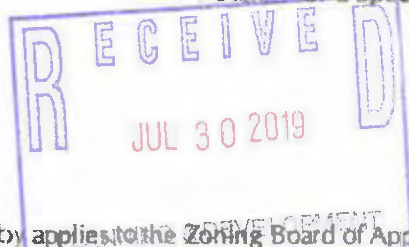


19 JUL 30 P2:50



**Town of Barnstable
Zoning Board of Appeals
Petition for a Special Permit**

Date Received
Town Clerk's Office:



For office use only:
Appeal # 2019-050
Hearing Date 09-25-19
Days Extended _____
Decision Due 11-20-19

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 Name: 1000 Main, LLC Phone: (508) 360-6859
Petitioner's Address: Box 125 / 164 Beale Way Barnstable, MA 02630

Property Location: 1000 Main Street (off 6A) West Barnstable
Property Owner: 1000 Main, LLC Phone: (508) 360-6859
Address of Owner: _____

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

Registry of Deeds/Land Court References: Deed 27876/218 Plan _____
Assessor's Map/Parcel Number: 179 Zoning District: WBVBD
Number of Years Owned: 5 1/2 (12/2013) Groundwater Overlay District: _____

Special Permit Requested: To allow storage of small traditional sail boats
Cite Section & Title from the Zoning Ordinance
Description of Activity/Reason for Request: and to continue pre-existing use of residential units in house,
WBVBD - 240 - 20B sections (3) and (4)
Attach additional sheet if necessary

Is the property subject to an existing Variance or Special Permit No [] Yes [X]
Permit# 1987-35

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): None

Attach additional sheet if necessary

Existing Level of Development of the Property- Number of Buildings: Three buildings

Present Use(s): House - Residential Garage - Storage Barn - Small Sailboat Storage

Existing Gross Floor Area: 4,019 sq. ft. Proposed New Gross Floor Area: 0 sq. ft.

Site Plan Review Number: C56-18 Date Approved: 8/29/18 (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 the 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.

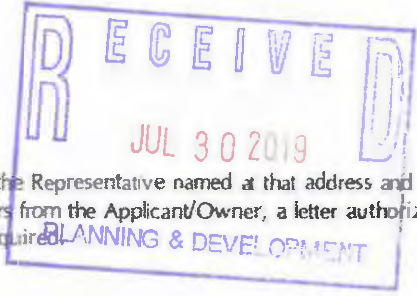
Signature: [Signature] Date: 7/29/19
Applicant's or Representative's Signature

Print Name: Peter C. Eastman

Address: Bc x 125 Phone: (508) 360-6859

Barnstable, MA 02630 Fax No.: (508) 362-6859

e-mail Address: p.eastman@aol.com



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.

LEGEND

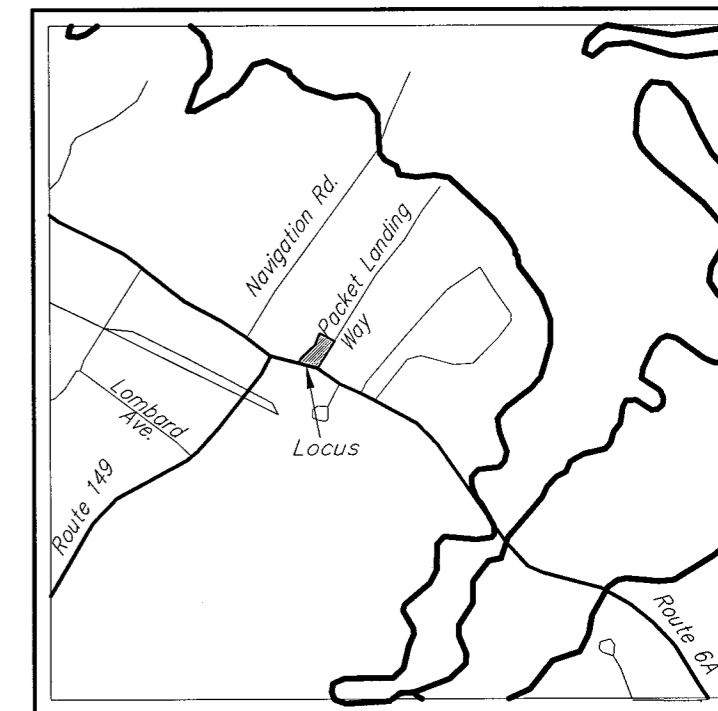
- 99 — EXISTING CONTOUR
- × 99.1 EXIST. SPOT ELEV.
- [99] - PROPOSED CONTOUR
- [98.4] PROPOSED SPOT EL.
- TH1 TEST HOLE
- 2% SLOPE OF GROUND
- UTILITY POLE
- FIRE HYDRANT

- PINE OR SPRUCE
- CEDAR
- DECIDUOUS

NOTE: NOT ALL SYMBOLS MAY APPEAR IN DRAWING

NOTES

1. DATUM IS NAVD 88
2. MUNICIPAL WATER IS NOT AVAILABLE
3. THIS PLAN IS FOR PROPOSED WORK ONLY AND NOT TO BE USED FOR LOT LINE STAKING OR ANY OTHER PURPOSE.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING DIGSAFE (1-888-344-7233) AND VERIFYING THE LOCATION OF ALL UNDERGROUND & OVERHEAD UTILITIES PRIOR TO COMMENCEMENT OF WORK.



LOCUS MAP

SCALE 1"=2000'±

ASSESSORS MAP 179 PARCEL 2

ZONING SUMMARY

ZONING DISTRICT: RF RESIDENTIAL DISTRICT

MIN. LOT SIZE	43,560 S.F.
MIN. LOT FRONTAGE	150'
MIN. FRONT SETBACK	30'
MIN. SIDE SETBACK	15'
MIN. REAR SETBACK	15'
MAX. BUILDING HEIGHT	30'

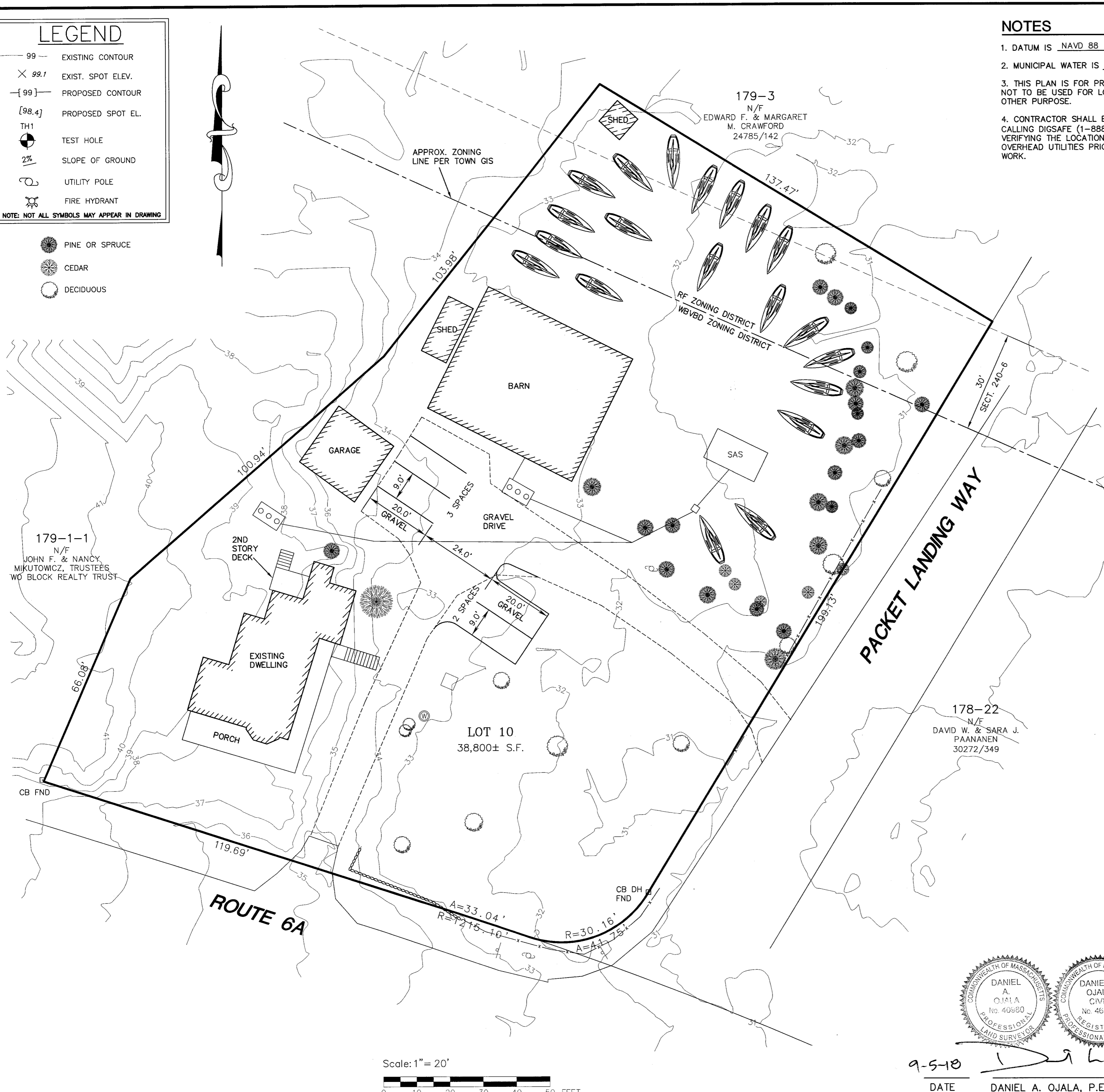
ZONING SUMMARY

ZONING DISTRICT: WBVBD BUSINESS DISTRICT

MIN. LOT SIZE	43,560 S.F.
MIN. LOT FRONTAGE	160'
MIN. FRONT SETBACK	30'
MIN. SIDE SETBACK	30'
MIN. REAR SETBACK	30'
MAX. BUILDING HEIGHT	30'
MAX. LOT COVERAGE	10%

REFERENCES

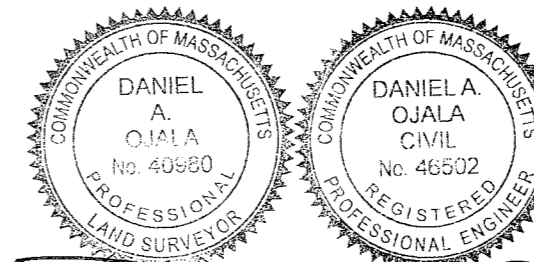
DEED BOOK 27876 PAGE 218
PLAN BOOK 177 PAGE 43



SITE PLAN OF 1000 ROUTE 6A WEST BARNSTABLE, MA

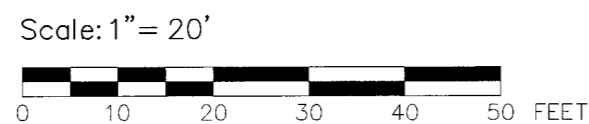
PREPARED FOR
PETER EASTMAN

DATE: APRIL 10, 2018
REV.: SEPTEMBER 5, 2018



9-5-18
DATE DANIEL A. OJALA, P.E., P.L.S.

down cape engineering, inc.
civil engineers
land surveyors
939 Main Street (Rte 6A)
YARMOUTHPORT MA 02675
18-078 EASTMAN.DWG



20 JUL 14 AM 28



**Town of Barnstable
Zoning Board of Appeals
Application for a Variance**

AMENDED

Date Received
Town Clerk's Office:

TO REFLECT THE CORRECT APPLICATION
FORM

For office use only:
Appeal# 2020-025
Hearing Date _____
Decision Due _____

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

e/o Attorney

Applicant's Name: EAR ORGANICS INC, Phone: 518-775-5050
Applicant's Address: 2110 East Reservoir
9289 BONTA Bridge Road, Jordan, NY 13080

Property Location: 0+280 Old Falmouth Rd, Mansions Mills, MA
Property Owner: Same, Phone: See Above
Address of Owner: Same

If petitioner differs from owner, state nature of interest.

280 Old Falmouth Road CT# 11549 LC PLAN 39931-A
Registry of Deeds/Land Court References: Deed 010 FALMOUTH RD Book 6441 Page 218
Plan 493 | 82

Assessor's Map/Parcel Number: 10017 Zoning Dist RF
10018
Number of Years Owned: 32 years Groundwater Overlay District: GP

Variance Requested: MBL CHAPTER 40A SECTION 14
MODIFICATION OF EXISTING VARIANCE
Cite Section & Title of the Zoning Ordinance

Description of Activity/Reason for Request: See Attached

Attach additional sheet if necessary

Does the property have any existing Variance or Special Permit issued to it? No [] Yes [X]
Permit #: See Attached

¹ The Applicant's Name will be the entity to whom the variance 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.

Application for a Variance - Page 2

Existing Level of Development of the Property- Number of Buildings: 3

Present Use(s): OFFICE, GRINDER BUILDING, STORAGE, WAREHOUSE, MAINTENANCE

Existing Gross Floor Area: 5,865 sq. ft. Proposed New Gross Floor Area: 3,200 sq. ft.
1,960 - EX. DET. #2

Site Plan Review Number: 078-19 Date Approved: 3/5/20 (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 the 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: [Handwritten Signature] Date: July 6, 2020
Applicant or Representative's Signature³

Print Name: CHARLES W. SABOTT

Address: 540 MAIN STREET - S. TO 8 Phone: 508-775-5650

HYANNIS, MA 02601 Fax No.: 508-422-7258

e-mail Address: EMS@SABOTT.LAW.COM

³ 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 Petitioner, a letter authorizing the Representative to act on behalf of the Petitioner shall be required.

