



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, MA 02649

Meeting of the Mashpee Planning Board

Wednesday, October 18, 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>

Call Meeting to Order

- Pledge of Allegiance

Approval of Minutes

- Review of Meeting Minutes from September 20, 2023

Approval Not Required (ANR)

Applicant: New Seabury Homes, LLC

Location: 17 Azalea Lane Maps/Parcels: 116-74-00 and 110-8-0

Request: Purpose of the ANR is to divide lot 1888 on LCC 1408-215 into three (3) lots and create use easements on lot 52 and lot 36 on LLC Plan 14201-C.

Applicant: Mashpee Commons Limited Partnership/Mashpee Commons II LLC

Location: Mashpee Commons (Map 74 Parcels 20 & 20-B)

Request: Purpose of the ANR is to evenly trade several small parcels of land.

Public Hearings

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

Applicant: Southworth Mashpee Properties LLC

Location: 275 Quinaquisset Avenue (Map 69 Parcel 32)

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

7:20 PM (Continued from 08/02/2023)

Applicant: Southworth Mashpee Properties LLC

Location: Willowbend Permit Area

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.



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New Business

- Discussion and possible vote to accept request to withdraw without prejudice the Special Permit Application submitted by Cellco Partnership dba Verizon Wireless to install a new personal wireless facility at 524 Great Neck Road North, Mashpee, MA Assessors Map 67 Parcel 4.
- Discussion relative to Planning Department application to the Community Preservation Committee for an open space acquisition and possible vote to submit a letter of support.
- Request to reduce the performance guarantee held for the subdivision referred to as Willow Circle by \$141,998.00.
- Department of Natural Resources requests a Planning Board letter of support for its application to National Oceanic and Atmospheric Administration (NOAA) for wetlands restoration projects in the Mashpee River and Red Brook.

Old Business

- N/A

Board Engineer Report

- Project Reviews and Inspections

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, Charter Review Committee, Community Preservation Committee, Design Review, Plan Review, Environmental Oversight Committee, Historic District Commission

Correspondence

- Southworth Mashpee Properties LLC letter from Don Pinto requesting to withdraw ANR (*Note: correspondence received day after ANR approved*)
- August 2023 Discharge Monitoring Report for South Cape Village – N = 1.9
- 411 Monomoscoy Rd MassDEP Waterways License Application No. 23-WW01-0102-AAP
- Town of Barnstable
- Town of Falmouth Notices
- Town of Sandwich Notices

Additional Topics (not reasonably anticipated by Chair)

Adjournment

MASHPEE TOWN CLERK
OCT 13 '23 PM12:42



Town of Mashpee *Planning Board*

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

Mashpee Planning Board

Minutes of Meeting

Wednesday, September 20, 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, Mike Richardson, Robert (Rob) Hansen

Also Present: Evan Lehrer – Town Planner, Ed Pesce – Consulting Engineer, Bryan Wall-Attorney for Jacques Fresco, Christopher Kirrane- Attorney for Forestdale Road, LLC

Absent: Dale Oakley

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 – September 06, 2023

There were no comments regarding the meeting minutes for September 06, 2023.

MOTION:

Mr. Balzarini made a motion to accept the meeting minutes for September 06, 2023 as written. Seconded by Ms. Waygan. All in favor. Mr. Richardson abstained.

APPROVAL NOT REQUIRED (ANR)

Applicant: Southworth Mashpee Properties

Location: 275 Quinquisset Avenue, Mashpee, MA

Assessor's Map 69, Parcels 32 and 169

Request: Purpose of the ANR is to divide the 275 Quinquisset into three ANR lots. Lot 2 has an existing single-family dwelling which is proposed to be demolished.



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Mr. Lehrer commented that the Planning Department received notice of application but is unsure if anyone is here to represent. The lot area of the lot shown is conforming in accordance with the zoning bylaw. It does not clearly indicate 150ft. of frontage.

Mr. Balzarini stated the lot has 141ft. He asked if the easement proposed on the plan was the driveway access. He added that counts to give that lot 150ft. Mr. Pesce checked and each lot is conforming. He added there is nomenclature from point to point, also called the arc length.

Mr. Lehrer suggested the plan be submitted and endorsed as an ANR. The Planning Board is certifying there is adequate frontage, land area, and access. Any area of a lot that is wetland cannot contribute to overall lot area.

MOTION:

Ms. Waygan made a motion to endorse the ANR. Seconded by Mr. Balzarini. All in favor.

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.

Ms. Faulkner inquired about the attached documents.

Mr. Lehrer commented that plans, required fees, and application forms are all up to date. There is a letter from Attorney Bryan Wall in the packet that outlines the nature of the request.

Attorney Bryan Wall is present on behalf of the property owner, he is here as an attempt to correct a problem. The owners became advanced in age and realized their land encroaches on town land, all have approved of this transfer and Town Meeting voted in favor. However, there is special legislature in regards to conservation. The problem is being rectified between the town and the clients. There is a land swap of 2,940s.f. from the town and the estate, from one to the other. The town land will acquire the wetlands, it will be privately owned and transferred into conservation.

Mr. Lehrer recommends endorsing.



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MOTION:

Mr. Richardson made a motion to endorse the ANR for an equal land swap between the estate and the town. Seconded by Mr. Balzarini. All in favor.

Planning Board members signed the ANR.

PUBLIC HEARINGS

7:10PM (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.

Attorney Christopher Kirrane is present tonight, he is working with the Cape Cod Commission to get approval. He is requesting a continuance to the October 18th meeting.

Ms. Waygan asked if they will have the ANR done, they will need more time. She is proposing the November 1st meeting.

MOTION:

Ms. Waygan made a motion to continue this Public Hearing to November 1, 2023 at 7:10P.M. granting the 90 day extension. Seconded by Mr. Balzarini. All in favor.

Ms. Waygan asked who would be sitting on this matter, Mr. Lehrer stated three sitting members.

7:20PM (Continued from 08/16/2023)

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

The Attorney for the applicant, Christopher Kirrane, is requesting a continuance to the next available meeting at his client's request. Some minor information still needs to be reviewed with the Consulting Engineer.



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Ms. Waygan asked if November would be enough time to incorporate into the plan. Attorney Kirrane noted that would be fine.

MOTION:

Ms. Waygan made a motion to continue this Public Hearing to November 1, 2023 at 7:20P.M. Seconded by Mr. Richardson. All in favor.

7:25PM (Continued from 08/16/2023)

Applicant: Pleasantwood Homes, LLC
Location: 20 Tudor Terrace (Assessor's Map 29 Parcel 198)
Request: Applicant is seeking approval of a Definitive Subdivision

Christopher Kirrane is requesting a continuance to November 1, 2023 to extend the time frame for the Board's 90 day decision.

MOTION

Ms. Waygan made a motion to continue this Public Hearing to 7:25P.M. on November 1, 2023 and extend the Board's 90 day decision. Seconded by Mr. Richardson. All in favor.

NEW BUSINESS

Attorney Don Pinto's letter transmitted to Mashpee Town Counsel

Ms. Faulkner noted the Planning Board raised some issues from 1991, the 853 bedrooms, density, and wastewater capacity. This letter is insinuating litigation. We aren't getting into anything tonight, but Counsel is suggesting an executive session.

Ms. Waygan noted this needs to be discussed during Public Hearing session. This matter of the bedrooms, the applicant has applied for a special permit modification, she has read this letter twice. She feels this pertains to one if not all applications that are in front of us that have been continued. Any discussion about those needs to be public. That letter needs to be officially submitted to the packet of materials and discussed, ex parte conversation. She is very uncomfortable with going into an executive session and does not believe this qualifies.

Ms. Faulkner noted Town Counsel is advising this.

Ms. Waygan commented he is not a resident, he is not a member of this Board, and we need to have a discussion through proper process, deliberation, and decision. Town Counsel has no authority over us. She does not have a letter from him, she has hearsay. She feels very strongly about this.



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Mr. Balzarini commented this has been a Public Hearing all along, he is unsure why we would go into executive session. He stated that is just a lawyer's opinion. We want all the backing we can get on this. They are just trying to scare us.

Ms. Waygan echoed this is public vocal democracy, our decisions will not be made behind closed doors, and then an abutter can challenge. All this has to be done during open session in a Public Hearing. We have never allowed people to threaten us.

Mr. Balzarini noted instead of a letter someone could have the decency to come before the Board to a meeting.

Ms. Waygan stated the project proponent can officially present it to the Board. If we have questions we feel like asking, we can. If Town Counsel sends us question we can acknowledge those as well. That's the process. When the proponent says they don't have any more information and we asked all questions we needed, then we close the Public Hearing. It can be closed with exception to conversations with Counsel. If we were to make a decision that an abutter, person of interest, or the proponent feels they have been slighted, they appeal to a judge in an order to keep the peace. Then this matter rests in the decision of the judge. That is the legal process that has been followed for decades.

Ms. Waygan continued that this letter was dated July 31, 2023 and should have been brought to the Board in open session as correspondence from the project proponent. The proponent has been asking us to continue. Next time this hearing is open she is submitting her final questions about this matter. She is not going to continue this forever. There is an open application with a project proponent threatening to sue the town and threatening litigation, meanwhile, we haven't even gotten through the Public Hearing and we haven't deliberated. Abutters are very upset about what's going on in their community, she is not going down this pathway that they want to go. All of this needs to be dealt with in public session so the public is aware. She can assure everyone that whatever decision is made regarding this will be made most advantageous to the town.

Mr. Balzarini asked what they are suing them over, they don't even have a decision. They should've come forward in the beginning stating they had an oversight. They have a Special Permit to follow.

Ms. Waygan is refusing executive session regarding this matter.

Mr. Lehrer stated Ms. Waygan is correct. This is a discussion for the Board to entertain. Counsel asked the Town Planner to produce a memo to accompany the letter, it's not in the



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best interest to put anything in writing prior to an executive session. Counsel felt this letter is an imminent threat of litigation and would recommend executive session, but it is not required.

Ms. Waygan spoke to the Town Manager today. She will be following up with him tomorrow. She will be very clear to him, when something like this happens it needs a cover letter, it needs to be sent to the Planning Board in an official packet. This was dated July 31st. Where has this letter been?

Mr. Richardson stated there is a request on the table and the Board needs to respond to this.

Ms. Waygan is requesting a formal letter from Town Counsel. She is not making a motion to then cause problems with this Board. She is uncomfortable making this motion.

Mr. Lehrer will request a follow up from Town Counsel on behalf of this Board.

MOTION:

Mr. Richardson made a motion to allow the Town Planner to request a clarifying letter from Town Counsel to the Planning Board. Seconded by Mr. Balzarini. All in favor. Ms. Waygan abstains.

OLD BUSINESS

N/A

BOARD ENGINEER REPORT

Sherwin Williams

There were drainage issues in the detention pond, so areas were washed out. It was lacking proper crushed stone and a contractor showed up yesterday to repair. Following pictures of completion, this project can get closed out. Some areas never got seeded or didn't take well so those areas were also repaired. Now we wait a couple weeks and watch for the seed to come in.

Willow Circle

The infrastructure is in and binder pavement is down. There is a new stone wall at the entrance but there is nothing to inspect. He was originally concerned about clearance on the corner entrance, but the entrance road was moved over by narrowing the island. Once that comes into fruition Mr. Pesce will inspect.



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Teal Circle

This is a cul-de-sac in Willowbend with a couple houses that share a common driveway. The third home needed proper fire access so the developer widened the driveway and the Fire Chief and his Deputy inspected that paving work several weeks ago and it was satisfactory.

Country club estates

There has been some drainage work, no road work, it is a slow and steady progress. They are not trying to build houses this year but get some work done. He will be doing some inspections up there.

Ockway Highlands

After the paving work was done, on August 8th driveway entrances were not draining properly. Owners were calling Lawrence Lynch, all parties walked the site and it was decided milling and repaving a gutter line hump at one particular home was in order, Mr. Kornack at number 51. Mr. Morin got to see it today. The new drain at the end of the street is working well. The new owner said it worked well during the recent storm. There is an unimproved area outside the subdivision footprint where Mr. Morin agreed to backfill potholes, reconstruct, new gravel, and erosion control. Swales look great, he swept away some leaves and found remnants of old crushed stone. In order to make a swale all you need to do with a narrow bucket is fill it with crushed stone. They will be doing some maintenance for the road combined with pothole and gravel finish, which would justify the maintenance piece. He will report back in 60 days, by November 15th, and he will be provided with something in writing and photos. That will close the tripartite out, then take a final walk of the site areas and a final site meeting.

Mr. Lehrer reminded the Board that there needs to be a response to a letter from a habitant of Blue Castle Drive seeking an opinion relative to their developer's compliance. He is happy that Mr. Morin will rectify and happy steps are outlined to resolve issues relating to maintenance. In consideration of responding to the letter, he would like to have something in writing outlining the existing condition and expected steps to achieve compliance. The Board would also include the opinion as to when the developer's obligation for maintenance ends. It's an annual requirement either from Mr. Morin or the HOA, unless modified. The roadway condition will never be perfect, we just need best possible condition to ensure adequate access for safety vehicles. If maintenance is performed annually it's not a big job.

Mr. Morin would like to make the case, after these repairs are made with infrastructure and paving, there are still three lots that are not built upon yet and he doesn't want them held hostage pending his obligations. He would like to do this work, declare it done, have Mr. Pesce inspect and confirm, and declare his work complete so the HOA can takeover.

Ms. Waygan doesn't think he is done until all the homes are done being built.



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Mr. Lehrer commented the language in the permit is clear, in his opinion, it would not be appropriate to defer that obligation to the association when maintenance has not been met annually. Based on the permit language, if the HOA is established, it is their obligation to maintain, but it shouldn't be required that they assume now with the condition it is under currently.

Mr. Lehrer continued that this HOA has many residents resistant to participating as a result of this ongoing issue. This matter relative to HOA and obligations is outside his area of expertise. There is going to be an issue if the HOA refuses to participate but the obligation of Mr. Morin's technically ends. Our number one focus is to get that condition of Blue Castle Drive consistent with details in the plan so the developer and neighborhood can enter conversations on how best to proceed from here.

Ms. Waygan stated if there was a request to modify then we could ask if they finished certain items. Mr. Morin wrote a letter declaring his completion, do we have the authority to say no and it would trigger other requirements? The Tripartite Agreement is active, according to Mr. Lehrer that is still a form of security.

Mr. Lehrer clarified that maintenance is not secured in cash, obligations of the developer and requirements to meet under the subdivision's approval have been met. There is one exception and that is the sidewalk. The neighborhood is protesting the sidewalk.

Ms. Waygan noted Mr. Morin has to maintain the road until the sidewalk is complete, or the decision is modified. That's it. It's not complete, there is a lingering condition! If they want to remove the sidewalk he has to request and formally apply for a special permit modification.

Ms. Faulkner stated if it is not complete next year he will have to continue maintenance.

Mr. Pesce noted there are a number of things we make sure of when we maintain properly. The interim solution will be to report back to the Board the status of everything in 60 days. The removal of the sidewalk is a separate modification application.

Mr. Lehrer would like an opinion relative on current condition. Does the Board find that the current condition of Blue Castle Drive meets maintenance requirements of this Special Permit? He would love to relay to the neighborhood what was decided.

Ms. Waygan would rather have the Board Engineer respond to that question, if he feels that work is done, then we can accept his report.



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Mr. Pesce agreed on a get well resolution, it has not been met, but in 60 days he has a chance to report back.

The Board accepts that recommendation.

Ms. Waygan feels this is opening them up to liability. If there is litigation, we don't have anything on letterhead signed by our engineer. She knows he was out there on site today, we can accept his report, we can't say it's not complete or complete because people are not working on it. To say that project is not complete and to vote is opening doors. Mr. Pesce needs to provide us a report in writing, we accept, or when the work is complete we accept. It's giving her pause. This is our permit but it is now starting to feel like a civil matter. She is so happy the residents came to the Board and the Board was able to help resolve matters, and she would never want to dissuade anyone from coming. This is entering into a realm she's not comfortable with.

Mr. Pesce noted this will get solved but we have to take action on swales. Requests from residents is one thing and a report from him is totally separate. He will report by November 15th and make an informed decision then.

Mr. Pesce followed up that he is doing ZBA inspections near Cape Cod Coffee. Nothing much has changed at 40 Evergreen Circle. A grocery chain might come up on Rt. 28 in the future, it is going before Cape Cod Commission review. Application has re-approached his office with intention of re-filing, there is no disclosure of the company as of now.

Mr. Balzarini asked about Ken Marsters property at the country club, that intersection is an accident waiting to happen.

Mr. Lehrer and Mr. Pesce are not thrilled with that entrance. Mr. Marsters agrees, but some of those shrubs are not on his property, on Old Barnstable Road. We need to set up another meeting but he agreed to help. The former engineer never built the entrance when the road was redesigned. Mr. Pesce has the design and plans on doing more land surveying in the area. There needs to be some site clearing to improve visibility as you approach coming from Rt. 151.

CHAIRWOMANS REPORT

None

TOWN PLANNER REPORT

Housing Production Plan update



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There is a workshop being held tomorrow for the HPP on Zoom. There was a nice population of people that represented the dichotomy of Mashpee residents at the in person session. There were many happy and stably housed residents but also many unstably housed residents who recognize incredible assets here and don't want to leave. There was some interesting discussion and he was thankful to see some new faces. He noted there were about 35 people there. He has uploaded all documents regarding the HPP onto the Planning Department's page, it is under community engagement with links for the HPP. The virtual workshop is being held tomorrow evening at 5:00P.M.

PUBLIC COMMENT

Wendy Williams- She feels very strongly about the issues going on at Willowbend. She is a 35 year Mashpee resident. She has been a lifelong investigative reporter with prizewinning work, she is proud of her accomplishments and would be happy to talk about that with anyone. She has been highly successful in investigative science and has debated Bobby Kennedy Jr., John Stuart, and Jason Jones. She has written for the two top science journals with reviews from the Wall Street Journal, New York Times, and Washington Post. Many local people ask her, if you have lived here for 35 years and no one knew, why emerge now? She is working on her next book, *The Last Great Wildlife Show*. How did we get into this mess? What do we do to solve the problem? We are stuck in a hot spot of environmental degradation if ever there was one. The past 3 years she has been watching the town very closely. She does not like what she is seeing. This town has been railroaded ever since the pilgrims purgatoried the Wampanoag people. She is here to speak about Willowbend and their recent arrogant and horrifying proposal to build 14 luxury units on 5 acres of our shore line in wetland areas, when low and middle income people are struggling to pay for a sewer and deal with the mess of developers. People in this town are struggling to find a starter home, we don't need any more luxury houses. It is so expensive to build right now and even more to clean our deteriorated waters. There is deep history at Willowbend, this is not the Willowbend of 1986. This land has a sad history of deep financial problems and failures, and this project was a no good terrible idea from the start. Golf course, condos, big dreams and small brains, a private community concept with snob appeal and limited membership. The project landed back in the hands of the bank. The bank owns it today. The land has been plagued from the start and it never was the financial success. It was sold at auction and new owners tried to join the exclusive Osterville club to create something better in Mashpee. Southworth began running the project, looking for high end buyers. Joe Deitch invested, a big PR hype to the highest level, with his book *Elevate: An Essential Guide to Life*. Southworth was being forced out against his will, but still lives in Willowbend. This company has been trying to milk every penny out of that business before its offloaded. What an outrageous request, building 14 nonsense houses on 5 acres of land, including wetlands. Tax payers be damned! Then, they advertise these properties for sale before they had permission to break ground. The July 31st letter looks like a threat. Mashpee is tired of being overrun, this development won't do what it once had hoped, and they



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need to just go away. She would suggest the town consider legal action, Joe Deitch and Willowbend is in violation of a Special Permit. The best and highest use of that 5 acres should be made into a public park named Pocknett Forest Reserve, in honor of the Wampanoag people. She thanked Mary Waygan and Arden Russell of the CPC, Mary spent days organizing the mess Andrew Gotlieb left behind. Public Comment should be listed at the beginning of every agenda in every public meeting.

Lynne Barbee- She was able to go to the HPP workshop. They were given hard copies of the survey, she wants to urge everyone to go online or obtain a hard copy to fill it out, and we need extensive input for our HPP. She wanted to thank John Cotton and his son for their efforts with the American Red Cross in Maui. It was very moving and she appreciates him representing Mashpee.

Steven Ferreira- The Public Hearing for Tudor Terrace was continued to November 1st. He had some clarifying questions for the Board regarding the special permit and definitive subdivision as they are interconnected. It was stated one of the proceedings is relative to a special permit with its own unique conditions to the subdivision, as subdivisions are under a separate statute. The plan that is submitted does not impact the northerly side of Spring Hill West subdivision at all.

COMMITTEE REPORTS **Cape Cod Commission-**

There is another round of stakeholder meetings on the Regional Housing Policy on September 27th. 50% of invitees cannot attend. When replying, make a note to please repeat, and keep us updated on when the public can comment.

Community Preservation-

There were 10 people who showed up and there was 35 minutes of public testimony. She will bring the PowerPoint next time. There is an excel sheet listing every activity the program has funded since 2005. CPC program is in good shape.

Design Review-

There was an interview for a new Design Review member, they have a background in landscaping and design. They come strongly recommended, it was unanimous. They looked at Seawitch Tattoo, a couple doors down from Polar Cave. They looked at 50 Evergreen Circle, under 10k s.f. contractor bay, one layout plan showed 6 bays and another showed 8.

Plan Review-

50 Evergreen Circle, same discrepancy in plans, but not a major issue. Wastewater design for septic approved with



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conditions. It is contiguous with an open space parcel. Asked that the portion of site to be developed has a split rail fence leading to the open space parcel. There needs to be reseeding during construction and post occupancy so there is not a sand pit to the rear. Each bay is separately sold to contractors.

Environmental Oversight Committee-

There is a new member Anne Malone. ConCom may have an interested representative.

Historic District – Charter Review-

No Meeting

Stephanie Coleman has been working very hard as recording secretary and completely redlined the Charter taking all minutes and comments and adding them to the Charter. David Weeden brought up a request to add a preamble to the Charter, it was voted yes. David provided drafts of two versions. The Historic Officer for the tribe writes beautifully.

ADJOURNEMENT

Mr. Balzarini made a motion to adjourn the meeting of the Planning Board at 8:48P.M. Seconded by Mr. Richardson. All in favor.

Next Meeting: Wednesday, October 18, 2023 @ 7:00P.M.

Respectfully Submitted,

Christine M. MacDonald
Board Secretary

LIST OF DOCUMENTS

Additional documents may be available in the Planning Department.

- Town of Falmouth Notices
- Town of Sandwich Notices

APPROVAL NOT REQUIRED



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FORM A

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

Date: October 10, 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 New Seabury Homes, LLC Phone 508-539-8225

Address 33 Seanest Drive Mashpee MA 02649

Owner, if different Bayswater Cottages at New Seabury, LLC Phone 508-539-8225

Address 33 Seanest Drive Mashpee MA 02649

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

Engineer or Surveyor BSC Group Inc Phone 617 896 4451

Address 803 Summer Street Boston MA 02127

Deed of property recorded in Barnstable County Registry Book _____ Page _____

Or Land Court Certificate of Title No. 22115A & 173187 _____

Location and description of property

17 Azalea Lane (into 3 parcels*) & 14 Azalea Lane (Easement creation)

*Division of lot 1888 on LCC 11408-215 into 2 building lots (hs #12&17) and a 20 foot wide way

Mashpee Assessors map(s) and Block(s) 116-74-00 & 110-8-0

Signature of Owner or Quthorized Representative

Attach written authorization signed by owner.



