



EAST-SOUTHEAST, LLC

J. Thaddeus Eldredge, P.L.S.

Surveying, Geomatics Engineering and Mapping

1038 Main Street ° Chatham, Massachusetts 02633

41°41'14.73425" N 69°58'24.87695" W -10.019 M

LETTER OF TRANSMITTAL

May 3, 2021

CHATHAM PLANNING BOARD

261 George Ryder Road
Chatham, MA 02633

Re: **APPROVAL NOT REQUIRED** Division Plan
19 and 27 Willow Bend
Assessor's ID: 16D-42B-W3 and 16D-43-11B

Dear Board Members:

Pursuant to Section 81 P of Chapter 41 of the General Laws and Section II.B of the Rules and Regulations Governing the Subdivision of Land, Chatham, Massachusetts, enclosed please find the following:

1. Two (2) full size and ten (10) reduced prints of Division Plan dated April 12, 2021;
2. Twelve (12) copies of Form A;
3. Copy of letter to Town Clerk;
4. Check made payable to the Town of Chatham in the amount of \$100.00 [\$50 per plan + \$25 per lot];
5. Owner Authorization for Board Representation signed by Jeanne Nutt;
6. Owner Authorization for Board Representation signed by Kathleen T. McCormick and Champ D. Warren, III, managers of Irish Interests II, LLC.

This plan is being **submitted pursuant to section 81-P of Chapter 41** of the MGL, the Subdivision Control Law, which reads as follows:

*“Any person wishing to cause to be recorded a plan situated in a . . . town in which the subdivision control law is in effect, who believes that his plan does not require approval under the subdivision control law, may submit his plan to the planning board of such . . . town in the manner prescribed in section 81-T, and, **if the board finds that the plan does not require such approval, it shall forthwith, without a public hearing, endorse thereon or cause to be endorsed thereon** by a person authorized by it **the words “approval under the subdivision control law not required”** or words of similar import **with appropriate name or names signed thereto**, and such endorsement shall be conclusive on all persons. Such endorsement shall not be withheld unless such plan shows a subdivision . . .”*

Section 81-T of Chapter 41 of the MGL reads as follows:

*“Every person submitting a definitive plan of land to the planning board of the . . . town for its approval or **for a determination that approval is not required shall give written notice to the clerk of such . . . town** by delivery or by registered mail, postage prepaid, that he has submitted such a plan . . . “*

Notice has been given to the Town Clerk as required by Section 81 T of Chapter 41 of the General Laws and your regulations. See letter addressed to the town clerk accompanying the filing.

Subdivision is defined by section 81-L of Chapter 41 of the MGL, which reads as follows:

*“‘Subdivision’ shall mean the division of a tract of land into two or more lots and shall include re-subdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; **provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision** within the meaning of the subdivision control law **if, at the time when it is made, every lot within the tract so divided has frontage on***

- (a) a **public way** or a way which the clerk of the . . . town certifies is maintained and used as a public way, or*
- (b) a **way shown on a plan theretofore approved** and endorsed in accordance with the subdivision control law, or*
- (c) a **way in existence** when the subdivision control law became effective in the*

... town in which the land lies, having in the opinion of the planning board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Such frontage shall be of at least such distance as is then required by zoning or other ... bylaw, if any, of said ... town for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least 20 feet.

*Conveyances or other instruments **adding to, taking away from,** or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or*

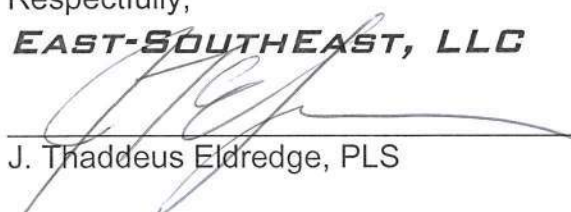
*the division of a tract of land on which **two or more buildings were standing** when the subdivision control law went into effect¹ in the ... town in which the land lies into separate lots on each of which one such building remains standing, **shall not constitute a subdivision.**"*

The plan that has been submitted is a plan that is *adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth.* **The proposal is for an even swap between the two properties. The proposal does not change the existing frontage of either properties.**

At your earliest convenience, please advise me of the date and time of the meeting at which this application will be heard.

