Office of Town Clerk
Treasurer – Tax Collector
1:30PM
DEC 11 2020
Received TOWN OF TRURO
By

Truro Planning Board Agenda

Remote Meeting

Wednesday, December 16, 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 and entering the following access code when prompted: 224-191-093. 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/224191093

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 – Continued

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.

Public Hearing

2020-005/SPR – Katherine S. Cook and Christine Van Genderen for property located at 38 Cliff Road (Atlas Map 32, Parcel 19, Registry of Deeds title reference: Book 33307, Page 344). Applicants seek a Residential Site Plan Review under Section 70 of the Truro Zoning Bylaw for an addition to the east side of the house, reconfiguration of the interior space, and a new screened porch with second floor deck to the north side of the house to an existing 28,010 sq. ft. parcel in the Seashore District.

- Email of support from Peter Clemons and Marianne Benson – 40 Cliff Road

Board Action/Review

- Open position on Board:
  - Attorney Carboni to update Board on policies/procedures for filling positions
  - M.G.L. Chapter 41, §81A: Planning board; establishment; membership; tenure; vacancies

    "If the members of a planning board are elected, any unexpired term shall be filled by appointment by the board of selectmen and the remainder of the members of the planning board until the next annual election, at which time, such office shall be filled, by election, for the remainder of the unexpired term."
- Elect Vice Chair
- Discussion of joint work with Climate Action Committee – impact of tree removal on carbon sequestration and possible ways to address
- Housing Initiative
- Potential Warrant Articles for ATM 2021
  - Zoning Bylaw 40.6 (attached)
- Cloverleaf update
- Discussion for setting dates for future Board public workshops
  - Next workshop: Wednesday, January 13, 2021 at 2:00 pm with Habitat for Humanity

Minutes

July 22, 2020

Next Meeting

Wednesday, January 6, 2021 at 5:00 p.m.

Adjourn

Office of Town Clerk
Treasurer – Tax Collector
1:30 PM
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By

WATER

What we are doing here is playing with the idea that it's OK to contaminate our sole-source aquifer…a little bit, here and there.

It's not OK.

This is a stance that will lead us to tragedy. Today I read that the Select Board, at its next meeting on Tuesday, December 15th, will consider an engineering study of Pond Village for town water. This is an *action item,* first on the agenda.

Can we all agree that water is our most precious resource? ...and it's free! Perhaps for that very reason we tend not to value it as what it is: the only reason we are able to survive on this sand bar given to us by a melting glacier and being taken away by the salty sea.

We stick our straws down into the precious lens and take what we want, when we want, with no limitation or thought. We expect, and deserve, to think that our officials are at work protecting the purity of our sole source, not abandoning it.

Our freshwater lens is really all we have. But we seem bent on destroying it, death by a thousand flushes.

The ZBA has a narrow, and very specific mandate: they must address what is on their plate, and only that. They chafe at the time that has been spent in mulling over the Cloverleaf project, nearly a year, but don't seem able to recognize the enormity of the risk they seem willing to take with our treasured resource.

The number of units at Cloverleaf is far too great for the site, 39 units, 68 bedrooms, on less than 4 acres of challenged terrain. The septic system they propose is in pilot use at one site, for only 16 months, in a town with different hydrological conditions.

A down-hill corner of the site actually sits within the zone of contribution to a neighbor's well.

The facts about the high level of nitrates in many of the wells of Pond Village were known to officials, though not to the residents, years ago.

The 'safe' level of nitrates for drinking water, a number established in 1968 at 10 mg/L, is now woefully outdated. Based on irrefutable evidence in the past two decades, scientists recommend 3 to 5 mg/L to reduce the risk of many forms of cancer.

There needs to be a town-wide comprehensive study made of every well, every septic system and cesspool, mapped. There needs to be testing of every well. The town should be mounting a search for grants to help pay for the study, and the testing.

There is a committee listed on the town website: The Water Resources oversight Committee. Its members are appointed by the Select Board. It has been allowed to wither. ZBA members, questioned at their last meeting, seemed barely aware of its existence. *It should be the most important committee in town.* It needs to be populated and chaired. This is the responsibility of town government. If the town can manage to orchestrate a state grant of $1.5 million to bring piped water to the Cloverleaf site it can surely do the same for such a worthy effort.

I recommend that everyone read the mission statement of December 2, 2010 for this moribund committee available sonline at the town website. It is a voice that has been sorely missing throughout the entire Cloverleaf process.

The town voted to accept the gift of the Cloverleaf site with the clear understanding that it could sustain 12 to 16 units. The town should now have the opportunity to vote on the grossly increased size of the proposed development.

I ask that the ZBA not bring the comprehensive waiver to a vote at its Thursday, December 17th meeting. I urge every Truro citizen who gives a damn to attend, and speak up.

Pamela Wolff

Elizabeth Sturdy

From: Dan Katz <trurodan@gmail.com>
Sent: Monday, December 14, 2020 2:19 PM
To: Elizabeth Sturdy
Subject: Clover Leaf

Ms. Sturdy,
Pam Wolfe suggested I send this email to you to be read at the Thursday meeting I cannot attend as I am in CT. Also, she suggested I request that this note be sent to select board members, planning board members and board of health...is all that possible?

Many thanks and be well,
Dan Katz (18 Old King's Highway)r

A zoning board of appeals is a land use body in place to grant relief from *land* irregularities that may place an undue hardship on the use of that land, should the land use regulations in place be imposed. Relief from such "shall not be primarily financial" and such relief granted, runs *with the land.*

In the "Clover Leaf Case", such relief is being granted to an individual who will, granted such relief, foul the water that serves an entire community....the system he will put in place is ill tested and needs constant monitoring which *will not be done* and, were it done and failure noted, such failure would simply not be corrected in time to stop pollution of the water lens.

Therefore, without question, granting this applicant relief from regulations put in place to *protect the community from over development of properties,* is, de facto, granting financial relief to one person at the considerable risk to the community that the ZBA must protect.

Sincerely,
Dan Katz
18 Old King's Highway
203-858-6078

STAFF MEMORANDUM

To: Truro Planning Board

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

Date: December 15, 2020

Re: Meeting December 16, 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 **CONTINUED HEARING**

Updates

On December 14, 2020, counsel for the Applicant submitted a "request, without confirmation of applicability, waiver for relief from applicability for a waiver of Subdivision Rules and Regulations," in particular, 3.6.6 Dead-end streets. This Regulation limits dead-end streets to 1,000 feet (and imposes other requirements).

Chief Collins has reached out to the State Division of Fire Safety (Department of Fire Services) for input.

2020-005/SPR – 38 Cliff Road (Map 32, Parcel 19). Application of Katherine S. Cook and Christine Van Genderen for a Residential Site Plan Review for alterations to dwelling on property located in the Seashore District

Existing Conditions and Proposed Project.

This property is located in the Seashore District, nonconforming as to lot area (.64 acres where 3 acres required) and as to setback of the existing house from Cliff Road (16.5 feet where 50 feet required). A shed encroaches into the side yard setback from the property boundary with 40 Cliff Road. Cliff Road is unpaved. According to Assessor's records, the house was constructed in 1950.

According to the plans submitted, the existing first floor contains 1,020 square feet plus a 76 square feet covered deck, and the second floor contains 369 square feet, for a total of 1,389 square feet (plus the 76 sq ft deck). Based on the application materials and the applicant's presentation to the ZBA on December 14, 2020 (for a special permit), the proposed project removes most of the existing dwelling and reconstructs it on a somewhat enlarged footprint. According to the plans submitted, a screened porch of 296 square feet will be constructed on the north side of the house, and an additional 213 square feet of living space will be constructed on the east side of the house (rear). The plans provide a proposed square footage of 1,252 square

feet, plus 373 square feet porch/deck, for the first floor, and 515 square feet for the second floor, for a total of 1,767 square feet plus the 373 sq ft porch/deck. The height of the dwelling will increase from an existing ridge height of 22.1 feet above grade to 26.1 feet above grade (see Site Plan Notes). As indicated on the elevations provided, there are additional alterations to the structure that might be best described at the hearing.

Sufficiency of Application

The Plan of Land submitted does not contain a Zoning Table, but most relevant dimensions are provided on a separate "Zoning Table" submitted. Waivers are requested in the Checklist from certain requirements (e.g., topography and grading plan; existing and proposed lighting; existing landscape; limit of work area; landscaping plan). The Board's site visit will inform the Board's opinion as to whether any of this additional information should be provided.

Review Criteria under Section 70.4D

The Application adequately addresses the Review Criteria of Section 70.4D. The Board may determine based on its site visit and further knowledge of the area whether the project meets applicable Criteria.

Zoning Compliance

Seashore District Total Gross Floor Area

In the Applicant's separate Zoning Table, Site Coverage is stated as "3126 sf by right." It appears this is the Applicant's calculation of Gross Floor Area by right on the .64 acre parcel as this lines up with the illustrative limits contained in Bylaw section 30.3. 1.A.1 (3,100 sq ft for .5 acres; 3,150 sq.ft for .75 acres). Gross Floor Area is not the same as site or lot coverage, but in any event the proposed 2,140 sq ft falls well within the limit of Gross Floor Area as of right for the lot.

ZBA Proceedings - Expansion of a Nonconforming Structure

Alteration of a dwelling on a lot nonconforming as to area increases the existing nonconformity and requires a special permit under G.L. c. 40A, s. 6. Bjorklund v. Zoning Board of Appeals of Norwell, 450 Mass. 357 (2008). The Applicant has filed for a special permit under G.L. c. 40A, s. 6 and Section 30.7 of the Zoning Bylaw. Hearing opened on December 14, 2020. No major issues were flagged, but the ZBA expressed interest in this Board's review of the proposal and continued public hearing on the special permit until January 25, 2021.

Draft Decision

A draft decision is circulated with this Staff Memo. For the sake of convenience only, it is in the form of a permit grant, in case the Board approves the proposal.

To: Truro Planning Board

From: Christopher S. Fiset, Attorney for Nathan A. Nickerson, III

Date: December 14, 2020

Re: REQUEST FOR WAIVER

2020-001/PB – Property at 4-H Bay View Road (Map39, Parcel 77) and 3 Laura's Way (Map 39, Parcel 325) Application for approval of a Definitive Subdivision Plan of Land

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Applicant Nathan A. Nickerson III hereby requests, without confirmation of applicability, waiver for relief from applicability of Subdivision Rules and Regulations:

3.6.6 Dead-end streets **a. The length of dead-end streets 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. Length of the street shall be measured along the centerline to the end of the turnaround. b. Any easement obtained for turn-around purposes at the end of a temporary dead-end street shall terminate upon construction of the extension.

Christopher S. Fiset, Esq. on behalf of Applicant
Nathan A. Nickerson III

12/14/2020
Dated

OUTERMOST LAND SURVEY, INC.

Office of Town Clerk
Treasurer – Tax Collector
2020-012/PB
OCT 26 2020
SUPPLEMENTAL
Received TOWN OF TRURO
By

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

46 Main Street, Brewster MA 02631 • Ph. 508-255-0477
outermostlandsurvey.com

OUTERMOST LAND SURVEY, INC.

Office of Town Clerk
Treasurer – Tax Collector
2020-012/PB
OCT 23 2020
Received TOWN OF TRURO
By _____

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

46 Main Street, Brewster MA 02631 • Ph. 508-255-0477
outermostlandsurvey.com

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

Office of Town Clerk
Treasurer – Tax Collector
2020-012/PB
OCT 23 2020
Received TOWN OF TRURO
By _____

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

Joan L. Hutchings

Jon R. Hutchings

David E. Hutchings

2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: 3 Laura's Way & 4-H Bay View Rd. **Applicant Name:** Nathan A. Nickerson III **Date:** 10-26-20

No.	Requirement	Included	Not Included	Explanation, if needed
2.5.2 Submission Requirements for Definitive Plans				
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		

Office of Town Clerk
Treasurer – Tax Collector
2020-012/PB
OCT 26 2020
SUPPLEMENTAL
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2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: 3 Laura's Way & 4-H Bay View Rd. **Applicant Name:** Nathan A. Nickerson III **Date:** 10-26-20

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: 3 Laura's Way & 4-H Bay View Rd. **Applicant Name:** Nathan A. Nickerson III **Date:** 10-26-20.

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: 3 Laura's Way & 4-H Bay View Rd. **Applicant Name:** Nathan A. Nickerson III **Date:** 10-26-20.

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: 3 Laura's Way & 4-H Bay View Rd. **Applicant Name:** athan A. Nickerson III **Date:** 10-26-20

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 *Rules and Regulations Governing the Subdivision of Land* 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: 3 Laura's Way & 4-H Bay View Rd. **Applicant Name:** Nathan A. Nickerson III **Date:** 10-26-20

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: 3 Laura's Way & 4-H Bay View Rd. **Applicant Name:** Nathan A. Nickerson III **Date:** 10-26-20

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	
2.5.3 Staking of Proposed Subdivision				
	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

RECEIVED
SEP 29 2020
ASSESSOR'S OFFICE
TOWN OF TRURO

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

___ Board of Health[5]
___ Cape Cod Commission
___ Conservation Commission[4]
___ Licensing
Type: _____

Planning Board (PB)
___ Special Permit[1]
___ Site Plan[2]
___ Preliminary Subdivision[3]
X Definitive Subdivision[3]
___ Accessory Dwelling Unit (ADU)[2]

Zoning Board of Appeals (ZBA)
___ Special Permit[1]
___ Variance[1]

___ Other _____ ***(Fee: Inquire with Assessors)***
(*Please Specify*)

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

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 9/29/2020 Date completed: 9/29/2020

List completed by: [illegible] 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: 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.

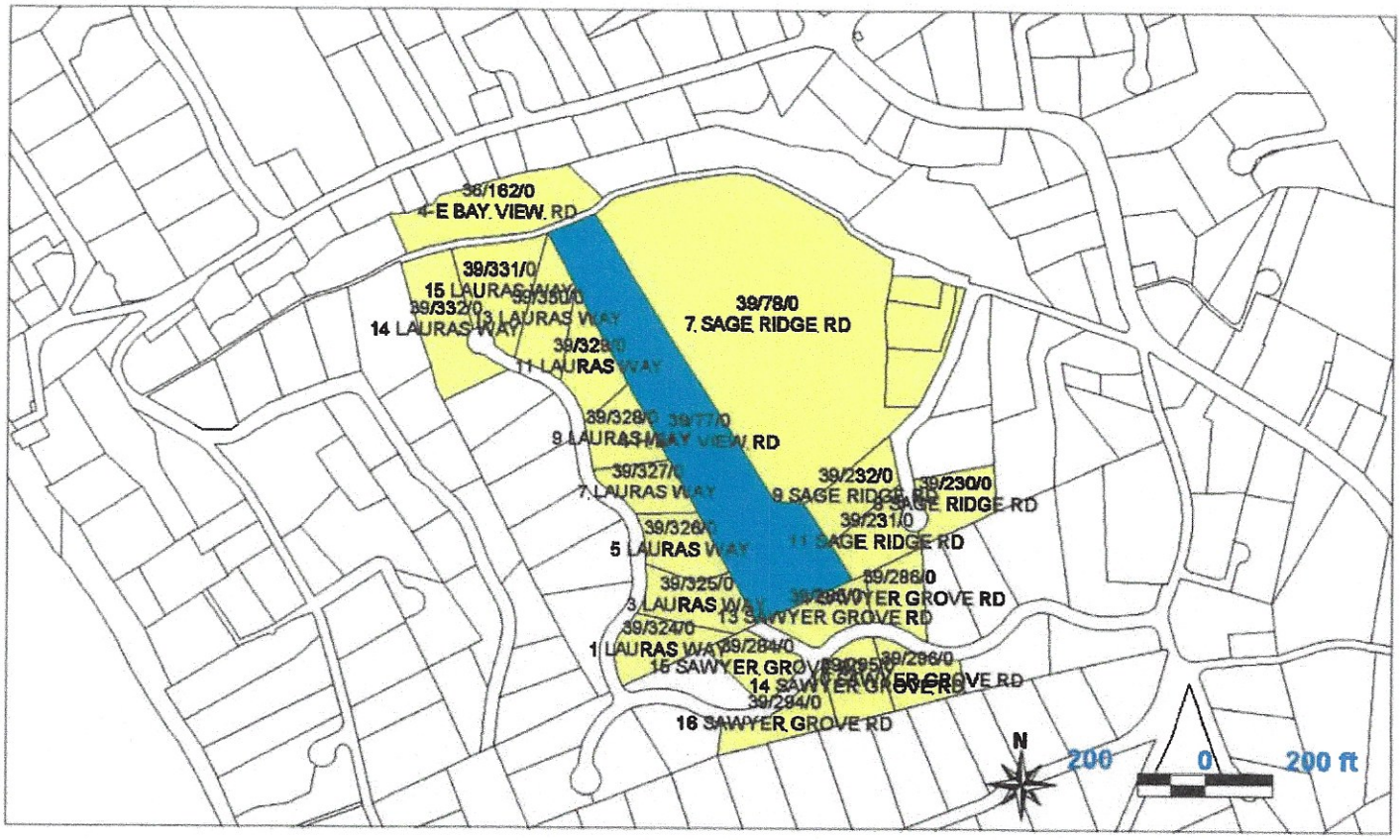
Certified by: _____

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	39-294-0-R	KOTT DOUGLAS G & C/O MICHAEL MACINTYRE LIVING T	16 SAWYER GROVE RD	PO BOX 1116	NO TRURO	MA	02652

JWZ 9.29.2020

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

TWR 9.29.2020

TOWN OF TRURO

Assessors Office
Certified Abutters List
Request Form

RECEIVED
SEP 29 2020
ASSESSOR'S OFFICE
TOWN OF TRURO

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: 3 Laura's 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*)

___ Board of Health[5]
___ Cape Cod Commission
___ Conservation Commission[4]
___ Licensing
Type: _____

Planning Board (PB)
___ Special Permit[1]
___ Site Plan[2]
___ Preliminary Subdivision[3]
X Definitive Subdivision[3]
___ Accessory Dwelling Unit (ADU)[2]

Zoning Board of Appeals (ZBA)
___ Special Permit[1]
___ Variance[1]

___ Other _____ (*Fee: Inquire with Assessors*)
(*Please Specify*)

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

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 9/29/2020 Date completed: 9/29/2020

List completed by: O'Farrell 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.

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[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.

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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.

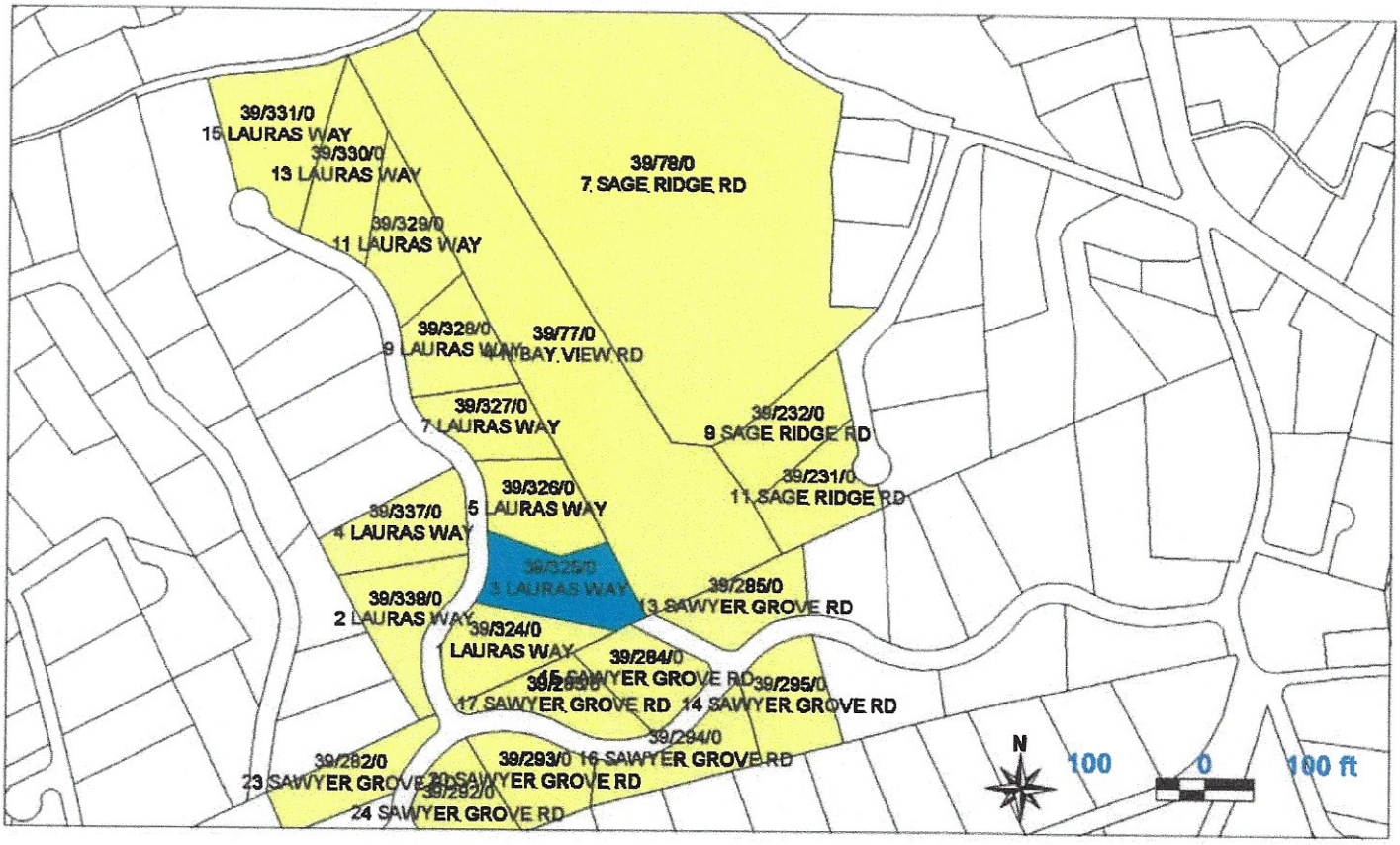
Certified by: _____

Olga Farrell
Assessing Clerk

3 Laura's Way
Map 39, Parcel 325
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
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 & 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

DJC 9.29.2020

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

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City, State N. Truro, MA 02652

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☐ Adult Signature Restricted Delivery	$
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- Adult Signature Required $ $0.00
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Total Postage and Fees $6.95
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Extra Services & Fees (check box, add fee as appropriate)
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- Certified Mail Restricted Delivery $ $0.00
- Adult Signature Required $ $0.00
- Adult Signature Restricted Delivery $

Postage $0.55
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Total Postage and Fees $6.95
$

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City, State, Zi N. Truro, MA 02652

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Extra Services & Fees (check box, add fee as appropriate)
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- Return Receipt (electronic) $ $0.00
- Certified Mail Restricted Delivery $ $0.00
- Adult Signature Required $ $0.00
- Adult Signature Restricted Delivery $

Postage $0.55
$
Total Postage and Fees $6.95
$

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City, State 268 BRADFORD ST
PROVINCETOWN, MA 02657

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Street an PO Box 76
City, Stat N. Truro, MA 02652

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City, State, ZIP+4 Mattapoisett, MA 02739

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Street and Apt. No. 13 Fayette St.
City, State, ZIP+4 Boston, MA 02116

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Sent To Perry Andrew Knubel
Street and Apt. No., or PO Bo PO Box 320424230
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Street a PO Box 281
City, St North Truro, MA 02652

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Street 9 Francis Rd.
City N. Truro, MA 02652

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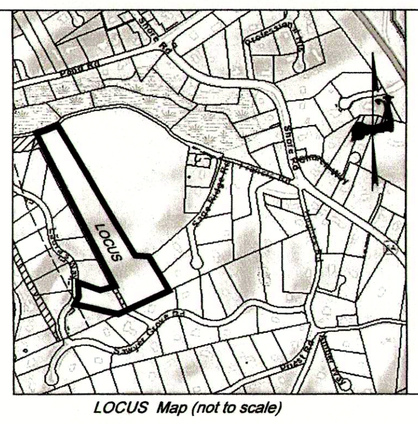

LOCUS Map (not to scale)

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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

0 50 100 150

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

Luther A. & Lora H. Bumps
#4-E Bay View Road
Deed Book 31329, Page 197
Assessor's Map 36, Parcel 162

FRESH MARSH

N 68°25'00" E 155.14'

10' Proprietors Raod
N 68°25'00" E 155.79'

13.72'

50' from Vegetated Wetland

100' from Vegetated Wetland

184.71'

490.86'

Andrew M. Czyoski, Trustee
#13 Laura's Way
Deed Book 28902, Page 52
Lot 7, Plan Book 637, Page 7
Assessor's Map 39, Parcel 330

336.09'

Peters Development Nominee Trust
#7 Sage Ridge Road
Deed Book 29202, Page 81
Plan Book 285, Page 99
Assessor's Map 39, Parcel 327

N 32°19'36" W 1032.31'

Andrew M. Czyoski, Trustee
#11 Laura's Way
Deed Book 28902, Page 52
Lot 6, Plan Book 637, Page 7
Assessor's Map 39, Parcel 329

N 28°44'24" W 1255.66'

268.73'

Gary M. Cooper
#9 Laura's Way
Deed Book 31443, Page 4
Lot 5, Plan Book 637, Page 7
Assessor's Map 39, Parcel 328

541.45'

25' Green Space Buffer

25' Green Space Buffer

185.10'

Andrew M. Czyoski, Trustee
#7 Laura's Way
Deed Book 28902, Page 52
Lot 4, Plan Book 637, Page 7
Assessor's Map 39, Parcel 327

Lot 1
Area = 274,505± Sq.Ft. or
6.30 Acres

N 82°39'36" W 81.40'

David S. & Margaret K. Foster
#9 Sage Ridge Road
Deed Book 5328, Page 66
Lot 5, Plan Book 406, Page 73
Assessor's Map 39, Parcel 232

N 31°24'01" W 267.88'

148.41'

119.69'

Gillian R. Quinn
#11 Sage Ridge Road
Deed Book 10476, Page 195
Lot 4, Plan Book 406, Page 73
Assessor's Map 39, Parcel 231

R= 40.00'
A= 73.00'

R= 40.00'
A= 102.70'

197.66'

S 21°03'54" W 78.13'

Robert Bergen
#5 Laura's Way
Deed Book 30844, Page 161
Lot 3, Plan Book 637, Page 7
Assessor's Map 39, Parcel 326

Laura"s Lane ~ 40' Private Way
Plan Book 637, Page 7

N 03°29'05" W 48.22'

S 70°05'07" E 159.14'

N 73°06'12" E 113.31'

17.72'

N 21°03'54" E

R= 25.00'
A= 29.40'

A= 105.55'
R= 170.00'

LOT 2A
Remainder Lot 2, Plan Book 637, Page 7
Area = 42,872± Sq.Ft. or
0.98 Acres

R= 130.00'
A= 139.56'

S 64°18'51" W
297.06'

R= 170.00'
A= 191.57'

N 64°32'56" W
24.84'

William H. O'Brien & Juliette E. Fay
#13 Sawyer Grove Road
Deed Book 22130, Page 192
Lot 6, Plan Book 512, Page 13
Assessor's Map 39, Parcel 285

N 77°48'03" W 298.65'

30.56'

Tashmuit Lane ~ 40' Private Way
Centerline length = 488.11'

Robert J. Martin & Mark S. Petteruti
#1 Laura's Lane
Deed Book 29616, Page 51
Lot 1, Plan Book 637, Page 7
Assessor's Map 39, Parcel 324

S 64°25'39" W

Shelley D. Fischel, Trustee
#15 Sawyer Grove Road
Deed Book 29478, Page 218
Lot 7, Plan Book 512, Page 13
Assessor's Map 39, Parcel 284

Gravel Drive

Edge of Pavement

Sawyer Grove Road ~ 40' Private Way
Plan Book 512, Page 13

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.

COMMONWEALTH OF MASSACHUSETTS
DONALD T. POOLE
NO. 32662
PROFESSIONAL LAND SURVEYOR

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 9/29/2020

OUTERMOST LAND SURVEY, INC.
#46 Main Street
Brewster, MA 02631
508-255-0477

Truro MA Board of Health Date:_____

_____ _____

_____ _____

_____ _____

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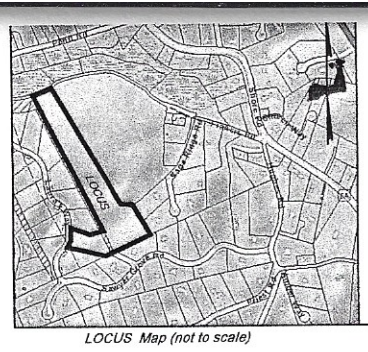


LOCUS Map (not to scale)

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'~~ 100' Sept 28, 2020
ols #774002

0 50 100 150

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

Luther A. & Lora H. Bumps
#4-E Bay View Road
Deed Book 31329, Page 197
Assessor's Map 36, Parcel 162

FRESH MARSH

N 68°25'00" E 155.14'
10' Proprietors Road
N 66°25'00" E 155.79'
13.72'
50' from Vegetated Wetland
100' from Vegetated Wetland
184.71'
490.86'
336.09'
N 32°19'36" W 1032.31'
N 26°44'24" W 1255.66'
268.73'
541.45'
25' Green Space Buffer
25' Green Space Buffer
185.10'
197.66'
N 82°39'36" W 81.40'
N 31°24'01" W 267.88'
145.41'
119.69'
S 21°03'54" W 78.13'
17.72'
N 21°03'54" E
N 03°29'05" W 48.22'
S 70°05'07" E 159.14'
N 73°06'12" E 113.31'
N 77°48'03" W 298.65'
S 64°25'39" W
30.56'
S 64°18'51" W 297.06'
N 64°32'55" W 24.84'
Tashmuit Lane ~ 40' Private Way
Centerline length = 488.17'
Sawyer Grove Road ~ 40' Private Way
Plan Book 512, Page 13
Gravel Drive
Edge of Pavement
Laura's Lane ~ 40' Private Way
Plan Book 637, Page 7
A= 105.55'
R= 170.00'

Andrew M. Czyoski, Trustee
#13 Laura's Way
Deed Book 28902, Page 52
Lot 7, Plan Book 637, Page 7
Assessor's Map 39, Parcel 330

Andrew M. Czyoski, Trustee
#11 Laura's Way
Deed Book 28902, Page 52
Lot 6, Plan Book 637, Page 7
Assessor's Map 39, Parcel 329

Gary M. Cooper
#9 Laura's Way
Deed Book 31443, Page 4
Lot 5, Plan Book 637, Page 7
Assessor's Map 39, Parcel 328

Andrew M. Czyoski, Trustee
#7 Laura's Way
Deed Book 28902, Page 52
Lot 4, Plan Book 637, Page 7
Assessor's Map 39, Parcel 327

Peters Development Nominee Trust
#7 Sage Ridge Road
Deed Book 29202, Page 81
Plan Book 285, Page 99
Assessor's Map 39, Parcel 327

Robert Bergen
#5 Laura's Way
Deed Book 30844, Page 161
Lot 3, Plan Book 637, Page 7
Assessor's Map 39, Parcel 326

Robert J. Martin & Mark S. Pellerutti
#1 Laura's Lane
Deed Book 29616, Page 51
Lot 1, Plan Book 637, Page 7
Assessor's Map 39, Parcel 324

Shelley D. Fischel, Trustee
#15 Sawyer Grove Road
Deed Book 29478, Page 218
Lot 7, Plan Book 512, Page 13
Assessor's Map 39, Parcel 264

William H. O'Brien & Juliette E. Fay
#13 Sawyer Grove Road
Deed Book 22130, Page 192
Lot 6, Plan Book 512, Page 13
Assessor's Map 39, Parcel 265

David S. & Margaret K. Foster
#9 Sage Ridge Road
Deed Book 5328, Page 66
Lot 5, Plan Book 406, Page 73
Assessor's Map 39, Parcel 232

Gillian R. Quinn
#11 Sage Ridge Road
Deed Book 10476, Page 195
Lot 4, Plan Book 406, Page 73
Assessor's Map 39, Parcel 231

Lot 1
Area = 274,505± Sq.Ft. or
6.30 Acres

R= 40.00'
A= 73.00'

R= 40.00'
A= 102.70'

R= 25.00'
A= 29.40'

R= 130.00'
A= 139.56'

R= 170.00'
A= 191.57'

LOT 2A
Remainder Lot 2, Plan Book 637, Page 7
Area = 42,872± Sq.Ft. or
0.98 Acres

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

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

OUTERMOST LAND SURVEY, INC.
#46 Main Street
Brewster, MA 02631
508-255-0477

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 Facilityas well as the invert elevation of each facility:

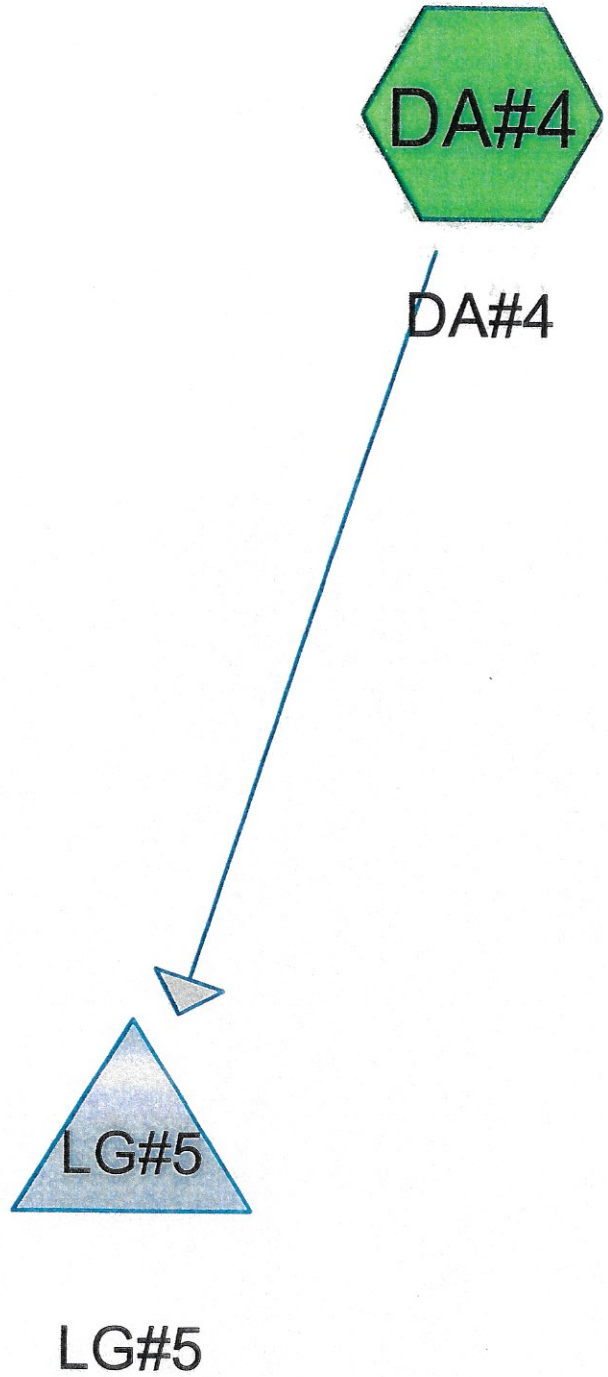
Leaching Facility ID	50 Year Storm Event High Water Elevation (A)	Leaching Facility Invert Elevation (B)	A < B (System Can Handle 50 Year Storm)
LG#5	60.83	61.0	Yes
LG#6	46.54	47.0	Yes
LG#7	31.03	31.6	Yes

