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Zoning Board of Appeals January 13, 2021

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30 OCT '20 PM 3:48
BARNSTABLE TOWN CLERK

Town of Barnstable
Zoning Board of Appeals
Application for Other Powers

Date Received
Town Clerk's Office:

For office use only:

Appeal # 2020-040
Hearing Date 12-09-20
Decision Due 02-07-21

The undersigned Appellant hereby files an appeal to the Zoning Board of Appeals under M.G. L. Chapter 40A, Sections 8 & 15 for the reasons indicated:

Appellant's Name: Todd Beansregard, Phone: 978-275-1919
Appellant's Address: 137 Fairmount St Lowell, MA 01852

Address of Property that is the subject of this application: 101 Warren Street
formally 162 Washington Ave Osterville, MA.

Assessor's Map/Parcel Number: 139086/162 Zoning District: RF1, AP, RPOD
Groundwater Overlay District: AP

Property Owner: _____, Phone: _____
If different from Appellant

Address of Owner: _____
If different from Appellant

This is a request for:

- Enforcement Action
- Appeal of Administrative Official's Decision
- Other General Powers - Please Specify: _____

Which Section(s) of the Zoning Ordinance and/or MGL Chapter 40A are you appealing to the Zoning Board of Appeals? ISSUANCE of a building permit (B-20-2073) issued on 10-2-2020 that does not meet the minimum lot width and minimum lot area and is subject to legal merger with an adjacent lot, 176 Washington Ave Osterville,
See attached

The Appellant is the person making the appeal.

Application for Other Powers - Page 2

Nature of Appeal & Description of Request: ISSUE an order that the lot at 101 Warren Street Osterville, MA is a nonconforming lot and unbuildable due to legal merger with the adjacent nonconforming lot.
* See Attached *

Attach Additional Sheet if Necessary

Is the property subject to an existing Variance or Special PermitNo [] Yes [] - #: Unknown

Existing Level of Development of the Property - Number of Buildings: None

Present Use(s): Vacant Land

Existing Gross Floor Area: _____ sq. ft. Proposed New Gross Floor Area: _____ sq. ft.

Is the property located in a designated Historic District?..... Yes [] No [X]
Is this proposal subject to the jurisdiction of the Conservation Commission Yes [] No [] unknown
Is this proposal subject to approval by the Board of Health Yes [] No [] unknown
Is the building a designated Historic Landmark?..... Yes [] No [X]

Has a building permit been issued?..... Yes [X] No []
Has a building permit been refused?..... Yes [] No [X]

The following information, as applicable, should be submitted with the application at the time of filing.

- Three (3) copies of the completed application form, each with original signatures accompanied by all supporting documentation related to the appeal
- Three (3) copies of a certified property survey (plot plan) and one (1) reduced copy (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.
- Three (3) copies of a site improvement plan and one (1) reduced copy (8 1/2" x 11" or 11" x 17").
- The applicant may submit any additional supporting documents to assist the Board in making its determination.

Signature: [Handwritten Signature] Date: 10-30-2020
Appellant's or Representative's Signature?

Print Name: Todd Beauregard

Address: 137 Fairmount St Phone: 978-275-1919
Lowell, MA 01852 Fax No.: 978-275-1933

e-mail Address: tbb98@hotmail.com

² 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 Appellant, a letter authorizing the Representative to act on behalf of the Appellant shall be required.

October 30, 2020

FAX 508-862-4784

Town of Barnstable

Zoning Board of Appeals

Growth Management Department

200 Main Street, Hyannis, MA 02601

RE: Appeal of building permit B-20-2073 issued to Dave Parrella

162 Washington Avenue Osterville, MA

Dear Members:

We write to object to the issuance of the building permit B-20-2073 on October 2, 2020 to Dave Parrella for 101 Warren Street Osterville, Massachusetts. My Wife and I are record owners of 8 East Avenue in Osterville, Massachusetts. Please be advised I have reviewed the filing of attorney Schultz with the Building Commissioner dated June 9, 2020 regarding the status of the lots located at 101 Warren Street, formally 162 Washington avenue, and 176 Washington street in Osterville, MA. Despite the fact that Mr. Schultz opined that the two lots were not held in common ownership since 1956 and there not merged it seems attorney Shultz failed to inform the building department of some pertinent facts to determine if these lots were subject to legal merger prior to the issuance of a building permit. It is my position that these lots are in fact merged and therefore unbuildable as two distinct lots.

Roger Hearn and Deirdre Hearn (hereafter the Hearn's) who owned both lots and are a married couple from Wellesley Massachusetts. When the 162 Washington Avenue was sold on June 19, 2020 to David Parrella both Roger Hearn and Deirdre Hearn signed the deed. (Exhibit 1). Both signatures were notarized by in one notary block by a Mr. Thomas Beach. In the deed to Mr. Parrella, Deirdre Hearn also release her Homestead rights to the property pursuant to G.L.C. 188. Implicit in this release are rights and interest in the property, thus, demonstrating the common interest with her husband to 162 Washington Ave and 176 Washington Ave as Deirdre was also the record owner the lot located at 176 Washington Avenue, Osterville Massachusetts. (Exhibit 2)

As you are aware Massachusetts courts have found when there is a common interest in two adjacent nonconforming lots they merge by operation of law. The two lots in question do not meet the minimum lot area nor do they meet the minimum lot width. It is a longstanding rule that considers adjoining undersized lots held in common ownership as one lot for zoning purposes. The lot in question and the issuance of the permit to build does not conform with Barnstable zoning ordinance 240-13 minimum with and area requirements and is significantly undersized.

I have also included for the Board's review a Plan of Land in Barnstable (Exhibit 3) which shows the locus and lot in question labeled lot number 2 and the Town of Barnstable Geographic Information Systems map (Exhibit 4) showing the locus including my property at 8 east Avenue in Osterville.

Thank you for your attention to this matter.

Very truly yours,

Todd Beauregard

137 Fairmount Street Lowell, MA 01852

EXHIBIT 1

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ROGER D. HEARN, of 24 Oxford Road, Wellesley, Massachusetts 02481 ("Grantor"),

for consideration paid in the sum of Seven Hundred Twenty-Five Thousand and NO/100 (\$725,000.00),

grants to **DAVID PARRELLA**, with a mailing address of P.O. Box 483 Barnstable, Massachusetts 02630, ("Grantee"),

with QUITCLAIM COVENANTS,

the land situated in Barnstable (Village of Osterville) in the County of Barnstable and the Commonwealth of Massachusetts, described as follows:

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NOT AN OFFICIAL COPY
On Land Court Subdivision Plan 15678-A

Subject to and together with the benefit of all other rights, reservations and restrictions of record insofar as the same may be in force and applicable.

This deed releases any and all homestead rights created either automatically by operation of law or by a written declaration that is recorded. The Grantors hereby waive any and all rights of Homestead in and to the premises conveyed hereby and warrant under the pains and penalties of perjury that no other individuals are entitled to any rights of Homestead under M.G.L. c. 188 in the premises conveyed herein.

For Grantor's title see Certificate of Title No. 149799.

Address of Premises: 162 Washington Avenue, Osterville, Massachusetts 02655.

Executed under seal as of this ^{NOT} ~~AN~~ 19th ^{NOT} ~~AN~~ day of June 2020, ^{NOT} ~~AN~~ ^{NOT} ~~AN~~

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Roger D. Hearn

NOT AN NOT AN NOT AN NOT AN

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Deirdre S. Hearn

NOT AN NOT AN NOT AN NOT AN

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Deirdre S. Hearn, releasing any rights of Homestead pursuant to G.L. c. 188

NOT COMMONWEALTH OF MASSACHUSETTS

Norfolk ^{NOT} ~~AN~~ County ^{NOT} ~~AN~~ OFFICIAL COPY OFFICIAL COPY OFFICIAL COPY OFFICIAL COPY

On this *19th* day of June 2020, before me, the undersigned Notary Public, appeared Roger D. Hearn and Deirdre S. Hearn, and proved to me through satisfactory evidence which was *MADL* ^{NOT} ~~AN~~ to be the persons whose names are signed on the preceding or attached document, swore or affirmed to me that the contents of this document are truthful and accurate to the best of their knowledge and belief, and acknowledged to me that they signed it voluntarily for its stated purpose.

NOT AN NOT AN NOT AN NOT AN

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Thomas Beach
Notary Public

My commission expires: *02-15-2024*

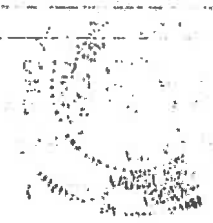
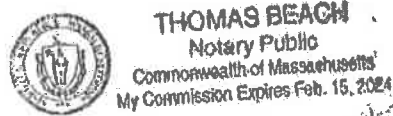


EXHIBIT 2

20639dec.2

DOC:737,076 08-21-98 08:35

CTF#:149798

BARNSTABLE LAND COURT REGISTRY

QUITCLAIM DEED

We, **GEORGE Y. GILPATRICK** and **DEBORAH D. GILPATRICK**, both of 2916 Circle Ridge Drive, Orange Park, Florida, for consideration in the amount of **ONE HUNDRED SEVENTY-TWO THOUSAND FIVE HUNDRED AND 00/100 (\$172,500.00) DOLLARS**, paid, grant to **DEIRDRE S. HEARN**, individually, of 2201 Foresthill Road, Alexandria, Virginia 22307.

WITH QUITCLAIM COVENANTS, a certain parcel of land located at 176 Washington Avenue, Barnstable (Osterville), Barnstable County, Massachusetts, bounded and described as follows:

**LOT 1
PLAN 10290-B**

Said land is subject to the restrictions referred to in Certificate of Title No. 15641, so far as the same are now in force and applicable.

Said land is subject to and has the benefit of the rights and agreement set forth in Document No. 52,383.

Said land is subject to a Taking of Washington Avenue by the Town of Barnstable, dated March 19, 1956 being Document No. 47,464.

For title, see Certificate of Title No. 121584.

WITNESS our hands and seals this 20th day of August, 1998.

George Y. Gilpatrick
by Albert J. Schulz, attorney in fact

Deborah D. Gilpatrick
by Albert J. Schulz, attorney in fact

DEEDS REG 23
CANCELLED
08/21/98 DIST
BARNSTABLE COUNTY
RECORDS OF DEEDS
COUNTY EXCISE TAX
08/20/98 #222222
076 #
TAX 393.30
TOTAL 393.30
CASH 393.30
1 #17M 0001
HD1 #2222 07:38
COUNTY EXCISE TAX

Barn 1 10290-B

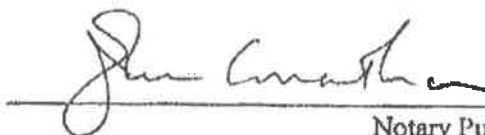
20639dec.2

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

August 20th, 1998

Then personally appeared the above named George Y. Gilpatrick and Deborah D. Gilpatrick, by their attorney in fact, and acknowledged the foregoing instrument to be their free act and deed before me-



Notary Public

My commission expires:

JOHN CONATHAN II
Notary Public
My Comm. Expires July 8, 2001



BARNSTABLE REGISTRY OF DEED

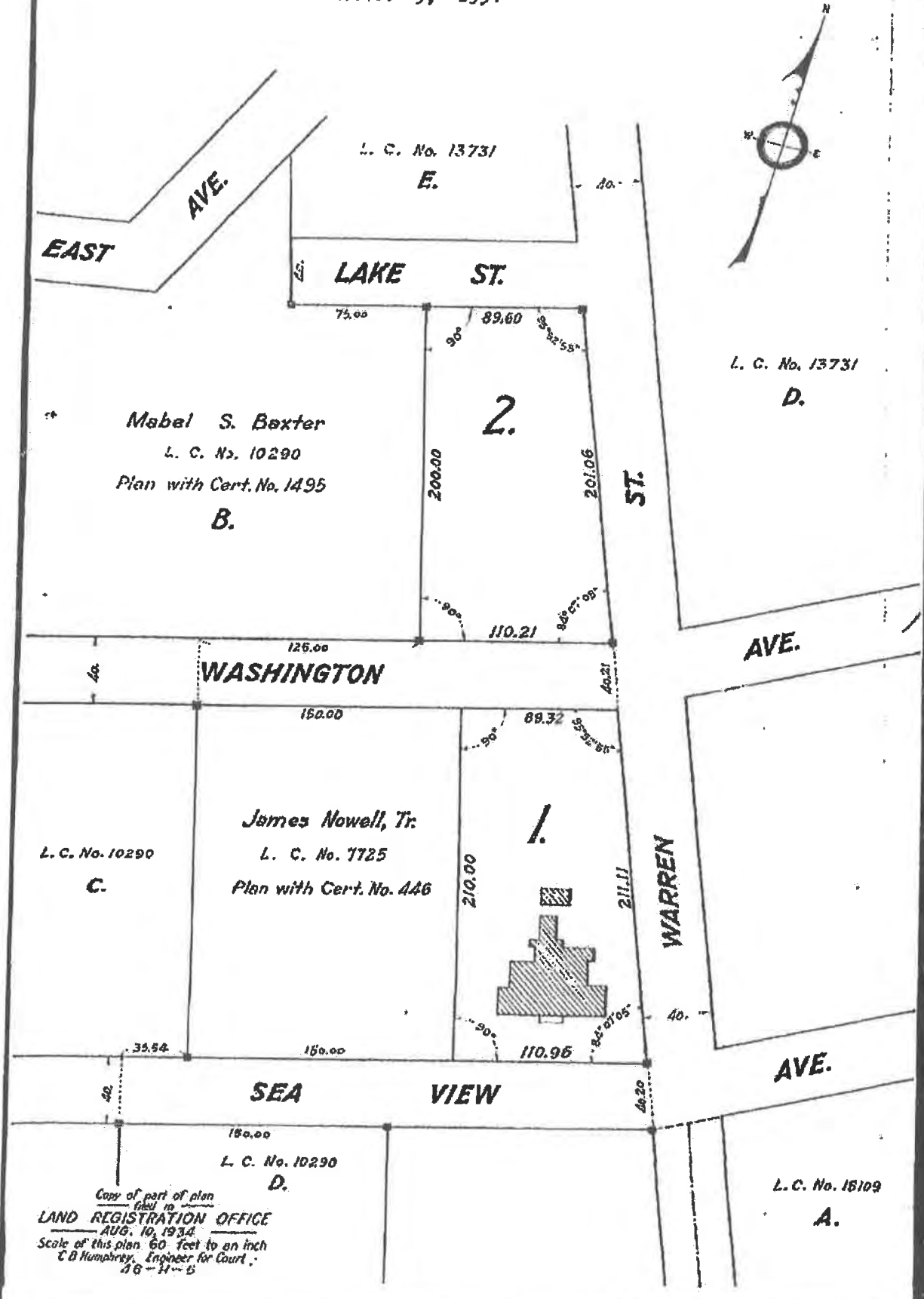
EXHIBIT 3

PLAN OF LAND IN BARNSTABLE(Wianno)

William S. Crooker, Civil Engineer

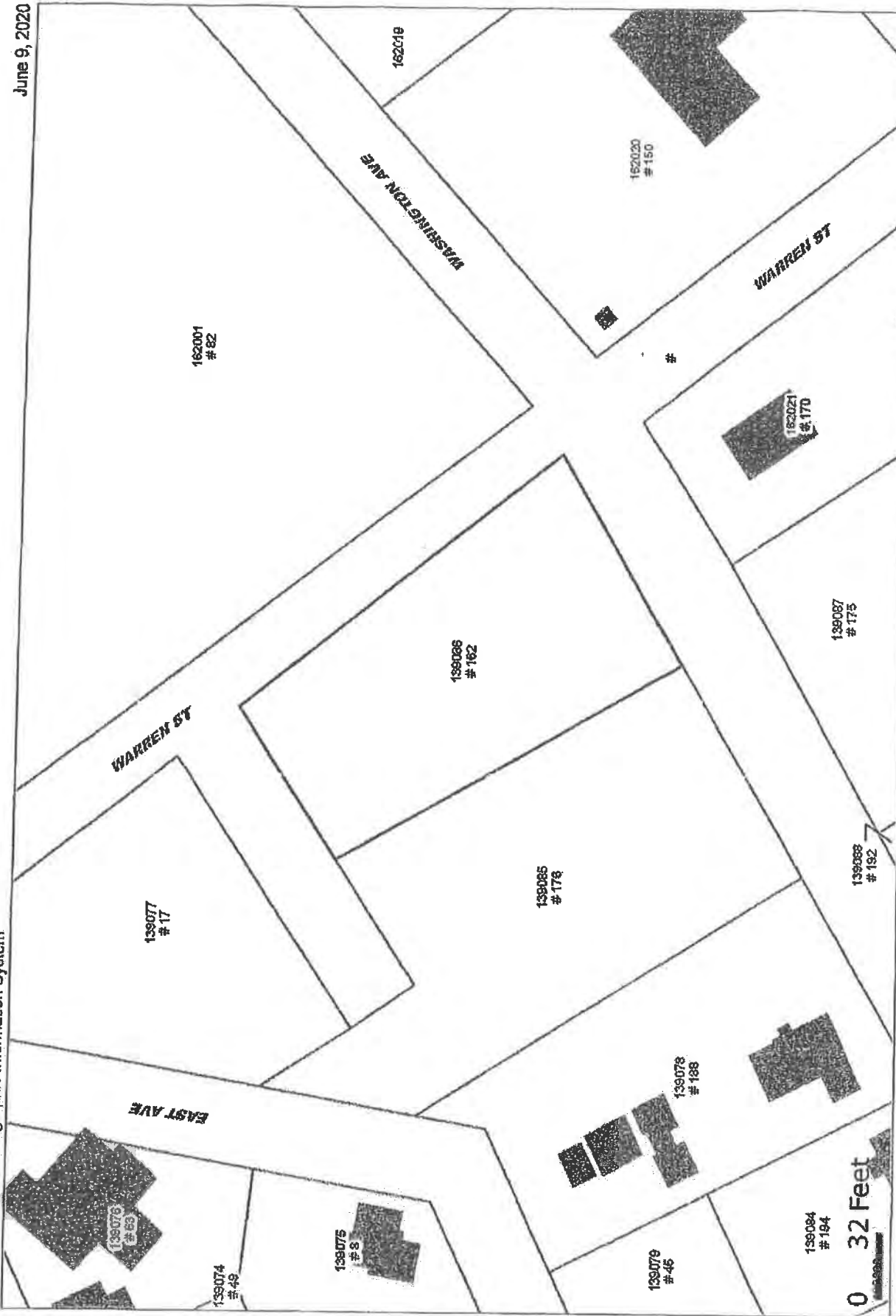
AUGUST 3, 1934

15 678^{AM}



Copy of part of plan
 filed in
LAND REGISTRATION OFFICE
 AUG. 10, 1934.
 Scale of this plan, 60 feet to an inch
 C. B. Humphrey, Engineer for Court.
 28-11-5

EXHIBIT 4



DISCLAIMERS: This map is for planning purposes only. It is not adequate for legal boundary determination or regulatory interpretation. Enhancements beyond a scale of 1"=100' may not meet established map accuracy standards. The parcel lines on this map are only graphic representations of Assessor's tax parcels. They are not true property boundaries and do not represent accurate relationships to physical features on the map such as building footprints.

Map: 139 Parcel: 088
 Owner: HEARN, ROGER D
 Co-Owner:
 Location: WASHINGTON AVENUE

Total Assessed Value: \$193100
 Acreage: 0.46000918 acres

Selected Parcel

Abutters

Buffer



SCHULZ LAW OFFICES, LLC
THE SAMUEL ISHAM HOUSE
1340 MAIN STREET
OSTERVILLE, MASSACHUSETTS 02655-1542
TELEPHONE (508) 428-0950
FACSIMILE (508) 420-1536

ALBERT J. SCHULZ
aschulz@schulzlawoffices.com

MICHAEL F. SCHULZ
mschulz@schulzlawoffices.com

June 9, 2020

Brian Florence
Building Commissioner
Town of Barnstable
200 Main Street
Hyannis, Massachusetts 02601

Re: 162 Washington Avenue, Osterville, Massachusetts 02655

Dear Mr. Florence:

I have examined the record title to the real estate located at 162 Washington Avenue, Osterville, Massachusetts 02655 ("Locus"), shown as Lot 2 on Land Court Plan 15678-A ("recorded plan"). **See Exhibit 1.** I have also examined the title to the parcel abutting Locus at 176 Washington Avenue (Parcel 078, Map 085), from 1956 to present in order to determine whether any abutting parcels have merged with Locus for zoning purposes and/or whether Locus is a complying lot under the Town of Barnstable Zoning Ordinance. **See Exhibits 1-5.** Based on my examination of the record title to each of the above parcels during the relevant period, I state the following:

1. The present owner of Locus is Roger D. Hearn, under a deed from George Yeoman Gilpatrick dated August 20, 1998 and registered against Certificate of Title No. 149799. **See Exhibit 3.**
2. Locus is situated in an RF-1 residential district, an Aquifer Protection Overlay District (AP) and Resource Protection Overlay District (RPOD).
3. Under §240-13 of the Barnstable Zoning Ordinance, the bulk requirements in a RB District are as follows:

Minimum Lot Area (sq.ft.)	87,120
Minimum Lot Frontage (feet)	20
Minimum Lot Width (feet)	125
Minimum Front Yard Setback (feet)	30
Minimum Side Yard Setback (feet)	15
Minimum Rear Yard Setback (feet)	15

See Exhibit 4.

4. According Land Court Plan 10290-B and the Town of Barnstable GIS, Locus contains approximately 0.46 acres (20,037.60 square feet), and is conforming with respect to everything with the exception of Minimum Lot Area and Minimum Lot Width. **See Exhibits 1, 2 and 4.**

5. Locus became non-conforming with respect to: (1) Minimum Lot Width with the adoption of Article 42 at the Annual Town Meeting on March 5, 1956, which changed the district from R-AA to RD with a Minimum Lot Width to 125 feet, and (2) Minimum Lot Area with the adoption of Article 99 at the Annual Town Meeting on March 4, 1969, which changed the district from RD to RF-1 and Minimum Lot Area from 20,000 square feet to 43,560 square feet.

6. Locus has not been held in common ownership with the parcel at 176 Washington Avenue from 1956 to present. **See Exhibit 5.**

Based upon the above facts, it is my opinion that Locus is a separate building lot for zoning purposes.

As always, please do not hesitate to contact my office should you have any questions.

Very truly yours



Michael F. Schulz
Schulz Law Offices, LLC

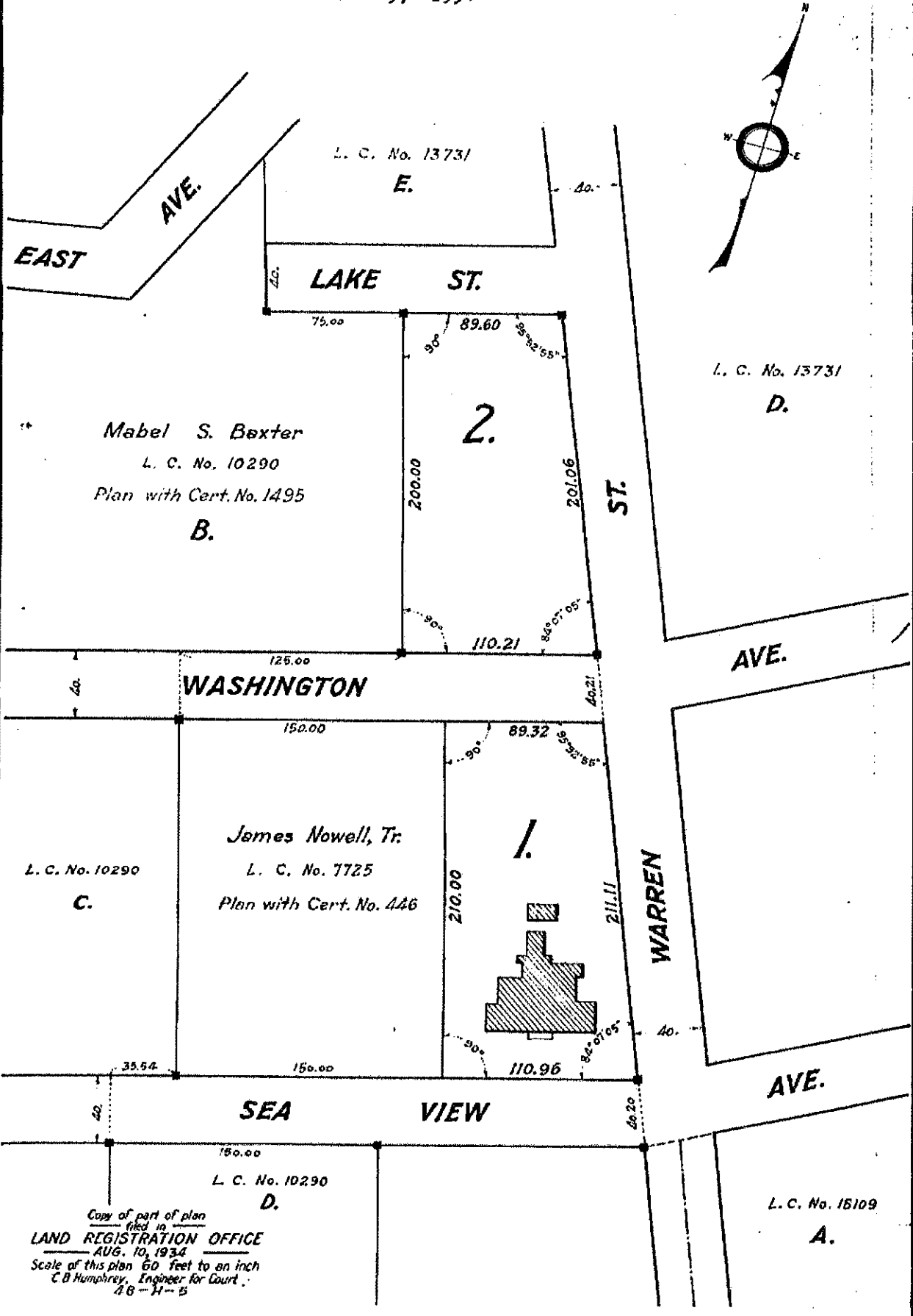
EXHIBIT 1

PLAN OF LAND IN BARNSTABLE(Wianno)

15 678^A

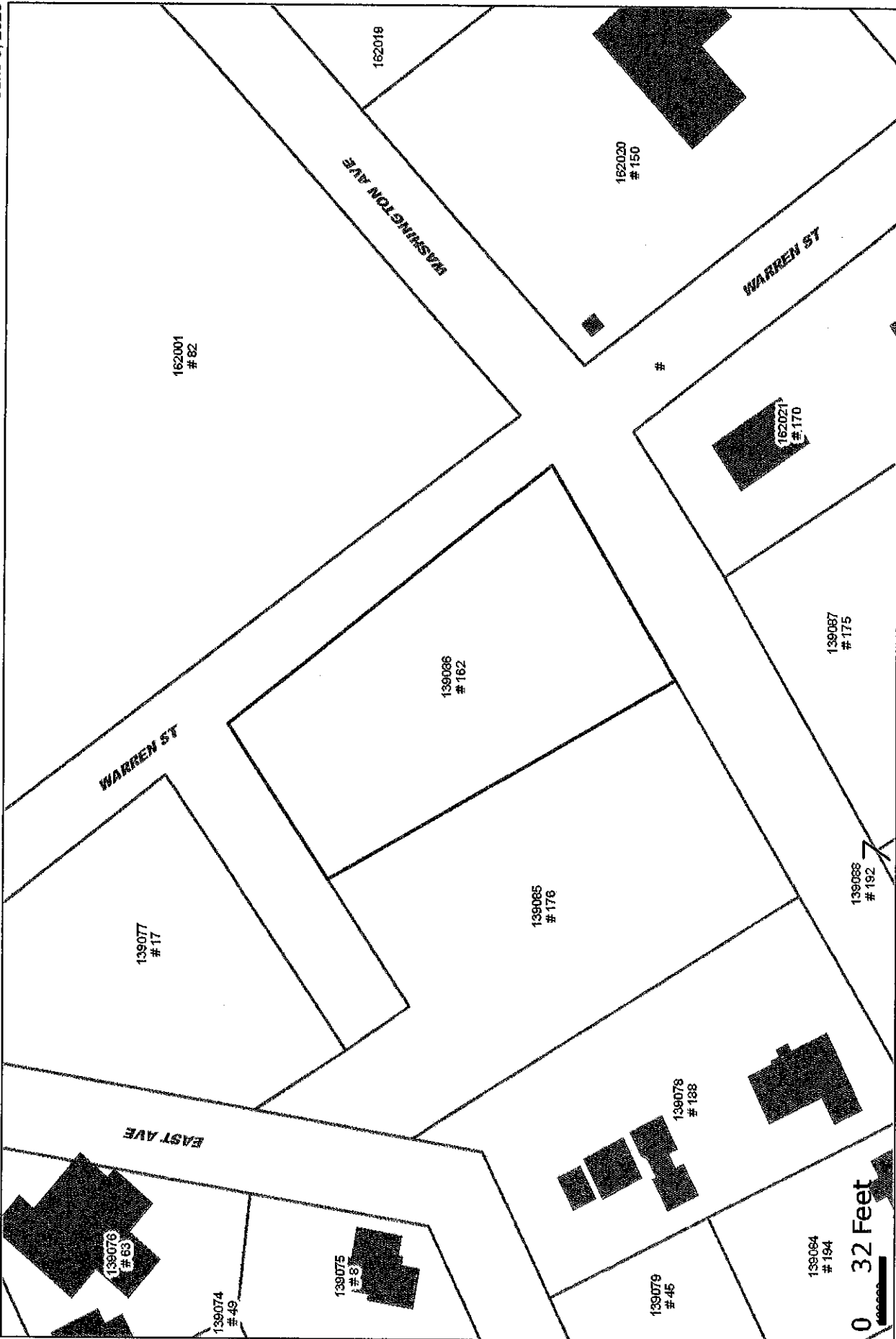
William S. Crocker, Civil Engineer

AUGUST 3, 1934



Copy of part of plan
 filed in
LAND REGISTRATION OFFICE
 AUG. 10, 1934
 Scale of this plan 60 feet to an inch
 C.B. Humphrey, Engineer for Court.
 78-H-15

EXHIBIT 2



DISCLAIMERS: This map is for planning purposes only. It is not adequate for legal boundary determination or regulatory interpretation. Enlargements beyond a scale of 1"=100' may not meet established map accuracy standards. The parcel lines on this map are only graphic representations of Assessor's tax parcels. They are not true property boundaries and do not represent accurate relationships to physical features on the map such as building locations.

Map: 139 Parcel: 086
 Owner: HEARN, ROGER D
 Co-Owner:
 Location: WASHINGTON AVENUE

Total Assessed Value: \$193100
 Acreage: 0.46000918 acres

Selected Parcel
 Abuffers
 Buffer

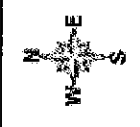


EXHIBIT 3

QUITCLAIM DEED BARNSTABLE LAND COURT REGISTRY

I, **GEORGE YEOMAN GILPATRICK**, of 2916 Circle Ridge Drive, Orange Park, Florida, for consideration in the amount of **ONE HUNDRED SEVENTY-TWO THOUSAND FIVE HUNDRED AND 00/100 (\$172,500.00) DOLLARS**, paid, grant to **ROGER D. HEARN**, individually, of 2201 Foresthill Road, Alexandria, Virginia, 22307

WITH QUITCLAIM COVENANTS, a certain parcel of land located at 162 Washington Avenue, Barnstable (Osterville), Barnstable County, Massachusetts, bounded and described as follows:

- Northerly by the southerly line of Lake Street, eighty-nine and 60/100 (89.60) feet;
- Easterly by the westerly line of Warren Street, two hundred one and 06/100 (201.06) feet;
- Southerly by the northerly line of Washington Avenue, one hundred ten and 21/100 (110.21) feet; and
- Westerly by land now or formerly of Mabel S. Baxter, two hundred (200) feet.

All of said boundaries are determined by the Court to be located as shown on plan 15678-A dated August 3, 1934, drawn by William S. Crocker, Civil Engineer, as modified and approved by the Court, and filed in the Land Registration Office at Boston, a copy of a portion of which is filed in Barnstable County Registry of Deeds in Land Registration Book 15 Page 136 with Certificate of Title No. 3636 and said land is shown thereon as **LOT 2**.

Said lot is subject to restrictions mentioned or referred to in a deed given by Joseph E. Stevens et al to Robert M. Daniel dated October 15, 1913 duly recorded in Book 323 Page 521.

There is appurtenant to said lot the right to use said Lake Street in common with others entitled thereto.

Said lot is subject to a taking of Washington Avenue by the Town of Barnstable dated March 15, 1956 being Document No. 47464.

For title, see Certificate of Title No. 37020.

WITNESS my hand and seal this

day of August, 1998.

George Yeoman Gilpatrick
 by *Robert J. Schuch*, attorney
 George Yeoman Gilpatrick *in fact*

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

August 20, 1998

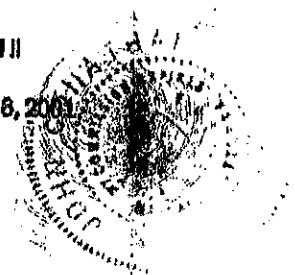
Then personally appeared the above named George Yeoman Gilpatrick by his attorney in fact, and acknowledged the foregoing instrument to be his free act and deed before me-

John Conathan

Notary Public

My commission expires:

JOHN CONATHAN II
Notary Public
My Comm. Expires July 6, 2001



CANCELLED

DEEDS BARNSTABLE COUNTY EXCISE TAX

08/21/98 . DIST

TAX	589.95	TAX	393.30
TOTL	589.95	TOTAL	393.30
CASH	589.95	CASH	393.30
CHNG	0.00		

1 WITH 0002

2010A000 12:40 #01 #2222 07:38

COUNTY EXCISE TAX

BARNSTABLE REGISTRY OF DEEDS

15,135

D E E D

THOMAS T. BALDWIN, ET AL,
TRUSTEES

to

MILDRED SAWYER

test executed

*Sea View Ave
Westerville,*

Windsor Registry District

NOV 10 1943

RECEIVED FOR REGISTRATION
AT 11 O'CLOCK 55 m. a. 26
BURYING DATE No. 67.08
IN REGISTRATION BOOK 38 118

✓ Noted on Cfs 363646536

NOV 8 1943

APPROVED FOR REGISTRATION
BY THE COURT

J. S. Procter
DEPUTY REGISTER

FROM THE OFFICE OF

GOODWIN, PROCTER & HOAR

ATTORNEYS & COUNSELLORS

84 STATE STREET, BOSTON

S.S. 15678

We, THOMAS T. BALDWIN, JOHN T. BALDWIN and FRANCIS W. PERKINS, Trustees under a Deed of Trust dated June 13, 1895 and recorded in Suffolk Deeds, Book 2284, Page 471, by the powers contained in said Deed of Trust and every other power for Four Thousand Five Hundred Dollars (\$4,500) paid hereby GRANT to MILDRED SAWYER of Barnstable in the County of Barnstable and Commonwealth of Massachusetts, a certain parcel of land with the buildings thereon situated in said Barnstable and bounded and described as follows:

NORTHERLY: By the Southerly line of Washington Ave. 89.32 feet;
 EASTERLY: By the Westerly line of Warren St. 211.11 feet;
 SOUTHERLY: By the Northerly line of Sea View Ave. 110.96 feet; and
 WESTERLY: By land now or formerly of James Nowell, Trustee 210 feet.

Also another parcel of land situate in said Barnstable bounded:

NORTHERLY: By the Southerly line of Lake St. 89.60 feet;
 EASTERLY: By the Westerly line of said Warren St. 201.06 feet;
 SOUTHERLY: By the Northerly line of said Washington Ave. 110.21 feet; and
 WESTERLY: By land now or formerly of Mabel S. Baxter 200 feet.

Being the premises described in Certificate of Title #3636 filed in Barnstable Registry District Book 16, Page 136 and Certificate of Title #6536 filed in said Registry District Book 37, Page 66; and the same are hereby conveyed subject to the restrictions referred to in said Certificates so far as now in force and applicable.

WITNESS our hands and seals this 8th day of November, 1943.

Thomas T. Baldwin

John T. Baldwin

Francis W. Perkins
 Trustees as aforesaid but not individually.



Address of Grantee

Cif 1653

162 Washington

Barnstable

with 1st of Dec 1895 - 2 with Cif 3636.

We, PAUL E. SWIFT, of Barnstable (Hyannis), Barnstable County, Massachusetts, and ARTHUR L. FINNEY, of West Medford, Middlesex County, Massachusetts, ADMINISTRATORS C.T.A. of the Estate of MILDRED SAWYER, late of Barnstable (Wianno), Barnstable County, Massachusetts, never having been married, by power conferred by the Probate Court in and for said County of Barnstable by virtue of a license dated December 24, 1957, Barnstable County Probates No. 35,637, and every other power, for Twenty-two Thousand Five Hundred Dollars (\$22,500.00) said, grant to ELEANOR CONWAY SAWYER (being unmarried), of Stoney Point, Rockland County, State of New York,

the land in said Barnstable (Wianno), together with the buildings thereon, bounded and described as follows:-

PARCEL 1

Northerly by Sea View Avenue;
 Easterly by Warren Street;
 Southerly by Nantucket Sound; and
 Westerly by land now or formerly of William E. A. Bulkeley.
 together with all the right, title and interest of the late Mildred Sawyer in and to Warren Street.

PARCEL 2

Two (2) certain parcels of land, together with the buildings thereon, situate in Barnstable (Wianno), in the County of Barnstable and Commonwealth of Massachusetts, bounded and described as follows:

- (1) Northerly by the southerly line of Washington Avenue, eighty-nine and 32/100 (89.32) feet; Easterly by the westerly line of Warren Street, two hundred eleven and 11/100 (211.11) feet; Southerly by the northerly line of Sea View Avenue, one hundred ten and 96/100 (110.96) feet; and Westerly by land now or formerly of James Nowell, Trustee, two hundred ten (210) feet. Said land is shown as LOT 1 on the plan hereinafter mentioned.
- (2) Northerly by the southerly line of Lake Street, eighty-nine and 67/100 (89.67) feet; Easterly by the westerly line of said Warren Street, two hundred one and 96/100 (201.96) feet; Southerly by the northerly line of said Washington Avenue, one hundred ten and 71/100 (110.71) feet; and
 and
 Westerly by land now or formerly of Mabel S. Baxter, two hundred (200) feet.
 and said land is shown as LOT 2 on said plan.

PAUL E. SWIFT
 ARTHUR L. FINNEY
 ADMINISTRATORS C.T.A.
 2522



102,528

ELEANOR CONWAY SAWYER
TO
YEOMAN
GEORGE NIKKOLSEN OILPATRICK

QUITCLAIM DEED

Barnstable Registry District

RECORDED AT 10
AT 2:00 P.M. J. M.
NOTARIAL FEE \$30.00
REGISTRATION FEE 29.00
Total Fee \$59.00

ALBERT W. ROCKWOOD
829 MAIN STREET
OSTERVILLE, MASSACHUSETTS

I, ELEANOR CONWAY SAWYER of Stony Point, Rockland County, New York, being ~~unmarried~~ ^{unmarried}, for consideration paid, grant to GEORGE YEOMAN ~~YEOMAN~~ GILPATRICK of Barnstable (Wianno), Barnstable County, Massachusetts, with QUITCLAIM COVENANTS a parcel of vacant land situate in said Barnstable (Wianno), Barnstable County, Massachusetts, and shown as Lot 2 on Subdivision Plan 15678-A dated August 3, 1934, drawn by William S. Crocker, Civil Engineer, as modified and approved by the Land Court, and filed in the Land Registration Office at Boston, a copy of a portion of which is filed in the Barnstable County Registry of Deeds in Land Registration Book 15, Page 136, with Certificate of Title No. 3636 and being more particularly bounded and described as follows:

- Northerly by the southerly line of Lake Street, eighty-nine and 50/100 (89.60) feet;
- Easterly by the westerly line of Warren Street, two hundred one and 06/100 (201.06) feet;
- Southerly by the northerly line of said Washington Avenue, one hundred ten and 21/100 (110.21) feet; and
- Westerly by land now or formerly of Label S. Baxter, two hundred (200) feet.

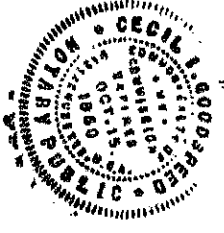
Said land is subject to the building and Zoning Laws of the Town of Barnstable, to a taking by the Town of Barnstable for the layout of Washington Avenue as set forth in Document Number 47464 on file in the Barnstable Registry District of the Land Court and to restrictions mentioned or referred to in a deed given by Joseph E. Stevens et al to Robert M. Daniell dated October 13, 1913, duly recorded in the Barnstable Registry of Deeds Book 323, Page 521 in so far as the same may now be in full force and effect.

There is appurtenant to said land the right to use said Lake Street in common with others now or hereafter entitled thereto.

The premises herein conveyed are a portion of the same premises described in Certificate of Title No. 21511 issued to the grantor herein, Eleanor Conway Sawyer, by the Barnstable Registry District of the Land Court.

WITNESS my hand and seal this 27th day of June 1958

Eleanor Conway Sawyer



THE COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

June 27 1958

Then personally appeared the above named Eleanor Conway Sawyer and acknowledged the foregoing instrument to be her free act and deed, before me

Cecil J. Goodspeed
Notary Public

My commission expires:
October 15, 1960

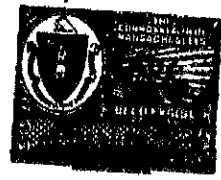


EXHIBIT 4

Chapter 240. Zoning

Article III. District Regulations

§ 240-13. RC, RD, RF-1 and RG Residential Districts.

- A. Principal permitted uses. The following uses are permitted in the RC, RD, RF-1 and RG Districts:
- (1) Single-family residential dwelling (detached).
- B. Accessory uses. The following uses are permitted as accessory uses in the RC, RD, RF-1 and RG Districts:
- (1) Keeping, stabling and maintenance of horses subject to the provisions of § 240-11B(2) herein.
- C. Conditional uses. The following uses are permitted as conditional uses in the RC, RD, RF-1 and RG Districts, provided a special permit is first obtained from the Zoning Board of Appeals subject to the provisions of § 240-125C herein and subject to the specific standards for such conditional uses as required in this section:
- (1) Public or private regulation golf courses subject to the provisions of § 240-11C(2) herein.
 - (2) Keeping, stabling and maintenance of horses in excess of the density provisions of § 240-11B(2)(b) herein, either on the same or adjacent lot as the principal building to which such use is accessory.
 - (3) (Reserved)^[1]
[1] Editor's Note: Former Subsection C(4), regarding family apartments, was repealed 11-18-2004 by Order No. 2005-026. See now § 240-47.1.
 - (4) Windmills and other devices for the conversion of wind energy to electrical or mechanical energy, but only as an accessory use.
- D. Special permit uses. The following uses are permitted as special permit uses in the RC, RD, RF-1 and RG Districts, provided a special permit is first obtained from the Planning Board:
- (1) Open space residential developments subject to the provisions of § 240-17 herein.
- E. Bulk regulations.

Zoning Districts	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Minimum Lot Width (feet)	Minimum Yard Setbacks			Maximum Building Height (feet)
				Front (feet)	Side (feet)	Rear (feet)	
RC	43,560 ²	20	100	20 ³	10	10	30 ¹
RD	43,560 ²	20	125	30 ³	15	15	30 ¹
RF-1	43,560 ²	20	125	30 ³	15	15	30 ¹
RG	65,000	20	200	30 ³	15	15	30 ¹

NOTES:

- ¹ Or 2 1/2 stories, whichever is lesser.
- ² A minimum lot area of 87,120 square feet is required in RPOD Overlay District.
[Added 10-26-2000]
- ³ One hundred feet along Routes 28 and 132.

EXHIBIT 5

52,383

10

Warranty Deed

From the office of

HOBBS & WARREN, INC.
PUBLISHERS STANDARD LEGAL FORMS
BOSTON - MASS
Form 71

L.C.# 10290

Trustable Registry District

JUL 22 1957

RECEIVED FOR REGISTRATION

AT 10 O'CLOCK P.M.

BEING

REGISTERED AT NO. 2071957

NOTED ON OFF. 15641X

LAND COURT, BOSTON. The land herein described will be shown on our approved plan to follow as part II

JUL 18 1957

Plan 10290 B Lot 1
(Examined as to description only)

C. M. Jackson, Engineer, M.C.

Know all men by these presents

that I, Alys H. Bulkeley, a widow and not remarried, of Pacific Palisades, County of Los Angeles, State of California,

in consideration of One Dollar and other valuable considerations

paid by MARJORIE HARPER DEMUTH, divorced and not remarried, of the City of Los Angeles, County of Los Angeles, State of California, ' 836 South Burnside Avenue Los Angeles, California.

the receipt whereof is hereby acknowledged, do hereby give, grant, bargain, sell and convey unto

the said MARJORIE HARPER DEMUTH, all the pieces or parcels of land together with the improvements thereon, located in the Town of Wianno, County of Barnstable, State of Massachusetts, bounded and described as follows:

PARCEL I

<u>Southeasterly</u>	by East Avenue, eighty-nine and 82/100 (89.82) feet;
<u>Southerly</u>	by the northerly line of Second Avenue, seventy-five (75) feet;
<u>Westerly</u>	by land now or formerly of Robert M. Daniel et al, one hundred (100) feet;
<u>Northerly</u>	by said Daniel et al land, seventy-five (75) feet; and
<u>Northeasterly</u>	by land now or formerly of Freeman Adams, fifty-five and 45/100 (55.45) feet.

All of said boundaries are determined by the Court to be located as shown on plan 10290-A dated May, 1924, drawn by Frederick O. Smith, C.E., and filed in the Land Registration Office at Boston, as modified and approved by the Court, a copy of which is filed in Barnstable County Registry of Deeds in Land Registration Book 6 Page 245 with Certificate of Title No. 1495, and said land is shown thereon as Lot A.

PARCEL II

Beginning at a point which is the southeasterly corner of that piece or parcel of land known and described as Plot B as shown on Land Court Plan 10290-A-Sheet No. 1 dated May, 1924, Frederick O. Smith C.E., and filed in the Land Registration Office at Boston, as modified and approved by the Court, a copy of which is filed in Barnstable County Registry of Deeds in Land Registration Book 6 Page 245 with Certificate of Title No. 1495, which said point is in the northerly line of Washington Ave., thence northerly at right angles to the northerly line of Washington Avenue 200' to a point in the southerly line of Lake Avenue; thence westerly at right angles along the southerly line of Lake Avenue 75' to a point; thence northerly at right angles 91.28' to a point in the southeasterly line of East Avenue; thence south-westerly along the southeasterly line of East Avenue forming an interior angle of 39°29'30", 66.18' to a point in the southeasterly line of East Avenue; thence southerly forming an interior angle of 142°23'50", 240.33' to a point in the northerly line of Washington Avenue; thence easterly along the northerly line of Washington Avenue 125' to the place of beginning. According to a subdivision plan of said Parcel B dated 10, August, 1956 designated Plan No. 85038, Charles N. Savery Co.

Said Parcel II is subject to restrictions as set forth in a deed given by Joseph E. Stevens et al to Robert M. Daniel, dated October 15, 1913, duly recorded Book 323 Page 521;

Grantor also hereby conveys to Grantee the full use and enjoyment of any and all rights which Grantor may have in, on and over the easterly three feet of Plot C on said Plan 10290 A arising out of that certain Agreement between W. E. A. Bulkeley and Virginia Prentice Boyd dated April 1, 1939 and Registered June 15, 1939 at 9:30 A. M.

Grantor reserves to herself, however, so long as she shall live, all right, title, use and control of said premises in consideration for which she agrees to maintain said premises in good condition and pay all duties, levies and taxes of every kind and nature which may be assessed thereon.

B East Avenue

176 Washington Avenue

Alys H. Bulkeley (M. E.A.)

To have and to hold the granted premises, with all the privileges and appurtenances thereto belonging, to the said **MARJORIE HAMPER DEMUTH** and her heirs and assigns, to their own use and behoof forever, subject to the life estate expressly reserved to Grantor herein, so long as she shall live.

And I hereby for myself and my heirs, executors, and administrators, **covenant** with the grantee and her heirs and assigns, that I am lawfully seized in fee-simple of the granted premises; that they are free from all incumbrances; except as aforesaid;

that I have good right to sell and convey the same as aforesaid; and that I will and my heirs, executors, and administrators shall **warrant and defend** the same to the grantee and heirs and assigns forever against the lawful claims and demands of all persons

And for the consideration aforesaid I, **ALYS H. BULKELEY**

do hereby release unto the said grantee and HER heirs and assigns all right of or to both **dower and homestead**— an estate by the **curtesy**— in the granted premises, and all other rights and interests therein.

In witness whereof I the said **ALYS H. BULKELEY** do

hereunto set my hand and seal this **28th** day of **September**
in the year one thousand nine hundred and **fifty-six**

Signed and sealed in the presence of

Stacy P. Stone
Wellingtone

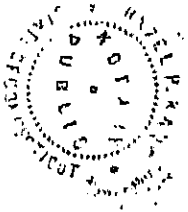
Alys H. Bulkeley
Alys H. Bulkeley

STATE OF CONNECTICUT
The Commonwealth of Massachusetts

HARTFORD ss.

September 28 1956.

Then personally appeared the above named Alys H. Buikley
and acknowledged the foregoing instrument to be free act and deed, before me---



Hazel P. Kane
Notary Public - Justice of the Peace

My commission expires April 1, 1961.

19 at o'clock and minutes M

Received and entered with Deeds
Book Page

Attest:

Register

(1M1-55)

STATE OF CONNECTICUT, ss.
Hartford County,



I, Raymond G. Calnen, Clerk of the County of Hartford and of the Superior Court of said State within and for said County, which is a Court of Record, and keeper of the Seal thereof,

DO HEREBY CERTIFY that *Hazel P. Kane* whose name is subscribed to the certificate or proof of acknowledgment, affidavit or oath on the annexed instrument was at the time of taking such acknowledgment, proof or affidavit or administering such oath, duly authorized to take or administer the same and was a Notary Public within and for said State, dwelling in said County, duly appointed, commissioned, and sworn, and authorized by the laws of this State to administer oaths for general purposes and take affidavits and the acknowledgment or proofs of deeds to be recorded in this State; that I am well acquainted with *his* handwriting and verily believe that the signature to the said acknowledgment or proof, affidavit or oath is genuine; and that such certificate is not required by the law of said State to be under Seal.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the Seal of said Superior Court at Hartford, in said County, this *28th* day of *September*, A. D. 1956.
Raymond G. Calnen Clerk



RECORDED
DEEDS
JUL 28 1956
265

273682

83696

Noted on (H) 20717

680-36

+

RECEIVED FOR

Nov 21 12 45 PM '80

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT

Case No. 10290-S
(scal)

Upon the petition of Virginia Prentice Gilpatrick representing that Certificate of Title No. 20717 issued by the Registry District of Barnstable County stands in the names of Marjorie Harper DeMuth subject to a life estate of Alys H. Bulkeley.

And further representing that Alys H. Bulkeley died on December 16, 1968.

And further representing the death of said Marjorie Harper De Muth a/k/a Marjorie H. DeMuth in Jacksonville, Florida, and the allowance of her foreign Will by the Probate Court for the County of Barnstable.

And further representing that owner's duplicate Certificate of Title has been lost and after due and diligent search cannot be found...

And praying for a New Certificate of Title after due proceedings, it is ORDERED:

That Certificate of Title No. 20717 be cancelled and a new Certificate of Title for the land described therein be issued to Virginia Prentice Gilpatrick of Jacksonville, Florida.

PRENTICE

per file
M. Cronin
11-24-80

FURTHER ORDERED that said new Certificate of Title shall be issued without the necessity of presenting the owner's duplicate Certificate of Title.

MUST be registered with Order: The Death Certificate of Alys H. Bulkeley.

By the Court,
DATED: November 17, 1980

Attest:

Jeanne M. Maloney
Deputy Recorder

VFG: 1361 Mallory Street, Jacksonville, Florida

A TRUE COPY
ATTEST:

Jeanne M. Maloney
DEPUTY RECORDER

514534

Noted on CIF 53696

121584

996-24

RECEIVED
SEP 27 1 09 PM '90
RECEIVED

DEED

KNOW ALL MEN, THAT WE, ANDREW P. HALL, of Pine Lane, Osterville MA 02655, and GEORGE Y. GILPATRICK, of 2916 Circle Ridge Drive, Orange Park FL 32065, as we are together the duly-appointed Executors of the estate of Virginia Prentice Gilpatrick, deceased, late of 1851 Mallory Street, Jacksonville FL 32205, by decree of Barnstable County (MA) Probate Court dated August 18, 1986 at Docket No. 86P-0851-EP, hereby grant, under and pursuant to power and authority vested in us by Article Ninth of the Last Will and Testament of the said Virginia Prentice Gilpatrick, deceased, and by every other power, for Two Hundred Thirty-five Thousand Dollars (\$235,000.00), to GEORGE Y. GILPATRICK and DEBORAH D. GILPATRICK, husband and wife, of 2916 Circle Ridge Drive, Orange Park FL 32065, as tenants by the entirety, the land with all improvements thereon situate in Barnstable (Osterville), Barnstable County, Massachusetts, more particularly bounded and described as follows:

- Southeasterly by East Avenue, eighty-nine and 82/100 (89.82) feet;
- Southerly by the northerly line of Second Avenue, seventy-five (75) feet;
- Westerly by by land now or formerly of Robert M. Daniel et al, one hundred (100) feet;
- Northerly by said Daniel et al land, seventy-five (75) feet; and
- Northeasterly by land now or formerly of Freeman Adams, fifty-five and 45/100 (55.45) feet.

All of said boundaries are determined by the Court to be located as shown on plan 10290-A dated May 1924, drawn by Frederick O. Smith, C. E., and filed in the Land Registration Office at Boston, a copy of which is filed in Barnstable County Registry of Deeds in Land Registration Book 6 Page 245 with Certificate of Title No. 1495 and said land is shown thereon as LOT A.

- Southerly by the northerly line of Washington Avenue, one hundred twenty-five (125) feet;
- Westerly by Lot 2, two hundred forty and 33/100 (240.33) feet;

Sum. Ref A Pl 10290-A (J.H.) v Lot 1 Pl 10290-B

Northwesterly by East Avenue, sixty-six and 18/100
(66.18) feet;
Easterly by land now or formerly of Wianno Club
and by the end of Lake Avenue,
ninety-one and 28/100 (91.28) feet;
Northerly by the southerly line of said Lake
Avenue, seventy-five (75) feet; and
Easterly by land now or formerly of Henry G.
Perkins, two hundred (200) feet.

All of said boundaries are determined by the Court to be located as shown on subdivision plan 18290-B dated August 18, 1956, drawn by Charles N. Savery, Co., Surveyors, and filed in the Land Registration Office at Boston, a copy of which is filed in Barnstable County Registry of Deeds in Land Registration Book 155 Page 56 with Certificate of Title No. 28716 and said land is shown thereon as LOT 1.

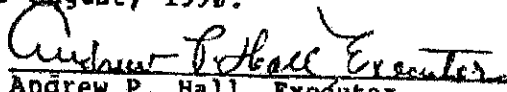
Said land is subject to the restrictions referred to in Certificate of Title No. 15641, so far as the same are now in force and applicable.

Said land is subject to and has the benefit of the rights and agreement set forth in Document No. 52,383.

Said land is subject to a Taking of Washington Avenue by the Town of Barnstable dated March 19, 1956 being Document No. 47,464.

For our title, see Certificate of Title No. 83696 and Barnstable County Registry of Probate docket no. 86P-0851-EP.

IN WITNESS WHEREOF, WE, the said Andrew P. Hall and George Y. Gilpatrick, Executors as aforesaid, hereunto set our hands and seals this 31st day of August, 1990.


Andrew P. Hall, Executor


George Y. Gilpatrick, Executor

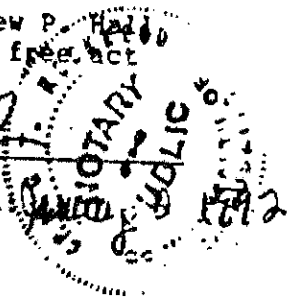
THE COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

August 31, 1998

Then personally appeared the above-named Andrew P. Hall and acknowledged the foregoing instrument to be his free act and deed, as Executor, before me

[Signature]
Notary Public
My Commission Expires



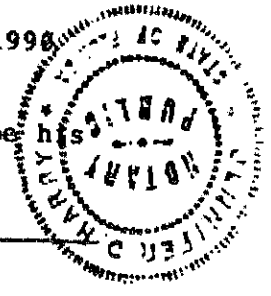
THE STATE OF FLORIDA

Duval, ss.

August 27, 1998

Then personally appeared the above-named George Y. Gilpatrick and acknowledged the foregoing instrument to be his free act and deed, as Executor, before me

[Signature]
Notary Public
My Commission Expires:



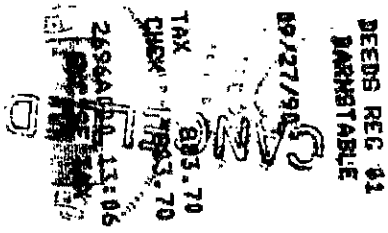
NOTARY PUBLIC, STATE OF FLORIDA
My commission expires Jan. 25, 1999

9/26/10
APPROVED FOR REGISTRATION
BY THE COURT

[Signature]
CHIEF TITLE EXAMINER

Deed 11-792 Estate of Virginia Parker Gilpatrick

7
8
2
9
0
0



DOC:737,076 08-21-98 08:35

20639dec.2

CTF#:149798

BARNSTABLE LAND COURT REGISTRY

QUITCLAIM DEED

We, **GEORGE Y. GILPATRICK** and **DEBORAH D. GILPATRICK**, both of 2916 Circle Ridge Drive, Orange Park, Florida, for consideration in the amount of **ONE HUNDRED SEVENTY-TWO THOUSAND FIVE HUNDRED AND 00/100 (\$172,500.00) DOLLARS**, paid, grant to **DEIRDRE S. HEARN**, individually, of 2201 Foresthill Road, Alexandria, Virginia 22307.

WITH QUITCLAIM COVENANTS, a certain parcel of land located at 176 Washington Avenue, Barnstable (Osterville), Barnstable County, Massachusetts, bounded and described as follows:

**LOT 1
PLAN 10290-B**

Said land is subject to the restrictions referred to in Certificate of Title No. 15641, so far as the same are now in force and applicable.

Said land is subject to and has the benefit of the rights and agreement set forth in Document No. 52,383.

Said land is subject to a Taking of Washington Avenue by the Town of Barnstable, dated March 19, 1956 being Document No. 47,464.

For title, see Certificate of Title No. 121584.

WITNESS our hands and seals this 20th day of August, 1998.

George Y. Gilpatrick
by Albert J. Schulz, attorney in fact
George Y. Gilpatrick
Deborah D. Gilpatrick
by Albert J. Schulz, attorney in fact
Deborah D. Gilpatrick

DEEDS REG23 BARNSTABLE COUNTY
CANCELLED OF DEEDS
08/21/98 DIST COUNTY EXCISE TAX
08/20/98 #222222
076 #
TAX 589.95 TAX 393.30
TOTL 589.95 TOTAL 393.30
CASH 589.95 CASH 393.30
CHNG 0.00
1 #17M 0001
2009A000 12:40 #01 H2222 07:38
COUNTY EXCISE TAX

Barn 1 10290-B

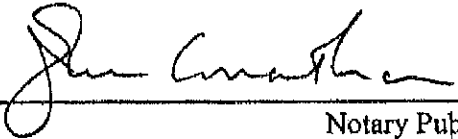
20639dec.2

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

August 20th, 1998

Then personally appeared the above named George Y. Gilpatrick and Deborah D. Gilpatrick, by their attorney in fact, and acknowledged the foregoing instrument to be their free act and deed before me-



Notary Public

My commission expires:

JOHN CONATHAN II
Notary Public
My Comm. Expires July 6, 2001



BARNSTABLE REGISTRY OF DEED

	188 Washington	176 Washington	101 Warren (f.k.a 162 Washington)
1943		William E.A.Buckley (C.4044)	Eleanor Conway Sawyer (C.21511)
1953	Elizabeth Walters Maiden (C.20716)	Marjorie Harper Demuth (C.20717)	Eleanor Conway Sawyer (C.21511)
1956	Elizabeth Walters Maiden (C.20716)	Marjorie Harper Demuth (C.20717)	Eleanor Conway Sawyer (C.21511)
1957	Alys H. Buckley (C.33220)	Marjorie Harper Demuth and Alys H. Buckley (C.20717)	Eleanor Conway Sawyer (C.21511)
1958	Alys H. Buckley (C.33220)	Marjorie Harper Demuth and Alys H. Buckley (C.20717)	George Yeoman Gilpatrick (C.37020)
1964	Virginia Prentice Gilpatrick, Robert M. Bownes, et al (C.33221)	Marjorie Harper Demuth and Alys H. Buckley (C.20717)	George Yeoman Gilpatrick (C.37020)
1965	Virginia Prentice Gilpatrick, Robert M. Bownes, et al (C.34350)	Marjorie Harper Demuth and Alys H. Buckley (C.20717)	George Yeoman Gilpatrick (C.37020)
1969	Virginia Prentice Gilpatrick, Robert M. Bownes, et al (C.34350)	Marjorie Harper Demuth and Alys H. Buckley (C.20717)	George Yeoman Gilpatrick (C.37020)
1980	Virginia Prentice Gilpatrick, Robert M. Bownes, et al (C.34350)	Virginia Prentice Gilpatrick (C.83696)	George Yeoman Gilpatrick (C.37020)
1981	Virginia Prentice Gilpatrick, Robert M. Bownes, et al (C.87178)	Virginia Prentice Gilpatrick (C.83696)	George Yeoman Gilpatrick (C.37020)
1990	Virginia Prentice Gilpatrick, Robert M. Bownes, et al (C.87178)	George Y. Gilpatrick and Deborah Gilpatrick (C.121584)	George Yeoman Gilpatrick (C.37020)

1991	Luciann Boyd Sullivan, Luciann P. Sullivan, Gregory C. Sullivan, Christopher B. Sullivan (C. 124714)	George Y. Gilpatrick and Deborah Gilpatrick (C.121584)	George Yeoman Gilpatrick (C.37020)
1998	Luciann Boyd Sullivan, Luciann P. Sullivan, Gregory C. Sullivan, Christopher B. Sullivan (C. 124714)	Deirdre S. Hearn (C.149799)	Roger D. Hearn (C.149799)
2020	Luciann Boyd Sullivan, Luciann P. Sullivan, Gregory C. Sullivan, Christopher B. Sullivan (C. 124714)	Brian T. Dacey, Trustee (C.223003)	David Parrella (C.222890)



4 NOV '20 PM 1:12
BARNSTABLE TOWN CLERK

Town of Barnstable
Zoning Board of Appeals
Application for Other Powers

Date Received
Town Clerk's Office:

For office use only:
Appeal # _____
Hearing Date _____
Decision Due _____

The undersigned Appellant hereby files an appeal to the Zoning Board of Appeals under M.G. L. Chapter 40A, Sections 8 & 15 for the reasons indicated:

Appellant's Name: Natalie Pittenger, Phone: _____

Appellant's Address: 9 Schooner Lane, Hyannis, MA 02601

Address of Property that is the subject of this application: 1174 Pitcher's Way, Hyannis, MA 02601

Assessor's Map/Parcel Number: 273-123 Zoning District: B

Groundwater Overlay District: GP

Property Owner: Windmill Square, LLC, Phone: 508-775-9316

If different from Appellant

Address of Owner: 297 North Street, Hyannis, MA 02601

If different from Appellant

This is a request for:

- Enforcement Action
- Appeal of Administrative Official's Decision
- Other General Powers - Please Specify: _____

Which Section(s) of the Zoning Ordinance and/or MGL Chapter 40A are you appealing to the Zoning Board of Appeals? Please see attached memorandum

¹ The Appellant is the person making the appeal.

Application for Other Powers - Page 2

Nature of Appeal & Description of Request: Please see attached memorandum

Attach Additional Sheet if Necessary

Is the property subject to an existing Variance or Special PermitNo Yes - #. _____

Existing Level of Development of the Property - Number of Buildings: Undeveloped

Present Use(s): None

Existing Gross Floor Area: 0 sq. ft. Proposed New Gross Floor Area: 23,804 sq. ft.

Is the property located in a designated Historic District?..... Yes No
Is this proposal subject to the jurisdiction of the Conservation Commission Yes No
Is this proposal subject to approval by the Board of Health Yes No
Is the building a designated Historic Landmark?..... Yes No

Has a building permit been issued?..... Yes No

Has a building permit been refused?..... Yes No

The following information, as applicable, should be submitted with the application at the time of filing.

- Three (3) copies of the completed application form, each with original signatures accompanied by all supporting documentation related to the appeal
- Three (3) copies of a certified property survey (plot plan) and one (1) reduced copy (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.
- Three (3) copies of a site improvement plan and one (1) reduced copy (8 1/2" x 11" or 11" x 17").
- The applicant may submit any additional supporting documents to assist the Board in making its determination.

Signature:  Date: 11/4/20
Appellant's or Representative's Signature²

Print Name Michael C. Fee, Pierce & Mandell, P.C

Address: 11 Beacon Street, Suite 800, Boston, MA 02108 Phone: 617-720-2444

as attorneys for Natalie Pittenger Fax No.: 617-720-3693

e-mail Address: mfee@piecemandell.com

² 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 Appellant, a letter authorizing the Representative to act on behalf of the Appellant shall be required.

TO: Barnstable Zoning Board of Appeals
FROM: Michael C. Fee, on behalf of Natalie Pittenger
DATE: November 4, 2020
RE: Appeal of Town of Barnstable Building Permit No. B-20-2626 (the "Permit")

On October 6, 2020, the Building Commissioner issued the Permit to Windmill Square, LLC for property located at 1174 Pitcher's Way, Hyannis, MA (the "Property"), for a new commercial building and supporting outdoor features for a Tractor Supply Company store. A true copy of which is attached hereto as Exhibit A. The project includes a building, parking, storage, display areas and other relevant features (the "Project"). The Building Commissioner's action should be reversed because it is in violation of Barnstable Zoning By-law Article III, § 240-35 *Groundwater Protection Overlay Districts*, and ignores the Cape Cod Commission's authority to review projects pursuant to Barnstable Ordinance 90-12 c. A § 3.

I. Groundwater Protection Overlay District

The Project is located in a Groundwater Protection Overlay District as designated by Article III, § 240-35 *Groundwater Protection Overlay Districts*, which prohibits the storage of certain hazardous materials to protect public safety. Prohibited uses include, but are not limited to: (i) storage for resale of heating fuels, including but not limited to, oil, coal, gas and kerosene; (ii) storage of road salt or other deicing materials; (iii) storage of liquid petroleum; and (iv) storage of commercial fertilizer products. These products are among those typically carried by Tractor Supply Co. stores, and without a system or structure designed specifically to house these materials, they pose a potential threat to the groundwater in the area. See attached Exhibit B for examples of hazardous materials sold at Tractor Supply Co and <https://www.tractorsupply.com/>.

In order for the Project to store or sell any of these products, the Applicant would need to apply, and be granted a variance permitting the storage of such products in a Groundwater Protection District. Previously the Applicant filed a petition for a variance which, after the submission of correspondence in opposition from Ms. Pittenger, it withdrew. See Exhibit C attached hereto. Without authorization to store or sell hazardous chemicals, issuance of the Permit exceeds the Building Commissioner's authority

II. Development of Regional Impact Review

Pursuant to Section 3 of the Cape Cod Commission's Chapter A, *Enabling Regulations Governing Review of Developments of Regional Impact* ("Enabling Regulations"), all new retail or commercial developments that have a Gross Floor Area of greater than 10,000 square feet are subject to a mandatory Development of Regional Impact ("DRI") review. The area of Hyannis the Project is in has been classified as a Chapter H Economic Center by a Cape Cod Commission decision dated 4/4/19, and instead has a Gross Floor Area review threshold of 20,000 square feet. Gross Floor Area is defined in Barnstable County Ordinance 90-12 Chapter A 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 which is 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, and mezzanines and attics without deduction for hallways, stairways, elevator shafts, mechanical rooms, closets, thickness of walls, columns, projections, or other similar features. Crawl spaces for plumbing, wiring, or other mechanical infrastructure or for storage and in all cases not designed for human occupancy shall not count towards Gross Floor Area. Attic spaces that consist of the following shall not count towards Gross Floor Area: 1) accessed only by a step ladder or drop-down retractable stairs, 2) with open rafters and floor joists, 3) with no means of ventilation other than ridge, peak or soffit vents, 4) with limited natural or man-made illumination, 5) not intended or designed for human occupancy. **Outdoor areas used for storage, sales, service and display shall also be included in the total Gross Floor Area.**

A site plan which accompanies the Permit, by Oxford Architecture dated 8/6/2020 and attached hereto as Exhibit D, proposes a 19,317 square foot building along with an additional 4,487 square feet dedicated to outdoor display areas. The total square footage proposed is approximately 23,804 square feet and would subject the project to DRI review. Even if the Building Commissioner relied on an earlier plan by Down Cape Engineering, Inc., dated 6/26/20 and attached hereto as Exhibit E, which presented the Gross Floor Area as 19,063, the plan still utilizes outdoor space for customer pickup which should qualify as an outdoor “service” area when calculating Gross Floor Area. While this “Customer Pick-Up and Loading Area” has an unspecified square footage, the size of it appears that it would be greater the remaining 936 square feet allowed before exceeding the DRI threshold. Additionally, the earlier plan does not specify any areas for outdoor display areas, but when comparing the two plans, there is a “lawn” section in the older plan that is converted to “permanent sidewalk display area” in the new plan which would also cause the Project to exceed the DRI threshold if included.

Plans for this project have previously undergone DRI review, which was granted and is now under appeal in Pittenger v. Cape Cod Commission, et al. Land Court Case No. 20-Misc-000218(HPS). The issuance of the Permit to a project which exceeds the DRI threshold, while there is ongoing litigation, circumvents the due process afforded to our client pursuant to St. 1989, c. 716 § 17 and G.L. c. 231A § 2.

III. Request for Relief

The Permit was improperly issued because the Building Commissioner ignored restrictions on use in the Groundwater Protection Overlay District, and the pendency of litigation challenging the Cape Cod Commission’s approval of the Project. As a result, this Board should reverse the decision of the Building Commissioner and nullify the permit.

Exhibit

A



Town of Barnstable

Building Permit

Post This Card So That it is Visible From the Street - Approved Plans Must be Retained on Job and this Card Must be Kept Posted Until Final Inspection Has Been Made.
Where a Certificate of Occupancy is Required, such Building shall Not be Occupied until a Final Inspection has been made.

Permit No. **B-20-2626**
Date Issued: **10/06/2020**
Permit Type: **Building - New Construction - Commercial**
Location: **1174 PITCHER'S WAY, HYANNIS**
Owner on Record: **WINDMILL SQUARE LLC**
Address: **297 NORTH STREET**
HYANNIS, MA 02601
Description: **New building for Tractor Supply Corp.**
Project Review Req: **Permit is for Map and Parcel 273-123 Only**

Applicant Name: **Stuart Bornstein**
Current Use:
Expiration Date: **04/06/2021**
Map/Lot: **273-123** Zoning District: **B**

Contractor Name:
Contractor License:
Est. Project Cost: **\$ 2,000,000.00**
Permit Fee: **\$ 18,425.00**
Fee Paid: **\$ 18,425.00**
Date: **10/6/2020**

Edwin E Bowers

Building Official

This permit shall be deemed abandoned and invalid unless the work authorized by this permit is commenced within six months after issuance. All work authorized by this permit shall conform to the approved application and the approved construction documents for which this permit has been granted. All construction, alterations and changes of use of any building and structures shall be in compliance with the local zoning by-laws and codes. This permit shall be displayed in a location clearly visible from access street or road and shall be maintained open for public inspection for the entire duration of the work until the completion of the same.

