# Town of Barnstable





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Board Members

Raymond B. Lang - Chair Mary Barry - Vice Chair David Munsell - Clerk Paul R. Curley Stephen Helman

Mark R. Ferro Steven Costello

John Norman - Town Council Liaison

Staff Support

Elizabeth Jenkins, Regulatory Review/Design Planner Anna Brigham, Principal Planner

Karen Herrand - Principal Assistant - karen.herrand@town.barnstable.ma.us

Town of Barnstable PLANNING BOARD **Minutes** January 9, 2017

Raymond B. Lang - Chairman Present Mary Barry - Vice Chairman Present David Munsell, Clerk Present Paul Curley Present Stephen Helman Present Mark Ferro Present Present Steven Costello

Also in attendance were Elizabeth Jenkins, Regulatory Review Design Planner, Growth Management Dept.

Call to Order:

Introduction of Board Members and Staff Members

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

#### **Special Permits:**

Continued Business

Special Permit No. 2016-003

**R.F. & R.M., LLP** 

Application No. 2016-003 has been submitted by R.F. & R.M., LLP for "0" Engine House Road, Hyannis Map 328, Parcel 241, under Section 240-24.1.9.B. (1) for a pay to park parking lot with 117 parking spaces which includes grading of existing pervious parking area, placement of parking kiosk machine, protective bollards, curb stops, signage, and landscape buffer. The subject lot is 58,569 square feet in area and is located in the Transportation Hub District (TD) and Wellhead Protection Overlay District (WP). Continued from August 22, September 12, October 24, November 14, 2016, November 28, 2016 and December 12, 2016. Members hearing this application are Raymond Lang, Mary Barry, Paul Curley, Stephen Helman, David Munsell, and Mark Ferro.

Attorney Dan Creedon in attendance, representation for the Applicant. Marty Riley in attendance. Mr. Scudder in attendance.

Attorney Creedon gives a brief background explanation/history.

Mark Ferro states that he is still thinking this Special Permit does not meet all the criteria.

Attorney Creedon replies that this is a permitted use in the zone, in ordinance states that in the TD and WP can only do in specific use/location. Section 240, 24 1, 2 A-G. Refers to Staff report, Exhibit A. Providing a parking facility. Will create revenue for the Town.

David Munsell clarifies that this is an interim parking area? CCRTA has future plans. Can we get the word interim into the agreement?

Attorney Creedon states that his client doesn't know really how long they want to use it, could limit the flexibility moving forward. This use would be until and if any modifications are done.

Steven Costello cannot vote on this. He was not previously included with previous hearings. Mullin Rule already used by David Munsell.

Ray Lang comments/clarifies the lot goes from end to end/maintenance of lot. Compact cars not defined. In and out of the lot/area, is Engine house a private road, yes. Should be unrestricted access/egress. Possible for Pufferbellies to use as overflow lot? Suggests parking be monitored. Hopes to encourage that shuttle busses work.

Paul Curley asks about reading the findings into the record. Referenced from Staff Report, Exhibit A.

Attorney Creedon states that this is a special permit, if anything proposed that was outside scope of we would have to come before Board to make a change in use.

Mr. Scudder in attendance. Philip Scudder, one of trustees. They had purchased property to use as temporary additional parking as there have been increased demands for such. They have always intended to have for this use until the Town has appropriate parking. They will switch if other parking becomes available.

Ray Lang asks if Pufferbelly's will separate or combine? 5 year term to be reviewed?

Attorney Creedon states no more Pufferbelly's building. They are separate. The locus of the lot is on both sides of the easement of way. The bldg. is on another parcel, both owned by the Applicant R.F. & R.M., but on separate parcels. Any additional parking would have to come back to the Planning Board. If any parking proposed on the Southeasterly area it would come back for an expansion of existing use. The special permit would have to be modified. Doesn't think possible for a term to be on a special permit. If not used for 3 years then it would go away and the special permit would end for non use or if change in use.

The Findings are read into record.

