Present: Jim Fox, Chairman, Pat Kerfoot, Vice Chairman, Paul Dreyer, Clerk/Secretary, John Druley, Robert Leary, Pamela Harting-Barrat, Charlotte Harris

Chairman Jim Fox called the meeting to order at 6:30 PM.

MINUTES: December 11, 2018

MOTION by P.Dreyer/R.Leary to approve the minutes of December 11, 2018.

Voted 6-0-1

PUBLIC COMMENT

None.

T.Bott discussed Memorandum regarding DLTA Grants.

PUBLIC HEARINGS:

Planning Board Zoning Articles for Spring 2019 Town Meeting

- 240-193 As-Built Plans
  Adding a new subsection to read: No certificate of occupancy shall be issued until an As-built plan, prepared by a registered architect or professional engineer has been submitted and verified by the Planning Board’s designee within 7 days of the As-built submittal that all conditions of approval have been met.

T.Bott - Our explanation will be better when we get to the Warrant closing.

Attorney Bob Ament - some words added when it is not possible to complete all the requirements due to things like weather. This language does not provide for those occasions.

- 240-225 Notices for Bylaw Amendments
  The revised section will read: Amendments to any district of the Official Zoning Map shall require that notice of the Planning Board public hearing required by MGL c. 40A, § 5, be sent postage prepaid, to all parties in interest in accordance with MGL c. 40A § 11, when those amendments involve the rezoning of 10 or fewer parcels of land. When greater than 10 parcels of land are proposed for rezoning, notice shall be accomplished by publishing a map in the local newspaper together with the public hearing notice required by MGL c. 40A § 5.

T.Bott - we simply strike the language “by certified mail” in the present bylaw. This is over and above what is required by Mass State law.

- 240-250 Medical Marijuana Dispensaries
  The new section will read: An entity registered under 105 CMR 725.000 that acquires, cultivates, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, including development of related marijuana-infused
product (MIP), related supplies, or educational materials to registered qualifying patients or their registered personal caregivers.

T.Bott - A not-for-profit entity would be the medical marijuana treatment provider. We have entered into a host agreement with a provider. This is consistent with the State’s regulations.

Elaine Weston, 10 Albert Lane - Where are you planning to put this facility?

T.Bott - 31 Teaticket Highway.

J.Druley - The word Medical is not in this. There is no provision in our current bylaw for recreational marijuana. We are only striking the words not-for-profit. This is how our bylaw currently exists. Your suggestion is probably appropriate.

- **240-68 Maximum Setbacks from Street Frontage**

  The revised subsection will read: A. Minimum setbacks from the street frontage shall be 25 feet, however in the General Residence, Business 2 and Business 3 Districts there shall be a 35 feet maximum front setback with the following exceptions:

T.Bott - These setbacks would be more consistent with what might be envisioned for Davis Straits.

Attorney Bob Ament - I am concerned that this change would relate to the General Residence District. Most of this district is residential. I don’t think that houses must be close to the street is the intent here. I think commercial development should be treated different from residential development.

P.Kerfoot - We didn’t want to see a wind tunnel effect. A five-foot difference is hardly there. I am concerned with B2 and B3 and you are going to get buildings right up along that line.

R.Leary - Maybe they could get more parking in the back if it were moved a little further into that 25 foot setback.

J.Druley - You could remove that and just give a maximum setback of 30 feet.

C.Harris - I agree with John’s suggestion.

J.Fox - I think a mixture is right. We might have to work this one a little bit.

Applicant: The Burton Trust, Slade M. Burton and Janice A. Burton, Trustees – Special Permit application to construct a mixed use building (first floor offices and two apartments above) with lot coverage by structures, parking and pavement of 69.4%, located at 160 Katharine Lee Bates Road

Attorney Bob Ament - The existing building extends about four feet from the property line. The proposal will leave the setback at ten feet and that will still be nonconforming. We will improve that nonconformance, keeping the slab foundation, the walls to the north and the south and some of the framing. The proposal is to change to a building that will have the same amount of office space on the first floor and two two-bedroom apartments above. The parking is somewhat nonconforming. We have increased the side yard to 10 feet, we have widened the driveway. The parking will be somewhat expanded. If we made the walkways impervious, we would not need a special permit due to our lot coverage. We might do that. We would not be changing the drainage structures. We want to have 69.4 per cent lot coverage instead of 65 per cent. We have responded to the issues in the report.