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FORM N

NOTICE OF APPLICATION FILING WITH THE MASHPEE PLANNING BOARD

To the Mashpee Town Clerk:

This is to notify you that on October 10, 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

New Seabury Homes, LLC 33 Seaneast Drive Mashpee MA 02649

Applicant name

Applicant address

The land to which the application relates appears on the current Mashpee Assessors Maps as **116-74-00 (LOT DIVISION) AND 110-8-0 (EASEMENT CREATION)**

and is generally described as located

20 Red Brook Road (AKA 17 Azalea Lane) & 14 Azalea Lane

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 _____, 20²³_____

for Mashpee Planning Board

QUITCLAIM DEED

John M. Falacci, as Trustee of New Seabury Five Nominee Trust, under Declaration of Trust dated July 21, 1998 registered with the Barnstable County Registry District of the Land Court as Document No. 733,941, (the Grantor"), with an address of 20 Red Brook Road Mashpee, MA 02649

For consideration of less than One Hundred and NO/100 Dollars (\$100.00)

Grants to

Bayswater Cottages at New Seabury, LLC (the "Grantee"), a Delaware limited liability company with a usual place of business at 22 Seanest Drive Mashpee, MA 02649

With **quitclaim covenants**,

The land described on Exhibit A attached hereto and made a part hereof together with any improvements thereon, subject to taxes and assessments not yet due and payable, any existing easements, rights of way and other encumbrances and restrictions of record to the extent in force and applicable.

For reference to Grantor's title, see Land Court Order (Case No. 11408-S-2001-02(B)) filed with the Barnstable Registry District of the Land Court as Document No. 831,567 and Transfer of Certificate of Title No. 161419. The consideration for this deed being less than \$100.00, no documentary stamps need be affixed.

Lot 1594 on Land Court Plan 11408-193, Mashpee, MA 02649
Certificate No. 161419

I, John M. Falacci, the Trustee of New Seabury Five Nominee Trust, do hereby certify under the pains and penalties as follows:

1. That I am a Trustee of the New Seabury Five Nominee Trust, under a Declaration of Trust dated July 21, 1998 and recorded with Barnstable County Registry of Deeds as Document No. 733,941 (the "Trust");

2. That said Trust is in full force and effect and has not been modified nor amended in any respect and any party may rely on the continuing existence of this Trust, until another certificate or document is recorded establishing an expiration date or terminating the trust;

3. That I, as Trustee of said Trust, am authorized, empowered and directed by all of the Beneficiaries of said Trust to convey the land and buildings, if any, owned by the Trust known as Lot 1594 on Land Court Plan 11408-193, (the "Trust Property") to Bayswater Cottages at New Seabury, LLC a Delaware limited liability company, for nominal consideration and upon such other terms and conditions as I, as Trustee, deem to be best or desirable;

4. Further, that, under Section 3 of the Trust, I, as Trustee, am authorized, empowered and directed to sign, seal, execute, acknowledge and deliver in the Trust's name and on its behalf, a quitclaim deed and any and all other instruments which I, as Trustee, deemed necessary or incidental to the effectuation of the sale of the Trust Property as aforesaid;

5. No Beneficiary of the Trust is a minor, or incompetent, or a corporation selling all or substantially all of its Massachusetts assets, or a personal representative of an estate subject to estate tax liens.

6. For my authority to execute, see Document No. 1,349,992 registered on July 5, 2018 with the Barnstable Registry District.

[Signature page to follow]

Executed as a sealed instrument the 10th day of September 2020.

NEW SEABURY FIVE NOMINEE TRUST

John M. Falacci
By: John M. Falacci
Its: Trustee and not individually

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

On this 10th day of September 2020, before me, the undersigned notary public, personally appeared John M. Falacci, who proved to me through satisfactory evidence of identification which was [] Driver's License, [☒] personally known to me [] Other: _____ to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose and who swore or affirmed to me that the contents of this document are truthful and accurate to the best of his knowledge and belief.

Tamara Vincent Joyce
Notary Public TAMARA Vincent Joyce
My commission expires: 03/05/2021



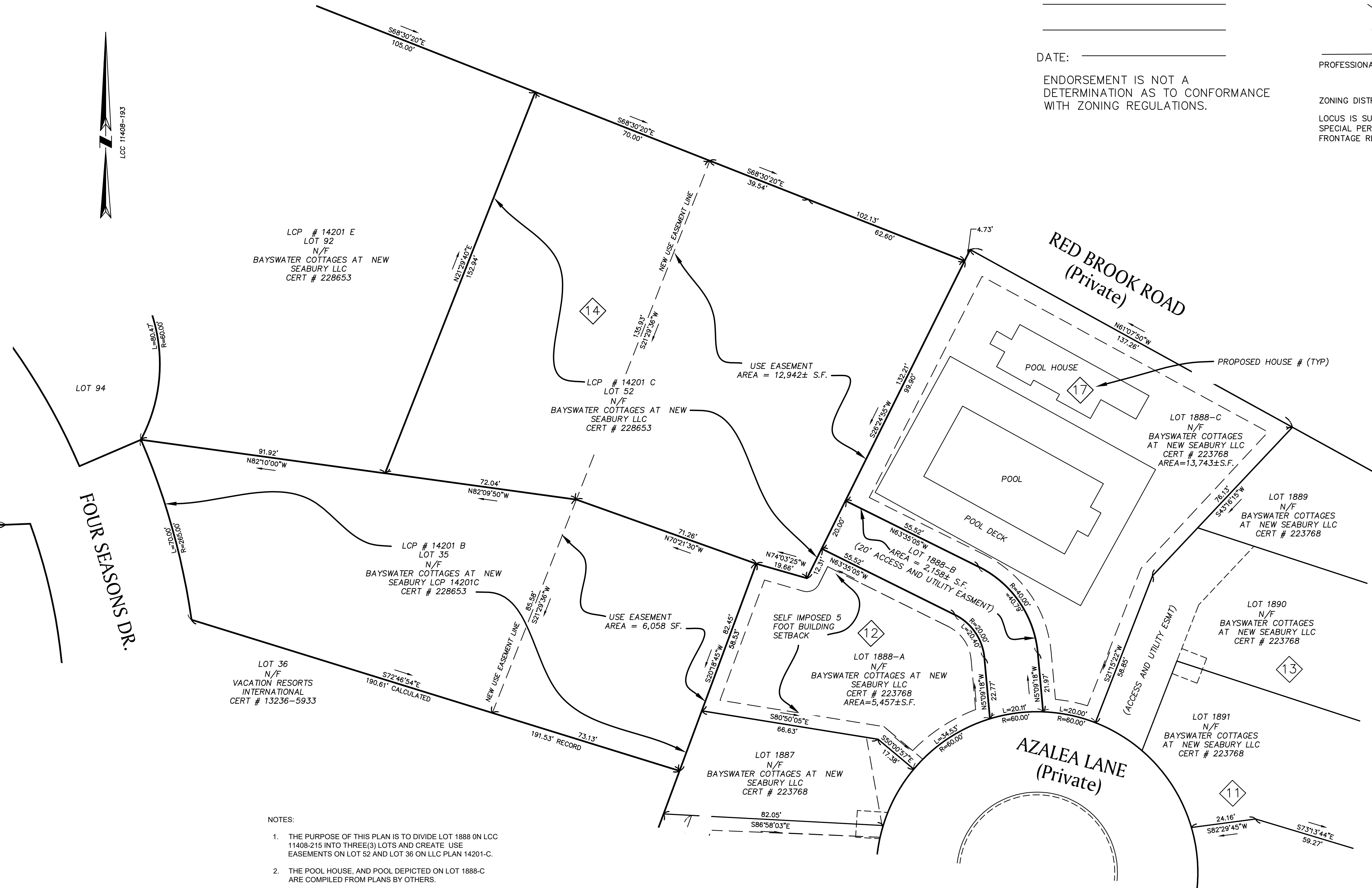
TAMARA VINCENT JOYCE
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
March 5, 2021

Exhibit A

Registered Land Description

Certain Parcels of Land with all Improvements thereon situated in the Town of Mashpee, Barnstable County, Massachusetts, being a subdivision of Lot 1567 on Land Court Plan 11408-186, now described as:

Lot 1594
Land Court Plan 11408-193



NOTES:

1. THE PURPOSE OF THIS PLAN IS TO DIVIDE LOT 1888 ON LCC 11408-215 INTO THREE(3) LOTS AND CREATE USE EASEMENTS ON LOT 52 AND LOT 36 ON LLC PLAN 14201-C.
2. THE POOL HOUSE, AND POOL DEPICTED ON LOT 1888-C ARE COMPILED FROM PLANS BY OTHERS.
3. SEE LLC 11408-215 FOR RECORD MONUMENTS FOUND (OFF SITE)

MASHPEE PLANNING BOARD
APPROVAL UNDER THE SUBDIVISION
CONTROL LAW NOT REQUIRED

DATE: _____

ENDORSEMENT IS NOT A
DETERMINATION AS TO CONFORMANCE
WITH ZONING REGULATIONS.

I CERTIFY THAT THIS PLAN WAS DRAWN FROM
AN ACTUAL SURVEY MADE ON THE GROUND IN
ACCORDANCE WITH THE LAND COURT INSTRUCTIONS
OF 2006 BETWEEN JANUARY 6, 2020, AND
DECEMBER 29, 2020



10-5-23

PROFESSIONAL LAND SURVEYOR

ZONING DISTRICT: R3

LOCUS IS SUBJECT TO THE NEW SEABURY
SPECIAL PERMIT (NO MINIMUM LOT AREA OR
FRONTAGE REGULATION)

SUBDIVISION
PLAN OF LAND

NEW SEABURY

LOT 1888
LCP 11408-215
ASSESSOR'S PARCEL
MAP 110 LOT 99

AZALEA LANE

IN

MASHPEE

MASSACHUSETTS

(BARNSTABLE COUNTY)

BEING A SUBDIVISION
OF LCP 11408-215
LOT 1888

October 5, 2023

REVISIONS:

NO.	DATE	DESC.

PREPARED FOR:

New Seabury Homes, LLC
33 Seaneast Drive
Mashpee, MA 02649



803 Summer Street
Boston, Massachusetts
02127

617 896 4300

© 2023 BSC Group, Inc.

SCALE: 1" = 20'

0 10 20 40 FEET

FILE: Civil\Drawings\4643109-PLP11.dwg

DWG.:

JOB. NO: 4-6431.09 SHEET 1 OF 1



Town of Mashpee

Planning Board

46 Great Neck Road North
Mashpee, Massachusetts 02649

FORM A

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

Date: September 15, 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 Mashpee Commons Limited Partnership
Mashpee Commons II LLC Phone 508-477-5400

Address 22 Steeple Street

Owner, if different _____ Phone _____

Address _____

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

Engineer or Surveyor BSS Design, Inc. Phone 508-540-8805

Address 164 Katherine Lee Bates Road, Falmouth, MA 02540

Deed of property recorded in Barnstable County Registry Book 7408 Page 463

Or Land Court Certificate of Title No. 121818 & 193761

Location and description of property

Several small parcels of land in Mashpee Commons to be evenly traded
between the two entities.

Mashpee Assessors map(s) and Block(s) Map 74 Blocks 20 & 20-B

Signature of Owner or Quthorized Representative 

Attach written authorization signed by owner.



Town of Mashpee

Planning Board

*116 Great Neck Road North
Mashpee, Massachusetts 01949*

FORM N

NOTICE OF APPLICATION FILING WITH THE MASHPEE PLANNING BOARD

To the Mashpee Town Clerk:

This is to notify you that on September 15, 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

Mashpee Commons Limited Partnership

Mashpee Commons II LLC

Mashpee Commons

Applicant name

Applicant address

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

as Map 74 Blocks 20 & 20-B

and is generally described as located

in Mashpee Commons

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

Peter A. Laudati, Jr., Trustee of The Turks Head Realty Trust under Declaration of Trust dated November 10, 1986, recorded with the Barnstable Registry of Deeds in Book 5410, Page 114.
of County, Massachusetts.

being ~~unmarried~~ for consideration paid \$ of less than \$100.00

grant to Fields Point Limited Partnership

of P.O. Box 484, Mashpee, Massachusetts 02649

with quitclaim covenants

the land in:

~~RECORDED IN THE BARNSTABLE COUNTY REGISTRY OF DEEDS~~

All that certain parcel of land with the buildings thereon situated at Jobs Fishing Road in the Town of Mashpee, Barnstable County, Massachusetts, all more particularly described and shown as Lot 16 on Plan entitled "Plan of Land in Mashpee, Mass. Prepared for Fields Point Corporation", dated December 30, 1985 by B.S.C./Cape Cod Survey Consultants and recorded with the Barnstable County Registry of Deeds in Plan Book 417, Page 54, to which reference may be had for a more particular description.

For my title see deed of Fields Point Corporation to Peter A. Laudati, Jr., Trustee, dated November 6, 1986 and recorded with the Barnstable County Registry of Deeds in Book 5410, Page 119, and Book 5798, Page 94.

There is no consideration for the within conveyance as it is a transfer to the beneficiary of the trust property.

Witness my hand and seal this 28th day of December 1990

Peter A. Laudati, Jr.
Peter A. Laudati, Jr., Trustee

STATE OF RHODE ISLAND
~~The Commonwealth of Massachusetts~~

PROVIDENCE ss.

DECEMBER 28, 1990

Then personally appeared the above named Peter A. Laudati, Jr. Trustee of
The Turks Head Realty Trust

and acknowledged the foregoing instrument to be his free act and deed, before me:

Robert A. Cesale

Notary Public - Justice of the Peace

My Commission Expires June 30, 1991

My Commission expires June 30, 1991

RECORDED JAN 10 91

MASH

Executed as an instrument under seal this 2nd day of March, 2011.

MASHPEE COMMONS LIMITED PARTNERSHIP

By: NMS Associates, Inc., its general partner

By: Arnold B. Chace, Jr.
Name: Arnold B. Chace, Jr.
Title: President and Treasurer

~~COMMONWEALTH/STATE OF~~ Rhode Island

Providence, ss.

On this 2nd day of March, 2011, before me, the undersigned notary public, personally appeared Arnold C. Chace, Jr., the President and Treasurer of NMS Associates, Inc., general partner of Mashpee Commons Limited Partnership, proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that said person signed it voluntarily for its stated purpose.

C. Michelle Aronhalt
Notary Public
My commission expires: 12/30/14

State of Rhode Island
C. Michelle Aronhalt - Notary Public
Commission No. 44240
My Commission Expires 12/30/2014

EXHIBIT A

The land, together with the buildings thereon, located on Nathan Ellis Highway in Mashpee, Barnstable County, MA, more particularly bounded and described as follows:

Parcel 1

Lot 7 on Land Court Plan 26950-E

For title reference see Certificate of Title No. 169989.

Parcel 2

Lot 16B as shown on a plan entitled "Plan of Land in Mashpee, Massachusetts" drawn by BSS Design Engineering & Surveying, dated January 11, 2011, and recorded with the Barnstable County Registry of Deeds in Plan Book 638 Page 99.

For title reference see deed recorded in the Barnstable County Registry of Deeds in Book 7408 Page 46.

Parcel 3

A parcel of unregistered land containing $501 \pm$ square feet, $.01 \pm$ acres as shown on a plan entitled "Plan of Land in Mashpee, Mass." recorded in the Barnstable County Registry of Deeds in Plan Book 417 Page 54 and 55. For title reference see deed recorded in the Barnstable County Registry of Deeds in Book 25279, Page 311.

Parcel 4

Lot 4 on Land Court Plan 34844-B.

For title reference see Certificate of Title No. 121818.

Parcel 5

Lot 12 on Land Court Plan 34844-E

For title reference see Certificate of Title No. 121818.

LAND COURT, BOSTON. The Land
herein described will be shown on
our approved plan to follow as
Referred To

MAR 03 2011

Plan 34844^E Lot 12
(EXAMINED AS DESCRIPTION ONLY)
T.C. PONTBRIAND
ACTING CHIEF ENGINEER
(716)



William Francis Galvin
Secretary of the
Commonwealth

The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts 02133

February 25, 2011

To Whom it May Concern:

I hereby certify that according to the records in this office, an application for registration in the Commonwealth as a foreign Limited Partnership was filed in this office by

MASHPEE COMMONS LIMITED PARTNERSHIP

in accordance with the provisions of Massachusetts General Laws, Chapter 109, § 49, on
December 31, 1986.

I further certify that said Limited Partnership has filed all annual reports due and paid all fees with respect to such reports; that said Limited Partnership said registration has not been cancelled, withdrawn, or revoked; and that, so far as appears of record, said Limited Partnership has legal existence and is in good standing with this office.

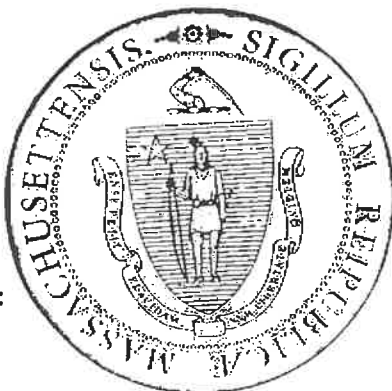
I also certify that the names of the General Partners as listed in the most recent filings are as follows:

**NMS ASSOCIATES INC.
22 STEEPLE ST. P.O. BOX 1530
MASHPEE, MA 02649**

In testimony of which,
I have hereunto affixed the
Great Seal of the Commonwealth
on the date first above written.

William Francis Galvin

Secretary of the Commonwealth



Processed By:



The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts 02133

William Francis Galvin
Secretary of the
Commonwealth

February 24, 2011

TO WHOM IT MAY CONCERN:

I hereby certify that according to the records of this office,

NMS ASSOCIATES, INC.

is a domestic corporation organized on **December 17, 1993**, under the General Laws of the Commonwealth of Massachusetts.

I further certify that there are no proceedings presently pending under the Massachusetts General Laws Chapter 156D section 14.21 for said corporation's dissolution; that articles of dissolution have not been filed by said corporation; that, said corporation has filed all annual reports, and paid all fees with respect to such reports, and so far as appears of record said corporation has legal existence and is in good standing with this office.



In testimony of which,

I have hereunto affixed the

Great Seal of the Commonwealth

on the date first above written.

William Francis Galvin

Secretary of the Commonwealth

Processed By: jhr

BARNSTABLE REGISTRY OF DEEDS

REGISTER
THIS
COPY

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

DEPARTMENT OF THE TRIAL COURT

CASE NO. 34844-S199010A
(SEAL)

Upon the petition of Fields Point Limited Partnership,
alleging that:

1. Certificates of Title Nos. 34582 and 42109 were issued in
the name of Fields Point Corporation.

2. By deeds filed with the Barnstable Registry District of
the Land Court as Document Nos. 434864 and 434862 land was conveyed
to Fields Point Limited Partnership.

3. Said land is shown as Lots 3, 4, 5 and 6 on Land Court
Plan No. ~~34582-B~~.
34844-B

4. Lot 3 on said plan is now owned by The Roman Catholic
Bishop of Fall River, a corporate sole.

THEREFORE, Petitioner respectfully prays that:

1. Certificate of Title No. 34582; Certificate of Title No.
42109; Certificate of Title No. 113687 and Certificate of Title No.
111303 all be cancelled.

2. That a new Certificate of Title issue to Fields Point
Limited Partnership for Lots 4, 5 and 6 on Land Court Plan No.
34844-B.

3. That the Court correct the title reference in Certificate
of Title No. 113687 in the name of Roman Catholic Bishop of Fall
River as to Lot 3 based on an erroneous reference to Certificate
of Title No. 111303 set forth in deed to The Roman Catholic Bishop
of Fall River, a corporation sole, as Document No. 452967, upon
which deed said Certificate is based.

After due proceedings, it is, ORDERED: that Certificates of
Title numbered 42109, 34582 and 111303 all be cancelled.

FURTHER ORDERED: that a new certificate issue to Fields Point
Limited Partnership for lots numbered 4, 5 and 6 on Plan No. 34844-
B, subject to and with the benefits of all those documents
registered subsequent to Documents numbered 434862 and 434864.

FURTHER ORDERED: That Certificate of Title No. 113687 be
cancelled.

In Lot 3 Pl. 34844-B

issue 2 new Cts; n/a on Lots 4, 5, & 6 Pl. 34844-B + n/a

Order to Cancel Cts 42109, 34582, 111303 & 113687 and

O.K. per M. Quinn 10-20-90

DERIVED

O.K. per M. Conin
10-30-90

FURTHER ORDERED: that a new Certificate of Title issue for Lot 3 on Land Court Plan No. 34844-B to The Roman Catholic Bishop of Fall River, a corporation sole, with a usual place of business in Fall River, in the County of Bristol and said Commonwealth. A notation should be ~~made~~ on this Certificate of Title that it is devised from Certificate of Title No. 113687 and prior thereto from Certificate of Title No. 42109. In Certificate of Title No. 113687 there was an incorrect reference back to Certificate of Title No. 111303, it should have referred back to Certificate of Title No. 42109, (Document No. 434864).

By the Court. (Cauchon, J.)

Attest:

Charles W. Trombly, Jr.
Recorder

Dated: October 18, 1990

TRUE COPY
ATTEST:

Charles W. Trombly, Jr.
Recorder

MDC/ml

QUITCLAIM DEED

Mashpee Commons Limited Partnership, a Delaware limited partnership, with a mailing address of P.O. Box 1530, Mashpee, Massachusetts 02649,

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

grants to **Mashpee Commons II, LLC**, a Delaware limited liability company, having a usual place of business at 22 Steeple Street, Mashpee, Massachusetts 02649

with Quitclaim Covenants

those certain parcels of land with the buildings and other improvements thereon, located on Nathan Ellis Highway, Town of Mashpee, County of Barnstable, more particular described on Exhibit A, attached hereto and made a part hereof.

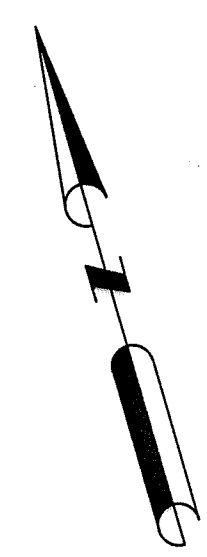
Subject to taxes and assessments not yet due and payable, and subject to and with the benefit of existing easements, rights of way, rights, reservations, and other encumbrances and restrictions of record to the extent in force and applicable.

No Massachusetts Deed Excise Stamps have been affixed hereto, none being required by law.

For Title, See Certificate 121818; Deed Recorded at Book 7408, Page 046; Certificate of Title No. 169989, and Deed recorded at Book 25279, Page 311.

This conveyance is not a transfer of all or substantially all of the assets of the Grantor located in the Commonwealth.

