



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

### Meeting of the Mashpee Planning Board

Wednesday, December 21, 2022

Waquoit Meeting Room

Mashpee Town Hall

16 Great Neck Road North

Mashpee, MA 02649

7:00 PM

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

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

#### Call Meeting to Order

- Pledge of Allegiance

#### Approval of Minutes

- Review of Meeting Minutes from December 9, 2022

#### Public Hearing

##### **7:10 PM (Continued from 10/19/2022)**

**Applicant:** Marcello Mallegni, Forestdale Road, LLC

**Location:** 532 Main Street (Map 26, Block 6)

**Request:** The applicant requests consideration for approval of a 9 lot definitive subdivision plan of land consisting of approximately 18.05 acres located on Main Street (Route 130) between Nicoletta's Way and Echo Road

##### **7:20 PM (Continued from 11/02/2022)**

**Applicant:** Pleasantwood Homes LLC

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

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

##### **7:25 PM (Continued from 11/02/2022)**

**Applicant:** Pleasantwood Homes LLC

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

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



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## **New Business**

- Discussion and possible vote for Meeting Calendar 2023

## **Old Business**

- Discussion regarding applications submitted to the Community Preservation Committee for funding in May 2023.
- Local Comprehensive Plan Updates with Weston and Sampson
  - Survey Update
  - Workshops and Focus Groups
  - Updating the Vision Statement
  - Workshop on proposed actions
- Affordable and Workforce Housing
  - Coordination with Affordable Housing Committee and Community Preservation Program
  - ADU Workshop
  - HPP
  - Regional Housing Strategy
- Clean Water Initiative

## **Chariman's Report**

## **Town Planner Report**

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

## **Board Member Committee Reports**

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

## **Public Comment**

## **Correspondence**

- Mike Milbury email Cottages Phase III and Report
- Invitation to Consult on the Beacon Wind Project and Notification of Using the National Environmental Policy Act (NEPA) Process to Fulfill Section 106 Obligations
- 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**





# *Town of Mashpee* *Planning Board*

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## **Mashpee Planning Board Minutes of Meeting**

**Friday, December 09, 2022 at 9:00AM  
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, Mike Richardson, Robert (Rob) Hansen

**Absent:** John Fulone

**Also Present:** Evan Lehrer – Town Planner

### **CALL TO ORDER**

Chairwoman Waygan called the meeting of the Planning Board to order at 9:04A.M. The Pledge of Allegiance was recited.

### **APPROVAL OF MEETING MINUTES – November 16, 2022**

No comments were made regarding the meeting minutes.

### **MOTION:**

**Ms. Faulkner made a motion to accept the meeting minutes from November 16, 2022. Seconded by Mr. Balzarini. All in favor.**

### **NEW BUSINESS**

**Request for release of covenant for the subdivisions referred to as Willow Circle and vote to establish performance bond amount.**

The Board approved modification last spring and it has been under inspection by the Consulting Engineer. They are approaching the point of construction for new homes and there are 6 building lots. The Board is being asked to release the covenant in exchange for performance security for the remaining work so construction can commence. There is a report from Ed Pesce relative to the outstanding work for a recommendation for the bond amount.

Ms. Waygan stated there are all sorts of estimates that went to the Board's Consulting Engineer, Ed Pesce. A letter dated December 6, 2022 to the Board for the Willow Circle



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Subdivision has a total recommended surety amount of \$357,525 for lots 1-6. She is fine with this number. She is looking for a motion to set the surety amount at \$357,525.

## **MOTION:**

**Mr. Richardson made a motion to set the surety amount for lots 1-6 at \$357,525.  
Seconded by Mr. Balzarini. All in favor.**

Mr. Lehrer asked if they want to vote to release the covenant to be able to deliver the document when they submit the check.

## **MOTION:**

**Mr. Richardson made a motion to release the covenant upon receipt of the check.  
Seconded by Mr. Balzarini. All in favor.**

## **Request for release of covenant for lot #86 in the subdivision referred to as Winslow Farms**

This is an unreleased covenant that has been lived in for a number of years. In the 80's it was general practice to accept letters of credit from banks for security. Then, in the late 80's the bank failed and the developer went under. The lot releases had been issued over a number of years ago. This house was voted on in 1989 to be released but it never made it to the registry. The current property owner just sold, they did close, but funds are being held in escrow. It has been inspected and approved and at this time he recommends a release.

## **MOTION:**

**Mr. Balzarini made a motion to release the covenant for lot 86 at Winslow Farms subdivision. Seconded by Mr. Richardson.**

## **Roll Call Vote:**

**Mr. Balzarini: Yes, Mr. Richardson: Yes, Ms. Faulkner: Yes, Ms. Waygan: Abstain**

## **Review and vote to approve Ed Pesce invoices Q1 and Q2 for FY2023**

There are 3 invoices from Mr. Pesce. The first one is for Willow Circle in the amount of: \$5,230.92. This includes travel time, review and response for emails and phone calls, project scheduling, and inspections. Funds are being held in escrow from the project proponent to pay these bills.

## **MOTION:**

**Mr. Richardson made a motion to pay Ed Pesce in the amount of \$5,230.92 for Willow Circle, invoice #: 2022-2060. Seconded by Mr. Balzarini. All in favor.**



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The second inspection is for the project at Sherwin Williams on Rt. 151 in the amount of \$10,195.88. This is paid by the project proponent.

### **MOTION:**

**Mr. Richardson made a motion to pay Ed Pesce in the amount of \$10,195.88 for Sherwin Williams, invoice #: 2022-2059. Seconded by Mr. Balzarini. All in favor.**

The third invoice is for engineering services at Tudor Terrace in the amount of \$1,365.60.

### **MOTION:**

**Mr. Richardson made a motion to pay Ed Pesce in the amount of \$1,365.60 for Tudor Terrace, invoice #: 2022-2063. Seconded by Mr. Balzarini. All in favor.**

### **Discussion regarding applications submitted to the Community Preservation Committee for funding in May 2023.**

Ms. Waygan will refer to her notes and go through the list in its entirety. She stated the CPC met on December 8, 2022 regarding 8 applications. The Board received a copy of the applications and she was going to take comments at the previously scheduled meeting. They do not award the funds, they recommend applications to Town Meeting for a vote.

- The Affordable Housing Trust is asking for \$300,000, which was recommended to Town Meeting by the CPC.
- Cape Cod disc golf club is asking for \$200,000 (This is still being worked on). They develop paths in the woods and they maintain the trails. They asked the applicant, a staff person, Drew McManus, to work with the Select Board on a final location, as they had three locations in mind, the CPC would like the exact location.
- Housing Assistance Corp. (HAC) is requesting \$500,000 to complete the budget at LeClair Village at 950 Falmouth Road. This will consist of 39 units within 3 buildings. The town is renting the land to the project proponent and the Affordable Housing Committee provided a \$300,000 grant, but due to Covid and inflation they got hit hard. The CPC is recommending to Town Meeting.
- The DPW is requesting \$378,080, under the direction of Catherine Laurent, for playground improvement at Quashnet School. They plan to redo the basketball and tennis courts and make them sized appropriately for the age of the children. There will be four pickle ball courts and a full size tennis court. There are pieces of the current playground that will be improved along with new padding and new structures. Elements



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that were given funds for improvement in 2016 are still fine. This project was recommended to Town Meeting.

-The Mashpee Historic Commission submit an application requesting \$3,500 for signage about rivers in town. They were sent back to the drawing board for coloring and composition. The signs will contain information in English and Wôpanâak.

The CPC would like to see these signs look nice, and they will award more money for that purpose if necessary. Mr. Lehrer is suggesting a uniform design to match other street signage in town.

- There is an application from the owner of 9 Santuit Lane where there is a property consisting of 0.24 acres. This is a lot next to two town owned lots. Ms. Waygan would like direction as it is considered conservation but she is unsure if it is restricted. This is located in a neighborhood that has a private sign on it. How does the public access that? Regarding the benefit for the town, people won't be able to find it because it is off private roads and the roads are not in great condition. This is a deteriorating house with a cesspool, so who would clean that up? It might be a huge benefit to not have a house in this condition right on Santuit Pond. She tabled this item because she has a ton of questions. As this application is from the owner, how do we know the town wants it? She is asking the Board to think about this. If the Board feels it should be fought for, she will, but it will be complicated. The pricing is to be determined. With acquisitions you do an appraisal and then negotiate. They can't spend more than the appraised price. The Finance Director for the town is on the CPC.

- An application was submitted for the boat ramp at Mashpee Neck for \$425,000 which was recommended to Town Meeting. It will have an additional float as there is not enough room to leave a boat, go park, and walk back. There has been lots of congestion. When you drop off a boat you have to tie it up to the float as to avoid the wetlands due to them getting damaged in the past. They will install a stormwater collection trench drain that will take the water to the vegetated area so nitrogen and phosphorus will be taken out. There was Public Comment from the neighborhood stating they weren't given the opportunity for Public Comment on the design. The CPC will need the design specs to be able to price out. CPC Chair will contact the Waterways Commission to see how that public process works. There should be a report in the application. There is discussion about coordinating the planning efforts along with capital improvements so CPC can know of big budget items ahead of time and bond items so there is no surprise to costs.



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- The acquisition property at 751 Main Street received appraisal. If anyone would like to review it she has a copy. It is currently in executive session.
- There was an application for 31 Ashumet Road and 474 Main Street. As Ms. Waygan is an abutter she left the room.

Mr. Lehrer stated the property owner is 80 years old and living in Florida. He is cleaning up his estate and reached out to Conservation regarding the sale of his property to the town for open space. Conservation performed higher level due diligence and the property owner disclosed various stumps and debris. The collection of lots totals three parcels at \$950,000. There are two vacant parcels, and given existing development, it's not continuous, abuts condos, nor is it near any conservation. Mr. Lehrer believes there is more affordable housing value here verses open space. It is located in a zone 2 groundwater area that is preserved and protected as well as needing to figure out contamination on the site. It can sustain a smaller 10 bedroom possible 5 unit housing structure with no other intervention. The town would be able to remediate the site appropriately for future inhabitants. When submitting, the property owner suggested \$500,000 initially, but his bottom line is \$250,000. The AHC wants to do appraisals as well as requests for letters of interest for developers. They would likely send out letters of interest to local agencies like HAC and Habitat for smaller projects such as this. He thinks it would be a great small project right on Main Street. He would anticipate IA, but it is on phase 2 of the sewer plan. The property owner received quotes from engineering firms to clean up the property at around \$75,000. They will need to see those quotes.

Ms. Faulkner stated it was assessed at \$828,000.

Mr. Lehrer stated one was assessed at \$383,000 and the other a little over \$400,000, but it seems to be a high assessment. That is for an assessor to speak on. Appraisal will answer that question to determine actual value. It's in a split residential and commercial zone and abuts residential. To develop this site from the town it would have to be a comprehensive Ch. 40B permit. There are specific developers that solely deal with affordable housing. Habitat is all single family housing while HAC does more multifamily. Habitat would do a cluster of single family dwellings. They require land donation and sweat equity. It would be more advantageous for this site to have one building with multiple apartments and least amount of site disturbance.

Ms. Waygan reentered the room. She would like 9 Santuit Lane on next meeting's agenda.

Mr. Hanson asked about access to the property at 9 Santuit Lane. He would like to go view the structure.



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Ms. Faulkner stated she wanted to make a correction to a statement she made previously. She has since learned that the cyanobacteria on Santuit Pond does not go aerosol. That would be considered when purchasing that land.

Ms. Waygan stated they are doing research on that. Ms. Faulkner asked if Ms. Colombo would like to speak more on this matter. Ms. Waygan recognized Michaela Wyman-Colombo for Public Comment.

## **PUBLIC COMMENT**

**Michaela Wyman Colombo-** She has been looking at research about cyanobacteria in regards to aerosolization. In talking with Ashley Fisher, she has learned that some of it does in many places, but the type we have in Mashpee, as far as she knows, does not go aerosol.

Ms. Faulkner did some reading on this subject. In Enfield, NH there seems to be a cluster of ALS cases, an unusual amount, on Mascoma Lake where these people live around. She inquired further about the BMAA cyanobacteria being localized to Mashpee and she was told no.

Ms. Waygan went on to say the CPC is writing its first plan. They are taking the goals and objectives of plans that exist in town now for the 4 categories they can spend money on: open space, historic, affordable housing, and recreation. The plans will be updated going forward. This will answer questions like what happens when they get an application without a finalized address, or what happens when they get an application from a property owner and not the town, or an entity that will hold this land as conservation or affordable housing? It is concerning when processing an application and they are not sure the town wants the land.

Mr. Balzarini asked how the town would know if they want the land if there was no application.

Ms. Waygan is hoping for a better process. If people want to sell their land for affordable housing, they should approach the Affordable Housing Committee or the Trust. This way, when the CPC receives an application they would already be aware of the AHC or Trust supporting the effort or not.

Mr. Lehrer asked if the Select Board was compelled to put those articles on the Warrant or could they get that recommendation to the CPC saying they did not want to put it on the Warrant. If the applications get passed on to the Select Board for consideration on the Warrant, that's the opportunity for other boards and committees to weigh in. It acts as another check and balance for the property owner. However, if the CPC application deadline is approaching it may be tough to go that route.





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Ms. Waygan stated there are a lot of new members on the CPC and they are not happy with some of the process, but they accepted all applications because there is no written plan. It's not clear to reject something because of a certain procedural matter. They could advertise a little more, like quarterly, because they can accept applications any time before the deadline and start working on them. Applications are through the Town Manager's office. If you are selling land for affordable housing, they might want the AHC or the Trust to weigh in. The CPC does not have a part time staff. Kathy Soares does their administrative work, but they don't have a staff person that helps people through the application process. She goes above and beyond what she is supposed to and gets paid out of their administrative fee. That is a staff position that the CPC could fund.

### **ADJOURNMENT**

#### **MOTION:**

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

**Next Meeting:** Wednesday, December 21, 2022 @ 7:00P.M.

Respectfully Submitted,

Christine M. MacDonald  
Board Secretary

### **LIST OF DOCUMENTS**

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

- 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





## *Town of Mashpee*

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### **Mashpee Planning Board Public Hearing Notice**

Pursuant to Massachusetts General Laws, Chapter 41 Section 81T and the Mashpee Rules and Regulations Governing the Subdivision of Land, the Mashpee Planning Board will hold a public hearing on Wednesday, April 6, 2022 at 7:20 p.m. in the Waquoit Room at the Mashpee Town Hall, 16 Great Neck Road North, to consider an application by Marcello Mallegni of 80 Airport Road, Hyannis, MA 02601 for approval of 9 lot definitive subdivision plan of land consisting of approximately 18.05 acres located on Main Street (Route 130) between Nicoletta's Way and Echo Road and identified on the Mashpee Assessors Maps as Map 26 Block 6. This lot proposed for subdivision is within the C-3 Limited Commercial District, the I-1 Industrial District, and the R-5 Residential District.

Plans may be reviewed in the offices of the Town Clerk or Town Planner at Mashpee Town Hall.

Submitted by

John Fulone, Chair  
Mashpee Planning Board

Publication dates:     Friday, March 11, 2022  
                                 Friday, March 18, 2022

**MASHPEE TOWN CLERK**

**MAR 09 2022**

RECEIVED BY: SM



# LOCUS INFORMATION

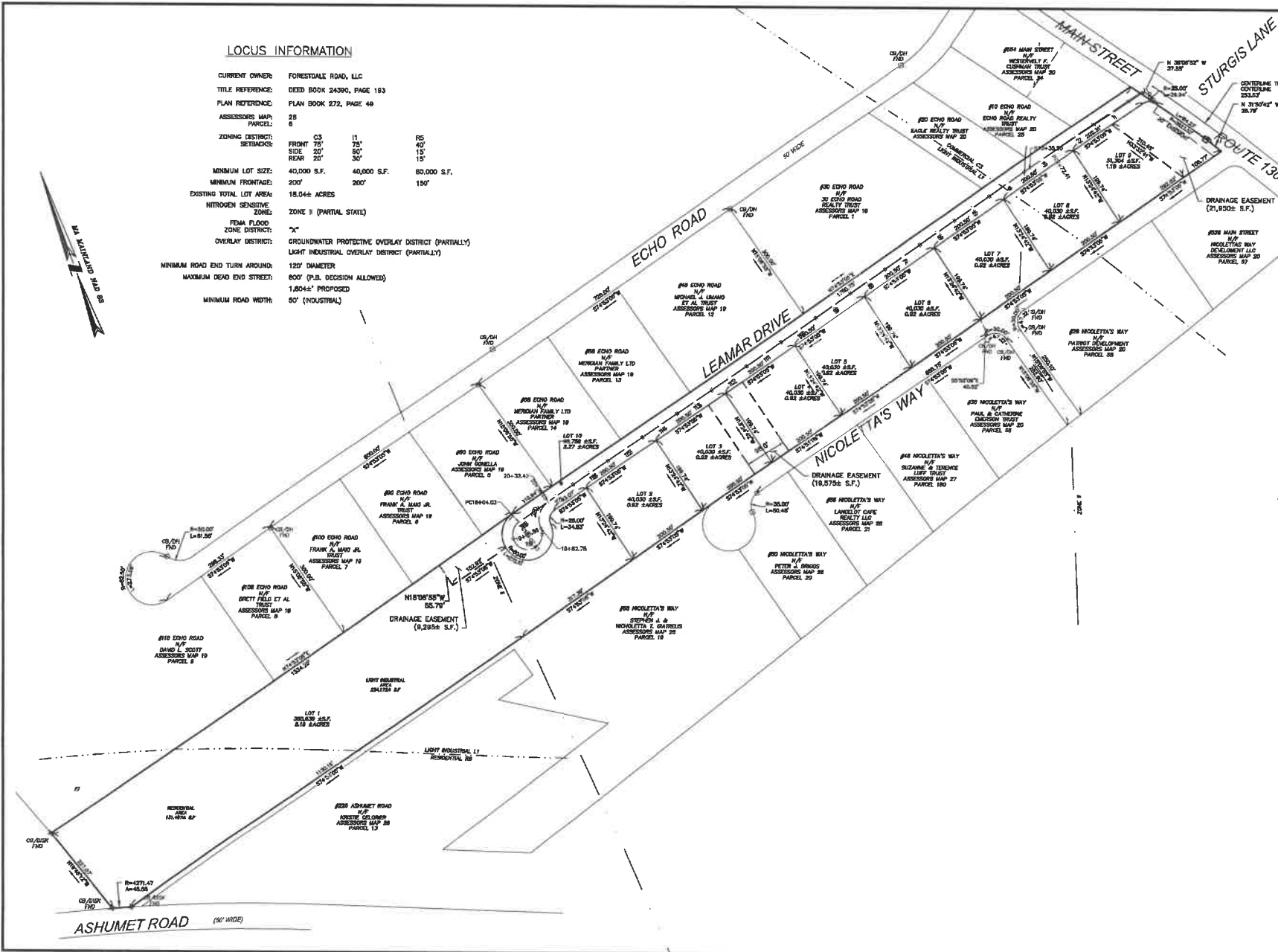
CURRENT OWNER: FORESTDALE ROAD, LLC  
 TITLE REFERENCE: DEED BOOK 24300, PAGE 193  
 PLAN REFERENCE: PLAN BOOK 272, PAGE 49  
 ASSESSORS MAP: 28  
 PARCELS: 6

ZONING (DISTRICT): C3 11 RS  
 SETBACKS: FRONT 75' 78' 40'  
 SIDE 20' 50' 15'  
 REAR 20' 30' 15'

MINIMUM LOT SIZE: 40,000 S.F. 40,000 S.F. 80,000 S.F.  
 MINIMUM FRONTAGE: 200' 200' 150'

EXISTING TOTAL LOT AREA: 15.04± ACRES  
 NITROGEN SENSITIVE ZONE: ZONE II (PARTIAL STATE)  
 FEMA FLOOD ZONE DISTRICT: 7A  
 OVERLAY DISTRICT: GROUNDWATER PROTECTIVE OVERLAY DISTRICT (PARTIALLY)  
 LIGHT INDUSTRIAL OVERLAY DISTRICT (PARTIALLY)

MINIMUM ROAD END TURN AROUND: 120' DIAMETER  
 MAXIMUM DEAD END STREET: 800' (P.L.S. DECISION ALLOWED)  
 MINIMUM ROAD WIDTH: 50' (INDUSTRIAL)



KIRAN J. HEALY  
 PROFESSIONAL LAND SURVEYOR

DATE

## DEFINITIVE SUBDIVISION PLAN

532 MAIN STREET (ROUTE 130)

IN  
 MASHPEE  
 MASSACHUSETTS  
 (BARNSTABLE COUNTY)

OVERALL LOT PLAN

AUGUST 27, 2021

NO.	DATE	DESC.
1	2/11/22	PER PLANNING BOARD
2	4/29/23	ENGINEERING REVIEW

































































































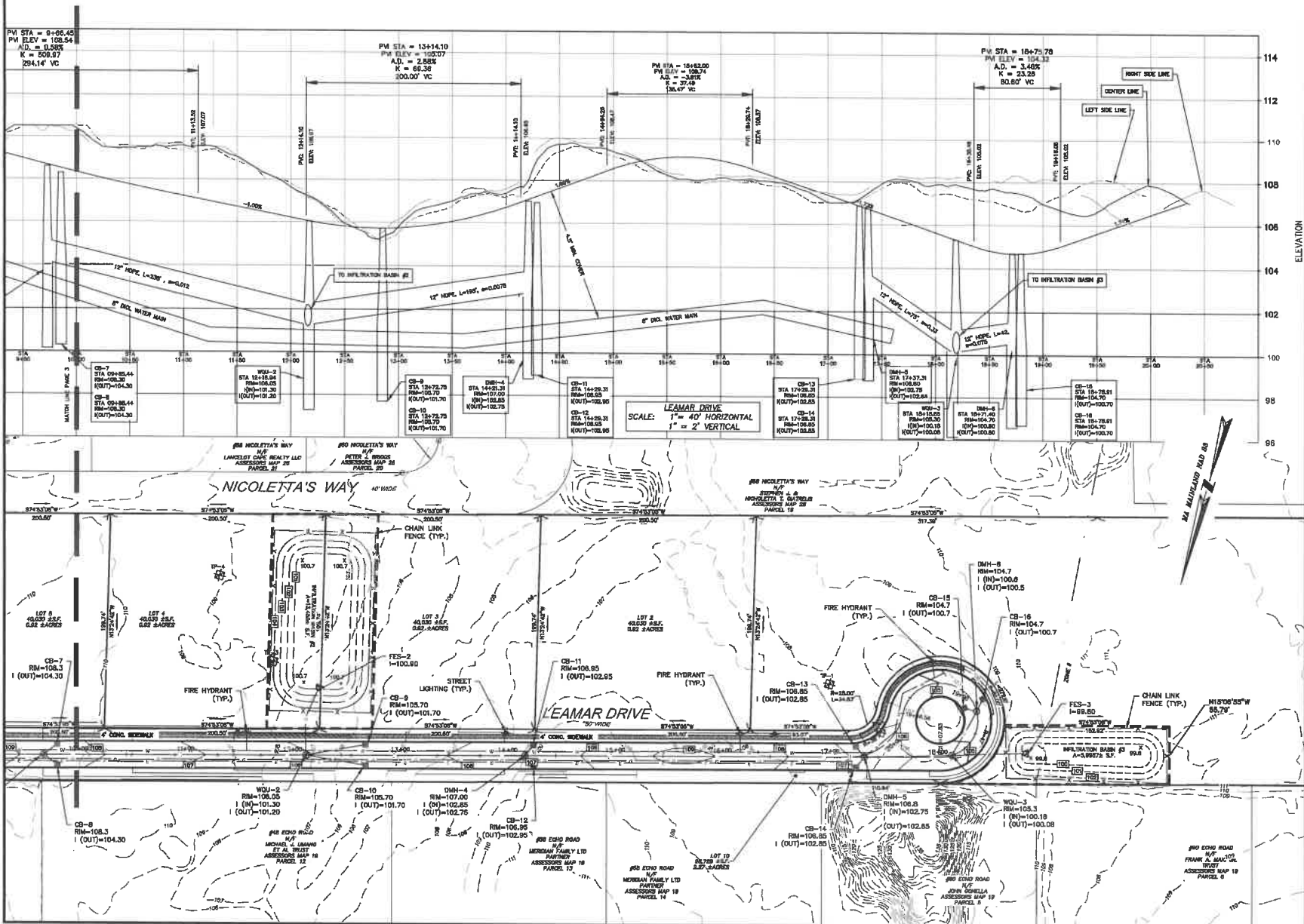




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# LEAMAR DRIVE



BRIAN G. YERGADER  
PROFESSIONAL ENGINEER  
DATE

## DEFINITIVE SUBDIVISION PLAN

532 MAIN STREET (ROUTE 130)  
IN  
MASHPEE  
MASSACHUSETTS  
(BARNSTABLE COUNTY)

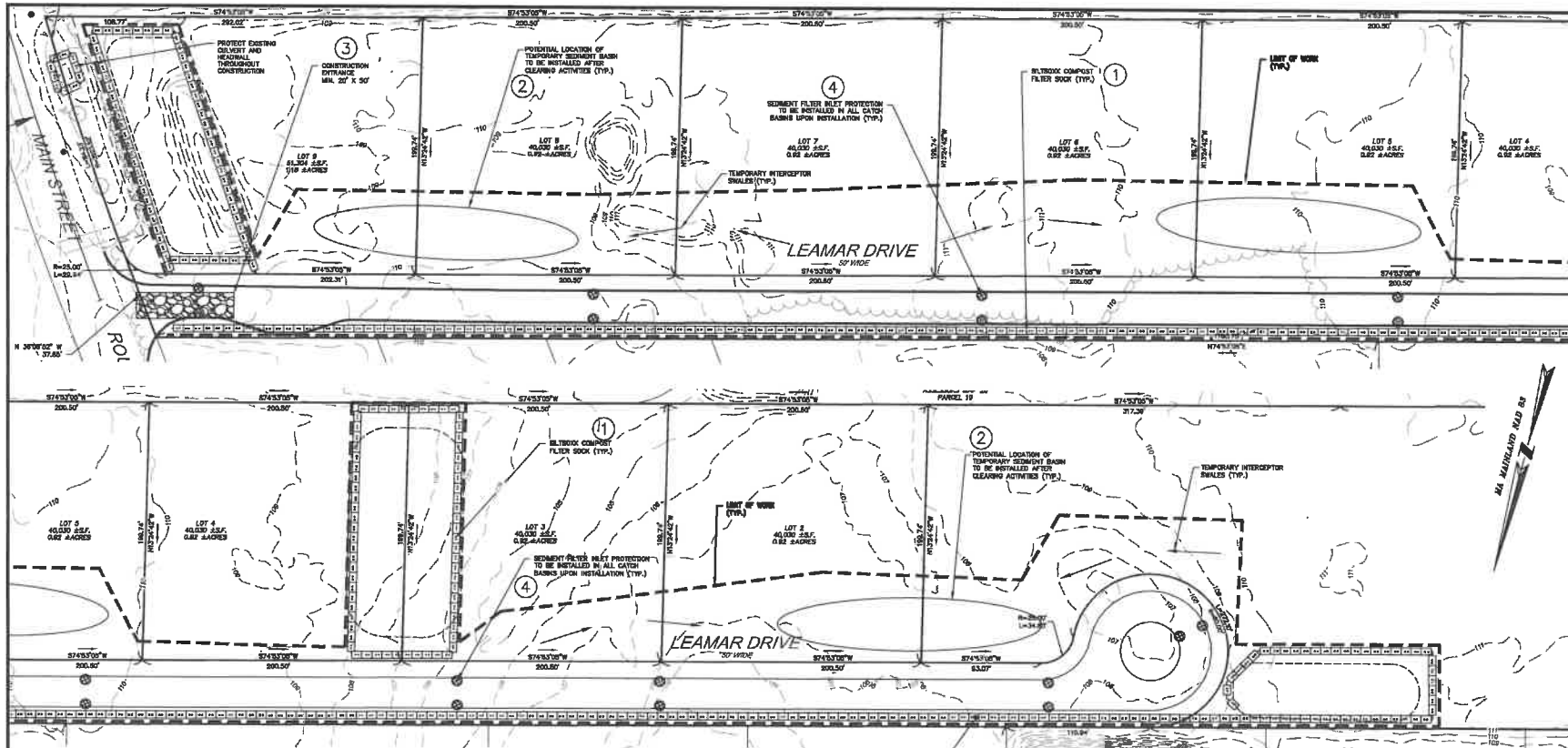
PLAN & PROFILE  
LEAMAR DRIVE  
AUGUST 27, 2021

NO.	DATE	DESC.
1	2/11/22	PER PLANNING BOARD
2	4/29/23	ENGINEERING REVIEW

PREPARED FOR:  
MARCELLO MALLEGGI  
80 AIRPORT ROAD  
HYANNIS, MA 02801

**BSC GROUP**  
349 Main Street - Route 28  
West Yarmouth, Massachusetts  
02673  
508 778 8919

© 2023 The BSC Group, Inc.  
SCALE: 1" = 40'  
0 20 40 80 feet  
FILE: Projects-104710474.DWG, C:\020474.DWG-PP.dwg  
DWG: 104710474.DWG  
JOB: NO: 5-0474.00 SHEET 4 OF 7



## LEGEND

--- SILT SOCK COMPOST FILTER SOCK

--- LIMIT OF WORK

## BEST MANAGEMENT PRACTICES (BMPs)

- ① SILT SOCK COMPOST FILTER SOCK
- ② TEMPORARY SEDIMENT BASIN WITH INTERCEPTOR SWALES
- ③ CONSTRUCTION ENTRANCE/EXIT
- ④ SEDIMENT FILTER INLET PROTECTION (CATCH BASINS)

## EROSION AND SEDIMENT CONTROL NOTES

1. PRIOR TO ANY LAND DISTURBANCE ACTIVITIES COMMENCING ON THE SITE, THE DEVELOPER SHALL PHYSICALLY MARK LIMITS OF NO LAND DISTURBANCE ON THE SITE WITH TAPE, SIGNS, OR GRADE CONSTRUCTION FENCE, SO THAT WORKERS CAN SEE THE AREAS TO BE PROTECTED. THE PHYSICAL MARKERS SHALL REMAIN IN PLACE UNTIL A CERTIFICATE OF COMPLETION HAS BEEN ISSUED.
2. APPROPRIATE EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO SOIL DISTURBANCE. MEASURES SHALL BE TAKEN TO CONTROL EROSION WITHIN THE PROJECT AREA. SEDIMENT IN RUNOFF WATER SHALL BE TRAPPED AND RETAINED WITHIN THE PROJECT AREA. WETLAND AREAS AND SURFACE WATERS SHALL BE PROTECTED FROM SEDIMENT.
3. MINIMIZE TOTAL AREA OF DISTURBANCE AND PROTECT NATURAL FEATURES AND SOIL.
4. THE CONTRACTOR SHALL MINIMIZE ALL ACTIVITIES TO MINIMIZE SMALL-SCALE AREAS OF DISTURBANCE. BARE EROSION AND GRADING OF THE ENTIRE SITE SHALL BE AVOIDED.
5. MINIMIZE SOIL EROSION AND CONTROL SEDIMENTATION DURING CONSTRUCTION.
6. DIVERT UNCONTAMINATED WATER AROUND DISTURBED AREAS.
7. INSTALL AND MAINTAIN ALL EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AND GOOD ENGINEERING PRACTICES OR IN ACCORDANCE WITH THE 2017 EPA CONSTRUCTION GENERAL PERMIT.
8. PROTECT AND MANAGE ON- AND OFF-SITE MATERIAL STORAGE AREAS (OVERSPOILS AND STOCKPILES OF DIRT, BORROW AREAS, OR OTHER AREAS USED SOLELY BY THE PERMITTED PROJECT ARE CONSIDERED A PART OF THE PROJECT).
9. COMPLY WITH APPLICABLE FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS INCLUDING WASTE DISPOSAL, SANITARY OR SEWER REGULATION, AND AIR QUALITY REQUIREMENTS, INCLUDING DUST CONTROL.
10. SEDIMENT SHALL BE REMOVED ONCE THE VOLUME REACHES 1/4 TO 1/2 THE HEIGHT OF THE EROSION CONTROL DEVICE. SEDIMENT SHALL BE REMOVED FROM SILT FENCE PRIOR TO REACHING THE LOAD-BEARING CAPACITY OF THE SILT FENCE WHICH MAY BE LOWER THAN 1/4 TO 1/2 THE HEIGHT.
11. SEDIMENT FROM SEDIMENT TRAPS OR SEDIMENTATION PONDS SHALL BE REMOVED WHEN DESIGN CAPACITY HAS BEEN REDUCED BY 90 PERCENT.
12. BMPs TO BE USED FOR INFILTRATION AFTER CONSTRUCTION SHALL NOT BE USED AS BMPs DURING CONSTRUCTION UNLESS OTHERWISE APPROVED IN WRITING BY THE ENGINEER AND THE TOWN OF BARNSTABLE. MANY INFILTRATION TECHNOLOGIES ARE NOT DESIGNED TO HANDLE THE HIGH CONCENTRATIONS OF SEDIMENTS TYPICALLY FOUND IN CONSTRUCTION RUNOFF, AND THIS MUST BE PROTECTED FROM CONSTRUCTION RELATED SEDIMENT LOADINGS.

