

TOWN OF BARNSTABLE SUBDIVISION RULES AND REGULATIONS

FORM D

APPLICATION FOR MODIFICATION OR RECISION OF DEFINITIVE PLAN

Date: 11 / 7 / 2016Subdivision #: 362,658

To the Planning Board in the Town of Barnstable:

The undersigned authorized applicant(s) or owner(s) of all the land shown on the accompanying approved Definitive Subdivision plan located and described as follows:

Plan # 658 Title: Modification of No. 658 & No. 362 Definitive Plan Subdivision of Land in Barnstable, MA prepared for FOUR ACRES REALTY TRUST

Rev.
Plan Date: 2 / 6 / 2006

Date of Planning Board Approval: 4 / 9 / 2007

Assessor's Map and Parcel Number(s): 278/46-2 + 46-3, + original plan 278/46-1,
Zoning: R2G Area: 65,000 Number of Lots: 7 + 1 PARCEL -

Drawn By: DOWN CASE ENGINEERING, INC., ARNE H. OJALA

hereby submits this Application for a Modification ☒ or Recision ☒ of an Approved Definitive Subdivision Plan.

The Modification is described as follows: RESCIND SOUTHERLY END OF OFFSHOOT ROAD.
LAYOUT WILL BECOME PART OF LOT 12. TITLE OF NEW PLAN IS:
DEFINITIVE PLAN OF #127 & #133 MAUSHOP AVENUE AND MODIFICATION OF OFFSHOOT
ROAD BARNSTABLE, MA PREPARED FOR BEACH POINT, LLC OCT. 23, 2016
SUBDIVISION # 362,658

If a proposed Modification will result in changes to the Definitive Plan, the plan submission requirements for a Definitive Plan shall be followed and a Form C Checklist must also be completed and attached.

List all lots which have been conveyed: All except for 11 + 12.

* Attach a list of lot owners and their addresses.

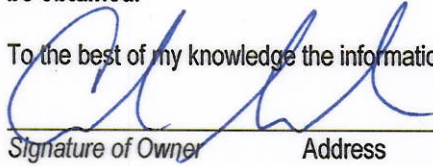
** Attach a list of all abutters and their addresses as they appear on the most recent tax list.

List all mortgage holders of the land by lot:

Permission of the owners affected by any change to the subdivision plan and of the mortgage holders must be obtained.

To the best of my knowledge the information submitted herewith is complete and accurate.

X



Signature of Owner

Address

(617) 620 2665

Telephone

ANDREW MAHER, mgr, BEACH POINT LLC 140 MONTVALE RD WESTON, MA 02493

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: _____

Received by Town Clerk:

Date: ____/____/____ Time: _____ Fee: _____

Signature: _____

Please make check payable to the Town of Barnstable.

____ Notification to the Town Clerk, date: ____/____/____

____ Submitted to the Board of Health, date: ____/____/____

APPROVAL UNDER THE SUBDIVISION
CONTROL LAW IS REQUIRED

DATE: _____

FOR REGISTRY USE

ZONING DISTRICT: RG RESIDENTIAL DISTRICT

MIN. LOT SIZE	65,000 S.F.
MIN. LOT WIDTH	200'
MIN. LOT FRONTAGE	20'
MIN. FRONT SETBACK	30'
MIN. SIDE SETBACK	15'
MIN. REAR SETBACK	15'
MAX. BUILDING HEIGHT	30'

SITE IS IN OLD KINGS HIGHWAY HISTORIC DISTRICT

SITE IS WITHIN THE WP & AP GROUNDWATER PROTECTION OVERLAY DISTRICTS

NOTES:

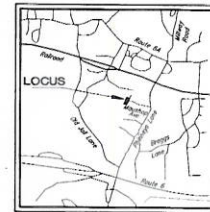
1. THIS PLAN HAS BEEN PREPARED FOR THE PURPOSE OF RESCINDING A SOUTHERLY PORTION OF OFFSHOOT ROAD SHOWN AS PHASE II ON PB 617 PG 42.
2. HORIZONTAL DATUM MA STATE PLANE NAD83.
3. MAGNETIC ZONE FROM MTS RTD GPS NETWORK.
4. LOT 12A INCLUDES THE RETIRED PORTION OF THE ROADWAY IN THE LISTED AREA.
5. NO ROADWAY CONSTRUCTION IS PROPOSED, ORIGINAL PHASE II PORTION OF 617 PG 42 IS NOT TO BE CONSTRUCTED, ROADWAY TO BE SHOWN HEREON, EXISTING COVENANT BD 22046 PG 323 TO BE MODIFIED TO REFLECT CHANGE.
6. STREET NUMBER LOCATIONS UNCHANGED, ROAD NAME OF OFFSHOOT ROAD IS NOT TO BE UTILIZED BY ANY STREET SIGN OR ADDRESS.

REFERENCES

DEED BOOK 28034 PAGE 320
PLAN BOOK 336 PAGE 13
PLAN BOOK 441 PAGE 55
PLAN BOOK 617 PAGE 42
COVENANT DB 22046 PG 323
RELEASE OF LOT 10 DB 29766 PG 134

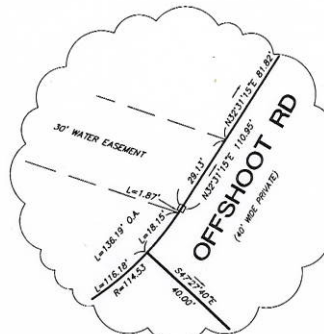
OWNER OF RECORD

BEACH POINT LLC
140 MONTVALE ROAD
WESTON, MA 02493
DB 28034 PG 320

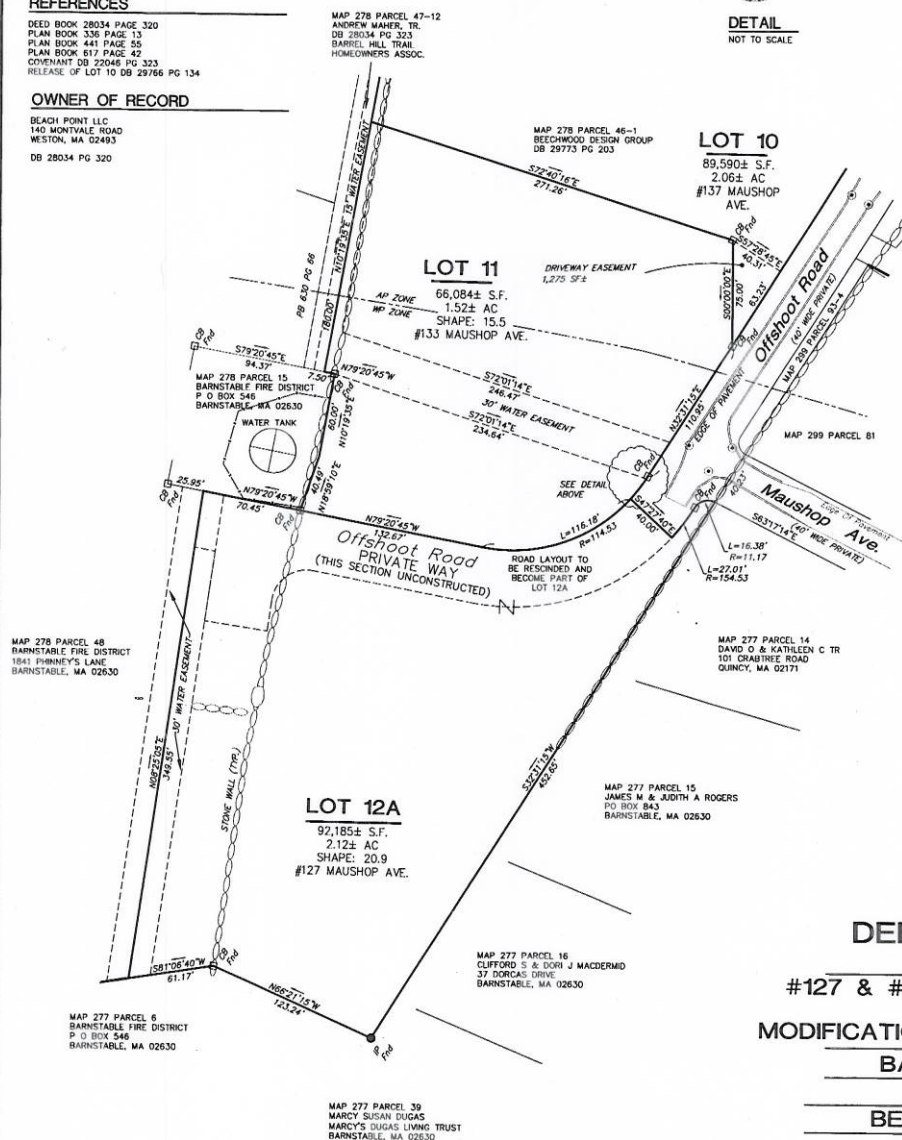


LOCUS MAP

NOT TO SCALE
ASSESSORS MAP 27B PARCEL 46-3, 46-2
LOCUS IS WITHIN FEMA FLOOD ZONE X
(AREA OF MINIMAL FLOOD HAZARD) AS
SHOWN ON COMMUNITY PANEL #25001C055BJ
DATED 7/16/2014



DETAIL
NOT TO SCALE



DEFINITIVE PLAN

OF

#127 & #133 MAUSHOP AVENUE

ANI

MODIFICATION OF OFFSHOOT ROAD

BARNSTABLE, MA

PREPARED FOR

BEACH POINT, LLC

DATE: OCTOBER 23, 2016

SUBDIVISION #362.#658

I, ANNE QUIRK, CLERK OF THE TOWN OF BARNSTABLE, CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN WAS RECEIVED AND RECORDED IN THIS OFFICE AND THAT NO NOTICE OF APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT FOLLOWING THE RECEIPT AND RECORDING OF SAID NOTICE.

I CERTIFY THAT THIS PLAN WAS MADE IN ACCORDANCE WITH REGISTRY OF DEEDS REGULATIONS EFFECTIVE JANUARY 1, 1976, AND AS AMENDED JANUARY 7, 1988.



10-23-2016 
DATE DANIEL A. OJALA, P.E., P.L.S.

Scale: $1'' = 40'$

 **down cape engineering, inc.**
civil engineers
land surveyors
939 Main Street (Rte 6A)
YARMOUTHPORT MA 02675

DCE #13-311

DATE _____

TOWN CLERK

13-311 MAHER BASFLOW

939 main street rt 6a
yarmouth port
mass 02675



tel. (508) 362-4541
fax (508) 362-9880

down cape engineering, inc
civil engineers & land surveyors

Daniel A. Ojala, P.E., P.L.S.
Arne H. Ojala, P.E., P.L.S.
Andrew R. Garulay, R.L.A.

land court
surveys

November 10, 2016

structural design

Town of Barnstable
Planning Board
200 Main Street
Hyannis, MA 02601

site planning

sewage system
designs

RE: Offshoot Road Modification Partial Rescission & Definitive Plan – Waiver Request
Form #658 & #362

inspections

Dear Members of the Board:

permits

Pursuant to § 801-5 Waivers, the following requests are made:
Request waiver from all sections of:

Article III Requirements for Submission and Approval of Plans

§ 801-16 Submission Requirements for all plans

Article VI Design Standards- waiver to existing conditions requested.

landscape
architecture

Justification: Waivers are requested from normal definitive plan subdivision filing requirements for profile plans, drainage calculations, and all related sections due to fact that the proposal is simply removing an unconstructed length of dead end road from the south end of the subdivision. The section of roadway being absorbed into Lot 12 forming Lot 12A serves no functional purpose, as the lots continue to have the required frontage on an approved and constructed way. The remainder of Offshoot Road has been its current configuration for many years, and no changes are proposed. The abutting owners have agreed to release the dead end section. Lot 11 will likely utilize an driveway over the section of Lot 10 shown as Driveway Easement, to avoid a slope condition. Lot 12A will utilize a driveway off the end of the existing pavement, allowing even more turning room, although the current arrangement will fit the standard turning tee lengths.

There are existing roadway profile plans, drainage calculations and asbuilt plans on record from Phase 1, no changes are needed.

Reducing the amount of impervious pavement, land clearing and grading will help maintain the rural character of the neighborhood.

Sincerely,

Daniel A. Ojala, PE, PLS
Down Cape Engineering, Inc.

Bk 28034 Pg 320 #10798

03-14-2014 @ 03:46p

MASSACHUSETTS STATE EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 03-14-2014 @ 03:46pm
Ct1#: 1176 Doc#: 10798
Fee: \$7,797.60 Cons: \$2,280,000.00

QUITCLAIM DEED

Barrel Hill, LLC, a Massachusetts limited liability company,

in consideration of TWO MILLION TWO HUNDRED EIGHTY THOUSAND AND 00/100
(\$2,280,000.00) DOLLARS paid,

grant to, Beach Point LLC, a Massachusetts limited liability company, with a mailing address of
140 Montvale Road, Weston, MA 02493,

with *quitclaim covenants*,

the land with the buildings thereon situated in Barnstable, Barnstable County, Massachusetts
shown as LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 on a plan entitled "Open Space Definitive
Plan (Subdivision #818) of Land in Barnstable, MA Barrel Hill prepared for Lesley Gimbel, Tr,
et al. dated April 17, 2009, revised May 18, 2009, Scale 1" = 80'", drawn by Down Cape
Engineering, Inc. and recorded in the Barnstable Registry of Deeds in Plan Book 630, Page 66
(the Subdivision Plan"), which land to be conveyed includes the fee in any and all portions of
what is shown as Uncle Holmes Way on a plan recorded with said Deeds in Plan Book 336, Page
13, as is not included in Parcel A shown on the Subdivision Plan.

Said premises are conveyed subject to and with the benefit of all rights, rights of way,
restrictions, easements, appurtenances, reservations and agreements of record, insofar as now in
force and applicable.

For title see Deed recorded with the Barnstable Registry of Deeds herewith.

AND ALSO

three certain parcels of vacant land situated on Offshoot Road in the Village, Town and County
of Barnstable, Massachusetts shown as LOTS 10, 11 and 12 and the fee in Offshoot Road as
shown on a plan entitled "Subdivision Plan of Land located in Barnstable, Mass. Prepared for
David Bush-Brown" dated May 21, 1987 and revised July 23, 1987, Aug. 28, 1987 and Sept. 9,
1987, drawn by Down Cape Engineering, Inc. and recorded in the Barnstable Registry of Deeds
in Plan Book 441, Page 55.

Said premises are conveyed subject to and with the benefit of rights of way, restrictions and
agreements of record, insofar as now in force and applicable.

BARNSTABLE COUNTY EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 03-14-2014 @ 03:46pm
Ct1#: 1176 Doc#: 10798
Fee: \$6,156.00 Cons: \$2,280,000.00

5

The Grantor, Barrel Hill LLC, is not classified as a corporation for federal tax purposes for the current taxable year.

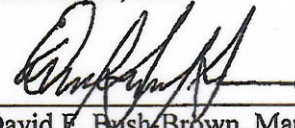
The Grantor hereby terminates and releases any and all homestead rights which it may have ever had in and to the granted premises.

For title see Deeds recorded with the Barnstable Registry of Deeds herewith.

Property Address: 127, 133 and 137 Maushop Avenue, Barnstable, MA

Executed as a sealed instrument this 14 day of MARCH, 2014.

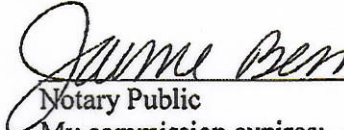
BARREL HILL, LLC


By: David F. Bush-Brown, Manager

COMMONWEALTH OF MASSACHUSETTS

County: Barnstable

On this 14th day of March, 2014, before me, the undersigned notary public, personally appeared, David F. Bush-Brown, Manager as aforesaid, personally known to me or proved to me through satisfactory evidence of identification, which was personal knowledge, to be the individual whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of Barrel Hill, LLC.


Notary Public
My commission expires: May 9, 2014

2383793.1





William Francis Galvin
Secretary of the
Commonwealth

The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts 02133

February 24, 2014

TO WHOM IT MAY CONCERN:

I hereby certify that a certificate of organization of a Limited Liability Company was filed in this office by

BARREL HILL LLC

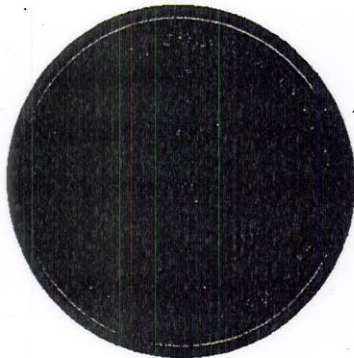
in accordance with the provisions of Massachusetts General Laws Chapter 156C on February 8, 2013.

I further certify that said Limited Liability Company has filed all annual reports due and paid all fees with respect to such reports; that said Limited Liability Company has not filed a certificate of cancellation or withdrawal; and that said Limited Liability Company is in good standing with this office.

I also certify that the names of all managers listed in the most recent filing are: **DAVID BUSH-BROWN**

I further certify, the names of all persons authorized to execute documents filed with this office and listed in the most recent filing are: **DAVID BUSH-BROWN**

The names of all persons authorized to act with respect to real property listed in the most recent filing are: **DAVID BUSH-BROWN**



In testimony of which,
I have hereunto affixed the
Great Seal of the Commonwealth
on the date first above written.

William Francis Galvin

Secretary of the Commonwealth

Processed By:jbm

BARNSTABLE REGISTRY OF DEEDS

MASSACHUSETTS STATE EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 07-01-2016 @ 02:14pm
Ct1#: 931 Doc#: 33569
Fee: \$1,155.96 Cons: \$338,000.00

BARNSTABLE COUNTY EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 07-01-2016 @ 02:14pm
Ct1#: 931 Doc#: 33569
Fee: \$1,034.28 Cons: \$338,000.00

QUITCLAIM DEED

Beach Point LLC, a Massachusetts limited liability company, having an address of 140 Montvale Road, Weston, MA 02493,

in consideration of THREE HUNDRED THIRTY EIGHT THOUSAND AND 00/100 (\$338,000.00) DOLLARS paid,

grant to, Beachwood Design Group, LLC, a Massachusetts limited liability company, with a mailing address of 48 Barnhill Road, West Barnstable, MA 02668,

with *quitclaim covenants*,

A certain parcel of vacant land situated on Offshoot Road in the Village, Town and County of Barnstable, Massachusetts shown as LOT 10 on a plan entitled "Modification of No. 658 & No. 362 Definitive Plan Subdivision of Land in Barnstable, MA prepared for Four Acre Realty Trust" dated April 11, 2005 and revised July 7, 2005, November 8, 2005 and February 6, 2008, drawn by Down Cape Engineering, Inc. and recorded in the Barnstable Registry of Deeds in Plan Book 617, Page 42.

Said premises are conveyed subject to and with the benefit of rights of way, restrictions and agreements of record, insofar as now in force and applicable.

The Grantor, Beach Point LLC, is not classified as a corporation for federal tax purposes for the current taxable year.

The Grantor hereby terminates and releases any and all homestead rights which it may have ever had in and to the granted premises.

Being a portion of the premises described in the deed recorded with the Barnstable County Registry of Deeds in Book 28034, page 320 to which reference is made for title.

Property Address: 137 Maushop Avenue, Barnstable, MA

Executed as a sealed instrument this 30th day of June, 2016.

BEACH POINT LLC

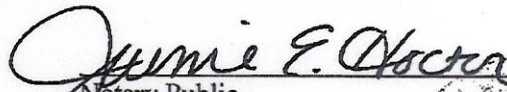

By: Andrew Maher, Manager

COMMONWEALTH OF MASSACHUSETTS

County: Barnstable

On this 30th day of June, 2016, before me, the undersigned notary public, personally appeared, Andrew Maher, Manager as aforesaid, personally known to me or proved to me through satisfactory evidence of identification, which was personal knowledge, to be the individual whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of Beach Point LLC.

3155326.1


Notary Public
My commission expires:



JAIME E. HCTOR
Notary Public
Commonwealth of Massachusetts
My Commission Expires August 13, 2021





William Francis Galvin
Secretary of the
Commonwealth

The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts 02133

May 25, 2016

TO WHOM IT MAY CONCERN:

I hereby certify that a certificate of organization of a Limited Liability Company was filed in this office by

BEACH POINT LLC

in accordance with the provisions of Massachusetts General Laws Chapter 156C on August 5, 2013.

I further certify that said Limited Liability Company has filed all annual reports due and paid all fees with respect to such reports; that said Limited Liability Company has not filed a certificate of cancellation or withdrawal; and that said Limited Liability Company is in good standing with this office.

I also certify that the names of all managers listed in the most recent filing are:
ANDREW MAHER

I further certify, the names of all persons authorized to execute documents filed with this office and listed in the most recent filing are: **ANDREW MAHER, ANDREW JOHN MAHER**

The names of all persons authorized to act with respect to real property listed in the most recent filing are: **ANDREW JOHN MAHER**



In testimony of which,
I have hereunto affixed the
Great Seal of the Commonwealth
on the date first above written.

William Francis Galvin
Secretary of the Commonwealth

Processed By:tpg

BARNSTABLE REGISTRY OF DEEDS
John F. Meade, Register

QUITCLAIM DEED

Woollard Builders, LLC, a Massachusetts limited liability company, with an address of P.O. Box 1143, Barnstable, MA 02630 (Grantor)

in consideration of One Million Two Hundred Fifty Thousand (\$1,250,000.00) Dollars, paid,

grant to Roger F. Bone and Roberta A. Parente, husband and wife, as tenants by the entirety, of 797 Garfield Ave., Bridgewater, N.J. 08807, (Grantee)

with Quitclaim Covenants,

The land located on Offshoot Road, Barnstable, Barnstable County, MA bounded and described as follows:

Lot 2 as shown on a plan of land entitled "Modification of No. 658 & No. 362 Definitive Plan Subdivision of Land in Barnstable, MA, prepared for Four Acre Realty Trust, Scale 1" = 50' Date: April 11, 2005 Rev: July 7, 2005 Rev: Nov. 8, 2005, & Rev: Feb. 6, 2006" which plan is recorded in the Barnstable County Registry of Deeds in Plan Book 617 Page 42, together with the Grantor's 1/3 interest in Offshoot Road.