- (a) The application falls within a category specifically excepted in the ordinance for a grant of a special permit. The Applicant applies for a Special Permit under Section 240-24.13 HVB, Hyannis Village Business, (b) Special Permits, (1) Parking Facilities.
- (b) 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.
- (c) The plan has been reviewed and found approvable by the Site Plan Review Committee, as evidenced by an approval letter dated July 20, 2016, subject to various conditions and an issuance of a Special Permit

Suggested Additional Special Permit Findings

- 1. R.F. & R.M., LLP for "0" Engine House Road, Hyannis Map 328, Parcel 241, has applied for a Special Permit under Section 240-24.1.9.B.(1) for a pay to park parking lot with 117 parking spaces which development will include grading of existing pervious parking area, placement of parking kiosk machine, protective bollards, curb stops, signage, and landscape buffer.
- 2. The subject lot is 58,569 square feet in area and is located in the Transportation Hub District (TD) and Wellhead Protection Overlay District (WP) as shown on the record plan.
- 3. The plan has been found approvable in accordance with Section 240-98 through 105 Site Plan Review by the Site Plan Review Committee on July 20, 2016.
- 4. The landscaping as shown on the record plan satisfies the requirements of the Design and Infrastructure plan and the spirit and intent of the zoning ordinance."

Elizabeth Jenkins states that she does have a copy if anyone would like of the proposed findings, Exhibit B, drafted by JoAnne Buntich.

# **Chair Ray Lang asks for Public Comment**

Dominic Alessandra in attendance. He asks if possible to utilize the building. The East End is historical. Any accountability/regulation for maintaining?

David Munsell replies that this is not in this special permit area, not to be addressed for this.

Paul Curley makes a motion to approve the Findings as presented, moved by Mark Ferro, secnded by Stephen Helman, so voted unanimously.

## Suggested Conditions read into record, Exhibit B -

- 1. "The subject property shall be improved and the parking shall be located as shown on the record plan entitled "Plan Showing Modification to Existing Gravel parking Area at 0 Engine House Rd, Barnstable (Hyannis) Mass." Prepared for R.F. & R.M., LLP dated July 19, 2016 as revised through August 22, 2016 as drawn and stamped by Sullivan Engineering & Consulting, Inc.
- 2. This Special permit shall apply to the western portion of the lot as shown on the record plan referenced in Condition No. 1.
- 3. The conditions of the July 20, 2016 Site Plan Review letter are hereby incorporated as conditions of this Special Permit.
- 4. The landscaping as shown on the record plan shall be installed and maintained by the parking lot owner/operator for the duration of this use.
- 5. The parking operation permitted herein shall be a self-service operation using a kiosk. There shall be no gate and no parking attendants without a modification to this Special Permit Soliciting parking shall be prohibited.
- 6. A total of 117 parking spaces are permitted as follow: 98 spaces to be 9 ft. by 20 feet, 5 Handicapped spaces to be 8 ft by 20 ft, 14 spaces to be 8.5 ft. by 18.5 ft. for compact cars only. All spaces will have curb stops and the aisles shall be a minimum of 14 feet.
- 7. Lighting design specifications and a lighting plan shall be submitted to the Town Engineer for review and written approval prior to commencement of the pay to park use. Such approval shall be submitted to the Building commissioner and forwarded to the Planning Board.
- 8. Operation of the parking lot is subject to approval of a license from the Town manager's Office.
- 9. Signage and other exterior improvement design are subject to approval by the Hyannis Main Street Waterfront Historic District Commission.
- 10. This permit shall be recorded at the Barnstable County Registry of Deeds and copies submitted to the Planning Board and Building Division prior to commencement of the use."

Ray Lang would like cameras installed in the parking lot. Security cameras.

Proposed number 11 Condition: Installation of security cameras at the direction of the Bldg. Commissioner.

Motion made by Mark Ferro, seconded by Paul Curley, so voted unanimously to amend the Suggested Conditions and make a Condition number 11, so voted unanimously.

Motion made to close the public hearing, seconded by Stephen Helman, so voted unanimously.

#### **Subdivisions:**

#### Road Rescission – Sub Nos. 362 & 658 Offshoot Rd

Beach Point, LLC has requested to modify Subdivision Nos. 362 & 658. The request is to rescind the southerly end of Offshoot Road and incorporate the road layout into Lot 12 of the subdivision. The plan for this subdivision modification is entitled "Definitive Plan of #127 & #133 Maushop Avenue and Modification of Offshoot Road, Barnstable, MA" prepared for Beach Point, LLC, dated October 23, 2016. The subject properties are shown on Assessors Map 278 as Parcels 046-002 & 046-003.