Nathan Ellis Highway, Mashpee
Lot 4 Jobs Fishing Road, Mashpee



NORTHERLY LOOP JAN 5, 2011

Field Traverse Data
linear error of closure: 0.120'
angular error of closure: 30 seconds
precision of traverse: 1 in 35,864

Instrument Specifications
Topcon GTS-304 TOTAL STATION
Electronic Distance Measurements
"accuracy" ±(3mm + 5ppm)
Electronic Angle Measurements
precision 5 seconds

SOUTHERLY LOOP JAN 29, 2010

Field Traverse Data
linear error of closure: 0.069'
angular error of closure: 7 seconds
precision of traverse: 1 in 48,852

Instrument Specifications
Topcon GTS-304 TOTAL STATION
Electronic Distance Measurements
"accuracy" ±(3mm + 5ppm)
Electronic Angle Measurements
precision 5 seconds

I CERTIFY THAT THE CONDITIONS ON THE GROUND ARE THE SAME NOW AS AT THE TIME OF THE ORIGINAL SURVEY.

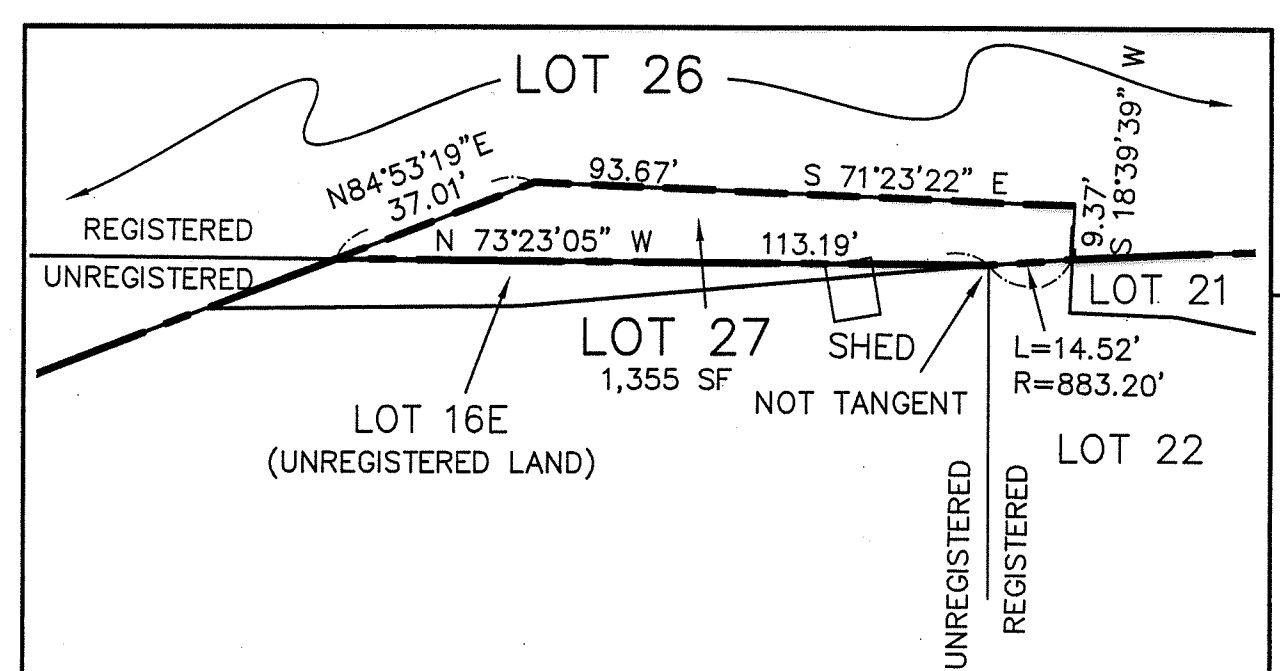
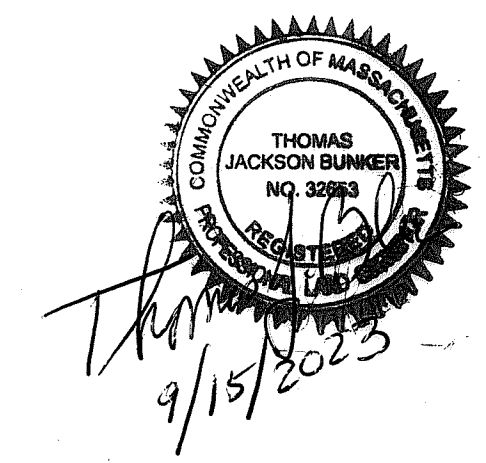
9/15/23 Thomas J. Blum
DATE PROFESSIONAL LAND SURVEYOR

I CERTIFY THAT THIS ACTUAL SURVEY WAS MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 ON OR BETWEEN JANUARY 28, 2010 AND JANUARY 5, 2011.

9/15/2023 Thomas J. Blum
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.

9/15/23 Thomas J. Blum
DATE REGISTERED PROFESSIONAL LAND SURVEYOR
NOTE: THIS PLAN IS BASED ON AN ON THE GROUND INSTRUMENT SURVEY.



DETAIL OF LOT 27
NOT TO SCALE

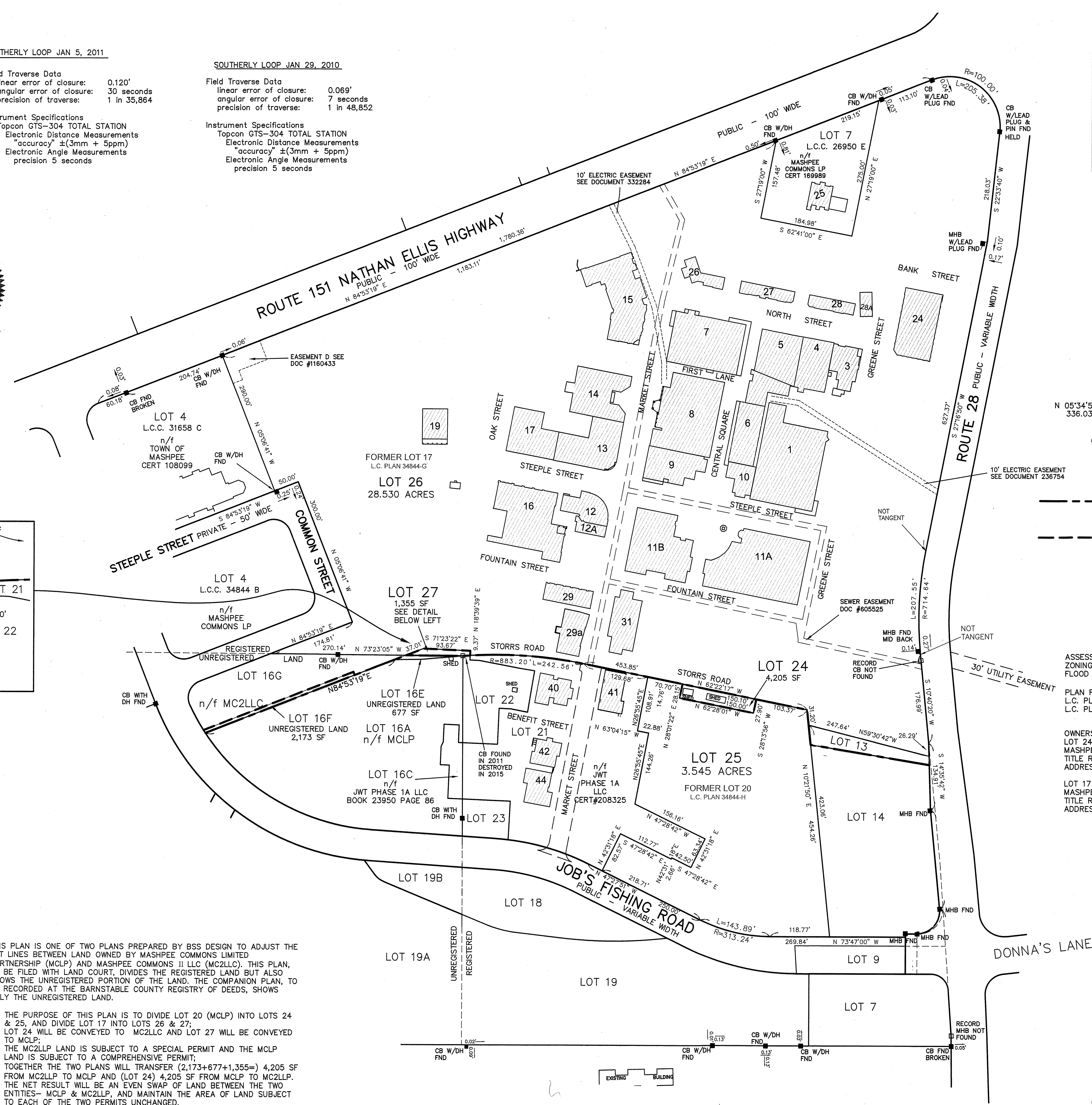
Approval under the Subdivision Control Law NOT required.
MASHPEE PLANNING BOARD

Date: _____

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

THIS PLAN IS ONE OF TWO PLANS PREPARED BY BSS DESIGN TO ADJUST THE LOT LINES BETWEEN LAND OWNED BY MASHPEE COMMONS LIMITED PARTNERSHIP (MCLP) AND MASHPEE COMMONS II LLC (MC2LLC). THIS PLAN, TO BE FILED WITH LAND COURT, DIVIDES THE REGISTERED LAND BUT ALSO SHOWS THE UNREGISTERED PORTION OF THE LAND. THE COMPANION PLAN, TO BE RECORDED AT THE BARNSTABLE COUNTY REGISTRY OF DEEDS, SHOWS ONLY THE UNREGISTERED LAND.

- THE PURPOSE OF THIS PLAN IS TO DIVIDE LOT 20 (MCLP) INTO LOTS 24 & 25, AND DIVIDE LOT 17 INTO LOTS 26 & 27;
- LOT 24 WILL BE CONVEYED TO MC2LLC AND LOT 27 WILL BE CONVEYED TO MCLP;
- THE MC2LLP LAND IS SUBJECT TO A SPECIAL PERMIT AND THE MCLP LAND IS SUBJECT TO A COMPREHENSIVE PERMIT;
- TOGETHER THE TWO PLANS WILL TRANSFER (2,173+677+1,355=) 4,205 SF FROM MC2LLP TO MCLP AND (LOT 24) 4,205 SF FROM MCLP TO MC2LLP. THE NET RESULT WILL BE AN EVEN SWAP OF LAND BETWEEN THE TWO ENTITIES- MCLP & MC2LLP, AND MAINTAIN THE AREA OF LAND SUBJECT TO EACH OF THE TWO PERMITS UNCHANGED.



LEGEND

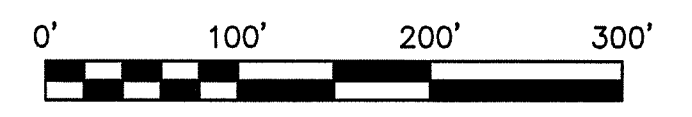
- N 05°34'56" W 336.03' } PROPERTY LINE DATA
- 0.17' } PERPENDICULAR OFFSET FROM RECORD TO FIELD LOCATION OF MONUMENT
- EXISTING LINE BETWEEN MASHPEE COMMONS SPECIAL PERMIT AND COMPREHENSIVE PERMIT
- - - PROPOSED LINE BETWEEN MASHPEE COMMONS SPECIAL PERMIT AND COMPREHENSIVE PERMIT AFTER LAND SWAP

ASSESSORS No. MAP 74 BLOCKS 20 & 20-A
ZONING DISTRICT: C-1
FLOOD ZONE: X

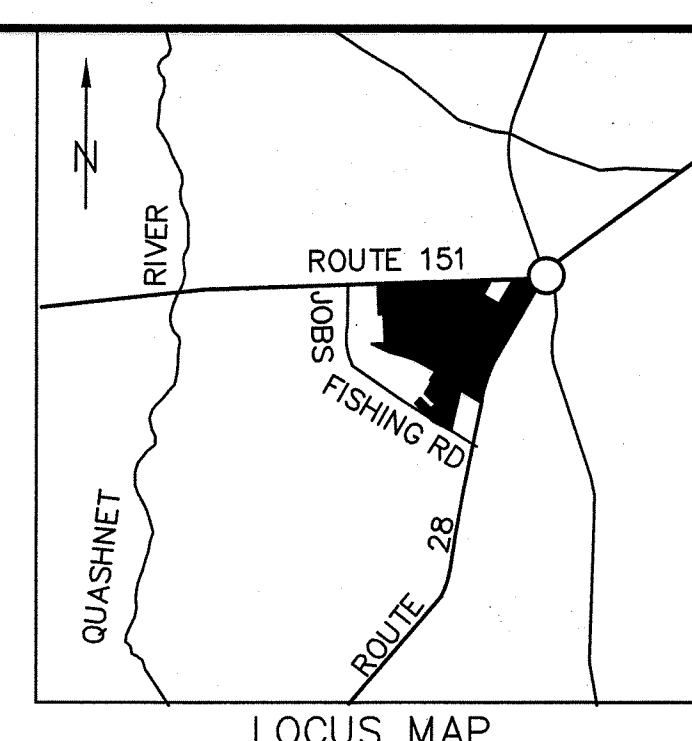
PLAN REFERENCES:
L.C. PLAN 34844 G
L.C. PLAN 34844 H

OWNERS:
LOT 24-
MASHPEE COMMONS LIMITED PARTNERSHIP
TITLE REFERENCE: CERTIFICATE OF TITLE 121818
ADDRESS: 22 STEEPLE STREET, MASHPEE

LOT 17
MASHPEE COMMONS II, LLC
TITLE REFERENCE: CERTIFICATE OF TITLE 193761
ADDRESS: 22 STEEPLE STREET, MASHPEE



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

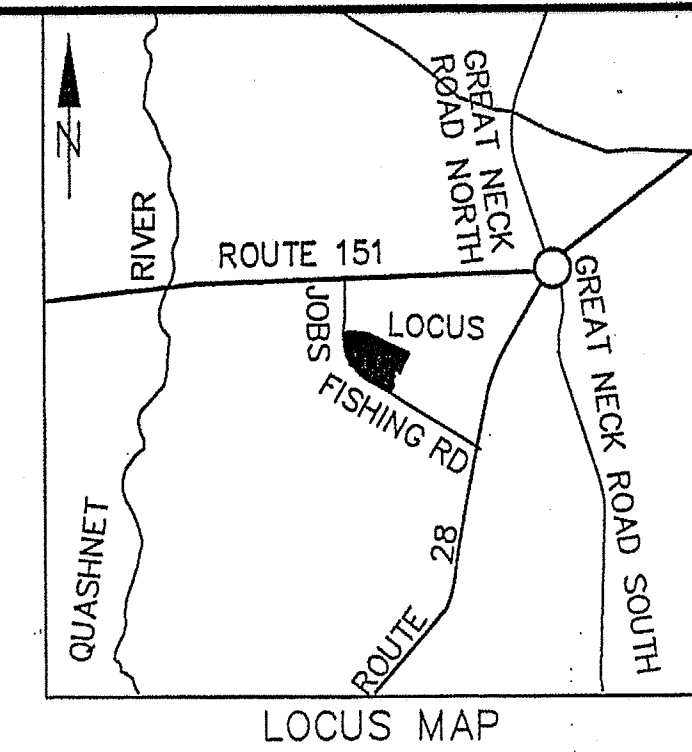


PETITION PLAN 34844 I

SUBDIVISION PLAN OF LAND
PREPARED FOR
MASHPEE COMMONS LIMITED PARTNERSHIP
IN
MASHPEE, MASSACHUSETTS
BEING A SUBDIVISION OF LOT 17 AS SHOWN ON LAND COURT PLAN 34844-G
AND LOT 20 AS SHOWN ON LAND COURT PLAN 34844-H

scale
1" = 100'
date
SEPT 11, 2023
drawn
EJP, TJB
checked
TB
job number
10014
revisions

drawing number
B29-147



BSS
DESIGN
ENGINEERING
& SURVEYING

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BSS Design, Incorporated
164 Katharine Lee Bates Rd
Falmouth Massachusetts 02540
508.540.8905 FAX 508.548.8313

PLAN OF LAND AT JOBS FISHING ROAD
IN
MASHPEE, MASSACHUSETTS
PREPARED FOR
MASHPEE COMMONS LIMITED PARTNERSHIP

scale
1" = 40'

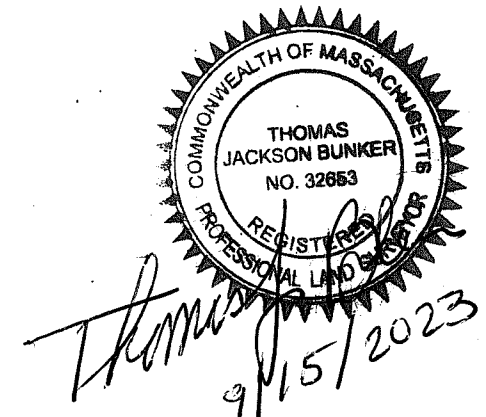
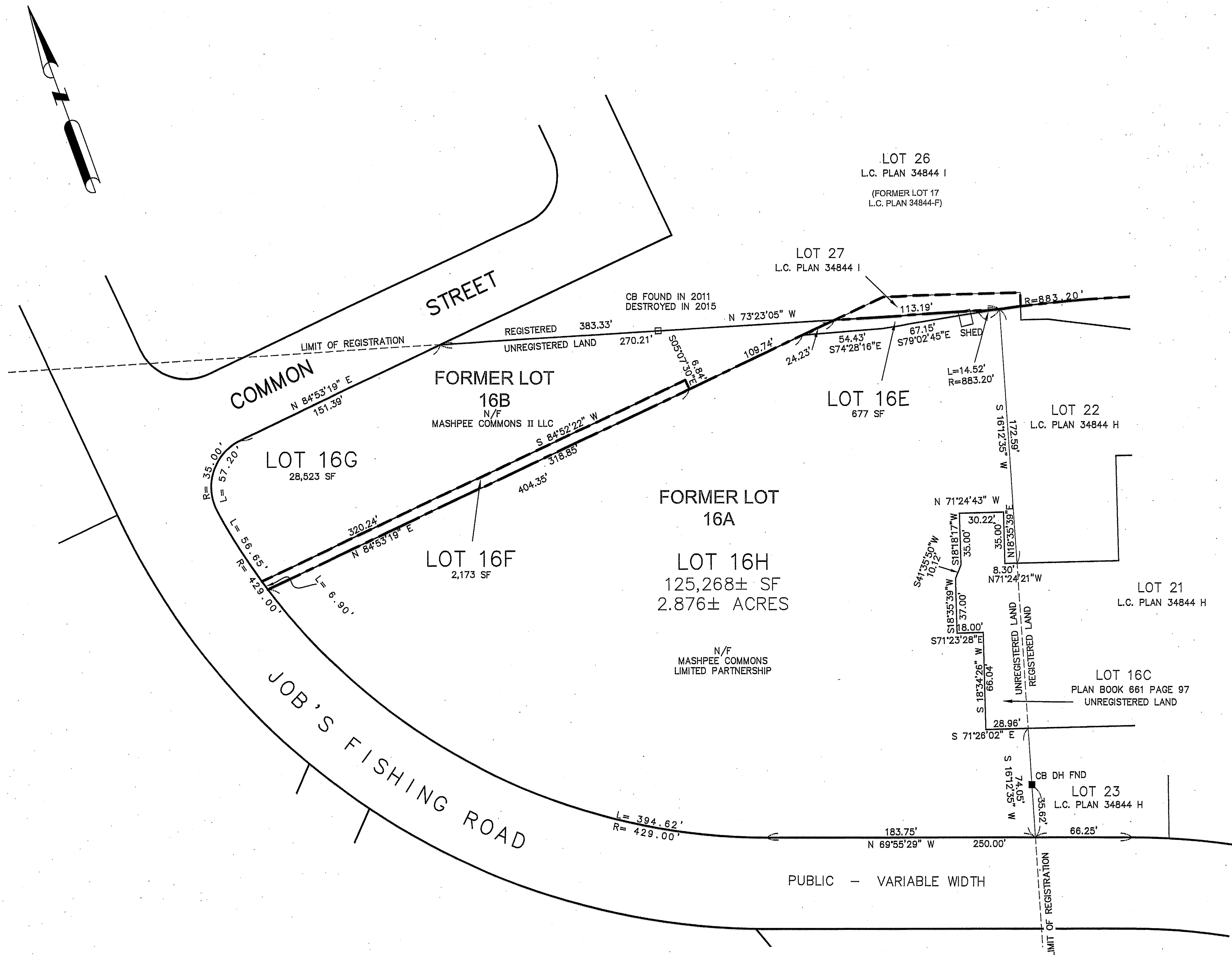
date
SEPT 11, 2023

drawn
EJP, TJB

checked
TJB

job number
10014

revisions



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

9/15/23 *Thomas J. Bunker*
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.

9/15/23 *Thomas J. Bunker*
DATE REGISTERED PROFESSIONAL LAND SURVEYOR
NOTE: THIS PLAN IS BASED ON AN ON THE GROUND
INSTRUMENT SURVEY.

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.

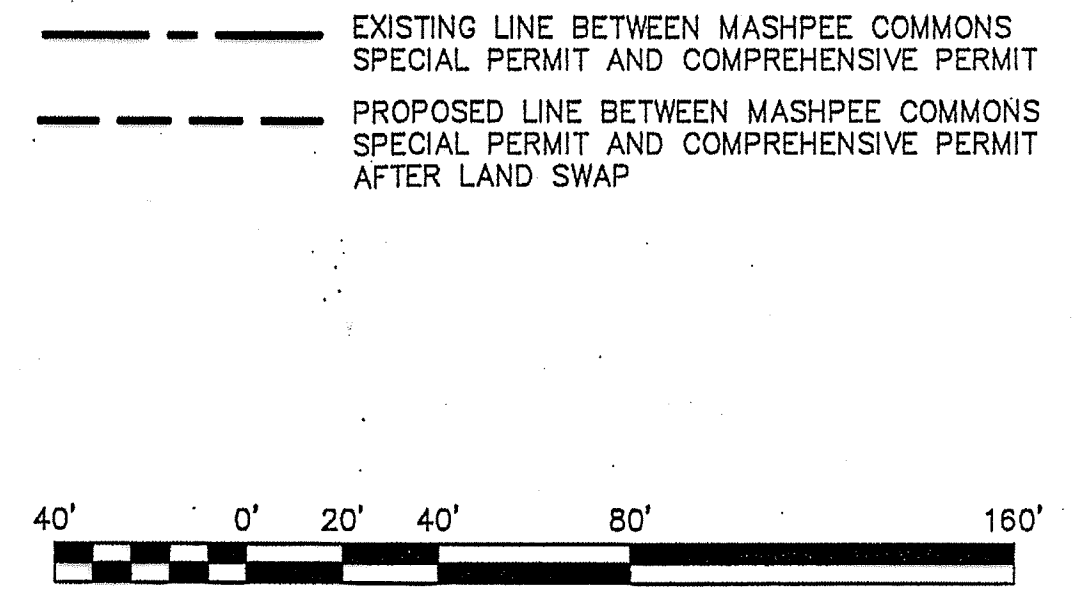
THIS PLAN IS ONE OF TWO PLANS PREPARED BY BSS DESIGN TO ADJUST
THE LOT LINES BETWEEN LAND OWNED BY MASHPEE COMMONS LIMITED
PARTNERSHIP (MCLP) AND MASHPEE COMMONS II LLC (MC2LLC). THIS PLAN
TO BE RECORDED AT THE BARNSTABLE COUNTY REGISTRY OF DEEDS SHOWS
ONLY THE UNREGISTERED PORTION OF THE LAND. THE COMPANION PLAN, TO
BE FILED WITH LAND COURT, SHOWS BOTH REGISTERED AND UNREGISTERED
LAND.