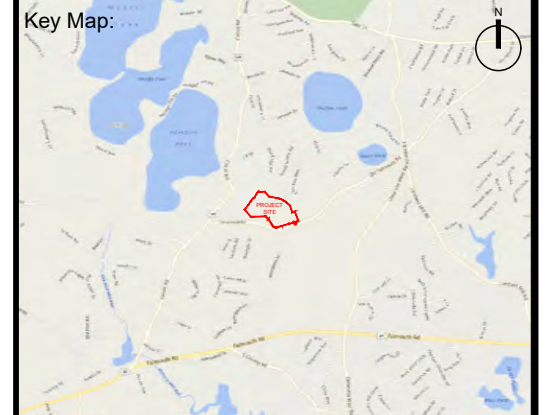


- NOTES:**
- SIGNAGE IS LIMITED TO EMERGENCY CONTACT INFORMATION LOCATED ON EACH ENTRY GATE
 - ALL SIGNAGE SHALL CONFORM WITH LOCAL SIGNAGE REGULATIONS
 - LIGHTING LIMITED TO ONE POLE MOUNTED SECURITY LIGHT AT EACH EQUIPMENT PAD
 - LIGHTING SHALL BE MOTION ACTIVATED AND CONTROLLED BY A FULL CUT-OFF SWITCH INSTALLED WITHIN THE ELECTRICAL EQUIPMENT PERIMETER FENCE.
 - LIGHT DISTRIBUTION SHALL BE FULL CUTOFF
 - ALL LIGHTING SHALL CONFORM WITH LOCAL LIGHTING REGULATIONS
 - WESTERN TRELINE REDELINEATED MY SWCA ON JUNE 3, 2019.

Prepared by:
SWCA
 ENVIRONMENTAL CONSULTANTS
 SWCA Environmental Consultants
 15 Research Drive (p) 413.256.0202
 Amherst, MA 01002 www.swca.com

Survey/ Base Plan Prepared By:
 The Berkshire Design Group
 4 Allen Place, Northampton, MA 01060
 (413) 582-7000
 Email: bdg@berkshiredesign.com
 http://www.berkshiredesign.com

Prepared for:
 Cape Resources Company
 (fka EAC Disposal, Inc.)
 9289 Bonta Bridge Road
 Jordan, New York 13080



Project Title:
**CAPE RESOURCES COMPANY
 280 OLD FALMOUTH ROAD
 MARSTONS MILLS, MA**
 0 Old Falmouth Road
 (Parcel # 100_007)
 280 Old Falmouth Road
 (Parcel # 100_008)

Zoning:
 RF - Residential District
 GP - Groundwater Protection Overlay District
 GMSPOD - Ground Mounted Solar Photovoltaic Overlay District

Base information and stormwater calculations derived from the Old Falmouth Road, LLC Solar Development plan set approved by the Cape Cod Commission on June, 2019.

Sheet Title:
**SOLAR ARRAY
 AND CAPE ORGANICS
 LAYOUT**

Date:	05-28-2020
Scale:	As Shown
Drawn by:	TS
Checked by:	MM
File #	50792.01

REVISIONS		
REVISION	DATE	BY

Sheet No:
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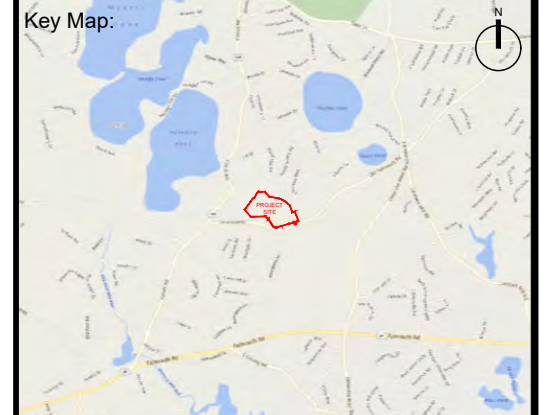


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 - LIGHT DISTRIBUTION SHALL BE FULL CUTOFF
 - ALL LIGHTING SHALL CONFORM WITH LOCAL LIGHTING REGULATIONS
 - WESTERN TREELINE REDELINEATED BY SWCA ON JUNE 3, 2019.

Prepared by:
SWCA
 ENVIRONMENTAL CONSULTANTS
 SWCA Environmental Consultants
 15 Research Drive (p) 413.256.0202
 Amherst, MA 01002 www.swca.com

Survey/ Base Plan Prepared By:
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 9289 Bonta Bridge Road
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Project Title:
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 280 OLD FALMOUTH ROAD
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 0 Old Falmouth Road
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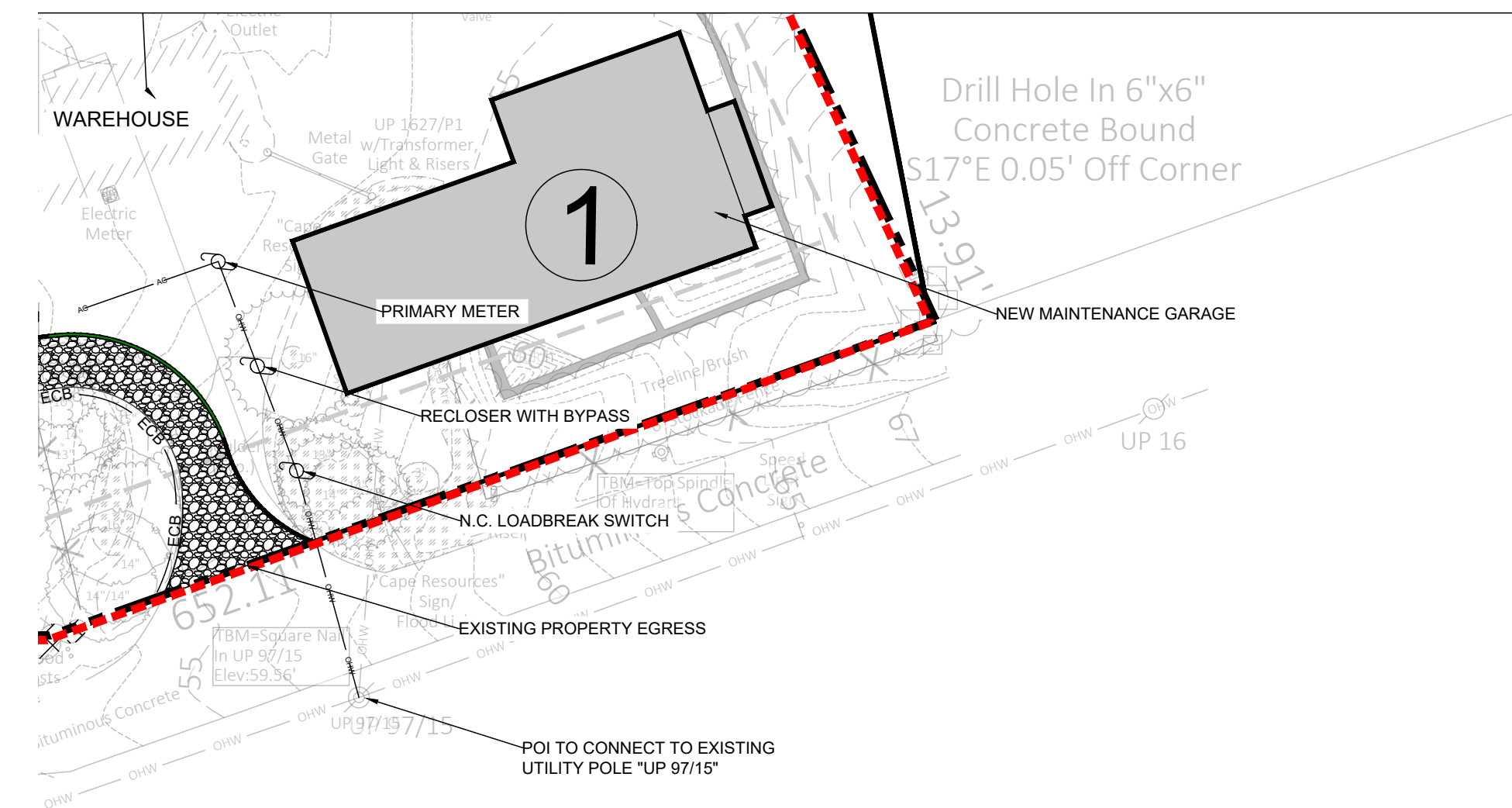
Base information and stormwater calculations derived from the Old Falmouth Road, LLC Solar Development plan set approved by the Cape Cod Commission on June, 2019.

Sheet Title:
 SOLAR ARRAY
 AND CAPE ORGANICS
 LAYOUT

Date:	05-28-2020
Scale:	As Shown
Drawn by:	TS
Checked by:	MM
File #	50792.01

REVISIONS		
REVISION	DATE	BY

Sheet No:
 2.0



TREES ALONG RIGHT-OF-WAY SHALL BE PROTECTED IN ANY DISTURBANCE OR DYING SHRUB IN ALONG RIGHT-OF-WAY SHALL BE REPLACED WITH CLAR GROUPING OF EASTERN RED CEDAR S VIRGINIANA), ROSE BAY RHODODENDRON ANDRON MAXIMUM), AND INKBERRY HOLLY (ILEX THESE SAME GROUPINGS SHALL BE PLANTED IN HERE THE EXISTING VEGETATION DOES NOT PROVIDE T SCREENING OF THE PROJECT. NEW FENCING WILL ALONG OLD FALMOUTH ROAD, AS NEEDED.

Code	Botanical	Common	Size	Quantity
JUN EA2	Juniperus virginiana	Eastern Red Cedar	6'-8' Ht. 5' o.c.	13
	Mixed Road Planting	Varies	5'-6' Ht. 5' o.c.	130 Est.

Project Title:
CAPE RESOURCES COMPANY
 280 OLD FALMOUTH ROAD
 MARSTONS MILLS, MA
 0 Old Falmouth Road
 (Parcel # 100_007)
 280 Old Falmouth Road
 (Parcel # 100_008)
 Zoning:
 RF - Residential District
 GP - Groundwater Protection
 Overlay District
 GMSPOD - Ground Mounted Solar
 Photovoltaic Overlay District

Base information and stormwater calculations derived from the Old Falmouth Road, LLC Solar Development plan set approved by the Cape Cod Commission on June, 2019.

Sheet Title:

**CAPE ORGANICS
 DEVELOPMENT
 LAYOUT**

Date:	05-28-2020
Scale:	As Shown
Drawn by:	TS
Checked by:	MM
File #	50792.01

REVISIONS		
REVISION	DATE	BY

Sheet No:

ION AREAS

age with combined parking in front for commercial traffic (between the garage and office building). The north side of the : door to fit larger pieces of equipment. The northwest side will have one or two garage doors, serving as quick access or rental

: mulch and soil products are kept for resale. Products are separated by concrete block forming bins. The end of the pad will be n dispose of yard waste, keeping them safely away from commercial traffic and heavy equipment. (25,000 sf)

mpostable products are dumped and unscreened loam is held. This area will likely be comprised of wind-rows that are ased on the rate of decomposition. (23,100 sf)

gs, and chips in separated piles. A wood grinder will also be placed in this area, out of the way of commercial traffic. (23,520 sf)

d raw materials will be stockpiled. (55,580 sf)

BEST MANAGEMENT PRACTICES (BMP) PLAN

Prepared for

Cape Resources Company
280 Old Falmouth Road
Marstons Mills, MA

Prepared by

SWCA Environmental Consultants
15 Research Drive
Amherst, MA 01002
(413) 256-0202
www.swca.com

SWCA Project No. 50792.01

February 2020

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1 General Description of Operations and System Supervision

1.1 Introduction

This section provides information on operations of the Cape Resources Company (CRC) Facility and supervision of those operations.

1.2 General Operations and Materials Received, Produced and Sold to the Public

The CRC Facility is operated to receive the following materials:

- "Brush" material which is natural woody material from land clearing and land maintenance operations and is delivered to the CRC Facility site by truck. Brush is typically comprised of trees, stumps, shrubs, weeds, etc., often mixed with dirt.
- "Yard waste," which is natural lawn clippings, leaves, garden waste, and compostable organics (non-putrescible) delivered to the site by truck.

The CRG Facility is operated to produce the following products:

- "Loam," which is screened soil and dirt
- "Compost," which is composted yard waste and organic material
- "Mulch," which is processed brush and woody material

The CRC Facility is also operated to sell the following products processed at other locations and transported to the site for public sale:

- "Loam," which is screened soil and dirt
- "Compost," which is composted yard waste and organic material
- "Mulch," which is processed brush and woody material
- "Aggregates," which are sands, soils, and processed stone
- Firewood (cut and stockpiled)
- Miscellaneous landscaping products

1.3 Supervision of Operations and Best Management Practices (BMP)

Best Management Practices (BMP) will proceed under the supervision of the CRC General Manager. The General Manager will ensure that individuals performing operations at the CRC Facility are trained and have demonstrated experience managing the receiving, processing, stockpiling, and loading of the materials listed in Section 1.2, along with the associated equipment.

1.4 Operators

CRC operators will be responsible individuals who have been trained and are knowledgeable of the BMP that are pertinent to running and maintaining the CRC Facility. Qualified personnel will be on site at all times during operating hours.

1.5 Hours of Operation

The CRC Facility will be open to the public from 7:00 AM to 4:00 PM, Monday through Friday and 7:00 -3:30 Saturday (April 1 – December 31). On occasion, the facility closes due to inclement weather.

The Facility is typically closed for the following holidays:

- New Year's Day
- Memorial Day
- July 4th
- Labor Day
- Thanksgiving
- Christmas

2 Acceptable Material for Processing

2.1 Acceptable Material

The CRC Facility will only accept brush and yard waste as described in Section 1.

2.2 Non-Acceptable Material

The following waste materials will not be accepted at the site (references in parentheses are from Massachusetts Department of Environmental Protection (MassDEP) Regulations 310 CMR 19).

- Municipal Solid Waste (310 CMR 19.006) defined as residential and commercial solid waste
- Special Waste [310 CMR 19.130(3)] such as asbestos and asbestos-containing materials; infectious waste, including hospital waste; wastewater; drinking water treatment sludge; and industrial process water.
- Banned or restricted waste [(310 CMR 19.130(4))] including lead batteries; tires; white goods; aluminum, metal, or glass containers; plastic products; cathode ray tubes; construction and demolition (C&D) material; ferrous and non-ferrous metals; asphalt-bituminous-concrete (ABC); and paper.
- Hazardous waste [310 CMR 19.130(5)] as defined in the regulations and generally including fuels, paints, radioactive materials, oils, and solvents.
- Bulky waste [310 CMR 130(6)] including white goods, furniture, and auto parts.

2.3 Contingency Plan If Non-Acceptable Materials Are Observed

Table 1 summarizes response actions to the observance of non-acceptable materials being dropped off at the site.

Table 1: Response Actions

If...	Then...
Non-acceptable waste is observed in the load prior to tipping	1.Reject the load. 2.Contact the office and the General Manager.
A special waste is observed after tipping	1.Alert the General Manager of the situation. 2.Follow proper training protocols to contain the waste for proper disposal.