The Certificate of Occupancy will not be issued until all applicable signatures by the Building and Fire Officials are provided on this permit.

Minimum of Five Call Inspections Required for All Construction Work:

1. Foundation or Footing
2. Sheathing Inspection
3. All Fireplaces must be inspected at the throat level before first flue lining is installed
4. Wiring & Plumbing Inspections to be completed prior to Frame Inspection
5. Prior to Covering Structural Members (Frame Inspection)
6. Insulation
7. Final Inspection before Occupancy

Where applicable, separate permits are required for Electrical, Plumbing, and Mechanical Installations.

Work shall not proceed until the Inspector has approved the various stages of construction.

"Persons contracting with unregistered contractors do not have access to the guaranty fund" (as set forth in MGL c.142A).

Building plans are to be available on site
All Permit Cards are the property of the APPLICANT- ISSUED RECIPIENT

Approvals	
Structure	
Foundation:	_____
Sheathing:	_____
Framing: 1	_____
2	_____
Chimney:	_____
Insulation:	_____
Final:	_____
Plumbing/Gas	
Rough Plumbing:	_____
Final Plumbing:	_____
Rough Gas:	_____
Final Gas:	_____
Electrical	
Service:	_____
Rough:	_____
Final:	_____
Low Voltage Rough:	_____
Low Voltage Final:	_____
Health	
Final:	_____
Fire Department	
Final:	_____

Exhibit

B



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Outdoor Power Equipment & Lawn Tools (9)

Price

Brand

Availability

Rating

de ice

9 products

1 article

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Compare



Pyroil Windshield De-Icer, 11.5 OZ.

SKU: 82098999

5 (1)

\$2.99

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Compare



Subzero Lock De-Icer and Lubricant, 22-5-00500-SZ

SKU: 120252499

\$2.49

Add to Cart

Compare



Bare Ground Winter Mag Plus Liquid De-Icer, 1 gal. Bottle, BGS-1

SKU: 129398599

4.4 (5)

\$14.99

Add to Cart

Compare



Bare Ground Winter Mag Plus Liquid De-Icer, 2.5 gal. Pail, BG-2.5P

SKU: 129398699

4.2 (6)

\$29.99

Add to Cart

Compare



Bare Ground Winter Mag Plus Liquid De-Icer, 5 gal. Pail, BG-5P

SKU: 129398799

0 (0)

\$59.99

Add to Cart

Compare



Bare Ground Winter Mag Plus Liquid De-Icer, 15 gal. Drum, BG-15D

SKU: 129398899

0 (0)

\$124.99

Add to Cart

Compare



Bare Ground Winter Mag Plus Liquid De-Icer, 30 gal. Drum, BG-30D

SKU: 129398999

0 (0)

\$249.99

Add to Cart

Compare



Bare Ground Winter Mag Plus Liquid De-Icer, 55 gal. Drum, BG-55D

SKU: 129399099

0 (0)

\$399.99

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Standard Delivery Eligible (29)

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Brand

Availability

New Arrival

Rating

Drought Tolerant

Organic

Power Type

Fertilizers 95 products

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Compare



Pelletized Dolomitic Limestone, 1440

SKU: 420659399

4.3 (225)

\$4.69

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Compare



GroundWork Starter 18-24-6, 50 lb., 0051630

SKU: 102831499

3.6 (54)

\$32.99

Find in Stores

Compare



Milorganite Fertilizer, 32 lb. Bag, 100539618

SKU: 106314499

\$19.99

Add to Cart

Compare



Scotts Turf Builder Winterguard Fall Lawn Food 15,000 sq. ft., 38615D

SKU: 131804099

4.6 (262)

\$49.99

Add to Cart

Compare



GreenView Fairway Formula Fall Lawn Fertilizer - 50 lb., 2129186

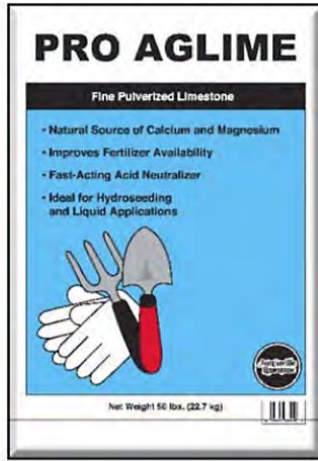
SKU: 130554999

4.8 (57)

\$59.99

Add to Cart

Compare



Varies Pulverized Dolomitic Limestone

SKU: 107354199

4.2 (26)

\$4.69

Find in Stores

Compare



GroundWork 13-13-13 All-Purpose, 40 lb.

SKU: 117976599

4.6 (7)

\$14.99

Find in Stores

Compare



Agri-Fab 130 lb. Stainless Steel Broadcast Spreader, 45-0548

SKU: 149609199

4.8 (13)

\$299.99

Add to Cart

Compare



GroundWork All Purpose Fertilizer, 10-10-10, 65921

SKU: 680626899

4.2 (46)

Was ~~Save~~

Find in Stores

Compare



GreenView Starter Fertilizer - 48 lb., 2131185

SKU: 130554699

5 (3)

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Pickup / Delivery Options:

Standard Delivery Eligible (1)



Kerosene 3 products

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Filter Results Done

package weight

Price

Brand

Availability

Rating

Compare



Crown 1-K Fuel Grade Kerosene, 5 gal., 71007

SKU: 301112399

4.8 (104)

\$34.99

[Find in Stores](#)

Compare



Klean-Strip Klean Heat Kerosene Alternative Fuel, 1 gal., GKKH99991

SKU: 104865499

5 (6)

\$12.99

Add to Cart

Compare



Crown 1-K Fuel Grade Kerosene, 1 gal., KE.P.01

SKU: 301056799

4.2 (5)

\$9.99

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*All fields required**

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Order Status
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Pickup / Delivery Options:

Standard Delivery Eligible (62)

Filter Results Done

Savings & Offers

Price

Brand

Availability

New Arrival

Rating

Weed Killers 103 products

Sort by Most Popular

60 Items Per Page

Compare



RM43 Total Vegetation Control, Weed Preventer Concentrate, Glyphosate + Imazapyr, 2.5 gal., 76501

SKU: 107445699

4.6 (679)

\$99.99

Add to Cart

Compare



Tordon Herbicide, Ready To Use, 1 qt.

SKU: 420553999

\$21.99

Add to Cart

Compare



Roundup Weed & Grass Killer Super Concentrate, 1 gal., 5004215

SKU: 422005099

4.3 (294)

\$119.99

Add to Cart

Compare



Remedy Ultra Herbicide Concentrate, 1 gal.

SKU: 420173999

4.7 (170)

\$99.99

Compare



Dow Rodeo Herbicide, 2.5 gal.

SKU: 103600299

4.1 (34)

\$84.99

Add to Cart

Add to Cart

Compare



GrazonNext HL Specialty Herbicide Concentrate, 2 gal., 10136541

SKU: 103008199

4.7 (69)

\$129.99

Find in Stores

Compare



Gordon's Liquid Weed & Feed Concentrate, 15-0-0, 2.5 gal., 7311122

SKU: 420384699

4.6 (101)

\$49.99

Add to Cart

Compare



Gordon's Amine 400 2,4-D Weed Killer, 2.5 gal., 8141122

SKU: 420154399

4.4 (56)

\$59.99

Add to Cart

Compare



RM43 Total Vegetation Control, Weed Preventer Concentrate, Glyphosate + Imazapyr, 1 gal., 76500

SKU: 105561099

4.6 (75)

Was ~~Save~~

Add to Cart

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Exhibit

C

PIERCE & MANDELL, P.C.

ATTORNEYS AT LAW

11 BEACON STREET, SUITE 800
BOSTON, MASSACHUSETTS 02108

617-720-2444
FAX 617-720-3693
WWW.PIERCEMANDELL.COM

June 9, 2020

VIA ELECTRONIC MAIL (arodolakis@fletcherilton.com)
AND FIRST CLASS MAIL

Alex M. Rodolakis, Esq.
Board of Appeals, Chairperson
Town of Barnstable
367 Main Street
Hyannis, MA 02601

Re: Variance Application - Windmill Square, LLC
Property Location: 1174 Pitcher's Way, Hyannis, MA
Project: Tractor Supply (the "Application")

Dear Chairman Rodolakis and Members of the Board of Appeals:

We are counsel to Natalie Pittenger in connection with the Application for variances recently submitted by Windmill Square, LLC (the "Applicant"). We have reviewed the notice of the meeting scheduled for June 10, which includes instructions on how the public should attend via ZOOM. As set forth in my correspondence to you of March 4, 2020, my client continues to object to the proposed method for conducting the hearing because it inherently circumscribes due process afforded members of the general public who wish to attend and participate in person.

I. Applicable Law

Substantively, we note that the Application appears to meet none of the prerequisites necessary for the grant of a variance. As you know, variances are waivers of a local zoning ordinance or by-law. No one is entitled to a variance as a matter of right, and they are granted only sparingly. Lussier v. Zoning Bd. of Appeals of Peabody, 447 Mass. 531, 534 (2006); Furlong v. Zoning Bd. of Appeals of Salem, 90 Mass. App. Ct. 737, 739-40 (2016). The three statutory prerequisites for the grant of a variance are set out in G. L. c. 40A, § 10, and are echoed in Town of Barnstable Zoning By-law, § 240-125B (1)(c):

Variations. To authorize upon appeal or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land or to an existing building thereon, a variance from the terms of this chapter where, owing to conditions especially affecting such parcel or such building but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this chapter would involve substantial hardship, financial or otherwise to the appellant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this chapter, but not otherwise.

Under state law, the three prerequisites are conjunctive, and the Board may grant a variance only if all three conditions are met. Sheppard v. Zoning Bd. of Appeal of Boston, 81 Mass. App. Ct. 394, 398 (2012).

II. Variances Requested

First, Applicant seeks dimensional variances from § 240 § 53 (Landscape Requirements for Parking Lot), and § 240 § 53(b) (Schedule of Off-Street Parking). Specifically, it proposes to shrink landscape buffers on the west side of the parcel, and reduce the number of parking spaces by 13, from the required 73 under By-law § 240 – 56, to 60. Finally, pursuant to § 240 § 35 F(2)(u) and (v), Applicant seeks a use variance from the Groundwater Protection Overlay District By-law which prohibits the storage of liquid petroleum and fertilizer products in the Groundwater Protection District.

III. Legal Analysis

A. Conditions Especially Effecting Parcel

The threshold requirement in any variance application is the existence of circumstances related to the soil conditions, shape, or topography of the property which are unique to the subject lot. See Bicknell Realty v. Board of Appeals of Boston, 330 Mass. 676, 680, 116 N.E.2d 570 (1953); Campbell v. Rockport Zoning Bd. of Appeals, 21 LCR 676, 679 (2013) (“If there are other properties within the same zoning district as the subject property that have similar topography, soil, or shape, the first criterion to obtain a variance is not fulfilled.”) (citing Kirkwood v. Board of Appeals of Rockport, 17 Mass. App. Ct. 423, 426, 458 N.E.2d 1213 (1984)). The circumstances must be unique to the parcel and cannot affect “generally the zoning district in which it is located.” Planning Board of Watertown v. Board of Appeals of Watertown, 5 Mass. App. Ct. 833, 834 (1977) (citing Shacka v. Board of Appeals of Chelmsford, 341 Mass. 593, 595 (1961)).

Applicant baldly claims that the “...parcel is particularly odd shaped and development creates many challenges. Applicant has met the shape factor.” While some cases have found that an irregularly shaped parcel can constitute a condition warranting relief, it is normally when a lot’s irregular layout does not enable the landowner to meet frontage, setback or other bulk requirements. See, e.g., Josephs v. Board of Appeals of Brookline, 362 Mass 290, 293 (1972); Crosby v. Board of Appeals of Weston, 3 Mass. App. Ct. 713 (1975). Here, the parcel is 2.6 acres in size and, but for Applicant’s choice of design, could well

meet all setback requirements for landscaping and parking. In other words, there is nothing about the irregular shape of the lot that would render it unusable or unbuildable in any sense.

Moreover, Applicant says nothing about the soil conditions, shape or topography of other parcels in the district, or demonstrates in any fashion how circumstances unique to this parcel would render literal enforcement of the By-law inequitable. As a result, Applicant has simply failed to make the requisite threshold showing that unique conditions on the ground warrant the issuance of a variance.

B. Substantial Hardship

It is well settled that “substantial hardship” must be related to the land itself, specifically the soil condition, shape or topography issues that support the need for a variance, and not merely harm that is personal to the landowner. See, e.g., Lydon v. Town of Milton Board of Appeals, 20 LCR 251 (Mass. Land Court 2012). It is equally clear that a landowner’s desire to maximize profits does not qualify as a “substantial hardship.” See Perez v. Board of Appeals of Norwood, 54 Mass. App. Ct. 139 (2002) (citations omitted).

In Hoffman v. Cambridge Zoning Board of Appeals, 2012 Westlaw 2014271 *1, *20 (Mass. Land Court June 5, 2012), the Court articulated the concept as follows:

...while the statute (M.G.L. Ch. 40A § 10) does include financial hardship among those which will support the grant of a variance, the cases are clear that this does not mean that every inability to maximize the possible economic gain theoretically available to be extracted from a lot constitutes a valid hardship... “[The SJC did not] construe the use of the words “financial or otherwise” in the statute to mean that a deprivation of a potential advantage constitutes a “substantial hardship.”

Id., quoting Bruzzese v. Board of Appeals of Hingham, 343 Mass. 421, 424 (1962).

Applicant argues that it has “...paid top dollar for the site and needs to get the highest, most secure and cost-effective return.” It also alleges that because the site is located adjacent to a town sewage treatment plant, it is less desirable than alternative sites and that Applicant would have difficulty finding tenants for separate buildings if developed under a different design scheme. It concludes that “...even if such tenants could be found, they will not have the financial strength of Tractor Supply to enter into long-term leases.”

Applicant’s argument ignores basic common-law principles regarding the substantial hardship criteria. First, it articulates no nexus between the alleged hardship and any particular aspect of the parcel’s topography, size or shape. Second, and fatal to this Application, Applicant admits that the sole hardship suffered will be its inability to maximize financial returns on the parcel. The Applicant purchased the property knowing of the site constraints, as well as the surrounding neighborhood and its restrictions. It cannot be relieved of the consequences of a risk that it took voluntarily, by the grant of extraordinary zoning relief not otherwise authorized under the By-law.

C. Detriment to Public Good

Finally, the By-law M.G.L. Ch. 40A § 10 establishes that variances must be predicated upon a finding that “desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.” See e.g., Chiancola v. Board of Appeals of Peabody, 65 Mass. App. Ct. 636 (2006).

Here, Applicant seeks to conduct an activity that is specifically prohibited in the Groundwater Protection District. The Groundwater Protection District was created to ensure that contamination would not occur in an area specifically designated by Town Meeting vote as environmentally sensitive. Applicant states that it has agreed to take measures to ensure containment, but cannot deny the possibility of a release of petroleum products on site. There can be no clearer illustration of derogating from the intent of a By-law provision than to propose to store and sell hazardous materials in an area in which such commercial activity is specifically prohibited. See, e.g., Cambell v. Rockport Zoning Board of Appeals, 330 Mass. at 680 (variance denied in Wetlands Overlay District due to detriment to public good); Harper v. Zoning Board of Appeals of Groveland, Mass. Land Court Misc. Case No. 319095 (February 20, 2009) (variance denied in Aquifer Overlay District).

D. Applicant’s Remaining Arguments are Irrelevant to Variance Analysis

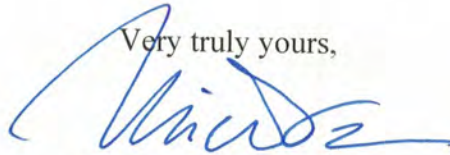
In sum, the thrust of Applicant’s argument appears to be that relief will enable it to maximize the value of the parcel, thus avoiding alternative designs that it asserts could be more dense, generate higher traffic and attract a less desirable tenant base. It blithely asserts that “Ironically, the alternative to Tractor Supply would be a greater detriment to the public good.”

As the case law firmly establishes, however, none of these factors constitute a legal basis to grant a variance. The Board must weigh the merits of the Application based strictly on the applicable legal criteria: (i) unique conditions; (ii) substantial hardship; and (iii) no detriment to public good or derogation from the purpose of the By-law. The Board may not consider what may happen if relief is not granted, but instead is required by law to focus solely on whether relief is warranted on the merits of the Application. See, e.g., Coolidge v. Zoning Board of Appeals of Framingham, 343 Mass. 742 (1962); Bruzzese v. Board of Appeals of Hingham, 343 Mass. 421 (1962).

IV. Conclusion

A fair reading of the Application illustrates conclusively that Applicant meets none of the statutory requirements for the issuance of a variance. In sum, it has demonstrated no unique characteristic of the parcel that would result in substantial hardship if the By-law is strictly enforced, and seeks relief solely for its convenience and maximized financial gain. These are not valid bases for the grant of variances and, as a result, the Board should deny the Application without further proceedings.

Very truly yours,



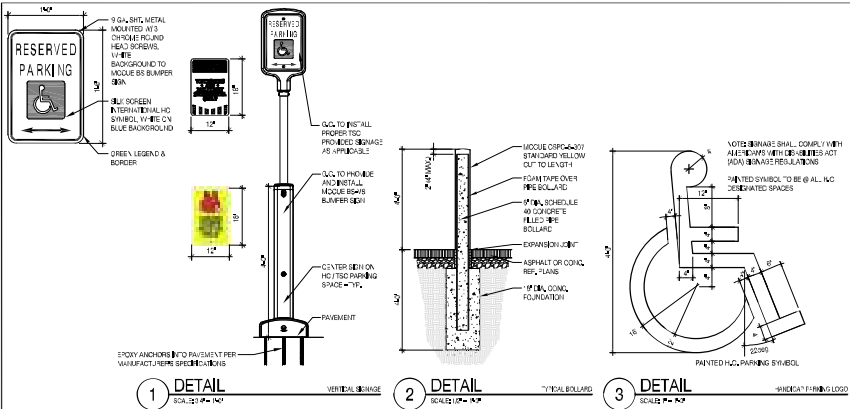
Michael C. Fee

MCF/spl
PFee:ar002.docx

cc: Natalie Pittenger (via email)
Michael J. Princi, Esq. (via email - mprinci@princimills.com)
Anna Brigham (via email - anna.brigham@town.barnstable.ma.us)

Exhibit

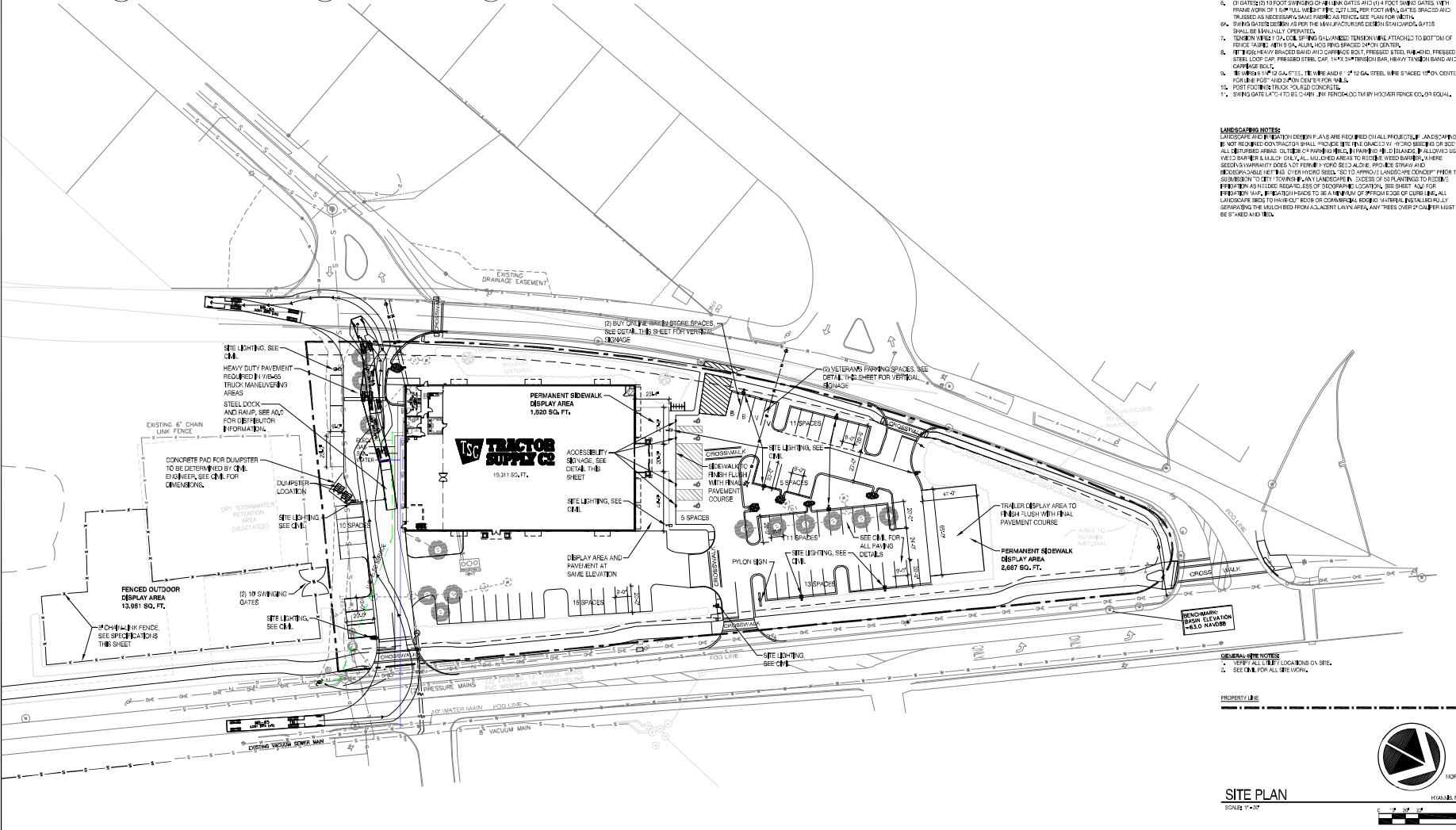
D



- SIGN SETTING GUIDELINES**
1. SIGN SETTING SURFACE TO BE YELLOW.
 2. SIGN SET ON ASPHALT TO BE WHITE.
- FENCED OUTDOOR DISPLAY AREA REQUIRE INSTALLATION GUIDELINES**
1. CONSTRUCTION TO BE WITH THE SCHEDULED RACK THAT ALL RACKS ARE PROPERLY BUILT AND FINISHED.
 2. DRILL HOLES FOR ANCHORS TO RACK, GENERALLY THE CLEAR FOOT OF THE RACK IS 10" IN DIAMETER. PROVIDE THE RACK VENDOR, GENERAL CONTRACTOR TO DETERMINE THE BEST METHOD APPROPRIATE TO BE PROVIDED TO ANCHOR RACKS.
 3. RACKS ARE TO BE SECURELY ANCHORED WITH ANCHOR BOLTS IN EVERY AVAILABLE HOLE. FOLLOW THE RACK VENDOR'S REPAIR, CLEANING AND CLEANING.

- PARKING LOT PAINT SPECIFICATIONS - ISLAND APPLICATION (SEE NOTES BELOW)**
1. NEW PAVEMENT SURFACE TO CURVE FOR NEW PAVEMENT FOR PERIOD OF NOT LESS THAN 14 DAYS BEFORE APPLICATION OF MARKING MATERIALS.
 2. REMOVE ALL OIL, GREASE, DEBRIS, VEGETATION, OR OTHER UNDESIRABLE OBJECTS FROM THE SURFACE TO BE PAINTED. CLEAN, DUST-FREE AND COMPLETELY DRY SURFACE FOR PAINT APPLICATION. DO NOT APPLY PAINT OVER REPAIRS OR PATCHES.
 3. COVER ALL RECORDS PROPER AND SURFACE TEMPERATURES OF 50°F AND ABOVE AND LESS THAN 90°F. IF THE SURFACE TEMPERATURE IS NOT WITHIN THE TEMPERATURE RANGE OF THE PAINT APPLICATION, THE LINE LAYOUTS SHOULD BE SET AND THE SURFACE SHOULD BE PAINTED AS SOON AS POSSIBLE. IF THE SURFACE IS NOT TO MEET 30°C OR 86°F SCHEDULE, CONTRACTOR TO RESCHEDULE AND COMPLETE SURFACE PREP AND PAINT WORK CONDUCTED IN A MINIMUM OF 30 DAYS PRIOR TO THE SUBMITTAL OF THE FINAL CONSTRUCTION WARRANTY.
 4. PROVIDE A 15 MIN. THICK WARE CONTINUOUS STRIP WHERE INDICATED, VARIATION OF 0.2% TO 0.02%.
 5. PROVIDE PRIMER AND SEALER TO BE APPLIED PER THE MANUFACTURER'S RECOMMENDATION ON ALL CONCRETE SURFACES AND ON ASPHALT SURFACES THAT ARE MORE THAN TWO YEARS OLD, CRACKED AND/OR HAVE AGGREGATE EXPOSED.

- CHAIN LINK FENCE SPECIFICATIONS**
1. FABRIC TO BE GALVANIZED OR GALVANNEAL COATED.
 2. TOP 4 BOTTOM 18" SPACES TO BE 2" MESH OR 1 1/2" MESH PER FOOT IN TOP RAIL TO BE JOINED WITH 1/4" GALVANIZED OR GALVANNEAL COATED STEEL PER FOOT IN TOP RAIL TO BE SET IN 1" ON CONCRETE, 2" ON ASPHALT, CONCRETE FOOTING TO BE 12" IN 1" BY 12" DEEP CONCRETE.
 3. TOP RAIL TO BE 1 1/2" GALVANIZED OR GALVANNEAL COATED STEEL PER FOOT IN TOP RAIL TO BE SET IN 1" ON CONCRETE, 2" ON ASPHALT, CONCRETE FOOTING TO BE 12" IN 1" BY 12" DEEP CONCRETE.
 4. GATE TO BE 1 1/2" GALVANIZED OR GALVANNEAL COATED STEEL PER FOOT IN TOP RAIL TO BE SET IN 1" ON CONCRETE, 2" ON ASPHALT, CONCRETE FOOTING TO BE 12" IN 1" BY 12" DEEP CONCRETE.
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TSC

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HYANNIS, MASSACHUSETTS

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Job Number:	18139
Date:	08.06.2020
Revisions:	
Revisions:	
Revisions:	
Revisions:	
Sheet Number:	AS1.0



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Date Number: 18139

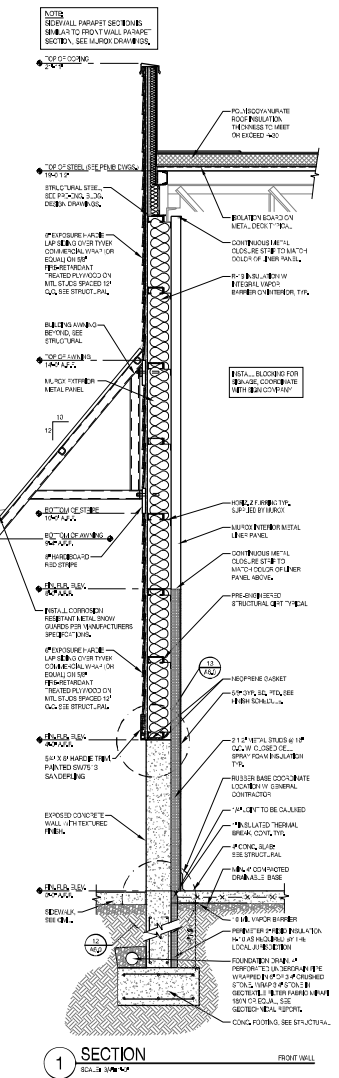
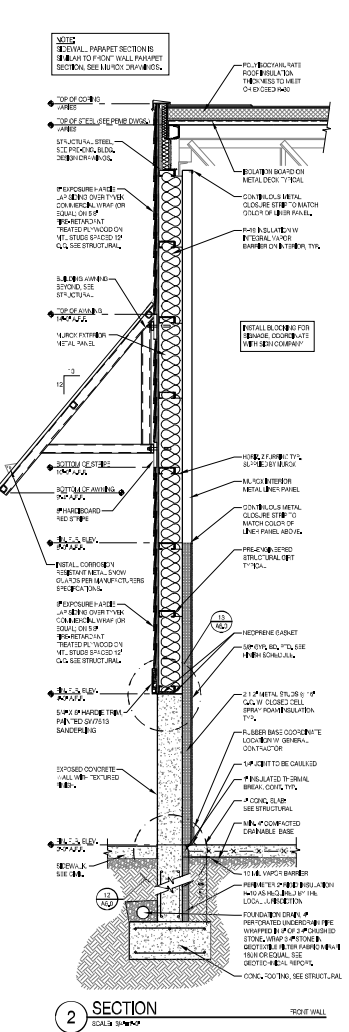
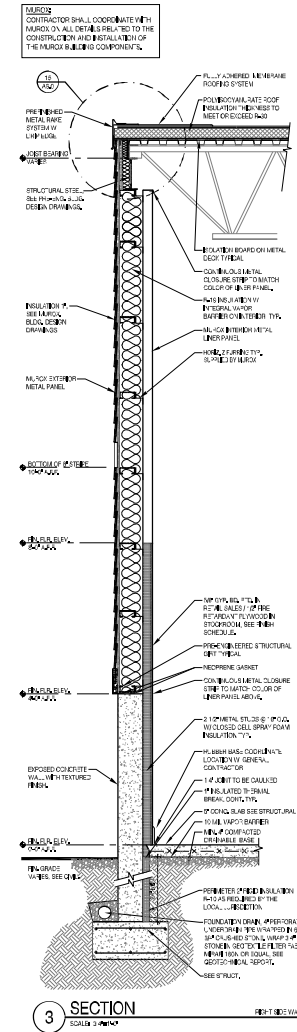
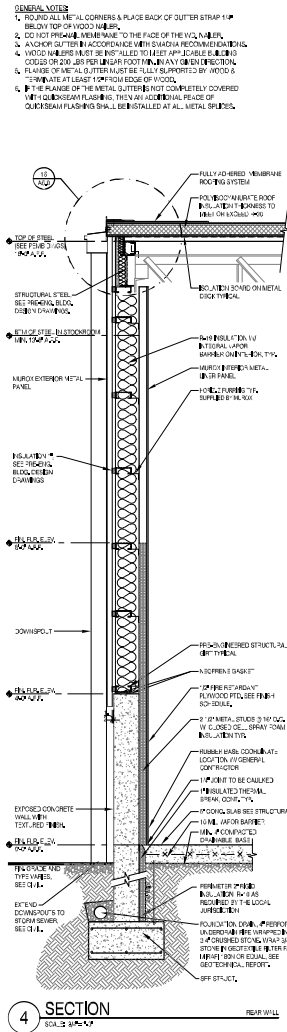
Date: 08.06.2020

Revisions:

Revisions:

Revisions: SECTIONS & DETAILS

Sheet Number: A4.0





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Architecture
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Job Number: 18130

Date: 08.06.2020

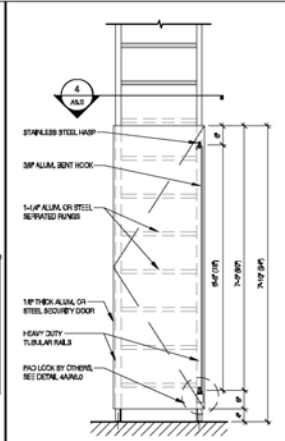
Revisions:

Revisions:

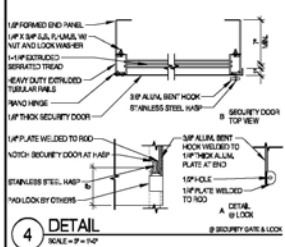
Revisions:

SECTIONS, DETAILS, & ELEVATIONS

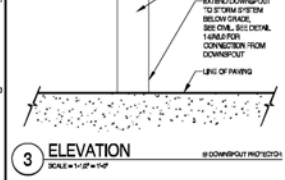
Sheet Number: **A6.0**



5 ELEVATION
SCALE = 3/4" = 1'-0"



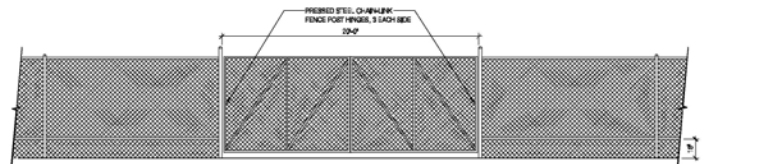
4 DETAIL
SCALE = 3/4" = 1'-0"



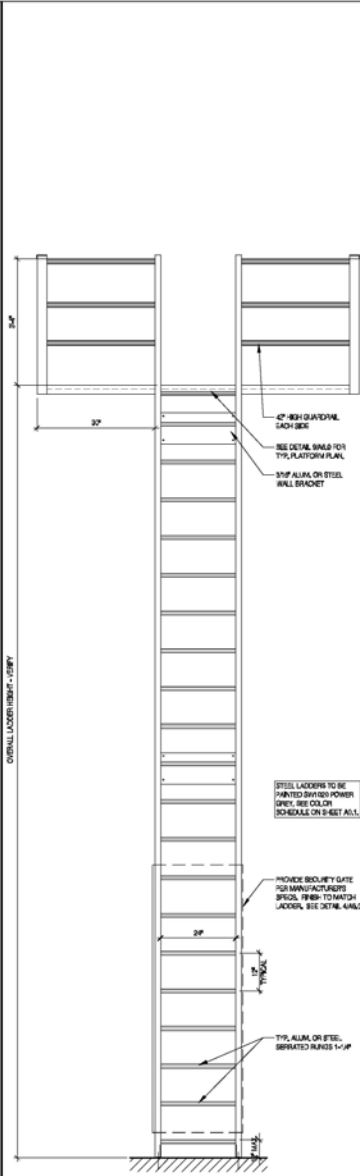
3 ELEVATION
SCALE = 1/2" = 1'-0"



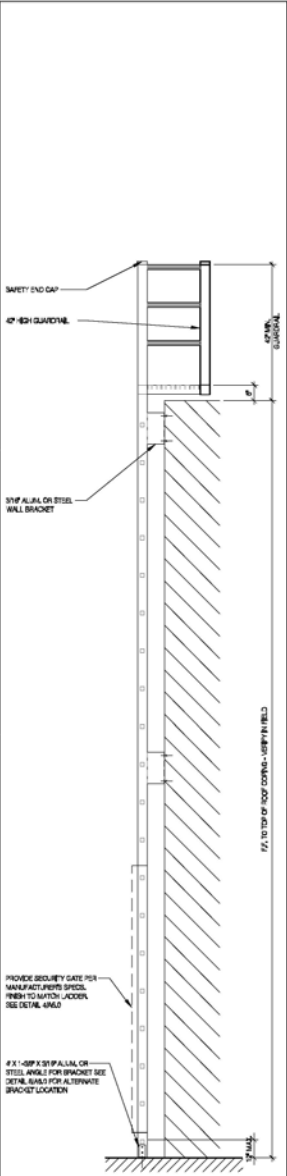
2 DETAIL
SCALE = 1/4" = 1'-0"



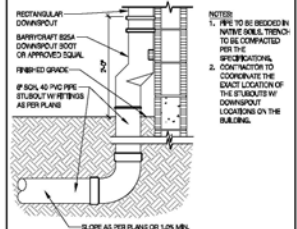
1 DETAIL
SCALE = 1/4" = 1'-0"



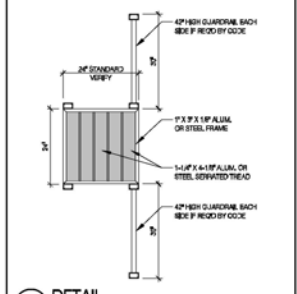
6 ELEVATION
SCALE = 3/4" = 1'-0"



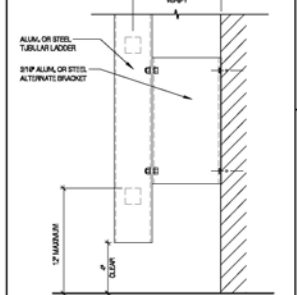
7 ELEVATION
SCALE = 3/4" = 1'-0"



10 SECTION
SCALE = 3/4" = 1'-0"



9 DETAIL
SCALE = 3/4" = 1'-0"

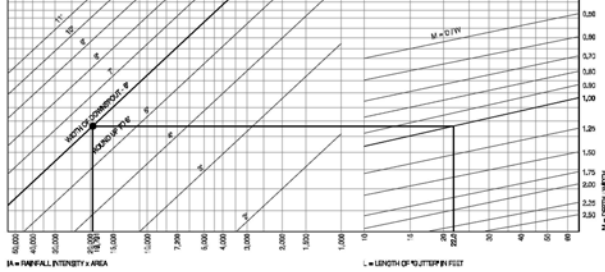


8 DETAIL
SCALE = 3/4" = 1'-0"

CALCULATIONS

SINGLE DOWNPOUT
 ROOF AREA = 110' x 110' = 12,100 SF
 GUTTER LENGTH = 110' (3 DOWNPOUTS) = 330'
 AREA PER DOWNPOUT = 12,100 / 3 = 4,033 SF
 RAINFALL INTENSITY = 4.52
 I = RAINFALL INTENSITY x AREA = 4.52 x 4,033 SF = 18,231
 DOWNPOUT WIDTH (DEPTH) = 1.50
 DOWNPOUT WIDTH x DEPTH = 2.25'

WIDTH OF RECTANGULAR GUTTERS FOR GIVEN ROOF AREAS AND RAINFALL INTENSITIES



MAP SHOWS HOURLY RAINFALL IN INCHES FOR 5 MINUTE PERIODS TO BE EXPECTED ONCE IN 10 YEARS.



EXIT DOOR 15 SHALL BE USED BY EMPLOYEES ONLY. CUSTOMERS SHALL NOT EGRESS THROUGH THE STOO ROOM.

DOOR 10 UTILIZES ALARMED DETECTOR HARDWARE
EGRESS WIDTH = 50" (3/16)
OCCUPANT LOAD PER DOOR = 227

KNOWLEDGE TO BE PROVIDED FOR KEYED ENTRY @ DOOR 10 WHERE PERMISSIBLE REQUIRE

STERIL
DOCK & TRUMP

- WINDOOR BEFORE INSTALLATION QUALITIES
1. CONTRACTOR TO VERIFY WITH STORE MANAGER THAT ALL HANGS ARE PROPERLY BUILT AND POSITIONED.
 2. CHECK SCISSOR FOR ANCHORING HOOK. GENERALLY, THE HOOKS IN THE FOOT OF THE RACK LEAD TO TOP. DIMENSION VERIFY HOLE SIZE PER BOLT ISSUED BY PACKING MANUFACTURER TO ANCHOR HOOKS.
 3. RACKS ARE TO BE SECURELY ANCHORED WITH ANCHOR BOLTS PER MANUFACTURER SPECIFICATIONS.
 4. FOLLOWING INSTALLATION, REMOVE ANY RESIDUAL DEBRIS AND CLEAN AREA.
 5. IF SEISMIC ANCHORING IS REQUIRED, THE FUTURE INSTALLER WILL COMPLETE ALL DETAILS IN ACCORDANCE WITH THE SEISMIC PLAN.

DOOR 10 UTILIZES DELAYED EGRESS HARDWARE (15 SECS)
EGRESS WIDTH = 50" (3/16)
OCCUPANT LOAD PER DOOR = 225

DOOR 17
EGRESS WIDTH = 50" (3/16)
OCCUPANT LOAD PER DOOR = 218

NOTE:
FINAL FLOOR PLAN TO BE DEVELOPED BY TSC. FIXTURES ARE SUPPLIED BY TSC INSTALLED CONTRACTOR.

MAXIMUM TRAVEL DISTANCE FROM POINT TO POINT 10' = 212.0'

NUMBER OF SEPARATE EXITS = 2

KNOWLEDGE TO BE PROVIDED FOR KEYED ENTRY @ DOOR 10 FOR FIRE DEPARTMENT

EGRESS WIDTH = 50" (3/16)
OCCUPANT LOAD PER DOOR = 303

MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT

2018 IBC - TABLE 1004.2

FUNCTION OF SPACE	FLOOR AREA IN SQ. FT. PER OCCUPANT
BUSINESS AREAS	100 SQ.FT.
MECHANICAL STORAGE, STOCK, SHIPPING AREAS	80 SQ.FT. 300 SQ.FT.

EGRESS WIDTH PER OCCUPANT LOAD

2018 IBC - SECTION 1005.3.2

OCCUPANCY	VEHICLE EGRESS SYSTEM		NET EGRESS SYSTEM	
	MINIMUM EGRESS WIDTH PER OCCUPANT	MINIMUM EGRESS WIDTH PER OCCUPANT	MINIMUM EGRESS WIDTH PER OCCUPANT	MINIMUM EGRESS WIDTH PER OCCUPANT
OCCUPANCIES OTHER THAN THOSE LISTED BELOW	0.3	0.2	0.2	0.15
HIGH-RISE BUILDING, HAZARDOUS MATERIAL, INSTITUTIONAL USE	0.7	0.4	0.3	0.2

EGRESS ACCESS TRAVEL DISTANCE

2018 IBC - TABLE 1031.2

OCCUPANCY	VEHICLE EGRESS SYSTEM (FEET)	NET EGRESS SYSTEM (FEET)
M	200	200
B	300	300

PROJECT DATA

THIS PROJECT IS BASED ON THE REQUIREMENTS OF THE FOLLOWING CODES:
780 CMR MASS BUILDING CODE - BASED UPON THE 2018 IBC
308 CMR MASS FIRE PREVENTION CODE
807 CMR MASS FIRE PREVENTION CODE
248 CMR MASS FIRE PREVENTION CODE - BASED UPON THE 2018 IBC
248 CMR MASS FIRE PREVENTION CODE - BASED UPON THE 2018 IBC
807 CMR MASS FIRE PREVENTION CODE - BASED UPON THE 2018 IBC

OCCUPANCY CLASSIFICATION: M - MEDIUM RISK BUILDING

CONSTRUCTION TYPE	BI	SPRINKLERED	OCCUPANT LOAD
FIRE RESISTANCE	2	1	
BUILDING AREA - NET			100,000 SQ. FT.
VERTICAL			100,000 SQ. FT.
FLOOR AREA			100,000 SQ. FT.
DOOR HILLS			100,000 SQ. FT.
STAIRWAY			100,000 SQ. FT.
TOTAL BUILDING AREA			100,000 SQ. FT.
TOTAL OCCUPANT LOAD			200

LIFE SAFETY DATA

ITEM	REQUIRED	PROVIDED
EXIT EGRESS	200 X 5.15 = 42'	212'
MAX. TRAVEL DISTANCE	200'	212'
NUMBER OF SEPARATE EXITS	2	2
NUMBER OF TENANT EXITS	4	4
MAX. EXIT SEPARATION	57'-0"	127'-0"

LIFE SAFETY / FIXTURE PLAN
SCALE: 1/8"=1'-0"



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Job Number:	18130
Date:	06.06.2020
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Revisions:	

LIFE SAFETY / FIXTURE PLAN
Sheet Number: **A8.0**



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8-6-20



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Date: 08.05.2020

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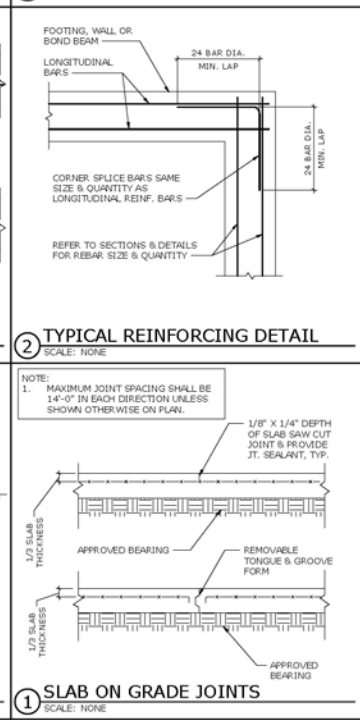
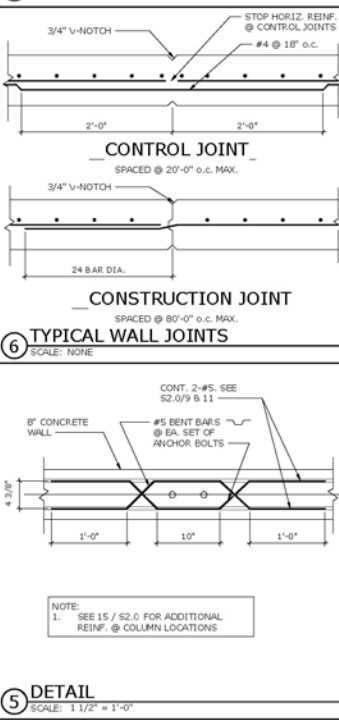
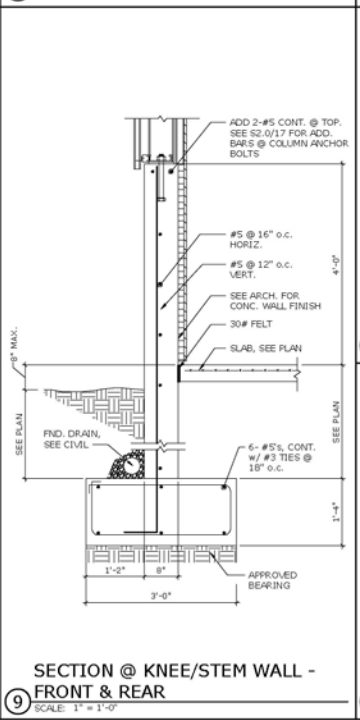
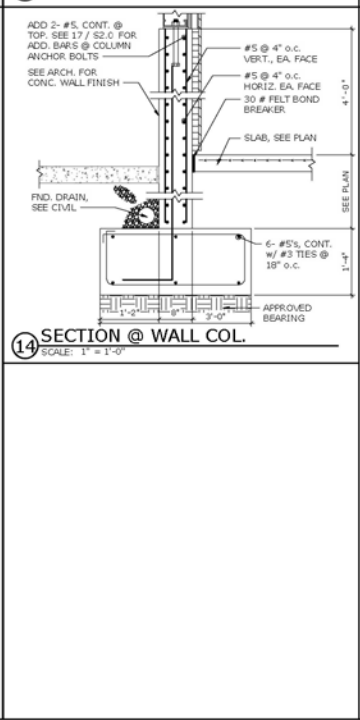
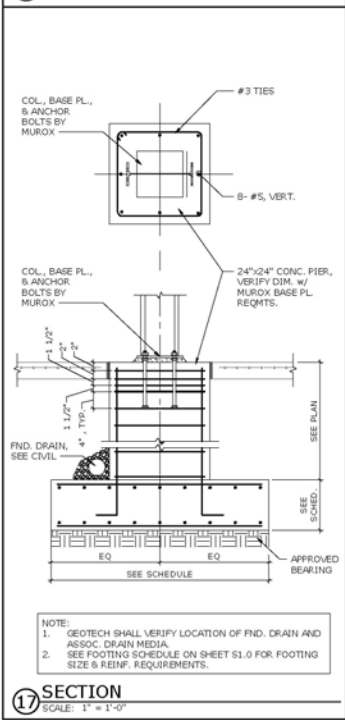
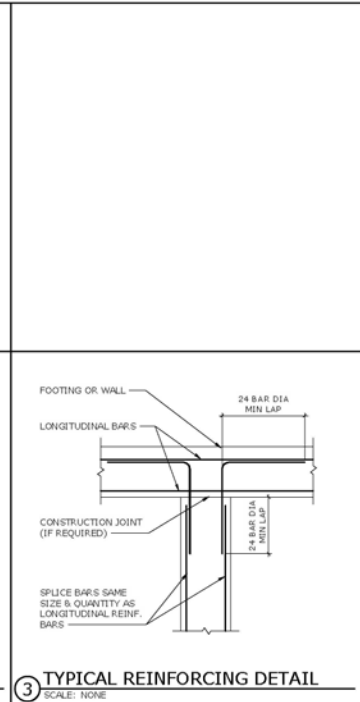
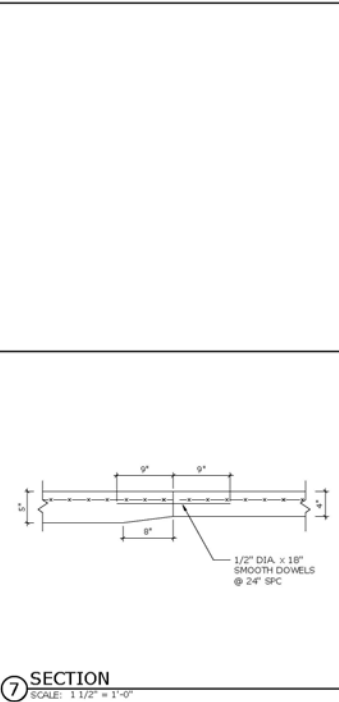
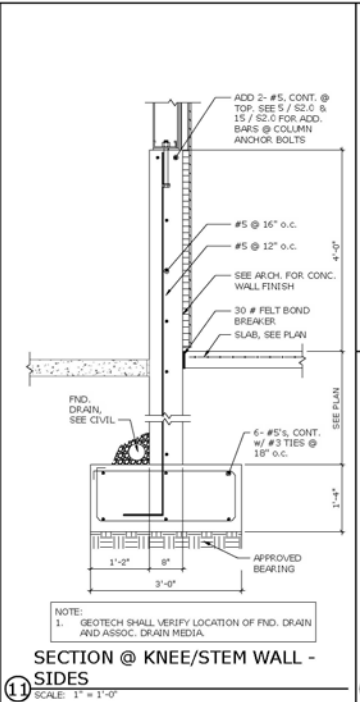
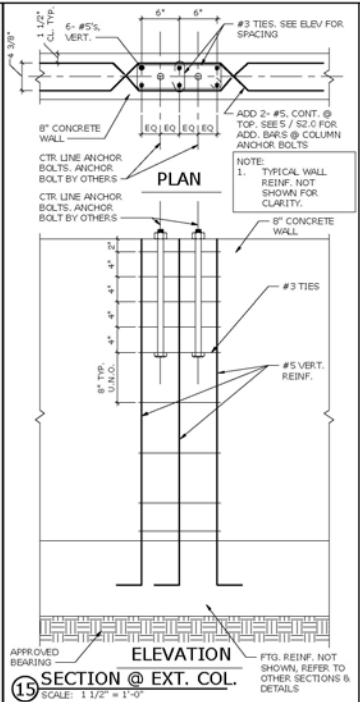
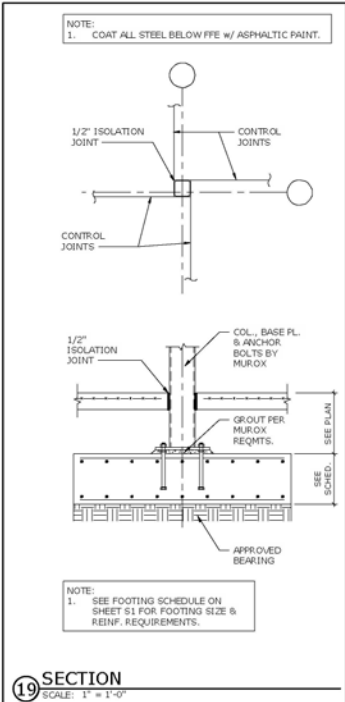
Revisions:

FOUNDATION SECTIONS & DETAILS

Sheet Number: S2.0

WE-20117

92





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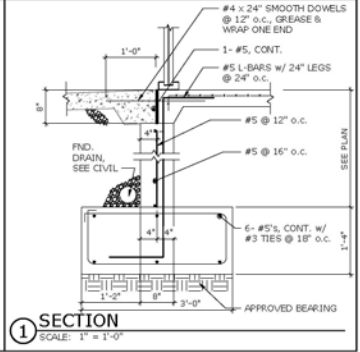
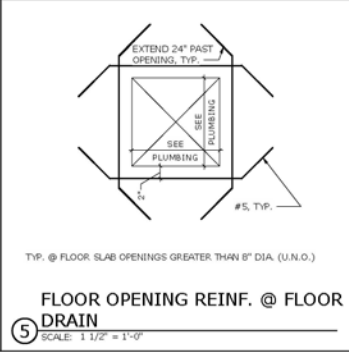
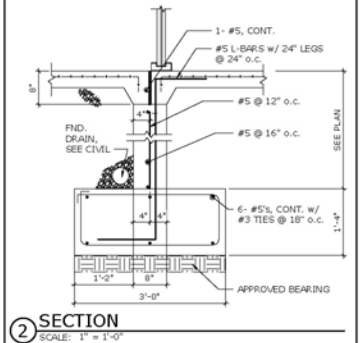
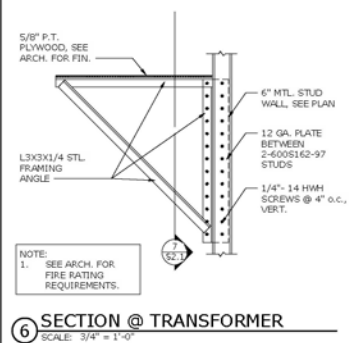
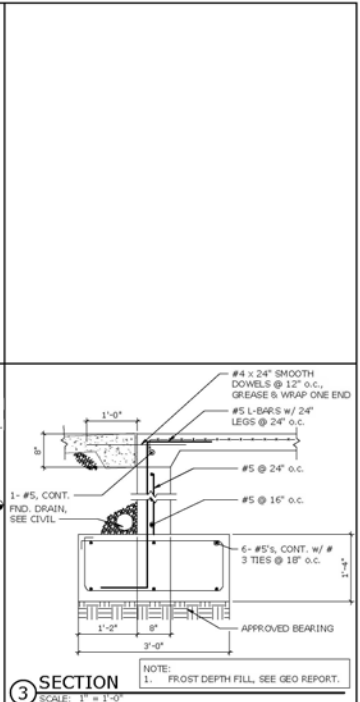
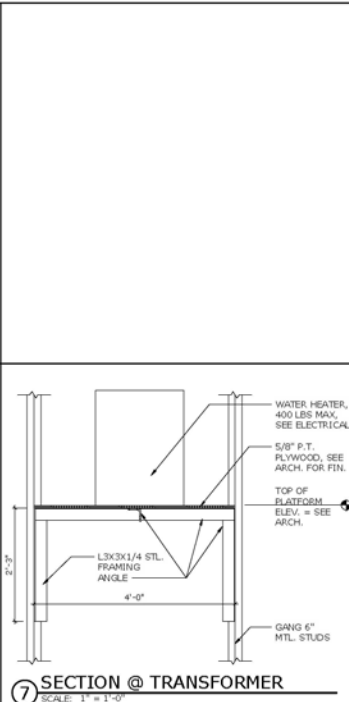
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Job Number: 18135

Date: 08.05.2020

Revisions:

Revisions:

Revisions: FOUNDATION DETAILS

Sheet Number: S2.1

WE-20117

GENERAL NOTES

DESIGN AND CODE INFORMATION

1. ALL CONSTRUCTION SHALL CONFORM TO THE MASSACHUSETTS STATE BUILDING CODE CMR 780, NINTH EDITION, (BASED ON THE INTERNATIONAL BUILDING CODE, 2015 EDITION).
2. VERIFY EXISTING CONDITIONS AND ALL DIMENSIONS AND NOTIFY ARCHITECT OF ANY CONDITIONS WHICH CONFLICT WITH OTHER PLANS AND SPECIFICATIONS. STRUCTURAL DRAWINGS MUST BE COORDINATED WITH ARCHITECTURAL DRAWINGS. STRUCTURAL DRAWINGS ARE NOT INTENDED FOR BUILDING LAYOUT.
3. SHOP DRAWINGS WILL NOT BE REVIEWED BY THE DESIGNER UNTIL AFTER THE GENERAL CONTRACTOR HAS THOROUGHLY REVIEWED THE SHOP DRAWINGS, VERIFIED EXISTING CONDITIONS, AND COORDINATED THE SHOP DRAWINGS WITH OTHER AFFECTED TRADES. SUBMIT FOUR COPIES OF REVIEWED DRAWINGS FOR ENGINEER'S REVIEW. ONLY THREE SETS OF MARKED UP SHOP DRAWINGS SHALL BE RETURNED BY THE DESIGNER. REPRODUCTION OF STRUCTURAL DRAWINGS FOR SHOP DRAWINGS IS NOT PERMITTED.
4. THE STRUCTURE IS UNSTABLE UNTIL ALL LOAD BEARING WALLS ARE ERRECTED AND STEEL MEMBERS ARE ERRECTED. CONNECTIONS ARE COMPLETELY BOLTED AND/OR WELDED AND INSPECTED. THE STEEL DECK ATTACHED TO THE STEEL FRAMING, AND THE CONCRETE FLOORS PLACED AND ATTAINS 75% OF 28-DAY STRENGTH. UNTIL SUCH TIME, TEMPORARY BRACING IS REQUIRED. THE DESIGN ADEQUACY OF TEMPORARY BRACING AND SHORING IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
5. DO NOT SCALE STRUCTURAL DRAWINGS, AND FOR LOCATION OF MISCELLANEOUS ITEMS (OPENINGS, BENT FLATES, INSERTS, ETC.) AFFECTING STRUCTURAL WORK, SEE ARCHITECTURAL, MECHANICAL, PLUMBING AND ELECTRICAL DRAWINGS.
6. LIVE LOADS:
 - A. FLOORS: 100 PSF
 - B. ROOFS: 20 PSF
 - a. **ROOF LIVE LOAD SURCHARGE FOR FUTURE SOLAR PANELS: 10 PSF**
7. ROOF LOADS:
 - A. GROUND SNOW LOAD: 30 PSF
 - B. SNOW EXPOSURE C_e: 1.0
 - C. SNOW IMPORTANCE I: 1.0
 - D. THERMAL FACTOR: 1.0
 - E. FLAT ROOF SNOW LOAD, P_f: 25 PSF
8. WIND LOADS:
 - A. BASIC WIND SPEED: 140 MPH (3-SEC GUST)
 - B. IMPORTANCE FACTOR: I = 1.0
 - C. OCCUPANCY CATEGORY: II
 - D. EXPOSURE CATEGORY: C
 - E. BASE SHEAR: TO BE DETERMINED BY FEMB DESIGNER
9. SEISMIC DESIGN LOADS:
 - A. IMPORTANCE FACTOR: I=1.0
 - B. RISK CATEGORY: I
 - C. MAPPED SPECTRAL RESPONSE ACCELERATIONS:
 - a. S_s = 0.149
 - b. S₁ = 0.064
 - D. SITE CLASS: D (ASSUMED)
 - E. DESIGN SPECTRAL RESPONSE ACCELERATIONS:
 - a. S_{ds} = 0.159
 - b. S_{d1} = 0.086
 - F. DESIGN CATEGORY: B

NOTE:
1. BUILDING DESIGN DATA/CRITERIA SHALL BE PROVIDED BY FEMB MANUFACTURER.

SPECIAL INSPECTIONS AND TESTING

1. THE OWNER SHALL EMPLOY AN INDEPENDENT TESTING COMPANY TO PERFORM THE ON SITE INSPECTIONS AND TESTING AS INDICATED ON SHEETS SS.1 & SS.2.

STRUCTURAL OBSERVATIONS

1. THE CONTRACTOR/OWNER SHALL EMPLOY A LICENSED STRUCTURAL ENGINEER OR ARCHITECT TO PERFORM PERIODIC VISUAL OBSERVATIONS OF THE STRUCTURE DURING CONSTRUCTION FOR GENERAL CONFORMANCE TO THE DESIGN DRAWINGS.

FOUNDATION NOTES

1. FOUNDATION DESIGN IS BASED ON A REPORT BY BRIGGS ENGINEERING & TESTING, DATED AUGUST 4, 2020 (REPORT NO. 31299).
2. INDIVIDUAL AND CONTINUOUS FOOTINGS ARE DESIGNED TO BEAR ON SITE'S NEW ENGINEERED FILL OR IMPROVED EXISTING COMPACTED EARTH AND SHALL BE CAPABLE OF SUPPORTING 4,000 PSF. VERIFY BEARING CONDITIONS WITH GEOTECHNICAL ENGINEER.

DESIGN ASSUMES DIFFERENTIAL AND TOTAL SETTLEMENT ARE WITHIN ACCEPTED TOLERANCES FOR THE TYPE OF CONSTRUCTION USED. EXISTING FILL SHALL BE REMOVED PER THE RECOMMENDATION OF THE GEOTECHNICAL REPORT. BUILDING FOOTINGS SHALL NOT BEAR ON BEDROCK WITHOUT REVIEW OF CONDITIONS BY THE GEOTECHNICAL ENGINEER AND STRUCTURAL ENGINEER OF RECORD.

3. THE SOIL BEARING CAPACITY AND CONSISTENCY SHALL BE VERIFIED FOR THE BUILDING LIMITS BY A REGISTERED GEOTECHNICAL ENGINEER. WHEN FOUNDATION EXCAVATIONS HAVE BEEN CARRIED DOWN TO THE PROPOSED ELEVATIONS, THE BOTTOM OF ALL EXTERIOR FOOTINGS SHALL BE 48" MINIMUM BELOW FINISHED GRADE.
4. WHERE FOOTING EXCAVATIONS ARE TO REMAIN OPEN AND MAY BE EXPOSED TO RAINFALL, THE EXCAVATIONS SHALL BE UNDERCUT AND A 3 INCH THICK MUD MAT OF 2000 PSI CONCRETE SHALL BE PLACED IN THE BOTTOM TO PROTECT THE BEARING SOILS.
5. WHERE FOOTING STEPS ARE NECESSARY, THEY SHALL BE NO STEEPER THAN 1 VERTICAL TO 2 HORIZONTAL, UNLESS SHOWN OTHERWISE ON PLANS.

REINFORCED CONCRETE

1. ALL CONCRETE WORK SHALL CONFORM TO ACI 318-14, "BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE."
2. REINFORCING STEEL SHALL BE DEFORMED BARS ASTM A615, GRADE 60.
3. THE COMPRESSIVE STRENGTH AT 28 DAYS OF ALL CAST IN PLACE CONCRETE SHALL BE:
 - A. 4000 PSI - SLAB-ON-GRADE
 - B. 4000 PSI - PIERS, WALLS
 - C. 4000 PSI - BEAMS, ELEVATED SLABS AND COLUMNS
 - D. 3000 PSI - ALL OTHER CONCRETE
 - E. (SEE CIVIL DRAWINGS FOR SITE CONCRETE STRENGTH REQUIREMENTS).
4. LAP SPLICES FOR REINFORCING BARS SHALL BE CLASS B IN ACCORDANCE WITH ACI 318-14, UNLESS NOTED OTHERWISE.
5. CLEAR CONCRETE COVER FOR REINFORCING STEEL:
 - A. SLABS: 3/4"
 - B. GRADE BEAMS AND PIERS: 3"
 - C. WALLS: 2" EXTERIOR FACES
3/4" INTERIOR FACES
 - D. MASONRY WALLS: LOCATE IN CENTER OF WALL (U.N.O.)
 - E. SLAB-ON-GRADE: 3/4" TOP STEEL
1 1/2" BOTTOM STEEL
 - F. BEAMS AND COLUMNS: 1 1/2" FORMED EDGES
2" FORMED EDGES
 - G. FOOTINGS: 3" CAST AGAINST GROUND
6. THE LONGITUDINAL REINFORCING STEEL IN BOND BEAMS, WALLS, AND FOOTINGS SHALL BE CONTINUOUS AROUND CORNERS. SEE TYPICAL DETAILS.
7. MECHANICAL VIBRATOR'S SHALL VIBRATE ALL CONCRETE.
8. UNLESS OTHERWISE DIRECTED BY THE OWNER, CONCRETE SLABS SHALL BE FINISHED TO THE FLATNESS CRITERIA NOTED IN THE CONCRETE SPECIFICATIONS ON SHEET SS.2, UNDER SECTION 3.04 - "CONCRETE FLOOR FINISHES AND TOLERANCES"
9. CONCRETE TESTING REPORTS SHALL BE KEPT ON FILE AT THE JOB SITE.

CONCRETE MASONRY

1. CONCRETE MASONRY SHALL CONFORM TO ACI 530-13, "BUILDING CODE REQUIREMENTS FOR MASONRY STRUCTURES," AND ACI 530.1-13, "SPECIFICATIONS FOR MASONRY STRUCTURES," AND HAVE A DENSITY OF 125 PCF AND SHALL HAVE A MINIMUM PRISM STRENGTH (FM) OF 1500 PSI.
2. MASONRY WALL CONTROL JOINTS SHALL BE LOCATED AS SHOWN ON THE ARCHITECTURAL DRAWINGS.
3. GROUT FOR FILLING CONCRETE MASONRY CELLS SHALL CONFORM TO ASTM C476-09, "STANDARD SPECIFICATION FOR GROUT FOR MASONRY," AND SHALL HAVE A COMPRESSIVE PRISM STRENGTH (FM) OF 3000 PSI AT 28 DAYS. THE SLUMP SHALL BE BETWEEN 9 INCHES AND 11 INCHES. WHERE THE MINIMUM DIMENSION OF ANY CONTINUOUS VERTICAL CELL IS 3 INCHES OR LESS, USE FINE GROUT. OTHERWISE, USE COARSE (PEA GRAVEL) GROUT.
4. MORTAR FOR CONCRETE MASONRY SHALL BE TYPE "S" AND SHALL CONFORM TO ASTM C270-08a, "SPECIFICATION FOR MORTAR FOR UNIT MASONRY."
5. MASONRY CONSTRUCTION SHALL BE BUILT IN LIFTS NOT TO EXCEED 4 FEET PRIOR TO GROUTING CORES. KEY NEXT GROUT LIFT INTO PRIOR LIFT BY STOPPING FIRST LIFT 2" BELOW TOP OF BLOCK.
6. ALL REINFORCING BARS IN FILLED CELLS SHALL BE DOWELED INTO FOOTINGS WITH STANDARD 90-DEGREE HOOKS AND DOWELED 7 INCHES INTO BOND BEAMS AT TOP OF WALLS.
7. MASONRY LAP SPLICES SHALL BE 72 BAR DIAMETERS UNLESS NOTED OTHERWISE.
8. REINFORCEMENT IN WALLS SHALL BE PLACED IN THE CENTER OF THE WALL UNLESS NOTED OTHERWISE.

STRUCTURAL STEEL

1. MUOX HIGH PERFORMANCE BUILDING SYSTEMS IS RESPONSIBLE FOR THE DESIGN AND DETAILING OF ALL STRUCTURAL STEEL FRAMING COMPONENTS, INCLUDING ANCHOR BOLTS.
2. ALL STEEL WORK SHALL CONFORM TO THE AISC "MANUAL OF STEEL CONSTRUCTION", THIRTEENTH EDITION. DESIGN LOADS SHALL CONFORM TO THE 2015 INTERNATIONAL BUILDING CODE.
3. MUOX SHALL PROVIDE STAMPED/SIGNED DRAWINGS FOR FINAL COORDINATION/REVIEW BY THE DESIGN CONSULTANTS.

ABBREVIATIONS

ARCH	ARCHITECT, ARCHITECTURAL
BRG	BEARING
CL	CENTERLINE
CFS	COLD FORMED STEEL
CMU	CONCRETE MASONRY UNIT
CONC	CONCRETE
CONT	CONTINUOUS
DIA	DIAMETER
DWGS	DRAWINGS
EL	ELEVATION
FDN	FOUNDATION
FFE	FINISHED FLOOR ELEVATION
FTG	FOOTING
FV	FIELD VERIFY
INFO	INFORMATION
JST	JOIST
FEMB	PRE-ENGINEERED METAL BUILDING
PL	PLATE
REINF	REINFORCING
RTU	ROOF TOP UNIT
SHT	SHEET
SPC	SPACING
UNO	UNLESS NOTED OTHERWISE
&	AND



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Date: 08.05.2020

Revisions:

Revisions:

Revisions:

Revisions: GENERAL NOTES & DETAILS

Sheet Number: S5.0

WE-20117

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**QUALITY ASSURANCE PLAN /
PROPOSED STATEMENT OF SPECIAL
INSPECTION**

STRUCTURAL SPECIAL INSPECTION STATEMENT

THIS STATEMENT OF SPECIAL INSPECTIONS IS SUBMITTED AS A CONDITION FOR PERMIT ISSUANCE IN ACCORDANCE WITH THE SPECIAL INSPECTION AND STRUCTURAL TESTING REQUIREMENTS OF THE BUILDING CODE. IT INCLUDES A SCHEDULE OF SPECIAL INSPECTION SERVICES APPLICABLE TO THIS PROJECT AS WELL AS THE NAME OF THE SPECIAL INSPECTOR TO BE RETAINED FOR CONDUCTING THESE INSPECTIONS AND TESTS. THIS STATEMENT OF SPECIAL INSPECTIONS ENCOMPASSES STRUCTURAL DISCIPLINE.

THE SPECIAL INSPECTOR SHALL KEEP RECORDS OF ALL INSPECTIONS AND SHALL FURNISH INSPECTION REPORTS TO THE BUILDING OFFICIAL AND THE REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE OF SPECIAL INSPECTION. DISCOVERED DISCREPANCIES SHALL BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE CONTRACTOR FOR CORRECTION. IF SUCH DISCREPANCIES ARE NOT CORRECTED, THE DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE BUILDING OFFICIAL AND THE REGISTERED DESIGN PROFESSIONAL RESPONSIBLE IN CHARGE OF SPECIAL INSPECTION. THE SPECIAL INSPECTION PROGRAM DOES NOT RELIEVE THE CONTRACTOR OF HIS OR HER RESPONSIBILITIES.

INTERIM REPORTS SHALL BE SUBMITTED TO THE BUILDING OFFICIAL AND THE REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE OF SPECIAL INSPECTION AND THE ENGINEER OF RECORD.

A FINAL REPORT OF SPECIAL INSPECTIONS DOCUMENTING COMPLETION OF ALL REQUIRED SPECIAL INSPECTIONS, TESTING AND CORRECTION OF ANY DISCREPANCIES NOTED IN THE INSPECTIONS SHALL BE SUBMITTED BY ALL SPECIAL INSPECTORS AND THE DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE OF SPECIAL INSPECTIONS PRIOR TO ISSUANCE OF A CERTIFICATE OF USE AND OCCUPANCY.

JOB SITE SAFETY MEANS AND METHODS OF CONSTRUCTION ARE SOLELY THE RESPONSIBILITY OF THE CONTRACTOR.

THIS STATEMENT OF SPECIAL INSPECTIONS INCLUDES THE FOLLOWING BUILDING SYSTEMS:

- | | | |
|-----------------------------------------------------------|----------------------------------------------------|------------------------------------------------------------------|
| <input checked="" type="checkbox"/> FABRICATORS | <input type="checkbox"/> PRECAST CONCRETE | <input type="checkbox"/> SEISMIC RESISTANCE |
| <input checked="" type="checkbox"/> SOILS | <input type="checkbox"/> MASONRY LEVEL 1 | <input type="checkbox"/> WIND RESISTANCE |
| <input type="checkbox"/> FILE FOUNDATIONS | <input type="checkbox"/> MASONRY LEVEL 2 | <input type="checkbox"/> WOOD CONSTRUCTION |
| <input type="checkbox"/> PIER FOUNDATIONS | <input type="checkbox"/> STRUCTURAL STEEL | <input type="checkbox"/> SPECIAL CASES |
| <input checked="" type="checkbox"/> CONCRETE CONSTRUCTION | <input type="checkbox"/> COLD-FORMED STEEL FRAMING | <input type="checkbox"/> OPEN-HEB STEEL JOISTS AND JOIST GIRDERS |
| | <input type="checkbox"/> STEEL CONSTRUCTION: OTHER | |

**REGISTERED DESIGN PROFESSIONAL
IN RESPONSIBLE CHARGE****

RESPONSIBILITY	FIRM	ADDRESS AND TELEPHONE NUMBER
1.	-	-
2.	-	-
3.	-	-

NOTE:

- **REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE: A REGISTERED DESIGN PROFESSIONAL ENGAGED BY THE OWNER TO REVIEW AND COORDINATE THE SPECIAL INSPECTION AS DETERMINED BY THE BUILDING OFFICIAL. FOR COMPATIBILITY WITH THE DESIGN OF THE BUILDING OF STRUCTURE INCLUDING SUBMITTAL DOCUMENTS PREPARED BY OTHERS, DEFERRED SUBMITTAL DOCUMENTS AND PHASED SUBMITTAL DOCUMENTS.
- ENGINEER OF RECORD HAS NOT BEEN ENGAGED AS THE REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE OF SPECIAL INSPECTIONS.

