
Regan McCarthy, Ph.D.

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

August 5, 2022

via email and hand delivered

Town Clerk
Town Of Truro
Truro, MA 02666

Re: Perimeter ANR | 35A Higgins Hollow Road

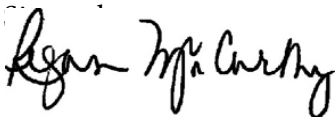
Dear Ms. Joseph,

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

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

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

As always, I appreciate your consideration and assistance.



Regan McCarthy

cc: Town Planner; Zoning Enforcement Officer;

Christopher Senie, Esq



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

FORM A

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

To the Planning Board of the Town of Truro, MA

Date 8/5/2022

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

Property Location: 35A Higgins Hollow Road
47-002

Map(s) and Parcel(s):

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

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

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

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

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

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

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

Regan McCarthy
(Printed Name of Owner)



(Signature)

(Printed Name of Owner)

(Signature)

(Address of Owner(s))

(Address of Owner(s))

(Printed Name of Agent)

(Signature)

n/a

(Address of Agent)

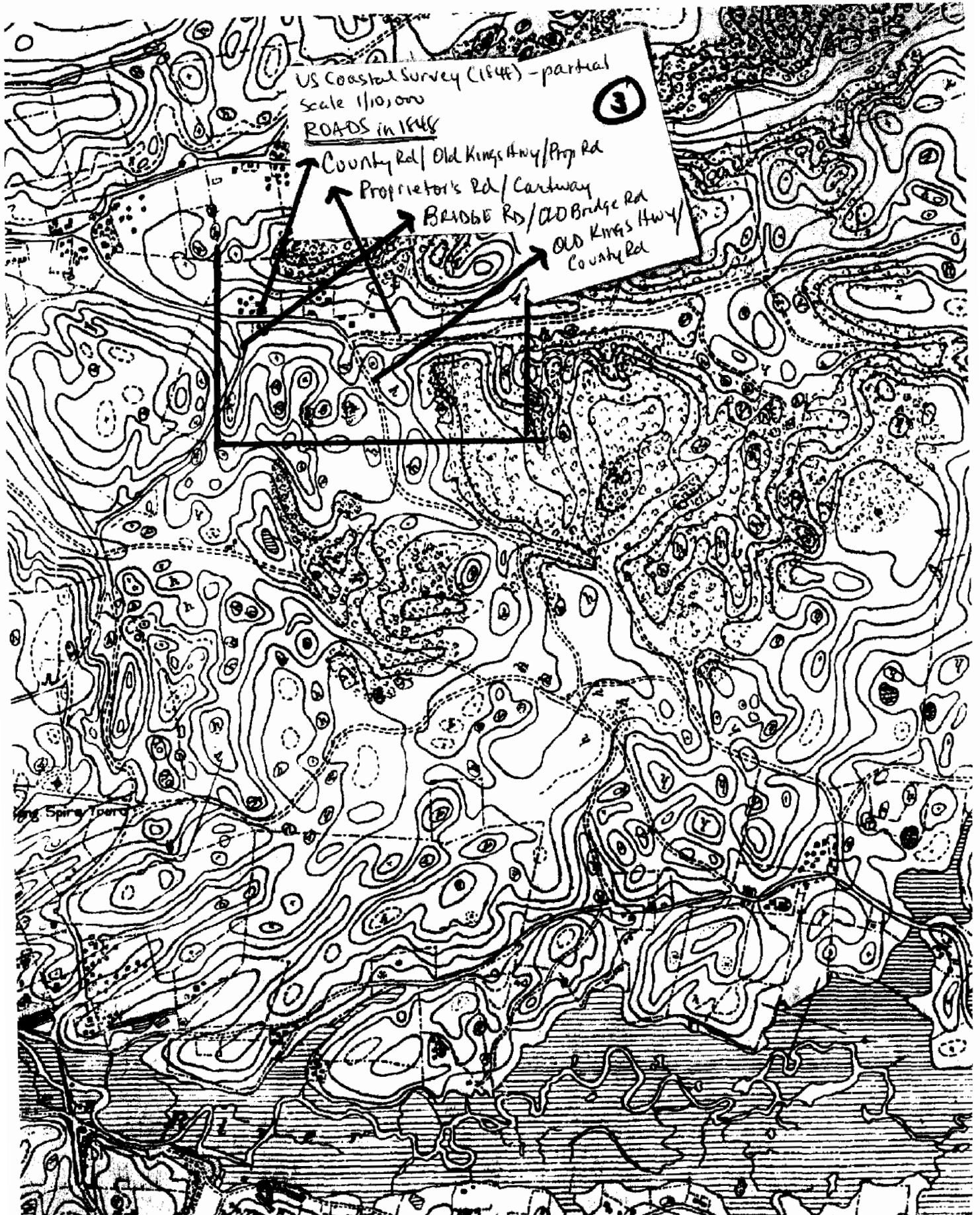
File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk; and a complete copy, including all plans and attachments, submitted electronically to the Town Planner at planner1@truro-ma.gov

