



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Meeting of the Mashpee Planning Board

Wednesday, April 20, 2022

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 April 6, 2022

Public Discussion

New Business

- LCP Update – Kick Off Event debrief and discussion, next steps

Chairman's Report

- Correspondence relating to comments delivered to the Select Board on 4/11/2022

Town Planner Report

- Update on Popponessett Overlay District
- Floodplain Bylaw amendments
- Cottage Court Zoning

Board Member Committee Reports

- Cape Cod Commission, Community Preservation Committee, Design Review, Plan Review, Environmental Oversight Committee, Historic District Commission, Military Civilian Advisory Council.

Correspondence

- Town of Falmouth Notices
- Town of Sandwich Notices
- Cape Cod Commission notice regarding DLTA Funding
- Cape Cod Commission regarding Mashpee Fire Substation Monopole DRI
- February 2022 Discharge Monitoring Report for South Cape Village – N= 3.6
- January 2022 Discharge Monitoring Report for South Cape Village – N=2.1
- December 2021 Discharge Monitoring Report for South Cape Village – N=1.32

Additional Topics (not reasonably anticipated by Chair)

Adjournment

MASHPEE TOWN CLERK

APR 15 2022

RECEIVED BY: _____



Town of Mashpee

Planning Board

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**Mashpee Planning Board
Minutes of Meeting
Wednesday, April 6, 2022 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.mashpeema.gov/channel -18>**

Present: Chairman John Fulone, Jack Phelan, Mary Waygan, Joseph Callahan, Dennis Balzarini

Also Present: Evan Lehrer – Town Planner, Ed Pesce – Consulting Engineer, Michael & Lisa Cannata – Wildfire Pizzeria, Kieran Healy- BSC Group, Attorney Christopher Kirrane- Representing Forestdale Road, LLC

Virtually Present: Caroline Wells – Weston & Sampson

Absent: Robert (Rob) Hansen

CALL TO ORDER

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

APPROVAL OF MINUTES – March 16, 2022

There were no comments regarding the meeting minutes.

MOTION:

Ms. Waygan moved to accept the minutes for March 16, 2022 as written. Seconded by Mr. Callahan. All in favor. Mr. Phelan abstained.

PUBLIC DISCUSSION

All Public Discussion related to Public Hearings.

PUBLIC HEARINGS

7:10P.M.:

Applicant:	Michael and Lisa Cannata, owners of Wildfire Pizzeria
Location:	2B Center Street (Map 36, Parcel 47)
Request:	The applicant requests a modification of an approved special permit at 2B Center Street, Mashpee, MA 02649 owned by William Lovely. The subject lot is located in the C-2 Commercial Zoning, Mashpee Center Overlay District, and the Groundwater Protection District. The request is to modify the special permit to



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increase the number of allowed seats to 35, from 12, with some outdoor seating. This application is made pursuant to Mashpee Zoning Bylaw Sections 174-25 (E) (2), 174-25 (I) (10) and 174-24 (C) (9).

Mr. Phelan would like to disclose that Mr. Cannata is a former member of the Mashpee Fire Department. He has filed appropriate paperwork with the Town Clerk and his participation in this matter is unbiased.

Michael Cannata grew up in Mashpee and was in the fire service. He was in the building profession and decided to open an Italian style pizzeria and gas station. He went to pizza school in Staten Island, NY. His roots are here, and they opened six years ago. They were subletting from the convenient store side who lost their lease. It was very short notice and abrupt and took wind out of their sails. A customer offered a building that would meet their needs. The building seemed great as it was built out to be a restaurant with proper septic. What they are seeking approval for now is some interior build out.

Lisa Cannata commented that her husband was a builder for 30 years. They are both military and eventually needed something to retire into. They started looking at building a business to buy. She couldn't stand behind the product if it was not done right so they then went to New York for schooling to be able to provide the right product. Once they started up they realized they filled a need for the residents of Mashpee and ended up with a very successful business. They ended up on Phantom Gourmet. People love their story, their food, and it's become a piece of the town. Watching the town come behind them with outpouring support was huge and motivating to find a new location.

Mr. Cannata stated the people really like their product and the husband and wife are very humbled by the public's support. It really compelled them to reopen when they weren't certain they would. They are a single oven operation and by 6:30p.m. they would have to stop taking orders. They were either going to walk away or grow, which couldn't be done in that space. It was a blessing in disguise. This new place is bigger with septic and a great location. It will be a good spot for them. There is no risk of failure in that location. It is worth the substantial financial investment. They need that extra seating in order to be successful. They will bring life and energy into the town center. It's missing food service in the vicinity.

The Chairman of the Board of Trustees for Main Street Village apartments is present to speak on this matter. He inquired how this is going to impact the 24 other owners who live in the front yard of this pizzeria. Everyone likes pizza, he will not deny. However, this will have to be a wait and see. He doesn't know anything about the pizza place and a lot of neighbors have concerns being in the front yard. He notes Main Street village is not a big area, it is a compact condo association. Personally, he would like to see them open, but he is unsure how it will happen. He is also concerned about outside dining, entertainment, trash, loud music, and the dumpsters. William Lovely owns the whole parking lot. The entrance to Main Street Village is for cars. There is no way delivery vehicles can come in off of Rt. 130. Decisions cannot be made 100% until we see how this goes. He would like to give them a chance but have them earn the 35 seats. That intersection is not very safe, especially in the Summer. His



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responsibility is for the other tenants. Twelve seats will be alright, it will be mostly takeout, and maybe some months down the road the 35 seats could be added.

Another tenant/trustee, Joe Davina, a pizza lover, hopes they do well. He is concerned about the tractor trailers coming into the subdivision making deliveries. They aren't even open and already they want to triple the size. He thinks that's a perk you have to work towards, then come before the Board and request. Someone needs to do their homework, and if there are no qualms then they should get it.

Mr. Balzarini asked if the couple ever talked to the people in the association, as that should have been done in the beginning. This used to be a restaurant.

Ms. Cannata commented this was built to be a restaurant but it never came into fruition. She was just there today and watched a truck with lumber way larger than any delivery truck drive in take the circle and turn around because he needed to change his direction. Deliveries are once a week and usually early in the morning and would circumvent that circle. They have to invest a lot of money into the building. They have taken a loan and need to pay it back, if the seats are taken away they are forced to earn less profit. They have zero interest in outdoor/indoor entertainment. The outdoor seating is minimal, not people strewn about, with a couple tables under the awning.

Mr. Cannata also commented the pizzeria is quite a distance from the residential. Residents won't even know they are there.

Mr. Lehrer stated it is 235 feet apart in distance.

Ms. Cannata stated that by having seating, traffic flow will be less frequent because people aren't coming in and out for takeout. The traffic flow of takeout is continuous. More seating ensures a steadier flow of business.

Bill Lovely, owner of the building, approached the HOA and talked with Tina, the Manager for the Association. She answered every question, so he is unsure where the lack of communication rests. These are small delivery trucks. As Mr. Phelan would surely agree, it's designed to handle a ladder truck. It's a commercial building originally permitted for a 12 seat restaurant. As stated, they need extra seats in order to justify building out the space. He got an email from the Board of Trustees Chairman in full support, again he was surprised to see him here with questions.

Ms. Waygan asked if there was a plan of the site. The site plan was projected up on the screen. She made note of the floor plan in the packet showing 24 seats.

Mr. Cannata stated the final floor plan will be similar but that was the first rendition. There is zero exterior work being done. The interior work is 100% nonstructural and minimally invasive to the building and surrounding properties.



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Ms. Waygan asked where the exterior seating would be located. She asked if they had an estimation of how many tables.

Mr. Cannata commented that the exterior seating is under the overhang outside. There will be two high tops with four chairs at each, totaling 8 seats. It may only be 2 chairs, he will have to see how it looks.

Ms. Waygan asked if they would accept a condition for a no entertainment license, they could come back to the Board later if they wanted to implement. She asked if there has been any analysis for the site having enough parking for 35 seats.

Mr. Lehrer stated this is a commercial center for two buildings. There is massive overflow of parking. He does not have a specific numeric value but he can follow up.

Ms. Waygan inquired if there were any plans for the second building.

Mr. Lovely does not have any current plans as it is not economical right now.

Mr. Lehrer commented about the wastewater having to be taken into consideration. This is something the property owner would need to consider.

Ms. Waygan stated a special permit modification.

Mr. Lehrer expressed this is code related, the other building is approved, and there is more than ample parking and wastewater. All of this seating and exterior seating would contribute to overall seating numbers. Outdoor seating is not in addition to what is inside.

Ms. Waygan commented if the Board does continue, she would like to see more information on the parking. She would also like to know more thoughts on traffic management. There are some creative ideas that having seats would reduce the traffic. If Grubhub or delivery starts they will have to consider the neighbors.

Ms. Cannata is adamant they will never deliver. As it is they have a hard enough time staffing. Putting a staff member in a car to deliver is a negative. Pizza is best when fresh. The death of a pizza happens once it goes in the box. They only par cook the pizza, and when the customer comes in it goes back in the oven to finish cooking. The customer will never leave with a cold pizza. He stands behind his product. When you deliver you lose control over the product.

Mr. Lehrer asked how much seating they had at the gas station.

Mr. Cannata stated they had 12 or 13.

Mr. Lehrer did some quick math and 35/4 is roughly 8 tables.



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Mr. Cannata wants to go bigger but not too big. Running a restaurant is not easy, the more they grow the more of a headache it becomes. The biggest reason for a size increase was to handle the volume of calls, it was getting to a point they couldn't keep up with the one oven. The oven takes up majority of the space and he had no other cooking device. Everything was cooking in the brick oven.

Chairman Fulone inquired if the hearing impaired gentleman was here for all three Public Hearings.