- THE PURPOSE OF THIS PLAN IS TO DIVIDE LOT 16B (MC2LLC) INTO LOTS
16E, 16F & 16G.
- LOTS 16E & 16F INDIVIDUALLY ARE NOT BUILDING LOTS BUT ARE TO BE
CONVEYED TO MCLP AND COMBINED WITH LOT 16A TO CREATE LOT 16H.
- THE MC2LLP LAND IS SUBJECT TO A SPECIAL PERMIT AND THE MCLP
LAND IS SUBJECT TO A COMPREHENSIVE PERMIT.
- TOGETHER THE TWO PLANS WILL TRANSFER (2,173+677+1,355=) 4,205
SF FROM MC2LLP TO MCLP AND (LOT 24) 4,205 SF FROM MCLP TO
MC2LLP. THE NET RESULT WILL BE AN EVEN SWAP OF LAND BETWEEN
THE TWO ENTITIES- MCLP & MC2LLP, AND MAINTAIN THE AREA OF
LAND SUBJECT TO EACH OF THE TWO PERMITS UNCHANGED.

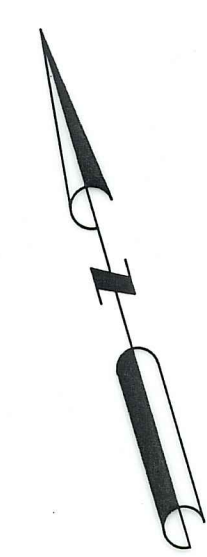
ASSESSORS No. MAP 74 BLOCKS 20 & 20-B
ZONING DISTRICT: C-1
FLOOD ZONE: X

OWNERS:
LOT 16A
MASHPEE COMMONS LIMITED PARTNERSHIP
TITLE REFERENCE: DEED BOOK 7408 PAGE 46
ADDRESS: 22 STEEPLE STREET, MASHPEE

LOT 16B
MASHPEE COMMONS II, LLC
TITLE REFERENCE: DEED BOOK 25302 PAGE 153
ADDRESS: 22 STEEPLE STREET, MASHPEE



drawing number
B29-157



NORTHERLY LOOP JAN 5, 2011

Field Traverse Data
linear error of closure: 0.120'
angular error of closure: 30 seconds
precision of traverse: 1 in 35,864

Instrument Specifications
Topcon GTS-304 TOTAL STATION
Electronic Distance Measurements
"accuracy" ±(3mm + 5ppm)
Electronic Angle Measurements
precision 5 seconds

SOUTHERLY LOOP JAN 29, 2010

Field Traverse Data
linear error of closure: 0.069'
angular error of closure: 7 seconds
precision of traverse: 1 in 48,852

Instrument Specifications
Topcon GTS-304 TOTAL STATION
Electronic Distance Measurements
"accuracy" ±(3mm + 5ppm)
Electronic Angle Measurements
precision 5 seconds

I CERTIFY THAT THE CONDITIONS ON THE GROUND ARE THE SAME NOW AS AT THE TIME OF THE ORIGINAL SURVEY.

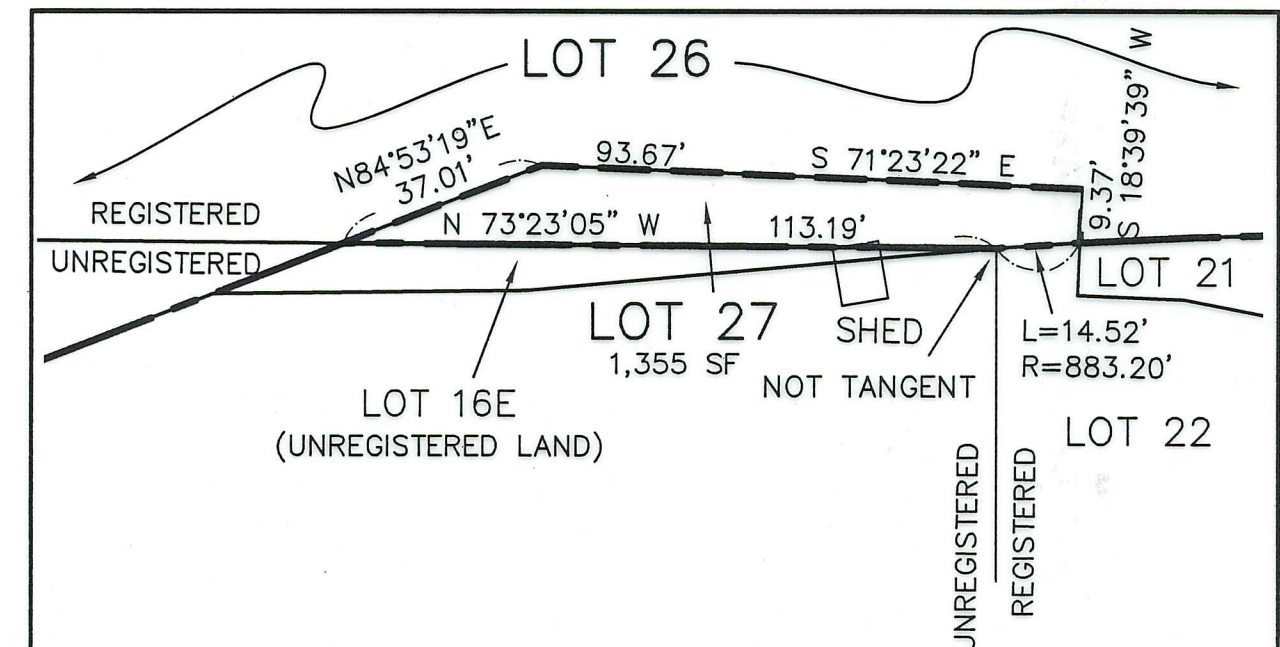
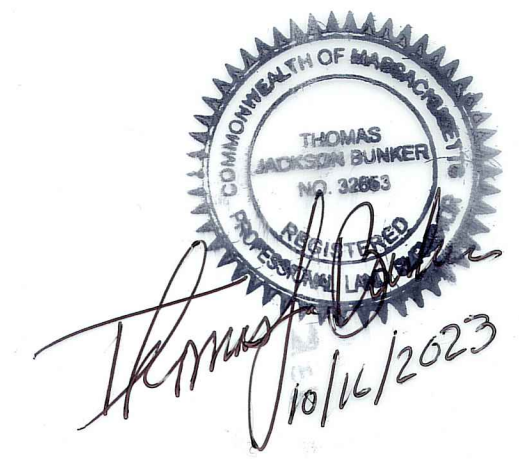
10/16/23 *Thomas J. Blum*
DATE PROFESSIONAL LAND SURVEYOR

I CERTIFY THAT THIS ACTUAL SURVEY WAS MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 ON OR BETWEEN JANUARY 28, 2010 AND JANUARY 5, 2011.

10/16/23 *Thomas J. Blum*
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.

10/16/23 *Thomas J. Blum*
DATE REGISTERED PROFESSIONAL LAND SURVEYOR
NOTE: THIS PLAN IS BASED ON AN ON THE GROUND INSTRUMENT SURVEY.



DETAIL OF LOT 27
NOT TO SCALE

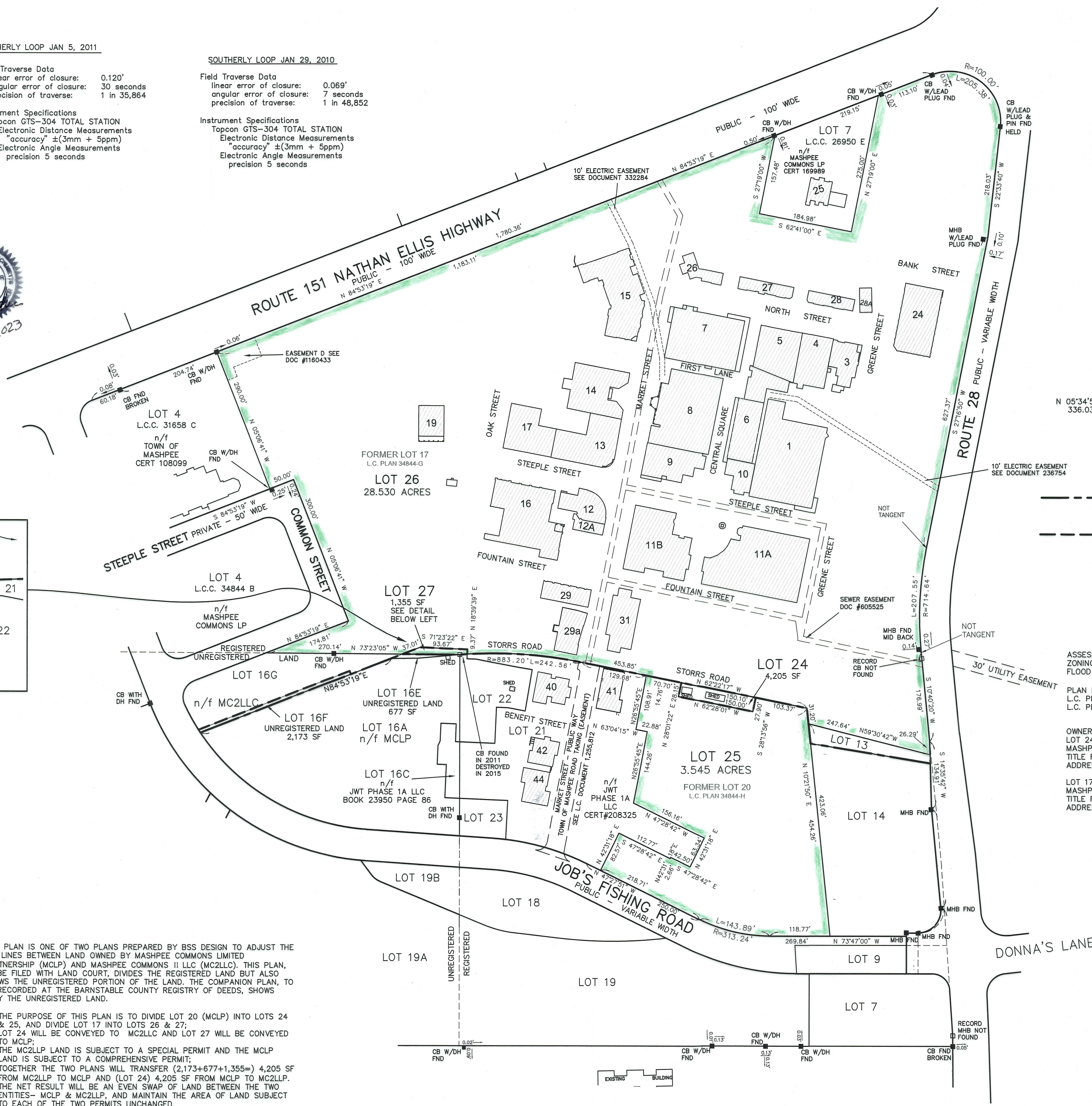
Approval under the Subdivision Control Law NOT required.
MASHPEE PLANNING BOARD

Date: _____

THIS PLAN IS ONE OF TWO PLANS PREPARED BY BSS DESIGN TO ADJUST THE LOT LINES BETWEEN LAND OWNED BY MASHPEE COMMONS LIMITED PARTNERSHIP (MCLP) AND MASHPEE COMMONS II LLC (MC2LLC). THIS PLAN, TO BE FILED WITH LAND COURT, DIVIDES THE REGISTERED LAND BUT ALSO SHOWS THE UNREGISTERED PORTION OF THE LAND. THE COMPANION PLAN, TO BE RECORDED AT THE BARNSTABLE COUNTY REGISTRY OF DEEDS, SHOWS ONLY THE UNREGISTERED LAND.

- THE PURPOSE OF THIS PLAN IS TO DIVIDE LOT 20 (MCLP) INTO LOTS 24 & 25, AND DIVIDE LOT 17 INTO LOTS 26 & 27;
- LOT 24 WILL BE CONVEYED TO MC2LLC AND LOT 27 WILL BE CONVEYED TO MCLP;
- THE MC2LLP LAND IS SUBJECT TO A SPECIAL PERMIT AND THE MCLP LAND IS SUBJECT TO A COMPREHENSIVE PERMIT;
- TOGETHER THE TWO PLANS WILL TRANSFER (2,173+677+1,355=) 4,205 SF FROM MC2LLP TO MCLP AND (LOT 24) 4,205 SF FROM MCLP TO MC2LLP. THE NET RESULT WILL BE AN EVEN SWAP OF LAND BETWEEN THE TWO ENTITIES- MCLP & MC2LLP, AND MAINTAIN THE AREA OF LAND SUBJECT TO EACH OF THE TWO PERMITS UNCHANGED.

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



LEGEND

N 05°34'56" W } PROPERTY LINE DATA
336.03' }
0.17' } PERPENDICULAR
OFFSET FROM RECORD
TO FIELD LOCATION OF
MONUMENT

--- EXISTING LINE BETWEEN MASHPEE COMMONS SPECIAL PERMIT AND COMPREHENSIVE PERMIT

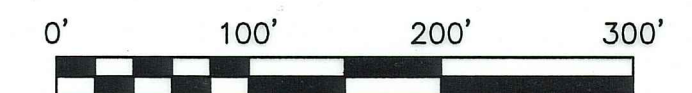
--- PROPOSED LINE BETWEEN MASHPEE COMMONS SPECIAL PERMIT AND COMPREHENSIVE PERMIT AFTER LAND SWAP

ASSESSORS No. MAP 74 BLOCKS 20 & 20-A
ZONING DISTRICT: C-1
FLOOD ZONE: X

PLAN REFERENCES:
L.C. PLAN 34844 G
L.C. PLAN 34844 H

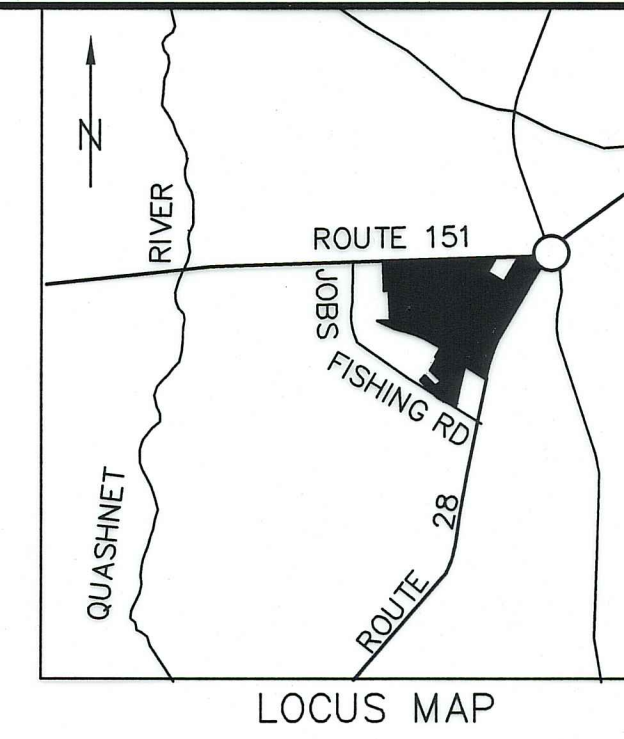
OWNERS:
LOT 24
MASHPEE COMMONS LIMITED PARTNERSHIP
TITLE REFERENCE: CERTIFICATE OF TITLE 121818
ADDRESS: 22 STEEPLE STREET, MASHPEE

LOT 17
MASHPEE COMMONS II, LLC
TITLE REFERENCE: CERTIFICATE OF TITLE 193761
ADDRESS: 22 STEEPLE STREET, MASHPEE



0' 100' 200' 300'

drawing number B29-147



BSS
DESIGN
ENGINEERING & SURVEYING

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

PETITION PLAN 34844-I
SUBDIVISION PLAN OF LAND
PREPARED FOR
MASHPEE COMMONS LIMITED PARTNERSHIP
IN
MASHPEE, MASSACHUSETTS
BEING A SUBDIVISION OF LOT 17 AS SHOWN ON LAND COURT PLAN 34844-G
AND LOT 20 AS SHOWN ON LAND COURT PLAN 34844-H

scale
1" = 100'
date
SEPT 11, 2023
drawn
EJP, TJB
checked
TJB
job number
10014
revisions
ADDED TITLE REFERENCE FOR
MARKET STREET TAKING
OCTOBER 16, 2023 TJB

drawing number
B29-147

Charles L. Rowley, PE, PLS

Consulting Engineer and Land Surveyor

5 Carver Road
PO Box 9
West Wareham, MA 02576

Tel: 508-295-1881
Cell: 508-295-0545
E-mail: crsr63@verizon.net

October 16, 2023

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

Re: Mashpee Commons
Approval Not Required Plans

Attention: Karen D. Faulkner, Chair

Dear Ms. Faulkner:

At the request of Town Planner Evan Lehrer, I have been asked to review and comment on the two recent plans that have been filed with the Planning Board under "Approval Not Required" for properties at Mashpee Commons. The plans have been prepared by BSS Design and are dated September 11, 2023 with one plan to be filed with the Land Court and with the second plan to be filed with the Barnstable Registry of Deeds after endorsement.

According to the information provided, Mashpee Commons II LLC (MC2LLC) owns existing lot 17 which makes up the majority of Mashpee Commons shopping area with frontage on Falmouth Road (Route 28) and Route 151, while Mashpee Commons Limited Partnership (MCLP) owns Lot 16A and Lot 20 with frontage on Jobs Fishing Road.

The intent of the submittals is to create small parcels which will be exchanged between the two referenced entities resulting in an even swap of land to each. Notes on each plan indicate that the parcels are not to be considered as separate building lots but are to be conveyed to the abutting owner. It is assumed that the exchanges are proposed in order to remove minor encroachments of development which may have extended beyond the common boundary of MC2LLC and MCLP.

It is my opinion that both plans can be endorsed as "Approval Not Required" under Section 81L of Chapter 41 MGL but with certain adjustments to notations currently shown.

1. Reference to future lots 16G and 16H should be removed from the plan of Mashpee Commons Limited Partnership as those lots do not exist until actual conveyances are made, but to retain the labels of lots 16A and 16B.
2. The Market Street easement document held by the Town of Mashpee should be referenced on the plan of Mashpee Commons II LLC. Including new numbers for all registered land is appropriate in this case and is in conformance with Land Court practice.

The plan notes indicate that a Special Permit and/or Comprehensive Permit were previously granted by the Mashpee Board of Appeals for the existing properties. It is recommended that the applicant seek appropriate minor modifications from the Board of Appeals which will connect transferred parcels with the terms and conditions of each Permit and with specific reference to the endorsed plans.

Thank you for the opportunity to be of service. Please feel free to contact me if you have any questions.

Very truly yours,

Charles L. Rowley

Charles L. Rowley, PE, PLS

Cc Evan Lehrer, Mashpee Town Planner
Thomas Bunker, PLS, BSS Design

PHN 7:10 PM: 275 QUINAQUISSET



16 Great Neck Road North
Mashpee, Massachusetts 02649

Mashpee Planning Board Public Hearing Notice

Pursuant to Massachusetts General Laws, Chapter 40A Section 11, the Mashpee Planning Board will hold a public hearing on Wednesday, March 1, 2023 at 7:10PM at the Mashpee Town Hall, 16 Great Neck Road North, to consider an application from Southworth Mashpee Properties LLC, property owner, to modify the Willowbend Country Club Special Permit. The applicant proposes to construct a 14-unit single family cottage community immediately contiguous to the Willowbend Golf Course at 275 Quinaquisset Avenue (Map 69 Block 32). The existing single-family dwelling is proposed for demolition. 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 the 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.

Submitted by:

Mary E. Waygan
Mashpee Planning Board

Publication dates: Friday, February 10, 2023
Friday, February 17, 2023

Cranberry Point At Willowbend Site Construction Plans

Mashpee, Massachusetts

Owner:

Southworth Mashpee Properties, LLC
130 Willowbend Drive
Mashpee, MA 02649
(508)-539-5316

Applicant:

Southworth Mashpee Properties, LLC
130 Willowbend Drive
Mashpee, MA 02649
Phone (508)-539-5316

Engineer/Surveyor

BAXTER NYE ENGINEERING & SURVEYING
Registered Professional Engineers and Land Surveyors
1597 Falmouth Road
Centerville, MA 02632
Phone (508) 771-7502 Fax (508) 771-7622
ATTN: Matthew Eddy, P.E.



