



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

### Meeting of the Mashpee Planning Board

Friday, December 9, 2022

Waquoit Meeting Room

Mashpee Town Hall

16 Great Neck Road North

Mashpee, MA 02649

9:00 AM

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

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

#### Call Meeting to Order

- Pledge of Allegiance

#### Approval of Minutes

- Review of Meeting Minutes from November 16, 2022

#### New Business

- Request for release of covenant for the subdivision referred to as Willow Circle and vote to establish performance bond amount
- Request for release of covenant Lot #86 in the subdivision referred to as Winslow Farms
- Review and vote to approve Ed Pesce invoices Q1, Q2 FY2023
- Discussion regarding applications submitted to the Community Preservation Committee for funding in May 2023.

#### Public Comment

#### Correspondence

- Chapter 91 Waterways municipal notification- Mark and Kim Bush, 87 Lighthouse Lane
- Chapter 91 Waterways municipal notification- Joshua Fox, 81 Lighthouse Lane
- Town of Falmouth Notices
- Town of Barnstable Notices
- Town of Sandwich Notices
- October 2022 Discharge Monitoring Report for South Cape Village – N = 2.9
- September 2022 Discharge Monitoring Report for South Cape Village – N = 2.9
- August 2022 Discharge Monitoring Report for South Cape Village – N = 3.4

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

#### Adjournment

MASHPEE TOWN CLERK  
DEC 5 '22 PM3:48



# *Town of Mashpee* *Planning Board*

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**Mashpee Planning Board  
Minutes of Meeting  
Wednesday, November 16, 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, Dennis Balzarini, Karen Faulkner, John Fulone, Robert (Rob) Hansen

**Absent:** Mike Richardson

**Also Present:** Evan Lehrer – Town Planner, Gabrielle Belfit, Senior Environmental Scientist – Tighe & Bond, Jessica Cajigas-Smith, Senior Project Manager – Tighe & Bond, Catherine Laurent – DPW Director for the Town of Mashpee

## **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 29, 2022 & November 02, 2022**

No comments were made regarding either set of minutes.

## **MOTION:**

**Mr. Balzarini made a motion to accept both sets of minutes for the September 29, 2022 and November 02, 2022 Planning Board meetings. Seconded by Mr. Fulone. All in favor.**

## **NEW BUSINESS**

**Public education and outreach meeting with Tighe & Bond, and Catherine Laurent – DPW Director as required to be in compliance with the Town's MS4 Stormwater Permit**

This is a requirement to be in compliance with the MS4 stormwater permit that is issued by the state. Ms. Waygan handed the floor over to the representatives from Tighe & Bond for their presentation.



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Gabrielle Belfit and Jessica Cajigas are present tonight on behalf of Tighe & Bond. Currently, Mashpee is on permit year 5 of the stormwater permit. Stormwater is the fastest growing type of pollution in Massachusetts. They are here to address a federal permit that deals with stormwater pollution from municipally owned areas. These areas include streets, lawns, parking lots, and sidewalks polluted by trash, oil, sediments, fertilizers, and bacteria. These areas become polluted as water moves over surfaces and proceeds to groundwater as well as larger bodies of water. The more impervious a surface, the more stormwater runoff is generated and has a greater impact.

EPA regulated stormwater is regulated by MS4, which is the municipal storm water system program. This is administered jointly by the EPA and Mass DEP. The MS4 Mashpee area includes all drainage within the urbanized area, but is only covered by municipally owned roads. They are not dealing with anything private in the MS4 zone.

Coverage of this permit began in 2019 and expired this past summer of June 2022. It has been administratively continued as declared by EPA, and it will continue for the next 5 years for compliance purposes. Permit years align with the fiscal start within the municipality.

This program acts as the document that dictates Mashpee's requirements within the permit. It is set up to address six minimum control measures: public education and outreach, public involvement and participation, IDDE program, construction site stormwater runoff, stormwater management with new development, as well as good housekeeping practices for pollution prevention.

Addressing the six measures includes specific plans and updates to regulations that have been created and adopted over the past four years. Right now the focus is on water bodies within the Town of Mashpee that have total max daily loads or are identified as impaired water bodies. In looking at the map, impaired water bodies are in red, and these are Santuit Pond, Ashumet Pond, and Mashpee Pond. Remaining water bodies shown on the map in yellow represent nitrogen or bacteria affected areas. Mercury is found in several water bodies but there is no permit regulations for mercury. These impairments have to meet certain requirements amongst the six pillars. Annual timely messages alert citizens for education purposes, best management practices for construction and new development are used to optimize for nitrogen and phosphorus removal, as well as continuous street sweeping.

Ms. Waygan knows this is a permit that is granted to the town, as they were here a couple years ago. She is unclear what parts of Mashpee this permit is applied. She inquired about privately owned residential and commercial properties. She was informed that the town will not implement these requirements for best management on private properties.



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Ms. Cajigas commented the permit covers municipal property within the urbanized area, as defined based on the 2010 US census. In Mashpee, the entire town is designated. In that respect it is implemented in municipally owned properties. The minimum control measures are taken then addresses the ponds that are impaired. The six control measures are annual. 2016 marked year five of the permit and it is administratively continued, as there are 10 years of requirements with measures that still have to be taken. Ashumet Pond and Santuit Pond guarantee additional requirements.

Ms. Faulkner keeps asking herself why the 2016 MS4 is considered a small separate stormwater system.

Ms. Cajigas noted Boston may have a combined sanitary and sewer system, but would fall under small separate sewer system. The permit from 2016 was finalized in 2018, while the prior permit was from 2003, but it is still referred to as the 2016 permit.

Accomplishments from year four were public participation, updating outfalls, system mapping, street sweeping, and cache basin clean outs which all get reported on yearly. The two impaired bodies of water have additional seasonal focuses to monitor phosphorus levels. In permit year four some additional minimum control measures were evaluated such as regulations, guidelines, and bylaws pertaining to street design and parking lots, and how to update the reduction of impervious coverings within the town. They look to local regulations to see how it could impact feasibility and low impact.

The Phosphorous Source ID Report calculates all impervious areas connected to the impaired ponds. Those areas provide faster pathways for pollutants. It identifies town owned parcels with high phosphorus loading and helps in finding ways to reduce. They utilize the GIS and MA DEP watershed planning tool which helped to address calculations for loads. Overall, these two watersheds are not highly developed, for retrofit opportunities there is not a lot of phosphorus from town owned sources so it is tough to make recommendations.

The Municipal Vulnerable Preparedness action report is another report that looks at pollution and solutions of phosphorus in Santuit Pond. 21 sites were identified for retrofit such as roadways, medians, dead ends, cul-de-sacs, and town owned parcels. They were identifying areas for rain gardens or vegetation swales. In looking at both reports they are able to come up with better criteria for what would decrease loads. They want to have the most reduction while also considering costs.

They look at current street designs, size of parking lots, as well as requirements for number of spots that affect cover. All rules that allow or encourage low impact development are



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evaluated. They are looking for green roof infiltration, water harvesting, or rain barrels that allow storm water to be used. They looked at subdivision rules and regulations, zoning, and the general bylaws. This evaluation is done by using a checklist template created by Mass Audubon. They take all regulations and look at how they impact impervious surfaces, green infrastructure, or LID. Better or best practices are considered. They come up with some recommendations on how revisions can be made.

In general, codes do a good job of encouraging infiltration and green infrastructure with no hindrances. Some wordsmithing is used to include language that specifically encourages or requires. There is a minimum radius for a dead end and they often recommend requiring a vegetative center island, rain garden, or bio retention cell to reduce impervious areas that also have pollutant loads. They look into permeable pavements and sidewalks as well as streets with low traffic areas. Zoning does address roof runoff, but there is a gap in the subdivision rules and regulations. They want to recommend encouraging green roofs and disconnecting downspouts to allow infiltration on the property.

Zoning bylaws reduce minimum parking stall depth from 20ft. to 18ft. There will be more of an emphasis on shared parking where you can set aside certain land area that isn't impervious but reserved to stay as an infiltration area.

Mr. Balzarini asked if this permit only consists of town own land, what has to happen when a private street is taken over and will now be town owned land? Some streets will be taken over this year, and when they do them over, do we have to go low impact when designing drainage or can old standards be used for drainage?

Ms. Cajigas stated there is nothing that needs to be done in addition, when you accept a new road it will just be added to the mapping to track BMPs, swales, and any infiltration practices.

Catherine Laurent commented that a lot of subdivision rules and regulations have to do with new development. When the town is taking over an existing road, it is an existing element. They always look at green infrastructure but it is limited due to the full development of an area. The particular street Ms. Balzarini is referring to is just starting the process located in a neighborhood, so they will be looking at pervious as an option, as it is also in the flood plain.

Mr. Balzarini thinks about the Mashpee Commons development and being privately owned land. He asked if they could get them to comply with this under a special permit.



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Ms. Cajigas noted if it is in the rules and regulations to use best practice then yes, or if there is permitting then it can be done. They will also have to meet stormwater requirements during construction and post construction requirements.

Ms. Waygan asked if they reviewed that document. She noted after the minutes, in this evening's packet, there is a technical memo that says local code review. She noted they will be discussing bylaws later in the agenda.

Ms. Faulkner stated the water shed based plan can receive federal money if done right. She asked if federal money can be obtained for the MS4 plan.

Ms. Cajigas stated there are different grants available, they have one from the DEP Asset Management Program grant, and they are doing some of the work this year. Under the state revolving funds, there are federal and state funds which require application and it is competitive.

Ms. Faulkner inquired about the down spout disconnection in the MS4 permit.

Ms. Cajigas stated the preference is to infiltrate on the land parcel by disconnecting and aiming at the lawn as opposed to the driveway, or to have a rain barrel. The intent is to keep it local and usable.

In permit year five there are a couple more reports that will be performed. The first one is a BMP retrofit inventory. They will rank and identify at least five town owned sites that could be retrofit to reduce frequency, volume, and pollutant loads through the reduction of impervious areas. This could be parking lots, buildings, or maintenance yards or modifying rights-of-way, outfalls, or swales. This inventory was originally for permit year four but was postponed to year five as it is being paid for by the asset management grant.

The continuation of the phosphorus work needs to further evaluate the town owned parcels for the BMP implementation for the phosphorus load reduction. They will take the MVP 21 sites for Santuit Pond and look at the town owned parcels in those water sheds. They will come up with a list of five town owned sites to maintain, and keep a running list of where implementation can be made. Once one is implemented, another will be added. In permit year six, they will have one design and implemented. They will most likely have more than one, but they will create the inventory for next on the list and work with the town on maintaining this list.

For the asset management program, they will hold a service workshop to talk about goals and objectives, what they plan to get out of it, water quality criteria to meet, and structures in





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compliance with the MS4 permit. Objectives will be discussed and goals will be set. One goal is to sweep every street twice a year. At the meeting next month they will identify goals of the overall program and update the GIS which will include new roads and development. Field condition assessments will be performed to show the impact of every culvert and do analysis to gauge the condition and look at the probability or risk of failure. They will be ranking properties for repairs or improvements and develop life cycle costs for future maintenance. The idea is to be proactive in management and not reactive. This way they can start planning ahead so these costs are known. The town owns 13 structural BMPs and there is an annual requirement to inspect those. Some tasks have been postponed due to Covid, but will now be covered on the asset management program. They will discuss the top ten ranked town owned parcels with town staff and discuss options for the final list of five.

Mr. Balzarini brought up that some of these projects flow into other towns.

Ms. Cajigas stated you can work with neighboring towns for bodies of water like the Ashumet and Santuit water sheds, as most pollutants are coming downstream from outside town limits. There is also little development in those water sheds. All towns are subject to requirements and are doing this work on the same permit schedule. The town can also work with private property owners to try as well as working collaboratively with some larger property owners in doing a BMP that might decrease impact.

Ms. Waygan asked if any privately owned parcels were identified.

Ms. Cajigas commented they will talk to private owners but none have been evaluated as of yet.

Ms. Waygan would like the website to have this power point presentation uploaded.

Ms. Cajigas noted the town's stormwater management site has been updated to show the map as well as the plan. She also discussed Mass mapper, you can look up regulated areas and impaired waters, and it has some of the same data as Mass GIS. She can also upload the chart from Mass Audubon, an excel table that shows local code. Mass Audubon's criteria is defined for conventional, better, or best. The columns to the right evaluate how local codes address that topic, whether yellow, orange, or green will be a clue if needing conventional, better, or best.

Ms. Waygan recognized Lynne Barbee for comment.



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**Lynne Barbee-** As a layperson, she is trying to figure out what, in practice, it means to retrofit an impervious parking lot and making it pervious. She would like to know what that means in practice. She believes they have a massive task to explain nitrogen and fertilizer to people, and if those property owners aren't on the water it doesn't apply to them. Drainage is a massive concern. What would changing that look like?

Ms. Cajigas stated they don't have to go impervious to pervious 100%. She is not asking that all parking transition to gravel. You can vegetate, berm around, or use planter boxes to allow infiltration. Those require maintenance due to clogging. Places like UNH in New Hampshire have a huge stormwater program that works on technologies for evaluating and maintaining. You can eliminate by ripping up concrete, using seashells, or doing percentages of pavement by removing the hard surface.

Ms. Belfit explained when it comes to repaving, you take the void and it looks like regular pavement, but it is an impervious surface. It requires maintenance as you don't want to sand those roads or driveways because that clogs it so they rely on salt. There may be areas where it's not the best fit environmentally.

Ms. Faulkner asked where porous roads would be suitable.

Ms. Belfit noted it is mostly used in sections of highways.

Ms. Laurent stated there is a private neighborhood that is petitioning for an area of porous roadways that is low lying and in the floodplain. Monomoscoy Road has the same reason, they have a high ground water table.

Ms. Faulkner inquired about the longevity and costs of the porous roads.

Ms. Laurent explained that the roads are currently swept twice a year, but porous roads need to be vacuum cleaned versus swept. She is unsure if twice a year is sufficient in this case. It's the materials that come from being on Cape Cod that present as clogging issues, as well as surrounding properties. Provincetown has a section of Commercial Street using this technique and they are currently looking into what they do for best management.

Mr. Hansen was involved in a project off Cape forty years ago where they discussed gray water systems. Road and roof runoff was encouraged to go into a gray system to irrigate during times of drought.





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Ms. Cajigas commented that rainwater harvesting could be done with a rain barrel or a larger cistern. It depends if the codes allow or encourage it.

Mr. Hansen asked if a grant program would encourage that.

Ms. Cajigas did recommend picking up a rain barrel program.

Ms. Laurent commented Mashpee participated in a program on a county level, however, there was not a lot of interest or success when it was first implemented. They currently have the home composting bin program. It may be worth reintroducing with stormwater being a topic of interest as well as the significant drought this past summer.

Mr. Hansen noted there could be something utilized behind the Town Hall.

Ms. Laurent commented there was discussion about implementing landscaping that did not require irrigation at the library when it was being constructed. There would be no fertilizer use but would still require a pump system.

Ms. Belfit stated in the five years of doing this work the town has been tremendous in supporting efforts and taking this work seriously. There have been huge efforts across departments to get programs in place.

Mr. Lehrer will devise a color coded spreadsheet with multiple tabs that is easier to consume on the computer.

### **Possible Amendment to Zoning Bylaw**

Ms. Waygan asked Mr. Lehrer to list these bylaws, and explain what was in place for management. Solar bylaws were submitted to the Select Board. There was also a series of petition bylaws and one passed. They are included for studying and figuring out what pieces will be kept for a possible bylaw submission that will be due in the beginning of February.