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



Routing Diagram for LG#5
Prepared by HP, Printed 10/22/2020
HydroCAD® 10.10-4b s/n 11607 © 2020 HydroCAD Software Solutions LLC

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**

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

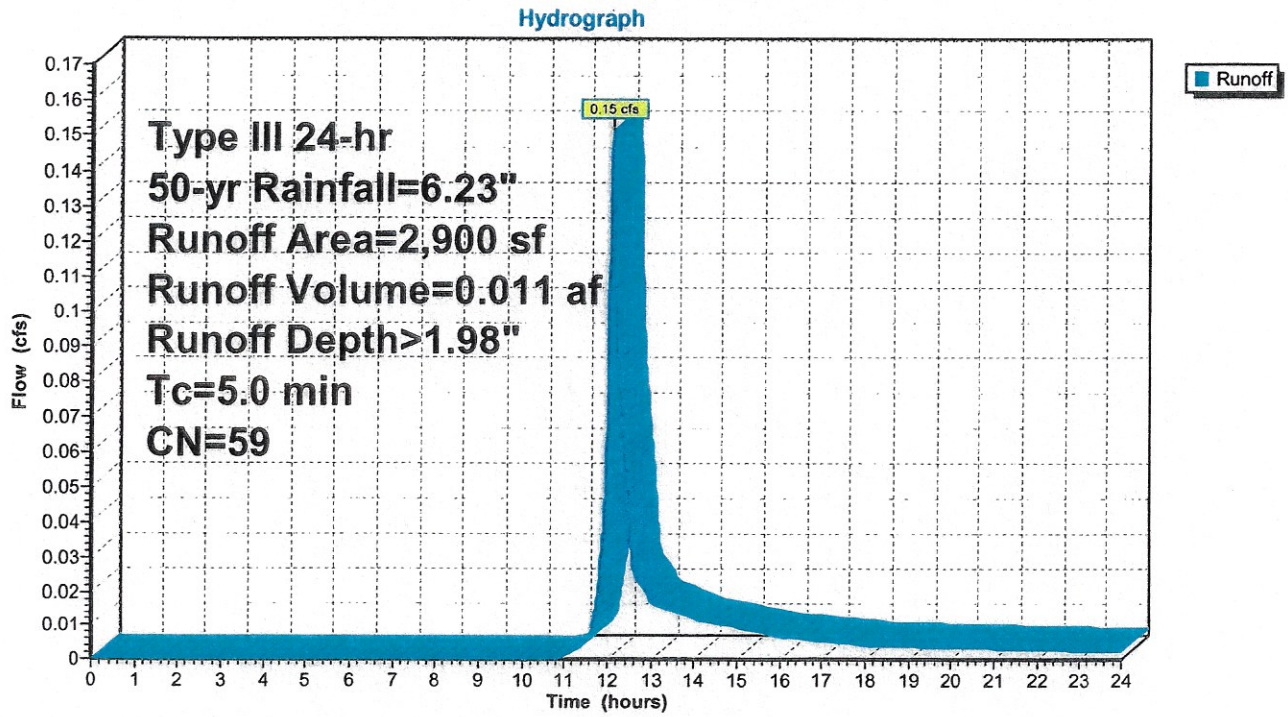
Runoff = 0.15 cfs @ 12.08 hrs, Volume= 0.011 af, Depth> 1.98"

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



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

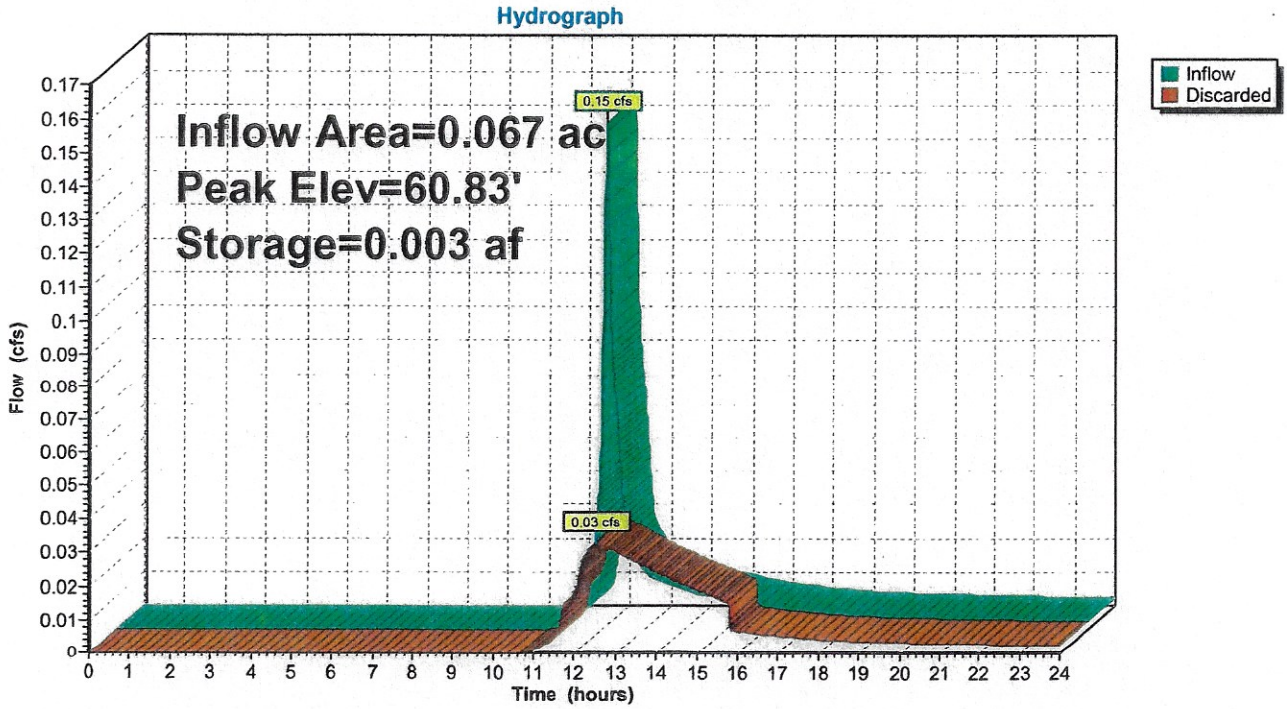
Plug-Flow detention time= 32.2 min calculated for 0.011 af (100% of inflow)
Center-of-Mass det. time= 32.0 min (893.5 - 861.4)

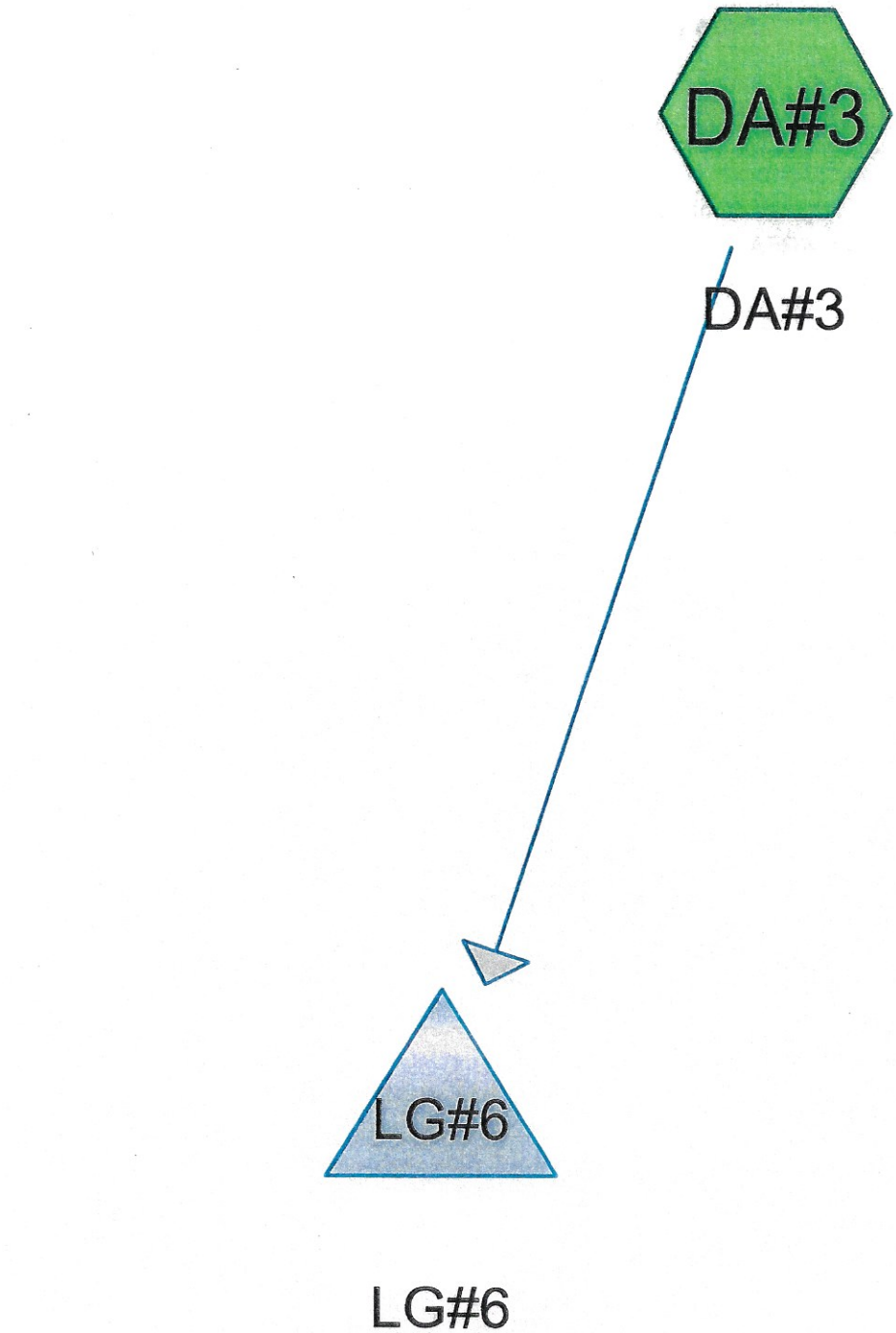
Volume	Invert	Avail.Storage	Storage Description
#1	58.40'	0.002 af	**6.00'D x 2.52'H Vertical Cone/Cylinder** Inside #2 0.002 af Overall - 3.0" Wall Thickness = 0.002 af
#2	57.90'	0.001 af	**10.00'D x 3.10'H Vertical Cone/Cylinder** 0.006 af Overall - 0.002 af Embedded = 0.004 af x 40.0% Voids
		0.003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





Routing Diagram for LG#6
Prepared by HP, Printed 10/22/2020
HydroCAD® 10.10-4b s/n 11607 © 2020 HydroCAD Software Solutions LLC

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**

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

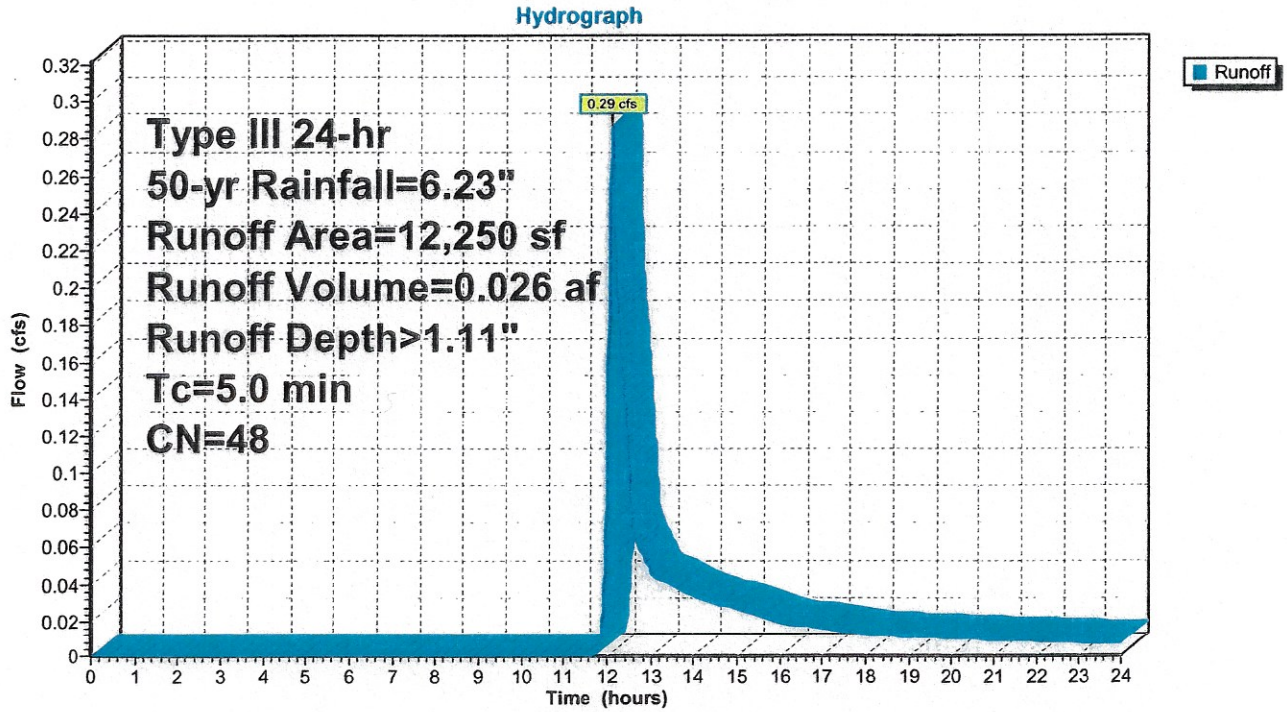
Runoff = 0.29 cfs @ 12.10 hrs, Volume= 0.026 af, Depth> 1.11"

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



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

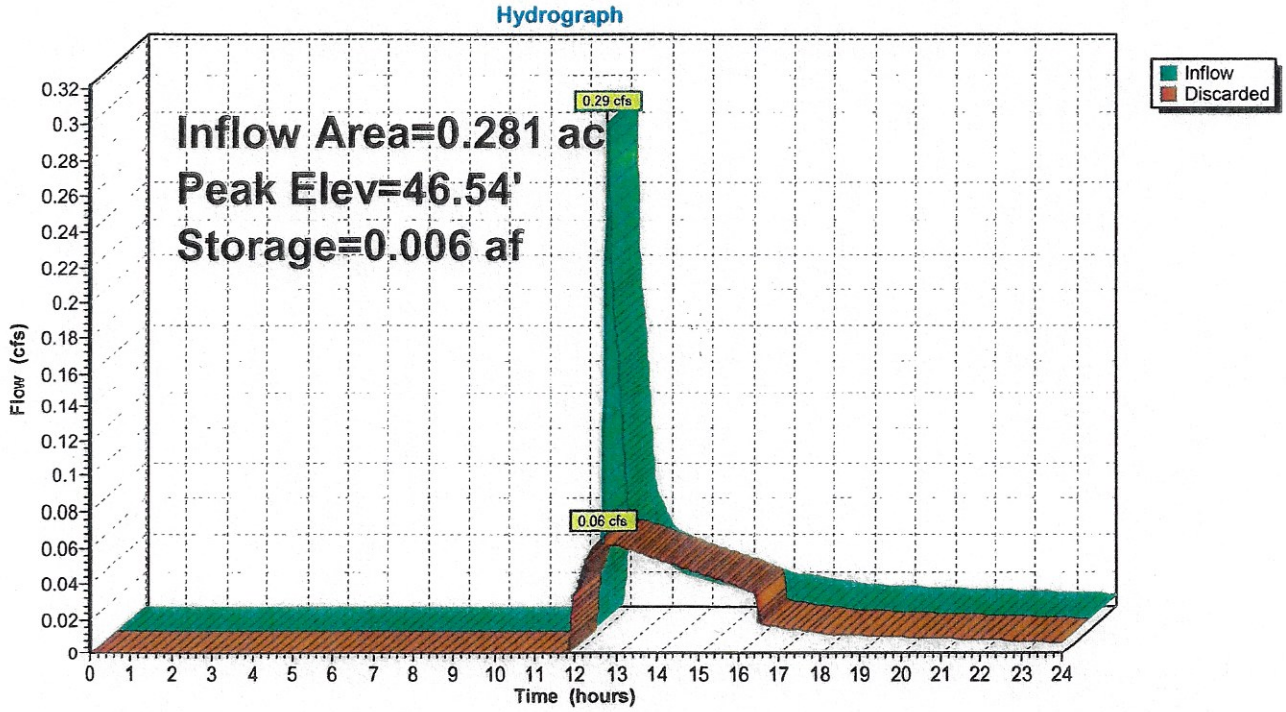
Plug-Flow detention time= 33.9 min calculated for 0.026 af (100% of inflow)
Center-of-Mass det. time= 33.7 min (930.6 - 896.9)

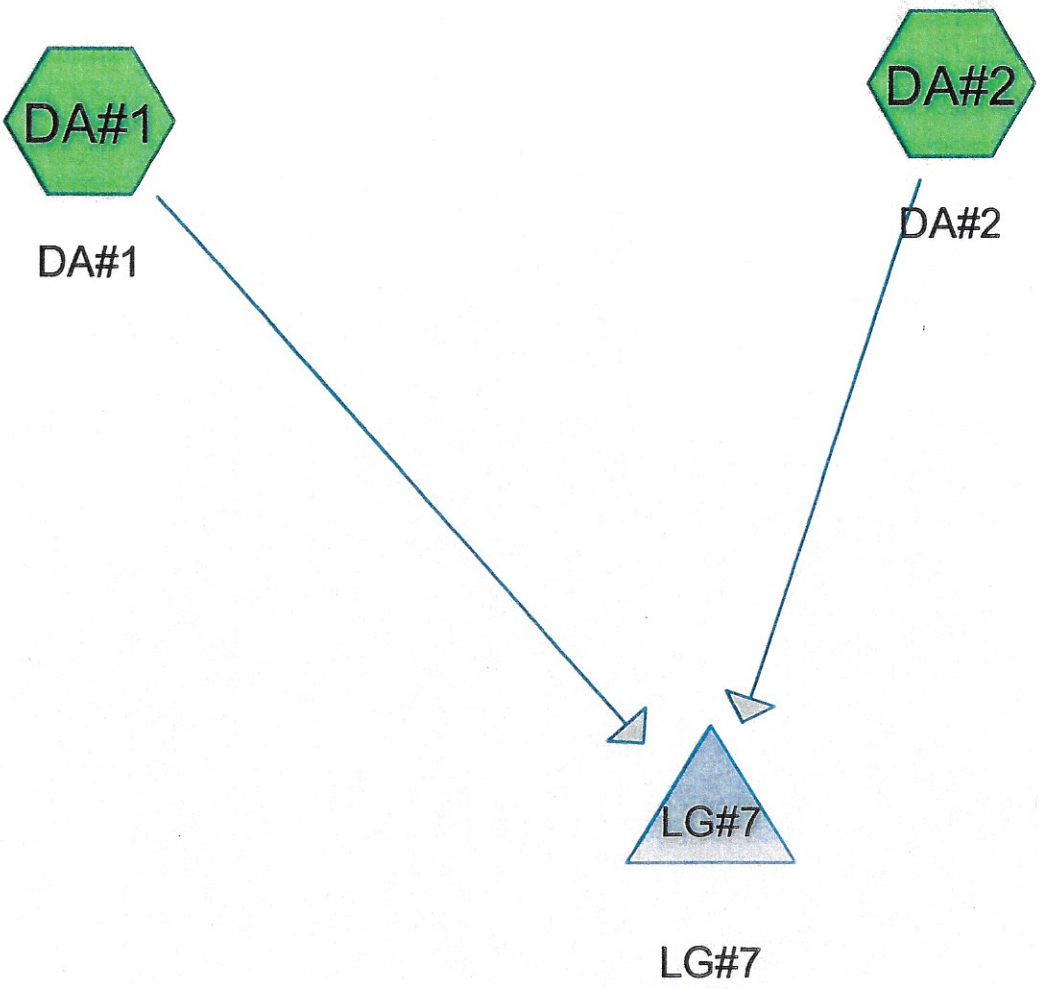
Volume	Invert	Avail.Storage	Storage Description
#1	43.90'	0.004 af	**10.00'W x 18.00'L x 3.10'H Prismatoid** 0.013 af Overall - 0.004 af Embedded = 0.009 af x 40.0% Voids
#2	44.40'	0.003 af	**6.00'D x 2.52'H Vertical Cone/Cylinder** x 2 Inside #1 0.004 af Overall - 3.0" Wall Thickness = 0.003 af
		0.007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





Routing Diagram for LG#7
Prepared by HP, Printed 10/22/2020
HydroCAD® 10.10-4b s/n 11607 © 2020 HydroCAD Software Solutions LLC

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**

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

Summary for Subcatchment DA#1: DA#1

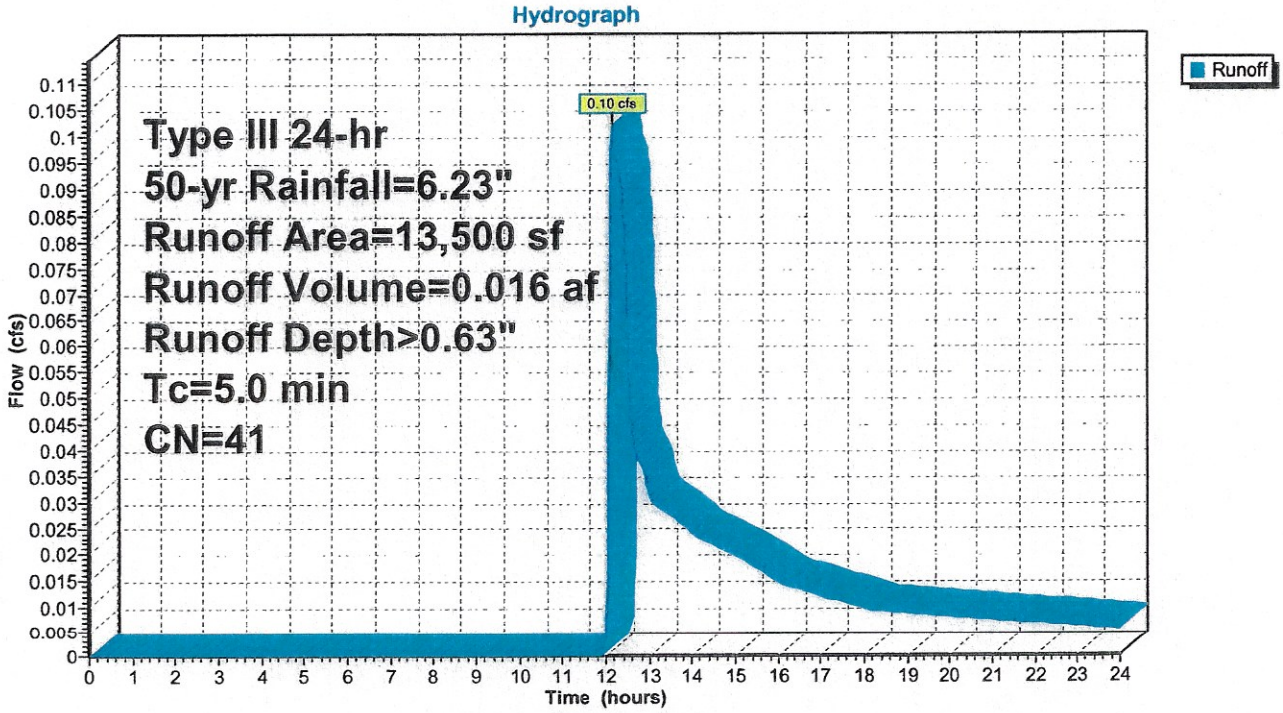
Runoff = 0.10 cfs @ 12.13 hrs, Volume= 0.016 af, Depth> 0.63"

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



Summary for Subcatchment DA#2: DA#2

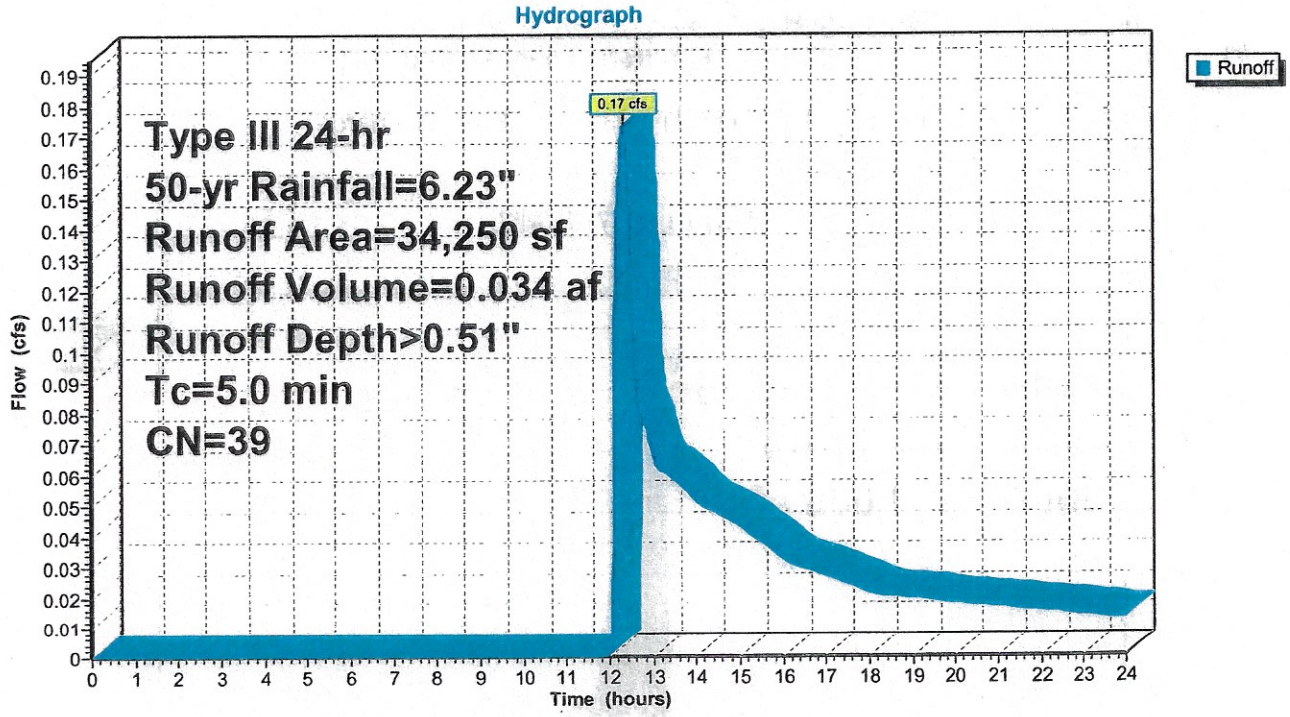
Runoff = 0.17 cfs @ 12.31 hrs, Volume= 0.034 af, Depth> 0.51"

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



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

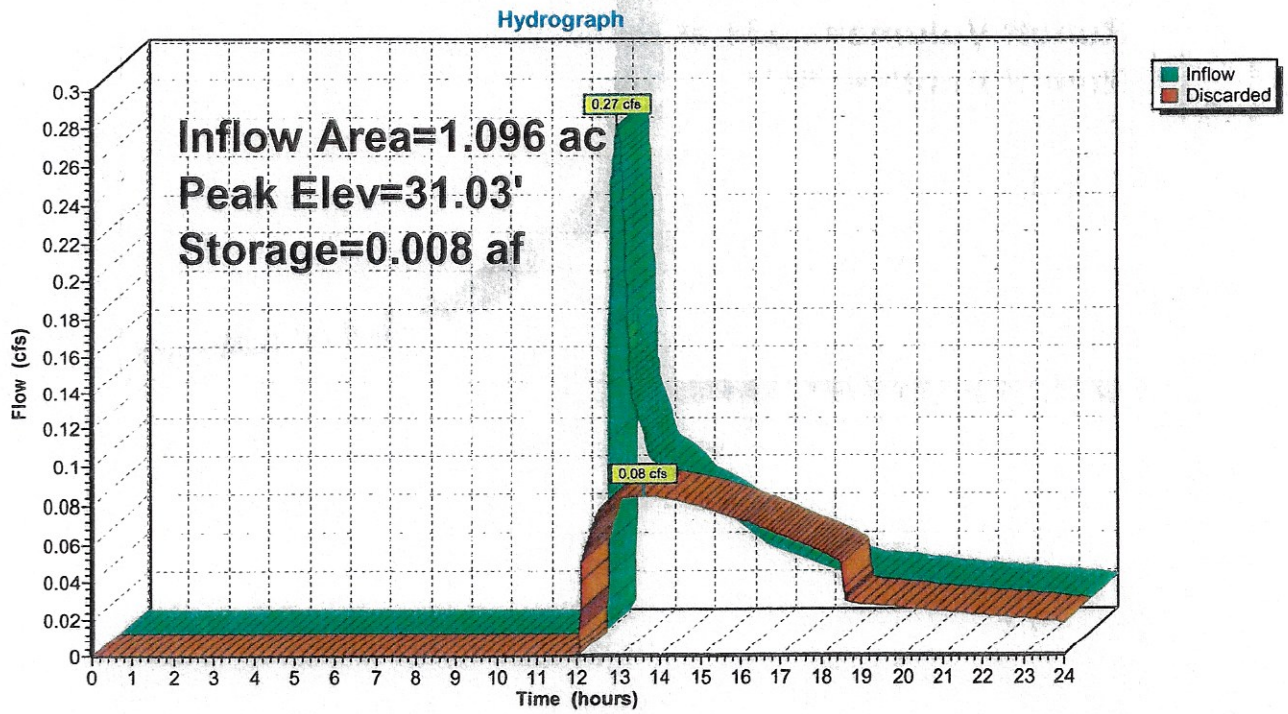
Plug-Flow detention time= 40.4 min calculated for 0.050 af (100% of inflow)
Center-of-Mass det. time= 40.1 min (984.6 - 944.5)

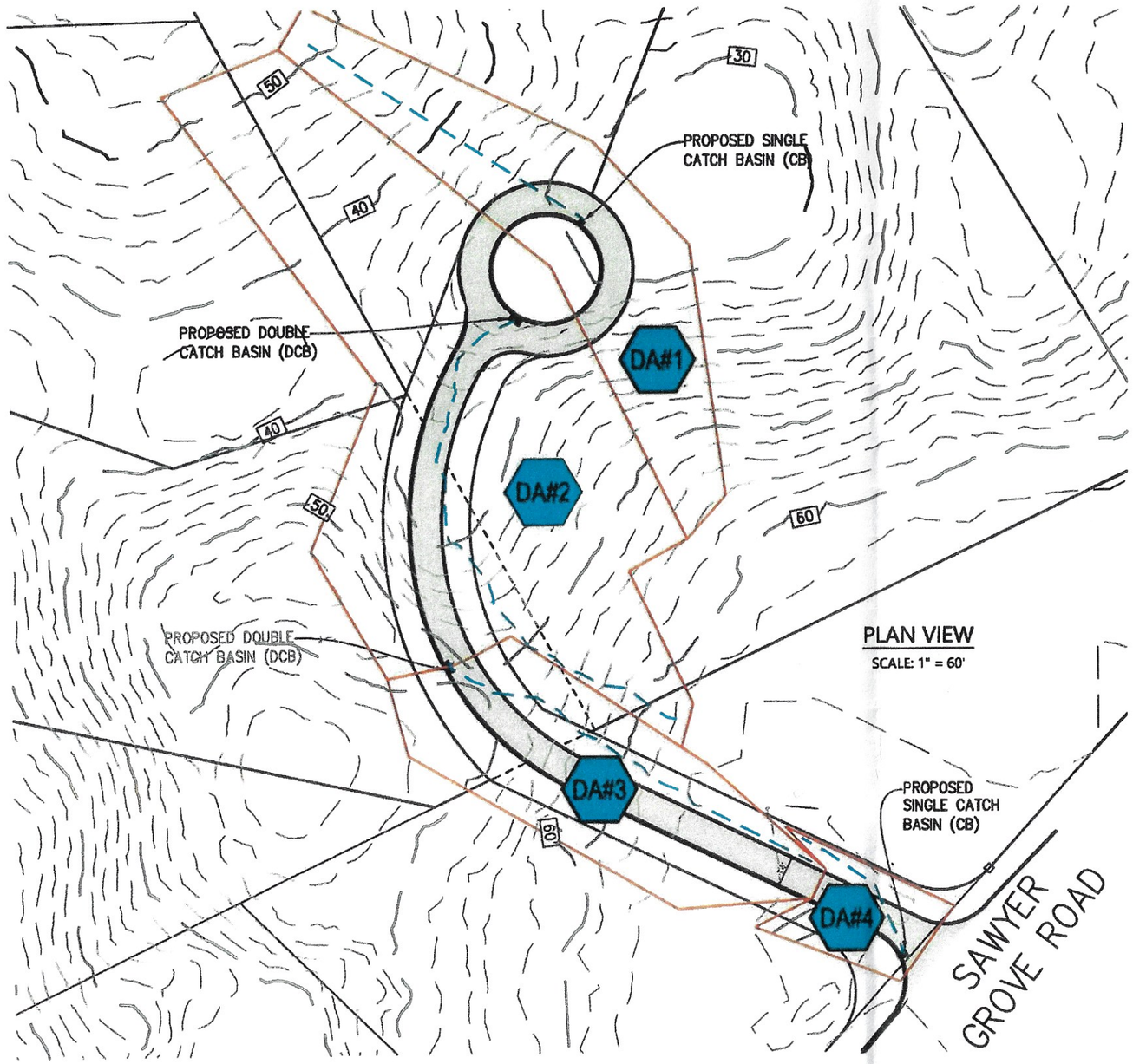
Volume	Invert	Avail.Storage	Storage Description
#1	28.50'	0.005 af	**26.00'W x 10.00'L x 3.10'H Prismatoid** 0.019 af Overall - 0.006 af Embedded = 0.013 af x 40.0% Voids
#2	29.00'	0.005 af	**6.00'D x 2.52'H Vertical Cone/Cylinder** x 3 Inside #1 0.006 af Overall - 3.0" Wall Thickness = 0.005 af
		0.010 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)
└**1=Exfiltration** (Exfiltration Controls 0.08 cfs)

Pond LG#7: LG#7





PLAN VIEW

SCALE: 1" = 60'

LEGEND	
1	SUBCATCHMENT DRAINAGE AREA DESIGNATION
	DRAINAGE AREA BOUNDARY
	STORMWATER FLOW LINE

General

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

0 60 120 180

SCALE 1"=60'

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

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General

1. CONTRACTOR SHALL NOTIFY "DIG-SAFE" (1-888-344-7233) AT LEAST 72 HOURS BEFORE EXCAVATING.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR SITE SECURITY AND JOB SAFETY. CONSTRUCTION ACTIVITIES SHALL BE IN ACCORDANCE WITH OSHA STANDARDS AND LOCAL REQUIREMENTS.
3. WORK WITHIN THE LOCAL RIGHTS-OF-WAY SHALL CONFORM TO LOCAL MUNICIPAL STANDARDS.
4. UPON AWARD OF CONTRACT, CONTRACTOR SHALL MAKE NECESSARY CONSTRUCTION NOTIFICATIONS AND APPLY FOR AND OBTAIN NECESSARY PERMITS, PAY FEES, AND POST BONDS ASSOCIATED WITH THE WORK INDICATED ON THE DRAWINGS, IN THE SPECIFICATIONS, AND IN THE CONTRACT DOCUMENTS. DO NOT CLOSE OR OBSTRUCT ROADWAYS, SIDEWALKS, AND FIRE HYDRANTS, WITHOUT APPROPRIATE PERMITS.
5. TRAFFIC SIGNAGE AND PAVEMENT MARKINGS SHALL CONFORM TO THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND TRURO DPW STANDARDS.
6. IN THE EVENT THAT SUSPECTED CONTAMINATED SOIL, GROUNDWATER, AND OTHER MEDIA ARE ENCOUNTERED DURING EXCAVATION AND CONSTRUCTION ACTIVITIES BASED ON VISUAL, OLFACTORY, OR OTHER EVIDENCE, THE CONTRACTOR SHALL STOP WORK IN THE VICINITY OF THE SUSPECT MATERIAL TO AVOID FURTHER SPREADING OF THE MATERIAL, AND SHALL NOTIFY THE OWNER IMMEDIATELY SO THAT THE APPROPRIATE TESTING AND SUBSEQUENT ACTION CAN BE TAKEN.
7. CONTRACTOR SHALL PREVENT DUST, SEDIMENT, AND DEBRIS FROM EXITING THE SITE AND SHALL BE RESPONSIBLE FOR CLEANUP, REPAIRS AND CORRECTIVE ACTION IF SUCH OCCURS.
8. DAMAGE RESULTING FROM CONSTRUCTION LOADS SHALL BE REPAIRED BY THE CONTRACTOR AT NO ADDITIONAL COST TO OWNER.
9. CONTRACTOR SHALL CONTROL STORM WATER RUNOFF DURING CONSTRUCTION TO PREVENT ADVERSE IMPACTS TO OFF SITE AREAS, AND SHALL BE RESPONSIBLE TO REPAIR RESULTING DAMAGES, IF ANY, AT NO COST TO OWNER.

