



***AMENDED* AGENDA**

SELECT BOARD

MONDAY, JANUARY 9, 2023

WAQUOIT MEETING ROOM

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.mashpeema.gov/channel-18>

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

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES

Approval of the Following Minutes: Monday, December 19, 2022 Regular & Executive Sessions

APPOINTMENTS & HEARINGS

- Public Comment
- 6:35 p.m. Public Hearing – Retail Alcoholic Beverages License Amendment Application, Change of Manager: *QVCC Inc. dba Quashnet Valley Country Club*
- Pole Hearing – Verizon/ Eversource Petition #MA 2022-31 for Red Brook Road (875 feet west of centerline of Brian's Lane)
- Discussion and Approval of 2023 Seasonal Population Estimate: *Town Planner Evan Lehrer*
- Discussion and Possible Action on Community Preservation Act Committee Disc Golf Application: *Drew McManus*
- Presentation and Discussion of Potential Bylaw Amendment Warrant Article with Regard to Horsepower and Speed Restrictions on Santuit Pond: *Department of Natural Resources Director Ashley Fisher; Fuss & O'Neill Representatives*
- Discussion and Approval of the Following Resignations:
 - Community Preservation Act Committee: *Dawn M. Thayer, Member At-Large, Resignation to be Effective February 13, 2023 (Term Expires June 30, 2023)*
 - Council on Aging: *Virginia McIntyre, Member At-Large (Term Expires June 30, 2024)*
 - Planning and Construction Committee: *Joseph Brait, Construction Representative (Term Expires June 30, 2023)*

COMMUNICATIONS & CORRESPONDENCE

NEW BUSINESS

OLD BUSINESS

AMENDED Discussion and Approval of Letter to the Sandwich Board of Selectmen with Regard to the NSG Village Green-1 Project (Continued from December 19, 2022 Meeting)

ADDITIONAL TOPICS

(This space is reserved for topics that the Chair did not reasonably anticipate would be discussed)

LIAISON REPORTS

WATER QUALITY UPDATES

- Discussion and Approval of Select Board Representative: *Cape Cod Water Protection Management Board*
- Discussion and Approval of Select Board Representative: *Intermunicipal Agreement Popponesset Watershed*
- Discussion and Approval of Letter to Support Special Legislation with Regard to Joint Base Cape Cod Wastewater Solutions

TOWN MANAGER UPDATES

EXECUTIVE SESSION

ADJOURNMENT

**MASHPEE TOWN CLERK
JAN 5 '23 PM3:56**



**AGENDA
SELECT BOARD
MONDAY, JANUARY 9, 2023
WAQUOIT MEETING ROOM
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.mashpeema.gov/channel-18>

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

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES

Approval of the Following Minutes: Monday, December 19, 2022 Regular & Executive Sessions

APPOINTMENTS & HEARINGS

- Public Comment
- 6:35 p.m. Public Hearing – Retail Alcoholic Beverages License Amendment Application, Change of Manager: *QVCC Inc. dba Quashnet Valley Country Club*
- Pole Hearing – Verizon/ Eversource Petition #MA 2022-31 for Red Brook Road (875 feet west of centerline of Brian's Lane)
- Discussion and Approval of 2023 Seasonal Population Estimate: *Town Planner Evan Lehrer*
- Discussion and Possible Action on Community Preservation Act Committee Disc Golf Application: *Drew McManus*
- Presentation and Discussion of Potential Bylaw Amendment Warrant Article with Regard to Horsepower and Speed Restrictions on Santuit Pond: *Department of Natural Resources Director Ashley Fisher; Fuss & O'Neill Representatives*
- Discussion and Approval of the Following Resignations:
 - Community Preservation Act Committee: *Dawn M. Thayer, Member At-Large, Resignation to be Effective February 13, 2023 (Term Expires June 30, 2023)*
 - Council on Aging: *Virginia McIntyre, Member At-Large (Term Expires June 30, 2024)*
 - Planning and Construction Committee: *Joseph Brait, Construction Representative (Term Expires June 30, 2023)*

COMMUNICATIONS & CORRESPONDENCE

NEW BUSINESS

OLD BUSINESS

ADDITIONAL TOPICS

(This space is reserved for topics that the Chair did not reasonably anticipate would be discussed)

LIAISON REPORTS

WATER QUALITY UPDATES

- Discussion and Approval of Select Board Representative: *Cape Cod Water Protection Management Board*
- Discussion and Approval of Select Board Representative: *Intermunicipal Agreement Popponesset Watershed*
- Discussion and Approval of Letter to Support Special Legislation with Regard to Joint Base Cape Cod Wastewater Solutions

TOWN MANAGER UPDATES

EXECUTIVE SESSION

ADJOURNMENT

**MASHPEE TOWN CLERK
JAN 5 '23 PM2:39**



AGENDA
BOARD OF SELECTMEN
MONDAY, DECEMBER 19, 2022
WAQUOIT MEETING ROOM
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.mashpeema.gov/channel-18>

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

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

In honor of the Late Dr. Brian L. Howes

MINUTES

Approval of the Following Minutes:

Monday, November 21, 2022 Regular Session; Monday, December 5, 2022 Regular & Executive Sessions

APPOINTMENTS & HEARINGS

- 6:30 pm Public Hearing – Presentation and Review of Options for Road Safety Improvements on Old Barnstable Road between Breezy Acres and the Mashpee-Falmouth Town Line
- Public Comment
- Discussion and Approval of Seventh Amendment to Memorandum of Understanding between the Mashpee Wampanoag Tribe and the Town of Mashpee Massachusetts for the Provision of Fire Protection and Emergency Medical Services and Law Enforcement Mutual Aid Assistance
- Discussion and Approval of Amendment to Upper Cape Regional Transfer Station Intermunicipal Agreement (IMA) for the Upper Cape Regional Transfer Station (UCTRS):
DPW Director Catherine Laurent
- Discussion and Approval of Short Term Financing Agreement for the Wastewater Project:
Treasurer/Tax Collector Craig Mayen
- Discussion and Certification of Hiring Process for Police Public Safety Dispatcher: *Shannon Lee*
- Discussion and Approval of New Ambulance Billing Rates: *Fire Chief John Phelan*
- Discussion and Approval of Chopchaque Bogs Conservation Restriction:
Assistant Conservation Agent Daniel Kent
- *DNR Director Ashley Fisher:*
 - Discussion and Approval of Mooring Regulation Fee Changes; Additions to Waterways Regulations Chapter 170
 - Santuit Pond: Public Outreach Events; Project Updates

COMMUNICATIONS & CORRESPONDENCE

NEW BUSINESS

- Presentation, Discussion and Possible Approval of Negotiating and Entering into a Retail Marijuana and Product Manufacturing Establishment Host Community Agreement with CatDogg, LLC dba Sublime Cannabis: *Robert Catania, Evan Lehrer*

OLD BUSINESS

- Discussion and Approval of Letter to the Sandwich Board of Selectmen with regard to the NSG Village Green-1 Project

CONTINUED ON NEXT PAGE

BOARD OF SELECTMEN AGENDA (CON'T)

ADDITIONAL TOPICS

(This space is reserved for topics that the Chair did not reasonably anticipate would be discussed)

LIAISON REPORTS

WATER QUALITY UPDATES

TOWN MANAGER UPDATES

EXECUTIVE SESSION

Discuss Strategy Regarding Negotiations with Nonunion Personnel (Personnel Administration Plan) and the Following Collective Bargaining Units, where an Open Meeting May have a Detrimental Effect on the Bargaining Position of the Town:

- Mashpee Permanent Fire Fighters Association, International Association of Fire Fighters (IAFF) Local 2519;
- MASS. C.O.P., Local 320, Unit A – Patrol Officers and Detectives;
- MASS. C.O.P., Local 324, Unit B – Sergeants;
- MASS. C.O.P., Local 477, Unit C – Police Lieutenants
- Laborer's International Union of North America (LIUNA), MASS Public Employee's Local 1249, Administrator's Unit A – Administrators;
- Laborer's International Union of North America (LIUNA), MASS Public Employee's Local 1249, Administrator's Unit B – Administrators;
- Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit A;
- Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit B;
- Service Employees International Union (SEIU), Local 888, Clerical/Library/Dispatchers Chapter

RETURN TO OPEN SESSION:

Discussion and Possible Ratification of Approval of the Following Contracts:

- Mashpee Permanent Fire Fighters Association, International Association of Fire Fighters (IAFF) Local 2519
- MASS. C.O.P., Local 320, Unit A – Patrol Officers and Detectives;
- MASS. C.O.P., Local 324, Unit B – Sergeants;
- MASS. C.O.P., Local 477, Unit C – Police Lieutenants
- Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit A;
- Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit B;
- Service Employees International Union (SEIU), Local 888, Clerical/Library/Dispatchers Chapter

ADJOURNMENT

Mashpee Select Board
Minutes
December 19, 2022

Present: Selectman John J. Cotton, Selectman Thomas F. O'Hara,
Selectman Michaela Wyman-Colombo
Town Manager Rodney C. Collins
Assistant Town Manager Wayne E. Taylor

Absent: Selectman Weeden, Selectman Sherman

Meeting Called to Order by Vice-Chairman Cotton at 6:31 p.m.
Mashpee Town Hall, Waquoit Meeting Room

MINUTES

Monday, November 21, 2022 Regular Session; Monday, December 5, 2022 Regular & Executive Sessions:

Motion made by Selectman Wyman-Colombo to approve the Regular Session minutes of Monday, November 21, 2022 and the Regular & Executive Session minutes of Monday, December 5, 2022 as presented.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 3-0.

Roll Call Vote:

**Selectman Cotton, yes
Opposed, none**

Selectman O'Hara, yes

Selectman Wyman-Colombo, yes

APPOINTMENTS & HEARINGS

Public Hearing – Presentation and Review of Options for Road Safety Improvements on Old Barnstable Road between Breezy Acres and the Mashpee-Falmouth Town Line:

The Select Board opened the Public Hearing to review options for road safety improvements on Old Barnstable Road between Breezy Acres and the Mashpee-Falmouth Town Line. The proposed improvements would include accommodations for pedestrians and bicyclists as well as alterations to the road's configuration.

The Hearing notice was read aloud into the record for informational purposes. It was noted that conceptual plans will be presented at the Hearing and available in the Office of the Town Manager/Select Board and at the Mashpee DPW for viewing.

Carleton Hendricks, Vice-chair of the Mashpee Wampanoag Tribe indicated the Tribe received grant funding several years ago to conduct a road safety study in the Town of Mashpee. As a result of the recent pandemic and other variables, the project was placed on hold. Since 2018 the plan earmarked the necessity for road safety improvements on Old Barnstable Road in the area of Breezy Acres and the Mashpee-Falmouth Town line.

Mashpee Select Board
Minutes
December 19, 2022

Public Hearing – Presentation and Review of Options for Road Safety Improvements on Old Barnstable Road between Breezy Acres and the Mashpee-Falmouth Town Line: (continued)

With collaboration between the Town of Mashpee and the Mashpee Wampanoag Tribe the plan to conduct safety improvements is now on track and ready for advancement.

Matt Riddell of the Engineering firm QK4 was in attendance to review scenario's proposed for the road realignment for the safety of vehicles and pedestrians. The subject road improvement project is grant funded and encompasses a road length of 1.13 miles.

Existing concerns include the proximity of trees and utility poles which create an overall roadside hazard. Poor site distance is caused by short vertical curves within the road layout that are not designed for 30 mph speeds. Road alterations would eliminate site distance concerns and curves within the layout to safely accommodate vehicles, pedestrians and cyclists.

It was disclosed the road safety audit and road safety improvements slated for this subject area was triggered as a result of a previous tragic accident. Crosswalks are planned in multiple areas. Horizontal and vertical alignments would create a clear view zone.

Option 1 considers a 2/11' travel lanes, a vertical curb, 5' bike path left and right side, and sidewalk right side. Option 2 considers a 2/11' travel lanes, an asphalt berm, 5' bike path left and right side, multi-use path with a 4' grass buffer. Wooden guardrails would be placed outside of the sidewalk areas in both designs for additional safety and appeal.

It is projected that up to 40 utility poles may be affected. The Town is required to pay for the removal of the poles at a cost of \$20,000 per pole. Several driveways would be impacted. Mr. Riddell indicated there are many safety grants available for this type of project. This includes the Safe Streets grant which requires a 20% match or an estimated \$200,000 in Town funds.

Discussion followed with respect to the project as proposed. It was noted the options can be modified.

Lynne Barbee, a resident of Surf Drive indicated she travels the road of discussion quite frequently. A former cyclist, Ms. Barbee voiced support for a wider bicycle lane. If the road were wider, it would be safer. It was noted the road is very dark. Ms. Barbee suggested incorporating raised reflectors in the asphalt to alert drivers from traveling into the bicycle lane.

Mr. Riddell indicated the reflectors are typically raised in the center of the road. White reflectors are generally placed in between the bike strips. Uneven surface barriers can be added to alert drivers as well.

It was noted the Town recently conducted road work on Cotuit Road. There is a sidewalk on one side of the road which makes the area safer to travel. If the sidewalk was placed on one side the 5' bike path could be constructed into an 8-10' multi-use path.

Cotuit Road has 11' travel lanes for vehicles with 1' of shoulder to separate the 5' sidewalk. There are no bike lanes. There is a curb separation. Route 130 has wider travel lanes with a 10' multi-use path.

Mashpee Select Board
Minutes
December 19, 2022

Public Hearing – Presentation and Review of Options for Road Safety Improvements on Old Barnstable Road between Breezy Acres and the Mashpee-Falmouth Town Line: (continued)

Catherine Laurent, Director of Public Works and Selectman John J. Cotton recommended having a 10' multi-use path on one side of the road separate from the travel lanes rather than 2/5' bike lanes. The option for a curb or a separation with a grass strip is dependent upon the location, and could be added incrementally.

As discussion continued it was agreed that it may be more advantageous to construct an 8-10' multi-use path be designed on one side of the road with some separation, a curb or grass strip where appropriate, with preference for a curb for safety keeping pedestrians and cyclists to one side of the road only. The engineer was requested to further review the area to lessen the amount of utility poles and trees that would be required to be removed. The road width would remain with 2/11' travel lanes.

A resident of the subject area voiced concern as the road when realigned may cause an increase in speed. It was suggested the road be designed to make slight alternations to balance the impacts to make the road safer. It was also recommended a granite curb be installed with the multi-use path on one side of the road. The road itself is very dangerous, and requires a multi-plan for safety. After one mile, pedestrians are not going to want to bike or walk as the road is very curvy.

Motion made by Selectman O'Hara to close the Public Hearing.

Motion seconded by Selectman Wyman-Colombo.

VOTE: Unanimous. 3-0.

Roll Call Vote:

**Selectman Cotton, yes
Opposed, none**

Selectman O'Hara, yes

Selectman Wyman-Colombo, yes

The engineer was requested to provide a new Option #3 with the recommended revisions to the Select Board in writing. Mr. Riddell indicated this is a valuable option and he would conduct additional fact finding research for review at a future meeting.

Public Comment: None at this time.

Mashpee Select Board
Minutes
December 19, 2022

Discussion and Approval of Seventh Amendment to Memorandum of Understanding between the Mashpee Wampanoag Tribe and the Town of Mashpee Massachusetts for the Provision of Fire Protection and Emergency Medical Services and Law Enforcement Mutual Aid Assistance:

The Seventh Amendment to the Memorandum of Understanding between the Mashpee Wampanoag Tribe and the Town of Mashpee for the provision of Fire Protection and Emergency Medical Services and Law Enforcement Mutual Aid Assistance entered into by and between the Tribe and the Town on January 11, 2016 was presented to the Select Board for approval.

Town Counsel Patrick J. Costello was noted to have modified the language. The document was forwarded to the Tribe and duly adopted by affirmative vote on December 9, 2022.

Motion made by Selectman Wyman-Colombo to authorize the Town Manager to execute the Memorandum of Agreement as presented on behalf of the Mashpee Select Board.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 3-0.

Roll Call Vote:

**Selectman Cotton, yes
Opposed, none**

Selectman O'Hara, yes

Selectman Wyman-Colombo, yes

Discussion and Approval of Amendment to Upper Cape Regional Transfer Station Intermunicipal Agreement (IMA) for the Upper Cape Regional Transfer Station (UCTRS):
DPW Director Catherine Laurent:

Acting on the recommendation of Patrick J. Costello, Counsel for the Upper Cape Regional Transfer Station (UCRTS) Board of Managers, the Select Board took action to allow the Town of Bourne to withdraw from the UCRTS Intermunicipal Agreement (IMA), and also to vote to extend the IMA amongst the remaining three towns, Falmouth, Sandwich and Bourne. The three member towns have taken the recommended action.

Motion made by Selectman Wyman-Colombo to move that the Board approve an Amendment to the Intermunicipal Agreement among the Towns of Falmouth, Sandwich, Mashpee and Bourne for The Maintenance and Operation of a Regional Municipal Services Facility at The Joint Base Cape Cod, dated July 1, 2018, for the purpose of effecting the Town of Bourne's withdrawal from the Intermunicipal agreement prior to the December 31, 2022 Agreement termination date.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 3-0.

Roll Call Vote:

**Selectman Cotton, yes
Opposed, none**

Selectman O'Hara, yes

Selectman Wyman-Colombo, yes

Mashpee Select Board
Minutes
December 19, 2022

Discussion and Approval of Amendment to Upper Cape Regional Transfer Station Intermunicipal Agreement (IMA) for the Upper Cape Regional Transfer Station (UCTRS): (continued)
DPW Director Catherine Laurent:

Motion made by Selectman Wyman-Colombo to further, move that the Board vote pursuant to Article XIV of the amended Intermunicipal Agreement among the Towns of Falmouth, Sandwich and Mashpee to extend the term of said Intermunicipal Agreement to June 30, 2026 upon the mutual agreement of said Towns.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 3-0.

Roll Call Vote:

**Selectman Cotton, yes
Opposed, none**

Selectman O'Hara, yes

Selectman Wyman-Colombo, yes

Discussion and Approval of Short Term Financing Agreement for the Wastewater Project:
Treasurer/Tax Collector Craig Mayen:

Craig Mayen, Treasurer/Tax Collector was in attendance to recommend the Select Board approve a short term and long term financing agreement at the rate of 2.4% for the financing of the \$54 million wastewater project.

There is concern as the State Revolving Fund (SRF) Agreement was approved at an interest rate of 0% over a term of 30 years. The Town of Mashpee is eligible for 0% short and long term financing dependent upon qualification from the MassDEP. It was disclosed the MassDEP has received the required documentation, however the 0% interest rate has not been formally approved in writing.

There has been verbal approval of the 0% interest rate for both long and short term financing that it would be approved. The Towns of Orleans and Truro had a similar situation. Both towns signed for short term and long term financing at 2.4%, and the 0% interest was approved thereafter.

Mr. Mayen indicated the project has begun, and there is apprehension with the looming deadline. The document when executed may take approximately two months for the revenue to flow at the 0% interest rate.

It was agreed this matter would be deferred to a full quorum of the Select Board on January 9, 2023.

Mashpee Select Board
Minutes
December 19, 2022

Discussion and Certification of Hiring Process for Police Public Safety Dispatcher: Shannon Lee:

Correspondence was received from Police Chief Scott Carline dated December 15, 2022 relative to the hiring process for a public safety police dispatcher. With the retirement of Dispatch Supervisor Scott Halligan, a vacancy has been created. Shannon Lee has been offered a conditional offer of employment pending the certification of the hiring process by the Select Board. The appointment would take effect on January 3, 2023.

Town Manager Rodney C. Collins affirmed that all policies and procedures relative to the hiring process for public safety police dispatcher Shannon Lee have been adhered to.

Motion made by Selectman Wyman-Colombo to certify the hiring process of Shannon Lee as public safety dispatcher as presented.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 3-0.

Roll Call Vote:

**Selectman Cotton, yes
Opposed, none**

Selectman O'Hara, yes

Selectman Wyman-Colombo, yes

Discussion and Approval of New Ambulance Billing Rates: Fire Chief John Phelan:

Fire Chief John F. Phelan was in attendance to request the Select Board approve an increase to the Ambulance Transport fees to be responsive to the needs of the Town and the services provided. The fees were last assessed in 2016. The revised fee structure would allow the Town to remain comparable with other local towns.

Based on discussions with the Town Manager and Finance Director an increase is strongly recommended. It was noted the recovery rate for ambulance billing is 97%.

The proposed rates are as follows;

BLS Emergency	\$1200
ALS Emergency	\$1800
Mileage	\$30 per mile

Motion made by Selectman O'Hara to approve the new Ambulance Billing Rates as proposed.

Motion seconded by Selectman Wyman-Colombo.

VOTE: Unanimous. 3-0.

Roll Call Vote:

**Selectman Cotton, yes
Opposed, none**

Selectman O'Hara, yes

Selectman Wyman-Colombo, yes

Mashpee Select Board
Minutes
December 19, 2022

Discussion and Approval of Chopchaque Bogs Conservation Restriction:
Assistant Conservation Agent Daniel Kent:

Daniel Kent, Assistant Conservation Agent was in attendance to recommend the Board approve the Conservation Restriction (CR) for the Chopchaque Bogs. In June of 2020 the Town acquired the 11.71-acre property with a 43x30' barn adjacent to Santuit Pond along with several upland properties encompassing a total of 13.98 acres through CPA funding.

