

AGENDA
BOARD OF SELECTMEN
MONDAY, JANUARY 10, 2022
WAQUOIT MEETING ROOM
MASHPEE TOWN HALL
16 GREAT NECK ROAD NORTH
MASHPEE, MA 02649

MASHPEE TOWN CLERK

JAN 06 2022

RECEIVED BY: 

Virtual / Remote Meeting

Broadcast Live on Local Cable Channel 18

Public Call in Number: (508) 539-1449

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

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

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES

Approval of the following: Monday, December 20, 2021 Regular Session

APPOINTMENTS & HEARINGS

Public Comment **Call in Number for Public Comment (508) 539-1449**

COMMUNICATIONS & CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

- Discussion and Approval of Seasonal Population Estimate: *Town Planner Evan Lehrer*
- Discussion and Approval of Certificate of Authorization Vote for Signatory on Behalf of the Board of Selectmen
- Discussion and Approval of Acceptance of Resignation, (Effective January 31, 2022), from the Affordable Housing Committee - Member-at-Large (Term Expires June 30, 2022): *Bruce Willard*

ADDITIONAL TOPICS

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

LIAISON REPORTS

TOWN MANAGER UPDATES

EXECUTIVE SESSION

- Discuss Strategy with Respect to Pending Litigation in the Matter of Scannell, et al. v. Mashpee Zoning Board of Appeals and Town of Mashpee, with the Chair Having Declared that an Open Meeting may Have a Detrimental Effect on the Litigating Position of the Town Pursuant to G.L. c. 30A, §21 (a)(3)

ADJOURNMENT

AGENDA
BOARD OF SELECTMEN
MONDAY, DECEMBER 20, 2021
WAQUOIT MEETING ROOM
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6:30 p.m. – Convene Meeting in Open Session

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES

- Discussion and Approval of the Following:
Monday, November 1, 2021 Executive Session; Monday, November 15, 2021 Executive Session;
Monday, December 6, 2021 Regular and Executive Sessions

APPOINTMENTS & HEARINGS

- Public Comment
- 6:35 pm – Public Hearing (Continued from December 6, 2021 for Retail Package Stores and Farmer Series Distillery Pouring Permit only): 2022 Annual Alcoholic Beverage and Entertainment License Renewals
- Discussion and Approval of Appointment of Shellfish Constable, Deputy Shellfish Constables, Assistant Harbormasters; Approval of Notice of Appointments to Division of Marine Fisheries and Division of Law Enforcement as per MGL Chapter 130 Section 98
- Discussion and Approval of the Following Resignations:
 - Affordable Housing Committee, Tribal Representative, Term Expires June 30, 2022: *Marie A. Stone*
 - Affordable Housing Committee, Member At-Large, Term Expires June 30, 2022: *Melinda Baker*
 - Mashpee Inclusion and Diversity Committee, Member At-Large, Term Expires June 30, 2023: *Susan Wilson*
 - Election Warden: *Gillian Dorman*
 - Board of Registrars, Member-at-Large, Term Expires June 30, 2023: *Margaret Bent*
 - Human Services Committee, Member-at-Large, Term Expires June 30, 2022: *Frank Fantasia*
- Discussion and Approval of the Following Appointments:
 - Affordable Housing Committee, Member At-Large, Term Expires June 30, 2022: *Michael R. Richardson*

COMMUNICATIONS & CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

ADDITIONAL TOPICS

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

LIAISON REPORTS

TOWN MANAGER UPDATES

EXECUTIVE SESSION

ADJOURNMENT

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

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

MINUTES

Monday, November 1, 2021 Executive Session; Monday, November 15, 2021 Executive Session;
Monday, December 6, 2021 Regular and Executive Sessions:

Motion made by Selectman Gottlieb to approve the Executive Session minutes of Monday, November 1, 2021 and November 15, 2021 to include the Regular and Executive Sessions of Monday, December 6, 2021 as presented.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Sherman, yes

Selectman Weeden, yes

Selectman Gottlieb, yes

Selectman Cotton, yes

Selectman O'Hara, yes

Opposed, none

APPOINTMENTS & HEARINGS

Public Comment: None at this time.

Public Hearing (Continued from December 6, 2021 for Retail Package Stores and Farmer Series Distillery Pouring Permit only): 2022 Annual Alcoholic Beverage and Entertainment License Renewals:

The Select Board continued the Public Hearing from December 6, 2021 on the 2022 Annual Alcoholic Beverage and Entertainment License Renewals for Retail Package Stores All Alcohol, Wine & Malt and Farmers Brewery Distillery Pouring Permit, Malt Only.

The licenses were held to request general inspection mandates be completed by applicable regulatory boards for the purpose of safety and bylaw conformance.