A banned or restricted waste is observed after tipping	1.Sort the banned or restricted waste from the incoming load. 2.Return the banned or restricted materials to the truck after separation.
Hazardous waste is observed after tipping	1.Alert the General Manager of the situation. 2.Follow proper training protocols to contain the waste for proper disposal. 3.Contact an outside hazardous materials (HAZMAT) vendor if on-site personnel cannot properly respond. 4.Determine if MassDEP and Board of Health notification is required.
Bulky waste is observed after tipping	1.Alert the operations manager of the situation. 2.Segregate the bulky waste. 3.Return the bulky waste to the truck after tipping of the unacceptable material.

3 Site Plan

The CRC Facility site layout and process flow was redesigned in 2019 to accommodate a proposed solar array across most of the existing northern commercial area, as well as to improve operations and to mitigate operations impacts to neighboring properties. The entire operation has been consolidated to 5.6 acres, from the original 18.7 acres. The Final Site Plan (and the Final BMP Plan) will be based on input from the Town's Zoning Board of Appeals (ZBA) as part of the modification to the Variance Request and upon input from the neighbors.

The Site Plan is attached as Appendix A and illustrates the following features that are discussed in the following BMP Plan sections.

- Site Buildings
- Brush Processing Area
 - Brush Drop-off Area
 - Brush/grindings Storage Area
- Loam Processing Area
 - Loam Stockpile Area
- Mulch processing Area
 - Mulch Storage Area
- Yard Waste Drop Off Area
- Old Work Boundary
- Proposed New Work Boundary
- Bin Storage (extended)
- New Fence Along Old Falmouth Road
- Solar Boundary Fence

4 Materials Processing

4.1 Introduction

This section describes the materials processing on the site for the following two categories:

- Brush Processing
- Yard Waste Processing

4.2 Brush Processing

Brush processing consists of the following steps located within the storage and processing areas illustrated on Figure 1:

- Trucks drop off brush at the Brush Drop-off Area after tipping. This area is observed on a daily basis for unacceptable material.
- Material is ground once through a larger screen system in the initial CBI grinding. The ground material is then run twice through smaller finish grates to process the material into a consistent mulch product. Color is applied during the secondary grinding phase.
 - Mulch product is stockpiled in Mulch Storage Area.
- Mulch is moved to pick-up area as needed.

4.3 Yard Waste Processing

Yard waste processing consists of the following steps located within storage and processing areas as illustrated on Figure 1.

- Yard waste is dropped off in Yard Waste Area (YWA) 1, which may switch sides depending on the annual storage cycle. Temporary roads are maintained to allow drop off in specific areas.
- Fresh lawn clippings in the summer months are covered with 3 inches of compost to prevent odors.
- The organic decomposition of the material encouraged through a variety of processes, including flipping, or aerating the piles on a weekly basis and by adding residual wood grindings and moisture to the grass and leaves, allowing for a much faster process.
- After composting, the compost is removed with a loader and screened at the Final Screening Area.
- Compost is stockpiled and moved to the Pick-up Area as needed.
- Tailings (rocks, sticks, etc.) are moved to the Tailing Storage Area and ultimately used for berm construction. There is a small storage area for tailing on site, and CRC has the ability to haul tailings off-site or re-process them on-site.

5 Equipment and Maintenance

5.1 Introduction

Equipment is on site for proper and efficient material processing. The site equipment and its uses are listed in table 2 below:

Table 2: Equipment Inventory

Piece of Equipment	Stationary/Mobile	Use
CAT D6 Bulldozer	Mobile	Stack and push brush piles to aid in decomposition of natural yard waste
DOPPSTADT Primary	Stationary/Mobile (1)	Shred brush
CBI Colorizer	Stationary/Mobile (1)	Size and color mulch
Screen	Stationary/Mobile (1)	Final screening of compost and loam
Water Truck	Mobile	Dust control
Excavator	Mobile (2)	Materials management/ machine loading
Loaders (2 to 3)	Mobile	Materials management/ machine loading

(1) These pieces of equipment can be relocated on the site within the designated area for their use.

5.2 Contingency Plan for Equipment Failure

If equipment failure occurs, the General Manager will coordinate with the maintenance personnel to repair and/or replace the equipment.

5.3 Maintenance

All equipment is inspected and maintained as recommended by the equipment manufacturer.

6 Accident Prevention and Safety

6.1 Introduction

This section provides information about accident prevention and safety at the facility.

6.2 Safety

All employees will be trained to work safely. Operational procedures and training will be given to all employees who are involved with the operations at the CRC Facility. This training will identify proper operation techniques and identify hazards that individuals may encounter while working at the facility. Accident prevention and safety activities will consist of the following:

- Safety meetings
- Scenario response / emergency contingency
- Pre-employment training
- Ongoing training

The CRC Facility currently employs several individuals who are Occupational Safety and Health Administration (OSHA) 40-hour Hazardous Waste Operations and Emergency Response (HAZWHOPPER) trained and OSHA 10- hour certified. These trained personnel will maintain certification and attend annual refresher courses.

6.3 First-Aid

A fully stocked site-appropriate first-aid kit is available at the office and maintenance garage for use in the event of an accident and to aid when responding to emergency medical situations.

- Eye wash stations in work areas.

6.4 Communication

The phone numbers for emergency response agencies will be posted in the immediate vicinity of all the telephones located throughout the CRC Facility. Also, two-way radios are provided to site personnel.

7 Odor, Dust, Noise, and Litter Control

7.1 Introduction

The purpose of this section is to establish procedures for assessing, identifying, and controlling odors, dust, noise, and litter (i.e. nuisances) that may emanate from the CRC Facility.

7.2 Assessment and Inspections

Site personnel inspect the CRC Facility daily. If nuisance conditions are noted during the inspection, personnel will take action to rectify the nuisance and complete an "inspection form" that identifies the following:

- Location where odors, dust, noise, and/or litter were noted (or other nuisance conditions)
- Direction of the prevailing wind and weather conditions
- Corrective actions needed (i.e., compost application, excavation, water, pick up litter, etc.)
- Name of the inspector
- Time and date of the inspection

7.3 Equipment On-site

The following on-site equipment will be made available to address nuisance conditions generated by the CRC Facility:

- Loaders
- Excavators
- Trucks
- Hand tools
- Other necessary equipment (e.g. - pumps, retainers, etc.)

7.4 Odor Control

Since odors are usually associated with the biological breakdown of yard waste, an adequate amount of odor control materials shall be maintained on-site at all times. In addition to operational procedures, this odor control material shall consist of the following:

- Compost: for covering potential odor sources

- Water: for suppressing odor generation

7.5 Dust Control

Dust is usually generated from windy conditions, operation of machinery, and movement of material. Site personnel will utilize the following when a nuisance condition associated with dust occurs:

- Water application with the water truck

7.6 Corrective Action Procedures for Odor and Dust

Table 3 defines the procedures for addressing nuisance conditions at the CRC Facility.

Table 3: Procedures for Addressing Nuisance Conditions

If inspection identifies...	Then CRC Facility personnel will...
Odors and/or dust on a windy day during operations	Apply water or stop processing until the wind has subsided or the odors and/or dust have been properly controlled.
Odors and/or dust on a hot day during operations	Apply water or stop processing until the weather conditions do not promote nuisance conditions.
Odors and/or dust are being promoted due to operations	Apply compost, and/or a water mist to control the odor and/or dust.
Odors and/or dust that are emanating from newly excavated areas	Cover the excavated areas in between processing periods to alleviate prolonged odor conditions.
Odors and/or dust due to a fire situation	Control the fire situation as quickly as possible (see Fire Protection and Control section).
Odors are evident from yard waste composting area	Cover fresh clippings and/or other odorous material with finished compost material as carbon source and cover

7.7 Off-site Disposal

If materials are identified on-site that pose a substantial nuisance problem that cannot be managed with the corrective actions listed in Table 3, the actions in Table 4 will take place:

Table 4: Nuisance Corrective Actions

Step	Action
1	Identify the material that is causing the odor.
2	Cover or contain the material and its odor until it can be loaded for off-site disposal.
3	Load the material into a transport vehicle for disposal.
4	Dispose of the material at a licensed facility.

7.8 Noise Control Protocols

The CRC Facility incorporates the necessary steps to prevent off-site nuisance noise conditions from occurring. The protocols in Table 5 are followed when necessary:

Table 5: Noise Corrective Actions

Step	Action
1	Process brush in low-lying areas when possible.
2	Process between the hours of 7:00 AM and 4:00 PM.
3	Position processing equipment to minimize noise transmission to the neighbors.
4	Be responsive to neighbors' complaints.
5	Employ the use of multi-frequency back-up alarms on all mobile equipment.

7.9 Litter Control

Since the CRC Facility accepts only brush and yard waste, the CRC Facility does not anticipate a nuisance litter condition. However, should a nuisance litter condition be identified through site investigations and daily operations, site personnel will pick up the litter and dispose of it properly.

7.10 Good Neighbor Policy

The CRC Facility has implemented a "good neighbor" policy when assessing and addressing potential nuisance conditions. The CRC Facility is committed to:

- Addressing nuisance conditions in a timely fashion
- Inspecting the facility and operations (previous or on-going) after any complaint
- Halting activities that may promote nuisance conditions
- Implementing the necessary corrective actions
- Responding to all neighbor complaints

8 Stormwater Control

8.1 Introduction

The following section provides information relative to stormwater controls at the CRC Facility. A comprehensive stormwater report was developed for the entirety of the site in June 2019 as part of the proposed solar development approved by the Cape Cod Commission. A copy of the approved stormwater report is included in Appendix B.

8.2 Definition

Stormwater controls will be implemented to prevent erosion, flooding, and the discharge of pollutants.

8.3 Stormwater Control

The site contains deposition and reclamation areas that are graded so that stormwater is directed toward existing stormwater detention and infiltration basins. It should be noted that this facility has not placed nor created impermeable surfaces, therefore high-volume stormwater runoff does not occur. In addition to operational procedures, stormwater controls at the CRC Facility consist of:

- Grading
- Infiltration basins

- Detention pond
- Channels and ditches

8.4 Corrective Actions

The following corrective actions in Table 6 take place at the CRC Facility as necessary.

Table 6: Stormwater Corrective Actions

If	Then
Siltation becomes apparent within the stormwater control areas	<ol style="list-style-type: none">1. Measures will be taken to slow down the stormwater flow.2. Measures shall include creating additional channels, regrading, and/or diffusing the stormwater flow.
Major erosion is observed	The eroded areas will be backfilled, and a silt fence placed to prevent further erosion.
Flooding should occur	<ol style="list-style-type: none">1. Efforts will be made to correct the flooding situation.2. Efforts will include pumping, creating channels to alternate areas, and excavation.

9 Facility Access, Security, and Posting

9.1 Introduction

The following section provides information about facility access, security, and posting.

9.2 Access, Gates & Security

The CRC Facility has a gate installed at the driveway entrance. The facility gate is locked during off-hours and if no qualified attendant is available. Facility personnel inspect the site daily for security purposes to ensure that unauthorized access is not easily gained.

9.3 Posting

The CRC Facility requires all clients to become familiar with the delivery procedures and operational hours. Therefore, signs have been posted at the facility entrance with the following information:

- Name of the owner and operator of the facility
- 24-Hour emergency contact number for the facility
- Operational hours

10 Fire Protection and Control

10.1 Introduction

The purpose of this section is to outline procedures for assessing, identifying, controlling, and reporting fires at the CRC Facility.

10.2 Assessment and Inspections

The CRC Facility is inspected daily. If a fire is noted during an inspection, responsive actions will take place and an "inspection form" shall be completed and shall identify the following:

- Location of fire
- Size of the area (small, medium, large, etc.)
- Corrective action needed (i.e., excavation of hot spot, water, etc.)
- Name of the inspector
- Time and date of the inspection

10.3 Equipment On-site

The following equipment is available to address any on-site fire conditions:

- Loaders
- Excavators
- Trucks
- Water pumps
- Fire hose
- Fire hydrant
- Hand tools
- Other necessary equipment (e.g. protective clothing, respirators, etc.)

10.4 Water Sources

On-site water sources consist of the following:

- Fire hydrant along Old Falmouth Road
- Municipal water service
- One private well

10.5 Fire Protocol

The following table defines the protocols for addressing fire situations at the CRC Facility.

Table 7: Fire Protocol

If visual inspection identifies...	Then CRC Facility personnel will...
A smoke plume from one area of buried yard or waste	Fill the opening where smoke is emanating with water to suffocate the fire through oxygen deprivation.
Fire and/or flame from an area of the site	Spray with water. Utilize equipment to excavate and expose hot spots (burning wood) and place copious amounts of water directly on the burning wood until the fire is extinguished.
A fire that cannot be controlled by on-site water sources and equipment	Call the Centerville-Osterville-Marstons Mills (COMM) Fire Department to assist in putting out the fire.

10.6 Health & Safety

All site employees shall take reasonable precautions when attempting fire response actions. If on-site conditions appear dangerous and corrective actions do not appear to be controlling the situation, the CRC Facility shall notify the Centerville-Osterville-Marstons Mills (COMM) Fire Department immediately and request assistance.

10.7 Open Burning

Open burning is not conducted at the CRC Facility.

11 Operational Records

11.1 Introduction

The following section provides information about operational records and reports at the CRC Facility.

11.2 Daily Tracking

Daily logs are maintained at the CRC Facility and serve to track:

- The amounts of incoming and outgoing materials (mass and/or volumes)
- Proper records for reporting purposes including:
 - Maintenance
 - Equipment logs
 - Complaints
 - Rejected loads
 - Site supplies
 - Etc.
- Specific reporting protocols and procedures
 - Inspections
 - Process data
 - Nuisance issues
 - Etc.



**Town of Barnstable
Zoning Board of Appeals
Application for Other Powers**

19 NOV 18 P 3:22

BARNSTABLE
TOWN CLERK

Date Received
Town Clerk's Office:

For office use only:

Appeal # 2020-004
Hearing Date 01-08-20
Decision Due 03-27-20

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: Maryanne West, Phone: 857-343-9986

Appellant's Address: 25 Greycliff Rd Brighton ma 02135

Address of Property that is the subject of this application: 125 Waino Circle Osterville 02655

Assessor's Map/Parcel Number: _____ Zoning District: _____

Groundwater Overlay District: _____

Property Owner: David Parella, Phone: 774-521-3899
If different from Appellant

Address of Owner: PO BOX 483 Barnstable ma
If different from Appellant

This is a request for:

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

appealing decision of

building department to allow demolition of
125 Waino Circle and accompanying shed

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

¹ The Appellant is the person making the appeal.