### **Solar Bylaw**

Mr. Lehrer commented back in 2019 he worked on amending bylaws with no case law supporting these efforts. Since then that has changed and the Planning Board submit an article allowing the use of solar energy systems across all zoning by way of special permit. Without the case law in effect there was little support at the time from the Select Board. There has been one property owner with expressed interest outside of the industrial zone. The packet has the original article submitted to the Select Board with the subsequent petition for overlay articles. Within the petition there was a definitions article that passed.



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Ms. Waygan asked if these definitions were in conflict with the 2019 zoning bylaw.

Mr. Lehrer stated no, they should have been identical. The petition article is similar to the first article, as it contained all the performance standards. The difference is it established the overlay with a specific set of parcels where those performance standards would apply. With the case law being settled, Town Counsel has confirmed they might want to reevaluate the bylaw for larger scale solar facilities. It is really a discussion about the approach. He alluded to two approaches. They can't unreasonably regulate but rather encourage or they can prohibit/unreasonably restrict if such restriction is intended for health, safety, or welfare. He is uncertain if legal argument exists. He would recommend establishing and identifying parcels with a certain set of criteria with the need to encourage as to not restrict.

Mr. Hansen asked by establishing an overlay district, what does the overlay district buy us relative to new regulations?

Mr. Lehrer stated we need to take into consideration the case law that is requiring us to look back at our regulations. He believes the town this case law applies to is Concord. They, similar to Mashpee, restricted large scale solar energy systems to their industrial districts, like Mashpee, it was by right use but only in industrial, which composed only 2% of the towns overall land area. It really comes down to the language about encouraging solar energy, whereas the restriction to the 2% overall land area was hardly an encouragement. Mashpee's industrial area is around 8%, but the vast majority of that acreage is contained on the base. For the purpose of our analysis, the amount of industrial zoned property that we consider is substantially less than 8%. In Counsel's legal opinion, whether it's 2% or 8% is not relevant, it needs to be perceived by a reasonable person to encourage the actual use. We need to establish criteria to define a set of parcels just like the Planning Board did in the mid 90's to establish the wireless overlay district. A set of criteria was established, an algorithm, to query down parcels under certain conditions applying to the lots. It provides more opportunity for use if those conditions apply.

Ms. Waygan would like to start by looking at the industrial district and the three commercial districts before we bump this into an overlay. If industrial land is 8% with 50% on the base, we are already at 4%. She would like to know what percentage is not on the base, and what's in commercial 1, 2, and 3.

Mr. Lehrer would like it to be about encouragement of the system and less about percentages. It needs to be reasonably perceived to encourage the use.



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Ms. Waygan is not sure, but people might see commercially zoned areas and industrial zoned areas as more appropriate. We need to keep in mind it has to go before the Select Board that already rejected it once.

Mr. Lehrer stated there is a similar detriment in terms of architecture and design that comes with the mounting of solar panels, that doesn't encourage pedestrian friendliness, walkability, or other possibilities. While there are larger parcels of land outside of those districts, he would recommend exploring outside of those districts.

Ms. Waygan commented there are parking lots that are in the commercial district. She would like to see what parking could add to that. There are large areas, like the fairgrounds, that now have a solar farm. She thinks they can get to a reasonable encouragement level.

Mr. Lehrer stated they already facilitated a bylaw change that would allow any approved parking area to be covered in solar. That has not had the opportunity to be tested. You could state that in your policy that you are going to encourage any parking area to contain solar.

Ms. Waygan would like a rough estimate of how big some of those parking areas are, like Roche Bros. parking lot for example, is huge. There is also a small one behind Mashpee Commons and there is one at the church.

Mr. Fulone stated Mashpee Commons has solar on their roofs too.

Ms. Faulkner noted the small roof mounted solar being by right. A building permit would be obtained and anybody can do it. She has a picture in her mind of houses on a street facing south with every house having solar, and it is aesthetically awful looking.

Mr. Lehrer stated it could conceivably happen and is unpreventable in consideration of the zoning act. One thing the Board could consider in the short term to require canopies in parking lots for any new construction under a special permit. It is not a requirement now, the developer has the option to enhance the development, and they sell that power back.

Ms. Waygan added that requirement could be waived if the developer provided solar in other ways.

Mr. Lehrer stated it is difficult to predict the adequacy of a bylaw with only one case law example to draw from. The only way to know if it's adequate is if someone challenges it. The approaches we are discussing are appropriate and feasible.



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Ms. Waygan would like to go back to the packet. The 2019 definitions are fine. The next one is something about the land space requirement table. She would like a refresher of what that was.

Mr. Lehrer commented the Select Board did not support this. There is a minimum frontage requirement of 150 ft. and a fair amount of parcels would be considered unbuildable because they lack of frontage on a street and would require construction of a street to access that are more ideal solar parcels than others. This was proposed to reduce frontage requirement for enough width for that access of a vehicle to service the solar energy system. For solar energy systems on roofs, if someone does not have an ideal angle to the sun and wouldn't have adequate access to solar energy and needed to put ground mounted on grade, roof, or roof panels, just like a chimney, the solar panels will not create a non-conformity that extends 35 feet in height.

Mr. Lehrer went on to discuss the remaining petitions are the use table modifications. The differences lie between the petition articles and this article, you see SP in every column for each of the medium and large scale uses, and the petition you only saw it in the districts with those applicable lots, which was C2 and R5. The difference in the petition article is the establishment of the overlay district itself. We had no overlay district in the 2019 article. The small scale passed at Town Meeting. At the time, the bylaw only said ground mounted energy systems with a name plate capacity, and we had interests from a property owner prior to this who didn't have any sun on his roof. He wanted a ground mounted solar array and he couldn't due to the language at that time. The Board submitted and the Select Board supported the approval of the small scale. Town Meeting also approved it. None of the performance standards passed.

Ms. Faulkner asked about the site plan for ground mounted solar and wonders why we can't say something like we will put evergreens around the perimeter at a minimum of so many feet.

Mr. Lehrer noted you could have a substantial forest in the summer and when the leaves are gone in the winter, you still don't want to see the array. Evergreens are residential, but berms would accommodate. Wareham has a large solar array next to the Target that has a chain link fence and it is not attractive. They built an earth and berm and planted trees around the perimeter but they are not mature yet.

Ms. Waygan reiterated the small scale solar energy passed and it is by right, but medium and large scale solar energy systems did not pass.



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Mr. Lehrer commented that because small scale had been approved, we didn't want to use blanket term of ground mounted systems anymore, so the use table was modified. You can see in Article 32 submitted by petition, it says medium and large scale ground mounted solar energy systems. That was changed to be consistent with terminology that had been approved in the small scale use table. Again, medium and large scale is still only allowed in industrial district by Plan Review. Next Grid wanted to put a facility on Rt.130 between the base and Pickerel Cove, but it didn't end up panning out for whatever reason. That is the most suitable site for solar in town, the only thing preventing it was they are still using the facility for sand mining operations.

Ms. Waygan stated Article 33 and 34 were petition articles.

Mr. Lehrer stated Article 33 was approved by Town Meeting. It was submitted by petition but didn't bare any impact to solar energy systems overlay district. It was designed to modify lot coverage requirements to cover parking areas with canopies and not exceed minimum lot coverage requirement. It enables us to allow canopies in any approved parking area. It is the panel itself not the post it is sitting on.

Mr. Fulone reiterated that Article 29 passed, which was the definitions. Article 33 also passed. He confirmed that they would like to submit these again.

Mr. Lehrer stated we need to address our solar zoning. The purpose of this is to provide what the petitioner submitted, what the Planning Board submitted, get a general understanding of the case law, and develop some sort of policy moving forward for staff to work on something.

Mr. Balzarini asked when these articles don't pass, they can't go back for another 2-3 years, but Mr. Lehrer stated none of them failed, they were all postponed and can go again next year.

Ms. Waygan would like to keep this on the agenda and think about the questions of overlay versus the established zones, percentage of land coverage for industrial zones and commercial 1, 2, and 3, and how much land is utilized in the parking lots. She would also like to think about the idea of making large commercial developments with solar car ports.

Mr. Fulone mentioned an incentive. Think about an incentive for solar car ports. You could have reduced parking as an incentive. He would also like an education process as it was postponed once, we want to make sure people understand.

Ms. Waygan noted Next Grid was working with the petitioner for these, and they were talking about working with programs with the state as a tax generation, and she is curious how that





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would fit in with zoning. They had a financial package for the town regarding a payment in lieu of taxes.

Mr. Lehrer commented the Department of Revenue recently changed their rules about assessing solar. Most developers offer payment in lieu of taxes. It may be worth a conversation with the assessor and the treasurer. It included a transfer of the property to the town. It sounded very good but there was nothing in writing. It didn't seem that advantageous on the back end.

Ms. Waygan would be interested in linking it to zoning if it was advantageous.

Mr. Lehrer stated it's a long term use that is relatively temporary. There is also a life to the panels and the program. The state is making it very lucrative for solar farmers to develop solar. The smart program may be worth looking into.

### **Tree Bylaw**

Mr. Lehrer noted Ms. Faulkner has been working on this. They have been looking at examples in the state of Massachusetts and there is a relatively diverse approach to this across the few they have looked into. This is in consideration of administration, costs, applicability, etc. He has exchanged emails with the Planning Director in Lynnfield, Ma who recently adopted a tree bylaw. They provided a more reasonable approach, compared to some towns like Wellesley and Concord that have extremely restrictive and expensive approaches. He is setting up calls with the Planner in Lynnfield to speak about what their lessons learned were and things that are going well or require a second look. Ms. Faulkner will join him on the call. In the efforts of establishing a baseline expectation and what can be expected for community engagement, he would like to have a clearly defined process that the town can rely on moving ahead.

Mr. Fulone asked if any towns on Cape Cod have a tree bylaw.

Mr. Lehrer is unaware if any town on Cape has a tree bylaw. The Lynnfield Planning Director is eager to talk to them but her email alluded to the fact she has been through an ordeal to get this done.

Mr. Fulone would be interested if there is a place on the Cape that even proposed one, if it did not pass, why?

Ms. Waygan noted Provincetown has a public tree bylaw regarding trees on public land being regulated, but that is a different type of bylaw.





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Mr. Lehrer established a general understanding of what the policies and priorities will be along with what the ultimate goal and mission will be of the regulation. The heavy lift will be establishing an engagement program with education workshops because he thinks everyone wants to protect and preserve native trees, but the harder sell is the regulation of private property. They want to take as much time as necessary to sell the policy and the objective. It is to enhance the health of the Mashpee environment.

Ms. Faulkner stated it keeps property values high and she does not want to see any heat islands here.

Mr. Lehrer commented that due to the robust education they want to have on this, he would like to give this proposal the attention it is due within the community. He is suggesting staff put together a program with the intention of October Town Meeting. If the Board supports the article, they are looking at a July submission.

Ms. Waygan knows DEP has its draft amendments out that are up for public comment through December. If you have impacted waterways you will have all systems converted to IAs or get a water shed permit, and it will be interesting to see if the tree bylaw can be part of that water shed permit. One of the biggest selling points is the impacted waters. She would like Mr. Lehrer to see if that could be a part of that permit. Any progression made will make the water shed permit more accepted by the state. She would also like a copy of the Lynnfield bylaw.

Ms. Faulkner commented there are no outfalls in Ashumet or Santuit Pond. That means in that water shed there is nowhere for the water to go but into the ponds.

Mr. Lehrer stated generally what that means is there are infiltrating leaching systems where it goes through a pit and leaches through sand. The outfall would be a pipe coming out into the water. It would be collecting in some area and being discharged into some area of the pond.

Ms. Faulkner commented there is this recycling of phosphorus going on and when the plant life dies the cells of these plants secrete phosphorus. How do you ever clean up the ponds if it is recycling as it is not talking about pollutants going into the water.

Mr. Lehrer said there is managing the external and internal loading. You have to dredge the material out to deal with the internal loading. The sediment on the bottom of Santuit pond, in looking at motor boats with the phosphorous, is not released it stays. If it is churned up and re-suspended, which you do not want, you have to dredge it up.



# Town of Mashpee

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Mashpee, Massachusetts 02649

Ms. Waygan noted dredging causes a huge environmental impact. A lot of people don't want to dredge.

### **Clean Water Bylaws**

Mr. Lehrer is meeting with Community Development, Natural Resources, Building Commissioner, Conservation, and the Board of Health to discuss these issues. They felt like they weren't as aligned as they should have been at the recent Town Meeting, and voters essentially suffered so they would like to correct that. They would like engagement strategies and education in trying to prepare for October and education campaigns going forward. The three articles that are priorities for conservation and natural resources are the wetlands buffer increasing from 75ft. to 150ft., prohibiting the use of fill in floodplains, and the fertilizer prohibition. These are the three top measures to take on water quality issues affecting the town. As it pertains to the wetlands buffer and prohibition on fill, the biggest detriment to that process was some odd data of the stakeholders that needs work. He has done simple analysis on the assessor's database to discern the impact to private property owners. It's never to restrict or prohibit a property that has been maintained in a family for years. These bylaws resulted in 28% of Mashpee properties being subject to taking by the town, which is grossly inaccurate. For the increase in the wetlands buffer to 150 ft. is a relatively conservative methodology, but really only dealing with about 30 properties impacted by that bylaw. It might be even less because some are unbuildable already. When the Conservation Agent was making his presentation to the Select Board, he stated the policy objective was to increase his department's ability to improve the mitigation measures on already developed properties, not to prohibit someone from building on something they already have or want to build on in the future. That regulatory change already contemplated waivers of requirements and hardships and asked him to come prepared to spell it out in black and white for property owners with exactly what conservation is planning on doing in the event of someone whose depth of their lot is only 150 ft. Obviously a constructed home would need more area than that. There is substantial clarity that will be needed from those small subset of property owners to understand that issue.

Similarly, with the prohibition of fill requirement, he can replicate the data. There is only about 17 or 18 vacant undeveloped properties in all of the floodplain. Maybe there is one in Poppy. The presentation of data in proposition to this article was grossly exaggerated and incredibly irresponsible. It is about providing clarity for that very small subset of property owners so they understand the process. This package of articles will be inclusive of the tree bylaw, and they are already thinking about the workshops. First, they will be working with these particular property owners, notifying, going through regulatory changes, and helping them understand what those impacts could potentially be, but also letting them know what the permitting process will look like. They can have a degree of confidence so this can move forward.



# *Town of Mashpee*

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Additionally, the consultants, builders, and engineers that are hired by these property owners need to understand this bylaw too. We want to invite them in for a workshop as well, with the goal to educate everyone in time for a July submission.

Ms. Waygan noted they are not all zoning bylaws, the prohibition of fill in the floodplain falls under zoning.

Mr. Lehrer stated conservation could amend their regulations to make these prohibitions outside of the zoning bylaw, however, he feels it is prudent to ensure all regulatory documents are consistent with one another. We want conservation regulations to mirror zoning bylaw and vice versa.

Ms. Waygan stated there is something in zoning bylaw about the buffer of 150ft.

Mr. Lehrer noted the town already has a setback from water and wetlands. It doesn't grant the Conservation Commission any authority or jurisdiction over that buffer area. We can't require mitigation in that area but you are not supposed to put structures in that area. The Board of Appeals varies this all the time for the one reason that Conservation always approves it. They are not approving it in consideration of zoning but of wetlands protection. He has worked hard to get them to understand this distinction but it is a very common variance.

Ms. Waygan asked if the wetlands buffer would be a zoning bylaw as well. She asked if their regulations require a Town Meeting vote. She also asked about the floodplain fill.

