

PB 2023-23

TOWN OF HARWICH PLANNING DEPARTMENT

PLANNING BOARD APPLICATION SPECIAL PERMITS & SITE PLAN REVIEW FORM A



TO THE TOWN CLERK, HARWICH, MA

DATE June 20, 2023

PART A – APPLICANT INFORMATION/AUTHORIZATION

Applicant Name(s)	John Canducci
Representative/Organization (Who will serve as the primary contact responsible for facilitating this application?)	William D. Crowell, Esq.
Mailing address	466 Main Street, P.O. Box 185
Town, ST, Zip	Harwich Port, MA 02646
Phone	508-432-1643
Fax	508-430-0631
E-mail	wcrowell.office1@comcast.net

The applicant is one of the following: (please check appropriate box)

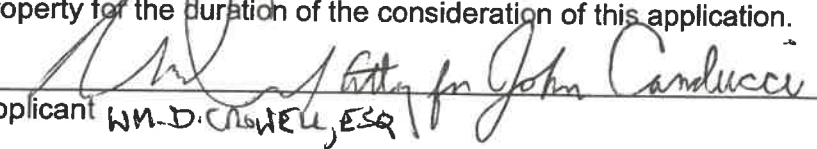
- Owner Prospective Buyer* Representative for Owner/Tenant/Buyer*
 Tenant* Other*

***Written permission of the owner(s) and a municipal lien certificate (where applicable) is required.**

All other forms and information as required in the Harwich Code Chapter 400, Rules and Regulations, shall be submitted as part of this application.

Authorization

Your signature hereby asserts, to the best of your knowledge, that the information submitted in this application is true and accurate; that you agree to fully comply with the Town of Harwich Zoning By-laws and the terms and conditions of any approval of this application by the Planning Board; and authorizes the Members of the Planning Board and/or Town Staff to visit and enter upon the subject property for the duration of the consideration of this application.


 Applicant W.D. Crowell, Esq.

Owner(s) – Authorization must accompany application if the owner is not the applicant.

Official use only:

PLANNING DEPARTMENT	TOWN CLERK
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Case #

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PART B – PROJECT LOCATION

Legal Street Address	32 Deer Run	Village/Zip Code	02645
Title Book/Page or L.C.C. #	Land Court Cert. #186882		
Map(s) / Parcel(s)	35-P1-2-0		
Zoning & Overlay Districts	RM & CH-1	*Historic?	No
Frontage (linear feet)	114.9		
Total land area (s.f.)	20,465		
Upland (s.f.)	20,465	Wetlands (s.f.)	None

PART C – PROJECT DESCRIPTION

Existing Floor Area in Sq. Ft	Gross:	Net:
Proposed Floor Area in Sq. Ft	Gross:	Net:
Change in Sq. Ft + / -	Gross:	Net:
Existing # of parking spaces	Proposed # of parking spaces:	
Existing Use(s)		
Proposed Use(s)	See attached	
<i>Attach a separate narrative if necessary.</i>		

The undersign hereby files an application with the Harwich Planning Board for the following special permits as proposed under the provisions of the Harwich Zoning Code: **(check all that apply)**

Site Plan Review § 325-55:

- Any floor area expansion of any structure or expansion of exterior space, other than parking, serving any of the following: commercial, industrial, multi-family or educational use or personal wireless service facility or the creation of a drive-up or drive-through window
- Expansion or reconfiguration of an existing parking lot and/or driveway(s) serving said parking lot.
- Establishment of any new commercial, industrial, multi-family, educational, fast food/take out restaurant or personal wireless service facility.
- Establishment of any new retail use(s) in the Industrial (IL) Zone.
- Waiver of Site Plan § 325-55.F

Article V, Use Regulations:

- Paragraph____, sub-paragraph #____ Paragraph____, sub-paragraph #____
- Paragraph____, sub-paragraph #____, supplemental regulation #____ § 325-14

Article X, Special Permits:

- Structures w/ gross floor area of 7,500+ s.f. § 325-51
- Structures requiring 20 or more new parking spaces § 325-51
- Accessory Apt./Shared Elderly Housing § 325-51.H Mixed Use § 325-51.M
- Drinking Water Resource Protection § 325-51.C Two Family § 325-51.N
- Village Commercial, Harwich Port § 325-51.L *Harwich Center Overlay § 325-51.
- Signage § 325-27.F Additional Cluster, Excess SF, Non-entry Facades

Other Special Permits:

- Six Ponds Special District - Article XVI
- Wind Energy Systems - Article XVIII Large Scale Wind Generation – Article XIX
- Other (i.e. Alternate Access § 325-18.K, Special Cases § 325-44.B) Alternate Access 325-18.(K)

Repetitive Petition (MGL Ch 40A, §16): Proposed project evolved from a previously denied plan submitted to the Planning Board on _____ Year/Case # _____

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**Note: Projects within the Harwich Center Overlay District may also be within the Harwich Center Historic District. This requires separate filing with the Historic District and Historical Commission. Please inquire for forms and instructions.*

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I, John Canducci – owner of 32 Deer Run – hereby authorize William D. Crowell, Esq. to represent me before the Town of Harwich Planning Board regarding the same.

William D. Crowell 6/17/2023

Canducci – 32 Deer Run

The Petitioner requests a Special Permit for Alternate Access pursuant to Section 325-18.(K) of the Zoning By-law. The lot in question has the benefit of a Variance granted by the Board of Appeals in Case No. 2022-30 (copy attached hereto) which granted Variances from the minimum lot size and frontage requirements of the By-law. Also, attached hereto is a copy of the Site Plan for the proposed septic system and dwelling to be located on the subject lot known as 32 Deer Run by Warner Surveying dated May 8, 2023.

The subject lot has frontage of 114.9 feet on Route 28 in a busy and somewhat dangerous location just east of the intersection of Route 28 and Depot Road. Access onto Route 28 from said lot would require a curb cut from the Commonwealth of Massachusetts which would be an expensive and lengthy process. Attached hereto is a copy of Assessor Map 35 which shows the approximate location of a "Paved Common Drive" which provides access for several lots that have frontage on Route 28 but actually obtain access to the lots over said "Paved Common Drive" to Deer Run and Sea Pine Knoll and ultimately to Uncle Venie's Road. It should be noted that the apparent further extension of said easement or common drive on the Assessor's Map across the subject lot to Route 28 does not exist on the ground, is not shown on the Petitioner's Land Court Plan 17251-B (copy enclosed) and is not described as part of the easements recorded as Documents No. 1321545, 1321546 and 1321549 (copies enclosed); however, it may be the drainage easement over lot 3 shown on said Land Court plan 17251-B and Plan Book 483 Page 98 (copy enclosed) and not a further extension of the easement over the subject lot.

In any event, the proposed access for the subject lot over said "Paved Common Drive" easement would be superior to access onto Route 28 along the frontage of the subject lot on Route 28. Said access provides superior access for vehicles and pedestrians in that it is safer, appropriate for the area, will not create a nuisance or serious hazard to vehicles or pedestrians, and is in keeping with the surrounding residential parcels, all of which have previously been built upon with single-family residential dwellings. Said alternate access therefore would not be more detrimental to the established character of the neighborhood.