13. SOIL STOCKPILES MUST BE STABILIZED OR COVERED AT THE END OF EACH WORKDAY. STOCKPILE SIDE SLOPES SHALL NOT BE GREATER THAN 2:1. ALL STOCKPILES SHALL BE SURROUNDED BY SEDIMENT CONTROLS.
14. FOR ACTIVE CONSTRUCTION AREAS SUCH AS BORROW OR STOCKPILE AREAS, ROADWAY IMPROVEMENTS AND AREAS WITHIN 50 FEET OF A BUILDING UNDER CONSTRUCTION, A PERIMETER SEDIMENT CONTROL SYSTEM SHALL BE INSTALLED AND MAINTAINED TO CONTAIN SOIL.
15. A TRACKING PAD OR OTHER APPROVED STABILIZATION METHOD SHALL BE CONSTRUCTED AT ALL ENTRANCE/EXIT POINTS OF THE SITE TO REDUCE THE AMOUNT OF SOIL CARRIED ONTO ROADWAYS AND OFF THE SITE.
16. ON THE CUT SIDE OF ROADS, DITCHES SHALL BE STABILIZED IMMEDIATELY WITH ROCK RIP-RAP OR OTHER NON-ERODIBLE LINERS, OR WHERE APPROPRIATE, VEGETATIVE MEASURES SUCH AS HYDROSEEDING OR JUTE MATING.
17. PERMANENT SEEDING SHALL BE UNDERTAKEN IN THE SPRING FROM MARCH THROUGH MAY, AND IN LATE SUMMER AND EARLY FALL FROM AUGUST TO OCTOBER 15, DURING THE PEAK SUMMER MOISTURE AND IN THE FALL AFTER OCTOBER 15, WHEN SEEDING IS FOUND TO BE IMPRACTICAL, APPROPRIATE TEMPORARY STABILIZATION SHALL BE APPLIED. PERMANENT SEEDING MAY BE UNDERTAKEN DURING THE SUMMER IF PLANS PROVIDE FOR ADEQUATE MULCHING AND WATERING.
18. ALL SLOPES STEEPER THAN 3:1 (H:V, 33.3%), AS WELL AS PERIMETER DITCHES, SEDIMENT BASINS OR TRAPS, AND EMBANKMENTS MUST, UPON COMPLETION, BE IMMEDIATELY STABILIZED WITH SOIL, SEED AND ANCHORED STRAW MULCH, OR OTHER APPROVED STABILIZATION MEASURES. AREAS OUTSIDE OF THE PERIMETER SEDIMENT CONTROL SYSTEM MUST NOT BE DISTURBED.
19. TEMPORARY SEDIMENT TRAPPING DEVICES MUST NOT BE REMOVED UNTIL PERMANENT STABILIZATION IS ESTABLISHED IN ALL CONTRIBUTORY DRAINAGE AREAS.
20. ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL BE REMOVED AFTER FINAL SITE STABILIZATION. DISTURBED SOIL AREAS RESULTING FROM THE REMOVAL OF TEMPORARY MEASURES SHALL BE PERMANENTLY STABILIZED WITHIN 30 DAYS OF REMOVAL.
21. PROPERLY MANAGE ON-SITE CONSTRUCTION AND WASTE MATERIALS.
22. PREVENT OFF-SITE VEHICLE TRACKING OF SEDIMENTS.
23. DUST SHALL BE CONTROLLED AT THE SITE.
24. ALL PREVIOUSLY DISTURBED LAND SHALL BE STABILIZED BY APPROVED METHODS AFTER 14 DAYS IF LEFT UNDISTURBED. THIS INCLUDES STOCKPILES, CONSTRUCTION ENTRANCES, GRADED AREAS AND OTHER CONSTRUCTION ACTIVITY RELATED CLEARING.
25. IF WORK IS HALTED OVER WINTER MONTHS THE CONTRACTOR SHALL BE RESPONSIBLE FOR STABILIZING THE AREA THROUGH GROUND COVER PRACTICES.



4/28/22

BRIAN G. YERDIARIAN  
PROFESSIONAL ENGINEER

DATE

## DEFINITIVE SUBDIVISION PLAN

532 MAIN STREET (ROUTE 130)

IN  
MASHPEE  
MASSACHUSETTS  
(BARNSTABLE COUNTY)

## EROSION & SEDIMENT CONTROL PLAN

AUGUST 27, 2021

NO.	DATE	DESC.
1	3/11/22	PER PLANNING BOARD
2	4/28/22	ENGINEERING REVIEW

PREPARED FOR:  
MARCELLO MALLEONI  
80 AIRPORT ROAD  
HYANNIS, MA 02601

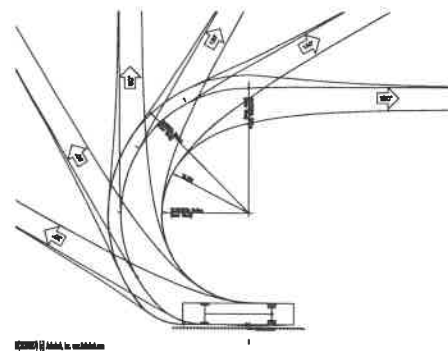
**BSC GROUP**  
349 Main Street - Route 28  
West Yarmouth, Massachusetts  
02673  
508 778 8919

© 2023 The BSC Group, Inc.  
SCALE: 1" = 40'  
8 20 40 80 feet

FILE: ProjSub-100120674.00\CD\000746.00-PP.dwg  
DWG: 508 778 8919  
JOB: NO. 5-0474.00 SHEET 5 OF 8

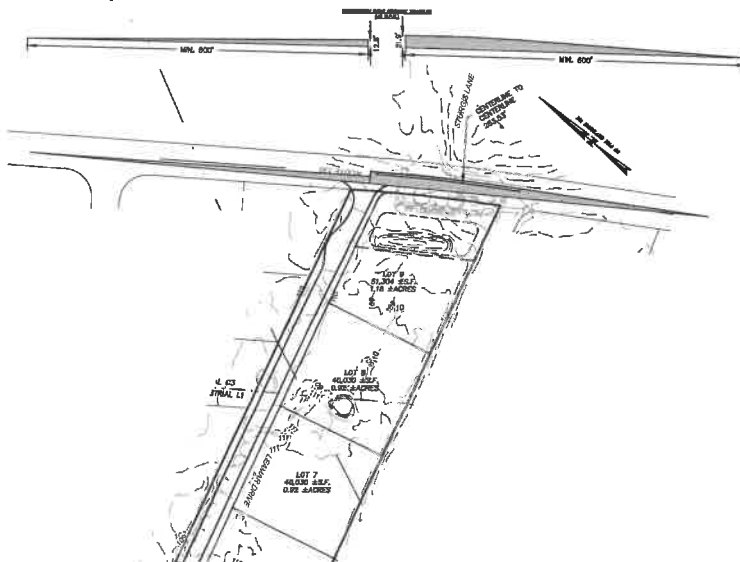
FIRE TRUCK TURNING PLAN

SCALE: 1" = 40'



SIGHT DISTANCE PLAN

SCALE: 1" = 100'



ISSUED FOR PERMITTING  
NOT FOR CONSTRUCTION



BRIAN G. YERRIGIAN  
PROFESSIONAL ENGINEER

DATE

DEFINITIVE  
SUBDIVISION  
PLAN  
532 MAIN STREET (ROUTE 130)  
IN  
MASHPEE  
MASSACHUSETTS  
(BARNSTABLE COUNTY)

SIGHT DISTANCE &  
TURNING PLAN

AUGUST 27, 2021

REVISIONS:		
NO.	DATE	DESC.
1	2/11/22	PER PLANNING BOARD
2	4/28/22	ENGINEERING REVIEW

PREPARED FOR:  
MARCELLO MALLECHI  
80 AIRPORT ROAD  
HYANNIS, MA 02601

**BSC GROUP**  
349 Main Street - Route 28  
West Yarmouth, Massachusetts  
02673  
908 778 8919

2022 BSC Group, Inc.  
SCALE: AS NOTED

FILED PROJECT: YMA\50474\00\00474-00-PP.dwg  
DWG:  
JOB. NO: S-0474.00 SHEET 6 OF 8





**NOTE:**  
PAVEMENT SECTIONS ARE SUBJECT TO CHANGE AND WILL BE  
BASED ON THE RESULTS OF GEOTECHNICAL INVESTIGATIONS

## SCALE: NONE

The drawing consists of two parts: a Plan View and a Section A-A.

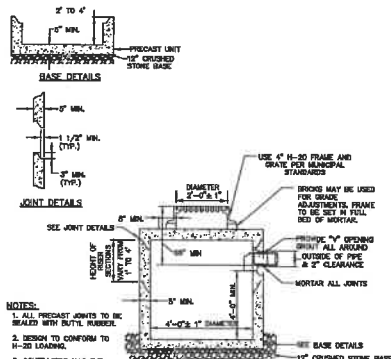
**Plan View:** Shows a rectangular structure with a width of 2'-0". The length is divided into two equal sections of 1/2 X. The structure is composed of stone blocks with a 15° slope. The top surface is labeled "APPROXIMATE LIMITS OF ENERGY DISSIPATION EQUAL". The bottom edge is labeled "APPROX. EDGE TO BE SET LEVEL WITH FLARED END OF INVERT CLEARANCE (7'6")". The structure is supported by a "COMPACTED SUBGRADE".

**Section A-A:** Shows a cross-section of the structure. The top surface is labeled "ENERGY DISSIPATION BOWL". The bottom surface is labeled "15° FLARED STONE BEDDING". The structure is supported by a "COMPACTED SUBGRADE".

**Labels and Dimensions:**

- 2'-0"
- 1/2 X
- 1/2 X
- 15°
- ENERGY DISSIPATION BOWL
- 15° FLARED STONE BEDDING
- COMPACTED SUBGRADE
- APPROXIMATE LIMITS OF ENERGY DISSIPATION EQUAL
- APPROX. EDGE TO BE SET LEVEL WITH FLARED END OF INVERT CLEARANCE (7'6")

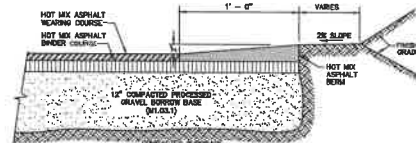
SCALE: NOMINAL



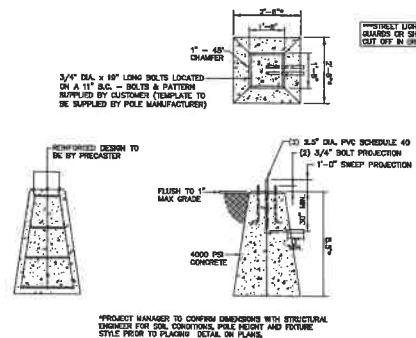
**NOTES:**

1. ALL PRECAST JOINTS TO BE SEALED WITH BUTYL RUBBER
2. DESIGN TO CONFORM TO H-20 LOADING,
3. CENTERLINE AND ELEVATION

## SCALE: NONE

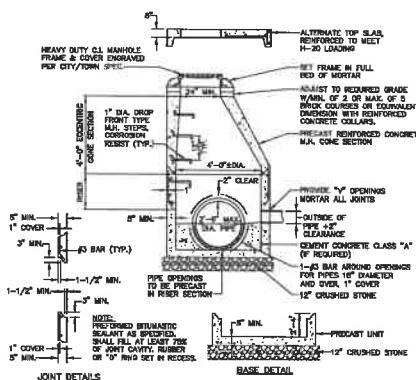


**MODEL**  
SCALE: 1/4"=1'-0"

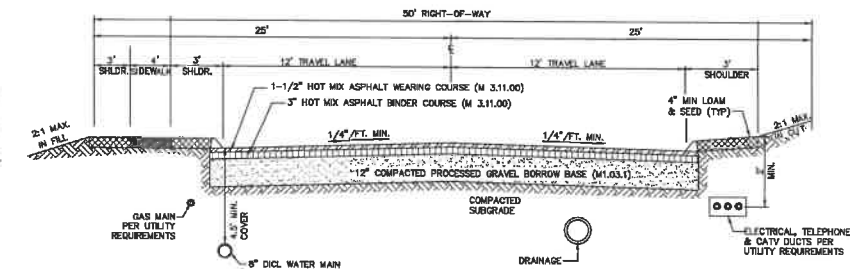


FOR USE IN LAWN AREAS

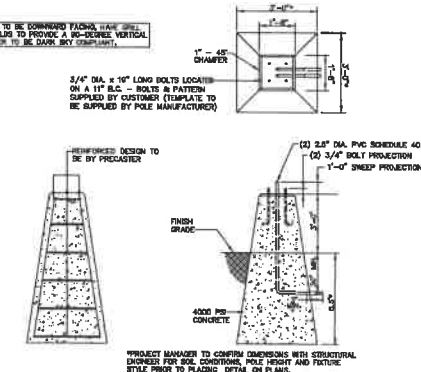
## SCALE: NONE



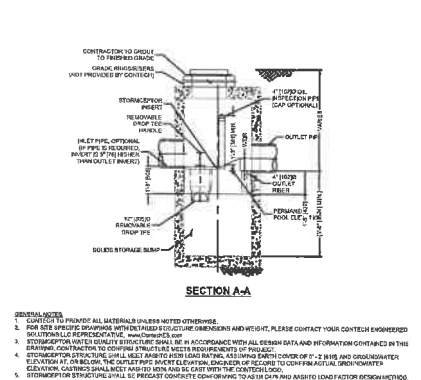
SCALE: NONE



**LIFE**  
**FEAR NONE**



FOR USE IN PAVED AREAS



**GENERAL NOTES:**

1. CONTACT TO PROVIDE ALL MATERIALS UNLESS NOTED OTHERWISE.
2. FOR SIZE SPECIFIC DRAWINGS WITH DETAILED GEOMETRY DIMENSIONS AND WEIGHT, PLEASE CONTACT YOUR CONTACT ENGINEER.
3. NO TRENCH OR REPRESENTATIVE. [www.dynowire.com](http://www.dynowire.com)
4. STORAGE/CURVED CABLES MUST BE STORED IN ACCORDANCE WITH ALL CABLE DATA AND INFORMATION CONTAINED IN THE DRAWING. CONTRACTOR TO CONFORM TO STRUCTURE SPEC'S REQUIREMENTS OF PROJECT.
5. ALL STRUCTURE SHALL BE MAINTAINED AS LOW AS POSSIBLE, ASSUMING DRAIN COVER OF 2" ± 2" BARS AND GROUNDWATER ELEVATION AS SHOWN. THE CABLE TYPE MUST BE IDENTIFIED, CABLES OF RECORD TO BE CABLES AS SHOWN. ALL DIMENSIONS, CABLES SHALL MEET OR BE GREATER THAN THE CABLES SHOWN.
6. ALL STRUCTURE SHALL BE MAINTAINED AS LOW AS POSSIBLE CONFORMING TO ALL DRAIN AND ASSIST LOW FACTOR PROTECTION.
7. ALTERNATE LINES ARE NOTED FOR CONSTRUCTION CONFORMING TO ALL DRAIN AND ASSIST LOW FACTOR PROTECTION.

SCALE: HON

BRIAN C. VERGATAN  
PROFESSIONAL ENGINEER

## 532 MAIN STREET (ROUTE 130)

IN  
MASHPEE  
MASSACHUSETTS  
(BARNSTABLE COUNTY)

DETAIL SHEET 1

AUGUST 27, 2021

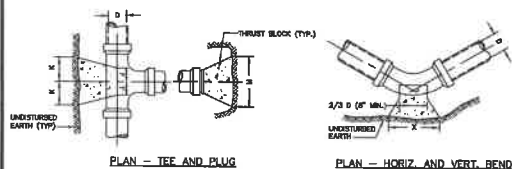
REVISIONS:		
NO.	DATE	DESC.
1	2/11/23	PER PLANNING BOARD
2	4/29/22	ENGINEERING REVIEW

PREPARED FOR:  
MARCELLO MALLEGN  
80 AIRPORT ROAD  
HYANNIS, MA 02601

**BSC GROUP**  
349 Main Street - Route 28  
West Yarmouth, Massachusetts  
02673  
508 778 8919

© 2022 The BSC Group, Inc.  
SCALE: NOT TO SCALE

FILE: Projects-YAP\50474.00\C\50474.00-PP.dwg	
DWG:	SHEET 7 OF 8
JOB. NO: 5-D474.00	

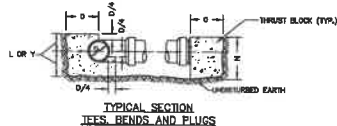


SIZE OF BEND	J	K	L	M	N	O
4" THRU 8"	10"	10"	1'-0"	2'-0"	1'-6"	10"
10" THRU 16"	1'-0"	1'-6"	1'-6"	3'-10"	2'-10"	1'-6"
24"	1'-6"	2'-0"	2'-6"	5'-0"	3'-0"	1'-6"

TEES AND PLUGS						
	90 & 45 BENDS			22 1/2 & 11 1/4		
D	4"108"	6"101 1/2"	24"	4"108"	6"101 1/2"	24"
X	1"-8"	3"-6"	3"-6"	1"-6"	2"-6"	3"-8"
Y	1"-2"	1"-2"	2"-2"	1"-0"	1"-2"	2"-6"

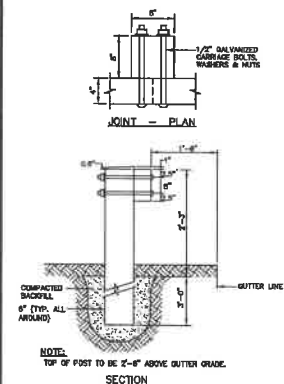
#### NOTES:

1. PROVIDE 3000 PSI CONCRETE THRUST BLOCKS AT ALL BENDS, DEAD ENDS, & TEES UNLESS OTHERWISE DIRECTED. CONCRETE FOR ALL THRUST BLOCKS TO BE PLACED AGAINST FIRM UNDISTURBED SOIL. PROVIDE APPROVED ANCHOR HARNESSE RODS & EJECT CLAMPS AS SPECIFIED & IN ACCORDANCE WITH PIPE MANUFACTURERS RECOMMENDATIONS WHERE SOIL HAS BEEN DISTURBED OR THRUST BLOCKS CANNOT BE USED, AS DIRECTED BY THE ENGINEER.
2. ALL RODS, CLAMP METAL SHALL BE COATED WITH BLACK ASPHALTUM OR OTHER WATER RESISTANT APPROVED COATING.
3. CONCRETE THRUST BLOCKS FOUNDED BEHIND 3-WAY TEE & HYDRANT SHOE TO BE USED WITH SOCKET CLAMPS.
4. NO CONCRETE SHALL COVER PIPE JOINTS, FITTING JOINTS, BOLTS OR HYDRANT DRINGS.



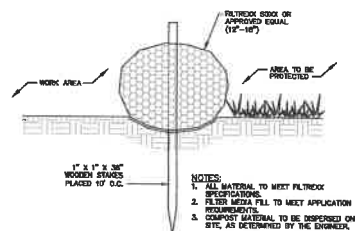
#### CONCRETE THRUST BLOCK FOR PRESSURE PIPE

SCALE: NONE



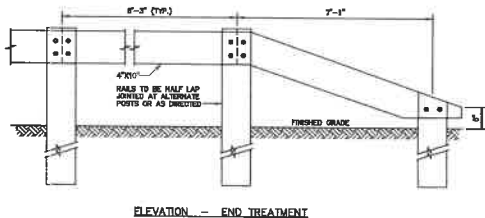
#### SINGLE FACE WOOD GUARD RAIL

SCALE: NONE



#### SILTSOXX COMPOST FILTER SOCK

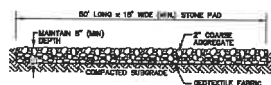
SCALE: NONE



#### ELEVATION - END TREATMENT

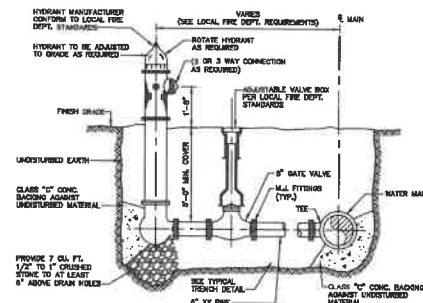
#### CONSTRUCTION NOTES:

1. WOOD RAILS AND POSTS TO BE SOUTHWEST YELLOW PINE STRUCTURAL GRADE OR BETTER.
2. THIMER PRESERVATIVE SHALL CONFORM TO THE REQUIREMENTS OF AGENTS 14-153 AND THE AMERICAN WOOD PRESERVATION ASSOCIATION STANDARDS OR CCA AND CCA. ANY CUTS MADE IN THE FIELD SHALL BE PAINTED WITH TWO BRUSH COATS OF THIMER PRESERVATIVE.



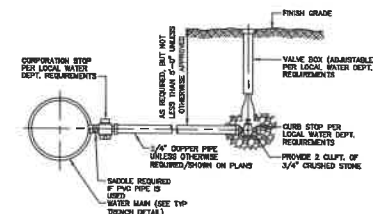
#### TEMPORARY CONSTRUCTION ENTRANCE

SCALE: NONE



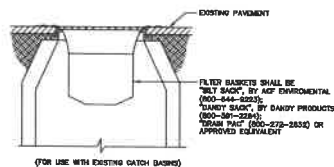
#### FIRE HYDRANT & VALVE

SCALE: NONE



#### WATER SERVICE CONNECTION

SCALE: NONE



NOTE:  
FILTER BASKETS TO BE PLACED IN ALL CATCH BASINS IN THE VICINITY OF NEW CONSTRUCTION. CATCH BASINS ARE TO BE PROTECTED AS SHOWN, WITH MINIMUM WEEKLY MAINTENANCE, OR AS REQUIRED AND REPLACED IF NECESSARY.

#### SEDIMENT FILTER INLET PROTECTION

SCALE: NONE



4/29/22

BRIAN G. YERGANIAN  
PROFESSIONAL ENGINEER

DATE

#### DEFINITIVE SUBDIVISION PLAN

532 MAIN STREET (ROUTE 130)

IN

MASHPEE  
MASSACHUSETTS  
(BARNSTABLE COUNTY)

DETAIL SHEET II

AUGUST 27, 2021

REVISED	DATE	BY	REASON
1	5/11/22	PER PLANNING BOARD	
2	4/29/23	ENGINEERING REVIEW	

PREPARED FOR:  
MARCELLO WALLEONI  
80 AIRPORT ROAD  
HYANNIS, MA 02601

**BSC GROUP**  
349 Main Street - Route 28  
West Yarmouth, Massachusetts  
02673

PH: 778.8919

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SCALE: NOT TO SCALE

FILE: Projects-10474\0474.DWG  
JOB: 10474.DWG  
SHEET 8 OF 8

**Fwd: 532 Main Street - Lot Creation**

Evan Lehrer &lt;ELeherer@mashpeema.gov&gt;

Fri 10/21/2022 10:00 AM

To: Jennifer M. Thomas &lt;jmthomas@mashpeema.gov&gt;

 1 attachments (142 KB)


272-49.JPG;

For the next packet. We should also create a page dedicated to this proposal to place all documents in one location. Let's discuss Monday.

Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)

---

**From:** Christopher Kirrane <ckirrane@dunningkirkane.com>**Sent:** Friday, October 21, 2022 9:58:21 AM**To:** Evan Lehrer <ELeherer@mashpeema.gov>**Subject:** 532 Main Street - Lot Creation

**Attention!:** : Links contained herein may not be what they appear to be. . Please verify the link before clicking! Ask IT if you're not sure.