Mr. Lehrer replied he was here for the following Public Hearing at 7:20p.m.

Mr. Davina, the trustee/tenant who voiced his concerns previously, lives in the cul-de-sac at the end of the circle. There are no rocks or anything around the perimeter. When a truck comes down he is the one fixing it. They cannot make the circle. He is not talking even a trailer, and he is speaking from experience. All they are asking is for this to be tabled for a few months and let them earn it. If there are no issues, then give it to them. There is only one entrance in that subdivision. There are issues that need addressing.

Gordon Luciano posed a couple questions. Will the pizza place be taking over the entire building? Will there be takeout? When there is a restaurant with mixed business for sit down there has to be accommodations for those who do take out. On a busy night when that whole front row gets filled with cars, people start parking on sides as they think they will run in and out. It might impact the residents, especially the first section of homes. If there could be something put into the conditions, possibly marking a few spots for takeout only.

Mr. Lehrer replied only the center unit will be occupied by the pizzeria.

Ms. Waygan asked if the owners would accept that condition just proposed.

Mr. Cannata will favor that as it makes sense. He can add some signage to a few spots.

Mr. Callahan inquired about a fire apparatus being able to get in there.

Mr. Phelan stated this meets the turning radius and it was installed when they built the commercial lot. There is adequate turning radius for a ladder truck.

Mr. Cannata stated their vehicles are half the size of the ladder truck.

Mr. Phelan is very confident as it's a requirement of any subdivision. He thinks there could be some signage that points people to the restaurant instead of parking on that street going up to the residences, just letting people know to go left.

Mr. Cannata doesn't know why people would go up the hill, and he will add signs as long as the town permits signage. He is agreeable to conditions set forth by Ms. Waygan prior.



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Ms. Waygan reiterated the conditions were no live music or entertainment and to have designated parking for takeout.

Mr. Lehrer followed up that this was a permitted project with no exterior work being done to the site plan and no changes to architectural design. The request of the Board is for a motion in granting the \$5,000 fee and waiver requirements prior to closing the Public Hearing.

MOTION:

Ms. Waygan made a motion to waive the \$5,000 peer review fee. Mr. Balzarini seconded. All in favor.

MOTION:

Ms. Waygan made a motion to waive the requirement from the application Special Permit Regulations of form and content, subsections 3-21. Seconded by Mr. Balzarini. All in favor.

Ms. Waygan stated under draft decision it says 37 seats.

Mr. Lehrer noted the request is for 35 seats and that may be an error on his part, he will make the correction.

Chairman Fulone would like to close the Public Hearing.

MOTION:

Mr. Balzarini made a motion to close the Public Hearing. Seconded by Ms. Waygan. All in favor.

Mr. Lehrer noted that the license for any outdoor music would fall under the Select Board.

MOTION:

Ms. Waygan made a motion to approve the application with the two approved waivers and the following conditions: there shall be designated parking for pick up/take out and the applicant has agreed to not apply for an entertainment license or live music. Seconded by Mr. Balzarini. All in favor.

7:20P.M.

Applicant:	Marcello Mallegni, Forestdale Road, LLC
Location:	523 Main Street (Map 26, Block 6)
Request:	The applicant requests consideration for approval of a 9 lot definitive subdivision plan of land consisting of approximately 18.05 acres located on Main Street (Route 130) between Nicoletta's Way and Echo Road.

Ms. Waygan would like to state for the record she knows Mr. Healy through her job with the Town of Yarmouth. This will not pose as a conflict of interest and she can sit on this matter.



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Attorney Christopher Kirrane is present on behalf of Forestdale Road, LLC. He is here with Marcello Mallegni and Kieran Healy of BSC Group. In December they received comments and suggestions before the definitive plan. Mr. Healy can speak to all of those changes and the comments were added to the plan that is before the Board. There was communication between Mr. Healy and Mr. Lehrer involving the covenant. He has prepared the standard form that was signed by Mr. Mallegni.

Mr. Healy will start with the beginning radius being less than 25 feet coming in, the roadway was realigned in order to make that work for the visibility radius for entering vehicles. The roadway has a tunnel area for mailbox access, a spot for vehicles to pull off the road at the beginning of the street. The hydrants were added and it was mentioned to stack them close to Main St. The minimum distance between is 500 feet. He spoke to the road department responsible for road names. They were agreeable to Leamar Drive. It was not necessary for the water to be tied in a U shape. In talking with the water superintendent and the hydrants being at the cul-de-sac with the large basin to flush the line, it was not necessary. The sight distance along Main Street that conforms to the 600 feet is not an issue. They created a template for the fire truck to measure its ability to enter, exit, and maneuver the cul-de-sac with the vehicle on the pavement at all times. That sums up the items and he is available for questions.

Mr. Kirrane noted one request to vary subdivision rules and regulations with the length of the dead end being 800 feet, which is longer.

Mr. Phelan pointed out the way in which the fire truck turns, dual rear axle, the Mashpee template is better to use based on wheel based. He asked Mr. Healy to provide a larger copy and he could write a template.

Mr. Pesce inquired about there being another hydrant on the west side of the cul-de-sac as he didn't see it.

Mr. Healy commented it is the last one located 125 feet down.

Mr. Phelan stated typically there is one at the end. 125 ft. is not unreasonable so he won't hold that up. The first fire hydrant is set back from Route 130 and that bypasses the first lot.

Mr. Healy pointed out that it falls right in the middle of the lot.

Arden Russell- She is an abutter and has a process question. Are abutters notified? She is concerned about another curb cut on Route 130 and in such close proximity to Nicoletta's Way. It's a really busy street, then combined with Echo Road and now another street doesn't make any sense. People who live across the street on Sturgis Lane are concerned.

Mr. Kirrane stated they do not have ownership or rights to Nicoletta's Way.



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Ms. Russell inquired who approves the curb cut.

Mr. Healy noted this is a state numbered road that goes through the town.

Ms. Russell asked if this has been approved.

Mr. Lehrer explained that in consideration to the lack of ownership, access, or rights, the zoning in C-3 contemplates access to lots in that district. He asked if there has been any negotiations between owners for purposes of access.

Mr. Kirrane stated this has been an ongoing discussion over many years.

Ms. Russell asked again who makes the approval for a curb cut.

Mr. Lehrer stated this was the DPW.

Ms. Waygan asked by town standards how far away do curb cuts have to be from one another.

Mr. Balzarini thinks 300 ft., but that may be state.

Mr. Lehrer commented the distance between those roads in the industrial is 200 feet.

Ms. Waygan asked what the distance curb cut for Nicoletta's Way and Echo?

Mr. Healy stated this was approximately 225 feet between the two.

Ms. Waygan asked about the 20 foot easement.

Mr. Healy informed her this was the beginning of the bike path.

Robert Maffei, President of Nicoletta's Way Development, Lot 1 and 2, is authorized to speak on this matter. To give a little bit of history, when they purchased the land to build, they were purchasing the road as well. That developer lost the land to bankruptcy, and they had to bid that land against Mr. Mallegni. They purchased that land and landscaped and maintained the property. Their goals are protect the properties they built. They always knew it would be developed, but they never received a written proposal from their friends next door. He has submitted a proposal to them and are interested in a win for everyone. He had 85+ trucks exiting that road. He can speak to at least 300 employees between 6:00a.m.-7:00a.m. Sturgis Lane and Baker, as busy as Stonewood is and Echo, are all concerned that left turn is very difficult. They are hoping for a conversation about opportunities but they are concerned about an additional road. There is a lot of traffic, if you can't see, those trucks and trailers are not getting out of the way fast enough.



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Joseph Gallant- He is abutting the largest lot on the cul-de-sac. He worked with this developer when he was taking lots out of flood zones and making them sellable. With the aquifer, the more water taken out, the more salt coming in. Echo Road finally has asphalt, but he would like to see more retention. Evergreen Circle has retention. In the wintertime all the salt from the roads is going into the retention area. All the hydraulic oil from commercial and industrial, and back part of his property is industrial. Fifteen years ago the Flagship Storage built, there was a water deficit of 900,000 gallons a day in Mashpee. There were one or two wells that mitigated 300,000 gallons leaving a 600,000 gallon water deficit a day. They worried if Flagship caught on fire the sprinkler system would suck the water leaving Mashpee dry. They tried to force him to put in a well and the town wanted to hook up to that well. Water is his issue. He drinks the Mashpee water because he took Poland Spring water and did the \$300 test, and Mashpee's water is cleaner than Poland springs, no fluoride. His primary concern is his water and the size of that lot. As a society we haven't come to a point when we are keeping our roads clean and free of debris that ends up in our water ways, where there are catch basins. Kieran has designed many lots that fail due to the paver and the perviousness of the road. Nobody is going to buy property with stone parking on it. He would like to see that lot have some severe restrictions for what can and can't be done. The end of that lot where it hits Ashumet Road, can he get a written guarantee that there will never be an access point. He was told that property could never be sold when he bought his. When are we going to stop paving over the land and let the water get where it needs to be?

Mr. Lehrer commented in regards to the large property at the end, any use such as a lumber yard would require a special permit. With regard to access from Ashumet, there is not substantial enough frontage to gain access. Under town zoning it would not be permissible but there are permitting pathways.

Sam Geoffrion- She has a couple questions regarding setbacks. Are the setback requirements for this lot 75 ft. frontage, 20 ft. in the rear, and 75 ft. on the sides? Does setback mean buildings then you can have 75 ft. of paving in the front? Is it an undisturbed set back and is there a total percentage of lot coverage allowed? She is curious about fitting a building and parking with those setbacks.