Common Driveway

Lot 2 is conveyed subject to and together with the benefit of a common driveway in the area shown as Driveway Easement A on a plan entitled "Plan of Land in Barnstable, MA showing easements for Lots 1, 2, 3 & 4 Offshoot Road prepared for Four Acre Realty Trust" which plan is recorded in the Barnstable County Registry of Deeds in Plan Book 622 Page 87 ("Easement Plan"). The common driveway easement shall be exercised in common with the owners, and their successors and assigns, of Lots 3 and 4 as shown on the Easement Plan. The driveway access to each lot shall be limited to the common driveway and to the paved area of the driveway as shown on the Easement Plan. No additional driveway shall be permitted for any lot. The common driveway shall be for the purpose of ingress and egress to said lots, including without limitation, access on foot and in motor vehicles and installing, maintaining, replacing, removing and using underground utility lines, including without limitation sewers, drains, water mains, gas pipes, electric lines, telephone lines and cable television lines therein and thereunder. The owners of Lots 2, 3, and 4 shall have the right to enter upon Driveway Easement A area to construct, install, maintain, and repair the common driveway. The paved portion of the Driveway Easement A area shall be as shown on the Easement Plan. With respect to said right and easement hereby conveyed the Grantee by their acceptance hereof, hereby for themselves and their successors and assigns hereby agrees as follows:

MASSACHUSETTS STATE EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 06-25-2008 @ 10:03am
Ct1#: 332 Doc#: 34238
Fee: \$2,850.00 Cons: \$1,250,000.00

BARNSTABLE COUNTY EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 06-25-2008 @ 10:03am
Ct1#: 332 Doc#: 34238
Fee: \$2,850.00 Cons: \$1,250,000.00

140 Maushop Ave., Barnstable, MA 02630

- (a) the parties shall not obstruct the driveway by the parking of vehicles or otherwise;
- (b) each party shall indemnify and save the other harmless from and against any loss, damage, or liability arising out of the party's exercise of the easement;
- (c) if in connection with the exercise of said right and easement any party shall make any excavations in said driveway, the party so excavating will as soon as possible restore said portion and the surface thereof to their prior condition;
- (d) the owners of Lots 2, 3 and 4 shall share equally (1/3 each) in the cost of the maintenance and repair of the common driveway, including but not limited to snow-plowing, and agree that in the event of default by any party in paying their 33.33% share of said costs, within thirty (30) days of the date due, the other parties shall have the right to bring any proceedings necessary to effect the collection of the sums due, together with interest thereon and to take such other action as they deem reasonable and necessary to enforce the provisions of this easement, and the party in default shall be obligated to pay all expenses, including attorney's fees and court costs, incurred by the other party in any proceeding brought to collect such unpaid costs and expenses.

View Easements

Lot 2 is conveyed together with and subject to a View Easement in the area shown as View Easement D on the Easement Plan as more particularly described in the Easement Agreement recorded in Book 23001 Page 314.

Lot 2 is conveyed together with and subject to a View Easement in the area shown as View Easement E on the Easement Plan as more particularly described in the Easement recorded in Book 23001 Page 314.

Exclusive Use Area C

Lot 2 is conveyed together with and subject to an exclusive use easement in the area shown as Exclusive Use Area C shown on the Easement Plan, as more particularly described in the Easement recorded in Book 23001 Page 314.

Exclusive Use Easement B

Lot 2 is conveyed together with and subject to a perpetual, exclusive paved driveway and utility access easement over the area shown as Exclusive Use Easement B, as more particularly described in the easement recorded in Book 22578 Page 325.

The premises are conveyed subject to and together with the benefit of a Declaration of Protective Covenants executed by Howard W. Woollard and Virginia E. Woollard, as husband and wife, tenants by the entirety, and as Trustees of Four Acre Realty Trust, dated June 24, 2008, and recorded herewith in Book 23001 Page 309.

The premises are conveyed subject to and together with the benefit of the easements set forth in the Easement Agreement between Howard W. Woollard and Virginia E. Woollard, as husband and wife, and as Trustees of Four Acre Realty Trust, dated June 24, 2008, and recorded herewith in Book 23001 Page 314.

The premises are subject to and with the benefit of rights, easements, restrictions and other matters of record insofar as in force and applicable.

For title reference see deed recorded in the Barnstable County Registry of Deeds herewith.

Executed as a sealed instrument this 24th day of June, 2008.

Woollard Builders, LLC

By: [Signature]
Howard W. Woollard, Manager

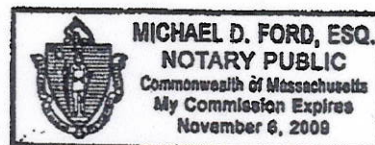
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this the 24th day of June, 2008, before me, the undersigned notary public, personally appeared Howard W. Woollard, as aforesaid, proved to me through satisfactory evidence of identification which was personal knowledge, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it for its stated purpose.

[Signature]

Notary Public
My Commission expires:



QUITCLAIM DEED

We, Howard W. Woollard and Virginia E. Woollard, Trustees of Four Acre Realty Trust, under a declaration of trust dated February 8, 1988, recorded in Barnstable Registry of Deeds in Book 6136 Page 39, (Grantor)

for no monetary consideration but as a gift,

grant to Barnstable Land Trust, Inc., a Massachusetts Charitable Corporation, with a principal place of business at 407 North Street, Hyannis, MA, (Grantee)

with Quitclaim Covenants,

the land located on Offshoot Road, Barnstable, MA, more particularly described as follows:

Lot 1 as shown on a plan of land entitled "Modification of No. 658 & No. 362 Definitive Plan Subdivision of Land in Barnstable, MA, prepared for Four Acre Realty Trust, Scale 1" = 50' Date: April 11, 2005 Rev: July 7, 2005 Rev: Nov. 8, 2005, & Rev: Feb. 6, 2006" which plan is recorded in the Barnstable County Registry of Deeds in Plan Book 617 Page 42.

The premises are conveyed together with a right of way over Offshoot Road in common with all those legally entitled thereto. The Grantor expressly reserves the FEE in Offshoot Road.

The premises are conveyed subject to a perpetual, exclusive paved driveway and utility access easement appurtenant to Lot 2 on said Plan Book 617 Page 42, as more particularly described in the easement from Howard W. Woollard and Virginia E. Woollard, Trustees of Four Acre Realty Trust, to Howard W. Woollard and Virginia E. Woollard, husband and wife, as tenants by the entirety, recorded in the Barnstable County Registry of Deeds in Book 22578 Page 325.

Grantee, by acceptance of this deed, agrees that the premises shall only be used for conservation purposes and shall be left in its current natural state.

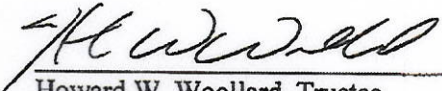
The premises are subject to and with the benefit of rights, easements, restrictions and other matters of record insofar as in force and applicable.

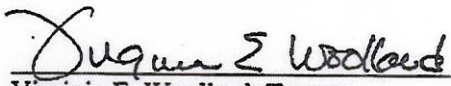
For title reference see deed recorded in the Barnstable County Registry of Deeds in Book 19463 Page 257.

The Grantors certify that they are the sole trustees of Four Acre Realty Trust, that the trust has not been amended, except as may appear of record, and is in full force and effect and that they are duly authorized to execute this deed.

Executed as a sealed instrument this 31st day of December, 2007.

Four Acre Realty Trust

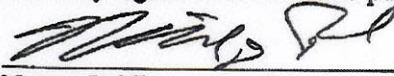

Howard W. Woollard, Trustee

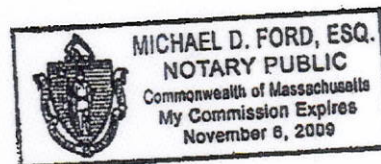

Virginia E. Woollard, Trustee

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this the 31st day of December, 2007, before me, the undersigned notary public, personally appeared Howard W. Woollard and Virginia E. Woollard, Trustees, as aforesaid, proved to me through satisfactory evidence of identification which was personal knowledge, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it for its stated purpose.


Notary Public
My Commission expires:



Bk 29718 Pg 43 #29225
06-10-2016 @ 02:21p

QUITCLAIM DEED

MASSACHUSETTS STATE EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 06-10-2016 @ 02:21pm
Ct1#: 1226 Doc#: 29225
Fee: \$1,333.80 Cons: \$390,000.00

I, Howard W. Woollard of Barnstable, Massachusetts, as Trustees of the Four Acre Realty Trust U/D/T dated February 8, 1988, being recorded with the Barnstable County Registry of Deeds in Book 6136, Page 39, as amended,

For consideration paid, and in full consideration of Three Hundred Ninety Thousand (\$390,000.00) Dollars

BARNSTABLE COUNTY EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 06-10-2016 @ 02:21pm
Ct1#: 1226 Doc#: 29225
Fee: \$1,053.00 Cons: \$390,000.00

Grant to

John Tyler Spring of 95 Conant Street, Concord, Massachusetts 01742 as Trustee of the 142 Maushop Ave Realty Trust U/D/T dated June 3, 2016, which Trust is recorded herewith

WITH QUITCLAIM COVENANTS

The land with the buildings thereon situated in Barnstable, Barnstable County, Massachusetts, being shown as LOT 3 on a plan of land entitled "Modification of No. 658 and NO. 362 Definitive Plan Subdivision of Land in Barnstable, MA," dated April 11, 2005, revised July 7, 2005, November 8, 2005, and February 6, 2006, duly recorded with the Barnstable County Registry of Deeds in Plan Book 617, Page 42.

Said LOT 3 containing 88,067 square feet (2.2 acres) more or less, according to said plan.

The property is currently known as and numbered 142 Maushop Avenue, Barnstable, Massachusetts.

Subject to and with the benefit of all rights, rights of way, takings, easements, restrictions, reservations, covenants, encumbrances and all matters of record insofar as are in force and applicable.

Being a portion of the premises conveyed to the grantors by deed of William Wesselhoeft, Trustee dated January 12, 2005 and recorded in the Barnstable County Registry of Deeds in Book 19463 Page 257.

EXECUTED as an instrument under seal this ^{3RD} day of June 2016.



Howard W. Woollard, Trustee

COMMONWEALTH OF MASSACHUSETTS

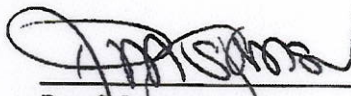
BARNSTABLE, ss

June 3, 2016

On this 3rd day of June 2016, before me personally appeared Howard W. Woollard, as Trustee of the Four Acre Realty Trust, who provided to me through satisfactory evidence of identification, which was personally known to be the person whose name is above and acknowledged to me that he signed it voluntarily for its stated purpose, as his free act and deed, before me.



RON S. JANSSON
Notary Public
Commonwealth of Massachusetts
My Commission Expires
May 15, 2020



Ron S. Jansson
Notary Public


My commission expires: May 15, 2020

TRUSTEE CERTIFICATE

I, Howard W. Woollard of Barnstable, Massachusetts, under oath,
do depose and say as follows:

1. That I am a current Trustee of Four Acre Realty Trust, under Declaration of Trust dated February 8, 1988, and recorded with the Barnstable County Registry of Deeds in Book 6136, Page 39, as subsequently amended by instrument recorded in Book 24370 Page 321.
2. That said Trust has not been revoked or further amended and that the same is still in full force and effect.
3. That at all times material hereto I have been duly authorized and directed by all of the Beneficiaries of said trust, to sign, seal, acknowledge and deliver a Deed to John Tyler Spring for Three Hundred Ninety Thousand (\$390,000.00) Dollars for property located at 142 Maushop Avenue, Barnstable, Massachusetts, being further shown as Lot 3 in Barnstable County Registry of Deeds Plan Book 617 Page 42, the original deed for which is to be recorded herewith.
4. That at all times material hereto all of the Beneficiaries of said Trust were competent and were operating under no constraint or undue influence.

SUBSCRIBED AND SWORN to under the pains and penalties of perjury
this 3 day of June 2016.


Howard W. Woollard, Trustee

COMMONWEALTH OF MASSACHUSETTS

BARNSTBLE, ss

June 3, 2016

On this 3rd day of June 2016, before me, the undersigned notary public, personally appeared Howard W. Woollard, proved to me through satisfactory evidence of identification, which were personally known to be the person whose name is signed on the preceding or attached

document, and acknowledged to me that he signed it voluntarily for its stated purpose, and that the same is true to the best of his knowledge and belief, before me.



RON S. JANSSON
Notary Public
Commonwealth of Massachusetts
My Commission Expires
May 15, 2020

A handwritten signature of Ron S. Jansson in black ink, written over a horizontal line.

Ron S. Jansson, Esquire
Notary Public

My Commission Expires: May 15, 2020

BARNSTABLE REGISTRY OF DEEDS
John F. Meade, Register

QUITCLAIM DEED

We, Charles F. Mueller and Nancy K. Mueller, a married couple, of Newton, Massachusetts in full consideration paid of One Dollar (\$1.00) hereby grant to Charles F. Mueller and Nancy K. Mueller, Trustees, or their successors in interest, of the Mueller Family Revocable Living Trust u/d/t dated March 24, 2016, as described in a Trustee Certificate pursuant to M.G.L. c. 184, § 35 recorded herewith, and any amendments thereto, of 350 Boylston Street, Unit 105, Newton, Massachusetts

with quitclaim covenants

The land with any buildings thereon situated in Barnstable, Barnstable County, Massachusetts, being shown as LOT 4 on a plan of land entitled "Modification of No. 658 and No. 362 Definitive Plan Subdivision of Land in Barnstable, MA," dated April 11, 2005 revised July 7, 2005, November 8, 2005 and February 6, 2006, duly recorded with the Barnstable County Registry of deeds in Plan Book 617, Page 42.

Said LOT 4 containing 93,618 (2.15 +/- acres), more or less, according to said plan.

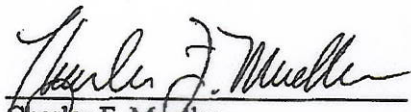
Subject to and with the benefit of all rights, rights of way, easements, appurtenances, reservations, restrictions and layouts, and takings of record, insofar as they are in force and applicable.

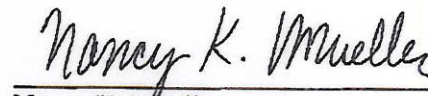
For Grantors' title, see Confirmatory Deed dated February 5, 2013, recorded with the Barnstable County Registry of Deeds on February 14, 2013, in Book 27130, Page 315.

Property Address: 141 Maushop Avenue, Barnstable, Massachusetts

Property Address: 141 Maushop Avenue, Barnstable, Barnstable County, Massachusetts

EXECUTED, as a sealed instrument this 24th day of March, 2016.

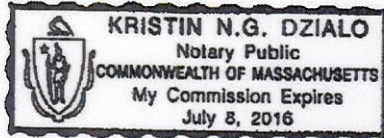

Charles F. Mueller

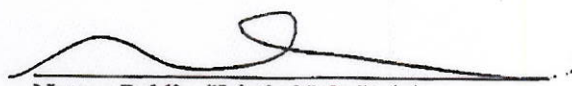

Nancy K. Mueller

COMMONWEALTH OF MASSACHUSETTS

Middlesex County

On this 24th day of March, 2016, before me, the undersigned notary public, personally appeared Charles F. Mueller and Nancy K. Mueller proved to me through satisfactory evidence, which were their driver's licenses, to be the persons whose names are signed on the preceding or within document, and acknowledged to me that they signed it voluntarily for its stated purpose.




Notary Public, Kristin N.G. Dzialo
My Commission Expires: July 8, 2016

[No title examination was performed in connection with the preparation of this deed]

BARNSTABLE REGISTRY OF DEEDS
John F. Meade, Register

I, WILLIAM WESSELHOEFT, TRUSTEE of the WILLIAM WESSELHOEFT TRUST under declaration of Trust dated July 14, 1995, recorded in Barnstable Deeds in Book 9786, page 174 of 909 East Newton Street, Unit B-3, Seattle, Washington 98102, for consideration and in consideration of FIVE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$575,000.00) grant to HOWARD W. WOOLLARD and VIRGINIA E. WOOLLARD, TRUSTEES of the Four Acre Realty Trust, under declaration of Trust dated February 8, 1988, recorded in Barnstable Registry of Deeds Book 6136 page 39 of P.O. Box 263, Barnstable, MA 02630 with QUITCLAIM COVENANTS

A certain parcel of vacant land situated off Offshoot Road in Barnstable, Massachusetts, and shown as Lot 1 together with the fee in Offshoot Road, all as shown on a plan entitled "Plan of Land" in Barnstable dated July 8, 1975, drawn by Whitney & Bassett, Architects & Engineers" recorded in Barnstable Registry of Deeds in Plan Book 336, Page 13.

Containing 7.5 acres more or less. No right of way is conveyed as appurtenant to said premises over the remaining land of the Grantor shown as "Dora Kittredge" on said plan.

Said parcel is conveyed subject to and with the benefit of a right of way for all purposes for which ways are used in the Town of Barnstable including the installation of utilities in and over Offshoot Road and Maushop Avenue to Hyannis Road, a public way, in common with all others thereto.

MASSACHUSETTS STATE EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 01-21-2005 @ 01:35pm
Ct1#: 1121 Doc#: 4650
Fee: \$1,966.50 Cons: \$575,000.00

BARNSTABLE COUNTY EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 01-21-2005 @ 01:35pm
Ct1#: 1121 Doc#: 4650
Fee: \$1,311.00 Cons: \$575,000.00

Said premises are conveyed subject to the following restrictions for the benefit of the remaining land of the Grantor shown as "Dora Kittredge" on said plan:

1. The grantee will create no more than three (3) buildable lots;
2. Grantee and his successors will maintain a 50-foot setback of all buildings from the land of the grantor shown as "Dora Kittredge" on said Plan.

For title see Deed of William Wesselhoeft, dated July 14, 1995, recorded in Barnstable Registry of Deeds Book 9786, Page 181. See also Confirmatory Deed to be recorded herewith.

THE UNDERSIGNED TRUSTEE HEREBY WARRANTS AND REPRESENTS THAT THE WILLIAM WESSELHOEFT TRUST SET FORTH ABOVE IS STILL IN FULL FORCE AND EFFECT, HAS NOT BEEN AMENDED IN ANY WAY, THAT THE BENEFICIARIES ARE OF FULL AGE AND ARE NOT UNDER DISABILITY, AND THAT THE TRUSTEE HAS BEEN AUTHORIZED BY THE BENEFICIARIES OF SAID TRUST TO EXECUTE AND DELIVER THIS DEED.

WITNESS my hand and seal this 12th day of January, 2005.

WILLIAM WESSELHOEFT TRUST



William Wesselhoeft, Trustee

STATE OF WASHINGTON

COUNTY OF KNY

DATE:

On this 12th day of January, 2005, before me, the undersigned notary public, personally appeared William Wesselhoeft, Trustee of the William Wesselhoeft Trust proved to me through satisfactory evidence of identification, which was William Wesselhoeft to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.


NOTARY PUBLIC
My Commission Expires: 3.29.05
ERMANO S. BASA

BARNSTABLE REGISTRY OF DEEDS

TOWN OF BARNSTABLE SUBDIVISION RULES AND REGULATIONS
FORM F COVENANT
KNOW ALL MEN BY THESE PRESENTS

WHEREAS David Bush-Brown of Barnstable, MA is the heir of decedent Frances Bush-Brown who joined in submission of an application to the Planning Board of the Town of Barnstable for the approval of Definitive Plans and Profiles dated 4/11/2005, revised 11/8/2005 prepared by Down Cape Engineering, Inc. ^{last revised 2/6/2006} Yarmouthport, MA, land located off Offshoot Road into four lots entitled "Modification of No. 658 & no. 362, Definitive Plan Subdivision of Land in Barnstable, MA, prepared for Four Acre Realty Trust."

WHEREAS The Planning Board and the Applicant have entered into a Development Agreement of same date, this Covenant is attached hereto and made a part thereof the Development Agreement, to secure the performance thereof.

NOW THEREFORE IN CONSIDERATION that said Planning Board of the Town of Barnstable waive the requirements for security as provided in Section 81 U of Chapter 41 of the General Laws of Massachusetts (Ter. Ed.) as amended and for other good and valuable consideration WE hereby COVENANT WITH THE INHABITANTS OF THE TOWN OF BARNSTABLE as follows:

1. I am an owner of record of Lots 10, 11 & 12 shown on said plan.
2. I will not convey any lot or erect or place on any lot any building foundation or permanent building until the work on the ground necessary to adequately serve such lot has been completed in the manner specified in the Development Agreement of same date; PROVIDED further, however, the Board may release a lot or lots upon the furnishing of sufficient security as required and approved pursuant to the provisions of Chapter 41, Section 81 U, of the Massachusetts General Laws.
3. I agree to record this Covenant as a part thereof the Development Agreement, with the Barnstable County Registry of Deeds, and to forward recorded copies of the Development Agreement and Covenant to the office of the Planning Board within thirty (30) days of the Planning Board's endorsement of approval of the Subdivision plan, or the approval of the Subdivision Plan shall be null and void.
4. This Covenant shall be and is binding upon our heirs, executors, administrators, grantee or successors in interest and our grantee or successors in title, it being the express intention and understanding and agreement that this Covenant shall constitute a covenant running with the land.
5. Nothing herein shall be deemed to prohibit a conveyance subject to this Covenant and the Development Agreement by a single deed of the entire parcel of land shown on said subdivision plan.
6. This Covenant shall take effect upon approval of said plan by the Planning Board of the said Town of Barnstable.

For title to the property shown as lots 10 & 12 on the subject Modification Plan, see Will of Frances Wesselhoeft Bush-Brown in Barnstable County Probate No. 05P1723-EP-1, and for title to the property shown as lot 11 on the subject Modification Plan, see deed from Francis Bush-Brown, dated 5/6/05, recorded in the Barnstable Registry of Deeds, Book 19798, Page 73, and or registered in the Land Court as Document No. _____ and noted on the certificate of title no. _____, in Registration Book _____ Page _____. The present holder of the mortgage upon the property is N/A (name) of _____ (address). The mortgage is dated ____ and recorded in the Barnstable Registry of Deeds, Book _____, Page _____, and noted on certificate of title no. _____, in _____

PLAN BOOK 617 Pg 42
Development Agreement BK 22011 Pg 286

Registration Book _____, Page _____, or registered in the Land Registry as Document no. _____, and noted on the certificate of title no. _____, in Registration Book _____, Page _____.

(signature) _____ (print name),

spouse of the undersigned applicant hereby agrees that such interest as I, we may have in the premises shall be subject to the provisions of this covenant and insofar as is necessary releases all rights of tenancy by dower or homestead and other interests therein.

I (we) hereby agree to construct the ways and install the utilities in the foregoing subdivision in accordance with all the terms of the Development Agreement of the same date.

In witness whereof we have hereunto set our hands and seals this _____(day) and _____(month) 2007.

~~Owners~~

Acceptance by a majority of Planning Board


Owners David F. Bush-Brown

~~Lepide Gymbel~~

Martha Bush-Brown, Risom

Frances Bush-Brown Thompson
Sources of records
Frances Bush-Brown Thompson

SOURCES OF FUNDING

Frances Bush-Brown Thompson

 David F. Bush-Brown, Trustee
 of Offshoot Road Nominee Trust

Lesley G. Kimber, Trustee of Offshoot Road Nominee Trust
[Planning Board]

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

BARNSTABLE, SS MA 422, 2007
Then personally appeared before me the above named Steve Shuman (print name) and acknowledged the foregoing instrument to be the free act and deed of said Planning Board for the Town of Barnstable, MA.