The Petitioner hereby requests Administrative Waivers of any and all applicable commercial or residential requirements of the By-law other than those required to construct the proposed single-family residence on the subject lot as per the site plan submitted herewith.

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A TRUE COPY, ATTEST

COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH ZONING BOARD OF APPEALS

Paula M. [Signature]
TOWN CLERK OF
HARWICH, MASS

VARIANCE DECISION

CASE NO. 2022-30

OWNER/APPLICANT:
JOHN CANDUCCI
9R SUNRISE AVE
PLYMOUTH, MA 02360

PROPERTY: 32 DEER RUN
HARWICH, MA
MAP #35, PARCEL #P1-2

RM & CH-1 ZONING DISTRICT2

CERTIFICATE #: 186882

DATE OF HEARING: NOVEMBER 30, 2022

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DECISION

At its meeting on November 30, 2022 the Zoning Board of Appeals (the "Board") voted 5-0 to GRANT a Variance pursuant to MGL Chapter 40A §10 and Section 325-52 of the Harwich Zoning Bylaw from from minimum lot size requirement and frontage pursuant. The above-mentioned property is located at 32 Deer Run in the RM & CH-1 Zoning District.

Members of the Board sitting and voting on this Appeal: Al Donoghue, David Nunnally, Chris Murphy and Joe Beasley.

PROCEDURAL HISTORY

1. On September 23, 2022, the Applicant submitted a request for a Variance. The Application materials included Land Court Plan 17251B dated 04/14/1992 and sketch of proposed dwelling.
2. A duly advertised public hearing on the Application was held on November 30, 2022.

FACTS AND EVIDENCE PRESENTED: The Applicant and his Agent, Attorney William Crowell, presented their case and noted previous approvals by the Planning Board and the Board of Health. They argued that the surrounding lots have been built upon and the project satisfies the statutory requirements for a Variance.

The Board, after review of the facts, plans, application and evidence presented at this hearing and after deliberations on the same made the following findings:

1. The statutory conditions exist to grant the variance: in particular and without limitation, the minimum lot size requirement and frontage under the Harwich Zoning Bylaw create a hardship for the Applicant, in that the lot would be unbuildable if the requirements had to be met. The request is not in substantial derogation to the Bylaw or to the public good.

During the aforesaid public hearing, the following documents, plans and other materials were reviewed by The Board:

- Land Court Plan 17251B

1

- Sketch of proposed dwelling.
- A duly advertised hearing on 11/20/2022.

The Board, after viewing the Property in question and after review of the facts, plans, application and evidence presented at this hearing and after deliberations on the same made the following findings:

1. The Board has the authority to grant the Variance requested in this application.
2. There will be no substantial detriment to the public good by the granting of this Variance and that its granting will not nullify or substantially derogate from the intent or purpose of the Bylaw
3. Any relief not expressly granted hereunder is hereby denied.

Based upon the aforementioned findings, Mr. Donoghue moved and Mr. Nunnally seconded the motion that the Board grant a Variance pursuant to MGL Chapter 40A §10 and Section 325-52 of the Harwich Zoning Bylaw from the applicable minimum lot size requirement and frontage of the Harwich Zoning Bylaw for the property located at 32 Deer Run, Map 35, Parcel P1-2, in the RM & CH-1 Zoning District.

Said grant and approval are subject to the following:

- 1) During the life of the project, there shall be no demolition, construction or new landscaping between June 30th and Labor Day of any year.
- 2) A violation of the terms and conditions of this Special Permit may be enforced as a violation of the Harwich Zoning Bylaw pursuant to G.L. c 40A, Sec. 7 and the Harwich Zoning Bylaw, as these may be amended from time to time.

The Board voted unanimously in favor. Vote: 4-0-0

VOTING IN FAVOR

- Mr. Al Donoghue
- Mr. Chris Murphy
- Mr. David Nunnally
- Mr. Joe Beasley

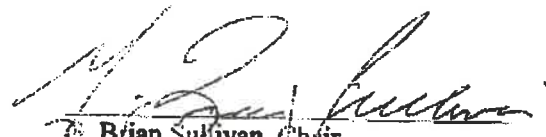
VOTING IN OPPOSITION:

None

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Copies of this Decision and all plans referred to in the Decision have been filed with the offices of the Zoning Board and Town Clerk.

The Variance shall lapse at the end of one (1) year from the date of filing of this Decision in the office of the Town Clerk, which shall not include such time required to pursue or await the determination of an appeal referred to in Massachusetts General Laws Chapter 40A, Section 17 from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.


 Brian Sullivan, Chair

Continued on the following page

Any appeal from this Special Permit Decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, within twenty (20) days of the date of filing said Decision with the Town Clerk.

This Decision has been filed with the Town Clerk on: December 14, 2022

20 day period elapses: January 3, 2023

Emily Mitchell
Town Clerk

This is to certify that twenty days have elapsed after this Decision was filed in my office and no appeal an appeal has been filed.

Date Appeal filed (as applicable): _____

Emily Mitchell
Town Clerk

Date: January 4, 2023

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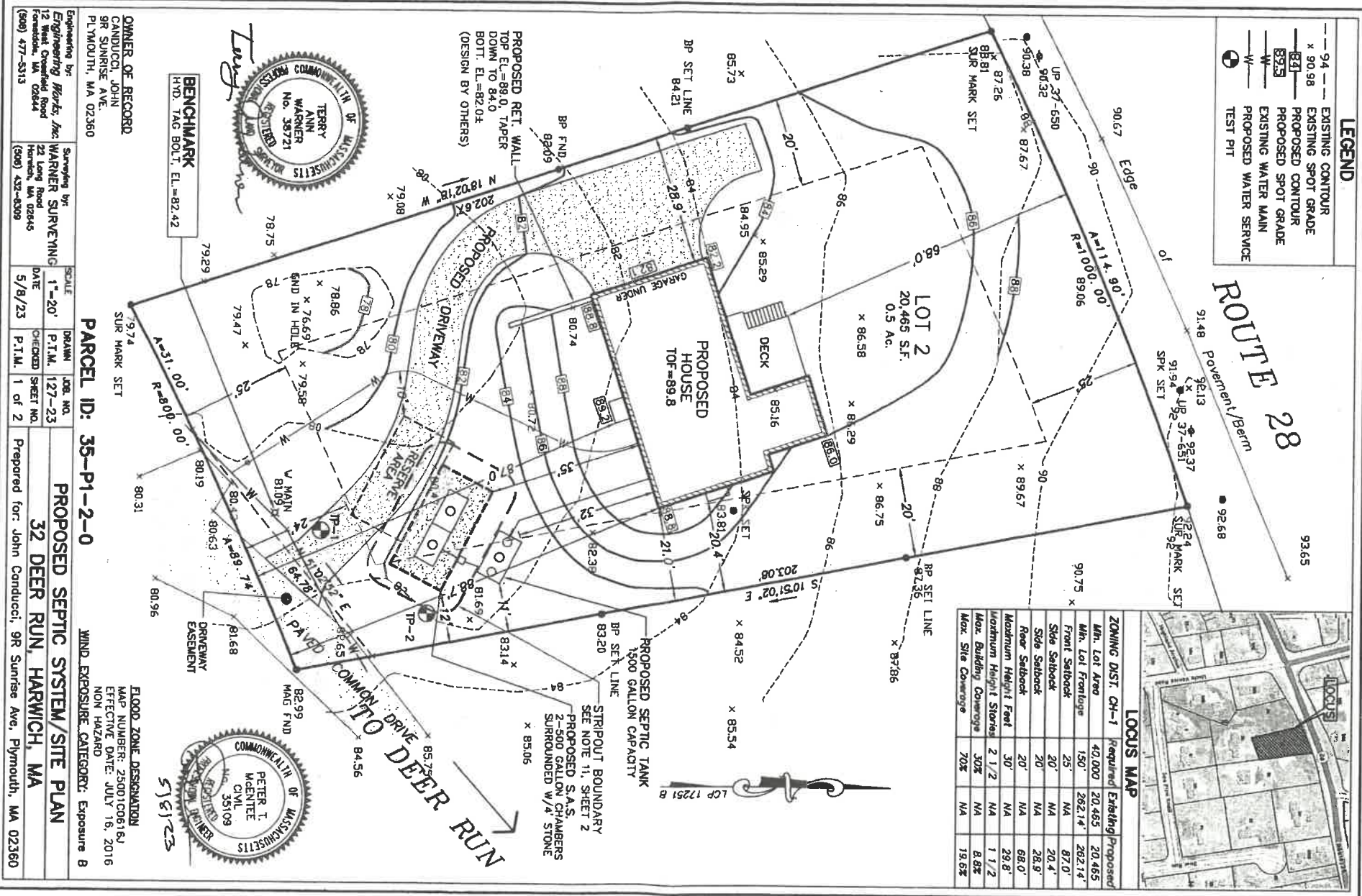
LEGEND

