

**\*AMENDED\* BOARD OF SELECTMEN AGENDA**

**MONDAY, JULY 25, 2022**

**WAQUOIT MEETING ROOM**

**MASHPEE TOWN HALL**

**16 GREAT NECK ROAD NORTH**

**MASHPEE, MA 02649**

**MASHPEE TOWN CLERK**

**JUL 21 2022**

RECEIVED BY:

*Sm' 3:10pm*

\*Broadcast Live on Local Cable Channel 18\* \*Streamed Live Mashpee Website: <https://www.mashpeema.gov/channel-18>\*

**6:30 p.m. – Convene Meeting in Open Session**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**MINUTES**

Discussion and Approval of Monday, July 11, 2022 Regular & Executive Sessions

**APPOINTMENTS & HEARINGS**

**6:30 pm Cable & Conduit Hearing:** *Petition #7856849 from Eversource for Underground Cable and Conduit – Sturgis Lane*

**\*Discussion and Approval of Petition #7856849 from Eversource for Underground Cable and Conduit – Sturgis Lane**

**Discussion and Approval of the Following: Special Events, Temporary Sign Permit and One Day Beer & Wine License:**

**Recreation Director Mary Bradbury for the Following:** *Oktoberfest* October 1, 2022; 10 am-4 pm; Mashpee Commons Green; *Veterans Day Ceremony* November 11, 2022; 10-11:30 am; Mashpee Community Park; *Holiday Tree Lighting*, December 12, 2022; 5:30-6:30 pm; Mashpee Community Park

**National Night Out, (Special Event)** – August 9, 2022; 5:30 - 7:30 pm; 19 Frank E. Hicks Drive; *Bryan Burke*

**Mashpee Historical Commission Preservation Award Ceremony (Special Event)** August 21, 2022 2-4 pm

Mashpee Community Park Gazebo: *Richard DeSorqher*

**Annual Beer Tent by the Mashpee Kiwanis at Oktoberfest** (License) October 1, 2022; 10 am -4 pm; *Robin Blakeman*

- Update on Wastewater Project: Ray Jack (\*added item to agenda)
- Presentation on Phosphorus in the Ponds: *Department of Natural Resources Director Ashley Fisher*
- Discussion and Possible Vote on Granting an Abatement of Betterment Assessment for 8 Leather Leaf Lane, (Childs River East): *Theresa M. Coffin*
- Discussion and Approval of Change to Appointments to the Conservation Commission:  
*Marjorie Clapprood: Member at Large (Term Expires June 30, 2025);*  
*Chad Smith: Associate Member (Term Expires June 30, 2023)*
- Discussion and Approval of Reappointment of *Thomas O'Neill* to the Conservation Commission:  
*Member at Large (Term Expires June 30, 2025)*
- Presentation on Port by Port: Profiles and Analysis of the Massachusetts Commercial Fishery:  
*Cape Cod Commercial Fisherman's Alliance*

**COMMUNICATIONS & CORRESPONDENCE**

**OLD BUSINESS**

- Update on Clear Cutting at Algonquin Avenue (\*added item to agenda)

**NEW BUSINESS**

- Discussion and Approval of 2022-23 Town Manager Goals
- Discussion, Approval & Recommendations on Draft #1 of the October 17, 2022 Town Meeting Warrant Articles

**ADDITIONAL TOPICS** (This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed)

**LIAISON REPORTS**

**TOWN MANAGER UPDATES**

**PUBLIC COMMENT**

**EXECUTIVE SESSION**

Discussion of Strategy with Respect to Threatened/ Imminent Litigation Relative to Claims of Wendy Williams Pursuant to G.L. c. 30A, §21(a)(3)

**ADJOURNMENT**

**BOARD OF SELECTMEN AGENDA  
MONDAY, JULY 11, 2022  
WAQUOIT MEETING ROOM  
MASHPEE TOWN HALL  
16 GREAT NECK ROAD NORTH  
MASHPEE, MA 02649**

\*Broadcast Live on Local Cable Channel 18\* \*Streamed Live Mashpee Website: <https://www.mashpeema.gov/channel-18>\*

**6:30 p.m. – Convene Meeting in Open Session**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**MINUTES**

- Discussion and Approval of Monday, June 27, 2022 Regular Session Minutes

**APPOINTMENTS & HEARINGS**

- **6:35 pm Public Hearing:** New Application for a Chapter 12 Annual All- Alcoholic Beverages Restaurant License: Wildfire Pizza LLC 2 Center Street Unit 2A Mashpee, MA 02649: Lisa Cannata Manager
- Discussion and Approval of Chapter 12 Annual All- Alcoholic Beverages Restaurant License: Wildfire Pizza LLC 2 Center Street, Unit 2A, Mashpee, MA
- *Finance Director Dawn Thayer:* Discussion and Approval of End of Year Transfers
- *Department of Public Works Director Catherine Laurent:* Discussion and Approval of Change Order #2 for the Mashpee Middle-High School Track & Field Renovation
- *Fire Chief John Phelan:*
  - Discussion and Certification of the Hiring Process for Firefighter/EMT: *Tyler Cuozzo*
  - Discussion and Approval of Dispatch Agreement with the Barnstable Sheriff's Department
- Discussion and Approval of Municipality Statement of Commitment: Public Health Excellence Grant Program for Shared Services
- Discussion and Approval of the Following Special Event:
  - Community Connections, Inc. Field Day, July 22, 2022 9:30 am – 2 pm Heritage Park: *Rocco Achille*
- **6:45 pm:** Presentation by the Department of Environmental Protection
- Interviews, Discussion and Possible Approval of the Following for Appointment to the Sewer Commission:
  - Chad Smith
  - Phyllis Sprout
  - F. Thomas Fudala
  - Catherine Castaneda
- Discussion and Possible Approval of Appointment of one of the Following to the Affordable Housing Committee:
  - Meredith Kilpatrick, Arden Russell, Gary Shuman

**COMMUNICATIONS & CORRESPONDENCE**

**OLD BUSINESS**

**NEW BUSINESS**

- Discussion of Agenda Topics for the Joint Meeting with the Mashpee Wampanoag Tribe on Monday, July 18, 2022

**ADDITIONAL TOPICS** (This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed)

**LIAISON REPORTS**

**TOWN MANAGER UPDATES**

**PUBLIC COMMENT**

**EXECUTIVE SESSION**

- Discussion of Strategy with Respect to Michael Mendoza Worker's Compensation Claim/Litigation Pursuant to MGL c. 30A, §21 (a) (3)

**ADJOURNMENT**

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Present: Selectman Andrew R. Gottlieb, Selectman David W. Weeden, Selectman John J. Cotton,  
Selectman Thomas F. O'Hara, Selectman Carol A. Sherman  
Town Manager Rodney C. Collins  
Assistant Town Manager Wayne E. Taylor

Meeting Called to Order by Chairman Gottlieb at 6:30 p.m.  
Mashpee Town Hall, Waquoit Meeting Room

## MINUTES

Monday, June 27, 2022 Regular Session Minutes:

**Motion made by Selectman Cotton to approve the Regular Session minutes of Monday, June 27, 2022 as presented.**

**Motion seconded by Selectman O'Hara.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

Selectman Gottlieb, yes

Selectman Weeden, yes

Selectman Cotton, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Opposed, none

## APPOINTMENTS & HEARINGS

Public Hearing: New Application for a Chapter 12 Annual All- Alcoholic Beverages Restaurant License:

Wildfire Pizza LLC 2 Center Street Unit 2A Mashpee, MA 02649: Lisa Cannata Manager:

Discussion and Approval of Chapter 12 Annual All- Alcoholic Beverages Restaurant License: Wildfire Pizza LLC: 2 Center Street, Unit 2A, Mashpee, MA:

Acting as the Local Licensing Authority for the Town of Mashpee the Select Board opened the Public Hearing on the application of Wildfire Pizza LLC, 2 Center Street, Unit 2A, Mashpee, Lisa Cannata, Manager, for a new §12 Annual All Alcoholic Beverages Restaurant License.

The premise is described as a one floor ground unit with a basement for storage, 3,520 sq. ft. total, one main dining room, an open kitchen, two bathrooms, two entrances and two exits.

Lisa Cannata, Manager was in attendance with representing counsel Jeremy Carter to review the new license request. The applicant intends to hire six local employees, all to be TIP certified and CPR trained. All necessary paperwork was in order for the Select Board's review and approval.

The Select Board opened the hearing to solicit comment.

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## **APPOINTMENTS & HEARINGS**

Public Hearing: New Application for a Chapter 12 Annual All- Alcoholic Beverages Restaurant License: Wildfire Pizza LLC 2 Center Street Unit 2A Mashpee, MA 02649: Lisa Cannata Manager: Discussion and Approval of Chapter 12 Annual All- Alcoholic Beverages Restaurant License: Wildfire Pizza LLC: 2 Center Street, Unit 2A, Mashpee, MA: (continued)

The hours of operation are as follows; closed Sundays and Mondays, open from 11:30 a.m. to 8:00 p.m. for the remainder of the week serving lunch and dinner.

There was concern with respect to the hours of operation as it pertains to the educational facility located within the Center Street development, and if there are stipulations affecting the alcoholic beverages restaurant license.

Mary Waygan, Chair of the Planning Board indicated the applicant met with the Planning Board to review and approve the seating capacity to 35 seats which was approved. It was noted the commercial portion of this development is not complete and there is adequate capacity at the site for this type of restaurant. The educational facility review did not fall under the purview of the Planning Board.

The Select Board agreed to move forward with the initial determination there is no conflict with state law regarding the distance of the establishment to the educational facility. Applicable regulatory agencies were noted to have signed off on the license with no additional comment.

**Motion made by Selectman Sherman to close the Public Hearing.**

**Motion seconded by Selectman Cotton.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

Selectman Gottlieb, yes	Selectman Weeden, yes	Selectman Cotton, yes
Selectman O'Hara, yes	Selectman Sherman, yes	Opposed, none

**Motion made by Selectman Sherman to approve the application of Wildfire Pizza LLC, 2 Center Street, Unit 2A, Mashpee, Lisa Cannata, Manager, for a new §12 Annual All Alcoholic Beverages Restaurant License with the stipulation if there are issues or conflict the application would be re-visited for compliance.**

**Motion seconded by Selectman O'Hara.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

Selectman Gottlieb, yes	Selectman Weeden, yes	Selectman Cotton, yes
Selectman O'Hara, yes	Selectman Sherman, yes	Opposed, none

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Finance Director Dawn Thayer: Discussion and Approval of End of Year Transfers:

Dawn Thayer, Finance Director met with the Select Board to request approval of (3) End of Year Appropriation Transfers in accordance with Chapter 44 §33B of the Massachusetts General Laws as follows;

Transfer FROM Treasurer/Tax Collector Foreclosure Expense Account TO Treasurer/Tax Collector Postage Expense Account: Amount of Transfer \$2,100.

Transfer FROM Police Energy Expense Account; \$10,000, Police Vehicle Supplies; \$28,000, Police Field Supplies; \$2,000 TO Police Sergeant Overtime Account: Amount of Transfer \$40,000.

Transfer FROM Town Health Insurance Expense Account to Medicare Expense Account: Amount of Transfer: \$7,000.

**Motion made by Selectman O'Hara to approve the (3) End of Year Appropriation Transfers in the amount of \$2,100, \$40,000 and \$7,000 as presented.**

**Motion seconded by Selectman Cotton.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

**Selectman Gottlieb, yes  
Selectman O'Hara, yes**

**Selectman Weeden, yes  
Selectman Sherman, yes**

**Selectman Cotton, yes  
Opposed, none**

With the Select Board's authorization, the End of Year Appropriation Transfers will be presented to the Finance Committee for approval.

Department of Public Works Director Catherine Laurent: Discussion and Approval of Change Order #2 for the Mashpee Middle-High School Track & Field Renovation:

Correspondence was received from Catherine Laurent, Director of Public Works dated June 30, 2022 recommending the Select Board approve Change Order #2 associated to the Mashpee Middle-High School Track & Field Renovation project. The Change Order will increase the project cost by \$8,420.92. Work involves the installation of conduit across the field from the existing press box to the visitor stands to allow for the installation of A/V equipment on both sides of the field.

With the previous change order which resulted in a reduction, the net change of the contract is an increase of \$4,110.50 or 0.16%. The School Department is also in support of the contract alteration.

**Motion made by Selectman Sherman to approve Change Order #2 in the amount of \$8,420.92 for the Track & Field Renovation project at the MMMHS as presented.**

**Motion seconded by Selectman O'Hara.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

**Selectman Gottlieb, yes  
Selectman O'Hara, yes**

**Selectman Weeden, yes  
Selectman Sherman, yes**

**Selectman Cotton, yes  
Opposed, none**

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## **APPOINTMENTS & HEARINGS**

### Fire Chief John Phelan:

#### Discussion and Certification of the Hiring Process for Firefighter/EMT: Tyler Cuozzo:

Mashpee Fire Chief John F. Phelan was in attendance to recommend the Select Board certify the Hiring Process of Tyler Cuozzo as Step 1 Firefighter/EMT. Town Manager Rodney C. Collins affirmed that all procedures relative to the Hiring Process were completed.

**Motion made by Selectman Weeden certify the selection process for the appointment of Tyler Cuozzo as Firefighter/EMT.**

**Motion seconded by Selectman O'Hara.**

**VOTE: Unanimous. 5-0.**

#### **Roll Call Vote:**

<b>Selectman Gottlieb, yes</b>	<b>Selectman Weeden, yes</b>	<b>Selectman Cotton, yes</b>
<b>Selectman O'Hara, yes</b>	<b>Selectman Sherman, yes</b>	<b>Opposed, none</b>

#### Discussion and Approval of Dispatch Agreement with the Barnstable Sheriff's Department:

The Select Board conducted a review of the Agreement between the Town and Barnstable County Sheriff's Office for the cooperative operation of a fire department dispatch system from July 1, 2022 through June 30, 2023. Each year the parties agree to a new annual fee for fire dispatch and CMED services.

The fee for FY23 is \$130,997.88, an increase of 10.1% over FY22. The increase is call-driven determined by the escalation of response.

**Motion made by Selectman Weeden to approve the Barnstable County Sheriff's Office Communications Center contract in the amount of \$130,997.88 for Fiscal Year 2023.**

**Motin seconded by Selectman O'Hara.**

**VOTE: Unanimous. 5-0.**

#### **Roll Call Vote:**

<b>Selectman Gottlieb, yes</b>	<b>Selectman Weeden, yes</b>	<b>Selectman Cotton, yes</b>
<b>Selectman O'Hara, yes</b>	<b>Selectman Sherman, yes</b>	<b>Opposed, none</b>

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## **APPOINTMENTS & HEARINGS**

### Discussion and Approval of Municipality Statement of Commitment: Public Health Excellence Grant Program for Shared Services:

Christine Willander, Assistant Health Agent requested the Select Board's support to participate in the Public Health Excellence Grant Program for Shared Services through the Barnstable County Department of Health and the Environment.

Ms. Willander indicated this is a non-binding document which ensures a "seat at the table" when proposed programs and initiatives are being discussed and decided. There is no commitment, and the Town is able to opt out at any time. The cross-jurisdictional sharing grant would give the Town of Mashpee a voice in the programs to assist other Boards of Health in providing better service.

**Motion made by Selectman Sherman to approve participation in the Public Health Excellence Grant Program for Shared Services as presented.**

**Motion seconded by Selectman O'Hara.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

<b>Selectman Gottlieb, yes</b>	<b>Selectman Weeden, yes</b>	<b>Selectman Cotton, yes</b>
<b>Selectman O'Hara, yes</b>	<b>Selectman Sherman, yes</b>	<b>Opposed, none</b>

### Discussion and Approval of the Following Special Event:

#### Community Connections, Inc. Field Day, July 22, 2022 9:30 am – 2 pm Heritage Park: Rocco Achille:

The Select Board was in receipt of a Special Event Application from Community Connections, Inc. to hold a company field day at Heritage Park on Friday, July 22, 2022 from 9:30 a.m. to 2:00 p.m. Fifty-five persons are expected to attend. Food, light snacks and non-alcoholic beverages would be provided.

The application was approved by applicable regulatory agencies with stipulations attached to the memorandum received from Stephanie A. Coleman, Administrative Secretary dated July 7, 2022.

**Motion made by Selectman O'Hara to approve the Special Event Application from Community Connections, Inc. to hold a field day on July 22, 2022 as referenced subject to the conditions imposed in the memorandum of July 7, 2022.**

**Motion seconded by Selectman Cotton.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

<b>Selectman Gottlieb, yes</b>	<b>Selectman Weeden, yes</b>	<b>Selectman Cotton, yes</b>
<b>Selectman O'Hara, yes</b>	<b>Selectman Sherman, yes</b>	<b>Opposed, none</b>

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## **APPOINTMENTS & HEARINGS**

### Presentation by the Department of Environmental Protection:

Members of the Select Board met with the Massachusetts Department of Environmental Protection (MassDEP) representatives Millie Garcia-Serrano, Gerald Martin and Maria Pinaud to review the proposed Nitrogen Sensitive Area/Watershed Permitting Regulatory Framework.

The MassDEP is using regulatory efforts with a significant funding effort to assist in the remediation of Cape Cod estuaries which has become problematic as an environmental, public health and economic concern.

The proposed Regulatory Framework establishes a new designation of Natural Resource Areas (NSA's). Natural Resource Areas are any watershed to an embayment or sub-embayment that is the subject of a Nitrogen Total Maximum Daily Load (TMDL). The TMDL is an approved calculation of the maximum amount of a pollutant that is allowed to enter a waterbody to ensure the waterbody will meet and continue to meet water quality standards for the particular pollutant.

There are currently 30 watersheds across Cape Cod with EPA approved nitrogen TMDL's.

Requirements for Natural Resource Area designation include the EPA approved TMDL or determination of nitrogen sensitivity based on scientific evaluation and adopted through a public process as well as an approved 208 Plan. All Cape Cod communities are subject to the 208 Plan approved by the EPA in 2015. The NSA is effective on the date of regulation promulgation.

The proposed Regulatory Framework also requires Best Available Nitrogen Reducing Technology within 5 years of the effective date of the NSA designation of their watershed for any system serving new construction or an existing facility or as an alternative, communities must operate under a Watershed Permit.

Best Available Nitrogen Reducing Technology is an alternative system certified by the MassDEP for general use pursuant to Title V which has the lowest Total Nitrogen performance value.

For watershed where a TMDL has been established, the Watershed Management Plan must achieve compliance with Water Quality Standards required by the TMDL and demonstrate that at minimum, 75% of the necessary pollutant reductions levels would be achieved within 20 years.

The Watershed Permit is a 20-year permit. This provides communities a greater range of solutions to address water quality needs which include alternative and innovative approaches to address conditions causing water quality impairments.

The Department of Environmental Protection is eager to continue to collaborate with the Town of Mashpee, and to share this draft rule concept before it is enacted. The NSA framework provides choices to address the pollution effecting waters impaired by nitrogen and on-site septic systems.

Funding sources are available through Clean Water Trust, through SRF funding and the Barnstable County Septic Loan program providing assistance to homeowners who are required to update and repair failed septic systems. A homeowner loan is secured through a betterment agreement between the community and homeowner.

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## **APPOINTMENTS & HEARINGS**

### Presentation by the Department of Environmental Protection: (continued)

With its Plan in place, and with agreements with adjacent communities, the Town of Mashpee is automatically in the Natural Resource Area. Mashpee has an EPA approved and EEA certified 208 Plan. Of the 30 Cape watershed Mashpee contributes nitrogen load to (3) shared watershed that have an EPA approved Nitrogen TMDL. The bays include Three Bays, Waquoit Bay and Popponesset Bay.

Unless the Town obtains a Watershed Permit for a specific Watershed, all properties within the specified watershed with septic systems will be required to upgrade their Title V system with a Best Available Nitrogen Reducing Technology Septic System in 5 years from the promulgation of the regulations. The Watershed Permit duration is 20 years for Best Available Nitrogen Reducing Technology Septic Systems.

It was noted the draft rule concept has been presented to the Town's of Brewster, Harwich, Chatham and Orleans. The benefit of working collectively with neighboring communities was briefly reviewed and it was recommended town officials from these towns be contacted to further understand this process which includes enforcement and nitrogen crediting with aquaculture. Other standard approaches include sewerage in the use of permeable reactive barriers (PBR's).

The DEP has also been discussing the proposed framework with several off-Cape communities and are soliciting comment before the draft regulations are released.

Participating in the State Revolving Fund (SRF) loan program is necessary. Mashpee is deemed a Tier 1 disadvantaged community. Projects with a significant benefit to water quality are ranked highly. The deadline for a vote of Town Meeting is June 30, 2023. The timeline can take up to two years. A readiness to move forward with a priority to proceed in construction is favorable, and planning is the key.

The MassDEP is expected to continue to move forward on this program to ensure the Governor's recommended allocation of funding is successful.

As discussion continued it was noted under the Clean Water Trust funds are allocated to communities to fund their Community Septic Management Program (CSMP) offering 2% interest rate loans to homeowners to replace their failed septic systems. The 2% includes administrative costs.

There was a question of process regarding the use of CSMP funds and if it is possible to fund assistance for all homeowners collectively. Such as a pool of funds to support activities under the Watershed Permit. The question was not fully defined, however, the MassDEP indicated they would work with the Town to support this effort as there are mixed approaches under the Watershed Permit.

