

# Truro Planning Board Agenda

# **Remote Meeting**

Wednesday, May 10, 2023 – 5:00 pm www.truro-ma.gov



## **Open Meeting**

This will be a remote public meeting. Citizens can join the meeting to listen and provide public comment by entering the meeting link; clicking on the Agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free at 1-866-899-4679 and entering the access code 543-874-133# when prompted. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting, please lower or mute your volume. Citizens may also provide written comment via postal mail or by emailing Liz Sturdy, Planning Department Administrator, at esturdy@truro-ma.gov.

Meeting link: https://meet.goto.com/543874133

## **Public Comment Period**

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

## 1. Planner Report

## 2. Chair Report

## 3. Minutes

- March 1, 2023
- ♦ March 22, 2023

## **Temporary Sign Permit Application**

**Genevieve Morin** – **Truro Yoga,** requesting one (1) sign, 3' x 2', to be located next to Snow's Park from May 30<sup>th</sup> through September 27<sup>th</sup>. The signs will be installed on Fridays and removed on Sundays.

## Public Hearings - Continued

2023-001/SPR – Ebb Tide on the Bay Condominiums, for property located at 538 Shore Road (Atlas Map 7, Parcel 7, Registry of Deeds Book 5671 and Page 232). Applicants seek Commercial Site Plan approval for project involving move of three buildings shoreward; relocation of septic system; and related modifications to site; on property located in the Beach Point Limited Business District. [Material in 2/8/2023, 2/22/2023, and 4/26/2023 packets] {New material included in this packet}

**2023-003/SPR Truro Atlantic View Realty Trust, Bruce A. Jacobson, Trustee** for property located at 12 Ocean Bluff Lane (Atlas Map 37, Parcel 6). Applicant seeks Residential Site Plan approval of construction unauthorized by building permit and for further expansion of dwelling in Seashore District. [Material in 4/26/2023 packet] {New material included in this packet}

## **Public Hearing – New**

**2023-004/SPR Susan Hanway** for property located at 59 South Pamet Road (Atlas Map 51, Parcel 51). Applicant seeks Residential Site Plan approval for conversion of existing dwelling into a Habitable Studio and construction of a new dwelling in Seashore District.

## **Discussion of Warrant Articles**

Site Visit: Tuesday, May 9, 2023 at 3:00 pm; 538 Shore Road (Ebb Tide)

Next Meeting: Wednesday, May 24, 2023 at 5:00 pm

Work Session: Wednesday, June 28, 2023 at 5:00 pm

Adjourn





# **Truro Planning Board Agenda**

**Tuesday, May 9, 2023** 

SITE VISIT
TIME AND LOCATION AS NOTED



## Site Visit

In advance of a remote public hearing on Wednesday, May 10, 2023, the Planning Board will conduct the following site visit at the time and location noted below regarding vehicular turning movements onto Shore Road:

## Tuesday, May 9, 2023:

## 3:00 pm - 538 Shore Road (Ebb Tide)

**2023-001/SPR** – **Ebb Tide on the Bay Condominiums,** for property located at 538 Shore Road (Atlas Map 7, Parcel 7, Registry of Deeds Book 5671 and Page 232). Applicants seek Commercial Site Plan approval for project involving move of three buildings shoreward; relocation of septic system; and related modifications to site; on property located in the Beach Point Limited Business District.

## STAFF MEMORANDUM

\_\_\_\_\_

To: Truro Planning Board

From: Barbara Carboni, Town Planner/Land Use Counsel

Date: May 9, 2023

Re: May 10, 2023 meeting

**2023-001/SPR**– **Ebb Tide on the Bay Condominiums, 538 Shore Road.** Applicants seek Commercial Site Plan Approval for relocation/reconstruction of three residential structures and

related modifications to site on property located in Beach Point Limited Business District.

Update: A Revised Parking Plan has been submitted by the applicant. It depicts eight parking spaces (one eliminated from the nine originally proposed); a bike rack location;

The Board requested draft conditions. Proposed:

and wheel stops as requested by the Board.

- All construction on the Property, including materials, shall conform to the plans
  referenced herein. No additional construction is permitted unless authorized by
  amendment to this Site Plan Approval, or deemed by the Building Commissioner to be de
  minimis.
- All uses of the Property shall be in strict conformity with the Town of Truro Zoning Bylaw.
- The applicant shall obtain a variance from parking requirements contained in the Zoning Bylaw, and any other zoning relief deemed necessary by the Building Commissioner or the Zoning Board of Appeals.
- The applicant shall obtain any necessary permits or other approvals from the Board of Health.
- The applicant shall obtain any necessary permits or other approvals from the Conservation Commission.
- All lighting shall be installed and maintained so as to comply with the Truro of Truro Outdoor Lighting Bylaw, Chapter IV, Section 6 of the General Bylaws.
- Prior to issuance of a Certificate of Occupancy for any residential structure, applicant shall submit to the Building Commissioner complete, stamped As-Built Plans for that structure confirming that the dimensions of the dwelling conform to this Decision. No Certificate of Occupancy shall issue until the Building Commissioner finds that the residential structure as built conforms to the requirements of this Decision.

2023--3/SPR Truro Atlantic View Realty Trust, Bruce A. Jacobson, Trustee, 12 Ocean Bluff Lane. Applicants seek Residential Site Plan Approval of construction unauthorized by building permit and for further expansion of dwelling in Seashore District

## Prior proceedings and existing conditions

The lot is nonconforming as to area (per Assessor's record, 2.57 acres; per 2017 site plan, 2.69 acres, where 3 acres required) and nonconforming as to frontage, according to the 2018 Planning Board decision and according to a related ZBA decision dated November 1, 2017 (citing "lack of frontage issue")(included in applicant's packet). The original dwelling was nonconforming as to setback from the front lot line.

The submitted "Architectural Site Plan, Rowe Jacobson, 12 Ocean Bluff, North Truro MA" dated 9/7/22, latest revision 12/21/22, A020, depicts Ocean Bluff Lane as a "Private Driveway" traveling over what appears to be National Seashore property parallel to the 12 Ocean Bluff property line. That is, the 12 Ocean Bluff property does not appear on this plan to have frontage on Ocean Bluff Lane. Separate driveways are depicted from Ocean Bluff Lane to the studio and the principal dwelling over Seashore property. The National Seashore does not appear to object to the driveway to the principal dwelling (referring to it as "pre-existing"). See footnote 3. Other submitted plans appear to show the property as having frontage directly on Ocean Bluff Lane.

On May 23. 2018,<sup>1</sup> the Planning Board issued a Site Plan Review Decision approving the removal of an existing cottage; construction of a new dwelling; and construction of a garage/habitable studio structure on the property. See 2018 decision at pp. 1-2.<sup>2</sup>

Evidently, existing conditions and landscape plans submitted to the Board during its 2017-2018 review depicted a "short driveway to the habitable studio," in addition to a driveway serving the principal dwelling. See Decision at p. 2 (and consistent with the Architectural Site Plan referenced above). The Decision states that "the applicant did not receive written permission from the National Park Service" to build the separate driveway to the habitable studio. The Decision further states that a "Supplemental Driveway and Landscape Plan, 12 Ocean Bluff Lane, L1.0" (Supplemental Plan) had subsequently been submitted, showing "the new location of the driveway, new parking layout and new landscape plan." Decision at p. 4. This Supplemental Plan, which was submitted to the Board in the current application, depicts a single curb cut and driveway adjacent to the principle dwelling, with an interior driveway at the rear of the property serving the habitable studio/garage. The Supplemental Plan was approved by the

<sup>&</sup>lt;sup>1</sup> The Site Plan Review Decision provides a Decision Date of "December 6, 2017; May 23,2018," and there are references in the Decision to "reopening" the hearing on May 23, 2018. It is not clear from the Decision what transpired to cause the hearing to be reopened.

<sup>&</sup>lt;sup>2</sup> The Zoning Board of Appeals granted a special permit for the project on October 30, 2017. See 2018 Planning Board decision at p.3.