Application for Other Powers - Page 2

The home that my family had built around 1970 is about to be demolished. I am appealing a

Nature of Appeal & Description of Request:

demolition permit that I was informed by your building department was granted last Friday around 12:58 PM November 15, 2019. This demolition will cause irreparable harm to the West family and I am asking that your office stop the demolition of the shed house until a public hearing is heard. Among the many issues & problems

Attach Additional Sheet if Necessary

Is the property subject to an existing Variance or Special Permit No [] Yes [] - #.

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

Present Use(s): _____

Existing Gross Floor Area: _____ sq. ft. Proposed New Gross Floor Area: _____ 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: Maryanne West Date: November 18, 2019
Appellant's or Representative's Signature? Manday

Print Name MARYANNE WEST

Address: 25 Huycliff Rd Phone: 857-343-9986
Brighton MA 02135 Fax No.: _____

e-mail Address: drmw@bc.edu

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.

Maryanne West - appeal

(2)

is that the Assessors Records of Concord state on record that this property was owned by a Richard + Sheron Bronsky on January 1, 2018. It also (the records (assessors) indicate as attached here that US Bank, National Associates in 24 Koyda Rd Wabon Ma 02468 also owned the property on January 1, 2018

The above is not true as a foreclosure was not ^{even} held until the following August 15, 2018 so I want this conflict to stop until many such issues can be clarified!

Also the foreclosing attorney Kade + Associates did not produce the original note when they presented it to me in their Lowell ^{MA} office. I request if possible that that note be presented. (The original) ^{which they did not have}

Furthermore, a Register of Deeds from Ma has shown in an affidavit about 125 W Wason Circle that a well known robo signer 'Letecia Davis' supposedly transferred the loan to U.S. Bank NA, which he sent to AG office. 25

This is not a criticism of the building ⁽³⁾
inspector who issued the permit last Friday
I want the Board of Appeals to know the facts
or some of the facts that necessitate they appeal!

Although it is not the appeal board's
responsibility, the fact is that I was
never told of an eviction hearing that was
apparently held in Plymouth Housing
Court, and I am in process of asking for a
complete investigation ^{in Boston} as to why I was not
properly notified at my Brighton address
where TAD bills, Astorville Water bills,
Dunwoode bills & even foreclosure notices
about 125 Westwind Circle were sent.
Rather I found out by Adhesource Co
in Georgia that my house was being
resold on the HUB24 Internet site
on May 17, 2019.

If the home was being sold on
Internet in May 2019, how could the
Bronsky's have owned my home in
January, 2018
according to Assessor's Records?

The illegal eviction meant that all furniture and belongings of the West family were removed to a storage facility in New Bedford. This is a very serious action in my opinion, I have yet to be notified by the New Bedford Storage facility that our house was stripped of all our possessions etc. It is extremely serious in this case because my father,

Kenneth P. West, formerly of Oyster Mills owned the property of before I did and I have no idea what F.B.I property of his may have been stolen from the house or taken or TAKEN in this illegal eviction.

I do plan on reporting this illegal eviction to the proper authorities. ^{The Landlord must in my opinion} STOP ^{in my opinion} this illegal eviction.

Demolishing my home & my Dad's former home is a travesty of justice. The appeals board should stop this demolition so that the facts

and acts surrounding this outrageous foreclosure & robbery after the foreclosure can be investigated.

I am not asking the board of appeals to investigate unless that is your role to do so. I will be asking for answers that will bring to the hearing when you hold it. I am merely appealing the imminent demolition of our home until the facts can be investigated and heard.

We will forever lose the home if this travesty of justice is not stopped until a public hearing occurs at which time I will present further facts.

I want to know why a real estate company a builder & architect had signs on the property on May 20 2019 when Hubyn claimed to me that they only were suppose to be selling the property? From the huge drawing (architectural) on a huge billboard on my property on May 20 2019 it certainly seemed that someone had already drawn up

architectural plans for a new home. ⑥
Why was that so? How did they know it
wasn't being sold on the internet
& their plans would have been for resale!

I hope to report this all to the federal
authorities when back in Boston this week
before I'm expected they will want to
get into a examine the property since
all my father's property was taken
to New Bedford!

I am enclosing a fraud analyst's
report from as far back as July 30, 2010
in which she declares an attempted
fraudulent sale, and her reasons for it.

I am sure that the members of the
Board of Appeals will cooperate with
allowing this appeal, until the facts can be
presented at the hearing.

The builder will just knock the house down
to make a profit. He should be allowed to do
that only after a public hearing occurs
regarding the facts surrounding
the sale of my beloved home
Maryanne West

85
Shares

Share

Tweet

Custom Search

Property Display

140 / 091/ - Use Code: 1010

Owner Information



Map/Block/Lot: 140 / 091/

Property Address

125 WIANNO CIRCLE

Village: Osterville

Town Sewer At Address: No

GIS Zoning Value: RC

Owner Name as of 1/1/18:

U.S. BANK, NATIONAL ASSOCIATION

24 KODAYA ROAD

WABAN, MA. 02468

Co-Owner Name

%BRIANSKY, RICHARD & SHARON

Assessed Values



Tax Information



Sales History



Photos



Sketches



Construction Details



Outbuildings and Extra Features



[Town of Barnstable 2019 \(/index.asp\)](#)

Town Records Access Officer

Ann Quirk

[Public Records Request Form \(/Departments/TownClerk/pageview.asp?file=Office%20Information/Public-Records-Request.html&title=Public%20Records%20Request&exp=Office%20Information\)](#)

P 508-862-4044

F 508-790-6326

Contact

Town Hall

**367 Main Street
Hyannis MA 02601**

508-862-4956

M-F 8:30 a.m. to 4:30 p.m.

[Email Us \(https://tobweb.town.barnstable.ma.us/townmeganet/telephone-directory.aspx\)](https://tobweb.town.barnstable.ma.us/townmeganet/telephone-directory.aspx)

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 [Twitter \(https://twitter.com/BarnstableMA\)](https://twitter.com/BarnstableMA)

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[Calendar \(/calendar.asp\)](#)

[Property Look up \(/Departments/Assessing/Property Values/Property-Look-Up.asp\)](#)

[Employment \(/Departments/HumanResources/pageview.asp?file=Employment/Barnstable-Employment-Opportunities.html&title=Barnstable%20Employment%20Opportunities&exp=Employment\)](#)

[Contact Us \(https://tobweb.town.barnstable.ma.us/townmeganet/telephone-directory.aspx\)](https://tobweb.town.barnstable.ma.us/townmeganet/telephone-directory.aspx)



Commonwealth of Massachusetts

SOUTHERN ESSEX DISTRICT REGISTRY OF DEEDS
SHETLAND PARK
45 CONGRESS STREET
SUITE 4100
SALEM, MASSACHUSETTS 01970

JOHN L. O'BRIEN, JR.

Register of Deeds

(978) 542-1704

Fax: (978) 542-1706

e-mail: southernessexcustomerservice@sec.state.ma.us
www.salemdeeds.com

A division of the Secretary of the Commonwealth
WILLIAM FRANCIS GALVIN, SECRETARY

Maryanne West
125 Wianno Circle
Osterville, MA 02655

Dear Maryanne,

In an attempt to provide you with more assistance, I have enclosed an affidavit signed by me, as Register of the Southern Essex District Registry of Deeds, attesting to the presence of a robo-signed signature on your document as listed on McDonnell Property Analytics Approved Robo-signers List. If you are currently being foreclosed upon, this affidavit may be presented to your attorney, the lender, or the court to show that your chain of title has been corrupted. For those of you who are not in foreclosure, the affidavit may be presented to your current lender to show that a robo-signed document has in fact been recorded in your chain of title and be part of a request to investigate how this happened and what the lender is going to do to correct it.

Thank you for contacting us concerning your robo-signed document. Should you have any further questions or need assistance, please contact my Customer Service Department at 978-542-1704.

With Regards,

A handwritten signature in black ink, appearing to read "John O'Brien".

John O'Brien
Register of Deeds



Commonwealth of Massachusetts

SOUTHERN ESSEX DISTRICT REGISTRY OF DEEDS
SHETLAND PARK
45 CONGRESS STREET
SUITE 4100
SALEM, MASSACHUSETTS 01970

JOHN L. O'BRIEN, JR.
Register of Deeds
(978) 542-1722
Fax: (978) 542-1721
e-mail: jl.obrien@sec.state.ma.us
www.salemdeeds.com

A division of the Secretary of the Commonwealth
WILLIAM FRANCIS GALVIN, SECRETARY

AFFIDAVIT OF JOHN L. O'BRIEN, REGISTER OF DEEDS SOUTHERN ESSEX DISTRICT

I, John L. O'Brien, Register of the Southern Essex District Registry of Deeds, do hereby swear or aver as follows:

1. The attached copy of the document dated October 12, 2012 and recorded in the Barnstable County Registry of Deeds in Documents # 1,221,095 is either signed, notarized or witnessed by an identified robo-signer or a surrogate-signer. (See Exhibit A attached hereto).
2. As of June 2011 it has been my policy as follows:
 - a. IF THERE ARE VARIATIONS OF AN ALLEGED ROBO-SIGNER ON RECORD AT MY REGISTRY – I require that all documents sent for recording that are executed by that alleged robo-signer, be independently verified by an affidavit that the signature is in fact the signature of the named individual, prior to recording. (See Exhibit B attached hereto).
 - b. IF THERE ARE NO VARIATIONS OF AN ALLEGED ROBO or SURROGATE SIGNER ON RECORD AT MY REGISTRY – I record the documents and forward them to the Massachusetts Attorney General's Office for review and possible violation of a Crime Against Property, specifically MGL Chapter 266, Section 35A (b) (4).

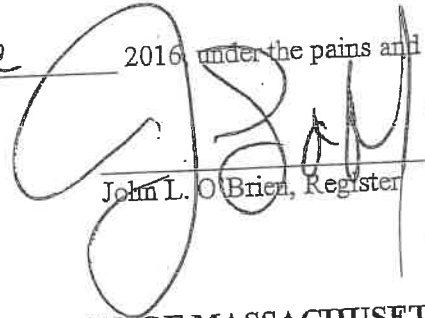
3. I have instituted this policy based on the opinion of our forensic analyst, Marie McDonnell of McDonnell Property Analytics who has provided me with a list of robo and surrogate signers.

McDonnell defines a "robo-signer" as: *The person on a legal document processing assembly line whose only task is to sign previously prepared documents affecting title to real property in a robotic-like fashion without reading the documents or verifying the facts contained therein by reviewing primary source evidence. The robo-signer's mission is to expedite the documents' recordation in the public land records or in court proceedings. Additionally, robo-signers regularly fail to establish or simply do not have the authority to execute these documents on behalf of the legal title holder or principal on whose behalf they purport to act.*

McDonnell defines a "surrogate signer" as: *A person who signs a legal document on behalf of and in the name of another without reading it or understanding the document's contents; surrogate-signers are not authorized to execute these documents on behalf of the legal title holder or principal on whose behalf they purport to act.*

4. I am aware that Leticia Arias is an alleged robo or surrogate signer.

Signed this 17th day of June 2016, under the pains and penalties of perjury.

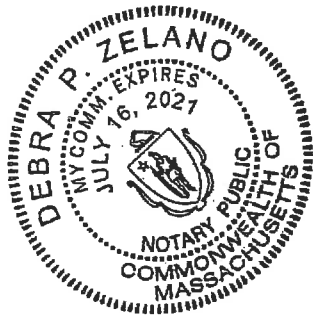


John L. O'Brien, Register

COMMONWEALTH OF MASSACHUSETTS

Essex,ss.

On this 17th day of June, 2016, before me, the undersigned notary public, personally appeared John L. O'Brien, who is personally known to be the person whose name signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.



Debra P. Zelano
Notary Name:
My Commission Expires: July 16, 2021

COMMONWEALTH OF MASSACHUSETTS
BARNSTABLE COUNTY REGISTRY OF DEEDS

P.O. Box 368
Barnstable, Massachusetts 02630
Telephone 508-362-7733
Fax 508-362-5065

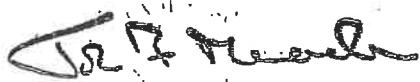
JOHN F. MEADE
Register

SPECIAL CERTIFICATION

THE COMMONWEALTH OF MASSACHUSETTS, COUNTY OF BARNSTABLE

I, the undersigned Assistant Recorder of the Land Court for the Barnstable Registry District, Barnstable County, Barnstable, Massachusetts, do hereby certify the within and foregoing to be a true and correct copy of the original as it appears on record and file in the office of the Barnstable County Registry District of the Land Court **Document No. 1,221,095** registered **May 14, 2013**.

Witness my hand and the seal as the Register of Deeds and the Assistant Recorder of the Land Court this 16th day of June, 2016.



John F. Meade
Assistant Recorder of the Land
Court

Prepared by: Nadiré Alvarez

After Recording Return To:
O'Connell, Attmore & Morris, LLC
71 Park Avenue, Suite C
West Springfield, MA 01089

ASSIGNMENT OF MORTGAGE
MASSACHUSETTS

This ASSIGNMENT OF MORTGAGE from BANK OF AMERICA, NATIONAL ASSOCIATION AS SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE UNDER POOLING AND SERVICING AGREEMENT DATED AS OF FEBRUARY 1, 2007, GSAMP TRUST 2007-NC1, whose address is c/o Ocwen Loan Servicing, LLC, 1661 Worthington Road, Suite 100, West Palm Beach, FL 33409 ("Assignor") to U.S. BANK, NATIONAL ASSOCIATION, AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT DATED AS OF FEBRUARY 1, 2007, GSAMP TRUST 2007-NC1, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-NC1 whose address is c/o Ocwen Loan Servicing, LLC, 1661 Worthington Road, Suite 100, West Palm Beach, FL 33409 ("Assignee").

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Assignor does by these presents hereby grant, bargain, sell, transfer and set over unto the Assignee, its successors, transferees and assigns forever, all of the right, title and interest of said Assignor in and to the following instrument describing land therein, duly recorded in the Office of the Public Records of BARNSTABLE County, State of MASSACHUSETTS, as follows;

Mortgagor: MARYANNE WEST
Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ACTING SOLELY AS NOMINEE FOR UNION CAPITAL MORTGAGE BUSINESS TRUST
Document Date: OCTOBER 19, 2006
Amount: \$ 367,500.00
Recording Date: OCTOBER 27, 2006
Instrument Number: 1047774
Property address: 125 WIANNO CIRCLE, OSTERVILLE, MA

NOTE CERTIFICATE OF TITLE NO 151521

125 Wianno Circle, Osterville, MA

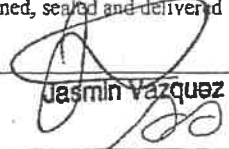
This Assignment is made without recourse, representation or warranty.