Mr. Lehrer commented he does not think that it would. It would only live in the Conservation Commissions regulations. It is granting the agent the authority to require mitigation in a certain area and to enforce in that area. It doesn't need to be in zoning. If there are opportunities to establish that consistency, as he mentioned before, then yes, but it is not required. He stated their regulations do not need a vote. Conservation regulations, much like special permit, are amended by a vote of the Board after a public meeting. He feels it is important with the floodplain provisions for the zoning bylaw to mirror it. He provided an example where the Building Commissioner just dealt with this last week. As we saw floodplain development throughout Covid enhancing, there was a property in Poppy constructed in the mid 80's in the floodplain in totality. They filled in the property, put a basement in, and that's against building code. There were never any provisions submitted. There never should be a basement there. They want to raise and replace this house. They are making a substantial improvement to the house but they cannot keep basement because it is against the building code. That property owner after the fact shot the elevation of the property, recognized there was fill, submitted a letter of request for map revision of FEMA, and they gave them a conditional letter of map



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provision 40 years later, that allowed them to keep the basement. This is the second raising of the property, as the first time was in the mid 80's. This is not just about the safety of people and property it is about the safety and health of the water. It is a multifaceted endeavor. The fill prohibition is a prudent measure that should be in the wetlands regulations but also needs to be a zoning bylaw. In our last submitted proposal we specifically included language that stated no letters of map revision will be accepted.

Ms. Waygan asked if the fertilizer bylaw was town code because it is not a zoning bylaw. Mr. Lehrer thinks it is a general bylaw, he doesn't recall how it was submitted.

Ms. Faulkner asked how one determines if it is a general bylaw or a zoning bylaw.

Mr. Lehrer stated the zoning bylaw only pertains to land use and outside of wetlands. Our general bylaws govern a lot of things like noise and he referenced a dog kennel for example.

Ms. Waygan noted the zoning bylaw is a subset of general bylaws. She asked if anything Tighe & Bond submitted caught his eye for a zoning change.

Mr. Lehrer stated there were a couple things that have been alluded to in the past. They suggested going from the encouragement to the required which we already started doing in regard to LID. Parking reduction is something we should explore, certainly with redevelopment, and the removal of impervious surface. As we are considering affordable housing, one best practice is to reduce the minimum parking requirements. Lastly, making OSID a functional transfer of development rights was something they noted as prudent and something we have discussed before.

Ms. Waygan stated page 7 of the Tighe & Bond memo mentioned OSID. She went on to say some of their recommendations could be done through the subdivision rules and regulations. She inquired about the other memo from Fuss & O'Neill, and she and Mr. Lehrer will further look into that as well. She thinks they should add under Old Business possible amendments to our rules and regulations to capture everything.

### **OLD BUSINESS**

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

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

Mr. Lehrer re-sent the survey. He thinks it's less time consuming and the general consensus was yes, it was shorter. He feels good about completing in under 20 minutes. He made all the modifications discussed and he was asked to look at sustainability and climate change questions. He tried very hard to merge the two and then ended up not touching it. They are



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asking separate questions, with two different metrics. He didn't want to make the change without discussing and he thinks it is functional at this point.

Mr. Fulone asked when he wanted comments by and they were told by the end of the week.

Ms. Waygan noted three to four questions at the end that ask what the most important things are out of the list of options and you can choose all of them. If you can choose all as well as other you won't see what the most important are and it skews data. She thinks it should say choose three.

Mr. Lehrer has control of the survey now. He sent it to Town Hall employees. He is most concerned about time, he doesn't think the problems at this moment should impact the people who are beta testing. His time tracking is super skewed due to some people starting it and putting it aside for a couple days then finishing it. It is very close to finalized, but let him know of any further issues.

Mr. Hansen found a couple questions at the end where he answered no and the following question he could not answer, but there wasn't a not applicable option. Mr. Lehrer would like a heads up of which questions those were.

### **Workshops and Focus Groups**

They finally met with the Tribal members at their general membership meeting last Sunday. It was a productive meeting with good commentary from those in attendance. It was not substantially attended, but it was a pleasant meeting with about 20 people present. Some people didn't speak, but as attendees were leaving they were given some papers to fill out. The director of their educational department was there. A Tribal elder was in attendance and very interested in forming a group to get more involved with the LCP.

### **Future Events**

The last engagement will be held on December 12<sup>th</sup> at 6:30p.m. via zoom. He has broadcasted on facebook, the chamber, as well as schools. He is trying to replicate the invites to parents of school aged children to try one last effort to get them involved. After the survey and this meeting the community engagement piece will be complete.

### **Comments gathered to date**

Ms. Waygan was reviewing the comments from all the workshops, and she has data on the Natural Systems and Community Systems in two different ways, by table and then compiled by topic. She is looking for data on the Built Systems workshop by table.





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### **Schedule of Work**

#### **Existing Condition Chapters, Updating the Vision Statement, & Workshop on proposed actions**

Mr. Lehrer noted they already went through existing conditions chapters and Ms. Waygan just wanted to see those chapters inclusive of their comments. Weston & Sampson were hoping to provide the Board the draft vision statement and goals, policies, and actions workshop. It has already been decided by the Board to hold off on working on the goals, policies, and actions until after the closing of the survey and analysis of that data is complete. That leaves existing conditions and vision statement. He wants to present those as a package to the Board at the next meeting on 12/7. Getting into the New Year, the Board will be workshopping goals, policies, and actions, define them in a table, then prepare a draft document for the Board's review in totality.

#### **Affordable and Workforce Housing**

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

Ms. Waygan will respond to this item under reports.

#### **ADU Workshop**

Mr. Lehrer and his department host coffee hours working with the Building Commissioner and he reached out to CVP, who is not willing to participate, and he reached out to HAC, to try to put together a workshop. It will work through permitting process and requirements as well as best practice for small home construction with some local architects who may want to participate. He is looking into late February or March to launch a biannual workshop for the ADU's. He is mirroring the framework off a recent workshop from North Hampton, covering zoning and site requirements and what else people need to know in Town Hall and design best practices etc.

Ms. Waygan noted it might be nice to hold it at the Senior Center, AARP has a program that encourages seniors to create ADU's as an income stream.

Mr. Lehrer also discussed the financial institutions that are offering loan programs for this and he would like to invite CC5 and some other banks to actually connect people with financial options.

#### **Clean Water Initiative**

Covered under bylaws.





# *Town of Mashpee*

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### **CHAIRMAN'S REPORT**

No report.

### **TOWN PLANNER REPORT**

#### **Update and discussion relative to the Housing Production Plan consultant procurement process**

The HPP RFQ is currently in Town Counsel's hands for review. Once he gets the comments back he will be issuing the procurement for that consultant.

#### **Affordable Housing Project – 209 Old Barnstable Road**

Right now the Assessing Department is producing the custom mailing list for the abutters to this site to begin working through a neighborhood engagement plan to understand what types of affordable housing might be supported on this particular site. This is a site where the neighborhood was not on board with this endeavor some years ago, and the treasurer of the association recently showed up in his office and left feeling okay. They are interested in hearing more. They are understanding of producing affordable units for families in Mashpee who need it. An RFP will not be issued on this until there is a thoughtful engagement with the neighborhood. He will build into the RFP some neighborhood support strategies in regards to design and things like that.

### **BOARD MEMBER COMMITTEE REPORTS**

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

No Report

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

Received a series of applications for funding. They meet Dec.1 to start reviewing the applications. She will forward the applications to Mr. Lehrer who will then send to the Board. She would like comments at the next meeting on 12/7. She is not expecting a vote on 12/1 but they may vote on 12/8. They are also working on their CPC plan, they are looking at the 4 categories for funding and are summarizing those plans objectives for their CPC plan.

#### **Design Review-**

11 Evergreen Circle: Best Buy Beverage. It was regarding a sign 10ft.x24in. It meets the sign bylaw with no lighting behind it on the building. Second one was for the Rustic Marlin, they needed a sign for the parking lot and they



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**Plan Review-  
Environmental Oversight Committee-  
Historic District Commission-**

want to be seen. The sign is 6s.f. and meets  
the sign bylaw. It's a nice looking wooden sign.  
No Meeting  
No Meeting  
TBD, Meeting soon.

### **PUBLIC COMMENT**

None at this time.

### **ADJOURNMENT**

#### **MOTION:**

**Mr. Balzarini made a motion to adjourn the meeting of the Planning Board at 9:16p.m.  
Seconded by Ms. Faulkner. All in favor.**

**Next Meeting:** Wednesday, December 7, 2022 at 7:00P.M.

Respectfully Submitted,

Christine M. MacDonald  
Board Secretary

### **LIST OF DOCUMENTS**

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

- Town of Falmouth Notices
- September 2022 Discharge Monitoring Report for South Cape Village – N=2.9
- August 2022 Discharge Monitoring Report for South Cape Village
- July 2022 Discharge Monitoring Report for South Cape Village

**Silva Development LLC**

**65 Cape Road**

**Mendon, MA 01756**

December 5, 2022

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

RE: Performance Surety – Willow Circle

Dear Mr. Lehrer,

We respectfully request the Planning Board at the Town of Mashpee approve the following surety amount list below in order to provide a release of the current covenant recorded for the Willow Circle subdivision:

1. Final paving - \$30,000 (see attached Dig It proposal)
2. Final Landscaping - \$155,100 (see attached Outerland proposal)
3. Street signage - \$4,000 (see attached Dig It proposal)
4. Pump out cleaning catch basins - \$4,250 (see attached Dig It proposal)
5. Final As Built Plan - \$7,500 (see previously submitted Matt Eddy email; approved by Ed Pesce)
6. Documentation for WW Treatment – see attached letter from Willowbend
7. Cost for fence along Orchard Road abutters - \$37,500 (see attached Cape Cod Fence proposal)

If you have any questions regarding the above, please let me know.

Thanks



Scott P. Miller

Vice President

Silva Development LLC

Cc: Ed Pesce



November 21, 2022

Job No. - 11647

Willow Circle  
186 Quinaquisset Ave  
Mashpee, MA 02649

### **Willow Circle Landscaping**

#### **Proposal**

We are pleased to submit the following proposal for landscape services to be provided at 186 Quinaquisset Ave , Mashpee, MA . The scope of services to be performed shall be indicated herein:

#### **Front Entrance Landscaping**

- Install (7) 12"x12" grey granite posts to match surrounding posts in Willowbend
  - Fencing is not included
- Install (1) large boulder with Willowbend logo and "Willow Circle" etched onto face of stone
- Install 4 inches of screened topsoil over all areas to receive plantings or turf, approximately 35 yards
- Topsoil will be graded to provide appropriate grades and pitches
- Install plantings in species and sizes indicated on the attached plant schedule and in the locations shown on the drawing
- Planting soil and Healthy Start fertilizer will be installed with plantings as soil amendments
- Plants are not guaranteed to be available in the sizes and species noted in the planting schedule. Substitutions may be necessary at the time of installation
- All plants, if covered by an automatic irrigation system and maintained properly by client, are guaranteed until the first frost after installation
- If your property has Personal Gardening agreement with Outerland that includes a complete tree and shrub care package, plants will be guaranteed for two full years.
- Install 2" of brown mulch to match the rest of Willowbend mulch over all planting beds and tree rings, approx. 6 yards
- Sod all areas shown as turf on landscape plan

*No clearing is included*

*Plantings and turf are limited to what is shown on Entryway Planting plan by Outerland - dated July 2022*

*No irrigation is included*

Total Front Entrance Landscaping..... \$23,360.00 Approved: \_\_\_\_\_

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**Buffer Plantings**

- Install 4 inches of screened topsoil over all areas to receive plantings or turf, approximately 80 yards
- Topsoil will be graded to provide appropriate grades and pitches
- Install plantings in species and sizes indicated on the attached plant schedule and in the locations shown on the drawing
- Planting soil and Healthy Start fertilizer will be installed with plantings as soil amendments
- Plants are not guaranteed to be available in the sizes and species noted in the planting schedule. Substitutions may be necessary at the time of installation
- All plants, if covered by an automatic irrigation system and maintained properly by client, are guaranteed until the first frost after installation
- If your property has Personal Gardening agreement with Outerland that includes a complete tree and shrub care package, plants will be guaranteed for two full years.
- Install 2" of brown mulch to match the rest of Willowbend mulch over all planting beds and tree rings, approx. 20 yards

*No clearing is included*

*No irrigation is included*

Total Buffer Plantings..... \$108,670.00 Approved: \_\_\_\_\_

**Bio-Retention Plantings**

- Install 3" of brown mulch over all base of bio retention areas, approx. 10 yards
- Install plantings in species and sizes indicated on the attached plant schedule and in the locations shown on the drawing
- Planting soil and Healthy Start fertilizer will be installed with plantings as soil amendments
- Plants are not guaranteed to be available in the sizes and species noted in the planting schedule. Substitutions may be necessary at the time of installation
- All plants, if covered by an automatic irrigation system and maintained properly by client, are guaranteed until the first frost after installation
- If your property has Personal Gardening agreement with Outerland that includes a complete tree and shrub care package, plants will be guaranteed for two full years.

*No irrigation is included*

Total Bio-Retention Plantings..... \$23,070.00 Approved: \_\_\_\_\_

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**PAYMENT SCHEDULE**

<b>PAYMENT</b>	<b>PRICE</b>	<b>SALES TAX</b>	<b>TOTAL PRICE</b>
40% Materials Deposit Due Upon Contract Signing	\$62,040.00	\$0.00	\$62,040
40% Progress Payment Due at Midpoint of Project	\$62,040.00	\$0.00	\$62,040
20% Final Payment Due Upon Completion	\$31,020.00	\$0.00	\$31,020
	<b>\$155,100.00</b>	<b>\$0.00</b>	<b>\$155,100.00</b>

**Escalation Clause**

If, during the performance of this contract, the price of materials significantly increases, through no fault of Outerland, the price shall be equitably adjusted by an amount reasonably necessary to cover any such significant price increases. As used herein, a significant price increase shall mean any increase in price exceeding 7% experienced by Outerland from the date of the contract signing. Such price increases shall be documented through quotes, invoices, or receipts. Where the delivery of material is delayed, through no fault of Outerland, as a result of the shortage or unavailability of materials, Outerland shall not be liable for any additional costs or damages associated with such delay(s)

?

**Time & Materials Conditions:**

Any work performed on a T&M basis will be at a rate of **\$75/man hour** for irrigation, hardscape and masonry and **\$65.00/man hour** for softscape and general landscaping, retail material costs, **\$57.00/per hour** small skid steer loader (machine only), and any disposal fees. All balances are due upon completion.

