CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630
(508) 362-3828
FAX (508) 362-3136
E-mail: frontdesk@capecodcommission.org

DATE: February 5, 2009

TO: Marion E. Broidrick, President
Cultural Center of Cape Cod, Inc.
307 Old Main Street
P.O. Box 118
South Yarmouth, MA 02664

FROM: Cape Cod Commission

RE: Development of Regional Impact
Cape Cod Commission Act, Sections 12 & 13

APPLICANT: Cultural Center of Cape Cod, Inc.
307 Main Street/P.O. Box 118
South Yarmouth, MA 02664

PROJECT #: TR08026

PROJECT: Owl Club/Cultural Center of Cape Cod

BOOK/PAGE: Book 20588/Page 241

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of the Cultural Center of Cape Cod, Inc. (applicant) for a Development of Regional Impact (DRI) pursuant to Sections 12 & 13 of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, for the proposed demolition of the former Owl Club building, and construction of an educational wing in its place at 301 Old Main Street, South Yarmouth, MA. The decision is rendered pursuant to a vote of the Commission on February 5, 2009.

PROJECT DESCRIPTION

The Owl Club/Educational Wing of the Cultural Center of Cape Cod, located at 301 Old Main Street in South Yarmouth is a simple one-and-a-half-story gable roofed structure with the gable end facing Old Main Street. The existing structure has a footprint of approximately 1,500 square feet, and a total square footage of 1,848. It is located within the South Yarmouth/Bass River Historic District, and is listed on the National Register of Historic Places. The applicant proposes to demolish the existing Owl Club building and construct a new structure in its place. The new structure would become the educational wing of the existing Cultural Center of Cape Cod, with 2,160 square feet proposed on the first floor, 1,800 square feet on the second floor, a full basement, and a 620 square foot connector between the existing Cultural Center and the proposed building.

PROCEDURAL HISTORY

The applicant filed for a demolition permit with the Town of Yarmouth on October 6, 2008 and was referred to the Cape Cod Commission by James D. Brandolini, Yarmouth Building Inspector, on November 13, 2008 under Section 3(a) of the Cape Cod Commission Review of Developments of Regional Impact (Enabling Regulations), Barnstable County Ordinance 90-12, as amended.

A duly noticed public hearing was conducted by the Commission pursuant to Section 5 of the Act by an authorized subcommittee of the Commission on January 8, 2009 in the Cultural Center of Cape Cod, on 307 Old Main Street in South Yarmouth.

At a duly noticed subcommittee meeting held on January 8, 2009, the subcommittee voted unanimously to recommend to the Commission that the proposed demolition and construction be approved with conditions, and directed staff to draft a decision. The subcommittee met again on February 2, 2009 to review the draft decision and recommend it to the Commission. At the February 5th, 2009 full Commission meeting, the Commission voted unanimously to approve the project as a DRI, subject to conditions.

MATERIALS SUBMITTED FOR THE RECORD

By Applicant:

- DRI application dated December 15, 2008, and associated application materials.
- Letter to Robert Nash from Coastal Engineering, dated February 25, 2008; Re: Structural Inspection of the Owl Club building.

- Excerpt from the "Register" dated November 17, 1977; Re: Owl Club history.
- Flyer from Cultural Center of Cape Cod; Re: Reconstruction of the Owl Club building.
- Flyer from Cultural Center of Cape Cod; Re: Recent Cultural Center activities.

By Commission Staff:

- Staff report, dated January 5, 2009.

By Others:

- Letter to Ms. Korjeff from Mr. Brandolini, Building Commissioner, including DRI Referral Form, dated November 13, 2008; Re: Denial of demolition permit, referral to the Commission.
- Letter from Mr. Brandolini, Building Commissioner to Mr. Nash, dated October 27, 2008; Re: Denial of demolition permit.
- Letter from Mr. Kitia to the Commission, dated January 8, 2009; Re: Concerns about project.
- Email from Karen Greene to Ms. Sarkisyan, dated January 30, 2009: Re: Site Plan Review Sheet performed by the Yarmouth Building Department.
- Letter from the Massachusetts Historical Commission to Mr. Nash, dated December 19, 2008, Re: Review of Project Notification Form.
- Letter to the Commission from Mr. and Mrs. Fallows, dated December 23, 2008; Re: In support of the project.

TESTIMONY

The Commission received testimony at the January 9, 2009 public hearing from the following:

Mr. R. Nash, speaking on behalf of the applicant, discussed the history of the revival of the current Cultural Center building. He noted the Center's community value, noting the various programs that the Center hosted. He gave an overview of the Owl Club's history and his reasons for proposing the demolition rather than rehabilitating the building. He discussed the structural defects of the building, as well as the loss of historical value due to several additions to the building since its original build date. Mr. Nash concluded his testimony by describing the proposed replacement building, noting that the design would be kept as close to the original Owl Club building as possible.

Ms. S. Korjeff, Commission Planner and Preservation Specialist, presented the staff report.