Mr. Lehrer stated it is dependent on the zoning district in which they lie. This particular lot is bisected by 3. The front closest to Main St. is C-3 limited commercial. They are required to maintain 40% of the site undisturbed and natural, 75 ft. setbacks both front and side. As you get into industrial site requirements are less restrictive but setbacks don't change. Parking in the zoning bylaw discourages from the front but encourages side and rear. For these lots the ZBA would have authority, a specific finding that a unique situation necessitated parking in front, but generally front is reserved for natural area, landscaping, and retention of storm water. C-3 has more requirements, at least 25% of the lot can be covered with structures.

Ms. Waygan asked if you can put a condition on a subdivision plan. She would like a condition that there will be no access onto Ashumet Road. Would Lot 1 come to the Planning Board or ZBA? Why would it go to one verses the other?



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Mr. Lehrer stated the condition is better accomplished through the Special Permit process. Lot one would go to the ZBA. Whether it appears before the PB or ZBA depends on use and size of the facility. A 10,000 s.f. building or more would necessitate a DRI, commercial centers, or a wireless facility would all appear before the Planning Board.

Mr. Pesce stated a driveway curb cut would go to the DPW.

Ms. Waygan asked if you can put a special permit on a definitive subdivision.

Mr. Pesce stated you would have to have some kind of basis for that.

Mr. Kirrane commented he is only talking about the front, they are subdividing and putting a road in, not dealing with the back lot. He would be reluctant to prejudice his client.

Mr. Lehrer commented there's a section of zoning bylaw that deals with lots in split zones. This lot is bisected in the south westerly and the part of the frontage on Ashument Road with 20 ft. access. He is assuming there is a conforming lot, is it 80,000 s.f.? Do you have a conforming lot there?

Ms. Waygan said its zoned R-5.

Mr. Lehrer is that one lot is bisected if the area south of that boundary is confirming, it's governed by residential zoning district requirements. You couldn't get a building permit for that because it does not have adequate frontage on a street. If its 80,000 s.f. it would be governed by residential requirements not industrial.

Ms. Waygan would like to withdraw her request for a condition.

Mr. Lehrer would like to get s.f. of that lot finalized as it would be beneficial.

Mr. Balzarini is concerned about entering on to Rt. 130. He would like to see an attempt to negotiate with the developer and try to use their road to get to their property. Mr. Balzarini noted that he offered, but he doesn't know what he was offering.

Mr. Kirrane is open to continuing a discussion with Mr. Maffei and he would like to see this subdivision have a vote before the Board this evening. If they are able to reach an agreement to use Nicoletta's Way, they can come back with a revised plan, potentially less costly to enter into an agreement than build the road.

Ms. Waygan commented if that if this is approved tonight they will never come back.

Mr. Phelan stated there was just a major crash at Echo Road. This is a very congested area to have a road in between those busy roads. He has strong reservations. That roadway is very straight which



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induces a higher speed, when they pull out people see the truck and don't anticipate to slow for the trailer. It's a tough intersection with a lot of car accidents. This road may exacerbate that issue.

Mr. Lehrer commented that if access were to be successfully negotiated from Nicoletta's Way, they could divide this property with a simple Form A plan that the PB would endorse without a Public Hearing. From a land use perspective it makes the most sense to access from Nicoletta's Way. The property owner does have right to access the property. They should encourage a successful negotiation with the owners of Nicoletta's Way with the understanding that the property owner has rights to this property.

Ms. Waygan would like to take some time to rethink this. There will have to be some modifications to Nicoletta's Way because it's not as long. Lot 1 and Lot 2 will not have access. She would like to give them some time to seriously think about this and ask the owner of the property, for the good of Mashpee and the health and safety of people on Rt. 130, to seriously give that avenue some discussion and thought.

Mr. Fulone noted both owners would be negotiating in good faith. He would like to know how long to give them and how do we ensure that negotiations in good faith are taking place.

Mr. Lehrer stated they could continue at an appropriate time for the Board. He will encourage the good faith effort. Before the Public Hearing is closed he wants to make sure we hear from the consulting engineer.

Mr. Kirrane commented that discussions between the parties have been going on for nearly 10 years. For the Board to expect that in 2-3 weeks they will reach an agreement is not fair to the applicant. The applicant would be willing to discuss a potential agreement with the neighbor, but to continue the hearing and put a deadline that adds stress on his client, now that the neighbor knows there's three weeks to negotiate, he doesn't feel like there is an equal bargaining power in that regard. He is happy to continue discussions, but they simply just don't own the property.

Mr. Balzarini wants to continue this Public Hearing and hopes the negotiations will ensue. He is not deciding this tonight.

Mr. Kirrane reiterated this is not a question of starting negotiations, those have been ongoing.

Mr. Maffei commented that Marcello is wonderful and Chris is a great attorney and they never thought the property was going to remain undeveloped. He is concerned about safety and this is a good looking project. He himself has submitted an offer for use of the road that is significantly less. It costs between \$1-2 Million to put that road in. They aren't looking for anything crazy.

Ms. Russel asked if the Board has received any notes from the DPW for the curb cut. She also asked for an explanation of the process for that subdivision.



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Mr. Lehrer stated the subdivision isn't any different and assuming this will be continued he can follow up.

Mr. Pesce provided comments to the team and to Mr. Healy dated March 28, 2022. Most are minor, like connecting to water main on Nicoletta's way.

Mr. Healy hasn't seen those comments, if he could take a minute to read.

Mr. Pesce will mention there is a site distance at the front, as you drive out on the left towards Echo Road, there needs to be trimming of where the subdivision road ends, trimming of the brush. Nicoletta's Way has no problem. The Fire Department has adequate use of emergency vehicles and hydrants. Trees in the north will need to be cleared and trimmed back, add a note on the plan for that. Water system water line needs to be added to roadway profiles, in the plans the waterline appears to terminate before the cul-de-sac. Continue the water main to the west side to service or end with a fire hydrant. Flushing can be handled a different way but it looked like the water line goes to the big lot. The hydrant is located close to the lot lines of 2 and 3, the water company has an easement, this will allow looped and at least two benefits from alternate water sources should main break.

Mr. Fulone will entertain a motion to continue this Public Hearing.

MOTION:

Mr. Balzarini made a motion to continue the Public Hearing until May 4, 2022 at 7:10p.m.

Seconded by Mr. Callahan. All in favor.

7:30P.M.

To review and make recommendations regarding the following zoning articles proposed for actions at the May 2, 2022 Town Meeting.

Mr. Fulone would like to take each Article individually, get Public Comment from each Article, and then vote to recommend for approval or not.

Mr. Pesce wanted to take a moment to congratulate Mr. Phelan in his new role and noted he will be missed on the Board.

- Warrant Article 29: To amend §174-3, Terms Defined (proposed Solar Overlay)

MOTION:

Mr. Phelan made a motion to recommend approval for Article 29 as written. Seconded by Mr. Balzarini. Ms. Waygan: No, Mr. Phelan: Yes, Mr. Callahan: Yes, Mr. Fulone: Yes, Mr. Balzarini: Abstain

(3-1-1)

- Warrant Article 30: To amend §174-4, Enumerations of Districts (proposed Solar Overlay)

Submitted by petition.



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MOTION:

Mr. Phelan made a motion to recommend approval for Article 30 as written. Seconded by Mr. Callahan.

Ms. Waygan: No, Mr. Balzarini: Abstain, Mr. Fulone: Yes, Mr. Phelan: Yes, Mr. Callahan: Yes (3-1-1)

- Warrant Article 31: To amend §174-5, Establishment of Zoning Map by adding §174-5(H) (proposed Solar Overlay)

Submitted by petition.

Lynne Barbee would like to hear from the petitioner about this.

John Janedy- He watches the Planning Board on TV. There seems to be the same issues regarding traffic, safety, impact on fire and schools, and wastewater. When he heard about this project it has none of those issues. It gives the town a long term income stream without any of the problems. To him it was a no brainer and that is why he is here.

MOTION:

Mr. Phelan made a motion to recommend approval for Article 31 as written. Seconded by Mr. Callahan.

Ms. Waygan: No, Mr. Phelan: Yes, Mr. Fulone: Yes, Mr. Callahan: Yes, Mr. Balzarini: No (3-2)

- Warrant Article 32: To amend §174-25 (H) (12) of the Mashpee Zoning Bylaw (proposed Solar Overlay)

Submitted by petition.

MOTION:

Mr. Callahan made a motion to recommend approval for Article 32. Seconded by Mr. Phelan.

Mr. Fulone: Yes, Mr. Callahan: Yes, Mr. Phelan: Yes, Ms. Waygan: No, Mr. Balzarini: No (3-2)

- Warrant Article 33: To amend §174-31 Land Space Requirements Table by adding new special footnote to exempt solar canopies in parking areas from lot coverage

Submitted by petition.

Mr. Lehrer this article is unrelated to Proposed Solar Overlay District, this would impact any special permit project with existing parking facility, enable a church or commercial center or some facility with existing parking area to permit canopies on site in consideration of already existing structures that may impact lot coverage. This is the one article reviewed and recommendations were able to be made.



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MOTION:

Mr. Phelan made a motion to recommend approval of Article 33 as written. Seconded by Mr. Callahan. All in favor.

- Warrant Article 34: To add new section 174-45.7: Solar Energy Systems to the Mashpee Zoning Bylaws (proposed Solar Overlay)

Submitted by petition.

Lynne Barbee would like to hear from the petitioner.

Ms. Waygan had a question for the petitioner. This is the piece of this series that has the description of land of all the lots. She asked Mr. Janedy how he figured out the lots.

Mr. Janedy believes there is 17 lots. He looked at frontage and lot size. He does not own lots, he is a real estate appraiser who appraised this four years ago. He has lived in Mashpee for 25 years.

Ms. Waygan asked how he got involved in picking the lots and what his motivation, was he approached?

Mr. Janedy heard about this project as a citizen and he liked this idea of a strong income stream that goes right to the bottom line for the town.

