 659
 City, State, ZIP: N. Truro, MA 02652

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Certified Mail Fee	\$3.55	0641
Extra Services & Fees (check box, add fee as appropriate)	\$2.85	12
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	11/03/2020
Total Postage and Fees	\$6.95	

Sent To: Brenda Horowitz 2017 Living Trst
 Street and Apt.: Trustee Brenda Horowitz
463 West St. Apt. C-619
 City, State, ZIP: New York, NY 10014

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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 North Truro, MA 02652

OFFICIAL USE

Certified Mail Fee	\$3.55	0641
Extra Services & Fees (check box, add fee as appropriate)	\$2.85	12
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	11/03/2020
Total Postage and Fees	\$6.95	

Sent To: Bumps Luther & Lora H.
 Street and Apt.: PO Box 277
 City, State, ZIP: N. Truro, MA 02652

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OFFICIAL USE

Certified Mail Fee	\$3.55	0641
Extra Services & Fees (check box, add fee as appropriate)	\$2.85	12
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	11/03/2020
Total Postage and Fees	\$6.95	

Sent To: J& M Realty trust
 Street: PO Box 132
 City, St.: N. Truro, MA 02652

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OFFICIAL USE

Certified Mail Fee	\$3.55	0641
Extra Services & Fees (check box, add fee as appropriate)	\$2.85	12
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	11/03/2020
Total Postage and Fees	\$6.95	

Sent To: ROD DOUGLAS G
 Street and Apt. No., or PO Box No.: PO BOX 1116
 City, State, ZIP+4®: NORTH TRURO MA 02652

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North Truro, MA 02652

OFFICIAL USE

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95

Postmark: Here
 0641
 11/03/2020

Sent To
 FOSTER DAVID S SR & MARGARET K
 Street and Apt. No., or PO Box No.
 PO Box 247
 City, State, ZIP+4®
 NO TRURO MA 02652-0247

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Provincetown, MA 02657

OFFICIAL USE

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$7.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95

Postmark: Here
 0641
 11/03/2020

Sent To
 A AND B NOMINEE REALTY TRUST
 TRS POULIN THEO CHRISTA A
 Street and
 268 BRADFORD ST
 City, State
 PROVINCETOWN, MA 02657

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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North Truro, MA 02652

OFFICIAL USE

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95

Postmark: Here
 0641
 11/03/2020

Sent To
 COOPER GARY M
 Street and Apt. No., or PO Box No.
 PO Box 886
 City, State, ZIP+4®
 NO TRURO MA 02652

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Yonkers, NY 10701

OFFICIAL USE

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$7.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95

Postmark: Here
 0641
 11/03/2020

Sent To
 SHELLEY D FISCHER REV LV TRST
 Street and Apt. No., or PO Box No.
 1133 WARBURTON AVE APT. P12N
 City, State, ZIP+4®
 YONKERS NY 10701

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North Truro, MA 02652

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Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$7.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95

Postmark: Here
 0641
 11/03/2020

Sent To
 Gordon John
 Street and
 PO Box 76
 City, State
 N. Truro, MA 02652

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South Wellfleet, MA 02663

OFFICIAL USE

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95

Postmark: Here
 0641
 11/03/2020

Sent To
 PETERS DEVELOPMENT NOMINEE TR
 Street and Apt. No., or PO Box No.
 PO Box 910
 City, State, ZIP+4®
 SO. WELFLEET MA 02663

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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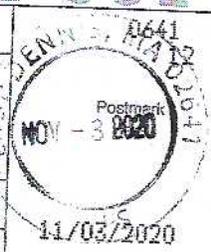
Mattapoisett, MA 02739

OFFICIAL USE

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95

Sent To: **Hutchings c/o Joan Hutchings**
 Street and Apt. No.: **10 Pine Island Rd.**
 City, State, ZIP+4: **Mattapoisett, MA 02739**

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North Truro, MA 02652

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Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95

Sent To: **Marin Rafael H. & Barbara**
 Street and Apt. No.: **PO Box 401**
 City, State, ZIP+4: **N. Truro, MA 02652**

PS Form 3800, April 2015 PSN 7530-02-000-9047



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Provincetown, MA 02657

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Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95

Sent To: **Reis Arthur F. & Heather**
 Street and Apt. No.: **PO Box 1557**
 City, State, ZIP+4: **Provincetown, MA 02657**

PS Form 3800, April 2015 PSN 7530-02-000-9047



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Boston, MA 02116

OFFICIAL USE

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95

Sent To: **Moore Frank & Dejo**
 Street and Apt. No.: **13 Fayette St.**
 City, State, ZIP+4: **Boston, MA 02116**

PS Form 3800, April 2015 PSN 7530-02-000-9047



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Boston, MA 02118

OFFICIAL USE

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95

Sent To: **Egan, Richard M.**
 Street and Apt. No.: **526 Columbus Ave**
 City, State, ZIP+4: **Boston, MA 02118**

PS Form 3800, April 2015 PSN 7530-02-000-9047



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North Truro, MA 02652

OFFICIAL USE

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95

Sent To: **MARTIN ROBERT J**
 Street and Apt. No., or PO Box No.: **P.O. BOX 820**
 City, State, ZIP+4: **NO. TRURO MA 02652**

PS Form 3800, April 2015 PSN 7530-02-000-9047



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Sioux Falls, SD 57186

OFFICIAL USE

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95

Postmark Here
NOV 06 11/03/2020

Sent To: Perry Andrew Knubel
 Street and Apt. No., or PO Box: PO Box 320424230
 City, State, ZIP+4®: Sioux Falls, SD 57186

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OFFICIAL USE

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95

Postmark Here
NOV 06 11/03/2020

Sent To: Carlson Robert W & Judith
 Street and Apt. No., or PO Box: PO Box 372
 City, State, ZIP+4®: No. Truro, MA 02652

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OFFICIAL USE

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95

Postmark Here
NOV 06 11/03/2020

Sent To: Leomruno, Donna
 Street and Apt. No., or PO Box: PO Box 281
 City, State, ZIP+4®: North Truro, MA 02652

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95

Postmark Here
NOV 06 11/03/2020

Sent To: Francis Road Condo Trust
 Street and Apt. No., or PO Box: 9 Francis Rd.
 City, State, ZIP+4®: N. Truro, MA 02652

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

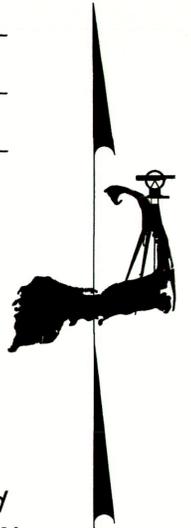
Truro MA Board of Health Date: _____



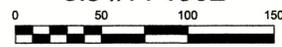
For Registry Use

Truro MA Planning Board Date: _____

No lots may be conveyed and no building permits shall be issued by the Town of Truro until all applicable requirements of the Rules and Regulations Governing the Subdivision of Land have been met.



Definitive Subdivision Plan of Land #4-H Bay View Road and 3 Laura's Way, Truro MA prepared for Nathan A. Nickerson III Scale 1" = 50' Sept 28, 2020 ols #774002



Owner: 3 Laura's Way, Assessor's Map 39, Parcel 325; Nickerson Realty Trust Deed Book 28902, Page 61. Mail: PO Box 1568, North Eastham MA 02651. 4-H Bay View Road, Assessor's Map 39, Parcel 77; Charles S. Hutchings, Jon R. Hutchings, Joan L. Hutchings, and David E. Hutchings: Deed Book 28753, Page 258. Mail: 81B County Road, Unit 2, Mattapoisett, MA 02739

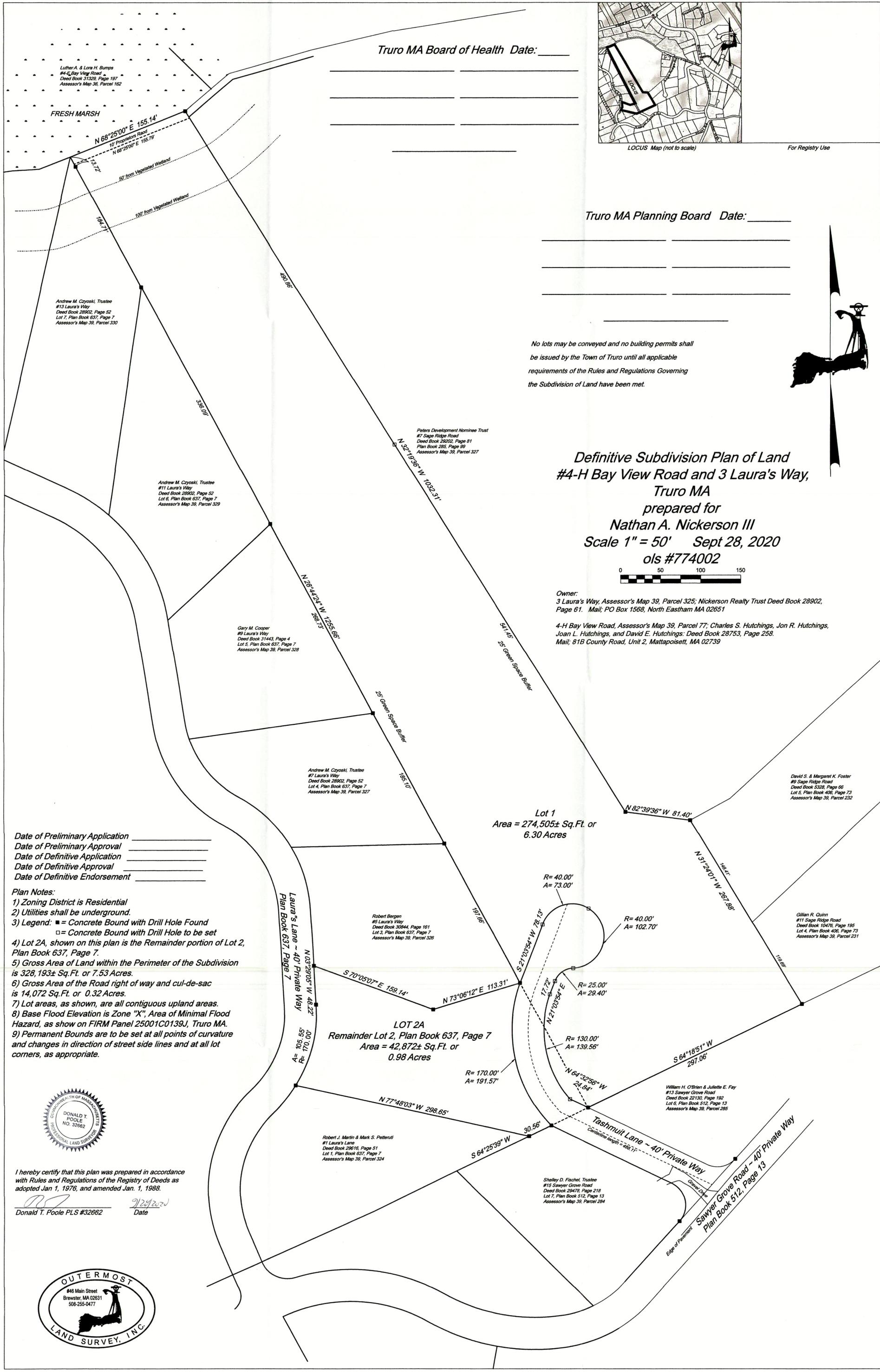
Date of Preliminary Application _____
Date of Preliminary Approval _____
Date of Definitive Application _____
Date of Definitive Approval _____
Date of Definitive Endorsement _____

- Plan Notes:
1) Zoning District is Residential
2) Utilities shall be underground.
3) Legend: ■ = Concrete Bound with Drill Hole Found □ = Concrete Bound with Drill Hole to be set
4) Lot 2A, shown on this plan is the Remainder portion of Lot 2, Plan Book 637, Page 7.
5) Gross Area of Land within the Perimeter of the Subdivision is 328,193± Sq.Ft. or 7.53 Acres.
6) Gross Area of the Road right of way and cul-de-sac is 14,072 Sq.Ft. or 0.32 Acres.
7) Lot areas, as shown, are all contiguous upland areas.
8) Base Flood Elevation is Zone "X", Area of Minimal Flood Hazard, as show on FIRM Panel 25001C0139J, Truro MA.
9) Permanent Bounds are to be set at all points of curvature and changes in direction of street side lines and at all lot corners, as appropriate.

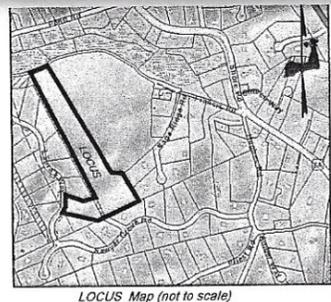


I hereby certify that this plan was prepared in accordance with Rules and Regulations of the Registry of Deeds as adopted Jan 1, 1976, and amended Jan. 1, 1988.

Donald T. Poole PLS #32662 Date 9/28/20



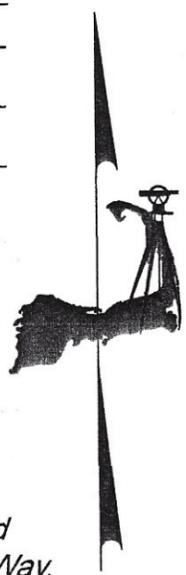
Truro MA Board of Health Date: _____



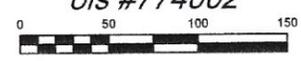
For Registry Use

Truro MA Planning Board Date: _____

No lots may be conveyed and no building permits shall be issued by the Town of Truro until all applicable requirements of the Rules and Regulations Governing the Subdivision of Land have been met.

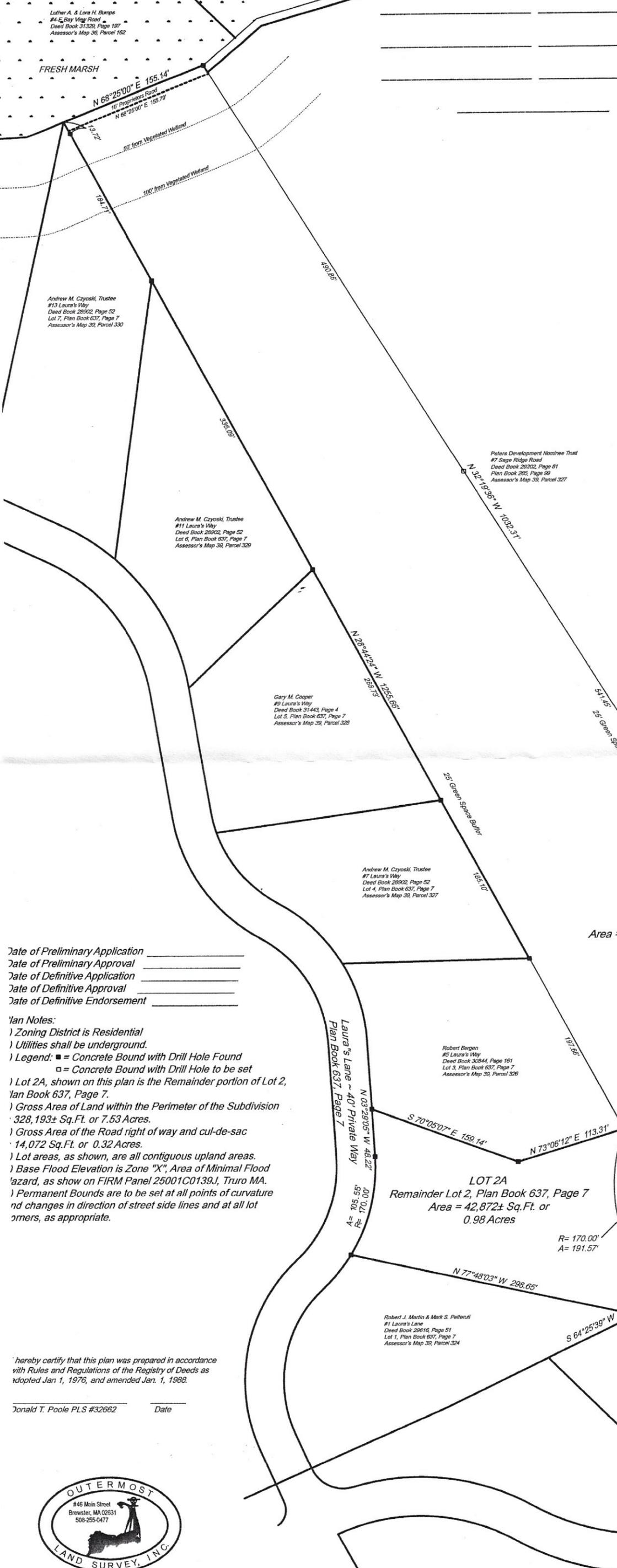


**Definitive Subdivision Plan of Land
#4-H Bay View Road and 3 Laura's Way,
Truro MA
prepared for
Nathan A. Nickerson III
Scale 1" = 50' (X) Sept 28, 2020
ols #774002**



Owner:
3 Laura's Way, Assessor's Map 39, Parcel 325; Nickerson Realty Trust Deed Book 28902, Page 61. Mail: PO Box 1568, North Eastham MA 02651

4-H Bay View Road, Assessor's Map 39, Parcel 77; Charles S. Hutchings, Jon R. Hutchings, Joan L. Hutchings, and David E. Hutchings: Deed Book 28753, Page 258. Mail: 81B County Road, Unit 2, Mattapoisett, MA 02739



Date of Preliminary Application _____
Date of Preliminary Approval _____
Date of Definitive Application _____
Date of Definitive Approval _____
Date of Definitive Endorsement _____

- Plan Notes:**
- 1) Zoning District is Residential
 - 2) Utilities shall be underground.
 - 3) Legend: ■ = Concrete Bound with Drill Hole Found
□ = Concrete Bound with Drill Hole to be set
 - 4) Lot 2A, shown on this plan is the Remainder portion of Lot 2, Plan Book 637, Page 7.
 - 5) Gross Area of Land within the Perimeter of the Subdivision 328,193± Sq.Ft. or 7.53 Acres.
 - 6) Gross Area of the Road right of way and cul-de-sac 14,072 Sq.Ft. or 0.32 Acres.
 - 7) Lot areas, as shown, are all contiguous upland areas.
 - 8) Base Flood Elevation is Zone "X", Area of Minimal Flood Hazard, as show on FIRM Panel 25001C0139J, Truro MA.
 - 9) Permanent Bounds are to be set at all points of curvature and changes in direction of street side lines and at all lot corners, as appropriate.