Respectfully,

EAST-SOUTHEAST, LLC


J. Thaddeus Eldredge, PLS

X:\Clients\Hubanks Tiffany 5248\Planning Board\01 ANR LOT PB 2021-05-03.docx

¹ The subdivision control law was enacted pursuant to chapter 674, section 7 of the Acts of 1953. Pursuant to section 81-N the subdivision control law became effective on January 1, 1954 if the town had a planning board established. To the best of knowledge, the Town of Chatham had a planning board prior to January 1, 1954.



FORM A

APPROVAL NOT REQUIRED (ANR) APPLICATION

Request to the Chatham Planning Board for endorsement of a plan as not requiring approval under the Subdivision Control Law, Massachusetts General Laws, Chapter 41, Section 81K-81GG ++



Property/Applicant Information:

Location of Project/Street Address: 19 and 27 Willow Bend

Assessor's Map: 16D Lot: W3 and 11B Zoning District: R-20 Lot frontage required: 100'

Applicant Name: Irish Interests II, LLC (19 Willow Bend) and Jeanne M. Nutt (27 Willow Bend)

Applicant Address: 3740 Carlon Street, Houston, TX 77005 and 398 Shawmut Avenue #4, Boston, MA 02118

Phone Number: _____

Owner Name/Address/Phone (if not applicant): same

Deed for property: Book: 27786 / 33319 Page: 50 / 148 or Land Court Certificate No.: _____

Plan Information: Title and date of plan: Division Plan dated April 12, 2021

Name of surveyor: J. Thaddeus Eldredge, PLS Phone: 508 945-3965

Address: 1038 Main Street, Chatham, MA 02633 Fax: 508 945-5885

Purpose of division of land: Check all that apply.

(If no division of land is proposed, see Note #1 on reverse.)

- ☐ Creation of lot(s) for building purposes ☐ Creation of lots for conveyance for roadway
- ☒ Creation of lot(s) for conveyance to abutters or exchange with adjacent lot
- ☐ Other (Please explain. Use separate sheet if necessary.) _____

Reason for eligibility for endorsement of plan as not requiring a subdivision approval:

See "subdivision definition on reverse.

- ☐ All lot have required frontage on a public or private way. (See Note #2 and 3 on reverse)
- ☒ Lots are proposed for conveyance to adjacent properties or roadway layout.
- ☐ Two or more buildings on the property were in existence prior to January 1, 1954. Please attach documentation. (See Note #4 on reverse.)
- ☐ Other (Please explain) _____

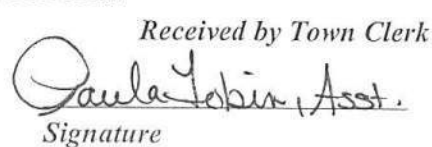
Frontage:

- Does the plan create lots which do not meet frontage and area requirements of the Zoning Bylaw for lots within the District in which the property is located? ☐ Yes ☐ No (If YES, see Note #5 on reverse.)
- Does the plan reduce frontage on any existing lot below the frontage requirement of the Zoning Bylaw for lots within the District in which the property is located? ☐ Yes ☐ No
- Lots shown on the plan have frontage on: (See Notes #2 and 3 on reverse)
 - ☐ a way in existence prior to Chatham's adoption of subdivision control (1954).
 - ☐ a way was established by a subdivision approved (date) _____ and recorded in Plan

Book _____ Page _____ at the Barnstable Registry of Deeds.


Signature of Applicant

5/3/21
Date

Received by Town Clerk

Signature

May 3, 2021
Date Time
9:00 AM

Massachusetts General Laws, Chapter 41, Section 81-L sets forth the definition of "subdivision" which includes an explanation of the types of land divisions which do not require subdivision approval under the Act:

"Subdivision" shall mean the division of a tract of land into two or more lots and shall include resubdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided, provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a division within the meaning of the subdivision control law if, at the time when it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the clerk of the city or town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the city or town in which the land lies, having, in the opinion of the planning board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance or by-law, if any, of said city or town for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty feet. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when subdivision control law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing, shall constitute a subdivision.

