

**BOARD OF SELECTMEN AGENDA
MONDAY, AUGUST 8, 2022
WAQUOIT MEETING ROOM
MASHPEE TOWN HALL
16 GREAT NECK ROAD NORTH
MASHPEE, MA 02649**

Broadcast Live on Local Cable Channel 18

Streamed Live Mashpee Website: <https://www.mashpeema.gov/channel-18>

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

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

PUBLIC COMMENT

MINUTES

Discussion and Approval of Monday, July 18, 2022 Special Meeting; Monday, July 25, 2022 Regular & Executive Sessions; Thursday, July 28, 2022 Special Meeting; Wednesday August 3, 2022 Special Meeting

APPOINTMENTS & HEARINGS

- Discussion and Approval of the Following Appointments to the Cultural Council:
Lee P. Smith, Member at Large (Term Expires September 30, 2025);
Wendy Bornstein, Member at Large (Term Expires September 30, 2023)
- Discussion and Approval of Resignation: Waterways Commission: *Albert Wickel (Term Expires June 30, 2024)*
- Discussion and Approval of a Temporary Sign Permit: *Seaside LeMans*
- Presentation on Phosphorus in the Ponds: *Department of Natural Resources Director Ashley Fisher*
- Report on the Red Brook Road Culvert: *Conservation Agent Andrew McManus*

COMMUNICATIONS & CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

- Discussion and Approval of Inter-Municipal Agreement Between Town of Mashpee and Mashpee Water District
- Discussion, Approval & Recommendations on Draft #2 of the October 17, 2022 Town Meeting Warrant

ADDITIONAL TOPICS

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

LIAISON REPORTS

TOWN MANAGER UPDATES

EXECUTIVE SESSION

ADJOURNMENT

MASHPEE TOWN CLERK

AUG 04 2022

RECEIVED BY JK 3:53pm

**BOARD OF SELECTMEN AGENDA
JOINT MEETING WITH THE MASHPEE WAMPANOAG TRIBAL COUNCIL
MONDAY, JULY 18, 2022
MASHPEE WAMPANOAG TRIBAL CENTER
GYMNASIUM
483 GREAT NECK ROAD SOUTH
MASHPEE, MA 02649**

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

NEW BUSINESS

- Discussion of Potential Use of Treatment capacity at the Mashpee Wampanoag Wastewater Treatment Center
- Discussion of Opportunities to Collaborate on Funding for Water Quality Improvement and Open Space Acquisition
- Discussion of Opportunities to Collaborate on Climate Adaptation
- Discussion on Santuit Pond
- Discussion of the Management of Mashpee Wakeby Pond
- Tribal Member Issues
- Discussion of Tax Exemption Issues Pertaining to Tribal Members
- Discussion of Future Meeting Topics and Dates

ADJOURNMENT

Mashpee Select Board
Minutes
July 18, 2022

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

Meeting Called to Order by Chairman Gottlieb at 6:30 p.m.
Mashpee Wampanoag Tribe Community & Government Center

Members of the Mashpee Select Board met in joint convention with the following
Mashpee Wampanoag Tribal Council representatives;

Brian Weeden, Chairman, Carleton Hendricks, Vice Chairman, Cassie Jackson, Secretary and
Tribal Council members; Yvonne Frye Avant, Winnie Johnson Graham, Aaron Tobey, Jr. and
Domingo Teixeira.

NEW BUSINESS

Discussion of Potential Use of Treatment Capacity at the Mashpee Wampanoag Wastewater Treatment Center:

At this time, the Town of Mashpee is pursuing Phase I of its Wastewater Plan. The project
includes collection and treatment at the planned Wastewater Resource Recovery Facility
adjacent to the Mashpee Transfer Station.

The Mashpee Wampanoag Tribe through grant funding is constructing an affordable housing
project at their Meetinghouse Road site location.

The Select Board asked if there is potential for wastewater collaboration noting the Town has not
included the Mashpee Town Hall and other locations in the area of Great Neck Road South and
Route 130 in Phase I of the Wastewater Management Plan.

The Tribe is seeking to construct additional units in the next phase of construction as there is a
strong need for housing. It has not been fully determined, but there may be availability for
additional connection.

The Town was requested to provide technical information as to the projected gallons per day and
other related information required to fulfill wastewater needs in this area. It was agreed the
Town's engineering consultant would be authorized to further discuss the logistics with Mr.
Hendricks.

Mashpee Select Board
Minutes
July 18, 2022

NEW BUSINESS

Discussion of Opportunities to Collaborate on Funding for Water Quality Improvement and Open Space Acquisition:

Discussion followed regarding opportunities to collaborate on funding for water quality improvement and open space acquisition.

The Town of Mashpee was noted to have access to State Revolving Fund (SRF) loans for wastewater projects. In Phase I the Town has access to 0% loans and 25% principal forgiveness loans from the Cape & Islands Water Quality Trust Fund for wastewater infrastructure. The Town also allocates 2% or \$900,000 per year in WIIF funding for wastewater projects.

Federal sources of funds are available through a loan process, favorable for joint projects relative to wastewater initiatives. Mashpee is currently a Tier 1 community and is therefore eligible for federal funding.

The Community Preservation Committee allocates funding to the Town for affordable housing and preservation as well as open space projects. The Town has direct access to these monies. This represents further collaborative opportunities to join resources with the Tribe.

The Mashpee Wampanoag Tribe has access to federal grants as well. There is potential funding from the EPA for different types of water quality projects. This would include funds to support clean water with shellfish propagation, and ways to remove pollutants from the ponds. From an Aboriginal perspective the Tribe requires these types of projects to survive.

It was agreed the Town and Tribe would move forward to collaborate on grant funding initiatives for water quality improvements and open space acquisition through Town Officials and the Tribe's Department of Natural Resources. Grant funding is offered by The Silent Spring for clean water, monitoring and sampling projects.

It was agreed a collaborative effort would favorably assist both entities in attaining federal grant funding. However, it was noted projects are highly specific and many do not provide for internal requirements. Most of the grants received by the Tribe provide 80-85% in project funding. There is a need to be strategic when applying for grant funding. The Tribe holds grant writing workshops and agreed to host workshops with the Town to further collaborate on this endeavor.

Priority projects include the restoration of the Quashnet River, and the Redbrook Road culvert to restore the wetland area.

Mashpee Select Board
Minutes
July 18, 2022

NEW BUSINESS

Discussion of Opportunities to Collaborate on Funding for Water Quality Improvement and Open Space Acquisition: (continued)

In considering collaborative grant funding the Town may be able to provide support staff to assist the Tribe on joint issues pertaining to financial/environmental gains. Possible volunteers may offer assistance in grant writing as well. It was agreed that internal coordination would provide for the development of a joint list with specific skills to collaborate in matters of mutual interest such as water quality, the environment and natural resources, etc.

It was noted the Town recently collaborated with the Tribe on Old Barnstable Road, and would continue joint efforts on commonly used roads in Mashpee to support transportation needs.

In considering outside assistance there is funding that could be achieved to protect waters through the Land and Water Conservation Fund, Save the Oceans Fund and the Land in Trust Fund. The Tribe is noted to be seeking to identify lands that would provide benefit in the long term.

Discussion followed with respect to the Town's Wastewater Plan and the previous recommendation to modify Phase II to address the ponds, lakes and rivers. The Town has 5 potential phases to its sewerage plan. The plan as is currently adopted remains in effect. Initial sewerage in Phase I, collection and treatment is out for bid. An award of contract is scheduled to be issued on September 30, 2022 with anticipated operations beginning in the Spring of 2025.

The current plan does not specifically address the nutrient loading in the freshwater ponds. Phase II is conceptual and it requires more evaluation. Changes from the initial plan adopted by the state would require additional approvals.

There is concern the main target is nitrogen remediation within the bays, and not within the freshwater bodies that are impaired by phosphorus and other pollutants. There is a strong need to restore water quality in both types of water bodies.

It was suggested the entities collaborate to address prioritized water bodies, how to remediate, how to fund, etc.

Mashpee Select Board
Minutes
July 18, 2022

Discussion of Opportunities to Collaborate on Funding for Water Quality Improvement and Open Space Acquisition: (continued)

It was agreed that using relationships and partners in a joint effort to show collaboration is key to secure grant funding. The priorities of the Tribe are all ponds and waterways in Mashpee.

The Tribe noted they are actively meeting with Joint Base Cape Cod on the decommissioning of the land, and there may be permits the Tribe may require. The Tribe is also working in collaboration with the Town of Mashpee Conservation Commission under the Native Land Conservancy.

In closing the discussion regarding the Town and Tribe working together to cohesively protect the waters by maintaining healthy, environmental practices and opportunities by assisting one another this is the start of an excellent opportunity to work as a team offering services as needed for the benefit of the Town of Mashpee.

Discussion of Opportunities to Collaborate on Climate Adaptation:

A brief discussion followed with respect to offshore activities and the potential monetary benefit to coastal regions. The wind farms are currently before the House, and the state is expected to gain funding. Impacted coastal regions should have the ability recoup funding from the state and other initiatives such as the RISE Act.

Discussion on Santuit Pond:

Discussion of the Management of Mashpee Wakeby Pond:

In continuing the merger of discussions regarding collaboration and water quality it was disclosed that any of the water bodies with adjacent parcels would further benefit the Tribe in its association with the land and water.

Tribal Member Issues:

Issues of concern facing the Tribe include the safety of residents and Tribal members while visiting Mashpee Wakeby Pond. It was suggested that additional police presence, possibly a gate attendant may alleviate potential disturbances and tension. Last year out of town residents filled the beach areas which created additional noise, parking and litter issues as well as disrespect to the lands.

It was suggested the Select Board consider parking regulations in this area for Mashpee sticker holders and Tribal members only. Additional trash barrels would be effective. The goal is to sustain a quality environment.

Mashpee Select Board
Minutes
July 18, 2022

NEW BUSINESS

Tribal Member Issues: (continued)

There is also a concern regarding boats and jet skis using the pond as contributors to the cyano bacteria blooms.

It was agreed the Town and Tribe would form a working group to bring forth vetted proposals to the Select Board for adoption. Specific issues would be discussed further on a case-by-case basis.