I hereby certify that this plan was prepared in accordance with Rules and Regulations of the Registry of Deeds as adopted Jan 1, 1976, and amended Jan. 1, 1988.

Donald T. Poole PLS #32662 Date _____





GFM Enterprises, Inc.
 P.O. Box 1439
 Dennis, MA 02660
 Office: 508-694-5600

October 22, 2020

Truro Planning Board
 24 Town Hall Road
 Truro, MA 02666

RE: Tashmuit Lane Extension, Truro

Dear Planning Board Members,

As per the requirements of the Town of Truro Rules and Regulations Governing the Subdivision of Land, GFM Enterprises, Inc. has completed the attached calculations to show the drainage, as currently proposed, has been designed to handle a 50-year storm.

We have provided the below table in order to summarize the attached HydroCAD Stormwater Analysis. The table shows the elevation stormwater will reach during the 50 year storm event in each Leaching Facility as well as the invert elevation of each facility:

Leaching Facility ID	50 Year Storm Event High Water Elevation (A)	Leaching Facility Invert Elevation (B)	A < B (System Can Handle 50 Year Storm)
LG#5	60.83	61.0	Yes
LG#6	46.54	47.0	Yes
LG#7	31.03	31.6	Yes

Please call if you have any questions or require any additional information.

Thank you.

Keith Fernandes, PE
 GFM Enterprises, Inc.

Enclosed - Drainage Calculations
 Drainage Design Sketch Plan



DA#4



LG#5



Routing Diagram for LG#5

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LG#5

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Page 2

Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
0.007	76	Gravel roads, HSG A (DA#4)
0.022	98	Paved parking, HSG A (DA#4)
0.037	32	Woods/grass comb., Good, HSG A (DA#4)
0.067	59	TOTAL AREA

LG#5

Type III 24-hr 50-yr Rainfall=6.23"

Prepared by HP

Printed 10/22/2020

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Page 3

Time span=0.00-24.00 hrs, dt=0.01 hrs, 2401 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment DA#4: DA#4

Runoff Area=2,900 sf 33.28% Impervious Runoff Depth>1.98"
Tc=5.0 min CN=59 Runoff=0.15 cfs 0.011 af

Pond LG#5: LG#5

Peak Elev=60.83' Storage=0.003 af Inflow=0.15 cfs 0.011 af
Outflow=0.03 cfs 0.011 af

Total Runoff Area = 0.067 ac Runoff Volume = 0.011 af Average Runoff Depth = 1.98"
66.72% Pervious = 0.044 ac 33.28% Impervious = 0.022 ac

Summary for Subcatchment DA#4: DA#4

Runoff = 0.15 cfs @ 12.08 hrs, Volume= 0.011 af, Depth> 1.98"

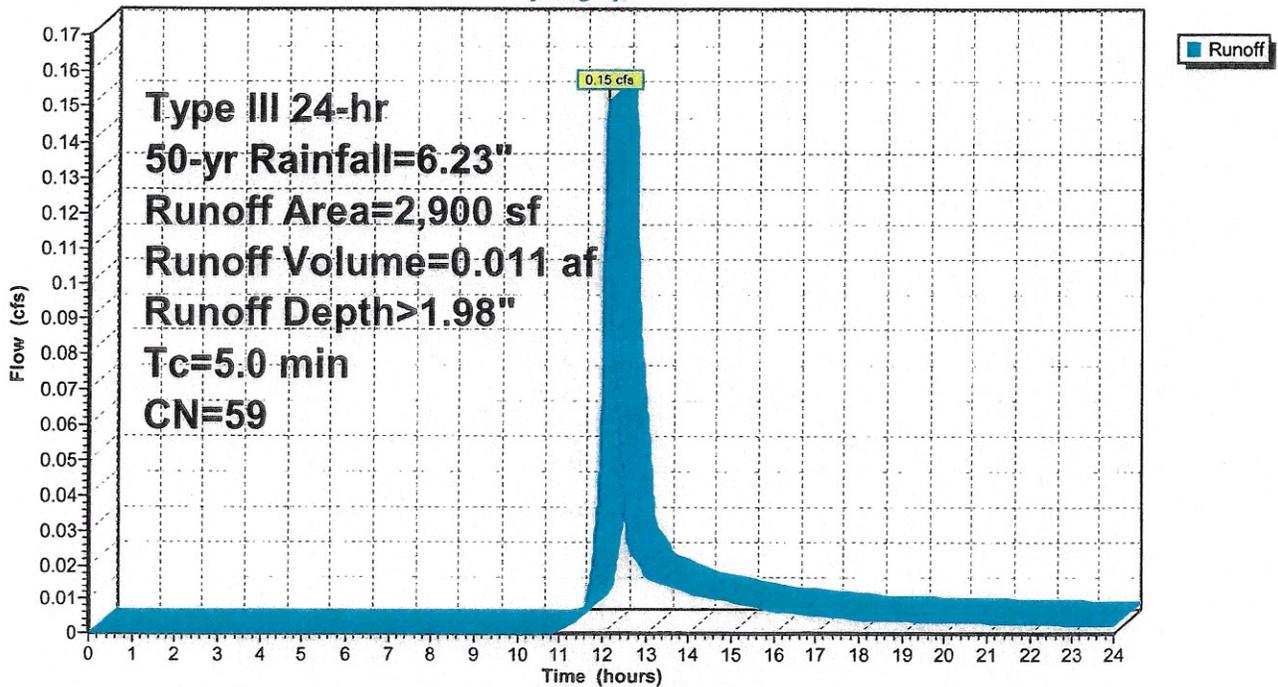
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
 Type III 24-hr 50-yr Rainfall=6.23"

Area (sf)	CN	Description
965	98	Paved parking, HSG A
1,620	32	Woods/grass comb., Good, HSG A
315	76	Gravel roads, HSG A
2,900	59	Weighted Average
1,935		66.72% Pervious Area
965		33.28% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry, Direct Entry

Subcatchment DA#4: DA#4

Hydrograph



LG#5

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Type III 24-hr 50-yr Rainfall=6.23"

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Page 5

Summary for Pond LG#5: LG#5

Inflow Area = 0.067 ac, 33.28% Impervious, Inflow Depth > 1.98" for 50-yr event
 Inflow = 0.15 cfs @ 12.08 hrs, Volume= 0.011 af
 Outflow = 0.03 cfs @ 12.54 hrs, Volume= 0.011 af, Atten= 78%, Lag= 27.4 min
 Discarded = 0.03 cfs @ 12.54 hrs, Volume= 0.011 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
 Peak Elev= 60.83' @ 12.54 hrs Surf.Area= 0.002 ac Storage= 0.003 af

Plug-Flow detention time= 32.2 min calculated for 0.011 af (100% of inflow)
 Center-of-Mass det. time= 32.0 min (893.5 - 861.4)

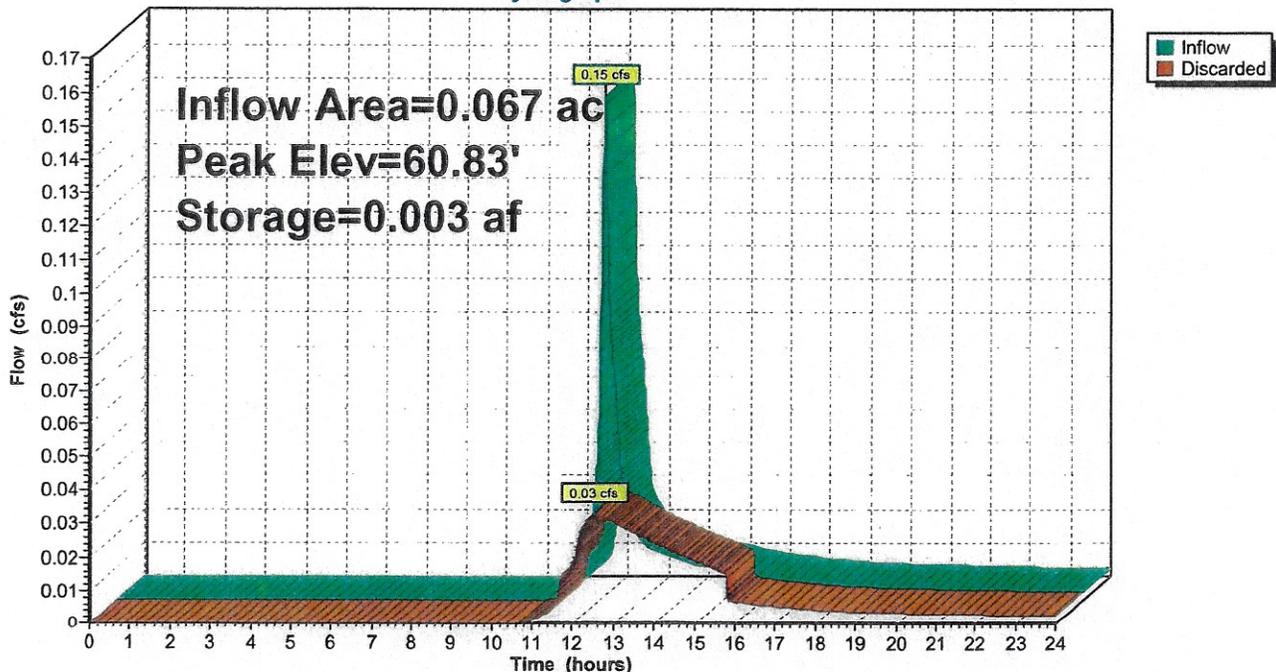
Volume	Invert	Avail.Storage	Storage Description
#1	58.40'	0.002 af	6.00'D x 2.52'H Vertical Cone/Cylinder Inside #2 0.002 af Overall - 3.0" Wall Thickness = 0.002 af
#2	57.90'	0.001 af	10.00'D x 3.10'H Vertical Cone/Cylinder 0.006 af Overall - 0.002 af Embedded = 0.004 af x 40.0% Voids
		0.003 af	Total Available Storage

Device	Routing	Invert	Outlet Devices
#1	Discarded	57.90'	8.270 in/hr Exfiltration over Wetted area

Discarded OutFlow Max=0.03 cfs @ 12.54 hrs HW=60.83' (Free Discharge)
 ←1=Exfiltration (Exfiltration Controls 0.03 cfs)

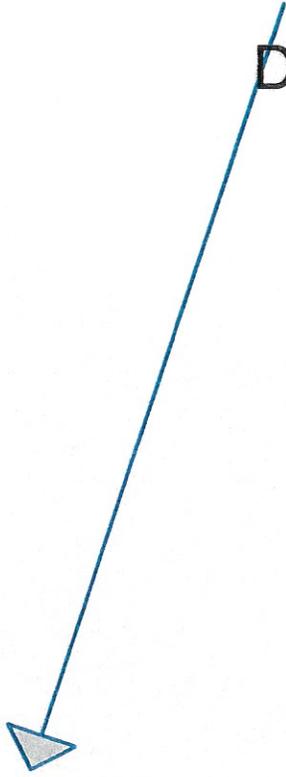
Pond LG#5: LG#5

Hydrograph





DA#3



LG#6



Routing Diagram for LG#6

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LG#6

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Page 2

Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
0.068	98	Paved parking, HSG A (DA#3)
0.213	32	Woods/grass comb., Good, HSG A (DA#3)
0.281	48	TOTAL AREA

LG#6

Type III 24-hr 50-yr Rainfall=6.23"

Prepared by HP

Printed 10/22/2020

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Page 3

Time span=0.00-24.00 hrs, dt=0.01 hrs, 2401 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment DA#3: DA#3

Runoff Area=12,250 sf 24.29% Impervious Runoff Depth>1.11"
Tc=5.0 min CN=48 Runoff=0.29 cfs 0.026 af

Pond LG#6: LG#6

Peak Elev=46.54' Storage=0.006 af Inflow=0.29 cfs 0.026 af
Outflow=0.06 cfs 0.026 af

Total Runoff Area = 0.281 ac Runoff Volume = 0.026 af Average Runoff Depth = 1.11"
75.71% Pervious = 0.213 ac 24.29% Impervious = 0.068 ac

Summary for Subcatchment DA#3: DA#3

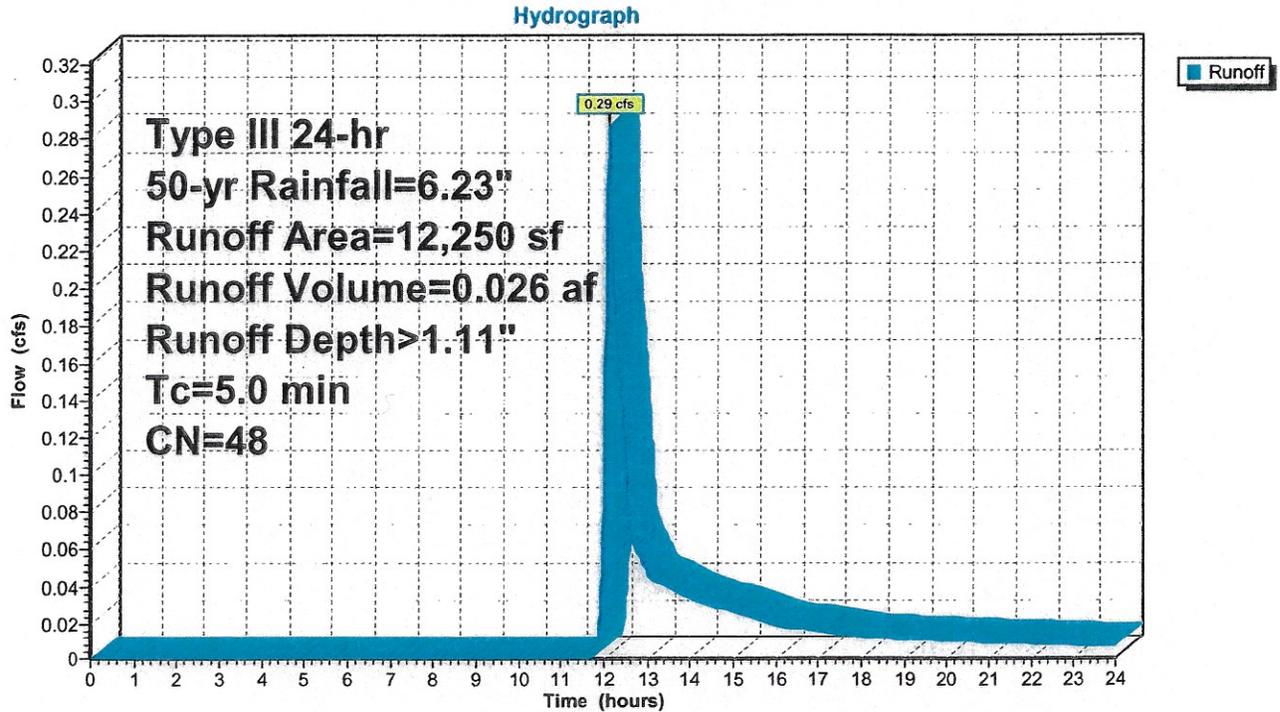
Runoff = 0.29 cfs @ 12.10 hrs, Volume= 0.026 af, Depth> 1.11"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
 Type III 24-hr 50-yr Rainfall=6.23"

Area (sf)	CN	Description
2,975	98	Paved parking, HSG A
9,275	32	Woods/grass comb., Good, HSG A
12,250	48	Weighted Average
9,275		75.71% Pervious Area
2,975		24.29% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry, Direct Entry