By



Caleb Simms

**Outerland**

By

Date

**Willow Circle**

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**\*General Terms and Conditions**

- 1.Scheduling and purchasing of materials specific to your job commences upon signature of this contract. The 10% scheduling covers any cost associated with the initiation of this contract and for that reason is non-refundable. If the front page terms do not require this upfront deposit, then the 10% fee is due if the contract is canceled for any reason after it has been accepted and scheduled.
- 2.The precise commencement date depends on weather conditions, availability of materials to perform the required work and the completion of previously scheduled work. Work will generally be performed during day light hours and may be conducted on Saturdays and Sundays. The work may not be conducted on a continuous basis depending on the type of work being performed, the availability of materials, and the scheduling of other projects. Every effort will be made to perform the work in an efficient manner. If conditions are encountered on the site which are subsurface or otherwise concealed physical conditions which differ materially from those contemplated (ie shale, ledge, clay, toxic waste, garbage and/or rubble), or physical conditions of an unusual nature are encountered and cause a furtherance to the Contractor in time or materials, the Contractor will be entitled to an equitable adjustment in the contract price, an extension of the completion date, or both, by change order. Furthermore, the Contractor will not be held responsible for any damage to the following: Underground Sprinkler heads-Underground irrigation piping-Television Cable-Phone Cable- Low Voltage Cable, Cesspools/Septic Tanks or any buried utilities and/or devices not installed in accordance with local building codes or common practices.
- 3.This proposal shall not be deemed valid until countersigned by Outerland, LLC. This proposal is valid to customer for 15 days from the signed date. Outerland, LLC reserves the right to terminate this contract at any time. This verbiage in this proposal, including plant lists, will always supersede any plans previously provided for quantities, specifications and/or details.
- 4.Necessary permits and variances shall be secured and paid for by the Customer, unless otherwise specified.
- 5.Materials supplied are believed to be of high quality. Outerland, LLC will install all material in accordance with appropriate industry and nursery standards. Proper maintenance, particularly of plant and organic materials, is required and is the obligation of the Customer. Please see below for warranties. Maintenance contracts are available from Outerland, LLC.
- 6.Plant material supplied by Outerland, LLC pursuant to this agreement, except as stated below\*, will be warranted for 90 days from the date of installation providing the Customer furnishes plant material with the services of a professional landscape service meeting with Outerland, LLC, standards of care. This is a limited warranty. Plant material supplied by Outerland, LLC pursuant to this agreement, except as stated below\*, will be warranted for a period of one-year from the date of installation providing the Customer has procured a maintenance contract from Outerland, LLC. \*Annuals, potted plants or existing plants that are transplanted on-site will not be guaranteed. Plants are also not guaranteed against physical damage (i.e. wind or storm damage). The Customer is responsible for winterization of installed plant material. When hydro-seed is applied after April 15th and prior to October 1st, Outerland will guarantee germination only. No guarantees extended beyond this time frame. Hydro-seed is not guaranteed against heavy rain and wash out. Additional applications if needed to be priced separately. All parts and workmanship are guaranteed for one full year against defects and improper installation. This does not include physical damage done by weather, outside contact or misuse. The warranty is effective only if the Customer has complied with all of the terms and conditions of this agreement, including payment. Other than as set forth herein, there are no express or implied warranties, including fitness for a particular purpose or merchantability.
- 7.Work performed by other contractors or subcontractors that is not provided for in this contract such as, but not limited to masonry, fencing and irrigation, is not guaranteed by Outerland, LLC and Outerland, LLC. shall not be liable for such work or for any losses, damages or any repairs resulting, including damage to plant material installed by Outerland, LLC.
- 8.Payment is due in accordance with the terms set forth on the front page of this agreement. Otherwise, payment is due upon receipt of an invoice. Progress payment may be required and are due upon receipt of a request for payment or an invoice. All work is expected to be paid in full upon completion of contract. A payment outstanding 30 days after due date will be subject to interest at the rate of 1.5% per month. The Customer shall be liable for all costs of collection including reasonable attorney fees. Warranties contained herein will not be honored and will become void should the Customer be in default of a payment obligation.
- 9.Outerland, LLC will not assume responsibility for damage to any underground object such as gas and water lines, irrigation lines, cable television, electric or telephone lines or conduit, unless designated by Customer to Outerland, LLC on appropriate drawings prior to the beginning of work. Outerland, LLC is not responsible for damage to walks, curbs and driveways caused by the delivery of supplies and materials through normal construction operations. Outerland, LLC will take all reasonable precautions to preserve existing trees and shrubs. However, Outerland, LLC is not responsible for loss of existing trees and shrubs. Unforeseen weather conditions such as extreme temperature, high wind and heavy rain that result in damage that includes, but is not limited to, the washout of seed and damage to sod, plant materials and mulch is not the responsibility of Outerland, LLC.
- 10.Any authorization for additional work will be agreed upon by both parties either by verbal consent or by written Change Order Approval form, which shall become a part of this contract. Where such additional work is so added to this contract, it is agreed that the total price under this contract shall be increased by the price of such additional work and that installment may be increased proportionately, and that all terms and conditions shall apply equally to such work.
- 11.Customer will assume maintenance of plants and / or lawn areas immediately after installation. Failure to provide proper maintenance such as watering by Customer shall void all warranties. Maintenance contracts are available from Outerland, LLC.

Consistency, Dependability, and Care



**P.O. BOX 268  
SOUTH DENNIS, MA 02660  
PHONE: 508-432-1635**

## **PROPOSAL**

Page 1 of 1

PROPOSAL SUBMITTED TO: <b>Silva Development LLC</b>		PHONE: <b>508-509-9625</b>	DATE: <b>October 14, 2022</b>
STREET: <b>PO Box 1610</b>		JOB NAME: <b>Willow Circle</b>	
CITY, STATE, ZIP CODE: <b>Cotuit, MA 02635</b>		JOB LOCATION: <b>Willow Circle, Mashpee, MA</b>	
EMAIL: <b>smiller@newbridgeconstruction.com</b>	DATE OF PLANS:	CONTACT PERSON: <b>Scott Miller</b>	ENGINEER: <b>Baxter &amp; Nye</b>

We hereby propose to furnish materials, equipment and labor necessary for the completion of site work at Willow Circle as listed below.

Scope of work to include:

1. Final Paving of Existing Roadway .....\$30,000.00
2. Installation of Street Signage.....\$4,000.00
3. Pump-out and cleaning of all Catch Basins.....\$4,250.00

Important Notes: Any changes or modifications to the plan by the Town of Mashpee or other agencies will result in an adjustment in the contract price. Unless noted in the scope of work, Dig it



*Over 70 Years / Since 1916*  
**SALES AGREEMENT**

ORDER NO.

DATE \_\_\_\_\_

DATE: 12/5/22

NAME <b>NEW BRIDGE CONSTRUCTION</b>		SHIP TO <b>STREET</b>	
STREET <b>WILLOW CIRCLE</b>		CITY <b>MASSACHUSETTS</b>	
CITY <b>MASSACHUSETTS</b>		STATE <b>MA</b>	
ZIP CODE <b>01901</b>		ZIP CODE <b>01901</b>	
INSTALLATION TELEPHONE NOTIFICATION		HOME PHONE <b>(508) 509-9625</b>	
BUSINESS PHONE		BUSINESS PHONE	
STYLE <b>APPROX. 500' FT. STRAIGHT-TOE CEDAR-BOARD</b>		NO. OF RAILS <b>3</b>	
REMARKS <b>6-</b>		REMARKS <b>6-</b>	

ON YOUR PROPERTY IN ACCORDANCE WITH QUANTITIES AND LAYOUT SHOWN BELOW

QUANTITY	DESCRIPTION	UNIT	TOTAL
	Supply and Install:		
Approx.	500' of 6" High straight-top Cedar-board style fence with top capstrip on 5x5 cedar posts with post caps.		
		SUB TOTAL	
		TAX	- INCLUDED
		TOTAL	\$37,500.00
		LESS: 50% DEPOSIT	
		BALANCE DUE UPON COMPLETION	

- install

This image shows a full page of blank graph paper. The grid consists of small squares formed by thin black lines. There are approximately 20 columns and 25 rows of squares. The paper has a slightly aged or off-white appearance.

## CHECK LIST

✓ INSTALL OR IT DEL ONLY

~~CUSTOMER AT HOME~~  
☒ YES ☐ NO

TAKE DOWN OLD FENCE  
 YES NO

TAKE AWAY OLD FENCE  
 21 YES 1 NO

CLEAR BRUSH OR TREES  
 ( ) YES (X) NO

FACE FINISH SIDE  
1/1 IN 1/2 OUT

TOP OF FENCE  
TO FOLLOW GROUND  
FLY YES    NO

SIGN LOCATION

## DIG-SAFE INFO

## TERMS AND CONDITIONS

- |  |  |
|--|--|
| 1. 50% DEPOSIT WITH ACCEPTANCE OF CONTRACT. Balance due immediately upon completion.   | 6. Purchaser to acquire all necessary permits and variances.   |
| 2. A credit card number must be left on file at Cape Cod Fence Co. Any remaining balance after job completion will be charged to this credit card. In the event of an overpayment, the Cape Cod Fence Co. will process your refund within fourteen days. | 7. All property lines and grades to be established by purchaser.   |
| 3. Installation extras may include labor, compressor and cement charges in the event of striking ledge, rock or other difficult ground.  | 8. Cape Cod Fence Co. is not responsible for damage to unmarked underground pipes or wires, septic, irrigation, invisible fences, etc. |
| 4. 20% Restocking charge. No returns on custom orders.   | 9. Price is determined by Cape Cod Fence Co. based upon footage shown, but may vary dependent upon actual footage used.                |
| 5. Customer to incur all collection charges, including attorneys fees, on past due accounts. ALL UNPAID BALANCE AFTER 30 DAYS IS SUBJECT TO A 1.0 % PER MONTH MAINTENANCE CHARGE.  | 10. Additional terms apply when written.   |

64

ACCEPTED BY



Willowbend

November 17, 2022

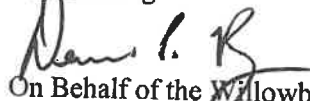
Edward L. Pesce, P.E., LEED  
Pesce Engineering & Associates, Inc.  
43 Porter Lane  
West Dennis, MA 02670

Dear Mr. Pesce,

Please allow this letter to serve as confirmation that the sewer tie in for the Willow Circle Development, consisting of 6 homesites to be built, has been connected to the Willowbend sewer line and each home site has been stubbed in preparation for hook -up.

Please feel free to contact me if you should have any questions.

Dennis Ring

  
On Behalf of the Willowbend Architectural Review committee

**RE: Willow Circle**

Matthew Eddy <meddy@baxter-nye.com>

Wed 11/9/2022 1:59 PM

To: Scott Miller <smiller@newbridgeconstruction.com>

Hi Scott,

The cost estimate to perform #5. Final As-Built Plan is \$7,500.

Let me know if you need anything else.

Thanks

Matt

---

**From:** smiller newbridgeconstruction.com <smiller@newbridgeconstruction.com>

**Sent:** Wednesday, November 9, 2022 9:28 AM

**To:** Matthew Eddy <meddy@baxter-nye.com>

**Subject:** FW: Willow Circle

Matt

Can you give me an estimate for #5 and #6? I need as soon as possible as trying to get on the 11/14 planning board meeting for approval of the bond/surety amount.

Thanks

Scott

---

**From:** Ed Pesce <epesce@comcast.net>

**Sent:** Wednesday, November 2, 2022 3:04 PM

**To:** 'Brad Bertolo' <bbertolo@jceng.org>; 'Keith F' <Keithf@digitcon.net>

**Cc:** 'Kerry' <Ksullivan@digitcon.net>; 'Evan Lehrer' <ELehrer@mashpeema.gov>; smiller newbridgeconstruction.com <smiller@newbridgeconstruction.com>

**Subject:** RE: Willow Circle

Thanks Brad – and Thanks for the update, Keith.

I just talked over my site visit last Friday with Brad – so he's up to speed on the pavement patching needed out there. I have also asked Brad to run by the site on Friday to do a spot inspection (since I will be in FL until next Wednesday).

#### Project Surety Update

Scott Miller and I just talked and I wanted to send out this message explaining that in order to release the rest of the lots, a cash surety (check) would need to be provided to the Town, equal to 150% of the amount of the estimated cost to complete all unfinished items. The cost estimate should include the following items as a minimum:

1. Final Paving
2. Final Landscaping
3. Install Street Signage

4. Pump-out and cleaning of all Catch basins to remove accumulated sediment & debris during the construction period
5. Final As-Built Plan
6. Documentation for the WW Treatment Plant operator/owner that indicates your sewer connection is completed and approved to receive flow
7. Cost for any other special conditions in the Pl. Bd. Decision/Approval

Thanks, and let me know if you have any questions,

ED

---

**Edward L. Pesce, P.E., LEED® AP**

**Pesce Engineering & Associates, Inc.**

43 Porter Lane

West Dennis, MA 02670

*(A Veteran Owned Small Business)*

Cell: 508-333-7630

[epesce@comcast.net](mailto:epesce@comcast.net)

**From:** Brad Bertolo <[bbertolo@jceng.org](mailto:bbertolo@jceng.org)>

**Sent:** Wednesday, November 2, 2022 12:27 PM

**To:** Keith F <[Keithf@digitcon.net](mailto:Keithf@digitcon.net)>; Ed Pesce <[epesce@comcast.net](mailto:epesce@comcast.net)>

**Cc:** Kerry <[Ksullivan@digitcon.net](mailto:Ksullivan@digitcon.net)>; smiller newbridgeconstruction.com <[smiller@newbridgeconstruction.com](mailto:smiller@newbridgeconstruction.com)>

**Subject:** RE: Willow Circle

Thanks for the update.

I am not sure if Ed made a drive-by when he was back on the Cape to inspect the base course, but I want to make sure the entrance radii are placed correctly. The left side binder is a little greater than necessary, but it can be fixed with the top course. I pulled some measurements from the center radii stakes you set when I was last onsite during the day the binder was being placed. Since you will be paving more binder, it may be a good time to ensure the right side of the entrance is correct. There was a water service being used on the right side of the entrance that most likely prevented some of the radii from being poured. I left that day before they got to that area. Just a thought.

Thanks,

Bradley M. Bertolo, E.I.T., C.S.E.

Senior Project Engineer

JC Engineering, Inc.

2854 Cranberry Highway

E. Wareham, MA 02538

Phone: 508-273-0377

Fax: 508-273-0367

[bbertolo@jceng.org](mailto:bbertolo@jceng.org)

**From:** Keith F <[Keithf@digitcon.net](mailto:Keithf@digitcon.net)>

**Sent:** Wednesday, November 2, 2022 12:17 PM





**PESCE ENGINEERING & ASSOCIATES, INC.**

**43 Porter Lane  
West Dennis, MA 02670**  
Phone: 508-333-7630  
epesce@comcast.net

December 6, 2022

Mashpee Planning Board  
Attn: Mr. Evan Lehrer, Town Planner  
Mashpee Town Hall  
16 Great Neck Road North  
Mashpee, MA 02649

RE: Review of the Estimated Cost to Complete Surety for the Remaining Site Work at  
**Willow Circle Subdivision, Mashpee, MA** (Off Quinaquisset Ave.)

Dear Evan:

This letter is intended to confirm my review of the estimated cost to complete the remaining site work related items for the Willow Circle subdivision located off Quinaquisset Ave. To date the majority of the stormwater, sewer & water supply utility infrastructure, and related construction has been satisfactorily completed. Utility connection stubs have been provided for the proposed 6 house lots. Additionally, the subdivision roadway has been properly constructed with the approved gavel base material, and the initial asphalt binder course pavement layer has been placed and compacted. This site work construction was based on the approved site plans entitled "Definitive Road Construction Plans, Willow Circle Subdivision, 178, 182, 184 & 186 Quinaquisset Avenue, Mashpee, Massachusetts," prepared by Baxter Nye Engineering & Surveying, dated September 9, 2021, and revised December 13, 2021.

Based on the work performed to date, and the cost estimates recently provided to Mr. Scott Miller of Silva Development LLC for the remaining work items (from his subcontractors), the following is the estimated cost to complete this subdivision:

<b>Work Item Description</b>	<b>Estimated Cost</b>
Final paving (1-1/2" top course)	\$30,000
Final Landscaping	\$155,100
Street signage	\$4,000
Pump out & cleaning of all catch basins	\$4,250
Final As Built Survey & Plan	\$7,500
Cost for fence along Orchard Road abutters	<u>\$37,500</u>
Subtotal	\$238,350.00
50% Contingency	<u>\$119,175.00</u>
<b>Total Recommended Surety Amount</b>	<b><u>\$357,525.00</u></b>

Therefore, based on the completed work that we have inspected, and the above cost estimates (which appear fair & reasonable), I would recommend the surety amount of \$357,525.00 for the release of house lots for this subdivision.

Thank you and please call or e-mail me if you have any questions.

Sincerely,

PESCE ENGINEERING & ASSOCIATES, INC.