- - - 94 - - - EXISTING CONTOUR
- x 90.98 EXISTING SPOT GRADE
- 82.1 --- PROPOSED CONTOUR
- 82.9 --- PROPOSED SPOT GRADE
- W --- EXISTING WATER MAIN
- W --- PROPOSED WATER MAIN
- ⊕ TEST PIT



LOCUS MAP

ZONING DIST.	CH-1	Required	Existing	Proposed
Min. Lot Area	40,000	20,465	20,465	
Min. Lot Frontage	150'	282.14'	282.14'	
Front Setback	25'	NA	20.4'	
Side Setback	20'	NA	28.9'	
Rear Setback	20'	NA	88.0'	
Maximum Height Foot	30'	NA	29.8'	
Maximum Height Storage	2 1/2'	NA	1 1/2'	
Max. Building Coverage	30%	NA	8.8%	
Max. Site Coverage	70%	NA	19.6%	



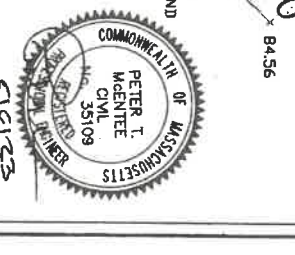
OWNER OF RECORD
 CANDIUCI, JOHN
 9R SUNRISE AVE.
 PLYMOUTH, MA 02360

Engineering by
Warner Associates, Inc.
 12 West Chestfield Road
 Foxborough, MA 02844
 (508) 477-5313

Surveyed by
Warner Surveying
 221 Main Street
 Foxborough, MA 02845
 (508) 432-8399

SCALE: 1"=20'
 DATE: 5/8/23
 DRAWN: JDA, NO. 127-23
 CHECKED: SHEET NO. 1 of 2
 P.I.M. 1 of 2

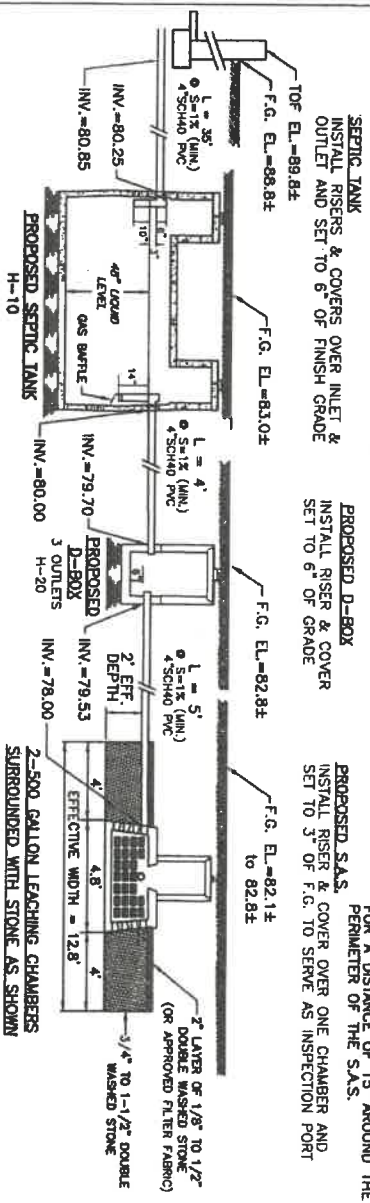
PARCEL ID: 35-P1-2-0
PROPOSED SEPTIC SYSTEM/SITE PLAN
32 DEER RUN, HARWICH, MA
 Prepared for: John Canducci, 9R Sunrise Ave, Plymouth, MA 02360



FLOOD ZONE DESIGNATION
 MAP NUMBER: 25001C0616J
 EFFECTIVE DATE: JULY 18, 2016
 NON HAZARD
WIND EXPOSURE CATEGORY: Exposure B

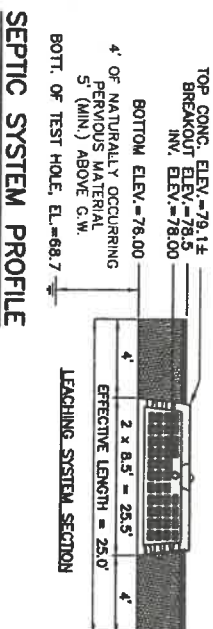
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NOTE: TO PREVENT BREAKOUT, THE PROPOSED FINISH GRADE SHALL NOT BE <78.5 PERMETER OF THE S.A.S.

- NOTES:
- 1) CONTRACTOR SHALL VERIFY ALL EXISTING PIPE INVERTS, PRIOR TO INSTALLATION.
 - 2) SEPTIC TANK & D-BOX SHALL BE SET LEVEL AND TRUE TO GRADE ON A MECHANICALLY COMPACTED STABLE BASE OR SIX INCH AGGREGATE BASE, AS SPECIFIED IN 310 CMR 15.221(2).
 - 3) INSTALL INLET & OUTLET TEES AS REQUIRED.
 - 4) A GAS BARFLE SHALL BE INSTALLED ON OUTLET TEE AS MANUFACTURED BY TUF-TITE, ZABEL, OR EQUAL.