It was noted the Clean Water Trust is moving forward with a sliding scale based on income for septic upgrades and replacements. Those earning \$120,000 or less would qualify for a 0% interest loan. Those earning over \$180,000 per year would repay loans at the rate of 4%. Funding is limited to communities that are a part of the Cape & Islands Water Trust.

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## **APPOINTMENTS & HEARINGS**

### Presentation by the Department of Environmental Protection: (continued)

It was noted a town may apply for a Watershed Permit for the entire town. If the watershed is shared the town would enter into an Intermunicipal Agreement with the adjacent town. This would represent cost efficiencies and maximization to eliminate the water impairments.

Discussion followed with regards to the degrading lakes, ponds and rivers in Mashpee where phosphorus has been identified. The proposed Regulatory Framework does not appear to benefit these waters.

It was disclosed this is a nitrogen specific approach although it is recognized there is a need to eliminate phosphorus. Reducing the impacts with the Best Available Nitrogen Reducing Technology Septic System and the combination of approaches may improve phosphorus conditions. The proposal includes annual reporting. The 5-year review would assist to better understand the target and whether the plan is failing or succeeding.

For comparison, the Town of Chatham is moving forward with sewerage, Brewster will use land use mitigation and PBR's and Wellfleet has a mix of options to consider. It appears that many Cape towns are leaning towards the Watershed Permit to gain a wide variety of strategies to combat this problem.

In addition to federal and state funding projected to assist with remediation the DEP was asked if the state is moving forward with purchase/power agreements from anticipated offshore wind projects that involve coastal areas. It seems the effected communities should benefit by receiving direct contributions for land and water conservation. At this time ARPA funding is included in budget projections for remediation. It is not known if there would be future contributions to this endeavor from offshore wind power.

It was recommended private wastewater treatment systems be monitored to ensure current standards and discharge permitting is met. And, in an effort to support rivers, funding was requested to support dredging initiatives.

The proposed Watershed Permit is a 20-year permit instead of the traditional 5-year permit based on the Town approved Watershed Management Plan. A town may achieve their TMDL to meet water quality standards in advance of the 20-year timeframe which is considered the minimum.

To address the problem and gain reduction in prudent course Title V regulations need to be tackled. There was a question if Innovative Alternative systems were relied upon would they likely achieve standard? The answer was affirmative.

If the Town targeted sewerage around ponds and lakes to eliminate phosphorus is this action permissible under a Watershed Permit. The answer was also affirmative.

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## **APPOINTMENTS & HEARINGS**

### Presentation by the Department of Environmental Protection: (continued)

It was also agreed if the Town did not sewer all areas, but required locally to remove and/or upgrade all cesspools this would remain consistent within the Watershed Permit.

It was also determined if the Town of Mashpee pursued a Watershed Permit, having a mixed approach the Town would remain in high priority status to access funding by their actions.

Dennis Balzarini asked if other communities do not go along with the plan, how would the Town meet the 75% reduction. Representatives of the MassDEP indicated there are encouraging partnership, and there is key interest in communities that partner. It is likely the MassDEP would address neighboring towns not doing their share. It was noted the Town of Mashpee is in agreement with the Towns of Barnstable and Sandwich for load sharing in Popponesset. Mashpee is also in discussions with the Town of Falmouth on this matter.

Mr. Balzarini also asked of new IA systems that may not working after 5 years. Would the MassDEP further examine this issue. The reply was affirmative noting there is also the point of changing science.

The Assistant Board of Health Agent asked if the Town should move quickly to obtain their Watershed Permit to grandfather the standard Title V system and how current applications should be treated. As noted, if a Title V system lies within a nitrogen sensitive area and there is no Watershed Permit, a new system would have to be installed with the heightened innovative technology. Thus, the Select Board was encouraged to apply for a Watershed Permit. This would give a fairness allocation of cost to the homeowner. Title V is the tool as a back-stop to obtain reductions. The MassDEP is looking to support communities in that kind of approach.

The Mashpee Select Board and Town Managers expressed appreciation to the representatives of the MassDEP for taking the time to present this initiative in an informative manner.

### Interviews, Discussion and Possible Approval of the Following for Appointment to the Sewer Commission:

The Mashpee Select Board conducted interviews for appointment to the Sewer Commission. At their meeting of June 23, 2022, the Sewer Commission voted to recommend the appointment of Chad Smith, Phyllis Sprout and F. Thomas Fudala for membership. Letters of interest were included in the Select Board's informational package.

An additional letter of interest was received from Catherine H. Castaneda, Ph.D. dated June 17, 2022 for involvement. In her letter Ms. Castaneda indicated she would be out of the country until June 28, 2022.

Chad Smith a long-standing member of the Conservation and former Chair offered his services to the Sewer Commission. If appointed Mr. Smith would step down from the Conservation Committee to associate status to devote his time to wastewater. Mr. Smith also serves on the Community Preservation Committee.

Mr. Smith indicated he has a background in assessing Innovative Alternative (IA) systems. When asked of the timelines to the existing plans and the subsequent phases to address the water quality of the lakes Mr. Smith stated he is in full support of the revised Phase II plan to address the lakes and ponds.

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## **APPOINTMENTS & HEARINGS**

Interviews, Discussion and Possible Approval of the Following for Appointment to the Sewer Commission:  
(continued)

**Motion made by Selectman Sherman to appoint Chad Smith to the Sewer Commission; term to be designated with preference for the longest remaining term.**

**Motion seconded by Selectman O'Hara.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

<b>Selectman Gottlieb, yes</b>	<b>Selectman Weeden, yes</b>	<b>Selectman Cotton, yes</b>
<b>Selectman O'Hara, yes</b>	<b>Selectman Sherman, yes</b>	<b>Opposed, none</b>

An interview was conducted with Phyllis Sprout a resident since 1974. Over the years Ms. Sprout has seen the degradation of the Mashpee waters. Ms. Sprout although she is not well versed in this field is concerned with water quality and its issues and would take the approach to be fair, efficient and effective while serving on the Sewer Commission.

When asked of the potential expansion of the scope of Phase II to include the remediation of the impaired lakes and ponds Ms. Sprout indicated that currently she does not have the borderline to make a decision between Phase I and Phase II. Although her background is not technical Ms. Sprout indicated that it is important to move forward quickly and efficiently.

There was concern that Ms. Sprout has been vocal in the past on global climate science which may affect the focus of the Sewer Commission. The difference of opinion may hinder the objective of the commission which has already lagged for the past 30 years. However, representing the interest of the residents and having a difference of opinion is also a favorable attribute for membership to this board.

**Motion made by Selectman Sherman to appoint Phyllis Sprout to the Sewer Commission; for a term to be determined.**

**Motion seconded by Selectman O'Hara.**

**VOTE: 3-2. Motion carries.**

**Roll Call Vote:**

<b>Selectman Gottlieb, no</b>	<b>Selectman Weeden, no</b>	<b>Selectman Cotton, yes</b>
<b>Selectman O'Hara, yes</b>	<b>Selectman Sherman, yes</b>	<b>Opposed, (2)</b>

F. Thomas Fudala the former Town Planner and Sewer Commission member serving as previous Chair offered comment on his full experience and expertise for membership to the Sewer Commission. Although experience is favored Mr. Fudala was noted to have differences of opinion on this issue and with members of the commission.

When asked of the Phase II approach to sewerage in the lakes and pond areas Mr. Fudala did not give a key indication that he is supportive of this approach. There was concern regarding interaction with others including neighboring towns as it pertains to moving the matter of clean water forward.

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## **APPOINTMENTS & HEARINGS**

Interviews, Discussion and Possible Approval of the Following for Appointment to the Sewer Commission:  
(continued)

**Motion made by Selectman Weeden to appoint F. Thomas Fudala to the Sewer Commission; for a term to be determined.**

**Motion seconded by Selectman O'Hara.**

**VOTE: 2-3. Motion fails.**

**Roll Call Vote:**

<b>Selectman Gottlieb, no</b>	<b>Selectman Weeden, yes</b>	<b>Selectman Cotton, no</b>
<b>Selectman O'Hara, yes</b>	<b>Selectman Sherman, no</b>	<b>Opposed, (3)</b>

Catherine Castaneda indicated she is seeking a public service opportunity to contribute her knowledge, analytical skills and professional judgement to enhance the environmental quality of Mashpee. Ms. Castaneda, Ph.D. has worked as an Environmental Compliance Consultant/Geographer for a number of years both on the federal and commercial levels for environmental remedial action programs, disaster recovery, regulatory reviews and compliance audits.

Ms. Castaneda indicated she would offer a unique perspective to the Sewer Commission. Ms. Castaneda is supportive of moving forward with Phase II by adding the ponds and lakes in the scope to support the broader goal for clean waters.

**Motion made by Selectman Sherman to appoint Catherine Castaneda to the Sewer Commission; for a term to be determined.**

**Motion seconded by Selectman O'Hara.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

<b>Selectman Gottlieb, yes</b>	<b>Selectman Weeden, yes</b>	<b>Selectman Cotton, yes</b>
<b>Selectman O'Hara, yes</b>	<b>Selectman Sherman, yes</b>	<b>Opposed, none</b>

Discussion and Possible Approval of Appointment of one of the Following to the Affordable Housing Committee:  
Meredith Kilpatrick, Arden Russell, Gary Shuman:

Correspondence was received from Meredith Kilpatrick dated July 8, 2022 as a withdrawing candidacy.

The Select Board reviewed communication received from Allan Isbitz, Chair of the Affordable Housing Committee dated July 1, 2022 regarding interviews conducted for membership. In the rating classification Gary Shuman received the strongest recommendation for appointment. There is (1) vacancy to represent this committee.

Gary Shuman indicated he is diverse in business value and marketing opportunities along with finance and technology. Mr. Shuman is currently involved in real estate sales and is committed to assist in building solutions to help address the complex affordable housing dilemma the Town is facing.

Mr. Shuman indicated he is concerned with both water and housing issues critical to the Mashpee community. His experiences would add new dimensions and thoughts in tackling the problem.

Mashpee Select Board  
Minutes  
July 11, 2022

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## **APPOINTMENTS & HEARINGS**

Discussion and Possible Approval of Appointment of one of the Following to the Affordable Housing Committee: Meredith Kilpatrick, Arden Russell, Gary Shuman: (continued)

Former Housing Coordinator in the Town of Barnstable Arden Russell reviewed her extensive qualifications for membership to the Affordable Housing Committee. Ms. Russell, a thirty-year resident of the Town of Mashpee offered her experience in addressing the housing crisis by offering her work history expertise.

Discussion followed with respect to the two candidates slated for appointment to fill one vacancy.

**Motion made by Selectman Sherman to support the recommendation of the Affordable Housing Committee to appoint Gary Shuman for membership for a term to be determined.**

**Motion seconded by Selectman Cotton.**

**VOTE: 3-2. Motion carries.**

**Roll Call Vote:**

**Selectman Gottlieb, no**

**Selectman Weeden, no**

**Selectman Cotton, yes**

**Selectman O'Hara, yes**

**Selectman Sherman, yes**

**Opposed, (2)**

## **NEW BUSINESS**

Discussion of Agenda Topics for the Joint Meeting with the Mashpee Wampanoag Tribe on Monday, July 18, 2022:

Topics of discussion at the joint meeting of the Select Board and Mashpee Wampanoag Tribal Council include the discussion and potential for the Town's utilization of excess wastewater treatment capacity on Meetinghouse Road and opportunities to collaborate funding for wastewater, and shellfish mitigation.

Other items include access to infrastructure funds, and partnering in land acquisition as well as collaborations on clean water.

The reaffirmation of the Intergovernmental Agreement (IGA).

Collaborative on climate adaptation initiatives and coastal resiliency issues.

Boats on Mashpee/Wakeby that may be contributing to cyano bacteria.

Ongoing Tribal member issues.

The agenda will be finalized at the end of the week to conform to posting requirements.

Mashpee Select Board  
Minutes  
July 11, 2022

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## **TOWN MANAGER UPDATES**

Parking Restrictions: A Public Hearing will be held on August 8, 2022 to consider parking restrictions within and on Town ways and properties.

ARPA Funding: Certification has been met for this funding opportunity.

Host Community Agreement: The Host Community Agreement with Tradesmen Exchange LLC has been executed.

OneCape Summit: The 8th Annual OneCape Summit will be held next month.

COVID: 16 new positive cases reported, 11 out of isolation.

October Town Meeting: 14 Town Meeting articles have been submitted.

Mashpee Police Department: The Mashpee Police Department has been recognized by the New England Association of Chiefs of Police.

## **PUBLIC COMMENT**

Sarah Coleman Communications Manager indicated the Cape Cod Commission is hosting the 8<sup>th</sup> Annual OneCape Summit on August 1st and 2nd at the Wequassett Resort in Harwich. The Select Board and Town Managers are invited to attend the breakfast prior to the onset of each meeting. Topics to be reviewed include efforts to improve housing and affordability, water quality, climate change, and regional vitality.

Lynn Barbee of Surf Drive commented on the action taken by the Select Board regarding appointments to the Affordable Housing Committee and Sewer Commission. Ms. Barbee stated she is astonished and very disappointed the candidates with the most experience was not supported.

Mary Waygan: Chair of the Planning Board announced the next Local Comprehensive Plan workshop will be held on Saturday, July 23, 2022 at the Mashpee Library at 10:00 a.m. The meeting is open to all. The topic will be built systems. This includes traffic, transportation, wastewater and infrastructure. Ms. Waygan strongly encouraged attendance. It is expected the document will be very rich and robust.

Mashpee Select Board  
Minutes  
July 11, 2022

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## **EXECUTIVE SESSION**

Discussion of Strategy with Respect to Michael Mendoza Worker's Compensation Claim/Litigation Pursuant to MGL c. 30A, §21 (a) (3):

**Motion made by Selectman Sherman that the Board convene in executive session at 9:18 p.m. pursuant to GL c. 30A, §21 (a) (3) for the purpose of discussing strategy relative to Michael Mendoza Worker's Compensation Claim/Litigation with the chair declaring that such discussion in an open meeting may have a detrimental effect on the litigating position of the Board.**

**The Board of Selectmen will not reconvene in Open Session.**

**Chairman Gottlieb so declared that an open meeting on these issues may have a detrimental effect on the litigating and bargaining position of the Town.**

**Motion seconded by Selectman Cotton.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

**Selectman Gottlieb, yes  
Selectman O'Hara, yes**

**Selectman Weeden, yes  
Selectman Sherman, yes**

**Selectman Cotton, yes  
Opposed, none**

Respectfully submitted,

Kathleen M. Soares  
Secretary to the Select Board

Mashpee Select Board  
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**ADJOURNMENT**

**Motion made by Selectman Sherman to adjourn at 9:22 p.m.**

**Motion seconded by Selectman Cotton.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

**Selectman Gottlieb, yes**

**Selectman Weeden, yes**

**Selectman Cotton, yes**

**Selectman O'Hara, yes**

**Selectman Sherman, yes**

**Opposed, none**

Respectfully submitted,

Kathleen M. Soares

Secretary to the Select Board

**TOWN OF MASHPEE  
BOARD OF SELECTMEN  
CABLE AND CONDUIT  
HEARING NOTICE**

The Town of Mashpee Board of Selectmen will conduct a Cable and Conduit hearing on Petition/Work Order #7856849 dated July 13, 2022, from Nstar Electric Company dba Eversource Energy, proposing to install approximately 104' (feet) of conduit and cable under the public road on Sturgis Lane. The proposed location is necessary to provide electric service to #33 Sturgis Lane, Mashpee MA 02649.

Said hearing will take place on Monday, July 25, 2022 at 6:30 pm in the Waquoit Meeting Room at Mashpee Town hall, 16 Great Neck Road North, Mashpee MA 02649.

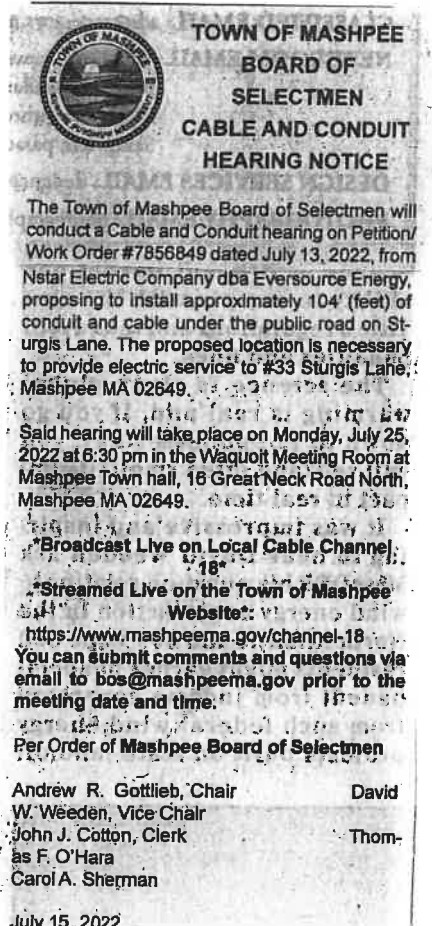
**\*Broadcast Live on Local Cable Channel 18\***

**\*Streamed Live on the Town of Mashpee Website\*:**

<https://www.mashpeeema.gov/channel-18>

You can submit comments and questions via email to [bos@mashpeeema.gov](mailto:bos@mashpeeema.gov) prior to the meeting date and time.

Per Order of  
**Mashpee Board of Selectmen**



Andrew R. Gottlieb, *Chair*  
David W. Weeden, *Vice-Chair*  
John J. Cotton, *Clerk*  
Thomas F. O'Hara  
Carol A. Sherman

July 14, 2022  
RE: 7856849

Select Board  
Town of Mashpee  
16 Great Neck Road North  
Mashpee, MA 02649

Dear Select Board Members,

Enclosed is a petition to install approximately 104' (feet) of conduit under the public road on Sturgis Lane, Mashpee.

This proposed location is necessary to provide electric service to #33 Sturgis Lane.  
This petition will require a notice to abutters and a hearing.

Will you please present this petition before the Board for customary action and approval?

If you have any questions, please email [Jessica.elder@eversource.com](mailto:Jessica.elder@eversource.com).

Warm Regards,

*Jessica Elder*

Jessica Elder  
Right of Way Agent  
NSTAR Electric  
d/b/a EVERSOURCE ENERGY

**PETITION FOR  
UNDERGROUND CABLE AND CONDUIT LOCATIONS  
WO#7856849**

**July 13, 2022**

**Barnstable County, Massachusetts  
To the Select Board of Mashpee, Massachusetts.**

**NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY**

**request permission to locate underground cables, conduits and manholes, including the necessary sustaining and protecting fixtures, in, under, along and across the following public way or ways:**

**Sturgis Lane, Mashpee**

**To install approximately 104' (feet) of conduit and cable under town road starting at existing handhole 10240/020C.**

**Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain underground cables, conduits, and manholes, together with such sustaining and protecting fixtures as it may find necessary, said underground cables, conduits, and manholes to be installed in accordance with the plan files herewith marked Plan No. 7856849 Dated July 13, 2022**

**NSTAR ELECTRIC COMPANY  
d/b/a EVERSOURCE ENERGY**

By *Jessica Elder*

**Right of Way Agent  
Jessica S. Elder**

**FORM OF ORDER FOR  
UNDERGROUND CABLE AND CONDUIT LOCATIONS  
WO#7856849**

**SELECT BOARD FOR THE TOWN OF MASHPEE, MASSACHUSETTS.**

Notice having been given and a public hearing held, as provided by law,  
**IT IS HEREBY ORDERED:** that the NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY  
be and it is hereby granted a location for and permission to install and maintain underground  
cables, conduits and manholes, together with such sustaining and protecting fixtures as said  
Company may deem necessary, in, under, along and across the public way or ways  
hereinafter referred to, as requested in petition of said Company dated the 13<sup>th</sup> day of July  
2022.

**All construction under this order shall be in accordance with the following conditions:**

**Cables, conduits, and manholes shall be installed substantially at the point indicated  
upon the plan marked Plan No.7856849 Dated July 13, 2022 filed with said petition. The  
following are the public ways or parts of ways under, along and across which the cables  
above referred to may be installed under this order.**

**Sturgis Lane, Mashpee**

**To install approximately 104' (feet) of conduit and cable under town road starting at  
existing handhole 10240/020C.**

**This work is necessary to provide new electric service to #33 Sturgis Lane.**

**I hereby certify that the foregoing order was adopted at a meeting of the Select Board  
of the Town of Mashpee, Massachusetts held on the \_\_\_\_\_ day of  
\_\_\_\_\_ 2022.**

\_\_\_\_\_  
**Clerk of Select Board**

\_\_\_\_\_, Massachusetts \_\_\_\_\_ 2022.

**Received and entered in the records of location orders of the Town of Mashpee  
Book \_\_\_\_\_ Page \_\_\_\_\_.**

**Attest:**

\_\_\_\_\_  
**Town Clerk**

We hereby certify that on \_\_\_\_\_ 2022, at \_\_\_\_\_ o'clock,  
\_\_\_\_\_ M. at \_\_\_\_\_ a public hearing was held on the  
petition of the

**NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY**

for permission to install and maintain the underground cables, conduits, manholes and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to install underground cables, conduits, manholes and fixtures under said order. And that thereupon said order was duly adopted.

**Select Board for the Town of  
Mashpee, Massachusetts**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### **CERTIFICATE**

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Select Board of the Town of Mashpee, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_ 2022, and recorded with the records of location orders of said Town, Book \_\_\_\_\_, Page \_\_\_\_\_.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

**Attest:**

\_\_\_\_\_  
**Town Clerk.**

Plan to accompany petition of EVERSOURCE ENERGY to install 104'± conduit from handhole 10240/020C to customer handhole to provide electric service to 33 STURGIS LN..

