

**Planning Board Meeting Materials June 8, 2020**

**Table of Contents**

- Page 1** Thomas E. Driscoll has submitted an Approval Not Required plan for 0 Phinney's Lane, Hyannis, - Map 251 Parcel 104. Lots H02 and T02 – said plan dated April 21, 2020, and entitled “Plan of Land 0 Phinney's Lane, Hyannis (Barnstable) Massachusetts, prepared by Cape & Islands Engineering”
- Page 18** Cele Kagan has submitted an Approval Not Required plan for 21 Lowell Rd., Cotuit – Map 16 Parcel 29 and entitled “Plan of Land, being a division of Lot 55 as shown on Land Court Plan #11542-6 in Cotuit, Mass, prepared for Cele Kagan dated May 18, 2020, by Down Cape Engineering”.
- Page 32** May 11, 2020, draft minutes
- Page 40** September 11, 2017, draft minutes

**Town of Barnstable**  
Planning and Development Department  
Staff Report

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**900 Phinney's Lane - Driscoll  
Approval Not Required (ANR) Plan**

**Date:** June 5, 2020  
**To:** Steven Costello, Chair, Planning Board  
**From:** Planning & Development Department

**Owners:** **Thomas E. Driscoll**  
**Surveyor:** **Matthew C. Costa, P.L.S., R.S., Cape & Islands Engineering, Inc.**  
**Property Address:** 900 Phinney's Lane, Centerville & Hyannis  
**Assessor's Map/Parcel:** Map 251 Par 104 Lots H02 and T02  
**Zoning:** Residence C-1

An Approval Not Required Plan, "Proposed Subdivision (Form A – Approval Not Required) 0 Phinney's Lane in Hyannis (Barnstable) Massachusetts" drawn and stamped by Cape & Islands Engineering, Inc., dated April 21, 2020, for Thomas E. Driscoll for 900 Phinney's Lane, Map 251 Par 104 Lots H02 and T02 has been submitted to the Board for endorsement as an Approval Not Required (ANR) plan.

On August 27, 2018, the Planning Board approved an ANR that included this lot. That plan creating created one building lot and two unbuildable lots for conveyance purposes only, recorded at the Barnstable Registry of Deeds in Plan Book 676, Page 54.

The application currently before the Planning Board was submitted on May 19, 2020, and proposes to modify one of the lots created for conveyance purposes in the 2018 plan into five lots for conveyance purposes.

*Proposal*

Lots 3A, 3B, 3C, 3D, and 3E are not considered building lots and are created for conveyance purposes only.

The plan as submitted qualifies as an ANR Plan and it should be endorsed by the Board as:

- it does not constitute a subdivision as each of the lots being created are not considered building lots and are being created for conveyance purposes only; and
- all materials and conditions of Chapter 801, Article IV Approval Not Required Plans, have been submitted and are in full compliance.

If the Board agrees, a motion should be formulated to:

Endorse the land division plan entitled ““Proposed Subdivision (Form A – Approval Not Required) 0 Phinney’s Lane in Hyannis (Barnstable) Massachusetts” drawn and stamped by Cape & Islands Engineering, Inc., dated April 21, 2020, as an Approval Not Required Plan.

SUBDIVISION REGULATIONS  
801 Attachment 2

<b>TOWN OF BARNSTABLE SUBDIVISION RULES AND REGULATIONS</b>
<b>FORM A</b>
<b>APPLICATION FOR DETERMINATION THAT PLAN DOES NOT REQUIRE APPROVAL</b>

Date: May 11, 2020

The undersigned owner(s) or authorized applicant(s) of the land shown on the accompanying plan request a determination and endorsement by the Barnstable Planning Board that approval under the Subdivision Control Law is not required.

Plan Title: Plan of Land - Proposed Subdivision (Form A – Approval Not Required)

Plan Date: April 21, 2020

Assessor's map and parcel number: Map(s): 251 Parcel (s): 104 Lots: H02 and T02

Zoning: RC 1 Area: 3.28 Acres Number of Lots: 5 (For Conveyance Purposes Only)

Drawn by: Matthew C. Costa, P.L.S., Cape & Islands Engineering, Inc.

Address: 800 Falmouth Road, Suite 301C, Mashpee, MA 02649

Phone: 508-477-7272

The undersigned's title to said land is derived as follows:

Deed Book: 16224 Page: 254, Dated: 01-13-03

**PLEASE COMPLETE THE FOLLOWING**

1. The proposed lots do do not  X meet the present Zoning Ordinance lot size requirements, including lot shape factor requirements. (Check one).
2. The applicant believes that the plan does not require the Planning Board's approval because (please circle):
  - A. Each lot has the minimum required frontage require under the Zoning Ordinance on N/A, which is: n/a feet
    1. A public way, certified by the Town Clerk as maintained and used as a public way, or
    2. A way shown on a subdivision plan# \_\_\_\_\_ dated \_\_\_\_\_ and endorsed and installed in accordance with the Subdivision Rules and Regulations, or
    3. A private way which provides adequate access in accordance with § 801-128 of these Subdivision Rules and Regulations.
  - ★ B. The division proposed is for conveyance purposes and does not reduce the lot frontage less than the minimum required in the Zoning Ordinance.
  - C. The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings shown on the accompanying plan were standing prior to the date in which the Subdivision Control Law as implemented in the Town of Barnstable. The date the buildings were constructed and the use is as follows:

BARNSTABLE CODE

Building #1: \_\_\_\_\_ date \_\_\_\_\_ use \_\_\_\_\_  
Building #2: \_\_\_\_\_ date \_\_\_\_\_ use \_\_\_\_\_  
Building #3: \_\_\_\_\_ date \_\_\_\_\_ use \_\_\_\_\_

Other reasons: The division of the tract of land shown on the accompanying plan is not a subdivision because use of existing frontage on a Public Way is proposed.

4. Has a plan of this land been submitted to the Planning Board before? Yes X No    (check one).  
If yes, please provide the date of the plan, date of recordation with the Registry of Deeds or of the date of filing with Land Court.

5. Date of plan: July 23, 2018 Date of recording: October 11, 2018

6. Are there any wetlands within this tract of land? Yes    No X (check one).

6. The owner/applicant owns adjoining land    yes X no

Thomas Egan Dascal 55 Hi-mo-Hill Road 617/653-9198  
Signature of Owner Address Telephone  
Centerville, MA

Thomas Egan Dascal  
Print Name of Owner

\_\_\_\_\_  
Signature of Owner Address Telephone

\_\_\_\_\_  
Print Name of Owner

\_\_\_\_\_  
Signature of Authorized Applicant Address Telephone

\_\_\_\_\_  
Print Name of Applicant

\_\_\_\_\_  
Applicant's Authorization:

This section is to be completed by the Registered Land Surveyor who prepared the plan or by the legal counsel representing the application.

I certify that no other conditions or limitations from prior plans apply to the plan of land submitted.

Company name: Cape & Islands Engineering, Inc.  
Address: 800 Falmouth Road, Suite 301C, Mashpee, MA 02649 Telephone: 508-477-7272

Date: \_\_\_\_\_  
Certification: PLS Certification # 52782

Signature: [Signature]

Received by Town Clerk:  
Date: \_\_\_\_\_ Time: \_\_\_\_\_ Fee: \$ \_\_\_\_\_  
Signature: \_\_\_\_\_

Please make check payable to the Town of Barnstable

**Bill Information** My File Edit Tools Help

Year/Type/Bill No. 2020 RE-R 22468

Customer Account Information 440176

DRISCOLL, THOMAS E  
689 CONCORD AVENUE  
BELMONT, MA 02478

Property Information  
Parcel ID 251-104-T00  
Alt Parc  
Prop Loc 900 PHINNEY'S LANE

Special Conditions/Notes

Installment Information

Int Dt	Billed	Abt/Adj	Pmt/Crd	Interest	Unpaid bal
08/02/19	41.93	0.00	0.00	2.80	44.73
11/02/19	41.93	0.00	0.00	1.31	43.24
02/04/20	22.15	0.00	0.00	0.00	22.15
05/02/20	22.14	0.00	0.00	0.00	22.14
Fees/Pen	0.00	0.00	0.00	0.00	0.00
Totals	128.15	0.00	0.00	4.11	132.26

Notes/Alerts  
JAN 1 Owner: PRIOR, LACEY & PATST

Due 01/22/2020 110.12

Per Diem 0.04

Int Paid 0.00

Total Paid 0.00

Batch Information  
Batch # 77386 Department 3302 Batch Total 0.00  
Deposit Current Receipt 0.00 Receipt Count 0

1 of 26 Attachments (0)

Display original billing information for the current bill. OVR

**PAID**  
 CASH  CHECK  
 JAN 22 2020  
 CH # 1075 1045  
 TOWN OF BARNSTABLE  
 PER KC 01 02, 03  
 COLLECTOR OF TAXES

Bill Information

My File Edit Tools Help



- History
- Detail
- Orig Bill
- Apply Pmt
- Scan Bill
- Quick Entry
- Effective Date
- Utility Acct
- Customer
- Name
- Parcel
- Prop ID
- Misc Receipt
- View-Rev
- Bill Dates
- Bill Audits

Year/Type/Bill No.  
 2019 RE-R 8779

Customer Account Information  
 472117

Property Information  
 Parcel ID: 251-104-T00  
 Alt Parc:  
 Prop Loc: 900 PHINNEY'S LANE

DRISCOLL, THOMAS E  
 %PRIOR, LACEY & PATSTON, GUY  
 99 LONGVIEW DRIVE  
 CENTERVILLE, MA 02632

Special Conditions/Notes

Installment Information

Int Dt	Billed	Abt/Adj	Pmt/Crd	Interest	Unpaid bal
08/02/18	44.03	0.00	44.03	0.00	0.00
11/02/18	44.02	0.00	44.02	0.00	0.00
02/02/19	39.82	0.00	39.82	0.00	0.00
05/02/19	39.82	0.00	19.38	0.00	20.44
Fees/Pen	0.00	0.00	0.00	0.00	0.00
Totals	167.69	0.00	147.25	0.00	20.44

Notes/Alerts

JAN 1 Owner: DRISCOLL, THOMAS E

- View prior unpaid bills
- View ancestor prior unpaid bills

Due 01/15/2020

Per Diem	0.00
Int Paid	0.00
Total Paid	147.25

20.44

Browse Bill History

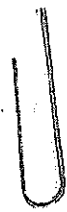
File Edit Tools Help



Act	Entry Date	Eff Date	Receipt	Amount	Meth	Check/Ref#	Paid By	Source
PMT	08/03/2018	07/01/2018	14085509	44.03	BX		CASH RECEIPTS	History
PMT	11/06/2018	10/01/2018	14082096	44.02	BX		CASH RECEIPTS	History
PMT	01/15/2020	01/15/2020	14347430	59.20	CK	289	PRIOR, LACEY	History
ADJ	01/15/2020	01/15/2020	7374948	-15.00				Adjustment

**P A I D**  
 CASH  CHECK  
 JAN 22 2020  
*CL #1045*  
 TOWN OF BARNSTABLE  
 PER *RC 04*  
 COLLECTOR OF TAXES

TAX COLLECTOR'S OFFICE  
 TOWN OF BARNSTABLE  
 P.O. BOX 40  
 HYANNIS, MA 02601  
 508-862-4054



0.\*

39.82+

39.82+

0 02

79.64\*

0.\*

79.64\*

2002 -

59.20.

0 02

20.440

0 02

DRISCOLL

20.44\*

THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF BARNSTABLE  
OFFICE OF THE BOARD OF ASSESSORS

FY2019 APPORTIONED TAX

C-O-M-M FIRE DISTRICT

BILL#: 8779

ASSESSED TO: DRISCOLL, THOMAS E

MAILING ADDRESS: 689 CONCORD AVENUE  
BELMONT, MA 02478

PROPERTY LOCATION: 900 PHINNEY'S LANE  
MAP & PARCEL: 251-104-T00

DEED REFERENCE: 28952/ 201

Town Tax	CPA Tax 3% of Town Tax	Dist Tax	TOTAL TAX
\$ 89.11	\$ 2.67	\$ 16.71	\$ 108.49

DATE OF ISSUE: 1/1/2019

DUE DATE: 5/1/2019

All payments must be made to: Town of Barnstable  
Mail to Collector's Office, P.O. Box 1360 TC, Hyannis, MA 02601-1360  
Office Hours: Monday-Friday 8:30 AM-4:30 PM  
PAYMENTS DUE FEBRUARY 1, 2019 & MAY 1, 2019  
Interest on late payments will begin accruing on late payments at 14% per annum



**Bill Information** My File Edit Tools Help

Year/Type/Bill No. 2020 RE-R 22467

Customer Account Information 440176

DRISCOLL, THOMAS E  
689 CONCORD AVENUE  
BELMONT, MA 02478

Property Information  
Parcel ID 251-104-H00  
Alt Parc  
Prop Loc 900 PHINNEY'S LANE

Special Conditions/Notes

Installment Information

Int Dt	Billed	Abt/Adj	Pmt/Crd	Interest	Unpaid bal
08/02/19	454.46	0.00	0.00	30.33	484.79
11/02/19	454.46	0.00	0.00	14.29	468.75
02/04/20	287.08	0.00	0.00	0.00	287.08
05/02/20	287.07	0.00	0.00	0.00	287.07
Fees/Pen	0.00	0.00	0.00	0.00	0.00
Totals	1,483.07	0.00	0.00	44.62	1,527.69

Notes/Alerts  
JAN 1 Owner: PRIOR, LACEY & PATST

Due 01/22/2020 1,240.62  
Per Diem 0.35  
Int Paid 0.00  
Total Paid 0.00

Batch Information  
Batch # 77386 Department 3302 Batch Total 0.00  
Deposit Current Receipt 0.00 Receipt Count 0

1 of 26 Attachments (0)

Display original billing information for the current bill. OVR

**PAID**  
 CASH  CHECK  
 JAN 22 2020  
*ck # 7075-1045*  
 TOWN OF BARNSTABLE  
 PER *KC 01,03,03*  
 COLLECTOR OF TAXES

### Bill Information

My File Edit Tools Help

Year/Type/Bill No.