Edward L. Pesce., P.E., LEED ® AP  
Principal


cc: Scott Miller, Silva Development LLC

## Fw: Release of Covenant

Evan Lehrer <ELehrer@mashpeema.gov>

Tue 12/6/2022 10:00 AM

To: Jennifer M. Thomas <jmthomas@mashpeema.gov>

 1 attachments (272 KB)

Town of Mashpee Covenant.pdf;

### Evan Lehrer, MPA

*Town Planner*

Town of Mashpee

16 Great Neck Road North

Mashpee, MA 02649

elehrer@mashpeema.gov

(508) 539-1400 x 8521

---

**From:** Michael Dunford <mdunford@dunningkirrane.com>

**Sent:** Monday, December 5, 2022 10:41 AM

**To:** Evan Lehrer <ELehrer@mashpeema.gov>

**Cc:** Jessica Sommer <jsommer@dunningkirrane.com>

**Subject:** Release of Covenant

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

Hello Evan,

Per your voicemail request, and in preparation for your December 7, 2022 planning board meeting, I have attached the original Town of Mashpee covenant for your review and consideration for the release of Lot 86 (Marcia MacInnis, 20 Dixon Drive). Please let me know if you should require anything further and thank you for your assistance in this matter.

Best,

Michael Dunford

Dunning, Kirrane, McNichols & Garner, LLP

133 Falmouth Road

P.O. Box 560

Mashpee, MA 02649

508-477-6500 ext 236

508-477-7633 (fax)

[mdunford@dunningkirrane.com](mailto:mdunford@dunningkirrane.com)

-

*"Please be advised that our office will be closed in observance of the upcoming holiday on Friday, December 23<sup>rd</sup> and Monday, December 26<sup>th</sup>. "*



*This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply email, and delete or destroy the message. Thank you.*

## THE COMMONWEALTH OF MASSACHUSETTS

FORM D  
COVENANT

The undersigned ... Stuart Bornstein and Ambrose Devaney, Trustees of Devaney Realty Trust  
 of ... Barnstable County ... County, Massachusetts,  
 hereinafter called the "Covenantor", having submitted to the Mashpee Planning Board  
 Planning Board, a definitive plan of a subdivision, entitled ...  
 dated Sept 5 1985 made by Devaney Associates  
 does hereby covenant and agree with said Planning Board and the successors in office of said Board, pursuant to  
 G. L. (Ter. Ed.) C. 41, Sec. 81U, as amended, that: —

1. The covenantor is the owner of record of the premises shown on said plan;
2. This covenant shall run with the land and be binding upon the executors, administrators, heirs, assigns of the covenantor, and their successors in title to the premises shown on said plan;
3. The construction of ways and the installation of municipal services shall be provided to serve in accordance with the applicable Rules and Regulations of said Board before such lot may be conveyed, other than by mortgage deed; provided that a mortgagee who acquires the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged lot or part thereof may sell any such lot, subject only to that portion of this Covenant which provides no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single lot of the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. This covenant shall take effect upon the approval of said plan;
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is recorded.

The undersigned \_\_\_\_\_ wife, husband,  
 of the covenantor hereby agree that such interest as I, we, may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

EXECUTED as a sealed instrument this 6<sup>th</sup> day of MARCH 1986  
Stuart Bornstein and Ambrose Devaney Trustees

## COMMONWEALTH OF MASSACHUSETTS

Barnstable ss. MARCH 5 1986

Then personally appeared Ambrose Devaney  
 and acknowledged the foregoing instrument to be his free act and deed,  
 before me

[Signature]  
 Notary Public

See Ann Book 414 pages 14-20

## ADDENDUM

The covenant also includes those items contained in two letters *Att. Lathen*, dated February 19, 1986, from Doyle Engineering Associates, Inc., to the Town of Mashpee Planning Board and the covenantor hereby covenants that those items will be taken care of.

It will be noted on the profile plan of Barnstable Road that the drainage work is to be done under the supervision of the Mashpee Department of Public Works.

2. The covenantors further covenant that no individual lots will be sold until final approval of the water supply system by the Department of Environmental Quality Engineering and the consulting engineer to the Planning Board of the Town of Mashpee. This is not a bar, however, to the sale of the entire subdivision.

RECORDED APR 386

**Pesce Engineering & Associates, Inc.**

43 Porter Lane  
West Dennis, MA 02670

Phone: CELL: 508-333-7630 epesce@comcast.net

# Invoice

**Invoice #:** 2022-2060

**Invoice Date:** 11/15/2022

**Due Date:** 12/16/2022

**Bill To:**

Mashpee Planning Board  
ATTN: Evan Lehrer, Town Planner  
Mashpee Town Hall  
16 Great Neck Road N  
Mashpee, MA 02649

**Project & Location:**

Willow Circle  
- Engineering Peer Review  
and Construction Inspection Svcs.

Description	Hrs./Qty.	Rate (\$)	Amount (\$)
<b>ENGINEERING PROFESSIONAL SERVICES: 1 June - 15 November 2022</b> -----			
Travel & Site visit to review existing conditions, view construction progress & erosion controls - 11 Trips (2.25 hrs. ave. each): 15 June, 12 July; 23, 26, 27, 28 & 30 Sep, 3, 10, 11 & 28 Oct	24.75	160.00	3,960.00
Review & response to multiple e-mails and phone calls regarding: Project Scheduling & site work installations (6 & 8 June, 19, 21 & 28 Sep); Calls on 26 & 28 Sep to Dig-It Constr. to discuss gravel base issues; repairs 25-26 Sep; E-mails regarding compaction testing (27 Sep), Project Surety & Punch list to release lots (2 Nov)	6.00	160.00	960.00
 <b>REIMBURSABLES</b> -----			
Mileage expense - 52 Miles Roundtrip for Site Visits - 11 site visits, with 6 trips shared with 2 sites = (5 X 52mi.) + (6 X 52mi./2 Sites) = 416 miles	416.00	0.57	237.12
Plan Copies 24" X 36" color - Revised Plan set - 12 Sheets	12.00	6.15	73.80

*Please make checks payable to "Pesce Engineering"*

**Thank You for Your Business!**

**Total** \$5,230.92

**Payments/Credits** \$0.00

**Balance Due** \$5,230.92



**Pesce Engineering & Associates, Inc.**

43 Porter Lane  
West Dennis, MA 02670

Phone: CELL: 508-333-7630 epesce@comcast.net

# Invoice

**Invoice #:** 2022-2059  
**Invoice Date:** 11/15/2022  
**Due Date:** 12/16/2022

**Bill To:**

Mashpee Planning Board  
ATTN: Evan Lehrer, Town Planner  
Mashpee Town Hall  
16 Great Neck Road N  
Mashpee, MA 02649

**Project & Location:**

Prop. Sherwin Williams - Rt. 151.  
- Engineering Peer Review and  
Construction Inspection Services

Description	Hrs./Qty.	Rate (\$)	Amount (\$)
ENGINEERING PROFESSIONAL SERVICES: 1 June - 15 November 2022			
-----			
Travel & Site visit to review existing conditions, view construction progress & erosion controls - 20 Trips (2.25 hrs. ave. each): 15 June, 12, 21 & 26 July, 3, 10, 12, 15, 17, 23 & 31 Aug, 9, 14, 23, 25 & 26 Sept., 3, 4, 14 & 25 Oct	45.0	160.00	7,200.00
Review & response to multiple e-mails and phone calls regarding: Septic system install (15, 17 & 23 June); Updated plans (22 June); Project Scheduling & site work installations (20 July, 25 & 30 Aug); Calls on 8 Sep to TCD & PKM discuss gravel base issues; Calls to PKM & Lawrence Lynch RE: Paving repairs 25-26 Sep; E-mails regarding project punch list review of As-Built Plans, Project Surety amount to release the CO (17, 21, 25 & 26 Oct); Final As-Built Plans (1, 8 & 15 Nov)	15.5	160.00	2,480.00
REIMBURSABLES			
-----			
Mileage expense - 52 Miles Roundtrip for Site Visits - 20 site visits, with 11 trips shared with 2 sites = (9 X 52mi.) + (11 X 52mi./2 sites) = 754 miles	754.0	0.57	429.78
Plan Copies 24" X 36" color - Revised Plan set (dated 6/22) - 14 Sheets	14.0	6.15	86.10

*Please make checks payable to "Pesce Engineering"*

**Thank You for Your Business!**

<b>Total</b>	<b>\$10,195.88</b>
<b>Payments/Credits</b>	<b>\$0.00</b>
<b>Balance Due</b>	<b>\$10,195.88</b>

**Pesce Engineering & Associates, Inc.**

43 Porter Lane  
West Dennis, MA 02670

Phone: CELL: 508-333-7630 epesce@comcast.net

# Invoice

**Invoice #:** 2022-2063  
**Invoice Date:** 11/17/2022  
**Due Date:** 12/17/2022

**Bill To:**

Mashpee Planning Board  
ATTN: Evan Lehrer, Town Planner  
Mashpee Town Hall  
16 Great Neck Road N  
Mashpee, MA 02649

**Project & Location:**

Tudor Terrace  
- Engineering Peer Review Services

Description	Hrs./Qty.	Rate (\$)	Amount (\$)
<b>ENGINEERING PROFESSIONAL SERVICES: 11 October - 8 November 2022</b>			
Travel & Site visit to review existing conditions - 12 Oct	2.00	160.00	320.00
Review of historical documents on PB Performance Guarantee & Old plans, Research of Zone II maps, Review of E-mail from Evan L., Calls with Evan & Planning Bd. Member regarding proposed submission requirements (additional plans & calculations needed) - 1 Nov	1.50	160.00	240.00
Review of Nitrogen Loading Easement Docs, Previous SP. & Covenant Docs, and Travel & attendance at Pl. Bd. Hearing - 2 Nov	4.00	160.00	640.00
Attendance at Zoom Meeting with Mark Dibb & Evan L. - 8 Nov	0.75	160.00	120.00
<b>REIMBURSABLES</b>			
Mileage Expense (38 Mi. roundtrip to site & 42 mi. to PB hearing) = 80 miles	80.00	0.57	45.60

*Please make checks payable to "Pesce Engineering"*

**Thank You for Your Business!**

<b>Total</b>	<b>\$1,365.60</b>
<b>Payments/Credits</b>	<b>\$0.00</b>
<b>Balance Due</b>	<b>\$1,365.60</b>

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATERWAYS REGULATION PROGRAM**

**Notice of License Application Pursuant to M. G. L. Chapter 91  
Waterways License Application Number 22-WW01-0150-APP  
Mark & Kim Bush**

**NOTIFICATION DATE: December 9, 2022**

Public notice is hereby given of the Waterways application by Mark & Kim Bush to construct and maintain a pier, ramp, and float at 87 Lighthouse Lane in the municipality of Mashpee, in and over the waters of Shoestring Bay. The proposed project has been determined to be water-dependent.

The Department will consider all written comments on this Waterways application received within thirty (30) days subsequent to the "Notification Date". Failure of any aggrieved person or group of ten citizens or more, with at least five of the ten residents residing in the municipality(s) in which the license or permitted activity is located, to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c).

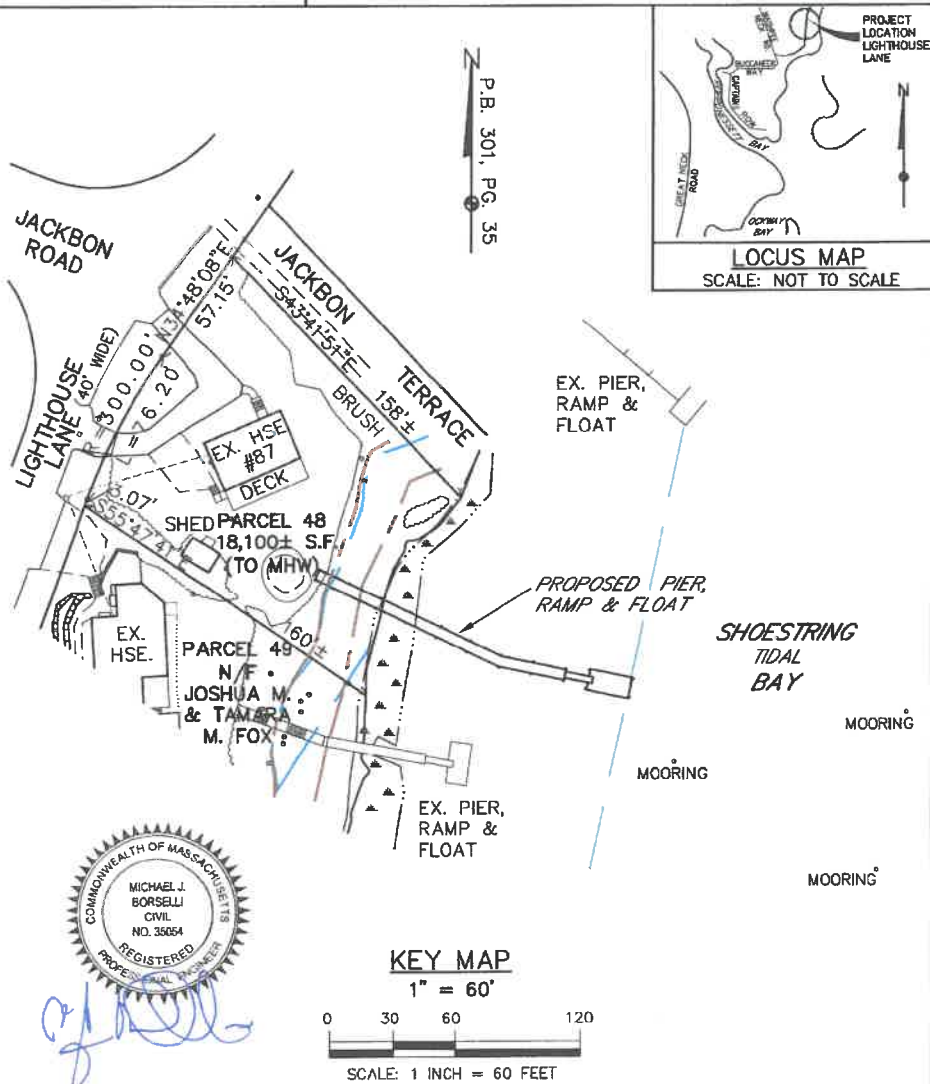
Project plans and documents for the Waterways application are on file for public viewing electronically at: <https://eeaonline.eea.state.ma.us/EEA/PublicApp/> (enter "87 Lighthouse Lane" in the Search Page as the Location Address). If you need assistance, please contact [brendan.mullaney@mass.gov](mailto:brendan.mullaney@mass.gov) or if you do not have access to email, please leave a voicemail at (508) 946-2707 and you will be contacted with information on alternative options.

Written comments must be addressed to: Brendan Mullaney, Environmental Analyst, DEP Waterways Regulation Program, 20 Riverside Drive, Lakeville, MA 02347 or [brendan.mullaney@mass.gov](mailto:brendan.mullaney@mass.gov).