Utilities

10. SET CATCH BASIN RIMS, AND INVERTS OF DRAINS IN ACCORDANCE WITH ELEVATIONS SHOWN IN STRUCTURE ELEVATION SCHEDULE.
11. STORM DRAINAGE PIPES SHALL BE HIGH-DENSITY POLYETHYLENE (HDPE)

Erosion Control

12. CONTRACTOR SHALL INSPECT AND MAINTAIN EROSION CONTROL MEASURES, AND REMOVE SEDIMENT THEREFROM ON A WEEKLY BASIS AND WITHIN TWELVE HOURS AFTER EACH STORM EVENT AND DISPOSE OF SEDIMENTS IN AN UPLAND AREA SUCH THAT THEY DO NOT ENCUMBER OTHER DRAINAGE STRUCTURES AND PROTECTED AREAS.
13. CONTRACTOR SHALL BE RESPONSIBLE FOR INSTALLING A CONSTRUCTION EXIT/ENTRANCE TO PREVENT SEDIMENT FROM ENTERING THE RIGHT OF WAY DURING CONSTRUCTION.
14. CONTRACTOR SHALL PERFORM CONSTRUCTION SEQUENCING SUCH THAT EARTH MATERIALS ARE EXPOSED FOR A MINIMUM OF TIME BEFORE THEY ARE COVERED, SEEDED, OR OTHERWISE STABILIZED TO PREVENT EROSION.
15. CONTRACTOR SHALL INSTALL FILTER FABRIC OR SILT SACKS IN NEWLY INSTALLED CATCH BASINS TO PREVENT DEBRIS FROM ENTERING DRAINAGE FACILITIES DURING CONSTRUCTION.
16. UPON COMPLETION OF CONSTRUCTION AND ESTABLISHMENT OF PERMANENT GROUND COVER, CONTRACTOR SHALL REMOVE AND DISPOSE OF EROSION CONTROL MEASURES AND CLEAN SEDIMENT AND DEBRIS FROM ENTIRE DRAINAGE SYSTEMS.
17. EROSION CONTROL BLANKETS SHALL BE INSTALLED ON ALL PERMITTED 2:1 SLOPES PRIOR TO SEEDING.

Existing Conditions Information

18. BASE PLAN: THE PROPERTY LINES, SITE FEATURES, AND TOPOGRAPHY SHOWN WERE PROVIDED BY OUTERMOST LAND SURVEY, INC..

Pavement at Sawyer Grove Road

19. EXISTING PAVEMENT TO BE SAW CUT. CONTRACTOR TO INSTALL NEW PAVEMENT, AT THE INTERSECTION OF SAWYER GROVE ROAD AND THE PROPOSED ROAD, TO PREVENT THE FLOW OF STORM WATER, FROM SAWYER GROVE, INTO THE NEW ROAD.

Subgrade Preparation

20. TOPSOIL/SUBSOIL, ORGANIC MATERIAL, ROOT BALLS, WHERE ENCOUNTERED, AND OTHER DELETERIOUS MATERIAL SHOULD BE ENTIRELY REMOVED FROM WITHIN THE AREAS OF PROPOSED PAVEMENT, LEACHING FACILITIES, AND ANY AREAS WHERE FILL MATERIAL WILL BE PLACED.
21. ORDINARY FILL SHALL CONSIST OF SELECT ON-SITE OR IMPORTED SOIL MATERIAL. THE FILL SHALL BE COMPRISED OF CLEAN GRANULAR SAND, BE FROM ORGANIC MATTER AND DELETERIOUS SUBSTANCES, AND SHALL NOT CONTAIN REMEDIATION WASTE AS THAT TERM IS DEFINED IN 310 CMR 40.0000. MIXTURES AND LAYERS OF DIFFERENT CLASSES OF SOIL SHALL NOT BE USED. THE FILL SHALL NOT CONTAIN ANY MATERIAL OVER 2 INCHES. A SIEVE ANALYSIS, USING A #4 SIEVE, SHALL BE PREFORMED ON A REPRESENTATIVE SAMPLE OF THE FILL. UP TO 45% BY WEIGHT OF THE FILL SAMPLE MAY BE RETAINED ON THE #4 SIEVE. SIEVE ANALYSIS SHALL ALSO BE PREFORMED ON THE FRACTION OF THE FILL SAMPLE PASSING THE #4 SIEVE, SUCH ANALYSIS MUST DEMONSTRATE THAT THE MATERIAL MEETS EACH OF THE FOLLOWING SPECIFICATIONS.

SIEVE SIZE MUST PASS SIEVE	EFFECTIVE PARTICLE SIZE	%THAT
#4	4.75mm	100%
#50	0.30mm	10% – 100%
#100	0.15mm	0% – 20%
#200	0.075mm	0% – 5%

ORDINARY FILL SHOULD HAVE A PLASTICITY INDEX OF LESS THAN 6 AND SHOULD MEET THE GRADATION REQUIREMENTS SHOWN ABOVE. ORDINARY FILL SHOULD BE COMPACTED IN A MAXIMUM 8-INCH LOOSE LIFTS TO AT LEAST 95 PERCENT OF THE MODIFIED PROCTOR MAXIMUM DENSITY (ASTM D1557), WITH MOISTURE CONTENTS WITHIN ±2 PERCENTAGE POINTS OF OPTIMUM MOISTURE CONTENT.

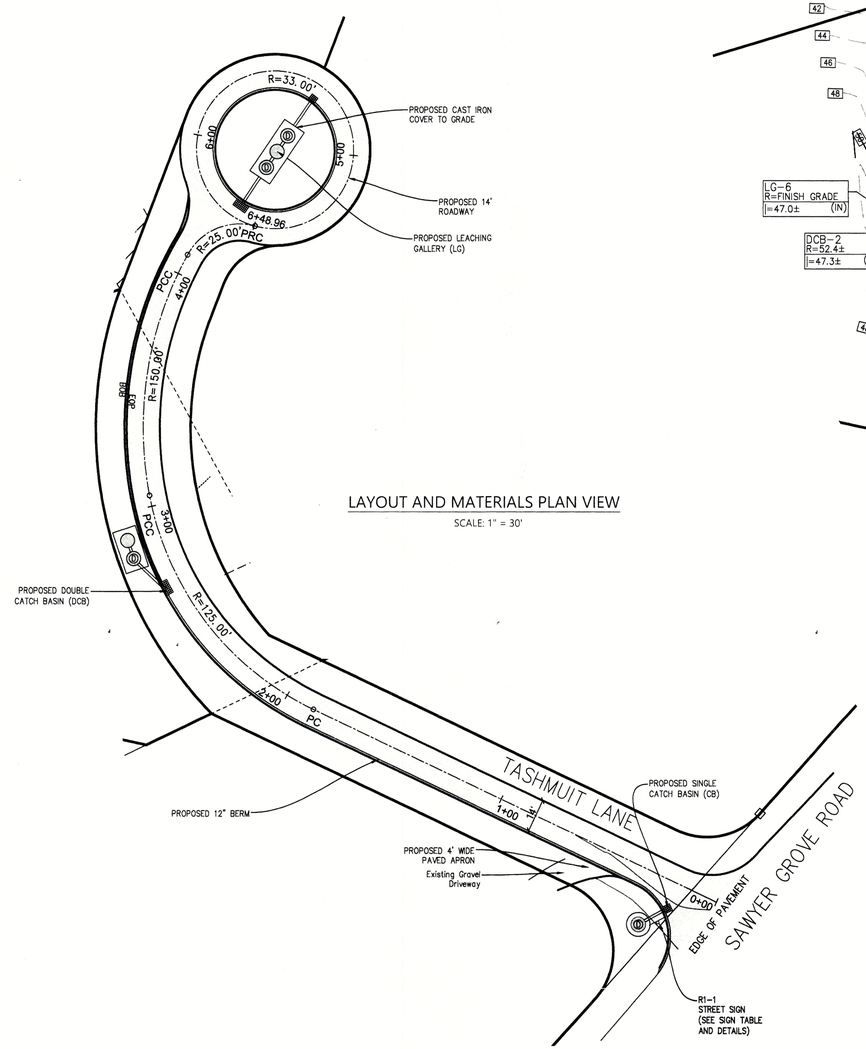
22. FILL PLACED IN THE TOP 12 INCHES BENEATH PAVED AREAS SHOULD CONSIST OF M1.03.1 PROCESSED GRAVEL FOR SUB GRADE.

SIEVE DESIGNATION	PERCENT PASSING
3 IN	100%
1 ½ IN	70%-100%
1 ¼ IN	50%-85%
NO. 4	30%-60%
NO. 200	0%-10%

GRAVEL SHALL CONSIST OF INERT MATERIAL THAT IS HARD, DURABLE STONE AND COURSE SAND, FREE FROM LOAM AND CLAY, SURFACE COATINGS AND DELETERIOUS MATERIALS. SUB BASE SHOULD BE COMPACTED IN MAXIMUM 8-INCH LOOSE LIFTS TO AT LEAST 95% OF THE MODIFIED PROCTOR MAXIMUM DRY DENSITY (ASTM D1557), WITH MOISTURE CONTENTS WITHIN ±2 PERCENTAGE POINTS OF MAXIMUM MOISTURE CONTENT.

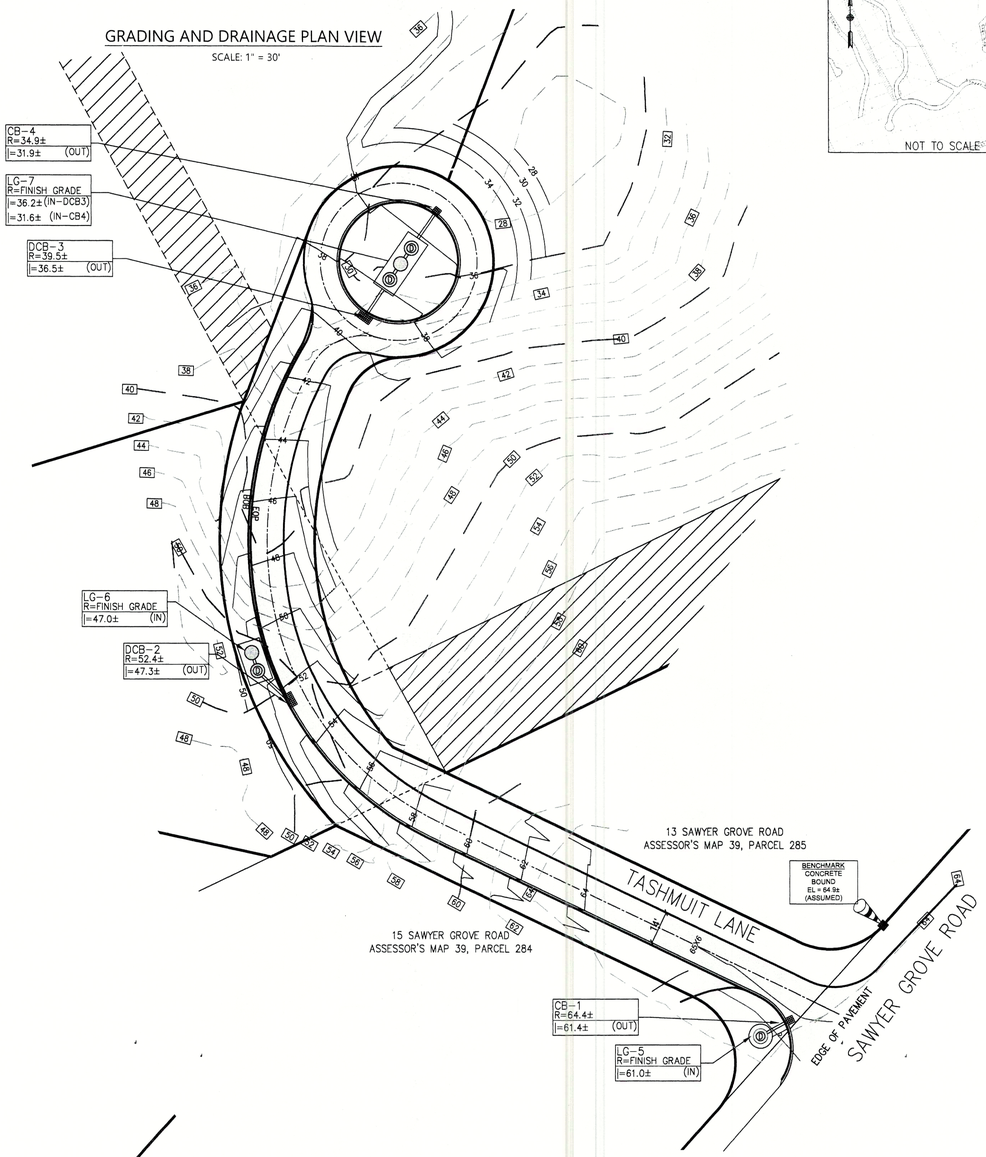
LAYOUT AND MATERIALS PLAN VIEW

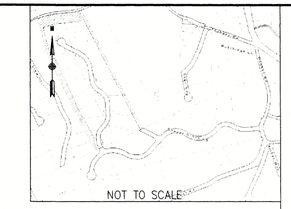
SCALE: 1" = 30'



GRADING AND DRAINAGE PLAN VIEW

SCALE: 1" = 30'





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0 30 60 90
SCALE 1"=30'

COMMONWEALTH OF MASSACHUSETTS
KEITH E. FERNANDES
CIVIL
No. 48725
REGISTERED PROFESSIONAL ENGINEER

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

Legend

- DRAIN MANHOLE
- SINGLE CATCH BASIN
- DOUBLE CATCH BASIN
- 36 EXISTING CONTOURS
- 36 PROPOSED CONTOURS
- CONCRETE BOUND

No.	Revision	Date
1	SUBDIVISION LAYOUT	10/22/20

Designed by KEF | Drawn by KEF | Checked by KEF
CAD checked by KEF | Approved by KEF
Scale 1" = 30' | Date 8/14/2019

Project Title
TASHMUIT LANE EXTENSION
TRURO, MA

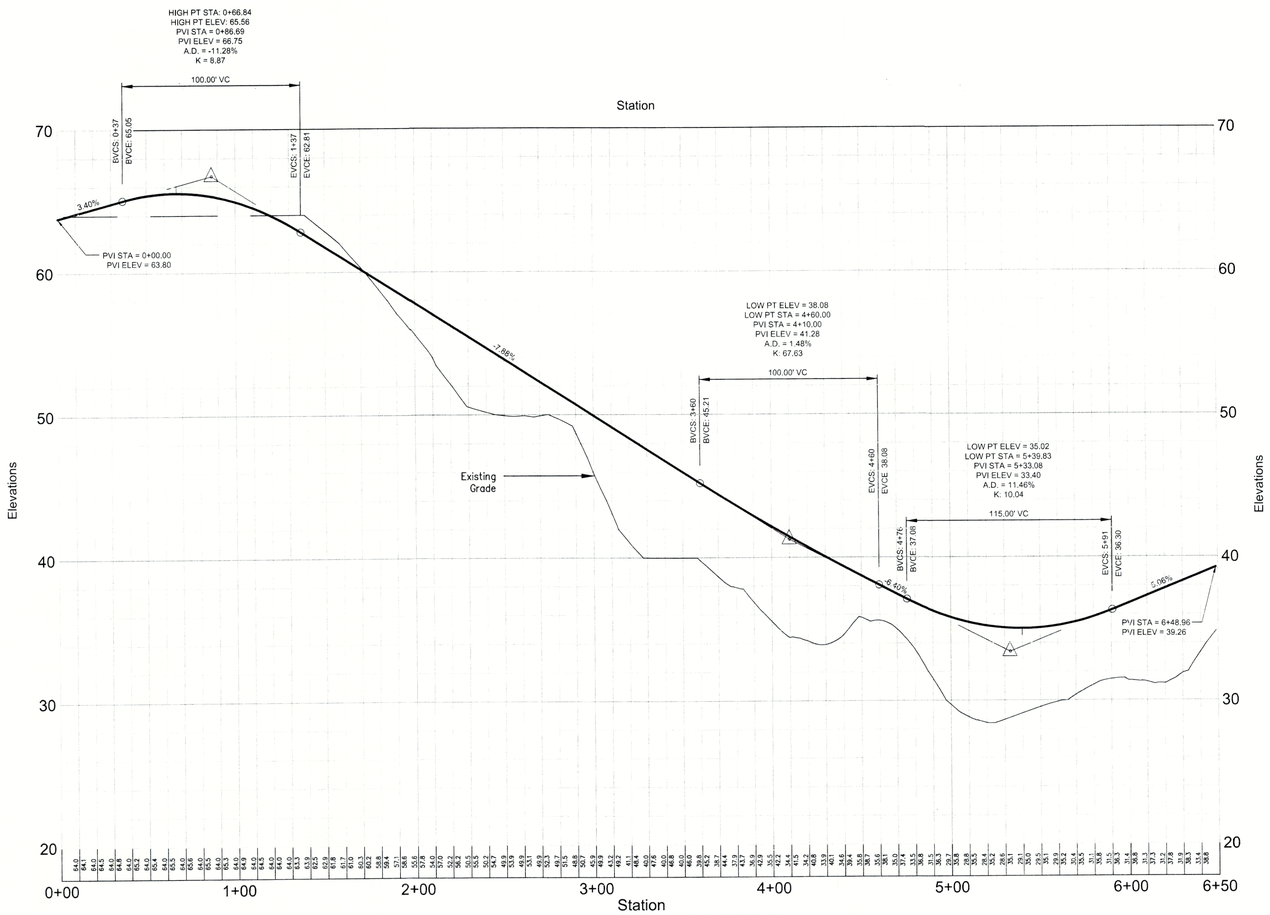
Issued for
PERMIT SET

Drawing Title
PROPOSED ROAD PLAN & NOTES

Drawing Number
C-1

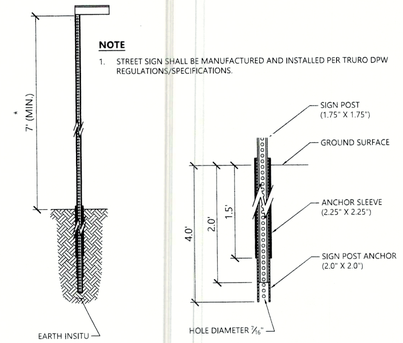
Sheet 1 of 3

Project Number JOB#6041



PROPOSED ROAD PROFILE

HORIZONTAL SCALE: 1" = 40'
VERTICAL SCALE 1" = 5'

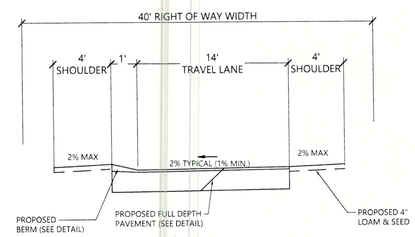


Street Sign Post

N.T.S. Source: GFM

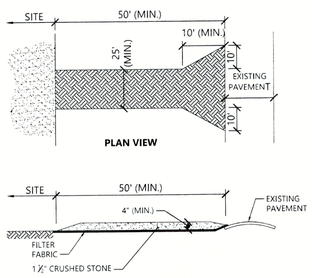
Sign Summary

M.U.T.C.D. Number	Specification Width	Specification Height	Desc.
R1-1	30"	30"	STOP



TYPICAL ROAD SECTION

N.T.S. SOURCE: GFM

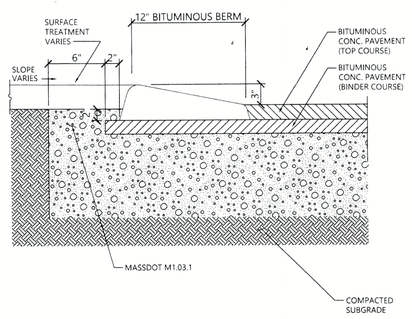


NOTES

1. ENTRANCE WIDTH SHALL BE A TWENTY-FIVE (25) FOOT MINIMUM. BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS.
2. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH SHALL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR OR CLEAN OUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY. BERM SHALL BE PERMITTED. PERIODIC INSPECTION AND MAINTENANCE SHALL BE PROVIDED AS NEEDED.
3. STABILIZED CONSTRUCTION EXIT SHALL BE REMOVED PRIOR TO FINAL FINISH MATERIALS BEING INSTALLED.

CONSTRUCTION ENTERANCE/EXIT

N.T.S. SOURCE: GFM

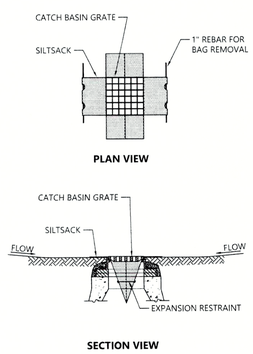


NOTES

ALL CURBING TO BE MACHINE EXTRUDED

BITUMINOUS BERM (BB)

N.T.S. SOURCE: GFM

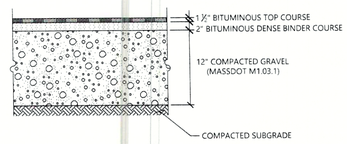


NOTES

1. INSTALL SILTSACK OR FILTER FABRIC IN ALL CATCH BASINS WHERE INDICATED ON THE PLAN BEFORE COMMENCING WORK.
2.
3. GRATE TO BE PLACED OVER SILTSACK OR FILTER FABRIC.
4. SILTSACK/FILER FABRIC SHALL BE INSPECTED PERIODICALLY AND AFTER ALL STORM EVENTS AND CLEANING OR REPLACEMENT SHALL BE PERFORMED PROMPTLY AS NEEDED. MAINTAIN UNTIL UPSTREAM AREAS HAVE BEEN PERMANENTLY STABILIZED

CATCH BASIN PROTECTION

N.T.S. GFM



BITUMINOUS CONCRETE PAVEMENT SECTIONS

N.T.S. SOURCE: GFM

COMMONWEALTH OF MASSACHUSETTS
KEITH E. FERNANDES
CIVIL
No. 48725
REGISTERED PROFESSIONAL ENGINEER

GFM ENTERPRISES, INC.
PO BOX 1439
SOUTH DENNIS, MA 02660
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No.	Revision	Date
1	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

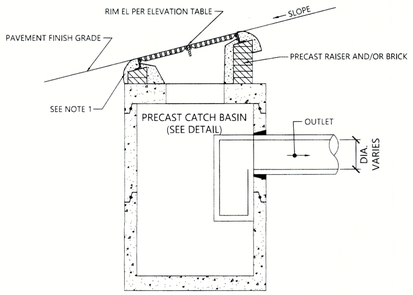
Issued for
PERMIT SET

Drawing Title
PROPOSED ROAD PROFILE & DETAILS

Drawing Number
C-2

Sheet 2 of 3

Project Number JOB#6041

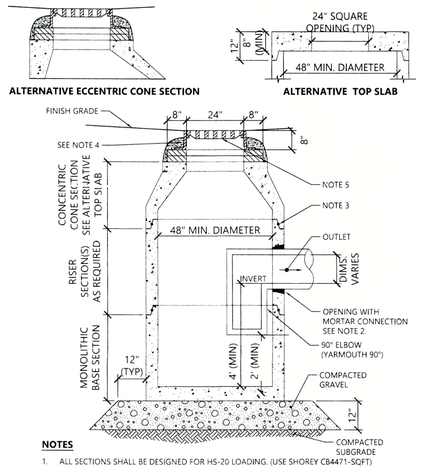


NOTE

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

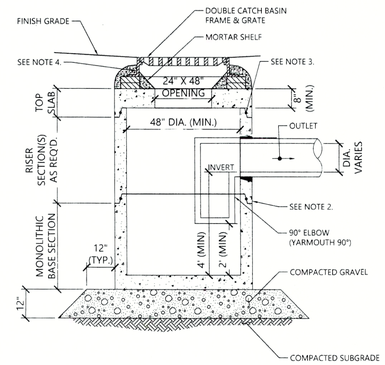


NOTES

1. ALL SECTIONS SHALL BE DESIGNED FOR HS-20 LOADING. (USE SHOREY CB4471-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 PREFORMED 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

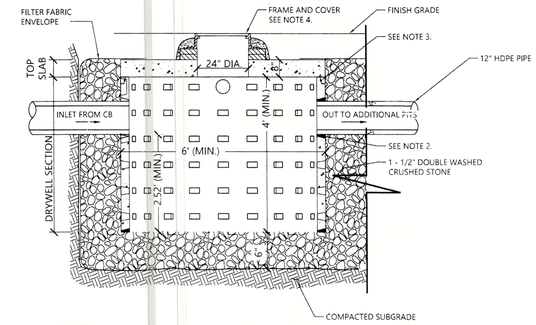


NOTES

1. ALL SECTIONS SHALL BE DESIGNED FOR HS-20 LOADING. (USE SHOREY CB447-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 PREFORMED 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

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PO BOX 1439
SOUTH DENNIS, MA 02660
PHONE: 508-694-5600
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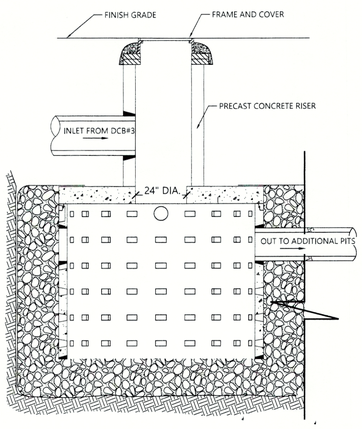


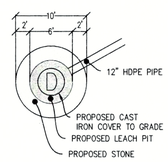
DCB-3 TO LG#7 CONNECTION DETAIL

N.T.S. SOURCE: GFM

STRUCTURE ELEVATION SCHEDULE

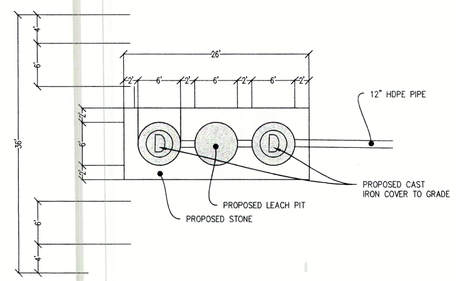
STRUCTURE ID	RIM ELEV	INV. IN	INV. OUT
CB#1	64.4±	- - -	61.4±
DCB#2	52.4±	- - -	47.3±
DCB#3	39.5±	- - -	36.5±
CB#4	34.9±	- - -	31.9±
LG#5	RAISE TO GRADE	61.0±	- - -
LG#6	RAISE TO GRADE	47.0±	- - -
LG#7	RAISE TO GRADE	*FROM DCB-3=36.2± FROM CB-4=31.6±	- - -

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



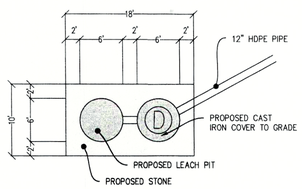
LG #5

SCALE 1" = 10' SOURCE: GFM



LG #7

SCALE 1" = 10' SOURCE: GFM



LG #4

SCALE 1" = 10' SOURCE: GFM

No.	Revision	Date
1	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

COMMONWEALTH OF MASSACHUSETTS
KEITH E. FERNANDES
CIVIL
No. 48725
REGISTERED PROFESSIONAL ENGINEER

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)

* 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)

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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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) of 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).

* 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)

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.

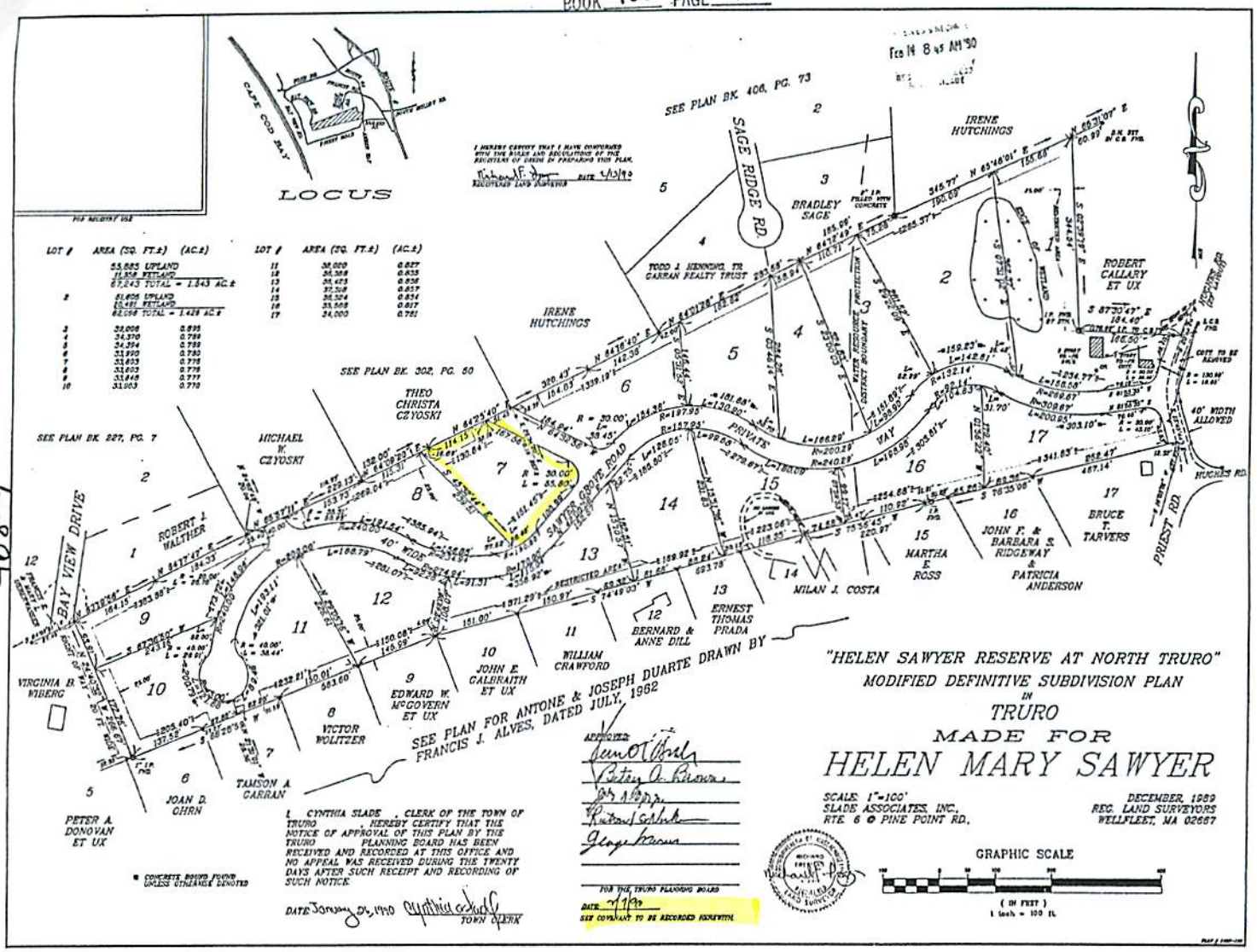
Very truly yours,

David S. Reid

encl (5)

cc: Outermost Land Surveying, Inc.

* 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)


LOCUS
CAPE COD BAY
SEE PLAN BK. 406, PG. 73
SAGE RIDGE RD.
BRADLEY SAGE
IRENE HUTCHINGS
TODD J. HENNING, TR.
CARRAN REALTY TRUST
ROBERT CALLARY ET UX
SEE PLAN BK. 302, PG. 50
THEO CHRISTA CZYOSKI
MICHAEL W. CZYOSKI
SEE PLAN BK. 227, PG. 7
ROBERT J. WALTHER
BAY VIEW DRIVE
SAWYER GROVE ROAD
PRIVATE WAY
MILAN J. COSTA
MARTHA E. ROSS
JOHN F. & BARBARA S. RIDGEWAY & PATRICIA ANDERSON
BRUCE T. TARVERS
PRIEST RD.
HUCKINS RD.
40' WIDTH ALLOWED
VIRGINIA B. WIBERG
PETER A. DONOVAN ET UX
JOAN D. OHRN
TAMSON A. CARRAN
VICTOR WOLITZER
EDWARD W. McGOVERN ET UX
JOHN E. GALBRAITH ET UX
WILLIAM CRAWFORD
BERNARD & ANNE DILL
ERNEST THOMAS PRADA
SEE PLAN FOR ANTONE & JOSEPH DUARTE DRAWN BY FRANCIS J. ALVES, DATED JULY, 1962
"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
WELLFLEET, MA 02667
GRAPHIC SCALE
(IN FEET)
1 inch = 100 ft.
I HEREBY CERTIFY THAT I HAVE CONFORMED WITH THE RULES AND REGULATIONS OF THE REGISTRAR OF DEEDS IN PREPARING THIS PLAN.
DATE 4/13/90
REGISTERED LAND SURVEYOR
FOR REGISTRY USE
LOT # AREA (SQ. FT.±) (AC.±)
55,885 UPLAND
31,958 WETLAND
87,843 TOTAL = 1.943 AC.±
2 81,806 UPLAND
60,481 WETLAND
82,098 TOTAL = 1.426 AC.±
3 38,006 0.873
4 34,370 0.789
5 34,394 0.789
6 33,990 0.780
7 33,633 0.772
8 33,603 0.772
9 33,640 0.772
10 33,903 0.778
11 38,000 0.872
12 36,388 0.835
13 38,453 0.883
14 37,368 0.857
15 36,324 0.834
16 35,968 0.825
17 34,000 0.781
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 22, 1990
TOWN CLERK
APPROVED
FOR THE TRURO PLANNING BOARD
DATE 7/1/90
SEE COVENANT TO BE RECORDED HEREWITH
* CONCRETE BOUND FOUND UNLESS OTHERWISE DENOTED

468-9

BOOK 7061 PAGE 092

C8031

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 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.