Customer Account Information

Property Information  
 Parcel ID   
 Alt Parc   
 Prop Loc

DRISCOLL, THOMAS E  
 %PRIOR, LACEY & PATSTON, GUY  
 99 LONGVIEW DRIVE  
 CENTERVILLE, MA 02632

Special Conditions/Notes

Installment Information

Int Dt	Billed	Abt/Adj	Pmt/Crd	Interest	Unpaid bal
08/02/18	467.98	0.00	467.98	0.00	0.00
11/02/18	467.97	0.00	467.97	0.00	0.00
02/02/19	440.94	0.00	235.77	0.00	205.17
05/02/19	440.93	0.00	0.00	0.00	440.93
Fees/Pen	0.00	0.00	0.00	0.00	0.00
Totals	1,817.82	0.00	1,171.72	0.00	646.10

Notes/Alerts

JAN 1 Owner: DRISCOLL, THOMAS E

view prior unpaid bills  
 view ancestor prior unpaid bills

Due 01/15/2020	646.10
Per Diem	0.00
Int Paid	0.00
Total Paid	1,171.72

### Browse Bill History

File Edit Tools Help

Act	Entry Date	Eff Date	Receipt	Amount	Meth	Check/Ref#	Paid By	Source
PMT	08/03/2018	07/01/2018	14085510	467.98	BX		CASH RECEIPTS	History
PMT	11/06/2018	10/01/2018	14082089	467.97	BX		CASH RECEIPTS	History
PMT	01/15/2020	01/15/2020	14347440	235.77	CK	289	PRIOR, LACEY	History
ADJ	01/15/2020	01/15/2020	7374949	-15.00				Adjustment

**PAID**  
 JAN 22 2020  
 TOWN OF BARNSTABLE  
 PER COLLECTOR OF TAXES

TAX COLLECTOR'S OFFICE  
 TOWN OF BARNSTABLE  
 P.O. BOX 40  
 HYANNIS, MA 02601  
 508-862-4054

0.\*

440.94+

440.93+

002

881.87\*

0.\*

881.87+

PEP02 --

235.77-

002

646.100

002

DRISCOLL --

646.10\*

THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF BARNSTABLE  
OFFICE OF THE BOARD OF ASSESSORS

FY2019 APPORTIONED TAX

HYANNIS FIRE DISTRICT

BILL#: 8778

ASSESSED TO: DRISCOLL, THOMAS E

MAILING ADDRESS: 689 CONCORD AVENUE  
BELMONT, MA 02478

PROPERTY LOCATION: 900 PHINNEY'S LANE  
MAP & PARCEL: 251-104-H00

DEED REFERENCE: 28952/ 201

vn Tax	CPA Tax 3% of Town Tax	Dist Tax	TOTAL TAX
168.24	\$ 35.05	\$ 378.76	\$ 1,582.05

DATE OF ISSUE: 1/1/2019

DUE DATE: 5/1/2019

All payments must be made to: Town of Barnstable  
Mail to Collector's Office, P.O. Box 1360 TC, Hyannis, MA 02601-1360  
Office Hours: Monday-Friday 8:30 AM-4:30 PM  
PAYMENTS DUE FEBRUARY 1, 2019 & MAY 1, 2019  
Interest on late payments will begin accruing on late payments at 14% per annum



MASSACHUSETTS STATE EXCISE TAX  
BARNSTABLE COUNTY REGISTRY OF DEEDS  
Date: 06-19-2015 @ 11:51am  
Ct1#: 626 Doc#: 28522  
Fee: \$256.50 Cons: \$75,000.00

BARNSTABLE COUNTY EXCISE TAX  
BARNSTABLE COUNTY REGISTRY OF DEEDS  
Date: 06-19-2015 @ 11:51am  
Ct1#: 626 Doc#: 28522  
Fee: \$202.50 Cons: \$75,000.00

**QUITCLAIM DEED**

900 Phinney's Lane, Hyannis, MA 02601

I, **SUZETTE M. LEBEL**, of 39 Tower Hill Road, Barnstable (Osterville) Massachusetts, for full consideration of SEVENTY-FIVE THOUSAND AND 00/100 (\$75,000.00) DOLLARS, paid, grant to **THOMAS E. DRISCOLL**, of 689 Concord Avenue, Belmont, Massachusetts 02478, with QUITCLAIM COVENANTS, a certain parcel of land situated at 900 Phinney's Lane, Barnstable (Centerville), Barnstable County, Massachusetts, bounded and described as follows:

Commencing at a stake and stones at the southeast corner of the premises at the southwest corner of that part of the lot set to Eben Smith, sets thence Westerly in said Isalah Hinckley's Range eleven and three-quarter rods to Elijah Lewish and is bounded Westerly thereby, and woodland belonging to the heirs or Seth Lewis, deceased; Northerly by Centerville Road, and Easterly by the westerly line of that part set to said Eben Smith, and contains twelve acres, be the same more or less, all as described in a deed from Lydia Tallant et als to Elizabeth W, Phinney, recorded in Barnstable Registry of Deeds in Book 143, Page 570.

Subject to and with the benefit of all rights, easements, reservations and restrictions of record insofar as they are in force and applicable.

For title, see deed of Paul T. Lebel and Suzette M. Lebel recorded at Book 16224 Page 254. See also death certificate of Paul T. Lebel recorded at Book 28505 Page 107.

**THE GRANTOR HEREIN HEREBY RELEASES AND ANY ALL RIGHTS OF HOMESTEAD HOWEVER ACQUIRED IN THE AFOREMENTIONED PREMISES AND CERTIFIES PURSUANT TO M.G.L.A c. 188, s. 13 UNDER THE PENALTIES OF PERJURY (a) SHE IS UNMARRIED, (b) THE PREMISES WERE NEVER USED AS HER PRINCIPAL RESIDENCE, and (c) THERE IS NO**

**FORMER SPOUSE, CIVIL UNION PARTNER OR FORMER CIVIL UNION PARTNER WHO RESIDES IN THE PREMISES AS HIS OR HER PRIMARY RESIDENCE AND NO SUCH PERSON IS ENTITLED TO CLAIM THE BENEFIT OF AN EXISTING ESTATE OF HOMESTEAD IN THE PREMISES BEING CONVEYED.**

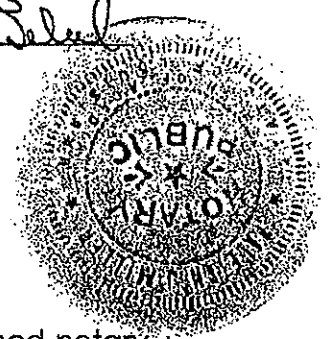
**Property Address:** 900 Phinney's Lane, Hyannis, Massachusetts 02601

WITNESS my hand and seal this 19<sup>th</sup> day of May, 2015.

*Suzette M. Lebel*  
SUZETTE M. LEBEL

**STATE OF LOUISIANA**

East Baton Rouge, Parish.



On this 25 day of May, 2015 before me, the undersigned notary public, personally appeared **SUZETTE M. LEBEL** and proved to me through satisfactory evidence of identification, which was my personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose.

*Raleigh J. Miller 20289*  
Notary Public  
My Commission expires:

**SPECIFIC POWER OF ATTORNEY  
TO SELL REAL PROPERTY**

The Commonwealth of Massachusetts  
County of Barnstable

KNOW ALL MEN BY THESE PRESENTS:

That, I, **SUZETTE M. LEBEL**, of 39 Tower Hill Road, Barnstable (Osterville) Massachusetts, do nominate, constitute and appoint **CRAIG T. ROCKWOOD, ESQ.**, of 336 South Street, Hyannis, Massachusetts 02601, my true and lawful attorney-in-fact, in my name, place and stead, to do and execute, or concur with persons jointly interested with me in the doing or executing of, every act, deed, or thing I could do or execute in connection with the exercise of the power granted herein, including all or any of the following:

1. To sell or execute any contract to sell, on such terms and for such consideration as my said agent shall deem proper, the hereinafter described real property (hereinafter referred to as the "Property") together with all improvements and personal property situated thereon, to-wit: 900 Phinney's Lane, Centerville, Massachusetts.
2. To pay all costs, expenses or other claims; to execute, acknowledge and deliver all transfer documents concerning the sale of the Property;
3. To sign and deliver a Deed to the Property;
4. To execute any and all instruments, including, but not limited to, closing statements, acknowledgements, disclosure statements, assents, releases, and waivers;
5. To make, guarantee, accept, execute, acknowledge, and deliver assignments, agreements, certificates, checks, notes, receipts, releases, and such other instruments in connection with the sale of the Property;
6. To make deposits or investments in or withdrawals from any account, which we may now or in the future have, or be entitled to, in any banking or investment institution; to exercise any right, option, or privilege pertaining to it or them;

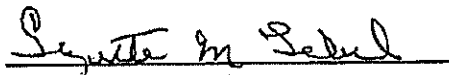
7. To engage and dismiss agents, attorneys, and accountants, and to appoint and remove any agent of our attorney-in-fact in respect to all or any of the matters or things mentioned in this document; and

8. To do any and all other acts as may be necessary to complete the sale of the Property.

This Power of Attorney shall not terminate on my disability but shall survive and continue in full force and effect. Should I for any reason be declared incompetent, or should I be physically unable to take any actions, I hereby ratify and confirm all acts performed by my attorney-in-fact. My attorney-in-fact is hereby authorized to indemnify and hold harmless any third party who accepts and acts under this Power of Attorney.

The authority of said attorney-in-fact to exercise the rights and powers herein granted shall commence on the date of this instrument, and shall remain in full force and effect thereafter until this Power of Attorney is revoked or terminated by actual written notice.

Signed this 25 day of May, 2015.

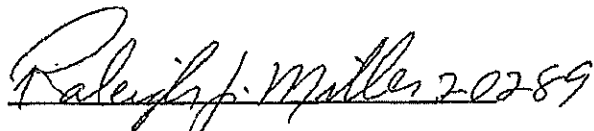
  
SUZETTE M. LABEL

  
Witness

**STATE OF LOUISIANA**

East Baton Rouge Parish

On this 25 day of May, 2015, before me, the undersigned notary public, personally appeared **SUZETTE M. LABEL** and proved to me through satisfactory evidence of identification, which was my personal knowledge, to be the persons whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose.



Notary Public  
My Commission expires:



APPROVAL UNDER THE SUBDIVISION CONTROL LAWS NOT REQUIRED

DATE APPROVED \_\_\_\_\_ DATE ROLLED \_\_\_\_\_

DATE \_\_\_\_\_ DATE \_\_\_\_\_

BARNSTABLE PLANNING BOARD

NOTE: NO INSTRUMENTS OR T.S. SUBMITTALS WITH ZONING ORDINANCE REQUIREMENTS HAS BEEN MADE OR INTENDED BY THE ABOVE ENDORSEMENT.

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING THE SAME INTO LOTS AND ARE THE LINES OF THE PUBLIC OR PRIVATE STREETS OR WAYS OR LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

MATTHEW G. COSEVAPLE \_\_\_\_\_ DATE \_\_\_\_\_

I CERTIFY THAT THIS PLAN AND SURVEY CONFORMS TO THE RULES AND REGULATIONS OF THE BOARD OF APPEALS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

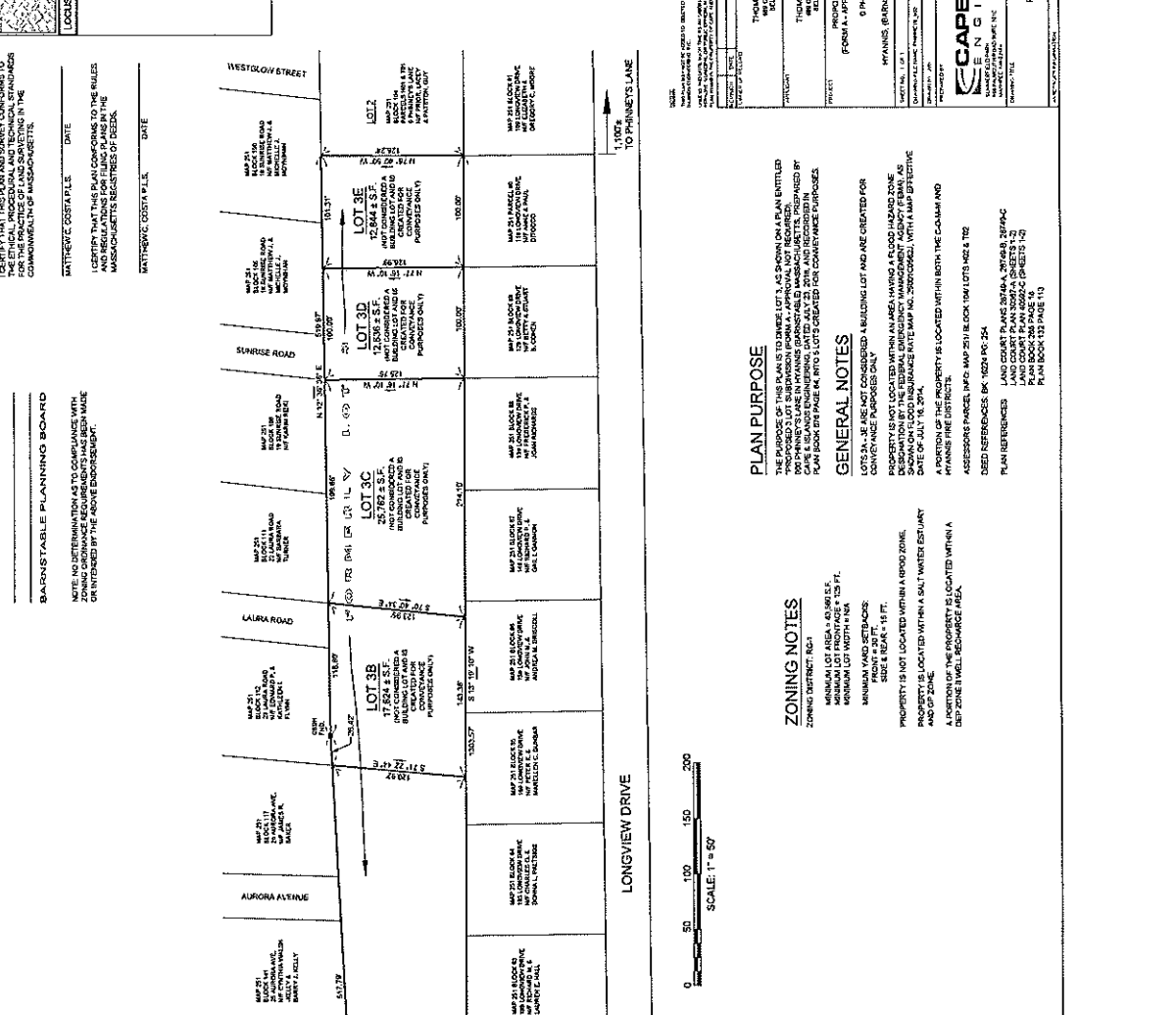
MATTHEW G. COSEVAPLE \_\_\_\_\_ DATE \_\_\_\_\_

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE BOARD OF APPEALS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

MATTHEW G. COSEVAPLE \_\_\_\_\_ DATE \_\_\_\_\_

LOCUS MAP

NOT TO SCALE

PLAN PURPOSE

THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE LOT 1, AS SHOWN ON PLAN ENTITLED "PROPOSED LOT SUBDIVISION FORM A", APPROVAL NOT REQUIRED, INTO SEVEN LOTS IN PHASES DATED 04/23/2011 AND RECORDED IN PLAN BOOK 876 PAGE 64. INTO 5 LOTS CREATED FOR CONFORMANCE PURPOSES.

