



BARNSTABLE TOWN CLERK

**Town of Barnstable
Hyannis Main Street Waterfront Historic District Commission**

2015 SEP 29 AM 10:52

www.townofbarnstable.ma.us/hyannismainstreet

To all persons deemed interested or affected by the Town of Barnstable's Hyannis Main Street Waterfront Historic District Commission Ordinance under Chapter 112, Article III of the Code of the Town of Barnstable, you are hereby notified that a hearing was held at Town Hall, 367 Main Street, Hyannis, MA Selectmen's Conference Room, 2nd Floor at 6:30pm on **Wednesday, August 19, 2015.**

APPROVED AS AMENDED MINUTES

Members Present: Chair, George Jessop – Vice Chair, Paul Arnold, Bill Cronin, Marina Atsalis, Brenda Mazzeo, Taryn Thoman and John Alden and Marina Atsalis (arrived at 6:45) in attendance.

Members Absent: None

Staff Present: Elizabeth Jenkins, Principal Planner (arrived at 7:12 p.m.) and Karen Herrand, Principal Assistant, Growth Management Dept.

A quorum being duly present, Chair Jessop opened the meeting at 6:31 p.m.

An announcement was made by Chair Jessop stating the meeting is being recorded and broadcast on Channel 18 and in accordance with MGL Chapter 30A, §20; and requested that anyone taping this meeting to please make their presence known.

New Business

Alex Langer – d/b/a Langer Broadcasting Group – 684 Main Street, Map 308/Parcel 140
One Business Sign

Jima Zaixao in attendance for Langer Broadcasting Group.

Chair George Jessop makes reference to the picture of proposed signage, Exhibit A. The website information should not be on the sign, this is not allowed. The signage above their sign has a telephone number on it which is also a violation, they did not get permission for this. This will need a complaint.

Chair George Jessop suggests larger lettering for the sign, is it properly scaled? Move logo to one side possibly?

Dave Colombo asks about the material, aluminum as opposed to a PVC or wood? He would like to see consistency with the material/signage.

Paul Arnold agrees with the Chair that the lettering should be larger and he agrees that this should be PVC, all the signs should be the same.

Jima Zaixao replies that the sign is wood, the application is incorrect it is wood with laminated lettering.

Chair George Jessop explains PVC material and how it could be used.

Dave Colombo states that he would like to see the design they will have when website info removed and larger lettering.

Motion made by Dave Colombo to continue the application, come back with new design and remove the website, seconded by Bill Cronin, so voted unanimously.

Wayne Kurker – 232 Main Street, Hyannis, Map 327/Parcel 160

One Awning and Frame, Two Directional Signs and One Business Sign

Wayne Kurker in attendance. He gives a brief explanation of the proposed awning/frame to be placed over the meter. Reference to picture of Ocean St., kiosk/meter, Exhibit B.

Paul Arnold comments that it looks fine, signage looks good. No problems with the kiosk. People know where to park.

Chair George Jessop asks about the designation of spaces? How does parking credit work?

Wayne Kurker answers that its computer driven and there is an IPAD type of device which tells them which spaces are occupied and these are checked on periodically. Encouraging more credit card usage, safer, simpler, less troublesome.

Bill Cronin refers to the proposed and alternate pictures with address and Paid Parking signage, Exhibit C.

Wayne Kurker states that he would like the signage to go on the fence as opposed to directly on the kiosk.

Motion made by Bill Cronin to approve the awning as presented and the Paid Parking signage to be placed on the fence, seconded by Paul Arnold, so voted unanimously.

Continued Business

Shoestring Properties, LLC – 110 School Street & 53 South Street, Hyannis, Map 326/Parcel 121 and Map 326/Parcel 125

Construction of 33 dwelling units in several 2, 3 and 4-story multi-family residential buildings and associated site improvements including parking (surface & underground), an in-ground pool, site lighting and signage.

Dan Ojala, of Down Cape Engineering in attendance. He gives a brief history of the project, makes reference to renderings, pictures of the views of the waterfront, Exhibit D. Streetscape pictures Exhibits E through F.

Chair George Jessop thanks the applicant for the perspective views from the waterfront. Explains that one thing that he liked about the project, initially was the scale of the individual buildings. The Town wants to maintain the right of way to water for the fire boat and parking at marina and at the Steamship Authority. The underground parking is good. The buildings at this stage lack any kind of detail for gable rakes and eaves. Reference is made to the diagram of the siding details, eave/gutter, Exhibit G, doesn't think this will work to well.