NOTES

The Planning Board is obligated under the law to deny endorsement of a proposed ANR plan if it proposes a subdivision per the definition under MGL Ch. 41, Section 81L quoted above. The applicant should also be aware of the following:

1. Endorsement of an ANR plan may confer (per MGL Ch. 40, Section 6, and Ch. 111, Section 127P) zoning and health regulation exemptions to vacant lots shown on an endorsed ANR plan. If a plan is not a division of property and is entitled to recording by the Register of Deeds under MGL Ch.41, Section 81X, or a plan shows no change in lots from a previously endorsed ANR or subdivision plan, the plan may be deemed to be submitted for the sole purpose of gaining exempt status, and the Planning Board may deny endorsement of the plan.
2. The Planning Board will deny endorsement of a plan which creates a lot with frontage on a way in existence prior to January 1, 1954 if, in the opinion of the Board, the way is not adequate per section c) in the definition of "subdivision" under MGL Ch. 41, Section 81L, quoted above.
3. The Planning Board will deny endorsement of the plan if the private way on which a proposed lot has frontage has not actually been constructed; there is no guarantee of its construction on record (survey); or it has been constructed in accordance with the conditions of approval imposed upon the subdivision which created the way.
4. If the proposed plan shows a division of land under MGL Ch. 41, Section 81L on the basis that two or more buildings were standing on the property prior to the adoption of the Subdivision Control Law by Chatham, documentation meeting the requirements of the Zoning Official that the buildings were in existence prior to January 1, 1954 must be provided. A tax bill dating prior to 1954 is the preferred documentation. Prior to endorsement, the Planning Board may require a note to be placed on the plan warning the Planning Board endorsement does not certify that lots shown on the plan are in compliance with the Zoning Bylaw. For example, the existence of a substantial non-residential building on a lot prior to 1954 does not constitute eligibility for a building permit for a single family house on a lot which does not meet the requirements of Chatham's Zoning Bylaw.
5. If lots proposed on a plan do not meet the dimensional requirements of the Zoning Bylaw for the District in which the property is located, the Planning Board may require a note to be placed on the plan to that effect prior to endorsement of the plan.

⁺⁺ Any alterations to this application will constitute an incomplete filing; Incomplete applications will not be accepted

EAST-SOUTHEAST, LLC

J. Thaddeus Eldredge, P.L.S.

Surveying, Geomatics Engineering and Mapping

1038 Main Street ° Chatham, Massachusetts 02633

41°41'14.73425" N 69°58'24.87695" W -10.019 M

LETTER OF TRANSMITTAL

May 3, 2021

TOWN CLERK

TOWN OFFICE BUILDING

549 Main Street

Chatham, MA 02633

Re: **APPROVAL NOT REQUIRED** Division Plan
19 and 27 Willow Bend
Assessor's ID: 16D-42B-W3 and 16D-43-11B

Dear Mrs. Smith:

Pursuant to §81 T of Chapter 41 of the MGL and Section II-B of the Rules and Regulations Governing the Subdivision of Land, Chatham, Massachusetts, please be informed that a plan dated April 12, 2021, entitled Division Plan prepared by East-SouthEast, LLC for Jetty Advisors of the above referenced property was submitted by hand delivery to the Planning Board on **May 3, 2021** for endorsement that "Approval is NOT Required". The name and address of the owner of the property is:

19 Willow Bend (16D-42B-W3)

Irish Interests II, LLC
3740 Carlon Street
Houston, TX 77005

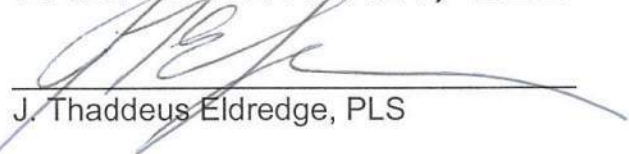
27 Willow Bend (16D-43-11B)

Jeanne M. Nutt
298 Shawmut Avenue #4
Boston, MA 02118

Pursuant to the Rules and Regulations Governing the Subdivision of Land, Chatham, Massachusetts, enclosed please find a copy of the application Form "A".

Respectfully,

EAST-SOUTHEAST, LLC



J. Thaddeus Eldredge, PLS

Y:\Clients\Hubanks Tiffany 5248\Planning Board\02 LOT to Town Clerk 2021-05-03.docx



Town Of Chatham
Department of
Community Development



Town Annex 261 George Ryder Road
Chatham, MA 02633

TELEPHONE (508) 945-5168

FAX (508) 945-5163

Rev. 10/2013

OWNER AUTHORIZATION FOR BOARD REPRESENTATION

PROJECT INFORMATION

Project Address: 19 Willow Bend

Assessors' Map No. 16D Lot: W3

Applicable Board or Commission: ☐ CHC ☐ HBDC ☒ Planning ☐ ZBA

Type of Application: ANR

(eg. Site Plan, Subdivision, ANR, Certificate of Appropriateness, Demolition – (Partial/Full))

APPOINTMENT OF AN AGENT

If someone other than the owner will represent the owner, the owner must designate such representative below.