Locus Map

Scale 1" = 500'

Job Number: 2014-009 QUIN

Plan Sheet Index

No.	Drawing Title
C0.0	Cover Sheet
C1.0	Legend and General Notes
CPP1.0	Certified Plot Plan
C2.0	Existing Conditions Plan
C3.0	Master Layout Plan
C3.1	Site Layout Plan - Sheet 1 of 2
C3.2	Site Layout Plan - Sheet 2 of 2
C3.3	Sight Distance Plan
C3.4	Truck Turning Template Plan
C4.0	Grading & Drainage Plan - Sheet 1 of 2
C4.1	Grading & Drainage Plan - Sheet 2 of 2
C4.2	Grading Inset & Drainage Details
C4.3	Drainage Notes
C5.0	Utility Plan - Sheet 1 of 2
C5.1	Utility Plan - Sheet 2 of 2
C5.2	Proposed Driveway and Utility Profiles
C6.0	Master Mitigation Plan
C7.0	Details Plan
C7.1	Details Plan

**BAXTER NYE
ENGINEERING &
SURVEYING**

Registered Professional Engineers
and Land Surveyors

1597 Falmouth Road
Centerville, MA 02632

Phone - (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

JKL	10/13/2023	REVISE GRADING/STORMWATER MGMT
ZDP	5/23/2023	CONSERVATION UPDATE
ZDP	5/1/2023	CONSERVATION UPDATE
JKL	4/28/2023	PER PLANNING BOARD COMMENTS
JKL	3/24/2023	PER PLANNING BOARD COMMENTS
	DATE	DESCRIPTION

SHEET TITLE

Cover Sheet

SHEET NO

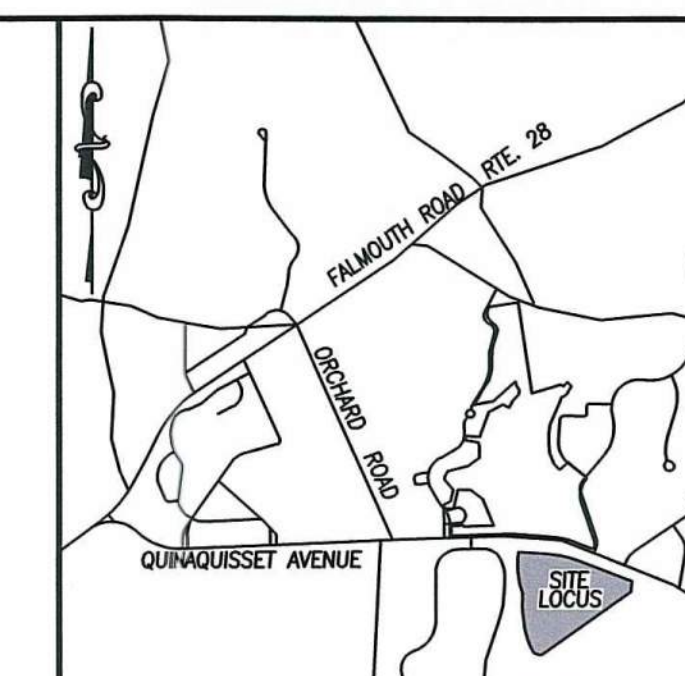
CO.0

DATE: JANUARY 16, 2023

SCALE: NO SCALE

DRAWN BY: JKL CHECKED BY: MWE
JOB NO: 2014-009 FILE: 2014-009 QUIN CV.dwg

FOR PERMIT ONLY - NOT FOR CONSTRUCTION



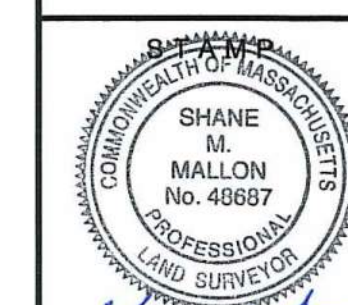
BAXTER NYE
ENGINEERING & SURVEYING

**BAXTER NYE
ENGINEERING &
SURVEYING**

Registered Professional Engineers
and Land Surveyors

78 North Street – 3rd Floor
Hyannis, Massachusetts 02601

Phone - (508) 771-7502
Fax - (508) 771-7622
www.baxter-nye.com



STAMP

CONSULTANT

CONSULTANT

PREPARED FOR:

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

PROJECT TITLE

275 Quinaquisset Avenue
Mashpee, MA 02649

[illegible]

		DATE	DESCRIPTION
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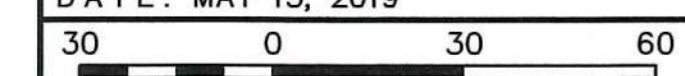
		DATE	D
SHEET TITLE			

Certified Plot Plan

SHEET NO

CPP1.0

DATE: MAY 13, 2019

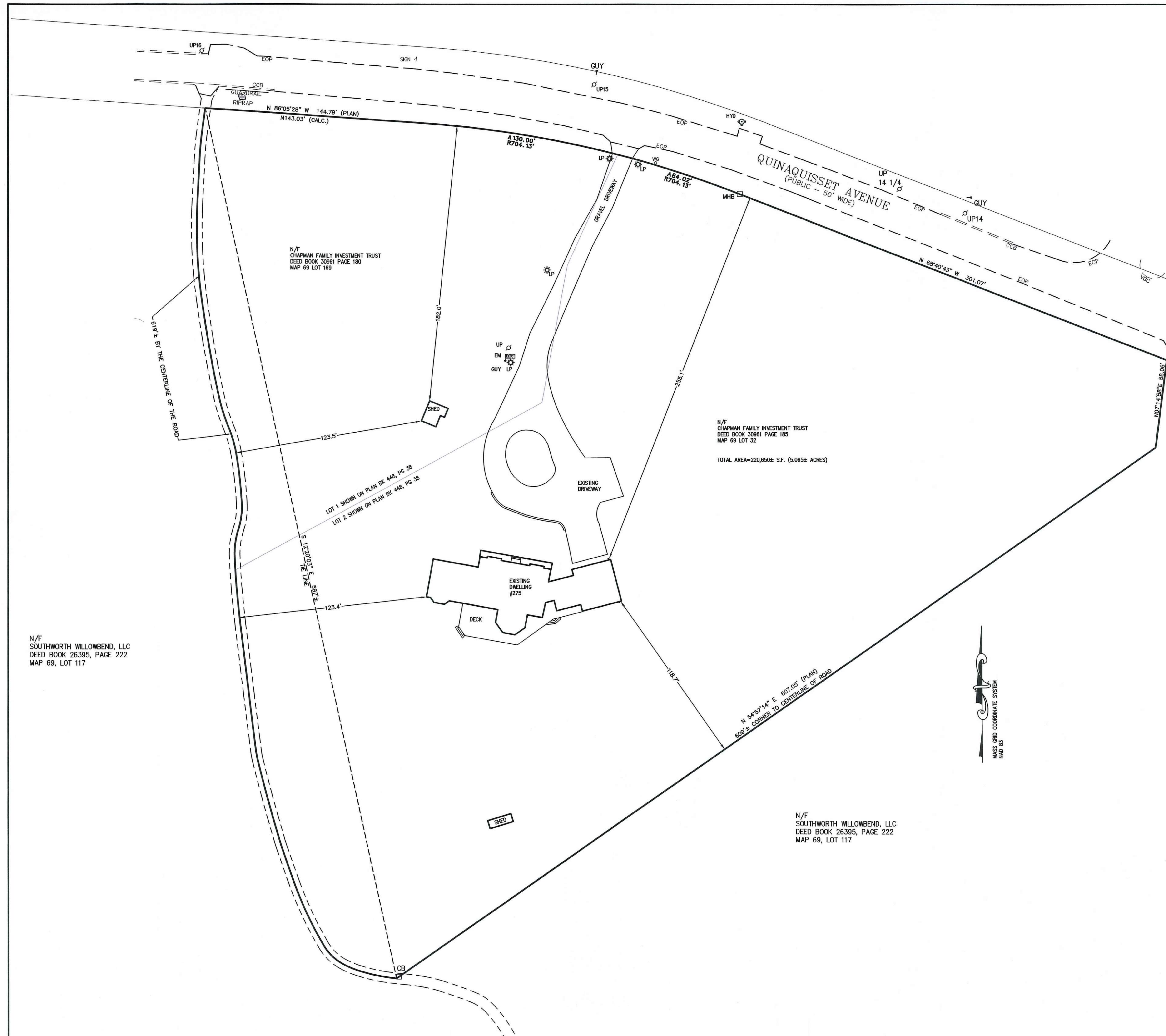


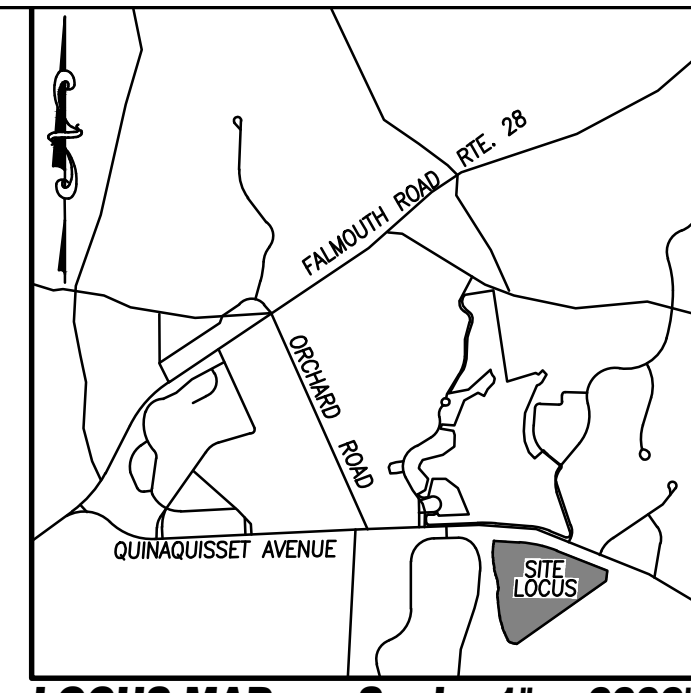
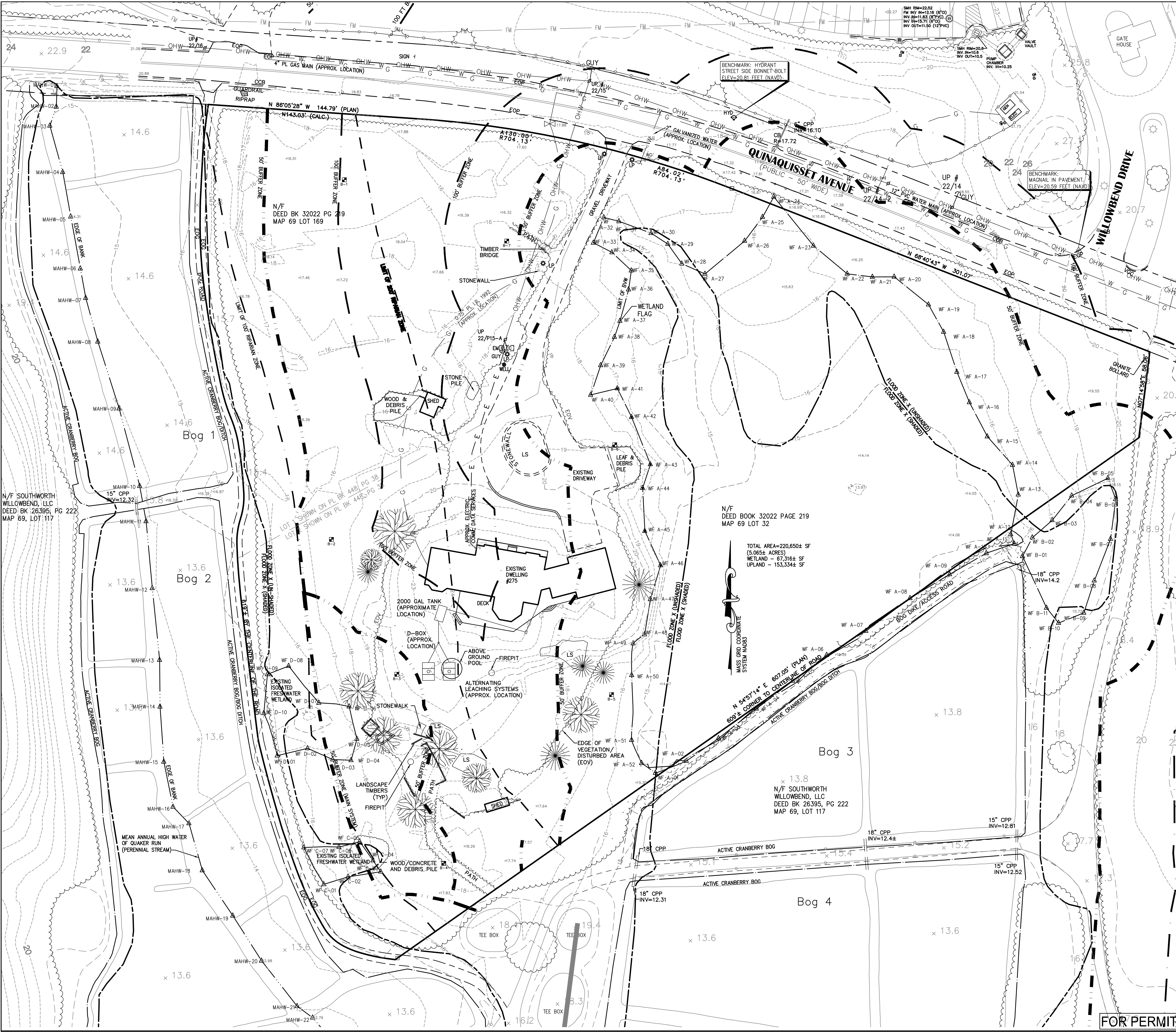
SCALE IN FEET

SCALE: 1"=30'

DRAWN BY: JKL CHECKED BY: MWE

JOB NO: 2014-009 FILE: 2014-009_CPP.dwg





**BAXTER NYE
ENGINEERING &
SURVEYING**

Registered Professional Engineers
and Land Surveyors

1597 Falmouth Road
Centerville, MA 02632

Phone – (508) 771-7502
Fax – (508) 771-7622
www.baxter-nye.com

GENERAL NOTES:

- THE INTENT OF THIS PLAN IS TO DETAIL EXISTING SITE CONDITIONS AT 0 QUINQUISSET AVE. AND 275 QUINQUISSET AVE, MASHPEE, MA 02649.
- LOCUS AREA IS COMPRISED OF:
PER CURRENT ASSESSOR'S RECORDS:
- OWNER: SOUTHWORTH MASHPEE PROPERTIES, LLC
130 WILLOWBEND DRIVE, MASHPEE, MA 02649
DEED BOOK 32022 PAGE 219
RECORD PLAN BOOK 449 PAGE 38 LOT 1 AND 2
ASSESSOR'S MAP 69, PARCEL 32 AND 189
- BENCHMARK AS SHOWN ON THIS PLAN.
- 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 = 2-1/2 STORIES
MAXIMUM LOT COVERAGE = 20%
- A TITLE SEARCH HAS NOT BEEN PERFORMED FOR THIS SITE. THERE MAY BE RIGHTS BY OTHERS, EASEMENTS, EASEMENTS, MORTGAGES, RIGHT OF WAYS ETC. NOT DEPICTED. IF DETERMINED TO BE NECESSARY, A TITLE SEARCH SHALL BE PERFORMED BY OTHERS AND SUPPLIED TO BAXTER NYE ENGINEERING & SURVEYING.
- THE PROPERTY LINE INFORMATION SHOWN IS PER THE PROPERTY LINES SET BY THE REGISTERED PROFESSIONAL LAND SURVEYOR (PLS) AS SHOWN ON THE CERTIFIED PLOT PLAN AS SCALED BY THE PLS WITHIN THIS PLAN SET. THE EXISTING FEATURES SHOWN HEREON WERE OBTAINED FROM AN ON THE GROUND FIELD SURVEY PERFORMED BY BAXTER NYE ENGINEERING & SURVEYING ON MARCH 17, 2022, ON AUGUST 12 AND 16 AND DECEMBER 12, 2022. THE PROPERTY LINE AND SURVEY INFORMATION WAS COMMISSIONED AS PART OF THE PROJECT AND IS SHOWN AS BACKGROUND INFORMATION ON THE DESIGN PLANS.
- COMMUNITY PANEL NUMBER: 250009 0752 J. THE FLOOD INSURANCE RATE MAP DEFINES THIS AREA AS ZONE X (UNSHADED) AND ZONE X (SHADED).
- ENVIRONMENTAL INFORMATION:
PER MASS GIS OLIVER AS OF 08/23/2022:
 - SITE DOES NOT APPEAR TO BE WITHIN AN A.C.E.C. (AREA OF CRITICAL ENVIRONMENTAL CONCERN).
 - SITE DOES NOT APPEAR TO BE WITHIN AN AREA OF ESTIMATED HABITAT OF RARE WILDLIFE AS MAPPED ON MASS GIS OLIVER PER NHESP "ESTIMATED HABITATS OF RARE WILDLIFE" FOR USE WITH THE MASS WETLANDS PROTECTION ACT REGULATIONS (310 CMR 10).
 - SITE DOES NOT APPEAR TO BE WITHIN A PRIORITY HABITAT AS MAPPED ON MASS GIS OLIVER PER NHESP "PRIORITY HABITATS OF RARE SPECIES" FOR SPECIES UNDER THE MASSACHUSETTS ENDANGERED SPECIES ACT, REGULATIONS (321 CMR 10).
 - SITE DOES NOT APPEAR TO CONTAIN A CERTIFIED VERNAL POOL AS MAPPED ON MASS GIS OLIVER PER NHESP "CERTIFIED VERNAL POOLS."
 - SITE APPEARS TO BE WITHIN A WETLAND RESOURCE AREA AS MAPPED ON MASS GIS SYSTEM.
 - SITE DOES NOT APPEAR TO BE WITHIN A STATE APPROVED ZONE II GROUNDWATER RECHARGE PROTECTION AREA.
- UTILITY INFORMATION SHOWN HEREON:
 - THE CONTRACTOR SHALL CONTACT DIG SAFE (AT 1-888-DIG-SAFE) AND UTILITY COMPANIES TO LOCATE THE LOCATION OF ALL EXISTING UTILITIES. AT LEAST 72 HOURS PRIOR TO THE START OF CONSTRUCTION. EXISTING UNDERGROUND INFRASTRUCTURE, UTILITIES, CONDUITS AND LINES ARE SHOWN IN AN APPROXIMATE WAY ONLY. MAY NOT BE LIMITED TO THOSE SHOWN HEREON AND HAVE BEEN RESEARCHED BASED ON THE AVAILABLE UTILITY RECORDS NOTED HEREON. THE CONTRACTOR AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO LOCATE SAID INFRASTRUCTURE AND UTILITIES EXACTLY. IF FIELD CONDITIONS DIFFER FROM PLAN INFORMATION, THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY FOR POSSIBLE REDESIGN.
 - SOURCE INFORMATION FROM PLANS HAS BEEN COMBINED WITH OBSERVED EVIDENCE OF UTILITIES TO DEVELOP A VIEW OF THOSE UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY.
 - UTILITIES NOTED HEREON AS "COMPILED" ARE SHOWN BASED ON SOURCE INFORMATION (RECORD PLANS) OBTAINED FROM UTILITY COMPANIES AND/OR MUNICIPALITIES. LOCATIONS OF "COMPILED" UTILITIES SHOWN ARE TO BE CONSIDERED APPROXIMATE ONLY.
 - EXISTING SEPTIC SYSTEM INFORMATION OBTAINED FROM TITLE 5 SEPTIC SYSTEM INSPECTION REPORT BY PAUL C. MARTIN, DATED 3/27/2019, ON FILE AT BOARD OF HEALTH.
 - TOWN WATER SERVICE SHOWN ON PLAN FROM WATER DEPARTMENT THE CARD "275 QUINQUISSET AVENUE ACCT#6043" DATED 10/17/1996.
 - GAS SERVICE SHOWN ON PLAN FROM NATIONAL GRID "MA-502570" DATED 4/26/2019.
 - ELECTRIC LINE SHOWN ON THIS PLAN COMPILED FROM EVERSOURCE T-PLAN DATED 6/10/2022 AND PHYSICAL SITE FEATURES.

PREPARED FOR:

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

PROJECT TITLE

**Cranberry Point
275 Quinquisset Avenue
Mashpee, MA 02649**

Δ	JKL	10/13/2023	REVISE GRADING/STORMWATER MGMT
Δ	ZDP	5/23/2023	CONSERVATION UPDATE
Δ	ZDP	5/1/2023	CONSERVATION UPDATE
Δ	JKL	4/28/2023	PER PLANNING BOARD COMMENTS
Δ	JKL	3/24/2023	PER PLANNING BOARD COMMENTS
		DATE	DESCRIPTION

SHEET TITLE

**Existing
Conditions Plan**

SHEET NO

C2.0

DATE: JANUARY 16, 2023

30 0 30 60

SCALE IN FEET

SCALE: 1"=30'

DRAWN BY: ZDP

CHECKED BY: MWE

JOB NO: 2014-009

FILE: 2014-009 QUIN EC.dwg

FOR PERMIT ONLY - NOT FOR CONSTRUCTION



- NOTES:**
- ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH MHDSS, TOWN ORDINANCES, REQUIREMENTS, AND SPECIFICATIONS.
 - THE CONTRACTOR SHALL CONTACT THE ENGINEER TO SCHEDULE A PRE-CONSTRUCTION MEETING AT LEAST TWO (2) WEEKS PRIOR TO COMMENCING CONSTRUCTION.
 - THE CONTRACTOR SHALL MAKE SUBMITTALS TO THE ENGINEER FOR APPROVAL BEFORE ANY FABRICATION OR DELIVERY OF PRODUCTS OR MATERIALS.
 - ALL PROPOSED WALKWAYS WILL BE HANDICAPPED ACCESSIBLE WHERE REQUIRED. ALL PROPOSED RUNNING SLOPES ON WALKWAYS SHALL BE LESS THAN 5%, ALL CROSS SLOPES AND ALL LANDING SLOPES SHALL BE LESS THAN 2%. RAMPS WHERE NEEDED SHALL HAVE SLOPES LESS THAN 8%. RAILINGS SHALL BE PER ARCHITECT. THESE ARE MAXIMUM SLOPES WITH NO TOLERANCE. ALL WORK WILL BE IN ACCORDANCE WITH THE MOST CURRENT REQUIREMENTS OF THE U.S. ACCESS BOARD, AMERICANS WITH DISABILITIES ACT & COMMONWEALTH OF MASSACHUSETTS, ARCHITECTURAL ACCESS BOARD.
 - CONTRACTOR SHALL CONFIRM AND PROVIDE ALL LANDINGS OUTSIDE OF DOORWAYS, AT THE TOP AND BOTTOM OF STEPS, AND AT TOP AND BOTTOM OF RAMPS, TO BE CONSTRUCTED SO THE LANDING IS 5 FT X 5 FT MIN. (UON) AND IS LESS THAN A 2% SLOPE IN ALL DIRECTIONS ON THE LANDING. THE CONTRACTOR SHALL VERIFY THE LANDING CONDITIONS IN THE FIELD AND CONTACT THE SITE ENGINEER WITH ANY QUESTIONS PRIOR TO INSTALLING LANDING.
 - STAIRS REPRESENTED ON THE SITE PLANS DO NOT INDICATE THE EXACT NUMBER OF TREADS AND RISERS NEEDED. THESE WILL VARY BASED ON SPECIFIC FIELD CONDITIONS. THE CONTRACTOR SHALL VERIFY THE CONDITION IN THE FIELD AND DETERMINE TREADS AND RISERS REQUIRED PER THE BUILDING CODE. REFERENCE SHALL BE MADE TO THE ARCHITECTURAL PLANS.
 - THE CONTRACTOR SHALL CONTACT THE SITE ENGINEER AS NEEDED WITH QUESTIONS REGARDING SPECIFIC TREADS AND RISERS PRIOR TO INSTALLING THE STAIRS.
 - DEMOLISH/REMOVE ALL EXISTING STRUCTURES, FOUNDATIONS, CONCRETE PADS, FENCES AND APPURTENANT ITEMS UNLESS OTHERWISE NOTED TO SAVE, SALVAGE OR RESET.
 - EXISTING PAVING EDGES SHALL BE SAWCUT TO CREATE A CLEAN EDGE WHERE IT IS TO BE TIED INTO NEW PAVING, OR WHERE ASPHALT IS REMOVED ADJACENT TO ASPHALT WHICH IS TO REMAIN. BROKEN OR UNSTABLE PAVEMENT SHALL BE REMOVED AND SUBBASE REPLACED WITH SUITABLE COMPACTED MATERIAL PER PAVEMENT SECTION DETAIL HEREIN. ANY SAWCUT LINES SHOWN ON THE PLANS ARE APPROXIMATE ONLY. THE EXACT EDGE OF SAWCUT SHALL BE DETERMINED BY THE CONTRACTOR IN THE FIELD TO PROPERLY BLEND TO THE SURROUNDING GRADES. PROPOSED ASPHALT SHALL BE PROPERLY BUTTED AND BLENDED TO SURROUNDING ASPHALT WHICH IS TO REMAIN. THE BLENDED TRANSITION BETWEEN PROPOSED AND EXISTING ASPHALT SHALL BE WITH AN APPROXIMATE 1.5% GRADE UNLESS OTHERWISE IDENTIFIED. THE JOINT SHALL NOT BE ABRUPT.
 - THE PROPERTY LINE INFORMATION SHOWN HEREIN/HEREON IS PER THE PROPERTY LINES SET BY THE REGISTERED PROFESSIONAL LAND SURVEYOR (PLS) AS SHOWN ON THE CERTIFIED PLAT AS SEALED BY THE PLS WITHIN THIS PLAN SET. THE PROPERTY LINE AND SURVEY INFORMATION WAS COMMISSIONED AS PART OF THE PROJECT AND IS SHOWN AS BACKGROUND INFORMATION ON THE DESIGN PLANS. SETBACKS SHOWN ARE TO THE PROPERTY LINE SET BY THE PLS. DIMENSIONS SHOWN ARE TO OUTSIDE FACE OF FOUNDATION OR TO THE FACE OF CURB/BERM WHERE APPLICABLE.
 - ALL CURBING SHALL BE INSTALLED SO THAT WHEN A TERMINAL END OF A CURB EXISTS IT SHALL HAVE A TAPERED END PER MDOT SPECIFICATIONS SO THAT THERE IS NOT A BLUNT SQUARE END PROJECTING.
 - THE CONTRACTOR SHALL NOTIFY AND COORDINATE A SITE MEETING WITH THE ENGINEER PRIOR TO PLACING FINAL PAVING COURSE. LAYOUT AND FINAL REQUIRED DIMENSIONS ARE TO BE REVIEWED AT THIS MEETING PRIOR TO PAVING OPERATION. REQUIREMENTS SHALL BE PER MASSDOT STANDARD SPECIFICATIONS.
 - SITE LIGHTING - SEE ELECTRICAL DRAWINGS IN ARCHITECTURAL PLAN PACKAGE FOR DETAILED INFORMATION.
 - ALL WORK WITHIN THESE PLANS SHALL BE PERFORMED AND PROVIDED BY THE CONTRACTOR IN ACCORDANCE WITH THE CONSTRUCTION DETAILS PROVIDED IN THIS PLAN SET WHETHER OR NOT THE DETAIL NUMBER IS SPECIFICALLY REFERENCED.