20-37-0  
32 STURGIS LN  
N/F  
RUSSELL, ARDEN D

1-3" PVC CONDUIT  
TL=104'±

STURGIS LN

20-45-0  
21 STURGIS LN  
N/F  
LOPES, JOHN D

20-44-0  
35 STURGIS LN  
N/F  
CADRI

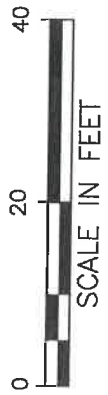
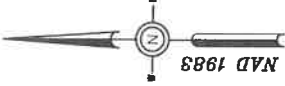
**CUSTOMER HANDHOLE**

20-28-0  
33 STURGIS LN  
N/F

20-38-0  
39 STURGIS LN  
N/F  
HEIMBERG, SIDNEY TRUSTEE  
ESTATE OF  
HEIMBERG FAMILY TRUST

## LEGEND

- ⊕ Proposed Hand Hole  
— Proposed Conduit  
⊕ Existing Hand Hole



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS WAS, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION CONTAINED HEREIN. THE COMPANY, INSTAR AS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, SUPERVISORS, EMPLOYEES OR AGENTS COLLECTIVELY THE "INSTAR ENTITIES" SHALL BE LIABLE FOR ANY LOSS OR DAMAGE, INCLUDING REASONABLE ATTORNEY'S FEES, IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT. TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, THE INSTAR ENTITIES SHALL BE RELEASED, INDEMNIFIED AND HOLD THE INSTAR ENTITIES HARMLESS FROM ANY LOSS OR INJURY. THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE INFORMATION IS NOT TO BE USED FOR THE DISSEMINATION OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED, UNAUTHORIZED ATTEMPTS TO DISSEMINATE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

## MASS. LAW

**REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES  
BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233**

P# 7856849

Ward #

Work Order # 7856849

Surveyed by: N/A
------------------

Research by: N/A

Plotted by: TL

Proposed Structures:  $\pi$ 

Approved: T THIBAUT

#d

**INSTAR**  
ELECTRIC  
of the US

**EVERSOURCE**

1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of 33 STURGIS LANE

MASHPEE

Showing PROPOSED CONDUIT LOCATION

Proposed Structures:  $\pi$ 

Approved: T THIBAUT

SHEET 1 of 1

Date JULY 13, 2022

SHEET 1 of 1



# TOWN OF MASHPEE

## OFFICE OF THE SELECT BOARD

16 Great Neck Road North  
Mashpee, Massachusetts 02649  
Telephone – (508) 539-1401  
[bos@marshpeema.gov](mailto:bos@marshpeema.gov)

### MEMORANDUM

To: Rodney C. Collins, Town Manager and  
Honorable Members of the Board of Selectmen

From: Stephanie A. Coleman, Administrative Secretary

Date: July 21, 2022

Subj: Special Event and Temporary Sign Permit Applications

#### Description

Discussion of the following Special Event and Temporary Sign Permit Applications:

- **Annual National Night Out, (Special Event) – August 9, 2022; 5:30 – 7:30 pm; 19 Frank E. Hicks Drive;**
- **Annual Oktoberfest (Special Event) – October 1, 2022; 10 am – 4 pm; Mashpee Commons Green;**
- **Veterans Day Ceremony (Special Event) – November 11, 2022; 10-11:30 am; Mashpee Commons Green;**
- **Annual Holiday Tree Lighting (Special Event) – December 12, 2022; 5:30 – 6:30 pm; Mashpee Community Park;**
- **Mashpee Historical Commission Preservation Award Ceremony (Special Event & Temporary Sign Permit) – August 21, 2022; 2 – 4 pm; Community Park Gazebo.**

- **Annual National Night Out – Mashpee Police Department Community Service Unit**

National Night Out is a community/police awareness event that hosted by the Mashpee Police Community Service Unit in an effort to continue to build strong bonds between the community and first responders. The event will take place at the Mashpee Municipal Complex on Tuesday, August 9, 2022, from 5:30 – 7:30 pm. It is expected that 100+ people will attend. Dino's will be serving hot dogs, Polar Cave will be serving ice cream, and Cape Cod Coffee will be serving coffee at this event.

**Recommendation**

**Health:** Approved. All food providers are to be permitted by the BOH and have a responsible food service manager.

**Building:** Approved.

**DPW:** Approved.

**Fire:** Approved. No Fire Department Requirements

**Police:** Approved. No details will be required for this event.

- **Annual Oktoberfest – Mashpee Special Events Committee**

The Annual Oktoberfest, hosted by the Mashpee Special Events Committee and Recreation Department is scheduled to take place on October 1, 2022 (October 2, 2022 Rain Plan) from 10 am to 4 pm at the Mashpee Commons Green. Activities include music, entertainment, games, activities, food and craft vendors. Admission to the event is free and the host expects 1500+ people to attend.

**Recommendation**

**Health:** Approved.

**Building:** Approved.

**DPW:** Approved. Applicant is responsible for picking up any litter in the Green and parking areas after the event. Use of the Mashpee Public Library parking lot should be coordinated with the Library Director. Road closures should be coordinated with DPW and MPD.

**Fire:** Approved. This will involve one Propane Permit and inspection the Day of the event.

**Police:** Approved. This event will require two (2) detail officers from 9 am – 4 pm (Completion of the event)

- **Veteran's Day Ceremony – Mashpee Special Events Committee**

The Annual Veteran's Day Ceremony will take place on Friday, November 11, 2022 from 10 am to 11:30 am at the Mashpee Community Park and Veteran's Garden. Up to 65 people are expected to attend.

**Recommendation**

**Health:** Approved.

**Building:** Approved.

**DPW:** Approved. Applicant is responsible for picking up any litter after the event. Access for use of the bathroom facilities should be coordinated with the Town Manager's Office. Use of the electricity in the Community Park should be coordinated with DPW.

**Fire:** Approved. No Fire Department Requirements

**Police:** Approved. No details will be required for this event.

- **Annual Holiday Tree Lighting – Mashpee Special Events Committee**

The Annual Holiday Tree Lighting event will take place on Saturday, December 3, 2022, from 5:30 pm to 6:30 pm at the Mashpee Community Park Gazebo. Up to 85 people are expected to attend.

**Recommendation**

**Health:** Approved.

**Building:** Approved.

**DPW:** Approved. Applicant is responsible for picking up any litter after the event. Access for use of the bathroom facilities should be coordinated with the Town Manager's Office. Use of the electricity in the Community Park should be coordinated with DPW.

**Fire:** Approved. No Fire Department Requirements

**Police:** Approved. No details will be required for this event.

- **Mashpee Historical Commission Preservation Award Ceremony – Mashpee Historical Committee**

The Annual Mashpee Historical Commission Preservation Award Ceremony is scheduled to take place at the Mashpee Community Park Gazebo on Sunday, August 21, 2022 from 2 pm to 4 pm. There will be an open house inside the Archives Building following the Ceremony. Up to 50 people are expect to attend. Food will be served, applicant has not specified if it will be catered.

**Recommendation**

**Health:** Approved.

**Building:** Approved.

**DPW:** Approved. Applicant is responsible for picking up any litter after the event. Access for use of the bathroom facilities should be coordinated with the Town Manager's Office. Use of the electricity in the Community Park should be coordinated with DPW.

**Fire:** Approved. No Fire Department Requirements

**Police:** Approved. No details will be required for this event.



# TOWN OF MASHPEE

## OFFICE OF THE SELECT BOARD

16 Great Neck Road North  
Mashpee, Massachusetts 02649  
Telephone – (508) 539-1401  
[bos@marshpeema.gov](mailto:bos@marshpeema.gov)

### MEMORANDUM

To: Rodney C. Collins, Town Manager and  
Honorable Members of the Board of Selectmen

From: Stephanie A. Coleman, Administrative Secretary 

Date: July 21, 2022

Subj: One Day Beer and Wine License and Waiver of Fee – Kiwanis Club of Mashpee, Inc.

#### Description

Discussion and approval of the One Day Liquor License Application and waiver of the \$25.00 license fee for the Kiwanis Club of Mashpee, Inc.

#### Background

Kiwanis Club of Mashpee, Inc. is requesting a One Day Liquor License for the Annual Kiwanis Club beer tent “biergarten” at Oktoberfest, taking place on October 1, 2022 (rain date – October 2, 2022) from 10:00 AM to 4:00 PM, at the Mashpee Commons Village Green. The applicant is also requesting a waiver of the \$25.00 One Day Liquor License fee.



# Kiwanis<sup>®</sup>

## CLUB OF MASHPEE

### **Kiwanis Club of Mashpee, Inc.**

P.O. Box 334

Mashpee, MA. 02649

[mashpeekiwanis@gmail.com](mailto:mashpeekiwanis@gmail.com)

FID #46-0785606

[www.mashpeekiwanis.org](http://www.mashpeekiwanis.org)

Honorable Members of the Select Board  
Mashpee Town Hall  
16 Great Neck Road North  
Mashpee, MA. 02649

Re: Request for a One-Day Liquor License – Waiver of \$25 Fee

July 1, 2022

Dear Honorable Members of the Select Board:

The Kiwanis Club of Mashpee is requesting a One-Day Liquor License and waiver of the \$25 fee for the annual beer tent “biergarten” at the Oktoberfest scheduled at the Mashpee Commons Village Green on Saturday, October 1, 2022 (rain date – October 2, 2022) from 10 am until 4 pm.

The Mashpee Kiwanis Club has successfully run the beer tent for many years and the event allows our club to continue supporting our children’s programs and scholarships. One hundred percent of the monies raised go to helping children.

The past two years have been difficult due to the ongoing COVID 19 pandemic for our fundraising events and the requests for assistance are even greater than before. The Mashpee Kiwanis Club is therefore requesting that the \$25 fee be waived.

Thank you for your consideration.

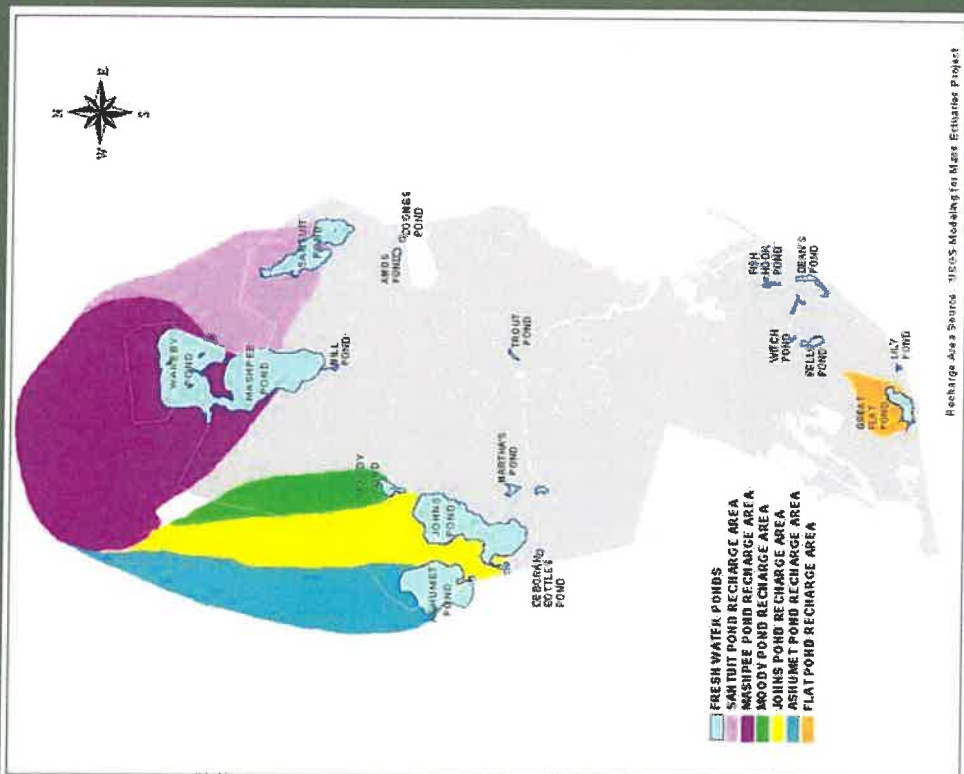
Sincerely,

Kiwanis Club of Mashpee, Inc.  
[mashpeekiwanis@gmail.com](mailto:mashpeekiwanis@gmail.com)

A decorative border of stylized green leaves and branches surrounds the central text area.A small, solid green rectangle is positioned to the left of the main title.

# MASHPEE POND WATER QUALITY

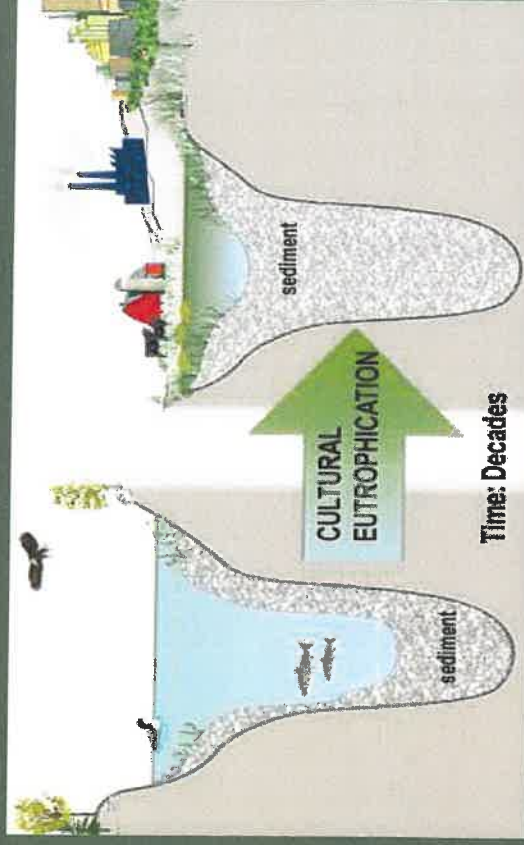
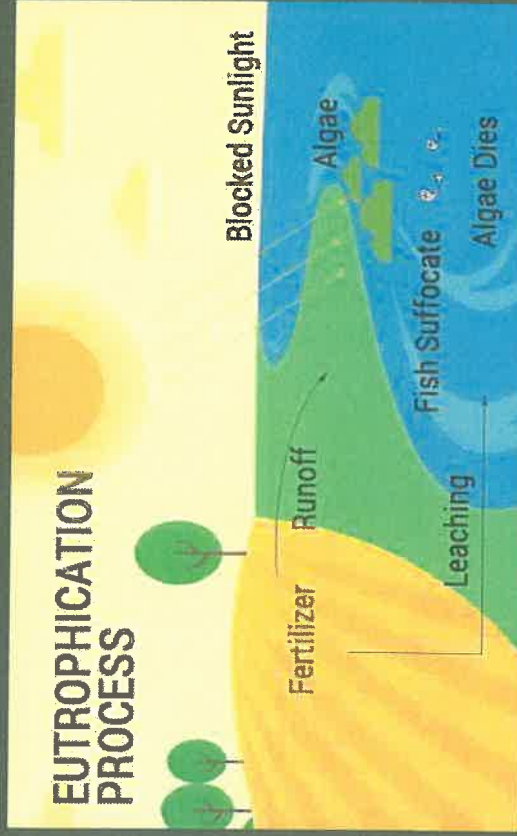
Mashpee Department of Natural Resources  
Ashley Fisher



# The Problem

- ▶ Water bodies like Santuit Pond, a kettle pond, will accumulate and store whatever flows into it from outside sources – Below are a list of just some nutrients:
- ▶ Lawn fertilizer
- ▶ Storm water runoff
- ▶ Road water runoff
- ▶ Nitrogen from septic/cesspools.
- ▶ Waterfowl excrement, etc...
- ▶ Overtime nutrient levels will become higher due to all the input with nothing balancing it out.
- ▶ Phosphorus and nitrogen are the two nutrients that algae and rooted plants rely on the most for growth.
- ▶ The abundant levels of nutrients in the water column cause eutrophication, which cause harmful algal blooms.
- ▶ This leads to closures of the pond to swimming and other forms of recreation, and is dangerous to humans, pets and other aquatic life.





# Cyanobacteria & Changing Climate

**Nutrients (phosphorus) + warm water + still water = CyanoHABs**

- Summer temperatures >> total phytoplankton
- Length of summer >> cyanobacteria abundance
- New England is anticipated to experience an increase in number of days with blooms sooner than other areas of the U.S.
- Average summer temperatures 3-5 degrees by mid-century, 5-9 degrees higher by the end of the century
- Growing degree days 26% under moderate emissions by mid-century

Sources: Chapra et al. (2017); Ho and Michalack (2019); Northeast Climate Science Center at the University of Massachusetts Amherst (<https://www.resilientma.org/>)

# In Lake Treatment AND Control of External Nutrient Sources :

- Internal

- Dredging
- Aeration
- Nutrient Inactivation



- External

- Stormwater
- Yard use –LID / Green Infrastructure
- Bylaw Review
- Buffer Zones
- Berms
- Sewering



# Ashumet Pond :

- Description : Glacial "flow through" (groundwater fed) pond with a surface area of 215 acres. Total groundwater flux 454,741 – 474,081 cubic feet per day. Max Depth 69 ft. Average Depth 23 ft. 2.5 miles of heavily developed shoreline.
- History : 1999-2001 Mass Military Reservation Plume Response Program : Ashumet Pond Phosphorous Management Plan completed to treat the Ashumet Valley sewage treatment plant plume that was discharging phosphorous into Ashumet pond.
- Water Quality : Late 1990s and early 2000s, decline in water quality evident due to the plume. Without action total pond eutrophication will escalate and cyanobacteria blooms will become the norm. Trophic status : STP Plume was contributing 19-45% of total annual phosphorus to the Pond. Anoxic conditions. Mesotrophic – Eutrophic.
- Four remedial strategies were selected :
  - In-pond phosphorous inactivation by aluminum slats
  - In-pond phosphorous inactivation by iron-salts
  - Geochemical barrier at the plume pond interface
  - In-pond removal of phosphorous by hypolimnetic extraction.
- Nutrient Inactivation Treatment: Ultimately a barrier and aluminum sulfate were chosen to eliminated input and inactivate the accumulated phosphorous within the pond.

# Ashumet Pond Treatments and Post-Treatment Conditions

- 2001 Ashumet Pond Phosphorous Inactivation project Mass Military Reservation.
  - Post treatment phosphorus decline seen throughout. Data seen in 2001 Report available from <http://ar.afcec-cloud.af.mil/>
- 2010 Ashumet Pond Phosphorous Inactivation project Mass Military Reservation.
  - Pre and Post Treatment Phosphorous Levels: Pre-treatment: highest concentrations seen 363µg/L Post-treatment : less than 20 µg/L throughout.
- Mass Military Reservation barrier installation 2006: Installation of a geochemical barrier within the bloom discharge area: ferrous iron phase and/or mixed valent iron-based layered double hydroxide phase are used in phosphorous removal barriers.
- Mass Military Treatment Upgrades ? External Loading from residential properties determined to be the cause of a rise in phosphorus levels form 2010-2022.



Figure 1. Area of the geochemical barrier and extent of the discharge area of the phosphorus plume at Ashumet Pond in June 2005.

# Ashmet Water Quality Data

	Total Phosphorous	Chlorophyll	Secchi Depth	Dissolved Oxygen	Cyanobacteria Closure Y/N
2016	Mid (9m) = 1.27µM	3.50 µg/L	4.35 m	5.82 mg/L	N
2017	Mid (9m) = 0.46µM Bottom (17m)=3.07µM	3.50 µg/L 3.15 µg/L	2.6 m	7.30 mg/L 0.22 mg/L	N
2018	Mid (9m) = 0.65 µM Bottom (17m)=6.31 µM	11.39 µg/L 3.38 µg/L	4.5 m	2.7 mg/L 0.41 mg/L	N
2019	Mid (9m) = 1.19 µM Bottom (17m)=7.68 µM	28.50 µg/L 7.34 µg/L	1.75 m	3.20 mg/L 3.09 mg/L	Y
2020	Mid (9m) = 0.73 µM Bottom (17m)=10.26 µM	2.94 µg/L 2.64 µg/L	3.5 m	0.23 mg/L 0.01 mg/L	Y
2021	Mid (9m) = 1.84 µM Bottom (17m)=12.01 µM	0.03 µg/L 0.03 µg/L	1.90 m	0.07 mg/L 0.00 mg/L	Y

# Future Treatments:

- The Mashpee Department of Natural Resources (DNR) will continue to monitor the pond for elevated phosphorus levels and cyanobacteria blooms.
- From May 1<sup>st</sup> to November 1<sup>st</sup> the Mashpee will conduct weekly water column cell counts for the presence of cyanoHABs and their density.
- Visual inspections will also be conducted at the Northern and Southernmost sections of the pond to inspect for visible cyanobacteria scum layers.
- Mass DPH recommends a minimum of a 1 week advisory notice if a scum layer is present and a minimum of 2 weeks for cyano cells counts exceeding the 70,000 cells / ml threshold.
- In the occurrence of a high cell count, the DNR will send subsamples out form future toxin testing at a Mass DPH accredited laboratory.
- Mass. Military Reservation has concluded their treatments. Further treatments would require Mashpee/Falmouth planning and implementation.