Mr. C. Adams, an abutter, spoke in support of the project.

Ms. T. Post, a member of the Cultural Center of Cape Cod also spoke on behalf of the project, stating that she felt that a new building would provide further benefits to the community.

Mr. B. Groskopf, an abutter, spoke in support of the project, noting his satisfaction with Mr. Nash's renovations of the current Cultural Center of Cape Cod building.

Mr. Nash addressed some of the subcommittee's concerns about the lighting, parking, green design, landscaping, and sound insulation of the building. He noted that parking was only a problem when the Cultural Center and the nearby library had concurrent events, or when there was a particularly big event scheduled at the Center, which he noted was not often. He explained that lighting, green design, and landscaping, among other areas inquired into by the subcommittee, would be addressed once the Cultural Center obtained enough funding to finalize the project plans, and begin construction. He explained that currently, there were not enough funds to finance the creation of these plans, but, he assured the subcommittee that he wanted the proposed building to maintain the historical character of the surrounding neighborhood.

The subcommittee met again on February 2nd, 2009, to review the draft decision prepared by the staff. The subcommittee discussed the pertinent findings and conditions. Mr. Graham raised concerns relating to parking, which the subcommittee discussed, and made a determination that the town would address these issues. A motion was made to recommend to the Commission the approval of the project with conditions.

JURISDICTION

The Owl Club/Educational Wing of the Cultural Center of Cape Cod qualified as a Development of Regional Impact (DRI) under Section 3(a) of the DRI Enabling Regulations, which requires review of *"any proposed demolition or substantial alteration of a historic structure or destruction or substantial alteration to an historic or archeological site listed with the National Register of Historic Places or Massachusetts Register of Historic Places, outside a municipal historic district or outside the Old King's Highway Regional Historic District."*

FINDINGS

The Commission has considered the application of the Cultural Center of Cape Cod for the proposed demolition of a historic building, and construction of a new structure at 301 Old Main Street, South Yarmouth, and based on consideration of such application and upon the information presented at the public hearing and

submitted for the record, makes the following findings pursuant to Sections 12 & 13 of the Act:

F1 Because the first substantive hearing for the project was held on January 8, 2009, the 2002 Regional Policy Plan applies to this project.

F2 The Owl Club building at 301 Old Main Street is a contributing property in the South Yarmouth/Bass River National Register Historic District. Because it is a contributing part of the historic district, it is listed on both the National Register of Historic Places and the State Register of Historic Places.

F3 The project is located within the South Yarmouth/Bass River Historic District, which was listed on the National Register of Historic Places in 1990. The district includes over 300 contributing properties and encompasses approximately 108 acres in the southeastern corner of Yarmouth. The district's primary period of growth and development was during the early to mid 1800s, when the region's maritime economy was growing quickly, but it also includes significant buildings from the 18th, 19th and 20th centuries.

F4 The Owl Club building is a simple, one and a half story, gable roofed structure constructed circa 1890 as part of the Daniel Wing House, which is located at 6 Akin Avenue on an adjacent parcel. The building has a footprint of approximately 1,500 square feet. The Owl Club structure was originally either an ell addition to the Wing House or a freestanding outbuilding on the site. The Owl Club, a men's social club formed in 1892, met regularly in a room at the Daniel Wing House beginning in 1899 and eventually moved that portion of the structure to 301 Old Main Street in 1947 when the Wing House was sold to another party. A porch and two small, enclosed additions to the building were added after the 1947 move. Beginning in the 1960s, the building was used as a dance studio and as office space for the adjacent bank. It has been vacant for a number of years.

F5 A structural report of the building was conducted by Coastal Engineering in February 2008. It describes the building's neglected condition, including openings in the roof that have allowed water intrusion, problems with the foundation, and limits to the load-bearing capacity of the first floor framing and roof framing.

F6 The building has few distinctive architectural features, and original historic building materials are visible only in some parts of the basement where sections of the structural frame are exposed. The character-defining

features of this building are its simple, shallow gable-roofed form and its plain trim and shingle siding. Its form and detailing resemble an outbuilding rather than a designed structure, in contrast to many of the historic buildings surrounding it.

F7 The applicant proposes to demolish the existing Owl Club building and to construct a new structure in its place. The new structure would become the educational wing of the existing Cultural Center of Cape Cod which is located next door. The proposed new structure would have approximately 2,160 square feet of space on the first floor, 1,800 square feet of space on the second floor, a full basement, and a 620 square foot connector between the existing Cultural Center and the proposed new building.

F8 The Massachusetts Historical Commission (MHC) reviewed the original plans submitted to the Cape Cod Commission for review and provided comments in a letter dated December 16, 2008. In the letter, the MHC stated that the proposed demolition would adversely affect the Bass River Historic District, but found that the condition of the building precluded it from being renovated. MHC also found that the loss of the building and its contribution to the Bass River Historic District is offset by the proposed high-quality, sensitively designed new construction.