Bill Cronin states that he is glad that the demolition of the existing buildings will be done. Glad to see the hump in School Street will be leveled off, property utilized for a higher purpose, substantial increase in revenue for the Town, and that the parking will be underground.

However, he has concerns about the square footage and the build out of the buildings. The density, in his opinion, is far too great for this location and the Historic District. The design illustrated in the sketches, in his opinion is ugly. Cutting edge architecture is not appropriate for this area.

Marina Atsalis quotes from the Guidelines for New Construction for the Hyannis Main Street Waterfront Historic District, Exhibit H.

"Building Form: New construction within the Hyannis Historic District should be based on historic architectural design concepts. These historic concepts should be blended with modern materials and building techniques to create new places that compliment the character of the district and, especially on Main Street, make an interesting and unique contribution to the overall streetscape."

Building Spacing: Designs for new construction should observe the overall rhythm of building spacing along the street. Generally, the District has an urban density. This is especially true on Main Street, where buildings are often very close together or have no setback. Areas in the District with residential-style structures have greater side yards, but retain an urban feel.

Scale and Proportion: New construction should be scaled to compliment adjacent and surrounding buildings. The height and width of nearby buildings should be considered. New construction should not overwhelm adjacent buildings or be too small or modest.

Massing: To address issues of scale for larger structures, attention should be given to the massing of the building. Varying a building's setback from the street, either horizontally or vertically, can reduce the appearance of bulk. Changes in building height and variations in building materials and roof forms are also effective massing techniques.

Building and Façade Design: New construction should reference historic architectural styles, but should not attempt to create an exact reproduction of a historic building. Contemporary designs are acceptable and encouraged if they blend with the existing character of the district and the surrounding area."

Cedar shakes and clapboards are preferred materials for most residential structures. Many homes have clapboards on the front elevation and cedar shingles on side elevations.

She thinks the architectural design is inappropriate for our harbor. Not appropriate for Lewis Bay and what Hyannis is about, not affective for South Street, nothing like this at all on South Street. This is very heavy, very dark, doesn't work in our village.

David Colombo states that he applauds the applicant, the sloped parking, streetscape and landscape, design, but he is perplexed why this design was chosen for the buildings? This is such a nice piece of property.

Paul Arnold applauds the project itself. He makes reference to Exhibit D and Exhibit F, pictures of the waterviews and the placement of the highest buildings. He would rather see the higher buildings closer to the street.

Chair George Jessop refers to the primary and secondary views, Exhibit D and F. Possibly and issue with tree height and the view? Asks for clarification.

Dan Ojala refers to a layout landscape site plan, Exhibit I. He points out where the trees are and the landscape design from the view of the harbor. Views from both South and School streets. The massing of the buildings.

Chair George Jessop states that a 4 story bldg., like the Greenery Bldg will likely look out over this site, looking between the smaller bldg's. He points out the bowl effect for the harbor. Developers have reacted favorably to no more than two stories, hotels pushed back to have four stories. This is kind of a reverse situation here which is one source of concern. Concerned that it is stark and doesn't have the Cape detail that we try to promote. We still need details on materials. Three issues of concern; the height of the building at the waterfront edge being the highest, the edge of the roof not detailed in a Cape style, and thirdly the massing, floor plan.

Elizabeth Whittaker in attendance. We are not here to deface the waterfront. There are alot of eclectic looks from the harbor.

She gives a laptop presentation of the renderings, and the overlay of the buildings, different styles of and the transition of the project over the past 8 months, elevations, massings, and breakdown of such. This is a more contemporary interpretation of a Cape. They have taken this project very seriously.

Chair George Jessop asks what the ceiling heights will be, floor to floor?

John Keenan of Keenan & Kelly Architects replies the ceilings will be 11 feet floor to floor. The highest ceiling would be 9 feet at the maximum.

Chair George Jessop asks how high is it above grade?

Elizabeth Whittaker answers that it is 55 ft. above the podium to the peak, of the first enclave, first bldg. on the left, around 40 ft. to the eave.