Board as part of the 2018 Decision. However, the separate driveway to the habitable studio continues to exist on the ground.<sup>3</sup>

The new principal dwelling and habitable studio were constructed in 2018. As a baseline, the square footage approved for these structures in the 2018 Planning Board and ZBA decisions must be determined. A "Site Plan of Land in Truro as prepared for Kenneth S. Kuchin Depicting Proposed Conditions," dated October 2017 (evidently approved in the Decision; included in the applicant's packet), provides a "Proposed Gross Floor Area" of 1,181 square feet for the new dwelling, and 660 square feet for the studio (total approved gross floor area of 1,841 square feet for the property). This is consistent with the "Prior Approval" square footage in the applicants' submitted Zoning Table.<sup>4</sup>

Next, it must be determined what was in fact constructed. Typically, an existing conditions plan would be submitted with the application, including on the plan a zoning table that would provide, dimensional information for the lot and each structure. In this case, the applicants have submitted a separate zoning table prepared by applicant's counsel, and have requested a waiver of the Bylaw requirement of an existing conditions plan with zoning information (see discussion below).

The applicant's Zoning Table indicates an "Existing" square footage of the principal dwelling of 2,141 square feet: 1,483 square feet constructed on the 1st floor (302 square feet more than approved), and 658 square feet of habitable space constructed in the basement (none originally approved). The Zoning Table further provides an existing Gross Floor Area of 670 square feet for the studio (consistent with what was approved), for a total existing gross floor area on the property of 2,811 square feet.

## **Proposed Project**

The current applicants purchased the property following the above approvals and construction. They seek to add 458 square feet of additional habitable area in the basement, and 299 square feet of additional area on the 1st floor (757 total additional square feet) for a total proposed gross floor area on the property of 3,568 square feet. The proposed additional areas of the dwelling are depicted on the plan "Main House Area Study, Rowe Jacobson, 12 Ocean Bluff, North Truro MA," latest revision 12/21/22, Sheet A030. Again, typically, a proposed conditions plan would

<sup>&</sup>lt;sup>3</sup> The Park Service has submitted comment referencing the driveways crossing federal land, and stating its position that the Town lacks authority to allow such driveway. See email dated April 25, 2023.

<sup>&</sup>lt;sup>4</sup> The Zoning Table is a separate document prepared by applicants' counsel. See Site Plan Review Waiver Requests at p.2. The applicants have submitted a number of plans, some of which indicate square footage of existing rooms, but none of these plans contain a zoning table or other summary of total gross floor area.

<sup>&</sup>lt;sup>5</sup> A building permit was recently issued to construct a hot tub on one of the deck areas.

be provided with the application, including a zoning table. The applicants seek a waiver (see below).

Although the current owners are not responsible for existing construction in excess of the 2018 ZBA and Planning Board approvals, the increased square footage they propose would bring the total gross floor area to 1,727 square feet more than what was originally approved. As this combined construction exceeds 1,000 square feet, Site Plan Review is required under the Bylaw.

## Waiver of Submission Requirements

The applicants have submitted requests for waiver of the Bylaw requirements of 1) Site Plans prepared by an engineer or surveyor for existing conditions; 2) Site Plan prepared by an engineer or surveyor for proposed conditions; 3) zoning information on an existing conditions plan; 4) zoning information on a proposed conditions plan; 5) delineation of Massachusetts Natural Heritage/Endangered Species Act jurisdiction; and 6) delineation of limit of work. See Site Plan Review Waiver Requests. These waivers may be granted at the discretion of the Board.

The applicants cite as grounds for waivers the delay entailed in hiring a surveyor or engineer. The applicants further suggest that "the existing stamped plans, new architectural drawings, and zoning information table, together, provide sufficient information to allow the Planning Board to review the proposed addition, as well as the changes made by the previous owner." The applicants further state that "[w]ith regard the zoning table, the applicant's attorney has prepared a new zoning table, as a separate document, based upon the plans filed with the Building Department and the new architectural floor plans."

Without commenting on the ability of any *particular* attorney to prepare a zoning table based on plans prepared by an architect, engineer or surveyor, a practice of accepting an attorney-prepared zoning table as a substitute for one prepared by the usual professionals would seem unsound. At the same time, the Board could conclude that the information provided in this application is a sufficient basis upon which to conduct Site Plan Review. If the Board decides to waive the submission of site plans containing zoning information, it will be critical to condition the issuance of a certificate of occupancy upon confirmation by the Building Commissioner that what is constructed conforms to approved dimensions, through the submission and review of stamped as-built plans.

## Review Criteria

The application includes adequate responses regarding the project's satisfaction of the Review Criteria.



## TOWN OF TRURO

## **PLANNING BOARD**

Meeting Minutes

March 1, 2023 – 4:00 pm

REMOTE PLANNING BOARD MEETING

<u>Members Present (Quorum)</u>: Anne Greenbaum (Chair); Rich Roberts (Vice Chair); Jack Riemer (Clerk); Paul Kiernan; Ellery Althaus; Virginia Frazier

Members Absent: Caitlin Townsend

<u>Other Participants:</u> Town Planner/Land Use Counsel Barbara Carboni; Select Board Liaison John Dundas; William Rogers (Engineer/Surveyor for Henry and Josephine Yurek – Applicants and Julianne Britt and Robert M. Nelson – Applicants)

Remote meeting convened at 4:02 pm, Wednesday, March 1, 2023, by Chair Greenbaum who announced that this was a remote public meeting aired live on Truro TV Channel 18 and was being recorded. Town Planner/Land Use Counsel Carboni provided information as to how the public may call into the meeting or provide written comment. Members introduced themselves to the public.

## **Public Comment Period**

Public comment, for items not on the agenda, was opened by Chair Greenbaum and there were none.

## **Planner Report**

None

## **Chair Report**

Chair Greenbaum announced a public hearing on March 29, 2023, at 5 pm, to hear three zoning Warrant Articles regarding the Duplex Bylaw, the Street Definition Bylaw, and the House Size Bylaw.

## Minutes

None

## **Board Action Review (Continued)**

**2023-001/ANR - Henry and Josephine Yurek** seek approval of Form A -Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 29 Sylvan Lane, Truro MA, Atlas Map 43, Parcel 98, Registry of Deeds title reference: Book 14561, Page 041.

## and

**2023-002/ANR-Julianne Britt, c/o Henry and Josephine Yurek** seek approval of Form A-Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 6 Nelson Drive, Truro MA, Atlas Map 43, Parcel 181.

Chair Greenbaum recognized Mr. Rogers who provided information on these matters. Following Mr. Rogers' presentation, a brief discussion ensued among Members and Mr. Rogers regarding the following highlighted topics: setbacks, conforming and non-conforming lots, the inaccuracy of Town property cards when compared to Mr. Rogers' survey, adequate frontage, and the removal of an interior line.

Member Kiernan made a motion to approve the ANR for 2023-001/ANR regarding 29 Sylvan Lane and the ANR for 2023-002/ANR regarding 6 Nelson Drive.

Member Frazier seconded the motion.

**Roll Call Vote:** 

Chair Greenbaum - Aye

Member Althaus - Aye

Member Frazier - Aye

Member Riemer - Aye

Member Kiernan - Aye

Vice Chair Roberts - Aye

So voted, 6-0, motion carries.

## **Housing Coordinator Position – Discussion and Vote**

Chair Greenbaum announced prior to this discussion that the Members would not take a vote regarding a proposed Housing Coordinator position.

Chair Greenbaum and the Members discussed Town Planner and Land Use Counsel Carboni's draft memorandum advocating the need for a Housing Coordinator. Members unanimously voiced their support for the position as it is critical to solving the Town's housing challenges.

## Discussion, Identification of Potential Topics for Future Work, including but not limited to

Chair Greenbaum and Members identified topics which they felt were important to consider in the next several months. Highlighted potential topics included: a Clean Fill Bylaw, another review of Lot Coverage, a Lot Clearing Bylaw, a Development Agreement Bylaw, amending the Flood Plain Bylaw to allow elevation of the house but not increase living space, coastal erosion, construction in coastal zones, revisit condominium conversion and how it fits into the Zoning Bylaw, the vital need to identify a Town public water site, Undersized Lots Bylaw, and Town regulatory board priorities.

