

**AGENDA  
BOARD OF SELECTMEN  
MONDAY, FEBRUARY 28, 2022  
WAQUOIT MEETING ROOM  
MASHPEE TOWN HALL  
16 GREAT NECK ROAD NORTH  
MASHPEE, MA 02649**

**\*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, February 7, 2022 Regular Session

**APPOINTMENTS & HEARINGS**

- Public Comment
- Discussion and Approval of the Following Appointments and Resignation:  
Appointment: Community Park Committee: *Richard DeSorgher, Member at Large, Term Expires June 30, 2022*  
Appointment: Affordable Housing Committee: *Cassie Jackson, Tribal Representative, Term Expires June 30, 2022*  
Resignation: Inclusion and Diversity Committee (MIDC): *JoAnn Nadeau, Member at Large, Term Expires June 30, 2022*

**CONVENE JOINT MEETING WITH THE CAPITAL IMPROVEMENT PROGRAM COMMITTEE**

6:35 pm – Fiscal Year 2023 Capital Improvement Program Hearing

**ADJOURN JOINT MEETING WITH THE CAPITAL IMPROVEMENT PROGRAM COMMITTEE**

**COMMUNICATIONS & CORRESPONDENCE**

**OLD BUSINESS**

**NEW BUSINESS**

1. Discussion and Approval of 2022 Shellfish Regulations: *Shellfish Constable Donovan McElligatt*
2. Discussion and Approval of Draft #1 May 2, 2022 Special and Annual Town Meeting Warrant Articles
3. Discussion of and Approval of Adding Articles to the May 2, 2022 Special and Annual Town Meeting Warrants

**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 TOWN CLERK**

**FEB 24 2022**

RECEIVED BY: Sm

**AGENDA**  
**BOARD OF SELECTMEN**  
**MONDAY, FEBRUARY 7, 2022**  
**WAQUOIT MEETING ROOM**  
**MASHPEE TOWN HALL**  
**16 GREAT NECK ROAD NORTH**  
**MASHPEE, MA 02649**

\*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**

**CONVENE JOINT MEETING WITH THE AFFORDABLE HOUSING TRUST**

Discussion and Approval of Transfer of Title of Real Property located at 108 Commercial Street (Mashpee Assessors Map 81, Parcel 130) for Purposes of Affordable Housing Development

**ADJOURN JOINT MEETING WITH THE AFFORDABLE HOUSING TRUST**

**MINUTES**

Approval of the following: Monday, January 24, 2022 Regular Session

**APPOINTMENTS & HEARINGS** \*Call in Number for Public Comment (508) 539-1449\*

- Public Comment
- Discussion of a Proposed Town Meeting Article with Regard to Prohibiting the Discharge of Fire Arms or Hunting on Public Property: *Richard L. Terry*

**COMMUNICATIONS & CORRESPONDENCE**

**OLD BUSINESS**

**NEW BUSINESS**

Town Manager Rodney Collins:

- Presentation of Fiscal Year 2023 Operating Budget
- Overview of the Fiscal Year 2023 Capital Improvement Program

**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 – Affordable Housing Trust  
Minutes  
February 7, 2022

---

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

### **CONVENE JOINT MEETING WITH THE AFFORDABLE HOUSING TRUST**

Discussion and Approval of Transfer of Title of Real Property located at 108 Commercial Street  
(Mashpee Assessors Map 81, Parcel 130) for Purposes of Affordable Housing Development:

The Affordable Housing Trust meeting was Called to Order by Chairman Sherman at 6:32 p.m.  
In addition to the Select Board members, Allan Isbitz, Mike Richardson, and Glenn Thompson were  
in attendance.

After a brief review in support of the referenced transfer of real property, the Select Board made the  
following motion;

**Motion made by Selectman Gottlieb to Move that the Board vote to transfer all rights, title and  
interest of the Town of Mashpee in and to the parcel of real property identified as 108  
Commercial Street (Assessors Map 81, Parcel 130) to the Mashpee Affordable Housing Trust  
for purposes of developing affordable housing and to authorize the execution of a Deed to effect  
said transfer in title upon final preparation thereof by Town Counsel.**

**Motion seconded by Selectman Weeden.**

**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 – Affordable Housing Trust  
Minutes  
February 7, 2022

---

Discussion and Approval of Transfer of Title of Real Property located at 108 Commercial Street (Mashpee Assessors Map 81, Parcel 130) for Purposes of Affordable Housing Development:  
(continued)

**Motion made by Mr. Richardson to move that the Board of Trustees vote to accept all rights, title and interest of the Town of Mashpee in and to the parcel of real property identified as 108 Commercial Street (Assessors Map 81, Parcel 130) for purposes of developing affordable housing; to authorize the execution of a Certificate of Acceptance of Deed for recording with the Deed to consummate said transfer of title; and, further, to authorize the acceptance of grant funds from the Mashpee Economic Development and Industrial Corporation (EDIC) for purposes of conducting a feasibility study in conjunction with the EDIC relative to the proposed development of affordable housing at the 108 Commercial Street site, and to authorize the Town Manager to procure such services and execute such contracts or other instruments as may be necessary to proceed with such feasibility study.**

**Motion seconded by Selectman Cotton.**

**VOTE: Unanimous. 8-0.**

**Roll Call Vote:**

Selectman Sherman, yes	Selectman Weeden, yes	Selectman Gottlieb, yes
Selectman Cotton, yes	Selectman O'Hara, yes	
Mr. Isbitz, yes	Mr. Richardson, yes	Mr. Thompson, yes
Opposed, none		

#### **ADJOURN JOINT MEETING WITH THE AFFORDABLE HOUSING TRUST**

**Motion made by Selectman Gottlieb to adjourn the Affordable Housing Trust meeting.**

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

**VOTE: Unanimous. 8-0.**

**Roll Call Vote:**

Selectman Sherman, yes	Selectman Weeden, yes	Selectman Gottlieb, yes
Selectman Cotton, yes	Selectman O'Hara, yes	
Mr. Isbitz, yes	Mr. Richardson, yes	Mr. Thompson, yes
Opposed, none		

Discussion of a Proposed Town Meeting Article with Regard to Prohibiting the Discharge of Fire Arms or Hunting on Public Property: Richard L. Terry:

A citizen petition was received from Richard L. Terry requesting the Select Board sponsor an article at the next town meeting prohibiting the discharge of fire arms or hunting on public property.

It was disclosed the petitioner has withdrawn the proposed petition article pending discussions with the Town Manager to address any issues regarding this matter.

Mashpee Select Board  
Minutes  
February 7, 2022

---

## MINUTES

Monday, January 24, 2022 Regular Session:

**Motion made by Selectman Gottlieb to approve the Regular Session minutes of Monday, January 24, 2022 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

Before the onset of Public Comment, Select Board Chair Carol A. Sherman read the following public message into the record to advocate for civility and respect during public meetings.

*A few weeks ago, I said before a board meeting and requested that we as a community turn down the temperature, I advocated civility and respect in public meetings we must understand there will be a difference of opinion. Compromise will not always be easy. Today I would like to refer to Policy 54 that was adopted by the Select Board on June 4, 2007. It specified professional conduct for members of boards, committees and commissions in conducting official Town business. It states to uphold with honor, dignity with the reputation of the Town of Mashpee in keeping with the standard (which is not listed in the memo), the Town has a reference guide book that includes a committee handbook on how to be an effective member of a public board, an open meeting law summary and a public records law summary.*

*Select Board Chair Carol A. Sherman implored everyone to maintain the standards of decorum in perspective strongly recommending that all members of a board, committee, and commission receive a copy from the Office of the Town Manager as it is important for residents to understand the roles and responsibilities of boards, committees and commissions. It is important for all of us to respect the differences of opinion and to encourage meaningful dialogue and not to discourage it. In that spirit Chairman Sherman recommended that everyone work together in the best interest of Mashpee. There is a lot of work to do and we need everyone to participate in this volunteer position which has turned into a second job with what we have on our plate with respect to housing, wastewater and the comprehensive plan. The Select Board needs your trust and your respect to let us do our job.*

Mashpee Select Board  
Minutes  
February 7, 2022

---

## APPOINTMENTS & HEARINGS

### Public Comment:

Lynne Barbee of 73 Surf Drive expressed appreciation to the above referenced comments echoing the same advocacy. Ms. Barbee offered comment on a recent letter publicized in the *Mashpee Enterprise* on February 4, 2022 from the Planning Board Chairman regarding the trade of Trout Pond for development agreements with Mashpee Commons. Ms. Barbee stated “we all want the best from everyone in town, to have cooperation and respect with no back room deals.”

Brian Weeden a resident of 133 Main Street and Chair of the Mashpee Wampanoag Tribe indicated the Tribe and its people have been here for over 12,000 years and there was no colonial concept of ownership with regards to our land. Mr. Weeden stated “the land is us and we are the land. Our instruction from the creator was and still is to take care of the earth and the land as it has been done before us.”

Mr. Weeden indicated that federal and state legislation protects the Tribe’s aboriginal rights to hunt, fish, trap, and to gather and harvest on the land that has belonged to the Tribe for thousands of years. As a Sovereign Nation there are birthrights where Indians cannot be prohibited from practicing their aboriginal rights.

It was explained the aboriginal rights are of critical importance to the physical survival of the Mashpee Wampanoag and their community traditions, lifeways and culture. The federal government recognizes and confirms the existence of these rights granting an easement over private lands to allow the Tribe’s access to their places.

In speaking of the proposed petition article Mr. Weeden indicated the petition would not apply to tribal members, and if it was approved it would show more harm and animosity between tribal and non-tribal members.

In closing Mr. Weeden stated if the petition was not withdrawn, it would have been necessary to have meaningful conversation with the Tribe and the Town of Mashpee.

Elana Doyle spoke against the support of any prohibition to hunting and agreed with the Select Board Chair’s comments to get back on track and be respectful of the Mashpee community. When asked of the Charter review process, it was noted that although the committee is anticipated to reconvene in 2025, it is permissible to begin review sooner if the town choses to do so. Ms. Doyle was advised to call the Office of the Town Manager/Select Board for additional information.

Mashpee Select Board  
Minutes  
February 7, 2022

---

## **APPOINTMENTS & HEARINGS**

### Public Comment: (continued)

Anthony Willig of 3 Sandy Fox Drive also spoke on the proposal to ban the discharge of fire arms and hunting on public property. Mr. Willig asked how the residents would be informed on the discussions with lead petitioner Richard L. Terry. Mr. Willig asked why would this ordinance ever be necessary as there is no demonstrated need. If it is so considered, the facts would be absolutely necessary. Mr. Willig read aloud a letter regarding the decrease of sustainable habitat, and hunting as a means to control the wildlife population. Hunting also allows for the opportunity to explore and to connect with the natural environment. It also provides a moderate level of exercise, and it is a stress release level.

Although the Select Board and Town Manager do not generally engage in public discussions during Public Comment, it was agreed that an exception would be made. Town Manager Rodney C. Collins offered comment by stating first and foremost, any person or group has a right to petition Town Meeting. The petitioners have the right to come before a public body to state their reason(s) for the petition. The Select Board has not discussed the merits of this petition. The agenda topic is simply an opportunity to allow a resident to be heard and to state why this potential bylaw would be favorable.

Town Manager Collins indicated he spoke with the petitioner earlier today for the purpose of communication and to avoid potential conflict. Reaching out to the petitioner was deemed a positive approach. Mr. Collins indicated he asked the petitioner if we would be able to take a step back and hit pause to see if any issues could be resolved. The petitioner agreed this was a good idea. Town Manager Collins indicated he would remain transparent in this process and report his findings to the Select Board in public session. The matter would be handled in full public disclosure with the full integrity and support of the Select Board. In closing, Town Manager Collins indicated he conducts his business above board and if Mr. Terry chooses to pursue the petition through the Select Board, all conversations will be conducted in a full open meeting.

## **COMMUNICATIONS & CORRESPONDENCE**

Joint Base Cape Cod: Communication was recently received from Rose Forbes indicating the project contracted for the construction of wells to protect the Town's water supply is advancing forward.

Mashpee Select Board  
Minutes  
February 7, 2022

---

## **NEW BUSINESS**

### Town Manager Rodney Collins:

#### Presentation of Fiscal Year 2023 Operating Budget:

Town Manager Rodney C. Collins gave an overview of the proposed Town Manager's FY 2023 Operating Budget recommending \$66,016,686 which represents a 3.68% increase from last year. The budget as currently identified is \$1,029,000 less than what has been requested.

At this time, the operating budget does not recommend new staffing, although staffing needs are justified in the Town Manager's Office and in Accounting and warrant articles may result in staffing proposals.

Budget priorities include increased spending on wastewater, public safety and community services.

Estimated new growth is projected at \$700,000. The estimated levy capacity is \$2,008,702. Due to an increase in the Room Occupancy tax and Medicaid reimbursement received estimated receipts have increased by \$120,000. As in previous years, free cash in the amount of \$1,500,000 will be used as a budgetary offset.

It was noted the Town is ahead of its estimations as the projected revenue is higher than what was assumed when the wastewater budget projections were made.

However, the Marijuana tax has been a bit of a disappointment as revenues have been less than what was originally planned.

The recommended budget for the Mashpee Public Schools is \$23,402,261. This represents a 0.44% increase over their FY 2022 budget.

The Police and Fire Department operational budgets have respectively increased by 4.68 and 4.54 percent.

The budget as presented will sustain operations and contract obligations with all collective bargaining agreements. The budget will also include wastewater management and funds necessary to continue the wastewater operations timeline.

It is also recommended the Town support a study of HVAC improvements to both the Town and the Schools.



Mashpee Select Board  
Minutes  
February 7, 2022

---

Overview of the Fiscal Year 2023 Capital Improvement Program:

The Capital Improvement Program Committee has been working diligently recommending capital projects to be funded through Capital Stabilization funds, MCAT, Ambulance Receipts and funds available for appropriation (Free Cash).

The Capital Improvement Program (CIP) identifies \$288,500 to the Department of Public Works to continue their vehicle replacement program. Two vehicles are proposed to support the Fire Department's request as well as replacing breathing stations and equipment. The total funding amount is \$215,000.

Addition capital requests include \$50,000 to the Information Technology Department for software, and \$108,200 to the Department of Natural Resources for a truck and water quality improvements. Funding in the amount of \$2,064,805 is earmarked for several recommended Planning & Construction improvements.

The CIP also recommended funding to conduct a \$376,000 diagnostic study of Santuit Pond and to implement water quality improvements to Mashpee/Wakeby Pond.

The Mashpee Middle/High School Track & Field project is recommended to be financed with available Free Cash. Approval of this project would require a 2/3<sup>rd</sup>'s vote at the May Town Meeting.

A capital proposal submitted by the Mashpee Archives to protect valuable items is proposed to be presented to the Community Preservation Committee for funding consideration in October.

The Capital Improvement Plan in its entirety will be presented to the Select Board at their February 28<sup>th</sup> meeting.

The Select Board was in unanimous agreement to support the FY 2023 budget recommendations of the Town Manager as initially identified.

**TOWN MANAGER UPDATES**

Due to technicalities, the formal name change of the Board of Selectmen to the Select Board has not been approved. This is expected to be rectified.

It was reported there has been 12 new positive cases of COVID, 36 current in Mashpee with 23 moved out of isolation.

Mashpee Select Board  
Minutes  
February 7, 2022

---

**ADJOURNMENT**

**Motion made by Selectman O'Hara to adjourn at 7:18 p.m.**

**Motion seconded by Selectman Cotton.**

**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



# TOWN OF MASHPEE

## OFFICE OF SELECTMEN

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

### MEMORANDUM

Date: January 18, 2022

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

From: Stephanie A. Coleman, Administrative Secretary

Re: Appointments: Affordable Housing Committee and Community Park Committee

---

#### Description

Discussion and approval of the appointments of the following:

- **Cassie Jackson: Affordable Housing Committee, Tribal Representative, term expires June 30, 2022.**
- **Richard DeSorgher: Community Park Committee, Member At-Large, term expires June 30, 2022.**

Attached for the Board's reference are the letters of interest and/or resumes for each appointment.



## *Mashpee Affordable Housing Committee*

### *Mashpee Town Hall*

*16 Great Neck Road North, Mashpee, MA 02649*

February 3, 2022

Selectman Carol Sherman, Select Board Chairperson  
16 Great Neck Road North  
Mashpee, MA. -2649

Subject: Ms. Cassie Jackson, MWTC Secretary  
Candidate for Appointment  
To the Affordable Housing Committee

Dear Selectman Sherman:

I recently received a copy of an email Ms. Cassie Jackson sent to your attention expressing interest in being considered to fill the Tribal vacancy on the Affordable Housing Committee. Today I had the opportunity to speak with her about her interest. My conclusion from our conversation is that Ms. Jackson understands very well the need for affordable housing in Mashpee not only for the Wampanoag people whose house needs she would understandably advocate on the Committee, but also the need for affordable housing generally for all residents in town.

Adequate housing for families in need has been a central concern of Ms. Jackson, personally and professionally, for many years. She has held a number of positions in Mashpee that has given her broad experience and understanding of the programs and services that help families of the Mashpee Wampanoag Tribe for whom such publicly funded programs are of great importance. This has included many services that focus on housing stability and self-sufficiency. Some of these services she managed were intended to provide assistance to Tribal members who are U.S. veterans. Other programs were designed to prevent homelessness and serve those who are homeless.

Affordable housing is a complex and multi-faceted issue. Ms. Jackson clearly understands this. Education, for example, is important for the job opportunities it opens for the next generation and for their future housing and family stability. Among the jobs she has held is one involving the education of Mashpee students who are members of the Wampanoag Tribe. For almost 3 years she worked for the Mashpee Public Schools serving as Indian Education Assistant. This involved recruiting student members of the Wampanoag Tribe to engage in the Indian Education Program. She also structured tutoring programs and helped students with college preparation.

Subsequent to her employment with Mashpee Public Schools, Ms. Jackson has held a number of positions working for the Mashpee Wampanoag Tribe including positions in Emergency Services, Housing, and Child & Family Services.



## ***Mashpee Affordable Housing Committee***

### ***Mashpee Town Hall***

*16 Great Neck Road North, Mashpee, MA 02649*

Service programs are an important and frequently an essential part of a successful affordable housing project. Affordable housing is important in and of itself, of course, for many families who would otherwise have immense difficulty finding decent, safe and sanitary homes to live and raise their children. However, many service programs are targeted to residents of affordable housing to provide the means for them to improve family stability, seek job opportunities, and help overcome financial difficulties that are frequently part of the daily challenges they face.

In our attempts to provide affordable housing and meet our 10% goal mandated under the laws of the Commonwealth, we cannot forget the basic purpose behind this effort: to stabilize the life of the needy families who live in and around Mashpee, and provide opportunities for them to improve their circumstances. It is the service supports we are able to provide in conjunction with affordable housing that will accomplish this.

Ms. Jackson has a wealth of experience and understanding of the broad context we must address in pursuit of an effective housing policy for our residents. Her advocacy in this regard will serve our committee well, and I look forward to her presence on our committee.

I have enclosed a copy of her resume for your review. Thank you for considering her appointment to the Affordable Housing Committee.

Respectfully,

Allan Isbitz, Chairperson

Encl. Resume of Cassie Jackson

CC: Selectman Carol Sherman, Chairperson, Select Board  
Rodney Collins, Town Manager  
Noelle Pina, Clerk  
Mike Richardson, Member  
Kayla Baier, Member

**From:** Cassie Jackson  
**Sent:** Wednesday, January 19, 2022 4:48 PM  
**To:** Terrie Cook <tmcook@mashpeema.gov>  
**Subject:** Affordable Housing Committee LOI

**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.

Good Afternoon,

I, Cassie Jackson, Secretary of the Mashpee Wampanoag Tribal Council, would like to be considered as an interested tribal/community member on the Affordable Housing Committee.

I am an avid member of the Mashpee Wampanoag Tribal Community and have lived in Mashpee for over 20 years.

I have worked as the Mashpee Wampanoag Tribe Housing Administrative Assistant for three (3) years, I am well versed in affordable housing resources to assist all and have a strong presence in our community to give a hand up and help those in need.

I wholeheartedly want to ensure our community has the voice and opportunity to be included with all endeavors for the betterment of our people and generations to come.