[illegible]

# Santuit Pond

- Santuit is a shallow, fertile, enlarged great pond. Groundwater fed that forms the headwaters of the Santuit River. Max depth 10 feet. Average depth 6.5 feet. Shoreline is steep, moderately developed with homes and abandoned cranberry bogs.
- History : Harmful algal blooms of cyanobacteria (cyanobacteria) have impacted water quality in Santuit Pond, limiting recreational access and impacting aquatic life. Santuit Pond water quality has been monitored by state, tribal, and local agencies, as well as academic groups and volunteer monitors. Like most ponds experiencing cyanobacteria, phosphorus sources are a mix of internal and external sources and addressing both is part of a long-term solution to improving water quality. Majority of the load of phosphorus comes from internal recycling of nutrients.
- Water Quality : Poor. Santuit watershed ultimately enters into the Popponesset Bay system.
- In Pond Treatment (Internal)-Nutrient Inactivation Treatment: Town of Mashpee and The Mashpee Wampanoag Tribe are currently investigating the possibility of an in pond nutrient inactivation treatment of Aluminum Sulfate.
- In Pond Treatment (Internal) – Aeration systems or SolarBees: Oxygenating the bottom sediment prevents or limits internal cycling during anoxic events
- Watershed Nutrient Treatment (External) - MVP / SNEP Projects : The Town of Mashpee and the Mashpee Wampanoag Tribe are also investigating and implementing stormwater control measures to reduce the external input load of phosphorus to Santuit Pond.
- Watershed Nutrient Treatment (External) – Sewering : Santuit Pond watershed sewerage moved from a later phase to phase 2.
- Invasive Species Treatment: Santuit pond will be treated with the Herbicide Procellacor this spring to eradicate the invasive plant specie variable leaf milfoil
- Cranberry Bog Restoration: Chopcaque Bog

# Santuit Development



# Santuit Pond

- 2019- Present - Tribe / Town Dredging Feasibility Study - Army Corps. Of Engineers : Original Proposal was to dredge nutrient latent sediments from the pond, but sediments were found to be rich in arsenic. The arsenic concentrations prohibited the Army Corps. from dredging the pond to reduce nutrients. The project then became solely for habitat restoration for the alewife herring. The U.S. Army Corps of Engineers, New England District (USACE) is proposing an Aquatic Ecosystem Restoration project for Santuit Pond to consider alternatives to restore aquatic habitat. The study is being conducted under Section 206 of the Water Resources Development Act of 1996 (WRDA), as amended, in cooperation with the Mashpee Wampanoag Tribe, the Non-Federal Sponsor, and the Town of Mashpee.
- Arsenic accumulation is most likely from continual pesticide use within the Santuit Pond Watershed.
- 2021 – Order for Properties within 300' of Santuit Pond- Mashpee Board of Health: Homeowners ordered to 1.) Conduct an Onsite Septic Inspection 2.) Pump Their System
  - Results Dec.2021 : Of the 118 properties, 90 are now considered fully compliant
    - 10 properties have complied with the inspection component only
    - 21 Failures were identified which included 7 cesspools
    - 4 Properties have installed I/A Nutrient Reducing Systems
- 2021/2022 – Phase 2 Sewering? Stormwater Design Projects and MVP Funding

# Sources of Phosphorus:



- #1 Internal Nutrient Cycling (78%)
- #2 Stormwater Runoff (13%)
- #3 Septic Systems (5%)
- #4 Cranberry bogs ( 3%)

Source: Lake Diagnostic Feasibility Study, AECOM, 2010

# Santuit Pond Watershed Based Plan

- Pull all activities into nine element plan
- Stormwater retrofit 10-20 locations (bioretention, catch basin and roadway drainage retrofits, water quality swales, leaching catch basins, subsurface structures)
- Alum Treatment ?
- Implementation schedule and budget
- Apply for funding for design and Implementation

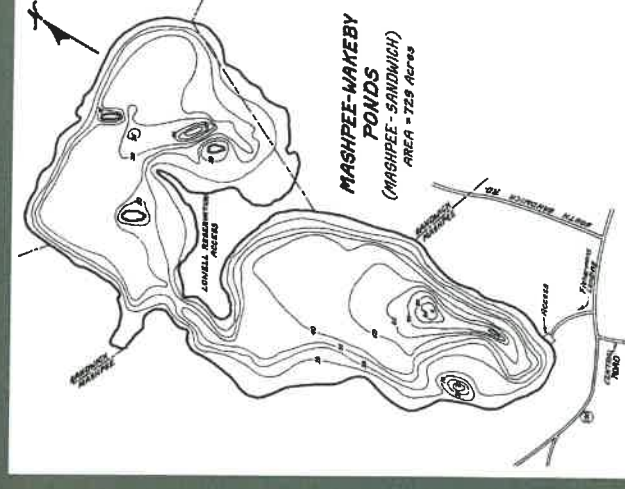


# Santuit Water Quality Data

	Total Phosphorous	Chlorophyll	Secchi Depth	Dissolved Oxygen	Cyanobacteria Closure Y/N
2016	Mid (1.5m) = 0.56 $\mu$ M	5.73 $\mu$ g/L	2.50 m	9.52 mg/L	Y
2017	Mid (1.5m) = 2.41 $\mu$ M	38.07 $\mu$ g/L	0.90 m	9.18 mg/L	Y
2018	Mid (1.5m) = 2.99 $\mu$ M	26.64 $\mu$ g/L	0.90 m	4.40 mg/L	Y
2019	Mid (1.5m) = 1.75 $\mu$ M	30.69 $\mu$ g/L	0.63 m	6.00 mg/L	Y
2020	Mid (1.5m) = 1.38 $\mu$ M	30.09 $\mu$ g/L	0.90 m	9.18 mg/L	Y
2021	Mid (1.5m) = 1.11 $\mu$ M	9.32 $\mu$ g/L	1.50 m	10.87 mg/L	Y

# Mashpee Wakeby Pond

- History : 729 Acres, Largest freshwater pond on Cape Cod. Mashpee and Sandwich abutting parcels. Deepest point is 90+ feet. Wakeby Pond is the northern basin and Mashpee Pond is the southern basin. The ponds are fed by groundwater and drain to the Mashpee River.
- Three Islands: Keith, Jefferson, Cleveland.
- Conservation Lands: Lowell Holly Reservation, Ryder Conservation Lands, Pickerel Cove.
- Water Quality : Moderate – Sub-embayments ultimately enter into the Popponesset Bay System.
- Mashpee Side showing minor cyanobacteria elevations
- Wakeby side consistent cyanobacteria elevations, and continued phosphorus increases from 2016-present
- 2021/2022 advisory posted – evidence of a visible scum layer.



# Mashpee Basin of Mashpee Wakeby Water Quality

	Total Phosphorous	Chlorophyll	Secchi Depth	Dissolved Oxygen	Cyanobacteria Closure Y/N
2016	Mid (9 m) = 1.24 $\mu$ M Bottom (24 m) = 1.11 $\mu$ M	4.35 $\mu$ g/L 3.83 $\mu$ g/L	2.75 m	7.92 mg/L 0.12 mg/L	Y – High Algae Counts and High Bacterial Counts
2017	Mid (9 m) = 0.65 $\mu$ M Bottom(24 m)=10.40 $\mu$ M	2.32 $\mu$ g/L 0.03 $\mu$ g/L	ND	ND ND	N
2018	Mid (9 m) = 0.99 $\mu$ M Bottom(19 m) = 6.09 $\mu$ M	13.82 $\mu$ g/L 0.03 $\mu$ g/L	5.20 m	2.99 mg/L 0.39 mg/L	N
2019	Mid ( 9 m) = 0.70 $\mu$ M Bottom (22 m) = 8.80 $\mu$ M	9.59 $\mu$ g/L 1.28 $\mu$ g/L	4.35	0.76 mg/L 0.28 mg/L	N
2020	Mid (9m) = 0.80 $\mu$ M Bottom (26 m) = 8.28 $\mu$ M	1.34 $\mu$ g/L 0.73 $\mu$ g/L	0.90 m	2.04 mg/L 0.00 mg/L	N
2021	Mid (9m) = 0.97 $\mu$ M Bottom (26 m) = 10.61 $\mu$ M	9.32 $\mu$ g/L 0.41 $\mu$ g/L	4.35 m	2.87 mg/L 0.00 mg/L	Y – Cyanobacteria Scum Layer

7/20/2022

Add a footer

# Wakeby Basin of Mashpee Wakeby Water Quality

	Total Phosphorous	Chlorophyll	Secchi Depth	Dissolved Oxygen	Cyanobacteria Closure Y/N
2016	Mid (9 m) = 1.27 µM Bottom (12 m) = 1.37 µM	11.42 µg/L 13.96 µg/L	1.75	7.49 mg/L 0.25 mg/L	Y – High Algae Counts and High Bacterial Counts
2017	Mid (9 m) = 1.50 µM Bottom (12 m) = 2.28 µM	2.77 µg/L 3.25 µg/L	ND	ND ND	N
2018	Mid (9 m) = 2.26 µM	23.78 µg/L	3.60 m	1.45 mg/L	N
2019	Mid (9 m) = 2.67 µM Bottom (12 m) = 10.55 µM	9.59 µg/L 8.77 µg/L	3.20 m	0.45 mg/L 0.29 mg/L	N
2020	Mid (9m) = 2.65 µM Bottom (12 m) = 11.37 µM	2.86 µg/L 0.97 µg/L	2.7 m	0.11 mg/L 0.00 mg/L	Y-High Cyanobacteria Counts
2021	Mid (9m) = 1.59 µM Bottom (12 m) = 14.57 µM	10.19 µg/L 0.71 µg/L	3.35 m	0.00 mg/L 0.00 mg/L	Y

# Mashpee Wakeby Development



# Mashpee Wakeby Pond Diagnostic Study

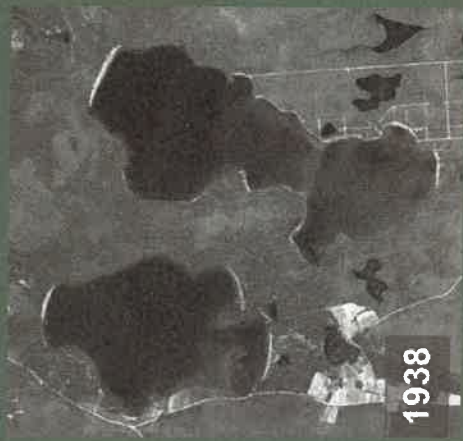
- A consultant for the Mashpee Wakeby Diagnostic Study has been chosen and work will begin this Summer. The scope of the diagnostic study will include:
  - Collection and review of previous Mashpee-Wakeby Pond data : Data organization from the Pond and Lake Stewardship Program (data collected between 2001-2021), streamflow (flow and nutrient loads), water quality data, and watershed delineations collected / created for the Mass Estuaries Project, streamflow collected from the Mashpee River, and any historical data collected by other state and federal agencies. The consultant will also collect and review all fishery information from the Division of Marine Fisheries to assess the ponds fishery and to evaluate the Herring Run.
  - Pond Diagnostic Assessment: This will include the development of phosphorous, nitrogen, and water budgets based upon quantitative field data. The budgets will identify all sources of nutrients. The consultants will conduct 2 years of water column monitoring , sediment surveys, stream outflow surveys, rooted plant an mussel surveys, watershed assessment and development of watershed water, nitrogen, and phosphorous inputs and budgets, and stormwater surveys.
  - Mashpee-Wakeby Pond Management Plan : The consultant will use data and findings from the Diagnostic Assessment to develop a Mashpee-Wakeby Pond Management Plan. The plan will included the results from the DA, details of specific impairments, their causes, and a review of applicability of available pond management options to the identified water quality impairments and conditions of Mashpee Wakeby Pond.
  - Meetings and Outreach : The consultants will hold 4 public meetings to discuss the project, findings, and issues. They will also present the Diagnostic study and Management plan to the Mashpee Selectboard upon project completion.
  - Completion- Watershed Management Plan approved by DEP

# John's Pond

- History : 323 acres
  - 1978- 1980 Diagnostic Study "Complaints of algal blooms and large masses of attached algae in shallow areas began in the early 1970s and continue today. A substantial decline in transparency from 4.6 m to 1.5 m was notice between 1972 and 1975. During the same time, aquatic vascular plant growths were increasing to nuisance levels and blue-green algal blooms occurred during the summer months."
- Common Complaints since the late 60s :
  1. Pond Level
  2. High-powered motorboats
  3. Pollutants and algae blooms
- Quoted in Study "a community designated as not requiring a sewage system"
- Use : Forest, Recreation, and Agriculture until 1980s. Then residential neighborhoods built:
  - Watershed : 33.8 % urban residential (1980) – Now?
- Water Quality :
  - Catch an release ONLY
  - Septic Leaching found to be high in 1975- present due to soil type
  - PFAS elevations 2021 above 0.22 ppb



# Ashumet and John's Pond Development



1938



1952



1984



2014

# John's Pond Water Quality

	Total Phosphorous	Chlorophyll	Secchi Depth	Dissolved Oxygen	Cyanobacteria Closure Y/N
2016	Mid (9 m) = 1.11 µM Bottom (17 m) = 0.74 µM	7.67 µg/L 0.03 µg/L	3.25 m	8.18 mg/L 0.17 mg/L	N
2017	Mid (9 m) = 1.17 µM Bottom (17 m) = 0.72 µM	4.34 µg/L 0.03 µg/L	ND	ND ND	N
2018	Mid (9 m) = 0.65 µM Bottom (17 m) = 0.65 µM	14.21 µg/L 4.62 µg/L	5.20 m	4.29 mg/L 0.59 mg/L	Y / Bacterial Closure
2019	Mid (9 m) = 0.47 µM Bottom (17 m) = 0.89 µM	9.59 µg/L 1.28 µg/L	2.95 m	3.09 mg/L 0.28 mg/L	N
2020	Mid (9m) = 0.54 µM Bottom (16 m) = 1.02 µM	2.58 µg/L 4.77 µg/L	3.70 m	4.54 mg/L 0.02 mg/L	N – Elevated cyanobacteria cell counts
2021	Mid (9m) = 0.51 µM Bottom (16 m) = 1.34 µM	11.56 µg/L 0.03 µg/L	3.60 m	6.25 mg/L 0.01 mg/L	Y/ Bacterial Closure

7/20/2022

Add a footer

# Future?



PUBLIC HEALTH ADVISORY

CYANOBACTERIA BLOOM PRESENT



**Waterbody Unsafe for  
People and Pets**



Do not swim.



Do not swallow water.



Keep animals away.



Rinse off after contact with water.

Call your local health department with questions:



Additional info on algae can be found at:  
[www.mass.gov/dph/algae](http://www.mass.gov/dph/algae)





# TOWN OF MASHPEE

## OFFICE OF THE SELECT BOARD

16 Great Neck Road North  
Mashpee, Massachusetts 02649  
Telephone – (508) 539-1401  
[bos@marshpeema.gov](mailto:bos@marshpeema.gov)

### MEMORANDUM

To: Rodney C. Collins, Town Manager and  
Honorable Members of the Board of Selectmen

From: Stephanie A. Coleman, Administrative Secretary

Date: July 21, 2022

Subj: Application for Abatement of Betterment Assessments – 8 Leather Leaf Lane

#### Background

Attached is an application for an Abatement of a betterment Assessment from Theresa M. Coffin of 8 Leather Leaf Lane.

#### Description

Ms. Coffin is requesting an abatement of the street betterment assessed to her property located at Map 79-22-0, 8 Leather Leaf Lane totaling \$4,945.01. Notification was sent to the abutters on June 8, 2018 and a public hearing was held on June 18, 2018 to present the property owners with the estimate for the road work. Our records show that the notice was received at Ms. Coffin's address and signed for, please see attachments.

Subsequent to that the road layout plan for Leather Leaf Lane was approved at Town Meeting on Monday, October 21, 2019. The Order of Taking and Order for Betterment were recorded at the Barnstable County Registry of Deeds on November 20, 2019. Notice of Betterment Assessment dated February 14, 2022 was sent to Ms. Coffin and payment was received on March 8, 2022.

#### Recommendation

The Property owner has 6 months from the date the assessment notices are mailed to file an application for an abatement with the Select Board Please see attached application.

June 28, 2022  
8 Leather Leaf Lane  
A/R/A 676 Old Barnstable Rd  
Mashpee, MA 02649

Mashpee Board of Selectman  
Town Hall, Mashpee, MA 02649

Dear Board Members:

I am requesting a hearing regarding the enclosed Application for Abatement of Betterment Assessments related to Bill # 16 - Childs River East Street Betterment.

In 1993 I purchased the property at 676 Old Barnstable Road. In 2011 the Town forced an address change to 8 Leather Leaf Lane on this property for purposes of their own. However it was never part of the Childs River East Association. This association chose to give their roads to the town which caused the expenses for betterment.

Since I was never a member of their association I should not be subject to their dictates and the ensuing financial consequences thereof because the association members agreed when purchasing their property to share responsibility for all the expenses of maintaining their common holdings within the association.

Also as a very low income 73 year old senior resident of this town I am declaring that this bill is a huge hardship on me.

Thank you for your consideration of this matter.

Respectfully,  
Theresa M. Coffin

- Enclosures ① Application for Abatement of Betterment Assessment  
② Letter from the town clerk changing the address  
③ Bill stamped paid from the tax collector's office  
④ Correspondence from tax collector as to removing the lien the town placed on my property in the Barnstable Land Court  
⑤ A copy of my 2021 Federal Income Tax return verifying low income

TOWN OF MASHPEE



APPLICATION FOR ABATEMENT OF  
BETTERMENT ASSESSMENTS

Must be filed with the Board of Selectmen within six months from date of the notice of assessment sent by the Tax Collector.

To the Board of Mashpee Selectmen

NAME OF APPLICANT Coffin, Theresa M

POST-OFFICE ADDRESS 8 Leather Leaf Ln aka 676 Old Barnstable Rd, Mashpee MA 02649

The above-named person aggrieved by a 2022 BETTERMENT ASSESSMENT  
YEAR  
hereby applies for an abatement.

NAME OF PERSON ASSESSED Coffin, Theresa M.

Location and Description of Property --- No. of Street, Plan, or Lot and Area of Land.

Description must be sufficiently accurate to identify the premises.

8 Leather Leaf Ln, Map 79-22, LCP # 38/04-B(2) Lot # 12

Betterment Amount Assessed \$ 4,945.01

Amount Paid \$ 4,945.01

Assessment Paid by Theresa M Coffin on 03/08/22  
DATE

IF THE APPLICANT IS NOT THE PERSON ASSESSED, what is the applicant's interest in the property?

SPECIFY PRESENT OWNERSHIP, MORTGAGE OR WHAT OTHER INTEREST

When was such interest acquired? \_\_\_\_\_  
DATE

Complete statement of reasons for this application Hardship due to very low income and old age (73) Also this property was never part of the association whose members agreed to share expenses of common holdings CONTENTIONS OF LAW RAISED of the association when they purchased their property.

SUBSCRIBED THIS 28th day of June, 20 22 UNDER THE PENALTIES OF PERJURY.

SIGNATURE OF APPLICANT

Theresa Marie Coffin  
NAME IN FULL

THE FILING OF THIS APPLICATION DOES NOT STAY THE COLLECTION OF YOUR ASSESSMENT, IT SHOULD BE PAID AS ASSESSED OR INTEREST WILL ACCRUE. REFUND WILL FOLLOW IF ABATEMENT IS ALLOWED.

**Filing Status** ☒ Single ☐ Married filing jointly ☐ Married filing separately (MFS)  
☐ Head of household (HOH) ☐ Qualifying widow(er) (QW)  
 Check only one box. If you checked the MFS box, enter the name of your spouse. If you checked the HOH or QW box, enter the child's name if the qualifying person is a child but not your dependent ▶

Your first name and middle initial  
THERESA M  
 Last name  
COFFIN  
 Your social security number  
 If joint return, spouse's first name and middle initial  
 Last name  
 Spouse's social security number

Home address (number and street). If you have a P.O. box, see instructions.  
8 LEATHER LEAF LANE  
 Apt. no.  
 City, town, or post office. If you have a foreign address, also complete spaces below.  
MASHPEE  
 State  
MA  
 ZIP code  
02649  
 Foreign country name  
 Foreign province/state/county  
 Foreign postal code  
**Presidential Election Campaign**  
 Check here if you, or your spouse if filing jointly, want \$3 to go to this fund.  
 Checking a box below will not change your tax or refund. ☐ You ☐ Spouse

At any time during 2021, did you receive, sell, exchange, or otherwise dispose of any financial interest in any virtual currency? ☐ Yes ☒ No

**Standard Deduction** **Someone can claim:** ☐ You as a dependent ☐ Your spouse as a dependent  
☐ Spouse itemizes on a separate return or you were a dual-status alien

**Age/Blindness** { **You:** ☒ Were born before January 2, 1957 ☐ Are blind  
**Spouse:** ☐ Was born before January 2, 1957 ☐ Is blind

Dependents (see instructions):		(1) First name	Last name	(2) Social security number	(3) Relationship to you	(4) <input checked="" type="checkbox"/> if qualifies for (see instructions):	
						Child tax credit	Credit for other dependents
If more than four dependents, see instructions and check here ▶ <input type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

Attach Schedule B if required.	1	Wages, salaries, tips, etc. Attach Form(s) W-2	1	
	2a	Tax-exempt interest	2a	
	3a	Qualified dividends	3a	
	4a	IRA distributions	4a	
	5a	Pensions and annuities	5a	
	6a	Social security benefits	6a	
	b	Taxable interest	2b	
	b	Ordinary dividends	3b	
	b	Taxable amount	4b	
	b	Taxable amount	5b	
	b	Taxable amount	6b	
	7	Capital gain or (loss). Attach Schedule D if required. If not required, check here	7	
	8	Other income from Schedule 1, line 10	8	
	9	Add lines 1, 2b, 3b, 4b, 5b, 6b, 7, and 8. This is your <b>total income</b>	9	
	10	Adjustments to income from Schedule 1, line 26	10	
	11	Subtract line 10 from line 9. This is your <b>adjusted gross income</b>	11	



## ***Town of Mashpee***

## ***Town Clerk***

16 Great Neck Road North  
Mashpee MA 02649  
Phone # 508-539-1400, x8534  
Fax # 508-539-1428  
e-mail address: [ddami@mashpeema.gov](mailto:ddami@mashpeema.gov)

September 8, 2011

To Whom It May Concern:

Please be advised that the property owned by Theresa Coffin, located on Mashpee Assessor's Map 79, Parcel 22, can be identified as 8 Leather Leaf Lane. The address is formerly known as 676 Old Barnstable Road, Mashpee, MA 02649.