SOIL LOG

DATE: DECEMBER 23, 2002
 SWITZELER ENGINEERING HEALTH AGENT
 WITNESS: D. BREEN

ELEV.	TP-1	DEPTH	ELEV.	TP-2	DEPTH
80.7	FILL	0"	82.0	FILL	0"
76.6	A LOAMY SAND 10VR 2/1	49"	77.9	A LOAMY SAND 10VR 3/1	49"
75.7	B LOAMY SAND 10VR 5/8	60"	77.2	E LOAMY SAND 10VR 5/1	58"
73.9	C1	82"	78.4	B LOAMY SAND 10VR 5/6	67"
			75.6	C1	77"
68.7	MED. SAND 2.5V 7/4	144"	69.0	MED. SAND 2.5V 6/1	156"

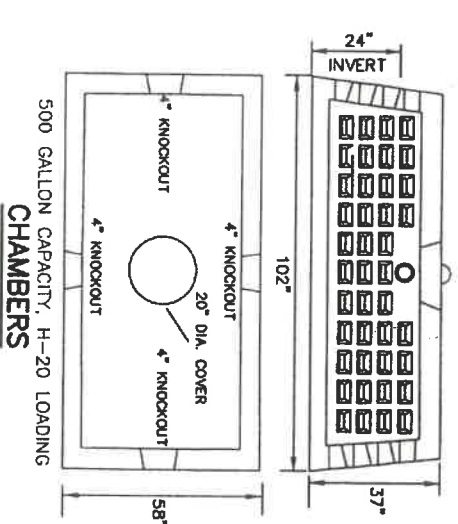
PERC RATE 2 MIN./IN. ("C" HORIZON)
 NO GROUNDWATER ENCOUNTERED

GENERAL NOTES:

1. ALL CHANGES TO THIS PLAN MUST BE APPROVED BY THE LOCAL BOARD OF HEALTH AND THE DESIGN ENGINEER.
2. ALL WORK AND MATERIALS SHALL CONFORM TO THE REQUIREMENTS OF THE STATE ENGINEERING CODE, TITLE V, AND ANY APPLICABLE LOCAL RULES AND REGULATIONS.
3. THE SEWAGE DISPOSAL SYSTEM SHALL NOT BE BACKFILLED PRIOR TO INSPECTION AND APPROVAL BY THE BOARD OF HEALTH AND THE DESIGN ENGINEER.
4. ANY CONDITIONS ENCOUNTERED DURING CONSTRUCTION DIFFERING FROM THOSE SHOWN HEREON SHALL BE REPORTED TO THE DESIGN ENGINEER BEFORE CONSTRUCTION CONTINUES.
5. ALL ELEVATIONS BASED ON AN ASSUMED DATUM.
6. THE DESIGN ENGINEER IS NOT RESPONSIBLE FOR THE FAILURE OF HEALTH FOR PROPER INSPECTIONS DURING CONSTRUCTION.
7. WATER SUPPLY PROVIDED BY TOWN WATER SERVICE.
8. THERE ARE NO WELLS WITHIN 100' OF THE PROPOSED S.A.S.
9. ALL AREAS CLEARED FOR CONSTRUCTION SHALL BE RESTORED AS AGREED UPON BY THE CONTRACTOR AND OR AS OTHERWISE DIRECTED BY THE APPROVING AUTHORITIES.
10. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES, PRIOR TO BEGINNING CONSTRUCTION.
11. WHERE REQUIRED, CONTRACTOR SHALL REMOVE ALL UNSUITABLE SOILS IN THE AREA BENEATH AND FOR 3' ON ALL SIDES OF THE S.A.S. AND REPLACE WITH CLEAN SAND AS SPECIFIED IN 310 CMR 253(3).
12. AREAS REQUIRING STRIPOUT OF UNSUITABLE MATERIALS SHALL BE INSPECTED BY DESIGN ENGINEER PRIOR TO BACKFILL.
13. THE PROPERTY LIES WITHIN A STATE REGULATED ZONE II.