Chair Greenbaum led the discussion among the Members and Town Planner and Land Use Counsel Carboni regarding the cut-off for the materials from Applicants and other interested parties going to the

Planning Board. Members discussed a potential policy to encourage Applicants to submit all materials relevant to their application perhaps at least 48 hours prior to their hearing or the Planning Board could postpone or continue the hearing to the next meeting date. Chair Greenbaum also noted that last minute material submissions from Applicants caused a burden upon Town staff to collect and distribute the materials to the Members prior to the hearing. This could also adversely impact the Members who would have to absorb the information just prior to the scheduled hearing. Members concluded the discussion by agreeing to gather input from Planning Department Administrator Liz Sturdy prior to a vote and implementation of a policy.

Prior to the end of the meeting, Chair Greenbaum announced that the House Size Bylaw was on this evening's agenda but that there is a citizen petitioned Bylaw that will be reviewed at an upcoming hearing on March 29, 2023, so she did not want to duplicate the discussion. Chair Greenbaum also noted that she had not yet read the citizen petitioned Bylaw.

Member Riemer made a motion to adjourn the meeting at 4:59 pm.

Member Althaus seconded the motion.

**Roll Call Vote:** 

Chair Greenbaum - Aye

**Member Althaus - Aye** 

**Member Frazier – Aye** 

Member Kiernan - Aye

**Member Riemer – Aye** 

**Vice Chair Roberts - Aye** 

So voted, 6-0, motion carries.

Respectfully submitted,

Alexander O. Powers

Board/Committee/Commission Support Staff



## TOWN OF TRURO

## **PLANNING BOARD**

Meeting Minutes
March 22, 2023 – 5:00 pm
REMOTE PLANNING BOARD MEETING

<u>Members Present (Quorum)</u>: Anne Greenbaum (Chair); Rich Roberts (Vice Chair); Jack Riemer (Clerk); Paul Kiernan; Ellery Althaus; Caitlin Townsend; Virginia Frazier

## **Members Absent:**

<u>Other Participants:</u> Town Planner/Land Use Counsel Barbara Carboni; Christopher J. Snow (Attorney and Applicant); Ben Zehnder (Attorney Representing Abutters: Marie Belding and Callinan); Pat Callinan (Abutter to Applicant); Darrell Shedd (Zoning Board of Appeals Member)

Remote meeting convened at 5:00 pm, Wednesday, March 22, 2023, by Chair Greenbaum who announced that this was a remote public meeting aired live on Truro TV Channel 18 and was being recorded. Town Planner/Land Use Counsel Carboni provided information as to how the public may call into the meeting or provide written comment. Members introduced themselves to the public.

Vice Chair Roberts announced that he will depart tonight's meeting at approximately 6:15 pm.

## **Public Comment Period**

Public comment, for items not on the agenda, was opened by Chair Greenbaum.

Chair Greenbaum recognized Member Riemer who said the Board of Health's Stormwater Bylaw will be ready for a fall Town Meeting this year. Member Riemer requested that the Planning Board collaborate with the Board of Health on the Stormwater Bylaw.

Chair Greenbaum departed the meeting unexpectedly and Vice Chair Roberts led the meeting until her return.

## **Planner Report**

Town Planner and Land Use Counsel Carboni reported that there will be several Zoning Board of Appeals and Planning Board related Articles to present at the fall Town Meeting. The Housing Coordinator position may be part of a petitioned Article and it was discussed at last night's Select Board meeting. Town Planner and Land Use Counsel Carboni provided an update to in-person meetings in the Commonwealth. The decision is currently with the Massachusetts legislature.

## **Chair Report**

None

## **Minutes**

Vice Chair Roberts led the review of the minutes for January 11, 2023, for corrections or edits. Vice Chair Roberts commented that a vote appeared in the minutes that was in the incorrect spot. Town Planner and Land Use Counsel Carboni asked Vice Chair Roberts to send Chair Greenbaum with the correction prior to the Members' vote.

Chair Greenbaum rejoined the meeting and put the discussion of these minutes on hold until the next meeting. No vote taken.

Chair Greenbaum led the review of the minutes for January 18, 2023, for corrections or edits. On page 3, the word "in" was missing.

Member Riemer made a motion to approve the minutes for January 18, 2023, as amended.

Member Kiernan seconded the motion.

Chair Greenbaum – Aye
Member Althaus – Abstained
Member Townsend - Aye
Member Frazier – Aye
Member Riemer – Aye
Member Kiernan - Aye
So voted, 5-0-1, motion carries.

## **Public Hearing (Continued)**

**2023-001/SPR - Ebb Tide on the Bay Condominiums**, for property located at 538 Shore Road (Atlas Map 7, Parcel 7, Registry of Deeds Book 5671 and Page 232). Applicants seek Commercial Site Plan approval for a project involving move of three buildings shoreward; relocation of septic system; and related modifications to site; on property located in the Beach Point Limited Business District.

Chair Greenbaum announced that she had found an email from Attorney Snow requesting a continuance in this matter until April 26, 2023, which is the day after Town Meeting. Should the Town Meeting continue on that date, the hearing will be further continued until May 10, 2023.

Member Kiernan made a motion to continue the matter of 2023-001/SPR until April 26, 2023, at 4 pm. Member Frazier seconded the motion.

**Roll Call Vote:** 

Chair Greenbaum – Aye
Member Althaus – Aye
Member Townsend - Aye
Member Frazier – Aye
Member Riemer – Aye
Member Kiernan - Aye
So voted, 6-0, motion carries.

## **Warrant Article Discussion and Comments for Warrant**

Chair Greenbaum and Town Planner and Land Use Counsel Carboni reviewed the submitted comments by Town Counsel, DPW Director Jarrod Cabral, and Health and Conservation Agent Emily Beebe with the Members regarding the Street Definition. Vice Chair Roberts then reviewed the draft explanation accompanying the Street Definition with the Members.

Chair Greenbaum recognized ZBA Member Shedd who reviewed the proposed Warrant Article regarding House Size Article (§50.2.B.2 Building Gross Floor Area for the Residential District). Chair Greenbaum summarized that the intent of this proposed Warrant Article is to eliminate the option for Applicants to apply to the ZBA for extra space. A more detailed discussion ensued among Members, ZBA Member Shedd, and Town Planner and Land Use Counsel Carboni following ZBA Member Shedd's presentation. Members discussed a new explanation to accompany the proposed Article which will be prepared by Chair Greenbaum and ZBA Member Shedd. Town Planner and Land Use Counsel Carboni suggested that the Planning Board communicate directly with Assistant Town Manager Kelly Clark to confirm the procedural aspects of what the Planning Board wants to accomplish with this proposed Article.

Chair Greenbaum led the discussion on the draft revised Duplex Bylaw and reviewed the accompanying explanation with the Members.

After Chair Greenbaum reviewed the agenda for the next meeting, Members briefly discussed the status of the Stormwater Bylaw's currently being prepared by Town staff.

Member Riemer made a motion to adjourn the meeting at 6:29 pm.

Member Kiernan seconded the motion.

**Roll Call Vote:** 

Chair Greenbaum - Aye

Member Althaus - Aye

Member Frazier - Ave

**Member Kiernan – Aye** 

Member Riemer - Aye

So voted, 6-0, motion carries.

