



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, MA 02649

Meeting of the Mashpee Planning Board
Wednesday, September 20, 2023; 7:00 PM
Waquoit Meeting Room
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649

Broadcast Live on Local Channel 8

Streamed Live on the Town of Mashpee Website: <https://www.mashpeeema.gov/channel-8>

amended 9/15/2023

Call Meeting to Order

- Pledge of Allegiance

Approval of Minutes

- Review of Meeting Minutes from September 6, 2023

Approval Not Required (ANR)

- Applicant:** Southworth Mashpee Properties LLC
- Location:** 275 Quinaquisset Avenue, Mashpee, MA
Assessor's Map 69, Parcels 32 and 169
- Request:** Purpose of the ANR is to divide 275 Quinaquisset into three ANR lots. Lot 2 has an existing single-family dwelling which is proposed to be demolished.
- Applicant:** Estate of Jacques Fresco
- Location:** 3 Santuit Lane, Mashpee, MA
Assessor's Map 30 Parcel 15
- Request:** The purpose of the request is to rectify an existing encroachment of the subject property on Town of Mashpee Conservation lands. The plan proposes to divide the subject lot into two parcels 1 and 2. 0 Santuit Lane (Map 30 Parcel 19) is Town of Mashpee Conservation land proposed to be divided into two parcels 3 and 4. Parcel 1 will be conveyed to the Town of Mashpee and Parcel 3 will be conveyed to the Estate of Jacques Fresco. Parcels 2 and 4 will be merged to create new building lot 26A as shown on the plan

Public Hearings

7:10 PM (Continued from 08/02/2023)

- 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 8/16/2023)

- Applicant:** Pleasantwood Homes, LLC
- Location:** 20 Tudor Terrace (Assessor's Map 29 Parcel 198)
- Request:** Applicant seeks approval of a special permit pursuant to to divide the subject Parcel comprised of approximately 6.024 acres into three building lots in cluster configuration for single family home construction while preserving 3.021 acres as protected open space.



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7:25 PM (Continued from 8/16/2023)

- Applicant:** Pleasantwood Homes, LLC
Location: 20 Tudor Terrace (Assessor's Map 29 Parcel 198)
Request: Applicant is seeking approval of a Definitive Subdivision Plan of land that would create three new 40,000 sq. ft. building lots by dividing the 6.024 acre subject property. The remaining land area totaling approximately 3.021 acres is proposed for open space as required by Mashpee Zoning Bylaw. The three lots proposed obtain frontage via an extension of the existing public way called Tudor Terrace.

New Business

- Acknowledgement of Attorney Don Pinto's letter transmitted to Mashpee Town Counsel pertaining to current applications before the Board submitted by Southworth Mashpee Properties, LLC and discussion relative to Board Member availability to set a special meeting date for an Executive Session with Town Counsel.

Old Business

- N/A

Board Engineer Report

- Project Reviews and Inspections
- Ockway Highlands – Engineer to report on the condition of the unimproved portion of Blue Castle Drive and the developer's consistency with any maintenance obligations of that roadway that are defined in the Ockway Highlands Special Permit permit.

Chairwoman's Report

- Water Quality Issues

Town Planner Report

- Harbor Management Planning Committee update
- Housing Production Plan update

Board Member Committee Reports

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

Correspondence

- Town of Falmouth Notices
- Town of Sandwich Notices

Additional Topics (not reasonably anticipated by Chair)

Adjournment



Town of Mashpee *Planning Board*

16 Great Neck Road North
Mashpee, Massachusetts 02649

Mashpee Planning Board

Minutes of Meeting

Wednesday, September 06, 2023 at 7:00PM
Mashpee Town Hall - Waquoit Meeting Room
16 Great Neck Road North
Mashpee, Ma 02649

Broadcast Live on Local Channel 8

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

Streamed Live on the Town of Mashpee website

<https://www.mashpeema.gov/channel-8>

Present: Chair Karen Faulkner, Mary Waygan, Dennis Balzarini, Dale Oakley, Robert (Rob) Hansen

Also Present: Evan Lehrer – Town Planner

Absent: Mike Richardson

CALL TO ORDER

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

APPROVAL OF MEETING MINUTES – August 16, 2023

Ms. Waygan noted an edit under Cape Cod Commission to read 'No Report'. Correction made.

MOTION:

Ms. Waygan made a motion to approve the meeting minutes from August 16, 2023 as amended. Seconded by Mr. Balzarini. All in favor.

PUBLIC HEARINGS

7:10P.M.

To review the following zoning articles proposed for action at the October 16, 2023

Town Meeting:

- Warrant Article 2: To see if the Town will vote to amend the Zoning Bylaws by adding new subsections into Article XI: Floodplain Zone Overlay District.

Flood safe construction prohibits the use of fill. The requirement is use of solid wall with flood vents or on pilings. IA septic systems will also be a requirement. This does not propose to remove rights to build or rebuild, but seeks flood safe environmental friendly methods. This also helps with the town's FEMA insurance.



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MOTION:

Ms. Waygan made a motion that the Planning Board vote to recommend passage of this article by Town Meeting. Seconded by Mr. Balzarini. All in favor.

- **Warrant Article 3:** To see if the Town will vote to amend Section 174.45.4: Accessory Apartments Subsection A of the Mashpee Zoning Bylaw.

The idea is to construct and live in the ADU or principal dwelling and rent the other to tenants. You cannot rent both dwellings at the same time.

MOTION:

Ms. Waygan made a motion that the Planning Board vote to recommend passage of this article by Town Meeting. Seconded by Mr. Balzarini. All in favor.

- **Warrant Article 4:** To see if the Town will vote to amend Section 174.45.4: Accessory Apartments Subsection C of the Mashpee Zoning Bylaw.

This allows apartments to be no less than 350s.f. and not more than 900s.f. As it states now the maximum square footage may not exceed 40% gross floor area, but those calculations are a confusing mechanism to control size.

MOTION:

Ms. Waygan made a motion that the Planning Board vote to recommend passage of this article by Town Meeting. Seconded by Mr. Balzarini. All in favor.

- **Warrant Article 5:** To see if the Town will vote to amend Section 174.45.4: Accessory Apartments Subsection I of the Mashpee Zoning Bylaw.

This requires any accessory apartment be rented year round. There is a current rental restriction of no less than 30 days. In the example of a family member, a lease must be drafted, it could even say for \$0/mo.

MOTION:

Ms. Waygan made a motion that the Planning Board vote to recommend passage of this article at Town Meeting. Seconded by Mr. Balzarini. All in favor.

Roll Call:

Mr. Balzarini: Yes, Ms. Waygan: Yes, Ms. Faulkner: Yes, Mr. Oakley: No

(3-1)



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Lynne Barebee- She commented if she has an accessory apartment and a family member lives there with no rent and no lease, is that a violation? Mashpee Commons is renting to the Community Health Center. There is one entity renting that space, but there will be revolving people living there. If someone owns a company and wants to rent it for a year but has a few people living there throughout that year, if the lease is in the company's name, is that a violation? It doesn't specify one entity. She is suggesting there be a survey question during the HPP asking if anyone would be interested in having an ADU on their property, or if anyone would be willing to live in an ADU on someone else's property.

Mr. Lehrer stated there is nothing preventing this free of charge, but a literal compliance would require a lease on file. One dollar could be written as consideration.

Ms. Waygan noted this is just to prevent these ADU's from becoming short term rentals or Air BB.

- **Warrant Article 11:** To see if the Town will vote to amend Section 174-24(C)(9)(g) Special Permit Use of the Mashpee Zoning Bylaw.

This section was modified to determine if a Special Permit would allow expanding the use of the Special Permit area by annexing the property to special permit area. The exception in the current language exempts certain uses of cluster subdivisions and open space for multifamily units like Willowbend. The petitioner was unable to acquire all signatures prior to execution. Mr. Lehrer spoke with the petitioner. Intention is to indefinitely postpone on Town Meeting floor, but Board would still need a recommendation, and his advisement is to not recommend.

MOTION:

Ms. Waygan made a motion that the Planning Board recommend this article be indefinitely postponed. Seconded by Mr. Balzarini. All in favor.

MOTION:

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

7:30P.M. (Continued from 08/02/2023)

Applicant: Southworth Mashpee Properties LLC

Location: 275 Quinaquisset Avenue (Map 69 Block 32)

Request: Applicant proposes to modify the Willowbend Country Club Special Permit to construct a 14-unit single family cottage community immediately



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contiguous to the Willowbend Golf Course. With these changes the total unit count for the Willowbend project would be increased to 287 if the Board authorizes the annexation of 275 Quinaquisset into Willowbend Special Permit as allowed. 287 dwelling units is the maximum number of dwelling units authorized under the Special Permit. All units will be connected to and served by the existing privately owned wastewater treatment plant which serves the entire Willowbend project.

The Planning Board received correspondence from Jack McElhinney, Attorney for Southworth Mashpee, requesting both Public Hearings currently scheduled for September 6th be continued to the October 18th meeting.

Ms. Waygan asked if the project proponent would be ready to go forward on the 18th. She asked if we know why they are requesting this continuance.

Mr. Lehrer noted that conservation on 275 Quinaquisset is incomplete.

Ms. Waygan then stated this matter is on hold with Conservation until the Planning Board has their decision. We have a negative feedback loop here. She noted this from their meeting that they were to get the plan finalized by the Planning Board and come back. The consultant and Conservation is waiting on Planning Board.

Mr. Lehrer will strongly urge Conservation go through with their review. It's important we innumerate absent to your approval it does not proceed, it ends with Conservation. You have to make a series of findings and review of mitigation options presented by applicants. He is urging the Planning Board to submit a letter to Conservation informing them to proceed. He will prepare a draft letter for review and seek the Chair's approval.

MOTION:

Ms. Waygan made a motion to allow the Town Planner to draft a letter to the Conservation Commission on behalf of the Planning Board. Seconded by Mr. Balzarini. All in favor.

MOTION:

Mr. Balzarini made a motion to continue the Public Hearing on 275 Quinaquisset Ave. to October 18, 2023 at 7:10P.M. Seconded by Ms. Waygan. All in favor.

7:40P.M. (Continued from 08/02/2023)

Applicant: Southworth Mashpee Properties LLC

Location: Willowbend Permit Area



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Request: Applicant proposes to modify the Willowbend Special Permit by amending the condition limiting the number of bedrooms allowed in the project. Currently Willowbend is allowed 853 bedrooms. Willowbend proposes to remove this condition or increase the maximum allowance.

MOTION:

Mr. Balzarini made a motion to continue the Public Hearing on bedroom count to October 18, 2023 at 7:20P.M. Seconded by Ms. Waygan. All in favor.

PUBLIC COMMENT

Dr. Steven Ross- He commented we are all looking for and wanting the same thing, a clean and safe environment, one that is equitable where everything flourishes. He would like peace and harmony. He advises folks to listen to each other and look at one another in the eye and communicate with a common understanding to reach goals. The world is going to experience a rapid significant change in technology, medicine, and finance. There are ways in which we can revolutionize air and water purification. We need to think about change as a good thing and educate ourselves and use this change for the betterment, both scientifically and environmentally.

NEW BUSINESS

Discussion and possible vote relative to cancelling October 4, 2023 meeting.

MOTION:

Mr. Balzarini made a motion to cancel the Planning Board meeting scheduled for October 4, 2023. Seconded by Ms. Waygan. All in favor.

OLD BUSINESS

N/A

BOARD ENGINEER REPORT

This report pertains to the portion of Blue Castle Drive and Great Neck Road South for improved road. The condition of the permit is for maintenance to occur before the transfer to the Ockway Association. There is a letter requesting the Board determine if the condition has been satisfied. It is understood the condition has not been met as required. Mr. Pesce and Mr. Morin have been in communication on compliance prior to the transfer. Mr. Lehrer does not have an update from Mr. Pesce, but he stands by what he said, that particular condition has not been satisfied. The Board's expectation will be to have the Board Engineer require the condition of road meets the details of the subdivisions approval before transferring obligations of maintenance to the Ockway Association. The sidewalk cannot be removed without the application and Public Hearing. He is asking the Board to take a definitive vote.



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Ms. Waygan would like to see what the Board Engineer says and agrees with the conditions not being met. Then he can report and draft a letter about what we would vote on and what action steps would be required.

MOTION:

Ms. Waygan made a motion to assign that work to the Board Engineer and Town Planner. Seconded by Mr. Balzarini. All in favor.

Mr. Lehrer will have an answer in public session on October 18th. As long as the Board is authorizing to pay the Planning Department, the expense can be covered.

Ms. Waygan asked who would pay that bill. It was answered the town would pay, provided the Town Manager approves that expense. She would also like to know what the occupancy permit refers to.

Mr. Lehrer noted prior to the tripartite, Mr. Morin met this approval with condition prior to, and annual maintenance has occurred. He is not concerned about that issue.

Ms. Waygan would like this as an agenda item for the next meeting.

CHAIRWOMANS REPORT

Water Quality Issues

The Preservation Association for Cape Cod talks about PFAs sources in pesticides. They put pesticides in plastic containers, fluorinate the containers to purify, and it winds up in the pesticide. The longer the chemicals sit, the worse it gets. The molecular structure of PFAs are registered with EPA. PFAs can also be an inert component and they disperse and make the plants sticky. The EPA determines which inert ingredients you can have. The owners of these companies do not have to disclose this on the label, it's a trade secret in Section 10 of EPA Federal Law. In September 2022 EPA removed 12 PFAs from a list of inert ingredients, there are over 6 or 8 more existing. The chemicals accumulate in fish and wildlife and it persists forever. In June there was a special EPA advisory for PFAS in drinking water, it cannot exceed more than .2 parts per trillion. Mosquito killer was found to contain multiple PFAs, 250 parts per trillion PFOA, and the limit is near .004 parts per trillion. These products end up in landfills and end eventually in the groundwater.

Steven Ross- He commented he receives a lot of medical literature on the internet and PFAs just came up, there is PFAs in the blood, it is a significant problem, but there are ways to purify. Fluorine makes things not stick, there is \$100 billion lawsuit against two companies. There may be some money to mitigate through wastewater treatment or water filters for tap water.



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Ms. Faulkner commented even bottled water has PFAs.

Mr. Lehrer noted on the provision of insecticides, state law prevents restricting its use.

TOWN PLANNER REPORT

Harbor Management Planning Committee Update

The Town Planner is working with the Historical Commission on deed and title research required to regain public access to the water.

Housing Production Plan Update

Mr. Lehrer stated the first workshop for the HPP is scheduled in person for September 19, 2023 at 6:30P.M. at the Mashpee Public Library. The Affordable Housing Committee urges all Planning Board members to participate. They will also be holding a subsequent virtual workshop. Located on the Planning Department page, click the Community Education tab and there you can find HPP fliers and press releases, any documents pertaining to the HPP. He asked members to share the link. There will be a survey to support the update of the HPP, it was reviewed and finalized last night with the AHC. The second workshops will be held at the end of October. He will follow up at next meeting.

Mr. Balzarini wanted to note the jobs available in Mashpee and salaries. A one job income can barely afford the affordable housing for \$40,000 salaries.

Ms. Waygan stated the HPP is designed to meet the needs of our town.

Mr. Oakley noted we need to look to the future, people cannot afford to live here so they travel from off Cape to work here. We need to worry about the cleanliness of our waters.

BOARD MEMBER COMMITTEE REPORTS

Cape Cod Commission-

No Report

Community Preservation Committee-

6:30P.M. September 14th at Town Hall. CPC money can be used for affordable housing, historic preservation, recreation, and open space. There will be time for public comment on priorities for these limited funds.

Design Review-

No Meeting

Plan Review-

No Meeting

Environmental Oversight Committee-

Working with the Tribe to apply for funds for restoration of Mashpee and Santuit Rivers. David Weeden is working on getting a copy of the presentation. Ms. Waygan would like it shared.



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Historic Preservation Committee- No Meeting

ADJOURNMENT

MOTION:

**Mr. Balzarini made a motion to adjourn the meeting of the Planning Board at 8:09p.m.
Seconded by Ms. Waygan. All in favor.**

Next Meeting: Wednesday, September 20, 2023 @ 7:00P.M.

Respectfully Submitted,

Christine M. MacDonald
Board Secretary

LIST OF DOCUMENTS

Additional documents may be available in the Planning Department.

- Correspondence from Tom McNabb (58 Blue Castle Drive)
- July 2023 Discharge Monitoring Report for South Cape Village – N= 3.2
- Town of Falmouth Notices
- Town of Falmouth Notice of Public Hearing for proposed Zoning Articles under consideration
- Town of Sandwich Notices
- DEP Notice of License Application

ANR: 275 QUINAQUISSET AVENUE



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

FORM A

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

Date: September 6, 2023

To the Planning Board: The undersigned, believing that the accompanying plan of his or her property in the Town of Mashpee does not constitute a subdivision within the meaning of the Subdivision Control law, herewith submits said plan for a determination and endorsement that Planning board approval under the Subdivision Control Law is not required.

Name of Applicant Southworth Mashpee Properties LLC Phone (508) 539-5316

Address 130 Willowbend Drive, Mashpee, MA

Owner, if different _____ Phone _____

Address _____

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

Engineer or Surveyor Baxter Nye Engineering Phone (508) 771-7502

Address 1597 Falmouth Road, Centerville, MA 02632

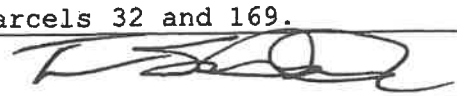
Deed of property recorded in Barnstable County Registry Book 32022 Page 219

Or Land Court Certificate of Title No. _____

Location and description of property

275 Quinaquisset Avenue, Mashpee, MA - 5.07 acre wooded lot developed with one
single-family house which is proposed to be demolished.

Mashpee Assessors map(s) and Block(s) Map 69, Parcels 32 and 169.

Signature of Owner or Quthorized Representative 

Attach written authorization signed by owner.



Town of Mashpee

Planning Board

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

FORM N

NOTICE OF APPLICATION FILING WITH THE MASHPEE PLANNING BOARD

To the Mashpee Town Clerk:

This is to notify you that on September 6, 2023 an application for

X endorsement of a plan believed not to require approval

 approval of preliminary plan

 approval of definitive plan

was submitted to the Mashpee Planning Board at its public meeting by

Southworth Mashpee Properties LLC, 130 Willowbend Drive, Mashpee, MA 02649
Applicant name Applicant address

The land to which the application relates appears on the current Mashpee Assessors Maps
as Map 69, Parcels 32 and 169.

and is generally described as located

at 275 Quinaquisset Avenue, Mashpee, MA

This notice must be submitted to the Town Clerk by delivery or by registered or certified mail, postage prepaid, along with a copy of the application and submitted plans.

Received by Planning Board on _____, 20____.

for Mashpee Planning Board

MASHPEE PLANNING BOARD

APPROVAL UNDER THE SUBDIVISION
CONTROL LAW NOT REQUIRED

DATE: _____

NOTE: NO DETERMINATION AS TO COMPLIANCE WITH THE
ZONING ORDINANCE REQUIREMENTS HAS BEEN MADE OR
INTENDED BY THE ABOVE ENDORSEMENT.

FOR REGISTRY USE

GENERAL NOTES:

1. THE INTENT OF THIS PLAN IS TO DIVIDE SUBJECT PROPERTY INTO THREE APPROVAL NOT REQUIRED LOTS.
2. LOCUS AREA IS COMPRISED OF THE FOLLOWING:
PER CURRENT ASSESSOR'S RECORDS:

OWNER: SOUTHWORTH MASHPEE PROPERTIES, LLC
130 WILLOWBEND DRIVE, MASHPEE, MA 02649
DEED BOOK 32022 PAGE 219
RECORD PLAN BOOK 448 PAGE 38 LOT 1 AND 2
ASSESSOR'S MAP 69, PARCEL 32 AND 169

3. ZONING INFORMATION:

ZONING DISTRICT: R3
CURRENT MINIMUM ZONING REQUIREMENTS:
MIN. LOT AREA = 40,000 SF
MIN. LOT FRONTAGE = 150 FEET
MIN. YARD SETBACKS: FRONT = 40 FEET, SIDE = 15 FEET,
REAR = 15 FEET
MAXIMUM BUILDING HEIGHT = 2.5 STORIES OR 35 FEET
MAXIMUM LOT COVERAGE = 20%

4. A TITLE SEARCH HAS NOT BEEN PERFORMED FOR THIS SITE. THERE MAY BE RIGHTS BY OTHERS, EASEMENT, TAKINGS, MORTGAGES, RIGHT OF WAYS, COVENANTS, RESTRICTIONS, ETC. NOT DEPICTED. IF DETERMINED TO BE NECESSARY, A TITLE SEARCH SHALL BE PERFORMED BY OTHERS. THE WORD "CERTIFY", IF USED HEREIN, IS UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL OPINION BY THE LAND SURVEYOR WHICH IS BASED ON HIS BEST KNOWLEDGE, INFORMATION, AND BELIEF, FORMULATED IN ACCORDANCE WITH COMMONLY ACCEPTED PROCEDURES CONSISTENT WITH APPLICABLE STANDARDS OF PRACTICE, AND AS SUCH IT CONSTITUTES NEITHER A GUARANTEE NOR WARRANTY, EITHER EXPRESS OR IMPLIED. IF CERTIFICATIONS ARE SHOWN THEY ARE NOT CERTIFICATIONS TO THE TITLE OR OWNERSHIP OF THE PROPERTIES SHOWN.

5. THE PROPERTY LINE INFORMATION SHOWN IS BASED ON CURRENT AVAILABLE RECORD INFORMATION CONSISTING OF PLANS AND DEEDS. THE EXISTING FEATURES SHOWN HEREON WERE OBTAINED FROM AN ON THE GROUND FIELD SURVEY PERFORMED BY BAXTER NYE ENGINEERING & SURVEYING ON MAY 1, 2019 TO DECEMBER 12, 2022.

6. BY GRAPHIC PLOTTING ONLY, THE PARCEL SHOWN HEREON LIES WITHIN FLOOD ZONE X (UNSHADED) ON THE FEMA FLOOD INSURANCE RATE MAP (F.I.R.M.) COMMUNITY PANEL NUMBER 250009 0752A, EFFECTIVE DATE JULY 16, 2014.

7. ALL RECORDED EASEMENTS, RESTRICTIONS, ORDERS OF CONDITIONS, OR OTHER ENCUMBRANCES ARE NOT SHOWN, LISTED OR INTENDED TO BE REPRESENTED BY THIS PLAN.

LEGEND:

SYMBOL	ABBREVIATION	DESCRIPTION
□	CB	CONCRETE BOUND
□	GB	GRANITE BOUND
○	DH	DRILL HOLE
○	FND	FOUND
○	EOG	EDGE OF GRAVEL

I HEREBY CERTIFY THAT THIS PLAN CONFORMS
TO THE RULES AND REGULATIONS OF THE
REGISTERS OF DEEDS ADOPTED JANUARY 1, 1976,
AND AMENDED JANUARY 7, 1888.