GENERAL NOTES

LOTS 29A-29F ARE NOT CONSIDERED A BUILDING LOT AND ARE CREATED FOR CONFORMANCE PURPOSES ONLY.

PROPERTY IS NOT LOCATED WITHIN A FLOOD HAZARD ZONE AS SHOWN ON FLOOD INSURANCE RATE MAP NO. 25060C001, WITH A MAP EFFECTIVE DATE OF JULY 16, 2014.

A PORTION OF THE PROPERTY IS LOCATED WITHIN BOTH THE COASTAL AND DDT ZONE AS WELL AS A WELL RESOURCE AREA.

ZONING NOTES

ZONING DISTRICT: R30

MINIMUM LOT FRONTAGE: 125 FT.

MINIMUM LOT WIDTH: 40 FT.

MINIMUM YARD SETBACKS: FRONT: 10 FT. SIDE & REAR: 14 FT.

PROPERTY IS NOT LOCATED WITHIN A FLOOD ZONE.

A PORTION OF THE PROPERTY IS LOCATED WITHIN A DDT ZONE AS WELL AS A WELL RESOURCE AREA.

LEGEND

EXISTING	DESCRIPTION
□	CONCRETE BOUND
○	SPLIT STONE
●	IRON ROD
◐	IRON PIPE
◑	IRON ROD 14 CAP
—	PROPERTY LINE

SCALE: 1" = 50'



THOMAS E. DRISCOLL  
LICENSED PROFESSIONAL ENGINEER  
STATE OF MASSACHUSETTS  
11/15/2011

PROPOSED SUBDIVISION  
FORM A - APPROVAL NOT REQUIRED

9 PHASES PLAN  
PHASES, BARNSTABLE, MASSACHUSETTS

CAP & ISLANDS ENGINEERING  
100 WEST STREET  
BARNSTABLE, MA 01953  
PHONE: 508-538-1111  
WWW.CAPANDISLANDS.COM

PLAN OF LAND

LC PLAN 30367A

APPROVAL UNDER THE SUBDIVISION CONTROL LAW IS NOT REQUIRED

DATE APPROVED \_\_\_\_\_ DATE SIGNED \_\_\_\_\_

BARNSTABLE PLANNING BOARD

NOTE: NO DETERMINATION AS TO COMPLIANCE WITH ZONING ORDINANCE REQUIREMENTS HAS BEEN MADE OR INTENDED BY THE ABOVE ENDORSEMENT.

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

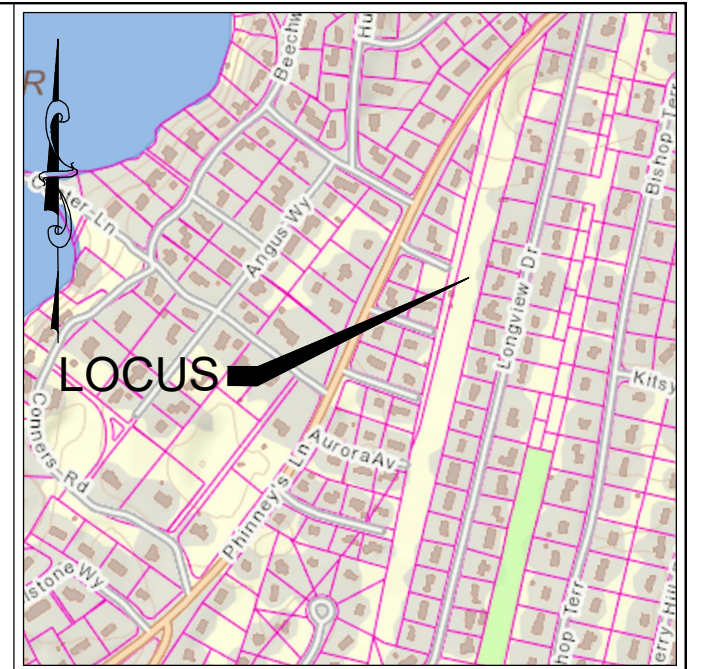
MATTHEW C. COSTA P.L.S. \_\_\_\_\_ DATE \_\_\_\_\_

I CERTIFY THAT THIS PLAN AND SURVEY CONFORMS TO THE ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

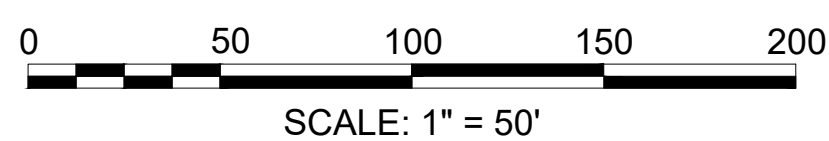
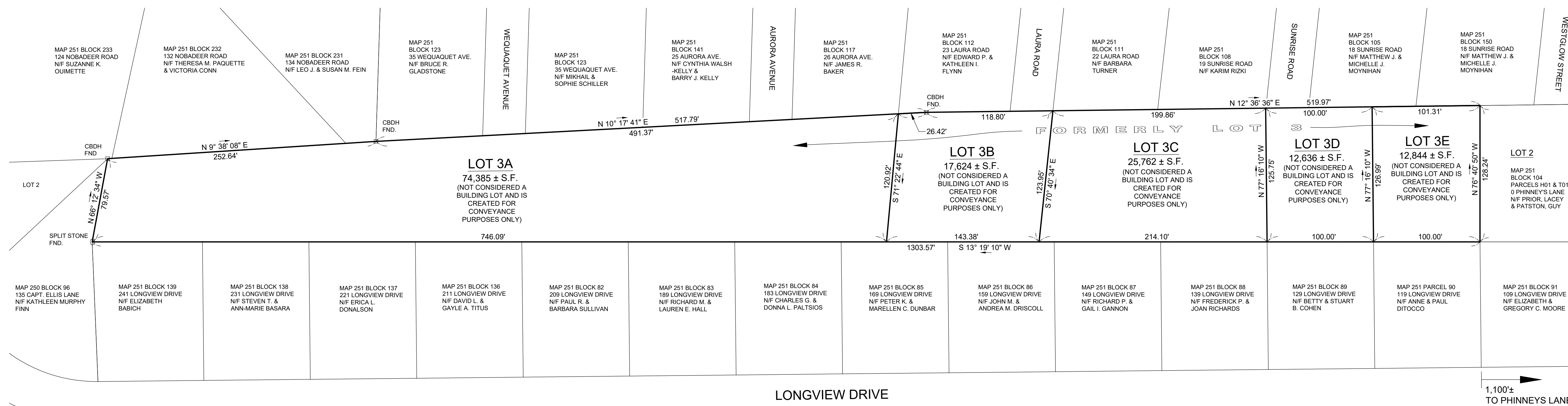
MATTHEW C. COSTA P.L.S. \_\_\_\_\_ DATE \_\_\_\_\_

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS FOR FILING PLANS IN THE MASSACHUSETTS REGISTRIES OF DEEDS.

MATTHEW C. COSTA P.L.S. \_\_\_\_\_ DATE \_\_\_\_\_



LOCUS MAP NOT TO SCALE



1,100'± TO PHINNEY'S LANE

**NOTICE**  
THIS PLAN MAY NOT BE ADDED TO, DELETED FROM, OR ALTERED IN ANY WAY BY ANYONE OTHER THAN CAPE & ISLANDS ENGINEERING, INC.  
UNLESS AND UNTIL SUCH TIME AS AN ORIGINAL (RED) STAMP APPEARS ON THIS PLAN NO PERSON OR PERSONS, MUNICIPAL OR PUBLIC OFFICIAL MAY RELY UPON THE INFORMATION CONTAINED HEREIN, AND THIS PLAN REMAINS THE PROPERTY OF CAPE & ISLANDS ENGINEERING, INC.

REVISION	DATE	DESCRIPTION	BY	APPR
OWNER OF RECORD:				
THOMAS E. DRISCOLL 689 CONCORD AVENUE BELMONT, MA 02478				
APPLICANT:				
THOMAS E. DRISCOLL 689 CONCORD AVENUE BELMONT, MA 02478				
PROJECT:				
PROPOSED SUBDIVISION (FORM A - APPROVAL NOT REQUIRED) 0 PHINNEY'S LANE IN HYANNIS, (BARNSTABLE) MASSACHUSETTS				
SHEET NO.: 1 OF 1		DATE: APRIL 21, 2020		
DRAWING FILE NAME: PHINNEYS_900				
DRAWN BY: JVB		CHECKED BY: MC		
PREPARED BY:				
 SUMMERFIELD PARK 600 FALMOUTH ROAD SUITE 301C MASHPEE, MA 02648 508.477.7272 PHONE 508.477.9072 FAX info@CapeEng.com www.CapeEng.com				
DRAWING TITLE: PLAN OF LAND				
ASSESSORS INFORMATION: MAP 251/ BLOCK 104/ LOTS H02 & T02				

**LEGEND**

EXISTING	DESCRIPTION
□	CONCRETE BOUND
○	SPLIT STONE
●	IRON ROD
○	IRON PIPE
●	IRON ROD W/ CAP
—	PROPERTY LINE

**ZONING NOTES**

ZONING DISTRICT: RC-1

MINIMUM LOT AREA = 43,560 S.F.  
MINIMUM LOT FRONTAGE = 125 FT.  
MINIMUM LOT WIDTH = N/A

MINIMUM YARD SETBACKS:  
FRONT = 30 FT.  
SIDE & REAR = 15 FT.

PROPERTY IS NOT LOCATED WITHIN A RPOD ZONE.

PROPERTY IS LOCATED WITHIN A SALT WATER ESTUARY AND GP ZONE.

A PORTION OF THE PROPERTY IS LOCATED WITHIN A DEP ZONE II WELL RECHARGE AREA.

**PLAN PURPOSE**

THE PURPOSE OF THIS PLAN IS TO DIVIDE LOT 3, AS SHOWN ON A PLAN ENTITLED "PROPOSED 3 LOT SUBDIVISION (FORM A - APPROVAL NOT REQUIRED), 900 PHINNEY'S LANE IN HYANNIS, (BARNSTABLE) MASSACHUSETTS, PREPARED BY CAPE & ISLANDS ENGINEERING, DATED JULY 23, 2018, AND RECORDED IN PLAN BOOK 676 PAGE 84, INTO 5 LOTS CREATED FOR CONVEYANCE PURPOSES.

**GENERAL NOTES**

LOTS 3A - 3E ARE NOT CONSIDERED A BUILDING LOT AND ARE CREATED FOR CONVEYANCE PURPOSES ONLY

PROPERTY IS NOT LOCATED WITHIN AN AREA HAVING A FLOOD HAZARD ZONE DESIGNATION BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), AS SHOWN ON FLOOD INSURANCE RATE MAP NO. 25001C0562J, WITH A MAP EFFECTIVE DATE OF JULY 16, 2014.

A PORTION OF THE PROPERTY IS LOCATED WITHIN BOTH THE C-O-M-M AND HYANNIS FIRE DISTRICTS.

ASSESSORS PARCEL INFO: MAP 251/ BLOCK 104/ LOTS H02 & T02

DEED REFERENCES: BK: 16224 PG: 254

PLAN REFERENCES:  
LAND COURT PLANS 28749-A, 28749-B, 28749-C  
LAND COURT PLAN 30367-A (SHEETS 1-2)  
LAND COURT PLAN 40592-C (SHEETS 1-2)  
PLAN BOOK 288 PAGE 18  
PLAN BOOK 132 PAGE 113

**Town of Barnstable**  
Planning and Development Department  
Staff Report

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**21 Lowell Road**  
**Approval Not Required (ANR) Plan**

**Date:** June 6, 2020  
**To:** Steven Costello, Chair, Planning Board  
**From:** Planning & Development Staff

**Owners:** Cele Kagan  
**Applicants:** Daniel A. Ojala, PE, PLS Down Cape Engineering  
**Property Address:** 21 Lowell Road, Cotuit  
**Assessor's Map/Parcel:** 016/029  
**Zoning:** RF, RPOD

An Approval Not Required Plan "Plan of Land of Land Court #11542-6 in Cotuit, Mass. Prepared for Cele Kagan" drawn and stamped by Danial A. Ojala PE, PLS, dated May 18, 2020, has been submitted to the Board for endorsement as an Approval Not Required (ANR) plan.

The Plan proposes to divide one lot into three lots at 21 Lowell Road in Cotuit as follows:

- Lot 77 containing 87,271 square feet (2.00 acres) with 368.99 feet of frontage on Lowell Road and Vineyard Road. The proposed Lot 77 has an existing dwelling which takes access from the southern portion of Lowell Road
- Lot 78 containing 154,951 square feet (3.56 acres) with 524 feet of frontage Lowell Road, approximately 140 feet of which is proposed to widened and surfaced (details below). A gravel turning tee at the proposed driveway location is also included on the plan.
- Lot 79 containing 105,450 square feet (2.42 acres), shape area 90,677 square feet, 150.26 with feet of frontage on Vineyard Road

All three lots meet the minimum lot area of two acres and minimum lot frontage of 150-feet and meet the shape factor for developable residential lots as required in the Residence F and the Resource Protection Overlay Districts.

Vineyard Road is a 40 ft wide private way with a 16+/- ft gravel surface. According to a deed submitted by the applicant, 21 Lowell Road has a right of way over Vineyard Road.

The portion of Lowell Road adjacent to the proposed lots is a 50 ft wide private way. Most of the road features an 8 ft wide dirt surface, except for a short section of the southern portion of the road, which has a 10 ft wide paved surface. According to a deed submitted by the applicant, 21 Lowell Road has a right of way over Lowell Road.