Barnstable, MA. Patricia S. Mackey Notary Public My commission expires: 12-4-2009



[APPLICANT]

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

Ma / 9, 2007

Then personally appeared before me the above named David Bush-Brown (print name) acknowledged the foregoing instrument to be his/ her/ its free act and deed.

[Signature]

Notary Public My commission expires: 12/18/2009



(SPOUSE)

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

_____, 2007

Then personally appeared before me the above named _____ (print name) and acknowledged the foregoing instrument to be his/ her/ its free act and deed.

Notary Public My commission expires:

OPTIONAL PARAGRAPHS TO BE INCLUDED AT THE DISCRETION OF THE PLANNING BOARD

There are not mortgages of record, or otherwise, on any of the land in the aforesaid subdivision except as described below and the present holders of said mortgages have assented to this covenant prior to its execution by the undersigned.

This covenant shall constitute a mortgage on the land affected which may be foreclosed upon by the Planning Board in the event that the principal obligation is not performed.

The mortgagee agrees to hold the mortgage subject to the covenants set forth above and agrees that the covenants shall have the same force and effect as though executed and recorded before the taking of the mortgage and further agrees that the mortgage shall be subordinate to the above Covenant.

COMMONWEALTH OF MASSACHUSETTS

STATE OF NEW YORK
COUNTY OF NASSAU ss.

Barnstable, ss.

On this 16th day of MAY, 2007, before me, the undersigned notary public, personally appeared Leslie Gimbel, proved to me through satisfactory evidence of identification, which was NY DRIVERS LICENSE, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Robert N. Tabor
Notary Public, State Of New York
No. 01TA4738380
Qualified In Nassau County
Commission Expires March 30, 2 011

Robert N. Tabor
Notary Public
My Commission Expires 3/30/2011

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 11 day of MAY, 2007, before me, the undersigned notary public, personally appeared Martha Bush-Brown Risom, proved to me through satisfactory evidence of identification, which was CT LICENSE, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Lukianna Cwiach
Notary Public
My Commission Expires

LUKIANNA CWIACH
NOTARY PUBLIC
MY COMMISSION EXPIRES 11/30/10

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 11 day of MAY, 2007, before me, the undersigned notary public, personally appeared Frances Bush-Brown Thompson, proved to me through satisfactory evidence of identification, which was CT LICENSE, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Lukianna Cwiach
Notary Public
My Commission Expires

LUKIANNA CWIACH
NOTARY PUBLIC
MY COMMISSION EXPIRES 11/30/10

BARNSTABLE REGISTRY OF DEEDS

TOWN OF BARNSTABLE PLANNING BOARD

FORM G

RELEASE OF LOTS UNDER COVENANT

Barnstable, Massachusetts: date June 30 2016

The undersigned, being an authorized agent of the Planning Board of Barnstable, Massachusetts, hereby certifies that the following lot owned by Beach Point LLC, securing the covenant dated May 23, 2007, and recorded in Barnstable District Deeds, Book 22046, Page 323, (or registered on Certificate of Title No. _____, Document# _____), and shown on a plan entitled "Modification of No. 658 & 362 Definitive Plan Subdivision of Land in Barnstable, MA, prepared for Four Acre Realty Trust" and recorded with said Deeds, Plan Book 617, Page 42, (or registered in said Land Registry District, L. C. # _____), are hereby released from the restrictions as to sale and building specified in said Covenant. Said lots are designated on said plan as follows: Lot 10.

SUBDIVISION# 801 - 137 Maushop Ave

Authorized Agent, Planning Board of the
Town of Barnstable


Stephen Helman, Planning Board Chair

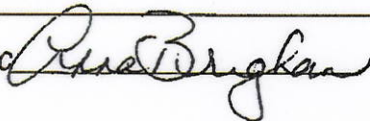
COMMONWEALTH OF MASSACHUSETTS

Barnstable, Massachusetts, ss

June 30 2016

Then personally appeared Stephen Helman an authorized agent of the Planning Board of the Town of Barnstable, Massachusetts and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me.

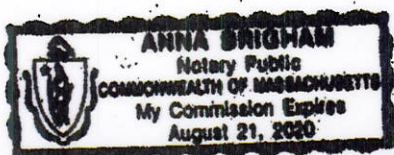
NOTARY PUBLIC



My commission expires: Aug 21 2020

After recording, return to:

Town of Barnstable Planning Board
200 Main Street
Hyannis, MA 02601



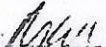
BARNSTABLE REGISTRY OF DEEDS
John F. Meade, Register




We, the undersigned, hereby assent to the modification of the subdivision recorded at Plan Book 411, Page 55, as modified at Plan Book 617, Page 12, proposed by Beach Point, LLC, which namely will eliminate the southern arm of Offshoot Road/Maushop Avenue adjacent to Lot 12 and referred to as "Phase 2."

Owners


137 Maushop Ave. - Beachwood Design Group, LLC

By 
Brian Burke, Manager


138 Maushop Ave. - Barnstable Land Trust


(Print Name)

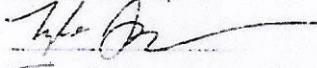
140 Maushop Ave. - Bone and Parents


Roger K. Bone
(Print Name)

141 Maushop - Mueller

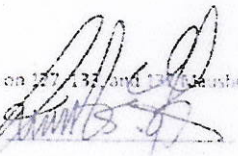

CHARLES MUELLER
(Print Name)

142 Maushop ~~SPRING~~ SPRING


Tyler Spring
(Print Name)

Mortgagee

Needham Bank on 127, 132, and 137 Maushop Ave


Kenneth S. Fishman
(Print Name)

slopez@downcape.com

From: Daniel A. Ojala PE, PLS <downcape@downcape.com>
Sent: Tuesday, November 22, 2016 8:12 AM
To: slopez@downcape.com
Subject: FW: road recission maushop

From: Brian Burbic [mailto:bburbiccustom@comcast.net]
Sent: Monday, November 21, 2016 6:46 PM
To: downcape@downcape.com
Subject: Fwd: road recission maushop

Begin forwarded message:

From: Jaci Barton <jaci@blt.org>
Date: November 18, 2016 at 7:44:41 PM EST
To: Brian Burbic <bburbiccustom@comcast.net>, "revereiini@aol.com" <revereiini@aol.com>, Pamela Danforth <Pamela@blt.org>
Subject: RE: road recission maushop

Brian and Paul,

I will be out of the office next week but will take a look at your request when I return...Let's talk on Wednesday November 30th... My cell # is 508-776-4302; office is 508 771 2585.

Regards,

Jaci

From: Brian Burbic [mailto:bburbiccustom@comcast.net]
Sent: Friday, November 18, 2016 1:39 PM
To: Pamela Danforth <Pamela@blt.org>; Jaci Barton <jaci@blt.org>
Subject: Fwd: road recission maushop

Thank you for reviewing this. Brian

Begin forwarded message:

From: revereiini@aol.com
Date: November 18, 2016 at 12:11:06 PM EST
To: info@blt.org, bburbiccustom@comcast.net
Subject: Fwd: road recission maushop

Pamela and Jaci:

I hope that you are well.

I have been helping Brian with this matter and advised him that it is in his best interest to have the BLT's approval to rescind a portion of the roadway as the BLT owns a lot in the subdivision.

The subdivision area is the far northeastern portion of the Bush-Brown parcel in Barnstable Village. In the 1980s, the Bush-Brown's filed a plan with a connector road which essentially connected Maushop Ave. to Old Jail Lane. Maushop Ave follows an east/west course. The Bush-Brown road discussed above intersected at the westerly end of Maushop in a "T" configuration. The northerly side of the "T" goes to three lots developed by Howard Wollard between 2005 and 2010, and an additional "unbuildable" lot which he donated to the BLT. The southerly side of the "T" was the connection to Old Jail Lane. Following Mr. Wollard's development, Anne Canedy began a push to ensure that the Bush-Brown lands near the Barnstable Fire District wells were preserved. Ultimately, the Fire District purchased a portion of the Bush-Brown land and an "open space" subdivision was approved on the remainder.

On the basis of the foregoing, the southerly portion of the "T" which historically would serve as a connector to Old Jail Lane was never constructed, nor will ever be constructed.

Brian Burbic would like to buy the lot adjacent to this roadway, but, unless, he has a portion of the roadway rescinded, he will be required to build a 20 foot wide road for over 150 feet to "nowhere" as the lot which it is adjacent to already reaches the existing Woollard constructed road at Maushop Ave.

As a technical matter, the BLT may have some "easement" rights in the road as they own a lot in the subdivision. However, the matter is not wholly clear as that roadway is not necessary to access the BLT lot. As such, I have suggested that Brian obtain the BLT (and the other neighbors') consent, rather, than waste time on esoteric issues of rights in a road to nowhere.

In summary, Brian is asking that the road be rescinded to avoid the necessity of building a road that serves no purpose.

Paul Revere, III

-----Original Message-----

From: Brian Burbic <bburbiccustom@comcast.net>

To: info <info@blt.org>

Cc: Daniel <downcape@downcape.com>; revererii <revererii@aol.com>; Andrew Maher <a.maher13@icloud.com>; Andrew Maher <amaher@anchorlinepartners.com>

Sent: Fri, Nov 18, 2016 10:24 am

Subject: road recission maushop

Hello my name Brian Burbic. I purchased 137 Maushop Avenue. I am in the process of granting a driveway easement to the neighboring property at 133. The reason I am doing this is because a road was supposed to be constructed to service 127 and 133 Maushop Avenue. After discussions with the homeowners in my development (127,133,137,140,141,142) we have decided that we would like to collapse the additional road construction to service 127 and 133. Instead 127 would be serviced from a driveway from the existing completed roadway. The former owner of property had this road designed with the ultimate goal of accessing

several acreage for development and create a cut thru. This was rejected and we all feel that it should not be constructed. It would also be an additional hardship for the neighbors at the lower end of the street as road construction would go on for several months. Down Cape Engineering has filed for the road rescission. We would like your approval and a portion of land in this development was previously donated to the Barnstable Land Trust from Howard Woollard. Your signature would help us with the planning board as the Barnstable Land Trust owns a piece of land in the development. Thank you and please contact me @ (508) 325-2252 to set up a time to review. thank you for your time. Brian Burbic

SUBDIVISION REGULATIONS

TOWN OF BARNSTABLE SUBDIVISION RULES AND REGULATIONS

FORM D

APPLICATION FOR MODIFICATION OR RESCISSION OF DEFINITIVE PLAN

Date: 12 / 12 / 2016

Subdivision #: 674

To the Planning Board in the Town of Barnstable:

The undersigned authorized applicant(s) or owner(s) of all the land shown on the accompanying approved Definitive Subdivision plan located and described as follows:

Plan # 674 Title: Subdivision Plan Land in Barnstable, Massachusetts prepared for Kenneth Grady
(PB 437 PG 18)

Plan Date: June / 10 / 1987

Date of Planning Board Approval: July / 13 / 1987

Assessor's Map and Parcel Number(s): 134-023-001, 2, 3
Zoning: RF Area: 2 ac. Number of Lots: 3

Drawn By: Nickerson & Berger, Inc.

hereby submits this Application for a Modification or Rescission ☒ of an Approved Definitive Subdivision Plan.

Map 111-30's

The Modification is described as follows: Plan of Land in West Barnstable MA prepared for John Mamlock / Jeffrey Ward dated Dec 12, 2016. The plan rescinds Label Lane as shown on PB 437 PG 18 and combines the road area and lots with adjoining land also owned by John Mamlock and Jeffrey Ward et. ux. leaving only 2 lots. Existing Covenants requested to be released after rescission complete.

If a proposed Modification will result in changes to the Definitive Plan, the plan submission requirements for a Definitive Plan shall be followed and a Form C Checklist must also be completed and attached. - Waiver requested from all submittals if req.
List all lots which have been conveyed: N/A NO ROAD CONSTRUCTION
1, 2, 3, all lots + roadway owned by current owners.

* Attach a list of lot owners and their addresses.

** Attach a list of all abutters and their addresses as they appear on the most recent tax list.

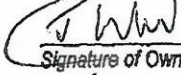
List all mortgage holders of the land by lot:

NONE ON SUBDIV. # 674

BARNSTABLE CODE

Permission of the owners affected by any change to the subdivision plan and of the mortgage holders must be obtained.

To the best of my knowledge the information submitted herewith is complete and accurate.

 _____ () _____
Signature of Owner Address Telephone

JEFFREY WARD
Print Name of Owner

 _____ () _____
Signature of Owner Address Telephone

PATRICIA S WARD
Print Name of Owner

SAME _____ () _____
Signature of Authorized Applicant Address Telephone

Print Name of Applicant

Applicant's Authorization: _____

Received by Town Clerk:

Date: ____/____/____ Time: _____ Fee: _____

Signature: _____

Please make check payable to the Town of Barnstable.

____ Notification to the Town Clerk, date: ____/____/____

____ Submitted to the Board of Health, date: ____/____/____

BARNSTABLE CODE

Permission of the owners affected by any change to the subdivision plan and of the mortgage holders must be obtained.

To the best of my knowledge the information submitted herewith is complete and accurate.

Signature of Owner _____ Address _____

(508) 362-7042
Telephone

Lauren MATHLOCK 200 HIGH ST WEST BARNSTABLE, MA 02668
Print Name of Owner

Signature of Owner: Lozano Address: 200 High St. W. Barnstable Telephone: (508) 362-7041

John MARLOCK
Print Name of Owner

SAME

Signature of Authorized Applicant Address Telephone

Print Name of Applicant

Applicant's Authorization: _____

Received by Town Clerk:

Date: / / Time: Fee:

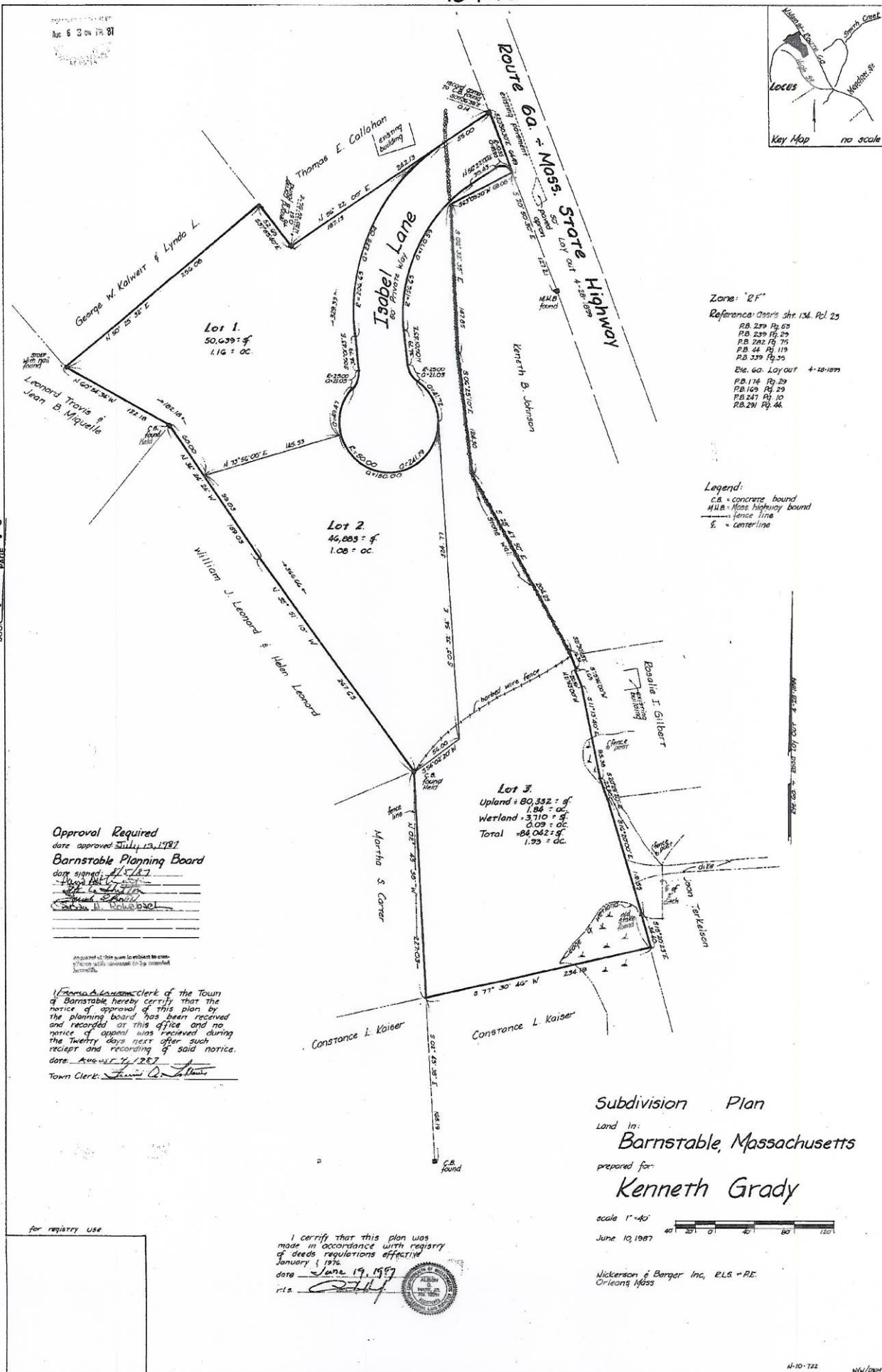
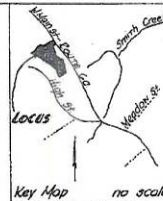
Signature: _____

Please make check payable to the Town of Barnstable.

____ Notification to the Town Clerk, date: ____/____/____

Submitted to the Board of Health, date: ____/____/____

Map 5 3 04 18 87





Town of Barnstable GROWTH MANAGEMENT DEPARTMENT



Proposed Regulatory Agreement – Dockside Residences

Applicant & Property Owner: Shoestring Properties, LLC
Property Address: 110 School Street & 53 South Street, Hyannis
Assessor's Map/Parcel: 326/121 & 326/125
Zoning: HD Harbor District
Property Area: 1.32 acres (two lots)
Utilities: Public water & sewer

Current Use & Development

- 53 South Street: undeveloped/informal parking
- 110 School Street: 7,176 sq.ft, two-story restaurant – “The Dockside”
 - Second structure on the School Street property now demolished
- Adjoining land uses are Steamship Authority terminal, private marina, single-family residential

General Description of Proposed Development at Application

- Demolition of all buildings and site features and complete redevelopment of property. Proposed construction of:
 - Multi-family residential development: 33 units in 9 buildings on two lots
 - 18 units in west building / 15 units in east building
 - 2 1-bedroom units, 15 2-bedroom units, 16 3-bedroom units
 - 61 parking spaces, plus drop-off/delivery area
 - 50 parking spaces located in underground garages; 11 spaces off of School street
 - 56 spaces required by ordinance @ ratio of 1.5/unit + visitor spaces
- Site amenities including “fountain area”, outdoor swimming pool with pool deck; courtyard area; media rooms
- Construction of modular block retaining wall along the western and southern property lines
- Upgraded public utilities; private stormwater management; new sidewalks on School Street

Waivers Requested

From the Zoning Ordinance:

- Section 240-24.1.7(B)(2) – Harbor District Special Permit for multi-family residential totaling not more than seven units per acres: to allow thirty-three condominium units on ±1.32 acres, a density of 25 units/acre.
- Section 240-24.1.7(C): Bulk & Dimensional Regulations:
 - Minimum 20' Front Yard Setback: to allow a front yard setback of 13.9 feet on the property at 53 South St and 10.2 feet at 110 School Street.
 - Minimum 10' side yard setback: to allow a side yard setback of 9.58' at 110 School Street.
 - Minimum 10' Rear Yard Setback: to allow for a rear yard setback of 9.8 at 110 School Street
 - Maximum 35' Building Height: to allow a maximum building height of 57.4 feet at 53 South Street and 54.8 feet at 110 School Street
 - Maximum 2.5 stories: to allow maximum of five stories on both properties.
- Section 240-53 Landscape Requirements for parking lots – To allow zero setback for street level parking and to all street trees to be distributed throughout the site.

From the Code of the Town of Barnstable:

- Chapter 9, Article I – Inclusionary Affordable Housing Requirements, Section 9-4(D) requiring 10% of the residential units to be deed restricted affordable units: Applicant is requesting this to be waived.
- Chapter 112, Article III – Section 112-29 & Chapter 241, Article III – Section 241-48 Hyannis Main Street Waterfront Historic District Commission requirement for a Certificate of Appropriateness: Applicant is requesting this to be waived.

Other Reviews & Approvals

- **Site Plan Review:** The proposed redevelopment was reviewed by the Site Plan Review Committee (Building, Department of Public Works, Hyannis Fire District, etc.) pursuant to Article IX of the Zoning Ordinance. The Committee approved the project, as evidenced by a letter dated March 9, 2016.
- **Hyannis Main Street Waterfront Historic District Commission:** The Hyannis Historic Commission approved a Certificate of Demolition for the Dockside Restaurant and the second structure on the site, which has now been demolished. A Certificate of Appropriateness for the proposed multi-family structures was withdrawn by the applicant.
- **Conservation Commission:** For 53 South Street, a Request for Determination was filed and considered by the Commission on November 29th. The Commission noted only a small portion of the project falls within the 100 foot buffer to a coastal bank and did not require the Applicant to file a Notice of Intent. For 110 School Street, a Notice of Intent was considered; the Commission approved the project with special conditions including: 1) final approval of the landscape/planting plan by the Conservation Director; 2) additional review of drainage calculations; and 3) submission of a work protocol prior to start of construction. An Order of Conditions is pending, contingent on compliance with the above-stated conditions.
- **Jurisdictional Determination:** On November 16, 2016, the Building Commissioner submitted a Jurisdictional Determination to the Cape Cod Commission, finding that the proposed request is not a Development of Regional Impact, as it is located in the Hyannis Growth Incentive Zone and does not meet or exceed any other DRI Threshold established by the April 6, 2006 Downtown Hyannis GIZ Decision.

Procedural Information

- Notice of the proposed regulatory agreement and public hearing was provided in the Barnstable Patriot, to abutting property owners, and to interested parties as required by §168-8(D).
- An affirmative majority vote of the Planning Board recommending execution of the Regulatory Agreement is required.
- Upon an affirmative recommendation from the Planning Board, a two-thirds affirmative vote of the Town Council is needed to authorize the Town Manager to execute the regulatory agreement.



Town of Barnstable Planning Board

Application for a Regulatory Agreement Hyannis Village Zoning Districts

All applications for a Regulatory Agreement must be reviewed by the Director of the Growth Management Department prior to submission.