There is concern with respect to the matter of safety as window signage may hinder visibility on doors and windows. More than 25% of window coverage is considered non-compliant.

The Select Board agreed the licensees should be duly informed of Town regulations in a fair and consistent manner allowing adequate time to make adjustment. Non-compliance would require the licensee to meet with the Select Board, acting as the Licensing Authority to determine the appropriate course of action.

Mashpee Select Board
Minutes
December 20, 2021

Public Hearing (Continued from December 6, 2021 for Retail Package Stores and Farmer Series Distillery Pouring Permit only): 2022 Annual Alcoholic Beverage and Entertainment License Renewals: (continued)

It was recommended the Select Board conduct a full assessment of the Sign Bylaw governing regulations in the Town of Mashpee.

Being no further comment, the Select Board motioned as follows;

Motion made by Selectman Gottlieb to close the Public Hearing.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

Motion made by Selectman Gottlieb to approve the following 2022 Annual Alcoholic Beverage and Entertainment License Renewals with no changes;

Retail Package Store – All Alcohol:

Andy's Market	The Barn	Best Buy Beverages, Inc.
Liberty Liquors	South Cape Wine & Spirits	

Retail Package Store – Wine & Malt:

Commons Convenience	Mashpee Mart	Mashpee Mini Mart	Rory's
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Farmers Brewery Pouring – Malt Only:

Naukabout Beer Company	Cape & Island Distillers
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Motion seconded by Selectmen Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

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Discussion and Approval of Appointment of Shellfish Constable, Deputy Shellfish Constables, Assistant Harbormasters; Approval of Notice of Appointments to Division of Marine Fisheries and Division of Law Enforcement as per MGL Chapter 130 Section 98:

Correspondence was received from Town Manager Rodney C. Collins dated December 16, 2021 regarding Shellfish Appointments. As a housekeeping issue for the purpose of maintaining a record of authority in shellfish management with the Commonwealth under Marine Fisheries, Agriculture and Conservation, the Select Board was requested to affirm the following appointments for a term of 3 years;

Donovan McElligatt – Shellfish Constable
Ashley Fisher – Deputy Shellfish Constable
Christopher Avis – Deputy Shellfish Constable
Sidney Crook – Deputy Shellfish Constable.

It was noted the above referenced individuals serve in good standing under the Department of Natural Resources.

Motion made by Selectman Gottlieb to affirm the above referenced appointments of Shellfish Constable and Deputy Shellfish Constables for a three-year term as presented.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

Discussion and Approval of the Following Resignations:

Affordable Housing Committee, Tribal Representative, Term Expires June 30, 2022: Marie A. Stone:
Affordable Housing Committee, Member At-Large, Term Expires June 30, 2022: Melinda Baker:

The Select Board was in receipt of letters of resignation from the Affordable Housing Committee from Marie A. Stone and Melinda Baker.

Motion made by Selectman Gottlieb to accept the resignation of Marie A. Stone from the Affordable Housing Committee as the Tribal Representative, and from Melinda Baker as a Member At-Large with respective terms to expire on June 30, 2022.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

Mashpee Select Board
Minutes
December 20, 2021

Discussion and Approval of the Following Resignations: (continued)

Mashpee Inclusion and Diversity Committee, Member At-Large, Term Expires June 30, 2023: Susan Wilson:

The Select Board was in receipt of a letter of resignation from Susan Wilson from the Mashpee Inclusion and Diversity Committee as a member At-Large with a term to expire; June 30, 2023.

Motion made by Selectman Gottlieb to accept the resignation of Susan Wilson from the Mashpee Inclusion and Diversity Committee as presented.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

Election Warden: Gillian Dorman:

Correspondence was received from Deborah Dami, Town Clerk dated December 13, 2021 requesting the Select Board approve the resignation of Gillian Dorman as Election Warden.

Motion made by Selectman Gottlieb to accept the resignation of Gillian Dorman as Election Warden as requested.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

Board of Registrars, Member-at-Large, Term Expires June 30, 2023: Margaret Bent:

Additionally, the Town Clerk in her memorandum of December 13, 2021 recommended the Select Board approve the resignation of Margaret Bent as a Member At-Large of the Board of Registrars representing the Democrats of the Town of Mashpee.

Motion made by Selectman Gottlieb to accept the resignation of Margaret Bent from the Board of Registrars as a Member At-Large as recommended.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

Mashpee Select Board
Minutes
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Discussion and Approval of the Following Resignations: (continued)

Human Services Committee, Member-at-Large, Term Expires June 30, 2022: Frank Fantasia:

A letter of resignation was received from Frank Fantasia from the Human Services Committee dated December 8, 2021.