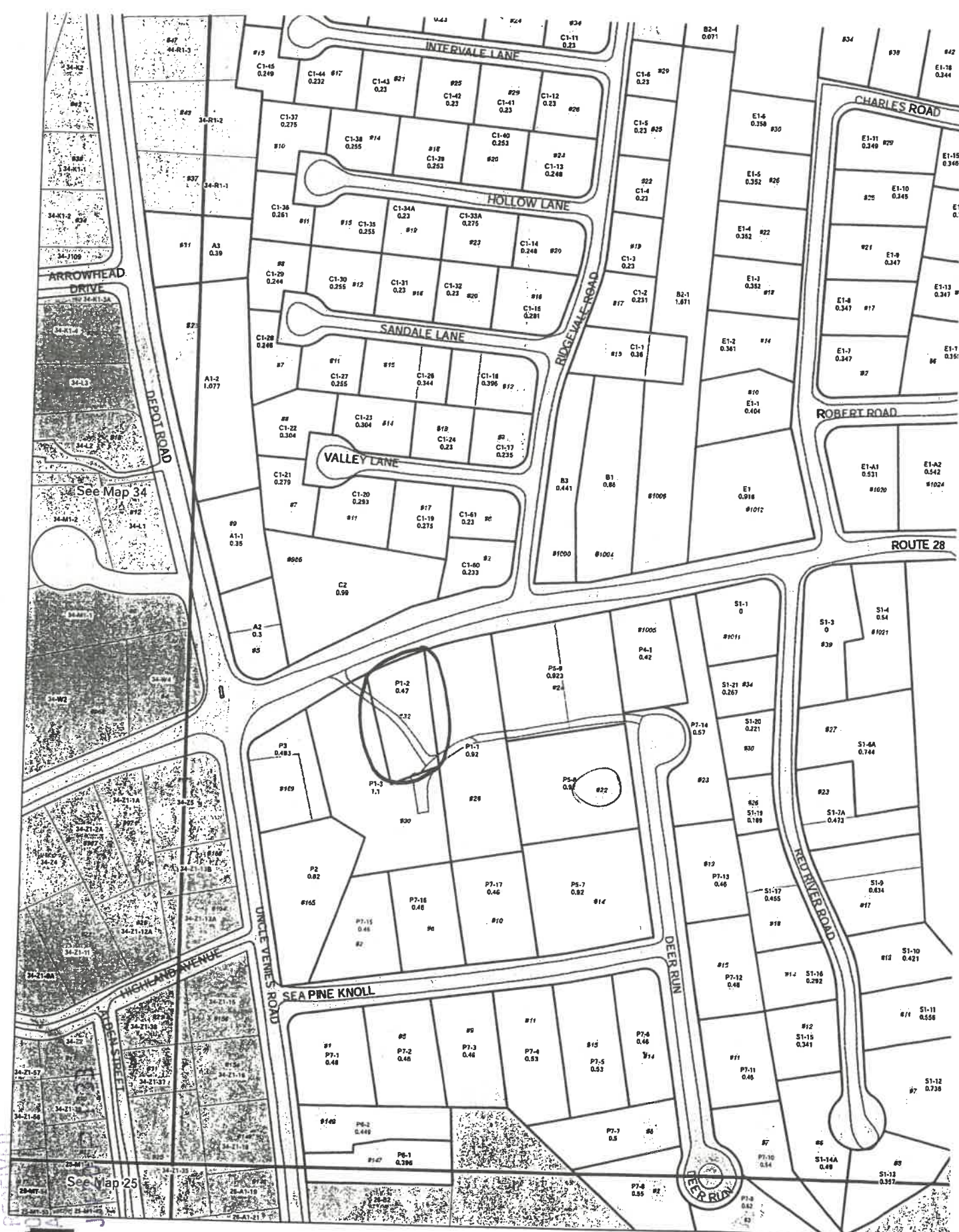
DESIGN CRITERIA

NUMBER OF BEDROOMS: 2
 SOIL TEXTURAL CLASS: CLASS 1
 DESIGN PERCOLATION RATE: <5 min/inch
 DAILY FLOW: 220 GPD
 DESIGN FLOW: 330 GPD
 GARBAGE GRINDER: NO
 PROPOSED SEPTIC TANK: 1500 GALLON CAPACITY (H-10)
 LEACHING AREA REQUIRED: (330 GPD) = 445.9 SF
 DISTRIBUTION BOX: 1 INLET, 3 OUTLETS (MINIMUM) H-20
 USE 2-500 GALLON LEACHING CHAMBERS IN SERIES
 SURROUNDED BY 4" DOUBLE WASHED STONE-ALL SIDES
 SIDEWALL AREA: 2(12.8 + 25.0) x 2' = 151.2 SF
 BOTTOM AREA: 12.8 x 25.0' = 320.0 SF
 TOTAL AREA: 471.2 SF
 DESIGN FLOW PROVIDED: 0.74 GPD/SF(471.2 SF) = 348.7 GPD



Engineering By: 12 West Central Road Framingham, MA 01024 (508) 477-5313	Swaging By: WARNER SURVEYING 22 Long Road North Attle, MA 02645 (508) 432-4309	SCALE N.T.S.	DATE 5/8/23	JOB NO. 127-23	SHEET NO. 2 of 2	Prepared for: John Conducci, 9R Sunrise Ave, Plymouth, MA 02360
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CAI Technologies
 Puritans Mapping, Operational Division of
 11 Pleasant Street, Littleton, MA 03561
 603.332.4540 • www.cai-tech.com

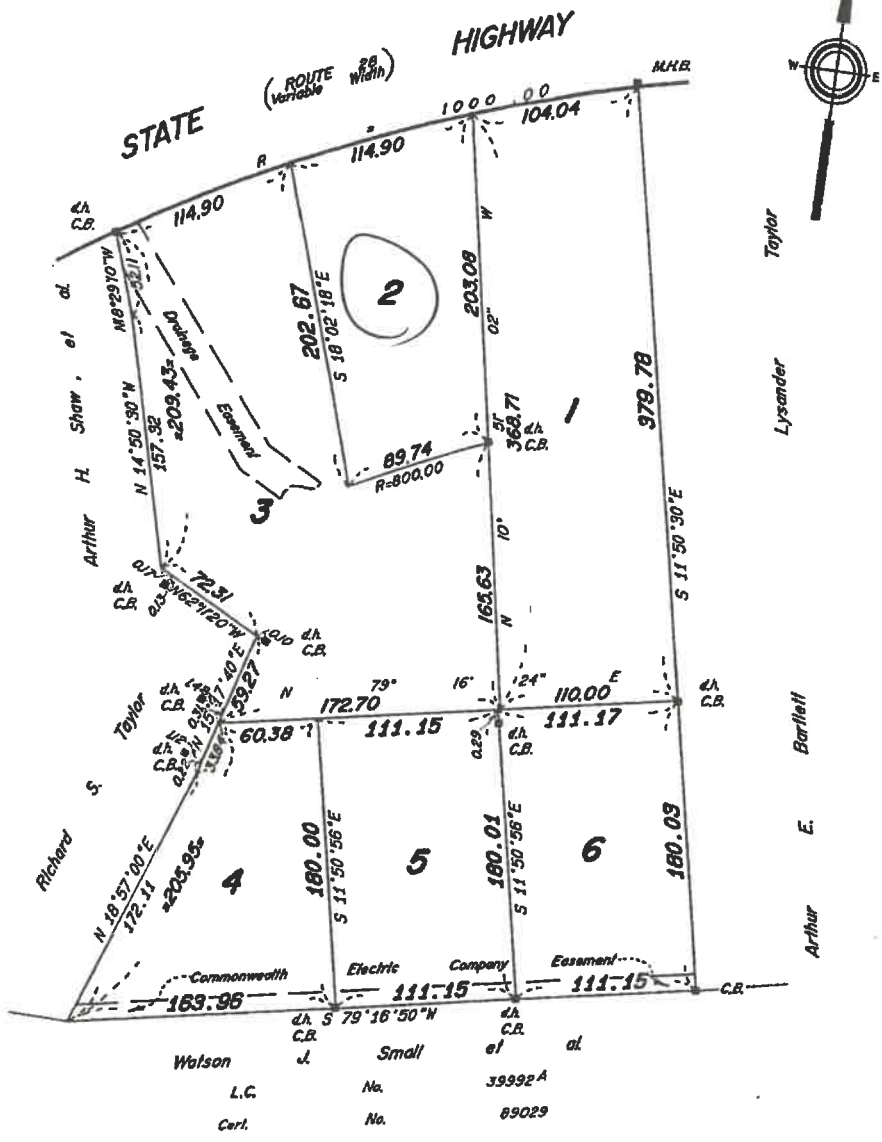
Note:
 These maps are not intended for use in conveyancing or for engineering design purposes. The Town of Harwich and its representatives shall not be held liable for any reuse of this information.

Filed 17251B

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SUBDIVISION PLAN OF LAND IN HARWICH OFFICIAL COPY
Moran Engineering Inc., Surveyors
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17251B

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Subdivision of Lots A and B
Shown on Plan 17251-A
Filed with Cert. of Title No. 6077
Registry District of Barnstable County
Separate certificates of title may be issued for land
shown hereon as Lots 1 through 6
By the Court.

Apr 14 1892

Charles Crowley
Recorder

Abutters are shown as
on original decree plan.
Copy of part of plan
filed in
LAND REGISTRATION OFFICE
April 14, 1892
Scale of this plan 80 feet to an inch
Louis A. Moore, Engineer for Court