IN WITNESS WHEREOF the Assignor has caused these presents to be executed in its name, by its proper officer thereunto duly authorized, the 12TH day of OCTOBER, 2012

**BANK OF AMERICA, NATIONAL ASSOCIATION AS
SUCCESSOR BY MERGER TO LASALLE BANK
NATIONAL ASSOCIATION, AS TRUSTEE UNDER
POOLING AND SERVICING AGREEMENT
DATED AS OF FEBRUARY 1, 2007, GSAMP
TRUST 2007-NC1
BY IT'S ATTORNEY-IN-FACT
LITTON LOAN SERVICING, LP**

BY: 
NAME: Leticia N. Arias
TITLE: Vice President


Signed, sealed and delivered in the presence of:

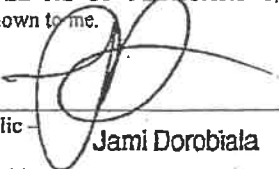

Jasmin Vazquez

STATE OF FLORIDA)
)ss.
COUNTY OF PALM BEACH)

Stephanie Simpson

The foregoing instrument was acknowledged before me this 12TH day of OCTOBER, 2012, by Leticia N. Arias, Vice President at LITTON LOAN SERVICING, LP Attorney-In-Fact For BANK OF AMERICA, NATIONAL ASSOCIATION AS SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE UNDER POOLING AND SERVICING AGREEMENT DATED AS OF FEBRUARY 1, 2007, GSAMP TRUST 2007-NC1, on behalf of the company. He/she is personally known to me.

NOTARY PUBLIC-STATE OF FLORIDA
 Jami Dorobiala
Commission #DD878994
Expires: APR. 08, 2013
BONDED THRU ATLANTIC BONDING CO., INC.


Notary Public - Jami Dorobiala
State of Florida



**CENTERVILLE-OSTERVILLE-MARSTONS MILLS
WATER DEPARTMENT**
P O BOX,369 - 1138 MAIN ST
OSTERVILLE, MASSACHUSETTS 02655
commwater.com

TEL: 508-428-6691

FAX: 508-428-3508

DATE OF
ISSUE: 1/1/2019

WEST, MARYANNE
25 GREYCLIFF RD
BRIGHTON, MA 02135-3103



ACCOUNT NO. 3982

SERVICE ADDRESS: 125 WIANNO CIR
OST

Water bills unpaid after (30) days from the date of issue are subject to interest charges, and termination of service for accounts past due (120) days. All in accordance with Centerville-Osterville-Marstons Mills Rules and Regulations.

Please Pay Past Due Bills Promptly
For water saving tips visit our
website: www.commwater.com

\$30.00 SEMI-ANNUAL ACCOUNT CHARGE
\$1.00 PER THOUSAND GALLONS 1-20K
\$2.90 PER THOUSAND BETWEEN 21-200K
\$3.95 PER THOUSAND OVER 200K

CUSTOMER COPY

PERIOD COVERED		
FROM	TO	
Jul 2018	Dec 2018	
Previous Meter Reading	Current Meter Reading	Consumption 1,000's of gallons
682	682	0
		0 @ \$1.00
		0 @ \$2.90
		0 @ \$3.95
TOTAL USAGE		\$0.00
PRIOR BALANCE		\$45.51
PAYMENT		.
INTEREST CHARGE		\$0.52
ACCOUNT CHARGE		\$30.00
Jan - Jun 2019		
TOTAL AMOUNT DUE		\$76.03

CONSUMPTION HISTORY	
Previous 6 Months	0
Same Period One Year Ago	0

FAX

Date: 6/5/2019

Number of pages including cover sheet: 2

To:

MARYANNE
WEST

Phone:

Fax phone:

CC:

From:

TOWN OF
BARNSTABL
E TAX
OFFICE

Phone:

Fax:

REMARKS:

Urgent

For your review

Reply ASAP

Please comment



TRUTH IN LENDING
AUDIT & RECOVERY SERVICES, LLC

Mortgage Fraud and Forensic Analysts

July 27, 2010

Via FEDERAL EXPRESS & E-Mail

Steven G. Manchini
Ablitt | Scofield
304 Cambridge Road
Woburn, Massachusetts 01801
v (781) 246-8995 f (781) 246-8994

URGENT: WRONGFUL FORECLOSURE - JULY 30, 2010

Re: Maryanne West

125 Wianno Circle, Osterville, Massachusetts 02655

Transaction Dated October 19, 2006

Originating Lender: Union Capital Mortgage Business Trust

Current Servicer: Litton Loan Servicing

Original Loan Number: 06090129

Servicing Account Number: 0100638683

Dear Mr. Manchini:

I am a *Mortgage Fraud & Forensic Analyst* and a *Certified Fraud Examiner* with twenty-three (23) years' experience in transactional analysis, mortgage auditing, and mortgage fraud investigation. I am contacting you to request that you consult with your client and recommend that they cancel the above referenced foreclosure sale which is set to take place this Friday, July 30, 2010 at 1:00 PM.

The reasons for my request are essentially twofold: 1) the foreclosure proceedings are fatally flawed; and 2) Ms. West has an affirmative right to rescind this transaction pursuant to the Massachusetts Consumer Credit Cost Disclosure Act and she will be exercising those rights tomorrow.

WRONGFUL FORECLOSURE

My review of the Prospectus, Prospectus Supplement and Pooling and Servicing Agreement ("Deal Documents") filed with the Securities and Exchange Commission ("SEC") incident to the alleged securitization of Ms. West's loan when compared with the documents recorded in the Barnstable County Registry of Deeds reveals that there are defects in the chain of title, the Assign-

ments of Mortgage, the Order of Notice, and the Land Court's Judgment of Foreclosure that are fatal to the instant foreclosure proceedings.

For example, Ms. West granted a Mortgage to the originating lender, Union Capital Mortgage Business Trust ("Union Capital") that was recorded on October 27, 2006. On September 27, 2007, Mortgage Electronic Registration Systems, Inc. acting as nominee for Union Capital executed an Assignment of Mortgage in favor of Avelo Mortgage, L.L.C. ("Avelo") which was subsequently recorded on January 10, 2008 ("Assignment #1"). That same day, Ablitt & Charlton, P.C. recorded an Order of Notice on behalf of Avelo. The Land Court granted Judgment of Foreclosure on January 30, 2008 which was recorded on June 11, 2010 together with a second Assignment of Mortgage dated May 20, 2010 from Avelo to GSAMP Trust 2007-NC1 ("Assignment #2"). (*See* Exhibit A. - Barnstable County Registry of Deeds Research)

This chain of assignments from Union Capital to Avelo, and from Avelo to GSAMP Trust 2007-NC1 does not comport with the Deal Documents filed with the SEC. For your convenience, I have developed a Securitization Flow Chart that maps out the expected transfer and assignment of Ms. West's Note and Mortgage based on the Prospectus Supplement, a summary of which I append hereto. (*See* Exhibit B. - Securitization Flow Chart & Prospectus Supplement)

The Deal Documents show that Union Capital would have sold Ms. West's loan to New Century Mortgage Corporation, not to Avelo Mortgage, L.L.C. In addition, only the *Depositor*, GS Mortgage Securities Corp., was authorized to transfer the Note and assign the Mortgage to the GSAMP Trust 2007-NC1; moreover, that had to occur on or before February 20, 2007. Hence, neither Assignment #1 nor Assignment #2 was prepared timely or is legally effective.

The Securitization Flow Chart shows that there were a total of five (5) buy-sell conveyances between the participants in the securitization of Ms. West's loan, none of which are documented with an Assignment of Mortgage. As a result, the Statutory Power of Sale contained in the Mortgage was never legally transferred from Union Capital Mortgage Business Trust through to the successor entities, and ultimately to the GSAMP Trust 2007-NC1.

REPURCHASE

I performed a search on MERS' public access website to investigate the identities of the current "Servicer" and "Investor" of Ms. West's loan using the MIN: #1003108-0006090129-1 stated on page one of her Mortgage. The search revealed that Litton Loan Servicing LP is the current *Servicer*, and Goldman Sachs Mortgage Company is the *Investor*. (*See* Exhibit C. - MERS Servicer Identification System)

Again, this information does not comport with the Deal Documents which designate Avelo as the *Servicer* and GSAMP 2007-NC1 as the *Investor*.

Since Goldman Sachs Mortgage Company ("Goldman Sachs") was the *Seller/Sponsor* in this securitization, I suspect that Ms. West's loan, which suffered a second-payment default, was rejected by LaSalle Bank National Association as Trustee of the GSAMP Trust 2007-NC1, and Goldman Sachs was required to repurchase it. Accordingly, Goldman Sachs selected Litton Loan Servicing LP ("Litton"), a well known "scratch and dent" Servicer, to replace Avelo.

RESCISSION RIGHTS

In addition to the foregoing, I performed a Truth In Lending Analysis and discovered that Ms. West has an affirmative right to rescind the subject transaction pursuant to the Massachusetts Consumer Credit Cost Disclosure Act for up to four (4) years from the consummation date which expires on October 15, 2010. (*See* Exhibit D. - Truth In Lending Analysis)

The defects in the transaction that trigger Ms. West's right to rescind are as follows:

- 1) The interest portion of the Finance Charge was understated by \$13,024.79 due to the fact that Union Capital selected an improper Index to calculate its Truth In Lending Disclosure Statement. This understatement in the Finance Charge exceeds the tolerance for error of one-half of one percent (.50%) of the principal amount of the loan pursuant to M.G.L. c. 140D § 12(a)(3) and 209 C.M.R. 32.18(4)(a)(1) and constitutes a material disclosure violation that affords Ms. West an affirmative right to rescind the subject transaction pursuant to M.G.L. c. 140D § 10 and its implementing regulation 209 C.M.R. 32.00.
- 2) Union Capital failed to include a Discharge Tracking Fee of \$75.00 in its determination of the Amount Financed. This, in turn, caused an understatement in the Finance Charge of more than \$35.00 which affords Ms. West an extended right to rescind in defense to the instant foreclosure action pursuant to M.G.L. c. 140D § 10(i)(2).

PREDATORY LENDING

Finally, my analysis of the loan's characteristics and Ms. West's financial profile at the time this loan was granted revealed many indicators that this loan was made without regard to Ms. West's ability to repay it. The initial interest rate of 8.150% is 3.975% below the fully indexed interest rate of 12.125% thus, this transaction meets the first two prongs of The Fremont Test for determining when a loan is deemed to be "presumptively unfair" and, therefore, subject to M.G.L. c. 93A.

CONCLUSION

For the foregoing reasons, I am requesting that you cancel the foreclosure sale scheduled to take place on July 30, 2010. I will be following up over the next two weeks to request a life of loan transaction history so that I can review the accounting and determine each party's tender obligation.

July 27, 2010
Re: Maryanne West
Page 4 of 4

I will be referring Ms. West to an attorney who will represent her in resolving the outstanding issues, but in the meantime, I appreciate your cooperation.

Sincerely yours,



Marie McDonnell, CFE
Mortgage Fraud and Forensic Analyst
Certified Fraud Examiner

Truth In Lending Audit & Recovery Services, LLC
P.O. Box 2760
Orleans, Massachusetts 02653
(v) 508-255-8829 (f) 508-255-9626
Marie.McDonnell@truthinlending.net

ATTACHMENTS

AUTHORIZATION
EXHIBIT A - BARNSTABLE COUNTY REGISTRY OF DEEDS RESEARCH
EXHIBIT B - SECURITIZATION FLOW CHART & PROSPECTUS SUPPLEMENT
EXHIBIT C - MERS SERVICER IDENTIFICATION SYSTEM
EXHIBIT D - TRUTH IN LENDING ANALYSIS

cc. Maryanne West
25 Greycliff Road
Brighton, Massachusetts 02135



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JUN - 8 2020

ZONING BOARD OF APPEALS

Town of Barnstable
Zoning Board of Appeals
Application for Other Powers

20 JUN -4 P 1:00

BARNSTABLE
TOWN CLERK

Date Received
Town Clerk's Office:

For office use only:

Appeal # 2020-024

Hearing Date

Decision Due 09-12-20

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:

Mark B. Elefante, Trustee of 25 East Avenue Realty Trust and Nancy B.

Appellant's Name: Gardiner, Trustee of 45 East Avenue Realty Trust

Appellant's Address: 1340 Main Street, Osterville, MA 02655

Address of Property that is the subject of this application: 8 East Avenue, Osterville, MA 02655

Assessor's Map/Parcel Number: 139/075 Zoning District: RF-1

Groundwater Overlay District: AP

Property Owner: Todd and Anne Beauregard, Phone: _____
If different from Appellant

Address of Owner: 137 Fairmount Street, Lowell, MA 01852
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? MGL 40A Sections 8,13,14 and 15. Town of Barnstable Code
Section 240-123 and 125.

³ The Appellant is the person making the appeal.

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Nature of Appeal & Description of Request: See attached.

ZONING BOARD OF APPEALS

Attach Additional Sheet if Necessary

Is the property subject to an existing Variance or Special PermitNo [] Yes [X] - #. 2017-071

Existing Level of Development of the Property - Number of Buildings: 1

Present Use(s): single family residential

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 [X]

Is this proposal subject to approval by the Board of Health Yes [] No [X]

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: Michael F. Schulz Date: 6/4/2020
Appellant's or Representative's Signature²

Print Name Michael F. Schulz

Address: 1340 Main Street Phone: 508-428-0950

Osterville, MA 02655 Fax No.: 508-420-1536

e-mail Address: mschulz@schulzlawoffices.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.

*Nancy S. Gardner,
Trustee of 45 East
Avenue Realty
Trust
and*

Nature of Appeal

This matter involves the appeal of the denial of a request for enforcement filed with the Town of Barnstable Building Commissioner dated April 23, 2020, by Michael F. Schulz on behalf of Mark B. Elefante, Trustee of 25 East Avenue Realty Trust (the "Trust") to suspend construction of a structure (foundation) by Todd and Anne Beauregard into East Avenue as it exceeds the scope of the building permit, which permit was premised upon Special Permit 2017-071. See Exhibit 1. The Building Commissioner denied the request based upon four reasons of denial. See Exhibit 2. This is an appeal of the denial pursuant to G.L. c. 40A §§ 8,13,14 and 15 and Town of Barnstable Code Section 240-123 and 125. The Trust respectfully requests that the Town of Barnstable Zoning Board of Appeals reverse the Building Commissioner.