John Keenan answers South St. side is 36 or 38 ft.. The grade drops several feet from South St. and parking garage is half in and half out. It is more below grade at South Street.

Bill Cronin asks for clarification about the underground parking and that it is only partially underground? Will it be seen sitting on one acre lots?

John Keenan explains that this is partial with 50% ventilation. It's a crawl space with lattice.

Dan Ojala confirms that the grade does go up a little, varies on the street side, street is a little bit lower, then steeply towards the water. Ramps on the South end of the project, hidden from view.

Chair George Jessop likes this because of traffic implications.

Dan Ojala states they went to Site Plan review and they like the on street parking. There are some guest spaces. Almost all will be under the bldg. for parking.

John Keenan asks that the workforce housing be pointed out.

Elizabeth Whittaker answers that there are three units in the building closest to South St., in the lower bldg, South St. edge.

John Keenan asks for clarification that the Commission would like things in the Harbor to look like the tall building in the back drop, the Greenery? This looks taller than our proposed buildings.

Brenda Mazzeo interjects that this building is not in the Historic District.

Elizabeth Jenkins interjects that this building was an adaptive re-use project that had another life.

Stuart Bornstein in attendance. He states that this is an expensive project to do. There are homeless people in the area, vagrancy and drugs in the area. The architects have worked hard on this and this was started a long time ago. We need the 4th floor to make money, this is where the views are. He has been approached by other people that are interested. It may end up being licensed as a parking lot if not developed into something. We are trying to give streetscape, this would be something of substance. They can modify things. This is a thirty million dollar project, trying to do something to make Downtown Hyannis a nicer area. We have 77 social service places in this area. We need to bring in a nice entity to improve this downtown area. Tenants are afraid to live downtown, this is a real problem.

John Keenan makes comment about some of the newer buildings in the area. The Airport, the Terminal, the Hospital, The CCRTA Bus Terminal, these are newly done.

Chair George Jessop points out that the scale is within the limitations the Town has set for new development within the HHDC Main Street District.

John Keenan replies that this is trying to make a sense of place for this environment. This would create its own place. We have to start making our own history with new architecture.

Marina Atsalis asks why some of the designs presented in the laptop presentation were different and had a different look? You can still do something elsewhere. It's a good project but this area is too small, this is a small harbor. She respects the work that has been done and the talent and time involved.

Chair George Jessop makes reference to Pomponessett. These were cottages to begin with and the texture has been destroyed. This project is a texture that is a progression to the waterfront, that work in tandem.

Elizabeth Whittaker makes reference to a slideshow image of what was formerly proposed, however they simplified it to modest gables with varied heights.

Stuart Bornstein comments that this project has 5 elevators in it. Wanted to build something to make a statement for Downtown Hyannis. This is a fairly unattractive harbor. This will add a great element and will add respectability to the Downtown area. This will add to the tax revenue. This will be year round living.

Chair George Jessop asks for Public Comment:

Public Comment: Skip Simpson of the Anchor Inn in attendance. In 1996 he was in support of this project, but it looks different today. They support the concept in the area. The area between School Street and Pleasant Street from Main Street to South Street, this block, there is a potential for redevelopment here. This is a project that will set the tone for the area. However, it doesn't take into consideration the architecture of what most people would expect to see in the area. He thinks it is inappropriate in appearance, and will it stand the test of time? The 1996 design blended better. He thinks the design would have to change in order for it to fit in this area. He doesn't think there was any opposition back then.

Stuart Bornstein replies that he doesn't see anything Historical in Hyannis, 4 buildings maybe.

Bill Cronin comments that it's eclectic, different types of bldg's.

Public Comment: Robert Hall in attendance. He states that the look is not compatible to the look of the harbor. We are talking about 33 people as compared to thousands that will be coming into the harbor. This will become massive looking with 4 stories as you come closer into the Harbor.

Chair George Jessop closes Public Comment.

Bill Cronin comments that there was a survey done of all the buildings in the Historic District some time ago, 4 or 5 years and they came up with 131 historic buildings.

Elizabeth Jenkins replies correct there was a consultant that came in and did an inventory of all the historic buildings.

Chair George Jessop explains that we have a number of historical buildings related to commerce. This is a commercial historic district, not residential. Asks if this is a design that we can approve for development or not? With the 5 elevators, this design takes advantage of 5 levels/degrees of privacy. Transitional spaces, successful multi family housing reflects this type of design. He is surprised not a town house layout, but still provides for high degree of individual security.