F9 In a letter dated November 28, 2008, the Yarmouth Historical Commission expressed its support for the proposed project.

F10 The Owl Club building has limited historic material of significance because of past alterations and deterioration. The proposed plans preserve the structure's relationship to its site and setting. The building has few distinguishing original stylistic features or examples of skilled craftsmanship because of its architectural simplicity. Due to the lack of historic material and distinguishing architectural features, the proposed demolition of the Owl Club will not have a significant negative impact on the integrity of the historic district, and thus complies with Minimum Performance Standard (MPS) 6.1.1 of the Cape Cod Regional Policy Plan.

F11 The proposed draft plans show new construction that is similar in scale to the existing building and maintains the street setback of the existing building, preserving the general character of the site and the historic district. As such, the proposed draft plans comply with MPS 6.2.4 of the Cape Cod Regional Policy Plan, which dictates that the distinguishing original features of an historic or cultural landscape shall be preserved. Because the plans are not in final form, and may change somewhat before the project moves forward, a final set of plans must be submitted for review by Commission staff to ensure that they are consistent with the character of the historic district as required by MPS 6.2.4.

F12 The applicant has agreed to develop and submit a landscape plan and a lighting plan when the new construction is ready to go forward, and such plans will address MPS 6.2.9 relating to landscaping, and MPS 6.2.10 relating to exterior lighting. In addition, the applicant agreed to explore alternative parking arrangements with the town to accommodate large functions at the Cultural Center. The applicant also stated that the proposed new construction was planned as a "green building" and would use the latest in green building technology. Such plans will be developed when funding is available for them to move forward.

F13 According to the town of Yarmouth Building Department, the project will be consistent with municipal bylaws upon the issuance of a special permit for both the demolition and reconstruction by the Yarmouth Zoning Board of Appeals.

F14 The town of Yarmouth does not have a certified Local Comprehensive Plan.

F15 The proposed project is not located within a District of Critical Planning Concern.

F16 The project only trips the DRI threshold relating to demolition or substantial alteration of historic properties, and is subject to the Minimum Performance Standards in Section 6 (Heritage Preservation/Community Character) of the Cape Cod Regional Policy Plan. The proposed project is consistent with the Heritage Preservation/Community Character chapter of the Cape Cod Regional Policy Plan. This is supported by findings #F9, F10, F11, and F12.

F17 The probable benefits of the proposed project outweigh the probable detriments resulting from the development. This is supported by the fact that the demolition will not have a significant negative impact on the surrounding historic district and the proposed new construction will preserve the general character of the site and the historic district. Findings #F8 through F11 support this conclusion.

CONCLUSION

The Commission hereby approves with conditions the application of the Cultural Center of Cape Cod, Inc. for the proposed demolition and reconstruction of the Owl Club historical building at 301 Old Main Street, South Yarmouth, as a Development of Regional Impact, provided that the following conditions are met:

CONDITIONS

C1 This DRI is valid for 7 years, and local development permits may be issued pursuant hereto for a period of 7 years from the date of the written decision.

C2 Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this decision.

C3 The applicant shall obtain all necessary state and local permits for the proposed project.

C4 No development work, as the terms "development" is defined in the Act, shall be undertaken until all appeals periods have elapsed, or, if such an appeal has been filed, until all judicial proceedings have been completed.

C5 Prior to submittal of a Demolition Permit/Building Permit application, the applicant shall contact the Yarmouth Historical Commission and give them an opportunity to photo-document the existing structure.

C6 Prior to submittal of a Building Permit application for the proposed new construction on site, the applicant shall submit final site plans and elevation drawings (final working drawings) to the Commission staff to ensure consistency with applicable RPP performance standards and with the those plans approved by the Cape Cod Commission. The final plans shall be based on plans entitled "Proposed Additions – The Cultural Center of Cape Cod." developed and submitted by John Kowalski, Architect, and dated 6-7-08, revised 10-27-08 and 12-2-08, copies of which will are appended to this decision as exhibit A and are incorporated herein by reference.

C7 Prior to submittal of a Building Permit application for the proposed new construction on site, the applicant shall submit a landscape plan and a lighting plan to the Commission staff to ensure their consistency with RPP MPS 6.2.9 relating to landscaping and MPS 6.2.10 relating to exterior lighting.

C8. Prior to issuance of a Building Permit from the Town of Yarmouth for the proposed new construction on site, the applicant shall obtain a Certificate of Compliance from the Commission, indicating that Commission staff has reviewed the final plans and found them consistent with RPP performance standards, and that all other required conditions have been met.

The Cape Cod Commission hereby approves with conditions the application of the Cultural Center of Cape Cod, Inc., pursuant to Sections 12 & 13 of the Act, c. 716 of the Acts of 1989, as amended, for the proposed demolition of the Owl Club historical building at 301 Old Main Street, South Yarmouth, and construction of a new educational building on the same site.