Respectfully,

Cassie Jackson, A.S  
MWTC Secretary  
Mashpee Wampanoag Tribe  
483 Great Neck Road South  
Mashpee, MA 02649  
(508) 477-0208

# Cassie D. Jackson

---

. \* Mashpee, MA 02649 \*

## EDUCATION

Cape Cod Community College *Bookkeeping Certificate 2014* Hyannis, MA  
Course work includes: Microcomputer Applications-Word, Excel, PowerPoint, Access, and Outlook; Office Communications; Accounting I & II; Quick Books; Personal and Small Business Taxes

Cape Cod Community College *Associates Degree 2005* West Barnstable, MA  
Course work includes but not limited to: General Psychology, Principles of Investigation, Principles of Sociology, Police and Court Systems, Ethical Issues in Criminal Justice, Juvenile Delinquency, Crisis Intervention in Psychology, Procedural Law and Substantive Law

## SKILLS

Proficient in Microsoft Word, Excel, Power Point, Outlook, and Access  
Organized, independent and resourceful  
Experience with Quick Books  
Able to maintain confidentiality of information and documents  
Ability to work in crisis situations  
Dedicated, friendly and caring nature  
Planning, Multi-taking, relationship building

## WORK HISTORY

2021-Present **Tribal Secretary**

*Mashpee Wampanoag Tribe*

Mashpee, MA

- Designated record-keeper of Tribal Council affairs
- Building meaningful relationships
- Creating change for the betterment of Tribal members

2020-2021 **Child & Family Services Administrative Assistant**

*Mashpee Wampanoag Tribe*

Mashpee, MA

- Provide customer services to all tribal members seeking services
- Performs all required typing, filing and clerical duties
- Order all necessary office equipment and supplies
- Maintain department finances, filing systems, policies and procedures
- Assist tribal members with accessing alternate resources
- Research and provide director with beneficial training information for the department staff
- Assist with consumer onboarding, transitions and exit plans
- Finding ways to improve the administrative process

2017-2020 **Housing Department Assistant**

*Mashpee Wampanoag Tribe*

Mashpee MA

- Provide customer services to all tribal members seeking services
- Performs all required typing, filing and clerical duties
- Scheduling meetings and appointments
- Order all necessary office equipment and supplies
- Maintain department finances, filing systems, policies and procedures
- Prepare documents for meetings and business trips
- Taking notes and minutes in meetings
- Assist tribal members with accessing alternate resources in addition to increasing income and homeless prevention
- Manage the residential Rehabilitation Program and Indian Health Services Sanitation Program
- Research and provide director with beneficial training information for the department staff
- Research and book travel arrangements for the department staff
- Finding ways to improve the administrative process

## **Cassie D. Jackson**

Mashpee, MA 02649 \*

\*

2014-2017

### **Emergency Service Specialist**

*Mashpee Wampanoag Tribe*

Mashpee, MA

- Develop and maintain program budget, policies and procedures
- Manage Veteran Supportive Service funding and develop programming to assist tribal veterans to become self-sufficient
- Manage Domestic Violence funding and develop programming to assist tribal members to live violent free and become self-sufficient
- Manage Emergency Service funding and develop programming to connect tribal members to appropriate supports and become self-sufficient
- Created Human Services Resource Directory to provide resource and referral information to the community
- Established the Homeless Task Force to identify the homeless population and their family needs
- Community outreach to network with external agencies and build upon the resource library
- Create all application forms and file maintenance
- Host Financial literacy work shops
- Assist tribal members with increasing income, managing monthly bill, housing stability and homeless prevention

2012-2014

### **Mashpee Public Schools**

Mashpee, MA

*Indian Education Assistant*

- Experience working with school district and community based programs
- Monitoring and maintaining program policies, procedures and standards
- New student, parent and staff orientation
- Recruit tribal youth to engage in services provided by the Indian Education Program
- Collaborate with individuals and organizations to work with the youth in all areas of life
- Develop traditionally appropriate curriculum & activities for grades k-12
- Attend IEP meetings
- Assist students with tutoring and college preparations
- Student advocate
- Maintain all records and filing systems
- Performs all required typing, filing and clerical duties
- Review all incoming mail, prioritize and respond appropriately

2009-2012

### **Executive Administrative Assistant**

*Crystal Garden Children's Center, Inc.*

Hyannis, MA

- Provide technical assistance to the Executive Director in monitoring and maintaining program standards
- Grant writing and reporting
- New parent and staff orientation
- Maintain all records and filing systems
- Performs all required typing, filing and clerical duties
- Records staff minutes for the Center
- Review all incoming mail, prioritize and respond appropriately

2007-2009

### **Receptionist**

*Child Care Network*

Hyannis, MA

- Performs all required typing, filing, and clerical duties
- Responsible for the timely processing of all required data systems report
- Record staff minutes for Department
- Processing training registration fees for deposit
- Maintain tuition assistance waitlist



## **Cassie D. Jackson**

---

Mashpee, MA 02649 \*

2003-2007 **Administrative Assistant**

*Cape Cod Community College, Financial Aid Dept., Barnstable, MA*

- All receptionist functions
- Perform all required typing, filing, data entry and clerical duties
- Assist students with FAFSA application
- Assist students with identifying scholarships and affordable loans

### **PROFESSIONAL DEVELOPMENT / CERTIFICATIONS / AFFILIATIONS**

Notary Public

Certified Bookkeeper

Certified Enough Abuse Campaign presenter on child sexual abuse prevention

February 9, 2022

Hon. Board of Selectman  
Mashpee Town Hall  
Mashpee, Ma 02649

Dear Board of Selectmen,

I noticed there are vacancies to the Mashpee Community Park Committee. I wish to submit the following letter of interest in being appointed to that committee. As a member of the Mashpee Historical Commission, I have had a great deal of interest and contact with Community Park. I have been very active on the Mashpee War Monument Committee, researching and planning for the soon to be constructed war monument to be located in Community Park. I was also instrumental in researching and working to add the honor stones and flagpoles to Veterans'' Garden. Following the death of Frank Lord, I have served as Mashpee's 1831 One-Room Schoolhouse "School Master." I have a great deal of interest in the care, history and future of the park and would be willing to assist the committee in anyway possible to help achieve those ends.

Sincerely,

Richard DeSorgher  
Mashpee, Ma 02649



# TOWN OF MASHPEE

## OFFICE OF SELECTMEN

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

### 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 Mashpee Inclusion and Diversity Committee

---

#### Description

Discussion and acceptance of the resignation of JoAnn Nadeau from the Mashpee Inclusion and Diversity Committee.

#### Background

The attached correspondence was received on February 11, 2022 from JoAnn Nadeau expressing her decision to resign from the Mashpee Inclusion and Diversity Committee. The term of the appointment expires June 30, 2022.

February 11, 2022

Dear members of the Mashpee Select Board,

I am writing to officially resign from the Mashpee Inclusion and Diversity Committee as of March 1, 2022.

It has been an honor to have worked alongside the members of this committee, who are working to promote and celebrate inclusion and diversity in our town. I want to particularly thank Mr. Collins for recognizing the need to re-institute this committee (formally known as the Mashpee No Place for Hate committee) in 2018. The Mashpee Enterprise carried the story of his decision at a time when I was looking for a way to be involved with this type of work.

I am moving to Oregon in the spring and that is the only reason for my resignation. I hope to continue this important work in whatever community I am living in on the west coast.

Thank you again for the opportunity to give back to this town where I have lived with my family since 1976.

Yours sincerely,

JoAnn Nadeau

Mashpee, MA

Cc: Mashpee Inclusion and Diversity Committee

**TOWN OF MASHPEE  
PUBLIC HEARING NOTICE  
CAPITAL IMPROVEMENT PROGRAM COMMITTEE**

The Board of Selectmen, in conjunction with the Capital Improvement Program Committee, will conduct a hearing on the proposed Capital Improvement Plan for Fiscal Year 2023. Said hearing will take place on Monday, February 28, 2022 at 6:35 p.m., in the Waquoit Meeting Room at Mashpee Town Hall, 16 Great Neck Road North, Mashpee, MA. 02649

Copies of the Capital Improvement Plan are available in the Office of the Town Manager.

Please be advised, if the Mashpee Town Hall is closed to the public due to the COVID-19 public health emergency the public may participate in the following manner:

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

**\*Call in Comment Number: (508) 539-1400 extension 8585\***

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

**Comments may be submitted via email to [bos@mashpeema.gov](mailto:bos@mashpeema.gov) prior to the meeting.**

Per Order of  
***Mashpee Board of Selectmen***

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

## Capital Improvement Program Committee Fiscal Year 2023 Report

<u>DEPARTMENT</u>	<u>AMOUNT</u>
<b><u>DPW</u></b>	
Replace 2014 Ford F550	\$ 110,000
Replace 2017 John Deere mower	\$ 63,500
Replace 2002 Evaco Trailer	\$ 35,000
Replace 1997 CAT ITG Loader (Year 1 of 3 Year Lease/Own)	\$ 80,000
Purchase Compact Track Loader with V-plow attachment	\$ 57,900
<b>Total DPW</b>	<b>\$ 346,400</b>
<b><u>Fire Dept:</u></b>	
Purchase of 2 vehicles (Replace 371 utility & 373 Inspector F-150 truck)	\$ 130,000
Replace SCBA Compressor & Fill Station	\$ 85,000
<b>Total Fire</b>	<b>\$ 215,000</b>
<b><u>Information Technology:</u></b>	
VMWare Server-Town Hall	\$ 50,000
<b>Total I.T.</b>	<b>\$ 50,000</b>
<b><u>Natural Resources:</u></b>	
Truck Replacements	\$ 90,200
Water Quality Sonde Replacements (3 @ \$30,000 each)	\$ 90,000
<b>Total Natural Resources</b>	<b>\$ 180,200</b>
<b><u>Planning &amp; Construction:</u></b>	
Flooring Replacement-Various Buildings	\$ 89,640
MMHS Field Improvement (CPC= \$1,709,400, CIP= \$1,260,950)	\$ 1,260,950
DNR Facility	\$ 369,215
MMHS Gymnasium Upgrades	\$ 75,000
Quashnet Gymnasium Upgrades	\$ 155,000
School HVAC Upgrades (AC/Ventilation)	\$ -
<b>Total Planning &amp; Construction</b>	<b>\$ 1,949,805</b>

## Capital Improvement Program Committee Fiscal Year 2023 Report

### Police:

10 Police Vehicles	\$	156,000
4 Police Vehicles	\$	56,000
<b>Total Police</b>	<b>\$</b>	<b>212,000</b>

### School

Kitchen Equipment Upgrades	\$	25,000
Chromebook Leases	\$	45,000
Interactive Boards Systems in Classrooms	\$	25,000
IPAD Replacement	\$	25,400
<b>Total School</b>	<b>\$</b>	<b>120,400</b>

<b>TOTAL CAPITAL</b>	<b>\$</b>	<b>3,073,805</b>
----------------------	-----------	------------------

### Funding:

Capital Stabilization	\$	1,385,740
Revenue Available for Appropriation ("Free Cash")	\$	1,688,065
<b>TOTAL</b>	<b>\$</b>	<b>3,073,805</b>

### Special Town Meeting Three (3) Articles:

DPW: Purchase Compact Track Loader with V-plow attachment	\$	57,900
Planning & Construction: MMHS Field Improvement (CPC= \$1,709,400, CIP= \$1,260,950)	\$	1,260,950
Planning and Construction: DNR Facility	\$	369,215
<b>Total from Revenue Available for Appropriation ("Free Cash")</b>	<b>\$</b>	<b>1,688,065</b>

### Annual Town Meeting Article:

All other items from Capital Stabilization Fund	\$	1,385,740
---	----	-----------

### Article STM

## Capital Improvement Program Committee Fiscal Year 2023 Report

To see if the Town will vote to appropriate and transfer the sum of \$369,215 from revenue available for appropriation to the Natural Resources Capital Account for the customization of facilities for the Department of Natural Resources, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** The Capital Improvement Program Committee voted unanimously to recommend that the Town use revenue available for appropriation ("Free Cash") to complete the customization of the purchased condominium units for the Department of Natural Resources and further, to be voted at the May Special Town Meeting for the funds to become available during Fiscal Year 2022.

FISCAL YEAR 2023 CAPITAL IMPROVEMENT PROGRAM	
PLANNING & CONSTRUCTION	
DNR Facility	\$ 369,215

### Article STM

To see if the Town will vote to appropriate and transfer the sum of \$1,260,950 from revenue available for appropriation to the Department of Public Works Capital Account for the Mashpee Middle-High School Field Improvements, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** The Capital Improvement Program Committee voted unanimously to recommend that the Town use revenue available for appropriation ("Free Cash") to improve the athletic fields at Mashpee Middle-High School, specifically replacement of the grass field in the stadium with synthetic turf and reconstruction of the track and further, to be voted at the May Special Town Meeting for the funds to become available during Fiscal Year 2022. The full cost of this project is \$2,970,350 with the balance of the funding, \$1,709,400 appearing as an article submitted by the Community Preservation Committee (CPC).

FISCAL YEAR 2023 CAPITAL IMPROVEMENT PROGRAM	
PLANNING & CONSTRUCTION	
MMHS Field Improvements	\$ 1,260,950

### Article STM

To see if the Town will vote to appropriate and transfer the sum of \$57,900 from revenue available for appropriation to the Department of Public Works Capital Account for the purchase of a Compact Track Loader contingent upon the award of the Shared Streets and Spaces Grant, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** The Capital Improvement Program Committee voted unanimously to recommend that the Town use revenue available for appropriation ("Free Cash") to purchase a compact track loader to be used for snow removal to allow for a faster response for plowing the pedestrian/bicycle facilities after a storm. The purchase is contingent upon the Town receiving approval of a Shared Streets and Spaces grant.

FISCAL YEAR 2023 CAPITAL IMPROVEMENT PROGRAM	
DPW	
Compact Track Loader with V-plow attachment	\$ 57,900



## Capital Improvement Program Committee Fiscal Year 2023 Report

### Article ATM

To see if the Town will vote to appropriate and transfer the sum of \$1,385,740 from available funds to various department Capital Accounts, as specified in the chart accompanying this Article, or take any other action relating thereto.

Submitted by the Board of Selectmen

FISCAL YEAR 2023 CAPITAL IMPROVEMENT PROGRAM		
REQUESTS BY DEPARTMENT	FY 2023 CIP COMMITTEE RECOMMENDATIONS	FY 2023 TOWN MANAGER RECOMMENDATIONS
<b>DPW</b>		
Replace 2014 Ford F550	\$ 110,000	\$ 110,000
Replace 2017 John Deere Tractor	\$ 63,500	\$ 63,500
Replace 2002 Evaco Trailer	\$ 35,000	\$ 35,000
Replace 1997 CAT ITG Loader (Year 1 of 3)	\$ 80,000	\$ 80,000
<b>Total DPW</b>	<b>\$ 288,500</b>	<b>\$ 288,500</b>
<b>FIRE</b>		
Purchase 2 Vehicles (Chief 371/Inspector 373)	\$ 130,000	\$ 130,000
Replace SCBA Compressor & Fill Station	\$ 85,000	\$ 85,000
<b>Total Fire</b>	<b>\$ 215,000</b>	<b>\$ 215,000</b>
<b>INFORMATION TECHNOLOGY</b>		
VMWare Server - Town Hall	\$ 50,000	\$ 50,000
<b>Total Information Technology</b>	<b>\$ 50,000</b>	<b>\$ 50,000</b>

## Capital Improvement Program Committee Fiscal Year 2023 Report

### FISCAL YEAR 2023 CAPITAL IMPROVEMENT PROGRAM (continued)

REQUESTS BY DEPARTMENT	FY 2023 CIP COMMITTEE RECOMMENDATIONS	FY 2023 TOWN MANAGER RECOMMENDATIONS
<b>NATURAL RESOURCES</b>		
Replace Trucks	\$ 90,200	\$ 90,200
Water Quality Sonde Replacements (3 @\$30,000)	\$ 90,000	\$ 90,000
<b>Total Natural Resources</b>	<b>\$ 180,200</b>	<b>\$ 180,200</b>
<b>PLANNING &amp; CONSTRUCTION</b>		
Flooring Replacement	\$ 89,640	\$ 89,640
MMHS Gymnasium Upgrades	\$ 75,000	\$ 75,000
Quashnet Gymnasium Upgrades	\$ 155,000	\$ 155,000
<b>Total Planning &amp; Construction</b>	<b>\$ 319,640</b>	<b>\$ 319,640</b>
<b>POLICE</b>		
10 Police Vehicles (Year 3 of 3)	\$ 156,000	\$ 156,000
4 Police Vehicles (Year 2 of 3)	\$ 56,000	\$ 56,000
<b>Total Police</b>	<b>\$ 212,000</b>	<b>\$ 212,000</b>
<b>SCHOOL</b>		
Kitchen Equipment Upgrades	\$ 25,000	\$ 25,000
Chromebook Leases	\$ 45,000	\$ 45,000
Interactive Board Systems in Classrooms	\$ 25,000	\$ 25,000
IPAD Replacement	\$ 25,400	\$ 25,400
<b>Total School</b>	<b>\$ 120,400</b>	<b>\$ 120,400</b>
<b>TOTAL ALL DEPARTMENTS</b>	<b>\$ 1,385,740</b>	<b>\$ 1,385,740</b>

**Explanation:** This article is to appropriate and transfer \$1,385,740 from the Capital Stabilization Fund for the FY 2023 capital budget. This article requires a 2/3rds vote.



# TOWN OF MASHPEE

## DEPARTMENT OF NATURAL RESOURCES

Mashpee Town Hall  
16 Great Neck Road North  
Mashpee, Massachusetts 02649  
Telephone – (508) 539-1409

### MEMORANDUM

**February 18, 2022**

TO: Rodney C. Collins, Town Manager  
Honorable Members of the Mashpee Selectboard

FROM: Donovan McElligatt, Town of Mashpee Shellfish Warden

RE: Recommendation for Changes to Mashpee Shellfish Regulations

---

#### Description

A full review and update to the Mashpee Shellfish Regulations has been completed by the Shellfish Division and Shellfish Commission. The Shellfish Commission voted unanimously to approve these new regulations and forward to the Selectboard for final approval at their January 25<sup>th</sup> special meeting. If approved by the Selectboard these regulations would be promulgated for the upcoming shellfish season starting April 1<sup>st</sup>.

#### Background

A full update of the Mashpee Shellfish Regulations has been in the works for over a year. This update was needed to bring the regulations up to date with current M.G.L. regulations, as well as bring the regulations up to par with other cape towns. Fine schedules were also adjusted to be weighted more heavily for repeat offenders or offenses that have a particularly significant impact to the fishery or public health. These regulations also address current gaps in enforcement abilities for shellfish issues within Town in order to ensure the protection of public health and sustainability in of our fisheries. The new regulations also codify several Best Management Practices (BMP's) for Aquaculture industry as established by the "Best Management Practices for the East Coast Shellfish Aquaculture Industry." These aquaculture specific regulations will help to ensure proper and safe management of the current and future aquaculture industry within Town.

Lastly, thru consultation with the Conservation Agent, who is also the Towns appointed Herring Warden; a section on Herring Rules and Regulations was added as authorized under the Mashpee Town By-Law 145-1. These new herring regulations allow the Herring Warden to formally address issues that have a history of occurring in order to protect the Town's valuable herring runs.

### Changes Made to Existing Regulations

Changes to the Shellfish Regulations are too numerous to incorporate into memo form so the below changes represent the more significant improvements made to the regulations. For all changes please see the attached proposed new regulations.

#### **Catch Limit Changes:**

Recreational: The proposed change would decrease the harvest limit for recreational fishermen from two "Pecks" per week to one.

Justification: The two primary species harvested recreationally in Mashpee are oysters and quahogs. The oyster fishery is seasonal and already limited to one "peck" per person. Quahogs are harvested year round however, and with the current limited ability to source quahog seed this limit reduction is needed to keep the sustainability of the Town's recreational quahog fisheries.

Commercial: The proposed change would increase the limit that commercial fishermen can harvest with the addition of two bushels or sorted "large" quahogs. (Any quahog over the size of littleneck is considered "large").

Justification: Current regulations allow licensed commercial fishermen in Mashpee to keep 3 bushels of "mixed" (various sized) quahogs per day. Commercial fishermen are economically incentivized to keep only smaller product as it holds a higher market value. As a result the majority of larger quahogs are thrown back during the digging process to maximize daily profit. A proliferation of large quahogs in an area has the risk of causing "bottom stagnation," in which smaller new stocks of quahogs are outcompeted by the older and larger quahogs in the area. This can result in the stagnation of a sustainable fishery. This new regulation will allow commercial diggers to take an additional two bushels of strictly larger clams to hopefully incentivize commercial diggers to keep larger quahogs instead of returning them to the water.

#### **Addition of Other Regulated Species:**

Other Species Regulations: The proposed regulation changes also incorporate applicable State M.G.L. and CMR laws and regulations pertaining to other species such as Blue Crabs, Conch, and Surf clams.

Justification: Incorporating current state laws and regulations serves as a powerful tool in order to address compliance issues with some of the lesser known shellfish species in Town. In particular Blue Crabs are an enormously popular recreationally fished species in Mashpee. Incorporating these laws and regulations will give the Shellfish Division the ability to address current issues regarding the poaching and management of these species.

## **Veteran Licensing:**

Veteran Shellfish licenses: A new class of Veteran Shellfish Licenses has been added to the shellfish regulations in compliance with the 2018 “Brave Act” bill that was passed in Massachusetts.

Justification: The Brave Act of 2018 added a provision to M.G.L Ch. 130 Sec. 52 that no Municipality is allowed to charge an honorably discharged veteran service member a rate higher than the current resident rate for a shellfish license. This change to the Mashpee Shellfish Regulations formally codifies this and establishes a new shellfish license class for resident and non-resident veterans.

## Recommendation

As the Town’s Shellfish Warden, responsible for the safe and productive management of the Town’s shellfisheries I respectfully recommend to the Board of Selectmen that they adopt these regulations forthwith in order to ensure Mashpee’s compliance with all applicable State guidelines and to safeguard both public health and the livelihood of independent aquaculturists in Town.

Respectfully Submitted,

Donovan McElligatt  
Shellfish Warden  
Town of Mashpee

# 2022 DRAFT

# TOWN OF MASHPEE

# SHELLFISH

# REGULATIONS



PLEASE READ THIS DOCUMENT

IT IS YOUR RESONSIBILITY TO KNOW THE RULES AND  
REGULATIONS GOVERNING OUR SHELLFISHERY

**Chapter 145-1: All persons shall read or listen to a reading of, and understand the Mashpee Shellfish Regulations before shellfishing.**

The Mashpee Select Board do hereby issue the following policies and regulations for shellfishing in the Town of Mashpee as authorized by Massachusetts General Laws, Chapter 130, and Section 52. These regulations are effective as of \_\_\_\_\_ and remain in effect until further notice. These regulations supersede all previous regulations.

### **Adoption of regulations; posting of changes.**

- A. These regulations are made by the Selectboard of the Town of Mashpee, under the authority of General Laws, Chapter 130, and the Town of Mashpee By-Laws. These regulations shall supersede any former shellfish regulations and shall continue in force until rescinded or replaced by the Selectboard, or until the authority to make and enforce shellfish regulations has been repealed.
- B. These regulations are subject to change from time to time and said changes will be posted at the Town Clerk's Office bulletin board, the Shellfish Division Offices, and the Natural Resources website.
- C. All persons shall read or listen to a reading of, and understand the Mashpee Shellfish Regulations before shellfishing.

### **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ANNUAL REPORT** - A report that must be submitted to the Town every year before February 28th which includes the total number of each kind of shellfish planted, produced or marketed during the preceding year upon or from a licensed aquaculture area, and an estimate of the total number of each kind of shellfish at the time of such report, planted or growing thereon (MGL Chapter 130; Section 65).

**APPRENTICE COMMERCIAL SHELLFISHING PERMIT** — Granted under the authority of the Shellfish Warden to a resident child under the age of 16 for the purpose of assisting a sponsor Town of Mashpee commercial shellfish permit holder.

