



**Meeting of the Mashpee Planning Board  
Wednesday, November 2, 2022  
Mashpee Library Event Room  
64 Steeple Street  
Mashpee, MA 02649  
7:00 PM**

**Call Meeting to Order**

- Pledge of Allegiance

**Approval of Minutes**

- Review of Meeting Minutes from October 19, 2022

**Public Hearings**

**7:10 PM**

**Applicant:** Pleasantwood Homes LLC  
**Location:** 20 Tudor Terrace (Map 29, Block 198)  
**Request:** The applicant requests approval of a modification to Spring Hill West Definitive Subdivision Plan of land that would modify the lot lines of Lots 40, 41 and 42 to give adequate frontage for three new building lots proposed for incorporation into the subdivision. The three proposed lots to be created and incorporated into the cluster subdivision are on a parcel of land totaling 6.024 acres. This proposal will continue the cluster configuration of the existing subdivision and will add 2.49 acres of open space consistent with the requirements of the Mashpee Zoning Bylaw at the time of cluster subdivision's approval in 1989.

**7:15 PM**

**Applicant:** Pleasantwood Homes LLC  
**Location:** 20 Tudor Terrace (Map 29, Block 198)  
**Request:** The applicant requests approval of a modification to a special permit approved October 6, 1989 that approved the creation of 45 single-family building lots in cluster configuration on 23.738 acres of land and preserved 17.153 acres of open space. The applicant seeks to modify the special permit decision to incorporate the additional three building lots proposed

**New Business**

- Vote to release funds held to secure the completion of the subdivision referred to as Casper Circle to former property owners Steven and Joyce Hynds and accept new cash security of equal value from new property owner/developer Carlos Manzi



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## **Old Business**

- Local Comprehensive Plan Updates with Weston and Sampson
  - Survey Beta Test
  - Workshops and Focus Groups
  - Updating the Vision Statement
  - Workshop on proposed actions
- Affordable and Workforce Housing
  - Coordination with Affordable Housing Committee and Community Preservation Program
  - ADU Workshop
- Clean Water Initiative

## **Chairman's Report**

## **Town Planner Report**

- Update and discussion relative to the Housing Production Plan consultant procurement process.
- Affordable Housing Project- 209 Old Barnstable Road

## **Board Member Committee Reports**

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

## **Public Comment**

## **Correspondence**

- Town of Falmouth Notices
- Town of Sandwich Notices
- Town of Barnstable Notices
- August 2022 Discharge Monitoring Report for South Cape Village – N = 3.4
- July 2022 Discharge Monitoring Report for South Cape Village – N = 4.5
- June 2022 Discharge Monitoring Report for South Cape Village – N = 5.3

## **Additional Topics (not reasonably anticipated by Chair)**

## **Adjournment**



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**Mashpee Planning Board  
Minutes of Meeting  
Wednesday, October 19, 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:** Chair Mary Waygan, Mike Richardson, Dennis Balzarini, Karen Faulkner, John Fulone, Robert (Rob) Hansen

**Also Present:** Evan Lehrer – Town Planner, Christopher Kirrane – Attorney for Forestdale Road, LLC

## **CALL TO ORDER**

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

## **APPROVAL OF MEETING MINUTES – September 21, 2022**

### **MOTION:**

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

Ms. Waygan would like the September 21, 2022 date to be added to the next agenda, as the wrong date was noted on this evenings agenda.

## **PUBLIC HEARING**

**7:10P.M. (Continued from 10/05/22)**

**Applicant:** Marcello Mallegni, Forestdale Road, LLC  
**Location:** 532 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.



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Ms. Waygan noted it has been a while before they first presented, so she would like a recap from scratch. She will prompt the Board to ask questions, give the Town Planner some time, then she will open up comment to the public. She stated there was also written correspondence.

Attorney Christopher Kirrane is present this evening on behalf of his client Forestdale Road, LLC. They are seeking approval of a 9 lot definitive subdivision located in both C3 and I1 zones, all of it being in the industrial overlay. He was not prepared to deliver a big overview this evening. At the last Public Hearing he reported they would be seeking approval of the definitive subdivision plan, as they were not able to reach an agreement with the owners of Nicolettas Way. The Board discussed the prospect of a traffic impact study. Mr. Lehrer was going to send out quotes for that study, and some have come in while one more quote is outstanding. It rests in the Board's discretion if they want it done by an outside consultant. A traffic impact study may affect the ultimate plan and may take 4-6 weeks for completion. If that motion passes, they would be looking for a continuance to the December meeting. However, he has one technical question. There was an old CCC decision when the prior owner cut down trees many years ago. The decision was to require that the owner convey 4 acres to the Conservation Commission. He needs clarification from the Cape Cod Commission for before approval or to propose it as part of any approval process. His preference, if the Board wanted to approve, he could reference the subdivision plan and lot approved in the deed, conveying the space to the Conservation Commission. In his meeting with Mr. Lehrer this afternoon, it was asked he see when this lot was created and by whom. Mr. Kirrane has not had a chance to look into this, but he will have that information well before the next meeting.

Mr. Balzarini commented there was residential in the back where the 4 acres are. He is looking to see where they can put affordable/attainable housing.

Mr. Lehrer stated there could be no access on Ashumet Road, that portion is restricted as open space with no access.

Mr. Richardson mentioned if the 4 acres have already been decided, make it part of the agreement.

Ms. Faulkner is reviewing the page with the plan and through best management practices for the construction entrance, it looks like it goes onto Main Street. This is a dirt road that they want to create, Leamar Drive. She would like to know if they are proposing a curb cut.

Mr. Kirrane stated they have to gain access for the entrance to create the subdivision road. They need to build a new road in between Nicolettas Way and Echo Road. That is what is



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shown on that plan she is reviewing, a cul-de-sac road named Leamar Drive. That would be the only access point.

Ms. Faulkner read letters from abutters to get a permit from the DPW and the approval of subdivisions. She knows this area well, while there is very little traffic from the storage facility, and no traffic from the solar, there are many lumber trucks from Stonewood and Cape Cod Coffee.

Mr. Kirrane stated Evergreen Circle and Echo Road have a variety of businesses that hold a variety of uses. Currently, there are no uses proposed for this project. Whoever buys it will propose a use and every use has to go before the ZBA.

Ms. Faulkner commented it cannot be sold unless there is ingress and egress. There will be 30+ trips a day, from their land or that area in general. As part of the curb cut policy, this may be beyond purview of the DPW Director, and she is wondering if the traffic study would dictate that. She noted this area is somewhat dangerous. If you are really unfamiliar driving along and a truck comes out you have to slam on the breaks.

Mr. Balzarini asked if their Consulting Engineer, Ed Pesce looked at this. He also asked about firetruck turn radius. Mr. Lehrer stated Ms. Pesce's report is in their packet and he did make a comment relative to turning radius. Mr. Pesce is satisfied with the engineering.

Ms. Waygan would like Ed Pesce present at the next meeting and she would like an update from him.

Mr. Hansen commented the last time Mr. Kirrane was here there was discussion about the intersecting Sturgis Road, sidewalk, and bike path. Will the traffic impact study touch base on the pedestrian traffic as well as automobile?

Mr. Lehrer wrote the scope and noted it would look at all safety concerns. He printed the scope for Mr. Kirrane.

Ms. Waygan asked Mr. Lehrer if the plan had been submitted to the Board of Health for preliminary review. She would like the report from the BOH as well as their conclusion.

Mr. Lehrer noted it was approved by the Heath Agent from the BOH, as they were not able to meet in quorum to make a recommendation. This requires a timely filing with the Board of Health, and there are comments and an approval, but not from the governing body. It was filed with the BOH in a timely fashion.



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Ms. Waygan would like Mr. Pesce's comments about meeting the design and road construction standards that govern the subdivision of land. Regarding the Cape Cod Commission, she would like a certificate of compliance. She is struggling with the fact it is not special permit, and it's her understanding that an approval of a definitive subdivision plan cannot be conditioned. It either complies or it doesn't, you cannot have provisional conditions. She would like to see that land deeded conservation as well as confirmation of when and how the lot was created. Before we talk about the traffic study she would like input from the public.

Mr. Kirrane will talk to the Cape Cod Commission and maybe they will be able to give him a conditional certificate. It may require two separate plans coming before the Board. He will work it out with them.

### **PUBLIC COMMENT**

**Arden Russell-** She is an abutter to this proposal. As the portion of the property with access to Main Street is zoned C3, the proposed subdivision is subject to 174-40: Access Ways to Nonresidential Districts. This states there shall be a required minimum separation of 200 feet between the center line to Rt. 130 and any other access way, or to the sideline of any street intersecting said roadways. The 532 Main Street subdivision proposal clearly does not meet this requirement. There are two access ways significantly less than 200 feet from the road and that is Sturgis Lane and Bakers Road, an ancient way. In the zoning, for safety reasons, less than 200 feet of separation between major intersections is not safe. As she tries to leave Sturgis Lane now, she needs to deal with a significant amount of traffic to the south from Nicolettas Way, Maffei Landscaping alone creates hundreds of trips per day. Now, possibly, a significant amount of traffic directly to her north, much less than 200 feet away, with this proposed road, how is she going to get out? Both of these intersections are in very close proximity to Sturgis Lane and Bakers Road. There is currently a significant amount of traffic from Echo Road and now from Evergreen Circle, which is not even completely developed yet. Cape Cod Coffee, the dispensary, and many other additional industrial businesses create hundreds of cars. As this proposed subdivision does not comply with zoning 174-40, and for the safety of the community, she urges the Planning Board to not grant approval of this subdivision road.

Ms. Waygan asked in that traffic study scope, if it has suggestions on how to proceed in making things safer?

Mr. Lehrer stated the study is to assess the impact of the actual proposal. It is in consideration of the predominant use of the district and future build out projections, at certain peak hour trips, generally from 7:00a.m.-9:00a.m. in the morning and 6:00p.m.-8:00p.m. in the evening for the 96 hour constant traffic count. It will review intersections at Evergreen Circle, Sturgis Lane,



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Nicolettas Way, and Echo Road, in addition to new proposed road and then draw conclusions. In the memo he wrote months ago, he highlighted the areas of concern in the LCP to develop that scope, it essentially encourages boards not to render any approvals for new roads if certain conditions may exist, and that is how he drafted the scope for this proposal. We want to ensure it is consistent with the zoning bylaw and the LCP. He received four quotes thus far and he is anticipating one more quote for the traffic study services.

Ms. Waygan called for further Public Comments, as there were none, she moved on to read some correspondence into the record:

**Janet Tiexeira-** She is against the curb cut at 532 Main St. as it is within 150 ft. of existing intersection at Nicolettas Way, very close proximity of many residential driveways, proposed road will exit onto the exact location where the bike path begins, and simply trying to cross at this location is impossible. She has lived on Main St. for 49 years and has seen how much traffic has become. The bike path is used by children on bikes, people walking dogs, and runners. If a curb cut is put there, it will be a danger to everyone that uses the bike path.

**Donna McCuish, Michael Shelton, and Gennady Konnikov-** They are concerned about the proximity of this proposed road to the two intersections that already get very busy, Nicolettas Way and Echo Road. They are concerned for the safety of walkers, joggers, and bicycle riders who have to cross Rt. 130 to continue on the bike path. With extra vehicles entering, the likelihood of accidents would increase. As residents of Sturgis Lane, they use the bike path regularly along with others who use it to access Heritage Park, the dog park, and it is already difficult to cross. What would happen to the cross walk that is currently there? This parcel is also located in the Mashpee National Wildlife Refuge and is an important habitat for wildlife and has potential for a future water supply area. Residents need more information about this. For many reasons, as well as safety, they ask approval not be given for the DPW to grant a curb cut here.

**Jonathan Small-** He is writing with concerns for the proposal to build a new road at 532 Main Street. There are many environmental, safety, and access concerns. The proposed curb cut to the existing intersection at Nicolettas Way is within 150 ft. He is curious why the parties did not come to an agreement. He would like to know implications to the existing crosswalk and bike path/ sidewalk. He is concerned about the proximity of all the intersections on this roadway, especially near the playground. This creates safety concerns and traffic concerns. He urges the Board to consider all issues expressed by the neighbors before proceeding with this proposal.





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Ms. Waygan asked Mr. Lehrer about the bike path and sidewalks and inquired about their ownership. She is curious if we have been in contact about what would happen to those.

Mr. Lehrer stated they are town owned. This has been discussed with DPW, but he does not have clarity.

Ms. Waygan is looking for a motion to ask Catherine Laurent, DPW Director to seek clarity on sidewalks and bike path and see what it is she needs.

### **MOTION:**

**Mr. Balzarini made a motion to inquire with DPW Director about the sidewalks and bike path for the proposed project at 532 Main Street. Seconded by Mr. Fulone. All in favor.**

Ms. Waygan commented that Mr. Lehrer has an out of the box idea she would like him to share.

Mr. Lehrer knows that the zoning needs clarity when defining distance between the sidelines of any road, and does that mean a road on the same side or both sides. The engineers for the applicant are interpreting this as same side, so 153.3 ft. from the sidelines would be compliant. They certainly need clarity, and he has included this in the scope with the traffic study. The use of Nicolettas Way was a valiant attempt, and what we are struck with now are the constitutional rights of access and private property as well as safety concerns with a new intersection. In his opinion, an idea where everyone walks away slightly uncomfortable but satisfied would be if the private road and Nicolettas Way were taken as a public way, then access would be granted as a public way, and liability and maintenance would go away, and the town would assume ownership and the issue with the neighbors and safety concerns would be rectified. It has not been discussed but there is a mechanism the town has at its disposal. As for the Cape Cod Commission decision, there were numerous Public Comments regarding the 2002 clear cutting. At that time there was contemplation of the public taking of this road, he is unsure why that did not happen, but it seems like a prudent endeavor he should ask Counsel and DPW Director.

Ms. Waygan would like that idea to go to Town Counsel. She stated the taking of this road would have to be an action approved by the town at Town Meeting.

### **MOTION:**

**Mr. Balzarini made a motion for Mr. Lehrer to follow up with Town Counsel and DPW Director about the public taking of a private road and town ownership. Seconded by Mr. Fulone. All in favor.**





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### **MOTION:**

**Ms. Faulkner made a motion to have Town Counsel clarify to the Planning Board what Section 174-40: Access Ways in Non Residential districts means and to explain. Seconded by Mr. Balzarini. All in favor.**

### **MOTION:**

**Mr. Balzarini made a motion to authorize the Town Planner to talk to the owners of Nicolettas Way and update the Select Board. Seconded by Ms. Faulkner. All in favor.**

Mr. Lehrer stated this is a dual step process. First the town would take a vote to authorize the Select Board to lay out the streets and prepare the plan, and at the subsequent Town Meeting, the town votes to accept the layout after the Planning Board reviews the plan. It requires two Town Meetings.

Mr. Balzarini stated this may not be something Nicolettas Way would be on board with, and could be contemplated if there was a safety issue.

Ms. Waygan moved on to traffic and stated Mr. Lehrer drafted up a motion.

### **MOTION:**

**Mr. Balzarini made a motion to seek a traffic engineering and transportation planning consultant in accordance with Ma General Law 44, Section 53G and the Town of Mashpee rules and regulations governing the subdivision of land, for the review of the proposed 532 Main Street, Leamar Drive definitive subdivision submitted by Marcello Mallegni property owner, consistent with the scope of work outlined in the request for quote prepared by Town Planner, Evan Lehrer and distributed to qualified firms for solicitation dated October 11, 2022. Furthermore, to authorize the Town Planner to request payment from the applicant in the amount not to exceed the lowest quoted price from a qualified bidder. The Board also authorizes the Town Planner to slightly modify the scope after discussing with project proponents and traffic engineer if necessary. Seconded by Ms. Faulkner. All in favor.**

Mr. Kirrane asked if they could include something in the motion. They haven't reviewed the scope, but if there were any questions or requests to change or limit the scope, instead of coming back before the entire Board, could they leave modifications to the discretion of the Town Planner. This was added to the motion above.

Mr. Lehrer stated the Board has all quotes that have been provided thus far, he will provide them to the Board digitally as well, and keep the Board informed of the last bid. The only



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question remaining is a scheduling one. He anticipates another seven days for the final quote, there are discussions to be had relative to scope, assuming we agree on the scope and are in a position to award contract to a bidder, we would need to draw up a contract and have it executed by the town. It does take time but it's a question of when this hearing will continue. Assuming that takes 2-4 weeks to procure, and 4-6 weeks to complete the study, we are looking at 6-8 weeks.

Ms. Waygan said it could be on December 21, 2022 at 7:10 to continue the Public Hearing.

### **MOTION:**

**Mr. Balzarini made a motion to continue the Public Hearing to December 21, 2022 at 7:10p.m. Seconded by Mr. Richardson. All in favor.**

Mr. Balzarini would like to look into putting a sign before approaching the industrial park warning people to slow down. He will look for what address the sign should be placed at and he will bring it back to the Board for discussion.

### **NEW BUSINESS**

**Due to procedural defect in the public hearing notifications process the Board will re-vote to set public hearing date for modification of definitive subdivision plan of land known as Spring Hill West and re-vote to set public hearing date for associated cluster subdivision special permit approved by the Planning Board October 06, 1989 submitted by Pleasantwood Homes LLC.**

Mr. Lehrer found a procedural defect and had not mailed this Public Hearing to the adjacent towns Planning Boards. He would ask this Board re-vote to set the dates for Wednesday, November 2, 2022 at 7:15p.m. and 7:10p.m. He did prepare an adequate and comprehensive notice.

### **MOTION:**

**Mr. Richardson made a motion to set a Public Hearing for the cluster subdivision special permit on November 2, 2022 at 7:15p.m., to be held at the Mashpee Public Library. Seconded by Mr. Balzarini.**

### **MOTION:**

**Mr. Richardson made a motion to set a Public Hearing for modification of definitive subdivision plan of Spring Hill West on November 2, 2022 at 7:10p.m., to be held at the Mashpee Public Library. Seconded by Mr. Fulone. All in favor.**



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### **OLD BUSINESS**

#### **Local Comprehensive Plan Updates with Weston and Sampson**

##### **Survey Beta Test**

Mr. Lehrer received more comments from the Board and he is compiling a memo to Weston and Sampson. He would like to be granular in capturing final feedback to be able to send in one detailed email. It's too much bureaucracy and he really wants to be able to finalize the survey. He outlined some necessary changes, mostly to format. Mr. Lehrer commented most of the multi-part questions had a massive scale and he would like to remove some options, at least one scale level.

Ms. Waygan noted that some options need to say "not applicable".

Mr. Fulone stated you want the level of importance and two on each side of neutral, with a total of five options.

Ms. Waygan gave the example of asking if Mashpee was an ancestral place for you and there needing to be a not applicable option.

Mr. Balzarini thought the survey was still very long.

Ms. Waygan commented the quickest any of her contacts took was 15 minutes, and the longest it took was 50 minutes. The lengthier times were people writing comments. It is long and she thinks that is okay. In the introduction it should say how many questions there are and to note this is an investment in Mashpee and to please finish.

Mr. Fulone asked if they discussed people being able to save and go back and finish.

Mr. Lehrer stated for the multi-part questions, whoever went through the survey and entered every single option having a choice for every scope. He would like to change that and use a matrix with radio buttons, this will shorten the timing as it pertains to half of the survey. The survey does a good job in considering every action item to ask a town. Question 7 provided 10 response options about the extent at which you would support or oppose housing strategies. One choice, bonding and loan programs, won't resonate with people. He thinks it would be prudent to strike some items. He was trying to get at if someone was in support of multifamily housing in the town.

Ms. Waygan would like to add donation of town owned land to affordable housing. She would like to gauge that interest now. She also asked if they want to inquire if the town should provide subsidies.



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Mr. Lehrer questions if people really know the mechanics of these things. Understanding their level of knowledge is key or valuable data will be lost.

Ms. Faulkner suggested definitions for some items such as ADUs.

Ms. Waygan reframed it as do you support subsidized housing in town? Of everyone's top two concerns in town, climate change isn't it. It is either water then housing or housing then water. There were a lot of questions about climate change.

Mr. Lehrer would like to provide a comprehensive memo with the final draft for their review. Anything that is still substandard in consideration of expectation, or missing, they will deal with again.

Ms. Waygan would like question 7 under housing to be tightened up as it is too long.

Mr. Lehrer also noted some questions were multiple choice when it should just be a yes or no.

Ms. Waygan commented that question 3 needs a "does not apply" answer option. Question 7 under housing, she didn't know it was a question about housing until she was answering it. In question 12 or 13, you are likely to pick all and there should be a most pressing level of priority. To recap, questions 12, 13, 22, 23, and 25 you can only pick one. At the end, one of the climate questions can be omitted, it felt as though she was answering the same question twice.

Mr. Fulone stated a couple transportation questions can also be condensed.

Mr. Lehrer noted he will take the comments and tie up loose ends to give back to the Board over the next few weeks, he would like to get it done and ready to issue. He will present it at the second meeting in November for a public launch.

Ms. Waygan suggested they launch it in early December then extend it into the New Year.

### **Workshops and Focus Groups**

As Mr. Lehrer is concluding the workshops, the Tribe has agreed to the date of November 13<sup>th</sup> for their general membership meeting. He held the workshop for parents of school aged children and no one attended.



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Ms. Waygan reminded him about the note she saw on the Mashpee Message about one person trying to log on and had a technical problem. If they send her the worksheets she will fill them out.

Mr. Lehrer will hold the final general workshop after November 13<sup>th</sup> but at some point we have to move on.

Ms. Waygan stated this is a Tribal Council meeting and it is important to attend formally to present and be available to work with people. She would like confirmation they are on the agenda for the Tribal Council. She spoke to Cassie Jackson, and she puts the agenda together for those meetings. They will need to follow up with her about advertising to Tribal citizens. Then they will need to get something together with Weston & Sampson to allow two weeks for advertising for anyone who missed the opportunity, it can be sent on facebook and to the school, then engagement will be done. She is curious if the workshop data has been compiled. Everyone saw the numbers for the first workshop, and they need trends before the vision statement and action plans are defined. Where are we, where are we going, and how do we get there?

Mr. Lehrer noted there was a force field analysis for the workshops. He has that compiled and will be uploading to the planmashpee.com website along with all previous engagement.

### **Updating the Vision Statement**

Mr. Lehrer would like to get working on the Vision Statement in a special meeting. He thinks the 1998 statement is beautiful, there are just some inconsistencies within existing conditions, and also new items to address like climate change. This is the town's vision, so they will be taking the current vision, reflect and update it.

Mr. Fulone stated it has to be informed by the data collected.

Ms. Waygan said the survey results will drive their statement as well.

Mr. Lehrer would like a working draft that could be added upon. He would like to review the existing vision and work on language to propose for a discussion at the December 7<sup>th</sup> meeting. They will be much closer to the survey at that point.

Ms. Faulkner stated they will be in better shape by then as they will have the new beta test and the matrix of the workshops, which they will need.



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Mr. Lehrer would like to hold a special workshop for the Board to begin defining those actions. He does not want to wait until the end to work on this. They learned a lot through this process and can at least come up with a skeleton. Weston and Sampson wanted to draft a memo with proposed actions to consider. They are about a year into the contract, with a total of 18 months. Getting the survey, final workshops, and producing drafts will also take time. The contract is up in mid-April.

Ms. Waygan stated if he gets them all the data, then the vision statement and actions steps will fall into place.

Ms. Waygan wanted to recap some dates and the timeline. On November 13<sup>th</sup> they are meeting with Tribal Council. Then they will schedule one last virtual workshop. They are thinking of launching the survey in the first week of December, and all data can be given to the Board prior to their first meeting in December. Visioning will be coming the first weekend of December. She thinks it will be beneficial to hold a special meeting during the second week in December about action items, the week of the 12<sup>th</sup> – 16<sup>th</sup>. That second Wednesday she will be at the Commission meeting so she is proposing Thursday, December 15<sup>th</sup>, maybe around 5:00p.m. She would like to see her existing conditions red lined and she will ask if they will do that.

### **Workshop on proposed actions**

This item was tabled.

### **Affordable and Workforce Housing**

#### **Coordination with Affordable Housing Committee and Community Preservation Program**

Mr. Lehrer spoke with the Affordable Housing Committee last evening. The Chair asked him to start thinking about the launch of the HPP process. As they are nearing the end of the LCP, he would like to begin the procurement process for the consultant. The AHC wanted a timeline of information and where this update will be taken. They want to begin the scope and scale of engagement with this plan. Drafting a request for a quote would be simple. The CPC has awarded \$50,000 and approval from Town Meeting for the update. He will issue the RFQ, up to, but not exceeding \$50,000. The writing and issuing of the RFQ is 30 days, they will issue an award and execute a contract, which will bring them to December. In early January they will begin outlining the process and conducting literature. They will look into engagement that would be consistent with best practice. As he explained to the AHC, he would like to create a mechanism to hold accountability for the town to bring sites identified for affordable housing into fruition. He anticipates it would take around 6 months to get through engagement and prepare a draft. The draft would be under review by the AHC for comments and edits, they will





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be incorporated into the draft, and then the draft would be sent to the Planning Board for same review and comment. Once a point of comfort is reached with the document, it would then be sent to the Select Board and finally to DHCD for certification. The process should take a little more than one year. It will launch in January of 2023 and end into early 2024. He will begin procurement next week.