If I can be of any further assistance, please do not hesitate to contact me at 508-539-1400, ext. 8534.

Very truly yours,

Deborah F. Dami  
Town Clerk

State Tax  
Form 209

Commonwealth of Massachusetts  
Town of Mashpee  
Office of the Collector of Taxes  
16 Great Neck Rd North  
Mashpee, MA 02649

Notice of Betterment  
or Special Assessment

Mailing Date: February 14, 2022

Bill No 16 - Childs River East Street Betterment

COFFIN, THERESA M  
8 LEATHER LEAF LN  
MASHPEE, MA. 02649

You are hereby notified that the following Street Betterment reassessment has been levied and now constitutes a lien upon the land located at Map 79-22-0 located at 8 LEATHER LEAF LN.

Betterment Assessment  
\$ 4,945.01

Total Due  
\$ 4,945.01

**RECEIVED  
PAYMENT**

MAR 08 2022

Payable at Collectors Office  
Craig Mayen, Collector of Taxes  
Office Hours: Mon-Fri 8:30am-4:30pm  
508-539-1419

TOWN OF MASHPEE  
COLLECTOR OF TAXES

You will have 30 days from the date of mailing to respond whether you would like to finance the betterment reassessment or pay the betterment reassessment in full. If you choose to finance the betterment reassessment, you may finance up to 20 years. **5.00% INTEREST** will be charged from the thirtieth day after the date of commitment. Checks, drafts or money orders must be made payable to the Town of Mashpee. If receipt is desired, enclose a self-addressed stamped envelope with entire bill.

Application for abatement must be filed in writing on an approved form with the Mashpee Board of Selectmen within six months from the date of this notice.

Craig Mayen, Collector of Taxes

This form approved by commissioner of Revenue.

Betterment or Special Assessment-STREET  
Bill No 16 - Childs River East / Street Betterment- Assessment  
Office of the Collector of Taxes

Location: 8 LEATHER LEAF LN

ASSESSMENT: \$ 4,945.01

TOTAL: \$ 4,945.01

The Commonwealth of Massachusetts  
Town of Mashpee  
Office of the Treasurer/Collector  
16 Great Neck Rd North  
Mashpee, MA 02649

**Mail date:** February 14, 2022

COFFIN, THERESA M  
8 LEATHER LEAF LN  
MASHPEE, MA. 02649

Bill No: 16 - Childs River East / Street Betterment Assessment  
Map/Lot: 79-22-0

Dear Taxpayer:

Enclosed you will find a bill for a Street betterment assessment on the property located at 8 LEATHER LEAF LN.

Under the acts of Legislature relating to Betterment Assessments you may pay this reassessment within 30 days from the mailing date of this bill, or if you so request the reassessment will be divided into any number of equal parts, not exceeding twenty years: one of said years, with interest on the remainder, at the rate of **5.00 %** to be added to your tax bill each year.

If you elect to pay this betterment reassessment off at any time after the thirty days has lapsed, please contact the Assessors' Office, ten days prior to the pay-off date, at (508) 539-1404 for pay-off procedures.

**I request that the above assessment be divided into \_\_\_\_\_  
years and a part be added to the tax bill each year until paid.**

---

Signature

The Betterment process requires a lien to be placed on the parcels prior to construction. When the betterment is paid in full, the lien should be released. If you chose to pay the assessment in full at this time, it is necessary to you acquire a "Lien release" from the Tax Collector at a cost of \$4.00. Once acquired, you would record it at the Barnstable Registry of Deeds/ Land Court

Town of Mashpee  
Office of the Treasurer and Tax Collector  
16 Great Neck Rd North  
Mashpee, MA 02649

March 31, 2022

Theresa Coffin  
8 Leather Leaf Ln  
Mashpee, MA 02649

Map 79-22  
8 Leather Leaf Ln.

Enclosed is a completed certificate for dissolving your betterment. Please mail the enclosed certificate and a check made payable to the **Barnstable Land Court** in the amount of **\$106.00** for recording fees. Please include a self addressed stamped envelope to:

Barnstable Land Court  
PO Box 368  
Barnstable, MA 02630

If you have further questions, please do not hesitate to call our office at 508-539-1419

Sincerely,



Craig Mayen  
Treasurer/Collector

CM/jb

(note that the betterment lien is not dissolved of record until this certificate is filed for record or registration in the Registry of Deeds named Herein)

State Tax  
Form 374

Certificate for  
Dissolving Betterments

THE COMMONWEALTH OF MASSACHUSETTS

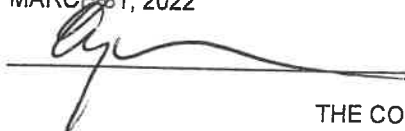
**The Town of Mashpee**

OFFICE OF THE COLLECTOR OF TAXES

This is to certify that the betterment assessment which became a lien upon the herein after described parcel for real estate upon the recording or registration in **BARNSTABLE** Registry of Deeds, the order stating that betterments were to be assessed for the **STREET** improvement, in accordance with General Laws, Chapter 80, has together with any interest and costs thereon, been paid or legally abated.

Doc. Number	Certificate of Title number	Book	Page	Owner Name	Location and description of land
1384048	186288			Coffin, Theresa M	Map 79-22 8 Leather Leaf Ln LCP # 38104-B(2) Lot# 12

MARCH 31, 2022

 Collector of Taxes for TOWN OF MASHPEE  
THE COMMONWEALTH OF MASSACHUSETTS

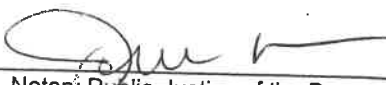
Barnstable, ss.

March 31, 2022

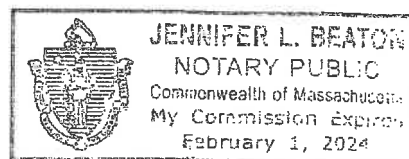
Then personally appeared the above named Craig Mayen, Collector of Taxes, and made oath that the foregoing statement by him subscribed is true, before me, PRESENTED Drivers License FOR IDENTIFICATION.

My commission expires

February 1, 2024

  
Notary Public-Justice of the Peace

THIS FORM APPROVED BY THE COMMISSIONER OF REVENUE



## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Theresa M Coffin  
8 Leather Leaf Lane  
Mashpee, MA 02649



9590 9402 3681 7335 2708 78

## 2. Article Number (Transfer from service label)

7018 0040 0001 1008 7867

PS Form 3811, July 2015 PSN 7530-02-000-9053

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X

*Theresa M Coffin*

☐ Agent  
☐ Address

## B. Received by (Printed Name)

*Theresa M Coffin*

## C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

## 3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Mail Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation®
- ☐ Signature Confirmation Restricted Delivery

## USPS TRACKING#



9590 9402 3681 7335 2708 78

United States  
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

Town of Mashpee  
Office of the Town Manager/BOS  
16 Great Neck Road North  
Mashpee, MA 02649

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G 11

Domestic Return Receipt



# TOWN OF MASHPEE

## OFFICE OF SELECTMEN

16 Great Neck Road North  
Mashpee, Massachusetts 02649  
Telephone - (508) 539-1401  
[bos@mashpeema.gov](mailto:bos@mashpeema.gov)

June 8, 2018

Theresa M Coffin  
8 Leather Leaf Lane  
Mashpee, MA 02649

Dear Property Owner:

Pursuant to the Code of the Town of Mashpee §150-6.D., the Board of Selectmen will conduct a public hearing on **Monday, June 18, 2018 at 6:55 p.m.**, to address the private to public road conversion of Leather Leaf Lane, Bog River Bend, Miller Farm Road and Ferngully Pass (Childs River East). The hearing will take place at Mashpee Town Hall, 16 Great Neck Road North, Mashpee, MA, and the Selectmen and DPW Director will be available to address any questions relating to the road taking process and the enclosed estimate. Plans will be available for viewing at the hearing, or in advance of the hearing at the Office of the Town Manager/Selectmen.

If residents plan to move forward with the road conversion and wish to have an article placed on the October 2018 Town Meeting Warrant, it will be necessary to submit a second petition, signed by at least 50% of the affected property owners, to the Office of the Town Manager/Selectmen by Monday, July 9, 2018.

Should you have any questions, please contact the undersigned at 508-539-1401.

Sincerely,

Christine A. Willander  
Administrative Secretary

Encls

<b>LEATHER LEAF LANE, BOG RIVER BEND, FERNGULLY PASS, MILLER FARM ROAD</b>	
<b>CHILDS RIVER EAST</b>	
<b>ESTIMATED BETTERMENT COST</b>	
<b>CONSTRUCTION</b>	\$ 375,350.00
<b>PROCESSING (\$5,000 ENGINEERING, \$8,250 RECORDING FEES)</b>	\$ 13,250.00
<b>SUBTOTAL</b>	\$ 388,600.00
<b>INTEREST (5%)</b>	\$ 19,430.00
<b>TOTAL</b>	\$ 408,030.00
<b>COST TO BE BORNE BY EACH OF 60 PROPERTY OWNERS</b>	\$ 6,800.50
<b>Please be advised that this amount reflects the maximum allowable charge by the Town of Mashpee for this Betterment</b>	

# ESTIMATE FOR CONVERSION (FY19-20)

**TITLE: Childs River East (Leather Leaf Ln,  
Bog River Bend, Fern Gully Pass, Miller Farm Road)**

22 width  
5088 length

	Quantity	Unit	Unit Price Estimate	Total \$\$ Amount
CRACKFILLING	1	LS	\$5,000.00	\$5,000
TREE WORK	2	DAY	\$2,500.00	\$5,000
DRAINAGE BUDGET	16	EACH	\$4,000.00	\$64,000
MILLING	12,500	SY	\$2.75	\$34,375
SURFACE 1.5" TOP BITUMINOUS CONCRETE CLASS 1 COMPLETE IN PLACE	1,500	TON	\$105.00	\$157,500
ADJUST FRAMES	36	EACH	\$350.00	\$12,600
PAVED APRONS DRIVEWAYS/ROADS	60	EACH	\$750.00	\$45,000
CURBING	1	LS	\$4,000.00	\$4,000
CATCH BASIN, CLEANING	36	EACH	\$300.00	\$10,800
LOAM	0	CY	\$20.00	\$0
GRADEALL	24	HOUR	\$275.00	\$6,600
HYDROSEED	30,000	SF	\$0.15	\$4,500
ENGINEERING/SURVEYING/PRINTS	1	LS	\$5,000.00	\$5,000
GUARD RAIL	N/A			
STREET SWEEPING	2.0	DAY	\$1,200.00	\$2,400
POLICE DETAIL	3	DAY	\$500.00	\$1,500
DPW OVERTIME				
SIGNS	8	EACH	\$150.00	\$1,200
POSTS	7	EACH	\$125.00	\$875
LINE PAINTING (PAINT)	0	LF	\$0.040	\$0
RECESSED MARKERS	N/A			
MISCELLANEOUS				\$20,000
<b>GRAND TOTAL</b>				<b>\$380,350</b>


Prepared 5/11/18 by CEL

61 E 13 1 11 18

**TOWN OF MASHPEE  
MASHPEE HIGH SCHOOL  
500 OLD BARNSTABLE ROAD  
MASHPEE, MA 02649  
ANNUAL TOWN MEETING  
MONDAY, OCTOBER 21, 2019**

**Town Meeting opened at 7:01 PM  
Voters Present 263  
Quorum 0**

**A TRUE COPY, ATTEST**

  
\_\_\_\_\_  
**TOWN CLERK OF MASHPEE, MA**

**Article 12**

To see if the Town will vote to accept the layouts as public ways of Leatherleaf Lane, Bog River Bend, Miller Farm Road and Ferngully Pass (Childs River East), as shown on plans entitled "Road Taking Plan Leather Leaf Road", "Road Taking Plan Bog River Bend" and "Road Taking Plan Fern Gully Pass & Miller Farm Road" in Mashpee MA, dated January 31, 2018, and prepared by Cape & Islands Engineering, which layouts shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of vote hereunder, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain taking any land necessary for the purposes of such ways as so laid out, and further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways with respect to the cost of the subject roadway layouts and improvements. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relating thereto.

**SEE MAP IN APPENDIX A**

Submitted by the Board of Selectmen

**Explanation:** This Article once again submits the request of roadway abutters in the Childs River East development for Town acceptance of the layouts of Leatherleaf Lane, Bog River Bend, Miller Farm Road and Ferngully Pass. The Article was previously approved by Town Meeting as a Petition Article (Article 29) at the 2019 Spring Annual Town Meeting on May 6, 2019, however, due to an inadvertent administrative oversight, the Order of Taking for the subject layouts was not adopted and recorded by the Board of Selectmen within the requisite 90 day statutory period; thus, the layouts have not become effective. This Article merely seeks to ratify and confirm the previously approved layouts, whereupon appropriate Orders of Taking and Betterment Assessment will be adopted and recorded in a timely manner to complete the layout proceedings for the subject ways.

**The Board of Selectmen recommends approval of Article 12 by a vote of 4-0**

**ORDER FOR BETTERMENT ASSESSMENT  
TOWN OF MASHPEE**

**CONSTRUCTION OF IMPROVEMENTS TO  
LEATHER LEAF LANE, BOG RIVER BEND, MILLER FARM ROAD AND FERN GULLY PASS  
(CHILDS RIVER EAST)**

We, the undersigned, being a majority of the duly elected Selectmen of the Town of Mashpee, a municipal corporation located in the County of Barnstable in the Commonwealth of Massachusetts, acting for and on behalf of the said Town of Mashpee, under the authority and by virtue of a vote of the inhabitants of the Town of Mashpee, acting under Article 12 of the Warrant for the October 2019 Town Meeting, and in accordance with Chapter 80 of the General Laws of Massachusetts and Order of Taking dated November 1, 2021 and recorded herewith with the Barnstable County Registry of Deeds Land Court stating that betterment assessments will be levied for the street project, do hereby order that betterments be assessed upon the attached listed parcels of land, situated within the area of Leather Leaf Lane, Bog River Bend, Miller Farm Road and Fern Gully Pass, which parcels will receive a benefit or advantage beyond the general advantage to the community by reason of improvements to said roads as shown on plans entitled "Road Taking Plan Leatherleaf Road", "Road Taking Plan Bog River Bend" and "Road Taking Plan Fern Gully Pass & Miller Farm Road" dated January 31, 2018, in Mashpee, Massachusetts (Barnstable County) and prepared by Cape & Islands Engineering.

Said road improvements cost \$296,701.09 and we hereby assess a proportionate share of the cost to each parcel of land listed on the schedule attached hereto as Schedule A. Said schedule lists the Town of Mashpee Assessor's Map and Lot reference for each parcel assessed, and the names and addresses of each owner as of January 1, 2021.

Said amounts are hereby certified to the Board of Assessors of the Town of Mashpee to be committed to the Tax Collector of the Town of Mashpee pursuant to G.L. c.80, §4.

IN WITNESS WHEREOF, the undersigned members of the Board of Selectmen have signed this Order this 1<sup>st</sup> day of November, 2021.

The Town of Mashpee  
Acting by and through its  
Board of Selectmen

Carol A. Sherman

Carol A. Sherman, Chair

David W. Weeden

David W. Weeden, Vice-Chair

Andrew R. Gottlieb

Andrew R. Gottlieb, Clerk

John J. Cotton

John J. Cotton

Thomas F. O'Hara

Thomas F. O'Hara

COMMONWEALTH OF MASSACHUSETTS

Barnstable County, ss.

November 1, 2021

Then personally appeared before me the above named Carol A. Sherman,

David W. Weeden, Andrew R. Gottlieb, John J. Cotton,

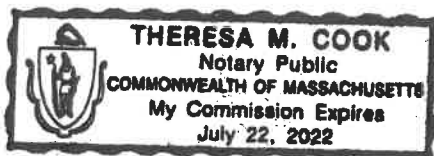
Thomas F. O'Hara

members of the Board of Selectmen and acknowledged the foregoing to be the free act and deed of the Town of Mashpee.

Theresa M. Cook

Notary Public

My commission expires: July 22, 2022





# TOWN OF MASHPEE

## OFFICE OF THE SELECT BOARD

16 Great Neck Road North  
Mashpee, Massachusetts 02649  
Telephone – (508) 539-1401  
[bos@marshpeema.gov](mailto:bos@marshpeema.gov)

### MEMORANDUM

To: Rodney C. Collins, Town Manager and  
Honorable Members of the Board of Selectmen

From: Stephanie A. Coleman, Administrative Secretary

A handwritten signature in blue ink, appearing to be "SA", is placed next to the name Stephanie A. Coleman.

Date: July 7, 2022

Subj: Conservation Commission Changes to Appointments

#### Description

At July 14<sup>th</sup> meeting of the Conservation Commission, members discussed the following changes to member appointments:

- Chad Smith is currently serving as a Member At-Large to the Commission. He has requested his position be changed to an Associate position, term to expire June 30, 2023.
- Marjorie Clapprood is currently serving as an Associate Member to the Commission. She has requested her position be changed to serve as a Member At-Large, term to expire June 30, 2025

#### Recommendation

The Conservation Commission has recommended approval of the change per the attached email from the Conservation Agent.

## Conservation Commission designation changes

Andrew McManus <amcmanus@mashpeema.gov>

Tue 7/19/2022 3:36 PM

To: Terrie Cook <tmcook@mashpeema.gov>

Hi Terrie,

At the July 14<sup>th</sup> meeting of the Conservation Commission, the members discussed the following two requests for change in status:

Current fully time commissioner Chad Smith requests to be designated as an Associate Commissioner (currently full time)

Current Associate Commissioner Marjorie Clapprood requests to be designated as full time Commissioner.

No issues with either request.

Sincerely,

-Drew

Drew McManus  
Town of Mashpee Conservation Agent  
Office: 508-539-1400 X8539

amcmanus@mashpeema.gov



---

*"We in America do not have government by the majority, we have government by the majority who participate"*

**-Thomas Jefferson**

*"In the end, our society will be defined not only by what we create but what we refuse to destroy"*

**-John C. Sawhill, The Nature Conservancy**

# MASSACHUSETTS COMMERCIAL FISHING PORT PROFILES



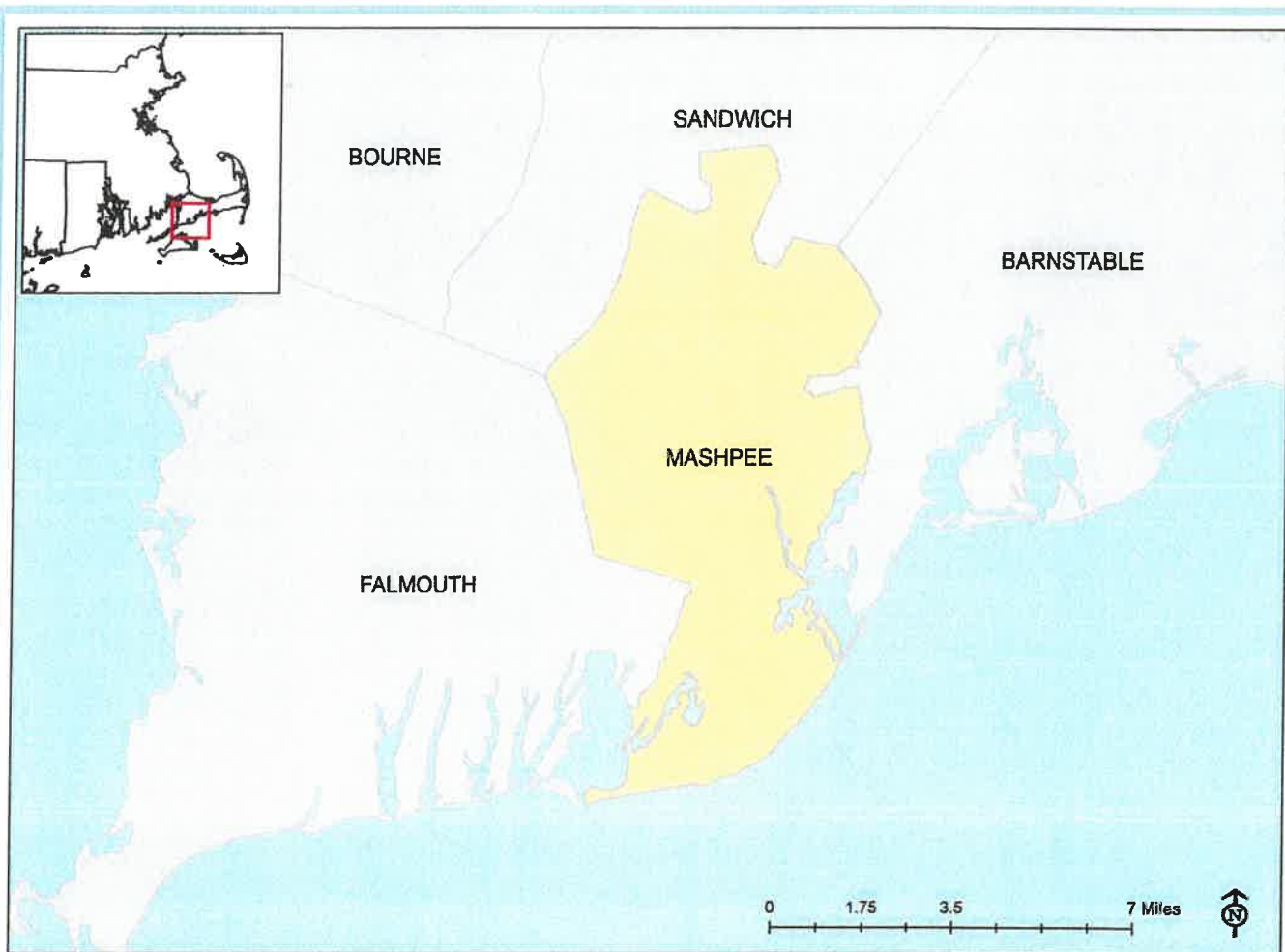
The **Massachusetts Commercial Fishing Port Profiles** were developed through a collaboration between the Massachusetts Division of Marine Fisheries, the University of Massachusetts Boston's Urban Harbors Institute, and the Cape Cod Commercial Fishermen's Alliance. Using data from commercial regional permits, the Atlantic Coastal Cooperative Statistics Program's (ACCSP) Standard Atlantic Fisheries Information System (SAFIS) Dealer Database, and harbormaster and fishermen surveys, these profiles provide an overview of the commercial fishing activity and infrastructure within each municipality. The Port Profiles are part of a larger report which describes the status of the Commonwealth's commercial fishing and port infrastructure, as well as how profile data can inform policy, programming, funding, infrastructure improvements, and other important industry-related decisions.