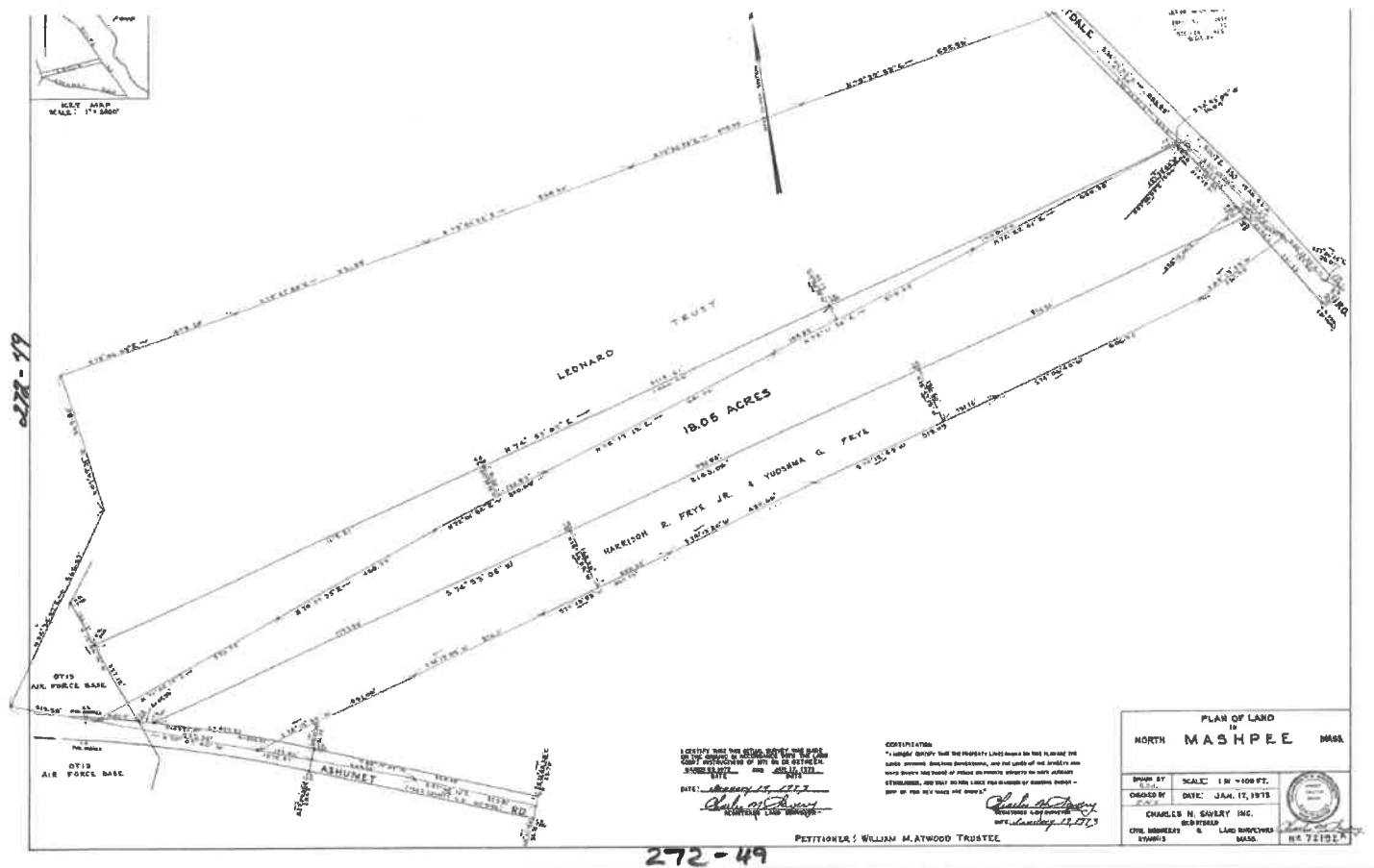
Dear Evan,

Attached is the plan that created the lot known as 532 Main Street. It was created in 1973 by a plan recorded in the Barnstable County Registry of Deeds, Plan Book 272, Page 49.

I don't know that it would still be necessary to escalate the 174-40 interpretation question to Town Counsel. The applicant is not challenging that the 200 feet applies to roads across the street. In this particular case because the lot was in existence before October 7, 1996 only the maximum feasible distance has to be maintained per 174-40.

Chris

Christopher J. Kirrane, Esq.  
Dunning, Kirrane, McNichols & Garner, LLP  
133 Falmouth Road  
P.O. Box 560  
Mashpee, MA 02649  
508-477-6500 ext. 241  
508-477-7633 (fax)  
[ckirrane@dunningkirkane.com](mailto:ckirrane@dunningkirkane.com)



May 17, 2022

Mashpee Planning Board

Mashpee, Massachusetts

Re: Proposed new curb cut at 532 Main Street – Route 130

Dear Planning Board Members

I have viewed the last two Planning Board meetings regarding the discussion about the proposed curb cut at 532 Main Street. My current understanding is that the proposed location would be 253 feet north of the intersection at Nicoletta's Way. A position has been forwarded that because the proposed curb cut is more than 200 feet north of Nicoletta's Way it complies with the Zoning By Law 174-40. For that to be true you would need to ignore the highlighted language in Evan Lehrer's May 2<sup>nd</sup> Memo. As the language states the 200-foot distance requirement includes intersections on said roadways, meaning adjacent intersections on Main Street – Route 130.

I suppose one could argue that it means intersections on the same side of the road, but that's not how it's written. Nor does ignoring adjacent intersections across the street and their traffic impacts make common sense.

I've attached several illustrations:

- **Exhibit A:** This shows the proposed location of the curb cut in relation to Nicoletta's Way. Note the intersections on the east side of Main Street. Baker's Road is directly aligned with the proposed curb cut.

**Exhibit B:** This shows the distance from the proposed curb cut to Sturgis Lane. 97.2 Feet is far less than the mandated 200 feet. Also note the bike and pedestrian crossing is situated between Baker's Road and Sturgis Lane. This frequently used crossing is already dangerous to use.

**Exhibit C:** This shows the distance of 200 feet south of the Sturgis Lane intersection and goes beyond the south boundary of the proposed subdivision.

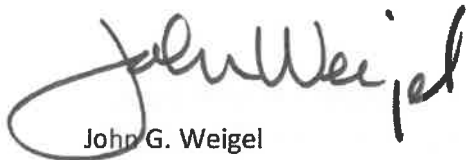
**Exhibit D:** This shows the distance of 200 feet north of the Sturgis Lane intersection and goes beyond the north boundary of the proposed subdivision.

It appears to me that the proposed curb cut has no compliant location along Main Street. It was said that there is an absolute right to provide a curb cut in the Main Street in support of the subdivision. I also challenge that assumption for reasons of public safety. As has been noted by me in a prior letter to the Planning Board and has been stated in public hearings, this section of Main Street is already dangerous enough.

In order to get a full understanding of the situation, I suggest that the Planning Board require a survey to be done on both sides of Main Street extending from 50 feet north of the Subdivision/Stonewood property line and extending to 50 feet south of the Nicoletta's Way intersection. The survey to include the proposed curb cut as it intersects Main Street and all the other driveways and intersections within that frontage. The survey should clearly stake the location the proposed curb cut so that Planning Board

Members, representatives of DPW and Police and Fire can tour the site and assess the situation. In addition, interested citizens can also see with their own eyes what's proposed. I am not a surveyor and although I believe my exhibits to be fairly accurate it's only fair to all involved that the conditions on the ground be professionally established.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "John Weigel". The signature is fluid and cursive, with a large loop at the beginning and a trailing flourish at the end.

John G. Weigel  
33 Sturgis Lane

## MEMORANDUM

To: Mashpee Planning Board  
From: Evan Lehrer, Town Planner  
Date: May 2, 2022  
Re: Zoning and other regulatory considerations for Leamar Drive Definitive

---

### Distance between Echo Road and Nicoletta's Way

Provided: 253.3' (Proposed to Nicoletta's)

### Subdivision Rules and Regulations:

*There shall not be less than 100' between the centerlines of any roadways (Street Design Standards: Plate #1)*

### Zoning Bylaw:

#### **174-40 Accessways in Non-Residential Districts:**

In the C-1, C-2, C-3 and I-1 zoning districts, there shall be required a minimum separation of two hundred (200') feet between the centerline of any accessway to Routes 28, 151 or 130 or to Great Neck Road North and any other such accessway or to the sideline of any street intersecting said roadways. Said minimum separation shall also be maintained between any accessway to a street intersecting said roadways and the sideline of said roadways.

### Curb Cut Permit Policy

A curb cut permit for a project that generates more than 30 vehicle trips per day may require additional technical review beyond that which the DPW Director normally provides. The technical consultant will review the application and propose potential mitigating measures.

### Local Comprehensive Plan

Requires project proponents to demonstrate, prior to any approvals before the Board, that there will be no degradation of traffic safety prior to the issuance of any approvals or permits.

Further, it requires that proponents demonstrate that the development will not degrade travel times, level of service, intersection delay, volume to capacity ratio, reserve capacity, or any other performance indicators for surrounding roadways.

Prohibits the development of new driveway curb-cuts on major roadways except where no feasible alternative site access is possible.





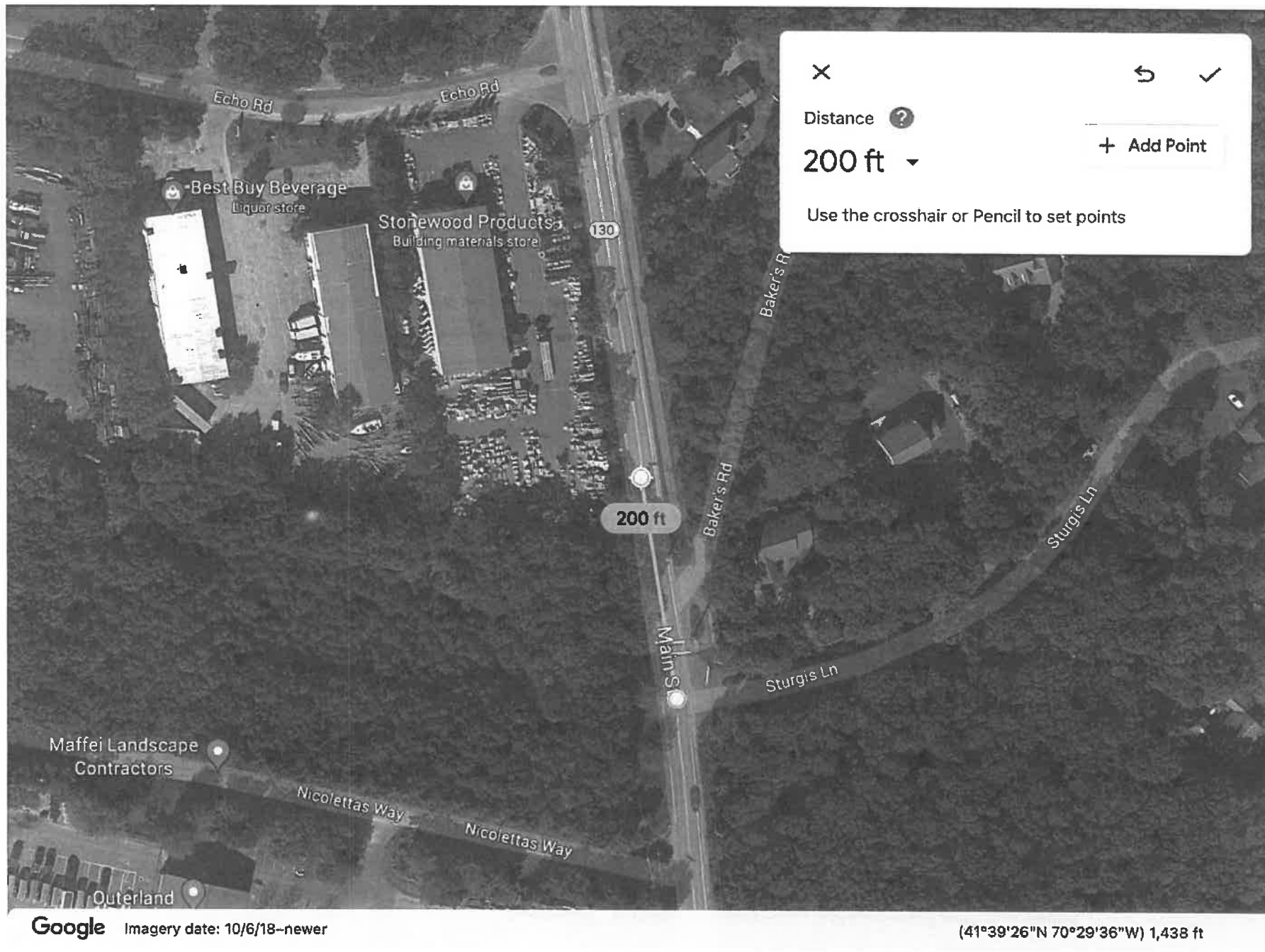
**EXHIBIT A:** Proposed Curb Cut 253 Feet from Nicoletta's Way. Directly across from the intersection with Bakers Road



**EXHIBIT B** The distance from proposed curb cut to the intersection of Sturgis Lane is 97.2 feet. Far less than the 200-foot minimum. Also note the pedestrian and bike crossing between Sturgis Lane and Baker Road.



**EXHIBIT C:** 200 feet south of the Sturgis Lane intersection. This location is beyond the southern boundary of the proposed subdivision



**EXHIBIT D:** 200 Feet north of the Sturgis Lane intersection is over the property line of the Stonewood Products property.



# *Town of Mashpee*

---

*16 Great Neck Road North  
Mashpee, Massachusetts 02649*

## **Mashpee Planning Board Public Hearing Notice**

Pursuant to Massachusetts General Laws, Chapter 41 Section 81T and the Mashpee Rules and Regulations Governing the Subdivision of Land, the Mashpee Planning Board will hold a public hearing on Wednesday, November 2, 2022 at 7:10 p.m. in the Event Room, at the Mashpee Public Library, at 64 Steeple Street, Mashpee, MA 02649, to consider an application made by Pleasantwood Homes, LLC for approval of a modification to Spring Hill West Definitive Subdivision Plan of land that would modify the lot lines of Lots 40, 41 and 42 to give adequate frontage for three new building lots proposed for incorporation into the subdivision. The three proposed lots to be created and incorporated into the cluster subdivision are on a parcel of land totaling 6.024 acres and is addressed as 20 Tudor Terrace (Assessor's Map 29 Block 198). This proposal will continue the cluster configuration of the existing subdivision and will add 2.49 acres of open space consistent with the requirements of the Mashpee Zoning Bylaw at the time of cluster subdivision's approval in 1989.

Plans may be reviewed in the offices of the Town Clerk or Town Planner at Mashpee Town Hall.

Submitted by

Mary E. Waygan, Chair  
Mashpee Planning Board

Publication dates:

Wednesday, October 19, 2022

Wednesday, October 26, 2022

MASHPEE TOWN CLERK  
OCT 14 '22 PM1:37



# *Town of Mashpee*

---

*16 Great Neck Road North  
Mashpee, Massachusetts 02649*

## **Mashpee Planning Board Public Hearing Notice**

Pursuant to Massachusetts General Laws, Chapter 40A, Section 9, the Mashpee Planning Board will hold a public hearing on Wednesday, November 2, 2022 at 7:15 PM in the Event Room, at the Mashpee Public Library, at 64 Steeple Street, Mashpee, MA 02649 to consider an application made by Pleasantwood Homes, LLC to modify a special permit approved October 6, 1989 that approved the creation of 45 single-family building lots in cluster configuration on 23.738 acres of land and preserved 17.153 acres of open space. The applicant seeks to modify the special permit decision to incorporate the additional three building lots proposed and further to recognize the modified layouts of lots 40, 41, and 42 as shown on the Spring Hill West Definitive Subdivision Plan

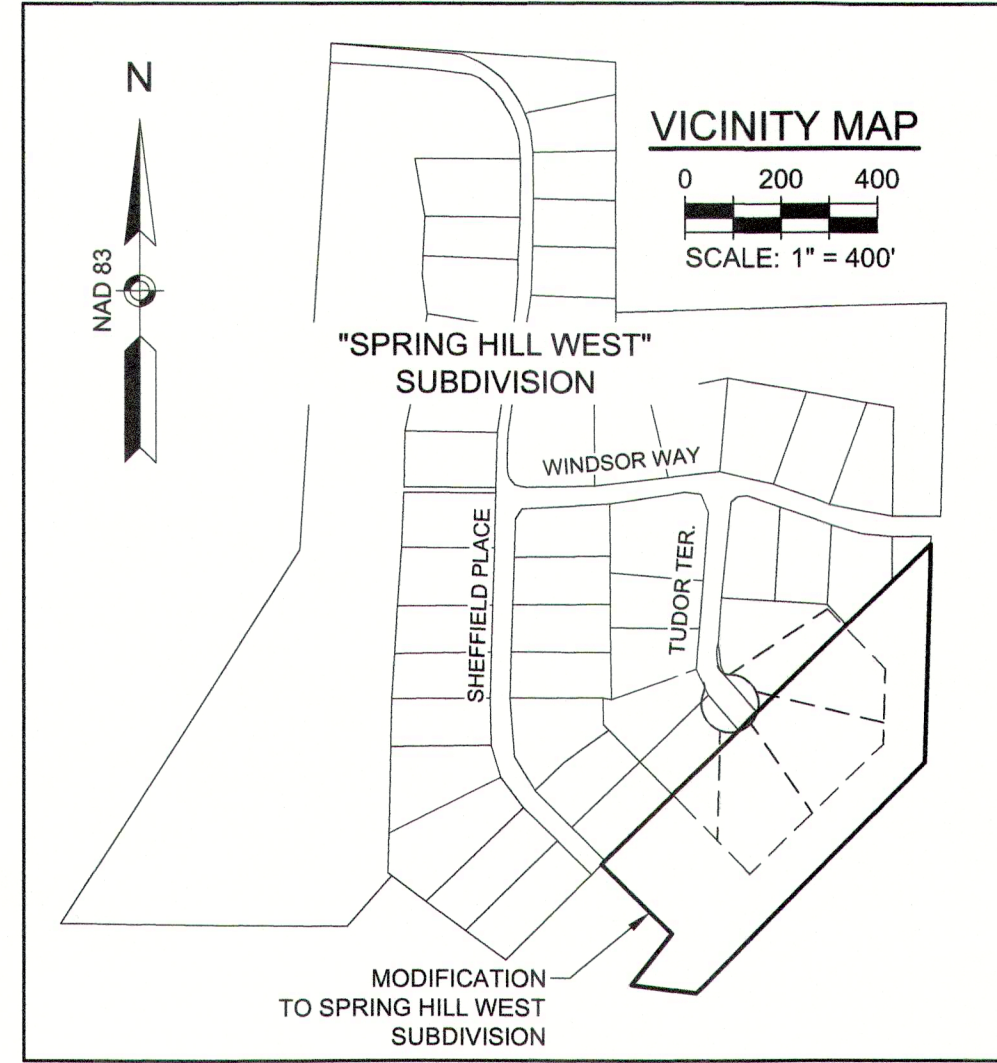
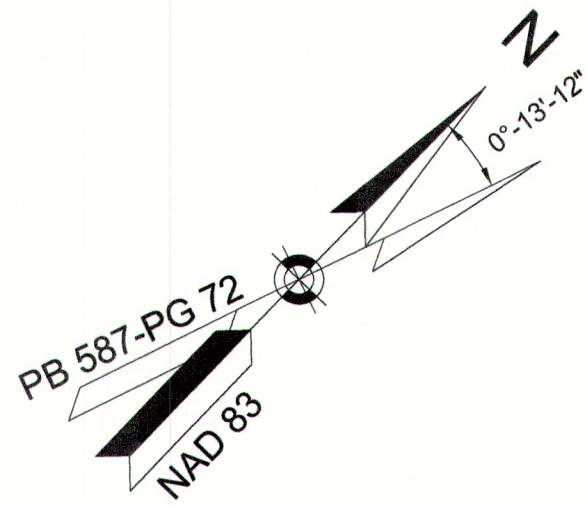
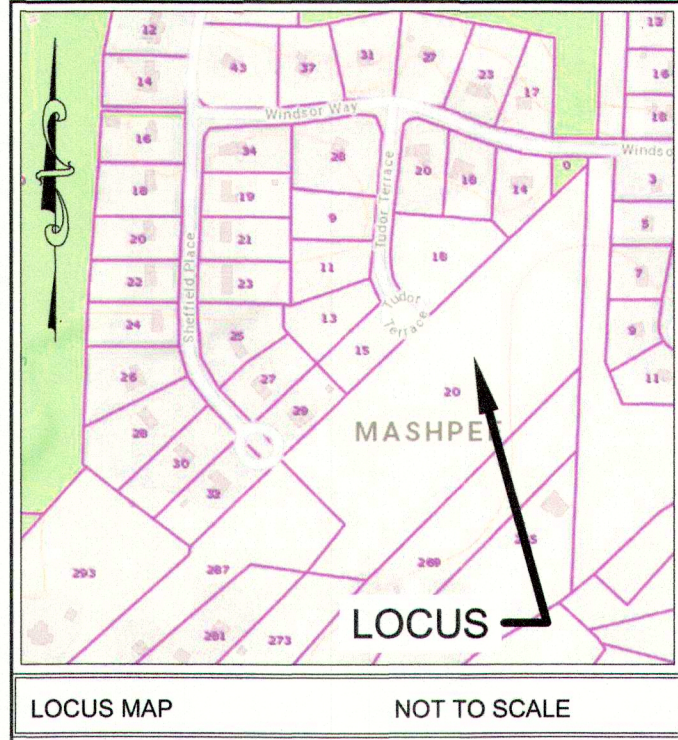
Submitted by  
Mary E. Waygan, Chair

### **Publication Dates**

Wednesday, October 19, 2022  
Wednesday, October 26, 2022

MASHPÉE TOWN CLERK  
OCT 14 '22 PM1:37





#### FOR REGISTRY USE ONLY

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

Matthew C. Costa 11-21-22  
MATTHEW C. COSTA P.L.S. DATE

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

Matthew C. Costa 11-21-22  
MATTHEW C. COSTA P.L.S. DATE

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

Matthew C. Costa 11-21-22  
MATTHEW C. COSTA P.L.S. DATE

#### GENERAL NOTES

LOCATIONS ARE BASED ON AN "ON THE GROUND" INSTRUMENT SURVEY AND ELEVATIONS BASED ON THE NAVD 1988 DATUM. COORDINATE SYSTEM USED IS THE MA-MAINLAND COORDINATE SYSTEM, DATUM: NAD 83, UNITS: U.S. SURVEY FEET.

ZONING DISTRICT: R-5

PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF MINIMAL FLOOD HAZARD ZONE X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 25001C058J, WITH A MAP EFFECTIVE DATE OF JULY 16, 2014.

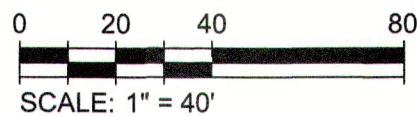
THIS LOT IS LOCATED WITHIN A DEP APPROVED ZONE II WELLHEAD PROTECTION AREA.

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

DEED REFERENCE: BOOK 34366 PAGE 213

PLAN REFERENCE: BOOK 587 PAGE 72  
BOOK 467 PAGE 89  
BOOK 669 PAGE 39

OWNER: DANIEL E. MARSTERS  
PLEASANTWOOD HOMES, LLC  
10 PLEASANTWOOD DRIVE  
FORESTDALE, MA 02644



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11/21/2022	REMOVE MAP 29 PARCEL 167 FROM MODIFICATION & REVISE LOT #S	JVB	MC
11/2/2022	REVISE LOT SIZES	JVB	MC
DATE	DESCRIPTION	BY	CHK

PREPARED FOR: DANIEL E. MARSTERS  
PLEASANTWOOD HOMES, LLC  
10 PLEASANTWOOD DRIVE  
FORESTDALE, MA 02644

PROJECT: 20 TUDOR TERRACE  
MASHPÉE, MASSACHUSETTS

SHEET NO.: 1 OF 1 DATE: AUGUST 31, 2022  
DRAWN BY: JVB CHECKED BY: MC

PREPARED BY:

**CAPE & ISLANDS ENGINEERING**  
SUMMERFIELD PARK  
800 FALMOUTH ROAD SUITE 301C 508.477.7272 PHONE  
MASHPÉE, MA 02649 508.477.9072 FAX www.CapeEng.com

DRAWING TITLE: DEFINITIVE SUBDIVISION PLAN  
TUDOR TERRACE

**LEGEND**

- CB CONCRETE BOUND FOUND
- CONCRETE BOUND TO BE SET
- SB STONE BOUND
- ROD CAP
- IRON PIPE
- DISTANCE TO SETBACK

#### CLUSTER FORMULA

	1989 APPROVED	2022 ADDITIONAL	2022 TOTAL
TOTAL AREA =	44.357 AC.	6.024 AC.	50.381 AC.
NO WETLANDS			
TOT. AREA OF ROADS =	3.274 AC.	0.000 AC.	3.274 AC.
USEABLE LAND =	41.073 A.	6.024 AC.	47.107 A.
TOTAL LOTS SHOWN	44		47
TOTAL AREA OF LOTS	23.738 AC	3.012 A.C.	26.750 AC
TOTAL OPEN SPACE	17.153 AC.	3.012 A.C.	20.165 AC.
PERCENTAGE OPEN =	39%		40%

THIS PLAN IS SUBJECT TO COVENANT DATED \_\_\_\_\_ AND ATTACHED HERETO.

#### CLERK'S CERTIFICATION

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

MASHPÉE TOWN CLERK DATE

#### PLAN PURPOSE

THE PURPOSE OF THIS PLAN IS TO MODIFY A PREVIOUSLY APPROVED DEFINITIVE SUBDIVISION PLAN ENTITLED "SPRING HILL WEST", APPROVED BY THE MASHPÉE PLANNING BOARD ON OCTOBER 4, 1989 AND RECORDED IN THE BARNSTABLE COUNTY REGISTRY DEEDS IN PLAN BOOK 467 PAGE 88.

APPROVED IN ACCORDANCE WITH THE SUBDIVISION CONTROL LAW.

MASHPÉE PLANNING BOARD

DATE APPROVED: \_\_\_\_\_

DATE SIGNED: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

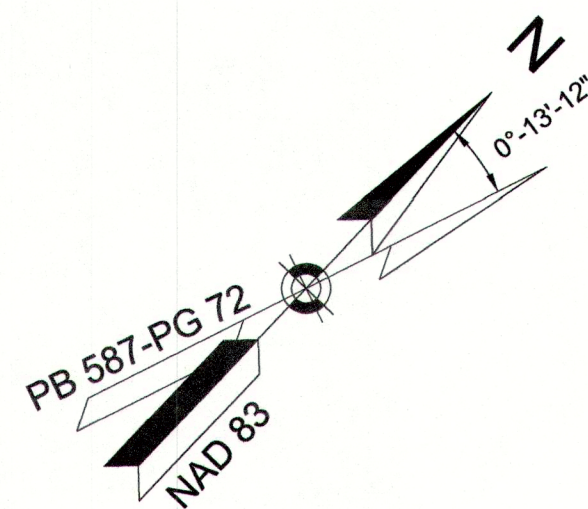
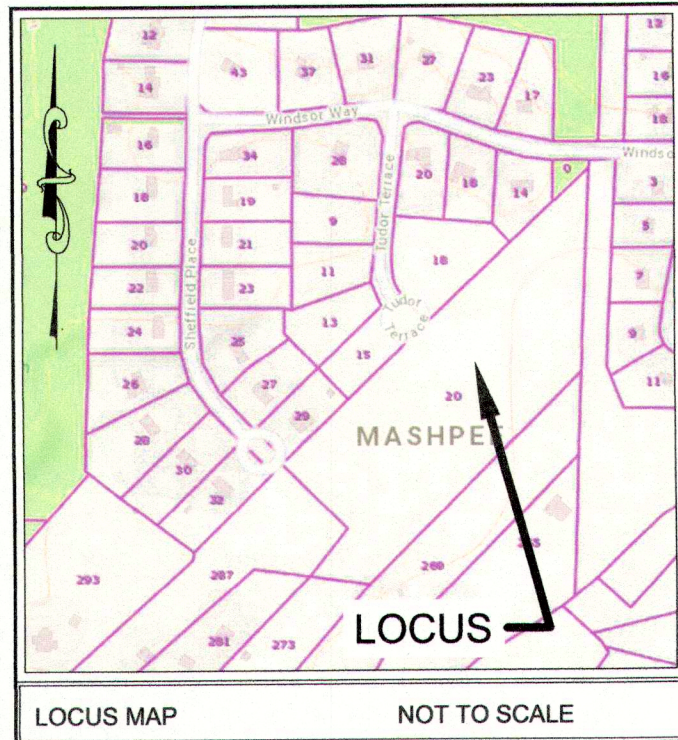
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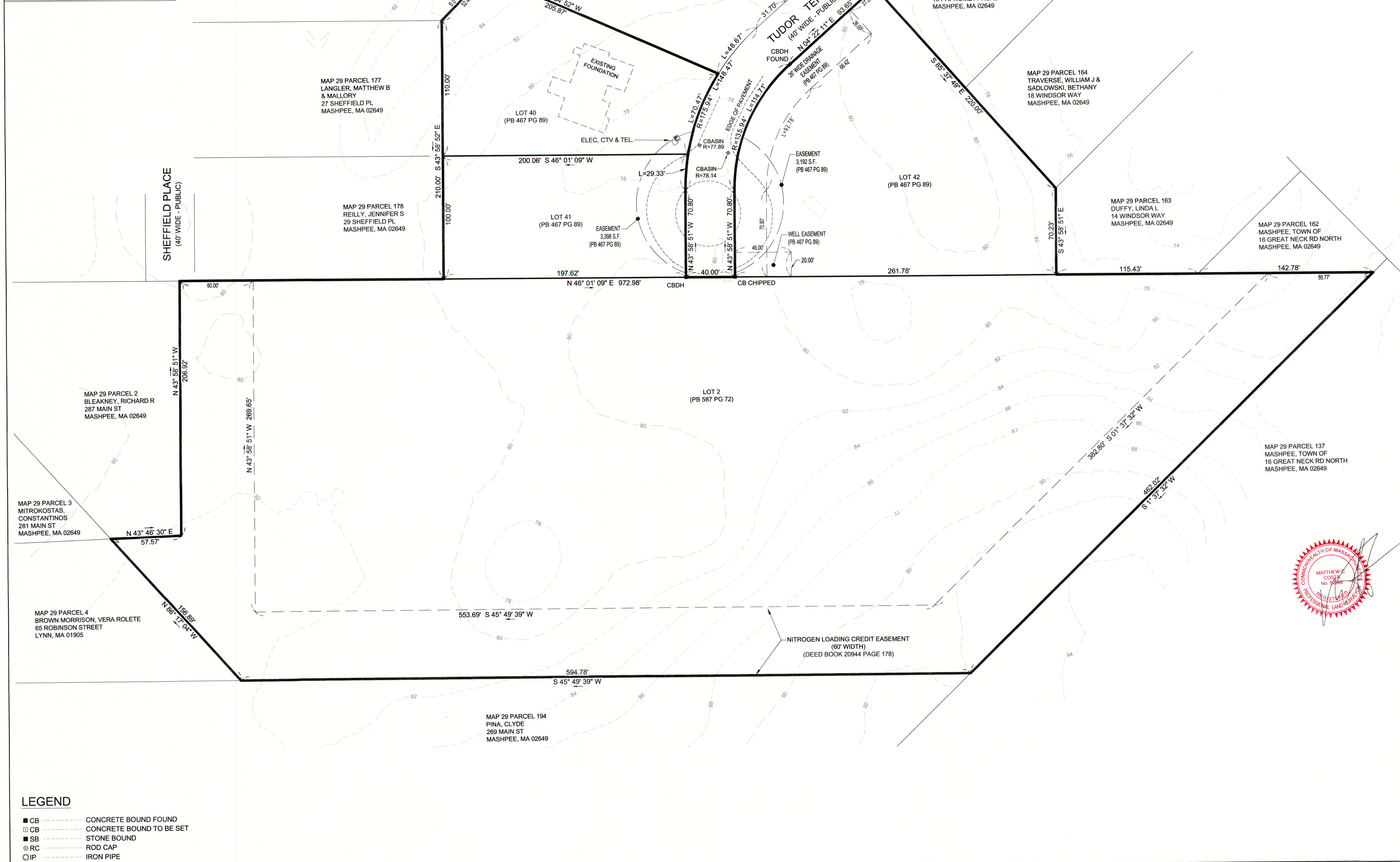
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LOCUS MAP NOT TO SCALE



**GENERAL NOTES**  
LOCATIONS ARE BASED ON AN "ON THE GROUND" INSTRUMENT SURVEY AND ELEVATIONS BASED ON THE NAVD 1988 DATUM. COORDINATE SYSTEM USED IS THE MA-MAINLAND COORDINATE SYSTEM, DATUM: NAD 83, UNITS: U.S. SURVEY FEET.