Subcatchment DA#3: DA#3



LG#6

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Type III 24-hr 50-yr Rainfall=6.23"

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Page 5

Summary for Pond LG#6: LG#6

Inflow Area = 0.281 ac, 24.29% Impervious, Inflow Depth > 1.11" for 50-yr event
 Inflow = 0.29 cfs @ 12.10 hrs, Volume= 0.026 af
 Outflow = 0.06 cfs @ 12.66 hrs, Volume= 0.026 af, Atten= 78%, Lag= 33.7 min
 Discarded = 0.06 cfs @ 12.66 hrs, Volume= 0.026 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
 Peak Elev= 46.54' @ 12.66 hrs Surf.Area= 0.004 ac Storage= 0.006 af

Plug-Flow detention time= 33.9 min calculated for 0.026 af (100% of inflow)
 Center-of-Mass det. time= 33.7 min (930.6 - 896.9)

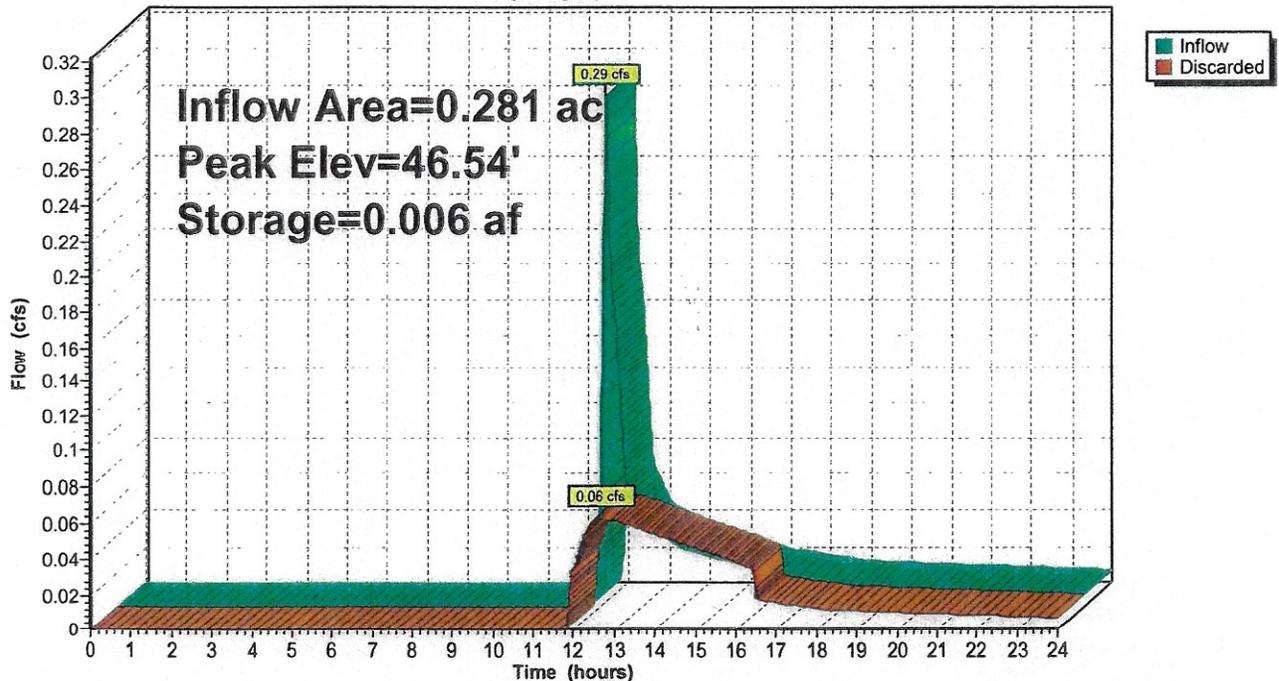
Volume	Invert	Avail.Storage	Storage Description
#1	43.90'	0.004 af	10.00'W x 18.00'L x 3.10'H Prismaoid 0.013 af Overall - 0.004 af Embedded = 0.009 af x 40.0% Voids
#2	44.40'	0.003 af	6.00'D x 2.52'H Vertical Cone/Cylinder x 2 Inside #1 0.004 af Overall - 3.0" Wall Thickness = 0.003 af
		0.007 af	Total Available Storage

Device	Routing	Invert	Outlet Devices
#1	Discarded	43.90'	8.270 in/hr Exfiltration over Wetted area

Discarded OutFlow Max=0.06 cfs @ 12.66 hrs HW=46.54' (Free Discharge)
 ↳1=Exfiltration (Exfiltration Controls 0.06 cfs)

Pond LG#6: LG#6

Hydrograph





DA#1



DA#2



LG#7

LG#7



LG#7

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Page 2

Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
0.128	98	Paved parking, HSG A (DA#1, DA#2)
0.968	32	Woods/grass comb., Good, HSG A (DA#1, DA#2)
1.096	40	TOTAL AREA

LG#7

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Type III 24-hr 50-yr Rainfall=6.23"

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Page 3

Time span=0.00-24.00 hrs, dt=0.01 hrs, 2401 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment DA#1: DA#1

Runoff Area=13,500 sf 12.96% Impervious Runoff Depth>0.63"
Tc=5.0 min CN=41 Runoff=0.10 cfs 0.016 af

Subcatchment DA#2: DA#2

Runoff Area=34,250 sf 11.17% Impervious Runoff Depth>0.51"
Tc=5.0 min CN=39 Runoff=0.17 cfs 0.034 af

Pond LG#7: LG#7

Peak Elev=31.03' Storage=0.008 af Inflow=0.27 cfs 0.050 af
Outflow=0.08 cfs 0.050 af

Total Runoff Area = 1.096 ac Runoff Volume = 0.050 af Average Runoff Depth = 0.55"
88.32% Pervious = 0.968 ac 11.68% Impervious = 0.128 ac

LG#7

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Type III 24-hr 50-yr Rainfall=6.23"

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Summary for Subcatchment DA#1: DA#1

Runoff = 0.10 cfs @ 12.13 hrs, Volume= 0.016 af, Depth> 0.63"

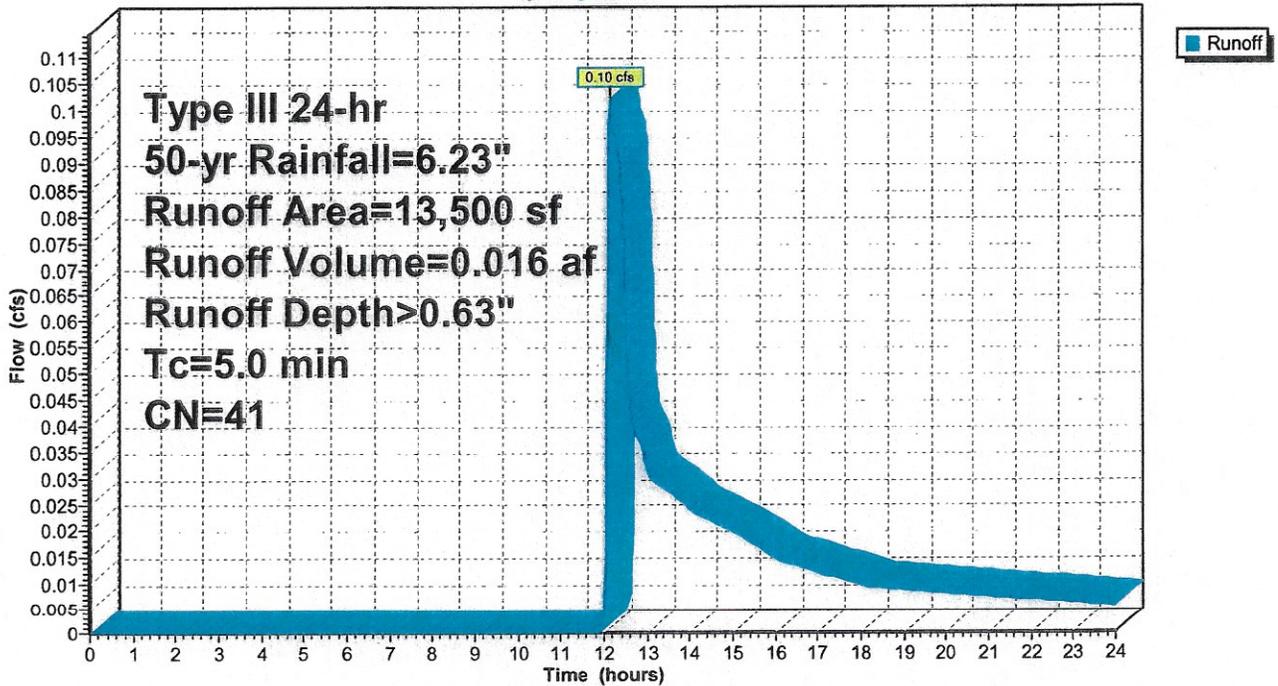
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
Type III 24-hr 50-yr Rainfall=6.23"

Area (sf)	CN	Description
11,750	32	Woods/grass comb., Good, HSG A
1,750	98	Paved parking, HSG A
13,500	41	Weighted Average
11,750		87.04% Pervious Area
1,750		12.96% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry, Direct Entry

Subcatchment DA#1: DA#1

Hydrograph



LG#7

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Type III 24-hr 50-yr Rainfall=6.23"

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Summary for Subcatchment DA#2: DA#2

Runoff = 0.17 cfs @ 12.31 hrs, Volume= 0.034 af, Depth> 0.51"

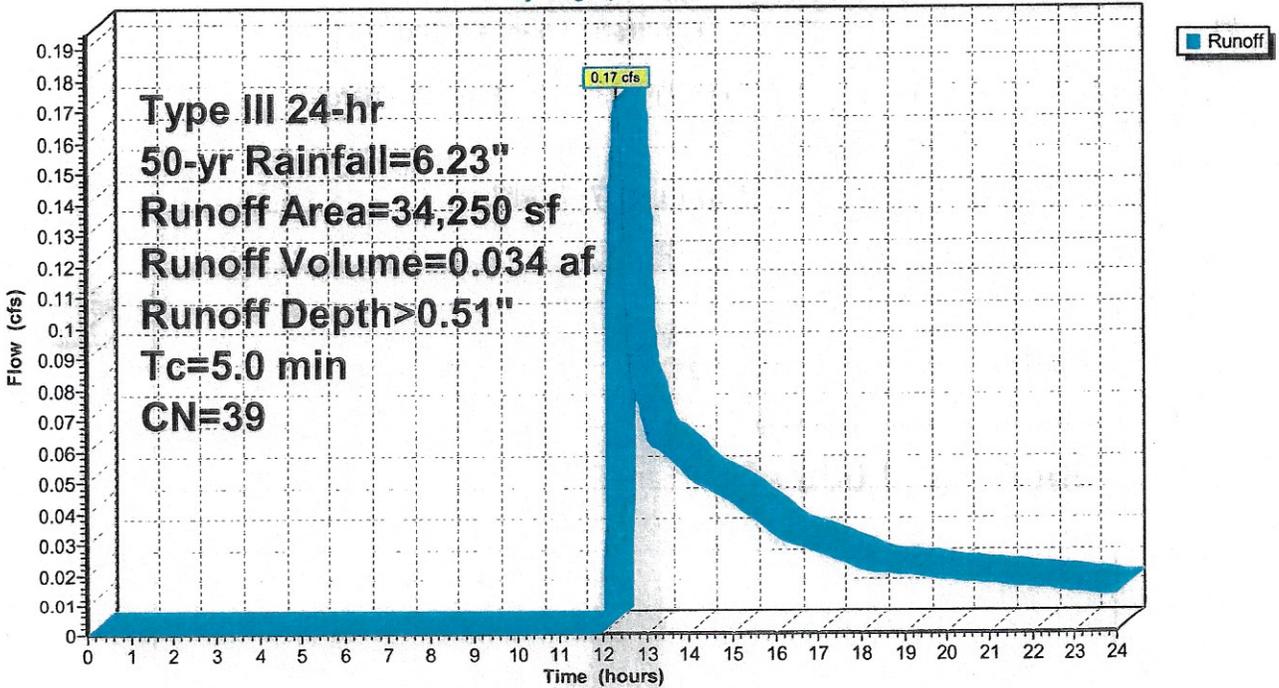
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
Type III 24-hr 50-yr Rainfall=6.23"

Area (sf)	CN	Description
3,825	98	Paved parking, HSG A
30,425	32	Woods/grass comb., Good, HSG A
34,250	39	Weighted Average
30,425		88.83% Pervious Area
3,825		11.17% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry, Direct Entry

Subcatchment DA#2: DA#2

Hydrograph



LG#7

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Type III 24-hr 50-yr Rainfall=6.23"

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Page 6

Summary for Pond LG#7: LG#7

Inflow Area = 1.096 ac, 11.68% Impervious, Inflow Depth > 0.55" for 50-yr event
 Inflow = 0.27 cfs @ 12.29 hrs, Volume= 0.050 af
 Outflow = 0.08 cfs @ 13.59 hrs, Volume= 0.050 af, Atten= 68%, Lag= 78.1 min
 Discarded = 0.08 cfs @ 13.59 hrs, Volume= 0.050 af

Routing by Stor-Ind method, Time Span= 0.00-24.00 hrs, dt= 0.01 hrs
 Peak Elev= 31.03' @ 13.59 hrs Surf.Area= 0.006 ac Storage= 0.008 af

Plug-Flow detention time= 40.4 min calculated for 0.050 af (100% of inflow)
 Center-of-Mass det. time= 40.1 min (984.6 - 944.5)

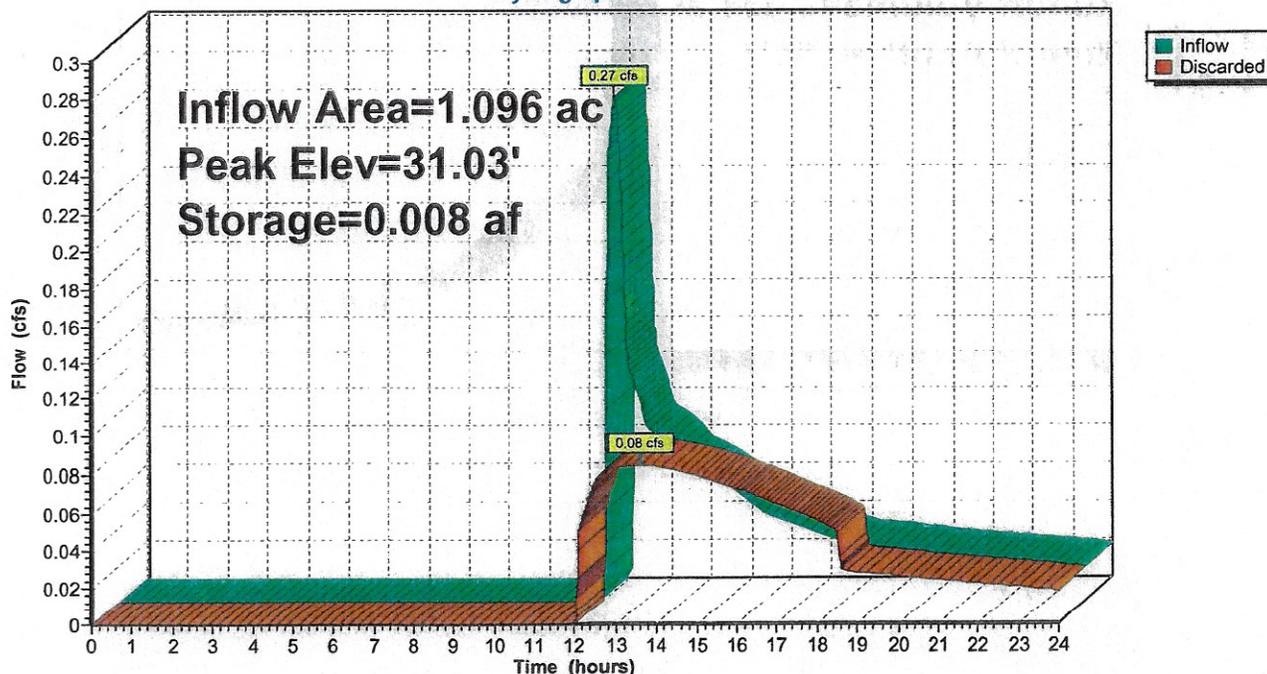
Volume	Invert	Avail.Storage	Storage Description
#1	28.50'	0.005 af	26.00'W x 10.00'L x 3.10'H Prismaoid 0.019 af Overall - 0.006 af Embedded = 0.013 af x 40.0% Voids
#2	29.00'	0.005 af	6.00'D x 2.52'H Vertical Cone/Cylinder x 3 Inside #1 0.006 af Overall - 3.0" Wall Thickness = 0.005 af
		0.010 af	Total Available Storage