Ms. Waygan provided him with some language to use. Minimum requirements for the state can always go beyond that. Affordable housing goes on the SHI, the 10% goal, but there is other housing like workforce housing that goes above certain income requirements, that still serve the community and don't count towards the 10%. She spoke to the Affordable Housing Committee and she asked to put local preference for 950 Falmouth Road with 40 units on their next agenda. At the Tribal meeting, Tribal preference was discussed. She asked the AHC to draft a letter for the Tribe to be considered, it would account for 70%, 28 units could be preference units. The state or subsidizing agency would allow a mix of local, veterans, and Tribal citizens for preference. She is hoping the AHC gets a letter drafted for that so it can be taken to the Select Board. MASS Housing Partnership's workforce program serves households that earn 60-120% AMI, and units on the SHI have to be at 80% or lower, so there is some overlap. If the state is funding, it should go on the inventory.

Mr. Lehrer is confident there is local preference. As for the 10% goal, there is a far greater need than that. The workforce programs are relatively new.

### **ADU Workshop**

This is something Mr. Lehrer will do with his new Assistant. They will be holding coffee hours on Fridays with conversation. This is an opportunity to think about what is needed amongst fellow department heads and he will have Jennifer spearhead the advertising for the event. He could offer it via signups, but it is ultimately for the public to learn.

Ms. Waygan asked they give notice to the Building Department, as people ask them about ADU's they could be jotting people's names down. She inquired if they do enforcement of illegal apartments.

Mr. Lehrer knows of one enforcement off of Nathan Ellis Highway, they built an illegal staircase.

### **Clean Water Initiative**

Low Impact Development passed at Town Meeting. They also had the clean water bylaw. She noted May will be packed with Warrants.





# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

### **Redeveloping Suburban Sprawl, a collection of case studies by Alex Beltran, Mashpee Planning Intern Summer 2022**

Mr. Lehrer wanted to take a moment to talk about his summer intern. He wanted him to be able to produce something he could site on a resume when looking for jobs. In consideration of redevelopment goals, he wanted Mr. Beltran to review current zoning and make a recommendation and conduct an analysis. Given the scope of work he took on for the LCP, they modified and had him review case studies of redevelopment projects into more mixed use walkable pedestrian friendly neighborhoods. He thinks it is very well written, he wanted to take a moment to thank Mr. Beltran for his efforts, and noted it was a nice piece of work that he will share with the Board. His hard work was definitely noticed here.

Mr. Fulone thought it was exceptional work and would like it posted.

### **PUBLIC COMMENT**

**Lynne Barbee-** She has a question about the open comment boxes in the beta survey. She took it in a half hour. She would like to know how that information is going to be incorporated into the results. People will decide to write an essay, and how will that be dealt with? Her other question was in regards to the meeting he had with the Tribal Housing Commission that was spoken about at last night's Affordable Housing Committee meeting. It was indicated that he attended and she gathered there were no minutes taken. She would like to know what came of that meeting. She could not get a good understanding from last evening.

Mr. Lehrer stated the Chair of the Affordable Housing Committee invited him to participate, and he was happy to do so. They have been trying to facilitate a more functional relationship with tribal housing for some time, and it has been slow progress. This meeting was the first time they were able to sit down and lay things on the table. There were a couple things he wanted to approach them with, but he wanted to be a listener. They met with the entire Tribal Housing Commission, and he doesn't know them all by name but he knew Chuck Green, Cassie Jackson, Shellie Tobey, and Carlton Hendricks. The Tribe had some passionate concerns with the Housing Authority. They were very prepared to let them know how upset they were with Housing Authority, under the belief the three of them were the Housing Authority. They offered guidance on who to speak with as well as make an attempt to understand the issues they are all trying to navigate, some are long, deep seeded, and nuanced. They approached this at a less technical and more human point of view. We all like to intellectually understand but there is a lot we don't understand culturally, especially when living so closely amongst Tribal members. We approached that meeting in showing good faith and demonstrating they are serious, not just make a phony offer of collaboration and walk away when it gets hard. This was not an easy start, but it got to a place of productivity. The Tribe is concerned from a housing perspective, Mr. Hicks was very clear on this. If the Tribe were to participate, they



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

have stern expectations, and they want a tangible outcome. He inquired as to how many units they could be given, as there are unhoused Tribal members that desperately need housing. Mr. Lehrer was able to communicate the scope of ability in producing units, timelines, and the concept of bringing units online, it's timely and a lot of work. It was narrowed down to Tribal preference, he was able to collaborate by not saying how many units could house Tribal members today, but this crisis holds lots of competition and a bunch of people with many injustices. Through the HPP there is an opportunity to elevate issues pertaining to housing that have not been done in any official capacity previously. This will ascertain an appropriate role and process for this to be collaborative and seeing what affects them uniquely. They walked away knowing they have lots to learn from one another and to come back again so the town and Tribe will participate together, i.e. a pipeline of town projects.

### **ADJOURNMENT**

#### **MOTION:**

**Mr. Balzarini made a motion to adjourn the meeting of the Planning Board at 8:52p.m.  
Seconded by Mr. Fulone. All in favor.**

### **COMMITTEE REPORTS**

#### **Cape Cod Commission-**

Mr. Lehrer gets notice of their hearings, especially related to the town. The Commission called him last week relative to the grocery store on Shellback, and he submitted comments. They let him know they are looking to schedule the Public Hearing for the first or second week of November. He will pass along. Ms. Waygan would like the agenda.

#### **Community Preservation Committee-**

There was a Public Hearing two weeks ago and people had a lot of comments. Applications are due Nov. 17<sup>th</sup>. Mr. Lehrer noted one parcel on Ashumet connecting to Main St. is up for affordable housing of 100,000 s.f. The seller approached the town to gauge interest in the acquisition for affordable housing. It was his advice the applicant submit the application. Mr. Lehrer stated he is unsure if there will be a letter of interest from the property owner to the trust. The property owner was the applicant for a prior parcel. The Trust should submit an application that Mr. Lehrer prepared for them.

#### **Design Review-**

No Meeting

#### **Plan Review-**

No Meeting



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

**Environmental Oversight Committee-** No Meeting  
**Historic District Commission-** No Meeting  
**Harbor Management Plan Committee:** Mr. Lehrer has an update regarding this Committee. He was made aware initially of the proposal for the makeup, which triggered review for how this Committee was established in the late 80s. It was comprised of Department Heads and experts, there will be no Planning Board representative as it is the Town Planner who will hold a spot.

Respectfully Submitted,

Christine M. MacDonald  
Board Secretary

### LIST OF DOCUMENTS

*Additional documents may be available in the Planning Department.*

- Arden Cadrin, Sturgis Lane, Regarding 532 Main Street Definitive Subdivision Proposal
- Jonathan Small, Sturgis Lane, Regarding 532 Main Street Definitive Subdivision Proposal
- Town of Falmouth Notices
- Town of Sandwich Notices
- Town of Barnstable Notices
- MGL Ch. 91 Waterways Application Notice- Joshua M. and Tamara M. Fox, 81 Lighthouse Lane
- MGL Ch. 91 Waterways Application Notice – Mark C. and Kim M. Bush, 87 Lighthouse Lane
- August 2022 Discharge Monitoring Report for South Cape Village – N=3.4
- July 2022 Discharge Monitoring Report for South Cape Village – N=4.5
- June 2022 Discharge Monitoring Report for South Cape Village – N=5.3

*TOWN OF MASHPEE  
PLANNING BOARD*

APPLICATION FOR MODIFICATION TO SPECIAL PERMIT and  
MODIFICATION TO SUBDIVISION PLAN

**PLEASANTWOOD HOMES, LLC**

*Respectfully Submitted,*

*Christopher J. Kirrane, Esq.  
DUNNING, KIRRANE, McNICHOLS & GARNER, LLP  
P.O. Box 560  
Mashpee, MA 02649*

November 2, 2022

## **NATURE OF APPLICATION**

The Applicant, Pleasantwood Homes, LLC has filed an application to modify an existing Special Permit for the Spring Hill West Subdivision and modify the existing subdivision plan. The applicant is proposing to modify three existing residential lots and create three additional residential lots all to be incorporated in the existing Special Permit and existing Subdivision Plan.

## **BACKGROUND**

The Spring Hill West Subdivision<sup>1</sup> is a Cluster Subdivision approved by the Planning Board by Special Permit dated October 6, 1989 (and as subsequently modified). The Planning Board approved forty-four (44) lots pursuant to Section 9.4 of the then existing Zoning By-Law.

On or about August 9, 2021, the applicant acquired approximately 6.024 acres abutting the subdivision at the end of the Tudor Terrace cul-de-sac.

## **THE PROPOSAL**

The applicant seeks to modify lots existing 40, 41 and 42 using the approximately 6.024 acres recently purchased and also create three additional residential lots from the remaining acreage. The applicant also proposes to create approximately 108,945 sq. ft. of open space. The open space proposed will maintain the overall percentage of open space at 39%<sup>2</sup> as was approved in 1989. Modified Lots 40, 41 and 42 are shown on the proposed plan as Lots

---

<sup>1</sup> The Spring Hill West Subdivision is located within the R-5 Zoning District which requires a minimum lot size of 80,000 sq. ft.

<sup>2</sup> Section 9.4.2(11) of the bylaw existing at the time of the original approval contained a minimum open space requirement of 35% of the total upland area.

40A, 41A and 42A containing 23,616 sq. ft., 40,014 sq. ft. and 40,000 sq. ft. of lot area respectively. The newly created lots are shown on the proposed plan as Lots 47, 48 and 49 containing 45,210 sq. ft., 40,442 sq. ft. and 44,120 sq. ft. of lot area respectively. Except for Lot 40A, which lot size is consistent with the other lots within the Subdivision, the remaining lots will be larger than the existing lots within the Subdivision. <sup>3</sup>

## **CONCLUSION**

In conclusion, it is suggested that the proposed modifications to the Special Permit and Subdivision Plan will not adversely affect public health and safety, will not cause excessive demand on community facilities, will not significantly decrease surface or groundwater quality or air quality, will not have a significant adverse impact on wildlife habitat, estuary systems, traffic safety, waterways, fisheries, public lands or neighboring properties, will not cause excessive levels of noise, vibration, electrical disturbances, radioactivity or glare, will not destroy or disrupt any species listed as rare, endangered or threatened by the Massachusetts Natural Heritage Program or any known historic or archeological site, will not produce amount of trash, refuse or debris in excess of the Town's landfill and waste disposal capacities, will properly dispose of stumps, construction debris, hazardous materials and other waste, will provide adequate off-street parking, will not cause excessive erosion or cause increased runoff onto neighboring properties or have any natural stream, pond or water body and will not otherwise be detrimental to the Town of the area.

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<sup>3</sup> The surrounding lots range from approximately 18,000 sq. ft. to 35,000 sq. ft. with the majority of the lots averaging approximately 25,000 sq. ft.

Respectfully Submitted,  
Pleasantwood Homes, LLC  
By their Attorney,

A handwritten signature in blue ink, appearing to read 'CK', is written over a horizontal line.

Christopher J. Kirrane, Esquire  
Dunning, Kirrane, McNichols & Garner, L.L.P.  
P. O. Box 560  
Mashpee, MA 02649  
(508) 477-6500





# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

### APPLICATION FOR SPECIAL PERMIT MODIFICATION

Date received by Town Clerk: \_\_\_\_\_ Town Clerk Signature / Seal: \_\_\_\_\_

The undersigned hereby applies for a Modification of the Special Permit approved by the Mashpee Planning Board on October 6, 1989 for a project entitled Spring Hill West Subdivision.

The original Special Permit and any Modifications have been recorded in the Barnstable County Registry of Deeds at the following Book(s) and Page(s):

Book 8701, Page 212; Book 8701, Page 220 and Book 8701, Page 222

Name of Applicant Pleasantwood Homes, LLC c/o Christopher J. Korrane, Esq. Phone c/o DKM&G (508) 477-6500

Address 133 Falmouth Road, P. O. Box 560, Mashpee, MA 02649

Owner, if different \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Attach copies of (a) most recent recorded deed and (b) tax bill or Assessors' certification.

Deed of property recorded in Barnstable County Registry Book 34366 Page 213 and 276  
or Land Court Certificate of Title No. \_\_\_\_\_

Location and description of property: Approximately 6.024 acres of residentially zoned, vacant land

at the end of the Tudor Terrace cul de sac and Lots 40, 41 and 42 as shown on the Spring Hill West Subdivision Plan.

Mashpee Assessors Map(s) and Block(s): Map 29, Parcel 188, Map 29, Parcel 66, Map 29, Parcel 167 and Map 29, Parcel 168

Zoning District(s) in which property is located: R-5

How long have you owned the property? Since August 9, 2021

Section(s) of the Zoning Bylaw which require(s) the permit you seek: Section 174-47

Present use of property: Vacant and Residential

Description of proposed modification (*attach plans and documents as required by the Zoning By-law and Special Permit Regulations*):

Applicant seeks to modify existing Lots 40, 41 and 42 as shown on the Spring Hill West Subdivision and lot shown on Mashpee Assessor's Map as Map 29, Parcel 198 to modify three existing/approved residential lots and create three additional residential lots.

Signature of Owner or Authorized Representative \_\_\_\_\_

*Attach written authorization signed by owner.*

MASHPEE TOWN CLERK  
SEP 2 '22 PM 1:42



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

### APPLICATION FOR SPECIAL PERMIT MODIFICATION

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Address 133 Falmouth Road, P. O. Box 560, Mashpee, MA 02649

Owner, if different \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Attach copies of (a) most recent recorded deed and (b) tax bill or Assessors' certification.

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Signature of Owner or Authorized Representative \_\_\_\_\_

*Attach written authorization signed by owner.*

MASHPEE TOWN CLERK  
SEP 2 '22 PM 1:42

**QUITCLAIM DEED**

**DANIEL E. MARSTERS, TRUSTEE OF DJM REALTY TRUST, w/d/t dated February 15, 2008, registered with the Barnstable County Registry District of the Land Court as Document No. 1,083,488, of 10 Pleasantwood Drive, Forestdale, MA 02644**

**For consideration of LESS THAN ONE HUNDRED AND NO/100 DOLLARS (\$100.00)  
PAID**

**Grant to PLEASANTWOOD HOMES, LLC, of 10 Pleasantwood Drive, Forestdale, MA 02644**

**WITH QUITCLAIM COVENANTS**

**The land with the buildings and improvements thereon in Mashpee, County of Barnstable, Commonwealth of Massachusetts, and described as follows:**

**Being shown as LOT 2 on a plan of land entitled "Plan of Land located in Mashpee – Mass. Prepared for Rudolf E. Deas, Scale: 1" = 60 ft., Date: December 1, 2003, by Ferreira Associates, 161A Worcester Court, Falmouth, Mass. 02540" recorded with the Barnstable County Registry of Deeds in Plan Book 587, Page 72.**

**The Grantor hereby ratify and confirm that the property is vacant land and that there are no persons or parties entitled to the homestead protection pursuant to M.G.L. ch. 188 in and to the property conveyed.**

**For title see deed dated March 31, 2021, and in the Barnstable County Registry of Deeds in Book 33973, Page 225.**

**PROPERTY ADDRESS: 20 TUDOR TERRACE, MASHPEE, MA 02649**

Executed as a sealed instrument this 5<sup>th</sup> day of August, 2021.

**DJM REALTY TRUST**

  
**DANIEL E. MARSTERS, TRUSTEE**

**COMMONWEALTH OF MASSACHUSETTS**

County of Barnstable, ss

On this 5 day of August, 2021, before me, the undersigned notary public, personally appeared DANIEL E. MARSTERS, TRUSTEE AS AFORESAID, and proved to me through satisfactory evidence of identification which was, DANIEL E. MARSTERS to be the person whose name is signed on the preceding document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief, and acknowledged to me that he signed it voluntarily and for its stated purpose.



  
Notary Public:  
My Commission Expires:

**TRUSTEE CERTIFICATE**

**I, DANIEL E. MARSTERS, TRUSTEE OF DJM REALTY TRUST, u/d/t dated February 15, 2008, and registered with the Barnstable County Registry District of the Land Court as Document No. 1,083,488, of 10 Pleasantwood Drive, Forestdale, MA 02644, state the following:**

1. I am fully authorized under the terms of the Trust to conduct solely the herein referenced transaction;
2. I have been authorized by all of the beneficiaries (none of whom are minors, incompetent, or a corporation) to transfer the property located at 20 Tudor Terrace, Mashpee, MA 02649 for a sale price of less than \$100.00 to Pleasantwood Homes, LLC;
3. I am the sole and current Trustee of the Trust;
4. The Trust is in full force and existence;
5. There are no other alterations or amendments to said Trust and there are no facts which constitute conditions precedent to acts by the Trustee or are in any other manner germane to affairs of the Trust.

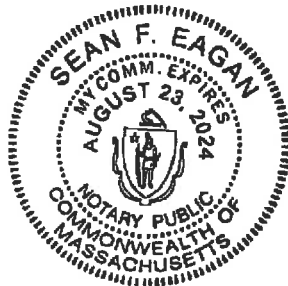
Signed under the pains and penalties of perjury 5<sup>th</sup> day of August, 2021.


  
DANIEL E. MARSTERS, TRUSTEE

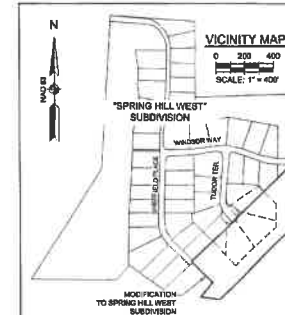
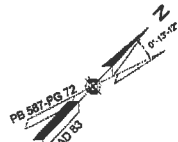
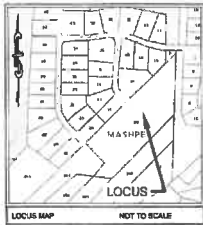
**COMMONWEALTH OF MASSACHUSETTS**

County of Barnstable, ss

On this 5 day of AUGUST, 2021, before me, the undersigned notary public, personally appeared the said DANIEL E. MARSTERS, TRUSTEE AS AFORESAID, and proved to me through satisfactory evidence identification, which was DRIVER'S LICENSE and acknowledged to me that he signed it voluntarily and for its stated purpose and that he signed the foregoing instrument in his free act and deed.



  
Notary Public:  
My commission expires:



#### FOR REGISTRY USE ONLY

I HEREBY CERTIFY THAT THIS PLAN DOES CONFORM WITH THE REQUIREMENTS FOR RECORDING OF PLANS IN THE REGISTRY OF DEEDS.

MATTHEW C. COSTA P.L.S. DATE 8/30/12

I CERTIFY THAT THIS PLAN AND SURVEY CONFORMS TO THE ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

MATTHEW C. COSTA P.L.S. DATE 8/30/12

I HEREBY CERTIFY THAT THIS PLAN WAS MADE IN ACCORDANCE WITH THE MASSACHUSETTS REGULATIONS, WITH LAND SURVEY STANDARDS OF ACCURACY AND THAT THE PERMANENT POINTS SHOWN ON THE PLAN ARE IN EXISTENCE ON THE GROUND.

MATTHEW C. COSTA P.L.S. DATE 8/30/12

#### GENERAL NOTES

LOCATIONS ARE BASED ON THE GROUND SURVEY AND ELEVATIONS BASED ON THE NAVD 83 DATUM. COORDINATE SYSTEM LISTED IN THE MASS LAND COORDINATE SYSTEM DATUM, WHICH IS THE U.S. SURVEY FEET.

ZONING DISTRICT: R-8

PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF UNLAWFUL FLOOD HAZARD ZONE II BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). ON FLOOD INSURANCE RATE MAP NO. 2201001A WITH A MAP EFFECTIVE DATE OF JULY 18, 2014.

THIS LOT IS LOCATED WITHIN A DEEP APPROVED ZONE II HAZARD PROTECTION AREA.

THIS LOT IS NOT MAPPED WITHIN A NATURAL HERITAGE AND ENDANGERED SPECIES AREA.

DEED REFERENCE: BOOK 3496 PAGE 113

PLAN REFERENCE: BOOK 3496 PAGE 113

OWNER: DANIEL E. MARSTERS PLEASANTWOOD HOMES, LLC 15 PLASANTWOOD DRIVE FORESTDALE, MA 02544

SCALE: 1" = 40'

NOTES: ANY WORK DONE BY THE OWNER SHALL BE DONE BY AN APPROVED CONTRACTOR.

THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.

DATE: 8/30/12

FOR: DANIEL E. MARSTERS PLEASANTWOOD HOMES, LLC 15 PLASANTWOOD DRIVE FORESTDALE, MA 02544

PROJECT: 20 TUDOR TERRACE MASHPEE, MASSACHUSETTS

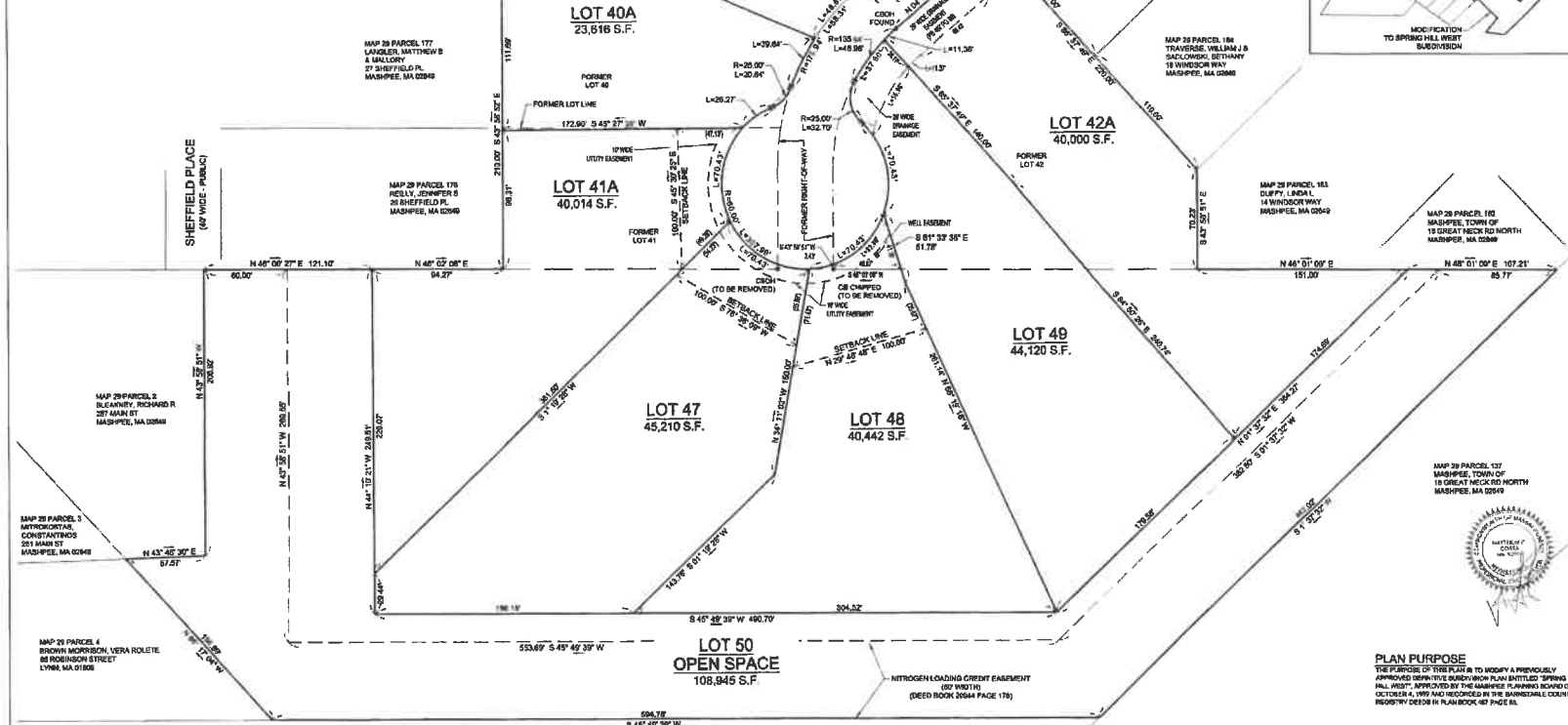
SHEET NO. 1 OF 1 DATE: AUGUST 31, 2012

DESIGNED BY: JCB

PREPARED BY: CAPE & ISLANDS ENGINEERING

NUMBERED PARK RD PALMOUTH ROAD SUITE 200 PALMOUTH, MA 01948

DEFINITE SUBDIVISION PLAN TUDOR TERRACE



LEGEND	1988 APPROVED	2002 ADDITIONAL	2002 TOTAL
CONCRETE BOUND FOUND	44,337 AC.	0.024 AC.	44,361 AC.
CONCRETE BOUND TO BE SET	3,274 AC.	0.005 AC.	3,279 AC.
STONE BOUND	41,673 AC.	0.024 AC.	41,697 AC.
ROAD CAP	44	0	44
IRON PIPE	23,736 AC.	0	23,736 AC.
DISTANCE TO SETBACK	17,133 AC.	2,498 AC.	19,631 AC.
	39%		39%

#### CLUSTER FORMULA

1988 APPROVED	2002 ADDITIONAL	2002 TOTAL
TOTAL AREA *	44,337 AC.	44,361 AC.
TOT. AREA OF ROADS *	3,274 AC.	3,279 AC.
USEABLE LAND *	41,673 AC.	41,697 AC.
TOTAL LOTS SHOWN	44	44
TOTAL AREA OF LOTS	23,736 AC.	23,736 AC.
TOTAL OPEN SPACE	17,133 AC.	19,631 AC.
PERCENTAGE OPEN *	39%	39%

THIS PLAN IS SUBJECT TO COVENANT DATED AND ATTACHED HERETO.