ZONING DISTRICT: R-5

PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF MINIMAL FLOOD HAZARD ZONE X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 25001C058J, WITH A MAP EFFECTIVE DATE OF JULY 16, 2014.

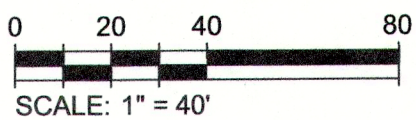
THIS LOT IS LOCATED WITHIN A DEP APPROVED ZONE II WELLHEAD PROTECTION AREA.

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

DEED REFERENCE: BOOK 34366 PAGE 213

PLAN REFERENCE: BOOK 587 PAGE 72

OWNER: DANIEL E. MARSTERS  
PLEASANTWOOD HOMES, LLC  
10 PLEASANTWOOD DRIVE  
FORESTDALE, MA 02644



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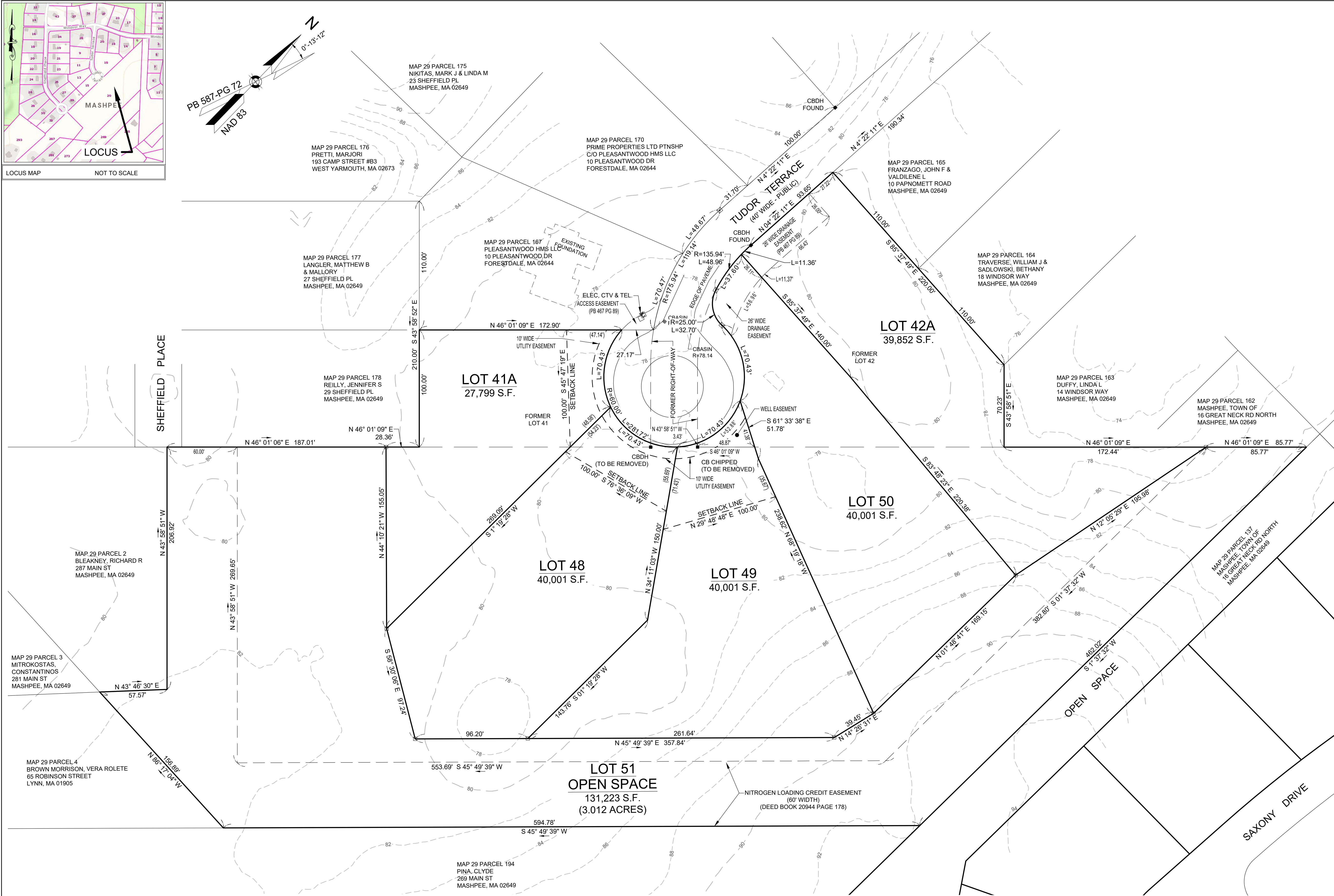
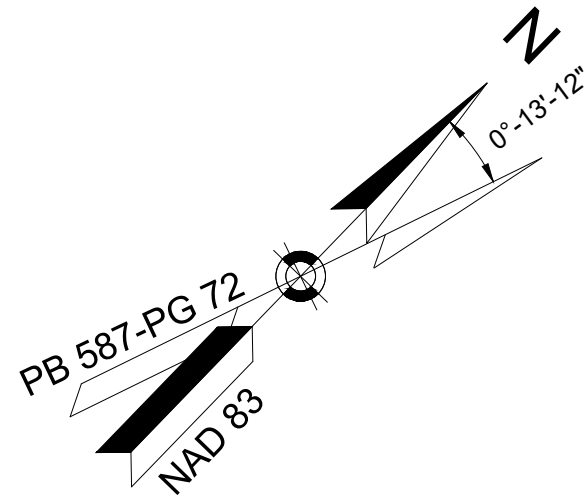
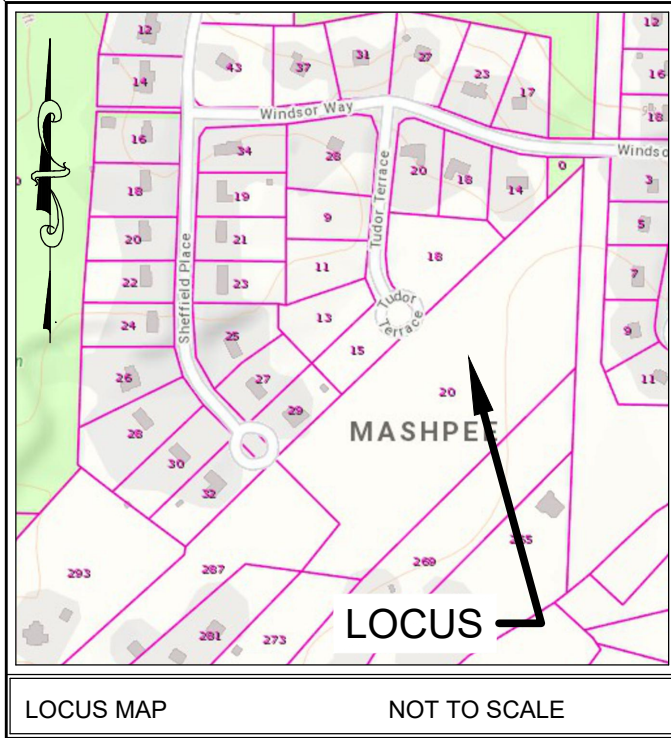
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DATE	DESCRIPTION	BY	CHK
PREPARED FOR:			
DANIEL E. MARSTERS PLEASANTWOOD HOMES, LLC 10 PLEASANTWOOD DRIVE FORESTDALE, MA 02644			
PROJECT:			
20 TUDOR TERRACE MASHPEE, MASSACHUSETTS			
SHEET NO.: 1 OF 1		DATE: MAY 23, 2022	
DRAWN BY: JVB		CHECKED BY: MC	
PREPARED BY:			
			
SUMMERFIELD PARK 800 FALMOUTH ROAD SUITE 301C MASHPEE, MA 02649		508.477.7272 PHONE 508.477.9072 FAX <a href="http://www.CapeEng.com">www.CapeEng.com</a>	
DRAWING TITLE:			
EXISTING CONDITIONS PLAN TUDOR TERRACE			

- LEGEND**
- CB CONCRETE BOUND FOUND
  - CB CONCRETE BOUND TO BE SET
  - SB STONE BOUND
  - RC ROD CAP
  - IP IRON PIPE





- LEGEND**
- CB ----- CONCRETE BOUND FOUND
  - CB ----- CONCRETE BOUND TO BE SET
  - SB ----- STONE BOUND
  - ⊙ RC ----- ROD CAP
  - IP ----- IRON PIPE



**GENERAL NOTES**  
LOCATIONS ARE BASED ON AN "ON THE GROUND" INSTRUMENT SURVEY AND ELEVATIONS BASED ON THE NAVD 1988 DATUM. COORDINATE SYSTEM USED IS THE MA-MAINLAND COORDINATE SYSTEM, DATUM: NAD 83, UNITS: U.S. SURVEY FEET.

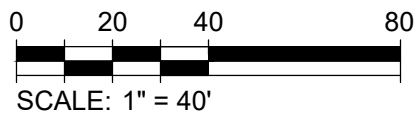
ZONING DISTRICT: R-5  
PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF MINIMAL FLOOD HAZARD ZONE X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 25001C058J, WITH A MAP EFFECTIVE DATE OF JULY 16, 2014.

THIS LOT IS LOCATED WITHIN A DEP APPROVED ZONE II WELLHEAD PROTECTION AREA.

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

DEED REFERENCE: BOOK 34366 PAGE 213  
PLAN REFERENCE: BOOK 587 PAGE 72

OWNER: DANIEL E. MARSTERS  
PLEASANTWOOD HOMES, LLC  
10 PLEASANTWOOD DRIVE  
FORESTDALE, MA 02644



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11-2-2022	REVISE LOT SIZES	JVB	MC
DATE	DESCRIPTION	BY	CHK

PREPARED FOR: DANIEL E. MARSTERS  
PLEASANTWOOD HOMES, LLC  
10 PLEASANTWOOD DRIVE  
FORESTDALE, MA 02644

PROJECT: 20 TUDOR TERRACE  
MASHPEE, MASSACHUSETTS

SHEET NO.: 1 OF 1  
DRAWN BY: JVB  
CHECKED BY: MC

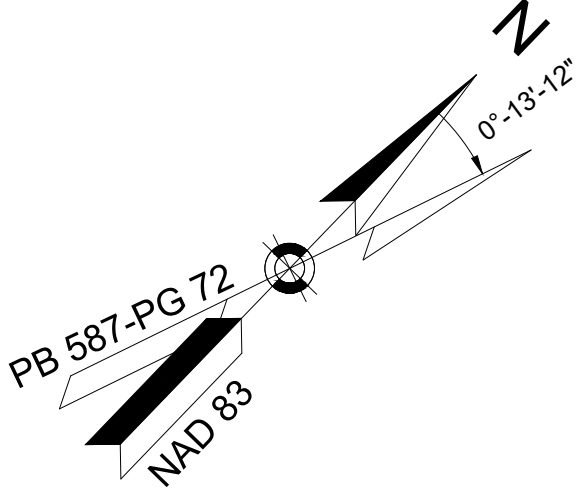
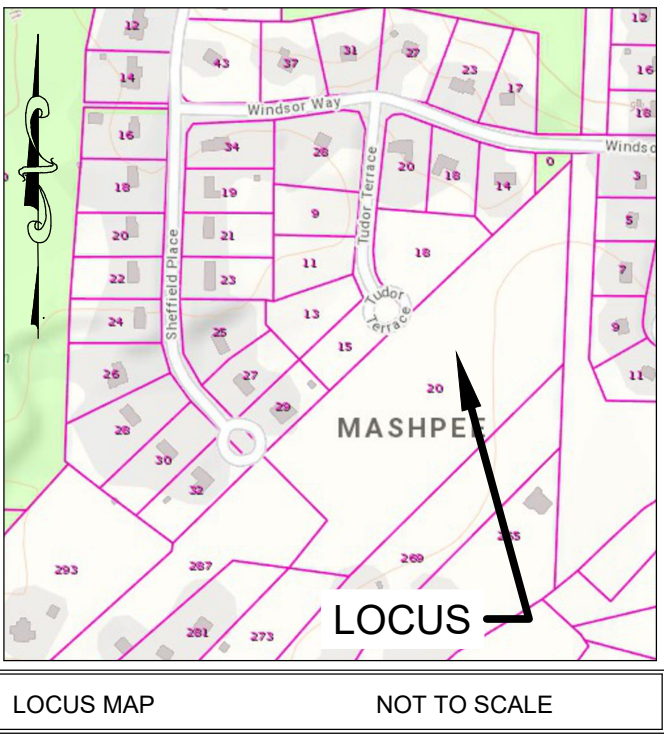
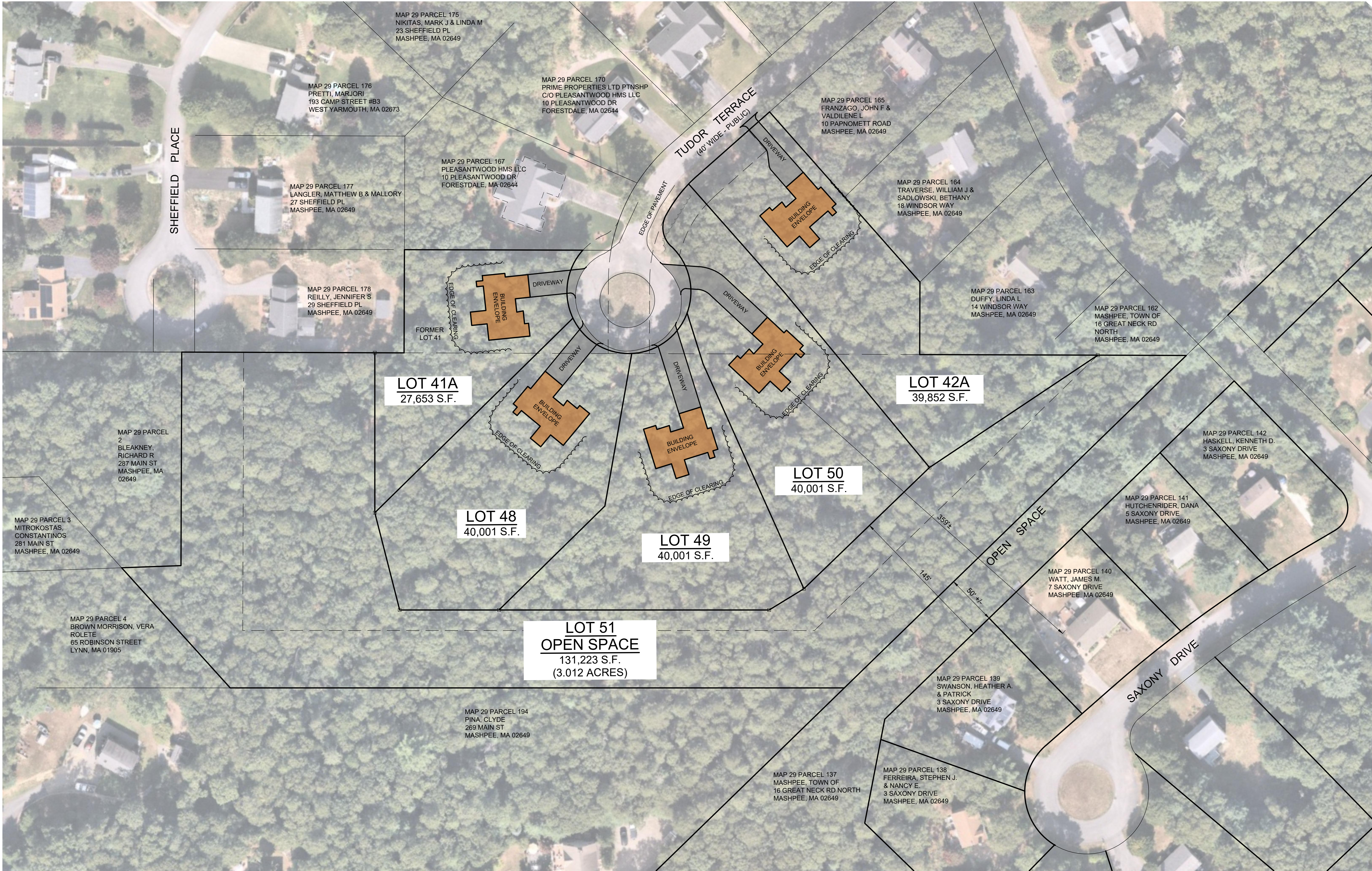
PREPARED BY:



SUMMERFIELD PARK  
800 FALMOUTH ROAD SUITE 301C 508.477.7272 PHONE  
MASHPEE, MA 02649 508.477.9072 FAX www.CapeEng.com

DRAWING TITLE: TOPOGRAPHIC PLAN  
TUDOR TERRACE





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DATE	DESCRIPTION	BY	CHK
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PREPARED FOR:  
DANIEL E. MARSTERS  
PLEASANTWOOD HOMES, LLC  
10 PLEASANTWOOD DRIVE  
FORESTDALE, MA 02644

PROJECT:  
20 TUDOR TERRACE  
MASHPEE, MASSACHUSETTS

SHEET NO.: 1 OF 1 DATE: NOVEMBER 28, 2022

DRAWN BY: WNH CHECKED BY: MD

PREPARED BY:

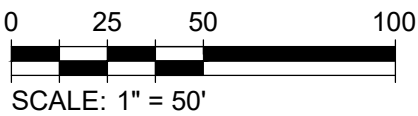
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800 FALMOUTH ROAD SUITE 301C 508.477.7272 PHONE  
MASHPEE, MA 02649 508.477.9072 FAX www.CapeEng.com

DRAWING TITLE:

BUILDING ENVELOPE AND AERIAL EXHIBIT

ASSESSORS INFORMATION: MAP 29 PARCEL 198



TUDORTERRACE\_20\_MARSTERS\_DEFIN 50%




## Fw: Review of the Revised Tudor Terrace

Evan Lehrer <ELehrer@mashpeema.gov>

Wed 12/21/2022 9:11 AM

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

 2 attachments (1,012 KB)

TUDORTERRACE\_20\_MARSTERS\_DEFIN 50%-12-21-22 (3).pdf; TUDORTERRACE\_20\_MARSTERS\_DEFIN 50%-12-21-22.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:** Mark Dibb <mdibb@capeeng.com>

**Sent:** Wednesday, December 21, 2022 9:04 AM

**To:** Edward Pesce <ed@pesceeng.com>

**Cc:** Evan Lehrer <ELehrer@mashpeema.gov>; Christopher Kirrane <ckirrane@dunningkirkane.com>

**Subject:** Re: Review of the Revised Tudor Terrace

**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.

Morning All,

Ed and I reviewed the project on a zoom call yesterday.

The discussions resulted in 3 minor additions to the plan. Attached are the two plans with the changes.

Definitive plan - added the 3 nitrogen loading SF numbers. Lot 41A, Lot 42A, and the parcel itself, all with the original deed reference. No change to the nitrogen loading document.

Topographic plan - added the Cross section showing the driveways pitching away from Tudor (and the note requiring drainage if it cannot be pitched away), added a roof drain detail and requirement note.

One additional condition for the permit - Applicant to Conduct a stormwater Inspection of the existing system in Tudor Terrace cul-de-sac, pump-out all Catch Basins, and provide a letter stating that this

was performed.

Mark

\*\*\*\*\*

Mark Dibb, P.E.

*Senior Project Engineer*

**CAPE & ISLANDS ENGINEERING, INC.**

800 Falmouth Road, Suite 301C

Mashpee, MA 02649

508.477.7272 (phone) 508.477.9072 (fax)

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\*\*\*\*\*

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Thank you.

On Mon, Dec 19, 2022 at 5:29 PM Edward Pesce <[ed@pesceeng.com](mailto:ed@pesceeng.com)> wrote:

Hi Mark,

Do you have time for a quick Zoom call tomorrow to go over Tudor Terrace? From my review of your latest plans, I still have the following comments:

1. I mentioned during the last hearing that I recommended a couple items to allow for the protection of the existing drainage system in Tudor Terrace:
  - a. Conduct a stormwater inspection of the existing system in the Tudor Terr. cul-de-sac, pump-out all Catch Basins, and provide a letter stating that this was performed.
  - b. Provide a roof drain detail, and or, a note requiring all roofs be provided with gutters & downspouts, and be connected to subsurface drywells/leaching systems
  - c. Provide proposed grading plan showing that the proposed runoff from Driveways will not flow to, or contribute to the Tudor Terr. system (all runoff flow from new driveways to be contained on each lot)
2. An explanation of the Nitrogen Loading Credit Easement Area, and how it corresponds to the area shown in Lot 51:
  - a. I previously read the "Grant of Title 5 Nitrogen Loading Restriction and Easement" and mentioned that it referred to a maximum of 28 bedrooms on page 1, and 31 bedrooms on page 3? Has the total number of bedrooms that were built been confirmed?
  - b. It seems clear that the attached N2 Aggregation Plan explains which lots benefit from the 77,019 SF Nitrogen Loading Credit Land Provided – OK good, but what about new lots created

Additional Comments:

- Add the Nitrogen Loading Credit Area amount (SF) to Lot 51 (to be consistent with the attached Sep. 2004 N2 Agg. Plan)
- Recommend adding a driveway detail showing the design cross-section, and showing a minimum 5' pavement length from the edge of pavement at Tudor Terr. (to allow for a proper transition from the pavement, if materials other than pavement are used for the driveway (gravel, cobblestone, pavers, etc.)

Let me know if you are free in the monring (10-12?)

Thanks mark,

ED

---

***Edward L. Pesce, P.E., LEED<sup>®</sup> AP***

***Pesce Engineering & Associates, Inc.***

43 Porter Lane

West Dennis, MA 02670

*(A Veteran Owned Small Business)*

Cell: 508-333-7630

[Ed@PesceEng.com](mailto:Ed@PesceEng.com)

Massachusetts (508) 452-2200 • Fax: (508) 452-2201 • www.mass.gov

Page 2  
Spring Hill West Subdivision  
December 20, 2022

Condition No. 2:

Condition No. 2 required cooperation between the applicant and the Town on improvements to David's Way.

The developer cannot affirm whether this condition was complied with, but given that building permits and covenant releases were issued, the applicant assumes the original developer complied with this condition.

Condition No. 3:

Condition No. 3 prohibits alteration or relocation of drainage easements or facilities.

This applicant is not proposing any alteration or relocation of drainage easements or facilities.

Condition No. 4:

Condition No. 4 prohibits construction activities between 5 pm and 8 am on weekdays; before 8 am and after noon on Saturday, Sundays, and holidays.

The applicant agrees to the hour restrictions for construction activities.

Condition No. 5:

Condition No. 5 required a Homeowner's Association to conduct periodic water quality sampling.

The applicant has no actual knowledge as to whether sampling has occurred. That being said, it is the applicant's understanding the Town has no record of any sampling being performed. Furthermore, the applicant is unaware of an existing homeowner's association whose responsibility per the Special Permit it is to conduct such samplings.



The applicant requests that no additional future testing be required because the original homeowner's association is defunct and the proposed new lots will be providing a minimum of 10,000 s.f. of lot area per bedroom as required by Title 5 for nitrogen sensitive areas. The lots as proposed will meet the very strict requirements of Zone II and nitrogen loading and should not have any significant adverse effect on groundwater.

Condition No. 6:

Condition No. 6 required the establishment of a homeowner's association.

A homeowner's association was established in 1990, however, it provided no mechanism for the extension of the restrictive covenants and by law have lapsed. Unfortunately, the applicant has no ability to revive the homeowner's association and a renewed homeowner's association could only be established by the homeowner's within the subdivision.

Condition No. 7:

Condition No. 7 requires all surface debris, waste or discarded materials be removed from site prior to construction.

All surface debris, waste or discarded materials will be removed from the site prior to construction.

Condition No. 8:

Condition No. 8 required the project to be developed over five (5) years.

To the best of applicant's knowledge, the majority of the project was developed over five (5) years. The applicant's development is outside that five (5) year time frame and would ask the Board to waive Condition No. 8.

Condition No. 9:

Condition No. 9 requires all necessary permits be obtained before commencing work.

Applicant states that to the extent they may be required, all permits will be obtained prior to commencing work.

Condition No. 10:

Condition No. 10 prohibits development of the lots in any way other than for single family homes and accessory structures.

The applicant is only proposing single family homes

Condition No. 11:

Condition No. 11 requires all construction personnel to be familiar with M.G.L. c 38, Section 6B regarding the discovery of human remains.

The applicant is familiar with M.G.L. C. 38, Section 6B.

Condition No. 12:

Condition No. 12 requires that the boundaries of the open space be marked prior to construction and with stone or concrete boundary monuments.

The applicant intends to install concrete boundary monuments to mark the boundary of the open space. Said markers are shown on the revised plan.

Condition No. 13:

Condition No. 13 requires the proper disposal of stumps, construction debris, hazardous materials and water waste and report back to the Board of Health.

The applicant cannot affirm whether this condition has been complied with over the history of the development. As to the lots that the applicant is proposing to develop the applicant will properly dispose of all stumps, construction debris, hazardous materials and water waste.

Condition No. 14:

Condition No. 14 prohibits the disposal of household waste into individual septic systems.

Page 5  
Spring Hill West Subdivision  
December 20, 2022

The applicant cannot affirm whether this condition has been complied as the applicant has no control over individual homeowner activity. As to the properties the applicant has proposed to develop, the applicant can advise prospective purchasers of this condition. The applicant could add the following language to the deeds out:

Subject to the terms and provisions of the Special Permit dated October 4, 1989 and recorded in Barnstable County Registry of Deeds in Book 8701, Page 212, as modified, which Special Permit specifically prohibits the dumping of household hazardous waste into septic systems, and requires that any fertilizers and pesticides used shall be of a type approved by the Town of Mashpee Board of Health.

Condition No. 15:

Condition No. 15 prohibits the use of de-icing chemicals other than sand or a sand-calcium chloride mixture on driveways and roads.

The applicant cannot affirm whether this condition has been complied with as the applicant has no control over individual homeowner activity. As to the properties the applicant proposes to develop, the applicant can advise prospective purchasers of this condition.

Condition No. 16:

Condition No. 16 required oil/gas separators in all catch basins and annual cleaning.

The applicant's engineers found oil/gas separators in each catch basin. The town is responsible for catch basin maintenance.

Condition No. 17:

Condition No. 17 required that all fertilizers and pesticides used are of a type approved by the Board of Health.

The applicant will make prospective purchasers aware of this condition. The applicant could add the following language to the deeds out:

Subject to the terms and provisions of the Special Permit dated October 4, 1989 and recorded in Barnstable County Registry of Deeds in Book 8701, Page 212, as modified, which Special Permit specifically prohibits the dumping of household hazardous waste into septic systems, and requires that any fertilizers and pesticides used shall be of a type approved by the Town of Mashpee Board of Health.

Condition No. 18:

Condition No. 18 requires deed restrictions limiting the size of lawns to be no more than 1,000 sq. ft.

A review of conditions on the ground indicate that most, if not all, homes have lawns at greater than 10,000 sq. ft. The applicant is proposing lawns greater than 1,000 sq. ft. and would request that the Board waive this condition in consideration of the purchase shellfish stock and/or additional conditions as follows:

Lawn specifications shall comply with the following standards:

- A. Depth of loam for a new lawn shall be a minimum of 6 inches. This will reduce the potential for nutrients to leach through the soil.