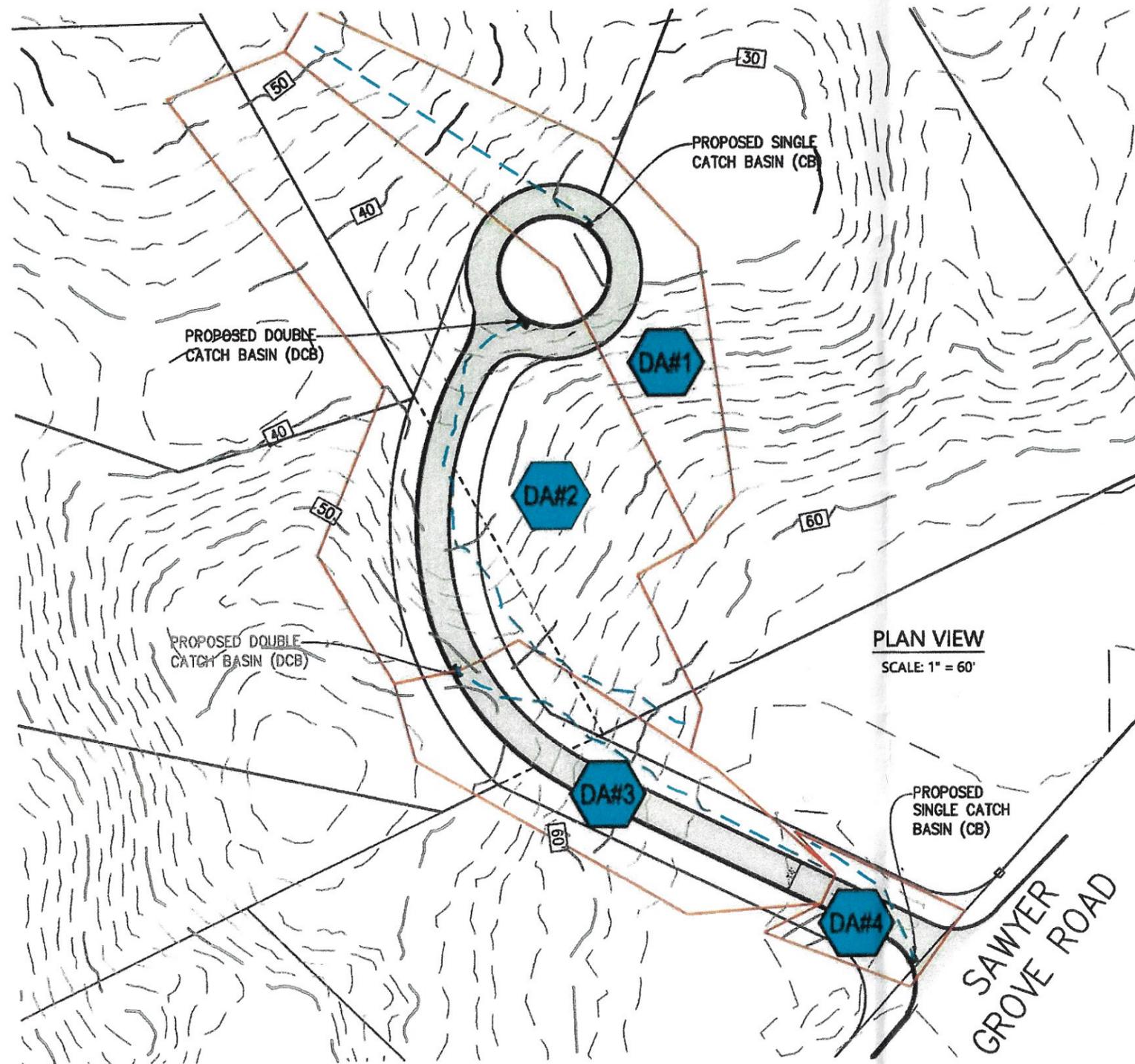
Device	Routing	Invert	Outlet Devices
#1	Discarded	28.50'	8.270 in/hr Exfiltration over Wetted area

Discarded OutFlow Max=0.08 cfs @ 13.59 hrs HW=31.03' (Free Discharge)
 ↑=Exfiltration (Exfiltration Controls 0.08 cfs)

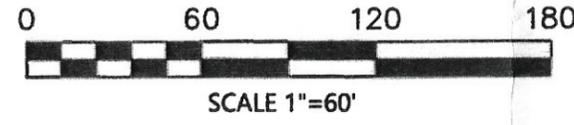
Pond LG#7: LG#7

Hydrograph





LEGEND	
	SUBCATCHMENT DRAINAGE AREA DESIGNATION
	DRAINAGE AREA BOUNDARY
	STORMWATER FLOW LINE



General

1. CONTOURS PER THE 2013-2104 USGS CMPS LIDAR: POST SANDY (MA, NH, RI) PROVIDED BY THE NOAA OFFICE FOR COASTAL MANAGEMENT.

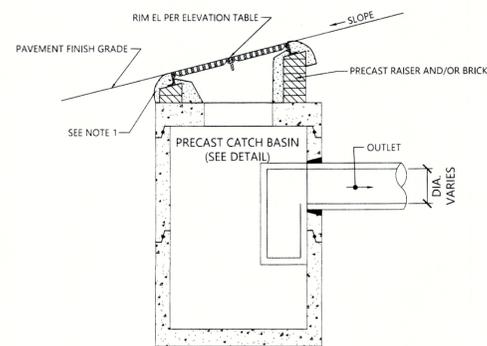


GFM ENTERPRISES, INC.
 PO BOX 1439
 SOUTH DENNIS, MA 02660
 PHONE: 508-694-5600
 www.gfmexcavating.com

SITE: TASHMUIT LANE EXTENSION TRURO, MA 02660			
TITLE: DRAINAGE DESIGN SKETCH PLAN			
SCALE: 1" = 60'	DATE: 11/13/2019	DRAWN: KEF	CHECKED: KEF
PROJECT NO: 6041	DRAWING NO: 6041-DRAINAGE SKETCH.dwg	REVISION: N/A	



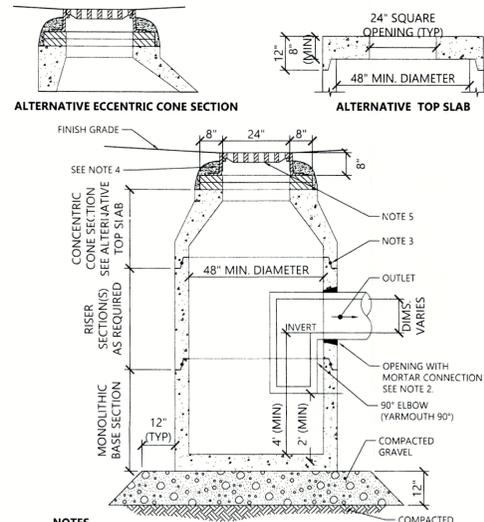
GFM ENTERPRISES, INC.
 PO BOX 1439
 SOUTH DENNIS, MA 02660
 PHONE: 508-694-5600
 www.gfmexcavating.com



NOTE
 1. DOUBLE CATCH BASIN FRAME SHALL BE 8" IN HEIGHT (MIN). FRAME AND GRATE SHALL BE SET IN FULL MORTAR BED. ADJUST TO GRADE WITH CLAY BRICK AND MORTAR OR PRECAST RISERS.

DCB FRAME AND GRATE ON SLOPE DETAIL

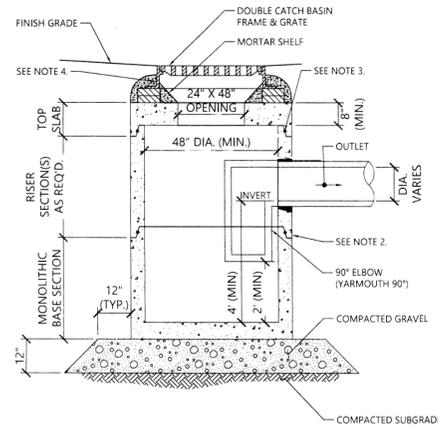
N.T.S. SOURCE: GFM



NOTES
 1. ALL SECTIONS SHALL BE DESIGNED FOR HS-20 LOADING. (USE SHOREY CB471-SQFT)
 2. PROVIDE OPENINGS FOR PIPES WITH 2" MAX. CLEARANCE TO OUTSIDE OF PIPE. MORTAR ALL PIPE CONNECTIONS.
 3. JOINT SEALANT BETWEEN PRECAST SECTIONS SHALL BE PERFORMED BUTYL RUBBER.
 4. CATCH BASIN FRAME SHALL BE 8" IN HEIGHT (MIN). FRAME AND GRATE SHALL BE SET IN FULL MORTAR BED. ADJUST TO GRADE WITH CLAY BRICK AND MORTAR OR PRECAST RISERS.
 5. CATCH BASIN FRAME SHALL BE A MIN. OF 8" IN DEPTH AND HAVE A 24" SQUARE CAST IRON GRATE WITH 64 OPENINGS @ 2-1/4" SQUARE.

Catch Basin (CB)

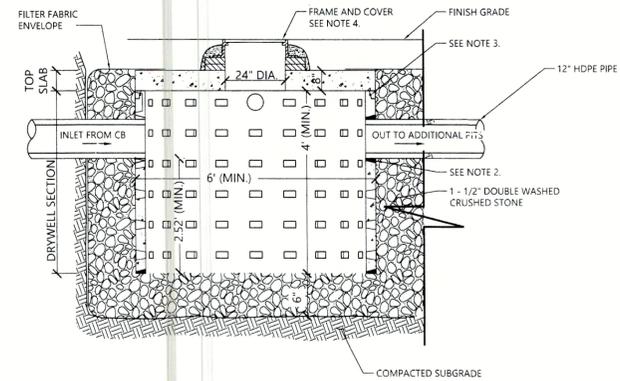
N.T.S. SOURCE: GFM



NOTES
 1. ALL SECTIONS SHALL BE DESIGNED FOR HS-20 LOADING. (USE SHOREY CB47-DGFT)
 2. PROVIDE OPENINGS FOR PIPES WITH 2" MAX. CLEARANCE TO OUTSIDE OF PIPE. MORTAR ALL PIPE CONNECTIONS.
 3. JOINT SEALANT BETWEEN PRECAST SECTIONS SHALL BE BUTYL RUBBER.
 4. DOUBLE CATCH BASIN CATCH FRAME SHALL BE 8" IN HEIGHT (MIN). FRAME AND GRATE SHALL BE SET IN FULL MORTAR BED. ADJUST TO GRADE WITH CLAY BRICK AND MORTAR (2 BRICKS TYPICALLY, 5 BRICK COURSES MAXIMUM)

Double Grate Catch Basin (DCB)

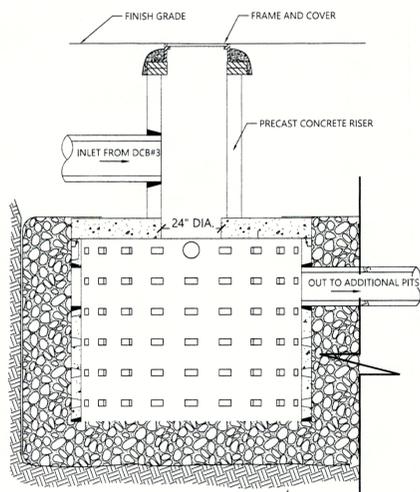
N.T.S. SOURCE: GFM



NOTES
 1. ALL COMPONENTS SHALL BE DESIGNED FOR HS-20 LOADING. (USE SHOREY LP602)
 2. PROVIDE PRECAST OPENINGS FOR PIPES WITH 2" MAX. CLEARANCE TO OUTSIDE OF PIPE. MORTAR ALL PIPE CONNECTIONS.
 3. JOINT SEALANT BETWEEN PRECAST SECTIONS SHALL BE PERFORMED BUTYL RUBBER.
 4. LEACHING PIT, WITH INLET FROM CATCH BASIN, SHALL HAVE A CAST IRON RAISED TO GRADE. FRAME SHALL BE 8" IN HEIGHT (MIN). FRAME AND COVER SHALL BE SET IN FULL MORTAR BED. ADJUST TO GRADE WITH CLAY BRICK AND MORTAR OR PRECAST RISERS. ALL OTHER PITS SHALL HAVE COVERS RAISED TO WITHIN 6" OF GRADE WITH PRECAST RISERS.

600 GALLON LEACH PIT DETAIL

N.T.S. SOURCE: GFM



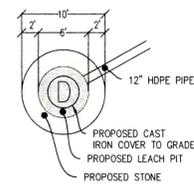
DCB-3 TO LG#7 CONNECTION DETAIL

N.T.S. SOURCE: GFM

STRUCTURE ELEVATION SCHEDULE

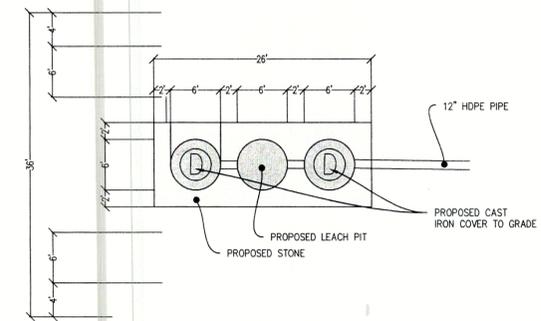
STRUCTURE ID	RIM ELEV	INV. IN	INV. OUT
CB#1	64.4±	---	61.4±
DCB#2	52.4±	---	47.3±
DCB#3	39.5±	---	36.5±
CB#4	34.9±	---	31.9±
LG#5	RAISE TO GRADE	61.0±	---
LG#6	RAISE TO GRADE	47.0±	---
LG#7	RAISE TO GRADE	*FROM DCB-3=36.2± FROM CB-4=31.6±	---

*NOTE: SEE DETAIL FOR PIPE INSTALLATION FROM DCB#3 TO LG#7



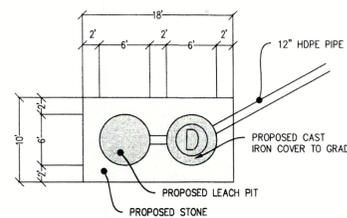
LG #5

SCALE 1" = 10' SOURCE: GFM



LG #7

SCALE 1" = 10' SOURCE: GFM



LG #4

SCALE 1" = 10' SOURCE: GFM

7 SUBDIVISION LAYOUT 10/22/20

Designed by KEF Drawn by KEF Checked by KEF
 CAD checked by KEF Approved by KEF
 Scale AS NOTED Date 8/14/2019

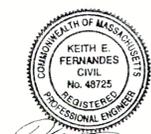
Project Title
**TASHMUIT LANE
 EXTENSION**

TRURO, MA
 Issued for
PERMIT SET

Drawing Title
**DRAINAGE
 DETAILS**

Drawing Number
C-3

Sheet 3 of 3
 Project Number JOB#6041



STONE & REID
ATTORNEYS AT LAW
A PROFESSIONAL ASSOCIATION *
SOUTH YARMOUTH PROFESSIONAL BUILDING
1292 ROUTE 28 SOUTH YARMOUTH, MA 02664-4452
TEL (508) 394-5648 FAX (508) 398-1699

DAVID S. REID, ESQ.
DSReid@verizon.net

MICHAEL F. STONE, ESQ.
MFStoneEsq@comcast.net

November 16, 2020

Truro Planning Board
P O Box 2030
Truro MA 02666

RE: Nathan A. Nickerson et al
#2020-012 PB

Dear Board Members,

I write to you today with regard to the above referenced definitive subdivision application, pending before you for hearing on December 2, 2020. I represent Ms. Shelley Fischel, of 15 Sawyer Grove Road, which is the lot immediately adjoining the proposed new road's connection to Sawyer Grove Road. Proposals to create this Tashmuit Lane have been before you on three prior occasions, in 2016, 2019 and earlier this year (case #2020-001 PB). On each of these occasions, the applications were "withdrawn" in the face of substantial legal and neighborhood opposition, most recently on July 22, 2020. While the number of proposed lots has (for the time being) been reduced to two, on the present plan, the road itself appears to be identical to the former proposal. I therefore attach hereto my letter to the Board, submitted on February 13, 2020 in case #2020-001, and ask that you consider all the same positions applicable to the present application.

I would also ask that the Board consider its own records relative to Sawyer Grove Road. As noted in my letter, when that subdivision was approved in 1989, the recorded Covenants recited that :

"Approval of this definitive plan is limited to construction of Sawyer Grove

* Each Attorney in this office is an independent practitioner
who is not responsible for the practice or liabilities of any
other attorney in the office. Rule 7.5 (d)

Road as shown on said plan to provide access for the 17 lots shown on the plan and is not approved for construction of any ways to adjoining land.”