SK 57-121

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BOOK 483-98 PAGE 98
OFFICE OF ENONOTIAL AFFAIRS
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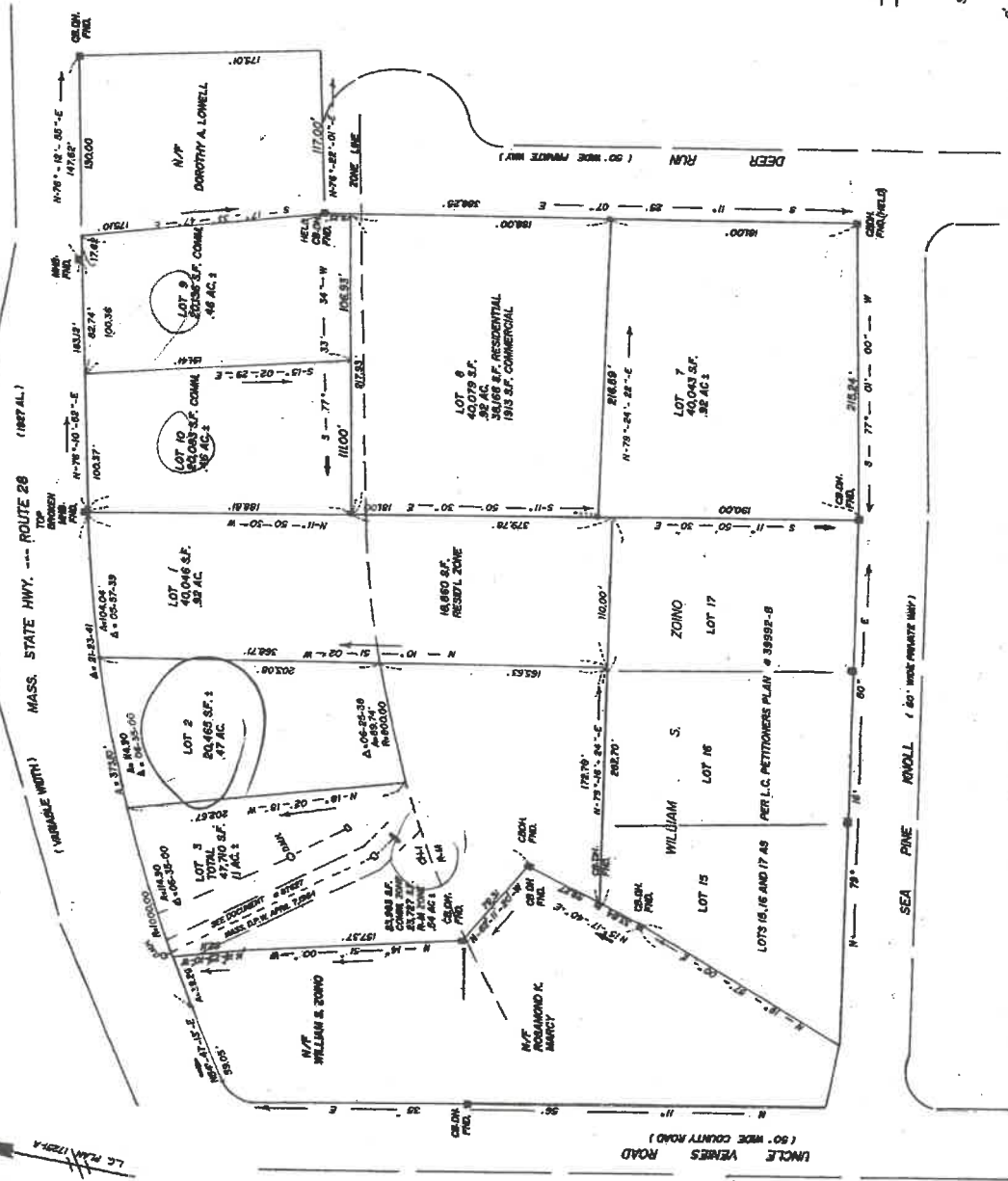
FOR REGISTRY USE ONLY

HARWICH PLANNING BOARD
APPROVAL UNDER SUBDIVISION CONTROL
LAW NOT REQUIRED

[Signature]

DATE: 10/15/01

483-98



PLAN OF LAND
IN
HARWICH, MASS.
PREPARED FOR: WILLIAM S. ZONKO
PLANNED BY: MORAN ENGINEERING, INC.
941 MAIN STREET
S. HARWICH, MASS. 02661

SCALE 1" = 40'
DATE



I hereby certify that this plan has been prepared in conformity with the rules and regulations of the Register of Deeds of the Commonwealth of Massachusetts.

[Signature]
PROFESSIONAL LAND SURVEYOR

483-98

Bk 16470 Pg 191 #23568

02-27-2003 @ 01:15p

NOT AN EASEMENT AN

OFFICIAL OFFICIAL
We, **DAVID A. HUNDT** and **MARCIA L. HUNDT**, husband and wife as tenants by the entirety, both of 125 Hurds Hill Road, Woodbury, CT 06798-4016

NOT AN
In consideration of **LESS THAN TEN (\$10.00) DOLLARS**

OFFICIAL OFFICIAL
Grant to **WALDEN CORPORATION** a/k/a **WALDEN CORP.** A Massachusetts corporation, with a principal place of business at 218 Blue Rock Road, South Yarmouth, Massachusetts 02664

An easement in, over, upon and under a portion of our property situated at 1003 Route 28, South Harwich, Massachusetts, also known as Lots 9 and 10 on a plan of land recorded with the Barnstable County Registry of Deeds in Plan Book 483, Page 98, said portion being shown as "20' ACCESS & UTILITIES EASEMENT" on the attached Sketch Plan.

Said easement shall be for all purposes for which ways are now or hereafter used in the Town of Harwich, including, but not limited to, ingress and egress to and from Deer Run Road, and the installation, maintenance and repair of utilities, including but not limited to electric, gas, water, telephone and cable-tv, for the benefit of the owners and their successors in interest of Lots 1, 2 and 3 as shown on Land Court Plan 17251-B.

Grantee and its successors in interest shall be responsible for the construction, maintenance, and upkeep of the Easement area. After the installation of the utilities and the construction of the driveway, Grantee agrees to restore the Easement area to the same condition as it existed immediately prior to the installation and construction. The Easement area shall be maintained in a neat and attractive manner.

The aforesaid Easement shall be appurtenant to the land of the Grantor, shown as Lots 1, 2 and 3 on Land Court Plan 17251-B, and shall run with the land. For Grantee's title, see Certificate of Title No. 163065.

For Grantor's title, see deed recorded with the Barnstable County Registry of Deeds in Book 15508, Page 109.

Property Address: 1003 Route 28, South Harwich, Massachusetts
Lots 1, 2 and 3, Route 28, South Harwich, Massachusetts

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CTF 172213, CTF 168948, CTF 186882

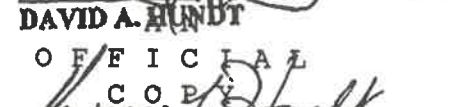
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WITNESS our hands and seals, this 26th day of February, 2003.
BK 18470 Ps 192 #2356
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DAVID A. HUNDT


MARCIA L. HUNDT

COMMONWEALTH OF MASSACHUSETTS

Barnstable County

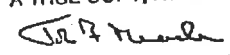
February 26, 2003

Then personally appeared the above-named David A. Hundt and Marcia L. Hundt, and acknowledged the foregoing instrument to be their free act and deed, this 26th day of February, 2003.