Plan 268/9

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 ss. 4th December 1989

Then personally appeared HELEN MARY SAWYER and acknowledged the foregoing instrument to be her free act and deed, before me PHILLIP 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
Betsey A. Brown
John A. Dyer Jr.
Richard E. Nickerson
George Inman

Truro Planning Board

2/7/90
Date

COMMONWEALTH OF MASSACHUSETTS

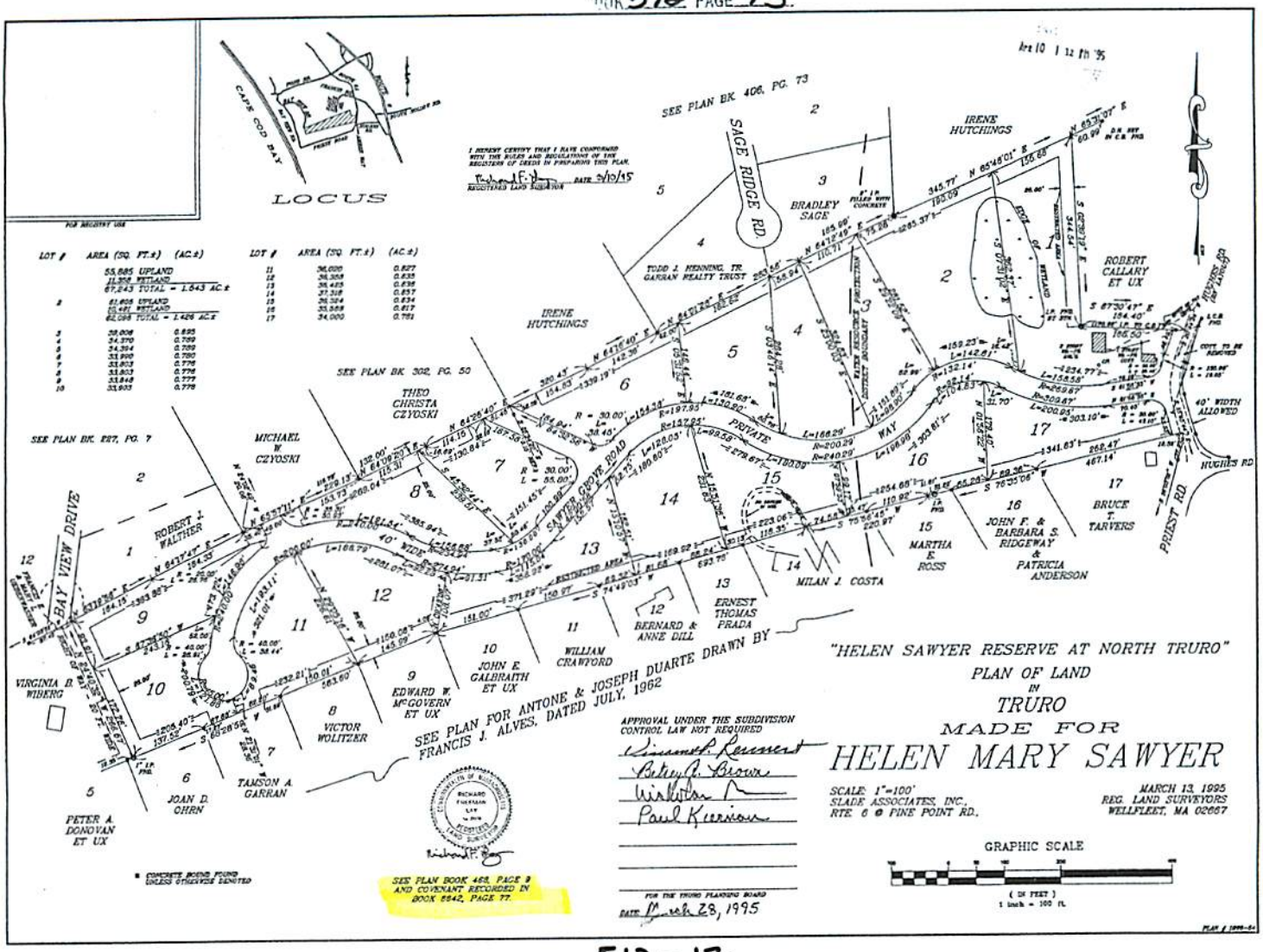
Barnstable, ss. Feb 7, 1990

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

Notary Public

RECORDED FEB 14 90


"HELEN SAWYER RESERVE AT NORTH TRURO"
PLAN OF LAND
IN
TRURO
MADE FOR
HELEN MARY SAWYER
SCALE 1"=100'
SLADE ASSOCIATES, INC.,
RTE. 6 @ PINE POINT RD.
MARCH 13, 1995
REG. LAND SURVEYORS
WELLFLEET, MA 02667
GRAPHIC SCALE
(IN FEET)
1 inch = 100 ft.
LOCUS
CAPE COD BAY
SAGE RIDGE RD.
SAWYER GROVE ROAD
PRIVATE WAY
BAY VIEW DRIVE
PRIEST RD.
HUGHES RD.
SEE PLAN BK. 406, PG. 73
SEE PLAN BK. 302, PG. 50
SEE PLAN BK. 827, PG. 7
SEE PLAN FOR ANTONE & JOSEPH DUARTE DRAWN BY FRANCIS J. ALVES, DATED JULY, 1962
SEE PLAN BOOK 468, PAGE 9 AND COVENANT RECORDED IN BOOK 5842, PAGE 77.
APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED
FOR THE TRURO PLANNING BOARD
DATE March 28, 1995
I HEREBY CERTIFY THAT I HAVE CONFORMED WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS IN PREPARING THIS PLAN.
REGISTERED LAND SURVEYOR
DATE 3/10/95
FOR REGISTRY USE
LOT # AREA (SQ. FT.±) (AC.±)
55,885 UPLAND
11,356 WETLAND
67,243 TOTAL = 1.543 AC.±
2 81,606 UPLAND
10,481 WETLAND
92,088 TOTAL = 2.426 AC.±
3 38,806 0.892
4 34,370 0.789
5 34,354 0.789
6 33,990 0.780
7 33,803 0.776
8 33,803 0.776
9 33,848 0.777
10 33,933 0.779
11 36,000 0.827
12 36,308 0.835
13 35,425 0.836
14 37,318 0.857
15 36,324 0.834
16 35,568 0.817
17 34,000 0.781
IRENE HUTCHINGS
BRADLEY SAGE
TODD J. HENNING, TR. GARRAN REALTY TRUST
ROBERT CALLARY ET UX
THEO CHRISTA CZYOSKI
MICHAEL W. CZYOSKI
ROBERT J. WALTHER
VIRGINIA B. WIBERG
PETER A. DONOVAN ET UX
JOAN D. OHRN
TAMSON A. GARRAN
VICTOR WOLITZER
EDWARD W. McGOVERN ET UX
JOHN E. GALBRAITH ET UX
WILLIAM CRAWFORD
BERNARD & ANNE DILL
ERNEST THOMAS PRADA
MILAN J. COSTA
MARTHA E. ROSS
JOHN F. & BARBARA S. RIDGEWAY & PATRICIA ANDERSON
BRUCE T. TARVERS
40' WIDTH ALLOWED
* CONCRETE BOUND FOUND UNLESS OTHERWISE DENOTED

512-13

BOOK 8642 PAGE 077

35946

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 se any such lot, subject only to that portion of this Covenant which prov that no lot so sold shall be built upon until such ways and servic been provided to serve such lot;

4. Nothing herein shall be deemed to prohibit a conveyance subj covenant by a single deed of the entire parcel of land shown o division plan or of all lots not previously released by the Plann 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 c enant 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

City of Castlemaine
STATE OF VICTORIA Commonwealth of AUSTRALIA ~~COMMONWEALTH OF MASSACHUSETTS~~

ss. 2nd April 1993

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

Lanne Eggin
Notary Public
Castlemaine Victoria Australia
(APPOINTED FOR LIFE)

NOTARY PUBLIC

-16-

SEE PLAN BOOK 468, PAGE 9

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 Kiernan
Betty Smith
Howard L. Tucci
Janet M. Kapp

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

Notary Public

RECORDED JUN 23 93

BP:09623-0060 95-04-10 1:15 #16844

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 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
~~COMMONWEALTH OF MASSACHUSETTS~~ 27th Feb 1995

d . Helen Mary Sawyer
g instrument to be her, free act and deed.

LAWRENCE ERNEST MUIR
NOTARY PUBLIC
CASTLEMAINE
VICTORIA AUSTRALIA

Lawrence Muir
Notary Public
My Commission ~~Expires~~: as for Life

BL. BK 512 Pg. 13
Sawyer Grove 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:

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 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 convenant.

Kenneth P. Rennert — Paul Kiernan
Betsey A. Brown
Richard Rau

The Truro Planning Board
Date March ~~28~~ 30, 1995 (can)

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 — Notary Public

BARNSTABLE REGISTRY OF DEEDS

Bk : 10638-063 11454
03-05-1997 @ 03:53

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

OWNER HELEN MARY SAWYER

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~~ February 26, 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.

M.R. BOOK 9622 PAGE 60

Paul Kiernan
[illegible]
Betsey Crum Brown
Joan Holt
Truro Planning Board

Date: 2/26/97

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.

Notary Public

My Commission Expires: OCT. 18, 2002

COMMONWEALTH OF MASSACHUSETTS NOTARY PUBLIC

BARNSTABLE REGISTRY OF DEEDS

Bk 24896 Pg197 #51586
10-08-2010 @ 02:24p

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

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

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,a nd 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

* owner of record

Bk:11165-329 2316
TOWN OF TRURO 01-13-1998 @ 01:53

PLANNING BOARD

Truro, MASSACHUSETTS 02667

Property off Hughes Rd at Sawyer Grove Rd

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

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, actring through its Planning Board, hereby releases its interest in the performance security referred to above.

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

Betsey Ann Brown

Joan Holt

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

My Commission expires OCTOBER 18, 2002

BARNSTABLE REGISTRY OF DEEDS

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

Judith A. CZYOSKI & others[1]
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, intervener.

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 atached 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. aand all of Shearwater, which it does at present.

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

Sincerely,

Robert Carlson

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 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 convenant.

Kenneth P. Kennedy — Paul Kiernan
Betsey A. Brown
Michael Rich

The Truro Planning Board
Date March ~~28~~ 30, 1995

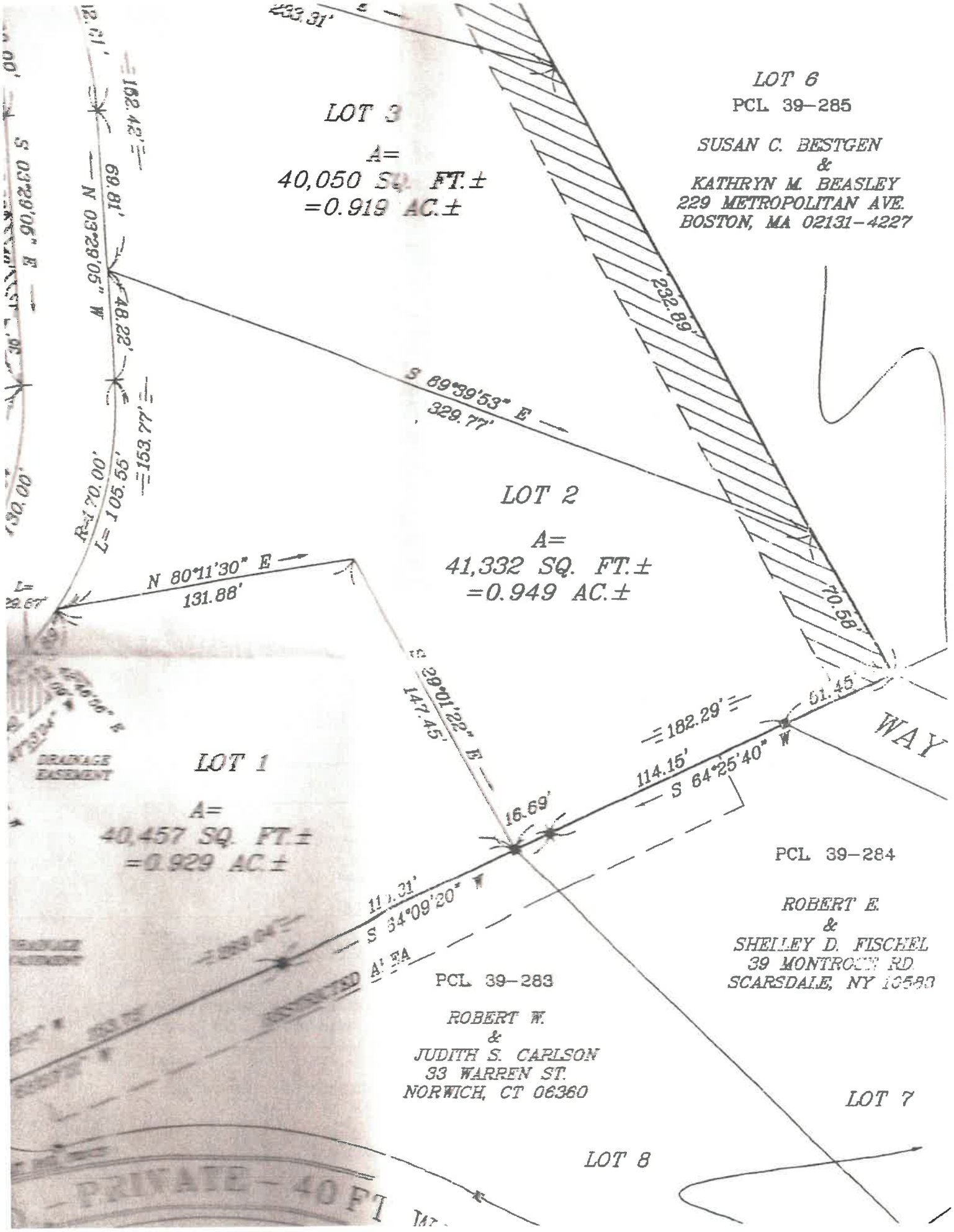
COMMONWEALTH OF MASSACHUSETTS

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

Notary Public


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
232.89'
S 89°39'53" E
329.77'
LOT 2
A=
41,332 SQ. FT.±
=0.949 AC.±
70.58'
N 80°11'30" E
131.88'
S 29°01'22" E
147.45'
182.29'
61.45'
WAY
114.15'
S 64°25'40" W
16.69'
DRAINAGE EASEMENT
LOT 1
A=
40,457 SQ. FT.±
=0.929 AC.±
S 34°09'20" W
PCL. 39-284
ROBERT E.
&
SHELLEY D. FISCHEL
39 MONTROCK 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

<u>2019-006/PB – Preliminary Subdivision</u>

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.

<u>2020-001/PB – Definitive Subdivision</u>

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.

KOPELMAN AND PAIGE, P.C.
The Leader in Public Sector Law

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

RECEIVED
SELECTMENS OFFICE
FEB 18 2016
TOWN OF TRURO
MASSACHUSETTS

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

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

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.

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.

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).

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

547339/TRUR/0082

Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

APPLICATION FOR RESIDENTIAL SITE PLAN REVIEW

To the Town Clerk and the Planning Board of the Town of Truro, MA Date November 9, 2020

The undersigned hereby files an application with the Truro Planning Board for the following:

☒ ***Site Plan Review*** pursuant to §70 of the Truro Zoning Bylaw

☐ ***Waiver of Site Plan Review*** pursuant to §70.9 of the Truro Zoning Bylaw
(Note: Site Plan Review shall not be waived in the Seashore District)

1. General Information

Description of Property and Proposed Project Locus is a 28,010 sq. ft. parcel in the Seashore District improved with a two story single family dwelling. Applicants propose an addition to the east side of the house, reconfiguration of the interior space, and a new screened porch with second floor deck to the north side of the house.

Property Address 38 Cliff Road Map(s) and Parcel(s) 32-19

Registry of Deeds title reference: Book 33307, Page 344, or Certificate of Title Number N/A and Land Ct. Lot # N/A and Plan # N/A

Applicant's Name Katherine S. Cook and Christine Van Genderen

Applicant's Legal Mailing Address 171 Imperial Avenue, Westport, CT 03840

Applicant's Phone(s), Fax and Email (203) 247-7242; cvangen171@gmail.com

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

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

☒ Owner ☐ Prospective Buyer* ☐ Other*

Owner's Name and Address (same)

Representative's Name and Address Benjamin E. Zehnder / La Tanzi, Spaulding & Landreth P.O. Box 2300 Orleans, MA 02653

Representative's Phone(s), Fax and Email (508) 255-2133 ext. 128 (508) 255-3786; bzehnder@latanzi.com

2. Waiver(s) Request – The Planning Board may, upon the request of the applicant, pursuant to §70.4.F, waive requirements of §70.4.C, provided that in the opinion of the Planning Board such a waiver would not be detrimental to the public interest, cause the Town any expense, or be inconsistent with the intent and purpose of this Bylaw. A request for a waiver by the applicant shall be accompanied by a reasonable explanation as to why the waiver is being requested. If multiple waivers are requested, the applicant shall explain why each waiver is requested.

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

Signature(s)

Katherine S. Cook and Christine Van Genderen	Katherine S. Cook and Christine Van Genderen
Applicant(s)/Representative *Printed* Name(s)	Owner(s) *Printed* Name(s) or written permission
11/9/20	11/9/20
Applicant(s)/Representative *Signature(s)*	Owner(s) *Signature(s)* or written permission

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

Jeffrey Ribeiro

From: bensonclemons@aol.com
Sent: Wednesday, December 2, 2020 2:57 PM
To: Town Planner; Jeffrey Ribeiro
Cc: bensonclemons@aol.com; drewclemons@gmail.com; tomjohnclemons@gmail.com
Subject: 38 Cliff Road

Date: Dec 2, 2020
From: Peter Clemons, Marianne Benson
To: Truro Planning and Zoning Boards
Re: 38 Cliff Road, North Truro (2020-005/SPR)

As neighbors and immediate abutters at 40 Cliff Road, Marianne and I would like to go on record with our support for the plans that Katherine Cook and Christine Van Genderen have submitted to the Truro Planning and Zoning Board.

We have reviewed the planned renovations and we have no problem with an addition to the east side of their house, a reconfiguration of interior space, and a new screened porch with second floor deck to the north side of the home. We hope the Planning Board will find these changes acceptable and thus allow this work to go proceed.

The project definitely meets with our approval. The renovations to the property at 38 Cliff Road seem very appropriate.
With respect, Peter Clemons and Marianne Benson

Cell: 617-519-3362
E-Mail: Bensonclemons@aol.com
Snail: 15 Kidder Avenue, Somerville MA 02144

Elizabeth Sturdy

From: McKean, Lauren <Lauren_McKean@nps.gov>
Sent: Wednesday, December 16, 2020 3:50 PM
To: Benjamin E. Zehnder; Elizabeth Sturdy; Barbara Huggins Carboni
Cc: Charles B. Zehnder; Ted Smith (tedsmitharchitect@gmail.com); Kaye McFadden (capetip1967@icloud.com); Carlstrom, Brian; Poole, Don (dpoole@outermostlandsurvey.com)
Subject: Re: [EXTERNAL] RE: Truro PB Site Plan Review application / 38 Cliff Road (Assessor's Parcel ID 32-19)

Barbara, Elizabeth, and Ben,

Our concerns are for the scale and massing in prominent viewpoint locations, such as High Head. We ask that the Truro boards give this issue due consideration in plan review. Additionally, our files yield:

> This property has been found to be ineligible for a Certificate of Suspension from Condemnation as it was built after the Sept. 1, 1959 cutoff date established by the park's legislation.
>
> The NPS can acquire the property without the owner's consent, and acquisition by the federal government would be at fair market value determined by a contracted appraisal.
>
> In a quick review of our records, the house was expanded in 1977 and 1983. In 1983 a 240 square foot barn was constructed. A 80 square foot shed was constructed in 1985. And, another house expansion occurred in 1989.

As there is no Certificate of Suspension from Condemnation for this property because it is ineligible, we prefer to see adherence to the town zoning to the maximum extent.

Thank you,
Lauren

Lauren McKean, AICP
Park Planner
Cape Cod National Seashore
508-957-0731

From: Benjamin E. Zehnder <BZehnder@latanzi.com>
Sent: Tuesday, December 8, 2020 5:35 PM
To: Elizabeth Sturdy <ESturdy@truro-ma.gov>
Cc: Barbara Huggins Carboni <BHugginsCarboni@k-plaw.com>; Charles B. Zehnder <CZehnder@latanzi.com>; Ted Smith (tedsmitharchitect@gmail.com) <tedsmitharchitect@gmail.com>; Kaye McFadden (capetip1967@icloud.com) <capetip1967@icloud.com>; McKean, Lauren <Lauren_McKean@nps.gov>; Carlstrom, Brian <Brian_Carlstrom@nps.gov>; Poole, Don (dpoole@outermostlandsurvey.com) <dpoole@outermostlandsurvey.com>
Subject: [EXTERNAL] RE: Truro PB Site Plan Review application / 38 Cliff Road (Assessor's Parcel ID 32-19)

38 Cliff Road, Parcel 32-19
Planning Board Site Plan Review - 2020-005/SPR
Zoning Board of Appeals – 2020-007/ZBA B.Z.
Prepared by B. Zehnder for Applicant

Supplemental Narrative – December 15, 2020

1. The existing foundation will be maintained as is and repaired if necessary. The existing foundation is a crawl space under the main portion of the house and a full 8' foundation under the north ell housing the furnace. The proposed screen porch will be constructed on sonotubes and the rear addition will be constructed on a new poured concrete 4' wall.
2. There will be no habitable space in the basement.
3. The work limit will be 12' around the rear of the new structure limits.
4. Existing vegetation within the work limit will be removed and following construction the area will be graded and seeded to prevent weed growth.
5. The area to the rear of the house on the soutwest side will be regraded down to the level of the existing shed and seeded.

END

70.4 - RESIDENTIAL SITE PLAN REVIEW CHECKLIST - Applicant

Address: 38 Cliff Road **Applicant Name:** Katherine S. Cook and Christine Van Genderen **Date:** 11/9/2020.

No.	Requirement	Included	Not Included	Explanation, if needed
C. Procedures and Plan Requirements				
1a.	An original and 14 copies of the Application for Site Plan Review	X		
1b.	15 copies of the required plans and other required information including this Checklist	X		
1c.	Completed Criteria Review	X		
1d.	Certified copy of the abutters list obtained from the Truro Assessors Office	X		
1e.	Applicable filing fee	X		
	Site Plans			
2a.	Site Plans shall be prepared, stamped and signed by a Registered Land Surveyor and Professional Engineer	X		
2b.	Site Plans shall be prepared at a scale of one inch equals forty feet (1"=40') or larger	X		
3	Site Plan shall include the following:			
3a. 1	North Arrow and a locus plan containing sufficient information to locate the subject property, such as streets bounding or providing access to the property.	X		
3a. 2	Zoning Information: All applicable Zoning Bylaw information regarding the site's development, both existing and proposed conditions. This information shall be placed in a table format which must list all setbacks; percent of lot coverage, broken out between building, pavement, landscape coverage, etc.; number of buildings; total amount of square feet; and any other applicable zoning information necessary for the proper review of the site plan.	X		Zoning information which is not listed on Site Plan is included on separate table prepared by applicants' attorney filed herewith.
	Existing:			
	All setbacks	X		
	Percent (%) of lot coverage broken out between building, pavement, landscape coverage, etc.;	X		See separate table filed herewith.
	Number of buildings	X		
	Total number of square feet	X		
	Any other applicable zoning information necessary for the proper review of the site plan			

70.4 - RESIDENTIAL SITE PLAN REVIEW CHECKLIST - Applicant

Address: 38 Cliff Road **Applicant Name:** Katherine S. Cook and Christine Van Genderen **Date:** 11/9/2020.

No.	Requirement	Included	Not Included	Explanation, if needed
	Proposed:			
	All setbacks	X		
	Percent (%) of lot coverage broken out between building, pavement, landscape coverage, etc.;	X		See separate table filed herewith.
	Number of buildings	X		
	Total number of square feet			
	Any other applicable zoning information necessary for the proper review of the site plan			
3a. 3	Assessor and Deed Information: The Truro Assessors Atlas Map(s) and Parcel(s) numbers and all plan and deed references.	X		
3a. 4	Graphic Scale	X		
3a. 5	Title Block - Including:	X		
	name and description of the project;	X		
	address of the property;	X		
	names of the record owner(s) and the applicant(s); and	X		
	date of the preparation of the plan(s) and subsequent revision dates	X		
3a. 6	Legend of All Symbols		X	Waiver requested.
3a. 7	Property boundaries, dimensions and lot area	X		
3a. 8	Topography and grading plan		X	Waiver requested.
3a. 9	Location, including setbacks of all existing and proposed buildings and additions	X		
3a. 10	Septic system location	X		
3a. 11	Location of (as applicable):			
	wetlands	X		
	the National Flood Insurance Program flood hazard elevation, and	X		
	Massachusetts Natural Heritage Endangered Species Act jurisdiction		X	None.
3a. 12	Driveway(s) and driveway opening(s)	X		
3a. 13	Existing and proposed lighting		X	Waiver requested.
3a. 14	Existing landscape features both vegetative and structural		X	Waiver requested.
3a. 15	Limit of work area (area to be disturbed during construction, including parking and storage of vehicles and equipment) and work staging area(s)		X	Waiver requested.

70.4 - RESIDENTIAL SITE PLAN REVIEW CHECKLIST - Applicant

Address: 38 Cliff Road **Applicant Name:** Katherine S. Cook and Christine Van Genderen **Date:** 11/9/2020.

No.	Requirement	Included	Not Included	Explanation, if needed
	Architectural Plans			
3b.	Architectural plans with all dimensions at a scale of no less than 1/8" = 1'-0", including:	X		
	elevations	X		
	floor plans	X		
3c.	**Lighting** specification, including style and wattage(s)	X		See lighting specification sheets.
	Neighborhood Context:			
3d.	Photographs or other readily available data concerning the location and size of buildings on lots adjacent to or visible from the lot under consideration in order to provide a neighborhood context for the property under consideration	X		
3e.	**Re-vegetation/Landscaping plan**, including both vegetative and structural features		X	Waiver requested.

ADDRESSING THE REVIEW CRITERIA

§ 70.1 PURPOSE

The purpose of Site Plan Review for Commercial Development and for Residential Development is to protect the health, safety, convenience and general welfare of the inhabitants of the Town. It provides for a review of plans for uses and structures which may have significant impacts, both within the site and in relation to adjacent properties and streets; including the potential impact on public services and infrastructure; pedestrian and vehicular traffic; significant environmental and historic resources; abutting properties; and community character and ambiance.

Instructions: Please provide the Planning Board with a short explanation of how your application meets each of the review criteria of §70.4D of the Truro Zoning Bylaw. If you require extra space for your answers, please attach the additional information to your application in no more than two pages. This is to provide the Planning Board with an overview of your rationale prior to the meeting.

§70.4D – REVIEW CRITERIA

The Planning Board shall review Residential Site Plans and their supporting information. It is the intent of Residential Site Plan Review that all new construction shall be sited and implemented in a manner that is in keeping with the scale of other buildings and structures in its immediate vicinity in order to preserve the characteristics of existing neighborhoods. Such an evaluation shall be based on the following standards and criteria:

1. Relation of Buildings and Structures to the Environment. Proposed development relates to the existing terrain and lot and provides for solar and wind orientation which encourages energy conservation because:

   Applicants do not propose any change to the placement or orientation of the existing dwelling structure or to the existing terrain and topography. The proposed design will increase the structure's energy efficiency by renovating the building and re-configuring the internal layout to provide additional glazing to the southwest in order to provide solar gain, and the open floor plan layout will promote better heating, cooling, and airflow. In addition, the proposed screened porch will promote airflow through the house from the northwest, which will provide natural cooling in the summer and promote energy conservation.

2. Building Design and Landscaping. Proposed development is consistent with the prevailing character and scale of the buildings and structures in the neighborhood through the use of appropriate scale, massing, building materials, screening, lighting and other architectural techniques because:

   Please see attached Assessing map detail and photographs of existing dwellings in the closest developed neighborhood to locus, which is the area northeast of Bradford Road. The applicants' proposal involves minimal change to the scale and massing of the existing structure and is consistent with the scale, massing, type of building materials and architectural styles in the High Head area. The applicants do not propose any new vegetative screening or lighting.

3. Preservation of Landscape. The landscape will be preserved in its natural state insofar as practicable by minimizing any grade changes and removal of vegetation and soil because:

The applicants intend to preserve the landscape in its existing condition. They do not propose and grade changes or vegetation or soil removal, other than the minimal removals necessary to construct the proposed addition and screened porch.

4. Circulation. Curb cuts and driveways will be safe and convenient and will be consistent with Chapter I, Section 9 of the General Bylaws of the Town of Truro because:

The property and existing dwelling have a simple driveway which is accessed via Cliff Road, a dirt way. The existing access is safe and convenient for the neighborhood, and the applicants do not propose any new curb cuts, driveways, or changes to the existing road conditions.

5. Lighting. Lighting will be consistent with Chapter IV, Section 6 of the General Bylaws of the Town of Truro. There will be protection of adjacent properties and the night sky from intrusive lighting because:

Please see lighting specification sheets filed herewith. The applicants propose a limited number of downward cast exterior fixtures at the entrances to the dwelling, for safety. These will not intrude on the night sky or impact adjacent properties.

38 Cliff Road – Planning Board Site Plan Review Zoning Table
November 9, 2020

	Required	Existing	Proposed
Lot Area	3 Acres	27,443 sf	27,443 sf
Street Yard Setback	50 feet	16.5 ft.	16.5 ft.
Interior Yard Setback	25 feet	33.1 feet	32.1 feet
Lot Coverage - Building	NA	1096 sf	1252 sf
Site Coverage	3126 sf by right	1465 sf	2140 sf
Number of Buildings	NA	2	2

PRODUCT SPECIFICATIONS

Item #	A2949
Finish	Carbon
Socket Type	E26
Projection	18"
Shade	B1700-16 in-AJ
Shade SKU	B1700-16 in-AJ
Wire Bulb Guard	None
Maximum fixture wattage per socket	300 W
UL Listing	UL Listed Wet
Canopy	5"
Overall fixture width	16"
Length	20-7/8"
Overall fixture depth	26"
Shade height	7"

11:40 5G E

rejuvenation.com

$499.00

1 ADD TO CART

You're all set.

You've made your selections for the Carson Gooseneck Wall Sconce.
Your custom product is ready to be added to your cart.

PROJECTION
18 inches wall to center socket

SHADE
16" Matte Black Deep Dome

TOWN OF TRURO

COPY

Assessors Office
Certified Abutters List
Request Form

RECEIVED
NOV - 5 2020
ASSESSOR'S OFFICE
TOWN OF TRURO

DATE: November 3, 2020

NAME OF APPLICANT: Katherine S. Cook and Christine Van Genderen

NAME OF AGENT (if any): Benjamin E. Zehnder / La Tanzi, Spaulding & Landreth P.O. Box 2300 Orleans, MA 02653

MAILING ADDRESS: 171 Imperial Avenue, Westport, CT 03840

CONTACT: HOME/CELL (203) 247-7232 **EMAIL** cvangen171@gmail.com

PROPERTY LOCATION: 38 Cliff Road
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 32 **PARCEL** 19 **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*)

___ Board of Health[5]
___ Cape Cod Commission
___ Conservation Commission[4]
___ Licensing
Type: _____

Planning Board (PB)
___ Special Permit[1]
✓ Site Plan[2]
___ Preliminary Subdivision[3]
___ Definitive Subdivision[3]
___ Accessory Dwelling Unit (ADU)[2]

Zoning Board of Appeals (ZBA)
✓ Special Permit[1]
___ Variance[1]

___ Other _____ (*Fee: Inquire with Assessors*)
(*Please Specify*)

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

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: Nov 5, 2020 3:15 Date completed: 11/6/2020

List completed by: J Date paid: _____ Cash/Check 13089

[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.

Revised December 2019

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

Date: November 6, 2020

To: Katherine Cook & Christine Van Genderen
c/o Benjamin Zehnder & La Tanzi, Spaulding & Landreth
PO Box 2300
Orleans, MA 02653

From: Assessors Department

Certified abutters list application for: 38 Cliff Rd Map 32 Parcel 19.

Site Plan-Planning Board:

Attached is a list of Truro abutters for the property located at 38 Cliff Rd. Due to the fact that besides the National Seashore there is only one abutter within 300 feet of the parcel, we have included the property owners along Cliff Rd. The current owner of the property is the Catherine Cook & Christine Van Genderen. The names and addresses of the abutters are as of October 30, 2020 according to the most recent documents received from the Barnstable County Registry of Deeds.