All application of nitrogen and/or phosphorus to turf shall comply with the following standards:

A. The application of nitrogen is prohibited between October 30<sup>th</sup> and April 14<sup>th</sup>. The application of phosphorous or Phosphorus Containing Fertilizer, with or without nitrogen, is prohibited in all circumstances between December 1<sup>st</sup> and March 1<sup>st</sup>.

B. No person shall cause nitrogen and/or phosphorus from any fertilizer application to apply to, or otherwise be deposited on any impervious surface including parking lot, driveway, roadway, sidewalk, frozen soil or ice. Any fertilizer applied, spilled, and/or deposited on any impervious surface, either intentionally or accidentally, must be immediately and completely removed and contained and either legally applied to turf or any other legal site or returned to an appropriate container.

C. No person shall apply nitrogen and/or phosphorus twenty four (24) hours before or during a heavy rain event or apply nitrogen and/or phosphorus onto saturated ground. An application of nitrogen and/or phosphorus should be watered in with not more than one quarter (0.25") inch of irrigation or natural rain within the next twenty four (24) hour period.

D. No person may purchase and apply, or authorize any person, by way of service contract or other arrangement, to apply any phosphorus containing fertilizer on lawn or nonagricultural turf, except when:

- 1) a soil test taken not more than three (3) years before the application indicates that additional phosphorus is needed for growth of that lawn or non-agricultural turf; or

2) the phosphorus containing fertilizer is used to establish new lawn or non-agricultural turf on bare ground or as part of renovation of a lawn or non-agricultural turf area. The use of phosphorus for the purposes of establishing a new lawn or nonagricultural turf area, or for renovating an existing lawn or non-agricultural turf is limited to the first (1<sup>st</sup>) growing season.

3) If the soil test indicates that additional phosphorus is needed for growth of a lawn or non-agricultural turf, application of additional phosphorus shall not exceed the UMass Guidelines.

4) Any person who applies phosphorus containing fertilizer, shall maintain records for three (3) years of each application made. The following information shall be recorded, when applicable:

- (a) Name of applicator;
- (b) Date of application;
- (c) Address or location description of the application site;
- (d) Soil test results for management units;
- (e) Type and amount of phosphorus containing fertilizer applied.

E. Calibrate fertilizer spreader prior to each use to improve accuracy of desired application rate.

F. Minimize storage of fertilizers outdoors. Storage of fertilizers outdoors is currently prohibited in the Groundwater Protection District.

Page 9  
Spring Hill West Subdivision  
December 20, 2022

G. A subdivision plan shall comply with loading rates from lawn fertilizers as specified in the Zoning Bylaws (§174-27).

Condition No. 19:

Condition No. 19 prohibits the installation of underground storage tanks:

This applicant cannot speak to compliance as to all lots in the subdivision but states that as to the lots they have developed and propose to be developed, no underground storage tanks have been installed or are being proposed.

**WOODS ROAD**

The Board requested that the applicant determine the status of Woods Road which is shown on the approved Subdivision Plan. Per the subdivision Plan and the Town's Assessor's Map, this Way begins in what is currently open space and is shown intersecting 13 Sheffield Place, 20 Sheffield Place, 43 Windsor Way and 37 Windsor Way, all lots which have been developed with single family homes. The Way is shown passing over open space and terminates at the boundary line of 6 Sheffield Place. There appears to be no access to the Way from a public or private road and simply terminates within the existing subdivision.

**1988 ZONING v. PRESENT DAY ZONING**

Finally, the Board requested an overview of the relevant zoning applicable to this project. When the project was approved, it was subject to the 1988 Zoning By-Law. Section 9.4 of the 1988 Zoning By-Law set forth the provisions for Cluster Developments. Section 9.4 required a minimum 75 feet of frontage and minimum lot width of one (100) hundred feet. For lots on a curve the minimum lot frontage was 60 feet. Moreover, the Planning Board

Page 10  
Spring Hill West Subdivision  
December 20, 2022

could grant a Special Permit in which some or all of the lots did not meet lot area, frontage, setback or yard requirements provided there was a finding that the public good would be served. The proposed lots meet the frontage requirements as they were set forth in the 1988 Zoning By-Law.

Pursuant to today's Zoning By-Law minimum lot frontage is 150 ft. and minimum lot coverage is 80,000 sq. ft. For lots on a curve such as the ones proposed pursuant to the application frontage is measured from the side yards at the minimum setback line (40ft.) These lots do not meet the minimum frontage requirements. Pursuant to Section 174-47 (B)(5) the Board may, in its sole discretion, set the schedule of lot area, frontage, setback and dimensional regulations. To that end, the applicant would ask the Board to set a minimum lot area of 25,000 sq. ft. and minimum lot frontage of 65 ft.

Again, thank you for consideration of this application and I look forward to seeing everyone at Wednesday's hearing.

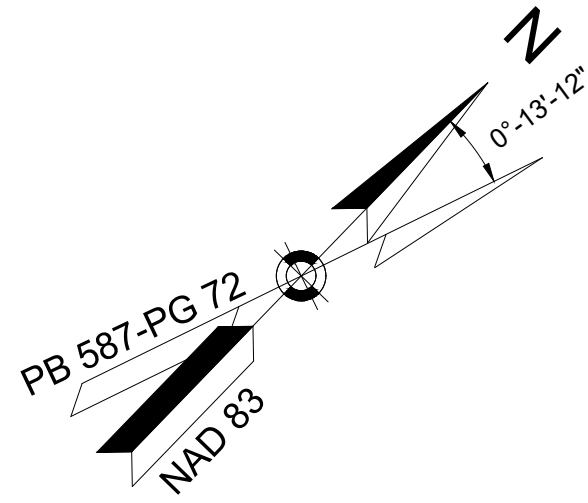
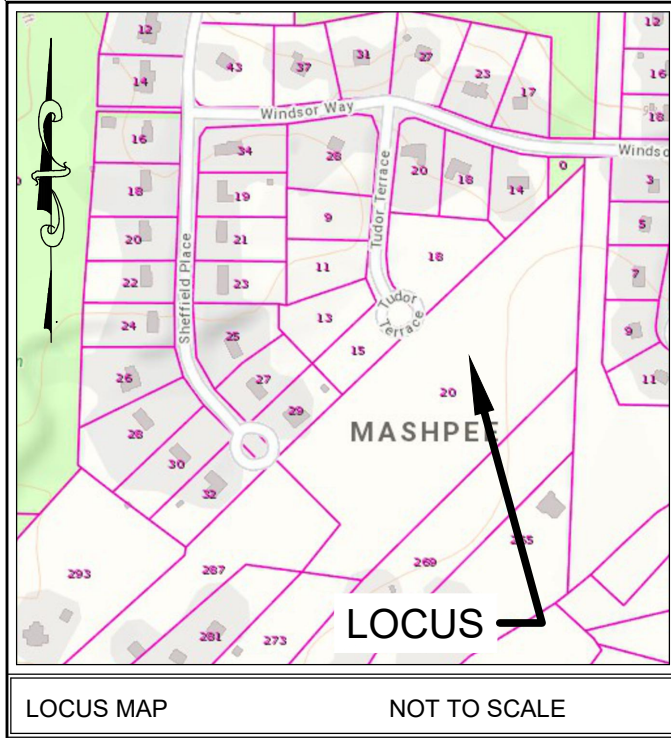
Very truly yours,



Christopher J. Kirrane

CJK:amb





MAP 29 PARCEL 176  
PRETTI, MARJORI  
193 CAMP STREET #B3  
WEST YARMOUTH, MA 02673

MAP 29 PARCEL 175  
NIKITAS, MARK J & LINDA M  
23 SHEFFIELD PL  
MASHPEE, MA 02649

MAP 29 PARCEL 170  
PRIME PROPERTIES LTD PTNSHP  
C/O PLEASANTWOOD HMS LLC  
10 PLEASANTWOOD DR  
FORESTDALE, MA 02644

MAP 29 PARCEL 167  
PLEASANTWOOD HMS LLC  
10 PLEASANTWOOD DR  
FORESTDALE, MA 02644

MAP 29 PARCEL 177  
LANGLER, MATTHEW B  
& MALLORY  
27 SHEFFIELD PL  
MASHPEE, MA 02649

MAP 29 PARCEL 178  
REILLY, JENNIFER S  
29 SHEFFIELD PL  
MASHPEE, MA 02649

MAP 29 PARCEL 2  
BLEAKNEY, RICHARD R  
287 MAIN ST  
MASHPEE, MA 02649

MAP 29 PARCEL 3  
MITROKOSTAS,  
CONSTANTINOS  
281 MAIN ST  
MASHPEE, MA 02649

MAP 29 PARCEL 4  
BROWN MORRISON, VERA ROLETE  
65 ROBINSON STREET  
LYNN, MA 01905

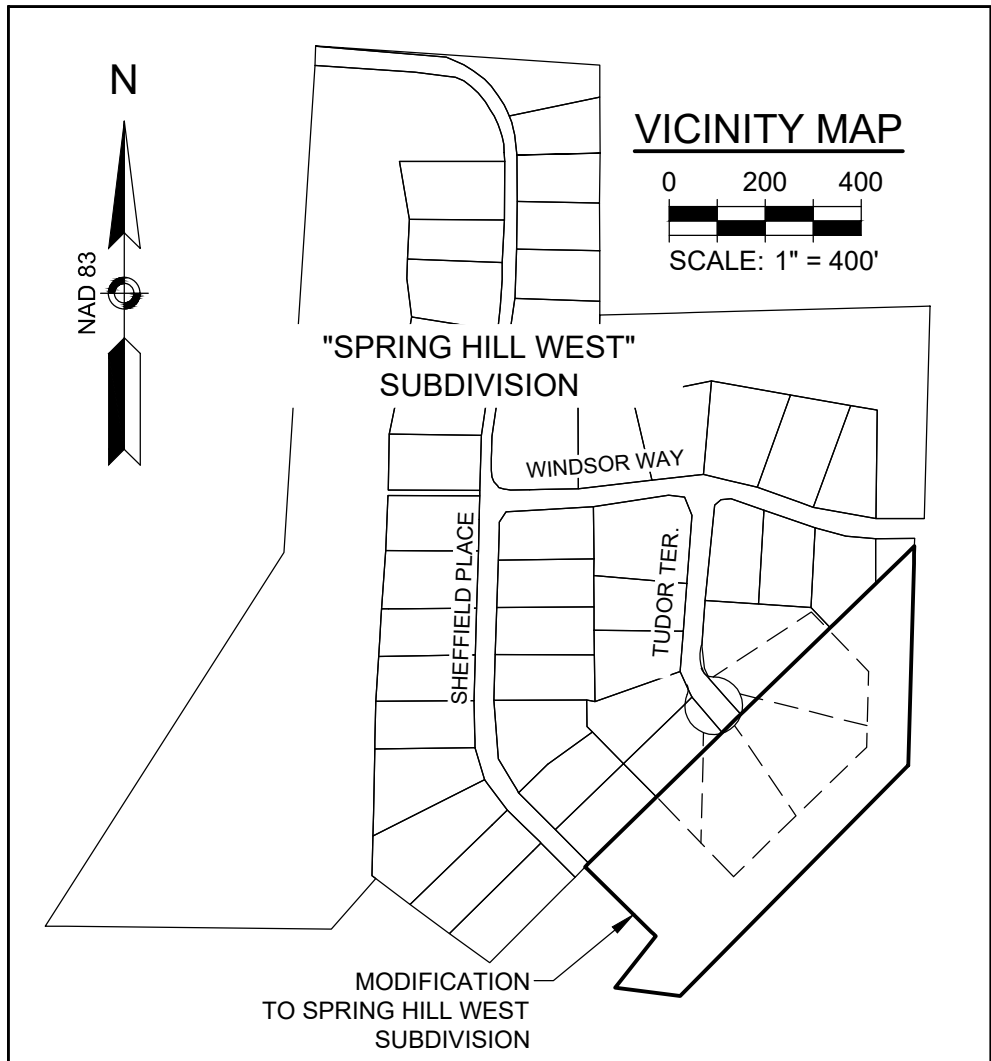
MAP 29 PARCEL 194  
PINA, CLYDE  
269 MAIN ST  
MASHPEE, MA 02649

MAP 29 PARCEL 165  
FRANZAGO, JOHN F &  
VALDILENE L  
10 PAPNOMETT ROAD  
MASHPEE, MA 02649

MAP 29 PARCEL 164  
TRAVERSE, WILLIAM J &  
SADLOWSKI, BETHANY  
18 WINDSOR WAY  
MASHPEE, MA 02649

MAP 29 PARCEL 163  
DUFFY, LINDA L  
14 WINDSOR WAY  
MASHPEE, MA 02649

MAP 29 PARCEL 162  
MASHPEE, TOWN OF  
16 GREAT NECK RD NORTH  
MASHPEE, MA 02649



#### FOR REGISTRY USE ONLY

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

MATTHEW C. COSTA P.L.S. DATE

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

MATTHEW C. COSTA P.L.S. DATE

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

MATTHEW C. COSTA P.L.S. DATE

#### GENERAL NOTES

LOCATIONS ARE BASED ON AN "ON THE GROUND" INSTRUMENT SURVEY AND ELEVATIONS BASED ON THE NAVD 1988 DATUM. COORDINATE SYSTEM USED IS THE MA-MAINLAND COORDINATE SYSTEM, DATUM: NAD 83, UNITS: U.S. SURVEY FEET.

ZONING DISTRICT: R-5

PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF MINIMAL FLOOD HAZARD ZONE X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 25001C058J, WITH A MAP EFFECTIVE DATE OF JULY 16, 2014.

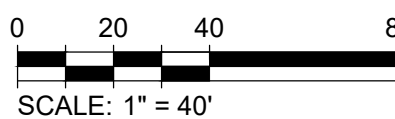
THIS LOT IS LOCATED WITHIN A DEP APPROVED ZONE II WELLHEAD PROTECTION AREA.

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

DEED REFERENCE: BOOK 34366 PAGE 213

PLAN REFERENCE: BOOK 587 PAGE 72  
BOOK 467 PAGE 89  
BOOK 669 PAGE 39

OWNER: DANIEL E. MARSTERS  
PLEASANTWOOD HOMES, LLC  
10 PLEASANTWOOD DRIVE  
FORESTDALE, MA 02644



NOTICE  
THIS PLAN MAY NOT BE ADDED TO, DELETED FROM, OR ALTERED IN ANY WAY BY ANYONE OTHER THAN CAPE & ISLANDS ENGINEERING, INC.

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12/21/2022	ADD PREVIOUS EXISTING NITROGEN CREDIT AREAS.	MD	MC
11/21/2022	REMOVE MAP 29 PARCEL 167 FROM MODIFICATION & REVISE LOT #S	JVB	MC
11/2/2022	REVISE LOT SIZES	JVB	MC
DATE	DESCRIPTION	BY	CHK

PREPARED FOR:

DANIEL E. MARSTERS  
PLEASANTWOOD HOMES, LLC  
10 PLEASANTWOOD DRIVE  
FORESTDALE, MA 02644

PROJECT:

20 TUDOR TERRACE  
MASHPEE, MASSACHUSETTS

SHEET NO.: 1 OF 1 DATE: AUGUST 31, 2022

DRAWN BY: JVB CHECKED BY: MC

PREPARED BY:



SUMMERFIELD PARK  
800 FALMOUTH ROAD SUITE 301C 508.477.7272 PHONE  
MASHPEE, MA 02649 508.477.9072 FAX www.CapeEng.com

DRAWING TITLE:

DEFINITIVE SUBDIVISION PLAN  
TUDOR TERRACE

#### LEGEND

- CB ----- CONCRETE BOUND FOUND
- ----- CONCRETE BOUND TO BE SET
- SB ----- STONE BOUND
- ⊙ RC ----- ROD CAP
- IP ----- IRON PIPE
- (XXXX) ----- DISTANCE TO SETBACK

#### CLUSTER FORMULA

	1989 APPROVED	2022 ADDITIONAL	2022 TOTAL
TOTAL AREA =	44.357 AC.	6.024 AC.	50.381 AC.
NO WETLANDS			
TOT. AREA OF ROADS =	3.274 AC.	0.000 AC.	3.274 AC.
USEABLE LAND =	41.073 A.	6.024 AC.	47.107 A.
TOTAL LOTS SHOWN	44		47
TOTAL AREA OF LOTS	23.738 AC	3.012 A.C.	26.750 AC
TOTAL OPEN SPACE	17.153 AC.	3.012 A.C.	20.165 AC.
PERCENTAGE OPEN =	39%		40%

THIS PLAN IS SUBJECT TO COVENANT DATED \_\_\_\_\_ AND ATTACHED HERETO.

#### CLERK'S CERTIFICATION

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

MASHPEE TOWN CLERK

DATE

#### PLAN PURPOSE

THE PURPOSE OF THIS PLAN IS TO MODIFY A PREVIOUSLY APPROVED DEFINITIVE SUBDIVISION PLAN ENTITLED "SPRING HILL WEST", APPROVED BY THE MASHPEE PLANNING BOARD ON OCTOBER 4, 1989 AND RECORDED IN THE BARNSTABLE COUNTY REGISTRY DEEDS IN PLAN BOOK 467 PAGE 88.

APPROVED IN ACCORDANCE WITH THE SUBDIVISION CONTROL LAW.

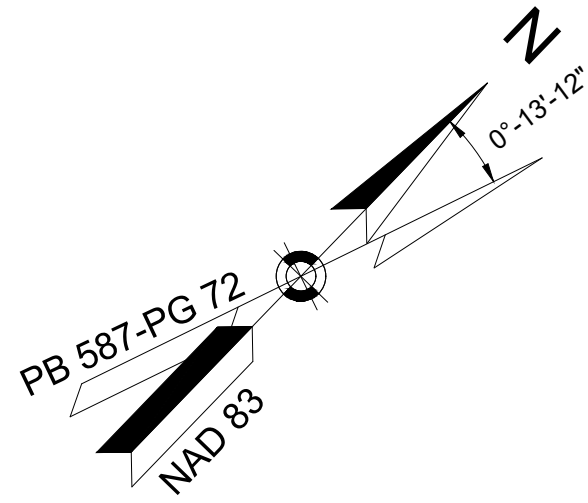
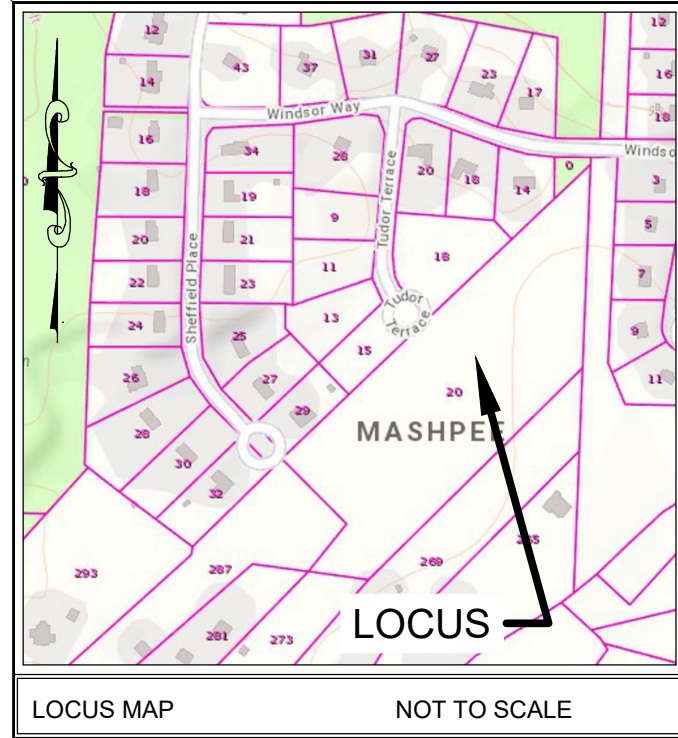
#### MASHPEE PLANNING BOARD

DATE APPROVED: \_\_\_\_\_

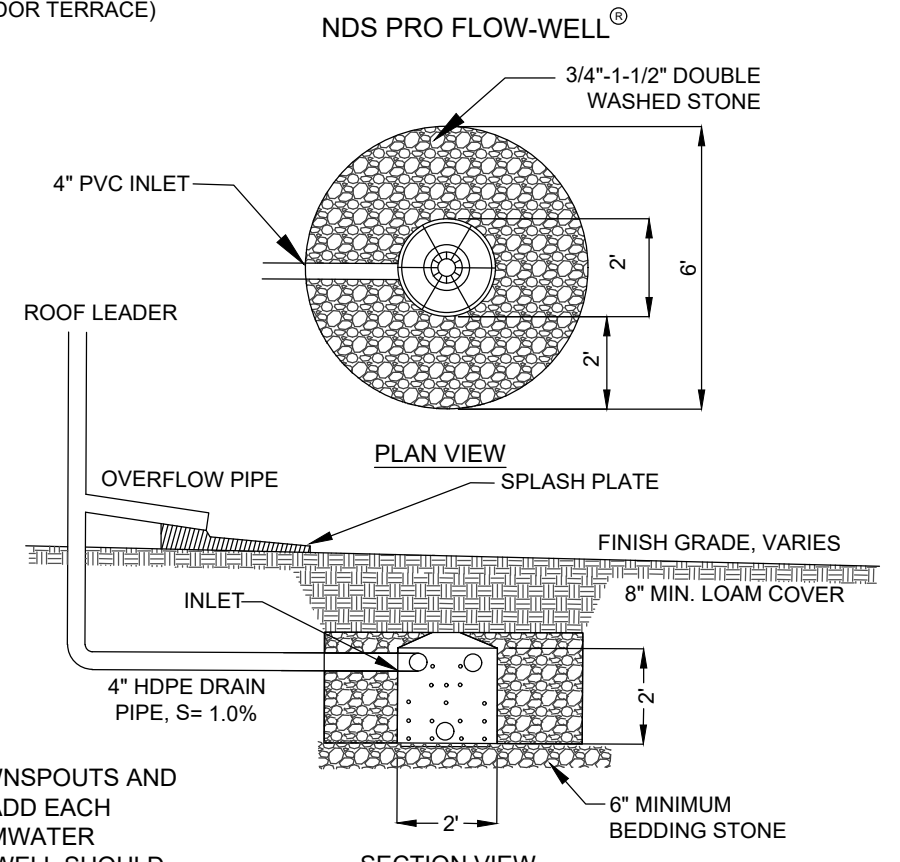
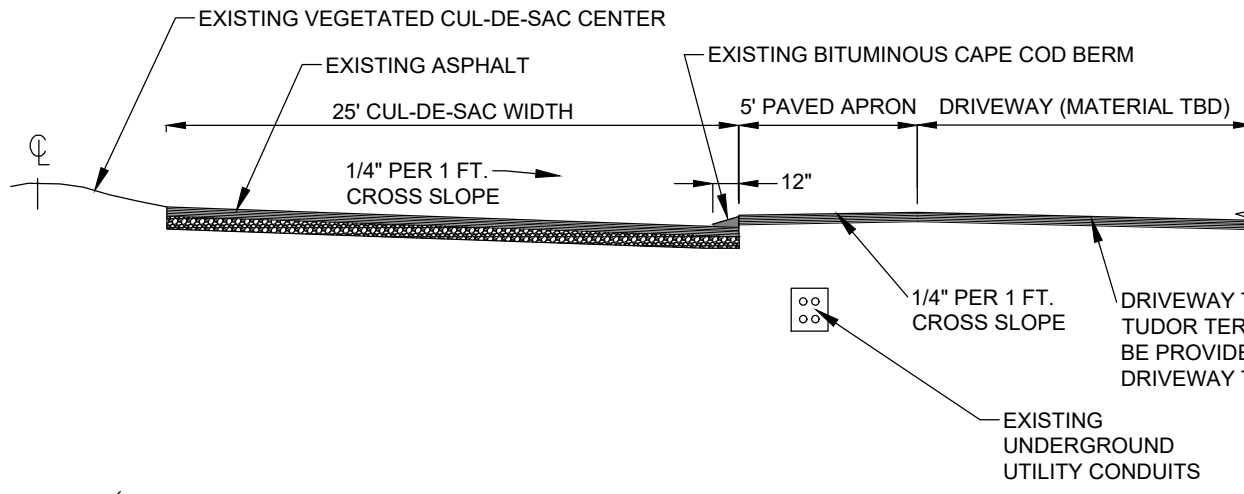
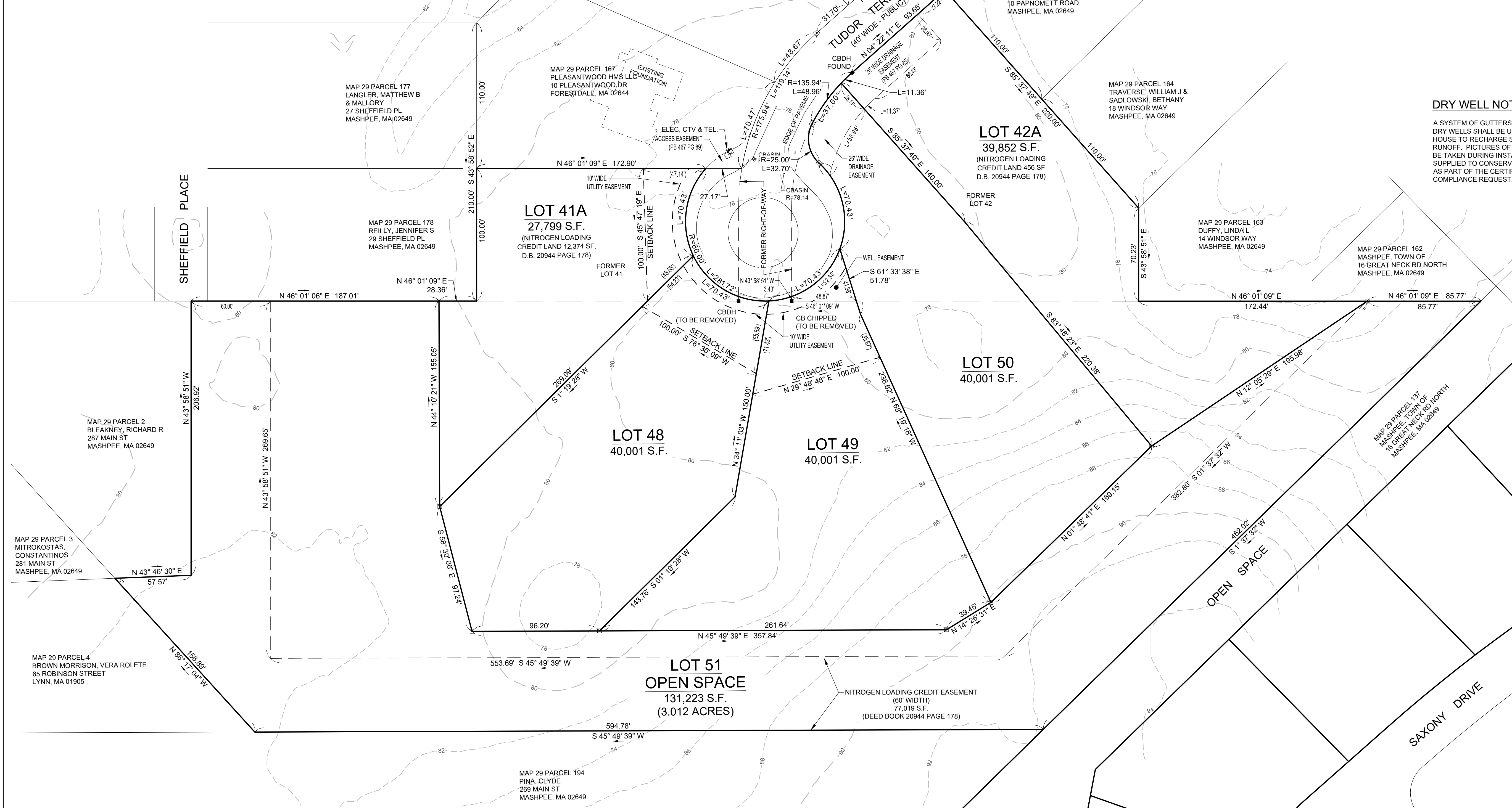
DATE SIGNED: \_\_\_\_\_

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





LOCUS MAP NOT TO SCALE



#### DRY WELL NOTES

A SYSTEM OF GUTTERS, DOWNSPOUTS AND DRY WELLS SHALL BE USED ADD EACH HOUSE TO RECHARGE STORMWATER RUNOFF. PICTURES OF DRY WELL SHOULD BE TAKEN DURING INSTALLATION AND SUPPLIED TO CONSERVATION COMMISSION AS PART OF THE CERTIFICATE OF COMPLIANCE REQUEST.

#### DRY WELL DETAIL

-NOT TO SCALE-



#### GENERAL NOTES

LOCATIONS ARE BASED ON AN "ON THE GROUND" INSTRUMENT SURVEY AND ELEVATIONS BASED ON THE NAVD 1988 DATUM. COORDINATE SYSTEM USED IS THE MA-MAINLAND COORDINATE SYSTEM, DATUM: NAD 83, UNITS: U.S. SURVEY FEET.

ZONING DISTRICT: R-5

PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF MINIMAL FLOOD HAZARD ZONE X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 25001C058J, WITH A MAP EFFECTIVE DATE OF JULY 16, 2014.

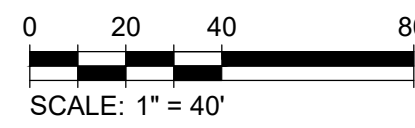
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THIS LOT IS NOT MAPPED WITHIN A MESA NATURAL HERITAGE AND ENDANGERED SPECIES AREA.

DEED REFERENCE: BOOK 34366 PAGE 213

PLAN REFERENCE: BOOK 587 PAGE 72

OWNER: DANIEL E. MARSTERS  
PLEASANTWOOD HOMES, LLC  
10 PLEASANTWOOD DRIVE  
FORESTDALE, MA 02644



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12-21-2022	ADD CROSS-SECTION AND ROOF DRAIN DETAIL	MD	MD
11-2-2022	REVISE LOT SIZES	JVB	MC
DATE	DESCRIPTION	BY	CHK

PREPARED FOR: DANIEL E. MARSTERS  
PLEASANTWOOD HOMES, LLC  
10 PLEASANTWOOD DRIVE  
FORESTDALE, MA 02644

PROJECT: 20 TUDOR TERRACE  
MASHPEE, MASSACHUSETTS

SHEET NO.: 1 OF 1 DATE: MAY 23, 2022  
DRAWN BY: JVB CHECKED BY: MC

PREPARED BY:



SUMMERFIELD PARK  
800 FALMOUTH ROAD SUITE 301C 508.477.7272 PHONE  
MASHPEE, MA 02649 508.477.9072 FAX www.CapeEng.com

DRAWING TITLE: TOPOGRAPHIC PLAN  
TUDOR TERRACE

#### LEGEND

- CB ----- CONCRETE BOUND FOUND
- CB ----- CONCRETE BOUND TO BE SET
- SB ----- STONE BOUND
- ⊙ RC ----- ROD CAP
- IP ----- IRON PIPE





# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

### MEMORANDUM

**To:** Town Planner Evan Lehrer  
Chair Waygan and the Honorable Members of the Planning Board  
**From:** Jennifer Thomas, Administrative Assistant  
**Date:** December 13, 2022  
**Re:** Planning Board Meeting Schedule 2023

Listed below are the dates for the upcoming Planning Board meetings for 2023. All meetings, unless otherwise noted, will take place at the Mashpee Town Hall in the Waquoit Meeting Room.

Wednesday	January 4, 2023	7:00 PM
Wednesday	January 18, 2023	7:00 PM
Wednesday	February 1, 2023	7:00 PM
Wednesday	February 15, 2023	7:00 PM
Wednesday	March 1, 2023	7:00 PM
Wednesday	March 15, 2023	7:00 PM
Wednesday	April 5, 2023	7:00 PM
Wednesday	April 19, 2023	7:00 PM
Wednesday	May 3, 2023	7:00 PM
Wednesday	May 17, 2023	7:00 PM
Wednesday	June 7, 2023	7:00 PM
Wednesday	June 21, 2023	7:00 PM
Wednesday	July 5, 2023	7:00 PM
Wednesday	July 19, 2023	7:00 PM
Wednesday	August 2, 2023	7:00 PM
Wednesday	August 16, 2023	7:00 PM
Wednesday	September 6, 2023	7:00 PM
Wednesday	September 20, 2023	7:00 PM
Wednesday	October 4, 2023	7:00 PM
Wednesday	October 18, 2023	7:00 PM
Wednesday	November 1, 2023	7:00 PM
Wednesday	November 15, 2023	7:00 PM
Wednesday	December 6, 2023	7:00 PM
Wednesday	December 20, 2023	7:00 PM

## Fw: The Cottages of phase 3 in New Seabury

Evan Lehrer <ELehrer@mashpeema.gov>

Tue 12/13/2022 8:58 AM

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

### 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 Milbury <mikemedia1@verizon.net>

**Sent:** Monday, December 12, 2022 4:59 PM

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

**Subject:** The Cottages of phase 3 in New Seabury

**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.

Attention Ms Mary Waygan  
Chair Planning Board  
Town of Mashpee

Dear Ms Waygan,

I am contacting you in regard to conveyance of the Cottages Of Phase 3 at New Seabury from Bayswater developers to our HOA. The HOA has become aware of several problems in regard to flooding and improper grading.

At least three of 40 homes have experienced basement flooding. Many others are concerned with grades that actually slope toward residents homes rather than away from them. Still others are wary about the lack of clearance between the bottom row of shingles and the ground. It is my understanding that there should be at least six inches of foundation visible. In some cases, there isn't an inch of clearance.

We have hired the engineering firm of Criterium-Dudka. They have given us a preliminary finding and are producing a second document with suggested courses of action. Following these reports, I contacted Dave Morris who visited the community. He was in agreement with our engineers report that there was reason for concern.

As the HOA is expected to maintain the roadways and address grading issues that could be problematic near term or in the future, we ask that you contemplate producing an As-Built report of Phase 3 that ensures that the developer followed all required and approved plans and permits. Bayswater seems anxious to convey the development to the HOA but our attorney has cautioned against it until all major issues pertains to grading are resolved.

Lastly, in the spirit of fairness, Bayswater did address the issue of those flooded basements by adding French drains around those properties. Simply put, none of the other residents wants to be the next to have a problem.

Thanks for your attention to this matter.

Mike Milbury  
617-939-7321

Sent from the all new AOL app for iOS

# CRITERIUM<sup>®</sup> **DUDKA ENGINEERS**

December 13, 2022

Prepared for: Mike Milbury - Trustee  
COTTAGES AT NEW SEABURY PHASE III TRUST  
29 Garden Drive  
Mashpee, MA, 02649

Property: COTTAGES AT NEW SEABURY PHASE III  
COTTAGE LANE  
MASHPEE, MASSACHUSETTS

Service: Grade Observations around buildings

Dear Mr. Mike Milbury - Trustee:

During a recent Transition Study performed by Criterium Dudka Engineers (CDE), it was noted that throughout the property there were homes which did not have concrete extending 6" above the finished grade (as required by code and recommended by the siding manufacturer). It was also noted during the Transition Study that the grade in many cases did not visibly slope away from the structure, which is a concern as it may lead to future water issues. Attached please find the requested report documenting the existing siding height above grade as well as qualitative observations of the grade around the homes. Please note only a MA-licensed surveyor can provide defensible quantitative data on the elevation and slope of the grade and patios--details on how to obtain this data are discussed further in the report.

Criterium-Dudka Engineers appreciates this opportunity to assist you, please do not hesitate to contact us with any further questions at 844-885-0153

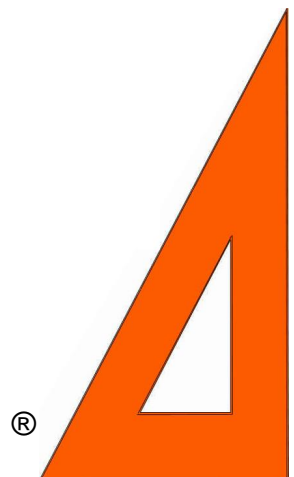
Best regards,

**CRITERIUM-DUDKA ENGINEERS**



---

Chad Smutzer, P.E.  
Field Engineer  
Criterium Dudka Engineers

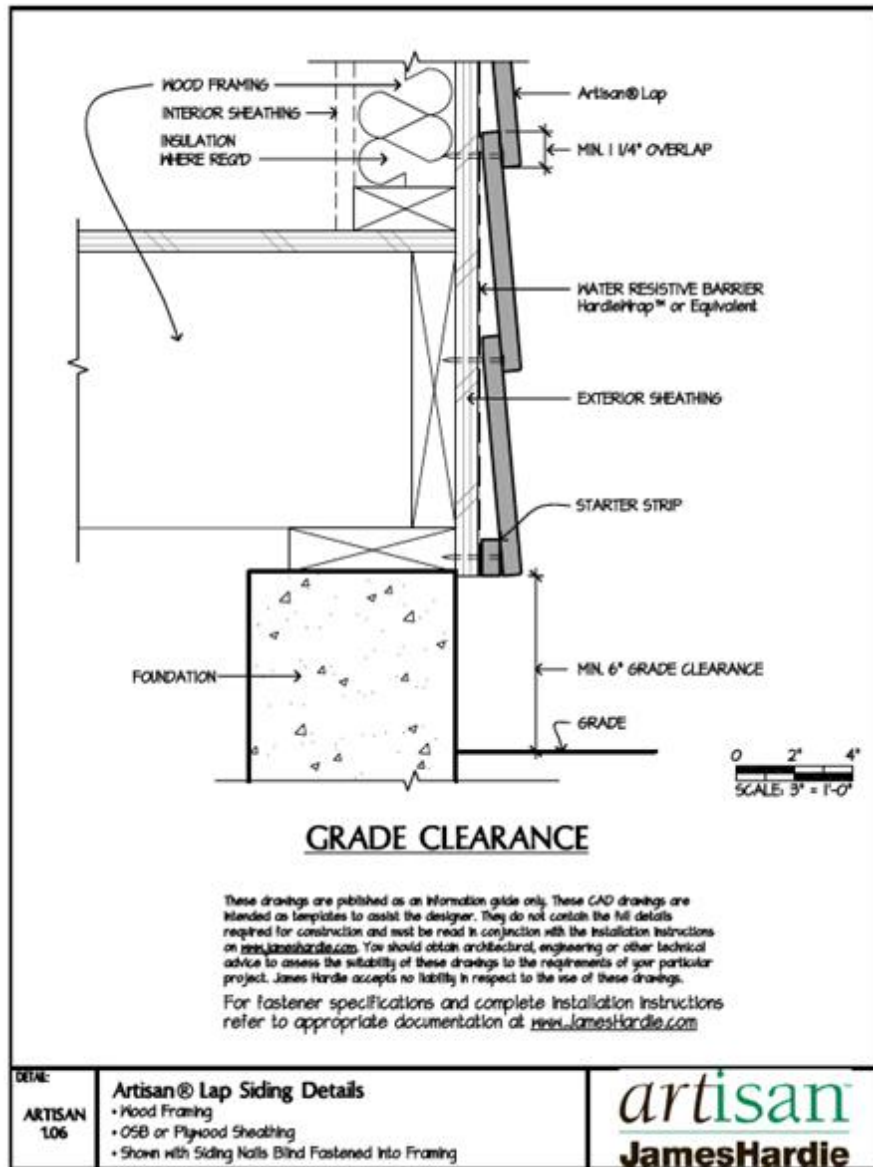


## INTRODUCTION

The site topography is relatively flat, and according to the proposed site plan ranges from approximately 44 feet to 48 feet in elevation. As the site is relatively flat, ensuring the proper grade around each home and directing the water to desired locations requires careful planning and implementation.

During a recent Transition Study performed by Criterium-Dudka Engineers (dated June 8, 2022), it was noted that throughout the property there were homes which did not have concrete extending 6" above the finished grade. MA Current code (780 CMR 9th Edition), which references the IBC 2015 requires in section R404.1.6 Height Above Finished Grade that "concrete and masonry foundation walls shall extend a minimum of 4 inches where masonry veneer is used and 6 inches elsewhere." This is included in codes to reduce damage from splashback (where water impacts the ground and splashes onto the portion of the house next to it, potentially causing damage in the long term) and minimize potential of termite and wood eating insect damage.

The siding manufacturer (James Hardie brand siding was noted as the brand of siding used) also recommends installation of the siding 6" above the finish grade.



In the prior transition study, re-grading was recommended, ensuring that the following standard good building practice recommendations are implemented:

Slope the final grade away from the house at least 6 inches over 10 feet.

- Tamp (mechanically compact) the back-fill to prevent later settling.
- If setbacks or building/fences limit the space to less than 10 feet, install either swales or drains designed to carry water away from the foundation

This follow-up work is to document the existing siding height above grade as well as qualitative observations of the grade around the homes.

## DESCRIPTION



The Cottages Phase III at New Seabury is comprised of 40 single family units. As we understand it, the development is new and preparing for transition from the developer to the association.

An aerial photograph is shown below:



## OBSERVATIONS & DISCUSSION

Richard Michalewich, Jr., P.E., and Chad Smutzer, P.E. visited the site on Thursday, October 6, 2022. The weather was warm with clear skies. It had rained approximately 0.56 inches the day before, so it was a good opportunity to observe the drainage.

During the site visit, photos were taken to document the current conditions of the property, in particular the height of the grade around the homes in relation to the siding and also a qualitative visual observation of the slope of the grade (flat, away from house, or towards houses).

The condition of the grade around the homes is summarized in the table below. Please note the comments may not be indicative of all four sides, but indicate a condition noted on at least one of the sides.

#	Grading Concern	Siding Clearance Concern	Issues Identified	Recommended Action(s)
23 Garden Drive	yes	yes	<ul style="list-style-type: none"> <li>• Grade appears to pitch towards house on left</li> <li>• patio ~1.5" below bottom of siding.</li> <li>• siding &lt;1" away from mulch bed.</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• annually inspect/treat for termite and water damage</li> <li>• minimally mulch area where siding &lt;6" above grade</li> </ul>
25 Garden Drive	Yes	yes	<ul style="list-style-type: none"> <li>• splashback from overflowing gutters noted</li> <li>• grade appearing to slope slightly towards house</li> <li>• Flat area between # 25 and # 27 Garden Drive</li> </ul>	<ul style="list-style-type: none"> <li>• recommend to clean gutter drainage downstream to ensure water is properly draining.</li> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• annually inspect/treat for termite and water damage</li> </ul>
27 Garden Drive	Yes	Yes	<ul style="list-style-type: none"> <li>• Mulched bed right at base of siding</li> <li>• Flat area between # 25 and # 27 Garden Drive--water may overflow</li> <li>• Siding height ~4" at inside corner</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• minimally mulch area where siding is near grade</li> <li>• design and install drywell</li> <li>• annually inspect/treat for termite and water damage</li> </ul>
29 Garden Drive	Yes	Yes	<ul style="list-style-type: none"> <li>• Flat area between #29 Garden Drive and neighboring</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding</li> </ul>

			<p>house.</p> <ul style="list-style-type: none"> <li>• grade appears to pitch towards house on right</li> <li>• mulch close to siding~3-4"</li> <li>• Interior of bulkhead has water intrusion</li> </ul>	<p>clearance</p> <ul style="list-style-type: none"> <li>• design and install drywell</li> <li>• annually inspect/treat for termite and water damage</li> <li>• Replace or repair bulkhead to eliminate water intrusion source</li> </ul>
19 Garden Drive	Yes	Yes	<ul style="list-style-type: none"> <li>• Grade appears to relatively flat behind house</li> <li>• Grade appears to relatively flat on side</li> <li>• Mulched bed ~3.25" below siding</li> <li>• Grade appears to slope from #19 towards #17 Garden Drive</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• design and install drywell</li> <li>• annually inspect/treat for termite and water damage</li> </ul>
17 Garden Drive	Yes	Yes	<ul style="list-style-type: none"> <li>• Water flows towards bulkhead on mulched bed.</li> <li>• mulch ~3" below siding</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and bulkhead and have siding clearance</li> <li>• annually inspect/treat for termite and water damage</li> <li>• minimally mulch area where siding &lt;6" above grade</li> </ul>
15 Garden Drive	Yes	Yes	<ul style="list-style-type: none"> <li>• Siding ~4" above finished grade</li> <li>• Mulch within 2 inches of bottom of siding</li> <li>• Rear grade appears to pitch towards home</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• annually inspect/treat for termite and water damage</li> <li>• minimally mulch</li> </ul>

				area where siding <6" above grade
11 Garden Drive	Potential	Yes	<ul style="list-style-type: none"> <li>• Grade between #11 Garden Drive and #3 Rosewood Circle appears to be flat.</li> <li>• siding nearly in contact with mulch.</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• design and install drywell</li> <li>• annually inspect/treat for termite and water damage</li> <li>• minimally mulch area where siding &lt;6" above grade</li> </ul>
3 Rosewood Circle	Potential	Yes	<ul style="list-style-type: none"> <li>• Mulch ~1.5" from bottom of siding on</li> <li>• Grade between #11 Garden Drive and #3 Rosewood Circle appears to be flat.</li> <li>• Grade ~2" from bottom of siding</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• design and install drywell</li> <li>• annually inspect/treat for termite and water damage</li> <li>• minimally mulch area where siding is &lt;6" above grade</li> </ul>
12 Rosewood circle	Yes	Yes	<ul style="list-style-type: none"> <li>• Grade appears to pitch towards #12 Rosewood Circle</li> <li>• Patio pavers ~4" below bottom of siding</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• annually inspect/treat for termite and water damage</li> </ul>
14 Rosewood Circle	Yes	Yes	<ul style="list-style-type: none"> <li>• Grade appears to pitch towards #14 Rosewood Circle</li> <li>• Pavers ~2.5" below bottom of siding</li> <li>• Mulched bed ~3.5" below siding</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• annually inspect/treat for termite and water</li> </ul>

				damage <ul style="list-style-type: none"> <li>minimally mulch area where siding is &lt;6" above grade</li> </ul>
16 Rosewood Circle.	Yes	Yes	<ul style="list-style-type: none"> <li>Grade appears to pitch towards #16 Rosewood Circle.</li> <li>Siding less than 2" above mulched bed</li> </ul>	<ul style="list-style-type: none"> <li>re-grade to pitch away from homes and have siding clearance</li> <li>annually inspect/treat for termite and water damage</li> <li>minimally mulch area where siding is &lt;6" above grade</li> </ul>
18 Rosewood Circle	Yes	Yes	<ul style="list-style-type: none"> <li>Mulch within ~1.25" of siding</li> <li>Eroded area in mulch appears to indicate water flowing under structure</li> </ul>	<ul style="list-style-type: none"> <li>re-grade to pitch away from homes and have siding clearance</li> <li>design and install drywell</li> <li>annually inspect/treat for termite and water damage</li> <li>minimally mulch area where siding is &lt;6" above grade</li> </ul>
mailbox kiosk	Yes	Yes	<ul style="list-style-type: none"> <li>Grade appears to slope towards mailbox kiosk</li> <li>Trim on bottom of mailbox kiosk in poor condition</li> </ul>	<ul style="list-style-type: none"> <li>re-grade to pitch away from kiosk</li> <li>raise up the kiosk structure to ensure it is minimum of 6" above grade.</li> <li>Replace water damaged components</li> </ul>
22 Rosewood Circle	Yes	Yes	<ul style="list-style-type: none"> <li>emergency egress well--water appears to still flow towards well despite drain installation</li> <li>Grade appears to</li> </ul>	<ul style="list-style-type: none"> <li>re-grade to pitch away from homes and have siding clearance</li> <li>recommend to clean gutter drainage</li> </ul>

			<p>have a crest between #22 and # 26 Rosewood Circle</p> <ul style="list-style-type: none"> <li>• Mulch ~3" below siding # 22 Rosewood Circle</li> <li>• Splashback on # 22 Rosewood Circle may be due to clogged gutter</li> </ul>	<p>downstream to ensure water is properly draining.</p> <ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and egress well</li> <li>• annually inspect/treat for termite and water damage</li> </ul>
26 Rosewood Circle	Yes	Yes	<ul style="list-style-type: none"> <li>• Grade varies from ~1 to 3" below siding on front</li> <li>• Mulch ~4" below siding</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• annually inspect/treat for termite and water damage</li> <li>• minimally mulch area where siding is &lt;6" above grade</li> </ul>
28 Rosewood Circle	Yes	yes	<ul style="list-style-type: none"> <li>• Grade appears to pitch towards #28 Rosewood Circle on side and rear of house</li> <li>• Mulch ~2" below bottom of siding</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• annually inspect/treat for termite and water damage</li> <li>• minimally mulch area where siding is &lt;6" above grade</li> </ul>
36 Rosewood	Yes	Yes	<ul style="list-style-type: none"> <li>• Patio appears to have low spot where water travels</li> <li>• Organic growth was observed in window well</li> <li>• Mulch 2" below siding on side of garage</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• recommend to remove pavers and regrade so water drains away from house, re-install pavers</li> </ul>

				<ul style="list-style-type: none"> <li>• Remove organic growth from window well and include in regular maintenance program</li> <li>• annually inspect/treat for termite and water damage</li> <li>• minimally mulch area where siding is &lt;6" above grade</li> </ul>
40 Rosewood Circle	Yes	Yes	<ul style="list-style-type: none"> <li>• grade ~2.5" below siding</li> <li>• Area noted where water appears to be ponding in mulched bed</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• regrade to eliminate low spot in mulched bed and pitch away from home</li> <li>• recommend to clean gutter drainage downstream to ensure water is properly draining.</li> <li>• annually inspect/treat for termite and water damage</li> </ul>
48 Cross Rd	Yes	Yes	<ul style="list-style-type: none"> <li>• Siding appears to be below finish grade</li> <li>• Mulch ~2" below bottom of siding</li> <li>• bulkhead appears slightly below grade</li> <li>• bulkhead showing likely evidence of water intrusion</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and ensure siding and bulkhead are above grade</li> <li>• annually inspect/treat for termite and water damage</li> <li>• minimally mulch area where siding is &lt;6" above grade</li> <li>• Repair/replace bulkhead to eliminate water</li> </ul>

				intrusion
44 Cross Rd	Yes	Yes	<ul style="list-style-type: none"> <li>• mulch ~3.5" below bottom of siding</li> <li>• evidence of splashback was noted.</li> <li>• appears there is organic growth in emergency egress well</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• recommend to clean gutter drainage downstream to ensure water is properly draining.</li> <li>• annually inspect/treat for termite and water damage</li> <li>• Remove organic grown in window well and include in regular maintenance program</li> </ul>
3 Rosewood Circle	Yes	Yes	<ul style="list-style-type: none"> <li>• Grade appears to pitch towards 3 Rosewood Circle</li> <li>• Mulch 2-4" from bottom of siding</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• design and install drywell</li> <li>• annually inspect/treat for termite and water damage</li> <li>• minimally mulch area where siding is &lt;6" above grade</li> </ul>
5 Rosewood	Yes	Yes	<ul style="list-style-type: none"> <li>• mulch 3-5" from bottom of siding</li> <li>• Mulch also noted to be touching the siding.</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• annually inspect/treat for termite and water damage</li> <li>• minimally mulch area where siding is &lt;6" above grade</li> </ul>



7 Rosewood	Yes	Yes	<ul style="list-style-type: none"> <li>• siding 2-4" above mulch</li> <li>• Grade appears to pitch away from 5 Rosewood towards 7 Rosewood</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• annually inspect/treat for termite and water damage</li> <li>• minimally mulch area where siding is &lt;6" above grade</li> </ul>
9 Rosewood	Yes	No	<ul style="list-style-type: none"> <li>• Bare patches noted in grassy areas</li> <li>• Erosion noted in mulched area suggests water is flowing towards house</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• design and install drywell</li> <li>• Re-se-seed bare areas to prevent potential erosion</li> </ul>
11 Rosewood	Yes	Yes	<ul style="list-style-type: none"> <li>• Mulch ~1.5 to 4" below bottom of siding</li> <li>• Grading between #11 Rosewood and #13 appears to be crowned</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• design and install drywell</li> <li>• annually inspect/treat for termite and water damage</li> <li>• minimally mulch area where siding is &lt;6" above grade</li> </ul>
13 Rosewood Circle	Yes	Yes	<ul style="list-style-type: none"> <li>• siding touching mulch</li> <li>• Area between #13 and #15 Rosewood appears to be crowned</li> <li>• siding ~2" from grade--splashback was noted</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• design and install drywell</li> <li>• annually inspect/treat for termite and water damage</li> </ul>

				<ul style="list-style-type: none"> <li>• minimally mulch area where siding is &lt;6" above grade</li> <li>• recommend to clean gutter drainage downstream to ensure water is properly draining</li> </ul>
15 Rosewood Circle	Yes	Yes	<ul style="list-style-type: none"> <li>• #15 grade appears to pitch towards # 17 Rosewood</li> <li>• Grade nearly touching siding at garage front</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• design and install drywell</li> <li>• annually inspect/treat for termite and water damage</li> <li>• minimally mulch area where siding is &lt;6" above grade</li> </ul>
17 Rosewood	Yes	Yes	<ul style="list-style-type: none"> <li>• Mulch ~4" below bottom of siding</li> <li>• Grade appears slightly crowned between #17</li> <li>• Grade appears to pitch away from # 17 towards # 19 Rosewood</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• design and install drywell</li> <li>• annually inspect/treat for termite and water damage</li> <li>• minimally mulch area where siding is &lt;6" above grade</li> </ul>
19 Rosewood	Yes	Yes	<ul style="list-style-type: none"> <li>• Grade approximately 2" below siding</li> <li>• Grade appears pitched towards neighboring building</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• annually inspect/treat for termite and water damage</li> <li>• minimally mulch</li> </ul>

				area where siding is <6" above grade
21 Rosewood	Yes	Yes	<ul style="list-style-type: none"> <li>• Grade appears to pitch towards #21</li> <li>• Grade and mulch ~2" below bottom of siding</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• annually inspect/treat for termite and water damage</li> <li>• minimally mulch area where siding is &lt;6" above grade</li> </ul>
23 Rosewood	Yes	Yes	<ul style="list-style-type: none"> <li>• Siding touching mulch</li> <li>• Grade appears to be pitched towards #23 Rosewood</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• annually inspect/treat for termite and water damage</li> <li>• minimally mulch area where siding is &lt;6" above grade</li> </ul>
25 Rosewood	No	Yes	<ul style="list-style-type: none"> <li>• mulch touching bottom of siding</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to have siding clearance (ensure pitch away from home is kept)</li> <li>• annually inspect/treat for termite and water damage</li> <li>• minimally mulch area where siding is &lt;6" above grade</li> </ul>
27 Rosewood	Yes	Yes	<p>Mulch touching bottom of siding</p> <p>Grade appears to be slightly crowned between #27 Rosewood and neighbor</p>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• design and install drywell</li> <li>• annually inspect/treat for</li> </ul>

				termite and water damage <ul style="list-style-type: none"> <li>minimally mulch area where siding is &lt;6" above grade</li> </ul>
29 Rosewood Circle	Yes	Yes	<ul style="list-style-type: none"> <li>Area of erosion in mulch indicates water flow towards house</li> <li>Area between #29 Rosewood and neighbor appears to be slightly crowned</li> <li>grade appears to pitch away from house towards neighbor</li> </ul>	<ul style="list-style-type: none"> <li>re-grade to pitch away from homes and have siding clearance</li> <li>design and install drywell</li> <li>annually inspect/treat for termite and water damage</li> <li>minimally mulch area where siding is &lt;6" above grade</li> </ul>
31 Rosewood	Yes	Yes	<ul style="list-style-type: none"> <li>compound slope in rear appears to pitch towards house</li> <li>mulch touching bottom of siding.</li> </ul>	<ul style="list-style-type: none"> <li>re-grade to pitch away from homes and have siding clearance</li> <li>design and install drywell</li> <li>annually inspect/treat for termite and water damage</li> <li>minimally mulch area where siding is &lt;6" above grade</li> </ul>
33 Rosewood	Yes	Yes	<ul style="list-style-type: none"> <li>grade 1-3" below bottom of siding</li> <li>Grade appears to be pitching towards house and patio</li> </ul>	<ul style="list-style-type: none"> <li>re-grade to pitch away from homes and have siding clearance</li> <li>annually inspect/treat for termite and water damage</li> <li>minimally mulch area where siding is &lt;6" above grade</li> </ul>
35	Yes	Yes	<ul style="list-style-type: none"> <li>grade sloping</li> </ul>	<ul style="list-style-type: none"> <li>re-grade to pitch</li> </ul>



Rosewood			<p>towards right side of bulkhead</p> <ul style="list-style-type: none"> <li>eroded area appears to indicate water flow towards house</li> <li>mulch 1-2" from bottom of siding</li> </ul>	<p>away from homes and bulkhead and have siding clearance</p> <ul style="list-style-type: none"> <li>design and install drywell</li> <li>annually inspect/treat for termite and water damage</li> <li>minimally mulch area where siding is &lt;6" above grade</li> </ul>
37 Rosewood	Yes	Yes	<ul style="list-style-type: none"> <li>grade appears to pitch towards building.</li> <li>mulch also noted as touching siding</li> </ul>	<ul style="list-style-type: none"> <li>re-grade to pitch away from homes and have siding clearance</li> <li>annually inspect/treat for termite and water damage</li> <li>minimally mulch area where siding is &lt;6" above grade</li> </ul>
39 Rosewood	Yes	Yes	<ul style="list-style-type: none"> <li>patio appears to slope towards building</li> <li>mulch 3-5" below bottom of siding</li> <li>Siding touching patio pavers</li> </ul>	<ul style="list-style-type: none"> <li>remove pavers, pitch patio away from house and also ensure siding not in contact with pavers, re-install pavers</li> <li>re-grade to pitch away from homes and have siding clearance</li> <li>annually inspect/treat for termite and water damage</li> <li>minimally mulch area where siding is &lt;6" above grade</li> </ul>
47 Rosewood	Yes	Yes	<ul style="list-style-type: none"> <li>mulch touching bottom of siding</li> </ul>	<ul style="list-style-type: none"> <li>re-grade to pitch away from homes and have siding</li> </ul>

				clearance <ul style="list-style-type: none"> <li>• annually inspect/treat for termite and water damage</li> <li>• minimally mulch area where siding is &lt;6" above grade</li> </ul>
49 Rosewood	Yes	Yes	<ul style="list-style-type: none"> <li>• grade touching bottom of siding</li> </ul>	<ul style="list-style-type: none"> <li>• re-grade to pitch away from homes and have siding clearance</li> <li>• annually inspect/treat for termite and water damage</li> <li>• minimally mulch area where siding is &lt;6" above grade</li> </ul>

## LIMITATIONS

We inspected only those portions of the premises that may be visually observed without excavation, removing surface materials, disassembling equipment, or removal of finishes, furnishings and equipment.