The Tribe having access to Aboriginal Rights has issues regarding locked gates. Collaboration is required to review access to the roads and wooded areas for hunting and foraging. Open space acquisition is identified and prioritized by the Tribe.

It was noted in the past there has been illegal dumping, and securing gates at night has alleviated this concern. The gated area is open during the day, and locked at night. The areas could be shared, monitored and policed.

Affordable Housing is a concern especially for the Tribal Elders. It was requested the elders have first preference over non-residents for affordable housing. It appears the elders are sectioned in one facility on Old Barnstable Road, and not in other senior living establishments in Mashpee. The Tribal Council requested a change in process as to how Tribal members applications are received.

The Tribe is interested in securing 12 acres of Attaquin Park to restore the village where many young Tribal members have a sense of connection. The project would be consistent within the Town's Historic District. The facility lies near the One Room Schoolhouse and may someday become a historic destination in the Town of Mashpee.

It was agreed the concept would be further considered with possible Community Preservation Act funding.

Mashpee Select Board
Minutes
July 18, 2022

NEW BUSINESS

Discussion of Tax Exemption Issues Pertaining to Tribal Members:

It is the opinion of the Tribe they should not be paying taxes when their job is to take care of the land. When the land was taken illegally, a lot of Tribal members lands were lost. Parcels have been identified as part of the original act related to the incorporation of the Town of Mashpee.

It is recommended that Tribal members be considered a tax exemption, taken off the tax roll. This is an opportunity for the Town and Tribe to work together. The enormity of the issue requesting a tax exemption requires a working group to explore the implications.

The Town of Mashpee is currently considering a residential exemption within the state confines in terms of permissible actions. If the residential exemption moves forward, limited tax relief would be provided to the primary year- round resident of the Town of Mashpee. This is a step to ease the tax burden on year-round residents. The Tribe is encouraged to submit the form to the Assessing Office to support this endeavor. However, there is no commitment at this time.

Discussion of Future Meeting Topics and Dates:

It was agreed that quarterly meetings would be conducted with the Town Manager. Additional working groups would meet in November to continue conversations. The Intergovernmental Agreement (IGA) between the Town and Tribe would be discussed at a separate time to update, negotiate and amend.

In closing, the Mashpee Wampanoag Tribe requests to be treated as a Sovereign Nation, to be regarded equally. The priority is the land. The Tribe is currently working to secure state-owned land in Mashpee and is working with JBCC to acquire land and adjacent lands in Mashpee and in surrounding towns. The Tribe is also seeking acreage in wooded areas.

ADJOURNMENT

Motion made by Selectman Cotton to adjourn at 8:38 p.m.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

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

**Selectman Weeden, yes
Opposed, none**

Selectman Cotton, yes

Respectfully submitted,
Kathleen M. Soares
Secretary to the Select Board

***AMENDED* BOARD OF SELECTMEN AGENDA**

MONDAY, JULY 25, 2022

WAQUOIT MEETING ROOM

MASHPEE TOWN HALL

16 GREAT NECK ROAD NORTH

MASHPEE, MA 02649

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

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

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES

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

APPOINTMENTS & HEARINGS

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

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

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

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

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

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

Mashpee Community Park Gazebo: **Richard DeSorgher**

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

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

COMMUNICATIONS & CORRESPONDENCE

OLD BUSINESS

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

NEW BUSINESS

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

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

- Discussion relative to the Conservation Law Foundation
- Reorganization of the Select Board

LIAISON REPORTS

TOWN MANAGER UPDATES

PUBLIC COMMENT

EXECUTIVE SESSION

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

ADJOURNMENT

Mashpee Select Board
Minutes
July 25, 2022

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

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

In the absence of the Chair, Selectman David W. Weeden Vice-Chairman presided.

MINUTES

Monday, July 11, 2022 Regular & Executive Sessions:

Motion made by Selectman Cotton to approve the Regular & Executive Session minutes of Monday, July 11, 2022 as presented.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

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

APPOINTMENTS & HEARINGS

Cable & Conduit Hearing: Petition #7856849 from Eversource for Underground Cable and Conduit – Sturgis Lane: Discussion and Approval of Petition #7856849 from Eversource for Underground Cable and Conduit – Sturgis Lane:

The Mashpee Select Board opened the Hearing by reading aloud Petition #7856849 dated July 13, 2022 from NSTAR Electric Company d/b/a Eversource Energy, proposing to install approximately 104' of conduit and cable under the public road on Sturgis Lane necessary to provide electric service to #33 Sturgis Lane, Mashpee.

Due to the unanticipated storm, representatives from Eversource were unable to attend this meeting.

The Board opened the Hearing to solicit comment.

Arden Russell of Sturgis Lane requested representation from the Town of Mashpee to oversee the intended work. Being no further comment, the Select Board motioned as follows;

Motion made by Selectman Sherman to close the Public Hearing.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

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

Mashpee Select Board
Minutes
July 25, 2022

APPOINTMENTS & HEARINGS

Cable & Conduit Hearing: Petition #7856849 from Eversource for Underground Cable and Conduit – Sturgis Lane: Discussion and Approval of Petition #7856849 from Eversource for Underground Cable and Conduit – Sturgis Lane: (continued)

Motion made by Selectman Sherman to approve Eversource Petition #7856849 to install cable and conduit as identified on Sturgis Lane with the Department of Public Works overseeing and inspecting the work. Motion seconded by Selectman Cotton.

VOTE: Unanimous. 4-0.

Roll Call Vote:

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

COMMUNICATIONS AND CORRESPONDENCE

Resignation of Select Board Member: It was announced the Chairman of the Mashpee Select Board, Andrew R. Gottlieb has submitted his resignation. His input and contributions were duly recognized and regarded highly.

APPOINTMENTS & HEARINGS

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

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

Several Special Event Applications were submitted by Mary K. Bradbury, Recreation Director for approval. This includes the following;

- Annual Oktoberfest – October 1, 2022 from 10:00 a.m. – 4:00 p.m. (rain date October 2, 2022) Mashpee Commons Green;
- Veterans Day Ceremony – November 11, 2022 from 10:00 a.m. to 11:30 a.m. Mashpee Veterans Garden/Mashpee Community Park;
- Annual Holiday Tree Lighting – December 12, 2022 from 5:30 p.m. to 6:30 p.m. Mashpee Community Park.

Motion made by Selectman Sherman to approve the Special Event Applications as noted above. Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

Mashpee Select Board
Minutes
July 25, 2022

APPOINTMENTS & HEARINGS

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

A Special Event Application was before the Board for the Annual National Night Out. This is a community/police awareness event hosted by the Mashpee Police Department. All necessary paperwork is in order for the Select Board's approval.

- Annual National Night Out – August 9, 2022 from 5:30 p.m. – 7:30 p.m. at the Mashpee Municipal Complex; 19 Frank E. Hicks Drive.

Motion made by Selectman O'Hara to approve the Special Event Application for the Annual National Night Out as presented.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 4-0.

Roll Call Vote:

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

Mashpee Historical Commission Preservation Award Ceremony (Special Event) August 21, 2022 2-4 pm
Mashpee Community Park Gazebo: Richard DeSorgher:

Richard DeSorgher was in attendance on behalf of the Historical Commission to request approval of the 4th Annual Mashpee Historical Commission Preservation Award Ceremony. Due to the pandemic the ceremony has been cancelled for the past three years. The recipients from 2019, 2021 and 2021 are expected to be honored. This includes recognition in respective order to Ramona Peters on behalf of the Native Land Conservancy, Rosemary Burns for her work to preserve the history of the Town of Mashpee, and to the Mashpee Town Seal Committee for the Town Seal for their preservation of Mashpee's history. Earl Mills, Sr. was the notable first recipient of this award in 2018.

- Mashpee Historical Commission Preservation Award Ceremony – August 21, 2022 from 2:00 p.m. to 4:00 p.m. at the Mashpee Community Park Gazebo. An open house at the Archives will follow.

Motion made by Selectman Sherman to approve the Special Event Application and Temporary Sign Permit for the Historical Commission Preservation Award Ceremony commending all of the recipients.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

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

Mashpee Select Board
Minutes
July 25, 2022

APPOINTMENTS & HEARINGS

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

A Special Event Application was received from the Mashpee Kiwanis to include a One Day Liquor License and waiver of the \$25 liquor license fee for the Annual Beer Tent. This event allows the Kiwanis Club to continue to offer scholarships and support children's programs.

- Annual Beer Tent – October 1, 2022 (rain date October 2, 2022) from 10:00 a.m. to 4:00 p.m. at the Mashpee Village Green.

Motion made by Selectman Cotton to approve the Special Event Application of the Mashpee Kiwanis Club granting a One Day Liquor License on October 1, 2022 with a rain date of October 2, 2022 to include a waiver of the \$25 license fee.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

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

Update on Wastewater Project: Ray Jack:

The Select Board met with Ray Jack, engineer to review the status of the Wastewater Plan. Mr. Jack gave an overview of the regulatory background and proposed revisions to Title V regulations as outlined by the Department of Environmental Protection (DEP) at the Select Board's July 11, 2022 meeting.

The proposed regulatory framework includes the designation of Natural Resource Area NSA designations for watersheds that drain into an estuary with an EPA approved Nitrogen TMDL, and EPA approved and EEA certified 208 Plan. The Town of Mashpee is compliant with the proposed regulatory framework which would become effective on the date of the promulgation of final regulations.

The NSA designation would require all properties within specified watersheds with septic systems to upgrade their Title V system with a Best Available Nitrogen (BAN) Reducing Technology Septic System within 5 years from the promulgation of the regulations. As an alternative, the Town would be required to obtain a Watershed Permit for a specific Watershed. In this approach adaptive management practices and solutions would be applied to address conditions within a 20-year permit.

Under the Watershed Management Plan compliance with Water Quality Standards required by the TMDL must demonstrate that at a minimum 75% of the necessary pollutant reduction levels would be achieved within 20 years. During this time there are mandatory 5-year evaluation periods of review. The permit components are enforceable. This plan would include alternative and innovative approaches including municipal sewerage. After the completion of Phase I it is expected the Town would evaluate the benefit of shellfish in nitrogen remediation.