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

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

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

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



QUITCLAIM DEED

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

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

with QUITCLAIM COVENANTS

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

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

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

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

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

James G. Wasenius
James G. Wasenius

STATE OF NEW YORK

NASSAU County, ss.

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

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

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

BARNSTABLE REGISTRY OF DEEDS

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

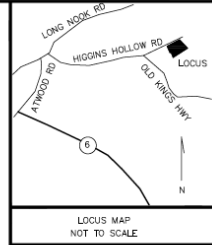
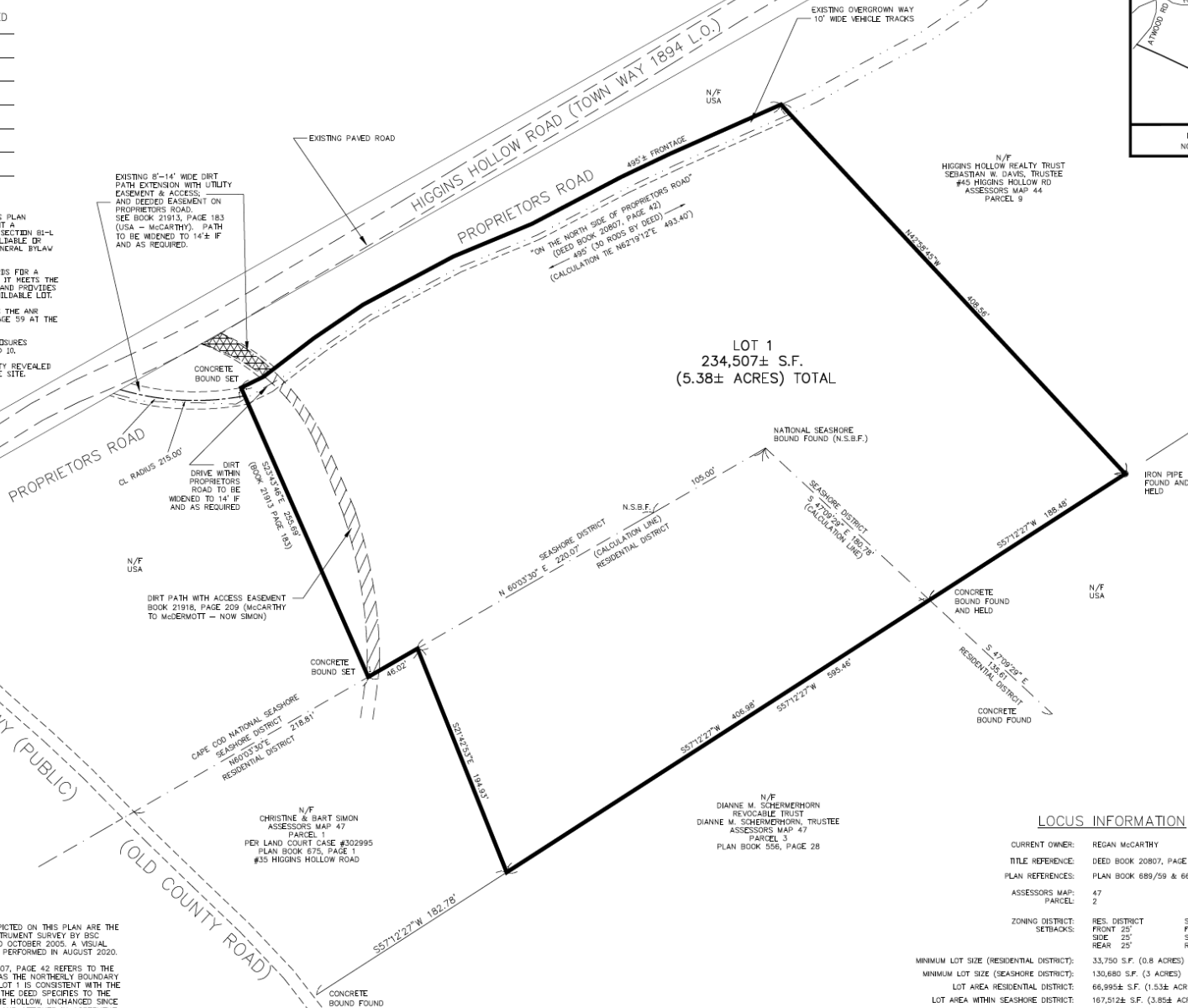
TRURO PLANNING BOARD
APPROVAL UNDER THE
SUBDIVISION
CONTROL LAW NOT REQUIRED