The property is located on the east side of Santuit Pond on Cranberry Lane. In an effort to improve the water quality of the pond the project is proposed for wetland restoration and land remediation.

The Native Land Conservancy, a local Mashpee based land trust would hold the Conservation Restriction. The management of the premises lies under the care, custody and control of the Conservation Commission of the Town of Mashpee.

Motion made by Selectman O'Hara to approve and execute the Conservation Restriction from the Town of Mashpee, Conservation Commission to the Native Land Conservancy.

Motion seconded by Selectman Wyman-Colombo.

VOTE: Unanimous. 3-0.

Roll Call Vote:

**Selectman Cotton, yes
Opposed, none**

Selectman O'Hara, yes

Selectman Wyman-Colombo, yes

DNR Director Ashley Fisher:

Discussion and Approval of Mooring Regulation Fee Changes: Additions to Waterways Regulations Chapter 170:

Ashley Fisher, Director of Natural Resources was present with Robert Tomaino, the Harbormaster to seek approval of fee changes to Mooring Regulations, and additions to Waterways Regulations under M.G.L. Chapter 170.

It is recommended that late fee charges be imposed to mooring bills that are not paid in full by March 15th. From March 16th through March 31st a late fee charge of \$100 would be added to the applicable mooring fee. Any mooring bills not paid in full after March 31st would be revoked for non-payment. Renewal and late fee notices would be sent at a courtesy only. The non-receipt of an annual mooring permit bill is not an excuse or justification for late payment.

For safety on the water, all vessels when operating must follow the Rules of the Road. The violation is recommended at \$50. The operation of a vessel in a negligent manner would receive a violation of \$300 and a MA State Summons. Negligent operational conditions include;

Jumping the wake of another vessel, following a vessel too closely that is towing a person on any watersport device, weaving through congested waterway traffic at speed, intentionally operating a vessel in such a violent manner, the operation and/or passenger(s) are thrown into the water, and operating at speed with passenger(s) sitting on the bow or gunwales.

For the operation of a personal watercraft with a modified exhaust system the violation is \$300, and voyage termination, a \$300 maximum penalty per noncriminal disposition.

Mashpee Select Board
Minutes
December 19, 2022

DNR Director Ashley Fisher:

Discussion and Approval of Mooring Regulation Fee Changes; Additions to Waterways Regulations Chapter 170: (continued)

The action would remain consistent with existing laws for enforcement purposes.

The explanations to the recommended fee changes and waterways regulations were fully defined in the memorandum from the DNR dated December 5, 2022 addressed to the Town Manager and Select Board. This action requires approval from the Select Board and does not require a Town Meeting vote.

Motion made by Selectman Wyman-Colombo to accept the Mooring Regulation Fee Changes and Additions to Waterways Regulations under M.G.L., Chapter 170 as recommended.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 3-0.

Roll Call Vote:

**Selectman Cotton, yes
Opposed, none**

Selectman O'Hara, yes

Selectman Wyman-Colombo, yes

Santuit Pond: Public Outreach Events; Project Updates:

Ashley Fisher, Director of Natural Resources updated the Select Board on public outreach events and project updates related to ongoing efforts for water quality improvements to Santuit Pond.

Public input will be sought on potential waterways bylaw amendments, to include;

Proposed horsepower and speed restrictions,

Stormwater improvement concept design for the Santuit Pond Town Landing,

Review of the completed Santuit Pond Watershed Based Plan, and

Phosphorus management opportunities and options for Santuit Pond, including a dredging feasibility study, aluminum sulfate feasibility study and aquatic plant harvesting feasibility.

Several grants have been obtained for to complete the studies. This includes the Municipal Vulnerability Preparedness (MVP) Program grant award, and partnering with the Southeast New England Program, DEP, the EPA and the Mashpee Wampanoag Natural Resources.

To gain more public interest and feedback it was requested the public outreach events be held in conjunction with Select Board meetings.

As noted earlier on this agenda, the DNR intends to resubmit an article for the May Town Meeting warrant to restrict vessel use on Santuit Pond. It is recommended to only allow electric trolling motors up to 5hp. This topic is the first suggested public outreach event on January 9, 2023.

Consultants will also be seeking input of their drafted stormwater concept designs for the Santuit Pond Landing. It is hopeful the designs would be available for a Select Board review by early February.

The draft of the Watershed Based Plan for Santuit Pond is recommended in future public engagement sessions. Multiple projects are also underway to address existing phosphorus and input within the Santuit Pond watershed.

Mashpee Select Board
Minutes
December 19, 2022

Santuit Pond: Public Outreach Events; Project Updates:

Additional outreach sessions would review efforts and findings on the dredging feasibility study, aluminum sulfate treatment feasibility study and aquatic plant harvest feasibility.

It is expected the consultants from Fuss & O'Neill, with representation from the Army Corps of Engineers, the DEP, the EPA, SNEP Program Partners and Tribe would be coordinating and attending future outreach events.

Ms. Fisher indicated that Santuit Pond has been receiving national recognition for cyano bacteria monitoring. There is a magnitude of interest to remediate this water body on the national level.

The Town Manager and Select Board expressed appreciation to the Department of Natural Resources for their endeavors in receiving multiple grant awards including \$1.2 million in grant funding. Utilizing the regular Select Board meetings to bring forth information to the public was well received.

NEW BUSINESS

Presentation, Discussion and Possible Approval of Negotiating and Entering into a Retail Marijuana and Product Manufacturing Establishment Host Community Agreement with CatDogg, LLC dba Sublime Cannabis: Robert Catania, Evan Lehrer:

The Select Board met with Robert Catania and Evan Lehrer regarding their letter of intent to obtain a Host Community Agreement for a Marijuana Retail and Product Manufacturing establishment for CatDogg LLC, d/b/a Sublime Cannabis.

For disclosure Mr. Lehrer indicated that he works for the Town of Mashpee and the conflict of interest paperwork has been filed. This matter has also been discussed in detail with the Town Manager. Mr. Lehrer indicated he would like to continue his relationship working with the Town of Mashpee as Town Planner.

The subject property is planned to be located at the Summerfield Park, 800 Falmouth Road, Unit 120A, Mashpee.

The Town of Mashpee limits the number of Marijuana Retailers within the town-limits to the number fewer than 20% of the licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises under M.G.L., Chapter 138, §15. There are 10 off-premise retail liquor licenses (package store licenses) available for issuance in the Town, and as such, there is (1) additional retail cannabis license available to be issued.

Mr. Catania indicated he has operated in various capacities in the Town of Mashpee for the past 15 years which demonstrates his commitment to the Mashpee community as meaningful and productive partners, capable and honest. This is his second attempt to obtain a retail Marijuana license in the Town of Mashpee.

From average gross sales, the projected potential community impact fee is 3% or \$176,225.40. The projected local sales tax is projected at 3% or \$176,225.40.

Mashpee Select Board
Minutes
December 19, 2022

NEW BUSINESS

Presentation, Discussion and Possible Approval of Negotiating and Entering into a Retail Marijuana and Product Manufacturing Establishment Host Community Agreement with CatDogg, LLC dba Sublime Cannabis: Robert Catania, Evan Lehrer: (continued)

The retail portion of the facility totals 2,500 square feet. The manufacturing portion of the facility totals 1,500 square feet. Sublime Cannabis intends on establishing a welcoming environment with a clean and modern storefront providing the highest quality, laboratory tested cannabis products.

In considering this proposal it was suggested the Select Board defer this matter to a full voting quorum. As discussion followed it was noted the timeline to begin operations for the upcoming summer is tight. The State of Massachusetts is noted to be highly regulated on the cannabis approval process, and the submission package is comprehensive.

After a brief discussion, the Select Board took the following action;

Motion made by Selectman Wyman-Colombo to authorize the Town Manager to negotiate a Host Community Agreement with CatDog LLC d/b/a Sublime Cannabis, 800 Falmouth Road, Unit 102A, Mashpee for a Retail Marijuana and Product Manufacturing establishment.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 3-0.

Roll Call Vote:

**Selectman Cotton, yes
Opposed, none**

Selectman O'Hara, yes

Selectman Wyman-Colombo, yes

OLD BUSINESS

Discussion and Approval of Letter to the Sandwich Board of Selectmen with regard to the NSG Village Green-1 Project:

The Select Board conducted review of the draft letter to the Town of Sandwich Board of Selectmen regarding the NSG Village Green-1 project.

It was agreed the topic would be deferred to the January 9, 2023 meeting for a full voting quorum.

TOWN MANAGER UPDATES

Town Hall Closure: As a reminder Town Hall will be closed to the public on Wednesday, January 21, 2023 for the Annual Organization Day. This information has been duly posted.

Mashpee Select Board
Minutes
December 19, 2022

MOTION TO MOVE INTO EXECUTIVE SESSION

Discuss Strategy Regarding Negotiations with Nonunion Personnel (Personnel Administration Plan) and the Following Collective Bargaining Units, where an Open Meeting May have a Detrimental Effect on the Bargaining Position of the Town:

- Mashpee Permanent Fire Fighters Association, International Association of Fire Fighters (IAFF) Local 2519;
- MASS. C.O.P., Local 320, Unit A – Patrol Officers and Detectives;
- MASS. C.O.P., Local 324, Unit B – Sergeants;
- MASS. C.O.P., Local 477, Unit C – Police Lieutenants
- Laborer's International Union of North America (LIUNA), MASS Public Employee's Local 1249 Administrator's Unit A – Administrators;
- Laborer's International Union of North America (LIUNA), MASS Public Employee's Local 1249 Administrator's Unit B – Administrators;
- Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit A;
- Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit B;
- Service Employees International Union (SEIU), Local 888, Clerical/Library/Dispatchers Chapter

Motion made by Selectman O'Hara to convene into Executive Session at 8:35 p.m. for the purpose of discussing strategy regarding negotiations with nonunion personnel relative to the Personnel Administration Plan and with the following collective bargaining units, where an Open Meeting may have a detrimental effect on the bargaining position of the Town:

**Mashpee Permanent Fire Fighters Association, International Association of Fire Fighters (IAFF) Local 2519;
MASS. C.O.P., Local 320, Unit A – Patrol Officers and Detectives;
MASS. C.O.P., Local 324, Unit B – Sergeants;
MASS. C.O.P., Local 477, Administrator's Unit C – Police Lieutenants
Laborer's International Union of North America (LIUNA), MASS Public Employee's Local 1249 Administrator's Unit A – Administrators;
Laborer's International Union of North America (LIUNA), MASS Public Employee's Local 1249 Administrator's Unit B – Administrators;
Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit A;
Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit B;
Service Employees International Union (SEIU), Local 888, Clerical/Library/Dispatchers Chapter**

from which the Board will reconvene in Open Session.

Respectfully submitted,

Kathleen M. Soares
Secretary to the Select Board

Mashpee Select Board
Minutes
December 19, 2022

Meeting reconvened: 8:58 p.m.

RETURN TO OPEN SESSION:

Discussion and Possible Ratification of Approval of the Following Contracts:

- Mashpee Permanent Fire Fighters Association, International Association of Fire Fighters (IAFF) Local 2519
- MASS. C.O.P., Local 320, Unit A – Patrol Officers and Detectives:
- MASS. C.O.P., Local 324, Unit B – Sergeants:
- MASS. C.O.P., Local 477, Unit C – Police Lieutenants
- Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit A:
- Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit B:
- Service Employees International Union (SEIU), Local 888, Clerical/Library/Dispatchers Chapter

Mashpee Permanent Fire Fighters Association, International Association of Fire Fighters (IAFF) Local 2519:

Motion made by Selectman O'Hara to ratify the contractual agreement with the Mashpee Permanent Firefighters, IAFF, Local 2519 with terms as identified authorizing the Town Manager to execute said document.

Motion seconded by Selectman Wyman-Colombo.

VOTE: Unanimous. 3-0.

Roll Call Vote:

**Selectman Cotton, yes
Opposed, none**

Selectman O'Hara, yes

Selectman Wyman-Colombo, yes

MASS. C.O.P., Local 324, Unit B – Sergeants:

Motion made by Selectman O'Hara to ratify the agreement with the Massachusetts Coalition of Police (MASS C.O.P.) Local 324, Unit B Sergeants with terms as identified authorizing the Town Manager to execute said document.

Motion seconded by Selectman Wyman-Colombo.

VOTE: Unanimous. 3-0.

Roll Call Vote:

**Selectman Cotton, yes
Opposed, none**

Selectman O'Hara, yes

Selectman Wyman-Colombo, yes

Mashpee Select Board
Minutes
December 19, 2022

ADJOURNMENT

Motion made by Selectman O'Hara to adjourn at 9:00 p.m.

Motion seconded by Selectman Wyman-Colombo.

VOTE: Unanimous. 3-0.

Roll Call Vote:

**Selectman Cotton, yes
Opposed, none**

Selectman O'Hara, yes

Selectman Wyman-Colombo, yes

Respectfully submitted,

Kathleen M. Soares
Secretary to the Select Board

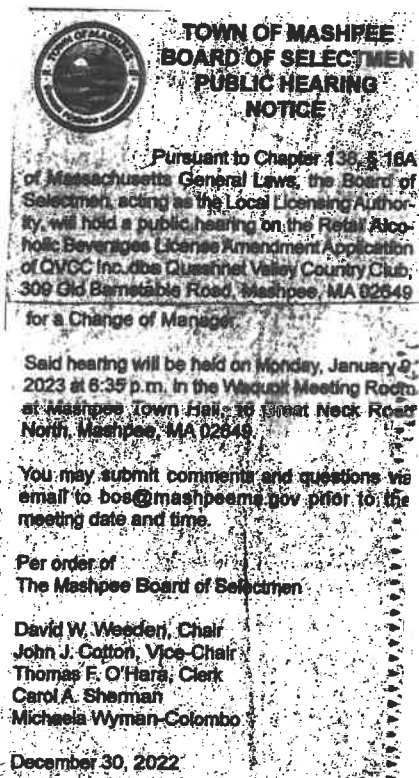


**TOWN OF MASHPEE
BOARD OF SELECTMEN
PUBLIC HEARING NOTICE**

Pursuant to Chapter 138, § 16A of Massachusetts General Laws, the Board of Selectmen, acting as the Local Licensing Authority, will hold a public hearing on the Retail Alcoholic Beverages License Amendment Application of QVCC Inc. dba Quashnet Valley Country Club, 309 Old Barnstable Road, Mashpee, MA 02649 for a Change of Manager.

Said hearing will be held on Monday, January 9, 2023 at 6:35 p.m. in the Waquoit Meeting Room at Mashpee Town Hall, 16 Great Neck Road North, Mashpee, MA 02649.

You may submit comments and questions via email to bos@mashpee.ma.gov prior to the meeting date and time.



Per order of
The Mashpee Board of Selectmen

David W. Weeden, *Chair*
John J. Cotton, *Vice-Chair*
Thomas F. O'Hara, *Clerk*
Carol A. Sherman
Michaela Wyman-Colombo



TOWN OF MASHPEE


OFFICE OF THE SELECT BOARD

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

MEMORANDUM

Date: January 4, 2023

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

From: Stephanie A. Coleman, Administrative Secretary 

Re: Public Hearing – Alcoholic Beverages License Amendment

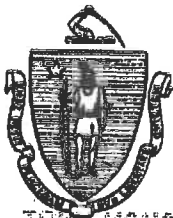
Description

Discussion of the Alcoholic Beverages License Amendment Application of QVCC Inc. dba Quashnet Valley Country Club for a Change of Manager.

Background

Pursuant to Chapter 138, § 16A of Massachusetts General Laws, the Board of Selectmen, acting as the Local Licensing Authority, will hold a public hearing on the Retail Alcoholic Beverages License Amendment Application of QVCC Inc. dba Quashnet Valley Country Club, 309 Old Barnstable Road, Mashpee, MA 02649 for a Change of Manager.

Said hearing will be held on Monday, January 9, 2023 at 6:35 p.m. in the Waquoit Meeting Room at Mashpee Town Hall, 16 Great Neck Road North, Mashpee, MA 02649.



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

TOWN MANAGERS OFFICE
DEC 15 '22 AM 11:42

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM

AMENDMENT-Change of Manager

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL
LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: ABCC PAYMENT WEBSITE

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE
PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

00004-RS-0670

ENTITY/ LICENSEE NAME Quashnet Valley Country Club/ Valley Grille

ADDRESS 309 Old Barnstable Rd

CITY/TOWN Mashpee

STATE MA

ZIP CODE 02649

For the following transactions (Check all that apply):

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input checked="" type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | <input type="checkbox"/> Other | | <input type="checkbox"/> Change of DBA |

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS
APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358

Fwd: Receipt from nCourt

Dawn Dupre ·

Thu 12/15/2022 11:30 AM

To: Stephanie Coleman <SColeman@mashpeema.gov>

WARNING! EXTERNAL EMAIL: : This message originated outside the Town of Mashpee mail system and could be harmful. PLEASE DO NOT CLICK ON LINKS OR ATTACHMENTS unless you are absolutely certain the content is safe.

----- Forwarded message -----

From: <customerservice@ncourt.com>

Date: Thu, Dec 15, 2022, 11:29 AM

Subject: Receipt from nCourt

To: _____

YOUR RECEIPT >>

Please include the payment receipt with your application. Thank you.

Paid To

Name: Massachusetts Alcoholic Beverages Control Commission - Retail

Address 1: 95 Fourth Street, Suite 3

City: Chelsea

State: Massachusetts

Zip: 02150

Payment On Behalf Of

First Name: Dawn

Last Name: Tormey

Address 1

City: Mashpee

State/Territory: MA

Zip: 02649

Phone:

Description	ID	Service Fee	Amount
FILING FEES-RETAIL	00004-RS-0670	\$4.70	\$200.00

Receipt Date: 12/15/2022 11:29:37 AM EDT

Invoice Number: d3e677cd-7698-498c-b445-389c0939f769

Total Amount Paid:\$204.70

Billing Information

First Name Dawn

Credit / Debit Card Information

Last Name Dupre

Address 1

City MASHPEE

State/Territory MA

Zip 02649

Email

Card Type MasterCard

Card Number *****

IMPORTANT INFORMATION >>

Please verify the information shown above. Your payment has been submitted to the location listed above.



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

AMENDMENT-Change of Manager

☐ **Change of License Manager**

1. BUSINESS ENTITY INFORMATION

Entity Name

Municipality

ABCC License Number

Quashnet Valley Country Club

Mashpee

00004-RS-0670

2. APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name

Title

Email

Phone

Dawn Tormey

Manager

3A. MANAGER INFORMATION

The individual that has been appointed to manage and control of the licensed business and premises.

Proposed Manager Name Dawn Tormey

Date of Birth

SSN

Residential Address

Email

Phone

Please indicate how many hours per week
you intend to be on the licensed premises

60

Last-Approved License Manager

Philip Dolimpio

3B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?*

☒ Yes ☐ No *Manager must be U.S. citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.
Have you ever been convicted of a state, federal, or military crime?

☒ Yes ☒ No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

3C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
12/2019	1/2023	Bartender	Dinos Sports Bar	Dino Mitrokostas
11/2013	10/2019	General Manager	Lanes Bowl & Bistro	Jeff Moore

D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? ☐ Yes ☒ No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Dawn Tormey 12/13/22

APPLICANT'S STATEMENT

I, Dawn Torney the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of Quashnet Valley C.C
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:

Dawn Torney

Date: 12/13/2022

Title:

Manager

ENTITY VOTE

The Board of Directors or LLC Managers of

Quashnet Valley C.C

Entity Name

duly voted to apply to the Licensing Authority of

Mashpee

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

Date of Meeting

For the following transactions (Check all that apply):

☒ Change of Manager

☐ Other

"VOTED: To authorize

Dawn Tormey

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint

Dawn Tormey

Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,

Dawn Tormey

Corporate Officer /LLC Manager Signature

Dawn Tormey

(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)



JEAN M. LORIZIO, ESQ.
CHAIRMAN

Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150

CORI REQUEST FORM

The Alcoholic Beverages Control Commission ("ABCC") has been certified by the Criminal History Systems Board to access conviction and pending Criminal Offender Record Information ("CORI"). For the purpose of approving each shareholder, owner, licensee or applicant for an alcoholic beverages license, I understand that a criminal record check will be conducted on me, pursuant to the above. The information below is correct to the best of my knowledge.