#### CLERK'S CERTIFICATION

THIS IS TO CERTIFY THAT TWENTY (20) DAYS HAS ELAPSED SINCE THE NOTICE OF APPROVAL FROM THE PLANNING BOARD RECEIVED AND RECORDED AND THAT NO NOTICE OF APPEAL HAS BEEN FILED IN THIS OFFICE.

MASHPEE TOWN CLERK DATE

#### PLAN PURPOSE

THE PURPOSE OF THIS PLAN IS TO MODIFY A PREVIOUSLY APPROVED SUBDIVISION PLAN ENTITLED 'SPRING HILL WEST', APPROVED BY THE MASHPEE PLANNING BOARD ON OCTOBER 4, 1990 AND RECORDED IN THE MASHPEE COUNTY REGISTRY DEEDS IN PLANK 487 PAGE 61.

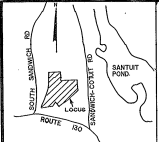
APPROVED IN ACCORDANCE WITH THE SUBDIVISION CONTROL LAW.

MASHPEE PLANNING BOARD

DATE APPROVED:

DATE SIGNED:





LOCUS MAP  
F-5000  
MAP 28 POL IS 8 MAP 23 POL I  
RESIDENTIAL ZONE-140

CLUSTER FORMULA

TOTAL AREA= 44,357 AC.  
NO WETLANDS  
TOT. AREA OF ROADS= 3,274 AC.  
USEABLE LAND= 41,083 AC.  
NON-140RD-40,000- 42,74  
TOTAL LOTS SHOWN= 44  
TOTAL AREA OF LOTS= 23,738 AC.  
TOTAL OPEN SPACE= 17,53 AC.  
PERCENTAGE OPEN= 39%

MASHPEE PLANNING BOARD  
APPROVED UNDER THE SUBDIVISION  
CONTROL LAWS.

DATE APPROVED: OCT. 4, 1989  
DATE SIGNED: 11/1/89  
[Signature]  
[Signature]

I CERTIFY THAT NOTICE OF APPROVAL OF  
THIS PLAN BY THE MASHPEE PLANNING  
BOARD HAS BEEN RECEIVED AND RECORDED  
AT THIS OFFICE AND NO APPEAL WAS RE-  
CEIVED IN THE TWENTY DAYS SUBSEQUENT  
TO SUCH RECEIPT AND RECORDING.

DATE: November 9, 1989  
[Signature]  
MASHPEE TOWN CLERK

I CERTIFY THAT THIS PLAN HAS BEEN  
PREPARED IN CONFORMITY WITH THE  
RULES AND REGULATIONS OF THE  
REGISTERS OF DEEDS.  
[Signature]

I HEREBY CERTIFY THAT THIS PLAN WAS  
MADE IN ACCORDANCE WITH MASHPEE SUB-  
DIVISION REGULATIONS WITH LAND COURT  
STANDARDS OF ACCURACY AND THAT THE  
PERMANENT POINTS SHOWN ARE IN  
EXISTENCE IN THE GROUND.  
[Signature]

NOTE:  
SUBDIVISION IS LOCATED IN RECHARGE ZONE  
OF COTUIT WELLS AND PROPOSED WELLS  
1, 2, 3 AND 4 TO BAYBERRY PROPERTY IS ALSO  
LOCATED IN RECHARGE ZONE OF SANTUIT  
POND. THESE ZONES ARE PLOTTED ON A MAP  
ON FILE AT THE OFFICE OF THE TOWN PLANNER,  
TOWN HALL, MASHPEE.

LAKEWOOD HOME OWNERS ASSOC. INC.  
C/O ROBERT MASTERS  
171 WILSON AVE  
QUINCY, MA 02269

MARILYN BEESSE RUFF  
14201 S. SHAEDEE RD SE  
HUNTSVILLE AL 35893

AMANDA M. MCKINNEY  
38 STEARNS ST  
NEWTON, MA

OWNER: MAP 28 POL IS MASHPEE WAMPANAGOIS RD & GUN CLUB  
MAP 29 POL IS GEORGE S. JR. & ANIELA S. BRIDGMAN

SUBDIVIDER: SPRING HILL REALTY TRUST  
ONE MADAGASCAR PL.  
MASHPEE, MASS.

"SPRING HILL WEST"  
PLAN OF LAND  
IN  
MASHPEE MASS.  
FOR

SPRING HILL REALTY TRUST  
SCALE: 1"=400' OCT. 1, 1988  
REV: JAN. 9, 1989  
REGISTERED LAND SURVEYORS  
CIVIL ENGINEERS  
OSTERVILLE, MASS.

BAXTER & NYE, INC.



467-88

**TOWN OF MASHPEE**

**PLANNING BOARD**

**SPECIAL PERMIT DECISION**

**SPRING HILL WEST SUBDIVISION  
ESSEX (SPRING HILL) REALTY TRUST**

**I. Proposal**

This decision concerns the application of Spring Hill Realty Trust for a Special Permit for a 44 lot Cluster Development on a 44.4 acre site north of Route 130, east of South Sandwich Road and west of Sandwich/Cotuit Road in Mashpee, Massachusetts. The land is shown on a plan entitled "Spring Hill West Plan of Land (hereinafter referred to as the "Site Plan") prepared by Baxter & Nye, Inc, Osterville, Mass., and dated January 7, 1989, revised.

**II. Jurisdiction**

This decision is issued by the Mashpee Planning Board pursuant to Sections 9.4 and other relevant sections of the Mashpee Zoning By-Laws as they existed on 6 May, 1988, the date on which a preliminary subdivision plan for the land, from which a definitive plan was derived, was submitted to the Board in accordance with the requirements of the Subdivision Control Law and applicable provisions of Massachusetts General Laws, including Chapter 40A, Section 9, which authorizes the Planning Board to issue a special permit for a cluster development and to impose conditions upon its issuance of a Special Permit. Where reference is made herein to the Mashpee Zoning By-Law, it shall refer to the provisions thereof as they existed on 6 May, 1988.

**III. Chronology**

- . Preliminary Subdivision Plan submitted 6 May, 1988 was denied 15 June, 1988 based on inadequate lot size, drainage, etc.
- . Special Permit Application was submitted 2 November, 1988.
- . Public Hearing was convened at Mashpee Town Hall on 4 January, 1989 and subsequently continued on 1 February, 1 March, 3 May, 21 June, 5 July and 19 July, 1989 by written request and agreement of the applicant.
- . Notice was given to all abutters and abutters to abutters within 300 feet in accordance with M.G.L. Chapter 40A and by publication in The Enterprise, a newspaper of general circulation in the Town of Mashpee, on December 14 and 21, 1988.

- . The Public Hearing was closed on September 20, 1989, at which time the Board took the matter under advisement to prepare this special permit decision and findings.
- . On October 4, 1989 the Board voted to make the following findings and grant the special permit authorizing the construction of the project as depicted on the Site Plan documents dated January 7, 1989, revised, subject to the conditions listed below. Anthony E. Ferragamo, Judy Mills, V. Louise Behrman, Patrick Coffey and Scott McAskill were all recorded as voting in favor of this decision. No members were recorded in opposition.

#### IV. Findings, Site Eligibility and Use

1. At the time of filing of the preliminary subdivision plan, the land was located in an R-3 zone within which a Cluster Development was allowed under Section 9.4 of the By-Law. The land provides more than 10 acres of lot area, and is therefore, an eligible site for development.
2. The project satisfies requirements of M.G.L. Chapter 40A in that it complies with the general purposes and intent of the Mashpee Zoning By-Law.
3. The proposed development complies with the density and other dimensional requirements set forth in Section 9.4 of the By-Law.
4. The proposed development is superior to a conventional plan in preserving natural open space, utilizing natural features of the land, and allowing more efficient provision for public services. The proposed development will provide 17.4 acres of permanent open space within a secondary conservation area as designated on the Mashpee Open Space Conservation and Recreation Plan. The majority of said open space will be deeded to the Mashpee Conservation Commission.
5. The applicant has agreed to provide an easement to the public over the subdivision's streets to provide access to the open space to be deeded to the Town.
6. The Board finds and determines that the proposed use and development, as approved and conditioned, is consistent with applicable state and town regulations, statutes, by-laws, and plans.
7. The Board finds that the project would not be detrimental to the town and would be in harmony with the general purpose and interest of the Zoning By-Law.
8. No Wetlands exist on Site.
9. In conformance with the provisions of Section 6.2.2 of the Zoning By-law, the Board finds that the proposed cluster

subdivision as modified and conditioned by this decision, will not adversely affect public health or safety, will not cause excessive demand on community facilities, will not significantly decrease surface or ground water quality or air quality, will not have a significant adverse impact on wildlife habitat, estuarine systems, traffic flow, traffic safety, waterways, fisheries, public lands or neighboring properties, will not cause excessive levels of noise, vibration, electrical disturbances, radioactivity or glare, will not destroy or disrupt any species listed as rare, endangered or threatened by the Massachusetts Natural Heritage Program or any known historic or archaeological site, will not produce amounts of trash, refuse or debris in excess of the Town's landfill and waste disposal capacities, will properly dispose of stumps, construction debris, hazardous materials and other waste, will provide adequate off-street parking, will not cause excessive erosion or cause increased runoff onto neighboring properties or into any natural stream, pond or water body and will not otherwise be detrimental to the Town or the area.

#### V. Conditions

1. The dedicated open space (parcels 14 and 47) and access easements to be conveyed to the Town of Mashpee, under the provisions of Section 9.4.2.6b and Sections 9.4.2.7a and b of the Town of Mashpee Zoning By-law in the manner and method of conveyance and with the restrictions thereon required by said By-law provisions, shall be conveyed prior to the release of covenants on roadways and other site improvements required under the subdivision rules and regulations.
2. The Applicant shall cooperate with the Town of Mashpee (DPW) on improvements to David's Way as secondary access for Spring Hill West. In the event that public funds are not available, the Applicant shall assume the costs of improvements as specified by the Board's subdivision rules and regulations.
3. No alteration or relocation of drainage easements or facilities shall occur without prior Planning Board approval.
4. No construction activities may take place in connection with this project (i) between the hours of 5 p.m. and 8 a.m. on weekdays, (ii) before 8 a.m. and after 12 noon on Saturdays, and (iii) on Sundays or holidays. There shall be no substantial deliveries of materials or unloading of heavy construction equipment on Saturdays, Sundays or holidays.
5. The applicant, his heirs and assigns and, specifically, a homeowners association, shall be responsible for the conduct of a periodic water quality sampling and analysis as described by the provisions of the "Water Quality Monitoring Program - Spring Hill West" which is attached hereto as Appendix A and whose provisions shall be considered part of the conditions on this special permit approval. The cost of said Monitoring Program shall be borne by the applicant, his heirs and

shall also provide a performance guarantee to the Board, as specified in Section XII of the Monitoring Program document, prior to the signature of the definitive plan for this subdivision.

6. Prior to the issuance of any building permits, the sale of any lot or the release of any roadway performance guarantees, the applicant shall incorporate a homeowners association, and shall specify in all deeds that membership in the association shall be mandatory for all owners of lots in the subdivision and that unpaid association assessments shall become a lien on the property. The association shall own the common open space lands and streets not transferred to the Town, shall be responsible for road maintenance, cleaning of drainage catch basins, conduct of the required Water Quality Monitoring Program and any other responsibilities required by this special permit or typically assumed by such associations. The articles of incorporation, association by-laws and declarations of covenants, conditions and restrictions (CCRR's) shall contain specific reference to the responsibilities of the association, to the provisions of this special permit and to the attached Water Quality Monitoring Program and copies of all such documents shall be transmitted to the Planning Board prior to the issuance of any building permits, the sale of any lot or the release of roadway performance guarantees.
7. All surface debris, waste or discarded materials shall be removed from the site prior to construction. Such materials shall be removed to a depth deemed appropriate to the Board, and in respect to any relevant conclusions of the 21-E Report completed for this Project. This report is to be appended to this Special Permit.
8. The project shall be developed over a five (5) year period, with no more than twenty (20) percent of lots (or 9 lots) eligible for a building permit within any one year, in conformance with Section 6.4 of the Zoning By-Law.
9. The applicant shall not commence any work for which other municipal or state permits and approvals are required by law, by-law, rule or regulation until all the required permits and approvals are obtained from the appropriate municipal or state agencies.
10. No construction or site development other than the construction of single family homes, driveways and accessory structures and landscaping shall take place other than as shown on the approved Site Plan. Should the applicant or his successors propose any change from the approved Site Plan, plans for such change shall be submitted to the Planning Board, which will determine at a public meeting whether the changes are significant or warrant additional Board review and action or public hearings for revision of the Special Permit.

11. The applicant shall require that all construction personnel working on the project shall be familiar with the provisions of MGL Chapter 38, Section 6B, regarding the discovery of human remains.
12. The applicant shall mark the boundaries of all open space areas by tape or similar device prior to any construction and with stone or concrete boundary monuments prior to the release of the covenant for the subdivision roadways. The applicant shall require that all construction personnel working on the project shall be familiar with all applicable provisions of this special permit. Notwithstanding the aforesaid, the applicant shall be solely responsible for all violations of this special permit by construction personnel.
13. The applicant and all contractors, subcontractors and employees engaged by the applicant shall properly dispose of stumps, construction debris, hazardous materials and other waste and shall provide a report to the Planning Board and Board of Health, at six month intervals beginning with the issuance of the first building permit and ending upon completion of the project, describing the amount of, and means of disposal of, such materials resulting from the construction of the project, including the approximate date and specific location at which such materials were disposed.
14. No household hazardous wastes shall be introduced into septic systems. To encourage compliance with this condition the applicant shall so state in deed restrictions, homeowners association by-laws and the declaration of covenants, conditions and restrictions. The applicant shall also inform lot buyers of the adverse impact that hazardous materials will have on the project's water wells and septic systems and expressly prohibit the residents from using their kitchen and bathroom facilities for the disposal of hazardous wastes.
15. No de-icing chemicals other than a mixture of sand and calcium chloride or sand alone shall be used on any roadways, driveways or other impervious surfaces of the project.
16. Oil/gas separators shall be used in all catch basins and said basins shall be cleaned on an annual basis. The homeowners association shall annually transmit to the Planning Board on or about the anniversary of the issuance of this special permit a written statement from the party completing the work that the basins have been cleaned. Should said cleaning not be completed, the Town of Mashpee may clean said catch basins, or cause them to be cleaned, at the expense of the owners of the land, and such costs shall become a lien against the property.
17. A deed restriction shall be imposed requiring that all fertilizers and pesticides used within the development shall be of a type approved by the Town of Mashpee Board of Health

and applied by licensed applicators and that use of fertilizers and pesticides shall be minimized, and the use of natural pest control methods should be encouraged. The Applicant and subsequently the homeowners association shall provide the local Board of Health with a complete list of any such fertilizers or pesticides used on common property and their method of storage on the site.

18. Deed restrictions shall be imposed requiring that lawn areas for each dwelling shall be limited to no more than 1,000 square feet.
19. No underground storage tanks shall be installed on-site for any purpose.
20. The documents establishing the homeowners association shall make provision for the establishment of a specific trust fund to be drawn upon to:
  - a. Implement and enforce the Water Quality Monitoring Program specified in Condition #5 of this Special permit;
  - b. Provide for the repair and scheduled maintenance (with evidence of same provided to the Planning Board) of road and site drainage facilities.
  - c. Insure that the restrictions and purposes of Condition #1, in respect to the dedicated open space, are known and observed.
21. All conditions of this special permit shall be binding not only on the applicant but on all successors in interest and assigns of the applicant.
22. No occupancy or building permits shall be issued while there exists any violation of the conditions of this Special Permit unless the Board, by a favorable vote of four members at a regular meeting, allows said issuance.
23. Transfer of this special permit and any rights created by said permit, except by foreclosure by a lender, shall require the prior approval of the Mashpee Planning Board by a vote of at least four members at a public meeting. Planning Board approval will not be granted if any violations of the special permit exist.
24. Notwithstanding the provisions of 22 above, the developer/ applicant and his heirs and assigns shall have the right to pledge and assign, as part of the mortgage collateral, its rights under this special permit to any institutional construction lender which has given written notice to the Planning Board of such assignment. Upon receipt of the written notice, said lending institution shall become a "recognized mortgagee." All such notices shall be sent to Mashpee Planning Board, Mashpee Town Hall, 16 Great Neck Road North,



Mashpee, MA 02649, by certified mail, return receipt requested. In the event of a default by the applicant under the terms and conditions of this special permit, the Planning Board shall give written notice of such default by certified mail, to the applicant and each recognized mortgagee. Upon receipt of the Planning Board notice, any recognized mortgagee so notified shall have sixty (60) days from the date of receipt of such notice, to remedy any such default. The applicant's rights under this special permit may not be terminated prior to the expiration of any such 60-day cure period. Failure of the Planning Board to give such notice will only extend the cure period for the recognized mortgagee, pursuant to the provisions provided for above, and shall not constitute a waiver of any default. The Planning Board hereby approves the transfer of applicant's rights under this special permit to any recognized mortgagee which results from the default under a construction mortgage from the applicant to any recognized mortgagee. The Planning Board will not unreasonably withhold or delay its consent to a transfer of the rights under this special permit from any recognized mortgagee which has so acquired rights under this special permit, to a proposed transferee reasonably acceptable to the Planning Board. The proposed transferee must be able to demonstrate to the Planning Board a reasonable ability to complete the project in accordance with the terms of this special permit.

#### VI. Expiration, Extension or Modification

Pursuant to Massachusetts General Laws, Chapter 40A, Section 9, and the Zoning By-Law, this special permit shall lapse within two years, which shall not include such time required to pursue or await the determination of any appeal from the grant hereof, if a substantial use hereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause. The applicant shall request a specific determination of good cause by the Board if claiming an extension of the two year period except to await the determination of any appeal from the grant hereof.

Modification of this permit shall first require a determination by the Board whether the proposed modification would be a significant change requiring a new public hearing. If no hearing is determined to be necessary, the Board may make such change at a regular public meeting. If a public hearing is determined to be necessary, the rules, regulations and time periods required for a new special permit application shall be followed.

#### VII. Signature and Filing

This special permit decision, which includes all referenced appendices as well as a plan entitled Springhill West, Plan of Land in Mashpee dated Revised January 9, 1989 and signed by a representative of the Board, has been signed on this 4th day of October, 1989 by

DP Fung  
Wm P. Smith  
Louise Behm  
PJ Coffey

A true copy  
Attest DP Fung  
Chairman, Mashpee Planning Board

The Commonwealth of Massachusetts

Barnstable, SS.

6 OCTOBER 1989  
(Date)

Then personally appeared ANTHONY E. FERRAGAMO a member of the Mashpee Planning Board and acknowledged the foregoing instrument to be his free act and deed, before me.

A TRUE COPY, ATTEST:

James D. Labute  
TOWN CLERK OF  
MASHPEE, MASS. 02649

Amelia A. Masoley  
Notary Public

My commission expires SEPTEMBER 20, 1996  
(Date of Expiration)

A copy of this decision and the accompanying plans endorsed by the Planning Board have been duly filed on OCTOBER 6, 1989 with the Town Clerk of Mashpee. Notice of this decision was mailed on OCTOBER 6, 1989 to the applicant, to the parties in interest designated in M.G.L. c. 40A, Section 11 and to all persons at the hearing who requested such notice. Any appeal shall be made pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws within twenty days after the date of said filing.

I, Jane D. Labute, Town Clerk of the Town of Mashpee, hereby certify that a copy of this decision and the accompanying plans endorsed by the Planning Board were filed with the office of the Town Clerk on OCTOBER 6, 1989, and that no appeal of that decision was filed within twenty (20) days thereafter.

3 November 1989  
Date

James D. Labute  
Town Clerk

## DECISION

### RE: Modification of Special Permit Spring Hill West Subdivision

I. The applicant, Prime Properties Limited Partnership, has requested that the Planning Board assent to the Modification of Special Permit issued to Spring Hill Realty Trust and dated October 6, 1989.

#### II. Findings

1. On October 6, 1989, the Planning Board granted a Special Permit to Spring Hill Realty Trust to develop a 44-lot Cluster Development pursuant to Section 9.4 of the Mashpee Zoning By-Laws.

2. On September 10, 1992, Cape Bank, the holder of a mortgage encumbering the property, which is the subject matter of the aforementioned Special Permit, foreclosed its mortgage and conducted a public auction and sale.

3. The applicant herein named, Prime Properties Limited Partnership, was the successful bidder and ultimately took title to the property on November 9, 1992.

4. On February 17, 1993, at a public meeting of the Planning Board, the applicant, Prime Properties Limited Partnership, requested that the Planning Board approve minor modifications to the Special Permit referenced above.

Upon motion duly made and seconded, it is hereby voted that the Special Permit dated October 6, 1989, granted to Spring Hill Realty Trust be modified as follows:

1. Certain of the proposed leach basin covers as shown on the Development Plan may be changed from metal to concrete consistent with the Plan submitted to the Planning Board and the recommendation of the Planning Board's engineer. *(SEE Rawley Letter dated March 3, 1993).*

2. The phasing schedule set forth in Condition No. 8 shall be modified to provide that the project shall be developed over a period of not less than five (5) years with no more than twenty (20%) percent of the lots (or 9 lots) eligible for a Building Permit within any one year in conformance with Section 6.4 of the Zoning By-Law.

3. That the Water Quality Monitoring Program (Appendix A) regarding the Special Permit shall be amended as follows:

A. As to parameter lists A and B, annual sampling shall be sufficient, which sampling shall occur in October of each year.

B. The annual sampling of down gradient wells (MW-4, MW-6, and MW-9) shall be conducted on a yearly basis while only the upgradient well (MW-10) need be sampled only every other year until significant concentrations are verified in the aforementioned down gradient wells.

C. The analysis of total phosphorus and Clostridia is hereby eliminated from the monitoring program.

D. The security referenced in Article XII (g) shall be reduced to Three Thousand and No/100 (\$3,000.00) Dollars.

In all other respects, the Water Quality Monitoring Program shall remain unchanged.

4. Condition 2 shall be modified to include the following additional language:

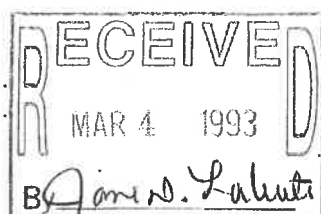
Until such time as the Town of Mashpee, by and through its Department of Public Works, has constructed David Way consistent with the Profile Plans dated February 14, 1989 (Sheet 4 of 4), the Applicant, its successors and assigns shall be relieved of its responsibility and obligation to construct the "emergency access" as shown on those same approved Profile Plans. Nothing contained herein shall preclude the Applicant or its successors and assigns from continuing to develop the subdivision and obtaining the appropriate lot releases (from covenant) upon completion of the roadways shown on the aforementioned plans or the posting of security in a form acceptable to the Planning Board.

Signed this 3rd day of March, 1993.

Mashpee Planning Board

By:

*[Handwritten signatures]*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

March , 1993

Then personally appeared the above-named Anthony E. Ferragamo,  
STJOSEPH DAMAGGIO PJ COFFEY, SPIRO MITROKOSTAS and

and acknowledged the foregoing to be  
their free act and deed, before me,



Notary Public

My commission expires: 12-14-95

## APPENDIX A

### WATER QUALITY MONITORING PROGRAM

#### SPRING HILL WEST SUBDIVISION

10/04/89

- I. Authority
- II. Definitions
- III. Purpose
- IV. Effluent Monitoring Program
- V. Groundwater Monitoring Program
- VI. Surface Water Monitoring Program
- VII. Botanical Sampling Program
- VIII. Responsibility
- IX. Standards
- X. Reporting and Enforcement
- XI. Amendments, Waivers and Separability
- XII. Specific Provisions
- XIII. Approval

#### I. Authority

Authority for the Planning Board to require water quality monitoring and provisions for the protection of groundwater and surface water quality in projects requiring special permits from the Board is found in Massachusetts General Laws Chapter 40A, Section 9, which states that "Special permits may be issued only for uses which are in harmony with the general purpose and intent of the ordinance or by-law, and shall be subject to general or specific provisions set forth therein; and such permits may also impose conditions, safeguards and limitations on time or use." The general purpose and intent of the Mashpee Zoning By-law, reflected in the minimum lot size requirements of Section 7, as well as the specific provisions of Sections 6.2, 6.5, 9.3, 11A, 11B and 11C, clearly includes the protection of groundwater and surface water quality.