In developing our opinion on a particular item, we observed a representative sampling or example of the item, not all such items.

No material sampling, analytic tests, precise measurements or engineering calculations were performed, thus we cannot warranty all observations.

We provide no assurance that the work conforms to all regulations and building codes that may be enforced within the jurisdiction.

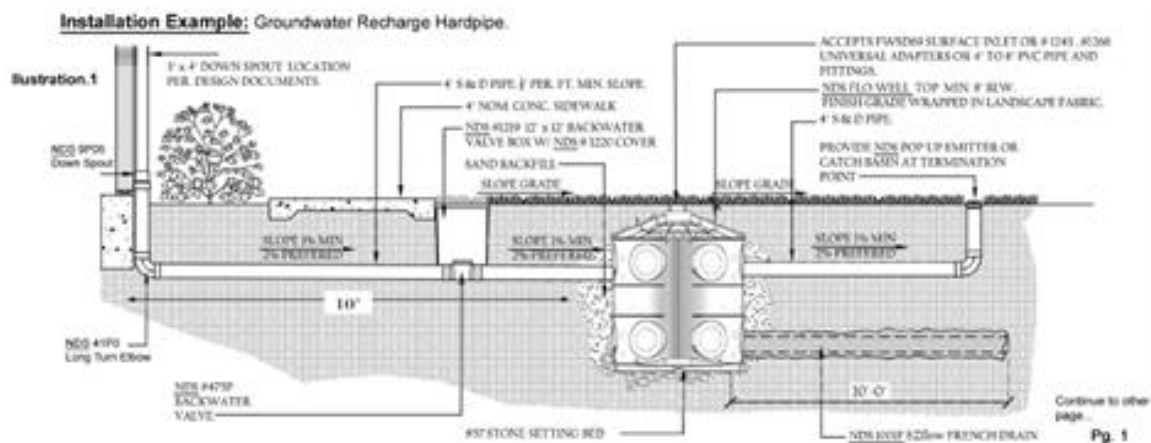
This report is not to be considered a guarantee of condition. No warranty is implied.

## RECOMMENDATIONS

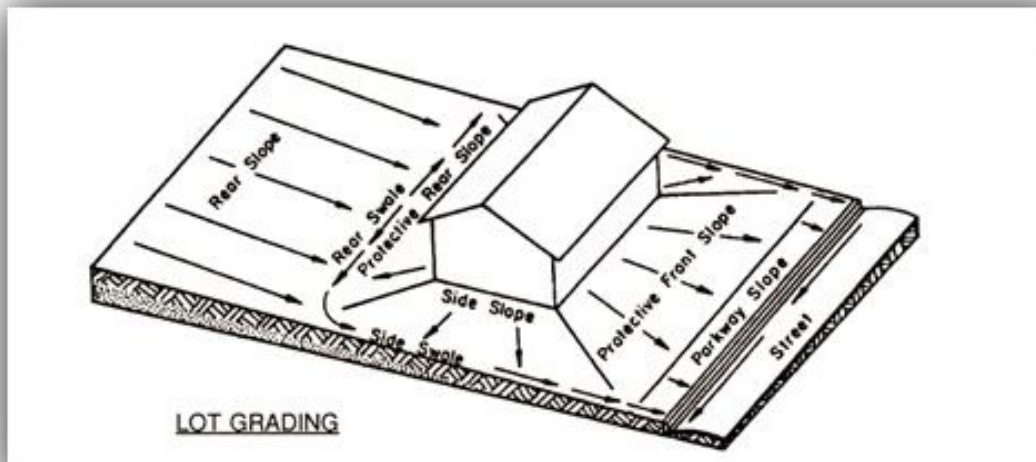
It is understood due to the relatively flat nature of the site and the fact the foundation heights are as they are stand currently that complete re-grading may not be feasible. However,

there are some practical steps that can be taken:

- re-grade as much as possible to attempt to achieve the recommended clearance from the siding to the ground.
- On the homes where the clearance is minimal it is recommended to install as little mulch as possible. Mulch, although not a hard surface, does retain a great deal of moisture and can also hide termite and other wood damaging insect activity, so should not be in contact with the siding. It is recommended to have annual termite inspections/treatments on homes where siding is less than 6" from mulch. It is also to annually inspect the sill plate, starter strip, and bottom of siding to determine if damage from splashback is occurring.
- Many of the areas between the houses were noted to be slightly crowned, meaning that the high point of grade was in the center and the water would drain away towards the houses on each side. Some of the areas also appeared flat. It would be recommended in these areas to make that a swale so water drains away from houses. It is strongly recommended to calculate the drainage capacity necessary at these locations. Soil types and soil saturation greatly influence how well and quickly the soil will absorb water. Clay, loam, sandy/clay loam, and coarse sand have differently permeability (the measure of how many inches per hour the soil can absorb). Once the soil has been characterized, the next step would be to design the drainage system to make use of the soil to absorb the soil using dry wells, French drain channels, and/or further drainage. An example of a drywell connected to a roof drain leader is shown below (diagram from NDS).



- Any houses where the slope of the grade pitches towards the house should be regraded so the grade drains away. If the topography of the surrounding houses is challenging, a swale may be used as shown below:



- It would also be recommended to investigate the sprinkler watering schedule. Smart controllers can be used to integrate with weather forecasts and moisture monitoring to determine the exact amount of water needed. Especially as this soil seems to have low permeability, this would be a good measure to ensure the ground is not over-saturated so when a rain event occurs the soil can accept the water.
- On the mailbox kiosk, it was noted the grade appeared to pitch towards it and that the bottom of the trim boards were below finish grade. Because of this, even though the structure is relatively new, the trim boards are starting to decay. It is recommended to repair this either by raising up the structure to ensure it is above grade or other solution to prevent the continued deterioration.
- It is also recommended to quantitatively document the slope of the as-built site and compare with the site plans. As part of the permitting process, an as-built may have already been completed, which may be available from public records. If not, it is recommended to have a MA-licensed surveyor document the as-built grading of the site, which will be a defensible product that will clearly show the grade heights and slopes.

## CONCLUSION

There is no one way to build, renovate or remodel a development. As a result, you may encounter contractors whose opinions about the condition of this development will differ from ours. We cannot be responsible for any action you may take based on those opinions unless we have the opportunity to review the situation and examine the relevant conditions before any repairs and/or modifications are made.

Our report has been prepared for your benefit and in strict confidence with you as our client.



No reproduction or reuse of this report for the benefit of others is permitted without expressed written consent, except as may be required by real estate regulation. Furthermore, except as required by real estate regulation, we will not release this report to anyone without your permission.

Criterion-Dudka Engineers appreciates this opportunity to assist you, please do not hesitate to contact us with any further questions at 844-885-0153

Thank you for the opportunity to be of assistance to you.

### **CRITERIUM-DUDKA ENGINEERS**



Chad Smutzer, P.E.  
Field Engineer  
Criterion Dudka Engineers  
63 South Street, Suite 110  
Hopkinton, MA 01748



Richard Michalewich Jr., P.E.  
Chief Engineer

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**1**

Description: #29 Garden Drive  
mulch close to siding~3-4"



Photo Number

**2**

Description: Flat area between  
#29 Garden Drive and  
neighboring house.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**3**

Description: Back yard of # 29  
Garden Drive --grade appears  
to pitch towards house on right



Photo Number

**4**

Description: Siding height  
increases to ~10" at rear of  
house.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022

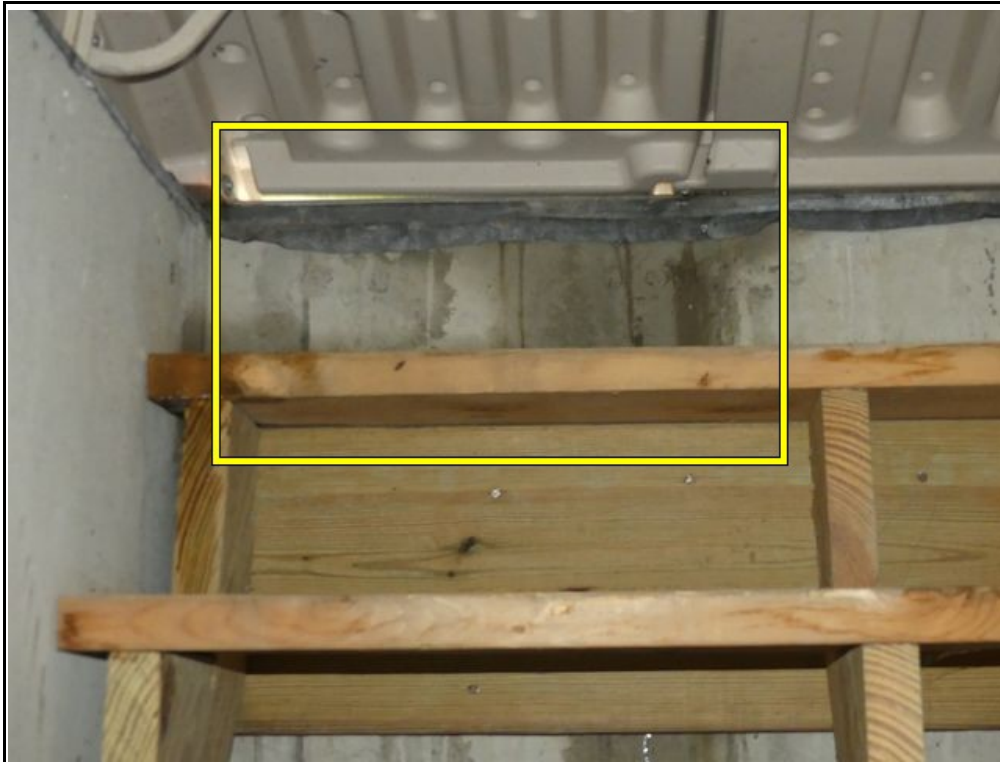


Photo Number

**5**

Description: Interior of #29 Garden Drive bulkhead with water intrusion--recommend to re-install so it fully seals.



Photo Number

**6**

Description: Water in #29 Garden Drive bulkhead



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**7**

Description: Mulched bed right at base of siding. #27 Garden Drive



Photo Number

**8**

Description: Flat area between # 25 and # 27 Garden Drive



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**9**

Description: Siding height ~4"  
at inside corner of #27 Garden  
Drive



Photo Number

**10**

Description: #27 Garden Drive  
backyard appears to pitch  
away from house.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**11**

Description: #27 mulched bed  
with erosion from water flow.



Photo Number

**12**

Description: #25 with siding  
~6" above mulch.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**13**

Description: #25 Garden Drive  
paver patio ~6" below siding.



Photo Number

**14**

Description: Rear of #25  
Garden Drive with grade  
appearing to slope towards  
house.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**15**

Description: side of #25 Garden Drive with grade appearing to slope slightly towards house on left of photograph.

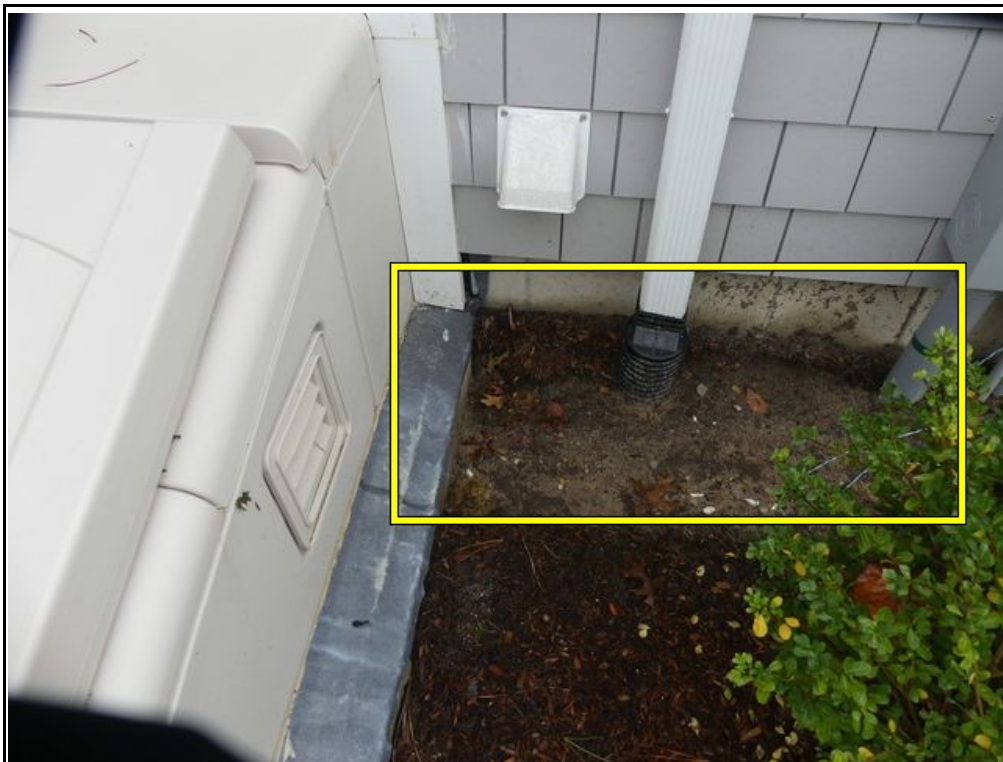


Photo Number

**16**

Description: Backsplash observed on # 25 Garden Drive --recommend to clean drainage downstream to ensure water is properly draining.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**17**

Description: #25 Garden Drive  
front yard appears to pitch  
away from building.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**18**

Description: #23 Garden Drive siding <1" away from mulch bed.



Photo Number

**19**

Description: #23 Garden Drive siding ~2" away from mulch bed.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**20**

Description: Grade beside #23 Garden Drive appears to pitch down towards houses--mulched bed shows evidence of water flowing.



Photo Number

**21**

Description: #23 Garden Drive patio ~1.5" below bottom of siding.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**22**

Description: Grade on # 23 Garden Drive appears to pitch towards house on left of photograph.



Photo Number

**23**

Description: Mulched bed ~3.25" below siding on #19 Garden Drive



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**24**

Description: Grade appears to slope from #19 to #17 Garden Drive (left side of photo)



Photo Number

**25**

Description: Grade appears to relatively flat behind #19 Garden Drive



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**26**

Description: Grade appears to relatively flat on side of #19 Garden Drive



Photo Number

**27**

Description: #19 Garden Drive patio ~4.5" below siding

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**28**

Description: #17 Garden Drive  
mulch ~3" below siding.



Photo Number

**29**

Description: Side yard between  
#17 and #15 Garden Drive  
relatively flat.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**30**

Description: Evidence of water flowing along mulched bed boundary. #17 Garden Drive



Photo Number

**31**

Description: Water flows towards bulkhead on #17 Garden Drive mulched bed.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022

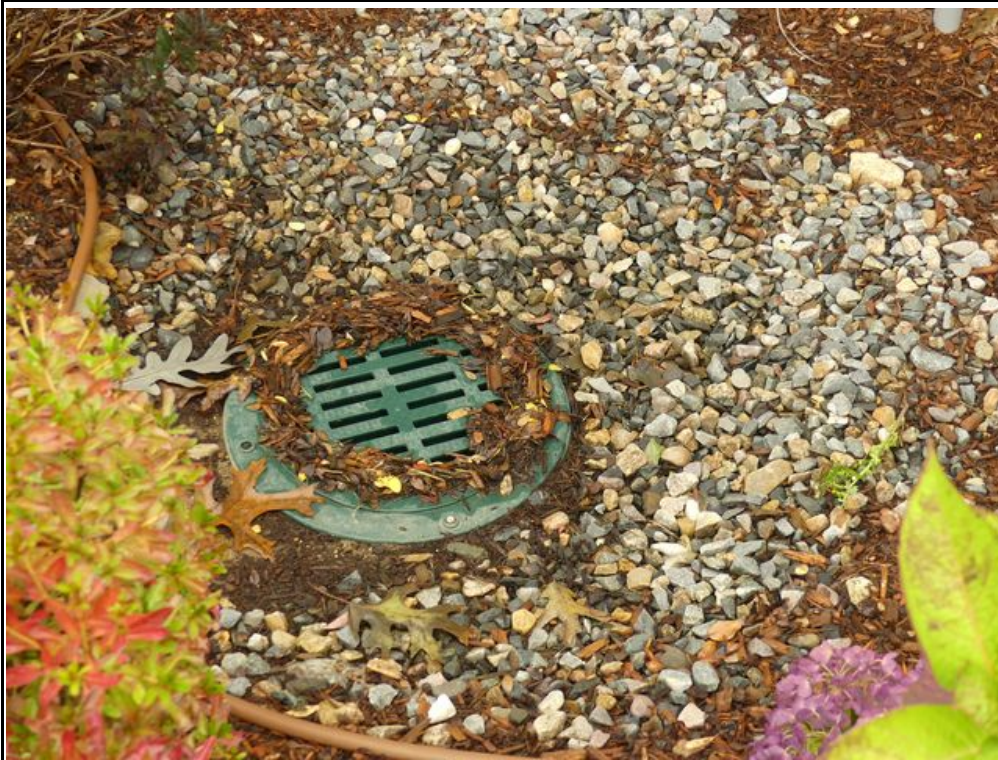


Photo Number

**32**

Description: Drainage in mulched bed on #17 Garden Drive in fair condition.



Photo Number

**33**

Description: Siding ~4" above finished grade on # 15 Garden Drive

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**34**

Description: Mulch within 2 inches of bottom of siding at # 15 Garden Drive



Photo Number

**35**

Description: Rear grade appears to pitch towards # 15 Garden Drive



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**36**

Description: # 15 Garden Drive  
patio appears to be flat.



Photo Number

**37**

Description: #11 Garden Drive  
siding nearly in contact with  
mulch.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**38**

Description: Grade between #11 Garden Drive and #3 Rosewood Circle appears to be flat.

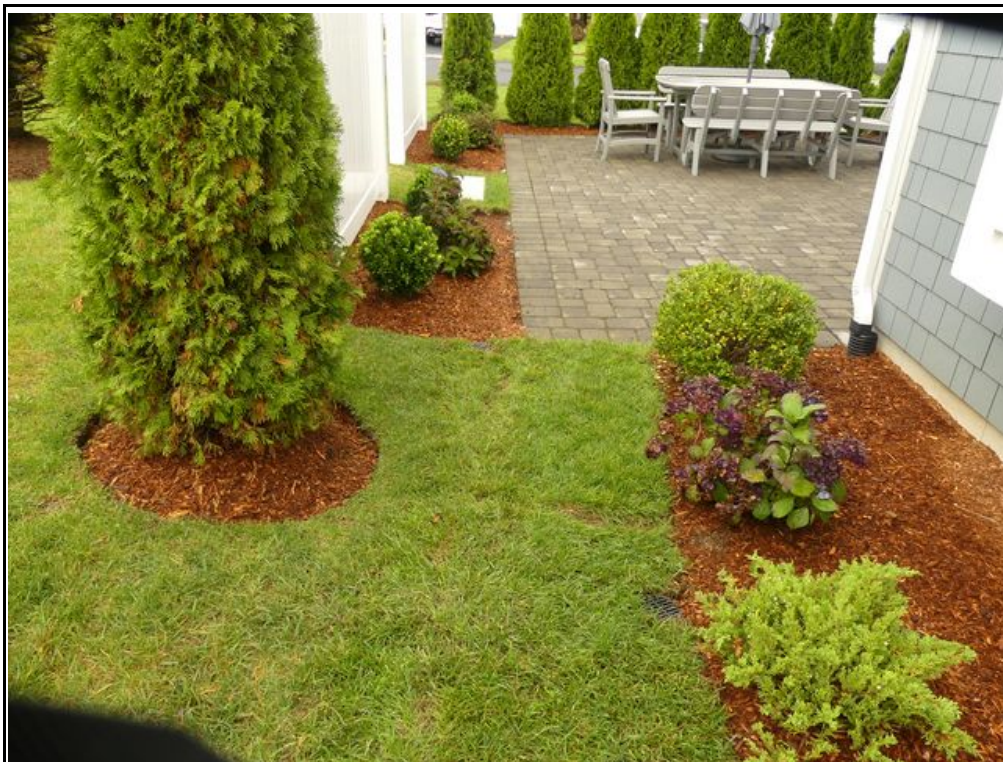


Photo Number

**39**

Description: Grade behind #11 Garden Drive appears to be flat.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**40**

Description: Grade appears to  
pitch towards street # 11  
Garden Drive



Photo Number

**41**

Description: Mulch ~1.5" from  
bottom of siding on #3  
Rosewood Circle

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**42**

Description: Grade ~2" from  
bottom of siding on #3  
Rosewood Circle



Photo Number

**43**

Description: Grade appears flat  
on rear of #3 Rosewood Circle



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**44**

Description: Grade around #12 Rosewood circle appears to be flat



Photo Number

**45**

Description: Grade in front of #12 Rosewood circle appears to pitch towards road.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**46**

Description: Mulch ~5" below  
siding #12 Rosewood circle



Photo Number

**47**

Description: Grade in front of  
#12 Rosewood circle appears  
to pitch towards road.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**48**

Description: Patio pavers ~4"  
below bottom of siding #12  
Rosewood circle



Photo Number

**49**

Description: Grade in rear of  
#12 Rosewood circle appears  
to be flat

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**50**

Description: Grade appears to pitch towards #12 Rosewood Circle.



Photo Number

**51**

Description: Mulched bed ~3.5" below siding. #14 Rosewood Circle.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**52**

Description: Pavers ~2.5"  
below bottom of siding. #14  
Rosewood Circle.

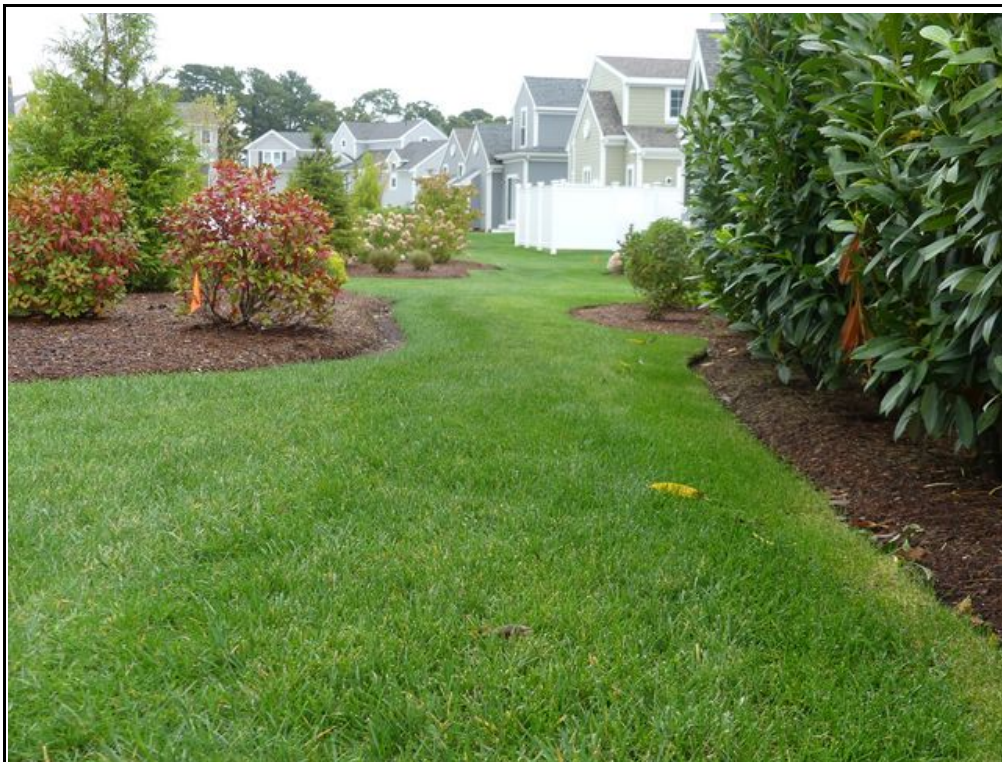


Photo Number

**53**

Description: Grade appears to  
pitch towards #14 Rosewood  
Circle

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**54**

Description: Grade appears to pitch towards #16 Rosewood Circle.



Photo Number

**55**

Description: Mulch within ~1.25" of siding #18 Rosewood Circle



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**56**

Description: Grade appears to pitch towards #18 Rosewood Circle.



Photo Number

**57**

Description: Eroded area in mulch appears to indicate water flowing under structure. #18 Rosewood Circle.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**58**

Description: Trim on bottom of mailbox kiosk in poor condition.



Photo Number

**59**

Description: Trim on bottom of mailbox kiosk in poor condition.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**60**

Description: Trim on bottom of mailbox kiosk in poor condition.



Photo Number

**61**

Description: Grade appears to slope towards mailbox kiosk.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**62**

Description: #22 Rosewood Circle emergency egress well-- water appears to still flow towards well despite drain installation.



Photo Number

**63**

Description: #22 Rosewood Circle emergency egress well-- water appears to still flow towards well despite drain installation.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**64**

Description: Grade appears flat  
behind #22 Rosewood Circle



Photo Number

**65**

Description: Grade appears to  
have a crest between #22 and  
# 26 Rosewood Circle



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**66**

Description: Mulch ~3" below  
siding # 22 Rosewood Circle



Photo Number

**67**

Description: Splashback on #  
22 Rosewood Circle may be due  
to clogged gutter



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**68**

Description: Grade appears to pitch towards # 22 Rosewood Circle



Photo Number

**69**

Description: Grade varies from ~1 to 3" on front of #26 Rosewood Circle.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**70**

Description: Mulch ~4" below  
siding on #26 Rosewood Circle



Photo Number

**71**

Description: Grade and patio  
on #26 appear to pitch away  
from house.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**72**

Description: Drywell with missing top in center portion of Rosewood Circle (was covered with upside-down wheelbarrow). Recommend to replace cover.



Photo Number

**73**

Description: Interior of drywell in good condition.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**74**

Description: Grade appears to slope away from #28 Rosewood Circle.



Photo Number

**75**

Description: Siding ~3.5" above mulch. #28 Rosewood Circle.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**76**

Description: Grade appears to have a crest between #28 and # 36 Rosewood Circle



Photo Number

**77**

Description: Grade appears to pitch towards #28 Rosewood Circle on rear of house.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**78**

Description: Grade appears to pitch towards #28 Rosewood Circle on side of house.



Photo Number

**79**

Description: Mulch ~2" below bottom of siding. # 28 Rosewood Circle



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**80**

Description: Grade ~8" below siding #36 Rosewood Circle.



Photo Number

**81**

Description: Grade appears to pitch towards road on #36 Rosewood Circle.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**82**

Description: Organic growth in window well of #36 Rosewood--recommend to remove.



Photo Number

**83**

Description: Patio appears to have low spot where water travels--recommend to remove pavers and regrade. #36 Rosewood



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**84**

Description: Grade appears flat on rear of #36.



Photo Number

**85**

Description: Mulch ~3" below bottom of siding # 36 Rosewood Circle.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**86**

Description: #40 Rosewood  
Circle grade ~2.5" below  
siding.



Photo Number

**87**

Description: Area on #40  
where water appears to be  
ponding--recommend to  
investigate further.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**88**

Description: Grade appears to pitch away from #40 Rosewood in rear of house.



Photo Number

**89**

Description: #40 Rosewood mulch with splashback-- recommend to clean gutters.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**90**

Description: Organic growth noted in #40 Rosewood emergency egress well--recommend to remove.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**91**

Description: Grade appears to pitch away from #40 Rosewood Circle in front of house.



Photo Number

**92**

Description: Siding appears to be below finish grade #48 Cross Rd.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**93**

Description: Siding appears to be below finish grade #48 Cross Rd.



Photo Number

**94**

Description: Mulch ~2" below bottom of siding #48 Cross Rd.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**95**

Description: #48 Cross Rd  
backyard appears to be flat



Photo Number

**96**

Description: Paver patio ~6"  
below siding

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**97**

Description: #48 Cross Rd  
mulch ~4" below siding



Photo Number

**98**

Description: #48 bulkhead  
appears slightly below grade



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**99**

Description: #48 bulkhead showing likely evidence of water intrusion.



Photo Number

**100**

Description: #44 Cross Rd grade appears to be pitching away from building.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**101**

Description: #44 Cross Rd  
mulch ~3.5" below bottom of  
siding.



