



**AGENDA  
SELECT BOARD  
MONDAY, FEBRUARY 27, 2023  
WAQUOIT MEETING ROOM  
MASHPEE TOWN HALL  
16 GREAT NECK ROAD NORTH  
MASHPEE, MA 02649**

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

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

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

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**MINUTES**

Approval of the Following Minutes: Monday, February 13, 2023 Regular Session

**APPOINTMENTS & HEARINGS**

- Public Comment
- 6:35 p.m. Public Hearing (Continued from February 13, 2023): New KENO License Application of Shree Kamakya Devi, Inc dba Mashpee Mini Mart, *Subodh Basnet*
- 6:40 p.m. Underground Cable and Conduit Hearing: NStar Electric Company d/b/a Eversource Energy (WO #11694812) *29 Echo Road*
- Discussion and Approval of Eversource Easement: (WO #2396598101) *Red Brook Road*
- 6:45 p.m. Public Hearing Transfer of Liquor License: Quashnet D&W LLC dba Valley Grille for a Transfer of Alcoholic Beverages License #004-RS-0670, 309 Old Barnstable Road, Mashpee, MA 02649: *Dawn Tormey*
- Update from the Cape Cod Commission: *Executive Director Kristy Senatori*
- Update on the Wastewater Project: *Ray Jack*
- Discussion and Approval of the Following Resignations and Appointments:
  - Resignation: Mashpee Inclusion and Diversity Committee (Term Expires June 30, 2023): *Rachael Hicks*
  - Reappointment: Community Preservation Committee (Term Expires June 30, 2023): *Dawn Thayer*
- Discussion and Approval of the Following Temporary Sign Permits:
  - Mashpee Boosters Club Psychic Fair: March 4, 2023 – March 12, 2023
  - Master Gardeners Plant Sale: May 16, 2023 – May 20, 2023

**COMMUNICATIONS & CORRESPONDENCE**

**OLD BUSINESS**

**NEW BUSINESS**

Discussion and Possible Approval of Draft #1 of the May 1, 2023 Special and Annual Town Meeting Warrant Articles

**ADDITIONAL TOPICS**

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

**LIAISON REPORTS**

**WATER QUALITY UPDATES**

**TOWN MANAGER UPDATES**

**EXECUTIVE SESSION**

**ADJOURNMENT**

**MASHPEE TOWN CLERK  
FEB 23 '23 PM4:00**



**AGENDA**  
**SELECT BOARD**  
**MONDAY, FEBRUARY 13, 2023**  
**WAQUOIT MEETING ROOM**  
**MASHPEE TOWN HALL**  
**16 GREAT NECK ROAD NORTH**  
**MASHPEE, MA 02649**

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

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

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**MINUTES**

Approval of the Following Minutes:

Monday, January 9, 2023 Regular Session (Amended);

Monday, January 23, 2023 Regular Session

**APPOINTMENTS & HEARINGS**

- Public Comment
- 6:35 Public Hearing: New Livery, Vehicle for Hire Service Application, Amy Perry Erickson
- 6:40 Public Hearing: New KENO License Application, Shree Kamakya Devi, Inc dba Mashpee Mini Mart, Subodh Basnet
- Discussion and Possible Approval of Special Event Application:  
Mashpee Half-Marathon, September 23, 2023: *Jeffrey Smith*
- Discussion and Approval of Hazard Mitigation Planning Committee
- Introduction and Discussion with the Town Health Agent: *Health Agent Zachary Seabury*
- Discussion and Approval of Appointment of Shellfish Constable Christopher Avis
- Discussion and Approval of the Following Appointment:  
Economic Development Industrial Corporation *Commercial Rep., (Term Expires June 30, 2023): Rick Cayer*

**COMMUNICATIONS & CORRESPONDENCE**

**OLD BUSINESS**

- Discussion, Approval and Ratification of Save Popponesett Bay, Inc and Town of Mashpee Easement

**NEW BUSINESS**

- Discussion of Future Election Locations: *Town Clerk Deborah Kaye*
- Discussion of Charter Review Process and Charter Review Committee
- Update on Fiscal Year 2024 Capital Improvement Program Plan: *Town Manager Rodney Collins*
- Discussion of Joint Meetings with Regard to Water Quality

**ADDITIONAL TOPICS**

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

**LIAISON REPORTS**

**WATER QUALITY UPDATES**

**TOWN MANAGER UPDATES**

**EXECUTIVE SESSION**

**ADJOURNMENT**

Mashpee Select Board  
Minutes  
February 13, 2023

---

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

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

## MINUTES

Monday, January 9, 2023 Regular Session (Amended):

**Motion made by Selectman Cotton to approve the Regular Session minutes of Monday; January 9, 2023 as amended.**

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

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

**Roll Call vote:**

Selectman Weeden, yes	Selectman Cotton, yes	Selectman O'Hara, yes
Selectman Sherman, yes	Selectman Wyman-Colombo, yes	Opposed, none

Monday, January 23, 2023 Regular Session Joint Meeting with AHT:

**Motion made by Selectman Wyman-Colombo to approve the Joint Meeting with the Affordable Housing Trust minutes and Regular Session minutes of Monday; January 23, 2023 as presented.**

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

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

**Roll Call vote:**

Selectman Weeden, yes	Selectman Cotton, yes	Selectman O'Hara, yes
Selectman Sherman, yes	Selectman Wyman-Colombo, yes	Opposed, none

## APPOINTMENTS & HEARINGS

Public Comment:

Ken Dembrowski a resident of Great Field Landing related concern regarding comments made at the last Select Board meeting conveying the Town is in a crisis and would require an override in 2025 once the wastewater treatment center is connected. Mr. Dembroski indicated the Town needs spending control. A recent newspaper article stated the Town is in favor of expending \$200,000 on a disc golf course. Mr. Dembrowski stated he is not opposed, however fiscal irresponsibility is something the Town does not need. In his opinion this is a non-essential luxury item. Mr. Dembrowski indicated he is concerned with the message that is sent to the taxpayers when funds could be used for wastewater treatment.

For clarification purposes it was disclosed the disc golf project has met the criteria for Community Preservation Act funding. This source of funding cannot be used for wastewater initiatives.

Mashpee Select Board  
Minutes  
February 13, 2023

---

## **APPOINTMENTS & HEARINGS**

### Public Comment: (continued)

Town Manager Rodney C. Collins responded to the comments made by Mr. Dembroski for clarity. It was disclosed that overall, the Town of Mashpee is in very good financial shape. The Town has identified its focus on the priority of wastewater, and is making preparations for clean water. At the last meeting it was stated there is concern with the availability of funds operationally in fiscal year 2025 given the fact the budget is historically rising as a direct result of various cost increases. The Town is not able to make the transfer of one revenue source to another. Community Preservation Act funds cannot be used for wastewater or for operational purposes. Disc golf is therefore not a bigger priority than wastewater.

In closing, Lynne Barbee of Surf Drive made a public service announcement on the Local Comprehensive Plan (LCP) workshops. An issue came to light regarding the shortage of drivers who are much needed to transport seniors and others to various appointments. Further information can be found by calling the Senior Center/Council on Aging. The commitment to transport those in need is flexible.

### Public Hearing: New Livery, Vehicle for Hire Service Application, Amy Perry Erickson:

The Mashpee Select Board acting as the Local Licensing Authority for the Town of Mashpee opened the Public Hearing on the application of Amy Perry Erickson for the operation of (1) vehicle for Livery/Vehicle for Hire Service. The Hearing notice was read aloud into the record for informational purposes.

Ms. Erickson was in attendance to further review this request with the Select Board. Ms. Erickson indicated the main focus of this operation is to transport persons to the Logan and T.F. Green Airports.

It was disclosed no personal shall engage in the business of transporting persons for hire in a vehicle, whether a taxi cab or livery, without having obtained a permit from the Select Board to include the designation of the number of vehicles to be used under such permit. The applicant is also required to submit a copy of the vehicle registration and a certificate of liability insurance to the Town of Mashpee.

The vehicle to be used by the applicant is also required to be inspected by the local Police Department. It was agreed the applicant would contact the Town Manager's Office to review the process to ensure all procedures are in place.

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

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

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

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

**Roll Call vote:**

Selectman Weeden, yes  
Selectman Sherman, yes

Selectman Cotton, yes  
Selectman Wyman-Colombo, yes

Selectman O'Hara, yes  
Opposed, none

Mashpee Select Board  
Minutes  
February 13, 2023

---

## **APPOINTMENTS & HEARINGS**

Public Hearing: New Livery, Vehicle for Hire Service Application, Amy Perry Erickson: (continued)

**Motion made by Selectman Cotton Acting as the Local Licensing Authority of the Town of Mashpee approve the application of Amy Perry Erickson for the operation of (1) vehicle for Livery/Vehicle for Hire Service conditional on the endorsement of the Mashpee Police Department. Motion seconded by Selectman Wyman-Colombo.**

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

**Roll Call vote:**

Selectman Weeden, yes	Selectman Cotton, yes	Selectman O'Hara, yes
Selectman Sherman, yes	Selectman Wyman-Colombo, yes	Opposed, none

Public Hearing: New KENO License Application, Shree Kamakya Devi, Inc dba Mashpee Mini Mart, Subodh Basnet:

The Select Board opened the Public Hearing on the application of Shree Kamakya Devi, Inc. d/b/a Mashpee Mini Mart, 401 Nathan Ellis Highway for a new KENO License.

There was no representation present to discuss the KENO License application.

Correspondence received from the Massachusetts State Lottery Commission dated January 30, 2023 indicated that an application for a KENO license has been received from Mashpee Mini Mart, 401 Nathan Ellis Highway, Mashpee.

Without representation it was agreed this matter would be deferred to the next meeting. At this meeting, the Select Board will further discuss compliance as it pertains to existing bylaws related to signage that must be adhered to.

**Motion made by Selectman Cotton to continue the Public Hearing on the New KENO License Application pf Shree Kamakya Devi, Inc. d/b/a Mashpee Mini Mart to Monday; February 27, 2023 at a time to be determined.**

**Motion seconded by Selectman Wyman-Colombo.**

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

**Roll Call vote:**

Selectman Weeden, yes	Selectman Cotton, yes	Selectman O'Hara, yes
Selectman Sherman, yes	Selectman Wyman-Colombo, yes	Opposed, none

Mashpee Select Board

Minutes

February 13, 2023

Discussion and Possible Approval of Special Event Application: Mashpee Half-Marathon, September 23, 2023: Jeffrey Smith:

The Select Board was in receipt of a Special Event Application from Outsider Endurance a multi-sport company to hold the 5<sup>th</sup> Annual Mashpee Half-Marathon on Sunday, September 23, 2023 from 7:00 a.m. to 10:30 a.m. beginning and ending on Great Oak Road, Mashpee.

It is estimated that 500 persons would attend the race with a majority of participants finishing by 9:00 a.m. Parking for the event is proposed at South Cape State Park, utilizing the paved side of McGregor's Road, the Bay Lot and Town Landing Road. The route of the 12.97 distance was presented to the Select Board for review.

Approvals from applicable regulatory departments include the following; Board of Health no comment, Building requirement to provide accessible parking and portable toilets and Police, requiring (15) detail officers for the event. Incomplete application requirements include the following; comment and a review of approval by the DPW and Fire Departments. The applicant is also required to provide a Certificate of Insurance Liability, naming the Town of Mashpee as an additional insured.

Discussion followed with respect to the need to fulfill the requirements in writing to be attached to the Special Event Application. The applicant was requested to coordinate the necessary requirements with the Office of the Town Manager. The matter was placed on HOLD at this time.

Discussion and Approval of Hazard Mitigation Planning Committee:

Acting on the recommendation of Jamie Caplan Consulting, LLC the Select Board took action to appoint representation to the Hazard Mitigation Planning Committee amending the representation of the Town Manager to include; or his designee.

**Motion made by Selectman Cotton to appoint the following to the Hazard Mitigation Planning Committee as recommended and amended;**

<b>Rodney Collins</b>	<b>Town Manager or his designee</b>
<b>Wayne Taylor</b>	<b>Assistant Town Manager</b>
<b>Chief Jack Phelan</b>	<b>Fire Department/Emergency Management</b>
<b>Chief Scott Carline</b>	<b>Police Department</b>
<b>Evan Lehrer</b>	<b>Town Planner</b>
<b>Catherine Laurent</b>	<b>Public Works Director</b>
<b>Ashley Fisher</b>	<b>Natural Resources Director</b>
<b>Andrew McManus</b>	<b>Conservation Agent</b>
<b>Zachary Seabury</b>	<b>Health Agent</b>

**And, the following representatives to be determined;**

**Tribe representative**  
**Planning/Community Development member**  
**Resident (recommend 2-3 members at large)**

**Motion seconded by Selectman Wyman-Colombo.**

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

**Roll Call Vote:**

<b>Selectman Weeden, yes</b>	<b>Selectman Cotton, yes</b>	<b>Selectman O'Hara, yes</b>
<b>Selectman Sherman, yes</b>	<b>Selectman Wyman-Colombo, yes</b>	<b>Opposed, none</b>

Mashpee Select Board  
Minutes  
February 13, 2023

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## **APPOINTMENTS & HEARINGS**

### Introduction and Discussion with the Town Health Agent: Health Agent Zachary Seabury:

The Select Board met with the newly appointed Health Agent Zachary Seabury as an introductory meeting to further review regulations governing septic systems and cesspools including counts, enforcement authority and strategies.

The Select Board in previous round table discussions regarding wastewater management identified with the assistance of the Board of Health properties within close proximity to Santuit Pond as priority areas of focus due to the severe degradation of the pond. Compliance Orders were issued. Of the 121 properties close to this shoreline many have satisfied pumping requirements and others have automatically failed as the homes are using cesspools. At the workshop meeting, research was ordered to be conducted on all waterbodies within 300' of the shoreline.

Board of Health Agent indicated his department has been moving forward with new scanning equipment to tally the results of the impacted homes within the Mashpee shorelines and regarding the use of cesspools. However, there has been a glitch and it is necessary to make corrections before actual numbers are presented to the Select Board.

In concern to the lapse in time to conduct this review the Select Board directed the Board of Health Agent to prioritize the identification all cesspools in the Town of Mashpee.

To expedite the process, it was highly recommended the cesspools when detected be recorded and with notice to immediately advise the homeowner of this violation.

Discussion followed with regards to Title V and the requirement of septic haulers to provide within 14 days of pumping, the address where the pumping occurred and how much was removed. To maintain compliance, the Select Board requested a quarterly update to cross reference Board of Health data.

Additional information is requested on the number of Title V systems in the Town of Mashpee including dates of installations/upgrades as well as home construction dates for collation.

The Select Board in moving forward with corrective measures is receptive to providing ways to assist the homeowner with betterments, low interest loans and other funding opportunities.

Cesspools are a noted public safety hazard, and are not allowed in the Town of Mashpee. The Board of Health Agent was directed to draft a letter to be submitted to property owners in violation for the Select Board's review and approval.

Mashpee Select Board  
Minutes  
February 13, 2023

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## **APPOINTMENTS & HEARINGS**

### Introduction and Discussion with the Town Health Agent: Health Agent Zachary Seabury: (continued)

With regards to the ban of cesspools, Mr. Seabury indicated the DEP is required to approve any regulations to be imposed. This includes the banning of cesspools and upgrades to Innovative Alternative (I/A) systems. Cesspools can be banned, but regulations need to be created and approved. Additional support in the Office of the Board of Health would advance the identification of cesspools and the older Title V systems.