Ms. Waygan rephrased that he did not pick the lots he is in support of the project.

Mr. Janedy knew about the parcel and when he heard what was going on there he thought it was a great idea. He is all for paying less taxes all while not impacting the water supply, transfer station, police or anything. If we got those 17 all paying taxes, it would not measure up to the amount of money, at the same time wouldn't have to pay additional money for services.

Ms. Barbee would like to comment on this. She noted the Board all has a copy of the packet she provided. If you start at the back, her article is in the front. She instructed the Board to reference documentation of what lots, with lot numbers, that was part of their original proposal from last year. She went to the assessor's data and looked at the number of people who owned land here. It is not all owned by one person. The actual owners are Mr. Daniel Dacey who owns the largest parcel where the sandpit is. He lives in West Roxbury. Other owners in this area are Mary Zocchi who owns a couple of lots and another sheet refers to Catherine Oats who owns a couple. There is an assessor's sheet for Peter Bailey who owns some. There is also an assessor sheet for William Haney, Sr. whose includes his own home. The only lot owner in Mashpee is William Haney, Sr., there is a possible sales agreement that does not mention the rest of these people, just him. Quoted in this draft as the seller or sellers, her question is who owns the land because that makes a difference on who benefits. It is confusing to her. Are all of these owners agreeing to this solar overlay that includes their property? We haven't heard from these people. We haven't even heard from Mr. Haney. He submitted last year and has not resubmitted this year. The Select Board also had questions about the project in terms of what



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the agreement is and what the town get from this. There is nothing in writing that states the status of this land, who owns it, and who has the right to sell it to NextGrid.

Mr. Callahan informed the Board that the assessor's database in Barnstable Court is two years lagging.

Mr. Lehrer has a theory. These are non-conforming lots. In the subdivision control law there's a statute known as merger theory that avoids the perpetuity of non-conformity subsequent to a zoning change. In 1985 Mashpee zoning changed from 22,500 s.f. to 40,000 s.f. to 80,000 s.f. This mechanism frowned upon a term known as checker boarding. A property owner who holds building lots prior to zoning changes would convey lots to avoid merger theory. It would require two properties adjacent to one another lacking land area, to obtain a building permit they would merge subsequent to zoning change if held in common. Mr. Haney sat in his office and testified his ownership.

Ms. Barbee asked if that includes Lot 420, which as of December of 2021, is owned by Mr. Daniel Dacey.

Mr. Lehrer commented that Lot 430 is of adequate size. The merger doctrine is clear on separate ownership not necessarily being separate dominion and control.

Ms. Barbee was curious how one defines control if not ownership.

Mr. Lehrer gave the example of an owner of a trust and you're the trustee.

Ms. Barbee stated apparently Mr. Dacey is a trust. She herself has a trust on her own land but she has control.

Mr. Lehrer is operating under speculation that Mr. Haney has some stake in the trust and power to convey or sell.

Ms. Barbee asked if that raises questions for the future of this project. If there is a bylaw that passes but the person who owns the land decides not to give it to NextGrid. The Select Board raised these questions as well as a request for an environmental impact. That directly relates to her Article 35.

Mr. Lehrer commented if the town were to approve the zoning, a Special Permit will still be needed to be issued on site, an application would include the deed and specified authorization of property owners to proceed. Whether or not it may impact NextGrid as the buyer, he cannot contemplate. Ownership would need to be satisfactory and the property owners would need to be aware and willing to allow a purchaser or lessee to seek a permit from this Board.

Ms. Barbee stated it is disconcerting to feel like there is a lot of information still not in writing that people were hoping would be in writing before a huge bylaw was given to someone who doesn't even show up to discuss who will be beneficiary. It is confusing to see him petition then not petition, did he change his mind?



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Mr. Phelan has concerns that there is suggestion of something underhanded going on.

Mr. Lehrer reminded the Board this is not the review of a project. The Board is contemplating a land use for a particular site, and is the site adequate and able to sustain the use.

Ms. Waygan stated it is being given a new use. She reminded Mr. Lehrer that he marked this lot for housing in his analysis. Is this project the best use for this site?

Mr. Lehrer explained, in his opinion, he looks at this as temporary. In the short term, this is a reasonable use for the site. In the long term, he would agree, this is an opportunity for development or redevelopment, in consideration for housing needs in the future, now that wastewater can go straight across this property. If we can look at this as relatively temporary, we can think about the housing opportunity with the income for the 20 year life of this project. In short term, currently there is no wastewater right now or create an opportunity for the substantial housing need that looks any different than what we have. In 20 years there may be greater opportunities. He sees it as a long term play.

Mr. Balzarini was on the Sewer Commission many years ago and they are still working on sewer. It would be nice to put apartments here and make them affordable. We need housing now, not in 20 years. He would like to know who owns this property. He wants to see the Title.

Ms. Waygan asked for the exclusive offer to purchase.

Mr. Lehrer stated his opinion on who owns shouldn't matter. If you have that amount of time to consider the highest and best use, perpetuating the pattern of development is not consistent with housing need. If we are able, through long term planning, to define zoning that enables higher best use, does it matter who the owner is if we give incentive to owner?

Ms. Waygan commented the bylaw is being proposed as a package deal and this is unique.

MOTION:

Mr. Phelan made a motion to recommend approval for Article 34 as written. Seconded by Mr. Callahan.

**Mr. Fulone: Yes, Mr. Callahan: Yes, Mr. Balzarini: No, Mr. Phelan: Yes, Ms. Waygan: No
(3-2)**

- Warrant Article 35: To add new subsection F: Open Space Requirement to the proposed performance standards of the proposed Section 174-45.7: Solar Energy Systems Overlay District (proposed Solar Overlay)

Submitted by petition.

Mr. Russell would like to take this opportunity to jump in on the previous conversation. If the town believes there is another site for solar part of the planning process should be using staff expertise to



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weigh the pros and cons for each site. Why is solar appropriate for one site versus another? They are developer driven. This is not being developed on a community level trying to identify where the most appropriate location would be to put this in town.

Ms. Barbee elaborated that when she drafted this Article she hadn't paid any attention to who owned what land. Then she started looking deeper at all these plots and started looking them up individually. She is confused on who has the right to sell the land. She referenced to the packet she provided the Board. It adds required performing standards, it does not negate previous, and she is not in opposition to a solar project. She wants to address the property itself. She looked at the property zoned R-5 and C-2, on the map there is a yellow sticker, that's the land in question. To the west of Old Barnstable Road is the Childs River. With the Childs River Restoration, why wouldn't the town want to continue the restoration north of Old Barnstable Road? The land adjacent to the river should be protected. That's why number 13 of the Article discusses setbacks from water bodies and wetlands, in order to protect that part of the river. In the color map you see the sand pit, and you can see its wooded land. In the previous year NextGrid provided documentation that stated half the site is over portions of former sand pit, while remaining portions are wooded. The sand pit is the smaller part. Why would we cut down trees to put in solar? The CCC does address the needs for open space and solar. The Commission might require a 3:1 ratio of protected space. There is an even higher standard set in her bylaw, and obviously the CCC has much higher demands than she. We can protect some land with designated conservation as well as open space in this town. She would like an environmental impact study. She believes NextGrid will still make profitable investments if the area of the panels were smaller. She would like to see conservation and wetland protection with solar. Her Article also addresses issues with watershed. She hopes NextGrid gets this job, in her opinion they seem like a good company, she might prefer housing, but she like solar. What is important to her, is the protection of open space and water.

Daniel Serber would like to make a statement. His issue lies within the language. They have done a wetlands delineation of two water features, one by Nathan Ellis and the other abutting the sand pit on the western side. When setting back hundreds of feet, this actually prevents them from highest and best use of the land. Sand pits are a perfect location for solar, this looks as if you are actually pushing solar farther into trees. That language is counterintuitive, and there are other parts that are unclear. Wooded buffers add up to five acres. Is buffer land counting towards that ratio? What happens if a conservation group doesn't want to take on buffered zones? Further, they hope it can still be a viable development. With that ratio and keeping 300 feet from wetlands will kill the project. He just wants to ensure the language makes sense for everyone.

Ms. Barbee commented that it's possible to accommodate everyone. She does not want to be stuck at this point of you get what I want or I get what I want. What she wants and what he wants are both good for the town. Conservation and setbacks from wetlands for protection is what she is after.

Mr. Phelan confirmed the CCC has a 3:1, and this is suggesting 2:1, which is more restrictive. For four acres, there will be two acres set aside. The problem with a conservation restriction, now there will be land that cannot be used for housing that could have been potentially used. The use of a solar wont impact the land, he has no concerns with setbacks, but that requirement would now cut all those woods



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down. If she is saying the woods cannot be touched, this project is not feasible whatsoever. He echoed she says it will work and benefit both parties but it will also not make the project doable. A conservation restriction now will prevent the land use in 20 years when the land gets turned back over to the town. He is not in favor of this restriction. What is in place now will work and the Planning Board will be intimately be involved.

Mr. Callahan agrees that the best of both worlds would be the power of solar and more houses for the town in the future.

Ms. Waygan stated the CCC in rural areas set aside three acres for one acre developed. If you want housing you should use this land now. You could do a Ch 40B to get density with a wastewater treatment facility on site.

Mr. Fulone reminded everyone it is up to the owner of property to sell, and the developer to agree.

Mr. Lehrer questioned if the CCC DRI allows offsite mitigation or payment in lieu, like an impact fee.

Ms. Waygan commented in the decisions she's read, it really depends on how it's mapped. The place types, there was something HAC does with housing, the own land in Sandwich and did a solar farm, they had to give three acres of land for every acre developed of solar farm. For 10 acres of solar farm means 30 acres of open space. There are other areas where people had to give 3 acres for 10 acres so she is unsure how the CCC decides that.