Chair Ray Lang opens the public hearing, seconded by David Munsell, so voted unanimously.

Dan Ojala of Downcape Engineering in attendance. Andrew Maher in attendance.

Dan Ojala gives an explanation of Offshoot Rd. and the request to rescind. The owners /land sold to Fire District. Barrell Hill subdivision. Cut off the unused sub. Lot 12 becomes Lot 12 A, Lot 11 has a grade condition, driveway easement. Lot 12 is single family. Oversized lot. House will move to the North. By not having to meet the setback. Modification to the definitive.

Refers to request of waivers that are being sought, Exhibit C.

Has a situation that lot 12 A will come up Maushop and extend it straight. Fire truck will have room, the standard turning T does fit. Reference is made to the turning tee sketch, Exhibit D.

Deputy Chief Burke has raised two concerns, signage at top of Maushop. Turn around on the left side of the development, see Exhibit E, email from Chief Burke.

Mary Barry asks if it is suggested to leave open and work with the Fire Chief?

Dan Ojala asks for direction form Staff, Elizabeth Jenkins.

Elizabeth Jenkins states that just got comments this afternoon, re Exhibit E. Urges the Board to take into consideration what the Fire Chief Burke would like prior to the rescission. Explains that the request to modify is understandable but would like the concerns taken into account.

David Munsell asks if there is any land behind that will be cut off.

Dan Ojala replies no.

David Munsell refers to the original plan, Exhibit F. Wants to know why the turn around isn't shown. Confirms that this is indeed the latest copy of the plan.

Dan Ojala replies that the turnaround is by easement.

Ray Lang refers to the Fire Chief's letter, Exhibit E. Would like to adhere, are all lots sold?

Dan Ojala replies Lot 10 is building now and 11 and 12 to be sold.

Ray Lang is the portion that is a stub is that paved? It's a driveway not a road. Where does Offshoot stop as a paved road? Who owns proposed road? Revised plan?

Dan Ojala answers that this will extend a driveway. The section will be deeded to 12 A, 11 will not be in.

Ray Lang proposes to continue this meeting until revised plan with changes requested by Fire Chief.

#### Ray Lang asks for any public comment.

Marcy Dugas, of 45 Dorcas Drive, Barnstable in attendance. She is in opposition to the changes proposed and is objecting to any rescission. There was a plan recorded, 9 conditions that have not been met, this has been over 8 years. There must have been incredible cost for the road that was originally this money should be put into Maushop Ave, this has been destroyed through the development of phase 2, the base of the road has been hurt. Would like to have Maushop reconstructed and Dorcas Rd. as far as where utilities go, should be mitigation. Now there's a building going on on lot 10. Covenant should have been revisited, this house being built is in question. Wants to know what is the long term plan for this parcel. Barrell Hill is on the other side of this. Maushop extended, people own rights to the roads, these houses should be addressed Offshoot, not Maushop. The previous recorded plan, Howard Willard. Conditions 1-9 originally recorded need to be enforced. Stone wall behind Cliff McDermotts house and Rogers. The plan here tonight is not a correct plan, it does not show this stone wall.

Dan Ojala replies to Ms. Dugas' comments. The owners can get together and do the betterments, the road is a steep hill, it has been patched, it is getting on though. Thinks she is implying/stating give us another road or give us money. Applicant is trying to do the right thing, keep it green, no intention of disturbing any rock walls. Thinks it's within rights, they have excess of frontage.

Chair Ray Lang asks if there are registered plans/covenant/name change?

Dan Ojala replies he would have to review. Covenants on record, phase 1 signed off by Steve Seymour, he thinks they went through all procedures correctly. They are not asking to change road name.

David Munsell asks if there are covenants and will they be dissolved?

Elizabeth Jenkins states yes, 11 and 12 are under covenant.