The Select Board indicated the most critical areas highly prioritized include the proposed Phase III sewerage areas. The sooner the reaction, the more effective the result. The overall focus shall include all watershed corridors. This includes the river corridor to the 300' buffer mark.

Comments for the Board of Health Agent to incorporate into the proposed regulations include but are not limited to;

A ban on cesspools. If a cesspool is present in Phase I or II of the Watershed Plan, mandatory pumping shall be required;

All cesspools proposed outside of Phase I and II including Title V systems must be approved by the Board of Health;

All Title V systems, as of a particular date will not be approved without a new I/A system; and to make note of the Barnstable County Septic Loan Program offering low interest rates to 0% financing. The applications are officially available on March 1, 2023.

In closing, Susan Dangel of Cotuit Road indicated that freshwater is impacted solely by phosphorus. The Innovative Alternative (I/A) systems do not remove phosphorus. There are composting systems and other alternative septic removal systems that could be combined with Title V systems to remediate this concern.

### Discussion and Approval of Appointment of Shellfish Constable Christopher Avis:

To conform to Massachusetts General Law Ch.130 §98, the Select Board is required to appoint Christopher Avis as Shellfish Constable for a period of three years. Mr. Avis was appointed by the Town Manager on December 21, 2022, and has completed all necessary course requirement under this general law.

**Motion made by Selectman Cotton to endorse and appoint Christopher Avis as Shellfish Constable for a 3-year term as per M.G.L. Ch. 130 §98.**

**Motion seconded by Selectman Wyman-Colombo.**

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

**Roll Call Vote:**

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

**Selectman Cotton, yes**

**Selectman Wyman-Colombo, yes**

**Selectman O'Hara, yes**

**Opposed, none**



Mashpee Select Board  
Minutes  
February 13, 2023

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## **APPOINTMENTS & HEARINGS**

### Discussion and Approval of the Following Appointment:

Economic Development Industrial Corporation Commercial Rep.. (Term Expires June 30, 2023): Rick Cayer:

Correspondence was received from the Economic Development Industrial Corporation dated February 9, 2023 recommending the appointment of Rick Cayer as a Commercial Representative with a term to expire; June 30, 2023. Mr. Cayer s a real estate investor with financial services experience.

In reviewing the composition of the EDIC it was recommended the Select Board consider adding more diversity to this board such as representation from the small business community, technology and/or accounting to bring a different perspective to economic development. In considering this recommendation it was noted that it is often difficult to fulfill quorum requirements in various boards and committees. Although advertisement is made regularly seeking candidates for appointment, there are a lot of vacancies. In this instance Mr. Cayer is well qualified for the position. The EDIC is represented in categories that include a member of the Select Board, a person in banking, real estate, commercial, as well as At Large membership.

**Motion made by Selectman Sherman to appoint Rick Cayer to the EDIC as the Commercial Representative.**

**Motion seconded by Selectman Cotton.**

**VOTE: Motion carries. 4-1.**

**Roll Call Vote:**

Selectman Weeden, yes	Selectman Cotton, yes	Selectman O'Hara, yes
Selectman Sherman, yes	Selectman Wyman-Colombo, no	Opposed, (1)

## **OLD BUSINESS**

### Discussion. Approval and Ratification of Save Popponesett Bay, Inc and Town of Mashpee Easement:

Assistant Town Manager Wayne E. Taylor recommended the Select Board move forward to approve and ratify the Agreement with Save Popponesett Bay, Inc. a non-profit corporation with ownership of beachfront property in Mashpee and the Town of Mashpee through its Select Board, an Easement located at the Popponesett Spit. This allows the Town of Mashpee on foot, the right of passage by members of the public over a portion of the property as described in Certificate of Title #182784.

**Motion made by Selectman Cotton to approve and ratify the agreement between Save Popponesett Bay, Inc. and the Town of Mashpee an Easement Agreement as presented.**

**Motion seconded by Selectman Wyman-Colombo.**

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

**Roll Call Vote:**

Selectman Weeden, yes	Selectman Cotton, yes	Selectman O'Hara, yes
Selectman Sherman, yes	Selectman Wyman-Colombo, yes	Opposed, none

Mashpee Select Board  
Minutes  
February 13, 2023

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## **NEW BUSINESS**

### Discussion of Future Election Locations: Town Clerk Deborah Kaye:

Deborah Kaye, Town Clerk met with the Select Board to discuss and recommend approval of the relocation of precincts to the following locations;

Precincts 1 and 2: Council on Aging, 26 Frank E. Hicks Drive  
Precincts 3 and 4: Town Hall, (Waquoit & Ockway Meeting Rooms, 16 Great Neck Road North  
Precinct 5: Mashpee Public Library, (Event Room), 64 Steeple Street

Mrs. Kaye indicated the elections have been held at the Quashnet School (formerly the Mashpee Middle School) for the past 32 years. It is apparent there are safety concerns regarding the use of the schools, and there are concerns regarding the elderly traversing to and from this location.

All proposed locations are handicap accessible without impediments and have sufficient parking.

Early Voting By-Mail will continue and with the Select Board's approval voters would have the opportunity to Early Vote In-Person at the Mashpee Town Hall for all precincts. For the May 6, 2023 election, the Early Vote In-Person would begin on April 19, 2023 through April 26, 2023, ending two days prior to Election Day. Ample notification and signage are planned.

**Motion made by Selectman Sherman to accept the recommendation of the Town Clerk to move the Town of Mashpee precincts as identified.**

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

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

**Roll Call Vote:**

Selectman Weeden, yes	Selectman Cotton, yes	Selectman O'Hara, yes
Selectman Sherman, yes	Selectman Wyman-Colombo, yes	Opposed, none

**Motion made by Selectman Sherman to approve the Early Vote In-Person as presented.**

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

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

**Roll Call Vote:**

Selectman Weeden, yes	Selectman Cotton, yes	Selectman O'Hara, yes
Selectman Sherman, yes	Selectman Wyman-Colombo, yes	Opposed, none

Mashpee Select Board  
Minutes  
February 13, 2023

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## **NEW BUSINESS**

### Discussion of Charter Review Process and Charter Review Committee:

In accordance with the Town Charter, periodic review of the Charter and its By-Laws shall occur at least once every (10) years, and thereafter in each year ending in a (3). A special committee to consist of (9) members shall be established for the purpose of reviewing the Charter and to make a report to Town Meeting.

In an effort to begin due diligence, the Select Board initiated the process. The makeup of the special committee includes; 2 members from the Select Board, 2 members from the Finance Committee, 2 members from the School Committee, 1 designee from the Planning Board and 2 persons to be appointed by the Town Moderator.

**Motion made by Selectman Cotton to recommend the Town move forward with the Charter Review process and form a Charter Review Committee nominating Selectman Carol A. Sherman as a Select Board representative.**

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

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

**Roll Call Vote:**

Selectman Weeden, yes	Selectman Cotton, yes	Selectman O'Hara, yes
Selectman Sherman, yes	Selectman Wyman-Colombo, yes	Opposed, none

**Motion made by Selectman Sherman to nominate Selectman David R. Weeden to serve on the Charter Review Committee as a Select Board representative.**

**Motion seconded by Selectman Wyman-Colombo.**

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

**Roll Call Vote:**

Selectman Weeden, yes	Selectman Cotton, yes	Selectman O'Hara, yes
Selectman Sherman, yes	Selectman Wyman-Colombo, yes	Opposed, none

### Update on Fiscal Year 2024 Capital Improvement Program Plan: Town Manager Rodney Collins:

The Capital Improvement Program (CIP) has begun its initial review process. The update on deliberations will be discussed with the Select Board at their next meeting to ensure accuracy in the financial projections for capital improvements prioritized in Fiscal Year 2024.

### Discussion of Joint Meetings with Regard to Water Quality:

As future roundtable meetings were reviewed it was agreed the Board of Health and the Board of Health Agent would attend the next workshop planned to cycle in between the Select Board's regular meeting schedule.

It is anticipated that strategies both long and short term would be developed in a smaller session prior to a larger scale meeting.

Mashpee Select Board  
Minutes  
February 13, 2023

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## **WATER QUALITY UPDATES**

In considering the next round table discussion on wastewater it was agreed the Select Board would invite the former Board of Health Chair Brian Baumgaertel, Senior Environmental Specialist and Director of the MA Alternative Septic System Test Center on JBCC to the next meeting.

It is hopeful Mr. Baumgaertel would be able to attend this meeting to discuss the latest technologies that would include reductions in phosphorus as well as nitrogen. The Board of Health and the Board of Health Agent would also be invited to attend discussions, a date to be determined.

## **TOWN MANAGER UPDATES**

Town Auction: Receipts from the recent Town Auction of surplus items amounted to approximately \$100,000.

Town Meeting Warrant Articles: The deadline for the submission of articles for the May Special and Annual Town Meeting warrants is February 13, 2023. The warrant is comprised of articles submitted by Town Departments as well as Petition Articles.

## **ADJOURNMENT**

**Motion made by Selectman Sherman to adjourn at 8:27 p.m.**

**Motion seconded by Selectman Cotton.**

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

**Roll Call Vote:**

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

**Selectman Cotton, yes**

**Selectman Wyman-Colombo, yes**

**Selectman O'Hara, yes**

**Opposed, none**

Respectfully submitted,

Kathleen M. Soares  
Secretary to the Select Board

*\*Continued\**

*February 27, 2023*

*at 6:35 pm*

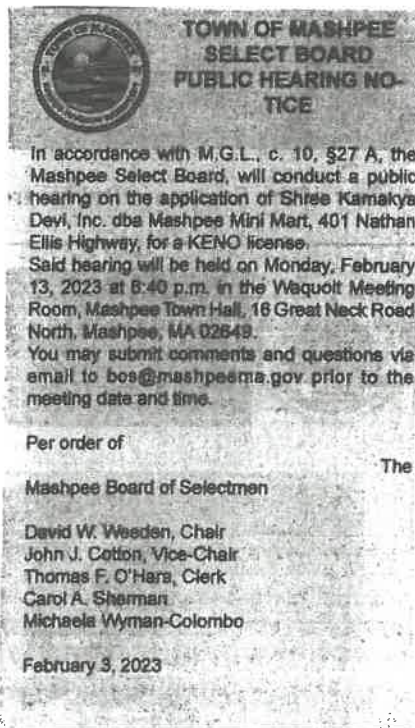


**TOWN OF MASHPEE  
SELECT BOARD  
PUBLIC HEARING NOTICE**

In accordance with M.G.L., c. 10, §27 A, the Mashpee Select Board, will conduct a public hearing on the application of Shree Kamakya Devi, Inc. dba Mashpee Mini Mart, 401 Nathan Ellis Highway, for a KENO license.

Said hearing will be held on Monday, February 13, 2023 at 6:40 p.m. in the Waquoit Meeting Room, Mashpee Town Hall, 16 Great Neck Road North, Mashpee, MA 02649.

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



Per order of  
The Mashpee Board of Selectmen

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



# TOWN OF MASHPEE


## OFFICE OF THE SELECT BOARD

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

### MEMORANDUM

Date: February 23, 2023

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

From: Stephanie A. Coleman, Administrative Secretary 

Re: Public Hearing (*Continued from February 13, 2023*): KENO License Application

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#### Description

In accordance with M.G.L., c. 10, §27 A, the Mashpee Select Board, will conduct a public hearing on the application of Shree Kamakya Devi, Inc. dba Mashpee Mini Mart, 401 Nathan Ellis Highway, for a KENO license.

If the city/town objects to the issuance of the KENO license, it must claim its right to a hearing before the Massachusetts State Lottery Commission within twenty-one days of receipt of the notice from the State. In accordance with section 27 A (b) the objection of a city/town must be “as a result of an official action” taken by said city or town regarding the KENO application. To be fair and apply the same criteria to all cities, towns, and applicants, the MSLC defines an “official action” to be one in which the applicant appeared, or was given the opportunity to appear, before the licensing authority to discuss the issue at the local level in an open hearing or meeting prior to the hearing at the MSLC.

Thank you.



# Massachusetts State Lottery Commission

DEBORAH B. GOLDBERG  
*Treasurer and Receiver General*

MARK WILLIAM BRACKEN  
*Interim Executive Director*

January 30, 2023

Mashpee Board of Selectmen  
16 Great Neck Road  
Mashpee, MA 2649

Dear Sir/Madam:

In accordance with Massachusetts General Laws, chapter 10, section 27A, (as amended on 5/20/96), you are hereby notified that an application for a KENO license has been received by the Massachusetts State Lottery Commission, (MSLC) from:

Mashpee Mini Mart  
401 Nathan Ellis Hwy.  
Mashpee

If the city/town objects to the issuance of the KENO license, it must claim its right to a Hearing before the MSLC within twenty-one (21) days of receipt of this notice.

In accordance with section 27A (b), the objection of the city/town must be "as a result of an official action" taken by said city or town regarding the KENO applicant. To be fair and apply the same criteria to all cities, towns, and applicants, the MSLC defines an "official action" to be one in which the applicant appeared, or was given the opportunity to appear, before the licensing authority to discuss the issue at the local level in an open hearing or meeting prior to the Hearing at the MSLC.

If you object to these agent(s) receiving a monitor, you must do so, in writing, within twenty-one (21) days of receipt of this letter. If applicable, please address your written objection to the Massachusetts State Lottery Commission, Legal Department, 150 Mount Vernon Street, Dorchester, MA 02125 and send via email to [cporche@masslottery.com](mailto:cporche@masslottery.com) or by mail. Should you have any questions regarding this program or any other issues relative to the Lottery, please call the Lottery's General Counsel, Greg Polin, at 781-917-6057 or via email at [gpolin@masslottery.com](mailto:gpolin@masslottery.com). We look forward to working with you as the Lottery continues its efforts to support the 351 cities and towns of the Commonwealth.

Very truly yours,

MSLC Licensing Department

cc: Legal Department, Massachusetts State Lottery Commission (MSLC)

Mashpee Mini Mart - 741359

[TMCook@MashpeeMA.gov](mailto:TMCook@MashpeeMA.gov); [WTaylor@mashpeema.gov](mailto:WTaylor@mashpeema.gov)



*Supporting the 351 Cities and Towns of Massachusetts*

150 Mount Vernon Street • Dorchester • Massachusetts • 02125 • Tel: 781-849-5555 • Fax: 781-849-5547 • TTY: 781-849-5678 • [www.masslottery.com](http://www.masslottery.com)



# TOWN OF MASHPEE


## OFFICE OF THE SELECT BOARD

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

### MEMORANDUM

Date: February 23, 2023

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

From: Stephanie A. Coleman, Administrative Secretary 

Re: Eversource Petition WO #11694812, Echo Road

---

#### Description

The Town of Mashpee Select Board will conduct a pole hearing at on Petition #11694812 dated February 10, 2023, from NSTAR Electric dba Eversource Energy proposing to install approximately 60' (feet) of conduit under the public road on Echo Road. The proposed location is necessary to provide electric service to #29 Echo Road.

Said hearing will take place at 6:40 pm on Monday, February 27, 2023 in the Waquoit Meeting Room at Mashpee Town Hall, 16 Great Neck Road North, Mashpee, MA 02649.

Thank you.



February 14, 2023  
RE: 11694812

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

Dear Select Board Members,

Enclosed is a petition to install approximately 60' (feet) of conduit under the public road on Echo Road, Mashpee.

This proposed location is necessary to provide electric service to #29 Echo Road.  
This petition will require a notice to abutters and a hearing.