SPECIAL INSPECTION AGENCIES

1.	-	-
2.	-	-
3.	-	-

NOTES:

- THE INSPECTORS AND TESTING AGENCIES SHALL BE ENGAGED BY THE OWNER OR THE OWNER'S AGENT, AND NOT BY THE CONTRACTOR.
- ANY CONFLICT OF INTEREST MUST BE DISCLOSED TO THE BUILDING OFFICIAL AND THE DESIGN PROFESSIONAL PRIOR TO COMMENCING WORK.
- THE MINIMUM QUALIFICATIONS OF THE SPECIAL INSPECTOR(S) AND/OR TESTING AGENCIES SHALL BE THOSE LISTED IN THE MINIMUM SPECIAL INSPECTOR QUALIFICATIONS TABLE. THE QUALIFICATIONS OF THE SPECIAL INSPECTOR(S) AND/OR TESTING AGENCIES MAY BE SUBJECT TO THE APPROVAL OF THE BUILDING OFFICIAL.
- INSPECTION OF FABRICATORS IS NOT REQUIRED WHERE THE FABRICATOR IS APPROVED IN ACCORDANCE WITH SECTION 1704.2.2 OF THE BUILDING CODE.

SPECIAL INSPECTION SCHEDULE: FABRICATORS

VERIFICATION AND INSPECTION TASK	APPLICABLE TO THIS PROJECT?	FREQUENCY	
		CONTINUOUS	PERIODIC
1. VERIFY FABRICATION AND IMPLEMENTATION PROCEDURES:	YES	CONTINUOUS	PERIODIC
A. STEEL CONSTRUCTION **	YES	-	X
B. CONCRETE CONSTRUCTION (INCLUDING REBAR FABRICATION)	YES	-	X
C. WOOD CONSTRUCTION **	NO	-	X
D. COLD FORMED METAL CONSTRUCTION	YES	-	X
E. OTHER CONSTRUCTION	NO	-	X

**IF FABRICATOR IS NOT EXEMPT PER IBC CHAPTER 17.

SPECIAL INSPECTION SCHEDULE: SOILS

VERIFICATION AND INSPECTION TASK	APPLICABLE TO THIS PROJECT?	FREQUENCY	
		CONTINUOUS	PERIODIC
1. VERIFY MATERIALS BELOW SHALLOW FOUNDATIONS ARE ADEQUATE TO ACHIEVE THE DESIGN BEARING CAPACITY.	YES	-	X
2. VERIFY EXCAVATIONS ARE EXTENDED TO PROPER DEPTH AND HAVE REACHED PROPER MATERIAL.	YES	-	X
3. PERFORM CLASSIFICATION AND TESTING OF COMPACTED FILL MATERIALS.	YES	-	X
4. VERIFY USE OF PROPER MATERIALS, DENSITIES AND LIFT THICKNESS DURING PLACEMENT AND COMPACTION OF COMPACTED FILL.	YES	X	-
5. PRIOR TO PLACEMENT OF COMPACTED FILL, OBSERVE SUBGRADE AND VERIFY THAT SITE HAS BEEN PREPARED PROPERLY.	YES	-	X

**SPECIAL INSPECTION SCHEDULE:
CONCRETE CONSTRUCTION**

VERIFICATION AND INSPECTION TASK	APPLICABLE TO THIS PROJECT?	FREQUENCY	
		CONTINUOUS	PERIODIC
1. INSPECTION OF REINFORCING STEEL, INCLUDING PLACEMENT.	YES	-	X
2. INSPECTION OF REINFORCING STEEL WELDING IN ACCORDANCE WITH THE SPECIAL INSPECTION SCHEDULE: STEEL CONSTRUCTION OTHER THAN STRUCTURAL STEEL ITEM 3.	YES	-	X
3. INSPECTION OF ANCHORS CAST IN CONCRETE WHERE ALLOWABLE LOADS HAVE BEEN INCREASED OR WHERE STRENGTH DESIGN IS USED.	YES	-	X
4. INSPECTION OF ANCHORS POST-INSTALLED IN HARDENED CONCRETE MEMBERS.	YES	-	X
5. VERIFYING USE OF REQUIRED DESIGN MIX.	YES	-	X
6. AT THE TIME FRESH CONCRETE IS SAMPLED TO FABRICATE SPECIMENS FOR STRENGTH TESTS, PERFORM SLUMP AND AIR CONTENT TESTS, AND DETERMINE THE TEMPERATURE OF THE CONCRETE.	YES	X	-
7. INSPECTION OF CONCRETE AND SHOTCRETE PLACEMENT FOR PROPER APPLICATION TECHNIQUES	YES	X	-
8. INSPECTION FOR MAINTENANCE OF SPECIFIED CURING TEMPERATURE AND TECHNIQUES	YES	-	X
9. INSPECTION OF PRESTRESSED CONCRETE: A. APPLICATION OF PRESTRESSING FORCES.	NO	X	-
B. GROUTING OF BONDED PRESTRESSING TENDONS IN THE SEISMIC-FORCE-RESISTING SYSTEM.	NO	X	-
10. ERECTION OF PRECAST CONCRETE MEMBERS.	NO	-	X
11. VERIFICATION OF IN-SITU CONCRETE STRENGTH, PRIOR TO STRESSING OF TENDONS IN POST-TENSIONED CONCRETE AND PRIOR TO REMOVAL OF SHORES AND FORMS FROM BEAMS AND STRUCTURAL SLABS.	YES	-	X
12. INSPECT FORMWORK FOR SHAPE, LOCATION AND DIMENSIONS OF THE CONCRETE MEMBER BEFORE FORMED.	YES	-	X

NOTE:

- SPECIAL INSPECTIONS FOR ISOLATED SPREAD CONCRETE FOOTINGS, CONTINUOUS CONCRETE FOOTINGS SUPPORTING WALLS, AND CONCRETE FOUNDATION WALLS SHALL BE IN ACCORDANCE WITH THIS TABLE.



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Job Number: 18135

Date: 08.05.2020

Revisions:

Revisions:

Revisions:

Revisions: QUALITY ASSURANCE/
PROPOSED STATEMENT OF
SPECIAL INSPECTIONS

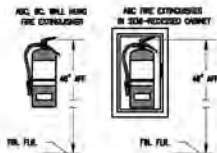
Sheet Number: S5.1

WE-20117

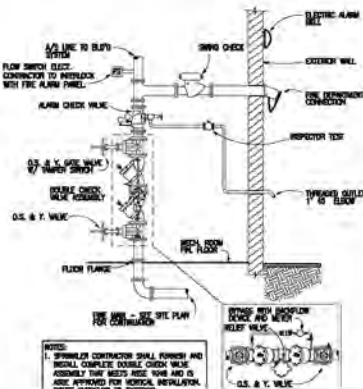
SPRINKLER INTENT INFORMATION				
ZONE CLASSIFICATION **	SALES AREA SHELF AREA GROUP 1	OFFICE AREA AND FEE AREA GROUP 2	BUILDING HALLWAY AND CLOSET AREAS GROUP 3	STOCKROOM AREA MISCELLANEOUS STORAGE CL. CLASS B CONDUCTORS GROUP 4
DENSITY	30 GPM / SQ. FT.	10 GPM / SQ. FT.	30 GPM / SQ. FT.	30 GPM / SQ. FT.
COVERAGE AREA	1000 SQ. FT.	1000 SQ. FT.	1000 SQ. FT.	1000 SQ. FT.
COVERAGE PER SPRINKLER	130 SQ. FT.	220 SQ. FT.	80 SQ. FT.	130 SQ. FT.
RESPONSE TEMPERATURE	180°F	200°F	180°F	180°F
MINIMUM HOOD SPACING	15 FT.	15 FT.	15 FT.	15 FT.
HOOD SPACING ALLOWANCE	25% GPM	100 GPM	25% GPM	25% GPM

COMMENTS:
 * CONDUCTOR CLASS REDUCED TO CLASS B BASED ON SPACING OF LESS THAN 16 PALLET OF CLASS B COMMODITY.
 ** ZONE CLASSIFICATION SUBJECT TO AUTHORITY HAVING JURISDICTION.

SPRINKLER LEGEND	
○	RECESSED CHROME PENDANT HEAD (180°F)
○	UPROOF HEAD (180°F)
△	SPRINKLER HEAD
⊙	FIRE EXTINGUISHER
○	OFF-TYPE RECESSED PENDANT HEAD (200°F)
⊙	OFF-TYPE SIDEWALL HEAD (200°F)
○	CHROME PENDANT HEAD (180°F)
○	INTERMEDIATE PACE STORAGE TYPE



FIRE EXTINGUISHER
MOUNTING HEIGHT
SCALE: NONE



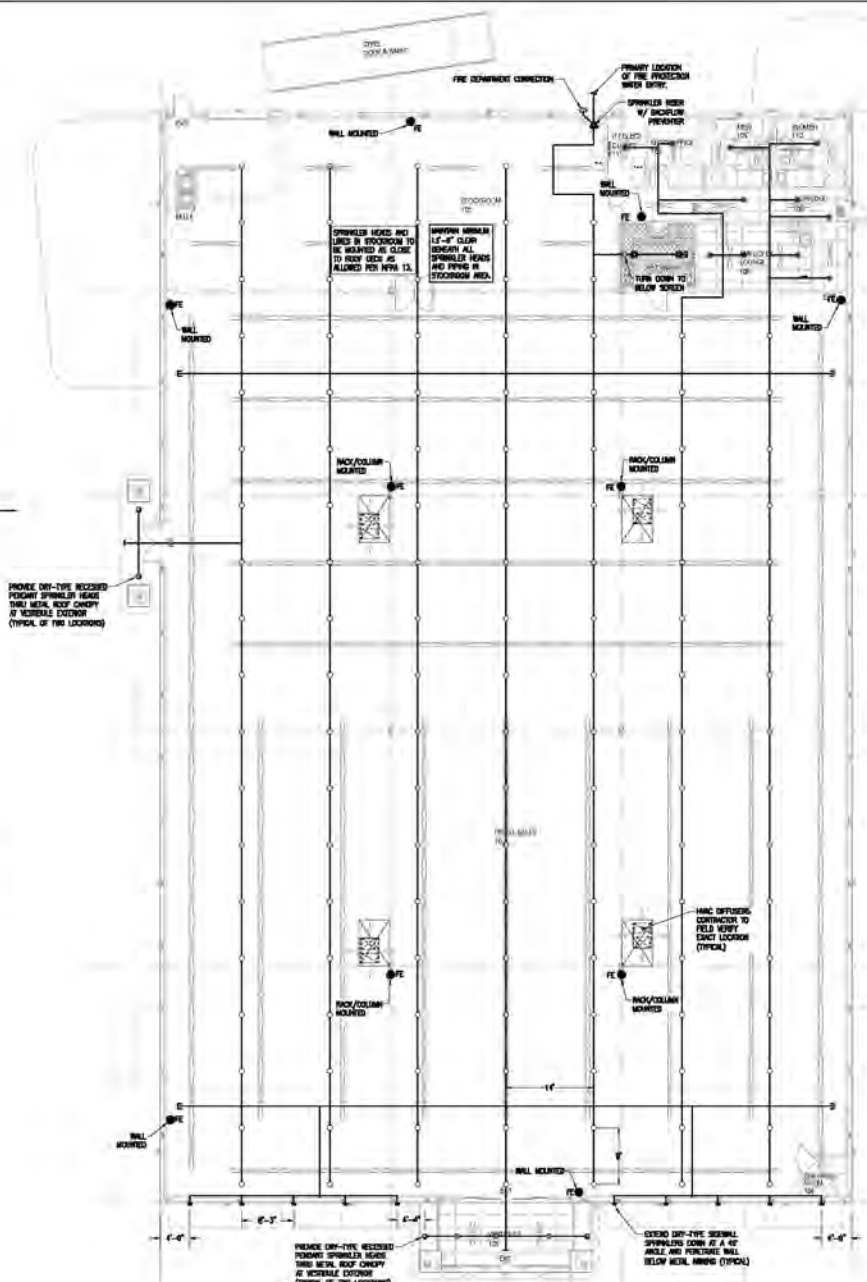
FIRE LINE
ENTRANCE DETAIL
SCALE: NONE

GENERAL NOTES

- TSC TO FURNISH AND CONTRACTOR TO INSTALL MINIMUM OF 10 PORTABLE FIRE EXTINGUISHERS. LOCATIONS SHALL BE DETERMINED BY STORE PATTERNS AND SCHEDULING TO MAINTAIN A MAXIMUM TRAVEL DISTANCE OF 75'-0".
- SPRINKLER LINES, MAINS, AND BRANCHES SHALL BE AS HIGH AS POSSIBLE IN STOCKROOM.
- TSC IS TO APPROVE ALL SPRINKLER OWNERS PRIOR TO INSTALLATION.
- FIRE SPRINKLER CONTRACTOR SHALL BE RESPONSIBLE FOR SUBMITTING FINAL "DESIGN INTENT" DRAWINGS INCLUDING FULL HYDRAULIC CALCULATIONS, SEALED BY A PROFESSIONAL ENGINEER MEETING ALL STATE AND LOCAL CODE REQUIREMENTS.
- FIRE EXTINGUISHERS SHALL BE 1A & 1A-1000 OR BETTER.

FIRE PROTECTION SPECIFICATIONS

- THE SPRINKLER SYSTEM SHALL CONFORM TO NATIONAL FIRE PROTECTION ASSOCIATION 13 AND ALL APPLICABLE REGULATORY REQUIREMENTS AND BUILDING CODES AS INDICATED BY THE AUTHORITY HAVING JURISDICTION IN THE LOCALITY OF THE PROJECT, WHERE CONFLICTS EXIST BETWEEN SUCH REGULATORY OR CODE REQUIREMENTS, SUCH CONFLICT SHALL BE IDENTIFIED FOR THE REVIEW OF THE ARCHITECT AND OWNER.
- CONTRACTOR SHALL FURNISH AND INSTALL A COMPLETE AND HYDRAULICALLY CALCULATED SPRINKLER SYSTEM AS INDICATED ON FLOOR PLANS. MINIMUM SCOPE OF WORK SHALL INCLUDE PROVIDING NEW PENDANT SPRINKLER HEADS AND/OR RELOCATING EXISTING SPRINKLER HEADS AS REQUIRED BY THE NATIONAL, STATE, LOCAL, OFFICE, AND NEIGHBORHOOD RELIGIOUS OUTREACH SPRINKLER HEADS OR PROVIDE NEW SPRINKLER HEADS AS REQUIRED IN THE STOCK ROOM. PROVIDE BRANCH PIPING FOR ALL NEW SPRINKLER HEADS AND ROUTE PIPING TO NEAREST BRANCH MAIN OR CROSS MAIN. PROVIDE SUPPORTS AS REQUIRED BY NFPA 13. FIELD VERIFY EXISTING CONDITIONS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DETECTS, REPAIRS AND REPLACEMENTS IN MATERIAL AND REPAIRWORK FOR A PERIOD OF ONE (1) YEAR AFTER FINAL PAYMENT IS APPROVED.
- SHOULD THE APPROVAL, THE NUMBER OF SHOP DRAWINGS AND MANUFACTURERS' LITERATURE OR ALL MATERIALS AS REQUIRED BY THE ARCHITECT OR OWNER'S REPRESENTATIVE.
- SUBMIT DRAWINGS AND CALCULATIONS TO THE DEPARTMENT OF FIRE PREVENTION OF THE STATE AND LOCAL AUTHORITY HAVING JURISDICTION.
- CONTRACTOR SHALL VISIT THE SITE AS WELL AS ADVISORY SPICES AND FULLY INFORM HIMSELF CONCERNING ALL CONDITIONS AFFECTING SCOPE OF WORK. VERIFY PIPE SIZES, LOCATIONS OF EXISTING COMPONENTS, AND SENSIBILITY OF THE EXISTING SYSTEMS TO MEET THE HYDRAULIC CALCULATIONS PRIOR TO BID.
- OWNERS ARE DIAGNOSTIC AND ADVISED TO THEIR APPROPRIATE LOCATIONS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL ARCHITECTURAL, CIVIL, STRUCTURAL, ELECTRICAL, AND MECHANICAL DRAWINGS AND COORDINATE WITH OTHER TRADES FOR PIPE ROUTING AND EQUIPMENT PLACEMENT. INSTALL ALL BIRM WITHOUT CONTACT WITH OTHER TRADES AND MAKE ANY ADJUSTMENTS AS REQUIRED WITHOUT ADDITIONAL COST TO OWNER.
- THE SPRINKLER SYSTEM SHALL BE INSTALLED BY A FIRE PROTECTION SPRINKLER SYSTEM CONTRACTOR WITH A VALID CERTIFICATE OF REGISTRATION ISSUED BY THE AUTHORITY HAVING JURISDICTION.
- CONTRACTOR SHALL COORDINATE WITH ELECTRICAL CONTRACTOR ALL VOLTAGES, ELECTRICAL LOADS, ETC. OF ELECTRICALLY OPERATED EQUIPMENT PRIOR TO PURCHASING EQUIPMENT. ALL EQUIPMENT SHALL BE U.L. AND NEMA APPROVED.
- MAINTAIN A MINIMUM CLEARANCE OF 2'-0" IN FRONT OF ALL ELECTRICAL PANELS AND 1'-0" ON EITHER SIDE OF ELECTRICAL PANEL TO STRUCTURE.
- ALL HORIZONTAL AND VERTICAL PIPING SHALL BE SUPPORTED IN ACCORDANCE WITH NFPA 13 AND STATE AND LOCAL REQUIREMENTS. SUPPORTS SHALL SECURELY HOLD PIPING, PREVENT VIBRATION, COMPENSATE FOR STATIC AND OPERATIONAL CONDITIONS OF THE VARIOUS SYSTEMS, AND SHALL NOT BE SUBJECT TO ELECTROLYTIC ACTION.
- ALL SPRINKLER SYSTEM MATERIALS INSTALLED SHALL BE U.L. LISTED AND FACTORY MUTUAL APPROVED FOR FIRE PROTECTION USE.
- CONTROL VALVES SHALL BE SLOW CLOSING INDICATING VALVES LISTED FOR FIRE PROTECTION USE. EACH CONTROL VALVE SHALL HAVE A SUPERVISORY SERVICE.
- SPRINKLER PIPING PENETRATING ONE-HOUR OR GREATER RATED FIRE WALLS SHALL BE SEALED AND GALVANIZED TO MEET U.L. LISTED ASSEMBLY FOR RINGS OF WALL.
- CONTRACTOR SHALL FLUSH WATER SYSTEM AFTER INSTALLATION PER REQUIREMENTS OF NFPA 24.
- SPRINKLER HEADS SHALL BE TYPICAL, RELIABLE, CENTRAL, WORK OR EQUAL.
- OFFICE AREA AND BATHS OCCUPANCIES SHALL HAVE DENSITY OF 10 GPM/ SQ. FT. IF NOT SUPPORTED BY WALLS. IF SUPPORTED BY WALLS, THE AREA SHALL BE HYDRAULICALLY BALANCED TO PROVIDE 0.3 G.P.M. PER SQUARE FOOT OVER THE MOST REMOTE 1,200 SQ. FT., HEAD COVERAGE 220 SQ. FT./HEAD MAXIMUM, USING 180°F HEADS.
- SALES AREA, RESTROOMS, AND SIMILAR OCCUPANCIES SHALL BE HYDRAULICALLY BALANCED TO PROVIDE 0.3 GPM PER SQUARE FOOT DENSITY OVER THE MOST REMOTE 1,200 SQ. FT., HEAD COVERAGE 130 SQ. FT./HEAD MAXIMUM, USING 180°F HEADS.
- RECEIVING AREA AND STOCKROOM SHALL BE HYDRAULICALLY BALANCED TO PROVIDE 30 GPM PER SQUARE FOOT DENSITY OVER THE MOST REMOTE 1,200 SQ. FT., HEAD COVERAGE 130 SQ. FT./HEAD MAXIMUM, USING 180°F HEADS.
- BUILDING HALLWAY AND CLOSET AREAS SHALL BE HYDRAULICALLY BALANCED TO PROVIDE 0.3 G.P.M. PER SQUARE FOOT DENSITY OVER THE MOST REMOTE 1,500 SQ. FT., HEAD COVERAGE 80 SQ. FT./HEAD MAXIMUM, USING 200°F HEADS.
- ALL SPRINKLER HEADS IN AREAS WITH FINISHED CEILING SHALL BE CHROME-PLATED RECESSED PENDANT TYPE WITH TEMPERATURE RATING AS CONDITIONS dictate. ASSOCIATED SPRINKLER PIPING SHALL BE ENTIRELY CONCEALED.
- ALL SPRINKLER HEADS IN AREAS WITHOUT FINISHED CEILING SHALL BE UPROOF HEADS WITH TEMPERATURE RATING AS CONDITIONS dictate. ASSOCIATED SPRINKLER PIPING SHALL BE ROOF EXPOSED. DO NOT PAINT HEADS.
- THE SPRINKLER CONTRACTOR SHALL COORDINATE THE LOCATION OF PIPING AND HEADS WITH LIGHT FIXTURES, OUTLETS, ELECTRICAL, PLUMBING LINES, ETC. AND MAKE MINOR ADJUSTMENTS IN THE SPRINKLER LAYOUT WHERE REQUIRED OR DEEMED NECESSARY BY THE ARCHITECT.
- MODIFICATIONS TO THE SPRINKLER SYSTEM SHALL BE IN ACCORDANCE WITH NFPA 13.



FIRE PROTECTION PLAN
SCALE: 1/8" = 1'-0"



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The drawing and design shown in the vicinity of the architect. The contractor shall verify the actual conditions. Any change in the scope of work, or any other change orders, must be identified and communicated in your bid submitted to TSC.

Job Number: 16120
Date: 06.06.2020
Revision:
Revision:
Revision:



1100 West 10th St.
Wichita, KS 67202
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www.schelton.com

FIRE PROTECTION PLAN
Sheet Number: FP1.0



16 PERSPECTIVE
SCALE: NO SCALE



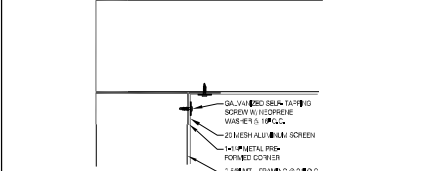
15 PERSPECTIVE
SCALE: NO SCALE



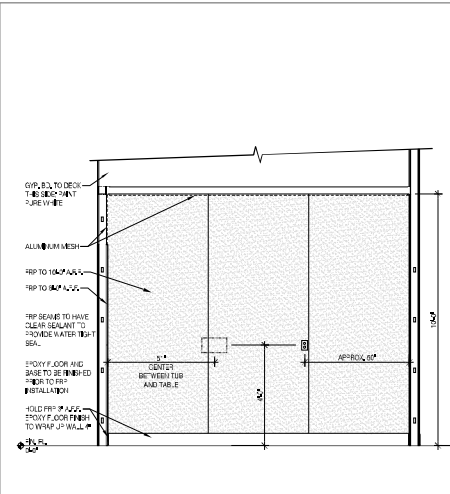
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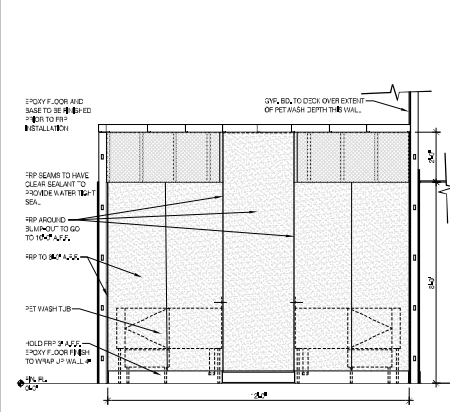
13 PERSPECTIVE
SCALE: NO SCALE



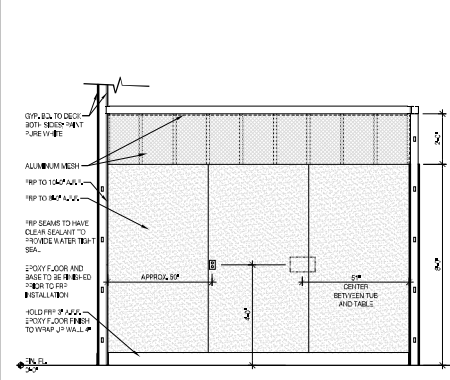
12 DETAIL
SCALE: 1/4" = 1'-0"



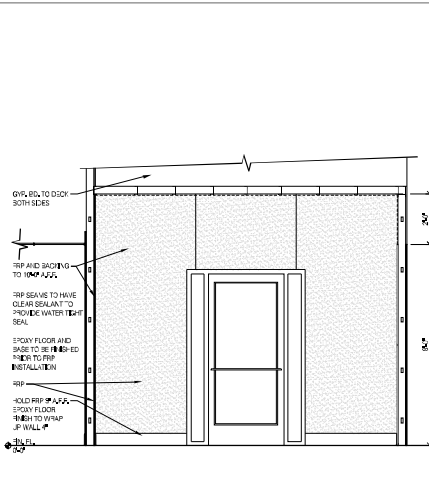
11 ELEVATION
SCALE: 1/4" = 1'-0"



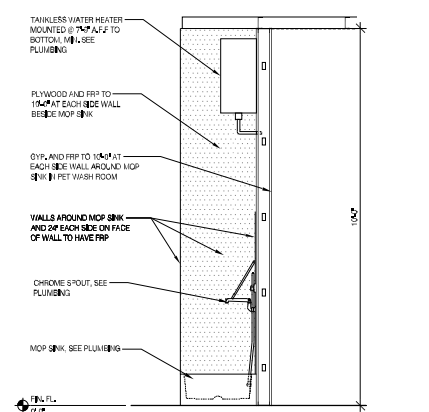
10 ELEVATION
SCALE: 1/4" = 1'-0"



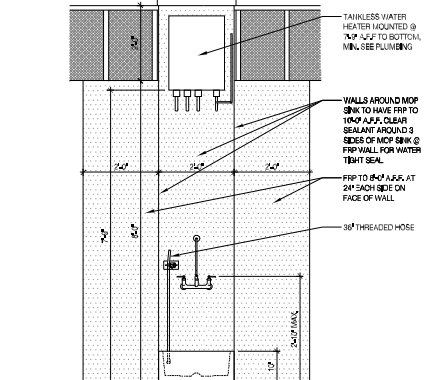
9 ELEVATION
SCALE: 1/4" = 1'-0"



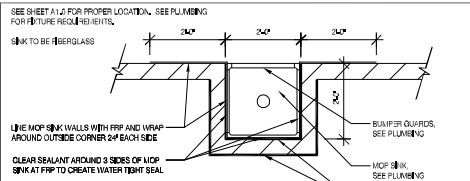
8 ELEVATION
SCALE: 1/4" = 1'-0"



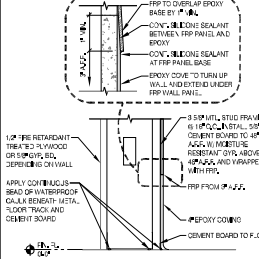
7 SECTION
SCALE: 1/4" = 1'-0"



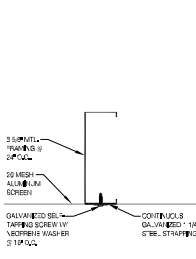
6 ELEVATION
SCALE: 1/4" = 1'-0"



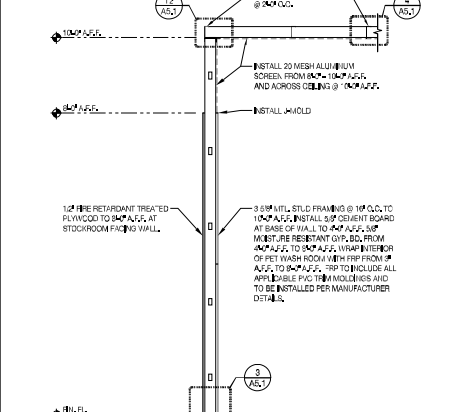
5 PLAN
SCALE: 3/4" = 1'-0"



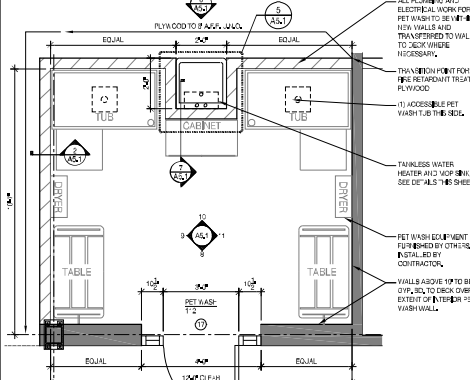
3 DETAIL
SCALE: 3/4" = 1'-0"



4 DETAIL
SCALE: 3/4" = 1'-0"



2 SECTION
SCALE: 1/4" = 1'-0"



1 PLAN
SCALE: 1/4" = 1'-0"



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Job Number: 18139
Date: 08.06.2020
Revisions:
Revisions:
Revisions: PET WASH PLAN, ELEVATIONS, & DETAILS
Sheet Number: A5.1



TRACTOR SUPPLY COMPANY
HYANNIS,
MASSACHUSETTS

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Job Number: 18139
Date: 08.06.2020
Revisions:
Revisions:
Revisions:

MECHANICAL FLOOR PLAN
Sheet Number: M1.0

CONSTRUCTION NOTES

- 1 FURNISH AND INSTALL CONCENTRIC DIFFUSER AND FLEXIM WITH 20" SUPPLY AND RETURN CONNECTIONS BY RUSON ROOFTOP SYSTEMS MODEL 01-530-20 OR APPROVED EQUAL, REFER TO SHEET M2.0 "CONCENTRIC DIFFUSER DETAIL".
- 2 FURNISH AND INSTALL 2 1/2" ADJUSTABLE MODULATING SUPPLY AIR DEMISE, INDOOR-OUTDOOR BY ADJUSTROL MODEL TR-HC-4 WITH 5" COLLAR, SET AT 72°F HEATING AND COOLING AND 165 CFM MAX FLOW. FURNISH COMPLETE WITH INSULATED BACKING AND 105 ADJUSTABLE SCREEN FLOW STOP.
- 3 FURNISH AND INSTALL VAV DAMPER BY ZIMCO MODEL SHTMPL WITH SMOG THERMOSTAT, TR-1 24V TRANSFORMER, AND TS-1 TS-2 TEMPERATURE SENSOR, BALANCE SUPPLY AIRFLOW TO 280 CFM.
- 4 ROUTE MCO LINE ON ROOF AT 1" PER FOOT TOWARD DRAIN, REFER TO DETAIL FOR PIPE SUPPORT INSULATION.
- 5 MOUNT THERMOSTAT 48" A.F.F.
- 6 MOUNT THERMOSTAT 96" A.F.F., ON POLE FACING AWAY FROM NEAREST DIFFUSER.
- 7 CONTRACTOR SHALL VERIFY SUPPLY AND RETURN DUCT FROM UNIT FALLS WITHIN CORE AREA WALLS TO CORE.
- 8 10% RETURN DUCT OPEN TO SPACE, CAP W/ 1/2" WIRE MESH - PROVIDE MANUAL VOLUME DAMPER IN RETURN AIR DUCT AND BALANCE FOR 280 CFM.
- 9 SET THERMOSTAT 80°F HEATING WINTER, 70° COOLING SUMMER, MOUNT THERMOSTAT 48" A.F.F.
- 10 FURNISH AND INSTALL TYPE "B" DOUBLE WALL FLUE FROM OF-1 THRU BACK WALL OF VESTIBULE ABOVE MAIN ROOF A MINIMUM 12" ABOVE ANTICIPATED SNOW LEVEL. SIZE FLUE PIPING PER MANUFACTURER'S RECOMMENDATIONS.
- 11 FURNISH AND INSTALL 18"x14" SIDEWALL SUPPLY AIR GRILLE, TITUS MODEL 300FS OR APPROVED EQUAL, COLOR PER ARCHITECT, MOUNT BOTTOM OF GRILLE AT 15'-0" A.F.F. - COORDINATE EXACT LOCATION WITH GRILLE MOUNTING DETAIL LOCATED ON SHEET M4.0.
- 12 FURNISH AND INSTALL 24"x10" SIDEWALL RETURN AIR GRILLE, TITUS MODEL 300FL OR APPROVED EQUAL, BALANCE TO 1200 CFM, COLOR PER ARCHITECT, MOUNT BOTTOM OF GRILLE AT 15'-0" A.F.F. - COORDINATE EXACT LOCATION WITH GRILLE MOUNTING DETAIL LOCATED ON SHEET M4.0.
- 13 FURNISH AND INSTALL 8"x10" SIDEWALL SUPPLY AIR GRILLE, TITUS MODEL 300FS WITH DOUBLE DEFLECTION DAMPER, OR APPROVED EQUAL, BALANCE TO 300 CFM, COLOR PER ARCHITECT, MOUNT BOTTOM OF GRILLE AT 15'-0" A.F.F. - COORDINATE EXACT LOCATION WITH GRILLE MOUNTING DETAIL LOCATED ON SHEET M4.0.
- 14 FURNISH AND INSTALL 7'-0" LINEAR DIFFUSER, 85 CFM PER FOOT, (3) 3" SLOTS, 800 TOTAL CFM, TITUS MODEL M2-38 OR APPROVED EQUAL WITH 12" DEEP FLEXIM BOX, COLOR PER ARCHITECT.
- 15 EXTEND 4" PVC GAS FLUE AND COMBUSTION AIR INTAKE UP TO CONCENTRIC VENT KIT THRU ROOF, SIZE COMBUSTION AIR AND FLUE PIPING AND INSTALL CONCENTRIC VENT KIT THRU ROOF PER MANUFACTURER'S RECOMMENDATIONS.
- 16 FURNISH AND INSTALL 18" x 18" AIR GRILLE, TITUS MODEL 300FS OR APPROVED EQUAL ABOVE DOOR FOR OPEN AIR TRANSFER TO/FROM ABOVE CANOPY, COORDINATE EXACT LOCATION WITH GRILLE MOUNTING DETAIL LOCATED ON SHEET M4.0.

MECHANICAL LEGEND	
[Symbol]	NEW SUPPLY AIR DUCTWORK
[Symbol]	NEW RETURN AIR DUCTWORK
[Symbol]	NEW EXHAUST AIR DUCTWORK
[Symbol]	MANUAL VOLUME DAMPER
[Symbol]	CEILING DIFFUSER
[Symbol]	CEILING RETURN AIR GRILLE
[Symbol]	CEILING MOUNTED EXHAUST FAN
[Symbol]	SUPPLY CFM
[Symbol]	A.F.F. ABOVE FINISHED FLOOR
[Symbol]	O.A. OUTSIDE AIR
[Symbol]	MCO MEDIUM CONDENSATE DRAIN
[Symbol]	SDI DUCT MOUNTED SMOKE DETECTOR
[Symbol]	EQUIPMENT LABEL (SEE MECH. SCHEDULE FOR INFO)
[Symbol]	THERMOSTAT
[Symbol]	CANOPY DIONISE SENSOR
[Symbol]	PER FLOW
[Symbol]	UNDERCUT DOOR 3/4"

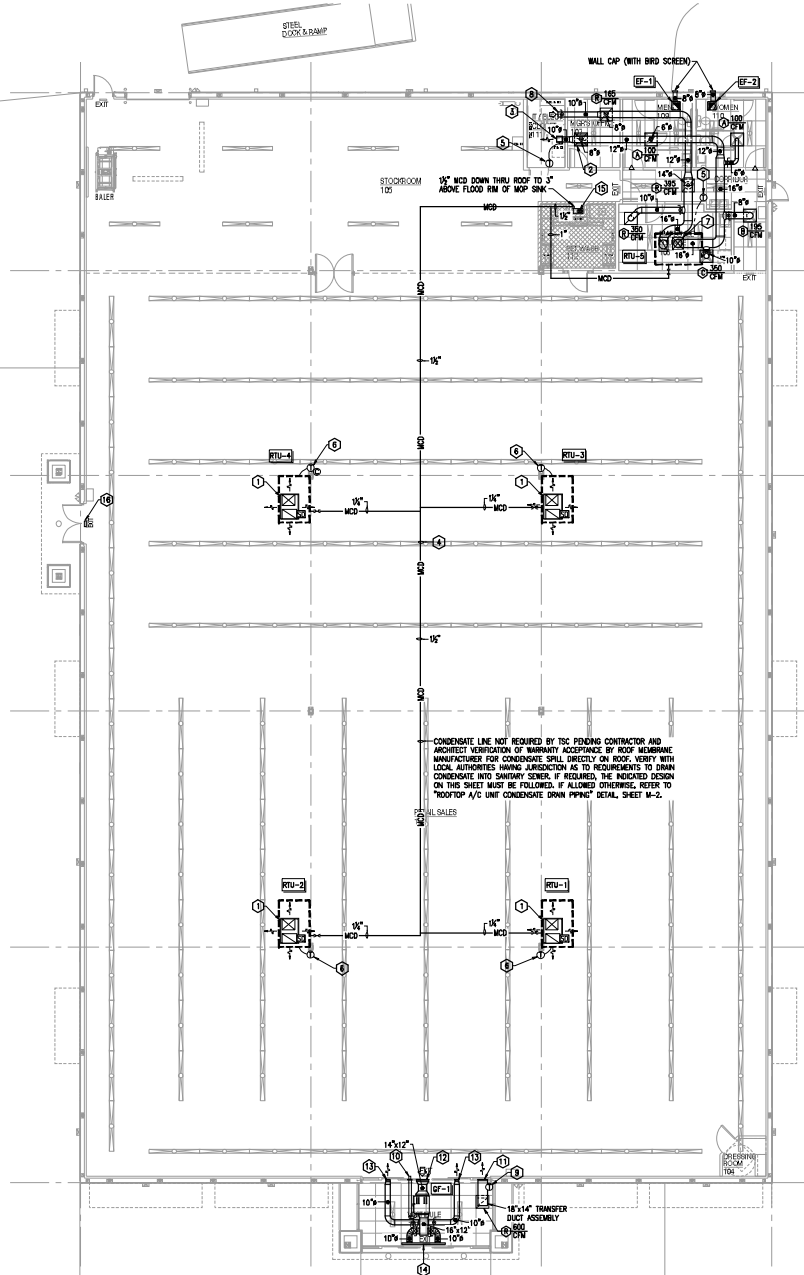
INTERNATIONAL MC 403.3 COMPLIANCE SCHEDULE						
UNIT NUMBER	RTU-1, 2, 3, & 4	RTU-5	CORRIDOR		1 T CLOSET	TOTAL
AREA SERVED	RETAIL SALES	STOCK ROOM	EMPLOYEE LOUNGE	OFFICE		
AREA (SQ. FT)	15,508	2,087	186	81	177	65
NO. PEOPLE/1000 SQ. FT. (DISEASE RISKS)	19	N/A	50	5	-	-
PEOPLE QUANTITY	233	N/A	10 *	1	-	-
AIRFLOW PER PERSON (CMF @ 403.3)	7.5	N/A	5	5	-	-
CFM / SQ. FT.	.12	.12	.06	.06	.06	.06
TOTAL O.A. REQUIRED (CFM)	3,815	NAT. VENTILATION**	65	10	15	5
TOTAL O.A. PROVIDED (CFM)	3,820	-	65	10	15	5

NOTES:
* MAX. OCCUPANCY IN EMPLOYEE LOUNGE FURNISHED BY OWNER.
** OPERABLE OPENING AREA IN STOCKROOM EXCEEDS 45% OF FLOOR SPACE PER IBC SECTION 402.2.

TRACTOR SUPPLY LIGHTING & HEATING SCHEDULE						
	PYLON/BUILDING SIGN PARKING LOT LIGHTS DISK (BY PHOTOCELL)	BUILDING LIGHTS WALL PACKS DISK TO DOWN PHOTOCELL (ALWAYS ON DURING DAY)	BUSINESS LIGHTS	EMPLOYEE LIGHTS	HEATING LIGHTS	COOLING SUNDAY
ON			7:30 AM	7:30 AM	68 DEGREES AT 8:00 AM	74 DEGREES AT 10:00 AM
OFF	8:15 PM		8:30 PM	8:30 PM	82 DEGREES AT 9:00 PM	80 DEGREES AT 6:00 PM
LIGHTING CONTROL ZONE	L2-3	L2-2	L2-18	L2-1A		

NOTES:
1. THE SYSTEM CAN BE OVERRIDDEN BY THE OVERSIDE SWITCH IN CASE THE STORE IS OPEN EARLIER OR LATER THAN NORMAL STORE HOURS.
2. L2-3 BONDIES ROUTING THRU A LIGHTING CONTRACTOR IN THE LIMITED BOARDING.
3. CONTRACTOR RESPONSIBLE FOR PROGRAMMING ALL NON EMS CONTROLLED THERMOSTATS AND LIGHTING CONTROLS.
4. RESPONSIBILITIES 3. TEMPERATURE SET POINTS SHALL BE COORDINATED WITH OWNER/EMS SYSTEM PROVIDER AT TIME OF INSTALLATION. MINIMUM MIN. 5 DEGREE DEPARTING BETWEEN HEATING AND COOLING SET POINTS.

GENERAL NOTE:
THERMOSTATS SERVICING RTU-1, 2, 3, & 4 SHALL BE INTERLOCKED IN ORDER TO PREVENT SIMULTANEOUS HEATING/COOLING



MECHANICAL FLOOR PLAN
SCALE: 1/8" = 1'-0"

Schelton
1163 West Main St.
Nashville, TN 37214
Tel: 615.724.9111 / Fax: 615.724.3899
Project: mechanical@schelton.com
P: 04/18/2016



TRACTOR SUPPLY COMPANY
HYANNIS,
MASSACHUSETTS

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Job Number: 18139
Date: 08.06.2020
Revisions:
Revisions:
Revisions:

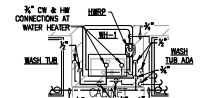
PLUMBING FLOOR PLAN
Sheet Number: P1.0

PLUMBING FIXTURE LEGEND	
SYMBOL	DESCRIPTION
---	COLD WATER ABOVE SLAB
---	HOT WATER ABOVE SLAB
---	COLD WATER BELOW SLAB OR GRADE
---	WASTE LINE BELOW SLAB OR GRADE
---	VENT LINE ABOVE OR BELOW SLAB
---	GAS LINE ABOVE SLAB OR GRADE
---	EXTERIOR CLEANSOUT UP FROM BELOW SLAB OR GRADE
---	CLEANSOUT UP FROM BELOW FLOOR OR SLAB
---	PIPE TURNED DOWN
---	PIPE TURNED UP
---	BALL VALVE
---	RSP
---	HOSE BIB
---	NEW FIXTURES
---	WC1, ETC
---	COLD WATER
---	HOT WATER
---	VENT THRU ROOF
---	EXTERIOR CLEANSOUT
---	INTERIOR CLEANSOUT
---	W/O
---	ABOVE FINISHED FLOOR
---	PRESSURE REGULATING VALVE

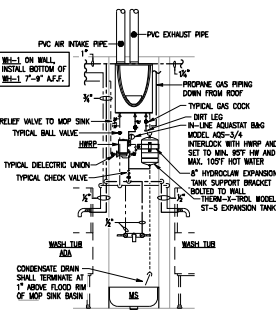
UTILITY INFORMATION	
WATER	TOWN OF BARNHARTLE PUBLIC WORKS 47 OLD VANDUHL RD. HYANNIS, MA 02041 PH: 508-776-0243 FAC: 508-740-1213
NATURAL GAS	NATIONAL GRID 127 WHITES PATH SOUTH WINDSOR, MA 02664 PH: 508-364-1840

CONSTRUCTION NOTES

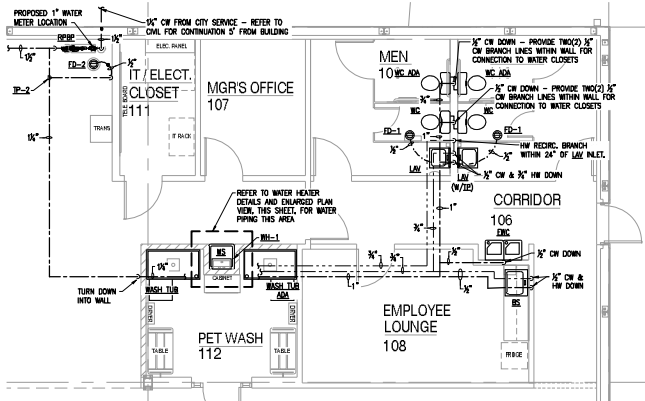
- 1 TURN 3/4" CW DOWN TIGHT TO EXTERIOR WALL - PROVIDE ISOLATION SHAFT-OFF VALVE MOUNTED AT 9'-0" AFF. - EXTEND DOWN WITHIN STOCK BUILD WALL. NO PIPES ALLOWED TO BE SURFACED MOUNTED ON INSIDE OF DRESSING ROOM WALLS.
- 2 TURN 3/4" CW DOWN WITHIN 18" OF BUILDING CORNER.



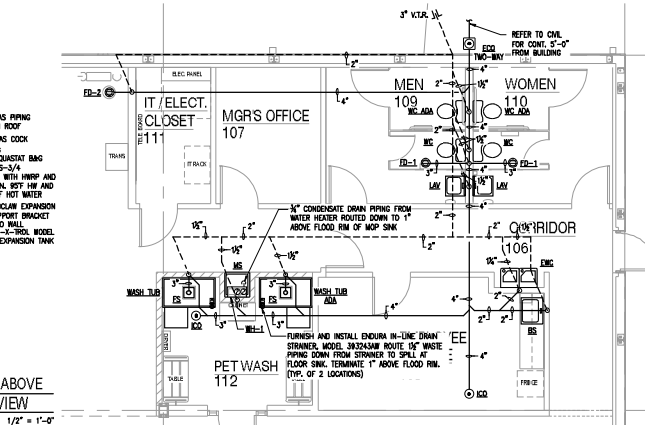
INSTANTANEOUS WATER HEATER ABOVE MOP SINK ENLARGED PLAN
SCALE: 1/2" = 1'-0"



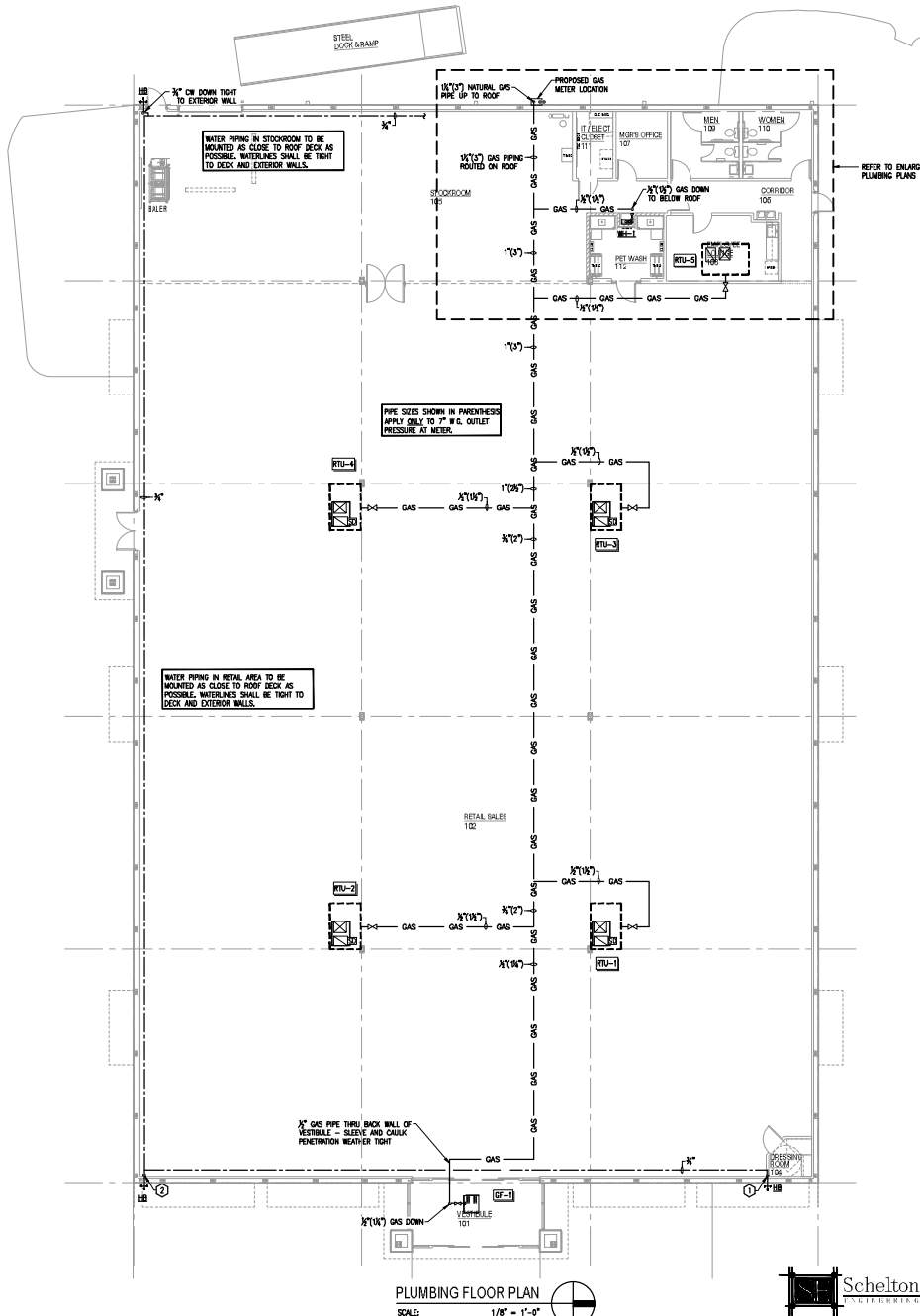
INSTANTANEOUS WATER HEATER ABOVE MOP SINK DETAIL - ELEVATION VIEW
SCALE: 1/2" = 1'-0"



ENLARGED PLUMBING PLAN: WATER
SCALE: 1/4" = 1'-0"



ENLARGED PLUMBING PLAN: WASTE/VENT
SCALE: 1/4" = 1'-0"



PLUMBING FLOOR PLAN
SCALE: 1/8" = 1'-0"

Schelton
REGISTERED PROFESSIONAL ENGINEER
1143 West Main St.
Nashville, TN 37204
Tel: 615-731-9111 / Fax: 615-734-3939
pschelton@scheltonplumbing.com
P1001-08-016

PLUMBING SPECIFICATIONS

PART 1 COVER

1. COMPLETE INSTALLATION SHALL CONFORM TO ALL APPLICABLE FEDERAL, STATE AND LOCAL CODES AND ORDINANCES, INCLUDING BUT NOT LIMITED TO THE LATEST APPROVED EDITIONS OF THE FOLLOWING:
STATE BUILDING CODE, INTERNATIONAL BUILDING CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL ENERGY CONSERVATION CODE, NFPA-90A, NFPA-101, NFPA-54.
2. OBTAIN AND PAY FOR ALL REQUIRED PERMITS, INSPECTION FEES, TAPPING FEES, CONNECTION CHARGES, AND UTILITY COMPANY SERVICE CHARGES.
3. INSTALLATION SHALL BE DONE IN A NEAT AND WORKMANLIKE MANNER.
4. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL LABOR AND INSTALL ALL MATERIAL CALLED FOR IN THE CONTRACT DOCUMENTS PER LOCAL CODE REQUIREMENT AND THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
5. THE CONTRACTOR'S INSTALLATION SHALL INCLUDE ALL REQUIRED ROUGH-IN'S, DUCTWORK, PIPING OR ELECTRICAL WIRING INCLUDING DEVICES (BOXES, UNITS, RECOGNIZERS, SWITCHES, ETC) NEEDED FOR ALL SYSTEMS TO BE COMPLETE AND FULLY OPERATIONAL, WHETHER OR NOT SHOWN OR NOTED ON THE CONTRACT DOCUMENTS.
6. THE CONTRACTOR'S BID SHALL INCLUDE ALL SUCH ITEMS REASONABLY ANTICIPATED OR REQUIRED FOR COMPLETE SYSTEMS. THE CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER PROMPTLY OF ANY CONFLICT BETWEEN BUILDING CODES AND/OR THE MANUFACTURER'S INSTALLATION INSTRUCTIONS AND THE CONTRACT DOCUMENTS.
7. NO DEMANDS OR ADJUSTMENTS SHALL BE MADE TO THE CONTRACT DOCUMENTS UNLESS REVIEWED AND APPROVED BY THE DESIGN ENGINEER. ANY SUCH APPROVED DEMANDS OR ADJUSTMENTS TO THE CONTRACT DOCUMENTS SHALL BE SHOWN AS PART OF THE CONTRACT DOCUMENTS DRAWN BY THE CONTRACTOR. THE RECORD AS-BUILT DRAWINGS SHALL BE TURNED OVER TO THE DESIGN ENGINEER AT THE COMPLETION OF CONSTRUCTION.

PART 2 PRODUCTS

1. ALL PIPING AND FITTINGS FOR THE DOMESTIC WATER SYSTEM SHALL BE CERTIFIED BY THE MANUFACTURER'S LABORATORY TO MEET THE ANSI A112, 61 SECTION 9 STANDARD.
2. ALL PIPING INSIDE THE BUILDING AND BELOW SLAB TO 2'-0" OUTSIDE THE BUILDING SHALL BE ADMIRALTY APPROVED UNSOLDED POLYETHYLENE (PEX) TUBING WITH A MINIMUM CLASS 1000 CHLORINE RESISTANCE RATING, WATS, TURNER, OR NIBCO. FITTINGS SHALL BE BARRIED CRIMP PIPING OR COUPLER CONNECT FITTINGS, WATS, TURNER, OR NIBCO. EXPOSED PIPING INSIDE SHALL BE 1/2" OR 3/4" STICKS. ROLLS MAY BE USED IN WALLS NOT EXPOSED AND UNDERSLAB. ALL PIPING (PEX) UNDER INTERIOR SLAB SHALL BE SLEEVED. NO FITTINGS SHALL BE PERMITTED UNDER GROUND.

OR

ALL DOMESTIC WATER PIPING INSIDE THE BUILDING ABOVE SLAB SHALL BE TYPE "L" WROUGHT COPPER DOMESTIC WATER PIPING BELOW SLAB AND TO 2'-0" OUTSIDE SHALL BE TYPE "K" SOFT SEAMLESS. NO JOINTS SHALL BE ALLOWED BELOW SLAB. COPPER PIPE FITTINGS SHALL BE SWEATED JOINT WROUGHT COPPER SHEEP PATTERN FITTINGS, SOLDERED USING 95-5 LEAD-FREE SOLDER.

3. ALL SANITARY WASTE AND VENT PIPING INSIDE AND UNDERSLAB TO 2'-0" OUTSIDE THE BUILDING SHALL BE SCHEDULE 40 PVC, DWV OR SERVICE WEIGHT CAST IRON WITH DRAINAGE FITTINGS.
4. JOINT FOR PVC SANITARY WASTE AND VENT PIPING SHALL BE SOLVENT WELD TYPE INSIDE AND UNDERSLAB TO 2'-0" OUTSIDE THE BUILDING. JOINTS FOR CAST IRON SHALL BE 90-140 TYPE ABOVE SLAB OR GRADE AS MANUFACTURED BY CLAMP-ALL OR ANGIO HASKY. CAST IRON SOIL PIPING INSIDE, NO-HUB DOUBLE ENDL CONNECTORS SHALL NOT BE ALLOWED. JOINTS FOR CAST IRON PIPE BELOW SLAB OR GRADE SHALL BE WEDGEMORE PUSH-ON TYPE.
5. HANGERS: PIPE SIZES 1/2" TO 1-1/2" ADJUSTABLE WROUGHT STEEL LOOP (COPPER, ELECTROPLATE IF APPLICABLE).
5. HANGERS: PIPE SIZES 2" AND UP: ADJUSTABLE WROUGHT STEEL CLIPS (COPPER, ELECTROPLATE IF APPLICABLE).
7. MULTIPLE OR TRAPEZOID HANGERS: STEEL CHANNELS WITH WELDED SPACERS AND HANGERS SHALL BE SCHEDULE 40 PVC, DWV OR SERVICE WEIGHT CAST IRON, THREADED BOTH ENDS, THREADED ONE END, DR CONTINUOUS THREADED AS REQUIRED.
8. PIPING: STEEL HANGER RODS, THREADED BOTH ENDS, THREADED ONE END, DR CONTINUOUS THREADED AS REQUIRED.
9. INSULATE DOMESTIC HOT AND COLD WATER PIPING WITH FIBERGLASS INSULATION WITH WOLDED FIBERGLASS PIPE COVERING AND CONTINUOUS WRAP AS MANUFACTURED BY INWALCO CORPORATION, CHEEK-CORNING, INWAF, OR CERTAINTED.

OR

INSULATE (PEX) PIPING WITH SELF SEALING ELASTOMERIC RUBBER INSULATION. SEAL ENDS WITH CONTACT ADHESIVE AND TAPE PER MANUFACTURER'S RECOMMENDATION.

10. INSULATE ALL DOMESTIC HOT WATER PIPING WITH 1" THICK INSULATION INSULATE ALL DOMESTIC COLD WATER PIPING WITH 1/2" THICK INSULATION.
11. INSULATE ALL DOMESTIC WATER PIPING BELOW SLAB AND TO 2'-0" OUTSIDE THE BUILDING WITH 1/2" MINIMUM.
12. PIPE INSULATION AND COVERINGS SHALL HAVE A MINIMUM OF 23 GRAIN DEVELOPED, AND NO MORE THAN 50 FUEL CONTRIBUTED.
13. ALL GAS PIPING SHALL BE SCHEDULE 40 BLACK STEEL WITH SWEATED OR WELDED FITTINGS AND GASKET TYPE UNIONS AND FLANGES. ALL GAS PIPING INSTALLED OUTDOORS SHALL BE COATED WITH A CORROSION RESISTANT PAINT. PAINT COLOR SHALL BE ORANGE OR YELLOW.
14. CONCRETE ANCHORS (WEDGE ANCHORS) SHALL BE ZINC-PLATED CARBON STEEL WEDGE ANCHORS AVAILABLE IN ANCHOR/DRILL SIZES 1/4" TO 3/4" AND LENGTHS OF 1-3/4" THROUGH 12". MEETING U.S. CONCRETE ANCHORING SYSTEMS (ACI) 308.2 GROUP 5, TYPE A, CLASS I, FOR FASTENING PLUMBING SYSTEMS TO CONCRETE AND PIPE HANGING FOR HANGERS/FLEX HEAD BRAND OR APPROVED EQUAL.
15. NATURAL GAS REGULATORS SHALL BE INWALCO 325 SERIES OR EQUAL.
16. ACCEPTABLE FITTURE MANUFACTURERS

- A. NO OTHER MANUFACTURER SUBSTITUTIONS SHALL BE ALLOWED WITHOUT PRIOR WRITTEN APPROVAL FROM THE ENGINEER (5) DAYS BEFORE BIDDING.
- B. CONTRACTOR SHALL PROVIDE FAUCETS AND FITTINGS THAT ARE CERTIFIED BY UNDERWRITERS LABORATORY TO MEET THE ANSI A112, 61 SECTION 9 STANDARD.
- C. FITTINGS: AMERICAN STANDARD, KOHLER, DELTA, MOON, SINKS, LEWELAND, CHICAGO FAUCET COMPANY, T&S BRASS, OR POWERS REGULATOR.

PART 3 EXECUTION

1. EXCAVATION, BACKFILLING AND TRENCH WORK SHALL BE DONE IN ACCORDANCE WITH O.S.H.A. AND DISTRICT SAFETY STANDARDS.
- A. PROVIDE SHORING AND CLEANING NECESSARY TO KEEP TRENCHES IN WORKING CONDITIONS, INCLUDING PLUMBING OUT WATER.
- B. IN MOSTLY ROCK MATERIAL, TRENCHES SHALL BE EXCAVATED TO AT LEAST 6" BELOW THE ELEVATION OF THE BOTTOM OF THE PIPES. AFTER EXCAVATION, TRENCH SHALL THEN BE FILLED TO THE PROPER ELEVATION WITH CRUSHED LIMESTONE GRAVEL. SHALL BE SOLOPED OUT UNDER PIPE BELLS SO THE PIPE RESTS FIRMLY ON THE TRENCH BOTTOM.
- C. IN MOSTLY EARTH OR SAND MATERIAL, THE LAST 2" OF EXCAVATION SHALL BE DONE BY HAND. TRENCH BOTTOM SHALL BE SOLOPED OUT AT PIPE BELLS SO THE PIPE RESTS FIRMLY ON THE TRENCH BOTTOM.
- D. BACKFILLING AND TAMPING SHALL BE CAREFULLY DONE SIMULTANEOUSLY ALONG BOTH SIDES OF THE PIPE USING ROCK FREE SANDY CRUSHED STONE OR SAND UNTIL THE PIPE IS COVERED TO A DEPTH OF AT LEAST 12". THE REST OF THE FILL UP TO THE TOPSOIL LAYER MAY BE SAND OR ROCK FREE SAND. ACCEPTABLE SOIL MATERIALS FOR BACKFILL AND FILL SHALL BE FREE OF CLAY, ROCK OR GRAVEL LARGER THAN 2" IN ANY DIMENSION. SERIES: WASTE, FROTH MATERIALS AND OTHER DELETERIOUS MATERIAL HAVING A PLASTICITY INDEX LESS THAN 30. BACKFILL SHALL BE DONE IN LAYERS OF NOT MORE THAN 6" AND EACH LAYER SHALL BE COMPACTED. THE LAST 12" OF BACKFILL SHALL BE ROCK FREE TOPSOIL.
- E. SURFACE SHALL BE RESTORED TO ITS ORIGINAL CONDITION.
2. EXPOSED HOT AND COLD WATER TRIM IN FINISHED AREAS SHALL BE CRIMPE FINISHED.
3. ALL HORIZONTAL AND VERTICAL PIPING SHALL BE SUPPORTED IN ACCORDANCE WITH APPLICABLE STATE AND LOCAL CODE RECOMMENDATIONS. SUPPORTS SHALL SECURELY HOLD PIPING, PREVENT VIBRATION, COMPENSATE FOR ALL STATIC AND OPERATIONAL CONDITIONS OF THE VARIOUS SYSTEMS AND SHALL NOT BE SUBJECT TO ELECTROLYTIC ACTION. THIS SHALL BE ACCOMPLISHED BY USING THE SUMMER SYSTEM, THE POSIBLOC SYSTEM, PIPFIX OR CHANNEL.
4. WATER HAMMER ARRESTERS SHALL BE INSTALLED ON ALL HOT AND COLD WATER BRANCH LINES CONTAINING SINGLE FAUCETS, FLUSH VALVES OR QUICK CLOSING VALVES SUCH AS DISBURSERS, CLOTHES WASHERS, AND OTHER EQUIPMENT BETWEEN THE LAST TWO FIXTURES. SHOCK ABSORBERS SHALL BE MOUNTED IN THEIR VERTICAL POSITION.
5. SANITARY WASTE AND VENT PIPING SHALL BE UNIFORMLY GRADED TO ELEVATIONS SHOWN IN NO CLOSURES ARE GIVEN, SENSORS SHALL BE FINISHED NOT LESS THAN 1/4" PER FOOT FOR ALL PIPING 2" IN DIAMETER AND SMALLER AND 1/8" PER FOOT FOR PIPE LARGER THAN 2" IN DIAMETER.

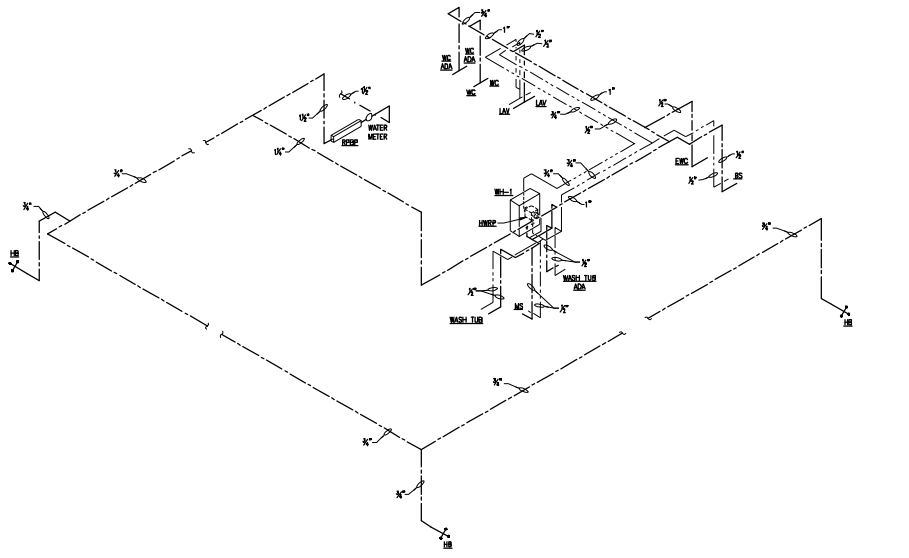
6. SUPPORT HORIZONTAL PIPING AS FOLLOWS: REFER TO IPC 2000 TABLE 308.5 FOR HANGER SPACING REQUIREMENTS.

NOMINAL PIPE SIZE (IN.)	HANGER ROD DIAMETER (IN.)
1/2"	3/8"
3/4"	3/8"
1-1/4"	3/8"
1-1/2" TO 2"	1/2"
2-1/2"	5/8"
3"	5/8"
4"	3/4"
6"	3/4"
8"	1"

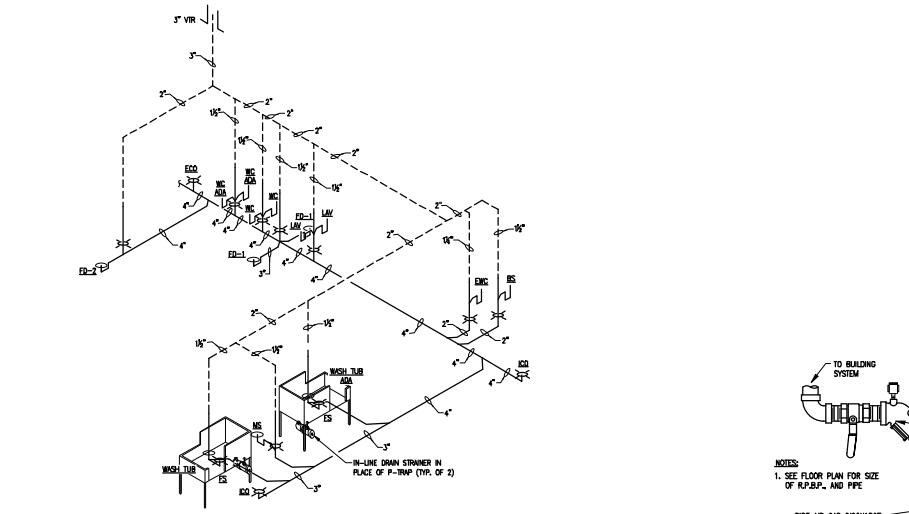
7. HANGERS FOR PIPING GREATER THAN 1" SHALL PASS OVER THE INSULATION. PIPING SHOULD BE INSTALLED PERP.
8. HANGERS SHALL BE ATTACHED TO STRUCTURAL STEEL WORK BY CLAMPING OR OTHER APPROVED METHODS, EXCEPT THAT STRUCTURAL WORK SHALL NOT BE DRILLED AND PUNCHED.
9. INSULATION SHALL BE APPLIED WITH JOINTS TIGHTLY BUTTED. OPEN CRACKS, JOISTS AND DEPRESSIONS SHALL BE FILLED WITH HYDRAULIC SETTING GROUT AND LAPPING MATCHING THE FINISH SHALL BE PASTED NEATLY OVER JOINTS.
10. FITTINGS AND VALVE MANUFACTURERS SHALL BE INSULATED WITH THE SAME TYPE INSULATION AS THE PIPING OR WITH HYDRAULIC SETTING GROUT, BUILT UP TO THE SAME THICKNESS AS LINES. COUPLER SHALL BE SAME AS ADJACENT PIPING OR PVC PERFORMED JACKET.
11. PROVIDE AND INSTALL A CUT-OFF VALVE, UNION AND FULL SIZE DIRT LEG AT CONNECTION TO EACH GAS-FIRED PIECE OF EQUIPMENT.
12. SEAL ALL PENETRATIONS OF WATED PARTITIONS WITH ULL WATED FIRE BARRIER MATERIAL.
13. AIR HANDLING VALVES SHALL NOT BE ALLOWED ON SANITARY WASTE AND VENT SYSTEMS.
14. THE SYSTEM TESTS DESCRIBED HEREIN ARE MINIMUM REQUIREMENTS. HOWEVER, ADDITIONAL TESTS AS REQUIRED BY THE AUTHORITY HAVING JURISDICTION SHALL ALSO BE PERFORMED.
15. DOMESTIC WATER PIPING SHALL BE TESTED AT 175 PSI. IN ADDITION, PIPING SHALL BE TESTED IN ACCORDANCE WITH APPLICABLE CODE REQUIREMENTS.
16. THE DOMESTIC WATER SYSTEM SHALL BE FLUSHED OUT PROGRESSIVELY BY OPENING OUTLETS AND FLOWING WATER UNTIL IT RUNS CLEAR. AFTER PIPE CLEANING IS COMPLETED, THE STRAINERS SHALL BE REMOVED, CLEANED, AND REPLACED. THE ENTIRE DOMESTIC WATER SYSTEM SHALL BE DISINFECTED IN ACCORDANCE WITH THE AUTHORITY HAVING JURISDICTION.
17. THE SANITARY WASTE SYSTEM SHALL BE FLUSHED OUT PROGRESSIVELY WITH FLOWING WATER UNTIL IT RUNS CLEAR.
18. THE ENTIRE SANITARY WASTE SYSTEM SHALL BE TESTED AGAINST A HEAD PRESSURE OF 10" TSH FOR 8 HOURS WITHOUT LEAKAGE.
19. GAS PIPING SHALL BE LEAK TESTED AT 30 PSI FOR 24 HOURS.
20. THE CONTRACTOR SHALL SUBMIT TO THE ENGINEER A LETTER STATING THAT THE ABOVE MENTIONED TESTING, CLEANING AND DISINFECTING WAS COMPLETED, AND ALL LINES WERE REFINED AND SYSTEM CLEANED AND TESTED. THE LETTER SHALL BE SIGNED AS WITNESSED BY THE LOCAL AUTHORITY HAVING JURISDICTION, THE GENERAL SUPERINTENDENT OR THE DESIGN ENGINEER.
21. OUTLETES SHALL BE MOUNTED NEAR TO WALLS AND FLOOR.
22. PROVIDE TRIM TAPS ON INLET AND OUTLET OF ALL WATER HEATING STORAGE TANKS.