ABCC LICENSE INFORMATION

ABCC NUMBER: (IF EXISTING LICENSEE)	00004- RS-0670	LICENSEE NAME:	Quashnet Valley CC	CITY/TOWN:	Mashpee
--	-------------------	----------------	--------------------	------------	---------

APPLICANT INFORMATION

LAST NAME:	Tormey	FIRST NAME:	Dawn	MIDDLE NAME:	Nicole			
MAIDEN NAME OR ALIAS (IF APPLICABLE):	Dawn Dupre	PLACE OF BIRTH:	Naples FL					
DATE OF BIRTH:		SSN:		ID THEFT INDEX PIN (IF APPLICABLE):				
MOTHER'S MAIDEN NAME:	Coulter	DRIVER'S LICENSE #:		STATE LIC. ISSUED:	MA			
GENDER:	Female	HEIGHT:	5	6	WEIGHT:	175	EYE COLOR:	Brown
CURRENT ADDRESS:								
CITY/TOWN:	Mashpee	STATE:	MA	ZIP:	02649			
FORMER ADDRESS:								
CITY/TOWN:	Mashpee	STATE:	MA	ZIP:	02649			

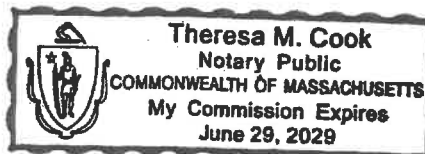
PRINT AND SIGN

PRINTED NAME:	Dawn Tormey	APPLICANT/EMPLOYEE SIGNATURE:	Dawn Tormey
---------------	-------------	-------------------------------	-------------

NOTARY INFORMATION

On this December 15, 2022 before me, the undersigned notary public, personally appeared Dawn Tormey
(name of document signer), proved to me through satisfactory evidence of identification, which were Passport
to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

Theresa M. Cook
NOTARY



VISION USE ONLY

REQUESTED BY:
SIGNATURE OF CORI-AUTHORIZED EMPLOYEE

DCII Identity Theft Index PIN Number is to be completed by those applicants that have been issued an Identity Theft



Outside Plant Network Engineering

October 26, 2022

RECEIVED

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

DEC - 5 2022

By:
Time:

T. Cook

Dear Honorable Select Board Members:

Enclosed you will find a petition# MA2022-31 from Verizon New England Inc. and NSTAR Electric Company dba Eversource Energy, proposing to place new facilities, Pole 125/38.5, on Red Brook Road. Please present at your next Select Board Meeting for usual course of action relative to granting.

This petition does require a hearing and notice to the abutters.

Your assistance is greatly appreciated.

Sincerely,

Verizon New England Inc.
Attn: Daryl Crossman - ROW
44 Old Townhouse Road
South Yarmouth, MA 02664

(508) 398-5754 – Office
daryl.crossman@verizon.com - Email

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

October 26, 2022

To the Select Board

in **MASHPEE**, Massachusetts

VERIZON NEW ENGLAND, INC. and **NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY** request permission to locate poles, wires, cables and fixtures including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

Red Brook Road:

Install one (1) JO pole, 125/38.5, on the northerly side of Red Brook Road approximately eight hundred seventy-five (875) feet west of the centerline of Brian's Lane. The new location is approximately fifty (50) feet northeast of existing pole, 125/38.


This installation is being requested by Eversource to support the existing pole line and to provide for the distribution of intelligence and telecommunications and the transmission of high and low voltage electric current.

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-VZ N.E. Inc. Plan No. **MA2022-31**
Dated **October 17, 2022.**

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree that space shall be reserved and maintained for the limited purpose of attaching one-way low voltage fire and police signaling wires owned by the municipality or governmental entity for public safety purposes only.

VERIZON NEW ENGLAND INC.

By 
Daryl Crossman - Manager - Rights of Way

Dated this 26 day of OCT, 2022

NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY

By 
Right of Way Representative

Dated this 23 day of November, 2022

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

By the Select Board of MASHPEE, Massachusetts.

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY be, and they are hereby granted joint or identical locations for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with anchors, guys and other such sustaining and protecting fixtures as said Companies may deem necessary, in public way or ways hereinafter referred to, as requested in petition of said Companies dated the 26th day of October, 2022.

Red Brook Road:

Install one (1) JO pole, 125/38.5, on the northerly side of Red Brook Road approximately eight hundred seventy-five (875) feet west of the centerline of Brian's Lane. The new location is approximately fifty (50) feet northeast of existing pole, 125/38.

This installation is being requested by Eversource to support the existing pole line and to provide for the distribution of intelligence and telecommunications and the transmission of high and low voltage electric current.

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

Poles shall be of sound timber, and reasonably straight and shall be set substantially at the points indicated upon the plan marked-VZ N. E. Inc. No. **MA2022-31** in a package Dated **October 17, 2022** - filed with said petition.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles, which may be erected thereon under this order:

Red Brook Road
One Jointly-Owned pole to be placed

Also that permission be and hereby is granted to each of said Companies to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

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.

Selectmen's Clerk

We hereby certify that on _____ 2022, at _____ o'clock _____ m., at the _____ a public hearing was held on the petition of the VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY for permission to erect the poles, wires, cables, fixtures and connections 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 Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

Select Board of the Town of MASHPEE, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint 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

MASHPEE



DATED

10/17/2022

NOT TO SCALE

PLAN FOR PLACEMENT OF NEW POLE 125/38.5 ON RED BROOK ROAD

TO ACCOMPANY PETITION OF
VERIZON NEW ENGLAND INC. AND
NSTAR ELECTRIC COMPANY DBA EVERSOURCE ENERGY

LEGEND:

PROPERTY LINE

EDGE OF PAVEMENT

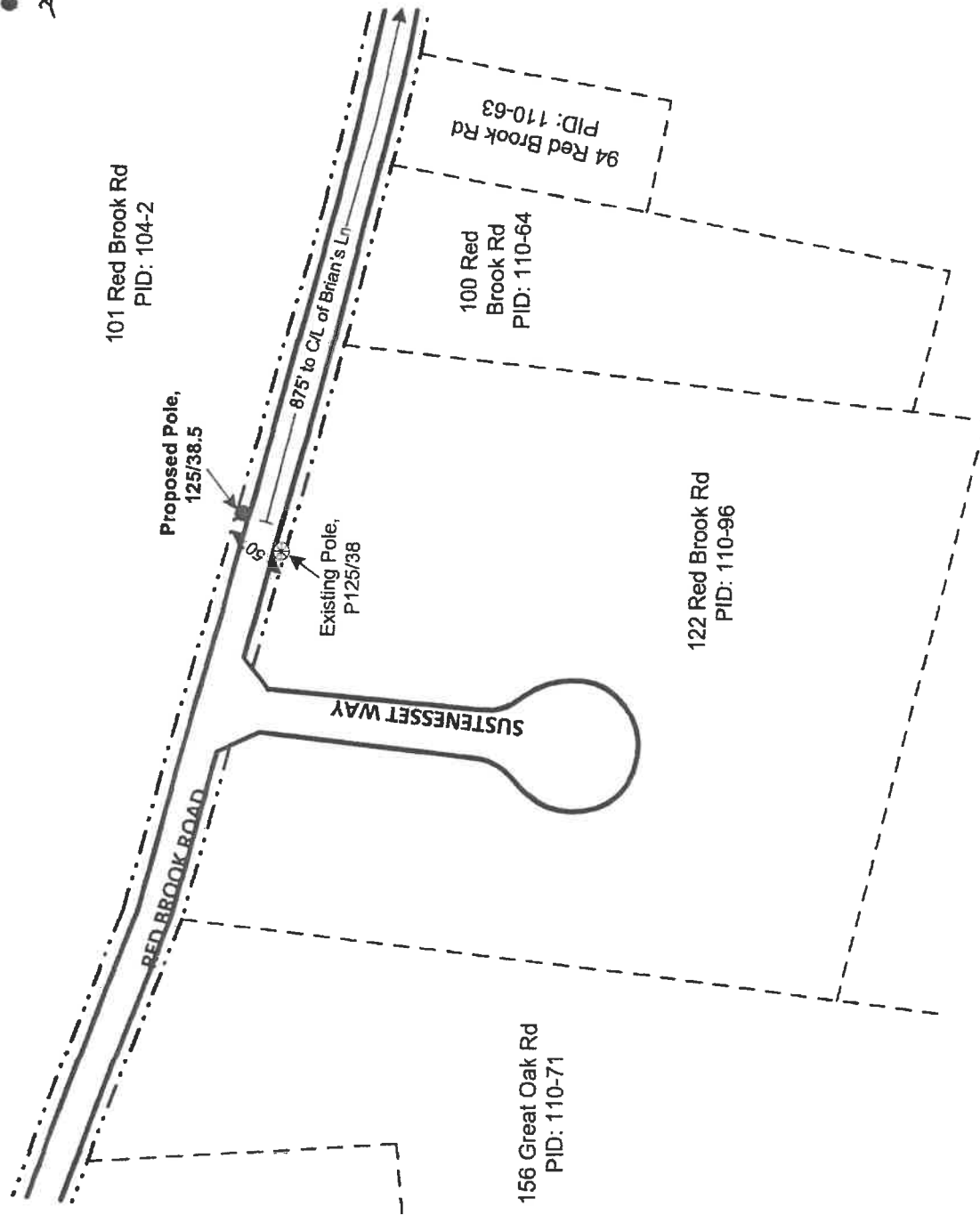
EDGE OF ROADWAY:

CENTERLINE OF ROADWAY

EXISTING POLE

PROPOSED POLE

POLE ANCHOR





TOWN OF MASHPEE

OFFICE OF THE SELECT BOARD

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

December 19, 2022

Mashpee, 02649

Re: Public Hearing Notice - Eversource Petition #MA2022-31 Red Brook Road

Dear Property Owner:

The Town of Mashpee Select Board will conduct a pole hearing on Petition #MA2022-31 dated October 17, 2022, from NSTAR Electric dba Eversource Energy proposing to place new facilities, Pole 125/38.5, on Red Brook Road.

Said hearing will take place at 6:35 pm on Monday, January 9, 2023 in the Waquoit Meeting Room at Mashpee Town Hall, 16 Great Neck Road North, Mashpee MA 02649.

You can submit comments and questions via email to bos@mashpeema.gov prior to the meeting date and time.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie A. Coleman".

Stephanie A. Coleman
Administrative Secretary
Office of the Town Manager & Select Board

Encls: Petition Plan Map

Evan Lehrer
Town Planner
(508) 539-1414
elehrer@mashpeema.gov



Planning Department
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649

To: David Weeden, Chair
The Honorable Members of the Select Board
From: Evan Lehrer, Town Planner
Date: December 15, 2021
Re: Summer Population Projections for July 10, 2023

Executive Summary

I have **estimated a peak population of 36,825 persons** in for the 2023 summer season. This corrects a skewed estimate from summer 2021 estimates and increased by five-hundred and seventy-four (574) persons. Most recent American Community Survey data show a higher household occupancy rate than did the estimates from the last calendar year up to 2.26 to 2.21. Between calendar year 2020 and 2021 I transitioned away from the 2010 decennial census data in favor of ACS estimates given the time lapsed since those data were collected.

Calendar year 2022 was generally consistent with prior year development patterns in terms of housing unit production. In total, Mashpee added 62 housing units to its stock in calendar year 2022 which is slightly less than the 92 produced in 2021. Additionally, five (5) accessory apartments were added to the stock this past year.

Data sources are indicated in the sections below and come from Town Departments: Building, Zoning Board of Appeals, Assessors, Health, the Town Clerk, and Mashpee Housing Authority. Additional data was gathered from motel/inn property owners, the Mashpee Commons team, and staff at the local nursing/assisted living facilities Royal of Cotuit, Laurentide, and Bridges by Epoch.

COMMONWEALTH OF MASSACHUSETTS
ALCOHOLIC BEVERAGES CONTROL
COMMISSION

95 Fourth Street, Suite 3, Chelsea, MA 02150

2023 Seasonal Population Increase Estimation Form

City / Town:

Date:

Alcoholic Beverages Control Commission
c/o Licensing Department
95 Fourth Street, Suite 3
Chelsea, MA 02150

To Whom It May Concern:

Acting under authority contained in M.G.L. Ch. 138, s17, as amended, our Board at a meeting held on

Date of Meeting

, estimated that the temporary increased resident population

of , as of July 10, 2023 will be

City / Town Name

Estimated Population

This estimate was made and voted upon by us at a meeting called for the purpose, after due notice to each of the members of the time, place and purpose of said meeting, and after investigation and ascertainment by us of all the facts and after cooperative discussion and deliberation. The estimate is true to the best of our knowledge and belief.

The above statements are made under the pains and penalties of perjury.

Very truly yours,
Local Licensing Authorities

This certificate must be signed by a majority of the members of the local licensing authority.



Town of Mashpee

16 Great Neck Rd North
Mashpee, MA 02649

Conservation Department

12-14-22

TO: Chairman David Weeden & Members of the Mashpee Select Board

FROM: Drew McManus
Conservation Agent

RE: Request for hearing on Select Board Agenda- Disc golf course proposal.

Dear Chairman Weeden & Members of the Mashpee Select Board,

I am in the process of proposing a disc golf course for the Town of Mashpee along with the Mashpee Recreation Department and the Cape Cod Disc Golf Club. I have provided a project description which details the sport of disc golf, the Cape Cod Disc Golf Club and the overall proposal.

We recently submitted an application for Community Preservation Act funding. The CPA application is requesting an amount of \$200,000 to cover the costs of selective vegetation clearing/pruning, purchase of course materials and course design consulting services. The CPA Committee has reviewed the application and has tabled their recommendation until such time as the Select Board has reviewed this proposal and approves/recommends a location for a disc golf course.

In our presentation to the CPA committee, we identified the parcel of land at 156 Ashumet Rd as a recommended location for a disc golf course. This parcel currently has the recently created dog park and pickleball courts. There was discussion of alternative locations as well, including town owned land at 101 Redbrook Rd (*location of the fire substation and new cell tower*) and available land at the Mashpee High School.

In further reviewing the Ashumet Rd and Mashpee High School locations, neither areas are conducive for a disc golf course due to concerns that these areas are mapped as rare species habitat by the MA Natural Heritage and Endangered Species Program (NHESP). We have a revised list of recommended locations for a disc golf course (listed in order of recommendation), which includes the following locations (*see attached GIS maps of each*):

1. **0-Great Neck Rd North/37 Goodspeed Rd-** Two adjoining parcels of town owned open space with a combined 15.9 acres of land. No rare species habitat, no wetlands and established parking nearby at Town Hall and Veterans Park. ***This is the highest recommended location due to proximity to established parking and overall acreage of available land***

2. **101 Redbrook Rd-** 24 acres of town owned open space that currently contains the Mashpee Fire Substation and a cell phone tower currently under construction. No rare species habitat, no wetlands and established parking at the fire substation (limited parking but room for expanded parking)
3. **400 Main St-** 4.1 acres of town open space located between Veterans Park and the Mashpee Community Gardens. No rare species habitat, no wetlands and established parking at Veterans Park. This is a much smaller acreage parcel but could be used to create what's called a "pocket course" which would have 5-6 holes, instead of a 9 or 18 hole layout.

We are requesting to have this proposal placed on the January 9th Agenda for the Select Board to review and consider.

Respectfully submitted,

-Drew McManus
Conservation Agent
Town of Mashpee
amcmanus@mashpee.ma.gov
508-539-1400 X8539

Option #1: 0-Rear Great Neck Rd North (Map 36 Parcel 53) & 37 Goodspeed Meetinghouse Rd (Map 36 Parcel 39). Combined acreage: 16.9 acres



- Established parking (Town Hall and Veterans Park)
- Tax taking parcels (not deeded conservation land)
- No rare species habitat (no NHESP jurisdiction)
- No wetlands or waterbodies
- Enough acreage for 9 or 18 hole layout.

Site 2-101 Redbrook Rd (Map 104 Parcel 2): 21 acres of usable space



- Limited existing parking (potential for expansion)
- No rare species habitat (area not mapped by NHESP)
- No wetlands or water bodies
- Potential for 9 or 18 hole disc golf course
- New cell tower currently under construction.

Site 3- 400 Main St (Map 36, Parcel 10): 4.1 acres



- Ample established parking
- Enough acreage for a "pocket" disc golf course (5-6 holes)
- No rare species habitat (No NHESP jurisdiction)
- No wetlands or waterbodies



Community Preservation Committee

Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649

December 20, 2022

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

Dear Select Board:

The Mashpee Community Preservation Committee has received an application from the Cape Cod Disc Golf Club requesting funding to develop a disc golf course in Mashpee. At this time, the Club has not yet secured a site to develop this course, as that permission is needed from the Select Board.

The CPC has reviewed this proposal and interviewed the Club President, asking questions and receiving answers regarding disc golf in general, and specifically about the Mashpee course, including maintenance of the course, rules regarding use, any potential effects on the environment and neighborhood.

At the Dec 8th meeting, the majority of CPC members present (but not unanimous) voted to support the concept of a Disc Golf club in Mashpee. However, the Committee is not yet ready to vote to recommend this application for funding until such time as a site is identified.

Because Disc Golf is a recreational opportunity that can serve many segments of the population, people of all ages and abilities, is a very low cost activity and can actually be beneficial to the environment, the Community Preservation Committee supports adding this as a recreational amenity in Mashpee. Once a site has been identified, the CPC will vote on this proposal.

Sincerely,

Arden Russell

Arden Russell
Chair, Community Preservation Committee



COMMUNITY PRESERVATION FUNDING APPLICATION
Town of Mashpee

Submit **(12)** copies to:
And (1) email copy to: tmcook@mashpeema.gov

Town of Mashpee
Community Preservation Committee
c/o Office of the Select Board & Town Manager
16 Great Neck Road North, Mashpee MA 02649
508-539-1401
tmcook@mashpeema.gov

Category (check all that apply)			
Open Space	<input checked="" type="checkbox"/> Recreation	Historic Preservation	Affordable Housing

Name of Applicant: Cape Cod Disc Golf Club

Co-Applicant, if applicable: Town of Mashpee Recreation Dept.

Contact Person: Drew McManus

Daytime Phone: _____ Email: _____

Mailing Address: _____

Town: Mashpee State: MA Zip Code: 02649

Proposal Title: Proposal for 9 hole disc golf course

Proposal Address (or assessor's parcel ID): 156 & 162 Ashurnet Rd

Amount of CPA Funding request: \$ 200,000

Total Cost of Proposed Project: \$ 200,000

Date: 11/17/22

DRAFT COURSE LAYOUT MAP (Illustrative purposes only. Final layout to be determined based on site surveying/mapping)



KEY:



Blue Fairway (advanced ability); White lines are beginner fairways



Blue Target (basket) location;  White target (basket) location;



Tee box location/designation

TOWN OF MASHPEE

APPLICATION FOR COMMUNITY PRESERVATION ACT FUNDING

PROPOSAL FOR A 9 HOLE DISC GOLF COURSE AT 156 ASHUMET RD

Submitted by the Cape Cod Disc Golf Club

APPLICANT INTRODUCTION:

The *Cape Cod Disc Golf Club (CCDGC/"the Club")* is seeking CPA funding for the creation of a 9 hole disc golf course on 16 acres of forested town-owned land at 156 & 162 Ashumet Rd in the Town of Mashpee. The Club was formed in 2011 and is a nonprofit organization. The mission of the Club is to promote the sport of disc golf on Cape Cod and Southeastern MA through local advocacy, course design and consultation services and hosting of disc golf clinics and events in the interest of promoting and growing the sport.

The Club was established in 2011 and voluntarily maintains Cape Cod's only two existing disc golf courses: (1) Burgess Park in Barnstable and (2) Oakcrest Cove Recreation Area in Sandwich. The Club works cooperatively with both towns to manage and maintain each course. The course at Oakcrest Cove was proposed by the Cape Cod Disc Golf Club to the Town of Sandwich in 2020 and subsequently approved by the Select Board and funded by the Town through the Sandwich Community Preservation Act with in-kind labor contribution from Club volunteers. The course at Burgess Park was created in 1992 by the Town of Barnstable Recreation Dept. with assistance from local volunteers.

PROJECT GOALS:

To establish a 9 hole disc golf course on 16 acres of town owned property at 156 Ashumet Rd for the recreational enjoyment of residents and visitors to the town of Mashpee. There may be a need for expanded parking to accommodate course use.

COMMUNITY NEED:

We believe the creation of a disc golf course in Mashpee will fill a community need for a low cost, year round recreational activity that can be enjoyed by people of all ages and ability levels. Much like pickle ball, disc golf is one of the fastest growing sports in the country. An 18 hole disc golf course can cycle through up to 72 players at any given time, thus providing a consistent source of recreational opportunity.

COMMUNITY SUPPORT:

With the popularity of the existing Mashpee dog park and pickle ball courts, it is anticipated that the residents of the Town would welcome a new, active and healthy recreational venue in the same general vicinity as these existing venues. The appeal of disc golf is widespread and the sport has a dedicated and loyal following wherever courses exist. The addition of a disc golf course would make this area a true recreational destination for the Town.

PROJECT TIMELINE:

The timeline for full course implementation is estimated at 1-2 years, including course design, vegetation flagging, selective land clearing, material purchasing and complete installation. Course materials include targets (aka, "baskets") tee pads (concrete or pavers with aggregate base and wood framing), signage and kiosk with course map. Timeline for parking lot expansion to be determined. It is anticipated that the current parking for the pickle ball courts and Dog Park, combined with existing parking at nearby Heritage Park is

sufficient to accommodate users of the disc golf course. Should the popularity of the course increase over time, then expanded parking may be needed to reduce any parking conflicts with existing activities.