Mashpee Select Board
Minutes
July 25, 2022

APPOINTMENTS & HEARINGS

Update on Wastewater Project: Ray Jack: (continued)

It is anticipated the draft regulations would be released in the fall with the promulgation of regulations beginning in 2023. The preemptive meeting with DEP is noted to be highly unusual which brings to light the significance of these regulations.

With respect to Phase I of the intended Wastewater Plan the filed sub-bids are scheduled to be open on August 9, 2022 with the general bid opening on August 11, 2022. The contract is on schedule for execution on September 30, 2022. Project completion is anticipated in 2024.

The collection system in Phase I contains (3) lift stations located on Falmouth, Brewster and Mashpee Neck Roads.

With project advancement it was agreed the School Superintendent would be consulted regarding bus routes.

The next step in the process is determining the permit option under the DEP Proposed Regulatory Framework. Mr. Jack has recommended the Town of Mashpee move forward with the 20-year Watershed Permit.

There is concern with the focus of the regulatory framework on nitrogen remediation within the marine environment that does not include the capturing of phosphorus in the freshwater environment. It was agreed the remedial focus on the ponds and lakes would be very beneficial and accelerate the clean water initiative in all impaired water bodies.

Discussion continued regarding the matter of wastewater and the need for corrective measures. Mr. Jack indicated there are a number of options appropriate for the town that would be addressed as the project advances.

Presentation on Phosphorus in the Ponds: Department of Natural Resources Director Ashley Fisher:

Due to illness, the agenda topic was deferred to a future meeting.

Motion made by Selectman Cotton to defer the above referenced agenda topic to a future meeting.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Cotton, yes

Selectman Weeden, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Opposed, none

Mashpee Select Board
Minutes
July 25, 2022

APPOINTMENTS & HEARINGS

Discussion and Possible Vote on Granting an Abatement of Betterment Assessment for 8 Leather Leaf Lane, (Childs River East): Theresa M. Coffin:

The Select Board met with Theresa Coffin of 8 Leather Leaf Lane (Map 79-22-0) to review her request for abatement of a Betterment Assessment in the amount of \$4,945.01 associated to the Road Taking Plan for Leather Leaf Lane.

It was disclosed the Petition Article for the Road Taking Plan was submitted in normal course requiring a Public Hearing (6/18/2018) with the estimate for the road work. Subsequently the road taking plan was approved by a vote of Town Meeting on October 21, 2019. To conform to the requirements of the road taking process 50 +1 signatures were received for the second petition. The Road Taking Plan was a part of the (Childs River East) road conversion process consisting of Leather Leaf Lane, Bog River Bend, Miller Farm Road and Ferngully Pass. The estimated cost to be borne by each of the 60 property owners was \$6,800.50. This is the maximum allowable charge for this betterment. The actual betterment is \$4,945.01

Notice of the Betterment Assessment dated February 14, 2022 was mailed to Ms. Coffin with payment received on March 8, 2022. The property owner has 6 months from the date of assessment notice to file an application for abatement. An application for abatement of \$4,945.01 was filed by Theresa Coffin on June 28, 2022. Discussion followed with respect to the hardship as outlined in the communication of June 28, 2022.

The Select Board was sympathetic to applicant, however there were concerns regarding setting precedence to present and future road takings. It was noted the assessment can be divided into any number of equal parts, not exceeding twenty years. The betterment process also requires a lien on properties until paid in full.

Motion made by Selectman Cotton to deny the Abatement of Betterment Assessment for 8 Leather Leaf Lane (Childs River East).

Motion seconded by Selectman Weeden.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Cotton, yes

Selectman Weeden, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Opposed, none

Mashpee Select Board
Minutes
July 25, 2022

APPOINTMENTS & HEARINGS

Discussion and Approval of Change to Appointments to the Conservation Commission:

Marjorie Clapprood: Member at Large (Term Expires June 30, 2025):

Chad Smith: Associate Member (Term Expires June 30, 2023):

The Conservation Commission at their meeting of July 14, 2022 recommended a change of membership appointments as follows;

- Chad Smith Member At-Large TO Associate Membership with term to expire June 30, 2023
- Marjorie Clapprood Associate Member TO Member At-Large with term to expire June 30, 2025.

Motion made by Selectman Sherman to approve the Change of Appointments of Chad Smith and Marjorie Clapprood to the Conservation Commission as recommended.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Cotton, yes

Selectman Weeden, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Opposed, none

Discussion and Approval of Reappointment of Thomas O'Neill to the Conservation Commission:

Member at Large (Term Expires June 30, 2025):

Thomas O'Neill was in attendance to request the Select Board approve his reappointment to the Conservation Commission as a Member At-Large with a term to expire on June 30, 2025. Mr. O'Neill currently serves as Vice-Chair and would like to continue his volunteer role on the Conservation Commission.

Motion made by Selectman Sherman to reappoint Thomas O'Neill to the Conservation Commission; term to expire 2025.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Cotton, yes

Selectman Weeden, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Opposed, none

Presentation on Port by Port: Profiles and Analysis of the Massachusetts Commercial Fishery:
Cape Cod Commercial Fisherman's Alliance:

The Select Board met with a representative from the Cape Cod Commercial Fisherman's Alliance to review the Town of Mashpee Commercial Fishing Port Profile. Profiles provide an overview of the commercial fishing activity and infrastructure within each municipality. The profiles are part of a larger report which describes the status of the Commonwealth's commercial fishing and port infrastructure.

Mashpee Select Board
Minutes
July 25, 2022

APPOINTMENTS & HEARINGS

Presentation on Port by Port: Profiles and Analysis of the Massachusetts Commercial Fishery: Cape Cod Commercial Fisherman's Alliance: (continued)

Mashpee is noted to have six main harbors; Little River, Mashpee River, Ockway Bay, Popponesset Bay, Shoestring Bay and Waquoit Bay. Using 2018 data, Mashpee's commercial fishery had 68 permitted harvesters with a Mashpee address, 408 trips landing, 28 active permitted harvesters landing in Mashpee and 9 active dealers purchasing in Mashpee.

Commercial harvesters landed 132,516 pounds of catch with an ex-vessel value of \$375,519. Top ranked species include American Lobster, Eastern Oyster and Horseshoe Crab. Cape wide commercial fishermen were paid \$802 million for their catch.

Although there is an enormous economic value, there are challenges facing the commercial fishing infrastructure. This includes lack of docking space and shallow waters. To support commercial fishermen towns can offer reduced fees for parking and launching as well as providing mooring space and dredging. With winter spawning there are grant funds to possibly extend the dredge timing. The Alliance offered to collaborate with the Town on initiatives such as dredging and clean waters. A list of possible grants will be forwarded. It was noted there is (1) young commercial fisherman looking for a mooring in the Town of Mashpee.

The Cape Cod Commercial Fisherman's Alliance was requested to provide additional information regarding the past history of commercial fishing activities for comparison. Updated figures are anticipated to be available by the end of this summer.

OLD BUSINESS

Update on Clear Cutting at Algonquin Avenue:

Correspondence was received from the Cape Cod Commission dated July 14, 2022 regarding the land clearing of multiple lots located at 420 Nathan Ellis Highway and Algonquin Avenue. It is the position of the Commission staff that the proposal would not require mandatory DRI review pursuant to Section 22(e) of the Cape Cod Commission Act. The letter was read into the record. Copies are available in the Office of the Town Manager/Select Board.

In discussing this matter with Evan Lehrer, the Town Planner it is expected there may be more questions of the Cape Cod Commission. The Town of Mashpee is continuing to consult Town Counsel with respect to this concern and the Department of Public Works is working on erosion control. This topic is a standing agenda item and would be further reviewed at the next Select Board meeting.

Mashpee Select Board
Minutes
July 25, 2022

NEW BUSINESS

Discussion and Approval of 2022-23 Town Manager Goals:

Town Manager Rodney C. Collins presented a draft of Goals for 2022-23 to the Select Board for review. Priority goals include; Sewer Construction, Sewer Planning and Enforcement thereof.

**Motion made by Selectman Sherman to table the Town Manager Goals for 2022-23 to the next meeting.
Motion seconded by Selectman O'Hara.**

VOTE: Unanimous. 4-0.

Roll Call Vote:

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

Discussion, Approval & Recommendations on Draft #1 of the October 17, 2022 Town Meeting Warrant Articles:

The Select Board received a draft of Articles proposed for the October 17, 2022 Town Meeting Warrant. At this time, the warrant contains 15 articles (14 from Departments, 1 Petition). It was agreed review would be conducted at the next meeting.

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

Discussion relative to Conservation Law Foundation:

Motion made by Selectman Cotton to add the above referenced topic to the Select Board's agenda as an item not reasonably anticipated to be discussed.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

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

A brief discussion followed with respect to the law suit filed by the Conservation Law Foundation (CLF). It was disclosed the suit with the Town of Barnstable has been dismissed. Town Counsel Patrick J. Costello is currently conducting mutual discussions, and is expected to provide a detailed report to the Select Board. This matter was thus continued to the next Select Board Meeting.

Mashpee Select Board
Minutes
July 25, 2022

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

Reorganization of the Select Board:

Motion made by Selectman Cotton to add to the agenda the Reorganization of the Select Board.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 4-0.

Roll Call Vote:

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

As a result of the resignation of Chairman Andrew R. Gottlieb the Select Board took immediate action to reorganize.

Motion made by Selectman O'Hara to Reorganize as follows;

Selectman John J. Cotton – Chairman

Selectman David W. Weeden – Vice Chairman

Selectman Thomas F. O'Hara – Clerk

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 4-0.

Roll Call Vote:

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

LIAISON REPORTS

Assembly of Delegates: It was announced the Town of Mashpee has received a \$657, 653.41 grant through ARPA funding to implement the Phase I Wastewater Plan. Appreciation gave credit to the Town Managers and to the Finance Director.

TOWN MANAGER UPDATES

ARPA Funding: Appreciation was directed to Dawn Thayer, the Town's Finance Director in securing grant funds as well as to Selectman O'Hara for his diligence on the Assembly.

Assessors: The Assessors' Office is effectively completing its 2018 certification with the MA Department of Revenue to correct a mailing requirement.

Special Event Application: Late-filed was a Special Event Application submitted by the Mashpee Baptist Church that was approved by the Town Manager due to the time-related event.