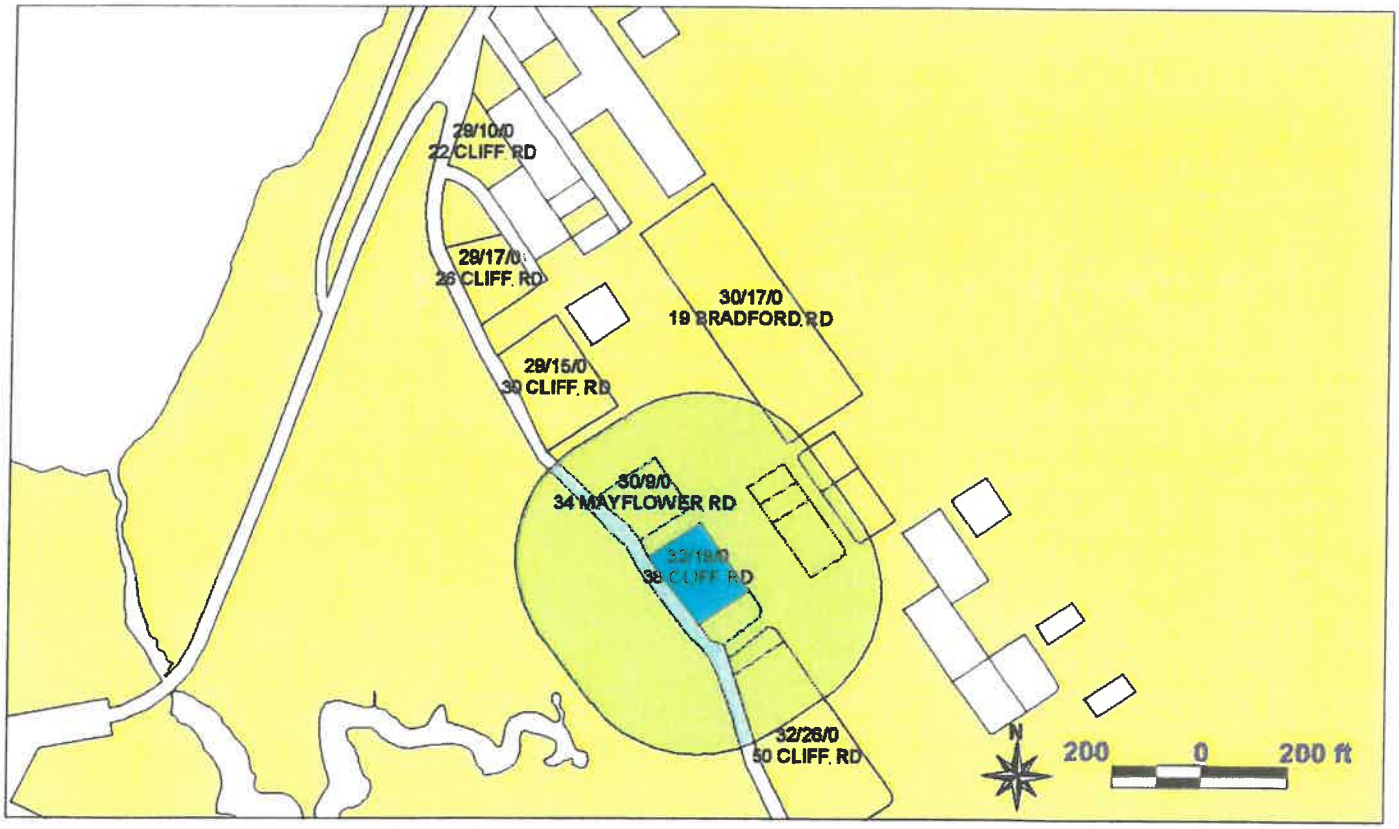
Certified by: _____

Jon Nahas
Principal Assessor
Town of Truro
24 Town Hall Rd
PO Box 2012
Truro, MA 02666
508.214.0917
jnahas@truro-ma.gov

38 Cliff Rd
Map 32 Parcel 19
Site Plan-Planning Board

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

Abutters List Within 300 feet of Parcel 32/19/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
643	29-8-0-R	TWENTY CLIFF ROAD NOM TRUST TRS: MICERA ANNE M ET AL	20 CLIFF RD	29 NEPERA PLACE	HASTINGS ON HUDSON	NY	10706
645	29-10-0-R	STELLO ROBERT & JENNIFER	22 CLIFF RD	PO BOX 776	SO CHATHAM	MA	02659
648	29-13-0-R	RESIKA PAUL & BLAIR	24 CLIFF RD	175 RIVERSIDE DR #6E	NEW YORK	NY	10024
650	29-15-0-E	U S A DEPT OF THE INTERIOR	30 CLIFF RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
6294	29-17-0-E	U S A DEPT OF THE INTERIOR	26 CLIFF RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
659	30-9-0-E	U S A DEPT OF THE INTERIOR	34 MAYFLOWER RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
660	30-10-0-E	U S A DEPT OF THE INTERIOR	13 HOLDEN AVE	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
661	30-11-0-E	U S A DEPT OF THE INTERIOR	15 HOLDEN AVE	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
662	30-12-0-E	TOWN OF TRURO	39 ALDEN RD	PO BOX 2030	TRURO	MA	02666-2030
663	30-13-0-E	U S A DEPT OF THE INTERIOR	43 ALDEN RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
664	30-14-0-E	U S A DEPT OF THE INTERIOR	44 ALDEN RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
667	30-17-0-E	U S A DEPT OF THE INTERIOR	19 BRADFORD RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
685	32-19-0-R	COOK KATHARINE S & VAN GENDEREN CHRISTINE	38 CLIFF RD	171 IMPERIAL AVE	WESTPORT	CT	03840
700	32-19-A-R	CLEMONS PETER ET AL	40 CLIFF RD	15 KIDDER AVE	SOMERVILLE	MA	02143
691	32-24-0-R	CLEMONS PETER &BENSON MARIANNE	42 CLIFF RD	15 KIDDER AVE	SOMERVILLE	MA	02143

11/6/2020 jr

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
693	32-26-0-E	U S A DEPT OF THE INTERIOR	50 CLIFF RD	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
7292	40-999-0-E	USA-DEPT OF INTERIOR Cape Cod National Seashore	0 CAPE COD NATIONAL SEASHORE	99 Marconi Site Rd	Wellfleet	MA	02667

11/6/2020 jr

29-8-0-R

TWENTY CLIFF ROAD NOM TRUST
TRS: MICERA ANNE M ET AL
29 NEPERA PLACE
HASTINGS ON HUDSON, NY 10706

29-10-0-R

STELLO ROBERT & JENNIFER
PO BOX 776
SO CHATHAM, MA 02659

29-13-0-R

RESIKA PAUL & BLAIR
175 RIVERSIDE DR #6E
NEW YORK, NY 10024

29-15-0-E

U S A
DEPT OF THE INTERIOR
CAPE COD NATIONAL SEASHORE
99 MARCONI SITE RD
WELLFLEET, MA 02667

29-17-0-E

U S A
DEPT OF THE INTERIOR
CAPE COD NATIONAL SEASHORE
99 MARCONI SITE RD
WELLFLEET, MA 02667

30-9-0-E

U S A
DEPT OF THE INTERIOR
CAPE COD NATIONAL SEASHORE
99 MARCONI SITE RD
WELLFLEET, MA 02667

30-10-0-E

U S A
DEPT OF THE INTERIOR
CAPE COD NATIONAL SEASHORE
99 MARCONI SITE RD
WELLFLEET, MA 02667

30-11-0-E

U S A
DEPT OF THE INTERIOR
CAPE COD NATIONAL SEASHORE
99 MARCONI SITE RD
WELLFLEET, MA 02667

30-12-0-E

TOWN OF TRURO
PO BOX 2030
TRURO, MA 02666-2030

30-13-0-E

U S A
DEPT OF THE INTERIOR
CAPE COD NATIONAL SEASHORE
99 MARCONI SITE RD
WELLFLEET, MA 02667

30-14-0-E

U S A
DEPT OF THE INTERIOR
CAPE COD NATIONAL SEASHORE
99 MARCONI SITE RD
WELLFLEET, MA 02667

30-17-0-E

U S A
DEPT OF THE INTERIOR
CAPE COD NATIONAL SEASHORE
99 MARCONI SITE RD
WELLFLEET, MA 02667

32-19-0-R

COOK KATHARINE S &
VAN GENDEREN CHRISTINE
171 IMPERIAL AVE
WESTPORT, CT 03840

32-19-A-R

CLEMONS PETER ET AL
15 KIDDER AVE
SOMERVILLE, MA 02143

32-24-0-R

CLEMONS PETER &BENSON MARIANNE
15 KIDDER AVE
SOMERVILLE, MA 02143

32-26-0-E

U S A
DEPT OF THE INTERIOR
CAPE COD NATIONAL SEASHORE
99 MARCONI SITE RD
WELLFLEET, MA 02667

40-999-0-E

USA-DEPT OF INTERIOR
Cape Cod National Seashore
99 Marconi Site Rd
Wellfleet, MA 02667

11/6/2019

Key: 685

Town of TRURO - Fiscal Year 2021

10/9/2020 9:05 am SEQ #: 599

LEGAL

CURRENT OWNER	PARCEL ID	LOCATION
ERNEST N DICKINSON REV LIV TR C/O COOK KATHARINE S & 171 IMPERIAL AVE WESTPORT, CT 03840	32-19-0	38 CLIFF RD

TRANSFER HISTORY	DOS	T	SALE PRICE	BK-PG (Cert)
COOK KATHARINE S &	09/29/2020	QS	925,000	33307-344
ERNEST N DICKINSON REV L	01/17/2002	99		14711-1
DICKINSON ERNEST N	02/07/1995	99		9550-262

CLASS	CLASS%	DESCRIPTION	BN ID	BN	CARD
1010	100	SINGLE FAMILY		1	1 of 1

PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%
FY2018		35	RES EXEMPT		10/01/2017		0	0
12-172	07/10/2012	90	BP NVC	5,700	02/06/2013	FC	100	100
89-019	03/03/1989	2	ADDITION		12/31/1989	SW	100	100

LAND

CD	T	AC/SF/UN	Nbhd	Infl1	Infl2	ADJ BASE	SAF	Infl3	Lpi	VC	CREDIT AMT	ADJ VALUE
100	A	0.630	16 1.00	1 1.00	1 1.00	1,889,300	1.15	1 1.00	SV5 7.00			1,373,440

TOTAL	27,443 SF	ZONING	NSD	FRNT	0
Nbhd	NAT'L SEASHORE	NOTE			
Infl1	NO ADJ				
Infl2	NO ADJ				

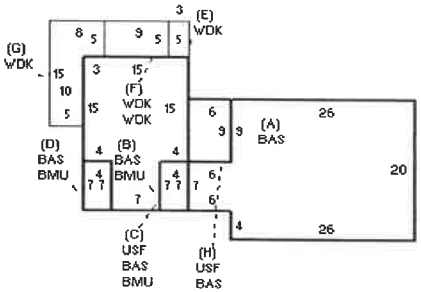
ASSESSED	CURRENT	PREVIOUS
LAND	1,373,400	1,359,700
BUILDING	172,600	173,500
DETACHED	500	500
OTHER	0	0
TOTAL	1,546,500	1,533,700

DETACHED

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD
SHF	A 1.00	P 0.45	8*10		80	14.77	500

PHOTO 02/06/2013

BLDG COMMENTS



BUILDING

BUILDING	CD	ADJ	DESC
MODEL	1		RESIDENTIAL
STYLE	4	1.10	CAPE [100%]
QUALITY	A	1.00	AVERAGE [100%]
FRAME	1	1.00	WOOD FRAME [100%]

MEASURE	2/6/2013	FC
LIST	8/12/2014	FC
REVIEW	12/15/2010	MR

YEAR BLT	1950	SIZE ADJ	1.000
NET AREA	1,274	DETAIL ADJ	1.000
$NLA(RCN)	$205	OVERALL	1.120

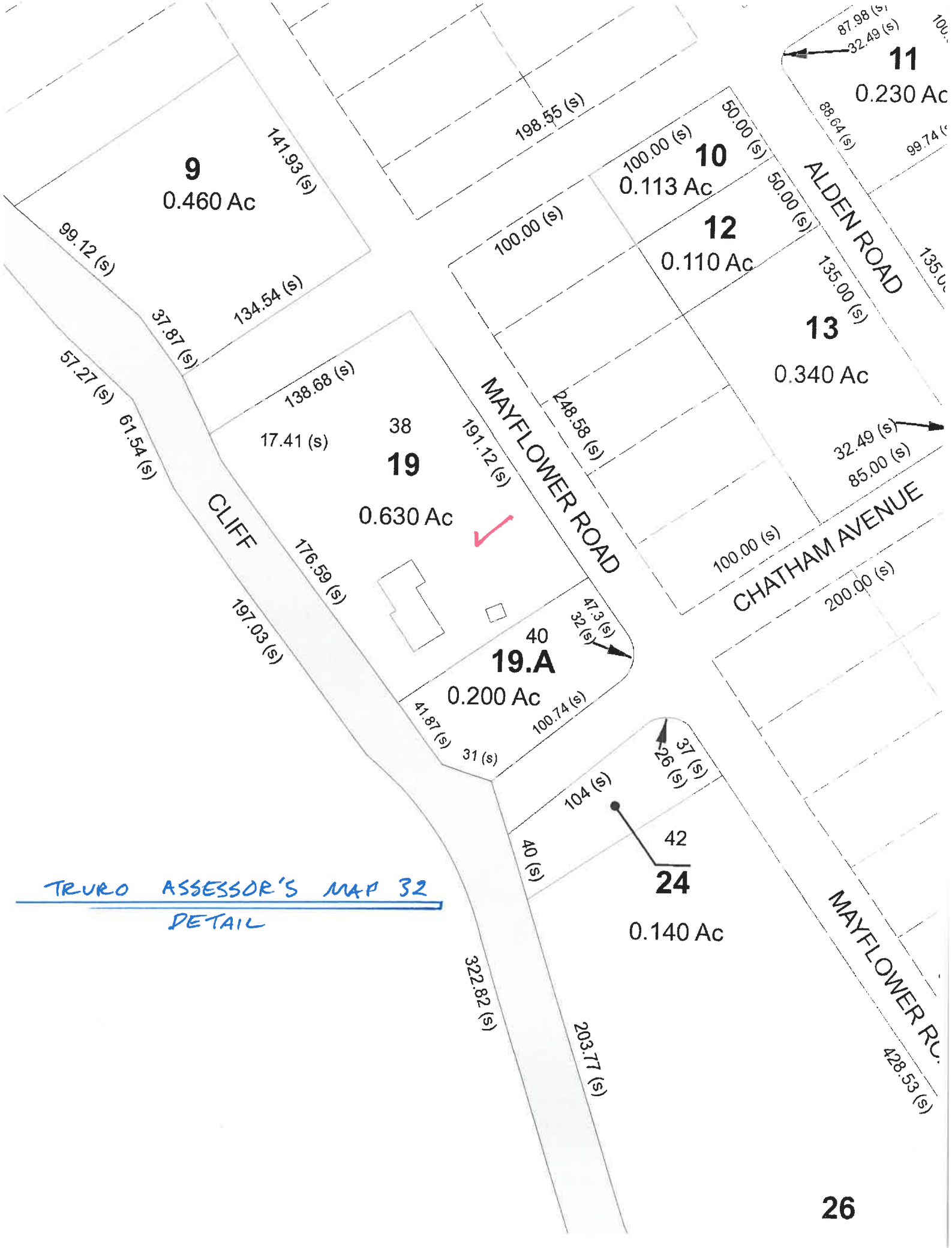
CAPACITY	UNITS	ADJ
STORIES(FAR)	1.75	1.00
ROOMS	5	1.00
BEDROOMS	2	1.00
BATHROOMS	1.5	1.00
FIXTURES	5	$3,500
UNITS	1	1.00

ELEMENT	CD	DESCRIPTION	ADJ
FOUNDATION	4	BSMT WALL	1.00
EXT. COVER	1	WOOD SHINGLES	1.00
ROOF SHAPE	1	GABLE	1.00
ROOF COVER	1	ASPHALT SHINGLE	1.00
FLOOR COVER	1	HARDWOOD	1.00
INT. FINISH	2	DRYWALL	1.00
HEATING/COOLING	2	HOT WATER	1.02
FUEL SOURCE	1	OIL	1.00

S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN
+	BAS	L	BAS AREA	946	1950	192.49	182,100
+	BMU	N	BSMT UNFINISHED	330		51.65	17,043
+	USF	L	UP-STRY FIN	328	1950	152.23	49,931
+	WDK	N	ATT WOOD DECK	195		36.18	7,055
	MST	O	MASONRY STACK	1		1,906.20	1,906

TOTAL RCN	261,535
CONDITION ELEM	CD

EFF YR/AGE	1974 / 45	
COND	34 34 %	
FUNC	0	
ECON	0	
DEPR	34 % GD	66
RCNLD		$172,600



TRURO ASSESSOR'S MAP 32
DETAIL

Bk 33307 Pg344 #52080
09-29-2020 @ 01:39p

MASSACHUSETTS STATE EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 09-29-2020 @ 01:39pm
Ctl#: 1039 Doc#: 52080
Fee: $3,163.50 Cons: $925,000.00

BARNSTABLE COUNTY EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 09-29-2020 @ 01:39pm
Ctl#: 1039 Doc#: 52080
Fee: $2,830.50 Cons: $925,000.00

QUITCLAIM DEED

I, ERNEST N. DICKINSON, Trustee of the Restatement of the Ernest N. Dickinson Revocable Living Trust Agreement, said Restatement dated December 10, 1999 and recorded with Barnstable County Registry of Deeds in Book 14710, Page 338, with a mailing address of 36 Trask Road, Vienna, ME 04360, ("Grantor")

for consideration paid in the amount of **NINE HUNDRED TWENTY-FIVE THOUSAND and 00/100 ($925,000.00) DOLLARS,**

grant to **KATHARINE S. COOK and CHRISTINE VAN GENDEREN,** a married couple, as Tenants by the Entirety, with a mailing address of 171 Imperial Avenue, Westport, CT 03840, ("Grantees"),

WITH QUITCLAIM COVENANTS, the land in Truro, Barnstable County, Massachusetts, together with the buildings thereon, described as follows:

Property Address: 38 Cliff Road, Truro, Massachusetts 02666

PARCEL I - the land in Truro, Barnstable County, Massachusetts being shown as **Lots 507 and 508** on a plan hereinafter mentioned and being bounded and described as follows:

Beginning at Cliff Road and running in an Easterly direction by Lot 509 one hundred (100) feet more or less to Mayflower Road, thence;

NORTHERLY along said Mayflower Road one hundred (100) feet more or less, thence;

WESTERLY one hundred (100) feet more or less to said Cliff Road and thence;

SOUTHERLY one hundred (100) feet more or less along said Cliff Road to the point of beginning.

Said Lots shown as 507 and 508 on Plan of Pilgrim Heights at High Head in Truro, Massachusetts, dated June, 1924, by John S. Crossman, filed at the Barnstable Registry of Deeds.

PARCEL II - the land in Truro, Barnstable County, Massachusetts being shown as **Lot 510** on a plan hereinafter mentioned as Plan of Pilgrim Heights at High Head in Truro, Massachusetts, dated June 1924, by John S. Crossman, which plan is filed in Barnstable Registry of Deeds and bounded and described as follows beginning at the point of intersection of Cliff Road and Chatham Avenue as shown on said plan, thence;

EASTERLY along said Chatham Avenue one hundred (100) feet more or less to the intersection of Chatham Avenue and Mayflower Road, thence;

NORTHERLY along said Mayflower Road one hundred (100) feet more or less, thence;

WESTERLY by land now or formerly of Frank Rich one hundred feet (100 ft) more or less to said Cliff Road, and thence;

SOUTHERLY one hundred (100) feet more or less along Cliff Road.

PARCEL III - the land in Truro, Barnstable County, Massachusetts, being **Lot 509** on plan of Pilgrim Heights at High Head in Truro, Massachusetts, dated June, 1924 by John S. Crossman recorded in Barnstable Registry of Deeds and bounded and described as follows:

Beginning at Cliff Road, thence;

EASTERLY by Lot 510 one hundred (100) feet more or less to Mayflower Road, thence;

NORTHERLY along said Mayflower Road fifty (50) feet more or less, thence;

WESTERLY by Lot 508 one hundred (100 feet) more or less to said Cliff Road, and thence;

SOUTHERLY fifty (50) feet more or less along said Cliff Road to the point of beginning.

The undersigned Trustee hereby certifies that:
1. Said Trust is in full force and effect.
2. All beneficiaries are of full age.
3. All the beneficiaries are competent.
4. All the beneficiaries of said Trust have authorized and directed me as Trustee to convey the herein described premises for the consideration stated above.

Meaning and intending to convey those same premises described in deed dated December 10, 2001 and recorded with Barnstable County Registry of Deeds in Book 14711, Page 1.

Grantor hereby releases any and all rights of homestead in the above property, created either automatically by operation of law or by written declaration that is recorded, and further certifies under the pains and penalties of perjury that there are no other individuals entitled to homestead rights to the property conveyed herein.

SIGNATURE ON FOLLOWING PAGE

Executed as a sealed instrument under the pains and penalties of perjury this 1 day of September, 2020.

ERNEST N. DICKINSON, Trustee

COMMONWEALTH OF MASSACHUSETTS

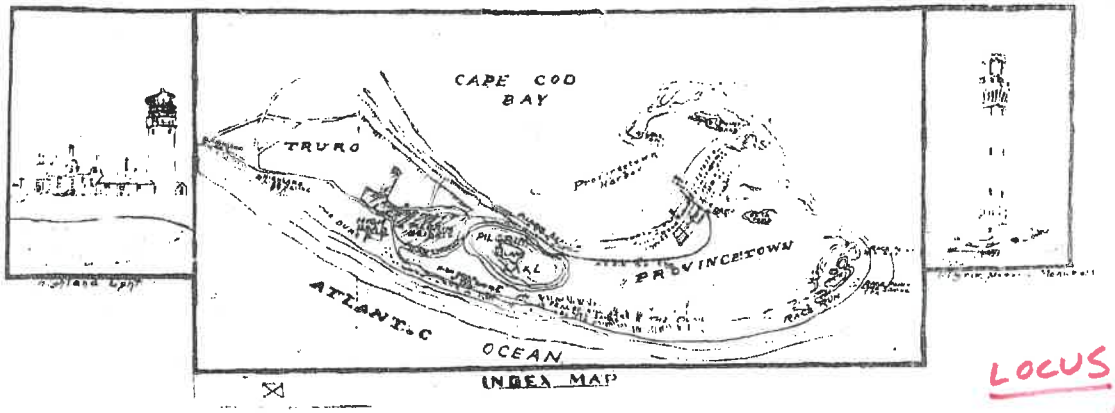
Barnstable, ss.
County

September 1, 2020

On the above date, before me, the undersigned Notary Public, personally appeared **ERNEST N. DICKINSON, Trustee as aforesaid,** who proved to me through satisfactory evidence of identification, which was Personal Knowledge to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and who swore or affirmed to me that the contents of the attached document are truthful and accurate to the best of his knowledge and belief.

Notary Public: Massachusetts
My commission expires: 5/13/2022

JOHN F. MEADE, REGISTER
BARNSTABLE COUNTY REGISTRY OF DEEDS
RECEIVED & RECORDED ELECTRONICALLY



LOCUS

PLAN BOOK 20 PAGE 5

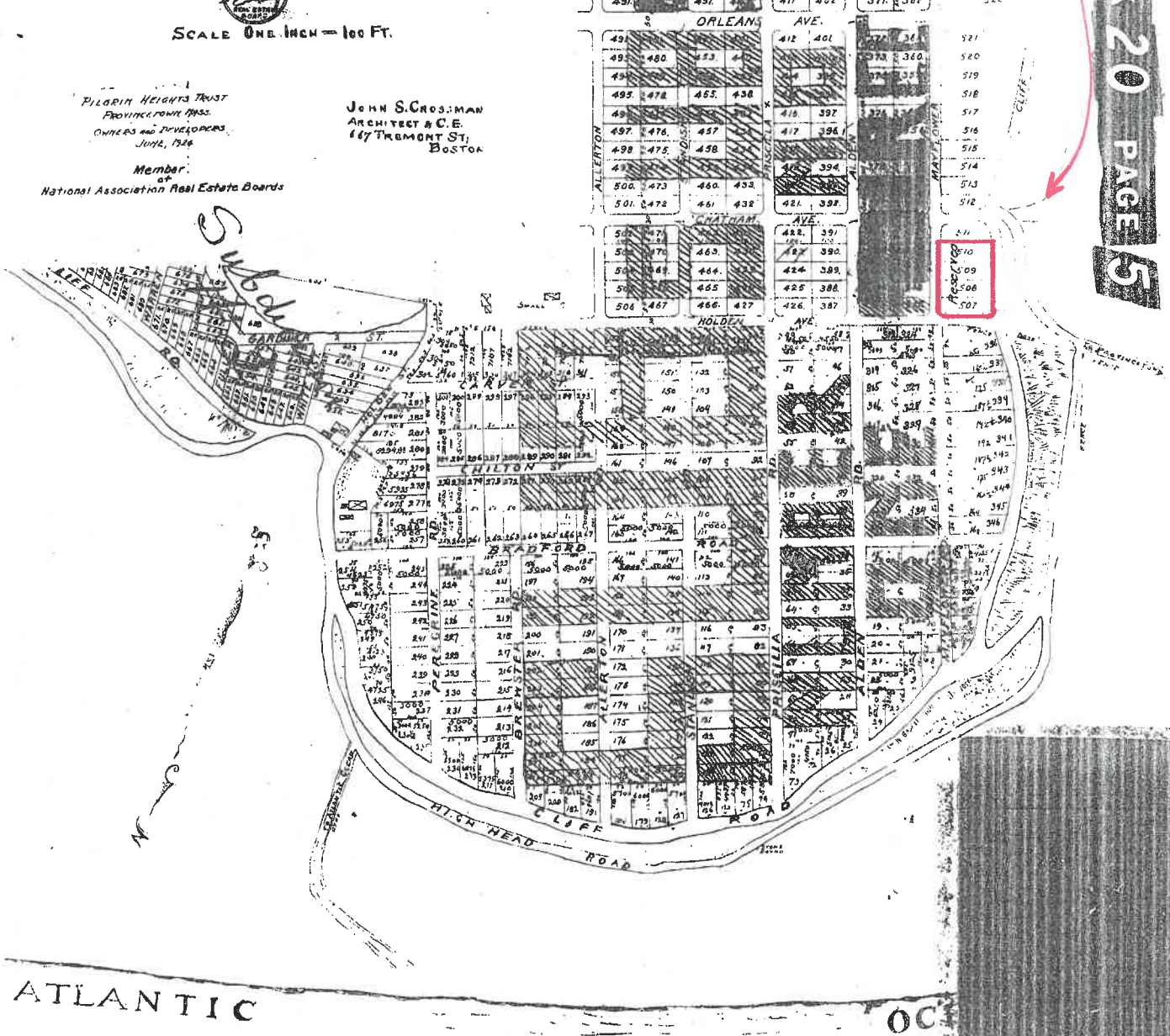
PLAN of PILGRIM HEIGHTS. AT HIGH HEAD IN TRURO MASS.

SCALE ONE INCH = 100 FT.

PILGRIM HEIGHTS TRUST
PROVINCETOWN MASS.
OWNERS AND DEVELOPERS
JUNE, 1924

Member of National Association Real Estate Boards

JOHN S. CROSSMAN
ARCHITECT & C.E.
167 TREMONT ST.
BOSTON



20-5

Owner's Authorization

Re: 38 Cliff Road, Parcel 32-19

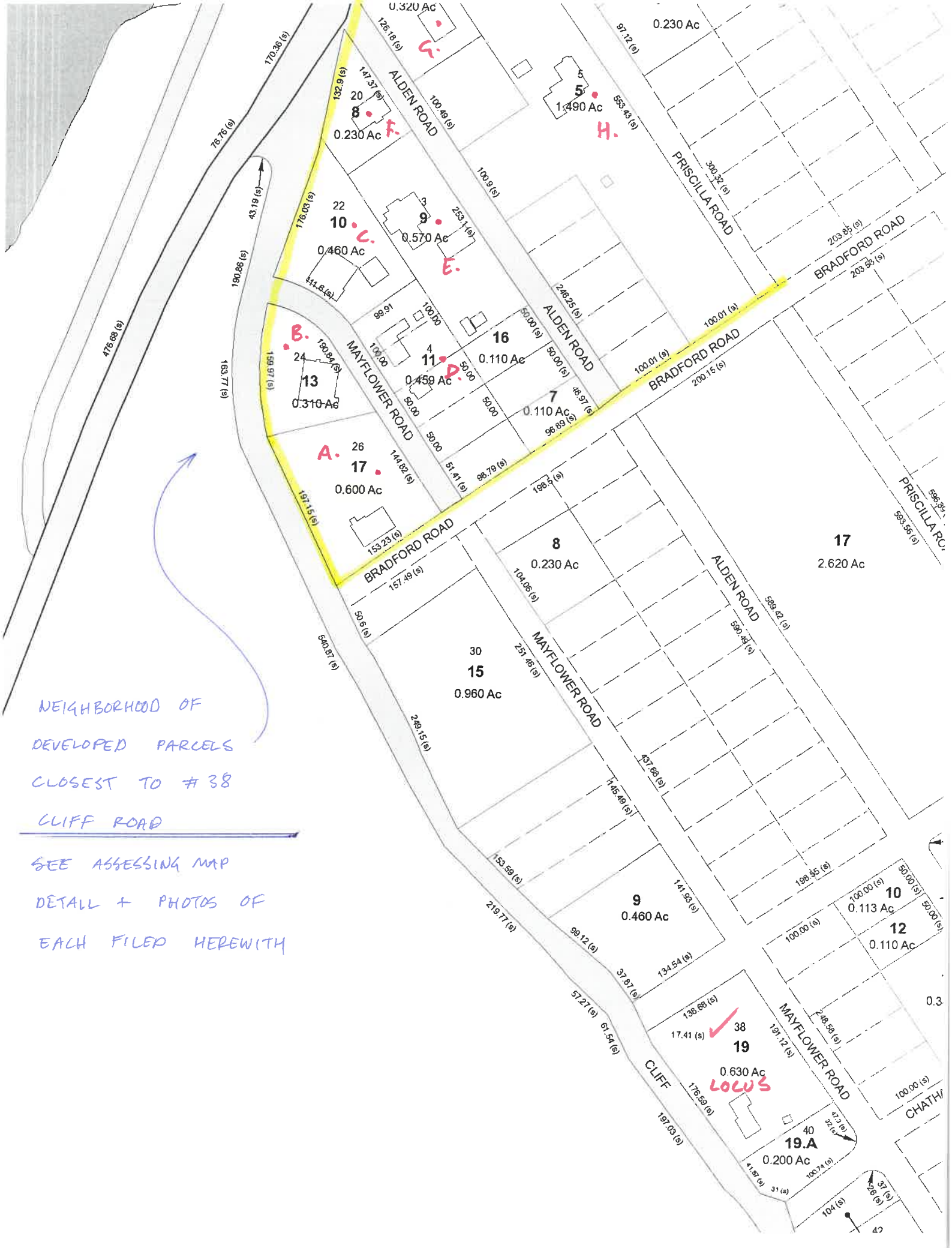
November 4, 2020

We give Ben Zehnder and his firm of La Tanzi, Spaulding & Landreth, LLP permission and authorization to prosecute zoning, planning and other applications for development at 38 Cliff Road on our behalf.

Christine Van Genderen

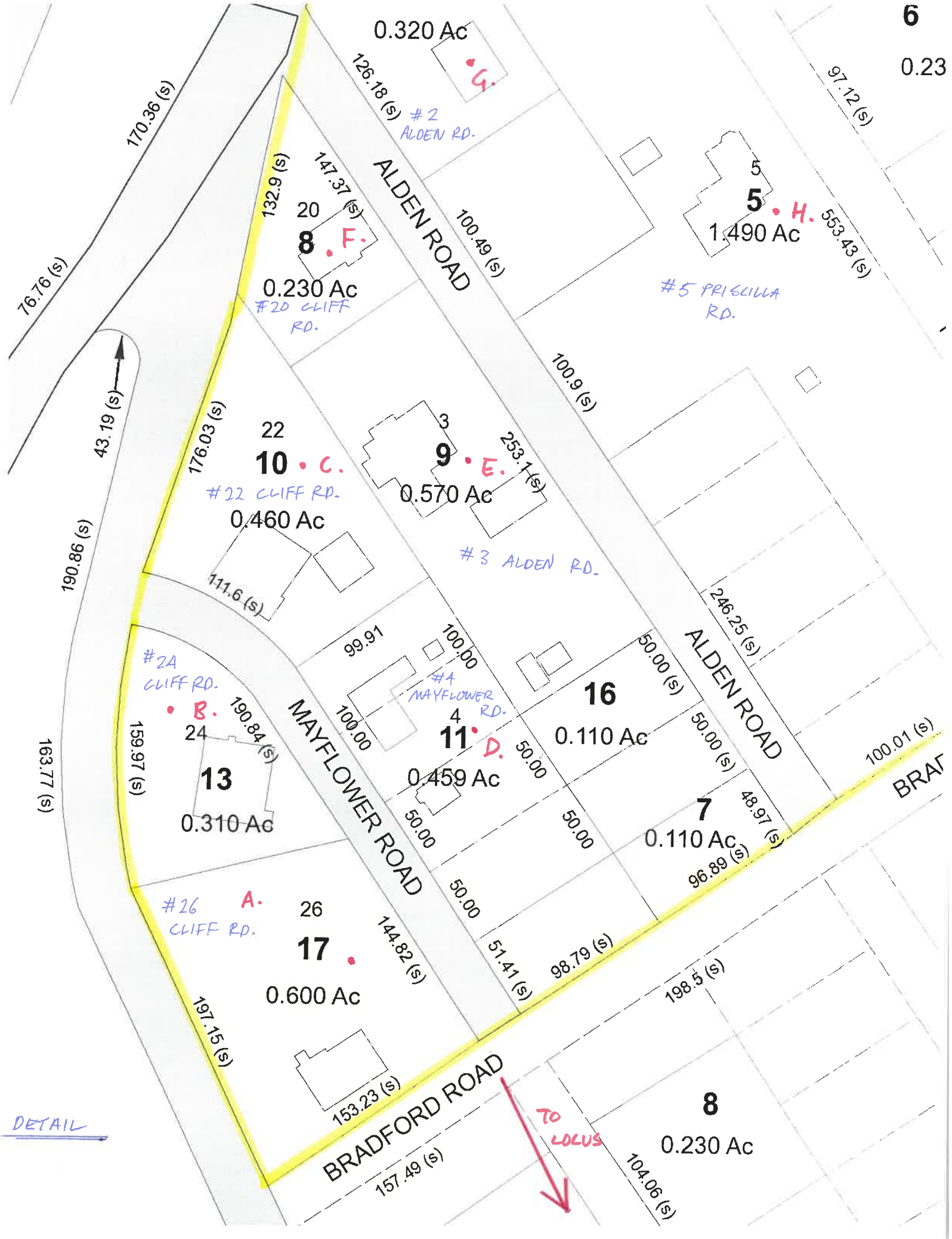
Christine Van Genderen

Katherine Cook

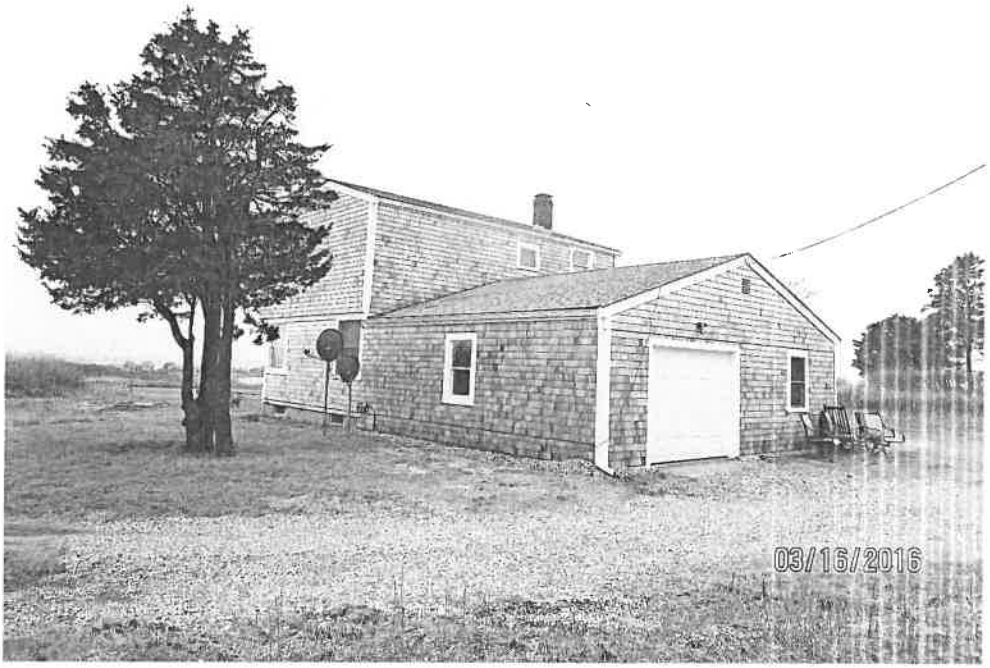


NEIGHBORHOOD OF DEVELOPED PARCELS CLOSEST TO # 38 CLIFF ROAD

SEE ASSESSING MAP DETAIL + PHOTOS OF EACH FILED HEREWITH


6
0.23
0.320 Ac
G.
126.18 (s)
#2 ALDEN RD.
97.12 (s)
170.36 (s)
132.9 (s)
147.37 (s)
20
8
F.
0.230 Ac
#20 CLIFF RD.
ALDEN ROAD
100.49 (s)
5
5
H.
1.490 Ac
553.43 (s)
#5 PRISCILLA RD.
76.76 (s)
43.19 (s)
176.03 (s)
22
10
C.
#22 CLIFF RD.
0.460 Ac
3
9
E.
0.570 Ac
253.1 (s)
100.9 (s)
#3 ALDEN RD.
190.86 (s)
111.6 (s)
246.25 (s)
99.91
100.00
#4 MAYFLOWER RD.
#2A CLIFF RD.
B.
24
190.84 (s)
159.97 (s)
13
0.310 Ac
MAYFLOWER ROAD
100.00
4
11
D.
0.459 Ac
50.00
16
0.110 Ac
50.00 (s)
50.00 (s)
ALDEN ROAD
100.01 (s)
BRAD
163.77 (s)
50.00
50.00
7
0.110 Ac
48.97 (s)
96.89 (s)
#26 CLIFF RD.
A.
26
17
0.600 Ac
144.82 (s)
50.00
51.41 (s)
98.79 (s)
198.5 (s)
197.15 (s)
153.23 (s)
BRADFORD ROAD
TO LOCUS
8
0.230 Ac
157.49 (s)
104.06 (s)
DETAIL

A. 26 Cliff Road:



B. 24 Cliff Road:

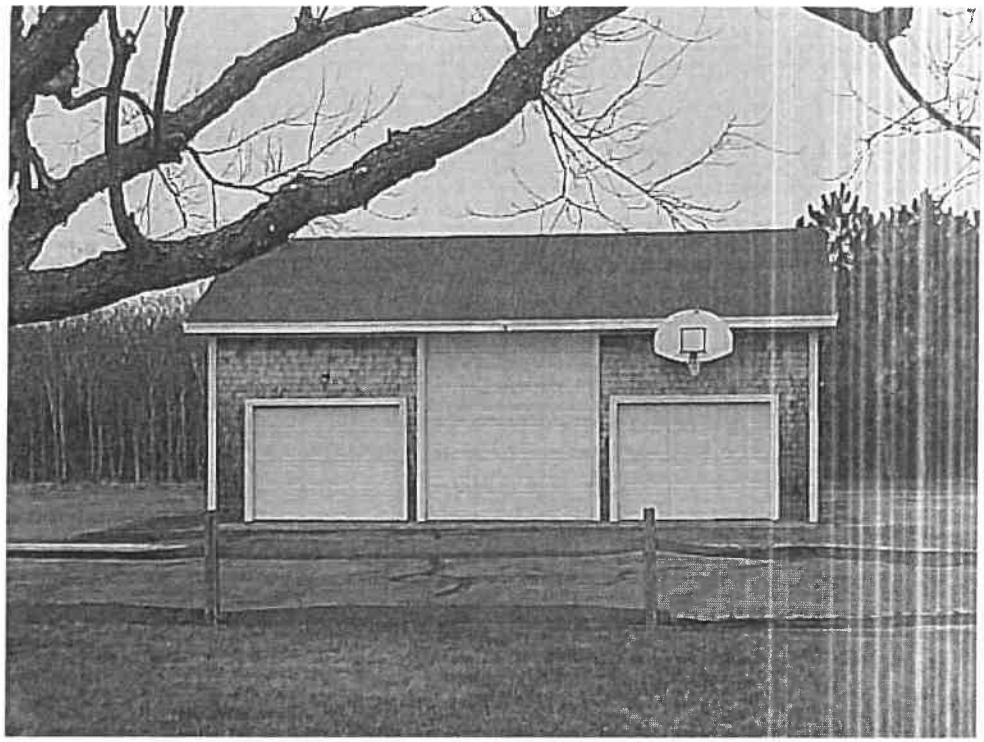
C. 22 Cliff Road:

D. 4 Mayflower Road:

E. 3 Alden Road:

F. 20 Cliff Road:

G. 2 Alden Road:



H. 5 Priscilla Road:

A.