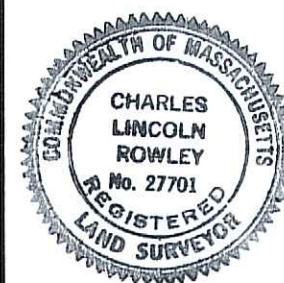
Charles L. Rowley 9/5/23
CHARLES L. ROWLEY, P.L.S. #27701 DATE

LOCUS MAP Scale: 1" = 2000'

BAXTER NYE
ENGINEERING &
SURVEYINGRegistered Professional Engineers
and Land Surveyors1597 Falmouth Road
Centerville, MA 02632Phone - (508) 771-7502
Fax - (508) 771-7622
www.baxter-nye.com

STAMP

STAMP



CONSULTANT

CONSULTANT

PREPARED FOR:

**Southworth Mashpee
Properties, LLC**
130 Willowbend Drive
Mashpee, MA 02649

PROJECT TITLE

Cranberry Point
275 Quinaquisset Avenue
Mashpee, MA 02649

DATE DESCRIPTION

SHEET TITLE

**Approval Not Required
Plan of Land**

SHEET NO

ANR1.0

DATE: SEPTEMBER 1, 2023

30 0 30 60

SCALE IN FEET

SCALE: 1"=30'

DRAWN BY: ZDP CHECKED BY: MWE

JOB NO: 2014-009 FILE: 2014-09 QUIN ANR

ANR: 3 SANTUIT LANE



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

FORM A

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

Date: 9/13/2023

To the Planning Board: The undersigned, believing that the accompanying plan of his or her property in the Town of Mashpee does not constitute a subdivision within the meaning of the Subdivision Control law, herewith submits said plan for a determination and endorsement that Planning board approval under the Subdivision Control Law is not required.

Name of Applicant Estate of Jacques Fresco Phone (508) 888-5700

Address c/o Attorney Brian Wall, 90 Rt. 6A, Sandwich, MA 02563

Owner, if different See Attached. Phone (508) 888-5700

Address _____

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

Engineer or Surveyor Thomas J. Bunker, PLS Phone (508) 540-8805

Address 164 Katherine Lee Bates Road, Falmouth, MA 02540

Deed of property recorded in Barnstable County Registry Book 34558 Page 044

Or Land Court Certificate of Title No. _____

Location and description of property

3 Santuit Lane, Mashpee, Massachusetts

Mashpee Assessors map(s) and Block(s) 30-15

Signature of Owner or Quthorized Representative B. J. Wall, Esq.

Attach written authorization signed by owner.



Town of Mashpee

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16 Great Neck Road North
Mashpee, Massachusetts 02649

FORM N

NOTICE OF APPLICATION FILING WITH THE MASHPEE PLANNING BOARD

To the Mashpee Town Clerk:

This is to notify you that on September 13, 2023 an application for

X endorsement of a plan believed not to require approval

 approval of preliminary plan

 approval of definitive plan

was submitted to the Mashpee Planning Board at its public meeting by

Estate of Jacques Fresco, c/o Brian Wall, Esq., 90 Rt. 6A, Sandwich, MA 02563

Applicant name

Applicant address

The land to which the application relates appears on the current Mashpee Assessors Maps

as Map 30 Parcel 15

and is generally described as located

3 Santuit Lane, Mashpee, MA 02649

This notice must be submitted to the Town Clerk by delivery or by registered or certified mail, postage prepaid, along with a copy of the application and submitted plans.

Received by Planning Board on _____, 20____.

for Mashpee Planning Board

September 13, 2023

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

Re: **Jacques and Rosalie Fresco**
3 Santuit Lane, Mashpee

Dear Chair Faulkner:

Please be advised that I am the Personal Representative of Estate of Jacques Fresco, owners of the land and single-family dwelling at 3 Santuit Lane, Mashpee. This serves to confirm that I authorized Attorney Brian J. Wall to file an application for Approval Not Required.

Thank you.

Very truly yours,



Susan Johnson

QUITCLAIM DEED

WE, JACQUES R. FRESCO and ROSALIE S. FRESCO, husband and wife, as tenants by the entirety, both of 282 Hartley Avenue, Princeton, New Jersey, in consideration of One Dollar (\$1.00) Dollar paid,

Grant a one-half (1/2) interest to DAVID EDWARD JOHNSON, Trustee of the JACQUES ROBERT FRESCO LIVING TRUST, dated June 16, 2021, and his successors and assigns, with a mailing address of 282 Hartley Avenue, Princeton, New Jersey, evidence of such Trust being a Trustee Certificate recorded herewith, and a one-half (1/2) interest to DAVID EDWARD JOHNSON, Trustee of the ROSALIE SARAH FRESCO LIVING TRUST, dated June 16, 2021, and his successors and assigns, with a mailing address of 282 Hartley Avenue, Princeton, New Jersey, evidence of such Trust being a Trustee Certificate recorded herewith, as tenants in common and not as joint tenants, with Quitclaim Covenants, the land together with the buildings thereon situated in Mashpee, Barnstable County, Massachusetts, and being shown as LOT 26 on a plan entitled "Plan of Lots Laid Out for Richard R. Segal in Mashpee" dated May 4, 1960 by Newell B. Snow, which said plan is duly filed in Barnstable County Registry of Deeds in Plan Book 155, Page 49, and being bounded and described as follows:

NORTHWESTERLY	by	Shields Avenue, as shown on Plan hereinafter mentioned, sixty (60) feet;
NORTHEASTERLY	by	Lot 25, as shown on said plan, one hundred fifteen (115) feet, more or less;
SOUTHEASTERLY	by	Santuit Pond, as shown on said plan, one hundred twenty (120) feet, more or less;
SOUTHWESTERLY	by	land of John F. Shields, as shown on said plan

Containing, according to said plan, 9,980 square feet of land. Be any and all of the aforesaid measurements more or less or however otherwise the aforesaid premises may be bounded and described.

Santuit Lane, Mashpee

The above-described premises are conveyed together with the right to use all streets and ways as shown on said plan for all purposes for which streets and ways are commonly used in the Town of Mashpee in common with others lawfully entitled thereto.

The above-described premises are conveyed subject to an easement to the Cape & Vineyard Electric Company et al duly recorded in Barnstable County Registry of Deeds in Book 1021, Page 323.

For our title see deed dated December 22, 1976 recorded in Barnstable County Registry of Deeds at Book 2879, Page 172.

WITNESS our hands and seals this 20th day of September, 2021.


JACQUES R. FRESCO


ROSALIE S. FRESCO

STATE OF NEW JERSEY

Mercer, ss.

On this 20th day of September, 2021, before me, the undersigned notary public, personally appeared Jacques R. Fresco, proved to me through satisfactory evidence of identification, which was a New Jersey Driver's License, to be the person whose name is signed on the preceding document, and acknowledged that he signed it voluntarily for the stated purpose.

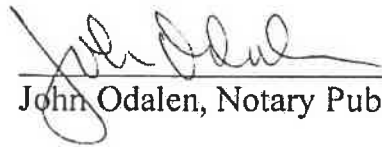

John Odalen, Notary Public

JOHN C. ODALEN
NOTARY PUBLIC OF NEW JERSEY
Comm. # 50059332
My Commission Expires 4/24/2022

STATE OF NEW JERSEY

Mercer, ss.

On this 20th day of September, 2021, before me, the undersigned notary public, personally appeared Rosalie S. Fresco, proved to me through satisfactory evidence of identification, which was a New Jersey Driver's License, to be the person whose name is signed on the preceding document, and acknowledged that she signed it voluntarily for the stated purpose.


John Odaen, Notary Public

JOHN C. ODAEN
NOTARY PUBLIC OF NEW JERSEY
Comm. # 50059332
My Commission Expires 4/24/2022



BARNSTABLE REGISTRY OF DEEDS
John F. Meade, Register

**TRUSTEE'S CERTIFICATE PURSUANT TO
M.G.L. c. 184 § 35**

NAME OF TRUST: Jacques Robert Fresco Living Trust,
dated June 16, 2021

TRUSTEE(S): David Edward Johnson, Trustee

SUCCESSOR TRUSTEE(S): Craig Comiter, Successor Trustee

CERTIFICATION

I, David Edward Johnson, Trustee of the Jacques Robert Fresco Living Trust dated June 16, 2021 (the "Trust") with a mailing address of 282 Hartley Avenue, Princeton, New Jersey, certify that:

1. I am the current Trustee of the Trust;
2. Trust in is existence and is in full force and effect;
3. I have the power pursuant to Article 18 of the Trust to accept additional assets to the Trust and to dispose of the assets of the Trust, including: the power to sell, convey, assign, mortgage or otherwise dispose of all or any part of the Trust assets, whether real or personal property;
4. There are no additional facts which constitute a condition precedent to acts by the Trustee(s) or which are in any other manner germane to affairs of the Trust in connection with any conveyance or acceptance of real property by the Trustee.
5. All interested in title may rely on the continuing existence of the Trust until a further certificate is recorded or registered establishing the expiration or termination of the Trust.

2300

David Edward Johnson, Trustee

COUNTY OF

On this 23rd day of September, 2021, before me, the undersigned notary public, personally appeared the above-named David Edward Johnson, Trustee of The Trust and proved to me through satisfactory evidence of identification, which was a driver's license to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

NOTARY PUBLIC

My commission expires: May 9, 2025

John F. Meade, Register

**TRUSTEE'S CERTIFICATE PURSUANT TO
M.G.L. c. 184 § 35**

NAME OF TRUST: Rosalie Sarah Fresco Living Trust,
dated June 16, 2021

TRUSTEE(S): David Edward Johnson, Trustee

SUCCESSOR TRUSTEE(S): Craig Comiter, Successor Trustee

CERTIFICATION

I, David Edward Johnson, Trustee of the Rosalie Sarah Fresco Living Trust, dated June 16, 2021 (the "Trust") with a mailing address of 282 Hartley Avenue, Princeton, New Jersey, certify that:

1. I am the current Trustee of the Trust;
2. Trust in is existence and is in full force and effect;
3. I have the power pursuant to Article 18 of the Trust to accept additional assets to the Trust and to dispose of the assets of the Trust, including: the power to sell, convey, assign, mortgage or otherwise dispose of all or any part of the Trust assets, whether real or personal property;
4. There are no additional facts which constitute a condition precedent to acts by the Trustee(s) or which are in any other manner germane to affairs of the Trust in connection with any conveyance or acceptance of real property by the Trustee.
5. All interested in title may rely on the continuing existence of the Trust until a further certificate is recorded or registered establishing the expiration or termination of the Trust.

2300

~~David Edward Johnson, Trustee~~

COUNTY OF Norfolk

8m
September

NOTARY PUBLIC

My commission expires: May 9 2025

John F. Meade, Register



TROY WALL ASSOCIATES

ATTORNEYS AND COUNSELLORS AT LAW
A PROFESSIONAL ASSOCIATION OF INDIVIDUAL PRACTITIONERS*

90 ROUTE 6A, SANDWICH, MASSACHUSETTS 02563
TELEPHONE: (508) 888-5700

ROBERT S. TROY
rst@troywallassociates.com

BRIAN J. WALL
bjw@troywallassociates.com

September 13, 2023

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

Re: **3 Santuit Lane, Mashpee**

Dear Chair Faulkner:

Please be advised that I represent the Estate of Jacques Fresco. The Estate was the owner of the land and single-family dwelling at 3 Santuit Lane, Mashpee. The land has since been transferred into other Trusts for estate planning purposes (the Jacques Robert Fresco Living Trust and the Rosalie Sara Fresco Living Trust).

On behalf of the Estate, I have filed an application for Approval Not Required endorsement. This application is submitted in furtherance of solving an encroachment problem.

The dwelling on the property extends beyond the record boundary and encroaches upon land owned by the Town of Mashpee which is held for conservation purposes. To cure the encroachment on Town-owned land, my clients have proposed a "land swap" pursuant to which they will convey to the Town 2,940 square feet of land and the Town will convey 2,940 square feet of land to them. The proposed ANR Plan will create the parcels of land that will be swapped.

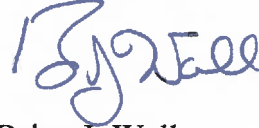
The Board of Selectmen, the Conservation Commission, and Town Meeting have all voted to support this land swap.

On behalf of the Applicant, I respectfully request that the Planning Board endorse the plan as "Approval Not Required." This will assist in resolving the encroachment problem. Solving the problem is in the best interests of the Applicant and of the Town.

September 13, 2023
Page 2

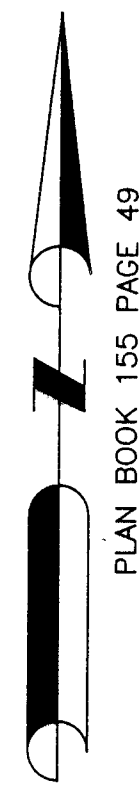
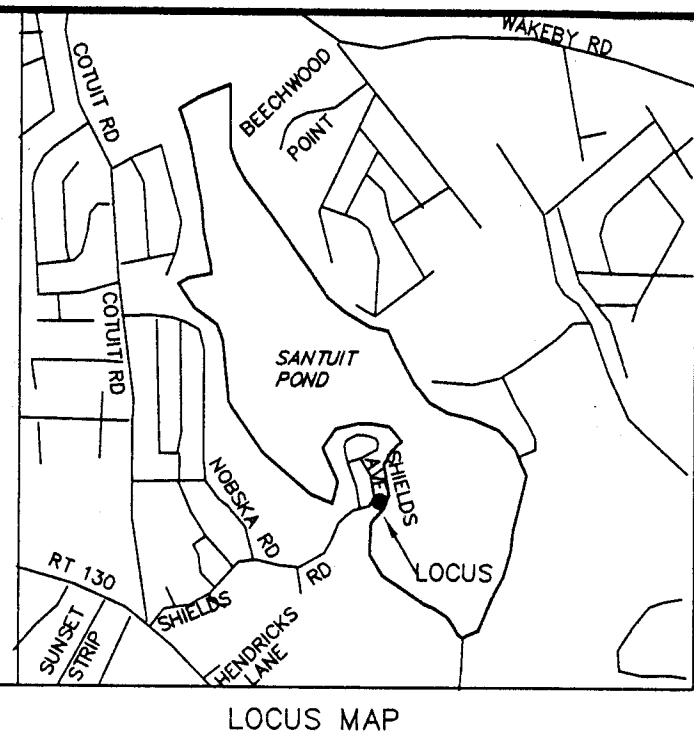
Thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read "B. J. Wall", written in a cursive style.

Brian J. Wall

Cc: Clients
Patrick J. Costello, Town Counsel



PLAN BOOK 155 PAGE 49

HORATIO ROAD

SHIELDS COURT

SHIELDS ROAD
PRIVATE - 40' WIDE

QUAHOG COURT
PRIVATE - 40' WIDE

PLAN BOOK 461 PAGE 11

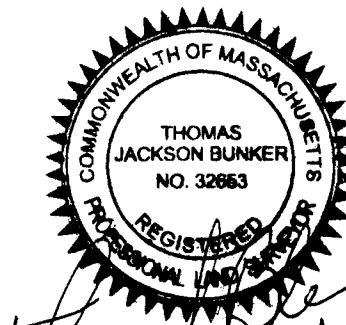
LOT 71A

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

4/4/23 *Thomas J. Baker*
DATE PROFESSIONAL LAND SURVEYOR

THIS SURVEY AND PLAN CONFORM TO THE PROCEDURAL AND
TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE
COMMONWEALTH OF MASSACHUSETTS.

4/4/23 *Thomas J. Baker*
DATE REGISTERED PROFESSIONAL LAND SURVEYOR
NOTE: THIS PLAN IS BASED ON AN
ON THE GROUND INSTRUMENT SURVEY.



SHIELDS ROAD
PRIVATE - 40' WIDE

SANTUIT LANE

SANTUIT LANE
PRIVATE - 30' WIDE

SANTUIT POND

- REDIVISION NOTES:**
- LOT 26 PLAN BOOK 155 PAGE 49, OWNED BY THE ESTATE OF JACQUES FRESCO, IS TO BE DIVIDED INTO PARCELS 1 AND 2, FOR CONVEYANCING PURPOSES ONLY.
 - PARCEL 1 IS TO BE CONVEYED TO THE TOWN OF MASHPEE.
 - LOT 25, PLAN BOOK 155 PAGE 49, OWNED BY THE TOWN OF MASHPEE IS TO BE DIVIDED INTO PARCELS 3 AND 4, FOR CONVEYANCING PURPOSES ONLY.
 - PARCEL 3 IS TO BE CONVEYED TO THE ESTATE OF JACQUES FRESCO.
 - PARCELS 2 AND 3 ARE TO BE COMBINED TO CREATE BUILDABLE LOT 26A.

LEGEND

- PROPERTY LINE
- CONCRETE BOUND

GENERAL NOTES:

- OWNER:
ESTATE OF JACQUES & ROSALIE FRESCO
PARCEL ID 30-20-0
3 SANTUIT LANE
DEED BOOK 2879 PAGE 172
- LOCUS IS WITHIN:
ZONING DISTRICT: R5
- REFERENCES:
PLAN BOOK 155 PAGE 49
PLAN BOOK 390 PAGE 17
PLAN BOOK 461 PAGE 11
DEED BOOK 3435 PAGE 86
- BEARINGS ARE BASED ON PLAN BOOK 155 PAGE 49
- PARCELS 2 & 3 ARE TO BE COMBINED TO CREATE LOT 26A

PLANNING BOARD APPROVAL UNDER THE
SUBDIVISION CONTROL LAW IS NOT REQUIRED.
MASHPEE PLANNING BOARD

DATE _____

NO DETERMINATION AS TO COMPLIANCE WITH ZONING REQUIREMENTS
HAS BEEN MADE OR INTENDED BY THIS ENDORSEMENT UNDER
MGL CHAPTER 41, SECTION 81L.



BSS
DESIGN
ENGINEERING
& SURVEYING

www.bssdesign.com
BSS Design, Incorporated
164 Katharine Lee Bates Rd
Falmouth Massachusetts 02540
508.540.8805 FAX 508.548.8313

PLAN OF LAND
PREPARED FOR
ESTATE OF JACQUES FRESCO
3 SANTUIT LANE, AKA 7 SHIELDS AVENUE
MASHPEE, MASSACHUSETTS

scale
1" = 30'
date
APRIL 3, 2023
drawn
TJB
checked
TB
job number
20159
revisions

drawing number
B29-58

PHN 7:10 PM 532 MAIN STREET



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, 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

PHN 7:20 PM 20 TUDOR TERRACE
SPECIAL PERMIT



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, MA 02649

Mashpee Planning Board Public Hearing Notice

Pursuant to Massachusetts General Laws, Chapter 40A, Section 9 and the Mashpee Zoning Bylaw Sections 174-24(C) and 174-47, the Mashpee Planning Board will hold a public hearing on Wednesday, August 16, 2023 at 7:10 PM in the Waquoit Meeting Room, at the Mashpee Town Hall, at 16 Great Neck Road North, Mashpee, MA 02649 to consider an application made by Pleasantwood Homes, LLC for approval of a special permit for a cluster subdivision of property addressed as 20 Tudor Terrace (Assessor's Map 29 Parcel 198). The Applicant proposes to divide the subject Parcel comprised of approximately 6.024 acres into three building lots for single family home construction while preserving 3.021 acres as protected open space. The Plans and submitted Application can be viewed in the offices of the Town Clerk or the Town Planner.

Submitted by
Karen D. Faulkner, Chair

Publication Dates

Friday, July 28, 2023
Friday, August 4, 2023

MASHPEE TOWN CLERK
JUL 20 '23 AM 11:08

PHN 7:25 PM 20 TUDOR TERRACE
DEFINITIVE SUBDIVISION



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, MA 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, August 16, 2023 at 7:15 p.m. in the Waquoit Meeting Room, at the Mashpee Town Hall, at 16 Great Neck Road North, Mashpee, MA 02649, to consider an application made by Pleasantwood Homes, LLC for approval of a Definitive Subdivision Plan of land that would create three new 40,000 sq. ft. building lots by dividing the 6.024 acre subject property addressed as 20 Tudor Terrace (Assessor's Map 29 Parcel 198). The remaining land area totaling approximately 3.021 acres is proposed for open space as required by Mashpee Zoning Bylaw. The three lots proposed obtain frontage via an extension of the existing public way called Tudor Terrace.

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

Submitted by

Karen D. Faulkner, Chair
Mashpee Planning Board

Publication dates:

Friday, July 28, 2023
Friday, August 4, 2023

MASHPEE TOWN CLERK
JUL 20 '23 AM 11:08



Brian F. Garner
Christopher J. Kirrane
Jessica C. Sommer

Nicole B. Norkevicius
Christopher A. Veara

Of Counsel

Kevin M. Kirrane
Michael A. Dunning

Patricia McGauley
Elizabeth A. McNichols

September 12, 2023

Ms. Karen Faulkner, Chairwoman
Mashpee Planning Department
16 Great Neck Road
Mashpee, MA 02649

Re: Tudor Terrace –Proposed Cluster Subdivision

Dear Chairwoman Faulkner:

As the Board is aware, the applicant has applied for a Special Permit for a Cluster Subdivision pursuant to §174-47 of the Zoning By-Law. The purpose of the Cluster Subdivision By-Law is to encourage the preservation of open space, to reduce the impact of new development on the Town's water quality and natural resources to promote the more efficient use of the land and municipal infrastructure, and to protect the health, safety and general welfare of the inhabitants of the Town.

It is the applicant's position that his proposal preserves the purposes of §174-47 and will have minimal negative impact on the health, safety and general welfare of the inhabitants of the Town.

What is being proposed is a modest three lot subdivision. All three lots as proposed would have at least 40,000 sq. ft. of lot area making them compatible or larger than the lots in the currently developed Spring Hill West Subdivision. The applicant is not seeking any waivers from the minimum required setbacks or lot coverage requirements. As part of the proposal 136,612 sq. ft. is being designated as open space which is approximately 53% of the total lot area. The open space will create a buffer between the developed lots and the adjacent southwesterly properties of not less than 177.17'. The adjacent Southerly property would have a buffer of not less than 69' from the residential lots and the adjacent Westerly properties would have a buffer from the residential lots of not less than 125'. Additionally, there is Town owned property between this parcel and the adjacent westerly properties which creates an additional buffer.

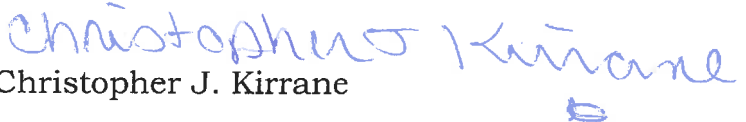
Each of the three (3) homes will have an I/A septic system installed to reduce nitrogen loading.