SUCCESS FACTORS:

The success of this project will be measured by the use/popularity of the course. We anticipate that a disc golf course in Mashpee will attract both residents and visitors alike to a sport that is easy to learn, open to all ages and ability levels, inexpensive, enjoyable and playable on a year round basis. It is a unique sport that connects people to the natural environment, combining elements of competition and natural aesthetics. The existing course at Burgess Park in Barnstable routinely draws users from around the area with hundreds of rounds played each year. The new course in Sandwich is rapidly approaching a similar level of popularity less than 1 year after installation.

EXPERIENCE/CREDENTIALS:

The Cape Cod Disc Golf Club has established cooperative agreements and solid working relationships with the towns of Barnstable and Sandwich as volunteer stewards and maintainers of each town's disc golf course. In 2021, the Club proposed the new 18 hole course in Sandwich at the Oakcrest Cove town recreation area which was partially funded by town CPA funds and approved by the town Selectboard. The Club provided course design services and club volunteers contributed hundreds of hours of in kind volunteer labor to install all the course materials, construct the tee pads and course kiosk. Additionally, club volunteers helped clear vegetation to create the first 11 holes of the course (trees cutting/pruning, brush removal, etc).

The Club continues its active stewardship role at each course, including course maintenance, upgrades, cleanup and hosting of events, all of which are open to the public. The Club hosts yearly tournaments at each course, including charity fundraising events as well as weekly leagues seasonal clinics. We currently have over 50 active members and we take pride in our efforts maintain each course and the surrounding settings for the recreational enjoyment of the public. The consistent and growing popularity of disc golf creates a dedicated following at nearly every course that exists. Clubs are routinely formed once a course is created because the enthusiasm for the sport lends itself to volunteer engagement and participation.

BUDGET:

We are requesting CPA funding in the amount of \$200,000 for the creation of a 9 hole disc golf course with 2 tee pads and 2 targets on each hole, making a combined 18 hole layout. Possible expanded parking if needed. A detailed **line item budget breakdown** is attached to this application as **Appendix A**.

OTHER FUNDING:

The Club, in conjunction with the Town of Mashpee, will readily seek out and apply for any available grant opportunities. There are existing disc golf grants, including a matching baskets program from the Disc Golf Foundation, a 501C3 nonprofit organization and the Disc Golf Association (DGA), a manufacturer and supplier of disc golf materials. The Town can qualify for matching basket programs by purchasing 9 baskets with existing funding and getting 9 additional baskets via grant funds.

The New England Flying Disc Association (NEFA) is a regional nonprofit organization that promotes the sport across New England. NEFA also offers various grant funding opportunities to help get new courses established and/or improve existing courses.

MAINTENANCE:

A disc golf course is nothing like a regular golf course in terms of installation and land clearing. Clearing of vegetation is highly selective with no clear cutting. There is no turf installation, no fertilizer usage or irrigation of any kind. A well designed course incorporates the natural setting of the land as much as possible. Creation of a disc golf course is much like creating a trail system, while enjoying a competitive recreational activity. Overhead/maintenance costs are minimal. Occasionally, storm damage can require a higher degree of maintenance; however, on average, your typical disc golf course maintenance needs center on selective pruning of vegetation, debris cleanup and occasional brush mowing in the early stages of course creation. Over time, course infrastructure may need upgrading such as new tee pads, signage or targets. The targets in disc golf are called "baskets". Baskets comprised of a metal pole that is buried into a ground sleeve and extends above grade roughly 4-5 feet. Baskets are made entirely of galvanized steel with heavy chains centered over a metal basket. A thrown disc hits the chains and lands in the basket for a score, much like a golf ball going in the cup. Baskets typically last for 20+ years before they even begin to rust or corrode. Overall, maintenance costs and labor are much less than most other common recreational venues such as sports courts or athletic fields.

SUMMARY:

Disc golf is one of the fastest growing sports in the country. The cost to create and maintain a disc golf course is substantially lower than typical recreational venues like sports courts and athletic fields. An 18 hole course can cycle through up to 72 players at one time, providing an opportunity for a high volume of recreational use on a year round basis. The rules and etiquette of the game are very similar to regular golf. Anyone can learn to play disc golf, regardless of age or ability level. The sport allows people to get out and enjoy nature while participating in a fun, competitive and challenging activity at a low cost. Disc prices range from \$10-\$30 and are made from durable plastic that can last for years. From a cost-benefit perspective, the year round recreational benefits that a disc golf course provides to the public far outweighs the cost of implementing and maintaining it, particularly when compared to more common recreational venues.

Respectfully submitted on behalf of the Cape Cod Disc Golf Club,

-Drew McManus

President

Attached Appendices:

A- Line item budget

B- Disc golf description

APPENDIX A: DISC GOLF COURSE LINE ITEM BUDGET

Item	Quantity	Price	Total	Details
<i>Selective clearing and thinning of existing vegetation, including expanded parking area if needed.</i>	18 holes through 15 acres of forested area. Estimated at roughly 9 cumulative acres of land clearing	Varies depending on contractor quotes and bids. Price estimate based on bids for selective clearing at Oakcrest Cove in Sandwich	Estimated at \$110,000	Selective tree and brush mowing. Tree branch pruning, Chipping of brush and debris removal/disposal
<i>Design Consultation: Cape Cod Disc Golf Club: Course design, flagging, consulting and oversight services</i>	1	\$6,000	\$6,000	Course design services include GPS mapping, flagging and design of fairways, tee areas and target locations. Creation of draft course map, course management plan and consulting for tee pad design/construction, selective land clearing and target installation
<i>Baskets (targets): 19 DiscCatcher Pro 28 model baskets and ground sleeves (18 for the course + 1 practice basket)</i>	19 total baskets (18 for the course and 1 practice basket)	Baskets are priced at \$525 each . Price reduced when purchased in bulks of 9 or 18. Price quote from Innova Disc Golf website.	19 baskets (for 9 hole course with 2 baskets and 2 tee pads per hole): \$8,125	Baskets are made of hot dipped galvanized steel which enables them to withstand all types of weather for years. (typically 10-15 years)
<i>Basket delivery charge (shipping and lift gate delivery)</i>	19 baskets	\$1500.00	Estimated at: \$1500	Delivery would be coordinated with the town and may necessitate temporary off site storage until implementation is completed.

<i>Kiosk</i>	1	Estimated from cost of kiosk at Oakcrest Cove DGC in Sandwich	Estimated at: \$2,500	Pressure treated 4X4 landscape ties, and plywood backboard, plexiglass, course map and rules display
<i>Hole signage (custom made signs with hole number, distance, elevation and schematic</i>	18	Estimated at \$200 per sign. Estimate based on correspondence with local sign making company: Day Signs in Mashpee	Estimated at: \$3,875	Signage to display hole information (length, par, illustration) on adhesive vinyl over metal placard mounted to plywood on wooden posts
<i>Tee pad materials (stone dust, sand, 4x4 landscape ties, pavers)</i>	18 6' x 12' raised tee pads	\$444.00 material costs per pad	Estimated at: \$8,000	London Belgrade pavers or concrete, dense grade gravel, sand, polysand, bolts and lumber for framing.
<i>Labor costs for tee pad and basket installation</i>	18	Estimate based on bids received for tee pad construction at Oakcrest Cove DGC in Sandwich	Estimated at \$60,000	Tee pad construction involves minor site grading, material delivery, staging and labor to construct 18 tee pads at varying locations over 15 acres of land
<i>TOTAL</i>			\$200,000	

APPENDIX B: DESCRIPTION OF DISC GOLF & THE CAPE COD DISC GOLF CLUB



- Cape Cod Disc Golf Club Mission Statement
- What is disc golf?
- Description of course consulting services
- Summary statement

Project Address: 156 Ashumet Rd. Mashpee MA 02649

Assessor's Map: 26 Parcel: 10

Project Site: 15 acres of wooded land on 156 & 162 Ashumet Rd.

installation of turf grass and no irrigation or fertilizer usage whatsoever. Course design, establishment and maintenance is organically based by minimizing alteration of the natural environment and in some cases, enhancing it.

Disc Golf Course Design and Consulting Services

The Cape Cod Disc Golf Club offers consulting services for new course proposals. Scope of services includes the following:

- Site assessment and analysis of selected parcel, including survey of vegetation and habitat features.
- Course orientation, design and mapping using GPS, GIS and laser rangefinder.
- Flagging of fairways, tee/target locations and connecting pathways.
- Creation of a draft course map and management plan which will detail course construction methodology, maintenance requirements, mitigation protocols, routine maintenance, best management practices and course rules.
- Onsite consultation services for the town and chosen contractor during course implementation period.
- Assistance with identifying and applying for grant funding opportunities to offset expenses.
- Attendance and representation at all meetings as required by the Town of Mashpee.
- Assistance with disc golf clinics, programs and lessons for the public.

Summary:

The sport of disc golf is continually growing in popularity throughout the country and abroad. Today, there are thousands of disc golf courses in the U.S. and abroad with new courses being developed annually. Disc golf provides a unique and enjoyable recreational opportunity for people of all ages and ability levels.

Courses can be installed and maintained at a cost that is substantially lower than traditional recreational venues like sports courts and athletic fields. These more common venues are relatively limited in their capacity to accommodate multiple users at once, often resulting in the need for reserving a time to play or waiting for an extended period of time to play. By comparison, a 9 or 18 hole disc golf course can cycle through dozens of players at any given time with little to no backups or delays. Safety and sustainability in course design are of the utmost importance and

thus a central focus in any design proposal. Design can also include alternative tee pad and pin placements for added variety and dissipation of foot traffic to reduce wear on the existing soils and groundcover.

The Cape Cod Disc Golf Club is pleased to submit this proposal to the Town of Mashpee as we feel it will provide a truly wonderful and interactive recreational opportunity that will benefit the community as a whole and visitors to the town alike.

We appreciate the opportunity to present this project proposal to you and we thank you for your time and consideration of this Community Preservation Act Funding request.

Respectfully submitted on behalf of the Cape Cod Disc Golf Club and our Members,

-Andrew McManus

President, Cape Cod Disc Golf Club

CapeCodDiscGolf@gmail.com

508-207-3208

Parts (included per target)

- One Pole
- One Target Top (w/chains)
- One Basket
- One Locking Collar

Hardware (included per target)

- Three $\frac{5}{16}$ " x $2\frac{3}{4}$ " hex head bolts
- Two $\frac{1}{4}$ " x $\frac{3}{4}$ " one-way screws
- One $\frac{1}{4}$ " x $\frac{3}{8}$ " hex head bolt
- Three $\frac{5}{16}$ " lock nuts
- One $\frac{1}{4}$ " lock nut
- One $\frac{1}{4}$ " washer

Assembly Tools and Extras (not included)

- One padlock per target
- Two $\frac{1}{2}$ " and one $\frac{7}{16}$ " wrenches or sockets
- Flat head screwdriver (short)

STOP

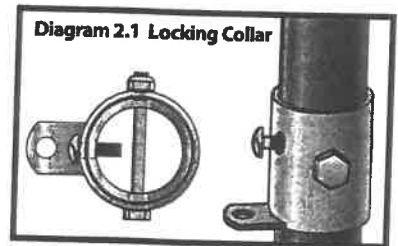
WAIT AT LEAST 24 HOURS AFTER POURING CONCRETE TO INSTALL ASSEMBLED TARGETS.

You must be patient enough to let the concrete set thoroughly before putting the target in. This usually takes at least one day.

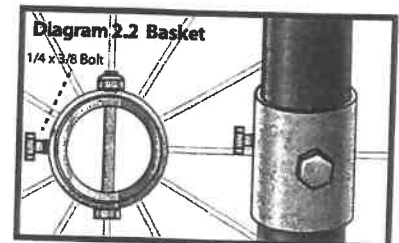
ASSEMBLING THE DISCATCHER® TARGET (Diagram 2)

The easiest way to assemble the DISCatcher® Target is with the pole on the ground (the top of the main pole has mounting holes drilled within an inch of the end).

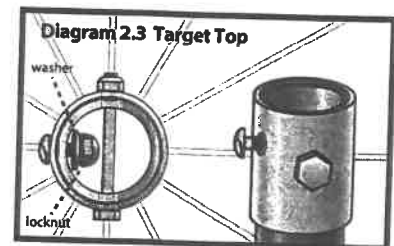
Step 1 LOCKING COLLAR - From the bottom end of the pole the locking collar should slide onto and line up with the bottom 3 mounting holes, with the tab portion at the bottom of the collar. Insert and tighten the $\frac{1}{4}$ " x $\frac{3}{4}$ " one-way screw into the threaded hole above the tab. Insert the $\frac{5}{16}$ " x $2\frac{3}{4}$ " hex bolt through the collar and pole and tighten locknut.



Step 2 BASKET - From the top of the pole slide the basket down and line up the 2 holes for the hex bolt, with the threaded hole on the same side of the pole as the locking collar tab. Insert $\frac{5}{16}$ " x $2\frac{3}{4}$ " hex bolt and tighten locknut. Apply a small amount of threadlock to the $\frac{1}{4}$ " x $\frac{3}{8}$ " hex bolt and insert into the threaded hole on the basket and tighten against the pole.



Step 3 TARGET TOP - Hold up target top to make sure chains hang freely and are not tangled. While holding up target top tilt slightly and slide the two rings at bottom of chains onto top of pole. Be careful not to let any chains cross between the top of the pole and the hole in the center of the target top, as you put the target top onto the pole. Line up the three holes on the target top with the top 3 holes on the pole. Insert and tighten $\frac{1}{4}$ " x $\frac{3}{4}$ " one-way screw into threaded hole on front of target top lining up with tab of locking collar. Start the $\frac{1}{4}$ " washer and locknut onto back of one-way screw. (Do not tighten) Insert $\frac{5}{16}$ " x $2\frac{3}{4}$ " hex bolt through target top and pole tighten locknut. At this point tighten the $\frac{1}{4}$ " locknut onto one-way screw.



INNOVA™
DISC GOLF
www.innovadiscs.com

Still have questions? Give us a call.

West Coast Sales
(800) 408-8449
900 S. Dupont Ave. | Ontario, CA 91761

East Coast Sales
(800) 476-3968
2850 Commerce Drive | Rock Hill, SC 29730

DISCatcher[®]

Disc Golf Target[®]

Page 1

PERMANENT TARGET GROUND TUBE INSTALLATION

Parts (included per target location)

- Installation Tube

Installation tools and extras needed

- One Target Pole & Locking Collar assembled from Step 1 on page 2.
- Duct or packing tape
- 60 pounds of concrete per target
- Post hole digger or auger
- Torpedo level or carpenter's level



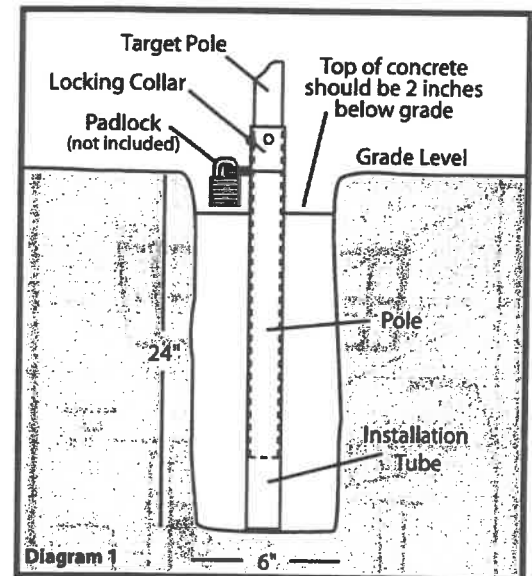
WARNING: Before digging always contact your local utilities and property maintenance to locate any underground lines. (Water, Gas, Electrical, Sprinkler, etc...)

SETTING THE INSTALLATION TUBE (Diagram 1)

Step 1 Dig a hole that is at least 6 inches in diameter and 24 inches deep. Most manual post hole diggers create a 6 inch diameter hole, but if you are installing an entire course it is maybe worth the money to rent a two man auger with a 6 inch bit.

Step 2 Assemble one pole and locking collar according to Step 1 of Target Assembly (see other page). Tape the bottom of the installation tube with duct tape or packing tape to prevent any concrete getting into the tube during installation. Place the installation tube in the hole with the tab pointing towards the tee or line of play, (this will assure that the number on the target faces the tee). The tab should be at, or slightly below grade level to keep it away from lawn mower blades and to establish the correct height for the target. Slide the target pole with locking collar attached into the installation tube. This will keep cement out of the installation tube while pouring. Just one pole with locking collar can be used to set up the installation tubes for your entire course.

Step 1 Pour the concrete into the hole around the installation tube to no higher than two inches below grade level. This will allow room for a padlock (not included). Use a level to plumb the pole on at least two sides 90° from each other. A torpedo level works best. After leveling the pole, make sure the tab still points toward the tee or line of play, clean off any concrete on the locking tab and then carefully remove the pole from the tube.



Still have questions? Give us a call.

West Coast Sales

(800) 408-8449

900 S. Dupont Ave. | Ontario, CA 91761

East Coast Sales

(800) 476-3968

2850 Commerce Drive | Rock Hill, SC 29730



TOWN OF MASHPEE
DEPARTMENT OF NATURAL RESOURCES

31 Mercantile Way Unit 6/7
Mashpee, Massachusetts 02649
Telephone – (508) 539-1410



MEMORANDUM

DATE: January 3, 2023
TO: Rodney C. Collins, Town Manager
FROM: Department of Natural Resources
RE: Santuit Pond potential waterways bylaw amendments - Proposed horsepower and speed restrictions to appear on the May town meeting warrant.

Description

Provide the public and members of the Select Board with the context of the proposed waterways amendments for Santuit Pond, the rational, key recommendations and benefits from our consultants Fuss & O'Neill.

Santuit Pond Motor Boat Restrictions – In Santuit Pond, phosphorous contributes to poor water quality and harmful algal blooms. There is a direct relationship between the concentrations of phosphorous in the water and the severity of algal blooms. In general the higher the phosphorous the higher the algal count. Increasing summer temperatures and shorter winters, which are projected by the Commonwealth of Massachusetts, exacerbate the potential for harmful algal bloom appearance in phosphorus-rich waters. Pond studies have demonstrated that 78-80% of the phosphorous is within the top layer of the sediment. Santuit Pond is a shallow pond ranging from 5-9 feet in depth throughout. Wave action in the water column causes suspension of phosphorous in the bottom sediment, which increases the concentration of phosphorous in the waterbody. Studies have shown that motors as small as 10 HP causes a mixing depth of 1.8 meters or approximately 6 feet. The Department of Natural Resources recommends restricting the use of internal combustion motor boats for Santuit Pond or at the very least restricting motor size to 5HP. This action is legal in the state of Massachusetts.

In Massachusetts a town can restrict the use of internal combustion motors, certain horsepower motors, and limit speed on great ponds. Please see attached email from Mass. Division of Fisheries & Wildlife.

Explanation

Ongoing efforts for restoration of Santuit Pond have become challenging due to the lack of public The DNR intends to resubmit an article for the May Town Meeting warrant to restrict vessel use on Santuit Pond. The recommendation is to only allow electric trolling motors up to 5 HP to enter the pond. Fuss & O'Neill (MVP) and our SNEP Program partners intend to explain the importance of this article to the community at this meeting. Fuss & O'Neill will be present at a future Select Board meeting to present. This venue is preferred due to recording availability and lack of public engagement seen at past outreach events.

See draft article below:

"To see if the Town will vote to approve an amendment to the Use of Waterways Bylaw, Chapter 170, by adding §170-19 to prohibit the use of internal combustion engines and electric engines in excess of 5 horsepower 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 internal combustion engines and electric engines in excess of 5 horsepower within Santuit Pond is prohibited except for vessels owned or operated 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, facilitate other forms of recreational use and preserve public health and safety.
- B. For purposes of this Bylaw, the term "Internal combustion engine" shall be defined as an engine in which air enters a combustion chamber, is mixed with fuel, compressed in the chamber, and combusted."

Recommendations

The Department of Natural Resources along with our partners from the Mashpee Wampanoag Tribe's Natural Resource Department, Fuss & O'Neill, and The Southeastern New England Partnership Program recommend the approval of this article for the May Town Meeting warrant.

Attachments:

Hi Drew: Hope you are well. I have been receiving a lot of calls about the warrant article (Article 14) proposing changes to the Use of Waterways Bylaw, Chapter 170 to prohibit all motorized boats on Santuit Pond. I am hoping that you may be able to get me some documents (or direct me to the person or place on the Town website where I can access them as follows:

- Municipal Vulnerability Preparedness Program document referenced in the article explanation
- Watershed Management Plan referenced in the article explanation

- Specific language from both consultants (Fuss & O'Neill and The Southeast New England Program) whereas they recommend a horsepower restriction on Santuit Pond

Also, I wanted to bring to the Town's attention relevant language from MGL 131. Section 45 (linked below) that specifically states what the Town can and cannot regulate via Town bylaw/ordinance on a great pond.