DATE: _____

NOTES:
PLANNING BOARD ENDORSEMENT OF THIS PLAN INDICATES ONLY THAT THE PLAN IS NOT A SUBDIVISION UNDER MGL, CHAPTER 41, SECTION 81-L AND DOES NOT INDICATE A LOT IS BUILDABLE OR THAT IT MEETS ZONING, HEALTH OR GENERAL BY-LAW REQUIREMENTS.
THIS LOT MEETS THE MINIMUM STANDARDS FOR A BUILDING LOT IN THE TOWN OF TRURO. IT MEETS THE MINIMUM LOT SIZE, MINIMUM FRONTAGE AND PROVIDES SAFE AND ADEQUATE ACCESS FOR A BUILDABLE LOT.
THE ANR PLAN SUPERCEDES AND VOIDS THE ANR PLAN RECORDED IN PLAN BOOK 689, PAGE 59 AT THE BARNSTABLE REGISTRY OF DEEDS.
THE LOT MEETS THE MATHEMATICAL CLOSURES STANDARDS OF CMR 250.600 (6.00±/250±) 10.
AN INSPECTION OF THE LOCUS PROPERTY REVEALED THAT THERE ARE NO WETLANDS ON THE SITE.

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

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



FOR REGISTRY USE ONLY

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

PRELIMINARY

PROFESSIONAL LAND SURVEYOR DATE

APPROVAL
NOT REQUIRED
PERIMETER
PLAN OF LAND

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

REVISIONS:
NO. DATE DESC.

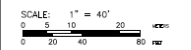
PREPARED FOR:
REGAN MCCARTHY
42 1/2 ADRIAN AVENUE
MARBLE HILL, N.Y. 10463



348 ROUTE 28, UNIT D
WEST YARMOUTH, MA 02873

508 778 8919

© 2022 The BSC Group, Inc.



PROJ. MGR.: C. FIELD

FIELD: D. CAZZOLO / P. HAGIST

CALC./DESIGN: P. HAGIST

DRAWING: K. HELLY

CHECK: C. FIELD

FILE: 8839-ANR-6-28-2022.DWG

DWG. NO: 5634-0 SHEET 1 OF 1

JOB. NO: 4-8839.02

LOCUS INFORMATION

CURRENT OWNER: REGAN MCCARTHY
TITLE REFERENCE: DEED BOOK 20807, PAGE 42
PLAN REFERENCES: PLAN BOOK 689/59 & 665/80 & 556/28
ASSESSORS MAP: 47
PARCEL: 2
ZONING DISTRICT: RES. DISTRICT SEASHORE DISTRICT
SETBACKS: FRONT 25' FRONT SIDE 25' REAR 25'

MINIMUM LOT SIZE (RESIDENTIAL DISTRICT): 33,750 S.F. (0.8 ACRES)
MINIMUM LOT SIZE (SEASHORE DISTRICT): 130,680 S.F. (3 ACRES)
LOT AREA RESIDENTIAL DISTRICT: 66,995± S.F. (1.53± ACRES)
LOT AREA WITHIN SEASHORE DISTRICT: 167,512± S.F. (3.85± ACRES)
EXISTING TOTAL LOT AREA: 234,507± S.F. (5.38 ACRES)

FEMA FLOOD ZONE DISTRICT: ZONE "X", 7-16-2014 #25001C0143J

BOOK 556, PAGE 28