Mike Burton - The plans are standard architectural shingles, nice windows that you see in your house.

C.Harris - There is no response about the visual impact on the neighborhood.
B. Ament - We have a set of plans that changes that front a little bit. The pillars suggested become part of the structure. We could go over the alternate set of plans with the staff.

C. Harris - Simpler dormers or gabling might be more appropriate.

J. Fox - I think this is a huge improvement. I disagree, those dormers have a Nantucket look to them.

R. Leary - I don’t know how you could do something different.

Tom Bunker - We are happy and support this. There might be some parking issues.

Beatrice Bunker - I am not opposed to that dormer. I do agree the window placement should be more symmetrical. I have concerns about the size of this building and the number of occupants; and parking in our parking lot. I would like him to post a sign for parking.

P. Kerfoot - You could lose four feet and it would still work.

B. Ament - The Burtons would prefer to narrow the driveway if the Town will allow. We would be happy to make it 16 feet.

R. Leary - I’m all for reducing pavement.

J. Druley - I think the Fire Department should get the opportunity to review this again. The stairs can go against the windows.

MOTION by P. Kerfoot/P. Harting-Barrat to continue to January 15, 2019.

Voted 7-0-0

Applicant: Falmouth Housing Trust – Special Permit application to modify Condition 1 of a Special Permit Decision issued December 8, 2004, to Albert Shamsi, Trustee, which allowed a density bonus of two (2) lots (Lots 9 and 10 on Pam’s Way).

T. Bott - There are a lot of people that would love to see this happen. Mr. Duffy has indicated that the permit issued in 2004 cannot be modified and it has lapsed. Counsel also notes that the board might be able to grant an extension, typically one year, to allow Condition 1 to be extended. The lots were never developed and expired after three years. Counsel’s recommendation is that the permit has lapsed and you might extend it but not renegotiate it. The best grace would be to take a retroactive extension of the conditions and give the developer a year to do that.

Karen Bissonnette, Executive Director of Falmouth Housing Trust - I am asking to extend the special permit for two years to allow us to pursue alternatives and bring affordable housing to our community.

J. Druley - I like the two year period and maybe the developer will want to build on that lot. It will be a win-win for everyone.

B. Ament - discussed all the costs to the developer. We could have a pre-existing nonconforming use and the Zoning Board may be able to change the existing use and modify the special permit.

MOTION by P. Harting-Barrat/R. Leary to extend the Special Permit for two years.

Steve Kramer, 60 Crowell Road - I am concerned about the septic system and the threat to the groundwater.

T. Bott - We did get another email regarding the septic and the health agent is aware there is a problem.

Voted 7-0-0
PLANNING BOARD DISCUSSION:
Committee Reports
Davis Straits Multi-family District

GENERAL CORRESPONDENCE: December 12, 2018 thru January 8, 2019

FUTURE AGENDA ITEMS:
R. Leary - a pamphlet on the accessory apartment bylaw.

NEXT MEETING: January 15, 2019

MOTION by P. Kerfoot to adjourn at 9:10.

Respectfully Submitted,
Paul Dreyer, Clerk/Secretary
Sheri Theroux, Recording Secretary
To: Michael Palmer, Town Clerk
    Julian Suso, Town Manager
From: Thomas Bott, Town Planner
Date: December 19, 2018

RE: Zoning Bylaw Amendments for Town Meeting April 2019

Below please find articles discussed by the Planning Board for inclusion on the Warrant for the April 2019 Annual Town Meeting. These Articles will be advertised on December 28, 2018 and January 4, 2019 for Planning Board hearings beginning January 8, 2019. It is anticipated that the Board would close the hearing and vote recommendations on January 15, 2019 prior to the close of the Town Meeting Warrant and the Articles published on Friday February 1, 2019. There will be additional hearings for any petitioned articles forwarded to the Planning Board following the close of the Warrant on Friday January 18, 2019.

- Article... To see if the Town will vote to amend the Zoning Bylaw Article XXXIX – Site Plan Review - by amending § 240-193 Procedure by adding a new subsection C to read:
  C. No certificate of occupancy shall be issued until an As-built plan, prepared by a registered architect, landscape architect or professional engineer has been submitted and verified by the Planning Board’s designee within 7 days of the As-built submittal that all conditions of approval have been met.