Mashpee Select Board
Minutes
July 25, 2022

PUBLIC COMMENT

Elana Doyle of Sunset Circle spoke in dismay regarding harassment and bullying, a reminder of high school behavior which includes name calling, belittling and temper tantrums. Ms. Doyle offered the highest admiration and respect to the resigning Select Board member. This is a defeat to the Town of Mashpee losing the involvement of those who truly work in the best interest of the town. Ms. Doyle indicated there is no need to get into personal lives, and to verbally abuse and bully others. This is not the answer.

Marcia Maelinis also stated she is sorry to see Mr. Gottlieb has resigned. Appreciation was given to Select Board member Thomas F. O'Hara for his work in securing ARPA funding through the Assembly of Delegates.

Ms. Maelinis indicated there is an online survey asking residents to sign the poll if they would like to have Tom Fudala appointed to the Sewer Commission. The survey has received nearly 40 signatures to date. With the Select Board's reorganization it is sincerely hopeful this appointment would be reconsidered.

In other matters Arden Russell of Sturgis Lane, an advocate of affordable housing requested that Affordable Housing be considered as a goal of the Town Manager to address this crisis in a coordinated effort.

Karen Faulker of Ashers Path West asked the Select Board to disclose the subject matter of the litigation to be discussed at this meeting. Under state law, the Chair shall state the purpose of all subjects.

EXECUTIVE SESSION/ADJOURNMENT

Selectman Sherman moved that the Board convene in executive session at 8:18 p.m. to discuss strategy with respect to threatened/ imminent litigation relative to claims of Wendy Williams pursuant to G.L. c. 30A, §21(a)(3), with the Chair having declared that an open meeting may have a detrimental effect on the litigation position of the Select Board and the Town.

The Board of Selectmen will not reconvene in Open Session.

Chair Cotton: I declare that an open meeting on these issues may have a detrimental effect on the litigation position of the Town.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Cotton, yes

Selectman Weeden, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Opposed, none

Respectfully submitted,

Kathleen M. Soares

Secretary to the Select Board

Mashpee Select Board
Minutes-Adjournment July 25, 2022

ADJOURNMENT

Motion made by Selectman Sherman to adjourn at 9:01 p.m.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 4-0.

Roll Call Vote:

Selectman Cotton, yes

Selectman Weeden, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Opposed, none

Respectfully submitted,

Kathleen M. Soares

Secretary to the Select Board

**BOARD OF SELECTMEN AGENDA
THURSDAY, JULY 28, 2022
POPPONESSET MEETING ROOM
MASHPEE TOWN HALL
16 GREAT NECK ROAD NORTH
MASHPEE, MA 02649**

1 p.m. – Convene Meeting in Open Session

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

NEW BUSINESS

- Discussion and Approval of October 4, 2022 Special Town Election

ADDITIONAL TOPICS

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

ADJOURNMENT

Mashpee Select Board
Minutes
July 28, 2022

Present: Selectman John J. Cotton, Selectman David W. Weeden,
Selectman Carol A. Sherman (via ZOOM link)
Also Present: Town Manager Rodney C. Collins
Assistant Town Manager Wayne E. Taylor
Town Clerk Deborah Kaye
Absent: Selectman Thomas F. O'Hara

Meeting Called to Order by Chair Cotton at 1:05 p.m.
Mashpee Town Hall, Popponesset Meeting Room

PLEDGE OF ALLEGIANCE
MOMENT OF SILENCE

NEW BUSINESS

- Discussion and Approval of October 4, 2022 Special Town Election

The Town Clerk presented to the Board a proposed special election calendar and venue for the Special Town Election to fill the vacant Select Board seat until the May 2023 election.

Ms. Kaye asked that the Board vote to approve a date of October 4, 2022 with voting being abbreviated from the usual 7 am until 8 pm. The voting would take place at the Quashnet School at 150 Old Barnstable Road.

Board members expressed concerns with the abbreviated voting hours and the Town Clerk stated that voters may vote by absentee ballot up until the Friday before October 4 (September 30). Selectman Sherman said that abbreviated hours make it difficult for residents to vote.

Chair Cotton suggested hours of 12 Noon until 7 p.m., as long as the hours of voting and the opportunity to cast absentee ballots is well publicized. The other Board members concurred.

Motion made by Selectman Sherman to approve the Special Town Election date of October 4, 2022 at the Quashnet School at 150 Old Barnstable Road with the polling hours of 12 Noon until 7 p.m.

Motion seconded by Selectman Weeden.

VOTE: Unanimous. 3-0.

Roll Call Vote:

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

ADJOURNMENT

Motion made by Selectman Sherman to adjourn at 1:17 p.m.

Motion seconded by Selectman Weeden.

VOTE: Unanimous. 3-0.

Roll Call Vote:

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

Respectfully submitted,

Theresa M. Cook
Administrative Assistant

**BOARD OF SELECTMEN AGENDA
WEDNESDAY, AUGUST 3, 2022
POPPONESSET MEETING ROOM
MASHPEE TOWN HALL
16 GREAT NECK ROAD NORTH
MASHPEE, MA 02649**

12:30 p.m. – Convene Meeting in Open Session

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

OLD BUSINESS

- Discussion and Approval of October 4, 2022 Special Town Election

ADDITIONAL TOPICS

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

ADJOURNMENT

Mashpee Select Board
Minutes
August 3, 2022

Present: Selectman John J. Cotton (via ZOOM link), Selectman David W. Weeden (in person),
Selectman Thomas O'Hara (in person arrived at 12:40 pm), Selectman Carol A.
Sherman (via ZOOM link)

Also Present: Town Manager Rodney C. Collins
Assistant Town Manager Wayne E. Taylor
Town Clerk Deborah Kaye

Meeting Called to Order by Chair Cotton at 12:37 p.m.
Mashpee Town Hall, Popponesset Meeting Room

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Resident Marcia MacInnes asked to be allowed to address the Board –

Chair Cotton said that since there was no Public Comment listed on the posted agenda that he would entertain a motion to add "Public Comment" to the agenda.

**Motion made by Selectman Weeden to add Public Comment to the agenda.
Motion seconded by Selectman Sherman.**

VOTE: Unanimous. 3-0.

Roll Call Vote:

Selectman Cotton, yes	Selectman Weeden, yes	Selectman O'Hara, absent for vote
Selectman Sherman, yes	Opposed, none	

PUBLIC COMMENT

Marcia MacInnes stated that she had questions about the July 25, 2022 discussion and the vote to add "Reorganization of the Board" to the agenda and to name John Cotton as the Chair. She further said that this task usually would go to the Vice-Chair and it seemed to be an irregular vote in opposition to prior practice of the Board and to Robert's Rules of Order.

Chair Cotton thanked Ms. MacInnes for her comments and said that since these statements were made during Public Comment that he would not respond at this time, but rather would respond soon.

OLD BUSINESS

- Discussion and Approval of October 4, 2022 Special Town Election

The Town Clerk stated that she is asking the Board to adjust the poll hours previously voted on by the Board at the July 28, 2022 meeting to rectify the inadvertent error of holding voting hours during the Yom Kippur Jewish holiday which begins at sundown on October 4, 2022. After consulting with Rabbi Lieberman of the Falmouth Jewish Congregation, the Town Clerk asked the Board to adjust the hours to 7 a.m. until 5 p.m. from the previous hours of 12 Noon until 7 p.m.

Ms. Kaye further stated that absentee ballots will be readily available for voters that cannot vote during the adjusted voting hours and the alternate ways to vote will be put on the Town's website and Facebook page, Mashpee TV, and the Mashpee Enterprise.

Chair Cotton and Vice-Chair Weeden asked that these procedures be very prominent on the previously mentioned media sources.

Selectmen Sherman and O'Hara stated that they were fine with this as long as the voters can easily access information on how and when they may vote in the Special Election.

Motion made by Selectman O'Hara to approve the Special Town Election the polling hours of 7 a.m. until 5 p.m., approve the "Special Election Warrant" and to widely publicize the alternate ways for residents to vote in this special election.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 4-0.

Roll Call Vote:

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

ADJOURNMENT

Motion made by Selectman O'Hara to adjourn at 12:53 p.m.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 4-0.

Roll Call Vote:

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

Respectfully submitted,

Theresa M. Cook
Administrative Assistant

**TOWN OF MASHPEE
Special Election Warrant
October 4, 2022**

SS BARNSTABLE:

To the Constable of the Town of Mashpee

Greetings:

In the name of the Commonwealth you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in the Election to be held on Tuesday, October 4, 2022, at the Quashnet School, 150 Old Barnstable Road, from 7:00 A.M. to 5:00 P.M.

SELECT BOARD for 7 months (remainder of term), Vote for One

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 3rd day of August, 2022.

John J. Cotton, Chair

David W. Weeden, Vice Chair

Thomas F. O'Hara, Clerk

Carol A. Sherman
Mashpee Board of Selectmen

Mashpee Special Town Election (At a Glance)

Special Town Election

10/4/2022

DEADLINE DATE

Last Day to Obtain/Submit Nomination Papers to Registrars	49	Tuesday, August 16, 2022
Last Day to File Nominations With Clerk	35	Tuesday, August 30, 2022
Last Day to Object or Withdraw	33	Thursday, September 1, 2022
Last Day to Register to Vote	10	Saturday, September 24, 2022
Last Day to Post/Publish Warrant	30	Friday, September 4, 2022

MGL c 53 Sec 9A -- we have
accepted this
5:00 PM MGL c 53, Sec 7
5:00 PM MGL c 53, Sec 10
5:00 PM MGL c 53, Sec 11
5:00 PM 20 days before earlier event
30 days before event

*should Voter REG date fall on weekend -- moves date backwards to FRIDAY before
*should Candidate DEADLINE date fall on weekend -- moves date forward to MONDAY after

Campaign Finance Reports

*Pre-election Report	8	Monday, September 26, 2022
Post Election Report	-30	Thursday, November 3, 2022
Final Report		

Reporting period expires 10 days
prior to submission date

Deborah Kaye
Town Clerk
(508) 539-1418
dkaye@mashpeema.gov



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

To: David Weeden, Vice-Chair
Board of Selectmen

From: Deborah F. Kaye 
Town Clerk

Date: July 25, 2022

Re: Letter of Resignation

I have accepted the resignation from Selectman Andrew Gottlieb. A copy of his letter is attached. Please acknowledge his resignation with deep regret.