I CERTIFY THAT THIS PLAN WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

8.23.22  
DATE

*[Signature]*  
REGISTERED PROFESSIONAL ENGINEER



PURPOSE: PRIVATE RECREATIONAL USE  
PLAN ACCOMPANYING PETITION OF  
MARK & KIM BUSH, 87 LIGHTHOUSE LANE  
PLAN OF PROPOSED DOCK  
IN SHOESTRING BAY  
MASHPEE, BARNSTABLE COUNTY, MA

PLAN BY:  17 ACADEMY LANE, SUITE 200  
FALMOUTH, MA 02540  
508.495.1225

DATE: AUGUST 23, 2022 SHEET: 1 OF 4

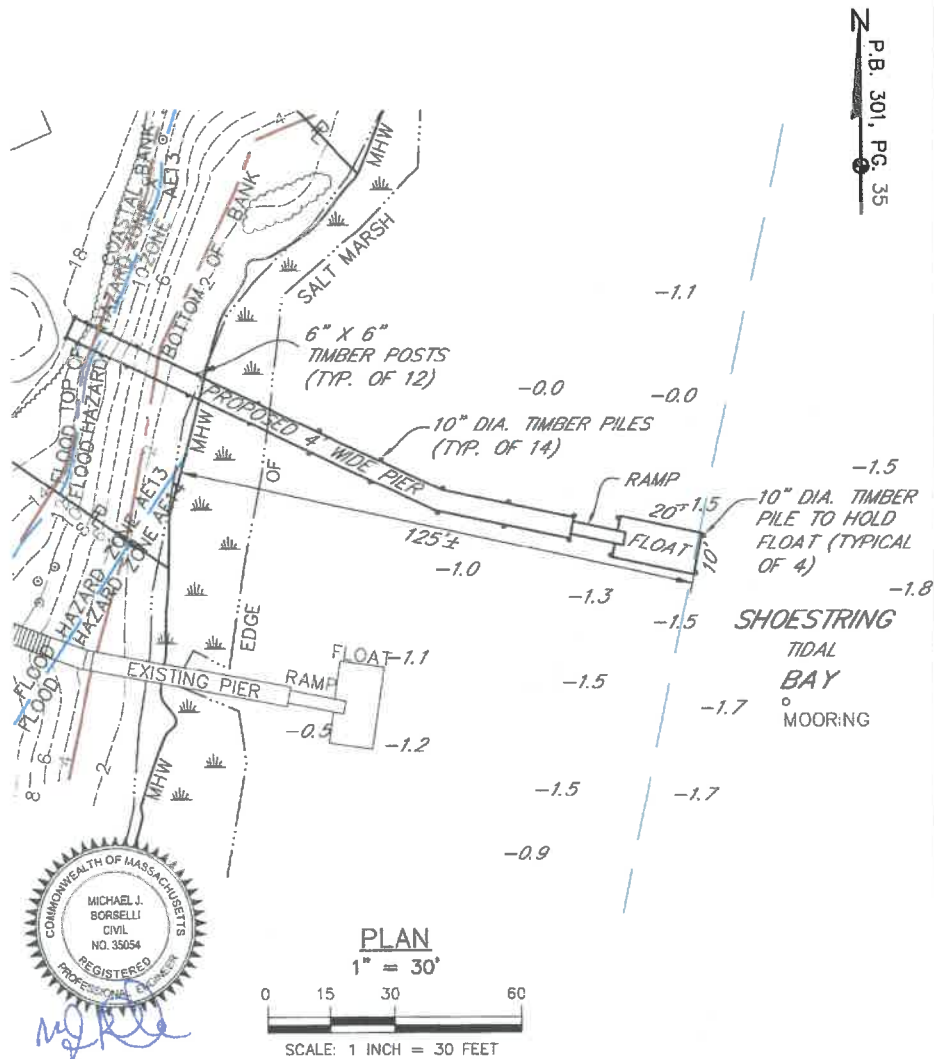
DATUM:  
BASED ON MLW = 0.0  
ELEV. ABOVE MHW BASED ON NAVD88

I CERTIFY THAT THIS PLAN WAS MADE IN ACCORDANCE  
WITH THE RULES AND REGULATIONS OF THE REGISTERS  
OF DEEDS.

8-23-22

DATE

REGISTERED PROFESSIONAL ENGINEER



PURPOSE: PRIVATE RECREATIONAL USE  
PLAN ACCOMPANYING PETITION OF  
MARK & KIM BUSH, 87 LIGHTHOUSE LANE  
PLAN OF PROPOSED DOCK  
IN SHOESTRING BAY  
MASHPEE, BARNSTABLE COUNTY, MA

PLAN BY:  17 ACADEMY LANE, SUITE 200  
FALMOUTH, MA 02540  
508.495.1225

DATE: AUGUST 23, 2022 SHEET: 2 OF 4

**DATUM:**

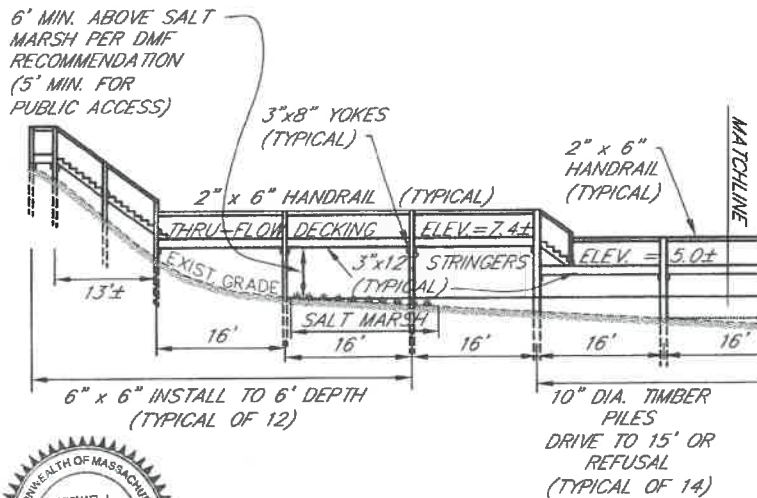
BASED ON MLW = 0.0  
ELEV. ABOVE MHW BASED ON NAVD88

I CERTIFY THAT THIS PLAN WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

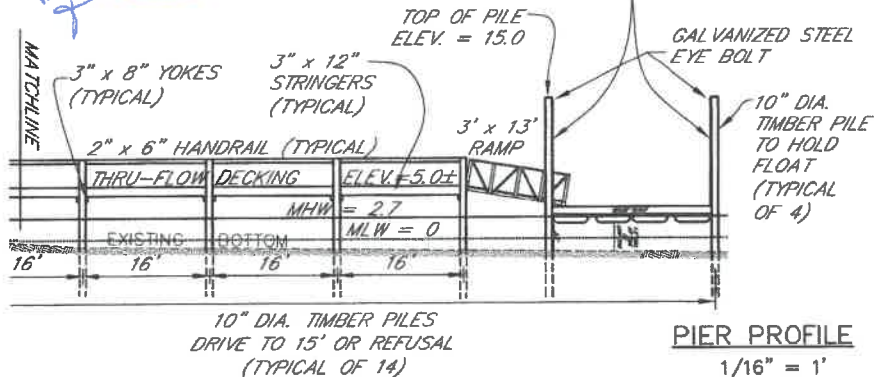
8.23.22

DATE

REGISTERED PROFESSIONAL ENGINEER

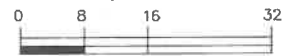


GALVANIZED STEEL CHAIN TO SUSPEND FLOAT TO PROVIDE 1.5' MIN. CLEARANCE FROM SUBSTRATE (TYPICAL OF 4)



### PIER PROFILE

1/16" = 1'



SCALE: 1/16 INCH = 1 FEET

### DATUM:

BASED ON MLW = 0.0

ELEV. ABOVE MHW BASED ON NAVD88

PURPOSE: PRIVATE RECREATIONAL USE

PLAN ACCOMPANYING PETITION OF  
MARK & KIM BUSH, 87 LIGHTHOUSE LANE  
PLAN OF PROPOSED DOCK  
IN SHOESTRING BAY  
MASHPEE, BARNSTABLE COUNTY, MA

PLAN BY:



17 ACADEMY LANE, SUITE 200  
FALMOUTH, MA 02540  
508.495.1225

DATE: AUGUST 23, 2022

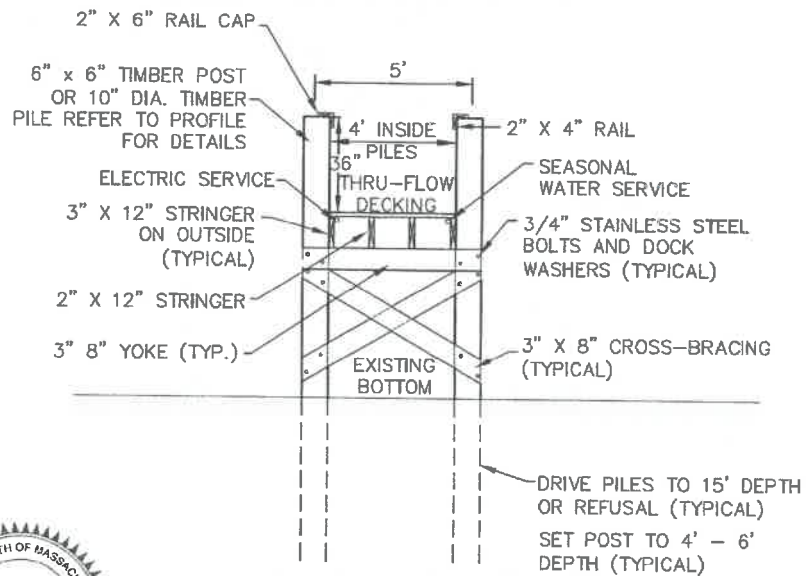
SHEET: 3 OF 4

I CERTIFY THAT THIS PLAN WAS MADE IN ACCORDANCE  
WITH THE RULES AND REGULATIONS OF THE REGISTERS  
OF DEEDS.

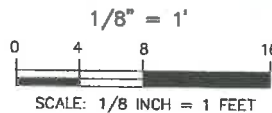
8-23-22

DATE

*Michael J. Borselli*  
REGISTERED PROFESSIONAL ENGINEER



TYPICAL PIER CROSS-SECTION



PURPOSE: PRIVATE RECREATIONAL USE  
PLAN ACCOMPANYING PETITION OF  
MARK & KIM BUSH, 87 LIGHTHOUSE LANE  
PLAN OF PROPOSED DOCK  
IN SHOESTRING BAY  
MASHPEE, BARNSTABLE COUNTY, MA

PLAN BY:  17 ACADEMY LANE, SUITE 200  
FALMOUTH, MA 02540  
508.495.1225

DATE: AUGUST 23, 2022 SHEET: 4 OF 4

DATUM:

BASED ON MLW = 0.0  
ELEV. ABOVE MHW BASED ON NAVD88



**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATERWAYS REGULATION PROGRAM**

**Notice of License Application Pursuant to M. G. L. Chapter 91  
Waterways License Application Number 22-WW01-0149-APP  
Joshua Fox**

**NOTIFICATION DATE: December 9, 2022**

Public notice is hereby given of the Waterways application by Joshua Fox to construct and maintain a pier extension, ramp, and float at 81 Lighthouse Lane in the municipality of Mashpee, in and over the waters of Shoestring Bay. The proposed project has been determined to be water-dependent.

The Department will consider all written comments on this Waterways application received within thirty (30) days subsequent to the "Notification Date". Failure of any aggrieved person or group of ten citizens or more, with at least five of the ten residents residing in the municipality(s) in which the license or permitted activity is located, to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c).

Project plans and documents for the Waterways application are on file for public viewing electronically at: <https://eeaonline.eea.state.ma.us/EEA/PublicApp/> (enter "81 Lighthouse Lane" in the Search Page as the Location Address). If you need assistance, please contact [brendan.mullaney@mass.gov](mailto:brendan.mullaney@mass.gov) or if you do not have access to email, please leave a voicemail at (508) 946-2707 and you will be contacted with information on alternative options.

Written comments must be addressed to: Brendan Mullaney, Environmental Analyst, DEP Waterways Regulation Program, 20 Riverside Drive, Lakeville, MA 02347 or [brendan.mullaney@mass.gov](mailto:brendan.mullaney@mass.gov).

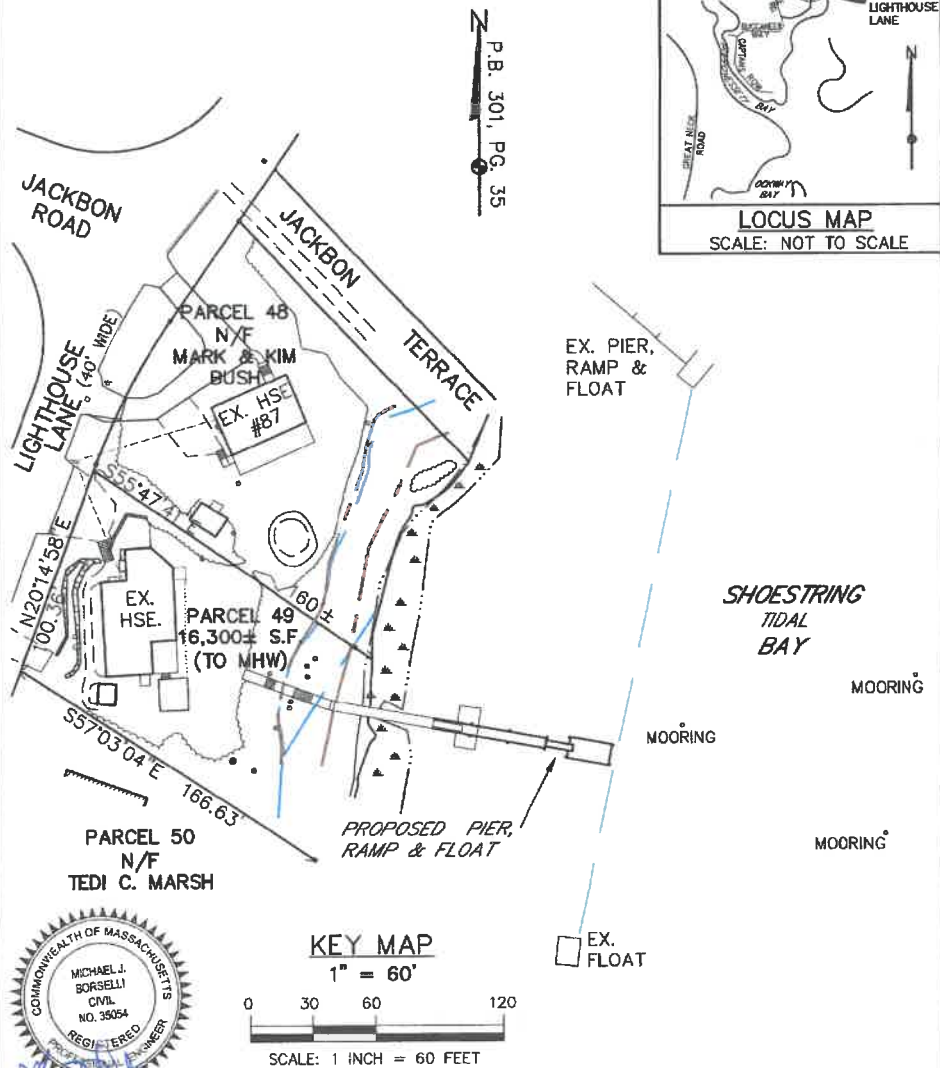
I CERTIFY THAT THIS PLAN WAS MADE IN ACCORDANCE  
WITH THE RULES AND REGULATIONS OF THE REGISTERS  
OF DEEDS.