Motion made by Selectman Gottlieb to accept the resignation of Frank Fantasia from the Human Services Committee as a Member At-Large with a term due to expire on June 30, 2022.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

Vacancies will be duly advertised and letters of appreciation would be forwarded to all past committee members for their service to the Town of Mashpee.

Discussion and Approval of the Following Appointments:

Affordable Housing Committee, Member At-Large, Term Expires June 30, 2022: Michael R. Richardson:

Correspondence was received from Allan Isbitz, Chair of the Affordable Housing Committee dated December 16, 2021 recommending the appointment of Michael Richardson. A letter of interest was included in the communication from Mr. Richardson dated December 13, 2021.

Motion made by Selectman Gottlieb to appoint Michael Richardson to the Affordable Housing Committee for a term to expire June 30, 2022.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

COMMUNICATIONS & CORRESPONDENCE

Joint Regulatory Meeting: With the uptick in COVID cases the Select Board agreed to modify the Joint Regulatory Meetings in smaller assemblage to provide a safe environment for those attending. All meetings shall be televised live with unified communication to be made readily available.

Mashpee Enterprise: The Select Board expressed appreciation to *Mashpee Enterprise* reporter Ryan Spencer in his future endeavors. Mr. Spencer was acknowledged for his professionalism in journalism.

Mashpee Select Board
Minutes
December 20, 2021

TOWN MANAGER UPDATES

Town Manager Rodney C. Collins updated the Select Board on several items of interest;

COVID: 19 new positive cases reported, 65 current with 24 out-of-isolation.

FY23 Budget: All Department Head meetings have been held. The FY2023 Budget submittals are currently under review.

Town Hall Closure: Town Offices will be closed on Friday, December 24, 2021 and on Friday, December 31, 2021.

Ockway Boat Ramp: Construction is scheduled to be held on Monday, January 23, 2022 through Friday, February 4, 2022 weather-permitting.

Transfer Station Closure: The Transfer Station will be closed on December 24, 2021 at noon, and on December 25, 2021 and January 1, 2022.

Town Managers Association: At the last Cape Town Managers Association meeting it was agreed a letter would be forwarded to the Barnstable County Commissioners and to the Assembly of Delegates regarding the disbursement of American Rescue Plan Act (ARPA) funds.

Local Inspector Retirement: A small gathering of staff will be held to honor the retirement of Charles Maintanis.

ADJOURNMENT

Motion made by Selectman Gottlieb to adjourn at 6:48 p.m.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Sherman, yes
Selectman Cotton, yes

Selectman Weeden, yes
Selectman O'Hara, yes

Selectman Gottlieb, yes
Opposed, none

Respectfully submitted,

Kathleen M. Soares
Secretary to the Select Board



Evan R. Lehrer

Town Planner

(508) 539-1400 x. 8521
elehrer@mashpeema.gov
www.mashpeema.gov/Planning

"There is no logic that can be superimposed on the city; people make it, and it is to them, not buildings, that we must fit our plans." -Jane Jacobs

MEMORANDUM

To: Chair Sherman and the Honorable Members of the Select Board
From: Evan Lehrer, Town Planner
Date: 12/29/2021
Re: ABCC Calendar Year 2022 Seasonal Population Estimate

Executive Summary

I have calculated that there will be an estimated population of 36,251 persons in Mashpee at the peak of the summer season for Summer 2022. This estimate is consistent with 2021 estimates and increased by fifty-three (53) persons. Data utilized this year differed slightly than in previous years. Some figures from the 2020 Census were available however, other critical data were not. Instead of utilizing the 2010 Census data that is now outdated, I used, where available the most recent American Community Survey Estimates

Calendar year 2021 was generally consistent with prior year development patterns. In total, Mashpee added 91 housing units to its stock in calendar year 2021. 89 of 91 were detached single family dwellings while 3 of 91 were accessory apartments.

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

2021 Housing Units

Unit Type	Total Units
Single-Family	7,130 (+89)
Two-Family	130
Three-Family	6
Condominium	2,790
Multiple Houses on Single Lots	170
Apartments	286
Mobile Homes (permitted)	159
Accessory Apartments	67 (+3)
Single Room Units	60
TOTAL	10,886 (+91)

Data Source: Town of Mashpee Building Department, Assessors Department, Health Department, Zoning Board of Appeals, and Mashpee Commons records.

The total number of dwelling units in Mashpee increased by ninety-one (91) units in calendar year 2021. This increase results from 102 building permits for detached single family dwellings being issued throughout the year. 13 of the 102 permits that were issued were raze and replace special permits from the Board of Appeals resulting in no net gain. New single family home construction totaled 89. Additionally, three (3) building permits were issued for new accessory apartments.