5 Feb 2009

John D. Harris, Chair of the Cape Cod Commission — Date

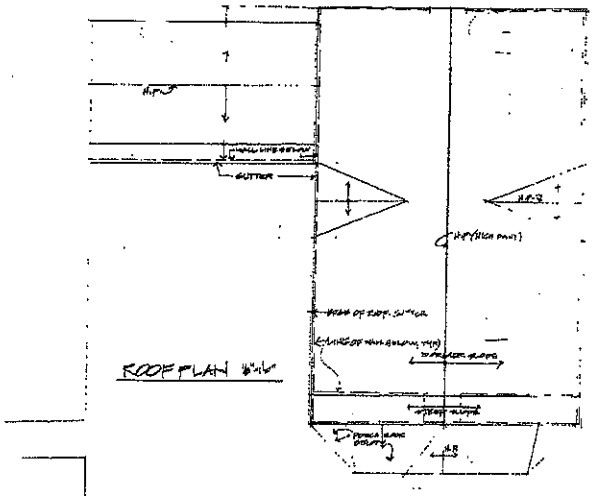
COMMONWEALTH OF MASSACHUSETTS

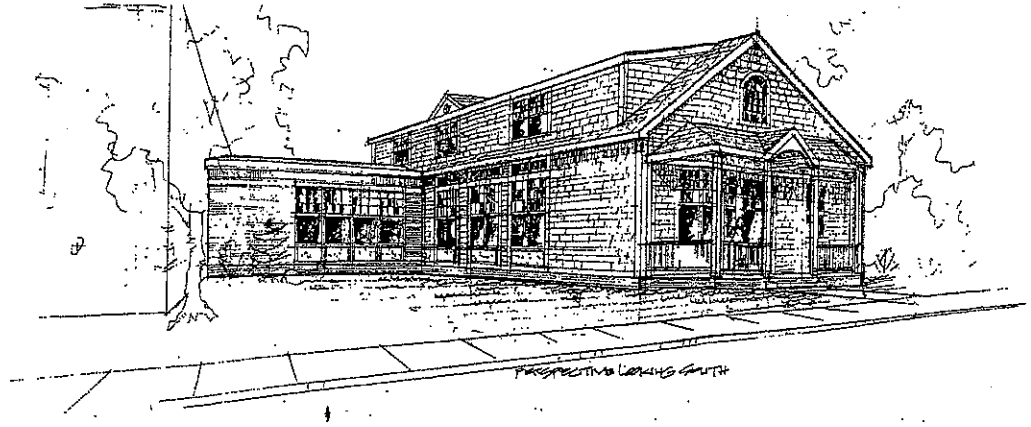
BARNSTABLE, SS Feb 5, 2009

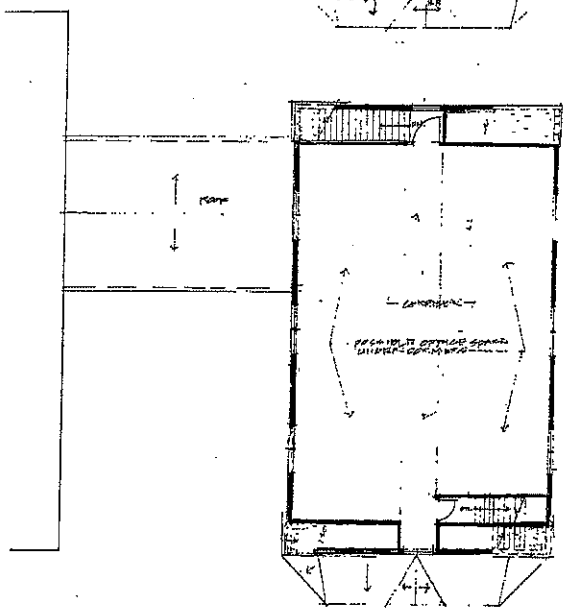
Before me, the undersigned notary public, personally appeared John D. Harris, in his/her capacity as Chairman of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was [_] photographic identification with signature issued by a federal or state governmental agency, [_] oath or affirmation of a credible witness, or [✓] personal knowledge of the undersigned.

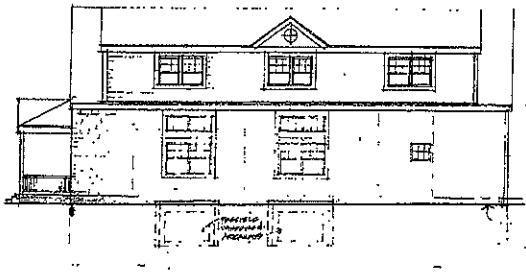
Notary Public
My Commission Expires:
10/13/11