Notary Public John P. Farrell

My commission expires: July 10, 2003

BARNSTABLE COUNTY
REGISTRY OF DEEDS
A TRUE COPY, ATTEST


JOHN F. MEADE, REGISTER

BARNSTABLE REGISTRY OF DEEDS

BARNSTABLE REGISTRY OF DEEDS
John F. Meade, Register

COMMONWEALTH OF MASSACHUSETTS

NOT LAND COURT NOT

DEPARTMENT OF THE TRIAL COURT
OFFICIAL OFFICIAL
COPY COPY

REGISTER
THIS
COPY

CASE NO. 16 SBQ 17251 01-001

Upon the petition of John F. DiAntonio, Sandra K. DiAntonio, Nancy A. Crimmins and John Canducci by their attorney alleging that:

1. Certificate of Title No. 172213 issued by the Barnstable Registry District, stands in the names of John F. DiAntonio and Sandra K. DiAntonio, husband and wife as tenants by the entirety as owner of Lot 1 on Land Court Plan No. 17251-B.

2. Certificate of Title No. 168948 issued by the Barnstable Registry District, stands in the names of Daniel F. Crimmins (deceased) and Nancy A. Crimmins, husband and wife as tenants by the entirety as owner of Lot 3 on Land Court Plan No. 17251-B.

3. Certificate of Title No. 186882 issued by the Barnstable Registry District, stands in the names of John Canducci, as owner of Lot 2 on Land Court Plan No. 17251-B.

4. An appurtenant Easement from David A. Hundt and Marcia L. Hundt to Walden Corporation, a/k/a Walden Corp., dated February 26, 2003 and recorded in Book 16470, Page 191 granting an easement in, over, upon and under a portion of their property situated at 1003 Route 28, South Harwich, Massachusetts, also known as Lots 9 and 10 on a plan of land recorded with Barnstable County Registry of Deeds in Plan Book 483, Page 98, said portion being shown as "20' ACCESS & UTILITIES EASEMENT" on the attached sketch plan.

5. Through inadvertence or mistake the Sketch Plan was not attached to the above referenced easement.

Wherefore, Petitioner prays that the aforementioned language be noted on the face of Certificates of Title Nos. 172213, 168948 and 186882.

After due proceedings, it is **ORDERED**: that a certified copy of the easement from David A. Hundt and Marcia L. Hundt to Walden Corporation, a/k/a Walden Corp., dated February 26, 2003 and recorded in Book 16470, Page 191 be registered on the encumbrance sheets of Certificates of Title Nos. 172213, 168948, and 186882.

FURTHER ORDERED: the following language be noted on the face of Certificates of Title Nos. 172213, 168948, and 186882: "The land has the benefit of an easement set forth in Document No. (above).

FURTHER ORDERED: Attach the Sketch Plan to this order.

By the Court. (Speicher, J.)

Attest:

Deborah J. Patterson
Recorder

A TRUE COPY
ATTEST

Deborah J. Patterson

RECORDER

Dated: April 28, 2017

JHB/tdp

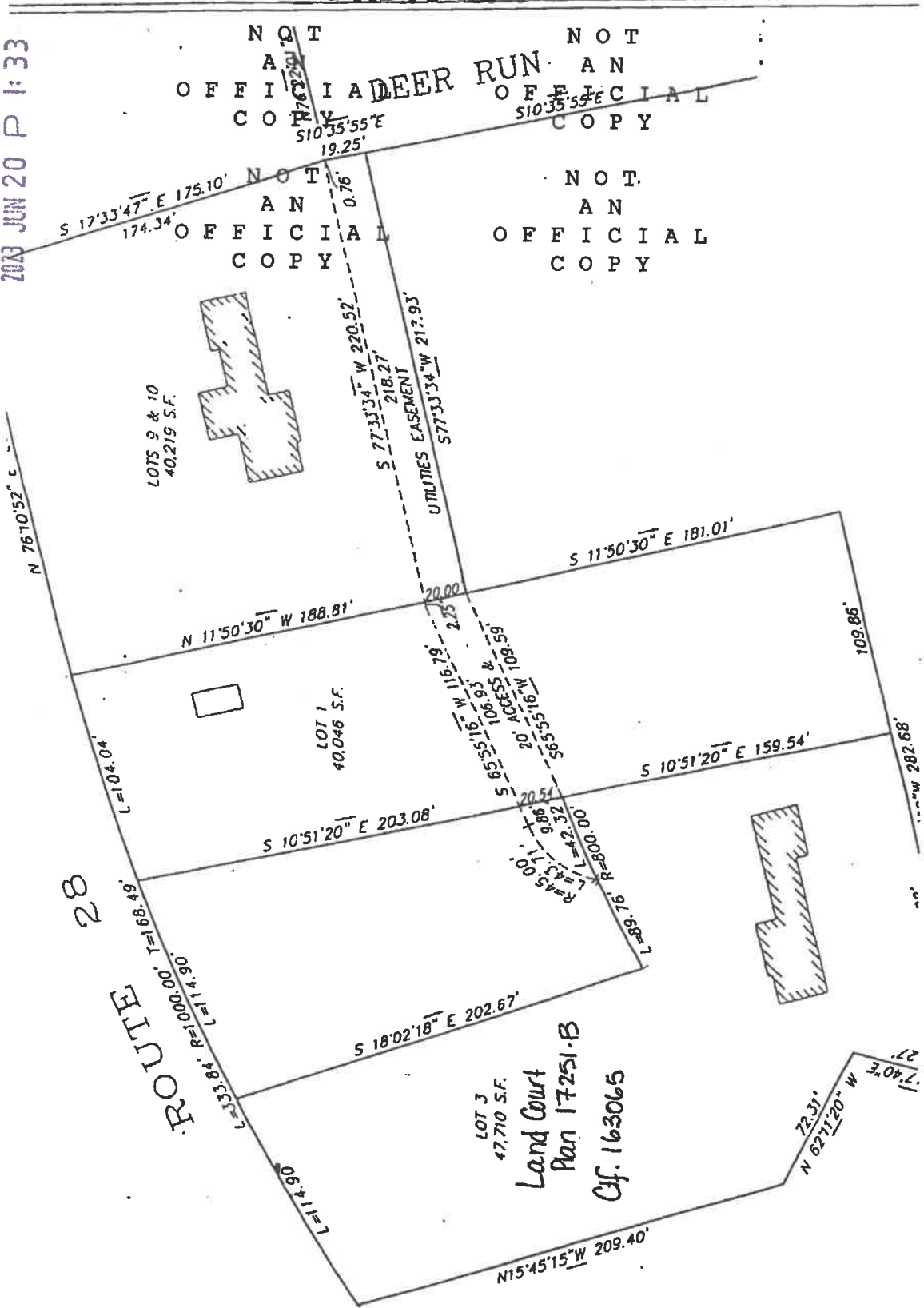
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HARWICH, MA

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(SEAL)

Sketch Plan

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HARWICH, MA
2003 JUN 20 P 1:33



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DEER RUN
NOT AN OFFICIAL COPY

LOTS 9 & 10
40,219 S.F.

LOT 1
40,046 S.F.

LOT 3
47,710 S.F.