Page 2
Tudor Terrace
September 12, 2023

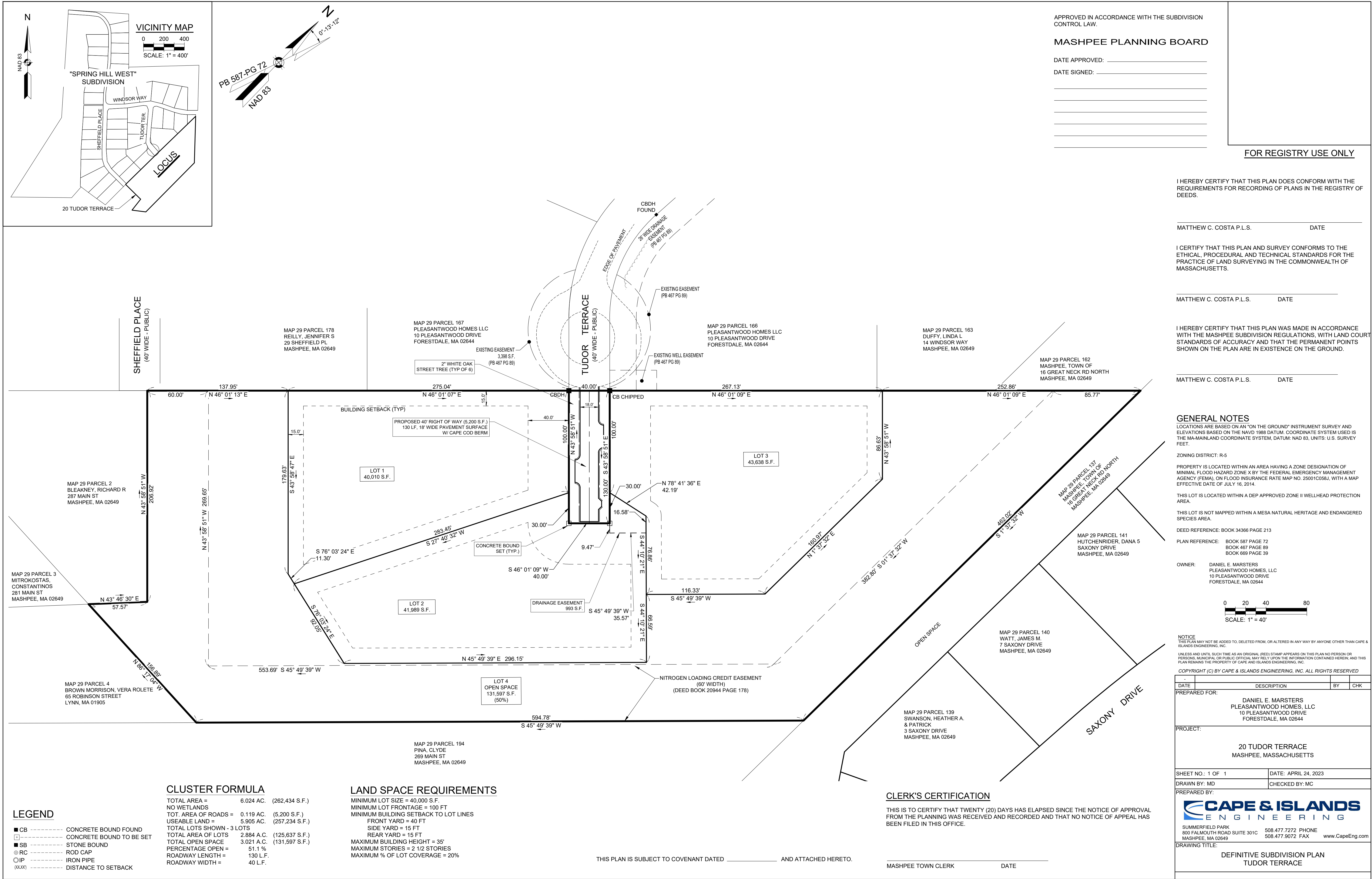
There will be negligible traffic impact to the area from the development of three residential lots.

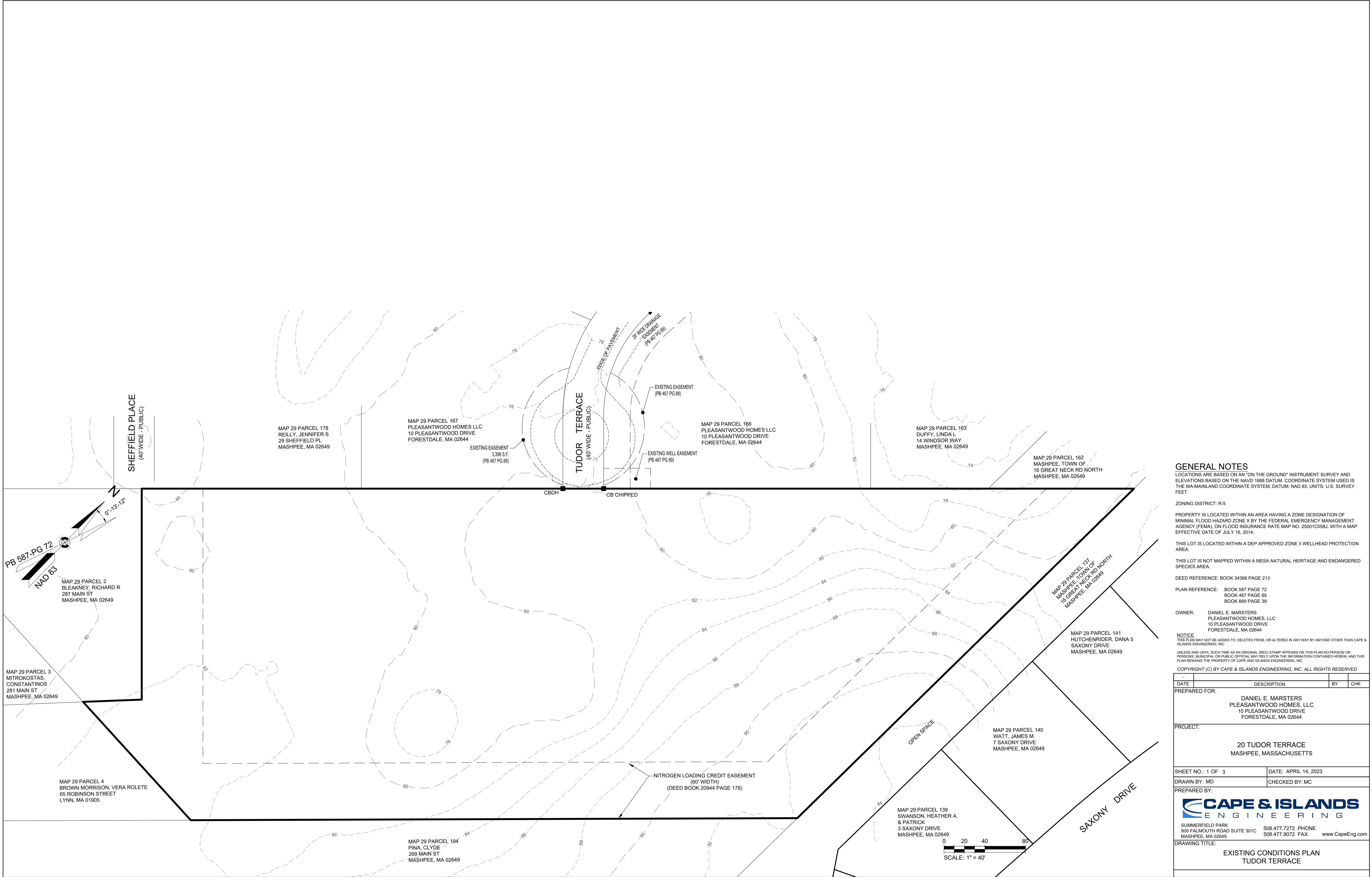
Overall, given that there are only three homes proposed, there will be minimal overall impact to the Town and its resources and there should be no adverse impact to the health, safety and general welfare of the inhabitants of the Town.

Very truly yours,


Christopher J. Kirrane

CJK:amb





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

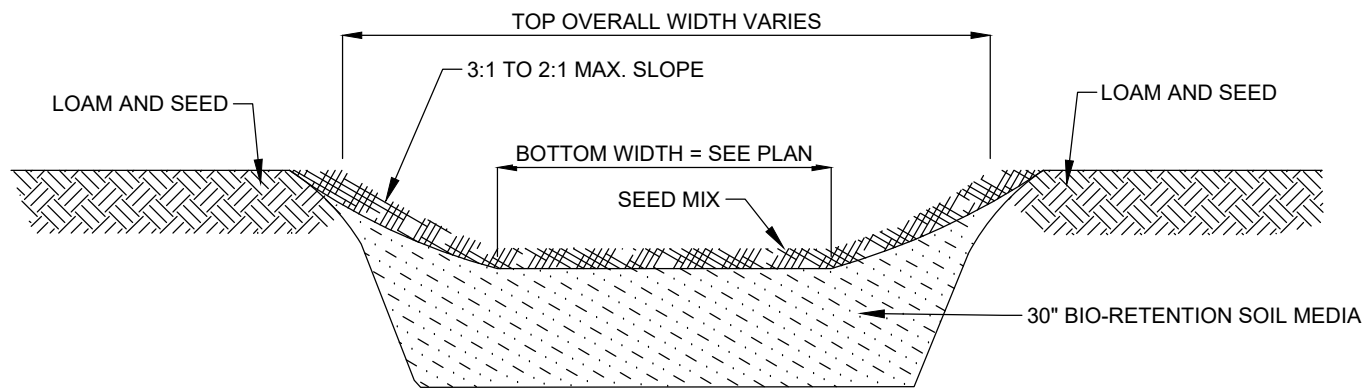
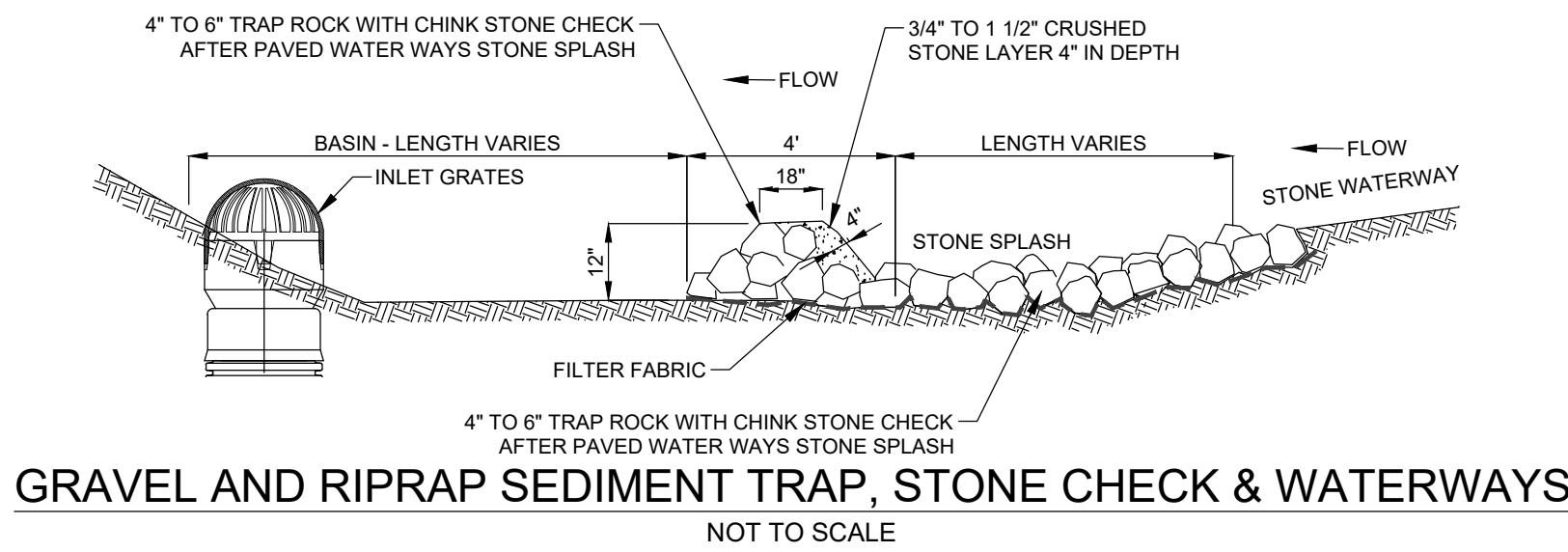
OWNER: DANIEL E. MARSTERS
PLEASANTWOOD HOMES, LLC
10 PLEASANTWOOD DRIVE
FORESTDALE, MA 02644

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

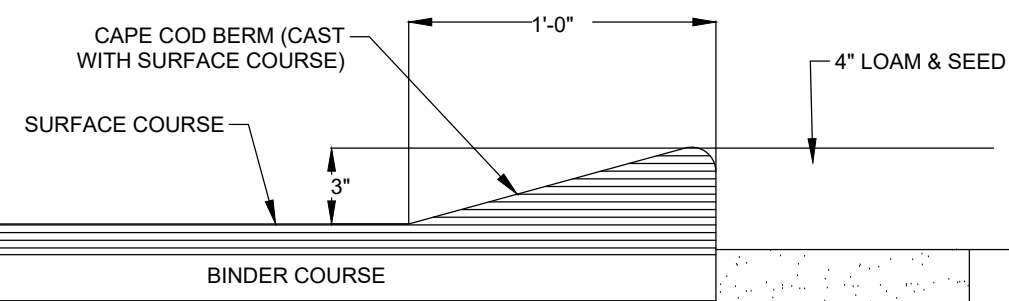
UNLESS AND UNTIL SUCH TIME AS AN ORIGINAL (RED) STAMP APPEARS ON THIS PLAN NO PERSON OR PERSONS, MUNICIPAL OR PUBLIC OFFICIAL MAY RELY UPON THE INFORMATION CONTAINED HEREIN. AND THIS PLAN REMAINS THE PROPERTY OF CAPE AND ISLANDS ENGINEERING, INC.

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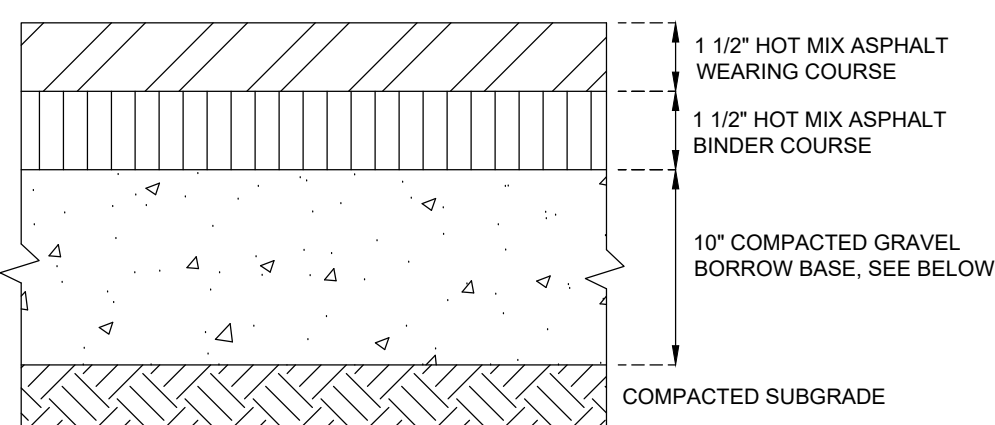
DATE	DESCRIPTION	BY	CHK
PREPARED FOR: DANIEL E. MARSTERS PLEASANTWOOD HOMES, LLC 10 PLEASANTWOOD DRIVE FORESTDALE, MA 02644			
PROJECT: 20 TUDOR TERRACE MASHPEE, MASSACHUSETTS			
SHEET NO.: 1 OF 3		DATE: APRIL 14, 2023	
DRAWN BY: MD		CHECKED BY: MC	
PREPARED BY: CAPE & ISLANDS ENGINEERING			
SUMMERFIELD PARK 800 FALMOUTH ROAD SUITE 301C MASHPEE, MA 02649		508.477.7272 PHONE 508.477.9072 FAX www.CapeEng.com	
DRAWING TITLE: EXISTING CONDITIONS PLAN TUDOR TERRACE			



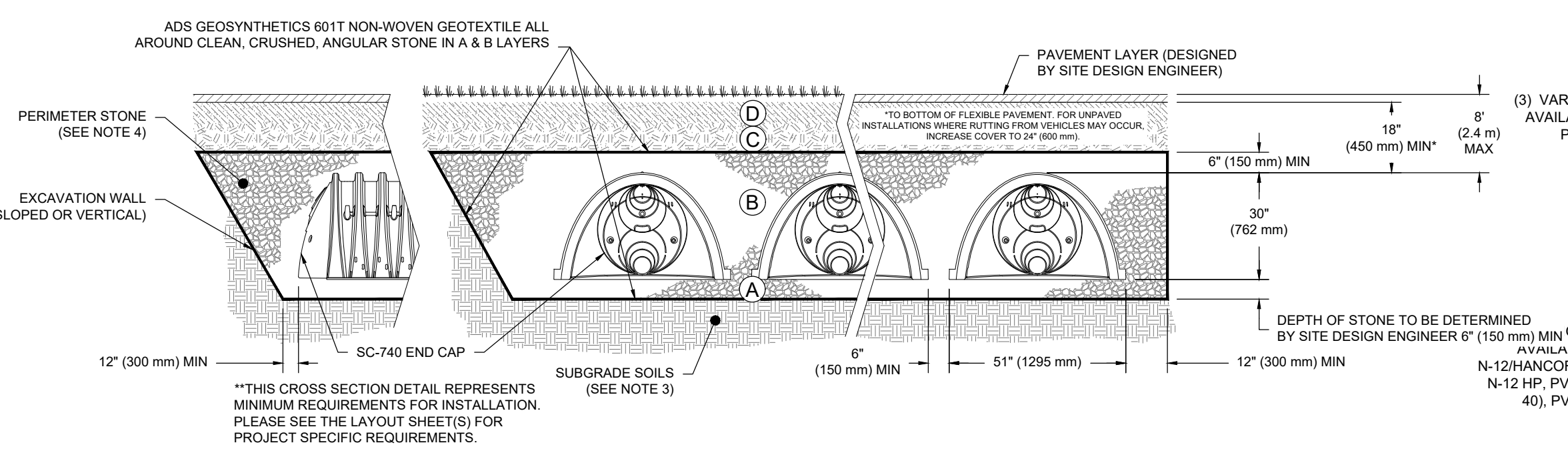
RAIN GARDEN - TYPICAL CROSS SECTION
NOT TO SCALE



BITUMINOUS CONCRETE CAPE COD BERM
NOT TO SCALE



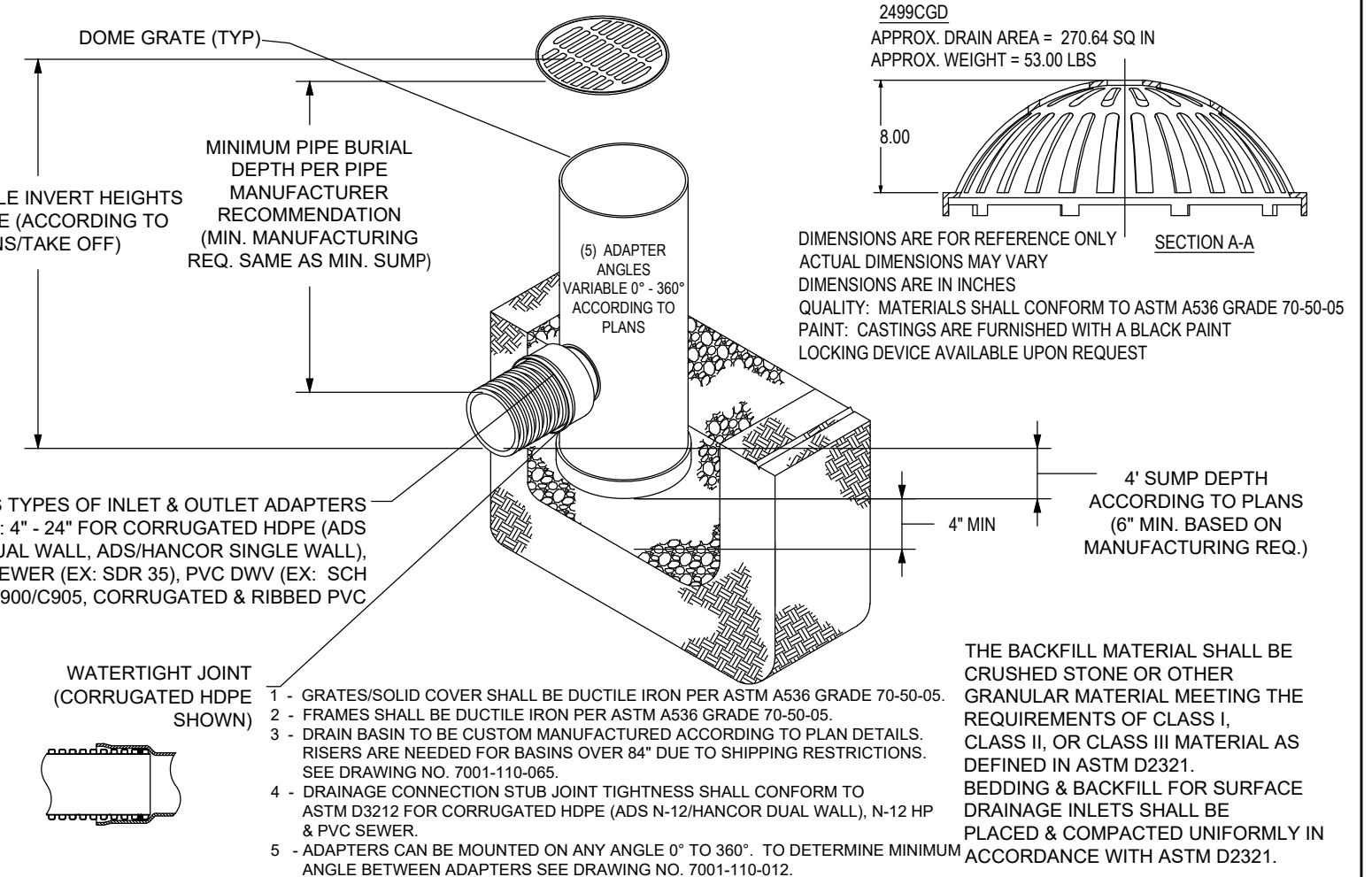
BITUMINOUS CONCRETE PAVEMENT SECTION
HOT MIX ASPHALT PAVEMENT SECTION
NOT TO SCALE