Mr. Lehrer really view this in the long term. He has heard a lot about housing and lack of wastewater. Not being short sighted is important here. The town won't have control of this parcel, so a 40B is the only pathway, you could do a comprehensive permit, and wastewater treatment, but no control on what that development looks like. The ZBA has limited latitude with that.

Ms. Waygan stated a very aggressive 40B, those tend to not be used due to pain and suffering for a developer, but a friendly 40B, can have latitude, and with affordable housing, people want it to look nice.

Mr. Lehrer included that predictability is important.

Ms. Barbee also stated that NextGrid could go to the industrial area and build solar there. Other options need to be pursued in zoning that already has the requirements.

MOTION:

Mr. Phelan made a motion to not recommend Article 35 for approval. Seconded by Mr. Balzarini.

Mr. Phelan withdrew his motion.



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MOTION:

Ms. Waygan made a motion to recommend approval of Article 35 as written. Seconded by Mr. Balzarini.

**Ms. Waygan: Yes, Mr. Balzarini: Yes, Mr. Callahan: No, Mr. Phelan: No, Mr. Fulone: No
(2-3)**

MOTION:

Ms. Waygan made a motion to close the Public Hearing. Seconded by Mr. Callahan. All in favor.

NEW BUSINESS

LCP Update from Weston & Sampson

Caroline Wells provided a quick update. The big kick off workshop will be held on Saturday from 10a-1p. People can only stay for part of it, the kids can come, and they just want attendance. It will be held in the Middle/ High school gymnasium. Cape Cod Coffee has offered refreshments, and a very intense, fun, and engaging workshop. The Planning Board will serve as hosts and will be assigned duties like greeting. Board members are there to listen and walk around to gauge how it all comes together. The URL for the LCP is as follows: www.planmashpee.com So far, there are 30-40 people that have signed up for newsletters. There are a variety of engagement opportunities such as surveys for comment and input. There will be posts comprising the meeting outcomes from Saturday and notes for those who could not attend.

Ms. Waygan knows the Consultants have been going to different Boards and Committees and she is wondering when they will take comments from the Planning Board.

Ms. Wells has not distilled all comments and data that has been researched. There are some in the works, they need to sit and have working sessions with the Board.

Ms. Waygan doesn't mind hosting, she was not expecting to not be able to comment at Saturday's event.

Ms. Wells explained that it's about public visioning. She is not saying they cannot comment or participate, but as a host you have to let the public speak first. She does not want the public participating to feel like their opinions will be challenged. She is not stopping anyone from participating she just wants to allow for a free flow of information.

Mr. Fulone agreed, whether we intend to or not, he does not want to sway public opinion by inserting their own opinions. They want to hear from the public now. If he were in the session he would feel intimidated if a Planning Board member was offering their opinions.

Mr. Balzarini would like the public to tell us and then we sit down and review the information. He does not want to get involved unless he goes as a private citizen. He does not want to hear people say there was not a place for them to speak. The object is to satisfy the majority.



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Mr. Phelan plans on letting the meeting dictate how he feels. He may feel the need to interject but he does not want to guide the conversation. It's only the first session.

Ms. Waygan posted this on Facebook and she has a friend who is homebound and would like to know of a virtual session being held in the future.

Ms. Wells commented there are no plans for virtual, there is an online survey that can capture the very same thing this workshop will. They will not be able to engage in a dialogue but will still be able to give input. There will be takeaway sheets and if you know someone who cannot make it, bring them a takeaway sheet. Also, even if you did attend and you think of something later you can submit.

Ms. Waygan asked if this was the only visioning workshop. Are they all vision? If someone misses this, they can still contribute to the vision.

Mr. Lehrer confirmed that to be true.

Review plan entitled, Oldham Circle, Road Taking Plan prepared by Cape and Islands Engineering and make recommendation to Town Meeting relative to acceptance of Oldham Circle layout as a public way.

Mr. Lehrer can provide a larger copy. He stated this is the same plan they received prior that was indefinitely postponed when the petitioners were not there. It's a very substantial betterment because of the issues that were presented. The covenant was never released. The houses were built without finishing the road. There was a retaining wall that was problematic. All the costs were rectifying those issues included in the betterment. The DPW recommended postponing when no petitioner was representing.

Ms. Waygan asked if it was the same plan.

Mr. Lehrer stated it is identical.

MOTION:

Ms. Waygan made a motion to recommend Town Meeting accept the layout of Oldham Circle. Seconded by Mr. Balzarini. All in favor.

TOWN PLANNER REPORT

LCP Existing Conditions Chapters and stakeholder meetings

He has provided a draft, and there is still a lot of information that needs to be added. There have not been any additional stakeholder issues. They will be ongoing and the existing conditions will be revised. He urged the Board to provide comments.

Ms. Waygan added some comments earlier that day. He will continue to keep updates on meetings with other Boards. She noted it was especially helpful in attending the Affordable Housing Committee. Listening to them talk about these issues was important and helpful.



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Mr. Balzarini went to the Historical meeting.

Mr. Lehrer provided all chapters to the Tribal Chairman for review. He was hoping for more intimate conversations but the appointed liaison has expressed zero interest in this effort. He has yet to collaborate with the Tribe and they will be reappointing someone. The Tribal Chairman and his staff will be reviewing.

Kickoff meeting this Saturday from 10:00a.m. – 1:00p.m.

Update on Popponesset Overlay District

Mr. Lehrer has had a few subsequent conversations with the neighborhood. He is looking to have a staff level meeting with the Board of Health, Conservation, and the Building Commissioner to discuss an agenda in the future.

Mr. Callahan asked who the liaisons were.

Mr. Lehrer stated Barbara Reilly and Glenn McCarthy. It should really be a public process, assuming the neighborhood association should nominate someone locally who is here and present to discuss issues.

Mr. Callahan stated that Mr. McCarthy is mostly in China, there may be a need to find someone more local.

Floodplain Bylaw amendments

He has not yet worked on this. The Barnstable County Floodplain Coordinator for the Community Rating System, Shannon Hulst will be touching base with him about this. They need to update provisions for the CRS. The Multi hazard Mitigation Plan gives credit towards rating systems. He is unsure they will meet the deadline with priorities, but he is inviting Ms. Hulst to help lay groundwork for the amendment.

By the second meeting in June he hopes to have that draft prepared. The first Monday in July is the deadline for October Town Meeting.

Ms. Waygan stated the floodplain affects insurances.

Mr. Lehrer agreed and stated the multi hazard mitigation does as well. This contemplates a lot of building code issues. New flood zones need to be rectified with new flood maps as well.

Cottage Court Zoning

This is on the back burner and he has not spoken to Willowbend since the last meeting. Right now, the LCP takes precedence.

BOARD MEMBER COMMITTEE REPORTS

Cape Cod Commission-

No Report



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Community Preservation Committee-	No Report
Design Review-	No Report
Plan Review-	No Report
Environmental Oversight Committee-	No Report
Historic District Commission-	No Report
Military Civilian Advisory Council-	No Report

ADJOURNMENT

MOTION:

Mr. Balzarini made a motion to adjourn the meeting of the Planning Board at 9:53p.m. Seconded by Mr. Callahan. All in favor.

The meeting ended at 9:53p.m.

Next Meeting: Wednesday, April 20, 2022 at 7:00p.m.

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
- Town of Barnstable Notices
- Chapter 91 Waterways Notification – 53 Godfrey Road
- Chapter 91 Waterways Notification – 140 Popponesset Island Road
- Chapter 91 Waterways Notification – 38 Quail Hollow Road
- February 2022 Discharge Monitoring Report for South Cape Village – N=3.6
- January 2022 Discharge Monitoring Report for South Cape Village – N=2.1

MEMORANDUM

To: Evan Lehrer, Town Planner, Town of Mashpee
Caroline Wells, Senior Project Manager, Weston and Sampson
Ashley Sweet, Project Manager, Weston and Sampson

From: Mary Waygan, Member, Mashpee Planning Board

Regarding: Draft Housing Chapter of the Mashpee Local Comprehensive Plan (LCP)

Date: April 6, 2022

Copied: Mashpee Planning Board
Mashpee Affordable Housing Committee
Rodney Collins, Town Manager, Town of Mashpee

Hi!

Please see here my comments on the draft LCP Chapter on Housing:

HOUSING

1.2 Introduction

REPLACE FIRST SENTENCE

Mashpee's housing development over the last half-century catalyzed a significant population growth. The majority of this development has been as single-family detached homes.

1.3.3 Housing Type

ADD:

Non-age restricted condominium housing is found at Oak Hollow, Deer Crossing, Pheasant Run, and Quashnet Valley with buildings consisting of 4 – 8 (?) units.

ADD:

In Mashpee densities of multi-family housing, including condominium complexes and resort complexes, range from ____ units per acre to ____ units per acre. (Oak Hollow is 10 units per acre)

1.4.1 *Local Affordable Housing Programs*

ADD:

Community Preservation Program. Town has provided \$_____ of Community Preservation Funds toward affordable housing in Mashpee

Housing Preservation with assistance with rent and mortgage.

~~Regulatory:~~ ADU Bylaw

Mashpee Village. The Community Builders owns and manages 148 units of affordable rental housing centrally located in Mashpee at 1 Wampanoag Drive, off of Old Barnstable Road.

1.4.2 New Housing Construction

Funding approval was recently given for a feasibility study of 108 Commercial Street, a 6 acres parcel designated in 2021 by Town Meeting for housing with affordable housing and workforce housing components.

There are units already permitted included the Mashpee Commons Ch 40B project which include 396 units of diverse housing, of which 96 units are affordable. Separately, Mashpee Commons has special permits allowing for up to 100 housing units in a mix-use residential/commercial setting, of which _____ have been constructed.