Jim Rogers, 21 Maushop Ave. in attendance. He's been there 40 years. The lot was purchased for Land Trust. Conditions stated to have upkeep of Maushop, this road has suffered. Trucks doing damage to the road, daily. Lot 10 and Lot 3, due to the fill being brought in. In order to move to Phase 2 conditions have to be met. They didn't realize Lot 10 was moving forward, no warning, trees removed, house is almost finished now. There is a concern per Fire Chief's comments. Bush people had to come back with a plan. Mr. Maher has the ownership.

Motion entertained by Chair Ray Lang to continue to January 23, 2017, at 7 p.m., moved by Stephen Helman, seconded by David Munsell, so voted unanimously.

#### Rescission of Subdivision No. 674 Isabel Lane

Jeffrey and Patricia Ward and Lauren and John Mamlock have requested to rescind Subdivision No. 674, a plan entitled "Subdivision Plan of Land in Barnstable, Massachusetts prepared for Kenneth Grady" recorded at the Barnstable County Registry of Deeds as Plan Book 437 Page 18. The request would

rescind Isabel Lane, an unconstructed private way. The subject properties are 21, 39 & 0 Isabel Lane as shown on Assessor's Map 134 as Parcels 023-001, 023-002, 023-003.

Chair Ray Lang entertains a motion to open public hearing, moved by Paul Curley, seconded by David Munsell, so voted unanimously.

Dan Ojala from downcape Engineering in attendance. He gives an explanation of the subdivision proposed to be rescinded, makes reference to the plan, Exhibit F. Merging lots.

Elizabeth Jenkins states that this did come forward for the ANR. Staff concerned because the 3 lots are under covenant. File to rescind including the roadway. This is the follow up commitment to do this. Reconfiguration of the lots.

Chair Ray Lang asks for any public comment - None.

The Findings are read into record: Exhibit H.

"Based on the information submitted and presented at the public hearing of January 9, 2017, the Planning Board makes the following findings regarding the application and plan submitted:

- 1. The Applicants, Jeffrey and Patricia Ward and Lauren and John Mamlock seek to rescind Subdivision No. 674, a plan entitled "Subdivision Plan of Land in Barnstable, Massachusetts prepared for Kenneth Grady" recorded at the Barnstable County Registry of Deeds as Plan Book 437 page 18.
- 2. The Applicants are the owners of all land within the subdivision, including the fee in Isabel Lane, a private way, as evidenced by the deeds recorded at the Barnstable County Registry of Deeds as Book 30181 Page 53; Book 30181 Page 55; and Book 29877 Page 298.
- 3. The lots are subject to a covenant recorded as Book 5872 Page 282.
- 4. A plan for the rescission is entitled "Plan of Land in West Barnstable, MA prepared for John Mamlock/Jeffrey Ward", dated December 12, 2016. The plan combines the land area that comprised Subdivision No. 674 with adjoining lots owned by the applicants addressed 200 High Street and 224 High Street."

Paul Curley moves to accept the Findings, seconded by Mary Barry, so voted unanimously.

Stephen Helman reads the Decision into record: Exhibit H.

"Based on the information presented and Findings, the Board moves to grant the requested rescission of Subdivision No. 674, inclusive of Isabel Lane, a private way, subject to the following conditions:

1. This subdivision rescission is approved subject to the certification by the Town Clerk and shall be recorded at the Barnstable Registry of Deeds along with the original subdivision plan as required by M.G.L Chapter 41 Section 81W."

Motion made by Stephen Helman to grant the requested rescission, Seconded by Mary Barry, so voted unanimously.

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Chair Ray Lang makes a motion to close the public hearing, moved by Paul Curley, so voted unanimously.

Regulatory Agreements: Application No. 2017-01

**Shoestring Properties, LLC** 

Shoestring Properties, LLC seeks to enter into a Regulatory Agreement with the Town of Barnstable to redevelop the properties 110 School Street and 53 South Street, Hyannis. The properties are shown on Assessor's Map 326 as Parcels 121 and 125. They are zoned HD – Harbor District. The Applicant proposes to demolish all existing improvements and construct a multi-family residential condominium complex consisting of 33 market rate units in nine buildings. Parking will be located in underground garages, with street-level guest parking. Proposed accessory improvements include a fountain area, swimming pool with pool deck, courtyard area and trash sheds. The Applicant seeks multiple waivers from the zoning ordinance and general ordinances.