ZONING TABLE		
ZONING DISTRICT(S): R3*	PROPOSED USE:	
OVERLAY DISTRICTS: NONE	12 DETACHED SINGLE FAM. RESIDENTIAL UNITS	
ALLOWED USE: SINGLE FAMILY RES.	TYPICAL UNIT FOOTPRINT:	
EXIST USE: SINGLE-FAMILY RES.	BUILDING = 1,802 SF	
	REAR DECK = 309 SF	
	FREE STANDING GARAGE = 288 SF	
	TOTAL FOOTPRINT/UNIT = 2,407 SF	
EXIST BLDGS FOOTPRINT=3,873 SF	PROP TOTAL SITE BLDG FOOTPRINT = 28,884 SF	
EXIST BUILDING TO BE DEMOLISHED		
TOTAL PARCEL AREA: 220,650 SF TOTAL (UPLAND-152,288± SF; WETLAND-68,362 SF)		
LOT AREA:	REQUIRED/ALLOWED	PROPOSED
FRONTAGE:	40,000 SF (UPLAND)	152,288 SF
BUILDING SETBACKS*	150 FT	658 FT
FRONT SETBACK	40 FT	67 FT±
SIDE SETBACK	15 FT*	N/A INTERIOR LOT LINE
REAR SETBACK	15 FT*	N/A INTERIOR LOT LINE
PARKING SETBACK TO ADJUTER LOTS	10 FT	N/A
MAX. BLDG. HEIGHT (STORIES)	2.5 STORIES / 35 FT	2 STORIES/30.7 FT
MAX. LOT COVERAGE (STRUCTURES):	20%*	N/A PER WILLOWBEND SPECIAL PERMIT (19.0%)
MAX. LAWN AREA	35% (77,228 SF)	20.0% (44,040 SF)
- ASSUMES 2,000 SF LAWN PER UNIT		
- ASSUMES 20,040 SF VILLAGE GREEN		
(TOTAL LAWN AREA/TOTAL LOT AREA)		
PARKING TABLE		
SINGLE FAMILY = 2 PER UNIT x 12 UNITS	24 SPACES	24 SPACES
(1 GARAGE AND 1 DRIVEWAY SPACE)		
PARKING STALL SIZE - 90'	19.33' x 9'	19.33' x 9'
DESIGN VEHICLE		AERIAL LADDER
*PROPOSED BUILDING REQUIREMENTS TO BE PER WILLOWBEND SPECIAL PERMIT MODIFICATION		

SIGN SUMMARY				
M.U.T.C.D. NUMBER	SPECIFICATION	TEXT/ GRAPHIC	QUAN.	
	WIDTH	HEIGHT		
FIRE LANE SIGN ("F.L.S.")	12"	18"		3
R1-1	24"	24"		1
W11-2	24"	24"		2
W16-9P	24"	18"		2
W11A-2	24"	24"		2

ALL SIGNAGE MUST BE IN CONFORMANCE WITH THE FEDERAL HIGHWAY ADMINISTRATION "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" (MUTCD), LATEST EDITION, ALL APPLICABLE CODES, AND LOCAL REQUIREMENTS, ORDINANCES, AND BYLAWS. SEE SIGN INSTALLATION DETAIL HEREIN.

SIGN INSTALLER SHALL COORDINATE SPECIFIC SIGN WORDING AND COLOR REQUIREMENTS WITH LOCAL AGENCIES AS NECESSARY (NOTE TO CONTRACTOR TO VERIFY HANDICAP PARKING SIGN FORMAT - SEE DETAIL HEREIN)

* ADD "VAN ACCESSIBLE" SIGN WHERE ASTERISKED

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CONSULTANT

CONSULTANT

PREPARED FOR:

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

PROJECT TITLE

**Cranberry Point
275 Quinquisset Avenue
Mashpee, MA 02649**

SHEET TITLE

Master Layout Plan

SHEET NO

C3.0

DATE: JANUARY 16, 2023

30 0 30 60

SCALE IN FEET

SCALE: 1"=30'

DRAWN BY: JKL CHECKED BY: MWE

JOB NO: 2014-009 FILE: 2014-009QUINQUISMST.dwg






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PROJECT TITLE
Cranberry Point
275 Quinaquisset Avenue
Mashpee, MA 02649

	JKL	10/13/2023	REVISE GRADING/STORMWATER MGMT
	ZDP	5/23/2023	CONSERVATION UPDATE
	ZDP	5/1/2023	CONSERVATION UPDATE
	JKL	4/28/2023	PER PLANNING BOARD COMMENTS
	JKL	3/24/2023	PER PLANNING BOARD COMMENTS
		DATE	DESCRIPTION

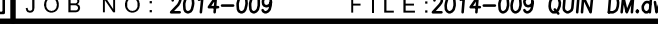
DATE: JANUARY 16, 2023

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JKL	3/24/2023	PER PLANNING BOARD COMMENTS

DATE	DESCRIPTION
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SHEET TITLE

Sight Distance Plan

SHEET NO

C3.3

DATE: JANUARY 16, 2023

30 0 30 60

SCALE IN FEET

SCALE: 1"=30'

DRAWN BY: JKL CHECKED BY: MWE

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	JKL	3/24/2023	PER PLANNING BOARD COMMENTS
	DATE		DESCRIPTION

Truck Turning Template Plan

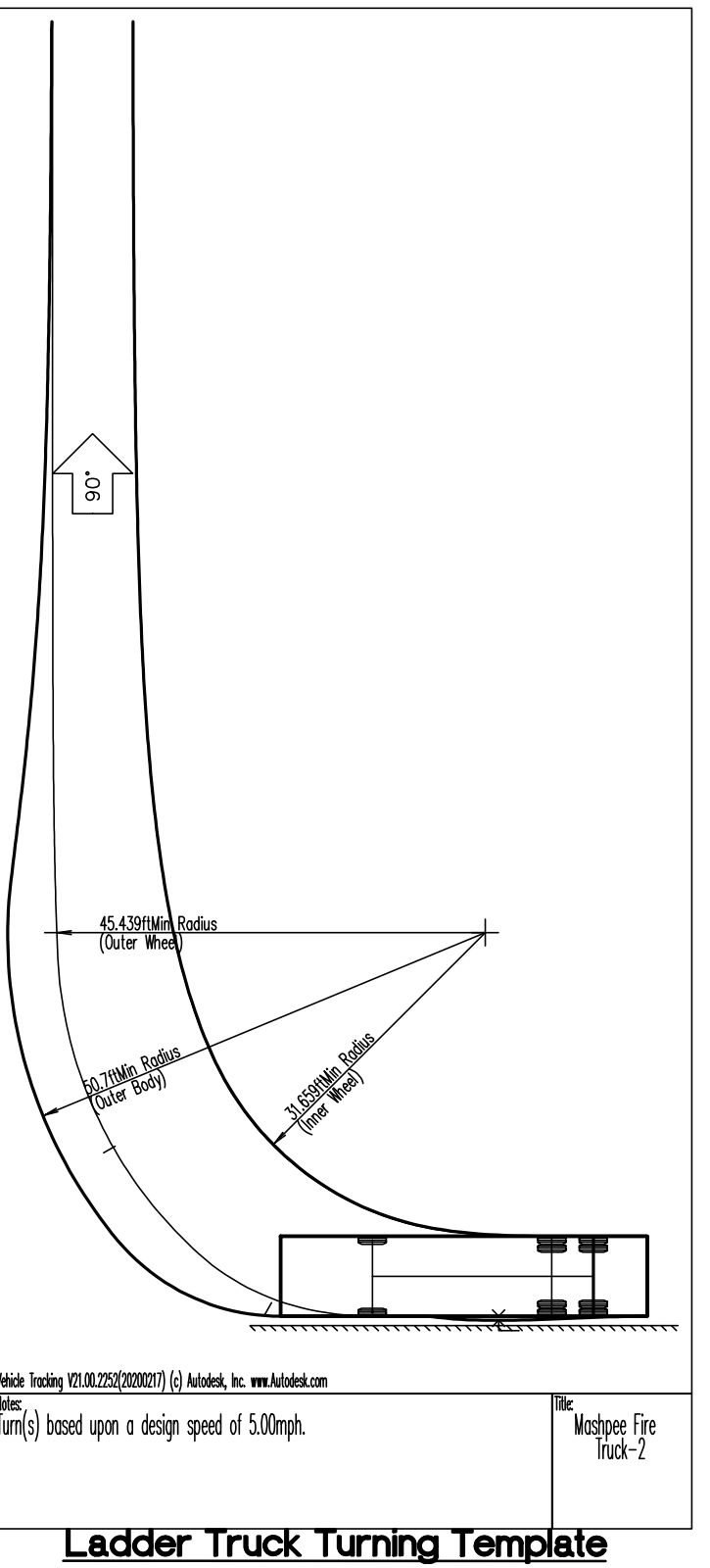
C3.4

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JKL 3/24/2023	PER PLANNING BOARD COMMENTS

SHEET TITLE

**Grading &
Drainage Plan -
Sheet 1 of 2**

SHEET NO

C4.0

DATE: JANUARY 16, 2023

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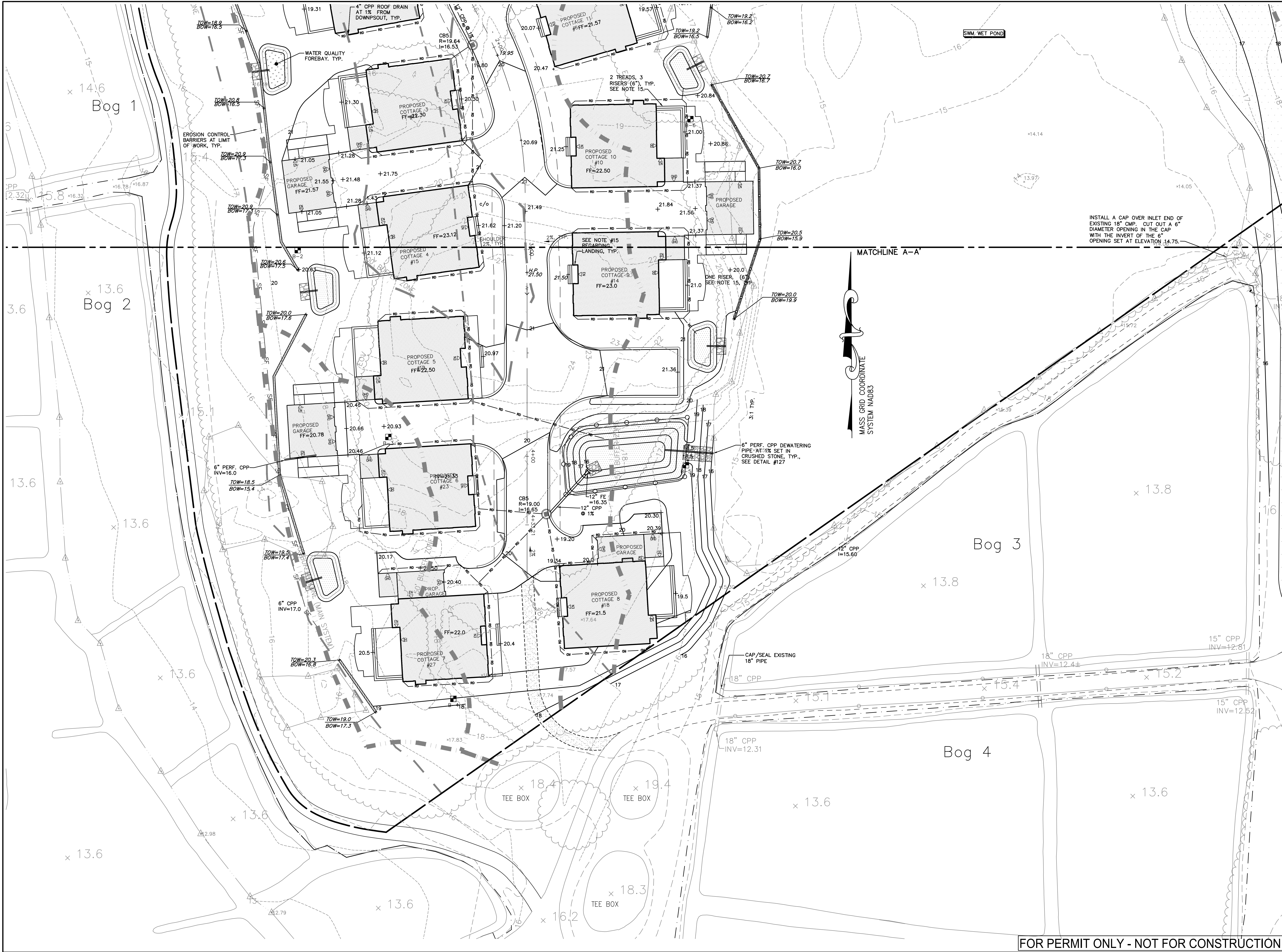
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SCALE: 1"=20'

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JOB NO: 2014-009 FILE: 2014-009 QUIN GD.dwg

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SHEET TITLE

**Grading &
Drainage Plan -
Sheet 2 of 2**

SHEET NO

C4.1

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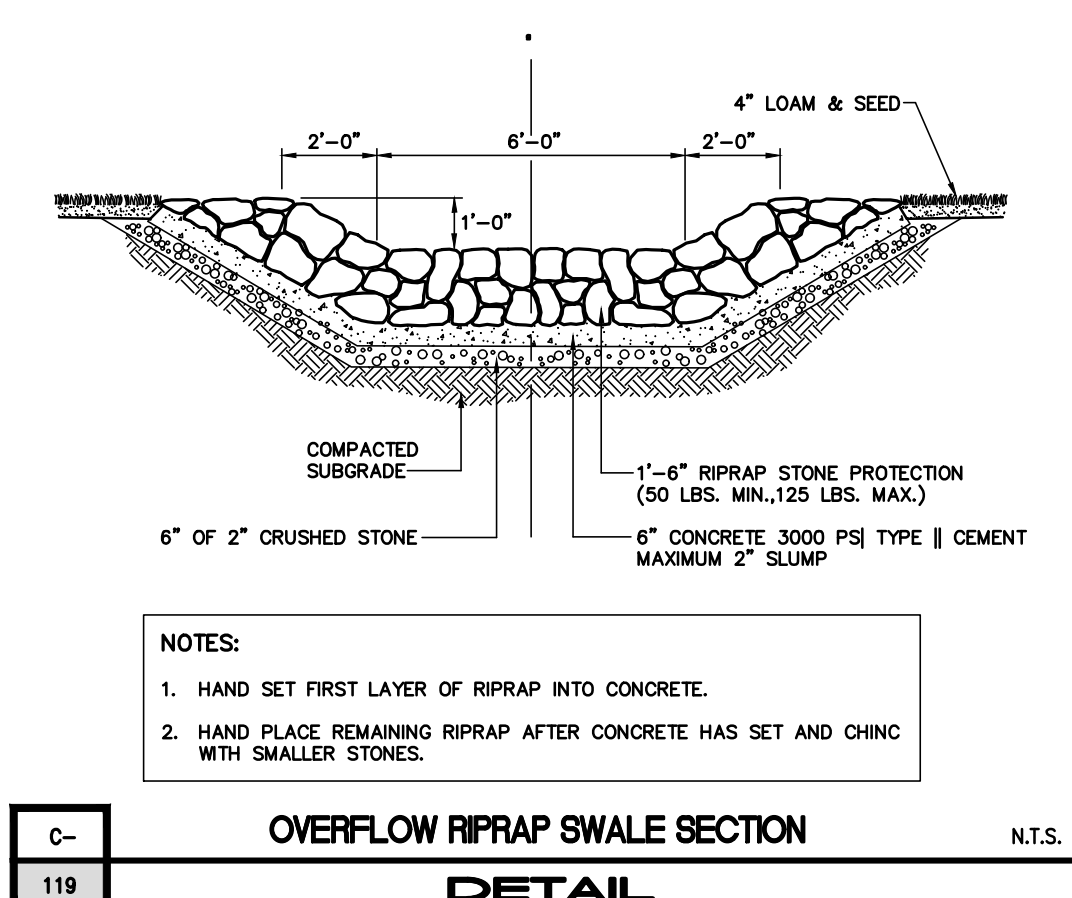
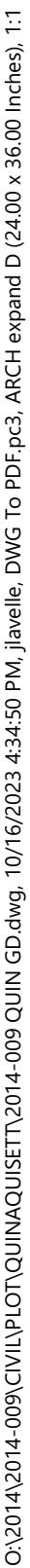
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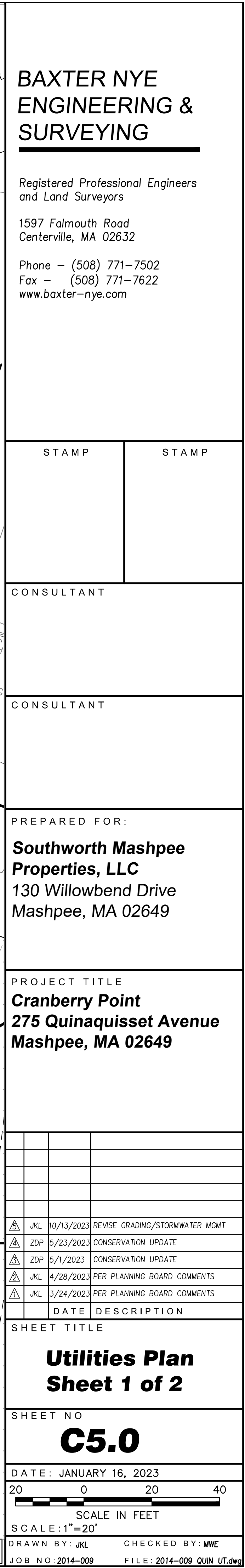
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FILE: 2014-009 QUIN GD.dwg

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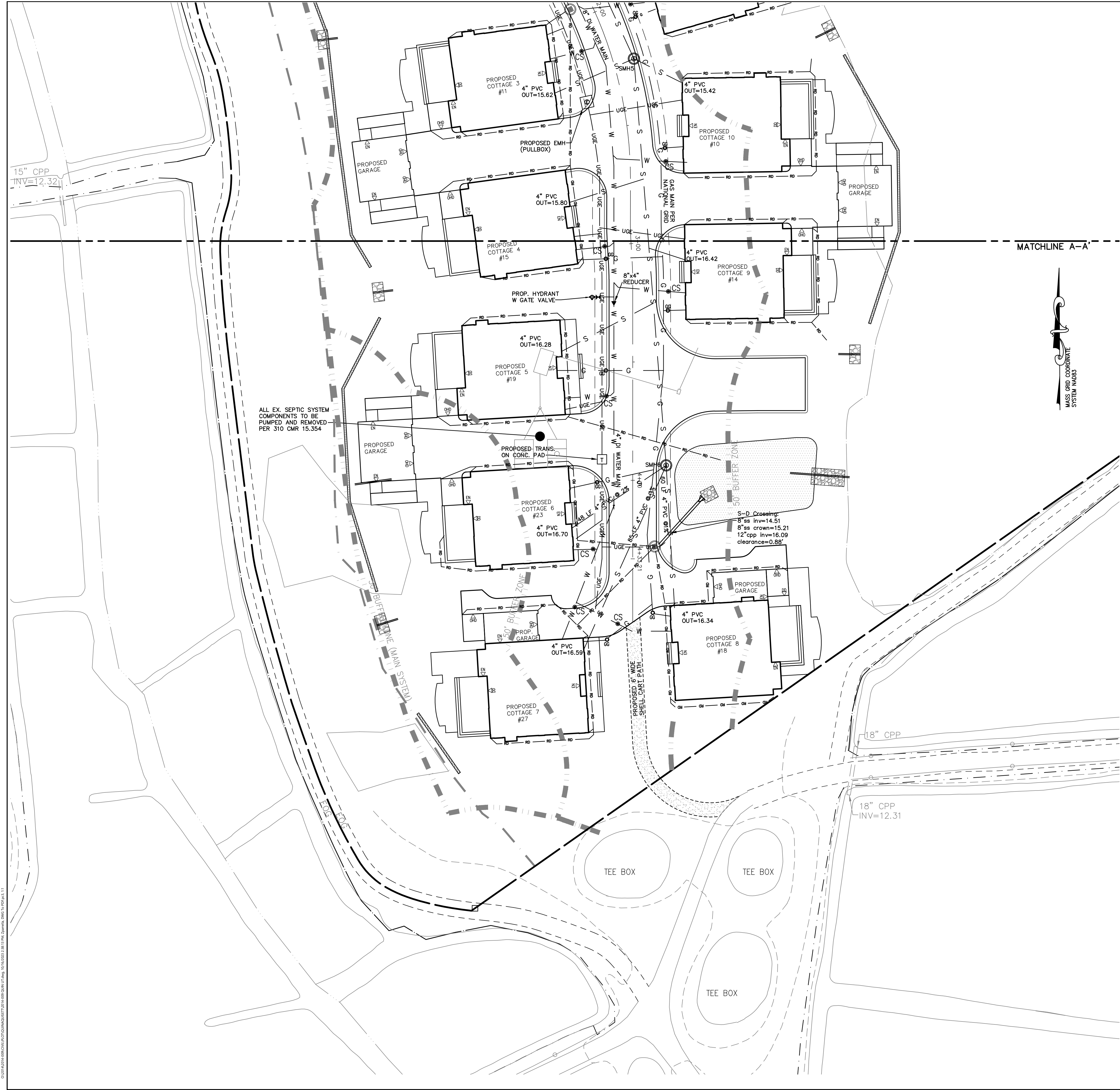