Or do or take any other action on this matter. On behalf of the Planning Board

Explanation: This change is intended to ensure that site improvements required by Site Plan Approval have been properly installed. Requested by the Planning Board in consultation with the Building Commissioner.

- Article... To see if the Town will vote to amend the Zoning Bylaw Article XLIII – Amendments – by amending § 240-225 Notices deleting the words “by certified mail” so that the revised section will read:
  Amendments to any district of the Official Zoning Map shall require that notice of the Planning Board public hearing required by MGL c. 40A, § 5, be sent postage prepaid, to all parties in interest in accordance with MGL c. 40A, § 11, when those amendments involve the rezoning of 10 or fewer parcels of land. When greater than 10 parcels of land are proposed for rezoning, notice shall be accomplished by
publishing a map in the local newspaper together with the public hearing notice required by MGL c. 40A, § 5.

Or do or take any other action on this matter. On behalf of the Planning Board

Explanation: This provision of the Zoning bylaw is in addition to the requirements under GL Ch 40A § 5 which requires: Notice of said hearing shall also be sent by mail, postage prepaid to the department of housing and community development, the regional planning agency, if any, and to the planning board of each abutting city and town. The bylaw is fine for providing addition information however this past fall when we adopted the Solar Overlay District the requirement resulted in 125 pieces of certified mail, the staff time it requires to produce such and an additional $700.00 ($762.50 vs $62.50) in postage costs borne by the Town.

A markup showing proposed change is below.

§ 240-225 Notices.
[Added STM 10-15-1987, Art. 59; amended ATM 4-4-2007, Art. 9, approved 5-21-2007]

Amendments to any district of the Official Zoning Map shall require that notice of the Planning Board public hearing required by MGL c. 40A, § 5, be sent by certified mail, postage prepaid, to all parties in interest in accordance with MGL c. 40A, § 11, when those amendments involve the rezoning of 10 or fewer parcels of land. When greater than 10 parcels of land are proposed for rezoning, notice shall be accomplished by publishing a map in the local newspaper together with the public hearing notice required by MGL c. 40A, § 5.

- Article... To see if the Town will vote to amend the Zoning Bylaw Article XIV Dimensional Regulations – by amending § 240-68 Setbacks subsection A. establishing a 30 feet maximum setback from the street frontage for parcels in the General Residence and Business 2 and Business 3 Districts so that the revised subsection will read:
  A. Minimum setbacks from the street frontage shall be 25 feet, however in the General Residence, Business 2 and Business 3 Districts there shall be a 35 feet maximum front setback with the following exceptions:

Or do or take any other action on this matter. On behalf of the Planning Board

Explanation: This change is intended to bring commercial building to the front of the lot allowing parking areas to the rear and the side. The change would create streetscape in commercial areas of building, plazas, and landscaping rather that surface parking and vehicles lining the roadside. Currently following subsection A. there are nine exceptions.

A markup showing proposed change is below.
A. Minimum setbacks from the street frontage shall be 25 feet, however in the General Residence, Business 2 and Business 3 Districts there shall be a 35 feet maximum front setback with the following exceptions:

[Amended ATM 4-4-1979, Art. 102; ATM 4-8-1981, Art. 53; STM 10-26-1982, Art. 61; ATM 4-7-1986, Art. 64; ATM 4-6-1987, Art. 55; STM 11-1-1988, Art. 50]

- Article... To see if the Town will vote to amend the Zoning Bylaw Article XLVII – Marijuana Treatment Centers – by amending § 240-250 B. Definitions: of Marijuana Treatment Center/Registered Marijuana Dispensaries so the bylaw will be consistent with the regulations adopted for such facilities by the Massachusetts Department of Public Health. (105 CMR 725.000) as called for in the Zoning bylaws Purpose section deleting the words “not-for-profit” so that the new section will read:

An entity registered under 105 CMR 725.000 that acquires, cultivates, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, including development of related marijuana-infused product (MIP), related supplies, or educational materials to registered qualifying patients or their registered personal caregivers.

Or do or take any other action on this matter. On behalf of the Planning Board

Explanation: This change would bring the Town Zoning Bylaw into compliance with the Massachusetts Department of Public Health regulations. The medical marijuana provider that the Town is entering into a Host Community Agreement with is a for-profit business.