**AQUACULTURE LICENSE**- An authorization, granted by a vote of the Selectboard, to utilize a specific tract of land, under coastal waters (1) to plant and grow shellfish using in-bottom or off-bottom culture; (2) to place shellfish in or under protective devices affixed directly to the tidal flats or land under Mashpee's coastal waters out to three miles from the Town coastline, such as boxes, pens, trays, bags or nets; (3) to harvest and take legal shellfish; (4) to plant cultch for the purpose of catching shellfish seed; and (5) to grow shellfish by means of racks, rafts or floats (MGL Chapter 130; Section 57).

**BATCH** — All shellfish in each separate container.

**BLOOD ARK CLAM AND PONDEROUS ARK CLAM** - Bivalves of the species *Anadara ovalis* and *Noetia ponderosa* are some of the few marine mollusks having red blood, due to the presence of hemoglobin. Their shells grow to a length of approximately two or three inches and are fairly thick and sturdy. Each of the two valves has approximately 35 radiating ribs. The complete bivalve, when viewed from the end, is heart-shaped.

**BUSHEL** — Except as otherwise noted, the quantity contained in a tote basket measuring 2,746 cubic inches in volume. Shellfish shall be level with the top of said tote basket.

**JERK RAKE (BULLRAKE)**- A T-handled hand-held and hauled implement used for the harvesting of shellfish. It shall be 12 inches or wider and have a fixed basket and teeth.

**CALENDAR WEEK** — Seven full days beginning on any Sunday and ending on the following Saturday.

CHANNEL- The area marked by U.S. Coast Guard navigation buoys or Town PATON's indicating a navigable way of passage.

COMMERCIAL FISHERMAN — Any person who sells or offers for sale, shellfish, sea worms or eels, for cash or other consideration.

COMMERCIAL SHELLFISH PERMIT— Granted under the authority of the Selectboard, for the taking of shellfish for sale or other consideration.

COMMONWEALTH OF MASSACHUSETTS COMMERCIAL SHELLFISHING PERMIT — A permit issued by the Division of Marine Fisheries and defined in General Laws, Chapter 130, § 80.

CONCH — Those species of whelk known as *Busycon carica* (knobbed whelk) and *Busycotypus canaliculatus* (channeled whelk).

CMR - Code of Massachusetts Regulations.

CULL — To sort and measure shellfish; separate seed from adult stock and replant seed.

DOMICILE — That place where (a person) has his true, fixed and permanent home and principal establishment, and to which whenever he is absent he has the intention of returning (Black's Law Dictionary, revised 4th ed.).

FAMILY — All those persons of the immediate family (spouse or partner and any unmarried children and grandchildren under the age of 18) domiciled and living under the same roof.

HARVEST — To catch, dig, take or attempt to catch, or take any fish, shellfish or bait.

HINGE WIDTH — The distance between the convex apex of the right shell and the convex apex of the left shell.

HYDRAULIC METHOD — The taking or attempt to take shellfish by means of water pressure pumped through a single pipe (wand), manifold or other device approved by the Shellfish Division, said pressure being supplied by a mechanical pump. The hydraulic method includes the raking or collection of shellfish dislodged from the bottom via said water pressure.

LAND or LANDING — To transfer the catch of fish or shellfish from any vessel to any other vessel or from the waters, flats or any vessel onto any land, pier, wharf, dock or other artificial structure.

MASTER PERMIT — A permit allowing the commercial harvest of scallops, clams, mussels and eels from contaminated areas for relay or depuration granted by the State.

PECK — The quantity contained in a standard metal wire peck basket, level with the top of said peck basket. Said quantity shall not exceed 10 quarts (672 cubic inches) dry measure. The said peck basket shall be the only authorized container allowed to recreationally harvest and contain shellfish unless another container is authorized by the Shellfish Warden.

RECREATIONAL PERMIT — A permit granted under the authority of the Selectboard for the taking of shellfish for noncommercial domestic use only.

RESIDENT — Resident real estate taxpayers, year-round tenants, non-seasonal tenants (six months or more of the calendar year) of residential dwellings located within the Town of Mashpee.

PROOF OF RESIDENCY — Current real estate tax bill, non-seasonal lease or, valid Massachusetts operator's license, or any other ID issued by the Massachusetts Registry of Motor Vehicles, in combination with Massachusetts motor vehicle registration, both listing a residential



dwelling within the Town of Mashpee. The address of a post office box is not acceptable as proof of residency.

SEED CLAM — Soft shell clams measuring less than two inches in the longest diameter.

SEED OYSTER — Oyster measuring less than three inches in the longest diameter.

SEED BAY SCALLOP — Bay scallops which do not have a well-defined raised annual growth line on the shell.

SEED QUAHOG — Quahog measuring less than one inch shell thickness (hinge width).

SHELLFISH — Includes, but not limited to, clams, quahogs, mussels, oysters, scallops, razor clams or razor fish, sea clams, sea scallops, sea quahogs, conchs and whelks.

#### **145.1 Purpose of Regulations**

The purpose of these regulations is to foster, protect and preserve Mashpee's shellfish resources and habitats, to maintain and improve conditions permitting sustainable, productive shellfishing and aquaculture, to ensure equitable use of the resource for all persons legally engaged in these activities, and to provide appropriate protection for the reasonable and legitimate interests of all others affected by shellfishing. To that end, these regulations supplement and are consistent with the requirements of the State of Massachusetts including Massachusetts General Law Chapter 130, Code of Massachusetts Regulations 322, and the current Best Management Practices for the Shellfish Culture Industry in Southeastern Massachusetts, developed by SEMAC (Southeastern Massachusetts Aquaculture Center).

#### **145.2 General Provisions**

##### **145.2.1 Poaching**

Any unauthorized person who poaches or otherwise disturbs any shellfish in any amount or in any location shall be subject to criminal penalties and potential civil penalties (See MGL Chapter 130.)

##### **145.2.2 Daily Time Limits**

No person shall harvest, pick, dig, pile, take or carry away any shellfish from the waters of the Town, by any method between one half (1/2) hour after sunset and one half (1/2) hour before sunrise. (MGL Chapter 130; Section 68)

##### **145.2.3 No Same Day Landings in Excess of Daily Limit**

No person shall come ashore with shellfish and return to the waters of the Town on the same day for the purpose of taking additional shellfish in excess of the daily permit limit.

##### **145.2.4 Disturbance of Grant by Other than Licensee**

No one may in any way disturb the growth or arrangement of shellfish on a licensed area, or work a dredge, or use any other implements to harvest shellfish, or discharge any substance which may directly injure the shellfish upon a licensed area, or willfully damage, remove or tie up to any of a grant's designating boundary markers, without the express consent of the licensee. No one, while upon or sailing over any such licensed acreage may have overboard any implement for the taking of shellfish, under any pretense or purpose whatever, without the expressed consent of the licensee. (See MGL Chapter 130; Section 66 and Section 67)

##### **145.2.5 Inspection on Demand**

All persons harvesting, carrying away or otherwise having in their possession shellfish or marine organisms of any kind, in a boat, container or vehicle shall exhibit all such shellfish for inspection on demand by any Shellfish Officers, Natural Resource Officers or any other duly authorized agents.

#### 145.2.6 Areas Restricted to Use by Permit Class

No holder of a commercial permit shall take shellfish from an area reserved for the holders of noncommercial permits and vice-versa.

### 145.3 **Recreational Shellfishery**

#### 145.3.1 **Classes of recreational shellfishing permits, licensing requirements and conditions.**

Licenses shall be subject to fees that could change annually.

- A. Resident recreational permits: Those who pay real estate taxes or are residents, as defined, of the Town of Mashpee are entitled to a Town of Mashpee recreational shellfishing permit. This permit also allows the taking of sea worms, and eels for noncommercial purposes.
  - 1. Family recreational permit: issued on the basis of one per resident over the age of 18 with a max of two per family, as defined.
  - 2. Nonresident recreational permit: issued to an individual, regardless of residency. The same conditions as resident recreational permits apply, with the exception of Town of Mashpee residency.
  - 3. Senior recreational permit: issued to an individual who has attained the age of 65 and is a legal resident of, or pays real estate taxes to, the Town of Mashpee; two permits per family, as defined.
  - 4. Veteran recreational permit: issued to a resident of the Commonwealth of Massachusetts who is a veteran, as defined by MGL c. 4, § 7, cl. 43rd, as amended by the Acts of 2005, Chapter 130. The same conditions as resident recreational permits apply, with the exception of Town of Mashpee residency.

#### 145.3.2 **Permit conditions.**

- A. Permit expiration date: Recreational permits expire on March 31st, each year, except as otherwise noted.
- B. Unlawful harvest without a recreational permit: No person shall take or attempt to take shellfish or sea worms within the Town of Mashpee, unless he or she is in possession of a valid Town of Mashpee shellfish permit.
- C. Prohibition of sale of shellfish: No person shall sell or offer for sale, for money or other consideration, any shellfish, sea worms, herring or eels, taken under a recreational permit.
- D. Transfer of permit: The Town of Mashpee shellfish permit is not transferable. An illegally transferred permit shall be considered invalid.
- E. Child under 12: No person (child) under the age of 12 years shall be allowed to use the recreational permit unless accompanied by an adult with a valid shellfish permit.
- F. Guests of a recreational permit holder: A recreational permit holder may take guests to dig with them as long as only one weekly limit is taken. One limit per permit is allowed. The permit holder must be present and is responsible for any violations against the shellfish rules and regulations by the guest(s).
- G. The Town of Mashpee shellfish permit shall be visibly displayed to the Shellfish Warden, Deputy Shellfish Warden or Natural Resource Officer upon request.
- H. Landing restriction: All shellfish harvested under a recreational permit shall be landed in the Town of Mashpee.

### **145.3.3 Harvest time restrictions.**

A. Harvest days. Shellfish taken under a recreational permit may be harvested on any day of the week. The shellfishing calendar week consists of seven full days beginning on any Sunday and ending on the following Saturday.

B. Other harvest day restrictions.

(1) Scallops. (See scallop regulations.)

(2) Oysters. Season dates will be posted annually at Mashpee Neck Landing and the Shellfish Division Website.

C. Harvest hours. No person shall take or attempt to take shellfish or sea worms during the nighttime hours, between sunset and sunrise.

### **145.3.4 Harvest limits.**

A. With the exception of scallops, the total amount of shellfish taken on a recreational permit in any one week shall not exceed one peck. The recreational weekly limit for the following species of shellfish, worms and eels, in season, shall be:

1. Soft shell clams: one level peck, as defined.

2. Quahogs: one level peck, as defined.

3. Mussels: one level peck, as defined.

4. Sea scallops: one level bushel, as defined.

5. Sea clams: one level bushel, as defined.

6. Oysters: limits will be posted annually.

7. Razor clams: one level peck, as defined.

8. Jackknife clams: one level peck, as defined.

9. Sea worms: not more than 100.

10. Eels: 5 per day.

B. Authorized recreational shellfish container: All shellfish harvested under a recreational shellfishing permit shall be harvested and contained in a standard metal wire peck basket as defined. No other containers are allowed unless approved by the Shellfish Warden or a Deputy Shellfish Warden.

### **145.3.4 Minimum size limits.**

A. Shellfish shall be culled and all seed returned to the waters and flats immediately. Persons shall not take or have in their possession (in basket, bucket, bag or other container):

1. Soft shell clams less than two inches in longest diameter
2. Quahogs less than one inch shell thickness (hinge width)
3. Bay scallops without a well-defined raised annual growth ring
4. Blue or Ribbed mussels less than two inches in longest diameter

\*DRAFT 2022 Town of Mashpee Shellfish Regulations\*

5. Sea scallops less than 3 1/2 inches in diameter from the hinge to the outer edge to the amount of more than 10% of the entire lot. This tolerance of 10% shall be determined by numerical count taken at random of not less than one peck nor more than four pecks of the entire lot.
6. Sea clams less than five inches in longest diameter
7. Oysters less than three inches in longest
8. Eels or elvers less than nine inches in total length.
9. Blue Crabs less than 5 inches Spine to Spine

#### **145.3.5 Gear restrictions and regulations.**

1. Clams and razor clams may be taken with a standard clam hoe (rake) or hand plunger. No shovels, forks or other devices or materials shall be used, unless approved by the Shellfish Division.
2. Quahogs and oysters may be taken by hand, rakes, tongs, and dipnet. A bullrake or jerk rake may only be used in the Commercial Fishery. No other device may be used, unless approved by Shellfish Division.
3. Eels and elvers may be taken by pots, spears or angling. A recreational shellfish permit must be in possession; the limit for recreational permit holders is 10 pots; all pots and buoys are to be marked with the permit holder's name, and buoys must be painted bright green.
4. Skin or scuba diving. All people's skin or scuba diving for shellfish shall display the diver-down flag and, upon request, produce a Town of Mashpee shellfish permit.

#### **145.3.6 Shellfishery conservation and management.**

1. Temperature restriction. Dry digging for soft shell clams and quahogs is prohibited when the air temperature is 28° F. or below.
2. Backfilling of dig holes. All dig sites shall be backfilled when dry digging all shellfish.
3. Mainland thatch conservation. The digging of shellfish in the thatch (grass) on the mainland shore is prohibited. Shucking restriction. All shellfish harvested shall be brought ashore in the shell.
4. Wet storage prohibition. The wet storage of shellfish in the Town of Mashpee waters is prohibited. The fine for violation of this section is \$200.
5. Transport of seed restriction. No person shall transport or move seed clams, quahogs, oysters or scallops.
6. Area closures. No person shall take or attempt to take shellfish from a closed area. Shellfishing for any purpose is prohibited in these areas. (See also shellfish area status.) Areas may be posted closed from time to time by the Shellfish Division due to high concentrations of seed, point source pollution or health hazard, propagation projects or other purpose. The taking of shellfish from these areas is prohibited. Also, the taking of shellfish from any shellfish culturing gear or tampering with said gear deployed by public and/or private entities on approved designated areas is prohibited. Said approved designated areas shall be considered closed areas.

7. Inspections. All shellfish, eels, lobsters, crab and sea worms harvested in the Town of Mashpee are subject to inspection. Failure to display shellfish upon demand of enforcement personnel shall be a violation.
8. Destruction of shellfish or shellfish habitat. The willful destruction of shellfish and/ or shellfish habitat is prohibited and shall be punishable by a fine up to \$300 per incident, and \$300 per day for any such destruction which continues over more than a twenty-four-hour period of time.

#### **145.3.7 Recreational scallop regulations.**

1. Closed season. The harvest of scallops shall be closed (prohibited) effective April 1 annually, MGL C. 130, § 71. Open season will be posted annually.
2. Recreational harvest limit. One peck per week may be harvested.
3. Minimum size limit. Only scallops with a well-defined raised annual growth ring may be taken; all other scallops will be considered seed scallops and must be returned to the water immediately, with one exception provided in 322 CMR 6.11. This exception states bay scallops that have a well-defined raised annual growth line located less than 10 millimeters (mm) from the hinge of the shell shall be lawful to harvest and possess if the shell height is at least 63.5 millimeters or 2.5 inches. It shall not be unlawful to have in possession seed scallops unavoidably left in the catch after it has been culled.
4. Gear restriction. Scallops may be taken by hand, rake, dip net and dragging in all areas that are not closed to dragging. In such areas closed to dragging, they may be taken by hand, dip net, rakes and diving. No other devices may be used.

#### **145.3.8 Regulations pertaining to other species.**

##### **145.3.8 Herring and alewife rules and regulations**

1. It shall be unlawful for any person to harvest, possess or sell river herring in the Town of Mashpee or in waters under the jurisdiction of the Commonwealth of Massachusetts.
2. Conservation. Throwing objects into the water and/or malicious destruction of the herring and alewives is prohibited.
3. Unauthorized alteration of herring runs. No person shall tamper with, adjust or destroy any structure provided for the passage of herring and alewives unless authorized by the Herring Warden.
4. The penalty for violation of any of these regulations shall be \$100. Possession of river herring shall carry the penalty of \$50 per fish, each fish constituting a separate offense.

##### **145.3.8.2 Edible Crab regulation**

- A. **Blue crab:** 5 in shell width (spine to spine) Egg-bearers cannot be taken. Limit of 25 crabs/day. No permit required unless using traps or SCUBA. Closed season on harvest is January 01–April 30, inclusive. Closed season on trap gear is November 1 - May 15, inclusive.

**\* Prohibition:** Using traps to fish for blue crabs and retaining blue crabs taken by trap gear is prohibited. Only actively fished gear may be fished for blue crabs. This includes trot lines, dip nets, and collapsible traps.

- B. **Other edible crabs:** 50 crabs total per day (including up to 25 blue)—other regulations are the same as for blue crab. Closed season on harvest is January 01–April 30, inclusive. Closed season on trap gear is November 1 - May 15, inclusive.
- C. **Invasive crabs:** In order to harvest green crabs, you must obtain a Letter of Authorization (LOA) from the Division of Marine Fishery's. Closed season on harvest is January 01–April 30, inclusive. Closed season on trap gear is November 1 - May 15, inclusive.

For recreational rules and regulations pertaining to other species including conch, whelk, ocean quahog, sea scallop, lobster, crabs and sea urchins, refer to Massachusetts General Laws Chapter 130 and Code of Massachusetts Regulations 322. All laws within Ch. 130 and CMR 322 pertaining to salt water fisheries are hereby incorporated into these regulations.

## 145.4 Commercial Shellfishing

### 145.4.1 Classes of permits and permit conditions.

1. Town of Mashpee commercial shellfishing permits are granted under the authority of the Selectboard for the taking of shellfish for sale or other consideration, issued to persons, other than aliens, having attained their 16th birthday and who are domiciled in the Town of Mashpee. When the holder of a Town of Mashpee commercial shellfish permit is no longer domiciled in the Town of Mashpee, said Town of Mashpee commercial shellfish permit shall be void.
  - a. Limitation of available licenses. Commercial shellfishing licenses shall be issued each year only to commercial shellfish license holders of the preceding year who apply for license renewal. Commercial shellfish license renewals must be applied for between January 1 and January 31.
2. Commonwealth of Massachusetts commercial shellfishing permit.
3. This permit is required by Massachusetts General Law to dig or take shellfish within the Commonwealth of Massachusetts for commercial purposes and required prior to issuance of the Town of Mashpee commercial shellfish permit.
  - a Commercial shellfishing permit fee: \$125
  - b Commercial shellfishing permits expire on March 31 each year.
  - c Unlawful harvest without a commercial shellfishing permit. No person shall take or attempt to take shellfish for sale or other commercial purpose, unless said person is the holder of a valid Town of Mashpee commercial shellfish permit. It shall be prima facie evidence that persons shellfishing on a Town of Mashpee commercial shellfish permit are utilizing said permit for commercial purposes, and are subject to all regulations governing such use. This shall not apply to holders while on their licensed site.

d Catch report. A catch report for the calendar year shall be submitted to the Shellfish Division, on forms provided, no later than January 15 annually. Failure to submit a catch report will result in a fine of no more than \$300 as per the determination of the Shellfish Division, and may result in a suspension of the Town of Mashpee commercial shellfish permit for one year, commencing the next commercial permit year (April 1 to March 31).

#### **145.4.2 Commercial shellfishing permit application procedure**

1. Each applicant for a Town of Mashpee commercial shellfish permit shall fill out and submit an application form, provided by the Town Clerks Office, and an application fee of \$5; said fee is not refundable but will be applied to the permit fee when said permit is picked up. Attached to the application shall be a copy of:
  - a. Commonwealth of Massachusetts commercial shellfish permit, valid for the year being applied for.
  - b. Documentation to verify the applicant is domiciled in the Town of Mashpee. This may be current real estate tax, mortgage or lease and copy of motor vehicle registration. (A driver's license is not proof of domicile.) The burden of proof is on the applicant.
  - c. Validated catch report stub from the year previous to the year being applied for.
2. Application window. Each applicant for a Town of Mashpee commercial permit must apply for said permit between January 1 and January 31 annually. Applications will not be accepted after January 31 without written request to the Shellfish Division that can show significant personal hardship that did not allow for timely application. After paying the initial application fee of \$5 for the commercial permit, the applicant must pick up and pay in full for said permit within 90 days after closing of the application window.
3. Address change. Should any commercial permit holders address change during the commercial permit year, he/she must contact the Shellfish Division Office in writing with said address change.

#### **145.4.3 General commercial shellfishing.**

1. No person shall take or attempt to take shellfish or sea worms during the nighttime hours, between sunset and 1/2 hour before sunrise.
2. Tagging shellfish and display of shellfish permit.
  - a. The regulations for tagging shellfish set forth in 322 CMR 16.03 are hereby incorporated and made a part hereof.

3. All shellfish, commercial permits and licenses shall be displayed for inspection upon demand of a Shellfish Warden, Deputy Shellfish Warden or Town of Mashpee Natural Resource Officers.
4. No person shall possess shellfish in excess of daily commercial limit in or on the waters of the Town of Mashpee, or while landing their catch.
5. After the completion of harvest, all shellfish harvested in the Town of Mashpee under a commercial permit shall be landed at a Town landing. The word "landed" as used herein shall mean the location where shellfish are removed from the shoreline to any point of land above the mean high-water line.
6. A commercial shellfish permit holder shall not take in any one day shellfish in excess of the commercial quantity allowed by statute or regulation, regardless of the fact that he or a member of his family may hold a family shellfish permit.
7. The wet storage of shellfish in Town of Mashpee waters is prohibited. The fine for wet storage is \$200.
8. All people's skin or scuba diving for the commercial harvest of shellfish shall display the diver-down flag and, upon request, produce a Town of Mashpee commercial shellfish permit.
9. Hydraulic method or hand plunger shall be used to harvest subtidal soft shell clams, jackknife clams and common razor clams. The harvest of other species of shellfish utilizing the hydraulic method is prohibited.