While not repeated verbatim in the Covenant of record, this Board’s actual vote went further to explain this limitation. As reported by the Massachusetts Appeals Court (in an appeal relating to the Laura’s Way subdivision) :

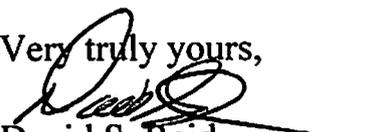
“ When the board voted in 1989, it required as a condition of its approval that the developers “[c]ovenant that roads are insufficient and inadequate to serve development of any adjacent property, which will require additional and separate access, and roads on plan are approved only for this sub-division.”

see: *Czyoski v. Planning Board of Truro*, 77 Mass App Ct 151, 161, Note 3 (2010) (excerpt attached) and Planning Board’s records of the 1989 vote. While the Board’s vote to deny the Laura’s Way extension was later nullified by the Court, for procedural reasons, the concerns for the capacity of Sawyer Grove Road remain, and are justifiably magnified by the fact that the additional homes on Laura’s Way have already exceed the intended capacity of the Road as approved by the original 1989 Board.

We appreciate your taking the time to read the attached letter, and to consider all the reasons expressed as to why this application now before you should be denied.

Thank you for your time and attention.

Very truly yours,



David S. Reid

Encl(1)

STONE & REID
ATTORNEYS AT LAW
A PROFESSIONAL ASSOCIATION *
SOUTH YARMOUTH PROFESSIONAL BUILDING
1292 ROUTE 28 SOUTH YARMOUTH, MA 02664-4452
TEL (508) 394-5648 FAX (508) 398-1699

DAVID S. REID, ESQ.
DSReid@verizon.net

MICHAEL F. STONE, ESQ.
MFStoneEsq@comcast.net

February 13, 2020

Truro Planning Board
P O Box 2030
Truro MA 02666

RE: Nathan A. Nickerson III, et al
2020-001 PB

Dear Chairman Greenbaum,

I represent Ms. Shelley Fischel, of 15 Sawyer Grove Road, Truro (Lot 7). Her property abuts the proposed way labeled Tashmuit Lane, which is the subject of your hearing scheduled for February 19th. On behalf of Ms. Fischel, we wish to voice our objections to the approval of this subdivision, for the following reasons:

- 1) I assume the Board is aware of the fact that a similar proposal was before the Board in 2015, in Application for Preliminary Approval # 2015-010. That application was eventually withdrawn, following an opinion from Town Counsel concerning the issues we had raised, but a review of those proceedings will provide some background which is relevant to this Definitive application.
- 2) This proposed division is an extension of the subdivision of Sawyer Grove Road, which was approved in 1990. The approval of that subdivision, and its covenant, expressly state that the approval by the Board was only to provide access to the 17 lots of that subdivision, not for any extension of ways or additional subdivisions. (See attached covenant). Through subsequent extensions of that subdivision approval, the same restriction was repeated in the Covenants (see copies attached). The covenants, containing this restriction, were recorded and were references on the Plans as well. The first plan, recorded in Plan Book 468 page 9, contains the notation "see covenant to be recorded herewith", and the second version of the Plan,

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who is not responsible for the practice or liabilities of any
other attorney in the office. Rule 7.5 (d)

recorded on Plan Book 512 page 13, contains the notation " See Plan Book 468 page 9 and Covenant recorded in Book 8642 page 77".

Therefore this current subdivision plan may not be approved unless there first were approval of an amendment to the Sawyer Grove subdivision covenant, to modify or eliminate that condition, and a determination that the existing road would support the additional development.

3) As an extension of the adjoining subdivision road, this road would exceed the length limitation of the Rules and Regulations for Subdivisions in Truro. Rule 3.6.6 provides that a dead-end street may not exceed a length of 1000 feet. Based on the frontages listed on the Sawyer Grove Road plan, its length from its intersection with Hughes Road to the entrance to the proposed extension is in excess of 1100 feet. Therefore the entire length of Tashmuit Lane , an additional approximately 450 feet, is beyond the permitted length of a dead-end road. No waiver from this Regulation has been requested in this application.

While the applicant might contend that the road should only be measured from its own intersection with Sawyer Grove, I suggest that this would not be correct (and I believe there is likely an opinion from Town Counsel to this effect in the 2015 file). In any event, this issue was addressed in 1992 by the Massachusetts Appeals Court, which stated that such dead-end regulation " are enacted because of a concern that the blocking of a dead-end street, as by a fallen tree or an automobile accident, will prevent access to the homes beyond the blockage particularly by fire engines, ambulances, and other emergency equipment. Given that concern, it would make no sense to measure the length of a dead-end way other than from the nearest intersecting through street." *Nahigian v. Lexington*, 32 Mass. App. Ct. 517. As Sawyer Grove is itself a dead-end road, the nearest intersecting through way is Hughes Road.

It is also clear that an "extension" of a road is not limited to lengthening the end of the road. In the case of *Matthews v. Planning Board of Brewster*, the Massachusetts Appeals Court stated that there is not difference between adding on to the end of a road and adding a new road section tying into the sideline of the road; each is an extension of the original road. 72 Mass. App Ct. 456 (2008).

It is also worth noting that your Rule 1.3 , entitled "Applicability", states, in part :

"For purposes of these Rules and Regulations, the proposed subdivision shall include future divisions of land within the subdivision's boundaries and any

* Each Attorney in this office is an independent practitioner who is not responsible for the practice or liabilities of any other attorney in the office. Rule 7.5 (d)

expansion or extension into adjacent land; separate phases or segments are not separate subdivisions.”

This Lane can not be viewed in isolation. It is clearly an impermissible extension of Sawyer Grove Road.

4) Rule 3.6.5 also limits dead-end roads to the number of homes that have access from the way.

“Subdivisions containing a total of thirty (30) or more lots shall provide more than a single access from an existing street.”

This rule provides :

“For this purpose, ‘total number of lots’ includes the lots fronting on the pre-existing subdivision roads used for access to the proposed subdivision as well as new proposed lots.”

Sawyer Grove Road provides frontage for 17 lots; Laura’s Way provides frontage for 15 lots; and this subdivision created frontage for 2 additional lots, for a total of 34 lots. With no second means of access, this subdivision can not be approved.

5) Rule 3.6.7 requires that the proposed subdivision “road” be separated from the properties boundaries by a screened buffer..

“Proposed subdivision roads shall be separated from subdivision boundaries by a screening buffer of twenty-five (25) feet width or more”

While the plan offers a buffer around its perimeter of the new lots, it does not provide a buffer of 25 feet from the “road” to its abutting properties (notably the Fischel and O’Brien/Fey lots on Sawyer Grove, or lots 2A and 5 on Laura’s Way) .

We recognize, of course, that the Board has the authority to grant waivers of its Rules and Regulations, when doing so would be in the “public interest”, provided such requests must be applied for and justified.

“Any such request(s) for waiver(s) from the Rules and Regulations must be submitted by the applicant to the Board in writing and shall explain how granting the waiver(s) would be in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law.”
(see Rule 1.5 as amended 8/19/14).

However, no such waivers have been requested, or explained, in this application, and therefore may not be granted at this time.

These objections and concerns are not expressed without good cause. This neighborhood already experiences traffic and safety concerns. These concerns have apparently been shared by the Board since the inception of the development of this neighborhood. The Board's approval of Sawyer Grove Road was expressly limited to its initial 17 lots. The Board initially denied the approval of the Laura's Way extension for reasons of safety on this road, only to have that denial overturned by the Court as a "Constructive Approval" in 2010. The 2015 Preliminary plan was withdrawn after similar concerns were voiced. You have received correspondence from neighbors attesting to the existing traffic concerns and situations. If you have visited the site, you will have observed the limited sight lines (particularly to the right) upon exiting the proposed road (which is currently Ms. Fischel's driveway). We urge the Board to continue to recognize these limitations and conditions and to deny the approval of the current application.

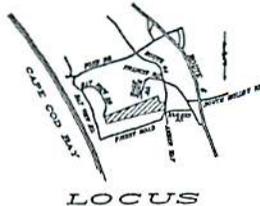
Very truly yours,


David S. Reid

encl (5)

cc: Outermost Land Surveying, Inc.

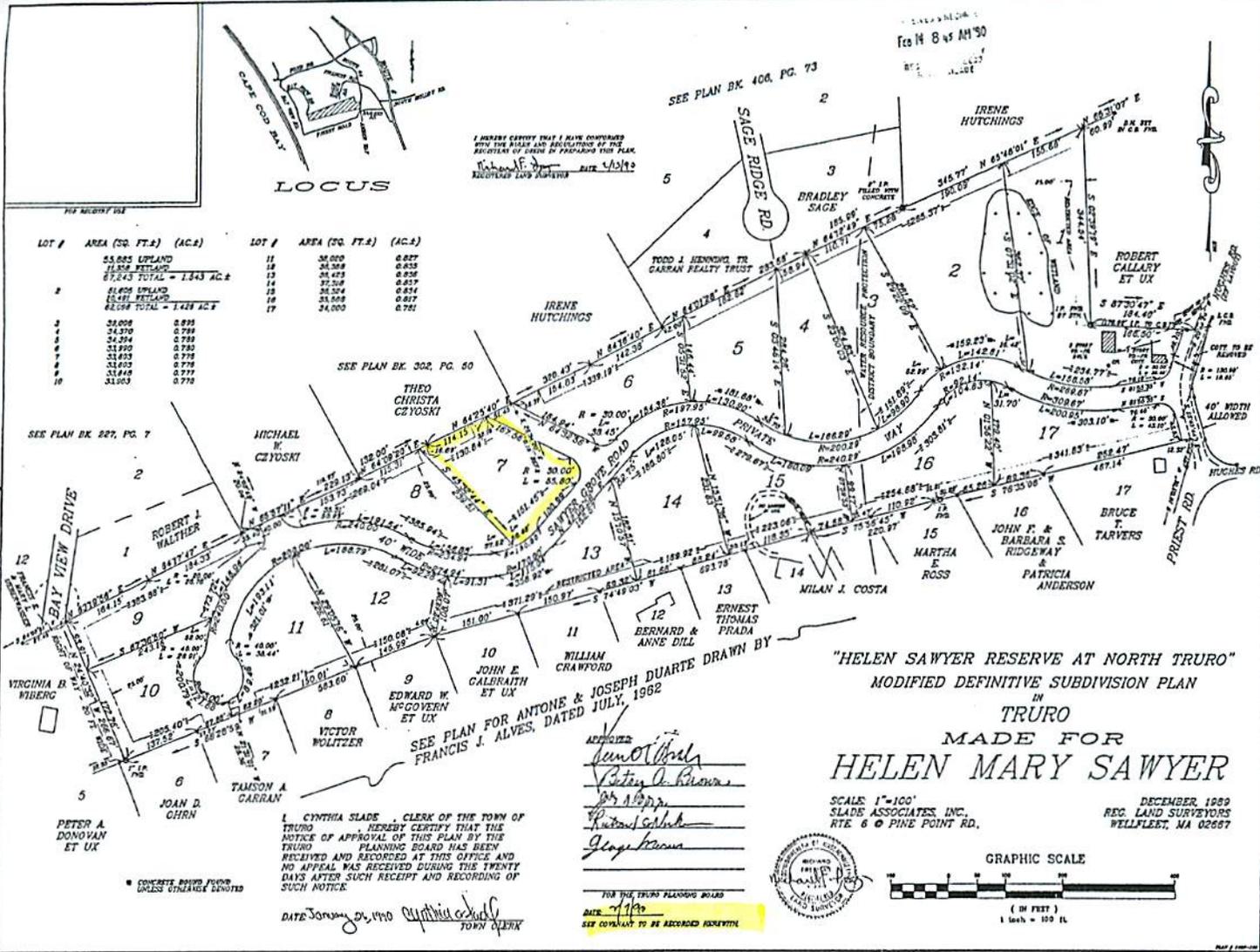
Feb 14 8 45 AM '90



I HEREBY CERTIFY THAT I HAVE COMPARED WITH THE DEED AND DECLARATION OF THE RECORDS OF SAID TOWN IN PREPARING THIS PLAN.
 REGISTERED LAND SURVEYOR
 DATE 1/23/90

LOT #	AREA (SQ. FT.)	(AC.)	LOT #	AREA (SQ. FT.)	(AC.)
1	25,882	0.592	11	36,000	0.827
2	11,558	0.265	12	36,308	0.833
3	87,243	1.993	13	34,423	0.790
4	81,626	1.873	14	37,258	0.859
5	13,181	0.303	15	36,324	0.834
6	82,104	1.882	16	33,569	0.771
7	31,008	0.715	17	24,000	0.552
8	34,370	0.789			
9	24,294	0.559			
10	31,920	0.738			
11	31,629	0.728			
12	31,629	0.728			
13	31,849	0.733			
14	31,063	0.717			

468-9

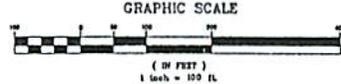


"HELEN SAWYER RESERVE AT NORTH TRURO"
 MODIFIED DEFINITIVE SUBDIVISION PLAN
 IN
 TRURO
 MADE FOR
HELEN MARY SAWYER

SCALE 1"=100'
 SLADE ASSOCIATES, INC.
 RTE 6 @ PINE POINT RD.
 DECEMBER, 1989
 REG. LAND SURVEYORS
 WELFLEET, MA 02667

APPROVED
 [Signature]
 [Signature]
 [Signature]
 [Signature]

I, CYNTHIA SLADE, CLERK OF THE TOWN OF TRURO, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE TRURO PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS AFTER SUCH RECEIPT AND RECORDING OF SUCH NOTICE.
 DATE January 23, 1990
 Cynthia Slade
 TOWN CLERK



FORM D
COVENANT

08331

The undersigned Helen Mary Sawyer
of Barnstable County, Massachusetts,
hereinafter called the "Covenantor", having submitted to the Truro
Planning Board, a definitive plan of a subdivision, entitled "Helen Sawyer
Reserve at North Truro" Subdivision Plan of Land in Truro, made for Helen Mary Sawyer
dated April, 1989 made by Slade Associates, Inc.
does hereby covenant and agree with said Planning Board and the successors in office of
said Board, pursuant to G. L. (19c. 20.) C. 41, Sec. 81U, as amended, that:-

Plan 48/9

1. The covenantor is the owner of record of the premises shown on said plan;
2. This covenant shall run with the land and be binding upon the executors, administrators, heirs, assigns of the covenantor, and their successors in title to the premises shown on said plan;
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the applicable Rules and Regulations of said Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot, subject only to that portion of this Covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. This covenant shall take effect upon the approval of said plan;
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is recorded.

The undersigned wife, husband,
of the covenantor hereby agree that such interest as I, we, may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

EXECUTED as a sealed instrument this day of 19
. H.M. Sawyer



Melbourne Australia

4th December 1989

Then personally appeared HELEN MARY SAWYER
and acknowledged the foregoing instrument to be her act and deed,
before me PHILIP ALEXANDER HAMILTON

Notary Public
MY FACULTY IS NOT LIMITED AS TO TIME

Attachment to Covenant
"Helen Sawyer Reserve at North Truro"
Subdivision Plan

We, the undersigned, being a majority of the Truro Planning Board, hereby agree to grant the following waivers of the subdivision control regulations:

- 1) The requirement to construct the two 40' ways running northerly from Sawyer Grove Road to land of Michael W. Czyoski and Theo Christa Czyoski is waived.
- 2) Within the 25 ft. wide "restricted areas" shown on the plan there shall be no disturbance of the natural vegetation except that septic systems may be installed.
- 3) There is no claim of rights in the right of way bounding the westerly sides of Lots 9 and 10 and running westerly to Bay View Road.
- 4) A stop sign shall be installed on Sawyer Grove Rd. at the intersection with Hughes Rd.
- 5) Approval of this definitive plan is limited to construction of Sawyer Grove Road as shown on said plan to provide access for the 17 lots shown on the plan and is not approval for construction of any ways to adjoining land.

Kenneth S. Brock
Betsy C. Brown
John A. [unclear]

Ludwig [unclear]
George [unclear]

Truro Planning Board

2/7/90
(Date)

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Feb 7, 1990

Then personally appeared *Kenneth S Brock*, one of the above-signed members of the Truro Planning Board, and acknowledged the fore-going instrument to be *his* free act and deed, before me.