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXIX/Chapter131/Section45>

In short, the Town cannot pass a bylaw that completely prohibits all motorized boats. What they are legally able to propose to do is as follows:

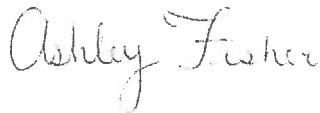
- Set a speed limit
- Set a limit on engine horsepower
- Prohibit internal combustion engines
- Ban water skiing or other high speed uses (jet skis for example)

Further, if they were to try and pass any of the above items, it would be subject to the final approval of the director of law enforcement.

Thank you.

Jason E. Zimmer
District Supervisor
Southeast Wildlife District
Massachusetts Division of Fisheries & Wildlife
195 Bournedale Road, Buzzards Bay, MA 02532
p: (508) 759-3406 | f: (508) 759-0381
mass.gov/masswildlife | facebook.com/masswildlife

Respectfully Submitted,



Ashley K. Fisher | Director
Department of Natural Resources
Office: 508.539.1410 | Cell: 774.327.0037
Email: afisher@mashpeema.gov

MEMORANDUM

TO: File - 20200400.H10

FROM: Diane Mas

DATE: January 2, 2023

RE: Boating, Resuspension and Phosphorus in Shallow Lakes Literature Review

In Santuit Pond MVP report documents, we included the following table from the December 1991 issue of *LakeLine*, published by the North American Lake Management Society (NALMS).

Effective Mixing Depth	
Effective mixing depth is the maximum depth at which the engine stirs up the water and, in turn, the lake bottom sediment. The importance of these findings is that power boating in shallow areas on lakes is likely to stir up bottom sediments, decreasing water clarity and releasing nutrients from the lake bottom, which can feed algae blooms	
Effective Mixing Depth by Engine Size	
Horsepower	Mixing Depth
10	6 feet
23	10 feet
50	15 feet
100	18 feet
Source: <i>LakeLine</i> , December 1991	

The information in the table is reinforced by the published work of Nedohin & Elefsiniotis (1997), which is the first reference listed. The following is a brief literature review providing references and excerpts addressing the effects of motorized boats on bottom sediment suspension and/or the ability of suspended sediment to release the nutrient phosphorus into the lake water column (and therefore potentially make it available to cyanobacteria).

- 1) Nedohin, D.N. and Elefsiniotis, P., 1997. The effects of motor boats on water quality in shallow lakes. *Toxicological & Environmental Chemistry*, 61(1-4), pp.127-133.

About 90-95% of the phosphorus entering the lake is accumulated in the top layer of the sediment. A significant portion of this is not readily available for uptake by algae, but the mixing of the sediment would release a considerable amount which would be available for assimilation and utilization in the eutrophication process. Man-made mixing processes include swimming, motor boat activity, and other artificial mixing.

The majority of the mixing can be related to motor boat activity under the following conditions: the lake has considerably high motor boat activity; it is considered shallow (less than 10 m); and it has considerable resistance to wind and pressure changes.



Boating, Resuspension and Phosphorus in Shallow Lakes Literature Review

January 2, 2023

Page 2 of 4

TABLE 1 Effective Mixing Depth by Engine Size

<i>HORSEPOWER</i>	<i>MIXING DEPTH (m)</i>
10	1.8
28	3.0
50	4.6

It was determined that motor boat activity had sufficient impacts on Brereton Lake to disrupt the bottom sediment and release phosphorus and other nutrients into the overlying water. In a lake without motor boat activity, such as Lyons Lake, the phosphorus remains in the upper layers of the bottom sediment, but is not released in significant amounts consistently throughout the summer to have measurable effects, due to stratification.

Brereton Lake - It is approximately 5.5 kilometers long and 2.6 kilometers wide with an average depth of 3.5 meters.'6' It is very active in the summer months with a water-ski club, campground, and two resorts that commonly attract large numbers of fishermen.

2) James L. Anthony & John A. Downing (2003) Physical Impacts of Wind and Boat Traffic on Clear Lake, Iowa, USA, *Lake and Reservoir Management*, 19:1, 1-14, DOI: 10.1080/07438140309353984

Just as wind-induced waves may contribute to sediment resuspension, the action of both propeller-induced turbulence and wakes from recreational boat traffic may resuspend sediments and interstitial water in some shallow lakes and rivers (Yousef et al. 1980; Garrad and Hey 1987). These types of boat-induced turbulence have been correlated to rapid increases in total dissolved solids, soluble reactive phosphorus, total phosphorus (Yousef et al. 1980), and turbidity (Yousef et al. 1980; Garrad and Hey 1987). It is therefore plausible that, like wind, intense recreational boat traffic in shallow lakes may lead to persistence of poor water quality, suppression of macrophyte and fish communities, and increased phytoplankton production.

Concentrations of total phosphorus increased rapidly when benthic sediments were added to water samples from Clear Lake.

Despite potential weaknesses in turbidity measurements and the monitoring protocol, the significant positive correlation between the raw boat traffic and turbidity data suggests that turbulence derived from boat wakes and propellers may entrain sediments into the water column.

Turbulence may play a crucial role in the biogeo-chemical dynamics of shallow lakes. Our analyses suggest that turbulent resuspension of sediments by wind-waves and recreational boat traffic may occur frequently in shallow, wind-swept systems like Clear Lake. More-over, the potentially substantial impacts to water quality from these events, as well as the rapid diel flux of nutrients, illustrate the importance of incorporating analyses of resuspension and internal nutrient loading into the management of shallow lakes.



- 3) M. M. Beachler & D. F. Hill (2003) Stirring up Trouble? Resuspension of Bottom Sediments by Recreational Watercraft, Lake and Reservoir Management, 19:1, 15-25, DOI: 10.1080/07438140309353985

What can be arrived at, by using the present analysis, is the establishment of a 'minimum operating depth' for a given boat. Put another way, if the objective is to prevent altogether resuspension of bottom sediment by boating activity, the minimum water depth required to achieve this can be estimated.

This concept is illustrated in Fig. 11, where the predictions of bed velocities, as induced by the outboard boat, are shown for several different water depths. For

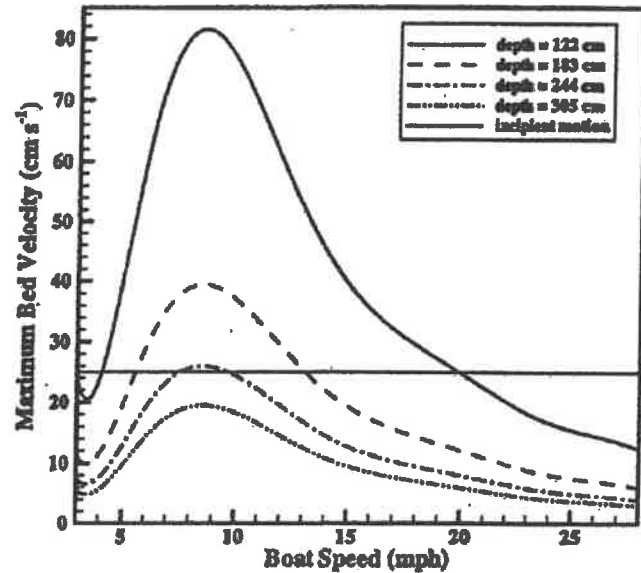


Figure 11.-Model predictions of V_{max} variation with boat speed for several water depths for the outboard boat.

- 4) Brown, W.S., 2021. A Scientific Literature Based Review of What is Currently Known About the Adverse Impacts Attributed to the Operation of Wake Enhanced Boats on Inland Lake Ecosystems.

http://www.lakeleann.org/uploads/3/9/0/8/39088599/power_point_presentation_a_scientific_literature_based_review_of_what_is_currently_known_about_the_impacts_of_wake_enhanced_boats_on_inland_lake_ecosystems.pdf

Raymond and Galvez (2015) observed that the jet engine-like propeller turbulence produced by wake boats while engaging wake surfers is capable of disturbing lake bed sediments situated in water depths of up to 16.4 feet (5 meters).

High volume sediment resuspension may also contribute to conditions that favor the formation of cyanobacteria (NALMS, 2016; Rastogi et al., 2015; Merel et al., 2013).



- 5) Francis, J., J. Nohner, J. Bauman, and B. Gundersman. 2022. Wake boats: concerns and recommendations related to natural resource management in Michigan waters. Michigan Department of Natural Resources, Fisheries Report 37, Lansing.

Sediment resuspension decreases water clarity in lakes, subsequently reducing the ability of fish to find food, the depth to which aquatic plants can grow, and the dissolved oxygen content within the water column (Gardner 1981; Canfield et al. 1985; Chambers and Kaiff 1985; Barrett et al. 1992; Irvine et al. 1997; Stuart-Smith et al. 2004; Trebitz et al. 2007). In addition, as sediments are resuspended and nutrients become available in the water column, excessive algae growth can occur. Boat wakes resuspend sediments, especially fine substrates such as silt or sand, in shallow waters (USACE 1994) and this resuspension increases with wave energy. Existing studies have shown that resuspended sediments caused by powerboats increase turbidity and phosphorus concentrations in rivers, lakes, and shallow experimental ponds (Yousef et al. 1980; Johnson 1994; USACE 1994; Asplund 1996, 1997; Anthony and Downing 2003).

- 6) Dzialowski, A.R., Wang, S.H., Lim, N.C., Beury, J.H. and Huggins, D.G., 2008. Effects of sediment resuspension on nutrient concentrations and algal biomass in reservoirs of the Central Plains. *Lake and Reservoir Management*, 24(4), pp.313-320.

Our results have important implications for the long-term management of reservoirs in the Central Plains. Resuspended sediments (at concentrations as low as 50 NTUs) had highly significant impacts on nutrient concentrations and algal biomass. The effects of sediment resuspension should be particularly important in the shallower riverine zones of reservoirs, which are particularly vulnerable to wind-induced mixing. The effects of sediment resuspension on algal biomass likely resulted from the release of nutrients during sediment resuspension and/or the release of microplankton that were able to establish in the water column.

- 7) Yousef, Y.A., McLellon, W.M. and Zebuth, H.H., 1980. Changes in phosphorus concentrations due to mixing by motorboats in shallow lakes. *Water Research*, 14(7), pp.841-852.

Agitation of the water column in the lake mixing stations and inside the isolation chambers increased water turbidities and phosphorus concentrations. The increase in turbidity and phosphorus content occurred at a much higher rate than the rate of decline after cessation of mixing. The increase in phosphorus content could result in an increase in lake productivity as noticed from the increase of chlorophyll *a* concentrations in lake mixing stations.



Santuit Pond, Mashpee

General Information

Santuit Pond is a shallow, fertile, 176-acre enlarged Great Pond with a maximum depth of 11 feet and an average depth of 6.5 feet. The bottom is predominantly sand overlain with muck, with some areas of gravel and rubble. The pond is groundwater fed and forms the headwaters of the Santuit River (also known as the Cotuit River). Once dominated by submerged aquatic vegetation, algae blooms have dominated in the summer recently and in 2012 the town installed floating solar-powered water circulators to help control cyanobacteria. The 3.6 miles of shoreline are moderately developed with homes and cranberry bogs and is generally steep and wooded.

Recreational Access

Access is provided by a town managed gravel ramp suitable for cartop boats, canoes and light trailered boats off of Timberlane Drive in the northwest section of the pond (70°27'49.34"W 41°39'25.71"N). There is parking for approximately six vehicles. During the summer months, parking is limited to town residents with stickers only but boats can be launched and nearby roadside parking can be found. Public hiking access is also available through the Santuit Pond Preserve on the southern end of the pond. The primary access to the Santuit Pond Preserve is in Barnstable where a small access area is available off Santuit-Newtown Road just to the north and west of the Lovells Pond Boat Ramp. A new access to the preserve lands has been created in Mashpee off Route 130 (70°27'36.20"W 41°38'36.44"N). Please contact town of Mashpee for additional information, and/or restrictions pertaining to public access.

Fish Populations

The following fish species were found during MassWildlife surveys: Largemouth Bass, Chain Pickerel, Golden Shiner, Pumpkinseed, Alewife (sea-run), Yellow Perch, Brown Bullhead, White Sucker, White Perch and American Eel.

Fishing

Santuit Pond is one of the most fertile ponds on Cape Cod and offers good fishing for Largemouth Bass, Chain Pickerel, Pumpkinseed, and Brown Bullhead. There are big Largemouth Bass here due to the food supply provided by the River Herring which run up the Santuit River. Santuit Pond is a good bet for ice fishing when conditions permit. Santuit Pond has produced Yellow Perch, White Perch, Smallmouth Bass, and Chain Pickerel that meet minimum sizes for recognition by the Freshwater Sportfishing Awards Program.

Other nearby ponds are Mashpee-Wakeby Ponds and Lovells Pond.

Useful Links:

[Get your Fishing License](#)

[Freshwater Fishing](#)

[Trout Stocking Information](#)

[Freshwater Sportfishing Awards Program](#)

Learn more:

Mass.gov/MassWildlife

Connect with us:

Facebook.com/MassWildlife

Your local

MassWildlife office:

195 Bournedale Road
Buzzards Bay, MA 02532
(508) 759-3406

STOP AQUATIC HITCHHIKERS!

Prevent the transport of nuisance species.
Clean all recreational equipment.
ProtectYourWaters.net

Updated: 2018

MASSWILDLIFE

1 Rabbit Hill Road | Westborough, MA 01581 | mass.gov/masswildlife



Santuit Pond

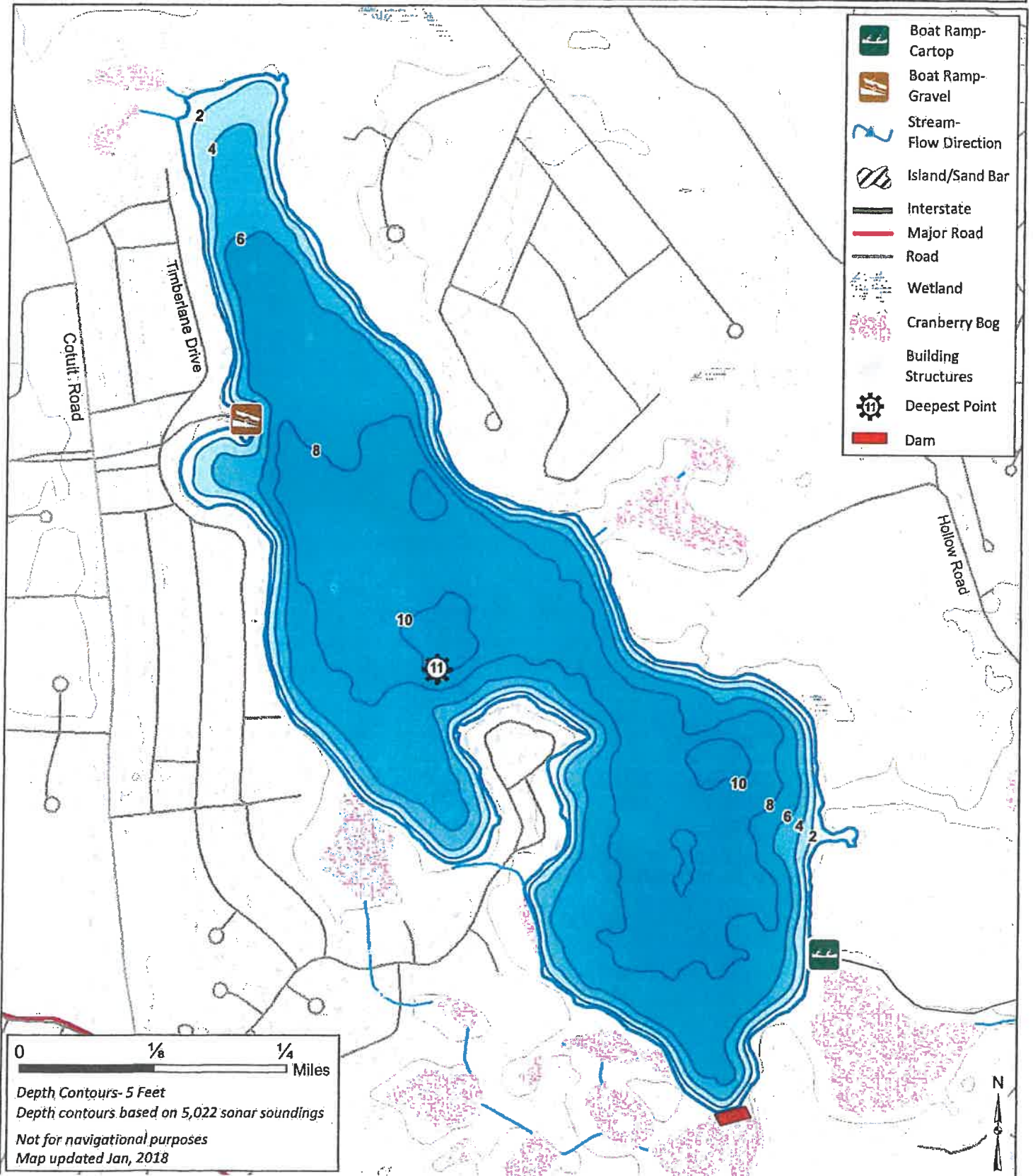
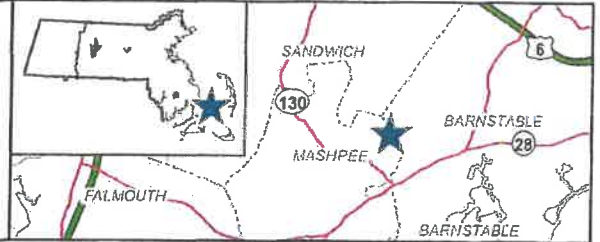
176 Acres

Mashpee

Cape Cod Watershed

Coordinates: 70°27'49"W 41°39'25"N

USGS Quad: COTUIT



MEMORANDUM

TO: Ashley Fisher, Director of Natural Resources, Town of Mashpee

FROM: Diane Mas, PhD, REHS/RS, CC-P, Fuss & O'Neill
April Doroski, PWS, CPSS, Fuss & O'Neill
Erik Mas, P.E., Fuss & O'Neill

DATE: June 30, 2022

RE: **Task 7 – Municipal Bylaw Review and Recommendations**
Watershed-based Solutions to Increase Resilience to Harmful Algal Blooms in Santuit Pond in a Warmer and Wetter Climate

1 Background and Methodology

Fuss & O'Neill reviewed the Town of Mashpee's existing bylaws, regulations, and policies to identify opportunities and recommendations for strengthening water quality protection and enhancing climate resilience of Santuit Pond and other surface waters. The existing Town of Mashpee bylaws, regulations, and policies reviewed include:

- Chapter 107 - Nitrogen Control Bylaw, Mashpee General Bylaws, added October 20, 2013, amended May 1, 2017
- Mashpee Water District Irrigation Policy, March 10, 1998
- Chapter 84 - Erosion and Sedimentation Control, Mashpee General Bylaws 2020, added October 17, 2005, amended June 15, 2020
- Chapter 85 – Illicit Connections and Discharges to the Municipal Storm Drain System, Mashpee General Bylaws, added October 21, 2019
- §174 Article VI – Land Use Regulations, Mashpee Zoning Bylaws
- §174-27.2 Stormwater Management, Mashpee Zoning Bylaws, added May 3, 1999, amendments noted where applicable
- Chapter 172 – Wetlands Protection Bylaw, Mashpee General Bylaws, added February 1, 1988, amendments noted where applicable
- Chapter 172 – Wetlands Protection Regulations, added August 3, 2006, amended July 26, 2018
- Lawn Standards: Mashpee Conservation Department, undated
- Boating in Mashpee Rules and Regulations, updated 2005
- Chapter 170 – Waterways, Use of, Mashpee General Bylaws 2020, added 1980, amended 1997

Language addressing water quality protection is also included throughout the following sections of the Mashpee Zoning Bylaws: Open Space Incentive Development (§174-46), Water Quality Report (§174-27), Floodplain Zone Provisions (Article XI), Mashpee River and Quashnet River – Protective Districts (Article XII), and Groundwater Protection District (Article XIII). Although aspects of water quality



protection and climate resilience are included within these sections of the Zoning Bylaws, our review focused on the Mashpee bylaws, regulations, and policies listed above.

In addition, Fuss & O'Neill reviewed other resources outside of the Town of Mashpee including similar bylaws and model bylaws as listed below:

- Falmouth Nitrogen Control Bylaw (Chapter 237), November 13, 2012
- Town of Harwich Fertilizer and Nutrient Control Regulation, January 22, 2021
- Town of Brewster Chapter 119 Fertilizer Nutrient Control, November 17, 2014, amended as noted
- Town of Orleans Chapter 103 Fertilized Nitrogen and Phosphorous Control Bylaw, May 13, 2013
- Metropolitan Area Planning Council Climate Resilient Land Use Strategies ([Regulatory Language and Policy Examples](#))
- Neponset River Watershed Association Model Stormwater Bylaw, May 2019
- Northern Middlesex Stormwater Collaborative's [Model Stormwater Bylaw and Regulations](#), August 2020
- Massachusetts Department Environmental Protection (MassDEP) Model Water Use Restriction Bylaw, May 1, 2018
- Duxbury Conservation Commission Wetlands Protection Bylaw Chapter 9, February 28, 2017
- Chapter 505 Marshfield Wetlands Protection Regulations, May 15, 1990, amendments noted where applicable
- Hingham Wetland Regulations, October 10, 2021
- Town of Scituate Wetlands Protection Rules and Regulations, September 21, 2016

There are a variety of nutrient sources that impact water quality in Santuit Pond, including external (i.e., watershed) and internal sources (nutrient-rich pond sediment). The Town of Mashpee and its partners are addressing internal recycling of phosphorus from pond sediment by exploring in-pond measures such as nutrient inactivation through alum treatment. The primary external sources of phosphorus and nitrogen to the pond include stormwater and nonpoint source runoff (from fertilizing and other activities) and septic systems and/or cesspools. Our review of the Town of Mashpee bylaws and regulations focused on these external sources of nutrient inputs, which are heavily influenced by land use activities within the watershed. The major areas of our review are summarized below.