23. DRAIN MANIFESTOR:

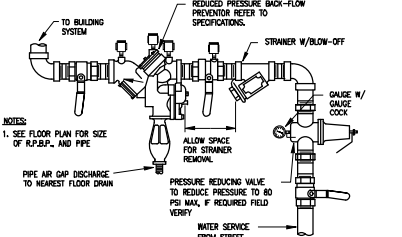
 - A. ALL DRAINS, VENTS, ETC. MUST BE TAPED OVER DURING CONSTRUCTION TO PREVENT DEBRIS FROM INFILTRATING THE LINES.
 - B. GC/DEVELOPER IS REQUIRED TO SUBMIT PHOTOS OF TAPED DRAINS.
 - C. GC WILL BE FINED \$150 PER DAY IF PHOTOS ARE NOT SUBMITTED BY THE BEGINNING OF WEEK TWO OF THE PROJECT OR IF ANY DRAIN IS DISCOVERED TO BE UNCOVERED DURING A FIN SITE VISIT. FINES WILL TERMINATE ON THE DAY THAT PHOTOGRAPHIC EVIDENCE OF COMPLETION IS SUBMITTED TO AND VERIFIED BY THE TRACTOR SUPPLY PA.
 - D. GC/DEVELOPER WILL BE REQUIRED TO GET AND CAMERA ANY LINE IN WHICH THE DRAIN IS DISCOVERED TO BE UNCOVERED. RECORDS AND VIDEO MUST BE SUBMITTED TO TRACTOR SUPPLY FOR VERIFICATION.
 - E. DRAIN MANIFESTOR SOUNDING WILL BE PROVIDED BY TRACTOR SUPPLY AND INSTALLED BY THE GC/DEVELOPER.
 - F. IF SOUNDING IS NOT INSTALLED AT PUNCH, CLEANING/CAMERA POLICY WILL APPLY.
 - G. GC WILL BE FINED \$150 PER DAY IF SOUNDING IS NOT INSTALLED AT PUNCH. FINES WILL TERMINATE ON THE DAY THAT PHOTOGRAPHIC EVIDENCE OF COMPLETION IS SUBMITTED TO AND VERIFIED BY TRACTOR SUPPLY PA.



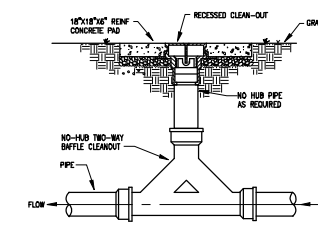
DOMESTIC WATER RISER
SCALE: NONE



WASTE & VENT RISER
SCALE: NONE



REDUCED PRESSURE BACKFLOW PREVENTER DETAIL
SCALE: NONE



EXTERIOR TWO-WAY CLEAN-OUT SCHEMATIC
SCALE: NONE



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Architecture
Planning
Interior Architecture



TRACTOR SUPPLY COMPANY
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Job Number: 18139
Date: 06.06.2020
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Revisions:
Revisions:



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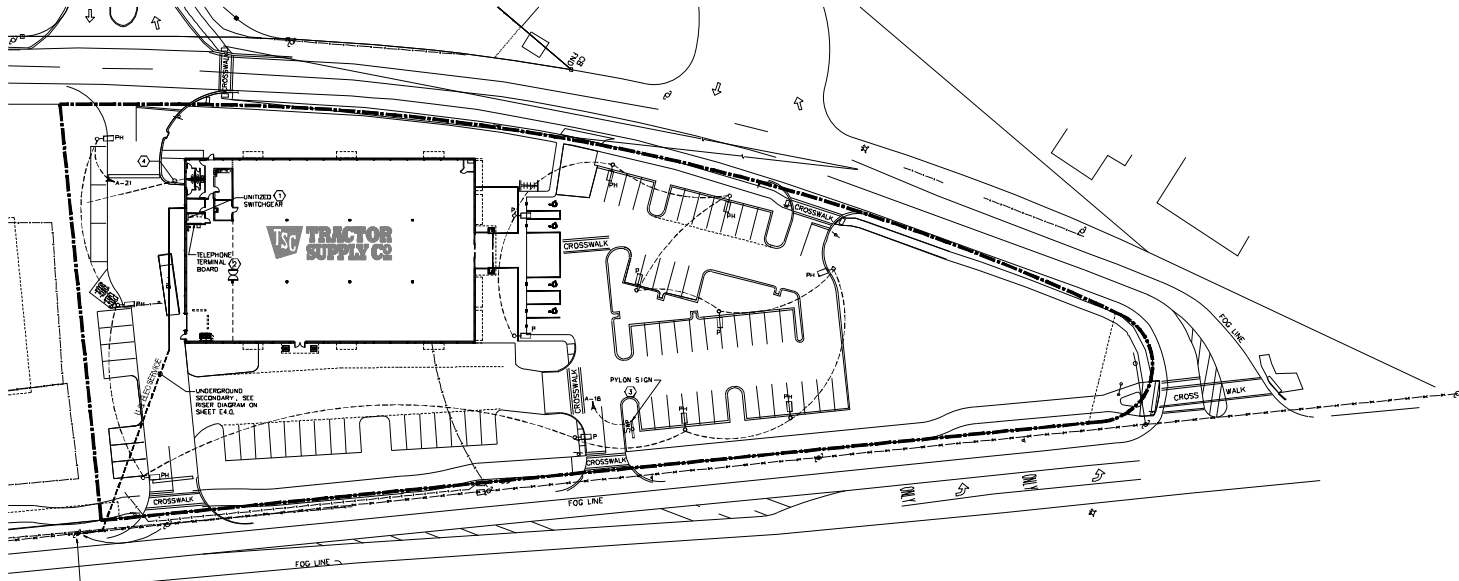
PLUMBING RISERS AND SPECIFICATIONS
Sheet Number: P3.0



TRACTOR SUPPLY COMPANY
HYANNIS,
MASSACHUSETTS

○ SITE PLAN NOTES

1. COORDINATE INSTALLATION OF NEW UNDERGROUND SERVICE WITH LOCAL ELECTRIC UTILITY COMPANY. PROVIDE TRENCHING, CONDUIT, CONDUCTORS, METER BASE, CT ENCLOSURE, CONCRETE PAD, AND OTHER ITEMS AS REQUIRED. INSTALL SERVICE IN ACCORDANCE WITH CURRENT UTILITY COMPANY REQUIREMENTS. SEE RISER DIAGRAM ON SHEET E4.0.
2. COORDINATE INSTALLATION OF TELEPHONE SERVICE CONDUITS WITH LOCAL TELEPHONE COMPANY. INSTALL (2) 2" CONDUITS FROM TELEPHONE SERVICE POINT TO TELEPHONE TERMINAL BOARD.
3. VERIFY LOCATION OF Pylon SIGN WITH OWNER. VERIFY EXACT ELECTRICAL REQUIREMENTS WITH VENDOR. PROVIDE CIRCUIT PER VENDOR'S RECOMMENDATIONS. PROVIDE DISCONNECTING MEANS IF NOT PROVIDED WITH SIGN AND LOCATE PER VENDOR'S RECOMMENDATIONS.
4. PROVIDE A 1-1/2" CONDUIT FROM IRRIGATION CONTROLLER TO OUTSIDE OF DUBLINE. COORDINATE EXACT LOCATION WITH GC.



PROPOSED LOCATION OF UTILITY COMPANY POLE MOUNTED TRANSFORMER. COORDINATE EXACT LOCATION AND REQUIREMENTS WITH UTILITY COMPANY.

1 ELECTRICAL SITE PLAN
ES1.0 SCALE: 1" = 30'-0"

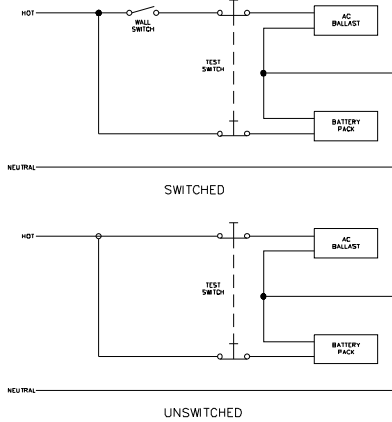
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Job Number:	18139
Date:	08.06.2020
Revisions:	
Revisions:	
Revisions:	
Revisions:	ELECTRICAL SITE PLAN
Sheet Number:	ES1.0



2 TYPICAL BATTERY PACK WIRING DIAGRAM
E1.0 NO SCALE

LIGHTING FIXTURE SCHEDULE

LIGHTING FIXTURE SCHEDULE - ELECTRICAL CONTRACTOR SHALL PURCHASE LIGHTING FIXTURES THROUGH TRACTOR SUPPLY COMPANY'S NATIONAL AGREEMENT WITH VELA LIGHTING SUPPLY. NC CONTRACT AREA VENDOR (tracorsupply.com) AT 314-433-0044 FOR PRICING.

TYPE	MANUFACTURER	CATALOG NUMBER	VOLT	LAMPS	TYPE	WATTAGE	MOUNTING	REMARKS
A1	LITHONIA LIGHTING	CLX-148-4000LM-SEF-FEL-IVOLT-C270-40K-BOCR-PLU2ANG-WH	277	4000	LUMEN LED	27.6 WATTS	SURFACE MOUNTED	4' LED STRIP
A1E	LITHONIA LIGHTING	CLX-148-4000LM-SEF-FEL-IVOLT-C270-40K-BOCR-PS1000-SPD-PURBLENG-WH	277	4000	LUMEN LED	27.6 WATTS	SURFACE MOUNTED	SAME AS 'A1' BUT WITH INTEGRAL EMERGENCY BATTERY
B	LITHONIA LIGHTING	CLX-196-8000LM-SEF-FEL-IVOLT-C270-40K-BOCR-PLU2ANG-WH	277	8000	LUMEN LED	52.3 WATTS	SUSPENDED MOUNTED	8' LED STRIP
BE	LITHONIA LIGHTING	CLX-196-8000LM-SEF-FEL-IVOLT-C270-40K-BOCR-PS1000-SPD-PURBLENG-WH	277	8000	LUMEN LED	52.3 WATTS	SUSPENDED MOUNTED	SAME AS 'B' BUT WITH INTEGRAL EMERGENCY BATTERY
B1	LITHONIA LIGHTING	CLX-148-4000LM-SEF-FEL-IVOLT-C270-40K-BOCR-PLU2ANG-WH	277	4000	LUMEN LED	27.6 WATTS	SUSPENDED MOUNTED	4' STRIP
B1E	LITHONIA LIGHTING	CLX-148-4000LM-SEF-FEL-IVOLT-C270-40K-BOCR-PS1000-SPD-PURBLENG-WH	277	4000	LUMEN LED	27.6 WATTS	SUSPENDED MOUNTED	SAME AS 'B1' BUT WITH INTEGRAL EMERGENCY BATTERY
B2	LITHONIA LIGHTING	CLX-196-6000LM-SEF-FEL-IVOLT-C270-40K-BOCR-PLU2ANG-WH	277	6000	LUMEN LED	36.3 WATTS	SUSPENDED MOUNTED	8' LED STRIP
B2E	LITHONIA LIGHTING	CLX-196-6000LM-SEF-FEL-IVOLT-C270-40K-BOCR-PS1000-SPD-PURBLENG-WH	277	6000	LUMEN LED	36.3 WATTS	SUSPENDED MOUNTED	SAME AS 'B2' BUT WITH INTEGRAL EMERGENCY BATTERY
K	LUMARK	15078B	UNV	1	1418 LUMEN LED	12.0 WATTS	SURFACE	EXTERIOR LED WALL LIGHT
K3	H-LITE	H-1518-97/AL-ANG-27-47/27/ED/40/0/BOC-M	277	1	18W LED	16.0 WATTS	WALL MOUNT	EXTERIOR GOOSENECK WALL LIGHT
L	MOY LIGHTING	LS-65-25-0-25-18009H-C-L-WH	UNV	1	4500 LUMEN LED	42.3 WATTS	RECESSED	DOWNLIGHT, DAMP LOCATION RATED
P	LUMARK	PRV-CT5-0-UNV-13-BZ	UNV	1	7100 LUMEN LED	52.0 WATTS	POLE MOUNTED 20'-0" AFC	PARKING LOT LIGHTS (17' POLE WITH 3' BASE)
PH	LUMARK	PRV-CT5-0-UNV-13-BZ-05S	UNV	1	7100 LUMEN LED	52.0 WATTS	POLE MOUNTED 20'-0" AFC	PARKING LOT LIGHTS (17' POLE WITH 3' BASE)
X	EXTRONIX LIGHTING	VE1-0-SP-88-WH-86	UNV	-	INCL.	0.8 WATTS	SURFACE	LED EXT SON
X8	EXTRONIX LIGHTING	VE1-0-SP-88-WH-86 / MLED2-G-WP	UNV	-	INCL.	3.8 WATTS	SURFACE	LED EXT SON WITH EXTERIOR REMOTE HEADS

GENERAL NOTES

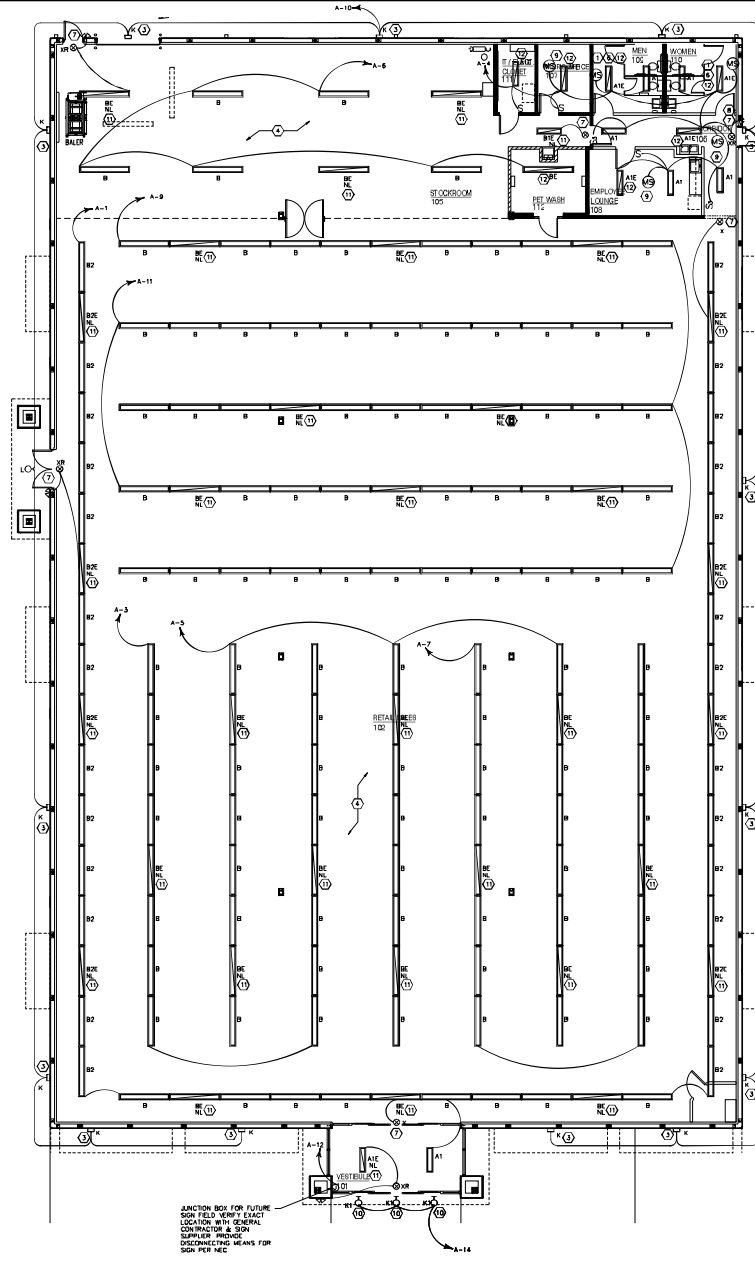
- A. SUBSTANTIAL COMPLETION MUST BE ACHIEVED ONE WEEK PRIOR TO THE FIXTURE DATE ESTABLISHED BY THE AND THE G.C. SUBSTANTIAL COMPLETION INCLUDES PERMANENT POWER, RESUME BUILDING READY FOR FIXTURES, COMPLETED OFFICE/RESTROOMS, SALES FLOOR, BOOTH WITH ALL WEATHER ACCESS, AND SYSTEMS WITH FINISHING.
- B. ALL LIGHTING SHALL BE CONTROLLED BY LIGHTING CONTROL SYSTEM EXCEPT THE NIGHT LIGHTS AND EMERGENCY LIGHTING. ALL NIGHT LIGHTS (N) AND EMERGENCY LIGHTING SHALL BE UNSWITCHED.
- C. UNLESS NOTED OTHERWISE, FIXTURES WITH EMERGENCY BATTERY PACKS SHALL HAVE CONNECTION TO LOCAL SWITCHING (WHERE INDICATED) AND CONNECTION TO CIRCUIT BREAKER. LOCAL SWITCHING SHALL PROVIDE MANUAL ON/OFF CONTROL. UPON LOSS OF CIRCUIT POWER, EMERGENCY BATTERY PACKS SHALL PROVIDE IMMEDIATE ILLUMINATION FOR LIMITED PERIOD. RESPONSIBILITY OF LOCAL SWITCHING, REFER TO TYPICAL EMERGENCY BATTERY PACK DETAILS ON THIS SHEET.
- D. ALL EXT SONS AND STANDALONE EMERGENCY LIGHTING FIXTURES SHALL BE CONNECTED TO CONTINUOUSLY HOT UNSWITCHED CIRCUIT CONDUCTOR OF CIRCUIT INDICATED.
- E. ALL NIGHT LIGHT FIXTURES SHALL BE FED FROM CIRCUIT A-2.
- F. COORDINATE EXACT LOCATION OF ALL LIGHTING FIXTURES WITH ARCHITECTURAL REFLECTED CEILING PLAN.
- G. REFER TO LIGHT FIXTURE MOUNTING DETAILS '6, '7, '8, AND '9' ON SHEET E1.0.

PLAN NOTES

1. INTERLOCK EXHAUST FANS WITH LIGHTING CIRCUIT. PROVIDE OCCUPANCY SENSOR EQUAL TO SENSOR SWITCH "ON-9-RAMP-20" TO CONTROL LIGHTS AND FAN. FAN SHALL BE CONTROLLED VIA 120V CONTACT AND LIGHTS SHALL BE CONTROLLED VIA RELAY. PROVIDE 120V CIRCUIT FOR FANS (8-10).
2. NOTE NOT USED.
3. NOTE NOT USED.
4. COORDINATE HEIGHT OF BUILDING MOUNTED LIGHTING FIXTURES WITH ARCHITECT AND G.C.
5. COORDINATE EXACT LOCATION OF ALL LIGHTING FIXTURES WITH ARCHITECTURAL REFLECTED CEILING PLAN.
6. NOTE NOT USED.
7. PROVIDE RELAYS AS REQUIRED TO OPERATE LIGHTING VIA OCCUPANCY SENSOR.
8. CIRCUIT EMERGENCY BALLAST/BATTERY BACKUP TO UNSWITCHED CONTINUOUSLY HOT CONDUCTOR OF CIRCUIT INDICATED.
9. MOUNT AT 12" BELOW CEILING.
10. OCCUPANCY SENSOR EQUAL TO SENSOR SWITCH "ON-9-RAMP-20" SENSOR TO CONTROL LIGHTS.
11. THE CONTRACTOR SHALL COORDINATE EXACT MOUNTING HEIGHT AND LOCATIONS OF GOOSENECK FIXTURES WITH ARCHITECT.
12. CONNECT BOTH EMERGENCY AND NORMAL OPERATION BALLASTS OF NIGHT LIGHTING FIXTURE TO UNSWITCHED CONTINUOUSLY HOT CIRCUIT CONDUCTOR OF CIRCUIT INDICATED (A-2).
13. CONNECT EMERGENCY BALLAST/BATTERY BACKUP TO UNSWITCHED CONTINUOUSLY HOT CONDUCTOR OF CIRCUIT INDICATED. WIRE FIXTURE FOR SWITCHED OPERATION.

MOUNT ALL CONDUIT AND LIGHTING FIXTURES AS HIGH TO SOON AS POSSIBLE IN STOCK ROOM. NOT TO BOTTOM OF GOOSE NEAR 11'-11/2" SEPARATION FROM THE LOWEST SURFACE OF THE ROOF DECENDING TO THE TOP OF THE FINISH FLOOR. BOSS, ETC. IN ACCORDANCE WITH NEC CODES.

COORDINATE MOUNTING HEIGHTS OF ALL LIGHTING FIXTURES WITH ARCHITECTURAL REFLECTED CEILING PLAN - SHEET A1.0.



1 GENERAL LIGHTING PLAN
E1.0 SCALE: 1/8" = 1'-0"



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Date: 08.06.2020
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GENERAL LIGHTING PLAN
Sheet Number: E1.0



2934 Sloop Drive
Suite 120
Nashville, TN 37204 Interior Architecture



1 CONCRETE WALL PENETRATION (2HR.)
E3.1 N.T.S.

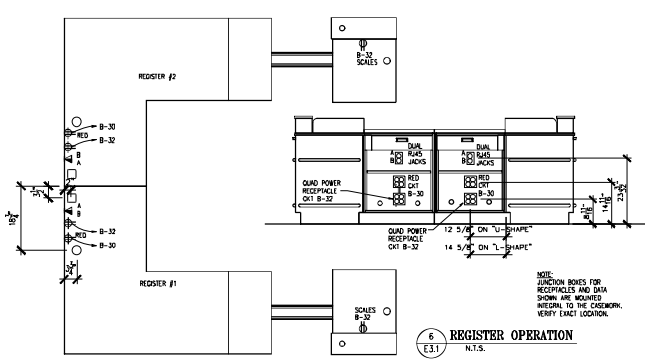
2 GYPSUM WALL PENETRATION (2HR.)
E3.1 N.T.S.

3 POWER POLE CONNECTION DETAIL
E3.1 N.T.S.

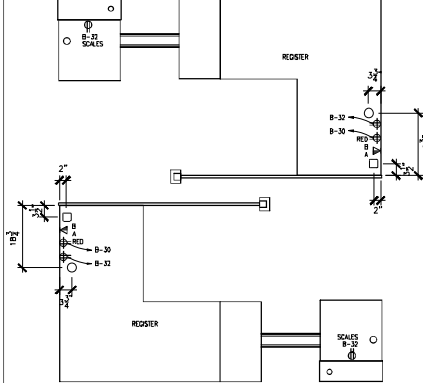
8 SERVICE & BOPUS COUNTER PLANS
E3.1 N.T.S.

9 SERVICE & BOPUS COUNTER PLANS
E3.1 N.T.S.

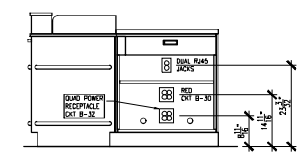
8 SERVICE & BOPUS COUNTER PLANS
E3.1 N.T.S.



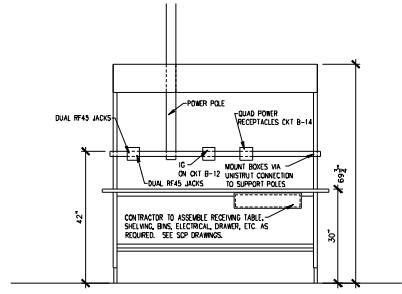
6 REGISTER OPERATION
E3.1 N.T.S.



13 REGISTER COUNTER PLAN
E3.1 N.T.S.

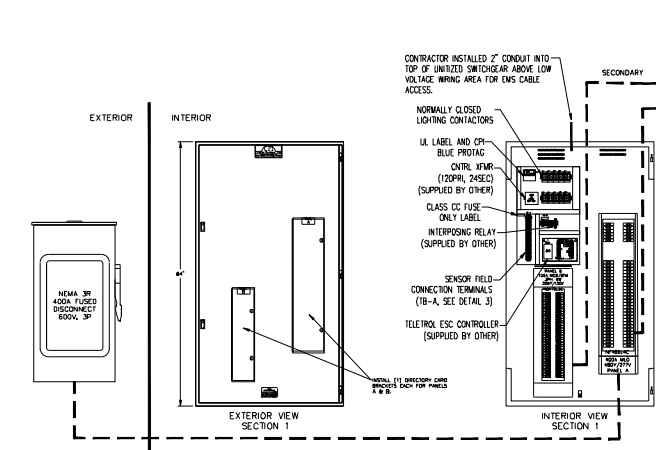


12 REGISTER OPERATION
E3.1 N.T.S.

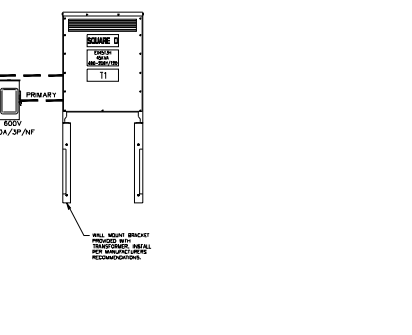


5 RECEIVING TABLE LAYOUT
E3.1 N.T.S.

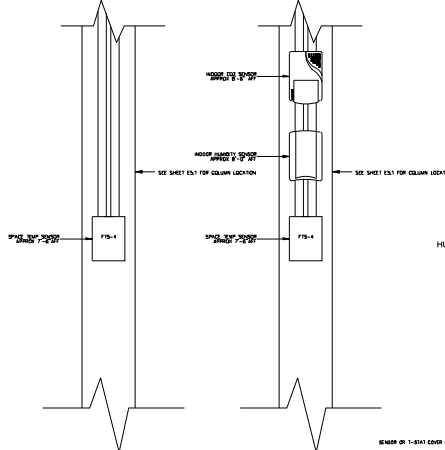
7 REGISTER COUNTER PLAN
E3.1 N.T.S.



4 UNINITIALIZED SWITCHGEAR ELEVATION
E3.1 N.T.S.

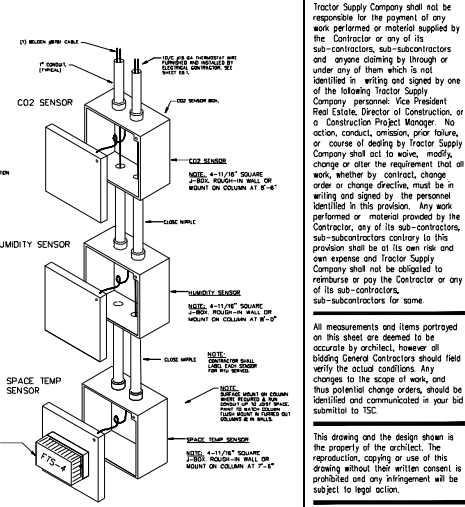


10 TYPICAL DEVICE MOUNTING HEIGHT
E3.1 N.T.S.



11 T-STAT MOUNTING DETAIL
E3.1 N.T.S.

NOTE:
ALL SENSORS ARE MOUNTED TO COLUMNS ON THE SALES FLOOR AND MUST BE AFFIXED TO THE SURFACE OF THE COLUMN THAT FACES THE CENTER OF THE SALES AREA. ALL SENSORS ARE INSTALLED BY EMS VENDOR. CONTRACTOR SHALL INSTALL CONDUIT, BOXES, AND CONTROL CABLING AS SHOWN FOR FUTURE INSTALLATION OF SENSORS. MECHANICAL CONTRACTOR SHALL PROVIDE TEMPORARY T-STATS TO RUN THE UNITS PRIOR TO EMS INSTALLATION.



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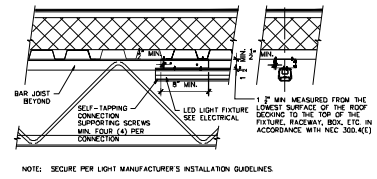
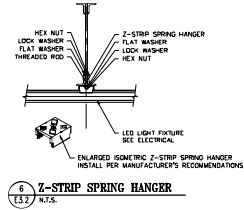
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Job Number: 18139
Date: 08.06.2020
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ELEC SYSTEM/VENDOR DETAILS
Sheet Number: E3.1

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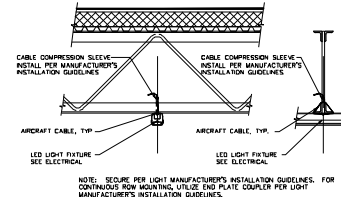
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N.T.S.



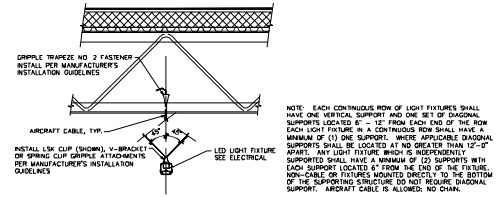
NOTE: SECURE PER LIGHT MANUFACTURER'S INSTALLATION GUIDELINES.

1
E32
N.T.S.



NOTE: SECURE PER LIGHT MANUFACTURER'S INSTALLATION GUIDELINES. FOR CONTINUOUS ROW MOUNTING, UTILIZE END PLATE COUPLER PER LIGHT MANUFACTURER'S INSTALLATION GUIDELINES.

8
E32
N.T.S.



NOTE: EACH CONTINUOUS ROW OF LIGHT FIXTURES SHALL HAVE ONE VERTICAL SUPPORT AND ONE SET OF DIAGONAL SUPPORTS LOCATED 6\"/>

9
E32
N.T.S.



2934 Sloop Drive
Suite 100
Nashville, TN 37204 Interior Architecture



TRACTOR SUPPLY COMPANY
HYANNIS,
MASSACHUSETTS

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Job Number: 18139
Date: 08.06.2020
Revisions:
Revisions:
Revisions:
ELEC SYSTEM VENDOR DETAILS

Sheet Number: E3.2

ELECTRICAL SPECIFICATIONS

SECTION 16000 GENERAL PROVISIONS

PART 1 GENERAL

1.01 REFERENCE STANDARDS

A. NFPA 70 NATIONAL ELECTRICAL CODE

B. NFPA 70A LIFE SAFETY CODE

C. ALL OTHER APPLICABLE STATE AND LOCAL CODES

1.02 SUBMITTALS

A. SHOP DRAWINGS

1. SUBMIT FOR APPROVAL PRIOR TO INSTALLATION, BY COPIES OF COMPLETE DESCRIPTIVE DATA ON ALL EQUIPMENT AND SYSTEMS AS REQUIRED BY OTHER SECTIONS OF THIS SPECIFICATION. CLEARLY IDENTIFY ALL PROPOSED SUBSTITUTIONS AND DEVIATIONS FROM DRAWINGS AND SPECIFICATIONS.

2. CHECK ALL SUBMITTALS FOR CLEARANCES AND COORDINATION WITH OTHER TRADES. SUBMITTALS SHALL BE CORRECTED BY THE CONTRACTOR'S APPROVAL STAMP THAT ALL CONDITIONS HAVE BEEN CHECKED AND THAT NO CONFLICTS EXIST.

B. SHOP DRAWINGS

1. SUBMIT TO THE OWNER RECORD DRAWINGS SHOWING FIELD CHANGES MARKED IN RED.

1.03 COORDINATION

A. UTILITY COMPANIES

1. COORDINATE WITH UTILITY COMPANIES FOR SPECIFIC REQUIREMENTS FOR ELECTRICAL POWER AND TELEPHONE SERVICE.

2. INSTALL ELECTRICAL SERVICE IN ACCORDANCE WITH CURRENT UTILITY COMPANY REQUIREMENTS.

C. OTHER TRADES

1. COORDINATE WITH MECHANICAL DRAWINGS FOR POWER AND CONTROL REQUIREMENTS FOR THE SPECIFIC EQUIPMENT TO BE INSTALLED AND FOR EQUIPMENT SUCH AS STARTERS AND DISCONNECT SWITCHES THAT MAY BE FURNISHED WITH THE EQUIPMENT.

2. COORDINATE WITH VENDORS OF OTHER FURNISHED EQUIPMENT FOR POWER REQUIREMENTS PRIOR TO ORDERING. COORDINATION SHALL INCLUDE BUT NOT BE LIMITED TO DISCONNECT SWITCHES, CABLES AND CABLE SUPPORTS, WIRING, AND COORDINATION OF APPLICABLE RECEPTACLES, ETC.

1.04 WORK INCLUDED

1. THE WORK OF THIS SECTION INCLUDES FURNISHING OF LABOR AND MATERIALS AS REQUIRED FOR INSTALLATION OF A NEW ELECTRICAL DISTRIBUTION SYSTEM INCLUDING SERVICE FEEDERS, BRANCH CIRCUITS, LIGHTING, AND CONNECTIONS TO ALL EQUIPMENT REQUIRING ELECTRICAL POWER.

2. INSTALLATION OF CONDUIT FOR TELEPHONE AND DATA WIRING.

3. INSTALLATION OF SEISMIC RESTRAINT SYSTEMS FOR ELECTRICAL COMPONENTS IN SEISMIC AREAS.

1.05 DRAWINGS

A. THE DRAWINGS ARE PARTLY DIAGNOSTIC AND DO NOT SHOW IN DETAIL ALL REQUIRED FEATURES OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SUPPLEMENTING BY THE CONTRACTOR'S KNOWLEDGE AND EXPERIENCE LIMITED TO DISCONNECT SWITCHES, CABLES AND CABLE SUPPORTS, WIRING, AND COORDINATION OF APPLICABLE RECEPTACLES, ETC.

PART 2 PRODUCTS

2.01 GENERAL

A. ALL ELECTRICAL EQUIPMENT INSTALLED SHALL BEAR THE UL LABEL EXCEPT WHERE UL DOES NOT LABEL SUCH EQUIPMENT.

2.02 QUANTITIES

A. FURNISH A WRITTEN QUANTITIES THAT ALL EQUIPMENT FURNISHED AND INSTALLED WILL BE FREE OF DEFECTS OF MATERIAL AND WORKMANSHIP FOR A PERIOD OF 1 YEAR FROM DATE OF ACCEPTANCE OF THE WORK BY THE OWNER. PROMPTLY REPLACE AND REPAIR ALL DEFECTIVE MATERIALS AND ALL OTHER EQUIPMENT DAMAGED THEREBY AT NO ADDITIONAL COST TO THE OWNER.

PART 3 EXECUTION

3.01 GENERAL

A. VISIT PROJECT SITE BEFORE SUBMISSION OF BID AND BECOME FAMILIAR WITH EXISTING CONDITIONS AND LOCATIONS OF EXISTING UTILITIES.

B. THE WORK SHALL BE DONE BY A QUALIFIED ELECTRICIAN OR PERSONS SKILLED IN THE ELECTRICAL TRADE AND SHALL BE IN ACCORDANCE WITH THE REFERENCED STANDARDS.

C. MAKE POWER CONNECTIONS TO ALL CONDITIONING EQUIPMENT AND OTHER FURNISHED EQUIPMENT AND INITIAL ALL ASSOCIATED RECEPTACLES AND DISCONNECT SWITCHES. FUSE SIZES FOR DISCONNECT SWITCHES SHALL BE AS RECOMMENDED BY THE EQUIPMENT MANUFACTURER.

D. FURNISH AND INSTALL CONDUIT AND WIRE FOR AIR CONDITIONING CONDENSER EQUIPMENT. SEE MECHANICAL DRAWINGS FOR LOCATIONS AND REQUIREMENTS.

E. PROVIDE SEISMIC RESTRAINT SYSTEMS TO MEET LOCAL DESIGN LATERAL FORCE REQUIREMENTS FOR SUPPORT AND RETENTION OF WIRING CONDUIT, CABLE TRAYS, LIGHTING FIXTURES AND OTHER SYSTEMS AND EQUIPMENT AS REQUIRED BY THE ENFORCED EDITION OF THE INTERNATIONAL BUILDING CODE, ASSE-2, AND LOCAL AUTHORITIES. RESEARCH AND INSTALLATION DETAILS SHALL BE APPROVED BY A LICENSED ENGINEER EXPERIENCED IN SEISMIC RESTRAINT DESIGN.

3.02 TESTING

A. ALL SYSTEMS AND EQUIPMENT INSTALLED SHALL BE COMPLETELY TESTED AND SHALL BE LEFT IN GOOD WORKING ORDER.

SECTION 16050 BASIC ELECTRICAL MATERIALS AND METHODS

PART 1 GENERAL

1.01 APPLICABLE

PART 2 PRODUCTS

2.01 RACEWAYS

A. RIGID STEEL CONDUIT

B. ELECTRICAL METALLIC TUBING

C. POLYVINYLCHLORIDE CONDUIT

2.02 WIRES AND CABLES

A. SERVICE AND FEEDER CORDS: 600 VOLT, TYPE THHN OR THWN INSULATION ON COPPER CONDUCTOR, 600 VOLT, TYPE THHN OR THWN INSULATION ON ALUMINUM CONDUCTOR, 600 VOLT, TYPE THHN OR THWN INSULATION ON COPPER CONDUCTOR, 600 VOLT, TYPE THHN OR THWN INSULATION ON ALUMINUM CONDUCTOR, 600 VOLT, TYPE THHN OR THWN INSULATION ON COPPER CONDUCTOR, 600 VOLT, TYPE THHN OR THWN INSULATION ON ALUMINUM CONDUCTOR.

B. BRANCH CIRCUIT WIRES: COPPER CONDUCTOR, 600 VOLT, TYPE THHN OR THWN INSULATION ON COPPER CONDUCTOR, 600 VOLT, TYPE THHN OR THWN INSULATION ON ALUMINUM CONDUCTOR.

C. CONDUIT, CABLE TRAYS: COPPER CONDUCTOR, 600 VOLT, TYPE THHN OR THWN INSULATION ON COPPER CONDUCTOR, 600 VOLT, TYPE THHN OR THWN INSULATION ON ALUMINUM CONDUCTOR.

D. JUNCTION BOXES: PROVIDE STEEL BOXES FOR INTERIOR APPLICATIONS AND CAST TIE BOXES FOR OUTDOOR APPLICATIONS.

2.03 WIRING DEVICES

A. WALL SWITCHES: AS GENERAL USE SWAP SWITCH WITH 1000LB HANDLE, SPECIFICATION GRADE, 30 AMPRES, 120-277 VOLTS.

B. WALL MOUNT SWITCHES: APPROPRIATE FOR LED APPLICATIONS.

C. WALL MOUNTED OCCUPANCY SENSORS: DUAL TECHNOLOGY (PASSIVE INFRARED AND ULTRASONIC) TYPE. CONFORM OPERATION RESPONSE TO PASSIVE INFRARED TYPE. PROVIDE POWER PADS AND/OR RELAYS AND ADDITIONAL SENSORS WHEN REQUIRED BY PROVIDER.

D. CEILING MOUNTED OCCUPANCY SENSORS: DUAL TECHNOLOGY (PASSIVE INFRARED AND ULTRASONIC) TYPE. CONFORM OPERATION RESPONSE TO PASSIVE INFRARED TYPE. PROVIDE POWER PADS AND/OR RELAYS AND ADDITIONAL SENSORS WHEN REQUIRED BY PROVIDER.

E. RECEPTACLES: TYPE 3-PRONG UNLESS INDICATED OTHERWISE. SPECIFICATION GRADE. DOUBLE RECEPTACLES ON DESIGNATED CIRCUITS SHALL BE NEWA TYPE 3-PRONG LISTED TAMPER RESISTANT RECEPTACLES SHALL BE PROVIDED IN THOSE AREAS DESIGNATED PER NEC 404.2. OUTDOOR RECEPTACLES SHALL BE WEATHER RESISTANT. DEVICE COLOR TO BE SELECTED BY ARCHITECT.

F. CONCRETE

1. REBAR: NYNEX COLOR TO BE SELECTED BY ARCHITECT.

2. OUTDOOR: PAINTED, CAST ALUMINUM, WEATHERPROOF WHILE IN USE TYPE.

2.05 IDENTIFICATION

A. PROVIDE LAMINATED PLASTIC TAGS FOR ALL PANELBOARDS AND DISCONNECT SWITCHES. TAGS SHALL COMPLETELY IDENTIFY EQUIPMENT MARKED OR CONTROLLED.

PART 3 EXECUTION

3.01 RACEWAYS

A. ALL RACEWAYS SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS.

B. IDENTIFIED WIRING

A. ALL INTERIOR RACEWAYS SHALL BE GALVANIZED ELECTRICAL METALLIC TUBING (EMT).

B. RACEWAYS UNDERGROUND, EXPOSED TO EXTERIOR, OR CAST IN CONCRETE SHALL BE GALVANIZED RIGID STEEL CONDUIT (RSC) OR SCHEDULE 40 PVC.

C. INSTALLATION

1. IN LONG RACEWAYS FURNISH AND INSTALL THE PROPER NUMBER AND SIZE RAIL BOLTS TO FACILITATE INSTALLATION OF CONDUITS.

2. INSTALL SEPARATE GROUNDING CONDUIT IN EACH RACEWAY.

3. PROVIDE RIGID GALVANIZED STEEL ELBOWS AND VERTICAL SECTIONS FOR RUNS OF PVC CONDUIT ENTERING GROUND OR FLOOR IN UNPROTECTED LOCATIONS.

3.02 WIRES AND CABLES

A. CONDUCTORS SHOWN ON DRAWINGS AS SIZES FOR POWER UNLESS NOTED OTHERWISE. WHEN USING ALUMINUM, SIZE FOR EQUAL OR GREATER AMPACITY, AND RESISTANCE COEFFICIENT AS REQUIRED.

B. ALL POWER WIRING SHALL BE INSTALLED IN CONDUIT EXCEPT AS PERMITTED BELOW.

1. BRANCH CIRCUITS RUN CONCEALED IN WALLS OF DENNIS AND RATED AT 20 AMPERS SHALL BE 10# AWG.

2. LOW VOLTAGE CONTROL AND SIGNAL CABLE MAY BE RUN OPEN WHEN CONCEALED ABOVE ACCESSIBLE CEILING. CABLES AND CABLE SUPPORTS INSTALLED IN AIR PLenums MUST BE PLenum RATED. OPEN WIRING SHALL BE SUPPORTED FROM STRUCTURE.

SECTION 16400 SERVICE AND DISTRIBUTION

PART 1 GENERAL

1.01 SUBMITTALS

A. LIMITED SWITCHGEAR

B. DISCONNECT SWITCHES

C. TRANSFORMERS

D. FUSES

PART 2 PRODUCTS

2.01 LIMITED SWITCHGEAR

A. UNLIMITED SWITCHGEAR SHALL CONTAIN BREAKERS AS DESCRIBED ON THE PANEL SCHEDULES. UNLIMITED SWITCHGEAR SHALL BE RATED PER THE SHORT CIRCUIT INTERRUPTING CAPACITY INDICATED AND SERIES CONNECTION RATINGS MUST BE UL RECORDED. UNLIMITED SWITCHGEAR SHALL BE PURCHASED FROM NATIONAL ACCOUNT VENDOR LISTED ON THE PLAN.

2.02 DISCONNECT SWITCHES

A. FUSES OF NONFUSIBLE QUAD-WAKE, QUAD-BREAK, LOAD INTERRUPTER TYPES SHALL BE PROVIDED WITH TERMINAL OPERABLE HANDLE INTERLOCKED TO PREVENT OPENING FROM COVER WITH SWITCH IN THE OPEN POSITION. APPROVED MANUFACTURERS ARE GENERAL-HAMMER, GENERAL ELECTRIC, MORGAN, AND SQUARE D.

2.03 TRANSFORMERS

A. AIR COOLED, 480 VOLT DELTA PRIMARY, 208/120 VOLT SECONDARY, 3-WAY AS INDICATED. 150 AMPERE CLASS WITH TWO 75/75 TAPS ABOVE NOMINAL VOLTAGE AND TWO 25/25 TAPS BELOW NOMINAL VOLTAGE. ACCEPTABLE MANUFACTURERS INCLUDE: GENERAL-HAMMER, GENERAL ELECTRIC, MORGAN, AND SQUARE D.

2.04 FUSES

A. FUSES RATED ABOVE 600 AMPS SHALL BE UL CLASS 1 EQUAL TO BURNHAM LOW-VOLT FUSES. FUSES RATED AT 600 AMPS AND BELOW SHALL BE UL CLASS 101 TO BURNHAM LOW-VOLT FUSES (200 VA) OR UP-TO (600 VOLT).

PART 3 EXECUTION

3.01 GENERAL

A. MAINTAIN CLEAR WORKING CLEARANCES AROUND ALL ELECTRICAL EQUIPMENT. COORDINATE INSTALLATION WITH ARCHITECTURAL FEATURES, PIPING LOCATIONS, AND DUCTWORK.

B. ELECTRICAL EQUIPMENT SUCH AS SWITCHBOARDS, PANELBOARDS, DISCONNECTS, INDICATED CIRCUIT BREAKERS, INDUSTRIAL CONTROL PANELS, WITH SOCKET ENCLOSURES, AND MOTOR CONTROL CENTERS, THAT ARE LIKELY TO REQUIRE EXAMINATION, ADJUSTMENT, SERVICE OR MAINTENANCE SHALL BE PROVIDED WITH IDENTIFIED MARKING. IDENTIFY ADJUSTMENT, SERVICE OR MAINTENANCE OF THE EQUIPMENT.

3.02 LIMITED SWITCHGEAR/PANELBOARDS

A. INSTALL NEW UNLIMITED SWITCHGEAR/PANELBOARDS AS INDICATED.

B. ALL PANELS SHALL HAVE ENGRAVED PLASTIC LABELS AND TYPEWRITTEN DIRECTIONS. DIRECTIONS SHALL DESIGNATE LOAD FOR EACH BRANCH CIRCUIT.

3.03 TRANSFORMERS

A. MOUNT TRANSFORMERS ON VIBRATION ISOLATORS. GROUND NEUTRAL OF SECONDARY SIDE TO COLD WATER PIPE AND GALVANIZED STEEL.

B. WHERE TRANSFORMERS ARE SHOWN MOUNTED ABOVE FLOOR, PROVIDE STRUCTURAL SUPPORTS AS REQUIRED. VERIFY CAPACITY OF WALL OR STRUCTURE TO SUPPORT SUSPENDED TRANSFORMERS.

C. PROVIDE MINIMUM 6" SPACE BEHIND AND BEHIND TRANSFORMER FOR AIR CIRCULATION/VENTILATION.

SECTION 16500 LIGHTING

PART 1 GENERAL

1.01 SUBMITTALS

A. LIGHTING FIXTURES

PART 2 PRODUCTS

2.01 GENERAL

A. PROVIDE LIGHTING FIXTURES AS SPECIFIED ON LIGHTING FIXTURE SCHEDULE. PROVIDE LIGHTING FIXTURES AS SPECIFIED ON LIGHTING FIXTURE SCHEDULE. PURCHASED FROM NATIONAL ACCOUNT VENDOR LISTED ON LIGHTING FIXTURE SCHEDULE. SUBSTITUTIONS ARE NOT ALLOWED.

B. FIXTURES SHALL BE COMPLETE WITH LAMP, BALLAST, DRIVERS, AND ALL PARTS, HARDWARE, AND ACCESSORIES FOR INSTALLATION AND PROPER OPERATION.

2.02 LIGHTING BATTERY UNITS

A. MANUAL TEST LAMPERS FOR 90 MINUTES WHETHER INTEGRAL OR SEPARATE.

3.01 GENERAL

A. INSTALL FIXTURES AS INDICATED ON DRAWINGS. REFER TO REFLECTED CEILING PLAN FOR EXACT LOCATIONS.

END OF ELECTRICAL SPECIFICATIONS

ELECTRICAL LEGEND

WIRING HEIGHTS INDICATED IN 'X'

CONDUIT RUN CONCEALED IN WALL, CEILING, OR FLOOR

CONDUIT RUN CONCEALED IN FLOOR OR UNDERGROUND

HORIZONTAL TO PANEL INDICATED

RECEPTACLE, DUPLEX, 120V, 15A, UNO, OR 110V AFF TO BOTTOM

RECEPTACLE, DUPLEX, 120V, 15A, UNO, 5M

RECEPTACLE, QUADRAPLEX, 120V, 15A, UNO, 11" AFF TO BOTTOM

RECEPTACLE, QUADRAPLEX, 120V, 15A, UNO, 5M

RECEPTACLE, SINGLE, 250V, AMPS AS NOTED, 8" AFF TO BOTTOM

RECEPTACLE, 120V, 15A, UNO, UNO, UNO CEILING MOUNTED

JUNCTION BOX, SIZE AS REQUIRED

SWITCH, SINGLE POLE, 120V/277V, 20A, 48" AFF TO BOTTOM

SWITCH, THREE WAY, 120V/277V, 20A, 48" AFF TO BOTTOM

NON-MOTOR SWITCH

PHONE/DATA OUTLET, 4+4 BOX 8"/10" TO ABOVE CL/D - 8" AFF TO BOTTOM

PHONE/DATA OUTLET, 4+4 BOX 8"/10" TO ABOVE CL/D - 8" AFF TO BOTTOM

PHONE/DATA OUTLET, 4+4 BOX 8"/10" TO ABOVE CL/D - 5M

DISCONNECT SWITCH, NON-FUSED, DISCONNECT BY VOLTAGE RATINGS AND POLARITY/SWITCH SIZE IN AMPS

DISCONNECT SWITCH, FUSED, DISCONNECT BY VOLTAGE RATINGS AND POLARITY/SWITCH SIZE IN AMPS

SWITCH, MOTOR STARTING, MANUAL, SIZE AS REQUIRED

MOTOR STARTER, MANUAL, SIZE AS REQUIRED

MOTOR, SEE PANEL SCHEDULE FOR SIZE AND SERVICE

DISCONNECT SWITCH, NON-FUSED, DISCONNECT BY VOLTAGE RATINGS AND POLARITY/SWITCH SIZE IN AMPS

DISCONNECT SWITCH, FUSED, DISCONNECT BY VOLTAGE RATINGS AND POLARITY/SWITCH SIZE IN AMPS

SWITCH, MOTOR STARTING, MANUAL, SIZE AS REQUIRED

MOTOR STARTER, MANUAL, SIZE AS REQUIRED

MOTOR, SEE PANEL SCHEDULE FOR SIZE AND SERVICE

DISCONNECT SWITCH, NON-FUSED, DISCONNECT BY VOLTAGE RATINGS AND POLARITY/SWITCH SIZE IN AMPS

DISCONNECT SWITCH, FUSED, DISCONNECT BY VOLTAGE RATINGS AND POLARITY/SWITCH SIZE IN AMPS

SWITCH, MOTOR STARTING, MANUAL, SIZE AS REQUIRED

MOTOR STARTER, MANUAL, SIZE AS REQUIRED

MOTOR, SEE PANEL SCHEDULE FOR SIZE AND SERVICE

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DISCONNECT SWITCH, FUSED, DISCONNECT BY VOLTAGE RATINGS AND POLARITY/SWITCH SIZE IN AMPS

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MOTOR STARTER, MANUAL, SIZE AS REQUIRED

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DISCONNECT SWITCH, FUSED, DISCONNECT BY VOLTAGE RATINGS AND POLARITY/SWITCH SIZE IN AMPS

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MOTOR STARTER, MANUAL, SIZE AS REQUIRED

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MOTOR, SEE PANEL SCHEDULE FOR SIZE AND SERVICE

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DISCONNECT SWITCH, FUSED, DISCONNECT BY VOLTAGE RATINGS AND POLARITY/SWITCH SIZE IN AMPS

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MOTOR STARTER, MANUAL, SIZE AS REQUIRED

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MOTOR STARTER, MANUAL, SIZE AS REQUIRED

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DISCONNECT SWITCH, FUSED, DISCONNECT BY VOLTAGE RATINGS AND POLARITY/SWITCH SIZE IN AMPS

SWITCH, MOTOR STARTING, MANUAL, SIZE AS REQUIRED

MOTOR STARTER, MANUAL, SIZE AS REQUIRED

MOTOR, SEE PANEL SCHEDULE FOR SIZE AND SERVICE

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DISCONNECT SWITCH, FUSED, DISCONNECT BY VOLTAGE RATINGS AND POLARITY/SWITCH SIZE IN AMPS

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MOTOR STARTER, MANUAL, SIZE AS REQUIRED

MOTOR, SEE PANEL SCHEDULE FOR SIZE AND SERVICE

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DISCONNECT SWITCH, FUSED, DISCONNECT BY VOLTAGE RATINGS AND POLARITY/SWITCH SIZE IN AMPS

SWITCH, MOTOR STARTING, MANUAL, SIZE AS REQUIRED

MOTOR STARTER, MANUAL, SIZE AS REQUIRED

MOTOR, SEE PANEL SCHEDULE FOR SIZE AND SERVICE

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DISCONNECT SWITCH, FUSED, DISCONNECT BY VOLTAGE RATINGS AND POLARITY/SWITCH SIZE IN AMPS

SWITCH, MOTOR STARTING, MANUAL, SIZE AS REQUIRED

MOTOR STARTER, MANUAL, SIZE AS REQUIRED

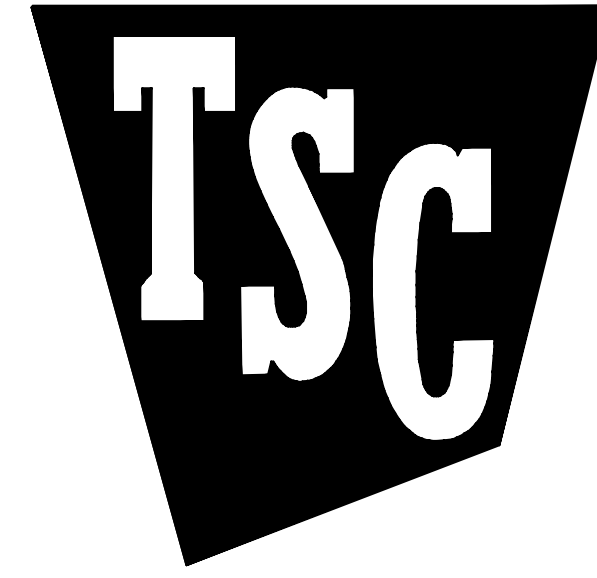
MOTOR, SEE PANEL SCHEDULE FOR SIZE AND SERVICE

DISCONNECT SWITCH, NON-FUSED, DISCONNECT BY VOLTAGE RATINGS AND POLARITY/SWITCH SIZE IN AMPS

DISCONNECT SWITCH, FUSED, DISCONNECT BY VOLTAGE RATINGS AND POLAR

Exhibit

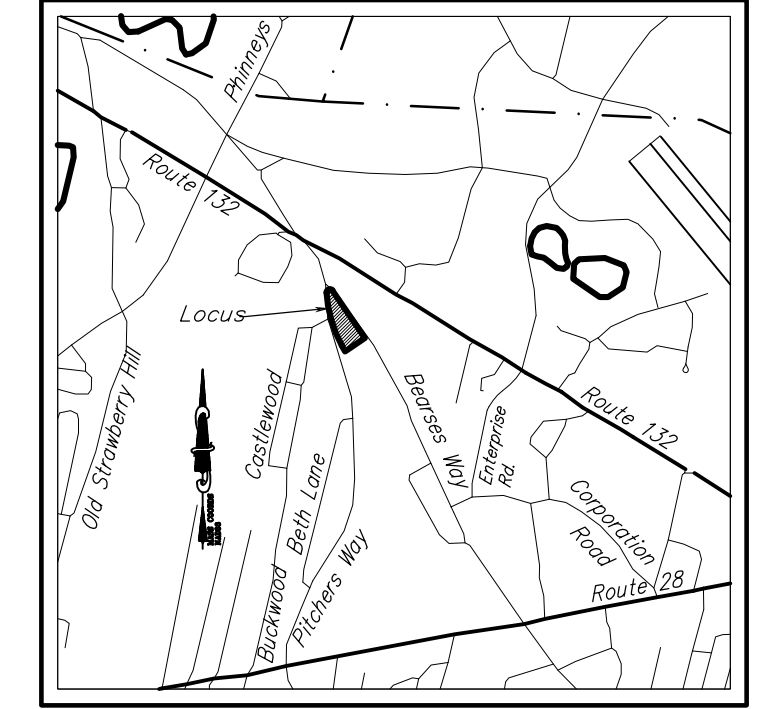
E



TRACTOR SUPPLY COMPANY

Tractor Supply Company Site Construction Plans

1174 Pitchers Way,
Hyannis, MA 02601



LOCUS MAP

SCALE 1"=2000'±

ASSESSORS MAP 273 PARCEL 123
ADDRESS: #1174 PITCHER'S WAY, HYANNIS, MA 02601

ZONING SUMMARY

ZONING DISTRICT: B DISTRICT		REQUIRED:	PROPOSED:
MIN. LOT SIZE			113522 S.F.±
MIN. LOT FRONTAGE	20'		
MIN. FRONT SETBACK	20'		
MIN. SIDE SETBACK	-		
MIN. REAR SETBACK	-		
MAX. BUILDING HEIGHT	30'		
MAX. IMPERVIOUS AREA	50%	44.1%	(50,079 S.F.)
MIN. NATURAL STATE	30%	38.7%*	(43,960 S.F.)

SITE IS LOCATED WITHIN THE GROUNDWATER PROTECTION OVERLAY DISTRICT

*INCLUDES AREAS TO BE RE-VEGETATED, DOES NOT INCLUDE FUTURE BIKE PATH

FLOODZONE: X (NOT A FLOOD HAZARD ZONE)

SITE WITHIN ECONOMIC CENTER BOUNDARY

OWNER: WINDMILL SQUARE, LLC
297 NORTH STREET
HYANNIS, MA 02601

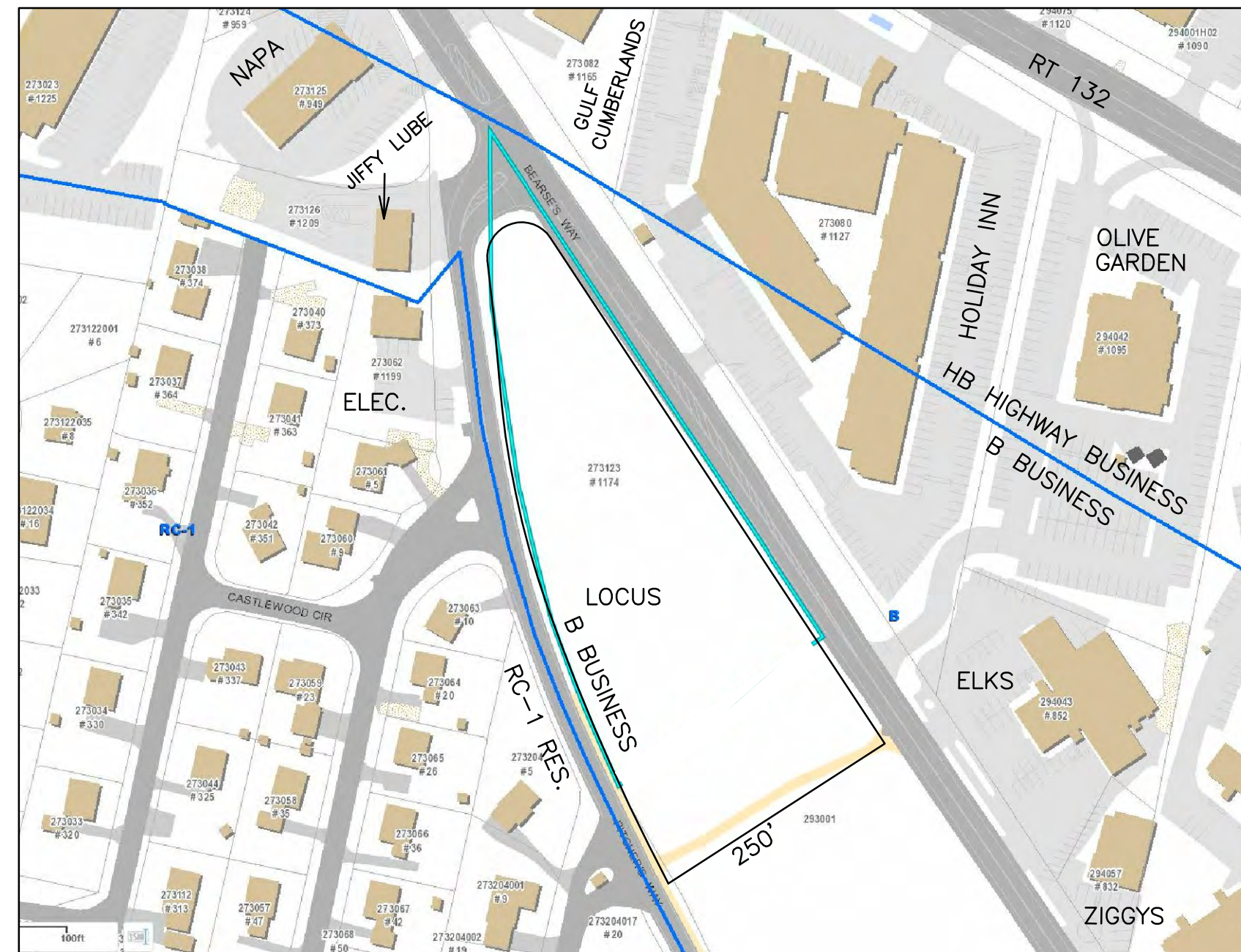
APPLICANT: WINDMILL SQUARE, LLC

EXISTING USE: VACANT
PROPOSED USE: RETAIL (TRACTOR SUPPLY CO.)

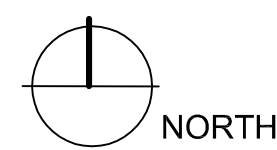
MAX. BLDG. HEIGHT: 2 STORIES. 30' TO TOP PLATE

FRONT YARD LANDSCAPE SETBACK: 10' ALONG ROADS

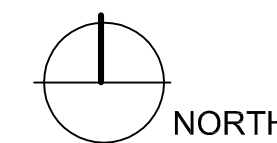
SITE IS ON TOWN WATER (HYANNIS WATER SYSTEMS)
SITE IS ON TOWN SEWER (TOWN OF BARNSTABLE)



TOWN GIS MAP: B (BUSINESS) ZONING DISTRICT
RC-1 RESIDENTIAL TO WEST
SITE WITHIN ECONOMIC CENTER BOUNDARY



2014 AERIAL IMAGE TOWN OF BARNSTABLE GIS, N.T.S.



PLAN SHEET INDEX:

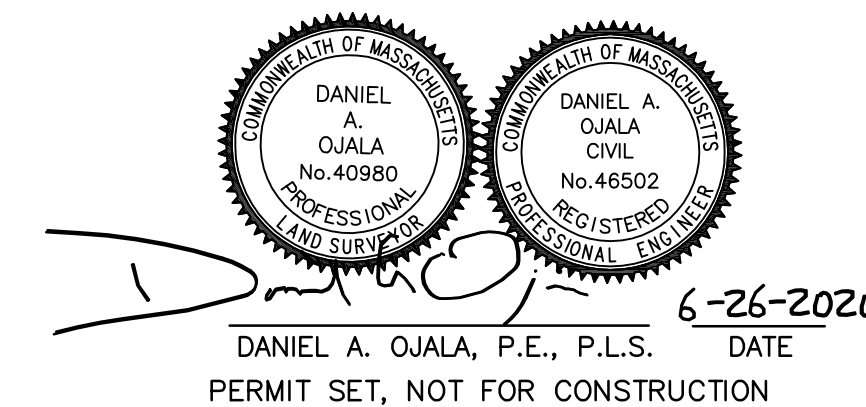
- C001 Cover Sheet
- C100 Existing Conditions Plan
- C200 Landscape/Layout
- C300 Utilities/Grading Plan
- C400 Civil Detail Sheet 1
- C401 Civil Detail Sheet 2

COVER SHEET SITE PLAN

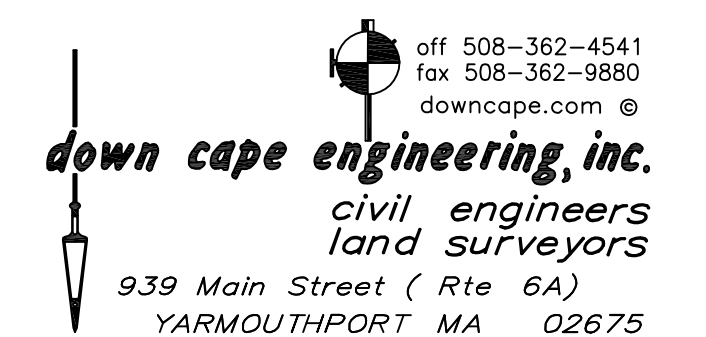
OF
#1174 PITCHER'S WAY
HYANNIS, MA

PREPARED FOR
WINDMILL SQUARE LLC

DATE: 6-26-2020 (COMPLIANT BUFFER, PARKING)

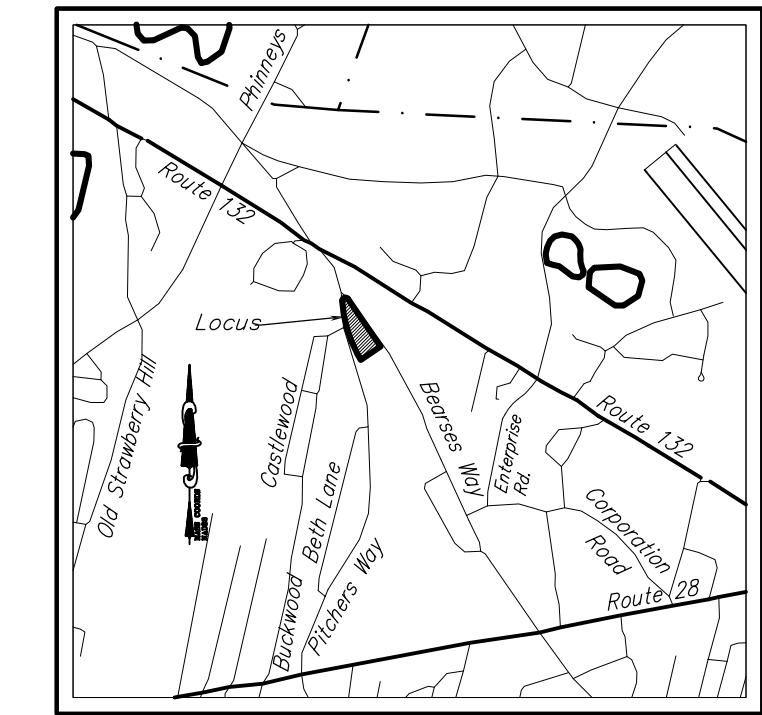


C001
SHEET 1 OF 6



LEGEND

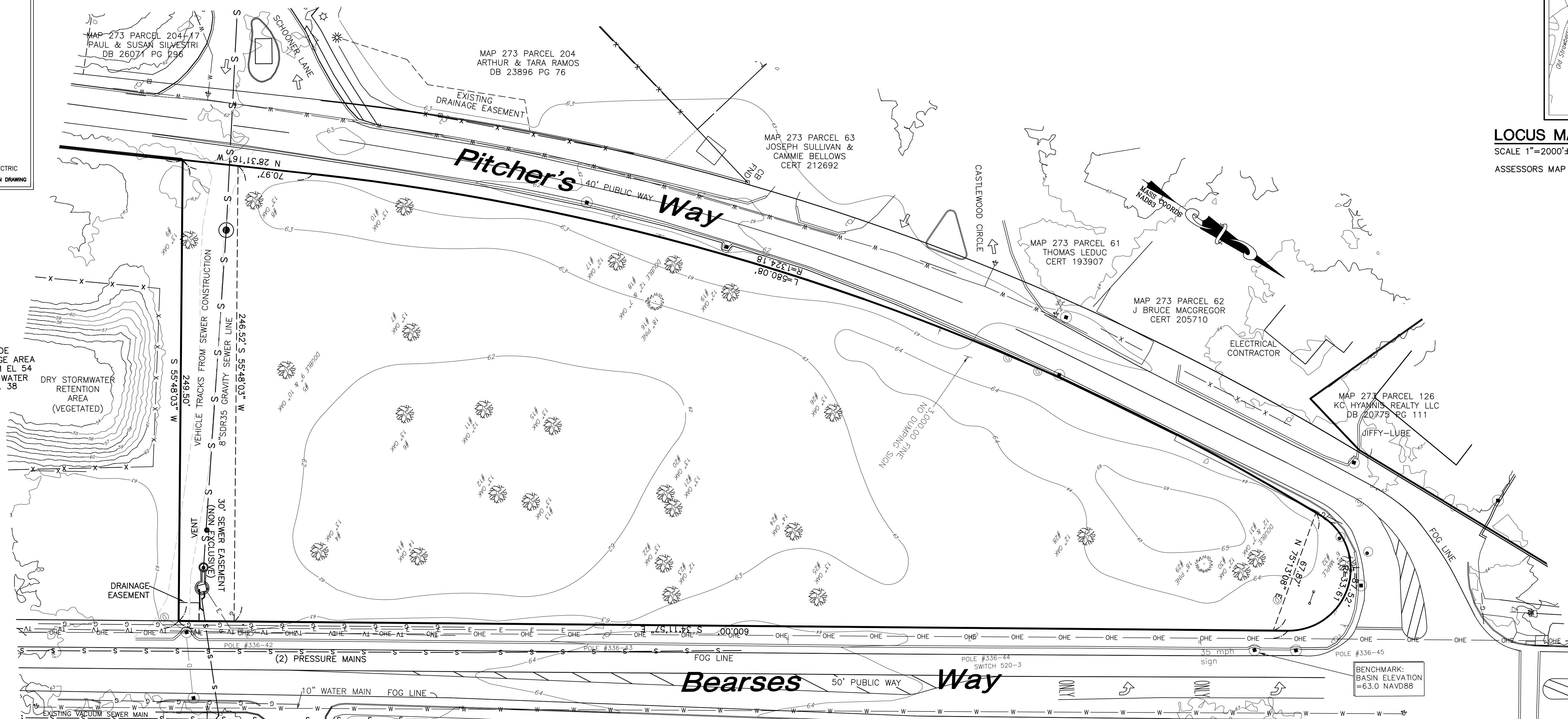
- 99 — EXISTING CONTOUR
 - X 99.1 EXIST. SPOT ELEV.
 - [99] — PROPOSED CONTOUR
 - [98.4] PROPOSED SPOT EL.
 - TH1 TEST HOLE
 - CATCH BASIN
 - UTILITY POLE
 - FIRE HYDRANT
 - PROPOSED LIGHT
 - MANHOLE
 - WATER SHUTOFF
 - GUY WIRE
 - SIGN
 - W — WATER LINE
 - G — GAS LINE
 - OHE — OVERHEAD ELECTRIC
- NOTE: NOT ALL SYMBOLS MAY APPEAR IN DRAWING



LOCUS MAP

SCALE 1"=2000'±

ASSESSORS MAP 273 PARCEL 123



**EXISTING CONDITIONS
SITE PLAN**

OF
**#1174 PITCHER'S WAY
HYANNIS, MA**

PREPARED FOR
WINDMILL SQUARE LLC

DATE: 6-26-2020 (COMPLIANT BUFFER, PARKING)

Daniel A. Ojala
6-26-2020
DATE
DANIEL A. OJALA, P.E., P.L.S.
PERMIT SET, NOT FOR CONSTRUCTION

Scale: 1" = 30'

off 508-362-4541
fax 508-362-9880
downcape.com ©

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

LEGEND

- 99 - EXISTING CONTOUR
- X 99.1 - EXIST. SPOT ELEV.
- [99] - PROPOSED CONTOUR
- [98.4] - PROPOSED SPOT EL.
- TH1 - TEST HOLE
- - CATCH BASIN
- - UTILITY POLE
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NOTE: NOT ALL SYMBOLS MAY APPEAR IN DRAWING

ZONING SUMMARY

ZONING DISTRICT: B DISTRICT

REQUIRED:	PROPOSED:
MIN. LOT SIZE	113522 S.F.±
MIN. LOT FRONTAGE	20'
MIN. FRONT SETBACK	20'
MIN. SIDE SETBACK	-
MIN. REAR SETBACK	-
MAX. BUILDING HEIGHT	30'
MAX. IMPERVIOUS AREA	50% 44.1% (50,079 S.F.)
MIN. NATURAL STATE	30% 38.7%* (43,960 S.F.)