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

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

Warm Regards,

*Jessica Elder*

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

**PETITION FOR  
UNDERGROUND CABLE AND CONDUIT LOCATIONS  
WO#11694812**

**February 13, 2023**

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

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

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

**Echo Road, Mashpee**

**To install approximately 60' (feet) of conduit and cable under town road starting at existing manhole MH10106/030.**

**Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain underground cables, conduits, and manholes, together with such sustaining and protecting fixtures as it may find necessary, said underground cables, conduits, and manholes to be installed in accordance with the plan files herewith marked Plan No. 11694812 dated February 10, 2023.**

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

By *Jessica Elder*

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

**FORM OF ORDER FOR  
UNDERGROUND CABLE AND CONDUIT LOCATIONS  
WO#11694812**

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

Notice having been given and a public hearing held, as provided by law,  
**IT IS HEREBY ORDERED:** that the **NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY** be and it is hereby granted a location for and permission to install and maintain underground cables, conduits and manholes, together with such sustaining and protecting fixtures as said Company may deem necessary, in, under, along and across the public way or ways hereinafter referred to, as requested in petition of said Company dated the 13<sup>th</sup> day of February 2023.

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

Cables, conduits, and manholes shall be installed substantially at the point indicated upon the plan marked Plan No.11694812 Dated February 10, 2023 filed with said petition. The following are the public ways or parts of ways under, along and across which the cables above referred to may be installed under this order.

Echo Road, Mashpee

To install approximately 60' (feet) of conduit and cable under town road starting at existing manhole MH10106/030.

This work is necessary to provide new electric service to #29 Echo Road.

I hereby certify that the foregoing order was adopted at a meeting of the Select Board of the Town of Mashpee, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

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

\_\_\_\_\_, Massachusetts \_\_\_\_\_ 2023.

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

Attest:

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

We hereby certify that on \_\_\_\_\_ 2023, at \_\_\_\_\_ o'clock,  
\_\_\_\_\_ M. at \_\_\_\_\_ a public hearing was held on the  
petition of the

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

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

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

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

#### **CERTIFICATE**

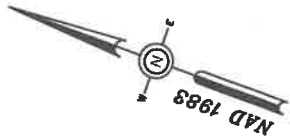
I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Select Board of the Town of Mashpee, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_ 2023, and recorded with the records of location orders of said Town, Book \_\_\_\_\_, Page \_\_\_\_\_.

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

**Attest:**

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

Plan to accompany petition of EVERSOURCE ENERGY  
to install 60'± of 2-4" conduit in concrete from MH10106/030 to 2' inside  
private property in Public Way of Echo Rd.



19\_3\_9  
29 ECHO RD  
N/F  
TRIPLE M MANAGEMENT CO LLC

APPROX. PT.  
OF PICKUP

20\_47\_0  
11 ECHO RD  
N/F  
OBRIEN GEORGE F III TR

APPROX. RIGHT OF WAY

GRASS

EDGE OF PAVEMENT

ECHO ROAD

EDGE OF PAVEMENT

## LEGEND

- Proposed Hand Hole
- Existing Hand Hole
- Proposed Conduit
- Existing Conduit
- Proposed Pole
- Existing Pole
- Pole with Riser
- Existing Multitap
- Proposed Manhole

MH10106/030  
W/ MULT-TAPS

GRASS

APPROX. RIGHT OF WAY

20\_26\_0  
16 ECHO RD  
N/F

DEPAUL, DIANE TRUSTEE

20\_25\_0  
10 ECHO RD  
N/F  
MCGEE, PAUL R TRUSTEE

APPROX. 430 FEET  
TO MAIN STREET

APPROX. R

SECTION - 2  
STREET SURFACE  
3'-0" MIN.

FIG. 1 2-DUCTS

FIG	4" Ducts		6" Ducts		8" Ducts	
	A	B	A	B	A	B
1A	10"	10"	11"	11"	12"	12"
1	18 1/2"	10 1/2"	18 1/2"	11 1/2"	21"	12 1/2"
2	25 1/2"	10 1/2"	25 1/2"	11 1/2"	29"	12 1/2"
3	25 1/2"	10 1/2"	32 1/2"	11 1/2"	37"	12 1/2"
4	16 1/2"	16 1/2"	18 1/2"	18 1/2"	21"	21"
5	22 1/2"	16 1/2"	25 1/2"	18 1/2"	29"	21"
6	16 1/2"	22 1/2"	18 1/2"	25 1/2"	21"	29"
7	16 1/2"	25 1/2"	18 1/2"	32 1/2"	21"	37"
8	20 1/2"	16 1/2"	32 1/2"	18 1/2"	29"	21"
9	22 1/2"	22 1/2"	25 1/2"	25 1/2"	29"	29"
10	24 1/2"	16 1/2"	38 1/2"	18 1/2"	45"	21"
11	18 1/2"	24 1/2"	18 1/2"	38 1/2"	21"	45"
12	22 1/2"	25 1/2"	25 1/2"	32 1/2"	29"	37"
13	28 1/2"	22 1/2"	32 1/2"	25 1/2"	37"	29"
14	40 1/2"	18 1/2"	45 1/2"	18 1/2"	53 1/2"	21"
15	16 1/2"	40 1/2"	18 1/2"	45 1/2"	21"	53 1/2"
16	16 1/2"	45 1/2"	18 1/2"	53 1/2"	21"	51"

BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY  
KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC  
COMPANY, NSTAR GAS COMPANY NOR ITS PATENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS,  
EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSSES OR  
INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION. OR IN RELIANCE UPON IT. TO  
THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO  
RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSSES OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT  
TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION,  
EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE  
INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

MASS. LAW

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

Plan # 11694812  
Ward # -  
Work Order # 11694812  
Surveyed by: N/A  
Research by: JC  
Plotted by: JC  
Proposed Structures: JC  
Approved: T THIBAUT  
P#

**NSTAR EVERSOURCE**  
ELECTRIC  
distrib  
1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of ECHO ROAD

MASHPEE

Showing PROPOSED CONDUIT LOCATION

Scale 1"=20'  
Date FEBRUARY 10, 2023  
SHEET 1 of 1



SCALE IN FEET

Eversource to install, own & maintain:  
 -(if not already completed, replace) the fuses in existing riser cutouts with 3-6ST on P4/45-A, Main St towards URD 10106.  
 -2-4" pipes in concrete in public way from MH10106/020 to 2ft +/- within pp property at new /023. 1 section, DL = 60' +/-,  
 -1 set of 3-1/0AL, 25kV UG primary cable from existing multi-tap in MH 10106/020 to new pm xfmr /025 as shown. 2 sections, IDL = 240' +/-,  
 -a 150kVA, 3ph, 22.8/13.2kV, 120/208V pm xfmr at new /025.  
 -(make) new secondary connections at new pm xfmr (customer to provide connectors).

Customer to install, Eversource to own & maintain:  
 -2-4" pipes in concrete from & including new M1216 primary pull box 2ft +/- on private property to & including new 3ph concrete xfmr pad. DL = 180' +/-,  
 Customer to install, own, & maintain:  
 -pipes & secondary cables from new pm xfmr to new 600Amp building & 400Amp fire pump services.

Note 2: See WO #4706961 to establish a 3ph loop along Echo Rd. Mas.

Note: Maintain proper distances away from any gas, sewer, & water lines.

WO #11694812  
 Primary Engineering Details  
 Circuit 4-71-455. 22.8/13.2kV

New 10106/025  
 150kVA, 3ph  
 22.8/13.2kV, 120/208V  
 pm xfmr

New 2-4" pipes in concrete,  
 1 set 3-1/0AL 25kV cable  
 180' +/-

New 10106/023  
 M1216 Pri Pull Box  
 (5'x5'x5')

New 2-4" pipes in concrete,  
 1 set 3-1/0AL 25kV cable  
 60' +/-

3-#2AL UG Pri  
 To 10155/010 & P4/45-A  
 Main St  
 (Source)

3-#2AL UG Pri  
 To additional  
 pm xfmrs & DE

10106/020  
 manhole  
 w/ multi-taps

Echo Rd

Sketch is not to scale.

10106 Eversource

29 Echo Rd, Mashpee MA  
 C. J. Kennedy, Electrical Engineer 01/19/2023

Page 1 of 1

## EASEMENT

WO #2396598 10240/010, 020, 030 &040PD

101 Red Brook Road Mashpee

KNOW ALL MEN BY THESE PRESENTS, that:

TOWN OF MASHPEE, a Municipal Corporation duly established under the laws of the Commonwealth of Massachusetts, whose address is 16 Great Neck Road North, Mashpee, Massachusetts 02649,

Hereinafter referred to as the Grantor, for the nominal consideration of One Dollar (\$1.00), grants to NSTAR ELECTRIC COMPANY, d/b/a Eversource Energy a Massachusetts corporation, having its principal place of business at 800 Boylston Street, Boston, Massachusetts 02199, its successors, assigns and licensees, hereinafter referred to as the Grantee,

With quitclaim covenants, the right and easements (as more particularly described below) for underground lines for distribution of electricity, and lines for control, relay and communication purposes over, across, upon and under a certain parcel of land owned by Grantor (the "Premises") located at 101 Red Brook Road in Mashpee.

The Premises are more particularly described in the Deed filed in the Barnstable County Registry of Deeds in Book 830, Page 355 and Book 262, Page 34.

The Premises are shown as Parcel 2 on the Town of Mashpee Assessors Map 104.

The easement rights granted herein are more particularly described as the right, from time to time within the Premises, to install, construct, reconstruct, alter, extend, operate, inspect, maintain, repair, replace and remove (a) underground buried cables, wires, conduits, pipes, splice boxes, hand-holes, wire distributing facilities, fixtures, appurtenances, service and lamp connections, with the wires and cables therein, and all necessary foundations, anchors, and other supporting appurtenances deemed necessary by Grantee for the purposes specified above; (b) above ground pedestals, concrete pads, transformers, switchgear and apparatus cabinets with the necessary wires, cables, terminals, fixtures and appurtenances deemed necessary by Grantee for purposes specified above (hereinafter (a) and (b) are collectively referred to as "Equipment"), and (c) together with the right and easement to enter upon the Premises, including vehicular access for construction and maintenance purposes, as may be necessary from time to time for all of the foregoing purposes, utilizing existing paved ways and parking areas on the Premises to the extent practicable.

Mail to: Eversource, 50 Duchaine Blvd., New Bedford MA 02745 Attn: Jessica Elder

All Equipment shall be installed in conformance with Grantee's "information & Requirements for Electric Service," as issued by Grantee from time to time. Any Equipment installed by the Grantor shall be maintained by the Grantor, and if Grantor fails to repair or maintain such Equipment, Grantee reserves the right to do so at Grantor's sole cost and expense.

All Equipment shall be installed in locations mutually agreed upon by Grantor and Grantee, and shall initially be approximately as shown on a sketch dated June 2020 which is attached hereto and incorporated herein as Exhibit A. To the extent that no location is determined in advance, the location of the easement shall be fixed by the actual installation of the Equipment, and, unless specified otherwise, shall be 15 feet in width, centered on the Equipment as installed.

Grantor may at any time, at its sole cost and expense, prepare and submit to Grantee for review and approval an "as built" plan of the Equipment in recordable form. Upon approval of such plan, and concurrently with the recording of such plan, the parties shall execute and record an amendment to this instrument, fixing the location of the easements granted hereunder to the locations and dimensions shown on such plan; provided, that Grantee shall have the right of access over the remainder of the Premises for all purposes contemplated by this agreement.

Grantor will not erect or permit any structures or obstructions which in the reasonable judgement of the Grantee might interfere with the safe operation and maintenance of the Equipment. Grantee shall have the right to cut down and keep trimmed all trees, bushes, underbrush and growth as the Grantee may from time to time deem reasonably necessary for the safe operation and maintenance of the Equipment.

All work by Grantor or Grantee under this Easement shall be done in a good and workmanlike manner by competent personnel or contractors, in conformity with all applicable permits, licenses, ordinances, laws and regulations, and free from any liens for labor or materials. The party performing the work shall be responsible for obtaining all applicable permits.

Except in the event of emergency, prior to commencing any work at the Premises, Grantee shall endeavor to provide Grantor with such notice as may be practicable under the circumstances, which may consist of telephone or other verbal notification.

The Grantee shall restore the surface of the Premises (by grading, paving or reseeding) wherever damaged by the Grantee by reason of its work as closely as reasonably practicable to the condition of such surface before such work.

In the conduct of a work, neither party shall unreasonably interfere with the business, operations or access of the other party, its employees, invitees or contractors, or any other person having an interest in the Premises.

Grantee shall have the right to connect the Equipment with its facilities located or which may be placed in private or public ways adjacent to the Premises. Grantee shall have the right to extend the lines from time to time, and the right to use the Equipment, to serve other customers of Grantee who may conveniently be served thereby.



Grantee shall indemnify, defend and hold harmless the Grantor, its successors and assigns, from and against any claim, cost, loss or liability incurred by Grantor for physical damage or injury resulting from the negligence or willful misconduct of the Grantee, its employees, agents and contractors in the conduct of work at or their use/occupancy of the Premises pursuant to this easement. Nothing herein shall be construed to impose on the Grantee any liability for indirect, consequential, punitive or other special damages.

Grantor may request that the Grantee relocate any of the Equipment installed by the Grantee to another location on the Premises acceptable to the Grantee.

Grantor shall have the right to use the Premises and the right to grant to others the right to use the Premises, for all purposes that do not unreasonably interfere with the rights granted to the Grantee hereby.

All Equipment installed within the Premises pursuant to this easement shall remain the property of the Grantee and Grantee shall pay all taxes assessed thereon.

This easement is executed pursuant to, and shall be subject to, the Grantee's Terms and Conditions of Service, as Filed with and approved by the Massachusetts Department of Public Utilities from time to time.