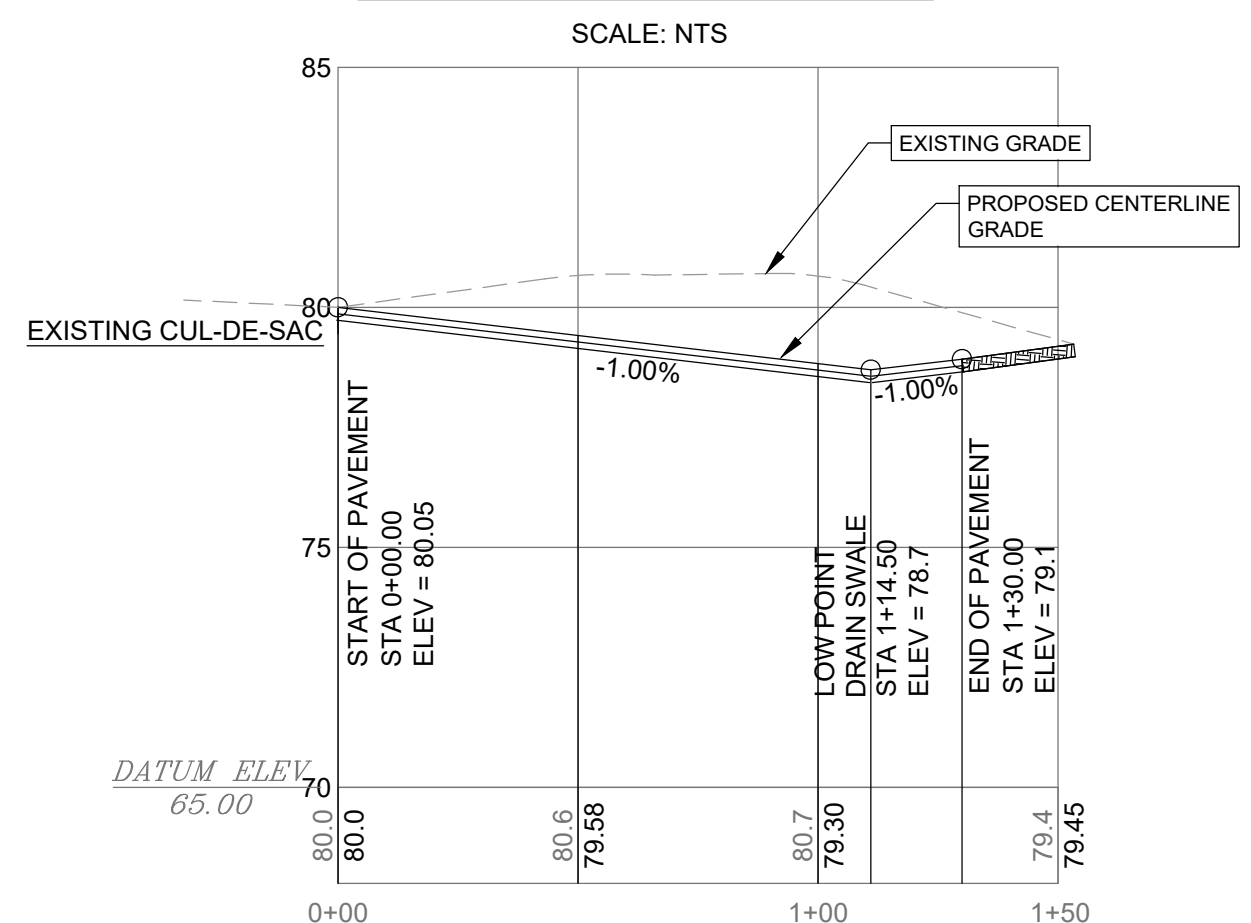
NOTES:

- CHAMBERS SHALL MEET THE REQUIREMENTS OF ASTM F2418, "STANDARD SPECIFICATION FOR POLYPROPYLENE (PP) CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
- SC-740 CHAMBERS SHALL BE DESIGNED IN ACCORDANCE WITH ASTM F2787 "STANDARD PRACTICE FOR STRUCTURAL DESIGN OF THERMOPLASTIC CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
- THE SITE DESIGN ENGINEER IS RESPONSIBLE FOR ASSESSING THE BEARING RESISTANCE (ALLOWABLE BEARING CAPACITY) OF THE SUBGRADE SOILS AND THE DEPTH OF FOUNDATION STONE WITH CONSIDERATION FOR THE RANGE OF EXPECTED SOIL MOISTURE CONDITIONS.
- PERIMETER STONE MUST BE EXTENDED HORIZONTALLY TO THE EXCAVATION WALL FOR BOTH VERTICAL AND SLOPED EXCAVATION WALLS.
- REQUIREMENTS FOR HANDLING AND INSTALLATION:
 - TO MAINTAIN THE WIDTH OF CHAMBERS DURING SHIPPING AND HANDLING, CHAMBERS SHALL HAVE INTEGRAL, INTERLOCKING STACKING LUGS.
 - TO ENSURE A SECURE JOINT DURING INSTALLATION AND BACKFILL, THE HEIGHT OF THE CHAMBER JOINT SHALL NOT BE LESS THAN 2".
 - TO ENSURE THE INTEGRITY OF THE ARCH SHAPE DURING INSTALLATION, a) THE ARCH STIFFNESS CONSTANT AS DEFINED IN SECTION 6.2.8 OF ASTM F2418 SHALL BE GREATER THAN OR EQUAL TO 550 LBS/FT² AND b) TO RESIST CHAMBER DEFORMATION DURING INSTALLATION AT ELEVATED TEMPERATURES (ABOVE 73° F / 23° C), CHAMBERS SHALL BE PRODUCED FROM REFLECTIVE GOLD OR YELLOW COLORS.

SC-710 CHAMBER - SUBSURFACE SYSTEM
NOT TO SCALE



NYLOPLAST 24" DRAIN BASIN



ROADWAY PROFILE
SCALE: HORIZ 1" = 40'
VERTICAL 1" = 4'

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.

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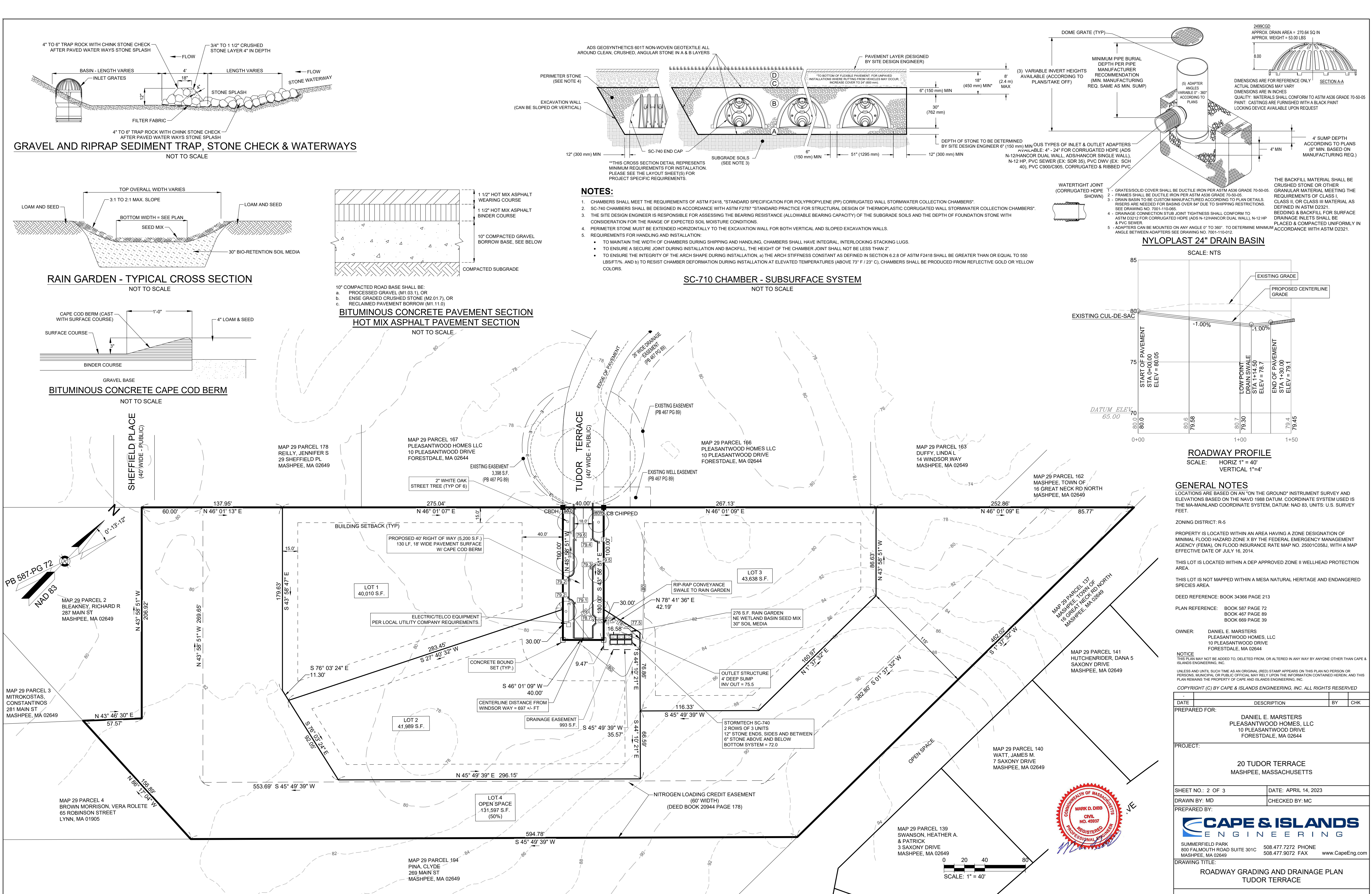
PLAN REFERENCE: BOOK 587 PAGE 72
BOOK 467 PAGE 89
BOOK 669 PAGE 39

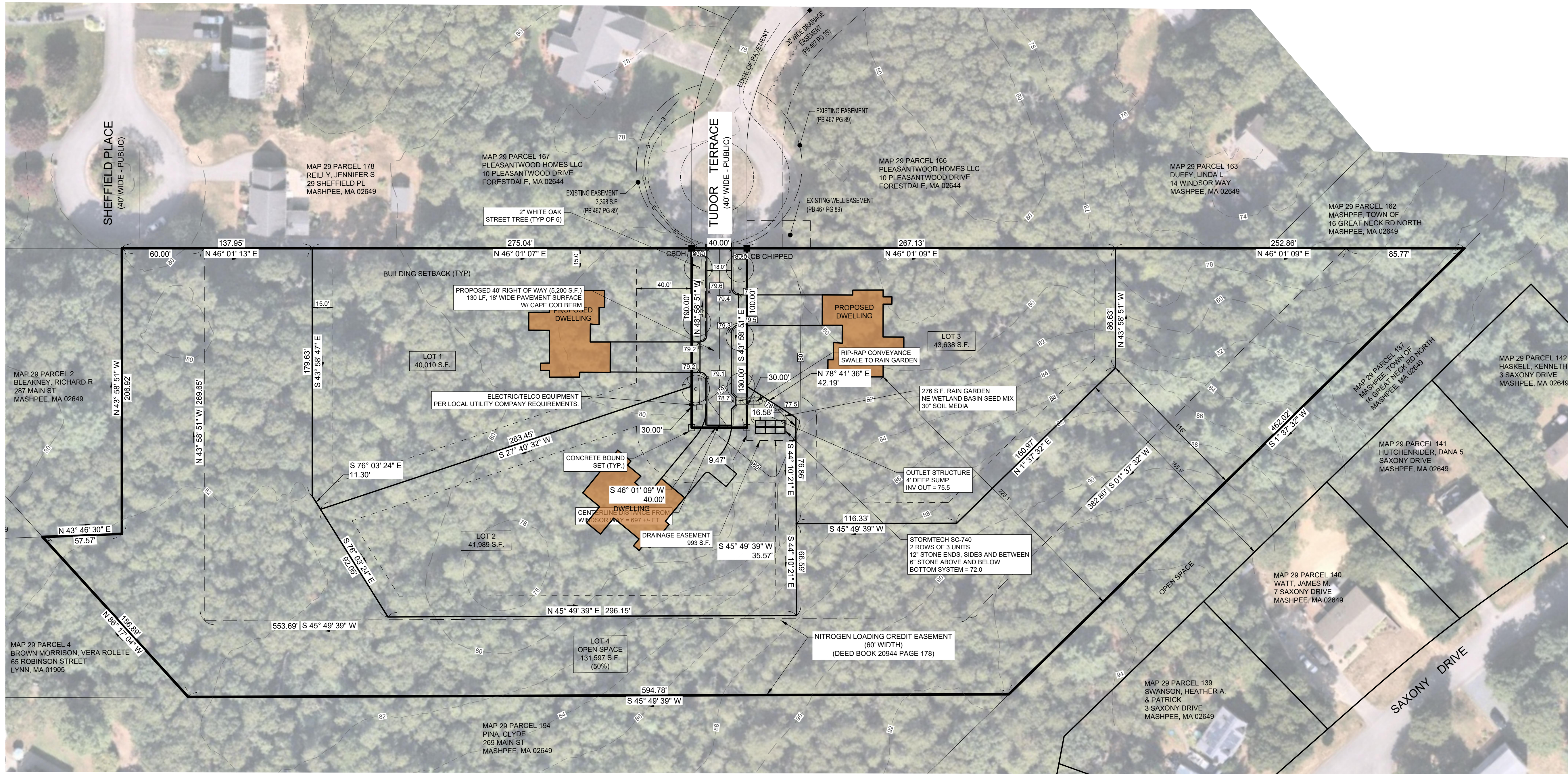
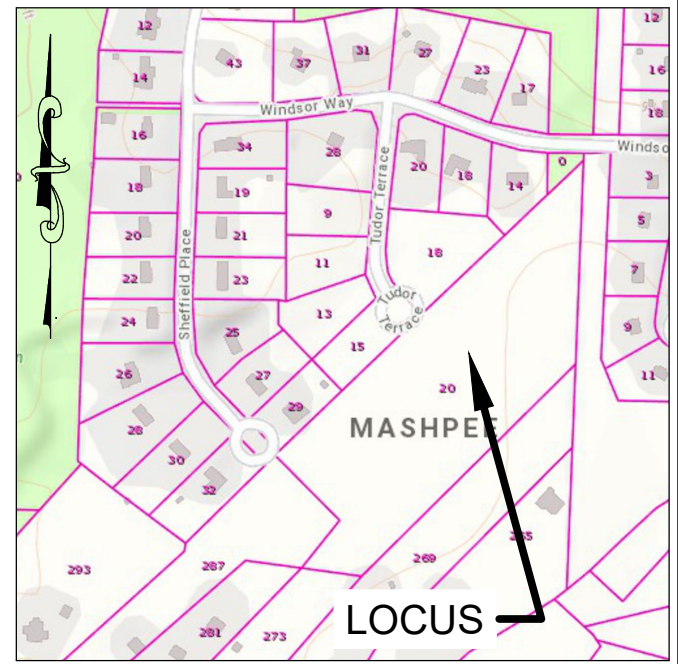
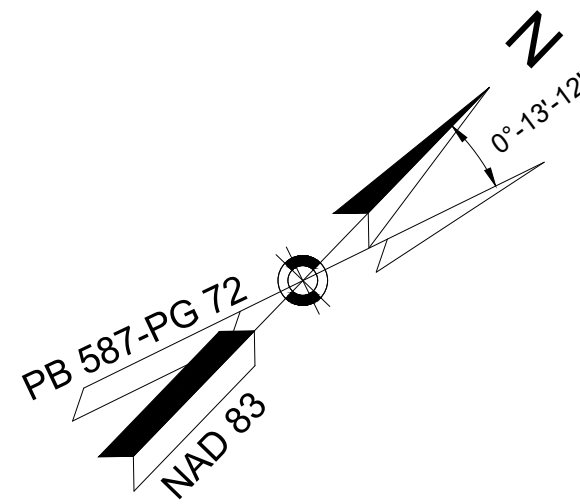
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10 PLEASANTWOOD DRIVE
FORESTDALE, MA 02644

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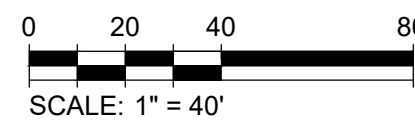
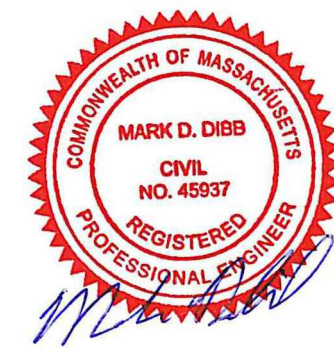
DATE	DESCRIPTION	BY	CHK
PREPARED FOR:	DANIEL E. MARSTERS PLEASANTWOOD HOMES, LLC 10 PLEASANTWOOD DRIVE FORESTDALE, MA 02644		
PROJECT:	20 TUDOR TERRACE MASHPEE, MASSACHUSETTS		
SHEET NO.: 2 OF 3	DATE: APRIL 14, 2023		
DRAWN BY: MD	CHECKED BY: MC		
PREPARED BY:	CAPE & ISLANDS ENGINEERING		
SUMMERFIELD PARK 800 FALMOUTH ROAD SUITE 301C MASHPEE, MA 02649	508.477.7272 PHONE 508.477.9072 FAX		www.CapeEng.com
DRAWING TITLE:	ROADWAY GRADING AND DRAINAGE PLAN TUDOR TERRACE		





LEGEND

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



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DATE	DESCRIPTION	BY	CHK

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

PROJECT:
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MASHPEE, MASSACHUSETTS

SHEET NO.: 3 OF 3
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ENGINEERING
SUMMERFIELD PARK
800 FALMOUTH ROAD SUITE 301C
MASHPEE, MA 02649
508.477.7272 PHONE
508.477.9072 FAX
www.CapeEng.com

DRAWING TITLE:
BUILDING ENVELOPE AND AERIAL EXHIBIT
TUDOR TERRACE



STORMWATER MANAGEMENT REPORT AND DESIGN CALCULATIONS

Project:

Proposed Site Development

Location:

**20 Tudor Terrace
Mashpee, MA**

Prepared for:

**Daniel E. Marsters
Pleasantwood Homes, LLC
10 Pleasantwood Drive
Forestdale, MA 02644**

August 11, 2023



1.0 OVERVIEW

1.1 Introduction

Cape & Islands Engineering, Inc. submits this Stormwater Report, on behalf of the applicant for the proposed development at the above referenced site. The project includes a small residential roadway and site drainage. A new stormwater management system is designed to intercept and provide treatment to storm runoff generated from the new pavement surface.

This report describes the hydrologic analysis for the proposed stormwater treatment process. This report accompanies a set of drawings (Site Plan) that represent the proposed site development improvements and stormwater treatment system, and a set of calculations that identify the stormwater runoff volume and capacity analysis of the receiving facilities.

2.0 BACKGROUND

2.1 Existing Conditions

The property is currently an undeveloped 6+ acre property in the R-5 zoning district. The lot is located at the end of Tudor Terrace. Groundwater was not encountered and is expected at depths in excess of 40' deep. There are no wetland resource areas on the site. Site consists of sandy soils with a rawls rate of 8.27 in/hr.

3.0 PROPOSED PROJECT

3.1 Scope of Work

The development project intended at this location consists of 100 linear feet of a new roadway/driveway. Stormwater runoff from the pavement areas will be routed through a paved apron, into a rip/rap conveyance swale into a raingarden. The Raingarden will contain an overflow structure that will drain to additional subsurface infiltration and storage. The system is sized to handle the 100-year storm event.

The proposed stormwater system provides total suspended solids (TSS) removal, pollutant removal, and groundwater recharge within the development (refer to calculations below).

3.2 Construction Methodology

Once a contractor for the project is retained a construction methodology will be defined. Limits of work will be established and protection to drainage inlets will be provided. Efforts will be coordinated to minimize construction time and disturbance within and around the area. The construction will be built using common industry construction practices for project of this type.

During construction the contractor shall provide adequate erosion and sedimentation control to protect the construction site and adjacent properties. Graded areas will be stabilized with adequate erosion



control measures such as erosion control blankets, loam and seeding, mulching and plantings. The proposed drainage systems will be installed at some point during the grading stages of the construction and properly protected from other construction activities on the site. Erosion and sedimentation control measures should be properly maintained and inspected throughout the duration of the work to ensure adequate protection. Once the disturbed areas on site are stabilized the temporary protection installed throughout the site and within the drainage systems shall be removed.

4.0 MASSDEP STANDARD COMPLIANCE

4.1 Standard #1: No untreated discharge or erosion to wetlands

There are no untreated discharges proposed to wetlands and the project provide measures against soil erosion. TSS removal calculations are provided in Appendix D.

4.2 Standard #2: Peak rate attenuation

The entire surface of the proposed development (roadway) will be conveyed to the rain-garden and subsurface system. The system is designed to handle the 100-year storm event for the roadway runoff. Since all runoff is managed a detailed analysis of the entire property for pre- and post-development runoff would result in a reduction. This analysis was not performed for this project due to the small size and capture of all surfaces, The individual lots will manage their runoff within each property.

4.3 Standard #3: Stormwater recharge

The project provides stormwater recharge in order to compensate for the increase in impervious area. To document compliance with standard #3 the following information has been included:

1. Recharge volume calculations

4.4 Standard #4: Water Quality

The proposed drainage systems provides treatment to the stormwater prior to final discharge. The proposed drainage system will improve water quality by removing at least approximately 80% of the Total Suspended Solids (TSS) for all the new impervious (new construction) areas.

Water quality volume calculations

TSS calculation sheets

4.5 Standard #5: Land uses with higher potential pollutant loads (LUHPPL)

The proposed site is not a Land Use with Higher Potential Pollutant Load (LUHPPL)

4.6 Standard #6: Critical areas



The site is not situated in a Critical Area. Therefore this standard is not applicable.

4.7 Standard #7: Redevelopment

This project is not a redevelopment site.

4.8 Standard #8: Construction period controls

Proper control measures during the construction stages of this project are needed to prevent erosion and sedimentation problems. Open excavation and piled material and equipment shall be properly managed to avoid conditions that may be detrimental to the project. Refer to the Plan details for the proposed erosion and sedimentation measures during the construction period.

The Erosion and Sedimentation Control Plan includes the following:

1. Prior to any work the contractor shall provide in writing to the DPW Engineering Division the contact name and information of the person in charge of the erosion and sedimentation controls.
2. The contractor shall notify DPW of any changes to the erosion and sedimentation control plan.
3. The installer shall examine the work area and site conditions under which this work is to be performed prior to installation of sedimentation and erosion control.
4. The contractor shall establish the limit of work and sedimentation controls prior to performing any clearing and excavation activities on the site and maintain the limit of work and sedimentation controls throughout the duration of the work.
5. The contractor shall designate an area and install a track pad where trucks and vehicles exiting the construction site are allowed to clean their tires prior to departure.
6. The contractor shall select an area within the developed site for staging of materials and equipment throughout the duration of the work.
7. The contractor shall provide adequate protection to existing stormwater systems downgrade from the work site and roadway as indicated on the construction drawings.
8. The contractor shall protect existing catch basins with the use of straw-bale dykes or silt-bags at the inlet of the structures. The contractor may remove such protection once disturbed areas have been stabilized and no signs of erosion and sedimentation exist in the catch basin direction.
9. At no point during construction shall silt, sediment, erosion, debris and stormwater runoff from construction area be allowed outside demarcated area.
10. All excavated areas rendering a slope greater than 3 horizontal to 1 vertical (3:1) shall be stabilized with the installation of erosion control blankets.
11. Unsuitable and excess material not intended for reuse or re-purpose within the site shall be stripped from areas impacted by construction and disposed off-site.
12. Excavated material or imported material shall not be piled in areas where sediments may damage drainage system on the site or on adjacent properties or may pose a threat to abutting properties.
13. The contractor shall stabilize all graded and/or disturbed areas by installing loam and seeding at the earliest time possible to prevent erosion and sedimentation.
14. Stabilization for paved areas shall be achieved by installing the gravel base immediately after the rough grading and sub-base compaction is complete.