Key: 6294

Town of TRURO - Fiscal Year 2021

10/9/2020 11:00 am SEQ #: 528

LEGAL

CURRENT OWNER	PARCEL ID	LOCATION
U S A DEPT OF THE INTERIOR CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD WELLFLEET, MA 02667	29-17-0	26 CLIFF RD

TRANSFER HISTORY	DOS	T	SALE PRICE	BK-PG (Cert)
U S A	05/26/1971	99	96,000	1512-071

CLASS	CLASS%	DESCRIPTION	BN ID	BN	CARD
9000	100	U S GOV		1	1 of 1

PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%
	01/01/2007	50	SPLIT SUB				100	100

LAND

CD	T	AC/SF/UN	Nbhd	Infl1	Infl2	ADJ BASE	SAF	Infl3	Lpi	VC	CREDIT AMT	ADJ VALUE
100	A	0.600	16 1.00	1 1.00	1 1.00	1,889,300	1.19	1 1.00	SV5 7.00			1,353,040

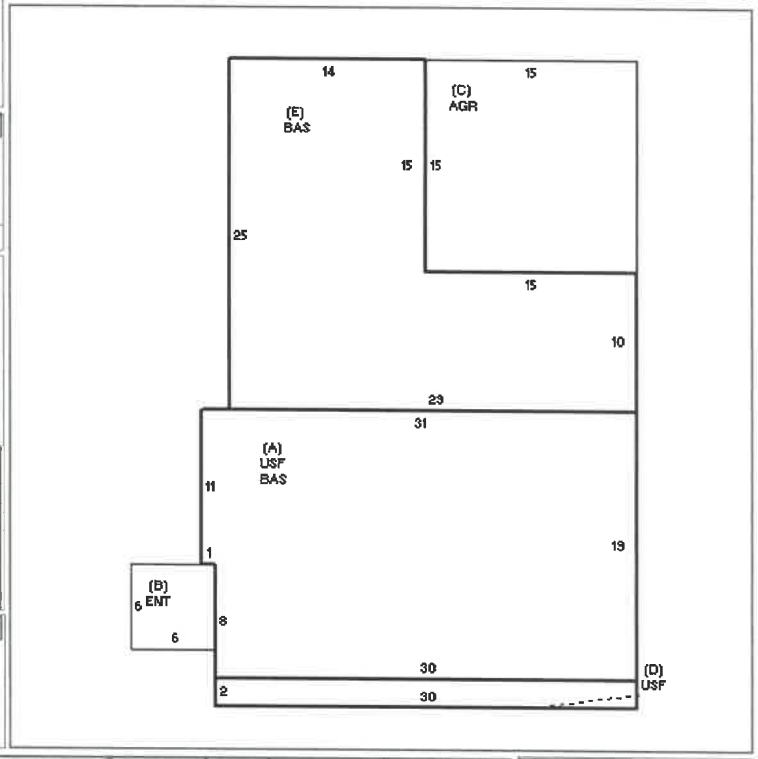
TOTAL	26,136 SF	ZONING	NSD	FRNT	0
Nbhd	NAT'L SEASHORE	NOTE	WAS NEW PCL#16 FY05 PER LIST OF IMPRV PROPS IN NSS. FY08 CHNGD PCL #16 TO #17 (#16 ALREADY EXISTED ON MAP ONLY).		
Infl1	NO ADJ				
Infl2	NO ADJ				

ASSESSED	CURRENT	PREVIOUS
LAND	1,353,000	1,339,500
BUILDING	161,800	160,200
DETACHED	0	0
OTHER	0	0
TOTAL	1,514,800	1,499,700

DETACHED

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD

PHOTO 03/16/2016



BLDG COMMENTS

BUILDING

BUILDING	CD	ADJ	DESC
MODEL	1		RESIDENTIAL
STYLE	8	1.10	CONTEMPORARY [100%]
QUALITY	-	0.75	AVE-/LOW+ [100%]
FRAME	1	1.00	WOOD FRAME [100%]

MEASURE	3/16/2016	RJM
LIST	3/16/2016	EST
REVIEW	3/17/2016	RJM

YEAR BLT	1959	SIZE ADJ	1.000
NET AREA	1,722	DETAIL ADJ	1.000
$NLA(RCN)	$134	OVERALL	1.050

CAPACITY	UNITS	ADJ
STORIES(FAR)	2	1.00
ROOMS	5	1.00
BEDROOMS	3	1.00
BATHROOMS	1.5	1.00
FIXTURES	5	$3,500
UNITS	1	1.00

ELEMENT	CD	DESCRIPTION	ADJ
FOUNDATION	2	SLAB	0.95
EXT. COVER	1	WOOD SHINGLES	1.00
ROOF SHAPE	1	GABLE	1.00
ROOF COVER	1	ASPHALT SHINGLE	1.00
FLOOR COVER	1	HARDWOOD	1.00
INT. FINISH	2	DRYWALL	1.00
HEATING/COOLING	1	FORCED AIR	1.00
FUEL SOURCE	1	OIL	1.00

S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN
+	BAS	L	BAS AREA	1,081	1959	135.35	146,310
B	ENT	N	ENCL ENTRY	36		89.51	3,223
C	AGR	N	ATTACHED GARAGE	225		46.67	10,501
+	USF	L	UP-STRY FIN	641	1959	105.42	67,575

TOTAL RCN	231,108
CONDITION ELEM	CD

EFF.YR/AGE	1986 / 33	
COND	30	30 %
FUNC	0	
ECON	0	
DEPR	30	% GD 70
RCNLD		$161,800

B.

Key: 648

Town of TRURO - Fiscal Year 2021

10/9/2020 9:05 am SEQ #: 563

LEGAL

CURRENT OWNER	PARCEL ID	LOCATION
RESIKA PAUL & BLAIR 175 RIVERSIDE DR #6E NEW YORK, NY 10024	29-13-0	24 CLIFF RD

TRANSFER HISTORY	DOS	T	SALE PRICE	BK-PG (Cert)
RESIKA PAUL & BLAIR	11/14/1984	99		4317-172

CLASS	CLASS%	DESCRIPTION	BN ID	BN	CARD
1010	100	SINGLE FAMILY		1	1 of 1

PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%
16-133X	06/22/2016	10	ALL OTHERS	1,200			100	100

LAND

CD	T	AC/SF/UN	Nbhd	Infl1	Infl2	ADJ BASE	SAF	Infl3	Lpi	VC	CREDIT AMT	ADJ VALUE
100	A	0.310	16 1.00	1 1.00	1 1.00	1,889,300	1.89	1 1.00	SV5 7.00			1,105,830

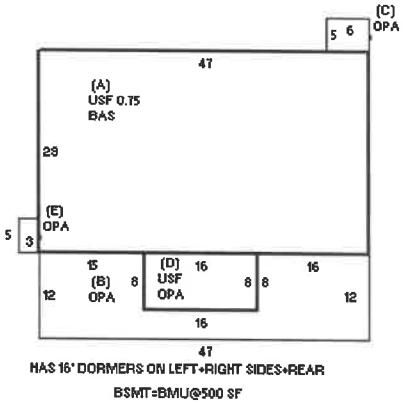
TOTAL	13,504 SF	ZONING	NSD	FRNT	0
Nbhd	NAT'L SEASHORE	NOTE	FY08 VW INCR PER NBHD REVIEW 10/08 photos of view from ground level/1st flr veranda only - no access to 2nd flr.		
Infl1	NO ADJ				
Infl2	NO ADJ				

ASSESSED	CURRENT	PREVIOUS
LAND	1,105,800	1,094,800
BUILDING	244,500	254,200
DETACHED	0	0
OTHER	0	0
TOTAL	1,350,300	1,349,000

DETACHED

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD

PHOTO 08/31/2018



BLDG COMMENTS

BUILDING

BUILDING	CD	ADJ	DESC
MODEL	1		RESIDENTIAL
STYLE	7	1.20	OLD STYLE [100%]
QUALITY	+	1.10	GOOD-/AVE+ [100%]
FRAME	1	1.00	WOOD FRAME [100%]

MEASURE	8/31/2018	LG
LIST	8/31/2018	LG
REVIEW	12/15/2010	MR

YEAR BLT	1905	SIZE ADJ	1.000
NET AREA	2,513	DETAIL ADJ	1.000
$NLA(RCN)	$243	OVERALL	1.220

CAPACITY	UNITS	ADJ
STORIES(FAR)	1.75	1.00
ROOMS	8	1.00
BEDROOMS	3	1.00
BATHROOMS	1.5	1.00
FIXTURES	7	$4,900
UNITS	0	1.00

ELEMENT	CD	DESCRIPTION	ADJ
FOUNDATION			1.00
EXT. COVER	7	STUCCO	1.00
ROOF SHAPE	2	HIP	1.00
ROOF COVER	1	ASPHALT SHINGLE	1.00
FLOOR COVER	1	HARDWOOD	1.00
INT. FINISH	1	PLASTER	1.00
HEATING/COOLING	2	HOT WATER	1.02
FUEL SOURCE	1	OIL	1.00

S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN
A	BAS	L	BAS AREA	1,363	1905	228.39	311,293
+	USF	L	UP-STRY FIN	1,150	1905	175.98	202,382
+	OPA	N	OPEN PORCH	609		44.39	27,032
	BMU	N	BSMT UNFINISHED	910		54.62	49,704
	F22	O	FPL 2S 2OP	1		15,989.90	15,990

TOTAL RCN	611,300
CONDITION ELEM	CD
EFF.YR/AGE	1951 / 68
COND	60 60 %
FUNC	0
ECON	0
DEPR	60 % GD 40
RCNLD	$244,500

C.

Key: 645

Town of TRURO - Fiscal Year 2021

10/9/2020 9:05 am SEQ #: 561

LEGAL

CURRENT OWNER	PARCEL ID	LOCATION
STELLO ROBERT & JENNIFER	29-10-0	22 CLIFF RD
PO BOX 776		
SO CHATHAM, MA 02659		

TRANSFER HISTORY	DOS	T	SALE PRICE	BK-PG (Cert)
STELLO ROBERT & JENNIFER	08/05/2016	O	1,690,000	29845-313
PAGE JOAN E &	03/06/2012	J		25849-99+
PAGE JOAN E &CURRIER CHER	11/18/2011	99		25849-99

CLASS	CLASS%	DESCRIPTION	BN ID	BN	CARD
1010	100	SINGLE FAMILY		1	1 of 1

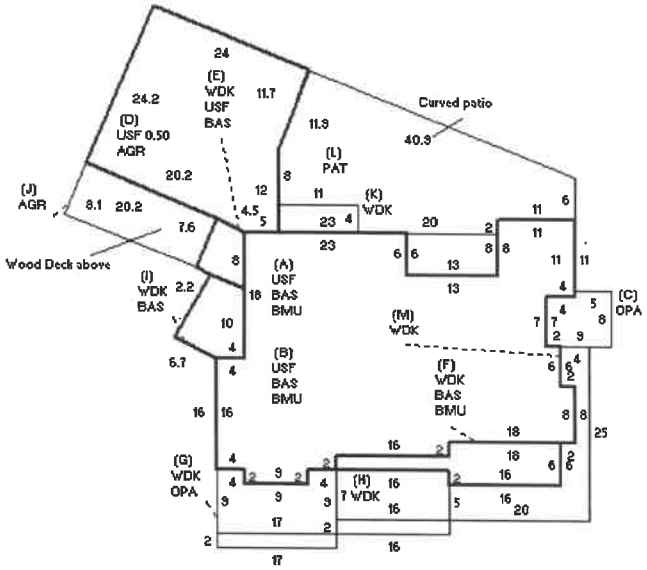
PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%
17-135	05/16/2017	1	SINGLE FAM R	1,000,000	02/26/2020	LG	100	100
17-043X	02/14/2017	5	DEMO	20,000	12/19/2017	LG	100	100

LAND

CD	T	AC/SF/UN	Nbhd	Infl1	Infl2	ADJ BASE	SAF	Infl3	Lpi	VC	CREDIT AMT	ADJ VALUE
100	A	0.460	16 1.00	1 1.00	1 1.00	1,889,300	1.44	1 1.00	SV5 7.00			1,247,130

TOTAL	20,038 SF	ZONING	NSD	FRNT	0
Nbhd	NAT'L SEASHORE	NOTE			
Infl1	NO ADJ				
Infl2	NO ADJ				

ASSESSED	CURRENT	PREVIOUS
LAND	1,247,100	1,234,700
BUILDING	1,826,000	1,175,400
DETACHED	0	0
OTHER	0	0
TOTAL	3,073,100	2,410,100



DETACHED

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD

PHOTO 09/20/2019

BLDG COMMENTS

Interior data estimated pending Assess. access.

BUILDING

BUILDING	CD	ADJ	DESC
MODEL	1		RESIDENTIAL
STYLE	16	1.30	NEW STYLE [100%]
QUALITY	G	1.30	GOOD [100%]
FRAME	1	1.00	WOOD FRAME [100%]

MEASURE	12/19/2017	LG
LIST	2/26/2020	EST
REVIEW		

YEAR BLT	2017	SIZE ADJ	1.000
NET AREA	6,537	DETAIL ADJ	1.000
$NLA(RCN)	$285	OVERALL	1.300

CAPACITY	UNITS	ADJ
STORIES(FAR)	2	1.00
ROOMS	10	1.00
BEDROOMS	5	1.00
BATHROOMS	4.5	1.00
FIXTURES	16	$11,200
UNITS	0	1.00

ELEMENT	CD	DESCRIPTION	ADJ
FOUNDATION	3	CONTIN WALL	1.00
EXT. COVER	1	WOOD SHINGLES	1.00
ROOF SHAPE	1	GABLE	1.00
ROOF COVER	1	ASPHALT SHINGLE	1.00
FLOOR COVER	1	HARDWOOD	1.00
INT. FINISH	2	DRYWALL	1.00
HEATING/COOLING	1	FORCED AIR	1.00
FUEL SOURCE	2	GAS	1.00

S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN
+	BMU	N	BSMT UNFINISHED	3,088		53.51	165,248
+	USF	L	UP-STRY FIN	3,319	2017	207.77	689,584
+	OPA	N	OPEN PORCH	203		67.08	13,616
+	AGR	N	ATTACHED GARAGE	784		84.44	66,202
+	BAS	L	BAS AREA	3,218	2017	267.68	861,391
+	WDK	N	ATT WOOD DECK	779		43.10	33,572
L	PAT	N	PATIO	593		12.55	7,441
	WDK	N	ATT WOOD DECK	96		66.09	6,344
	GFP	O	GAS FIREPLACE	1		8,630.80	8,631
	ODS	O	OUT DOOR SHOWER			0.00	

TOTAL RCN	1,863,231
CONDITION ELEM	CD

EFF.YR/AGE	2017 / 2	
COND	02 02 %	
FUNC	0	
ECON	0	
DEPR	2	% GD 98
RCNLD		$1,826,000

D.

Key: 646

Town of TRURO - Fiscal Year 2021

10/9/2020 9:05 am SEQ #: 562

LEGAL

CURRENT OWNER	PARCEL ID	LOCATION
RESIKA PAUL & BLAIR 175 RIVERSIDE DR #6E NEW YORK, NY 10024	29-11-0	4 MAYFLOWER RD

TRANSFER HISTORY	DOS	T	SALE PRICE	BK-PG (Cert)
RESIKA PAUL & BLAIR	11/14/1984	99		4317-172

CLASS	CLASS%	DESCRIPTION	BN ID	BN	CARD
1060	100	ACC IMP			1 of 1

PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%
SS2014-3		50	SPLIT SUB		02/11/2013	BE	100	100
09-087	05/11/2009	2	ADDITION	25,000	05/14/2010	JH	100	100
92-071	07/01/1992	6	SHED	600	05/17/1993		100	100

LAND

CD	T	AC/SF/UN	Nbhd	Infl1	Infl2	ADJ BASE	SAF	Infl3	Lpi	VC	CREDIT AMT	ADJ VALUE
300	A	0.459	16 1.00	1 1.00	1 1.00	47,380	1.00	1 1.00	SR3 2.30			21,750

TOTAL	19,982 SF	ZONING	NSD	FRNT	0
Nbhd	NAT'L SEASHORE	NOTE	FY14 COMBINED 29-12 AND 29-14		
Infl1	NO ADJ				
Infl2	NO ADJ				

ASSESSED	CURRENT	PREVIOUS
LAND	21,800	21,500
BUILDING	0	0
DETACHED	82,300	81,500
OTHER	0	0
TOTAL	**104,100**	**103,000**

DETACHED

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD
SHF	A 1.00	A 0.75	8*10	1992	80	14.77	900
ST1	+ 1.10	A 0.75	40*20+10*20		1,000	94.27	70,700
CBN	+ 1.10	A+ 0.80	10*20	2	200	59.29	9,500
OPA	+ 1.10	A+ 0.80	10*14		140	10.89	1,200

PHOTO 05/14/2010

BUILDING

BUILDING	CD	ADJ	DESC
MODEL			
STYLE			
QUALITY			
FRAME			

MEASURE		
LIST		
REVIEW		

BLDG COMMENTS

YEAR BLT		SIZE ADJ	
NET AREA		DETAIL ADJ	
$NLA(RCN)		OVERALL	

CAPACITY	UNITS	ADJ

ELEMENT	CD	DESCRIPTION	ADJ

S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN

TOTAL RCN

CONDITION ELEM	CD

EFF YR/AGE

COND

FUNC

ECON

DEPR % GD

RCNLD

E.

Key: 644

Town of TRURO - Fiscal Year 2021

10/9/2020 9:05 am SEQ #: 559

LEGAL

CURRENT OWNER	PARCEL ID	LOCATION
FEIDEN ENTERPRISES LLC 785 NEW LOUDON RD LATHAM, NY 12110	29-9-0	3 ALDEN RD

TRANSFER HISTORY	DOS	T	SALE PRICE	BK-PG (Cert)
FEIDEN ENTERPRISES LLC	02/27/2008	O	900,000	22704-74
UNGERER RAYMOND MAYNARD J	02/27/2008	99		22704-72
UNGERER RAYMOND MAYNARD J	06/15/2007	99		22112-213

CLASS	CLASS%	DESCRIPTION	BN ID	BN	CARD
1010	100	SINGLE FAMILY		1	1 of 2

PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%
09-036	03/16/2009	2	ADDITION	5,000	05/14/2010	JH	100	100
	07/01/2008	30	CHECK DATA		09/08/2008	FC	100	100
08-051	03/20/2008	3	REPAIR/REMOD	10,000	05/19/2009	JH	100	100
08-012	01/23/2008	10	ALL OTHERS	300	09/08/2008	FC	100	100
03-115	07/11/2003	9	DECK	2,291	02/10/2004	RS	100	100

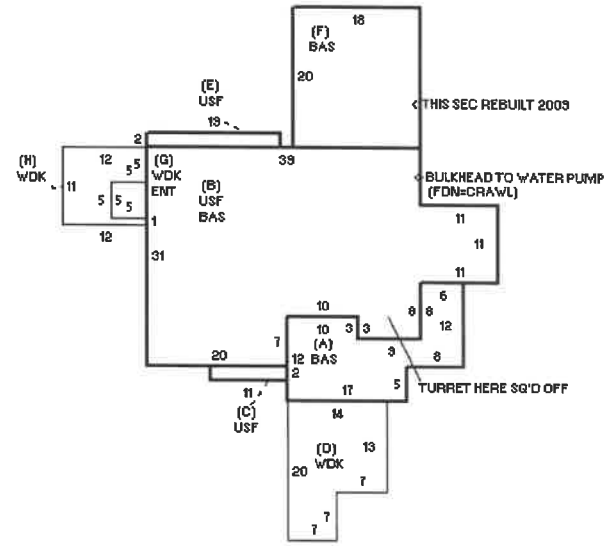
LAND

CD	T	AC/SF/UN	Nbhd	Infl1	Infl2	ADJ BASE	SAF	Infl3	Lpi	VC	CREDIT AMT	ADJ VALUE
100	A	0.570	16 1.00	1 1.00	1 1.00	944,650	1.24	1 1.00	SV3 3.50			665,960

TOTAL	24,829 SF	ZONING	NSD	FRNT	0
Nbhd	NAT'L SEASHORE	NOTE	CORRECTED SIZE OF SHF FY09 PER 6/08 MSMT+CORRECTED YB FY10 PER BP#95-114. FY10=CHGD CLASS (SEE NOTES ON SKETCH SCREEN) & VIEW PER REVIEW.		
Infl1	NO ADJ				
Infl2	NO ADJ				

ASSESSED	CURRENT	PREVIOUS
LAND	666,000	659,300
BUILDING	464,600	460,000
DETACHED	1,800	1,800
OTHER	54,900	55,200
TOTAL	1,187,300	1,176,300

PER OWNER 9/8/08: PROP PURCHASED AS SFR PER CCNS REGS; NO RENTAL INCOME ALLOWED; (SEE INFO IN PRC FILE) Bulkhead: 6x6 mech room only.



DETACHED

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD
SHF	- 0.90	A 0.75	16*12	1995	192	12.54	1,800

PHOTO 10/23/2018

BLDG COMMENTS

BUILDING

BUILDING	CD	ADJ	DESC
MODEL	1		RESIDENTIAL
STYLE	7	1.20	OLD STYLE [100%]
QUALITY	+	1.10	GOOD-/AVE+ [100%]
FRAME	1	1.00	WOOD FRAME [100%]

MEASURE	10/23/2017	LG
LIST	9/8/2008	FC
REVIEW	12/15/2010	MR

YEAR BLT	1930	SIZE ADJ	1.000
NET AREA	3,131	DETAIL ADJ	1.000
$NLA(RCN)	$215	OVERALL	1.220

CAPACITY	UNITS	ADJ
STORIES(FAR)	2	1.00
ROOMS	11	1.00
BEDROOMS	3.5	1.00
BATHROOMS	11	1.00
FIXTURES	13	$9,100
UNITS	1	1.00

ELEMENT	CD	DESCRIPTION	ADJ
FOUNDATION	3	CONTIN WALL	1.00
EXT. COVER	1	WOOD SHINGLES	1.00
ROOF SHAPE	5	MANSARD	1.00
ROOF COVER	1	ASPHALT SHINGLE	1.00
FLOOR COVER	3	W/W CARPET	1.00
INT. FINISH	2	DRYWALL	1.00
HEATING/COOLING	2	HOT WATER	1.02
FUEL SOURCE	2	GAS	1.00

S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN
+	BAS	L	BAS AREA	1,487	1930	221.60	329,525
+	USF	L	UP-STRY FIN	1,284	1930	173.24	222,434
+	WDK	N	ATT WOOD DECK	363		38.78	14,079
F	BAS	L	BAS AREA	360	2009	221.61	79,778
G	ENT	N	ENCL ENTRY	25		189.38	4,735
	GFP	O	GAS FIREPLACE	2		6,853.60	13,707

TOTAL RCN	673,358
CONDITION ELEM	CD

EFF.YR/AGE	1980 / 39	
COND	31 31 %	
FUNC	0	
ECON	0	
DEPR	31 % GD	69
RCNLD		$464,600

E.

Key: 644

Town of TRURO - Fiscal Year 2021

10/9/2020 9:05 am SEQ #: 560

LEGAL

CURRENT OWNER	PARCEL ID	LOCATION
FEIDEN ENTERPRISES LLC 785 NEW LOUDON RD LATHAM, NY 12110	29-9-0	3 ALDEN RD

TRANSFER HISTORY	DOS	T	SALE PRICE	BK-PG (Cert)

CLASS	CLASS%	DESCRIPTION	BN ID	BN	CARD
1010	100	SINGLE FAMILY		2	2 of 2

PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%

LAND

CD	T	AC/SF/UN	Nbhd	Infl1	Infl2	ADJ BASE	SAF	Infl3	Lpi	VC	CREDIT AMT	ADJ VALUE

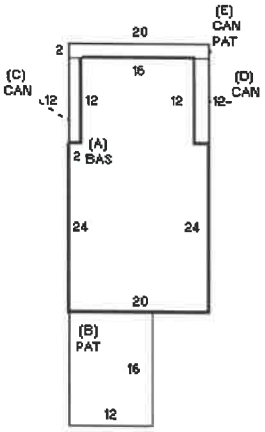
TOTAL		ZONING		FRNT	
Nbhd		NOTE			
Infl1					
Infl2					

ASSESSED	CURRENT	PREVIOUS
LAND		
BUILDING	54,900	
DETACHED		
OTHER		
TOTAL		

DETACHED

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD

PHOTO 10/23/2018



BUILDING

BUILDING	CD	ADJ	DESC
MODEL	1		RESIDENTIAL
STYLE	14	0.90	DET BLDG [100%]
QUALITY	-	0.75	AVE-/LOW+ [100%]
FRAME	1	1.00	WOOD FRAME [100%]

MEASURE	10/23/2018	LG
LIST	9/8/2008	FC
REVIEW	12/15/2010	MR

BLDG COMMENTS

RINNAI GAS WALL HEATER IN 1 BR ONLY. Has ODS.

YEAR BLT	1930	SIZE ADJ	1.000
NET AREA	672	DETAIL ADJ	1.000
$NLA(RCN)	$122	OVERALL	0.830

CAPACITY	UNITS	ADJ
STORIES(FAR)	1	1.00
ROOMS	4	1.00
BEDROOMS	2	1.00
BATHROOMS	1	1.00
FIXTURES	5	$3,500
UNITS	1	1.00

ELEMENT	CD	DESCRIPTION	ADJ
FOUNDATION	2	SLAB	0.95
EXT. COVER	1	WOOD SHINGLES	1.00
ROOF SHAPE	1	GABLE	1.00
ROOF COVER	1	ASPHALT SHINGLE	1.00
FLOOR COVER	5	VINYL	1.00
INT. FINISH	3	WOOD PANEL	1.00
HEATING/COOLING	7	FL./WALL FURN.	0.98
FUEL SOURCE	2	GAS	1.00

S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN
A	BAS	L	BAS AREA	672	1930	106.99	71,897
+	PAT	N	PATIO	232		5.55	1,287
+	CAN	N	CANOPY	88		16.25	1,430
	F11	O	FPL 1S 1OP	1		3,814.70	3,815

TOTAL RCN	81,928
CONDITION ELEM	CD

EFF.YR/AGE	1975 / 44	
COND	33	33 %
FUNC	0	
ECON	0	
DEPR	33	% GD 67
RCNLD		$54,900

F.

Key: 643

Town of TRURO - Fiscal Year 2021

10/9/2020 9:05 am SEQ #: 558

LEGAL

CURRENT OWNER	PARCEL ID	LOCATION
TWENTY CLIFF ROAD NOM TRUST TRS: MICERA ANNE M ET AL 29 NEPERA PLACE HASTINGS ON HUDSON, NY 10706	29-8-0	20 CLIFF RD

TRANSFER HISTORY	DOS	T	SALE PRICE	BK-PG (Cert)
TWENTY CLIFF ROAD NOM TRU	12/08/2014	A		28557-298
MICERA ANNE M & GERARD PE	09/30/2014	A		28415-175
TWENTY CLIFF ROAD NOM TRU	10/16/2007	F		22406-32

CLASS	CLASS%	DESCRIPTION	BN ID	BN	CARD
1010	100	SINGLE FAMILY		1	1 of 1

PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%
89-149	10/16/1989	2	ADDITION	58,000	12/31/1989		100	100

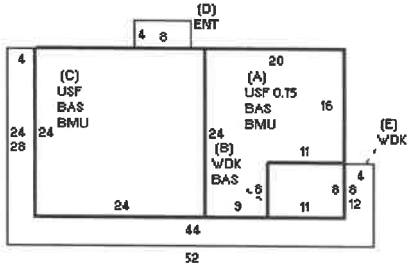
LAND

CD	T	AC/SF/UN	Nbhd	Infl1	Infl2	ADJ BASE	SAF	Infl3	Lpi	VC	CREDIT AMT	ADJ VALUE
100	A	0.230	16 1.00	1 1.00	1 1.00	1,889,300	2.32	1 1.00	SV5 7.00			1,010,090

TOTAL	10,019 SF	ZONING	NSD	FRNT	0
Nbhd	NAT'L SEASHORE	NOTE			
Infl1	NO ADJ				
Infl2	NO ADJ				

ASSESSED	CURRENT	PREVIOUS
LAND	1,010,100	1,000,000
BUILDING	254,900	256,100
DETACHED	400	400
OTHER	0	0
TOTAL	1,265,400	1,256,500

SEC A HAS SALTBOX ROOF+SEC C HAS GABLE ROOF



DETACHED

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD
PTD	A 1.00	A 0.75	7*33		231	2.10	400

PHOTO 08/31/2018

BUILDING

BUILDING	CD	ADJ	DESC
MODEL	1		RESIDENTIAL
STYLE	5	1.00	COLONIAL [100%]
QUALITY	A	1.00	AVERAGE [100%]
FRAME	1	1.00	WOOD FRAME [100%]

MEASURE	8/31/2018	LG
LIST	10/9/2018	LG
REVIEW	12/15/2010	MR

BLDG COMMENTS

Upper floor heated by electric basebrd. Per Oct 09 List, xtra kitchen with oven/stove on upper floor.

YEAR BLT	1957	SIZE ADJ	1.000
NET AREA	1,926	DETAIL ADJ	1.000
$NLA(RCN)	$195	OVERALL	1.000

CAPACITY	UNITS	ADJ
STORIES(FAR)	2	1.00
ROOMS	8	1.00
BEDROOMS	5	1.00
BATHROOMS	2.5	1.00
FIXTURES	8	$5,600
UNITS	0	1.00

ELEMENT	CD	DESCRIPTION	ADJ
FOUNDATION			1.00
EXT. COVER	1	WOOD SHINGLES	1.00
ROOF SHAPE	1	GABLE	1.00
ROOF COVER	1	ASPHALT SHINGLE	1.00
FLOOR COVER	5	VINYL	1.00
INT. FINISH	3	WOOD PANEL	1.00
HEATING/COOLING	1	FORCED AIR	1.00
FUEL SOURCE	1	OIL	1.00

S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN
+	BMU	N	BSMT UNFINISHED	968		40.70	39,398
+	USF	L	UP-STRY FIN	870	1957	132.50	115,277
+	BAS	L	BAS AREA	1,056	1957	171.87	181,495
D	ENT	N	ENCL ENTRY	32		113.69	3,638
+	WDK	N	ATT WOOD DECK	424		27.20	11,533
	F21	O	FPL 2S 1OP	1		8,511.00	8,511
	KIT	O	XTRA KITCHEN	1		9,377.00	9,377

TOTAL RCN	374,829
CONDITION ELEM	CD

EFF.YR/AGE	1979 / 40	
COND	32	32 %
FUNC	0	
ECON	0	
DEPR	32	% GD 68
RCNLD		$254,900

9.

Key: 642

Town of TRURO - Fiscal Year 2021

10/9/2020 9:05 am SEQ #: 557

LEGAL

CURRENT OWNER	PARCEL ID	LOCATION
TWENTY CLIFF ROAD NOM TRUST TRS: MICERA ANNE M ET AL 29 NEPERA PLACE HASTINGS ON HUDSON, NY 10706	29-7-0	2 ALDEN RD

TRANSFER HISTORY	DOS	T	SALE PRICE	BK-PG (Cert)
TWENTY CLIFF ROAD NOM TRU	12/08/2014	A		28557-298
MICERA ANNE M & GERARD PE	09/30/2014	A		28415-175
TWENTY CLIFF ROAD NOM TRU	10/16/2007	99		22406-32

CLASS	CLASS%	DESCRIPTION	BN ID	BN	CARD
1060	100	ACC IMP			1 of 1

PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%

LAND

CD	T	AC/SF/UN	Nbhd	Infl1	Infl2	ADJ BASE	SAF	Infl3	Lpi	VC	CREDIT AMT	ADJ VALUE
300	A	0.320	16 1.00	1 1.00	1 1.00	47,380	1.00	1 1.00	SR3 2.30			15,160

TOTAL	13,939 SF	ZONING	NSD	FRNT	0

Nbhd	NAT'L SEASHORE
Infl1	NO ADJ
Infl2	NO ADJ

NOTE: FY11 DGF QUAL/COND CHGS PER 10/26/09 MEAS (=SUBSTANTIAL OVERSIZED GAR). fy08=land code to 200 (like 30-6=per NSS "can build secondary struct only" - considered excess land (contig to 29-8 w/dwlg). FY11 OFFICE REV = SAME nbhd/Lpi.