Respectfully submitted,

Alexander O. Powers

Board/Committee/Commission Support Staff

# **TOWN OF TRURO**



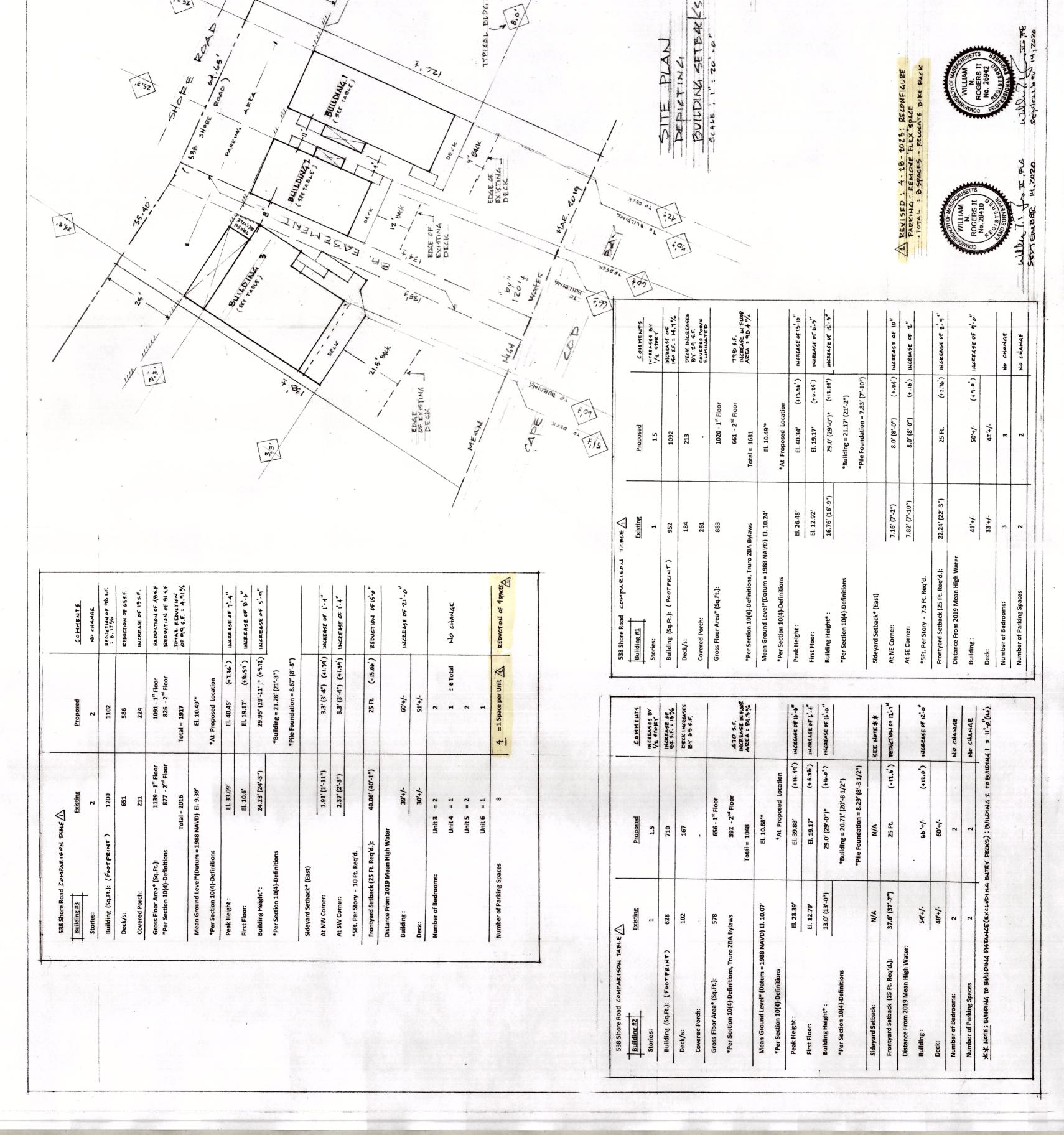
# **PLANNING BOARD**

Office of Town Clerk	
Paid \$ 75.00	
MAY 0 2 2023	١
Receiver OF TRURO	

Application for Temporary Sign Permit
Pursuant to Section 11 of the Truro Sign Code

Fee: \$25.00 (for each	30-day period)	. 1
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Applicant Contact Information:	1209	sraro.
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Phone	Email ()	
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(2)	Height	Width
(3)	Height	Width
(4)	Height	Width
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across p from James.		
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Date When Sign(s) will be: Installed:	9/20 and	9/27 oyed:
the Friday before post	at	ter class on
Applicant Signature		men 2 rei 20
Applicant Printed Name Olvewy	1001	/ Date
If sign(s) to be placed on private property, please have Owner prin	t and sign name below	w;
Owner Signature		D /-
(which also authorizes the use of the property)		Date
Owner Printed Name		
Planning Board Action: Approved Approv	ved w/Conditions	s Denied
Conditions:		
Roard Signature:		Date:
Chair, Planning Board		#C

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PLAN

PLAN BOOK PLAN BOOK PLAN BOOK DEED BOOK 3

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WITH EXISTING 4, PROPOSED COMPACION TABLES
PROPOSED COMPACION TABLES
EXISTING 4, PROPOSED COMPACION TABLES SCALE OF FEET

(NORTH) TRURO

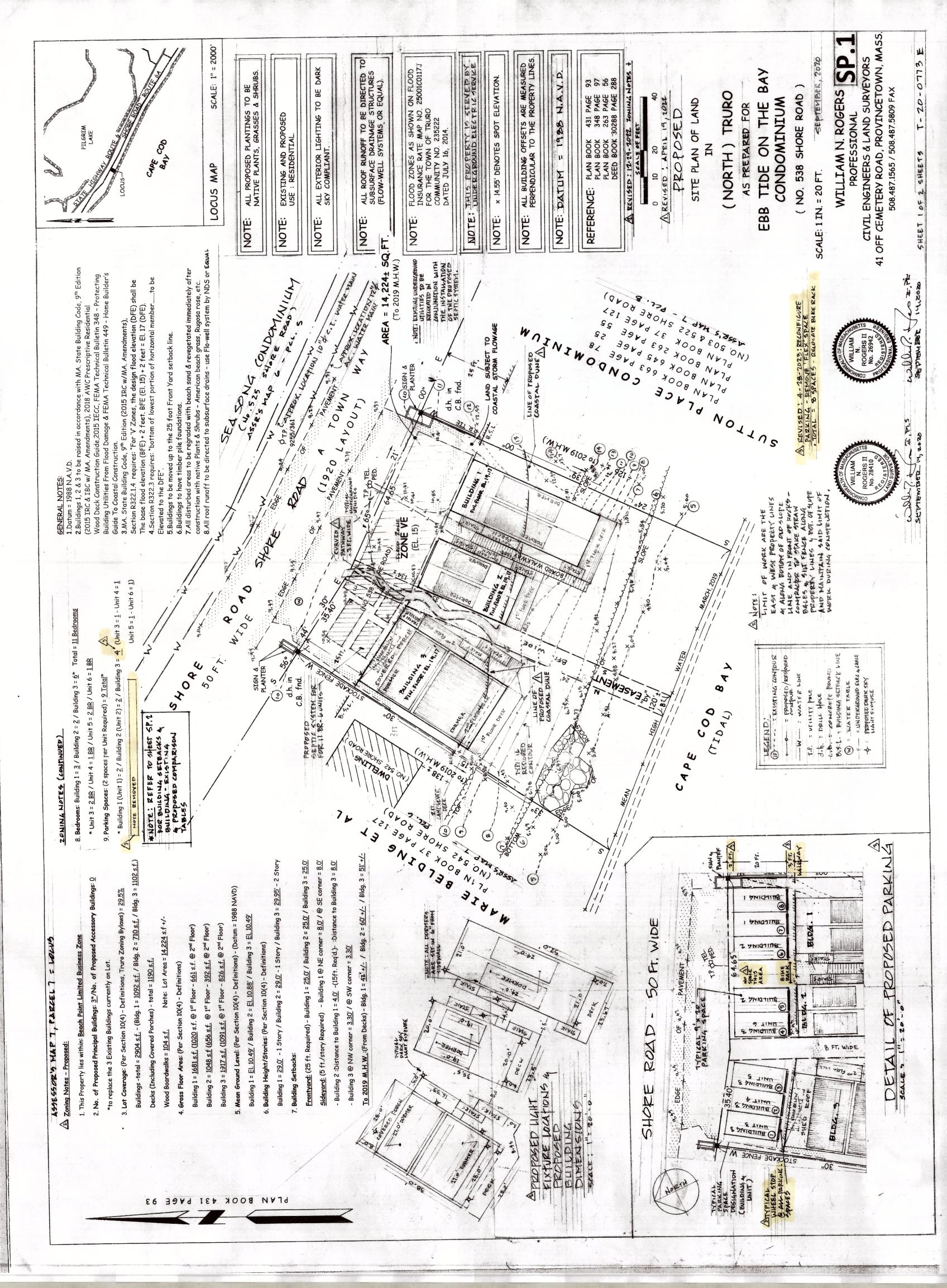
BAY CONDOMINIUM TIDE ON THE AS PREPARED FOR EBB

( NO. 538 SHORE ROAD SCALE: 1 IN. = 20 FT.