Existing Conditions:

Impediments to Affordable Housing:

Polluted waters from past development booms

Fragile and sensitive environment

Approx. 30% of current housing stock used only part of the year and considered second homes

No full-time staff dedicated to create affordable (community??) housing.

Existing Conditions: Opportunities

YIMBYism – Yes in my back yard.

Critical need for housing is generally accepted by Mashpee residents

Positive Town Meeting votes designating land for affordable housing and awarding funding for affordable housing.

Access to Friendly Ch 40B to overcome zoning barriers

Town staff is committed to the development of affordable housing

There are a growing number of Mashpee properties ripe for redevelopment

There is an inventory of town-owned land suitable for affordable housing development

“Amazon Effect” is making residential development more appealing than commercial development

Existing example of density (condominium complexes and affordable housing neighborhoods) exists

Mashpee is seen as an investment opportunity

POPULATION GROWTH FOR REFERENCE/SUMMARY IN FIRST SENTENCE:

Historical population		
Year	Pop.	±%
1870	348	—
1880	346	-0.6%
1890	298	-13.9%
1900	303	+1.7%
1910	270	-10.9%
1920	242	-10.4%
1930	361	+49.2%
1940	434	+20.2%
1950	438	+0.9%
1960	867	+97.9%
1970	1,288	+48.6%
1980	3,700	+187.3%
1990	7,884	+113.1%
2000	12,946	+64.2%
2010	14,006	+8.2%
2020	15,060	+7.5%

MEMORANDUM

To: Evan Lehrer, Town Planner, Town of Mashpee
Caroline Wells, Senior Project Manager, Weston and Sampson
Ashley Sweet, Project Manager, Weston and Sampson

From: Mary Waygan, Member, Mashpee Planning Board

Regarding: Draft Economic Development Chapter of the Mashpee Local Comprehensive Plan (LCP)

Date: April 6, 2022

Copied: Mashpee Planning Board
Mashpee Economic Development Industrial Corporation
Rodney Collins, Town Manager, Town of Mashpee

Hi!

Please see here my comments on the draft LCP Chapter on Economic Development:

Existing Conditions: Opportunities

Eco-Tourism Opportunity: Prime greenspace is located within walking distance of highly prize commercial and retail space near the Mashpee rotary. This area has potential to be a base for eco-tourism.

Historic –Tourism: The Mashpee Historical Commission has planned walks and events in the historic areas near Town Hall. This areas includes the Mashpee Historic One Room Schoolhouse, the Mashpee Wampanoag Indian Museum, Attaquin Park, Mashpee Pond, and the Mashpee River and Herring Run. These efforts could be coordinated to showcase nearby commercial establishments, which could take some part in hosting events.

MEMORANDUM

To: Evan Lehrer, Town Planner, Town of Mashpee
Caroline Wells, Senior Project Manager, Weston and Sampson
Ashley Sweet, Project Manager, Weston and Sampson

From: Mary Waygan, Member, Mashpee Planning Board

Regarding: Draft Heritage and Preservation Chapter of the Mashpee Local Comprehensive Plan (LCP)

Date: April 6, 2022

Copied: Mashpee Planning Board
Mashpee Historical Commission
Rodney Collins, Town Manager, Town of Mashpee

Hi!

Please see here my comments on the draft LCP Chapter on Heritage and Preservation:

Existing Conditions:

Add a map and list of all ancient ways in Mashpee.

Add an appendix of all historic materials from the 1998 LCP Chapter entitled Heritage Preservation

Chairman's Remarks – Planning Board Meeting April 20, 2022

At the Select Board Meeting on Monday, April 11, 2022, I made public comments that I'd like to clarify.

First, I was speaking as the Chair of the Planning Board, not on behalf of the Planning Board. This is an important and intentional distinction made at the beginning of my comments.

My comments centered on elected officials actively participating in the public visioning session held on Saturday, April 9, 2022.

My concern was and is that elected officials' participation in the dialogue and breakout sessions can influence the discussions, in my opinion, and thus the outcome of those discussions. Whether intentional or not, elected officials carry a level of influence and in a focus group setting they can surely set the tone for the group.

To this point, at our Planning Board meeting on April 6, 2022, the question was asked about Planning Board member participation in the public visioning session. The consultants encouraged Planning Board members to attend and listen and requested they not participate in the discussions and breakout sessions.

Despite this request, a Planning Board member actively participated in the discussion and breakout session. This, along with a Select Board member's active participation, was the basis for my public comments.

I have since learned that prior to the session the Planning Board member, Mary Waygan, asked Evan Lehrer, our Town Planner, about if and how she could participate and they came to agreement on those guidelines.

While I maintain my position that elected officials, knowingly or not, influence the direction of discussions, I am confident in Evan's leadership and judgment in this regard and trust he and our consultants will appropriately analyze the data and present the findings accordingly.

To those who might perceive my comments as questioning the validity of the process, and to those who may use my comments to do the same, let me be clear - my comments were not meant to cast doubt on the public engagement process designed by Weston & Sampson and our Planning Department or imply that somehow the process is inadequate. To the contrary, I believe the framework they've developed to solicit and gather community input is exceptional. The visioning session was a terrific start in the process.

I apologize to Caroline, Ashley, and the Weston & Sampson Team and Evan Lehrer, our Town Planner, if my comments were taken as criticism or skepticism of the public engagement plan. Nothing could be further from the truth. In the future, I will review any comments with Evan before speaking publicly to ensure I have the most current information.

I've included the full text of my public comments for reference.

Public Comments made at the Select Board Meeting on April 11, 2022.

For the record, I'm John Fulone and I'm here as Chair of the Mashpee Planning Board.

This past Saturday we kicked off the process of updating our Local Comprehensive Plan with a visioning session at Mashpee Middle High School. This session was the first in a series designed to provide opportunities for residents to meet, discuss, debate, and ultimately inform any necessary updates to the plan.

At our Planning Board meeting last week, the consultants hired by the town to assist with this process asked that Planning Board members attend, if possible, to welcome attendees and help manage the logistics of the 3-hour session.

The consultants also respectfully requested that Planning Board members NOT participate in the general discussion or the breakout sessions, because having elected officials impart their opinions on the broader group would of course influence the discussions and thus impact the results.

Throughout the morning several Planning Board and Select Board members dropped in to show their support of the process and observe the activities.

Unfortunately, Planning Board member Mary Waygan chose to ignore the consultants' request and actively participated in the general discussions and the breakout sessions. And, disappointingly, Select Board member David Weedan did the same.

These public input sessions are designed to gather feedback from the community. They are NOT a forum for elected officials to advance their personal agendas. To believe Ms. Waygan's and Mr. Weedan's comments and opinions did not sway conversations and outcomes is absurd. In fact, the consultants confirmed to me that by actively participating in the discussions, Ms. Waygan and Mr. Weedan most certainly influenced the conversations and outcomes. The extent to which their participation tainted the results is for the consultants to determine.

The residents of Mashpee, those in attendance on Saturday and those we'll engage throughout this process, are perfectly capable of assessing the strengths and weaknesses, opportunities and threats, that face our community. They are also capable of coming to decisions, on their own, about charting a course for our future growth and development.

They DO NOT need, nor should they be subjected to, the inherent influence of Mr. Weedan, Ms. Waygan, or any other elected official.

The current LCP was written 24 years ago. Our community has changed significantly since then, and so of course updates to the plan are needed. The extent of those updates is for the community to decide.

I encourage Select Board and Planning Board members to attend these public sessions, to listen and learn and support the process.

I strongly suggest – as do the consultants - in no uncertain terms, that you NOT engage in the discussions because by doing so you distort the outcome.

Elected officials will have plenty of opportunities to provide input. For reasons that should be obvious, these community sessions are NOT those opportunities.

If any of this is unclear, please reach out to me directly. I'd be happy to clarify the process and your requested participation in it.

As for the event itself...it was terrific. There was constructive conversation on a variety of topics. Agreement, opposing views, and healthy debate. We desperately need more community participation. This is an exciting and critically important moment in time for our town. Please respect the process and allow the community to provide their input.

Thank you for listening and thank you for your support as we move forward.

April 18, 2022

To the Members of the Planning Board:

Contrary to the comments made by Planning Board Chair John Fulone at the last Mashpee Select Board meeting, the LCP kickoff meeting was largely a successful event.

Attendees registered their unhappiness at the outset about two matters that deserve prompt attention from the Planning Department and its consultants: the absence, on the map they distributed, of the Wampanoag's historic presence and tribal territory within the town; and an inability to describe how a review of the current comprehensive plan is being incorporated into the update. People wanted to know: How far did we get with the last plan? How does that inform the new one?

Why are these matters important? Their neglect indicates an absence on the mental map of the people leading this process. That is disturbing to many people in town looking for inclusiveness and a sense of our history as we consider our future.

The actual conversation at the tables was stimulating and affirming of our ability to work together and solve problems. Again, while Mr. Fulone singled out two board members for their supposed effect on what he now suggests may be "tainted" results, there were many representatives of town boards joining the workshop. Among them were members of the Select Board, Planning Board, Conservation Commission, Sewer Commission (present and former), Finance Committee, Affordable Housing, Library Trustees: you get the idea. Why select two for special censure?

Mr. Fulone seems to have wished for an entirely different audience that day, made up of individuals not "tainted" by their service to the town, genuine interest in local government, and passionate concerns about specific issues. He should be grateful for the commitment of those who did show up, and appreciate that, notwithstanding his personal issues, the day was a good start.