### **145.5 Commercial Soft Shell Clam Shellfishing**

#### **145.5.1 Other applicable regulations; minimum size limit; harvest limit.**

1. All commercial shellfishing permit conditions, general commercial shellfishing rules and regulations and shellfishery conservation and management regulations apply. In addition, the following conditions, rules and regulations apply.
2. Minimum size limit. Shellfish shall be culled and all seed returned to the waters and flats immediately. Persons shall not take or have in their possession (in basket, bucket, bag or other container) soft shell clams less than two inches in longest diameter to the amount of more than 5% of any batch.
3. Commercial soft shell clam harvest limit. The total daily limit of soft shell clams, commercial harvest, shall not exceed three level tote baskets, as defined.
4. Gear restriction. Pumps shall not exceed eight horsepower and shall be equipped with proper muffler and exhaust system. Pumps shall be mounted low in the boat to limit noise.



## **145.6 Commercial Quahog Shellfishing**

### **145.6.1 Other applicable regulations.**

1. All commercial shellfishing permit conditions, general commercial shellfishing rules and regulations and shellfishery conservation and management regulations apply. In addition the following conditions, rules and regulations apply:
  - a Littleneck: greater than or equal to one-inch hinge width; less than 2 1/2 inches in longest diameter.
  - b Cherrystone: greater than or equal to 2 1/2 inches; less than three inches in longest diameter.
  - c Chowder: greater than or equal to three inches in longest diameter.
2. Shellfish shall be culled and all seed returned to the waters and flats immediately. Persons shall not take or have in their possession (in basket, bucket, bag or other container) quahogs less than one inch shell thickness (hinge width) to the amount of more than 5% of any batch.
3. Quahogs may be commercially harvested by hand, rakes, tongs, dipnet and bullrake. No other device may be used, unless approved by the Shellfish Division
4. All helpers actively assisting a commercially licensed shellfisherman harvesting quahogs are not required to hold a valid Massachusetts commercial shellfish and sea worms permit. Said helper shall be allowed to cull and sort the quahog catch and return seed to the water. Said helper shall not be allowed to harvest quahogs. All helpers must present their valid Massachusetts commercial shellfish and sea worms permit, in person, to the Shellfish Division office prior to initially assisting a commercially licensed shellfisherman.
5. The total daily limit of littleneck, cherrystone or mixed (littleneck/cherrystone) shall not exceed three level tote baskets, as defined. The total daily limit of all quahogs (i.e., littlenecks, cherrystones and chowders) shall not exceed five level tote baskets in any combination. Chowder quahogs shall be culled and bagged separately from littlenecks and cherrystones prior to landing, if the total catch exceeds three tote baskets.

## **145.7 Commercial Scallop Shellfishing**

### **145.7.1 Other applicable regulations.**

1. All commercial shellfishing permit conditions, general commercial shellfishing rules and regulations and shellfishery conservation and management regulations apply. In addition, the following conditions, rules and regulations apply.
2. Scallops may be commercially harvested daily, Saturday thru Sunday.
3. The harvest of scallops shall be closed (prohibited effective April 1 annually, MGL C. 130, § 71. Open season will be posted annually.
4. Harvest limits will be posted annually at the Town Clerks Office, the Town of Mashpee Natural Resources website and at Town owned bulletin boards at Town landings.

5. Only scallops with a well-defined raised annual growth ring may be taken; all other scallops will be considered seed scallops and must be returned to the water immediately. However, it shall not be unlawful to have in possession seed scallops unavoidably left in the catch after it has been culled, to the amount of not more than 5% of the total catch remaining.
6. Scallops may be taken by hand, rake, dip net and dragging in all areas that are not closed to dragging. In such areas closed to dragging, they may be taken by hand, dip net, rakes and diving. No other devices may be used.
7. No drags or dredges shall exceed 32 inches in width.
8. No dragging shall be permitted in any of the Town of Mashpee's embayments or salt water rivers or ponds. Dragging is only permitted in Nantucket Sound.
9. All helpers actively helping a commercially licensed shell fisherman, harvesting scallops, shall be required to hold a valid Massachusetts commercial shellfish and sea worms permit. However, no such permit is required to operate the boat. All helpers must present their valid Massachusetts commercial shellfish and sea worms permit, in person, to the Shellfish Division Office prior to initially helping a commercially licensed shell fisherman.
10. There shall be not more than two harvest limits allowed per boat for commercial permit
11. It shall be unlawful for the holder of any type permit to sell or offer for sale, or transfer their catch, unless landed ashore.

#### **145.8 Commercial Shellfishing and Fishing Regulations for Other Species**

##### **145.8.1 Applicability of other regulations.**

All commercial shellfishing permit conditions, general commercial shellfishing rules and regulations and shellfishery conservation and management regulations (M.G.L. Ch. 130 and CMR 322) apply for each species. In addition the following conditions, rules and regulations apply for the individual species as listed.

##### **145.8.2 Commercial jackknife clam and common razor clam shellfishing.**

Commercial jackknife clam (*Tagelus plebeius*) and common razor clam (*Ensis directus*) harvest limit. The total commercially harvested daily limit of either species shall not exceed one level tote basket, as defined, whether harvested in the areas open for commercial harvest

##### **145.8.3 Commercial oyster shellfishing.**

The commercial harvest of oysters is prohibited in the Town of Mashpee, except for licensed Aquaculturists on their licensed sites.

##### **145.8.4 Commercial elver and eel fishing.**

1. It is unlawful for a person to take or possess elvers or eels of a size less than nine inches in total length.
2. No person shall take or attempt to take eels for the purpose of sale or any commercial purpose unless he or she is the holder of a Town of Mashpee commercial permit endorsed for eels.
3. No person shall take or attempt to take eels, *Anquilla rostrates*, by any contrivance other than by pots, spears or angling. The use of eel pots with a wire mesh size smaller than 1/2 inch by 1/2 inch is prohibited.

4. All buoys will be painted the Town eel fishery color, bright red, the Town Shellfish permit number shall be displayed on all buoys. A colored stripe may be added for identification.
5. Pots shall not be set in navigable marked channels. No person shall fish in excess of 2 pots.
6. Freshwater eeling. Commercial eeling in freshwater is allowed by special state permit. A valid Massachusetts fishing license is also required

#### **145.9 Shellfish Area Status**

Periodically updated shellfish area maps and shellfish area openings and closures are available online at: Town of Mashpee Natural Resources: Shellfish Division page.

Shellfish maps displayed on this web site are to illustrate written geographical definitions of shellfish areas, as defined by the Massachusetts Division of Marine Fisheries and the Town of Mashpee Shellfish Division. In the field, signposts, buoys and landmarks are used to assist in the demarcation of written geographical definitions of shellfish areas. Check with the Shellfish Division Hotline (508) 539-1400 ext. 8592 to verify shellfish area closures. The harvest of shellfish is prohibited in those areas posted by the Shellfish Division, regardless of the fact that weather or man may from time to time remove signage. If an area has been posted and signage is missing, notify the Shellfish Division.

#### **145.10 Aquaculture License Regulations**

##### **145.10.1 Proof of residency required.**

Aquaculture licenses, herein referred to as the "license," will be issued to Town of Mashpee residents only who can prove to the satisfaction of the licensing authority that they are a bona fide, principally domiciled resident of the Town of Mashpee and have been principally domiciled within the Town for at least 12 consecutive months prior to the date of application. Two forms of written proof of residency are required; tax bills paid by the applicant, rent receipts with accompanying lease agreement, utility bills paid by the applicant, driver's license, car registration issued to the applicant, etc., may serve as proof. All local tax obligations must be paid in full in order for an application to be considered in accordance with MGL c. 40, § 57. Any licensed area so licensed subsequent to the adoption of these rules and regulations shall be forfeited if the holder of the license, herein referred to as the "licensee," ceases to be a bona fide, principally domiciled resident in the Town of Mashpee. Annual documentation to verify the licensee is principally domiciled in the Town of Mashpee is required. This may be a current real estate tax bill, mortgage statement or residential lease and copy of motor vehicle registration. (A driver's license is not valid proof of domicile.) The burden of proof is on the licensee and shall be included with the annual license fee, due by February 28th each year.

##### **145.10.2 Moratorium on issuances of new licenses.**

The Selectboard may issue a moratorium on the issuance of new licenses at any time when this action is deemed appropriate and in the best interests of the Town's shellfisheries.

**145.10.3 Compliance with all laws required; approval of license.**

Approval of any aquaculture license shall be subject to all federal, state and local laws, rules and regulations as in force and as amended from time to time. The licensee shall comply with all such rules and regulations pertaining to the operation of an aquaculture license in the state of Massachusetts. Failure to comply with any of the aforementioned laws, rules and regulations shall be cause to revoke the license.

**145.10.4 Exclusivity of license; subleasing prohibited; transfer of license.**

Licenses are issued to and for the exclusive use of the licensee, who may contract with or employ others to work for the licensee. Subleasing of the licensed area or portion thereof is prohibited. Licenses are renewable, heritable and transferable, subject to the Select Board's written approval and pursuant to Massachusetts General Laws Chapter 130. Licenses are transferable only after five years from the original license issuance date, subject to review by the Shellfish Division for reporting requirements and production standards and pursuant to Massachusetts General Laws Chapter 130. A licensee proposing to transfer his or her license shall first notify the Shellfish Warden in writing that he/she no longer wishes to operate the license and requests a transfer of his/her licensed area to a designated recipient. Such recipient shall thereupon file an application. Thereafter, the application shall be treated, insofar as apt, as a new application. If, however, the licensee is under any pending investigations or violations, the license may not be transferred.

**145.10.5 Changes to original plans.**

All proposed changes to the original working plans as described in the original application, and all additions of material investments, which may include, but are not limited to, rafts, floats, racks, cages, trays, nets, etc., must be submitted in writing to the Shellfish Division and if in the discretion of the Shellfish Division changes are such that further review is warranted then the Shellfish Division may recommend to the Conservation Commission if applicable that further review of the proposed change take place and the Shellfish Warden, upon review of the proposed change may approve or deny said proposed change.

**145.10.6 New license period; renewal.**

A new license shall be issued for a period not to exceed five years, and for a total maximum area not to exceed two acres. The licensee may apply for renewal of the license at any time within two years prior to the expiration date of the license. The Selectboard shall review the licensee's request for renewal within 60 days after receipt of the renewal request.

**145.10.7 Acreage limitation.**

The maximum total acreage licensed to any licensee shall not exceed two acres. This acreage limitation does not apply to any existing so-called grant (now referred to as a "license") which is in excess of two acres and will not prevent the grant holder (now referred to as the "licensee") from future renewals, provided that said licensee abides by all other applicable regulations set forth herewith.

**145.10.8 License fee.**

An annual license fee of \$25 per acre or any part thereof shall be paid to the Town by the licensee upon the issuance of the license and thereafter on or before February 28th of each year. If the fee is not paid within 30 days after it becomes due, the license shall be forfeited.

A full production report is required to be submitted to the Shellfish Division for approval prior to the yearly renewal.

**145.10.9 Reasonable production value.**

An annual review of each license will be conducted by the Shellfish Division in order to determine reasonable production value. If, after the third year of a new license, any licensee cannot show that a reasonable amount of shellfish product has been produced on the license during the preceding year, the license shall be forfeited. For purposes stated herein, "reasonable amount of shellfish product" shall mean not less than \$5,000 per acre per year based upon market value. This amount is subject to change with inflation rates. Failure of the licensed shellfish product to meet such a value shall result in a forfeit of the shellfish aquaculture license and licensed area. If, for any year, the licensee does not meet the reasonable production value, then upon written request to the Shellfish Warden, said reasonable production value may be waived at the discretion of the Shellfish Warden for that particular year, provided that the licensee can demonstrate to the Shellfish Warden that the cause of the lower amount produced is the direct result of a natural disaster or other unforeseen personal misfortune.

**145.10.10 Filing of annual reports.**

Licensees shall file annual reports with The Shellfish Division in accordance with the form provided on or before February 28 of each year and shall produce documents upon the request of the Shellfish Division showing purchase and sale slips stating the total amount of each kind of shellfish planted, produced or marketed during the preceding year (January 1 through December 31) upon or from the licensed area, and an estimate of the total number of each kind remaining. The report shall disclose all necessary information as required by these regulations which establishes that the licensee reached the reasonable production value. A new license holder is required to submit purchase and sale slips for the source(s) of seed planted on his/her licensed site and/or gear purchased for his/her licensed site for the first three years of his/her original license.

**145.10.11 Transplanting seed stock from public fisheries prohibited**

No person shall transplant seed, seed stock or stock from the public fisheries within the Town for purposes of stocking licensed aquaculture land with such seed or stock. Said regulation is subject to fine schedule for noncompliance.

**145.10.12 Marking boundaries of licensed areas.**

1. Shellfish aquaculture sites shall use yellow buoys not less than 15.5 inches in shortest diameter to mark only the most external changes of angles on said sites. The buoys shall bear the state propagation permit number issued to the licensee and the words "Aquaculture Area." Said numbers and letters shall not be less than two inches in height. The minimum weight requirement for said buoys should be at least 75 lbs.
2. All other licensed area boundaries shall be marked at all corners and changes of angles by uniform yellow buoys, not less than 11.5 inches in shortest diameter, and bear the state propagation permit number issued to the licensee. Said numbers shall not be less than two inches in height. Where a licensed area borders another licensed area, a buoy may bear the state propagation permit number of more than one licensee. All said buoys shall be deployed from April 1 until November 15, annually.

3. Any proposed alternative marking of a licensed area must be submitted in writing to the Shellfish Division and if in the discretion of Natural Resources the changes are warranted, they may be approved in writing. The Harbormaster may direct licensees of licensed areas that border navigational channels to use specified buoys to mark their licensed area boundaries for navigational purposes.
4. Each licensee is responsible for maintaining the buoys marking their licensed area. Failure to place or reasonably to maintain said buoys shall be sufficient cause for revocation of the license. Said regulation is subject to fine schedule for noncompliance. The Shellfish Warden shall have the authority to temporarily waive these regulations if the presence of ice, severe weather or other condition hampers the ability of the licensee to immediately comply with these regulations.

#### **145.10.13 Conditions for Use of Area Licensed for Aquaculture**

The Select Board may license specific areas beneath the waters of the Town to individuals for the purpose of granting exclusive rights to plant, grow and harvest shellfish from that area. Said license is subject to the provisions of MGL Chapter 130, those set forth in current regulations of the Division of Marine Fisheries, these regulations or other town bylaws, as well as any specific conditions or restrictions set forth in the license by the Selectboard. This license does not grant any property rights. Any use of this license for other than the planting, growing, and harvest of shellfish upon privately owned property may not proceed over the objection of the property owner. This license does not authorize any damage to private property or other violation of private rights. The issuance of this license is not a determination of title or ownership. The licensee acknowledges that it is the responsibility of the licensee to obtain permission if requested in writing, from the property owner, before exercising the rights conferred by the license other than for the planting, growing and harvest of shellfish on that property. However, the license holder is on notice that the owners of the property described in the license may nevertheless bring an action for trespass in a court of competent jurisdiction. A license holder may not rely on this license as a defense to an action in trespass. (MGL Chapter 130; Section 57.)

#### **145.10.14 Working of Grants by Non-Licensees**

All individuals authorized by a licensed grant holder to work the grant in the absence of a licensed grant holder must be registered with the Shellfish Division. Licensees are responsible for the actions of all such employees or otherwise affiliated persons while they are working on the grant designated by their license.

#### **145.10.15 Responsibility for gear and tackle**

The license holder assumes all liability for all gear and tackle used on the licensed site. If any such gear and tackle is moved to a location off the licensed site, it shall be the responsibility of the licensee to remove said gear. If within 21 days after notification to the licensee by the Shellfish Division that the licensee has not complied with this requirement, the Town may cause such gear and tackle to be removed at the expense of the licensee. Every licensee shall permanently mark or tag, in a conspicuous place, any and all gear and tackle used on the licensed site, including without limitation trays, bags, racks, lines and pipes with the six-digit state propagation permit number issued to the licensee. Netting shall be marked or tagged in a conspicuous place, per every 200 square feet. Said regulation is subject to a fine schedule for noncompliance. The Shellfish Warden shall have the authority to temporarily waive these regulations if the presence of ice, severe weather or

other condition hampers the ability of the licensee to immediately comply with these regulations.

**145.10.16 Removal of gear upon termination of license.**

When a license is discontinued or terminated for any reason, the license holder shall be required to remove all gear from the waters and substrate within 60 days of the license termination date. Any and all equipment not removed within 60 days may be removed by a third party, contracted by the Town, at the expense of the licensee.

**145.10.17 Harbor improvements; migration of navigational channels.**

No licensee shall hold the Town of Mashpee or the Commonwealth of Massachusetts liable for any damage to a licensed site as a result of harbor improvements. Any license bounded by a navigational channel, as defined by the Harbormaster, that has migrated by natural or man-made causes into or through a permitted shellfish license and has eroded a portion of the permitted land within the license to a navigational depth of at least three feet at mean low water, said channel shall become the natural boundary of the license and supersede any previous agreed boundaries of the license. The license holder shall sacrifice any and all rights of his/her license within this defined navigational channel. Should sediment migrate and settle, due in whole or in part to natural conditions, leaving an area along the channel with less than three feet of water at mean low tide and adjacent to a licensed site less than two acres in size, a licensee may apply in writing to redefine the boundaries of the license along the channel through the Shellfish Division. Final determination of whether or not a redefinition of boundaries is warranted will be decided by the Select Board at a public hearing.

**145.10.18 Inspection of containers; samples for disease testing.**

The Shellfish Warden and/or assistants shall have authority to inspect the licensed area at any time, and said inspection may include any and all containers on the site. In the event that the Shellfish Warden and/or assistants have reason to believe that inspection of the contents of any or all containers on the site is in the best interest of the town, the Shellfish Warden and/or assistant shall contact the licensee by telephone or by leaving a notice at the address of the licensee indicated on the license, however, advising the licensee that the Town intends to inspect the contents of containers on the license and further inviting the licensee to be present at the time of said inspection. In the event that the Shellfish Warden and/or assistant does not receive a response from the licensee within 48 hours of notification by phone or by written notice, the inspection of containers may be conducted without the presence of the licensee. The Town of Mashpee reserves the right at any time to obtain samples of any shellfish from a licensed area for the purpose of certified testing for disease.

**145.10.19 Taking without consent from licensed site.**

Whoever takes or attempts to take shellfish of any description upon any shellfish grounds or beds covered by a license granted by the Town of Mashpee or Commonwealth of Massachusetts, or in any way disturbs the growth of shellfish thereon, or whoever discharges any substance which may directly or indirectly injure the shellfish upon any such grounds or beds, without the consent of the licensee or transferee shall be subject to fine schedule for said violation.

#### **145.10.20 Required Icing and Shading of Product**

Annually, during the period of time that the DMF's *Vibrio* control plan is in effect, harvesters must comply with the State's regulations. (See 322 CMR 16.00 Shellfish Harvest and Handling.) With the first offense of this section, the harvester will lose his or her product. With any subsequent offense, the harvester shall lose his or her product and license and/or permit for one year.

#### **145.10.21 Required Notification during Vibrio Season**

In order to best safeguard public health and maintain sufficient logging during *Vibrio* season all harvesters must notify the Shellfish Division of any harvests or re-submergence activities prior them taking place. Notice should be given as soon as the harvester can reasonably assume that such activities will be taking place. Penalties for this section will be \$50 for the first offense, \$150 for a second offense and confiscation of product for a third violation within one *Vibrio* season.

#### **145.10.22 Harvest Must Be Tagged**

At the time of harvest, any commercial permit holder who has shellfish of any kind for sale, trade or other consideration, must legibly mark all containers of shellfish using legal tags. (CMR 322 sec 16.)

#### **145.10.22 Annual Inspection of Each Grant**

The Shellfish Division shall make no less than one visit per year to the site of each licensed area in the company of the license holder.

#### **145.10.23 No Lethal Predator Control Measures**

Unless specifically authorized by the Director, in consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, it shall be unlawful to use lethal means to control or exclude predators or other organisms from any area used for aquaculture. Non-lethal enclosures, including, but not limited to, nets, fences, bubble curtains and noise may be used, if approved for a specific site and purpose. Invertebrate predators, pests and fouling organisms may be removed manually from an aquaculture site and disposed of in a lawful manner (CMR 322, Section 13.7.2).

#### **145.10.24 No Taking of Horseshoe Crabs or Whelks/Conks Without Permit.**

Being in possession of horseshoe crabs and whelks (conchs) for any reason requires a State permit. In this regulation, whelk/conch refers to either knobbed whelk (*Busycon carica*) or channeled (smooth) whelk (*Busycotypus canaliculatus*). (See CMR 322 6. 34: Horseshoe Crab Management and 322 CMR Section 6.21: Minimum Size for Conch.) As stated in in above section, neither species shall be intentionally killed while practicing predator control.

#### **145.10.25 Marking of Gear**

Every licensee shall clearly and permanently mark any and all trays, boxes, holding cars and all other aquaculture gear with the license number of the license area in a manner that is clearly visible.



#### **145.10.26 Fines for Gear Violations.**

Following notice of a violation, either in person, via phone, or by written notice, the licensee has 7 days to comply. After the seventh day, a \$50 ticket shall be issued for each day of noncompliance. After 30 days of non-compliance, the licensee shall have his or her license revoked.

#### **145.10.27 Exception to Hours of Operation**

As required in Section 4.7, no license holder shall harvest, dig, pile, take or carry away any shellfish or shell during the period from one half (1/2) hour after sunset to one half (1/2) hour before sunrise by any method whatsoever. In the event of impending natural emergencies due to storms, ice or the like, and only after notifying the Shellfish Warden, a licensee may engage in securing stock and gear during this time period. Licensees must notify the Shellfish Warden in advance of their intention to empty seed trays and plant out seed at such times when the extreme tides needed to conduct such activities occur during this time period.

#### **145.10.28 Extension of Acreage without Permission**

No aquaculture license holder may willfully extend or cause to extend his or her grant boundaries, or allow cultivation, operation, propagation or products and equipment to exist beyond the duly recorded boundaries of his or her licensed area. The Shellfish Warden may cause a licensed area to be re-surveyed by a registered civil engineer at the cost of the license holder, in the event that the assigned boundaries of an aquaculture license are called into question. If a violation of this section is then established, the aquaculture license of the individual guilty of the infraction shall then be revoked.