6.23.22

DATE

*[Signature]*

REGISTERED PROFESSIONAL ENGINEER



PURPOSE: PRIVATE RECREATIONAL USE

PLAN ACCOMPANYING PETITION OF  
JOSHUA FOX, 81 LIGHTHOUSE LANE  
PLAN OF PROPOSED DOCK  
IN SHOESTRING BAY  
MASHPEE, BARNSTABLE COUNTY, MA

PLAN BY:



17 ACADEMY LANE, SUITE 200  
FALMOUTH, MA 02540  
508.495.1225

DATE: AUGUST 23, 2022

SHEET: 1 OF 4

DATUM:

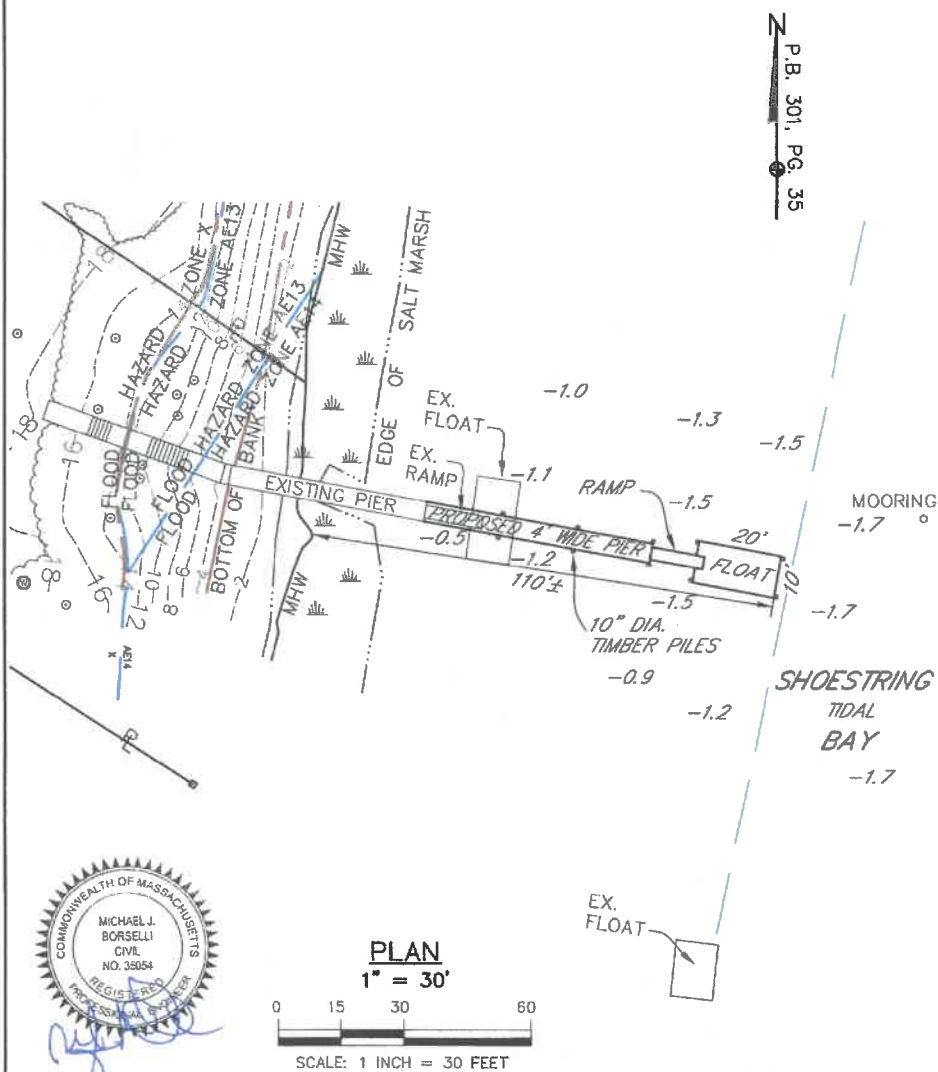
BASED ON MLW = 0.0  
ELEV. ABOVE MHW BASED ON NAVD88

I CERTIFY THAT THIS PLAN WAS MADE IN ACCORDANCE  
WITH THE RULES AND REGULATIONS OF THE REGISTERS  
OF DEEDS.

8.23.22

DATE

REGISTERED PROFESSIONAL ENGINEER



PLAN  
1" = 30'

0 15 30 60

SCALE: 1 INCH = 30 FEET

PURPOSE: PRIVATE RECREATIONAL USE  
PLAN ACCOMPANYING PETITION OF  
JOSHUA FOX, 81 LIGHTHOUSE LANE  
PLAN OF PROPOSED DOCK  
IN SHOESTRING BAY  
MASHPEE, BARNSTABLE COUNTY, MA

PLAN BY:



17 ACADEMY LANE, SUITE 200  
FALMOUTH, MA 02540  
508.495.1225

DATE: AUGUST 23, 2022

SHEET: 2 OF 4

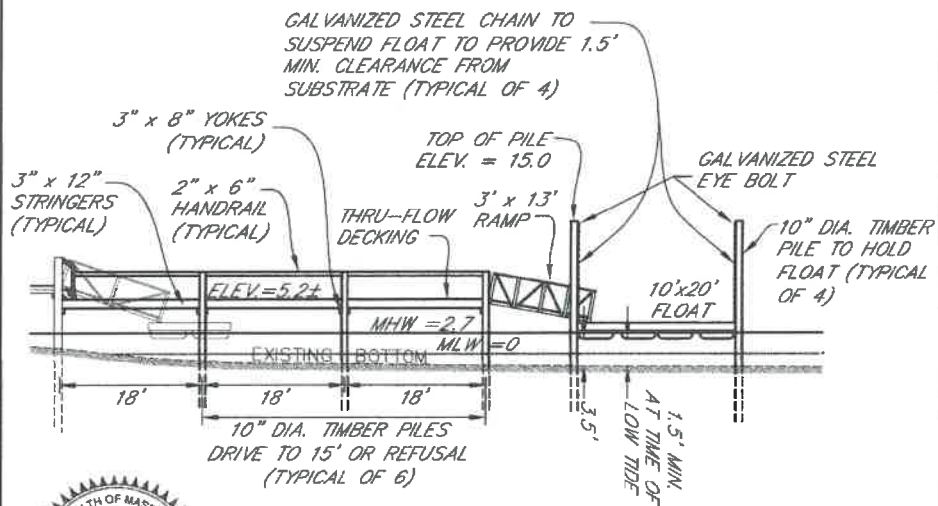
DATUM:

BASED ON MLW = 0.0  
ELEV. ABOVE MHW BASED ON NAVD88

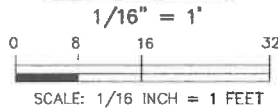
I CERTIFY THAT THIS PLAN WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

8-23-22  
DATE

*ajf*  
REGISTERED PROFESSIONAL ENGINEER



#### PIER PROFILE



PURPOSE: PRIVATE RECREATIONAL USE  
PLAN ACCOMPANYING PETITION OF  
JOSHUA FOX, 81 LIGHTHOUSE LANE  
PLAN OF PROPOSED DOCK  
IN SHOESTRING BAY  
MASHPEE, BARNSTABLE COUNTY, MA

PLAN BY:  17 ACADEMY LANE, SUITE 200  
FALMOUTH, MA 02540  
508.495.1225

DATE: AUGUST 23, 2022 SHEET: 3 OF 4

#### DATUM:

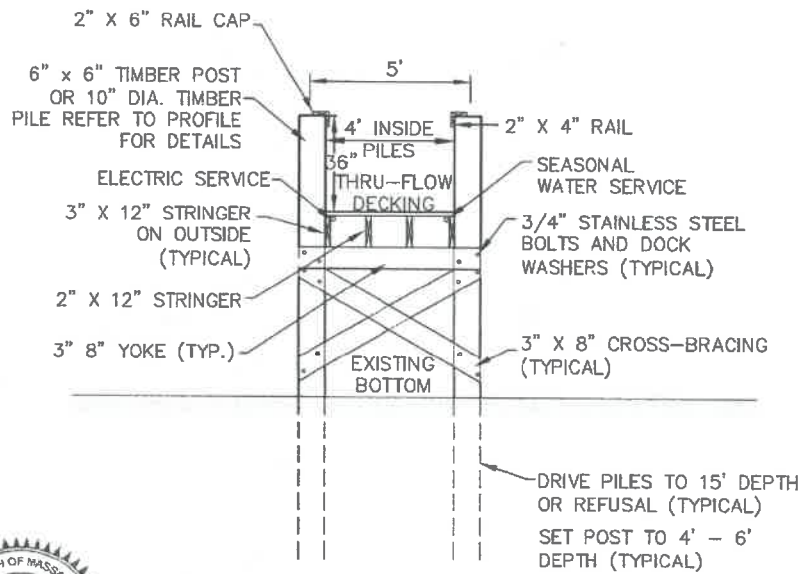
BASED ON MLW = 0.0  
ELEV. ABOVE MHW BASED ON NAVD88

I CERTIFY THAT THIS PLAN WAS MADE IN ACCORDANCE  
WITH THE RULES AND REGULATIONS OF THE REGISTERS  
OF DEEDS.

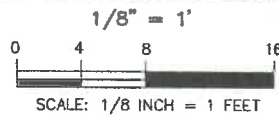
8-23-22

DATE

REGISTERED PROFESSIONAL ENGINEER



TYPICAL PIER CROSS-SECTION



PURPOSE: PRIVATE RECREATIONAL USE

PLAN ACCOMPANYING PETITION OF  
JOSHUA FOX, 81 LIGHTHOUSE LANE  
PLAN OF PROPOSED DOCK  
IN SHOESTRING BAY  
MASHPEE, BARNSTABLE COUNTY, MA

PLAN BY:



17 ACADEMY LANE, SUITE 200  
FALMOUTH, MA 02540  
508.495.1225

DATE: AUGUST 23, 2022

SHEET: 4 OF 4

DATUM:

BASED ON MLW = 0.0  
ELEV. ABOVE MHW BASED ON NAVD88

TOWN OF FALMOUTH  
PLANNING BOARD  
PUBLIC HEARING NOTICE

**APPLICANT:** Blue Moon Sea Grille, Inc

**Location:** 159 Main St  
Map# 47A.07.070.000

**PROPOSAL:** Special Permit application to allow lot coverage of 73.8% to accommodate the restaurant dining deck proposed along all of the southeast side of the existing building located..

**DATE & TIME:** Tuesday, December 13, 2022 at 6:30pm

**PLACE:** Falmouth Town Hall  
59 Town Hall Sq.  
Falmouth, MA 02540

Documents may be viewed online at:  
<https://www.falmouthma.gov/1327/Applications-Currently-Under-Review>

By Order of the Planning Board

Paul Dreyer  
Clerk/Secretary

**Publishing Date:**  
11.25.22  
12.2.22



# ***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 #095-22 Paul S. Turecamo and Susan M. Orsillo, 26 Pennsylvania Court, Falmouth, MA.:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. and 240-162 of the Code of Falmouth to convert the existing garage into office space on subject property known as 26 Pennsylvania Court, Falmouth, MA.

Map 46B Section 15 Parcel 009 Lot(s) 017

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, December 8, 2022 at 6:30PM**  
You are invited to be present.

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

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





# ***TOWN OF FALMOUTH***

## **ZONING BOARD OF APPEALS**

---

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

### **BOARD OF APPEALS NOTICE OF PUBLIC HEARING**

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

**Application #096-22 Mark Delorme, 345 Carriage Shop Road, East Falmouth, MA.:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-38 I. of the Code of Falmouth to construct a detached accessory apartment on subject property known as 345 Carriage Shop Road, East Falmouth, Ma.

Map 29 Section 06 Parcel 001 Lot(s) 001

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, December 8, 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 Alison Brown and Eugene Garofalo, 94 Seapit Road, East Falmouth, MA.

(Map 32 Lot 024) under 240-3 C. and 240-69 E. of the Zoning By-Law, as amended to **grant** the special permit to raze the existing garage and rebuild with a garage and pool, exceeding 20% lot coverage by structures.

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 **November 22, 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  
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 Sarah M. Adams, 36 Beach Rose Lane, North Falmouth, MA.

(Map 04 Lot 100) **under** 240-3 C. & 240-69 E. of the Zoning By-Law, as amended to **grant** the special permit to construct an addition to the non-conforming, single-family dwelling, increasing lot coverage by structures.

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 **November 22, 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  
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 Stephen P. Bowen, 24 Boston Street, Teaticket, Massachusetts.

(Map 46A Lot 112) under 240-69 E. and 240-3 C. of the Zoning By-Law, as amended to **grant** the special permit to raze and rebuild the non-conforming dwelling, exceeding 20% lot coverage by structures.

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 **November 10, 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  
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 Brian J. and Sandra O'Connor, 84 Walker Street, Falmouth, Ma.

(Map 47A Lot 000B) under 240-3 C. and 240-69 E. of the Zoning By-Law, as amended to grant the special permit to add a ½ story addition.

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 **November 18, 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  
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 Patrick and Tara Kennelly, 12 West End Court, North Falmouth, MA.

(Map 04 Lot 023) under 240-69 E. of the Zoning By-Law, as amended to **grant** the special permit to remove the existing garage, mudroom and rebuild an expanded garage with living space above.

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 **November 18, 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 SANDWICH  
PUBLIC HEARING NOTICE  
BOARD OF APPEALS**

The Sandwich Board of Appeals will hold a Public Hearing on the application of Rebecca R. Dion, Applicant and Property Owner, for a Special Permit under Sections 1330 and 2420 of the Sandwich Protective Zoning By-Law for property located at 21 Knott Avenue, Sandwich, MA Assessor's Map #93, Parcel #64, for the purpose of razing and rebuilding a pre-existing, non-conforming single-family dwelling. The Public Hearing will be held on November 22, 2022 at the Sand Hill School Community Center, 16 Dewey Ave, Sandwich, MA at 6:00 p.m. The public record information can be viewed at the Planning & Development office, 16 Jan Sebastian Drive, Sandwich, MA, Monday-Friday 8:30 a.m. to 4:30 p.m.

James Killion, Chair  
Sandwich Board of Appeals  
Publication: Sandwich Enterprise  
Publication Dates: November 4 and November 11, 2022



**Town of Sandwich**  
THE OLDEST TOWN ON CAPE COD



**Board of Appeals**

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

**Special Permit  
Certificate of Approval**

<b>Petition #</b>	22-21
<b>Current Property Owner(s):</b>	Rebecca R. Dion
<b>Applicant:</b>	Rebecca R. Dion
<b>Property Address:</b>	21 Knott Avenue
<b>Map, Parcel</b>	93-64

TOWN CLERK  
TOWN OF SANDWICH

NOV 23 2022

11 H 14 M A MSL  
RECEIVED & RECORDED

On November 22, 2022, the Board of Appeals voted to approve a special permit from Sections 1330 & 2420 of the Sandwich Zoning By-law for property located at 21 Knott Avenue as shown on Assessor's Map 93, Parcel 64, for the purpose of demolishing and reconstructing a non-conforming structure.

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

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

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

  
Board of Appeals Member

11/23/2022  
Date

## **PROCEDURAL HISTORY**

1. Application from sections 1330 & 2420 of the Zoning By-Law for property located at 21 Knott Avenue was filed on October 31, 2022.
2. After proper notice was given the public hearing was opened and closed on November 22, 2022.
3. The application was accompanied by a Site Plan entitled:  
Plan of Land Showing Proposed Addition  
In Sandwich MA  
Prepared for Rebecca R. Dion  
21 Knott Avenue  
Dated: April 12, 2021 and revised through 11/7/22
4. The Board reviewed the application and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:

James Killion  
Christopher Neeven  
Erik Van Buskirk  
Chase Terrio  
Mary Foley

## **FINDINGS**

The Zoning Board of Appeals finds that:

1. The Board of Appeals finds that this application meets the requirements of Section 9, M.G.L. Chapter 40A.
2. Subject property is located within the R1 Zoning District.
3. Applicant proposes to raze and reconstruct a non-conforming single family dwelling and garage.
4. The proposed rebuild increases the non-conforming nature of the structure by over 30%; as the applicant is adding a second floor.
5. The reconstruction of a non-conforming structure is not substantially more detrimental to the neighborhood than the existing nonconforming structure.
6. Section 1330 requirements:
  - a) The Board of Appeals does not find that there are conditions peculiar to this case but not generally true for similar permitted uses on other sites in the same district;
  - b) The Board of Appeals finds that nuisance, hazard or congestion will not be created;
  - c) The Board of Appeals finds that there will not be substantial harm to the neighborhood;

- d) The Board of Appeals finds that there is no derogation from the intent of the bylaw such that the districts' objectives will be satisfied.
7. Applicant proposes to enclose the existing the porch on the western elevation as part of the new structure.
8. Applicant proposes to add a porch to the front increasing the setback nonconformity.