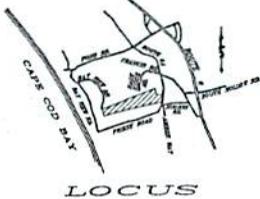
My Commission expires:

May 27, 1994

[Signature]
 Notary Public

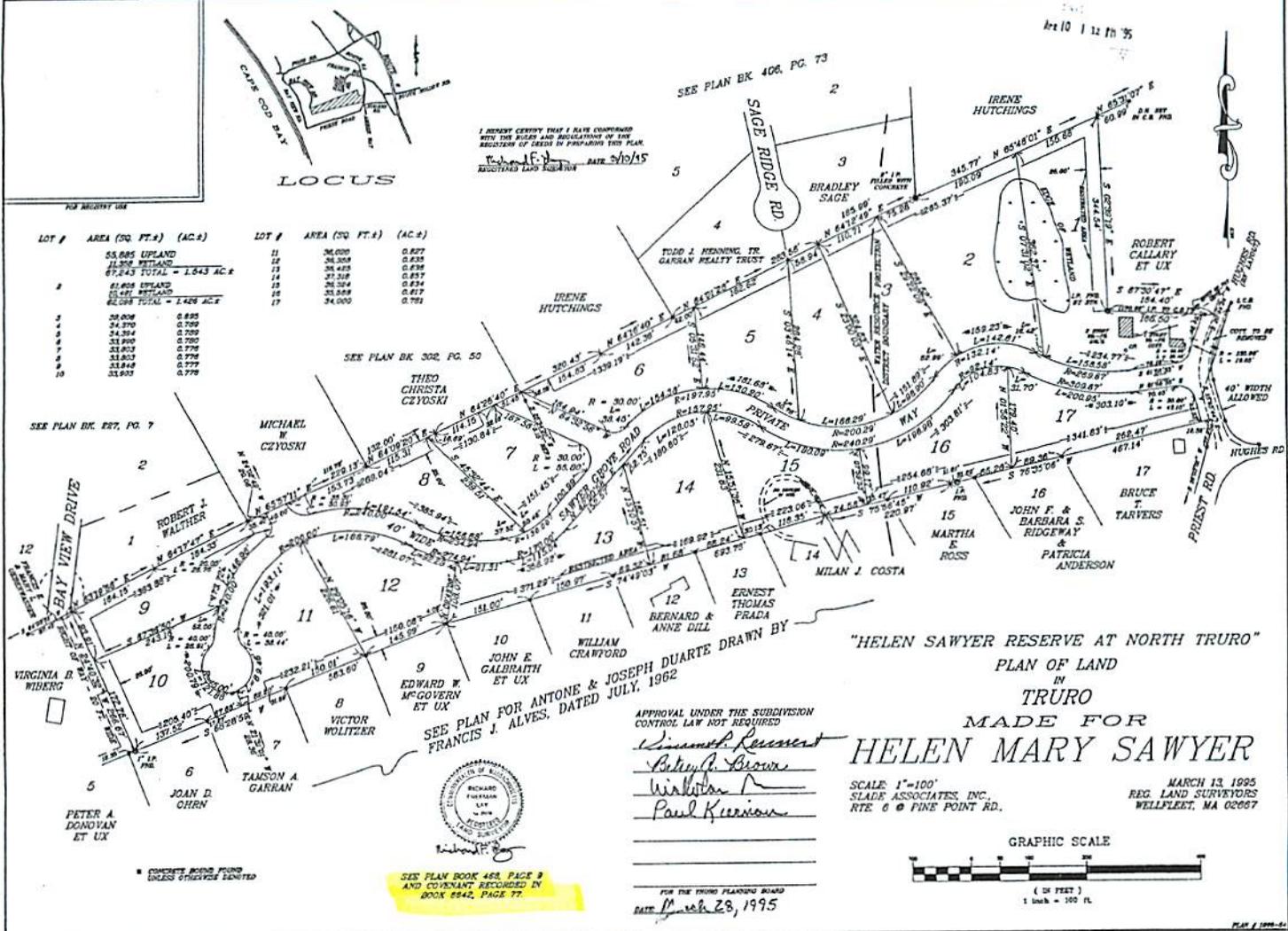
RECORDED FEB 14 90

APR 10 1 12 PM '95



I HEREBY CERTIFY THAT I HAVE COMPARED THIS PLAN WITH THE RECORDS AND REGULATIONS OF THE REGISTER OF DEEDS IN PREPARING THIS PLAN.
 F. J. ALVES DATE 3/10/95
 REGISTERED LAND SURVEYOR

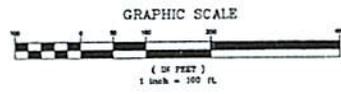
LOT #	AREA (SQ. FT.)	(AC.±)	LOT #	AREA (SQ. FT.)	(AC.±)
1	55,885	UPLAND	11	36,000	0.827
2	11,358	WETLAND	12	36,309	0.833
3	87,243	TOTAL = 1.843 AC.±	13	36,425	0.836
4	81,868	UPLAND	14	37,519	0.857
5	15,147	WETLAND	15	36,284	0.834
6	82,098	TOTAL = 1.426 AC.±	16	33,358	0.761
7	30,000	0.693	17	34,000	0.781
8	24,370	0.559			
9	54,354	0.709			
10	31,900	0.730			
11	33,803	0.770			
12	33,803	0.770			
13	33,849	0.772			
14	33,803	0.770			



"HELEN SAWYER RESERVE AT NORTH TRURO"
 PLAN OF LAND
 IN
 TRURO
 MADE FOR
HELEN MARY SAWYER

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED
 Richard G. ...
 William P. ...
 Paul Keenan

SCALE 1"=100'
 SLADE ASSOCIATES, INC.
 RTE. 6 @ PINE POINT RD.
 MARCH 13, 1995
 REG. LAND SURVEYORS
 WELFLEET, MA 02667



SEE PLAN BOOK 488, PAGE 2
 AND COVENANT RECORDED IN
 BOOK 8942, PAGE 77.

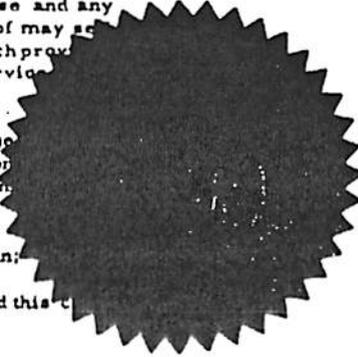
FOR THE FRONT PLANNING BOARD
 DATE March 28, 1995

512-13

FORM D
COVENANT

The undersigned Helen Mary Sawyer
of Barnstable County, Massachusetts,
hereinafter called the "Covenantor", having submitted to the Truro
Planning Board, a definitive plan of a subdivision, entitled "Helen Sawyer
Reserve at North Truro" Subdivision Plan of Land in Truro made for Helen Mary Sawyer
dated April, 1989 made by Slade Associates, Inc.
does hereby covenant and agree with said Planning Board and the successors in office of
said Board, pursuant to G. L. (Ter. Ed.) C. 41, Sec. 81U, as amended, that:-

1. The covenantor is the owner of record of the premises shown on said plan;
2. This covenant shall run with the land and be binding upon the executors, administrators, heirs, assigns of the covenantor, and their successors in title to the premises shown on said plan;
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the applicable Rules and Regulations of said Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot, subject only to that portion of this Covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on said subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. This covenant shall take effect upon the approval of said plan;
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is recorded.
7. See attachment



The undersigned HELEN MARY SAWYER wife, husband,
of the covenantor hereby agree that such interest as I, we, may have in said premises
shall be subject to the provisions of this covenant and insofar as is necessary release all
rights of tenancy by the courtesy, dower, homestead and other interest therein.

EXECUTED as a sealed instrument this 2nd day of April 1993
H.M. Sawyer

SEE PLAN BOOK 868, PAGE 9

CITY of CASTLEMAINE
STATE OF VICTORIA
Commonwealth of AUSTRALIA
COMMONWEALTH OF MASSACHUSETTS

Then personally appeared Helen Mary Sawyer
and acknowledged the foregoing instrument to be . . . free act and deed,
before me

Laurie Egan
Notary Public
Castlemaine Victoria Australia
-16- (APPOINTED FOR LIFE)



Attachment to Covenant
"Helen Sawyer Reserve at North Truro
Subdivision Plan

We, the undersigned, being the majority of the Truro Planning Board, hereby agree to grant the following waivers of the subdivision control regulations:

- 1) The requirement to construct the two 40' ways running northerly from Sawyer Grove Road to land of Michael W. Czyoski and Theo Christa Czyoski is waived.
- 2) Within the 25 ft. wide "restricted areas" shown on the plan there shall be no disturbance of the natural vegetation except that septic systems may be installed.
- 3) There is no claim of rights in the right of way bounding the westerly sides of Lots 9 & 10 and running westerly to Bay View Road.
- 4) A stop sign shall be installed on Sawyer Grove Rd. at the intersection with Hughes Rd.
- 5) Approval of this definitive plan is limited to construction of Sawyer Grove Road as shown on said plan to provide access for the 17 lots shown on the plan and is not approval for construction of any ways to adjoining land.
- 6) This covenant shall be contingent upon the completion of all required improvements within 24 months of the date of endorsement of this covenant.

Kenneth Brock
Paul Keenan
Betsy Smith

Donald A. Sumi
Scott M. Cooper

Truro Planning Board
 Date 5/5/93
 COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Then personally appeared Kenneth Brock, one of the above-signed members of the Truro Planning Board, and acknowledged the fore-going instrument to be his free act and deed, before me.

My Commission expires:
May 27 1994

[Signature]
 Notary Public

RECORDED JUN 23 93

FORM D
COVENANT

The undersigned . . . Helen Mary Sawyer . . .

of Barnstable County, Massachusetts,
hereinafter called the "Covenantor", having submitted to the Truro
Planning Board, a definitive plan of a subdivision, entitled "Helen Sawyer
Reserve at North Truro, Subdivision Plan of Land in Truro made for Helen Mary Sawyer
dated April, 1989 made by Slade Associates, Inc.
does hereby covenant and agree with said Planning Board and the successors in office of
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2. This covenant shall run with the land and be binding upon the executors, administrators, heirs, assigns of the covenantor, and their successors in title to the premises shown on said plan;
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the applicable Rules and Regulations of said Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot, subject only to that portion of this Covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. This covenant shall take effect upon the approval of said plan;
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is recorded.
7. see attachment

The undersigned . . . HELEN, MARY, SAWYER, . . .

... wife, husband,
of the covenantor hereby agree that such interest as I, we, may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

EXECUTED as a sealed instrument this 27th day of February 1995 .

Helen Mary Sawyer

AUSTRALIA
ON WEALDORUM EX MASSACHUSETTS

27th Feb. . . . 1995

sd. . . Helen Mary Sawyer, . . .
g instrument to be . . . her, free ac and deed

LAWRENCE EDGIST MUIR
NOTARY PUBLIC
CASTLEMAINE
VICTORIA AUSTRALIA
-16-

Laure E. Sawyer
Notary Public
My Commission Expires: indefinite

Bl. BK 512 Pg. 13
Sawyer Grave Rd.
N. Truro, MA 02652

Attachment to Covenant
"Helen Sawyer Reserve at North Truro"
Subdivision Plan

We, the undersigned, being the majority of the Truro Planning Board, hereby agree to grant the following waivers of the subdivision control regulations:

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- 3) There is no claim of rights in the right of way bounding the westerly sides fo Lots 9 & 10 and running westerly to Bay View Road.
- 4) A stop sign shall be installed on Sawyer Grove Rd. at the intersection with Hughes Rd.
- 5) Approval of this definitive plan is limited to construction of Sawyer Grove Road as shown on said plan to provide access for the 17 lots shown on the plan and is not approval for construction of any ways to adjoining land.
- 6) This covenant shall be contingent upon the completion of all required improvements within 24 months of the date of endorsement of this covenant.

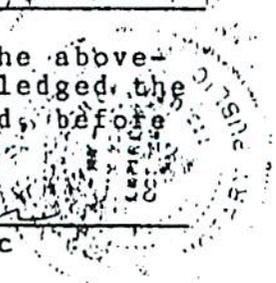
<u><i>Cassand H. Kennert</i></u>	<u>Paul Kiernan</u>
<u><i>Betsy A. Brown</i></u>	_____
<u><i>Richard</i></u>	_____

 The Truro Planning Board
 Date March 28, 1995
30 (Comm)
 COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss. MARCH 30, 1995

Then personally appeared BETSEY A. BROWN, one of the above-signed members of the Truro Planning Board and acknowledged the fore-going instrument to be HER free act and deed, before me.

My Commission expires: OCTOBER 28, 1999 *J. J. Miller*
Notary Public



AMENDMENT TO FORM D COVENANT
ATTACHMENT TO COVENANT
"HELEN SAWYER RESERVE AT NORTH TRURO" SUBDIVISION PLAN

WE, the undersigned, being a majority of the Truro Planning Board, hereby agree to grant the following waivers of the subdivision control regulations:

- 1) The requirement to construct the two 40' ways running northerly from Sawyer Grove Road to land of Michael W. Czyoski and Theo Christa Czyoski is waived.
- 2) Within the 25' wide "restricted areas" shown on the plan, there shall be no disturbance of the natural vegetation, except that septic systems may be installed.
- 3) There is no claim of rights in the right of way bounding the westerly sides of Lot 9 and Lot 10 and running westerly to Bay View Road.
- 4) A stop sign shall be installed on Sawyer Grove Road at the intersection with Hughes Road.
- 5) Approval of this definitive plan is limited to construction of Sawyer Grove Road with the following amendments as agreed to at our meeting of ~~November 21~~ ^{FEBRUARY} 1997 to provide access for the 17 lots shown on said plan and is not approval for construction of any ways to adjoining land. The asphalt surface will be reduced a width of twenty feet (20') of flat surface and sixteen inch (16") berms where required; seeding and planting will be done using indigenous species to the extent possible.

SEE FORM D COVENANT RECORDED WITH BARNSTABLE DEEDS IN
BOOK 9623, PAGE 60 ON APRIL 10, 1995.

Paul Kiernan

[Signature]

Betsy Ann Browne

Joan Holt
Truro Planning Board

Date: 2/26/97

M.R. BOOK 9623 PAGE 60

COMMONWEALTH OF MASSACHUSETTS

Barnstable, SS.

26 FEB., 1997

Then personally appeared the above named, PAUL KIERNAN, one of the above-signed members of the Truro Planning Board and acknowledged the foregoing instrument to be HIS free act and deed, before me.

[Signature]
Notary Public

My Commission Expires: OCT 13, 2002



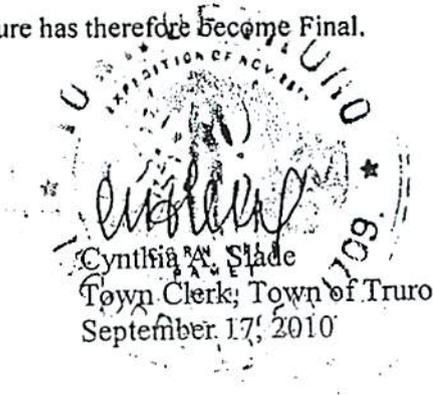
BARNSTABLE REGISTRY OF DEEDS

OWNER HELEN MARY SAWYER

OFFICE OF
TOWN CLERK
TREASURER - COLLECTOR OF TAXES
TOWN OF TRURO, MA 02666-2012

CERTIFICATE OF CONSTRUCTIVE APPROVAL PURSUANT TO G. L. c. 41, § 81V

I, Cynthia A. Slade, Town Clerk of the Town of Truro, hereby certify that the Application for approval of the Definitive Subdivision Plan entitled "Subdivision Plan of Land in Truro made for the Czyoski Family Trust, Scale 1" = 50', June 10, 2005, Slade Associates, Inc., Reg. Land Surveyors, Pine Pt. Rd. and Route 6, Wellfleet, MA" was filed with the Town Clerk on June 30, 2005, and the Truro Planning Board failed to take final action on the plan within the ninety (90) day time frame prescribed in G. L. c. 41, § 81U, expiring on September 28, 2005, therefore, said plan was constructively approved, as confirmed by a Decision of Barnstable Superior Court in Case No. 06-00147, and that the Appeal from said Decision was Dismissed by the parties, and that the Approval resulting from such failure has therefore become Final.


Cynthia A. Slade
Town Clerk, Town of Truro
September 17, 2010

See Plan recorded in Plan Book 637, Page 7
Property Address: Laura's Way, North Truro

owner of record

PLANNING BOARD

TRURO, MASSACHUSETTS 02667

FORM F: CERTIFICATION OF COMPLETION AND RELEASE OF MUNICIPAL INTEREST IN SUBDIVISION PERFORMANCE SECURITY

Property off Hughes Rd at Sawyer Grove Rd

Date December 3, 1997
 Subdivision Name "Sawyer Grove"
 Owner Helen Mary Sawyer
 Owner's Address c/o Nathan Nickerson, P.O. Box 684, N. Eastham, MA 02651
 Applicant same
 Applicant's Address same
 Date of Subdivision Plan April 1989
 Designer of Plan Slade Associates, Inc.
 Location of Land Hughes Rd., Truro (North), MA
 Plan Recorded Barnstable Registry of Deeds
 Plan & Certificate of Title _____
 Registered _____ Registered Land Office _____
 Plan Found in Book 512 Page 13
 Type of Performance Security:
 Covenant Dated February 27, 1995
 Covenant Recorded or Registered _____
 Covenant Found in Book 9623 Page 60

Book 7061, Page 92, Book 7655, Page 301, and Book 8642, Page 77.
 The undersigned being a majority of the Planning Board of the Town of Truro have determined that the construction of ways and the installation of municipal services to the subdivision referred to above have been fully and satisfactorily completed by the applicant in accordance with the Board's rules and regulations to serve the following enumerated lots: all lots

Pursuant to Section 81-U of Chapter 41, M.G.L. and in consideration of completion of said construction and installation, the Town of Truro, a Massachusetts municipal corporation, acting through its Planning Board, hereby releases its interest in the performance security referred to above.