SITE IS LOCATED WITHIN THE GROUNDWATER PROTECTION OVERLAY DISTRICT

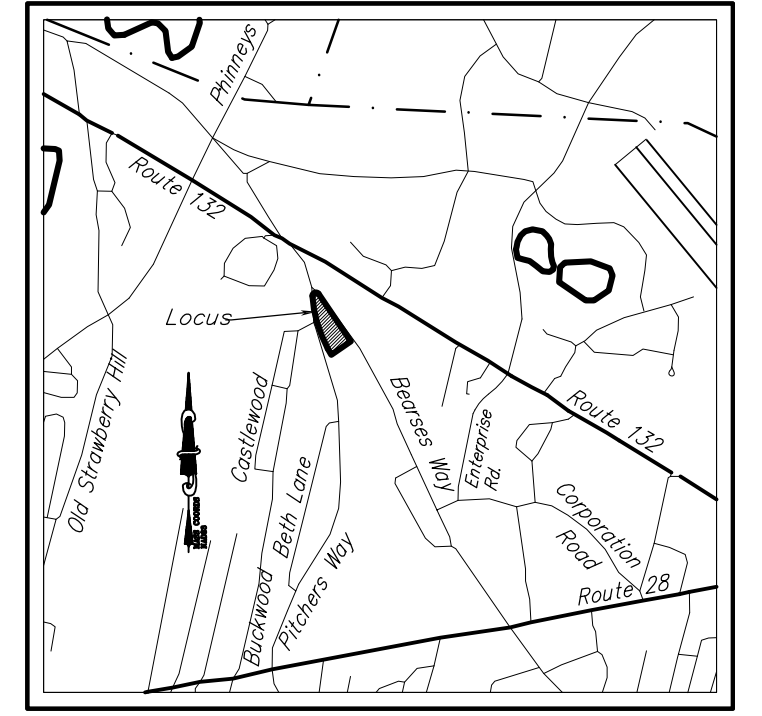
*INCLUDES AREAS TO BE RE-VEGETATED, DOES NOT INCLUDE FUTURE BIKE PATH

SITE WITHIN ECONOMIC CENTER BOUNDARY

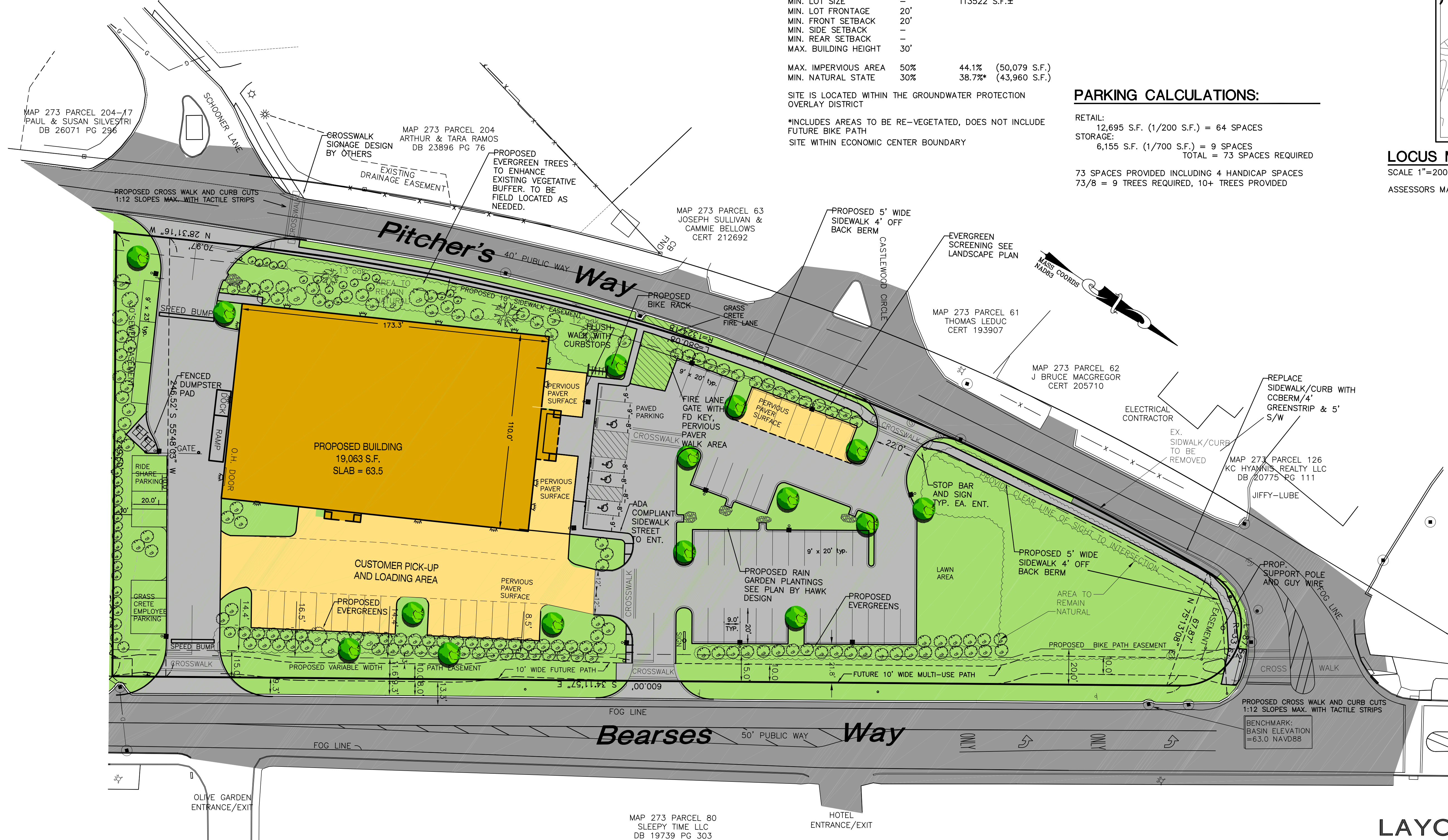
PARKING CALCULATIONS:

RETAIL: 12,695 S.F. (1/200 S.F.) = 64 SPACES
 STORAGE: 6,155 S.F. (1/700 S.F.) = 9 SPACES
 TOTAL = 73 SPACES REQUIRED

73 SPACES PROVIDED INCLUDING 4 HANDICAP SPACES
 73/8 = 9 TREES REQUIRED, 10+ TREES PROVIDED



LOCUS MAP
 SCALE 1"=2000'±
 ASSESSORS MAP 273 PARCEL 123

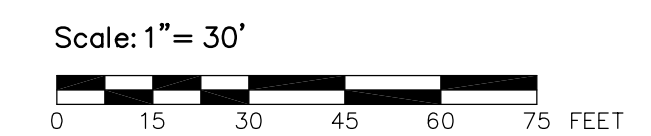


**LAYOUT
 SITE PLAN**

OF
**#1174 PITCHER'S WAY
 HYANNIS, MA**

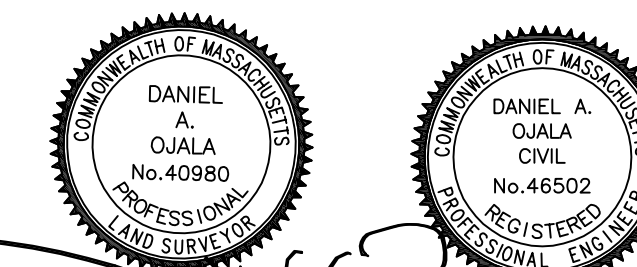
PREPARED FOR
WINDMILL SQUARE LLC

DATE: 6-26-2020 (COMPLIANT BUFFER, PARKING)



**C200
 SHEET 3 OF 6**

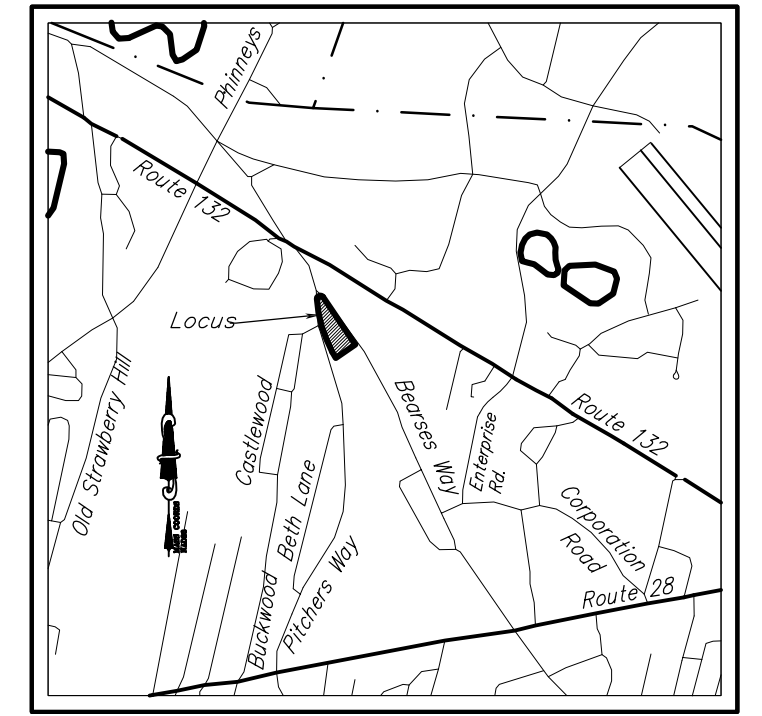
down cape engineering, inc.
 civil engineers
 land surveyors
 939 Main Street (Rte 6A)
 YARMOUTHPORT MA 02675



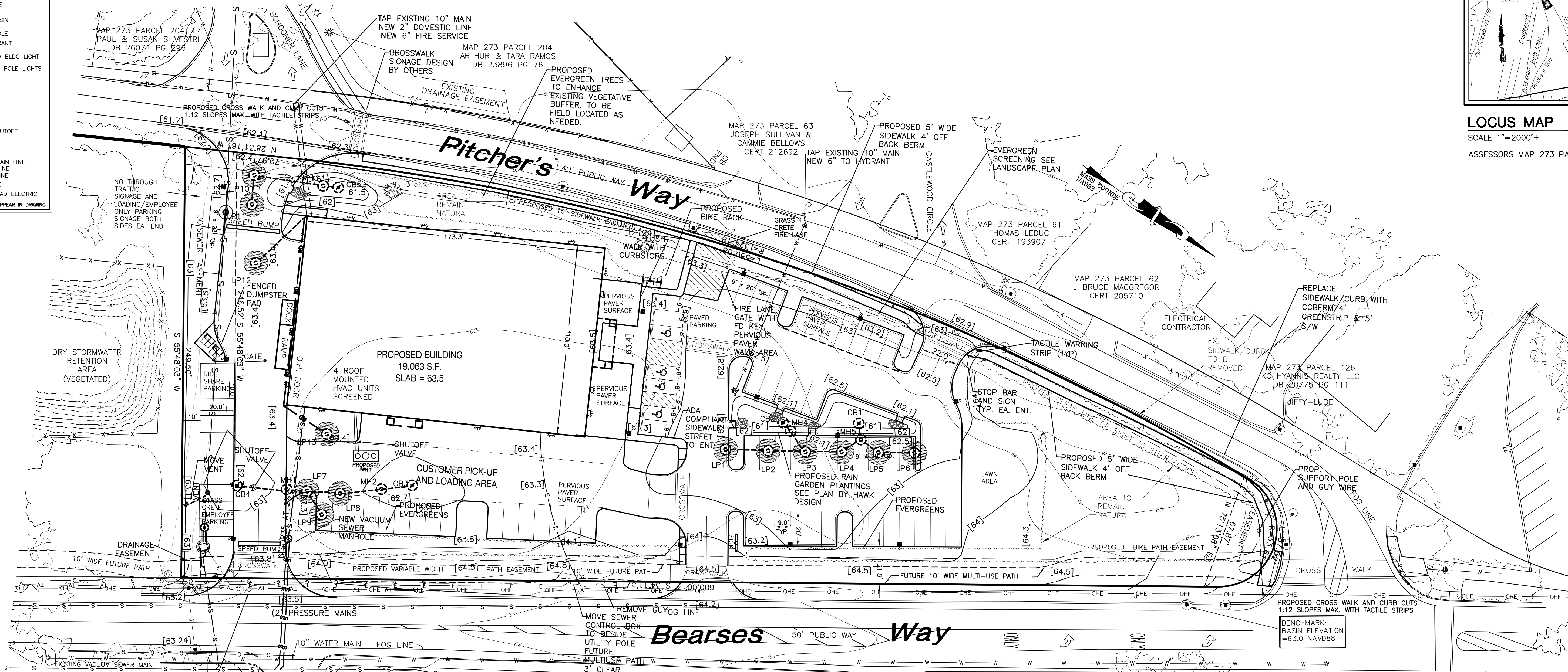
DANIEL A. OJALA, P.E., P.L.S. DATE 6-26-2020
 PERMIT SET, NOT FOR CONSTRUCTION

LEGEND	
99	EXISTING CONTOUR
X 99.7	EXIST. SPOT ELEV.
[99]	PROPOSED CONTOUR
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TH1	TEST HOLE
⊙	CATCH BASIN
⊙	UTILITY POLE
⊙	FIRE HYDRANT
⊙	PROPOSED BLDG LIGHT
⊙	PROPOSED POLE LIGHTS
⊙	MANHOLE
⊙	6X6' LPT
⊙	WATER SHUTOFF
⊙	GUY WIRE
⊙	SIGN
RD	ROOF DRAIN LINE
S	SEWER LINE
W	WATER LINE
G	GAS LINE
OHE	OVERHEAD ELECTRIC

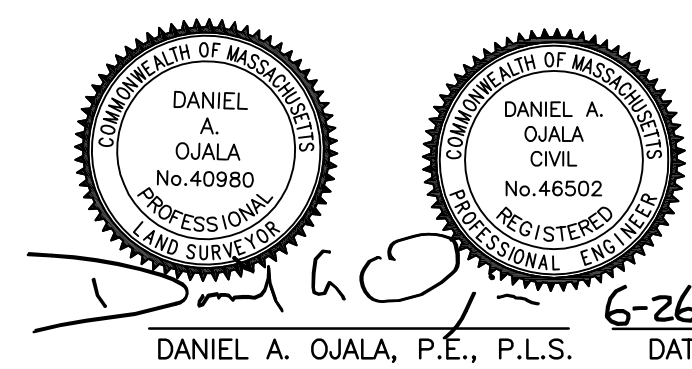
NOTE: NOT ALL SYMBOLS MAY APPEAR IN DRAWING



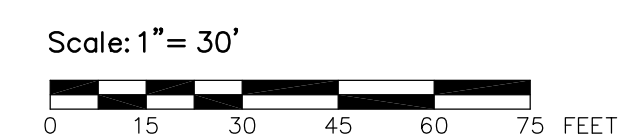
LOCUS MAP
SCALE 1"=2000'±
ASSESSORS MAP 273 PARCEL 123



**UTILITIES & GRADING
SITE PLAN**
OF
**#1174 PITCHER'S WAY
HYANNIS, MA**
PREPARED FOR
WINDMILL SQUARE LLC
DATE: 6-26-2020 (COMPLIANT BUFFER, PARKING)



DANIEL A. OJALA, P.E., P.L.S. DATE: 6-26-2020
PERMIT SET, NOT FOR CONSTRUCTION



**C300
SHEET 4 OF 6**

down cape engineering, inc.
civil engineers
land surveyors
939 Main Street (Rte 6A)
YARMOUTHPORT MA 02675
off 508-362-4541
fax 508-362-9880
downcape.com

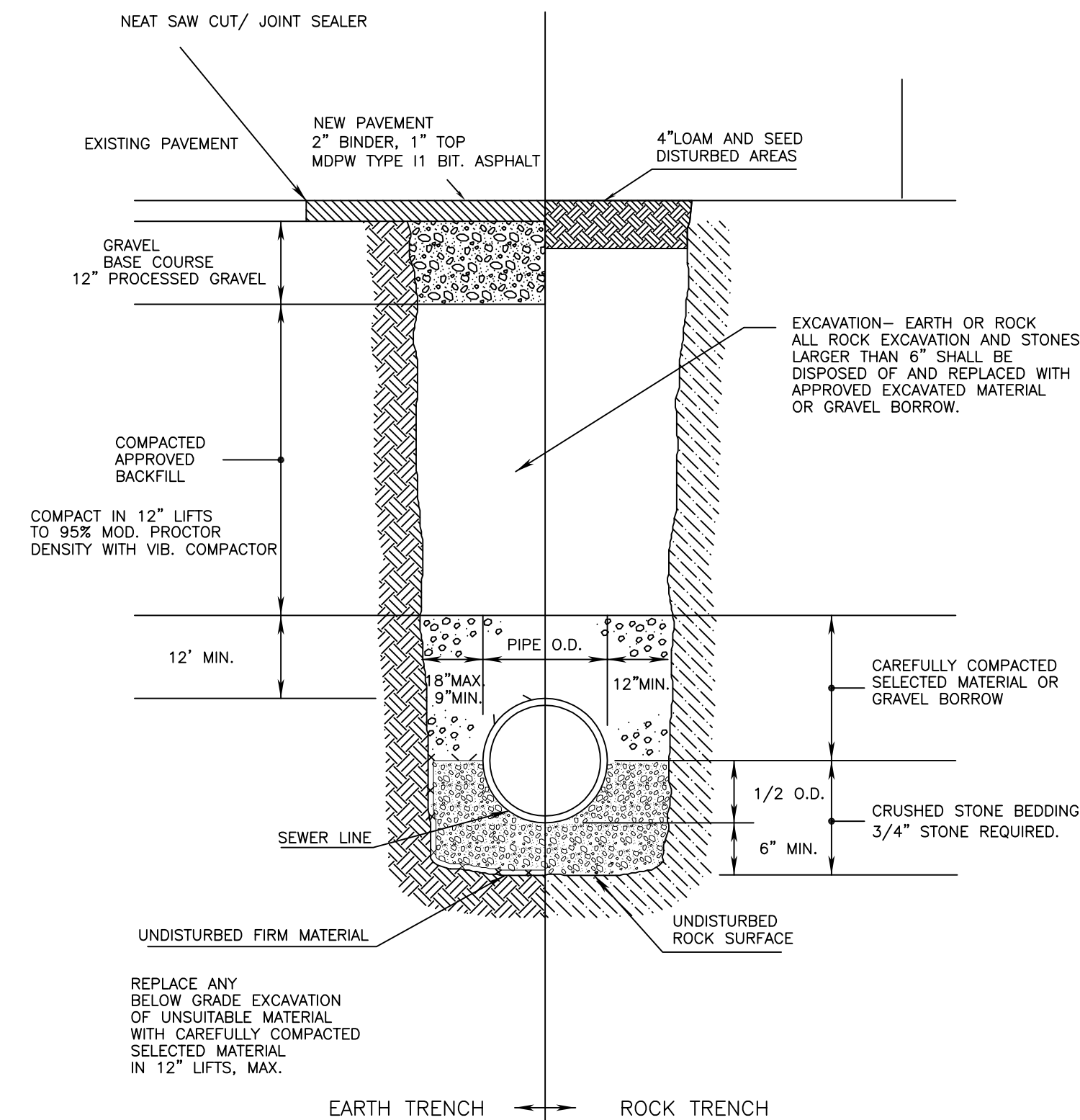
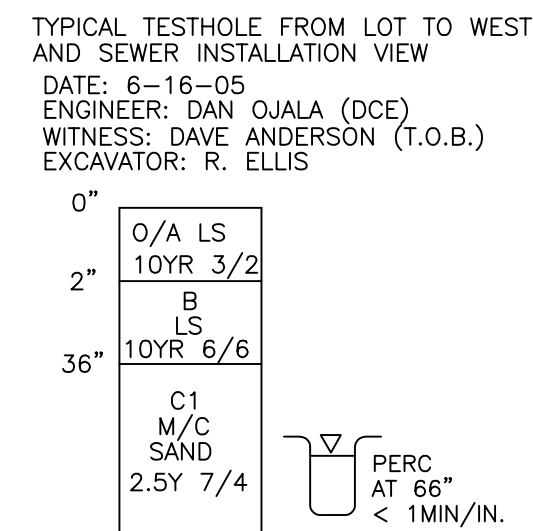
GENERAL NOTES:

1. THE LOCATION OF EXISTING UNDERGROUND UTILITIES SHOWN ON THIS PLAN IS APPROXIMATE. PRIOR TO ANY EXCAVATION ON THIS SITE, THE EXCAVATING CONTRACTOR SHALL MAKE THE REQUIRED 72 HOUR NOTIFICATION TO DIG SAFE (1-888-344-7233 OR 811) AND ANY OTHER UTILITIES WHICH MAY HAVE CABLE, PIPE OR EQUIPMENT IN THE CONSTRUCTION AREA FOR VERIFICATION OF LOCATIONS.
2. ALL CONSTRUCTION MATERIALS, COMPONENTS, AND METHODS EMPLOYED ON THIS PROJECT WORK SHALL CONFORM TO THE TOWN OF BARNSTABLE SUBDIVISION REGULATIONS AND/OR THE MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS STANDARD SPECIFICATIONS FOR BRIDGES AND HIGHWAYS AS AMENDED TO PRESENT.
3. VERTICAL DATUM IS NAVD88
4. ONSITE TOPOGRAPHY AND DETAIL FROM AERIAL AND FIELD SURVEY BY DOWN CAPE ENGINEERING.
5. DESIGN LOADING FOR ALL PRECAST UNITS TO BE AASHTO-H20 UNLESS NOTED.
6. THIS PLAN IS FOR PROPOSED PERMITTING ONLY AND IS NOT TO BE USED FOR PROPERTY LINE STAKING OR ANY OTHER PURPOSE.
7. ALL SITE LIGHTING SHALL NOT CAUSE GLARE FOR MOTORISTS, PEDESTRIANS, OR NEIGHBORING PREMISES. SEE LIGHTING PLANS. 1.0 FOOTCANDLE MIN. IN PARKING FIELD RECOMMENDED.
8. 6" LOAM AND SEED ALL DISTURBED AREAS NOT PAVED, M6.03.0 SEED.
9. DRAINAGE COMPONENTS NOT TO BE BACKFILLED OR CONCEALED WITHOUT INSPECTION BY OWNERS ENGINEER AND PERMISSION OBTAINED.
10. ALL DRAINAGE PIPING 12" H-20 CPP AT 1% PITCH UNLESS NOTED.
11. COMPACT CLEAN FILL IN 6" LIFTS TO 95% MODIFIED PROCTOR DENSITY.
12. SEPARATE WRITTEN SPECIFICATIONS FOR EARTHWORK AND SITEWORK WILL APPLY. STORMWATER NOI TO BE FILED, CONSTRUCTION PERIOD CONTROLS AND SPECS ARE TO BE INCORPORATED INTO THESE PLANS BY REFERENCE.

WATER LINE NOTES:

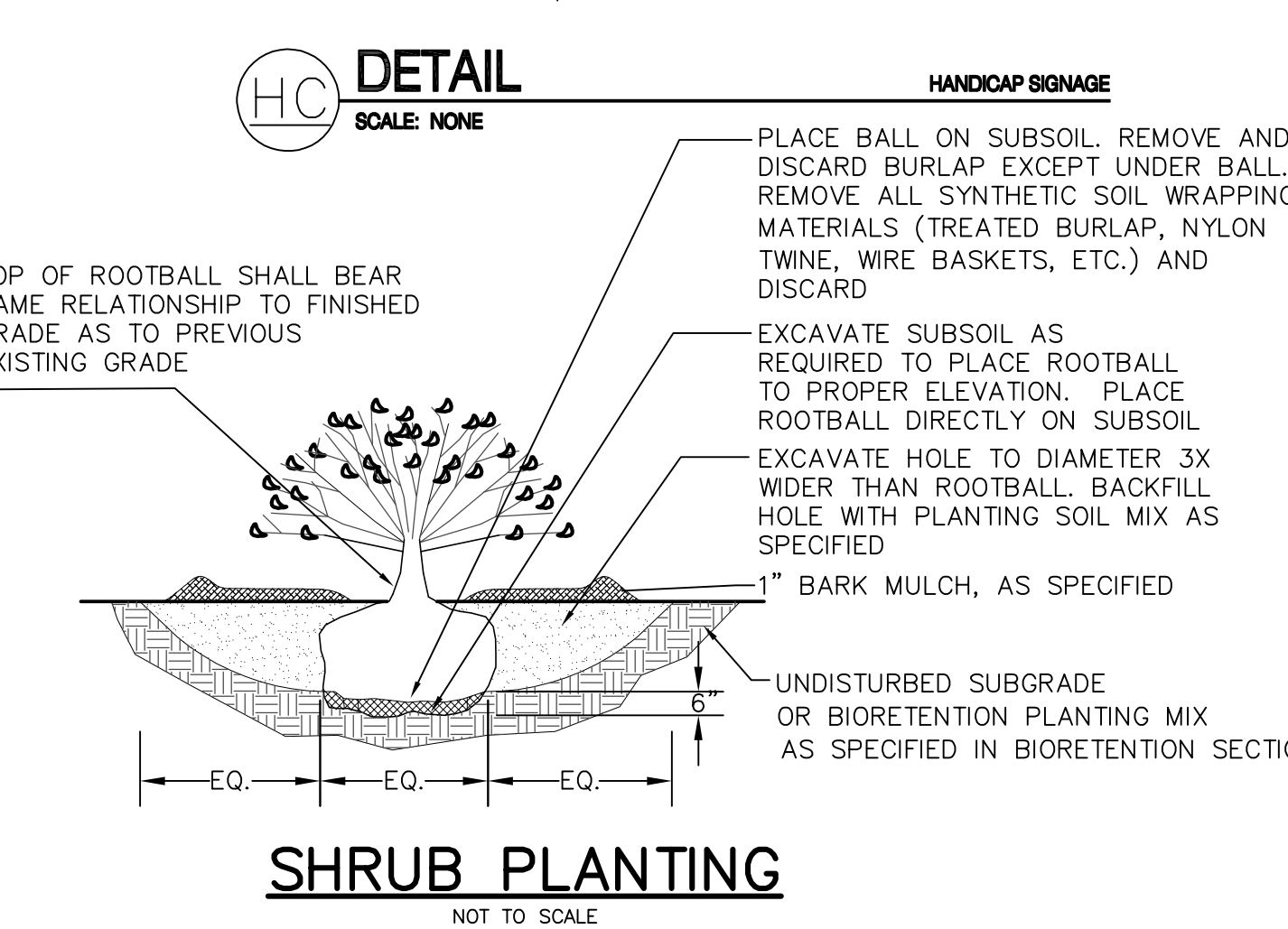
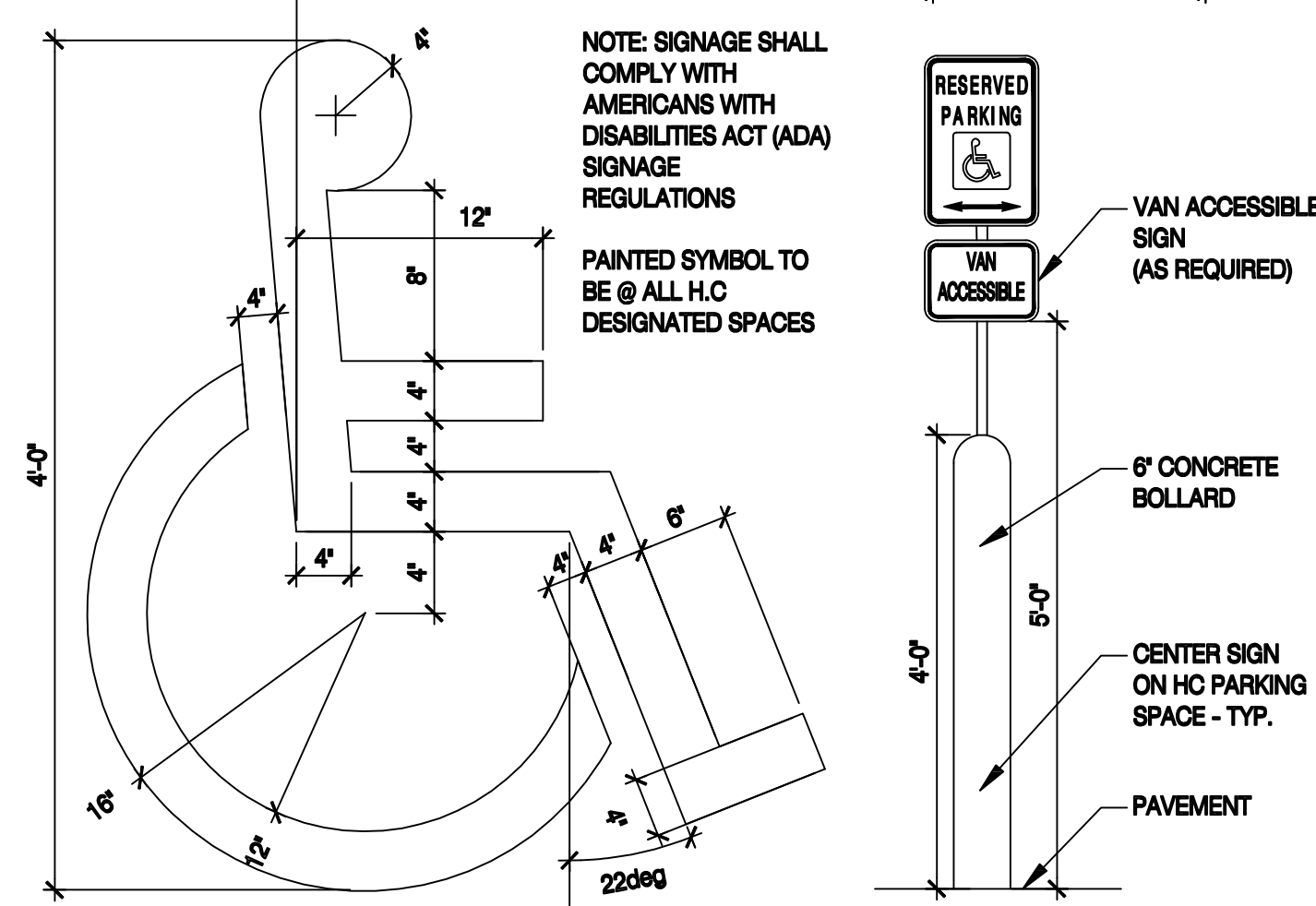
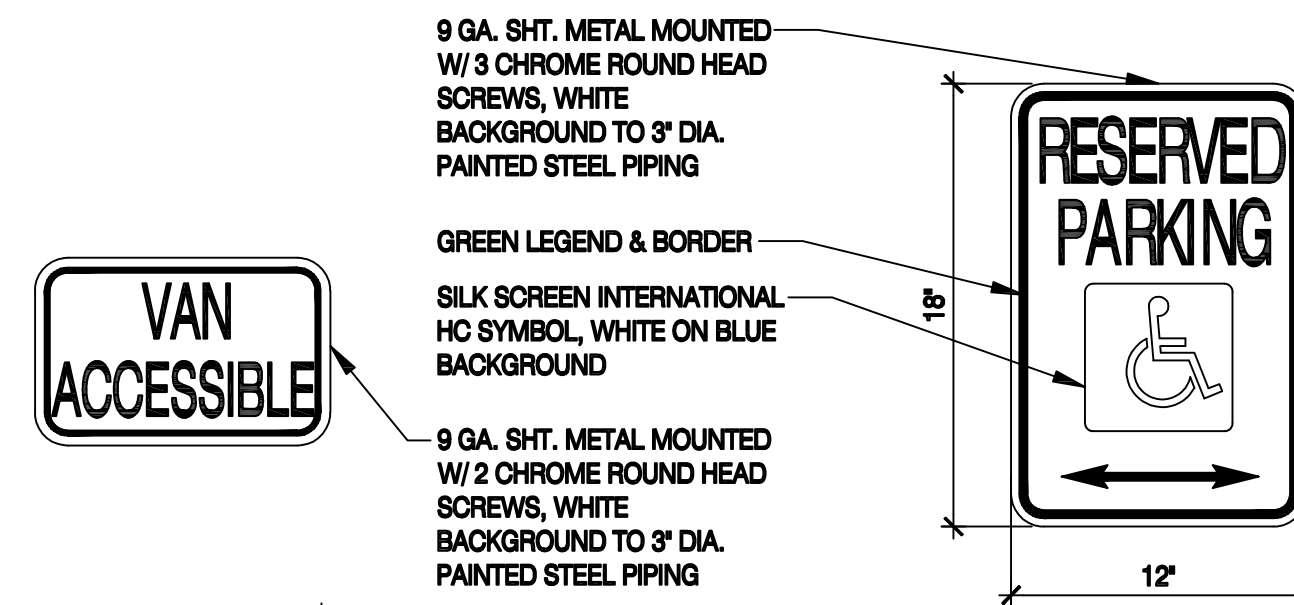
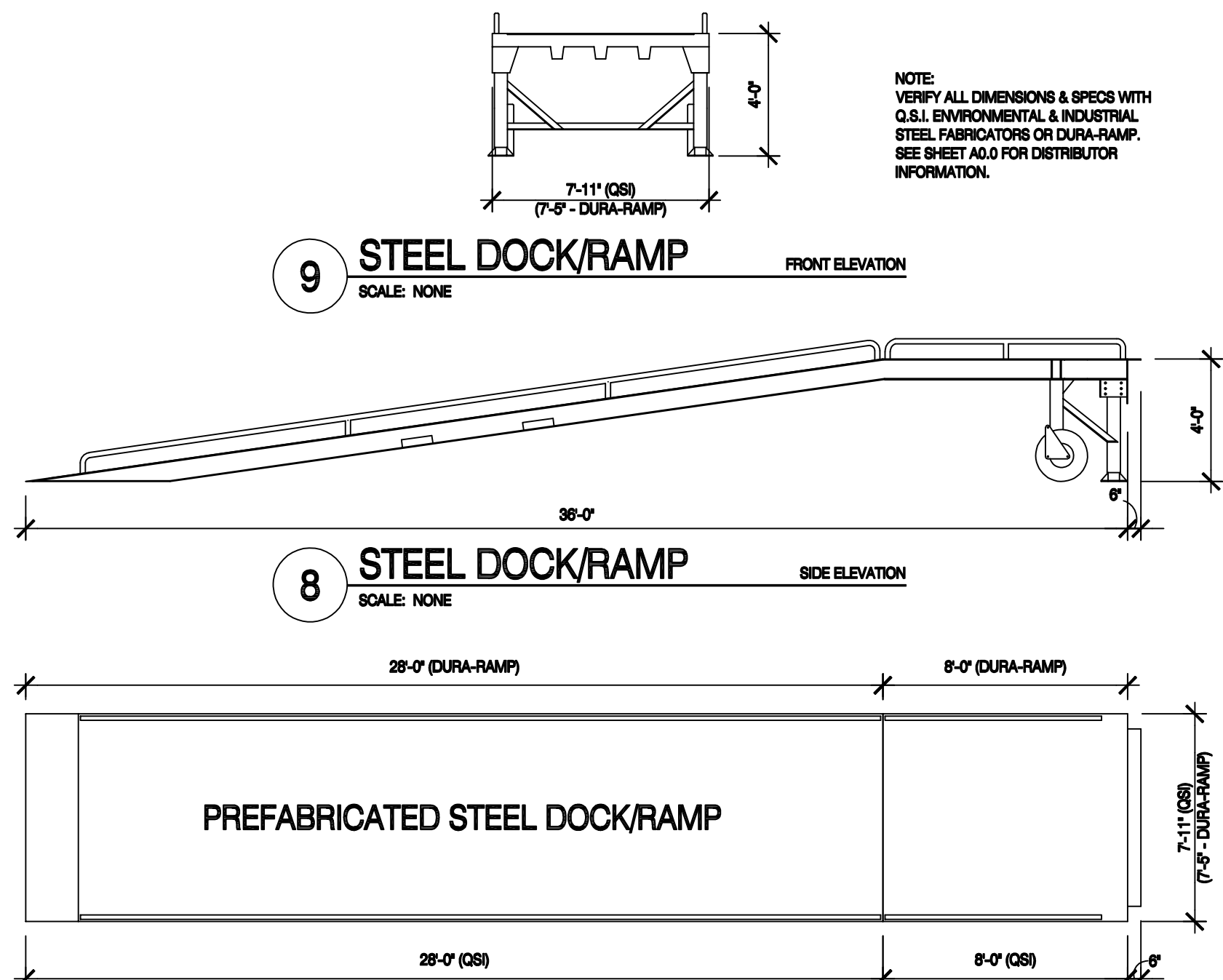
1. ALL MATERIALS AND WORKMANSHIP TO CONFORM TO THE RULES, REGULATIONS AND SPECIFICATIONS OF THE HYANNIS WATER SYSTEMS AS AMENDED TO PRESENT. DISTRICT HAS AUTHORITY TO AMEND PLANS.
2. WATER MAINS TO BE CLASS 5 8" CEMENT LINED DUCTILE IRON PIPE TO DISTRICT SPECIFICATIONS.
3. GATE VALVE SHALL BE MUELLER ONLY. IRON BODY, BRONZE MOUNTED, DOUBLE DISC, WITH TWO INCH OPERATING NUT WITH MECHANICAL JOINT HUBS. GATE VALVE SHALL CONFORM IN EVERY RESPECT TO ALL APPLICABLE ANWA STANDARDS. VALVE SHALL BE DESIGNED FOR 200 PSI WORKING AND 300 PSI TEST PRESSURE AND SHALL OPEN LEFT.
4. VALVES SHALL ALSO CONFORM TO THE SPECIFICATIONS OF THE ANWA AS TO SIZE, STEM, PITCH OF THREAD, GASKET SEATING AREA SHALL BE FULLY MACHINED TO THE FIXED DIMENSIONS AND TOLERANCES AS PER ANWA SPECIFICATIONS. ALL VALVES SHALL BE PROVIDED WITH "O" RINGS. THE DESIGN OF THE VALVE SHALL BE SUCH THAT THE SEAL PLATE CAN BE FITTED WITH NEW "O" RINGS WHILE THE VALVE IS UNDER PRESSURE IN THE FULLY OPEN POSITION.
5. VALVE BOXES SHALL BE BUFFALO OR PIONEER AND SHALL BE FURNISHED AND INSTALLED FOR ALL VALVES. THEY SHALL BE CAST IRON, TAR COATED, SLIDING TYPE ADJUSTABLE VALVE BOXES TOGETHER WITH CAST IRON COVERS. SEE DISTRICT REGULATIONS.
6. HYANNIS WATER SYSTEMS APPROVED CONTRACTOR AND INSPECTOR REQUIRED.
7. CONTRACTOR RESPONSIBLE FOR AS-BUILTS AND PLACING SAME ON ENGINEERED DRAWING AND SUBMITTING TO WATER DEPT. FOR THEIR RECORDS.

WATER AUTHORITY:
 T.O.B. DPW- WATER SUPPLY DIVISION
 Hans Keijser Supervisor
 P.O.Box 326 #47 Old Yarmouth Road
 Hyannis, MA 02601-0326
 PH. 1-508-775-0063
 PH. 1-508-778-9617
 FAX 1-508-790-1313

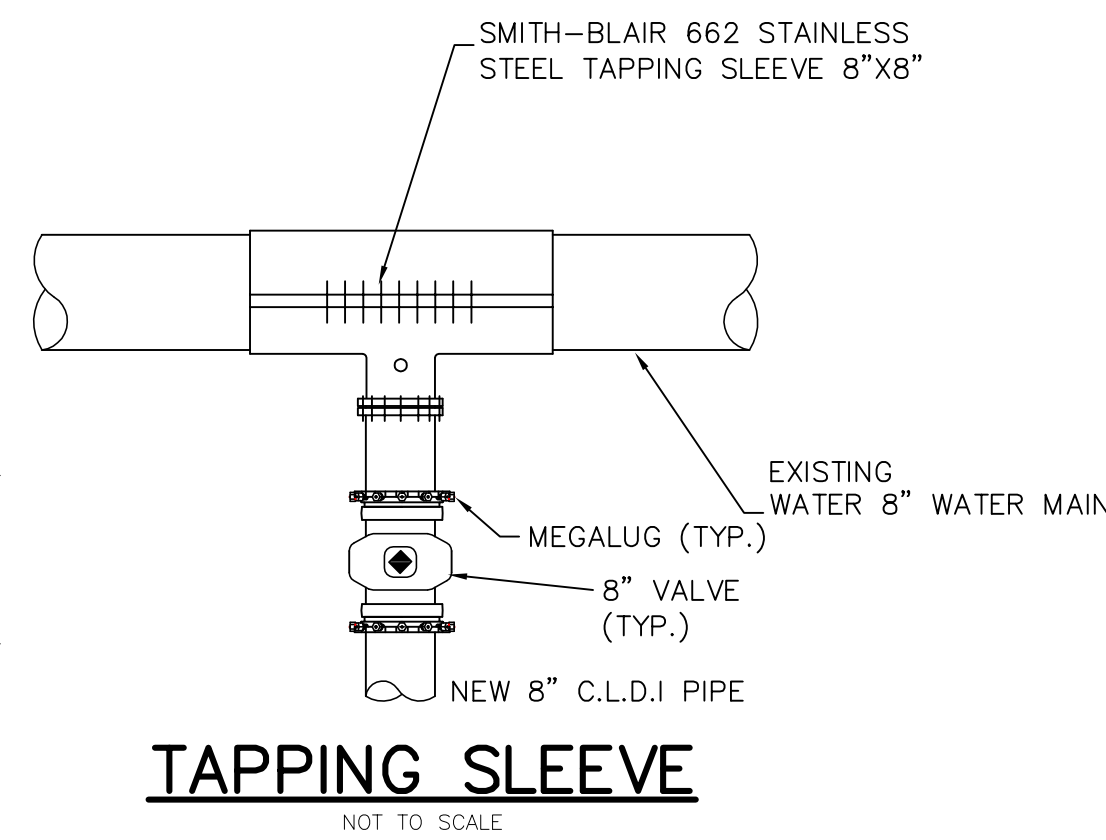


STANDARD DETAIL
SEWER TRENCH
 NOT TO SCALE

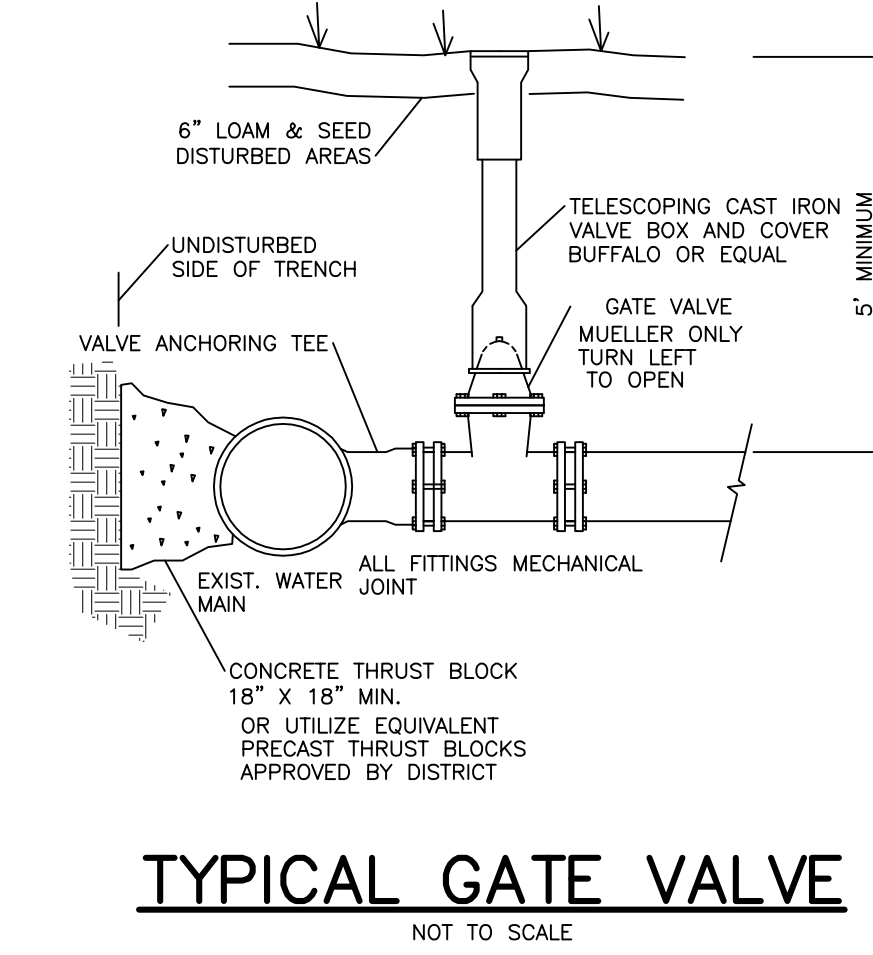
DCE #15-174



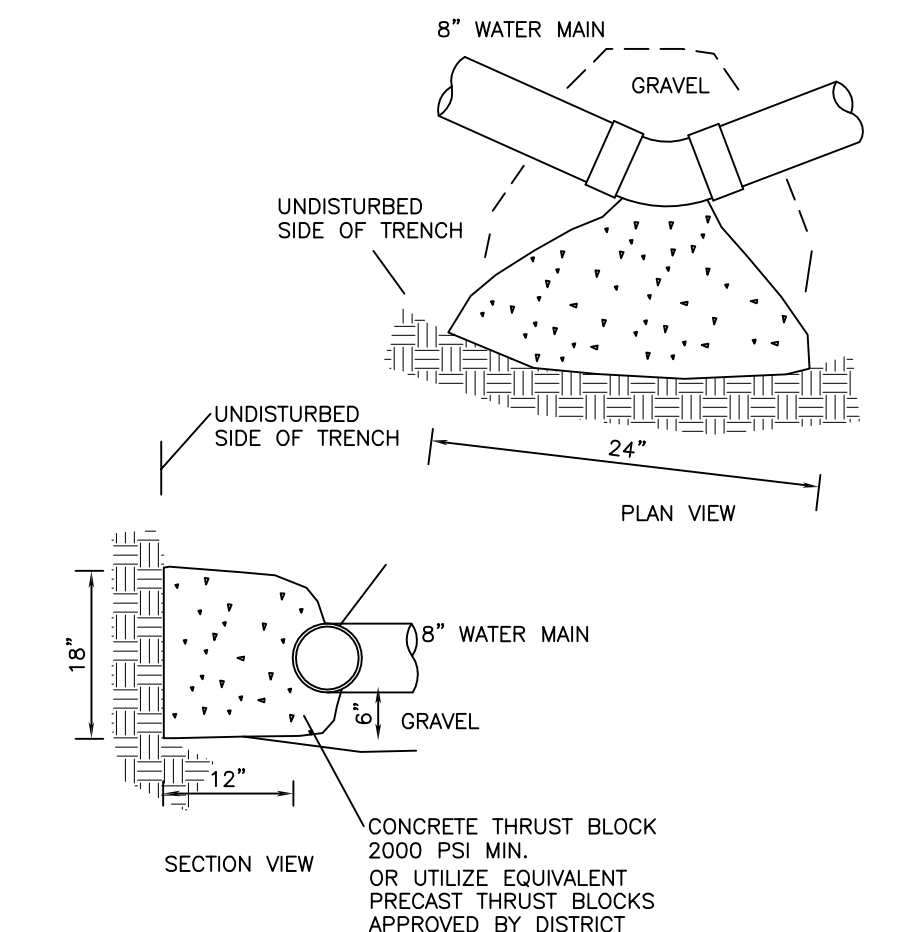
SHRUB PLANTING
 NOT TO SCALE



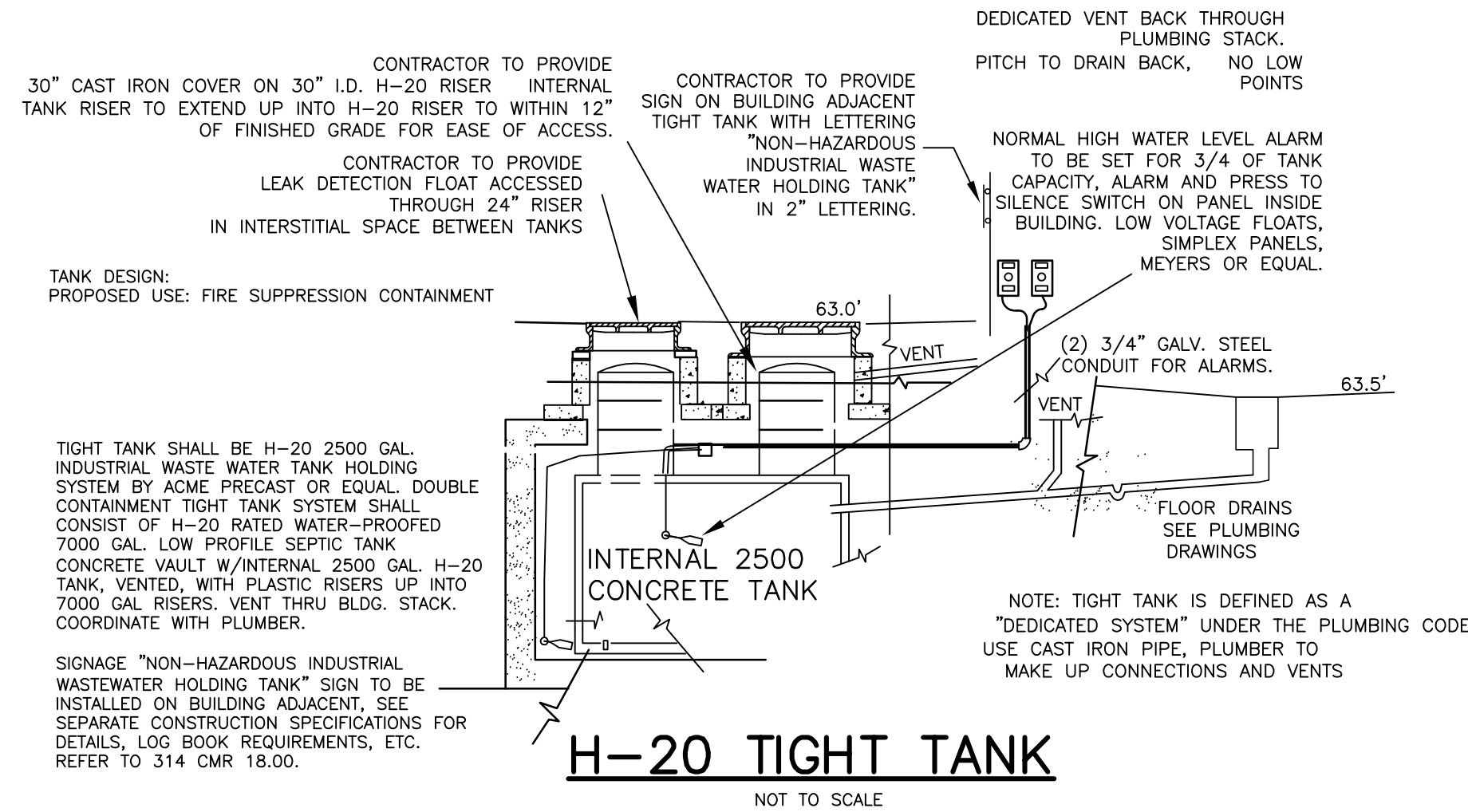
TAPPING SLEEVE
 NOT TO SCALE



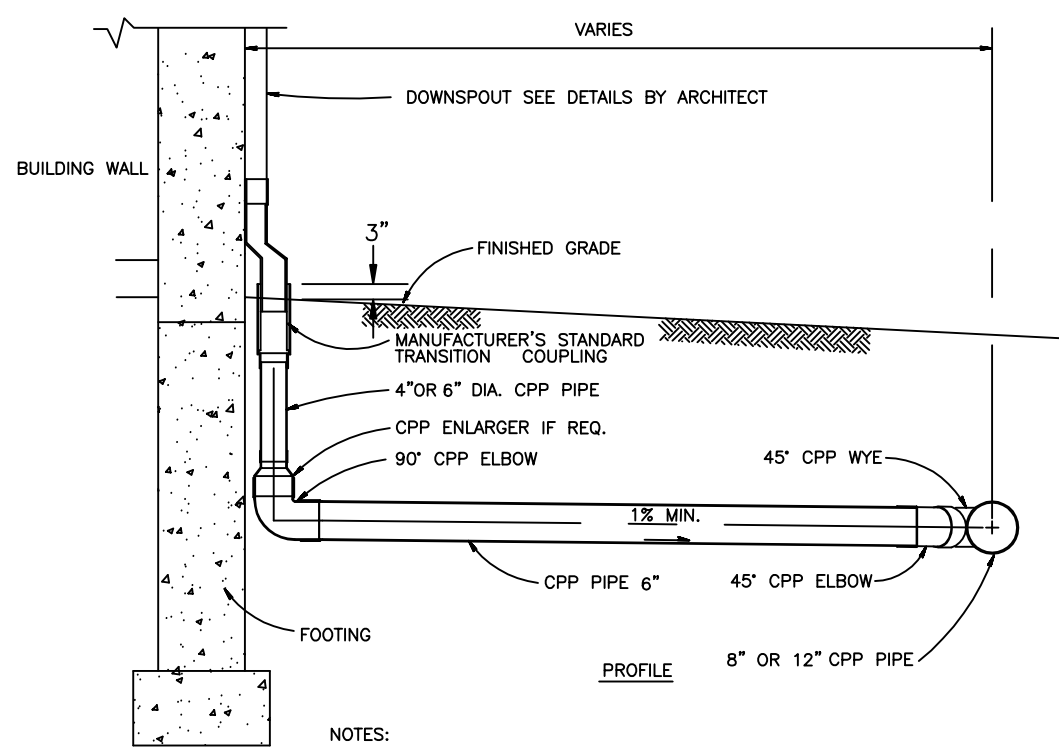
TYPICAL GATE VALVE
 NOT TO SCALE



THRUST BLOCK
 FOR 45 AND 22.5 DEG BENDS



H-20 TIGHT TANK
 NOT TO SCALE



ROOF DRAIN LINES
 NOT TO SCALE

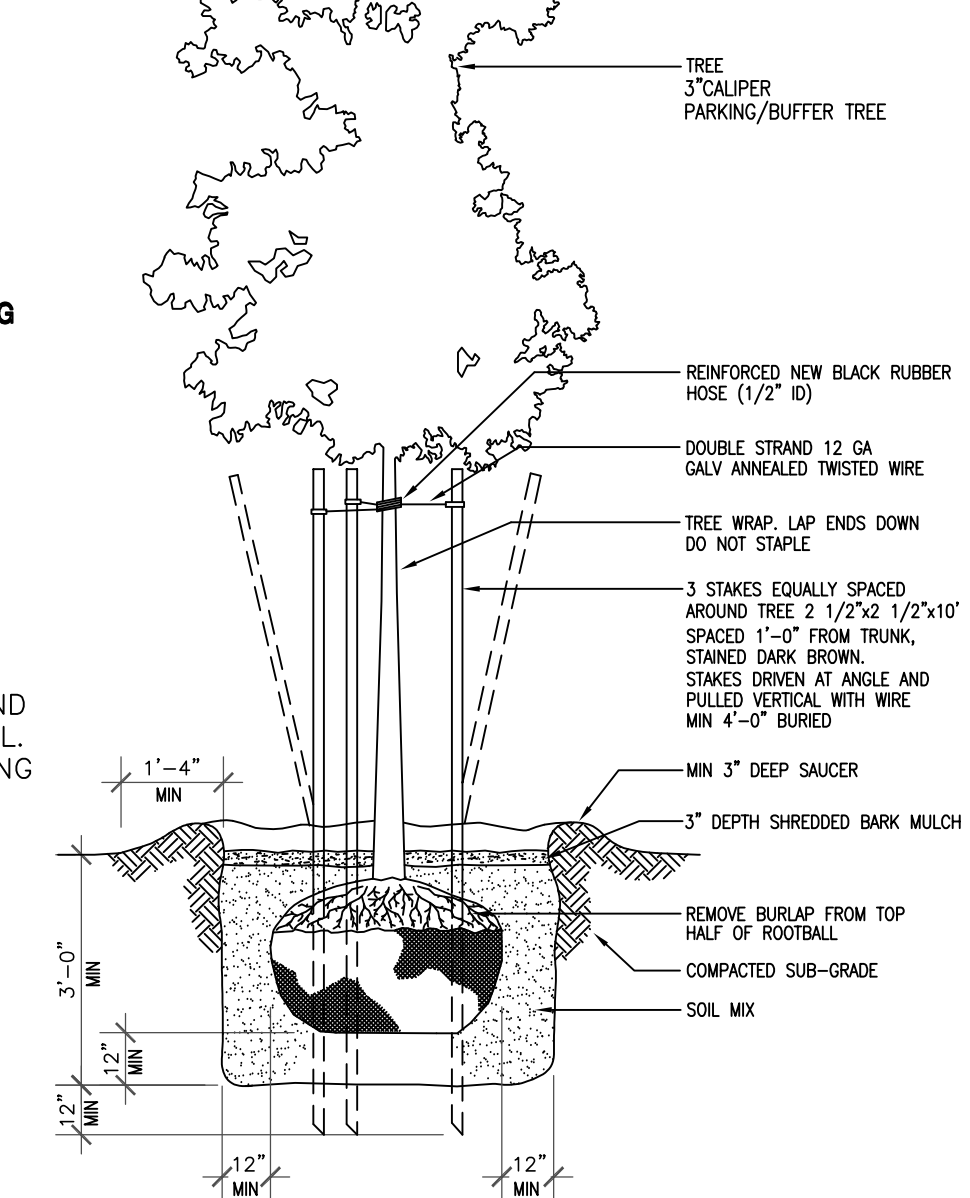
DETAIL SHEET
 TO ACCOMPANY
SITE PLAN
 OF

**#1174 PITCHER'S WAY
 HYANNIS, MA**

PREPARED FOR
WINDMILL SQUARE LLC

DATE: 6-26-2020 (COMPLIANT BUFFER, PARKING)

TREE PLANTING DETAIL

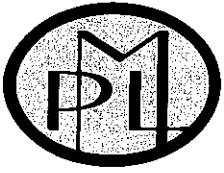


TREE PLANTING DETAIL

DANIEL A. OJALA, P.E., P.L.S. DATE 6-26-2020
 PERMIT SET, NOT FOR CONSTRUCTION

C401
SHEET 6 OF 6

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



PRINCI MILLS LAW PC

300 Barnstable Road, Hyannis, Massachusetts 02601
Telephone: (508) 775-1160 • Fax: (774) 810-7122
www.princimills.com

Robert F. Mills
rmills@princimills.com
Michael J. Princi
mprinci@princimills.com

Gerald S. Garnick (Of Counsel)
ggarnick@princimills.com

May 15, 2020

Sent via email only

Jonathon Idman
Chief Regulatory Officer
Cape Cod Commission
3225 Main Street, P.O. Box 226
Barnstable, Massachusetts 02630

RE: Windmill Square, LLC
Tractor Supply Project – 1174 Pitcher's Way, Hyannis, MA

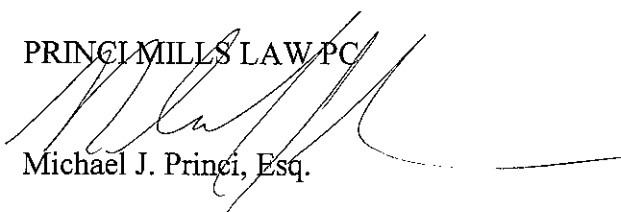
Dear Mr. Idman:

Windmill Square, LLC has applied for site plan review and removed the outside storage, which triggered Cape Cod Commission review. To address concerns regarding outside display area, I am authorized to represent to the Building Commissioner and the Commission that the area depicted to the north of the parking as "pervious paver surface" will be removed and shown as grass. The customer pickup area will be used for just that and any other areas available for outside display in front of the building during business hours will not result in the Applicant or a tenant exceeding 20,000 sq. ft. established under Chapter H. The Applicant and any future tenants understand, agree, and acknowledge that any outside displays shall not exceed 937 sq. ft. (building is 19,063 sq. ft.). To ensure that the display area will not exceed 937 sq. ft. Downcape Engineering will remove the pervious pavers to the north of the parking and will show the area as grass for the ZBA filing. Brian Florence may note this as a condition on the SPR approval letter.

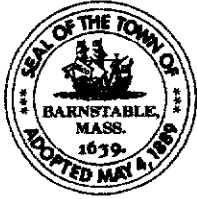
If you have any questions please feel free to contact my office.

Very truly yours,

PRINCIMILLS LAW PC


Michael J. Princi, Esq.

MJP:alu
Enclosure
Cc Brian Florence



Town of Barnstable
Site Plan Review
200 Main Street, Hyannis, MA 02601
www.town.barnstable.ma.us
Office: 508-862-4679



May 15, 2020

Stuart Bornstein
297 North Street
Hyannis, MA. 02601

SPR 032-19 Tractor Supply Co.
1174 Pitchers Way, Hyannis
Map 273, Parcel 123
Zoning: B, GP Overlay

Proposal: Existing vacant lot to be improved with a 19,072 s.f. retail building. Proposed low impact site design including parking, lighting landscaping, and storm water control. Formal Site Plan Review and Zoning relief is needed for natural state coverage, quantities of hazardous materials, and buffer reductions to accommodate a future bike path/easement.

Dear Mr. Bornstein,

As a result of the informal site plan review meeting held on May 5, 2020 and subsequent written submittals (May 15, 2020 letter from Attorney Princi) it was determined by the Building Commissioner that the above proposal is approvable and may proceed to the Zoning Board of Appeals. The Site Plan Review Committee makes the following additional comments:

Review is based upon revised site plans entitled: 1174 Pitchers Way, Hyannis dated 05-14-2020

- **Brian Florence:**
 - The outside area depicted to the north of the parking as "pervious paver surface will be removed and shown as grass.
 - The Customer pick-up area will be used solely for customer pick-up and deliveries and not for display of merchandise.
 - Other areas available for outside display in the front of the building during business hours will not result in the applicant or the tenant exceeding 20,000 sq. ft. established under Chapter H.
 - Outside displays shall not exceed 937 sq. ft.
 - Project does not meet the parking requirements
- **Paul Wackrow:**
 - The project will require the following zoning relief:
 - Parking - the project is short, (60 versus 73 spaces)
 - Landscaping
 - GP overlay district - hazmat
 - Provide plyometric plan.
 - Easements to be completed as soon as litigation matter resolved.

Contact: Paul Wackrow, Senior Planner. Paul.Wackrow@town.barnstable.ma.us

- **Hyannis Fire:** Per Lt. Greg Shopshire
 - Add lockbox or padlock on the north corner gate.
 - Fire protection plan – alarm panel and sprinkler placement.Contact: Gshopshire@hyannisfire.org


- **David Stanton:** Register Haz-Mat materials with the Board of Health.

- **Nathan Collins:**
 - Provide final sewer design work; coordinated through DPW.
 - Complete easement process as soon as possible. Contact: Nathan.Collins@town.barnstable.ma.us

- Applicant must obtain all other applicable permits, licenses and approvals required.

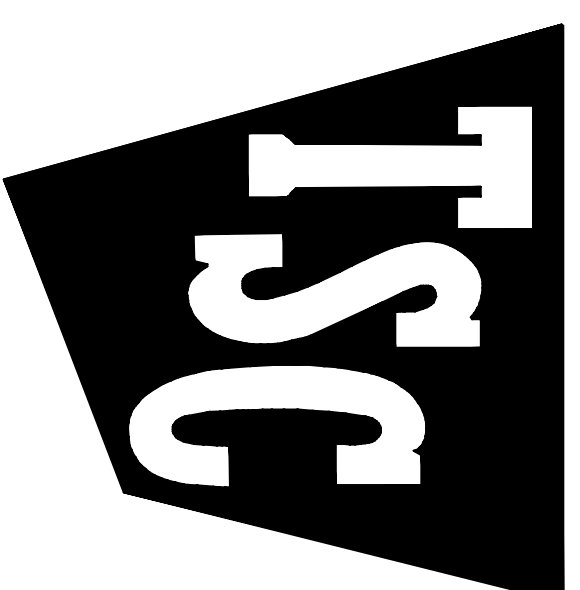
- Upon completion of all work, a registered engineer or land surveyor shall submit a certified “as built” site plan and a letter of certification, made upon knowledge and belief in accordance with professional standards that all work has been done in substantial compliance with the approved site plan (Zoning Section 240-105 (G)). This document shall be submitted prior to the issuance of the final certificate of occupancy

Sincerely,



Brian Florence, CBO
Chairman

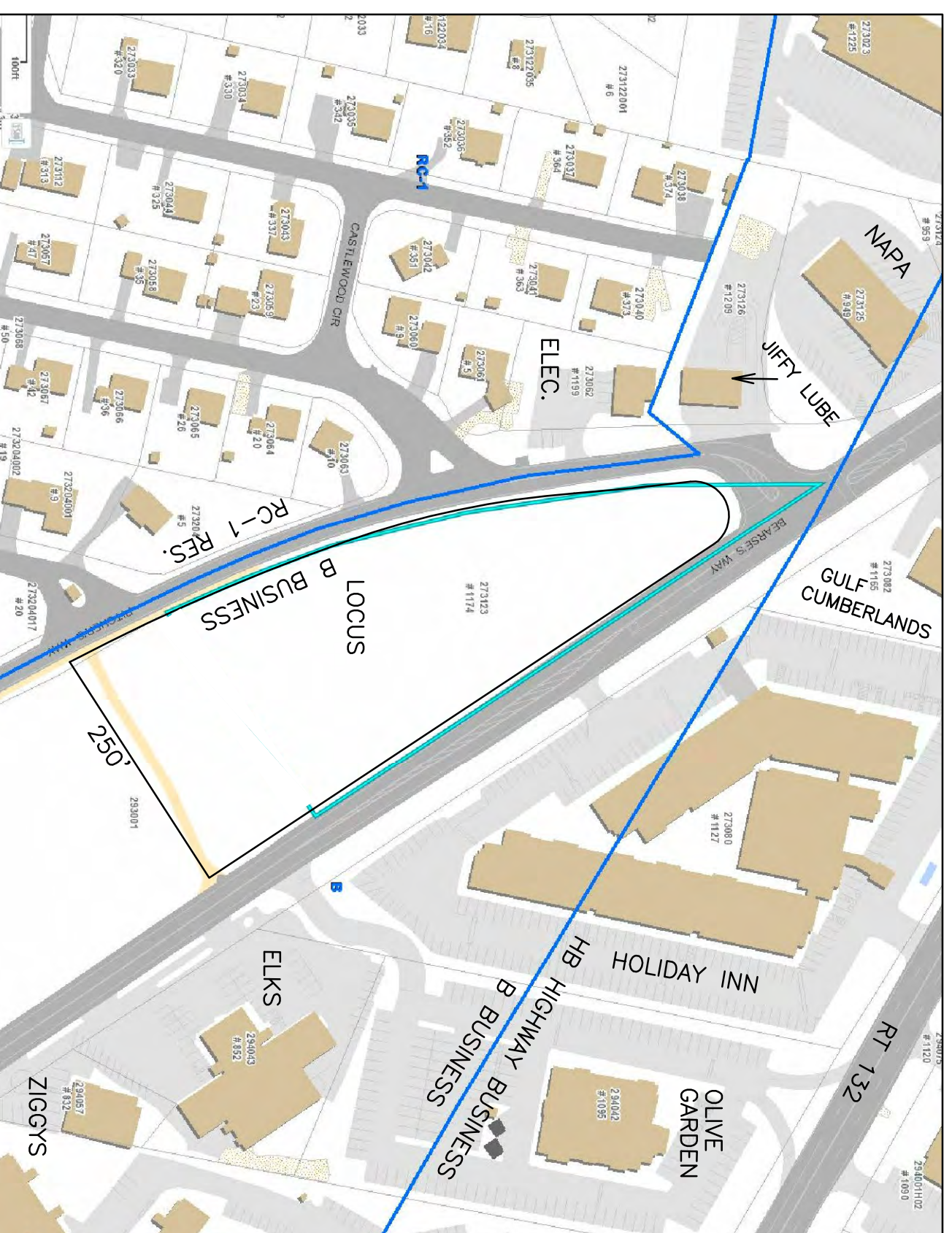
Cc: Site Plan Review Committee



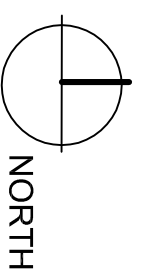
TRACTOR SUPPLY COMPANY

Tractor Supply Company Site Construction Plans

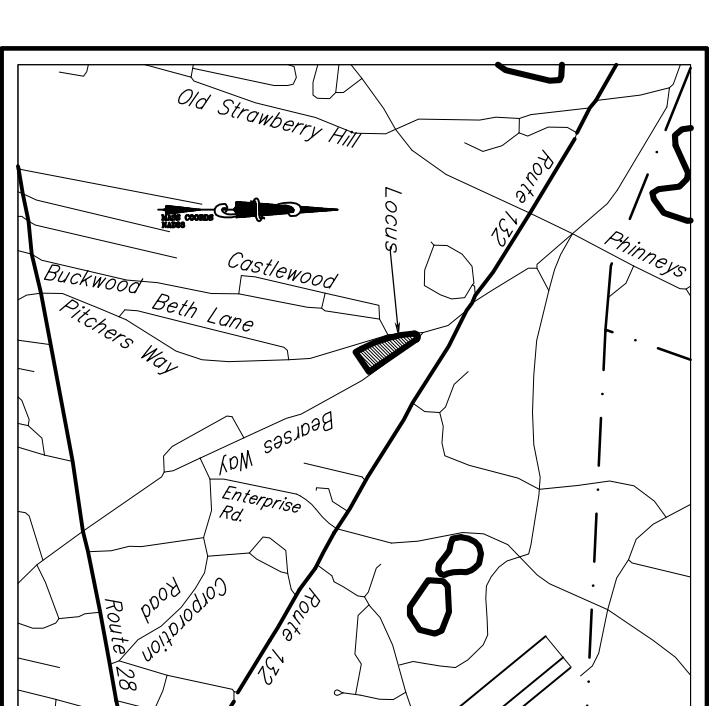
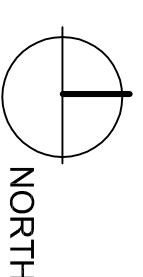
**1174 Pitchers Way,
Hyannis, MA 02601**



TOWN GIS MAP: B (BUSINESS) ZONING DISTRICT
RC-1 RESIDENTIAL TO WEST
SITE WITHIN ECONOMIC CENTER BOUNDARY



2014 AERIAL IMAGE TOWN OF BARNSTABLE GIS, N.T.S.



LOCUS MAP

SCALE 1"=2000'±
ASSESSORS MAP 273 PARCEL 123
ADDRESS: #1174 PITCHERS WAY, HYANNIS, MA 02601

ZONING SUMMARY

ZONING DISTRICT: B DISTRICT	REQUIRED:	PROPOSED:
MIN. LOT SIZE	20'	113522 S.F.±
MIN. LOT PROTRAGE	20'	
MIN. FRONT SETBACK	20'	
MIN. SIDE SETBACK	—	
MIN. REAR SETBACK	—	
MAX. BUILDING HEIGHT	30'	
MAX. IMPERVIOUS AREA	50%	44.1% (50,079 S.F.)
MIN. NATURAL STATE	30%	38.7%* (43,960 S.F.)

SITE IS LOCATED WITHIN THE GROUNDWATER PROTECTION OVERLAY DISTRICT

*INCLUDES AREAS TO BE RE-VEGETATED. DOES NOT INCLUDE FUTURE BIKE PATH
FLOODZONE: X (NOT A FLOOD HAZARD ZONE)
SITE WITHIN ECONOMIC CENTER BOUNDARY

OWNER: WINDMILL SQUARE, LLC
297 NORTH STREET
HYANNIS, MA 02601

APPLICANT: WINDMILL SQUARE, LLC

EXISTING USE: VACANT
PROPOSED USE: RETAIL (TRACTOR SUPPLY CO.)