Land Court
Plan 17251-B
Cf. 163065

BARNSTABLE REGISTRY OF DEEDS
John F. Meade, Register

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BARNSTABLE LAND COURT REGISTRY

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EASEMENT AGREEMENT
NOT AN OFFICIAL COPY

We, **JOHN Di ANTONIO AND SANDRA Di ANTONIO**, having an address of 28 Deer Run, Harwich, Massachusetts 02645,

The owner of a certain real property shown as Lot 1, on a plan of land entitled: "Subdivision Plan of Land in Harwich, Moran Engineering Inc., Surveyors, May 8, 1991" and recorded with the Barnstable County Registry of Deeds as Land Court Plan 17251-B,

For One Dollar (\$1.00) paid,

Grants to **JOHN CANDUCCI**, having an address of 9R Sunrise Avenue, Plymouth, Massachusetts 02360, the owner of Lot 2 on said Plan, and to **NANCY A. CRIMMINS**, having an address of 14 Patriot Lane, Shrewsbury, Massachusetts 01545, the owner of Lot 3 on said Plan, *CTF 186882 and 168948, respectively,*

A perpetual easement to use area of land on Lot 1 identified on the attached plan as "PAVED WAY EASEMENT C", dated May 17, 2017, Easement Location Plan, Moran Engineering Assoc., LLC., to pass and repass over Lot 1 for the purpose of accessing Lot 2 and Lot 3 from Deer Run Road, and to use for all purposes that a Paved Way is commonly used for in the Town of Harwich. The right and easement herein set forth shall be binding upon Grantors, their heirs, successors and assigns, and shall be binding upon and inure to the benefit of the Grantees, their heirs, successors and assigns.

This conveyance is made subject to all agreements, restrictions and encumbrances of record affecting the Subject Parcel, insofar as now in force and applicable.

This Easement Agreement may not be released, discharged, abandoned, amended or modified except as provided by an instrument in writing executed by the parties hereto and filed with the Barnstable County Registry of Deeds.

For Grantor's title see Certificate of Title No. 172213.

Property Address: 28 Deer Run, Harwich, MA 02645

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement as an instrument under seal as of this 18 day of May, 2017.

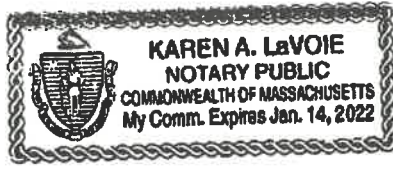
NOT AN OFFICIAL COPY
GRANTORS:
John Di Antonio
John Di Antonio
Sandra Di Antonio
Sandra Di Antonio

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

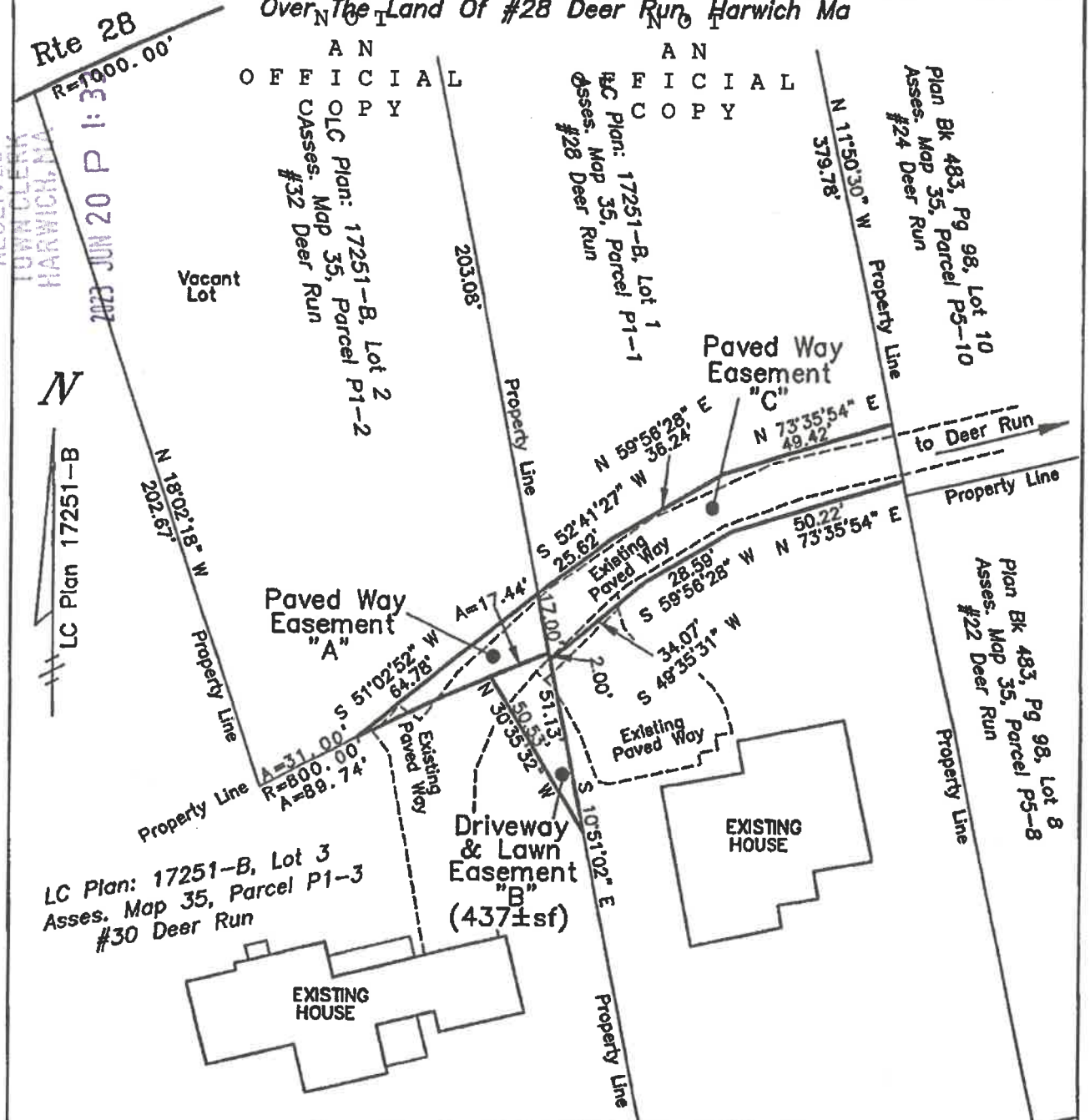
On this 18 day of May, 2017, before me, the undersigned notary public, personally appeared John Di Antonio and Sandra Di Antonio proved to me through satisfactory evidence of identification, which were licenses, to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Karen A. LaVoie
Karen A. LaVoie, Notary Public
My Commission Expires: January 14, 2022



Paved Way Easement "A" For The Benefit Of #28 & #30 Deer Run, Harwich Ma
 Over The Land Of #32 Deer Run Harwich Ma
 Driveway & Lawn Easement "B" For The Benefit Of #28 Deer Run, Harwich Ma
 Over The Land Of #30 Deer Run, Harwich Ma
 Paved Way Easement "C" For The Benefit Of #30 & #32 Deer Run, Harwich Ma
 Over The Land Of #28 Deer Run, Harwich Ma

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 2017



Scale: 1"=40'
 5/17/17
 MEA plan #15-054

MORAN ENGINEERING ASSOC., LLC
 508-432-2878 941 MAIN STREET (RTE 28), HARWICH, MA
EASEMENTS LOCATION PLAN

BARNSTABLE REGISTRY OF DEEDS
 John F. Meade, Register