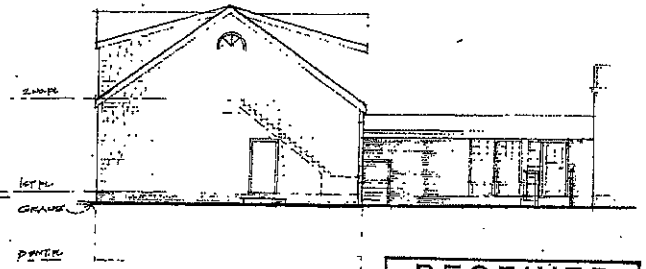
EXHIBIT A











RECEIVED
DEC 15 2008
Cape Cod Commission

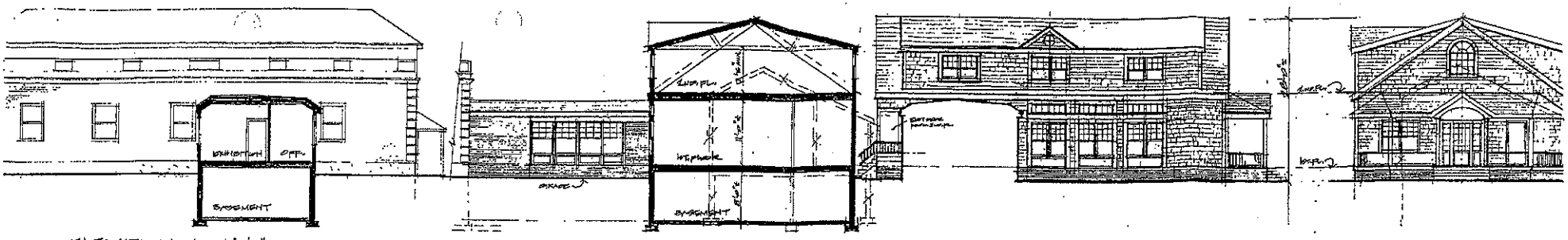
RECEIVED
DEC 02 2008
COMMUNITY DEVELOPMENT

REVISED 12-2-08
REVISED 10-27-08

JOHN KOWALSKI - ARCHITECT
19 HASKINS AVE. W. YARMOUTH, MA

PROPOSED ADDITIONS
THE CULTURAL CENTER OF CAPE COD
307 OLD MAIN ST. S. YARMOUTH, MA 02664

DWG. TITLE	SCALE	DATE	DWG. NO
[illegible]	AS NOTED	6-7-08	[illegible]

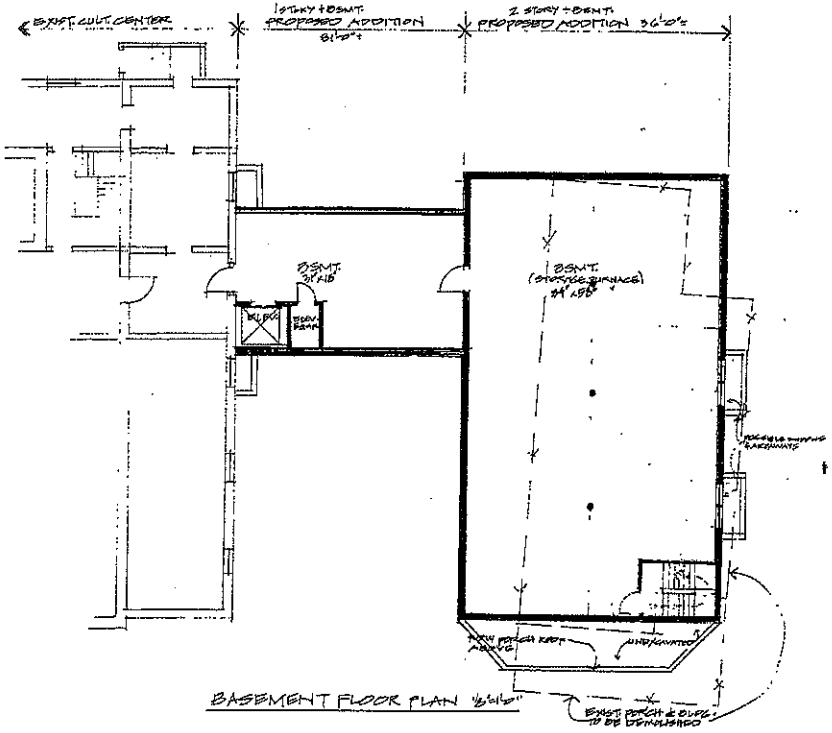


ELEVATION 1 1/8"=1'-0"