MAX. BLDG. HEIGHT: 2 STOREYS. 30' TO TOP PLATE
FRONT YARD LANDSCAPE SETBACK: 10' ALONG ROADS
SITE IS ON TOWN WATER (HYANNIS WATER SYSTEMS)
SITE IS ON TOWN SEWER (TOWN OF BARNSTABLE)

PLAN SHEET INDEX:

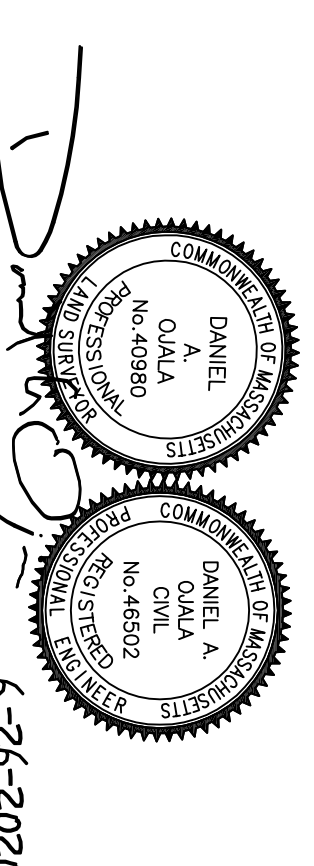
- C001 Cover Sheet
- C100 Existing Conditions Plan
- C200 Landscape/Layout
- C300 Utilities/Grading Plan
- C400 Civil Detail Sheet 1
- C401 Civil Detail Sheet 2

COVER SHEET SITE PLAN

#1174 PITCHERS WAY
HYANNIS, MA

PREPARED FOR
WINDMILL SQUARE LLC

DATE: 6-26-2020 (COMPLIANT BUFFER, PARKING)

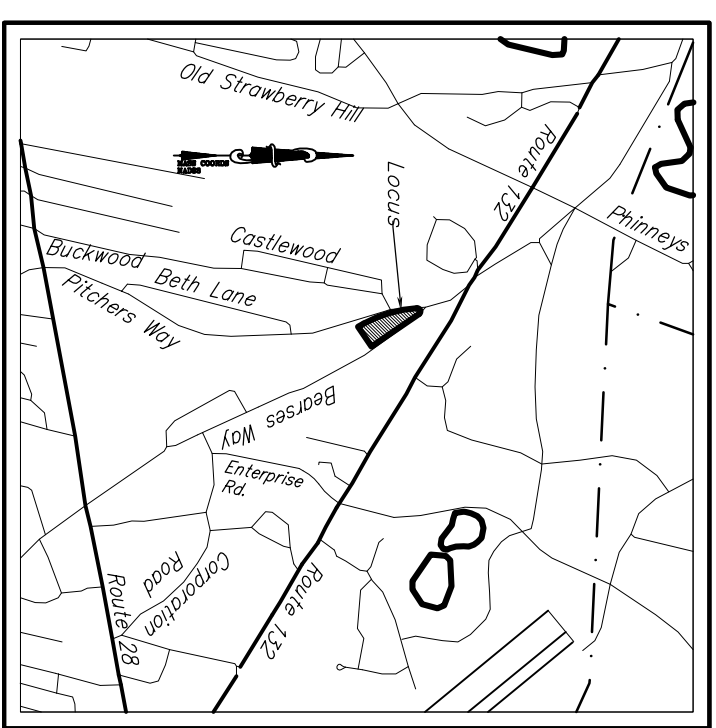
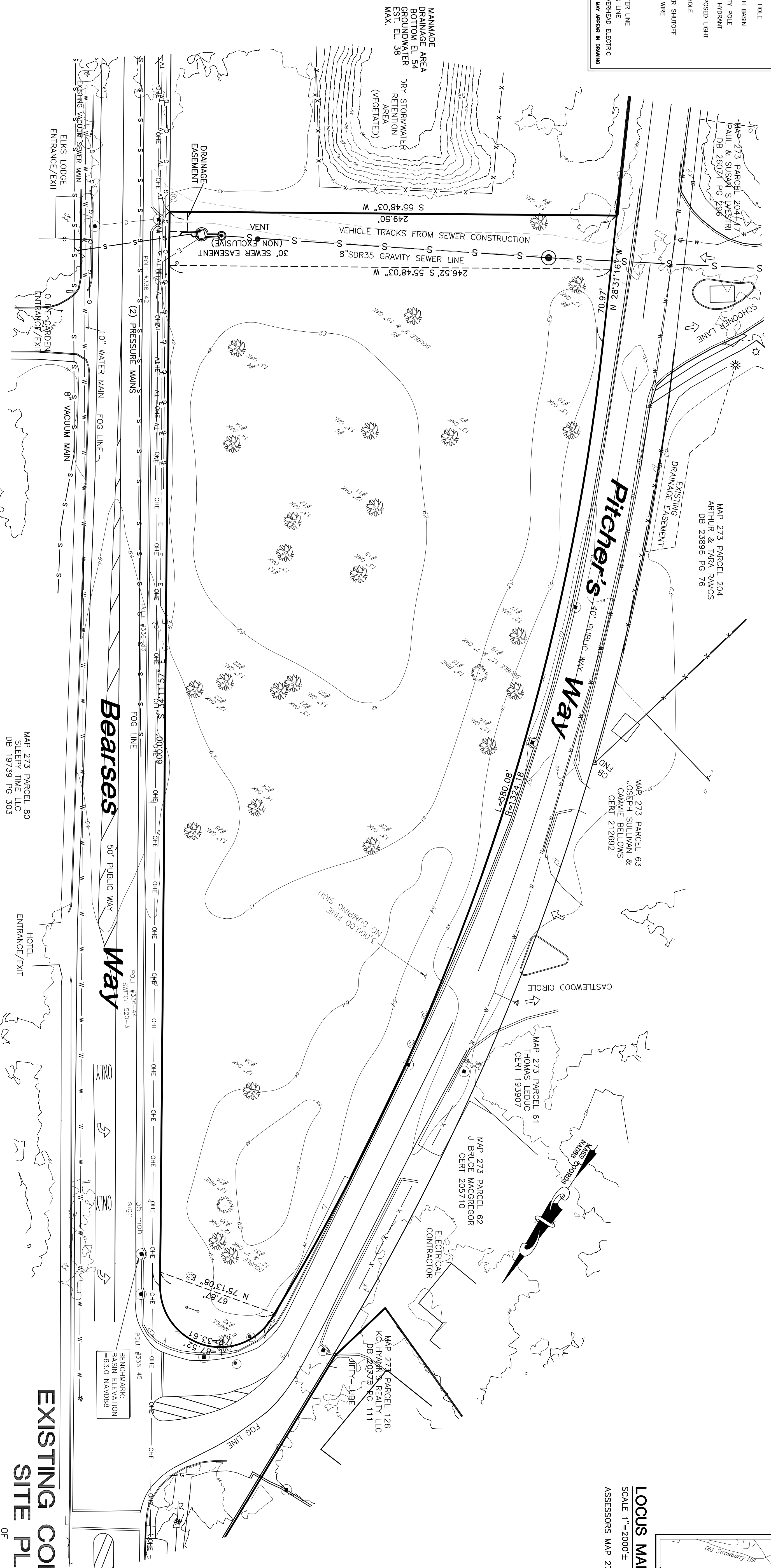


DANIEL A. OJALA, P.E., P.L.S. DATE: 6-26-2020
PERMIT SET, NOT FOR CONSTRUCTION

C001
SHEET 1 OF 6

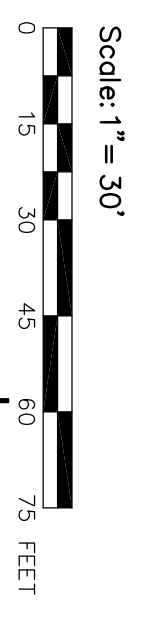


LEGEND	
99	EXISTING CONTOUR
X 99'	EXIST. SPOT ELEV.
-(99.4)	PROPOSED CONTOUR
(99.4)	PROPOSED SPOT EL.
TH	TEST HOLE
CB	CATCH BASIN
UP	UTILITY POLE
FR	FIRE HYDRANT
PL	PROPOSED LIGHT
MA	MANHOLE
WS	WATER SHUTOFF
GW	GYW WIRE
SI	SIGN
W	WATER LINE
G	GAS LINE
OHE	OVERHEAD ELECTRIC
NOTE: NOT ALL SYMBOLS MAY APPEAR IN DRAWING	



LOCUS MAP
SCALE 1"=2000'
ASSESSORS MAP 273 PARCEL 123

**EXISTING CONDITIONS
SITE PLAN**
OF
#1174 PITCHER'S WAY
HYANNIS, MA
PREPARED FOR
WINDMILL SQUARE LLC
DATE: 6-26-2020 (COMPLIANT BUFFER, PARKING)



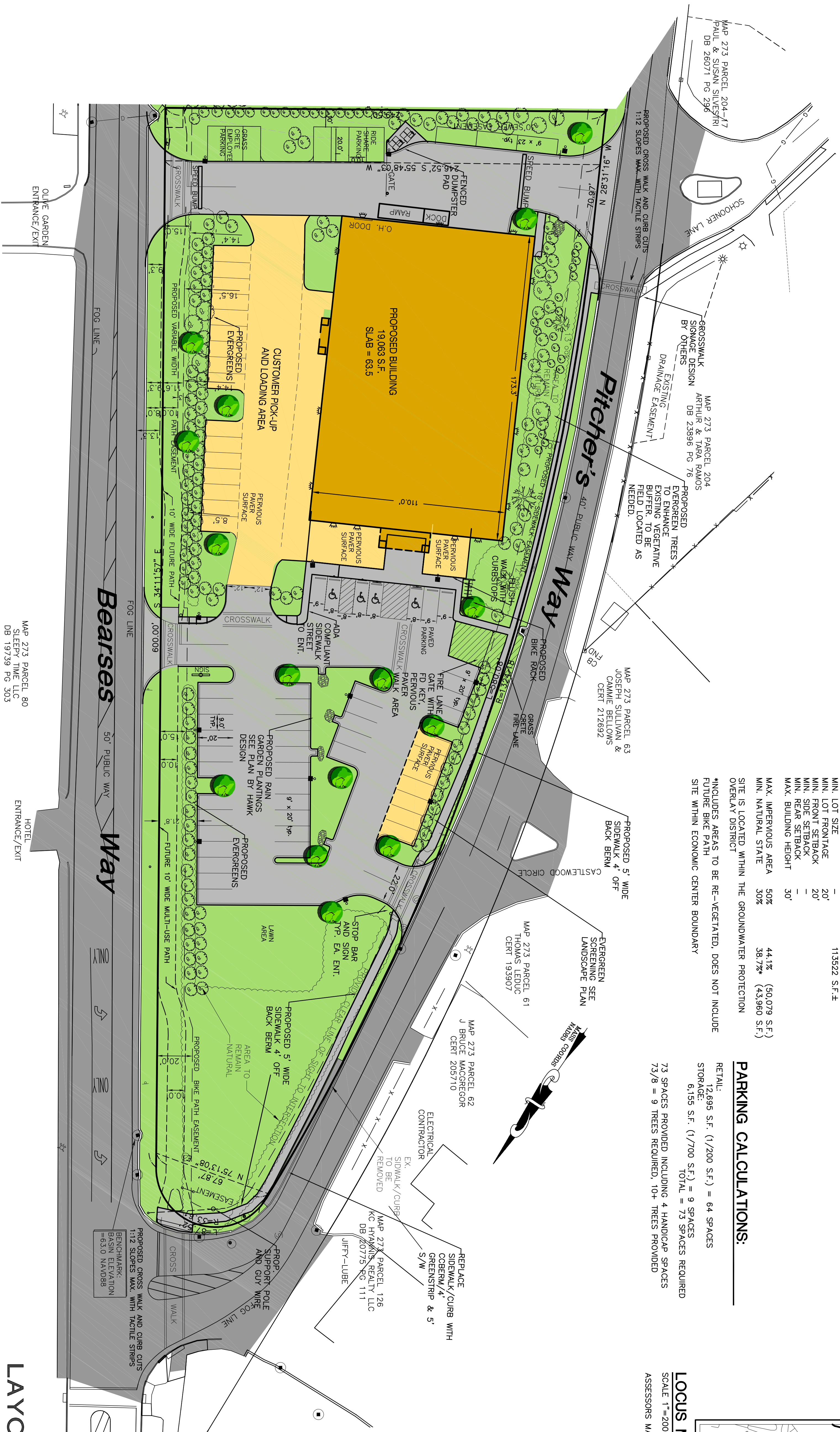
Scale: 1" = 30'
0 15 30 45 60 75 FEET

down cape engineering, inc.
Civil engineers
and surveyors
939 Main Street (Rte 6A)
YARMOUTHPORT MA 02675

DANIEL A. OJALA, P.E., F.L.S. DATE: 6-26-2020
PERMIT SET. NOT FOR CONSTRUCTION

LEGEND	
99	EXISTING CONTOUR
X 99.1	EXIST. SPOT ELEV.
-[99]	PROPOSED CONTOUR
[98.4]	PROPOSED SPOT EL.
TH	TEST HOLE
⊙	CATCH BASIN
⊙	UTILITY POLE
⊙	FIRE HYDRANT
⊙	PROPOSED LIGHT
⊙	MANHOLE
⊙	WATER SHUTOFF
⊙	GVY WIRE
⊙	SIGN
—	WATER LINE
—	GAS LINE
—	OVERHEAD ELECTRIC

NOTE: NOT ALL SYMBOLS MAY APPEAR IN DRAWING



ZONING SUMMARY

ZONING DISTRICT: B DISTRICT	REQUIRED:	PROPOSED:
MIN. LOT SIZE	11,332Z S.F.±	
MIN. LOT FRONTAGE	20'	
MIN. FRONT SETBACK	20'	
MIN. SIDE SETBACK	—	
MIN. REAR SETBACK	—	
MAX. BUILDING HEIGHT	30'	
MAX. IMPERVIOUS AREA	50%	44.1% (50,079 S.F.)
MAX. NATURAL STATE	30%	38.7%* (43,960 S.F.)

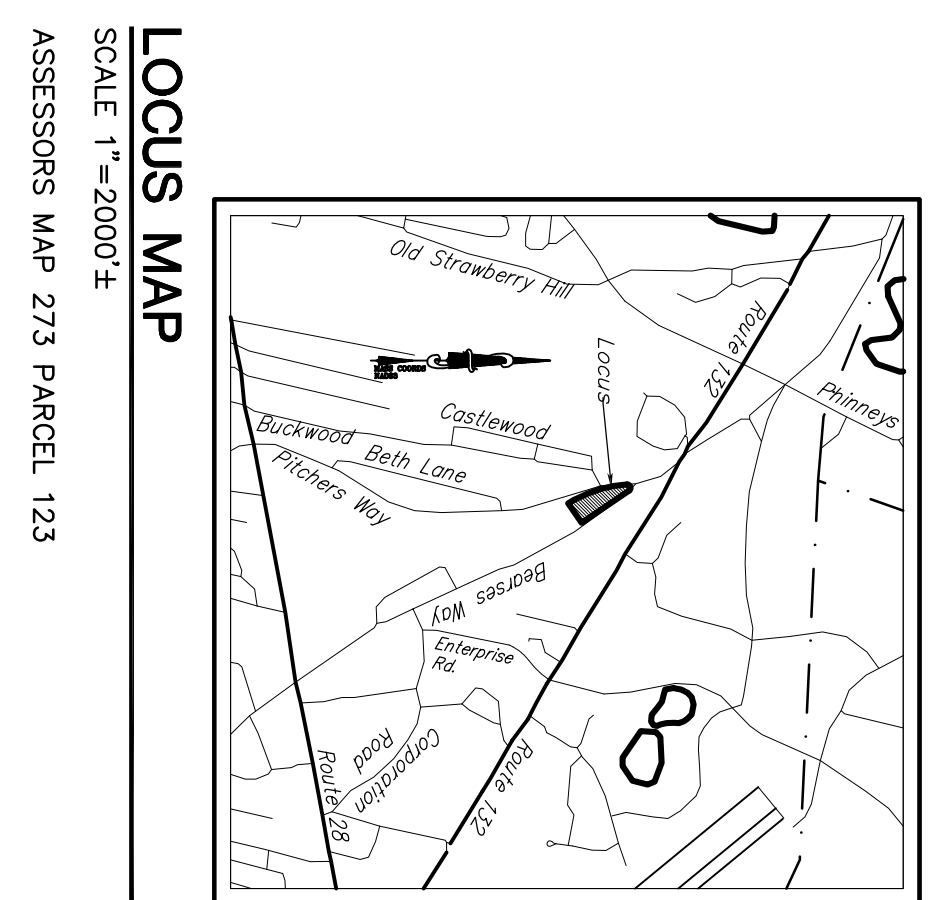
SITE IS LOCATED WITHIN THE GROUNDWATER PROTECTION OVERLAY DISTRICT

*INCLUDES AREAS TO BE RE-VEGETATED. DOES NOT INCLUDE FUTURE BIKE PATH

PARKING CALCULATIONS:

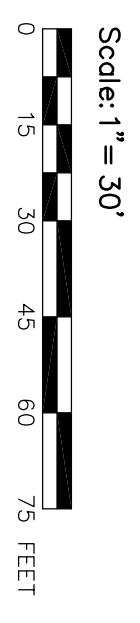
RETAIL:	12,695 S.F. (1/200 S.F.) = 64 SPACES
STORAGE:	6,155 S.F. (1/700 S.F.) = 9 SPACES
TOTAL	= 73 SPACES REQUIRED

73 SPACES PROVIDED INCLUDING 4 HANDICAP SPACES
73/8 = 9 TREES REQUIRED, 10+ TREES PROVIDED



**LAYOUT
SITE PLAN**
OF
**#1174 PITCHER'S WAY
HYANNIS, MA**
PREPARED FOR
WINDMILL SQUARE LLC

DATE: 6-26-2020 (COMPLIANT BUFFER, PARKING)



C200
SHEET 3 OF 6

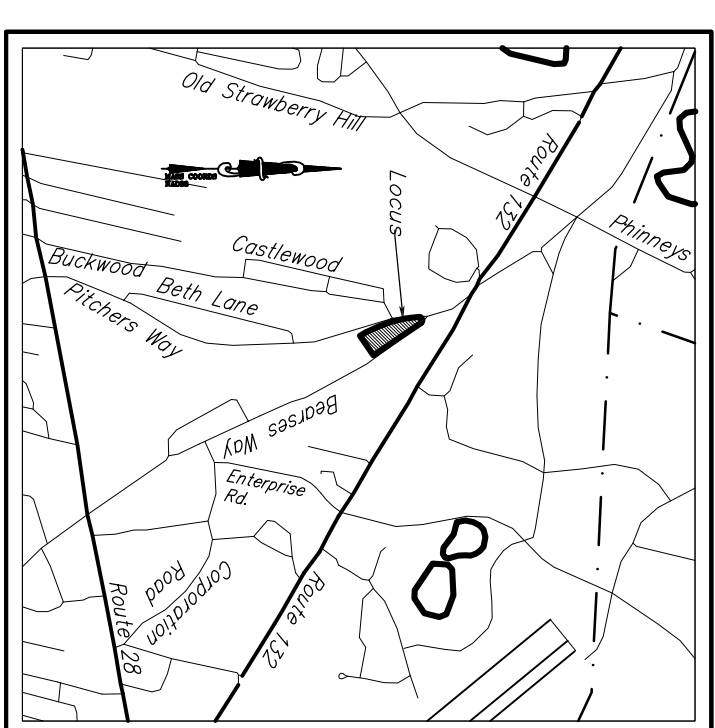
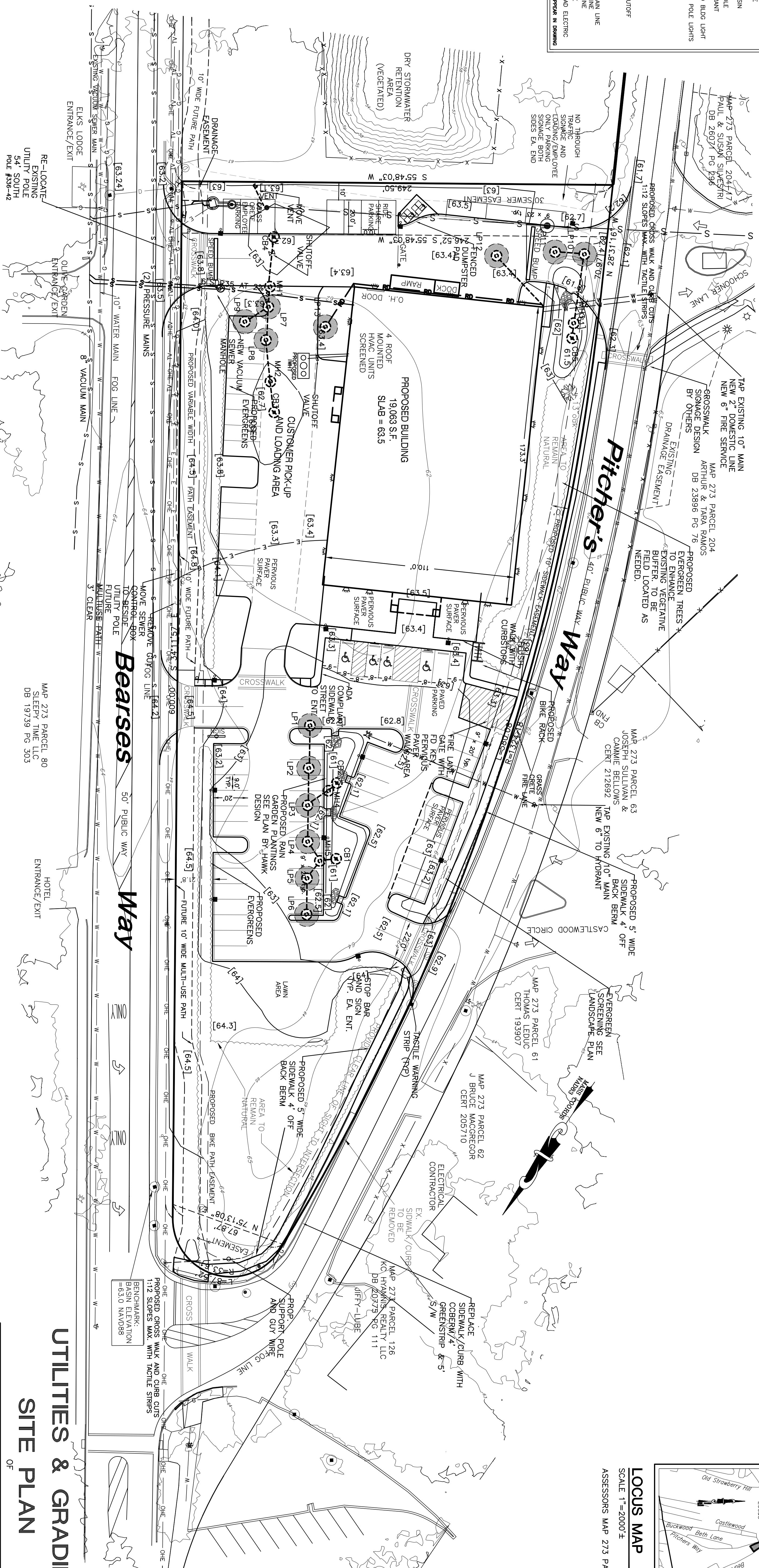
down cape engineering, inc.
civil engineers
land surveyors

939 Main Street (Rte 6A)
YARROWPORT, MA 02675

508-362-4541
downcape.com

LEGEND	
— 99 —	EXISTING CONTOUR
X 98.1	EXIST. SPOT ELEV.
— [99] —	PROPOSED CONTOUR
— [98.4] —	PROPOSED SPOT EL.
⊙	TEST HOLE
⊙	CATCH BASIN
⊙	UTILITY POLE
⊙	FIRE HYDRANT
⊙	PROPOSED BLDG LIGHT
⊙	PROPOSED POLE LIGHTS
⊙	MANHOLE
⊙	6x6 LIFT
⊙	WATER SHUTOFF
⊙	GUY WIRE
⊙	SEWER DRAIN LINE
⊙	SEWER LINE
⊙	WATER LINE
⊙	GAS LINE
⊙	OVERHEAD ELECTRIC

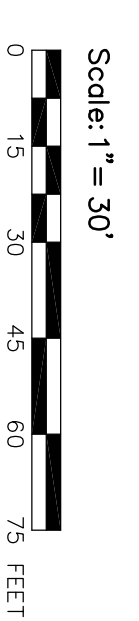
NOTE: NOT ALL SYMBOLS MAY APPEAR IN DRAWING



LOCUS MAP
SCALE 1"=2000' F.
ASSESSORS MAP 273 PARCEL 123

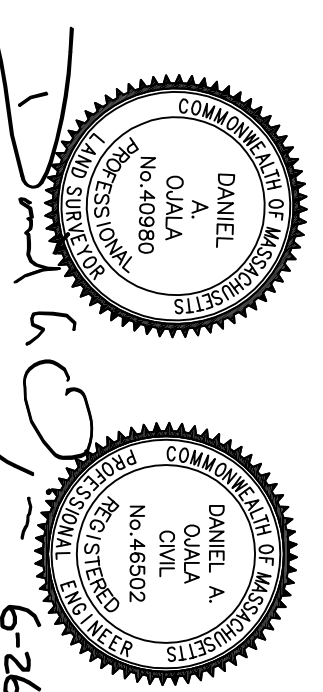
**UTILITIES & GRADING
SITE PLAN**
OF
**#174 PITCHER'S WAY
HYANNIS, MA**
PREPARED FOR
WINDMILL SQUARE LLC

DATE: 6-26-2020 (COMPLIANT BUFFER, PARKING)



C300
SHEET 4 OF 6

down cape engineering, inc.
civil engineers
land surveyors
939 Main Street (Rte 6A)
YARROWTHORPT, MA 02675
Tel: 508-362-4541
Fax: 508-362-5860
www.dcae.com



Town of Barnstable
Planning and Development Department
Elizabeth Jenkins, Director
Staff Report



Appeal No. 2020-041 – Pittenger
Appeal of Building Commissioners Decision to issue Building Permit No. 20-2626 for Tractor Supply Company Store

Date: January 6, 2021
To: Zoning Board of Appeals
From: Planning and Development Staff
Appellant: **Natalie Pittenger**
9 Schooner Lane, Hyannis, MA
Subject Property Address: **1174 Pitcher's Way, Hyannis**
Assessor's Map/Parcel: 273/123
Zoning: Business (B) and Groundwater Protection (GP) Overlay District

Filed: November 4, 2020

Hearing: January 13, 2021

Decision Due: February 7, 2021

Copy of Notice

Natalie Pittenger, as Appellant, is appealing the issuance of Building Permit #20-2626 issued on October 6, 2020 to Windmill Square, LLC., for the construction of new commercial building and supporting outdoor features for a Tractor Supply Company store. The subject property is located at 1174 Pitcher's Way, Hyannis, MA as shown on Assessor's Map 273 as Parcel 123. It is located in the Business (B) Zoning District, and Groundwater Protection (GP) Overlay Zoning District.

Appeal

This matter involves an appeal of the issuance of Building Permit No. 20-2626 for the construction of a new commercial building and supporting outdoor features for a Tractor Supply Company Store. The Appellant argues that the Building Commissioners action should be reversed because it is in violation of Article III, Section 240-35 Groundwater Protection Overlay Districts and ignores the Cape Cod Commission's authority to review projects pursuant to Barnstable Ordinance 90-12 c. A Section 3. The Attorney for the Appellant argues that the products that are typically sold in Tractor Supply are prohibited in the Groundwater Protection Overlay District. The products include, but not limited to storage for resale of heating fuels, including but not limited to oil, coal, gas and kerosene, storage of road salt or other deicing materials, storage of liquid petroleum and storage of commercial fertilizer products.

Background

The subject lot is a 2.8 acre undeveloped lot which fronts onto both Pitcher's Way and Bearses Way and is owned by Windmill Square LLC. The subject lot also abuts the Town of Barnstable Solid Waste Facility. The lot had been owned by the Hyannis Fire District but sold in 2015 to Stuart Bornstein. Mr. Bornstein (Windmill Square LLC) then began the process of seeking permits for Tractor Supply.

Timeline

Windmill Square, LLC (Windmill Square) filed for Site Plan Review with the Town for a 19,072 sq.ft retail building with an approximately 40,000 square foot storage area outdoor storage area. The project was referred to the Cape Cod Commission for review as a Development of Regional Impact (DRI). The threshold for DRI referral in the Hyannis Economic Center, which includes the subject parcel, is 20,000 sq.ft for commercial uses. Under the Cape Cod Commission’s definitions, outdoor storage areas are included when determining total square footage.

Windmill Square filed an application with the Cape Cod Commission for Development of Regional Impact approval on August 26 2019. The Commission issued a Decision approving a DRI on February 6, 2020. The DRI was appealed by Natalie Pittenger on March 10, 2020. The Appeal is pending in Land Court.

Windmill Square refiled for Site Plan Review with a plan that eliminated the outdoor storage areas, replacing the large area next to the proposed building with a customer pickup area and committing to keeping outdoor storage to 937 sq.ft, to keep the project under the 20,000 sq.ft Commission threshold (see 5-15-20 letter from Attorney Michael Princi to Jon Idman, Chief Regulatory Officer, Cape Commission). In May, a Site Plan Review approval was issued indicating relief was required from the Zoning Board for parking, landscaping, and “hazmat” (May 15, 2020 SPR letter).

Windmill Square subsequently refiled yet another version of the site plan, bringing the site into compliance with minimum parking requirements and landscape buffer requirements. (See Site Plan Review set dated 06-26-2020, which is attached to building permit). Windmill Square met with the Building Commissioner and agreed to limit quantities of hazardous materials on site, including: items packaged for retail sale; fertilizers for retail sale to be kept exclusively indoor overnight and at levels below those regulated by the Code of Massachusetts Regulations; kerosene for retail sale only in household/quart quantities; and the required waste oil disposal to one 55 gallon drum, to be emptied at 2/3 full.

Windmill Square filed variance applications the Zoning Board of Appeals, Variance 2020-017 and Variance 2020-023, for relief from GP requirements, landscape buffers, and parking requirements. Once revised site plans were submitted, the variance applications were withdrawn at the request of the applicant.

Windmill square proceeded to apply for building permits for the proposed Tractor Supply; the project was found to comply with the Zoning Ordinance and permits were issued on October 6, 2020.

Procedural Review

This appeal was filed with the Town Clerk’s office on and the Planning and Development Department Zoning Board of Appeals office on November 4, 2020. The Building Permit was issued on October 6, 2020. The Appeal was filed within 30 days of the denial to enforce zoning as required by MGL 40A.

Findings

The Board should make findings when either voting to uphold or overrule the Building Commissioner’s issuance of the building permit. It is the Board’s responsibility to determine if:

the Building Commissioner properly issued the building permit, as the project was in compliance with the Zoning ordinance; or

to find the permit was not issued properly, and reverse the decision of the Building Commissioner and nullify the permit.

Procedural Information

Upon making findings, the Board may choose to vote to:

-) Uphold or the Building Commissioner’s issuance of the Building permit; or
-) Overturn the Building Commissioner’s issuance of the Building Permit,

A vote of 4 members of the Board is required to overturn the Building Commissioner’s decision.

CC: Appellants (c/o Attorney Michael Fee)

Attachments: Application
Assessor’s aerial photo
May SPR letter
Princi letter to Idman 5-15
6/26 SPR Set



Eliza Cox
Direct Line: (508) 790-5431
Fax: (508) 771-8079
E-mail: ecox@nutter.com

November 12, 2020
#120274-1

By Hand

Carol Puckett, Clerk
Town of Barnstable
Zoning Board of Appeals
200 Main Street
Hyannis, MA 02601

Re: Matthew J. MacKinnon, Trustee of 33 Oyster Place Realty Trust
33 Oyster Place Road, Cotuit
Application for Special Permit

Dear Carol:

On behalf of Matthew J. MacKinnon, Trustee of 33 Oyster Place Realty Trust (the "Trust"), I enclose the following materials for filing with the Barnstable Zoning Board of Appeals in connection with the Trust's proposal to alter the pre-existing, non-conforming pier located at 33 Oyster Place Road, Cotuit:

1. Two (2) copies of an application for Special Permit pursuant to Section 240-93(B) of the Zoning Ordinance, both of which have been clocked in by the Town Clerk.
2. Three (3) full sized and seven (7) reduced sized sets of the proposed civil site plans entitled "Site Plan Waterfront Existing Conditions At 910 Main Street & 33 Oyster Place Rd. Barnstable (Cotuit) Mass." prepared by Sullivan Engineering dated November 5, 2020 and "Site Plan Waterfront Improvements At 910 Main Street & 33 Oyster Place Rd. Barnstable (Cotuit) Mass." Prepared by Sullivan Engineering dated November 5, 2020.
3. Seven (7) copies of the Addendum to the Special Permit Application, with exhibits, describing the proposed project, the site history, and requested zoning relief.
4. Check number 80558 in the amount of \$400.00 representing the required filing fee.

Carol Puckett, Clerk
November 12, 2020
Page 2

We kindly request that this matter be scheduled for the December 9, 2020 Zoning Board of Appeals hearing agenda.

Please do not hesitate to contact me with any questions, comments, or should you require any additional information with this filing.

Thank you very much for your assistance.

Very truly yours,



Eliza Cox

EZC:cam
Enclosures

cc: 33 Oyster Place Realty Trust (w/ encls.)

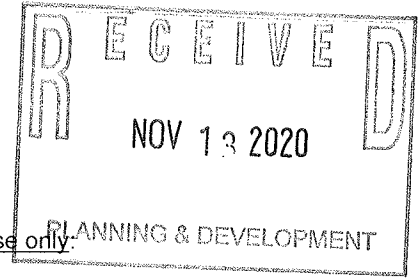
4985149.1



13 NOV 20 AM 11:46
BARNSTABLE TOWN CLERK

**TOWN OF BARNSTABLE
Zoning Board of Appeals**

Petition for a Special Permit



Date Received
Town Clerk's Office:

For office use only:
Appeal # _____
Hearing Date _____
Days Extended _____
Decision Due _____

The undersigned hereby applies to the Zoning Board of Appeals for a Special Permit, in the manner and for the reasons set forth below:

Petitioner's Name¹: Matthew J. MacKinnon, Trustee of 33 Oyster Place Realty Trust c/o Attorney Eliza Cox Phone: 508-790-5431

Petitioner's Address: Nutter McClennen & Fish, LLP, PO Box 1630, Hyannis MA 02601

Property Location: 33 Oyster Place Road, Cotuit

Property Owner: 33 Oyster Place Realty Trust Phone: _____

Address of Owner: 33 Oyster Place Road, Cotuit, MA 02635
If applicant differs from owner, state nature of interest.²

Registry of Deeds/Land Court References: Deed 32388/322 Plan 303/96 & 307/40

Assessor's Map/Parcel Number: 035/101 Zoning District: RF and Dock & Pier Overlay

Number of Years Owned: ~1 year Groundwater Overlay District: AP

Special Permit Requested: Section 240-93(B), to alter the pre-existing, nonconforming pier structure
Cite Section & Title from the Zoning Ordinance

Description of Activity/Reason for Request: The Trust requests special permit relief pursuant to Section 240-93(B) to alter the pre-existing, non-conforming pier by removing approximately 3,000 square feet of the solid fill pier and constructing an elevated wooden pier with associated ramps and floats for shared use with the Cotuit Fire District and the Barnstable Clean Water Coalition.

Attach additional sheet if necessary

Is the property subject to an existing Variance or Special Permit..... No Yes
Permit #. _____

¹ The Petitioner's Name will be the entity to whom the special permit will be issued to.
² If the Applicant differs from owner, the Applicant will be required to submit one original notarized letter, from the owner authorizing the application to the Zoning Board, a copy of an executed purchase & sales agreement or lease, or other documents to prove standing and interest in the property.

Petition for a Special Permit - Page 2

Description of Construction Activity (if applicable): Alter existing structure by removing approximately 3,000 square feet of the existing solid fill pier, leaving approximately 300 square feet, and constructing an elevated wooden pier on pilings with ramps and floats, together with numerous benefits described in the project narrative. *Attach additional sheet if necessary*

Existing Level of Development of the Property - Number of Buildings: 2
Present Use(s): Residential with pre-existing, nonconforming pier

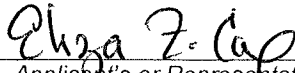
Existing Gross Floor Area: 3200 sf (pier structure) sq. ft. Proposed Gross Floor Area: 650 sf (pier) sq. ft.

Site Plan Review Number: N/A Date Approved: _____ (not required for Single or Two family use)

- Is the property located in a designated Historic District? Yes No
- Is this proposal subject to the jurisdiction of the Conservation Commission? Yes No
- Is this proposal subject to approval by the Board of Health? Yes No
- Is the building a designated Historic Landmark? Yes No
- Have you applied for a building permit? Yes No
- Have you been refused a building permit? Yes No

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

- 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 one (1) reduced copy (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.
- Three (3) copies of a proposed site improvement plan, as found approvable by the Site Plan Review Committee (if applicable), and building elevations and layout as may be required plus one (1) reduced copy (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 structures.
- The applicant may submit any additional supporting documents to assist the Board in making its determination. Twelve copies of all supporting documents must be submitted eight days prior to the public hearing for distribution to the Board Members.

Signature:  Date: 11/12/2020
Applicant's or Representative's Signature

Print Name: Eliza Cox, Esq.

Address: Nutter McClennen & Fish, PO Box 1630, Hyannis 02601 Phone 508-790-5431

Fax No: _____

e-mail Address: ecox@nutter.com

³ 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.

ASSESSORS REF.:

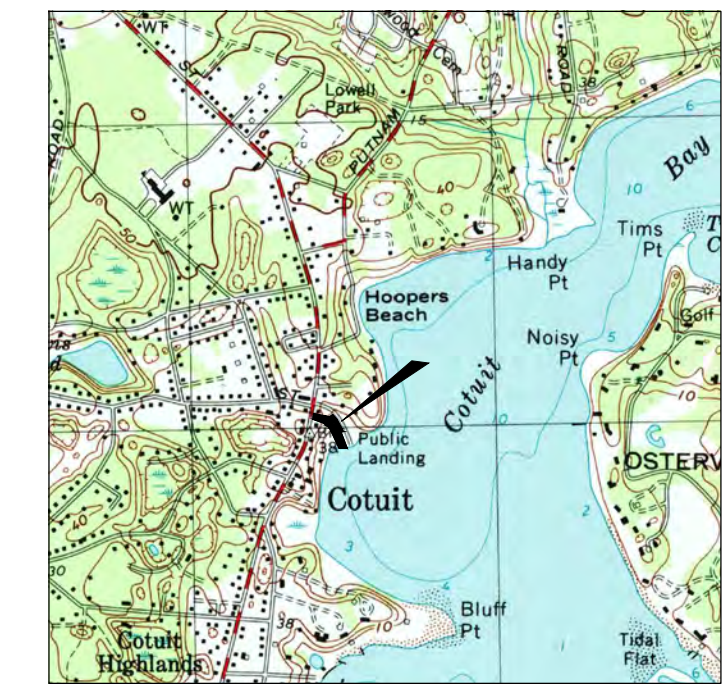
Map 35
Parcel 90 and 101

OVERLAY DISTRICT:

AP - Aquifer Protection District
Dock and Pier Overlay District

FLOOD ZONE:

Zones VE Elev. 14', X (0.2% Annual Chance)
& X (Min Flood Hazard)
Community Panel No. #250001C0756J
July 16, 2014



LOCATION MAP:
Scale: 1" = 2000'

DIRECTIONS:

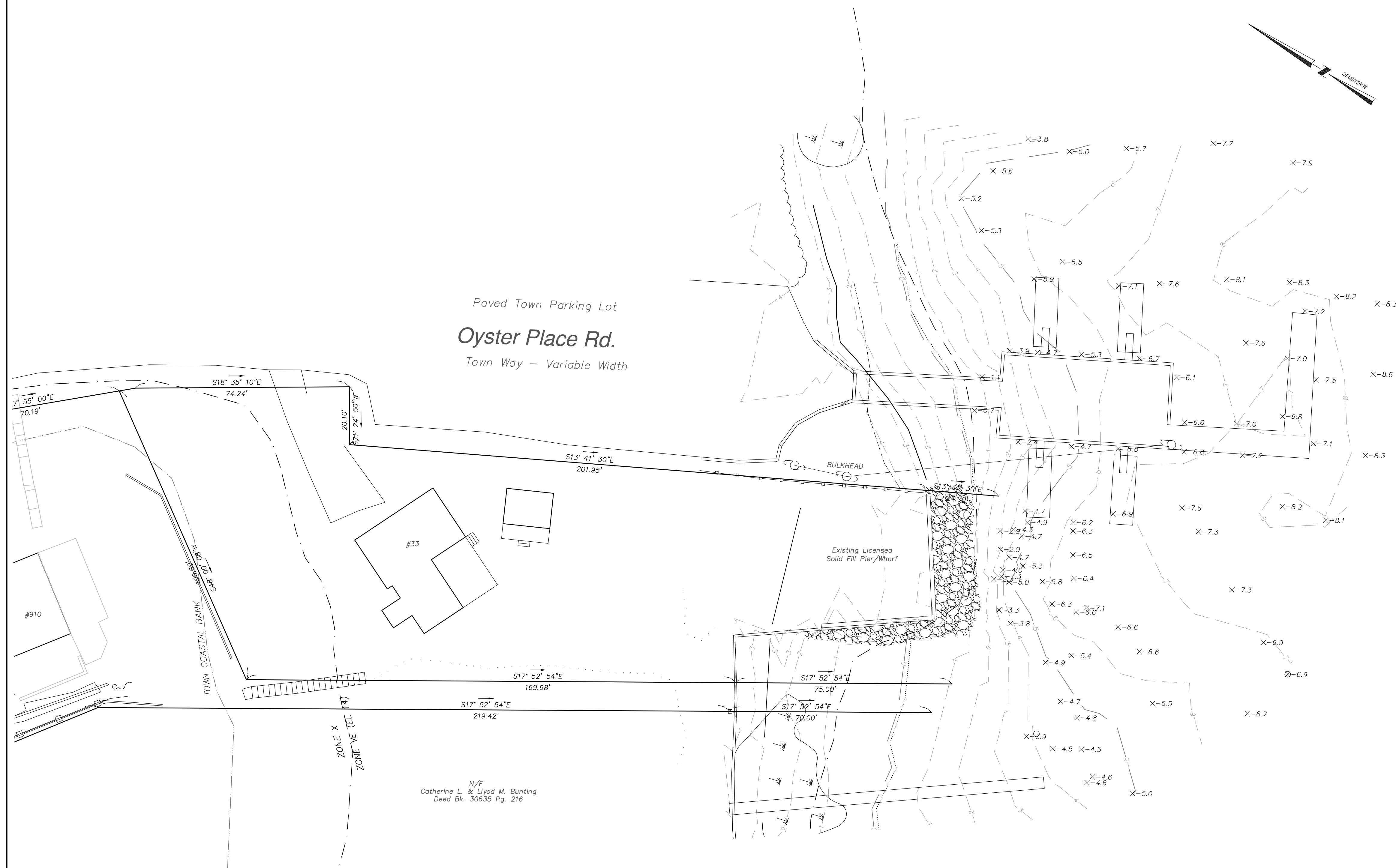
From Hyannis - Follow Main Street to the West End Rotary; Take second exit onto West Main Street. Turn left at the light onto Rt. 28. Turn left onto Main Street in Cotuit turn left onto Oyster Place Rd 33 is on your right. 910 Main St. is just past Oyster Place Rd. on the left.

ZONE:

RF
Area (min.) 87,120 SF (RPOD)
Frontage (min) 150'
Width (min) -
Setbacks:
Front 30'
Side 15'
Rear 15'

REFERENCES:

Main Street
Deed Bk. 29249 Pg.75
Plans: Plan BK. 307 Pg. 40
Plan BK. 303 Pg. 96
Oyster Place
Deed Bk. 29761 Pg.299
Plan BK. 307 Pg. 40
Plan BK. 303 Pg. 96
Plan BK. 66 Pg. 39



Paved Town Parking Lot
Oyster Place Rd.
Town Way - Variable Width

Existing Licensed Solid Fill Pier/Wharf

N/F
Catherine L. & Lloyd M. Bunting
Deed Bk. 30635 Pg. 216

- NOTES:**
- 1) The property line information shown hereon was compiled from available record information.
 - 2) The dwellings shown were located by Down Cape.
 - 3) Shoreline topographic information, soundings, and structures were compiled using conventional survey method and RTK GPS performed by Sullivan Engineering & Consulting Inc. on December 4, 2019.
 - 4) The datum used is M.L.W.

PREPARED FOR:
Donald J. MacKinnon Tr.
Matthew J. Mackinnon Tr.
P.O. Box 152
Hingham, MA 02043

PREPARED BY:
Sullivan Engineering & Consulting, Inc.
(508) 428-3344 • P.O. Box 659 • 711 Main Street, Osterville, MA 02655
seci@sullivanengin.com • www.sullivanengin.com

Draft: CTR Field: WHK/JOD/CTR
Review: JOD Comp.: CTR
Project: Project#: 39029

REV.:	Note Proposed Parcel Line Changes as "Future"	11/13/2020
TITLE:	Site Plan Waterfront Existing Conditions At 910 Main Street & 33 Oyster Place Rd. Barnstable (Cotuit) Mass.	
DATE:	November 5, 2020	SCALE: 1"=20'

ASSESSORS REF.:

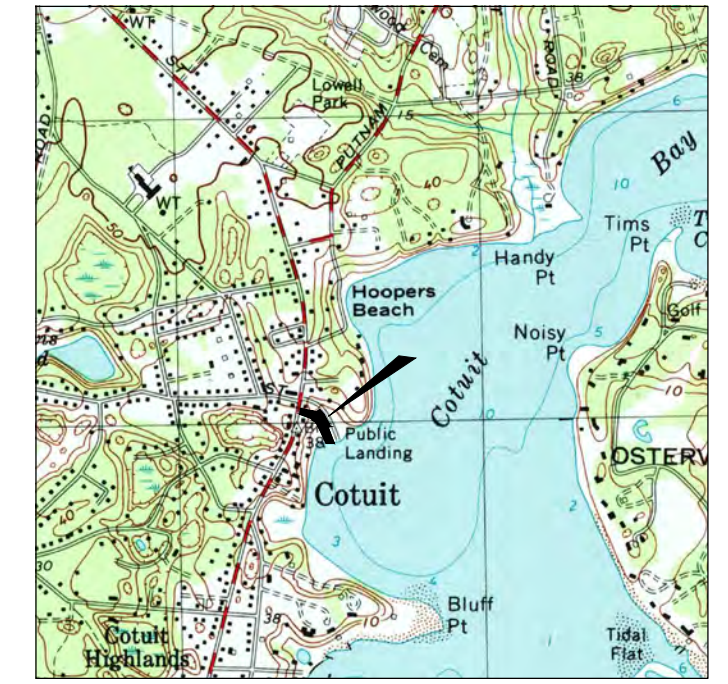
Map 35
Parcel 90 and 101

OVERLAY DISTRICT:

AP - Aquifer Protection District
Dock and Pier Overlay District

FLOOD ZONE:

Zones VE Elev. 14', X (0.2% Annual Chance)
& X (Min Flood Hazard)
Community Panel No. #250001C0756J
July 16, 2014



LOCATION MAP:
Scale: 1" = 2000'

DIRECTIONS:

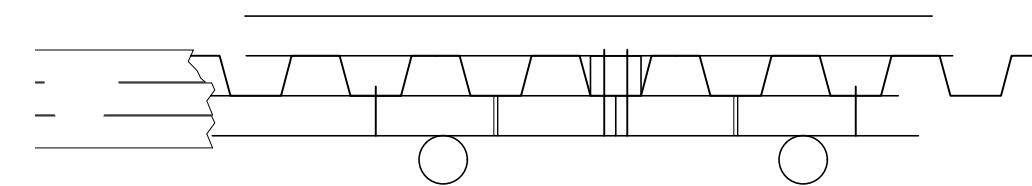
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ZONE:

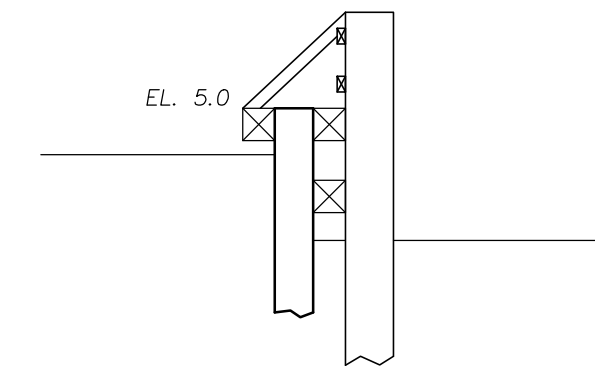
RF
Area (min.) 87,120 SF (RPOD)
Frontage (min) 150'
Width (min) -
Setbacks:
Front 30'
Side 15'
Rear 15'

REFERENCES:

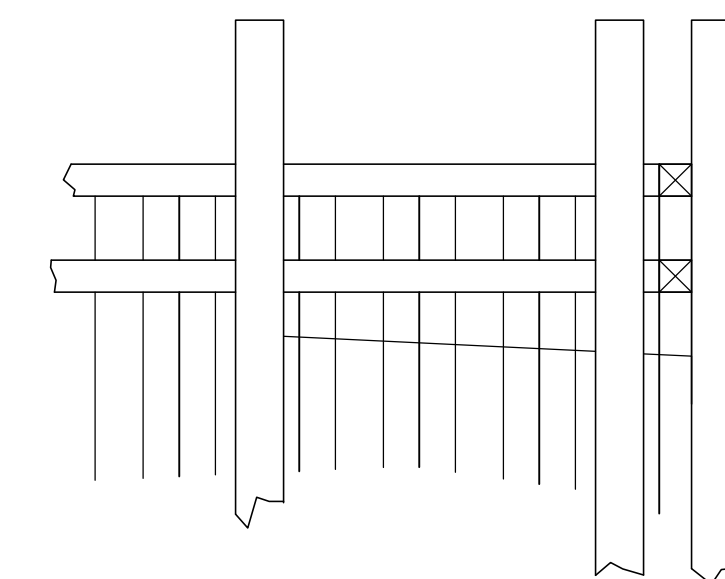
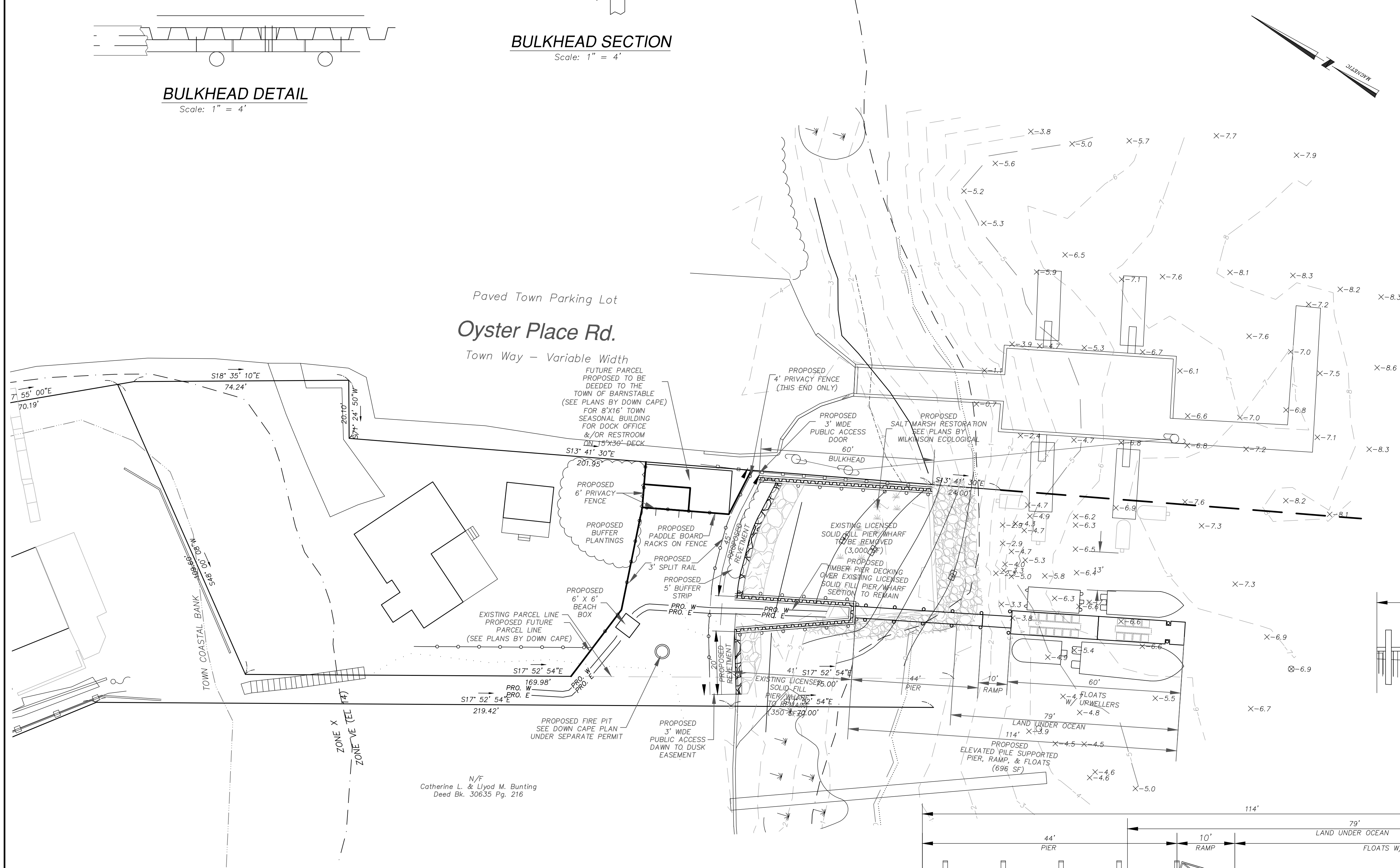
Main Street
Deed Bk. 29249 Pg.75
Plans: Plan BK. 307 Pg. 40
Plan BK. 303 Pg. 96
Oyster Place
Deed Bk. 29761 Pg. 299
Plan BK. 307 Pg. 40
Plan BK. 303 Pg. 96
Plan BK. 66 Pg. 39



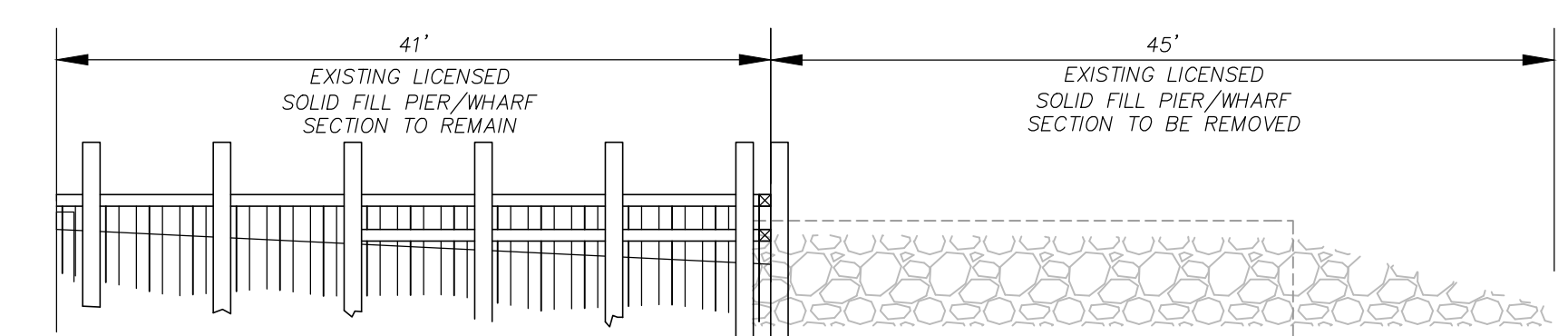
BULKHEAD DETAIL
Scale: 1" = 4'



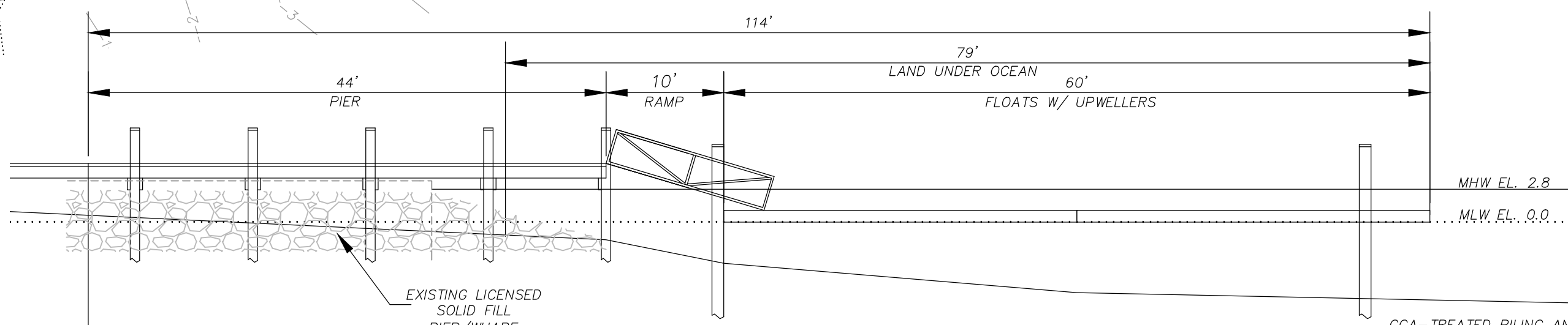
BULKHEAD SECTION
Scale: 1" = 4'



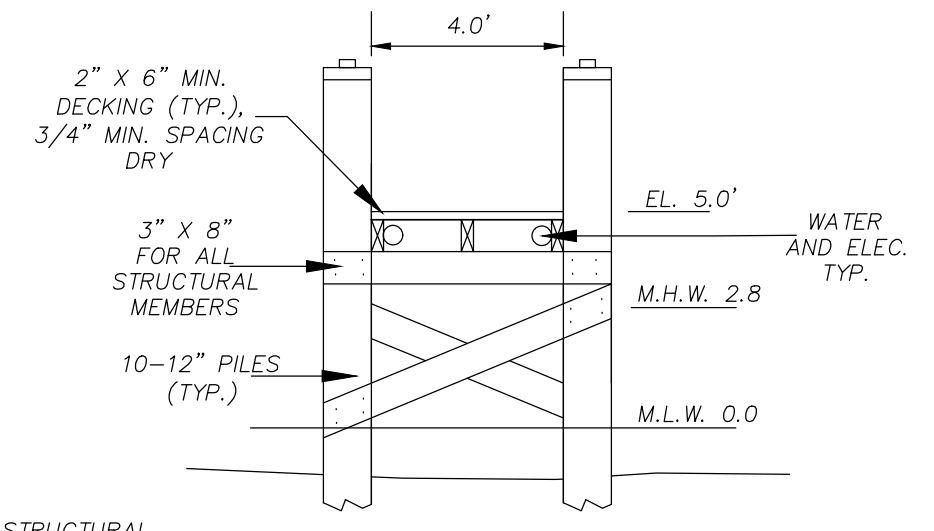
SOLID FILL PIER / WHARF PROFILE DETAIL
Scale: 1" = 4'



SOLID FILL PIER / WHARF PROFILE
Scale: 1" = 10'



PIER PROFILE
Scale: 1" = 10'



PIER SECTION
Scale: 1" = 4'



REVTMENT SECTION
Scale: 1" = 4'

NOTES:

- The property line information shown hereon was compiled from available record information.
- The dwellings shown were located by Down Cape.
- Shoreline topographic information, soundings, and structures were compiled using conventional survey method and RTK GPS performed by Sullivan Engineering & Consulting Inc. on December 4, 2019.
- The datum used is M.L.W.

PREPARED FOR:

Donald J. MacKinnon Tr.
Matthew J. Mackinnon Tr.
P.O. Box 152
Hingham, MA 02043

PREPARED BY:

Sullivan Engineering & Consulting, Inc.
(508) 428-3344 • P.O. Box 659 • 711 Main Street, Osterville, MA 02655
sec@sullivanengin.com • www.sullivanengin.com

Draft: CTR Field: WHK/JOD/CTR
Review: JOD Comp.: CTR
Project: Project#: 39029

REV.: Note Proposed Parcel Line Changes as "Future" 11/13/2020

TITLE:

**Site Plan
Waterfront Improvements
At
910 Main Street &
33 Oyster Place Rd.
Barnstable (Cotuit) Mass.**

DATE: November 5, 2020 SCALE: 1"=20'

Addendum to Zoning Board of Appeals' Application

Project Narrative

33 Oyster Place Road Map 035 Parcel 101

Project Summary

Matthew MacKinnon, Trustee of the Oyster Place Realty Trust (the "Trust"), owner of 33 Oyster Place Road, proposes this project which consists of altering the pre-existing, non-conforming pier, originally licensed in 1914, by removing approximately 3,000 square feet of the solid fill pier, and constructing an elevated wooden pier with associated ramps and floats, for shared use with the Cotuit Fire District (see letter from Fire Chief, attached as Exhibit F) and the Barnstable Clean Water Coalition (see letter from its Executive Director, attached as Exhibit G). In connection with these improvements, the Trust also proposes to create a new salt marsh within the restored intertidal area, installation of upwellers within the floats on the altered pier for the propagation of shellfish for distribution within Barnstable recreational shellfish areas, and donating a permanent public pedestrian easement running along the shorelines of 33 Oyster Place and 910 Main Street¹ in lieu of the existing revocable license. Further details regarding the project, and associated zoning relief, are described below and shown on the plans and materials accompanying the applications.

Site History and Proposed Project

In 1874, Jarvis R. Nickerson and Washington E. Robbins were granted a License ("1874 License") to construct a solid fill pier/wharf, consisting of solid fill placed between seawalls or bulkheads enclosing an area forty (40) feet wide, extending sixty (60') feet from mean low water into Cotuit Harbor, all as shown on the License Plan that accompanied the 1874 License ("1874 License Plan"). Copies of the 1874 License and 1874 License Plan are attached hereto as Exhibit A.

In 1914, the Cotuit Oyster Company obtained a License ("1914 License") to extend the solid fill pier/wharf constructed pursuant to the 1874 License onto the abutting property to the East, which the Cotuit Oyster Company also owned, all as shown on the License Plan that accompanied the 1914 License ("1914 License Plan"). Copies of the 1914 License and 1914 License Plan are attached hereto as Exhibit B.

The 1914 License Plan shows which portions of the solid fill pier/wharf were licensed in 1874, and which were licensed in 1914. At this time, the pier extended across the properties located at 33 Oyster Place, 910 Main Street, and 916 Main Street. The plan also shows the coal sheds and boat shop, which were constructed on the expanded pier, and extended on pilings into the waters of Cotuit Harbor. Photographs of these structures, as utilized by the Cotuit Oyster Company during this period are available on the Cotuit Fire District website, and copies of those photographs are attached hereto as Exhibit C.

¹ The owner of 910 Main Street also consents to the granting of this easement.

At some point thereafter, commercial operations at the site abated, and the portion of the solid fill pier originally constructed in 1874 was removed, leaving the portion authorized by the 1914 License. This portion is located entirely on the property now known and numbered as 33 Oyster Place.

In 1912, Congressman Charles Gifford acquired both 910 Main Street and 33 Oyster Place, and resided in it from mid-March until the October session of Congress each year. Interestingly, his office was located in one of the buildings on the solid fill pier/wharf. Congressman Gifford died on the property in 1947. His office always remained on the pier until 1944, when it was destroyed by hurricane. Photographs of Congressman Gifford's office before the 1944 Hurricane, and then directly following the storm are attached hereto as Exhibit D.

In 1952, Florence Claussen, who owned 33 Oyster Place, obtained a License ("1952 License") to construct a stone rip rap around the remaining portion of the solid fill pier/wharf, as shown on the License Plan that accompanied the 1952 License ("1952 License Plan. The remaining solid fill pier is shown on the 1952 License Plan as being approximately forty-five (45') feet wide, and seventy-eight (78') feet long. The plan depicts the original bulkheads constructed in 1914 by the Cotuit Oyster Company, with the armored stone to be placed on the seaward side of those bulkheads. Copies of the 1952 License, the 1952 License Plan, and photographs of the property during Claussen's ownership, are all attached as Exhibit E. The solid fill pier/wharf, as altered and armored by Claussen in 1952, remains to this day and is used by the MacKinnon family and friends to provide access to the Harbor.

In 2009, the then-owner of 33 Oyster Place granted a non-exclusive revocable license of public passage, on foot, across the landward end of the pier, the location of which is depicted on the site plans included with this filing.

Proposed Project

The MacKinnon family members are now the owners of 33 Oyster Place and 910 Main Street, and have been summer residents of Cotuit for many years. DJ MacKinnon has been coming to Cotuit for over fifty (50) years and spent many summers with his grandparents and parents sailing and rowing (in a crew-shell) in and over the waters of Cotuit Harbor. Mr. MacKinnon, along with his family and friends, use the 33 Oyster Place pier/wharf to launch their crew shells and other boats. Having never previously owned waterfront property in Cotuit, Mr. MacKinnon is very familiar with the Town Landing at the end of Oyster Place and recognizes it as the primary connection to the harbor for many of Cotuit's residents. He is also aware of its limitations, and has designed the current project with the intention of helping to alleviate those limitations by incorporating the following design elements into the project: i) alter the existing pier by removing approximately 3000 s.f. of solid fill pier lying adjacent to the Town Landing and Town dock, leaving only approximately 300 s.f. at the easterly end of the existing structure; ii) construct an elevated wooden pier on pilings, with ramps and floats to accommodate the Cotuit Fire District's boat and the Barnstable Clean Water Coalition boat on one side, and the MacKinnon's boats on the other; and iii) provide an up-weller system within the floating portions of the dock for oyster and quahogs, intended for future transplanting throughout Barnstable in areas designated for shellfishing.

In addition, the MacKinnons are proposing to convey a permanent pedestrian easement to the Inhabitants of the Town of Barnstable along the shoreline of 33 Oyster Place and 910 Main Street, just landward of the proposed relocated revetment, which easement would replace the 2009 revocable License that currently runs to the Town. They are also proposing to convey a permanent easement to the Cotuit Fire District to utilize the westerly side of the proposed dock where the District's Metal Shark 29 Defiant vessel will be berthed, and space for the Barnstable Clean Water Coalition boat up to nineteen (19') in length. See, Letter of the Cotuit Fire District Chief, attached as Exhibit F, and letter of the Executive Director of the Barnstable Clean Water Coalition attached as Exhibit G.

Although not a part of this filing, it is noted that the MacKinnons are also in the process of designing modest additions to the homes at 33 Oyster Place and 910 Main Street. As part of these improvements, they will be installing a new denitrification septic system for 33 Oyster Place that is proposed to be sited further away from the shores of Cotuit Harbor. To accommodate the relocation of the alternative septic system, certain lot line adjustments are required. That filing will also include a parcel to be subdivided and donated to the Town of Barnstable for future construction, by the Town, of small structure to accommodate an ADA compliant bathroom facility for use by the public at the Cotuit town dock. These lot lines adjustments will necessitate a separate filing with the Zoning Board of Appeals, which will be forthcoming.

The proposed project requires a Special Permit from Zoning Board of Appeals (ZBA) for the alteration of the pre-existing, non-conforming pier/wharf. In addition, the owners will be filing Notices of Intent for the aspects of the project which are within the Conservation Commission's jurisdiction. As previously noted, separate filings for proposed lot line adjustments will be submitted subsequently.

Special Permit to Alter Pre-Existing, Non-Conforming Pier

The Trust seeks a special permit pursuant to Section 240-93(B) of the Ordinance to alter the pre-existing, non-conforming pier structure as depicted on the project plans. The existing pier, originally licensed in 1914, and constructed thereafter, plainly falls within the broad definition of a "Dock or Pier" contained in Section 240-128 of the Ordinance. Namely, the existing structure is a "combination of assembled materials that may be used", and, in fact, has historically been, and continues to be, used (see attached photos), "as access to the water." Further, consistent with the definition, the MacKinnon pier extends below the reach of mean high water. As depicted on the 1874 License Plan and the 1914 License Plan, the pier extended 60 feet from mean low water into Cotuit Harbor. Accordingly, the existing pier meets the definitional elements of a "Dock or Pier" under the Ordinance.

The property is within the Dock and Pier Overlay District (the "DPOD") contained Section 240-37 of the Ordinance and, therefore, the existing pier could not be newly constructed (without zoning relief) under current zoning. However, the existing pier predates the 2001 adoption of the DPOD by approximately 87 years and is, therefore, considered a lawfully, pre-existing, non-conforming structure under the Ordinance. And while the DPOD prohibits the construction or installation of new docks/piers (subsection D), and the expansion of existing docks/piers (subsection F), it does not prevent or prohibit the alteration of existing docks/piers, as is

proposed here. Rather, the proposed alteration of the pre-existing, non-conforming pier requires a special permit in accordance with the provision of Section 240-93(B) of the Ordinance.

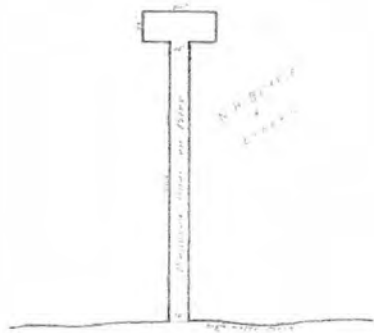
Here, the criteria for granting a special permit – i.e., that the proposed alterations are “not substantially more detrimental to the surrounding neighborhood” – is clearly satisfied. In fact, the proposed alterations will benefit the surrounding neighborhood. The proposed alterations will reduce and decrease the size of the pier from approximately 3,300 square feet to approximately 650 square feet. This is an approximately 80% reduction in the size of the pier providing more water area for the public dinghys to maneuver in and around the Town dock. Furthermore, the project advances the purposes of the DPOD in that it: i.) substantially reduces the size of the pier; ii.) significantly and importantly improves the Cotuit Fire District’s access to the water, thereby improving public safety and response times²; iii.) unlike the current arrangement, which is temporary, this proposal provides the Cotuit Fire Department with a permanent (via easement) docking area with better access to the Harbor; iv.) proposes to grant a permanent public pedestrian easement along the shore; v.) maintains safe, open waters for recreational pursuits by reducing size of the existing pier and, by providing dedicated space for the Cotuit Fire District’s boats; vi.) will restore approximately 3,000 square feet of former land containing shellfish to its natural intertidal and subtidal conditions making the area available for shellfish and improving the natural conditions of the area; and vii.) will greatly improve the aesthetics and natural open character of the area which have been degraded by the existence of the existing structure with a much more aesthetic, elevated wooden pier, together with the planting of healthy native plant communities. Consequently, the proposed pier alteration project is not substantially more detrimental to the surrounding neighborhood. Instead, the project benefits the public and surrounding neighborhood and furthers the purposes of the DPOD. These benefits, together with the other improvements noted above and in the accompanying materials, clearly support the granting of a special permit to allow for the proposed pier alteration.

4845213.3

² Today, the Cotuit Fire Department uses a private dock to berth its boat. That dock has shallow water and the fire/safety boat must dock with its bow facing the land. The altered MacKinnon pier will have sufficient depth to allow the fire/safety boat to be berthed with its bow facing the Harbor and is located much closer to the Town parking lot. These two factors will improve response times over the current situation in the event of an emergency situation.

EXHIBIT A

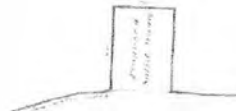
East Bay



Osterville

No 204
 Spruce March 11 1874
 W. H. Smith
 J. H. H. H. H.

West Bay



Coluit

No 203
 Spruce March 11 1874
 W. H. Smith
 J. H. H. H. H.

203 & 204
 REGISTERED OFFICE

203
 204

203
 204

Whereas Jarvis R. Nickerson and Washington E. Robbins of Cotuit, Town of Barnstable, have given written notice to this Board to build a solid wharf in Cotuit Bay according to an Act passed by the Legislature the present session and have submitted plans of the same.

Now therefore the said Jarvis R. Nickerson and Washington E. Robbins are hereby authorized to proceed and build said wharf by building sea walls or bulkheads and filling solid the area enclosed by such sea walls or bulkheads in conformity to a plan filed in this office and numbered 203. Said sea walls or bulkheads to be built substantial in a thorough and workmanlike manner and on and within lines described as follows:

Beginning at a point at low water mark and running into Cotuit Bay nearly at right angles to the shore line a distance of sixty feet. Said structures to be forty feet wide as shown on said plan.

This license is void unless recorded with the accompanying plan in the Registry of Deeds for the County of Barnstable within one year from the date of these presents.

In witness whereof a majority of the Board of Harbor Commissioners have hereto affixed their signatures this eighteenth day of March A. D. 1874.

A true copy, Attest,

Darwin Ware

Sec'y

Josiah Quincy.