Duly executed as a sealed instrument this _____ day of _____.

[Signature] _____ Betsy Ann Brown
[Signature] _____ Joan Holt
[Signature] _____

COMMONWEALTH OF MASSACHUSETTS

Date DEC. 3 1997 County Barnstable

Then personally appeared BETSEY ANN BROWN, one of the above named members of the Planning Board of the Town of Truro and acknowledged the foregoing instrument to be his (her) free act and deed before me.

Notary Public [Signature]

My Commission expires OCTOBER 13, 2002



77 Mass.App.Ct. 151
Appeals Court of Massachusetts,
Suffolk.

Judith A. CZYOSKI & others¹
v.
PLANNING BOARD OF TRURO.

No. 09-P-1156.

Argued March 18, 2010.

Decided June 29, 2010.

Synopsis

Background: Developers appealed town planning board's rescission of constructive subdivision approval. The Land Court Department, Suffolk County, Charles W. Trombly, J., granted developers' motion for summary judgment, and board appealed.

Holdings: The Appeals Court, Milkey, J., held that:

[1] board failed to substantiate its stated concerns regarding traffic and views, and

[2] fact that constructive approval was unintended was not "good reason" for rescission.

Affirmed.

West Headnotes (5)

- [1] **Zoning and Planning** — Time for determination
The fact that a subdivision applicant is willing to extend the 90-day period for action on the application is not by itself sufficient to prevent a constructive approval; rather, the planning board must file notice of the extension with the clerk before the period has expired. M.G.L.A. c. 41, § 81U.
- [2] **Zoning and Planning** — Grounds in general
While a planning board's ability to rescind constructive approvals provides a safety valve that helps protect against legitimate police power concerns being dissipated by sloppy practice, a planning board may not rescind its approval of a definitive plan, constructive or otherwise, unless there is good reason to do so. M.G.L.A. c. 41, § 81W.
- [3] **Zoning and Planning** — Maps, plats, or plans; subdivisions
Town planning board's failure to counter subdivision developers' summary judgment affidavits regarding traffic and view issues supported trial court's finding that

basis to reset the ninety-day clock and to start the process at square one.¹⁶

[5] We do not mean to suggest that a planning board has authority to rescind a **995 constructive approval only when it has already developed an airtight case for denying an application. Our point is simply that when a planning board rescinds a subdivision approval (constructive or otherwise), and disposes of the application *161 in a particular manner, that disposition needs to be defended on its own merits.

In the case before us, the board has not made any showing that it was hampered from completing its review of the owners' plan. Even if the owners were partly responsible for causing delays in the board's review of the definitive subdivision plan, this would

not provide "good reason" for rescission in 2007. At that stage, the owners were ready, willing, and able to engage in a reasoned examination of any concerns that their proposed development might raise. The board rebuffed those entreaties, and instead embraced casually expressed preferences to "just start back at the beginning."¹⁷

In sum, the board has not supplied any valid basis for its decision to rescind the constructive approval, and the Land Court judge therefore correctly vacated that action.

Judgment affirmed.

All Citations

77 Mass.App.Ct. 151, 928 N.E.2d 987

Footnotes

- 1 Andrew Czyoski, as trustee of A & B Realty Trust, and Nickerson Realty Corporation, intervenor.
- 2 Nickerson Realty Corporation, the current owner of the road, was allowed to intervene as a plaintiff, and it joined with the owners in submitting a brief to this court.
- 3 When the board voted in 1989, it required as a condition of its approval that the developers "[c]ovenant that roads are insufficient and inadequate to serve development of any adjacent property, which will require additional and separate access, and roads on plan are approved only for this sub-division." Nevertheless, the covenants that the developer of that land actually recorded—and that the board apparently approved on February 7, 1990—did not include the reference to the road as being "insufficient and inadequate" for expanded use. Instead, the related covenant read, "Approval of this definitive plan is limited to construction of Sawyer Grove Road as shown on said plan to provide access for the 17 lots shown on the plan and is not approval for construction of any ways to adjoining land."
- 4 The study concluded that "[t]he proposed development is expected to generate 11 vehicle trips during the AM peak hour (3 trips in and 8 trips out) and 15 vehicle trips during the PM peak hour (10 trips in and 5 trips out)." It documented that each of the intersections in the study area had an adequate "sight distance," as well as the absence of any reported accidents there in the prior "most recent three years of data available." The study projected no change in the "level of service" that each of the local roads provided in the vicinity of the project, and it projected that the largest average amount of delay time that the project would add at the studied intersections was one-tenth of one second.
- 5 It is not clear on the current record whether the owners sent a copy of the stipulation of dismissal to the town clerk. Therefore, it is also not clear when, or if, the constructive approval strictly speaking became "final." See *Krafchuk v. Planning Bd. of Ipswich*, 453 Mass. 517, 525–526, 903 N.E.2d 576 (2009) (where appeal of constructive approval has been taken, the approval becomes final "when the town clerk receives a certified record of the court indicating that the constructive approval has become final"), citing *Kitras v. Zoning Administrator of Aquinnah*, 453 Mass. 245, 253, 901 N.E.2d 121 (2009). Our decision does not turn on the date that the constructive approval became final, and the board has in any event waived any argument that its constructive approval was not final.

November 16, 2020

Town of Truro, Massachusetts

Planning Board

RE: Public Notice 2020-001/PB Nathan Nickerson III seeks approval of a Definitive Subdivision Plan

Dear Planning Board Members,

My husband and I own a home at 25 Sawyer Grove Road, North Truro, MA. As such we would like to take this opportunity to inform you of our opposition to Mr. Nickerson's application for a subdivision off of Sawyer Grove Road.

We have numerous concerns regarding this proposal including the intensification of existing road hazards, increased traffic, and the lack of proper egress. Additionally, Sawyer Grove Road and Laura's Way already exceed the 30 lot maximum as defined in the Town of Truro Rules and Regulations Governing the Subdivision of Land item 3.6.5.

Sawyer Grove is an uniquely configured road in that it curves numerous times throughout which, along with steep hills and declines, creates numerous blind spots. The area where the road is proposed to originate is particularly dense with several driveways, curves and trees creating limited visibility. This, along with an increase in road traffic, will certainly exacerbate the risk for potentially hazardous situations. It is also our understanding that a similar proposal was submitted by Mr. Nickerson in December 2015 and withdrawn by him in February 2016 due to the Planning Boards opposition (Kopelman and Paige memo to Truro Planning Board, 2/16/16) and again submitted in December 2019 and withdrawn in July 2020.

Furthermore, Mr. Nickerson has not been a good steward of our current development in which he has retained sole ownership of our road, Sawyer Grove. He does not maintain our road in any way. In frustration several residents have taken it upon themselves to ensure that the road is sanded and plowed during the winter months. The road is overgrown with trees and vegetation. It is beginning to show the wear and tear from the weight and frequency of heavy work trucks removing debris and ferrying supplies to the job sites on Laura's Way. Given his past record, we have no reason to believe he is concerned about what the addition of this proposed development will have on our neighborhood.

We encourage the board to reject Mr. Nickerson's proposal for an additional subdivision in our neighborhood and enact the recommendations set forth in the five page memo from Kopelman and Paige to the Truro Planning Board dated February 16, 2016.

Respectfully Submitted,

Diedra Dietter and Michael Schultz, 25 Sawyer Grove Road, North Truro, Massachusetts

Jeffrey Ribeiro

From: Robert Carlson <bcarl17@comcast.net>
Sent: Sunday, November 22, 2020 3:14 PM
To: Town Planner; Jeffrey Ribeiro
Subject: 4H Bay View-3Laura's Way (with corrected attached files
Attachments: Planning board 1995, Lot #2 Laura's Way.pdf; ATT00001.htm

July 19, 2020

1. O. Box 372

17 Sawyer Grove Road

North Truro, Ma. 02652

Reference: 4H Bayview Rd.-3 Laura's Way

Dear Planning Board,

In 1995 the planning board approved the Sawyer Grove Rd. Subdivision for 17 lots saying the road could not support further lots. (See attachment)

In 2007 after over a two year battle Laura's Way was voted down. Somehow through court ruling it was approved. But during the many modification to the Laura's Way subdivision, they agreed to reposition the lots to block any further access by way of a road between lot 6 and 7 of Sawyer Grove Rd.

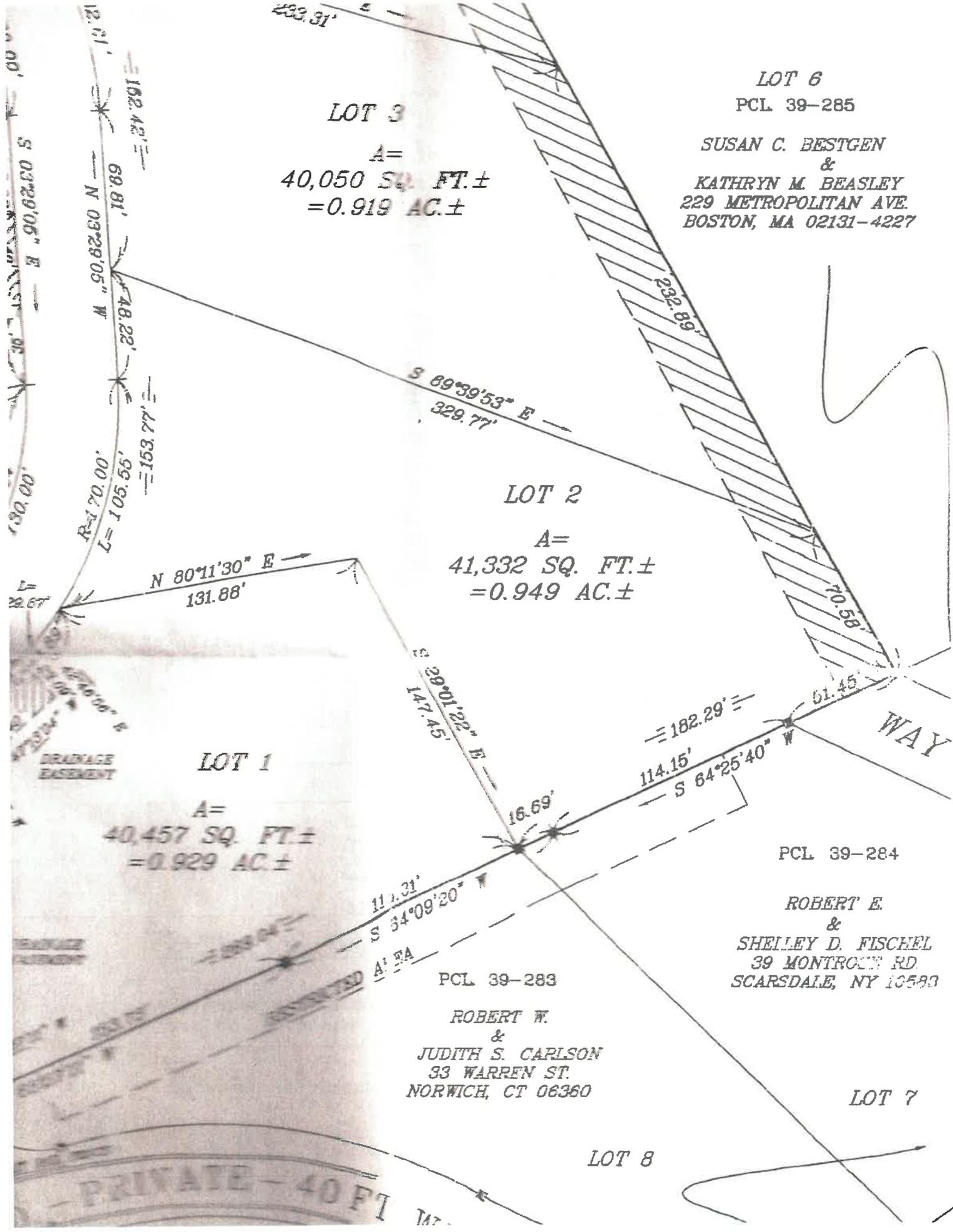
Now they want to take a lot in an approved subdivision and modify it for a new subdivision. #3 Laura's Way as shown on the final plan was shown as .949 acres. On the new plan it is shown as almost one acre. (See attachment)

There are presently 32 lots accesses by Sawyer Grove Rd. A road that was designed for 17 lots, and is a dead end road accessed only by Hughes Rd. which is not wide enough to be a road servicing Sawyer Grove Rd. and all of Shearwater, which it does at present.

If they want to add a subdivision it should provide its own access.

Sincerely,

Robert Carlson



LOT 3
 A=
 40,050 SQ. FT. ±
 =0.919 AC. ±

LOT 6
 PCL 39-285

SUSAN C. BESTGEN
 &
 KATHRYN M. BEASLEY
 229 METROPOLITAN AVE.
 BOSTON, MA 02131-4227

LOT 2
 A=
 41,332 SQ. FT. ±
 =0.949 AC. ±

LOT 1
 A=
 40,457 SQ. FT. ±
 =0.929 AC. ±

PCL 39-284

ROBERT E.
 &
 SHELLY D. FISCHER
 39 MONTROSE RD.
 SCARSDALE, NY 10583

PCL 39-283

ROBERT W.
 &
 JUDITH S. CARLSON
 33 WARREN ST.
 NORWICH, CT 06360

LOT 7

LOT 8

PRIVATE - 40 FT

November 24, 2020

Members of the Planning Board
c/o Mr. Jeffrey Ribeiro
Town of Truro
PO Box 2030
24 Town Hall Road
Truro, MA 02666

RE: 3 Laura's Way and 4-H Bay View Road Proposed Subdivision

Dear Members of the Truro Planning Board,

We would like to express our concern for the proposed subdivision at 3 Laura's Way and 4-H Bay View Road, North Truro that would create Tashmuit Lane and 3 new building lots.

For us, the issue is the creation of a side street that is literally right past a blind bend in Sawyer Grove Road as one drives toward the end of Sawyer Grove Road. The potential safety hazard for cars, cyclists and pedestrians on Sawyer Grove Road from cars leaving the proposed Tashmuit Lane should be considered seriously when discussing this proposed subdivision. Sawyer Grove already has many stretches of the road that have limited visibility of those on the road due to the bends in the road and the vegetation growing close to the road.

Regards,

Gary M. Cooper and Ronald D. Spinks
9 Laura's Way
North Truro



Planning Board

Town of Truro

24 Town Hall Road
Truro, MA 02666
(508) 349-7004

Staff Report

Meeting of February 19, 2020

Comments as of February 13, 2020, updates as noted

2019-006/PB – Preliminary Subdivision

Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer seek approval of a Preliminary Subdivision Plan, pursuant to G.L. c. 41, §81S and Section 2.4 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at Route 6 and Amity Lane, Truro, MA, Map 46, Parcel 8.

Background:

Update 2/19/2020: Staff is still working to schedule a site visit with the applicant and the Fire Chief.

At the last hearing, the Board requested that the applicant agree to make some improvements to the existing Amity Lane in consultation with the Fire Chief. As of distribution of this report staff is still working to coordinate a site visit with the Chief and the applicant's engineer.

Staff hopes to be able to provide an update to the Board as of the meeting. Staff suggests the Board may wish to discuss the project, but it is likely that additional time will be needed to respond to the concerns of the Fire Chief. Thus, staff suggests that the application should be continued after discussion. An additional extension of time will be required.

Motion:

I move to continue the public hearing for case 2019-006/PB, application by Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer requesting approval of a Preliminary subdivision plan, to the regularly scheduled Planning Board meeting of March 4, 2020.

Prior Comments:

The applicant has stated that the intent of the request is to create a subdivision plan suitable for use to value the property ahead of a potential sale of lots 4 and 5 for conservation purposes. The valuation is also important when establishing any tax benefits from a discount sale.

Amity Lane as it exists serves three lots with one housing unit on each. It is minimally improved. The proposal seeks to create a 40' private way that would provide frontage for two buildable lots – lots 3 and 4. The existing lot frontage for the property to be divided along Amity Lane is not sufficient for the creation of any new buildable lots without the way.

The proposal would result in a total of 5 buildable lots. While lot 4 would have permitting challenges from an environmental perspective, the lot would meet zoning and thus staff suggests that the Board must treat the lot as buildable.

The applicant is requesting a waiver from further improvements to the road, but the Rural Roads exemption can only be applied to roads that serve 4 or fewer housing units.

Since lot 4 would be a buildable lot, staff suggests that the Board should not treat the lot as conservation-restricted unless there is to be a deed restriction on the lot held by the Board itself. Conservation restrictions can always be removed or modified, and the Board must know that they have a sound legal mechanism to prevent such a situation without necessary roadway improvements.

The applicant has signed a time extension agreement through February 19, 2020. Staff suggests that the Board continue the public hearing and review a draft decision on the project prior to a final vote. Staff will prepare the decision approving or denying the request consistent with the Board's discussion at the public hearing.