For the full report, visit the Massachusetts Division of Marine Fisheries website.



URBAN HARBORS INSTITUTE  
UNIVERSITY OF MASSACHUSETTS BOSTON





**Mashpee Municipal Boundary**

Map created by the Urban Harbors Institute, UMass Boston  
With data from MassGIS, March, 2021

### **Key Terms:**

**Permitted Harvesters:** Commercially permitted harvesters residing in the municipality

**Vessels:** Commercially permitted vessels with the municipality listed as the homeport

**Trips:** Discrete commercial trips unloading fish or shellfish in this municipality

**Active Permitted Harvesters:** Commercially permitted harvesters with at least one reported transaction in a given year

**Active Dealers:** Permitted dealers with at least one reported purchase from a harvester in a given year

**Ex-Vessel Value:** Total amount (\$) paid directly to permitted harvesters by dealers at the first point of sale

# MASHPEE

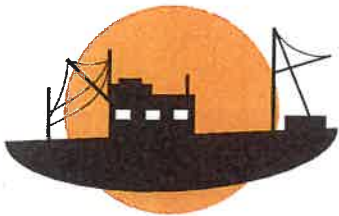
Located on Cape Cod, Mashpee has six main harbors: Little River, Mashpee River, Ockway Bay, Popponesset Bay, Shoestring Bay, and Waquoit Bay.

Permitted commercial fisheries, which may or may not have been active during the survey period, include: Aquaculture, Lobster Pot, and Shellfish.



## 2018 Overview

Source: DMF Permitting and Statistics Data; ACCSP Data Warehouse



### Mashpee's commercial fishery had:

- 68** permitted harvesters with a Mashpee address
- 0** vessels with a Mashpee homeport
- 408** trips landing in Mashpee
- 28** active permitted harvesters landing in Mashpee
- 9** active dealers purchasing in Mashpee



### Commercial harvesters landed the following catch in Mashpee in 2018:

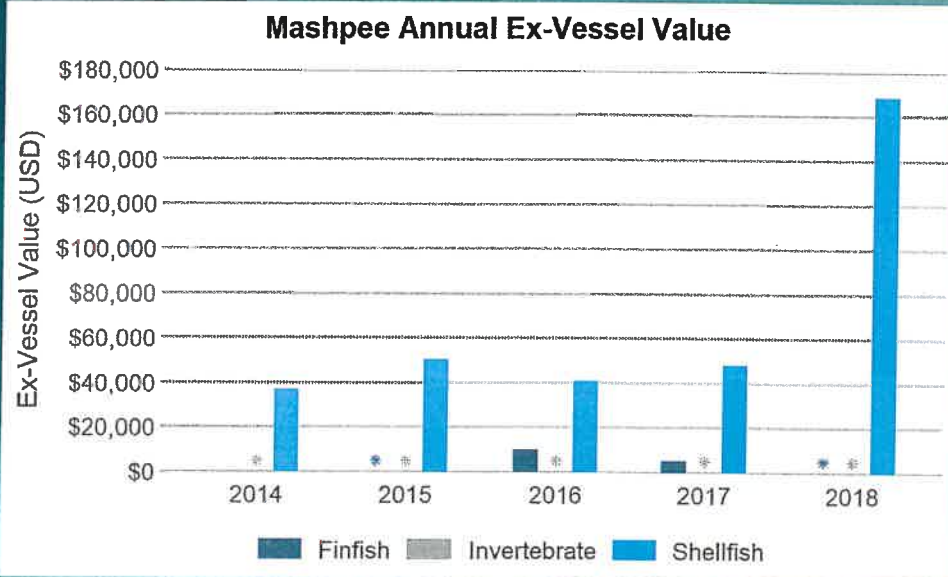
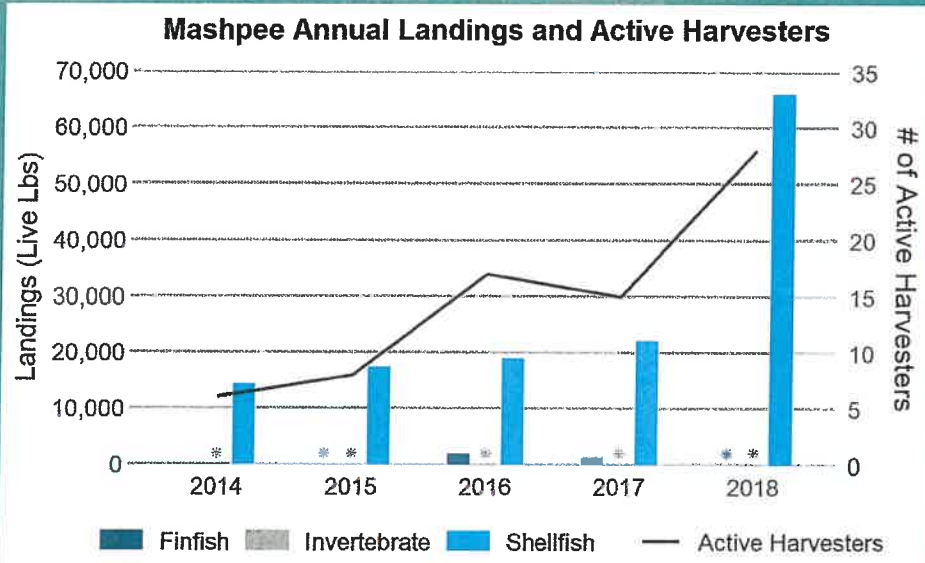
**132,516** pounds of catch with an ex-vessel value of **\$375,519**

The top-ranked species, by dollar value, landed between 2014-2018 included:

- American Lobster
- Eastern Oyster
- Horseshoe Crab

# 5 Year Trends in Commercial Landings and Value

Source: DMF Permitting and Statistics Data; ACCSP Data Warehouse



\* = CONFIDENTIAL, as fewer than three harvesters, vessels, and/or dealers reported in this municipality.

# Status of the Commercial Fishing Industry

Source: 2019 Harbormaster and Harvester Survey Data

Mashpee's commercial fishing fleet consists of both trailered and non-trailered vessels. In the last 10 years, the number of non-trailered commercial fishing vessels operating out of Mashpee increased and the number of trailered vessels has remained the same.



Photo Source: Sam Houghton

## Commercial Fishing Infrastructure



Current infrastructure:

### Challenges

- Lack of docking space
- Shallow water/need for dredging

### Needs

- Dredging
- Additional dock space






Infrastructure dedicated solely to commercial fishermen:

- Moorings: None
- Slips: None
- Broadside berthing: None



In 2018, the municipality charged for the following services:

- Moorings: Up to and including 20'=\$200; 20'1"-25'=\$250; 25'1"-30'=\$300; 30'1" and larger=\$400

Type of Infrastructure	Available?
Ice	
Bait storage	
Trash disposal	
Commercial offloading	
Hoist	
Dock space	
Gear storage	
Mooring space	
Fueling stations	
Vessel repair	
Launch ramp	
Parking for fishermen	
Parking for seafood trucks	
Other	

 = Available

3225 MAIN STREET • P.O. BOX 226  
BARNSTABLE, MASSACHUSETTS 02630



CAPE COD  
COMMISSION

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(508) 362-3828 • Fax (508) 362-3136 • [www.capecodcommission.org](http://www.capecodcommission.org)

July 14, 2022

Evan Lehrer, Mashpee Town Planner  
16 Great Neck Road  
Mashpee, MA 02649

RE: Nathan Ellis Highway and Algonquin Ave, Mashpee

Dear Evan:

This letter is in response to your June 2 and June 8, 2022 emails and your subsequent request for input from Cape Cod Commission ("Commission") staff as to whether land clearing of multiple lots situated at 420 Nathan Ellis Highway and Algonquin Avenue in Mashpee would require mandatory Development of Regional Impact ("DRI") review. Based on Commission staff review, it is the position of Commission staff that the proposal would not require mandatory DRI review pursuant to Section 22(e) of the Cape Cod Commission Act.

Please do not hesitate to contact me with any questions.

Sincerely,

Jordan Velozo  
Chief Regulatory Officer

cc:

Rodney C. Collins, Mashpee Town Manager  
David Morris, Mashpee Building Commissioner  
Harold Mitchell, Cape Cod Commission, Chair  
Ernest Virgilio, Cape Cod Commission, Mashpee Representative



**Fw: CCC Regulations Governing Developments of Regional Impact**

Evan Lehrer &lt;ELeherer@mashpeema.gov&gt;

Wed 6/8/2022 4:35 PM

To: Jordan Velozo &lt;jordan.velozo@capecodcommission.org&gt;

 1 attachments (121 KB)

072 86.pdf;

For your review Jordan. Relevant Form A plan attached.

Thank you,

Evan

**Evan Lehrer, MPA***Town Planner*

Town of Mashpee

16 Great Neck Road North

Mashpee, MA 02649

elehrer@mashpeema.gov

(508) 539-1400 x 8521

---

**From:** Evan Lehrer**Sent:** Tuesday, June 7, 2022 2:45 PM**To:** Karen Faulkner ~**Subject:** CCC Regulations Governing Developments of Regional Impact

Karen,

See the link here: [https://www.capecodcommission.org/resource-library/file?url=%2Fdept%2Fcommission%2Fteam%2Freg\\_lib%2FRegulatory+Home%2FREGULATORY+CLERK+FILES%2FRegulations-Ordinances-Tech+Bulletins%2FChapter+A+-+Enabling+Regs%2FEnabling+Regulations+Revised+2021%2F2021-11-17+Chapter+A+Enabling+Regs+Ord+21-17.pdf](https://www.capecodcommission.org/resource-library/file?url=%2Fdept%2Fcommission%2Fteam%2Freg_lib%2FRegulatory+Home%2FREGULATORY+CLERK+FILES%2FRegulations-Ordinances-Tech+Bulletins%2FChapter+A+-+Enabling+Regs%2FEnabling+Regulations+Revised+2021%2F2021-11-17+Chapter+A+Enabling+Regs+Ord+21-17.pdf)

My assessment of the regulations has identified 3 sections that are relevant to the Algonquin Land Clearing situation.

**Section 2: COMMISSION JURISDICTION**

(ii) The Municipal Agency **shall not refer the proposed development for review as a DRI if the project is eligible for any of the exemptions listed in Section 22 of the Act.** Informal jurisdictional interpretations are available from the Commission staff to assist a Municipal Agency. Formal Jurisdictional Determinations are available pursuant to Section 12(j) of the Act and Section 8 below.

(iii) In applying the DRI standards and criteria ("thresholds"), the entire proposed project including future expansions shall be considered and not separate phases or segments thereof. **Ownership by**

**different entities does not necessarily indicate that projects are separate.**

**SECTION 3: DEVELOPMENTS PRESUMED TO BE DEVELOPMENTS OF REGIONAL IMPACT (DRI REVIEW THRESHOLDS)**

**(j) Site alterations or site disturbance greater than two acres including but not limited to clear cutting, grading, and clearing land, unless such alteration or disturbance is conducted in conjunction with a building permit for a structure or a DRI approval or in conjunction with a municipal project.**

Now, while it is clear that more than two acres of land has been cleared and that the properties in question are under ownership by separate entities, which wouldn't negate a referral, we now need to determine if any of the exemptions in Section 22 of the Cape Cod COMmission act apply...and they may.

Cape Cod Commission Act Section 22 (e):

**This act shall not apply to a lot or lots shown on a subdivision plan endorsed by a planning board prior to July first, nineteen hundred and eighty-nine,** in accordance with section eighty-one V of chapter forty-one of the General Laws, if the planning board has released the security held by it to ensure completion of construction of ways and the installation of municipal services, as required by section eighty-one U of said chapter forty-one, prior to the effective date of this act

The Planning Board endorsed an ANR plan for these lots in 1986 and as such these may be exempt from Commission review.

I am slated to discuss this with Town Counsel today and I will report back to the Board tomorrow.

**Evan Lehrer, MPA**

*Town Planner*

Town of Mashpee  
16 Great Neck Road North  
Mashpee, MA 02649  
elehrer@mashpeema.gov  
(508) 539-1400 x 8521



## Land Clearing in Excess of 2 acres

Evan Lehrer <ELehrer@mashpeema.gov>

Thu 6/2/2022 10:37 AM

To: Jordan Velozo <jordan.velozo@capecodcommission.org>

Cc: Jack Phelan <jphelan@mashpeema.gov>; David Morris <DMorris@mashpeema.gov>; Wayne E. Taylor <wtaylor@mashpeema.gov>

Jordan,

A Mashpee property has begun clearing relatively significant acreage without being connected to any municipal building permit. Certainly the land clearing is in excess of two acres. It's my understanding the Building Commissioner has issued a cease and desist. This seems similar to the decision we recently discussed relative to 532 Main St in Mashpee. Based on the aforementioned clearing we feel Commission has jurisdiction here. How would you recommend we intervene?

Thanks,  
Evan Lehrer

Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)

*"Preserving public trust and providing professional services"*



Rodney C. Collins  
Town Manager  
508-539-1401  
rccollins@mashpeema.gov

Office of the Town Manager  
Mashpee Town Hall  
16 Great Neck Road North  
Mashpee, MA 02649

**MEMORANDUM**

To: Select Board  
From: Town Manager Rodney C. Collins  
Re: Goals 2022-23  
Date: July 22, 2022

Attached, please find the twelve (12) goals on your agenda for Monday night. (7/25/2022) The realignment of Town Offices was included last year and was carried over this year due to the delays in finishing the DNR facility at Mercantile. Additionally, I intend to continue discussion regarding the control of town gates and access for the Tribe. I also intend to schedule quarterly meetings with the Tribe, which have been impacted by COVID-19. I also intend to work with the Historical Commission to prepare a CIP submittal to protect historical documents. This was postponed last year by the Commission. The only other goal from 2021-22 that is incomplete is the Mashpee Commons Development Agreement. There are no plans to continue such goal.

Of the goals for 2022-23, the top three are identified as priorities.

## **GOALS 2022-23**

- **PRIORITY – SEWER CONSTRUCTION:** Continue to oversee design and construction of wastewater treatment facility and collection system. Work with GHD, EP and Weston & Sampson to award construction contracts on or before September 30, 2022, begin construction in fall of 2022 and make progress toward successful completion of Phase 1 of Clean Water Plan.
- **PRIORITY – SEWER PLANNING:** Work with Sewer Commission to develop design and engineering plans for review and consideration of Phase 2 of Clean Water Plan.
- **PRIORITY - ENFORCEMENT:** Enhance enforcement of state laws, town bylaws and other regulations under the jurisdiction of town departments. Ensure department heads are taking appropriate action to properly enforce violations. Report to Board on the strategy and provide enforcement summaries to the Board on a regular basis.
- Establish a system of policies and procedures, supported by an internal tracking system that provides regular reports to the Board to improve oversight of initiatives and projects.
- **Collective Bargaining:** Initiate collective bargaining with all ten units and endeavor to reach settlements to provide wages, benefits and conditions that are fair, reasonable and sustainable for the Town.
- **DNR Facility:** Finish transition of two units – Mercantile Way for the purpose of providing full DNR operations and support at new facility and complete offices moving from Town Hall and Police Station. (Shellfish Lab)
- **Town Hall:** Finish realignment of office space for functional operations to include Finance Team and inspections in central location.
- **Town Seal:** Continue the changeover at buildings, door seals, patches, logos and other materials or uniforms with the new Town Seal.
- **Landing Parking:** Seek trial of parking control at Great River Boat Ramp with designated parking for residents and non-residents with launch fee system for non-residents.
- **151 Project:** Ensure project continues with minimal disruptions to traffic and with restrictions outlined by the Select Board.
- **Water Quality:** Continue to work with DNR for the purpose of mitigating identified problems at Santuit Pond. Oversee and develop initiatives to improve water quality at all major surface waters in town. Ensure deployment of three new RBR water quality instruments in Santuit Pond, Mashpee-Wakeby Pond and Mashpee River.
- **Community Park:** Continue to work with DPW to finish Veteran's monument.

Terrie M. Cook  
Administrative Assistant  
(508) 539-1401  
tmcook@mashpeeema.gov



Office of the Town Manager  
Mashpee Town Hall  
16 Great Neck Road North  
Mashpee, MA 02649

## MEMORANDUM

Date: July 21, 2022

To: Town Manager Rodney C. Collins;  
Chair Andrew Gottlieb and Honorable Members of the Select Board

From: Administrative Assistant Terrie M. Cook

Re: DRAFT #1 October 17, 2022 Town Meeting Warrant

For your reference, there are fifteen articles that were submitted on or before July 11, 2022  
(14-Departments; 1-petition)

The articles are not numbered, the page numbers and a brief description of each article appears below:

<u>Page #</u>	<u>Submitted by:</u>	<u>Brief Description</u>
1	Treasurer	\$1.48 Million-Wastewater Stabilization to temp borrowing
1	Treasurer	\$1.016 Million –WIIF to temp borrowing
2	Finance Director	\$8,400-cover shortfall planning salary accounts
2	Fire Department	\$22,000- cover shortfall in fire salary accounts
2-8	Planning Board	Floodplain Zone overlay
8-11	Planning Board	Definitions Floodplain Management 174-3.1
11	Public Works	Stormwater Asset Management Plan Project
12	Library Trustees	Circulation Supervisor from 34.5 to 37.5 hours per week
12	DNR	Santuit Pond horsepower restriction
13	DNR	Mooring Regulations – late fee structure
13-20	DNR	Wetlands Bylaw Fertilizer, Flood Zone, Buffer Zone
20-23	DNR	Nitrogen Control Bylaw – Clarification, Recommendations
23-24	DNR	Waterways Regulations – Adoption of CMR/Ch. 90 B – Ch. 170
25	Community Preservation	10% Reserves transfer – CPA Funds M.G.L. Chapter 44B, §6
25	Petition Article	Step one – Road Taking South Cape Homeowner's Association

Thank you.

**TOWN OF MASHPEE  
MASHPEE HIGH SCHOOL  
500 OLD BARNSTABLE ROAD  
MASHPEE, MA 02649  
ANNUAL TOWN MEETING  
MONDAY, OCTOBER 17, 2022**

Barnstable, ss:

Greetings to the Constables of the Town,

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and summon the inhabitants of the Town of Mashpee who are qualified to vote in the elections to meet at the Mashpee High School on Monday, the 17th day of October 2022 at 7:00 p.m. for the following purposes:

To act on the articles contained in the following Warrant:

**Article:**

To see if the Town will vote to appropriate and transfer the sum of \$1,480,000 (amount to be determined) from the Wastewater Stabilization Fund to the Temporary borrowing outside 2 ½, or take any other action relating thereto.

Submitted by the Town Treasurer

**Explanation:** This article, along with article #\_ is for the purpose paying off the Bond Anticipation Note (BAN) that is coming due in May 2023 along with interest. (Requires a 2/3 vote)

**The Board of Selectmen recommends approval of Article   by a vote of**  
**The Finance Committee recommends approval of Article   by a vote of**

**Article:**

To see if the Town will vote to appropriate and transfer the sum of \$1,016,775 (amount to be determined) from the Wastewater Infrastructure Investment Fund (WIIF) to the Temporary borrowing outside 2 ½, or take any other action relating thereto.