## Background

The subject lot was created in 2002, when a 12-acre lot was divided into three lots by an Approval Not Required Plan endorsed by the Planning Board. This plan created two 2-acre lots with frontage on Peppercorn Lane to the north, and one lot with approximately 8 acres with frontage on Vineyard and Lowell Road (the subject of the current ANR application before the Board). At that time, the staff report for the application stated “Vineyard Road and the major portion of Lowell Road remain unimproved gravel roads that do not meet the standards of adequate access as identified in the Subdivision Rules and Regulations”.

## Standards for ANR Endorsement

Subdivision Control Law states that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision (and therefore be entitled to ANR endorsement) within the meaning of the subdivision control law if, at the time when it is made, every lot within the tract so divided has frontage on

(a) a public way or a way which the clerk of the city or town certifies is maintained and used as a public way, or

(b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or

*(c) a way in existence when the subdivision control law became effective in the city or town in which the land lies, 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.*(emphasis added)

There are three established standards that must be met for the Board to determine that a plan is entitled to ANR endorsement under the Subdivision Control Law:

1. The lots shown on such plan must front on one of the three types of ways;
2. The lots shown on such plan must meet the minimum frontage requirements; and
3. *A Planning Board's determination that the vital access to such lots as contemplated by Chapter 41, Section 81M, MGL, otherwise exists. (emphasis added)*

In assessing the adequacy of construction of the road and whether the lots have vital access, the Board must consider the adequacy of the way in which the proposed lots front.

The application indicates that the Lowell Road and Vineyard Road are private ways which provide adequate access in accordance with Section 801-12B of the Town of Barnstable's Subdivision's Rules and Regulations, and the applicant references discussions with the Building Commissioner and Fire Department.

Regarding adequacy of access on Lowell Road, the plan before the Board includes a note stating “Lowell Road surface to be improved to 14’ min cleared width with 12 ‘ wide dense packed gravel 12” thick surface from intersection with Peppercorn Lane South to the new turning tee at proposed Dwelling Driveway, prior to issuance of building permit for Lot #78. (Intersection is 375” North of Lot #78)”

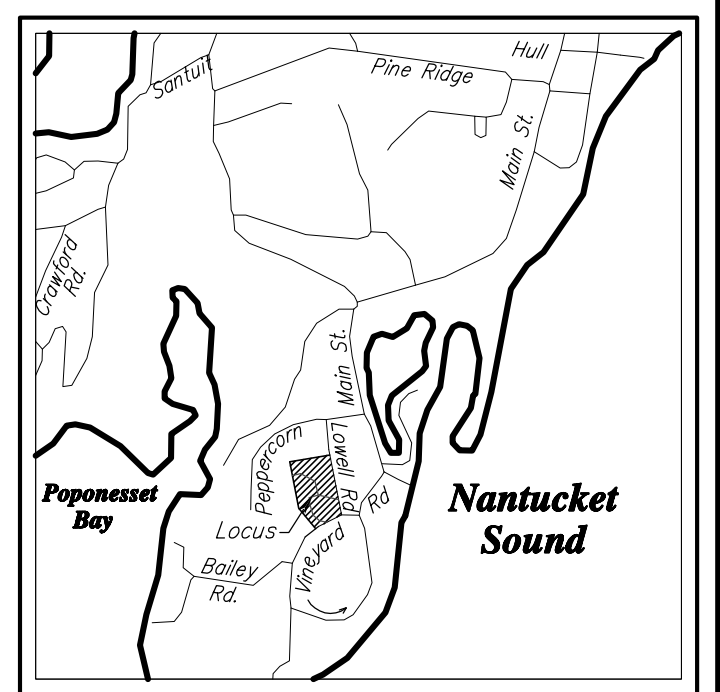
During the development of this plan, the applicant’s engineer met on-site with Building Commission Brian Florence and Cotuit Fire Chief Paul Rhude to review adequacy of access. Following this discussion, the note showing a 14’ wide cleared area with 12’ wide packed gravel roadway improvement south from Peppercorn to Lot 78 was included on the plan along with a turning tee showing room to turn the fire engine around at the end of the new home site’s driveway.

Following the submission of the plan, Chief also requested that the 12’ height clearance for the improved section of road is added to the plan.

Final determination regarding adequacy of access rests with the Building Commissioner.

### **Findings**

The Board should review the materials provided and consider if it can make the necessary findings to endorse the plan as an Approval Not Required Plan; if the Board cannot do so, it would find that the plan submitted constitutes a subdivision.



**LOCUS MAP**

SCALE 1"=2000'  
 ASSESSORS MAP 16 PARCEL 29  
 LOT 60 IS WITHIN FEMA FLOOD ZONE X  
 (AREA OF MINIMAL FLOOD HAZARD) AND AE  
 EL TO AS SHOWN ON COMMUNITY PANEL  
 #25001C0752J DATED 7/16/2014

**ZONING SUMMARY**

ZONING DISTRICT: RF DISTRICT  
 MIN. LOT SIZE 87120\* S.F.  
 MIN. LOT FRONTAGE 150'  
 MIN. FRONT SETBACK 30'  
 MIN. SIDE SETBACK 15'  
 MIN. REAR SETBACK 15'  
 MAX. BUILDING HEIGHT 30' OR 2.5 STORIES  
 (CHECK ZONING REGULATIONS)

\*SITE IS LOCATED WITHIN THE RESOURCE  
 PROTECTION OVERLAY DISTRICT  
 SITE IS LOCATED WITHIN THE AQUIFER PROTECTION  
 OVERLAY DISTRICT  
 SITE IS LOCATED WITHIN THE COTUIT FIRE DISTRICT

**OWNER OF RECORD**

CELE N KAGAN  
 210 CLIFTON STREET  
 BELMONT, MA 02178

**REFERENCES**

CTF. 160673  
 LCP 11542-6, 11542-1

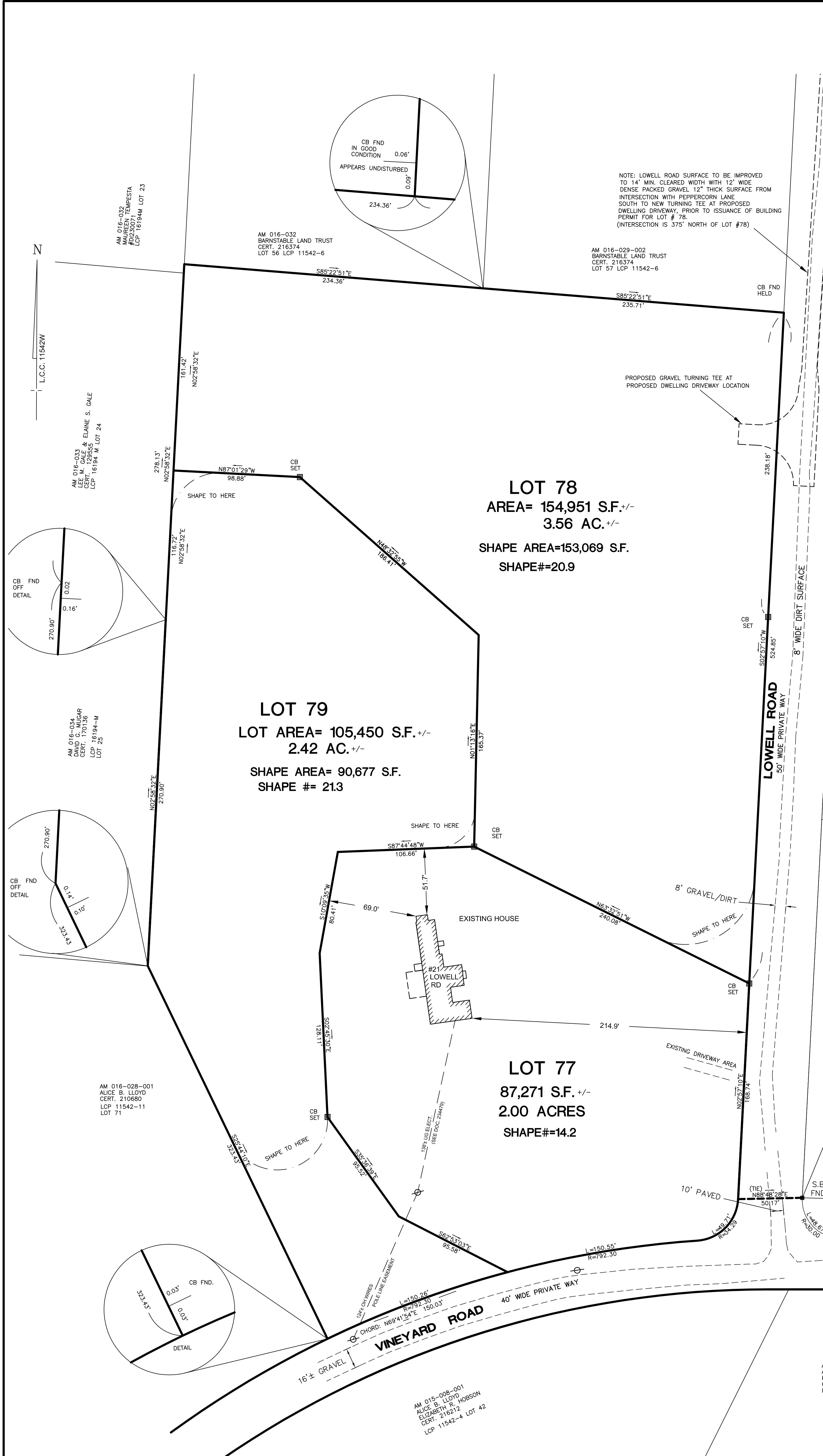
**BARNSTABLE PLANNING BOARD**

APPROVAL UNDER THE SUBDIVISION  
 CONTROL LAW IS NOT REQUIRED

DATE: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

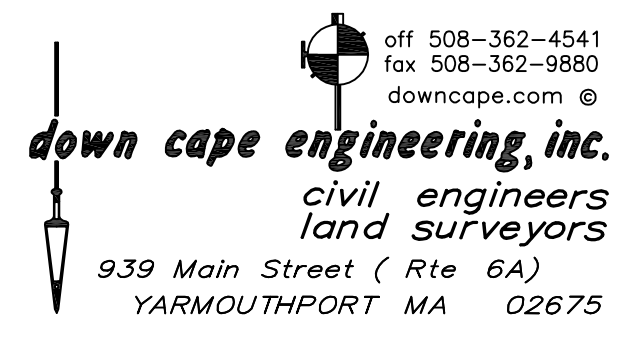
NO DETERMINATION AS TO COMPLIANCE  
 WITH THE ZONING ORDINANCE  
 REQUIREMENTS HAS BEEN MADE OR  
 INTENDED BY THE ABOVE ENDORSEMENT.

TRAVERSE CLOSURE: S 50 50' 15" W 0.034'  
 PRECISION: 1:66,521  
 EDM ACCURACY 2MM+ 1PPM  
 ALL DISTANCES MEASURED BY EDM  
 393.73' LINE CHECKED BY STEEL TAPE



I CERTIFY THAT THIS ACTUAL SURVEY WAS MADE ON  
 THE GROUND IN ACCORDANCE WITH THE LAND COURT  
 INSTRUCTIONS OF 2006 ON OR BETWEEN  
 NOV. 20, 2019 AND MARCH 16, 2020

DATE \_\_\_\_\_ DANIEL A. OJALA P.L.S.

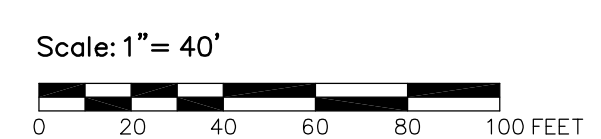


01-197

**PLAN OF LAND**  
 BEING A DIVISION OF LOT 55 AS SHOWN ON  
**LAND COURT PLAN # 11542-6**  
 IN  
**COTUIT, MASS.**

PREPARED FOR  
**CELE KAGAN**

DATE: MAY 18, 2020





SUBDIVISION REGULATIONS

BARNSTABLE TOWN CLERK

801 Attachment 2

20 MAY 21 11:00

**TOWN OF BARNSTABLE SUBDIVISION RULES AND REGULATIONS**

**FORM A**

**APPLICATION FOR DETERMINATION THAT PLAN DOES NOT REQUIRE APPROVAL**

Date: 5/21/2020

The undersigned owner(s) or authorized applicant(s) of the land shown on the accompanying plan request a determination and endorsement by the Barnstable Planning Board that approval under the Subdivision Control Law is not required.

Plan Title: PLAN OF LAND OF LAND COURT # 11542-6 IN COTUIT, MASS. PREPARED FOR CELE KAGAN

Plan Date: 5/18/2020

Assessor's Map and Parcel Number: Map (s): 16 Parcel (s): 29

Zoning: RF Area: 3.98 Ac +/- Number of Lots: 3

Drawn By: DANIEL A. OJALA, PE, PLS  
Address: DOWN CAPE ENGINEERING INC  
939 ROUTE 6A, YARMOUTH PORT, MA 02675  
Phone: (508) 362-4541

The undersigned's title to said land is derived as follows:  
L.C. CERTIFICATE 160673

**PLEASE COMPLETE THE FOLLOWING**

1. The proposed lots do  do not  meet the present Zoning Ord. lot size requirements, including lot shape factor requirements. (Check one).
2. The applicant believes that the plan does not require the Planning Board's approval because (please circle):
  - A. Each lot has the minimum required frontage required under the Zoning Ord. on Lowell Rd + VINEYARD RD. Street, which is:
    1. A public way, certified by the Town Clerk as maintained and used as a public way, or
    2. A way shown on a subdivision plan # \_\_\_\_\_ dated \_\_\_\_/\_\_\_\_/\_\_\_\_, and endorsed and installed in accordance with the Subdivision Rules and Regulations, or
    3. A private way which provides adequate access in accordance with § 801-12B of these Subdivision Rules and Regulations. (see plan notes per Bldg. Commissioner onsite meeting w/ F.D.)
  - B. The division proposed is for conveyance purposes and does not reduce the lot frontage less than the minimum required in the Zoning Ordinance.
  - C. The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings shown on the accompanying plan were standing prior to the date in which the Subdivision Control Law was implemented in the Town of Barnstable. The date the buildings were constructed and the use is as follows:

BARNSTABLE CODE

Building #1 : \_\_\_/\_\_\_/\_\_\_ date \_\_\_\_\_ use \_\_\_\_\_

Building #2 : \_\_\_/\_\_\_/\_\_\_ date \_\_\_\_\_ use \_\_\_\_\_

Building #3 : \_\_\_/\_\_\_/\_\_\_ date \_\_\_\_\_ use \_\_\_\_\_

Other reasons: \_\_\_\_\_

4. Has a plan of this land been submitted to the Planning Board before? Yes  No \_\_\_ (check one). If yes please provide the date of the plan, date of recordation with the Registry of Deeds or of the date of filing with Land Court. date of plan: 12/4/01 date of recording: 4/17/2002

LCR 11542-6 - division of LOT 55 into 3 LOTS

5. Are there any wetlands within this tract of land? Yes \_\_\_ No  (check one).

6. The owner/applicant owns adjoining land \_\_\_ yes  no

Cela Kagan / 210 Clifton St Belmont MA, (617) 4840882  
Signature of Owner Address Telephone

CELE KAGAN

Print Name of Owner

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Signature of Owner Address Telephone

Print Name of Owner

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Signature of Authorized Applicant Address Telephone

Print Name of Applicant

Applicant's Authorization:

This section is to be completed by the Registered Land Surveyor who prepared the plan or by the legal counsel representing the applicant:

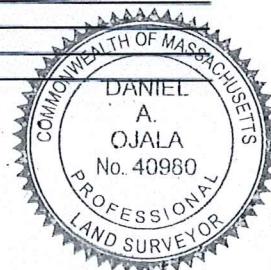
I certify that no other conditions or limitations from prior plans apply to the plan of land submitted.