All applications must include a Jurisdictional Determination Form signed by the Building Commissioner. The Jurisdictional Determination affirms that the project is within the Hyannis Growth Incentive Zone development allowance and does not require the Cape Cod Commission as a party to the agreement. That determination allows the applicant to proceed with the filing of this two-party Regulatory Agreement application (between the Town of Barnstable and the applicant). This includes a determination that the project will not require review under MEPA.

The applicant shall additionally provide:

- Three (3) completed Application for a Regulatory Agreement forms along with all required information, supporting materials, and including a proposed draft Regulatory Agreement at the time the application is made. All materials should be on letter size (8½ x 11 inch) paper and copies of all full-size plans shall be reduced and provided on 11 x 17 inch paper.
- Three (3) copies of all full size plans shall be provided with the application along with electronic "pdf" copies of all plans. An electronic file of the site plans is also required.¹

All materials submitted are transmitted to the Planning Board members one week prior to the meeting. Any material submitted after the transmittal to the members requires twelve (12) copies to be submitted.

Completed applications must be submitted to the Town Clerk's Office to be time and date stamped. One (1) application shall remain with the Clerk's Office, and the remaining two (2) copies shall immediately be filed with the Planning Board, Growth Management Department, 200 Main Street, Hyannis, along with all required materials and all filing and required fees. It is recommended that all applications be reviewed by the Growth Management Department prior to clocking at the Town Clerk's Office to ensure a complete application.

The filing fee schedule for Hyannis Village Zoning District Application for a Regulatory Agreement is as follows:

¹ All "pdf" and electronic plan files (format AutoCad.dwg, AutoCad.dxf) may be submitted by disks or e-mailed to Karen.Herrand@town.barnstable.ma.us.

Regulatory Agreements Limited Waiver Request	\$1500
Regulatory Agreements Minor Project Review up to 10,000 SF	\$2500 + \$50/residential unit + \$50/ each additional 10,000 SF
Regulatory Agreements Major Project Review	\$5000 + \$50/residential unit + \$50/ each additional 10,000 SF

In addition to the application filing fee, you will receive an invoice from the Barnstable Patriot for your legal notices. The first is Notice of the Hearing and a second is Notice of the Regulatory Agreement. Each notice is published twice. A deposit check made payable to the Barnstable Patriot to assure the invoice will be paid is required at the time the application is made.² Deposit checks shall be returned to the applicant upon payment of the invoices.

The applicant is required to provide postage to cover the mailing of the Notices of the Hearing and Notices of the Regulatory Agreement to abutters to the property.³

The applicant shall also be responsible for the cost to record the Regulatory Agreement with the Registry of Deeds.

After the application is received, abutters will be notified by mail of the date and time of the public hearing and the Notice of the Hearing published in the paper twice as prescribed by law. Please note that this process takes 4 weeks to complete before the public hearing can be opened by the Planning Board.

At the public hearing the applicant will be expected to present the proposed development to the Board and public, summarize what waivers and/or regulations relief are being requested. The Planning Board shall act to guide the negotiation of the elements of the regulatory agreement and participation may include other municipal boards, departments and commissions as necessary. The hearing is not to exceed 60 days unless extended by mutual agreement.

At the culmination of the hearing the Planning Board will vote whether to approve the application and regulatory agreement. If so affirmed by a majority vote of the Board, the application and agreement will be forwarded to the Town Council for review and approval.

A simple majority vote of the Town Council is needed to approve a regulatory agreement, unless certain types of zoning relief are sought (i.e. height, use) in which case a two-thirds (2/3) majority vote of the Town Council is needed. The Town Council may hold a public hearing on the application if a simple majority vote is needed. The Town Council will hold a public hearing on the application if a waiver from zoning is sought.

Within seven (7) days of Town Council approval, the Town Manager will sign the agreement and forward it to the applicant, via certified mail. The applicant must return the signed agreement within twenty-one (21) days of the date of the Town Manager's certified mailing. The Town Manager will file the fully executed Regulatory Agreement with the Registry of Deeds and copies of that recorded agreement will be sent to; the Town Clerk; The Clerk for the Cape Cod Commission and to the Planning Board. Thereafter the Planning Board will cause to be published a Notice of the Regulatory Agreement and notice to abutters. The applicant will then receive the second invoice from the Barnstable Patriot.

² The amount of the Deposit Check is based upon the length of the legal notice. The amount shall be determined at the time the application is made.

³ At the time of filing the application, staff will determine the number of abutters and the required number of stamps. First Class Postage is required for mailing of the public Notice of the Hearing ("forever" stamps) and Postcard Postage is required for Notice of the Regulatory Agreement (\$0.33 stamps).



Town of Barnstable Planning Board

Application for a Regulatory Agreement

(Attach additional sheets if necessary)

A regulatory agreement is a contract between the applicant and the Town of Barnstable, under which the applicant may agree to contribute public capital facilities to serve the proposed development and the municipality or both, to build fair affordable housing, to dedicate or reserve land for open-space community facilities or recreational use, or to contribute funds for any of these purposes. The regulatory agreement shall establish the permitted uses, densities, and traffic within the development, the duration of the agreement, and any other terms or conditions mutually agreed upon between the applicant and the Town. A regulatory agreement shall vest land use development rights in the property for the duration of the agreement, and such rights shall not be subject to subsequent changes in local development ordinances.

For office use only: RA # _____

The undersigned hereby applies to the Planning Board of the Town of Barnstable for a Regulatory Agreement, in the manner and for the reasons set forth below:

1. Applicant Name⁴: Shoestring Properties, LLC Phone: 508-775-9316

Applicant Address: 297 North Street, Hyannis, MA 02601

Applicant Email Address: tbusby@hollymanagement.com

2. Project Name: Dockside Residences

Property Location: 110 School Street and 53 South Street, Hyannis, MA

If applicant differs from owner, state nature of interest:⁵ _____

3. Owner(s) of Record. Provide the following information for all involved parcels (attach additional sheets if necessary):

Map/Parcel	Owners Name	Land Ct. Certif. of Title #	Lot & Plan	Registry of Deeds Book/Page #	# Years Owned
326/121 & 326/125	Shoestring Properties, LLC		Pl.Bk. 642, Pg. 74	10473/204	20
			(West and North Parcels)		

⁴ The Applicant Name will be the entity in whose name the Regulatory Agreement will be executed.

⁵ If the applicant differs from owner, the applicant is required to submit one original notarized letter authorizing the application, a copy of an executed purchase & sales agreement or lease, or other documents to prove standing and interest in the property.

Owners Contact information (if different from applicant)

Name _____ Address _____ Phone number _____ Email _____

4. List all Zoning District(s) within which the property is located: Harbor District (HD); Hyannis Growth Incentive Zone (GIZ);

5. Is this project located within the Groundwater Protection Overlay District? Yes [] No [X]

6. Is this project located within the Hyannis Main Street Waterfront Historic District? Yes [X] No []

7. Does this project involve the demolition or alteration of a building or structure, or any portion of any building or structure, that is over 75 years old? Yes [] No [X]

8. Is this proposal subject to the jurisdiction of the Conservation Commission? Yes [X] No []

9. Is this proposal subject to the jurisdiction of the Board of Health? Yes [X] No []

10. Is the Cape Cod Commission a party to the proposed Regulatory Agreement? Yes [] No [X]

11. Total land area subject to the Regulatory Agreement: 1.32± acres

Total land area upland: 1.32± acres Total land area wetland: N/A

12. Total estimated cost of construction: \$26,000,000.00

13. Existing Development – Describe existing buildings including number of buildings, Gross Floor Area of each building, height of each building and uses in each building (include Gross Floor Area of each use): One building; the building is a 2 story commercial building used as a restaurant, having a Gross Area of 6,636 square feet.

14. Existing Residential Uses: Provide existing density (units per acre), number of total residential units, number of market rate units, number of affordable units counted in the Town's DHCD inventory, and number of workforce units deed restricted, together with the number of bedrooms contained in each unit (also identified by market, affordable and workforce), and a description of which building said units are located (if more than one residential building exists on site):

N/A

15. General Description of proposed agreement:

The Applicant proposes to build a multi-family residential condominium complex consisting of thirty-three market rate units.

Proposed Level of Development - Number of Buildings: 9 (Note: For Fire Department purposes the total number of buildings is two since there are only two foundations)

Proposed Use(s): Residential Condominiums

Height of Proposed Uses: 110 School Street (East Parcel) – 54.8± feet; and 53 South Street (West Parcel) - 57.4± feet

Density of Proposed Uses: 25 Units Per Acre – East – 20 Units Per Acre West – 32 Units Per Acre

16. List all zoning relief sought under the regulatory agreement, including a reference to each section of the zoning ordinance under which the applicant seeks relief. (Note: This information will form the basis of the legal advertisement for public hearings on this application and should include all relief that may be required to construct the project. Failure to list all required relief may result in an inability to approve the application and may result in the need to re-advertise the public hearing(s) on the application.):

Section 240-24.2.7 HD Harbor District B. Special Permits (2) Multi-family residential development totaling not more than seven units per acre. Waive to allow thirty three condominium units on 1.32 ± acres, a density of 25 Units per acre; Section 240-24.1.7 C. Dimensional, bulk and other requirements: Minimum Front Yard Setback of 20 feet - waive to allow a Front Yard Setback of 13.9± feet on the property located at 53 South Street and 10.2± feet on the property located at 110 School Street. Minimum Side Yard Setback of 10 feet - waive to allow a Side Yard Setback of 9.8± feet on the property located at 110 School Street. Minimum Rear Yard Setback of 10 feet - waive to allow a Rear Yard Setback of 9.8± feet on the property located at 110 School Street. Maximum Building Height of 35 feet - waive to allow a Maximum Building Height of 57.4± feet on the property located at 53 South Street and 54.8± feet on the property located at 110 School Street. Maximum Building Height Stories of 2.5 stories - waive to allow Maximum Building Height Stories of five (5) stories on both the property located at 53 South Street and the property located at 110 School Street.

Section 240-53 Landscape Requirements for parking lots – Waive to allow zero setback for street level parking. Section 240-53 Landscape Requirements for parking lots –waive the requirement of one street tree with a minimum caliper of three inches be provided per 30 feet of road frontage distributed throughout the front yard setback area to allow for the planting of 15 Bloodgood London Plane Trees and 10 Chanticleer Pear Trees per the Landscape Plan prepared by Hawk Design. Any other relief deemed necessary to allow for the approval of the proposed project.

17. List all relief sought from general ordinances, rules and/or regulations of the Town of Barnstable, including a reference to each section under which the applicant seeks relief (Note: This information may form the basis of the legal advertisement for public hearings on this application and should include all relief that may be required to construct the project. Failure to list all required relief may result in an inability to approve the application and may result in the need to re-advertise the public hearing(s) on the application.).

Chapter 9, Article I Inclusionary Affordable Housing Requirements -- Section 9-4-D requiring at least 10% of the residential units constructed shall be dedicated by deed restriction to affordable housing units. Applicant is requesting this to be waived.

Chapter 9, Article III -- Section 241-42 Hyannis Main Street Waterfront Historic District Commission requirement for a Certificate of Appropriateness -- Applicant is requesting this to be waived.

Any other relief deemed necessary to allow for approval of the proposed project

18. List the state and/or Federal Agencies from which permits, funding, or other actions have been/will be sought:

Barnstable Planning Board; Barnstable Town Council; Barnstable Building Department; Barnstable Department of Public Works; Hyannis Water Company; Hyannis Fire Department; and Barnstable Conservation Commission.

19. Proposed duration of the Regulatory Agreement (Note: By law, the agreement cannot exceed 10 years. The duration of the agreement limits the amount of time during which the applicant may seek to obtain development permits to construct the development. All conditions and terms of an executed agreement are on-going obligations of the parties that shall be honored in perpetuity once the applicant exercises development rights under the Regulatory Agreement):

Ten (10) years.

20. A description of the public facilities and infrastructure to service the development, including whom shall provide such facilities and infrastructure, the date any new facilities will be constructed, a schedule and a commitment by the party providing such facilities and infrastructure to ensure public facilities adequate to serve the development are available concurrent with the impacts of the development:

The necessary utilities and infrastructure will be installed within the project area to service the proposed project.

The Public utilities include public water service and a new fire hydrant to be located at the frontage of the project; public sanitary sewer; natural gas and electric service. Private storm drainage system and storm water management facilities will also be installed within the project limits. The public utilities noted (water, sanitary sewer, gas and electric) exist along the project road frontage. The project proposes to tie into these existing utilities and adequate capacity for the proposed development is available. A new water main will be provided. New sidewalks along both sides of School Street will be built. All proposed work will be provided and installed by the project owner/developer. The timing of the work will be based on final project approvals. The owner would like to commence work in the Spring of 2017. If this is the case it would be anticipated the utility and infrastructure work would be completed by the Fall of 2017.

21. A description of any reservation or dedication of land for public purposes:

None.

22. Description of Construction Activity (if applicable), including any demolition, alteration or rehabilitation of existing buildings and a description of building(s) to be demolished, altered or rehabilitated:
The Developer proposes to remove the existing restaurant, parking lot, retaining walls, vacant building, foundation remnants, and subsurface drainage and construct thirty three (33) condominium units in nine (9) buildings. The units will consist of a mixture of 1, 2, and 3 bedroom units. Parking for each condominium unit will be located in underground garages beneath the condominium units. Some guest parking will be available in the underground garages and additional guest parking will be provided at street level. Also to be constructed is a fountain area abutting South Street; two (2) trash sheds; a swimming pool with pool deck; and a courtyard area. Sidewalks running from South Street along each side of School Street to the end of the property are to be constructed and the area containing the sidewalks is to be deeded to the Town or an easement to use and maintain the sidewalks will be granted to the Town so that the sidewalks can be dedicated to public use.

Attach additional sheet if necessary

Submission Requirements:

The following information must be submitted with the application at the time of filing, failure to do so may result in a denial of your request.

Plan Submissions: All plans submitted with an application shall comply with the requirements of Section 240-102 of the Zoning Ordinance. In addition, the following shall be provided:

- Three (3) copies of the completed application form, each with original signatures.
- Three (3) copies of a 'wet sealed' certified property survey (plot plan) and three (3) reduced copies (8 1/2" x 11" or 11" x 17") showing the dimensions of the land, all wetlands, water bodies, surrounding roadways and the location of the existing improvements on the land.
- Four (4) copies of a proposed site improvement plan and building elevations and layout as may be required plus three (3) reduced copies (8 1/2" x 11" or 11" x 17") of each drawing. These plans must show the exact location of all proposed improvements and alterations on the land and to the structures.

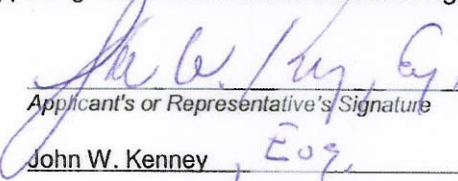
In addition, "pdf" electronic copies of all plans and materials are requested as well as all an electronic file of all plans (format AutoCad.dwg, AutoCad.dxf). Electronic and pdf's can be submitted by disk or e-mailed to karen.herrand@town.barnstable.ma.us.

Other required submissions:

- Review Fee(s) payable by certified check to the Town of Barnstable.
- Deed(s) or Purchase and Sale Agreement(s) for all involved parcels.
- Proof of filing of a Project Notification Form with the Massachusetts Historical Commission if the project is located outside of the Hyannis Main Street Waterfront Historic District.

Other: The applicant may submit additional supporting documents to assist the Board in making its determination. All supporting documents must be submitted eight days prior to the public hearing for distribution to the Board.

Signature:


Applicant's or Representative's Signature

Date: 12/1/16

Print Name

John W. Kenney

Representative's⁶
Address:

1550 Falmouth Road, Suite 12

Phone: 508-771-9300

Centerville, MA 02632

Fax No.: 508-775-6029

Representative's
E-Mail Address:

john@jwkesq.com

⁶ Note: All correspondence on this application will be processed through the Representative named at that address and phone number provided. Except for Attorneys, if the Representative differs from the Applicant/Owner, a letter authorizing the Representative to act on behalf of the Applicant/Owner shall be required.

REGULATORY AGREEMENT
110 School Street and 53 South Street, HYANNIS

This regulatory agreement ("Agreement") is entered by and between the developer, Shoestring Properties, LLC, ("Developer") and the Town of Barnstable ("Town"), a municipal corporation, on this ____ day of _____, 2016 pursuant to Section 240-24.1 of the Barnstable Zoning Ordinance and Section 168 of the Barnstable Code;

WITNESS:

WHEREAS, this Agreement shall establish the permitted uses, densities, and traffic within the Development (as hereinafter defined), the duration of the agreement, and any other terms or conditions mutually agreed upon between Developer and the Town;

WHEREAS, this Agreement shall vest land use development rights in the property for the duration of the agreement, and such rights shall not be subject to subsequent changes in local development ordinances, with the exception of changes necessary to protect the public health, safety or welfare;

WHEREAS, the Town is authorized to enter into this Agreement pursuant to Chapters 168 and 240 of the Barnstable Code;

WHEREAS, Developer is the owner of the properties at 110 School Street, Hyannis, Massachusetts consisting of 32,870± square feet (0.75± acres), shown on Town of Barnstable Assessor's Map 326 as Parcel 121 and 53 South Street, Hyannis, Massachusetts consisting of 24,820± square feet (0.57± acres), shown on Town of Barnstable Assessor's Map 326 as Parcel 125. Collectively, the two parcels are referred to herein as "the Property";

WHEREAS, Developer is willing to commit itself to the development of the project substantially in accordance with this Agreement and desires to have a reasonable amount of flexibility to carry out the Development and therefore considers this Agreement to be in its best interests;

WHEREAS, the Town and Developer desire to set forth in this Agreement their respective understandings and agreements with regard to development of the Property;

WHEREAS, the Development will not require regulatory review under the Massachusetts Environmental Policy Act (MEPA) or the Cape Cod Commission Act;

WHEREAS, Developer has made application to the Planning Board pursuant to Section 168 of the Barnstable Code;

WHEREAS, the Development is located in the Hyannis Growth Incentive Zone (GIZ) as approved by the Cape Cod Commission by decision dated April 6, 2006, as authorized by Barnstable County Ordinance 2005-13, Chapter G, Growth Incentive Zone Regulations of the Cape Cod Commission Regulations of General Application as extended by an Agreement to Extend Town of Barnstable Downtown Hyannis Growth Incentive Zone to October 6, 2016

between the Cape Cod Commission and the Town of Barnstable executed on December 14, 2015;

WHEREAS, the Development is not subject to review by the Cape Cod Commission as a Development of Regional Impact due to its location in the GIZ and due to the adoption of Barnstable County Ordinance 2006-06 establishing a cumulative development threshold within the GIZ as extended by an Agreement to Extend Town of Barnstable Downtown Hyannis Growth Incentive Zone to October 6, 2016 between the Cape Cod Commission and the Town of Barnstable executed on December 14, 2015, under which this development may proceed and Developer has submitted a Jurisdictional Determination to the Town of Barnstable Building Department to confirm the same;

WHEREAS, prior to applying for approval of this Agreement, the Developer, after a hearing before the Hyannis Main Street Waterfront Historic District Commission held on July 1, 2015, was granted a Certificate of Demolition for the two buildings located at 110 School Street, Hyannis, Massachusetts and has removed one of the buildings;

WHEREAS, prior to applying for approval of this Agreement, the Development was reviewed by the Town of Barnstable Site Plan Review Committee on August 6, 2015 (SPR 022-15). The Site Plan Review Committee voted to authorize the Developer to proceed with filing with the Conservation Commission and Planning Board for necessary permits with the understanding that the Development will be brought back to Site Plan Review for final approval when all plans have been finalized;

WHEREAS, prior to applying for approval of this Agreement, the Development has undergone informal review by the Hyannis Main Street Waterfront Historic District on _____;

WHEREAS, the Property is currently developed with a restaurant, paved parking lot, retaining walls, a vacant building, remnants of an old foundation, and subsurface drainage structures;

WHEREAS, Developer proposes to: remove the restaurant building, paved parking lot, retaining walls, vacant building, remnants of an old foundation, and subsurface drainage structures and redevelop the property with a thirty three (33) unit condominium complex with underground parking, some surface parking, a swimming pool, and landscaping including a fountain area;

WHEREAS, Developer will require zoning relief to allow for multi-family residential development totaling more than seven units per acre as well as relief from front yard setback, side yard setback, rear yard setback, maximum building height, and building height number of stories, all as further defined in paragraph number 23 below;

WHEREAS, Developer has undergone at least two public hearings on the Agreement application and received a majority vote from the Planning Board approving the application on _____;

WHEREAS, Developer has undergone a public hearing on the Agreement application before the Town Council and received a 2/3rds vote approving the application on _____;

NOW, THEREFORE, in consideration of the agreements and covenants hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which each of the parties hereto hereby acknowledge to the other, Developer and the Town do enter into this Agreement, and hereby agree and covenant as follows;

1. The Developer proposes to redevelop the property as follows:

- a. The Developer proposes to remove the existing restaurant, parking lot, retaining walls, foundation remnants, and subsurface drainage and construct thirty three (33) condominium units in nine (9) buildings (Note: for fire department purposes there are only two (2) buildings because there are only two (2) foundations). The units will consist of a mixture of 1, 2, and 3 bedroom units. It is currently anticipated that there will be two (2) bedroom units with the balance of the units split approximately equally between two (2) and three (3) bedroom units. Parking for each condominium unit will be located in underground garages beneath the condominium units. Some guest parking will be available in the underground garages and additional guest parking will be provided at street level. Also to be constructed is a fountain area abutting South Street; two (2) trash sheds; a swimming pool with pool deck; and a courtyard area. Sidewalks running from South Street along each side of School Street to the end of the property are to be constructed and the area containing the sidewalks is to be deeded to the Town or an easement to use and maintain the sidewalks will be granted to the Town so that the sidewalks can be dedicated to public use. The Gross Square Footage of the buildings to be constructed on the East Parcel (110 School Street) is 46,300± square feet and the Gross Square Footage of the garage to be constructed on the East Parcel is 18,397± square feet. The Gross Square Footage of the buildings to be constructed on the West Parcel (53 South Street) is 42,659± square feet and the Gross Square Footage of the garage to be constructed on the West Parcel is 15,200± square footage. The combined Gross Square Footage of the buildings to be constructed is 88,959 ± square feet and the combined Gross Square Footage of the garages to be constructed is 33,597 ± square feet ("the Development");
- b. The Developer agrees to construct the project in accordance with the plans and specifications submitted to and approved by the Town, listed as follows and made a part of this Regulatory Agreement by reference:
 - i. "Layout Site Plan Of Land In (Hyannis) Barnstable, MA Prepared For Shoestring Properties, LLC Date: 7-13-2015 Revised: 10-5-2016" drawn by down cape engineering, inc.
 - ii. "Existing Conditions/Demolition Site Plan Of Land In (Hyannis) Barnstable, MA Prepared For Shoestring Properties LLC Date: 7-13-2015 Revised: 10-5-16" drawn by down cape engineering, inc.