Submitted by the Town Treasurer

**Explanation:** This article, along with article #\_ is for the purpose paying off the Bond Anticipation Note (BAN) that is coming due in May 2023 along with interest.

**The Board of Selectmen recommends approval of Article   by a vote of**  
**The Finance Committee recommends approval of Article   by a vote of**

**Article:**

To see if the Town will vote to appropriate and transfer the sum of \$8,400 from revenue available for appropriation with said funds to be distributed as follows: \$2,964 to the Planning Temporary Wage account, \$5,236 to the Planning Full Time Clerical Salary account and \$200 to the Medicare Expense account, or take any other action relating thereto.

Submitted by the Finance Director

**Explanation:** This article is to provide additional funds to cover a shortfall in the Planning Department salary accounts.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article:**

To see if the Town will vote to appropriate and transfer the sum of \$22,000 from revenue available for appropriation with said funds to be distributed as follows: \$21,685 to the Fire Department Management Salary account, and \$315 to the Medicare expense account, or take any other action relating thereto.

Submitted by the Fire Department

**Explanation:** This article is to provide additional funds to cover a shortfall in the Fire Department Salary account.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article:**

To see if the Town will vote to repeal Article XI: Floodplain Zone Provisions in its entirety and Replace with new Article XI: Floodplain Zone Overlay as follows:

**§174-58 Purpose and Intent**

The purpose of the Floodplain Zone Overlay is to:

- 1) Ensure public safety through reducing the threats to life and personal injury
- 2) Eliminate new hazards to emergency response officials
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
- 5) Eliminate costs associated with the response and cleanup of flooding conditions
- 6) Reduce damage to public and private property resulting from flooding waters

**§174-59      Use of FEMA Maps and Supporting Studies**

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within Mashpee's designated as Zone A, AE, AH, AO, A99, V, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) dated July 6, 2021 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated July 6, 2021. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and GIS/E911 Coordinator.

**§174-60      General provisions**

Permits for new construction, alteration of structures or other development (any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations), at or below the base flood elevation as specified within the A and V Zones (in unnumbered A Zones), in the absence of Flood Insurance Administration data, the base flood elevations shall be determined by obtaining, reviewing and reasonably utilizing any existing base flood elevation data from federal, state, local or other sources) as designated on special Flood Insurance Administration Flood Insurance Rate Maps dated July 6, 2021, and the Flood Insurance Study dated July 6, 2021, which are on file with the Town Clerk, Planning Board and Building Inspector, shall be approved subject to other laws and bylaws applicable thereto and to the following.

**§174-60.1      Disclaimer of Liability**

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

**§174-60.2      Severability**

If any section, provision, or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the bylaw shall be effective.

**§174-60.3      Designation of community Floodplain Administrator**

The Town of Mashpee hereby designates the position of Building Commissioner to be the official floodplain administrator for the Town.

**§174-60.4      Requirement to submit new technical data**

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief  
99 High St., 6<sup>th</sup> floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator  
MA Dept. of Conservation & Recreation  
251 Causeway Street, Boston, MA 02114

**§174-61 Compliance with State Building Code**

Any new construction or substantial improvement to be undertaken within said zones shall be in accordance with the Massachusetts Uniform Building Code, Section 744.0, as amended. The Building Inspector shall review all proposed development within the flood zones to assure that all necessary permits which are obtainable at such time have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Amendments of 1972, 33 U.S.C. § 1334, and obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, local or other source as criteria for requiring that new construction, substantial improvements or other development in Zone AE meet floodplain zone provisions.

**§174-61.1 Permit requirements**

The Town of Mashpee requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

**§174-61.2 Variances to Building Code Floodplain Standards**

The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

**§174-61.3 Variances to local Zoning Bylaws related to compliance with the National Flood Insurance Program (NFIP)**

A variance from these floodplain bylaws by the Zoning Board of Appeals must meet the requirements set out by State law, and may only be granted if:

1. Good and sufficient cause and exceptional non-financial hardship exist;
2. the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
3. the variance is the minimum action necessary to afford relief.

**§174-61.4 Historic District Procedures**

Qualifying Historic Structures listed as defined in §174-3.1 are exempt from only those substantial improvement modifications which would alter the historic character of the building. All other substantial improvement modifications must be completed.

**§174-62 Subdivisions**

All Subdivision proposals shall be designed to ensure that:

1. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
2. Adequate drainage is provided to reduce exposure to flood hazards.
3. Such proposals minimize flood damage.

**§174-62.1 Base Flood Elevation Data for Subdivision Proposals**

When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

**§174-62.2 Manufactured Home Parks and Subdivisions**

Notwithstanding the applicable provisions of the Massachusetts Uniform Building Code within Zones AE, for new manufactured home parks and manufactured home subdivisions and for existing manufactured home parks and manufactured home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, lots are to be elevated on pilings or a flood compliant solid wall foundation so that the lowest floor of the manufactured home will be above the base flood elevation in compliance with the Massachusetts Uniform Building Code; adequate surface drainage and access for a hauler must be provided; and, in the instance of elevation on pilings, lots must be large enough to permit steps, piling foundations must be placed in stable soil no more than ten (10) feet apart and reinforcement must be provided for pilings more than six (6) feet above the ground level.

**§174-62.3      Manufactured Homes not in Parks or Subdivisions**

Notwithstanding the applicable provisions of the Massachusetts Uniform Building Code, in all manufactured homes to be placed within Zones AE but not into a manufactured home park or manufactured home subdivision:

1. Manufactured Homes must be elevated on pilings or on a solid wall foundation with flood openings so that the lowest floor of the manufactured home will be above the base flood elevation in compliance with the Massachusetts Uniform Building Code.
2. Adequate surface drainage and access for a hauler must be provided.
3. In the instance of elevation on pilings, lots must be large enough to permit steps, piling foundations must be placed in stable soil no more than ten (10) feet apart and reinforcement must be provided for piers more than six (6) feet above ground level.

**§174-63      Development within V Zones**

No land within areas designated as V (velocity) Zones on the Federal Emergency Management Agency Flood Insurance Rate Maps shall be developed unless such development is demonstrated by the application to be located landward of the reach of the mean high tide. Notwithstanding the applicable provisions of the Massachusetts Uniform Building Code, all new construction and substantial improvement within the V Zones shall be elevated on adequately anchored pilings or columns and securely anchored to such piles or columns so that the lowest portion of the structural members of the lowest floor, excluding the pilings or columns, is elevated above the base flood elevation in compliance with the Massachusetts Uniform Building Code, and certified by a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.

The following shall be prohibited within said V Zones:

1. Any man-made alteration of sand dunes which might increase the potential for flood damage.
2. Use of fill for structural support for new construction or substantial improvement of structures.
3. Manufactured homes, except in existing manufactured home parks and existing manufactured home subdivisions.

**§174-64      Unnumbered A Zones**

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will cause to be collected from the proponent's registered design professional base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

**§174-64.1 Floodway Encroachment**

In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge

**§174-64.2 Watercourse Alterations or Alterations in Riverine Areas**

In a riverine situation, the Conservation Agent shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, 8th floor  
Boston, MA 02114
- NFIP Program Specialist  
Federal Emergency Management Agency, Region I  
99 High Street, 6th Floor  
Boston, MA 02110

**§174-65 AO and AH Zones Drainage Requirements**

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

**§174-66 Recreational Vehicles**

In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

**§174-67 Prohibitions**

No person shall fill, place or dump in a floodplain any soil, loam, peat, sand, gravel, rock or other material substance, refuse, trash, rubbish, debris or dredged material with the exception of landscaping material as allowed under Section §174-67.1 of this bylaw

No Letters of Map Revision based on Fill (LOMR-Fs) or Letters of Map Amendment Based on Fill (LOMA-F) will be permitted

**§174-67.1 Exceptions to rule prohibiting the use of fill in any flood zone**

Landscape material up to two feet in depth at the foundation and tapered to meet grade within ten feet (10) of the foundation shall not be calculated towards grade plane and shall not be considered fill as regulated in §174-67 of this Bylaw.

The use of rock for the purposes of reconstructing a revetment or groin shall not be considered fill as regulated by §174-67 of this Bylaw. The reconstruction of such structures shall require all permits as required by local, state, and/or federal laws.

The use of dredged material for beach re-nourishment shall not be not be considered fill as regulated in §174-67 of this Bylaw but shall require all permits as required by local, state, and/or federal laws.

**§174-68 More Restrictive Regulations to Apply**

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

**§174-69 Enforcement**

Violations of any section or provision of this Bylaw may be enforced by the institution of enforcement actions, either criminal or civil, either legal or equitable or both, or by fines of not more than three hundred (300) dollars for each offense. Each day that such offense continues shall constitute a separate offense.

Or take any other action relating thereto.

Submitted by the Planning Board

**Explanation:** This bylaw will replace in its entirety the Town's current floodplain zone provisions. This update is mandatory to remain in the National Flood Insurance Program. This bylaw regulates development in the floodplain with only those regulations that are not enforced through state requirements such as the statewide Building Code and Wetlands Protection Act. The most significant new regulations in this bylaw pertain to administrative management of permits in the floodplain for the Building and Conservation Departments. This bylaw also proposes to prohibit the use of fill in all flood zones which is above and beyond the minimum requirements in all flood zones except V (velocity zones) with the exception of dredged material for beach nourishment or rock (or other material) for the reconstruction of a revetment or groin.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article:**

To see if the Town will vote to add the following definitions as a new subsection 174-3.1 Floodplain Management Definitions as follows:

**DEVELOPMENT** - any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

**FLOODWAY** - The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

**FUNCTIONALLY DEPENDENT USE** - a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

**HIGHEST ADJACENT GRADE** - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

**HISTORIC STRUCTURE** - any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior or
  - (2) Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

**NEW CONSTRUCTION** - Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]

**RECREATIONAL VEHICLE** - a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

**REGULATORY FLOODWAY** - see FLOODWAY.

**SPECIAL FLOOD HAZARD AREA** - The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

**START OF CONSTRUCTION** - The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

**STRUCTURE(for floodplain management purposes)** - a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

**SUBSTANTIAL REPAIR OF A FOUNDATION** - When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

**VARIANCE** - a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

**VIOLATION** - the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

**ZONE A** - an area of special flood hazard without water surface elevations determined

**ZONE AE** - area of special flood hazard with water surface elevations determined

**ZONE AH** - means areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined

**ZONE AO** - means area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. *(Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.)*

**ZONES X** - means areas of minimal or moderate flood hazards or areas of future-conditions flood hazard. *(Zone X replaces Zones B and C on new and revised maps.)*

**ZONE V** - means area of special flood hazards without water surface elevations determined, and with velocity, that is inundated by tidal floods (coastal high hazard area)

**ZONE VE** - *(for new and revised maps)* means area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high hazard area)

Submitted by the Planning Board

**Explanation:** This bylaw amendment would add the definitions that pertain to development in the floodplain as required to remain in the National Flood Insurance Program.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article:**

To see if the Town will vote to appropriate and transfer the sum of **\$100,000** from revenue available for appropriation to cover costs associated with the development of a plan that will inventory, assess, and recommend improvement of the Town's stormwater infrastructure, or take any other action relating thereto.

Submitted by the Department of Public Works

**Explanation:** The Town recognizes the need for a proactive approach to maintaining its stormwater assets. The purpose of this project is to expand upon an existing condition assessment by visiting catch basins, manholes, culverts and drainage pipes that were not previously inspected. Existing GIS data will be updated to include field results for the selected assets. Criticality and risk analyses will be determined for culverts and a 10-year risk-based CIP will be developed for the system. This AMP will provide the Town with an understanding of the condition and vulnerabilities of the drainage system. It will establish a proactive maintenance, repair, and replacement program that will help with budgeting needs.

The Town has received a grant of \$60,000 from the Massachusetts Clean Water Trust for this project. The Town will provide in-kind services valued at \$20,000 and will contribute \$20,000 in a cash match. The terms of the grant agreement requires, however, that the Town appropriate the full project budget of \$100,000. The Town will receive reimbursement of \$60,000 of actual project costs.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article:**

To see if the Town will vote to increase the weekly hours of the Library's Circulation Supervisor position from 34.5 hours per week to 37.5 hours per week. The position is already budgeted, and eligible for full health insurance and pension benefits for the current fiscal year, and does not result in the creation of a new position or incur additional benefit costs. The salary for the position would increase overall by \$5,247.99 for the fiscal year, but no additional funding is requested.

Submitted by the Library Board of Trustees

**Explanation:** At this time, the Library's operating needs dictate increasing our available staff hours to allow us to maintain a full six day schedule, which includes evening and Saturday hours.

In addition, as of July 1, 2022, the Massachusetts Board of Library Commissioners has recognized the Mashpee Public Library as serving a community with a population of 15,060 residents (per the 2020 Census), which moves the Library into a different service category and changes the requirements necessary to maintain state certification. Specifically, the required hours of operation for the Library now increase from a minimum of 40 open hours per week to 50 open hours per week.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article:**

To see if the Town will vote to approve additions to the Waterways Regulations Ch. 170: Prohibit the use of motorboats within Santuit Pond to limit potential disturbance and resuspension of sediment into the water column to preserve water quality in the pond that will support other forms of recreation and be protective of public health and safety.

**§170-19 Santuit Pond Prohibited Uses**

- A. Use of motorized boats within Santuit Pond is prohibited except for vessels owned by an agency of the United States Government, Tribal Government, or by a State, County, City, or Town. This prohibition is intended to limit potential disturbance and resuspension of sediment into the water column resulting from use of motorized boats to protect and preserve water quality in the pond that will support other forms of recreation and be protective of public health and safety.

or take any other action relating thereto.

**Explanation:** Santuit Pond's depth is less than 10 feet throughout the pond, and cannot support motors of excessive horsepower. Through the Municipal Vulnerability Preparedness Program (MVP) and the completion of a Watershed Management plan both consultants from Fuss & O'Neil and The Southeast New England Program recommend a horsepower restriction of Santuit Pond to enhance water quality. The following recommended change to the Waterways Bylaw is intended to restrict boat use to minimize turbidity and protect water quality, in accordance with recommended changes to Mashpee Boating Rules and Regulations.

Submitted by the Department of Natural Resources

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article:**

To see if the town will vote to enact fee changes to the Mooring regulations as put forth below:

1. Mooring Bills will be sent out each year for the current year after January 1st via email or mail.
2. Mooring renewal payments must be received on or before March 15<sup>th</sup> of the same calendar year.
  - a. Mooring renewals received after March 15<sup>th</sup> (March 16<sup>th</sup> through March 31<sup>st</sup>) will be assessed a late fee charge of \$50.00 in addition to the applicable mooring fee. This additional invoice will be sent out via e-mail or mail.
  - b. Any Mooring not paid in full by March 31st will be revoked due to non-payment for the current year.
  - c. Renewal and late fee notices are sent as a courtesy only, Non-receipt of an annual mooring permit bill is not an excuse or justification for late payments.

or take any other action relating thereto.

Submitted by the Department of Natural Resources

**Explanation:** The fee structure for late payment will allow the Harbormaster to end payment receipts after March 31<sup>st</sup> each year. This will improve operation efficiency and allow the Harbormaster to begin mooring organization through the recommendations of the Harbor Management Plan that is currently underway.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article:**

To see if the Town will vote to approve the following additions and changes to the Wetlands Bylaw under Ch. 172:

**Additions:**

**§172 \_ Restrictions.**

- A. Application of fertilizer containing nitrogen or phosphorus is prohibited within resource areas protected by this bylaw (§172-2).

**(25) Regulation 25 – Land Subject to Flooding or Inundation by Coastal Flowage (LSCSF)**

\*(Revised and approved 4/7/05)

**C. PERFORMANCE STANDARDS –**

- (c) The following activities in V, A, and AE flood zones are prohibited: new construction and new structures; new or expanded coastal engineering structure unless of loose, slope-stone design; impermeable paving for roads, driveways, and parking lots; new or expanded septic, foundations other than open pilings.

**(29) REGULATION 29 – Buffer Zones and Naturally Vegetated Buffer Strips**

**E. Tree Replacement in Buffer Zone**

The Conservation Commission allows no loss of trees four inches (4") in diameter at breast height (dbh) or greater for any activity within Buffer Zone without replacement as follows.

\*DRAFT #1 OCTOBER 17, 2022 ANNUAL TOWN MEETING WARRANT\*

Tree Removed	Replacement Required
Within 100-150 foot Buffer Zone	One to one replacement
Within 0-100 foot Buffer Zone	Two to one replacement

**Notes:**

1. Replacement tree shall be a minimum of 1.5" – 2" caliper dbh.
2. Species shall be native to Barnstable County according to the Vascular Plants of Massachusetts: A County Checklist (Melissa Dow Cullina, Bryan Connolly, Bruce Sorrie, and Paul Somers).
3. Shrubs species may be permitting unless specifically authorized by the Commission. If permitted, the shrub replacement ration shall be higher than the respective tree replacement ratio.
4. Trees are to be planted as close as reasonably possible to the location of the removed tree.
5. Replacement trees shall survive at least two growing seasons with a full survival rate. If survival rate is not achieved, species selection may be changed.

If tree replacement is not feasible due to site constraints, or other circumstances unique to a specific site, the Commission may accept an in-lieu fee to be paid to the \*Conservation (TBD) Account\*.

**Changes:**

**§172-2. Jurisdiction.**

Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater or coastal wetlands; marshes; wet meadows; bogs; swamps; vernal pools; banks; lakes; ponds; streams; creeks; beaches; dunes; estuaries; the ocean; lands under water bodies; lands subject to flooding or inundation by ground water or surface water; lands subject to tidal action, coastal storm flowage, or flooding; lands within 150 feet of any of the aforesaid resource areas; rivers; and lands within 200 feet of rivers (collectively the "resource areas protected by this bylaw"). Said resources shall be protected whether or not they border surface waters.

**§172-5. Notice and Hearings.**

- (2) Any person filing a notice of intent with the Commission shall, after being given written notice by the Commission of the time and date of the hearing required, notify all property owners within one hundred fifty 150 feet of the boundary of the property on which the work is proposed, according to the most recent records of the Assessors, including those property owners across a way or a body of water and in another municipality, of said hearing. Said notice shall be by certified mail, return receipt requested, and shall be received by said abutters no less than five (5) days prior to the date of the hearing. Said notice shall be in a form prescribed by the Commission, shall specify the time and date of said hearing, shall describe the proposed activity and the location thereof and shall state where the application and plans may be examined by interested parties. The Commission and/or its Agent, at its discretion, may require the applicant to notify (in the same aforementioned manner) additional property owners, to include all property owners within three hundred (300) feet of the boundary of the property on which the work is proposed. If such additional notification is deemed necessary by the Commission, notice of such shall be provided to the applicant with the written notice of the time and date of the hearing for said notice of intent.

#### **§172-8. Permits, Determinations and Conditions.**

(1) Lands within 150 feet of specific resource areas, and lands within 200 feet of rivers, are presumed important to the protection of these resources because activities undertaken in close proximity to wetlands, rivers, streams, lakes, ponds, creeks, estuaries, the ocean and/or other resource areas have a high likelihood of adverse impact upon them, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission therefore may require that the applicant maintain a continuous naturally vegetated buffer strip (NVBS) within the aforesaid 150 foot Buffer Zone (or 200 feet for rivers) area with the aim of minimizing adverse impacts to resource areas and the wetland values of Chapter 172. (This requirement will not preclude access pathways through said NVBS, as determined by regulations for this Chapter.) Said NVBS shall be a minimum of 50 feet in width unless the applicant convinces the Commission (as per the provisions of Section 12 of this Chapter) that:

- a) The NVBS (or part of it) may be disturbed and/or diminished without harm to the values protected by this Chapter, or
- b) That reducing the scope of work/alteration is not possible.

#### **Regulation 3 (3): Specificity of Work Descriptions:**

The work description (item 6 on page 1 of the Notice of Intent package) shall be **complete and inclusive of all alterations proposed. Failure to do so may result in delays, hindrances to approval and even the possibility of enforcement actions and revocation of a permit.** All work/alterations (including structures) to be done in or within 150 feet of a resource area must be:

- a. specifically described in item 6, as described above.
- b. specifically described in any accompanying narratives submitted as part of the Notice of Intent.
- c. specifically shown on accompanying plans (plot plans, site plans, etc.)
- d. plans and/or documents NOT specifically listed in item 6 on page 1 of the Notice of Intent package shall not be considered part of said NOI. Therefore, any alterations/work described in documents not so listed shall not be considered as part of any permitted work/alterations allowed under any Order of Conditions issued.

#### **Regulation 3 (6): Plan Requirements:**

A 150-foot line from the most landward of any of these above cited resource areas must be shown on the plan. Both the 100 and 200 foot lines should be shown for rivers. State Certified Vernal Pools and/or State designated (mapped) rare species areas as identified on the most recent MNH&ESP Estimated Habitat Maps

- CZM designated Barrier Beaches
- Shellfish beds
- Eelgrass beds (see additional requirements for docks and piers)

- Mapped DEM Restricted Areas (refer to Map and Number)

**Regulation 3 (7): Additional Requirements for Delineating Coastal or Inland Banks:**

For delineation of the above Resource Areas, and/or determination of alteration impacts to any areas within 150 feet of the above resource areas, the Commission may require plan view and cross-sections showing transects depicting:

- the area being delineated (showing the slope profile)
- the linear distance used to calculate the slope profile
- the location of this linear distance
- contour and/or spot elevation intervals used

**When may these provisions not apply?**

Here are some principle examples of when these provisions, at the discretion of the Conservation Commission or its agents, may not apply:

- When any illegal or unauthorized activities occurring in the 50 foot buffer zone could potentially have been issued a permit, had the required permit been requested by the appropriate filing. This is principally for activities that would meet the "Guidelines for Activities within Naturally Vegetated Buffer Strips (NVBS)". In such a circumstance all applicable permits shall be obtained and after-the-fact filing fees shall be paid.
- When any illegal or unauthorized activities occur in the 50 to 150 foot buffer zone, these provisions may be waived if a satisfactory mitigation plan is agreed to by the owner or their agent.
- When only minor compensatory planting is required for a project to be approved, some or all of these provisions may be waived.