Company/Firm: DANIEL A. OJALA, PE, PLS, DOWN CAPE ENG., INC.  
Address: 939 ROUTE 6A, YARMOUTH POINT MA 02675  
Telephone: (508) 362-4541 Date: 5/21/2010  
Certification #: PLS Certification #: 40980  
Signature: D A Ojala

Received by Town Clerk:  
Date: \_\_\_/\_\_\_/\_\_\_ Time: \_\_\_\_\_ Fee: \_\_\_\_\_

Signature: \_\_\_\_\_

Please make check payable to the Town of Barnstable.





SUBDIVISION REGULATIONS

TOWN OF BARNSTABLE SUBDIVISION RULES AND REGULATIONS  
**FORM A**  
APPROVAL NOT REQUIRED PLAN - SUBMISSION CHECKLIST

This form must be completed by the plan preparer, signed, dated and returned with the completed copy of Form A along with the appropriate fee. For the complete submission requirements see Article IV of the Rules and Regulations. Please check each item submitted:

- One Copy of the completed Form A, and Form A Checklist.
- Filing Fee Paid \$ 250
- Copy of most recently recorded deed and copy of recent tax bill. Evidence of payment of taxes on all lots.
- N/A If the applicant is not the owner, a copy of authorization to apply signed by land owner(s).
- LEP / CONT. Evidence of right of access over any private way that provides access and frontage.
- Ten copies of the plan at a reduced scale of 1"=100" or other suitable scale for distribution.
- GIS file (see Appendix A) and original mylar.
- Original cloth tracing and eight (8) prints of the plan containing the following information:
  - Locus Map at a scale of 1" = 2,000'.
  - Underneath the locus map, the assessors map and parcel number(s), zoning district(s), zoning overlay district(s), and zoning area, frontage and dimensional requirements. North arrow.
  - Title block location and Fire District, owner, applicant, date scale and bar scale. Firm responsible and original seal on all copies with signature and date. Revisions with dates and descriptions..
  - Adjoining lots and owner(s). Frontage of any remaining adjoining land.
  - Location of existing buildings, including front, side and rear yard setbacks and street address.
  - Location and width of streets, ways and easements: legal status, name and pavement widths. Type of surface of way which gives frontage.
  - N/A Location and area of wetlands on any buildable lot.
  - Lot sizes in sq. ft and/or acres; area of any remaining land; lot shape factor calculations on separate building lots.
  - N/A Lots created for conveyancing purposes only, so noted.
- Note: "No determination as to compliance with the Zoning Ordinance requirements has been made or intended by the above endorsement".

THE PLANNING BOARD MAY DENY INCOMPLETE APPLICATIONS

Signature of registered land surveyor or registered engineer: D. A. D. JALA

Print name: DANIEL A. DJALA, PE PLS

Company/Firm: DOWN CAPE ENGINEERING, INC Address: 939 ROUTE 6A YARLMOUTH PORT, MA 02675

Telephone: (508) 362-4541 Date: 5/21/2020 Certification: PLS Certification #: 40980

DEED

I, JEROME KAGAN, of Belmont, Middlesex County, Massachusetts, for consideration paid and in consideration of ONE AND 00/100ths (\$1.00) DOLLAR, grant to my wife, CELE N. KAGAN, of 210 Clifton Street, Belmont, Middlesex County, Massachusetts, with QUITCLAIM COVENANTS a certain parcel of land together with the buildings and improvements thereon situated at 21 Lowell Road, in the Village of Cotuit, in the Town and County of Barnstable, Massachusetts, and being more particularly bounded and described as follows:

Locus of Property: 21 Lowell Road, Cotuit, MA

- EASTERLY by a Way, ten hundred twenty-one and 61/100 (1021.61) feet;
- SOUTHEASTERLY by the junction of said Way and Vineyard Road, forty-nine and 71/100 (49.71) feet;
- SOUTHERLY by said Road, three hundred and 81/100 (300.81) feet;
- SOUTHWESTERLY by Lot 38, three hundred twenty-three and 43/100 (323.43) feet;
- WESTERLY by land now or formerly of Lilla E. Walcott et al, nine hundred twenty-seven and 05/100 (927.05) feet;
- NORTHERLY by Lot 40, four hundred nineteen and 91/100 (419.91) feet; and
- NORTHEASTERLY by a curved line of said Lot 40, seventy-nine and 36/100 (79.36) feet

All of said boundaries are determined by the Court to be located as shown on subdivision plan 11542-1 dated September 4, 1969, drawn by Nelson, Bearnse & Richard Law, Surveyors, and filed in the Land Registration Office at Boston, a copy of which is filed in Barnstable County Registry of Deeds in Land Registration Book 55, Page 111, with Certificate of Title No. 8771, and said land is shown thereon as LOT 39.

There is appurtenant to said land a right of way over Vineyard Road and Pine Ridge Road as shown on Plan 11542-Q

(Sheet 2) in common with all others lawfully entitled thereto.

There is appurtenant to said land a right of way in common with all others now or hereafter entitled thereto over Lot 40 on said plan for all purposes including the installation of utilities as set forth in Document No. 136,461 and over the way shown on Plan 11542-W running from Vineyard Road, past Lot 39 to County Road, for all of the aforementioned purposes.

Said land is subject to the restrictions set forth in Document No. 223,163 said restrictions shall remain in full force and effect for a period of twenty (20) years, insofar as now in force and applicable.

Said premises are subject to an easement in favor of New Bedford Gas and Edison Light Company et al dated April 21, 1978 recorded as Document No. 234,479, insofar as now in force and applicable.

For my title, see Certificate of Title No. 123843 issued by the Barnstable Registry District of the Land Court recorded in Book 1015, Page 3.

WITNESS my hand and seal this 9 day of February 2001.

  
\_\_\_\_\_  
Jerome Kagan

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

FEBRUARY 9, 2001

Then personally appeared the above-named JEROME KAGAN and acknowledged the foregoing instrument to be his free act and deed, before me

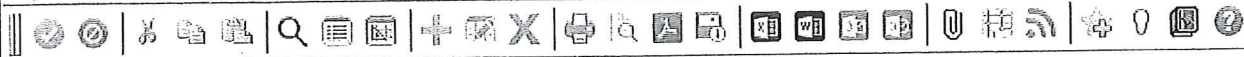
  
Notary Public  
My Commission Expires: 8/10/2001

GEORGE F. KILLGOAR, JR.  
NOTARY PUBLIC  
COMMONWEALTH OF MASSACHUSETTS  
My Commission Expires Aug. 10, 2001

BARNSTABLE REGISTRY OF DEEDS

Bill Information

My File Edit Tools Help



- History
- Detail
- Orig Bill
- Apply Pmt
- Scan Bill
- Quick Entry
- Effective Date
- Utility Acct
- Customer
- Name
- Parcel
- Prop ID
- Misc Receipt
- View-Rev
- Bill Dates
- Bill Audits
- Bill Events
- Reprint
- Preferences
- Diagnostics

Year/Type/Bill No.

2020	RE-R	14640
------	------	-------

Customer Account Information

227555

KAGAN, CELE N  
210 CLIFTON RD  
BELMONT, MA 02178

Special Conditions/Notes

Property Information

Parcel ID: 016-029

Alt Parc:

Prop Loc: 21 LOWELL ROAD

Installment Information

Int Dt	Billed	Abt/Adj	Pmt/Crd	Interest	Unpaid bal
08/02/19	4,013.24	0.00	4,013.24	0.00	0.00
11/02/19	4,013.24	0.00	4,013.24	0.00	0.00
02/04/20	4,083.76	0.00	4,083.76	0.00	0.00
05/02/20	4,083.75	0.00	0.00	0.00	4,083.75
Fees/Pen	0.00	0.00	0.00	0.00	0.00
Totals	16,193.99	0.00	12,110.24	0.00	4,083.75

Notes/Alerts

JAN 1 Owner: KAGAN, CELE N

View prior unpaid bills

View ancestor prior unpaid bills

Due 02/20/2020	0.00
Per Diem	0.00
Int Paid	0.00
Total Paid	12,110.24

Batch Information

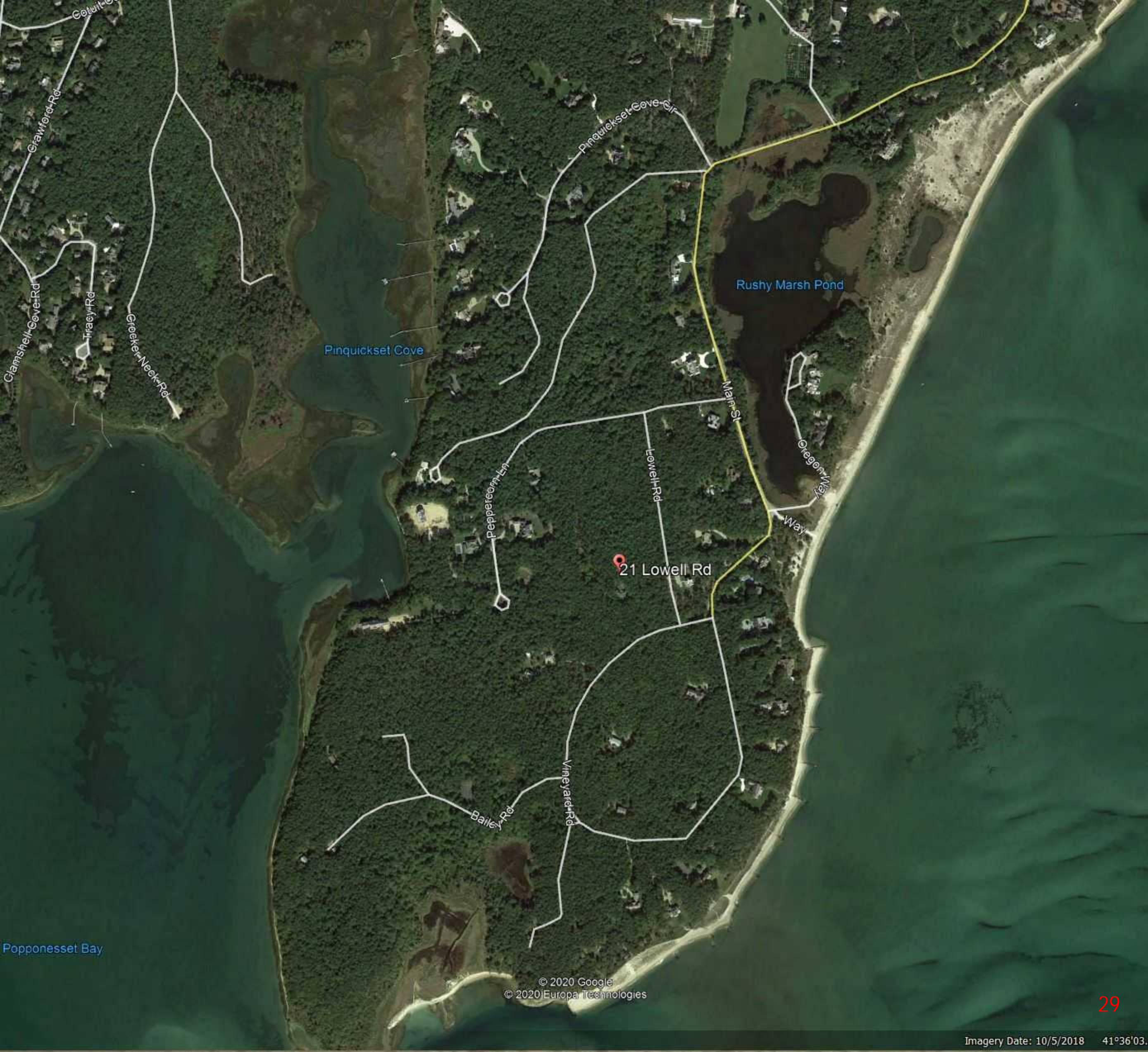
Batch #	78203	Department	3301	Batch Total	0.00
Deposit		Current Receipt	0.00	Receipt Count	0

Navigation: 1 of 36 Attachments (0)

Display transaction history for the current bill.

QVR





Clamshell Cove Rd  
Crawford Rd  
Cotuit

Clamshell Cove Rd  
Tracy Rd  
Grocker Neck Rd

Pinquickset Cove

Pinquickset Cove Cir

Rushy Marsh Pond

Peppercorn Ln

Lowell Rd

Main St

Oregon Way

Way

21 Lowell Rd

Bailey Rd

Vineyard Rd

Popponesset Bay

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*Town of Barnstable, MA  
Wednesday, December 4, 2019*

## Chapter 801. Subdivision Regulations

### Article III. Requirements for Submission and Approval of Plans

#### § 801-12. Adequacy of access.

- A. General. No plan shall be endorsed as not requiring approval under the Subdivision Control Law, and no subdivision plan shall be approved unless each building lot to be created by such plan has adequate access as intended under the Subdivision Control Law, Chapter 41, General Laws, §§ 81-K through 81-GG.
- B. Standards of adequacy. Streets within a subdivision shall have adequate access if they comply with the standards established in Articles VI and VII of this regulation. Existing ways providing access to the streets within a subdivision, or providing access to lots said not to be within a subdivision, shall be considered to provide adequate access only if there is assurance that prior to construction on any lots, access will be in compliance with the following:

**Standards of Adequacy for Existing Ways**

<b>Total No. of Dwelling Units</b>	<b>1-4**</b>	<b>5-10</b>	<b>11-49</b>	<b>50+</b>	<b>Business District</b>
Minimum ROW width (feet)	33	33	40	50	60
Surface type****	3 inches bit. con.	3 inches bit. con.	4 inches bit. con.	4 inches bit. con.	4 inches bit. con.
Surface width* (feet)	***	18	22	24	24
Minimum sight distance (feet)	250	250	250	350	250
Maximum grade	10%	10%	8%	6%	6%

\* Over the entire width of the way, including curbing and berms, if any.