JOB NO: 2014-000



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UTILITY NOTES:

1. CAUTION: THE CONTRACTOR SHALL CONTACT DIG SAFE (AT 1-888-DIG-SAFE) AND UTILITY COMPANIES TO LOCATE ALL EXISTING UTILITIES, AT LEAST 72 HOURS PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION, BOTH HORIZONTALLY AND VERTICALLY, OF ALL EXISTING UTILITIES BEFORE THE START OF ANY WORK. THE LOCATION OF EXISTING UNDERGROUND SYSTEMS, INFRASTRUCTURE, UTILITIES, CONDUITS AND LINES ARE SHOWN IN AN APPROXIMATE WAY ONLY, MAY NOT BE LIMITED TO THOSE SHOWN HEREIN AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER, THE ENGINEER, OR ITS REPRESENTATIVE. THE CONTRACTOR AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO LOCATE SAID SYSTEMS, INFRASTRUCTURE AND UTILITIES EXACTLY. IF ELEVATION INFORMATION DIFFERS FROM PLAN INFORMATION, THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY FOR POSSIBLE REDESIGN. AT UTILITY CROSSINGS, VERIFY IN FIELD THE LOCATION AND INVERTS OF WATER, ELECTRIC, GAS, TELEPHONE & DATA/COMM AND RELOCATE IF CONFLICTING WITH PROPOSED INVERTS PER THE ENGINEER'S DIRECTION. THE CONTRACTOR SHALL PRESERVE ALL UNDERGROUND SYSTEMS, INFRASTRUCTURE AND UTILITIES AS REQUIRED.
2. 12" MINIMUM VERTICAL CLEARANCE SHALL BE MAINTAINED BETWEEN ALL UTILITY CROSSINGS.
3. A MINIMUM 10' HORIZONTAL SEPARATION SHALL BE MAINTAINED BETWEEN WATER AND SEWER LINES. WHERE WATER LINES CROSS SEWER LINES, THE SEWER LINE SHALL BE LOCATED WITH A MINIMUM VERTICAL CLEARANCE OF 18" BELOW THE WATER LINE. THE SEWER LINE JOINTS SHALL BE LOCATED EQUIDISTANT AND AS FAR AWAY FROM THE WATER LINE AS POSSIBLE. WHEN IT IS IMPOSSIBLE TO ACHIEVE HORIZONTAL AND/OR VERTICAL SEPARATION AS STIPULATED ABOVE, BOTH THE WATER LINE AND SEWER LINE AT THE CROSSING LOCATION SHALL BE CONSTRUCTED OF MECHANICAL JOINT CEMENT-LINED DUCTILE IRON PIPE FOR ONE FULL 20' PIPE LENGTH OR ANOTHER EQUIVALENT THAT IS WATERTIGHT AND STRUCTURALLY SOUND. THE JOINTS FOR BOTH PIPES SHALL BE LOCATED AS FAR AWAY FROM THE CROSSING AS POSSIBLE. BOTH PIPES SHOULD BE PRESSURE TESTED TO 150 PSI TO ENSURE THAT THEY ARE WATERTIGHT.
4. SEWER MAINS TO BE 8" MIN. SDR-35 PVC WITH A MIN. SLOPE OF 0.50% UNLESS OTHERWISE NOTED. SEWER MAINS AND SEWER FORCE MAINS TYPICAL COVER OVER SEWER LINE SHALL BE 6'. IF LESS THAN 4' OF COVER IS PROVIDED, INSULATE SEWER LINE AGAINST FREEZING IN ACCORDANCE WITH DETAIL #205 OR EQUAL.
5. RESIDENTIAL SEWER BUILDING CONNECTIONS SHALL BE 4" MIN. SCHEDULE 40 PVC, U.O.N., AT A MIN. SLOPE OF 1% U.O.N. INSTALL A CLEANOUT ON EACH SERVICE LINE AT DISTANCE OF 10'± (U.O.N.) OFF THE FOUNDATION, AT A CHANGE OF HORIZONTAL DIRECTION GREATER THAN 45° OR WHERE MORE THAN ONE CHANGE OF HORIZONTAL DIRECTION GREATER THAN 45° OCCURS WITHIN 40 FEET. CLEANOUTS SHOULD BE LOCATED AT INTERVALS OF NOT MORE THAN 100 FEET.
6. ALL WATERLINE MATERIALS AND WORKMANSHIP TO CONFORM TO THE RULES, REGULATIONS AND SPECIFICATIONS OF THE MASHPEE WATER DISTRICT AS AMENDED TO PRESENT. WATER DISTRICT HAS AUTHORITY TO AMEND PLANS. IF ANY CONFLICTS WITH THE CONTRACT DOCUMENT OCCUR THE HIGHER STANDARD SHALL APPLY. THE WRITTEN SPECIFICATIONS OF THE MASHPEE WATER DISTRICT ARE HEREBY INCLUDED BY REFERENCE AND CONSIDERED A PART OF THE CONTRACT DOCUMENTS. ALL WATER LINE ABANDONMENT SHALL BE DONE AT THE WATER MAIN, NOT LEAVING A STUB LINE, UNLESS OTHERWISE APPROVED BY THE WATER DISTRICT.
7. WATER MAINS TO BE CEMENT LINED DUCTILE IRON PIPE CLASS 52, U.O.N. ALL CONSTRUCTION METHODS AND MATERIALS SHALL BE AS REQUIRED BY, AND IN ACCORDANCE WITH THE LOCAL WATER DEPARTMENT AND APPLICABLE AWWA SPECIFICATIONS. DOMESTIC SERVICE TO BE 200 PSI CTS PLASTIC LINE U.O.N., TO DIVISION SPECIFICATIONS SLEEVED WHERE REQUIRED.
8. GATE VALVES SHALL BE MUELLER ONLY. IRON BODY, BRONZE MOUNTED, DOUBLE DISC, WITH TWO INCH OPERATING NUT WITH MECHANICAL JOINT HUBS. GATE VALVES SHALL CONFORM IN EVERY RESPECT TO ALL APPLICABLE AWWA STANDARDS. VALVES SHALL BE DESIGNED FOR 200 PSI WORKING AND 300 PSI TEST PRESSURE AND SHALL OPEN LEFT.
9. VALVES SHALL ALSO CONFORM TO THE SPECIFICATIONS OF THE AWWA AS TO SIZE STEM, PITCH OF THREAD, GASKET SEATING AREA SHALL BE FULLY MACHINED TO THE FIXED DIMENSIONS AND TOLERANCES AS PER AWWA SPECIFICATIONS. ALL VALVES SHALL BE PROVIDED WITH "O" RINGS. THE DESIGN OF THE VALVE SHALL BE SUCH THAT THE SEAL PLATE CAN BE FITTED WITH NEW "O" RINGS WHILE THE VALVE IS UNDER PRESSURE IN THE FULLY OPEN POSITION.
10. VALVE BOXES AND CURB BOXES SHALL BE BUFFALO OR PIONEER AND SHALL BE FURNISHED AND INSTALLED FOR ALL VALVES. THEY SHALL BE CAST IRON VAS COATED, SLIDING TYPE ADJUSTABLE VALVE BOXES TOGETHER WITH CAST IRON COVERS. SEE WATER DIVISION REGULATIONS.
11. TYPICAL COVER OVER WATER LINE SHALL BE 5'. IF LESS THAN 4' OF COVER IS PROVIDED, INSULATE WATER LINE AGAINST FREEZING IN ACCORDANCE WITH DETAIL #205 OR EQUAL.
12. WATERLINE INSTALLATION REQUIRES TIE ROD RESTRAINED JOINTS TO BE USED AT ALL BENDS, ENDS OF LINE, VALVES AND FIRE HYDRANTS PER WATER DISTRICT REQUIREMENTS. RESTRAINED JOINTS TO BE INSTALLED PER WATER DISTRICT REQUIREMENTS.
13. IF RESTRAINED JOINTS CAN'T BE USED DUE TO PHYSICAL CONSTRAINTS, ONLY AS SPECIFICALLY APPROVED BY THE WATER DISTRICT, THRUST BLOCKS TO BE INSTALLED AT ALL BENDS, ENDS OF LINE, VALVES AND FIRE HYDRANTS IN ACCORDANCE DETAIL #301. CONCRETE THRUST BLOCKS AS REQUIRED, CONCRETE SHALL BE 1 PART CEMENT TO 2 PARTS SAND AND 4 PARTS COARSE AGGREGATE. CONCRETE CLASS "C" WITH A 28 DAY COMPRESSION STRENGTH OF 2000 PSI MINIMUM AGGREGATE SIZE OF 1-1/2". THRUST BLOCKS SIZED PER SPECIFICATIONS. ALTERNATELY PRECAST THRUST BLOCKS TO DISTRICT SPECIFICATIONS MAY BE UTILIZED WITH CARE SHALL BE TAKEN TO ENSURE THAT ALL CONCRETE THRUST BLOCKS BEAR AGAINST UNDISTURBED TRENCH WALLS AND NOT TO ENCASE FLANGES AND BOLTS ON MECHANICAL JOINT FITTINGS. WHERE UNSUITABLE BEARING MATERIAL IS ENCOUNTERED, EXCAVATE AND PLACE SUFFICIENT CONCRETE BALLAST TO OFFSET THE ANTICIPATED THRUSTS.
14. MASHPEE WATER DISTRICT APPROVED WATER SUBCONTRACTOR AND THIRD PARTY INSPECTOR REQUIRED. COST OF THE INSPECTOR SHALL BE BORN BY THE CONTRACTOR/WATER SUBCONTRACTOR.
15. GAS, ELECTRIC, DATA/COM IS SHOWN SCHEMATICALLY HEREON. ALL LABOR, WORK, EQUIPMENT AND MATERIALS FOR INSTALLATION OF THESE UTILITIES SHALL BE OWNED AND PERFORMED BY THE CONTRACTOR. UTILITIES SHALL BE INSTALLED WITH A MINIMUM COVER OF 3 FEET U.O.N. OR OTHERWISE DIRECTED BY THE CONTROLLING UTILITY COMPANY. CONTRACTOR SHALL COORDINATE ALL FINAL LAYOUTS AND DETAILS WITH APPLICABLE UTILITY COMPANY.
16. POWER AND COMMUNICATION DUCT BANKS SHALL BE INSTALLED IN ACCORDANCE WITH DETAIL #C-832. WHERE A DESIGN BY THE UTILITY COMPANY OR MEP ENGINEERS ARE PROVIDED, THOSE SHALL SUPERCEDE #C-832.
17. EXTERIOR RESIDENTIAL LIGHTING SHALL BE LOW WATTAGE TYPE AND DIRECTED SO AS TO KEEP ALL LIGHTING WITHIN SUBJECT LOT. SITE LIGHTING USED SHALL BE LOW WATTAGE LED STREET LANTERNS ON 15' MAXIMUM POLE LOCATED ADJACENT TO ROAD SHOULDERS OR WALKWAYS. LIGHTING FIXTURES TO BE FULL 90° CUTOFF ("DARK SKY" COMPLIANT). A FINAL PHOTOMETRIC AND LIGHTING SCHEDULE PLAN SHALL BE PREPARED BY THE ELECTRICAL ENGINEER OR LIGHTING VENDOR.
18. ALL UTILITY CUTS THROUGH EXISTING CONCRETE OR BITUMINOUS CONCRETE PAVED SURFACES SHALL BE SAWCUT. BACK FILLING OF TRENCH SHALL INCLUDE 12" IN DEPTH FLOWABLE FILL TO THE BASE COURSE OF THE SURFACE TREATMENT. THE SURFACE TREATMENT SHALL THEN BE REPLACED IN KIND.
19. SITE CONTRACTOR TO OWN ALL EXCAVATION, TRENCHING, & BACKFILLING FOR ALL UTILITIES AND MISCELLANEOUS WORK INCIDENTAL TO THE SCOPE OF THE PROJECT AND CONTRACT DOCUMENTS. CONTRACTOR SHALL REFER TO MEP AND LANDSCAPE PLANS BY OTHERS FOR ADDITIONAL INFORMATION AS APPLICABLE.
20. ALL WORK WITHIN THESE PLANS SHALL BE PERFORMED AND PROVIDED BY THE CONTRACTOR IN ACCORDANCE WITH THE SPECIFICATIONS REFERENCED AND CONSTRUCTION DETAILS PROVIDED IN THIS PLAN SET WHETHER OR NOT THE DETAIL NUMBER IS SPECIFICALLY REFERENCED.
21. ALL COVERS, CURB BOXES, GRATES, AND OTHER FINISH SURFACES SHALL BE RESET TO THE NEW FINISH GRADE.
22. THE FIRST 10 FEET FROM THE BUILDING FACE FOR STORM DRAIN, SEWER AND WATER PIPING SHALL FOLLOW THE PLUMBING CODE. REFER TO PLUMBING PLANS BY OTHERS AS APPLICABLE.
23. WHERE UTILITIES CALLED OUT TO BE ABANDONED OR REMOVED AS NEEDED, CONTRACTOR SHALL OWN REMOVING ALL TANKS, PIPE AND APPURTENANCES AS NEEDED WHERE WITHIN THE PROPOSED AREA OF WORK.

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Δ	ZDP	5/1/2023	CONSERVATION UPDATE
Δ	JKL	4/28/2023	PER PLANNING BOARD COMMENTS
Δ	JKL	3/24/2023	PER PLANNING BOARD COMMENTS
		DATE	DESCRIPTION

SHEET TITLE
**Utilities Plan
Sheet 2 of 2**

SHEET NO
C5.1

DATE: JANUARY 16, 2023

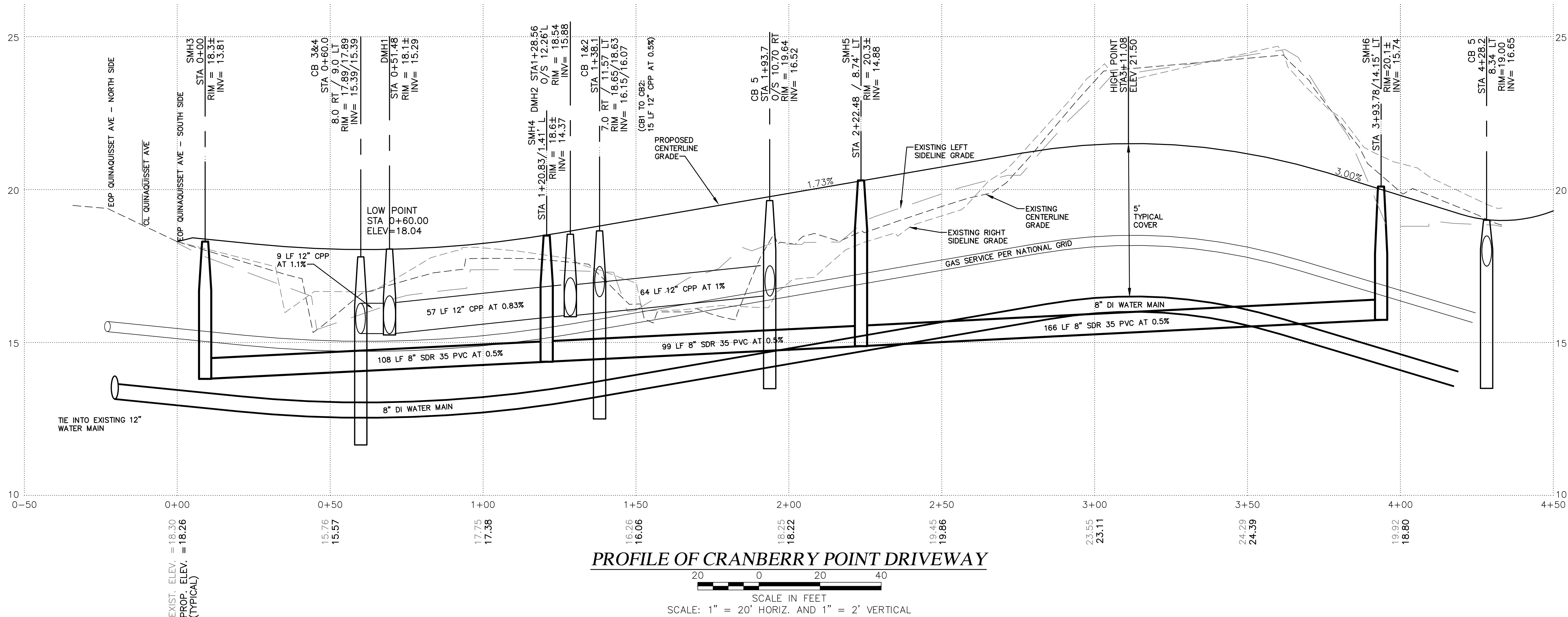
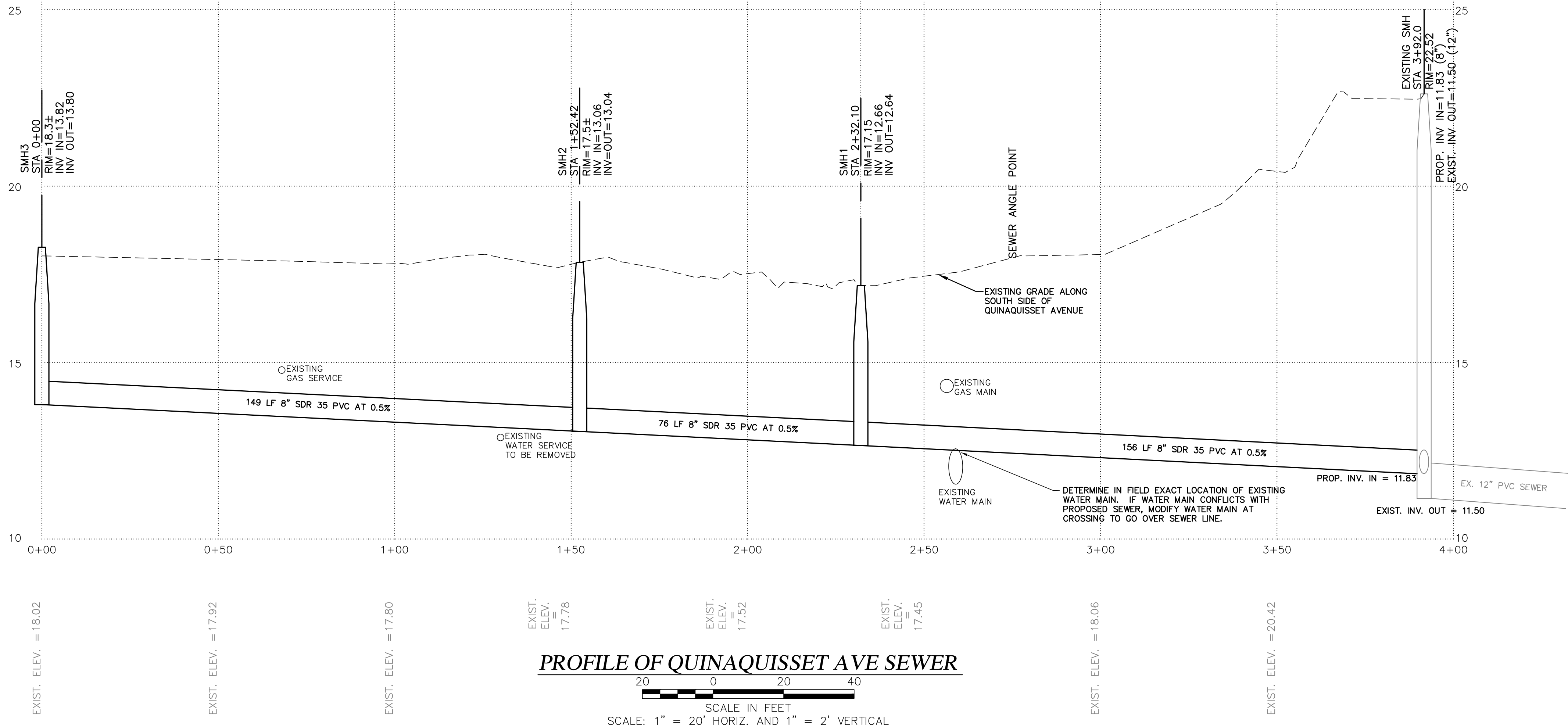


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JOB NO: 2014-009 FILE: 2014-009 QUIN UT.dwg

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3/24/2023	PER PLANNING BOARD COMMENTS

SHEET TITLE

**Driveway and
Utility Profiles**

SHEET NO

C5.2

DATE: JANUARY 16, 2023

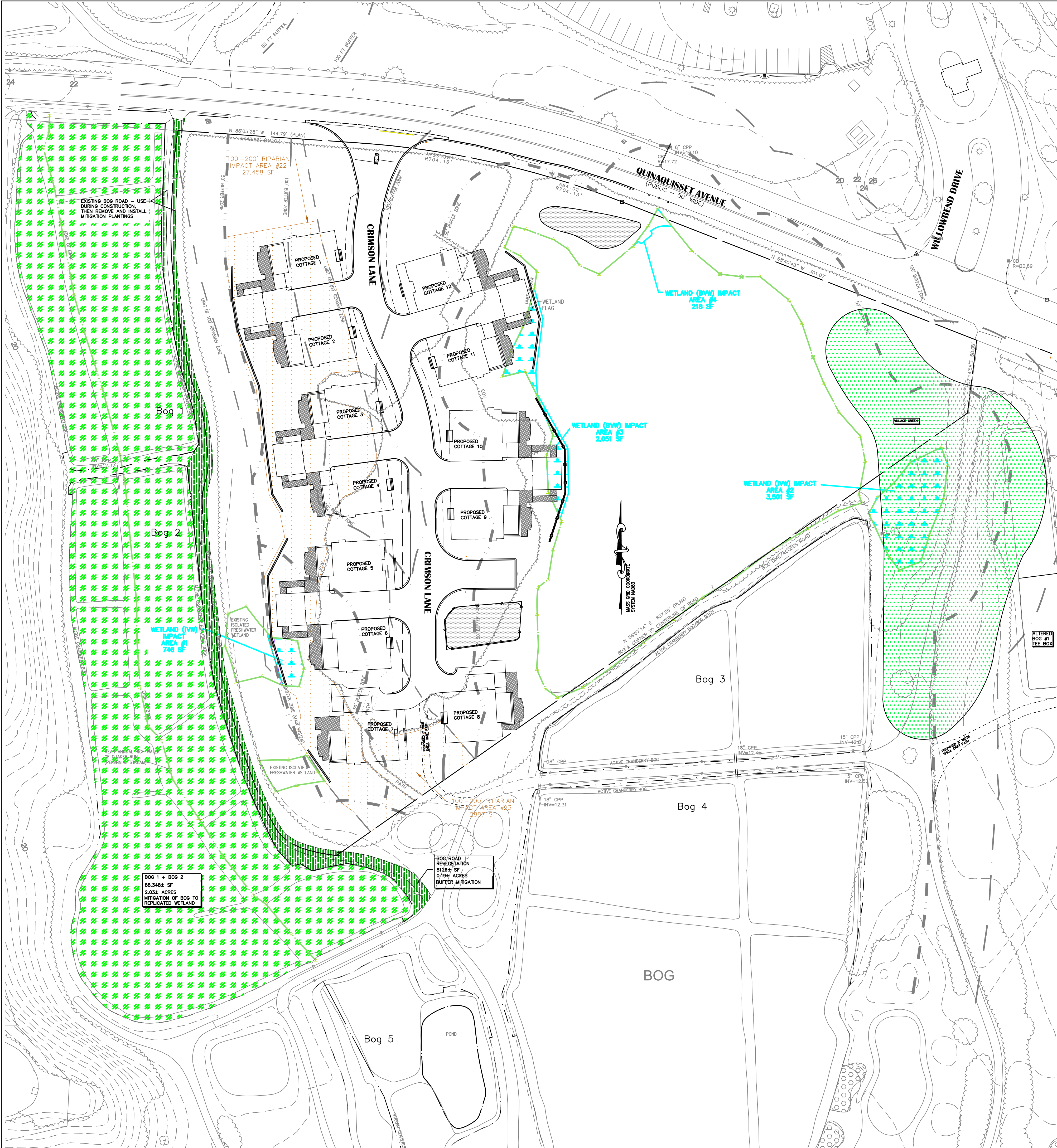
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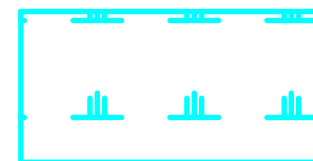
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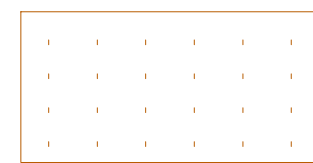