SEPTEMBER, 2020 WILLIAM N. ROGERS SP

CIVIL ENGINEERS & LAND SURVEYORS 41 OFF CEMETERY ROAD, PROVINCETOWN, MASS 508,487,1565 / 508,487,5809 FAX

20-0773 E 2 जाहहा द





# DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581 p: (508) 389-6300 | f: (508) 389-7890 M A S S . G O V / M A S S W I L D L I F E

Jack Buckley, Director

December 15, 2017

William Rogers
41 Off Cemetery Road, PO Box 631
Provincetown MA 02657

RE:

Project Location:

12 Ocean Bluff Rd

Project Description:

Replace cottage, build garage, driveway, septic

NHESP File No.:

17-37378

## Dear Applicant:

Thank you for submitting the MESA Project Review Checklist, site plans (dated 10/11/2017) and other required materials to the Natural Heritage and Endangered Species Program of the MA Division of Fisheries & Wildlife (the "Division") for review pursuant to the Massachusetts Endangered Species Act (MESA) (MGL c.131A) and its implementing regulations (321 CMR 10.00).

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, **will not result in a prohibited Take** of state-listed rare species. This determination is a final decision of the Division of Fisheries & Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plans may require an additional filing with the Division pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter please contact Melany Cheeseman, Endangered Species Review Assistant, at (508) 389-6357.

Sincerely,

Thomas W. French, Ph.D.

**Assistant Director** 

cc:

Kenneth Kuchin



## LAW OFFICES OF

# WILLIAM C. HENCHY LLC

165 CRANBERRY HIGHWAY **ROUTE 6A** ORLEANS, MA 02653

TELEPHONE: (508) 255-1636

FACSIMILE: (508) 255-1325 INTERNET: whenchy@alumni.tufts.edu

www.henchylaw.com

# **By Hand Delivery**

March 29, 2023

Town of Truro Kaci Fullerton Town Clerk Truro Town Hall P.O. Box 2030 Truro, MA 02666

RE: Susan Hanway, 59 South Pamet Road (Assessor's Map 51, lot 51)

Dear Ms. Fullerton:

Please find enclosed for filing 10 sets of the following:

- 1. Application for Residential Site Plan Review;
- 2. Certified Abutters' List
- 3. Neighborhood Context photographs;
- 4. WAC Lighting Dark Sky SODOR Model WS-W157 LED Outdoor cut sheet;
- 5. Plan set by Ambrose Homes, Inc, (4 of 4) consisting of the following:
  - (a) Hanway Residence 59 South Pamet Road, East & South Elevations;
  - (b) Hanway Residence 59 South Pamet Road, West & North Elevations;
  - (c) Hanway Residence 59 South Pamet Road, Proposed First Floor;
  - (d) Hanway Residence 59 South Pamet Road, Proposed Second Floor;
- 6. Plan set by Ambrose Homes, Inc. (1 of 1) Hanway Residence 59 South Pamet Road, Existing Dwelling Proposed Conversion to Habitable Studio;

- 7. Septic Plan (previously approved) by William N. Rogers II, P.E. dated November, 2022;
- 8. Existing Conditions plan by William N. Rogers II, P.E. dated October, 2021;
- 9. Proposed Site Plan by William N. Rogers, II, P.E. dated November, 2022 with Zoning Table
- 10. Proposed Landscaping, Stormwater, Grading and Limit of work plan by William N. Rogers II, P.E. dated October, 2021.
- 11. Filing fee of \$250.00

Thank you for your courtesy and attention to this matter.

Very truly yours,

William C. Henchy

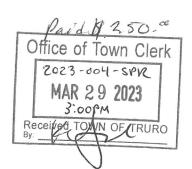
Wch/ Enc.

Cc, Susan Hanway
William N. Rogers II P.E.
Ezra Ambrose
esturdy@truro-ma.gov



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666



## APPLICATION FOR RESIDENT AL SIT EPLAN REVIEW

To the Town Clerk and the Planning Board of the Town of Truro, MA Date March 22023 The undersigned hereby files an application with the Truro Planning Board for the following:

XSite Plan Review pursuant to §70 of the Truro Zoning Bylaw

	t to §70.9 of the Truro Zoning Bylaw of be waived in the Seashore District)
1. General Information Description of Property and Proposed Project:	
Description of Property and Proposed Project.	
Conversion of existing 2 BR home into a Ha	abitable Studio, and construction of new 5 BR home
Property Address 59 South Pamet Rd Truro MA 0	02666 Map(s) and Parcel(s) 51 Parcel 51
Registry of Deeds title reference: Book 31325 Page	107
Applicant's Name Susan Hanway	
Applicant's Legal Mailing Address 59 South Pamet	Road. Truro MA 02666
Applicant's Phone(s), Fax and Email c/o William C. I	
Applicant is one of the following: (please check appropri	*Written Permission of the owner is required for submittal of this application.
X Owner Prospective Buyer*	Other*
Owner's Name and Address Susan Hanway 59 South Pame	tRoad Truro, MA <u>02666</u>
Representative's Name and Address William C. Hen	aby 165 Charlesmy Highway Orleans MA 02652
•	
Representative's Phone(s), Fax and Email (508) 255	-1636 (w) (508) 246-6776 (cell) whenchy@henchylaw.com
requirements of \$ 70.4.C, provided that in the opinion of the public interest, cause the Town any expense, or request for a waiver by the applicant shall be accommodated to the commod the public interest, cause the Town any expense, or because the commod the commod that in the opinion of the public interest, cause the Town any expense.	apon 1he request of the applicant, pursuant to §70.4.F, waive f the Planning Board such a waiver would not be detrimental to be inconsistent with the intent and purpose of this Bylaw. A appanied by a reasonable explanation as to why the waiver is the applicant shall explain why each waiver is requested.
The applicant is <i>advised</i> to consult with the Buil Department, and/or Health Department prior to s	lding Commissioner, Planning Department, Conservation submitting this application.
Signature(s)	
William C. Henchy	Susan Hanway
Applicant(s)/Representative Printed Name(s)	Owner(s) Printed Name(s) or written permission  August (M)
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.