Anne Malone

14 Red Cedar Rd.

Civility at meetings

Therese Bilodeau <tabilodeau@gmail.com>

Mon 4/18/2022 5:16 PM

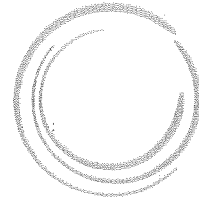
To: Evan Lehrer <ELehrer@mashpeeema.gov>

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

Dear Mr. Elehrer, I am writing because I am so dismayed at the lack of civility at the last Select Board Meeting. In general, people do not trust the process of an outside entity coming into our town to re-structure our Local Comprehensive Plan. We need to build trust and learn to cooperate together under the "guidance" of Weston and Sampson. When Ms Waygans and Mr. Weedon sat at a table and participated in this process it could only have helped to build trust. A gentleman at my table voiced his frustration at not being heard by town government. Indeed there was much consensus at all the tables on many subjects of concern. It's too bad more board members didn't get involved and listen to our citizens. It's Democracy in action. Mr Fulone's public castigation of Ms. Waygans and Mr. Weedon was disturbing in its intensity and lack of self control. It had no place at a public meeting. We need to build trust not endure one man's obsessive out bursts against the two board members who actually did listen to our citizens. Thank you for your kind attention. Therese Bilodeau, 97 Amos Landing Rd.

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

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



CAPE COD
COMMISSION

March 15, 2022

Mr. Evan Lehrer
Town Planner
Town of Mashpee
16 Great Neck Road North
Mashpee, MA 02649

Dear Mr. Lehrer:

Thank you for your request for District Local Technical Assistance (DLTA) funding. Unfortunately, due to the number of requests for DLTA funding this year, we are unable to fund your request for assistance with your local comprehensive planning efforts.

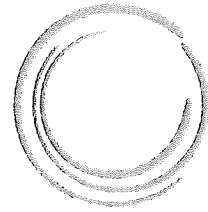
We wish you much success with your project.

Regards,

Kristy Senatori
Executive Director



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



CAPE COD
COMMISSION

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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
Tracking Number: 7021 0950 0000 2243 3563

April 12, 2022

Blue Sky Towers III, LLC
c/o Attorney Ricardo Sousa
Prince Lobel Type LLP
One International Place, Suite 3700
Boston, MA 02110

RE: **Mashpee Fire Station #2 Wireless Communications Monopole**

Dear Atty Sousa:

Enclosed please find an executed copy of the Minor Modification (Type 2) to the Development of Regional Impact for the Mashpee Fire Station #2 Wireless Communications Monopole, 101 Red Brook Road, Mashpee, MA.

At your convenience, please record the enclosed Minor Modification (Type 2) decision at the Barnstable County Registry of Deeds and once recorded, please send the Commission a copy of the cover page showing the official date stamp and instrument number from the Barnstable County Registry of Deeds.

Thank you for your attention to this matter and should you have any questions, please do not hesitate to call.

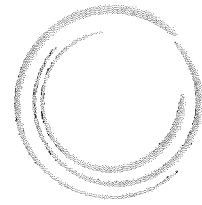
Sincerely,

Lisa Dillon
Commission Clerk

Enclosure

CC: Evan Lehrer, Town Planner
David Morris, Building Commissioner
Deborah Dami, Town Clerk

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



CAPE COD
COMMISSION

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MINOR MODIFICATION TYPE #2 DECISION

DATE: March 24, 2022

PROJECT: Mashpee Fire Station #2 Wireless Communications Monopole
101 Red Brook Road, Mashpee, MA
CCC File No. 18012

APPLICANT: Blue Sky Towers III, LLC
c/o Atty. Ricardo Sousa, Prince Lobel Tye LLP
One International Place, Suite 3700, Boston, Massachusetts 02110

PROPERTY OWNER: Town of Mashpee

ASSESSOR REFERENCE: Map 104, Parcel 2

TITLE REFERENCE: BCRD Book 1467 Page 760

ORIGINAL DRI DECISION: BCRD Book 31689 Page 331

The Committee on Planning and Regulation finds as follows:

FINDINGS

1. The Applicant, Blue Sky Towers III, LLC has applied by letter dated January 6, 2022 to modify its Development of Regional Impact (DRI) decision for the above referenced Project, dated October 18, 2018, which permitted the construction and use of a 150-foot Wireless Communications Tower (WCT) on the Project Site, with associated improvements. The Minor Modification proposes a WCT of the same height at a different location on the same Project Site.

Mashpee Fire Station #2 WCT - CCC File No. 18012
Minor Modification Type #2 Decision
March 2022
Page 1

2. Blue Sky Towers III, LLC is the successor in interest to the original permittee, Blue Sky Towers II, LLC.
3. The Project as originally proposed was approved by the Mashpee Zoning Board of Appeals; that approval was appealed by abutters in the matter of Scannell et al v. Blue Sky Towers III, LLC and Town of Mashpee et al, Barnstable Superior Court CA. No. 1972CV130. The Project as currently proposed is the result of a settlement agreement reached by the parties, which is memorialized in the Notice of Settlement and Motion to Stay Litigation entered into by the parties and filed with the court on October 12, 2021.
4. Pursuant to Section 11 of the Cape Cod Commission's (Commission) *Enabling Regulations Governing Review of Developments of Regional Impact* (Enabling Regulations), the modification request was reviewed in accordance with the Regional Policy Plan (RPP) in effect at the time of the original DRI Decision, which was the 2009 RPP, as amended in 2012.
5. The Committee on Planning and Regulation held a public meeting on the proposed DRI modification on March 24, 2022, at which it, among other things, took and considered public testimony. Received by the Committee is a letter in support of the proposal from Rodney Collins, Town Manager of the Town of Mashpee dated March 22, 2022. In the same letter, he indicates that the Mashpee Select Board voted unanimously in support of the modification on January 10, 2022, and the Mashpee Zoning Board of Appeals voted in favor of the modification on January 13, 2022.
6. The WCT and associated site improvements are proposed to be constructed and undertaken pursuant to the following plan set submitted by the Applicant:

Mashpee Fire Station #2, Site Number MA 5112, 101 Red Brook Road, Mashpee, MA 02649, consisting of 19 pages, prepared by ProTerra Design Group, LLC, as revised 2/9/2022
7. The physical characteristics of the portion of the site where the WCT is proposed are similar to the portion as approved under the original DRI Decision. The revised Project's associated site improvements are proposed consistent with the measures as designed for the Project under the original DRI Decision.
8. The Applicant conducted an archaeological survey of the site and determined that site is not archaeologically sensitive. As part of review of the Project under the National Environmental Protection Act, the Massachusetts Historic Commission and the Mashpee Wampanoag Tribe must find that the Project will have no adverse impacts to archaeological resources for the Project to move forward.

9. The Applicant did not conduct a new balloon test for the revised proposal, but photographs showing certain viewsheds were provided. Due to the existing tree cover in the area, the minimal difference in elevation as compared to the original location of the WCT, the turn in the proposed site access drive, and the distance from public ways, the Project as proposed is unlikely to have adverse visual impacts to the area, including but not limited to views of inventoried historic structures proximate to the Project Site.
10. The revised Project minimizes tree clearing and site disturbance as balanced against community design and visual impact concerns.
11. The proposed changes to the site plan do not result in different or increased impacts to the resources protected by the Regional Policy Plan and the Cape Cod Commission Act and the proposal involves a substantially similar proposal to the original project with a minor change in location on the site plan.

CONCLUSION

Based on the above Findings and determinations, the Commission's Committee on Planning and Regulation hereby approves the requested modification to the Mashpee Fire Station #2 Wireless Communications Monopole DRI Decision as described herein as a Minor Modification Type #2, subject to the following Conditions:

CONDITIONS

1. All findings and conditions in the DRI Decision continue to apply as written except as expressly modified herein. To the extent there is conflict or ambiguity between this modification decision and the DRI Decision, this modification shall control.
2. The Decision, as modified, shall be appurtenant to and run with the property which is the subject Project Site, and shall bind and be enforceable against, and inure to the benefit of, the Applicant, its heirs, successors, and assigns.
3. This decision shall be effective upon its recording by the Commission at the Barnstable Registry of Deeds. The Applicant shall obtain necessary local permits, licenses and approvals for the proposed Project changes pursuant to and in accordance with this decision. The Applicant shall provide the Commission copies of such licenses, permits and approvals as obtained, and as the case may be, as filed with the Barnstable Registry of Deeds.
4. Project modifications, as described and approved herein, shall be undertaken, constructed, used, and maintained in accordance with the Findings and Conditions set out herein, including the plan sets and other information and documents reviewed, approved and

Mashpee Fire Station #2 WCT - CCC File No. 18012

Minor Modification Type #2 Decision

March 2022

Page 3

referenced herein under Finding 6, which plans, documents and other information shall either substitute or supplement, as the context allows, for plans, documents and other information previously reviewed and approved in the DRI Decision.

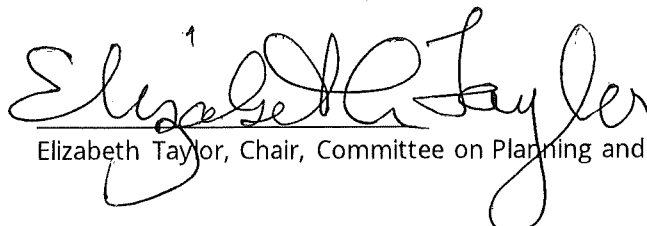
5. Prior to and as condition to the issuance of a Building Permit by the Town of Mashpee Building Commissioner, the Applicant shall provide to the Commission documentation showing that both the State Historic Preservation Officer for the Commonwealth of Massachusetts and the Tribal Historic Preservation Officer for the Mashpee Wampanoag Tribe have determined that the Project as proposed will have no adverse effect on archaeological resources.

SIGNATURE PAGE FOLLOWS

SIGNATURE PAGE

Executed this 31 day of March 2022.