- iii. "Utilities Site Plan Of Land In (Hyannis) Barnstable, MA Prepared For Shoestring Properties LLC Date: 7-13-2015 Revised: 10-5-16" drawn by down cape engineering, inc.
 - iv. "Grading Site Plan of Land In (Hyannis) Barnstable, MA Prepared For Shoestring Properties LLC Date: 7-13-2015 Revised: 10-5-2106" drawn by down cape engineering, inc.
 - v. "Detail Sheet to Accompany Site Plan Of Land In (Hyannis) Barnstable, MA Prepared For Shoestring Properties LLC Date: 7-13-2015 Revised 10-5-16" drawn by down cape engineering, inc.
 - vi. "Landscape Plan" prepared by Hawk Design, Inc. Landscape Architecture Land Planning Sagamore, MA Date: 3.03.16 Revisions: Num 1 Date 5/27/16;
 - vii. Dockside Residences brochure prepared by Merge Architects dated April 8, 2016;
 - viii. "Dockside Residences Site Lighting: Bollards Only" prepared by Reflex Lighting dated 1-10-16.
2. The development rights granted hereunder shall be exercised and development permits may be obtained hereunder for a period of 10 years from the effective date of the Agreement, provided, however, that prior to the expiration of said 10 year period Developer may request a twelve month extension to obtain development permits. Upon receipt of necessary development permits, construction shall proceed continuously and expeditiously, but in no case shall construction exceed 2 years from receipt of necessary development permits;
 3. Developer shall establish a condominium association or unit owners association to carry out the ongoing maintenance and upkeep of the property and buildings as well as complying with the terms and conditions of this Agreement. The association shall include all residential condominium units and Developer on behalf of occupants of rental units. For the purposes of this Agreement, the term "Developer" shall mean the Developer and/or Developer's successor condominium association(s) or any other successors in interest or assignees. The form and content of condominium association documents, including the condominium master deed and association bylaws, shall be approved by the Town of Barnstable Legal Department prior to the sale of any condominium units;
 4. Lighting for the Development shall be contained on-site, shall be down cast, shall not contribute to light pollution of the area, and shall be constructed consistent with the lighting plan identified in paragraph 1, above;

5. The site shall be landscaped consistent with the landscaping plan identified in paragraph 1, above. All landscaping within the development shall be low water use and shall minimize the use of fertilizers and pesticides;
6. Utilities shall be buried underground within the Property;
7. Letter of Credit: Prior to the issuance of any foundation building permit, Developer will provide a Letter of Credit or cash in an amount to be approved by the Planning Board or its designee, said Letter of Credit or cash to be expended on the replacement of landscape materials if such replacement becomes necessary. Any unexpended portion of said Letter of Credit or cash shall be released by the Planning Board to Developer or his successor(s) after three years from the date of the initial landscape plantings, such date to be determined by the Building Commissioner, upon the request of Developer;
8. Letter of Credit: To ensure completion of work within public ways and roadway restoration, Developer will provide a Letter of Credit or cash in an amount to be approved by the Planning Board or its designee, said Letter of Credit or cash to be expended on completion of work within the public ways and roadway restoration if completion of such work becomes necessary. Any unexpended portion of said Letter of Credit or cash shall be released by the Planning Board to Developer or his successor(s) after thirty (30) days from the date of the final acceptance of all work within the public ways, such date to be determined by the Town Engineer, upon the request of Developer;
9. All plumbing fixtures in the new units shall be low water use fixtures and other water conservation measures are encouraged in the design and development of the project;
10. Consistent with approved plans, Developer shall construct a Passive Stormwater Maintenance and Infiltration System to service the Development;
11. Developer or its successor will assume all maintenance responsibilities for the Passive Stormwater System servicing the Property, and the landscaping and irrigation at the Property;
12. Construction and demolition debris from the Development shall be removed and reused or recycled to the maximum extent possible;
13. Developer shall provide calculations demonstrating adequate water flow for fire suppression prepared by a fire protection engineer as required by the Hyannis Fire Department;
14. Developer is responsible for obtaining all applicable permits and licenses, including but not limited to the following: foundation permit, building permit, street excavation permit (necessary for work in all public spaces,), sewer permits and water permits. Only Town of Barnstable approved contractors are allowed to work on Town owned property. Contractors are required to have the insurance stipulated in the Street Excavation Rules and Regulations (SERR) and all work on town property must comply with all provisions of

SERR. All work within the public way and public utility services shall be to Town Standards. All plans shall be reviewed and approved by the Department of Public Works prior to initiating any work within the public way;

15. Developer will make best efforts to complete construction work in accordance with a construction schedule and sequencing plan submitted to the Town prior to the commencement of construction. To the extent construction impacts public property or public rights of passage, changes in the schedule, if needed as work progresses, are subject to the approval of the Town. The construction schedule shall, to the maximum extent feasible, avoid interference with ferry truck traffic. The developer shall notify the Town of Barnstable Growth Management Department and the Department of Public Works at least 48 hours in advance of working on Town property. The Developer will be responsible for all construction signage, directional signs, and police officers necessary for the performance of the work;
16. Exterior construction impacts shall be minimized, and construction shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays, and 8:30 a.m. to 2:00 p.m. Saturdays. No exterior construction shall occur on Sundays. The Building Commissioner shall establish protocols to minimize the location of staging, noise, dust, and vibration;
17. During all stages in the demolition, rehabilitation and new construction, all vehicles, equipment and materials associated with the development shall be required to be located off the right of way of South Street and School Street except as may be required to install utilities, and work authorized by this Agreement and as approved by Public Works and then only on a temporary basis;
18. Developer may install a trailer to be used as a construction office during construction of the Development;
19. Developer may install a trailer to be used as a sales office;
20. To the extent that the referenced plans do not depict all of the findings and conditions as set forth in this Agreement, revised plans and/or notations shall be provided. In addition to permits, plans and approvals listed above, any and all permits and licenses required shall be obtained;
21. Each residential unit shall have at least one dedicated parking space. The total number of parking spaces proposed for the Development exceeds the number of spaces required by the Town of Barnstable Zoning Ordinance;
22. The construction of the condominium complex will result in the following benefits to the Town:
 - a. Above ground utility lines will be put underground improving the view looking from South Street toward the harbor.
 - b. The existing sidewalks along South Street which do not comply with Americans With Disabilities Act requirements will be removed and replaced with compliant

sidewalks. Sidewalks along each side of School Street will be constructed connecting them to the existing sidewalks on South Street. Upon completion of construction, the sidewalk parcels will either be deeded to the Town or the Town will be granted an easement to the sidewalks allowing public use of the sidewalks.

- c. A new water main will be provided which will improve the infrastructure of the Hyannis Water Company and improve the water pressure and volume of water to the hydrant located near the Town Landing.
- d. School Street from South Street to the harbor will be paved over with a new top coating of asphalt.
- e. Crosswalks will be provided at the northerly end of School Street where it intersects with South Street and at the southerly end of the property near the Steamship Authority property.
- f. Vastly improved landscaping along South Street and School Street beautifying the area as shown on the "Landscape Plan" prepared by Hawk Design, Inc.
- g. Lighting on condominium property maintained by condominium association will provide improved street lighting along School Street as shown on the "Dockside Residences Site Lighting: Bollards Only" prepared by Reflex Lighting.
- h. Increase in Town property tax revenue.
- i. New street drains will be installed in School Street and a drainage easement running in favor of the Town of Barnstable will be provided.
- k. An electric car plug-in station will be provided.
- l. All plumbing fixtures in the new units shall be low water use fixtures and other water conservation measures are encouraged in the design and development of the project.

23. The Town hereby grants waivers from the following Zoning Ordinance sections:

- a. Section 240-24.2.7 HD Harbor District B. Special Permits (2) Multi-family residential development totaling not more than seven units per acre. Waived to allow thirty three condominium units on 1.32 ± acres, a density of 25 Units per acre.
- b. Section 240-24.1.7 C. Dimensional, bulk and other requirements:
 - Minimum Front Yard Setback of 20 feet is waived to allow a Front Yard Setback of 13.9± feet on the property located at 53 South Street and 10.2± feet on the property located at 110 School Street.

- Minimum Side Yard Setback of 10 feet is waived to allow a Side Yard Setback of 9.8± feet on the property located at 110 School Street.
- Minimum Rear Yard Setback of 10 feet is waived to allow a Rear Yard Setback of 9.8± feet on the property located at 110 School Street.
- Maximum Building Height of 35 feet is waived to allow a Maximum Building Height of 57.4± feet on the property located at 53 South Street and 54.8± feet on the property located at 110 School Street.
- Maximum Building Height Stories of 2.5 stories is waived to allow Maximum Building Height Stories of five (5) stories on both the property located at 53 South Street and the property located at 110 School Street.

c. Section 240-53 Landscape Requirements for parking lots

- The requirement of a landscape setback for street level parking is hereby waived to allow zero setback for street level parking.
- The requirement of one street tree with a minimum caliper of three inches be provided per 30 feet of road frontage distributed throughout the front yard setback area is waived to allow for the planting of trees per the Landscape Plan prepared by Hawk Design.

24. The Town hereby grants waivers from the following Town Code sections:

Chapter 9, Article I Inclusionary Affordable Housing Requirements – Section 9-4-D requiring at least 10% of the residential units constructed shall be dedicated by deed restriction to affordable housing units is waived.

Chapter 9, Article III – Section 241-42 Hyannis Main Street Waterfront Historic District Commission requirement for a Certificate of Appropriateness is waived.

25. Upon completion of all work, Developer shall cause a registered engineer or land surveyor to submit as-built plans accompanied by a letter of certification, made upon knowledge and belief in accordance with professional standards that all work has been done in substantial compliance with the approved site plan. This document shall be submitted prior to the issuance of the final certificate of occupancy;

26. The development allowed in this permit shall be considered full build-out of the property. The structures authorized shall not be expanded nor other buildings and structures added without prior permission from this Board.

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed, on the day and year first above written.

Dated this _____ day of _____, 2016.

Town of Barnstable
By:

Developer, Shoestring Properties, LLC
By:



**Town of Barnstable
Regulatory Services**

Richard Scali, Director

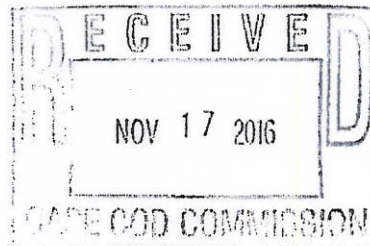
Building Division

Paul Roma

Building Commissioner

200 Main Street, Hyannis, MA 02601

www.town.barnstable.ma.us



Office: 508-862-4038

Fax: 508-790-6230

November 16, 2016

Gail Hanley, Clerk
Cape Cod Commission
P.O. Box 226
Barnstable, MA 02630

Re: Jurisdictional Determination for Hyannis Regulatory Agreement
Dockside Residences - 110 School Street and 53 South Street, Hyannis, MA

Dear Ms. Hanley:

I am writing pursuant to Cape Cod Commission Regulations, Chapter D, Development Agreement Regulations Governing the provisions for Development Agreements, Barnstable County Ordinance 92-1, as amended through July 19, 2005, Section 6(b), and Chapter 168 of the Barnstable Code.

This letter is to inform you that the town has received a request for a regulatory agreement for the property located at 110 School Street and 53 South Street, Hyannis, Massachusetts. The proposal is to construct a total of 33 residential condominium units on the two parcels to be serviced by town sewer and water. A copy of the Regulatory Agreement Application is enclosed for your files. I have determined that the proposed development is not a Development of Regional Impact at this time for the following reasons:

- ☐ The proposed development does not meet or exceed one or more of the Cape Cod Commission mandatory thresholds for review as a Development of Regional Impact as set forth in the Cape Cod Commission Enabling Regulations, Chapter A, Section 3.
- ☒ The proposed development is located in the Hyannis Growth Incentive Zone (GIZ) as approved by the Cape Cod Commission by decision dated April 6, 2006, and the proposed development is included within the area authorized by Barnstable County Ordinance 2006-06 establishing a cumulative development threshold within the GIZ, under which this development may proceed.

In addition, the project does not meet or exceed the DRI Thresholds established under Condition #G9 of the Cape Cod Commission Decision authorizing the Downtown Hyannis Growth Incentive Zone, dated April 6, 2006, as follows:

1. The project is not an addition or expansion associated with the Cape Cod Hospital;
2. The project is not a proposed demolition or substantial alteration of an historic structure or destruction or substantial alteration to an historic or archaeological site listed with the National Register of Historic Places or Massachusetts Register of Historic Places, outside a municipal historic district or outside the Old King's Highway Regional Historic District;
3. The project does not provide facilities for transportation to or from Barnstable County, including but not limited to ferry, bus, rail, trucking terminals, transfer stations, air transportation and/or accessory uses, parking or storage facilities, and any auxiliary or accessory uses are not greater than 10,000 s.f. of Gross Floor Area or 40,000 s.f. of outdoor area; and
4. As represented by the applicant, the project does not require an Environmental Impact Report under MEPA.

Please contact me if you have any questions regarding this matter.

Sincerely,



Paul Roma
Building Commissioner
Town of Barnstable



The Town of Barnstable Planning Board

200 Main Street, Hyannis, MA 02601

Office: 508-862-4786

Fax: 508-862-4725

JURISDICTIONAL DETERMINATION REGULATORY AGREEMENT HYANNIS VILLAGE ZONING DISTRICTS

Pursuant to Section 168 of the Barnstable Code, this Jurisdictional Determination Form establishes whether an applicant may enter into a two-party Regulatory Agreement with the Town of Barnstable. This form shall be submitted to the Barnstable Building Commissioner. The Barnstable Building Commissioner shall, at their sole discretion, determine when a Jurisdictional Determination Application is complete and will contact the applicant when a determination has been made. The Building Commissioner may request additional information if necessary.

A project proponent may seek to enter into a Regulatory Agreement WITHOUT the Cape Cod Commission as a party if the proposed project is NOT the type of project excluded from the Hyannis Growth Incentive Zone (GIZ) cumulative threshold. (Stated another way, the Cape Cod Commission must be a party to the Agreement if the project is the type that does not qualify for the GIZ cumulative threshold.) As required by Section 168, a copy of this Jurisdictional Determination Form will be forwarded to the Cape Cod Commission.

Submit three (3) copies of the following to the Town of Barnstable Building Commissioner:

- (1) Jurisdictional Determination Form. Please note that Jurisdictional Determination Forms do not require the submission of an abutters list
- (2) Completed Regulatory Agreement Application including all submission requirements

APPLICANT/OWNER INFORMATION

Applicant Name¹: Shoestring Properties, LLC Phone: 508-775-9316

Applicant Address: 297 North Street, Hyannis, MA 02601

Applicant Email Address: tbusby@hollymanagement.com

Property Owner (if different): _____ Phone: _____

Address of Owner (if different) _____

If applicant differs from owner, state nature of interest: ² _____

¹ The Applicant Name will be the entity in whose name the Regulatory Agreement will issue.

² If the applicant differs from owner, the applicant will be required to submit one original notarized letter authorizing the application, a copy of an executed purchase & sales agreement or lease, or other documents to prove standing and interest in the property.

PROPERTY INFORMATION

Property Assessor's Map/Parcel Number(s): Map 326 Parcels 121 and 125

Property Address: 110 School Street and 53 South Street, Hyannis, MA

Deed Recording: Book 10473, Page 204

Plan Recording: Plan Book 642 Page 74

Zoning District: Harbor District

Number of Years Owned: 20

Total land area subject to the Regulatory Agreement: 57,690 ± sq.ft. (1.32 ± acres)

PROJECT INFORMATION

Project Name: Dockside Residences

Regulatory Agreement Requested:

To allow construction of 33 condominium units in nine buildings (NB: for Fire Dept.
purposes it is two buildings) on 1.32 ± acres of land as per plans submitted with
application.

Gross Floor Area³ of all existing buildings: 7,176 sq. ft. (Per Assessor's Records)

Gross Floor Area of all proposed demolition: 7,176 sq. ft.

Gross Floor Area of all new buildings: 88,959 ± sq. ft.

Net Gross Floor Area of buildings/structures: 81,783 ± sq. ft.

If more than one land use is proposed, Gross Floor Area of each proposed use with a brief description of each use:

Total number of residential units proposed: Thirty Three (33)

³ For these purposes Gross Floor Area is defined as: "The sum of the area of all floors within the perimeter of a building, located either above or below ground level, except underground parking within the structure and accessory to the principal use shall not be included in the total gross floor area. Gross Floor Area shall be expressed in square feet and measured from the exterior face of the exterior walls, or the centerline of shared walls. It shall include all floor levels including basements, mezzanines and attics without deduction for hallways, stairways, elevator shafts, mechanical rooms, closets, thickness of walls, columns or other similar features. Outdoor areas used for storage, sales, service and display shall also be included in the total Gross Floor Area."

QUALIFICATION TO PROCEED WITHOUT CAPE COD COMMISSION PARTICIPATION

1. Is the project located within the Hyannis Main Street Waterfront Historic District (HMSWHD)?
Yes ☒ No ☐

If the project is NOT located within the HMSWHD, does the project propose demolition or substantial alteration of an historic structure or destruction or substantial alteration to an historic or archaeological site listed with the National Register of Historic Places or Massachusetts Register of Historic Places? Yes ☐ No ☐

If yes, explain what, if any, part of the structure or site is proposed to be demolished or substantially altered and the nature of the proposed alteration: A Certificate of Demolition has been obtained to remove a residential structure (which has been removed) and the Dockside Restaurant, both of which are located at 110 School Street, Hyannis, MA

2. Is the project an addition or expansion associated with the Cape Cod Hospital that meets or exceeds a DRI threshold? Yes ☐ No ☒

3. Does the project provide facilities for transportation to or from Barnstable County, including but not limited to ferry, bus, rail, trucking terminals, transfer stations, air transportation and/or accessory uses, parking or storage facilities, and any auxiliary or accessory uses greater than 10,000 SF of Gross Floor Area or 40,000 SF of outdoor area? Yes ☐ No ☒

4. Does the project require the filing of an Environmental Impact Report under MEPA?
Yes ☐ No ☒

REQUIRED JURISDICTIONAL DETERMINATION FILING MATERIALS

Completed Regulatory Agreement Application

SIGNATURE

The undersigned intends to file Regulatory Agreement Application with the Planning Board of the Town of Barnstable for a Regulatory Agreement, in the manner and for the reasons set forth above:

Signature: 
Applicant(s) or Applicant's Representative

Print: John W. Kenney, Esq.

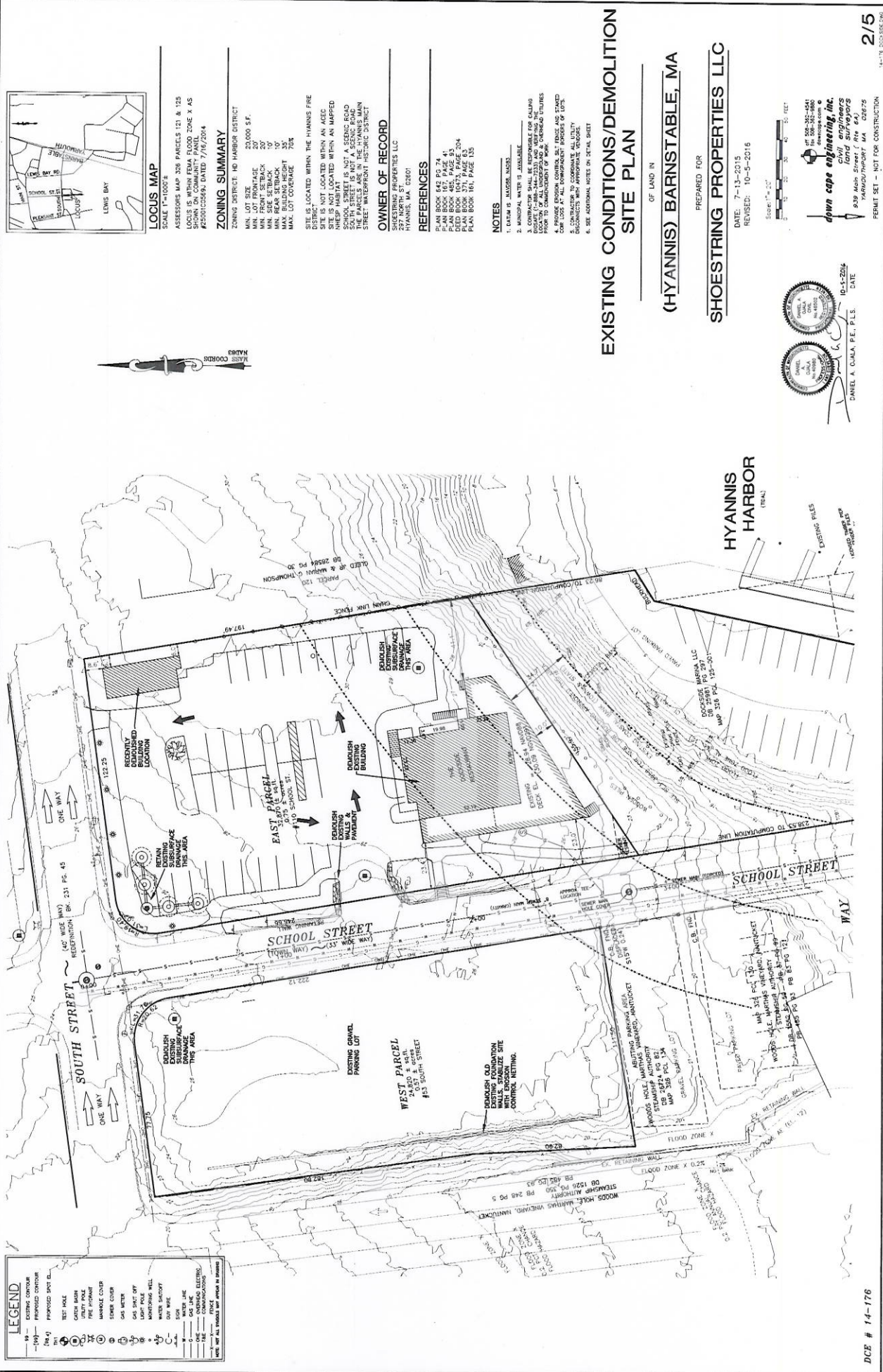
Signed by: ☐ Applicant ☐ Applicant's Representative