\*\* No further access; see definition of a "street, minor B."

\*\*\* For residential lots: 14 feet wide for two lots; 16 feet wide for three lots; and 18 feet wide for four lots.

\*\*\*\* With adequate road base in the opinion of the Board's engineer.

- C. Obligations. The Board may require, as a condition of its approval of a subdivision plan, that the applicant dedicate or acquire and dedicate a strip of land for the purpose of widening accessways and/or intersections to land shown on a subdivision plan, and providing access to that subdivision, to a width as required above, and that the applicant either make physical improvements within such way or compensate the Town for the cost of such improvements in order to meet the standards specified above.
- D. Access roads. The Planning Board may require that ways in a proposed subdivision be connected to more than one access road adjoining the subdivision, depending on the existing or proposed road network, the topography and the size of the subdivision.

- E. Conditions. In any case in which the Board deems ways are not adequate, it may approve a subdivision plan with conditions limiting the lots upon which buildings may be erected and the number of buildings that may be erected on particular lots without further consent by the Board to the access provided and in each case such conditions shall be endorsed on the plan to which they relate.
- F. Access over road frontage.
- (1) Access to a lot created by an approval not required plan or by a subdivision plan shall be from the frontage that meets the legal requirements of the Zoning Ordinance,<sup>[1]</sup> unless otherwise authorized by the Planning Board and so notated on the plan.
- [1] *Editor's Note: See Ch. 240, Zoning.*
- (2) Where such frontage and access is located along a private way, the applicant shall submit evidence to the Board, satisfactory to the Board, that the applicant has right of access over the private way.





# Town of Barnstable

# Planning Board



[www.town.barnstable.ma.us/PlanningBoard](http://www.town.barnstable.ma.us/PlanningBoard)

Board Members

Steven Costello – Chair    Jeffrey Swartz – Vice Chair    Patrick Foran - Clerk    Mary Barry    Stephen Robichaud    Aimee Guthinger  
 Mathew Levesque – Town Council Liaison

Planning & Development Dept. Staff Support

Elizabeth Jenkins, AICP, Director  
 Paul Wackrow, Senior Planner  
 Karen Herrand – Principal Assistant - [karen.herrand@town.barnstable.ma.us](mailto:karen.herrand@town.barnstable.ma.us)

## Town of Barnstable PLANNING BOARD Minutes May 11, 2020

Steven Costello – Chairman	Present
Jeffrey Swartz – Vice Chairman	Present
Patrick Foran – Clerk	Present
Marry Barry	Present
Stephen Robichaud	Present
Aimee Guthinger	Present

*Also in attendance via remote participation were Paul Wackrow, Senior Planner, Planning & Development and Karen Herrand, Principal Assistant, Planning & Development.*

In accordance with the Governor’s Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gathering of More Than 10 People issued on March 24, 2020 and extended on March 31, and April 28, the May 11, 2020, public meeting of the Planning Board shall be physically closed to the public to avoid group congregation.

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be viewed via the Channel 18 website at <http://streaming85.townofbarnstable.us/CablecastPublicSite/>

2. Real-time access to the Planning Board meeting is available utilizing the Zoom link or telephone number and Meeting ID provided below. Public comment can be addressed to the Planning Board by utilizing the Zoom link or telephone number and Meeting ID provided below:

Link: <https://zoom.us/j/94668690839>

Phone: 888 475 4499 Meeting ID: 946 6869 0839

3. Applicants, their representatives and individuals required or entitled to appear before the Planning Board may appear remotely and are not permitted to be physically present at the meeting, and may participate through the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to [Paul.Wackrow@town.barnstable.ma.us](mailto:Paul.Wackrow@town.barnstable.ma.us), so that they may be displayed for remote public access viewing.

Application materials may be accessed by contacting [paul.wackrow@town.barnstable.ma.us](mailto:paul.wackrow@town.barnstable.ma.us) or calling 508-862-4703.

Application materials are available at [www.townofbarnstable.us/PlanningBoard](http://www.townofbarnstable.us/PlanningBoard)

**Call to Order:** Introduction of Board Members and Staff Members

**Attendance – Roll Call:**

**Steven Costello – present**  
**Jeff Swartz - present**  
**Patrick Foran - present**  
**Mary Barry - present**  
**Stephen Robichaud - present**  
**Aimee Guthinger - present**

**Notice of Recording:** This meeting is being recorded and broadcast on Channel 18 and in accordance with MGL Chapter 30A §20. The Chair must inquire whether anyone else is taping this meeting and to please make their presence known.

**Approval Not Required Plans:**

J. Bruce Macgregor, Trustee of Cape Commerce Nominee Trust have submitted an Approval Not Required plan for 60 High Noon Drive, Centerville, Ma, - Map 193 Parcels 215 and 216 - said plan dated February 12, 2018, and entitled “Plan of Land of #60 High Noon Drive, Centerville, MA, prepared for Cape Commerce Nominee Trust” stamped by Daniel A. Ojala, PLS of Downcape Engineering, Inc.

Dan Ojala of Down Cape Engineering in attendance. He gives an explanation of the proposed approval not required plan. Two buildings lots, close to street, decided to merge together. Refers to the plan, Exhibit A, on screen. Conveyance purposes, not a building lot, meets zoning.

**Chair Steven Costello entertains a motion to endorse/approve, moved by Aimee Guthinger, *I move that the Board endorse the land division plan entitled “Plan of Land of #60 High Noon Drive Centerville, MA” drawn and stamped by Daniel A Ojala, PE, PLS of Down Cape Engineering, Inc., dated February 12, 2018 as an Approval Not Required Plan, seconded by Jeff Swartz,***

**Roll Call Vote:**

**Steven Costello - Aye**  
**Jeff Swartz -Aye**  
**Patrick Foran - Aye**  
**Mary Barry - Aye**  
**Stephen Robichaud - Aye**  
**Aimee Guthinger - Aye**  
**So voted unanimously.**

Eric Hesse and William Chapman have submitted an Approval Not Required plan for 39 and 53 Meadow Lane, West Barnstable MA, - Map 133 Parcels 005003 and 006 - said plan dated August 29, 2019, and entitled “Plan of Land of #39 & 53 Meadow Lane, West Barnstable, MA, prepared for Hesse/Chapman” stamped by Daniel A. Ojala, PLS of Downcape Engineering, Inc.

Dan Ojala of Down Cape Engineering in attendance. He gives an explanation that this is a correction plan, even land swap, two parcels in RPOD. Refers to the plan, on screen Exhibit B. Zoning Board of Appeals (ZBA) issued a special permit. This was originally done in 1990 and was not recorded so it is being brought back. Driveway cuts across lot 6. Even trade. Will need to note the ZBA variance number on the plan, which will cross reference this.

**Chair Steven Costello entertains a motion, moved by Stephen Robichaud, that the Board endorse the land division plan entitled Plan of Land in for 39 & 53 Meadow Lane West Barnstable MA prepared for Hesse Chapman prepared and stamped by Daniel Ojala of DownCape Engineering dated August 29, 2019 with reference to Zoning Board of Appeals Decision 2020-06 as an Approval Not Required Plan, seconded by Jeff Swartz,**

**Roll Call Vote:**

**Chair Steven Costello - aye**  
**Jeff Swartz - aye**  
**Patrick Foran - aye**  
**Mary Barry - aye**  
**Stephen Robichaud - aye**  
**Aimee Guthinger - aye**  
**So voted unanimously.**

**Special Permits**

Aaron Bornstein, Manager of Main Street Times LLC, seeks a Special Permit pursuant to Section 240-24.1.3.(B)(2)(b) - Mixed use development with a building footprint greater than 20,000 square feet or a total building square footage greater than 60,000 square feet, and Section 240-24.1.3.(D)(4)(a) - Off-site parking on a private parking lot with sufficient parking spaces within 300 feet of the proposed use in the Hyannis Village Business District to allow the redevelopment of existing structures at 319 & 331 Main Street to a mixed use-development with office space and 22 apartments. The subject property is addressed 319 & 331 Main Street, Hyannis, MA and is shown on Assessor's Map 327 as Parcels 102 and 106. Plans submitted with the application indicate that off-site parking is proposed for 30 Ocean Street, shown on Assessor's Map 327 as Parcel 101. Subject properties are in the HVB – Hyannis Village Business District.

**Chair Steven Costello entertains a motion to open the public hearing, moved by Mary Barry, seconded by Stephen Robichaud,**

**Roll Call Vote:**

**Jeff Swartz recuses himself**

**Patrick Foran - aye**

**Mary Barry - aye**

**Stephen Robichaud - aye**

**Aimee Guthinger - aye**

Chair Steven Costello mentions that this is the first public hearing for this matter before the COVID-19 happened. It may be difficult to get all comments in.

Dan Ojala of Down Cape Engineering in attendance.  
Attorney Michael Princi in attendance.

Dan Ojala explains that the building is combined with 319 and 331 it's over 20,000 sq. ft. mixed use, can do as of right. Housing for downtown. Reference to the plan, Exhibit C, picture of bldg., site plan/floor plans. Window changes. Workforce housing. Cape Cod Times has shifted, and they don't need the same space amount. Have been to Site Plan review. There's a 30 ft. right of way. Cape Cod Times has parking lot and some leased by the Town. Asking for additional 22 spaces, but really need only 13 spaces. Possible off site parking. Interior work to be done, sprinkler systems, clean up front of building and need adequate parking. Great need for downtown housing. No abutter opposition.

Attorney Princi states that he has provided a copy of the lease from Cape Cod Times. Issue is that Cape Cod Times gives back 22 spaces. Still need a higher number to satisfy needs. Would need offsite if cannot obtain the spaces in total from Cape Cod Times. There is a huge need for workforce housing. Has discussed this with Staff.

**Chair Steven Costello asks for any public comment.**

Elizabeth Wurfbain in attendance. This will increase more of a year round resilient economy. 22 apartments is a good amount. Will add more of investment to the area as well. She is in support and the Business Improvement District (BID) is in support of this project.

Patrick Foran thinks a great project for the area. Good for housing, redevelopment. Parking concerns.

Mary Barry, parking concerns, maybe put something in that's more stable if lease agreement doesn't work. Clarifies that these are 22 apartments not condo's right? Is it income limited/price range. Likes mixed use.

Attorney Princi replies/confirms that two units will be designated affordable. Not low income, but market rate housing.

Aimie Guthinger asks if they are intended for sale or rental/both?

Attorney Princi replies designated for rental apartments.

Chair Steven Costello thinks a good project to move ahead.

Stuart Bornstein in attendance. He would like to start construction in mid June to be completed by September of this year and ready for occupancy by October.

Paul Wackrow interjects, there is parking and the lease that exists now. We could make a use for required parking spaces/condition number 4, reference to Exhibit D, draft Staff Report. Word as conditions to grant subject to. He and Attorney Princi can work out language, proposed language for condition no. 4- "The Applicant's current Tenant has a lease for parking at 30 Ocean Street with the Town of Barnstable . The reduction of on-site parking requirements granted by this special permit pursuant to Section 240-24.1.3.(D)(4)(a) is conditioned on the continuation of a valid lease agreement between the applicant and/or the current tenant (Cape Cod Times) for the use of parking spaces at the 30 Ocean Street. Should this lease end or be terminated without the Applicant agreeing on a continuation arrangement for parking with the Town, and the Building Commissioner determines the required number of off-street parking spaces cannot be provided on-site for 319 and 331 Main Street, a modification of this special permit may be necessary as determined by the Building Commissioner".

Attorney Princi comments that he thinks this would be appropriate language. They are optimistic about having spaces available. They would look for offsite within 300 ft. if not, otherwise we come back to the Planning Board.

Paul Wackrow states also inclusionary housing, - need some condition for this for the decision.

Elizabeth Jenkins in attendance. The project is subject to inclusionary housing, need to include a condition to that effect. 10 percent will need to be deed restricted per Chapter 9, Article 1.