# 70.4 - RESIDENTIAL SITE PLAN REVIEW CHECKLIST - Applicant

Address:	59 South Jane of Rd Applicant Name: Surin	Honney	Date:	e: 5/29/23
No.	Requirement	Included	Not Included	Explanation, if needed
C. Pro	Procedures and Plan Reguirements			
la.	An original and 9 copies of the Application for Site Plan Review	×		
1b.	10 copies of the required plans and other required information including this Checklist	Ջ		
1c.	Completed Criteria Review	શ		
1d.	Certified copy of the abutters list obtained from the Truro Assessors Office	R		
1e.	Applicable filing fee	Q		
	Site Plans			
	DICC LIGHTS			
2a.	Site Plans shall be prepared, stamped and signed by a Registered Land Surveyor and Professional Engineer	Q		
2b.	Site Plans shall be prepared at a scale of one inch equals forty feet (1"=40") or larger	2		
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.	Q		
38.2	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			
i i	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	义		
	Existing:			
	All setbacks	2		
	Percent (%) of lot coverage broken out between building, pavement, landscape			
	coverage, etc.;	<b>^</b>		
	Number of buildings	d		
	Total number of square feet	×		
	Any other applicable zoning information necessary for the proper review of the site plan	~		

# 70.4 - RESIDENTIAL SITE PLAN REVIEW CHECKLIST - Applicant

Address:	ss: 59 South Parit Rd Applicant Name: Sisan Harway		Date:	e: 3/25/23
No.	Requirement	Included	Not Included	Explanation, if needed
	Proposed:			
	All setbacks	R R		
	Percent (%) of lot coverage broken out between building, pavement, landscape	ح		
	Number of huildings	P		
	Total number of square feet	2 9		
	Any other applicable zoning information necessary for the proper review of the	٩		
3a. 3	Assessor and Deed Information: The Truro Assessors Atlas Map(s) and Parcel(s) numbers	٩		
3a. 4	Graphic Scale	٩		
3a.5	Title Block - Including:	2		
	name and description of the project;	>		
	address of the property;	۷		
	names of the record owner(s) and the applicant(s); and	٩		
	date of the preparation of the plan(s) and subsequent revision dates	<b>a</b>		
3a. 6	Legend of All Symbols	X.		311
3a. 7	Property boundaries, dimensions and lot area	ጲ		
3a. 8	Topography and grading plan	ع		
3a. 9	Location, including setbacks of all existing and proposed buildings and additions	Q		
3a. 10	Septic system location	ኦ		
3a. 11	Location of (as applicable):	D		
	wetlands	1/4		
	the National Flood Insurance Program flood hazard elevation, and	win		
	Massachusetts Natural Heritage Endangered Species Act jurisdiction	1 4/2		
3a. 12	Driveway(s) and driveway opening(s)	۷		
3a. 13	Existing and proposed lighting	<u>s</u>		
3a. 14	Existing landscape features both vegetative and structural	۶.		
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)	Q		
1.00		The second secon		

# 70.4 - RESIDENTIAL SITE PLAN REVIEW CHECKLIST - Applicant

Add	Address: <9 South Panet Red Applicant Name: Susan Hanney	<b>\</b>	Dat	Date: 3/29/23
N.	. 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:	٩		
	elevations	Q		W
	floor plans	۶		
3c.	Lighting specification, including style and wattage(s)	7		
	Neighborhood Context:			
	Photographs or other readily available data concerning the location and size of buildings on			
3d.	lots adjacent to or visible from the lot under consideration in order to provide a neighborhood	l		
	context for the property under consideration			
			11.00	
3e.	Re-vegetation/Landscaping plan, including both vegetative and structural features	٩		

## 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.

<u>Instructions:</u> 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:

The lot is sloping sharply upward from South Pamet Road. The proposed new home is situated where the slope becomes more gradual towards the rear of the lot. The orientation of the proposed home is NW-SW to reduce exposure to the coldest winter winds, with rooflines and windows exposed to the East-West orientation to maximize solar heating in the winter months, and to maximize the amount of roof space that is available for solar panels, if the owner wishes to install them.

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:

Great care has been taken to preserve the existing, small residential structure on the site, and to utilize the existing driveway to minimize disruption of the existing site. The proposed structure will

be naturally landscaped, and well within the scale and architectural style of the area. But for the preservation of the existing structure on-site, the proposed work would qualify as a by-right building of less than 3,600 sq. ft. on this 3 acre site within the Seashore District.

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:
	Access to the proposed structure will be an extension of the existing driveway, and care has been taken to avoid excavation and cut / fill land alteration within the existing slopes. Land clearing for the proposed house is minimal, as the owners prefer the land remain in its natural state as much as possible. The limit of work proposed is minimal and is designed to preserve the lot in its natural state as much as possible.
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:
	No new curb cuts are proposed, and the existing driveway will continue to be utilized as access to the site. Stormwater control structures are proposed in order to prevent runoff from the site and existing driveway from entering onto South Pamet Road.
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 cut sheets for proposed lighting All lighting will be dark sky compliant. Night-time views of the sky in
	Truro are priceless and the applicant wishes to preserve these astonishing views.



# **TOWN OF TRURO**

# Assessors Office Certified Abutters List Request Form

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apolises de de la constitución d	M	AR	1	6	202	23	Andreas deposits de la constante de la constan
AS	SSE	SS	OR	S	0	FFI	CE

		DATE:	3/16/23
NAME OF APPLICANT: 5	isan Hanway		
NAME OF AGENT (if any):	William C. HENC	hy	
MAILING ADDRESS: 165	Cranbenzy Highw	. my Onleans A	14 02653
CONTACT: HOME/CELL 3	08-255-1636 EN	MAIL Whenchy	a heachy law.
PROPERTY LOCATION: 5	9 South Pamet Rd (street ac	ddress)	
PROPERTY IDENTIFICATION	NUMBER: MAP @5/	PARCEL D5/	EXT (if condominium)
ABUTTERS LIST NEEDED FOR (please check <u>all</u> applicable)		FEE: \$15. e application unless other a	.00 per checked item errangements are made)
Board of Health <sup>5</sup>	Planning Board (PB)	Zoning Bo	ard of Appeals (ZBA)
Cape Cod Commission	Special Permit <sup>1</sup>	XS	pecial Permit <sup>1</sup>
Conservation Commission <sup>4</sup>	Site Plan <sup>2</sup>	*************	ariance <sup>1</sup>
Licensing	Preliminary Subdivisio		
Type:	Definitive Subdivision		
	Accessory Dwelling Un	nit (ADU) <sup>2</sup>	
Other	(Please Specify)		(Fee: Inquire with Assessors)
Note: Per M.G.L., proc	essing may take up to 10 calend	ar days. Please plan acc	cordingly.
THIS SE	ECTION FOR ASSESSORS OF		1
Date request received by Assessors	3/16/2023	Date completed: 3/1	7/1023
List completed by:	111	Date paid:3 16 WZ	3Cash Check # 1785

<sup>&</sup>lt;sup>1</sup>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.

<sup>&</sup>lt;sup>2</sup>Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.

<sup>&</sup>lt;sup>3</sup>Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. <u>Note</u>: For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

<sup>&</sup>lt;sup>4</sup>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. <u>Note</u>: Responsibility of applicant to notify abutters and produce evidence as required.

<sup>&</sup>lt;sup>5</sup>Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. <u>Note</u>: 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: March 17, 2023

To: William C. Henchy, Agent for Susan Hanway

From: Assessors Department

Certified Abutters List: 59 South Pamet Road (Map 51, Parcel 51)

Planning Board/ Site Plan

Attached is a combined list of abutters for the property located at 59 South Pamet Road.

The current owner is Susan Hanway.

The names and addresses of the abutters are as of March 10, 2023 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by:

Olga Farrell Assessing Clerk

## 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
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
3093	51-47-0-R	ANTHONY ELLEN ROE & PETER DEAN	48 SO PAMET RD	PO BOX 712	TRURO	MA	02666
3095	51-49-0-R	DENTON FAMILY REVOC TRUST TRS: DENTON JEFFREY B &	51 SO PAMET RD	DENTON APRIL A 8018 MOUNT HURON TRAIL	COLORADO SPRINGS	СО	80924
3096	51-50-0-R	KAHN ELY JACQUES III & SILVESTER LESLEY	60 SO PAMET RD	243 WEST 60TH ST APT 7D	NEW YORK	NY	10023
3097	51-51-0-R	HANWAY SUSAN	59 SO PAMET RD	42239 LAKE TIMBER DR	BABCOCK RANCH	FL	33982-5019
3099	51-53-0-R	KOCH JOHN & SHARON	53 SO PAMET RD	PO BOX 1192	TRURO	MA	02666
3100	51-54-0-R	PAISNER DANIEL & MEDOFF NANCY	149 COLLINS RD	16 WARWICK RD, UNIT 1	BROOKLINE	MA	02445
3101	51-55-0-R	MOONEY GEORGE M &JANET E (LE) RMNDR: MOONEY ELIZABETH A ETAL	68 SO PAMET RD	PO BOX 787	TRURO	MA	02666-0787
3102	51-56-0-R	MOONEY GEORGE M & JANET E (LE) RMNDR: MOONEY ELIZABETH A ETAL	63 SO PAMET RD	PO BOX 787	TRURO	MA	02666-0787