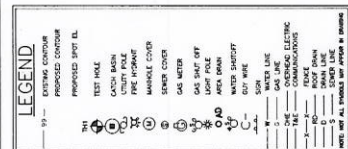
Date: November 10, 2016

Mailing Address of Applicant(s) or Applicant's Representative

1550 Falmouth Road, Suite 12, Centerville, MA 02632

Email Address of Applicant(s) of Applicant's Representative john@jwkesq.com





ASSESSORS MAP 326 PARCELS 121 & 125
LOCUS IS WITHIN FEMA FLOOD ZONE X AS
SHOWN ON COMMUNITY PANEL.
#25001C0569J DATED 7/16/2014

OWNER OF RECORD
SHOESTRING PROPERTIES LLC
297 NORTH ST.
HYANNIS, MA. 02601

REFERENCES

PLAN BOOK 642 PG 74
PLAN BOOK 167, PAGE
PLAN BOOK 485, PAGE
DEED BOOK 10473, PAGE

NOTES

- [illegible]

GRADING SITE PLAN

OF LAND IN

(HYANNIS) BARNSTABLE, MA

PREPARED FOR

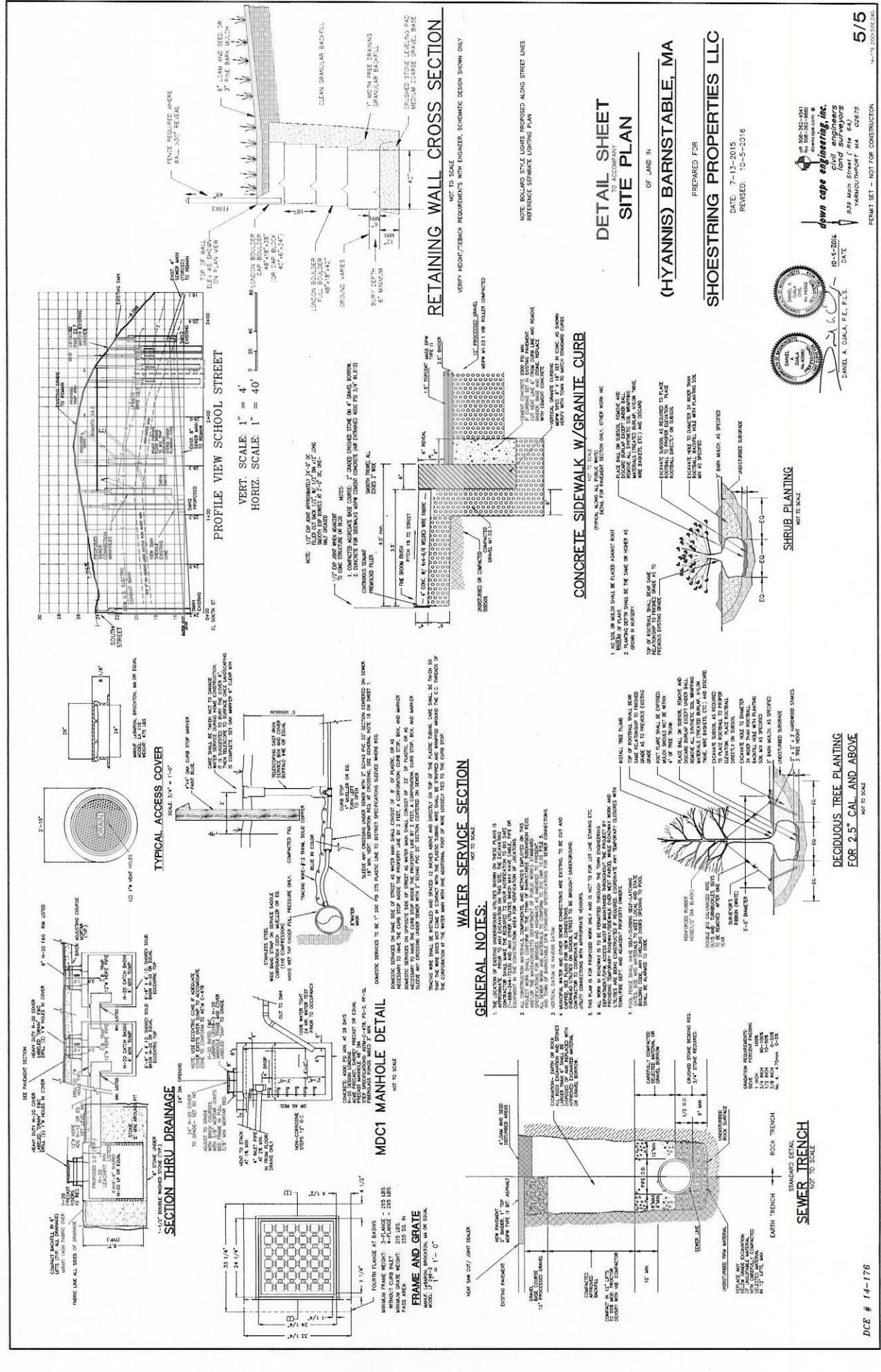
SHOESTRING PROPERTIES LLC

DATE: 7-13-2015
REVISED: 10-5-20



0-5-2016 12:16 PM

DCE # 14-176



DCE # 14-176

DECIDUOUS TREE PLANTING
FOR 2.5' CAL AND ABOVE

SHRUB PLANTING

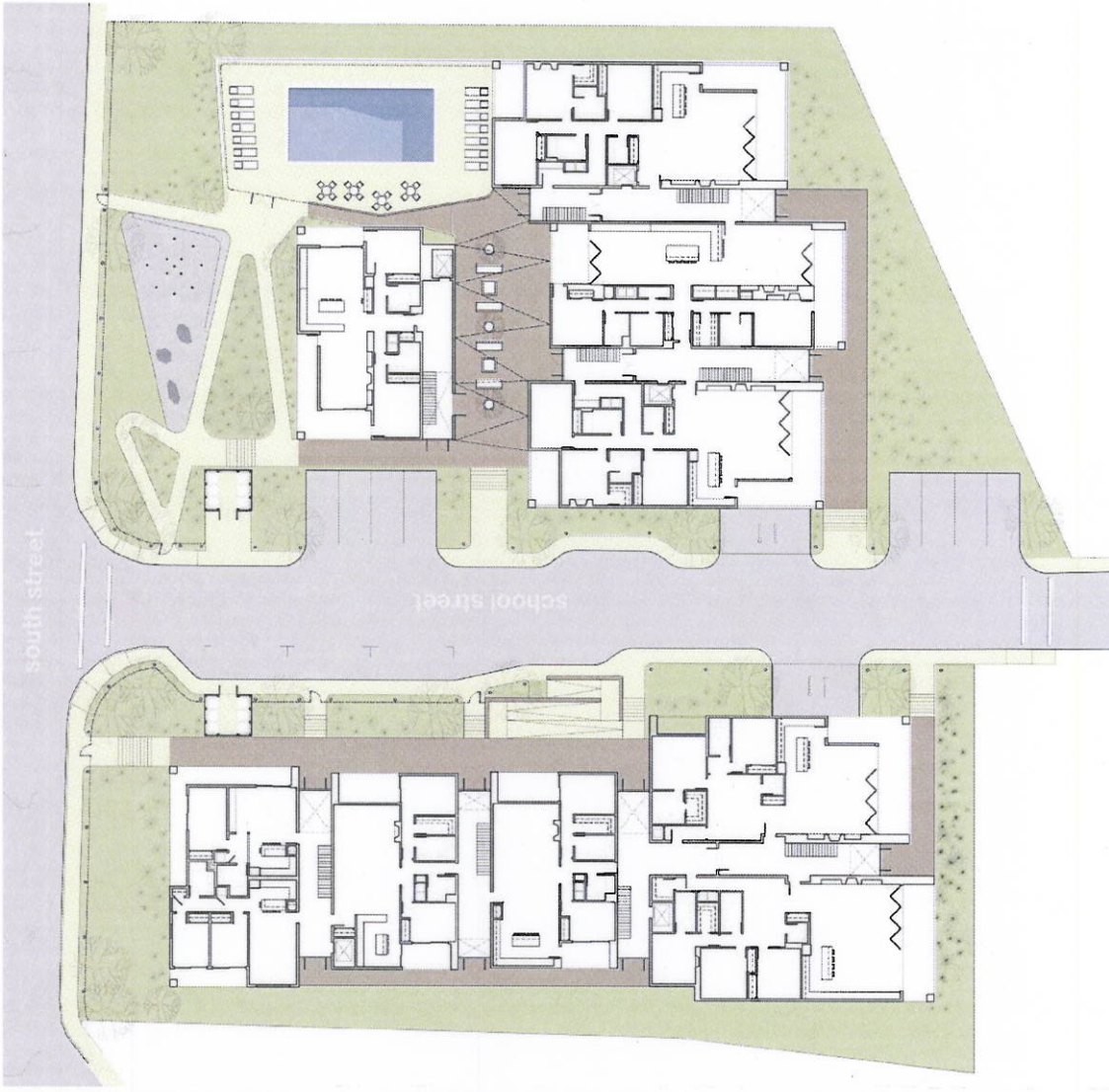
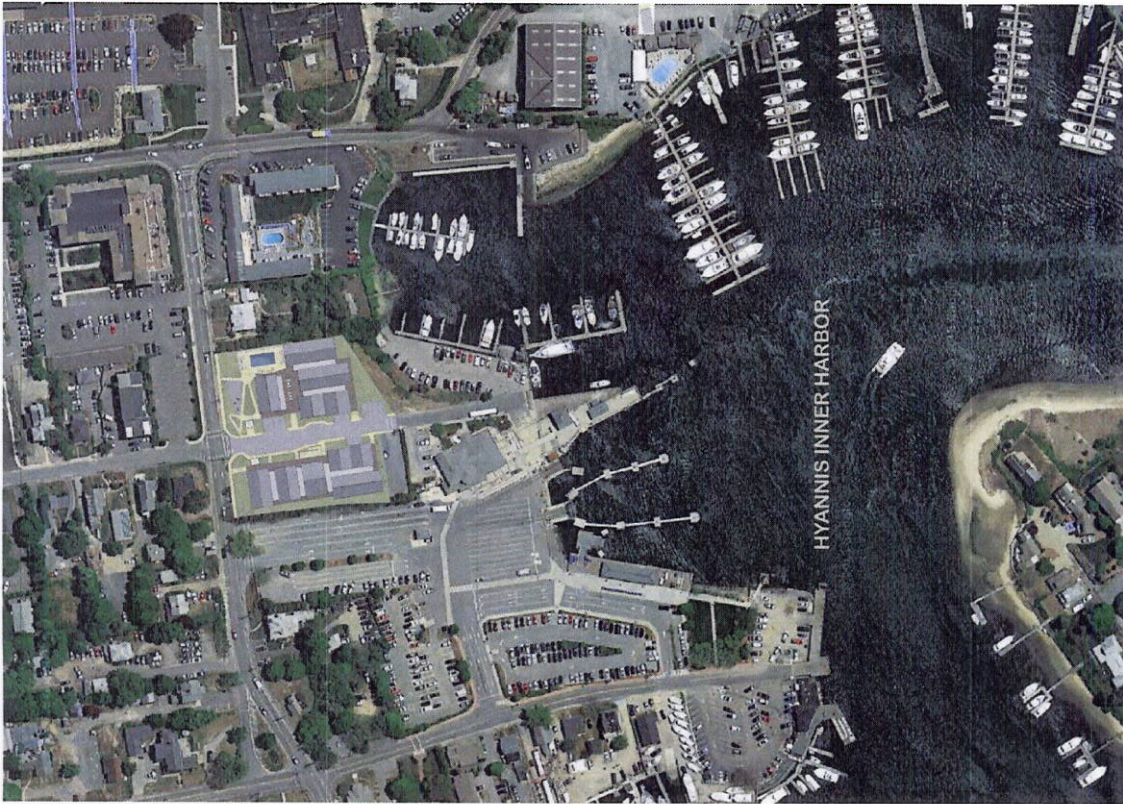
PERMIT SET - NOT FOR CONSTRUCTION

5/5

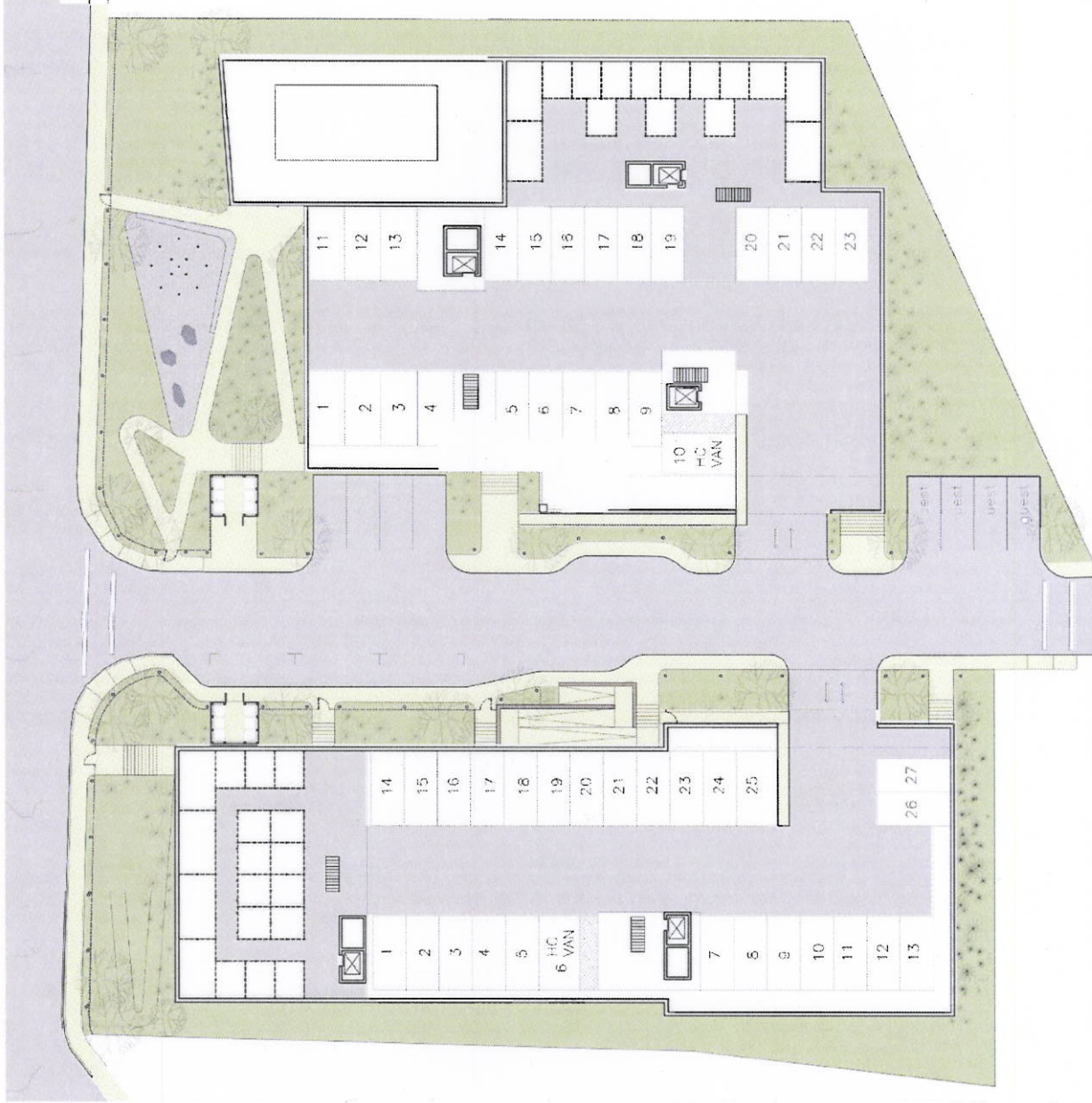
DOCKSIDE RESIDENCES

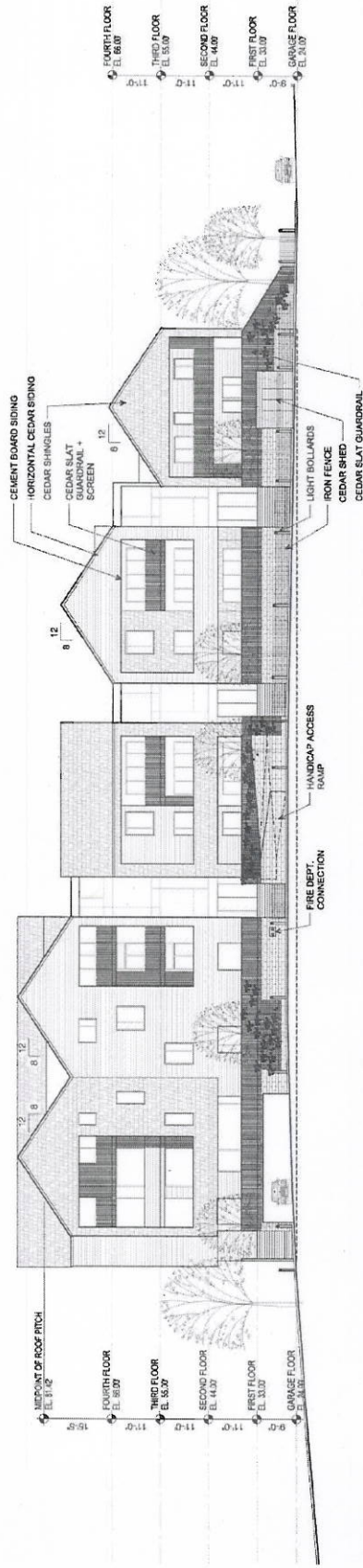
April 8, 2016

MERGE ARCHITECTS



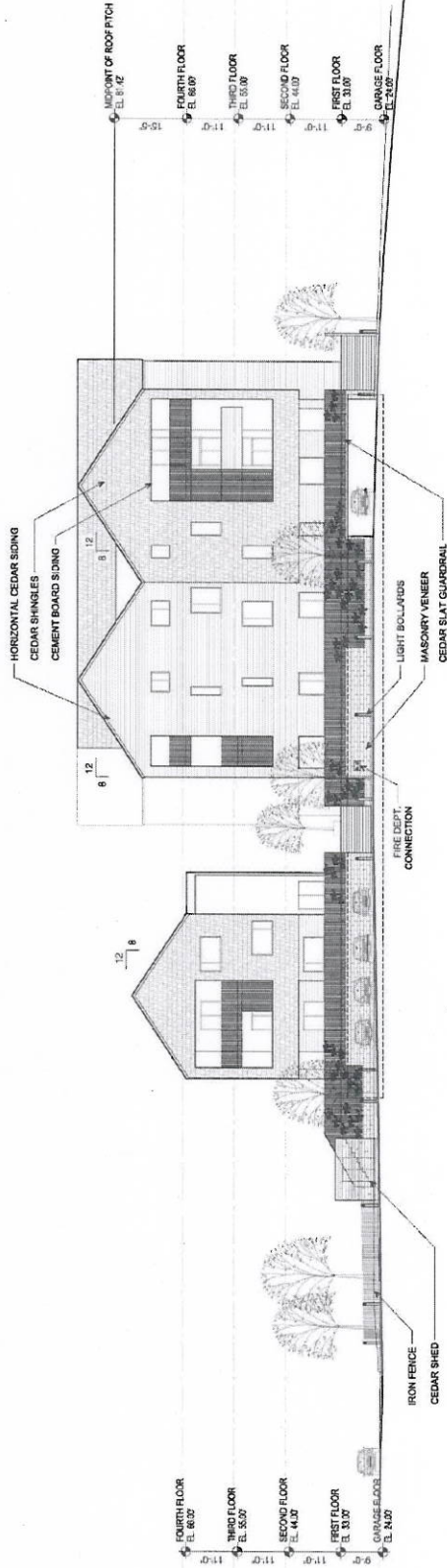






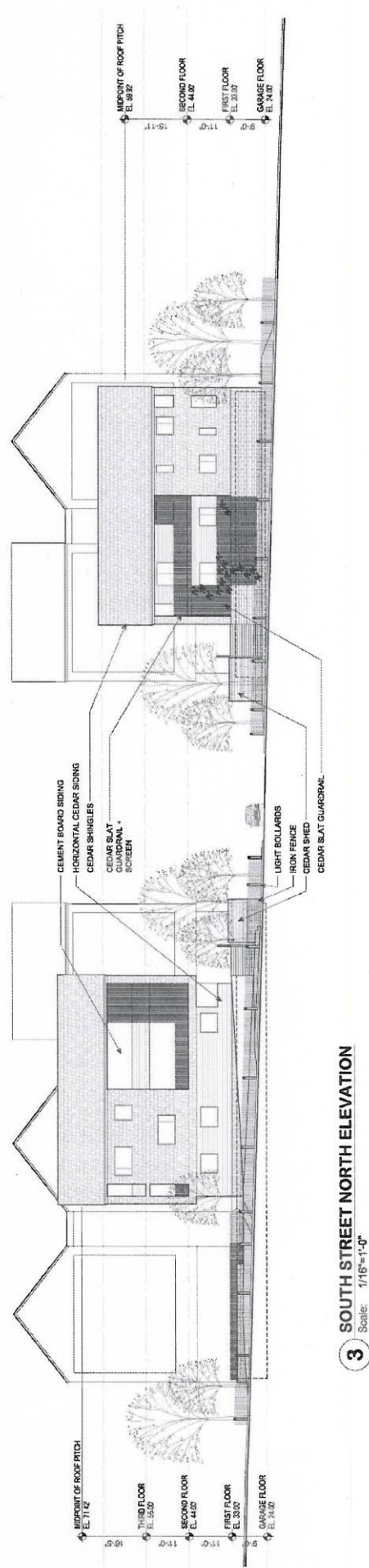
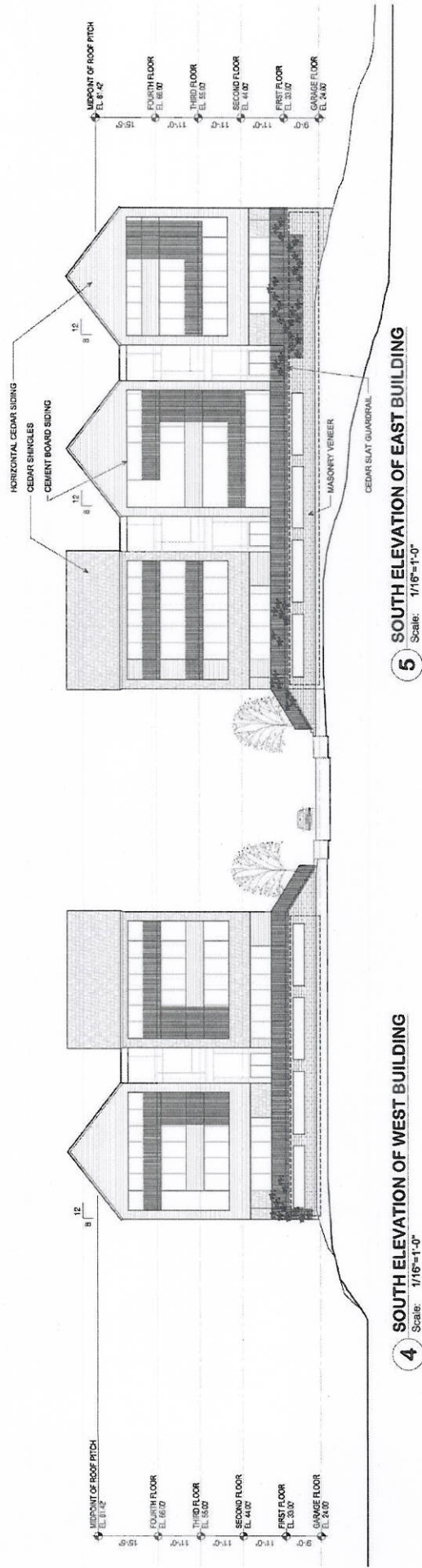
2 SCHOOL STREET: EAST ELEVATION OF WEST BUILDING