All provisions included herein exist beyond and independent of the authority for any groundwater discharge permit issued by the Massachusetts Department of Environmental Quality Engineering or the Mashpee Board of Health.

#### II. Definitions

Applicant - Whenever used in this document, the word "applicant" shall refer to the applicant, his heirs and assigns, including any condominium association, homeowners association or similar organization established to own or maintain a wastewater

treatment facility or other common facility within the special permit project site.

DEP - The Massachusetts Department of Environmental Protection, previously known as the Massachusetts Department of Environmental Quality Engineering (DEQE). These terms may be used interchangeably.

Downgradient - A location to which effluent and other waters entering groundwater at the project site is expected to flow, based on groundwater table mapping or modeling.

EPA - United States Environmental Protection Agency.

Upgradient - A location from which groundwater flows which is expected to be mixed with effluent and other waters entering the groundwater at the project site, based on groundwater table mapping or modeling.

Site - The land owned or controlled by the applicant on which the project requiring the special permit or other permit or permit modification to which this monitoring program is attached is located.

### III. Purpose

The purpose of this document is to describe a water quality monitoring program for this project, to outline responsibility for the monitoring program, and to provide for corrective action should indicated water quality conditions so dictate. The document also specifies a reporting process to the Planning Board both on a regular basis and in cases of violations of the specified water quality standards.

### IV. Effluent Monitoring Program

No Effluent Monitoring Program is required for this project, as there will be no private wastewater treatment facility or shared septic system.

### V. Groundwater Monitoring Program

#### a. Purpose

The groundwater monitoring program is intended to provide baseline and post-operational data on the parameters of concern in non-industrial wastewaters for locations both upgradient and downgradient of the point at which effluent enters the ground or a surface water body.

#### b. Well Locations

Four shallow monitoring wells shall be located on the site. The most northerly well shall be set with an extended screen



to capture any waters at a depth from which they may be expected to enter domestic wells in the project. In addition, a fifth deep well shall be set along the southern boundary of the site to monitor contaminants leaving the site which have a density similar to water. The applicant shall be responsible for securing and providing to the Town any necessary easements or permissions to construct or monitor wells on or off the site. Easements may be conveyed to the Town in their entirety, but monitoring shall continue to be the responsibility of the applicant.

c. Monitoring Program Map

A map shall be prepared, which shall become an attachment to this monitoring program document, which accurately depicts the location of each monitoring well. Said map shall be prepared at a scale of 1"=100 feet or 1"=300 feet, whichever is determined to be more appropriate by the Local Water Resources Management Official and shall show, at a minimum, each well pair, the elevation for each well, based on U.S.G.S. datum of the top of the well casing and of static groundwater elevation at the time of well installation or initial sampling round under this program, the property lines of the applicant's site and of the proposed lots, existing or proposed roadways, buildings and other structures useful in identifying the well location on the ground, any groundwater elevation contours or data available to the applicant and the extent of any effluent plume and groundwater mounding identified by hydrologic studies conducted for the project. All maps shall be on 24" x 36" sheets. One set of mylar prints shall be submitted to the Local Water Resources Management Official, with paper prints transmitted by the applicant to the Planning Board and Board of Health within 30 days of the completion of well installation and initial sampling.

d. Compliance Deadlines

All monitoring wells shall be installed, all easements shall be secured and presented to the Town, and the required maps shall be prepared and submitted prior to any construction on the site or the issuance of building permits for the project, unless an extension of time is approved by the Planning Board. No septic system may be constructed or operated on the site until the above items are completed, and until the initial sampling described below has been completed.

e. Method of Well Installation

Monitoring wells shall be installed using the hollow stem auger technique. Split spoon samples shall be taken every five feet in accordance with ASTM guidelines. "Shallow" wells shall be advanced at least six feet into the saturated sediments at the water table. "Deep" wells shall

be advanced 30 feet beyond the shallow well unless an alternate depth is allowed by the Local Water Resources Management Official. All well screen and riser shall be 1 1/2", 2" or 4" inside diameter PVC or other material approved by the Board of Health. Ten feet of Schedule 40 PVC screen shall be set at the bottom of each well unless an extended length is specified by agreement of Local Water Resources Management Official. For the shallow well, the top of the screen shall be located at the highest elevation of expected groundwater fluctuations. Each well shall be packed with Ottawa-sized sand over the entire screen length plus 1 to 2 feet above the top of the screen. A two-foot bentonite seal shall be set above the top of the Ottawa sand filter. The backfill around the remaining riser pipe shall be of low permeability and extend up to a concrete surface seal. Well riser pipe, screens and plugs shall be threaded, and glues shall not be used to join pipes. Upon completion, all wells shall be surveyed for location and elevation of the top of well casing, based on USGS datum and the Massachusetts Coordinate Plane, with the well location tied to an established roadway or property bound. A protected locking cover shall be grouted in place on each well, and keys shall be delivered to the Board of Health and Local Water Resources Management Official, along with test well completion reports and logs indicating elevation of top of casing and static groundwater elevation, along with depth ranges of the various soils and sediment layers found in development of each well. The applicant shall insure that the location and construction of wells will minimize any hazard to the public.

f. Initial Sampling Round

Following its placement, each well shall be developed by pumping and surging until there is a clear discharge. Dedicated bladder pump and dedicated monitoring systems are encouraged for long term monitoring except that where extended screens are used, a bailer shall be used for sampling.

An initial round of water samples shall be extracted from each monitoring well prior to the construction of any septic system on the site to establish baseline groundwater quality at the site, and to provide a reference for future monitoring and interpretation of groundwater quality. The initial sampling round shall include all constituents contained in parameter lists A, B, and C below. Samples shall be filtered in the field, held at approximately 4 degrees centigrade and otherwise be taken in accordance with standard procedures recommended by EPA, DEQE, the American Water Works Association or similar authorities and be delivered immediately to a laboratory certified in the relevant discipline and category by the EPA or by DEQE under 310 CMR 22.11.

Parameter List A

pH  
Specific Conductance  
Total Nitrogen  
Total Kjeldahl Nitrogen  
Nitrate-Nitrogen  
Ammonia-Nitrogen  
Clostridia  
Chlorides  
Sodium  
Water Elevation based on USGS datum

Parameter List B

Volatile Organics as measured by EPA method 524.1  
or by methods 601/602 using a detection limit  
of 1 part per billion for all compounds except  
Dichlorodifluoromethane and Bromomethane, for  
which a detection limit of 5 parts per billion  
shall be sufficient.  
Total Phosphorus  
Dissolved Phosphorus  
Total Chlorine  
Iron  
Manganese

Parameter List C

Organochlorine Pesticides and PCB's measured by  
EPA method 608  
Pesticides & Herbicides measured by EPA method 509B  
Aluminum  
Arsenic  
Barium  
Cadmium  
Chromium  
Copper  
Cyanide  
Lead  
Mercury  
Nickel  
Selenium  
Silver  
Thallium  
Zinc

Results of the sampling and laboratory analysis shall be  
submitted to the Planning Board, Local Water Resources  
Management Official, Board of Health and Barnstable County  
Health and Environmental Department.

g. Long Term Monitoring Program

The applicant, his heirs and assigns, including any homeowners association established to own common facilities within the special permit project site covered by this document, shall be responsible for the completion and funding of a groundwater monitoring program at each of the required monitoring wells. Those items on parameter list A shall be tested on a semi-annual basis, approximately on the first day of April and October, and those items on parameter list B shall be tested on an annual basis approximately on the first day of October. Items on parameter list C need not be tested after the initial round unless results indicate hazardous levels of any contaminant, in which case the Planning Board, after consulting with the Board of Health and County Health and Environmental Department, may require an appropriate testing schedule.

VI. Surface Water Monitoring Program

No surface water monitoring program shall be required for this project.

VII. Botanical Sampling Program

No botanical sampling program shall be required for this project.

VIII. Responsibility

The applicant, his heirs and assigns, including any homeowners association or similar organization to which the applicant transfers ownership of roadways or other common facilities within the project site, shall be responsible for all costs associated with the emplacement, construction, relocation, collection, analysis and evaluation (including distribution of results) of monitoring stations, wells, samples and other items required under this monitoring program. Where no association or other body was to be established to own and maintain facilities, in lieu of the applicant, upon the completion of the project, the applicant shall establish an endowment account with the Town to pay the costs associated with the monitoring program, or an association shall be established among property owners in the project to contract for and fund the required monitoring program. If an endowment is to be established, the applicant shall obtain a certified estimate, by a firm or firms established in the field of hydrogeologic studies and water quality monitoring, of the annual costs required to conduct the specified monitoring program and of the amount of the endowment required to produce the necessary income to the Town to fund the monitoring program.

Unless an endowment account is established, the applicant shall provide an alternate mechanism to guarantee proper funding of the monitoring program. The required guarantee may take the

form of a donation account with the Town in an amount equal to \$1000 for each groundwater monitoring well or an alternate amount sufficient to fund the monitoring program for a period of one year, with said amount established following the procedures specified above for an endowment account. Said donation shall be accompanied by a letter from the donor authorizing its use by the Planning Board to obtain water quality monitoring under this program document and shall be submitted to the Town prior to the issuance of any building permit within the project. Any other guarantee mechanism shall require specific approval by a vote of four members of the Planning Board.

Deeds to any lot, along with any declaration of covenants, conditions and restrictions, association by-laws, rules and regulations and similar documents transmitted to buyers of property or units within the project site shall contain a notice of responsibility for the conduct and funding of this monitoring program and of the fact that failure to conduct the required monitoring or to correct any conditions resulting in reduced water quality identified by the monitoring program shall be considered a violation of this special permit enforceable by all means available to the Town generally and by those means specified by Section X specifically, and that the cost of any work conducted by or contracted by the Town to carry out the monitoring program or to correct identified conditions on the site resulting in reduced water quality shall become a lien against all owners' property within the project site. The Town may use funds collected under such liens to replenish the donation account noted above.

#### IX. Standards

The water quality standards upon which the enforcement provisions of this monitoring program shall be based are those Maximum Contaminant Levels (MCL's) adopted or proposed by the U.S. Environmental Protection Agency for drinking water in its National Primary Drinking Water Regulations, or those Secondary MCL's adopted or proposed by EPA in its National Secondary Drinking Water Regulations, except where any of the above standards differ with those included as regulatory standards in the following table. Where MCL's or SMCL's are later adopted or proposed for any contaminant, those new standards shall be applied as regulatory standards under this monitoring program where a standard is not set by the table or where they are stricter than those included as regulatory standards in the following table.

In addition, the following table also specifies advisory standards which indicate the level above which various authorities have indicated a potential health risk. Where no advisory standard is listed, those Maximum Contaminant Level Goals (MCLG's) adopted or proposed now or in the future by the U.S. Environmental Protection Agency for drinking water shall be the advisory standard. The applicant shall make every reasonable effort to achieve these advisory standards and shall

file a report, as required by Section X, of any violation of these advisory standards. However, where the initial round of sampling, indicating baseline conditions, shows levels of any constituent in excess of these standards, that information may be taken into account in reporting and enforcement, which may be based on identified changes in constituent levels rather than consistency with the applicable regulatory or advisory standard. In such case, a specific list of constituents to be so treated and the revised reporting and enforcement procedures for those constituents shall require the approval of the Planning Board.

WATER QUALITY STANDARDS  
(in mg/l unless otherwise noted)

CONSTITUENT	REGULATORY STANDARD	ADVISORY STANDARD
pH (1)	6.5-8.5 S.U.	6.5-8.5 S.U.
Specific Conductivity	500 micromhos/cm	200 micromhos/cm
Total Nitrogen (2)	10.0	5.0
Nitrate Nitrogen (as N)	5.0 (CC)	2.5 (3)
Nitrite (as N)	1.0 (MC)	1.0 (EG)
Nitrate & Nitrite (as N)	5.0	2.5 (3)
Total Phosphorus (4)	.05	.05
Clostridia (5)	0	0
Chlorides	250 (NS)	250 (NS)
Sodium	20 (MC)	20 (MC)
Benzene	0.0005 (MC)	0 (EG)
Chloroform	0.03 (WH)	0.03 (WH)
Dichloromethane	0.15 (OR)	0.15 (OR)
Trichloroethene	0.005 (MC)	0 (EG)
1,1,1-Trichloroethane	0.14 (OR)	0.14 (OR)
Tetrachloroethene	0.005 (MC)	0 (EG)
Toluene	2.0 (MC)	0.04 (NS)
Carbofuran	0.01 (OR)	0.01 (OR)
1,1-dichloroethene	0.007 (MC)	0.0003 (WH)
1,2-dichloropropane	0.001 (OR)	0.001 (OR)
Pentachlorophenol	0.2 (MC)	0.01 (WH)
Phenol	0.001 (FD)	0.001 (FD)
2,4,6-trichlorophenol	0.01 (WH)	0.01 (WH)
Benzo (A) pyrene	.00001 (WH)	.00001 (WH)
Aldrin	.0007 (CL)	.00003 (WH)
DDT	0.03 (CL)	0.001 (WH)
Dieldrin	0.0007 (CL)	0.00003 (WH)
Endrin	0.0002 (MC)	0.0002 (MC)
Carbaryl	0.07 (CL)	0.07 (CL)
Diazinon	0.014 (CL)	0.014 (CL)
Hexachlorobenzene	0.00001 (WH)	0.00001 (WH)
Methoxychlor	0.4 (MC)	0.03 (WH)
Methyl Parathion	0.0007 (CL)	0.0007 (CL)
Nitrilo-Triacetic Acid	0.05 (CL)	0.05 (CL)
Parathion	0.035 (CL)	0.035 (CL)
Total Trihalomethanes	0.1 (MC)	0.1 (MC)

Total Xylenes	10.0 (MC)	10.0 (EG)
Total Pesticides	0.1 (CL)	0.1 (CL)
Iron	0.3 (NS)	0.3 (NS)
Manganese	0.05 (NS)	0.05 (NS)
Lead	0.005 (MC)	0 (EG)
Arsenic	0.03 (MC)	0 (EG)
Cadmium	0.005 (MC)	0.005 (EG)
Chromium	0.1 (MC)	0.1 (EG)
Copper	1.3 (MC)	1.3 (EG)
Mercury	0.002 (MC)	0.002 (EG)
Fluoride	2.0 (NS)	2.0 (NS)
Barium	5.0 (MC)	5.0 (EG)
Asbestos (6)	7 (MC)	7 (EG)
Selenium	0.05 (MC)	0.05 (EG)
Silver	0.09 (NS)	0.09 (NS)
Aluminum	0.05 (NS)	0.05 (NS)
Zinc	5.0 (NS)	5.0 (NS)

**Footnotes:**

- (1) In standard units. No change shall be allowed which results in levels more than 0.2 S.V. outside of the naturally occurring range in groundwater or surface water.
- (2) All forms of nitrogen in a sample, dissolved or suspended, including  $\text{NH}_4\text{-N}$ ,  $\text{NH}_3\text{-N}$ ,  $\text{NO}_2\text{-N}$  and organic N.
- (3) To be considered a cautionary level for reporting and action purposes, based on one-half of the health-related standard.
- (4) All forms of phosphorus, whether dissolved or in suspension, that are measured by an acid-oxidation procedure. Measurement of total dissolved phosphorus shall be determined by an acid-oxidation procedure after sample pretreatment with 0.45  $\mu\text{m}$  filtration.
- (5) Bacteria or spores.
- (6) In millions of fibers/litre (longer than 10  $\mu\text{m}$ ).
- (CC) Recommended by Cape Cod Planning and Economic Development Commission.
- (CL) Based on Canadian Recommended Maximum Acceptable Levels.
- (EG) EPA Maximum Contaminant Level Goals (MCLG).
- (FD) Based on Food and Drug Administration (FDA) bottled water standards.
- (MC) EPA established maximum contaminant level (MCL).
- (NS) EPA National Secondary Drinking Water Regulations (SMCL)

(OR) Based on Massachusetts Office of Research and Standards drinking water guidelines.

(WH) Based on World Health Organization health significance levels.

X. Reporting and Enforcement

The applicant shall be required to file an annual report with the Planning Board, with copies to the Local Water Resources Management Official, Board of Health and Barnstable County Health and Environmental Department, on the results of all water quality monitoring program work during the previous year and shall include a statement indicating the amount of monies currently on hand, or other means available, to guarantee the performance of the monitoring program for the ensuing year. The report shall be filed between January 1 and April 1 of each year and shall include, at a minimum, 1) the dates on which all water quality samples were taken, 2) the results of the laboratory analysis of each sample for all of the required parameters, 3) the groundwater elevation in each monitoring well and wetland well point, if any, 4) a comparison with the results of the initial sampling round and all subsequent measurements, preferably in tabular form, and with the required water quality standards, 5) where applicable, a discussion of the results in comparison with the carrying capacity of any recharge area involved and with the critical eutrophic and other parameters for surface water bodies and wetlands, 6) a report on any sampling results not in compliance with the applicable standards (or parameter levels approved by the Planning Board where the initial sampling round showed noncompliance with the listed standards) and an analysis of probable causes of the noncompliance, 7) a discussion of any remedial steps taken to comply with the standards or parameter levels referenced above or, if none were taken, an explanation and a proposed course of action to come into compliance and 8) any other information which would assist the Town in determining the project's impact on water quality. To the extent possible, the report shall be written in language understandable to the general public and it shall include an executive summary.

In addition to the required annual report the applicant shall be responsible for reporting to the Planning Board, (with copies to the Local Water Resources Management Official and Board of Health) any sampling results not in compliance with the water quality standards contained or referenced in Section IX, or the parameter levels approved by the Planning Board where the initial sampling round showed an existing violation, within seven (7) days of its discovery. Within thirty (30) days the applicant shall submit to the same officials a full report on the noncompliance, including the laboratory report, a description of any circumstances surrounding the noncompliance, a report on probable cause and a report on completed or proposed remediation measures. In addition, re-testing may be required by the Planning Board for the parameters involved in the violation. If



the Planning Board believes that the violation is of such significance or that the proposed remediation is inadequate, it may schedule a public hearing on the matter following the same procedures as for the original permit to which this monitoring program document is attached and notify the applicant to appear at said hearing to explain the noncompliance and proposed remediation. Failure to file a complete annual report, or failure to provide the required notice of noncompliance, shall be considered a violation of the terms of this document and of the conditions of the permit to which it is attached, and the Board shall call a public hearing on the matter.

Based on the results of said hearing, the Board may allow further time for remediation, may determine that Town action to remediate or conduct sampling and analysis, at the expense of the applicant, is required, may notify other agencies of the noncompliance or violation and recommend enforcement proceedings, may bring legal action against the applicant, may require the Building Inspector to take enforcement actions or may take any other actions available to it for remediation or for enforcement of its permit conditions. Such enforcement actions may include prohibition on the issuance of any building or occupancy permits within the project or any other enforcement and penalties provided under Section 14 of the Mashpee Zoning By-law or by state law. Where Town action is required to remediate a violation and the applicant has not demonstrated that the violation is not the result of the conduct of the applicant or his successors or assigns, the applicant and owners of property within the project shall be responsible for costs incurred by the Town in having to take that action and the Town may seek to place a lien against the applicant and all owners of properties within the project site to recover said costs.

#### XI. Amendments, Waivers and Separability

Amendments or modifications of this monitoring program requested by the applicant may be done only by the Planning Board, after consultation with the Local Water Resources Official and Board of Health, following the same procedures required for amendments to a Special Permit.

Should any provisions of this document be held void or inoperable by a court of competent jurisdiction, the remaining portions shall remain in full force and effect.

#### XII. Specific Provisions - Spring Hill West Subdivision

- a. This project will be served by individual septic systems rather than a private wastewater treatment facility or shared septic system and is therefore subject only to those provisions applicable to such projects.
- b. Five monitoring wells shall be placed as follows, with reference being made to a map entitled "BSC Water Table Elevation Map" containing ground water contour lines as of June 21, 1989 shown on a print of the Spring Hill West

subdivision plan and submitted to the Board as part of the required water quality report for this project. The first well shall be located on the proposed Town open space near the temporary turnaround at the north end of Sheffield Place and shall be fitted with an extended screen of a length approved by the Local Water Resource Management Official in order to capture any waters at a depth from which they may be expected to enter domestic wells in the project. Three "shallow" wells shall be placed and monitored at sites "MW-4, MW-5 and MW-6." A final "deep" well shall be placed near the temporary turnaround at the southern end of Tudor Terrace and shall have a depth and screen length sufficient, in the opinion of the Local Water Resources Management Official, to monitor contaminants leaving the site which have a density similar to water.

- c. No surface water monitoring program or botanical sampling program will be required for this project.
- d. Should the monitoring program, or other valid environmental studies, indicate noncompliance with or deviations from the standards noted in this document in any of the ground-water samples or other negative water quality conditions, the applicant will be required to correct any potential cause of the identified problem, provided the source of said problem can be traced to activity within the boundary lines of the development. All responsibility to prove any lack of contribution to the identified water quality problem shall lie with the applicant. Liability incurred by the applicant stemming from such identified problems or from this monitoring program in general does not force payment or action upon other responsible parties heretofore not subject to similar monitoring and remediation programs, nor does it relieve any other responsible party from liability.
- e. The applicant shall establish a homeowners association, in which membership shall be mandatory for all buyers of lots, to assume eventual responsibility for this monitoring program along with any other open space or road ownership and maintenance functions it may assume. All deeds for lots in this project, as well as the homeowners association documents, including the declaration of covenants, conditions and restrictions (CC&R's) the association by-laws and its articles of incorporation, shall contain a specific reference to the responsibility for funding and carrying out this monitoring program. Copies of the deed language and homeowners association documents shall be submitted to the Planning Board for approval of monitoring program language prior to any sale of lots.
- f. The applicant shall enter into a contract, on behalf of the homeowners' association, with a firm experienced in the field of water quality monitoring to conduct the initial and subsequent rounds of sampling and analysis required by this Water Quality Monitoring Program. The initial round of sampling and analysis shall be completed and a report filed

with the Planning Board in a format consistent with the provisions of this program document and readily interpreted by the Board, prior to the release of the performance guarantee for any portion of the subdivision streets or the issuance of any building permits. A copy of said contract, and any subsequent updates or revisions, shall be filed with the Planning Board.

- g. Until all lots have been sold by the developer or all lot owners are paying full homeowners' association assessments, the applicant shall provide a performance guarantee in the form of a cash deposit, letter of credit or similar instrument available for use by the Town, to guarantee completion of the required water quality sampling and analysis. Said guarantee shall be in the amount of \$5,000 or that amount which the firm contracted to conduct the sampling and analysis certifies to the board will be required to conduct the initial round of sampling and testing and one year of long-term monitoring in conformance with this Water Quality Monitoring Program document.

### XIII. Approval

Under authority granted by M.G.L. Chapter 40A and the provisions of the Mashpee Zoning By-law, the Mashpee Planning Board hereby endorses this Water Quality Monitoring Program document as a condition of its special permit decision for

SPRING HILL WEST SUBDIVISION signed on OCTOBER 4, 1989.

Hereby signed by the Mashpee Planning Board on this 4th day of OCTOBER, 1989.