N3/17/12023 Page

40-999-0-E

51-47-0-R

51-49-0-R

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

ANTHONY ELLEN ROE & PETER DEAN PO BOX 712 TRURO, MA 02666 DENTON FAMILY REVOC TRUST TRS: DENTON JEFFREY B & DENTON APRIL A 8018 MOUNT HURON TRAIL COLORADO SPRINGS, CO 80924

51-50-0-R

51-51-0-R

51-53-0-R

KAHN ELY JACQUES III & SILVESTER LESLEY 243 WEST 60TH ST APT 7D NEW YORK, NY 10023

HANWAY SUSAN 42239 LAKE TIMBER DR BABCOCK RANCH, FL 33982-5019 KOCH JOHN & SHARON PO BOX 1192 TRURO, MA 02666

51-54-0-R

51-55-0-R

51-56-0-R

PAISNER DANIEL & MEDOFF NANCY 16 WARWICK RD, UNIT 1 BROOKLINE, MA 02445 MOONEY GEORGE M &JANET E (LE) RMNDR: MOONEY ELIZABETH A ETAL PO BOX 787 TRURO, MA 02666-0787 MOONEY GEORGE M & JANET E (LE) RMNDR: MOONEY ELIZABETH A ETAL PO BOX 787 TRURO, MA 02666-0787

# Neighborhood Context—59 South Pamet Road (Map 51, Lot 51)

Subject Property—Hanway, 59 South Pamet Road





# 63 South Pamet Road—Adjacent to the East



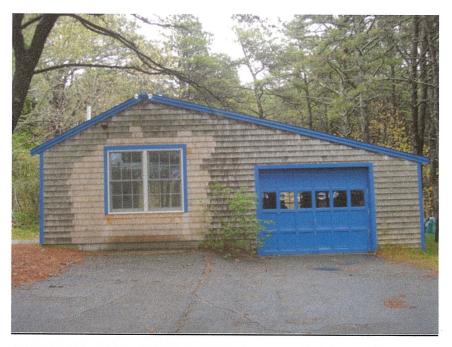




# 53 South Pamet Road—Adjacent to the West









# 60 South Pamet Road—Across the Street to the Northwest









## 68 South Pamet Road—Across the Street to the Northeast



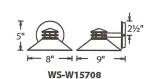


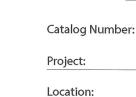
# **SODOR** – model: WS-W157 dwelLED<sup>TM</sup>LED Outdoor

# WAC LIGHTING

## Responsible Lighting®

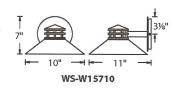






Fixture Type:





#### PRODUCT DESCRIPTION

A Steamwork inspired approach to a traditional lantern design. Sodor is constructed with a solid die cast aluminum shade that provides fantastic glare cutoff and a weather resistant powder coated finish. The light engine is factory sealed for maximum protection against the harshest elements.

#### **FEATURES**

- · Weather resistant powder coated finishes
- Heavy aluminum shade provides great glare cutoff
- Light engine is factory sealed for maximum protection from the elements
- · Die-cast aluminum construction
- No transformer or driver required
- Color Temp: 3000K
- CRI: 90
- Dimming: 100% 5% ELV
- Rated Life: 54,000 hours
- Input: 120V

### SPECIFICATIONS

Construction: Aluminum and White Diffuser Lens

Light Source: High output LED.

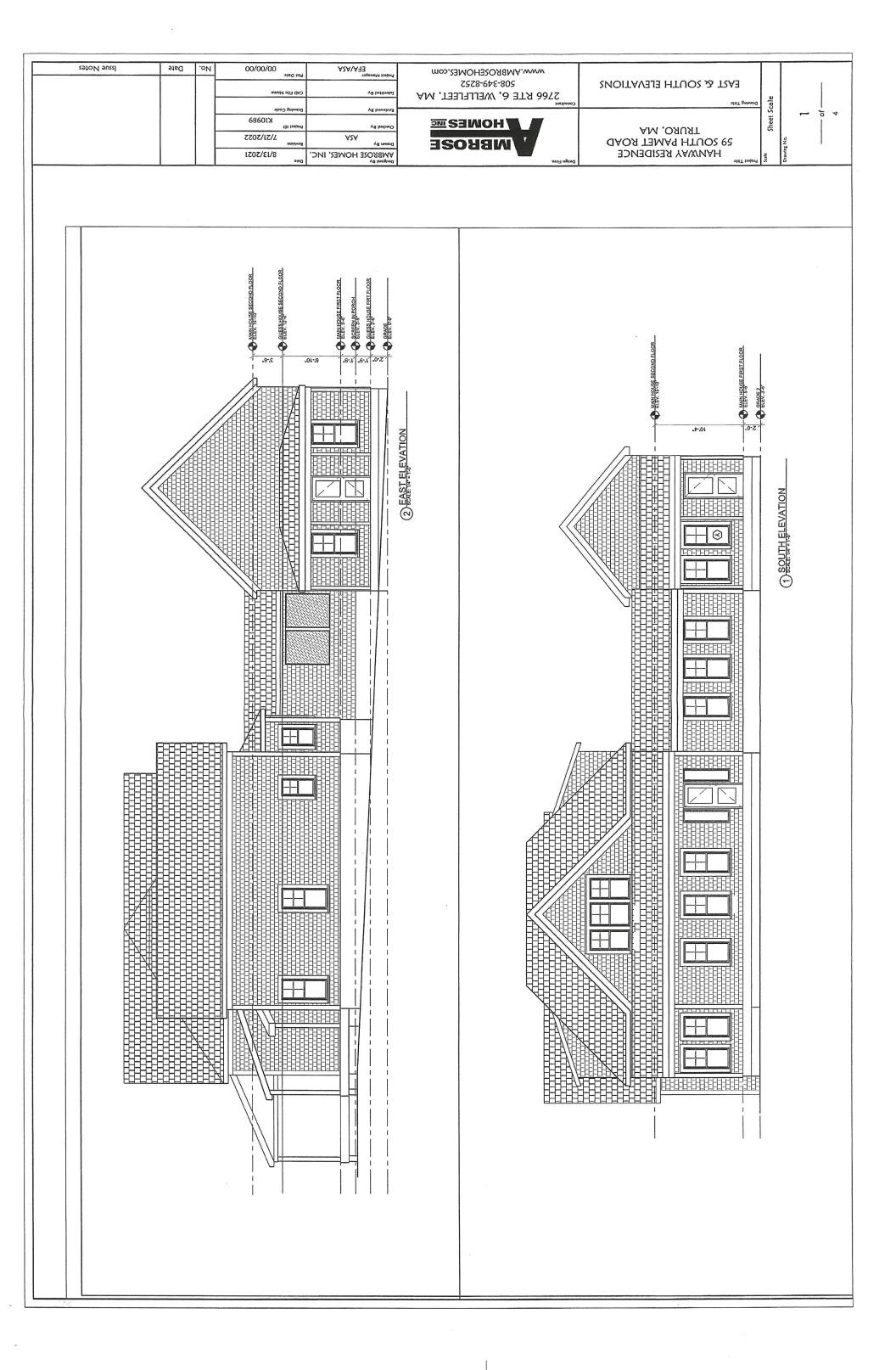
Finish: Bronze (BZ), Graphite (GH)