#### **145.10.29 Containers Holding Undersized Shellfish Must Be Tagged**

All containers that hold market-bound, aquaculture-raised shellfish whose size is less than that allowed by the State when that species is harvested from the wild (petite oysters whose greatest length is between 2 1/2" and 3", quahogs whose hinge width is between 7/8" and 1", or surf clams whose shell diameter is between 1 1/2" and 5") must be tagged with the words "AQUACULTURE-RAISED" or "FARM RAISED".

### **145.10.30 Aquaculture Research and Development Projects**

#### **1. License for Aquaculture Research and Development**

The Selectboard may issue a license to an individual or an institution (including a corporation) which proposes to conduct aquaculture research and development projects if environmentally appropriate, in the best interests of the town, and beneficial to the aquaculture industry.

#### **2. Initial Term of License**

The initial term of a research and/or development license shall not exceed two (2) years. The license may then be renewed for a period of up to eight (8) years, for a total maximum of ten (10) years.

3. Plan of Project

The applicants shall provide a plan of the project including all aspects of the management and operations of the project to the Selectboard, the Shellfish Warden, Shellfish Commission and the Division of Marine Fisheries.

4. Dissemination of Data and Results

All data and subsequent results and analyses of the project shall be made available to the Selectboard, the Shellfish Commission, the Shellfish Warden, and the Division of Marine Fisheries at predetermined times to be established in the license.

5. Excess Product Returns to Town

Products resulting from the exercise of this license, in excess of those required for the aquaculture research and development shall be turned over to the Town of Mashpee Shellfish Division for use in municipal propagation.

**145.10.31 License review and/or revocation.**

Violation of these rules and regulations subjects the licensee to review and possible revocation of the license at the discretion of the Town of Mashpee Select Board.

**145.10.32 Severability.**

If any provision of these rules and regulations is declared invalid by any court or tribunal of competent jurisdiction, the remaining provisions of these rules and regulations shall not be affected thereby.

**145.11 Enforcement and Penalties**

**145.11.1 Enforcing persons.**

The foregoing regulations shall be enforced by the Shellfish Wardens, Deputy Shellfish Wardens, Natural Resources Officers, and for the purposes of herring enforcement only, Conservation Agents, hereinafter called "enforcing persons."

**145.11.2 Violations and penalties.**

Enforcing persons may in their discretion, initiate criminal proceedings for any violation thereof. Alternatively, enforcing persons may utilize the method of noncriminal disposition established by Chapter 1, Article III of the Town of Mashpee By-Laws and M.G.L. Ch.40 Section 21D. The fine for violation of regulations not specifically listed in the fine schedule below shall be \$50.

**145.11.3 Revocation or suspension of Town permit.**

The Town of Mashpee shellfish permit, recreational or commercial, may be revoked or suspended by the Selectboard for any violation of the Town shellfish regulations.

#### 145.11.4 Missing signs.

The harvest of shellfish is prohibited in those areas posted by the Shellfish Division, regardless of the fact that weather or man may from time to time remove signage. If an area has been posted and signage is missing, notify the Shellfish Division.

#### 145.11.5 Fine Schedule.

Violation	Fee (1st Offence)	Fee (Second Offence)
Shellfishing Without a Permit	\$100.00	\$200.00
Illegal Transfer of Permit	\$50.00	\$100.00
Using False Identification	\$50.00	\$200.00
Selling Shellfish Without a Permit	\$200.00	\$300.00
Possession of Seed	\$50.00	\$150.00
Exceeding Shellfish Limit	\$50.00	\$100.00
Shellfishing in a Closed Area	\$150.00	\$300.00
Shellfishing in a Contaminated Area	\$300.00	Loss of License
Taking Shellfish From a Shellfish Aquaculture License	\$200.00	Loss of License
Taking Shellfish During Closed Season	\$100.00	Loss of License

**Town of Mashpee  
Mashpee High School  
500 Old Barnstable Road  
Mashpee, MA 02649  
Special Town Meeting  
Monday, May 2, 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 2nd day of May 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 \$\_\_\_\_\_ from revenue available for appropriation to the Snow & Ice Account, or take any other action relating thereto.

Submitted by the Department of Public Works

**Explanation:** This article is necessary to fund a deficit in the Snow & Ice Account.

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

**Article**

To see if the Town will vote to appropriate and transfer the sum of \$1,065.92 from revenue available for appropriation to pay the previous fiscal year's compensation and unpaid bills as follows:

Jennifer Berry	Retroactive Payment	\$ 240.64
Robin Desrosiers	Retroactive Payment	\$ 235.84
Scott Halligan	Retroactive Payment	\$ 252.96
Theresa Lambert	Retroactive Payment	\$ 240.64
WB Mason	Unpaid Bill	\$ 95.84

or take any other action relating thereto.

Submitted by the Finance Director

**Explanation:** This article is necessary to pay bills received after the end of a previous fiscal year.

**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 pursuant to G.L. c. 40, §47 to establish and adopt a new Town Seal in accordance with the recommendation of the Board of Selectmen as follows:



or take any other action relating thereto.

Submitted by the Board of Selectmen

**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 \$1,974,712 from revenue available for appropriation, to be deposited into the Capital Stabilization Fund, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** This article will set aside funds into the Capital Stabilization account for future capital expenditures in an effort to ensure the Town will maintain its assets at a level adequate to protect the Town's capital investment and to minimize future maintenance and replacement 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 appropriate and transfer the sum of \$369,215 from revenue available for appropriation to the Natural Resources Capital Account for the customization of facilities for the Department of Natural Resources, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** The Capital Improvement Program Committee voted unanimously to recommend that the Town use revenue available for appropriation ("Free Cash") to complete the customization of the purchased condominium units for the Department of Natural Resources and further, to be voted at the May Special Town Meeting for the funds to become available during Fiscal Year 2022.

FISCAL YEAR 2023 CAPITAL IMPROVEMENT PROGRAM	
PLANNING & CONSTRUCTION	
DNR Facility	\$ 369,215

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 \$1,260,950 from revenue available for appropriation to the Department of Public Works Capital Account for the Mashpee Middle-High School Field Improvements, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** The Capital Improvement Program Committee voted unanimously to recommend that the Town use revenue available for appropriation ("Free Cash") to improve the athletic fields at Mashpee Middle-High School, specifically replacement of the grass field in the stadium with synthetic turf and reconstruction of the track and further, to be voted at the May Special Town Meeting for the funds to become available during Fiscal Year 2022. The full cost of this project is \$2,970,350 with the balance of the funding, \$1,709,400 appearing as an article submitted by the Community Preservation Committee (CPC).

FISCAL YEAR 2023 CAPITAL IMPROVEMENT PROGRAM	
PLANNING & CONSTRUCTION	
MMHS Field Improvements	\$ 1,260,950

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 \$57,900 from revenue available for appropriation to the Department of Public Works Capital Account for the purchase of a Compact Track Loader contingent upon the award of the Shared Streets and Spaces Grant, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** The Capital Improvement Program Committee voted unanimously to recommend that the Town use revenue available for appropriation ("Free Cash") to purchase a compact track loader to be used for snow removal to allow for a faster response for plowing the pedestrian bicycle facilities after a storm. The purchase is contingent upon the Town receiving approval of a Shared Streets and Spaces grant.

FISCAL YEAR 2023 CAPITAL IMPROVEMENT PROGRAM	
<i>DPW</i>	
Compact Track Loader with V-plow attachment	\$ 57,900

**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 \$25,000 from revenue available for appropriation to pay for costs associated with the preparation and possible implementation of the Residential Tax Exemption for the FY 2023 tax year, or take any other action relating thereto.

Submitted by the Finance Director

**Explanation:** This article will provide funding for costs associated with preparation for possible implementation of the residential tax exemption for FY 2023. These costs include software updates, printing, mailing and consultant fees, if necessary.

**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 appropriate and transfer pursuant to the provisions of M.G.L. Chapter 44B, §6 to reserve from the Community Preservation Fund Budgeted for Appropriation Reserve, the following amounts:

\$28,692.00 10% Open Space/Recreation Purposes

\$28,692.00 10% Historic Purposes

\$28,692.00 10% Affordable Housing Purposes

or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** This is a “clean-up” article to meet the requirement of reserving funds from the CPA FY 2022 Trust Fund distribution. The amount of FY 2022 state reimbursement received by the Town of Mashpee was \$286,926 higher than the initial estimate. We are required to set aside 10% of those excess funds and deposit them into each of the CPA reserves. Funding shall derive from the Community Preservation Budgeted for Appropriation Reserve.

The Community Preservation Committee recommends approval of Article \_\_ by a vote of 7-0.

**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 from the Community Preservation Fund 10% Affordable Housing Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$50,000 for the purpose of funding the Housing Production Plan, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** The goal of this project is to update the Town's Housing Production Plan (HPP) in consideration of the demographic shifts over the past 10 years, changes in population, and added housing stock since 2010. This includes visioning work associated to the update of the Local Comprehensive Plan (LCP) that has not been modified since 1998.

The HPP provides framework to meet the 10% mandate of housing eligible for inclusion on the State's Subsidized Housing Inventory. An approved Plan also leverages state grant funds.

The total cost of this project is \$50,000. Grant funds would be sought as an offset. Unused funding would be returned to the coffers of the CPA. The update of the Plan is expected to begin in the summer of 2022 with completion in approximately 6 months thereafter.

The Community Preservation Committee recommends approval of Article \_\_ by a vote of 8-0.

**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 from the Community Preservation Fund 10% Historic Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$19,680 for the purpose of funding the HVAC Unit for the Mashpee One-Room Schoolhouse including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** The goal of this project is to provide extended access to the One-Room Schoolhouse and to protect, preserve and enhance the property of historical significance. The One-Room Schoolhouse is listed on the National Register and as a Historical Place by the Massachusetts Historical Commission. The schoolhouse is also located in the Mashpee Historic District.

A split HVAC system would control the air quality and temperature of the historic 1831 building. The unit is proposed to blend into the wood beams on the back of the wall with piping to be contained in a false ceiling to maintain the buildings historic appearance. For energy efficiency the heat and air system would operate only when the schoolhouse is in use. With approval the project would be completed in July 2022.

The Community Preservation Committee recommends approval of Article \_\_ by a vote of 7-0-1.

**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 from the Community Preservation Fund 10% Historic Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$86,000 for the purpose of funding the Mashpee War Monument Project, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** The goal of this project remains the same. To honor, recognize and pay tribute to all Veterans from Mashpee to ensure their service and sacrifice to our country is made visible and never forgotten. With CPA funding construction of the monument would begin in the spring of 2022 with completion in early summer and a Town-wide dedication and celebration in the fall of 2022.

The additional funding request would be added to available CPA funding to purchase a solid granite monument shaped in the design of a wave with the Veterans names, conflict and dedication along with medallions depicting the military branches and new Town Seal. Work includes delivery and installation, an electrical and landscape budget as well as project contingency. This will be an everlasting memorial dedicated to honor Mashpee Veterans.

The Community Preservation Committee recommends approval of Article \_\_\_ by a vote of 9-0.

**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 from the Community Preservation Fund 10% Historic Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$42,438 for the purpose of funding the Restoration of Lakewood Cemetery Project, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** The goal of this project is to ensure the Town-owned cemetery is protected, preserved and restored as necessary to provide dignity and honor. The cemetery is the final resting place of Ezra Jones, a Civil War Veteran. Most of the deceased are English and early settlers dating back to 1805.

The project includes survey work, tree work, stump grinding, fencing, landscaping and gravestone cleaning and repair. With landscape improvements and the cleaning and restoration of the gravestones, the ancient cemetery would be eligible to serve on the National Register of Historic Places.

The Community Preservation Committee recommends approval of Article \_\_\_ by a vote of 9-0.

**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 from the Community Preservation Fund 10% Open Space/Recreation Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$18,086 for the purpose of funding the Mashpee Community Garden Expansion Project, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** The goal of this project is to support the garden expansion by an additional 14 garden plots to meet the gardening demand. CPA funding would support garden bed construction, pathways, additional fencing, expanded irrigation and water service areas to include the construction of demonstration gardens and historic and gardening information. The project would provide continued beautification of Town-owned recreational land and promote Mashpee as a Green Community.

The Community Preservation Committee recommends approval of Article \_\_ by a vote of 9-0.

**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 from the Community Preservation Fund 10% Affordable Housing Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$168,084 for the purpose of funding the Homeyer Village Roof Replacement Project, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** The goal of this project is to preserve affordable housing for the senior population residing at the Frank J. Homeyer Village. A new roof is required to preserve and maintain the integrity of the facility. The asphalt roof shingles and other system components are original to the 1990 building. Conditions include worn, brittle, curling and missing roof shingles.

CPA funding at the state-aided senior development would leverage Department of Housing & Community Development (DHCD) funding as well as High Leverage Asset Preservation (HILAP) grant funds for additional capital repairs.

The Community Preservation Committee recommends approval of Article \_\_ by a vote of 9-0.

**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 from the Community Preservation Fund 10% Affordable Housing Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$264,893 for the purpose of funding the Breezy Way Roofs, Siding & Windows Project, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** The goal of this project is to provide safe, adequate, and affordable housing to low-income seniors, and families. The Breezy Way units are deemed affordable in perpetuity. Preservation of the facility includes roof replacement, siding and windows, all in disrepair and original to the 1990 building.

All preservation work has been confirmed by the DHCD as an acceptable use of CPA funds. With CPA funding, the Mashpee Housing Authority is eligible to apply for HILAP funds and sustainability funds leveraging multiple grant sources to preserve the buildings for the families residing in this community.

The Community Preservation Committee recommends approval of Article \_\_\_\_ by a vote of 9-0.

**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 from the Community Preservation Fund Uncommitted Fund Balance in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$1,709,400 for the purpose of funding the Multi-Purpose Track & Field Stadium Renovation Project including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** The goal of this project is to sustain the current athletic program at the Mashpee Middle/High School (MMHS) by replacing the track and multi-purpose field in the stadium original to the school's construction in 1996.

Complete reconstruction is necessary. Over the past 25 years the track has been resurfaced. The surface is now defective and it is deteriorating extending into the base and sub-base of the track creating un-safe conditions.

A total of 25 teams, more than 4,500 students use the facility during the fall and spring seasons and it is also used by all MMHS students as part of the gym curriculum. The facility is used and is available for the public during non-school hours. It is expected the field would be available for Mashpee youth sport leagues and/or Recreation Department programs during non-school hours, and would be available for rental by other organizations, subject to scheduled usages.

The total projected cost is \$2,789,400. The total CPA request is \$1,709,400. CPA funding would support general contracting, site preparation/demolition, concrete, track, fencing, walkways/access, site amenities, utilities, site improvements, stadium lighting (LED conversion) and contingency in the amount of 20% due to uncertain economic conditions. Work proposed under the CPA conforms to the mandates of the Community Preservation Act. Improvements to the field will not be CPA funded and that component of the work is included in the Capital Improvement Program (CIP) plan presented as a separate article.

With approvals the project would go to bid in early spring with construction to commence in the Summer of 2022. It is anticipated the majority of work would be completed prior to the onset of the new school year.

The Community Preservation Committee recommends approval of Article \_\_\_\_ by a vote of 8-1.

**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 \$450,000 \*(Formerly \$376,000)\* from revenue available for appropriation to fund Santuit Pond Resiliency Projects: Stormwater improvements and nutrient inactivation, or take any other action relating thereto.

Submitted by the Department of Natural Resources

**Explanation:** This article is necessary to continue efforts to address nutrient pollution and enhance resilience in Santuit Pond. These funds would provide local match to leverage additional grant funding available through the Massachusetts Municipal Vulnerability Program (MVP) for the design and construction of stormwater improvements within the Santuit Pond watershed. These funds will also be used to study the feasibility towards implementation of an Aluminum Sulfate nutrient inactivation treatment within the pond to treat excess phosphorus and symptoms of eutrophication i.e. excess harmful cyanobacteria blooms. Aluminum Sulfate was previously determined to be a method of choice in the AECOM Santuit Pond Diagnostic Study est.2010 to reduce the internal load of phosphorus within the Pond.

**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 SPECIAL 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 21st day of March in the year two thousand and twenty two.

Per Order of,  
**Board of Selectmen**

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

**Town of Mashpee  
Mashpee High School  
500 Old Barnstable Road  
Mashpee, MA 02649  
Annual Town Meeting  
Monday, May 2, 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 2nd day of May 2022 at 7:00 p.m. for the following purposes:

To act on the articles contained in the following Warrant:

**Article 1**

To see if the Town will vote to accept the reports of the Town officers, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** The 2020 Annual Town Report in which the reports of Town officers are presented is available at the Town Meeting and at the Town Hall.

**The Board of Selectmen recommends approval of Article 1 by a vote of**  
**The Finance Committee recommends approval of Article 1 by a vote of**

**Article 2**

To see if the Town will vote to fix the salaries of the following elected officers as provided in Chapter 41, Section 108, of the Massachusetts General Laws for the period of July 1, 2022 to June 30, 2023, and further, to see if the Town will vote to appropriate, raise, and/or transfer a sum of money to defray the Town's expenses for the ensuing fiscal year, according to the following line item budget, with the maximum amount to be appropriated as shown in the column entitled "FY 2023 Department Request" (see Omnibus Budget), or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** This article seeks to fund the annual operating budgets for the various Town Departments.

**The Board of Selectmen recommends approval of Article 2 by a vote of**  
**The Finance Committee recommends approval of Article 2 by a vote of**

DEPARTMENT		FY 2022 BUDGET	FY 2023 DEPARTMENT REQUEST	FY 2023 FINANCE COMMITTEE RECOMMEND	FY 2023 TOWN MGR RECOMMEND
<b>MODERATOR</b>					
SALARY	1	200	200		200
<b>TOTAL</b>		<b>200</b>	<b>200</b>		<b>200</b>
<b>SELECTMEN</b>					
SALARY-ELECTED	2	15,500	15,500		15,500
SALARY/WAGE	3	411,950	459,755		436,055
EXPENSE	4	38,500	38,500		38,500
LEG/ENG/CONSULTING	5	385,000	385,000		385,000
<b>TOTAL</b>		<b>850,950</b>	<b>898,755</b>		<b>875,055</b>
<b>FINANCE COMMITTEE</b>					
RESERVE FUND	6	87,700	100,000		100,000
EXPENSE	7	70,000	75,000		75,000
<b>TOTAL</b>		<b>157,700</b>	<b>175,000</b>		<b>175,000</b>
<b>TOWN ACCOUNTANT</b>					
SALARY/WAGE	8	300,236	328,535		304,765
EXPENSE	9	2,675	3,175		3,175
<b>TOTAL</b>		<b>302,911</b>	<b>331,710</b>		<b>307,940</b>
<b>ASSESSORS</b>					
SALARY-APPOINTED	10	3,000	3,000		3,000
SALARY/WAGE	11	310,995	291,528		266,788
EXPENSE	12	6,400	6,000		6,000
<b>TOTAL</b>		<b>320,395</b>	<b>300,528</b>		<b>275,788</b>
<b>TREASURER/TAX COLLECTOR</b>					
SALARY/WAGE	13	264,972	274,760		274,760
EXPENSE	14	48,900	47,400		47,400
DEBT SERVICE	15	2,500	2,500		2,500
FORECLOSURE	16	12,000	12,000		12,000
<b>TOTAL</b>		<b>328,372</b>	<b>336,660</b>		<b>336,660</b>
<b>HUMAN RESOURCES</b>					
SALARY/WAGE	17	387,660	436,813		436,813
EXPENSE	18	113,519	112,837		100,637
<b>TOTAL</b>		<b>501,179</b>	<b>549,650</b>		<b>537,450</b>

DEPARTMENT		FY 2022 BUDGET	FY 2023 DEPARTMENT REQUEST	FY 2023 FINANCE COMMITTEE RECOMMEND	FY 2023 TOWN MGR RECOMMEND
<b>INFORMATION TECHNOLOGY</b>					
SALARY/WAGE	19	374,048	389,985		389,985
EXPENSE	20	314,328	329,882		321,756
EQUIPMENT REPLACEMENT	21	27,000	27,000		27,000
<b>TOTAL</b>		<b>715,376</b>	<b>746,867</b>		<b>738,741</b>
<b>TOWN CLERK</b>					
SALARY-ELECTED	24	93,355	98,890		98,890
SALARY/WAGE	25	105,251	108,890		108,890
EXPENSE	26	9,175	8,875		8,875
<b>TOTAL</b>		<b>207,781</b>	<b>216,655</b>		<b>216,655</b>
<b>ELECTIONS &amp; REGISTRATIONS</b>					
SALARY/WAGE	27	63,095	66,486		66,486
EXPENSE	28	23,000	27,200		27,200
<b>TOTAL</b>		<b>86,095</b>	<b>93,686</b>		<b>93,686</b>
<b>CONSERVATION</b>					
SALARY/WAGE	29	228,350	220,561		220,561
EXPENSE	30	5,336	5,824		5,824
HERRING EXPENSE	31	500	500		500
<b>TOTAL</b>		<b>234,186</b>	<b>226,885</b>		<b>226,885</b>
<b>NATURAL RESOURCES</b>					
SALARY/WAGE	32	508,932	643,420		643,420
EXPENSE	33	132,840	195,960		189,710
PROPAGATION	34	135,000	240,650		240,650
<b>TOTAL</b>		<b>776,772</b>	<b>1,080,030</b>		<b>1,073,780</b>
<b>PLANNING BOARD</b>					
EXPENSE	35	1,125	11,125		11,125
<b>TOTAL</b>		<b>1,125</b>	<b>11,125</b>		<b>11,125</b>
<b>PLANNING DEPARTMENT</b>					
SALARY/WAGE	36	142,730	152,930		152,930
EXPENSE	37	4,125	4,125		4,125
<b>TOTAL</b>		<b>146,855</b>	<b>157,055</b>		<b>157,055</b>
<b>TOWN HALL</b>					
EXPENSE	38	282,000	282,000		282,000
<b>TOTAL</b>		<b>282,000</b>	<b>282,000</b>		<b>282,000</b>