AT Ferguson  
Judith Mills  
David Bohm  
PJ Coffey

A TRUE COPY, ATTEST:

James W. Lahti  
TOWN CLERK OF  
MASHPEE, MASS. 02649

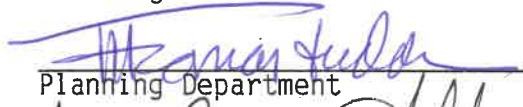
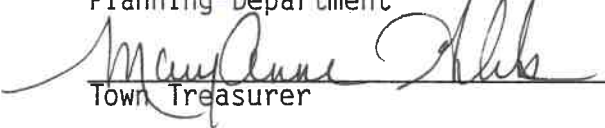
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10134728

PLANNING BOARD  
RECORD OF PERFORMANCE GUARANTEE

Name of Subdivision: Spring Hill West Planning Board File Number: 028-89-0  
Name of Record Owner: Prime Properties L.P. Copy of Deed Submitted: \_\_\_\_\_  
Address of Record Owner: \_\_\_\_\_  
Name of Applicant: Ken Marsters Authorization Letter Submitted: \_\_\_\_\_  
Address of Applicant: \_\_\_\_\_  
Date Definitive Plan Approved: 10/4/89 Date Signed: 11/1/89  
Form of Guarantee: \_\_\_\_\_ Bond/Letter of Credit  
                                  ☒ Deposit of Money or Negotiable Securities  
                                  \_\_\_\_\_ Covenant  
                                  \_\_\_\_\_ Retention of Funds by Mortgage Lender  
Amount of Guarantee: \$20,049.00 (attach cost estimates)  
Guarantee Submitted By: Treasurer's Check, Cape Cod Five  
Name of Guarantor: \_\_\_\_\_  
Date of Covenant (if applicable): 10/4/89  
Other Information: Lots 7-13, 15-20, 38-42: Covenant Release 9/19/01

Guarantee Received By:

Planning Board Chairman	_____	Date	_____
	_____	Date	<u>10-4-01</u>
Planning Department	_____	Date	_____
	_____	Date	<u>10-4-01</u>
Town Treasurer	_____	Date	_____

Date By Which Construction Shall Be Completed: \_\_\_\_\_  
Expiration Date of Performance Guarantee (if any): \_\_\_\_\_  
Recorded Copy of Covenant (if any) Received By: \_\_\_\_\_

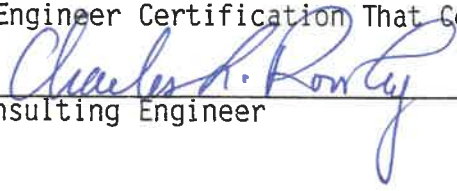
Planning Department \_\_\_\_\_ Date \_\_\_\_\_

Date of Statement By Registered Mail From Applicant To Town Clerk And Planning Board That Construction Has Been Completed: \_\_\_\_\_

Statement Received By:

Town Clerk	_____	Date	_____
Planning Board Chairman	_____	Date	_____
Planning Department	_____	Date	_____

Planning Board's Consulting Engineer Certification That Construction Has Been Completed:

	_____	Date	<u>5/6/09</u>
Consulting Engineer	_____	Date	_____

Determination By Planning Board That Construction Has Been Completed And Certification That Performance Guarantee May Be Released\* (Must be signed by a majority of the Planning Board):

Thomas P. Ochoa  
Planning Board Chairman  
Dennis H. Balazs  
James McDonald  
M  
ASW

5/6/09  
Date  
5/6/09  
5-6-09  
5-6-09

\*A Town of Mashpee Expense Voucher Must Be Signed and Attached for Release of Deposits of Money.

The Planning Board shall make a determination of completion and notify the applicant by registered mail within 45 days of receipt of the Statement of Completion by the Town Clerk. If construction is determined not to be complete, it shall specify in its notice the details wherein said construction fails to comply with its rules and regulations. In the event that said 45 day period expires without such specification, or without the release and return of the bond or return of the deposit or release of the covenant, all obligations under the bond shall terminate, any deposit shall be returned and any such covenant shall become void. The Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

Statement That Certificate Has Been Issued By Town Clerk:

Date Issued: \_\_\_\_\_

Signature of Clerk \_\_\_\_\_

Date \_\_\_\_\_

Date of Submission of Expense Voucher: \_\_\_\_\_

Guarantee Returned By Town Treasurer:

Town Treasurer \_\_\_\_\_

Date \_\_\_\_\_

Guarantee Returned To:

Planning Department \_\_\_\_\_

Date \_\_\_\_\_

Planning Board Chairman \_\_\_\_\_

Date \_\_\_\_\_

Applicant/Guarantor \_\_\_\_\_

Date \_\_\_\_\_

Statement That Covenant Has Been Released in Exchange For Other Security Guarantee \*(See new record of such guarantee):

Planning Board \_\_\_\_\_

Date \_\_\_\_\_

\*Attach Covenant Release Form

PLANNING BOARD  
TOWN OF MASHPEE

RELEASE OF COVENANT AGREEMENT

The undersigned, being a majority of the Planning Board of the  
Town of Mashpee, Barnstable County, Massachusetts, hereby releases lots  
7-13 inclusive, 15-20 inclusive, 38-42 inclusive shown on a plan entitled  
Spring Hill West in Plan Book 467, Page 88

dated October 1, 1988, from the provisions of a covenant agreement  
dated October 4, 1989. Record owner as of September 19, 2001  
(Date)

Prime Properties Ltd. Partnership  
(Name of Owner)

Executed as a sealed instrument this 19th day of September,  
2001.

Acting  
Chairman

Beverly A. Kane

Dennis H. Balzarini

Steve M. Dolan

Arulaf L. Jeff

Beverly A. Kane  
Steve M. Dolan

Dennis H. Balzarini, The Commonwealth of Massachusetts

Barnstable. SS.

10/3/01

(Date)

Then personally appeared Ken Hargraves, a member  
of the Mashpee Planning Board and acknowledged the foregoing instrument  
to be his free act and deed, before me.

Nella M. Stevens  
Notary Public

My commission expires

(Date of Expiration)

NELLA M. STEVENS  
Notary Public  
My Commission Expires  
January 17, 2008



**CHARLES L. ROWLEY & ASSOCIATES**

*Civil Engineers and Surveyors*

2229 CRANBERRY HIGHWAY

• WEST WAREHAM, MASSACHUSETTS 02576

• TELEPHONE 295-0545

March 3, 1993

Anthony Ferragamo, Chairman  
Town of Mashpee Planning Board  
Town Hall  
Mashpee, MA 02649

Re: Spring Hill West Subdivision

Dear Mr. Ferragamo:

Attached please find a copy of a letter from Mr. Earl Marsters with a suggestion for the placement of castings on the leaching pits within the Spring Hill West development. I have reviewed the request and feel that it would be best to have cast frames and covers on the leaching pits as follows:

Windsor Drive:

Open Space Lot: 1 casting

Lot 2: castings on first and last leaching pits (2)

Lot 3: castings on both structures (2)

Lot 6: 1 casting

Tudor Terrace:

Lot 42: casting on first and last leaching pits (2)

Sheffield Place:

Lot 14: 1 casting

Lots 9 and 8: castings on first, 3rd from last and last leaching pits (3)

Lots 6 and 7: castings on outside pits (2)

Lots 27 and 28: castings on first and last leaching pits (2)

Including the castings for lot 36 which is discussed below, this results in a savings of eight (8) castings while giving notice that something is in the area.

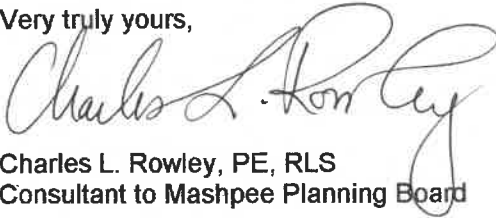
Lot 36

Mr. Marsters has asked to relocate the three leaching pits from Lot 36 to Lot 21 across Sheffield Place. These three pits were not installed during the construction of Windsor Drive and were not needed for the surface drainage at that time. I see no reason why the pits could not be relocated to Lot 21 provided a new drainage easement plan is prepared showing where they will be placed. The plan should be recorded in the Barnstable Registry of Deeds giving reference to

the subdivision plan of Spring Hill West. The new locations and construction should also be subject to the same inspectional requirements as the remainder of the subdivision as noted on the profile plans which were approved by the Planning Board.

Mr. Marsters has also informed me that he will be responsible for the placement of traps within all of the catch basins as required by the approval of the plan. I have asked him to check on a broken catch basin grate at the intersection of Tudor Terrace and Windsor Drive which was noted in my inspection of July 31, 1991.

Very truly yours,

A handwritten signature in cursive script, reading "Charles L. Rowley". The signature is written in dark ink and is positioned above the printed name and title.

Charles L. Rowley, PE, RLS  
Consultant to Mashpee Planning Board

cc Earl Marsters, Prime Properties, Inc.

file/mash93



# **PRIME**

**PROPERTIES, INC.**

P.O. Box 1 • Mashpee, MA 02649 • (508) 477-4444

February 19, 1993

Mr. Charles Rowley  
2229 Cranberry Highway  
P.O. Box 9  
West Wareham, MA 02576

Charlie:

Attached is a copy of the road profiles for Spring Hill West. I would really like to avoid the metal covers because they are unsightly, something for kids to play with, and expensive. However, after hearing your opinion, I would like to offer a compromise as follows:

Lets put metal covers on the first leaching basin of each series only. We will also attach a sign inside each of the first leaching basins in a series showing the exact location of the other basins in that series.

The Special Permit calls for all the catch basins to be cleaned every year and a report submitted to the Planning Board, so it is very unlikely any silt will get to the leaching basins and certainly not beyond the first one.

Whatever you decide, I will go along with and I appreciate you giving this your consideration.

Please call me at 477-4444, with your decision. Also, if you don't need these plans, I would like to get them back from you at the meeting on 3/3/93.

Thanks,



Earl Marsters

EM/bb

**RECEIVED FEB 22 1993**

# PRIME HOMES

Post Office Box 1  
Mashpee, MA 02649  
(508) 477-4444

September 19, 2001

Mashpee Planning Board  
Mashpee Town Hall  
16 Great Neck Road North  
Mashpee, MA 02649

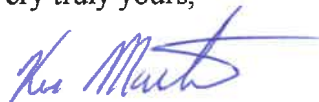
Dear Ms. Meijering,

I have reviewed Mr. Rowley's letter dated August 31, 2001, and listed below are the cost necessary to complete the roads:

1. Final Pavement	\$11,866.00
2. Possible Re-seeding on Road Shoulders	1,000.00
3. Asphalt Catch Basin Areas	<u>500.00</u>
	\$13,366.00
	<u>x 1.50</u>
	\$20,049.00

Enclosed please find a check for \$20,049.00. Thank you in advance for your consideration.

Very truly yours,



Kenneth E. Marsters

DECLARATION OF PROTECTIVE COVENANTS  
AND RESTRICTIONS

SPRING HILL WEST TRUST/SPRING HILL ESTATES II

KNOW ALL MEN BY THESE PRESENTS:

That we, RONALD E. MCGAFFIGAN, JOHN A. GARVEY, THOMAS E. GARVEY, and RICHARD T. GARVEY, (Grantors) Trustees of SPRING HILL WEST TRUST, under Declaration of Trust dated \_\_\_\_\_, and recorded in the Barnstable County Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_, being owners of certain real estate in Mashpee, Barnstable County, Massachusetts, shown on plan entitled "Subdivision Plan of Land Prepared for Spring Hill Realty Trust in Mashpee, Mass", which plan is recorded in the Barnstable County Registry of Deeds in Plan Book 467, Page 86, do hereby make and declare said premises to be subject to the following covenants, imposed for the benefit of the Grantors and their successors in title and which shall apply to all of the lots shown on the above-mentioned plan.

1. No trade or business activity shall be carried out upon the granted premises.

2. No commercial vehicle shall be parked on the granted premises over night, except one (1) which may be required for the Grantee's transportation. No construction equipment of any kind shall be parked on the granted premises over night, except as required during construction of dwelling, approved facilities, roads, driveways, utilities, or landscaping.

3. No animals of any kind may be kept except household pets.

4. No building or structure shall be erected on any lot except one single family dwelling containing no less than seven hundred sixty eight (768) square feet for a one and one-half (1 1/2) or two (2) story house as specified in Item #5.

5. The exterior of all dwellings erected must be of a traditional or modified Cape Cod, Saltbox, Ranch, or Colonial design.

6. All roofs shall have a five (5) inch per foot pitch minimum.

7. All dwellings shall have an outside post light to the front of the property within fifteen (15) feet of the front lot line; type as specified by the Grantors.

8. No dwelling, structure, or other improvement shall be erected, placed, altered, or maintained on the premises until building plans showing the exterior design and minimum square footage of the dwelling and other structures and including

fencing, accessory building, swimming pool, landscaping, or other improvements, have been approved in writing by the Trustees of SPRING HILL WEST TRUST (hereinafter called the "Developers"), or their successors or assigns, said approval to be given suitable for recording at the Barnstable County Registry of Deeds.

9. Exterior of any building erected and the landscaping and grading in connection therewith shall be completed within six (6) months after commencement of construction. No house constructed on any lot is to be occupied until the exterior of the house is complete. No house trailers may be brought onto or maintained on any lot at any time.

10. In no event shall any lot contain more than one thousand (1,000) square feet of lawn area.

11. No clothesline, drying yards, rubbish or waste cans shall be placed outdoors except if screened from the view of adjoining property or street by a fence, hedge, or other similar enclosure.

12. No metal buildings, trailers, or temporary structures shall be erected, parked or maintained on the premises. No unregistered automobiles shall be placed or stored on any lot where they may be exposed to the public view, or seen from adjacent property. Notwithstanding those provisions stated herein, the Grantors shall be permitted to locate on any lot in which they have any interest as shown on the plan referred to above, a construction/storage trailer and/or sales trailer. These trailers may be maintained by said Grantors for as long as they continue to have a fee interest in the Development.

13. No noxious or offensive activity shall be carried out upon any property, nor shall be done thereon which may be or become an annoyance or nuisance to the neighborhood.

14. No signs shall be permitted on any lot except for one sign not over one and one-half (1 1/2) square feet in area, indicating the owner's name or identifying his property.

15. No live trees exceeding six (6) inches in diameter at a point two (2) feet above ground level shall be disturbed in their natural growth except as may be necessary for building construction, site development or grading, until consent shall have first been obtained in writing from the Grantors, except as hereinafter provided.

16. The structures and grounds on any property shall be maintained in a neat and attractive manner, and the entire property shall be kept free of rubbish, debris or material of any kind which render the same unsanitary, unsightly, offensive, or detrimental to any property within SPRING HILL DEVELOPMENT ESTATES II.

17. A breach of any of the foregoing restrictions shall give to the Grantors, their successors or assigns, the usual legal and equitable remedies to recover damages and the right to enter upon any lot and abate and remove, at the expense of the party at fault, any erection of work that may be thereon contrary to the interest of these restrictions, without being deemed guilty of any manner of trespass therefore; if no action shall have been commenced and notice thereof filed with the Barnstable Registry of Deeds within three (3) months after completion of any building, structure, tennis court, platform tennis court, swimming pool or other improvement, addition, or landscaping, the same shall be conclusively deemed to be in compliance with these restrictions.

18. The Grantors may delegate or assign any or all of their rights, powers and obligations under these restrictions to any corporation, association, or agent, said assignment to be in writing and duly recorded in the Barnstable County Registry of Deeds. Until such assignment, the Grantors reserve the right to release, modify, amend and waive said covenant, restrictions and conditions at any time.

19. The Grantors shall on or before the sale of the last lot in the development convey to the Town of Mashpee the open space lots (14 , 46 and 47) shown on the Development Plan; to be held and maintained by the Town as passive conservation, recreation areas.

20. Until such time as said open space is conveyed to the Town of Mashpee, it shall be retained in accordance with the provisions of the Mashpee Zoning By-Laws Section 174-47B(7).

21. The Grantors shall reserve to themselves, their successors and assigns certain rights and easements to go on to such open space for purposes of maintaining drainage easements and for purposes of fulfilling their responsibilities under the water monitoring program, which was a condition of the Special Permit.

22. By the acceptance of a deed in any property or properties within SPRING HILL ESTATES II the Grantee herein named, for himself, his heirs, executors, administrators, successors and assigns, agrees to become a member of the SPRING HILL RESIDENT ASSOCIATES, INC., and to pay an annual assessment to said Association, said assessment to be a proportion of the actual annual costs of the maintenance, repair, taxes, water monitoring (including the establishment of the trust fund referred to in condition 20 of the Special Permit issued by the Town of Mashpee Planning Board), improvement assessments or expenses incurred on any of the ways and on the recreation and common areas or improvements of SPRING HILL ESTATES II, and to include a proportionate share of the cost of maintaining Windsor Way as shown on Plan recorded at Barnstable County Registry of Deeds, Plan Book 431, Page 34, all as set forth in the by-laws of SPRING HILL ESTATES RESIDENT ASSOCIATION, INC.

The initial annual assessment to be collected by the Grantors primarily for the purpose of conducting the water quality monitoring program shall be One Hundred Eighty-Five (\$185.00) Dollars. This assessment shall be subject to change dependent upon the annual costs of maintenance etc. One the Spring Hill Resident Associates, Inc. is established and responsible for maintenance of roadways etc. and water quality monitoring is turned over to said association that association shall establish the amount of said assessment until that time the annual assessment shall be determined by Grantors.

In addition, each property owner shall be required to pay, in addition to the above, upon taking title to their property, a one time charge or fee of Two Hundred Seventy-Five (\$275.00) Dollars, which sum shall be placed in a separate interest bearing escrow account. Said account to be maintained by the Grantors and then by their successors and assigns for the sole purpose of being available to guarantee performance under the Water Quality Monitoring Program. Once a determination is made that sufficient funds are available to guarantee such performance, then, a portion of the interest generated by said account may be used to off-set the annual cost of the monitoring program.

In the event of a default in the performance of these provisions and if such default shall not have been cured within fourteen (14) days after written notice thereof, the Grantors, their successors and assigns, shall have the right to enter upon said lot to remove all weeds, rubbish, debris or materials; to cut the grass and vegetation; to remove dead trees, shrubs and plants; and to do all things necessary to place the property in a neat and orderly condition. The cost of any work so required shall become due and payable by the property owner or owners to the Grantors, their successors or assigns, immediately upon the completion thereof.

WITNESS our hands and seals this                      day of                      , 1990.

\_\_\_\_\_  
Ronald E. McGaffigan, Trustee

\_\_\_\_\_  
John A. Garvey, Trustee

\_\_\_\_\_  
Thomas E. Garvey, Trustee

\_\_\_\_\_  
Richard T. Garvey, Trustee

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

, 1990.

Then personally appeared the above-named Ronald E. McGaffigan and acknowledged the foregoing instrument to be their free act and deed, before me,

---

Notary Public  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

, 1990.

Then personally appeared the above-named John A. Garvey and acknowledged the foregoing instrument to be their free act and deed, before me.

---

Notary Public  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

, 1990.

Then personally appeared the above-named Thomas E. Garvey and acknowledged the foregoing instrument to be his free act and deed, before me,

---

Notary Public  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

, 1990.

Then personally appeared the above-named Richard T. Garvey and acknowledged the foregoing instrument to be his free act and deed, before me,

---

Notary Public  
My Commission Expires:



FIRST AMENDMENT TO DECLARATION OF PROTECTIVE

COVENANTS AND RESTRICTIONS

JUN 7 2 48 PM '91

SPRING HILL WEST TRUST/SPRING HILL ESTATES II

RECORDED

The undersigned Trustee of Spring Hill West Trust, u/d/t dated February 7, 1990 and recorded in the Barnstable County Registry of Deeds in Book 7059, Page 083 , being the owners, developers and grantors of certain real estate shown on plan recorded at the Barnstable County Registry of Deeds in Plan Book 467, Page 86, which land is subject to a Declaration of Protective Covenants and Restrictions recorded at the Barnstable County Registry of Deeds in Book 1211, Page 33, pursuant to the provisions of paragraph 18 of said Declaration, do hereby amend said Declaration of Protective Covenants and Restrictions as follows:

Paragraph 10 as contained in the original Declaration of Protective Covenants shall be stricken and a new paragraph 10 shall be inserted in place thereof, which shall provide:

10. In no event shall any lot contain more than 1,000 sq. ft. of lawn area. Additionally, any fertilizers or pesticides used in conjunction with the maintenance of lawn areas or other landscaped areas in and around residential dwellings and along the shoulders of the roadways shall be of a type approved by the Town of Mashpee Board of Health and shall be applied by licensed applicators.

Paragraph 13 as set forth in the original Declaration of Protective Covenants shall be amended by adding the following sentence: "No household hazardous wastes shall be introduced into septic systems via bathroom or kitchen facilities; the introduction of such materials will have an adverse impact on individual wells and septic systems".

WITNESS our hands and seals this 5th day of June, 1991.

SPRING HILL WEST TRUST

By: R. E. McGaffigan Trustee  
Ronald E. McGaffigan, Trustee

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss.

June 5, 1991

Then personally appeared the above-named Ronald E. McGaffigan, Trustee of Spring Hill West Trust, and acknowledged the foregoing instrument to be his free act and deed, before me

[Signature]

Notary Public

My Commission Expires: 12/14/95

TICKET NUMBER: 0021944

090

14:22 07/06/89

BARNSTABLE LANDFILL  
FLINT STREET  
MARSTON MILLS. MA  
02648

ACCOUNT NUMBER: 00000000

ACCOUNT:

TRUCK NUMBER: 416 159

CUBIC YARDS:

TARE EXPIRATION DATE: / /

COMMODITY (NUMBER/NAME: 10/CLEAN DEMO-MATERIAL

RATE: \$000.000 FLAT PLUS \$055.000 /TON

GROSS WEIGHT: 35600 LB

14:08 07/06/89

CONV. FACTOR: 0.00050

TARE WEIGHT: 32520 LB

14:22 07/06/89

NET WEIGHT: 3080 LB

1.540 TON

LOAD VALUE: \$ 84.70 CASH

CHECK # 744

BANK # 53-8697

**PAID**

NEIGHMASTER

G. DEROSA

TRUCKER

HAVE A NICE DAY.

**GANTUIT ACRES REALTY TRUST**  
YARMOUTH PORT, MA 02975

10088 - July 6  
Tonn 083.3861, ABLE  
EIGHTY FIVE

**WOLLASTON CREDIT UNION**  
661 HANCOCK STREET, WOLLASTON, MA 02770

TRASH .000

SPRING NICKEL TRUST 35 000062 0744 NOT NEGOTIABLE

CHECK HERE IF TAX DEDUCTIBLE YEAR 89

BAL. FOR'D  
THIS PAYMENT  
BALANCE  
OTHER  
BAL. FOR'D

744  
53-8697  
8113

**SPRING HILL WEST TRUST**

P.O. Box 2023  
Sandwich, MA 02563  
508-888-8535

June 1, 1991

Mashpee Planning Board  
Town of Mashpee  
Mashpee, Mass.

Gentlemen:

I wish to certify that I, William Dinger, owner of B&D excavating was responsible for the removal of stumps, brush and building materials from the Spring Hill West subdivision. Stumps and brush were taken to The Blacksmith Shop in Falmouth. Building materials and debris was taken to the Town of Barnstable's Landfill.

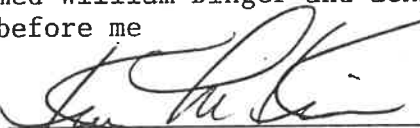
  
William Dinger

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss.

June 19, 1991

Then personally appeared the above-named William Dinger and acknowledged the foregoing to be his free act and deed before me



Notary Public

My Commission Expires: 12/14/95

**SPRING HILL WEST TRUST**

P.O. Box 2023  
Sandwich, MA 02563  
508-888-8535

*June 1, 1991*

*Mashpee Planning Board  
Town of Mashpee  
Mashpee, Mass.*

*Gentlemen:*

*I wish to certify that I, William Dinger, owner of B&D excavating was responsible for the removal of stumps, brush and building materials from the Spring Hill West subdivision. Stumps and brush were taken to The Blacksmith Shop in Falmouth. Building materials and debris was taken to the Town of Barnstable's Landfill.*


  
*William Dinger*

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss.

June 19, 1991

Then personally appeared the above-named William Dinger and acknowledged the foregoing to be his free act and deed before me

  
Notary Public  
My Commission Expires: *12/14/95*

## Mashpee Planning Department

# Memo

**To:** Town Manager  
**From:** Town Planner  
**CC:** Planning Board  
**Date:** 2-19-09  
**Re:** Prime Properties Performance Bonds

---

Per your request, I have researched the performance guarantees we are holding for Prime Properties and have found the following:

Account 10134692 – originally \$8000 submitted 5/18/95 to secure completion of Hogan Drive, that portion of Snead Drive north of Hogan to just past Nelson Circle as well as Nelson Circle at Quashnet Valley Area C. Work to be done was identified in a May 17, 1995 letter from Charles Rowley. → now 79924115

Account 10134702 – originally \$26,301 submitted 6/19/99 to secure the remainder of Snead Drive and Miller Circle at Quashnet Valley Area C. Work to be done is identified in a June 2, 1999 letter from Ken Marsters in response to Charles Rowley inspection letter dated June 1, 1999. → now 79924122

Account 10134728 – originally \$20,049 submitted October 4, 2001 to secure completion of Sheffield Place and Tudor Terrace in the Spring Hill West subdivision. Work to be done is identified in a September 19, 2001 letter from Ken Marsters in response to Charles Rowley inspection letter dated August 31, 2001. → now 79924123

Account 10134757 – originally \$5000 submitted July 8, 1993 to secure a portion of Hogan Drive in Quashnet Valley Area C. Based on July 7, 1993 inspection letter from Charles Rowley, work to be done was final grading and seeding of road shoulders. → now 79924166

Account 10134801 – originally \$1500 submitted October 6, 2004 to secure re-seeding of Palmer Road. Work to be done is identified in an October 6, 2004 letter from Ken Marsters based on an August 26, 2004 inspection letter by Charles Rowley.

The referenced documents are attached.

→ now 79924167

**David Leary**


---

**From:** SDonaghue@century-bank.com  
**Sent:** Wednesday, May 20, 2009 2:23 PM  
**To:** David Leary  
**Subject:** Re: Account Closures

Hi David,

The accounts have been closed. Below are the closing balances.