Photo Number

**102**

Description: #44 Cross Rd  
patio ~6.5" below bottom of  
siding.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022

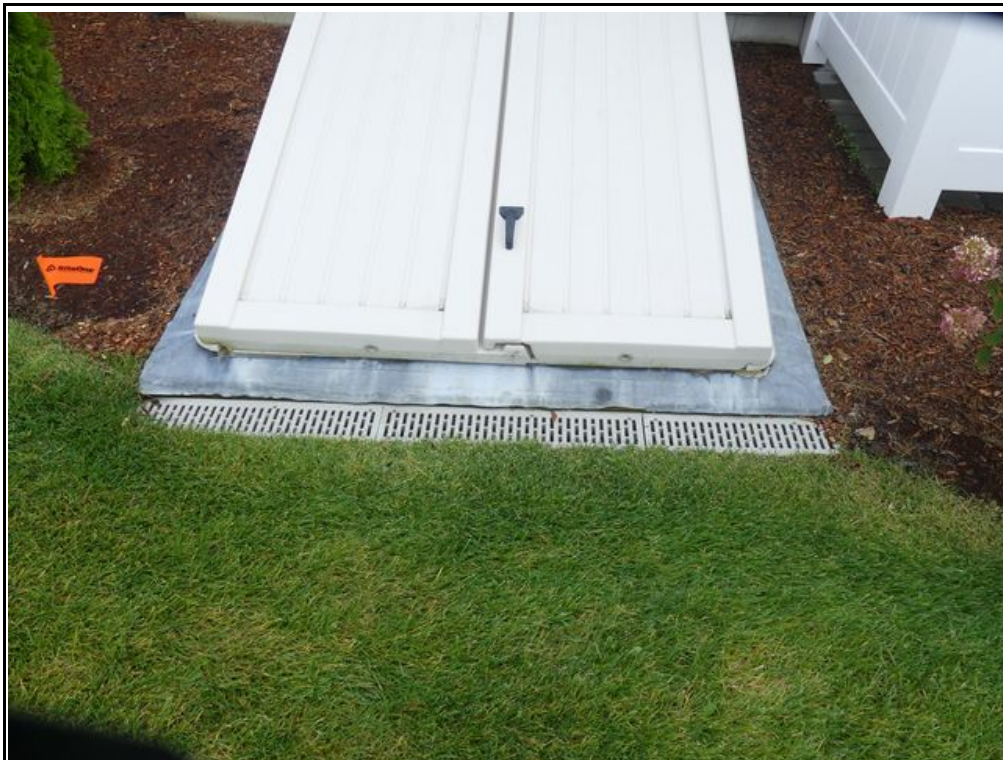


Photo Number

**103**

Description: Linear drain  
installed in front of bulkhead  
#44 Cross Rd



Photo Number

**104**

Description: #44 Cross Rd  
grade ~5" below siding. Also  
note evidence of splashback--  
recommend to verify  
downstream drainage is clear.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**105**

Description: #44 Cross Rd water flow in mulched beds towards drain. Also appears there is organic growth in emergency egress well-- recommend to clean/remove.



Photo Number

**106**

Description: Grade appears to pitch towards #3 Rosewood Circle.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**107**

Description: Grade appears to pitch away from #3 Rosewood Circle towards road.



Photo Number

**108**

Description: #5 Rosewood mulch 3-5" from bottom of siding

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**109**

Description: Patio appears to be flat #5 Rosewood Circle.



Photo Number

**110**

Description: Grade appears to pitch away from #5 Rosewood towards #7 Rosewood.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**111**

Description: #5 Rosewood  
siding touching mulch.



Photo Number

**112**

Description: #7 Rosewood  
siding 2-4" above mulch

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**113**

Description: Area between #7-9 Rosewood with appears to have slight pitch away from #7



Photo Number

**114**

Description: #7 Rosewood siding ~6-8" above mulch.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022

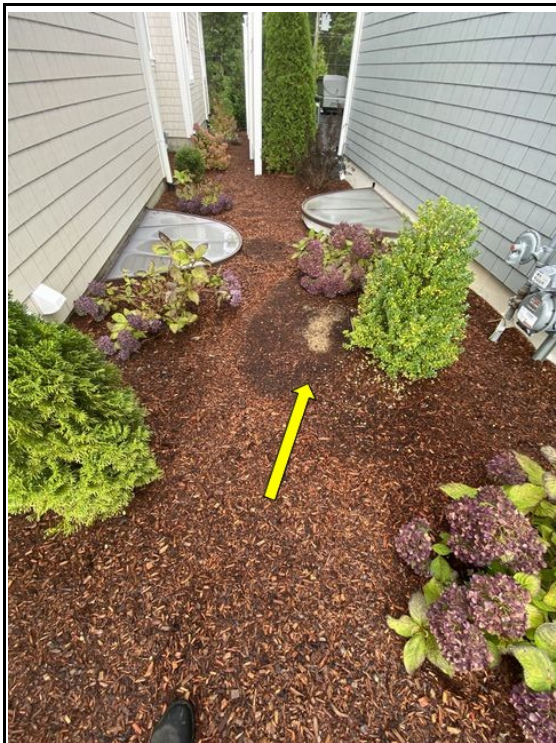


Photo Number

**115**

Description: #7 Rosewood with erosion noted in mulch.



Photo Number

**116**

Description: Grade appears to be sloping away from #9 Rosewood towards #11. Also recommend to re-seed to prevent erosion.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**117**

Description: Mulch 2-4" below bottom of siding. #11 Rosewood.



Photo Number

**118**

Description: Grading between #11 Rosewood and #13 appears to be crowned.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**119**

Description: Mulch ~1.5 to 4" below bottom of siding. #11 Rosewood.



Photo Number

**120**

Description: 11 Rosewood gravel patio appears to be flat.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**121**

Description: #11 Rosewood area under deck and grassy area appear to be flat.



Photo Number

**122**

Description: Area between # 11 and #13 Rosewood appears to be slightly crowned



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**123**

Description: #13 Rosewood Circle siding touching mulch.



Photo Number

**124**

Description: Area between #13 and #15 Rosewood appears to be crowned.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**125**

Description: #13 Rosewood Circle siding ~2" from grade-- splashback was noted.



Photo Number

**126**

Description: Siding 8-10" above mulch and grade pitches away. #13 Rosewood



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**127**

Description: #15 grade appears to pitch towards # 17 Rosewood.



Photo Number

**128**

Description: Grade nearly touching siding at garage front. Mulch ~2-4" below bottom of siding. # 15 Rosewood.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**129**

Description: #15 Rosewood  
Circle rear grade appears flat.



Photo Number

**130**

Description: #15 Rosewood  
siding ~6-8" above mulch.  
Grade appears slightly  
crowned between houses.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**131**

Description: Mulch 2-4" from bottom of siding. # 17 Rosewood.



Photo Number

**132**

Description: Grade appears to pitch away from # 17 towards # 19 Rosewood.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**133**

Description: Grade appears slightly crowned between #17 and # 15 Rosewood.



Photo Number

**134**

Description: Mulch ~4" below bottom of siding. #17 Rosewood.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**135**

Description: Grade  
approximately 2" below siding.  
#19 Rosewood.



Photo Number

**136**

Description: Grade  
approximately 2-4" below  
siding. #19 Rosewood.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**137**

Description: Grade appears pitched towards left of photograph. #19 Rosewood Circle.



Photo Number

**138**

Description: Patio appears to be flat. #19 Rosewood Circle.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**139**

Description: Grade and mulch  
~2" below bottom of siding.  
#21 Rosewood Circle. Grade  
appears to pitch towards #21.



Photo Number

**140**

Description: #21 Rosewood  
mulch 2-4" below bottom of  
siding.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**141**

Description: #21 Rosewood  
rear grading appears to pitch  
away from building.



Photo Number

**142**

Description: #21 Rosewood  
side grade appears to pitch  
towards neighboring house.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**143**

Description: Grade between #23 Rosewood and neighbor appears to be slightly crowned.



Photo Number

**144**

Description: Grade appears to be pitched towards #23 Rosewood.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**145**

Description: #23 Rosewood patio appears to be flat.



Photo Number

**146**

Description: Siding touching mulch. #23 Rosewood.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**147**

Description: #25 Rosewood grade appears to be pitching away from house.



Photo Number

**148**

Description: #25 Rosewood patio appears to be flat.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**149**

Description: #25 Rosewood  
grade appears to be pitching  
away from house.



Photo Number

**150**

Description: #25 Rosewood  
mulch touching bottom of  
siding.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**151**

Description: #25 Rosewood mulch touching bottom of siding.



Photo Number

**152**

Description: Mulch touching bottom of siding # 27 Rosewood.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**153**

Description: Grade appears to be slightly crowned between #27 Rosewood and neighbor.



Photo Number

**154**

Description: Mulch 2-4" below siding. #27 Rosewood.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**155**

Description: Area of erosion in mulch indicates water flow towards house. 29 Rosewood Circle.



Photo Number

**156**

Description: Area between #29 Rosewood and neighbor appears to be slightly crowned.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**157**

Description: #29 Rosewood Circle patio appears to pitch away from house as shown.



Photo Number

**158**

Description: #29 Rosewood Circle grade appears to pitch away from house towards neighbor.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**159**

Description: #31 Rosewood grade appears to be flat between houses.



Photo Number

**160**

Description: #31 Rosewood gravel under deck appears to pitch away from house.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**161**

Description: #31 Rosewood compound slope in rear appears to pitch towards house



Photo Number

**162**

Description: #31 Rosewood mulch touching bottom of siding.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**163**

Description: #31 Rosewood  
mulch touching bottom of  
siding.



Photo Number

**164**

Description: #33 Rosewood  
grade 1-3" below bottom of  
siding.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**165**

Description: #33 Rosewood  
Grade appears to be pitching  
towards house



Photo Number

**166**

Description: #33 Rosewood  
Grade appears to be pitching  
towards house/patio



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**167**

Description: #33 Rosewood  
bottom of siding 2-3" from  
mulch.



Photo Number

**168**

Description: #35 Rosewood  
mulch 8-12" from bottom of  
siding.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**169**

Description: #35 Rosewood grade appears to slope away from house.



Photo Number

**170**

Description: #35 Rosewood grade sloping towards right side of bulkhead.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**171**

Description: #35 Rosewood eroded area appears to indicate water flow towards house.



Photo Number

**172**

Description: #35 Rosewood mulch 1-2" from bottom of siding.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**173**

Description: #37 Rosewood mulch ~2-4" from bottom of siding.



Photo Number

**174**

Description: #37 Rosewood grade appears to pitch away from building.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**175**

Description: #37 Rosewood grade appears to pitch towards building. Also note mulch is touching siding.



Photo Number

**176**

Description: #37 Rosewood grade appears to pitch away from building.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**177**

Description: #37 Rosewood mulch 1-4" from bottom of siding.



Photo Number

**178**

Description: #39 Rosewood patio appears to slope towards building.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**179**

Description: #39 Rosewood mulch 3-5" below bottom of siding.



Photo Number

**180**

Description: #39 Rosewood left side grade appears to slope away from building.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**181**

Description: #47 Rosewood  
grade touching bottom of  
siding.



Photo Number

**182**

Description: #47 Rosewood  
mulch touching bottom of siding



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**183**

Description: #47 Rosewood mulch touching bottom of siding



Photo Number

**184**

Description: Area between #47 and neighbor appears to be slightly crowned.

Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**185**

Description: #49 Rosewood circle with grade touching bottom of siding and mulch ~2-3" below.



Photo Number

**186**

Description: #49 Rosewood circle grade appears to slope away towards neighbor's house.



Location

Photos Taken by:  
Chad Smutzer, P.E.

Inspection Date:  
October 6, 2022



Photo Number

**187**

Description: #49 Rosewood patio appears to be flat.



Photo Number

**188**

Description: #49 Rosewood mulch 3-4" from bottom of siding.



# United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT  
WASHINGTON, DC 20240-0001

December 9, 2022

RE: Invitation to Consult on the Beacon Wind Project and Notification of Using the National Environmental Policy Act (NEPA) Process to Fulfill Section 106 Obligations; ***Response Requested by No Later Than 30 Days of Receipt of This Letter***

Dear Potential Consulting Party,

The Bureau of Ocean Energy Management (BOEM), serving as lead Federal agency under the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA), is reviewing the Construction and Operation Plan (COP) submitted by Beacon Wind, LLC (Beacon Wind) proposing the Beacon Wind Project (the Project). BOEM has determined that the construction, operation, and maintenance, and eventual decommissioning of the Project constitutes an undertaking subject to Section 106 of the NHPA (Section 106).

If approved, the Project will consist of up to 155 wind turbine generators in the designated Renewable Energy Lease Area OCS-A 0520 (Lease Area), up to two offshore substations, inter-array cables linking the individual turbines to the offshore substations, substation interconnector cables linking the substations to each other, offshore export cables, an onshore export cable system, two onshore points of interconnection. The Lease Area covers approximately 128,811 acres and is located approximately 20 miles south of Nantucket, Massachusetts and 60 miles east of Montauk, New York. Beacon Wind proposes to develop the entire Lease Area in two wind farms, known as Beacon Wind 1 and Beacon Wind 2. Each wind farm would gather the associated turbines to a central offshore substation and deliver the generated power via a submarine export cable to an onshore substation for final delivery into the local utility distribution system at the selected point of interconnection. The offshore export cables would be buried below the seabed surface within Federal and state waters. The Project location is depicted on Enclosure 1.

BOEM has assigned ICF as the third-party contractor to facilitate the Section 106 consultation process. All Federal oversight and decisions will remain with BOEM. ICF's role in this Section 106 review is administrative; ICF will coordinate communication with the consulting parties; facilitate distribution of BOEM-approved documents; provide technical assistance; and arrange and lead meetings, webinars, or calls with consulting parties.

With this letter, BOEM invites you to be a consulting party to the Project and its potential to affect historic properties. Consulting parties have certain rights and obligations under the NHPA



and its implementing regulations at 36 Code of Federal Regulations (CFR) Part 800 and NEPA and its implementing regulations at 40 CFR Parts 1500–1508. These regulations provide for a review process, known under the NHPA as Section 106 review. The regulations at 36 CFR 800.8(c) provide for the use of the NEPA process to fulfill a Federal agency’s NHPA Section 106 review obligations in lieu of the procedures set forth in 26 CFR 800.3 through 800.6.

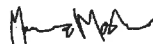
BOEM intends to use the NEPA process for NHPA Section 106 purposes in lieu of the procedures set forth in 36 CFR 800.3 through 800.6 for the Project. The Section 106 process and NEPA substitution are described at: <https://www.achp.gov/digital-library-section-106-landing/citizens-guide-section-106-review> and [https://www.achp.gov/integrating\\_nepa\\_106](https://www.achp.gov/integrating_nepa_106), respectively. As part of this process, consultation with appropriate federally-recognized tribes will occur during the preparation of the Project Environmental Impact Statement (EIS) in accordance with NEPA regulations at 36 CFR 800.8(c)(1), during NEPA scoping, environmental analysis, and preparation of NEPA documents. To aid those consulting parties who may not be familiar with the NEPA substitution process, BOEM has developed a *National Environmental Policy Act Substitution for Section 106 Consulting Party Guide*, which is enclosed for your reference (Enclosure 2).

By becoming a consulting party, you will be actively informed of steps in the review process, including public meetings, and your views will be actively sought. If you would like to be a consulting party to this project, please respond to Alice Muntz at [BeaconWind106@icf.com](mailto:BeaconWind106@icf.com) or 804-614-3426.

Please submit your request to become a consulting party ***no later than 30 days of receipt of this letter.*** While you may also request to be a consulting party at a later date, the Project may advance without your input and your opportunity to fully comment on each step of the process may be affected. If you are requesting consulting party status, designate one primary representative and one alternate from your organization to receive correspondence and attend meetings; please provide contact information for any such designees. We also request that you indicate your preferred correspondence method: hard copy correspondence by mail, electronic correspondence by email, or both.

Please contact me, the BOEM Section 106 Project Lead, at [Marissa.Moshier@boem.gov](mailto:Marissa.Moshier@boem.gov) or 571-373-0759 if you require additional information. We look forward to working with you.

Sincerely,



Digitally signed by  
MARISSA MOSHIER  
Date: 2022.12.02  
13:57:18 -05'00'

Marissa Moshier  
BOEM Section 106 Lead  
Environment Branch for Renewable Energy  
Office of Renewable Energy Programs





## **I. Introduction**

The regulations at 36 Code of Federal Regulations (CFR) § 800.8 provide for use of the National Environmental Policy Act (NEPA) process to fulfill a Federal agency's National Historic Preservation Act (NHPA) Section 106 review obligations in lieu of the procedures set forth in 36 CFR § 800.3 through 800.6. This process is commonly known as "NEPA substitution for Section 106" and the Bureau of Ocean Energy Management (BOEM) plans to use the process and documentation required for the preparation of an Environmental Impact Statements (EIS) and Record of Decision (ROD) to comply with Section 106 on all future offshore wind project Construction and Operations Plans (COPs) for which you may be invited to participate as a Consulting Party.

This document is intended to act as a guide for Consulting Parties on the "NEPA substitution for Section 106" process to aid understanding of how this process works, how it compares to BOEM's traditional Section 106 process approach, and where in BOEM's NEPA substitution process you will be involved.

More information regarding integration of NEPA and Section 106 reviews can be found at:

[https://www.achp.gov/integrating\\_nepa\\_106](https://www.achp.gov/integrating_nepa_106).

## **II. Why is BOEM implementing a NEPA substitution process?**

BOEM is using the NEPA substitution process under 36 CFR § 800.8(c) as part of a multi-faceted approach to meet the Office of Renewable Energy Program's needs. With a large number of COPs submitted for BOEM's review, there is an increased need for streamlining and efficiency in the NEPA process. In addition to efficiency, BOEM anticipates several other benefits from implementing the NEPA substitution process for its Section 106 review of COPs, including the following:

- Earlier and more direct input from Consulting Parties into the development and selection of alternatives and avoidance, minimization, or mitigation measures.
- Better integration of comments and responses, especially concerning natural and cultural resources, historic properties, visual effects, environmental justice issues, and traditional cultural practices.
- Providing a more holistic and meaningful approach to government-to-government consultation with Indian Tribes, as defined at 36 CFR § 800.16(m).

## **III. What are the major differences between the standard Section 106 and the "NEPA substitution for Section 106" approaches?**

The key differences between the standard approach for Section 106 as set out in 36 CFR § 800.3 through 800.6 and how BOEM will comply with the 36 CFR § 800.8(c) approach for Section 106 review of COPs include the following:

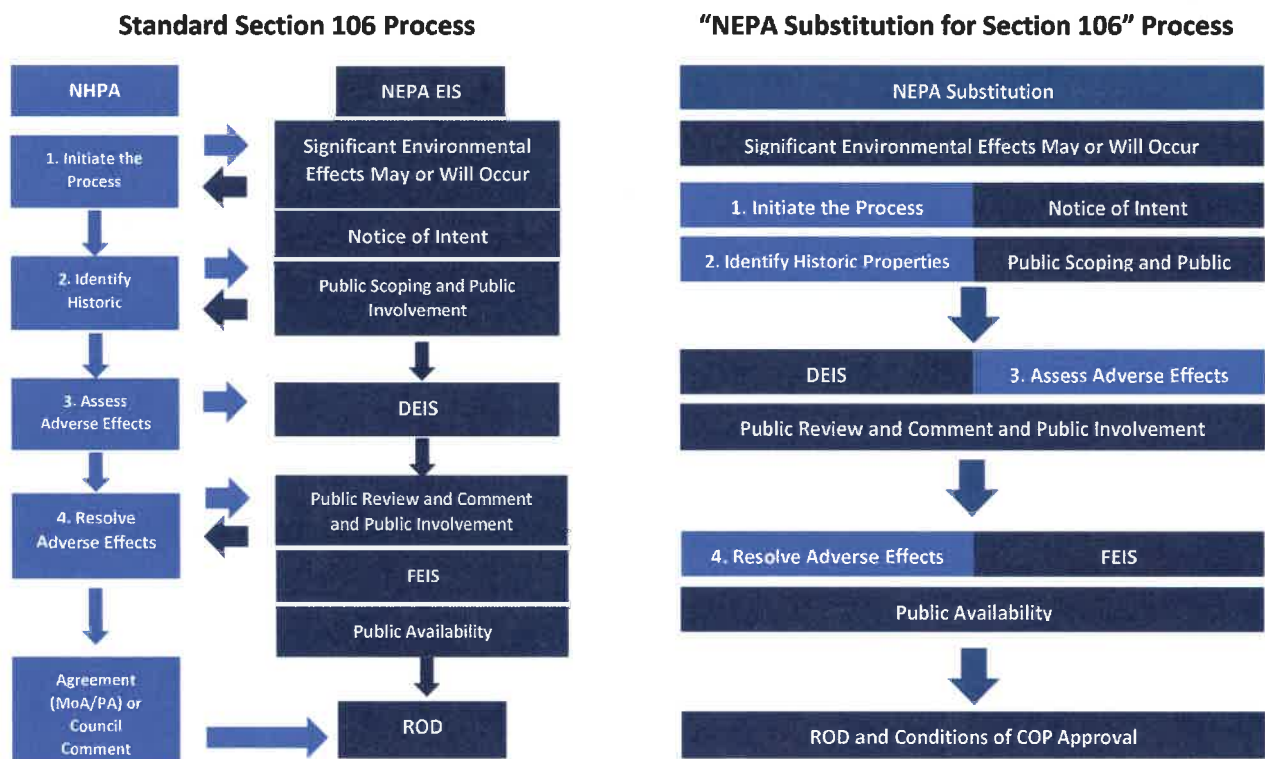
- BOEM will seek formal consultation earlier, during significant NEPA milestones (at scoping and after publication of the Draft EIS); parties may comment throughout the development of the EIS.
- The identification of historic properties, finding of effects, and resolution of adverse effects will be documented in the Draft and Final EIS rather than in a separate Section 106 Finding

## National Environmental Policy Act (NEPA) Substitution for Section 106 Consulting Party Guide Updated August 4, 2021

document. BOEM will provide the reports documenting the identification of historic properties along with the Draft EIS. These include:

- the Marine Archaeological Resources Assessment,
- the Terrestrial Archaeological Resources Assessment, and
- the Report of Visual Effects on Historic Properties, along with viewshed analyses and visual simulations.
- Resolution of adverse effects may be documented in a binding ROD and as conditions of COP approval. This differs from the standard Section 106 process in which a Memorandum of Agreement (MOA) is developed to resolve adverse effects. The combination of BOEM's binding ROD and application of conditions of COP approval provide effective and equivalent legal requirements on itself and on the lessee.
- BOEM's government-to-government consultation responsibilities to Federally recognized tribes remain unchanged and efforts to consult with tribes are likely to expand under NEPA substitution.

Below, the graphic on the left illustrates the standard approach to NEPA and NHPA Section 106 review, showing the major milestones in each process when executed in parallel. The graphic on the right shows the "NEPA substitution for Section 106" approach, and how these milestones will be combined.





#### IV. How will BOEM meet the requirements of 36 CFR § 800.8(c) under the “NEPA substitution for Section 106” process?

As provided in 36 CFR § 800.8(c), four standards must be met:

1. The first standard is to identify Consulting Parties and invite them to participate in the process. Under the “NEPA substitution for Section 106” process, BOEM will identify Consulting Parties for each project pursuant to 36 CFR § 800.3(f) prior to or with issuance of its Notice of Intent (NOI) to prepare an EIS. During the NEPA scoping period BOEM will send a formal letter to these parties inviting them to participate in the process. These letters will also state that BOEM intends to use the NEPA process for Section 106 purposes as laid out in 36 C.F.R. § 800.8(c) to comply with Section 106 in lieu of 36 CFR § 800.3 through § 800.8.
2. The second standard is to identify historic properties and assess the effects of the undertaking in a manner consistent with 36 CFR § 800.4 through § 800.5. Under NEPA substitution, the Draft EIS will identify historic properties and assess the effects of the undertaking using the lessee’s cultural resources reports from the COP as well as Consulting Party and public input provided during the scoping period. BOEM’s regulations require that lessees include in their COPs information about historic properties, any adverse effects from their project on these historic properties, and how they propose to resolve those adverse effects (through avoidance, minimization, and mitigation measures). This information will be sent to Consulting Parties with the Draft EIS for their review, so that final measures may be developed in consultation. The Final EIS will reflect continued consultations, as well as Consulting Party comments received on the Draft EIS.
3. The third standard is to consult with Consulting Parties during NEPA scoping, environmental analysis, and preparation of the EIS regarding the effects of the undertaking on historic properties. Under the “NEPA substitution for Section 106” process as laid out in 36 CFR § 800.8(c), formal consultation will occur during the scoping period as well as during the public comment period after publication of the Draft EIS. However, Consulting Party comments will be accepted at any point during the preparation of the EIS. Additionally, if necessary, Section 106-specific consultation meetings with Consulting Parties can be arranged. Comments submitted by Consulting Parties during NEPA comment periods will help inform the effects analysis for historic properties in the Draft and Final EIS.
4. The fourth standard is to involve the public in accordance with BOEM’s NEPA procedures and develop alternatives and proposed avoidance, mitigation, and minimization measures in consultation with Consulting Parties. Proposed measures to avoid, minimize, or mitigate any adverse effects on historic properties will be first presented in the lessee’s COP, which Consulting Parties will be able to review, as well as through consultation with Consulting Parties during scoping and the Draft EIS comment period. These measures will be further developed and refined in consultation, and those changes will be reflected in the Draft and Final EIS. Public involvement will take place during the NEPA comment periods and through standard public participation practices for the NEPA process, including posting of relevant information on BOEM’s website and through Federal Register notices.

**V. When and How do I provide input?**

Opportunities for formal and informal consultation will occur throughout the development of the EIS. Consulting Parties will be formally invited to submit comments twice during this process: first, during the NEPA Scoping Period (so that comments can be incorporated into the Draft EIS) and second, during the Draft EIS public comment period (so that comments can be incorporated into the Final EIS). While comments can be submitted by Consulting Parties at any time, we encourage you to submit these during the scoping comment period, thus allowing BOEM to consider these comments in the development of the Draft and Final EIS.

Furthermore, BOEM is encouraging lessees to coordinate with Consulting Parties *prior to* their COP submission to request input as they develop their proposed avoidance, minimization, and mitigation measures.

**VI. Will sensitive information regarding historic properties or traditional practices or places remain confidential under NEPA Substitution?**

All sensitive information provided during the “NEPA substitution for Section 106” process will be treated the same way it would have been under the standard Section 106 review process as set out in 36 CFR § 800.3 through 800.6. Please note that all comments submitted through the NEPA process are submitted through regulations.gov and are available for viewing by the public. However, BOEM will provide a different means for Consulting Parties to provide comments that contain sensitive information, if requested. For Indian Tribes, as defined at 36 CFR § 800.16(m), BOEM’s Tribal Liaison Officers can provide additional guidance on sharing sensitive information for Section 106 review purposes.

**VII. What is the role of third-party contractors in the “NEPA substitution for Section 106” process?**

A third-party contractor has been contracted to aid with the preparation of each EIS assessing the environmental effects of a renewable energy COP. The lessee pays for the third-party contractor’s services, but BOEM is responsible for providing all work direction as well as reviewing all work performed by the third-party contractor. Third-party contractor support is essential so BOEM can meet deadlines for multiple projects occurring simultaneously. Throughout the “NEPA substitution for Section 106” process you can expect to be contacted by the third-party contractor. The third-party contractor will support BOEM by performing various administrative and logistical tasks, including but not limited to coordinating communication with the consulting parties; distributing BOEM-approved documents; providing technical assistance; and hosting and facilitating NEPA and/or NHPA meetings, webinars, and calls with consulting parties. It is important to note that it is BOEM’s responsibility to comply with Section 106 and all decisions and content of the Draft EIS, Final EIS, and ROD as well as other documents are determined by BOEM.

Additionally, BOEM fully recognizes that the responsibility to consult with the appropriate federally recognized tribes (as defined at 36 CFR 800.16(m)) is its own and cannot be delegated, per 36 CFR Section 800.2(c)(4). Due to the special legal relationship between BOEM and federally recognized Tribes, third party contractors will not participate in government-to-government consultations between BOEM and federally recognized Tribes.





**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 David J. and Janice M. Maw, 11 Narragansett Street, Teaticket, Ma.

(Map 39A Lot 044) under 240-3 C. and 240-69 E. of the Zoning By-Law, as amended to **grant** the special permit to construct an addition and an attached garage 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 **December 2, 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 Kevin O. Finnegan, 10 Cooper Road, East Falmouth, Ma.

(Map 40 Lot 111) under 240-69 E. of the Zoning By-Law, as amended to **grant** the special permit to construct a sunroom addition and an attached garage with living space above; 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 **December 2 ,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 Daniel R. and Susan E. Gillette, 100 Walker Street, Falmouth, Ma.

(Map 47A Lot 025A) under 240-3 C. and 240-69 E. of the Zoning By-Law, as amended to **grant** the special permit to remove the existing deck and construct an addition, 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 **December 2, 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 Gaetano Fodera, and Maria Pia Fodera, 258 Edgewater Drive East, East Falmouth, Ma.

(Map 41 Lot 007) under 240-3. C. of the Zoning By-Law, as amended to **grant** the special permit to raze and rebuild the non-conforming dwelling.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **November 29, 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 Alex Gilfoy, 119 Davisville Road, East Falmouth, Ma.

(Map 33 Lot 001) under 240-23 I. of the Zoning By-Law, as amended to grant the special permit to add an accessory apartment to the existing detached garage.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **November 29, 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 Damian Caputo, applicant, and Helen E. Hamilton, property owner, for a Special Permit under Section 2420 of the Sandwich Protective Zoning By-Law for property located at 24 Feake Avenue, Sandwich, MA Assessor's Map #94, Parcel #12, for the purpose of enlarging a non-conforming structure greater than 30%. 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 Scott & Donna Floeck, applicants and property owners, for an Appeal of Decision of the Building Commissioner under MGL Chapter 40A, Section 8, for property located at 115 Salt Marsh Road, Sandwich, MA Assessor's Map #77 Parcel #70 for the purpose of appealing a written determination relating to the construction of a boathouse. 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