Scale: 1/16"=1'-0"

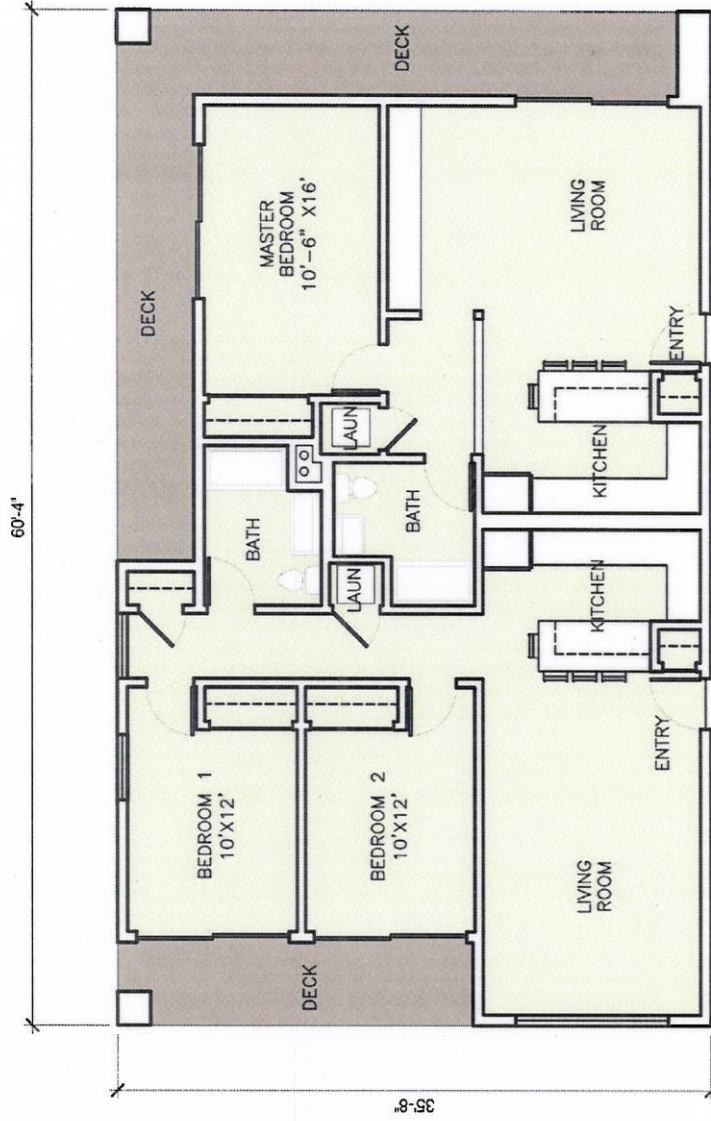


1 SCHOOL STREET: WEST ELEVATION OF EAST BUILDING

Scale: 1/16"=1'-0"



SITE PLAN KEY:

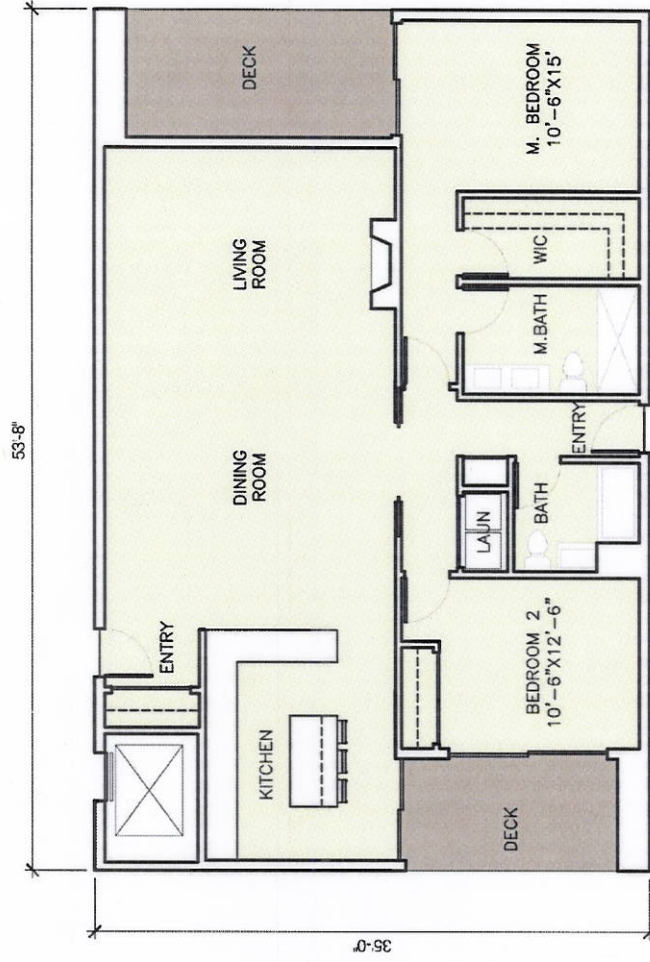


BUILDING W1
 2-2 BEDROOM UNITS (867 SF)
 2-1 BEDROOM UNITS (721 SF)

SITE PLAN KEY:



BUILDING W2
 3-2 BEDROOM UNITS
 (1552 SF + 1361 SF)



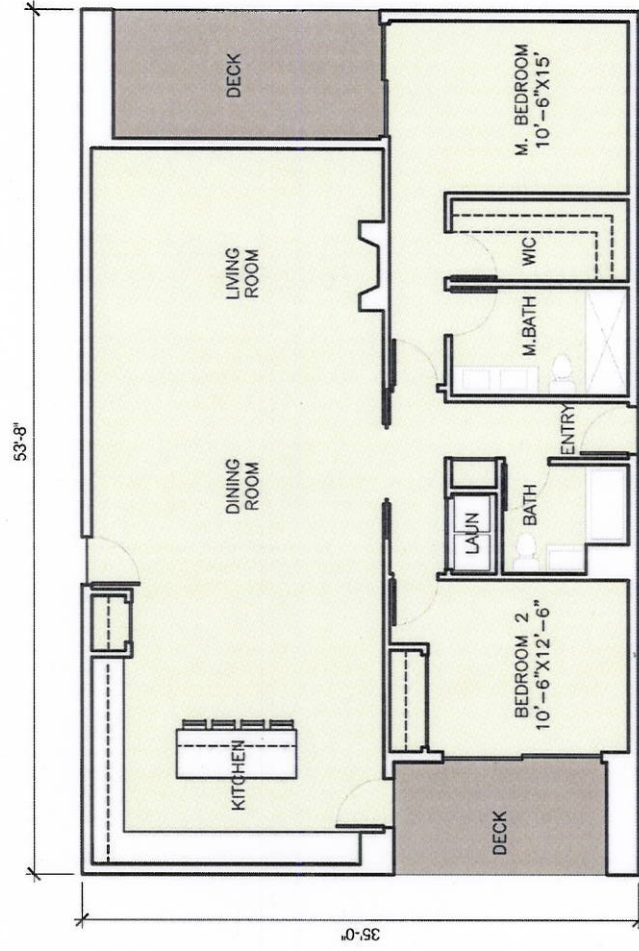
BUILDING W2- TWO BEDROOM UNIT LAYOUT

DOCKSIDE RESIDENCES
 MERGE ARCHITECTS

SITE PLAN KEY:



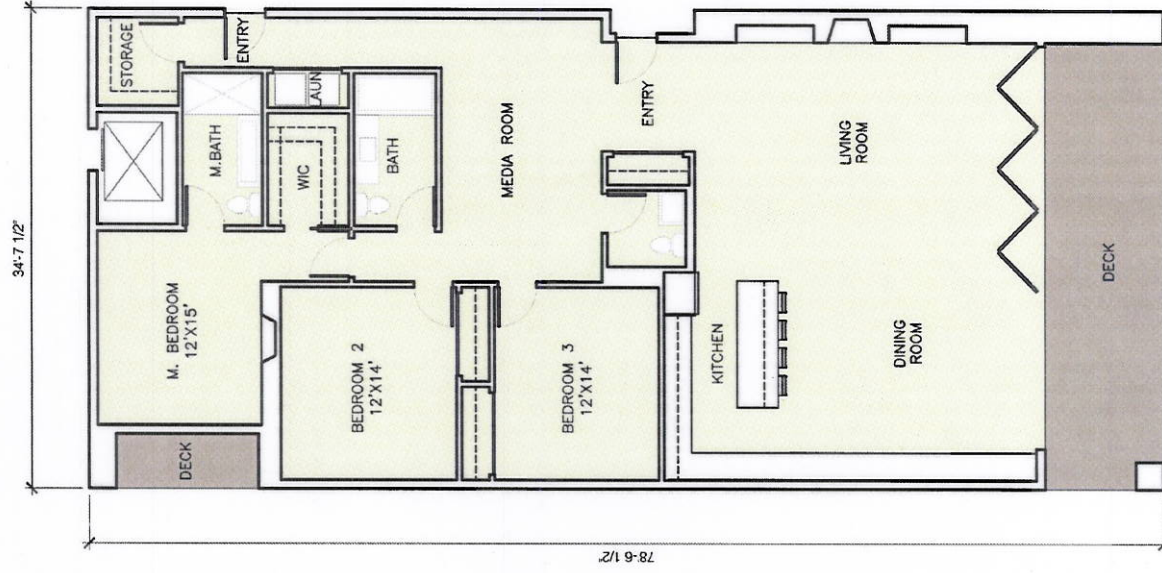
BUILDING W3
 3-2 BEDROOM UNITS
 (1623 SF + 1425 SF)



SITE PLAN KEY:



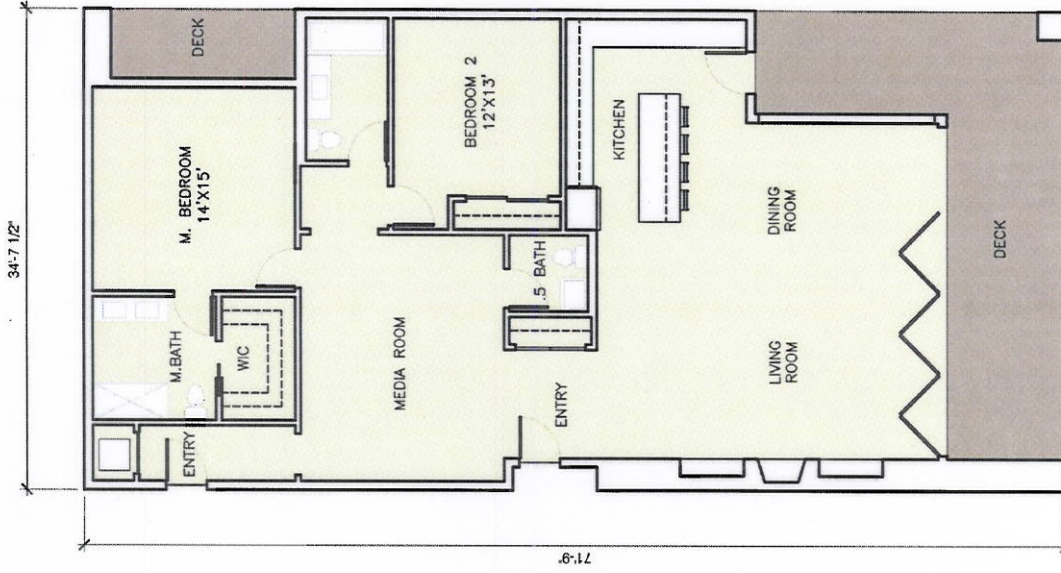
BUILDING W4
4-3 BEDROOM UNITS + MEDIA RM
(2309 SF)



SITE PLAN KEY:



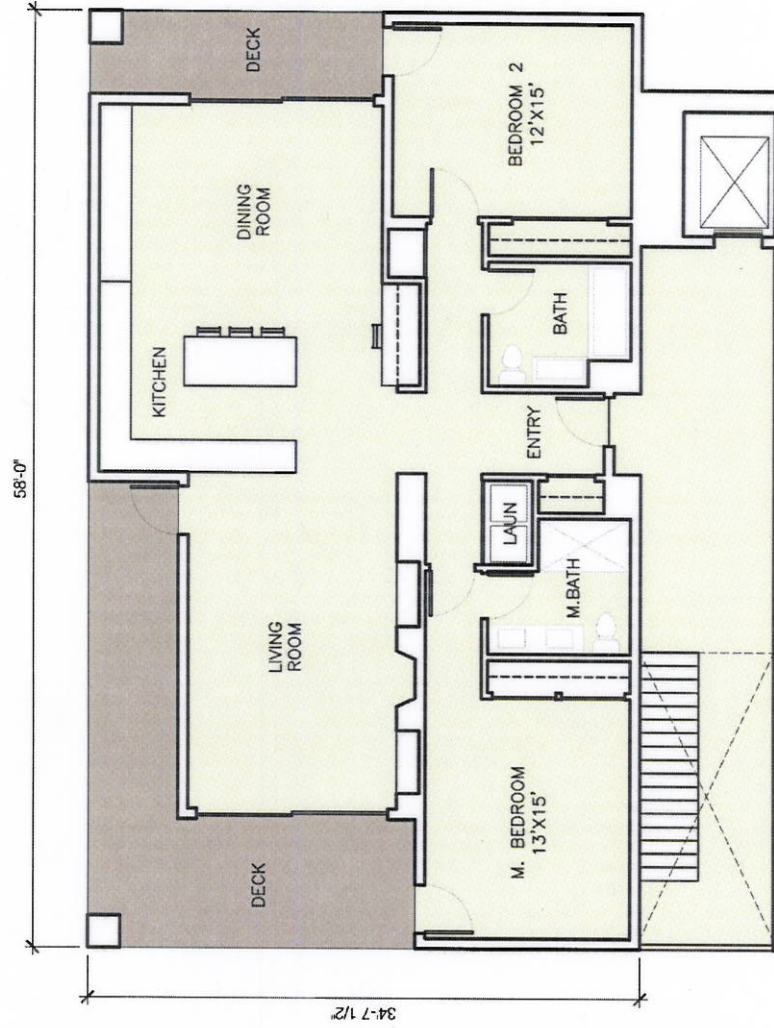
BUILDING W5
 4-2 BEDROOM UNITS + MEDIA RM
 (2107 SF + 2037 SF)



SITE PLAN KEY:



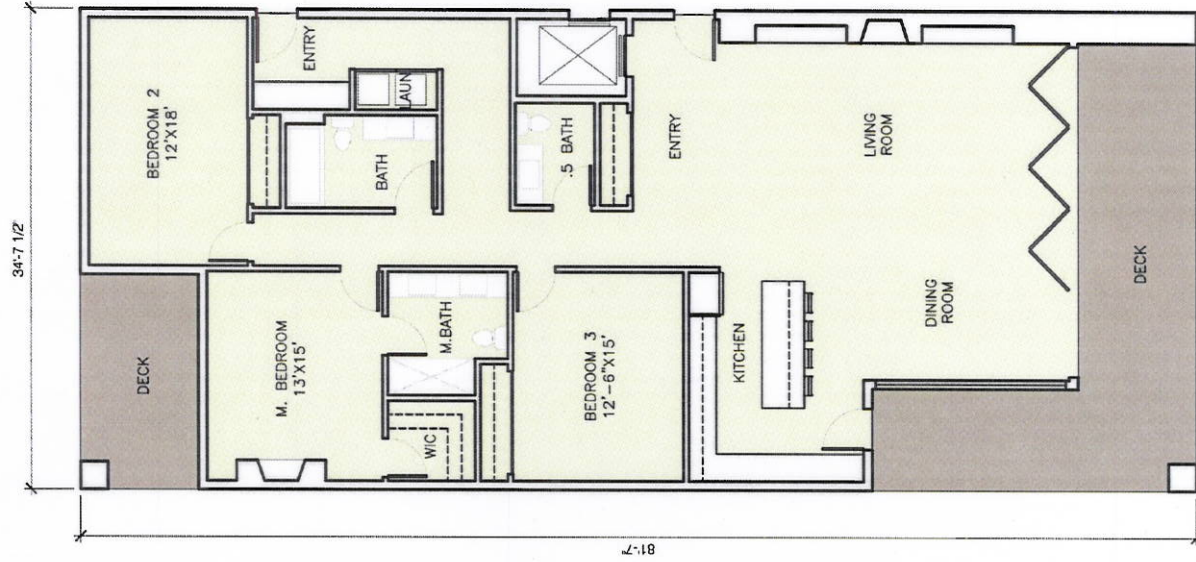
BUILDING E1
3-2 BEDROOM UNITS
(1633 SF)



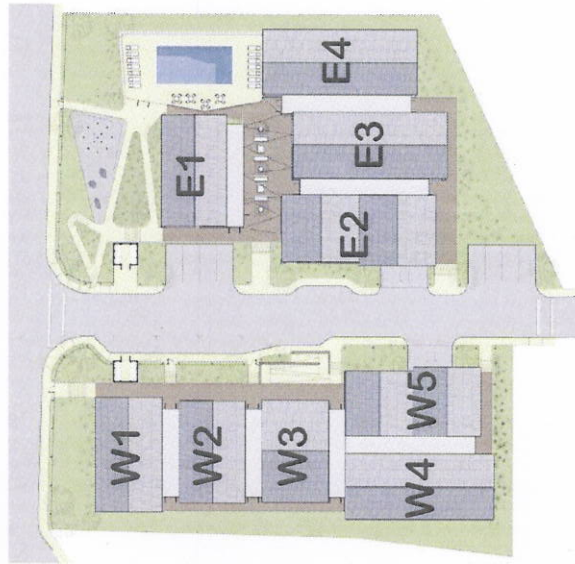
SITE PLAN KEY:



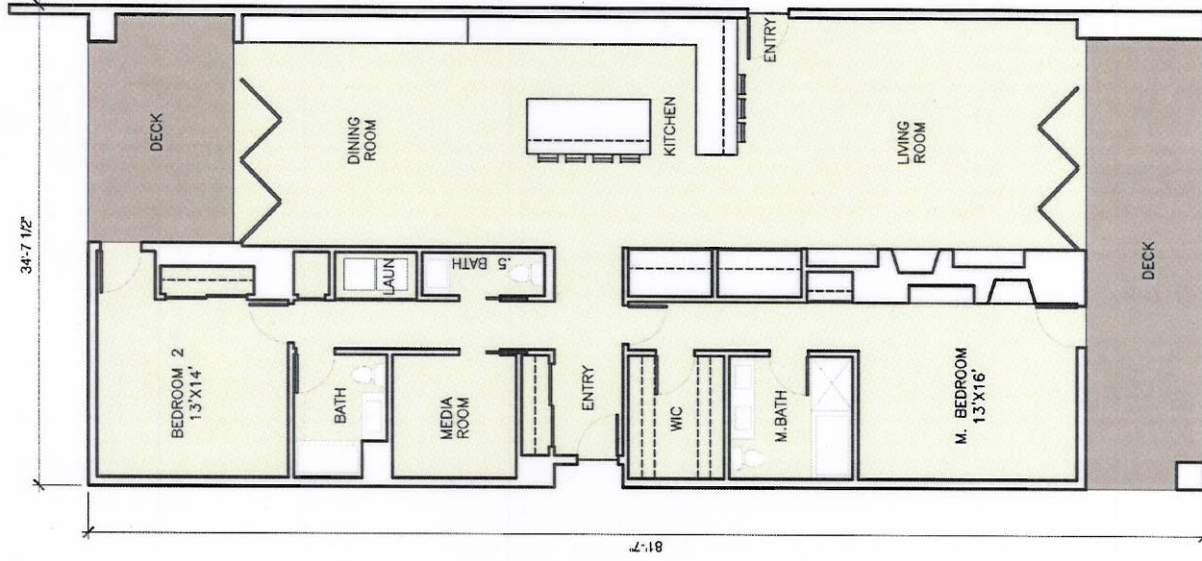
BUILDING E2
 4- 3 BEDROOM UNITS
 (2392 SF + 2282 SF)



SITE PLAN KEY:

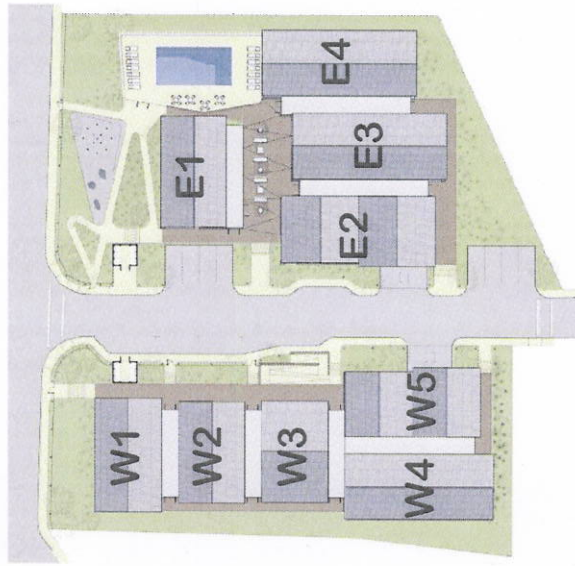


BUILDING E3
4-3 BEDROOM UNITS + MEDIA RM
(2345 SF)