DEPARTMENT		FY 2022 BUDGET	FY 2023 DEPARTMENT REQUEST	FY 2023 FINANCE COMMITTEE RECOMMEND	FY 2023 TOWN MGR RECOMMEND
<b>POLICE</b>					
SALARY/WAGE	39	4,404,421	4,610,509		4,610,509
EXPENSE	40	317,681	317,681		317,681
DISPATCHERS SALARY/WAGE	41	548,095	571,660		571,660
<b>TOTAL</b>		<b>5,270,197</b>	<b>5,499,850</b>		<b>5,499,850</b>
<b>FIRE</b>					
SALARY/WAGE	42	4,158,990	4,347,867		4,347,867
EXPENSE	43	507,723	521,018		514,693
<b>TOTAL</b>		<b>4,666,713</b>	<b>4,868,885</b>		<b>4,862,560</b>
<b>BUILDING INSPECTOR</b>					
SALARY/WAGE	44	332,993	350,826		341,776
EXPENSE	45	29,375	32,070		32,070
<b>TOTAL</b>		<b>362,368</b>	<b>382,896</b>		<b>373,846</b>
<b>TREE WARDEN</b>					
EXPENSE	46	-			
<b>TOTAL</b>		<b>-</b>	<b>-</b>		<b>-</b>
<b>SCHOOL</b>					
BUDGET	47	23,299,435	24,003,261		23,402,261
<b>TOTAL</b>		<b>23,299,435</b>	<b>24,003,261</b>		<b>23,402,261</b>
<b>DPW</b>					
SALARY/WAGE	49	2,756,526	2,827,614		2,827,614
EXPENSE	50	965,420	1,098,985		1,098,985
BUILDINGS & GROUNDS	51	1,300,311	1,440,481		1,440,481
<b>TOTAL</b>		<b>5,022,257</b>	<b>5,367,080</b>		<b>5,367,080</b>
<b>SNOW &amp; ICE</b>					
EXPENSE	52	116,570	116,570		116,570
<b>TOTAL</b>		<b>116,570</b>	<b>116,570</b>		<b>116,570</b>
<b>STREET LIGHTING</b>					
EXPENSE	53	22,000	22,000		22,000
<b>TOTAL</b>		<b>22,000</b>	<b>22,000</b>		<b>22,000</b>
<b>TRANSFER STATION</b>					
EXPENSE	54	1,078,249	1,120,062		1,120,062
<b>TOTAL</b>		<b>1,078,249</b>	<b>1,120,062</b>		<b>1,120,062</b>

DEPARTMENT		FY 2022 BUDGET	FY 2023 DEPARTMENT REQUEST	FY 2023 FINANCE COMMITTEE RECOMMEND	FY 2023 TOWN MGR RECOMMEND
<b>WASTEWATER</b>					
SALARY	55	111,265	119,139		119,139
EXPENSE	56	-	13,450		13,450
<b>TOTAL</b>		<b>111,265</b>	<b>132,589</b>		<b>132,589</b>
<b>CEMETERY</b>					
EXPENSE	57	15,000	15,000		15,000
<b>TOTAL</b>		<b>15,000</b>	<b>15,000</b>		<b>15,000</b>
<b>HEALTH</b>					
SALARY-APPOINTED	58	3,000	3,000		3,000
SALARY/WAGE	59	321,105	309,339		309,339
EXPENSE	60	63,040	63,540		63,540
<b>TOTAL</b>		<b>387,145</b>	<b>375,879</b>		<b>375,879</b>
<b>COUNCIL ON AGING</b>					
SALARY/WAGE	61	264,680	278,845		270,485
EXPENSE	62	43,627	45,973		45,973
<b>TOTAL</b>		<b>308,307</b>	<b>324,818</b>		<b>316,458</b>
<b>VETERANS</b>					
EXPENSE	63	121,000	110,000		110,000
MEMBERSHIP	64	41,500	45,650		45,650
<b>TOTAL</b>		<b>162,500</b>	<b>155,650</b>		<b>155,650</b>
<b>HUMAN SERVICES</b>					
SALARY/WAGE	65	85,601	91,228		91,228
EXPENSE	66	51,910	51,910		51,910
<b>TOTAL</b>		<b>137,511</b>	<b>143,138</b>		<b>143,138</b>
<b>LIBRARY</b>					
SALARY/WAGE	67	529,898	554,725		554,725
EXPENSE	68	193,467	208,624		208,624
<b>TOTAL</b>		<b>723,365</b>	<b>763,349</b>		<b>763,349</b>
<b>RECREATION</b>					
SALARY/WAGE	69	296,871	317,433		317,433
EXPENSE	70	32,125	30,875		30,875
<b>TOTAL</b>		<b>328,996</b>	<b>348,308</b>		<b>348,308</b>

DEPARTMENT		FY 2022 BUDGET	FY 2023 DEPARTMENT REQUEST	FY 2023 FINANCE COMMITTEE RECOMMEND	FY 2023 TOWN MGR RECOMMEND
<b>HISTORICAL</b>					
TEMP WAGE	71	9,000	10,000		10,000
EXPENSE	72	6,830	6,830		6,830
<b>TOTAL</b>		<b>15,830</b>	<b>16,830</b>		<b>16,830</b>
<b>CULTURAL COUNCIL</b>					
EXPENSE	73	90	90		90
<b>TOTAL</b>		<b>90</b>	<b>90</b>		<b>90</b>
<b>PRINCIPAL INSIDE 2 1/2</b>	<b>74</b>	<b>1,173,797</b>	<b>978,800</b>		<b>978,800</b>
<b>PRINCIPAL OUTSIDE 2 1/2</b>	<b>75</b>	<b>805,000</b>	<b>795,000</b>		<b>795,000</b>
<b>INTEREST INSIDE 2 1/2</b>	<b>76</b>	<b>209,138</b>	<b>170,040</b>		<b>170,040</b>
<b>INTEREST OUTSIDE 2 1/2</b>	<b>77</b>	<b>261,125</b>	<b>232,975</b>		<b>232,975</b>
Principal & Interest					
<b>TEMP BORROW INSIDE 2 1/2</b>	<b>78</b>	<b>117,280</b>	<b>22,875</b>		<b>22,875</b>
Principal & Interest					
<b>TEMP BORROW OUTSIDE 2 1/2</b>	<b>79</b>	<b>13,970</b>	<b>31,000</b>		<b>31,000</b>
<b>RETIREMENT EXPENSE</b>	<b>80</b>	<b>3,704,763</b>	<b>4,062,220</b>		<b>4,062,220</b>
<b>UNEMPLOYMENT</b>	<b>81</b>	<b>40,000</b>	<b>40,000</b>		<b>40,000</b>
<b>MEDICAL INSURANCE</b>	<b>82</b>	<b>7,543,742</b>	<b>8,731,590</b>		<b>8,251,590</b>
<b>GROUP INSURANCE</b>	<b>83</b>	<b>15,845</b>	<b>15,845</b>		<b>15,845</b>
<b>MEDICARE</b>	<b>84</b>	<b>485,155</b>	<b>533,671</b>		<b>533,671</b>
<b>TOWN INSURANCE</b>	<b>85</b>	<b>946,520</b>	<b>1,057,815</b>		<b>1,057,815</b>
<b>TOTAL</b>		<b>62,256,030</b>	<b>65,734,892</b>		<b>64,531,371</b>

**Article 3**

To see if the Town will vote to appropriate and transfer the sum of \$1,385,740 from available funds to various department Capital Accounts, as specified in the chart accompanying this Article, or take any other action relating thereto.

Submitted by the Board of Selectmen

<b>FISCAL YEAR 2023 CAPITAL IMPROVEMENT PROGRAM</b>		
<b>REQUESTS BY DEPARTMENT</b>	<b>FY 2023 CIP COMMITTEE RECOMMENDATIONS</b>	<b>FY 2023 TOWN MANAGER RECOMMENDATIONS</b>
<b><i>DPW</i></b>		
Replace 2014 Ford F550	\$ 110,000	\$ 110,000
Replace 2017 John Deere Tractor	\$ 63,500	\$ 63,500
Replace 2002 Evaco Trailer	\$ 35,000	\$ 35,000
Replace 1997 CAT ITG Loader (Year 1 of 3)	\$ 80,000	\$ 80,000
<b>Total DPW</b>	<b>\$ 288,500</b>	<b>\$ 288,500</b>
<b><i>FIRE</i></b>		
Purchase 2 Vehicles (Chief 371/Inspector 373)	\$ 130,000	\$ 130,000
Replace SCBA Compressor & Fill Station	\$ 85,000	\$ 85,000
<b>Total Fire</b>	<b>\$ 215,000</b>	<b>\$ 215,000</b>
<b><i>INFORMATION TECHNOLOGY</i></b>		
VMWare Server - Town Hall	\$ 50,000	\$ 50,000
<b>Total Information Technology</b>	<b>\$ 50,000</b>	<b>\$ 50,000</b>
<b><i>NATURAL RESOURCES</i></b>		
Replace Trucks	\$ 90,200	\$ 90,200
Water Quality Sonde Replacements (3 @\$30,000)	\$ 90,000	\$ 90,000
<b>Total Natural Resources</b>	<b>\$ 180,200</b>	<b>\$ 180,200</b>
<b><i>PLANNING &amp; CONSTRUCTION</i></b>		
Flooring Replacement	\$ 89,640	\$ 89,640
MMHS Gymnasium Upgrades	\$ 75,000	\$ 75,000
Quashnet Gymnasium Upgrades	\$ 155,000	\$ 155,000
<b>Total Planning &amp; Construction</b>	<b>\$ 319,640</b>	<b>\$ 319,640</b>
<b><i>POLICE</i></b>		
10 Police Vehicles (Year 3 of 3)	\$ 156,000	\$ 156,000
4 Police Vehicles (Year 2 of 3)	\$ 56,000	\$ 56,000
<b>Total Police</b>	<b>\$ 212,000</b>	<b>\$ 212,000</b>

<b>SCHOOL</b>		
Kitchen Equipment Upgrades	\$ 25,000	\$ 25,000
Chromebook Leases	\$ 45,000	\$ 45,000
Interactive Board Systems in Classrooms	\$ 25,000	\$ 25,000
IPAD Replacement	\$ 25,400	\$ 25,400
<b>Total School</b>	<b>\$ 120,400</b>	<b>\$ 120,400</b>
<b>TOTAL ALL DEPARTMENTS</b>	<b>\$ 1,385,740</b>	<b>\$ 1,385,740</b>

**Explanation:** This article is to appropriate and transfer \$1,385,740 from the Capital Stabilization Fund for the FY 2023 capital budget. This article requires a 2/3rd vote.

**The Board of Selectmen recommends approval of Article 3 by a vote of**  
**The Finance Committee recommends approval of Article 3 by a vote of**

#### **Article 4**

To see if the Town will vote to approve the annual regional school district budget for the Cape Cod Regional Technical High School District for the fiscal year beginning July 1, 2022, in the amount of \$16,127,000 and further, to see if the Town will vote to raise and appropriate the sum of \$1,011,446 to meet its share of the cost of operation and maintenance of the Cape Cod Regional Technical High School District for the fiscal year beginning July 1, 2022, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** Mashpee's share of the Cape Cod Regional Technical High School budget is \$1,011,446. There are currently 51 students from Mashpee at the Cape Cod Regional Technical High School, an increase of 7 students from the previous year.

**The Board of Selectmen recommends approval of Article 4 by a vote of**  
**The Finance Committee recommends approval of Article 4 by a vote of**

#### **Article 5**

To see if the Town will vote to approve the regional school district debt assessment for the Cape Cod Regional Technical High School District Building Project for the fiscal year beginning July 1, 2022, in the amount of \$6,081,325, and further, to see if the Town will vote to raise and appropriate the sum of \$473,869 to meet its share of the cost of debt for the Cape Cod Regional Technical High School District Building Project for the fiscal year beginning July 1, 2022, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** Mashpee's share of the Cape Cod Regional Technical High School debt for the Cape Cod Regional Technical High School Building Project for Fiscal Year 2023 is \$473,869.

**The Board of Selectmen recommends approval of Article 5 by a vote of**  
**The Finance Committee recommends approval of Article 5 by a vote of**

## **Article**

To see if the Town will vote to appropriate and transfer the sum of \$250,000 from revenue available for appropriation to the Other Postemployment Benefits Irrevocable Trust Fund, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** This article will add funds to the OPEB Irrevocable Trust Fund which was established in FY 2013 to assist the Town with meeting its potential post-employment benefits obligation.

**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 amend Article XVI, §174-91 of the Zoning Bylaws by substituting the term "Select Board" for "Board of Selectmen", and further, by deleting the terms "Board of Selectmen" and "Selectmen" in every other instance in which they appear in the Zoning Bylaw and inserting in their place the words "Select Board", or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** This is a "housekeeping" article that would delete all references to "Board of Selectmen" or "Selectmen" in the Zoning Bylaw and replace said references with "Select Board", consistent with Town Meeting's approval of such an amendment to the General Bylaws pursuant to its vote under Article 1 of the October 18, 2021 Town Meeting.

**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 the Board of Selectmen and the Conservation Commission to convey 2,940 square feet of land under the care and custody of the Town of Mashpee Conservation Commission, which land is a portion of a parcel identified as Mashpee Assessor's Parcel 30-19-0 and referenced at the Barnstable County Registry of Deeds at Book 3435, Page 86, and to accept the conveyance of 2,940 square feet of land from Jacques Fresco and Rosalie Fresco, which land is a portion of a lot identified as 3 Santuit Lane, Mashpee Assessor's Parcel 30-20-0 and referenced at the Barnstable County Registry of Deeds in Book 2879, Page 172, and to accept such land into the care and custody of the Mashpee Conservation Commission, for purposes of curing an encroachment upon Town-owned land, all as shown on a plan of land on file at the Office of the Town Clerk, and further to authorize the Board of Selectmen and the Conservation Commission to file a petition with the General Court under Article 97 of the Declaration of Rights for the purposes of this article, or take any other action relating thereto.

Submitted by the Board of Selectmen and the Conservation Commission

**Explanation:** This Article will remedy an encroachment on Town owned land at 3 Santuit Lane by a land swap between the owners and the Town.

**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 the total expenditures for the following revolving funds pursuant to G.L. Ch. 44 Section 53E ½ for the fiscal year beginning July 1, 2022 to be expended in accordance with the Bylaw establishing said revolving funds, heretofore approved, or take any other action relating thereto.

FUND	FY 2023 AUTHORIZATION
RECREATION	\$580,000
LIBRARY	\$20,000
SENIOR CENTER	\$15,000
HISTORICAL COMMISSION	\$2,500

Submitted by the Finance Director

**Explanation:** This article establishes the FY 2023 expenditure limits for departmental revolving funds.

**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 \$250,000 from revenue available for appropriation, to be deposited into special injury leave indemnity fund, (Injured on Duty Fund), in accordance with the provisions of General Law Chapter 41, Section 111F for the purposes of funding injury leave compensation or medical bills incurred under said law, or take any other action relating thereto.

Submitted by the Finance Director

**Explanation:** This article would deposit \$250,000 into the special injury leave indemnity fund (Injured on Duty Fund).

**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 \$522,112 to establish a budget for the PEG Access and Cable Related fund for fiscal year 2023, with said appropriation to be funded through the current balance of the fund, or take any other action relating thereto.

Submitted by the Finance Director

**Explanation:** The Department of Revenue now requires the Town to vote a yearly budget based on estimated expenditures from the fund for the next fiscal year. The total budget voted may not exceed the current balance within the fund.

**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 rescind the authority to issue the following un-issued balances of authorized bonds or notes pursuant to the votes adopted under the following articles to the extent not previously exercised, or take any other action relating thereto.

Submitted by the Town Treasurer			
Town Meeting	Article #	Balance	Purpose
October 15, 2018	22	\$ 210,953.75	Pimlico Heights Road Project
May 6, 2019	29	\$ 108,030.00	Leather Leaf Road Project
May 6, 2019	18	\$ 599,277.00	Chapter 90/ 2020

**Explanation:** This article is for the purpose of rescinding loans authorized for capital projects that have been completed. This will enable the Town Accountant to remove the un-issued balances.

**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 transfer a sum of money, not to exceed \$\_\_\_\_\_, from revenue available for appropriation to fund a groundwater infiltration test to quantify the amount of treated wastewater effluent that may safely and responsibly be discharged the Town's wastewater treatment facility, or take any other action relating thereto.

Submitted by the Sewer Commission

**Explanation:** The Town has a groundwater discharge permit that limits effluent disposal to 120,000 gallons per day, an amount sufficient for the wastewater being collected and treated under Phase 1 of the Clean Water Plan but well under the future needs of the town. A new hydraulic study will be used to determine the amount of highly treated effluent that may be discharged at the site without having impacts on surrounding developments and adjacent water 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 transfer a sum of money, not to exceed \$\_\_\_\_\_, from revenue available for appropriation for the preparation of design and engineering sufficient to estimate total construction costs for the wastewater collection, pumping, discharge and treatment facilities required to implement Phase 2, sections a through e, of the Mashpee Clean Water Plan, or take any other action relating thereto.

Submitted by the Sewer Commission



**Explanation:** The Town has developed a revised Phase 2 that seeks to continue to meet the Town's obligations to reduce nitrogen as required to meet the water quality standards for our two estuaries while also improving water quality in the major freshwater ponds in town. This article enables the town to develop the engineering and design of the expanding collection and treatment systems in sufficient detail to have a construction cost estimate for presentation to the Town to consider and to pursue state and federal funding assistance to lower construction cost.

**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 \$14,712.00 from the Ambulance Receipts Account to the Fire Department Expense Account, or take any other action related thereto.

Submitted by the Fire Department

**Explanation:** This article is to use Ambulance Receipts funds for the purchase of three (3) ProCare Stair Chairs (1 for each ambulance) used to move patients from their home to an ambulance.

**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 the creation of four (4) additional positions within the Fire Department for full-time firefighters, contingent upon the receipt of the Federal Staffing for Adequate Fire and Emergency Response (SAFER) Grant, with said positions to be classified under the Mashpee Permanent Firefighters Association Local 2519, effective July 1, 2022, and further to authorize the Town Manager and/or Select Board to file any applications and/or take whatever other action may be necessary to secure said federal SAFER grant funds, or take any other action relating thereto.

Submitted by the Fire Department

**Explanation:** This article would authorize the creation of employment positions for and the hiring of four (4) additional Firefighters funded for three years by the Federal Staffing for Adequate Fire and Emergency Response Grants (SAFER) Grant. The SAFER Grant program was created to provide funding directly to fire departments to help them increase or maintain the number of trained, "front line" firefighters available in their communities. These positions will only be created if the Federal SAFER Grant is approved. The increase in staff would ensure that the Town is meeting applicable NFPA staffing and deployment standards. The Town of Mashpee would be responsible for all salaries and expenses after three years or upon the expiration of the Federal SAFER Grant funds.

**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 raise, borrow or transfer from available funds and appropriate the sum of \$\_\_\_\_\_ to provide for road improvement projects under the Chapter 90 program, or take any other action relating thereto.

Submitted by the Department of Public Works

**Explanation:** This article authorizes use of funds which will be 100% reimbursed by the Commonwealth of Massachusetts. The budget approved each fiscal year by the Legislature and Governor establishes the total funding available for Chapter 90 local transportation aid for that year. These funds are then apportioned to the 351 Massachusetts towns and cities. The funding authorized by this article is the maximum anticipated Town's share of the FY22 Chapter 90 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 the sum of \$446,205, for the operation of the Kids Klub Enterprise Fund for Fiscal Year 2023; said sum to be raised from \$446,205 in receipts of the Enterprise, or take any other action relating thereto.

Submitted by the Recreation Department

<b><u>Estimated Revenues</u></b>	
Registration Fees	\$ 3,500
Tuition	\$ 442,430
Investment Income	\$ 275
<b><u>Total Budgeted Revenue</u></b>	<b><u>\$ 446,205</u></b>
<b><u>Estimated Expenses</u></b>	
Salary (full-time; incl. long.)	\$ 290,256
Salary (part-time)	\$ 49,500
Benefits (Health, Life, Medicare)	\$ 52,400
Building Expenses	\$ 54,049
<b><u>Total Budgeted Expenses</u></b>	<b><u>\$ 446,205</u></b>
<b><u>Net Profit/Loss</u></b>	<b><u>\$0</u></b>

**Explanation:** The proposed Recreation Enterprise budget for fiscal year 2023 will authorize the Recreation Department to operate a toddler/pre-school program as a self-sufficient, self-funded operation. All costs related to this program are projected are to be offset by the revenues of the program. Any monies in excess of the expenses are to remain in the account.

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

## Article

To see if the Town will vote to appropriate and transfer from the FY 2023 Community Preservation Fund Estimated Revenues, the sum of \$40,000 to the Community Preservation Committee Administrative and Operating Expense Account, pursuant to the provisions of M.G.L., Chapter 44B, §5, including any necessary costs related thereto, as recommended by the Community Preservation Committee or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** To provide annual funding in FY 2023 for the administrative and operational costs of the Community Preservation Committee which includes project costs associated with and incidental to the Community Preservation Committee. Under the CPA Act, up to 5% of the annual CPA funds may be spent on the operation and administrative costs of the Community Preservation Committee. Funding supports legal and professional fees, technical reviews, appraisal costs, signage, annual Community Preservation Coalition dues, administrative wages, office supplies and similar costs associated with and incidental to the development of a CPA project.

The Community Preservation Committee recommends approval of Article \_\_ by a vote of 7-0.

**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 continue participation in the Community Septic Management Program and the Massachusetts Water Pollution Abatement Trust (MWPAT) for the purpose of making loans to residents of the Town for repairing and/or upgrading residential septic systems pursuant to agreements between the Board of Health and residential property owners, including all costs incidental and related thereto, or to take any other action relative thereto.

Submitted by the Board of Health

**Explanation:** The Commonwealth of Massachusetts, through the Water Pollution Abatement Trust, has provided approximately \$660,000.00 at 0% interest to the Town of Mashpee to assist homeowners in complying with failed Title V systems since 1998. The loans are available to homeowners at 5% interest, to cover any ongoing costs of the program. Loans must be secured by a betterment assessed by the Town on the property being improved by the loan. The repayment of the loans to the town with the 5% interest is being repaid through previously issued property betterments. In order for the town to be able to re-loan funds to future additional septic projects, the town must annually reauthorize/re-approve participation in the Community Septic Management Program. Failure to reauthorize participation in the Program will restrict the town from re-lending funds to homeowners with failed septic systems. The repaid monies will be held in an account with the principal amount repaid to the MWPAT as scheduled.