2020-001/PB – Definitive Subdivision

Nathan A. Nickerson III seeks approval of a Definitive Subdivision Plan of Land, pursuant to G.L. c. 41, §81T and §2.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 4-H Bay View Road and 3 Laura's Way, Truro, MA, Map 39, Parcels 77 and 325.

Background:

Update 2/19/2020: The applicant requested to continue to March 4th to ensure that a full board hears the case. A new site visit will be scheduled.

The applicant requests approval of a subdivision of land resulting in two new buildable lots off the proposed Tashmuit Way. The new road will also provide access to a portion of the property known as 3 Laura's Lane. Due to the topography of the site, it is almost certain that access to the Laura's Lane parcel would be drawn from the new road.

The proposal extends from Sawyer Grove Road, which was approved as a dead-end subdivision in 1989. While not mentioned in the decision for that subdivision, discussion by the Board and covenants attached showed a clear intent to prevent any additional subdivision roads off Sawyer Grove Road in the future. Laura's Way was constructively approved after a failure of the Planning Board to act in 2007.

A preliminary plan proposing the creation of Tashmuit Way and the subdivision of the parcels subject to this proposal into 5 lots was reviewed by the Planning Board in 2015. During that review concerns arose about the adequacy of access to the proposed subdivision via Sawyer Grove Road. Most notably, the Board considered its requirement that dead-end roads be no longer than 1000 feet. That proposal was ultimately withdrawn by the applicant in February 2016.

The current proposal places the foot of the proposed Tashmuit Way at a similar location to the 2015 proposal, which is more than 1000 feet from the start of Sawyer Grove Road at Hughes Road. The Town Planner conferred with the Fire Chief, and they share concerns about any intensification of use along Sawyer Grove Road without the provision of secondary access.

As part of the review of the 2015 application, the Board requested an opinion from Town Counsel on three specific questions. Staff feels that these concerns and questions are significant and deserve consideration by the Board when reviewing the current proposal.

Staff had Counsel review the opinion and found the opinion and referenced case law hold true at the present. The opinion is included with your materials.

The Board of Health will review the application at its meeting on Wednesday, February 18th. Staff hopes to be able to provide an update to the Board as of the meeting, and formal comments will be distributed when available.

Staff suggests that the Board discuss the application and review any Board of Health comments available at the time of the hearing. Staff expects the hearing to be continued to allow further response to comments from the Board of Health and the public by both the applicant and town staff.

Motion:

I move to continue the public hearing for case 2020-001/PB, application by Nathan A. Nickerson III requesting approval of a definitive subdivision plan, to the regularly scheduled Planning Board meeting of March 4, 2020.

2020-001/SPR – Commercial Site Plan Review Waiver

Ethan Poulin seeks Waiver of Commercial Site Plan Review pursuant to Section 70.9 of the Truro Zoning Bylaw for the installation of a garden shed at the existing commercial property located at 5 Highland Road, North Truro, MA, Map 36, Parcel 201.

Background:

The applicant requests a Waiver of Commercial Site Plan Review under §70.9 of the Bylaw. The proposal is for a new approximately 200 SF storage shed on the existing commercial property. Staff discussed the substance of these comments with the applicant prior to the submittal application. He was also advised that the Board has granted relief under this section in a similar situation in the recent past (Case 2019-009/SPR, Warm Salt Breeze LLC, Linda Noons Rose).

§70.9 states, in part, that the Board may waive Site Plan Review for “the alteration or reconstruction of an existing building or structure or new use or change of use.” As the proposal is for a new structure, staff suggests that the proposal is not eligible for a waiver.

Staff suggests that the Board allow the applicant to withdraw their application without prejudice. Alternately, the Board can vote to deny the application.

Motions:

I move to allow the application for case 2020-001/SPR to be withdrawn without prejudice as requested by the applicant.

- or -

I move in the matter of 2020-001/SPR, Ethan Poulin, to [approve/approve with conditions/deny] the request for the Waiver of Commercial Site Plan Review pursuant to Section 70.9 of the Truro Zoning Bylaw for the installation of a garden shed at the existing commercial property located at 5 Highland Road, North Truro.



FEB 18 2016

TOWN OF TRURO
MASSACHUSETTS

101 Arch Street
Boston, MA 02110
T: 617.556.0007
F: 617.654.1735
www.k-plaw.com

February 16, 2016

Jonathan M. Silverstein
jsilverstein@k-plaw.com

Planning Board
24 Town Hall Road
Truro, MA 02666

Re: D'Arezzo Hutchings Preliminary Subdivision Plan

Dear Members of the Planning Board:

You have requested an opinion regarding the Planning Board's review of a Preliminary Subdivision Plan for Rose L. D'Arezzo, Charles S. Hutchings, Jon R. Hutchings, Joan L. Hutchings, Joan L. Hutchings and David E. Hutchings ("D'Arezzo Hutchings Plan"), dated February 15, 2015 and revised on November 30, 2015, which was filed with the Planning Board by D'Arezzo and the Hutchings ("Applicants"). In particular, you have asked the following three questions:

1. Whether access to the proposed subdivision roadway, Tashmuit Lane, over an existing subdivision roadway, Sawyer Grove Road, is precluded by a condition in the approval of the Helen Sawyer Subdivision restricting the use of that roadway for construction of any ways to adjoining land;
2. Whether the Planning Board should consider the D'Arezzo Hutchings Plan separate from the Helen Sawyer Subdivision and the Czyoski Subdivision for purposes of determining whether a secondary means of access is required under Section 3.5.6 of the Town's Subdivision Rules and Regulations;
3. Whether, for purposes of Section 3.6.6 of the Subdivision Rules and Regulations, the distance of Tashmuit Lane as a dead-end street should be measured from the intersection of Tashmuit Lane and Sawyer Grove Road or from the intersection of Sawyer Grove Road and Hughes Road, which is the nearest public way.

I will address each issue separately below.

A. Factual Background

Based on my review of the documents you provided, it is my understanding that the Applicants seek approval for a five-lot subdivision, which includes the construction of Tashmuit Lane, a new, dead-end way that would branch off from an existing dead-end road known as Sawyer Grove Road. I understand that Sawyer Grove Road was constructed pursuant to the "Helen Sawyer Reserve at North Truro" Definitive Subdivision Plan (the "Helen Sawyer Subdivision"), which was endorsed by the Planning Board on February 7, 1990. I further

Planning Board
February 16, 2016
Page 2

understand that Sawyer Grove Road has not been laid out and accepted by the Town as a public way.

As part of its approval of the Helen Sawyer Subdivision, the Planning Board granted certain design waivers and intended, in connection with those waivers, to impose a condition that Sawyer Grove Road only be used to serve the seventeen-lot Helen Sawyer Subdivision. However, this condition was not recorded as part of a subdivision approval decision or endorsed on the definitive plan. Rather, the condition was among a list of conditions attached to the Form D covenant recorded with the Barnstable County Registry of Deeds, Book 7061, Page 92, to ensure completion of the subdivision infrastructure. The condition provides as follows:

Approval of this definitive plan is limited to construction of Sawyer Grove Road as shown on said plan to provide access for the 17 lots shown on the plan and is not approval for construction of any ways to adjoining land.

It appears that, on December 3, 1997, the Board executed a release of the covenant, having determined that the infrastructure necessary for the subdivision was completed in accordance with the plans. The Form F Release states that the Board was releasing "its interest in the performance security referred to above [e.g. the covenant]." It does not appear that any other document memorializing the condition regarding connection to Sawyer Grove Road has ever been recorded.

You have informed me that a second subdivision on land adjacent to the Helen Sawyer Subdivision, owned by the Czyoski Family, was constructively approved in 2007 (the "Czyoski Subdivision"). The Czyoski Subdivision provided for the construction of Laura's Way, a dead-end subdivision roadway serving fifteen (15) lots. Sawyer Grove Road provides the sole access for Laura's Way.

B. Legal Analysis

1. Whether access to Tashmuit Lane over Sawyer Grove Road is precluded by the condition attached to the Form D covenant.

It is clear from the meeting minutes and other documents with which you have provided me that the Board intended to prevent connection of other subdivisions through Sawyer Grove Road. The minutes of the Planning Board hearings from 1989 indicate that the Planning Board voted to impose a condition on the Helen Sawyer Subdivision that a covenant be recorded restricting the use of Sawyer Grove Road to the seventeen-lot subdivision, because the Planning Board concluded that the road is "insufficient and inadequate to serve development of any adjacent property, which will require additional and separate access and roads." However, this condition was not endorsed on the definitive plan or in a separate decision. Rather, it was only

KOPELMAN AND PAIGE, P.C.

Planning Board
February 16, 2016
Page 3

included as an attachment to the Form D covenant. Moreover, the recorded covenant, which was signed by all members of the Planning Board, does not preclude connection to adjoining subdivisions (as indicated in the Board's meeting minutes), but simply provides that "[a]pproval of this definitive plan is limited to construction of Sawyer Grove Road as shown on said plan to provide access for the 17 lots shown on the plan and is not approval for construction of any ways to adjoining land." Moreover, the Board released the Form D Covenant (to which the condition was attached) 1997.

As stated by the Supreme Judicial Court in Green v. Board of Appeals of Norwood, 358 Mass. 253, 262 (1970):

Various provisions of the subdivision control law indicate that such agreements (affecting plans) made with planning boards, or conditions on the approval of plans imposed by planning boards, to be effective as restraints upon the use of land by reason of the subdivision control law (at least as to purchasers of land covered by a subdivision plan without actual notice of the agreement or condition), must be either inscribed on the plan or contained in a separate document referred to on the plan. [Emphasis added].

Here, there was an instrument of record containing the condition regarding connection of abutting land to the subdivision roadway. However, it would be a question of fact, in my opinion, whether the inclusion of this condition in the Form D covenant, rather than on the definitive plan itself or in some other document, and the Board's subsequent release of the Form D covenant would render the condition unenforceable against future applicants. One pertinent fact to determine would be whether the current Applicants purchased their property with knowledge of the subject condition. I note that the original approved subdivision plan appears to include a road spur leading the current Applicants' property, which could lead a good-faith purchaser to believe connection was contemplated by the Board when the plan was originally endorsed.

Nevertheless, it is my opinion that, since Sawyer Grove Road has not been laid out or accepted by the Town as a public way, the Board may consider the adequacy of Sawyer Grove Road to provide access for additional subdivision lots, pursuant to Section 3.9 of the Subdivision Rules and Regulations. That section provides, in part:

The Board may disapprove a plan if it determines that access roads to the subdivision are inadequate to carry the volume of traffic reasonably anticipated. The applicant shall show to the satisfaction of the Board that the roads and ways to and from the proposed subdivision shall be adequate to provide emergency medical, fire and police protection as well as safe travel and adequate circulation for the projected volume of traffic including, but not limited to a way or ways having sufficient width, suitable grades and adequate construction to provide for vehicular traffic.

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Page 4

In light of the fact that the Board previously determined that Sawyer Grove Road is “insufficient and inadequate to serve development of any adjacent property, which will require additional and separate access and roads,” absent changed circumstances, it would appear reasonable for the Board to determine that the development of additional subdivision lots on adjoining land requires “additional and separate access and roads.”

2. Is secondary access required for the Applicants’ proposed subdivision?

It is my opinion that secondary access to the D’Arezzo Hutchings Subdivision would not be absolutely required under Section 3.6.5 of the Town’s Subdivision Rules and Regulations, because the combined number of lots in the D’Arezzo Hutchings Subdivision and the Helen Sawyer Subdivision would not exceed thirty (30).

Section 3.6.5 of the Subdivision Rules and Regulations provides that “[s]ubdivisions containing a total of thirty (30) or more lots shall provide more than a single access from an existing street. For this purpose, ‘total number of lots’ includes the lots fronting on pre-existing subdivision roads used for access to the proposed subdivision as well as new proposed lots.” (Emphasis added). It is my understanding that the Helen Sawyer Subdivision has seventeen lots and the Applicants propose five lots. Thus, the total number of lots would be less than 30. In my opinion, based upon the specific language of Section 3.6.5, the fifteen lots comprising the Czyoski Subdivision would not be included in this calculation, because Laura’s Way does not provide access to the Applicants’ proposed subdivision. In the event the Board wishes the secondary access requirement to apply in such circumstances, I recommend that Section 3.6.5 be revised to read: “For this purpose, ‘total number of lots’ includes the lots fronting on pre-existing subdivision roads used for access to the proposed subdivision, lots relying upon such pre-existing subdivision roads as the sole access to the roads upon which they front, as well as new proposed lots.” [Emphasis depicting potential new language]. In my opinion, such a regulation would be reasonable, since the intent of the secondary-access requirement is clearly to require secondary access where a network of subdivision roadways provides sole access to thirty or more lots.

I additionally note that the Planning Board has the authority to require secondary access for any size subdivision, if it determines such access is required for the public safety and convenience. See Subdivision Rules and Regulations, Section 3.9 (“The Board may require that a secondary access be provided for any size subdivision for demonstrated reasons of public safety and convenience.”). Such a determination by the Board in this case would appear to be reasonable, given the facts that: (1) Sawyer Grove Road benefited from design waivers from the Board when the plan was first endorsed; (2) in granting such waivers the Board clearly determined that Sawyer Grove Road was not adequate to provide access to more than the 17 lots initially approved; and (3) the constructive approval of the Czyoski subdivision has already nearly doubled the number of lots accessed by Sawyer Grove Road beyond what the Board initially approved.

Planning Board
February 16, 2016
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3. Calculating the distance of Tashmuit Way as a dead-end street.

Section 3.6.6(a) of the Subdivision Rules and Regulations provides that “[t]he length of dead-end street should not exceed one thousand (1000) feet, and the dead-end street shall include at the end a turnaround having a property-line diameter of at least eighty (80) feet.” This Section further provides that the “[l]ength of the street shall be measured along the centerline to the end of the turnaround.” Section 3.6.6 does not specifically address the issue of connecting dead-end streets. In my opinion, the Board may reasonably determine that the dead-end street restriction applies to the combined length of the private roadways providing a single means of accessing the proposed subdivision from the nearest public way, in this case Hughes Road. Dead-end road limitations such as Section 3.6.6:

are enacted because of a concern that the blocking of a dead-end street, as by a fallen tree or an automobile accident, will prevent access to the homes beyond the blockage particularly by fire engines, ambulances, and other emergency equipment; the size of the turnaround provided at the closed end of the road does nothing to mitigate that concern and may even be said to increase it (at least so long as so much of the dead-end road as is not part of the turnaround exceeds the maximum length provided for in the regulation).”

Wheatley v. Planning Board of Hingham, 7 Mass. App. Ct. 435, 451 (1979).

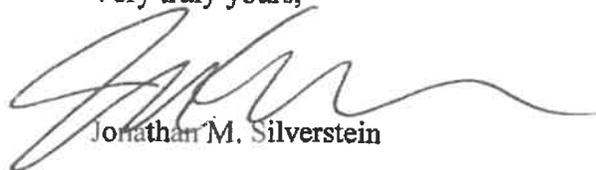
Clearly, the above-described purpose of limiting single-access roadways for public safety purposes would be ill-served if the Board could not calculate the length of a new dead-end street by combining it with the length of an existing dead-end street, to which the new street is proposed to connect. Moreover, such an interpretation would encourage segmentation of subdivision proposals to avoid application of the dead-end street requirement. Cf., e.g., Ten Persons of Com. v. Fellsway Dev. LLC, 460 Mass. 366, 370 (2011) (“under anti-segmentation regulations, the proponent of a private project and any participating agency ‘may not phase or segment a Project to evade, defer or curtail MEPA review.’”); White v. Armour, 16 LRC 748 (Mass. Land Ct. Nov. 19, 2008) (construction of a home cannot be phased for purposes of avoiding the site plan review process).

KOPELMAN AND PAIGE, P.C.

Planning Board
February 16, 2016
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If you have any further question or concerns regarding this matter please do not hesitate to contact me.

Very truly yours,



Jonathan M. Silverstein

JMS/jam

cc: Town Administrator ✓
Carole Ridley, Planning Consultant

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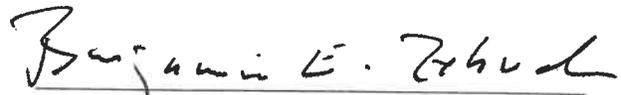
EXTENSION AGREEMENT

As the applicant or as authorized agent Benjamin E. Zehnder, Esquire on behalf of thereof, I agree to continue the public hearing in the matter of Case 2020-011/PB seeking approval of Form A – Approval Not Required (ANR) Plan Endorsement with respect to property at 23 Perry Road from December 2, 2020 for hearing and board action through January 20, 2021 under M.G.L. c.41, §81T.

December 2, 2020
Date



Signature of Applicant/Agent



Printed Name

Benjamin E. Zehnder as agent for The Claire A. Perry Living Trust Agreement

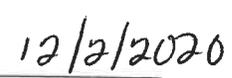
Filed with the Planning Department:

Name

Date

Filed with the Town Clerk:

Name

Date