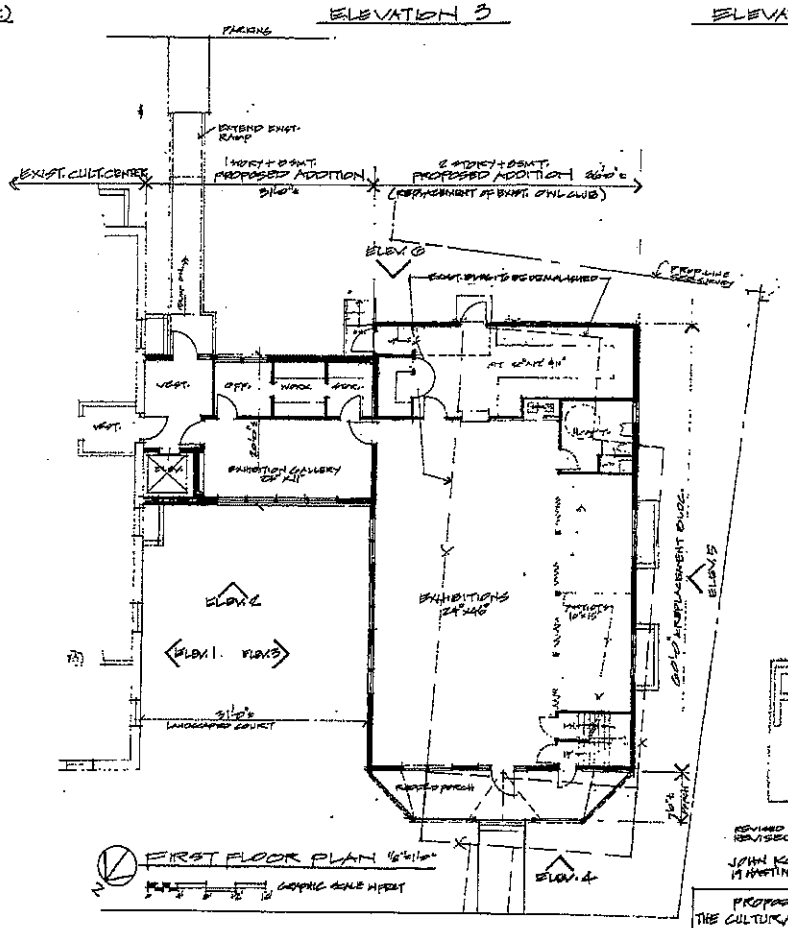
ELEVATION 2 (OLD MAIN ST.)

ELEVATION 3

ELEVATION 4 1/8"=1'-0"



BASEMENT FLOOR PLAN 1/8"=1'-0"



FIRST FLOOR PLAN 1/8"=1'-0"

GRAPHIC SCALE HERE

RECEIVED
DEC 02 2008

REVISED 12-2-08
REVISED 10-27-08

JOHN KOWALSKI - ARCHITECT
19 HASTINGS AVE., W. YARMOUTH, MA

PROPOSED ADDITIONS
THE CULTURAL CENTER OF CAPE COD
307 OLD MAIN ST. S. YARMOUTH, MA 02664

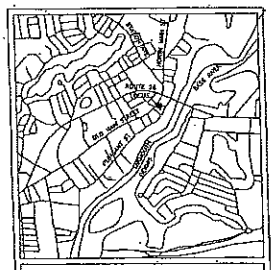
DWG. TITLE	SCALE	DATE	DWG.

GENERAL NOTES:

1. THE LOCATION OF EXISTING UNDERGROUND UTILITIES SHOWN ON THE PLAN IS APPROXIMATE. PRIOR TO ANY EXCAVATION ON THIS SITE, THE EXCAVATING CONTRACTOR SHALL MAKE THE REQUIRED 72 HOUR NOTIFICATION TO DIG SAFE (1-888-344-7233) AND ANY OTHER UTILITIES WHICH MAY HAVE CABLE, PIPE OR EQUIPMENT IN THE CONSTRUCTION AREA FOR VERIFICATION OF LOCATIONS.
2. ALL CONSTRUCTION MATERIALS, COMPONENTS, AND METHODS EMPLOYED ON THIS PROJECT WORK SHALL CONFORM TO THE TOWN OF YARMOUTH SUBDIVISION REGULATIONS AND/OR THE MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS STANDARD SPECIFICATIONS FOR BRIDGES AND HIGHWAYS AS AMENDED TO PRESENT. ALL SEPTIC WORK AND MATERIALS TO CONFORM TO 310 CMR 15.000 TITLE 5, AND YARMOUTH HEALTH REGULATIONS.
3. VERTICAL DATUM IS ASSUMED FROM GUAD.
4. TOPOGRAPHY AND DETAIL FROM SURVEYS BY DOWN CAPE ENGINEERING CO/SEL
5. DESIGN LOADING FOR ALL PRECAST UNITS TO BE AASHTO-HS20 UNLESS NOTED.
6. THIS PLAN IS FOR PROPOSED WORK ONLY AND IS NOT TO BE USED FOR PROPERTY LINE STAKING.
7. SEPTIC COMPONENTS NOT TO BE BACKFILLED OR CONCEALED WITHOUT INSPECTION BY OWNERS ENGINEER AND BOARD OF HEALTH AND PERMISSION OBTAINED.
8. 6" LOAM AND SEED ALL DISTURBED AREAS NOT PAVED.
9. COORDINATE UTILITY INSTALLATIONS WITH APPROPRIATE VENDORS.
10. SITE LIGHTING SHALL NOT CAUSE GLARE FOR MOTORISTS, PEDESTRIANS, OR NEIGHBORING PROPERTIES.