15. The contractor shall implement supplemental drainage and erosion control measures (such as temporary swales, stone checks, seeding or mulching) as may be necessary during the course of the construction based on changes of stormwater runoff patterns.
16. After a rainstorm during construction the contractor shall examine the conditions of the erosion and sedimentation controls and perform any required repairs or replacements. Sediment accumulation against erosion and sedimentation controls shall be removed and properly disposed of.
17. The contractor shall maintain on site 200 linear feet of *extra* silt fence in the event erosion occurs and immediate action is necessary. If erosion occurs during construction the contractor shall take immediate steps to contain material on site and prevent future erosion.
18. Stripped topsoil from areas to be graded shall be stockpiled at locations approved by the project engineer and shall not cause damage to the sedimentation and erosion controls.
19. Excavated material shall not be stockpiled for prolonged periods of time. If rain is forecasted during construction the contractor shall provide siltation control down-gradient from stockpile material to avoid material washout.
20. The contractor shall implement measures to control dust levels by means such as water trucks during construction until all disturbed areas are stabilized.
21. The contractor shall submit a dewatering plan to be approved by the engineer if dewatering activities will be implemented during construction.
22. All protective measures (silt sacs, straw wattles, straw-bale dams) installed in the vicinity of construction of the site protecting existing stormwater systems shall be removed once the disturbed areas are stabilized.

4.9 Standard #9: Operation and Maintenance Plan

A properly operating drainage system is the basis for long life of the roads and parking areas and for the protection of wetland resources against pollutants carried by stormwater. If the drainage system fails to work, frequent pooling of stormwater would be expected to occur on site possibly affecting the use and activities on the property. The owner or designated representative will be responsible for maintenance and operation of drainage system.

The owner or designated representative shall maintain a copy of the construction drawings as means of illustration of the location of the stormwater system, or other drawings depicting the site with all components of the drainage system location. Only authorized personnel by the owner shall maintain and operate the drainage system.

The drainage system has been designed with consideration of the use as a commercial development. The owner or designated representative shall implement the following long-term pollution prevention measures:

1. The drainage system is intended for the interception of rainfall precipitation and snowmelt runoff. No other discharges shall be allowed within the systems unless reviewed by the appropriate trade professional for conformance with the design parameters of the system.
2. Proper road maintenance shall be performed without harming the drainage system.
3. Snow and ice shall be properly managed. Snow or ice removal shall not obstruct the stormwater inlets and outlets.
4. A contractor who specializes on spill cleanings shall be engaged in the event of spills into the drainage system. The contractor shall properly clean the affected areas and the drainage.



To provide for adequate maintenance of the drainage system, the following inspections and procedures are recommended:

1. Inspect outlet structure after every major storm event (typically a storm of one inch (1") of rainfall) and at least four times a year. Inspection will include noting accumulation of debris at the surface and measuring the depth of silt and sediment collected within.
2. All debris at the outlet structure inlet grates shall be removed and properly disposed clearing the entire surface of the system.
3. If the depth of sediments within the outlet structure sump measures less than 12-inches clearance to the outlet pipe invert, arrange for a contractor to properly remove the accumulated sediments.
4. If standing water is observed above the outlet structure inlet grate 24 hours past a storm event inspect the system for the presence of clogging or obstruction. If clogging or an obstacle exists arrange for the system to be cleaned.
5. The raingarden shall be inspected and maintained at least twice a year and after every storm in which runoff drains through the overflow outlet. Specific items to be inspected shall include: Signs of differential settlement, cracking, erosion, leakage in the embankments, condition of rip-rap, sediment accumulation and health of the turf.
6. Upon construction completion and once the basin is in use, perform inspections after every major storm for the first few months to ensure it is stabilized and functioning properly. Determine if clogging and maintenance is required if standing water is in basin for more than 48 hours. A Professional engineer shall inspect the basin if it becomes clogged or takes longer than 72 hours to drain.
7. Handling and disposal of oily substances, debris and sediments removed from the drainage system components during maintenance shall conform to applicable local, state and federal requirements.

4.10 Standard #10: Prohibition of Illicit Discharges

No Illicit discharges will exist on site.

5.0 SUMMARY

5.1 Conclusion

The intended new construction for this site will meet the guidelines within the MA DEP Stormwater Management Handbook. The stormwater management system and erosion and sedimentation control plan proposed provides protection for the development and adjacent properties during the construction phases and once constructed from stormwater impacts. Information as described in this report and within the construction documents submitted is comprehensive and informative enough for a qualified and experienced contractor to properly implement on the ground. Proper maintenance tasks and inspections procedures are recommended for the erosion and sedimentation control measures for the contractor to implement during construction. Similarly, recommendations are provided for operation and maintenance of the stormwater management system once installed on the site for longevity and protection of the system and the property. The design and sizing of the stormwater management system is adequate to manage stormwater runoff on the subject property and for the proposed development and conforms with applicable requirements.



5.2 Contact Information

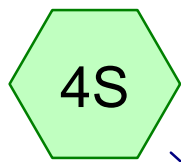
In an effort to reduce the amount of paper required for filings, the entire application can be emailed upon request to regulatory staff and board members. Please contact Cape & Islands Engineering, Inc. by phone or email to obtain any paper or digital copies of project information.

Please contact Mark Dibb at 508.477.7272 or mdibb@capeeng.com for copies of project information.

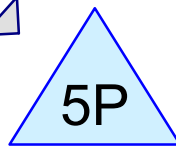
The Applicants representative:

Mark Dibb, P.E.
Senior Project Manager

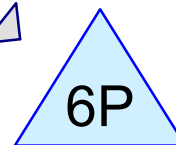
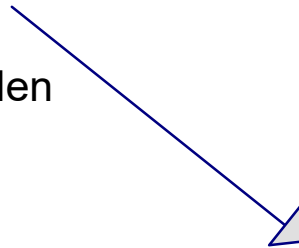
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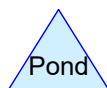
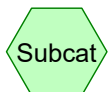
Roadway



Rain Garden



Subsurface System



Drainage Diagram for 20-Tudor-HydroCAD

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20-Tudor-HydroCAD

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Page 2

Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
0.067	98	Pavement (4S)
0.067		TOTAL AREA

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Page 3

Soil Listing (all nodes)

Area (acres)	Soil Goup	Subcatchment Numbers
0.000	HSG A	
0.000	HSG B	
0.000	HSG C	
0.000	HSG D	
0.067	Other	4S
0.067		TOTAL AREA

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Type III 24-hr 2 - Year Rainfall=3.55"

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Page 4

Time span=0.01-30.00 hrs, dt=0.05 hrs, 601 points

Runoff by SCS TR-20 method, UH=SCS

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment4S: Roadway

Runoff Area=2,923 sf 100.00% Impervious Runoff Depth=3.32"

Tc=6.0 min CN=98 Runoff=0.23 cfs 0.019 af

Pond 5P: Rain Garden

Peak Elev=78.08' Storage=91 cf Inflow=0.23 cfs 0.019 af

Outflow=0.22 cfs 0.017 af

Pond 6P: Subsurface System

Peak Elev=72.73' Storage=0.003 af Inflow=0.22 cfs 0.017 af

Outflow=0.07 cfs 0.017 af

Total Runoff Area = 0.067 ac Runoff Volume = 0.019 af Average Runoff Depth = 3.32"
0.00% Pervious = 0.000 ac 100.00% Impervious = 0.067 ac

20-Tudor-HydroCAD

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Type III 24-hr 2 - Year Rainfall=3.55"

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Summary for Subcatchment 4S: Roadway

Runoff = 0.23 cfs @ 12.08 hrs, Volume= 0.019 af, Depth= 3.32"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.01-30.01 hrs, dt= 0.05 hrs

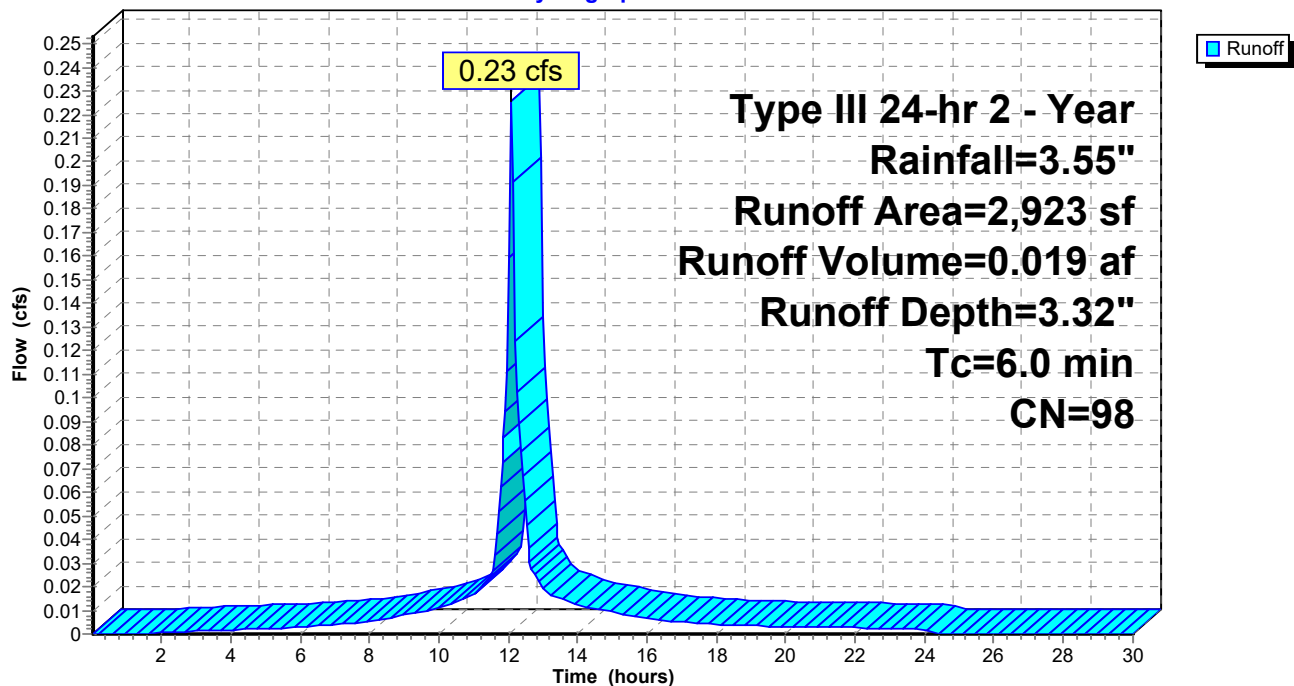
Type III 24-hr 2 - Year Rainfall=3.55"

	Area (sf)	CN	Description
*	2,923	98	Pavement
	2,923		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, Direct

Subcatchment 4S: Roadway

Hydrograph



20-Tudor-HydroCAD

Type III 24-hr 2 - Year Rainfall=3.55"

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Summary for Pond 5P: Rain Garden

Inflow Area = 0.067 ac, 100.00% Impervious, Inflow Depth = 3.32" for 2 - Year event
 Inflow = 0.23 cfs @ 12.08 hrs, Volume= 0.019 af
 Outflow = 0.22 cfs @ 12.11 hrs, Volume= 0.017 af, Atten= 2%, Lag= 1.4 min
 Primary = 0.22 cfs @ 12.11 hrs, Volume= 0.017 af

Routing by Stor-Ind method, Time Span= 0.01-30.01 hrs, dt= 0.05 hrs
 Peak Elev= 78.08' @ 12.11 hrs Surf.Area= 293 sf Storage= 91 cf

Plug-Flow detention time= 81.7 min calculated for 0.017 af (91% of inflow)
 Center-of-Mass det. time= 38.1 min (792.4 - 754.3)

Volume	Invert	Avail.Storage	Storage Description
#1	77.50'	234 cf	Custom Stage Data (Prismatic) Listed below (Recalc)

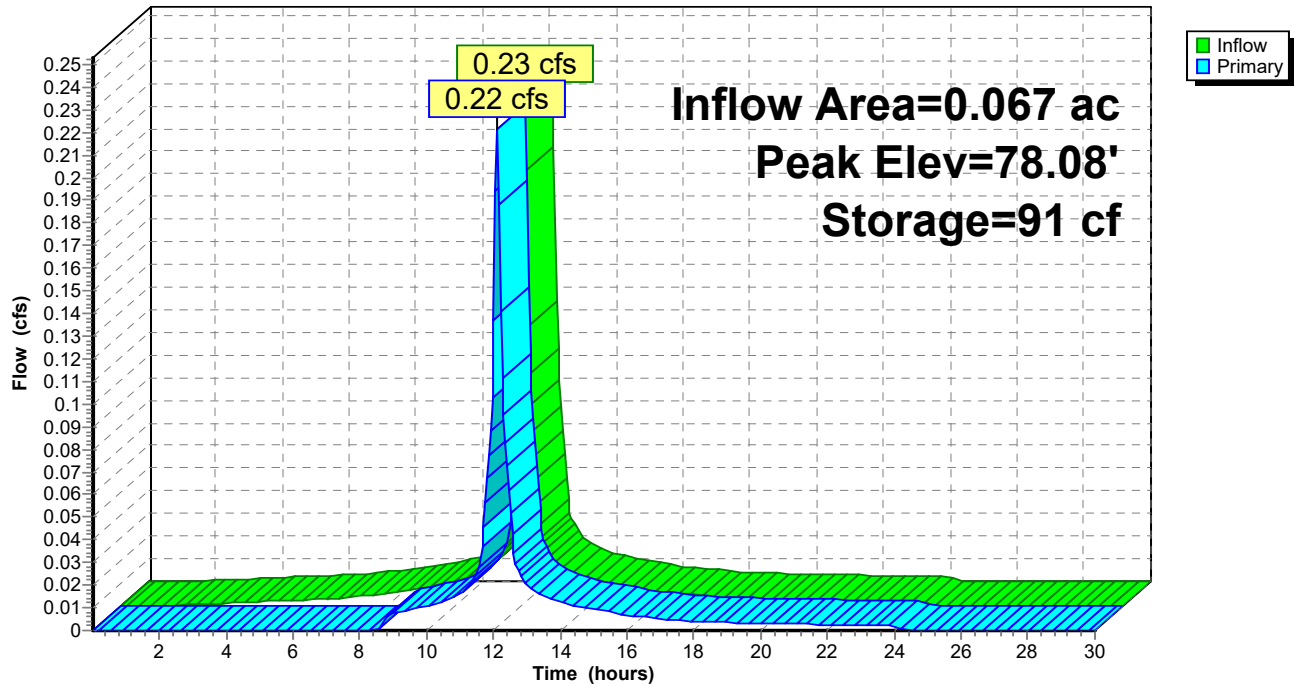
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
77.50	0	0	0
78.00	276	69	69
78.50	383	165	234

Device	Routing	Invert	Outlet Devices
#1	Primary	78.00'	12.0" Horiz. Orifice/Grate C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=0.22 cfs @ 12.11 hrs HW=78.08' (Free Discharge)
 ↑1=Orifice/Grate (Weir Controls 0.22 cfs @ 0.91 fps)

Pond 5P: Rain Garden

Hydrograph



20-Tudor-HydroCAD

Type III 24-hr 2 - Year Rainfall=3.55"

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Page 8

Summary for Pond 6P: Subsurface System

Inflow Area = 0.067 ac, 100.00% Impervious, Inflow Depth = 3.03" for 2 - Year event
Inflow = 0.22 cfs @ 12.11 hrs, Volume= 0.017 af
Outflow = 0.07 cfs @ 11.86 hrs, Volume= 0.017 af, Atten= 70%, Lag= 0.0 min
Discarded = 0.07 cfs @ 11.86 hrs, Volume= 0.017 af

Routing by Stor-Ind method, Time Span= 0.01-30.01 hrs, dt= 0.05 hrs
Peak Elev= 72.73' @ 12.44 hrs Surf.Area= 0.008 ac Storage= 0.003 af

Plug-Flow detention time= 9.8 min calculated for 0.017 af (100% of inflow)
Center-of-Mass det. time= 9.8 min (802.2 - 792.4)

Volume	Invert	Avail.Storage	Storage Description
#1A	72.00'	0.008 af	11.50'W x 30.48'L x 3.50'H Field A 0.028 af Overall - 0.008 af Embedded = 0.020 af x 40.0% Voids
#2A	72.50'	0.008 af	StormTech SC-740 x 8 Inside #1 Effective Size= 44.6"W x 30.0"H => 6.45 sf x 7.12'L = 45.9 cf Overall Size= 51.0"W x 30.0"H x 7.56'L with 0.44' Overlap
		0.016 af	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Discarded	72.00'	8.270 in/hr Exfiltration over Surface area

Discarded OutFlow Max=0.07 cfs @ 11.86 hrs HW=72.04' (Free Discharge)
↑**1=Exfiltration** (Exfiltration Controls 0.07 cfs)

Pond 6P: Subsurface System - Chamber Wizard Field A**Chamber Model = StormTech SC-740**

Effective Size= 44.6"W x 30.0"H => 6.45 sf x 7.12'L = 45.9 cf

Overall Size= 51.0"W x 30.0"H x 7.56'L with 0.44' Overlap

51.0" Wide + 12.0" Spacing = 63.0" C-C

4 Chambers/Row x 7.12' Long = 28.48' + 12.0" End Stone x 2 = 30.48' Base Length

2 Rows x 51.0" Wide + 12.0" Spacing x 1 + 12.0" Side Stone x 2 = 11.50' Base Width

6.0" Base + 30.0" Chamber Height + 6.0" Cover = 3.50' Field Height

8 Chambers x 45.9 cf = 367.5 cf Chamber Storage

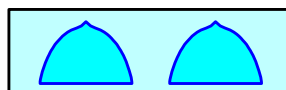
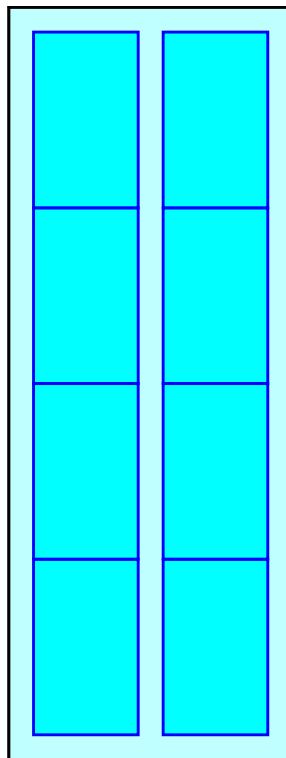
1,226.8 cf Field - 367.5 cf Chambers = 859.3 cf Stone x 40.0% Voids = 343.7 cf Stone Storage

Stone + Chamber Storage = 711.2 cf = 0.016 af

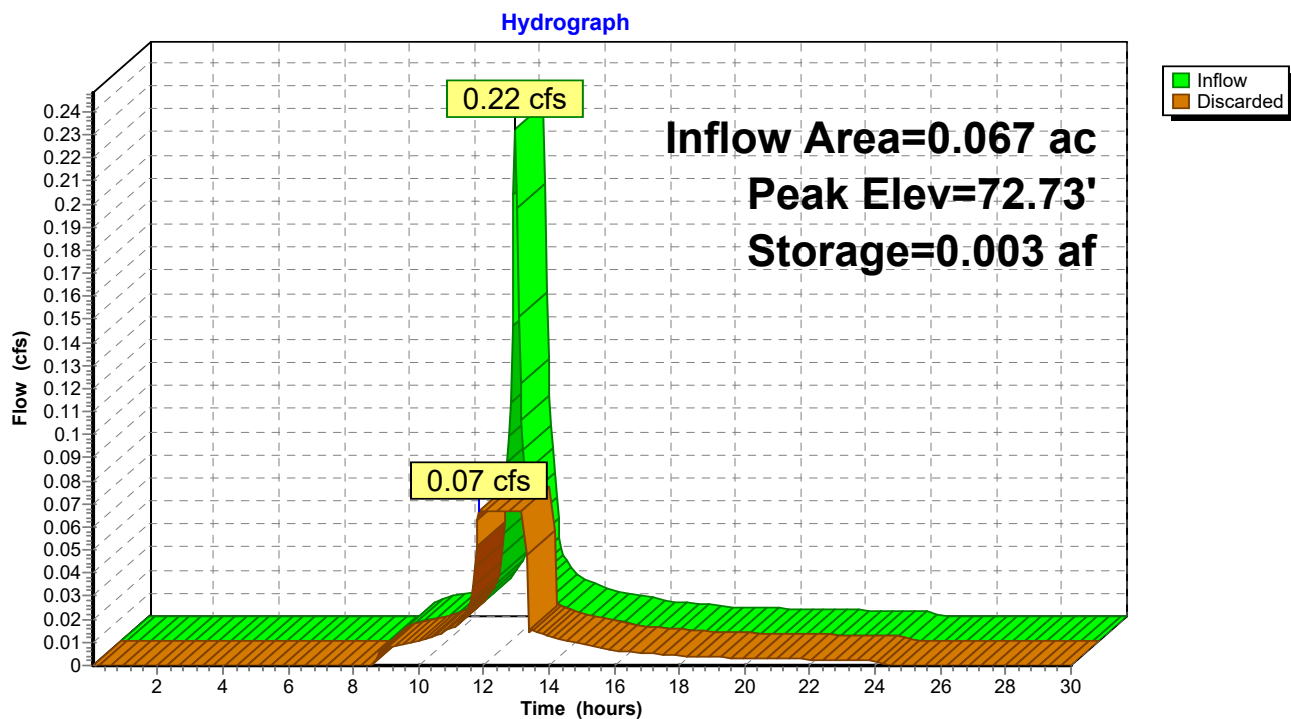
8 Chambers

45.4 cy Field

31.8 cy Stone



Pond 6P: Subsurface System



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Type III 24-hr 25 - Year Rainfall=5.99"

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Time span=0.01-30.00 hrs, dt=0.05 hrs, 601 points

Runoff by SCS TR-20 method, UH=SCS

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment4S: Roadway

Runoff Area=2,923 sf 100.00% Impervious Runoff Depth=5.75"

Tc=6.0 min CN=98 Runoff=0.38 cfs 0.032 af

Pond 5P: Rain Garden

Peak Elev=78.11' Storage=101 cf Inflow=0.38 cfs 0.032 af

Outflow=0.38 cfs 0.031 af

Pond 6P: Subsurface System

Peak Elev=73.58' Storage=0.008 af Inflow=0.38 cfs 0.031 af

Outflow=0.07 cfs 0.031 af

Total Runoff Area = 0.067 ac Runoff Volume = 0.032 af Average Runoff Depth = 5.75"
0.00% Pervious = 0.000 ac 100.00% Impervious = 0.067 ac

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Type III 24-hr 25 - Year Rainfall=5.99"

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Summary for Subcatchment 4S: Roadway

Runoff = 0.38 cfs @ 12.08 hrs, Volume= 0.032 af, Depth= 5.75"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.01-30.01 hrs, dt= 0.05 hrs