79924107	\$1,772.37
79924115	\$13,386.08
79924123	\$25,031.96
79924166	\$7,521.54
79924212	\$36,351.40

Scott M. Donaghue  
 Institutional Services Specialist  
 Century Bank  
 400 Mystic Avenue  
 Medford, MA 02155 USA  
 Telephone: 781.393.4138  
 Fax: 781.393.4093  
 sdonaghue@century-bank.com  
 www.century-bank.com

"David Leary" <dleary@ci.mashpee.ma.us>

05/20/2009 11:35 AM

To <SDonaghue@century-bank.com>  
 CC <SDeiahunt@century-bank.com>  
 Subject Account Closures

Hi Scott –

---

The following accounts need to be closed –

79924107 (4-30-2009 balance is \$1,770.07)  
 79924115 (4-30-2009 balance is \$13,368.68)  
 79924123 (4-30-2009 balance is \$24,999.43)  
 79924166 (4-30-2009 balance is \$7,511.77)  
 79924212 (4-30-2009 balance is \$36,304.16)

Could you please transfer these amounts (with accrued interest) into Town of Mashpee #66269512 and close them a.s.a.p.

5/21/2009

GRANT OF TITLE 5 NITROGEN LOADING RESTRICTION AND EASEMENT

(Grantor owns and restricts both the facility land and the credit land)

O F F I C I A L 310 CMR 15.002 O F F I C I A L

C O P Y C O P Y

This GRANT OF TITLE 5 Nitrogen Loading Restriction AND EASEMENT made as of this 13<sup>th</sup> day of January, 2005, by Kenneth Marsters, Trustee of Prime Properties Realty Trust of Mashpee, Barnstable County, Massachusetts ("Grantor").

O F F I C I A L O F F I C I A L

C O P Y WITNESSETH C O P Y

WHEREAS, Grantor being the owner in fee simple of the certain parcel of vacant land located in Mashpee, Barnstable County, Massachusetts, pursuant to a deed from Cape bank to Grantor, dated 2/7/1990, and recorded with Barnstable County Registry of Deeds in Book 8296, Page 73 of the Barnstable County Registry District, said parcel of land being more particularly bounded and described in Exhibit A, attached hereto and made a part hereof, and being shown on a plan entitled, "Spring Hill West", dated 10/4/89, prepared by Baxter & Nye recorded with Barnstable County Registry of Deeds in Plan Book 467, Plan No. 88; and

WHEREAS, Grantor being the owner in fee simple of the certain parcel of vacant land located in Mashpee, Barnstable County Massachusetts pursuant to a deed from Rudolf E. Deas to Grantor, dated 12/23/2003, and recorded with Barnstable County Registry of Deeds in Book 18066, Page 214 of the Barnstable County Registry District, said parcel of land being more particularly bounded and described as Lot 2 on a plan entitled, "Plan of land located in Mashpee" dated 12/1/2003, prepared by Ferriera Associates, recorded with Barnstable County Registry of Deeds in Plan Book 587, Plan 72; and

WHEREAS, Grantor desires to restrict the number of bedrooms as defined pursuant to 310 CMR 15.002 and/or the wastewater discharge design flow in any improvements located to 28 bedrooms the Facility Land through the use of this Nitrogen Loading Restriction and Easement; and

WHEREAS, the Facility Land has the benefit, granted hereby, of the Restriction and Easement on the Credit Land consisting of 77,019 square feet of land being shown as parcel 2A on plan entitled "Plan of Land located in Mashpee, Massachusetts, Prepared for Rudolf E. Deas Scale 1" = 60 ft. Date: December 1, 2003 by Ferriera Associates, 161A Worcester Court, Falmouth, Mass. 02540" recorded with Barnstable County Registry of Deeds in Plan Book 587, Page 72 bounded and described as follows:

Beginning at the northwesterly corner of the premises on Sheffield Place

Thence North 40° 02' 52 East, 60.00 feet;  
Thence South 43° 57' 09" West, 269.61 feet;  
Thence North 45° 51' 21: East, 553.70 feet;  
Thence North 4 ° 02' 52" East, 85.78' feet;

6



Thence South  $01^{\circ} 39' 41''$  West, 462.02 feet; N O T  
 Thence South  $45^{\circ} 51' 21''$  West, 594.78 feet; A N  
 Thence North  $86^{\circ} 15' 22''$  West, 156.89 feet; I C I A L  
 Thence North  $43^{\circ} 48' 12''$  East, 57.57 feet and O P Y  
 Thence North  $43^{\circ} 57' 09''$  West, 206.88 to the point of beginning.

Being a portion of the premises conveyed to Kenneth E. Marsters, Trustee of  
 Prime Properties Realty Trust by deed of Rudolf E. Deas dated December 23, 2003,  
 recorded with Barnstable County Registry of Deeds in Book 18066, Page 214 ("CREDIT  
 LAND").

WHEREAS, the Nitrogen Loading Facility Aggregation Plan has been approved by the Mashpee Board of Health and the Department of Environmental Protection ("DEP" or "Department") in accordance with the Department's "Guidelines for Title 5 Aggregation of Plans and Nitrogen Loading;" said approval being based upon the agreement by Grantor to incur certain obligations regarding the number of bedrooms, as defined in 310 CMR 15.002, and/or the wastewater discharge design flow in any improvements located on the Facility Land and maintenance of the Restriction and Easement to ensure protection the nitrogen loading limitation of 440 gpd/acre discharge standard pursuant to 310 CMR 15.214 in nitrogen-sensitive areas or in areas serving new construction where the residential use of both on-site systems and drinking water supply wells are proposed; and to grant to the Local Approving Authority a perpetual easement to ensure maintenance of the Facility Land and the Credit Land including, but not limited to, removal of any prohibited uses and in connection herewith a perpetual easement to pass and repass over the Facility Land and the Credit Land for purposes of inspection of the Facility Land and Credit Land to ensure compliance with and fulfillment of the terms of this Restriction/Easement as hereafter set forth:

NOW, THEREFORE, pursuant to the provisions of 310 CMR 15.216, Grantor does hereby GRANT to the Town of Mashpee, a Massachusetts municipal corporation situated in Barnstable County, having an address at Mashpee, Massachusetts, acting by and through its Board of Health ("B/Health") ("Local Approving Authority") for nominal, non-monetary consideration, with QUITCLAIM COVENANTS, TITLE 5 NITROGEN LOADING RESTRICTION AND EASEMENT ("Restriction/Easement") in, on, upon, through, over and under the Facility Land and the Credit Land, the terms and conditions of which are as follows:

#### PURPOSE:

The purpose of this restriction is to protect and preserve the quality and quantity of ground water resources in the area of the public and private wells in the Town of Mashpee, Massachusetts in order to ensure a safe and healthy public and private water supply for the present and future inhabitants of the area. It shall also be for the specific purpose of limiting the introduction of nitrogen and other pollutants into, and maintaining the natural uptake of pollutants and the recharge of the ground water which takes place on the Facility Land and the Credit Land for the said water supply.

N O T  
OBLIGATIONS AND EASEMENT:

N O T  
A N

O F F I C I A L

O F F I C I A L

1. Prohibitions. Grantor agrees to restrict the number of bedrooms, as defined pursuant to 310 CMR 15.002, in any improvements on the Facility Land to 31. Grantor further agrees to maintain the Credit Land as nitrogen credit land by prohibiting activities which have a detrimental effect on nitrogen loading on the Credit Land, including but not limited to wastewater discharges, the use of nitrogen fertilizer, the introduction of artificial impervious surfaces, the raising, breeding or keeping of animals, livestock or poultry for commercial purposes, and the creation or introduction of land under water. A change in the condition of the Credit Land which results in the Credit Land or a portion thereof being within a Velocity Zone or Regulatory Floodway will render the Credit Land or said portion thereof ineligible for nitrogen credit pursuant to 310 CMR 15.216.
2. Easements. In creating this Restriction and Easement, Grantor hereby grants to the Local Approving Authority its agents, contractors, sub-contractors and employees a perpetual EASEMENT to enter upon and the right to bring equipment onto the Facility Land and Credit Land to do any and all acts deemed necessary to maintain the Facility Land and Credit Land in a manner which ensures protection of the nitrogen loading limitation of 440 gpd/acre discharge standard pursuant to 310 CMR 15.214 together with a right to pass and repass by foot and by vehicle over the Facility Land and Credit Land for said purposes, and for purposes of inspecting the Facility Land and Credit Land to ensure compliance with and fulfillment of the terms of this Restriction/Easement.
3. Severability. If any court or other tribunal determines that any provision of this instrument is invalid or unenforceable, such provision shall be deemed to have been modified automatically to conform to the requirements for validity and enforceability as determined by such court or tribunal. In the event the provision invalidated is of such a nature that is cannot be so modified, the provision shall be deemed deleted from this instrument as though it had never been included herein. In either case, the remaining provisions of this instrument shall remain in full force and effect.
4. Enforcement. Grantor expressly acknowledges that a violation of the terms of this instrument could result in the following:
  - (i) upon determination by a court of competent jurisdiction, in the issuance of criminal and civil penalties, and/or equitable remedies, including, but not limited to, injunctive relief, such injunctive relief could include the issuance of an order to modify or remove any improvements constructed upon the Facility Land or Credit Land in violation of the terms of this Restriction/Easement; and

- (ii) in the assessment of penalties and enforcement action by the Local Approving Authority an DEP to enforce the terms of this Restriction/Easement, pursuant to Title 8, M.G.L. c. 111, §§ 17, 31, 122, 124, 125, 125A, 127A through 127D, and 129; and M.G.L. c.83 § 11.

5. Provisions to Run with the Land. This Restriction/Easement sets forth the rights, liabilities, agreements and obligations upon and subject to which the Facility Land and Credit Land or any portion thereof, shall be left unimproved or according to which said Facility Land and Credit Land may be improved, held, used, occupied, leased, sold, hypothecated, encumbered, or conveyed. The rights, liabilities, agreements and obligations herein set forth shall run with the Facility Land and Credit Land, as applicable thereto, and any portion thereof and shall inure to the benefit of and be binding upon Grantor and all parties claiming by, through or under the Local Approving Authority or Grantor. The rights hereby granted to the Local Approving Authority to enforce this Restriction/Easement and Grantor hereby covenants for himself/herself/itself and his/her/its executors, administrators, heirs, successors and assigns, to stand seized and hold title to the Facility Land and Credit Land, as applicable thereto, and any portion thereof, subject to this Restriction/Easement, provided, however, that a violation of this Restriction/Easement shall not result in a forfeiture or reversion of Grantor's title to the Facility Land or Credit Land, as applicable thereto.
6. Concurrence Presumed. It being agreed that Grantor and all parties claiming by, through or under Grantor shall be deemed to be in accord with the provisions herein set forth and to agree for and among themselves and any party claiming by, through or under them, and their respective agents, contractors, sub-contractors and employees, that the Restriction/Easement herein established shall be adhered to and not violated and that their respective interests in the Facility Land and the Credit Land and the Restriction/Easement, as applicable thereto, shall be subject to the provisions herein set forth.
7. Incorporation into Deeds, Mortgages, leases and Instruments of Transfer. Grantor hereby agrees to incorporate this Restriction/Easement, in full or by reference, into all deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer by which an interest in and/or a right to use the Facility Land or Credit Land, or any portion thereof, is conveyed.
8. Recordation. Grantor shall record and/or register this Restriction/Easement with the appropriate Registry of Deeds and/or Land Registration Office within 30 days of the latter of: receipt from the Local Approving Authority of the approved Restriction/Easement or the expiration of the 60-day DEP constructive approval period pursuant to 310 CMR 15.216. Grantor shall file with the Local Approving Authority and the DEP a certified Registry copy of this Restriction/Easement as recorded and/or registered within 30 days of its date of recordation and/or registration

9. Amendment and Release. This Restriction/Easement may be amended or released only upon approval by the Local Approving Authority. Release of this Restriction/Easement shall be granted by the Local Approving Authority in the event the Facility Land is connected to a municipal sewer system and the septic system serving the Facility Land is abandoned in accordance with 310 CMR 15.354 or the Facility Land is no longer located within a nitrogen sensitive area pursuant to 310 CMR 15.215. Any such amendment or release shall be recorded and/or registered with the appropriate Registry of Deeds and/or Land Registration Office and a certified Registry copy of said amendment or release shall be filed with the Local Approving Authority and the DEP within 30 days of its date of recordation and/or registration.
10. Term. This Restriction/Easement shall run in perpetuity and is intended to conform to M.G.L. c. 184, §26, as amended.
11. Rights Reserved. This Restriction/Easement is granted to the Local Approving Authority in connection with the approval of a Nitrogen Loading Facility Aggregation Plan pursuant to 310 CMR 15.216 and the Department's "Guidelines for Title 5 Aggregation of Flows and Nitrogen Loading." It is expressly agreed that acceptance of the Restriction/Easement by the Local Approving Authority or constructive approval of the Nitrogen Loading Facility Aggregation Plan by DEP shall not operate to bar, diminish, or in any way affect any legal or equitable right of the Local Approving Authority or DEP to issue any future order with respect to the Facility Land or Credit Land or in any way affect any other claim, action, suit, cause of action, or demand which the Local Approving Authority of DEP may have with respect thereto. Nor shall acceptance of the Restriction/Easement serve to impose any obligations, liabilities, or any other duties upon the Local Approving Authority.
12. Effective Date. This Restriction/Easement shall become effective upon its recordation and/or registration with the appropriate Registry of Deeds and/or Land Registration Office.

WITNESS the execution hereof under seal this 13<sup>th</sup> day of January, 2005.

A N  
O F F I C I A L  
C O P Y

A N  
O F F I C I A L  
C O P Y

Kenneth E. Marsters, Grantor

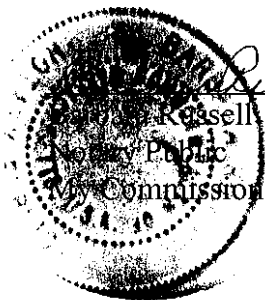
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A N  
O F F I C I A L  
C O P Y

A N  
O F F I C I A L  
C O P Y

COMMONWEALTH OF MASSACHUSETTS

County of Barnstable

On this 13<sup>th</sup> day of January, 2005, before me, the undersigned notary public, personally appeared KENNETH E. MARSTERS, proved to me through satisfactory evidence of identification, which was a Massachusetts drivers license to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.



Commission expires: July 15, 2005

The Mashpee Board of Health hereby approved and accepts this Grant of Title 5 Nitrogen Loading Restriction and Easement.

Star Ball  
Mashpee Board of Health

Date:

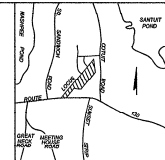
Jan 13, 2005

BARNSTABLE REGISTRY OF DEEDS

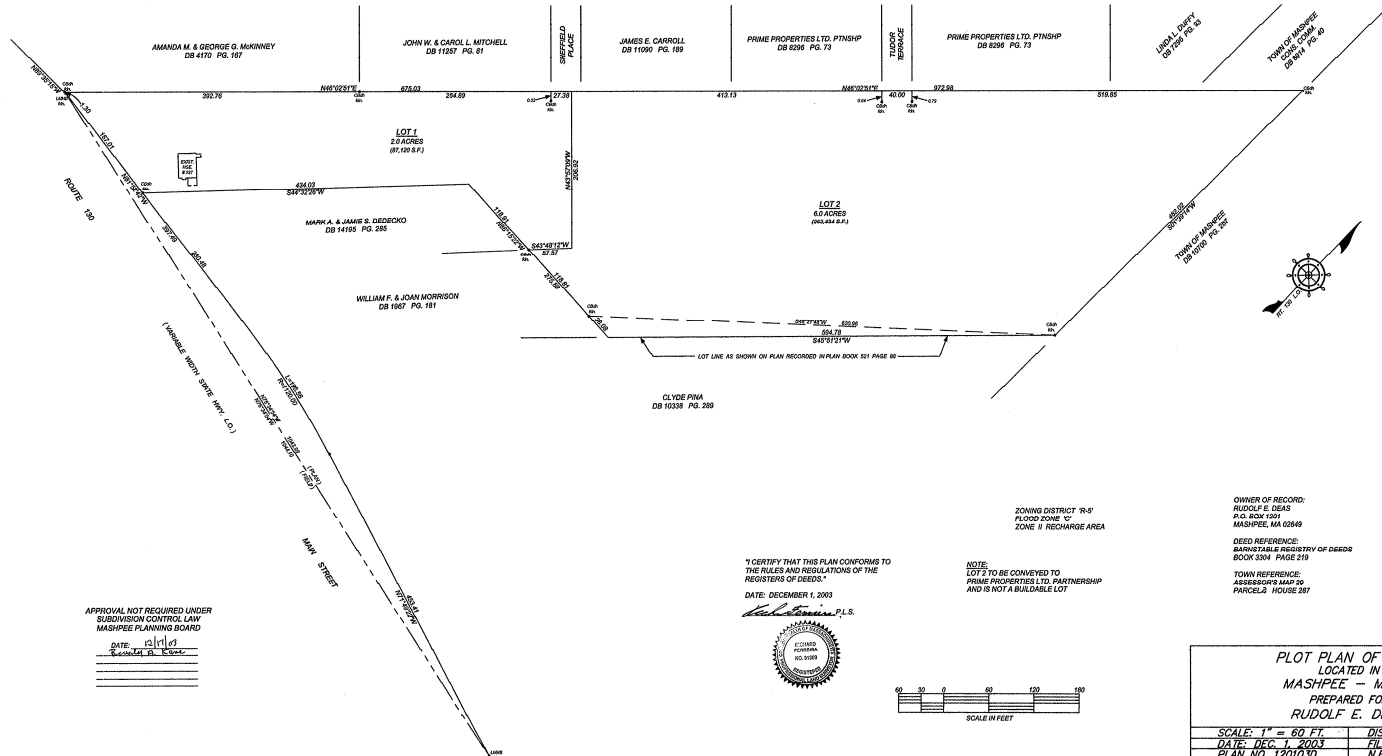
OFFICIAL OFFICIAL  
OFFICIAL OFFICIAL

BOOK 587 PAGE 72

FOR REGISTRY USE



LOCATION MAP  
SCALE: 1" = 2000'



APPROVAL NOT REQUIRED UNDER  
SUBDIVISION CONTROL LAW  
MASHPEE PLANNING BOARD

DATE: 12/1/03  
BY: [Signature]  
[Signature]

I CERTIFY THAT THIS PLAN CONFORMS TO  
THE RULES AND REGULATIONS OF THE  
REGISTERS OF DEEDS.  
DATE: DECEMBER 1, 2003

[Signature] P.L.S.



NOTE:  
LOT 2 TO BE CONVEYED TO  
PRIME PROPERTIES LTD. PARTNERSHIP  
AND IS NOT A BUILDABLE LOT

ZONING DISTRICT "R-5"  
FLOOD ZONE "1"  
ZONE II RECHARGE AREA

OWNER OF RECORD:  
RUDOLF E. DEAS  
P.O. BOX 1501  
MASHPEE, MA 02549

DEED REFERENCE:  
SANTAPPA'S REGISTRY OF DEEDS  
BOOK 3894 PAGE 219

TOWN REFERENCE:  
ASSESSOR'S MAP 90  
PARCELS HOUSE 287

PLOT PLAN OF LAND  
LOCATED IN  
MASHPEE - MASS.  
PREPARED FOR  
RUDOLF E. DEAS

SCALE: 1" = 60 FT. DISK NO. 200311b

DATE: DEC. 1, 2003 FILE NO. 130MC/P

PLAN NO. 1201030 N.B. NO. 151

FERREIRA ASSOCIATES  
161A WORCESTER COURT  
FALMOUTH - MASS. 02540

587-72



**Evolution**  
Developments

128 Main Street Suite 306  
Ashland, MA 01721

**To:** Planning Board,

My name is Carlos Hanzi, I am the owner of Evolution Developments LLC.

I recently purchased the 8 lot subdivision on Casper circle Mashpee, MA from Steven and Joyce Hynds, the closing occurred yesterday, on 10/26/2022. Please find attached below, the new deed under Casper Circle LLC (new company I opened for this project). It is my understanding that Steven and Joyce Hynds have a bond in place to finish the remaining work. I am requesting that the Planning Board accept a cash deposit of \$58,500.00 in substitution of the present cash bond held by the Planning Board that would be released to Steven and Joyce Hynds .

My best regards, President Carlos Hanzi

10/27/2022

---

**QUITCLAIM DEED**

**The Stopped Bus, LLC**, a Massachusetts Limited Liability Company having a principal place of business at 252 Western Avenue, Allston, MA 02134

For full consideration of *Two Million Six Hundred Thousand (\$2,600,000.00) Dollars*

Grants to **CASPER CIRCLE LLC**, a limited liability company organized under the laws of the Commonwealth of Massachusetts with a mailing address of 128 Main Street, Suite 306, Ashland, MA 01721

with ***QUITCLAIM COVENANTS***

The undeveloped parcels of land situated in Mashpee, Barnstable County Massachusetts being shown as Lots 1A, 2A, 3A, 4A and 5A on Plan of Land entitled "Quashnet Valley Country Club Area 'B' Plan of Land in Mashpee, Mass. for Anthony J. LaCava Trust" dated April 19, 1983 and recorded in **Plan Book 372, Page 43** and Lots 7, 8, 9 on a Plan of Land entitled "Quashnet Valley Country Club 'Area B' Plan of Land in Mashpee, Mass for Equestrian Trust" dated March 3, 1980 and March 26, 1980 and recorded in **Plan Book 358, Pages 23 and 24.**

**PROPERTY ADDRESS: 1, 5, 6, 11, 12, 18, 19 and 22 Casper Circle, Mashpee, MA 02649**

For Grantor's title see Deed recorded with the Barnstable County Registry of Deeds in Book 31443 Page 112.

Also conveyed herewith is the fee in the way shown as Casper Circle on the above-references Plans.

This transfer does not represent all or substantially all of the assets of the Grantor Limited Liability Company in the Commonwealth of Massachusetts.

Subject to and with the benefit of, all rights restrictions, reservations, easements, appurtenances and rights of way of record, insofar as the same are still in force and applicable

Property Address: 1,5,6,11,12,18,19 and 22 Casper Circle, Mashpee, MA 02649



IN WITNESS WHEREOF, the said The Stopped Bus, LLC has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Steven Hynds, its Manager, this 24<sup>th</sup> day of October, 2022.

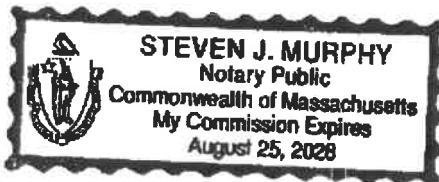
  
Steven Hynds, Manager

**Commonwealth of Massachusetts**

**Suffolk, ss.**

On this 24<sup>th</sup> day of October, 2022 before me, the undersigned Notary Public, personally appeared **Steven Hynds, Manager of The Stopped Bus, LLC**, proved to me through satisfactory evidence of identification, which was a Massachusetts driver's license, to be the person whose name is signed on this page and/or the attached documents, and acknowledged to me that he signed it voluntarily for its stated purpose and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of **The Stopped Bus, LLC**, before me.