Description of Request and Grounds for Appeal

According to the Building Commissioner's May 7, 2020 denial, four reasons were stated for the denial:

- 1. The structure that is referenced in the complaint is being erected to improve a patio that was approved on the site plan referenced in Special Permit 2017-071 which reference both a plan dated 1/6/16 and the conditions of East Avenue within the findings.**

As correctly stated by the Building Commissioner, the foundation is a structure pursuant to Section 240-128. However, there are issues with the remaining provisions of reason 1 of the Building Commissioner's denial. First, Special Permit 2017-071 is devoid of any reference that the structure (foundation) was being erected to improve a patio. Second, although there is a reference on the site plan to concrete pavers, there is absolutely no reference to a structure (foundation) extending from the dwelling past the property line and into East Avenue.¹ The special permit granted by the Board allows for the construction of an addition 4.4 feet from the front yard setback, not into East Avenue.² Third, the only reference to the conditions of East Avenue is that it "really functions like a driveway." The reference in the Decision of it functioning like a driveway came from Chair Rodolakis at the hearing who questioned Attorney Ford whether East Avenue was a misnomer since it looked like a driveway. Attorney Ford responded with clarification that East Avenue was unimproved Westerly of the Beauregards' house but that it was shown on a layout and that other people have rights in it.

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ZONING BOARD OF APPEALS

¹ Special Permit 2017-071 states "The dwelling and shed are also nonconforming as to front yard setbacks at 4.2 feet where 30 feet is required and as to southerly side yard setback at 10 feet where 15 feet is required."

² Condition 1 states "Special Permit 2017-071 is granted to Todd and Anne Beauregard to allow for the construction of an addition 4.4 feet from the front yard setback where 30 feet is required."

2. Using photos provided by the property owner, assessors database and using historical GIS imaging it is apparent that the patio has existed in its current footprint since at a minimum 1990 and likely was established prior to the 1950s based upon less clear black and white imaging.

The existence of the patio was not at issue in the April 23, 2020, correspondence to the Building Commissioner. In fact, the issue for the Building Commissioner was the erection of a structure (foundation) extending from the dwelling to the property line (closer than the permitted 4.4 feet) and then extending further into East Avenue. Notwithstanding the foregoing, the photographs provided by the Building Commissioner to support his denial letter of May 7, 2020 do not support of a determination of the existence of a structure (foundation) extending from the dwelling into East Avenue.

3. Finally, your appeal is untimely. Your appeal would have needed to have been filed 20 days of the granting of the special permit for which your client was noticed; and in any event no later than within 30 days of the issuance of the building permit.

The request for enforcement is not untimely. Upon discovering that the Beauregards' erection of a structure (foundation) closer to and then into East Avenue which exceeded the scope of work allowed under the building permit by Special Permit 2017-071, the Trust requested enforcement. The denial of the request for enforcement on May 7, 2020 acted to commence a 30 day window for a person aggrieved by the decision (my client, the Trust) to file an appeal to the Zoning Board of Appeals. This is a timely appeal.

4. It is my further determination that the patio was pre-existing nonconforming due to the way East Avenue has historically been used and was subsequently improved by the current special permit and as long as there is no increase in the footprint of the approved patio, it is a preexisting nonconforming landscape feature.

As an initial matter, the Building Commissioner states in reason 1, supra, that it is a "structure", not a landscape feature. Although a patio may arguably be at times a landscape feature, a foundation is patently a structure under Section 240-128 which requires appropriate relief to encroach further into a given setback. Further, there was no evidence at all before the Board on March 28, 2018 or in Special Permit 2017-071 establishing that the patio was pre-existing nonconforming due to the way East Avenue has historically been used. In fact, and as stated previously, when questioned by Chair Rodolakis at the hearing whether East Avenue was a misnomer since it looked like a driveway, Attorney Ford responded correctly that East Avenue was shown on a layout, was unimproved westerly of the Beauregards' house and that other people had rights in it.

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ZONING BOARD OF APPEALS

EXHIBIT 1

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JUN - 8 2020
ZONING BOARD OF APPEALS

Michael Schulz

From: Michael Schulz
Sent: Thursday, April 23, 2020 11:53 AM
To: Florence, Brian; Carter, Jeff; michael.scalia@town.barnstable.ma.us
Cc: Michael Schulz
Subject: 8 East Avenue Osterville MA
Attachments: 8 East Photograph of Foundation.jpg; 8 East Building Zoning Plan.pdf; RD-2017-071.pdf
Importance: High

Good Morning Brian, Jeff and Michael:

As I discussed with Michael on the telephone this morning, I discovered yesterday that a foundation (structure) has been poured at 8 East Avenue, Osterville, MA (the "property") which protrudes significantly into East Avenue. **Photograph attached.**

In March 2018 a special permit was issued for the property which allowed for the construction of an addition to the existing dwelling into a front (4.4 feet from East Ave) and side yard setback pursuant to the plans. **Plans attached.** Although the plan references concrete pavers (which are not a structure requiring relief), the foundation is clearly a structure which requires relief. Additionally, the decision by the zoning board of appeals contains no reference, representation or finding for the construction of a foundation into East Avenue. **Decision attached.** The work being performed at the property is not in compliance with the special permit, not on the owners property, and is impedes the rights of others in/to East Avenue.

Based on the foregoing, I respectfully request that a stop work order be issued and building permit be suspended immediately for the property, that the property owner be notified of the same until the property is brought into compliance and the foundation removed from East Avenue. Thank you for your time, and I understand that with the COVID-19 issues, things may not happen as quickly as they would under normal circumstances. Michael

Michael F. Schulz, Esq.
Schulz Law Offices, LLC
1340 Main Street
Osterville, Massachusetts 02655
Telephone: (508) 428-0950
Facsimile: (508) 420-1536
Cell: (508) 364-6364
www.schulzlawoffices.com

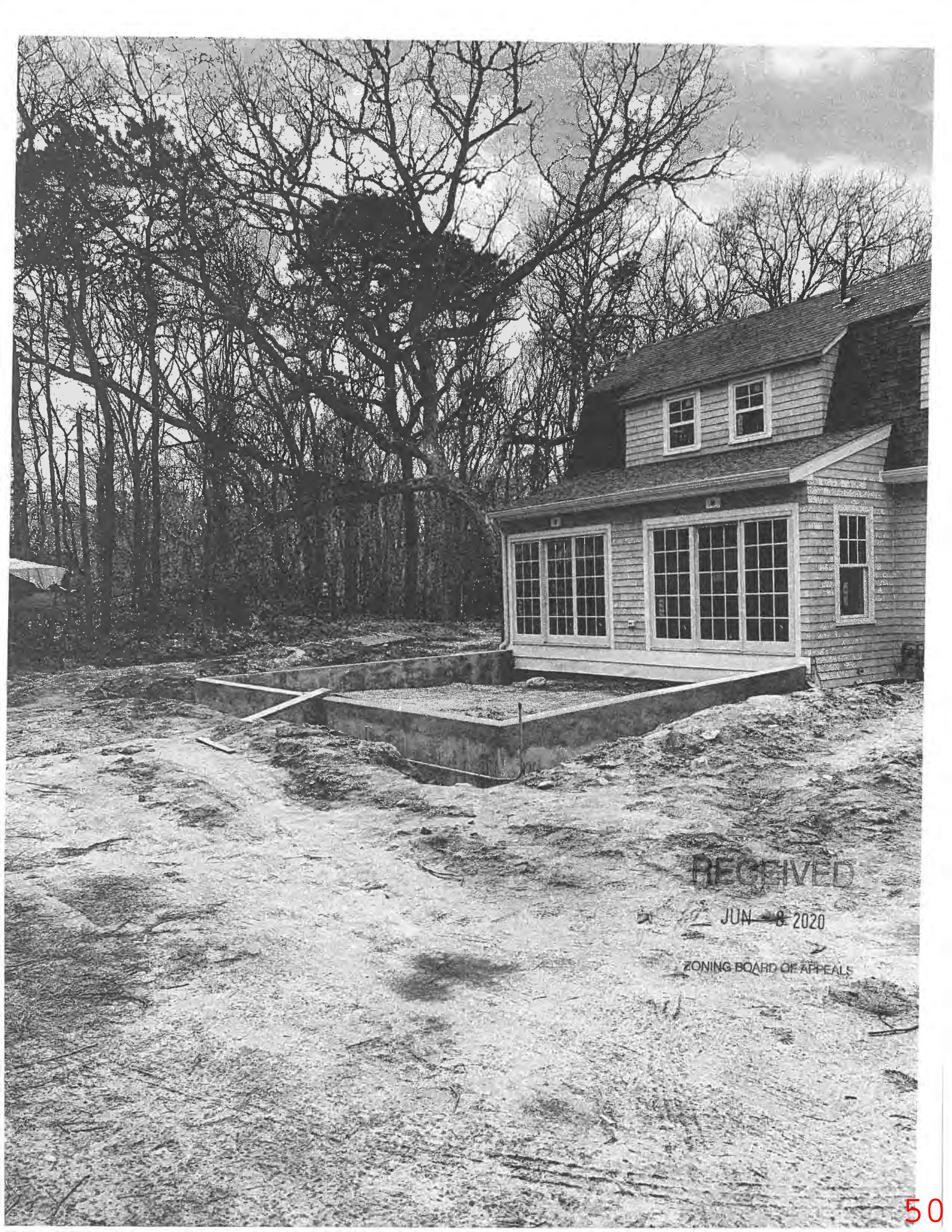
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ZONING BOARD OF APPEALS

*****Be aware that online banking fraud is on the rise. If you receive an email containing wire transfer instructions from Schulz Law Offices, LLC, please call our office at (508) 428-0950 to verify the information prior to initiating the transfer*****

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ZONING BOARD OF APPEALS



**Town of Barnstable
Zoning Board of Appeals
Decision and Notice**

Special Permit No. 2017-071 – Beauregard

§ 240-92(B) – Nonconforming structures used as single- or two-family residences

To allow construction of an addition on a nonconforming dwelling

Summary: **Granted with Conditions**
Applicant: **Todd and Anne Beauregard**
Property Address: 8 East Avenue, Osterville, MA
Assessor's Map/Parcel: 139/075
Zoning: Residence F-1 District
Hearing Date: March 28, 2018
Recording Information: Certificate No. 197648

BARNSTABLE TOWN CLERK

2018 APR 11 PM 1:00

Background

Todd and Anne Beauregard have applied for a Special Permit pursuant to Section 240-92(B) Nonconforming Buildings or Structures used as Single- and two-family residences. The applicants are proposing to construct a two-story, 1,180 square foot addition which will encroach into a front yard setback creating an intensification which requires a Special Permit. The subject property is addressed 8 East Avenue, Osterville, MA, as shown on Assessor's Map 139 as Parcel 075. It is located in the Residential F-1 Zoning District.

According to the site plan submitted, the subject lot is 9,974 square feet. The subject lot was created in 1924 by Land Court Plan 10290A and fronts on East Avenue and on Second Avenue. Neither of which is improved.

According to the Assessor's record, the lot is developed with a 1.5-story, two-bedroom dwelling of 1,735 square feet gross floor area, constructed in 1930. The Land Court plan shows that the dwelling existed at the time the lot was created. Both the lot and dwelling pre-date zoning and therefore would be considered pre-existing, legally-created and non-conforming. The applicants purchased the property in July of 2012.

The property was previously granted a Special Permit (No. 2006-009) which approved a similar proposal, however the rights under the permit were not exercised and the permit has since expired.

The lot is nonconforming as to lot size at 9,974 square feet where 87,120 square feet is required in the RF-1 (RPOD). The dwelling and shed are also nonconforming as to front yard setbacks at 4.2 feet where 30 feet is required and as to southerly side yard setback at 10 feet where 15 feet is required. The existing shed is also nonconforming in that it is setback 3.8 feet from the rear yard lot line where 15 feet is required.

Procedural & Hearing Summary

Special Permit Application No. 2017-071 to construct a two-story, 1,180 square foot addition which will encroach into a front yard setback was filed at the Town Clerk's office and the office of the Zoning Board of Appeals on November 16, 2017. A public hearing before the Zoning Board of Appeals was duly advertised and notice sent to all abutters and interested parties in accordance with MGL Chapter 40A. The hearing was opened on January 24, 2018 and continued to February 14, 2018, March 14, 2018, and finally to March 28, 2018 at which time the Board found to grant the Special Permit subject to conditions. Board Members deciding this appeal were Alex Rodolakis, Jacob Dewey, Paul Pinard, David Hirsch and Todd Walantis.

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Attorney Michael Ford represented the Applicants before the Board. Attorney Ford stated the Applicants, Todd and Anne Beauregard, seek to construct an addition to their pre-existing nonconforming single family dwelling at 8 East Avenue, Osterville. The proposed addition will be two stories and will not result in the creation of any new nonconformity. The addition will consist of two bedrooms upstairs and a living room, kitchen, and dining room downstairs. The addition will increase the total bedroom count to four. Attorney Ford reviewed the existing conditions and the previous Special Permit issued to the previous owners. The Beauregard's, the new owners, did not want to exercise the previous Special Permit to demolish the dwelling, but rather wanted to construct an addition. Attorney Ford stated the Applicants seek permission to keep the shed. The Board questioned the condition of East Avenue and that it really functions like a driveway for the Applicants. There was a discussion regarding the existing shed and the encroachment into the setback.

The Board Chair requested public comment. No testimony was given.

Findings of Fact

At the hearing on March 28, 2018, the Board unanimously made the following findings of fact in Special Permit Application No. 2017-071, a request to construct a two-story, 1,180 square foot addition which will encroach into a front yard setback:

1. The application falls within a category specifically excepted in the ordinance for a grant of a special permit. Section 240-92 allows for the expansion of a preexisting nonconforming structure used as a single-family residence with a Special Permit.
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. The proposed expansion of the dwelling will not be substantially more detrimental to the neighborhood than the existing building or structure.