A markup showing proposed change is below.

MARIJUANA TREATMENT CENTER/REGISTERED MARIJUANA DISPENSARY
An not-for-profit entity registered under 105 CMR 725.000 that acquires, cultivates, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, including development of related marijuana-infused product (MIP), related supplies, or educational materials to registered qualifying patients or their registered personal caregivers.

An additional article, unrelated to zoning and not requiring a hearing by the Planning Board, is to correct the reference in Chapter 21 of the Town Code that was changed in the Falmouth Charter Commission Final report dated November 15, 1989.

- Article... To see if the Town will vote to amend the Code of Falmouth Chapter 21 “Boards” by amending Article I “Planning Board” §21-1 “: Membership” to reflect the recommendation of the Falmouth Charter Commission Final Report dated November 15, 1989 and subsequent adoption by a majority of the votes cast on Question 3 at the 1990 Annual Town Election held 5-15-90 establishing the number of elected Planning Board members at seven so that the new section will read:
§ 21-1 Membership.
[Amended STM 1-8-1974, Art. 11] [Amended ATE 5-15-1990, Question 3]
The Planning Board of Falmouth shall consist of seven (7) members to be elected as provided in MGL C. 41, § 81A.

A markup showing proposed changes is below.

§ 21-1 Membership.
[Amended STM 1-8-1974, Art. 11] [Amended ATE 5-15-1990, Question 3]
The Planning Board of Falmouth shall consist of seven (7) nine (9) members to be elected as provided in MGL C. 41, § 81A.

CC: Falmouth Planning Board
Frank Duffy, Town Counsel
Jennifer Petit, Director of Finance
To the Planning Board of the Town of Falmouth:

The undersigned hereby applies to modify a Special Permit Decision issued December 8, 2004, to Albert Shamsi, Trustee, which allowed a density bonus of two (2) lots (Lots 9 and 10 on Pam's Way shown on "Definitive Subdivision Plan of Land Located in Falmouth-Mass. Prepared for Sunrise Estates" recorded in Barnstable County Registry of Deeds Plan Book 599 Page 7, as follows:

Condition 1 shall be modified to read:
Each bonus lot shall be eligible for construction of a single-family dwelling if said lots are conveyed to the Falmouth Housing Trust, Inc. ("FHT"), or to another non-profit organization approved by the Planning Board and having as a purpose the development of affordable housing in Falmouth. FHT may sell the lots for development of a single-family dwelling on each lot at market value, free from any affordable housing restriction, on such terms as FHT shall determine, provided that the net proceeds to FHT, after payment of the purchase price of $70,000.00 per lot to the owner and payment of other customary expenses of sale, shall be committed to be expended by FHT on an affordable housing project in Falmouth identified by FHT and satisfactory to the Planning Board.

The bonus lots are Assessors parcels 33 16 003 009 and 33 16 003 010

Applicant: Falmouth Housing Trust, Inc
Address: P.O. Box 465, Falmouth, MA 02541
Owner: Sun Elite LLC
175 S. Greata Green Way, Los Angeles, CA 90049

Applicant's Interest: Falmouth Housing Trust, Inc. is the buyer under an executed Purchase and Sale Agreement

The owner's title to the land is derived under deed from Andrea S. Youman, Trustee of A.A.R. Realty Trust, which deed is dated April 4, 2005, and recorded in Barnstable County Registry of Deeds Book 19988 Page 57.

Applicant's Signature: Falmouth Housing Trust, Inc.,
Received by Town Clerk:

By: Joanne O'Sullivan President

RECEIVED

NOV 21 2018
FALMOUTH TOWN CLERK
November 21, 2018

Thomas Bott, Town Planner
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

RE: Application to Modify Special Permit
Affordable Housing Proposal with respect to two vacant lots on Pam’s Way,
Sunrise Estates
Falmouth Housing Trust, Application

Dear Tom:

Filed herewith is the application of Falmouth Housing Trust to modify the “density bonus” special permit issued December 8, 2004, to Albert Shamsi, Trustee, which special permit decision is recorded in Barnstable County Registry of Deeds Book 19648, Page 97. In addition to the application of the Housing Trust, enclosed is a copy of the 2004 special permit, a copy of the subdivision plan for Sunrise Estates, Plan Book 599, Page 7, a Certified Abutters List obtained from the Falmouth Assessing Department with four sets of labels, and our check for a filing fee of $200.00.