**Chair Steven Costello entertains a motion to close the public hearing, moved by Patrick Foran, seconded by Mary Barry,**

**Roll Call Vote:**

**Steven Costello – aye**

**Patrick Foran - aye**

**Mary Barry - aye**

**Stephen Robichaud - aye**

**Aimee Guthinger - aye**

**So voted unanimously.**

Patrick Foran moves that the Board make the following Findings:

1. *Main Street Times LLC seeks a Special Permit pursuant to Section 240-24.1.3.(B)(2)(b) - Mixed use development with a building footprint greater than 20,000 square feet or a total building square footage greater than 60,000 square feet, and Section 240-24.1.3.(D)(4)(a) - Off-site parking on a private parking lot with sufficient parking spaces within 300 feet of the proposed use in the Hyannis Village Business District to allow the redevelopment of existing structures at 319 & 331 Main Street to a mixed use-development with office space and 22 apartments.*

2. *The property location is 319 and 331 Main Street, Hyannis, MA, shown on Assessor's Map 327 as Parcels 102 and 106 in the HVB District.*

3. *The proposal that is the subject of this application complies with the certified Local Comprehensive Plan.*

4. *After an evaluation of all the evidence presented, the proposal fulfills the spirit and intent of the Zoning Ordinance and would not represent a substantial detriment to the public good or neighborhood affected.*

5. *The proposal meets Sec.240-24.1.2 E specifically in that the proposal complies with the provisions of the zoning ordinance and is consistent with the applicable criteria for granting special permits. The project provides for mixed use development in an appropriate location and is generally consistent with the Downtown Hyannis Design & Infrastructure Plan Goal 1, as minimal alterations are proposed to the buildings' historic fabric, the site will remain consistent with the historic and maritime character of the area.*

6. *The plan has been reviewed and approved by the Site Plan Review Committee under application #20-2020. The conditions of that decision shall be incorporated by reference as conditions of this Special Permit.*

7. *The proposal for 319 and 331 Main Street, Hyannis is within the Hyannis Main Street Waterfront Historic District and exterior modifications to 319 and 331 Main Street are subject to approval from the Hyannis Main Street Waterfront Historic District Commission.*

**Chair Steven Costello entertains a motion for the Findings, seconded by Mary Barry,**

**Roll Call Vote:**

**Steven Costello – aye**

**Patrick Foran - aye**

**Mary Barry – aye**

**Stephen Robichaud – aye**

**Aimee Guthinger - aye**

**So voted unanimously.**

**Condition no. 3 replaced parking. Parking condition and new condition number 8 to be inclusionary/deed restricted housing, per Chapter 9, per the code of the Town of Barnstable to be deed restricted as affordable.**

**Chair Steven Costello entertains a motion, moved by Patrick Foran, to grant Planning Board Special Permit 2020-01 subject to draft conditions 1 through 7 in the staff report dated May 8, 2020, with an amendment to condition #3 to read “The Applicant’s current Tenant has a lease for parking at 30 Ocean Street with the Town of Barnstable . The reduction of on-site parking requirements granted by this special permit pursuant to Section 240-24.1.3.(D)(4)(a) is conditioned on the continuation of a valid lease agreement between the applicant and/or the current tenant (Cape Cod Times) for the use of parking spaces at the 30 Ocean Street. Should this lease end or be terminated without the Applicant agreeing on a continuation arrangement for parking with the Town, and the Building Commissioner determines the required number of off-street parking spaces cannot be provided on-site for 319 and 331 Main Street, a modification of this special permit may be necessary as determined by the Building Commissioner. In addition condition no. 8, the project is subject to Chapter 9 of the code of the Town of Barnstable for affordable housing in that 10 percent of the units will be deed restricted as affordable housing, seconded by Stephen Robichaud,**

**Roll Call Vote:**

**Steven Costello- aye**

**Patrick Foran -aye**

**Mary Barry -aye**

**Stephen Robichaud - aye**

**Aimee Guthinger -aye**

**So voted unanimously.**

**Revision of Development of Regional Impact Thresholds in the Industrial and Services Trade Area**

The Town of Barnstable is seeking to revise Development of Regional Impact Thresholds within the Industrial Service and Trade Area, pursuant to Chapter H of the Cape Cod Commission Regulations of General Application. The Cape Cod Commission previously approved revised project thresholds in the mapped Economic Centers and Industrial Service & Trade Areas outside of the Growth Incentive Zone pursuant to Chapter H on April 4, 2019. The Town of Barnstable is seeking to revise the 2019 Chapter H Decision to amend the threshold revision applicable in the Industrial Service and Trade Areas, as mapped in that

decision. The request is to allow the revised DRI threshold of 40,000 sq.ft to apply to a third category of land use, wholesale use. The Planning Board will hold a public hearing on the proposed revision of Development of Regional Impact Thresholds on Monday, March 23, 2020 at 7:00 p.m. at Town Hall, James H. Crocker, Jr. Hearing Room, 367 Main Street, Hyannis, MA and may vote to authorize the Town Manager to submit this application subject to Town Council approval. *Continued from March 23, 2020, and April 13, 2020, and April 27, 2020.*

**Chair Steven Costello entertains a motion to open the public hearing, moved by Jeff Swartz, seconded by Mary Barry,**

**Roll Call Vote:**

**Steven Costello - aye**

**Patrick Foran - aye**

**Mary Barry - aye**

**Stephen Robichaud- aye**

**Aimee Guthinger - aye**

Paul Wackrow explains that this is a request to amend. He refers to the document, on screen - Development of Regional Impact (DRI), Exhibit E, and Growth Incentive Zone (GIZ) map. Chapter H Cape Cod Regional Land Use Vision map. Square footage of the areas, within the Resource Protection Overlay District (RPOD). Approved in 2019. This request would add a 3<sup>rd</sup> category, an addition of wholesale use. Proposed Revision to Industrial and Service Trade Area. Seemed that this would be appropriate for other areas as well. Any application for Chapter H needs Planning Board input and then to Town Council and then to Cape Cod Commission for full consideration.

Chair Steven Costello refers to the map/Phinney's Lane area. A lot of industry uses here already. BJ's is in this area as well.

ary Barry refers to the North, some residential areas here.

Paul Wackrow states that it would have to be fully vetted.

Chair Steven Costello asks about what medical facilities are here now. Any other types of entities that could go here/fit here, any inquiries?

Paul Wackrow replies not that different from the light industrial use now. Wholesale based with retail operations possibly.

Aimee Guthinger how is it that different from what's there now?

Chair Steven Costello confirms that this is just outside of the area – over 10,000 sq. ft.

**Chair Steven Costello asks for any public comment.**

Roy Catignani in attendance. He thinks it's a good idea.

Paul Wackrow explains the procedure of how the amendment would happen, Town Council and Cape Cod Commission.

**Chair Steven Costello entertains a motion to close the public hearing, moved by Mary Barry, seconded by Jeff Swartz,**

**Roll Call Vote:**

**Steven Costello – aye**

**Jeff Swartz -aye**

**Patrick Foran - aye**

**Mary Barry - aye**

**Stephen Robichaud - aye**

**Aimee Guthinger - aye**

**So voted unanimously.**

Jeff Swartz comments/refers to map Attucks/Phinney's Lane, Exhibit E. Thinks good use. Cannabis debate/boundaries already certain limitations. Likes housing in this area. Would like the Town to look at more/other areas/unused land for housing, doesn't want to do that if nowhere to build.

Stephen Robichaud likes this idea.

Aimee Guthinger in support to allow businesses here/this area.  
Chair Steven Costello agrees.

***I, Mary Barry move the Board make the following findings:***

- 1. The proposal is consistent with the Town's Local Comprehensive Plan in that it supports and directs economic growth in appropriately designated areas and demonstrates the Town's commitment to encouraging commercial and industrial investment that will support the year-round economy.**
- 2. The proposal is consistent with purpose of Chapter H and the Cape Cod Commission's Regional Policy Plan, in that it implements a regulatory approach at a regional level to concentrate growth and, in turn, preserves and protects sensitive resource areas. The ISTA, and adjoining commercial area, serve as the primary regional center for the provision of goods and services, and incentivizing investment, infill and redevelopment in an appropriate location.**
- 3. The proposal is consistent with Section 1 of the Cape Cod Commission Act, in that it directs and concentrates development to appropriate areas, thus preserving environmentally sensitive areas and areas with traditional village character.**
- 4. The ISTA is supported by plans and capital facilities funding to address anticipated growth.**
- 5. The Town of Barnstable's regulatory framework is designed to guide growth towards areas adequately supported by infrastructure and away from areas that must be protected for ecological, historical, or other reasons, seconded by Jeff Swartz,**

**Roll Call Vote:**

Steven Costello – aye  
Jeff Swartz - aye  
Patrick Foran - aye  
Mary Barry - aye  
Stephen Robichaud - aye  
Aimee Guthinger - aye  
So voted unanimously.

Chair Steven Costello entertains a motion, moved by Mary Barry, that the Planning Board submit the "Request to Amend April 4, 2019 Chapter H Decision revising thresholds in the Industrial Service and Trade Area to include wholesale uses" to the Cape Cod Commission, seconded by Jeff Swartz,

**Roll Call Vote:**

Steven Costello - aye  
Jeff Swartz - aye  
Patrick Foran - aye  
Mary Barry - aye  
Stephen Robichaud - aye  
Aimee Guthinger – aye  
So voted unanimously.

**Approval of Minutes:**

April 27, 2020, draft minutes

Jeff Swartz - add elections to the next Agenda.

**Chair Steven Costello entertains a motion to approve the minutes, moved by Jeff Swartz, seconded by Mary Barry,**

**Roll Call Vote:**

**Steven Costello – aye**

**Jeff Swartz - aye**

**Patrick Foran - aye**

**Mary Barry - aye**

**Stephen Robichaud- aye**

**Aimee Guthinger- aye**

**So voted unanimously.**

**Upcoming Events/Workshops**

Paul Wackrow - Citizens Planner Conference, May 14<sup>th</sup> at 7 p.m., online training, very helpful, encourages all to view, CPTC. Another one for subdivisions and ANR's – putting together decisions. Discussion with some trainings that may be online. On Demand training as well.

**Matters Not Reasonably Anticipated by the Chair:**

**Future Meetings:** June 8, and June 22, 2020, @ 7:00 p.m.

**Chair Steven Costello entertains a motion to adjourn, moved by Jeff Swartz, seconded by Mary Barry,**

**Roll Call Vote:**

**Steven Costello – aye**

**Jeff Swartz - aye**

**Patrick Foran - aye**

**Mary Barry - aye**

**Stephen Robichaud - aye**

**Aimee Guthinger – aye**

**So voted unanimously.**

**Adjournment**

The meeting adjourned at 8:17 p.m.

Respectfully Submitted \_\_\_\_\_

By Karen Herrand, Principal Assistant, Planning & Development

Approved by vote of the Board on \_\_\_\_\_

Further detail may be obtained by viewing the video via Channel 18 on demand at <http://www.town.barnstable.ma.us>

**List of Exhibit Documents**

**Exhibit A** – ANR plan – 60 High Noon, Centerville – Map 193 Parcels 215 & 216

**Exhibit B** – ANR plan – 39 & 53 Meadow Ln., W. Barnstable – Map 133 Parcels 005003 & 006

**Exhibit C** – Special Permit No. 2020-01 Plans – Map 327 Parcels 102 & 106

**Exhibit D** – Special Permit No. 2020-01 – Staff Report

**Exhibit E** - Revision of DRI – Information/map document





# Town of Barnstable Planning Board



[www.town.barnstable.ma.us/PlanningBoard](http://www.town.barnstable.ma.us/PlanningBoard)

Board Members

Mary Barry – Chair    Stephen Helman – Vice Chair    Steven Costello - Clerk    Paul R. Curley    David Munsell    Fred LaSelva  
John Norman – Town Council Liaison

Planning & Development Dept. Staff Support

Elizabeth Jenkins, AICP, Director  
Anna Brigham, Principal Planner  
Karen Herrand – Principal Assistant - [karen.herrand@town.barnstable.ma.us](mailto:karen.herrand@town.barnstable.ma.us)

## Town of Barnstable PLANNING BOARD Minutes September 11, 2017

Mary Barry – Chairman	Present
Stephen Helman – Vice Chairman	Present
Steven Costello - Clerk	Present
Paul Curley	Present
David Munsell	Absent
Fred LaSelva	Present

Also in attendance were Elizabeth Jenkins, Director and Karen Herrand, Principal Assistant, Planning & Development Dept.

**Notice of Recording:** This meeting is being recorded and broadcast on Channel 18 and in accordance with MGL Chapter 30A §20. The Chair must inquire whether anyone else is taping this meeting and to please make their presence known.

**Approval Not Required Plans:**

**The Roman Catholic Bishop of Fall River**, 97 Hayes Road, Centerville, has submitted a plan entitled “Approval Not Required Plan of Land Map 210 Lot 89, 97 Hayes Road in Centerville Village Barnstable MA” dated July 21, 2017, drawn by Sitec, Inc. prepared by Sean M. Leach on behalf of the owner.

Daniel Aguiar from Sitec, Inc. in attendance, on behalf of the owner. He explains the proposed plan. Two different acquisitions over the years. This meets requirements for all of the zoning districts.

Fred LaSelva asks why doing this?

Dan Aguiar replies that they are disposing of excess land, to sell off 4 new bldg. lots and will retain the existing dwelling on Parcel 1.

**Motion made by Stephen Helman to endorse/ approve this ANR, seconded by Paul Curley, so voted unanimously.**

**Lot Releases:**

*Subdivision No. 657.* Request to release covenant for lots, 6, 7, 8 and 9.  
Address: 90, 110, & 130 Merchants Way and 20 Business Lane, Barnstable.

**Chair Mary Barry states that the Applicant has requested this matter be continued to Sept. 25, 2017.**

**Special Permits:**

500 Old Colony Place, LLC & Laham Management & Leasing, Inc have submitted a request for a one year extension for this Special Permit No. 2015-004, modification of Special Permit No. 2011-03, for the Applicant, Laham Management and Leasing Inc., 141 Stevens Street & 91 Bassett Lane, Hyannis, Map 309/237 & 308/042.

Attorney Michael Ford in attendance for the Applicant. He explains that this Special Permit was previously modified. They are looking for a one year extension as the Applicant is in negotiations with the abutting property owner, Salvation Army bldg. There is an agreement signed for the closing of the sale of this property. The Applicant would come back to ask for other amenities, may have some zoning requests and a much better plan of land use.

Steve Costello clarifies/confirms that this is to take both parcels and have a reconfiguration of land use? Attorney Ford replies yes.

**Chair Mary Barry entertains a motion, moved by Paul Curley, seconded by Stephen Helman, so voted unanimously to grant the one year extension request.**

**Regulatory Agreements:**

Capebuilt Pleasant Street, LLC seeks to enter into a Regulatory Agreement with the Town of Barnstable to redevelop nine parcels with seven new multi-family residential structures containing sixty (60) total units with a total floor area of 22,252 square feet. The properties are located at 24, 28, 43, 44, 53, 56, 64 and 66 Pleasant Street and 86 South Street, Hyannis as shown on Assessor's Map 327 as Parcels 131, 245, 122, 133, 121, 143, 268, 135 and 137. The properties are zoned Harbor District and Hyannis Village Business District. The Applicant proposes to construct seven, three-story multi-family residential buildings, one three-story building with two townhouses, and one building to be renovated into a community gathering space with two studio apartments above and an outdoor patio area. Six existing dilapidated structures will be demolished. Paved parking areas with new stormwater management systems, lighting and landscaping will be installed.

**Chair Mary Barry entertains a motion to open the Public Hearing, moved by Stephen Helman, seconded by Paul Curley, so voted unanimously.**

Attorney David Lawler in attendance. The Applicant Rob Brennan in attendance. McEvoy family, Union Studio, Matt Eddy, Mary Ann Agresti are all also in attendance. This is the professional team for this project. He explains that this is a project he's been wanting to do in the Growth Incentive Zone (GIZ) and that he has been waiting to do a project like this one. He thinks that this is the type of project envisioned for the people who made the GIZ, the whole concept, about developing community.

The Planning Board is the arbitrator for these. There are a lot of competing interests. Proposal is to take an area in the East End of Hyannis, that is run down now, this project will revitalize the East End; 60 units proposed to bring in target audience for people who can pay market rent housing. The Cape suffers from not being able to keep young professionals, there's no housing. Younger people want and are looking for a community, quasi urban, near activity that would invigorate Hyannis and Cape Cod as a whole. Rob Brennan, the Developer is a developer of communities. He states that a national award was won for 2016 community of the year from National Association of Homes. What was done in Dennis is

what they intend to do here. They are looking for; density relief, waivers with respect to affordable, set backs and demolition of existing structures.