F. W. Lincoln.

J. N. Marshall.

203
204



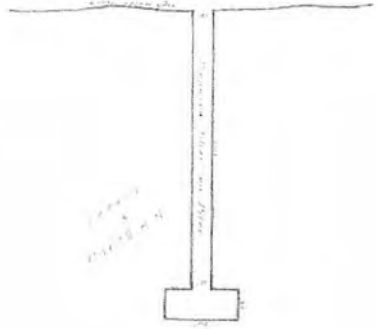
W. J. ...
Frank ...

St. Louis
Mo. 204

OSTEVILLE



Vertical
Horizontal



Vertical
Horizontal

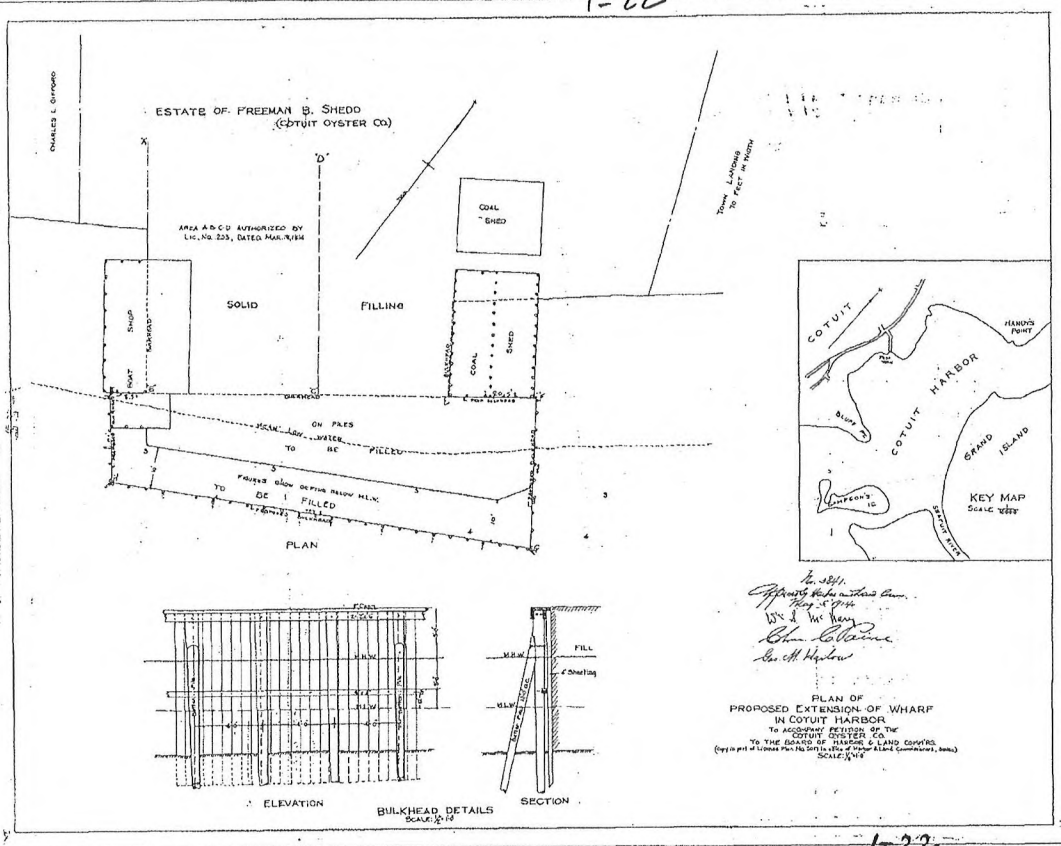
Vertical
Horizontal

203
204

W. J. ...
Frank ...

EXHIBIT B

1-22



March 27 1915

act and deed, before me, Milton D. Porter, Justice of the Peace.
Barnstable, ss. Received April 14, 1915, and is recorded.

I, Henry W. Cullen of Swampscott, Essex County, Massachusetts, for consideration paid, grant to Thomas B. P. Curtis of said Swampscott with warranty covenants the land in Orleans, Barnstable County, Massachusetts, The same being Cottage lot #10, described on Browne's plan of Bay View Park, and is bounded on the East by Cottage Street; on the South by lot #11; on the West by lot #20; and on the North by lot #9. Being the same premises conveyed to me by deed of James B. Steele, dated Sept. 21, 1891, and recorded with Barnstable Registry of deeds, Book 198, Page 22. I, Mary L. Cullen wife of said grantor, release to said grantee all rights of dower and homestead Witness our hands and seals this tenth day of December 1914

Signed, sealed, & delivered, Henry W. Cullen (LS)
in presence of M. D. Porter to H. W. C., Mary L. Cullen (LS)

Commonwealth of Massachusetts

Essex ss. December 10th 1914 Then personally appeared the above named Henry W. Cullen and acknowledged the foregoing instrument to be his free act and deed, before me.

Milton D. Porter, Justice of the Peace.

Barnstable, ss. Received April 14, 1915, and is recorded.

The Commonwealth of Massachusetts

No. 3841.

Plan Cullen Book No. 1 - Page 22.

WHEREAS, the Cotuit Oyster Company, of Cotuit, in the County of Barnstable, and Commonwealth aforesaid, has applied to the Board of Harbor and Land Commissioners for license to build a bulkhead, fill solid and extend a wharf in Cotuit harbor at Cotuit in the town of Barnstable, and has submitted plans of the same; and whereas due notice of said application, and of the time and place fixed for a hearing thereon, has been given, as required by law, to the Selectmen of the town of Barnstable; NOW, said Board, having heard all parties desiring to be heard, and having fully considered said application, heroby, subject to the approval of the Governor and Council, authorize and licenses the said Cotuit Oyster Company, subject to the consent of the Estate of Freeman B. Shedd, the present owner, and subject to the provisions of the ninety-sixth chapter of the Revised Laws, and of all laws which are or may be in force applicable thereto, to build a bulkhead, fill solid and extend a wharf in Cotuit harbor at Cotuit in the town of Barnstable, in conformity with the accompanying plan No. 3841. The area within the following described lines may be filled solid: Beginning at a point marked E on said plan at a corner of the present bulkhead and running northeasterly in the extension of the present bulkhead 20.5 feet, more or less, to a point marked F at a corner of the present pile wharf; thence running southeasterly, in the easterly line of said present pile wharf and in the extension thereof, 36 feet to a point marked G; thence running westerly 98.7 feet, more or less, to a point marked H in the extension of the westerly line of said present pile wharf; thence running northwesterly in said last described

line 21.4 feet to a point marked I at a corner of the present structure; thence running northeasterly 8.5 feet, more or less, to B, at a corner of the present bulkhead; thence running northeasterly in the present bulkhead to E, the point of beginning. A bulkhead shall be built on said lines E-F, F-G, G-H, H-I, I-B before the filling is commenced. This license is granted subject to the laws of the United States. The Plan of said work is on file in the office of said Board, numbered 3841, and a duplicate of said plan accompanies this License, and is to be referred to as a part hereof. Nothing in this License shall be so construed as to impair the legal rights of any person. This License shall be void unless the same, and the accompanying plan, are recorded within one year from the date hereof, in the Registry of Deeds for the County of Barnstable. IN WITNESS WHEREOF, said Board of Harbor and Land Commissioners have hereunto set their hands this fifth day of May, in the year nineteen hundred and fourteen.

Wm. S. McNary } Harbor and Land
Chas. C. Paine } Commissioners.
Geo. M. Harlow }

The Commonwealth of Massachusetts.

Boston, May 6 1914

Approved by the Governor and Council.

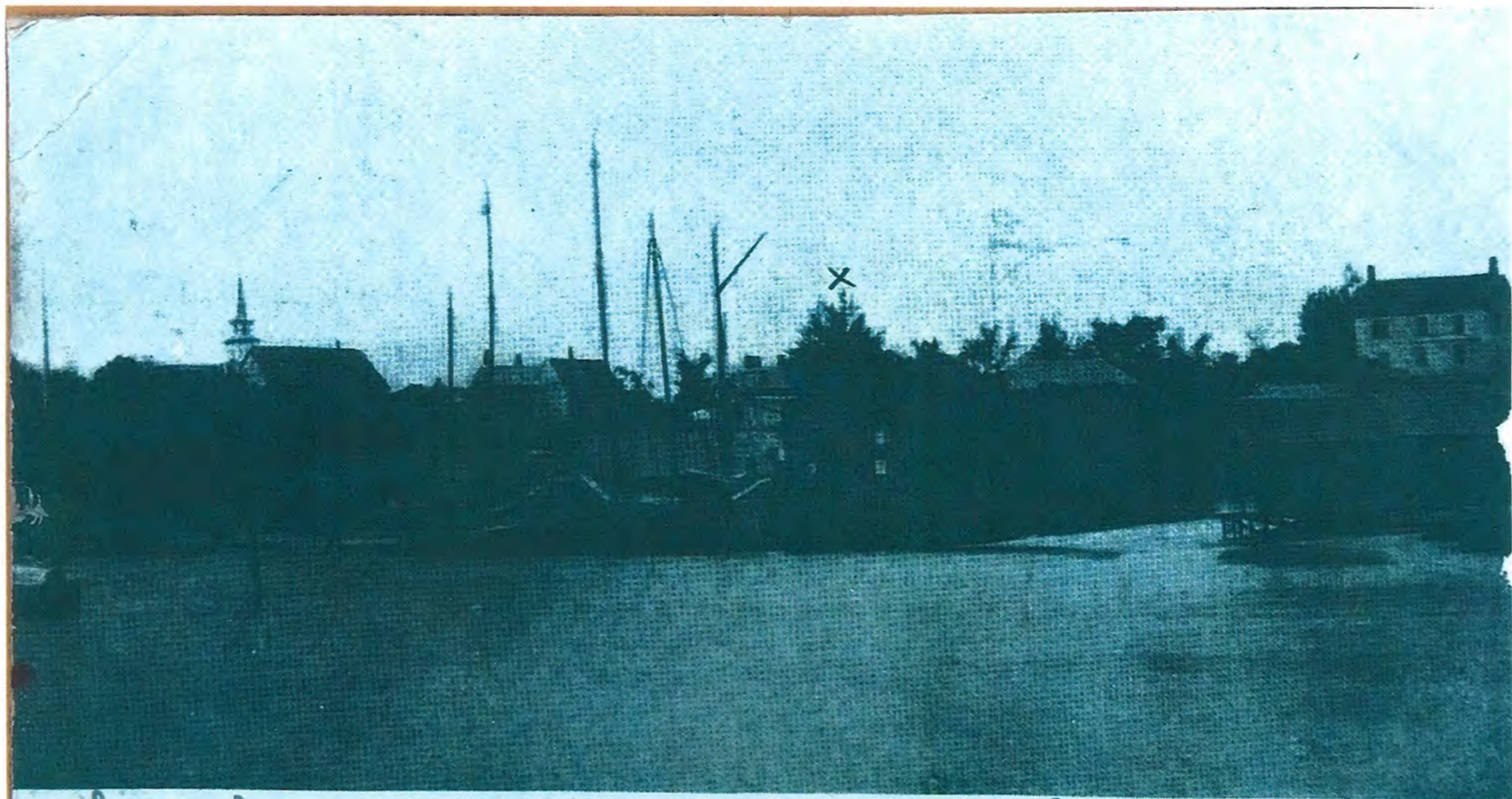
E. F. Hamlin Executive Secretary.

Barnstable, ss. Received April 14, 1916, and is recorded.

KNOW ALL MEN BY THESE PRESENTS

THAT We, William F. Crosby of Newton in the County of Middlesex and Commonwealth of Massachusetts, and Caroline F. Crosby of Worcester in the County of Worcester in said Commonwealth, widow of William K. Crosby late of said Worcester, being all the heirs at law and next of kin of said William K. Crosby, in consideration of one dollar and other valuable considerations paid by Zebina H. Jenkins of West Barnstable, Massachusetts, and Charles H. Hammond of Harwich, Massachusetts, the receipt whereof is hereby acknowledged, do hereby remise, release, and forever quitclaim unto the said Zebina H. Jenkins and Charles H. Hammond a certain tract or parcel of land situated in Barnstable, Massachusetts, bounded and described as follows, to wit:- BEGINNING at the easterly corner of the premises herein conveyed at the cross-roads near the head of the field, so-called; thence westerly by Spruce Pond Road until it comes to a marked tree and heap of stones by woodland of Martin Aittaniemi, formerly of John Smith; thence southerly by woodland of said Martin Aittaniemi to a stake and stones; thence westerly by land formerly of Joseph Blish to a corner; thence northerly by woodland of William H. Parker, formerly of Isaiah Parker, to Spruce Pond; thence westerly by said pond and a stone wall which divides it from woodland of said William H. Parker to woodland formerly of John Hinckley; thence northerly by woodland formerly of John Hinckley and woodland of the heirs of Isaac Whelden to upland of Zebina H. Jenkins; thence easterly in a straight line by upland of said Zebina H. Jenkins to the centre of a ditch which is the outlet of Spruce Pond; thence northeasterly by said ditch to "No Bottom Pond" so-called; thence

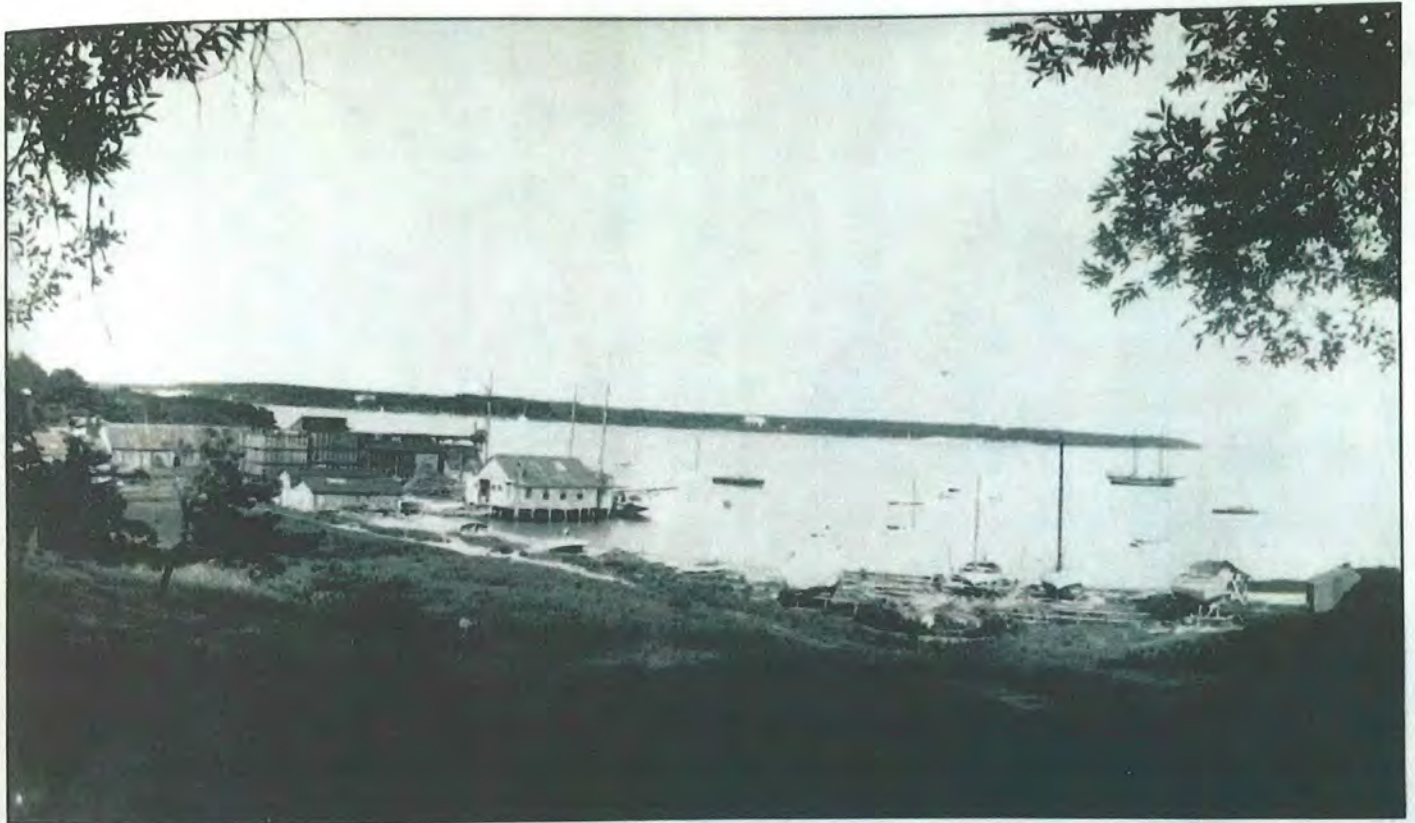
EXHIBIT C



Dear Ferris,
2803-PUBLISHED BY B. F. SEARS. THE WHARVES, COTUIT, MASS. Cotuit Jan 11.
it is just-believed the tree where the cross is.
all well. Mrs. Isaac A. Sturge.

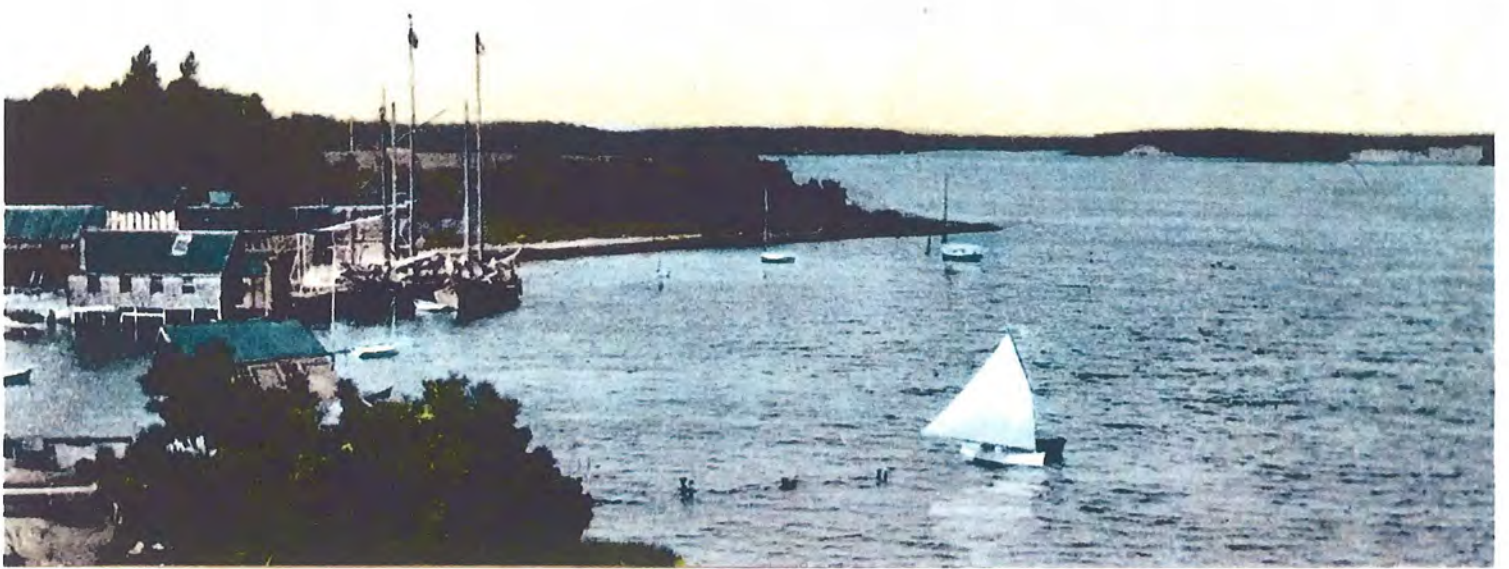


TOWN LANDING, 1890. By 1899, Oyster Place had displaced the Lower Harbors Landing) as the center of marine activity. In the center are the coal sheds of the Seaside Lumber Company. Tied up alongside are two coastal schooners, the bulk carriers bringing coal from Philadelphia and New Jersey ports. Also shown are Capt. Carlton's boatyard and the Cotuit Oyster Company, behind the masts.



CAPT. CARLTON NICKERSON'S BOATYARD. This idyllic scene is Cotuit's waterfront before World War I. In the foreground is Capt. Carlton Nickerson's boatyard, where he repaired his two schooners, probably the ones offshore and at the Cotuit Oyster Company's dock. Only two houses can be seen on Grand Island. Prof. Edward Channing's is to the left, and the Storrows' Sandy House is in the center.

Harbor, Cotuit, Mass.

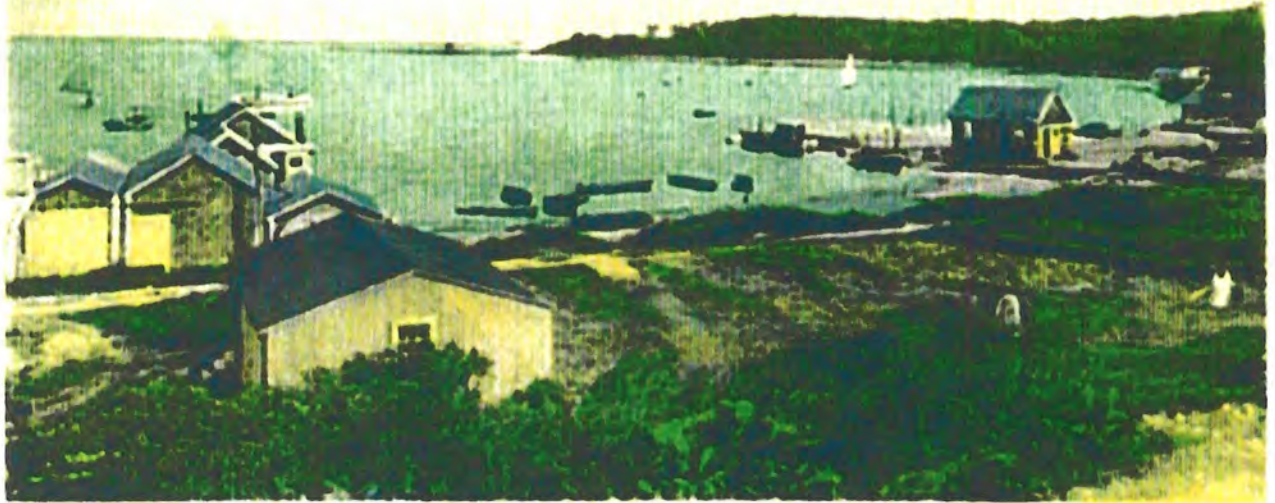


Upper Harbor, Cotuit, Mass.



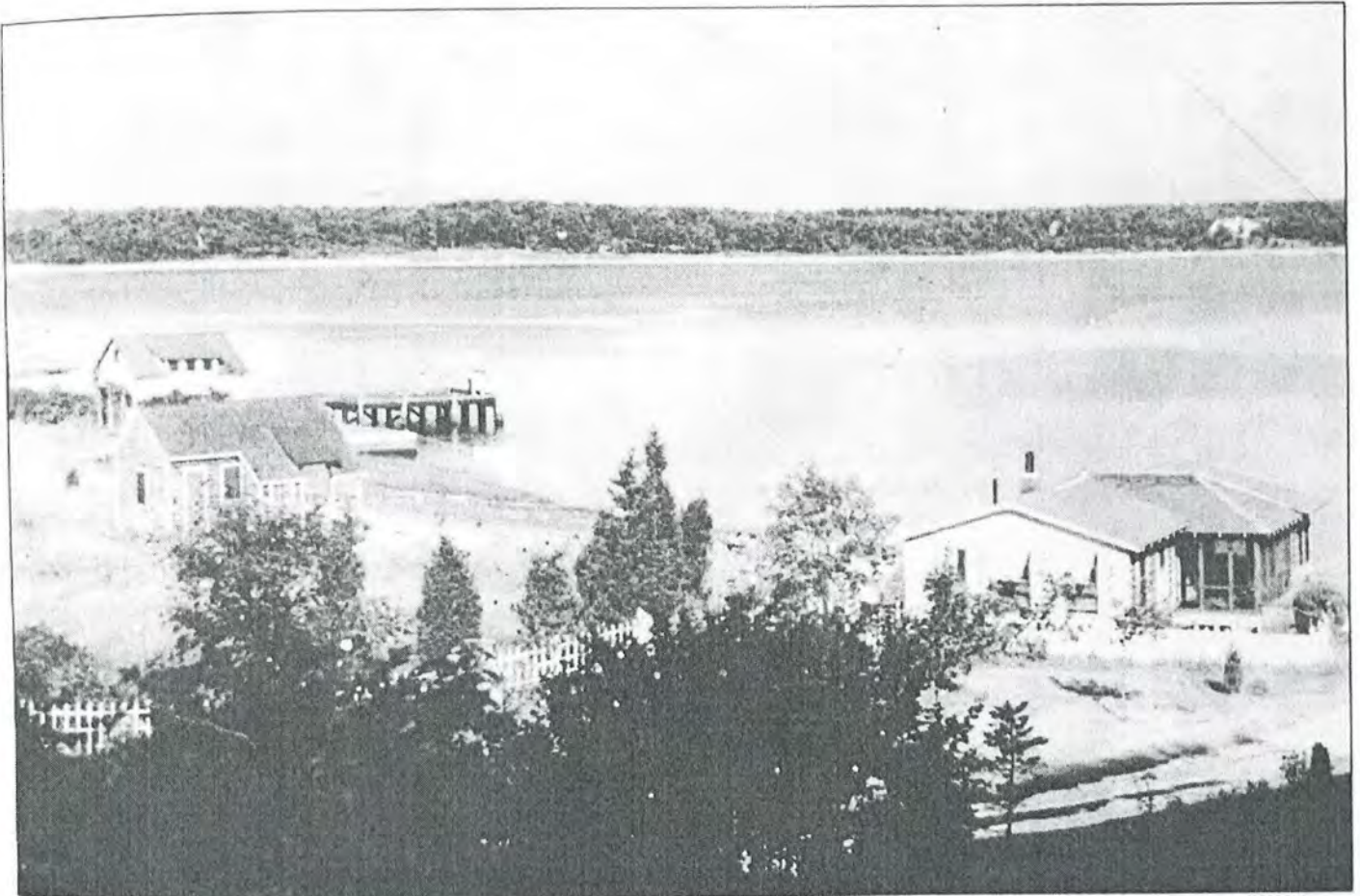
Gifford's Oyster Houses, looking South,
Cotuit, Mass.



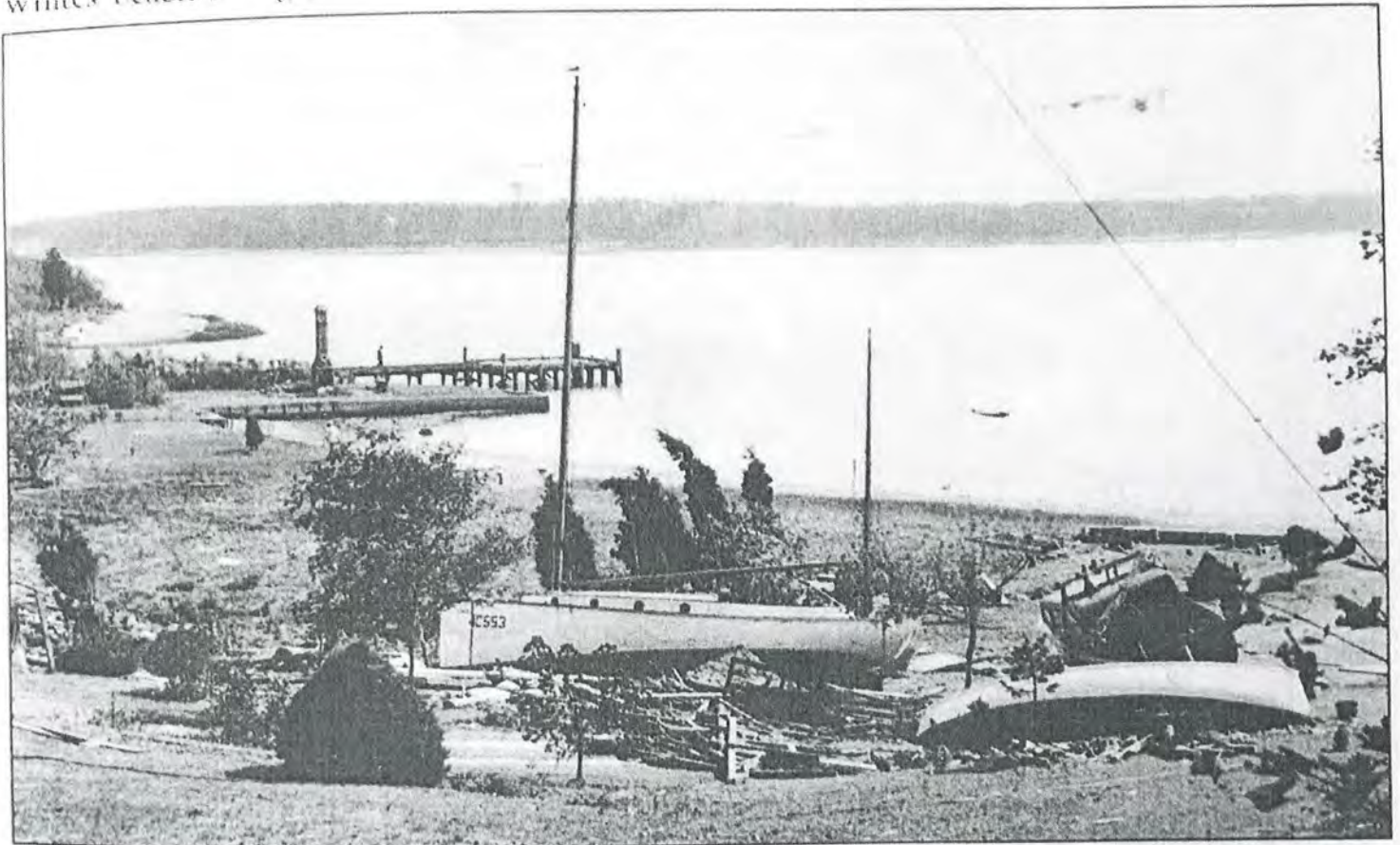


5422. THE HARBOR, COTUIT, MASS.

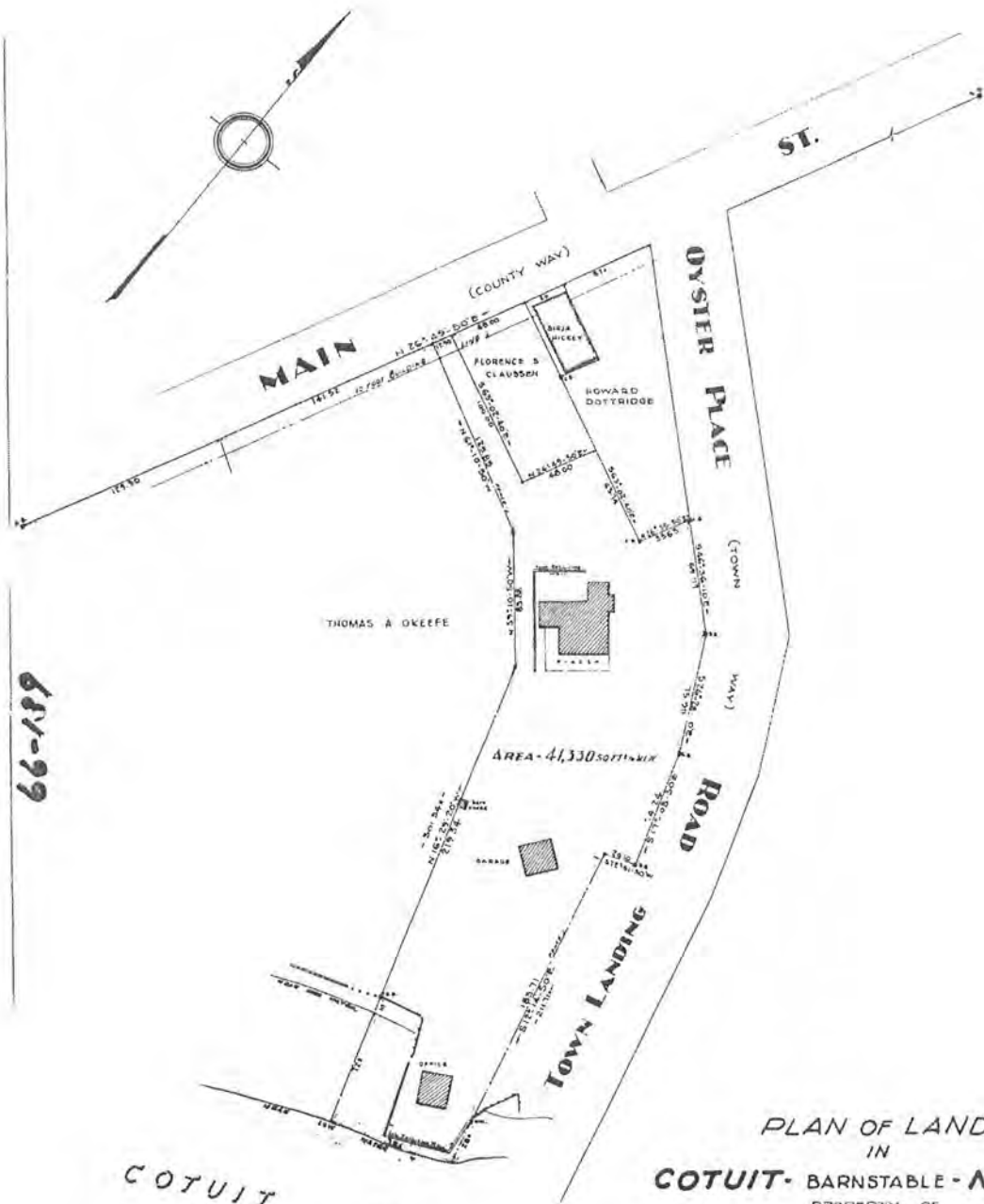
EXHIBIT D



FALL IN COTUIT. This photograph, taken before the 1944 hurricane, shows a tranquil scene of the town dock, Congressman Charles L. Gifford's district office (with the three windows), the Whites' beach cottage, and the Crawfords' summer house. (Courtesy of the Cotuit Library.)



AFTER THE 1944 HURRICANE. This photograph shows the same area after 100-mile-per-hour winds tore across Cotuit. All that remains of the congressman's office is the chimney. The beach cottages are washed into heaps of debris, topped with beached boats such as *Spindrift*. German prisoners of war came from Camp Edwards to clear trees from the blocked roads. (Courtesy of the Cotuit Library.)



681-99

COTUIT

HARBOR

PLAN OF LAND
 IN
 COTUIT - BARNSTABLE - MASS.
 PROPERTY OF
FANNIE H. GIFFORD

SCALE 1 IN = 40 FT. - JANUARY 16, 1942
 BEARSE & KELLOGG - CIVIL ENGINEERS



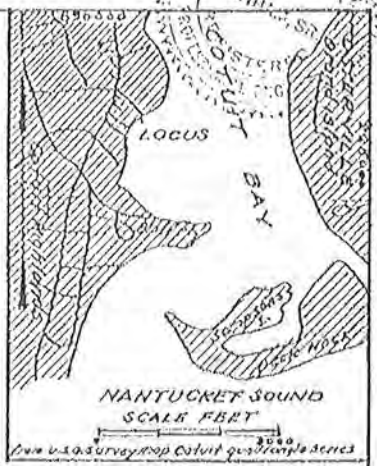
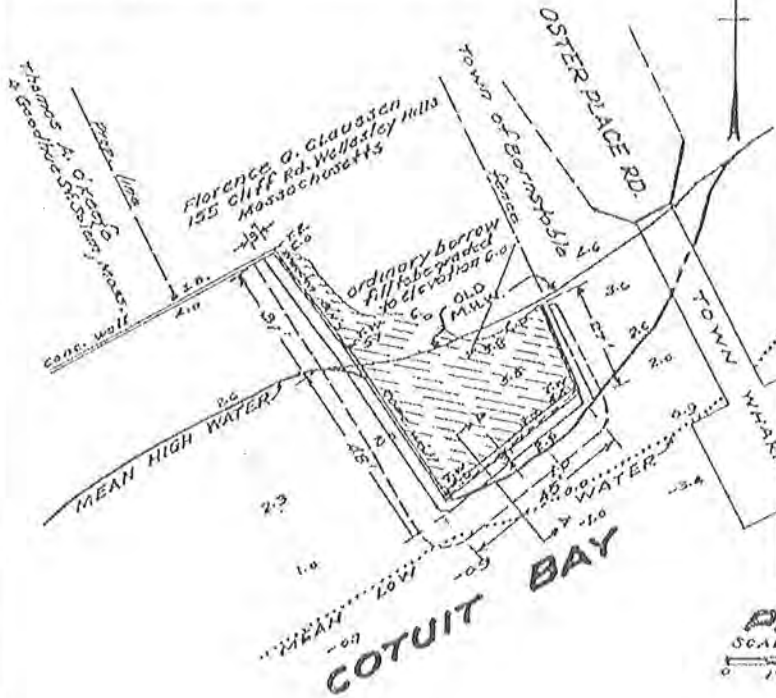
Plan Book 66 Page 139

EXHIBIT E

105-41. 105-41. F1

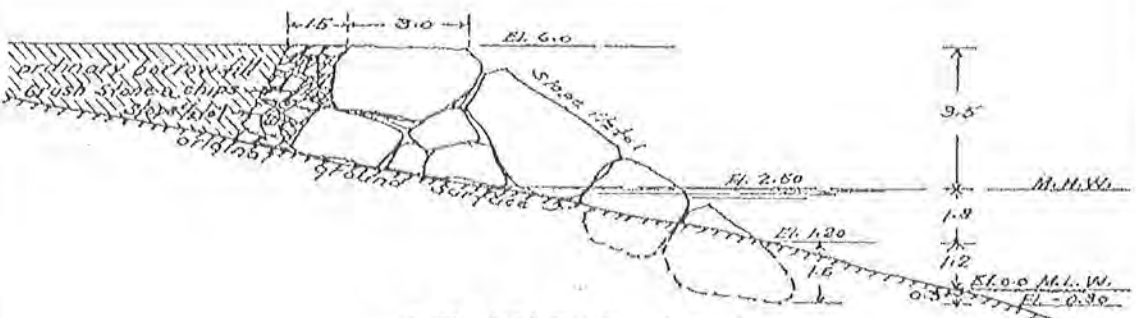


PROPOSED WORK SHOWN IN RED
 MEAN RANGE OF TIDE 2.50
 Reference: Elevations are in feet and tenths and show heights above the plane of mean low water minus figures are soundings and show depths below the same plane.



BARNSTABLE
 REGISTRY OF DEEDS
 JUL 28 1952
 2 11 40 P.M.
 RECORDED

PLAN
 SCALE FEET
 1" = 40'



SECTION A-A
 SCALE FEET
 1" = 4'

PLAN ACCOMPANYING PETITION OF
FLORENCE G. CLAUSSEN
 TO BUILD AND MAINTAIN A STONE
 MOUND IN
COTUIT BAY
BARNSTABLE
 SCALE AS SHOWN
 1952

NO. 3476
 APPROVED BY DEPARTMENT OF PUBLIC WORKS
 JULY 23, 1952

William F. Colahan (COMMISSIONER OF PUBLIC WORKS)
Benjamin N. Hart (ASSOCIATE COMMISSIONER)
Rodolph G. Resette (DIRECTOR-DIVISION OF WATERWAYS)

Plan - Book 105 Page 11

817

4,18

And I further depose and say that, pursuant to said notice and at the time and place therein appointed, the said default still continuing, the said Hyannis Co-operative Bank sold the premises conveyed by said mortgage deed at public auction by Thomas H. Erickson a duly licensed auctioneer, to said Hyannis Co-operative Bank

above named for the sum of ---Six Thousand and 00/100 (\$6,000.00)----- dollars, which amount was bid by the said Hyannis Co-operative Bank and was the highest bid made therefor at said auction.

Witness my hand this 23rd day of July A. D. 1952

The Commonwealth of Massachusetts

Barnstable ss. July 23, 1952

Then personally appeared the above named William Dwyer, Assistant Treasurer, as aforesaid and made oath that the foregoing statement by him subscribed is true, before me

Notary Public - Justice of the Peace

My Commission expires 22 1953

United States revenue stamps in the amount of \$6.00 were affixed to the instrument and these stamps are attached to the instrument.



Barnstable, ss., Received July 28, 1952, and is recorded.

Form WD 54. Jan-11-46-15777.

The Commonwealth of Massachusetts

No. 3476.



Whereas, Florence G. Claussen,

of Barnstable-----, in the County of Barnstable-----and Commonwealth aforesaid, has applied to the Department of Public Works for license to build and maintain a stone mound in Cotuit Harbor, at her property in the town of Barnstable,---

and has submitted plans of the same; and whereas due notice of said application, and of the time and place fixed for a hearing thereon, has been given, as required by law, to the Selectmen-----of the town-----of Barnstable-----;

(See Plan Filed in Plan Book 105, Page 41.)

Now said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, ~~subject to the approval of the Governor and Council,~~ authorizes and licenses the said _____

Florence G. Claussen _____, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to build and maintain a stone mound in Cotuit Harbor, at her property in the town of Barnstable, in conformity with the accompanying plan No. 3476. —

A riprap embankment may be placed, extending 48 feet along the westerly side and 45 feet along the face or bay side of an area of existing solid fill, in the location shown on said plan and in accordance with the details there indicated.

Said stone riprap may be placed at elevation 6.0 feet above mean low water, amounting to 3.5 feet above mean high water at top of the slope which shall be 1-1/2 horizontally to 1 vertically, as shown on said plan.

Nothing in this license shall be construed as authorizing maintenance of any structure or any encroachment on land or flats not owned by the licensee without the consent of the owner or owners thereof.

This license is granted subject to the laws of the United States.

The plan of said work, numbered _____ 3 4 7 6, _____ is on file in the office of said Department, and duplicate of said plan accompanies this License, and is to be referred to as a part hereof.

The amount of tide-water displaced by the work hereby authorized shall be ascertained by said Department, and compensation therefor shall be made by the said _____ Florence G. Claussen, her _____ heirs, successors

and assigns, by paying into the treasury of the Commonwealth thirty-seven and one-half (37-1/2) cents for each cubic yard so displaced, being the amount hereby assessed by said Department.

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within one year from the date hereof, in the Registry _____ of Deeds for the _____ District of the County of Barnstable.

In Witness Whereof, said Department of Public Works have hereunto set their hands this twenty-third _____ day of _____ July, _____ in the year nineteen hundred and fifty-two.

} Department of Public Works

Approval recommended,
R. B. Bennett
Director Division of Waterways.

Barnstable, ss., Received July 28, 1952, and is recorded.





EXHIBIT F



COTUIT FIRE, RESCUE & EMERGENCY SERVICES

64 HIGH STREET • P.O. Box 1632 • COTUIT, MA 02635
OFFICE (508) 428-2210 • FAX (508) 428-0202 • WWW.COTUITFIRE.ORG



To: Barnstable Conservation Commission and
Barnstable Zoning Board of Appeals

From: Paul Rhude, Cotuit Fire Chief

Re: Support for dock redesign at 33 Oyster Place Road, Cotuit

Date: October 23, 2020

Dear Members of the Conservation Commission and Zoning Board of Appeals,

The Cotuit Fire District supports the construction of the proposed redesigned dock at 33 Oyster Place Road with dedicated public safety dockage. The Cotuit Fire District has been struggling to find a permanent docking solution for our fire/rescue boat for many years. The time required to launch a trailered boat or reach a moored boat is not effective in an emergency response. Unlike the other fire districts, there are no marinas with rental slips in Cotuit.

The current leased dock a) requires response crews to transit, on foot, through a wooded area and b) the rescue/fire boat must dock with the bow facing land (due to the water depth), both of these constraints result in delayed response times. The current dock is in need of repair, our agreement for use is year to year and the property had been for sale in the past. Having a permanent location adjacent to the Town dock and having the ability to secure the rescue/fire boat with bow facing the harbor will create a true long-term solution for dockage and significantly reduce response times.

Cotuit Fire District received a 2014 29' Metal Shark Marine surplus USCG rescue/fire boat in 2018. Over the last couple years, we have installed new electronics, repainted, and provided training to our staff. We have also offered the boat to the Barnstable Police and Harbor Master as a shared resource.

Emergency incidents on the water demand a very high amount of resources. It takes multiple boats and crews to mitigate what would be a simple call on land. The USCG, as the primary response agency, request the deployment of at least two municipal emergency boats to all calls. We are in between USCG bases, making Barnstable resources the first on scene. New response agreements with the USCG and our neighboring fire departments will increase our responses over the coming years.

The South side waters of Barnstable are extremely busy with recreational boaters, commercial fishing and commercial ferries, much of the year. There is a high potential for incidents which will require the coordinated response of all Barnstable emergency services. Having an emergency resource which can be quickly deployed in Cotuit is extremely important. Permanent dockage with rapid access to an emergency boat will significantly reduce response times and increase the safety of our residents on the water.

Your favorable consideration of this proposal will significantly benefit public safety for the community.

Regards,

A handwritten signature in black ink, appearing to read "Paul Rhude". The signature is fluid and cursive, with the first name "Paul" and the last name "Rhude" clearly distinguishable.

Chief Paul Rhude

Cc: Mark S. Ells, Town Manager
33 Oyster Place Realty trust

EXHIBIT G



October 30, 2020

To: Town of Barnstable Conservation Commission, Zoning Board and Board of Health.

Re: Support for Dock redesign, proposed new alternative septic systems and other environmentally positive proposals for 33 Oyster Place Road and abutting property in Cotuit.

Dear all,

We have spent time examining the proposals that are being proposed by the property owner, DJ MacKinnon and Oyster Place Realty Trust, Inc. and we are in general support. Taken together these proposals will help restore environmental conditions, both along the Cotuit shoreline adjacent to the town dock, but also in Cotuit bay itself with the addition of two enhanced alternative septic systems.

We believe that the "Nitroe" septic systems being proposed for use at this site will be of a type that is critical for the long-term health of Cotuit Bay and the Three Bays estuary generally. Hopefully Mr. MacKinnon's willingness to lead the way with the installation of these systems will be a catalyst for further use in Cotuit, and in Three Bays.

While we are big supporters of shellfish generally, and of the oyster farmers in the Three Bays, we recognize that it will be up to the Town's natural resources department to make any decisions regarding upwellers to grow shellfish at this site or at any other site in the Three Bays.

Mr. MacKinnon has offered us a slip for one of our BCWC boats at his reconfigured dock and it will not come as a surprise that we are pleased with the offer. Dockage is in short supply and we definitely have the need.

That being said, please know that our aforementioned support of this project is in no way predicated on the offer of a slip. We will support this project with or without the slip.

Mr. MacKinnon has also offered to work with us to examine further projects to assist in our efforts to improve the water quality, and the aquatic habitat, in Cotuit Bay. We are very pleased to have his support, and his offer of additional help.

The health of our bays will require the assistance of many in our community and these efforts are all a step in the right direction.

Sincerely,

A handwritten signature in blue ink, appearing to read "Zenas Crocker", is written over the word "Sincerely,".

Zenas Crocker, Executive Director

From: Maddie Kelley <mkelley10994@gmail.com>
Sent: Tuesday, January 12, 2021 7:10 AM
To: Brigham, Anna; Puckett, Carol
Subject: ATTN: Appeal No. 2020-042 MacKinnon Special Permit

Dear Zoning Board of Appeals Members,

My name is Madeline Kelley and I am writing today to inform you of my opposition to the Special Permit Request by Matthew J. MacKinnon, as the trustee of 33 Oyster Place in Cotuit.

I am a Research Associate at a marine science-based biotechnology company and have been a seasonal resident at an abutting residence every year since 1994 and the village of Cotuit holds a special place in my heart. I have always enjoyed digging for quahogs, swimming, kayaking, and sailing in that area, but with increased boat traffic it will be increasingly difficult and dangerous to navigate the waterways. Also, the turbidity produced and removal of rocks will decimate the blue crab, quahog, and mussel habitats that are now present. The Notice of Intent proposal includes the replacement of long-established land and vegetation with an office building, piers, floats, and multiple large vessels, which sounds as if it will rival the already busy Town Dock only a few feet away. To that end, approval of this proposal will set a precedent for others wishing to do the same, and the quintessential Cape Cod charm will be replaced with large real estate developments and garish commercialization. The unparalleled character and natural beauty of Cotuit Bay and the wetlands surrounding the Town Dock deserve to be preserved as ardently as possible. Scenic vistas and quaint beach towns are synonymous with Cape Cod and committees meant to serve the public interest should reflect that.

Therefore, I strongly oppose the Special Permit Request, and urge the ZBA to recall the original spirit and unanimous approval of the Dock and Pier Overlay District that was added to the Town of Barnstable Zoning Ordinances on 01 February 2001. The purpose was to conserve and protect the general public interest in, and access to public tidelands. This fundamental mission and the associated regulations should not be violated to serve private interests of any kind. Thank you for taking the time to consider my opposition, and I hope the ZBA will discourage this Special Permit Request and any others with similar intent.

Sincerely,

Madeline Kelley

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To the Zoning Committee of Barnstable-

I want to start off by thanking you for your time by serving on this committee.

My great grandmother Lyla Flagler introduced her family to Cape Cod in the 1950s and my grandparents, Helen and Lawrence Flagler purchased 916 Main Street Cotuit in the 1960s. The house has been in our family since then and we have enjoyed a good relationship with the town. Currently my family owns the property with my sister Cathy/Lloyd Bunting's family.

Our family has tried to help out within the town with contributions to the children's area at the Cotuit Library, donations to the Cahoon Museum and support of the Cotuit Grocery Store. For many years we helped Tom Hadley, who ran the town dock boat launch, dock his boat for free at our dock as we felt this was an important service for the town and it allowed extra space for others at the town dock. Tom has always been a great asset to the town and Cotuit Harbor. When Fire Chief Paul Rhude called and asked about use of our dock, we agreed as we knew our dock was roughly 50 yards from the parking area at the town dock. There was a yearly charge and we upgraded the dock for their use. Three new dock pilings were removed and replaced, two at the end of the dock and one away from the dock to help with securing their boat. We also replaced more than half the floor boards on the dock. We expect to continue to replace pilings and dock boards as is needed so that the rescue boat has a place to dock their boat. On two discussions with Paul Rhude, both conversations he has stated that our dock is a viable option for the rescue boat.

My concerns are the following:

---The changes proposed by developer, DJ Mackinnon, are major changes to the already very busy Cotuit harbor and especially for the area around the town dock. In bad weather the currents can be strong and boats can have difficulty maneuvering. This project would add even more traffic and congestion. This would make things less safe for my three kids (20,19 and 11) who jump off the dock with our dog and swim in this area. It would also be more dangerous for boats to dock on the north side of our dock or to approach the town dock from the south. There was never any intention of this area to be developed for a dock and if more dock space is needed, the other side of the town dock has space. The 50 plus years of living at this location, our family never saw signs of this property having a dock.

---Our family and other neighbors are just finding out about this proposal which puts us at a disadvantage as DJ Mackinnon has been working on this proposal with high paid Boston lawyers and consultants as well as enticed others with free dock space. We are not in the business of real estate development or have we had time to fully prepare for counter arguments. This is unfair to have one side plan and present without adequate notice to the neighbors who would be negatively impacted.

Let's not be fooled. With this proposal the real estate developer, DJ Mackinnon, one year after property purchase gets a huge increase in his investment.

---gets a new dock in a busy harbor that has banned new docks for years

---gets better water views

---gets a tremendous increase in property value, probably \$500,000 plus.

---adds more congestion and dangers to the kids who swim in the area as well as a boaters who have buoys nearby and boaters approaching the town dock.

--will negatively affect the local wild life of different crabs, clams, minnows and other marine life children and adults of Cotuit enjoys around the town dock and rocks. Not to mention the effect of a 34 foot boat coming and going from our small beach area.

--Everyone who gets free dock space, increased property values or other benefits should have been recognized as carrying a bias to the vote.

We have allowed the town emergency boat to use our dock for years and would continue to help them out. Our neighbors the Fiores have done the same. The town dock can serve the boat in a pinch and there is able space to the other side of the town dock to build a dock for the town or the Bays Oyster boat if that was desired.

Please to not pass this massive project that negatively affects our town by increasing congestion, puts kids who are swimming at increased risk, adds increased obstacles for boats coming into our dock or the town dock. It will affect Cotuit in a negative way and be remember as a big mistake for Cotuit.

Lawrence Lazor, Felicia Lazor, Jack Lazor, Matt Lazor and Sophia Lazor.

From: rachel patel <rachelpatel3@gmail.com>
Sent: Tuesday, January 12, 2021 12:41 AM
To: Anna.bringham@town.barnstable.ma.us
Cc: Puckett, Carol
Subject: Town of Barnstable Zoning Board of appeals- opposition to Appeal No.2020-042

Dear Zoning Board of Appeals Members,

I hope this letter finds you well despite these difficult and uncertain times. I am writing to express my opposition to Appeal No. 2020-042 which is scheduled before the zoning board on January 13, 2021.

My name is Rachel Patel and my grandparents have owned a home on Cotuit Bay for 48 years. I have been fortunate to spend my summers in this home with my extended family. We have swam, fished, clammed, kayaked and paddle boarded around this bay. As a young adult I worked for two summers at the Kettle Ho Restaurant and Tavern. Now as an adult, I have been able to bring my husband and three small children back to our family home.

I was recently made aware of the aforementioned appeal to remove an existing "wharf" and install a replacement pier. It appears that the applicant, Matthew J. Mackinnon, Trustee of 33 Oyster Place Realty Trust, is seeking a special permit pursuant to section 240-93 (B) of the Ordinance to alter the pre-existing, non-conforming pier structure. The applicant states that the existing structure historically has been and continues to be used as an access to water. In the nearly 50 years that my family has lived in this home, we have not seen a "pier structure" on this property and neither the cement wall nor adjoining rocks have been used to tie up or otherwise access boats.

This proposal appears to be an obvious violation of the Dock and Pier Overlay District that was added to the Town of Barnstable Zoning Ordinances on February 1, 2001 as paragraph 240-37 of Article III. As a neighbor, I appreciate the motivations behind the establishment of this overlay district.

- (a) Maintaining public access along the shore and to shellfish and shellfish beds, whether existing or potential, for the purposes allowed by law (Strategy 2.2.6.1.1);
- (b) Maintaining safe, open waters for recreational pursuits, including swimming, power boating, rowing, rowing instruction, sailing, sailing instruction, sailboat racing, and kayaking (Goal 2.2.4); and
- (c) Protecting and retaining the natural open character and scenic vistas of the seacoast and water (Policy 2.2.6.2).

I worry that approving this appeal would set a precedent for further exceptions and therefore further risk damaging the "natural open character and scenic vistas of the seacoast and water". Please accept

this as my formal opposition to Appeal No. 2020-042.

Thank you for your time,

Rachel Patel

Rachelpatel3@gmail.com

3942 Lakeview Ct.

Long Grove, IL 60047

847-309-1493

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Mia Walter
743 Chestnut Street
Santa Cruz, CA 95060
miawalter@gmail.com

January 11, 2021

Barnstable Zoning Board of Appeals
200 Main Street
Hyannis, MA 02601

Dear Zoning Board of Appeals Members,

As a part-time resident of Cotuit and an abutter to 33 Oyster Place Road, I am writing to formally register my **objection** to the proposed dock at 33 Oyster Place Road, as it would be in **clear violation of Chapters 240.37 and 240.37.1** (of Article III of General Ordinances), **the ban on docks and piers in the Dock and Pier Overlay District**, which were put in place to protect the Bay.

33 Oyster Place falls within the Recreational Shellfish Area and Shellfish Relay Area of the Dock and Pier Overlay District, and as such, the property owner is prohibited from constructing and installing a new pier. While there are some exceptions for repairs to damaged non-conforming docks and piers, 33 Oyster Place DOES NOT meet those criteria.

According to Chapter 240.37, repairs to piers and docks are pursuant to **Chapter 240.95**, which **only allows for the reestablishment of a non-conforming pier (A) damaged by fire, a severe weather event, or similar catastrophe**, and when **(B) a building permit has been applied for within two years of the date of damage or destruction and construction has been “continuously pursued to completion.”**

While Mr. Mackinnon references an 1874 wharf license and has submitted century-old images showing the property, **the area in question has not operated as a pier in many decades, and as such, it does not meet the criteria set forth in 240.95.** In the 48 years my family has owned the abutting home at 932 Main Street, there has never been an operating pier or dock at 33 Oyster Place Road—my family and friends have never seen anyone attempt to use the rocks as a pier in the 55 years we have been coming to the village, and recent Barnstable property tax records do not list a pier at the location. Furthermore, Mr. Mackinnon has beach rights, and carrying a boat onto the rocks to launch it into the water would be foolish—any claims to the contrary are misleading at best and should be met with a high level of suspicion.

The proof of cause (weather event or fire) and two-year time limit aside, Mr. Mackinnon's proposed dock does not meet the remaining criteria set forth in 240.95. For all intents and purposes, his plan constitutes a **significantly larger, operational footprint** (240.95, A-1), as the proposed structure would extend past two rafts of dinghies at the Town Dock, constraining public access for row boats and substantially altering the public waterway. The plan also involves a **change in location** (240.95, A-2) and is thus subject to the tighter restrictions of the protected Recreational Shellfish Area and Shellfish Relay Area of the Dock and Pier Overlay District.

Please accept this letter as my formal opposition to the construction and installation of a dock at 33 Oyster Place. The proposed plan is **not in the public interest of the Town**, as it would have a significant and cumulative adverse effect on Cotuit Bay and would **open the floodgates** for the numerous others with long-expired licenses to build docks. I have come to Cotuit every year for forty years, both in the summertime and for work sabbaticals. I grew up collecting quahogs with my grandfather, Alfred Fiore, and I enjoy watching other shellfishermen and women clamming in Cotuit Bay. As an abutter to 33 Oyster Place Road and a part-time resident of Cotuit, I know how special our Bay is, and I am grateful to the Town of Barnstable for issuing a ban on docks and piers to protect it. I am not alone in saying Cotuit is my favorite place in the world, and it is important we continue to work together to protect the community and Cotuit Bay for future generations by upholding 240.37. I hope you join me in opposition, by denying the request to build a dock at 33 Oyster Place.

Sincerely yours,

Mia Walter



My grandfather, Alfred Fiore, clamming between 932 Main St. and 33 Oyster Pl. Rd. in 1983



Sunrise over Cotuit Bay 02/01/2018

From: Marisa Kelley <mfkelley@gmail.com>
Sent: Tuesday, January 12, 2021 6:21 AM
To: Puckett, Carol
Subject: URGENT: Opposition to MacKinnon Special Permit Section 240-93(B)
Attachments: Dock and Pier Overlay District. - Recreational Shellfish Area and Shellfish Relay Area Dock and Pier Overlay District.pdf

Marisa Fiore-Kelley
932 Main Street
Cotuit, MA 02635

January 10,2021

Town Of Barnstable Zoning Board of Appeals
230 South Street
Hyannis, MA 02601

Dear Zoning Board of Appeals members,

I am writing in opposition to MacKinnon's appeal for Special Permit Application at 33 Oyster Place in Cotuit. As a neighbor and abutter to the property I am very concerned about the proposed permit and the disregard of the Chapter 240 Zoning Article III District Regulations sections 240-37 Dock and Pier Overlay District and sections 240-37.1 Recreational Shellfish Relay Area Dock And Pier Overlay District. Please see attached. The MacKinnon property is clearly within the boundaries where new docks are prohibited.

My mother and father bought our waterfront house at 932 Main Street in Cotuit in 1973. It was built by George Washington Robbins who is mentioned in the applicants Notice of Intent. We have enjoyed shell fishing, swimming, boating, fishing, sledding and even on the rare occasion, skating on the waters of Cotuit harbour. My family has maintained, paid taxes on and repaired our dock that has been severely damaged by ice and hurricanes several times over the past forty plus years. We know that upkeep is critical because once it's damaged, after three years it can not be replaced or repaired due to District regulations put in place 1998 and then amended in 2002.

In order to bypass the Overlay District prohibition of new docks the MacKinnon's NOI claims that the solid fill with cement bulkheads is actually a wharf. First of all I disagree. From my dining room window and deck I have a clear view of the property and in nearly fifty summers watching boats in and around the town dock I never once saw a boat docked to the bulkheads or to the solid fill. It is far too shallow even at a high king tide. And the sloping stone riprap prevents any boat from even accessing the solid fill portion without causing hull damage. There is nothing to even attach boat lines to. Secondly the NOI shows a lot of historic pictures but anyone can clearly see that the wharves are wooden planking and pilings attached to the solid fill. The wooden wharf has been totally nonexistent since at least the 1944 hurricane. In 1952 a permit was granted to add a riprap stone wall around the solid fill which prevented any boat access creating a purposeful abandonment of any purported wharf. Whatever the history, the current deed and the plot plan do not have a wharf on the property, therefore there have been no taxes paid for owning this supposed historic dock along with no upkeep. Furthermore the applicant's Exhibit B of the NOI 1914 license clearly reads "build a bulkhead, fill solid and extend a wharf". The wharf part of that license was a wooden fish pier, long since destroyed. The solid fill portion of the historic license has only supported buildings, never boats.

I question the offering of dock space to the fire boat. The location of an emergency vehicle that close to a myriad of small dinghies being rowed in and around a very busy town dock seems like an accident waiting to happen. Could this be in part why they've been denied dock space at the town dock? In the

past five years the Cotuit Fire boat has been docked at each one of the three neighboring existing docks one of which is ours and there was no fee charged. There is ample room to turn around and dock bow out without the crowded town dock waterway (please see [here](#) and [here](#) for picture evidence). The fire department has always had quick access to the fire boat by way of the existing easement and our driveway was also offered.

I am also sceptical of the Clean Water Coalitions endorsement of this project since they have never been proponents of new docks in Cotuit Bay until now that they've been offered a free slip. I understand that sometimes you sacrifice a part for the betterment of the whole but to sacrifice our very fragile water quality and the abundant quahog and blue crab habitat in exchange for permission to use the proposed dock for their small whaler seems counterintuitive of their mission statement.

Please do not be short sighted when making your decision on this application for a special permit. Whether you motion for it to move forward or deny it will have long term implications to the entire village of Cotuit. Historically there were numerous docks all along the coast and this can set precedent for all the waterfront homeowners who will inevitably request special permits for docks in the Overlay District.

Best regards and stay safe,
Marisa Fiore-Kelley

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From: Jenkins, Elizabeth
Sent: Thursday, December 17, 2020 4:04 PM
To: Brigham, Anna; Puckett, Carol
Subject: FW: Cotuit, 33 Oyster Place Road, Pier Alteration & Waterfront Improvements

For the record.

From: Liza Knies [<mailto:macbup@mac.com>]
Sent: Thursday, December 17, 2020 1:10 PM
To: Jenkins, Elizabeth; Karle, Darcy; Ells, Mark
Cc: ECox@nutter.com; STurano-Flores@nutter.com
Subject: Cotuit, 33 Oyster Place Road, Pier Alteration & Waterfront Improvements

Members of the Zoning Board of Appeals

Members of the Conservation Commission

Town Manager Mark S. Ells

I appreciate the opportunity to offer my thoughts and comments on the proposed alterations to the pier and waterfront improvements at 33 Oyster Place Rd. in Cotuit. I grew up in Cotuit at 1109 Main Street and am part of the third generation of my family to live in the Village. I've been active for over 50 years along the Cotuit waterfront, on the harbor and at the Town dock.

After hearing about this proposal, I took it upon myself to review the plans and application for the pier alteration and improvements next to the Town dock. The plans outline a number of functional benefits at the Town dock, environmental improvements and significant safety improvements. Circulation around the dock will be improved by removing a large portion of the pier and opening up the area for dinghies to maneuver, the same area will become part of the harbor and available for shellfish. Installing a new salt marsh and upwellers to raise Shellfish will help improve water quality. Replacing the concrete and rocks with a modern bulkhead along with fixed and floating docks will remove a dangerous access point to the harbor (concrete and rocks) and provide a safe access point and a permanent slip for the Cotuit Fire/Safety boat. We see the Fire/Safety boat heading to incidents regularly and having a permanent slip is an absolute necessity.

I was intrigued by sections of the application which included photos and copies of the licenses for the existing pier going back over 100 years. I never knew the full history with historic uses and ownership of the pier. The pier always seemed somewhat connected to the Town dock property, I have never seen any no trespassing signs or private property signs (like those posted to the north of the Town dock). Many people including me and my family have used the existing pier continuously over the years. From my childhood days of fishing, crabbing and tying up my sail boat to the pier (and sometimes falling off the rocks) to my adult days of pulling up my Boston Whaler to the pier to load and unload passengers and supplies, especially at times when there are no open spots at the Town dock.

This proposal is a big benefit to the Village, please support these improvements and alteration to the pier. The environmental benefits will help with water quality and the Cotuit fire/safety boat needs a permanent slip. We all rely on the Fire/Safety boat, it is the only first response vessel available for emergencies in our harbor.

Thank you for your consideration.

Liza Knies

macbup@mac.com

917-821-6144

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From: Jenkins, Elizabeth
Sent: Monday, December 28, 2020 11:21 AM
To: Brigham, Anna
Subject: FW: Cotuit, 33 Oyster Place Road, Pier Alteration & Waterfront Improvements

For the record.

From: mikash9092 [<mailto:mikash9092@gmail.com>]
Sent: Thursday, December 24, 2020 7:42 AM
To: Jenkins, Elizabeth; Karle, Darcy
Cc: ECox@nutter.com; STurano-Flores@nutter.com
Subject: Cotuit, 33 Oyster Place Road, Pier Alteration & Waterfront Improvements

To: Barnstable Conservation Commission and
Barnstable Zoning Board of Appeals

From: Mike White
9 Tanbark Road
Marston Mills, MA 02648

Date: December 21, 2020

Dear members of the Conservation Commission and Zoning Board of Appeals,

I have a long history at the Cotuit Town dock having been a Barnstable resident for 34 years and owner of the Cotuit Launch for the past 18 years. During our summer launch season, I spend up to 7 days a week operating the launch continually going between the Town dock and the mooring field. Over the years I've become very familiar with the activities of the boats and people in and around the dock.

The proposed waterfront improvements and modified pier at 33 Oyster Place Road, next to the Cotuit Town dock, should help with safety by providing a permanent slip for the Fire/Safety boat and reconstruction of the existing pier to make it safer.

The existing pier has been used by the public continually over the years with people walking along it, fishing off it, kids catching crabs and boaters pulling up to load and offload people and supplies. Throughout this time I've witnessed numerous safety issues with slips and falls, especially kids, climbing on the rocks at the end of the pier. In many of those instances I've supplied the bandages for the kids that get scrapes and cuts. Altering the pier by removing the concrete and rocks and rebuilding it as shown on the plans will provide a much safer up to date access to the harbor.

I also understand there is consideration of a future ADA compliant bathroom to replace the porta potty in the parking lot. This would also be a welcome change.

Thank you for your consideration,

Mike White
Cotuit Launch

Sent from my Sprint Samsung Galaxy S10+.

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From: Rob Wolters <rwolters@yahoo.com>
Sent: Tuesday, January 12, 2021 10:39 AM
To: Brigham, Anna
Cc: Rob Wolters
Subject: 33 Oyster Place Road, Cotuit - Dock and Pier project

Hi Anna,

I hope this isn't fake news on Facebook and you are the right contact to receive comments about the proposed changes to the Cotuit town dock area / adjacent property.

I am a Cotuit resident and utilize the town dock regularly in the summer.

I write in support of the plan to remove the old overgrown solid pier, improve access and address the uneven shoreline, ugly fencing, porta-pottie, and trash piles that spoil this beautiful landmark.

I would also ask that the project consider building a dinghy storage rack to further improve the safety and accessibility around the beach and dock.

Thank you.

-Rob Wolters
74 Jillianns Way, Cotuit.

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From: william babcock <babcock81@gmail.com>
Sent: Monday, November 30, 2020 10:05 AM
To: Brigham, Anna
Cc: Puckett, Carol
Subject: Zoning Board of Appeals/Appeal No. 2020-042

My name is William Babcock. I am a year-round resident of the Town of Barnstable, and my street address is 81 Little River Road, Cotuit, MA 02635.

I am writing in opposition to Appeal No. 2020-042, which is currently scheduled to come before the Zoning Board of Appeals at its meeting of December 9, 2020.

The proposal to remove an existing wharf and install a "replacement" pier at 33 Oyster Place Road in Cotuit appears to be in obvious violation of the Dock and Pier Overlay District that was added to the Town of Barnstable Zoning Ordinances on February 1, 2001, as paragraph 240-37 of Article III.

The stipulations of the Dock and Pier Overlay District make it clear that no new pier is allowed within the boundaries of the Overlay District, and no replacement pier is allowed except in the case when a legal previously existing pier has been destroyed by fire, act of nature, or other catastrophe. They also make it clear that no expansion of an existing pier is permitted within the Overlay District.

Appeal No. 2020-042 proposes to remove an existing wharf, but that "wharf" amounts to no more than a concrete retaining wall with dirt and brush filling in the landward area behind it. There is no remnant at all of the Fish Wharf which existed at that location as late as 1910, but has long since totally disappeared. It is doubtful, then, that there is actually any existing pier to be replaced.

And, in any case, if there is any basis for the claim that there is an existing wharf that might count as a pier and that was destroyed by fire, act of nature, or other catastrophe--rather than simply by the cessation of the economic activity for which the wharf was built and used--then the stipulations of the Overlay District require that the replacement pier have precisely the same footprint and dimensions as the existing pier that it is meant to replace. But it is impossible to imagine that the proposed "replacement pier, ramp, floats, and appurtenances" will be confined to the same footprint and dimensions of the wharf which it is supposedly going to replace.

My opposition to the appeal, then, is rooted in my belief that the present Dock and Overlay District should remain intact without violation or exception. There is, after all, a reason why the village of Cotuit worked very hard to get the Overlay District approved back in 2000-2001, and why the then members of the Town Council voted unanimously to approve its inclusion in the Zoning Ordinances of the town. And that reason has lost none of its relevance and significance in the intervening period.

I want to thank the Zoning Board of Appeals in advance for giving consideration to this objection to Appeal 2020-042. I very much hope that the Board will see its way clear to turn down the appeal.

Sincerely yours,
William S. Babcock

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From: Ann Canedy <acanedy@comcast.net>
Sent: Thursday, January 07, 2021 9:48 AM
To: Brigham, Anna
Cc: Puckett, Carol
Subject: Appeal #2020-042 Mackinnon-33 Oyster Place Road

Ms. Brigham: Please distribute the below to Alex Rodolakis, Chair and the members of the ZBA. Thank you.

Dear Chair Alex Rodolakis and Members of the Zoning Board of Appeals:

As one of the original Town of Barnstable Town Council authors of the Piers & Docks Ordinance (coauthored with Councilor Rick Barry, Precinct 7), I feel obligated to comment on the above application. While I applaud the applicant's altruistic offer to include Barnstable Clean Water Coalition and the Cotuit Fire Department as authorized users of his proposed dock, to allow an exception would be to open the door to additional exceptions - altruistic and not so altruistic.

The ordinance was intended to prohibit all new docks and piers in this area. To allow this precedent would negate the original purpose and intent of the Ordinance.

In my opinion, respectfully, the application should be denied.

Ann Canedy
Box 23
Cummaquid, MA 02637

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From: Emeline Kelley <emkell13@gmail.com>
Sent: Tuesday, January 12, 2021 7:31 AM
To: Puckett, Carol
Cc: Brigham, Anna
Subject: ATTN: Opposition to Appeal No. 2020-042 MacKinnon Special Permit Cotuit

January 12, 2021

Town of
Barnstable Zoning Board of Appeals
230 South
Street
Hyannis,
MA 02601

Dear
Zoning Board of Appeal Members,

I hope you are all well in the current challenging climate. Today, I am contacting you regarding my opposition to a matter that will be brought before you on Wednesday, January 13, 2021 (Appeal No. 2020-042 Notice of Intent 33 Oyster Place) as it is in unequivocal violation of the Barnstable Town Code zoning regulations. My family has had our house at 932 Main Street, Cotuit for almost 50 years and Cotuit has always been a place of enduring small town charm and community. Besides the charm and community, one of the biggest appeals of the area is the beautiful bay. Every year the bay is full of people kayaking, sailing, swimming, boating, fishing and clamming. The Village has recognized the importance of maintaining this general public interest in and access to the bay such that in 2000/2001 the prohibition of new dock and pier building within the Dock and Pier Overlay District was voted for unanimously and that ruling should be upheld today, without exception, in perpetuity.