Elizabeth Jenkins interjects that we need to get a sense of the direction the Commission would like to go, suggest modifications to design of the project or make a decision of the proposal or portions of a proposal. Need to move forward.

Chair George Jessop asks how many members of the Commission like the layout of the units and/or think this is an acceptable design? Also the relation to the street? The scale of the bldg's? The overall concept? Basic house design and basic bldg. layout?

The consensus is: Paul Arnold, David Colombo and John Alden approve/accept the overall concept, basic layout. Marina Atsalis, Bill Cronin, Brenda Mazzeo, and Taryn Thoman are opposed.

Marina Atsalis comments that she does not want to vote for this layout because then locked into having to approve the layout and then we will be locked into perhaps the design of structure and architectural detail.

Chair George Jessop replies/explains/confirmes that they are not talking about the detail of the architecture, just the layout and the overall concept.

Brenda Mazzeo comments that she doesn't know if she is opposed, but she is not comfortable with the question, it is not clearly understood. She makes recognition that everyone has worked hard on this project, she thinks the design is very urban, and thinks that it doesn't fit in the Hyannis Main Street Waterfront Historic District.

Chair George Jessop clarifies that he wants to know how much of the design is acceptable to the Commission Members and where would we go from there.

John Alden comments that he thinks Hyannis is a mini city as it stands today, he works in Historic District at Bradford Hardware. There is a lot of city type activity at this end of the Town and it definitely needs upgrading. There are a lot of old empty houses on Pleasant Street.

Dave Colombo comments that Hyannis isn't perfect, but this is an important piece of land. People come for Old Cape Cod. He doesn't feel this is the right direction. If you tried to do this in another town i.e., Osterville or Chatham this would not go through.

Bill Cronin comments that it is too big and too ugly.

Paul Arnold disagrees. Hyannis is a city, it is the city of the Cape. This part of town badly needs something like this. He sees it as an upgrade that he would like to see there. He has spoken to other people who do like it. He is in support of this project and maybe a few architectural changes is his suggestion.

Taryn Thoman comments that we are volunteers here so we are invested. She quotes from the Staff Report with Guidelines attached Exhibit H, pg. 1, section 112-24.

Purpose; The purpose of this article is to promote the educational, cultural, economic and general welfare of the inhabitants of the Town of Barnstable, and the Town's unique community character, through:

the prevention and protection of the distinctive characteristics of buildings, structures, and places significant in the history and architecture of Barnstable; and

through the preservation, maintenance and improvement of appropriate settings for such buildings, structures, and places;

and the encouragement of new design which is compatible with the existing historical and community character; and

through the benefits resulting to the economy of said Town by preserving and enhancing the amenities and historical aspects of the various villages and areas which make Barnstable a desirable place to live and for tourists to visit.

She maybe would possibly approve something, but she would not vote for this as is.

Marina Atsalis states that she doesn't want to urbanize Hyannis. We are trying to make it better. She is tired of negative things being said about Hyannis. The authorities need to take action on some of the issues that we have in the Village of Hyannis. She is not opposed to the project, but she would like them to get a feeling of what we would like here.

Kristin Destacio, Architect in attendance. She has gone through the HHDC Guidelines and states that she is a little confused, The HHDC Guidelines state; Exhibit H, HHDC Guidelines, pg. 2, Building and Façade Design; *New construction should reference historic architectural styles, but should not attempt to create an exact reproduction of a historic building. Contemporary designs are acceptable and encouraged if they blend with the existing character of the district and the surrounding area.*

She would like to ask the Commission what they think contemporary design means and to explain this is their words. Also it states: HHDC Guidelines, pg. 2, Exhibit H, *A straightforward design approach is recommended; don't muddle architectural styles and themes in an attempt to create a "historic look".*

Chair George Jessop confirms that this is a mostly commercially zoned areas, restaurants, real estate agency etc. There are not a lot of residences. Ocean Street is the divider for residential and commercial.

John Keenen comments/confirmes that Hyannis is listed and is an urban environment as far as the government is concerned, per the density. Also one of three largest schools in the State here. Steamship boats are taller than the building would be, which is 60 ft. above the water line, you won't see the buildings. Chamber of Commerce is trying to promote tourism, we have

a lot of foreign people and they like to see the old and the new. In example Provincetown has a new contemporary museum which is beautiful.