The vote to accept the findings was:

AYE: Alex Rodolakis, Jacob Dewey, Paul Pinard, David Hirsch and Todd Walantis

NAY: None

Decision

1. Special Permit No. 2017-071 is granted to Todd and Anne Beauregard, to allow for the construction of an addition 4.4 feet from the front yard setback where 30 feet is required and 21.8 feet from the side yard setback where 15 feet is required. The property is located at 8 East Avenue, Osterville, MA.
2. The proposed alterations will be in substantial conformance with the plan entitled "Plan of Proposed Addition at 8 East Ave Barnstable (Osterville) Mass" prepared for Todd and Anne Beauregard dated January 6, 2016, drawn and stamped by CapeSurv and architectural drawings by Giampietro Architects dated April 15, 2016.
3. This construction shall represent full build-out of the lot. No additional increase in building coverage or gross square footage shall be permitted without prior approval of this Board.
4. The shed shall be relocated to comply with setbacks for an accessory structure.
5. 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.

The vote was:

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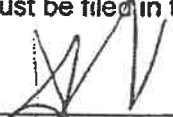
JUN - 8 2020

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AYE: Alex Rodolakis, Jacob Dewey, Paul Pinard, David Hirsch and Todd Walantis
NAY: None

Ordered

Special Permit No. 2017-071 to construct a two-story, 1,180 square foot addition which will encroach into a front yard setback at 8 East Avenue, Osterville, MA, 191 Fifth Avenue, Hyannis (Hyannisport) has been granted subject to conditions. This decision must be recorded at the Barnstable Registry of Deeds for it to be in effect and notice of that recording submitted to the Zoning Board of Appeals Office. The relief authorized by this decision must be exercised within two years unless extended. Appeals of this decision, if any, shall be made pursuant to MGL Chapter 40A, Section 17, within twenty (20) days after the date of the filing of this decision, a copy of which must be filed in the office of the Barnstable Town Clerk.



Alex Rodolakis, Chair

4/11/2018

Date Signed

I, Ann Quirk, Clerk of the Town of Barnstable, Barnstable County, Massachusetts, hereby certify that twenty (20) days have elapsed since the Zoning Board of Appeals filed this decision and that no appeal of the decision has been filed in the office of the Town Clerk.

Signed and sealed this 2ND day of MAY under the pains and penalties of perjury.



Ann Quirk, Town Clerk

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JUN - 8 2020

ZONING BOARD OF APPEALS



Town of Barnstable
Assessing Division
367 Main Street, Hyannis MA 02601
www.town.barnstable.ma.us

Office: 508-862-4022
FAX: 508-862-4722

Edward F O'Neil, MAA
Director of Assessing

ABUTTERS LIST CERTIFICATION

November 27, 2017

RE: Adjacent Abutters List
For Parcel: 139-075
8 East Avenue
Osterville, MA 02655

As requested, I hereby certify the names and addresses as submitted on the attached sheet(s) as required under Chapter 40A, Section 11 of the Massachusetts General Laws for the above referenced parcels as they appear on the most recent tax list with mailing addresses supplied.

William J. Janoff

Donald M. ...

William J. ...

Board of Assessors
Town of Barnstable

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JUN - 8 2020

ZONING BOARD OF APPEALS

Zoning Board of Appeals (ZBA) Abutter List for Map & Parcel(s): '139075'

Parties of interest are those directly opposite subject lot on any public or private street or way and abutters to abutters. Notification of all properties within 300 feet ring of the subject lot.

Total Count: 27

Close

Map & Parcel	Owner1	Owner2	Address1	Address 2	Mailing CityStateZip	Country Deed
138013	KNIGHTLY, TODD A & DIANA B		700 HIGH ST		DEDHAM, MA 02026	C174366
138014	ALLIEGRO, GEORGE & DEBRA		PO BOX 543		OSTERVILLE, MA 02655	C208099
139062	MECKE, STEPHEN C & ELIZABETH W		125 PILGRIM ROAD		WELLESLEY, MA 02481	C203119
139066	BREAULT, ROBERT N		PO BOX 709		OSTERVILLE, MA 02655	23021/246
139067001	YAREMCHUK, MICHAEL J & MARILYN K TRS	YAREMHUCK FAMILY REALTY TRUST	15 SMITH FARM TRAIL		LYNNFIELD, MA 01940	27864/199
139067002	BRESLIN, JOHN W & KATHLEEN H		5270 KENSINGTON HIGH ST		NAPLES, FL 34105	18672/34
139068	ENGLISH, MARY ANNE		64 WARREN STREET		OSTERVILLE, MA 02655	30119/348
139069	OLD, BRUCE S & KATHARINE D ET ALS TRS	WIANNO REAL ESTATE TRUST	C/O OLD, RANDOLPH B TR	935 SEAGRAPE LANE	VERO BEACH, FL 32963	2637/187
139070	WILBURN, MARILYN C & CHASE, PHILIP L		720 MAIN ST		HINGHAM, MA 02043	6741/41
139073	SMITH, LAMAR S TR	WARREN AVENUE TRUST	419 E HATHAWAY		SAN ANTONIO, TX 78209	7930/326
139074	MCELROY, JOSEPHINE A		24717 HARBOUR VIEW DRIVE		PONTE VEDRA BEACH, FL 32082	27179/53
139075	BEAUREGARD, TODD & ANNE		137 FAIRMOUNT STREET		LOWELL, MA 01852	C197648
139076	SINGH, AJAY K & RITU		65 ENDICOTT STREET		NEWTON, MA 02461	25368/9
139077	WIANNO CLUB		P O BOX 249		OSTERVILLE, MA 02655	C2362
139078	SULLIVAN, LUCIANN BOYD ETAL	C/O THOMPSON, LUCIANN P	PO BOX770991		STEAMBOAT SPRINGS, CO 80477	C124714
139079	REEVES, VIRGINIA T		26361 CLARKSTON DRIVE		BONITA SPRINGS, FL 34135	1592/193
139080	REEVES, KENNETH R TR	KENNETH R REEVES REV TRUST	C/O VIRGINIA REEVES	26361 CLARKSTON DRIVE	BONITA SPRINGS, FL 34135	6935/104
139082	WOODS, GARY T & SULLIVAN, ELIZABETH A		78 LONGFELLOW RD		WELLESLEY, MA 02481-5221	C183691
139083	CURTIS, ALAN B & EAGAN, GAIL		32 UNION PARK #1		BOSTON, MA 02118	C176669
139084	PARRELLA, DAVID A		PO BOX 483		BARNSTABLE, MA 02630	29681/174
139085	HEARN, DEIRDRE S		24 OXFORD RD		WELLESLEY, MA 02481	C149798
139086	HEARN, ROGER D		24 OXFORD RD		WELLESLEY, MA 02481	C149799
139087	BAER, MARY M & ROBERT A JR		BOX 1590		BOCA GRANDE, FL 33921	C172046
139088	MORRISON, ROBERT S & SUSAN E		600 EAST WESTMINSTER		LAKE FOREST, IL 60045	C139209
139089	CURTIS, PAUL G &		26 FROTHINGHAM ST		MILTON, MA	9046/11

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ZONING BOARD OF APPEALS

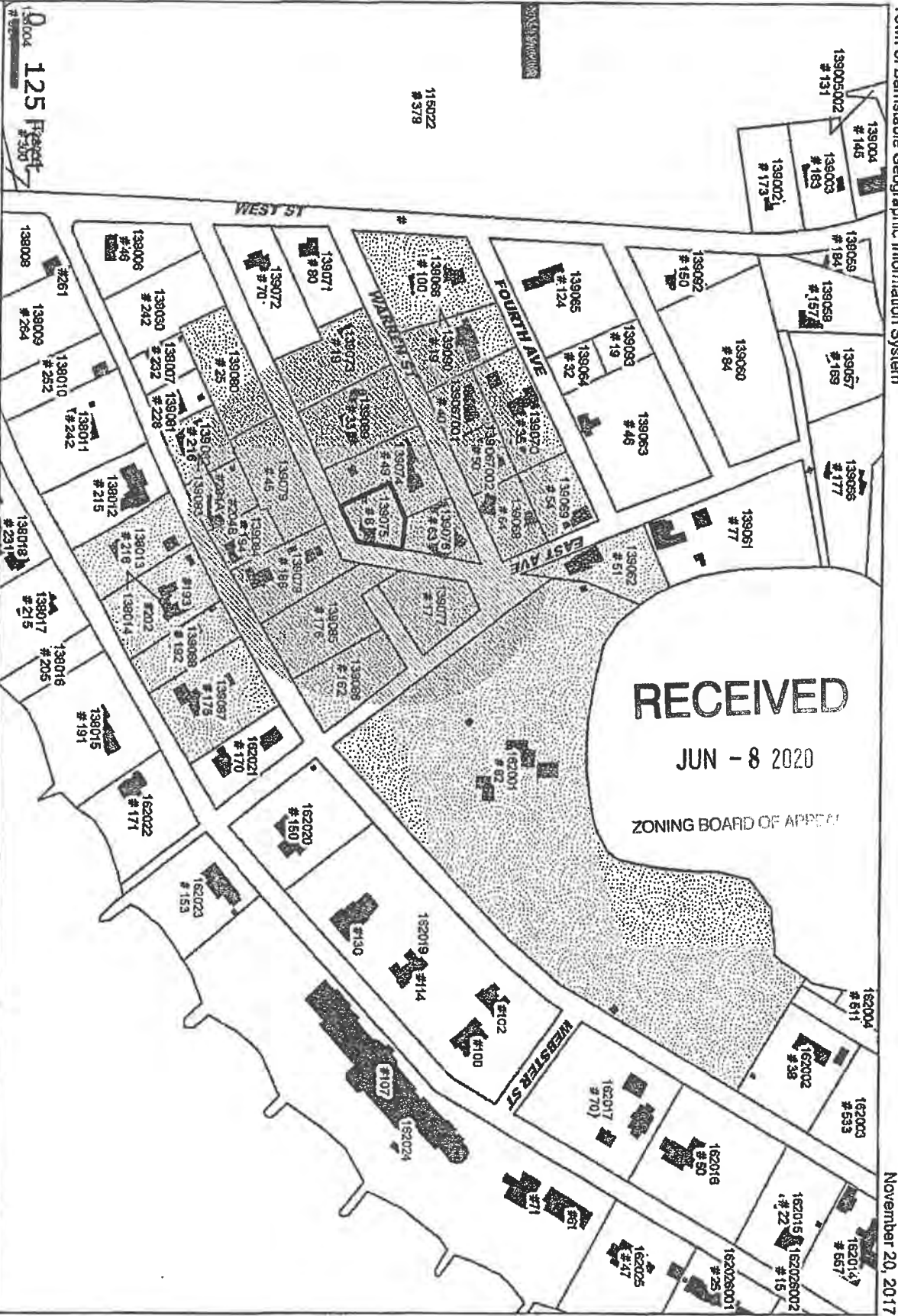
	JANET L			02186	
139090	WHITE, NANCY A TR	WHITE NANCY A FAMILY NOMINEE TRUST	19 LADY SLIPPER LN	OSTERVILLE, MA 02655	10704/320
162001	WIANNO CLUB		P O BOX 249	OSTERVILLE, MA 02655	C2362

This list by itself does NOT constitute a certified list of abutters and is provided only as an aid to the determination of abutters. If a certified list of abutters is required, contact the Assessing Division to have this list certified. The owner and address data on this list is from the Town of Barnstable Assessor's database as of 11/20/2017.

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125 Feet

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: 075 Zoning Board of Appeals (ZBA)

Abutter List Type - Parcels of interest are those directly opposite subject lot on any public or private street or way and abutters to abutters. Notification of all properties within 300 feet ring of the subject lot.

Selected Parcel	
Abutters	
Buffer	

Town of Barnstable
Zoning Board of Appeals
Notice of Public Hearings under the Zoning Ordinance
December 13, 2017

To all persons interested in or affected by the actions of the Zoning Board of Appeals, you are hereby notified, pursuant to Section 11 of Chapter 40A of the General Laws of the Commonwealth of Massachusetts, and all amendments thereto, that a public hearing on the following appeals will be held on Wednesday, December 13, 2017 at the time indicated:

Zoning Board of Appeals - 7:00 PM

7:00 PM Appeal No. 2017-071 Beauregard
Todd and Anne Beauregard have applied for a Special Permit pursuant to Section 240-92(B) Nonconforming Buildings or Structures used as Single- and two-family residences. The applicants are proposing to construct a two-story, 1,180 square foot addition which will encroach into a front yard setback creating an intensification which requires a Special Permit. The subject property is addressed 8 East Avenue, Osterville, MA, as shown on Assessor's Map 139 as Parcel 075. It is located in the Residential F-1 Zoning District.

7:01 PM Appeal No. 2017-072 Lombardo
John & Mary Lombardo have applied for a Special Permit pursuant to Sections 240-91(H)(2) - Developed Lot Protection, 240-7.H.(1) - Setback from Wetland/Great Ponds, and 240-92(B) - Nonconforming Buildings or Structures. The applicants are proposing to demolish an existing single-family dwelling and replace with a 5,445-sq. gross floor area, single-family dwelling on a nonconforming lot consisting of two separate dwellings where only one dwelling is allowed under the zoning ordinance. The property is located at 81 Willow Run Drive, Centerville, MA as shown on Assessor's Map 210 as parcel 056. It is located in the Residence D-1 Zoning District.

7:02 PM Appeal No. 2017-073 Kendrick
Wayne and Sandra Kendrick, d.b.a. Kota's Place Pet Grooming has applied for a modification of Special Permit No. 2008-062 Condition No. 4 for a change of hours of operation. Special Permit No. 2008-062 was granted pursuant to Section 240-33.C (1) Conditional Uses for a Kennel. The applicant is seeking to operate a 24 hour dog grooming business in Unit 7 at 30 Perseverance Way, Barnstable, MA. The subject property is addressed 30 Perseverance Way, Barnstable, MA, and is shown on Assessor's Map 295 as parcel 007 units 00Fand 00G. It is in the IND Industrial Zoning District.

7:00 PM Appeal No. 2017-068 Julius/Wentzel/Dubuc
Susan Dubuc, Laura Wentzel and John Julius are appealing the issuance of a Building Permit (B-17-2336) for the property at 95 Chase Street; the building permit was issued for a fire sprinkler system. The Appellants contest that use of the property by Homeless Not Hopeless is not a principal use allowed in the RB District; their occupancy must be limited to no more than six residents and subject to the conditions of a Special Permit; the Dover Amendment does not exempt the proposed use from zoning; and if Dover applies, a modification permit is required from the Zoning Board of Appeals. The building permit was issued for property at 95 Chase Street, Hyannis as shown on Assessor's Map 307 as Parcel 134, zoned RB Residence B.