Motion: I, James Killion, move to adopt these findings as the findings of the Board of Appeals.

Second: Christopher Neeven

Vote:	James Killion	Yes
	Christopher Neeven	Yes
	Erik Van Buskirk	Yes
	Chase Terrio	Yes
	Mary Foley	Yes

**CONDITIONS:**

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

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

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

Second: Chase Terrio

Vote:	James Killion	Yes
	Christopher Neeven	Yes
	Erik Van Buskirk	Yes
	Chase Terrio	Yes
	Mary Foley	Yes

**DECISION:**

After reviewing the application, the plan and other materials submitted and after giving due consideration to testimony given at the public hearing, the Board hereby approves the special permit application for property located at 21 Knott Avenue as shown on Assessor's Map 93, Parcel 64, for the purpose of demolishing and reconstructing a non-conforming structure.

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

Second: Christopher Neeven

Vote:	James Killion	Yes
	Christopher Neeven	Yes
	Erik Van Buskirk	Yes
	Chase Terrio	Yes
	Mary Foley	Yes



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

The Sandwich Board of Appeals will hold a Public Hearing on the application of Lawrence E. Stevens, Applicant, for an Appeal of Decision of the Building Commissioner under MGL Chapter 40A, Section 8, for property located at 6 Jacobs Meadow Road, East Sandwich, MA, Assessor's Map #52, Parcel #50, for the purpose of appealing a written determination relating to the definition of a commercial use. The Public Hearing will be held on December 13, 2022 at the Sand Hill School Community Center, 16 Dewey Ave, Sandwich, MA at 6:00 p.m. The public record information can be viewed at the Planning & Development office, 100 Route 6A, Sandwich, MA, Monday-Friday 8:30 a.m. to 4:30 p.m.

James Killion, Chair  
Sandwich Board of Appeals  
Publication: Sandwich Enterprise  
Publication Dates: November 25 and December 2, 2022



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

The Sandwich Board of Appeals will hold a Public Hearing on the application of Kate & Jeffrey Davis, applicants and property owners, for a Special Permit under Section 4350(2) of the Sandwich Protective Zoning By-Law for property located at 26 Carman Avenue, Sandwich, MA Assessor's Map #88, Parcel #150, for the purpose of construction over 301 s.f. in a floodplain. The Public Hearing will be held on December 13, 2022 at the Sand Hill School Community Center, 16 Dewey Ave, Sandwich, MA at 6:00 p.m. The public record information can be viewed at the Planning & Development office, 100 Route 6A, Sandwich, MA, Monday-Friday 8:30 a.m. to 4:30 p.m.

James Killion, Chair  
Sandwich Board of Appeals  
Publication: Sandwich Enterprise  
Publication Dates: November 25 and December 2, 2022



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

The Sandwich Board of Appeals will hold a Public Hearing on the application of Angela Robert, applicant, and Christopher Court, property owner, for a Special Permit under Section 2200 of the Sandwich Protective Zoning By-Law for property located at 376 Rt. 130 Unit A, Sandwich, MA Assessor's Map #32, Parcel #60, for the purpose of operating a florist business. The Public Hearing will be held on December 13, 2022 at the Sand Hill School Community Center, 16 Dewey Ave, Sandwich, MA at 6:00 p.m. The public record information can be viewed at the Planning & Development office, 100 Route 6A, Sandwich, MA, Monday-Friday 8:30 a.m. to 4:30 p.m.

James Killion, Chair  
Sandwich Board of Appeals  
Publication: Sandwich Enterprise  
Publication Dates: November 25 and December 2, 2022

Dear Resident,

Notice is hereby given that Ocean Grown Canna Collective, LLC. will host a second Virtual Community Outreach Meeting on Tuesday, November 22nd, 2022, at 6pm EST to discuss the siting of a licensed Marijuana Establishment at 57 Industrial Drive, Mashpee, MA 02649.

The Virtual Community Outreach Meeting will be presented via Google Meet, an online video streaming service, as follows:

Ocean Grown Canna Collective - Community Outreach Meeting

Tuesday, November 22 · 6:00 – 7:00pm EST

Google Meet joining info

Video call link: <https://meet.google.com/vnv-wppz-fqq>

Or dial: (US) +1 252-427-2101 PIN: 518 691 760# from your phone.

This Virtual Community Outreach Meeting will be held in accordance with the Massachusetts Cannabis Control Commission's Administrative Order Allowing Virtual Web-Based Community Outreach Meetings and the applicable requirements set forth in M.G.L. ch. 94G and 935 CMR500.000 et seq.

Please feel free to email [hello@oceangrowncc.com](mailto:hello@oceangrowncc.com) or visit [www.oceangrowncc.com](http://www.oceangrowncc.com) to submit any questions or comments before the meeting.

Kind regards,

Trevor Bigwood

Ocean Grown Canna Collective, LLC.





Massachusetts Department of Environmental Protection

## **eDEP Transaction Copy**

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Here is the file you requested for your records.

To retain a copy of this file you must save and/or print.

Username: **EBELAIR**

Transaction ID: **1444565**

Document: **Groundwater Discharge Monitoring Report Forms**

Size of File: **1608.61K**

Status of Transaction: **Submitted**

Date and Time Created: **11/23/2022:10:50:13 AM**

**Note:** This file only includes forms that were part of your transaction as of the date and time indicated above. If you need a more current copy of your transaction, return to eDEP and select to "Download a Copy" from the Current Submittals page.



**Groundwater Permit**  
**MONITORING WELL DATA REPORT**

668  
1. Permit Number  
[REDACTED]  
2. Tax identification Number  
2022 OCT MONTHLY  
3. Sampling Month & Frequency

**A. Facility Information**

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Facility name, address:

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

MYLES OSTROFF

a. Name of Facility Contact Person

6174311097

b. Telephone Number

myles@chartweb.com

c. e-mail address

3. Sampling information:

10/31/2022

a. Date Sampled (mm/dd/yyyy)

WHITEWATER

b. Laboratory Name

JAIME STEWART

c. Analysis Performed By (Name)

**B. Form Selection**

1. Please select Form Type and Sampling Month & Frequency

Monitoring Well Data Report - 2022 Oct Monthly



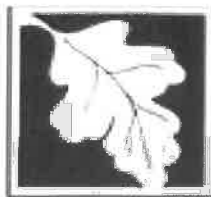
All forms for submittal have been completed.



2. This is the last selection.



3. Delete the selected form.



**Groundwater Permit**  
**MONITORING WELL DATA REPORT**

668
1. Permit Number
2. Tax identification Number
2022 OCT MONTHLY
3. Sampling Month & Frequency

**C. Contaminant Analysis Information**

- For "0", below detection limit, less than (<) value, or not detected, enter "ND"
- TNTC = too numerous to count. (Fecal results only)
- NS = Not Sampled
- DRY = Not enough water in well to sample.

<

Parameter/Contaminant	P-1	P-2	P-4	P-6		
Units	Well #: 1	Well #: 2	Well #: 3	Well #: 4	Well #: 5	Well #: 6
PH	6.7	DRY	6.6	6.7		
S.U.						
STATIC WATER LEVEL	19.5	DRY	46.9	51.6		
FEET						
SPECIFIC CONDUCTANCE	1061	DRY	983	1087		
UMHOS/C						



**Groundwater Permit**  
DAILY LOG SHEET

668

1. Permit Number

2. Tax identification Number

2022 OCT DAILY

3. Sampling Month & Frequency

**A. Facility Information**

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Facility name, address:

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

MYLES OSTROFF

a. Name of Facility Contact Person

6174311097

b. Telephone Number

myles@chartweb.com

c. e-mail address

3. Sampling information:

10/31/2022

a. Date Sampled (mm/dd/yyyy)

WHITEWATER

b. Laboratory Name

JAIME STEWART

c. Analysis Performed By (Name)

**B. Form Selection**

1. Please select Form Type and Sampling Month & Frequency

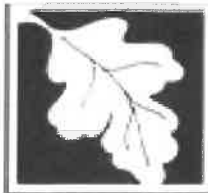
Daily Log Sheet - 2022 Oct Daily



All forms for submittal have been completed.

2. ☐ This is the last selection.

3. ☐ Delete the selected form.



## Groundwater Permit

DAILY LOG SHEET

668

1. Permit Number

2. Tax identification Number

2022 OCT DAILY

3. Sampling Month & Frequency

### C. Daily Readings/Analysis Information

Date	Effluent Flow GPD	Reuse Flow GPD	Irrigation Flow GPD	Turbidity	Influent pH	Effluent pH	Chlorine Residual (mg/l)	UV Intensity (%)
1	9381							
2	9381							
3	12529					7.1		
4	8538					7.2		
5	8158					7.2		
6	7077					7.4		
7	6689					7.4		
8	7984							
9	10146							
10	10343					7.6		
11	7639					7.7		
12	12688					7.7		
13	8137					7.5		
14	8373					7.7		
15	8373							
16	8373							
17	10867					7.6		
18	10986					7.3		
19	8064					7.3		
20	10488					7.3		
21	9317					7.2		
22	9317							
23	9317							
24	8132					7.1		
25	10749					7.4		
26	8639					7.3		
27	8254					7.2		
28	7659					7.3		
29	7659							
30	7659							
31	12456					7.5		



**Groundwater Permit**  
**DISCHARGE MONITORING REPORT**

668

1. Permit Number

2. Tax Identification Number

2022 OCT MONTHLY

3. Sampling Month & Frequency

**A. Facility Information**

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Facility name, address:

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

MYLES OSTROFF

a. Name of Facility Contact Person

6174311097

b. Telephone Number

myles@chartweb.com

c. e-mail address

3. Sampling information:

10/14/2022

a. Date Sampled (mm/dd/yyyy)

RI ANALYTICAL

b. Laboratory Name

BRENT PLANT

c. Analysis Performed By (Name)

**B. Form Selection**

1. Please select Form Type and Sampling Month & Frequency

Discharge Monitoring Report - 2022 Oct Monthly



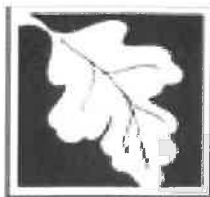
All forms for submittal have been completed.



2. This is the last selection.



3. Delete the selected form.

**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Groundwater Discharge Program

**Groundwater Permit****DISCHARGE MONITORING REPORT**

668

1. Permit Number

2. Tax identification Number

2022 OCT MONTHLY

3. Sampling Month &amp; Frequency

**D. Contaminant Analysis Information**

- For "0", below detection limit, less than (<) value, or not detected, enter "ND"
- TNTC = too numerous to count. (Fecal results only)
- NS = Not Sampled

1. Parameter/Contaminant	2. Influent	3. Effluent	4. Effluent Method Detection limit
Units			
BOD	84	ND	3.0
MG/L			
TSS	99	ND	2.0
MG/L			
TOTAL SOLIDS	360		
MG/L			
AMMONIA-N	20		
MG/L			
NITRATE-N		1.4	0.050
MG/L			
TOTAL NITROGEN(NO3+NO2+TKN)		2.9	0.50
MG/L			
OIL & GREASE		2.9	0.50
MG/L			



**Groundwater Permit**  
**DISCHARGE MONITORING REPORT**

668
1. Permit Number
2. Tax identification Number
2022 QUARTERLY 4
3. Sampling Month & Frequency

**A. Facility Information**

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Facility name, address:

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

MYLES OSTROFF

a. Name of Facility Contact Person

6174311097

b. Telephone Number

myles@chartweb.com

c. e-mail address

3. Sampling information:

10/14/2022

a. Date Sampled (mm/dd/yyyy)

RI ANALYTICAL

b. Laboratory Name

BRENT PLANT

c. Analysis Performed By (Name)

**B. Form Selection**

1. Please select Form Type and Sampling Month & Frequency

Discharge Monitoring Report - 2022 Quarterly 4

☐

All forms for submittal have been completed.

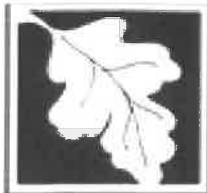
☐

2. This is the last selection.

☐

3. Delete the selected form.





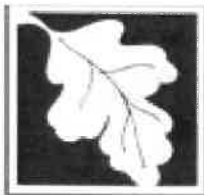
**Groundwater Permit**  
**DISCHARGE MONITORING REPORT**

668
1. Permit Number
2. Tax identification Number
2022 QUARTERLY 4
3. Sampling Month & Frequency

**D. Contaminant Analysis Information**

- For "0", below detection limit, less than (<) value, or not detected, enter "ND"
- TNTC = too numerous to count. (Fecal results only)
- NS = Not Sampled

1. Parameter/Contaminant	2. Influent	3. Effluent	4. Effluent Method
Units			Detection limit
TOTAL PHOSPHORUS AS P		5.3	0.010
MG/L			
ORTHO PHOSPHATE		5.5	0.020
MG/L			



## Groundwater Permit

### MONITORING WELL DATA REPORT

668

1. Permit Number

2. Tax Identification Number

2022 QUARTERLY 4

3. Sampling Month & Frequency

### A. Facility Information

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Facility name, address:

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

MYLES OSTROFF

a. Name of Facility Contact Person

6174311097

b. Telephone Number

myles@chartweb.com

c. e-mail address

3. Sampling information:

10/28/2022

a. Date Sampled (mm/dd/yyyy)

RI ANALYTICAL

b. Laboratory Name

PAUL PERROTTI

c. Analysis Performed By (Name)

### B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Monitoring Well Data Report - 2022 Quarterly 4



All forms for submittal have been completed.

2.

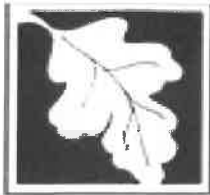


This is the last selection.

3.



Delete the selected form.



**Groundwater Permit**  
**MONITORING WELL DATA REPORT**

668
1. Permit Number
2. Tax identification Number
2022 QUARTERLY 4
3. Sampling Month & Frequency

**C. Contaminant Analysis Information**

- For "0", below detection limit, less than (<) value, or not detected, enter "ND"
- TNTC = too numerous to count. (Fecal results only)
- NS = Not Sampled
- DRY = Not enough water in well to sample.

<

Parameter/Contaminant	P-1	P-2	P-4	P-6		
Units	Well #: 1	Well #: 2	Well #: 3	Well #: 4	Well #: 5	Well #: 6
NITRATE-N	2.4	DRY	5.6	4.1		
MG/L						
TOTAL NITROGEN(NO3+NO2+TK	7.4	DRY	19	4.73		
MG/L						
TOTAL PHOSPHORUS AS P	0.79	DRY	3.8	2.9		
MG/L						
ORTHO PHOSPHATE	ND	DRY	2.0	2.3		
MG/L						



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Groundwater Discharge Program

## Groundwater Permit

668

1. Permit Number

2. Tax identification Number

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Any person signing a document under 314 CMR 5.14(1) or (2) shall make the following certification

If you are filing electronic-ally and want to attach additional comments, select the check box.



### Facility Information

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

### Certification

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

ELIZABETH BELAIR

a. Signature

11/22/2022

b. Date (mm/dd/yyyy)

### Reporting Package Comments

PLANT MET ALL DISCHARGE PERMIT REQUIREMENTS FOR OCTOBER 2022.