  
Notary Public: Steven J. Murphy  
My Commission Expires: August 25, 2028



## **Key Takeaways from Mashpee Workshops**

### Multiple Workshops

- Collaborative Wampanoag Tribe-Town of Mashpee connection
- Expanded public access to water
- Additional public facilities (ie. bathrooms, water fountains, etc.), especially in parks/beaches
- Update Town technology, including website and public meetings
- Enhanced Town education and communication systems
- Sustainability, renewable energy, solar energy
- Hire additional governmental staff or restructure existing positions
- Protection of natural systems/open spaces
- Promote recreational activities and youth education programs

### Community Systems

- Improve Town-Tribal relations
- Enhance types of housing options (ex. Rental, affordable, senior services)
- Greater emphasis on Blue Economy and establishing living wages
- Emphasis on locally owned businesses
- Consider Accessory Dwelling Units in development
- Concern over aging population and workforce reduction

### Natural Systems

- More targeted government staff and committees (staff focused on specific issues, including open space,
- Update sewer system
- Expand beach access
- Concerns over pollutants/nutrient in waterways
- Protection of trees, especially through reduction or prohibition of clear-cutting)
- Expand public engagement by Town government
- Preservation of open space, particularly through purchasing/acquisition methods

### Built Systems

- Expand public transit options
- Build more sidewalks
- Implement solar/renewable energy systems, including solar carports, solar parking lots, and roofs
- Create more bike lanes/pedestrian paths
- Importance of community center
- Expand internet/cell service and provider options
- Explore zoning reforms and sustainable development options

Cultural		
System	Needs, Concerns, and Additional Comments	Goals/Actions
Tribal Headquarters, Heritage, and History (4)	Partnerships, collaboration, Intergovernmental designees to increase interaction and consultation	Tribal relationship/improvement
	Restoration of parsonage Rte 130 - Tribe and Town worked with federal officials	Ensure incorporation of Tribal history into public school curriculum at all grade levels
	Wampanoag history and culture which continues	Ensure incorporation of Tribe history and cultural in Town government operations
	Gap between Wampanoag community and Tribe	Wastewater and access to federal funding; common goal to work towards
		Increase the sense of community between the Tribe/town
		Civic participation (increase, promote, educate)
		Increase collaboration with the Tribe
		Unity with Wampanoag Tribe and Tribal leaders
		comms, use of facilities
Form of Government		Town to Tribe liaison
	Need civic communication for promotion and involvement	Enhance participation on boards
	Lack of coordination or integration among Town boards	Need funding to support engagement system/outside engagement
	Diversity in Town government and services	Neighborhood based communication forum to get out of bubble
	Increase communication and trust	Neighborhood level space to gather-density vs public space
	Reach out to the younger population	More active outreach
	Enhance communication	Staff for all town, improved website, video and audio access improvement (MTV)
	Civics and education/schools, etc.	Commission or study group
		Inclusivity/belonging
		More community involvement/engagement
		Voting/volunteerism
		Seasonal community events for all
		More clearly spell out cultural heritage
		Education and community dialogue around Wampanoag history and identity
		More cultural activity->theater, arts
		Better telecommunication/fiber
		Improve AV infrastructure
		Expand accessibility to Mashpee TV
		Communications personnel-Town Comms Officer
Schools (2)	Schools provide connections via athletic events	
	Schools-students + parents/programs, youth groups -> relate community projects - is there a network	
Town History (Historic District, Natl Register, Military) (4)	Showcase more visibility	Historic signage
	A Mashpee - E. Mills Books	Eco-tourism
	Highlight and foster Cultural Heritage	Widespread education on Tribal heritage (equal access)
	Close knit community at-risk for future generations	Community activities
Family activities - Rec. Centers (3)	Support family viability - adequate services-pre-school	Improve services - younger children. Evaluate services younger kids and elder
	Support vs. limiting recreational activities for all ages	Evaluate needs
Community center/Meeting space	Currently lacking community center/meeting space	
Museums, Art, and Music	Cape Cod Children's Museum	Incentivize arts-related activities and facilities
Institutions-general	How we organize	Assess where facilities would work; fill potholes, etc., and make accessible
Community Garden (2)	Preserve conservation space continued	
		Financial support -Town regulations and bylaws to protect conservation + open space. 40% existing open space
Waterways/Beaches/Ponds		Public access to the ocean
		Enhance smaller beach areas (work with state if necessary)
		Create wayfinding and cultural heritage program- tell story of Mashpee on trails (markers, visitor's center)

Open space/nature trails/conservation (3)	Assets - Town parks + S. Cape Beach - brings people together to relax	Multiple needs - improve education, public understanding and awareness
		More open space
		Connection to the land and sea
		Trail wayfinding
		Better trail maps-App
		Visitor Center for MNWR
Natural resources (3)	Environmental & Natural [resources] = culture (recreation, etc. + not industry)	Natural beauty for quality of life
	Part of local heritage	Protect seashore from erosion
	Improve water quality	Preserve fish and hunting rights of way on shore
		Re-invigorate Childs River natural feature
Fishing and Hunting {2}		Preserve open access to hunting, fishing + resource areas
Library (4)		
Boys/Girls Club (3)		
Sr. Center (4)		
Ancient cemeteries		
Church/Religious institutions		
Current development patterns		
Agricultural heritage		
Health Care- wellness/safety		
Jeep Place - Army training		
Heritage Park/Splash Pad		
Xmas parade		
4th of July picnic		

## Housing

System	Needs, Considerations, and Additional Comments	Goals/Actions
Housing-general	Sustainability a priority for new construction and redevelopment	Developer should provide appropriate mitigation for new service needs
	Sidewalks and transit	Reuse of property: Identify potential properties
	Dense Development needed. Puzzle piece=serious consideration	Develop plan/strategy to acquire property
	Create it where existing infrastructure exists	Develop environ + econ incentives to redevelop
	Need financing, funding, and pool of resources	Housing coordinator
	Look at horizon - net zero housing	Wastewater infrastructure-sewer
		Additional-walkable neighborhoods
		Consider a housing bank (Martha's Vineyard)
		Seek additional funding resources
Existing housing	Existing housing stock inadequate	Establish infrastructure to support density
	Promote reuse of existing property (ex. Wigwam Hotel)	Balancing open space with housing
Affordable housing	Establish livable and affordable housing for all ages	Low interest rate loans to preserve exist[ing] housing - equity development
Senior affordable housing (2)	Build or repurpose sufficient diversity in housing options	Eval and compare equity development for past generations vs. current
	Assist senior to maintain housing - group/collective housing options?	ADU-Accessory dwellings
	Aging population	Incentivize builders
		ADUs
Rental housing (3)	Year round residential rental-not much	More workforce, senior, middle income [housing]
		Need zoning reconfigured
		Monitor short term rental activity
		Develop policy on short term rentals
Seasonal housing (3)	Dorms? Look at other communities and how they do this	Increase available rental housing (year?)
		Prioritize options for year-round rental housing
Workforce housing (2)	Need funding for workforce housing (government grants?)	Analyze housing for increasing seasonal workers
Diverse housing styles/options	Diversify housing styles (duplex, multi)	Look at strategies to convert seasonal into year round housing
	Limitation in creation of affordable and diverse housing	Create plan for workforce housing
Zoning (3)	Mixed use	Better enforceable bylaws in supp
	Zoning amendments	Create plan for best practices for zoning and housing unit creation
Single-family homes (2)	Single-family homes - opp[ortunities] non-existent	Assess zoning for density
Accessory apartments (ADUs)	Leverage, define impacts	Need gap funding to build
	Protect and use as much land as is practical	Need strong land use plan
	Locate density where already developed	Inventory and analyze land for development opportunities or conservation
	Prioritize land use for sustainable future	Evaluate the regulatory system-look at density, etc.
		Fund needed [Town] staff and funding planning research and administration (economic development person, housing person)
Resort/luxury housing		Add capacity to independent construction of ADUs
Air BnB housing		
Three elderly/disabled/low income		
Habitat [for Humanity]		
Several housing communities		
Tribal community		
Commons housing		

Economy		
System	Needs, Considerations, and Additional Comments	Goals/Actions
Town government (employment) schools, Fire, Police	Process improvement	Education on Town government (count to 10 be willing to participate)
	Satisfactory economic development plan	Hire grant writer position
	Collaboration among elected/appointed officials	Tax solutions
	Community support, zoning	Develop communitywide sustainability plan
		Create a "Sustainable Mashpee" or similar organization
Chamber of Commerce		Market analysis with Chamber
Locally-owned businesses (4)	Some large, many small	Market analysis with Chamber
	More resident involvement	Mitigate the impacts/create a balance
	Employment opportunities for seniors/disabled	Improve public transportation/walkability
	More manufacturing, more business	Mitigate the impacts of commercial/residential development
	Bring in and maintain small businesses (sustainable and character appropriate)	
	Need housing for working families	
Trades & Services (2)	More workforce housing/rentals (A?)	Increased technology jobs (internet)
	Hub for access to services	Tech infrastructure to support economy
	Good balance of businesses retail, trades, non-profits-diversity	
Imbalanced economy (2)	Balance economy	Improve infrastructure (sewer/water/roads)
	Balance workforce	Assess zoning
Mashpee's Competitive Advantage	What is Cape's competitive advantage -> limited economy focused on Natural Resources and tourism	Enhance parks-> places for community connections
	Highlight Mashpee's existing competitive advantages - NR, open space	Evaluate climate change vulnerability
Real estate - affordable	Affordable senior housing	Well done mixed use development with housing on top - with enough green space to complement development
	Need housing to keep economy going	
Seasonal tourism (3)	How to sustain the environment	
	Hotel	
Time shares/rentals	Changes in housing market-seasonal v. primary homes	
Workforce	Need support/housing service workforce	
Work from home culture		Need to identify types of businesses to attract with light footprint, increase infrastructure to support work from home
Industrial zone (3)	Keep good mix-industry/manufacturing in industrial park - where appropriate	
Low wage jobs (affordability) (3)	Lack of economic opportunity for working folks-good jobs needed/housing	Reconcile cost of living with wage gap -> year round jobs that pay living wage
	Living wages	More well paying jobs
	Wages disproportionate to the cost of living (housing + transportation)	Establish business incentives
	Remote work opportunities - attract companies	
Blue Economy/Fishing (4)	Lack of (agricultural) fishing economy	Enhance Blue Economy where feasible
	Barriers to entry to the Blue Economy (aquaculture, commercial fishing)	Evaluate use conflicts in fishery + invest in appropriate infrastructure
	Aging bogs that formally contributed to the economic base but are now unproductive land uses that pollute	Town marina-comm fishing, etc. (other needed facilities)
	Shrinking public access to waterways	Loans/incentives/mentorship
	Support entrepreneurship	Utilize infrastructure at JBCC to move goods and services
	Ensure resources are available tomorrow	
	Not enough retirement housing	

Aging demographic	Lack of workforce	
	Higher taxes on seniors - stay in housing(?)	
Good childcare program-Rec, Boys & Girls Club, pre-school, school	Help young families	Maintain [programs]
	Inadequate affordable childcare	[Expand] vacation programs
	Need to bring in higher education and regional institutions (Woods Hole MBL) to create opportunities for youth to learn and engage	Partner with schools and Woods Hole MBL
		Continue to fund schools/ programs
		Create maker space and incubator (school space)
		Analyze subsidies for daycare (see Orleans, Truro, Provincetown, etc.)
Medical	Access to Medical (Treatment and Employment)	
	Community health center	
Transportation (4)	Improved transportation (Boston)	Design transportation/rotaries to allow and encourage non-motor travel
	Lack of transportation	Co-locate housing with work and transportation access
		[Improve] non-motorized travel and connectivity (sidewalks, paths, greenways) on-foot travel
Cell network	Need to bring in higher education and regional institutions (Woods Hole MBL) to create opportunities for youth to learn and engage	
Internet connectivity		Expand broadband beyond Comcast; continue with Open Cape and/or explore another option
Thrift store		
Renewable energy		
Museums/arts/music		
Part-time property owners		
Community garden		
Food bank/pantry		
Shopping		
Bars, Taverns, Restaurants		
CBD		





TRANSPORTATION/MOBILITY		
System	Needs, Concerns, and Additional Comments	Goals/Actions
Public transportation (including transit facilities) (3)	Need shuttles between towns, shopping ctrs, etc.	Trolley system
		Pool van/bus resources
		Shuttles South Cape Village/MC to/from affordable housing
		Townwide mini bus loop
		Transportation within Mashpee along with inter-Town options
		Identify sources of funding (property surtax, CPA, recurring revenue)
		Increase public transit options/frequency/locations
		Demand response transit
Roadway system (3)		Safe bus shelters
		Funding for maintenance of private roads
		Protect/maintain ancient ways
		Better stormwater infrastructure (green infrastructure) for roads
		Identify road connection opportunities along parallel roads
		Road cleaning vehicles
		Pervious driveways/surfaces
		Re-evaluate light/signal timing during high-traffic times
Speeding, Traffic, and Congestion Concerns		Synchronize traffic lights
		Traffic calming systems (turn lanes, rotaries, speed bumps)
		Traffic control/mitigation
Public parking (for public transit and boat ramps/marinas)		Consider traffic in development
		On-street parking/curb use
		Sustainable parking lots (Solar canopies in parking lots, w/o clear-cutting etc.)
		Require in-lot trees for all parking lots
Sidewalks and pedestrian pathways (4)	Start w/ Route 28 and branch out; 151 under construction (sidewalk and shared use)	Require in-lot trees for all parking lots
		Turn as many parking lots as possible into carports with solar farms
		Require sidewalks in new developments/redevelopment
		Build sidewalks/coordinate major projects
Bike lanes/paths (4)	Start w/ Route 28 and branch out	More crosswalks (push buttons)
	Nothing in the middle of town-disconnected (ISM Great Neck North/Great Neck South)	Introduce more crosswalks; some need traffic lights
Electric charging stations (2)		Create bike system throughout town
Boat ramps/Marinas (2)		Connected bike paths and sidewalks
Hiking/Biking trails (2)		Charging stations for bikes in addition to cars
ADA accessibility		Consider stormwater mitigation
Private heli-pad		
Bridges		
Rotary		
Roundabouts		

HOUSING/DEVELOPMENT/LAND USE PLANNING		
System	Needs, Concerns, and Additional Comments	Goal/Actions
Housing/Development patterns	Single-use commercial centers	Identify buildable lot capacity Improving neighborhood connections Explore creative solutions for repurposing/redeveloping underutilized parcels (identify funding/grants) Explore opportunities for mixed-use development/redevelopment in commercial areas or redevelopment areas
Historic districts		Identify and expand historic districts Explore adding homes Buy historic buildings and renovate them (may rent back to community) Interview Historic commission regarding possible homes
Recreation area/facilities		Maps of recreation facilities and parking Frisbee golf (develop) Exercise trail Opportunities for kids/teenagers for recreation/leisure
Town beaches		Public transit to Town Beaches (existing lack of parking can't be expanded) Restrooms at beaches (port a potty composting toilets) Beach parking
Senior services (housing and recreation)		Expand senior center (2) Make senior center intergenerational
Community center, Performing arts center, and other community programs (2)	Need community center-public space	Construct community center Community center with pools, sports facilities, all-ages, inclusive space, meeting spaces (look into purchasing suitable sites) Outdoor gym for adults (at senior center) Nature center Utilize more hours (community facility) Use kitchen Education programs Cultural programs Increase insurance to cover usage Include communication center-website, TV
Zoning	Consider building heights/density	Amend the ADU bylaw (allowance for mobile units, tiny houses for residents); funding for ADU development; allow owner to live in ADU Form-based codes to regulate placetypes as oppose to Euclidean Zoning Enforcement of building/zoning
Land Uses	Need better use of land	Protection and maintenance of burial sites Vertical farming/hydroponics
Affordable housing		Attainable housing for low and middle income Join lobby for "mansion tax" to fund affordable housing
Hotels/tourism		Redevelopment of areas for housing (timeshares)
Apartments		Prevent pushing out homeowners w/ short-term rentals
Cultural systems, buildings		Greater integration w/ tribe and their projects (housing, health centers, grants); conduct economic analysis for implementation costs
Industrial complex/park		Mixed-use
Workforce housing		
Athletic facilities		
Sprawl		
Single-family		
Multifamily		

UTILITIES/SUSTAINABILITY		
System	Needs, Concerns, and Additional Comments	Goal/Actions
Natural resources	Trees are necessary for erosion control, shade, climate control, carbon sequestration, aesthetics	Support remediation strategies for ponds Adopt residential and commercial by-law to preserve trees Town-funded program to replace all trees which are removed Promote redevelopment instead of development that cuts down trees Tree replanting program/reforestation after construction Tree protection bylaw (restrict clearcutting) Street tree program Tree-planting/mitigation for development
Sustainability		Municipal energy assessment Sustainable/net-zero/LEED certified buildings Battery storage
Solar panels and roofs (3)	Existing bylaw	Local incentives for small scale residential Large scale in industrial areas Solar panels for public parking lots/public buildings (where it does not exist) Promote roof gardens to break up heat islands (see "Fenway Farms Systems") Community education regarding energy reductions and costs of consumption Additional solar investments Solar on all public facilities
Dams (2)		Mapping/education Red Brook Prioritize dam maintenance
Stormwater systems		Stormwater infrastructure
Wastewater/Sewer Systems (3)		Implement the sewer plan (finish Phase I, then Phase II) Remove cesspools Sewer as much of town as possible/practicable (what CAN be done!) Ban chemicals which increase nutrient load Limit fertilizer use (existing bylaw for nitrogen use) Vegetative buffer zones (require, enforce, incentivize removal of grandfathering) Research new/best technology
Septic systems (2)		Accountability for septic systems Inspect, maintain, and upgrade septic systems
Public restrooms (2)	More needed	Identify public outdoors spaces that need permanent bathrooms and construct
Public water station		Water filling stations (2)
Cable/Broadband/Internet/fiber optics (4)		Pursue grant opportunities Increase fiber optics-Open Cape Increase competition-more providers Expand internet access and options for providers
Cell towers (4)		Improve/expand existing range (New Seabury/Pop area lacks coverage; on your way to the beach lacks service; south part of town) Push for cell coverage
Electricity/Electrical lines (4)	Concern regarding storm vulnerability	Sub regs require underground Tree pruning
Waste management/Transfer Station (2)	Single stream recycling; SEMASS-trash burning facility (town contract)	Expand/improve food compost system Improve town trash pickup
Water systems (3)		

GOVERNMENT/MISCELLANEOUS		
System	Needs, Concerns, and Additional Comments	Action/Goal
Government-general	Create actionable goals, see progress	Create energy and technology committee to explore geothermal energy and other technologies
		Development and Education: Evacuation plan for severe storm events
		Develop and implement Climate Resilience Plan
		Work through community charettes to define regulatory changes for environmentally considerate housing supply increases
Town Hall technology	Improve town technology/hybrid meetings; Bring into 21st century	Improve technology/availability of remote participation
		Improve transparency and participation of town meetings
		Update/upgrade town infrastructure (streaming, broadband, AV systems for meetings, Zoom)
		Upgrade/reorganize town website
		Expand IT: dedicated communications manager-can do PR, website, social media management
		Timely updates to Town website-more information
Communication systems (including citizen participation, town hall media, info hub staffed w/ volunteers, kiosk w/ info, maps of trails)	Need collaboration between town departments	Improve public participation (reduce barriers for school-age parents); reform process
		Info hub (staffed by volunteers): kiosk, coffee shop, info desk
		Develop emergency communication systems between town systems and media
Economic development/Capital facilities	Need: money, financing, community resolve, volunteers, and staff	Part, full-time, or team grantwriter(s)
		Partner with Mashpee Wampanog Tribal Council (Tribe has access/town has grant writer)
		0% loans, bank support, government financing
		Public assistance for financing
		Surcharge tax generation (short-term rentals, real estate transaction, lottery, bingo)
		Tax incentives
		Lobby for state and federal funding and financing
		Identify and adopt existing best practices from other communities
		Taxpayer support
		Town staff support (communications, etc)
		Voter support
		Work with Department Heads/Borads to identify gaps in equipment/staffing (plan to phase in procurement/hiring)
Medical		
Town Hall/Municipal buildings		

Water		
System	Needs, Considerations, and Additional Comments	Goals/Actions
Water quality	Moved shellfish from Mashpee River	Shellfish seeding programs, encourage this
	Dredging or other mechanism for improving water quality	Go after grant funding (hire person)
	Preventative measures for water quality that is currently good (boats, clearcutting, septic, rights of nature, policies protecting systems that thrive)	
	Mashpee Water District Program and concerns about water conservation	
	People value nat. system but don't necessarily understand science behind water quality	
	Things go downstream (plastic bottles)	
	Seasonal + year-round have diff perspectives (tribal as well)	
	Landscaping	
	Make water quality more upfront and accessible as well as Herring Counts	
Drinking water/water wells (2)	Wells polluted by AF Base	Protect drinking water; promote hookups for public water
	Needs to stay safe	
	So much pollution in ground-water	
	Preserve better with use of non-drinking water grade water for irrigation, etc.	
	Private drinking water wells at risk	
	PFAS - Military Base (What is being done?)	
	Preserve the quality of Town drinking water	
Water Use		Regulate/manage golf course water use
Groundwater	Improve waste systems to ensure groundwater protected from nitrogen and pharma. drug waste, and household chemical waste	
	Groundwater/aquifer conditions	
Wastewater/Cesspools/Stormwater	Septic systems/Town sewer (2)	Install Town sewers (clarify plans, accelerate the installation)
	Need regional solutions to particularly septic	Replacement of existing septic systems (strengthen requirements)
	Manage stormwater (2)	Ban continuance of cesspools
		No cesspools
		Carry through/follow up on 2015 approved WNMP (sewer plan); adjustments for phosphorus removal within 300' freshwater ponds
Nutrients/Pollutants (3)	No encroachment on natural systems, especially groundwater; wastewater, fertilizer and run off impacts so to protect groundwater and open water	Need grant funding to pay for IA system (Fed/State CSSCP)
	New IA systems mitigate phosphorus	Require nutrient removal waste systems and maintenance
	Eliminate nutrient rich runoff	Idea: Solar power boats floating through polluted water filtering out pollutants (nutrients)
	Nitrogen pollution	Consider a restrict/enforce on fertilizers (non-naturals)
	Phosphorus pollution	Consolidate parking to reduce pollution (parking garage - above/underground)
	Petroleum products	Reduce asphalt/permeable pavement
	Bacteria	Drainage - improved filtration for nutrient removal + other contaminants (stronger enforcement by appropriate entities/maintenance)
	TCE	Local program to assist w/ I/A systems --> forgivable loans, grants, tax breaks, etc.
	pH of water	Enforcement reduce nutrient pollution
	Pollutants on tide --> move out --> impact ocean (shellfish)	Nutrient management
	PFAS/emerging contaminants (wells offline - impacts to recreation and ecology)	
	Sewage dumping	
	Lack of pump out stations	
	I/A septic opportunity	
Floodplains	A resource	Update floodplain hazard maps as necessary to enable flood management by town and county
	Preserve	Stronger enforcement of floodplain management
	Enforce existing laws and rules	
	500 yr floodplain preservation essential to adapt to SLR	
	Variance such be exception not rules	

	Education on flood hazard mitigation and resilience	
Coastal Zones	Sea level rise	Limit development/stricter zoning
	Erosion erosion	Town to purchase and require as mitigation offset/increase buffer
	Increasing vegetated buffers to any waterbody/wetlands	Money to maintain
		Money to expand
Fresh and salt water beaches/Water Access	Destroyed each season by erosion and people	Should be accessible
	Marshes that are polluted and are draining to the bay	Other beach access could be developed "Cousins Beach" (Existing beach is small)
	Water quality @ beach	Trolley or shuttle to beaches
	So much development on water limits access	Provide public restroom facilities
	Frequent closing pond beaches because algae and nutrient flowing in rivers, oceans, ponds	Increase public access to shore/recreation (map and educate public)
	Identify, document, preserve, educate	More access to waterways (public education)
	Public ways to water (Great Ponds)	
	Places to walk/kayak - need to connect to water quality	
Boating/Fishing	Mitigate stormwater on boat ramps	Establish boat washes and bathroom facilities
	Establishing blue economy	Boat ramp runoff - lack of boat washes (none on the Cape)
Ancient Ways	Identify, document, preserve, and protect; make info public, clearly mark in the field (Chuckie Green)	
Bogs (including cranberry bogs) (2)	Encouraging protection along water to swamp or other uses like solar	Restore bogs
	No more cranberry bogs	Restore [Cranberry bogs] to wetlands
Dams	Maintain or eliminate	
	Barrens buck Moth habitat preservation (scrub oak)	
Fresh water systems (2)		

Wildlife		
System	Needs, Considerations, and Additional Comments	Goals/Actions
Habitats (e.g., salt marshes, pine barrens) (2)	Protecting Trout Pond, Cottontail, Butterflies	Protect existing habitat
	Enhance habitats to keep woodland systems healthy	Expand preserves
	Locally mapped priority habitats and natural resources	Development mitigation
	Take local control of mapped priority habitat and protect with local rules and zoning bylaws	Preserve wildlife habitat and revitalize land such as bogs
	Invest in tree/habitat health	More appropriate management (controlled burns)
		Schedule and promote controlled burns
		Barrens buck Moth habitat preservation (scrub oak)
Trees/Woodlands	White cedar protection (significant ceremonial; some dying tree)	Write tree bylaw to protect trees
	Minimize fire hazards, control burns, and debris removal	Reduce clear-cutting
	Tree management/land clearing bylaw	Prohibit clear cutting
		Rules and zoning to protect trees
		Bylaws-clear cutting limits --> retain trees
		Appropriate bylaws to preserve + protect trees --> bind DPW to strict rules
		Buying and protecting woodlands
		Restrict tree/clear cutting
Rivers (Mashpee, Childs, Santuit, Quashnet) (2)	Mashpee, Quashnet, Santuit Rivers are dying	Child's River restoration
	Quashnet unappreciated	Mashpee River remediation
	Red brook, Santuit	Limit development; stricter zoning with increased buffers
Lakes and Ponds (Mashpee, Wakeby, Santuit, Johns, Ashume, Trout) (3)	Lack of facilities at ponds/lakes (no restrooms, no garbage cans)	Limit power boats/Permits cost
	Horsepower?	Stricter zoning w/ increased buffers
		New bylaw for valuation of boats
Wetlands (3)	Limit development	
	Continue wetlands restoration efforts (Quashnet, Childs River, Bogs)	More education re: wetlands, w/ sea level rise, wetlands
Bays (2)	WAQ + POPP	
	Shellfish - Eelgrass is gone (2)	
	Poor dev't + overdev't around water	
	Need to do more than maintain - need to renew natural systems	
Swamp	Swamp protection, acting as natural filter	Protect wetlands, swamps from development
	Wetlands, swamps = flood protection	Protect swamp off of Old Barnstable Rd
	White Cedar swamp	
Estuaries	Hatchies	
	Eel grass	
	Shellfish	
	Funding for shellfish	
Vernal pools (3)	Vernal pools in people's backyards serve as habitats	
[Local/Native] Fauna (2)	Turtles, terns, piping plovers, otter, oysters, ospreys, hawks, turkeys, geese, owls, bats, otters, butterflies	
	Fish kills (cyanobacteria)	
	Species protection (little brown bats, cottontail, box turtle)	
	Bird sanctuaries	
[Local] Flora/Native Plants (2)	Milkweed to attract butterflies	Incentives for indigenous/diverse tree planting, including tree bank/fund, municipal programs, zoning changes, subsidies for plant for homeowners
	Use of native plants in landscape (pollinator gardens, uses less water, rain gardens)	Promote use, sale, access at nurseries to native plants, and encourage nurseries to avoid selling invasive plants
Migration Pathways	Identify, map, document migration pathways	
	Protect migration pathways	