Chair George Jessop would like to preserve a sense of what was here, adaptive reuse is part of this. He likes that this project could be this.

Stuart Bornstein comments that everybody has a different opinion. We would be putting up new, fresh looking buildings. It's not perfect but it is a real leap of faith to build this in downtown. Providing work force housing, not asking for tax rebates, and adding to the community.

Dave Colombo comments about some oceanfront development, Craigville Tradewinds, look at the detail with this bldg's detail and the old Grindell's in Dennisport, they built small units/cottages here with the old Cape Cod architecture, they are selling like crazy. This is recreating old Cape Cod.

Elizabeth Whittaker asks how does the HHDC Guidelines work with this, when, where? When has there ever been contemporary architecture, architecture that was/is encouraged?

Brenda Mazzeo replies this is not for the Hyannis Historic District. She cannot approve as is for HHDC. This is not disrespectful to contemporary design/architecture or the architects involved, but this is not for this area.

Dave Colombo states that it lacks detail.

Bill Cronin quotes from Chapter 112. Historic Properties, Article III. Hyannis Main Street Waterfront Historic District §112-24. Purpose. See Exhibit I. *The purpose of this article is to promote the educational, cultural, economic and general welfare of the inhabitants of the Town of Barnstable, and the Town's unique community character, through the preservation and protection of the distinctive characteristics of buildings, structures, and places significant in the history and architecture of Barnstable, and through the preservation, maintenance and improvement of appropriate settings for such buildings, structures, and places, and the encouragement of new design which is compatible with the existing historical and community character, ...*

It looks like townhouse condominiums that were built in the '70's and '80's. Great design for an infill project somewhere like Cambridge, South Boston or even Provincetown but this design doesn't work for Hyannis Harbor.

Elizabeth Jenkins states who can vote on this matter, which members were present for all hearings; George, Marina, Bill, Brenda, Paul and John. We would need a majority vote, which is 4 votes. She suggests hearing from the Applicant and how they would like to move forward, we have heard some positives and some concerns. Bill Cronin has did a Mullin in and the Commission is allowed one Mullin in for the vote. Four votes are needed in the affirmative.

Marina Atsalis asks/states how can David Colombo be excluded from the vote? Doesn't think a member cannot vote, not until it comes from Town Council.

Elizabeth Jenkins replies that David Colombo can participate and is not being excluded from the conversation, it is a matter of whether or not he is required to sit based on the rules and regulations. We are allowed to have one member Mullin in, one person per hearing and Bill Cronin has taken advantage of this already. It doesn't change the voting quorum.

Paul Arnold states that he thinks there is a discrepancy with voting procedures, why can the minutes be voted on with not all members present and not this? There is no consistency with the interpretation of not being present and being able to vote. Why can't David Colombo vote on this? He is not comfortable with the rationale for the voting procedure currently and would not be comfortable going forward.

Elizabeth Jenkins states that she has spoken with the Town's Legal Dept. and has gotten some advice that she would be happy to discuss with the Commission after the meeting.

Brenda Mazzeo asks if it is possible to work with just a site plan? Does this limit the architects? Can this proceed with an ok for the site plan?

Elizabeth Whittaker, Architect, answers that the site plan works very well for this series of iteration.

Chair George Jessop wants to see what we would go to, what we like the work to go from and proceed with the details as we go forward. Looking for a starting point.

Elizabeth Jenkins clarifies that she heard the majority of the concerns expressed were in the aesthetics of the building design, not in the layout. This is ~~not the Commission's~~ the Applicant's responsibility to design/re design this project.

Marina Atsalis asks how can we approve the site plan and nothing else when we are reviewing an entire project and that is what is being presented before us.

John Keenan asks if it is the Historic's Commission's job to review density or just the aesthetics? Isn't zoning for height and density. It sounds like everything is fine and agreed upon except the way it looks, correct?

Bill Cronin and Chair George Jessop confirm we are responsible for all of the above.

Stuart Bornstein states /responds to Dave Colombo's comment: the Craigville Tradewinds went bad and they sold these for about half the price, this isn't what is selling. The new design is what is selling today, people want this, i.e., the new Wendy's and redesigned McDonalds. Some people won't like it and some will. We would be building in a very depressed area of Hyannis. Maybe just make it into a parking lot? Have put a lot of money into this project.