Year Round Population

For the purposes of this calculation, Single-room units and accessory apartments will be qualified separately for other housing types. Removing these dwelling types from the total number of units in Mashpee, results in 10,759 private housing units with 2.21 persons per unit according to the 2019 American Community Survey 5-year estimates. The 2020 Decennial Census data shows that 64.3% of households are occupied year round.

10,759 * .643 (occupancy rate) = an estimated 6,913 year-round occupied private homes in Mashpee.

6,913 year-round occupied homes * 2.21 persons per unit = 15,277 (excluding accessory apartments/single room units)

Individuals in accessory apartments and single room units must also be accounted for at 1.2 residents unit.

127*1.2 persons per unit = 152 residents in single room units/accessory apartments

15,277+152=15,429

There was a marginal decrease indicated of 17 persons in Mashpee's estimated year round population from 15,446 to 15,429. This is likely a result of utilizing the 2019 ACS 5-year estimate for persons per unit. Without the 2020 census data available for persons per unit, the ACS estimate is the best figure. The 2010 Census had 2.29 persons per unit. This would have shown an increase in the year round population by nearly 400 people.

Summer Housing Units

98.8% of total private housing units are occupied in the summer season. This total takes into consideration the occupancy rate of 64.3% plus 34.5% of housing units that the 2010 US Census indicated as "seasonal, recreational or occasional use." 2020 Census Data for this metric are not yet available. Using this methodology the difference of 1.2% of total housing units may account for homes on the market, vacancies, etc. If housing units in Mashpee are 98.8% occupied in the summer season, then there are 10,755 of 10,886 units occupied in the summer.

Total Occupied Units (Summer)	10,755
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10,755 Summer Occupied Units - 6,913 (Units Occupied Year Round) = 3842 Occupied Seasonal Units

Summer Population

Visitors to year-round homes (rate of 0.43)*	2,973 (+99)
Occupants per summer occupied homes (rate of 4.4)**	16,905 (-31)
Accessory apts/MHA/single rooms/nursing/Riverbend	562
Motel Room/Inns/Resorts (rate of 2 per room)	250
Campsites (33 sites with 4 person capacity)	132
SEASONAL POPULATION	20,822 (+70)
TOTAL PEAK POPULATION (YEAR ROUND + SEASONAL)	36,251 (+53)

*Rate comes from studies conducted in 1982 for CCPEDC and cited by P. Herr in the 1985 report "Options for Cape Cod's future."

**Rate from the 2008 Survey of Cape Cod Second-Home Owners conducted by UMass Donahue Institute report for the Cape Cod Commission

TOWN OF MASHPEE
BOARD OF SELECTMEN
CERTIFICATE OF AUTHORIZATION VOTE

I, the undersigned, Deborah F. Dami, duly elected Town Clerk of the Town of Mashpee, hereby certify in my official capacity that the Town of Mashpee Board of Selectmen ("Board") at a duly convened public meeting on January 10, 2022 did, by vote of five (5) in favor, zero (0) opposed, authorize the following action:

Moved that the Board vote to authorize the Chair, or in the Chair's absence, the Vice-Chair to execute and endorse all decisions, permits, approvals, plans, orders, instruments or other documents, of whatever nature, on behalf of, and as duly authorized agent for, the Board of Selectmen.

The within authorization shall terminate upon further vote of the Board or on April 1, 2022, whichever occurs first.

Attested: _____
Deborah F. Dami
Town Clerk

(SEAL)



TOWN OF MASHPEE

OFFICE OF SELECTMEN

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

MEMORANDUM

Date: January 5, 2022

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

From: Stephanie A. Coleman, Administrative Secretary 

Re: Resignation from the Affordable Housing Committee – Bruce E. Willard

Description

Discussion and acceptance of the resignation of Bruce E. Willard from the Affordable Housing Committee.

Background

Correspondence was received on January 5, 2022 from Bruce E. Willard expressing his decision to resign from the Affordable Housing Committee effective January 31, 2022. The term of the appointment expires June 30, 2022.

Mashpee, MA 02649

January 5, 2022

Carol Sherman, Chair
Mashpee Board of Selectmen
Mashpee, MA 02649

Dear Chair Sherman,

It is regret, I submit my letter of resignation from the Town of Mashpee Affordable Housing Committee, effective January 31, 2022.

I have truly enjoyed my years serving on the AHC and working with Board members Bud Abbott, Berkeley Johnson, Marie Stone, Allan Isbitz, Noelle Pina, and Melissa Baker.

I also enjoyed working with Rodney Collins, Wayne Taylor, and Evan Lehrer.

Allan Isbitz is doing an excellent job as Chair of the Affordable Housing Committee. I'm fully confident the AHC will continue to explore the most effective ways to provide more affordable housing options for the residents of Mashpee.

Sincerely,

Bruce E. Willard