Pest/Invasive Species Management (4)	Natural/non-poisonous methods	Cattails or similar indigenous plants, better invasive species management
	Biomagnification	Identify/catalogue diseases/invasives/insects
	Non-harmful to ecosystem/existing pop. Wildlife	Educate/create a grassroots approach to managing invasive species
	Manage invasive species	Create community events around invasive removal
	Invasive species (land and water)	Youth internship program
	Improper use + impacts; control/enforcement	



Open Space		
System	Needs, Considerations, and Additional Comments	Goals/Actions
Natural areas/Historically important natural systems (3)	Natural areas for recreation, enjoyment	Maintain natural recreation
	Not much undeveloped land	Education on where natural systems are
	Identify, document, and preserve areas important to Mashpee Wampanog Tribe & Mashpee History	More money and education-resources
	More land to protect rivers	Eliminate special permits
	Woodlands	
	Preservation of all natural resources	
Open Space/Parks (3)	Removal of trees on open space	Purchase/conserv open space
	Public open space amenities	Continue open space acquisitions
	Serves as important habitat/species (invasives/pressure on ecosystem)	Internal infrastructure to facilitate open space acquisitions
	Mashpee Wildlife Reserve	Update Open Space Plan to qualify for additional funding opportunities
	Trash	Restore open space parcels to function as naturally intended - remove invasives (Need: staff, funding, volunteer engagement, CPA funds available)
	Manage new development	Buy open space (revitalize committee)
	Fertilizer on rec fields	Buy forested open space; preserve trees (even in developments, cut 100 trees, plant 100 trees in same natural system)
	Open space acquisitions - blocks access to cons lands	ID priority land for open space
	Competing development pressures on the growth of open space	Maintain current open space
	Open space goal = 50% non-developed (2)	Connect open spaces
	Open space - town/tribe	
Intersection between recreation and conservation trails and walking paths (ie.	Some are protected in perpetuity	Develop more parks
	Consider adding facilities to allow residents to better utilize conslands for passive recreation (toilets/bathrooms)	Put info on web (trail map)
	Maintenance and improvement of trails, document history of the trails	Keep trails, block access vehicles (prevent dumping & enhance rules)
	Seasonal use of trails (ticks/hunting season)	Map of trails
Community Garden		Composting @ comm garden
		Enhance education around disposal of household organics
Agriculture	Agriculture --> Aquaculture	
Golf courses	Fertilizers	
Complexes	Insecticides	
Natural Landscaping (Pollinators)	No fertilizers/insecticides	Require native species/plantings for Town projects requiring landscaping
Buffer zones	Larger wooded buffer zones between nature & built systems	Maintain public access to the water/rec

Sustainability		
System	Needs, Considerations, and Additional Comments	Goals/Actions
Government - Policy	Zoning, rule, reg. changes (MVP - implement recs)	Identify process for accomplishing actions
	Zoning changes needed to positively impact natural resources	Implement MVP plan
	Town meeting approp - bonding open space purchases	Restrictions on new Title V systems
	Enforcement + fines, consequences	Merger of regulatory bonds for Title V systems
	Town is serious - interdepartmental meetings	Cont. of MVP grant app-town/tribe under 319
	Need plan for realizing com plan (who does what, when; benchmarks-how do we measure success; accountability --> need to account for things that should be done, "report card" to show what has been done; assign specific tasks to people	
	Policy - management plan and expense sustain	Water District and combine or use as model for wastewater district
	Utilize county resources	For replacements, install IA and create grant/loan program for those who need it
	Balance affordable housing needs w/ open space (interface between urbanization and natural systems)	Adopt, promote, and enforce the stretch code (if not done already)
	Energy efficiency, resilience to climate change, mitigate and prevent impacts of climate change	Proper siting of developments (limit)
	Assess Mashpee's progress [on open space] relative to the rest of the region	Proper siting of solar panels (put solar on all Town buildings)
	Strict interpretation of hardship requirements defined in the zoning act	Adequate permitting and zoning minimizing and mitigating developments impact on natural resources (cut 100 trees, plant 100 trees in same natural system)
		Create a citizen patrol for pollutants
		Rectify internal regulatory conflicts
		Utilize new stormwater/rainfall data that's reflective of increased rainfall due to climate change
Government - Committees	Have active + full committees - EOC (Environmental Oversight Committee), residents	Remove discretionary language from zoning such as findings relative to "substantially more detrimental to the neighborhood"
	Boards that follow and enforce rules/regs/bylaws in place	
	ZBA-appointed v. elected	Open Space and Rec Committee
	Term limits	Incentive-tax-work off-abatement for committee service
	Possible on appointed board positions to ??	Create time table for actions + ability to report back
	Committees working together	Environmental Oversight Committee - reconvene to deal with issues + needs
	Coordination --> system	Sewer Committee also needs to reconvene
	Liaisons don't show up	
	Groups don't talk to each other	
	Why do these groups stall? What resources do they need? What motivation?	
Conservation Department	Need adequate budget and staffing	Enhance DNR ability to test for cyanobacteria and toxicity in house
Government - Staff	Involve students - use knowledge + abilities - bring them in! (Diversity of age brings perspectives)	Bolster hiring process
	Look at why people are not involved: communication, what are board members working on?, what are they thinking, share knowledge, transparency, how do people get info?, how do we get people involved, postcard	
	Americorps, Town Conservation, Planning staff, and DNR	Hire adequate staff - Public Outreach Coordinator
	Assess staff capacity	Hire sustainability officer
		Staff Open Space Planner
		Grant writer-town (2)
		Expand town staff to enforce and educate
		Internships (2)
Government - Communication/Collaboration	Outreach and integrate, include Wampanoag tribe in land use decision-making	Town Communication Director
	Interdepartmental communication prioritization	Acknowledge that this was Wampanoag Land + ensure equitable participation, invitation
	Collaborate w/ regional partners to address Natural System priorities	"Get to Know Mashpee" Info Center (at Chamber of Commerce? Post Office? Town Hall?)
	Outreach - in general	Improve Town website to enhance user-friendliness (consider new hosting platform)
		Work with state reps, science institutions

	Cape Cod Commission - resource	Communication - Townwide social media
	Local companies - Chamber of Commerce	
	More collaboration - town and tribe and other towns	
	Human resources and outreach	
Government - Education	AmeriCorps	Hold public field trips to natural areas to educate people (schools do this)
	Public education	Link resources (EPA/Local Groups) so citizens can learn about what is going on - share info
	Better signage, receptacles, public education for trash	Info promoted by Town
	Land steward program	Expand land steward program to include water
	Educate community on available resources + opportunities for resources	Map restrooms, pumpouts, boat washes, public access
	Do we have the unification of political will, town consensus, and administration for implementing open space and/or other goals?	Included in school's curriculum
	Public will vs. political will	Constant education for public issues and funding
		Public education office hours
Government - Funding	More political will to achieve common goals	Economic analysis designed to determine feasibility of priority actions
	Tax credits	Get grant funding to support projects
	Grants - county, state, federal	
	Community Preservation grant - CPA	
Mashpee (2)	Uniqueness of Mashpee --> Different and why people come here	Declare Mashpee Nitrogen Sensitive Area
	Emphasize Mashpee in context of CCC Plan	
	Why people come here: trails, bike paths/trails, "Rural" aspect	
Civic Association	Advocate for policies community wants to see implemented	
Land Trust	Native Land Conservancy, Trustees Reservation, ORENDa Wildlife Trust	More Mashpee based
S Harbor Management Plan	Stormwater management	
Docking	Managing seasonal/tourism	
Wastewater/Septic (2)	Implementation	
	Need to manage WW - All Title V - affects ability to breathe	
Green building (3)	Interface between development/built systems and natural system	Prioritize protection of old growth [forests?]
	New green buildings/LEED certification	Green construction/renovations
	Balance affordable housing needs	Halt/Connect building to water quality
	Natural lawn care/native vegetation, pollinators, worms	Explore moratorium on building IA systems until systems are functioning (water quality - make sure development is tied to natural resources)
	Less water intensive	Advocate for solar in appropriate areas (roofs, carports, disturbed areas)
	Need a future land use plan (consensus on what build out is + population)	Inventory parking lots and stormwater management required for green infrastructure
	Reduce heat island effect	Restrict building to manage septic pollution by enforcing and updating regulations
	Buffer/greenspace in parking lots	
Climate mitigation	Recognizing rising water temps. (algae growth, fish migration patterns)	Rain gardens/swales/buffers
	Air pollution	Tradeoffs of offsite mitigation (could be used to support restoration)
	Grasses (American beach grass)	
	Manage resiliency and climate change	
	Increase rain event	
	Wooded buffer zones	
Air (3)	Solar panels	CO2 - Net zero increase
	Impacted by traffic	Limiting nitrogen ~ net zero increase, including lawns and golf course limit
	Being downwind of coal-fired plant	Increase EV stations
	Electric cars, walk ~ pedestrian pathways, electric charging systems	Hybrid/EV Town vehicles
	Bike path for community	Develop more bike paths/continuous network
	Woodlands	Require dust control/watering of construction sites and street sweeping
	Traffic mitigation and control	
	Avoid stopped traffic, drivethrough	
	EV school buses	
	Public fleet	

	Good quality	
	Dust particulates/large trucks (wheelwashes/streetsweeping/watering)	
Access to natural systems	Need better signage	



**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 Michael R. and Linda M. Lambert, 30 Davis Road, Falmouth, Ma.

(Map 38 Lot 035) under 240-3 C. of the Zoning By-Law, as amended to grant the special permit to construct an addition to 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 **October 12 ,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](mailto: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 #085-22 Mario Kula and Josephine D'Angelo, 7 Marshall Avenue, Natick, Ma.:**

Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3. C. and 240-69. E. of the Code of Falmouth to raze and rebuild the non-conforming, single family dwelling on subject property known as 9 Sycamore Street, Teaticket, Ma.

Map 46A Section 04 Parcel 000 Lot(s) 026

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, November 3, 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 #087-22 David J. and Janice M. Maw, 23 Darlene Drive, Bridgewater, MA.:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. and 240-69 E. of the Code of Falmouth to construct additions and an attached garage exceeding 20% lot coverage by structures on subject property known as 11 Narragansett Street, Teaticket, Ma.

Map 39A Section 19 Parcel 000 Lot(s) 044

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, November 3, 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 #086-22 Alex Gilfoy, 119 Davisville Road, East Falmouth, MA.:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-23 I. of the Code of Falmouth to add an accessory apartment to the existing detached garage on subject property known as 119 Davisville Road, East Falmouth, Ma.

Map 33 Section 14 Parcel 008 Lot(s) 001

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, November 3, 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 Cataumet Sawmill Realty LLC, 494 Thomas B. Landers Road, West Falmouth, MA.

(Map 16 Lot 003A) under 240-57 H. and 240-70 D. of the Zoning By-Law, as amended to grant the special permit to allow an 8 unit contractor bay building with a height of 25'.

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 **October 12, 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](mailto: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**

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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 #080-22 John J. and Robin W. Devereux, P.O. Box 953, Falmouth, MA.:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-69 E. and 240-3 of the Code of Falmouth to allow an in ground pool, increasing lot coverage by structures on subject property known as 15 Peace Pipe Road, Falmouth, Ma.

Map 36 Section 02 Parcel 000 Lot(s) 141

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, November 17, 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**

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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 #082-22 Daniel R. and Susan E. Gillette, 100 Walker Street, Falmouth, Ma.:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. and 240-69 E. of the Code of Falmouth to remove the existing deck and construct an addition, increasing lot coverage by structures on subject property known as 100 Walker Street, Falmouth, Ma.

Map 47A Section 11 Parcel 056 Lot(s) 025A

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, November 17, 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**

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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 #081-22 John C. and Bernadette Slattery, 145 Cooper Avenue – unit 2, Weatogue, CT.:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. and 240-69 E. of the Code of Falmouth to remove the existing deck and construct an addition to the nonconforming, single family dwelling on subject property known as 90 Sailfish Drive, East Falmouth, Ma.

Map 33 Section 17 Parcel 003A Lot(s) 025

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, November 17, 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 #083-22 Stephen R. and Laura A. Bonanno, 91 Fairview Avenue, Falmouth, Ma.:**

Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. of the Code of Falmouth to construct an addition to the nonconforming, single-family dwelling on subject property known as 91 Fairview Avenue, Falmouth, Ma.

Map 47C Section 03 Parcel 036 Lot(s) 004

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on

**Thursday, November 17, 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 #084-22 Michael T. Gray, 22 Caravel Drive, East Falmouth, Ma.:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-38 G(1)(b) and 240-70 A. of the Code of Falmouth to construct a 30x40 garage for agricultural use on subject property known as 22 Caravel Drive, East Falmouth, Ma.

Map 11 Section 02 Parcel 007 Lot(s) 041

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, November 17, 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 Sandwich**  
THE OLDEST TOWN ON CAPE COD



**Planning Board**

16 Jan Sebastian Drive  
Sandwich, MA 02563  
Phone: 508-833-8001  
Fax: 508-833-8006  
Email: [planning@sandwichmass.org](mailto:planning@sandwichmass.org)

**CERTIFICATE OF  
DEFINITIVE PLAN APPROVAL**

TOWN CLERK  
TOWN OF SANDWICH

OCT 20 2022


To: Taylor White, Town Clerk  
From: Jeffrey Picard, Chair  
Re: Definitive Subdivision 0 Farmersville Road  
Date: October 18, 2022  
Owner: Farmersville Realty, LLC

10 15 2 M A MS  
RECEIVED & RECORDED

It is hereby certified by the Planning Board of the Town of Sandwich, MA that the Planning Board duly noticed, advertised and held a public hearing opening June 21, 2022 and closing on October 18, 2022 for a definitive approval of a subdivision plan, entitled DEFINITIVE SUBDIVISION PLAN 0 FARMERSVILLE ROAD IN SANDWICH MA dated May 24, 2022, prepared by BSC Group for applicant Ron Gangemi. The property consists of 15.68 +/- acres of land in the R2 Zoning District, as shown on Assessor's Map 13 Parcels 82. Deed to said property is recorded in the Barnstable Registry of Deeds in Book 23257 Page 142. The Planning Board voted to approve the definitive subdivision plan.

Pursuant to Massachusetts General Law c.41 §81BB, any person, whether or not previously a party to the proceedings, or any municipal officer or board, aggrieved by the planning board's decision on a definitive plan or the board's failure to take timely action may appeal to the court. Any appeal must be entered with the court within twenty days after the decision was filed with the municipal clerk or within twenty days after the final action date if the planning board failed to act on the definitive plan. The notice of appeal must also be filed with the municipal clerk within the twenty-day period.

**CERTIFICATE**

I, , certify that this document is a true and accurate record of the motions made and votes taken by the Planning Board on October 18, 2022, following the close of the public hearing for definitive subdivision approval.

## **PROCEDURAL HISTORY**

1. On May 27, 2022 an application for a definitive subdivision was filed for 0 Farmersville Road.
2. After proper notice, the public hearing was opened on June 21, 2022 and closed on October 18, 2022.
3. The application was accompanied by a plan entitled:  
**DEFINITIVE SUBDIVISION PLAN 0 FARMERSVILLE ROAD  
IN SANDWICH MA**  
Dated: May 24, 2022, revised October 18, 2022 prepared by BSC Group for applicant Ron Gangemi
4. The Board reviewed the application, the plan and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to testimony given at the public hearing.
5. The following members attended the public hearings and were eligible to vote on the original application in this matter:

Jeffery Picard  
Jennifer Reisig\*  
Robert King\*  
Paul Coteus\*

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

## **FINDINGS**

The Planning Board finds that:

1. The proposed subdivision consists of approximately 15.68 +/- acres.
2. The applicant is proposing 3 lots for single family homes.
3. The proposed lot sizes meets the requirements set forth in the Zoning Bylaw for the R2 district and Water Resource District.
4. Lot 1 shall consist of 60,000s.f. per base zoning defined in section 2600 of the Zoning Bylaw.
5. The proposed frontage meets the requirements set forth in the lot frontage definition of the Zoning Bylaw.
6. The proposed subdivision is completely within the R2 Zoning District.
7. The Plan proposes a 500 ft. road with a cul-de-sac.
8. The proposed subdivision name is Fischer Estates.
9. The proposed road way name is Fischer Road.
10. The proposed subdivision shall be serviced by well water.
11. The Plan substantially conforms to the Town of Sandwich Subdivision Rules and Regulations.



12. Subject to interpretation, section 3140 of the Zoning Bylaw requires 0 or 125ft. of separation between a road entrance and a parking lot. The board finds the proposed separation acceptable due to the limited volume of traffic that will be produced by the development.

Motion: I, Robert King, move to adopt these findings as the findings of the Planning Board

Second: Paul Coteus

Vote:	Jeffrey Picard	Yes
	Jennifer Reisig	Yes
	Robert King	Yes
	Paul Coteus	Yes

### **CONDITIONS**

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

1. This definitive subdivision plan creates three buildable lots. No lot depicted on this definitive plan shall be further subdivided to create additional buildable lots.
2. Changes to road construction that may be desired as a result of conditions arising in the field shall not be implemented without prior approval of the Town Engineer. In no case shall any changes to the road construction plans change the definitive plan without a duly advertised public hearing and subsequent Planning Board approval before implementation of desired changes.
3. Test pits can be dug at the time of construction.
4. Permanent Slope Easements are required.
5. CAD file must be provided to the Engineering Department.
6. Construction of the subdivision roadway shall comply in every respect to the Sandwich Planning Board Subdivision Rules & Regulations in its entirety unless a waiver has been expressly given within this decision.
7. Prior to the commencement of any activity relating to the construction of the roadway the Town Engineer shall be notified. In accordance with Section 5.B of the Rules & Regulations, prior to construction the property owner shall submit a letter to the Planning Board from a Registered Professional Land Surveyor certifying that all pertinent way, lot and drain lines and municipal services are laid out on the ground as shown on the approved definitive plan.
8. The property owner shall request an inspection by the Town Engineer when the actions required by condition #7 have been completed. No construction shall

commence prior to the Town Engineer's inspection and subsequent certification to the Planning Board and the property owner that Condition #7 has been met and that the road construction is ready to proceed.

9. Prior to endorsement of the plan, a fully executed Form E Covenant or other form of surety in accordance with the Rules & Regulations shall be submitted to and approved by the Planning Board.
10. Prior to endorsement of the definitive plan, the property owner shall submit to the Planning Board a written schedule for construction and completion of the roadway. In no case shall the time of completion of this way exceed a 12-month period from the date on which the road construction commences.
11. Prior to endorsement, the applicant shall establish a Homeowner's Association that will assume maintenance responsibilities of all new subdivision roads, sidewalks, lights, and stormwater infrastructure that are constructed in connection with the project.
12. Prior to endorsement applicant shall include a road maintenance plan specifying that the roadway will be cleared of snow and ice, and that the Homeowner's Association will be responsible for road maintenance.

Motion: I, Robert King, move to impose the above conditions of approval upon any approval of the Definitive Subdivision Plan

Second: Paul Coteus

Vote:	Jeffrey Picard	Yes
	Jennifer Reisig	Yes
	Robert King	Yes
	Paul Coteus	Yes

## **WAIVERS REQUESTED**

1. Section 3.C.2.v: The location of all existing trees fifteen (15") inches in caliper or greater, and all holly trees (*Ilex opaca*) six (6") inches in caliper or greater. Measurements shall be taken 4 feet above grade.
2. Section 4.F: 1. Sidewalks shall be located on one or both sides of a collector street and on one side of a minor street and at any other locations where, in the judgement of the Planning Board, their installation is appropriate for pedestrian safety.  
2. The Planning Board may also require that at other locations, the grading of the right of way be so executed as to make sidewalks possible in the future without major re-grading.  
3. Sidewalks shall not be less than four (4) feet in width, constructed of either bituminous concrete or Portland cement concrete and shall be so aligned as to avoid cuts and fills, removal of trees and shrubs or long tangents.

Motion: I, Robert King, move that the Planning Board grant the above listed waivers from strict compliance with the Board's Subdivision Rules & Regulations as to do so is in the public interest and not inconsistent with the intent and purposes of the Subdivision Control Law.

Second: Paul Coteus

Vote:	Jeffrey Picard	Yes
	Jennifer Reisig	Yes
	Robert King	Yes
	Paul Coteus	Yes

#### **APPROVAL OF DEFINITIVE PLAN**

Motion: I, Robert King, move that the Planning Board approve the definitive plan for Ron Gangemi at 0 Farmersville Road, based upon all of the facts and testimony presented at the public hearing and based upon the conditions of approval referenced herein.

Second: Paul Coteus

Vote:	Jeffrey Picard	Yes
	Jennifer Reisig	Yes
	Robert King	Yes
	Paul Coteus	Yes

# AFFORDABLE HOUSING LOTTERY

## THREE (3) AFFORDABLE APARTMENTS

BELL TOWER MALL, 1600 FALMOUTH RD, CENTERVILLE, MA



### EQUAL HOUSING OPPORTUNITY



## Bell Tower Mall

A P A R T M E N T S

### AVAILABLE LATE FALL 2022

1 BEDROOM: \$1,298 a month, does not include utilities

2 BEDROOM: \$1,414 a month, does not include utilities

There are two (2) one-bedroom affordable units and one (1) two-bedroom affordable unit. Tenant pays monthly rent listed above plus these utilities: heat, hot water, and electricity

APPLY NOW! To qualify, your household income must not exceed \$49,465 for a household of 1, \$57,070 for a household of 2, \$63,603 for a household of 3, \$70,655 for a household of 4. Other requirements apply. Households with rental vouchers are encouraged to apply.

### INFORMATION SESSION is BEING HELD in PERSON and VIA BY ZOOM WEBINAR:

#### INFORMATION SESSION

(This session is being held in person and via Zoom Webinar)

**OCTOBER 27, 2022 at 6 PM**

In Person: Conference Room A  
Yarmouth Town Hall

1146 Route 28, South Yarmouth, MA

**OCTOBER 27, 2022 at 6 PM**

By virtual Zoom Webinar:

<https://us02web.zoom.us/j/88934919239?pwd=WS90YzQ0bU5aU0thdXp4SXQ5MXBnQT09>

Webinar ID: 889 3491 9239 Passcode: 335754

Or Dial In: (309) 205 3325 or (312) 626 6799

Webinar ID: 889 3491 9239 Passcode: 335754

#### TO REQUEST AN APPLICATION CONTACT:

Mary Waygan, Town of Yarmouth  
1146 Route 28, South Yarmouth, Ma  
[mwaygan@yarmouth.ma.us](mailto:mwaygan@yarmouth.ma.us)  
508-398-2231 x1275

#### APPLICATION DUE DATE AND TIME:

**3 PM December 15, 2022**

Applications must be delivered or postmarked by the due date and time listed here. Applications postmarked by the due date and time must be received no later than 5 business days from the due date.

#### ALL APPLICATIONS MUST BE RECEIVED BY:

Plymouth Redevelopment Authority  
26 Court Street, Plymouth, MA, 02360

#### DIRECT ALL QUESTIONS ABOUT APPLICATION TO:

Plymouth Redevelopment Authority  
26 Court Street, Plymouth, MA, 02360  
(508) 747-1620 Ext. 10147

#### DIRECT ALL QUESTIONS ABOUT APARTMENTS TO:

Mary Waygan, Town of Yarmouth  
1146 Route 28, South Yarmouth, Ma  
[mwaygan@yarmouth.ma.us](mailto:mwaygan@yarmouth.ma.us)  
508-398-2231 x1275

Successful applicants shall be ranked by lottery; this lotteried list shall be used to select the tenants for the affordable apartments located at Bell Tower Mall, 1600 Falmouth Road, Centerville, MA. The lottery will consist of all qualified applications received by the due date and time as described above. All applications must be submitted to the Plymouth Redevelopment Authority. After the lottery, all newly qualified applicants not rented a 1600 Falmouth Road affordable unit shall be placed on the wait list for future affordable apartment vacancies at 1600 Falmouth Road, in the order from the lottery. If requested by the applicant on page 3 of the lottery application, qualified applicants shall also be placed on the general wait list for other Ready Renter affordable apartments, in the order from the 1600 Falmouth Road lottery.