Name(s) of owner: Irish Interests II, LLC

Address of owner: 3740 Carlon Street, Houston, TX 77005

Tel. #: _____ Fax #: _____ Email: mccormick.kt@att.net

Name(s) of representative: J. Thaddeus Eldredge, PLS

Address of representative: 1038 Main Street, Chatham, MA 02633

Tel. #: 508-945-3965 Fax #: 508-945-5885 Email: office@ese-llc.com

In executing this agreement, I hereby authorize the person or persons named above to represent my interests before the Planning Board, Historic Business District Commission (HBDC), Chatham Historical Commission (CHC) &/or Zoning Board of Appeals (ZBA).

KTM cumb for Irish Interests II, LLC
Signature of owner Date 4/28/2021

[Signature]
Signature of representative Date 5/3/21

Chad Eldredge for Irish Interests II, LLC
Signature of owner Date 4/28/21

[Signature]
Signature of representative Date 5/3/21



The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts 02133

William Francis Galvin
Secretary of the
Commonwealth

October 21, 2013

TO WHOM IT MAY CONCERN:

I hereby certify that a certificate of registration of a Foreign Limited Liability Company was filed in this office by

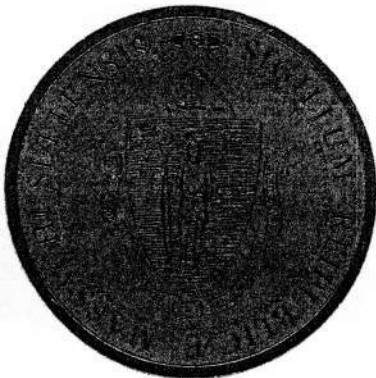
IRISH INTERESTS II, LLC

in accordance with the provisions of Massachusetts General Laws Chapter 156C on **October 10, 2013**.

I further certify that said Limited Liability Company has filed all annual reports due and paid all fees with respect to such reports; that said Limited Liability Company has not filed a certificate of cancellation or withdrawal; and that, said Limited Liability Company is in good standing with this office.

I also certify that the names of all managers listed in the most recent filing are: **CHAMP D. WARREN, III, KATHLEEN T. MCCORMICK**

I further certify that the name of persons authorized to act with respect to real property instruments listed in the most recent filings are: **CHAMP D. WARREN, III, KATHLEEN T. MCCORMICK**



In testimony of which,

I have hereunto affixed the

Great Seal of the Commonwealth

on the date first above written.

William Francis Galvin

Secretary of the Commonwealth



Town Of Chatham
Department of
Community Development

Town Annex 261 George Ryder Road
Chatham, MA 02633



TELEPHONE (508) 945-5168

FAX (508) 945-5163

Rev. 10/2013

OWNER AUTHORIZATION FOR BOARD REPRESENTATION

PROJECT INFORMATION

Project Address: 27 Willow Bend
Chatham, MA 02659
Assessors' Map No. 16D Lot: 11B
Applicable Board or Commission: ☐ CHC ☐ HBDC ☒ Planning ☐ ZBA
Type of Application: ANR
(eg. Site Plan, Subdivision, ANR, Certificate of Appropriateness, Demolition – (Partial/Full))

APPOINTMENT OF AN AGENT

If someone other than the owner will represent the owner, the owner must designate such representative below.

Name(s) of owner: Jeanne M. Nutt

Address of owner: 298 Shawmut Avenue # 4, Boston, MA 02118

Tel. #: _____ Fax #: _____ Email: _____

Name(s) of representative: J. Thaddeus Eldredge, PLS

Address of representative: 1038 Main Street, Chatham, MA 02633

Tel. #: 508-945-3965 Fax #: 508-945-5885 Email: office@ese-llc.com

In executing this agreement, I hereby authorize the person or persons named above to represent my interests before the Planning Board, Historic Business District Commission (HBDC), Chatham Historical Commission (CHC) &/or Zoning Board of Appeals (ZBA).

Jeanne Nutt
Signature of owner

4/14/21

Date

[Signature]
Signature of representative

5/3/21
Date

Signature of owner

Date

Signature of representative

Date