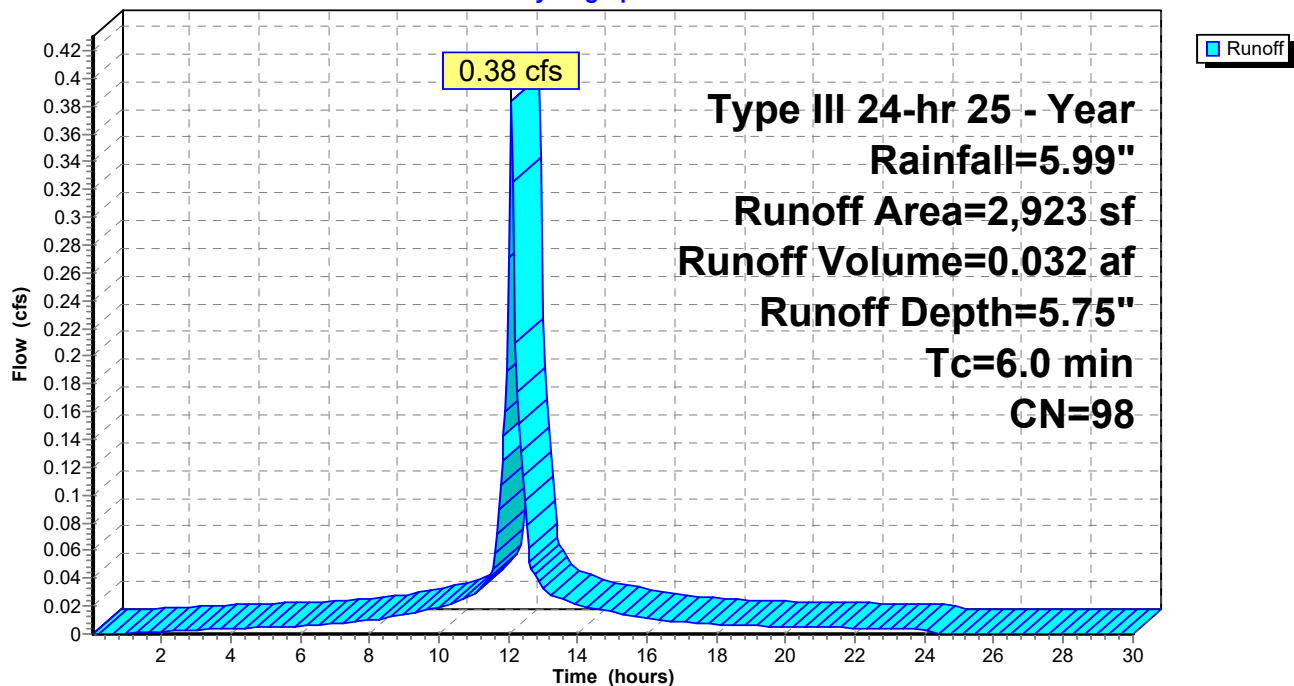
Type III 24-hr 25 - Year Rainfall=5.99"

	Area (sf)	CN	Description
*	2,923	98	Pavement
	2,923		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, Direct

Subcatchment 4S: Roadway

Hydrograph



20-Tudor-HydroCAD

Type III 24-hr 25 - Year Rainfall=5.99"

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Summary for Pond 5P: Rain Garden

Inflow Area = 0.067 ac, 100.00% Impervious, Inflow Depth = 5.75" for 25 - Year event
 Inflow = 0.38 cfs @ 12.08 hrs, Volume= 0.032 af
 Outflow = 0.38 cfs @ 12.10 hrs, Volume= 0.031 af, Atten= 1%, Lag= 1.3 min
 Primary = 0.38 cfs @ 12.10 hrs, Volume= 0.031 af

Routing by Stor-Ind method, Time Span= 0.01-30.01 hrs, dt= 0.05 hrs
 Peak Elev= 78.11' @ 12.10 hrs Surf.Area= 300 sf Storage= 101 cf

Plug-Flow detention time= 56.3 min calculated for 0.031 af (95% of inflow)
 Center-of-Mass det. time= 27.9 min (773.1 - 745.2)

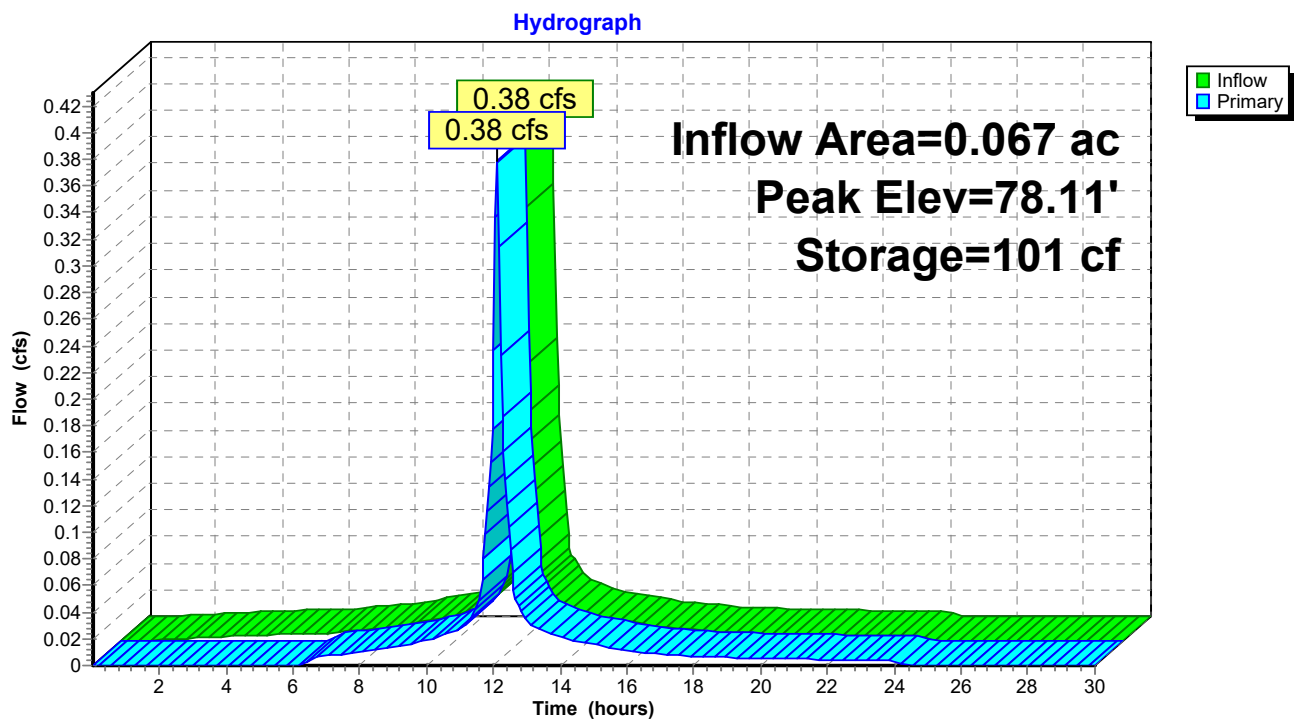
Volume	Invert	Avail.Storage	Storage Description
#1	77.50'	234 cf	Custom Stage Data (Prismatic) Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
77.50	0	0	0
78.00	276	69	69
78.50	383	165	234

Device	Routing	Invert	Outlet Devices
#1	Primary	78.00'	12.0" Horiz. Orifice/Grate C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=0.37 cfs @ 12.10 hrs HW=78.11' (Free Discharge)
 ↑1=Orifice/Grate (Weir Controls 0.37 cfs @ 1.08 fps)

Pond 5P: Rain Garden



20-Tudor-HydroCAD

Type III 24-hr 25 - Year Rainfall=5.99"

Prepared by {enter your company name here}

Printed 8/11/2023

HydroCAD® 9.00 s/n 06155 © 2009 HydroCAD Software Solutions LLC

Page 15

Summary for Pond 6P: Subsurface System

Inflow Area = 0.067 ac, 100.00% Impervious, Inflow Depth = 5.47" for 25 - Year event
Inflow = 0.38 cfs @ 12.10 hrs, Volume= 0.031 af
Outflow = 0.07 cfs @ 11.71 hrs, Volume= 0.031 af, Atten= 82%, Lag= 0.0 min
Discarded = 0.07 cfs @ 11.71 hrs, Volume= 0.031 af

Routing by Stor-Ind method, Time Span= 0.01-30.01 hrs, dt= 0.05 hrs
Peak Elev= 73.58' @ 12.57 hrs Surf.Area= 0.008 ac Storage= 0.008 af

Plug-Flow detention time= 29.0 min calculated for 0.031 af (100% of inflow)
Center-of-Mass det. time= 28.9 min (802.0 - 773.1)

Volume	Invert	Avail.Storage	Storage Description
#1A	72.00'	0.008 af	11.50'W x 30.48'L x 3.50'H Field A 0.028 af Overall - 0.008 af Embedded = 0.020 af x 40.0% Voids
#2A	72.50'	0.008 af	StormTech SC-740 x 8 Inside #1 Effective Size= 44.6"W x 30.0"H => 6.45 sf x 7.12'L = 45.9 cf Overall Size= 51.0"W x 30.0"H x 7.56'L with 0.44' Overlap
		0.016 af	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Discarded	72.00'	8.270 in/hr Exfiltration over Surface area

Discarded OutFlow Max=0.07 cfs @ 11.71 hrs HW=72.04' (Free Discharge)
↑**1=Exfiltration** (Exfiltration Controls 0.07 cfs)

Pond 6P: Subsurface System - Chamber Wizard Field A**Chamber Model = StormTech SC-740**

Effective Size= 44.6"W x 30.0"H => 6.45 sf x 7.12'L = 45.9 cf

Overall Size= 51.0"W x 30.0"H x 7.56'L with 0.44' Overlap

51.0" Wide + 12.0" Spacing = 63.0" C-C

4 Chambers/Row x 7.12' Long = 28.48' + 12.0" End Stone x 2 = 30.48' Base Length

2 Rows x 51.0" Wide + 12.0" Spacing x 1 + 12.0" Side Stone x 2 = 11.50' Base Width

6.0" Base + 30.0" Chamber Height + 6.0" Cover = 3.50' Field Height

8 Chambers x 45.9 cf = 367.5 cf Chamber Storage

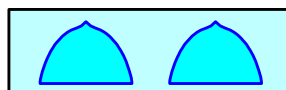
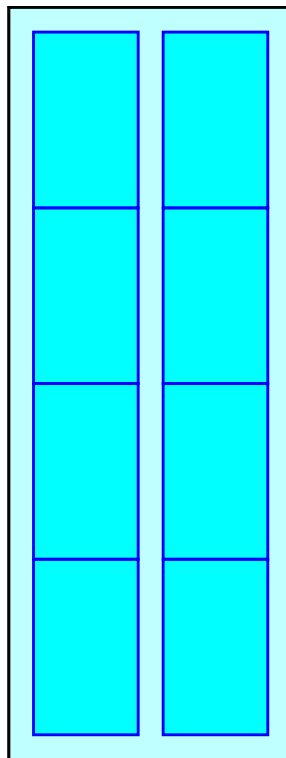
1,226.8 cf Field - 367.5 cf Chambers = 859.3 cf Stone x 40.0% Voids = 343.7 cf Stone Storage

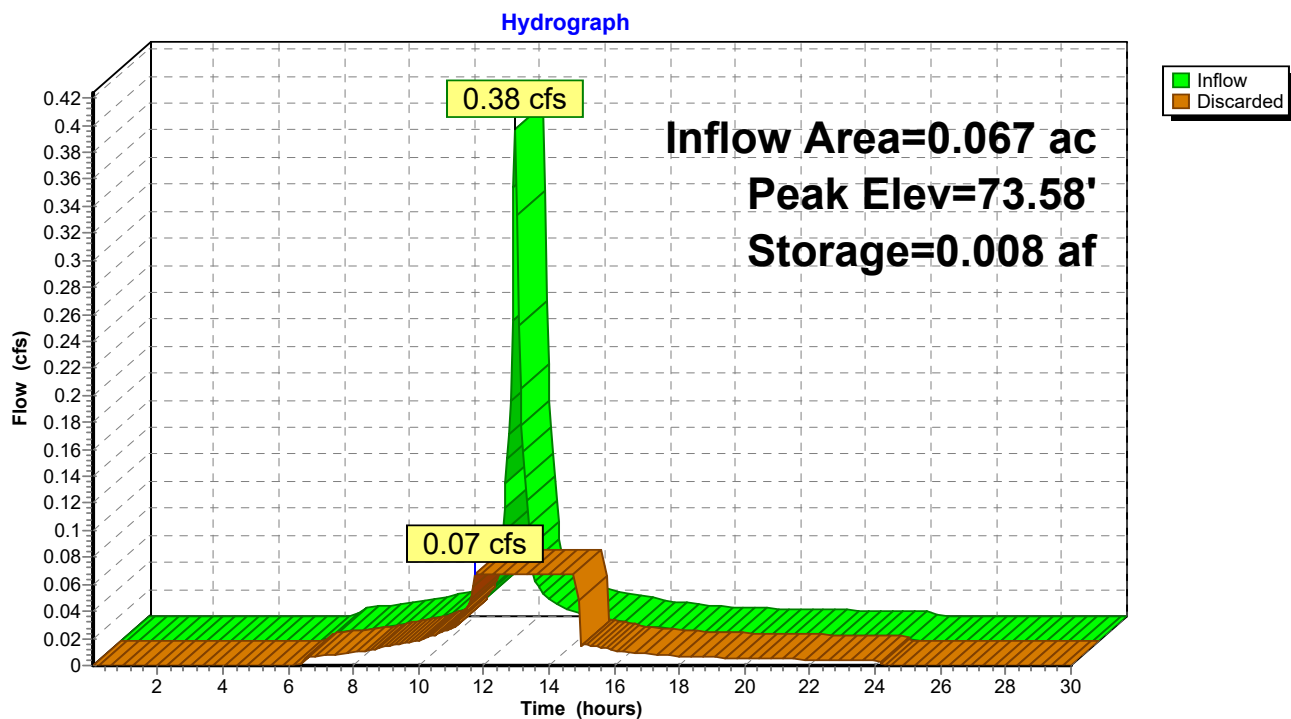
Stone + Chamber Storage = 711.2 cf = 0.016 af

8 Chambers

45.4 cy Field

31.8 cy Stone



Pond 6P: Subsurface System

20-Tudor-HydroCAD

Type III 24-hr 100 - Year Rainfall=7.51"

Prepared by {enter your company name here}

Printed 8/11/2023

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Page 18

Time span=0.01-30.00 hrs, dt=0.05 hrs, 601 points

Runoff by SCS TR-20 method, UH=SCS

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment4S: Roadway

Runoff Area=2,923 sf 100.00% Impervious Runoff Depth=7.27"

Tc=6.0 min CN=98 Runoff=0.48 cfs 0.041 af

Pond 5P: Rain Garden

Peak Elev=78.13' Storage=106 cf Inflow=0.48 cfs 0.041 af

Outflow=0.48 cfs 0.039 af

Pond 6P: Subsurface System

Peak Elev=74.21' Storage=0.011 af Inflow=0.48 cfs 0.039 af

Outflow=0.07 cfs 0.039 af

Total Runoff Area = 0.067 ac Runoff Volume = 0.041 af Average Runoff Depth = 7.27"

0.00% Pervious = 0.000 ac 100.00% Impervious = 0.067 ac

20-Tudor-HydroCAD

Prepared by {enter your company name here}

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Type III 24-hr 100 - Year Rainfall=7.51"

Printed 8/11/2023

Page 19

Summary for Subcatchment 4S: Roadway

Runoff = 0.48 cfs @ 12.08 hrs, Volume= 0.041 af, Depth= 7.27"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.01-30.01 hrs, dt= 0.05 hrs

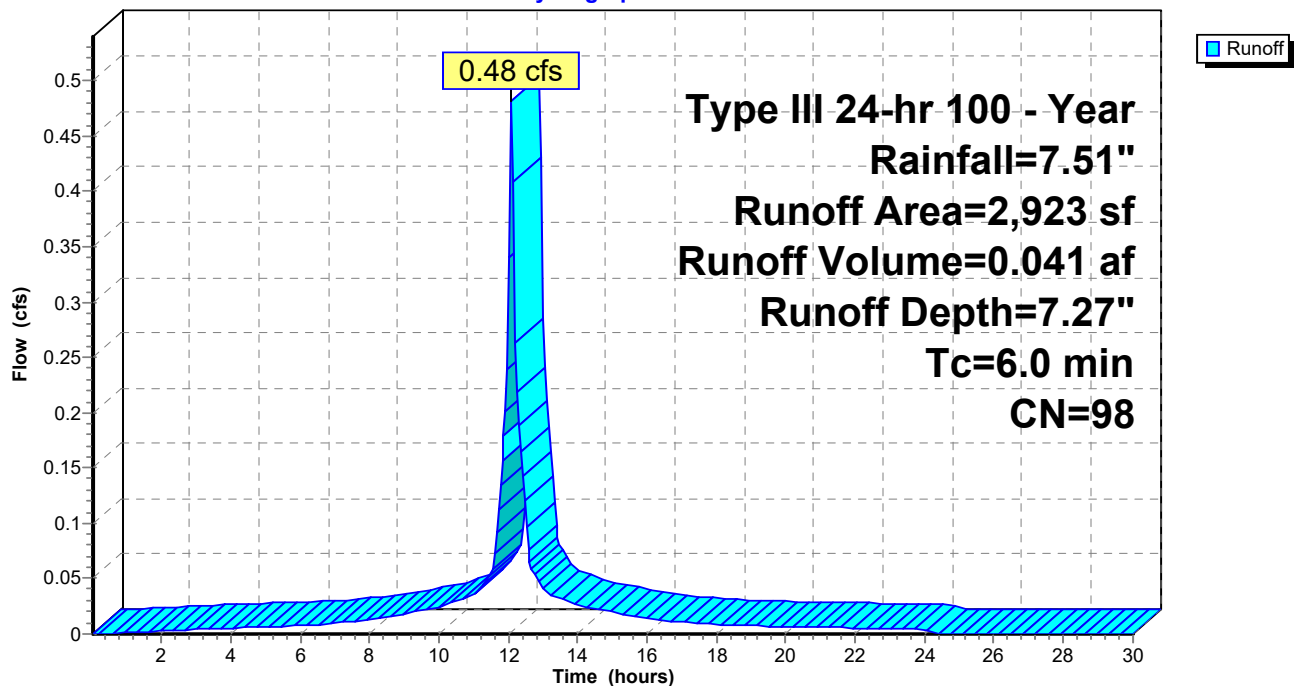
Type III 24-hr 100 - Year Rainfall=7.51"

	Area (sf)	CN	Description
*	2,923	98	Pavement
	2,923		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, Direct

Subcatchment 4S: Roadway

Hydrograph



20-Tudor-HydroCAD

Type III 24-hr 100 - Year Rainfall=7.51"

Prepared by {enter your company name here}

Printed 8/11/2023

HydroCAD® 9.00 s/n 06155 © 2009 HydroCAD Software Solutions LLC

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Summary for Pond 5P: Rain Garden

Inflow Area = 0.067 ac, 100.00% Impervious, Inflow Depth = 7.27" for 100 - Year event
 Inflow = 0.48 cfs @ 12.08 hrs, Volume= 0.041 af
 Outflow = 0.48 cfs @ 12.10 hrs, Volume= 0.039 af, Atten= 1%, Lag= 1.2 min
 Primary = 0.48 cfs @ 12.10 hrs, Volume= 0.039 af

Routing by Stor-Ind method, Time Span= 0.01-30.01 hrs, dt= 0.05 hrs
 Peak Elev= 78.13' @ 12.10 hrs Surf.Area= 304 sf Storage= 106 cf

Plug-Flow detention time= 47.3 min calculated for 0.039 af (96% of inflow)
 Center-of-Mass det. time= 24.0 min (766.0 - 742.0)

Volume	Invert	Avail.Storage	Storage Description
#1	77.50'	234 cf	Custom Stage Data (Prismatic) Listed below (Recalc)

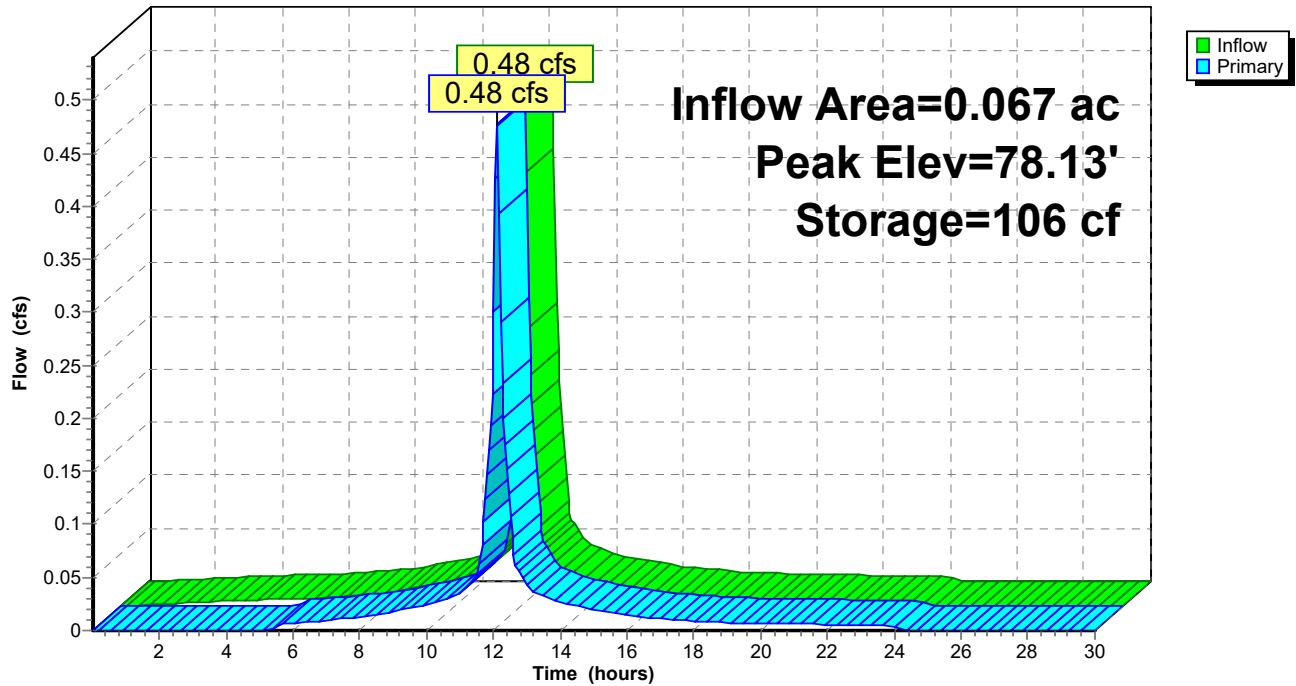
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
77.50	0	0	0
78.00	276	69	69
78.50	383	165	234

Device	Routing	Invert	Outlet Devices
#1	Primary	78.00'	12.0" Horiz. Orifice/Grate C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=0.47 cfs @ 12.10 hrs HW=78.13' (Free Discharge)
 ↑1=Orifice/Grate (Weir Controls 0.47 cfs @ 1.17 fps)

Pond 5P: Rain Garden

Hydrograph



20-Tudor-HydroCAD

Type III 24-hr 100 - Year Rainfall=7.51"

Prepared by {enter your company name here}

Printed 8/11/2023

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Page 22

Summary for Pond 6P: Subsurface System

Inflow Area = 0.067 ac, 100.00% Impervious, Inflow Depth = 6.99" for 100 - Year event
 Inflow = 0.48 cfs @ 12.10 hrs, Volume= 0.039 af
 Outflow = 0.07 cfs @ 11.66 hrs, Volume= 0.039 af, Atten= 86%, Lag= 0.0 min
 Discarded = 0.07 cfs @ 11.66 hrs, Volume= 0.039 af

Routing by Stor-Ind method, Time Span= 0.01-30.01 hrs, dt= 0.05 hrs
 Peak Elev= 74.21' @ 12.63 hrs Surf.Area= 0.008 ac Storage= 0.011 af

Plug-Flow detention time= 44.3 min calculated for 0.039 af (100% of inflow)
 Center-of-Mass det. time= 44.3 min (810.2 - 766.0)

Volume	Invert	Avail.Storage	Storage Description
#1A	72.00'	0.008 af	11.50'W x 30.48'L x 3.50'H Field A 0.028 af Overall - 0.008 af Embedded = 0.020 af x 40.0% Voids
#2A	72.50'	0.008 af	StormTech SC-740 x 8 Inside #1 Effective Size= 44.6"W x 30.0"H => 6.45 sf x 7.12'L = 45.9 cf Overall Size= 51.0"W x 30.0"H x 7.56'L with 0.44' Overlap
		0.016 af	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Discarded	72.00'	8.270 in/hr Exfiltration over Surface area

Discarded OutFlow Max=0.07 cfs @ 11.66 hrs HW=72.04' (Free Discharge)
 ↑**1=Exfiltration** (Exfiltration Controls 0.07 cfs)

Pond 6P: Subsurface System - Chamber Wizard Field A**Chamber Model = StormTech SC-740**

Effective Size= 44.6"W x 30.0"H => 6.45 sf x 7.12'L = 45.9 cf

Overall Size= 51.0"W x 30.0"H x 7.56'L with 0.44' Overlap

51.0" Wide + 12.0" Spacing = 63.0" C-C

4 Chambers/Row x 7.12' Long = 28.48' + 12.0" End Stone x 2 = 30.48' Base Length

2 Rows x 51.0" Wide + 12.0" Spacing x 1 + 12.0" Side Stone x 2 = 11.50' Base Width

6.0" Base + 30.0" Chamber Height + 6.0" Cover = 3.50' Field Height

8 Chambers x 45.9 cf = 367.5 cf Chamber Storage

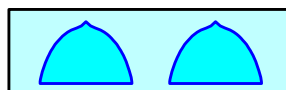
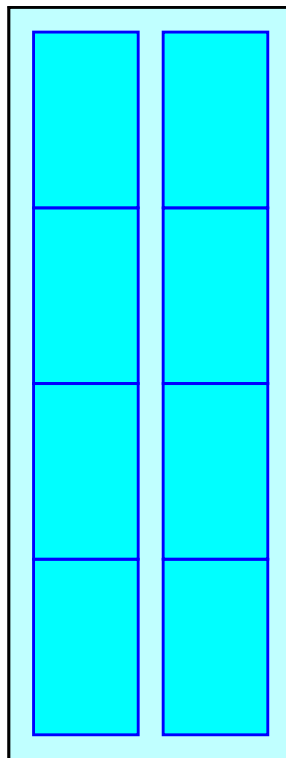
1,226.8 cf Field - 367.5 cf Chambers = 859.3 cf Stone x 40.0% Voids = 343.7 cf Stone Storage

Stone + Chamber Storage = 711.2 cf = 0.016 af

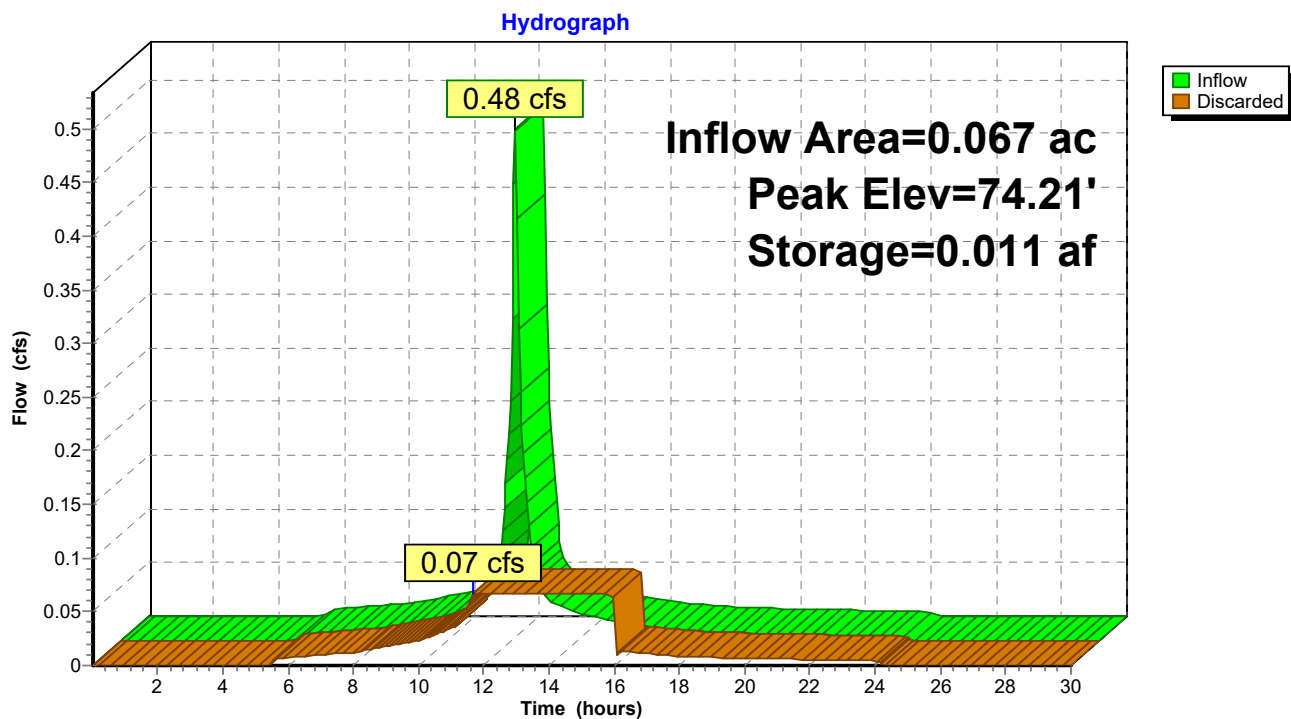
8 Chambers

45.4 cy Field

31.8 cy Stone



Pond 6P: Subsurface System



Tudor Terrace

Date: 4-3-23

Rev 1:

BIO-RETENTION AREA CALCULATIONS

AREA #1

Contributing Impervious area = 2,923 S.F.

Water Quality Volume (WQV – 1") = 276 C.F. of storage required

Bio-retention area = 276 s.f.

Soil media = 2.5' thick: Voids – 30%: Ponding = 0.50'

Storage in Soil = 276 s.f. * 2.5' * 0.3 = 207 c.f.

Storage ponding = 276 s.f. * 0.5' = 138 c.f.

TOTAL STORAGE AREA #1 = 345 c.f. > 276 c.f. – OK

Job # 20 Tudor Terrace
Site Location Mashpee, MA
Date: 8/11/2023
Rev1:

Recharge Volume Calculations

Step 1) Required Recharge Volume -

Rain Garden and Subsurface System #1

$Rv = F \times \text{Impervious area}$

$F \text{ (Target Depth Factor per Hydrologic Soil Group)} = 0.6 \text{ (Per table 2.3.2 for A Soil)}$
 $\text{Impervious Area (Total)} = 0.067 \text{ Acres}$

$Rv = 0.00335 \text{ Ac-Ft}$ Required
 145.926 C.F. Required for the new proposed pavement

696 C.F. Provided in Subsurface System

Site: 20 Tudor Terrace
Town: Mashpee, MA
Date: 8/11/2023
Rev1:
Rev2:

Water Quality Volume Calculations

Water Quality Treatment Volume

Infiltration Basin #1 -

$$Vwq = (Dwq/12 \text{ inches/foot}) * (Aimp * 43,560 \text{ square feet/acre})$$

Dwq = 1 inch	=	1
Impervious Area	=	0.067 Acres

Rv =	0.00558 Ac-Ft
Rv =	243.21 Cubic Ft.

696

Provided in Subsurface System

INSTRUCTIONS:

- 1. In BMP Column, click on Blue Cell to Activate Drop Down Menu
- 2. Select BMP from Drop Down Menu
- 3. After BMP is selected, TSS Removal and other Columns are automatically completed.

Location: 20 Tudor Terrace

B	C	D	E	F
BMP ¹	TSS Removal Rate ¹	Starting TSS Load*	Amount Removed (C*D)	Remaining Load (D-E)
Bioretention Area	0.90	1.00	0.90	0.10
Subsurface Infiltration Structure	0.80	0.10	0.08	0.02
	0.00	0.02	0.00	0.02
	0.00	0.02	0.00	0.02

TSS Removal Calculation Worksheet

Total TSS Removal = 98%
Separate Form Needs to be Completed for Each Outlet or BMP Train

Project: 20 Tudor

Prepared By: Mark Dibb

Date: 8/11/2023

*Equals remaining load from previous BMP (E) which enters the BMP

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QUITCLAIM DEED

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

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

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

WITH QUITCLAIM COVENANTS

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

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

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

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

PROPERTY ADDRESS: 20 TUDOR TERRACE, MASHPEE, MA 02649

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Executed as a sealed instrument this 5th day of August, 2021.
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DJM REALTY TRUST



DANIEL E. MARSTERS, TRUSTEE

COMMONWEALTH OF MASSACHUSETTS

County of Barnstable, ss

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




Notary Public:
My Commission Expires:

N O T	N O T
A N	A N
O F F I C I A L	O F F I C I A L
C O P Y	C O P Y
TRUSTEE CERTIFICATE	
N O T	N O T
A N	A N
O F F I C I A L	O F F I C I A L
C O P Y	C O P Y

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

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

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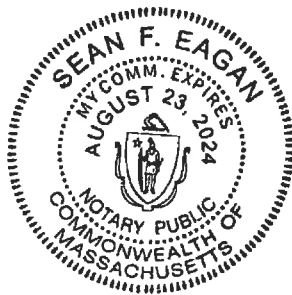
NOT
AN
OFFICIAL
Signed under the pains and penalties of perjury 5th day of August, 2021.

Daniel E. Marsters, Trustee
DANIEL E. MARSTERS, TRUSTEE

COMMONWEALTH OF MASSACHUSETTS

County of Barnstable, ss

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



[Signature]
Notary Public:
My commission expires:

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QUITCLAIM DEED

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

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

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

WITH QUITCLAIM COVENANTS

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

Being shown and numbered 9, 11, 13, 15 & 18 Tudor Terrace and 1 Sheffield Place, and shown as **LOTS 38, 39, 40, 41, 42 AND 13** respectively on a plan of land entitled "Spring Hill West, Plan of Land in Mashpee, Massachusetts for Spring Hill Realty Trust, Scale: 1" = 100', date: October 1, 1988 (rev. January 9, 1989 and October 19, 1989); Baxter and Nye, Inc., Registered Land Surveyors & Civil Engineers, Osterville, Massachusetts", which plan is recorded in the Barnstable County Registry of Deeds in Plan Book 467, Pages 88-90.

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

For title see deed dated March 31, 2021, and in the Barnstable County Registry of Deeds in Book 33973, Page 227.

PROPERTY ADDRESS: 9, 11, 13, 15, 18 TUDOR TERRACE, MASHPEE, MA 02649 & 1 SHEFFIELD PLACE, MASHPEE, MA 02649

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Executed as a sealed instrument this 5th day of August, 2021.

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DJM REALTY TRUST



DANIEL E. MARSTERS, TRUSTEE

COMMONWEALTH OF MASSACHUSETTS

County of Barnstable, ss

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




Notary Public:
My Commission Expires:

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

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

TRUSTEE CERTIFICATE

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

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

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

1. I am fully authorized under the terms of the Trust to conduct solely the herein referenced transaction;
2. I have been authorized by all of the beneficiaries (none of whom are minors, incompetent, or a corporation) to transfer the property located at 9, 11, 13, 15, 18 Tudor Terrace, Mashpee, MA 02649 and 1 Sheffield Place, Mashpee, MA 02649 for a sale price of less than \$100.00 to Pleasantwood Homes, LLC;
3. I am the sole and current Trustee of the Trust;
4. The Trust is in full force and existence;
5. There are no other alterations or amendments to said Trust and there are no facts which constitute conditions precedent to acts by the Trustee or are in any other manner germane to affairs of the Trust.

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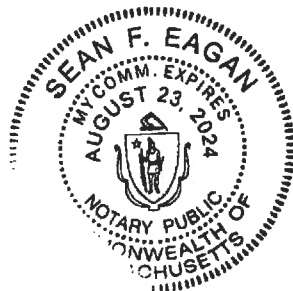
Signed under the pains and penalties of perjury 5th day of August, 2021.



DANIEL E. MARSTERS, TRUSTEE

COMMONWEALTH OF MASSACHUSETTS

County of Barnstable, ss

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




Notary Public:
My commission expires:



Town of Mashpee
BOARD OF HEALTH
16 GREAT NECK ROAD NORTH
MASHPEE, MASSACHUSETTS 02649
(508) 539-1426 * Fax (508) 477-0496



Public Health
Prevent. Promote. Protect.

Memo: 20 Tudor Terrace

With regards to the 3 Subdivided lots at 20 Tudor Terrace, the Health Departments main recommendation is to have a barrier of some kind i.e. chain link fence placed on the part of any of the properties that touch the Nitrogen Loading Credit Easement area. This will help prevent the property owners from causing any man made adulterations to the easement area. If the Easement area is modified from its natural state then it will void the space as the deeded credit land.

Thank you

Zackary Seabury / Health Agent
Town of Mashpee
16 Great Neck Road North, Mashpee, MA 02649
Office: 508.539.1400 X8553
Email: Zseabury@mashpeema.gov

QUITCLAIM DEED

PLEASANTWOOD HOMES, LLC, a Massachusetts Limited Liability Company having a principal place of business in Forestdale, Massachusetts

for consideration paid of less than One Hundred (\$100.00) Dollars

grant to the **TOWN OF MASHPEE CONSERVATION COMMISSION** having a principal address of 16 Great Neck Road North, Mashpee, MA 02649

with Quitclaim Covenants

The land consisting of approximately 136,611 square feet being shown as LOT 4 on a Plan prepared for Daniel E. Marsters, Pleasantwood Homes, LLC, 10 Pleasantwood Drive, Forestdale, MA 02644 drawn by Cape and Islands Engineering dated _____, and being recorded in Book _____, Page _____.

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

PROPERTY ADDRESS: TUDOR TERRACE, MASHPEE, MA 02649

Said conveyance does not constitute all or substantially all of the assets of the Grantor in the Commonwealth of Massachusetts.

Being a portion of the premises conveyed to the Grantor by Deed dated August 5, 2021 being recorded on August 9, 2021 with the Barnstable County Registry of Deeds in Book 34366, Page 276.

signature page to follow

Executed as a sealed instrument this _____ day of _____,
2023.

PLEASANTWOOD HOMES, LLC

By: Daniel E. Marsters, Manager

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

On this _____ day of _____, 2023, before me, the undersigned notary public personally appeared Daniel E. Marsters and proved to me through satisfactory evidence of identification, which was _____ to be the person whose name is signed on this Deed, and swore or affirmed to me under the penalties of perjury that the contents of this document are truthful and accurate to the best of his knowledge and belief and acknowledged to me that he signed it voluntarily for its stated purpose as his free act and deed, as Manager of Pleasantwood Homes, LLC.

Notary Public
My Commission Expires:

NEW BUSINESS

Donald R. Pinto, Jr.

100 Summer Street
Suite 2250
Boston, MA 02110

617.488.8175 voice
617.824.2020 fax
dpinto@pierceatwood.com
www.pierceatwood.com

July 31, 2023

Patrick Costello
Mashpee Town Counsel
Louison, Costello, Condon & Pfaff, LLP
10 Post Office Square, Suite 1330
Boston, MA -2109

Re: Willowbend Special Permit Modification

Dear Pat:

Southworth Mashpee Properties LLC has engaged me to provide advice and assistance with its pending application to the Mashpee Planning Board to modify the 1987 special permit for Willowbend Country Club, including any appeals or other court actions that may ensue. I'm working with Troy Miller, Southworth's Chief Development Officer, and Jack McElhinney, Southworth's local counsel, on this matter and am writing this letter on their behalf as well as my own. The purpose of this letter is to open a constructive dialogue on legal issues the Planning Board has raised in connection with Southworth's application, in hopes of reaching a resolution that works for all and avoids the time and expense of litigation.

Though I'm new to this particular controversy I've been poring over the background materials and have reviewed video recordings of the recent Planning Board hearings. I understand that the Board views the reference in the 1991 special permit modification to "the maximum number of 853 bedrooms . . . originally contemplated" as a cap that remains in force even though the Board, for a period of over 30 years, not only has never treated it as such, but has never once (until now) even mentioned it, granting modification after modification of the permit without regard to the total number of bedrooms at the project. Southworth has reasonably and in good faith relied on the Board's longstanding course of conduct in not treating that 1991 language as a still-enforceable bedroom cap as it invested millions of dollars developing, permitting, and selling to third parties scores of lots at Willowbend.

As the 1991 modification indicates, the 853-bedroom figure didn't start out as a cap. It was simply a function of the original Willowbend developers'

proposal to build a total of 338 units under the town's then-operative (1985) cluster development bylaw, which purported to limit the number of bedrooms in each residential unit. Importantly, under the 1985 bylaw, the original developer could have developed well over 400 units. The number of bedrooms was capped at 853 because that was the figure used to design the capacity of the private sewage treatment plant that was proposed as part of the MEPA review of the project in 1987. In 1991, the Planning Board agreed to a proposed reduction in the number of units to 287 "provided that the maximum number of 853 bedrooms (excluding dens, studies and family rooms) originally contemplated shall not be exceeded." The Board acknowledged that in referring to a maximum of 853 bedrooms it was "interpret[ing] the bedroom limit contained within Section 9.322 [of the cluster bylaw] as a density limit which was intended to establish a maximum number of bedrooms within the development when applied in conjunction with the maximum number of units established under the permit." In that context, the condition ensured that the size of the development could not exceed the design capacity of the sewage treatment plant as permitted by DEP.

Southworth's position is that if the 853-bedroom figure ever was enforceable as a cap on the number of bedrooms at Willowbend, it plainly no longer is. While the Board's 1991 interpretation of the language of Section 9.322 as "a density limit which was intended to establish a maximum number of bedrooms within the development" may be plausible, such a limit would be unenforceable. It's settled law that, other than reasonable bulk restrictions (such as maximum floor-area ratios), zoning can't be used to regulate the interior of single-family homes. G.L. c. 40A, § 3, titled "Subjects which zoning may not regulate . . . ," states in relevant part, "No zoning ordinance or by-law shall regulate or restrict the interior area of a single family residential building" The reason for this prohibition is that the police power on which all zoning regulation is based is limited to the protection of public health, safety, and welfare; regulation of the interior layout of a single-family home doesn't implicate these concerns. See Barney & Casey Co. v. Town of Milton, 324 Mass. 440, 445 (1949) (where application of zoning regulation to a particular parcel has "no real or substantial relation to the public safety, public health or public welfare," it will be struck down). A zoning bedroom limit is especially problematic because it can effectively limit the number of children a family can have.

Of course, limits on the number of bedrooms in a single-family home can be imposed and enforced by local Boards of Health and, for larger systems, by DEP, under Title 5 of the State Environmental Code. However, as Southworth has emphasized at the recent hearings, the Willowbend sewage treatment plant has far more capacity than is currently needed, even at times

of peak flows, even with well more than 853 bedrooms already connected. There's been no suggestion that, when the development is fully built out to 287 units, the plant even then will approach its design capacity. DEP closely monitors the plant and has approved all applications for sewer extension permits to date. DEP would not grant an approval if there was any reason for concern over the plant's function or capacity.

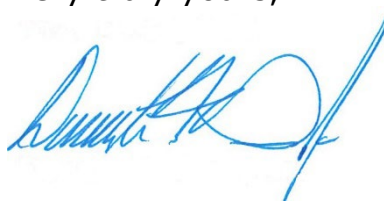
Even if the 853-bedroom figure was enforceable as a cap in 1991, as a result of the Planning Board's consistent conduct over a span of more than 30 years and Southworth's reasonable, good-faith reliance on the Board's non-enforcement of that provision, I believe a court presented with all the facts will conclude that the Board is estopped from enforcing it now. The elements of equitable estoppel are (1) a representation or conduct amounting to a representation intended to induce a course of conduct on the part of the person to whom the representation is made; (2) an act or omission by the person to whom the representation is made in reasonable reliance on the representation, and (3) detriment to the person who relied on the representation. Bongaards v. Millen, 440 Mass. 10, 15 (2003). Pertinent to the current situation, silence may satisfy the first element where it constitutes a representation of consent. Reading Co-Op. Bank v. Suffolk Constr. Co., Inc., 464 Mass. 543, 556 (2013). Moreover, "The linchpin for equitable estoppel is equity – fairness." Silverwood Partners, LLC v. Wellness Partners, LLC, 91 Mass. App. Ct. 856, 863 (2017).

While as a general rule equitable estoppel isn't applied to government acts, there's an important caveat to that rule: estoppel is not applied "where to do so would frustrate a policy intended to protect the public interest." Weston Forest and Trail Ass'n, Inc. v. Fishman, 66 Mass. App. Ct. 654, 660 (2006). Here, given the Planning Board's three decades of non-enforcement of the 853-bedroom figure as a cap, Southworth's longstanding and substantial reliance on the Board's consistent non-enforcement, and, most importantly, the lack of any connection between the Board's sudden decision to enforce the supposed cap and any policy intended to protect the public interest, there is no reason for a court not to hold the Board estopped from now enforcing an 853-bedroom cap. As regards fairness, I understand that over the years Southworth has, at the Town's request and with the Planning Board's consent – and with no legal obligation to do so – connected to the Willowbend sewage treatment plant three developments that were on septic systems (one of which was failing) and that were not subject to the special permit. In the aggregate, these developments add a substantial number of bedrooms, and thus flow, to the plant. Given this background, the Planning Board's attempt to now enforce the 853-bedroom figure as a cap and thereby thwart the build-out of the remaining developable parcels at Willowbend is especially unfair.

One final point. When I watched the video recording of the Planning Board's June 21, 2023 hearing, I noted the enthusiasm of some Board members for attempting to document the total number of bedrooms currently at Willowbend by knocking on doors and asking homeowners to allow town officials into their homes to count bedrooms. Unless a homeowner were to provide their informed consent, this type of administrative search – like any search of someone's home – requires a warrant issued by a judge upon a showing of probable cause to search that particular dwelling. Camara v. Municipal Court, 387 U.S. 523, 534 (1967); City of Boston v. Ditson, 4 Mass. App. Ct. 323, 327-329 (1976). Because the point of such an exercise would be to determine how many bedrooms there are at the development as a whole, no probable cause could or would exist to search any individual home. Besides this constitutional problem, the whole notion of counting bedrooms is pointless: there's no dispute that the 853-bedroom figure was surpassed – likely years ago – with the Planning Board's tacit approval, and in the meantime many non-Willowbend bedrooms have been connected to the sewage treatment plan at the Town's request. Whether there are currently 853, or 953, or any greater number of bedrooms at Willowbend is irrelevant. The only possible relevance of that number is to the capacity of the sewage treatment plant, and regular monitoring by Southworth – overseen by DEP – shows the plant is operating well and has a large amount of capacity to spare. For these reasons, Southworth is unwilling to participate in, or contribute financially to, any effort to count or document the number of bedrooms at Willowbend.

As our goal is to open a constructive dialogue on these issues, Southworth's management would appreciate if you would consult with the Planning Board and get back to us with your thoughts. If you think it would be productive we're open to a sit-down with counsel, a representative or two of Southworth, and representatives of the Planning Board and other interested Town officials, to discuss these issues and how to resolve them without litigation. We look forward to hearing from you.

Very truly yours,



Donald R. Pinto, Jr.

DRP/gmy
cc: Troy Miller
Jack McElhinney, Esq.

BOARD ENGINEER REPORT



PESCE ENGINEERING & ASSOCIATES, INC.

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

September 18, 2023

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

RE: Engineering Review of the **Proposed Tudor Terrace Subdivision**
Spring Hill West Definitive Subdivision, Mashpee, MA

Dear Mr. Lehrer & Members of the Planning Board:

Pesce Engineering & Associates, Inc. is pleased to provide you this engineering review of the application package for the proposed Tudor Terrace Subdivision (part of Spring Hill West subdivision), located at Tudor Terrace, Mashpee, MA. We have evaluated the plans for consistency with the Town's Zoning Bylaw, and the Subdivision Rules & Regulations.

We have reviewed the following new information to prepare this letter report:

- Site Plans for the proposed "Definitive Subdivision Plan, Tudor Terrace," 20 Tudor Terrace, prepared by Cape & Islands Engineering, 4 sheets, dated April 24, 2023.
- "Stormwater Management Report and Design Calculations," Proposed Site Development, 20 Tudor Terrace, prepared by Cape & Islands Engineering, dated August 11, 2023.

This latest application before the Planning Board for a Definitive Subdivision involves the creation of 3 new buildable lots (Lots 1, 2 & 3), while also creating an open space lot (Lot4), which will also serve as the nitrogen loading credit easement area, as required from previous agreements/decisions). There are no proposed changes to the existing drainage system, since there will be no changes to the existing paved cul-de-sac of Tudor Terrace. However, a new drainage system is planned for the new 130 ft. long subdivision road.

This subdivision is part of the original Spring Hill West Subdivision, and is located in the Residential 5 (R-5) zoning district, as well as in a DEP designated Zone II of a public drinking water supply. It is not located within the 100-yr. flood plan, nor a mapped habitat of threatened or endangered species. Water & sewer services for the new residential lots are planned with proposed private wells and on-site Title 5 septic systems.

The following are our review comments:

Site Plan, Layout & Utilities

1. We recommend adding a driveway detail be added showing the corner radii, design cross-section (including gravel base thickness and sieve specification), and showing a minimum

5' pavement length extending from the edge of pavement at the new subdivision road into the residential lot (to allow for a proper transition from the pavement, if materials other than pavement are used for the driveway (gravel, cobblestone, pavers, etc.).

2. Since this site is located in a Zone II of a public water supply, we recommend that consideration be given for a Condition involving the use of slow-release (nitrogen) organic fertilizer for each residential lot (rather than allow the use of common chemical fertilizer, which can dissolve quickly and potentially impact groundwater quality).
3. We recommend that an Erosion Control Plan be added to the plan set, showing at a minimum, the erosion control/work limit line, the locations of appropriate erosion controls (haybales/silt fence), and crushed stone tracking pad/construction entrance, the requirement of the contractor to provide silt sacks in all downstream catch basins, and conduct weekly street sweeping (or as needed) during the construction period.
4. We recommend that the "Bituminous Concrete Pavement Section" detail be amended to provide a total 3.5 " pavement cross section, per the Mashpee Subdivision Rules & Regulations (pg. 22 - Section IX. D. 1. a.). We further recommend that this cross section consist of a 2-inch binder course, and 1.5-inch wearing course, as is common construction practice.
5. We recommend that additional monumentation be provided for the open space/nitrogen easement lot, along with signage to prevent encroachment into this area. This monumentation may include concrete bounds, or rebar with caps, and should be placed at every lot corner around the perimeter of the open space. The proposed signs approximately 8" X 16" in size should read "Open Space Area Do Not Disturb." The signs (approximately 11 total) should be placed along the side and rear boundaries of Lots 1-3 with the open space lot (near/at the monuments, where possible). We recommend that the Board consider a condition to require that a draft Monumentation Plan (with sign locations shown) be submitted for approval, prior to construction start.

Stormwater Management

This project proposes to mitigate post-development runoff for the new subdivision roadway via the collection into a rip-rap sediment trap followed by a rain garden, which ultimately discharges to a subsurface infiltration system (leaching chambers with crushed stone). The proposed stormwater management system is designed for the 100-yr. storm event, and will treat total suspended solids (TSS) in the stormwater.

We have the following stormwater management comments:

1. We recommend that an expanded view of the rain garden and infiltration area be provided for clarity during construction. Presently, the 16.58' label blocks the outlet structure location, and the proposed grades are difficult to read (and no bottom elevation of the rain garden is shown).
2. As per my discussion during the November 2, 2022, public hearing, in order to

ensure the integrity of the existing drainage system in the Tudor Terrace cul-de-sac, we recommend that the applicant conduct a stormwater inspection, pump-out all existing catch basins, and provide a letter (signed by a Professional Engineer) stating that this was performed.

3. We recommend that a standalone Stormwater Operation & Maintenance Plan be generated and submitted for this project (based on the information in the Stormwater Management Report). This O&M Plan should include an inspection form listing all the required inspections to perform, and be signed & dated by the owner/applicant. This will ensure that the owner/applicant is aware of the recommended maintenance & inspections are required.
4. Since this site is located within a Zone II of a public water supply, according to the Mass. Stormwater Standards, the design should provide at least 44% pretreatment of TSS prior to infiltration. The stormwater report shows a TSS removal calculation of 90% with the Bio-Retention area. However, this is only allowed if adequate pre-treatment is provided (which it is not currently). As per Vol. 2, Ch. 2 of the Mass. Stormwater Standards (pg. 25):

To receive 90% TSS removal credit, adequate pretreatment must be provided. If the flow is piped to the bioretention area a deep sump catch basin and sediment forebay should be used to provide pretreatment. For sheet flow, there are a number of pretreatment options. These options include:

- *A vegetated filter strip, grass channel or water quality swale designed in accordance with the specifications set forth in Chapter 2.*
- *A grass and gravel combination. This should consist of at least 8 inches of gravel followed by 3 to 5 feet of sod.*
- *Pea diaphragm combined with a vegetated filter strip specially designed to provide pretreatment for a bioretention area as set forth in the following table.*

We recommend that additional BMPs be provided (or the sediment forebay enlarged, etc.) to comply with this pre-treatment requirement.

5. No soil test pit data was provided with the stormwater analysis. We recommend that the Board consider a condition to require soil test pits to be performed in the location of the rain garden area to confirm soil and groundwater conditions, and the applicant be required provide this soils information prior to the start of construction.
6. The Water Quality Volume calculations use the subsurface infiltration system volume to show compliance with this requirement. This is incorrect, and calculations showing the available required water quality volume before infiltration should be provided. This required water quality volume may be available in the sediment forebay/raingarden area, but calculations demonstrating this should be provided.
7. We recommend that inspection ports be added for the subsurface infiltration system (1 port/row minimum, along with a construction detail).

Thank you for this opportunity to assist the Planning Board in their review of this project, and as always, please call or e-mail me if you have any questions or comments.

Sincerely,

PESCE ENGINEERING & ASSOCIATES, INC.



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

cc: Mark Dibb, Cape & Islands Engineering

TOWN PLANNER REPORT

MASHPEE HOUSING PRODUCTION PLAN UPDATE 2023

PUBLIC WORKSHOP #1: HOUSING NEEDS

The meeting will launch with a presentation of general project information, housing needs, and development constraints in Mashpee. Attendees will then participate in facilitated group discussions, followed by an open Q&A period.

The Cape housing crisis impacts all of us differently and we would like to understand how it has affected you. We also will be hosting a virtual Zoom workshop on September 21, 2023 beginning at 5:00 PM. Link and QR Code are listed below.

SEPTEMBER 19, 2023 @ 6:30 PM

MASHPEE PUBLIC LIBRARY, 64 STEEPLE STREET, MASHPEE, MA

IF YOU CAN'T MAKE IT TO
THE IN-PERSON EVENT PLEASE
JOIN US VIRTUALLY ON 9/21 AT
5:00 PM VIA ZOOM AND MAKE
YOUR VOICE KNOWN AND
YOUR HOUSING PRIORITIES
FOR THE FUTURE HEARD



LINK TO ZOOM

[https://tinyurl.com/
MashpeeHPPZoom](https://tinyurl.com/MashpeeHPPZoom)

FOR MORE INFORMATION GO TO:
<https://tinyurl.com/2023HPP>





Mashpee Housing Production Plan

Community Meeting Information

In-Person

September 19, 2023 | 6:30pm
Mashpee Public Library | Events Room

Virtual

September 21, 2023 | 5:00pm
Zoom: <https://barrettplanningllc.zoom.us/j/86461674446>
One tap mobile: +16469313860,,86461674446# US

Discussion Questions

In groups, participants will be asked to provide feedback on some or all of the questions below.

HOUSING NEEDS

1. We have heard concern that moving to Mashpee has become unattainable for young professionals and families, and that those on fixed or low incomes struggle to remain in the community. Do you have concerns about the relationship between the housing market and its impact on Mashpee's future demographic profile?
2. Whose housing needs are not being met in Mashpee? What type of housing could best meet these needs? Consider affordability level, housing type, bedroom count, location, rental versus ownership, etc.

OPPORTUNITIES FOR BUILDING CONSENSUS

1. The 2015 HPP included the following strategy: "Design and implement an outreach program to educate Mashpee residents about the importance of affordable housing." What misconceptions around housing could such an education plan address? What could most people agree on? What other steps would help to bring community together around provision of affordable housing?
2. We have heard nearly universal agreement from stakeholders that both housing and natural resource protection (particularly water quality) are critical concerns. How can Mashpee balance these important and inseparable issues?

CHALLENGES AND OPPORTUNITIES

1. Development and redevelopment in Mashpee requires a tradeoff. Where, physically, can Mashpee best support new housing development or redevelopment? (Map will be provided for discussion.)
2. The 2015 Housing Production Plan included the strategy, "Seek opportunities to convert unused properties and lodging accommodations plus seasonal homes to long-term use as affordable year-round housing." Do you see this as a viable strategy for Mashpee? Why or why not?
3. The 2015 HPP included strategies relating to increasing density in appropriate locations. These strategies included creating overlays for multifamily rental housing by special permit in the R3 and R5 districts, creating financial incentives for conversion of existing units to affordable units, and allowing density bonuses in appropriate locations. Do you agree or disagree with any of these strategies?

CORRESPONDENCE



**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 Robert T. and Andrea A. Brennan, Trustees, 28 Nemasket Road, West Falmouth, MA.

(Map 14 Lot 018) under 240-10.2A. of the Zoning By-Law, as amended to **grant** the special permit to raze and rebuild the existing, non-conforming, detached accessory structure.

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 **September 1, 2023** which is the date the Decision was filed in the office of the Town Clerk.

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



**TOWN OF 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 Scott and Susan Goodrich, 61 Walker Street, Falmouth, MA.

(Map 47A Lot 000) under 240-10.2A and 240-11.3A(4) of the Zoning By-Law, as amended to **grant** the modification of special permit No. 98-90 to raze and rebuild the existing, non-conforming detached accessory structure, 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 **September 6, 2023** which is the date the Decision was filed in the office of the Town Clerk.

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



**TOWN OF FALMOUTH
MASSACHUSETTS**

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by John R. and Anna A. Bowen, Trustees, 102 Grand Avenue, Falmouth, MA.

(Map 46B Lot 001) under 240-10.2A. of the Zoning By-Law, as amended to **grant** the modification of existing special permits #110-15 and #37-21, to remove condition #2 of Special Permit #110-15 and increase total lot coverage.

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 **September 1, 2023** which is the date the Decision was filed in the office of the Town Clerk.

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



**TOWN OF 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 Wesley and Carroll Gee and Dennis Skehan, 1 Grove Street, North Falmouth, MA.

(Map 04A Lot 414) under 240-10.2A of the Zoning By-Law, as amended to **grant** the special permit to construct an addition to the existing, non-conforming, single-family dwelling.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **September 8, 2023** which is the date the Decision was filed in the office of the Town Clerk.

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



Falmouth Planning Board

59 Town Hall Square, Falmouth, MA 02540

Telephone: 508-495-7440 Fax: 508.495.7443 email: planning@falmouthma.gov

RECEIVED
AUG 31 2023
TOWN CLERK

August 31, 2023

Michael Palmer, Town Clerk
Falmouth Town Hall
59 Town Hall Square
Falmouth, Massachusetts 02540

**Re: Special Permit Decision – Michael Galasso
545 Main Street – 47B 04 012 003**

Dear Michael,

At its meeting on August 29, 2023, the Planning Board voted to approve the application of Michael Galasso, under Article 14 – General Regulations and GRANT a Special Permit pursuant to Section 240-14.1(5)b. of the Zoning Bylaw to allow parking within 5 feet of a property line as part of the redevelopment of the former Royal Falmouth Nursing & Rehabilitation Center located at 545 Main Street, as depicted on the plan entitled: *"Site Plan – Proposed Parking Layout for #545 Main Street"*, prepared by Falmouth Engineering, scale of 1"=20', dated December 28, 2022, with the most recent revision date of July 7, 2023, with the following:

FINDINGS:

The 67,892 square foot lot is located in both the Business Redevelopment (BR) and General Residence (GR) zoning districts, in the Coastal Pond (Falmouth Inner Harbor) Overlay District, and in the Mixed Residential and Commercial Overlay District (MRCOD).

The property currently contains a vacant 52,686 square foot structure, previously used as the Royal Falmouth Nursing & Rehabilitation Center. The existing 73-space asphalt parking lot has a one-way circulation system in place; the eastern driveway only provides access to the site while the western driveway only provides egress. The front of the building includes a long concrete walkway with a concrete patio while two dumpsters currently exist at the southeast corner of the lot.

The redevelopment of this property includes converting the 52,686 square foot structure into a 71-unit mixed use building with a 951 square foot, 24-seat Class II restaurant. In total, there will be 2 bunk rooms, 21 single-rooms without bathrooms, 22 single-rooms with bathrooms, 20 studios (larger single room units with bathrooms), and 6 one-bedroom units. All the units other than the bunk rooms will have some type of kitchen facility as shown on the submitted floor plans. In addition, the building will include an 860 square foot gym, a 550 square foot laundry area, a 1,372 square foot in-house commercial kitchen, a 962 square foot communal kitchen, a 660 square foot co-working space, and 14 shared bathroom facilities.

By Site Plan Review decision issued by the Planning Board on August 15, 2023, the project has been permitted as a mixed-use development under the Mixed Residential and Commercial Overlay District



Falmouth Planning Board

59 Town Hall Square, Falmouth, MA 02540

Telephone: 508-495-7440 Fax: 508.495.7443 email: planning@falmouthma.gov

(MRCOD), with 26 residential dwelling units with one-year leases, 45 commercial accommodation units rented for 30 days (a combined total of 71 residential dwelling units and commercial accommodations units), and a 24-seat restaurant.

No less than 7 of the 26 residential dwelling units (25%) will be permanently restricted, subject to an Affordable Housing Regulatory Agreement, as affordable units rented for a minimum of a one-year period. Further, one hundred percent of the 26 residential dwelling units will be eligible for inclusion on the Town's Subsidized Housing Inventory (SHI) as they have full bathrooms, full kitchens, and 1-year lease terms. Therefore, the Planning Board finds that the proposed development will provide affordable housing as set forth in Section 240-7.5.

The Executive Office of Housing and Livable Communities (EOHLC), formerly known as the Department of Housing and Community Development (DHCD), has indicated to the applicant that in order for the 26 residential dwelling units having 1-year lease terms to be included on the Town's SHI, they would need to be separated from the 30-day rental term units as its own development through a separate ownership arrangement. This would enable the long-term affordability restriction to cover the required 25% of the residential dwelling units portion of the property and not the commercial accommodations units portion.

This proposed project is consistent with Falmouth's Local Comprehensive Plan and Housing Production Plan as it creates housing density and diversity within walking distance to the downtown area. The commercial accommodations units which will be rented for periods of 30 days (if a 30-day rental is renewed or extended it may be for less than 30 days) and will respond to the need for short-term and seasonal accommodations for seasonal workers, interns, researchers and students in Town.

The proposed project includes a total of 59 on-site parking spaces, of which 4 are accessible spaces that conform to the requirements set forth by the Massachusetts Architectural Access Board (521 CMR 23). The applicant has been granted a 24 space parking reduction pursuant to Section 240-7.5F(2)d. of the Mixed Residential and Commercial Overlay District (MRCOD) to fulfill the required on-site parking requirement. To be eligible for this reduction, the applicant will provide an all-electric car sharing program to be operated by Envoy Car Sharing Service that will consist of 2 vehicles available for exclusive use of the tenants. Additionally, the property management service will operate an electric 6-person van available to the residents of the building. Lastly, the applicant plans to provide 32 regular and electric assisted bicycle parking spaces within bicycle storage lockers and at traditional bike racks located at the front of the building. To encourage alternate modes of transportation, the applicant intends to provide a minimum of 20 traditional and/or electric bicycles for exclusive use by the residents of the building.

Parking within 5' of a property line, substantially as shown on the referenced plan, served the 120-bed nursing home on the property for many decades and the Board is not aware of any reported adverse impact on neighboring properties. The parallel parking along the east side of the lot abuts commercial property that has parking within 5' of the property line of the subject property, separated by chain-link fencing. Meanwhile, the parking along the south side of the lot is screened by mature vegetation, and a new stockade fence will be installed along that line to further create separation from the residential



Falmouth Planning Board

59 Town Hall Square, Falmouth, MA 02540

Telephone: 508-495-7440 Fax: 508.495.7443 email: planning@falmouthma.gov

uses. The parking layout as proposed, including 23 spaces within 5' of a property line, is entirely within area that is already paved. The spaces within 5' of a property line will help to make successful the rehabilitation of the property for year-round affordable housing and for other accommodations that will address the critical need to provide more lodging for temporary workers, students, researchers, and others. During the public hearing, there were no immediate abutters to such parking that objected to the proposal, rather concerns that the applicant is proposing to mitigate. The redevelopment will advance a number of purposes enumerated in the Zoning Bylaw, including encouraging housing for persons of all income levels, and conserving the value of land and buildings, and to prevent blight.

The proposed parking lot design allows for safe, convenient, and efficient access and egress to and from the property and circulation within the site. The turning radius at the rear of the building is sufficient for the Town's Fire Department vehicles as well as other typical larger commercial vehicles.

The proposed landscaping plan includes a number of new planting areas throughout the site and improvements to the front yard including new walkways, sitting areas, and amenities that create a more pedestrian friendly environment.

FINDINGS specific to Section 240-12.1E of the Zoning Bylaw

A. Adequacy of the site in terms of size for the proposed use

The Planning Board finds the size of the site to be adequate. The lot currently contains a 52,686 square foot structure and the applicant is proposing to redevelop the existing building while integrating the new development into the existing landscape and neighborhood. The building will not be enlarged, and lot coverage by structures, parking and paving will be reduced.

B. Suitability of the site for the proposed use

The Planning Board finds the site suitable for the proposed use. Housing is critical issue for the entire town and this site being located in the downtown area on Main Street, being on the town's sewer service, and along a public transportation line, will help achieve that need in a sensible location.

C. Impact on traffic flow and safety

The Planning Board finds the impact on traffic flow and safety to be acceptable. All proposed driveways allow for safe, convenient, and efficient access and egress to and from the property and circulation within the site.

D. Impact on neighborhood visual character, including views and vistas

The Planning Board finds no impact on neighborhood visual character, including views and vistas. The applicant has proposed landscaping improvements that provide vegetation in both the front and along the rear of the property. The landscape plan includes a number of improvements that create a more pedestrian friendly environment.

E. Adequacy of method of sewage disposal, source of water and drainage

The Planning Board finds the method of sewage disposal, source of water, and drainage to be acceptable. The proposed project will be served by existing municipal sewer and water services



Falmouth Planning Board

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connected to the building. The property contains several catch basins located throughout the parking lot and the Planning Board received written and oral testimony that no drainage issues have been observed in the past. Additionally, after visiting the property and completing a review of the Site Plan, the Town's Engineering Division determined that based on the existing topography and the number and location of existing drainage structures, future stormwater flows will likely be contained on the property.

F. Adequacy of utilities and other public services

The Planning Board finds the site to have adequate utilities and other public services. The property is served by municipal electric, telephone, cable and internet infrastructure. The application includes a number of new features which make use of renewable energy, such as roof mounted solar panels, electric heat pumps, electric car charging stations, and solar powered site lighting.

G. The effect of the proposed project on the adequacy of the supply of affordable housing in the Town

The Planning Board finds this project will have a positive benefit to the affordable housing in the Town. The applicant is proposing that 7 units will meet the affordability requirements as set forth in the Mixed Commercial and Residential Overlay District that will make them eligible for inclusion on the Executive Office of Housing and Livable Communities (EOHLC) Subsidized Housing Inventory (SHI).

THEREFORE, given the above and the conditions to be imposed below, the Planning Board finds the application for a Special Permit to allow parking within 5 feet of a property line will be in harmony with the general purpose and intent of this chapter and that the proposal will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town.

CONDITIONS

1. The plan shall be constructed as approved. Any changes shall be reviewed by the Planning Board to determine if a modification of this decision is necessary. Pursuant to §240-2.1C of the Zoning Bylaw, no permit for occupancy of the new construction shall be issued until the Planning Board is satisfied that the conditions of this approval have been met.
2. The applicant shall provide an onsite property management service who will be responsible for all aspects of the property and importantly, all parking enforcement on the property.
3. All construction operations for the onsite work shall be maintained on the property, including but not limited to material storage, construction vehicles, and contractor parking.
4. The project shall not direct any stormwater runoff to public property, abutters, or public right of ways and shall meet all applicable standards set forth in the Building Code as determined by the Building Commissioner.
5. Pursuant to Section 240-12.11 of the Zoning Bylaw, this Special Permit shall lapse three years from the date it is granted if a substantial use thereof has not sooner commenced except for good cause.



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Ms. Harris	Yes	Mr. Druley	Yes
Ms. Kerfoot	Yes	Ms. Harting-Barrat	Yes
Mr. Dreyer	Yes	Mr. Fox	Yes
Mr. Leary	Yes		

NOTE: Any appeal from this decision of the Planning Board can be made only to the Court and must be made pursuant to Section 17, Chapter 40A (MGL) as amended, and must be filed within twenty (20) days after the date of filing of this decision with the Town Clerk.

Sincerely,

A handwritten signature in black ink, appearing to read "Jed C. Cornock".

Jed Cornock, AICP
Town Planner

cc: Applicant



BOARD of APPEALS

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

The Sandwich Board of Appeals will hold a Public Hearing on the application of Monahan Dailey Trust – Isabelle Dailey, Property Owner, for an Appeal of Decision of the Building Commissioner under MGL Chapter 40A, Section 8, for property located at 80 North Shore Blvd., East Sandwich, MA, Assessor's Map #70, Parcel #79, for the purpose of appealing a written zoning determination relating to the construction of a garage. The Public Hearing will be held on September 26, 2023 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.

James Killion, Chair
Sandwich Board of Appeals
Publication: Sandwich Enterprise
Publication Dates: September 8 and September 15, 2023