**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 the Board of Selectmen and the Conservation Commission to convey 2,940 square feet of land under the care and custody of the Town of Mashpee Conservation Commission, which land is a portion of a parcel identified as Mashpee Assessor's Parcel 30-19-0 and referenced at the Barnstable County Registry of Deeds at Book 3435, Page 86, and to accept the conveyance of 2,940 square feet of land from Jacques Fresco and Rosalie Fresco, which land is a portion of a lot identified as 3 Santuit Lane, Mashpee Assessor's Parcel 30-20-0 and referenced at the Barnstable County Registry of Deeds in Book 2879, Page 172, and to accept such land into the care and custody of the Mashpee Conservation Commission, for purposes of curing an encroachment upon Town-owned land, all as shown on a plan of land on file at the Office of the Town Clerk, and further to authorize the Board of Selectmen and the Conservation Commission to file a petition with the General Court under Article 97 of the Declaration of Rights for the purposes of this article, or take any other action relating thereto.

SEE MAP IN APPENDIX A

Submitted by the Conservation Commission

**Explanation:** This Article will remedy an encroachment on Town owned land at 3 Santuit Lane by a land swap between the owners and the Town.

**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 amend the general bylaws as follows:

General Bylaws, Chapter 147, Article III

§147-6 Deposit of Snow on Town Ways and Property; Violations and Enforcement.

No person other than an employee in the service of the Town or an employee in the service of an independent contractor acting for the Town shall pile, push, plow, or otherwise deposit snow or ice on to a Town way, private way open to public use designated by the Select Board for purposes of G.L. c. 40, §6C, bikeways, parks, parking areas or other Town owned property so as to impede the flow of vehicular or pedestrian traffic on such ways or interfere with the public use of such property. Whoever violates this section shall be punished by a fine of two hundred dollars for each offense. The provisions of this Chapter shall be enforced by the Mashpee Police Department, the Director of Public Works, or his/her designee. The provisions of MGL C. 40, §21D, providing for noncriminal disposition of violations shall be applicable and the person taking cognizance of any violation hereof may issue to the offender a written notice as provided for in said §21D as an alternative to District Court criminal proceedings or other available enforcement remedies, or take any other action relating thereto.

Submitted by the Department of Public Works

**Explanation:** This Article would amend the town's general bylaws to prevent contractors from plowing snow from private property onto Town roads, particularly from commercial parking lots.

**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 \$195,000 from the Waterways Improvement Fund to the Engineering/Permitting/Dredging and Associated Expense Account or take any other action relating thereto.

Submitted by the Waterways Commission

**Explanation:** This Article will provide funds for various Waterways projects.

**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 Christopher Lane and to accomplish said purpose and for expenses related thereto, the Town vote to appropriate and transfer from revenue available for appropriation \$5,000 to the Christopher Lane Roadways Account, or take any other action relating thereto.

SEE MAP IN APPENDIX A

Submitted by Petition

**Explanation:** This Article authorizes the Town to layout and define Christopher Lane and to appropriate funding for this purpose.

**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 accept the layouts as public ways of Oldham Circle, as shown on plans entitled "Oldham Circle, Road Taking Plan," in Mashpee, MA (Barnstable County), dated December 20, 2020 and prepared by Cape & Islands Engineering, Inc., which layouts shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of vote hereunder, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain taking any land necessary for the purposes of such ways as so laid out, and to appropriate the sum of \$ 387,906.75 to the "Oldham Circle" Roadways Account, and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8, or any other enabling authority for such purchase or taking and layout, including costs of constructing such ways, legal, financing, and other costs incidental and related thereto, and further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relating thereto.

SEE MAP IN APPENDIX A

Submitted by Petition

**Explanation:** This article authorizes the Town to complete the private to public road conversion process for Oldham Circle.

**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 affirm that the center of community activity in Mashpee is located around the region of the confluent of Main Street (Route 130) and Great Neck Road North, wherein are located Mashpee's Community Park, Veterans' Garden, Mashpee Town Hall, Mashpee Archives, Mashpee's Community Garden, Mashpee's Historic District, Mashpee's 1831 One-Room Schoolhouse, Mashpee's Wampanoag Museum, the Mashpee River Herring Run and local businesses, or take any other action relating thereto.

Submitted by Petition

**Explanation:** Recent building booms in Town have created confusion in the municipality as to the location of the Town Center. At least one recent map erroneously named a privately owned shopping center as the "Town Center." This has created uncertainty for many residents and visitors. This affirmation clarifies the situation.

**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 instruct the Mashpee Select Board to replace no later than three months from the date of this vote the current shoulder patch worn on Mashpee Police uniforms with the newly adopted Town Seal.

Submitted by Petition

**Explanation:** The uniform of Mashpee police officers inappropriately features an identifying shoulder patch with a symbol of a privately owned business, thus favoring one business at the expense of others, The Town Seal, created by the dedicated work of a team specially appointed town committee, is the correct signifier.

**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 the Selectmen to acquire, by purchase, gift, eminent domain, or otherwise for conservation, open space and passive recreational purposes, for the general public, consistent with the provisions of Mass. Gen. Laws, Ch. 40, §8C, and Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, the parcels of land totaling 32 acres, more or less, identified on the 2021 Mashpee Assessors' Map as Map 68 Blocks 5 and 6, Map 75 Block 1, that portion of Map 74 Block 16 lying east of a line running from that point on the south side of the layout of State Route 28 lying directly opposite the southernmost corner of Map 67 Block 9 to the northernmost corner of Map 74 Block 17, that portion of Map 75, Block 10 lying southeast of Map 68 Block 5 and Map 75 Block 1, and the remainder of Trout Pond, by completing the following steps by October 1, 2023:

1. Contact the property owner(s) to discuss and negotiate the acquisition, purchase and/or acceptance of the land by the Town, and if the Town and the property owner(s) cannot reach a mutual agreement, to proceed with an eminent domain taking per MGL Chapter 79; and

2. Prepare an update of the Town's current Open Space Conservation & Recreation Plan for submission to and approval by the Commonwealth of Massachusetts Division of Conservation Services and Secretary of Energy and Environmental Affairs to re-qualify the Town for approval and receipt of State LAND and PARC grants and grants from the Federal Land & Water Conservation Fund; and
3. Complete all the steps, including appraisals, necessary to apply for, accept and expend any funds which may be provided by the Town, the Commonwealth, the United States Government, or other public or private source to defray a portion or all of the costs of acquiring or purchasing said property, including but not limited to, funding under the Community Preservation Act, General Laws, Ch. 44B, and/or the Self-Help Act, General Laws, Ch. 132A, Section 11, and/or the Federal Land & Water Conservation Fund, P.L. 88-568, 78 Stat 897; and
4. Include and place on the Spring Annual Town Meeting Warrant in 2023 an Article to see if the Town will:
  - a. authorize the Board of Selectmen to raise and appropriate, transfer from available funds, and/or borrow a sum to fund the foregoing acquisition or purchase and all costs incidental or related thereto; provided, however, that the sum is listed and does not exceed the appraised market value of the said parcels as determined by appraisal(s) done in compliance with the Uniform Standards of Professional Appraisal Practice and approved by any State or Federal agencies from whom grants are to be sought; and
  - b. authorize the Board of Selectmen and Conservation Commission to apply for grants under the State's LAND program and/or the Federal Land & Water Conservation Fund, or any other funding source, and enter into all agreements and execute any and all instruments as may be necessary on behalf of the municipality to affect this purchase and to obtain reimbursement funding for any funds expended to purchase said lands;
  - c. authorize the Board of Selectmen to grant to a governmental agency or non-profit organization, for no consideration, a perpetual Conservation Restriction, pursuant to the provisions of General Laws, ch. 184, §31 through §33, limiting the use of the property to the purpose for which it was acquired, to be recorded at the time of closing or within a reasonable amount of time thereafter; and
  - d. authorize the Conservation Commission to assume the care, custody, control and management of the property,

or to take any other action relating thereto.

Submitted by Petition

**Explanation:** This article authorizes the Selectmen to acquire, by purchase, gift, eminent domain, or otherwise for conservation, open space and recreation the Trout Pond area, a Town treasure. Pre-contact artifacts have been found here. Endangered and threatened species rely on this area. Forestalling development here will help the beleaguered Mashpee River.

**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 instruct the Town Select Board to begin each meeting with an acknowledgement of land, which affirms that the present Town of Mashpee is established upon land long occupied by the Mashpee Wampanoag people for at least the past 10,000 years.

Submitted by Petition

**Explanation:** An acknowledgement of land is a formal statement that recognizes and respects various Indigenous Peoples as traditional stewards of the land. Land acknowledgements have already been adopted by hundreds of municipalities around the world. The precise wording of the sentence can be determined by the five-member Mashpee Select Board.

**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 instruct the Select Board to address immediately the growing burden of onerous property tax increases on the Town's low- and moderate-income property owners. This action should be completed in ample time in order to report to the citizenry prior to the next public hearing on the Town's tax classifications.

Submitted by Petition

**Explanation:** Valuation of homes in Town have risen immensely in recent years. Those increases have in turn brought about large increases in property taxes. The Town's less financially fortunate property owners are feeling the financial squeeze. Other towns, facing the same problem, have found a variety of solutions. The Mashpee Select Board should set to work immediately to find solutions to this problem.

**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 amend the Town of Mashpee General By-laws Chapter 127, §127.2, §127.3, §127.4, §127.5, by striking said sections in their entirety, or take any other action relating thereto.

Submitted by Petition

**Explanation:** This petition would reverse the impending ban on the sale of single use water bottles throughout the Town of Mashpee which is set to go into effect on September 30, 2022.

**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 establish a 10% limit on the amount by which the Town of Mashpee (the "Town") can increase residential real estate tax in a single tax year (as compared to real estate tax in the prior tax year) on any property owned, directly or indirectly, by one or more individuals aged 65 years or older. This 10% annual limit would be suspended for any tax year in which new permitted construction has been completed. Upon approval, this 10% annual limit will be in effect starting in the 2023 tax year (using the 2022 tax year as the basis by which to measure the 10% maximum increase). Once the Town determines that at least one owner of a particular parcel of residential real estate is eligible for this 10% annual limit, this limit shall continue to apply until the property is sold or otherwise transferred or until the death of the eligible owner(s), whichever occurs sooner. , or take any other action relating thereto.

Submitted by Petition

**Explanation:** Dramatic increases in sale prices have pushed residential real estate tax assessments in Mashpee to record levels. Many vulnerable senior citizens have been subject to devastating real estate tax increases of 20% to 50%. A 10% annual tax cap protects those seniors and allows them to stay in their homes.

**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 amend §174-3 of the Mashpee Zoning By-Law, Terms Defined as follows:

Photovoltaic System (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.

Rated Nameplate Capacity: The maximum rated output of electric power production of a photovoltaic system in watts of Direct Current (DC).

Solar Collector: A device, structure or a part of a device or structure for the primary purpose of harvesting solar energy for use in a solar energy system.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System: A device or structural design feather for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.

Solar Energy System, Active: A solar energy system that collects and transforms solar energy into another form of energy or transfers heat from a solar collector to another medium, via mechanical, electrical or chemical means.

Solar Energy System, Grid-Intertie: A photovoltaic system or other active solar energy system designed to generate electricity that is connected to an electric circuit served by an electric utility.

Solar Energy System, Ground-Mounted: An active solar energy system that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).

Solar Energy System, Large Scale: An active solar energy system that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

Solar Energy System, Medium Scale: An active solar energy system that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10-150 kW DC).

Solar Energy System, Off-Grid: A photovoltaic system or other active solar energy system designed to generate electricity in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.

Solar Energy System, Passive: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Solar Energy System, Roof-Mounted: An active solar energy system that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).

Solar Energy System, Small-Scale: An active solar energy system that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 15 kW DC or less).

Submitted by the Petition

**Explanation:** This amendment serves to define terms that are used in the new proposed Solar Energy Systems Overlay District.

**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 amend §174-4, Enumeration of Districts by adding:

SOLAR ENERGY SYSTEMS OVERLAY DISTRICT

Submitted by Petition

**Explanation:** This article would create and establish a Solar Energy System Overlay District as enumerated in proposed Section 174-45.7.

**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 amend §174-5, Establishment of Zoning Map by adding §174-5 (H) as follows:

The Solar Energy Systems Overlay District shall include all of the parcels of land described as follows:

All of the land as shown on Town of Mashpee Assessor Fiscal Year 2022 Tax Maps:72-117; 72-113; 72-112; 72-111; 72-110; 72-118; 79-80; 79-79; 79-71; 79-72; 79-73; 79-74; 79-75; 79-76; 79-77 and 79-78.

All are located in the R-5 and C-2 Zoning District.

Submitted by Petition

**Explanation:** This article is intended to define by reference to the Mashpee Assessor Fiscal Year 2022 tax maps, the land within the Solar Energy Systems Overlay District that should be attached to this zoning map.

**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 amend §174-25 (H)(12) of the Mashpee Zoning By Law "Table of Use Regulations by adding "SP" under Zoning Districts R-5 and C-2

TYPE OF USE	RESIDENTIAL		COMMERCIAL			INDUSTRIAL
	R-3	R-5	C-1	C-2	C-3	I-1
Medium-scale and Large-scale Ground mounted Solar Energy Systems, provided that neighboring properties are effectively protected from any significant adverse impacts from glare, that any such systems are properly fenced or otherwise secured, and that no hazardous materials are stored in quantities greater than permitted by other sections of this By-Law, subject to approval by the Plan Review Committee and Design Review Committee.  (Allowed by SP under 174-45.7 only in the Solar Energy System Overlay District).		SP		SP		PR

Submitted by Petition

**Explanation:** This article would allow the development of medium and large scale solar energy systems in the residential (R-5) and commercial (C-2) zoning districts with a Special Permit from the Planning Board provided they are within the Solar Energy Systems Overlay District.

**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 amend Article VII Land Space Requirement, Section 174-31, Land Space Requirement Table by adding footnote "25" to "maximum of lot coverage (percent)." Footnote 25 would read as follows:

Structures erected solely for the purpose of roof-mounted solar energy systems in permitted parking lots/areas shall not contribute to a parcel's lot coverage maximum but shall comply with all setback criteria of the applicable zoning district. For medium and large scale solar energy systems requiring a special permit from the Planning Board, pursuant to Sec.174-25(H)12 Solar Energy Systems Overlay District, the Planning Board may, at its sole discretion, approve in its decision a solar energy system whose lot coverage exceeds 20% in consideration of site specific conditions.

Submitted by Petition

**Explanation:** Rationale and support for zoning change to enhance the density of solar projects in Mashpee: In 2018 the Commonwealth of Massachusetts put forth a new solar initiative called the Smart program. This groundbreaking concept will help Massachusetts be a leader in solar energy. Given the high cost of land in Mashpee, it is essential to achieve enough density to make a solar project meaningful. The proposed footnote to the By-Law will give the planning board sufficient tools and oversight to achieve an appropriate balance between solar project density and the needs of the community.

**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 establish within the Town of Mashpee a Solar Energy System Overlay District by adding a new Section 174-45.7 as follows:

#### **SOLAR ENERGY SYSTEMS OVERLAY DISTRICT**

##### **A. Purpose and Intent**

1. This section promotes the creation of new small, medium and large-scale, ground-mounted solar energy systems overlay district, in the areas which are delineated on a map dated January 25, 2021 and entitled "Solar Energy Systems Overlay District, ROUTE 151, ALGONQUIN AVENUE AND OLD BARNSTABLE ROAD, Mashpee, Massachusetts," (attached hereto) and which shall be considered as superimposed over other districts established by the zoning by-laws of the Town. This map, as it may be amended from time to time, is on file with the office of the Town Clerk and with any explanatory material therein, is hereby made a part of this chapter, by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and for providing adequate financial assurance for the eventual decommissioning of such installations. This Overlay District Ordinance is adopted pursuant to the Commonwealth of Massachusetts green Communities Act and Massachusetts General Laws Chapter 40A Section 3.

2. Uses, other than Solar Energy Systems, otherwise not permitted in the portions of a zoning district superimposed by this district shall not be permitted in this district.
3. The Solar Energy Systems Overlay District shall include all of the land within the lines described in subsection B, which are in the R-5 and C-2 zoning districts. Medium and large scale solar energy systems located in the industrial zoning district (I-1) are exempt from the requirements of this chapter and require approval only from the Plan Review Committee pursuant to the applicable dimensional criteria of the zoning district.

**B. Bounds**

1. Including all of the land within the following described lines:

Property Description: The land in the Town of Mashpee, Barnstable County, Massachusetts beginning at the Northeast corner of the premises at Route 151; thence South 05°54'17" West, a distance of 203.10'; thence South 82°22'02" East, a distance of 107.07'; thence South 08°34'16" West, a distance of 154.18'; thence South 84°05'40" East, a distance of 272.51'; thence South 09°46'40" West, a distance of 1,026.79' by Algonquin Avenue; thence North 77°51'29" West, a distance of 320.36' by Old Barnstable Road; thence South 89°31'13" West, a distance of 731.65' by Old Barnstable Road; thence North 73°24'07" West, a distance of 125.90' by Old Barnstable Road; thence North 66°44'57" West, a distance of 568.90' by Old Barnstable Road; thence Northerly along centerline old brick yard road West, a distance of 1,080'+/-; thence North 83°31'22" West, a distance of 27.59' +/- to ditch; thence Northerly along ditch West a distance of 175'+/-; thence North 85°34'30" East a distance of 5'+/-; thence North 24°26'35" West, a distance of 150.11' to Old Barnstable Road; thence With a curve turning to the left with an arc length of 76.29' by Route 151 with a radius of 4,189.42' to a concrete bound; thence South 09°02'50" East, a distance of 159.61'; thence South 10°46'40" East a distance of 42.72'; thence South 04°15'30" East, a distance of 206.16'; thence South 76°43'49" East, a distance of 300.57'; thence North 09°46'40" East, a distance of 433.00' to Route 151; thence South 84°05'40" East, a distance of 63.18' by Route 151; thence With a curve turning to the left with an arc length of 37.30' with a radius of 25.00'; thence South 09°46'40" West, a distance of 154.04'; thence South 80°13'20' East, a distance of 199.99'; thence North 09°46'36" East, a distance of 190.94' to Route 151; thence South 84°05'40" East, a distance of 405.08' along Route 151, which is the point of beginning and having an area of 39.674 acres.

Meaning and intending to include all of the land as shown on Town of Mashpee Assessor Fiscal Year 2021 Tax Maps: 72-117; 72-113; 72-112; 72-111; 72-110; 72-118; 79-80; 79-79; 79-71; 79-72; 79-73; 79-74; 79-75; 79-76; 79-77 and 79-78.

### **C. Permitted Uses**

Within the Solar Energy Systems Overlay District, the following uses are permitted provided all necessary permits, orders and approvals required by local, state and federal law are obtained.

1. Any medium or large scale solar energy system shall be allowed in the Solar Energy Overlay District only after the issuance of a Special Permit by the Planning Board. In issuing such Special Permit, the Board shall ensure that neighboring properties are effectively protected from any significant adverse impacts from glare that any such systems are properly fenced or otherwise secured and that no hazardous materials are stored in quantities greater than permitted by other sections of this by-law, subject to approval by the Plan Review Committee and Design Review Committee.
2. The Solar Energy System's owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Management Director. The owner or operator shall be responsible for the cost of maintaining the ground-mounted solar energy system and any access road(s).

### **D. Dimensional Criteria**

#### **Small, Medium and Large Scale Solar Energy Systems**

1. Small, Medium and Large Scale Solar Energy Systems may be accessory to another principal structure or use provided that they satisfy the dimensional criteria and performance standards contained in this section.
2. Ground-mounted solar energy systems shall be set back a distance of at least 100 feet from a public or private way. The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations.
3. Ground-mounted solar energy systems shall be set back a distance of at least 125 feet from any inhabited residence, and 100 feet from any property in residential use. For the purposes of this section, a residence is defined as a primary living structure and not accessory structures. The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations.
4. Ground-mounted solar energy systems shall be set back a distance of at least 50 feet from any commercial property or use and 25 feet from any industrial property or use notwithstanding the provisions of paragraph 2 above (relative to medium and large scale solar energy systems). The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations.
5. Ground-mounted solar energy systems shall be set back a distance of at least 50 feet from abutting conservation land and any property not included in the Ground-mounted solar array application. The Planning Board may reduce the minimum setback distance as appropriate based on site specific considerations.
6. Fixed tilt Ground-mounted solar energy systems shall have a maximum height of 15 feet above grade. In the case of single or dual axis tracking Ground-mounted solar energy systems, the Planning Board may increase the maximum height as appropriate based on site-specific considerations.

7. Inverters, energy storage systems, and transmission system substations shall be set back a distance of at least 200 feet from any residence. The Planning Board may reduce the minimum setback distance as appropriate based on site-specific conditions.

**E. Special Permits Rules and Application Requirements**

A Solar Energy System Special Permit shall not be granted unless each of the following requirements, in addition to the requirements in §174-24 C Special Permit use, are satisfied:

1. A properly completed and executed application form and application fee.
2. Any requested waivers. To this end, as part of its Special Permit decision, the Planning Board may, at its sole discretion, establish a lot coverage maximum that exceeds 20% in consideration of site specific conditions.
3. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any.
4. Names, contact information and signatures of any agents representing the project proponent.
5. Name, address and contact information for proposed system installer.
6. Documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar energy system.
7. Proposed hours of operation and construction activity.
8. Blueprints or drawings of the solar energy system signed by a Massachusetts' licensed Registered Professional Engineer showing the proposed layout of the system and any potential shading from nearby structures.
9. Utility Notification: Evidence that the utility company that operates the electrical grid where a grid-intertie solar energy system is to be located has been informed of the system owner or operator's intent to install an interconnected facility and acknowledges receipt of such notification, and a copy of an Interconnection Application filed with the utility including a one or three line electrical diagram detailing the solar electric installation, associated components, and electrical interconnection methods, with all Massachusetts Electrical Code (527 CMR§ 12.00) compliant disconnects and overcurrent devices. Off-grid solar energy systems shall be exempt from this requirement.
10. Documentation of the major system components to be used, including the electric generating components, battery or other electric storage systems, transmission systems, mounting system, inverter, etc.
11. Preliminary Operation and Maintenance Plan for the solar energy system, which shall include measures for maintaining safe access to the installation, storm water management, vegetation controls, and general procedures for operational maintenance of the installation.