- **Nutrient Source Control**

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.

- **Stormwater Management**

Stormwater management focuses on minimizing erosion and reducing runoff and pollutants prior to reaching surface waters. The goal of stormwater management recommendations is to limit the transport of excess nutrients and sediment to the pond, but also to mitigate the effects of increased precipitation anticipated from climate change. Reducing or disconnecting impervious surface and increasing tree cover also aim to mitigate the effects of increased



temperature anticipated with climate change. Stormwater management strategies include reducing or disconnecting impervious areas (public and private roads and residential lots) by preserving existing vegetation and implementing structural stormwater control measures designed to capture and infiltrate runoff.

- **Water Conservation**

Water conservation practices focus on reducing the amount of water used for irrigation of lawns and landscaping. The goal of the water conservation recommendations is to reduce water demand through water conservation and stormwater reuse, including a shift to less-intensive lawn care practices. This will reduce fertilizer use and nutrient inputs to Santuit Pond and other waterbodies, while also reducing the demand on the Town's groundwater drinking water supplies, especially during summer and fall when seasonal drought risk is projected to increase¹.

This memorandum is the main deliverable of Task 7 (Municipal Bylaw Review and Recommendations) for the FY22 MVP Action Grant project examining watershed-based solutions to increase resilience to Harmful Algal Blooms in Santuit Pond under changing climate conditions. The memorandum presents the findings of our review of the Town's bylaws and regulations, as well as recommendations for proposed updates to or new bylaws and regulations. The memorandum also reflects review comments received from Town of Mashpee staff and feedback from the public during an April 15, 2022 public presentation on the recommended changes to Mashpee's bylaws and regulations as part of a Town-sponsored public workshop (Protecting Mashpee's Ponds).

Redline and strikeout versions of the Town's existing bylaws and regulations, consistent with the proposed recommendations and comments received from Town staff and the public, are provided in **Attachment A** of this memorandum. The redline and strikeout versions are intended to support the Town of Mashpee with future adoption of the proposed changes.

2 Findings and Recommendations

The Town's existing regulatory framework addresses aspects of water quality protection and climate resilience through various bylaws, regulations, and policies. Our review of the Town's relevant bylaws and regulations has identified key areas to expand and strengthen water quality protection and climate resilience, which will benefit Santuit Pond, other surface waterbodies, and groundwater resources in Mashpee. The recommendations from our evaluation are focused on the following bylaws, regulations, and policies:

- Mashpee General Bylaws, Chapter 107 – Nitrogen Control Bylaw
- Mashpee Water District Irrigation Policy
- Mashpee Land Use Regulations, Article VI
- Mashpee General Bylaws, Chapter 85 – Illicit Connections and Discharges to the Municipal Storm Drain System
- Mashpee Zoning Bylaw, §174-27.2 Stormwater Management
- Mashpee Wetlands Protection Bylaw and Regulations, Chapter 172

¹ Massachusetts Climate Change Projections, Northeast Climate Adaptation Science Center at the University of Massachusetts Amherst, March 2018.



- Lawn Standards, Mashpee Conservation Department
- Boating in Mashpee Rules and Regulations
- Mashpee General Bylaws Chapter 170 – Waterways, Use of

The major recommendations from the evaluation are summarized in Sections 2.1 through 2.8 below. The recommendations are organized by bylaw, regulation, or policy document as well as the major focus areas of our review (nutrient source control, stormwater management, and water conservation).

2.1 Nitrogen Control Bylaw

The Town's Nitrogen Control Bylaw was first adopted in 2015 to regulate fertilizer use on residential lawns in the Town of Mashpee, with the goal of reducing fertilizer usage and associated nitrogen loadings to surface waters and groundwater. The bylaw was amended in 2017 to address fertilizer containing phosphorus, which contributes to water quality problems in the Town's freshwater lakes and ponds including Santuit Pond. The bylaw prohibits fertilizer containing nitrogen from being applied between October 30 and April 14 and fertilizers containing phosphorus from being applied between December 1 and March 1. The bylaw also contains other provisions, including but not limited to prohibiting fertilizers with nitrogen or phosphorus from being applied on impervious surfaces, within 24 hours of heavy rain, or near wetlands.

The following recommended changes to the Nitrogen Control Bylaw are meant to clarify the requirements and strengthen provisions related to fertilizer application to improve water quality protection.

Nutrient Source Control

A. Specify an amount of nitrogen fertilizer required as slow release and annual rate in the Performance Standards section.

- An older version of the Nitrogen Control Bylaw recommends a nitrogen application rate, but does not require it:
Any single application of nitrogen should not exceed 0.5 pounds of nitrogen per 1000 square feet, and the annual aggregate total application of nitrogen should not exceed 1.0 pound per 1000 square feet.

- The Harwich and Brewster nutrient control regulations specify different rates of nitrogen application.
A single application of fertilizer that contains nitrogen shall not exceed 1.0 pound of actual nitrogen per 1,000 square feet, shall consist of at least 20% slow-release nitrogen fertilizer and the annual rate shall not exceed 2.0 pounds of actual nitrogen per 1,000 square feet.

B. Add language referencing that a subdivision plan shall comply with loading rates from lawn fertilizer as specified in the Zoning Bylaws (§174-27).

- This provision aims to increase compliance with additional fertilizer provisions located outside of the bylaw.



- C. Require a Certified Fertilizer Applicator to submit soil test results, type and amount of fertilizer, and an irrigation plan for approval by the Enforcement Authority for fertilizer application to lawn greater than a specified area.**
- i. This purpose of this recommendation is to increase oversight of fertilizer application for larger areas of land, which have potential to be a significant source of excess nitrogen and phosphorous.
 - ii. The size of the lawn area would be determined by the Town.
 - a) Medway and Sharon reserve the right to limit the size of lawns and impose irrigation restrictions.

General Recommendations

- A. Change the name of the Nitrogen Control Bylaw to more broadly reflect nutrient control, including phosphorus.**
- i. Potential option - 'Nutrient Control Bylaw'. This recommendation aims to more accurately reflect the intention of the bylaw to control both nitrogen and phosphorous. The name clarification may facilitate more widespread implementation of the bylaw and greater visibility for potential fertilizer applicators.
- B. Re-add Exemptions to the most current bylaw.**
- i. Exemptions are not included in the version of the Nitrogen Control Bylaw contained in the current Mashpee General Bylaws but are included in an older version of the Nitrogen Control Bylaw. These exemptions are related to specific land uses (e.g., gardens) and specific circumstances (e.g., agriculture, first growing season). It is unclear why the exemptions were eliminated.
 - ii. The exemption B for golf courses is not recommended for addition to the current bylaw, as golf course fertilization has the potential for substantial nutrient loadings.
 - iii. We recommend inclusion of the following exemptions in the updated bylaw:
 - 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 vegetable and flower, 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.

Note that several of the activities allowed by these exemptions such as application of fertilizer containing nitrogen or phosphorus for the establishment of new lawns will be prohibited within resource areas protected by the Mashpee Wetlands Protection Bylaw based on proposed changes to the Mashpee Wetlands Bylaw (see Section 2.5 of this memorandum) to further restrict fertilizer application around Santuit Pond and other wetlands/waterbodies in Mashpee.

C. Add New Performance Standards to §107-4.

- i. Calibrate fertilizer spreader prior to each use to improve accuracy of desired application rate.
- ii. Minimize storage of fertilizers outdoors. Storage of fertilizers outdoors is currently prohibited in the Groundwater Protection District.
- iii. Specify fertilizer type (slow-release, organic variety) and application rate for existing and new lawns consistent with the Lawn Standards of the Mashpee Conservation Department. The Town may consider including nitrogen loading specifications consistent with Regulation 31 (Nitrogen Loading/Lawn Standards) of the Wetlands Regulations. Inclusion of nitrogen loading specifications in the Nitrogen Control Bylaw will apply to areas outside of those regulated by the Wetlands Regulations.
- iv. Prohibit fertilizer application within resource areas protected by the Mashpee Wetlands Protection Bylaw (see §172-2).

2.2 Mashpee Water District Irrigation Policy

The current Mashpee Water District Irrigation Policy prohibits new Water District customers from connecting automatic outside irrigation to their District water service. Should new customers wish to use automatic outside irrigation, they must use a private well to supply the irrigation system. The policy also recommends the use of certain water conservation measures (rain sensors, low flow heads, etc.) for existing customers of the Water District that use automatic irrigation. Existing District customers that have a private well available for irrigation are also required to connect the irrigation system to the private well. The policy also includes a voluntary outdoor water use restrictions based on odd/even numbered houses.

Water Conservation

A. Consider Adopting an Outdoor Water Use Bylaw

If the Water District and/or Town of Mashpee wish to strengthen the enforceability of the current policy or expand its applicability to private well owners (either during drought conditions or all of the time), including areas outside of the Water District, the Water District and/or Town could consider adopting an outdoor Water Use Bylaw that builds upon the existing Mashpee Water District Irrigation Policy and the Massachusetts Department of Environmental Protection Model Outdoor Water Use Bylaw (see last bulleted item below). The Water Use Bylaw could include the following provisions:



- i. Standard minimum water conservation measures for existing and new irrigation systems including those required under the current irrigation policy (i.e., the use of rain sensors and low flow sprinkler heads and setting systems to apply 1/2" of water per week) as well as other potential measures.
- ii. Require that all new and existing in-ground irrigation systems be registered with the Town or Water District and be equipped with timing devices.
- iii. Require that in-ground irrigation systems be installed only by properly licensed and insured companies as approved by the Town or Water District.
- iv. Require all in-ground irrigation systems installed after the effective date of the bylaw to have soil moisture-sensor devices.
- v. Require annual inspection of in-ground irrigation systems be conducted by pre-approved providers that have received proper training and are licensed and insured.
- vi. Provide the Town or Water District the authority to declare a "State of Water Supply Conservation" to ban all non-essential outdoor water use during drought conditions, with exceptions for irrigation using drip-irrigation systems or hand-held hoses, and irrigation using harvested stormwater. The bylaw could maintain the current policy of limiting outdoor water use to users in odd/even numbered houses during non-drought conditions. The bylaw should also include provisions for enforcing the "State of Water Supply Conservation," with optional financial penalties for violations.

The Massachusetts Department of Environmental Protection provides an example bylaw/ordinance for municipalities or water districts to implement seasonal water conservation measures for connections to the public water supply, as well as for regulating private wells and in-ground irrigation systems. Walpole, Sudbury and Wayland, MA are good examples of towns with outdoor water use bylaws that specifically address irrigation systems.

B. Require the Submission of Irrigation Management Plans with Proposed Development

- i. Consider amending the Town's Zoning Bylaw to require the submission of irrigation management plans with all new development proposals. An example is the Sharon, MA Zoning Bylaw, which requires the submission of an irrigation management plan such that "water conservation shall be promoted by precluding the use of potable water for irrigation and requiring that irrigation be subject to an irrigation management plan." When approving plans, consider "the extent to which irrigation water use is minimized through adherence to an irrigation management plan and the extent to which irrigation well drawdown impacts affecting existing water supply wells on neighboring properties are minimized."
- ii. Consider including a stipulation in the Zoning Bylaw to prohibit the pre-installation of in-ground irrigation systems in new residential developments. Requiring homeowner approval or post-purchase installation of irrigation systems could reduce the number of systems installed in the future. Alternatively, in the Town's Stormwater Management bylaw, require the submission of proof of "water efficient irrigation systems" (included in the Stormwater Bylaw for Walpole, MA).



2.3 Illicit Connections and Discharges to the Municipal Storm Drain Systems

In 2020, the Town of Mashpee adopted a new stand-alone bylaw (Chapter 85 – Illicit Connections and Discharges to the Municipal Storm Drain System) that regulates illicit connections and discharges to the municipal storm drain system to protect surface waterbodies and groundwater, and to safeguard the public health, safety, welfare, and the environment. The bylaw was also required for compliance with the EPA Municipal Separate Storm Sewer System (MS4) General Permit.

The following recommended addition to the Chapter 85 – Illicit Connections and Discharges to the Municipal Storm Drain System Bylaw focuses on regulating improper disposal of pet waste, which can be a source of excess nutrients and bacteria.

Nutrient Source Control

A. Include improper disposal of pet waste in section 85-7 Prohibited Activities.

- i. The Neponset Stormwater Partnership includes language in the Model Stormwater Bylaw (2019) for pet waste:
It is prohibited to dispose of dog feces in any public or private storm drain, catch basin, wetland or water body or on any paved or impervious surface.
- ii. As pet waste is a source of stormwater pollution, especially in residential areas, this provision aims to address improper disposal of feces left by a dog on any public or private property.

2.4 Stormwater Management

The Town of Mashpee initially adopted a stormwater management bylaw in 1999, which was incorporated as a section within the Town Zoning Bylaws (§174-27.2 Stormwater Management). The bylaw language was amended in 2000 and 2007, and most recently in 2021 for consistency with stormwater management requirements in the current version of the MS4 General Permit. The Stormwater Management Bylaw applies to new residential or non-residential development or redevelopment requiring either approval, a Special Permit, plan review under the provisions of §174-24.B., or a Building Permit for a building over 1,000 square feet in area. Such activities are required to:

- Provide stormwater management and artificial recharge of precipitation designed to maintain existing hydrologic conditions, protect or improve water quality, reduce or prevent flooding, minimize erosion and sedimentation, and encourage the use of Low Impact Development (LID) planning and development strategies to the extent feasible.
- Provide treatment of runoff generated by the first inch of rainfall over impervious surfaces for removal of nitrogen and phosphorus, followed by recharge of the treated runoff through the use of stormwater infiltration systems.
- Dry wells and leaching/infiltrating catch basins are prohibited except for overflow from stormwater treatment facilities as described above and when there are no other feasible alternatives.
- Provide adequate pre-treatment for structural stormwater control measures.



- Be maintained in accordance with an approved operation and maintenance plan.
- Infiltration systems shall be located at least 100 feet from drinking water wells.
- Provide adequate vertical separation (at least 3 feet) between the bottom of the infiltration system and seasonal high groundwater.

The above provisions are consistent with the post-construction requirements of the current MS4 General Permit, are generally consistent with proposed changes to the MA Stormwater Handbook and Stormwater Management Standards (which are anticipated to be released by MassDEP later in 2022 for public comment) and contain special focus on nutrient removal including both phosphorus and nitrogen.

The Town does not have accompanying stormwater regulations, which are common in many communities with stormwater bylaws. The Mashpee Stormwater Management Bylaw does include some elements that are commonly included in stormwater regulations (e.g., stormwater performance standards and plan submission requirements), while other elements are contained elsewhere in the Zoning Bylaws (e.g., permit requirements, performance bond/surety, severability, authority, enforcement) but aren't specific to stormwater management.

We offer the following recommendations related to the Town's Stormwater Management Bylaw.

Stormwater Management

- A. For projects which employ bioretention or similar filtering best management practices (rain gardens, tree filters, sand/organic filters, and dry water quality swales) for treatment prior to infiltration, the designs should incorporate filter media and/or an internal water storage zone to optimize nitrogen and phosphorous removal.**
- Filter Media** – Many of the earlier bioretention system designs incorporated compost as the organic component of the bioretention soil mix. Compost-based bioretention soil mixes have been shown to export nutrients and are therefore no longer recommended. Bioretention soil media can be specified to enhance pollutant removal, particularly phosphorus removal, by incorporating organic matter (sphagnum peat moss or wood derivatives such as shredded wood, wood chips, ground bark, or wood waste) or other soil amendments such as zerovalent iron and/or drinking water treatment residuals (alum). The University of New Hampshire Stormwater Center has developed a bioretention soil mix for enhanced phosphorus removal.
 - Internal Water Storage** – For enhanced removal of nitrogen, use an upturned or reverse-slope underdrain in combination with a liner to create a thicker saturated zone (also called an Internal Water Storage zone or Internal Storage Reservoir) that extends into the bottom of the bioretention soil media. This type of underdrain configuration increases infiltration and evapotranspiration and enhances removal of nitrogen through the creation of an anaerobic or anoxic zone. The University of New Hampshire Stormwater Center has developed a standard bioretention design with internal water storage zone, variations of which have been incorporated into other recently updated stormwater design manuals.



- iii. Implementation of these design modifications is expected to increase removal efficiency of nitrogen and phosphorus beyond the standards designs. While the updated MA Stormwater Handbook is anticipated to reflect these design modifications, the Town should consider specifying these types of designs either in its stormwater bylaw/regulations or in a stand-alone design policy document.

B. Require that the design of new stormwater quantity control BMPs and other drainage system components consider projected increases in precipitation intensity and frequency.

- i. New proposed stormwater quantity control BMPs and other drainage system components (pipes, swales, culverts, manholes, catch basins, etc.) should be evaluated and designed in accordance with the Resilient Massachusetts Action Team (RMAT) Climate Resilience Design Standards and Guidelines, as amended, to account for projected increases in precipitation intensity and frequency over the duration of the useful life of the systems. The proposed changes to the MA Stormwater Handbook include provisions for increased design storm precipitation amounts (RMAT Tier I methodology) for stormwater quantity control design, although it is uncertain what the final amendments to the MA Stormwater Handbook will include. The Town could proactively incorporate these provisions into its stormwater bylaw/regulations or in a stand-alone design policy document.

2.5 Wetlands Bylaw and Regulations

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

General Recommendations

A. Consider increasing the existing 100-foot Buffer Zone to 150 feet in §172-7 of the bylaw and within Regulation 29 of the Regulations.

- i. An increase of the Buffer Zone aims to further regulate alterations within the vicinity of wetland resource areas. The expanded jurisdiction will result in increased review of projects that may potentially impact water quality within the Town.
 - i. Brookline, Dover, Watertown, and Woburn have 150-foot buffer zones.



- B. Prohibit the use of fertilizer containing nitrogen or phosphorus within Resource Areas protected by the Mashpee Wetlands Protection Bylaw (§172-2).**
- C. Consider increasing naturally vegetated buffer strips (NVBS) from the minimum of 50 feet to at least 50% of the Buffer Zone width in §172-7 of the Bylaw and within Regulation 29 of the Regulations.**
 - i. If the Buffer Zone width is increased beyond the existing 100-foot width, this provision will increase the buffer strip width and further protect surface waterbodies from erosion, siltation, loss of groundwater recharge, and poor water quality.
 - ii. This provision is consistent with recommendations from the 2010 Santuit Pond Diagnostic Study.
- D. Specify tree-replacement requirements within the Buffer Zones of Regulation 29 (Buffer Zones and Naturally Vegetated Buffer Strips) of the Wetlands Protection Regulations.**
 - i. Consider requiring tree replacement as a ratio (e.g., 2:1) or contributing to a tree planting fund modeled after similar requirements of the Town of Braintree.
- E. Require a base fee to replace a tree within the Buffer Zone if site conditions do not allow for mitigation tree planting.**
 - i. Braintree requires \$250 per tree not replaced to be paid to the Commission's Tree Planting Fund. The fund may be used for tree planting or other nutrient control practices (e.g., residential Low Impact Development practices) on other sites.
 - ii. Similar to increasing the NVBS, increasing protection or replacement of trees aims to provide further water quality protection, reduce stormwater runoff, and also enhance climate resilience through mitigating effects of heat and flooding.
- F. Limit impervious area allowed within Land Subject to Coastal Storm Flowage (LSCSF) in the Regulation 25 of the Wetlands Protection Regulations.**
 - i. This provision aims to further protect water quality and enhance climate resilience for expected increases in precipitation.
 - ii. Duxbury, Hingham, Marshfield, and Scituate include similar protections for LSCSF including:
 - a) Prohibiting the following in V, A, and AE flood zones: 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.



2.6 Lawn Standards, Mashpee Conservation Department

The Town of Mashpee Conservation Department has a lawn standards policy document on its website. The document includes guidelines for installation of new lawns and for low impact annual fertilizer application. The lawn standards and guidelines presumably apply to lawns within the jurisdiction of the Town of Mashpee Wetlands Protection Bylaw and Regulations (i.e., within regulated Resource Areas protected by The Mashpee Wetlands Protection Bylaw (§172-2).

The following recommended changes to the Mashpee Conservation Department Lawn Standards are intended to make the standards and guidelines consistent with the recommended changes to the Town's Nutrient Control Bylaw including prohibiting the use of fertilizer containing nitrogen or phosphorus within resource areas protected by the Mashpee Wetlands Protection Bylaw.