With the upcoming mid-term elections and annual town meeting looming ahead of us rather quickly, I am submitting an election calendar and would ask that the Board of Selectmen vote to set the election date for October 4, 2022.

Enc.

:dd

[Town of Mashpee MA] Resignation (Sent by Gottlieb Andrew,

Contact form at Town of Mashpee MA <cmsmailer@civicplus.com>

Sun 7/24/2022 7:43 PM

To: Deb F. Dami <dkaye@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.

Hello ddami,

Gottlieb Andrew has sent you a message via your contact form (<https://www.mashpeema.gov/user/151/contact>) at Town of Mashpee MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.mashpeema.gov/user/151/edit>.

Message:

I resign from the Mashpee Select Board effective immediately, July 24, 2022.



**BOARD OF SELECTMEN AGENDA
WEDNESDAY, AUGUST 3, 2022
POPPONESSET MEETING ROOM
MASHPEE TOWN HALL
16 GREAT NECK ROAD NORTH
MASHPEE, MA 02649**

12:30 p.m. – Convene Meeting in Open Session

**PLEDGE OF ALLEGIANCE
MOMENT OF SILENCE**

OLD BUSINESS

- Discussion and Approval of October 4, 2022 Special Town Election

ADDITIONAL TOPICS

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

ADJOURNMENT

MASHPEE TOWN CLERK

AUG 01 2022

RECEIVED BY:

JK 10:20 A



TOWN OF MASHPEE


OFFICE OF THE SELECTMEN

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

MEMORANDUM

Date: August 3, 2022

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

From: Stephanie A. Coleman, Administrative Secretary 

Re: Appointments to the Cultural Council

Description

Discussion and approval of the following appointments:

- Cultural Council: Member At Large: Lee P. Smith, Term Expires September 30, 2025;
- Cultural Council: Member At Large: Wendy Bornstein, Term Expires September 30, 2023.

Recommendation

Attached is the recommendation for appointment from the Cultural Council and the letters of interest for each candidate.

Ms. Carol A. Sherman
Chairperson
Mashpee Board of Selectman
Town of Mashpee
16 Great Neck Road
Mashpee, MA 02649

March 2, 2022

Dear Ms. Sherman and the Mashpee Board of Selectman,

I would like to be considered as a Member of the Mashpee Cultural Council. Since moving to Mashpee last May, I am a volunteer with the *Cotuit Center for the Arts* and would now like to get more involved in the local community. Of note, I was a past Chairperson of the Dover Cultural Council and am very familiar with the importance of the Cultural Council programs to bring arts and culture to our local communities at large.

Thank you kindly for your consideration. I will look forward to hearing from you.

Sincerely,

Wendy Bornstein

Mashpee, MA 02649

From: Andrea Watson <____>
Sent: Wednesday, June 8, 2022 09:47 AM
To: Stephanie Coleman <SColeman@mashpeeema.gov>
Cc: Nina Cocomazzi
Subject: Mashpee Cultural Council Resignation and Appointment

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.

Hi, Stephanie,

Per our conversation today, would you please submit to the Select Board the resignation of Bill Nay from the Mashpee Cultural Council? He has moved away and we do not have his contact information. In his place, would you please submit our recommendation to appoint Wendy Bornstein? She was accepted by the council members at our March 24, 2022 meeting.

Please advise us of anything else you need or any other action we need to take.

Best regards,
Andrea Watson
Co-Chair, Mashpee Cultural Council

From: Lee Smith < >

Sent: Thursday, January 20, 2022 11:17 AM

To: Terrie Cook <tmcook@mashpeema.gov>

Cc: Rodney C. Collins <rccollins@mashpeema.gov>

Subject: Request to Become a Member of the Mashpee Cultural Council

Attention!: : Links contained herein may not be what they appear to be. Please verify the link before clicking! Ask IT if you're not sure.

To: Mashpee Board of Selectmen

Please consider my request to become a member of the Mashpee Cultural Council. I am a full time resident of Mashpee, and I want to help provide opportunities for Mashpee residents to experience the arts.

I have raised money for cultural organizations, both as a paid employee and a volunteer, for the past 20 years. Presently I volunteer at the Cotuit Center for the Arts, and two years ago I volunteered in the Mashpee Schools as a reader to pre-schoolers and a reading tutor to third graders.

I believe that arts and cultural experiences enhance the lives of children and adults by educating, entertaining and inspiring. I want to promote these experiences to all Mashpee residents.

Thank you for your consideration.

Ms. Lee P. Smith

Mashpee, MA 02649

Deborah Kaye
Town Clerk
(508) 539-1418
dkaye@mashpeeema.gov



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

To: Board of Selectmen

From: Deborah F. Kaye
Town Clerk

Date: August 3, 2022

Re: Letter of Resignation

I am in receipt of a letter of resignation from Mr. Albert Wickel who served as a member of the Mashpee Waterways Committee since January 5, 2009.

Please accept Mr. Wickels' resignation with deep regret.

15 July 22

To: Mashpee Town Clerk
FR: Albert S. Wickel

Subj: Waterways Commission Resignation

Thank you for the wonderful 1 years supporting my town of Mashpee on the Waterways Commission.

I am forced to resign after relocating to the North Woods of Maine and must consider what is best for Mashpee.

Thank you for all your support.



MASHPEE TOWN CLERK

JUL 15 2022

RECEIVED BY: _____




TOWN OF MASHPEE

OFFICE OF THE SELECT BOARD

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

MEMORANDUM

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

From: Stephanie A. Coleman, Administrative Secretary 

Date: August 4, 2022

Subj: Temporary Sign Permit – Annual Seaside LeMans Race

Description

Discussion of the Temporary Sign Permit Application for the Annual Seaside LeMans Race.

Background

The Annual Seaside LeMans Race is scheduled to take place on Saturday, September 10, 2022 at the Mashpee Commons. The applicant is requesting to place a total of seven (7) temporary banners on the fences entering the Mashpee Commons. The face area of each banner is 20 square feet and the signs will be erected September 3rd through September 10th.



Seaside LeMans

The Race For The Crap Cod Community



Seaside LeMans

SPONSORSHIP OPPORTUNITIES

21ST EDITION SEPTEMBER 10, 2022 MASHPEE COMMONS

The Davenport Companies underwrite the entire cost of the event, allowing 100% of sponsor dollars to go directly to the selected beneficiaries. You can be sure your support is helping the Cape Cod community.

FULL KART \$10,000 6 DRIVING SPOTS

HALF KART \$5,000 3 DRIVING SPOTS

SINGLE DRIVER \$2,000 1 DRIVING SPOT

All Driving Sponsorships Include:

- | | |
|----------------------------------|--------------------------------|
| Invitation to Pre-race Dinner | Company Name on 500 Posters |
| Race Day Equipment | Company Name on Event Banners |
| Practice Laps | Company Name on 1000 Brochures |
| Commemorative Sportswear | Inclusion in Radio Advertising |
| Framed Team Photo & Trophy | Inclusion on Social Media |
| Logo in all Print Advertising | PA Announcements on Race Day |
| Logo & Link on SeasideLeMans.org | Tented Team Area on Race Day |

Friends & Supporters • Up to \$2000 • Non-Driving Sponsorship

- | | |
|----------------------------------|-------------------------------------|
| Logo & Link on SeasideLeMans.org | Listing in Select Print Advertising |
| Company Name on 1000 Brochures | PA Announcement on Race Day |
| Company Name on 500 Posters | Inclusion on Social Media |

Seaside Le Mans is a community fundraising event featuring an endurance race of European-style Formula One race karts driven by local sponsors on a quarter-mile outdoor track around Mashpee Commons. The excitement never stops as teams of six change drivers, refuel, pass one another and race around corners and along straightaways. The event is free and open to the public!





Seaside LeMans

2022 Event Details

Pre-Race Dinner Reception for Drivers, Sponsors & Beneficiaries

Date: Friday, September 9

Time: 5:00pm-7:00pm

Location: Venue to be announced soon!

The dinner reception gives drivers a chance to meet their teams, hear the updated rules, plan their driver order, listen to event day and racing details, hear from the beneficiaries and pick up their driver gifts.

Seaside Le Mans The Race for the Cape Cod Community

Race Date: Saturday, September 10

Location: Mashpee Commons

Schedule of Events


10:00 am - 11:00 am.	Parking & Sign-In
10:30 am - 11:30 am:	Open Track Practice Laps
Noon	Opening Ceremony
12:30 pm:	Race Starts
4:00 pm:	Race Ends
4:15 pm:	Awards Ceremony

Any Questions? I'm here to help!

Kelsey Ellis, Event Director, kellis@thedavenportcompanies.com, 508-760-9265

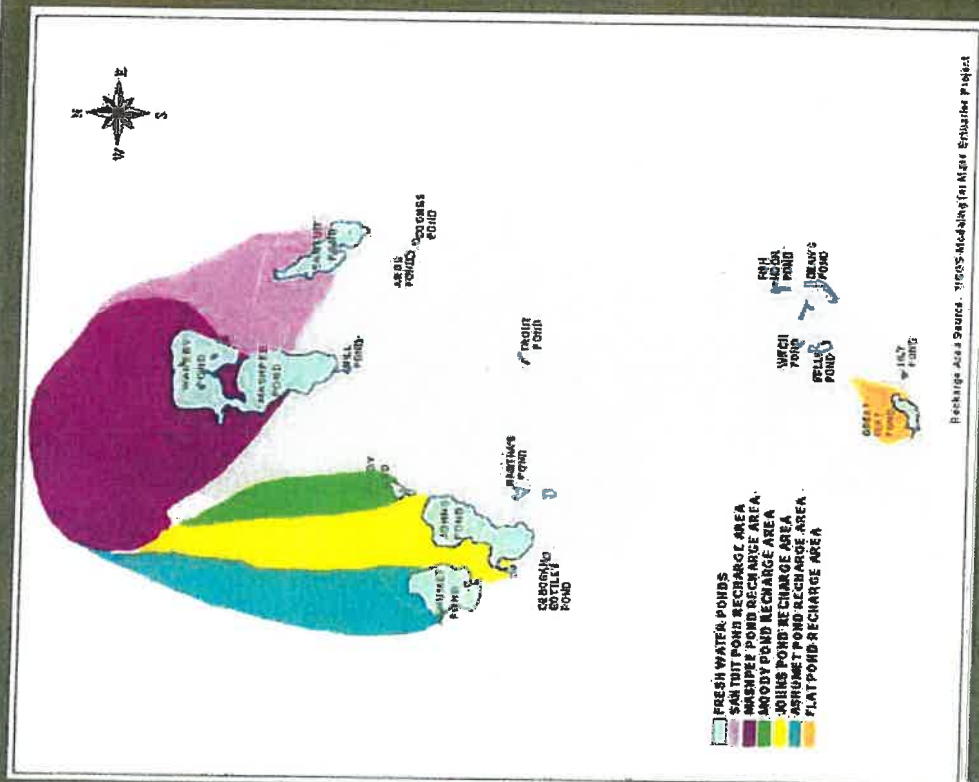
For all the latest race news and updates, follow Seaside Le Mans on Facebook, Twitter & Instagram! www.seasidelemans.org.