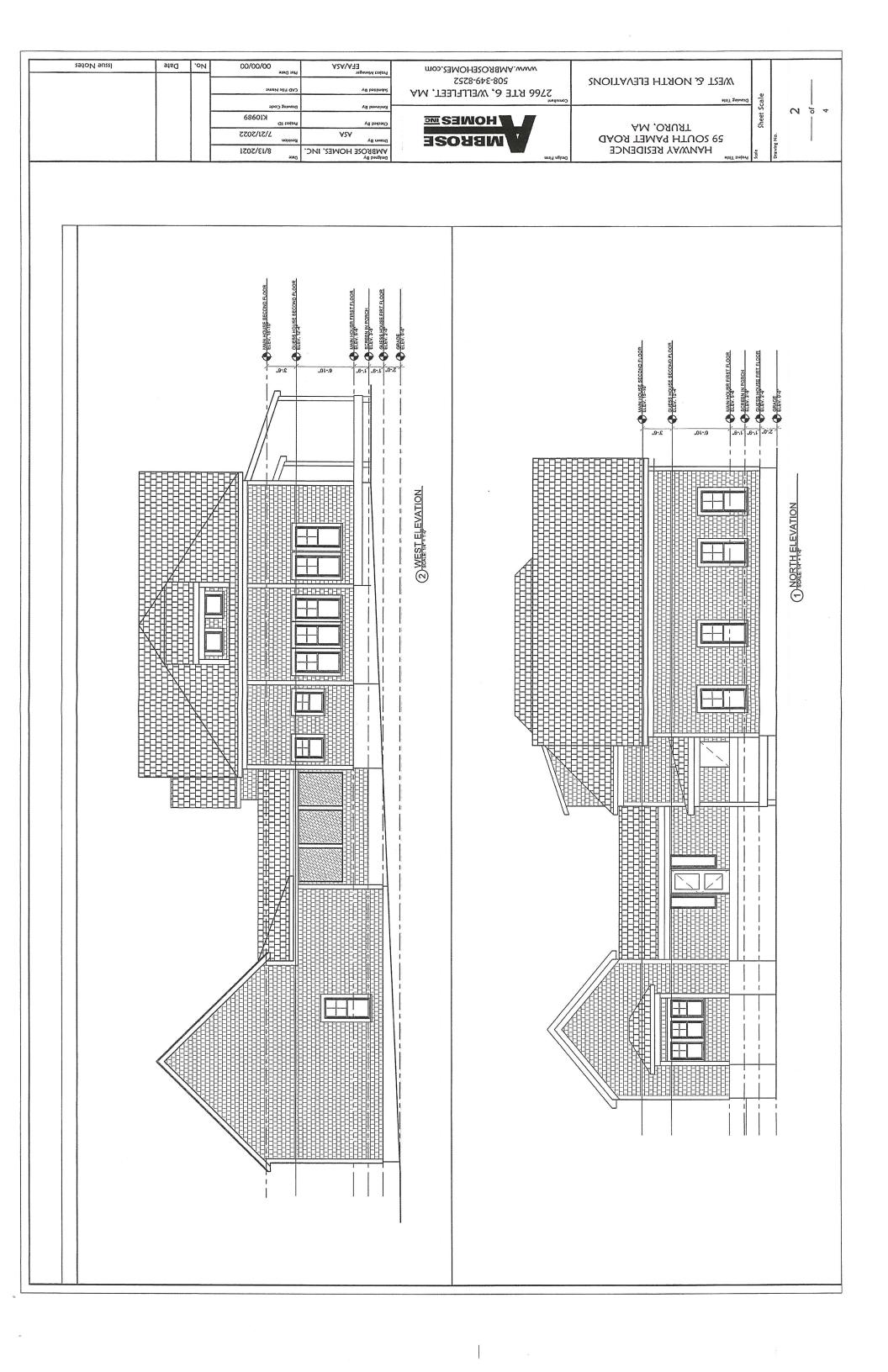
Standards: ETL & cETL wet location listed. IP 65. Dark Sky Friendly

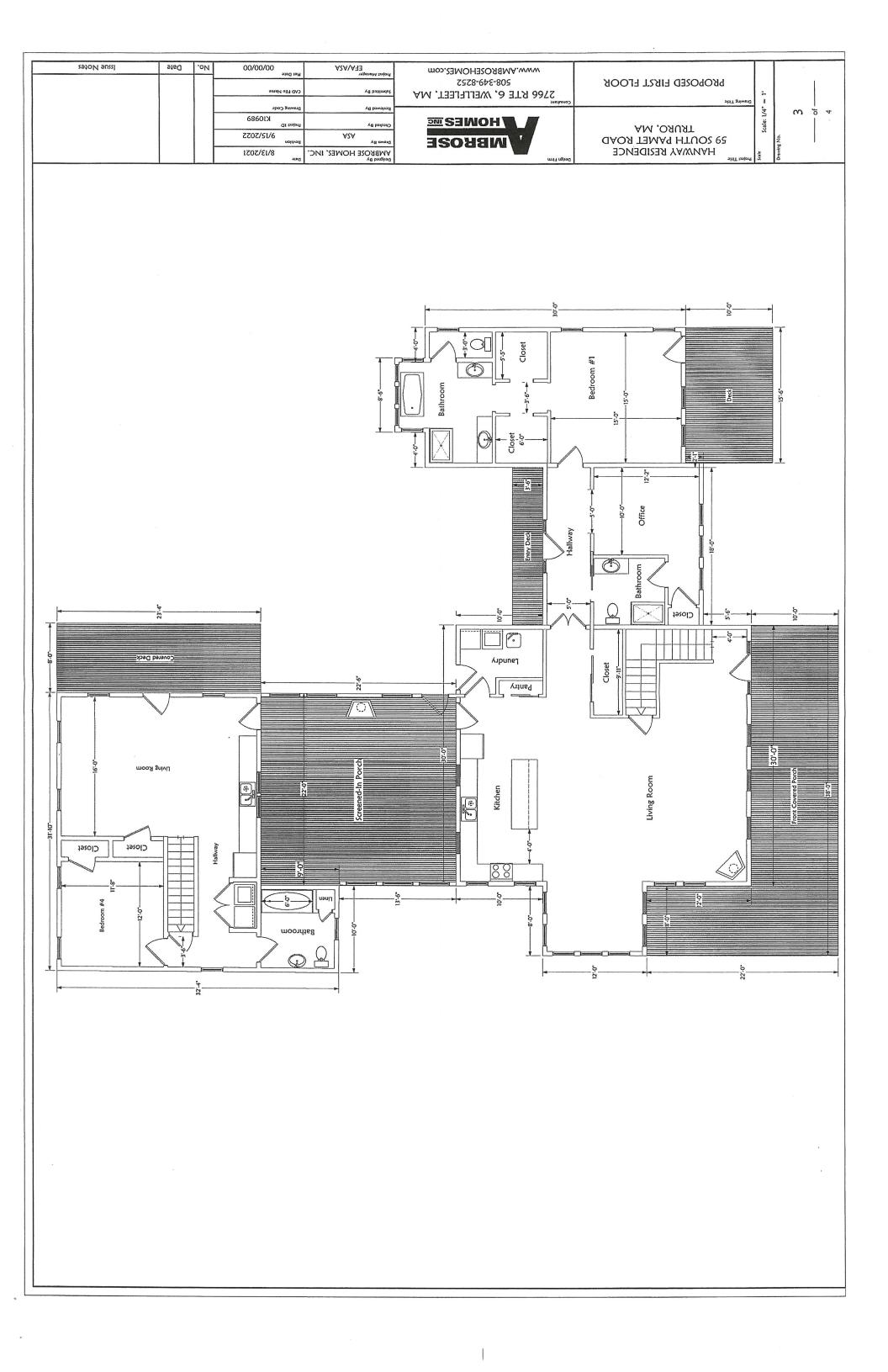
#### ORDER NUMBER

8"	WS-W15708	Watt 9W	LED Lumens	Delivered Lumens	Finish				
					BZ	Bronze			
10"	WS-W15710	11.5W	1200	560	GH	Graphite			

Example: WS-W15708-GH







Issue Notes	Date	.oN	00/00/00	EFA/ASA				т	
sotold errorl	oted	010	Plot Data	Project Monoger	moo.S3MOH3SOABMA.www		1	1	
			CAD File Mame	Ya bollimdus	2766 RTE 6, WELLFLEET, MA 508-349-8252	PROPOSED SECOND FLOOR	=		
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			Date 8/13/2021	AMBROSE HOMES, INC.	Design Firm	HANWAY RESIDENCE	Scale	Drawin	