General Recommendations

- A. Add a standard prohibiting the use of fertilizer containing nitrogen or phosphorus within resource areas protected by the Mashpee Wetlands Protection Bylaw.**
- B. Modify the standard for new lawns to promote the use of low-growing native groundcovers as alternatives to turf grass or sod consistent with the recommendations of the Association to Preserve Cape Cod. Keep the existing grass seed and sod standards if grass seed or sod are to be used by the homeowner.**
- C. Modify the guidelines in the Lawn Standards for consistency with proposed modifications to the Nutrient Control Bylaw.**

2.7 Boating in Mashpee Rules and Regulations

The Town of Mashpee last updated the Boating Rules and Regulations in 2005. These rules and regulations are available on the Mashpee Waterways Commission website and apply to boat operators including all canoes and kayaks and includes requirements for equipment (e.g., personal floatation devices and sound devices), operators, moorings, speeding, pollution, drinking, and recreational activities (e.g., diving and water skiing).

The following recommended change to the Boating in Mashpee Rules and Regulations is intended to restrict boat use to minimize turbidity and protect water quality.

General Recommendations

- A. Prohibit the use of motorboats within Santuit Pond in Mashpee, except for vessels owned by an agency of the United States Government or by a State, County, City, or Town.**
 - i. This provision aims to limit potential disturbance and resuspension of sediment into the water column resulting from use of motorized boats.**



- ii. Total prohibition, limiting of speed to less than 5 mph, limiting the areas of motorboat use based on waterbody depth are options.
- iii. Limiting horsepower of motorized boats is another option given the relationship between engine horsepower and mixing depth (Lakeline, 1991). See table below.

Effective Mixing Depth by Engine Size

(Source: Lakeline, Dec., 1991)

Horsepower	Mixing Depth
10	6 feet
28	10 feet
50	15 feet
100	18 feet

2.8 Waterways Bylaw

The Waterways Bylaw was first adopted in 1980 and applies to boat operators including all canoes and kayaks and includes requirements for equipment (e.g., personal floatation devices and sound devices), operators, moorings, speeding, pollution, drinking, and recreational activities (e.g., diving and water skiing). This bylaw is generally consistent with Boating Rules and Regulations on the Town's website and described in Section 2.7.

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 the Mashpee Boating Rules and Regulations.

General Recommendations

- A. Prohibit the use of motorboats within Santuit Pond in Mashpee, except for vessels owned by an agency of the United States Government or by a State, County, City, or Town.

Part I	ADMINISTRATION OF THE GOVERNMENT
Title XIX	AGRICULTURE AND CONSERVATION
Chapter 131	INLAND FISHERIES AND GAME AND OTHER NATURAL RESOURCES
Section 45	GREAT PONDS; PUBLIC USE; RULES AND REGULATIONS

Section 45. Except as otherwise provided in this section and elsewhere in this chapter, every great pond not actively being used as a source of water supply of any town, water supply or fire district or public institution, and not subject to the provisions of section one hundred and sixty of chapter one hundred and eleven, shall be public for the purpose of hunting or boating thereon and shall, notwithstanding the provisions of any special law relating to fisheries in any particular place, be open to all inhabitants of the commonwealth for fishing purposes; provided that any city or town in which the whole or any portion of any great pond not exceeding five hundred acres in extent is situated may, as to so much thereof, as is located within its boundaries, make and enforce rules and regulations relative to hunting, fishing and boating thereon. Any such rule and regulation relative to boating may include, on all or any portion of said pond, for all or any portion of the year, any of the following: a speed limit, a limit on engine horsepower, a prohibition of the use of internal combustion engines, a ban on water skiing and other high speed uses and a limitation of such uses to certain areas and certain times. Any such rules or regulations shall, to the extent that they authorize hunting or fishing or, both, be subject to the approval of the director, and to the extent that they authorize any other use thereof, be subject to the approval of the commissioner of environmental protection or to the extent that they impose restrictions upon the speed limit, a limitation on engine horsepower, a prohibition of the use of internal combustion engines, a ban on water skiing and other high speed uses, and a limitation of such uses to certain areas and certain times, be subject to the approval of the director of law enforcement. All persons shall be allowed reasonable means of access to such ponds for the purposes aforesaid.

Notwithstanding any other provisions of this section and section thirty-nine B of chapter ninety, any city or town in which is situated the whole or any portion of any great pond, as defined by section one, may, as to so much thereof which is located within its boundaries, make and enforce rules and regulations relative to the use and operation of aircraft equipped with floats or other means of transportation on water; provided, however, that such regulations, ordinances, or by-laws providing for such use and operation shall first be approved by the Massachusetts aeronautics division.

NEWS

Park sets limits on boat size

JOHN LEANING, STAFF WRITER

Published 2:00 a.m. ET April 8, 2011 | Updated 6:55 a.m. ET Jan. 8, 2011

Starting today, no engines larger than 10 horsepower will be allowed on Cliff Pond.

BREWSTER - All was quiet yesterday when Carl Ferry slipped his boat onto Cliff Pond in Nickerson State Park.

Ferry and a friend, Mark Tuttle, both from Yarmouthport, were looking forward to fishing for trout and salmon. And they were the only fishermen in a boat on the 200-acre lake.

"We'll have fun, fish or not," Tuttle said.

In a few weeks, the solitude these two men enjoyed will be broken as campers and boaters flock to the park and the pond.

But this year, and in future years, those crowds on the pond will be a little bit quieter, a little less disruptive, than they have in the past.

That's because starting today, the Department of Environmental Management, which operates and controls the park and its ponds, will restrict all powerboat engines to a 10-horsepower limit. Previously there was no limit.

A boat with a 10-horsepower engine is generally used for fishing or cruising on ponds. It is not powerful enough for water skiing.

The new restriction reflects what many Cape towns have already done to balance the protection of natural resources, public safety and the interests of boaters.

"I think it's fine," said Ferry, as he guided his boat, with its 8-horsepower engine, off the trailer and into the water. "Roaring around ruins everything. I happen to like it."

Steve Nicolle, superintendent of the state park, proposed the restriction last November. He knows it is controversial.

"We're bracing for some angry boaters. We know that's a possibility."

Yesterday, signs were being made to announce the new restriction. They will be posted at the park entrance and at the pond's key launch areas.

"We'll put some signs up in the trees. We anticipate some signs will end up in the pond," Nicolle said with a chuckle.

"An awful lot of local people use the pond," he said. Many boat owners bring their vessels from salt water and rinse them off in Cliff Pond. Some of those boats have engines as big as 200 horsepower, he said.

"I feel an awful lot of boats come off the bay to flush out the engine, and it is just not good for the pond," Nicolle said.

Besides fuel and oil leaking into the pond from these boats, their size also stirs up the bottom sediment, and may be contributing to the nuisance algae problem the pond experienced several years ago.

Although Cliff Pond's deepest point is 80 feet, many areas of the pond are extremely shallow, and the bottom can easily be churned up by propellers.

Aside from environmental issues, Nicolle said there are also substantial public safety concerns, which prompted him to seek the motor size restriction.

He has received numerous letters from campers, who swim or use canoes in the pond, complaining of the size and speed of some of the larger boats. He also has received complaints from fishermen, who say the noise and wakes from these boats ruin fishing opportunities.

Nicolle said he notified several members of the Nickerson State Park Advisory Committee, and most were supportive of the change. Some were undecided.

Many towns already impose speed and/or horsepower limits on ponds. Barnstable, for example, has had a 10-horsepower outboard limit for most of its ponds for about 25 years. Lake Wequaquet has no horsepower restriction, but does have a 35 mph speed limit.

Sandwich has a pending waterways use bylaw to limit to 10 horsepower those motorboats on Pimlico Pond, and to 15 horsepower the motorboats on Lawrence, Triangle, Snake and Spectacle ponds. Larger ponds will have only speed limits.

Meredith L. M. Kilpatrick

1; Mashpee, MA 02649

06 January 2023 — electronically and by USPS

Town of Mashpee – Select Board – Weeden, Sherman, Cotton, Ohara, Colombo
Town of Mashpee, Town Manager Collins & Town of Mashpee, Town Counsel Costello
c/o Town of Mashpee Town Hall
16 Great Neck North
Mashpee, MA 02649

RE: FOCUS ON MASHPEE

Dear Mashpee Select Board Members, Town Manager and Town Counsel,

As you know, average eyesight focuses to approximately 20 feet. Average binoculars offer improved focus typically to 30-60 feet, and an average birding scope improves focus typically to 1,000-3,000 feet. A microscope along with other water monitoring & scientific measuring devices focus intently on the visible along with minutiae to assess and confirm facts about water quality. It is time to focus on what is important in the Town of Mashpee at 20', at 60' and especially within the 100' of our waterways to improve the quality of our water!

Details included in the **November 8, 2021**, report "Status of Santuit Pond Abutter Septic System Inspection/Pumping Survey" compiled by the Town of Mashpee Board of Health from information requested by the Town Manager, on pages 6 & 7, confirm **"59 cesspools have been identified as being within 100' of a waterbody"** in the town of Mashpee. There remains an unconfirmed number of active septic systems within 100' and an estimated 600+ which are simultaneously located within 300' of these same water bodies in Mashpee.

To date, there are no Town of Mashpee initiated public directives, incentives, actions, plans to correct or improve these identified/unidentified systems; or plans to assist any resident owners of these identified and published cesspools or the uncertain number of septic systems within 100' of Mashpee water bodies.

As reported in the New York Times, January 1, 2023, Mashpee waters offer a "Toxic Stew." The lack of leadership, action or enforcement of the Water Protection Act by the Conservation Commission is reprehensible.

Now recklessly, certain members of the Mashpee Select Board waste time and resources by inappropriately focusing on a housing development outside of the town lines by 5,000 feet, beyond the focus of a typical birding scope. A project that appears as responsibly (according to initial Town of Sandwich reviews) sensitive to the environment, with a respect for water quality and will be providing much needed housing during a housing crisis.

While cliché, kindly put your glasses on, get out your binoculars and really look at OUR TOWN, **focus on Mashpee**. Provide directives and instruct the Conservation Commission and agents to begin taking water quality samples within a scientifically appropriate distance from the locations of the cesspools; instruct the Board of Health to assist resident homeowners as "partners" in this complicated, expensive correction. Do something to immediately improve and protect the waters in Mashpee. Please do not embarrass Mashpee further by interfering in another town when even the New York Times could so easily recognize the Mashpee crisis of our "toxic stew."

Respectfully,

Meredith L. M. Kilpatrick (signed electronically 06JAN23)

Meredith L. M. Kilpatrick

N.B/C.C. – pdf attachment

-Mashpee Town Clerk, Deborah Kaye

-MA State Senator Susan Moran

-Chris Flavelle, Reporter, New York Times



Town of Mashpee
BOARD OF HEALTH
16 GREAT NECK ROAD NORTH
MASHPEE, MASSACHUSETTS 02649
(508) 539-1426 * Fax (508) 477-0496

boh@mashpeema.gov




Public Health
Prevent. Promote. Protect.

MEMORANDUM

To: Rodney C. Collins, Town Manager

cc: Wayne Taylor, Assistant Town Manager
Terrie Cook, Administrative Assistant

From: Glen E. Harrington, C.H.O, Health Agent 

Date: November 4, 2021

Re: Status of Santuit Pond Abutter Septic System Inspection/Pumping Survey

At your request and that of the Select Board, the Board of Health ordered septic inspections and pumpings for 121 abutters whose property falls within 300' of Santuit Pond. Order letters were sent via First Class and Certified Mail on September 9, 2021.

As of the date of this memo, a total of 17 certified letters were returned undelivered with the following outcomes:

- Three (3) properties have since fully complied
- One (1) property owner has two affected properties, one of which has fully complied and the other has not performed pumping but is an automatic failure due to being on a cesspool
- Two (2) properties have since complied with the inspection component only
- One (1) property has a new owner and the order was sent to the new owner
- One (1) property owner has updated their address and the order was sent to the new address
- Nine (9) properties require additional research as to the current ownership/mailing address

As of the date of this memo, 27 of the 121 affected properties have fully complied with the order to inspect and pump, and two (2) additional properties are considered to have fully complied because they have satisfied the pumping requirements and are automatic failures due to being on cesspools. One (1) "other" property is considered to have fully complied for reasons explained below. An additional 30 affected properties have complied with the inspection component of the order, five (5) of which are considered to have complied because they are automatic failures due to being on cesspools.

For clarification, a *"Conditional Pass"* indicates that the system violates one of the failure criteria in 310 CMR 15.303, but the nature of the violation is such that it can be easily corrected by making a simple repair or replacement to a broken component (i.e. a cracked septic tank; a broken or obstructed pipe; an uneven distribution box; or a malfunctioning pump chamber). Soil absorption systems and cesspools cannot be repaired under a conditional pass.

While they are not common, there are a number of situations where an inspector will make a determination that the system *"Needs Further Evaluation"* (i.e. any portion of the SAS, cesspool or privy is below high groundwater elevation; or any portion of a cesspool or privy is within 50 feet of a potable water supply well.) In these situations, the septic inspector cannot make another determination without first consulting with the local Board of Health.

A *"Certificate of Compliance"* (COC) was accepted in lieu of an inspection when the COC was issued no more than two years prior to the date of receipt of the order letter. In these cases, there was a repair or upgrade made to the on-site septic system, and the system was deemed to be in full compliance at the time of inspection by a Health Agent.

Because Innovative/Alternative Systems (or *"I/A Systems"*) are more complex than conventional septic tank systems, Title 5 has special requirements for their installation and maintenance. I/A system owners must have in place, for the life of the system, an operation and maintenance contract with a Certified Wastewater Operator specifically licensed in Massachusetts.

The property categorized as *"Other"* has been abandoned since 2005 and is uninhabitable in its current condition. The on-site Title 5 system has seen no use in the past 16 years, and was deemed exempt from the inspection/pumping requirement.

Of the 60 properties considered to have complied with the inspection component, the following determinations were made:

- Pass: 36
- Conditional Pass: 3
- Needs Further Evaluation: 1
- Fail: 16 (includes 7 cesspools)
- Certificate of Compliance: 2
- I/A System: 1
- Other: 1

As an FYI, septic inspections performed for property transfer purposes must comply with the Mashpee Board of Health Septic Inspection Regulation. Given that these inspections are being performed under a Board of Health "order", and are not subject to all of the provisions of the regulation, inspectors were notified that all reports should indicate "This Inspection is Not Valid for Property Transfer

Purposes", and report submittal fees have been waived, per a vote of the Board of Health at a regularly scheduled meeting.

Of the 121 affected properties, 48 properties have complied with the pumping requirement. In other words, our office has received evidence from either the septage hauler or the property owner that those systems have been pumped within the past three (3) years.

With respect to compliance, it is important to note that inspectors and haulers have notified this office that, due to overall demand and weather delays, work on these properties is being scheduled well into November. While we have not collected a specific number of inspections/pumpings scheduled in the coming weeks, we are confident that there are a number of other property owners who are working toward full compliance. We also need to take into account any delays on the part of the inspectors and haulers in submitting their inspection reports and pumping records to our office. Per Title 5, inspectors have 30 days from the date of inspection to submit their report.

If you have any questions or comments, please do not hesitate to contact me at x8553.



Town of Mashpee
BOARD OF HEALTH
16 GREAT NECK ROAD NORTH
MASHPEE, MASSACHUSETTS 02649
(508) 539-1426 * Fax (508) 477-0496

boh@mashpeema.gov



Public Health
Prevent. Promote. Protect.

MEMORANDUM

To: Rodney C. Collins, Town Manager

cc: Wayne Taylor, Assistant Town Manager
Terrie Cook, Administrative Assistant

From: Glen E. Harrington, C.H.O, Health Agent

Date: November 4, 2021

Re: Scope of Board of Health Authority with Respect to Upgrading Failed Septic Systems and Requiring Sewer Tie-Ins

The Board of Health derives its authority to order the repair or replacement of on-site septic systems from several different laws and regulations, but primarily from Title 5 of the State Environmental Code. Title 5, 310 CMR 15.000, is the regulation that provides the requirements for the siting, repair, upgrade, and replacement of septic systems.

Title 5 also has protocols for emergency upgrades but, for the most part, septic inspections performed at time of property transfer encounter the most failed systems. The failure criteria of septic systems is outlined within the inspection section of the regulation. Title 5 provides that the Board of Health or DEP can require an inspection of a septic system *at any time*. This is the provision that the Board of Health used when it issued the inspection and pumping order to property owners within 300' of Santuit Pond.

Systems that are deemed in failure by inspection or under our local Cesspool Regulation must be upgraded or repaired within certain timeframes. Below is an excerpt from Title 5 that describes the required timeframes.

15.305: Deadlines for Completion of Upgrades

- (1) If a system is failing to protect public health, safety, welfare or the environment as set forth in 310 CMR 15.303(1) or 15.304(1), the owner or operator shall upgrade the system within two years of discovery unless:

- (a) a shorter period of time is set by the Local Approving Authority or the Department based upon the existence of an imminent health hazard; or
 - (b) the continued use of the system is permitted by the Local Approving Authority in accordance with the provisions of an enforceable schedule for upgrade. Bases for continued use include, but are not limited to, proposals to connect to a sanitary sewer or shared system. A fiscal commitment to the sewerage plan or shared system plan, together with an approved facility plan where appropriate, proposing connection or replacement of the failing system within five years, and an enforceable commitment by the owner to perform interim measures (for example, regular pumping) shall accompany any such local approval. Such approval shall expire in five years or upon the failure of the applicant for such approval to meet interim deadlines set forth in the enforceable schedule for upgrade and the plan. The Department may by specific written approval authorize the Local Approving Authority to allow a longer period of time, where the municipality has provided the Department a proposed implementation schedule for design and construction and has made a demonstrated financial commitment to the construction schedule. The Department may revoke any such approval if the approved schedule is not met.
- (2) If a system serving a facility with a design flow of 10,000 gpd or greater but less than 15,000 gpd is a significant threat to public health, safety, welfare or the environment as set forth in 310 CMR 15.304(2), the owner or operator shall upgrade the system within five years of discovery in accordance with the provisions of an enforceable schedule unless:
- (a) a shorter period of time is set by the Department based upon the existence of an imminent health hazard;
 - (b) the continued use of the system is permitted by the Department because it is necessary to allow implementation of an environmentally superior solution. An enforceable commitment by the owner to perform interim measures (e.g., regular pumping, addition of fill) shall accompany any such approval by the Department. Such approval shall expire in seven years or upon the failure of the applicant for such approval to meet interim deadlines set forth in the enforceable schedule for upgrade.
- (3) The owner or operator shall take appropriate measures throughout the period between discovery of the condition requiring upgrade and completion of the upgrade to ensure that there is no backup or direct discharge of sewage or effluent to buildings, to the surface of the ground, or to surface waters. The local Approving Authority or the Department may order the owner or operator to take any measure necessary to ensure the protection of public health, safety, welfare and the environment during such period.

- (4) Except as provided in 310 CMR 15.004(3), all systems shall be abandoned in accordance with 310 CMR 15.354 and the buildings served by the systems shall be connected to a sewer when a sewer becomes available, unless:
- (a) the system is an alternative system approved for such use pursuant to 310 CMR 15.280 through 15.287;
 - (b) the Department has made the determination in approving either the remedial use of an alternative system pursuant to 310 CMR 15.284 or in certifying an alternative system for general use pursuant to 310 CMR 15.288 that any person using such system need not connect the facility to a sanitary sewer if such connection is feasible; or
 - (c) the owner of an existing system has obtained a variance from this requirement pursuant to 310 CMR 15.410 through 15.415. All systems shall be abandoned in accordance with 310 CMR 15.354 and the buildings served by the systems shall be connected to a sewer when directed to do so by the Board of Health pursuant to M.G.L. c. 83, § 11, by the Department pursuant to 310 CMR 15.000, or by court order.

To review, property owners of Title 5 systems have two years from date of inspection to complete repairs. A shorter timeframe can be ordered by the Board of Health if an imminent health hazard occurs. An imminent health hazard is usually considered when raw sewage backs up into a dwelling or breaks out onto the ground surface, drainage or water body. ***The Board has the authority, per 310 CMR 15.305 (1)(b), to extend the repair timeframe if sewers are proposed.*** An enforceable agreement can be executed by the homeowner and the Board of Health to extend the timeframe with certain requirements to tie into a sewer system in five years. An extension to five years must come from DEP. It is my understanding that a fiscal commitment and plan must be in place for extensions to be granted. ***Per 310 CMR 15.305 (4)(a), the Board of Health cannot require properties with approved innovative/alternative septic systems to connect to sewer.***

In the case of Santuit Pond, where those properties are in Phase 2 of the sewer plan, a fiscal commitment does not yet exist; therefore, any necessary repairs or upgrades would need to be performed, per 310 CMR 15.305 (1). However, funding for Phase 2 is proposed to be requested in May 2023 and, assuming that occurs, the timing would be such that we would still be "within the two years of discovery" allowed by Title 5. In that case, the Board of Health may be able to issue extensions with the requirement to tie into sewer within a specified timeframe.