# Chair Ray Lang entertains a motion to open the Public Hearing, moved by David Munsell, so voted unanimously to open public hearing.

Attorney John Kenney in attendance. He gives an explanation of the proposed project and history. Gives acreage of the properties. He has a copy of certificate of ownership, Shoestring Properties LLC. Chapter 168 and Chptr 240 of the code. Harbor District is also located in the GIZ. Cape Cod Commission letter received. Have had multiple meetings on this project. Project has been revised many times. Has been seen over the last 2 years.

Proposal summary: to remove and to construct new units, 9 bldg's. Fire Dept considers it two bldg's. Two one bedroom and two and three for the remaining units. Parking underneath garage and guest spaces as well. Fountain area, two trash sheds, pool. Sidewalks either deed to town/dedicated to public use. Via easement to the Town. Total sq. ft. is 88,955 garages 33, 597 sq. ft. They have met with Site Plan Review. Final plans to be brought back to them before finalization. Has been before HHDC, received Certificate of Demolition, this has been done. Request was withdrawn for Certificate of Appropriateness from HHDC, they are asking for waiver. Conservation – request for applicability, order of conditions is available.

## Mr. Whitaker in attendance.

Dan Ojala hands out 3 plan/picture copies, Exhibit I. He makes reference to the picture of the plan (orange highlight) and picture of Assessors aerial view, Exhibit I and J. Also topographic site plan. The site has been heavily developed in the past. Is on Town sewer. Water main 4 inches, needs to be upgraded with this project.

He makes reference to the Utilities Site Plan and the Layout Site Plan, Exhibit K. Points out where pool will be, points of reference on the plan. Putting utilities underground. They will be intercepting with new catch basins. Points out where underground parking garages will be. Drainage upgrades, new hydrant locations. Low level street lighting. New sidewalks, granite curbing.

Reference to landscape plan, Exhibit L. Retaining wall.

Beth Whittaker, Architect in attendance. Refers to the renderings, Exhibit M. First level of living space. Two views from South Street and School St. balcony spaces, bldg's are a series of gable roofs, Refers to the parking garage plan layout, elevations. To rise up, slightly bigger closer to water. Cedar on cedar for roof and siding, ship lap, tone on tone. Guardrails are wood slats. Entries of somewhat private entrance areas. Corridors shared. Floor plan lay outs, from 800 sq. ft. to 2300 sq. ft.

Attorney Kenney explains the benefits of the project. Sidewalks to be replaced. Utilities underground. Grant easement to Town. New water main to improve pressure. School St. paved over. Crosswalks. Improved landscaping. Fountain area to add beauty to the street, tree plantings. Lighting, refers to Bollard lighting, Exhibit N. Increase in property taxes, will increase revenue to the Town. New street drains to help eliminate runoff that is going into the harbor. Electric car plug in station, water conservation installations.

Asking for special permit/waiver of density, dimensional bulk, waiver of 13.9 Ft west parcel, 10.2 of east parcel. Side yard set back to 9.8 ft. east parcel. Waiver to allow 9,8 ft. instead of 10. Max bldg. height waiver to allow 57.4 plus /minus and 54.8 east parcel. Max bldg. height waiver, 5 story structure, under ground is considered first story. Had to raise the bldg. which made garage become a floor. Inability to lower School st. Landscape setback street level parking to zero setback. One street tree per 30 ft. waiver to allow for landscape plan Exhibit L. Waivers from Chapter 9, article 1, affordable housing units. Inclusionary Affordable Housing Unit. HHDC for certificate of appropriateness, asking for waiver from them. This was withdrawn from HHDC. Many of their comments have been taken into consideration.

Our hope is that this will spur high end development in the east end/encourage.

Mark Ferro comments that this is a lot to take in.

Attorney Kenney suggests that the Planning Board maybe just review tonight and then present questions at next meeting.

Chair Ray Lang would like to review more. All other members agree.

Attorney Kenney states that they were trying to lower South Street, but this could not be done, they met with the Legal Dept., Fire Dept. etc.

Steven Costello asks if the building across from the hospital, what is the density of this building? This seems to have a significant more amount of buildings here.

Attorney Kenney will get back to him with this information.