In the Notice of Intent, the applicant cites 240-93(B) referring to the riprap and bushes that is currently at 33 Oyster Place as cause for allowance of this special permit, claiming it as a "nonconforming building or structure not used as single- or two-family dwellings" but in the text describes it as a pre-existing "wharf." In my 28 years in Cotuit and further in the 48 years my family has owned our property overlooking the area, we have never seen that strip of land used in any way that can define it as a pre-existing dock or wharf. The water is far too shallow and the rocks prevent any access to the land without hull damage. At one point in history there may have been a wharf or dock attached to the land in question but on the land itself it has only been buildings and remnants of anything there are long since gone. To be clear, what is being proposed is the building of a new dock/pier as defined by 703-2:

"DOCK and PIER — The terms "dock" and "pier" shall be used interchangeably for the purposes of these regulations and shall mean the entire structure of any pier, wharf walkway, or float, and any part thereof, including pilings, ramps, walkways, float, tie-of pilings, dolphins and/or outhaul posts, that is located on a coastal bank (310 CMR 10.30), land under water bodies and waterways (310 CMR 10.56), land under the ocean (310 CMR 10.25), land under a salt pond (310 CMR 10.33), rocky intertidal shore (310 CMR

10.31), or that portion of a coastal beach (310 CMR 10.27) seaward of the mean high water line.”

As such, this proposal violates the regulations of the Dock and Pier Overlay District as outlined in Chapter 240-37 of the Barnstable Town Code. The property of 33 Oyster Place is located within the Dock and Pier Overlay District and more specifically, the Recreational Shellfish Area and Shellfish Relay Area Dock and Pier Overlay and Chapter 240-37(D) clearly and explicitly states: “Within the Dock and Pier Overlay District, the construction and/or installation of docks and piers is prohibited.” As previously stated the property in question is also within the Recreational Shellfish Area and Shellfish Relay Area Dock and Pier Overlay District and the Town Code (240-37.1 (A)) again clearly states that the purpose of this district includes: “Prohibiting docks and piers in mapped portions of the coastal waters of Cotuit Bay, North Bay, West Bay, Lewis Bay and Barnstable Harbor designated as a Recreational Shellfish Area or Shellfish Relay Area.”

Even if the rocks there can be somehow be considered as “pre-existing dock” and reestablishment of damaged or destroyed nonconforming docks can be permitted, it does not meet the criteria. The 1944 hurricane damage mentioned by the applicant is well outside of the two year window for building permit applications under the regulation outlined in 240-95 (B) and furthermore, there has not been a building there since then and according to 240-97: “Any lawful preexisting nonconforming use or building or structure or use of land which has been abandoned or not used for three years shall not thereafter be reestablished.” The proposed plans detailed by the applicant would not meet the criteria of 240-95 (A) either (the NOI outlines plans that include an increase in floor area and footprint of structure and expansion or intensification of any nonconforming use). Along the same vein, if the current riprap is considered to be a preexisting dock or pier, expansion of such has been “deemed to be substantially detrimental and shall be prohibited” under 240-37 (F) as well.

The reason that the Village of Cotuit enacted this dock and pier prohibition in 2001 are still valid today and will continue to be moving forward: to allow the public lawful waterfront access without impediment. Allowing one exception will set a precedent for others to do the same. The proposed benefits to the town are also easily disputed. The Cotuit Fire Department has in the past four years used neighboring docks, ours included with no issue. We even have a driveway leading to our dock that they have been offered use of to more quickly access their boat. Their claim of not being able to dock bow out currently is conflicted by evidence to the contrary on their own [website](#) and with the proposed plans, they will have less room to turn around, between the proposed dock and the Town Dock, not more. The town already allows a private, commercial launch company to occupy Town Dock footage and I see no reason why a similar reserved slip could not be provided to the town's own fire department. The Barnstable Clean Water Coalition is a non-profit and their approval in exchange for a slip should have no bearing on the decision made by the town. Lastly, if the Village of Cotuit thought that a shellfish upweller would be beneficial and necessary to the area, no doubt the Conservation Commission and other relevant entities would implement that with

or without this proposed pier as they have done recently in Hyannis Harbor at Gateway Marina.

I hope that the Zoning Board of Appeals members remember the original purpose of the prohibition on Wednesday evening and recognize the lasting impacts of allowing any exception to the original ruling on the Village of Cotuit and its people. Thank you for your time and for hearing my objection. Stay well and healthy.

Sincerely,
Emeline
Kelley, M.Sci.

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From: Stewart Goodwin <stew.goodwin@comcast.net>
Sent: Tuesday, December 01, 2020 1:07 PM
To: Brigham, Anna; ", carol.puckett"@town.barnstable.ma.us
Subject: Appeal No.2020-042

My name is Charles Stewart Goodwin of 801 Old Post Road in Cotuit. I was the president of the Cotuit-Santuit Civic Association when the Dock and Pier Overlay District was passed by the Barnstable Town Council and the Cape Cod Commission in 2001. We had put years of effort into it, and had even conducted a referendum in which over 75% of our residents supported the effort. In that regard, I am opposed to Appeal No. 2020-042. With your indulgence, I would like to tell a historical story. As a young boy (I am 81) we lived two doors down from what is now called 330 Oyster Place Road. I was then owned by Congressman Gifford, and my friend was his grandson Fred Claussen. Fred and I would do odd jobs for the Congressman who was Chair of the House Maritime Committee that at the time had jurisdiction over jetties and piers. One job was to mow the lawn. Another was to take care of the family 40 foot catboat. Another as to bring the Congressman a dish of peach ice cream twice a week from the corner variety store that made it especially for him. All of these are relevant. Part of the lawn that we mowed was on the square of land which housed the Congressman's office. It was what is now claimed to have been a "wharf". One day while the Congressman was eating his peach ice cream I asked him why he didn't get a dock to make caring for and boarding the catboat easier. He replied that he didn't want a dock, and that it would interfere with the view of the bay from his office. I can personally state that the area was not a "wharf", nor considered to be so by the Congressman. As such any move to build a "replacement" pier would be in violation of the terms in th Dock and Pier Overlay District. Sincerely, Charles Stewart Goodwin, Cotuit

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From: John Kelley <jpkelley932@gmail.com>
Sent: Tuesday, January 12, 2021 8:34 AM
To: Puckett, Carol; Brigham, Anna
Subject: URGENT OPPOSITION: I am Opposed to MacKinnon Special Permit Section 240-93(B)
Attachments: Cotuit Bay - Effective 11-1-2020.pdf

Dear Zoning Board of Appeals members and fellow members of the Cotuit Community,

I hope this email finds you and your families safe and healthy in these trying times!

I am writing to you this evening to express my opposition to applicant Mathew J. MacKinnon's proposal for the construction of a pier/dock/wharf on his 33 Oyster Place property.

My family has owned and lived in 932 Main Street Cotuit MA for 48ears and I have found it incomprehensible that the town is considering this application to remove the current jetty environment and riparian vegetation in order to put in a new dock/pier/wharf. The applicant is masking his true intentions to have a dock for his 32 foot center console and 17 foot whaler with apparent good faith and allowing the fire department to keep their fire boat at the dock and for the town to have a seasonal "office" shack and a few more toilets. If you please follow the link [here](#) it will take you to the Town of Barnstable's Regulations on Private Docks and Piers. I would like to point out section C of the preamble which states the following: "The construction, use, and maintenance of docks, piers and walkways are likely to have a significant or cumulative adverse effect on the wetland resource values of storm damage prevention, fin and shellfisheries, wildlife habitat, erosion and sediment control, and recreation. Construction, maintenance and use of piers can have adverse effects on resource areas and on the use of these areas for recreational purposes. Further, piers destroyed by storm pose a threat to nearby properties by increasing water-borne debris."

The Town of Barnstable is explicitly stating itself that the creation of any piers or docks, which Mr. Mackinnon hopes you allow him to build, causes irreconcilable damage to the surrounding environment and drastically affects local sea life populations as well as erosion. The regulations go on to state that "Docks and piers when placed in land containing shellfish or shellfish habitat have an adverse impact on the resource area value of recreation. The placement, length and size of docks and appurtenant floats can interfere with the harvesting of quahogs, soft-shell clams, and scallops. Docks and piers can have an unacceptable significant or cumulative effect on habitat and recreation as defined in § 327-14 of Chapter [237](#)" You can drive down to town dock at any time and see numerous shellfishermen and women clamming and digging for shellfish in the waters directly adjacent to where this dock/structure is proposed to be built. We CANNOT allow this as it will destroy and displace any shellfish colonies in the surrounding waters. I have also heard that Mr. Mackinnon has promised to install oyster beds to restore what is lost.... in order to obtain a commercial oyster license you must own 5 acres of the waterway which Mr. Mackinnon does not have on that lot. I bring this up as any promise from Mr. MacKinnon of restoring the shellfish population he disrupts is a facade... The oysters grown on that property will go nowhere except his table for dinner which to some is viewed as stealing a resource from our community that already exists there.

I have also attached a map of all of the protected and open shellfishing areas in Cotuit Bay that was provided to me by the Town of Barnstable as this dock will be infringing on those protected areas we love so dearly.

I also find it fishy that the language Mr. MacKinnon is using in his filings references this project as a pre-

existing pier/dock/wharf when this wharf has long since passed it's time of being considered for re-building. The 1952 license that was issued to Lawrence Claussen was to construct stone/boulder riprap around the already dilapidated pier. From then on, the ability to dock a boat at the pier was impossible and the structure has been unsuitable as a pier or dock for 68 years.... In chapter 240 section 97 of the Town of Barnstable's regulations, found [here](#), states the following: "Any lawful preexisting nonconforming use or building or structure or use of land which has been abandoned or not used for three years shall not thereafter be reestablished." Based on this alone, Mr. MacKinnon should not be permitted to re-establish this pier and is 65 years too late.

I have also been driving boats large and small all my life and find it hard to believe that this would not impede on the ability for boats to dock at the town dock to pick up family, not to mention the dinghies that would be completely blocked from a safe and open lane out to their boats without having to avoid additional boat traffic. The fire department also has kept their boat at my family's dock as well as our neighbors dock (which was rudely and falsely regarded as "in disrepair") and we never charged a penny for the Fire Department. We also offered our driveway that goes right down to our dock for the easiest and fastest access possible to their fireboat in case of emergency... I apologize but I simply wonder why we haven't heard from the Fire Department about keeping their boat at our dock or our neighbors docks and now they are backing this development for their own self interests with the public interests in their rear view mirror.

I also wanted to ask the question of how many? If Mr. Mackinnon is granted this and is allowed to build a dock, who is to stop others from coming to get dock building approval? Next thing you know, the beautiful Cotuit Bay that I grew up swimming in, fishing in, and shellfishing in will be a dead zone for all marine life.

I grew up in the waters of the Cotuit Bay. I grew up hopping around those rocks, crabbing, fishing, and clamming and it has taught me a lot. Not just about the environment through observation and interaction with the wild space, but it has taught me a lot about myself as a person and my relationship with the ocean. As I am older now, it has taught me to stand up for things you believe in and to protect the defenseless natural world that we all love and enjoy so much which is disappearing right before our eyes. Cotuit Bay is a little slice of heaven for everyone who lives and visits our community and I would like to keep it that way and stop the development. I only pray that the Zoning Board of Appeals keeps an open mind and ear to our community, takes the time to read this lengthy note, and denies this dock/pier/wharf from being built in the upcoming meeting this week.

Kind Regards
John K.

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From: Maddie Kelley <mkelley10994@gmail.com>
Sent: Tuesday, January 12, 2021 7:10 AM
To: Brigham, Anna; Puckett, Carol
Subject: ATTN: Appeal No. 2020-042 MacKinnon Special Permit

Dear Zoning Board of Appeals Members,

My name is Madeline Kelley and I am writing today to inform you of my opposition to the Special Permit Request by Matthew J. MacKinnon, as the trustee of 33 Oyster Place in Cotuit.

I am a Research Associate at a marine science-based biotechnology company and have been a seasonal resident at an abutting residence every year since 1994 and the village of Cotuit holds a special place in my heart. I have always enjoyed digging for quahogs, swimming, kayaking, and sailing in that area, but with increased boat traffic it will be increasingly difficult and dangerous to navigate the waterways. Also, the turbidity produced and removal of rocks will decimate the blue crab, quahog, and mussel habitats that are now present. The Notice of Intent proposal includes the replacement of long-established land and vegetation with an office building, piers, floats, and multiple large vessels, which sounds as if it will rival the already busy Town Dock only a few feet away. To that end, approval of this proposal will set a precedent for others wishing to do the same, and the quintessential Cape Cod charm will be replaced with large real estate developments and garish commercialization. The unparalleled character and natural beauty of Cotuit Bay and the wetlands surrounding the Town Dock deserve to be preserved as ardently as possible. Scenic vistas and quaint beach towns are synonymous with Cape Cod and committees meant to serve the public interest should reflect that.

Therefore, I strongly oppose the Special Permit Request, and urge the ZBA to recall the original spirit and unanimous approval of the Dock and Pier Overlay District that was added to the Town of Barnstable Zoning Ordinances on 01 February 2001. The purpose was to conserve and protect the general public interest in, and access to public tidelands. This fundamental mission and the associated regulations should not be violated to serve private interests of any kind. Thank you for taking the time to consider my opposition, and I hope the ZBA will discourage this Special Permit Request and any others with similar intent.

Sincerely,

Madeline Kelley

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From: phylliscotuit@aol.com
Sent: Wednesday, December 09, 2020 9:29 AM
To: Brigham, Anna
Subject: proposed pier in overlay district

I am writing to oppose the project by Matthew McKinnon The village of Cotuit by a large number supported the overlay area . The applicant shows no hardship and therefore should receive no relief from the ordinance. WE do not need a dock

Phyllis Miller
688 Main St.
Cotuit

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From: phylliscotuit@aol.com
Sent: Wednesday, December 09, 2020 9:34 AM
To: Puckett, Carol
Subject: Agenda Item 11.A

Phyllis Miller
688 Main St
Cotuit

I oppose the project for the proposed dock. Meeting December 9 2020

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From: Larry Odenca <larryo301@aol.com>
Sent: Saturday, December 05, 2020 12:03 PM
To: Brigham, Anna
Cc: Puckett, Carol
Subject: MCCM Realty Trust Pier Application

Box 503
Cotuit, MA 02635
December 4, 2020

Town of Barnstable Zoning Board of Appeals
200 Main Street
Hyannis, MA 02601

Attention: Ms Anna Brigham

Dear Committee Members:

I understand that MCM Realty Trust is seeking your support with regard to their wish to build a pier at 33 Oyster Place Rd and 910 Main Street in Cotuit. It is my opinion such an installation is not permitted under the Dock and Pier Overlay District that was added to the Town of Barnstable Zoning Ordinances in 2001.

Several weeks ago, I wrote the Town of Barnstable Conservation Commission my opposition and for your ready reference repeat some of my comments.

My concern with the current proposal is that its implementation would ultimately negate the ordinance opening up our beautiful shoreline to an abundance of piers. Walkers love to enjoy our beaches and all citizens can admire the beauty of our shoreline. Additionally, many new piers surely would add pressures to an already crowded anchorage. On the latter point I could imagine the Harbormaster office would not welcome this.

Some might argue that the MCCM Realty Trust should have a special exception as it apparently has the support of the Cotuit Fire Department which would be allowed to use the pier. I would respectfully suggest that there must be other options in addition to the Fire Department current mooring at an existing installation. It seems to me the close by so called Town Landing should also be a possibility.

Thank you for considering my views.

Yours sincerely, Larry Odenca

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From: rachel patel <rachelpatel3@gmail.com>
Sent: Tuesday, January 12, 2021 12:46 AM
To: Brigham, Anna
Subject: Town of Barnstable Zoning Board of Appeals- Opposition to Appeal No. 2020-042

Dear Zoning Board of Appeals Members,

I hope this letter finds you well despite these difficult and uncertain times. I am writing to express my opposition to Appeal No. 2020-042 which is scheduled before the zoning board on January 13, 2021.

My name is Rachel Patel and my grandparents have owned a home on Cotuit Bay for 48 years. I have been fortunate to spend my summers in this home with my extended family. We have swam, fished, clammed, kayaked and paddle boarded around this bay. As a young adult I worked for two summers at the Kettle Ho Restaurant and Tavern. Now as an adult, I have been able to bring my husband and three small children back to our family home.

I was recently made aware of the aforementioned appeal to remove an existing “wharf” and install a replacement pier. It appears that the applicant, Matthew J. Mackinnon, Trustee of 33 Oyster Place Realty Trust, is seeking a special permit pursuant to section 240-93 (B) of the Ordinance to alter the pre-existing, non-conforming pier structure. The applicant states that the existing structure historically has been and continues to be used as an access to water. In the nearly 50 years that my family has lived in this home, we have not seen a “pier structure” on this property and neither the cement wall nor adjoining rocks have been used to tie up or otherwise access boats.

This proposal appears to be an obvious violation of the Dock and Pier Overlay District that was added to the Town of Barnstable Zoning Ordinances on February 1, 2001 as paragraph 240-37 of Article III. As a neighbor, I appreciate the motivations behind the establishment of this overlay district.

- (a) Maintaining public access along the shore and to shellfish and shellfish beds, whether existing or potential, for the purposes allowed by law (Strategy 2.2.6.1.1);
- (b) Maintaining safe, open waters for recreational pursuits, including swimming, power boating, rowing, rowing instruction, sailing, sailing instruction, sailboat racing, and kayaking (Goal 2.2.4); and
- (c) Protecting and retaining the natural open character and scenic vistas of the seacoast and water (Policy 2.2.6.2).

I worry that approving this appeal would set a precedent for further exceptions and therefore further risk damaging the “natural open character and scenic vistas of the seacoast and water”. Please accept this as my formal opposition to Appeal No. 2020-042.

Thank you for your time,

Rachel Patel

Rachelpatel3@gmail.com

3942 Lakeview Ct.

Long Grove, IL 60047

847-309-1493

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From: Christine Robello <crobello2@gmail.com>
Sent: Tuesday, December 08, 2020 1:42 PM
To: Brigham, Anna
Subject: Proposed Pier Cotuit

Please see the following message which was previously sent to the Conservation Commission and is relevant to your committee, as well.

Thank You.

Christine Robello

----- Forwarded message -----

From: Christine Robello <crobello2@gmail.com>
Date: Sun, Nov 22, 2020 at 5:39 PM
Subject: Agenda Item II.A for Meeting of November 24, 2020
To: <conservation@town.barnstable.ma.us>

I am writing in opposition to the Notice of Intent listed as item II.A on the agenda for the Conservation Commission's meeting scheduled for 6:30 PM on November 24, 2020. This pertains to the property at 33 Oyster Place Road and 910 Main Street in Cotuit.

The proposal to remove an existing wharf and to install a replacement is a moot point. There is no "existing pier!" The proposal appears to be in obvious violation of the Dock and Pier Overlay District that was added to the Town of Barnstable Zoning Ordinances on February 1, 2001 as paragraph 240-37 of Article III.

Historically, there was extensive research done to create the Overlay District, and it was unanimously approved to be included in the Town of Barnstable Zoning Ordinances by the Town Council, with good reason. Those reasons remain valid. Please deny this request as well as any subsequent requests of this nature.

Thank you for your time and valued care of our town and villages.

Christine Robello
309 School St.
Cotuit

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From: Puckett, Carol
Sent: Monday, January 11, 2021 2:41 PM
To: Brigham, Anna
Cc: Jenkins, Elizabeth
Subject: FW: Proposed Pier

fyi

Carol Puckett - Administrative Assistant Zoning Board of Appeals & Land Acquisition and Preservation Committee
200 Main Street
Hyannis, MA 02601
508-862-4785

The Town of Barnstable is operating and providing critical services to our community. Town offices at Town Hall and 200 Main are currently not open to the public through May 18th and many of us are working remotely. Staff is available remotely and meetings are being scheduled by appointment only.

The best way to reach us during this time is by e-mail, but you may also leave a message at 508-862-4703.

For updated information on the Town of Barnstable's response and resources related to COVID-19 visit www.BarnstableHealth.com. Thank you for your patience and support as we continue adjusting to the COVID-19 outbreak.

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

From: Peter Salisbury [<mailto:petersa@shipmercury.com>]
Sent: Monday, January 11, 2021 12:21 PM
To: Puckett, Carol; Cavanaugh, Kimberly
Subject: Proposed Pier

I am writing today to voice my opposition to the proposed pier on Oyster Place Rd. that would be wedged beside the current town dock. One need only view the aerial photographs or the architectural renderings to recognize how congested the shoreline is already. An additional structure will only add to the problem.

It is difficult for me to believe that a new dock will be anything but detrimental to the existing shellfish, wildlife and the overall ecology of that area. Quite simply, additional piers mean additional boats and the negative impact they bring. The bays are already comprised by overbuilding and use.

Furthermore the earmarking of part of the project for town use smacks of impropriety. It is my understanding that there is a strict moratorium on pier construction in the town. Why is it that the town should be able to overlook regulations put in place over a decade ago when the deal is sweetened to mask the real issue at hand. If the contention that the town is being underserved by the existing accommodations for its vessels is true, then let's consider a modification/improvement to the town dock to meet those needs.

I have other, lesser concerns as well but these are larger ones. I appreciate your time in reading this and your consideration of my objection.

Regards,
Peter Salisbury
819 Main St.
Cotuit, MA. 02635
Sent from my iPad

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From: leslie spencer <lesliebspencer@icloud.com>
Sent: Sunday, January 10, 2021 4:48 PM
To: Brigham, Anna
Subject: Dock on oyster road

Please no new dock.

In my impression the fire rescue boat is rarely used. Pays to be docked there.

Years ago we fought for no new docks in this area.

Please keep the quaint look of this shore.

Please, no.

Thank you,

Leslie Spencer

151 Main Street

Cotuit

Sent from my iPad

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From: Jenkins, Elizabeth
Sent: Monday, January 11, 2021 9:39 AM
To: Puckett, Carol
Cc: Brigham, Anna
Subject: FW: Mackinnon Special Permit Applications

For the record.

From: laura toner [<mailto:laura.n.toner@gmail.com>]
Sent: Sunday, January 10, 2021 9:49 PM
To: Jenkins, Elizabeth
Subject: Fwd: Mackinnon Special Permit Applications

Begin forwarded message:

From: laura toner <laura.n.toner@gmail.com>
Date: January 10, 2021 at 6:24:39 PM EST
To: elizabeth.jenkins@town.barnstable.ma.us
Cc: clbunting58@comcast.com
Subject: Mackinnon Special Permit Applications

Michael Toner
164 Little River Road
P.O. Box 438
Cotuit, Ma 02635
Mettoner@aol.com
917-280-4944

January 10, 2021

Town of Barnstable Zoning Board of Appeals
230 South Street
Hyannis, MA, 02601
Attn: Elizabeth Jenkins, Director

Dear Board Members:

We are writing in opposition to the above referenced Application. As a property owners and long time residents of Cotuit and as a boaters and frequent users of the waters around town dock the proposed project has legal (as outlined other letters sent to the ZBA) and common sense faults.

Our principal insight on the project comes from watching the recorded Waterways Committee meeting of December 8, 2020.

A few observations and questions:

*The applicant stands to economically benefit from the project as residential real estate values are materially improved by the addition of a dock capable of securing multiple large crafts.

*Would this Application be seriously considered if the fire department was not gaining a long term dock access for their fire boat and a structure for offices and bathrooms?

*The diagram and spacing discussion during the Waterways meeting was misleading. Ten feet here and fifteen feet there changes radically in the real world of Cotuit weather and tides. We can force a boating and public safety nightmare in that already crowded dock area with unfriendly wind and tides.

*We recommend that the issues of the dockage for the fireboat and the application for a private dock, which will be longer than the town dock, should be separated and addressed on their own merit.

* AS one of the speakers said at the Waterways meeting “the longterm needs of the fire boat should be addressed by a modified design and use of the town dock.

We will continue to follow the progress and debate about this project. We thank the Board for the work you do on all of our behalf.

Sincerely, Michael and Laura Toner, residents and boaters.

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Jesse and Sharon Hurley
20 Oyster Place Road
Cotuit, MA 02635

November 11, 2020

Barnstable Conservation Commission and
Barnstable Zoning Board of Appeals

Re: Support for Waterfront Improvements, 33 Oyster Place Road, Cotuit MA

Dear Members of the Conservation Commission and Zoning Board of Appeals:

We are direct neighbors to the MacKinnon's, and along with them, have a home abutting the Cotuit Town dock. Like the MacKinnon's, we have early roots in Cotuit. I resided there full-time until moving to Vermont when I was 10 years old. Since then, my family and I have spent every summer in Cotuit, as several of my family members remain Cotuit residents. Last year, my wife Sharon and I were fortunate to be able to purchase a home at 20 Oyster Place Road. Over the years, like many people in the village, we have become very familiar with the activities and challenges at the Town dock.


The plans the MacKinnon's have for their property, along with the benefits to the Town property and waterfront, are welcomed in our opinion for several reasons. First, removing the old wharf will provide more area for the ever-increasing number of dinghies to maneuver, a new shellfish habitat, and a new beach area. The new dock will provide designated space for the Fire/Rescue boat, the Clean Water Coalition boat, and upwellers to raise oysters and quahogs. As you know, the Fire/Rescue boat is active during the summer responding to calls in the harbor, and a permanent slip with quick access is critical to ensure ongoing, reliable public safety. Additionally, the upwellers and a slip for the Clean Water Coalition boat will help to promote improvement in water quality, which is essential to the goal we all share for long term improvement in our water quality.

The MacKinnon's willingness to donate a portion of their property so that the Town can build a dock office with an ADA compliant bathroom is also highly beneficial. The Town does not currently have land to support these facilities, and the property being donated by the

MacKinnon's will finally allow the Town to remove the port-a-potty from the parking lot. We regularly enjoy walking along the beach with our two young daughters, and the permanent easement to walk along the MacKinnon's beach has meaningful benefits to all residents, and also sets a nice example to other waterfront property owners.

Clearly, the MacKinnon's have considered the needs of the community of Cotuit in their proposal, and we whole-heartedly support their efforts to move forward with these plans. As members of the community, we recommend and encourage you to give favorable action to their permit applications.

Sincerely,



Jesse and Sharon Hurley

Cc: Mark S. Ells, Town Manager

To: Members of the Barnstable Zoning Board of Appeals/Conservation Commission

Cc: Eliza Cox, Esq. / ecox@nutter.com

From: Charles B. Swartwood, III
Box 800
Cotuit, MA 02635

Date: December 5, 2020

The purpose of this letter is to request the various Town boards (Zoning Board of Appeals, Conservation Commission et al) to reject the petition by Matthew J. McKinnon (the “Applicant”), Trustee of 33 Oyster Place for the construction of an elevated wooden pier with associated ramps and floats.

Chapter 240, Article III § 240-37, Dock and Pier Overlay District (the “Ordinance”) creates an overlay district which prohibits the construction and/or installation of docks and piers within the district. The Applicant’s request for a special permit to build a pier is within the overlay district and is, thus, prohibited. However, the ordinance further provides, in relevant part, as follows:

- D. Prohibition. Within the Dock and Pier Overlay District, the construction and/or installation of docks and piers is prohibited.**
- E. Reestablishment of damaged or destroyed nonconforming docks or piers. The reestablishment of a lawful preexisting nonconforming dock or pier which has been destroyed or damaged by fire, acts of nature or other catastrophe shall be permitted pursuant to § 240-95, Reestablishment of damaged or destroyed nonconforming use or building or structure. The redeployment of a lawful preexisting nonconforming seasonal dock or pier is permitted.**

- F. Expansion of existing docks or pier. For the purposes of Article VIII, Nonconformities, the expansion of an existing dock or pier located within the Dock and Pier Overlay District shall be deemed to be substantially detrimental and shall be prohibited.**

The question presented by the Applicant is whether he is entitled to the “reestablishment of a lawful preexisting nonconforming dock or pier which has been destroyed or damaged by the acts of nature or other catastrophe shall be permitted pursuant to § 240-95.” *Id.* The Applicant argues that back in the 1800’s a concrete structure was constructed to accommodate several commercial enterprises then located on, at or near the Applicants property. This concrete structure was used, in part, by commercial sailboats loading/unloading their products onto the concrete structure which was close to the public road from the dock area to the village. All of this commercial activity has long ago ceased to exist. The evidence is clear that the concrete structure has long ago been abandoned as a dock/pier and under no stretch of the imagination, can it qualify as the reestablishment of a developed or destroyed nonconforming use. There is absolutely no comparison between the long ago abandoned concrete structure and Applicants proposed pier. Therefore, the Applicant is not entitled to the relief he now seeks from the involved town boards.

Richard Gavin Barry
20 Highland Avenue
P.O. Box 4
Cotuit, Massachusetts 02635
rickbarry20@comcast.net

January 7, 2021

Town of Barnstable Zoning Board of Appeals
230 South Street
Hyannis, MA 02601

RE: MacKinnon Special Permit Application at 33 Oyster Place, Cotuit

Dear ZBA Members:

I hope this letter finds you healthy and safe in these uncertain times. I am writing in opposition to the Special Permit Request by Matthew J. MacKinnon, as Trustee of 33 Oyster Place Road in Cotuit, hereinafter referred to as the "Applicant". As the former Town Councilor of Precinct 7, I was the co-sponsor, along with Ann Cannedy of Precinct 1, of Article III, Section 240-37, commonly known as the Dock and Pier Overlay District. The purpose of this District was to protect the general public's interest in, and access to the public tidelands of the Commonwealth.

The Applicant's proposal falls within the Dock and Pier Overlay District. Section D clearly states, "Within the Dock and Pier Overlay District, the construction and/or installation of docks and piers is prohibited". The District allows for reestablishment of lawfully preexisting nonconforming docks and piers that were damaged by fire or mother nature. These conditions do not apply to the Applicants submission but if they did it would be in violation of Article III Section 240-95. It increases the footprint of the structure, constitutes an expansion and intensification of a nonconforming use and no building permit was applied for within two years of the event.

The Applicant's submission alleges that the property is a preexisting nonconforming use under Section 240-9(B) and thus seeks to obtain a special permit to excavate 3000 square feet of land and build a large dock. Section 240-9 (B) deals with preexisting buildings or structures. There is no preexisting building or structure but rather a tract of land which is subject to the Dock and Pier Overlay District. Even if we assume that the land is a nonconforming use, it has not been used as a wharf, pier or landing for the thirty years that I have lived in Cotuit. Section 240-97 provides that, "Any preexisting nonconforming use or building or structure or use of land which has been abandoned or not used for three years shall not thereafter be reestablished."

In the event that the ZBA elects to employ the balancing test of a special permit, please consider Section F of the Dock and Pier Ordinance which states, "The expansion of an existing dock or pier located within the Dock and Pier Overlay District shall be deemed to be substantially detrimental and shall be prohibited. For the above state reasons the Applicant's request for relief should be denied.

Respectfully submitted,

cc: Eliza Cox

Richard Barry

David C. Churbuck
854 Main Street
P.O. Box 720
Cotuit, MA 02635

Town of Barnstable Zoning Board of Appeals
230 South Street
Hyannis, MA 02601

January 11, 2021

RE: MacKinnon Special Permit Application for 33 Oyster Place, Cotuit

Dear ZBA Members:

I am writing in opposition to the Special Permit Request by Matthew J. MacKinnon to modify the former site of the coal pier adjacent to Cotuit's town dock. While the applicant is to be commended for offering to grant in perpetuity the public's right of access to the town way to water, and dock space for boats belonging to the Cotuit Fire Department and the Barnstable Clean Water Coalition, the proposal would subvert the Dock and Pier Overlay District enacted two decades ago to ban new dock construction on the western shores of Cotuit Bay from Handy's Point to Loop Beach. I am a lifelong resident of the village and live three houses north of Oyster Place on Main Street. I am a longtime holder of a recreational shellfishing permit, as well as a fisherman, rower, and sailor.

Cotuit residents (including myself) have a long tradition of opposing new pier applications to preserve their right to access the waterfront with no impediments despite the continuous efforts of new waterfront property owners seeking to enhance their property value through the construction of such piers, or who try to discourage lawful public access across the shoreline by posting no trespassing signs or verbally harassing anyone transiting their beach. A dock -- especially one with permanent pilings -- constitutes a private taking of public resources as any dock impedes the free transit of the beaches and near-shore waters by recreational clammers and anglers, and have the negative impacts of reducing water flow and harming shellfish habitat which the Dock and Pier Overlay District is intended to protect.

Any efforts to restore the natural contours and dynamics of the shoreline by demolishing rip rap, groins, and jetties are to be commended, but this proposal would remove such obstructions and replace them with a new, semi-permanent dock shoehorned into the tight space adjacent to Cotuit's only public pier. The construction of such a pier, with ramp and floats, would impede safe navigation around the south side of the town dock. I have no objection to the removal of the old stone pier and the boulders placed around it in the 1950s, it's the cramming of a significant new pier into the space which is of highest concern to me.

My greatest concern is that by granting a special permit to the MacKinnons, the ZBA would establish a precedent for other waterfront property owners to claim that they too are eligible to contravene the intent of the Dock and Pier ordinance if they too can prove any vestige of a historical pier on their property, even if such a pier had not be maintained and kept in constant use for over 100 years. The purpose of the overlay district was to once and for all stop the constant filing of new pier applications in Cotuit and maintain the shoreline as a public resource for all to enjoy.

The MacKinnons should be commended for their careful research, thoughtful plan, environmental awareness and benevolent offer of permanent accommodation to the fire district and persons seeking a

public way to water across the property. However, the historical right of way from Oyster Place should not be considered temporary as it is a long-standing public way that the previous property owner at 33 Oyster Place attempted to block when pressure was brought by local shellfisherman to keep it and other Cotuit ways to water open. If the town seeks to manage the high use and pressure on the town dock, I suggest it consider either an expansion of the existing town dock to accommodate the fire department's boat, reconsider its decision to allow a privately owned and operated launch service to use one float exclusively from spring through the fall, and place a firm cap on the number of dinghies and small boats allowed to use the floats, reserving them for mooring permit holders who need a way to get to and from the mooring field. While the goal of improving citizen access to the waterways is to be commended, the harbor is at full capacity, the town pier has never been as heavily used as it is today, and the result has had a massive impact on life for residents living in the center of the village in terms of traffic, trash and noise.

For the above stated reasons the application should be denied.

Respectfully submitted,

David Churbuck

Mia Walter
743 Chestnut Street
Santa Cruz, CA 95060
miawalter@gmail.com

January 11, 2021

Barnstable Zoning Board of Appeals
200 Main Street
Hyannis, MA 02601

Dear Zoning Board of Appeals Members,

As a part-time resident of Cotuit and an abutter to 33 Oyster Place Road, I am writing to formally register my **objection** to the proposed dock at 33 Oyster Place Road, as it would be in **clear violation of Chapters 240.37 and 240.37.1** (of Article III of General Ordinances), **the ban on docks and piers in the Dock and Pier Overlay District**, which were put in place to protect the Bay.

33 Oyster Place falls within the Recreational Shellfish Area and Shellfish Relay Area of the Dock and Pier Overlay District, and as such, the property owner is prohibited from constructing and installing a new pier. While there are some exceptions for repairs to damaged non-conforming docks and piers, 33 Oyster Place DOES NOT meet those criteria.

According to Chapter 240.37, repairs to piers and docks are pursuant to **Chapter 240.95**, which **only allows for the reestablishment of a non-conforming pier (A) damaged by fire, a severe weather event, or similar catastrophe**, and when **(B) a building permit has been applied for within two years of the date of damage or destruction and construction has been “continuously pursued to completion.”**

While Mr. Mackinnon references an 1874 wharf license and has submitted century-old images showing the property, **the area in question has not operated as a pier in many decades, and as such, it does not meet the criteria set forth in 240.95.** In the 48 years my family has owned the abutting home at 932 Main Street, there has never been an operating pier or dock at 33 Oyster Place Road—my family and friends have never seen anyone attempt to use the rocks as a pier in the 55 years we have been coming to the village, and recent Barnstable property tax records do not list a pier at the location. Furthermore, Mr. Mackinnon has beach rights, and carrying a boat onto the rocks to launch it into the water would be foolish—any claims to the contrary are misleading at best and should be met with a high level of suspicion.

The proof of cause (weather event or fire) and two-year time limit aside, Mr. Mackinnon's proposed dock does not meet the remaining criteria set forth in 240.95. For all intents and purposes, his plan constitutes a **significantly larger, operational footprint** (240.95, A-1), as the proposed structure would extend past two rafts of dinghies at the Town Dock, constraining public access for row boats and substantially altering the public waterway. The plan also involves a **change in location** (240.95, A-2) and is thus subject to the tighter restrictions of the protected Recreational Shellfish Area and Shellfish Relay Area of the Dock and Pier Overlay District.

Please accept this letter as my formal opposition to the construction and installation of a dock at 33 Oyster Place. The proposed plan is **not in the public interest of the Town**, as it would have a significant and cumulative adverse effect on Cotuit Bay and would **open the floodgates** for the numerous others with long-expired licenses to build docks. I have come to Cotuit every year for forty years, both in the summertime and for work sabbaticals. I grew up collecting quahogs with my grandfather, Alfred Fiore, and I enjoy watching other shellfishermen and women clamming in Cotuit Bay. As an abutter to 33 Oyster Place Road and a part-time resident of Cotuit, I know how special our Bay is, and I am grateful to the Town of Barnstable for issuing a ban on docks and piers to protect it. I am not alone in saying Cotuit is my favorite place in the world, and it is important we continue to work together to protect the community and Cotuit Bay for future generations by upholding 240.37. I hope you join me in opposition, by denying the request to build a dock at 33 Oyster Place.

Sincerely yours,

Mia Walter



My grandfather, Alfred Fiore, clamming between 932 Main St. and 33 Oyster Pl. Rd. in 1983



Sunrise over Cotuit Bay 02/01/2018



October 30, 2020

To: Town of Barnstable Conservation Commission, Zoning Board and Board of Health.

Re: Support for Dock redesign, proposed new alternative septic systems and other environmentally positive proposals for 33 Oyster Place Road and abutting property in Cotuit.

Dear all,

We have spent time examining the proposals that are being proposed by the property owner, DJ MacKinnon and Oyster Place Realty Trust, Inc. and we are in general support. Taken together these proposals will help restore environmental conditions, both along the Cotuit shoreline adjacent to the town dock, but also in Cotuit bay itself with the addition of two enhanced alternative septic systems.

We believe that the "Nitroe" septic systems being proposed for use at this site will be of a type that is critical for the long-term health of Cotuit Bay and the Three Bays estuary generally. Hopefully Mr. MacKinnon's willingness to lead the way with the installation of these systems will be a catalyst for further use in Cotuit, and in Three Bays.

While we are big supporters of shellfish generally, and of the oyster farmers in the Three Bays, we recognize that it will be up to the Town's natural resources department to make any decisions regarding upwellers to grow shellfish at this site or at any other site in the Three Bays.

Mr. MacKinnon has offered us a slip for one of our BCWC boats at his expanded dock and it will not come as a surprise that we are pleased with the offer. Dockage is in short supply and we definitely have the need.

That being said, please know that our aforementioned support of this project is in no way predicated on the offer of a slip. We will support this project with or without the slip.

Mr. MacKinnon has also offered to work with us to examine further projects to assist in our efforts to improve the water quality, and the aquatic habitat, in Cotuit Bay. We are very pleased to have his support, and his offer of additional help.

The health of our bays will require the assistance of many in our community and these efforts are all a step in the right direction.

Sincerely,

A handwritten signature in blue ink, appearing to read "Zenas Crocker", is written over a horizontal line.

Zenas Crocker, Executive Director



COTUIT FIRE, RESCUE & EMERGENCY SERVICES

64 HIGH STREET • P.O. BOX 1632 • COTUIT, MA 02635

OFFICE (508) 428-2210 • FAX (508) 428-0202 • WWW.COTUITFIRE.ORG



To: Barnstable Conservation Commission and
Barnstable Zoning Board of Appeals

From: Paul Rhude, Cotuit Fire Chief

Re: Support for dock redesign at 33 Oyster Place Road, Cotuit

Date: October 23, 2020

Dear Members of the Conservation Commission and Zoning Board of Appeals,

The Cotuit Fire District supports the construction of the proposed redesigned dock at 33 Oyster Place Road with dedicated public safety dockage. The Cotuit Fire District has been struggling to find a permanent docking solution for our fire/rescue boat for many years. The time required to launch a trailered boat or reach a moored boat is not effective in an emergency response. Unlike the other fire districts, there are no marinas with rental slips in Cotuit.

The current leased dock a) requires response crews to transit, on foot, through a wooded area and b) the rescue/fire boat must dock with the bow facing land (due to the water depth), both of these constraints result in delayed response times. The current dock is in need of repair, our agreement for use is year to year and the property had been for sale in the past. Having a permanent location adjacent to the Town dock and having the ability to secure the rescue/fire boat with bow facing the harbor will create a true long-term solution for dockage and significantly reduce response times.

Cotuit Fire District received a 2014 29' Metal Shark Marine surplus USCG rescue/fire boat in 2018. Over the last couple years, we have installed new electronics, repainted, and provided training to our staff. We have also offered the boat to the Barnstable Police and Harbor Master as a shared resource.

Emergency incidents on the water demand a very high amount of resources. It takes multiple boats and crews to mitigate what would be a simple call on land. The USCG, as the primary response agency, request the deployment of at least two municipal emergency boats to all calls. We are in between USCG bases, making Barnstable resources the first on scene. New response agreements with the USCG and our neighboring fire departments will increase our responses over the coming years.

The South side waters of Barnstable are extremely busy with recreational boaters, commercial fishing and commercial ferries, much of the year. There is a high potential for incidents which will require the coordinated response of all Barnstable emergency services. Having an emergency resource which can be quickly deployed in Cotuit is extremely important. Permanent dockage with rapid access to an emergency boat will significantly reduce response times and increase the safety of our residents on the water.

Your favorable consideration of this proposal will significantly benefit public safety for the community.

Regards,

A handwritten signature in black ink, appearing to read "Paul Rhude". The signature is written in a cursive, flowing style.

Chief Paul Rhude

Cc: Mark S. Ells, Town Manager
33 Oyster Place Realty trust

To: Barnstable Conservation Commission and
Barnstable Zoning Board of Appeals

Re: Support of waterfront improvements and modified dock at 33 Oyster Place Road,
Cotuit

Date: November 13, 2020

Dear members of the Conservation Commission and Zoning Board of Appeals,

I am writing in regard to the proposed waterfront improvements and modified dock at 33 Oyster Place Road, next to the Cotuit Town dock.

1. The current "wharf" is an eyesore and the removal of almost all of it would restore the natural shoreline.
2. A modified dock with a free permanent docking spot for the Cotuit Fire District's Fire/Safety boat is a welcome change verses the current rental situation. Given that the owner of the other dock chooses to charge the Fire District and will not give a long term agreement, this is certainly a generous offer.
3. A second slip being offered for the Barnstable Clean Water Coalition. Cape Cod residents know that our waters are our best-selling feature for tourism and anything that helps maintain them in pristine condition is welcome.
4. The current pathway for walking along the beachline is a license agreement (can be terminated) and had not been maintained well by the prior owners. A permanent public easement with a welcoming pathway would be a nice touch.
5. The current bathroom situation (porta potty) could be replaced with a better alternative that would be a benefit to all the Cotuit boaters and beach goers. Making it ADA compliant would certainly help support those members of our community.
6. I am a fan of Oyster and Quahog upwellers as they can provide a cleaning action to the harbor. They may even help reseed the local area.

Overall, there are a number of benefits to the town, but I envision a very improved town dock area that will be visually appealing to our community. Please seriously consider this proposal as the owner is trying to give back to our community.

Thank you for your consideration,

William Potter
184 Eisenhower Road, Cotuit, MA 02635

George and Tina Soares

351 Popponesett Road

Cotuit, MA 02635

ion and Barnstable Zoning Board of Appeals

vements, 33 Oyster Place Road, Cotuit MA

on Commission and Zoning Board of Appeals,

t a letter of support for the waterfront improvements at 33 Oyster Place Road in Cotuit. My husband George and I a
Cotuit community since birth and continue to have many family members and life-long friends in the village. I have kno
s thrilled to know they purchased this property last year. The end of this property adjacent to the town dock has bee
have included; safety issues with people leaving trash, difficult maneuverability around the storage of dinghies and
e concrete structure in decay. When I heard about the proposal for waterfront improvements at the end of Oyster pla
nd review details for the project.

family have been the owners of 33 Oyster Place, they have already cleaned up the property and made some minor
the waterfront improvements the MacKinnon's have proposed for their property will not only greatly improve area aes
mental quality needed for our harbor!

st ever designated space for the Cotuit Fire/Rescue boat. This is essential for the safety of harbor. Our fire departme
vessel to provide adequate response to calls and ensure overall safe busy summer. I am sure Paul Rhude, our Fire
support this need.

ce for safety purposes, we see how the space will support the vital resources assisting with environmental quality. I h
the quality of our aquatic habitat. The installation of upwellers to raise oysters and quahogs will help with the much
vs areas. The uniqueness and value this his project is also demonstrated by the proposed implementation of the Nit
ar surpasses the standard system and mitigate any potential leach in to the harbor.

Town of Barnstable
Planning and Development Department
Elizabeth Jenkins, Director
Staff Report



Special Permit No. 2020-042 – MacKinnon, Trustee of 33 Oyster Place Realty Trust

Section 240-93 (B) to alter preexisting nonconforming structure

To allow the removal of approx. 3,000 square feet of the solid fill pier and construct an elevated wooden pier with associated ramps and floats

Date: November 23, 2020
To: Zoning Board of Appeals
From: Planning and Development Staff
Applicant: **Matthew J. MacKinnon, Trustee of 33 Oyster Place Realty Trust**
Property Address: 33 Oyster Place Road, Cotuit, MA
Assessor's Map/Parcel: 035/101
Zoning: Residence F (RF) and Dock and Pier Overlay District

Filed: November 13, 2020

Hearing: January 13, 2021

Decision Due: February 17, 2021

Copy of Public Notice

Matthew J. MacKinnon, Trustee of 33 Oyster Place Realty Trust, is applying for a Special Permit in accordance with Section 240-93(B) – Nonconforming Buildings or structures not used as Single or Two-Family Dwellings. The Applicant is proposing to alter the pre-existing, nonconforming pier by removing approximately 3,000 square feet of the solid fill pier and constructing an elevated wooden pier with associated ramps and floats for shared use with the Cotuit Fire District and the Barnstable Clean Water Coalition. The subject property is located at 33 Oyster Place Road, Cotuit, MA as shown on Assessor's Map 035 as Parcel 101. It is located in the Residence F (RF) and Dock and Pier Overlay Zoning Districts.

Background

The subject property is a 0.52 acre lot located at the end and to the south of Oyster Place Road overlooking Cotuit Bay. The property contains two separate dwellings constructed in 1979. The first dwelling contains 1,360 square feet of living area (1,936 gross area), 2-bedrooms and the second dwelling contains 204 square feet of living area (306 gross area) and 1 bedroom. There is a parking area at the end of Oyster Place Road with a pier extending out into Cotuit Bay owned by the Town of Barnstable.

According to the application, J. Nickerson and W. Robbins were granted a license in 1874 to construct a solid fill pier/wharf enclosing an area 40 feet wide extending 60 feet into Cotuit Harbor. In 1914, the Cotuit Oyster Company obtained a license to extend the solid fill pier/wharf onto abutting property to the East which they also owned. The 1914 Plan shows which portions were solid fill pier/wharf licensed in 1874 and which portions were licensed in 1914. At this time the pier extended across properties at 33 Oyster Place, 910 Main Street, and 916 Main Street. At some point thereafter, commercial operations at the site abated and the portion of the solid fill pier originally constructed in 1874 was removed, leaving the portion authorized by the 1914 License. This portion is located entirely on the property now known and numbered as 33 Oyster Place.

In 1952, an owner of 33 Oyster Place obtained a license to construct a stone rip rap around the remaining portion of the solid fill pier/wharf. The solid fill pier/wharf, as altered and armored in 1952, remains and provides access to the Harbor. In 2009, the then-owner of 33 Oyster Place granted a non-exclusive revocable license of public passage, on foot, across the landward end of the pier, the location of which is depicted on the site plans included with the application.

Proposal & Relief Requested

The MacKinnon family now owns 33 Oyster Place and 910 Main Street.

The proposal is to remove approx. 3000 square feet of the existing solid fill pier/wharf at the easterly end of the existing structure and construct a 45' revetment in its place, in addition to salt marsh restoration.

Approximately 350 sq.ft of the solid fill pier/wharf will remain and the proposal is to construct timber decking over that area (41 feet in length). The proposal is then to construct an elevated pile supported pier, ramp, and floats totaling 114 feet in length and 696 sq.ft in area.

1. The proposed pier will accommodate the Cotuit Fire District's boat. The Applicant is proposing a permanent easement to the Cotuit Fire District to use the westerly portion of the dock. Additionally, they are proposing allowed use by the Barnstable Clean Water Coalition.
2. The floating portions of the dock will contain an up-weller system for oyster and quahogs, intended for future transplanting throughout Barnstable in areas designated for shellfishing.

In addition, the Applicant is proposing to convey a permanent pedestrian easement to the Town along the shoreline of 33 Oyster Place and 910 Main Street to replace a revocable license that currently runs to the Town.

Additional Filing – Land Division

The application also indicates that additions are proposed to the dwellings at 33 Oyster Place and 910 Main Street, and with those improvements, a new denitrification septic is proposed for 33 Oyster Place. Lot line adjustments are being proposed in response. These adjustments are proposed to include the creation of a parcel to be donated to the Town that would allow for the construction of a permanent bathroom facility for public use at the Cotuit Town Dock. The application indicates "these lot line adjustments will necessitate a separate filing at the Zoning Board of Appeals, which will be forthcoming.

Dock & Pier Overlay District

The Dock & Pier Overlay District, Section 240-37 of the Ordinance, was adopted in waterfront areas of Cotuit in 2001 for the following purposes, as stated in the ordinance:

- (a) Maintaining public access along the shore and to shellfish and shellfish beds, whether existing or potential, for the purposes allowed by law;
- (b) Maintaining safe, open waters for recreational pursuits, including swimming, power boating, rowing, rowing instruction, sailing, sailing instruction, sailboat racing, and kayaking; and
- (c) Protecting and retaining the natural open character and scenic vistas of the seacoast and water.

The Dock & Pier Overlay District contains the following provisions:

D. Prohibition. Within the Dock and Pier Overlay District, the construction and/or installation of docks and piers is prohibited.

E. Reestablishment of damaged or destroyed nonconforming docks or piers. The reestablishment of a lawful preexisting nonconforming dock or pier which has been destroyed or damaged by fire, acts of nature or other catastrophe shall be permitted pursuant to § 240-

95, Reestablishment of damaged or destroyed nonconforming use or building or structure. The redeployment of a lawful preexisting nonconforming seasonal dock or pier is permitted.

F. Expansion of existing docks or pier. For the purposes of Article VIII, Nonconformities, the expansion of an existing dock or pier located within the Dock and Pier Overlay District shall be deemed to be substantially detrimental and shall be prohibited.

Dock & Pier is defined in Section 240-128 as follows:

DOCK or PIER

A combination of assembled materials that may be used as access to the water and extending below the reach of mean high water, including but not limited to, the following:

- A. Elevated open, pile-supported structure including gangways, floats, extensions, including ells and tees, dolphins, outhaul piles, and attendant pilings;
- B. Floating dock or pier; and
- C. Float, dock or pier installed for seasonal use, whether fixed or floating.

Other Reviews & Approvals

On December 22, 2020, the Applicant has filed with the Conservation Commission for approval of the following: “the removal of the historic, solid fill wharf, construction of low vinyl bulkheads along 300 square foot portion to remain, the landward relocation of existing rock revetment, installation of replacement pier, ramp, floats and appurtenances, establishment of halophytic marsh species in intertidal zone, and installation of seasonal town office building on 15 foot by 30 foot deck.” The application is scheduled for a public hearing on January 19, 2021.

Waterways Committee

The applicant appeared before the Waterways Committee on December 8, 2020 and summary of comments/minutes are attached.

The proposal will require the applicant to obtain a new Chapter 91 license.

Shellfish Committee

The applicant appeared before the Shellfish Committee on November 18, 2020 and summary of comments/minutes attached.

A copy of the Town’s Shellfish Biologist report is also attached.

Proposed Special Permit Findings

For all Special Permits, the Board is required to make general findings pursuant to § 240-125(C). The Board should review the evidence presented by the Applicant, staff, and members of the public and, after weighing such evidence, is encouraged to articulate if and how the evidence contributes to each of the required findings.¹

¹ At the discretion of the Zoning Board of Appeals, improvements may be required in order to reduce the impact on the neighborhood and surrounding properties including but not limited to the following:

- (a) Greater conformance of signage to the requirements;
- (b) The addition of off-street parking and loading facilities;
- (c) Improved pedestrian safety, traffic circulation and reduction in the number and/or width of curb cuts;
- (d) Increase of open space or vegetated buffers and screening along adjoining lots and roadways;
- (e) Accessory uses or structures to the principal nonconforming use may be required to be brought into substantial conformance with the present zoning.

- 1. The application falls within a category specifically excepted in the ordinance for a grant of a special permit.**

Under Section 240-93 B, a preexisting nonconforming use may be altered/expanded by special permit from the Zoning Board of Appeals.

- 2. After an evaluation of all the evidence presented, the proposal fulfills the spirit and intent of the Zoning Ordinance and would not represent a substantial detriment to the public good or the neighborhood affected.**
- 3. A site plan has been reviewed and found approvable (No approval to date).**

Section 240-93 B. requires the Board to find:

- 4. The proposed expansion of the dwelling will not be substantially more detrimental to the neighborhood than the existing building or structure. AND:**
- 5. Any proposed expansion of the use shall conform to the established setbacks for the zoning district in which it is located, or such greater setbacks as the Zoning Board of Appeals may require due to the nature of the use and its impact on the neighborhood and surrounding properties.**
- 6. The proposed use and expansion is on the same lot as occupied by the nonconforming use on the date it became nonconforming.**

According to the application, J. Nickerson and W. Robbins were granted a license in 1874 to construct a solid fill pier/wharf enclosing an area 40 feet wide extending 60 feet into Cotuit Harbor. In 1914, the Cotuit Oyster Company obtained a license to extend the solid fill pier/wharf onto abutting property to the East which they also owned. The 1914 Plan shows which portions were solid fill pier/wharf licensed in 1874 and which portions were licensed in 1914. At this time the pier extended across properties at 33 Oyster Place, 910 Main Street, and 916 Main Street. At some point thereafter, commercial operations at the site abated and the portion of the solid fill pier originally constructed in 1874 was removed, leaving the portion authorized by the 1914 License. This portion is located entirely on the property now known and numbered as 33 Oyster Place.

In 1952, an owner of 33 Oyster Place obtained a license to construct a stone rip rap around the remaining portion of the solid fill pier/wharf. The solid fill pier/wharf, as altered and armored in 1952, remains and provides access to the Harbor. In 2009, the then-owner of 33 Oyster Place granted a non-exclusive revocable license of public passage, on foot, across the landward end of the pier, the location of which is depicted on the site plans included with the application.

- 7. The proposed new use is not expanded beyond the zoning district in existence on the date it became nonconforming.**

Suggested Conditions

Should the Board find to grant the Special Permit No. 2020-042, it may wish to consider the following conditions:

1. Special Permit No. 2020-042 is granted to Matthew J. MacKinnon, Trustee of 33 Oyster Place Realty Trust to allow relief pursuant to Section 240-93 (B) to alter the preexisting nonconforming pier at 33 Oyster Place Road, Cotuit.
2. The proposed alterations will be in substantial conformance with the plan entitled “Site Plan Waterfront Improvements at 910 Main Street and 33 Oyster Place Rd Barnstable (Cotuit) Mass” prepared by Sullivan Engineering & Consulting, Inc., dated November 5, 2020 with last revision date of November 13, 2020.
3. The Applicant shall record a permanent public pedestrian easement as depicted on the proposed plan referenced above. Prior to recording the easement shall be reviewed and approved by the Town of Barnstable’s Legal Department.
4. This decision shall be recorded at the Barnstable County Registry of Deeds and copies filed with the Zoning Board of Appeals and Building Division. The rights authorized by this special permit must be exercised within two years, unless extended.

Copies: Applicant (c/o Attorney Cox)

Attachments: Application w/ Appendix
Existing and Proposed site plans
Assessor’s Record & Aerial Photo
Shellfish Biologist Report
Public Comments
Shellfish Committee Minutes from November 18, 2020
Waterways Committee comments from December 8, 2020

To: Karle, Darcy
Subject: RE: Waterways Committee Meeting Comments 12/08/2020 (Salamack, Chrisjen Realty Trust, MacKinnon)

From: Taylor, Brian
Sent: Wednesday, December 9, 2020 8:08 AM
To: Karle, Darcy; Cavanaugh, Kimberly
Cc: Swider-Cohen, Pamela; Horn, Jay; Lawson, Derek; 'jfmeade@comcast.net'
Subject: Waterways Committee Meeting Comments 12/08/2020 (Salamack, Chrisjen Realty Trust, MacKinnon)

Good morning,

Please see below comments from the Waterways Committee meeting December 08 , 2020.

1. Salamack, Donald J, 614 Popponesset Road, Cotuit, MA 02635, Map 007/Parcel 002. The applicants propose to build shore front protection via a low profile vinyl bulkhead, invasive species management, planting of native vegetation and vegetated berms.

Waterways Committee and Harbormaster staff have no objections.

2. Chrisjen Realty Trust, 86 Sand Point, Osterville, MA 02655 Map 073/Parcel 015 002. The applicants propose to perform maintenance dredging to -4 M.L.W. for an area of approximately 150'x70' around their pier. The dredge materials will be used for beach nourishment.

Waterways Committee and Harbormaster staff have no objections.

3. MacKinnon, Donald J Trust, 33 Oyster Place Road and 910 Main Street, Cotuit, MA 02635, Map 035/Parcel 101 & 090. Removal of 3,000 square feet (s.f) of an existing historic, solid fill wharf (licensed in 1874), construction of low vinyl bulkheads along 300 s.f. portion, landward relocation of existing rock revetment, installation of pier, ramp, floats. Plantings of halophytic marsh plant species in intertidal zone, and installation of seasonal town office building on 15'x30' deck at 33 Oyster Place Road, Cotuit Map 035 Parcel 101 and 910 Main Street, Cotuit Map 035 Parcel 090.

Waterways Committee supports this proposed project. Harbormaster's questions and concerns have been answered by Sullivan Engineering and Mr. MacKinnon during the Waterways Committee presentation, no further questions or comments at this time.

Thank you,

Brian W. Taylor
Harbormaster
Town of Barnstable | Marine and Environmental Affairs Department
Office: 508-790-6273 | Fax: 508-790-6275
Email: brian.taylor@town.barnstable.ma.us
Website: <https://www.townofbarnstable.us/Departments/HarborMaster/>



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Committee Minutes of the Meeting

DATE: November 18, 2020

TIME: 6:30 P.M. to 8:06 P.M.

**This meeting was held via ZOOM
Physically closed to the public to avoid group congregation.**

Shellfish Committee Members present: Stuart Rapp, Robert Lancaster, Patricia Farinha, Jacob Angelo, Paul Caruso, Tyler Hagenstein, and William Shumway, Al Surprenant

Shellfish Committee Members absent: none

General Public present: John Odea, William Potter, DJ Mackinnon, Zenas Crocker, Andrea Howell, Brian Knies, Connor Rogan, Paul Rude, Chief of Cotuit Fire Department, James Dannhauser, Kathy Grove, Jessica Rapp Grasseti, Kathy Grove, Leslie Mackinnon, Liza Knies, Pamela Neubert, Phil Odence

Town Council Liaison present: Kristine Clark

Town Staff present: Derek Lawson, MEA Director, Amy Croteau, Natural Resource Officer/Shellfish Constable, Nina Coleman, Natural Resources Director, Terri McDonald, Clerk

Stuart Rapp chaired the November 18, 2020 meeting of the Shellfish Committee. Stuart Rapp took a roll call of members present at the meeting. Stuart Rapp read a notice at the beginning of the meeting:

NOTICE OF RECORDING "Please note that tonight's meeting is recorded and broadcast on Channel 18 and, in accordance with MGL Chapter 30A, s. 20, I must inquire whether anyone is taping this meeting and to please make their presence known."

1. Meeting Minutes:

The Shellfish Committee unanimously approved a motion made by Al Surprenant and seconded by Paul Caruso to discuss all Minutes from the last four months as presented.

The Shellfish Committee unanimously approved a motion made by Robert Lancaster and seconded by William Shumway to make a change of "Mike B." to "Mike Bridges" in the Minutes September 9, 2020.

The Shellfish Committee unanimously approved a motion made by Al Surprenant and seconded by Paul Caruso to approve the minutes from July 8, 2020, August 12, 2020, September 9, 2020 and October 14, 2020 as presented.

2. Chairman's Comments:

Stuart Rapp asked Town Council Liaison, Kris Clark what happened at the Appointments Committee meeting that took place the prior day. The makeup of the Shellfish Committee was discussed at the Appointments Committee. Kris Clark stated that she is looking to update the Code to accurately reflect what the Shellfish Committee has come to be since it was formed 20 years or so ago. The language is

being looked at to accurately reflect the current shellfishery. She will keep the Shellfish Committee updated.

3. Natural Resources Report:

East Bay was not opened on November 1st. Water quality as well as meat testing has not tested clean for two rounds of water quality sampling. In the future East Bay will be a December 1st opening, contingent on water testing. Water testing was performed again this week and hopefully will come back clean to be open East Bay on December 1st for 2020.

Amy Croteau, Senior Natural Resources Officer presented the following:

Recreational Shellfish Permits sold for 2020 Season compared to 2019 Season

Permit Type	2019	2020
Resident	1347	1210
Senior Resident	975	842
Non-Resident	267	400
Seasonal	32	43
NR Veteran	19	30
NR Senior Veteran	18	40
	2658	2565

4. Status of pending NOI pier applications before the Conservation Commission:

- A. Applicant: Donald J. MacKinnon Tr., MCCM Realty Trust
Project Location: 33 Oyster Place Road & 910 Main Street, Cotuit, MA 02635
Representative: Sarah Turano-Flores; Nutter, McClennen & Fish, LP
Proposed Project: Removal of 3,000 s.f. of existing historic, solid fill wharf (first licensed in 1874), construction of low vinyl bulkheads along 300 s.f. portion to remain, the landward relocation of existing rock revetment, installation of replacement pier, ramp, floats and appurtenances, establishment of halophytic marsh species in intertidal zone, and installation of town office building on 15'X30' deck.

Conservation Hearing Date: November 24, 2020 at 6:30PM
via Zoom: <https://zoom.us/j/92270642906>
Meeting ID: 92270642906 or 888-475-4499
US Toll Free, Meeting ID: 92270642906

Points discussed with this project included:

- Public easement proposed within the project
- DJ MacKinnon spoke to the easement as perpetual easement to be utilized by the public.
- Dawn to Dusk enforcement of proposed easement
- Locating shellfish flupsies with in the structure of the dock
- Small building incorporated in plans that could potentially be used by the Town
- Regarding the dock, they would pay for installation and then would allow the Cotuit Fire District to use the Dock as well as the Clean Water Coalition.
- Permanent no cost slip location for the Cotuit Fire District Boat
- Emergency Vehicles utilizing the parking area at Dock

- The Clean Water Coalition could utilize this slip for their science boat
- Would like to improve the shellfish habitat
- Nitrogen removing Septic systems were discussed in detail
- Boat size was brought up and environmental effects.
- Salt marsh habitat rehabilitation is part of the project
- Lengthening of the pier for preservation for the shellfish habitat
- Councilor Rapp Grasseti and the Cotuit Civic Association support this project
- Shellfish habitat area is not ideal now but historically was a viable area

No vote was taken. Applicant will continue to keep Town informed and updated on this project.

The project was discussed

B. Applicant: Chrisjen Realty Trust
 Project Location: 86 Sand Point, Osterville, MA 02655
 Representative: John O’Dea, P.E., Sullivan Engineering, Inc.
 Proposed Project: Proposed maintenance dredging to -4 MLW from an area roughly 150’ x 70’ around existing pier with beneficial reuse on site as beach and dune nourishment.
 Conservation Hearing Date: December 1, 2020 at 6:30PM
 via Zoom: <https://zoom.us/j/935888787796>
 Meeting ID: 9358 8878 7796 or 888-475-4499
 US Toll Free, Meeting ID: 9358 8878 7796

Project was presented by John O’Dea, P.E., Sullivan Engineering. Shellfish Committee discussed the project, the original permit dates back to 1967. Dredging footprint was questioned. No restriction on boat size on the pier due to the date pier was permitted. Beach to the-East side of the pier is a good shellfish habitat was brought up and discussed.

No vote was taken.

5. New Business:

A. Notification of shellfish aquaculture licensed site renewal application:

Applicant: Kevin J. Flaherty
 Application: Renewal of site (ng037, 2.01 acres) licensed to Kevin J. Flaherty (license #15-01), and issuance of a new license for a period of 10 years.
 Location: Site ng037: A designated portion (2.01 acres) of intertidal flat in the mid-Barnstable Harbor north of Duck Island as recorded on a map at the G.I.S. Unit.
 Public Hearing: Date: Wednesday, December 9, 2020
 Time: 10:00 A.M.
 Place: via Zoom: <https://zoom.us/j/94265277760>
 Meeting ID: 942 6527 7760
 One tap mobile
 +16468769923,94265277760# US (New York)
 +13017158592,94265277760# US (Washington D.C)

The Shellfish Committee unanimously approved a motion made by Robert Lancaster and seconded by William Shumway to recommend approval of the renewal of site (ng037, 2.01 acres) licensed to Kevin J. Flaherty (license #15-01), and issuance of a new license for a period of 10 years.

B. Meeting Schedule for 2021.

The Shellfish Committee unanimously approved a motion made by Robert Lancaster and seconded by Patricia Farinha to approve the following schedule for the Shellfish Committee for 2021.

Second Wednesday of every month, VIA ZOOM until further notice.

January 13, 2021, 6:00pm-8:00pm	July 14, 2021, 6:30pm-8:30pm
February 10, 2021, 6:00pm-8:00pm	August 11, 2021, 6:30pm-8:30pm
March 10, 2021, 6:00pm-8:00pm	September 8, 2021, 6:30pm-8:30pm
April 14, 2021, 6:30pm-8:30pm	October 13, 2021, 6:30pm-8:30pm
May 12, 2021, 6:30pm-8:30pm	November 10, 2021, 6:00pm-8:00pm
June 9, 2021, 6:30pm-8:30pm	December 8, 2021, 6:00pm-8:00pm

C. General Discussion: Potential for quahog dragging in areas of Town: Marstons Mill River 2021

Amy Croteau started discussion with the following information and would like to create an area to allow dry dragging over the next month or so.

Quahog Dry Dragging – Marstons Mills River

Short Window of opportunity prior to Spring spawn
Continued assessment of dry dragging on different types of bottom
Could be conducive to seed recruitment
Allows pilot removal of nuisance sponges
Could be done annually for three years
Could be cut after one year if seed is recruited and present
Require surveys of the bottom before and after
Scope of area allowed to be dragged? Do not want to displace soft shell clam pumping or damage any sub tidal lines of soft shell clams.

The Shellfish Committee discussed and the topic will be re-visited.

6. **Old Business:** None.

7. **Special Presentations:**

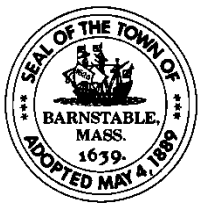
A. Jake Angelo - Monthly Documentation of Embayment Bottoms

Videos did not work again, due to the late hour this was tabled until next meeting

8. **Matters not reasonably anticipated by the Chair:** None.

The Shellfish Committee unanimously voted to approve a Motion made by Robert Lancaster and seconded by Jacob Angelo to adjourn.

Respectfully submitted: Terri McDonald – Clerk of the Board



Town of Barnstable
Marine and Environmental Affairs Department
 1189 Phinney's Lane, Centerville, MA 02632
Derek Lawson, Director
 508-790-6273 / Fax 508-790-6275
www.townofbarnstable.us



Animal Control 508-790-6274
 Harbormaster 508-790-6273
 Marinas 508-790-6273
 Moorings 508-790-6273

Natural Resources 508-790-6272
 Sandy Neck 508-790-6272
 Sandy Neck Gatehouse 508-362-8300

TO: Conservation Commission

FROM: Natural Resources, Town of Barnstable

DATE: December 5, 2020

RE: APPLICATION: (N.O.I.), Removal of wharf, relocation of rock revetment, installation of replacement pier, ramp, floats, and establishment of halophytic species in intertidal zone.

APPLICANT: Donald J. MacKinnon, Tr.

LOCATION: 33 Oyster Place Road & 910 Main Street
 Cotuit, MA 02655

REPRESENTATIVE: Sarah Turano-Flores
 Nutter, McClellan & Fish, LP
 1471 Iyannough Road
 Hyannis, MA 02601

SHELLFISH SURVEY RESULTS:

A shellfish survey was conducted at 33 Oyster Place Road/910 Main Street, Cotuit at approximately 7:20 AM on Thursday, December 3, 2020 by Shellfish Biologist Elizabeth Lewis and Seasonal Assistants Ben Sacco and Kathryn Brooks of Natural Resources. Low tide occurred at 7:44AM and was +1.2 ft. The proposed project was staked at the shoreline and a tape measure was used from the revetment to locate the end of the pier portion of the project. Sample plots were observed along the transect of the project to examine substrate type and shellfish. Areas we were able to reach along the immediate shoreline were sampled with a 3/8 in mesh lined basket rake and deeper areas were examined using a 3/8 in mesh lined bull rake from a boat.

The sediment from the edge of the bulkhead consists of medium grain sand mixed with organic materials. This can be observed for roughly 10 feet from the stone revetment and along the slope. One seed quahog (under 1 in.) was found in this area. A couple of oysters and ribbed mussels have also settled on the revetment itself. Further out from 10 feet is a deposition area created by the close proximity of the Town Dock and pier just on the other side. This has allowed for very little flushing and seaweed and other organics to get trapped. As a result, the bottom has turned into a thick black mayonnaise where very little

is able to survive; certainly not suitable for shellfish and none were found in the remainder of the pier footprint.

ADDITIONAL COMMENTS:

The site in question is located in the Massachusetts Division of Marine Fisheries designated growing area (DMF/SC21); approved status. It has a shellfish habitat rating of 10/10 along this shoreline based on the 2016 habitat rating study conducted by Natural Resources. This is true along the intertidal zone, though in this particular location in such close proximity to two other piers, there is a large deposition area where the bottom has turned sour. The habitat here has been severely degraded and a pier here would limit the amount of recovery for the area. The biggest area of concern is along the shoreline that is rated a 10/10 and though there is hardly any shellfish directly in the footprint now, this entire shoreline is consistent with excellent shellfish habitat and has potential for future sets along with commercial shellfishers using this area historically, but only so within those initial 10 feet from the revetment. It is my recommendation that this area close to the shoreline remain as natural as possible and the surrounding intertidal areas be altered as minimally as possible during any construction.

It is also important to note that historically, there has been a precedent set with a moratorium on piers/docks in this location in part due to the excellent shellfish habitat. This project proposal falls within this zone. This needs to be taken into consideration especially since this survey shows how having piers closely together can severely degrade and alter shellfish habitat by changing the movement of water in the area and creating these deposition zones where no shellfish can live.

Sincerely,

Elizabeth A. Lewis, Shellfish Biologist