Executed as an instrument under seal this \_\_\_\_\_ day of \_\_\_\_\_, 2023

TOWN OF MASHPEE

BY ITS SELECT BOARD

\_\_\_\_\_  
David W. Weeden, Chair

\_\_\_\_\_  
John J. Cotton, Vice Chair

\_\_\_\_\_  
Thomas F. O'Hara, Clerk

\_\_\_\_\_  
Carol A. Sherman

\_\_\_\_\_  
Michaela Wyman-Colombo

COMMONWEALTH OF MASSACHUSETTS

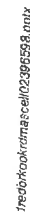
\_\_\_\_\_, SS:

\_\_\_\_\_, 2023

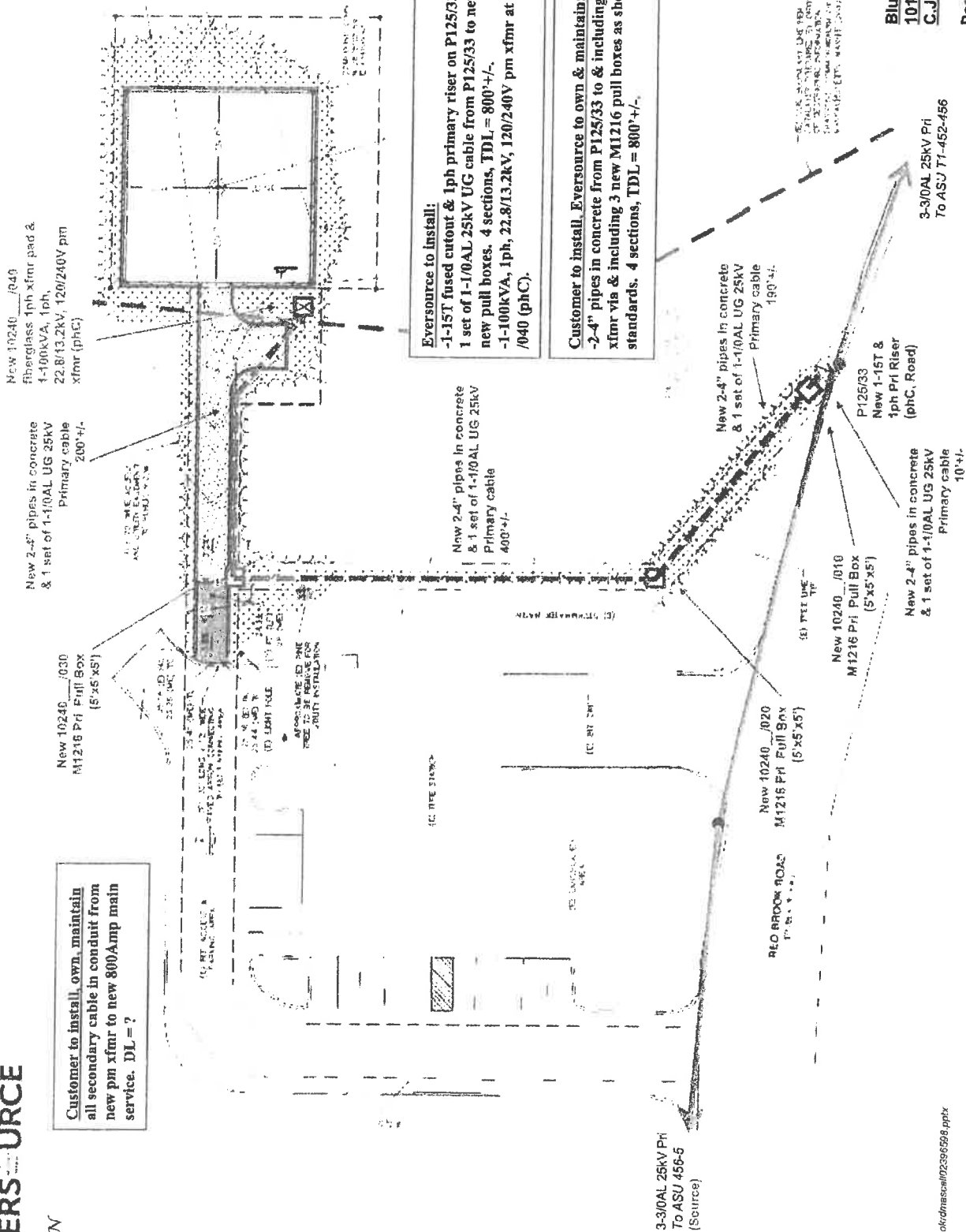
On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_  
members of the Select Board of Mashpee, proved to me through satisfactory evidence of identification, which was they are personally known by me to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that each member signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public

My Commission Expires:



Customer to install, own, maintain  
all secondary cable in conduit from  
new pm xfmr to new 800Amp main  
service. D.L. = ?



**Eversource to install:**

- 1-15T fused cutout & 1ph primary riser on P125/33 (phC, Road).
- 1 set of 1-1/0AL 25KV UG cable from P125/33 to new pm xfmr via 3 new pull boxes. 4 sections, TDL = 800' +/-.
- 1-100kVA, 1ph, 22.8/13.2KV, 120/240V pm xfmr at new xfmr pad /040 (phC).

**Customer to install, Eversource to own & maintain:**

- 2-4" pipes in concrete from P125/33 to & including new fiberglass 1ph xfmr via & including 3 new M1216 pull boxes as shown per Eversource standards. 4 sections, TDL = 800' +/-.

10 Eversource

Sketch is not to scale.

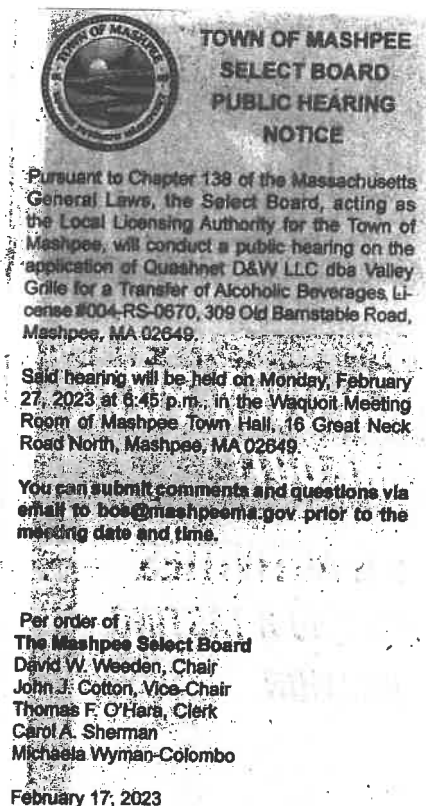


**TOWN OF MASHPEE  
SELECT BOARD  
PUBLIC HEARING NOTICE**

Pursuant to Chapter 138 of the Massachusetts General Laws, the Select Board, acting as the Local Licensing Authority for the Town of Mashpee, will conduct a public hearing on the application of Quashnet D&W LLC dba Valley Grille for a Transfer of Alcoholic Beverages License #004-RS-0670, 309 Old Barnstable Road, Mashpee, MA 02649.

Said hearing will be held on Monday, February 27, 2023 at 6:45 p.m., in the Waquoit Meeting Room of Mashpee Town Hall, 16 Great Neck Road North, Mashpee, MA 02649.

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



Per order of  
**The Mashpee Select Board**

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



# TOWN OF MASHPEE

## OFFICE OF THE SELECT BOARD

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

### MEMORANDUM

Date: February 22, 2023

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

From: Stephanie A. Coleman, Administrative Secretary 

Re: Public Hearing: Transfer of Alcoholic Beverages License

---

#### Description

Pursuant to Chapter 138 of the Massachusetts General Laws, the Select Board, acting as the Local Licensing Authority for the Town of Mashpee, will conduct a public hearing on the application of Quashnet D&W LLC dba Valley Grille for a Transfer of Alcoholic Beverages License #004-RS-0670, 309 Old Barnstable Road, Mashpee, MA 02649.

Said hearing will be held on Monday, February 27, 2023 at 6:45 p.m., in the Waquoit Meeting Room of Mashpee Town Hall, 16 Great Neck Road North, Mashpee, MA 02649.

Attached is the application for a Transfer of License.

Thank you.



*The Commonwealth of Massachusetts*  
**Alcoholic Beverages Control Commission**  
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

TOWN MANAGERS OFFICE  
FEB 8 '23 PM 4:25

**APPLICATION FOR A TRANSFER OF LICENSE**

Municipality

**1. TRANSACTION INFORMATION**

- ☒ Transfer of License  
☐ Alteration of Premises  
☐ Change of Location  
☐ Management/Operating Agreement
- ☐ Pledge of Inventory  
☐ Pledge of License  
☐ Pledge of Stock  
☐ Other
- ☐ Change of Class  
☐ Change of Category  
☐ Change of License Type  
(\$12 ONLY, e.g. "club" to "restaurant")

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

We will be providing restaurant/bar beverage services. Also provide over the counter beverages to be consumed on the golf course.

**2. LICENSE CLASSIFICATION INFORMATION**

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="On-Premises-12"/>	<input type="text" value="\$12 Restaurant"/>	<input type="text" value="All Alcoholic Beverages"/>	<input type="text" value="Annual"/>

**3. BUSINESS ENTITY INFORMATION**

The entity that will be issued the license and have operational control of the premises.

Current or Seller's License Number  FEIN

Entity Name

DBA  Manager of Record

Street Address

Phone  Email

Add'l Phone  Website

**4. DESCRIPTION OF PREMISES**

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. If this application alters the current premises, provide the specific changes from the last approved description. You must also submit a floor plan.

Valley Grille - 4,200 sq. ft. with 1,500 sq. ft. being bar area, 2,700 sq. ft. being function room, 2nd floor storage 800 sq. ft. and the remainder is Quashnet Valley Country Club.

Total Sq. Footage	<input type="text" value="5,700"/>	Seating Capacity	<input type="text" value="200"/>	Occupancy Number	<input type="text" value="210"/>
Number of Entrances	<input type="text" value="7"/>	Number of Exits	<input type="text" value="7"/>	Number of Floors	<input type="text" value="3"/>

## APPLICATION FOR A TRANSFER OF LICENSE

### 5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

Transferor Entity Name

By what means is the license being transferred?

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
<input type="text" value="Anthony J. LaCava, Jr."/>	<input type="text" value="President, Treasurer and Director"/>	<input type="text" value="100%"/>
<input type="text" value="Anthony O. Delosa"/>	<input type="text" value="Secretary and Director"/>	<input type="text" value="0%"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

### 6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLC Members, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:  
**On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers** - At least 50% must be US citizens;  
**Off Premises (Liquor Store) Directors or LLC Managers** - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Dawn Tormey"/>	<input type="text" value="Mashpee, MA 02649"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
<input type="text" value="Manager"/>	<input type="text" value="100%"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
<input type="text" value="William E. Tormey, IV"/>	<input type="text" value="Mashpee, MA 02649"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
<input type="text" value="Manager"/>	<input type="text" value="0%"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No



## APPLICATION FOR A TRANSFER OF LICENSE

### 6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST (Continued...)

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
			MA Resident
			<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
			MA Resident
			<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
			MA Resident
			<input type="radio"/> Yes <input type="radio"/> No

Additional pages attached? ☐ Yes ☒ No

#### CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☒ No

#### 6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

#### 6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

## APPLICATION FOR A TRANSFER OF LICENSE

### 6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

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

### 7. CORPORATE STRUCTURE

Entity Legal Structure

Date of Incorporation

State of Incorporation

Is the Corporation publicly traded? ☐ Yes ☒ No

### 8. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

☐ Yes ☒ No

### 9. APPLICATION CONTACT

The application contact is the person who the licensing authorities should contact regarding this application.

Name:

Phone:

Title:

Email:

## APPLICATION FOR A TRANSFER OF LICENSE

### 10. FINANCIAL DISCLOSURE

A. Purchase Price for Real Estate	
B. Purchase Price for Business Assets	\$55,000.00
C. Other* (Please specify)	
D. Total Cost	\$55,000.00

\*Other: (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):"

#### SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Total	

#### SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
Rockland Trust	\$30,000.00	Equity Loan	<input type="radio"/> Yes <input checked="" type="radio"/> No
Vanguard	\$47,000.00	401K	<input type="radio"/> Yes <input checked="" type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No

#### FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

--

### 11. PLEDGE INFORMATION

Please provide signed pledge documentation.

Are you seeking approval for a pledge? ☐ Yes ☒ No

Please indicate what you are seeking to pledge (check all that apply) ☐ License ☐ Stock ☐ Inventory

To whom is the pledge being made?

--

## A. MANAGER INFORMATION

Proposed Manager Name	Dawn Tormey	Date of Birth		SSN	
-----------------------	-------------	---------------	--	-----	--

Residential Address ashpee, MA 02649

Email  Phone

Please indicate how many hours per week you intend to be on the licensed premises	60
---	----

☒ Yes ☐ No \*Manager must be a U.S. Citizen

Have you ever been convicted of a state, federal, or military crime?

☐ Yes ☒ No

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

Date	Municipality	Charge	Disposition

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

Start Date	End Date	Position	Employer	Supervisor Name
09/98	1/13	Bartender	99 Restaurant	Jim Kiley
11/11	1/17	General Manager	Lanes Bowl & Bistro	Jeff Moore
11/17	1/23	Bartender	Dinos Sportsbar	Dino Mitrokostas

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

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

Manager's Signature

Date \_\_\_\_\_

28/25

### 13. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?

If yes, please fill out section 13.

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

☐ Yes ☒ No

**IMPORTANT NOTE:** A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*

#### 13A. MANAGEMENT ENTITY

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name

Address

Phone

**Quashnet D and W LLC**

**309 Old Barnstable Road, Mashpee**

508-477-2242

Name of Principal

Residential Address

SSN

DOB

**Dawn Tormey**

Mashpee, MA 02649

Title and or Position

Percentage of Ownership Director

US Citizen

MA Resident

Owner Operator

50

☒ Yes ☐ No

☒ Yes ☐ No

☒ Yes ☐ No

Name of Principal

Residential Address

SSN

DOB

**William Tormey**

Mashpee, MA 02649

Title and or Position

Percentage of Ownership Director

US Citizen

MA Resident

Manager

50

☒ Yes ☐ No

☒ Yes ☐ No

☒ Yes ☐ No

Name of Principal

Residential Address

SSN

DOB

Title and or Position

Percentage of Ownership Director

US Citizen

MA Resident

Name of Principal

Residential Address

SSN

DOB

Title and or Position

Percentage of Ownership Director

US Citizen

MA Resident

#### CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?

If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☒ No

#### 13B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 13A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

### 13C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 13A, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

### 13D. PREVIOUSLY HELD MANAGEMENT AGREEMENT

Has any individual or entity identified in question 13A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Licensee Name	License Type	Municipality	Date(s) of Agreement

### 13E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question section 13B, 13C, 13D ever been suspended, revoked or cancelled?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

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

### 13F. TERMS OF AGREEMENT

a. Does the agreement provide for termination by the licensee?

Yes ☐ No ☐

b. Will the licensee retain control of the business finances?

Yes ☒ No ☐

c. Does the management entity handle the payroll for the business?

Yes ☐ No ☐

d. Management Term Begin Date

e. Management Term End Date

f. How will the management company be compensated by the licensee? (check all that apply)

☐ \$ per month/year (indicate amount)

☐ % of alcohol sales (indicate percentage)

☐ % of overall sales (indicate percentage)

☐ other (please explain)

ABCC Licensee Officer/LLC Manager

Signature:

Title:

Date:

Management Agreement Entity Officer/LLC Manager

Signature:

*Dan Smely*

Title:

Owner

Date:

2/8/23

### **ADDITIONAL INFORMATION**

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

# **\*PLACE HOLDER\***

- **Update from Cape Cod Commission: Executive Director Kristy Senatori**



**\*PLACE HOLDER\***

- **Update on Wastewater Project: Ray Jack**

- 1    **JANUARY PHASE 1 PROJECT UPDATES**  
Wastewater - Selectmen  
January 2023  
Presented 2-27-2023
- 2    **GROUNDBREAKING - DECEMBER 8, 2022**
- 3    **GROUNDBREAKING - DECEMBER 8, 2022**
- 4    **PROJECT AREA**
- 5    **COLLECTION NORTH:**
  - 12" main on Carlton - Ashers to end
  - Connection for plant
  - Connection for Ashers Apts
  - Connection for Sea Oaks
  - Service connections on Carlton
  - 8" main on Swain
  - Service connections on Swain
  - 8" main on Sewall
  - Service connections on Sewall
  -
- 6    **COLLECTION SOUTH:**  
**SIMONS NARROWS START**
  - 8" main on Simons Narrows
  - 12" main on Mashpee Neck Road - Simons to Lift Station
  - Lift Station Site
  -
- 7    **Materials- Equipment**
  - Main Installation
  - Manholes
  - 12" SDR Main
- 8    **MATERIALS**
- 9    **CARLTON MAIN & MANHOLES**
- 10   **MASHPEE NECK MAIN**
  - 1   8" Gravity
  - 6" Force Main
  - 2   Manhole
- 11   **SWAIN SERVICE CONNECTIONS**
- 12   **SEWALL DRIVE**
  - 1   Temporary Paving

- 2 Avoiding Utilities
- 13 **LIFT STATION**
  - 1 Exterior
  - 2 Wet-Well
- 14 **ASHERS APARTMENTS (MHA)**
- 15 **WRRF Project Construction**
- 16 **Mashpee WRRF – Cash Flow**
- 17 **Collection System North Project Construction**
- 18 **Collection System North– Cash Flow**
- 19 **Collection System South Project Construction**
- 20 **Collection System South – Cash Flow**
- 21 **Upcoming Feb. - Mar. 2023**
  - 1 WRRF
  - 2 NORTH
  - 3 SOUTH
  - 4 Excavation for:
    - Process Tanks
    - Foundations
    - Underground Piping
  - 5 Sewall Main
    - Sewall Services
    - Butler Main
    - Sea Oaks Main
    - Drew Main
    - Ashers Main
    - Route 28 Mains
  - 6 Simons Narrows Services
    - Mashpee Neck Road Main
- 22 **MassDEP SRF Update**
  - 0% interest approved January 2023 (\$54M)
  - Draft IUP released in December 2022 – Mashpee on list (\$12M)
  - Final IUP list not yet released (January 2023)
  - May Town Meeting Article
- 23 **MASHPEE RIVER**
- 24 **MASHPEE RIVER BOAT TOUR**

- 25     **MASHPEE RIVER BOAT TOUR**
- 26     **MASHPEE RIVER BOAT TOUR**
- 27     **MASHPEE SUNSET**
- 28     **CHILDS RIVER RESTORATION**
- 29     **PARTNERSHIP**
- 30     **THEN**
- 31     **NOW**
- 32     **THEN**
- 33     **NOW**
- 34     **THEN**
- 35     **NOW**
- 36     **CHILDS RIVER RESTORATION**
- 37     **ROUTE 28 DETOUR**
- 38     **CLEAN WATER: AN INVESTMENT FOR THE FUTURE**



# TOWN OF MASHPEE

## OFFICE OF THE SELECT BOARD

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

### MEMORANDUM

Date: February 22, 2023

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

From: Stephanie A. Coleman, Administrative Secretary 

Re: Board, Committee and Commission: Resignation and Reappointment Request

---

#### Description

Discussion of the following resignation and reappointment request:

- Resignation: Mashpee Inclusion and Diversity Committee, Member at Large, Term Expires June 30, 2023: Rachael Hicks
- Reappointment Request: Community Preservation Act Committee, Member at Large, Term Expires June 30, 2023: Dawn M. Thayer.

**\*Please see attached letter from Dawn Thayer rescinding her previous letter of resignation.\***

Thank you.

**From:** Rachael Hicks ·

**Sent:** Tuesday, February 21, 2023 8:43 AM

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

**Subject:** Resignation from MIDC

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

To Whom It May Concern

Effective immediately I am resigning from the Mashpee Inclusion and Diversity Committee. Due to family commitments I will no longer be able to participate in the monthly meetings of this committee. I will continue at this time to assist in the planning of the Amity Day Festival.

I thank you for the opportunity to serve on this committee for the past year and wish the committee, continued success in the future.

Rachael Hicks

Dawn M. Thayer

Mashpee, MA 02649

February 17, 2023

To the Honorable Mashpee Select Board,

I would like to ask that you rescind my letter of resignation for the position as a "Member at Large" for the Community Preservation Committee, if that position currently remains vacant. After much thought and discussion with some fellow members, I feel my history, experience and financial perspective can be beneficial to the Committee and citizens of Mashpee.

I thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Dawn M. Thayer". The signature is written in dark ink and is positioned below the word "Sincerely,".

Dawn M. Thayer



# TOWN OF MASHPEE


## OFFICE OF THE SELECT BOARD

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

### MEMORANDUM

Date: February 22, 2023

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

From: Stephanie A. Coleman, Administrative Secretary 

Re: Temporary Sign Permit Applications

---

#### Description

Discussion of the following Temporary Sign Permit Applications:

- **Mashpee Boosters Club Psychic Fair:** Eight (8) 2' x 2' temporary banners, located at the intersection of Old Barnstable Road and Route 151; Lowell Road and Old Barnstable Road; Old Barnstable Road and driveway leading up to K.C. Coombs School: March 4, 2023 – March 12, 2023.
- **Master Gardeners Plant Sale:** Ten (10) 24" x 18" ground signs, located at Route 130; Route 151; Route 28; Great Neck Road North and Great Neck Road South: May 16, 2023 – May 20, 2023.

Thank you.





# PSYCHIC & HEALTH FAIR

**10 am - 4 pm**

Kenneth C. Coombs School

\$2 Entrance Fee

Astrologers, mediums, psychics, and more!

Organized by the Mashpee Boosters Club

**TODAY**

***PLANT SALE***



**MASTER GARDENERS**

***SATURDAY***

***9:00 AM***

**CAPE COD FAIRGROUNDS**

**Town of Mashpee  
Mashpee High School  
500 Old Barnstable Road  
Mashpee, MA 02649  
Special Town Meeting  
Monday, May 1, 2023**

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 1st day of May 2023 at 7:00 p.m. for the following purposes:

To act on the articles contained in the following Warrant:

**MOTION TO BE MADE BY SELECT BOARD MEMBER \_\_\_\_\_**

**Motion: I move that the Town vote to dispense with the reading of the Annual Town Meeting warrant articles.**

**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 Select Board recommends approval of Article by a vote of**

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

**Article (Probably not needed)**

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

\_\_\_\_\_ Unpaid Bill \$ \_\_\_\_\_

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 Select Board 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 \$ \_\_\_\_\_ from revenue available for appropriation, to be deposited into the Capital Stabilization Fund, or take any other action relating thereto.

Submitted by the Select Board

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

**Article (Might not be needed)**

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:

\$ _____	10% Open Space/Recreation Purposes
\$ _____	10% Historic Purposes
\$ _____	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 2023 Trust Fund distribution. The amount of FY 2023 state reimbursement received by the Town of Mashpee was \$ \_\_\_\_\_ 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

**The Select Board 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 \$101,450 from the Ambulance Reserved Receipts account with said funds to be distributed as follows: \$100,000 to the Fire Department Overtime Salary account and \$1,450 to the Medicare expense account, or take any other action relating thereto.

Submitted by Fire Chief John Phelan

**Explanation:** This article provides additional funds to cover a projected shortfall in the Fire Department Salary account. Due to an increase in calls for service, additional staffing is required. The funds will cover anticipated overtime costs associated with increasing minimum manning. All funds will be transferred from the Ambulance Reserved Receipts account and will have no impact on the taxes.

**The Select Board 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 Budget for Appropriation Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$378,080 for the purpose of funding the Quashnet School Playground Improvement Project Phase II at the site located at 150 Old Barnstable Road, Mashpee, identified on Assessor's Map 67, Parcel 2, 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 address the aging courts in disrepair. This project includes the construction of new basketball courts, tennis/pickleball courts and a new outdoor game. Playground surfacing would meet the requirements for fall protection and handicap accessibility. The provision of different types of equipment would invite and encourage physical outdoor play for all skill levels and introduce a variety of sports activities. The playgrounds and courts are used year-round by the schools and are available for public use during non-school hours. The total cost of the project is \$391,080. Available fees by outside groups will offset the projected budget. The DPW will also perform some of the required work.

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

**The Select Board 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 Budget for Appropriation Reserve in accordance with the provisions of M.G.L. Chapter 44B, §5, the sum of \$425,000 for the purpose of funding the Edward A. Baker Boat Ramp at Pirate's Cove Improvement Project Phase II, at the site located at 388 Mashpee Neck Road, Mashpee, identified on Assessor's Map 96, 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 replace the 35-year-old concrete boat ramp that has deteriorated, install a concrete scour pad at the end of the ramp and install two additional floats at the dock. It is necessary to install a scour pad for the erosion caused by the power loading of boats at the ramp and to avoid boats running aground. There is no change to the size of the ramp.

The installation of two additional floats will provide more space for boats to avoid congestion at the ramp. Four piles will be installed at the west end of the ramp to prevent boaters from landing on the adjacent small beach protecting the saltwater marsh. The total cost of the project is \$434,735. The design and permitting for the project were funded through the DPW and Waterways Commission budgets. Stormwater improvements have been made through grant funding. This includes a bioretention basin. In 2016 the Town approved CPA funding to replace a 30-year wooden structure at the site with marine-grade material to promote eelgrass growth and shellfish habitat. Unused funds for this project would be returned to the CPC.

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

**The Select Board 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 \$200,000 for the purpose of funding the 18-Hole Disc Golf Course project at the site located at 156 Ashumet Road, Mashpee, identified on Assessor's Map 26 as Parcel 10, and 162 Ashumet Road, identified on Assessor's Map 26 as Parcel 10 (same parcel), 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 create an 18-hole disc golf course on 16 acres of Town-owned wooded land supported for use by the Select Board for added recreational opportunities. The proposed course is located in the recreational hub of the Mashpee community adjacent to the Mashpee Dog Park, Heritage Park and the Pickleball Courts. This is a low cost, year-round recreational activity enjoyed by persons of all ages and ability levels. The rules and etiquette of the game is similar to regular golf. A crosswalk and signage would be installed for safety. The noise level is minimum. The course is similar to a trail system with slight alterations. There is no clear cutting of land or turf installation. Overhead and maintenance costs are minimal.

An 18-hole disc golf course can cycle through dozens of players at any given time with little to no backups or delays. The Cape Cod Disc Golf Club would serve as the active stewards of the land and maintain the course under a Memorandum of Agreement and through a lease agreement with the Town. Unused funds for this project would be returned to the CPC.

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

**The Select Board 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, as recommended by the Community Preservation Committee, to appropriate and transfer to the Mashpee Affordable Housing Trust ("Trust") the sum of \$550,000, as follows: the sum of \$300,000 transferred from the Community Preservation Fund 10% Affordable Housing Reserve, and the sum of \$250,000 transferred from the Community Preservation Fund, Fund Balance, both in accordance with the provisions of M.G.L. Chapter 44B §5; said funds, totaling \$550,000, to be held and expended by the Board of Trustees of said Trust for the purpose of Affordable Housing, including any necessary costs and expenses related thereto, provided, however, that said sums shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of M.G.L. Chapter 44B when expended by the Trust, shall be accounted for separately by the Trust, and, provided further, that at the end of each fiscal year the Trust shall ensure that all expenditures of said funds are reported to the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee



**Explanation:** The goal of this appropriation is to allow a more efficient procedure to enable the acquisition and subsequent development of affordable housing projects in the Town of Mashpee. The Affordable Housing Trust is a Town body which, by statute, may purchase, hold, and make decisions regarding the development of affordable housing units within the Town. Granting the requested available funds to the Affordable Housing Trust will enable the Trust to negotiate with developers and execute real estate transactions effectively and efficiently.

The Community Preservation Committee recommends approval of Article by a vote of 7-0-1 (1) abstention.

**The Select Board 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, as recommended by the Community Preservation Committee, to appropriate and transfer the sum of \$500,000 from the Community Preservation Fund, Fund Balance in accordance with the provisions of M.G.L. Chapter 44B §5, for the purpose of assisting with funding for the LeClair Village Affordable Rental Housing project, property located at 950 Falmouth Road, Mashpee, identified on Assessor's Map 93-6-0 (2.49 acres site for 39 affordable homes in 3 buildings), 93-7-0 (3.26 acres, site for underground water infrastructure and open space), 94-7-0 (7.08 acres to be preserved as open space); said property comprised of 12.83 acres in total, including any necessary costs and expenses related thereto, as recommended by the Community Preservation Committee; provided, said sum shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of M.G.L. Chapter 44B when expended by the Housing Assistance Corporation of Cape Cod (HAC) and Preservation of Affordable Housing (POAH) or their designated entity, or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** The goal of this appropriation is to assist the Housing Assistance Corporation (HAC) and the Preservation of Affordable Housing (POAH), the designated developers pursuant to a competitive proposal solicitation process, to develop the 950 Falmouth Road property to provide much-needed affordable housing stock in Mashpee. The project will create 39 new affordable rental homes in three buildings with a total of 68 bedrooms units. The residential construction will be confined to Parcel A. The wastewater treatment infrastructure for the project will be located in Parcel B, and Parcel C shall remain as open space. The addition of 39 affordable rental homes in the LeClair Village development will assist Mashpee in achieving a total affordable housing stock inventory of 5.9%. This contribution from the Town, through its CPA, will offset direct construction costs for the subject affordable housing development.

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

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

**Article \*\*\*Placeholder Article\*\*\***

To see if the Town will vote to appropriate and transfer a sum not to exceed \$400,000 from the Community Preservation Fund, Fund Balance in accordance with the provisions of M.G.L. Chapter 44B, §5, for the purpose of funding the acquisition of the real property located at 751 Main Street, Mashpee, identified on Assessor's Map 13 Parcel 58, containing a total of 4.00 acres, for open space, passive recreation and/or aquifer protection purposes, including necessary costs and expenses related thereto; said land to be held under the jurisdiction and control of the Conservation Commission in accordance with the provisions of M.G.L. Chapter 40, §8C, or any other enabling authority; further, to authorize the Town to grant/impose such conservation use restrictions with respect to said property as may be required by M.G.L. Chapter 44B, §12, or otherwise, and to execute such agreements and instruments as may be necessary to accomplish said transaction, all 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 article is to acquire a 4.00-acre parcel with 353.41 feet of frontage on Route 130 for water protection purposes. The 751 Main Street property is located in a Groundwater Protection District/Zone II area. The front two lots or Lots 1 and 4 on the Subdivision Plan would be affected by these zones if developed. The project would also expand the Pickerel Cove Conservation Area and protect a parcel within the acquisition boundary of the Mashpee National Wildlife Refuge (MNWR). The parcel is contiguous with the 78.3-acre Pickerel Cove Conservation Area. (Map 9 Block 1) adjacent to Mashpee-Wakeby Pond. This vacant residential land is currently not protected and is subject to potential development. Acquisition of the property would contribute towards the protection of clean water and drinking water in Mashpee. The Town Open Space Plan identifies this parcel as privately held lands of conservation interest.

The proposed acquisition would permanently protect water resources, wildlife habitat, and could further extend the connection of existing trails.

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

**The Select Board 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 20th day of March in the year two thousand and twenty-three.

Per Order of,  
**Select Board**

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David W. Weeden, Chair

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John J. Cotton, Vice Chair

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Thomas F. O'Hara, Clerk

---

Carol A. Sherman

---

Michaela Wyman-Colombo

**Town of Mashpee  
Mashpee High School  
500 Old Barnstable Road  
Mashpee, MA 02649  
Annual Town Meeting  
Monday, May 1, 2023**

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 1st day of May 2023 at 7:00 p.m. for the following purposes:

To act on the articles contained in the following Warrant:

**MOTION TO BE MADE BY SELECT BOARD MEMBER \_\_\_\_\_**

**Motion: I move that the Town vote to dispense with the reading of the Annual Town Meeting warrant articles.**

**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 Select Board

**Explanation:** The 2022 Annual Town Report in which the reports of Town officers are presented is available at the Town Meeting and at the Town Hall.

**The Select Board recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article 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, 2023 to June 30, 2024, 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 2024 Department Request" (see Omnibus Budget), or take any other action relating thereto.

Submitted by the Select Board

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

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

DEPARTMENT		FY 2023 BUDGET		FY 2024 DEPARTMENT REQUEST	FY 2024 FINANCE COMMITTEE RECOMMEND	FY 2024 TOWN MGR RECOMMEND
MODERATOR						
SALARY	1	200	200	-	200	
TOTAL		200	200	-	200	
SELECTMEN						
SALARY-ELECTED	2	15,500	15,500	-	15,500	
SALARY/WAGE	3	436,055	490,430	-	490,430	
EXPENSE	4	38,500	38,500	-	38,500	
LEG/ENG/CONSULTING	5	385,000	385,000	-	385,000	
TOTAL		875,055	929,430	-	929,430	
FINANCE COMMITTEE						
RESERVE FUND	6	45,500	300,000	-	275,000	
EXPENSE	7	75,000	83,000	-	83,000	
TOTAL		120,500	383,000	-	358,000	
TOWN ACCOUNTANT						
SALARY/WAGE	8	304,765	325,360	-	325,360	
EXPENSE	9	3,175	3,175	-	3,175	
TOTAL		307,940	328,535	-	328,535	
ASSESSORS						
SALARY-APPOINTED	10	3,000	3,000	-	3,000	
SALARY/WAGE	11	266,788	267,560	-	267,560	
EXPENSE	12	6,000	6,800	-	6,800	
TOTAL		275,788	277,360	-	277,360	
TREASURER/TAX COLLECTOR						
SALARY/WAGE	13	274,760	268,164	-	268,164	
EXPENSE	14	47,400	51,400	-	51,400	
DEBT SERVICE	15	2,500	2,500	-	2,500	
FORECLOSURE	16	12,000	12,000	-	12,000	
TOTAL		336,660	334,064	-	334,064	
HUMAN RESOURCES						
SALARY/WAGE	17	436,813	428,858	-	428,268	
EXPENSE	18	100,637	100,685	-	100,685	
TOTAL		537,450	529,543	-	528,953	

DEPARTMENT		FY 2023 BUDGET	FY 2024 DEPARTMENT REQUEST	FY 2024 FINANCE COMMITTEE RECOMMEND	FY 2024 TOWN MGR RECOMMEND
<b>INFORMATION TECHNOLOGY</b>					
SALARY/WAGE	19	389,985	391,935	-	391,935
EXPENSE	20	321,756	335,862	-	335,862
EQUIPMENT REPLACEMENT	21	27,000	27,000	-	27,000
<b>TOTAL</b>		<b>738,741</b>	<b>754,797</b>	<b>-</b>	<b>754,797</b>
<b>TOWN CLERK</b>					
SALARY-ELECTED	22	98,890	103,440	-	103,440
SALARY/WAGE	23	108,890	108,070	-	108,070
EXPENSE	24	8,875	9,125	-	9,125
<b>TOTAL</b>		<b>216,655</b>	<b>220,635</b>	<b>-</b>	<b>220,635</b>
<b>ELECTIONS &amp; REGISTRATIONS</b>					
SALARY/WAGE	25	66,486	68,261	-	68,261
EXPENSE	26	56,700	63,300	-	63,300
<b>TOTAL</b>		<b>123,186</b>	<b>131,561</b>	<b>-</b>	<b>131,561</b>
<b>CONSERVATION</b>					
SALARY/WAGE	27	220,561	216,816	-	216,816
EXPENSE	28	5,824	6,908	-	6,908
HERRING EXPENSE	29	500	500	-	500
<b>TOTAL</b>		<b>226,885</b>	<b>224,224</b>	<b>-</b>	<b>224,224</b>
<b>NATURAL RESOURCES</b>					
SALARY/WAGE	30	643,420	659,420	-	659,420
EXPENSE	31	189,710	181,910	-	181,910
PROPAGATION	32	240,650	253,500	-	203,500
<b>TOTAL</b>		<b>1,073,780</b>	<b>1,094,830</b>	<b>-</b>	<b>1,044,830</b>
<b>PLANNING BOARD</b>					
EXPENSE	33	11,125	21,125	-	21,125
<b>TOTAL</b>		<b>11,125</b>	<b>21,125</b>	<b>-</b>	<b>21,125</b>
<b>PLANNING DEPARTMENT</b>					
SALARY/WAGE	34	161,130	157,735	-	157,735
EXPENSE	35	4,125	4,125	-	4,125
<b>TOTAL</b>		<b>165,255</b>	<b>161,860</b>	<b>-</b>	<b>161,860</b>
<b>TOWN HALL</b>					
EXPENSE	36	307,000	302,000	-	302,000
<b>TOTAL</b>		<b>307,000</b>	<b>302,000</b>	<b>-</b>	<b>302,000</b>

DEPARTMENT			FY 2023 BUDGET	FY 2024 DEPARTMENT REQUEST	FY 2024 FINANCE COMMITTEE RECOMMEND	FY 2024 TOWN MGR RECOMMEND
<b>POLICE</b>						
SALARY/WAGE	37	4,610,509		4,755,120	-	4,755,120
EXPENSE	38	317,681		317,681	-	317,681
DISPATCHERS SALARY/WAGE	39	571,660		573,510	-	573,510
<b>TOTAL</b>		<b>5,499,850</b>		<b>5,646,311</b>	<b>-</b>	<b>5,646,311</b>
<b>FIRE</b>						
SALARY/WAGE	40	4,369,552		4,403,610	-	4,403,610
EXPENSE	41	529,405		528,590	-	528,590
<b>TOTAL</b>		<b>4,898,957</b>		<b>4,932,200</b>	<b>-</b>	<b>4,932,200</b>
<b>BUILDING INSPECTOR</b>						
SALARY/WAGE	42	341,776		342,553	-	342,553
EXPENSE	43	32,070		31,148	-	31,148
<b>TOTAL</b>		<b>373,846</b>		<b>373,701</b>	<b>-</b>	<b>373,701</b>
<b>SCHOOL</b>						
BUDGET	44	23,402,261		24,354,179	-	24,354,179
<b>TOTAL</b>		<b>23,402,261</b>		<b>24,354,179</b>	<b>-</b>	<b>24,354,179</b>
<b>DPW</b>						
SALARY/WAGE	45	2,827,614		2,831,514	-	2,831,514
EXPENSE	46	1,098,985		1,149,350	-	1,149,350
BUILDINGS & GROUNDS	47	1,440,481		1,472,553	-	1,472,553
<b>TOTAL</b>		<b>5,367,080</b>		<b>5,453,417</b>	<b>-</b>	<b>5,453,417</b>
<b>SNOW &amp; ICE</b>						
EXPENSE	48	116,570		116,570	-	116,570
<b>TOTAL</b>		<b>116,570</b>		<b>116,570</b>	<b>-</b>	<b>116,570</b>
<b>STREET LIGHTING</b>						
EXPENSE	49	22,000		22,000	-	22,000
<b>TOTAL</b>		<b>22,000</b>		<b>22,000</b>	<b>-</b>	<b>22,000</b>
<b>TRANSFER STATION</b>						
EXPENSE	50	1,120,062		1,202,690	-	1,202,690
<b>TOTAL</b>		<b>1,120,062</b>		<b>1,202,690</b>	<b>-</b>	<b>1,202,690</b>

DEPARTMENT		FY 2023 BUDGET		FY 2024 DEPARTMENT REQUEST	FY 2024 FINANCE COMMITTEE RECOMMEND	FY 2024 TOWN MGR RECOMMEND
WASTEWATER						
SALARY	51	119,139		164,030	-	164,030
EXPENSE	52	163,450		383,450	-	223,450
TOTAL		282,589		547,480	-	387,480
CEMETERY						
EXPENSE	53	15,000		14,000	-	14,000
TOTAL		15,000		14,000	-	14,000
HEALTH						
SALARY-APPOINTED	54	3,000		3,000	-	3,000
SALARY/WAGE	55	309,339		306,515	-	306,515
EXPENSE	56	63,540		52,750	-	52,750
TOTAL		375,879		362,265	-	362,265
COUNCIL ON AGING						
SALARY/WAGE	57	270,485		276,431	-	276,431
EXPENSE	58	45,973		42,745	-	42,745
TOTAL		316,458		319,176	-	319,176
VETERANS						
EXPENSE	59	110,000		132,000	-	132,000
MEMBERSHIP	60	45,650		50,215	-	50,215
TOTAL		155,650		182,215	-	182,215
HUMAN SERVICES						
SALARY/WAGE	61	91,228		95,046	-	95,046
EXPENSE	62	51,910		56,410	-	53,410
TOTAL		143,138		151,456	-	148,456
LIBRARY						
SALARY/WAGE	63	554,725		577,229	-	577,229
EXPENSE	64	208,624		214,700	-	214,700
TOTAL		763,349		791,929	-	791,929
RECREATION						
SALARY/WAGE	65	317,433		323,168	-	323,168
EXPENSE	66	30,875		41,525	-	41,525
TOTAL		348,308		364,693	-	364,693

DEPARTMENT		FY 2023 BUDGET	FY 2024 DEPARTMENT REQUEST	FY 2024 FINANCE COMMITTEE RECOMMEND	FY 2024 TOWN MGR RECOMMEND
<b>HISTORICAL</b>					
TEMP WAGE	67	10,000	10,000	-	10,000
EXPENSE	68	6,830	6,830	-	6,830
<b>TOTAL</b>		<b>16,830</b>	<b>16,830</b>	<b>-</b>	<b>16,830</b>
<b>CULTURAL COUNCIL</b>					
EXPENSE	69	90	90	-	90
<b>TOTAL</b>		<b>90</b>	<b>90</b>	<b>-</b>	<b>90</b>
<b>PRINCIPAL INSIDE 2 1/2</b>		<b>70</b>	<b>978,800</b>	<b>-</b>	<b>893,385</b>
<b>PRINCIPAL OUTSIDE 2 1/2</b>		<b>71</b>	<b>795,000</b>	<b>-</b>	<b>785,000</b>
<b>INTEREST INSIDE 2 1/2</b>		<b>72</b>	<b>170,040</b>	<b>-</b>	<b>134,338</b>
<b>INTEREST OUTSIDE 2 1/2</b>		<b>73</b>	<b>232,975</b>	<b>-</b>	<b>205,175</b>
Principal & Interest					
<b>TEMP BORROW INSIDE 2 1/2</b>	<b>74</b>	<b>22,875</b>	<b>325,400</b>	<b>-</b>	<b>70,400</b>
Principal & Interest					
<b>TEMP BORROW OUTSIDE 2 1/2</b>	<b>75</b>	<b>74,400</b>	<b>13,125</b>	<b>-</b>	<b>13,125</b>
<b>RETIREMENT EXPENSE</b>		<b>76</b>	<b>4,062,220</b>	<b>-</b>	<b>4,140,960</b>
<b>UNEMPLOYMENT</b>		<b>77</b>	<b>40,000</b>	<b>-</b>	<b>40,000</b>
<b>MEDICAL INSURANCE</b>		<b>78</b>	<b>8,251,590</b>	<b>-</b>	<b>8,558,248</b>
<b>GROUP INSURANCE</b>		<b>79</b>	<b>15,845</b>	<b>-</b>	<b>15,845</b>
<b>MEDICARE</b>		<b>80</b>	<b>534,186</b>	<b>-</b>	<b>587,038</b>
<b>TOWN INSURANCE</b>		<b>81</b>	<b>1,057,815</b>	<b>-</b>	<b>1,134,300</b>
<b>TOTAL</b>		<b>64,769,883</b>	<b>67,784,643</b>	<b>-</b>	<b>66,883,590</b>

**Article 3 (CIP Committee has NOT finished deliberations – this is a placeholder)**

To see if the Town will vote to appropriate and transfer the sum of \$\_\_\_\_\_ 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 Select Board

FISCAL YEAR 2024 CAPITAL IMPROVEMENT PROGRAM		
REQUESTS BY DEPARTMENT	FY 2024 CIP COMMITTEE RECOMMENDATIONS	FY 2024 TOWN MANAGER RECOMMENDATIONS
<b>DPW</b>		
<b>Total DPW</b>		
<b>FIRE</b>		
<b>Total Fire</b>		
<b>INFORMATION TECHNOLOGY</b>		
<b>Total Information Technology</b>		
<b>PLANNING &amp; CONSTRUCTION</b>		
<b>Total Planning &amp; Construction</b>		
<b>POLICE</b>		
<b>Total Police</b>		



FISCAL YEAR 2024 CAPITAL IMPROVEMENT PROGRAM (CONTINUED)		
REQUESTS BY DEPARTMENT	FY 2024 CIP COMMITTEE RECOMMENDATIONS	FY 2024 TOWN MANAGER RECOMMENDATIONS
<b>SCHOOL</b>		
Total School		
<b>TOTAL ALL DEPARTMENTS</b>	<b>\$</b>	<b>\$</b>

**Explanation:** This article seeks to appropriate and transfer \$\_\_\_\_\_ from the Capital Stabilization Fund for the FY 2024 capital budget. This article requires a 2/3rd vote.

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

#### Article

To see if the Town will vote to approve the annual regional school district budget for the Cape Cod Regional Technical High School District for the fiscal year beginning July 1, 2023, in the amount of \$\_\_\_\_\_ and further, to see if the Town will vote to raise and appropriate the sum of \$1,238,531 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, 2023, or take any other action relating thereto.

Submitted by the Select Board

**Explanation:** Mashpee's share of the Cape Cod Regional Technical High School budget is \$1,238,531. There are currently \_\_ students from Mashpee at the Cape Cod Regional Technical High School, an decrease/increase of \_ students is projected for fiscal year 2024.

**The Select Board recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article 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, 2023, in the amount of \_\_\_\_\_, and further, to see if the Town will vote to raise and appropriate the sum of \$444,810 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, 2023, or take any other action relating thereto.

Submitted by the Select Board

**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 2024 is \$460,292.

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

## Article 6

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 Select Board

**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 Select Board 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 G.L. c.44 Section 53E ½ for the fiscal year beginning July 1, 2023, 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	\$625,000
Library	\$20,000
Senior Center	\$25,000
Historical Commission	\$2,500

Submitted by the Finance Director

**Explanation:** This article establishes the FY 2024 expenditure limits for departmental revolving funds.

**The Select Board 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 Select Board 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 \_\_\_\_\_ to establish a budget for the PEG Access and Cable Related fund for fiscal year 2024, 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 requires the Town to establish and appropriate 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 Select Board 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 \$12,000,000 to fund completion of Phase 1 construction of the Town's comprehensive nitrogen and wastewater management, treatment and disposal improvement project, including sanitary sewer mains, lift stations, and related wastewater collection and treatment system improvements, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow \$12,000,000 and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that the Treasurer, with the approval of the Select Board, is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C and, in connection therewith, to enter into a financing agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Select Board and/or the Town Manager is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project; and, further, to authorize the Select Board and/or Town Manager to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into any Inter-municipal or other Agreements necessary for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein; provided, however, that this appropriation and debt authorization shall be contingent upon passage of a Proposition 2 1/2 debt exclusion ballot question pursuant to General Law Chapter 59, § 21C(k), or take any other action relating thereto.

Submitted by the Select Board and the Sewer Commission

**Explanation:** This Article would provide funding to complete the construction of the Phase 1 wastewater collection and treatment system as originally proposed and bid in in the summer of 2022, including items listed as "Alternates". The Town requested, and MassDEP approved, inclusion of funding in this amount in Mass DEP's 2023 Intended Use Plan (IUP) for a zero-interest State Revolving Fund (SRF) loan.

**The Select Board 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 FYXX Chapter 90 program.

**The Select Board 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 \$ 486,380 for the operation of the Kids Klub Enterprise Fund for Fiscal Year 2024; such sums to be raised from \$ 486,380 in receipts of the Enterprise, or take any other action relating thereto.

Submitted by the Recreation Department

**Estimated Revenues**

Registration Fees	\$ 3,200
Tuition	\$ 482,905
<u>Investment Income</u>	<u>\$ 275</u>
<b>Total Budgeted Revenue</b>	<b>\$ 486,380</b>

**Estimated Expenses**

Salary (full-time; incl. long.)	\$321,328
Salary (part-time)	\$ 45,552
Benefits (Health, Life, Medicare)	\$ 57,000
<u>Building Expenses</u>	<u>\$ 62,500</u>
<b>Total Budgeted Expenses</b>	<b>\$486,380</b>
<b>Net Profit/Loss</b>	<b>\$ 0</b>

**Explanation:** The proposed Recreation Enterprise budget for fiscal year 2024 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 Select Board 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 2024 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 2024 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 \_\_\_\_.

**The Select Board 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 relating 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 principle amount repaid to the MWPAT as scheduled.

**The Select Board recommends approval of Article by a vote of**

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

**\*PLACESAVERS\* CONTRACT SETTLEMENTS**

**Article**

To see if the Town will vote to appropriate and transfer the sum of \$\_\_\_\_\_ from revenue available for appropriation to fund the Personnel Administration Plan (P.A.P.) Appendix B and Appendix C employees, including the Plumbing and Wiring Inspectors, effective July 1, 2023, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Select Board

**Explanation:** This article will fund the adjustments to the Personnel Administration Plan for Fiscal Year 2024.

**The Select Board 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 \$\_\_\_\_\_ from revenue available for appropriation to fund the Mashpee Permanent Fire Fighters Association, International Association of Fire Fighters (IAFF) Local 2519, effective July 1, 2023, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Select Board

**Explanation:** This article will fund the negotiated adjustments to the Mashpee Permanent Fire Fighters Association, International Association of Fire Fighters (IAFF) Local 2519 for Fiscal Year 2024.

**The Select Board 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 \$\_\_\_\_\_ from revenue available for appropriation to fund the MASS. C.O.P., Local 324, Unit A – Patrol Officers and Detectives, effective July 1, 2023, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Select Board

**Explanation:** This article will fund the negotiated adjustments to the MASS. C.O.P., Local 324, Unit A – Patrol Officers and Detectives for Fiscal Year 2024.

**The Select Board 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 \$\_\_\_\_\_ from revenue available for appropriation to fund the MASS. C.O.P., Local 320, Unit B – Sergeants, effective July 1, 2023, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Select Board

**Explanation:** This article will fund the negotiated adjustments to the MASS. C.O.P., Local 320, Unit B – Sergeants for Fiscal Year 2024.

**The Select Board 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 \$\_\_\_\_\_ from revenue available for appropriation to fund the MASS. C.O.P., Local 477, Administrator's Unit C – Police Lieutenants effective July 1, 2023, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Select Board

**Explanation:** This article will fund the negotiated adjustments to the MASS. C.O.P., Local 477 Administrator's Unit C – Police Lieutenants for Fiscal Year 2024.

**The Select Board 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 \$\_\_\_\_\_ from revenue available for appropriation to fund the Service Employees International Union (SEIU), Local 888, Clerical/Library/Dispatchers Chapter effective July 1, 2023, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Select Board

**Explanation:** This article will fund the negotiated adjustments to the Service Employees International Union (SEIU), Local 888, Clerical / Library/Dispatchers Chapter for Fiscal Year 2024.

**The Select Board 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 \$\_\_\_\_\_ from revenue available for appropriation to fund the Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit A; effective July 1, 2023, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Select Board

**Explanation:** This article will fund the negotiated adjustments to the Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit A for Fiscal Year 2024.

**The Select Board 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 \$ \_\_\_\_\_ from revenue available for appropriation to fund the Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit B; effective July 1, 2023, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Select Board

**Explanation:** This article will fund the negotiated adjustments to the Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit B for Fiscal Year 2024.

**The Select Board 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 the care, custody, management and control of the following parcel of Town owned land to the Select Board for the purpose of sale or lease in conjunction with use of the abutting Boys and Girls Club of Cape Cod, Inc. parcel: a portion of land shown on Assessors' map 67 as Block 1 and more particularly described on a plan entitled, "Proposed Boys and Girls Club Expansion", dated September 8, 2008, a copy of which is on file in the Office of the Town Clerk, and to authorize the Select Board to execute a deed or a lease therefor on such terms as the Select Board shall deem proper, and further, to authorize the Select Board to petition the General Court, as may be necessary, for special legislation authorizing such sale or lease, or take any other action relating thereto.

SEE MAP IN APPENDIX A

Submitted by the Select Board

**Explanation:** This article will authorize the lease of additional land to the Boys & Girls Club of Cape Cod, Inc. for the expansion of the Boys and Girls Club Building located at the municipal complex on Frank E. Hicks Drive off of the Nathan Ellis Highway (Route 151).

**The Select Board 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 the sum of \$152,956 from revenue available for appropriation to the Human Services Opioid Settlement account, or take any other action relating thereto.

Submitted by the Human Services Committee

**Explanation:** These funds are a result of the statewide opioid settlement agreement and must be used to implement strategies to assist individuals affected by opioid use.

**The Select Board 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 General Bylaw, Chapter 170, Use of Waterways, by adding the following section prohibiting the use of any engine or motor in excess of 10 horsepower and regulating speed to "headway speed" on Santuit Pond:

### Ch. 170 § 19: Santuit Pond Prohibited Uses

- A. Purpose. This regulation is intended to limit the disturbance and resuspension of phosphorous laden sediment into the water column resulting from deep mixing caused by motorized boats on Santuit Pond, to protect and preserve water quality of the Pond, prevent shoreline erosion, and limit noise pollution.
- B. The operation and use of any engine or motor greater than 10 horsepower in or upon the waters of Santuit Pond is prohibited. Further, no powered recreational vessel shall operate at speeds greater than "headway speed". The operation of vessels owned or authorized by an agency of the United States Government, Tribal Government, or by a State, County, City, or Town is excluded from the application of this section. Each violation hereof shall subject the vessel operator/owner responsible therefor to a penalty of not more than \$300.00.
- C. "Headway Speed" shall be defined as the minimum speed at which a vessel may be operated to maintain safe steerage, but not to exceed six miles per hour.
- D. Abutter compliance - All "direct abutters" to Santuit Pond will be allowed a 1-year grace period for compliance with this regulation commencing with approval hereof by the Attorney General, Office of Fishing Boating Access, and the Massachusetts Environmental Police. For purposes of this section a "direct abutter" shall be defined as any resident or homeowner residing at or owning property within 300 feet of Santuit Pond. Said resident or homeowner shall receive a pass from the Department of Natural Resources' Harbormaster Division to operate outside of the above restrictions during the 1-year period after regulatory approval hereof.

Submitted by the Department of Natural Resources

**Explanation:** Santuit Pond's depth is under 11 feet throughout, with an average depth of only 6.5 feet. Due to its shallowness and elevated phosphorus levels, the Pond cannot support the use of motors of more than 10 horsepower. Through the Municipal Vulnerability Preparedness Program and the completion of a Watershed Management Plan, our consultants from Fuss & O'Neil and The Southeast New England Partnership Program recommend this horsepower restriction for Santuit Pond to improve water quality and reduce shoreline erosion. This is one important change necessary for the Pond's long-term health.

The Select Board 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 upgrade one part-time Administrative Secretary position (19 hours/week without benefits) to a full-time Administrative Secretary position within the Department of Natural Resources with said position to be classified under the Clerical Union, to be effective July 1, 2023, and to appropriate and transfer the sum of \$66,005.15 from revenue available for appropriation with said funds to be distributed as follows: \$26,190.00 to the Department of Natural Resources Full-Time Salary Account; \$379.76 to the Medicare Account, \$26,811.00 for the Town's portion of health insurance; \$ 34.56 for the Town's portion of life insurance; and \$12,589.83 to Barnstable County Retirement or take any other action relating thereto.

Submitted by the Department of Natural Resources

**Explanation:** The new full-time Administrative Secretary position is needed to help and assist with the Department's billing and invoicing, mooring management, payroll processing, and public affairs. The Administrative Secretary will allow for a full-time presence at the Department's new location outside of Town Hall. He/ she will serve as the primary contact for public relations to allow other staff members to tend to mission critical affairs away from their office space.

**The Select Board 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 \$75,000 from the Waterways Improvement Fund to the Engineering/Permitting/Dredging and Associated Expense Account or take any other action relating thereto.

Submitted by the Department of Natural Resources and the Waterways Commission

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

**The Select Board 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 the letters 'SP' located in the columns identified as C-1 and C-2, and further by deleting the phrase, "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 bylaw, subject to approval by the Plan Review Committee and Design Review Committee" under the "Type of Use column" and replacing that phrase with "subject to the provisions of Section 174-45.7"

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, subject to the provisions of Sec. 174-45.7	--	--	SP	SP	--	PR

Submitted by Planning Board

**Explanation:** This article would allow the development of medium scale solar energy systems as an accessory and/or principal use in the residential, commercial and industrial zoning districts with a Special Permit from the Planning Board in the C-1 and C-2 zoning districts subject to a new special provision 174-45.7 proposed containing performance standards and design criteria for the use.

**The Select Board 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 §174-31, Land Space Requirements Table by referencing footnote 15 in the Minimum Lot Frontage column title and adding new footnote 15 to read as follows:

<sup>15</sup> Minimum lot frontage required for the development of solar energy systems shall be twenty-five (25) feet.

Submitted by Planning Board

**Explanation:** This article would allow the development of solar energy systems on lots that have a minimum of twenty-five (25) feet by amending the footnotes of the Land Space Requirements table in the Zoning Bylaw. Lot frontage of 150 feet is the minimum requirement for other uses in the Town. The Town may consider reducing frontage to encourage solar energy on otherwise unbuildable lots. Solar Energy systems require only one access driveway for maintenance.

**The Select Board recommends approval of Article by a vote of**

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

### Article

To see if the Town will vote to add new section 174-45.7: Solar Energy Systems to the Mashpee Zoning Bylaws as follows:

### Solar Energy Systems

#### A. Purpose and Intent

This section promotes the creation of new small, medium and large-scale, ground-mounted solar energy systems 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 bylaw is adopted pursuant to the Commonwealth of Massachusetts Green Communities Act and Massachusetts General Laws Chapter 40A Section 3.

**B. General Provisions**

1. Small scale ground mounted solar energy systems and roof mounted solar energy systems shall be considered an accessory use allowed as-of-right in the R-3, R-5, C-1, C-2, C-3, and I-1 districts. In issuing a building permit for such a system, the Building Inspector shall ensure that neighboring properties are effectively protected from any adverse impacts arising from glare.
2. Any medium or large-scale solar energy system shall be allowed in the C-1 and C-2 Zoning Districts 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 arising 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 bylaw.
3. Any medium or large-scale solar energy system in the I-1 Industrial Zoning District shall be allowed after review and approval by the Plan Review Committee.
4. The construction and operation of all ground-mounted solar energy systems shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures constituting part of a ground-mounted solar energy system shall be constructed in accordance with all applicable requirements of the Massachusetts State Building Code.
5. The solar energy system's owner or operator shall maintain system facilities 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 Town's 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 related access road(s).
6. No solar energy system may use panels manufactured with per-and polyfluoroalkyl substances (PFAS).

**C. Dimensional Criteria**

**1. Small Scale Solar Energy Systems**

1. Small scale ground mounted systems shall comply with the setback requirements typical of the zoning district and shall not exceed fifteen (15') feet in height.
2. Small scale ground mounted systems shall be exempt from the performance standards defined in Section G of this chapter.

**2. Medium and Large Scale Solar Energy Systems**

- a. 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.
- b. 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.

- c. 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 the primary living structure and not accessory structures. The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations.
- d. 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.
- e. 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 it may deem appropriate based on site-specific considerations.
- f. Ground-mounted systems (medium and large) shall be set back a distance of at least 200 feet from any river and set back a distance of at least 100 feet from any water and wetlands.
- g. 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 it may deem appropriate based on site-specific considerations.
- h. 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 it may deem appropriate based on site-specific considerations.

#### **D. Special Permits Rules and Application Requirements**

A Solar Energy System Special Permit shall not be granted unless each of the following submittal 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;
- 3. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- 4. Name, contact information and signature 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 & 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 & 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 & 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.

13. Proof of liability insurance in such form and with policy limits satisfactory to the Planning Board;
14. A storm water management plan prepared by a Massachusetts licensed Registered Professional Engineer; and
15. A Site Plan, with stamp and signature of the Massachusetts licensed Registered Professional Engineer that prepared the plan, including the following:
  - a. Everything required under this bylaw and Site Plan Approval.
  - b. Existing Conditions Plan, showing property lines, map and lot from the Assessor's records, and physical features, including roads and topography, for the entire project site, signed and sealed by a Massachusetts licensed Registered Land Surveyor.
  - c. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation, fencing or structures including their height, and placement of system components, including solar arrays and related structures and equipment.
  - d. An estimate of earthwork operations including the volume of cut and fill and the amount of soil material to be imported or exported from the site.
  - e. Locations of wetlands, vernal pools, and Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP).
  - f. Locations of floodplain area(s).
  - g. Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose).
  - h. Materials storage and delivery and equipment staging area(s).
  - i. Location of screening vegetation or structures.

**E. Required Performance Standards – Medium and Large Scale Solar Energy Systems**

1. Visual Impact Mitigation – The site plan for a ground-mounted solar energy system shall be designed to screen the array to the maximum extent practicable, on a year round basis, 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 setbacks is not wooded and does 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 bylaw and/or any Town sign bylaw. 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 6 inches of clearance between the fence bottom and the ground to allow passage of small wildlife. Clearance shall not exceed 6 inches unless otherwise approved by the Planning Board in its written decision for good cause. The Planning Board shall require residential style fencing where necessary to screen the solar energy systems on a year round basis 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.

#### **F. Waivers**

The Planning Board may, upon the prior written request of the applicant, waive any of the requirements of this Section, and shall state its reasons for doing so, in writing, as part of its decision.

Submitted by Planning Board

**Explanation:** This article would expand solar energy system uses for medium scale (up to 40,000 square feet) and large scale (greater than 40,000 square feet) into the C-1 and C-2 Commercial Zoning Districts. Any medium and large-scale solar energy system proposed in either of those zoning districts would require an application to the Planning Board for a special permit outlining compliance with the minimum required performance standards of this article.

**The Select Board 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 upgrade and create positions at the Library and to appropriate funding therefor, as follows:

Upgrade one part-time Library Assistant-Youth Services (19.5 hours per week) classified SEIU, Grade III, to a new full-time Library Assistant -Youth Services position (37.5 hours per week) classified SEIU Grade III, to be effective July 1, 2023; and to appropriate and transfer the sum of \$59,267.88 from revenue available for appropriation, with said funds to be distributed as follows: \$20,405.00 to the Library Full-Time Clerical Salary Account; Medical Insurance Account, \$27,882.00; Group Life Insurance Account, \$34.56; Medicare Account, \$616.39; and \$10,329.93 to Pension Reserve Account.

Upgrade one part-time Library Assistant-Adult Services (19.5 hours per week) classified SEIU, Grade III, to a new full-time Library Assistant -Adult Services position (37.5 hours per week) classified SEIU Grade III, to be effective July 1, 2023; and to appropriate and transfer the sum of \$58,042.06 from revenue available for appropriation, with said funds to be distributed as follows: \$19,465.00 to the Library Full-Time Clerical Salary Account; Medical Insurance Account, \$27,882.00; Group Life Insurance Account, \$34.56; Medicare Account \$600.30; and \$10,060.20 to Pension Reserve Account.

Upgrade one part-time Circulation Assistant (19.5 hours per week) classified SEIU, Grade II, to a new full-time Circulation Assistant position (37.5 hours per week) classified SEIU Grade II, to be effective July 1, 2023; and to appropriate and transfer the sum of \$55,820.54 from revenue available for appropriation, with said funds to be distributed as follows: \$18,417.75 to the Library Full-Time Clerical Salary Account; Medical Insurance Account, \$27,882.00; Group Life Insurance Account, \$34.56; Medicare Account \$534.11; and \$8952.12 to Pension Reserve Account, or take any other action relating thereto.

Submitted by the Library Board of Trustees

**Explanation:** Three existing and funded part-time positions (19.5 hours per week/each) as listed above will be eliminated and replaced with three full-time positions (37.5 hours per week/each). Due to the updated figures recorded in the 2020 Census, which reflect the fact that the Town of Mashpee's population now exceeds 15,000, the Library has three years to increase hours of operation to 50 hours per week to meet the full state certification requirements. We are currently at the end of the first year of the "grace period" to reach this benchmark.

**The Select Board 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 create one full-time Circulation Assistant position at the Library (37.5 hours per week) Classified SEIU, Grade II to be effective July 1, 2023, and to appropriate the and transfer the sum of \$37,402.79 from revenue available for appropriation with said funds to be distributed as follows: Medical Insurance Account, \$27,882.00; Group Life Insurance Account, \$34.56; Medicare Account \$534.11; and \$8952.12 to Pension Reserve Account, or take any other action relating thereto.

Submitted by the Library Board of Trustees

**Explanation:** Two existing and funded part-time Circulation Assistant positions (19.5 hours per week/each) will be eliminated and replaced with one full-time Circulation Assistant (37.5 hours per week). Due to the updated figures recorded in the 2020 Census, which reflect the fact that the Town of Mashpee's population now exceeds 15,000, the Library has three years to increase hours of operation to 50 hours per week to meet the full state certification requirements. We are currently at the end of the first year of the "grace period" to reach this benchmark.

**The Select Board 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 \$507,250 from the Ambulance Reserved Receipts account with said funds to be distributed as follows: \$500,000 to the Fire Department Overtime Salary Account and \$7,250 to the Medicare expense account, or take any other action relating thereto.

Submitted by Fire Chief John Phelan

**Explanation:** This article provides additional funds to cover a projected shortfall in the Fire Department Salary account. Due to an increase in calls for service, additional staffing is required. The funds will cover anticipated overtime costs associated with increasing minimum manning. All funds will be transferred from the Ambulance Reserved Receipts account and will have no impact on the taxes.

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

#### **Article**

To see of the Town will vote to amend Section 172-2 (Jurisdiction) of General Bylaw Chapter 172 (Wetlands) to increase the current one hundred (100') foot buffer zone to wetlands to one hundred and fifty (150') feet, as follows:

#### **Ch. 172-2: Jurisdiction:**

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

Submitted by the Conservation Commission

**Explanation:** This article would increase the current one hundred (100') foot buffer zone to wetlands to one hundred and fifty (150') feet in order to provide increased pollution and sediment removal from waters entering wetlands, and to increase the area available for wildlife habitat.

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

#### **Article**

To see of the Town will vote to amend Section 172-7 (A)(1) (Permits, Determinations and Conditions) of General Bylaw Chapter 172 (Wetlands) to increase the current one hundred (100') foot buffer zone to wetlands to one hundred and fifty (150') feet and increase the current requirement of a fifty (50') foot Naturally Vegetated Buffer Strip (NVBS) to seventy five (75') feet, as follows:

#### **172-7 Permits; Determinations and Conditions:**

A. If the Commission, after a public hearing, determines that the activities which are the subject of the application are likely to have significant or cumulative effect upon the wetland values protected by this chapter, the Commission, within twenty-one (21) days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions.

1. Lands within one hundred fifty (150') feet of specific resource areas, and lands within two hundred (200') feet of rivers, are presumed important to the protection of these resources because activities undertaken in close proximity to wetlands, rivers, streams, lakes, ponds, creeks, estuaries, the ocean and/or other resource areas have a high likelihood of adverse impact upon them, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission therefore may require that the applicant maintain a continuous naturally vegetated buffer strip (NVBS) within the aforesaid one hundred fifty (150') foot (or two hundred (200') feet for rivers) area with the aim of minimizing adverse impacts to resource areas and the wetland values of Chapter 172. (This requirement will not preclude access pathways through said NVBS, as determined by regulations for this Chapter.) Said NVBS shall be a minimum of seventy five (75') feet in width unless the applicant convinces the Commission (as per the provisions of Section 12 of this Chapter) that:

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

Submitted by the Conservation Commission

**Explanation:** This article would increase the current one hundred (100') foot buffer zone to wetlands to one hundred and fifty (150') feet and increase the current fifty (50') foot naturally vegetated buffer strip (NVBS) to seventy-five (75') feet in order to provide increased pollution and sediment removal from waters entering wetlands, and to increase the area available for wildlife habitat.

**The Select Board 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 Select Board to prepare a plan laying out and defining Watson Drive and to accomplish said purpose and for expenses related thereto, the Town vote to appropriate and transfer from revenue available for appropriation \$10,000 to the Watson Drive 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 Watson Drive and to appropriate funding for this purpose.

**The Select Board 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 its Bylaws by amending Chapter 172 Wetlands, §172-2 Jurisdiction, to increase the buffer zone to wetlands by replacing the words "on hundred (100') feet of any of the aforesaid resource areas;" with the words "one hundred and fifty (150') feet of any of the aforesaid resource areas;" , or take any other action relating thereto.

Submitted by Petition

**Explanation:** This article would increase the current one hundred (100') foot buffer zone to wetlands to one hundred and fifty (150') feet in order to provide increased pollution and sediment removal from waters entering wetlands, and to increase the area available for wildlife habitat.

**The Select Board 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 Subsection 172-7.A.1 of its Wetlands Bylaws by replacing the term "one hundred (100') feet" in its first sentence with the term "one hundred fifty (150') feet", replacing the term "one hundred (100') foot" in its third sentence with the term "one hundred fifty (150') foot" and replacing the term "fifty (50') feet" in its fifth sentence with the term "seventy-five (75') feet", or take any other action relating thereto.

Submitted by Petition

**Explanation:** This article would increase the current one hundred (100') foot buffer zone to wetlands to one hundred and fifty (150') feet and increase the current fifty (50') foot naturally vegetated buffer strip (NVBS) to seventy-five (75') feet in order to provide increased pollution and sediment removal from waters entering wetlands, and to increase the area available for wildlife habitat.

**The Select Board 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 Select Board to prepare a plan laying out and defining Blue Castle Drive and to accomplish said purpose and for expenses related thereto, the Town vote to appropriate and transfer from revenue available for appropriation \$10,000 to the Blue Castle 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 Blue Castle Drive and to appropriate funding for that purpose.

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

**Article**

To see if the Town will vote to approve the following additions pertaining to Santuit Pond to the Waterways Regulations Ch.170: Prohibit the use of any engine or motor over 10 horsepower, and regulate speed to "headway speed." Specific language below:

**Ch. 170 § 19: Santuit Pond Prohibited Uses**

- A. The operation and use of any engine or motor greater than 10 horsepower in or upon the waters of Santuit Pond is prohibited; further no powered recreational vehicle shall operate at speeds greater than “headway speed.” Exceptions include vessels owned or authorized by an agency of the United States Government, Tribal Government, or by a State, County, City, or Town. Each violation shall make a person liable to a penalty of not more than \$300.00. This restriction is intended to limit the disturbance and resuspension of phosphorous laden sediment into the water column resulting from deep mixing caused by use of motorized boats, to protect and preserve water quality in the Pond, prevent shoreline erosion, and limit noise pollution.
- B. “Headway Speed” shall be defined as the minimum speed at which a vessel may be operated to maintain safe steerage, but not to exceed six miles per hour.
- C. Time to compliance - All “direct abutters” to Santuit Pond will be allowed a 1 year grace period to come into compliance once this regulation is approved by the Attorney General, Office of Fishing Boating Access, and the Massachusetts Environmental Police.
- D. A “Direct Abutter” shall be defined as any resident or homeowner within 300 feet of Santuit Pond. Said resident or homeowner shall receive a pass from the Department of Natural Resources’ Harbormaster Division to operate outside of the above horsepower restrictions for a 1 year period after regulatory approval.  
or take any other action relating thereto.

Submitted by Petition

**Explanation:** Santuit Pond’s depth is under 11 feet throughout, with an average depth of only 6.5 feet. Due to its shallowness and elevated phosphorus levels, the Pond cannot support motors of more than 10 horsepower. Through the Municipal Vulnerability Preparedness Program and the completion of a Watershed Management Plan, our experts from Fuss & O’Neil and The Southeast New England Partnership Program recommend this horsepower restriction for Santuit Pond to improve water quality and reduce shoreline erosion. This is one important change necessary for the Pond’s long term health.

**The Select Board 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 Bylaw Table of Use Regulations by replacing §174-25 (H)(12) in its entirety with the following:

Type of Use		Residential		Commercial			Industria l
		R-3	R-5	C-1	C-2	C-3	I-1
(12)	Medium-scale and Large-scale ground mounted solar energy systems subject to the provisions of §174-45.7: Solar Energy Systems	---	---	SP	SP	---	PR

Submitted by Petition

**Explanation:** This article would allow the development of medium- and large-scale ground mounted solar energy systems in the commercial (C-1) and (C-2) zoning districts with a Special Permit (SP) from the Planning Board and in the industrial (I-1) zoning district by approval of Site Plan Review per the standards for the placement, design, construction, operation, monitoring, modification, and removal of such installations as set by §174-45.7: Solar Energy Systems of the Mashpee Zoning Bylaws.

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

## **Article**

To see if the Town will vote to add new section 174-45.7: Solar Energy Systems to the Mashpee Zoning Bylaws as follows:

### **Solar Energy Systems**

#### **Purpose and Intent**

This section promotes the creation of small, medium and large-scale, ground-mounted solar energy systems 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.

#### **General Provisions**

- A. Small scale ground mounted solar energy systems and roof mounted solar energy systems shall be considered an accessory use allowed as-of-right in the R-3, R-5, C-1, C-2, C-3, and I-1 districts. In issuing such building permit, the Building Inspector shall ensure that neighboring properties are effectively protected from any adverse impacts from glare.
- B. Any medium or large scale solar energy system shall be allowed in the C-1 and C-2 Zoning Districts 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 bylaw. Any medium or large scale solar energy system shall be allowed as-of-right in the I-1 Zoning District subject to approval the Plan Review Committee and the Design Review Committee. The Plan Review Committee and the Design Review Committee 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 bylaw.
- C. The construction and operation of all ground-mounted solar energy systems shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a ground-mounted solar energy system shall be constructed in accordance with the Massachusetts State Building Code.

- D. 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).

**E. Dimensional Criteria**

**Small Scale Solar Energy Systems**

1. Small scale ground mounted systems shall comply with the setback requirements typical of the zoning district and shall not exceed fifteen (15') feet in height.
2. Small scale ground mounted systems shall be exempt from the performance standards defined in Section G of this chapter.

**Medium and Large Scale Solar Energy Systems**

1. 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 the 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. Ground-mounted systems (medium and large) shall be set back a distance of at least 200 feet from any river and set back a distance of at least 100 feet from any water and wetlands.
7. 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.



8. 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 considerations.

#### **F. 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
3. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any
4. Name, contact information and signature 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 & 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 & 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 & 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.

13. Proof of liability insurance

14. A storm water management plan prepared by a Massachusetts licensed Registered Professional Engineer

15. A Site Plan, with stamp and signature of the Massachusetts licensed Registered Professional Engineer that prepared the plan, including the following:

- a. Everything required under this bylaw and Site Plan Approval
- b. Existing Conditions Plan, showing property lines, map and lot from the Assessor's records, and physical features, including roads and topography, for the entire project site, signed and sealed by a Massachusetts licensed Registered Land Surveyor
- c. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation, fencing or structures including their height, and placement of system components, including solar arrays and related structures and equipment
- d. An estimate of earthwork operations including the volume of cut and fill and the amount of soil material to be imported or exported from the site
- e. Locations of wetlands, vernal pools, and Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP)
- f. Locations of floodplain area(s)
- g. Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose)
- h. Materials storage and delivery and equipment staging area(s)
- i. Location of screening vegetation or structures

**G. Required Performance Standards – Medium and Large Scale Solar Energy Systems**

1. Visual Impact Mitigation – The site plan for a ground-mounted solar energy system shall be designed 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 setbacks is not wooded and does 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 bylaw and/or any Town sign bylaw. 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 6 inches of clearance between the fence bottom and the ground to allow passage of small wildlife. Clearance shall not exceed 6 inches unless otherwise approved by the Planning Board in its written decision for good cause. Residential style fencing is 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.

Submitted by Petition

**Explanation:** This section promotes the creation of new small, medium and large-scale, ground-mounted solar energy systems 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.

**The Select Board 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 Bylaws by deleting in its entirety section §174-17.1 Raze and Replace. or take any other action relating thereto.

Submitted by Petition

**Explanation:** Article removes the ability of Board of Appeals to approve the raze/replacement of pre-existing/non-conforming dwellings by Special Permit. Passed in 2018, §174-17.1 Raze and Replace has not been employed in the spirit promised resulting in detrimental building height, lot coverage, and impacts on natural resources. Structures may still be altered under §174-17 Continuance/Extensions/Alterations.

**The Select Board 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 20th day of March in the year two thousand and twenty three.

Per Order of,  
**Select Board**

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David W. Weeden, Chair

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John J. Cotton, Vice Chair

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Thomas F. O'Hara, Clerk

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Carol A. Sherman

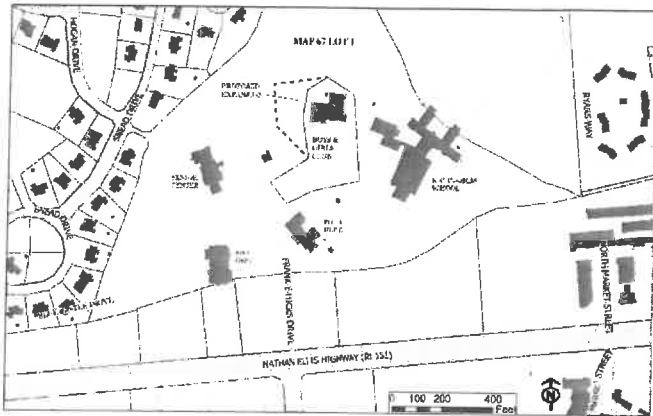
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Michaela Wyman-Colombo

## APPENDIX A

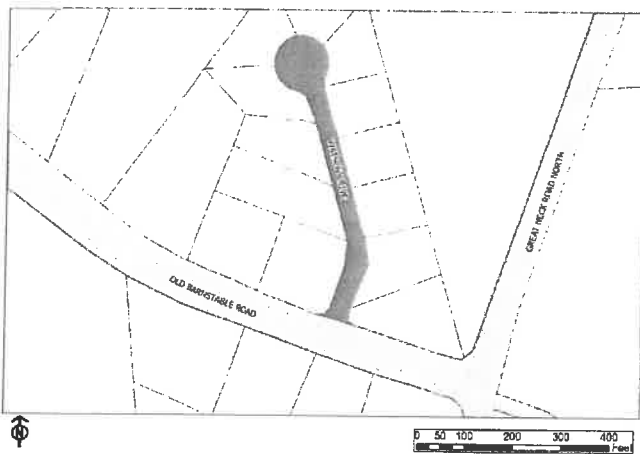
### Annual Town Meeting Article #

#### Map – Boys & Girls Club of Cape Cod Proposed Expansion



### Annual Town Meeting Article #

#### Map - Watson Drive



### Annual Town Meeting Article #

#### Map – Blue Castle Drive