In summary, the question put forth to this office was whether the Board of Health has proper authority to require septic repairs or replacements, and to require connection to the proposed sewer system. As outlined above, the Board of Health has full authority under Title 5 to require replacement of failed septic systems. Additionally, M.G.L. c.83, §11 states that *"The board of health of a town may require the owner or occupant of any building upon land abutting on a public or private way, in which there is a common sewer, to connect the same therewith by a sufficient drain, and such owner or occupant who fails to comply with such order shall be*

punished by a fine of not more than two hundred dollars." Unfortunately, I have not had the opportunity to research the full application or interpretation of this statute. To better address questions relative to sewer connections, it will be necessary to consult with the Town Engineer and my counterparts in other Towns where sewer installation and hook-ups have occurred. A careful review of the existing sewer by-law will also be performed, in order to determine its appropriate application.

If you have any questions or comments, please do not hesitate to contact me at x8553.



Town of Mashpee
Board of Health
16 GREAT NECK ROAD NORTH
MASHPEE, MASSACHUSETTS 02649
(508) 539-1426 * Fax (508) 477-0496
Board of Health@mashpeema.gov



MEMORANDUM

To: Rodney C. Collins, Town Manager

cc: Wayne Taylor, Assistant Town Manager
Terrie Cook, Administrative Assistant

From: Glen E. Harrington, C.H.O, Health Agent *G E Harrington*

Date: November 8, 2021

Re: Scope of Authority – Sewer Connections

At your request and that of the Select Board, additional research was conducted on the Board of Health's authority to require sewer connections under M.G.L. c.83, §11, which states *"The board of health of a town may require the owner or occupant of any building upon land abutting on a public or private way, in which there is a common sewer, to connect the same therewith by a sufficient drain, and such owner or occupant who fails to comply with such order shall be punished by a fine of not more than two hundred dollars."*

The use of the word "may" in Chapter 83, Section 11 introduces a question, rather than an order to connect, and is not as strong legally as using the word "shall". Another flaw is that it imposes only a one-time penalty of \$200 for failing to connect.

Sewer regulations and by-laws were recently approved and implemented in the towns of Falmouth and Chatham.

- Falmouth has a sewer by-law that includes a comprehensive definition of a house, building, or property that is required to tie in. It sets a 90-day timeframe to connect, may require water conservation appliances, and issues a \$50/day fine for violations. Falmouth does not have a Board of Health Sewer Regulation.
- Chatham has a Board of Health Sewer Connection Regulation. There is a cross-reference to perform the connections in accordance with Sewer Commission

Regulations. It sets a one-year connection requirement from sewer availability, a 30-day connection requirement if a property transfers ownership, and exempts I/A systems that are less than 10 years old from having to connect (this is stricter than Title 5 which exempts all approved I/A systems from connection). There is a \$200/day fine for violations.

The Mashpee Sewer By-law passed last year does not set a timeframe for connection to the sewer. The fine for penalties has been addressed at \$50/day, and Board of Health and Sewer Commission agents can enforce that. However, some of the criteria listed above will need to be addressed in a supplemental by-law, Sewer Commission Regulation or Board of Health Regulation. The inadequacies of M.G.L. c. 83, §11 can be addressed as well within any of those documents. This will further strengthen the legal and enforceable position of the Town. Town Counsel review of any new or revised regulations or by-laws will be necessary.

If you have any questions or comments, please do not hesitate to contact me at x8553.



Town of Mashpee
BOARD OF HEALTH
16 GREAT NECK ROAD NORTH
MASHPEE, MASSACHUSETTS 02649
(508) 539-1426 * Fax (508) 477-0496

boh@mashpeema.gov



Public Health
Prevent. Promote. Protect.

MEMORANDUM

To: Rodney C. Collins, Town Manager

cc: Wayne Taylor, Assistant Town Manager
Terrie Cook, Administrative Assistant

From: Glen E. Harrington, C.H.O, Health Agent *GEH*

Date: November 8, 2021

Re: Cesspool Count – All Water Bodies

At your request and that of the Select Board, the Board of Health began identifying properties within 100' and 300' of Mashpee water bodies. Additionally, our staff has begun researching the type of on-site septic system currently servicing each of those properties, along with the most recent inspection and pumping records for those addresses. We are still compiling and reviewing records, but have the following information to submit.

In total, 59 cesspools have been identified as being within 100' of a waterbody.

- Santuit Pond
 - 121 properties within 300'
 - Seven (7) cesspools total, one (1) within 100'
- Ashumet Pond
 - 98 properties within 300'
 - Nine (9) cesspools total, seven (7) within 100'
- Mashpee/Wakeby
 - 116 properties within 300'
 - Nine (9) cesspools total, one (1) within 100'
- John's Pond
 - 164 properties within 100'
 - Five (5) cesspools within 100'
- Popponesset, Ockway & Shoestring Bays
 - 320 properties within 100'

- Nine (9) cesspools within 100'
- Mashpee River
 - 33 properties within 100'
 - Three (3) cesspools within 100'
- Great & Little Rivers, Jehu & Hamblin Ponds, Waquoit Bay
 - 239 properties within 100'
 - 17 cesspools within 100'

Please note that only Santuit Pond records have been fully vetted, as it was identified by the Select Board as the priority area of focus. That information was provided in a separate memo. Research is ongoing on the remaining areas of concern.

If you have any questions or comments, please do not hesitate to contact me at x8553.

Form submission from: Ask the Select Board**Town of Mashpee MA via Town of Mashpee MA <cmsmailer@civicplus.com>**

Fri 1/6/2023 3:05 PM

To: Terrie Cook <tmcook@mashpeema.gov>

WARNING! EXTERNAL EMAIL: : This message originated outside the Town of Mashpee mail system and could be harmful. PLEASE DO NOT CLICK ON LINKS OR ATTACHMENTS unless you are absolutely certain the content is safe.

Submitted on Friday, January 6, 2023 - 3:05pm

Submitted values are:

To Whom would you like to direct your comments & questions? All Select Board Members
Please include any questions or comments:

Mashpee Select Board

Town of Mashpee

16 Great Neck Road North

Mashpee , MA 02649

Re: Proposed Amendment to Mashpee's Use of Waterways Bylaw,
Chapter 170 to Limit Motor Boating on Santuit Pond

To the Members of the Select Board:

The undersigned are members of the Briant's Neck Association, owners of homes and cottages on the Southern shore of Santuit Pond. Our members include both year-round and seasonal homeowners. Many of us belong to families that have owned properties on Santuit Pond for decades — back to the 1960s. We are intimately familiar with the decline in the pond's water quality (and the decline in water quality in Mashpee's bays and estuaries) over all those years.

We write to express our full support for the proposal from the Mashpee Department of Natural Resources, as submitted to the Board, to amend the Town's bylaws to prohibit "[u]se of internal combustion engines and electric engines in excess of 5 horsepower within Santuit Pond," with stated exceptions for government owned or operated vessels. The amendment itself makes clear why the restriction is appropriate to help restore the pond's water quality and promote public health.

Submitted by:

Brian Coole & Hassan Maskoute

Linus Dabrila

John Garvey

Adrian Godfrey

Suzanne Greenberg

Susan Lindsay

Richard Mark & Maura Harway

Stephen & Kathryn Marshak

Victor & Lisa Romanul

Ann Rothstein

George Schmidt

Members of the Briant's Neck Association

cc: Ashley Fisher
Director, Mashpee Department of Natural Resources
afisher@mashpeema.gov

Name: Ashley Fisher

E-mail Address:

Address:

City: Mashpee

State: MASSACHUSETTS

Zip: 02649

Phone:

Organization:

The results of this submission may be viewed at:

<https://www.mashpeema.gov/node/6129/submission/5621>

Mashpee Ponds Coalition

Ashumet Pond, Johns Pond, Mashpee-Wakeby Pond, Martha Pond, Santuit Pond

Date: January 8, 2023

To: Members of the Mashpee Select Board

From: Allen Waxman, on behalf of the *Friends of Santuit Pond* and the *Mashpee Ponds Coalition*

Re: Supporting DNR's proposed article restricting engine/motor horsepower on Santuit Pond

This memo expresses *strong support* for a proposed bylaw amendment submitted by the Dept. of Natural Resources in a memo dated January 3, 2023. The proposed bylaw amendment aims to restrict public motorboat engine/motor horsepower on Santuit Pond to no more than 5 HP. Multiple reasons for supporting this amendment are described below. But first I list the supporting organizations and waterfront communities that have agreed to be noted on this memo. *Support comes from:*

- *Friends of Santuit Pond* – Founded in 2008 and active in data collection to the present
- *Save Mashpee-Wakeby Pond Alliance* – endorsed by its Board of Directors
- *Mashpee Ponds Coalition* – endorsed by Allen Waxman, Matt Jallowy, Dick Weiner, Pat Riley, Susan Dangle, Irene Checkovich, and Mohan Nair; representing all Mashpee pond groups
- *Mashpee Environmental Coalition* – endorsed by its Board of Directors
- *Residents of Beechwood Point Condos* – a Santuit Pond waterfront community
- *Residents of Santuit Pond Estates* – a Santuit Pond waterfront community
- *Residents of Timberlane Drive* – Santuit Pond waterfront homeowners
- *Residents of Briants Neck* community will present their own supporting statement

Multiple reasons justify the proposed limiting of vessel engines/motors to 5 HP:

1. Santuit Pond is very shallow, with an average depth of only 5 feet (less than 2 meters). Its sediment is laden with phosphorus (bound to ferrous iron) contained primarily in the top 4 inches. Disturbing the sediment will release phosphorus into the water column and stimulate the growth of cyanobacteria (blue-green algae). *It is critical that the sediment not be disturbed by the action of motorboats in order to prevent release of phosphorus from pond sediments.*
2. The mixing depth generated by motorboats is proportional to engine horsepower, with 10 HP engines creating disturbances down to 1.8 meters (6 feet), as noted in published scientific literature (D.N. Nedohin & P. Elefsiniotis, 1997, *The Effects of Motor Boats on Water Quality in Shallow Lakes*, Toxicological & Environmental Chemistry, Vol. 61, pp. 127-133; D.O. Wright & K.J. Wagner, 1991, *Power Boats in Shallow Lakes*, Lake Line, TT(4), December 8-12 issue.) *Limiting engines/motors to no more than 5 HP insures no disturbance to sediments over most of the pond.*
3. Motorboats moving at moderate speeds (above approximately 5 knots) generate significant bow waves and wake that rock canoes, kayaks and sailboats within hundreds of feet range. These waves also cause erosion of shorelines, which has been particularly noticeable along the narrow northern segment of Santuit Pond. Erosion of shoreline is bad both for flora along the shoreline and the water due to the phosphorus content in the soil. *Limiting engines/motors to 5HP will eliminate bow wave and wake disturbance to small boats and erosion of shorelines.*
4. Electric trolling motors, as typically used on small fishing boats (e.g., 12 foot Jon boats), do not exceed equivalent horsepower of 5 HP (most are under 3 HP), and do not generate speeds above approximately 3 knots. *Limiting engines/motors to 5HP will not interfere with fishing on the pond.*
5. Placing limits on engine/motor horsepower is not unusual on Cape Cod ponds. *The town of Brewster limits engines/motors to 3 HP on all its ponds (regardless of pond depth).*

Minor modifications to the wording of the draft article are recommended in Section A. We suggest the first sentence be revised to read as follows (modifications in red italics font):

A. Use of internal combustion engines or electric motors in excess of 5 horsepower within Santuit Pond is prohibited except for vessels owned or operated or *authorized* by an agency of the United States Government, Tribal Government, or by a State, County, City, or Town.

The Mashpee Ponds Coalition is a group of concerned residents dedicated to improving the health of our ponds

Support for horsepower limit on Santuit Pond

Allen Waxmar

Sun 1/8/2023 5:55 PM

To: Terrie Cook <tmcook@mashpeeema.gov>; Terrie Cook <tmcook@mashpeeema.gov>

Cc: Allen Waxmar

📎 1 attachments (83 KB)

Supporting HP limit on Santuit Pond_Waxman.pdf;

WARNING! EXTERNAL EMAIL: : This message originated outside the Town of Mashpee mail system and could be **harmful**. PLEASE DO NOT CLICK ON LINKS OR ATTACHMENTS unless you are absolutely certain the content is safe.

Please see attached memo expressing strong support from multiple organizations and Santuit Pond waterfront communities for the DNR's draft bylaw amendment limiting engine/motor horsepower to 5 HP on Santuit Pond.

I intend to present a condensed version of the attached memo during the Public Discussion session at the Select Board meeting on Monday evening, Jan 8, 2023

Sincerely ... allen
Allen Waxman

Mashpee, MA 02649



TOWN OF MASHPEE

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

MEMORANDUM

Date: January 5, 2023

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

From: Stephanie A. Coleman, Administrative Secretary

Re: Board and Committee Resignations

Description

Discussion and acceptance of the following resignations:

- Community Preservation Act Committee: *Dawn M. Thayer*, Member At-Large, **Effective February 13, 2023**, Term Expires June 30, 2023
- Council on Aging: Virginia McIntyre, Member At-Large, Term Expires June 30, 2024
- Planning and Construction Committee: Joseph Brait, Construction Representative, Term Expires June 30, 2023

Thank you.

Dawn M. Thayer

Mashpee, MA 02649

TOWN MANAGERS OFFICE
DEC 2 '22 AM 10:30

December 2, 2022

To the Honorable Mashpee Select Board,

Please accept this letter of resignation from my position as a "Member at Large" for the Community Preservation Committee, effective February 13, 2023. It was a pleasure to serve the citizens of the community.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dawn M. Thayer". The signature is fluid and cursive, with the first name "Dawn" written in a larger, more prominent script than the last name "Thayer".

Dawn M. Thayer

Fwd: COA Board

David Egel

Fri 12/16/2022 10:22 AM

To: Stephanie Coleman <SColeman@mashpeema.gov>; Terrie Cook <tmcook@mashpeema.gov>; Heidi L. McLaughlin <hmclaughlin@mashpeema.gov>

WARNING! EXTERNAL EMAIL: : This message originated outside the Town of Mashpee mail system and could be **harmful** ☹️. PLEASE DO NOT CLICK ON LINKS OR ATTACHMENTS unless you are absolutely certain the content is safe.

Please see the attached email from Virginia McIntyre with her resignation from the Council on Aging. Ginny has served on the Council for the past 18 years.

Sent from my iPhone

Begin forwarded message:

From: Virginia McIntyre

Date: December 15, 2022 at 8:38:12 PM EST

To: David Egel

Subject: COA Board

I am sorry to say that the time has come for me to retire from the Mashpee Council on Aging Board.

I shall truly miss the interesting meetings and all the members.

Virginia McIntyre

Fw: Planning & Construction Committee**Catherine Laurent** <claurent@mashpeema.gov>

Mon 12/5/2022 7:01 AM

To: Wayne E. Taylor <wtaylor@mashpeema.gov>; Terrie Cook <tmcook@mashpeema.gov>

Good morning.

Below is a text I received from Joe Brait over the weekend.

At this time, PCC is down to two members.

Catherine

*Catherine Laurent, Director
Mashpee DPW
350 Meetinghouse Road
Mashpee, MA 02649
508-539-1420
508-539-3894 (fax)
www.mashpeema.gov*

From: Catherine Laurent <claurent@mashpeema.gov>**Sent:** Monday, December 5, 2022 6:57 AM**To:** Catherine Laurent <claurent@mashpeema.gov>**Subject:**

Catherine, I'm sorry but I have too much going on at my home with a newborn my wife and I are raising for my daughter while she works. I'm going to have to resign from the PCC.

Get [Outlook for iOS](#)

December __, 2022

Board of Selectmen
Town of Sandwich
Town Hall
100 Route 6A
Sandwich, MA 02563

Re: NSG Village Green-1 Project

Dear Chairman Hctor and Members of the Board of Selectmen:

On behalf of the Town of Mashpee Select Board ("Board") I submit this correspondence to highlight the Board's concerns relative to the anticipated environmental and other development impacts upon the Town of Mashpee and its residents which would result from the NSG Village Green-1 housing development project in Forestdale (the "Project"), as presently proposed. We certainly understand the Town of Sandwich's desire to support affordable and attainable housing development on Cape Cod. We, as a Board, likewise, recognize the critical need for such housing; however, we believe that any such development proposal must carefully consider, analyze and, to the fullest extent possible, mitigate project related environmental impacts, particularly those relating to the Upper Cape's fragile water and aquifer resources, as well as other impacts on public infrastructure and existing residences in the development area.

We have been closely following developments relative to the design and permitting of the Project and the two proposed additional phases of the overall development of this site, given its proposed scale and proximity to the Town of Mashpee and its water resources. It is clear that this proposed development will have significant regional impacts, including, but not limited to, those resulting from Project wastewater discharges into groundwater which would further impair the environmental qualities of nearby receptor water bodies (notably Peters Pond and Popponesset Bay), potential threats to Mashpee's down-gradient public water supply wells, and significantly increased traffic on Route 130. We know that your Board has previously expressed similar concerns on these issues, and we believe that an open and joint dialogue regarding said impacts will greatly enhance our respective abilities to advance and protect the interests of both Sandwich and Mashpee.

Because public sewer is not available to the subject development site, and detailed plans for the treatment and disposal of the wastewater to be generated by the initial 144 residential unit phase of the development are not yet available, we are concerned relative to the Project's likely wastewater discharge impacts on groundwater quality, nitrogen levels, and the resulting deteriorating effects on local water resources and Mashpee's public water supply wells. The overall effects of development of the entire 64-acre site will undoubtedly have regional impacts in this regard; accordingly, it is imperative that all stakeholders and their representatives be involved in the permitting processes so that their issues and concerns can be duly heard and addressed.

As you know, in November 2017, Mashpee, Sandwich and Barnstable entered into an Intermunicipal Agreement whereby each Town committed to a regional watershed-based approach to addressing the impacts of increased loads of nitrogen delivered to the estuaries and embayments of the Popponesset Bay system. The Towns agreed to establish a joint Work Group, to share and develop engineering studies and evaluations, and to implement a plan to achieve the Total Maximum Daily Load ("TMDL") limits developed by DEP for nitrogen discharges into the Bay pursuant to a joint watershed permit. Significant efforts have been undertaken, to date, by all participating Towns to implement the objective of the IMA. However, we believe that the proposed Project will undermine the Towns' TMDL compliance objective and should not be considered or approved at any level without implementation of advanced wastewater treatment at a nutrient discharge for nitrogen of no greater than 3 mg/L. We trust that you share Mashpee's commitment to these nitrogen management goals and will advocate for the implementation of such wastewater treatment measures during the Project permitting process.

Further, with a primary Project point of entry/egress on Route 130, we are concerned about potential significant increases in traffic volumes and related safety issues, particularly during the peak traffic summer season. Route 130 is a major thoroughfare in the Town of Mashpee. Accordingly, we believe that a comprehensive study of traffic volumes, controls, and other public safety measures, as well as a detailed analysis of any proposed alterations to the Route 130 layout and any related infrastructure impacts be conducted as an integral component of the Project permit review process.

In summary, there are multiple potential regional impacts foreseeable in the proposed Village Green and related Sandwich Green projects which the Select Board, as steward for the Mashpee community, will be monitoring throughout the projects' review and permitting processes. We are hopeful that we and other Mashpee officers will be afforded the opportunity to engage in a constructive and mutually beneficial dialogue on the issues noted herein as well as other Project issues of regional impact as they arise during the myriad permit review/approval processes ahead.

Thank you for your attention to and anticipated cooperation in this regard. Please feel free to contact the Board or Town Manager Collins if you have any questions or comments relative to this matter.

Very truly yours,

David Weeden
Chair, Select Board

Cc:

January 10, 2023

DRAFT

Town Manager George H. Dunham
Town of Sandwich
100 Route 6A
Sandwich, MA 02563

Dear Mr. Dunham,

The Town of Mashpee writes in support of Special Legislation proposed by the Town of Sandwich, which is intended to create municipal wastewater treatment and disposal solutions at Joint Base Cape Cod. (JBCC) The act specifically authorizes the Town of Sandwich to contract for the described services and makes improvements necessary for municipal use of JBCC infrastructure eligible for State Revolving Funds.

In recent years, Mashpee has partnered with the Towns of Bourne, Falmouth, Sandwich and Barnstable on multiple shared wastewater management system planning grants, all funded through the Community Compact Cabinet's Efficiency and Regionalization program. The proposed Special Act is consistent with our mutual planning goals for shared watershed management and efficient use of existing infrastructure.

A regional wastewater treatment facility will benefit all Upper Cape Communities as we work to implement management plans and construct infrastructure needed to enhance ground and surface water resources, ensure the safety of drinking water, protect public health and develop more resilient communities.

The Town of Mashpee supports Sandwich's efforts to ensure eligibility to apply for funding through the Clean Water Trust for a regional wastewater treatment facility that can serve the communities surrounding Joint Base Cape Cod. We thank you for taking the lead on this effort on behalf of the Town of Mashpee and the region.

Sincerely,

Rodney C. Collins
Mashpee Town Manager