MASHPEE POND WATER QUALITY

Mashpee Department of Natural Resources
Ashley Fisher



Add a footer

The Problem

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





Cyanobacteria & Changing Climate

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

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

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

In Lake Treatment AND Control of External Nutrient Sources :

- Internal

- Dredging
- Aeration
- Nutrient Inactivation



- External

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



Ashumet Pond :

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

Ashumet Pond Treatments and Post-Treatment Conditions

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

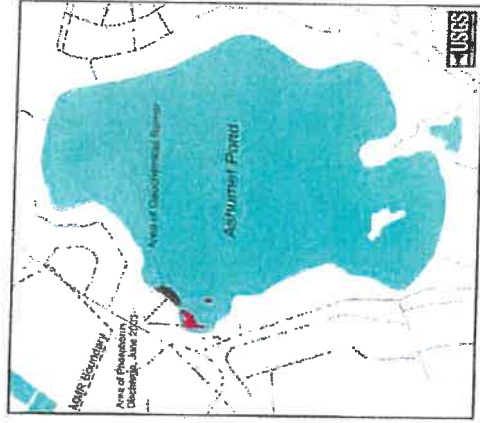


Figure 1. Area of the geochemical barrier and extent of the discharge area of the phosphorus plume at Ashumet Pond in June 2005.

Ashmet Water Quality Data

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

Add a footer

Future Treatments:

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



Santuit Pond

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

Santuit Development



Santuit Pond

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

Sources of Phosphorus:



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

Source: Lake Diagnostic Feasibility Study, AECOM, 2010

Santuit Pond Watershed Based Plan

Pull all activities into nine element plan

Stormwater retrofit 10-20 locations (bioretention, catch basin and roadway drainage retrofits, water quality swales, leaching catch basins, subsurface structures)

Alum Treatment ?

Implementation schedule and budget

Apply for funding for design and Implementation



Santuit Water Quality Data

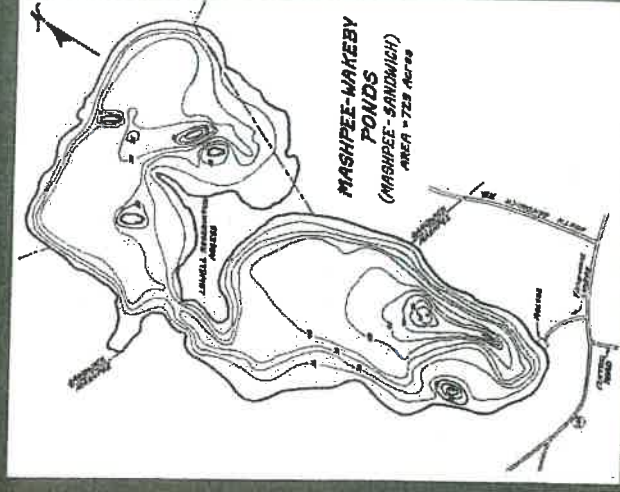
	Total Phosphorous	Chlorophyll	Secchi Depth	Dissolved Oxygen	Cyanobacteria Closure Y/N
2016	Mid (1.5m) = 0.56 μ M	5.73 μ g/L	2.50 m	9.52 mg/L	Y
2017	Mid (1.5m) = 2.41 μ M	38.07 μ g/L	0.90 m	9.18 mg/L	Y
2018	Mid (1.5m) = 2.99 μ M	26.64 μ g/L	0.90 m	4.40 mg/L	Y
2019	Mid (1.5m) = 1.75 μ M	30.69 μ g/L	0.63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

7/20/2022

Add a footer

Mashpee Wakeby Pond

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



Mashpee Basin of Mashpee Wakeby Water Quality

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

7/20/2022

Add a footer

Wakeby Basin of Mashpee Wakeby Water Quality

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

7/20/2022

Add at footer

Mashpee Wakeby Development



Mashpee Wakeby Pond Diagnostic Study

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

John's Pond

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



Ashumet and John's Pond Development



1938



1952



1984



2014

7/20/2022

Add a footer

John's Pond Water Quality

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

7/20/2022

Adding footer

Future?





CAUTION

PUBLIC HEALTH ADVISORY

CYANOBACTERIA BLOOM PRESENT



Waterbody Unsafe for People and Pets

-  Do not swim.
-  Do not swallow water.
-  Keep animals away.
-  Rinse off after contact with water.

Call your local health department with questions:



Additional information is available at: www.mass.gov/dph/e13ee

Add a footer



Town of Mashpee

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

Conservation Commission

8-3-22

TO: Mashpee Select Board
John J. Cotton, Chairman

FROM: Drew McManus
Conservation Agent

RE: Redbrook Rd Culvert Replacement Project

DESCRIPTION:

BACKGROUND: The culvert failure at Redbrook Rd in 2021 lead to the draining of an impounded/flooded abandoned cranberry bog (formerly known as Red Brook). The area of the culvert straddles the town line between Mashpee and Falmouth. The towns worked to investigate the failure to determine the cause, which appeared to be the result of undermining beneath the concrete culvert structure. The towns applied for a grant opportunity through the MA Dept of Ecological Restoration (DER) for technical assistance in determining the issues surrounding the culvert failure and recommendations for remediation. Grant writing assistance was provided by Betsy Gladfelter, Conservation Commissioner in Falmouth. Betsy was pivotal in assisting the town of Falmouth with the restoration of the Coonamesset Bogs. Both towns were awarded this DER technical assistance grant and the consulting firm of Horsley Witten Group was contracted to conduct the study and produce a restoration concept, which has since been submitted and reviewed by both town's respective DPW and Conservation Departments.

The abutting residents around the flooded bog area had grown accustomed to a "waterfront" view over the years prior to the culvert failure. Once the culvert failed and the water drained out, there were immediate concerns about the loss of waterfront conditions as well concerns raised about impacts to wildlife, aquatic life and reports of proliferation of mosquitos. The Towns worked together to temporarily place sandbags at the failed culvert in an effort to try and plug up the leaking and reestablish surface water. The sandbags had to be removed once the assessment by Horsley Witten Group had begun. The sandbags have not been replaced since the study has been completed and the bog area remains in a drained state with the exception of the main stream channel that cuts through the center of the bogs.

CURRENT STATUS:

The Towns of Mashpee and Falmouth, through their respective DPW and Conservation Departments, have reviewed the Culvert Replacement Report provided by Horsley Witten Group. A link to this report has been posted on the Mashpee Conservation page of the Mashpee Town website. To view the report, please follow this link:

https://www.mashpee.ma.gov/sites/g/files/vyhlif3426/f/uploads/220708_finalfeasibility_report_red_brook_rev1.pdf

We have also provided this link to the abutting neighborhood associations for their reference.

To summarize, this comprehensive report evaluated the root cause of culvert failure and makes recommendations for a replacement. The root cause was found to be undermining of the existing culvert...likely due to burrowing activity of wildlife in the area of the culvert /berm that became exacerbated over the years until the failure occurred. The recommendation is to replace the existing culvert with an eight foot wide open box culvert with no water control features. This recommendation will help to improve fish and wildlife passage at this location and alleviate flooding issues that had been experienced with the existing culvert prior to the failure. Road safety is of paramount concern to both towns, thus the decision to not replace the sandbags. As it currently stands, both towns intend to pursue the recommendation from Horsley Witten Group to replace the existing culvert with an 8 ft wide box culvert with associated bank restoration on either side of the culvert area. The Conservation Agents from Mashpee and Falmouth have continued to communicate with the abutters on either side of the abandoned bog area with updates as they come in. It is likely that there will be abutters who will be aggrieved by the decision to replace this culvert with an open culvert moving forward and no longer restrict water in this location. The road layout is owned by both Falmouth and Mashpee; however, the bog area is owned by the respective abutting neighborhood associations. The decision to pursue an open box culvert will obviously impact the previously flooded bog conditions on the association owned land. We have discussed any possible legal ramifications with Town Counsel and have been advised that the town is within its legal right to address the road safety issues despite impacts to the aesthetics of the abandoned bog area owned by the neighborhood associations.

RECOMMENDATIONS:

Both towns intend to move forward with the recommendations in the Horsley Witten Group report. There are multiple grant opportunities being sought to cover the costs of planning, permitting and construction phases of the culvert replacement, including MA Division of Ecological Restoration, the Municipal Vulnerability and Preparedness Program (MVP) and the Natural Resources Conservation Service (NRCS). As previously mentioned, road safety is the driver and primary concern of both towns when it comes to replacing the culvert and eliminating flooding impacts to this area of Redbrook Rd.

Respectfully submitted,

Drew McManus,
Conservation Agent
Town of Mashpee

INTER-MUNICIPAL AGREEMENT BETWEEN TOWN OF MASHPEE AND MASHPEE WATER DISTRICT

This Agreement is entered on this ____ day of August 2022 by and between the Town of Mashpee, a municipal corporation and political subdivision of the Commonwealth of Massachusetts with a usual address of 16 Great Neck Road North, Mashpee, MA 02649, by and through its Board of Selectmen ("the Town"), and the Mashpee Water District, a municipal corporation and political subdivision of the Commonwealth of Massachusetts with a usual address of 79 Industrial Drive, Mashpee, MA 02649, acting by and through its Board of Water Commissioners ("the District").