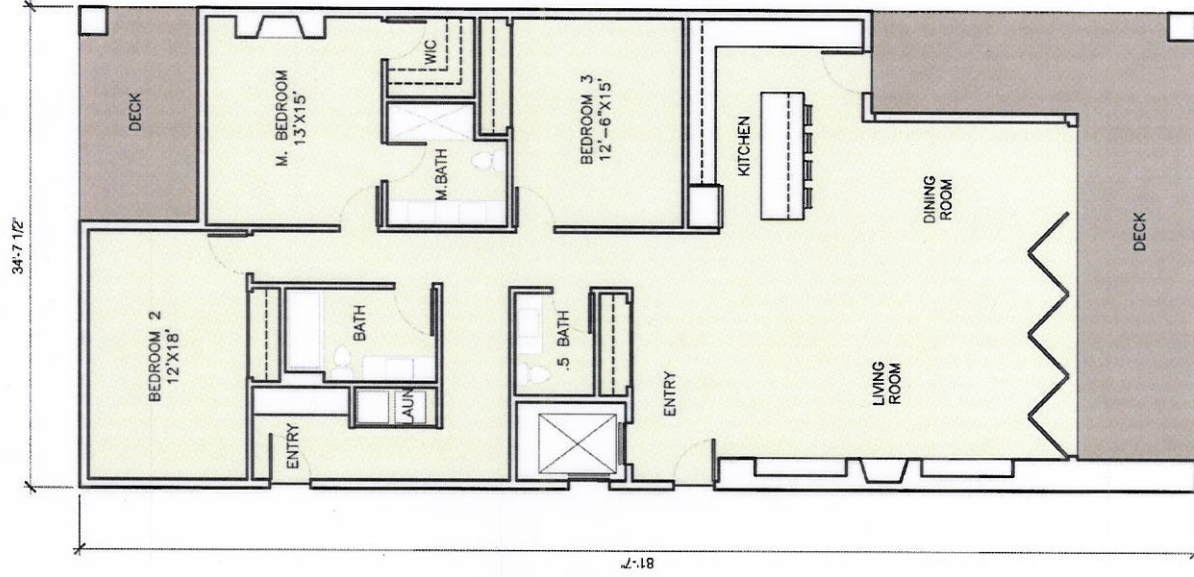


BUILDING E3- TWO BEDROOM + MEDIA ROOM LAYOUT

SITE PLAN KEY:



BUILDING E4
4-3 BEDROOM UNITS
(2392 SF + 2282 SF)



BUILDING E4- THREE BEDROOM UNIT LAYOUT

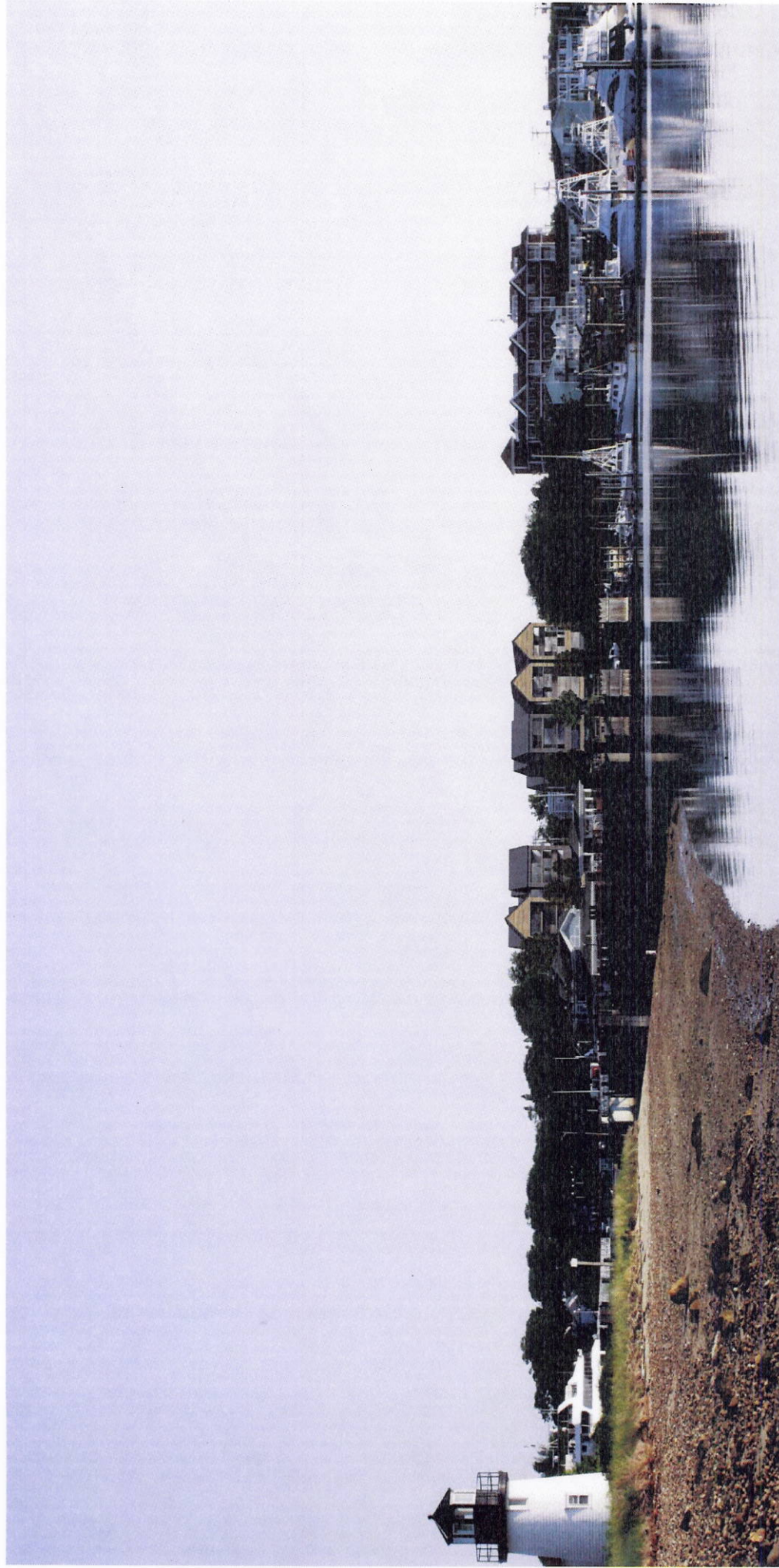
DOCKSIDE RESIDENCES
MERGE ARCHITECTS

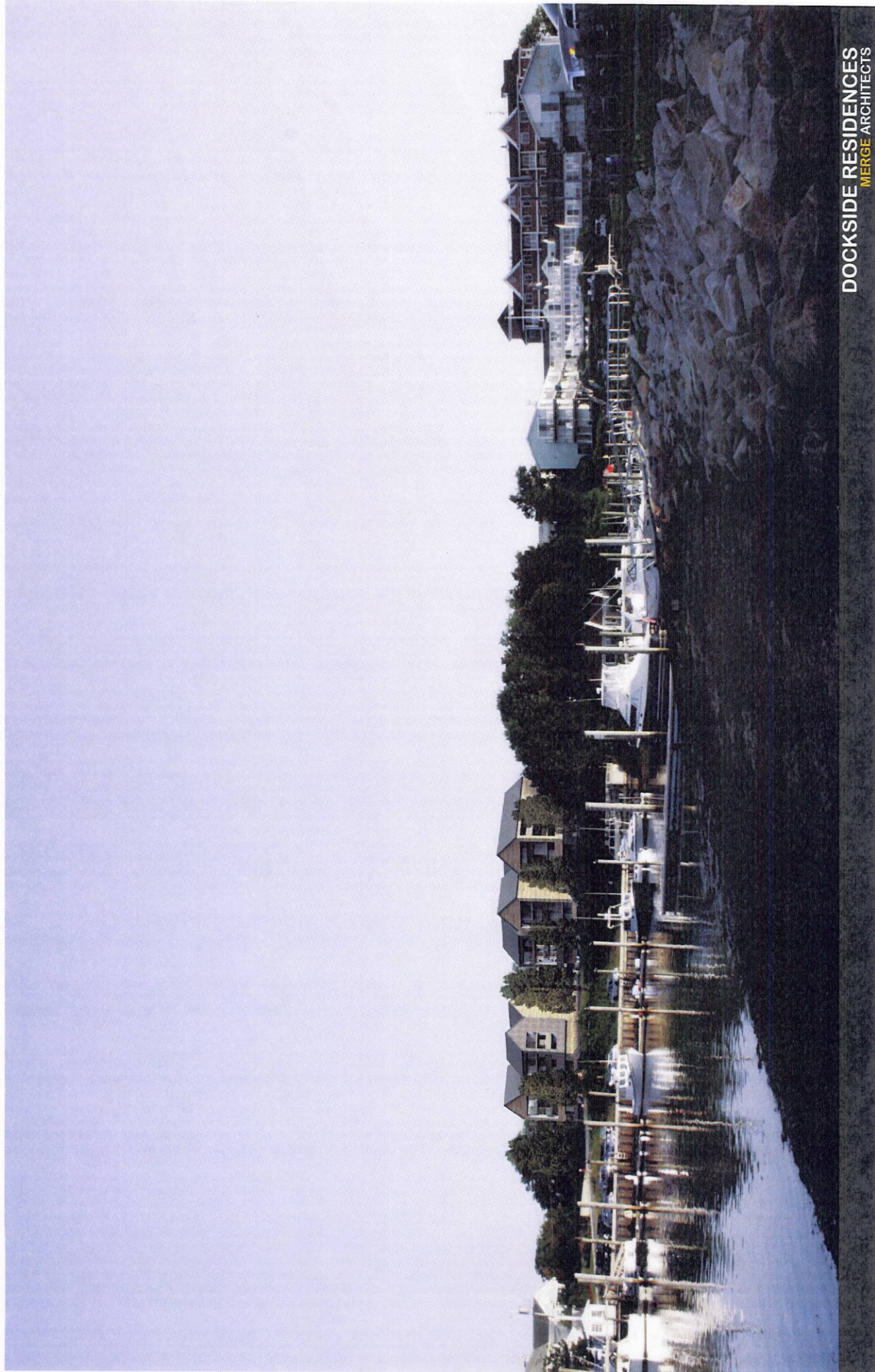


VIEW NORTH ON SCHOOL ST



VIEW SOUTH FROM SOUTH ST





DOCKSIDE RESIDENCES
MERGE ARCHITECTS

1.20.16

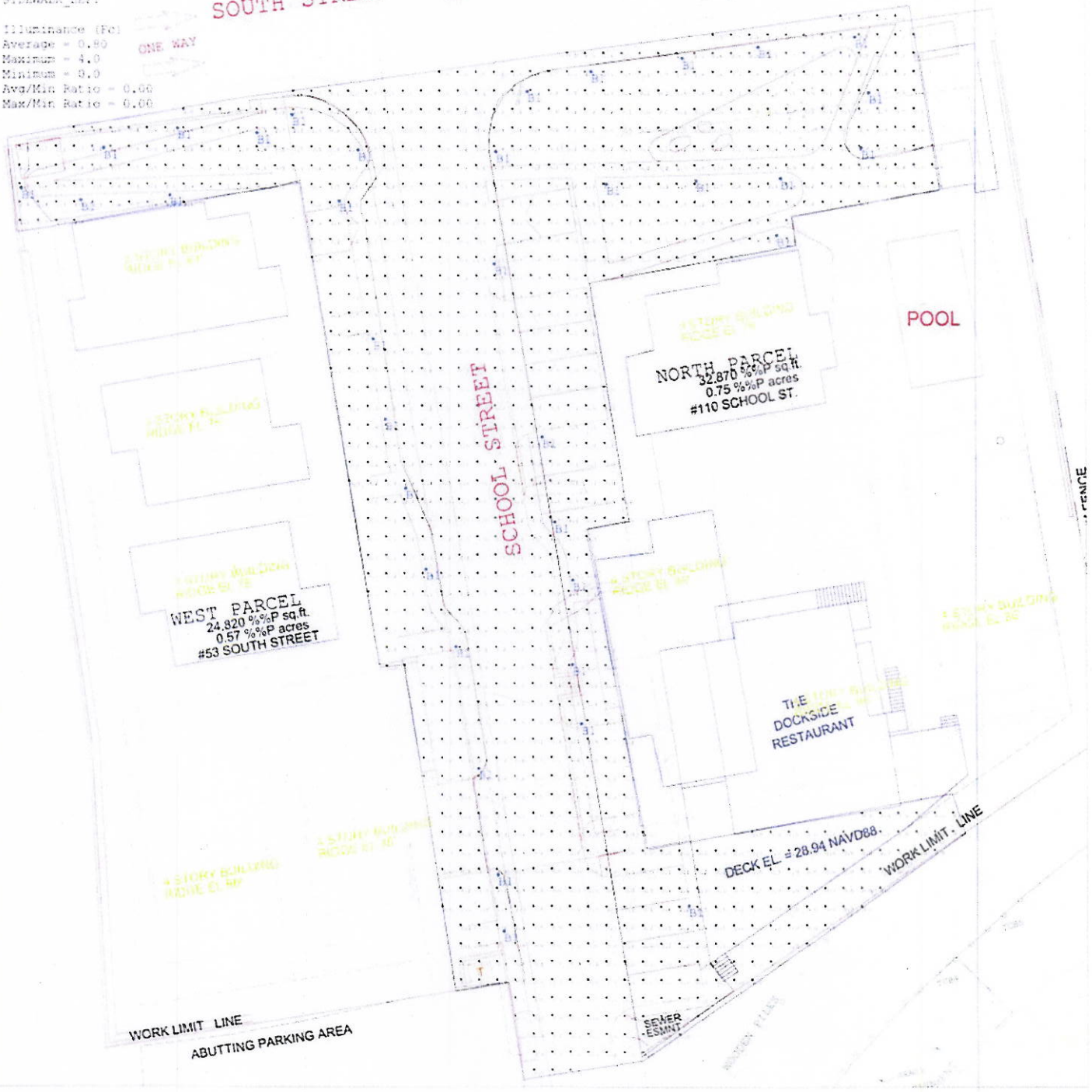
SIDEWALK RIGHT
 Illuminance (Fc)
 Average = 0.51
 Maximum = 3.1
 Minimum = 0.0
 Avg/Min Ratio = 0.00
 Max/Min Ratio = 0.00

SIDEWALK LEFT
 Illuminance (Fc)
 Average = 0.80
 Maximum = 4.0
 Minimum = 0.0
 Avg/Min Ratio = 0.00
 Max/Min Ratio = 0.00

SOUTH STREET

(40' WIDE WAY)
 REDEFINITION BK. 231 PG. 45

ONE WAY



DOCKSIDE RESIDENCES
 SITE LIGHTING: BOLLARDS ONLY

DATE: 1.20.16	BY: [Signature]	CHECKED: [Signature]
PROJECT: DOCKSIDE RESIDENCES	SHEET: 1 OF 1	SCALE: AS SHOWN
DESIGNED BY: [Signature]	DATE: 1.20.16	PROJECT NO: [Number]
PROJECT NO: [Number]	SHEET NO: [Number]	DATE: 1.20.16

SIDEWALK LEFT

Illuminance (Fc)
Average = 1.11
Maximum = 4.9
Minimum = 0.0
Avg/Min Ratio = 0.00
Max/Min Ratio = 0.00

SIDEWALK RIGHT

Illuminance (Fc)
Average = 0.75
Maximum = 4.1
Minimum = 0.0
Avg/Min Ratio = 0.00
Max/Min Ratio = 0.00

SOUTH STREET

(40' WIDE WAY)
REDEFINITION BK. 231 PG. 45

ONE WAY

ONE WAY

SCHOOL STREET

POOL

NORTH PARCEL
32,870 sq. ft.
0.75 %P acres
#110 SCHOOL ST.

WEST PARCEL
24,820 sq. ft.
0.57 %P acres
#53 SOUTH STREET

THE DOCKSIDE
RESTAURANT

DECK EL. = 28.94 NAVD88

WORK LIMIT LINE

WORK LIMIT LINE
ABUTTING PARKING AREA

SEWER
ESMNT

FENCE



DOCKSIDE RESIDENCES

SITE LIGHTING: BOLLARDS ONLY

DATE	BY	REVISION
10/1/2014	W. J. HARRIS	1.0
10/1/2014	W. J. HARRIS	1.1
10/1/2014	W. J. HARRIS	1.2
10/1/2014	W. J. HARRIS	1.3
10/1/2014	W. J. HARRIS	1.4
10/1/2014	W. J. HARRIS	1.5
10/1/2014	W. J. HARRIS	1.6
10/1/2014	W. J. HARRIS	1.7
10/1/2014	W. J. HARRIS	1.8
10/1/2014	W. J. HARRIS	1.9
10/1/2014	W. J. HARRIS	2.0

KHA 9 LED

CODE 076451

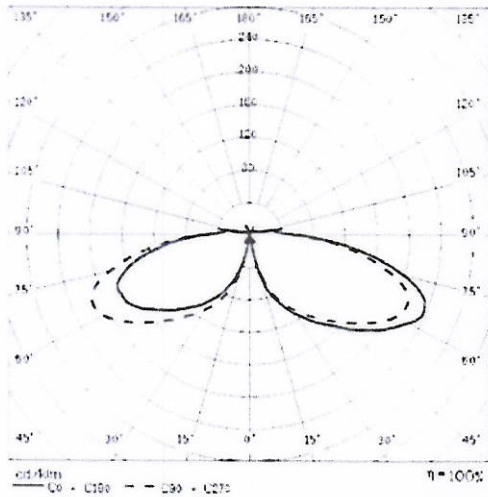
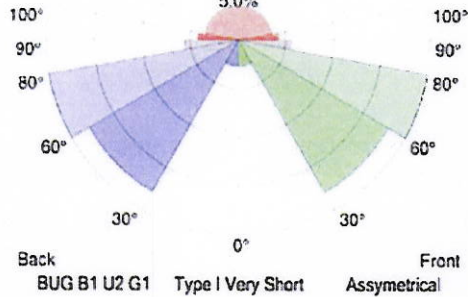
% Lamp Lm

Uplight
180°
20.0%

15.0%

10.0%

5.0%



US ROAD STANDARDS

1MH	V. Short
2.25MH	Short
3.75MH	Medium
	Long
6MH	Type I
1MH	Type II Type III Type IV
	1MH 1.75MH 2.75MH
BUG B1 U2 G1	Type I Very Short
	Assymetrical

BOLLARD

McHenry Riverwalk, Illinois

Luminaire

Round shape. Heavy cast aluminum hood with shade and guard.

6"(25cm) seamless acrylic cylinder, UV resistant.

LAC: Prismatic acrylic

LAP: Pond acrylic 75% diffusing

LAO: Opaline acrylic

Tool-free "Twist-lock" quarter-turn opening system.

"V" groove seamless silicone gasket.

IP66 weatherproof protection.

Stainless steel hardware.

Bolt circle (BB1): 5" (13cm)Ø.

Anchor bolts: 3/8"Ø x 12" long

Optic / Electric

Pre-anodized aluminum reflector with a 95% minimum reflection level.

LED

3L3-SSL4

IES type III or V
Segmented reflector

HID-PLT

RS3-RS5

IES type III or V
Segmented reflector

HID-PLT

NS5

IES type v
Bare lamp

Lamp

4K = LED 4000K (neutral white)

MH = Metal halide

HPS = High pressure sodium

S17 = medium base

PLT = Compact Fluorescent

Electric

High power factor of 90%. Tool-free removable ballast or driver tray with quick-disconnect connectors. 120, 208, 240, 277 or 347 volts.

Consult factory for other source and ballast types.

Finish / Options

5 mils/127 microns polyester powder coating.

Meet the ASTM G7, B117 and D1654.

A wide variety of RAL colors is available.

Option

PC: Button type photoelectric cell

TP: Tamperproof hardware

CBM1103

Weight: 31 lbs - 14kg

info@cyclonelight.com | www.cyclonelight.com

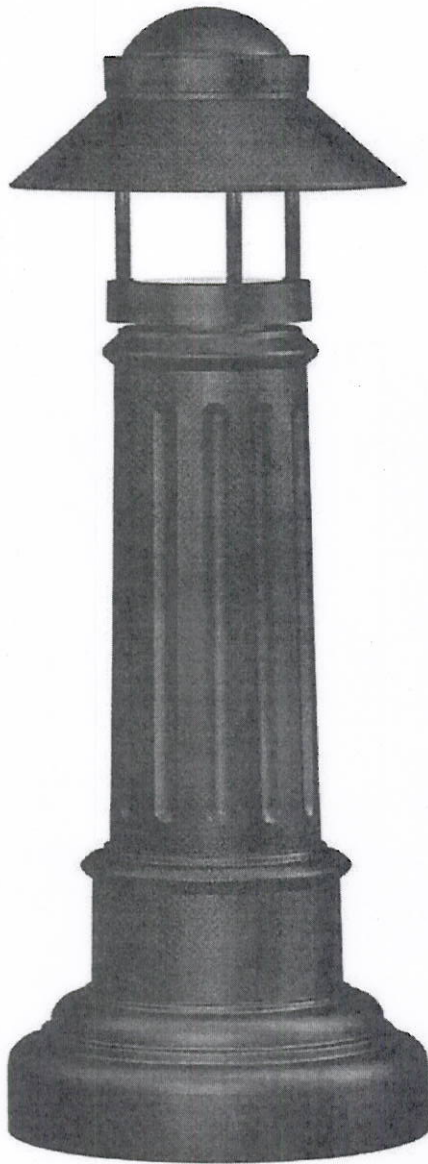
BOLLARD



BOLLARD

CBM 1105H

BB3



LED, HID, Induction

IES Classification Type III, V

Vandal proof hardware

LED up to 24W type III and 32W type V

Available in all RAL colors

Tool free access

IP66

Options: Photocell,

Dimmable, MOM control system

LED lamp details

LED code	Lumen output	efficacy(Lm/W)	Wattage LED	Wattage System	BUG rating	HPS equivalency
TGAP-3L-12W	675	45	12	15	B1-U2-G1	35W
TGAP-5L-16W	940	47	16	20	B1-U2-G1	35W
TGAP-3L-24W	1204	43	24	28	B1-U2-G1	50W
TGAP-5L-32W	1575	45	32	35	B1-U2-G1	50W

IES -TM-21 Calculated L70 is over 75 000 hours

IES -TM-21 Reported more than 36 000 hours

Equivalency should always be verified by a third party photometric test.

See latest results and update on website at www.cyclonellighting.com

LED 4000K + - 150K 70 CRI minimum



BOLLARD

CBM 1310H

BB 1



LED, HID, Induction
IES Classification Type V
Vandal proof hardware
LED up to 24W
Available in all RAL colors
Tool free access
IP66
Options: Photocell,
Dimmable, MOM control system

LED lamp details

LED code	Lumen output	efficacy(Lm/W)	Wattage LED	Wattage System	BUG rating	HPS equivalency
SSL4-12W	840	56	12	15	B1-U2-G0	35W
SSL4-16W	1040	52	16	20	B1-U2-G0	35W
SSL4-20W	1200	50	20	24	B1-U2-G0	50W
SSL4-24W	1288	46	24	28	B1-U2-G0	50W

IES -TM-21 Calculated L70 is over 75 000 hours

IES -TM-21 Reported more than 36 000 hours

Equivalency should always be verified by a third party photometric test.

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LED 4000K + - 150K 70 CRI minimum