Paul Curley is concerned with the density, this is significantly over what would like to see. The affordable housing issue is there for a reason. He would want to see some effort to have some affordable housing somewhere in town.

Dan Ojala states that they are about 30 ft. above sea level. Thinks they are ok.

#### Chair Ray Lang asks for public comment.

Valerie Moore, Attorney, here on behalf of Woods Hole Steamship Authority. Not taking a formal decision, have a few concerns:

Concerned about the height of the building, antenna 80 ft. tall that needs line of site, to support. This height may interfere with this. Concerned with the density of the project. Has been working with the Developer.

Deb Krau in attendance. HHDC proposal was withdrawn. The comments from HHDC, would like to know what their input was.

Mary Ann Agresti in attendance. She has been involved with mapping of this district. The fabric of the neighborhood is being disassembled. She questions the lack of detail, mid century modern, doesn't think this is appropriate. Critical not to develop neighborhoods, need to be seen as cohesive area. She would like to see studies of the neighborhood as a whole. Thinks Developer should look at this as well.

Elizabeth Wurfbain BID in attendance. She was present at HHDC, the comments were that the design, is not in sync with this area. We do need upscale housing.

Dominic Alessandra in attendance. Historic comments about the Gateway and this area being the Gateway to Hyannis.

Debra Dagwan in attendance. She is concerned with projects not moving forward. This area needs to be improved. Let's not prolong these processes and upgrades to the area. We as a community need to not prolong the process.

Glen Thompson, 25 South St., in attendance. He would like to see other uses here besides this type of project.

Beth Whittaker comments/questions that when talking about historical areas is an idealized version being asked for? A new replica type of housing being asked for?

Chair Ray Lang comments that there are many things to take into account.

Chair Ray Lang entertains a motion to continue this Public Hearing to Feb. 13, 2017, moved by Paul Curley, seconded by Stephen Helman, so voted unanimously.

Chair Ray Lang entertains a motion to adjourn, moved by Stephen Helman, seconded by Mary Barry, so voted unanimously.

### Matters Not Reasonably Anticipated by the Chair:

**Correspondence** (Any Member wishing a copy please contact the office)

Chapter 91 Waterways License Application – 299 Eel River Road, Osterville – West Bay – to construct and maintain a timber boardwalk, pier, ramp and float

Future Meetings: Regularly Scheduled Meetings: January 23, 2017 @ 7:00 PM.

Respectfully Submitted

by Karen A. Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on 11/2/21 9 2020

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

## List of Exhibit Documents

Exhibit A - Special Permit No. 2016-03 - O Engine House Rd., Hy - Map/Par 328/241 - Staff Report

Exhibit B - Special Permit No. 2016-03 - O Engine House Rd., Hy - Map/Par 328/241- Findings

Exhibit C - Road Rescission Sub Nos. 362 & 658 Offshoot Rd., Barnstable - Waiver request

Exhibit D - Road Rescission Sub Nos. 362 & 658 Offshoot Rd., Barnstable - Sketch Plan

Exhibit E - Road Rescission Sub Nos. 362 & 658 Offshoot Rd., Barnstable - Fire Chief letter/request

Exhibit F - Road Rescission Sub Nos. 362 & 658 Offshoot Rd., Barnstable - Definitive Plan Modification

Exhibit G - Rescission of Sub. No. 674 Isabel Ln. - Plan

Exhibit H - Rescission of Sub. No. 674 Isabel Ln. - Draft Findings/Decision vote

Exhibit I - Regulatory Agreement No. 2017-01 - Shoestring Properties LLC - 110 School St. & 53 South St., Hyannis - Picture of harbor & aerial view

Exhibit J - Regulatory Agreement No. 2017-01 - Shoestring Properties LLC - LLC Certificate

Exhibit K - Regulatory Agreement No. 2017-01 - Shoestring Properties LLC - Site Plan Layout 10-5-2016

Exhibit L - Regulatory Agreement No. 2017-01 – Shoestring Properties LLC – Landscape Plan

Exhibit M - Regulatory Agreement No. 2017-01 - Shoestring Properties LLC - Dockside Residences April 8. 2016 - rendering packet

Exhibit N - Regulatory Agreement No. 2017-01 – Shoestring Properties LLC – Bollard samples

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