Rob Brennan, Developer/Applicant in attendance. Communities are fueled by sense of resilience, the civic and business all working together and advancing plans/goals. Objective is not to create a new neighborhood, he has spoken to people in the area/education about the area, a lot of history, Sea Captain's Row. Opportunity to place a spotlight on an important part of Hyannis history, while providing much needed housing.

### **Power Point presentation: Capebuilt Development - Sea Captains Row**

Heritage Sands in Dennisport

Brewster Landing

Concord River Walk - Award – Union Studios Architects has won several Mass awards for their housing projects. The Design Initiative, Inc. Mary-Ann Agresti, AIA is also involved. Elizabeth Wurfain of the BID, Business Improvement District, brought this opportunity to their attention, wouldn't be here without her encouragement and support.

Points: Heritage Sands project.

Dennis project, was an RV site, previously no wastewater here. Worked with the Town of Dennis. Had to bring all into modern wastewater compliance. Cottages built here now. Pictures of the cottages shown.

- FORWARD Project – Housing for autistic adults - 8 units for independent living in the Town of Dennis.
- New urbanism – Human Scaled Neighborhoods
- Sponsor of Hyannis Open Streets
- Barnstable Housing Statistics: limited availability of rental units - Half of all renters are living in single family structures, well exceeding the max benchmark of 20% due to limited multi family options town wide. These will be market rate rental units. Trying to fill the market rate gap. Rental analysis. Review of areas to be developed. Proposed is to be like the Greek revival architecture, will be an attractive gateway.

Also, they have another project in the works at 255 Main St., Hyannis, the Furman Bldg. Gives a history of the Furman Bldg. this was the epicenter of Hyannis at that time. They are proposing to bring back the façade, to demo the additions in the back and to turn into 4000 sq. ft. of retail and then mixed use for housing above. Two floors above, 1 and 2 bedroom units, 10 units. They will preserve this with the renovations of.

### **Power Point Presentation**

Stephanie Zurich, of Union Studio Architecture in attendance.

Points on: Sustainable, walkable neighborhoods and their principles. See Schematic Designs, Exhibit A.

Different group units for different people. Trying to strengthen the pedestrian experience/use from the harbor to Main St. Will be a streetscape design. Front porch design. Shade leaf trees. Intimate gathering spaces. Pocket parks, community gardens, barbeque areas, places for children. They have taken some roof forms and designs from the historic architecture. Darker window frames, larger window openings. Review of elevations. Will meet or be below the zoning code height for the district. Review of units.

The Patriot Press Bldg. is also another part of the project/to restore and create studio apartments on the upper floor.

Matt Eddy, of Baxter Nye Engineering & Surveying in attendance. He reviews the Site Layout, Exhibit B, and review of the existing conditions. Nine parcels altogether for the project. Combined area is approximately 2.4 acres. 550 feet of frontage, 60 feet on South Street. Majority are within the HD District. One is in the HVB, Patriot Press Bldg. no flood plain, not in zone 2. Good target site for redevelopment. Seven curb cuts. Serviced by public water and sewer and natural gas. One acre of impervious.

Review of proposed.

Eight Bldg's in total, three stories, 60 units being proposed (98 bedrooms). Patriot Press Bldg. to be revitalized. Total footprint is 22,250 sq. ft. Zoning - meet most of setbacks. 3 structures asking waivers for that don't meet the setback, Bldg's A, B and C. Reviews waivers for each zoning area, HVB and HD. Pedestrian walkways. They are reviewing with Site Plan for Fire access/egress, proposing four curb cuts. Parking calculated 90 spaces under zoning, they are providing 88, proposing some on street parking as well. This would require a license from the Town. Parking setbacks being proposed. Six new storm water management systems are proposed, coordinating with DPW to tie into existing public water/sewer. Overhead services will be underground coming into the project.

Chair Mary Barry clarifies/ directs to Ron Brennan that these are all rentals? Was Dennis project rentals?

Rob Brennan replies, yes (first phase) all rentals, with the exception of the Patriot Press Bldg., second phase be rental as well. Met with many people and got feedback regarding and inquiries to purchase. If demand came for that, in later phase, this would be a testament. May seek some flexibility later, but now it will be as rental units.

Dennis was exclusive purchases of second home ownership, not rental units. But here the market demand and unmet need is for market rate rental.

Stephen Helman asks if market was offering selling as opposed to renting, wouldn't this be counter productive? Clarifies workforce housing for rent.

Rob Brennan replies that it would be complementary, envisioned as a workforce neighborhood. This would be giving an ownership possibility/opportunity.

Fred LaSelva asks how much will the units be rented for? What was the pro forma when you started? Deed restricted units?

Rob Brennan states that he doesn't know yet. The cost of construction is very expensive due to many demands for rebuilding from natural disasters which are happening right now. They are looking to the mid- teens, it depends on the bedroom count. He may know when he knows what the cost of construction will be.

David Lawler interjects that a deed restriction is a different type of situation.

Rob Brennan states that they don't want these to become investment or air B and B's. He would like to put in safeguards. Provisions could be put into their rental agreements. The vision is to keep it local.

Fred LaSelva asks about salaries and affordable rentals, trying to get a sense of the demographics. Income verification for locals/working.

Rob Brennan states that he thinks its 30% of the typical income/Area Median Income.

Discussion regarding the median income.

Attorney Lawler clarifies that this isn't workforce or affordable housing, this is market rate housing, this is intended for working professionals. The Developer faces a risk analysis with the cost. This area is well below market rate at present. This is what was looked at back in 2005. Not high end, but not affordable, this is what the greatest need is.

Steven Costello comments that the bigger picture is the historic values. He asks how many bldg's are abandoned/not used at all?

Attorney Lawler states 100% are abandoned, none are occupied and no residents in these houses.

Chair Mary Barry, asks about the parking lot, paid parking that exists there now. Clarifies that will be gone.

Attorney Lawler replies yes, this will be gone. They will be removing 2 lots, East side of Pleasant Street, these will be eliminated. This eliminates a lot of parking issues, it's a bottle neck area. This would be a relief to that area.

Steven Costello states that he knows the significance of the Sea Captain's homes, this will be an issue, has there been any thought on relocating any of the Buildings?

Rob Brennan answers that the Patriot Press Bldg. will be preserved in it's entirety. The buildings in the state that they are now are not salvageable. In terms of relocating, if any group would like to do this onto another site they are open to that.

Paul Curley states that the affordable element waiver, he cannot go along with this request. This is something to be negotiated, he wouldn't support this waiver. The rental plan, he thinks needs to be part of their agreement, and if made to be a sale position we would want you to come back to the Planning Board. If changed we want to make sure it retains what was meant to be. A professional could make the analysis for intersection/parking issues. Parking waiver, how about a parking study be done for this project?

Attorney Lawler replies that this is a common sense approach. He thinks this would be wasteful and the expense could be used for another part of the project.

Paul Curley – this is a big increase in density, also for sewer and water. Will there be some enhancements as part of the project?

Matt Eddy replies yes, that it will be new sewer laterals, mains within the project. DPW they are looking on testing it on South Street . They have done analysis, the increase would be like 6, 000 gallons a day of an increase, no issues with pump, want to tie into the 12 inch main.

This is part of Site Plan Review. Also includes a water main, they have been working with Hyannis water as to the routing of this line and specifics.

Stephen Helman asks if there will be a door to the porches? Asks if any portion of the wood can be reclaimed into this project in any way, shape or form?

Rob Brennan answers yes, door to porch and that the Maritime Museum would like to preserve anything, any features that can be salvaged and/or preserved. There is lead paint/asbestos now, re using would not meet bldg. codes now. They have and are trying to replicate. Most is beyond salvage.

Stephen Helman clarifies the height, not to be higher than the existing building code, not seeking waiver on height?

Attorney Lawler replies correct, no waiver for height being requested.

**Chair Mary Barry opens up the meeting to Public Comment:**

Wayne Bergeron from the Town of Dennis, former selectman of Town of Dennis. He is here to speak about the relationship with Rob Brennan. Heritage Sands presentation, they previously had major septic issues. He states that Mr. Brennan is and has been a good person to work with, he is passionate and good for the community, he listens to everybody. Very good at figuring out solutions with the Town and has had a positive relationship/partnership.

Rick Penn, property owner of the 400 Bldg./Puritan of Cape Cod in attendance. He is a believer in Main Street, Hyannis. He sees jobs with this housing. The best thing for Downtown Hyannis is to increase residential housing which would be good for retail business as well. He believes that increasing the density would be vital for the community.

Dominic Alessandra in attendance, abutter to two of the properties to be redeveloped. The connection started to be made about 10 years ago. Discovery of eleven Sea Captain's homes here/Sea Captains Row. The development should be the restoration in/on a historical basis. This is a significant historic area. He quotes a statement from someone coming through his house regarding the historical nature of his home. No one will take these buildings and restore them individually. Can we integrate some of the buildings? In uncovering the history of the area, it WAS a community/neighborhood, so he is in agreement with this. He would keep design, but make some type of integration into the project.

Debra Dagwan in attendance. She is in support for this project. It would be nice to preserve one of the buildings/history in the area. She asks about the phases, if approved how long would it take to do the East side? She has seen a lot of projects come forth, it seems that affordable housing has taken on a negative /dirty word, she would like to see someone come forward and do affordable housing. Walking area is good, maybe consider some bike racks in the area as well.

Rob Brennan replies that their plan would be to have all infrastructure completed before Memorial Day of 2018, the East side. Any road openings completed within that time period as well.

Bob Jones, Steamship Authority Board of Governors in attendance. He likes the streetscapes and would like to see where Pleasant Street bump outs will be, where are the property lines, parking on street, if so will be open to the public or for residents of units? There are a lot of trucks now. Would like to see a freer flow of traffic. He wants to know how parking and traffic will be managed. He is in support of the project.

Deb Krau, President of The Greater Hyannis Civic Association in attendance. They did provide support from what they saw/presented at their meeting in May, from the Developer. Traffic/truck issues to be looked at. We need more neighborhoods in Hyannis. This project in this area, in theory the Civic Assoc is in support. Her issues are:

Management Office for these rentals. Affordable vs. Market rate. Affordable units maybe in a different area.

Rob Brennan replies that they don't know where they would have the management office located yet. No decision yet. They are conscious about/to have people on site. Realizes the importance of this.

Deb Krau hopes that the Planning Board will have the Hyannis Main Street Waterfront Historic District Commission (HHDC) review this as well. This is the second major project that wants density change. May be time to have some guidelines regarding the density issue so something to go by with projects moving forward.

Rob Brennan replies that they submitted letter today to HHDC asking to be put on the Agenda on Sept. 20, Exhibit C. (received today, at this meeting). They asked to go in front of them to give a presentation and get feedback from them, but do intend to proceed.

Elizabeth Wurfbain in attendance. She is in support of the project. This is good for any Downtown in America, to live and work in the downtown, decrease ecological footprint/water, transportation, quality of life, defray urban sprawl. Hyannis Main Street itself, has to have the clientele where you want to see retail, have to build up with year round people with jobs. Hospital has increased jobs around the same type for this project going on. This is the grand scheme of all. The evolution of what will become vibrant downtown community.

Katherine Baker, CCYP, Cape Cod Young Professionals in attendance. They are in support of the project. To give a choice for workforce housing. She would like to remain here and raise her family.

Josh Richards a CCYP member. Cape Cod native. His goal is to keep Cape Cod his home. The inventory for market rate housing on Cape Cod, this is needed. Housing is the bottom line factor, he would like to remain here and raise a family. He applauds the developer.

Bob Poskit, from South Dennis in attendance. He refers to an article he read in the Barnstable Patriot. Comments /suggestions: The front of the Patriot Press Bldg, there is a plaque, which states that this has been placed by National Register and on the National Register? Is this why you want to keep this bldg.

Rob Brennan replies, yes, and it's in good shape.

Bob Posikit mentions that on house number 44, there is unique architecture, windows on the first floor to. These are not double hung, they are triple hung window, only on Sea Captain's Row. He thinks the original heritage is important to keep. Shiplap and windows possibly being reproduced. Once you lose the look you'll lose the history, but keeping the elements of the facade will add to the visual landscape and keep a historical important look to the area.

Mary Ann Agresti, local architect/artist. She has had conversations with the Developer. Mentions her artistic works throughout Hyannis Downtown area. The Bldg's left are in real disrepair. She is happy to be on the team to implement art into the project. The developer has committed to the extent of employing her for historic art to be in the open spaces.

Chris Galazzi, Executive Director of the Maritime Cape Cod Museum. He is in support of the project. Housing is needed. They promote maritime history. Important historic aesthetics here and these keep Hyannis from being just another sandy beach area. People come to museum because of interest in the history of the area. He applauds the good intentions of the developer.

**Chair Mary Barry entertains a motion to continue, moved by Paul Curley, seconded by Stephen Helman, to continue to Sept. 25, 2017, at 7:00 p.m., so voted unanimously.**

Paul Curley directs/asks Elizabeth Jenkins, about the parking study for downtown Hyannis.

Elizabeth Jenkins replies that the project webpage/there will be a press release this week indication that the parking study has been finalized and begin to examine these as a community. They did get some good questions tonight. New Growth Incentive Zone (GIZ) application. We have the benefit and can apply it to this project. Cape Cod Commission will come to the Board and let all know/update/look forward to for the next 10 years. Working with DPW and the East End of Hyannis.

Chair Mary Barry asks when is the GIZ due to be renewed?

Elizabeth Jenkins replies around January timeframe. Will be hearing a lot about this.

**Matters Not Reasonably Anticipated by the Chair:**

**Future Meetings:** Regularly Scheduled Meetings: October 23, and November 13, 2017, @ 7:00 PM.

Respectfully Submitted \_\_\_\_\_

By Karen Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on \_\_\_\_\_

Further detail may be obtained by viewing the video via Channel 18 on demand at <http://www.town.barnstable.ma.us>

**List of Exhibit Documents**

**Exhibit A** – Reg. Agrmnt No. 2017-003 – Sea Captain’s Row – Power Point Presentation

**Exhibit B** - Reg. Agrmnt No. 2017-003 – Site Plan Layout of project

**Exhibit C** - Reg. Agrmnt No. 2017-003 – Lt. to HHDC from Rob Brennan – Sept. 2017