These public hearings will be held at the Barnstable Town Hall, 367 Main Street, Hyannis, MA, Hearing Room located on the 2nd Floor, Wednesday, December 13, 2017. Plans and applications may be reviewed at the Zoning Board of Appeals Office, Planning and Development Department, Town Offices, 200 Main Street, Hyannis, MA.

Barnstable Patriot
November 24 & December 1, 2017

Alex Rodolakis, Chair
Zoning Board of Appeals

Zoning Board of Appeals
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Barnstable Patriot
November 24 & December 1, 2017

Alex Rodolakis, Chair
Zoning Board of Appeals

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ZONING BOARD OF APPEALS

BARNSTABLE REGISTRY OF DEEDS
John F. Meade, Register

EXHIBIT 2

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ZONING BOARD OF APPEALS

Town of Barnstable
Building Department Services

Brian Florence, CBO
Building Commissioner
200 Main Street, Hyannis, MA 02601
www.town.barnstable.ma.us



Office: 508-862-4038

Fax: 508-790-6230

Notice of Zoning Ordinance Request for Enforcement
Denial
May 7, 2020

Michael Schulz 1340 Main St. Osterville, MA 02655 and all persons having interest in this notice:

I am in receipt of a request for zoning enforcement in accordance with M.G.L. c. 40A § 7 concerning the property located at 8 East Avenue, Osterville, MA 02655, Assessors Map 139 Parcel 075. Please be advised that your request for enforcement is DENIED.

Summary of Request for Enforcement:

In your request for enforcement you allege that a foundation structure is being installed that impedes into the access of East Avenue and is not consistent with the Special Permit 2017-071, and specifically ask that I place a stop work on property and immediately suspend building permit. In your request you fail to cite the relevant Barnstable Zoning Ordinance concerning the desired relief.

Summary of Reason(s) for Denial:

Your request for enforcement is denied in accordance with M.G.L. c. 40A § 7 for the following reasons:

- 1) The structure that is referenced in the complaint is being erected to improve a patio that was approved on the site plan referenced in Special Permit 2017-071 which reference both a plan dated 1/6/16 and the conditions of East Ave. within the findings.
- 2) Using photos provided by property owner, assessors database and using historical GIS imaging it is apparent that the patio has existed in its current footprint since at minimum 1990 and likely was established prior to the 1950's based upon less clear black and white imaging.
- 3) Finally, your appeal is not timely. Your appeal would have needed to have been filed within 20 days of the granting of the special permit for which your client was noticed; and in any event no later than within 30 days of the issuance of the building permit.

It is my further determination that the patio was pre-existing nonconforming due to the way East Ave. has historically been used and was subsequently approved by the current special permit and as long as there is no increase in the footprint of the approved patio it is a preexisting nonconforming landscape feature.

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If you have been aggrieved by this determination, you may file an appeal with the Town Clerk as well as the Planning and Development Department of the Town Barnstable, specifying the ground thereof within thirty (30) days of the receipt of this notice in accordance with Chapter 40A Section 15 of the Massachusetts General Laws.

Regards,


Brian Florence
Building Commissioner

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ZONING BOARD OF APPEALS

Michael Schulz

From: Florence, Brian <Brian.Florence@town.barnstable.ma.us>
Sent: Thursday, May 7, 2020 2:33 PM
To: Michael Schulz
Cc: Carter, Jeff
Subject: RE: Emailing: 8 E Ave RFS Denial_20.pdf

Stand by.... I have them up in my email from Jeff.... I will just forward them unceremoniously.

-Brian

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

From: Michael Schulz [mailto:mschulz@schulzlawoffices.com]
Sent: Thursday, May 7, 2020 2:26 PM
To: Florence, Brian
Cc: Carter, Jeff; Michael Schulz
Subject: RE: Emailing: 8 E Ave RFS Denial_20.pdf

Hi Brian and Jeff, would either you be able to send along the photographs that you reviewed? Thank you. Michael

Michael F. Schulz, Esq.
Schulz Law Offices, LLC
1340 Main Street
Osterville, Massachusetts 02655
Telephone: (508) 428-0950
Facsimile: (508) 420-1536
Cell: (508) 364-6364
www.schulzlawoffices.com

Be aware that online banking fraud is on the rise. If you receive an email containing wire transfer instructions from Schulz Law Offices, LLC, please call our office at (508) 428-0950 to verify the information prior to initiating the transfer

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

From: Florence, Brian <Brian.Florence@town.barnstable.ma.us>
Sent: Thursday, May 7, 2020 2:23 PM
To: Michael Schulz <mschulz@schulzlawoffices.com>
Cc: Carter, Jeff <Jeff.Carter@town.barnstable.ma.us>
Subject: Emailing: 8 E Ave RFS Denial_20.pdf

Attorney Schulz,

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ZONING BOARD OF APPEALS

It was a pleasure speaking with you today. Attached please find the request for enforcement denial that we discussed. If you have any questions please do not hesitate to contact me.

Regards,
Brian Florence, Building Commissioner
Town of Barnstable
200 Main Street
Hyannis, MA 02601
(508) 862-4038
Brian.florence@town.barnstable.ma.us

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COMMERCIAL BOARD OF APPEALS

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JUN -8 2020

BOARD OF APPEALS

04/04/2007



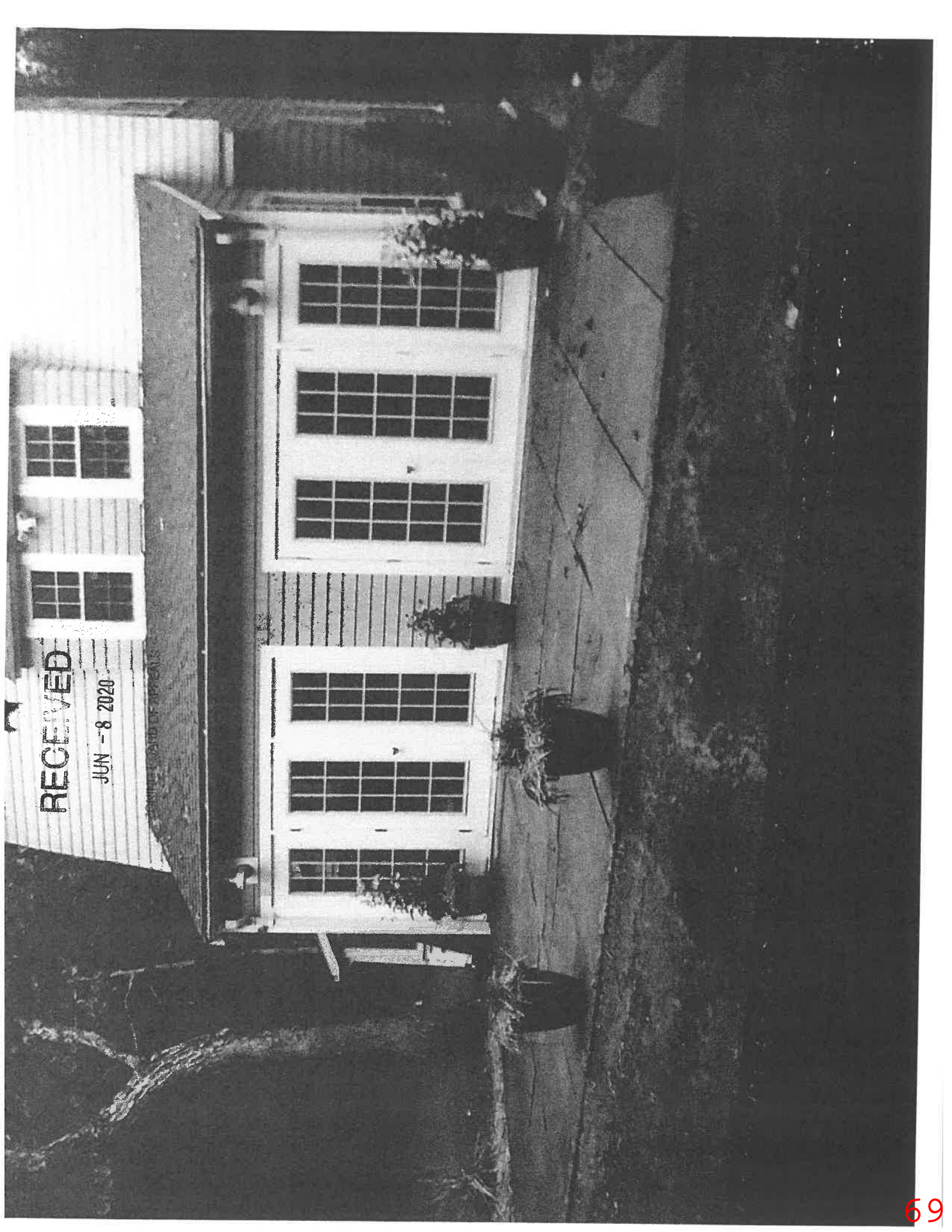
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JUN - 8 2020



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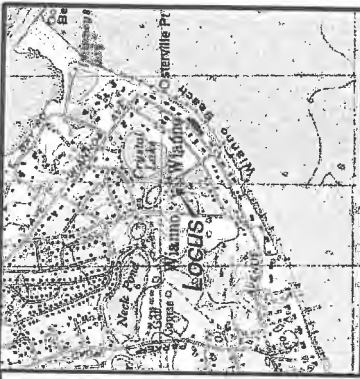
JUN -8 2020

UNIT 1 WARDEN APPEALS



ASSESSORS REF.:
Map 139, Parcels 075

OVERLAY DISTRICT:
AP - Aquifer Protection District



Location Map:
1" = 2,000±

ZONE:
RF-1

Area (min.) 43,560 SF
Frontage (min.) 20'
Width (min.) 125'
Setbacks:
Front 30'
Side 15'
Rear 15'

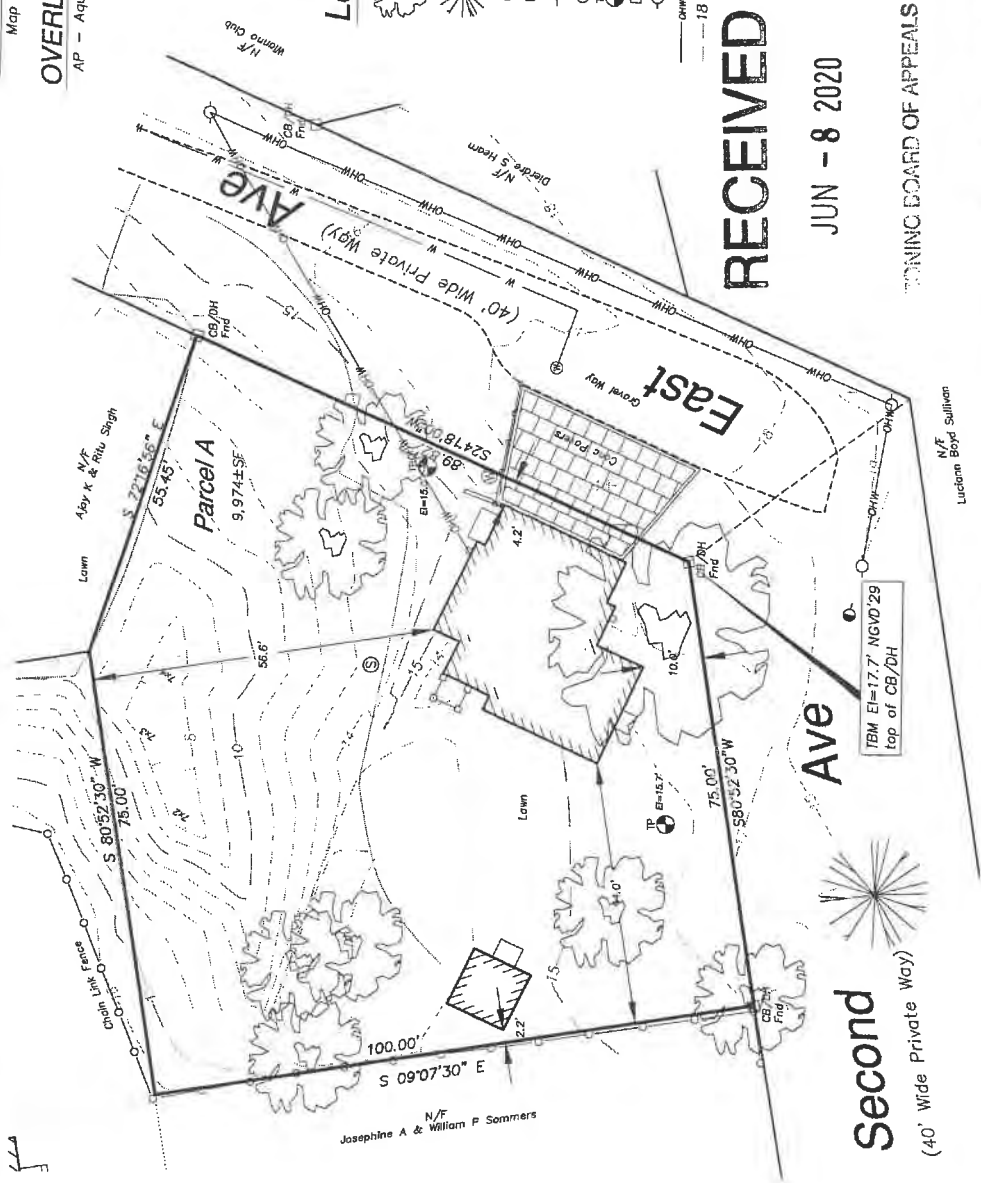
FLOOD ZONE:
Zone C
Community Panel No. #250001 0016 D
July 2, 1992

Legend:

- Deciduous
- Coniferous
- Sewer Manhole
- Water Manhole
- Guy
- Water Gate (round)
- Test Pit
- CB/DH
- Utility Pole
- Overhead Wires
- Elevation Contour

NOTE:

- 1.) The property line information shown was compiled from available record information.
- 2.) The topographic information was obtained from an on the ground survey performed on or between 8/MAY/12 and 16/MAY/12
- 3.) The datum used is NGVD '29, a fixed mean sea level datum.



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TOWNING BOARD OF APPEALS



Prepared For:

Todd Beauregard

Scale: 1" = 20'

Date: 16/MAY/12

Dwg: C515_8g1

CapeSurv

7 Parker Road
Osterville MA 02655
(508)420-3994 (508)420-3995 fax
capesurv@capecad.net

**Existing Conditions Plan
At 8 East Ave
Barnstable (Osterville) Mass**

Sheet #

11
of

Notes/Revisions:

