



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Meeting of the Mashpee Planning Board

Wednesday, February 1, 2023

Waquoit Meeting Room

Mashpee Town Hall

16 Great Neck Road North

Mashpee, MA 02649

7:00 PM

Broadcast Live on Local Channel 18

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

Call Meeting to Order

- Pledge of Allegiance

Approval of Minutes

- Review of Meeting Minutes from January 18, 2023

Public Hearings

7:10 PM (Continued from 01/18/2023)

Applicant: Pleasantwood Homes LLC

Location: 20 Tudor Terrace (Map 29, Block 198)

Request: The applicant requests approval of a modification to Spring Hill West Definitive Subdivision Plan of land that would modify the lot lines of Lots 40, 41 and 42 to give adequate frontage for three new building lots proposed for incorporation into the subdivision. The three proposed lots to be created and incorporated into the cluster subdivision are on a parcel of land totaling 6.024 acres. This proposal will continue the cluster configuration of the existing subdivision and will add 2.49 acres of open space consistent with the requirements of the Mashpee Zoning Bylaw at the time of cluster subdivision's approval in 1989.

7:15 PM (Continued from 01/18/2023)

Applicant: Pleasantwood Homes LLC

Location: 20 Tudor Terrace (Map 29, Block 198)

Request: The applicant requests approval of a modification to a special permit approved October 6, 1989 that approved the creation of 45 single-family building lots in cluster configuration on 23.738 acres of land and preserved 17.153 acres of open space. The applicant seeks to modify the special permit decision to incorporate the additional three building lots proposed

MASHPEE TOWN CLERK
JAN 27 '23 AM 11:16

New Business

- Update and discussion with Jacques Morin of Bayberry Building Company Inc. relative to construction progress at the subdivision referred to as Ockway Highlands.
- Vote to set public hearing date for special permit modification requested by Southworth Mashpee Properties LLC.
- Discussion and possible vote to accept the request to withdraw without prejudice of the special permit application filed by Longfellow Design Build Inc. for a retail grocery at 647 Falmouth Road.
- Review draft pg Planning Board Annual Report 2022 and potential vote to submit to Town Manager's Office for February 13, 2023 submission deadline.



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Old Business

- Zoning Bylaw Amendments Proposed for May 2023 Town Meeting
 - Review and discuss current zoning regulations pertaining to Solar Energy Systems, recently submitted amendments to the zoning bylaw for Solar Energy, and contemplate amendment pathways that are consistent with MGL Chapter 40A Section 3 in consideration of Tracer Lane II Realty, LLC v. City of Waltham case.
- Local Comprehensive Plan Updates with Weston and Sampson
 - Survey Analysis
 - Updating the Vision Statement
 - Workshop on proposed actions
 - Review of Chapter drafts
- Affordable and Workforce Housing
 - ADU Workshop
 - HPP
 - Regional Housing Strategy
- Clean Water Initiative
 - Floodplain Development Zoning
 - Tree Protection bylaw
 - Fertilizer Restrictions and other Wetlands Protection Regulations

Board Engineer Report

- Project Reviews and Inspections

Chariman's Report

Town Planner Report

- Affordable Housing Project- 209 Old Barnstable Road
- Ockway Highlands Tripartite Agreement Update
- New Seabury Cottages Phase III

Board Member Committee Reports

- Cape Cod Commission, Community Preservation Committee, Design Review, Plan Review, Environmental Oversight Committee, Historic District Commission

Public Comment

MASHPEE TOWN CLERK
JAN 27 '23 AM 11:16

Correspondence

- 2023 District Local technical Assistance Announcement (DLTA)
- Town of Falmouth Notices
- Town of Sandwich Notices
- Town of Barnstable Notices
- November 2022 Discharge Monitoring Report for South Cape Village – N = 5.5
- October 2022 Discharge Monitoring Report for South Cape Village – N = 2.9

Additional Topics (not reasonably anticipated by Chair)

Adjournment



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Mashpee Planning Board

Minutes of Meeting

Wednesday, January 18, 2023 at 7:00PM

Mashpee Town Hall - Waquoit Meeting Room

16 Great Neck Road North

Mashpee, Ma 02649

Broadcast Live on Local Channel 18

Call-in Conference Number: (508)-539-1400 x 8585

Streamed Live on the Town of Mashpee website

<https://www.mashpeeema.gov/channel-18>

Present: Chair Mary Waygan, Dennis Balzarini, Mike Richardson, John Fulone, Robert (Rob) Hansen

Also Present: Evan Lehrer – Town Planner, Drew McManus – Conservation Agent

Virtually Present: Karen Faulkner

CALL TO ORDER

Chairwoman Waygan called the meeting of the Planning Board to order at 7:00P.M. The Pledge of Allegiance was recited.

APPROVAL OF MEETING MINUTES – December 21, 2022

No comments were made regarding the meeting minutes for December 21, 2022.

MOTION:

Mr. Balzarini made a motion to accept the meeting minutes as presented. Seconded by Mr. Richardson. All in favor.

PUBLIC HEARING

7:10PM (Continued from 12/21/2022)

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Chair Waygan opened up the Public Hearings. Christopher Kirrane sent correspondence addressed 1/17/23 to Ms. Waygan and the Planning Board. He requested the Public Hearings be extended to the February 1, 2023 meeting to allow him to adequately respond to Town Counsel's request for information.

MOTION:

Mr. Balzarini made a motion to continue the Public Hearings to Wednesday, February 1, 2023 at 7:10PM and 7:15PM respectively. Seconded by Ms. Faulkner. All in favor.

NEW BUSINESS

Execute Tripartite Agreement with Willowbend for the purposes of securing completion of roadway and utility construction at the subdivision referred to as Willow Circle. Covenant released 12/09/2022.

Mr. Lehrer reminded the Board at the December meeting they voted to establish to release the lots and establish a bond amount. Mr. Pesce reviewed and approved. There is an agreement with the Planning Board, the applicant, and their mortgage lender. The draft agreement in the packet this evening has been accepted by Town Counsel. He has the hard copy for signatures this evening.

Ms. Waygan noted that agreement would remain in effect even in the event of a foreclosure by the mortgagee.

MOTION:

Mr. Balzarini made a motion to approve the Tripartite Agreement as presented and to sign the agreement. Seconded by Mr. Richardson. All in favor.



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Mr. Lehrer only needs a majority of the Board, so everyone present signed the agreement except Ms. Faulkner. Ms. Waygan inquired if everyone was signing voluntarily for the stated purpose, as their names were going to be notarized. Everyone acknowledged yes.

Zoning Bylaw Amendments proposed for May 2023 Town Meeting

- Correspondence from Town Manager's Office

Ms. Waygan commented that Mr. Collins is setting a deadline of Monday, February 13, 2023 for submittal of any warrant articles to the Select Board for the May Town Meeting.

- Review and discuss current zoning regulations pertaining to Solar Energy Systems, recently submitted amendments to the zoning bylaw for Solar Energy, and contemplate amendment pathways that are consistent with MGL Chapter 40A Section 3 in consideration of Tracer Lane II Realty, LLC v. City of Waltham case.

Mr. Lehrer brought new material to the Board's attention for solar energy proposal. He included the petition articles that have been filed as well as the Solar Energy Overlay District. Chapter 40A Section 3 prohibits the town from unreasonably regulating solar energy systems throughout the town. That was affirmed by the recent court case, restricting the use to only a single district only. In Mashpee it is restricted solely to Industrial, which is only a small area. As Mashpee is in similar standing it has been advised by Counsel to reevaluate solar to be consistent with Chapter 40A Section 3. There are options before the Board, where to go policy wise, as there has been no decision made one way or the other.

Ms. Waygan would like to submit something.

Ms. Faulkner stated small scale and roof mounted are by right, but medium and large scale are by special permit, and she asked if that was in every zoning district.

Mr. Lehrer confirmed that medium and large scale are only allowed in the Industrial District. It can be approved without special permit, it would just need review through the Site Plan Review Committee. We currently allow small scale ground mounted solar throughout the town.

Ms. Waygan supports medium and large scale solar throughout the commercial districts: C1, C2, C3 and I1. If a residential property is interested, they need to come before the Board and do an overlay. She would like to strike R3 and R5 and if the Town Planner gets a proposal they can work out that overlay. The Select Board rejected this because it originally was presented as town wide.

Mr. Lehrer noted when they first wrote this it was a very liberal approach. Performance standards were robust with 100ft. buffers, which is a significant distance to any dwelling. One



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point he would like to raise, when considering community character, pedestrian friendliness, and walkability, solar is not a great use to achieve those goals. An Overlay District approach is a good approach, it should be accompanied by identifying parcels to be included in that district.

Ms. Waygan thinks what they have now is not sufficient, even though they are allowed in industrial, it is not a good bylaw. They looked at several bylaws along with the model bylaw for the state and read bylaws for different towns.

Mr. Lehrer stands by the performance standards and the framework for the use that was built into the bylaw, it's the appropriateness of the use in the Commercial Districts that he questions.

Ms. Waygan stated if they don't have enough land set aside then they become a target for being unregulated. This is why she thinks C1, C2, and C3 need to be added. In a housing crisis, why are we using residentially zoned land for energy generation? She wants to put this in now and they don't have time to look at other lots at this time.

Mr. Lehrer wants to caution, we are in a housing crisis. As we have gone through the LCP and have consumed the data, everything is driving us towards development and redevelopment and telling us to stop constructing single family dwellings. For that reason, it is not advantageous to utilize land area in Commercial Districts for solar energy use.

Ms. Waygan stated that is a backwards thought process. Commercial properties are not zoned for housing unless a Chapter 40B is used or open space incentive development (OSID). There is no potential for large tracks of housing in commercial. What we are learning from the comprehensive permit process is people don't want the town overdeveloped, they want clean water, and to maintain the rural character. Mr. Lehrer agreed this was all true. She went on to say this is being driven because there is a law suit that could be given free range to someone who brought in a proposal. We need a zoning bylaw that allows more land to be used for solar. If we add C1, C2, C3, that covers that. Then we can search for other parcels that don't fall under commercial zones and industrial for an overlay. She wants to get this on the Town Warrant this season, as it makes them vulnerable for another six months if not brought to May Town Meeting. As they are not getting a lot of proposals for redevelopment, it protects them from a strange proposal coming in without a basic solar bylaw in place, thus making them vulnerable for a lawsuit. There is a huge advantage to adding this to the bylaw for now.



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Mr. Lehrer is concerned as redevelopment bylaws are considered you will end up incentivizing a use in a district that would be more advantageous as housing or a redevelopment project.

Mr. Richardson commented there will be a lot of pressure on housing going forward. He expects, unless Mashpee can do something, at some point they will be forced to do something. That may change some zoning in place right now. He asked if approving solar in some of the suggested areas potentially eliminates that land use.

Mr. Lehrer gave the example of allowing large scale in the C1, how would everyone feel if the undeveloped area of Mashpee Commons became a large scale solar energy system.

Ms. Waygan does not want solar anywhere, but we are vulnerable to an unregulated proposal getting granted without any performance standards or guidelines.

Mr. Lehrer thinks they have some time to develop an Overlay District and do some planning to get it right.

Ms. Waygan wants this on the Warrant for May. This is the first Town Meeting they have to get this done after that case law and they should act quickly. She polled the Board on having it in C1, C2, and C3.

Ms. Faulkner noted 5% of land is in commercial.

Ms. Waygan calculated 5% commercial and 2% industrial, as a vast majority of that land is JBCC.

Ms. Faulkner is okay with the commercial and industrial only. Mr. Fulone would like to see the Town Planner put together parcels. Mr. Balzarini does not want to see large and medium scale solar in residential. He is okay in the Commercial District and Industrial District. Mr. Richardson feels a little uncomfortable moving forward with the decision of adding commercial. He feels when you make that decision you close the door on some other possibilities. Ms. Waygan asked Mr. Richardson specifically, if he was okay with striking R1, R3, and R5, as they will need that 5% to get to 7% total. She noted any land being added as an Overlay District will not even change those percentages. That equates to *maybe* 20 acres at most in town as there is not a lot of vacant residential land.

Mr. Lehrer does not think it is necessary to harp on percentages. You can't regulate where an effective prohibition is. He doesn't agree with adding C1, C2, and C3.



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Mr. Balzarini wanted Mr. Lehrer to explain again why he does not want the Commercial District added.

Mr. Lehrer agreed that commercial roofs and parking lots were great. However, to clear a large tract or redevelop commercial, when we are trying to redevelop for different uses, the solar energy has no vibrancy whatsoever, and they are not suitable. Mr. Lehrer thinks it would be a mistake to not include residential.

Ms. Waygan stated they were told to put more land in, because what they have now is not sufficient. She reiterated the parcels have not been identified or prepared for them yet and they have one more meeting, and she wants to get this on Town Meeting. Someone has their eye on a parcel who is clever at submitting when there is a legal liability with the town. She believes it is irresponsible to not go forward.

Mr. Fulone stated they have one more meeting for May, but plenty of time to hit the October Town Meeting.

Mr. Balzarini changed his mind, he does not like C1 and C2. He doesn't understand why they need to add land with urgency.

Mr. Lehrer answered that the court case does not compel them to add anything. They absolutely need to reevaluate, but Legal Counsel is not saying they must do this immediately. He wants to go through the proper planning process to do it right. Three years later, he admits the original submitted proposal needs reevaluating. He is owning that now.

Mr. Fulone thinks it is irresponsible to submit an amendment that is half baked. He wants Mr. Lehrer to do this right.

Mr. Lehrer wants to establish an Overlay District. His main concern lies in long term priorities for development and redevelopment in the C1, C2, and C3 for housing. Additionally, those are districts we are trying to incentivize as a pedestrian friendly mixture of uses to supported housing types that are badly needed. To incentivize the development of solar energy systems that lack vibrancy and don't contribute to the housing stock, he would consider a detriment to long term goals, when they have a minimum criteria established by this court case via an Overlay District. He is simply asking for a little more time to identify adequate parcels, likely including some in the Commercial Districts. They need to look beyond the scope of zoning because it would be detrimental to other goals the community already identified during the LCP process.

Mr. Richardson and Mr. Fulone are in support of the Town Planner's proposal.



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Mr. Lehrer posed the question, how would the Board feel about the character of the town if they drove the rotary and there was a 100 acres of solar panels. If you're going to do a zoning change, do it with the intent to not incentivize bad development.

Ms. Waygan stated in the meantime they will move on and continue this discussion at the next meeting about what parcels or districts will be added. Bullet C says ground mounted energy systems have to be consistent with applicable local, state, and federal regulations. Bullet D says the owner maintains the facility in good condition. Bullet E discusses dimensional criteria. Small systems one and two were already passed. It goes into dimensional for medium and large scale systems. Bullet F discusses the special permit rules and application requirements. She asked Mr. Lehrer if there was a height maximum on the panels. Ms. Faulkner stated the maximum ground mount height is 15ft. above the grade. She elaborated that bullet F states what needs to be done to submit the special permit. Lastly, bullet G delves into required performance standards such as visual impacts, signage, setbacks, vegetation management, noise generation, fencing, land clearing, erosion, and emergency services.

Ms. Faulkner wants to make sure there is proper vegetation. Her main concern is screening, which is decided by the Planning Board. She really likes staggered evergreens. She also noted the average life of a solar array is 20 years.

Ms. Waygan stated the distance to a wetland is 100ft and 200ft to a waterbody such as a pond or river, which matches the MA River Act and Wetlands Act. Three members agreed to add this.

Mr. Hansen stated the fences around solar shall provide a minimum of six inches between the ground and bottom of the fence. There was no mention of a maximum.

Mr. Lehrer commented there are security considerations that will need to be taken into account. There shall be a six inch clearance that shall not exceed six inches.

Ms. Waygan went on to the next section, to amend land space requirements.

Mr. Lehrer clarified that at the time this was written, the purpose was for someone who doesn't have good solar access based on their roofs orientation to the sun. They would need to put a fixed tilt mount which could raise the elevation and allow an exception to create a non-conformity for that purpose. He does not want to suggest a face tilt mount on the roof.



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Ms. Waygan will get rid of the fixed tilt roof mount. The next item is to see if the Board would allow 25ft. as minimum lot frontage. All that is needed is access, such as a road. If it is bigger you are just clearing more of that vegetative buffer. She then moved on to definitions.

Mr. Lehrer needs to confirm all definitions were approved for large scale and he will have that information for next meeting. He noted the definitions will need to be included to proceed.

Mr. Fulone asked if Mr. Lehrer will have the Overlay District prepared for next meeting. Mr. Lehrer said unlikely, but he will take a stab, he acknowledged it will take a fair amount of research.

OLD BUSINESS

Local Comprehensive Plan Updates with Weston & Sampson

- Special Meeting January 25, 2023 6:00PM

This meeting will be held at the Public Library. Mashpee TV will be recording the session, it will not be live. They will load it to the website and will be providing microphones for comment.

- Survey Update

Mr. Lehrer does not want to touch upon this too much as there is the special meeting next week. He is still compiling analysis of data collection. There were 620 participants. Ms. Waygan would like the survey results tomorrow. Mr. Richardson asked for the ages of the respondents.

- Workshops and Focus Groups

50 people were in attendance with new faces present.

- Updating the Vision Statement

There is a draft vision statement in preparation for the special meeting next week.

Affordable and Workforce Housing

- ADU Workshop

Mr. Lehrer is looking to identify a Feb/March launch date. Ms. Waygan noted March is better. He is also not opposed to April/May, but there is flexibility.

- HPP

Mr. Lehrer noted the final edits are done and they are getting prepared to issue consultants and advertise the RFQ within the next week.

- Regional Housing Strategy



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Ms. Waygan commented there is information in the packet this evening regarding the Regional Housing Strategy, a new initiative put out by the Cape Cod Commission. There are four pages, one comprises the housing profile of Mashpee. The housing profile is a three page graphic oriented document. They had a meeting with Michaela Wyman Colombo, Evan Lehrer, Ms. Waygan, Allan Isbitz, and three staff members from the Commission. They went through the profile draft and she would like Planning Board members to review the draft and bring forth comments regarding zoning. It talks about residential development ordinances, accessory apartments, multifamily housing by right, and inclusionary zoning. She added transfer of development rights (OSID bylaw) and a redevelopment bylaw. There are only three mentioned and she would like Board members to come up with more.

Mr. Balzarini thinks about redevelopment for Stop & Shop. An addition could be built on top of the building that could provide workforce housing apartments for Mashpee Commons.

Mr. Lehrer stated the meeting was very preliminary and there will be an engagement piece with Public Comment period and additional workshops. He will elaborate more at a later date.

Ms. Waygan stated all commercial space on the upper floors of the Bell Tower Mall in Centerville is housing. There is an ordinance in Barnstable that allows for top of the shop housing above commercial. She also commented about the article in the Cape Cod Times about the Cape Cod Mall housing initiative. She is unsure where exactly the housing will be, but the parking lot is huge. Redevelopment will bring on a lot of housing units.

Mr. Richardson inquired about the JBCC and workforce housing. Mr. Balzarini has been asking this for years, they could give each town 100 acres, have a bus there, affordable or veteran housing, there are roads as well as a wastewater facility, that needs more users.

Clean Water Initiative

Update on community engagement and education strategy

Mr. Lehrer commented there were a number of articles for consideration to the Select Board for October Town Meeting. These included proposals to provide restrictions on development in floodplains and bringing in materials to raise elevations of lots. Additionally, the Department of Natural Resources proposed increasing the wetlands jurisdictional buffer to 150ft. and the contemplation of fertilizer restrictions. Last Town Meeting, there was a fair amount of misinformation born and spun that impacted these articles. Many folks provided feedback that they had inadequate time to resonate with them, as well as stating committees didn't have enough knowledge. Department Heads met weekly to identify strategies for subsequent action and how to fill gaps. We need to better position these articles for success, as they pertain to important changes the town should be addressing. They began identifying detriments to certain property owners these articles would impact and begin reworking. The fill



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proposal is a modification of what was proposed last summer. Staff are contemplating a robust education and engagement strategy to garner support, and make sure there is awareness to operations and impacts to allow for informed decision making. As the deadline for this upcoming Town Meeting is approaching, he is getting feedback that people don't want to wait until October. The fill proposition is being presented to the Board in the form of a zoning bylaw, that would be submitted by the Planning Board, presented to the Select Board, placed on the warrant, and would need a 2/3 majority vote at the subsequent Town Meeting. Education and engagement is a crucial component of success. Relative to process and time, he has been looking at what framework these regulations will live in. He contemplated with the Conservation Director and the Health Agent for additional strategies or other approaches that could be taken. Fill is being presented as a zoning bylaw, but does not necessarily have to live in the zoning bylaw. He invited Drew McManus here to help explain how this item could be moved more expeditiously for October, but allows for education engagements. Alternatively, these could be presented as regulatory modifications promulgated independently by the Conservation Commission and the Board of Health, who can do this within a public meeting without necessitating the need for a Town Meeting vote. He would not suggest this pathway without it being appropriately married to the community engagement piece that was previously defined.

- Floodplain Development Zoning

Drew McManus, Conservation Agent, explained under the Chapter 172 Mashpee Wetland Bylaw, there are regulations that deal with all manner of wetland resource areas, coastal and inland, and land subject to coastal storm flow. That last term relates to the 100 year flood plain Velocity Zone, A zone, AE zone, but does not include the X zone. There is no buffer zone attached under the regulations. All other wetlands have 100ft buffer zone. Under the town's authority, the Commission is empowered to make amendments and changes to edit regulations, as long as it falls under the scope of the bylaw. When it comes to the issue of fill in the flood zone, the Commission could take this avenue as they have jurisdictional authority over all areas of the 100 year flood plain. This could be picked up through the Public Meeting process. They have an advisory bylaw review subcommittee, which represents less than a quorum, and their purpose is to discuss each regulation for updates. This could be brought before the subcommittee, the process would involve Town Counsel, once a draft is established it would go to the Conservation Commission in a Public Meeting, appear on the agenda, and take the subcommittee's recommendation. The following meeting would hold an advertised Public Comment on these proposed regulatory changes. Regulations in draft form would be posted on the website, copies would be provided, and 100% transparency for awareness and outreach is key. Based on the outcome, there may be another meeting of the subcommittee for further amendments, and finally advertising for a promulgation of the final draft of the regulation.



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Mr. Balzarini stated when the Board tried to pass this the drawings were not well received. In the flood zone you have to be 14 feet, and they didn't understand that. People on Shore Drive don't want columns they want the foundation with a level yard, that's why they are using fill. Two new permits were given in his neighborhood, and they are still giving Title V permits. With the changes for sewer and septic occurring, how come alternative systems are not being considered? One house is on the boat landing, four houses down from the river, with a Title V for 5 bedrooms.

Mr. McManus commented under Regulation 30 for prevention of pollution, allows a parts per million range requirement for all nutrient loading. Septic system leaching, storm water runoff, and fertilizer, everything that contributes to nutrient loading on a given lot, will have to meet the parts per million range. This is based on consultation with the Health Agent. That will require any septic upgrade to go to an IA system. The only issue is the scenario that leads to an upgrade like a failure with no expansion or increase in flow, is that reason to require an IA system in that circumstance. New development and pitching a Title V system is a perfect scenario to require an IA system. They are currently figuring what is justified and what is burdensome. As far as the parts per million, the threshold started as five. He is unsure if the state is going along with this. With the range, which would still reduce impacts, the range of parts per million is lower than what is typically being seen with all inputs, not just septic, but everything that contributes to nutrient loading within a lot. They do know the original five parts per million is unachievable and not feasible to get that low in the absence of sewerage. You do not want to introduce something that is unenforceable. A range will reduce nutrient loads and empower the Commission to not just recommend but also require IA systems.

Mr. Richardson wants to make sure everybody in town has an opportunity to speak on this. He supports the idea, but he doesn't think it's a Public Meeting with the 10% of people who read *The Enterprise*. It will take longer to execute via Town Meeting, but that seems like the right approach. A Public Meeting at night will not attract anyone. He doesn't want to be criticized for not allowing people the ability to speak and vote on this.

Mr. Fulone is having the same reaction. Early summer versus October is not much of a difference. Based on the way things move, how confident are we this timeline is accurate? The town should have the opportunity to vote on these.

Ms. Faulkner sees both sides and understands both members want to have people showing up. She feels a public notice will not gain appearance, they will need a media campaign, and she will let Mr. Lehrer speak on that. With 625 responses to the LCP survey and 300 people at Town Meeting, they have to do whatever they can to wake up the masses. This is about the quality of life here and now is the time to come forward.



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Ms. Waygan thinks the people need to be invited to participate. This method to get these regulations online is clever. She applauds them for figuring this out thoughtfully and carefully. Some lots are already grandfathered. We are in a toxic water crisis and the town needs to move on these quickly. She asked if the subcommittee meetings were public. Mr. McManus stated they are not advertised as they are advisory. He checked to see if they required advertising and they don't. He would be happy to have public participation and advertise them. Ms. Waygan would love to go and they should somehow be a Public Meeting without Public Comment, as that is required of the Commission. She believes any subcommittee meeting should be held in a public space, and the more you attend the more you understand. She went over a few of the items they are working on now. She noted filing fees, reduction of nutrient loading, and no fill in the floodplain, as being on the radar of the overall strategic approach as part of the Conservation Commission process. The 150ft setback to wetlands has to go to Town Meeting. The 100ft buffer is in the Chapter 172-2 bylaw.

- Fertilizer Restrictions and other Wetlands Protection Regulations

There were a few mentions that this fell under the Conservations Commission, but Mr. Lehrer noted it was the bylaw that was delved into the least. He noted the DPW Director has concerns as to how it was brought to Town Meeting prior, but she hasn't provided any feedback yet. He will await her comments.

Mr. McManus raises concerns as the Conservation Agent when it comes to a complete ban on fertilizer. The Commission and 90% of permits and orders provide some form of mitigation or planting that need startup fertilizer for it to be meaningful and establish plantings. It is a consistent requirement from most applications for permits issued. He noted it is not a copious amount, its startup, but there are special conditions about it being organic and ensure the least amount of impact to water as possible, but the mitigation needs to establish and prosper. Expansion with a change of footprint or taking a lawn and doing mitigation with native plantings, if handcuffed with no fertilizer at all, impedes on that mitigation.

Ms. Waygan commented there was a presentation before the Select Board regarding horse power regulations proposed for Santuit Pond which is also a Town Meeting vote.

Mr. Lehrer wanted to clarify that the subcommittee process Mr. McManus outlined would be supplementary to any engagement and education process. This comes after a fair amount of analysis to determine what properties this impacts. There was a great amount of feedback given by the consultants that were hired from these property owners. He wanted to be considerate of items that were brought forth in order to make this second go a successful one. His timeline is for the end of February. He also noted the consultants would like to be involved in this process because they seek the permits on a daily basis, and they feel they will add value. He would like to invite them into a listening session to get feedback on the draft. After



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listening to feedback, remaining consistent with policy goals, they would edit where appropriately. In March, they would go back to the property owners that are impacted by this proposal and invite them in to hear what potential impacts would be affecting their properties. From there, the draft will be tweaked further and they will invite in higher level groups for an open session such as Popponesset Beach Association, Peninsula Council, and other home associations. It will be opened to the general public where they go through the restrictions and what the process will be and how they will be enforcing. The final proposal will be ready for May/June. He doesn't want to pursue this pathway without what he is suggesting for engagement. The subcommittee can work with the Planning Department and Commission on drafts and get to a process where nobody in town can reasonably say they didn't have ample time to consume the real information to consume it.

Mr. Richardson stated if they are getting 100% positive feedback, then he backs this approach. There will always be somebody who says they were not aware, regardless of how many times they were told. Mr. Fulone inquired if the engagement would still happen if it went to Town Meeting, and that was affirmed. He wants to give everyone the opportunity to listen and learn, but this will not allow them a vote if it goes through the Commission.

Ms. Waygan commented that Town Meeting cannot change the Conservation Commission regulations. They don't have that jurisdiction. All these things that impact the filling in the floodplain, that's in our towns bylaws, but different parts of those are controlled by different entities. The Conservation Commission has to vote for some of these items to go through.

Mr. Fulone reiterated if residents have the ability to vote at Town Meeting, he feels that is where it should be done. He would discourage taking the vote away from the residents.

Mr. McManus stated they will reach out to neighborhood associations, realtor groups, landscaping groups, really any opportunity to educate the community. What they are focusing on first and foremost, is making the public as informed as possible with full transparency.

Ms. Faulkner asked about zoning bylaws being 2/3 vote at Town Meeting. She clarified that the fertilizer or wetlands bylaw going to Town Meeting would be a simple majority.

Ms. Waygan stated on their list of people to engage, she instructed they not only focus on the people who said no, there are a lot of people who want this to happen. She likes what is being done, it needs to involve the pond and water organizations at some point. They might hear a lot of no's until they reach the public process. She doesn't own or develop waterfront property, but she does swim in water that gets impacted and thinks she has a say. She would like Fuss & O'Neil to come and present on their report. She will talk to Mr. Collins about that. People



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were fascinated about the horsepower regulations and asked what else could be done. Everyone wants clean water.

Mr. Richardson posed the question out of the properties impacted, how many can even vote?

Mr. Lehrer does not have the answer for that question. For this proposal, he is asking the Board to consider two different options. He initially conceived doing this as a zoning bylaw for purposes identified, understanding there are grandfathering and provisions in 40A Section 6 that would impact long term viability. After Town Meeting, they would ask the Conservation Commission and the Board of Health to bring their regulations into consistency. All three documents are communicating with one another. If they were to go regulatory pathway first, he would then want to ask Town Meeting to make some amendment to recognize those regulatory changes. It's either zoning bylaw first with a 2/3 vote at Town Meeting and promulgate regulations thereafter, or go the route of the Conservation Commission and go back to Town Meeting as a housekeeping article.

Ms. Waygan would like the Conservation Commission route first. Ms. Faulkner agreed, stating these regulations are desperately needed. There is no ambiguity and it tells everyone they are not losing the ability to build there, just have to go about it a certain way. The horsepower, she wonders how big an impact it truly is. She also feels the fertilizer has a large impact and the landscapers will be objecting to that. People who are going to buy it will travel to other towns to purchase it. We have to take some methods to change this town.

Mr. Richardson stated there is an enforcement issue with fertilizer. He is on board with what is being proposed, he just doesn't agree with taking it away from the voters.

Mr. Fulone has a clarifying question about Mr. Lehrer's memo, the second to last paragraph, last sentence. It states "we may consider making these regulatory changes through Conservation Commission regulations and Board of Health regulations, they can be promulgated without a Town Meeting vote". It feels like, because it didn't go well at the last Town Meeting, we are going to take it somewhere else so it goes the way we believe it should, without taking it back to the town. Regardless of it is being done for all the right reasons, which is how he feels. Public engagement is critical, and for the engagement they will have the same faces that always come. He referred to the LCP engagement with a town of 15,000 people, and the survey brought forth 600 responses.

Mr. Lehrer noted when restrictions are being contemplated it ignites a fair amount of participation. His memo came as a result of feedback and he wants to provide options. His position is they have to go through the education engagement, understand impacts of proposals, replicate results when doing analysis, and thoughtfully describe impacts to the



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public. The intention to this pathway is not to skirt any Town Meeting or application, and with the feedback he was getting, many felt uncomfortable waiting until October. He doesn't feel prepared to recommend a submission of a zoning bylaw article for May as it won't allow for a thoughtful engagement.

Ms. Waygan stated the majority of the Board is in support of this proposal. She would like to know what the Board can do for the Conservation Commission to move this forward.

Mr. McManus summed up there are options in front of them and he agrees that the more opportunity to incorporate Public Comment the better. He agrees to the point about contacting groups in favor to garner as much support as possible, because it is the right thing to do. As far as which avenue to choose, eventually he would say the Conservation Commission is going through every regulation they have and looking at updates. Land subject to coastal storm flow is one that will be going through that process, regardless of Town Meeting. The Commission puts a high priority on transparency and public engagement, if it were to go through the home rule authority route, it may not be an expedited process at all. It may be drawn out with extended public comment and extended outreach to ensure the public engagement process is fully utilized. He just provided the steps, not necessarily how it would evolve. They want to be very thoughtful, deliberate, and open, particularly with those potential impacts to development and everything that goes along with eliminating fill in the flood zone. It's not like changing an aspect of a mitigation regulation, it is a larger scope impact to that regulation. It wouldn't be expedited to reduce public engagement, with previous changes it has always been careful and deliberate. The Conservation page will have a sidebar with links, one is the bylaw with regulations for 172.

Mr. Fulone reiterated that early summer feels like a stretch, as some of these impacted residents aren't here until May. The timeline gets squeezed and late summer turns to early fall. Now it's on top of Town Meeting.

MOTION:

Mr. Balzarini made a motion to accept the Town Planners recommended process for approval of the contemplated changes to our conservation bylaws, wetlands bylaws, and Conservation Commission regulations and not submit for Town Meeting deadline. Seconded by Ms. Faulkner.

Roll Call Vote:

Ms. Waygan: Yes; Ms. Faulkner: Yes; Mr. Fulone: No; Mr. Richardson: No; Mr. Balzarini: Yes. (Passes 3-2)

TOWN PLANNER REPORT

Local Preference request for LeClair Village – DHCD response



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His office submitted a local preference report for the affordable housing project at 950 Falmouth Road, LeClair Village. DHCD did respond to the request and approved 70% local preference. They noted the request for Tribal preference would be a violation of fair housing laws. They did provide a remedy which he discussed with the Chairman of the Select Board and Vice Chair of the Tribe. If the Tribe is a participant in the financing of the affordable housing, via Indian Block Grant Funds, we are then required to provide that local preference. They are willing to allow that after the fact. It would be a post close finance. The project financing closed on January 6, 2023. He will be working with Carlton Hendrix, David Weeden, and Shelly Tobey. It does put the ball in their court, but he will provide them any support to make that happen, if it is something they want. We would ask the Tribe to be involved at the outset of all affordable housing projects, then at the RFPs we can note they will be contributing to projects, and developers can respond accordingly with the local finance package.

Ms. Waygan stated they could most likely use that Block Grant in any town of their region that they choose to get that local preference.

Affordable Housing Project – 209 Old Barnstable Road

Mr. Lehrer had a kickoff meeting with residents of the neighborhood. It was a good process, there were 7 people that were identified, established by the association. They are concerned about traffic. He wrote to his boss noting they would be interested in a traffic study before going further. Hopefully the Affordable Housing Trust will be able to convene to authorize the study. From there, they will continue to work through the engagement. He would like to bring in more stakeholders to round out the team and open up to more residents of the project area. There are open minded folks and some very concerned folks. They want to get a proposal on the table to help meet affordable housing goals that both support the neighborhood and people are proud of.

Ockway Highlands Tripartite Agreement Update

Mr. Lehrer notified the developer about some conditions in his agreement, such as annual reports and a completion date of April 2022. There were no annual reports and the project is still underway. It's his measure of security. He was asked to join the February 1, 2023 meeting to give an update and evaluate the agreement to ensure terms are being met. Mr. Lehrer has not heard back yet.

New Seabury Cottages Phase III

This was the identified potential grading issues. Mr. Pesce has coordinated with his staff and made a site visit, and they will shoot some grades soon. No findings yet.



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Request for Withdrawal from Cape Cod Commission Review of Falmouth Road Market (CCC File No. 21015)

The applicant has requested withdrawal from the Cape Cod Commission for this project. The Commission cannot grant the withdrawal because the applicant needs to file the withdrawal with the local Planning Department. The Planning Board will then accept their withdrawal before the Commission can withdraw the DRI. He will add to a future agenda. They plan to refile for a different configuration. They felt there were some insurmountable hurdles regarding access to the site as well as transportation challenges.

BOARD MEMBER COMMITTEE REPORTS

Cape Cod Commission-

No Report

Community Preservation Committee-

Negotiators are talking to the owner of 751 Main St. The Committee authorized the appraisal for 9 Santuit Lane. There is another plot for affordable housing that was authorized for appraisal.

Design Review-

A 7,400s.f. contractor bay unit at 5 Mercantile Way for pest control and storage vehicles.

Plan Review-

Reviewed 5 Mercantile Way. Recommended approval with conditions: portion of a drainage easement that collects stormwater, proposed regrading around detention basin, ensure no impact to handle stormwater. Mr. Pesce is looking at that along with their design engineer at the request of the Board of Appeals. Public Hearing opens next week.

Environmental Oversight Committee-

No Meeting

Historic District Commission-

No Meeting

ADJOURNMENT

Mr. Balzarini made a motion to adjourn the meeting of the Planning Board at 9:09pm.
Seconded by Mr. Richardson. All in favor.

Next Meeting: Special Meeting Wednesday, January 25, 2023 @ 6:00PM – Mashpee Public Library



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Respectfully Submitted,

Christine M. MacDonald
Board Secretary

LIST OF DOCUMENTS

Additional documents may be available in the Planning Department.

- Town of Falmouth Notices
- Town of Sandwich Notices
- Massachusetts Open Space Conference Webinar Series Flyer
- November 2022 Discharge Monitoring Report for South Cape Village – N= 5.5
- October 2022 Discharge Monitoring Report for South Cape Village – N= 2.9

TRIPARTITE AGREEMENT

Agreement made this 20th day of March, 2019 by OCKWAY HIGHLANDS, LLC (the "Applicant"), a Massachusetts limited liability company with an address of 1436 Iyannough Road-Suite 4, Hyannis, MA 02601 and ROCKLAND TRUST COMPANY, a Massachusetts banking corporation with an office at 288 Union Street, Rockland, Massachusetts (the "Lender"), with the PLANNING BOARD of the TOWN OF MASHPEE (the "Board").

The Applicant is the owner of a subdivision of land known as Ockway Highlands, as shown on a plan entitled : "Proposed Subdivision of Land in Mashpee, Barnstable County, Mass. for BCDM LLC, July 15, 2013, Costa Associates, Inc.", which said plan is duly filed with the Barnstable County Registry of Deeds in Plan Book 654, Page 21 (the "Subdivision Plan");

Applicant's predecessor in title, BCDM, LLC, executed and recorded with said Registry of Deeds a Covenant with the Board to construct ways and install services within said subdivision dated June 4, 2014 and recorded on June 11, 2014 with said Deeds in Book 28196, Page 306 (the "Covenant");

The Applicant has granted a first mortgage to the Lender covering all of the lots in said subdivision in order to finance the cost of said construction and installation which said mortgage is dated September 28, 2017 and recorded with said Deeds in Book 30795, Page 250;

The Applicant wishes to obtain a release of all of said lots from the Covenant without posting a bond or depositing money with the Board and is desirous of having the Lender retain sufficient funds otherwise due the Applicant to secure the full performance of its obligation to construct the ways and install the services to the mortgaged premises, all as provided in M.G.L.c.41, s.81U and the Mashpee Subdivision Regulations;

The remaining cost for the work to complete said construction and installation, as set forth on the attached spreadsheet is \$59,710.89 and the Board requires an additional 50%, or a total of \$89,566.33 (the "Security") to be retained by the Lender as undisbursed construction funds as security for completion of the work.

The Lender does agree to retain the Security in undisbursed construction funds otherwise due the Applicant to secure said construction and installation all in

Carriage Rd. Mashpee

Blue Castle Drive, Mashpee

5

accordance with the construction disbursement schedule attached hereto (the "Disbursement Schedule"); and

The Board is agreeable to an arrangement whereby the Lender is to retain the Security to secure the said construction and installation.

NOW, THEREFORE, the Applicant, Lender and Board hereby agree as follows:

1. In order to secure the construction of ways and installation of municipal services in said subdivision in accordance with the Rules and Regulations of the Board, the Lender agrees to retain in its possession first mortgage proceeds in the amount of \$89,566.33, and to disburse said money to the Applicant in accordance with the Disbursement Schedule only after the Board has notified the Lender in the form of a letter that the work has been satisfactorily completed in accordance with the terms and conditions of the Disbursement Schedule and the Mashpee Subdivision Rules and Regulations.
 2. The Applicant agrees to complete the said construction and installation as provided in said Rules and Regulations and the Applicant and Lender agree that if the work is not satisfactorily completed by April 1, 2022 then, upon notice to the Lender and the Applicant in writing of such non-completion, said funds shall forthwith be available to the Town of Mashpee for the completion of said construction and installation.
 3. The Applicant agrees to appear before the Board annually to provide progress reports on the work identified in the Disbursement Schedule.
 4. The MASHPEE PLANNING BOARD hereby releases all of the lots shown on the Subdivision Plan from the Covenant.
-

In witness whereof, the parties hereto have caused this instrument to be executed in their behalf as of the day and year first above written.

OCKWAY HIGHLANDS, LLC

MASHPEE PLANNING BOARD

BY:

Jacques N. Morin, Manager
JACQUES N. MORIN, Manager

ROCKLAND TRUST COMPANY

BY:

David Emmons, VP
DAVID EMMONS, VP

Joseph A. Quinlan

Dennis H. Bolognino

David W. Waco

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

March 25, 2019

Then personally appeared the above named Jacques N. Morin, Manager as aforesaid and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the Company, before me

Helen C. Granger
Helen C. Granger Notary Public
My Comm. Exp: Dec 18, 2020



HELEN C. GRANGER
Notary Public
Commonwealth of Massachusetts
My Commission Expires DECEMBER 18, 2020

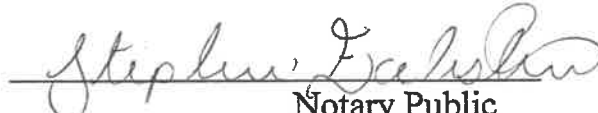
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

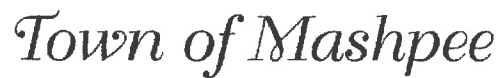
March 25 , 2019

Then personally appeared the above named David Emmons as aforesaid and acknowledged the foregoing instrument to be his free act and deed as an authorized officer of the Rockland Trust Company and the free act and deed of the Company, before me




Notary Public
My Comm. Exp: 8/23/2024

Ockway Highlands - Blue Castle				Status	Balance of Work	Contract	Cost To Complete
Hard Cost Category							
Road Construction							
Cuts and Fills				Completed			\$0.00
Stock Pile Loam				Completed			\$0.00
Fine Grade and Roll Sub-base				Completed			\$0.00
2.25" Binder				Completed		\$72,895.21	
1.25" Surface Course Road with Berms				Note: Entrance Paving Complete		\$17,308.86	\$17,308.86
Add Base to Sidewalks				Not Completed	85 ton @ \$30 ton placed	\$2,558.00	\$2,558.00
Pave Binder and Top Coat Sidewalks				Not Completed		\$10,094.03	\$10,094.03
Drainage				Completed (Exception) Spring 2009			
Drainage Structures Contingency					Remove silt from bottoms, correct slopes where worn, re-seed as needed. 4 days		\$6,800.00
Drainage 50/50 loam/sand Contingency					Possible excavate stone around drainage basis and replace stone if contaminated.		\$5,000.00
					Provide for possible replacement of existing loam/sand mix with 50/50 loam sand mix. TBD after silt removed. 90 yards provided & placed.		\$2,700.00
National Grid (Gas)				Completed			\$0.00
Eversource (Electric)				Completed			\$0.00
Mashpee Water				Completed			\$0.00
Site Landscape				Not Completed Spring 2019	Loam and seed shoulders, entrance on both sides, add loam, seed and rip rap to Great Neck Road drainage area, and 2:1 slope at graveled area.		\$8,500.00
Repair Electrical Box on Blue Castle				Not Completed Spring 2019			\$400.00
Raise electrical vault on Carriage Road				Not Completed Spring 2019			\$250.00
Soft Cost Category							
Site Engineering - Preliminary				Completed			
Site Engineering - Final				Not Completed Spring 2019	Furnish & Install 16 Road Bounds		\$2,800.00
Mitigation - Traffic				Not Completed Spring 2019	Traffic Logix Radar Speed Sign		\$3,000.00
Street Signs				Spring 2019	2 street signs @ \$150 ea. Per D.P.W.		\$300.00
Total Cost of Incomplete Work							\$59,710.89



16 Great Neck Road North
Mashpee, Massachusetts 02649

Mashpee Planning Board Public Hearing Notice

Pursuant to Massachusetts General Laws, Chapter 40A Section 11, the Mashpee Planning Board will hold a public hearing on Wednesday, March 1, 2023 at 7:10PM at the Mashpee Town Hall, 16 Great Neck Road North, to consider an application from Southworth Mashpee Properties LLC, property owner, to modify the Willowbend Country Club Special Permit. The applicant proposes to construct a 14-unit single family cottage community immediately contiguous to the Willowbend Golf Course at 275 Quinaquisset Avenue (Map 69 Block 32). The existing single-family dwelling is proposed for demolition. With these changes the total unit count for the Willowbend project would be increased to 287 if the Board authorizes the annexation of 275 Quinaquisset into the Willowbend Special Permit as allowed. 287 dwelling units is the maximum number of dwelling units authorized under the Special Permit. All units will be connected to and served by the existing privately owned wastewater treatment plant which serves the entire Willowbend project.

Submitted by:

Mary E. Waygan
Mashpee Planning Board

Publication dates: Friday, February 10, 2023
Friday, February 17, 2023



MORIARTY TROYER & MALLOY LLC

ATTORNEYS AT LAW

Kimberly A. Bielan
Direct Dial: (781) 817-4607
kbielan@lawmtm.com
Admitted in MA & RI

*Via Federal Express Overnight
and Email (elehrer@mashpeema.gov; planningboard@mashpeema.gov)*

January 20, 2023

Mary Waygan, Chair
Mashpee Planning Board
16 Great Neck Road North
Mashpee, MA 02649

Re: 9 Shellback Way a/k/a 647 Falmouth Road, Mashpee, Massachusetts

Dear Chairman Waygan & Members of the Mashpee Planning Board:

Please be advised this office is co-counsel to Longfellow Design Build, Inc. and Shellback Development LLC (collectively hereinafter, the "Applicant"), in connection with its proposed development of the property known and numbered as 9 Shellback Way a/k/a 647 Falmouth Road, Mashpee ("Subject Property"). The Applicant proposes to develop the Subject Property for use as a specialty grocery store. By and through this correspondence, for the reasons set forth herein, the Applicant respectfully requests to withdraw its Application (as hereinafter defined) without prejudice.

As you are aware, the Applicant submitted an Application for Special Permit to the Mashpee Planning Board ("Board") in connection with its proposed development of the Subject Property ("Application"). As a result of the size of the proposed building, the project is considered a Development of Regional Impact ("DRI"), triggering a referral to the Cape Cod Commission ("Commission"). The Commission received the referral on August 29, 2022, and the Applicant submitted its Application for DRI to the Commission on or about September 15, 2022. The Applicant's Application for DRI was supported by numerous studies, plans, and other materials, all of which have been provided to the Town of Mashpee. The public hearing before the Subcommittee was opened on November 9, 2022, and continued to December 12, 2022.

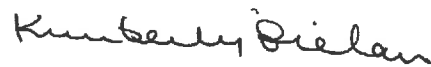
In early January, it was relayed to the Applicant that the Subcommittee and Commission staff have outstanding concerns relative to the ability to safely ingress and egress from the Subject Property, which concerns cannot be adequately addressed in light of the present site configuration. Following consultation with the prospective tenant, the Applicant determined that it should pursue alternative avenues for ingress and egress to the Subject Property that would enable it to resubmit its Application in the near term. While the Applicant was loathe to seek to withdraw its Application following ample substantive discussion and public participation, it felt constrained to do so.

We understand that the submission and processing of applications is a significant undertaking for both the Board and Board staff, including Town Planner Lehrer. I was a Member of the Falmouth Zoning Board of Appeals for a number of years, and I certainly understand the substantial time and resources that are required to process applications and review same in your capacity as volunteer members. If there is anything that the Applicant can do to ease the burden on the Board and its resources (including, but not limited to, providing a written update directly to neighboring property owners), please let us know. We remain confident that the proposed use of the Subject Property will be of substantial benefit to the Town of Mashpee, and we appreciate your patience as we work through the permitting of this matter.

Accordingly, on the basis of the foregoing, the Applicant respectfully requests to withdraw its Application for Special Permit without prejudice.

Thank you for your time and attention.

Sincerely,



Kimberly A. Bielan

cc: Clients
Christopher Kirrane, Esq.
Jordan Velozo, Chief Regulatory Officer, Cape Cod Commission

3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630



CAPE COD
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

Date: January 25, 2023

To: Cape Cod Boards of Selectmen & Barnstable Town Council
Cape Cod Town Administrators and Managers
Cape Cod Town Planners and Planning Board Chairs

From: Kristy Senatori, Executive Director, Cape Cod Commission

Dear Municipal Official:

The Cape Cod Commission has recently been awarded Department of Housing and Community Development (DHCD) 2023 District Local Technical Assistance (DLTA) funds to provide technical assistance to member municipalities. DLTA funds must be expended by December 31, 2023. Please note, this deadline is fixed, and projects undertaken with these funds cannot be extended.

This letter is an invitation to Cape Cod municipalities to apply for funding consistent with state guidelines for this technical assistance.

1) DLTA funds totaling \$192,999 are available for the State's identified priority areas: 1) **Planning Ahead for Housing** (or to help reach the Statewide Housing Production Goal); 2) **Planning Ahead for Growth**; 3) **Community Compact Cabinet activities including regionalization**; and 4) **Housing Choice Initiative activities**.

The goal of the DLTA Fund is to direct these funds to projects and activities that result in change in the municipality(ies), whether in law, regulation, program management, or practice.

Project Selection Criteria:

- A. Responsiveness to priority uses, including:
- support for towns to achieve Community Compact best practices; and
 - support for opportunities for collaboration and/or resource sharing; and,

- promotion of planning to adapt to and mitigate climate change and encourage sustainable development; and
- support for communities with Section 3A of the 2020 Economic Development Bond Bill compliance (MBTA communities); and
- planning and implementation activities that support affordable and market-rate housing production; and
- support for communities seeking to achieve Housing Choice Designation.

B. Provision of a clear statement of expected products/deliverables (i.e., bylaw prepared for adoption, proposed or adopted regional agreement or memorandum of understanding, joint procurement solicitation prepared, proposed or adopted permitting procedures);

A list of Community Compact Cabinet Best Practices and Housing Choice Best Practices is attached for your information. (Attachments A and B).

PROPOSAL SUBMISSIONS

Please submit your written funding request to me by **February 16, 2023**. This request should detail your proposed scope of work, list of tasks, budget and deliverables. Please also note if you have undertaken a procurement and if you have engaged a consultant. Again, it is important to note that work must be completed by December 31, 2023.

Regardless of the topic of your funding request, please indicate which best practices are included in your town's Community Compact agreement with the State.

As required by the state, successful applicants shall enter into a Memorandum of Agreement or similar record with the Cape Cod Commission detailing a scope of work and budget for each project. Funds cannot be used for routine administration, nor may DLTA funds be used if other state resources are available.

Please feel free to call me at 508-744-1216 if you have any questions regarding this opportunity to use DLTA funds to improve our communities and our region.

cc: Cape Cod Commission members

ATTACHMENT A

Community Compact Best Practice Areas

Note: DLTA funds shall not be used for any activities related to assertion of the General Land Area Minimum (GLAM) (1.5% of total land area) safe harbor under 760 CMR 56.03 (b) (Chapter 40B).

Age and Dementia Friendly Best Practices

An Age-Friendly community is one that is livable for residents of all ages inclusive of older adults and those living with dementia. Age-friendly communities strive to be equitable and accessible with walkable streets, housing and transportation options, access to services, and opportunities for residents to participate in community activities.

Engagement

Best Practice: Engage and convene leaders across municipal departments, businesses, local citizen groups, regional planning agencies, and private and non-profit organizations to align around the goal of creating an age- and/or dementia-friendly community, including partnering with neighboring municipalities to engage in a regional effort. Community engagement should take a diversity, equity, and inclusion lens.

Action Planning and Assessment

Best Practice: Conduct a baseline assessment, informed with data, age- and dementia-friendly indicators, and community feedback to inform the planning and implementation of specific age- and dementia-friendly community initiatives. Map results for key indicators such as transportation, housing, employment, outdoor spaces and building, civic participation, and social inclusion. Among the sources of relevant data and information available to communities are: Massachusetts Healthy Aging Collaborative (MHAC) Community Profiles, World Health Organization's Checklist of Essential Features, and National Alzheimer's and Dementia Resource Center dementia-capability tool or similar nationally recognized assessment tool or process.

Implementation

Best Practice: Review and amend municipal policies, regulations, and programs with a goal of promoting aging in all policies, programs, and services in an equitable and inclusive manner.

Best Practice: Raise public awareness that aging is an asset and that older adults, including people living with dementia, make meaningful contributions to the community.

Best Practice: Inventory, publicize and share local information and resources, including programs, services, and supports for older adults and their caregivers.

Best Practice: Develop policies, practices, and programs to support aging in community, improve elder economic security, or facilitate connection and engagement, including through technology access. Programs or activities may include, but are not limited to, support for older workers, job seekers and volunteers, technology programming and digital literacy, property tax assistance programs, built environment improvements, and transportation and mobility programs.

Diversity, Equity, and Inclusion Best Practices (DEI)

Best Practice: Diversity, Equity, and Inclusion Training Program – Develop a comprehensive ongoing training program for staff, elected and appointed officials. The pathway to advancing equity begins with training. Training is helpful in building a shared vocabulary and understanding of equity concepts and how they impact the community.

Best Practice: Community Needs Assessment – Conduct a community needs assessment to ascertain community buy-in and goals related to diversity, equity and inclusion.

Best Practice: Workforce Assessment: Conduct Assessment of Town’s workforce and compare to population and census data. Identify gaps. Provide areas that require improvement and make recommendations on how to implement positive change.

Best Practice: Equity Audit – Conduct a town/city wide equity audit to determine what the existing barriers are to equitable representation and participation, access and opportunity for all residents and business owners in the community.

Best Practice: Human Resources –Recruitment and Retention of a Representative Workforce: Develop a data driven and informed plan to guide human resources professionals with the goal of recruitment and retention of a representative workforce. This will include model policies and procedures to be adopted, as well as technology to support the continued practices.

Best Practice: Public Engagement: Develop an initiative to improve and increase community engagement, particularly with underrepresented members of the community and young people and improve access to local government.

Best Practice: DEI Strategic Planning: Develop a plan that includes community's goals and strategies for improving the delivery of services through a DEI lens. (could include a single focus, like housing, or be more general).

Best Practice: Zoning Review: Comprehensive review of Zoning Bylaws through an informed racial equity and civil rights lens and recommend any changes for adoption by Town Meeting/City Council.

Best Practice: Municipal Supplier Diversity Program: Develop a Municipal Supplier Diversity Program with purchasing policies and procedures to promote and ensure diversity, equity, and inclusion in contracting for businesses owned by minorities, women, Portuguese, veterans, service-disabled veterans, those with a disability, and LGBT individuals, as well as small Massachusetts businesses. This may include spending goals and benchmarks for various businesses.

Education Best Practices

Best Practice: Focus on college and career planning, in collaboration with regional workforce organizations (e.g., MassHire Career Centers), beginning in middle school and continuing through high school, by implementing the MyCAP framework for college and career advising for all students.

Best Practice: Implement collaborative arrangements among regional vocational technical schools, comprehensive high schools, and community colleges to maximize opportunities for high school students and adults to access specialized vocational education programs.

Best Practice: Create opportunities for municipal governments to collaborate with high schools and colleges to provide students with internship experiences aligned to their courses of study, especially in STEM-related departments (i.e., IT, engineering department, accounting, etc.).

Best Practice: Improve the alignment and integration of YouthWorks and Connecting Activities programs for local high school students pursuing summer jobs and paid internships.

Best Practice: Strengthen partnerships between public safety, social services, healthcare providers, and local public and private schools to establish systems and protocols for assessing and identifying children and young adults who present risks to themselves or to others, in order

to ensure effective and pro-active responses that can prevent violence and provide timely supports to individuals in need.

Energy and Environment Best Practices

Greenhouse Gas Reduction

Best Practice: Plan Ahead to mitigate climate change by establishing goals, creating an action plan, assigning responsibility, and tracking progress.

Best Practice: Use Renewable Energy instead of fossil fuels by generating or purchasing clean power and by zoning for renewable power generation.

Best Practice: Increase Energy Efficiency in order to reduce power consumption, fuel costs, and GHG emissions.

Best Practice: Promote Zero or Low Carbon Transportation to reduce municipal transportation emissions & those from people living/working in the community.

Best Practice: Encourage Sustainable Development to reduce, through higher density & mixed-use, the number distance of car trips & resulting GHG emissions.

Best Practice: Protect and Manage Natural Resources to reduce carbon emissions from loss of natural land cover and to encourage carbon sequestration.

Best Practice: Reduce Municipal Solid Waste and Increase Recycling in order to reduce GHG emissions associated with solid waste disposal.

Energy Efficiency and Renewable Energy

Best Practice: Become a Green Community pursuant to M.G.L. c. 25A §10 to realize the energy & environmental benefits.

Best Practice: Construct high performance all electric buildings (or communities) to reduce GHG emissions & enhance resiliency. Examples include Zero Energy or Passive House buildings.

Best Practice: Convert streetlights to LED technology to reduce cost and GHG emissions.

Best Practice: Reduce energy use at times of peak demand to reduce GHG emissions and enhance resiliency.

Best Practice: Provide electric vehicle infrastructure to facilitate the purchase & use of electric vehicles and when replacing municipal vehicles evaluate feasibility to integrate electric vehicles into existing fleet(s).

Best Practice: Become a Solarize Mass or Solarize Mass Plus Community in order to help achieve renewable energy use & GHG reduction goals.

Climate Change Adaptation & Resilience

Best Practice: Complete a Climate Vulnerability Assessment and Adaptation Plan through the Municipal Vulnerability Preparedness (MVP) Program to assess local risks from climate change and identify potential actions to enhance community resiliency.

Best Practice: Use the Municipal Vulnerability Action Grant or other funding to implement climate adaptation actions that utilize nature-based solutions & increase equitable outcomes for and support strong partnerships with Environmental Justice communities.

Best Practice: Engage & protect Environmental Justice and other climate vulnerable populations in adaptation planning & action to decrease risk and increase resilience for those who are more susceptible to climate change effects.

Best Practice: Utilize the beta RMAA Climate Resilience Design Standards Tool to mainstream climate resilience into capital planning & budgeting to ensure investments decrease risk & enhance resilience to a changing climate.

Best Practice: Integrate Climate Adaptation into Land Use and Environmental Regulation to minimize future risk & costs for new and redevelopment.

Sustainable Development and Land Protection

Best Practice: Complete a Master or Open Space & Recreation Plan to guide land conservation & development decisions including zoning & land acquisition.

Best Practice: Zone for Natural Resource Protection, Transfer of Development Rights, Traditional Neighborhood, or Transit Oriented Development.

Best Practice: Invest in Land Conservation or Park Creation/Restoration via Community Preservation Act or other funds to protect land & provide outdoor recreation.

Best Practice: Plant Trees to increase tree cover in residential neighborhoods and other densely developed settings or Adopt a Tree Retention Bylaw/Ordinance to preserve and enhance tree cover.

Water Resource Management

Best Practice: Require Localized Flood Protection Best Practices, including Stormwater Management Measures to increase recharge, manage water movement, reduce pollution, and control flooding to protect lives, public safety, infrastructure, the environment, & critical assets.

Best Practice: Protect Public Water Sources in order to reduce potential threats to water quality and the public health of system customers; establish and maintain emergency connections with other municipal or regional systems.

Best Practice: Manage Water and Wastewater Assets for timely maintenance and rehabilitation, to lower energy use, and to reduce Infiltration and Inflow to minimize unintended storm and waste water in the system.

Best Practice: Implement Water Conservation Measures to ensure long-term water resource sustainability, enable growth & avoid new source development.

Best Practice: Utilize Advanced Financing Tools such as an enterprise fund, stormwater utility, full cost pricing, or water bank for water/waste/storm water systems.

Waste Management

Best Practice: Enhance Waste Ban Compliance so that recyclable and hazardous materials are diverted from the waste stream and reused or recycled and support markets for hard-to-recycle items such as mattresses.

Best Practice: Develop Waste Contracts that are fiscally, environmentally, and otherwise beneficial to the community.

Best Practice: Adopt Pay-As-You-Throw so that residents have an incentive to reduce trash disposal and save money.

Best Practice: Increase the Recycling Rate through regulatory improvements, service expansion, and other mean in order to reduce waste and disposal costs.

Best Practice: Enhance Education via Recycle Smart MA, the Recycling IQ Kit, etc. so residents throw away less, recycle more, & follow smart waste practices.

Best Practice: Work to increase residential and commercial composting by providing educational materials, tools and equipment, and other technical assistance to communities, residents, and businesses.

Site Cleanup

Best Practice: Complete a Brownfields Inventory so that the community is aware of all abandoned and underutilized properties and can develop plan of action.

Best Practice: Conduct Site Assessments to determine the nature and extent of contamination and develop a plan of action.

Best Practice: Facilitate Site Cleanup and Reuse to encourage assessment, cleanup, & reuse of privately held sites offer tax incentives or update regulation.

Agriculture

Best Practice: Adopt a Right to Farm By-law/Ordinance to clearly indicate that agriculture is a local priority and to minimize abutter conflicts.

Best Practice: Establish an Agricultural Commission to advocate for local farms, administer a right to farm bylaw, & otherwise represent agricultural interests.

Best Practice: Support Sustainable Forestry to help the forest economy in rural areas, improve forest habitats, and assist in the conservation of forest land.

Best Practice: Support Local Agriculture including Urban Agriculture, Aquaculture, Floriculture, & Horticulture, via education, marketing, promotion, and the Farm to School initiative to help local agricultural businesses increase awareness of and access to fresh as well as value-added agricultural products through the effort of an organized community farmers market and/or an agricultural fair/festival.

Best Practice: Establish a city/town/local Food Policy Council to address food system inequities, adopt policies/bylaws, and develop meaningful solutions to eradicate food insecurity in the region.

Best Practice: Commit to supporting the protection of agriculture in your community. Commit to co-holding Agricultural Preservation Restriction by contributing towards the acquisition of easements.

Best Practice: Identify and assess food aid and hunger relief programming efforts, education and outreach, and opportunities for collaboration with local farms, fisheries, processors, and distributors to engage and reach more community members.

Best Practice: Work with local school districts to put in place policies that attempt to purchase food from local farmers and encourage institutions to do the same.

Best Practice: Create an inventory of local farms and quantify the fiscal benefits to your community of keeping land in agriculture through a Cost of Community Services study. Also document the cultural and environmental benefits of agriculture in your town.

Financial Management Best Practices

Best Practice: Establish a Budget document that details all revenues and expenditures, provides a narrative describing priorities and challenges, and offers clear and transparent communication of financial policies to residents and businesses.

Best Practice: Develop, document and implement Financial Policies and Practices including reserve levels, capital financing, and use of Free Cash. Such policies should identify the responsible parties and procedural steps necessary to carrying out the directed strategy or action.

Best Practice: Develop and utilize a Long-range Planning/Forecasting Model that assesses both short-term and long-term financial implications of current and proposed policies, programs and assumptions over a multi-year period.

Best Practice: Prepare a Capital Improvement Plan that reflects a community's needs, is reviewed and updated annually, and fits within a financing plan that reflects the community's ability to pay.

Best Practice: Review and evaluate Financial Management Structure to ensure that the structure and reporting relationships of the community's finance offices support accountability and a cohesive financial team process.

Best Practice: Utilize Financial Trend Monitoring, modeled after the ICMA's Financial Trend Monitoring System (FTMS).

Housing and Economic Development Best Practices

Preparing for Success

Best Practice: Create an Economic Development Plan that engages diverse stakeholders, leverages local and regional economic strengths and assets, encourages innovation and entrepreneurship, and/or promotes workforce development planning and implementation.

Best Practice: Align Land Use Regulations, especially zoning, capital investments, and other municipal actions with Housing Development, Economic Development, Master, Land Use Priority or other plans for future growth. Promote development and reuse of previously developed sites.

Best Practice: Create and Distribute an Economic Development Guide/Manual to not only promote development goals and priorities, but also specifically and clearly outlines the community's policies and procedures related to zoning and permitting.

Best Practice: Create Opportunities for Engaging Diverse Stakeholders in economic development efforts, such as to assist with identification of priority development projects, improve local permitting processes, and proactively address obstacles to housing accessibility and affordability as well as job creation.

Best Practice: Create Cross-Sector Partnerships to help carry out community-driven responses to community-defined issues and opportunities for economic development.

Best Practice: Create a District Management Entity that engages public/private stakeholders to develop and support downtown revitalization efforts.

Best Practice: Adopt as-of-Right Zoning and/or Streamlined Permitting to promote development in priority districts.

Best Practice: Adopt Zoning for Mixed-Use Development, including Transit Oriented Development, where appropriate.

Best Practice: Adopt Chapter 40R Smart Growth zoning to facilitate the creation of dense residential or mixed-use smart growth zoning districts, including a high percentage of affordable housing units, to be located near transit stations, in areas of concentrated development such as existing city and town centers, and in other highly suitable locations.

Competitiveness

Best Practice: Engage in an Economic Development Self-Assessment exercise to identify strengths, weaknesses, and areas of opportunity.

Best Practice: Establish and Utilize Performance Data to evaluate the competitiveness of the community, conduct year to year comparisons, and measure performance against comparable communities.

Best Practice: Create a Public Dashboard to benchmark, monitor, and communicate to the public regarding various housing and economic development performance measures.

Housing

Best Practice: Create a Housing Production Plan (HPP) that accounts for changing demographics, including young families, changing workforce, and an aging population.

Best Practice: Amend Zoning By-Laws to allow for increased density and housing opportunities in a manner that is consistent with neighborhood character and supportive of aging in community.

Best Practice: Develop Sector Strategies and Plans in collaboration with various providers and stakeholders to address homelessness for specific high need population groups, such as homeless youth, veterans, older adults, and/or families.

Best Practice: Complete an Assessment of Fair Housing Report, including strategic goals in alignment with HUD's new rules to affirmatively further fair housing. Using HUD data, local data and knowledge, a significant community participation process, and the assessment tool provided by HUD, the community will prepare, complete, and submit its AFH to HUD.

Urban Renewal Planning

Best Practice: Determine need and appropriateness of establishing an Urban Renewal Entity in accordance with MGL chapter 121B. If prepared to proceed, develop action plan and timeline for the creation of the urban renewal entity.

Best Practice: Prepare an Urban Renewal Plan Application in accordance with MGL chapter 121B in partnership with the urban renewal entity.

Human Resources Best Practices

Best Practice: Cost-Out Collective Bargaining proposals so that the impact of the total package is known. This provides the municipality with a clear understanding of both short-term and long-term budgetary impacts.

Best Practice: Develop a Workplace Safety program so that the risk of on-the-job injuries is minimized.

Best Practice: Develop a formal Wage and Classification Plan that details, at a minimum, job descriptions, employee grades, and salary ranges, thereby providing the municipality with a tool to make pay decisions that are reasonable in comparison to similar work being carried out in all areas of city/town government.

Best Practice: Develop Employee Policies and Procedures for things such as discrimination, sexual harassment, information technology use, drug and alcohol, use of social media, and town-owned vehicles.

Best Practice: Manage employee benefit costs such as health insurance, dental insurance, unemployment insurance, and worker's compensation/111F; includes eligibility review and evaluation of insurance choices.

Best Practice: Prepare a Succession Plan to help address the pending wave of retirements that will challenge a municipality's ability to maintain service levels and utilize expertise and experience of mature workers through consulting or mentorship programs.

Best Practice: Explore Centralized Human Resources/Personnel Operations to improve service delivery and build efficiencies.

Information Technology Best Practices

Best Practice: IT Assessment - Perform a general IT assessment that results in a written evaluation and best practice recommendations. At a minimum, the assessment should include a review of hardware infrastructure, networking, backup, email and user account management.

Best Practice: Cybersecurity - Perform a cybersecurity assessment to identify human and technology risks within the environment, analyze and identify gaps in existing cyber security processes, assess vulnerability to external attack and identify steps to remediate identified issues.

Best Practice: Strategic Planning - Review technology organizational structure, spending and business goals across the community and develop a strategy to prioritize technology investments.

Best Practice: Regional/Shared Services - Design a regional shared IT services program to maximize technology resources across communities and/or school districts.

Best Practice: Business Continuity - Develop IT resiliency, recovery and contingency plans that are aligned with community realities and position the community to effectively manage unforeseen events.

Best Practice: Citizen Engagement - Develop a plan to improve digital communications with the public, including content structure on the website, practices around content creation and ownership and social media.

Best Practice: Transparency - Develop a document and/or records management strategy that results in operational efficiencies and improved responsiveness to the public.

Public Accessibility Best Practices

Best Practice: Undertake an Americans with Disabilities Act (ADA) Self-Evaluation and Develop a Transition Plan to comply with Federal civil rights laws that require public buildings to be accessible to persons with disabilities.

Best Practice: Strive for the Universal Participation (UP) designation from the Mass Cultural Council by encouraging and supporting arts and cultural facilities and events in the community.

Public Health Best Practices

Best Practice: Community Coalitions are critical partners for substance use disorder prevention that can be a pathway to becoming a Prevention Prepared Community. The Coalitions can use SAMHSA's Strategic Prevention Framework (SPF) Model as a guide for creating a thoughtful and comprehensive community prevention plan to address substance use and other related community issues. There are many prevention strategies to choose from with programs and practices that can be tailored to each unique community.

Best Practice: Assess where in the municipality overdoses occur and develop environmental solutions, such as: public education signage and outreach campaigns, ensuring that first responders carry naloxone and are trained in overdose response, and make street outreach teams aware of locations where overdose occur.

Best Practice: Using SAMHSA's Strategic Prevention Framework (SPF) to ensure a consistent data-driven planning process across the community to inform the selection of culturally responsive and sustainable strategies and prevention interventions that will have both a measurable effect and a meaningful impact on preventing the early onset of substance use disorder among youth, as well as addressing more acute issues such as reducing opioid misuse and preventing opioid overdoses.

Best Practice: Work to expand community access to all FDA-approved Medications for Opioid Use Disorder (MOUD), including promoting telehealth connections between patients and their providers where appropriate, coordinating with the criminal justice/correctional system and behavioral healthcare system, and making training on using MOUD available to addiction treatment and health/human services providers. Work to reduce stigma of substance use disorder and encourage evidence-based treatment.

Best Practice: Assess challenges posed by recent public health crises and identify opportunities for building public health infrastructure and staff capacity. Develop shared public health services with contiguous municipalities. Examples include environmental health; infectious disease prevention, reporting, and case management; emergency preparedness, including dispensing sites; animal and vector control; hazardous and toxic substances; inspections of retail food establishments, housing, recreational camps, and pools; and ability to set appropriate regulations, bylaws, and ordinances.

Best Practice: Convene local and state health and enforcement officials to develop a standardized response protocol, by region, for hoarding, including animal hoarding. Create a list of contacts and resources that can be accessed by the appropriate service agency, including but not limited to the: Department of Mental Health, Department of Children and Families, Executive Office of Elder Affairs, Disabled Persons Protection Commission, and the Department of Veteran's Services. The list should be reviewed and updated frequently to contain the most up-to-date information.

Best Practice: Healthy Community Design focuses on changing policies and practices to create conditions for people to eat better and move more where they live, learn, work, and play. Conduct a Built Environment Regulatory Review (BERR), a point-in-time evaluation of existing municipal policies/plans/regulations. The review will provide a baseline from which to prioritize strategies to promote walking and biking. This best practice can be combined with several other best practices that relate to municipal zoning and land-use.

Best Practice: Conduct a Community Food Assessment (CFAs), an evaluation of the food system within a single neighborhood/municipality/region that defines needs and assets to improve access to healthy foods. The evaluation may lead to a Community Food Plan that identifies priority actions (i.e., addition of food retail into a town's economic development plan). This best practice can be combined with several other best practices that relate to municipal zoning and land-use.

Best Practice: Implement and enforce evidence-based tobacco control strategies at the point of sale to reduce youth initiation of tobacco use.

Best Practice: Climate Change Adaptability Planning. Data collection, strategy development and planning at the local level are critical to the overall preparedness and long-term resilience to the effects of climate change. Develop a report that identifies: the range of climate impacts, associated potential health outcomes, vulnerable populations, the additional burden of health outcomes due to Climate Change, and the most suitable health interventions. Use the CDC's BRACE framework to develop and implement a plan that introduces health system program changes.

Best Practice: Develop foodborne illness outbreak protocols and assess capacity to enforce regulations that evaluate food systems.

Best Practice: Assess capacity to ensure all housing inspections include lead hazard identification and that lead inspections are conducted when requested by families with small children.

Best Practice: Local boards of health (LBOH) can take a leadership role to advance health equity by: 1) building internal infrastructure, 2) working across government; 3) fostering community partnerships, and 4) championing transformative change. LBOH may adapt strategic practices to advance health equity in local health both internally within their departments and externally with communities and other government agencies. DPH Office of Local and Regional Health and Office of Health Equity staff are available for support.

Best Practice: Implement the National CLAS Standards within local public health *to help advance and sustain culturally and linguistically appropriate services* by establishing a framework to serve the increasingly diverse communities.

Best Practice: Disaggregate data by race/ethnicity, income status, sexual orientation/gender identity and expression, and other key demographic factors to identify and address health inequities.

Best Practice: Collaborate with Emergency Management to ensure preparedness and planning efforts address gaps and ensure resiliency for essential public health and community functions. Using tools, such as CDC’s Social Vulnerability Index (SVI) and DPH’s Emergency Preparedness Portal, incorporate planning considerations for at-risk populations, including people with disabilities have access and functional needs in times of disasters and emergencies.

Public Safety Best Practices

Best Practice: Conduct Active Shooter Preparedness and Response Training in collaboration with the Massachusetts State Police Tactical Operations (STOP) Team, onsite with local law enforcement.

Best Practice: Establish an Emergency Preparedness Plan in partnership with the Massachusetts Emergency Management Agency (MEMA) to develop and enhance a community’s disaster and emergency response capabilities.

Best Practice: Establish Hazardous Material Response Protocols in conjunction with Regional Hazardous Materials Response Teams under the Department of Fire Services, to enable cities and towns to protect their citizens, the environment, and property during incidents involving a release or potential release of hazardous materials.

Best Practice: Hold In-service Training Programs for Municipal Police to better prepare local police officers and first responders for incidents involving domestic violence, mental health disorders, and substance abuse.

Best Practice: Convene an opioid task force, consisting of key stakeholders, to identify, implement, coordinate and improve strategies around the prevention, intervention, treatment and recovery of substance use disorders.

Best Practice: Adopt Standardized Tools for Domestic Violence Cases by partnering law enforcement with local domestic violence organizations to adopt a best practice policy on training and implementation of standardized, evidence informed danger and strangulation tools. Municipalities are encouraged to apply individually or as a collective.

Best Practice: Establish a Triad program (a partnership of three organizations—law enforcement, older adults, and community groups). This group maintains an ongoing schedule of community education to combat fraud and elder abuse involving the Attorney General’s Office, Office of Consumer Affairs and Business Regulation, District Attorneys, and other state agencies, as appropriate.

Regionalization/Shared Services Best Practices

Best Practice: Regionalize services and share resources among municipalities for efficient and effective service delivery to residents and taxpayers in this era of shrinking budgets, loss of seasoned employees to retirement, and increased need for service improvements.

Transportation / Public Works Best Practices

Safe Mobility

Best Practice: Develop a Safe and Mobile Older Drivers plan for the aging of the population by proactively addressing older driver issues, including education for older road users, infrastructure improvements, and transportation options.

Best Practice: Enhance citizen safety by establishing community-based programs to increase safety for all roadway users including pedestrian, bicycle, automobile, motorcycle, and alternative and shared mobility devices (ex. scooters and electric bikes). The community will demonstrate participation in the Commonwealth's Office of Public Safety and Security's trainings and conferences as well as the dissemination of public safety information to citizens. In addition to the Complete Streets program, communities are encouraged to participate in MassDOT's Shared Streets and Spaces grant program.

Best Practice: Ensure Safe Infrastructure so as to provide a safer environment for all users and modes by implementing traffic engineering enhancements. The municipality will demonstrate regular and routine improvements on locally-funded roads, such as cutting back vegetation at intersections where it is known to interfere with sight distance, clearing brush that obscures traffic signage, renewing or installing pavement markings, conducting nighttime surveys to check visibility and retro reflectivity, implementing traffic calming measures at known high crash locations.

Active Transportation

Best Practice: Implement Complete Streets by joining MassDOT's Complete Streets Funding Program and demonstrating the integration of Complete Streets principles into regular planning and design practices on local roadways.

Best Practice: Utilize Transit-Oriented Development (TOD) fundamentals to create zoning around transit centers that maximizes bike, pedestrian, and transit use and which allows for lower levels of required parking and mixed use to put needed amenities near population centers.

Best Practice: Develop a Safe Routes to School program that also includes student education on pedestrian safety.

Training

Best Practice: Participate in the Bay State Roads, which provides on-going training and helps municipalities share ideas and information with other communities about state-of-the-art planning, design, and operational information for city and town public works managers.

Asset and Infrastructure Management

Best Practice: Inventory and Geo-Code all public works assets so that a database of every public works asset is created, geocoded and condition rated, which is used to inform capital planning, as well as emergency repair.

Best Practice: Develop a Pavement Condition Index that rates street condition for the municipality.

Best Practice: Develop a Multi-Year Vehicle Maintenance and Replacement Plan for their municipal vehicle fleet.

Best Practice: Develop a Bridge / Culvert Preventative Maintenance plan to help prolong the life of these critical transportation assets.

ATTACHMENT B

Housing Choice Best Practices

Note: DLTA funds shall not be used for any activities related to assertion of the General Land Area Minimum (GLAM) (1.5% of total land area) safe harbor under 760 CMR 56.03 (b) (Chapter 40B).

Best Practices that support affordable housing are shown in *italics* below

1. Have at least one zoning district that allows multifamily by right (in addition to 40R districts) where there is capacity to add units and that allows for family housing that is not age restricted and does not restrict units with more than 2 bedrooms (or have a pattern of approving such developments over the last 5 years)
2. *Have Inclusionary Zoning that provides for reasonable density increases so that housing is not unreasonable precluded*
3. *Have an approved 40R Smart Growth or Starter Homes district. Please note, that if your community repealed its only 40R district, it no longer qualifies for this best practice.*
4. Have zoning that allows mixed use or cluster / Open Space Residential development by right that is not part of a 40R district (or have a pattern of approving such developments over the last 5 years)
5. Have zoning that allows for accessory dwelling units by right (or have a pattern of approving ADUs over the last 5 years)
6. *Designated local resources for housing such as established an Affordable Housing Trust, donated land, or spent substantial Community Preservation Act (CPA) funds for community housing over the last 5 years.*
7. Reduced parking requirement for Multi-Family units within the last 5 years or require no more than 1 parking space per unit for multifamily units.
8. Provide evidence of education and training for a majority of members on a land use board (Planning Board, Board of Appeals, Select Board and/or City Council) from **Citizen Planner Training Collaborative**, Massachusetts Housing Partnership's **Housing Institute**, Community Development Partnership's **Lower Cape Housing Institute**, or Urban Land Institute's (ULI's) **Urban Plan Public Leadership Institute** over the last 5 years.
9. *Have units currently eligible for inclusion in the Subsidized Housing Inventory (SHI) that equal or exceed 10% of total year round housing stock according to the DHCD subsidized housing inventory, where such 10% was not reached after local comprehensive permit(s) were denied or conditioned and had the denial or condition overturned by the Housing Appeals Court (HAC).*

10. *Have increased your community's SHI by at least 2.5% points in the last 5 years where such increase was not reached after local comprehensive permit(s) were denied or conditioned and had the denial or conditions overturned by HAC.*
11. *Selected a housing best practice as part of a Community Compact*
12. *Participate in the Housing Development Incentive Program (HDIP), have adopted an Urban Center Housing Tax Increment Financing district, approved District Improvement Financing (DIF) related to housing, have adopted an Urban Renewal Plan that includes a significant Housing element.*
13. *Have adopted local option property tax relief programs for income eligible seniors either as provided for by statute (MGL c. 59 section 5) or through a home rule petition; OR have adopted a Community Impact Fee for short term rentals (MGL c. 64G, section 3D) where your community has committed in writing to using a portion of such revenues for affordable housing.*
14. *Have a CERTIFIED Housing Production Plan which means that you have an DHCD approved Housing Production Plan and have subsequently seen an increase of 0.5% or 1% in your year round housing units (see <https://www.mass.gov/service-details/chapter-40-b-housing-production-plan> for more information)*

www.mass.gov/housingchoice



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

59 TOWN HALL SQUARE, FALMOUTH, MA 02540
508-495-7460 – FAX 508-495-7463

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified that:

Application #106-22 Neftali Martinez and Yvonne Acosta Martinez, 205 Edgewater Drive East, East Falmouth, Ma.: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A and 240-11.3A(4) (formerly 240-3 C. and 240-69 E.) of the Code of Falmouth to construct additions and a second floor to the non-conforming dwelling, increasing lot coverage by structures on subject property known as 205 Edgewater Drive East, East Falmouth, MA.

Map 32 Section 17 Parcel 000H Lot(s) 040

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, February 2, 2023 at 6:30PM**
You are invited to be present.

By Order of the Board of Appeals,
Chairman, James T. Morse

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:00 AM to 4:00 PM. *Plans are available to review at <https://www.falmouthma.gov/1113/Applications-under-review-by-the-ZBA>



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

59 TOWN HALL SQUARE, FALMOUTH, MA 02540
508-495-7460 – FAX 508-495-7463

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified that:

Application #108-22 Sandra J. Charbonneau, et al, 145 Greenwood Drive, South Windsor, CT.:
Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-6.6B (formerly 240-23 G.(1)) of the Code of Falmouth to construct two (2) additional bays to the existing detached 2-car garage on subject property known as 186 Clinton Avenue, Falmouth, MA.

Map 47C Section 03 Parcel 016 Lot(s) 005AU & 005BU

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on
Thursday, February 2, 2023 at 6:30PM
You are invited to be present.

By Order of the Board of Appeals,
Chairman, James T. Morse

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:00 AM to 4:00 PM. *Plans are available to review at <https://www.falmouthma.gov/1113/Applications-under-review-by-the-ZBA>



**TOWN OF FALMOUTH
MASSACHUSETTS**

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by Kevin O'Boy and Eileen Strong O'Boy, 1 Lookout Avenue, Falmouth, Ma.

(Map 46B Lot 001) under 240-10.1 C(3) of the Zoning By-Law, as amended to **grant** the special permit to remove a portion of the existing dwelling, remove and rebuild the roof over a portion of the existing dwelling, renovate the interior and exterior of the existing dwelling and rebuild the rear one-story portion of the dwelling.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **January 23, 2023** which is the date the Decision was filed in the office of the Town Clerk.

Please contact Noreen Stockman at 508-495-7460
or Noreen.stockman@falmouthma.gov if you have any questions or comments
full text of decision available at <http://www.falmouthmass.us>

Town of Sandwich
THE OLDEST TOWN ON CAPE COD



Board of Appeals

100 Route 6A
Sandwich, MA 02563
Phone: 508-833-8001
E-mail: planning@sandwichmass.org

**Special Permit
Certificate of Approval**

Petition # 22-26
Current Property Owner(s): Helen E. Hamilton
Applicant: Sticks and Stones
Property Address: 24 Feake Avenue
Map, Parcel 94-012

**TOWN CLERK
TOWN OF SANDWICH**

JAN 11 2023

**12 H 30 M P MZ
RECEIVED & RECORDED**

On January 10, 2023, the Board of Appeals voted to approve a special permit from Sections 1330 & 2420 of the Sandwich Zoning By-law for property located at 24 Feake Avenue as shown on Assessor's Map 94, Parcel 012, for the purpose of increasing a pre-existing non-conforming structure by more than 30%.

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to approve a special permit and that copies of said decision, and of all plans referred to in the decision, have been filed with the Board of Appeals and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 provides that no special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town clerk that twenty days have elapsed after the decision has been filed in the office of the town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The owner or applicant shall pay the fee for such recording or registering. A copy of that registered decision shall be returned to the Planning & Development office as proof of filing.

Any person aggrieved by this decision may appeal to the Superior Court or Land Court as in Section 17 of Chapter 40A, M.G.L. by filing a NOTICE OF ACTION AND COMPLAINT with the Town Clerk within twenty (20) days of the date of filing of this decision.


Board of Appeals Member

1/11/2023
Date

PROCEDURAL HISTORY

1. Application from sections 1330 & 2420 of the Zoning By-Law for property located at 24 Feake Avenue was filed on November 21, 2022.
2. After proper notice was given the public hearing was opened on December 13, 2022, closed on December 13, 2022 and reopened and closed on January 10, 2023.
3. The application was accompanied by a Site Plan entitled:
Proposed House Addition Plan
#24 Feake Avenue
Sandwich, MA 02563
Prepared for Kathy Peterson and Brian Peltier
Dated: February 1, 2021
4. The Board reviewed the application and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:

James Killion
Erik Van Buskirk*
Mary Foley
Kevin Kirrane
Robert Jensen*

*Missed one meeting, but listened to the full audio recording and reviewed all materials in the project file, which allows the member to participate in the deliberation of this decision under general law c. 39.

FINDINGS

The Zoning Board of Appeals finds that:

1. The Board of Appeals finds that this application meets the requirements of Section 9, M.G.L. Chapter 40A.
2. Subject property is located within the R1 Zoning District.
3. Applicant proposes to construct a 224 s.f. addition.
4. The proposed addition increases the non-conforming nature of the structure by over 30%. The increase is approximately 33.7%.
5. Lot coverage increases from 27% to 31%.
6. The proposed addition meets setback requirements, 6 ft. on one side and 8 ft. on the other, for a lot that predates zoning.
7. The reconstruction of a non-conforming structure is not substantially more detrimental to the neighborhood than the existing nonconforming structure.
8. Section 1330 requirements:

- a) The Board of Appeals does not find that there are conditions peculiar to this case but not generally true for similar permitted uses on other sites in the same district;
- b) The Board of Appeals finds that nuisance, hazard or congestion will not be created;
- c) The Board of Appeals finds that there will not be substantial harm to the neighborhood;
- d) The Board of Appeals finds that there is no derogation from the intent of the bylaw such that the districts' objectives will be satisfied.

Motion: I, Mary Foley, move to adopt these findings as the findings of the Board of Appeals.

Second: Kevin Kirrane

Vote:	James Killion	Yes
	Erik Van Buskirk	Yes
	Mary Foley	Yes
	Kevin Kirrane	Yes
	Robert Jensen	Yes

CONDITIONS:

At the public hearing, the Board of Appeals considered potential conditions of approval for the special permit. The Board of Appeals voted that the following conditions of approval shall be imposed upon any approval of a special permit and that these conditions are reasonable and that the applicant and its successor-in-interest shall be bound by these conditions:

1. Failure to comply with all the conditions set forth in this decision shall terminate the grant of this special permit.
2. Pursuant to the requirements of Sandwich Protective Zoning By-law Section 1330, the grant of special permit shall expire upon:
 - a) Transfer of ownership, prior to initiation of substantial construction on or occupancy of the site unless such transfer is authorized in this permit, or
 - b) If no substantial construction or occupancy takes place within (3) three years of special permit approval, excluding such time required to pursue or await the determination of an appeal referred to in MGL C 40A, Section 17.
3. The special permit shall not take effect until it is recorded at the Barnstable County Registry of Deeds and a copy of the recorded special permit is provided to the Board of Appeals.

Motion: I, Robert Jensen, move to impose the above conditions of approval upon any approval of the special permit.

Second: Kevin Kirrane

Vote:	James Killion	Yes
	Erik Van Buskirk	Yes
	Mary Foley	Yes
	Kevin Kirrane	Yes
	Robert Jensen	Yes

DECISION:

After reviewing the application, the plan and other materials submitted and after giving due consideration to testimony given at the public hearing, the Board hereby approves the special permit application for property located at 24 Feake Avenue as shown on Assessor's Map 94, Parcel 012, for the purpose of increasing a pre-existing non-conforming structure by more than 30%.

Motion: I, James Killion, move to approve the special permit application.

Second: Kevin Kirrane

Vote:	James Killion	Yes
	Erik Van Buskirk	Yes
	Mary Foley	Yes
	Kevin Kirrane	Yes
	Robert Jensen	Yes

Town of Sandwich
THE OLDEST TOWN ON CAPE COD



Board of Appeals

100 Route 6A
Sandwich, MA 02563
Phone: 508-833-8001
E-mail: planning@sandwichmass.org

Appeal of the Decision of Building Commissioner CERTIFICATE OF DENIAL

PROPERTY ADDRESS: 115 Salt Marsh Road
NAME OF APPLICANT: Scott and Donna Floeck

TOWN CLERK
TOWN OF SANDWICH
JAN 11 2023

12 H 30 M P MSL
RECEIVED & RECORDED

On January 10, 2023 the Board of Appeals voted to deny an Appeal of the Decision of the Building Commissioner for 115 Salt Marsh Road Sandwich, MA, Assessors Map 77 Parcel 70 for the purpose of appealing the Building Commissioner's zoning determination relating to the construction of a boathouse dated October 26, 2022.

The Board of Appeals certifies that this certificate is a true and correct copy of the decision to deny the Appeal of the Decision of the Building Commissioner and that copies of said decision, and of all plans referred to in the decision, have been filed with the Board of Appeals and the Town Clerk.

Any person aggrieved by this decision may appeal to the Superior Court or Land Court as in Section 17 of Chapter 40A, M.G.L. by filing a NOTICE OF ACTION AND COMPLAINT with the Town Clerk within twenty (20) days of the date of filing of this decision.


Board of Appeals Member

1/11/2023
Date

PROCEDURAL HISTORY

1. Application for Appeal of the Decision of the Building Commissioner was received on November 16, 2022 for the purpose of appealing a written zoning determination of the Building Commissioner dated October 26, 2022.
2. After proper notice was given, the public hearing was opened on December 13, 2022 and closed January 10, 2023.
3. The application was not accompanied by a site plan.
4. The Board reviewed the application and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:

James Killion
Robert Jensen
Erik Van Buskirk
Chase Terrio
Mary Foley

FINDINGS

1. The Board of Appeals finds that this application meets the requirements of Section 8, M.G.L. Chapter 40A.
2. The Board of Appeals finds that the subject property is located in the R-2 zoning district.
3. The subject property consists of 20,500 s.f. with 50 ft. of frontage on Foster Road. The entire parcel is wetlands resource area and therefore has 0 buildable upland.
4. The applicant wishes to construct a boathouse. Under section 2200 a boathouse is listed as an accessory use.
5. The Board of Appeals does not find that an accessory use can be sought without the establishment of a primary use.

Motion: I, Robert Jensen, move to adopt these findings as the findings of the Board of Appeals.

Second: Mary Foley

Vote:	James Killion	Yes
	Robert Jensen	Yes
	Erik Van Buskirk	Yes
	Chase Terrio	Yes
	Mary Foley	Yes

DECISION

After reviewing the application, the plan and other materials submitted and after giving due consideration to testimony given at the public hearing, the Board hereby denies the Appeal of the Decision of the Building Commissioner, for property located at 115 Salt Marsh Road Sandwich, MA, Assessors Map 77 Parcel 70 for the purpose of appealing the Building Commissioner's zoning determination relating to the construction of a boathouse dated October 26, 2022.

Motion: I, James Killion , move to deny the Appeal of the Decision of the Building Commissioner.

Second: Robert Jensen

Vote:	James Killion	Yes
	Robert Jensen	Yes
	Erik Van Buskirk	Yes
	Chase Terrio	Yes
	Mary Foley	Yes

Town of Sandwich
THE OLDEST TOWN ON CAPE COD



Board of Appeals

100 Route 6A
Sandwich, MA 02563
Phone: 508-833-8001
E-mail: planning@sandwichmass.org

VARIANCE DECISION
Certificate of Approval

TOWN CLERK
TOWN OF SANDWICH

JAN 11 2023

12 H 30 M 7 M
RECEIVED & RECORDED

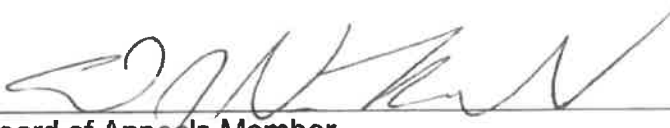
Name of Applicant: **Scott and Donna Floeck**
Address: **115 Salt Marsh Road**

On January 10, 2023 the Board of Appeals voted to approve a Variance for 115 Salt Marsh Road Sandwich, MA, Assessors Map 77 Parcel 70 for the purpose of constructing a boathouse.

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to approve a variance and that copies of said decision, and of all plans referred to in the decision, have been filed with the Board of Appeals and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 provides that no variance, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town clerk that twenty days have elapsed after the decision has been filed in the office of the town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The owner or applicant shall pay the fee for such recording or registering. A copy of that registered decision shall be returned to the Planning & Development office as proof of filing.

Any person aggrieved by this decision may appeal to the Superior Court or Land Court as in Section 17 of Chapter 40A, M.G.L. by filing a NOTICE OF ACTION AND COMPLAINT with the Town Clerk within twenty (20) days of the date of filing of this decision.


Board of Appeals Member

1/11/2023
Date

PROCEDURAL HISTORY

1. Variance application from Section 1321 of the Zoning By-Law for property located at 115 Salt Marsh Road was filed on November 16, 2022.
2. After proper notice was given, the public hearing was opened on January 10, 2023 and closed January 10, 2023.
3. The application was not accompanied by a site plan.
4. The Board reviewed the application and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:

James Killion
Robert Jensen
Erik Van Buskirk
Chase Terrio
Mary Foley

FINDINGS

The Zoning Board of Appeals finds that:

1. Subject property is located within the R-2 Zoning District.
2. The subject property consists of 20,500 s.f. with 50 ft. of frontage on Foster Road. The entire parcel is in a wetlands resource area and therefore has 0 buildable upland.
3. The applicant wishes to construct a 320 s.f. boathouse with a 190 s.f. deck.
4. The applicant is citing a hardship due to the wetlands on the property.
5. The use of a boathouse is an accessory use. An accessory use cannot be sought where a primary use is not established. Use variances are prohibited.
6. The Board of Appeals finds that:
 - a) A literal enforcement of the provisions of this bylaw involves a substantial hardship, financial or otherwise,
 - b) The hardship is owing to circumstances relating to the soil conditions, shape, or topography of such land or structures but not affecting generally the zoning district in which it is located.
 - c) Desirable relief may be granted without substantial detriment to the public good, or nullifying or substantially derogating from the intent or purpose of this by-law.

Motion: I, Robert Jensen, move to adopt these findings as the findings of the Board of Appeals.

Second: Chase Terrio

Vote:	James Killion	No
	Robert Jensen	Yes
	Erik Van Buskirk	Yes
	Chase Terrio	Yes
	Mary Foley	Yes

CONDITIONS:

At the public hearing, the Board of Appeals considered potential conditions of approval for this variance. The Board of Appeals voted that the following conditions of approval shall be imposed upon any approval of a variance and that these conditions are reasonable and that the applicant and its successor-in-interest shall be bound by these conditions:

1. Failure to comply with all the conditions set forth in this decision shall terminate the grant of this variance.
2. The variance shall not take effect until it is recorded at the Barnstable County Registry of Deeds and a copy of the recorded Variance is provided to the Board of Appeals.
3. No septic facilities shall be allowed on this site.

Motion: I, James Killion, move to impose the above conditions of approval upon any approval of the variance.

Second: Robert Jensen

Vote:	James Killion	No
	Robert Jensen	Yes
	Erik Van Buskirk	Yes
	Chase Terrio	Yes
	Mary Foley	Yes

DECISION:

Motion: I, Robert Jensen, move to approve the variance application.

Second: Mary Foley

Vote:	James Killion	No
	Robert Jensen	Yes
	Erik Van Buskirk	Yes
	Chase Terrio	Yes
	Mary Foley	Yes

Town of Sandwich
THE OLDEST TOWN ON CAPE COD



Board of Appeals

100 Route 6A
Sandwich, MA 02563
Phone: 508-833-8001
Fax: 508-833-8006
E-mail: planning@sandwichmass.org

**Special Permit
Certificate of Approval**

Petition #	22-28
Current Property Owner(s):	Lindsay and Lisa Burns
Applicant:	Lindsay and Lisa Burns
Property Address:	24 Sandy Neck Road
Map, Parcel:	50-065

**TOWN CLERK
TOWN OF SANDWICH**

JAN 11 2023


**12 H 30 M 7 MS
RECEIVED & RECORDED**

On January 10, 2023 the Board of Appeals voted to approve a special permit from Sections 1330 and 2220 of the Sandwich Zoning By-law for property located at 24 Sandy Neck Road as shown on Assessor's Map 50, Parcel 065, for the purpose of operating a personal kennel accessory to a residential use.

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to approve a special permit and that copies of said decision, and of all plans referred to in the decision, have been filed with the Board of Appeals and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 provides that no special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town clerk that twenty days have elapsed after the decision has been filed in the office of the town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The owner or applicant shall pay the fee for such recording or registering. A copy of that registered decision shall be returned to the Planning & Development office as proof of filing.

Any person aggrieved by this decision may appeal to the Superior Court or Land Court as in Section 17 of Chapter 40A, M.G.L. by filing a NOTICE OF ACTION AND COMPLAINT with the Town Clerk within twenty (20) days of the date of filing of this decision.


Board of Appeals Member

1/11/2023
Date

PROCEDURAL HISTORY

1. An application from sections 1330 & 2220 of the Zoning By-Law for property located at 24 Sandy Neck Road was filed on December 20, 2022.
2. After proper notice was given the public hearing was opened on January 10, 2023 and closed on January 10, 2023.
3. The application was not accompanied by a site plan.
4. The Board reviewed the application and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:

James Killion
Erik Van Buskirk
Chase Terrio
Mary Foley
Kevin Kirrane

FINDINGS

The Zoning Board of Appeals finds that:

1. The Board of Appeals finds that this application meets the requirements of Section 9, M.G.L. Chapter 40A.
2. Subject property is located within the R2 Zoning District.
3. Applicant wishes to operate a personal kennel consisting of 5 dogs accessory to a residential use.
4. Section 1330 requirements:
 - a) The Board of Appeals does not find that there are conditions peculiar to this case but not generally true for similar permitted uses on other sites in the same district;
 - b) The Board of Appeals finds that nuisance, hazard or congestion will not be created;
 - c) The Board of Appeals finds that there will not be substantial harm to the neighborhood;
 - d) The Board of Appeals finds that there is no derogation from the intent of the bylaw such that the districts' objectives will be satisfied.
5. This kennel has been licensed and in operation for 18 years.
6. The building commissioner states that there have been no complaints relative to the kennel operation.

Motion: I, Chase Terrio, move to adopt these findings as the findings of the Board of Appeals.

Second: Mary Foley

Vote:	James Killion	Yes
	Erik Van Buskirk	Yes
	Chase Terrio	Yes
	Mary Foley	Yes
	Kevin Kirrane	Yes

CONDITIONS:

At the public hearing, the Board of Appeals considered potential conditions of approval for the special permit. The Board of Appeals voted that the following conditions of approval shall be imposed upon any approval of a special permit and that these conditions are reasonable and that the applicant and its successor-in-interest shall be bound by these conditions:

1. Failure to comply with all the conditions set forth in this decision shall terminate the grant of this special permit.
2. Pursuant to the requirements of Sandwich Protective Zoning By-law Section 1330, the grant of special permit shall expire upon:
 - a) Transfer of ownership, prior to initiation of substantial construction on or occupancy of the site unless such transfer is authorized in this permit, or
 - b) If no substantial construction or occupancy takes place within (3) three years of special permit approval, excluding such time required to pursue or await the determination of an appeal referred to in MGL C 40A, Section 17.
3. The special permit shall not take effect until it is recorded at the Barnstable County Registry of Deeds and a copy of the recorded special permit is provided to the Board of Appeals.
4. Applicant shall implement measures to mitigate noise to adjacent properties. These may include but not be limited to fencing or vegetation along the property line or around the pen.
5. Special Permit is limited for use to the property owner as a breeder and not open to the public.
6. Fecal waste is to be removed off site and not composted or buried on site.

Motion: I, Kevin Kirrane, move to impose the above conditions of approval upon any approval of the special permit.

Second: Mary Foley

Vote:	James Killion	Yes
	Erik Van Buskirk	Yes

Chase Terrio	Yes
Mary Foley	Yes
Kevin Kirrane	Yes

DECISION:

After reviewing the application, the plan and other materials submitted and after giving due consideration to testimony given at the public hearing, the Board hereby approves the special permit application for property located at 24 Sandy Neck Road as shown on Assessor's Map 50, Parcel 065, for the purpose of operating a personal kennel accessory to a residential use.

Motion: I, James Killion, move to approve the special permit application.

Second: Mary Foley

Vote:	James Killion	Yes
	Erik Van Buskirk	Yes
	Chase Terrio	Yes
	Mary Foley	Yes
	Kevin Kirrane	Yes

Town of Sandwich
THE OLDEST TOWN ON CAPE COD



Planning Board

100 Route 6A
Sandwich, MA 02563
Phone: 508-833-8001
Fax: 508-833-8006
Email: planning@sandwichmass.org

TOWN OF SANDWICH PUBLIC HEARING NOTICE PLANNING BOARD

The Sandwich Planning Board will hold a Public Hearing on the application of Darren & Tina Meyer, Applicants and Property Owners, for a Special Permit for property located at 7 Stonefield Drive, Map #68 Parcel #48, East Sandwich, MA, for the purpose of constructing an accessory dwelling unit. The Public Hearing will be held on February 7, 2023, at the Sand Hill School Community Center, 16 Dewey Avenue, Sandwich, MA at 6:00 p.m. The public record information can be viewed at the Planning & Development office, 100 Route 6A, Sandwich, MA during normal business hours, Monday – Friday, 8:30 a.m. to 4:30 p.m.

Jeffrey R. Picard, Chair, Sandwich Planning Board
Publication: Sandwich Enterprise
Publication Dates: January 20 and January 27, 2023