For the Cape Cod Commission by:

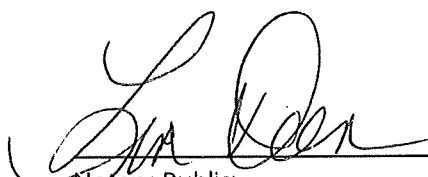

Elizabeth Taylor, Chair, Committee on Planning and Regulation

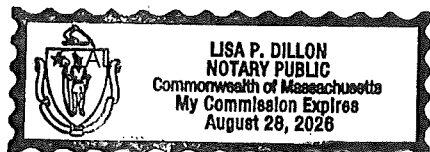
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

March 31, 2022

Before me, the undersigned notary public, personally appeared Elizabeth Taylor, in her capacity as Chair of the Cape Cod Commission Committee on Planning and Regulation, whose name is signed on the preceding document, and such person acknowledged to me that she signed such document voluntarily for its stated purpose on behalf of the Cape Cod Commission. The identity of such person was proved to me through satisfactory evidence of identification, which was [] photographic identification with signature issued by a federal or state governmental agency, [] oath or affirmation of a credible witness, or [x] personal knowledge of the undersigned.


Notary Public:
My Commission expires: 8-28-26





BOARD of APPEALS

16 Jan Sebastian Drive
Sandwich, MA 02563
Phone: 508 833 8001
Fax: 508 833 8006
E-mail: planning@sandwichmass.org

**TOWN OF SANDWICH
PUBLIC HEARING NOTICE
BOARD OF APPEALS**

The Sandwich Board of Appeals will hold a Public Hearing on the application of Alberto and Patricia Dimascio, Applicants and Property Owners, for a Special Permit under Sections 1330, 2420, 2430 & 4350 of the Sandwich Protective Zoning By-Law for property located at 18 State Street, Sandwich, MA Assessor's Map #82, Parcel #97, for the purpose of restoring a non-conforming structure in the floodplain. The Public Hearing will be held on April 26, 2022 at the Sand Hill School Community Center, 16 Dewey Ave, Sandwich, MA at 6:00 p.m. The public record information can be viewed at the Planning & Development office, 16 Jan Sebastian Drive, Sandwich, MA, Monday-Friday 8:30 a.m. to 4:30 p.m.

Erik Van Buskirk, Chair
Sandwich Board of Appeals
Publication: Sandwich Enterprise
Publication Dates: April 8 and April 15, 2022



BOARD of APPEALS

16 Jan Sebastian Drive
Sandwich, MA 02563
Phone: 508 833 8001
Fax: 508 833 8006
E-mail: planning@sandwichmass.org

**TOWN OF SANDWICH
PUBLIC HEARING NOTICE
BOARD OF APPEALS**

The Sandwich Board of Appeals will hold a Public Hearing on the application of John and Shannon Creedon, Applicants and Property Owners, for a Special Permit under Sections 1330, 2420 & 4350 of the Sandwich Protective Zoning By-Law for property located at 196 North Shore Boulevard, East Sandwich, MA Assessor's Map #71, Parcel #49, for the purpose of demolishing, reconstructing and enlarging a non-conforming structure in the floodplain. The Public Hearing will be held on April 26, 2022 at the Sand Hill School Community Center, 16 Dewey Ave, Sandwich, MA at 6:00 p.m. The public record information can be viewed at the Planning & Development office, 16 Jan Sebastian Drive, Sandwich, MA, Monday-Friday 8:30 a.m. to 4:30 p.m.

Erik Van Buskirk, Chair
Sandwich Board of Appeals
Publication: Sandwich Enterprise
Publication Dates: April 8 and April 15, 2022



BOARD of APPEALS

16 Jan Sebastian Drive
Sandwich, MA 02563
Phone: 508 833 8001
Fax: 508 833 8006
E-mail: planning@sandwichmass.org

**TOWN OF SANDWICH
PUBLIC HEARING NOTICE
BOARD OF APPEALS**

The Sandwich Board of Appeals will hold a Public Hearing on the application of Ryan and Amanda Conlon, Applicants and Property Owners, for a Special Permit under Section 4340 of the Sandwich Protective Zoning By-Law for property located at 258 Phillips Road, Sagamore Beach, MA Assessor's Map #96, Parcel #60, for the purpose of construction over 301 square feet in the floodplain. The Public Hearing will be held on April 26, 2022 at the Sand Hill School Community Center, 16 Dewey Ave, Sandwich, MA at 6:00 p.m. The public record information can be viewed at the Planning & Development office, 16 Jan Sebastian Drive, Sandwich, MA, Monday-Friday 8:30 a.m. to 4:30 p.m.

Erik Van Buskirk, Chair
Sandwich Board of Appeals
Publication: Sandwich Enterprise
Publication Dates: April 8 and April 15, 2022

ABUTTER NOTIFICATION

PROJECT TYPE: Town of Sandwich Board of Health Rules and Regulations
Local Upgrade Approval and Variance for Subsurface
Sewage Disposal System Repair

SITE LOCATION: #155 Main Street (Map 73 Parcel 021)
#1 Jarves Street (Map 73 Parcel 022)

OWNER/APPLICANT: ACKL, LLC

HANOVER OFFICE:
427 Columbia Road
Hanover, MA 02339
781-826-9200

NORWELL OFFICE:
687 Main Street
Norwell, MA 02061
781-659-8187

PLYMOUTH OFFICE:
40 Court Street, Ste 2A
Plymouth, MA 02360
508-746-6060

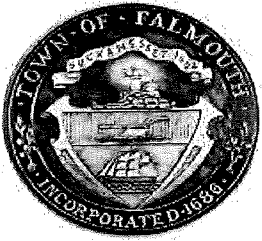
MARINE DIVISION:
26 Union Street
Plymouth, MA 02360
508-746-6060

The Sandwich Board of Health will be conducting a Public Hearing to consider a Board of Health Rules and Regulations, Local Upgrade Approval Request for the above referenced project in accordance with the State Environmental Code Title V (310 CMR 15.000). As per Title V regulations, we are notifying you of the waivers requested:

- 310 CMR Section 15.211 – Minimum Setback Distance:
Requesting reductions from property lines and foundations to the proposed septic tank, grease trap, pump chamber and leaching field.

The hearing is scheduled for April 11th, please contact the Board of Health for the scheduled time and location.

merrillinc.com



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:

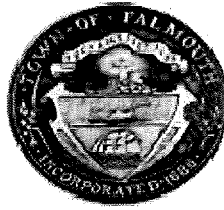
Application # 016-22 Sundar and Meena Subramanyam, 3 Corey Avenue, Stoneham, Ma.: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-6.6B (formerly 240-38 G.) of the Code of Falmouth to allow a third garage bay on subject property known as 18 Dusty Miller Road, Falmouth, Ma.

Map 48 Section 04 Parcel 003 Lot(s) 012B

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, April 21, 2022 at 6:30PM**
You are invited to be present.

By Order of the Board of Appeals,
Chairman, Terrence Hurrie

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**

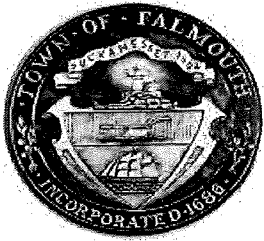
BOARD OF APPEALS

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 Christopher J. Hall and Erin T. Lynch, 8 Coatuit Road, North Falmouth, Ma. (Map 13 Lot 039) under 240-3 C. and 240-69 E. of the Zoning By-Law, as amended to grant the special permit to remove the existing garage and construct an addition including an attached garage.

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 **April 11, 2022** 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 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 # 018-22 Barnstable County Agricultural Society, Inc., 1220 Nathan S. Ellis Highway, East Falmouth, Ma.: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-6.1, 240-14.II, 240-5.1F and 240-5.1B (formerly 240-38, 240-109 A., 240-109 B., 240-160 and 240-18) of the Code of Falmouth to allow non-agricultural events with associated parking and parking for a fee on subject property known as 1220 Nathan S. Ellis Highway, East Falmouth, Ma.

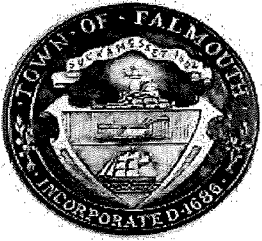
Map 18 Section 02 Parcel 002 Lot(s) 180 and associated lots

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, April 21, 2022 at 6:30PM**

You are invited to be present.

By Order of the Board of Appeals,
Chairman, Terrence Hurrie

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 # 017-22 George L. Weidenfeller, 5012 Hawthorne Place NW, Washington, DC.:

Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A(4) of the Code of Falmouth to construct additions, attached garage and a dormer to the second floor of the preexisting nonconforming single family dwelling on subject property known as 53 Alcott Road, East Falmouth, Ma.

Map 40 Section 02B Parcel 000 Lot(s) 146

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, April 21, 2022 at 6:30PM**

You are invited to be present.

By Order of the Board of Appeals,
Chairman, Terrence Hurrie

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 John E. and Mary A. Duffy, Trustees, 44 Lake Shore Drive, North, East Falmouth, Massachusetts.

(Map 22 Lot 017A) under 240-10.2A of the Zoning By-Law, as amended to **grant** the special permit to raze and rebuild the nonconforming single family 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 **April 8, 2022** 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 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 Honglei Dai, 53 East Falmouth Highway, East Falmouth, Ma.

(Map 33 Lot 004C) under 240-3 C. of the Zoning By-Law, as amended to **grant** the special permit to construct a dormer plus a new deck and stairs to the existing 2nd floor.

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 **April 8, 2022** 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 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 J. Huelsman, 130 Maravista Avenue, Teaticket, Ma.

(Map 39A Lot 073) under 240-3 C. of the Zoning By-Law, as amended to **grant** the special permit to construct an addition in place of the existing car port.

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 **March 30, 2022** 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>