12. **Abandonment and Decommissioning Plan:** Any ground-mounted solar energy system which has reached the end of its useful life or has been abandoned (i.e., when it fails to operate for more than one year without the written consent of the Planning Board) shall be removed. The owner or operator shall physically remove the installation within 150 days of abandonment or the proposed date of decommissioning. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. The Abandonment and Decommissioning Plan shall include a detailed description of how all of the following will be addressed:

- (a) Physical removal of all structures; equipment, building, security barriers and transmission lines from the site, including any materials used to limit vegetation.
- (b) Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow landscaping or below-grade foundations left *in situ* in order to minimize erosion and disturbance of the site.
- (d) Description of financial surety for decommissioning: Proponents of ground-mounted solar energy systems shall provide a form of surety, either through escrow account, bond or other form of surety approved by the Planning Board to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be commercially reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent and the Town. Such surety will not be required for municipal or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.
- (e) It shall be a condition of any special permit that all legal documents required to enable the Town to exercise its rights and responsibilities under the plan to decommission the site, enter the property and physically remove the installation shall be provided prior to the issuance of a building permit.

**F. Required Performance Standards: Small, Medium and Large Scale Solar Energy Systems**

- 1. **Visual Impact Mitigation:** The site plan for a ground-mounted solar energy system shall be designated to screen the array to the maximum extent practicable year round from adjacent properties in residential use and from all roadways.
- 2. All required setbacks shall be left in their undisturbed natural vegetated condition for the duration of the solar energy system's installation. In situations where the naturally vegetated condition within required setback is not wooded and does not provide adequate screening of the solar array, the Planning Board may require additional intervention including, but not limited to:
  - (a) A landscaping plan showing sufficient trees and understory vegetation, of a type common in natural areas of Mashpee, to replicate a naturally wooded area and to constitute a visual barrier between the proposed array and neighboring properties and roadways.
  - (b) Berms along property lines and roadways with suitable plantings to provide adequate screening to neighboring properties and roadways.



3. Lighting: Lighting of ground-mounted solar energy systems shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

4. Signage: Signs on ground-mounted solar energy systems shall comply with all applicable regulations of this by-law and/or any Town sign by-law. A sign shall be required to identify the owner, operator and interconnected utility and provide a 24-hour emergency contact phone number. Ground-mounted solar energy systems shall not be used for displaying any advertising signage.

5. Utility Connections: Within setback distances and except where soil conditions, location, property shape, and topography of the site or requirements of the utility provider prevent it, all utility connections from grid-intertie solar energy systems shall be placed underground. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

6. Vegetation Management: All land associated with the ground-mounted solar energy system shall be covered and grown in natural vegetation. The height of vegetation must be managed by regular mowing or grazing so as to minimize the amount and height of combustible material available in case of fire. Herbicides, pesticides, or chemical fertilizers shall not be used to manage vegetation. To the greatest extent practicable, a diversity of plant species shall be used, with preference given to species that are native to New England. Use of plants identified by the most recent copy of the "Massachusetts Prohibited Plant List" maintained by the Massachusetts department of Agricultural Resources is prohibited. Management of all vegetated areas shall be maintained throughout the duration of the solar energy system's installation through mechanical means without the use of chemical herbicides.

7. Noise Generation: Noise generated by ground-mounted solar energy systems and associated equipment and machinery shall conform to applicable state and local noise regulations, including the DEP's Division of Air Quality Noise Regulations, 310 CMR 7.10.

8. Fencing: Fencing around solar arrays shall provide a minimum 6" clearance between the fence bottom and the ground to allow passage of small wildlife. The Planning Board shall require resident style fencing where necessary to screen the solar energy systems year round from adjacent residences.

9. Land Clearing and Soil Erosion: Clearing of natural vegetation and topsoil shall be limited to what is necessary for the construction, operation and maintenance of the ground-mounted solar energy system. No topsoil removed during construction shall be exported from the site.

10. Erosion Control and Stormwater: Erosion Control and Stormwater Management notation shall be included to show that adequate provisions against erosion and adverse impacts of runoff are appropriately mitigated.

11. Emergency Services: The ground-mounted solar energy system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Mashpee Fire Department and any other neighboring Fire Department upon request. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

**Explanation:** This section promotes the creation of new Solar Energy Systems Overlay District for small, medium and large-scale, ground-mounted solar energy systems on land with the Overlay District currently zoned R-5 and C-2 by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and for providing adequate financial assurance for the eventual decommissioning of such installation.

**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 amend the Zoning By-law as follows:

Add a new sub-Section to any Solar Energy System Overlay District zoning bylaw by adding to the Required Performance Standards for Small, Medium and Large Scale Solar Energy Systems the following:

### **174-45.7 SOLAR ENERGY SYSTEMS OVERLAY DISTRICT**

#### **Section F. Required Performance Standards: Small, Medium and Large Scale Solar Energy Systems**

12. Open Space Requirement. A Solar Energy System which encompasses a minimum land area of seven acres, which may be in one or more parcels, and shall consist of one acre of allowed developed area for each half acre of upland (i.e. excluding water bodies or wetlands as defined under MGL C. 131, §40) permanently set aside as undeveloped open space and deeded to the Town of Mashpee in the care and custody of its Conservation Commission (provided that said land is not subject to any previous conservation restriction or other prohibition on its development), or to a nonprofit organization, the principal purpose of which is the conservation of open space, in either case subject to a formal conservation restriction to be held by the Town of Mashpee. The developer's declaration of his choice of the open space preservation methods described above, which may be different for individual such parcels, shall be included in his application for a Special Permit to develop a Solar Energy System, along with maps and plans describing the open space areas. Any water bodies or wetlands, as defined under MGL C. 131, §40, which lie within the boundaries of the Solar Energy System shall also be permanently set aside and deeded to one of the entities identified above under the terms described. When delineating the upland to be set aside as undeveloped open space, any land which is forested shall be prioritized as open space. Before final approval of the Solar Energy System Special Permit, the developer shall also file with the Planning Board a copy of the conservation restrictions necessary to secure the permanent legal existence of the open space and a copy of any proposed deed for transfer in fee to the Town or to a nonprofit organization. Approval of the Solar Energy System shall require approval by the Planning Board of said conservation restrictions after consultation with Town Counsel. As required by law, any such restrictions may also require approval by the Commonwealth of Massachusetts. Any open space required to meet the provisions of this Section shall be surveyed, properly bounded on the ground by concrete monuments and shown on a plan recorded at the Barnstable County Registry of Deeds or Land Court Registry. Said plan shall be recorded and said boundary monuments shall be set within six (6) months of the approval of the Solar Energy System Special Permit. Any transfer of the fee title to property to the Town or a nonprofit organization shall be recorded, along with the required conservation or agricultural restrictions, within one (1) year of the approval of the Solar Energy System Special Permit. Said transfer shall be completed before the issuance of any building permit for development within said phase.

13. Setbacks from water bodies and wetlands. The developed area within a Solar Energy System development may not lie within three hundred (300) feet of any water body or stream or within one hundred (100) feet of any wetland as defined under MGL C. 131, §40.  
or take any other action related thereto.

Submitted by Petition

**Explanation:** This article would amend the Zoning By-law to require that any Solar Energy Systems developments of seven acres or more provide open space (one half acre open space per one acre developed) as well as setbacks from water bodies (300') and wetlands (100') in order to preserve the Town's environment.

**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.

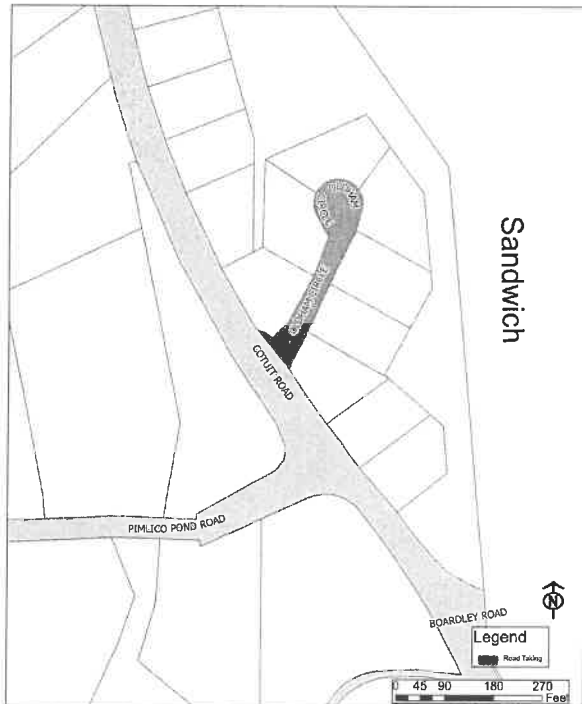
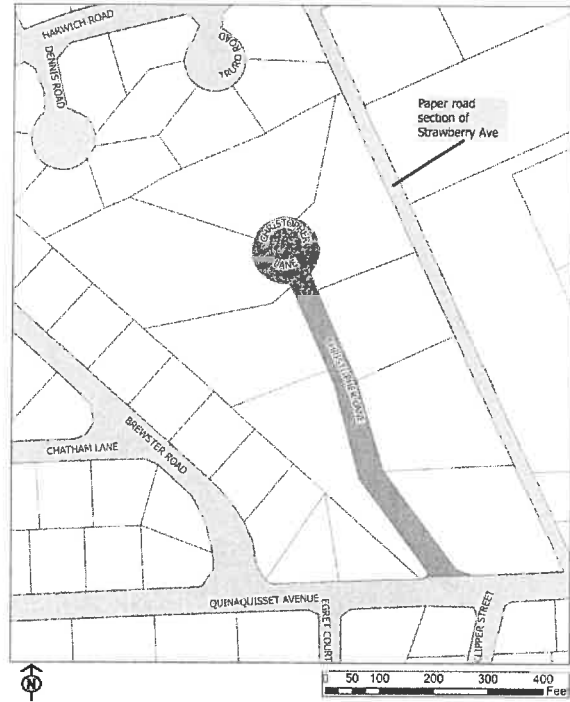
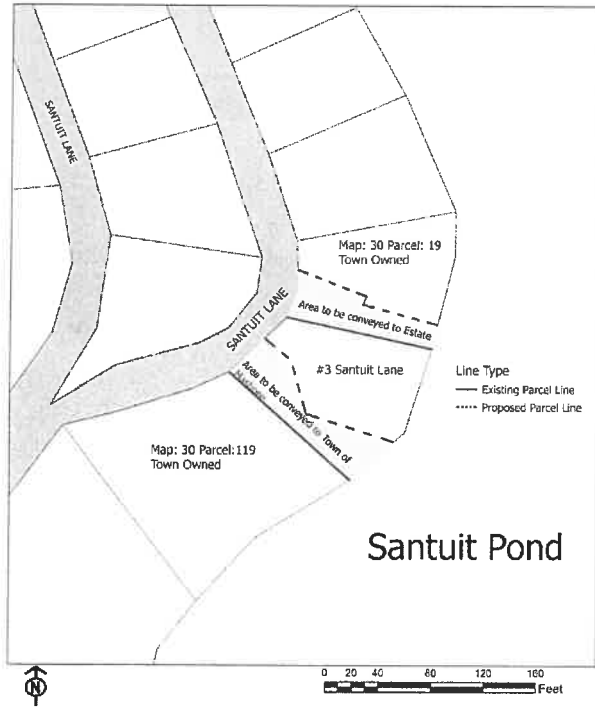
Hereof fail not and make return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 21st day of March in the year two thousand and twenty two.

Per Order of,  
**Board of Selectmen**

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

"APPENDIX A"





# TOWN OF MASHPEE

## OFFICE OF SELECTMEN

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

### MEMORANDUM

Date: February 16, 2022

TO: Rodney C. Collins, Town Manager;  
Chair Carol Sherman and the Honorable Members of the Select Board

FROM: Terrie M. Cook, Administrative Assistant

RE: May 2, 2022 Petition Articles received and signatures certified

Please be advised that this office has received a total of sixteen petition articles. All have been certified by the Town Clerk's Office and the Assessing Office (Road Taking Articles) as having the proper number of signatories and must appear on the Town Meeting Warrant.

#### Road Taking Articles (2)

- Petition #1 for Christopher Lane
- Petition #2 for Oldham Circle (this article previously appeared on the October 18, 2021 warrant but was indefinitely postponed due to the lead petitioner not being present to move the question; the article was resubmitted in a timely manner).

#### Miscellaneous Articles (6)

- to affirm the center of community activity in Mashpee as Route 130 and Great Neck Road North area
- to replace Mashpee Police shoulder patches with ones depicting the newly designed Town Seal
- to acquire 32 acres of property around the Trout Pond area
- instruct the Select Board to begin each meeting acknowledging that Mashpee is established on land long occupied by the Mashpee Wampanoag
- instruct the Select Board to address the growing burden of property tax increases
- establish a yearly 10% limit on real estate tax rate increases

#### General Bylaw Articles (1)

- reverse the bylaw passed previously that bans the sale of single use water bottles in Mashpee

#### Zoning Bylaw Articles (7)

- amend 174-3 Solar Terms defined
- amend 174-4 Solar Energy Systems Overlay District
- amend 174-5 establish Solar Energy Systems Overlay District zoning map
- amend 174-25 "Table of Use Regulations
- amend 174-31 Land Space Requirement Table added footnote
- add new section of 174-45.7 Solar Energy Systems Overlay District
- add new sub section to any Solar Energy Systems Overlay District zoning bylaw – performance standards



# TOWN OF MASHPEE

# OFFICE OF SELECTMEN

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

## MEMORANDUM

**TO:** Rodney C. Collins – Town Manager  
Chair Carol Sherman and Honorable Members of the Select Board

**FROM:** Terrie Cook – Administrative Assistant to the Town Manager

**DATE:** February 24, 2022

**SUBJ:** May 2022 Proposed Town Meeting Warrant Articles

---

The following are proposed as May 2022 Town Meeting Warrant Articles:

- From the Conservation Department:

“Town Match Funding” for four (4) “Priority Restoration Projects” as described in the attached document

Funding for treatment/eradication of invasive milfoil on Johns Pond & Santuit Pond

- From the Department of Natural Resources:

Creation and funding of a full-time Deputy Harbormaster

Thank you.

### **DRAFT Article: Funding for Priority Restoration Projects**

To see if the Town will vote to appropriate and transfer the sum of **\$253,500** from revenue available for appropriation to cover costs associated with identified priority restoration projects in the Town of Mashpee, including improvements to fish passage on Johns Pond and Mashpee Pond, improvements to storm water runoff treatment at Mashpee Neck Rd for water quality, and replacement of the culvert at Red Brook.

#### **Explanation:**

The Cape Cod Water Resources Restoration Project (CCWRRP) is a partnership of federal, state and local agencies as well as all 15 Cape Cod Towns and the USDA's Natural Resource Conservation Service (NRCS) started in 2010. The collective goal of this partnership was to identify priority restoration projects throughout Cape Cod in the interest of improving diadromous fish passage, restoration of salt marsh systems and remediation of storm water runoff to improve water quality and protect shellfish beds. An estimated \$30 million dollars is available for funding on 76 identified restoration sites throughout the Cape. The Town is required to provide a 25% match of estimated construction costs plus monies for permitting for these funded projects, including the following:

Johns Pond Spillway and Fish Ladder: The existing fish ladder and spillway experience substantial and consistent sediment and debris loading from the pond, impacting fish passage and requiring frequent maintenance including annual dredging with heavy machinery. The upstream and downstream channel embankments are severely degraded, resulting in constant erosion and filling in of the stream channel. Design improvements to reduce sediment loading and rebuild/regrade up and downstream embankments to address erosion issues. **Total estimated construction cost: \$330,000. Town Match = \$89,000**

Mashpee Pond Outlet: Similar to the issues at the Johns Pond fish ladder, the Mashpee River outlet experiences frequent sediment loading from Mashpee Pond. The immediate downstream embankments are being filled in with sediment, requiring annual dredging and frequent maintenance. The downstream embankments are being undercut and eroded. A previous bank erosion control effort from the mid-90s has deteriorated along this stretch of the upper Mashpee River, resulting in a widening of the river, which when combined with sediment loading, creates shallow areas of stream bed, causing issues for fish passage. Design improvements to address sediment loading into the water control outlet structure and fortification/rebuilding of riverbanks to prevent erosion and increase channel depth for fish passage. **Total estimated construction cost: \$278,000. Town Match = \$75,000**

Mashpee Neck Storm Water Improvements: CCWRRP funded installation of drainage improvements on Mashpee Neck Road in 2011/2012 to address water quality issues in Shoestring Bay that was impacting shellfish beds. Subsequent testing has found that additional improvements are needed immediately adjacent to the Town's boat ramp (Edward A. Baker Boat Ramp at Pirate's Cove) to capture and provide additional treatment of the storm water. **Total estimated construction cost: \$104,000. Town Match = \$28,000**



This article is also requesting funding for design for the replacement of the Red Brook Road Culvert. The culvert includes a water control structure for the adjacent abandoned cranberry bog. This structure is classified as a significant hazard dam by the MA Office of Dam Safety and inspection has found it to be in poor condition. The dam is owned jointly by the Towns of Mashpee and Falmouth and the towns are currently working with the MA Division of Ecological Restoration on conceptual design plans for replacement of the culvert. The design would include improvements to water quality, provision of fish passage, and elimination of flooding on Red Brook Road. Funding is needed for final design and permitting. These costs would be split with the Town of Falmouth. The towns will be applying for grants to assist with design and construction; if successful, these funds could be used instead as any required local match. ***Total estimated design cost: \$123,000. Town Share = \$61,500***

***DRAFT Article: Funding for treatment/eradication of invasive Milfoil on Johns Pond & Santuit Pond***

To see if the Town will vote to appropriate and transfer the sum of **\$35,000** from revenue available for appropriation for the planning, permitting, treatment and eradication of invasive milfoil on Johns Pond and Santuit Pond, or take any other action relating thereto.

**Explanation:**

**Johns Pond-** Milfoil is a well-documented invasive aquatic weed that can spread rapidly and out-compete native species, resulting in loss of native aquatic habitat and adversely impacting recreational opportunities. In the summer of 2021, invasive milfoil was detected by residents on Johns Pond and reported to the Conservation Department and Department of Natural Resources. Subsequent to this, the town appropriated emergency funding to engage a contractor and secured wetland permits to conduct a pond-wide survey and treatment of milfoil using a state approved aquatic herbicide. A total of 8 acres of Johns Pond was identified for milfoil infestation and subsequently treated. A summary report and post treatment survey on the pond revealed that most, if not all of the milfoil has been successfully eradicated; however, as is the case when dealing with invasive species, a follow up survey for the next growing season is recommended to ensure complete eradication. The contractor hired to conduct this work (*Water and Wetlands LLC*) recommends budgeting approximately \$5500 to cover the costs of a follow up pond-wide survey in the late spring/early summer of 2022 to check for any remaining areas of milfoil infestation. This estimate also includes potential treatment of any detected areas. I recommend an additional \$1,000 for any contingencies, bringing the total amount of requested funding to **\$6500**. Ideally, no detections will be found and funding for treatment will not be needed; however, until a follow up survey is conducted, this is an unknown.

**Santuit Pond:** In the late fall of 2021, The Department of Natural Resources discovered invasive milfoil infestation in Santuit Pond. Preliminary observations using GPS tracking indicate roughly 6+ acres of pond area that are currently infested with milfoil. Funding will be needed to pay a qualified contractor to conduct a full pond-wide survey and subsequent treatment of milfoil based on survey results. Using the costs of milfoil surveying, permitting and eradication on Johns Pond as a reference, funding in the amount of **\$28,500** is requested to cover all estimated costs for eradication of invasive milfoil (including permitting, surveying, treatment(s) and contingency costs)

## DNR Article

### Description

To see if the Town will vote to create an additional position of a full-time (40 hours/week) Deputy Harbormaster within the Natural Resource Department, Personnel Administration Plan, Appendix B, to be effective July 1, 2022, and to appropriate and transfer the sum of \$92,132 from revenue available for appropriation with said funds to be distributed as follows: \$53,626 to the Department of Natural Resources Full-Time Salary Account and \$778.00 to the Medicare Account, \$26,028 to the Medical Insurance account, \$35.00 to the Group Life Insurance account and \$11,665 to the Barnstable County Retirement expense account, or take any other action relating there to.

### Explanation

The Town's Natural Resource Department is directly impacted as it continues to grow with additional responsibilities. Maintenance and enforcement cannot be met with current staffing. The Natural Resources' Harbormaster Division continually strives to maintain a high level of readiness, as a result, maintenance is high priority and mission critical to the division. This position, if created, would provide year round support for the Harbormaster division to conduct necessary maintenance and repairs for 140 aids to navigation and 8 patrol vessels, routine and efficient Seasonal Assistant Harbormaster Training, and full coverage enforcement year round to Mashpee Waterways.

### Background

Currently, the Harbormaster is in charge of: Maintenance and upkeep of all town vessels, supervision and training of all seasonal staff, processing all mooring payments, issuing all new moorings, inspecting all moorings, deploying and retrieving all aids to navigation. The increased amount of responsibilities is not suitable for one full-time position, all areas can simply not be covered in a 40 hour work week.

### Recommendation

The Department of Natural Resources recommends approval of this article to increase functionality and efficiency of the department.

### Pros and Con

Pros- The Deputy Harbormaster position will reduce the need to rely on seasonal employees beyond the seasonal time frame. This position will allow for increased presence on the water, enforcement year round, and increased maintenance availability during the winter time frame. The position will continue to grow the professionalism within the department with a focus on increasing vessel availability during peak boating periods.

Cons – If the position is not approved, additional budget cost will be incurred due to increased outsourcing of buoy service, installation and removal, and increased boat yards maintenance fees. The estimated increase would be \$50,000 (FY22 quote) for both boat maintenance and buoy work. Lack of this position will all but eliminate boating enforcement during the fall, winter, and spring time frame due to safety concerns.