**C. PERFORMANCE STANDARDS: The physical characteristics and location of coastal banks are critical to the protection of the wetland values specified in section 172-1 of the Mashpee Wetlands Protection Bylaw.**

Activities, which will result in the building within or upon, removing, filling and/or altering (as defined in section 172-9 of the Mashpee Wetlands Protection Bylaw) of a Coastal Bank or within 50 feet of said Bank, may be permitted if necessary for access to beach/water, including visual access, if the activity will not induce cumulative impairment of said Critical Characteristics. The following projects (activities) may qualify:

- the maintenance of an already existing and lawful structure
- the construction of an elevated walkway for access to a water body at the lower boundary of said bank (or to a lawful dock on said water body). Such walkway shall have no adverse effects other than blocking sunlight from the underlying vegetation for a portion of each day. Such structure shall be constructed in such a way that its surface area and design shall allow the maximum possible amount of sunlight to penetrate and reach the underlying vegetation.
- vista pruning, subject to a Notice of Intent and issuance of an Order of Conditions.

- any other activity (on a single lot) which alters up to 5% of the bank (square footage) or 100 square feet (whichever is less) if the applicant has demonstrated to the satisfaction of the Commission that such alteration will not have any adverse effects (including erosion and the creation of channelized sedimentation) on the wetland values expressed in 172-2 of the Bylaw.

Any proposed work permitted by the Commission on a coastal bank or within 150 feet of such bank, other than as permitted above, shall not destroy any portions of the existing bank, nor shall the work impair the bank's ability to perform any of the functions expressed in the CRITICAL CHARACTERISTICS AND PRESUMPTIONS OF SIGNIFICANCE as expressed in part B above.

Pursuant to the above, the Commission may, at its discretion, require, as per the guidelines adopted by the Commission for M.G.L. Ch. 44, s.53G, require any applicant proposing work on a coastal bank, an analysis of the specific proposal vis-à-vis any or all of the issues cited in part B above.

No new bulkhead, revetment, seawall, groin or other coastal engineering structure shall be permitted on or within 150 feet of a coastal bank, except that such a coastal engineered structure shall be permitted when required to prevent storm damage to buildings constructed prior to August 10, 1978 or constructed pursuant to a Notice of Intent (issued under MGL 131, section 40) filed prior to August 10, 1978, including reconstruction of such buildings subsequent to the effective date of these regulations, provided that the following requirements are met:

- a coastal engineering structure or modification thereto shall be designed and constructed so as to minimize, using best available measures, adverse effects on adjacent or nearby coastal beaches due to changes in wave action, and
- the applicant demonstrates that no method of protecting the building other than the proposed coastal engineering structure is feasible.
- protective planting designed to reduce erosion may be permitted.
- the applicant provides sufficient evidence that the building was constructed pursuant to a Notice of Intent filed before August 10, 1978.

Any project on a Coastal Bank or within 150 feet of the top of a coastal bank, other than a structure permitted under 310 CMR 10.24 (7)(a), shall not have an adverse effect due to wave action on the movement of sediment from the coastal bank to coastal beaches or land subject to tidal action of flooding, and shall not have an adverse effect on the stability of a coastal bank.

The Order of Conditions and the Certificate of Compliance for any project within 150 feet of the top of a coastal bank permitted by the Commission under this Bylaw shall contain this specific condition: "Section....of the Wetlands Regulations promulgated under the Mashpee Wetlands Protection Bylaw (Chapter 172 of the Mashpee Code) requires that no coastal engineering structure, such as bulkhead, revetment, groin or seawall shall be permitted at any time in the future to protect the project allowed by this permit".

**(17) REGULATION 17 – Coastal Resource Areas**

Except as specifically provided by these regulations, the Commission shall not permit any work on coastal resource areas, or within 150 feet of resources areas, that will impair the resource area's functional characteristics.

**(18) REGULATION 18 – Inland Banks (revised and approved March 3, 2005)**

(A) DEFINITION: An Inland Bank is a sloping (1:4 or steeper slope ratio\*) portion of the land surface which: (1) confines and/or abuts a waterbody and/or freshwater wetland, or, (2) without touching a freshwater wetland, is within 150 feet of said wetland.

\*(1 foot vertical change in 4 feet of horizontal change, i.e. "run")

C. PERFORMANCE STANDARDS – The physical characteristics and location of Inland Banks are critical to the protection of the wetland values specified in section 172-1 of the Mashpee Wetlands Protection Bylaw.

Any proposed work and/or activity on an Inland Bank, or within 150 feet of the top of the bank, shall not impair or destroy the following:

1. the physical stability of the bank;
2. the water carrying capacity of the existing channel within the bank;
3. ground water and surface water quality;
4. the capacity of the Bank to provide breeding habitat, escape cover and food for fisheries and terrestrial and/or aquatic birds, mammals, reptiles, amphibians and invertebrates.

Any other activity (on a single lot) which alters up to 500 square feet of said bank shall be permitted only when it is demonstrated by the applicant that such alteration shall have no adverse effect on the wetland values as expressed in 172-9 of the Bylaw. Any proposed work permitted by the Commission on an inland bank or within 150 feet of such bank, other than as permitted above, shall not destroy any portions of that bank, nor shall the work impair the functional capacity or values of the bank as described in the foregoing (B).

**(19) REGULATION 19 – Freshwater Wetlands**

A. CRITICAL CHARACTERISTICS AND PRESUMPTIONS OF SIGNIFICANCE:

Freshwater Wetland vegetation supports a wide variety of insects and other invertebrates, reptiles, amphibians, mammals and birds. Many of these are an important food source for important game fish such as members of the Salmonidae, Centrarchidae, Percidae, Serranidae and Esocidae families.

Freshwater Wetlands, together with land within 150 feet of such vegetated wetlands, serve to moderate and alleviate thermal shock and pollution resulting from runoff from impervious surfaces which may be detrimental to wildlife, fisheries and shellfish downstream of the freshwater vegetated wetland.

**B. PERFORMANCE STANDARDS:**

The physical characteristics and location of Freshwater Wetlands are critical to the protection of the wetland values specified in section 172-1 of the Mashpee Wetlands Protection Bylaw. Any proposed work permitted by the Commission in a Freshwater Wetland or within 150 feet of such wetland, other than as permitted above, shall not alter any portions of that wetland, nor shall the work impair the wetland's ability to perform any of the functions expressed in the CRITICAL CHARACTERISTICS AND PRESUMPTIONS OF SIGNIFICANCE as expressed in the preceding for Freshwater Wetlands.

**DEFINITIONS-**

**Buffer Zone** – that area of land extending one hundred 150 feet horizontally from the boundary of any resource area specified in section 2 of Chapter 172 of the Mashpee Code.

**(29) REGULATION 29 – Buffer Zones and Naturally Vegetated Buffer Strips**

- A. Buffer Zones** mean any area of land extending one hundred fifty (150) feet horizontally from the boundary of any resource area specified in section 2 of Chapter 172 of the Mashpee Code, with the exception of the resource area: "lands within 200 feet of rivers". Such "lands within 200 feet of rivers" are a protected resource ..., but have no (150 foot) buffer zone.
- B. Naturally Vegetated Buffer Strips (NVBS)** (as per section 7.A of Chapter 172) are continuously vegetated areas adjacent to resource areas that serve the purpose of minimizing erosion, siltation, loss of groundwater recharge, poor water quality and loss of wildlife habitat. They are usually at least 50% of the Buffer Zone width (see the language of section 7.A. for exceptions). The Commission may require more than 50% of the Buffer Zone width where conditions on a lot make such possible. The attached table shall be used by the Commission in determining impacts and the widths of NVBS required to carry out the mandates of section 1 of Chapter 172. The Commission shall presume that any NVBS of less than 35 feet will have unacceptable effects upon the wetland values of Chapter 172.

Submitted by the Department of Natural Resources

**Explanation:** The Town of Mashpee initially adopted a wetlands bylaw in 1988, which was incorporated as a section within the Town General Bylaws (Chapter 172). The bylaw language was amended in 1990, 1992, 1995, 1997, 1998, 2001, and 2012. The wetlands regulations promulgated by the bylaw were most recently amended in 2018. The wetlands bylaw and regulations apply to activities within Mashpee's wetlands, related water resources, and adjoining lands which are deemed to have significant or cumulative effect on resource area values and. Mashpee's wetlands bylaw and regulations protects resource areas in addition to those regulated under the Massachusetts Wetlands Protection Act.

The recommended changes to the Chapter 172 – Wetlands Protection Bylaw focus on increasing protections of Buffer Zones, protecting existing vegetation, and limiting impervious area.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article:**

To see if the Town will vote to approve the following additions and changes to the Nitrogen Control Bylaw Ch.107 of the Mashpee Town Bylaws.

**CHAPTER 107 NUTRIENT CONTROL BYLAW**

**§107-1 Purpose**

A town bylaw to conserve valuable waterways and other resources that increase our property values, that protect our unique environment vital to our economy, and that reduce the financial burden on taxpayers and property owners by regulating the outdoor application of nitrogen and phosphorous on turf. The regulation of fertilizer applications will reduce the overall amount of excess nitrogen and phosphorous entering the town's resource areas as defined in the Mashpee Wetlands Protection Bylaw (§174-2) and regulations. Reducing excess phosphorous helps protect the water quality of Mashpee's ponds and streams. Reducing excess nitrogen helps protect and improve water quality of Mashpee's two (2) valuable estuaries-Waquoit Bay and Popponesset Bay-and their associated bays, coves and waterways; as well as Mashpee's many ponds and streams.

This town bylaw is also critical to reducing Mashpee's Total Maximum Daily Load (TMDL) of nitrogen. Mashpee waters do not meet the Clean Water Act standards because of excess nitrogen entering the town's estuaries. The Cape Cod Commission has estimated that reducing nitrogen from outdoor lawn applications to coastal estuaries and embayments by fifty (50) percent could save the taxpayers of Mashpee forty million dollars (\$40,000,000) in sewerage and other wastewater treatment expenses. Scientifically, we know reducing fertilizer application can be done without affecting the quality of turf in Mashpee.

**§107-2 Applicability**

This bylaw shall apply to and regulate any and all applications of nitrogen and/or phosphorous (phosphate) fertilizer on managed turf areas for areas not protected by the Mashpee Wetlands Protection Bylaw (§174-2) within the Town of Mashpee. Application of fertilizer containing nitrogen or phosphorus is prohibited within resource areas protected by the Mashpee Wetlands Protection Bylaw (§174-2).

#### **§107-4 Exemptions**

The following activities shall be exempt from the Performance Standards (§107-5):

- A. Application of fertilizer containing nitrogen or phosphorus for agriculture and horticulture uses; these applications are regulated by the MDAR Fertilizer Regulations.
- B. Application of fertilizer containing nitrogen or phosphorus to gardens, including vegetables and flowers, trees, shrubs, and indoor applications including greenhouses; these applications are regulated by the MDAR Fertilizer Regulations.
- C. Application of fertilizer containing nitrogen or phosphorus for the establishment of new vegetation in the first growing season, or repairing of turf in the first growing season after substantial damage.
- D. Application of compost or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil.
- E. Compost tea and liquid seaweed applications, including formulas with less than 5% total nitrogen, if and only if applied in a manner that follows label recommendations and/or standard industry recommendations for a foliar application to the point of leaf runoff.

#### **§107-5 Performance Standards**

Lawn specifications shall comply with the following standards:

- A. Depth of loam for a new lawn shall be a minimum of 6 inches. This will reduce the potential for nutrients to leach through the soil.
- B. Native, low-growing groundcovers as an alternative to turf grass or sod shall be used to the maximum extent practicable. For areas proposed for lawn, grass seed mixture or sod used to construct the lawn shall consist of no more than 10% Bluegrass (or Kentucky Bluegrass), with the remainder (90% or more) being Ryes and Fescues. Proof of the seed/grass mixture, as per the above standards, must be provided to the Commission and approved prior to lawn installation.

All application of nitrogen and/or phosphorus to turf shall comply with the following standards:

- A. The application of nitrogen is prohibited between October 30<sup>th</sup> and April 14<sup>th</sup> unless specifically permitted by the Town Board of Health, the Town Conservation Commission, or the Board of Selectmen, as set out below. The application of phosphorous or Phosphorus Containing Fertilizer, with or without nitrogen, is prohibited in all circumstances between December 1<sup>st</sup> and March 1<sup>st</sup>. Based on early spring or fall weather conditions, soil temperature and degree of turf emergence from dormancy, or other relevant condition, and using the guidelines of the BMP, the Town Board of Health, the Town Conservation Commission, or the Board of Selectmen may permit earlier or later application of nitrogen, in which case such extended period shall be announced by notice or publication. A working group may be established by the Board of Selectmen or the Conservation Commission to assist in undertaking the duties referenced in this paragraph.

- B. No person shall cause nitrogen and/or phosphorus from any fertilizer application to apply to, or otherwise be deposited on any impervious surface including parking lot, driveway, roadway, sidewalk, frozen soil or ice. Any fertilizer applied, spilled, and/or deposited on any impervious surface, either intentionally or accidentally, must be immediately and completely removed and contained and either legally applied to turf or any other legal site or returned to an appropriate container.
- C. No person shall apply nitrogen and/or phosphorus twenty four (24) hours before or during a heavy rain event or apply nitrogen and/or phosphorus onto saturated ground. An application of nitrogen and/or phosphorus should be watered in with not more than one quarter (0.25") inch of irrigation or natural rain within the next twenty four (24) hour period.
- D. A low-impact/minimum fertilizer lawn-maintenance plan by a professional lawn maintenance company must be submitted to the enforcement authority for approval. Said plan, should at a minimum, provide for:
  - 1) Fertilizer applications shall be "split" (spring and fall, not before April 15 or after November 1); no more than one pound of actual nitrogen per thousand square feet of lawn shall be applied in each application.
  - 2) No more than two pounds of actual nitrogen per thousand square feet of lawn shall be applied annually; see F below.
  - 3) Fertilizer shall be of a slow-release, organic variety.
  - 4) At least one-third of the nitrogen should be in a water insoluble form.
  - 5) Annual reports/receipts from the lawn maintenance company must be provided to the Commission. Said reports should conform to the provisions of a-d above.
- E. No person may purchase and apply, or authorize any person, by way of service contract or other arrangement, to apply any phosphorus containing fertilizer on lawn or nonagricultural turf, except when:
  - 1) a soil test taken not more than three (3) years before the application indicates that additional phosphorus is needed for growth of that lawn or non-agricultural turf; or
  - 2) the phosphorus containing fertilizer is used to establish new lawn or non-agricultural turf on bare ground or as part of renovation of a lawn or non-agricultural turf area. The use of phosphorus for the purposes of establishing a new lawn or nonagricultural turf area, or for renovating an existing lawn or non-agricultural turf is limited to the first (1<sup>st</sup>) growing season.

- 3) If the soil test indicates that additional phosphorus is needed for growth of a lawn or non-agricultural turf, application of additional phosphorus shall not exceed the UMass Guidelines.
- 4) Any person who applies phosphorus containing fertilizer, shall maintain records for three (3) years of each application made. The following information shall be recorded, when applicable:
  - (a) Name of applicator;
  - (b) Date of application;
  - (c) Address or location description of the application site;
  - (d) Soil test results for management units;
  - (e) Type and amount of phosphorus containing fertilizer applied.
- F. Calibrate fertilizer spreader prior to each use to improve accuracy of desired application rate
- G. Minimize storage of fertilizers outdoors. Storage of fertilizers outdoors is currently prohibited in the Groundwater Protection District.
- H. A subdivision plan shall comply with loading rates from lawn fertilizers as specified in the Zoning Bylaws (§174-27).

Submitted by the Department of Natural Resources

**Explanation:** Nutrient source control focuses on reducing nitrogen and phosphorous input before nutrients enter surface water or groundwater. Nutrient source control recommendations include prohibiting fertilizer use in specific areas, limiting the application rates and types of fertilizers, and limiting improper disposal of pet waste

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article:**

To see if the town will vote to approve the following additions to the Waterways Regulations Ch. 170:

- 1.) All vessels, when operating, must follow the Rules of the Road. VIOLATION \$50
- 2.) Operation of a vessel in a negligent manner that would endanger any person. VIOLATION \$100. The following may be considered negligent operation:

- A. Jumping the wake of another vessel
- B. Following a vessel too closely that is towing a person on any water sport device.
- C. Weaving through congested waterway traffic at speed.
- D. Intentionally operating a vessel in such a violent manner, that the operator and or passenger(s) are thrown into the water
- E. Operating at speed with passengers sitting on the bow or gunwales.

3.) Operation of a PWC with a modified exhaust system. VIOLATION \$100 (this mirrors 323CMR 4.03:7B 08)

Submitted by the Department of Natural Resources

**Explanation:**

*Rules of the Road:* Mashpee Bylaws do not cover the Rules of the Road in many areas. These Rules cover vessel operation from the high seas to inland rivers and waterways. See United States Coast Guard Basic Navigation Rules.

The Rules state that every vessel shall use all available means appropriate to the prevailing conditions to determine if a risk of collision exists. If there is any doubt, such risk shall be deemed to exist. The Rules are designed to tell you what to do when you operate your vessel near other vessels. The purpose of the Rules of the Road is to help you avoid an accident-not to establish responsibility or liability if you get into an accident.

*Negligent Operation:* Negligent and reckless operation is covered under MGL Ch.90B, but not currently present in Mashpee's Waterways Bylaws. In order for the DNR to effectively enforce this violation a Bylaw must be created. Negligent operation includes jumping the wake of other vessels, following too closely to other vessels, weaving through congested waterway traffic, intentionally operating a vessel in an erratic manner, and bow riding.

*PWC Exhaust Modifications:* Massachusetts currently restricts Personal Watercrafts (PWC) from modifying their exhaust systems (see 323 CMR 4.03; 7A+B 08). :

*(7) Modification. Except as otherwise provided in 323 CMR 4.03(9), no person shall: (a) Remove or modify the exhaust or muffler system of a personal watercraft, or (b) Operate a personal watercraft so modified.*

Mashpee is requesting that this be added as a bylaw for enforcement purposes, as no fee structure is associated with Ch.323.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article:**

To see if the Town will vote to appropriate and transfer pursuant to the provisions of M.G.L. Chapter 44B, §6 to Reserve from the FY 2023 estimated Community Preservation revenues, the following amounts:

\$TBD	10% for Open Space/Recreational Purposes
\$TBD	10% for Historic Preservation Purposes
\$TBD	10% for Affordable Housing Purposes

\$TBD	to the FY 2023 Community Preservation Fund Budget for Appropriation Reserve as recommended by the Community Preservation Committee, or take any other action relating thereto.
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Submitted by the Community Preservation Committee

**Explanation:** This article is required annually to set aside the 10% Reserves of the estimated Community Preservation Funds for Open Space/Recreation Purposes, Historic Preservation Purposes and Affordable Housing Purposes and to fund the Budget for Appropriation Reserve.

The Community Preservation Committee voted to approve this article to set aside the 10% Reserves and Budget for Appropriation Reserve to be available for use in fiscal year 2023 as certified by the Finance Director and reflected in the FY 2022 CP-1. The total FY23 appropriation to the 10% Reserves and Budget for Appropriation Reserve is \$TBD.

The vote of the Community Preservation Committee was \_\_\_\_\_ in support of this article.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article:**

To see if the Town will vote to authorize and empower the Board of Selectmen to prepare a plan laying out and defining Chickadee Road, Debbie Lane, Manitoba Road, Metacomet Road, Nehoiden Road, Neshobe Road, Pontiac Road, Samoset Road, Wamesit Road, Whipoorwill Circle, and Wills Work Road and to accomplish said purpose and for expenses related thereto, the Town vote to appropriate and transfer from revenue available for appropriation \$80,000\* to the South Cape Homeowner's Association Roadways Account, or take any other action relating thereto.

Submitted by Petition

**Explanation:** This article authorizes the Town to layout and define Chickadee Road, Debbie Lane, Manitoba Road, Metacomet Road, Nehoiden Road, Neshobe Road, Pontiac Road, Samoset Road, Wamesit Road, Whipoorwill Circle, and Wills Work Road and to appropriate funding for that purpose.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**THIS CONCLUDES THE BUSINESS OF THE ANNUAL TOWN MEETING**

And you are hereby directed to serve this Warrant by posting up attested copies thereof, one at the Town Hall, one at the Post Office, and one each on the bulletin boards, thirty days at least before said meeting.

Hereof fail not and make return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 12th day of September in the year two thousand and twenty two.

Per Order of,  
**Board of Selectmen**

Andrew R. Gottlieb, Chair

David W. Weeden, Vice-Chair

John J. Cotton, Clerk

Thomas F. O'Hara

Carol A. Sherman