WHEREAS, the District is duly authorized pursuant to Chapter 136 of the Acts of 1987 to assess District taxes, betterments and assessments; and

WHEREAS, said Act authorizes the Assessors of the Town of Mashpee to act as District Assessors and the Tax Collector of the Town of Mashpee to act as District Tax Collector; and

WHEREAS, the District desires to have the Town provide such assessing and tax collection services to the District for the three (3) year period commencing July 1, 2022 and ending June 30, 2025, provided the duties and responsibilities are not expanded anytime during this period by the creation of a new or reconstituted Water/Sewer District, and the Town is willing to provide such services pursuant to the terms hereof;

NOW THEREFORE, the parties agree as follows:

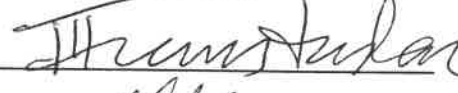
1. The Town shall provide assessing and tax collection services for the District, in accordance with applicable provisions of Massachusetts General Law, including but not limited to provisions of M.G.L. Chapters 59 and 60, for the three (3) year period commencing July 1, 2022. In consideration of said services, the Mashpee Water District shall pay to the Town, as full and exclusive compensation for said services, the sum of \$25,000 on July 15, 2022; the sum of \$25,000 on July 15, 2023 and the sum of \$25,000 on July 15, 2024. No stipend or other compensation payment to the Assessors or Tax Collector shall be authorized or required hereunder.
2. The Mashpee Tax Collector, acting in his/her capacity as District Tax Collector, shall turn over all sums, including principle and interest, collected on District Taxes on bi-weekly basis.
3. The Town shall maintain an Agency Account for the purpose of recording the receipt and disbursement of all sums collected on behalf of the District.

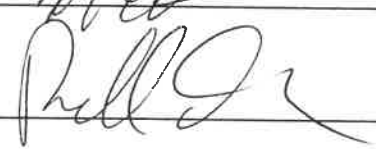
4. In consideration of the mutual promises and commitments set forth herein, the District agrees to abate and release the Town from any obligation to pay any outstanding District Tax or Assessment due to respect to any parcel of real property acquired by the Town by tax foreclosure on or before June 30, 2007. The Town in consideration thereof, hereby agrees to release the District from any obligation or liability for payment of fees owed to the Town of Mashpee for assessing/collection services rendered for fiscal years prior to FY 2008.
5. In the event that the Town forecloses the rights of redemption in and to any parcel of real property for nonpayment of Town taxes and/or District taxes or assessments, any outstanding District tax, charge or assessment receivable, including all interest charges accrued thereon, shall be discharged and set off for Town and District accounting purposes by a "tax possession" credit in the amount of the discharged receivable.
6. In the event that tax foreclosed property is sold, conveyed, or otherwise transferred by the Town for any non-municipal use which would be subject to any District tax, assessment or charge, the District reserves the right to re-assess any tax, assessment or charge discharged by the Town's tax foreclosure at the full and fair amount thereof to be determined in accordance with applicable provisions of law.
7. Real property acquired by the Town other than by tax foreclosure:
 - A. Whenever the Town shall acquire real property subsequent to June 30, 2007 by purchase, gift or eminent domain taking, excluding any acquisition of title under the provisions of M.G.L. Chapter 60 for nonpayment of real estate taxes, charges or assessment, any District charge or assessment due and payable at the time of the Town's acquisition of title shall be collected by the Town and paid over to the District to the fullest extent permitted by law.
 - B. The remaining portion of any such assessment or betterment, which is not due and payable at the time of the Town's acquisition of title, shall be abated by the District, subject to the right of the District to reassess such portion of any tax, assessment or charge in the event that the subject property is sold, conveyed or transferred by the Town for a non-municipal use which would subject the property to District taxes, assessments or charges.
 - C. The Town shall notify the District, in writing, of its intent to acquire title to any real property within the jurisdiction of the District, whereupon, the District shall notify the Town, in writing, of any District taxes, charges or assessment due with respect to the subject property. The Town shall, in accordance with the terms of this Agreement, collect any such District taxes, charges or assessment due and payable as of the date of its acquisition of title at the closing of the subject acquisition and shall, forthwith, tender said sum to the District.

8. By mutual agreement of the parties hereto, the term of this Agreement may be extended upon such terms as the parties deem to be mutually acceptable.

Executed as a sealed instrument on the date referenced hereinabove by the undersigned Board of Commissioners of the Mashpee Water District and Board of Selectmen for the Town of Mashpee in their respective official capacities.

Mashpee Water District, by its
Board of Commissioners





Town of Mashpee, by its
Board of Selectmen

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



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

MEMORANDUM

Date: August 4, 2022

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

From: Administrative Assistant Terrie M. Cook

Re: DRAFT #2 October 17, 2022 Town Meeting Warrant

Town Counsel has reviewed all of the warrant articles and his comments and edits have been incorporated into the articles. There are fifteen articles that were submitted on or before July 11, 2022 (14-Departments; 1-petition)

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

<u>Page #</u>	<u>Submitted by:</u>	<u>Brief Description</u>
1	Treasurer	\$1.48 Million-Wastewater Stabilization to temp borrowing
1	Treasurer	\$1.016 Million –WIIF to temp borrowing
2	Finance Director	\$8,400-cover shortfall planning salary accounts
2	Fire Department	\$22,000- cover shortfall in fire salary accounts
2-8	Planning Board	Floodplain Zone overlay
9-11	Planning Board	Definitions Floodplain Management 174-3.1
11-12	Public Works	Stormwater Asset Management Plan Project
12	Library Trustees	Circulation Supervisor from 34.5 to 37.5 hours per week
12-13	DNR	Santuit Pond horsepower restriction
13	DNR	Mooring Regulations – late fee structure
13-21	DNR	Wetlands Bylaw Fertilizer, Flood Zone, Buffer Zone
21-24	DNR	Nitrogen Control Bylaw – Clarification, Recommendations
24-25	DNR	Waterways Regulations – Adoption of CMR/Ch. 90 B – Ch. 170
25-26	Community Preservation	10% Reserves transfer – CPA Funds M.G.L. Chapter 44B, §6
26	Petition Article	Step one – Road Taking South Cape Homeowner's Association

Thank you.

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

Barnstable, ss:

Greetings to the Constables of the Town,

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

To act on the articles contained in the following Warrant:

Article:

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

Submitted by the Town Treasurer

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

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

Article:

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

Submitted by the Town Treasurer

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

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

Article:

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

Submitted by the Finance Director

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

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

Article:

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

Submitted by the Fire Department

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

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

Article: (REVISED DRAFT ARTICLE INSERTED FROM TOWN COUNSEL EMAIL ON 7-27-22)

To see if the Town will vote to repeal Article XI (Floodplain Zone Provisions) of the Zoning Bylaw in its entirety and replace it with a new Article XI (Floodplain Zone Overlay) to read as follows:

§174-58 Purpose and Intent

The purpose of the Floodplain Zone Overlay is to:

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

§174-59 Use of FEMA Maps and Supporting Studies

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

§174-60 General provisions

Permits for new construction, alteration of structures or other development (any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations), within the A and V Zones as designated on Flood Insurance Rate Maps dated July 6, 2021, and the Flood Insurance Study dated July 6, 2021, which are on file with the Town Clerk, Planning Board and Building Inspector, shall be approved subject to other laws and bylaws applicable thereto and to the following provisions. Definitions of terms used herein or relevant hereto are set forth in §174-3.1 of this Bylaw.

§174-60.1 Disclaimer of Liability

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

§174-60.2 Severability

If any specific and segregable section, provision, or portion of this bylaw is deemed to be unconstitutional, invalid or unenforceable by a court, all other sections or provisions of the bylaw shall remain in full force and effect.

§174-60.3 Designation of community Floodplain Administrator

The Town of Mashpee hereby designates the Building Commissioner to be the official Floodplain Administrator for the Town.

§174-60.4 Requirement to submit new technical data

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

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

And copy of notification to:

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

§174-61 Compliance with State Building Code and Other Laws/Regulations

Any New Construction or substantial improvement to be undertaken within said zones shall be in accordance with applicable requirements of the Massachusetts State Building Code, 780 CMR, as amended. The Building Commissioner shall review all proposed developments within the flood zones to assure that all necessary permits and/or approvals which are obtainable at the time of such review have been issued by those governmental agencies from which such permits/approvals are required by federal or state law or regulation, including applicable provisions of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334.

§174-61.1 Permit requirements

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

§174-61.2 Variances to Building Code Floodplain Standards

In the event that a Variance is requested from the state Building Code Appeals Board, the Town will request from said Board a written and/or audible copy of the portion of the hearing related to the Variance, and will maintain this record in the files of the Building Commissioner.

The Town shall also issue an official executed written notice to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering the subject property noting that: (i) the issuance of a Variance to construct a structure below the base flood level will result in increased premium rates for flood insurance in amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all Variance actions for the referenced development in the Floodplain Overlay District.

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

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

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

§174-61.4 Historic District Procedures

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

§174-62 Subdivisions

All Subdivision proposals shall be designed to ensure that:

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

§174-62.1 Base Flood Elevation Data for Subdivision Proposals

When proposing subdivisions or other developments including more than 50 lots or 5 acres in area, the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

§174-62.2 Manufactured Home Parks and Subdivisions

Notwithstanding the applicable provisions of the Massachusetts State Building Code within Zone AE, for new manufactured home parks and manufactured home subdivisions and for existing manufactured home parks and manufactured home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced:

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

§174-62.3 Manufactured Homes not in Parks or Subdivisions

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

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

§174-63 Development Within V Zones

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

The following shall be prohibited within said V Zones:

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

§174-64 Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and Floodway data, the Building Commissioner shall request from the proponent's registered design professional base flood elevation and Floodway data available from a Federal, State, or other source as criteria for requiring New Construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

§174-64.1 Floodway Encroachment

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

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

§174-64.2 Watercourse Alterations or Alterations in Riverine Areas

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

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

§174-65 AO and AH Zones Drainage Requirements

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

§174-66 Recreational Vehicles

In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all Recreational Vehicles, as defined in §174-3.1, to be placed on a site must be a) elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements, b) be on the site for less than 180 consecutive days, or c) be fully licensed and highway ready.