You may recall from my letter of May 17, 2018, and the presentation to the Planning Board on May 22, 2018, the following explanation of the proposal:

Sun Elite, LLC (“Sun Elite”) owns Lots 9 and 10 on Pam’s Way in the Sunrise Estates subdivision off Cromwell Road in Davisville. The two Shamsi lots are presently deemed unbuildable. Falmouth Housing Trust has entered a Purchase and Sale Agreement with Sun Elite whereby, subject to Planning Board modification of the 2004 special permit, the Housing Trust will purchase both lots on favorable terms that reflect the status of the lots, and then use the proceeds from selling those lots to finance development of affordable dwelling units elsewhere in Falmouth.

Each of San Elite’s lots contains 20,000 s.f. The lots are in an almost entirely built out Planned Residential Development subdivision in the RA zone. Pam’s Way, and other roads in the subdivision, are constructed per modern subdivision rules and regulations. Lots 9 and 10 were approved as “bonus lots” by special permit under the Zoning Bylaw as in effect in 2004. The special permit provided that for the bonus lots to be built upon, the developer would have to pay $200,000.00 per lot to an affordable housing fund, within three years. The subdivision was laid out to serve the bonus lots, and the common denitrification septic system was designed to accommodate the bonus lots, with the on-going operating, maintenance and replacement costs being paid by the homeowners’ association of all lot owners in the subdivision. Due to
economic conditions, and the very high price set for building on the bonus lots, the intended payment for affordable housing could not be paid and so Lots 9 and 10 have not been developed. As a result, (1) there has been no benefit for affordable housing, (2) potential tax revenue to the Town has been lost every year, and (3) the annual obligation of each homeowner in the subdivision for the common septic system is higher if houses were built on Lots 9 and 10 and these homeowners paid a share of the expenses.

The bonus lots special permit was recorded in Barnstable and it was relied upon in the layout of lots and construction of the common denitrification septic system. The open space was laid out in accordance with the special permit conditions. The special permit did not lapse for lack of exercise of rights or substantial reliance within two years of the grant (the time to exercise rights was two years until the statute was changed to three years by 2016 legislation). The Special Permit decision allowed the Planning Board to extend the time for the affordable housing payment “for good cause as determined by the Planning Board.” Although more than three years has passed since the special permit was issued, the lots are still available for development and there is “good cause” for making use of the lots for an affordable housing project even now. The provision for bonus lots for affordable housing has been removed from the Zoning Bylaw, making the bonus lot subdivision “pre-existing nonconforming.” The Planning Board is being asked, in a very unusual circumstance, to use its discretion to amend the bonus lot special permit to allow the lots to be built upon if conveyed to an approved non-profit with the net proceeds from the sale of the lots to be used to create three or more affordable dwelling units. The proposal is consistent with the goals of Article XXVI of the Zoning By-law (“Affordable Housing Development”) and recommendations of the 2018 Housing Production Plan (October 2018 draft). The terms of the developer’s contract with the Housing Trust may be incorporated in an amendment to the special permit decision. That contract provides that Sun Elite would receive $70,000.00 per lot from the Housing Trust’s sale of the lots at market rate. The Housing Trust expects to net $230,000.00 or more from this arrangement, and all of those proceeds would be invested by the Housing Trust in an appropriate affordable housing project.

We believe residents of the Sunrise Estates subdivision are supportive of having the bonus lots developed as proposed.

Please schedule this application for hearing.

Very truly yours,

Robert H. Ament

cc. Karen Bissonnette, Executive Director Falmouth Housing Trust
Joanne O’Sullivan, Esq., President Falmouth Housing Trust
December 8, 2004

Mr. Michael C. Palmer, Town Clerk
Town Hall
Falmouth, Massachusetts 02540

re: Albert Shamsi Density Bonus Special Permit
33 16 003 000; 33 16 003C 0008

Dear Michael,

At its meeting of December 7, 2004 the Planning Board voted to approve the application of Albert Shamsi, Trustee, A. A. R. Realty Trust for a special permit under Article XXVI – Affordable Housing Development – of the Zoning Bylaw of the Town of Falmouth for a plan entitled: "Definitive Subdivision Plan of Land located in Falmouth, MA prepared for Sunrise Estates" prepared by Pereda Associates, dated June 23, 2004, revised September 20, 2004, scale 1" = 60' (3 sheets) with the following findings, waivers and conditions:

FINDINGS

The applicant seeks approval for a density bonus of four lots for the above subdivision. To qualify for the density bonus, the Planning Board must find such a development, density increase, relaxation of zoning standards or transfer of development rights does not have a material, detrimental effect on the character of the neighborhood or the Town and is consistent with the performance standards of Article XXIII. The Planning Board has the discretion in determining the number of lots for a density bonus, up to 25% more than would be allowed by right. For a subdivision of this size and in this location, the Planning Board finds a density bonus of two lots, or 12.5% is sufficient and consistent with the criteria and performance standards referenced above and will condition its decision accordingly.

The applicant has proposed to make a cash payment in concert with §204-138, instead of providing the affordable units on site. The Planning Board has the discretion to determine the amount of the payment by using either a formula based on an appraised value, or by having the Falmouth Housing Authority certify the full cost of constructing replacement affordable units. In a letter dated January 4, 2004, Mr. Robert Murray, Director of the Falmouth Housing Authority determined that a "4-plex" unit of affordable housing, replicas of those constructed on Gifford Street, could be constructed for $300,000, absent the cost of land. The cost of land, based on a weighted average of recent affordable housing projects sponsored by the Falmouth Housing Corporation was $25,000.00 per unit. Since §204-138 requires two replacement units of affordable housing for every density bonus lot granted, and two bonus lots are proposed for...
approval, four affordable units will be built and a payment of $400,000.00 ($300,000 for construction and $100,000 for land cost) will be required in condition # 1 below.

In its decision of the Planned Residential Development dated October 26, 2004, the Board waived the requirement for an Environmental Impact Statement, per §240-137 (D) with the condition that a cluster septic system be installed prior to occupancy. The homes built on the density bonus lots will also be required to utilize this common system in condition #2 below. As decided by the Board on October 26, 2004, the approved Planned Residential Development is required to maintain 50% of the land as open space. In order to add the two bonus lots to the subdivision, the Board will grant a waiver of the open space minimum requirement in condition #3 below.

Subject to the above, the Board finds that the proposed development consistent with all municipal comprehensive plans and objectives. The Planning Board makes a finding that the proposed development site plan is designed in its site allocation proportions, orientation, materials, landscaping and other features as to provide a stable and desirable character complementary and integral with the site’s natural features. The Board finds the criteria of § 240-216 of the Zoning Bylaw also satisfied subject to the conditions below.

WAIVERS

§240-129 (E) Reduction in required open space from 50% to 45% in order to accommodate the bonus lots.

CONDITIONS

1. The Definitive Plan may be amended to reflect a density bonus of two lots for a total of eighteen lots for the subdivision. A covenant shall be provided for these two lots restricting the issuance of a building permit until such time as a fee in the amount of $200,000.00 per density bonus lot ($ 400,000.00 total) is deposited in a local housing fund pursuant to §240-138 B (1) of the Zoning Bylaw. These lots shall be designated on the definitive plan with a note referencing this condition prior to endorsement. The Special Permit for this density bonus shall lapse if said covenant has not been released within a period of three years after endorsement of the definitive plan, unless for good cause as determined by the Planning Board.

2. Both density bonus lots shall be part of the common denitrification septic system conditioned as part of the Planned Residential Development decision of the Board dated October 26, 2004.

3. To accommodate the two additional lots the Definitive Plan may reflect an open space requirement of 45% that will allow 9.183 buildable acres to be set aside as two additional lots. This Board shall approve any changes to the configuration of the open space prior to definitive plan endorsement.
Vote of the Board:

Mr. Anordoe: absent  Mr. Latimer: yes
Mr. Herbst: yes  Mr. Swain: yes
Mrs. Kerfoot: yes
Mr. Foreman: yes

NOTE: Any appeal from this decision of the Planning Board can be made only to the Court and must be made pursuant to Section 17, Chapter 40A (GL) as amended, and must be filed within twenty (20) days after the date of filing of this decision with the Town Clerk.

Sincerely,

[Signature]

Brian A. Currie
Town Planner

cc: applicant
    abutters
    Planning Boards Bourne, Mashpee, Sandwich