LEGEND

- SEWER MANHOLE
- WATER GATE
- CATCH BASIN
- PROPOSED CONTOUR
- UTILITY POLE
- GROUND LIGHT
- EXISTING POLE LIGHT
- PROPOSED POLE LIGHT 20' MIN. HT.
- FREE STANDING SIGN
- DECIDUOUS (REMOVE)
- GUY WIRE
- PROP. TRAFFIC PAINT
- EXISTING SHRUB
- GAS GATE
- EXISTING TREES
- PROPOSED SHRUB
- PROPOSED 3" CALIPER FLOWERING/SHADE TREE
- DECIDUOUS (REMOVE) SEE NOTES
- DECIDUOUS (SAVE) SEE NOTES

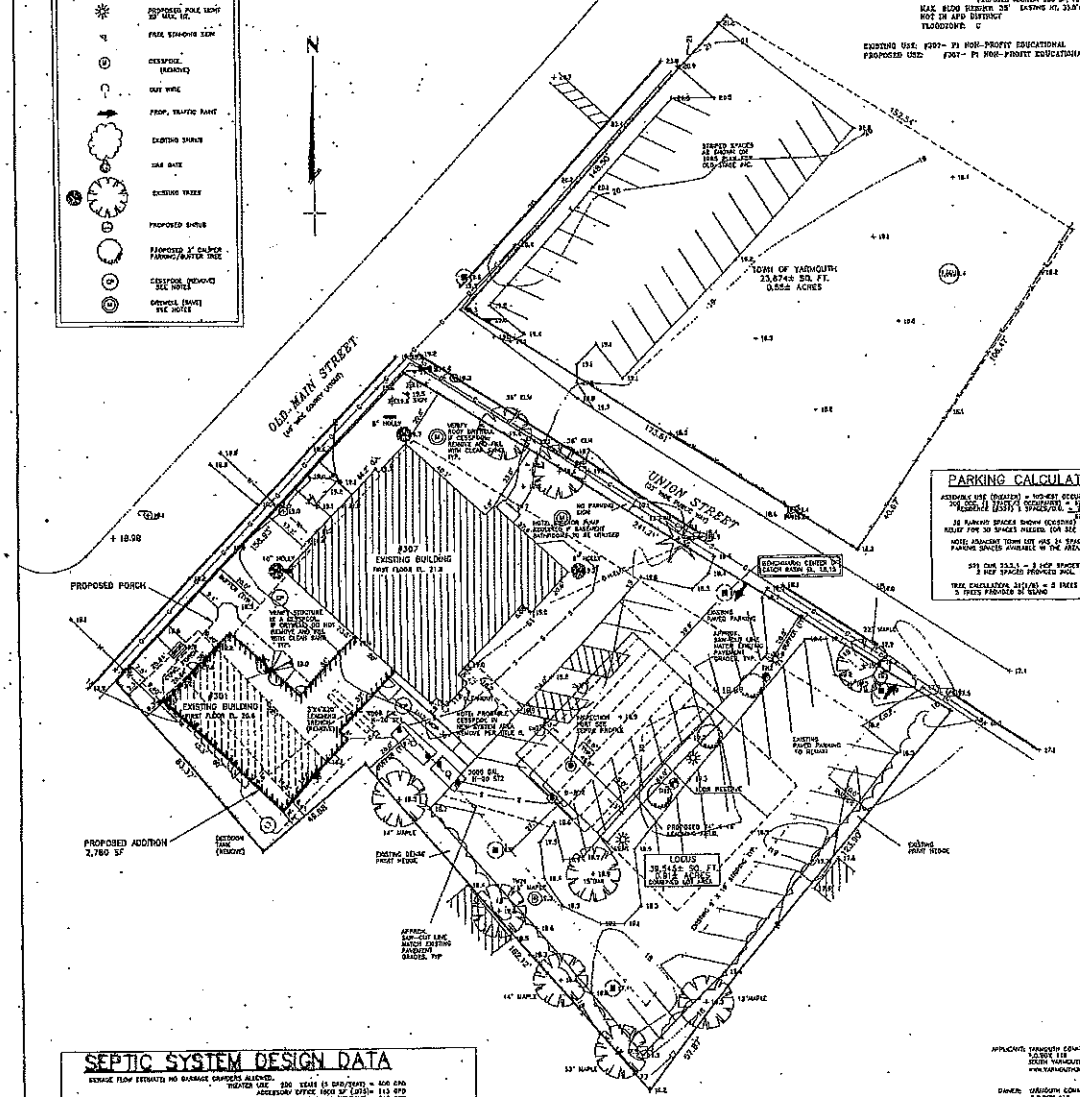


LOCUS MAP
SCALE 1" = 2063'