ASSESSED	CURRENT	PREVIOUS
LAND	15,200	15,000
BUILDING	0	0
DETACHED	16,200	13,900
OTHER	0	0
TOTAL	31,400	28,900

DETACHED

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD
DGF	G 1.18	A+ 0.80	26*36		936	21.62	16,200

PHOTO 10/23/2018

BLDG COMMENTS

BUILDING

BUILDING	CD	ADJ	DESC
MODEL			
STYLE			
QUALITY			
FRAME			

MEASURE	
LIST	
REVIEW	

YEAR BLT		SIZE ADJ	
NET AREA		DETAIL ADJ	
$NLA(RCN)		OVERALL	

CAPACITY	UNITS	ADJ

ELEMENT	CD	DESCRIPTION	ADJ

S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN

TOTAL RCN

CONDITION ELEM	CD

EFF.YR/AGE

COND		
FUNC		
ECON		
DEPR		% GD
RCNLD		

H.

Key: 640

Town of TRURO - Fiscal Year 2021

10/9/2020 9:05 am SEQ #: 555

LEGAL

CURRENT OWNER	PARCEL ID	LOCATION
GIESE GRAHAM SHERWOOD TRUST TRS: GIESE GRAHAM SHERWOOD PO BOX 231 NO TRURO, MA 02652-0231	29-5-0	5 PRISCILLA RD

TRANSFER HISTORY	DOS	T	SALE PRICE	BK-PG (Cert)
GIESE GRAHAM SHERWOOD TRU	05/09/2002	99		15139-99
GIESE GRAHAM SHERWOOD	10/18/1995	F		9888-300
GIESE GRAHAM SHERWOOD	05/05/1992	99		8004-015

CLASS	CLASS%	DESCRIPTION	BN ID	BN	CARD
1010	100	SINGLE FAMILY		1	1 of 1

PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%
FY2018		35	RES EXEMPT		11/13/2017		0	0
17-106X	04/19/2017	4	REHAB	20,000	02/09/2018	LG	100	100
13-100	04/30/2013	90	BP NVC	1,850	05/03/2013		100	100
94-017	03/14/1994	2	ADDITION	15,000	06/10/1994		100	100
94-006	02/02/1994	4	REHAB	15,000	06/10/1994		100	100

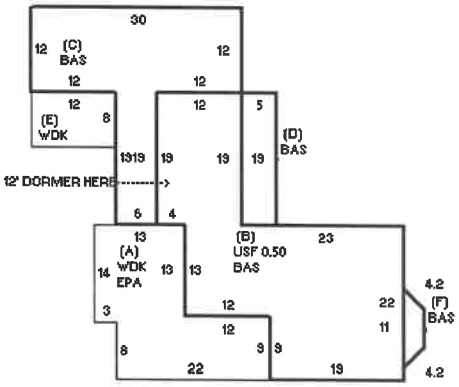
LAND

CD	T	AC/SF/UN	Nbhd	Infl1	Infl2	ADJ BASE	SAF	Infl3	Lpi	VC	CREDIT AMT	ADJ VALUE
100	A	0.775	16 1.00	1 1.00	1 1.00	620,770	1.00	1 1.00	SR3 2.30			481,100
300	A	0.715	16 1.00	1 1.00	1 1.00	47,380	1.00	1 1.00	SR3 2.30			33,880

TOTAL	1.490 Acres	ZONING	NSD	FRNT	0
Nbhd	NAT'L SEASHORE	NOTE	FY10 VIEW CHG PER REVIEW. FY11=DELETED VW PER 2009 M+L (OBSCURED BY WOODLANDS). FY11 Lpi INCR PER FIELD REV+ NBHD CHG 9B TO 9A PER OFFICE REV.		
Infl1	NO ADJ				
Infl2	NO ADJ				

ASSESSED	CURRENT	PREVIOUS
LAND	515,000	509,800
BUILDING	208,200	210,300
DETACHED	3,000	2,600
OTHER	0	0
TOTAL	726,200	722,700

PER 2009 M+L: NO BSMT OR CRAWL



DETACHED

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD
DGF	- 0.90	P 0.45	13*20		260	23.64	2,800
PTD	G 1.18	F 0.60	11*11		121	2.48	200

PHOTO 02/09/2018

BLDG COMMENTS

FY11 CHGS PER 2009 M+L.

BUILDING

BUILDING	CD	ADJ	DESC
MODEL	1		RESIDENTIAL
STYLE	7	1.20	OLD STYLE [100%]
QUALITY	A	1.00	AVERAGE [100%]
FRAME	1	1.00	WOOD FRAME [100%]

MEASURE	2/9/2018	LG
LIST	2/12/2018	LG
REVIEW	12/15/2010	MR

YEAR BLT	1840	SIZE ADJ	1.000
NET AREA	1,796	DETAIL ADJ	1.000
$NLA(RCN)	$237	OVERALL	1.230

CAPACITY	UNITS	ADJ
STORIES(FAR)	1.5	1.00
ROOMS	8	1.00
BEDROOMS	3	1.00
BATHROOMS	2	1.00
FIXTURES	8	$5,600
UNITS	0	1.00

ELEMENT	CD	DESCRIPTION	ADJ
FOUNDATION			1.00
EXT. COVER	1	WOOD SHINGLES	1.00
ROOF SHAPE	1	GABLE	1.00
ROOF COVER	2	WOOD SHINGLES	1.01
FLOOR COVER	2	SOFTWOOD	1.00
INT. FINISH	2	DRYWALL	1.00
HEATING/COOLING	2	HOT WATER	1.02
FUEL SOURCE	1	OIL	1.00

S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN
A	EPA	N	ENCL PORCH	370		81.97	30,328
+	BAS	L	BAS AREA	1,395	1840	209.33	292,012
B	USF	L	UP-STRY FIN	401	1840	166.34	66,702
+	WDK	N	ATT WOOD DECK	466		33.46	15,590
	F21	O	FPL 2S 1OP	1		10,468.50	10,469
	MST	O	MASONRY STACK	2		2,093.45	4,187
	ODS	O	OUT DOOR SHOWER			0.00	

TOTAL RCN	424,887
CONDITION ELEM	CD

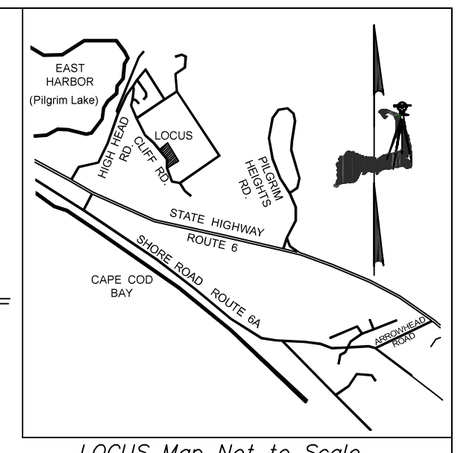
EFF.YR/AGE	1959 / 60	
COND	51	51 %
FUNC	0	
ECON	0	
DEPR	51	% GD 49
RCNLD		$208,200

I hereby certify that the structures shown hereon are located as they exist on the ground.

_____ _____
Donald T. Poole PLS #32662 Date

Cape Cod National Seashore
USA Dept. of the Interior

PLAN NOTES:
1) Property is located within the Seashore Zoning District
2) Bearings are based on MA Coordinate System NAD83
3) Elevations are based on NAVD88
4) Existing Grade= 61.8+60.5+63.0+63.3+63.5+64.1+63.0= 439.2/7 = 62.7' NAVD88
5) Existing Ridge Height = 84.8' – 62.7 = 22.1'
6) Proposed Ridge Height = Fin Flr (65.9') + 22.9' (Proposed Ridge) = 88.8' – 62.7' = 26.1'



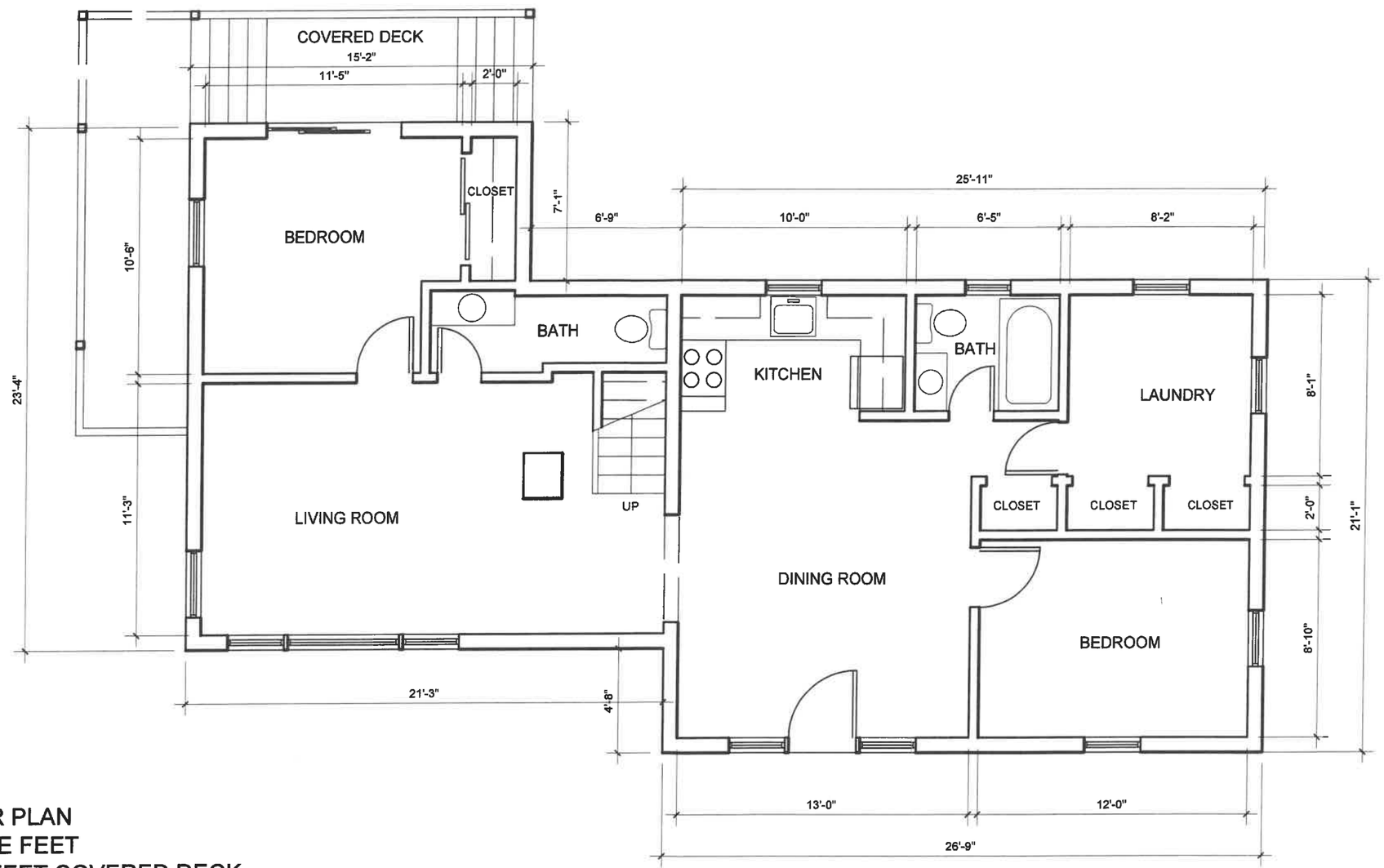
LOCUS Map Not to Scale

0 20 40 60

Holden Avenue ~ 30' Way
N 54°37'26" E 123.58'
R= 10.00'
A= 15.71'
Lot 507
Lot 508
Lot 509
Lot 510
Mayflower Road ~ 30' Way
S 35°22'34" E 190.00'
#38 Cliff Road
Area = 28,010± Sq.Ft.
or 0.64 Acres
50.0±
R= 10.00'
A= 16.08'
100' from the Zone AE Elev. 13, From FEMA Map#25001C0136J
Building Setback Line
150' From Top of Bank
100' From Top of Bank
#38 Cliff Road Residence
Proposed Screened Porch (296±Sq.Ft.)
Existing Deck
Proposed Addition (213±Sq.Ft.)
Ridge= 84.8
Ridge= 83.8
Ridge= 82.6
Ridge= 78.6
Septic, from "As-Built" Card at BOH
Shed
25.0±
N 37°29'12" W 189.76'
Cliff Road ~ 40' Way
100' from the Edge of Wetland from DEP
Zone AE Elev. 13, From FEMA Map#25001C0136J
Proposed Covered Entry
Limit of Work
Rock Wall
Existing Parking
S 54°37'26" W 136.59'
#40 Cliff Road
Peter R. Clemons etal
Deed Book 32632, Page 23
Lot 511 Plan Book 20, Page 5
Cape Cod National Seashore
USA Dept. of the Interior
Top of Bank
Chatham Avenue ~ 30' Way

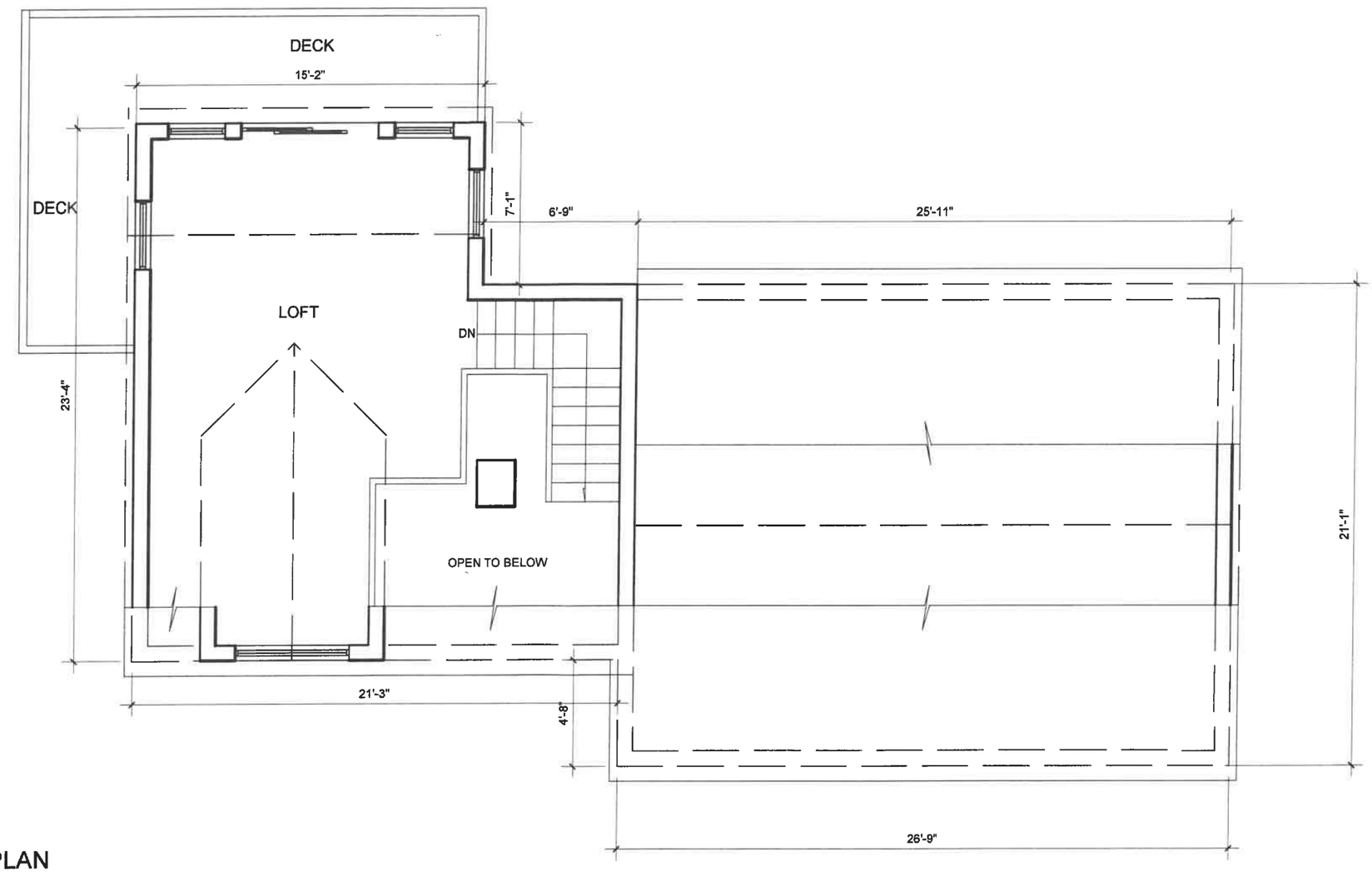
Plan of Land
#38 Cliff Road, Truro
prepared for
Katherine S. Cook & Christine Van Genderen
Deed Book 333507, Page 344
Lots 507, 508, 509, 510
Plan Book 20, Page 5
Scale 1" = 20' Dec. 16, 2020
ols #933001

OUTERMOST LAND SURVEY, INC.
#46 Main Street
Brewster, MA 02631
508-255-0477



FIRST FLOOR PLAN
1,020 SQUARE FEET
76 SQUARE FEET COVERED DECK

TED SMITH Architect, LLC 12 Dartmouth Place . Boston 422 Commercial Street . Provincetown 617 . 247 . 0023 TEDSMITHARCHITECT@GMAIL.COM	PROJECT TITLE 38 CLIFF ROAD Truro, Massachusetts	DRAWING TITLE EXISTING FIRST FLOOR PLAN	SCALE 3/16" = 1'-0" DATE 26 OCTOBER 2020	SHEET NO. E1.1



SECOND FLOOR PLAN
369 SQUARE FEET

TED SMITH
Architect, LLC
12 Dartmouth Place . Boston
422 Commercial Street . Provincetown
617 . 247 . 0023
TEDSMITHARCHITECT@GMAIL.COM

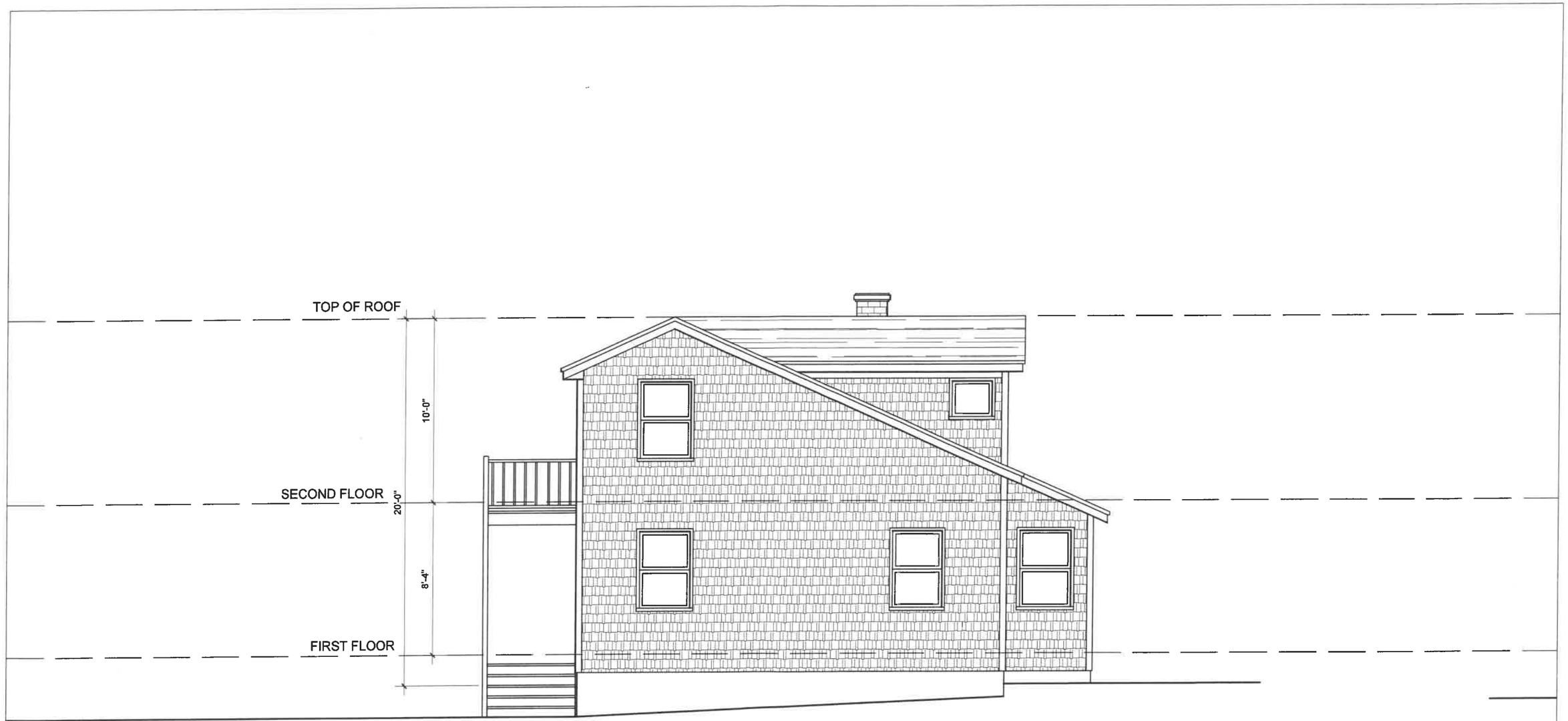
PROJECT TITLE
38 CLIFF ROAD
Truro, Massachusetts

DRAWING TITLE
EXISTING SECOND FLOOR PLAN

SCALE
3/16" = 1'-0"

DATE
26 OCTOBER 2020

SHEET NO.
E1.2



TED SMITH
Architect, LLC
12 Dartmouth Place . Boston
422 Commercial Street . Provincetown
617 . 247 . 0023
TEDSMITHARCHITECT@GMAIL.COM

PROJECT TITLE

38 CLIFF ROAD
Truro, Massachusetts

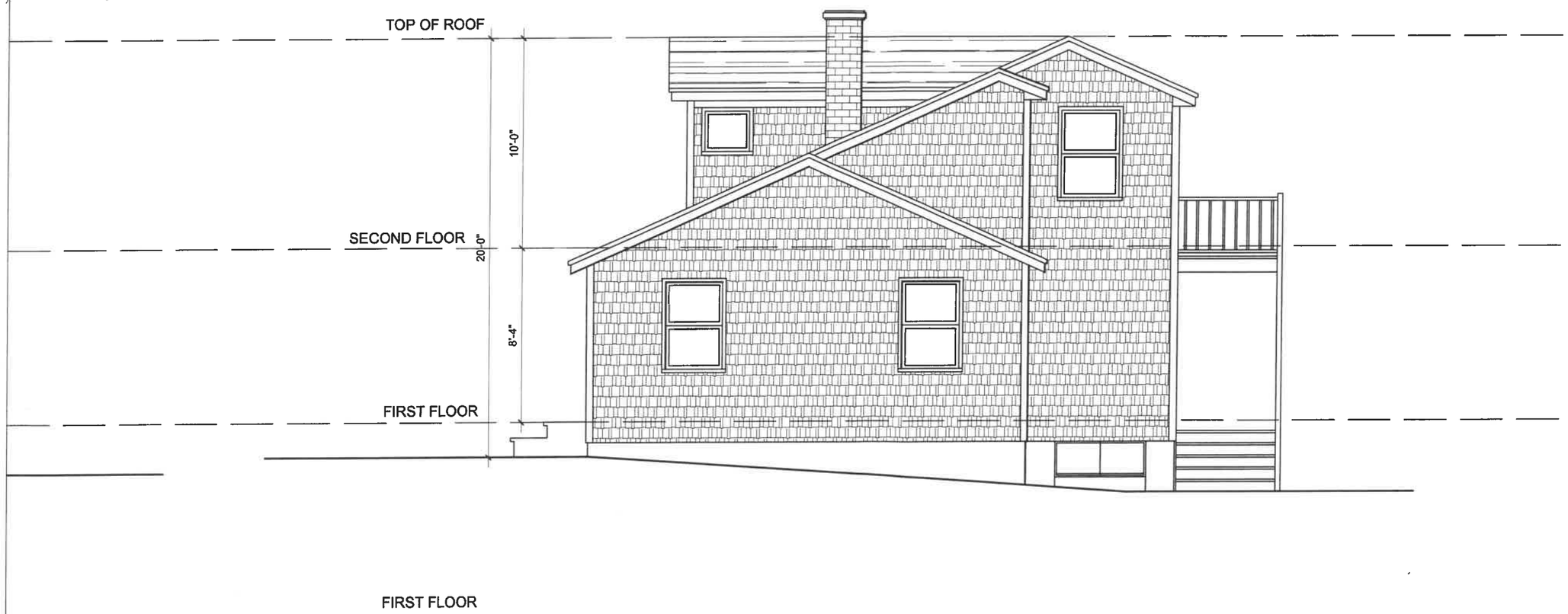
DRAWING TITLE

EXISTING NORTH ELEVATION

SCALE
3/16" = 1'-0"

DATE
26 OCTOBER 2020

SHEET NO.
E2.4



TED SMITH
Architect, LLC
12 Dartmouth Place . Boston
422 Commercial Street . Provincetown
617 . 247 . 0023
TEDSMITHARCHITECT@GMAIL.COM

PROJECT TITLE

38 CLIFF ROAD
Truro, Massachusetts

DRAWING TITLE

EXISTING SOUTH ELEVATION

SCALE
3/16" = 1'-0"

DATE
26 OCTOBER 2020

SHEET NO.
E2.2

TED SMITH
Architect, LLC
12 Dartmouth Place . Boston
422 Commercial Street . Provincetown
617 . 247 . 0023
TEDSMITHARCHITECT@GMAIL.COM

PROJECT TITLE

38 CLIFF ROAD
Truro, Massachusetts

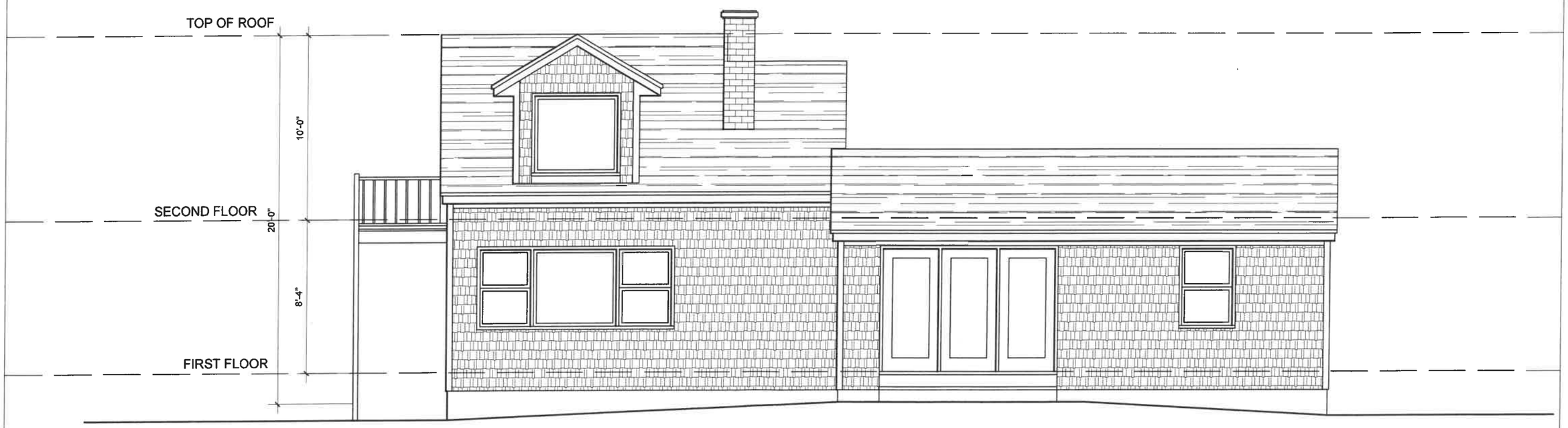
DRAWING TITLE

EXISTING EAST ELEVATION

SCALE
3/16" = 1'-0"

DATE
26 OCTOBER 2020

SHEET NO.
E2.3



TED SMITH
Architect, LLC
12 Dartmouth Place . Boston
422 Commercial Street . Provincetown
617 . 247 . 0023
TEDSMITHARCHITECT@GMAIL.COM

PROJECT TITLE

38 CLIFF ROAD
Truro, Massachusetts

DRAWING TITLE

EXISTING WEST ELEVATION

SCALE
3/16" = 1'-0"

DATE
26 OCTOBER 2020

SHEET NO.
E2.1

La Tanzi
Spaulding
& Landreth

8 Cardinal Lane
Orleans

14 Center Street, Suite 4
Provincetown

3010 Main Street, Suite 2E
Barnstable

Benjamin E. Zehnder
Direct Tel: 774-801-3048
bzehnder@latanzi.com

November 12, 2020

Truro Town Clerk Cynthia Slade
24 Town Hall Road
P.O. Box 2012
Truro, MA 02666

Via hand delivery

Re: Revised floor plans for Planning Board Residential Site Plan Review
38 Cliff Road (Assessor's Parcel ID 32-19)

Dear Ms. Slade:

I previously filed with you an application for Planning Board Residential Site Plan Review for the property at 38 Cliff Road. The owners' architect has prepared revised proposed floor plans (two sheets) showing the locations of exterior lighting fixtures.

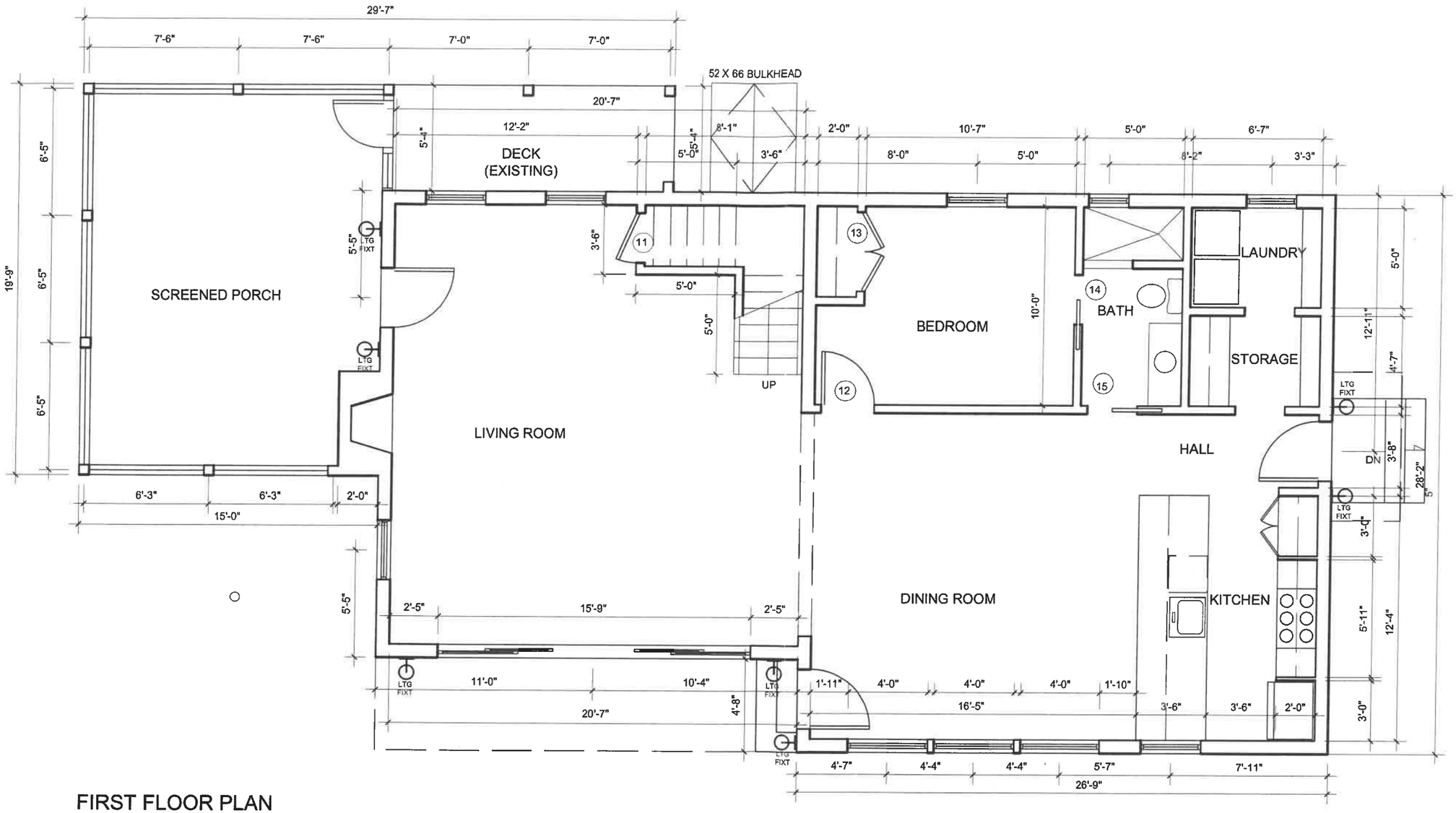
Please find attached fifteen sets of the revised floor plans for filing with the Planning Board in this matter.

Thank you as always for your assistance.