Chair Jessop suggests writing down what is liked and disliked about the project to Commission Members.

Motion made by Dave Colombo to continue this hearing, seconded by Brenda Mazzeo, to continue the hearing to Sept. 16th, 2015, so voted unanimously.

Stuart Bornstein comments that he is not sure if he would like to continue this application. He will possibly give it one more time.

Other Business

Approval of Minutes – August 5, 2015

Bill Cronin makes reference to Draft Minutes of August 5, 2015, pg. 3, Exhibit J, regarding the list of signage violations and directs to Chair if he has followed up on this?

Chair George Jessop replies that he has not.

Elizabeth Jenkins interjects/apologizes that she has not followed up with this request.

Bill Cronin asks/requests if someone who is responsible for enforcement could be here at our next meeting?

Elizabeth Jenkins answers that they could make that request of the Director of Regulatory Services and the Building Commissioner.

Elizabeth Jenkins asks to address Paul Arnold's concerns regarding the voting procedure on minutes; Nowhere in Town Ordinances or Open Meeting Law is it memorialized whether or not you can vote on minutes whether you are present or not. It is best practice not to vote on the minutes if you are not present. From here on out if we cannot obtain a majority vote on approval of minutes, we can pass onto the next meeting. It is best to abstain from voting on them if not present.

Taryn Thoman asks how is this different from allowing an absent member, i.e., Dave Colombo from voting on a matter?

Elizabeth Jenkins explains; In a Public Hearing where there is public testimony, the Commission is adjudicating a decision based on testimony and materials received and based on that material and information you make a decision. You are not eligible to sit on a matter and be a voting member on that matter, with the exception of the Mullin rule, which is a legislative revision to State law that states a member can sit if they sign an affidavit stating that they have viewed all the materials. Town Council adopted this revision so that one member and only once per hearing can one member do this. Bill Cronin did take advantage of this for this hearing/matter due to his absence.

Bill Cronin asks if this is a Town rule or State rule? If Town Council changed this rule then David Colombo would be eligible?

Elizabeth Jenkins replies that this is a Town rule, adopted by Town Council. She doesn't see anything that would preclude multiple people to Mullin in, this is a local ordinance that Town Council adopted.

Marina Atsalis asks if this applies to every Board/Commission/Committee?

Elizabeth Jenkins answers, yes, any quasi-judicial board that makes decisions in a public hearing, the same for all. Can reach out to Town Councilman to initiate the change and Town Council.

Paul Arnold asks how can one appropriate change for this? He thinks members can get the information via the paperwork.

Motion made to approve the minutes by Paul Arnold, seconded by Bill Cronin, Brenda Mazzeo abstains, the minutes are approved.

Motion made by Taryn Thoman to adjourn, seconded by Bill Cronin, so voted unanimously. The meeting adjourned at 9:03 p.m.

Matters not reasonably anticipated by the Chair

Next HHDC meeting scheduled for September 2, and 16, 2015

Respectfully submitted
Karen A. Herrand

Public files are available for viewing during normal business hours 200 Main Street, Hyannis.

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

List of Exhibit Documents

Exhibit A – Picture of signage for Langer Broadcasting Group – Map/Par 308/140

Exhibit B – Picture of parking meter/kiosk on Ocean St., - Map/Par 327/160

Exhibit C – Picture of awning/meter on Main St., (2 pgs.) - Map/Par 327/160

Exhibit D – Picture of harbor view from Hyannis Harbor Lighthouse and Hyannis Marina (2 pgs.) – Map/Par 326/121 – Dockside Residences proposed

Exhibit E – Exhibit F – site plan and rendering pictures of proposed Dockside Residences (17 pgs.) – Map/Par 326/121

Exhibit G – siding details re section through eave/gutter – Map/Par 326/121 – Dockside Residences

Exhibit H – Staff Memorandum and HHDC Guidelines for New Construction attachment – Map/Par 326/121 – Dockside Residences proposed

Exhibit I – Chapter 112.Historic Properties Article III HHDC – Map/Par 326/121 (in relation to)

Exhibit J – Minutes of August 5, 2015, pgs. 3 and 4, as referred to