§174-67 Prohibitions

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

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

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

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

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

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

§174-68 More Restrictive Regulations to Apply

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

§174-69 Enforcement

Violations of any section or provision of this Bylaw may be enforced by the institution of enforcement actions, either criminal or civil, legal or equitable or both, or by fines of not more than three hundred (\$300) dollars for each offense. Each day that such offense continues shall constitute a separate offense. For purposes of this Bylaw, the Building Commissioner, and/or his designee, shall be the Town's enforcement officer.

Submitted by the Planning Board

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

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

Article: (REVISED DRAFT ARTICLE INSERTED FROM TOWN COUNSEL EMAIL ON 7-27-22)

To see if the Town will vote to amend the Zoning Bylaw by adding the following definitions in a new subsection 174-3.1 (Floodplain Management Definitions) as follows:

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

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

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

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

HISTORIC STRUCTURE - any structure that is:

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

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

RECREATIONAL VEHICLE - a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;

- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
 - (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- [US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Submitted by the Planning Board

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

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

Article:

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

Submitted by the Department of Public Works

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

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

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

Article:

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

Submitted by the Library Board of Trustees

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

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

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

Article:

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

§170-19 Santuit Pond Prohibited Uses

- A. Use of motorized boats within Santuit Pond is prohibited except for vessels owned 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.

or take any other action relating thereto.

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

Submitted by the Department of Natural Resources

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

Article:

To see if the town will vote to adopt changes to the Mooring Regulations (Section ____) relative to fees as set forth below:

1. Mooring Permit invoices will be sent out each year for the current year after January 1st via email or mail.
2. Mooring Permit renewal payments must be received on or before March 15th of the calendar year to which the Permit relates.
 - a. Mooring renewals received after March 15th (March 16th through March 31st) will be subject to a late fee charge of \$50.00 in addition to the applicable mooring permit fee. An additional invoice for said late fee charge will be sent out via e-mail or mail.
 - b. Any Mooring permit relative to which the renewal fee is not paid in full by March 31st will be revoked due to non-payment of the current year's fee.
 - c. Permit renewal and late fee invoices/notices are issued by the Town as a courtesy only. Non-receipt of an annual mooring permit invoice is not a basis or justification for late payments or non-payment of fees.

or take any other action relating thereto.

Submitted by the Department of Natural Resources

Explanation: The fee structure for late payment will allow the Harbormaster to decline receipt of fee payments after March 31st each year. This will improve operational efficiency and allow the Harbormaster to begin mooring organization pursuant to the recommendations of the Harbor Management Plan that is currently underway.

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

Article:

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

Additions:

§172 _? Restrictions.

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

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

*(Revised and approved 4/7/05)

C. PERFORMANCE STANDARDS –

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

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

E. Tree Replacement in Buffer Zone

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

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

Notes:

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

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

Changes:

§172-2. Jurisdiction.

Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater or coastal wetlands; marshes; wet meadows; bogs; swamps; vernal pools; banks; lakes; ponds; streams; creeks; beaches; dunes; estuaries; the ocean; lands under water bodies; lands subject to flooding or inundation by ground water or surface water; lands subject to tidal action, coastal storm flowage, or flooding; lands within 150 feet of any of the aforesaid resource areas; rivers; and lands within 200 feet of rivers (collectively the

"resource areas protected by this bylaw"). Said resources shall be protected whether or not they border surface waters.

§172-5. Notice and Hearings.

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

§172-8. Permits, Determinations and Conditions.

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

Regulation 3 (3): Specificity of Work Descriptions:

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

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

Regulation 3 (6): Plan Requirements:

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

- CZM designated Barrier Beaches
- Shellfish beds
- Eelgrass beds (see additional requirements for docks and piers)
- Mapped DEM Restricted Areas (refer to Map and Number)

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

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

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

When may these provisions not apply?

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

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

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

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

- the maintenance of an already existing and lawful structure
- the construction of an elevated walkway for access to a water body at the lower boundary of said bank (or to a lawful dock on said water body). Such walkway shall have no adverse effects other than blocking sunlight from the underlying vegetation for a portion of each day. Such structure shall be constructed in such a way that its surface area and design shall allow the maximum possible amount of sunlight to penetrate and reach the underlying vegetation.
- vista pruning, subject to a Notice of Intent and issuance of an Order of Conditions.
- any other activity (on a single lot) which alters up to 5% of the bank (square footage) or 100 square feet (whichever is less) if the applicant has demonstrated to the satisfaction of the Commission that such alteration will not have any adverse effects (including erosion and the creation of channelized sedimentation) on the wetland values expressed in 172-2 of the Bylaw.

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

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

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

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

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

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

(17) REGULATION 17 – Coastal Resource Areas

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

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

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

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

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

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

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

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

(19) REGULATION 19 – Freshwater Wetlands

A. CRITICAL CHARACTERISTICS AND PRESUMPTIONS OF SIGNIFICANCE:

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

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

B. PERFORMANCE STANDARDS:

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

DEFINITIONS-

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

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

A. Buffer Zones mean any area of land extending one hundred fifty (150) feet horizontally from the boundary of any resource area specified in section 2 of Chapter 172 of the Mashpee Code, with the exception of the resource area: "lands within 200 feet of rivers". Such "lands within 200 feet of rivers" are a protected resource ..., but have no (150 foot) buffer zone.

B. Naturally Vegetated Buffer Strips (NVBS) (as per section 7.A of Chapter 172) are continuously vegetated areas adjacent to resource areas that serve the purpose of minimizing erosion, siltation, loss of groundwater recharge, poor water quality and loss of wildlife habitat. They are usually at least 50% of the Buffer Zone width (see the language of section 7.A. for exceptions). The Commission may require more than 50% of the Buffer Zone width where conditions on a lot make such possible.

The table below shall be used by the Commission in determining impacts and the widths of NVBS required to carry out the mandates of section 1 of Chapter 172. The Commission shall presume that any NVBS of less than 35 feet will have unacceptable effects upon the wetland values of Chapter 172.

Table 29-1 Naturally Vegetated Buffer Strip Characteristics

NATURALLY VEGETATED BUFFER STRIP (NVBS) (WIDTH IN FEET)	SEDIMENT AND POLLUTION REMOVAL (Approx %)	WILDLIFE HABITAT VALUES ASSOCIATED WITH SPECIFIED NVBS WIDTH
15	50%	Poor habitat value; useful for temporary wildlife activities
35	60%	Minimally protects stream habitat; poor habitat value; useful for temporary activities for wildlife
50	>60%	Minimal general wildlife and avian habitat value
65	70%	Minimal wildlife habitat value; some value as avian habitat
100	70%	May have use as a wildlife travel corridor as well as general avian habitat
165	75%	Minimal general wildlife habitat value
250	80%	Fair-to-good general wildlife and avian habitat value
330	80%	Good, general wildlife habitat value; may protect significant wildlife habitat
650	90%	Excellent general wildlife habitat value; likely to support a diverse wildlife community

Submitted by the Department of Natural Resources

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

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

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

Article:

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

CHAPTER 107 NUTRIENT CONTROL BYLAW

§107-1 Purpose

A town bylaw to conserve valuable waterways and other resources that increase our property values, that protect our unique environment vital to our economy, and that reduce the financial burden on taxpayers and property owners by regulating the outdoor application of nitrogen and phosphorous on turf. The regulation of fertilizer applications will reduce the overall amount of excess nitrogen and phosphorous entering the town's resource areas as defined in the Mashpee Wetlands Protection Bylaw (§172-2) and regulations promulgated thereunder. Reducing excess phosphorous helps protect the water quality of Mashpee's ponds and streams. Reducing excess nitrogen helps protect and improve water quality of Mashpee's two (2) valuable estuaries-Waquoit Bay and Popponesset Bay-and their associated bays, coves and waterways; as well as Mashpee's many ponds and streams.

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

§107-2 Applicability

This bylaw shall apply to and regulate any and all applications of nitrogen and/or phosphorous (phosphate) fertilizer on managed turf areas for areas not protected by the Mashpee Wetlands Protection Bylaw (§172-2) within the Town of Mashpee. Application of fertilizer containing nitrogen or phosphorus is prohibited within resource areas protected by the Mashpee Wetlands Protection Bylaw (§172-2).

§107-4 Exemptions

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

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

§107-5 Performance Standards

Lawn specifications shall comply with the following standards:

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

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

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

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

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

Submitted by the Department of Natural Resources

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

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

Article:

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

- 1.) All vessels, when operating, must follow the Rules of the Road. VIOLATION \$50
- 2.) Operation of a vessel in a negligent manner that would endanger any person. VIOLATION \$100. The following may be considered negligent operation:
 - A. Jumping the wake of another vessel
 - B. Following a vessel too closely that is towing a person on any water sport device.
 - C. Weaving through congested waterway traffic at speed.
 - D. Intentionally operating a vessel in such a violent manner, that the operator and or passenger(s) are thrown into the water
 - E. Operating at speed with passengers sitting on the bow or gunwales.
- 3.) Operation of a PWC with a modified exhaust system. VIOLATION \$100 (this mirrors 323CMR 4.03:7B 08)

Submitted by the Department of Natural Resources

Explanation:

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

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

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

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

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

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

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

Article:

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

\$157,445	10% for Historic purposes
\$157,445	10% for Affordable Housing purposes
\$157,445	10% for Open Space purposes
\$1,062,107	to the FY 2023 Community Preservation Fund Budgeted Reserve

as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

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

The Community Preservation Committee voted to approve this article to set aside the 10% Reserves and Budget for Appropriation Reserve to be available for use in fiscal year 2023 as certified by the Finance Director and reflected in the FY 2022 CP-1. The total FY23 appropriation to the 10% Reserves and Budget for Appropriation Reserve is \$1,534,442.

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

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

Article:

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

Submitted by Petition

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

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

THIS CONCLUDES THE BUSINESS OF THE ANNUAL TOWN MEETING

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

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

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

Per Order of,
Board of Selectmen

John J. Cotton, Chair

David W. Weeden, Vice-Chair

Thomas F. O'Hara, Clerk

Carol A. Sherman