Very truly yours,

Benjamin E. Zehnder

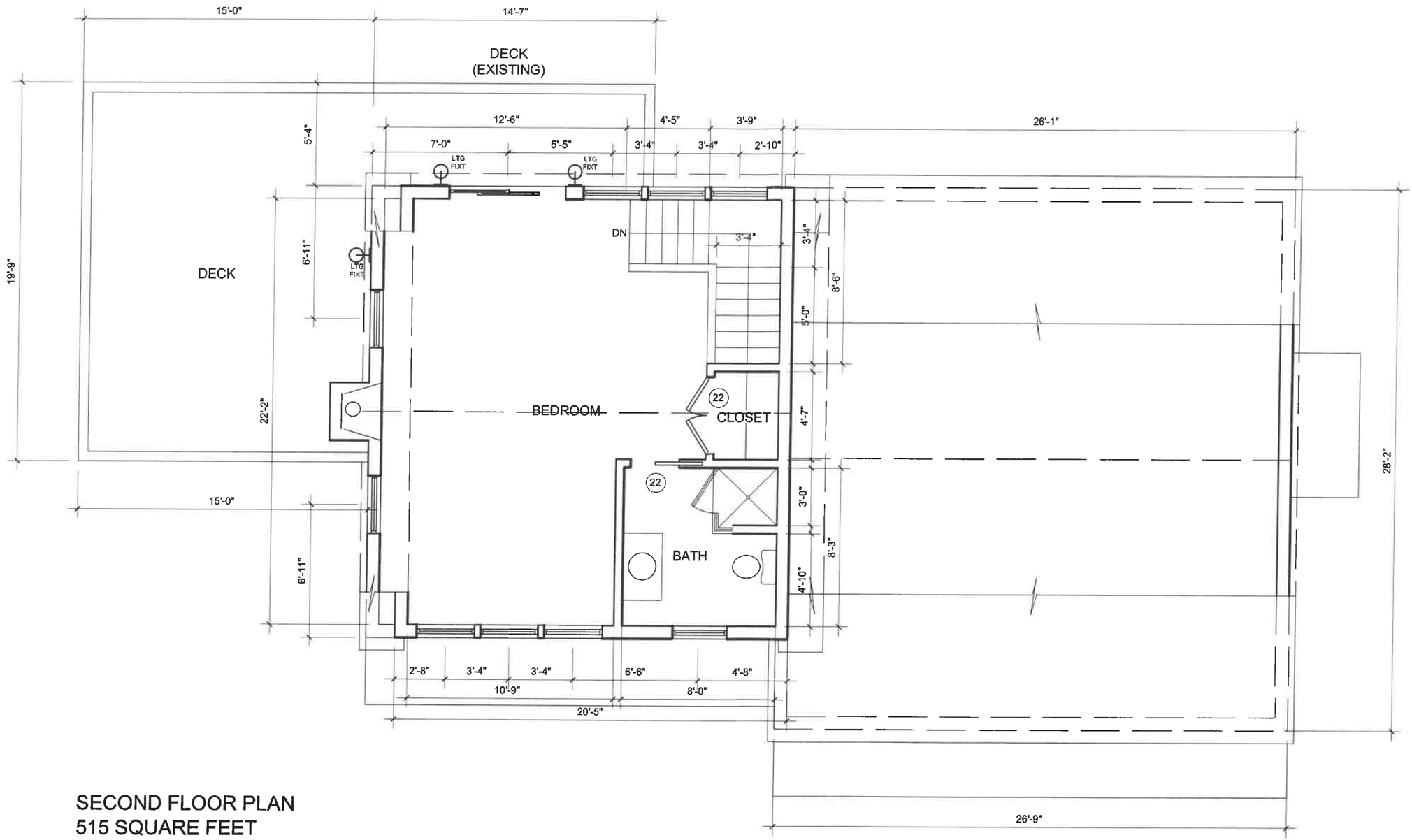
Enc.
cc.: client
Donald T. Poole
Ted Smith
Truro Town Planner (via email to planner1@truro-ma.gov)



FIRST FLOOR PLAN
1,252 SQUARE FEET
373 SQUARE FEET PORCH / DECK

TED SMITH Architect, LLC 12 Dartmouth Place . Boston 422 Commercial Street . Provincetown 617 . 247 . 0023 TEDSMITHARCHITECT@GMAIL.COM	PROJECT TITLE 38 CLIFF ROAD Truro, Massachusetts	DRAWING TITLE PROPOSED FIRST FLOOR PLAN	SCALE 3/16" = 1'-0" DATE 26 OCTOBER 2020	SHEET NO. A1.1

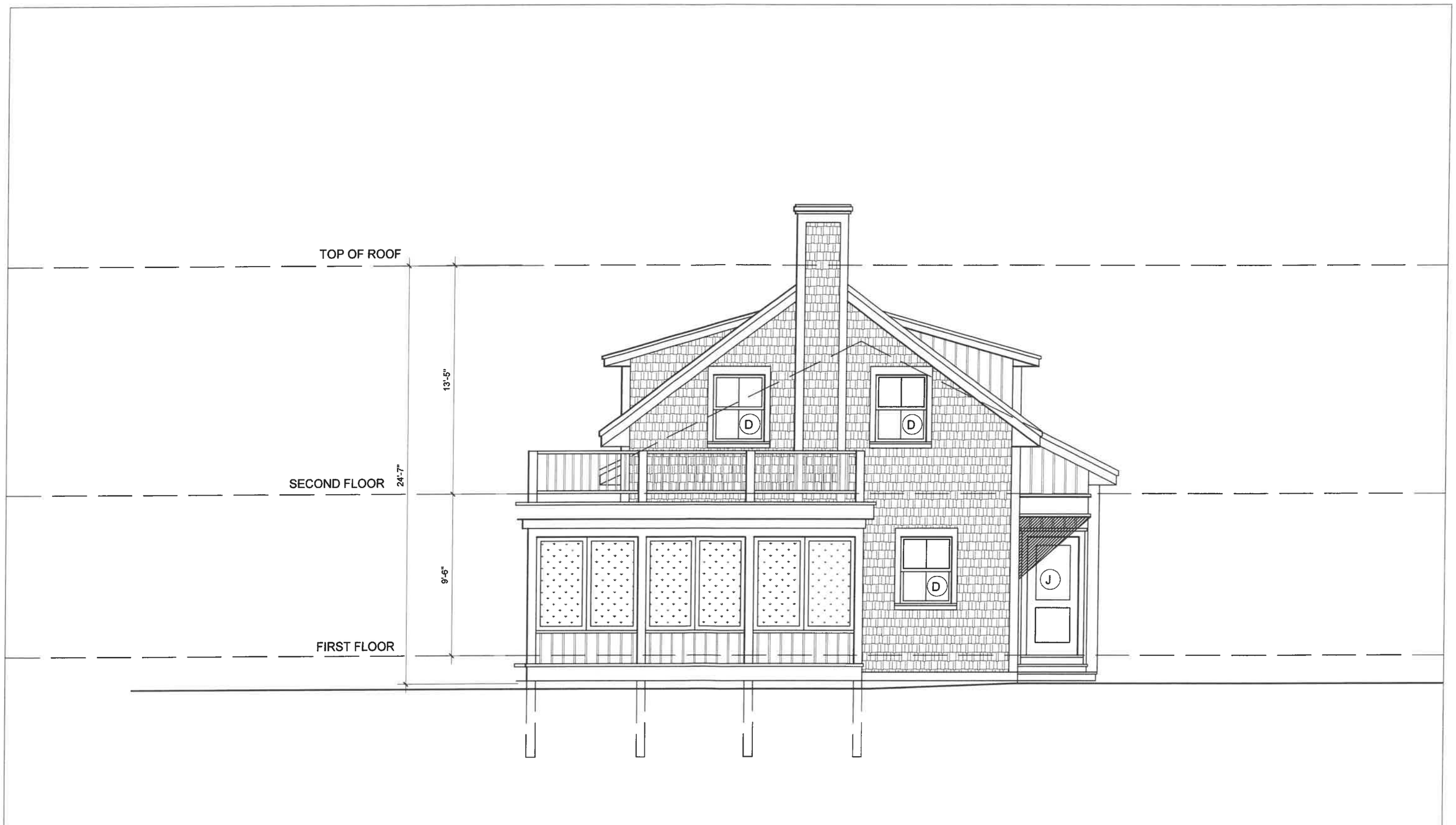
REVISED — WITH EXTERIOR LIGHTING
FLOOD 12/12/20



SECOND FLOOR PLAN
515 SQUARE FEET

TED SMITH Architect, LLC 12 Dartmouth Place . Boston 422 Commercial Street . Provincetown 617 . 247 . 0023 TEDSMITHARCHITECT@GMAIL.COM	PROJECT TITLE 38 CLIFF ROAD Truro, Massachusetts	DRAWING TITLE PROPOSED SECOND FLOOR PLAN	SCALE 3/16" = 1'-0" DATE 26 OCTOBER 2020	SHEET NO. A1.2

REVISED – WITH EXTERIOR LIGHTING



TED SMITH
Architect, LLC
12 Dartmouth Place . Boston
422 Commercial Street . Provincetown
617 . 247 . 0023
TEDSMITHARCHITECT@GMAIL.COM

PROJECT TITLE

38 CLIFF ROAD
Truro, Massachusetts

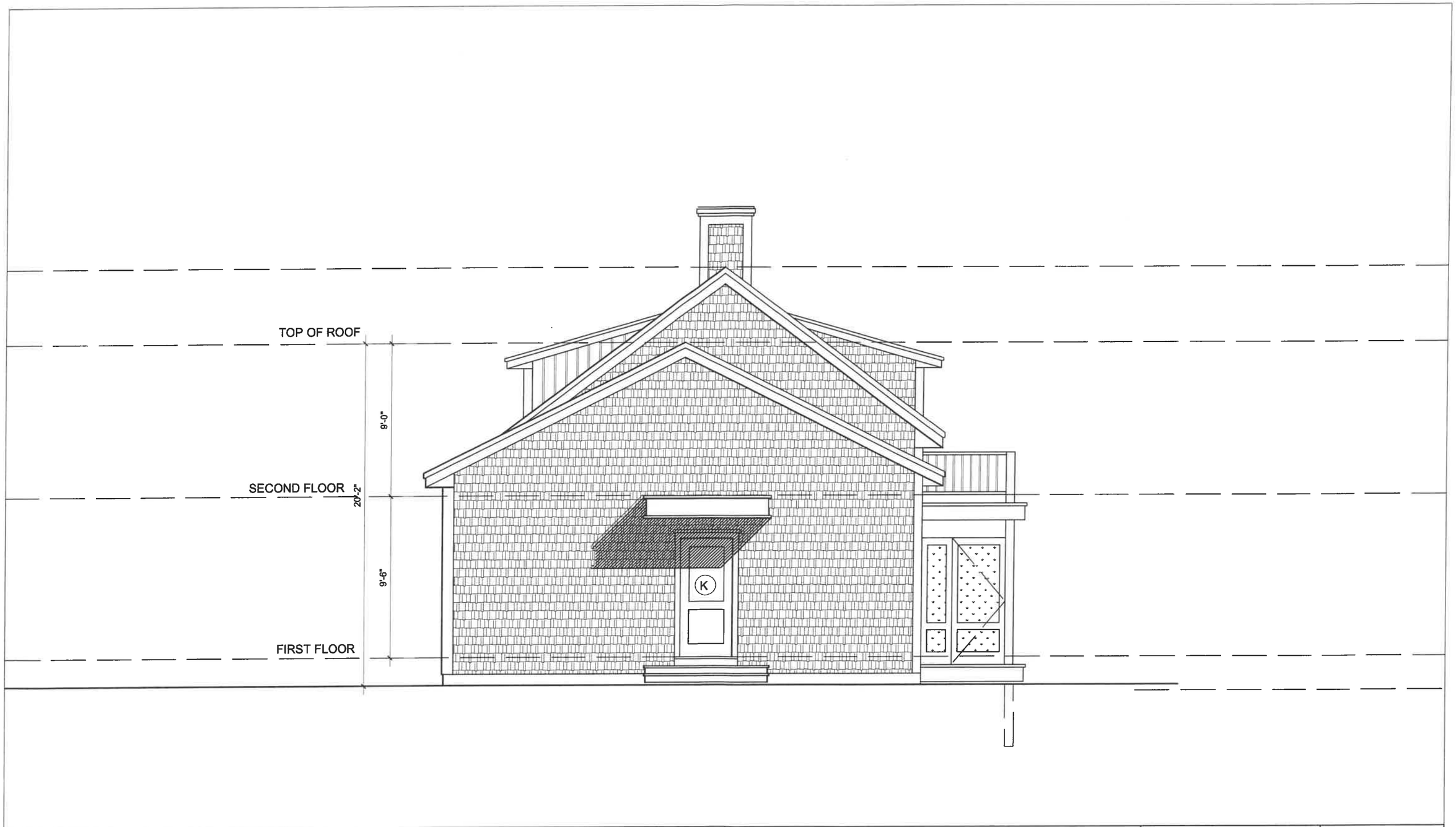
DRAWING TITLE

PROPOSED NORTH ELEVATION

SCALE
3/16" = 1'-0"

DATE
26 OCTOBER 2020

SHEET NO.
A2.5



TED SMITH
Architect, LLC
12 Dartmouth Place . Boston
422 Commercial Street . Provincetown
617 . 247 . 0023
TEDSMITHARCHITECT@GMAIL.COM

PROJECT TITLE

38 CLIFF ROAD
Truro, Massachusetts

DRAWING TITLE

PROPOSED SOUTH ELEVATION

SCALE
3/16" = 1'-0"

DATE
26 OCTOBER 2020

SHEET NO.
A2.2

TED SMITH Architect, LLC 12 Dartmouth Place . Boston 422 Commercial Street . Provincetown 617 . 247 . 0023 TEDSMITHARCHITECT@GMAIL.COM	PROJECT TITLE 38 CLIFF ROAD Truro, Massachusetts	DRAWING TITLE PROPOSED EAST ELEVATION	SCALE 3/16" = 1'-0" DATE 26 OCTOBER 2020	SHEET NO. A2.3

TED SMITH
Architect, LLC
12 Dartmouth Place . Boston
422 Commercial Street . Provincetown
617 . 247 . 0023
TEDSMITHARCHITECT@GMAIL.COM

PROJECT TITLE

38 CLIFF ROAD
Truro, Massachusetts

DRAWING TITLE

PROPOSED WEST ELEVATION

SCALE
3/16" = 1'-0"

DATE
20 OCTOBER 2020

SHEET NO.
A2.1

RESIDENTIAL DEVELOPMENT SITE PLAN REVIEW DECISION

Atlas Map 32 Parcel 19 **Address 38 Cliff Road**

Case Reference No.: 2020-005/SPR Applicants: Katherine S. Cook and Christine Van Genderen

Hearing Date: **December 16, 2020**

Decision Date: **December 16, 2020**

Sitting: *Anne Greenbaum, Chair; Vice Chair; Jack Riemer, Clerk; Paul Kiernan; Bruce Boleyn; Steve Sollog; Peter Herridge*

Following a duly posted and noticed Truro Planning Board hearing held on December 16, 2020, the Board voted to approve the application for Residential Development Site Plan Review pursuant to Section 70.4 of the Truro Zoning Bylaw for additions to an existing residence on property located at 38 Cliff Road, Map 32, Parcel 19, in the Seashore District.

The following materials were submitted as part of the complete application for review:

- Application for Site Plan Review (Residential)
- Certified Abutters List
- "Plan of Land, #38 Cliff Road, Truro, prepared for Katherine S. Cook & Christine Van Genderen, Deed Book 333507, Page 344, Lots 507, 508, 509, 510, Plan Book 20, Page 5" prepared by Outermost Land Survey, Inc., Scale 1"= 20' dated October 23, 2020
- "38 Cliff Road, Truro, Massachusetts," prepared by Ted Smith Architect, LLC, Scale 3/16th"= 1' 0" dated October 26, 2020, Sheets E1.1-E1.2; E2.1-E2.4, inclusive; A1.1 (revised December 12, 2020), A1.2 (revised December 12, 2020); A2.1, A2.s, A2.3, A2.5.
- "38 Cliff Road – Planning Board Site Plan Review Zoning Table" dated November 9, 2020
- Review Criteria form, completed
- Residential Site Plan Review Checklist
- Product specifications for lighting fixture
- Town of Truro Assessor's Records and photographs
- Pilgrim Heights Plan
- Quitclaim Deed

<u>Board Vote:</u>

At the December 16, 2020 meeting, M. made a motion, seconded by M. , to approve the application for residential development site plan. Vote was 0-0 in favor.

DRAFT

The application of Katherine S. Cook and Christine Van Genderen for Residential Site Plan approval pursuant to s. 70.4 of the Truro Zoning Bylaw was granted by the Planning Board.

This decision is pursuant to the following facts and conditions:

Findings:

1. This is an application by Katherine S. Cook and Christine Van Genderen for Residential Site Plan Review pursuant to Section 70.4 of the Truro Zoning Bylaw ("Bylaw"). Residential Site Plan Review is required under Section 70.4 of the Zoning Bylaw, as the project is an addition to an existing single-family dwelling in the Seashore District.

2. The Property is located at 38 Cliff Road and is shown on Truro Assessor's Map 32, Parcel 19. The Property contains .64 acres and is located in the Seashore District. The lot is nonconforming as to lot area where three acres are required, and as to front setback from Cliff Road (16.5 feet where 50 feet required).

3. The existing single-family house is located toward the southwest corner of the property. It contains a total of 1,389 square feet, plus a 76 foot covered deck. The first floor contains 1,020 square feet plus the deck; the second floor contains 369 square feet.

4. The proposed project removes most of the existing dwelling and reconstructs it on a somewhat enlarged footprint. A screened porch of 296 square feet will be constructed on the north side of the house, and an additional 213 square feet of living space will be constructed on the east side of the house (rear). The total [GROSS FLOOR AREA?] will be 1,767 square feet plus a 373 square foot porch/deck. The first floor will contain 1,252 square feet, plus the deck; the second floor will contain 515 square feet. The height of the dwelling will increase from an existing ridge height of 22.1 feet above grade to 26.1 feet above grade.

5. No additional alterations to the property are proposed.

6. The Board has reviewed all plans with respect to this Application and has found that they comply with all requirements set forth in Section 70.4(C) of the Bylaw.

7. The Board found that the house will be reconstructed in a manner that is in keeping with the scale of the existing building and other buildings in the neighborhood. This contributes to preserving the characteristics of the Seashore District.

8. Pursuant to Section 70.4(D) of the Bylaw, the Board found:

DRAFT

a. Relation of Buildings and Structures to the Environment. The Board finds that the reconstructed dwelling relates to the existing terrain and lot, as it modestly expands the footprint of the existing house and preserves the scale of the existing building.

b. Building Design and Landscaping. The Board finds that the reconstructed house is in an updated vernacular style consistent with other dwellings in the Seashore District and complementary to the landscape, particularly in its compactness on an undersized Seashore lot. The materials are likewise complementary and appropriate to the location.

c. Preservation of Landscape. The Board finds that the landscape will be preserved as the house is being expanded only modestly and no new parking areas or other appurtenances will be created.

d. Circulation. The Board finds that the existing driveway and parking area will adequately and safely serve the expanded house.

e. Lighting. The Board finds that the lighting proposed for the structure will be consistent with General Bylaw Chapter IV, Section 6, and that adjacent properties and the night sky will be protected from intrusive lighting.

Conditions

1. The use of the Property shall be in strict conformance with the Town of Truro Bylaw;

2. Construction shall conform to the plans referenced in this decision; and

3. The Applicant must obtain a special permit from the Zoning Board of Appeals under Section 30.7 and 30.8, and G.L. c. 40A s. 6, to expand a nonconforming structure.

This Site Plan Approval for a Residential Site Plan shall expire two (2) years from the date of approval.

Pursuant to Zoning Bylaw Section 70.6, it is the responsibility of the applicant to obtain a true attested copy of this decision from the Town Clerk and to record this decision in the Barnstable Registry of Deeds or Land Court, as applicable. Prior to the issuance of building permit, the applicant shall present evidence of such recording to the Building Commissioner and the Planning Board Secretary.

`

Anne Greenbaum, Chair. Truro Planning Board Date

DRAFT

Received, Office of the Town Clerk

Signature Date

DRAFT

§40.6 <u>Growth Management</u>

A. Purpose. The purpose of § 40.6 of the bylaw is to provide adequate time for the Town to plan and prepare for the effects of future residential growth, and ensure that the pace of growth does not diminish the Town's rural character, impair natural resources or overwhelm town services or infrastructure. The gradual pace of development afforded by the bylaw will provide opportunities for the Town to: 1) purchase and protect open spaces, thereby reducing the Town's ultimate density and preserving, as much as possible, the Town's rural character; 2) undertake comprehensive planning to identify a community land use vision to guide the regulation of land use and development; 3) assess the impacts of anticipated growth on town infrastructure, roads, drinking water supply and fresh and marine wetlands and water bodies, and plan appropriate measures to protect the integrity of those resources; and 4) develop a financially sustainable plan for the provision of town services and infrastructure necessary to support the community's land use vision. This section, 40.6, shall expire on **December 31, 2021**. *(4/16)*

TOWN OF TRURO
Planning Board
MEETING MINUTES
July 22, 2020
TRURO TOWN HALL

Members Present: Chair-Anne Greenbaum, Peter Herridge, Jack Riemer, Bruce Boleyn, Paul Kiernan, Steve Sollog, Karen Tosh

Others Present: Town Planner-Jeffrey Ribeiro, Atty. David Reid, Bill O'Brien, John O'Reilly, Atty. Barbara Huggins-Carboni

Chair Greenbaum called the meeting to order at 6:08 pm. Town Planner Ribeiro read off instructions on how people could join the meeting to listen or provide comment.

Public Comment Period:
Mr. Bill O'Brien lives on Sawyer Grove Road and he heard that 2020-001/PB had been removed from the agenda. He wanted to know if that were true, and if so, did the Board have the capacity to have a discussion once an item was withdrawn? Town Planner Ribeiro stated that about an hour prior to the meeting they did receive a request to withdraw from the applicant. He does not expect to have any substantive discussion of the case or the project. The Board will discuss the request to withdraw.

Member Riemer stated he was having trouble hearing the comments and asked if anyone else was having difficulty. It was determined it was on Member Riemer's end. He stated he had a document which was distributed to the Planning Board from the Woods Hole Group and signed by Town Manager Palmer. Within the Chapter 91 application there are provisions to be signed off. He would like the Board to be aware that he is not aware of any action that's been taken on this and it should be scheduled on an agenda to ensure the Board has complied with what's been asked for. Town Planner Ribeiro said that the actions have been taken and the appropriate form was signed by him. It was then sent to the Board as that's the requirement. The Board can send comments to the DEP if it so chooses. Member Kiernan asked that the form being referenced be sent to him.

Public Hearing-Continued
2019-006/PB – Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer seek approval of a Preliminary Subdivision Plan of Land, pursuant to G.L. c. 41, §81S and §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.

Member Tosh announced that she needed to recuse herself. Since the meeting was taking place virtually, she would mute the sound and Chair Greenbaum would motion to her when the item under discussion was done.

Chair Greenbaum stated that after their last meeting, they had a motion with some conditions in it. She asked if there was any discussion of the conditions listed. Member Riemer asked if all abutters had been notified? Town Planner Ribeiro said that a subsequent notice was mailed to let people know that they were restarting the hearing process. Member Riemer noted that the preliminary plan was not signed or stamped. Town Planner Ribeiro stated that they will need John O'Reilly to submit the signed, stamped

preliminary plan. Chair Greenbaum asked if that should be included in the conditions. Atty. Huggins-Carboni suggested that someone go over the conditions for the public.
Town Planner Ribeiro gave a summary of how the Applicant has been working with the Truro Conservation Trust to donate land. This is a Preliminary Plan, so the Board will come back to review a Definitive Plan. The proposal is to create a subdivision with no intention to ever build it. It creates 1 lot that meets zoning requirements and 1 unbuildable lot that lacks frontage. The proposed language before the Board seeks to provide protection to the Town and the Board. Mr. O'Reilly stated that the findings and conditions were sent to Mr. Schirmer and Mr. Schirmer was fine with them all.

Chair Greenbaum proceeded to read the findings and conditions.
The Board makes the following findings:

1. The Plan shows Lot 3, containing an existing single-family house, with frontage on the depicted Amity Lane and unnamed "Way"; Lot 4, vacant, with frontage on the unnamed "Way"); and Lot 5, which lacks frontage on any way and is not a buildable lot.
2. The Applicant represents that Lots 4 and 5 will be conveyed to the Truro Conservation Trust.
3. The Applicant represents that neither will Amity Lane be improved nor will the unnamed "Way" be constructed until such time that Lot 4 is improved by a residence.
4. The Applicant represents that the trees identified by the Truro Fire Chief for removal as shown on the plan will be removed prior to application for a Definitive Subdivision of Land.

The Planning Board approves the preliminary plan subject to the following modifications and conditions:

1. Lot 5 shall be labelled "not a buildable lot".
2. At such time that Lot 4 is improved by a residence, Amity Lane and the unnamed "Way" shall be constructed in conformance with the Planning Board Rules and Regulations Governing the Subdivision of Lane.
3. Any further subdivision of land depicted on the Plan, or division of such land pursuant to G.L. c. 41, s. 81P shall require a modification of this subdivision plan.
4. The preliminary subdivision plan must be a stamped and signed copy.

Member Riemer would like to see recognition of the Town of Truro General Bylaw 1-9-13, Public Safety Clearing Guidelines. Chair Greenbaum stated that the Fire Chief has weighed in and said that with those trees removed, he's comfortable with it. Town Planner Ribeiro gave some background on this item. Member Riemer would like the Fire Chief to acknowledge in his review of the road that he also took into consideration the specific requirements of this General Bylaw. Town Planner Ribeiro will look into that.

Member Riemer asked what guarantees does a future Planning Board have with regard to an ANR application going forward with any approvals they may agree to? Mr. O'Reilly said that if you look at condition #3 it qualifies two types of plan that comes before the Planning Board; a subdivision and an 81P. An 81P is an ANR plan. Condition #3 prohibits anyone in the future of Lot 3 coming in and doing an ANR to skirt the issue of the access road. Member Riemer does not feel satisfied. Chair Greenbaum asked Atty. Huggins-Carboni if she agreed with Mr. O'Reilly's read of condition #3. Atty. Huggins-Carboni stated that condition #3 builds in the protection against unanticipated development.

Member Kiernan stated that at the last meeting he asked Town Planner Ribeiro if he could get an assurance from the Fire Chief in writing and asked if that had been received. Town Planner Ribeiro said that the Fire Chief's concern was having the trees removed and if no new development was to happen there, he was alright with the proposal. Atty. Huggins-Carboni suggested adding a condition that would require written determination by the Fire Chief either now, at the time of any further development, or at the time of the definitive subdivision plan. Member Kiernan stated that the traveled "Way" that is

currently being used to access different properties does not exist, in part, within the legal way of the road. It travels onto private property. He wanted to know if that was a problem? Atty. Huggins-Carboni explained that it was not a problem for purposes of the preliminary plan and suggested that they could add a condition about clarifying ownership and rights in the "Way". Mr. O'Reilly believes that Mr. Schirmer told the Board that he and his family owns the rights within Amity Lane.

Member Kiernan is uncomfortable with the existing roadway because it is built to no standards. He does not want to blindside anybody here, but it seems to him that this is their last chance to make that safe before it passes into other's hands. At the same time, the Zoning Bylaw requires certain things before a road can be used for frontage. He understands that this is a very generous gift of land.

Member Riemer reiterated that the Board has requested that the Fire Chief review the public safety clearing guidelines, and in addition the Police Chief and DPW Director should review this as well. Town Planner Ribeiro said that they do have a letter on file from DPW Director Cabral stating that he has no concerns and sees no concerns over the impact of the proposal on any Town infrastructure. He can certainly get written comment from the Fire Chief later on. Member Riemer would like the letters to incorporate that their approval is an awareness of the public safety clearing guidelines. Chair Greenbaum would like this to be part of the definitive subdivision conversation.

Member Sollog made a motion to approve the application for case 2019-006/PB by Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer requesting approval of a Preliminary subdivision plan based on the following specific findings and subject to the following conditions:

The Planning Board has reviewed the preliminary subdivision plan submitted by the applicant pursuant to G.L. c. 41, s. 81S, identified as on the plan titled *Preliminary Subdivision Plan of Land is Truro, Massachusetts for Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer at 1 Amity Lane, Truro, MA,* prepared by J.M. O'Reilly & Associates, Inc., dated 9/9/2019, as revised 7/15/2020. The Board makes the following findings:

1. **The Plan shows Lot 3, containing an existing single-family house, with frontage on the depicted Amity Lane and unnamed "Way"; Lot 4, vacant, with frontage on the unnamed "Way"; and Lot 5, which lacks frontage on any way and is not a buildable lot.**
2. **The Applicant represents that Lots 4 and 5 will be conveyed to the Truro Conservation Trust.**
3. **The Applicant represents that neither will Amity Lane be improved nor will the unnamed "Way" be constructed until such time that Lot 4 is improved by a residence.**
4. **The Applicant represents that the trees identified by the Truro Fire Chief for removal as shown on the plan will be removed prior to application for a Definitive Subdivision of Land.**

The Planning Board approves the preliminary plan subject to the following modifications and conditions:

1. **Lot 5 shall be labelled "not a buildable lot."**
2. **At such time that Lot 4 is improved by a residence, Amity Lane and the unnamed "Way" shall be constructed in conformance with the Planning Board Rules and Regulations Governing the Subdivision of Land.**
3. **Any further subdivision of land depicted on the Plan, or division of such land pursuant to G.L. c.41, s. 81P shall require a modification of this subdivision plan.**
4. **A stamped and signed plan shall be submitted.**

Member Herridge seconded.

Member Kiernan asked if all the trees that are to be removed located on Schirmer land or are some on private property? Town Planner Ribeiro stated that the trees to be removed are either on the parcel still owned by the Schirmer's or within the Amity Lane layout which the Schirmer's retained full rights within the way.
So voted;
Member Sollog-Aye
Member Riemer-Aye
Member Boleyn-Aye
Chair Greenbaum-Aye
Member Kiernan-Abstained
Member Tosh-Recused
Member Herridge-Aye
5-0-2 (Member Kiernan Abstained; Member Tosh Recused), motion carries.

2020-001/PB-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.

Town Planner Ribeiro explained that this is a subdivision that the Planning Board received at the beginning of the year. There was a previous proposal that was submitted and then withdrawn due to a procedural error on the Applicant's part. He then proceeded to give a summary of the proposal.

Chair Greenbaum noted that 6 members of the Planning Board as well as Town Planner Ribeiro and Atty. Huggins-Carboni did a site visit.

Town Planner Ribeiro continued, stating that the Applicant sent an email right before 5:00pm saying that they wished to withdraw the application from consideration. He thinks it would be appropriate for the Board to accept that request. The Applicant may want to come back with a different proposal, but that's unclear at this time.

Member Riemer reviewed the Planning Board minutes dated June 12, 2007 referencing application number 2007-008 which represents what they are again confronted with today. He would like all the Boards to have a chance to read these minutes to consider how they want to approach the Applicant's request. Chair Greenbaum asked Member Riemer to clarify whether this was to consider the Applicant's request to withdraw or the Applicant's overall request. Member Riemer asked, "Do we want to accept his request with prejudice or without prejudice?" Atty. Huggins-Carboni gave the Board two different options.

Member Tosh asked, if the Board denies the request to withdraw, and then they have the hearing and deny the project, is the project then dead forever or is it dead for 2 years and they can come back and apply again? Atty. Huggins-Carboni stated that it's the latter, or they can appeal the denial. If it's withdrawn without prejudice, the Applicant can come back at any time. If the Board does not accept the request to withdraw, then the Board can hold a hearing on the project, the Board can deny it, which will give the Applicant the option to appeal it or to come back in two years.

As Member Herridge recalls, this was originally a dead-end road, more than 1,000 feet long. The additional development got approved in a suspect manner and he would think they would not want any more development back there.

Member Riemer asked, if the Board was to deny the Applicant's request and open the public hearing, would they then seek to develop findings of fact that would support a denial of the application? Atty. Huggins-Carboni stated that the Board would hold a public hearing on the application and the record would develop as it develops. Member Riemer said that 13 years have elapsed. He would like to leave a clear message for future Boards that might be looking at this same proposal 10 years down the line, as to what the facts were that determined their concern.

Member Riemer reviewed the packet which included extensive stormwater runoff calculations, and he reviewed the Board of Health comments. If this is to go forward, he would suggest hiring a consultant to look at the engineering that was provided to them.

Member Sollog states there is a dilemma of allowing a withdrawal that permits the Applicant to reconfigure or find a different Board (as Board members do change). He may prefer to allow the withdrawal and trust the Boards in the future to discern this possible return of the Applicant.

Member Kiernan sees merit in both sides, but feels it is not a repetitive application. It has substantially changed. He is not in favor of blocking the withdrawal due to a repetitive action. The facts will remain the same. He wished to remind the Board that if the Applicant takes it to court, the Planning Board has no reason to expect that the Select Board would back them up. He is not overly excited about not giving the Applicant his withdrawal.

Member Riemer would like to give recognition to the letters that were written to the Planning Board from members of this subdivision expressing serious concerns over a wide range of topics. Chair Greenbaum stated that the letter would be part of the application going forward. Atty. Huggins-Carboni also suggested that the letters could be attached to the minutes. Member Riemer liked the idea of attaching the letters to the minutes.

Member Boleyn attended the site visit today. With all the continuances, the staking out was not improved at all and he senses a lack of cooperation. He would subscribe to accepting the request to withdraw the application without prejudice.

Member Boleyn made a motion to accept the request to withdraw the application without prejudice.
Member Kiernan seconded.
So voted;
Member Herridge-Nay
Member Kiernan-Aye
Member Tosh-Nay
Chair Greenbaum-Aye
Member Boleyn-Aye
Member Riemer-Nay
Member Sollog-Aye
4-3-0, motion carries.

Board Action/Review
Election of Officers

Member Kiernan made a motion to nominate Anne Greenbaum as Chair.
Member Riemer seconded.
So voted;
Member Kiernan-Aye
Member Boleyn-Aye
Member Herridge-Aye
Member Riemer-Aye
Member Tosh-Aye
Member Sollog-Aye
Chair Greenbaum-Aye
7-0-0, motion carries.

Chair Greenbaum made a motion to nominate Karen Tosh as Vice-Chair.
Member Herridge seconded.
So voted;
Member Sollog-Aye
Member Riemer-Aye
Member Boleyn-Aye
Chair Greenbaum-Aye
Member Kiernan-Aye
Member Herridge-Aye
Member Tosh-Abstained
6-0-1, motion carries.

Member Kiernan made a motion to nominate Jack Riemer as Clerk.
Member Herridge seconded.
So voted;
Member Herridge-Aye
Member Kiernan-Aye
Member Tosh-Aye
Chair Greenbaum-Aye
Member Boleyn-Aye
Member Riemer-Aye
Member Sollog-Aye
7-0-0, motion carries.

Chair Greenbaum would like to skip the next item on the agenda and come back to it after the next discussion.

Review of the effect of Section 50.2 of the Zoning Bylaw upon the Town of Truro to submit a report to the 2021 Truro Annual Town Meeting.
Chair Greenbaum stated that Administrative Assistant Liz Sturdy caught the fact that the Planning Board is supposed to provide the 2021 Annual Town Meeting with a report regarding the impact of the Residential District House Size Bylaw. She requested that Member Kiernan work with her on that.

Member Kiernan agreed. They will work on this and come back to the Board with thoughts about how they can do it.

Review of the Cloverleaf Truro Rental Housing Comprehensive Permit application under MGL Ch. 40B to formulate comments for submittal to the Zoning Board of Appeals.

Chair Greenbaum sent the Board very early draft documents, one being about their next round of feedback, and the other which was responses to the revised waivers. She then asked if the Board wanted to have some conversation or did they want to set up a work session? General agreement by the Board was to meet for a work session. A work session was scheduled for Monday at 2:30pm.

Member Riemer had read an article in the Provincetown Independent which stated that due to the extension beyond the end of the month the Cloverleaf project would not qualify for funding in this quarter, and for this reason would be moved into the next quarter. He asked Atty. Huggins-Carboni if that was the case. Atty. Huggins-Carboni stated she would have to speak to the Applicant about that. Town Planner Ribeiro said that the low-income housing tax credits are usually handed out on an annual basis. Mini rounds are now being done, which occur every 6 months. He thinks the expectation is that because the Zoning Board approval is not in hand, the project will not be funded in the mini round which is now (the August round). It will be placed in the November round.

Member Herridge made a motion to adjourn at 8:00pm
Member Boleyn seconded.
So voted; 7-0-0, motion carries.

Respectfully Submitted,
Noelle L. Scoullar