ADDRESS: #301 & #307 OLD MAIN STREET, SOUTH YARMOUTH, MA
ASSESSORS MAP 61 PCL 18.1 DB 20580 PG 241
NOTE: PARCELS HAVE BEEN COMBINED INTO 1 LOT. COMBINED LOT AREA 0.92 ACRES

ZONING DISTRICT: RS-40 40,000 SF 150' FRONTAGE
RS-40 SETBACKS: 30' FRONT, 20' SIDE, 20' REAR
MAX. BUILDING COVERAGE 25% EXISTING 7034/38245=17.8%
PROPOSED ADDITION 360 SF, 7034/38245 = 18.2%
MAX. BLDG HEIGHT 35' EXISTING HT. 33.0'±, ADDITION HEIGHT 30' APPROX.
NOT IN APD DISTRICT
FLOODZONE: C

EXISTING USE: #307- #1 NON-PROFIT EDUCATIONAL
PROPOSED USE: #307- #1 NON-PROFIT EDUCATIONAL (ADD SPACE)



PARKING CALCULATIONS:

ASSEMBLY USE (DINERS) = NON-REST OCCUPANT LOAD (300 OCCUPANTS)
300 SQ. FT. (EST.) OCCUPANTS = 1 SPACE
RESIDENTIAL (EST.) 1 SPACE/U.N. = 1 SPACE
2 SPACES REQUIRED
20 PARKING SPACES SHOWN (EXISTING) ON-SITE
RELIEF FOR 30 SPACES NEEDED (SEE PAGE ZONING RELIEF OWNERS)

NOTE: ADJACENT TOWN LOT HAS 34 SPACES, ADDITIONAL MUNICIPAL PARKING SPACES AVAILABLE IN THE AREA

591 GAR 23.2.1 - 2 HCP SPACES REQUIRED
2 HCP SPACES PROVIDED INCL. 1 VAN ACCESSIBLE SPACE

TREE CALCULATION: 2610/30 = 3 TREES PROVIDED
3 TREES PROVIDED ON GRAND

SEPTIC SYSTEM DESIGN DATA

AVERAGE FLOW ESTIMATE: NO GARBAGE GRINDERS ALLOWED.
WEEKDAY USE: 200 STAFF (5 GPD/STAFF) = 400 GPD
ADDITIONAL OFFICE USER SF (2/1000) = 113 GPD
118 PERSON CLASSROOM AT 3 GPD/STUDENT = 242 GPD
EXHIBIT SPACE, ARTISTS SPACE- OFFICE TYPE USE: 2783 SF (2/1000) = 206 GPD
TOTAL: 1262 GPD

USE 1250 GPD DESIGN FLOW TO ACCOMMODATE OCCASIONAL PEAKS AND TO EXTEND LIFE OF SYSTEM.
TYPE 5: 2 COMPARTMENT TANK MIN. 5000 GAL.
SEPTIC TANK: 1250 GPD(100%) =3750 GAL. ACC., USE 4500 GAL N-30 PRECAST SEPTIC TANK.
1250 GPD(100%) =1250 GAL. REQ. USE 2000 GAL N-20 SECONDARY SEPTIC TANK.

LEACHING FACILITY: NO GARBAGE GRINDERS ALLOWED, CLASS I 300.3 0.74 GPD/SF (TYP)
DESIGN FLOW = 1250 GPD
USE 6'x6' LEACHING FIELD W/ 2688 SF BOTTOM AREA 2688 SF (0.74 GPD/SF) = 1988 GPD > 1250 GPD OK.

SITE PLAN
SCALE: 1"=20'

20 0 20 40 60 Feet

APPLICANT: YARMOUTH COMMUNITY CULTURAL CENTER, INC.
P.O.BOX 118
SOUTH YARMOUTH, MA 02664
www.YARMOUTHCAC.ORG

OWNER: YARMOUTH COMMUNITY CULTURAL CENTER, INC.
P.O.BOX 118
SOUTH YARMOUTH, MA 02664

CIVIL ENGINEERS: DOWN CAPE ENGINEERING, INC.
DANIEL A. DIAILA, PE, PLS
838 MAIN STREET YARMOUTHPORT,MA 02675
PH. 1-508-362-4541
FAX 1-508-362-4588

ARCHITECT: JOHN MORNAUKE
18 HASTINGS AVE, W.YARMOUTH, MA

SHEET 1 OF 2 — 01-201	SITE PLAN OF LAND IN SOUTH YARMOUTH, MA PREPARED FOR: YARMOUTH COMMUNITY CULTURAL CENTER #307 OLD MAIN STREET	DRAFTER: DAQ	DATE: 11-19-01
		CHKD BY: AMD	REVISED: 8-2-06 (ADDITION)
		SCALE 1" = 20'	
			PERMIT PLAN- NOT FOR CONSTRUCTION
		01-201YARMCCC_REV_2006.DWG	

off 508-362-4541
fax 508 362-4588

down cape engineering, inc.
CIVIL ENGINEERS
LAND SURVEYORS
838 Main Street — YARMOUTHPORT, MASS.