Willowbend - 275 Quinaquisset Ave, Mashpee, MA				Date:	
Job # 2014-009				By: ZDP	
BASED ON EXISTING WETLAND DELINIATION				chkd: MWE 10/13/2023	

SHADING KEY



WETLAND IMPACT



OUTER RIPARIAN' BUFFER IMPACT



BOG TO WETLAND RESTORATION



BOG ROAD REVEGETATION

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DATE DESCRIPTION

SHEET TITLE

**Master
Mitigation Plan**

SHEET NO

C6.0

DATE: JANUARY 16, 2023

40 0 40 80

SCALE IN FEET

SCALE: 1"=40'

DRAWN BY: ZDP CHECKED BY: MWE

JOB NO: 2014-009 FILE: 2014-009QUINMPMASTER

FOR PERMIT ONLY - NOT FOR CONSTRUCTION

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BAXTER NYE
ENGINEERING &
SURVEYING

Registered Professional Engineers
and Land Surveyors

1597 Falmouth Road
Centerville, MA 02632

Phone - (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 Quinacisset Avenue
Mashpee, MA 02649

DATE	DESCRIPTION
JKL 10/13/2023	REVISE GRADING/STORMWATER MGMT
ZDP 5/23/2023	CONSERVATION UPDATE
ZDP 5/1/2023	CONSERVATION UPDATE
JKL 4/28/2023	PER PLANNING BOARD COMMENTS
JKL 3/24/2023	PER PLANNING BOARD COMMENTS

SHEET TITLE

Details Plan

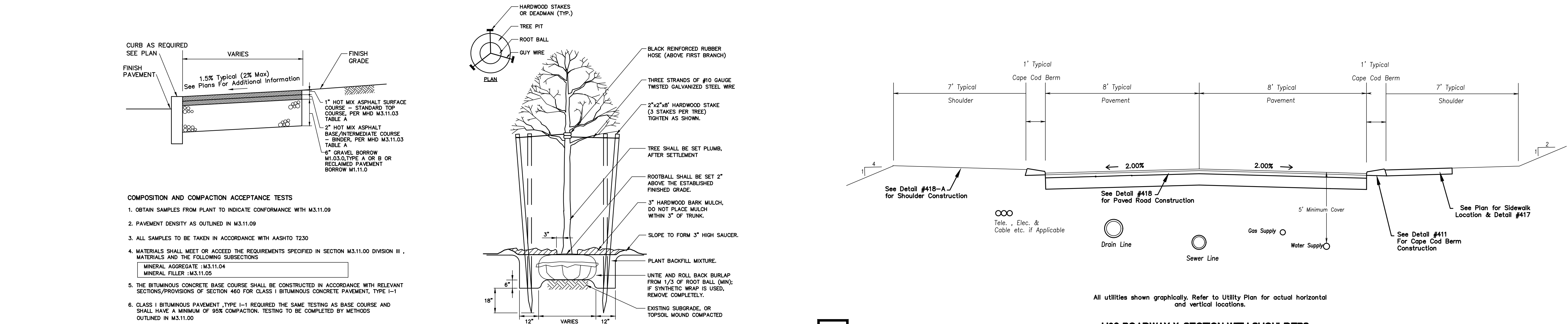
SHEET NO

C7.1

DATE: JANUARY 16, 2023

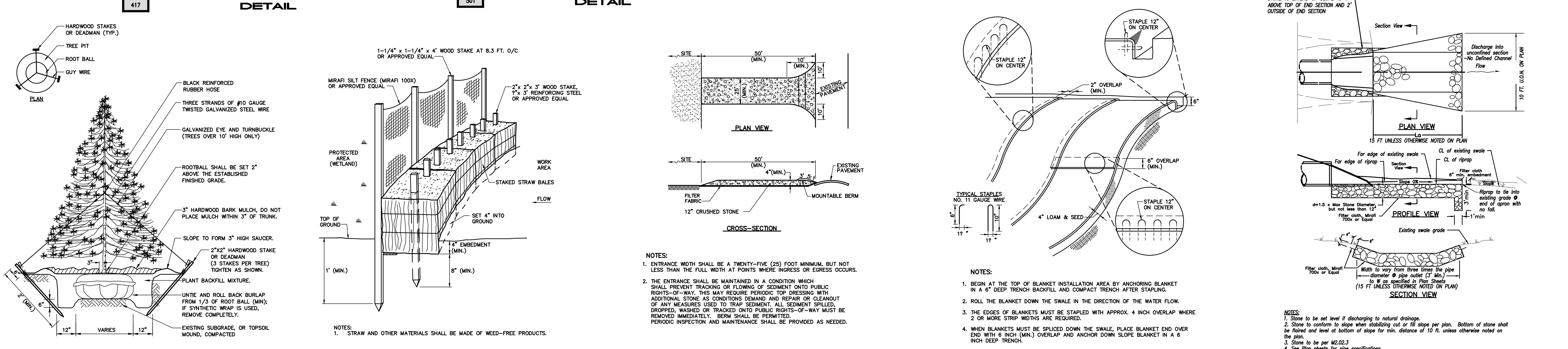
SCALE: NO SCALE

DRAWN BY: JKL CHECKED BY: MWE
JOB NO: 2014-009 FILE: 2014-009 QUN DT.dwg



C-447 BITUMINOUS CONCRETE SIDEWALK DETAIL N.T.S.

C-501 TREE PLANTING (For Trees under 4' caliper) DETAIL N.T.S.



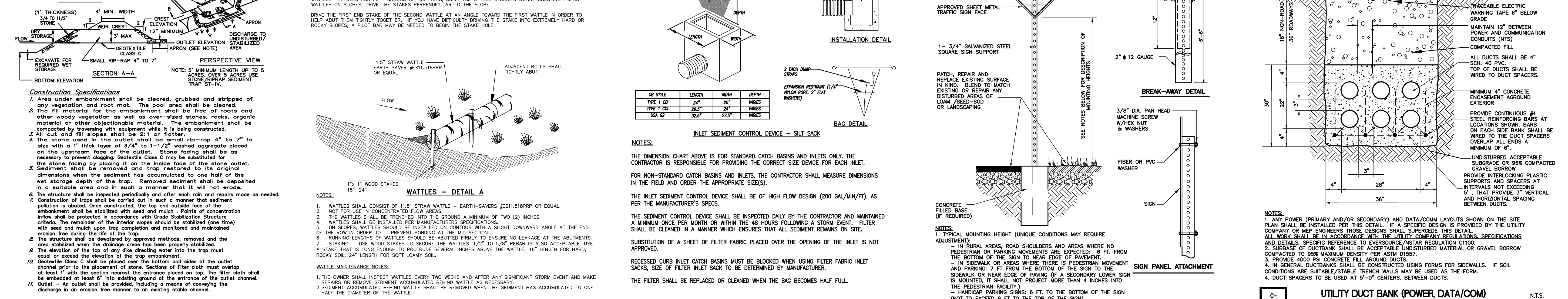
C-503 EVERGREEN TREE PLANTING DETAIL N.T.S.

C-601 SILT FENCE / STRAW BALE BARRIER DETAIL N.T.S.

C-609 STABILIZED CONSTRUCTION EXIT DETAIL N.T.S.

C-608 EROSION CONTROL BLANKET SLOPE INSTALLATION DETAIL N.T.S.

C-613 RIP-RAP OUTLET PROTECTION I DETAIL N.T.S.



C-624 STONE OUTLET SEDIMENT TRAP DETAIL N.T.S.

C-627 WATTLE SEDIMENT BARRIER DETAIL N.T.S.

C-628 SILT SACK DETAIL N.T.S.

C-715 TRAFFIC SIGN POST DETAIL N.T.S.

C-832 UTILITY DUCT BANK (POWER, DATA/COM) DETAIL N.T.S.

FOR PERMIT ONLY - NOT FOR CONSTRUCTION

PHN 7:20 PM: WILLOWBEND PERMIT AREA



Town of Mashpee

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

Mashpee Planning Board Public Hearing Notice

Pursuant to Massachusetts General Laws, Chapter 40A Section 11 and the Town of Mashpee Zoning Bylaws Section 174-24(C)(9), the Mashpee Planning Board will hold a public hearing on Wednesday, June 21, 2023 at 7:20 PM at the Mashpee Town Hall, 16 Great Neck Road North, to consider an application from Southworth Mashpee Properties LLC, property owner, to modify the Willowbend Country Club Special Permit. This application requests that the existing condition in the November 1991 Special Permit modification decision affirming the limit of the total number of bedrooms within the Willowbend project area to 853 be amended

Submitted by:

Mary E. Waygan
Mashpee Planning Board

Publication dates: Friday, June 2, 2023
 Friday, June 9, 2023

Date: October 18, 2023
To: Mashpee Planning Board
From: Karen Faulkner, Chair
Re: Report of August 22, 2023 Zoom Meeting

On July 21, 2023 Attorney for Southworth Mashpee Properties, LLC, Donald Pinto, Jr. wrote our Town Counsel a letter stating their legal position with respect to issues related to the Willowbend Special Permit Modification and challenges the Town could encounter. Essentially, the letter was threatening litigation against our Town. At the behest of our Town Counsel, Patrick Costello, I was asked to participate in a Zoom meeting with Town Planner, Evan Lehrer, attorney Donald Pinto, Jr., representing Southworth Mashpee Properties, LLC, attorney Jack McElhinney, local counsel for Southworth Mashpee Properties, LLC and Troy Miller, Chief Development Officer for Southworth Mashpee Properties, LLC. Town Counsel's purpose for calling this Zoom meeting was to make Town Planner and me aware of the legal issues Don Pinto was challenging. Further, Town Counsel wanted Town Planner to request an executive session of the Planning Board to discuss the strengths and weaknesses of various legal arguments, as well as legal strategies to protect the Town's interests.

To the best of my recollection, the following is a recitation of what was said during the Zoom meeting:

1. Attorney Pinto outlined his legal arguments as per his July 31, 2023 letter to Town Counsel, copy of letter attached.
2. Town Counsel then responded as to the legitimacy of the bedroom cap as a density limitation as a function of zoning, which was the purpose and intent of the original 1991 permit as issued by the Planning Board at that time.
3. Town Planner summarized the estimate of the existing number of bedrooms as well as the projections for new bedrooms based on open building permits and planned units.
4. Town Planner opined that he did not think the Planning Board would be comfortable modifying the bedroom count solely on the Wastewater Treatment Plant capacity.
5. I affirmed Town Counsel's interpretation of the 853 bedroom cap as a density limitation as a function of zoning.
6. Attorney Jack McElhinney and Troy Miller both spoke, but I do not recall them saying anything substantive.
7. No negotiations took place.
8. Nothing resulting from the August 22nd Zoom meeting has biased my understanding of Southworth's application and my duty to act impartially.

Enclosure: Donald Pinto, Jr. letter of July 31, 2023

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.

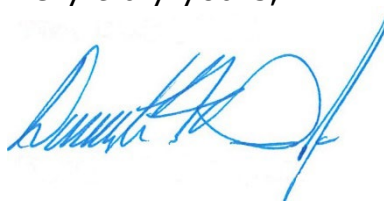
Even if the 853-bedroom figure was enforceable as a cap in 1991, as a result of the Planning Board's consistent conduct over a span of more than 30 years and Southworth's reasonable, good-faith reliance on the Board's non-enforcement of that provision, I believe a court presented with all the facts will 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.

"Preserving public trust and providing professional services"



Rodney C. Collins
Town Manager
508-539-1401
rccollins@mashpeema.gov

Office of the Town Manager
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649

September 21, 2023

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

Dear Madam Chair:

It has been brought to my attention that a letter addressed to Town Counsel has been questioned. The letter was dated July 31, 2023 and was addressed to Town Counsel. The letter (See attached) was sent by Attorney Donald R. Pinto, Jr. and referenced the Willowbend Special Permit Modification. Attorney Pinto represents Southworth Mashpee Properties, LLC. I was made aware of the letter on July 31, 2023 via email. (See attached)

A zoom meeting was arranged for August 22nd between the Town Planner, yourself, Town Counsel and Attorney Pinto. Town Counsel understood the matter in question involved a public hearing that had been continued. My understanding is Town Counsel wanted to make you and the Town Planner aware of legal aspects, especially regarding the issues that may be challenged. Town Counsel further wanted to formally request an executive session with the entire Planning Board for the purposes of discussing the strengths and weaknesses of legal arguments, as well as legal strategy in protecting the Town's interests.

Town Counsel expected the possibility of an executive session to be discussed at your September 6th meeting. However, it was not placed on the agenda for the September 6th meeting and so the matter lingered. On September 20, 2023, the Planning Board met and as I understand it, have no appetite for an executive session without a written explanation from Town Counsel to justify such action. I have further received an email from Planning Board member Mary Waygan, expressing concerns about any ex-parte communications. I trust that Town Counsel's actions were legal and in good faith in an effort to protect the Town's interests. However, I am extremely concerned about the transparency of the process at this point and the public perception that could follow.

I fully understand that legal strategy is a legitimate purpose to enter executive session. Yet the threat of litigation appears premature because the Planning Board has not even rendered a decision. I also do not want any parties to think that they can circumvent a regulatory authority by threatening legal action directly to Town Counsel.

The purpose of this letter is to inform you that I have spoken to Town Counsel today. I informed him there will be no executive session. Upon review of the enclosed letter from Attorney Pinto, if the Planning Board wishes to consult with Legal Counsel, the board may obviously make the request known to the Town Planner and I will make the Town Attorney available for consultation at the board's request.

I also understand the board's frustration that the letter was dated July 31 but the entire Planning Board was not discussing it until September 21. After meeting with the Town Planner earlier today, I have no explanation. Yet it is fair to presume that I will be discussing with staff the importance of resolving outstanding issues in a reasonable and timely manner, regardless of the outcome.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Rodney C. Collins', with a long, sweeping horizontal stroke extending to the right.

RODNEY C. COLLINS
Town Manager

Attachments

Cc: Town Planner

Town Attorney

Re: Willowbend

Rodney C. Collins <rccollins@mashpeema.gov>

Mon 7/31/2023 3:48 PM

To: Patrick Costello <pcostello@lccplaw.com>; Wayne E. Taylor <wtaylor@mashpeema.gov>

Hi Pat,

I am not trying to answer your question with a question but I want to get your professional opinion. My take on this letter is the Southworth Group is trying to work out an agreement to avoid litigation. However, I am concerned that such discussions would usurp the Planning Board's authority.

I also don't generally take too kindly to the threat of litigation. However, the letter is not overly aggressive so I would seek to resolve if we can. My other concern is that Willowbend knew or should have known they had reached the bedroom limit. The only excuse they have given us is that the Town didn't say anything in recent years. That is like blaming the beat cop for standing beside a store being burglarized and the cop didn't stop the burglar because he thought it was the owner. When the burglar gets finally caught, he blames the cop.

Is it legal for an executive session with the Planning Board? If so, is that how you would recommend that we proceed?

Rodney C. Collins | Town Manager

Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649

Office: 508.539.1401 | Fax: 508.539.1142



"Preserving public trust and providing professional services."

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From: Patrick Costello <pcostello@lccplaw.com>

Sent: Monday, July 31, 2023 12:32 PM

To: Rodney C. Collins <rccollins@mashpeema.gov>; Wayne E. Taylor <wtaylor@mashpeema.gov>; Terrie Cook <tmcook@mashpeema.gov>

Subject: Fwd: Willowbend

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

See below/ attached. Please advise what, if any, action you want me to take in this regard.

Pat

Patrick J. Costello
Louison, Costello, Condon & Pfaff, LLP
Ten Post Office Square, Suite 1330
Boston, MA 02109
Office: 617-439-0305
Cell: 617-901-1639
Fax: 617-439-0325
pcostello@lccplaw.com

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Begin forwarded message:

From: Donald Pinto <dpinto@pierceatwood.com>
Date: July 31, 2023 at 12:17:22 PM EDT
To: Patrick Costello <pcostello@lccplaw.com>
Cc: Troy Miller <tmiller@southworthdevelopment.com>, jmcclhin@aol.com
Subject: Willowbend

Hi Pat, I hope you've been well. Attached is a copy of a letter on behalf of Southworth Mashpee Properties LLC concerning Willowbend and recent proceedings before the Mashpee Planning Board. I've put a paper copy of the letter in the mail to you today. I look forward to working with you on this matter. Regards, Don Pinto

Donald Pinto[PIERCE ATWOOD LLP](#)

100 Summer Street
22nd Floor
Boston, MA 02110

PH 617.488.8175
FAX 617.824.2020

dpinto@PierceAtwood.com**BIO > [TWITTER](#) > Admitted in MA**

This e-mail was sent from Pierce Atwood. It may contain information that is privileged and confidential. If you suspect that you were not intended to receive it please delete it and notify us as soon as possible.

NEW BUSINESS

GEHRING & ASSOCIATES, LLC

Wireless Planning & Zoning

***Post Office Box 98
West Mystic, CT 06388***

***860-536-0675
wireless@gehringzone.com***

September 14, 2023

Planning Board
Town of Mashpee
16 Great Neck Road North
Mashpee, MA 02649
USPS # 7015 0640 0000 6946 7236

Cape Cod Commission
3225 Main Street
P. O. Box 226
Barnstable, MA 02630
USPS# 7015 0640 0000 6946 7243

**RE: Application of Cellco Partnership d/b/a Verizon Wireless
Dated June 1, 2023 for Special Permit and DRI Approval to
Install a New Personal Wireless Service Facility at
524 Great Neck Road North, Mashpee, Assessor's Parcel 67-4-0**

Dear Members of the Mashpee Planning Board and Cape Cod Commission:

Pursuant to Cape Cod Commission Chapter A Enabling Regulations [governing DRI review] Barnstable County Ordinance 90-12 Section 6(c)(xii) and M.G.L. Chapter 40A Section 16, Cellco Partnership d/b/a Verizon Wireless respectfully requests to **withdraw without prejudice** the above-captioned Special Permit and DRI applications at this time.

The Applicant would like to pause the permitting process while third-party build-to-suit opportunities and network build priorities are internally discussed, vetted and analyzed. Although *no substantive plan changes are anticipated*, additional time is needed whereas current regulations do not allow an applicant to effectuate an indefinite pause;

Accordingly, leave to ***withdraw without prejudice*** is hereby respectfully requested.

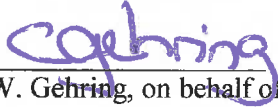
Thank you

Sincerely,

Cellco Partnership d/b/a Verizon Wireless

Gehring & Associates, LLC

By


Carl W. Gehring, on behalf of Cellco Partnership d/b/a Verizon Wireless

cc: William Perry - Verizon Wireless Real Estate Department



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, MA 02649

October 19, 2023

Ms. Arden Cadirn, Chair
Community Preservation Committee
16 Great Neck Road North
Mashpee, MA 02649

RE: Letter in Support of Planning and Conservation Department's Application for Funding

Dear Ms. Arden:

I am writing to express on behalf of the Mashpee Planning Board, who voted on October 18, 2023 to submit this letter, its support of the joint application made by the Planning Department and Conservation Department to acquire the properties for protected open space addressed as 9, 17, 25, 33 and 87 Pickerel Cove Road as well as those addressed as 7, 21, and 25 Pickerel Cove Circle and lastly 0-Rear Pickerel Cove Road. These parcels collectively total more than 17 acres.

As stated in the application, this funding request meets the requirements of the Community Preservation Act (CPC) and is consistent with community needs. The property in question, if acquired, would maximize publicly owned and protected lands within the Mashpee National Wildlife Refuge. This proposal would permanently protect wildlife habitat on parcels subject to development and the associated impacts of that development. It would expand opportunities for passive recreation with potential public access to scenic waterfront vistas.

The Mashpee Planning Board supports this effort and asks for the CPC's support by first authorizing a third-party appraisal to begin negotiations, and, if a price can be agreed upon, to submit an article for Town Meeting consideration to acquire the parcels. The Planning Board understands that the property owners are extremely motivated to sell 8 of the 17 acres and that the remaining acreage will be subject to further negotiation.

Sincerely,

Karen D. Faulkner, Chair
Planning Board

Fwd: Willow Circle Tri-Partite

Evan Lehrer <ELehrer@mashpeema.gov>

Thu 10/12/2023 9:58 AM

To: Karyn Leslie <kleslie@mashpeema.gov>


 2 attachments (529 KB)

Willow Circle Estimated Cost to Complete 12-20-2022.docx; Town of Mashpee surety bond request 12-5-22.pdf;

Sent from my Verizon, Samsung Galaxy smartphone

Get [Outlook for Android](#)

From: Scott Miller <smiller@newbridgeconstruction.com>**Sent:** Tuesday, October 3, 2023 4:17:41 PM**To:** Evan Lehrer <ELehrer@mashpeema.gov>**Cc:** 'Leo DaSilva' <leo@motaconstructioncorp.com>; Brian Miller <brian@newbridgeconstruction.com>; Edward Pesce <ed@pesceeng.com>; jmcclhin@aol.com <jmcclhin@aol.com>; 'Leo DaSilva' <leo@motaconstructioncorp.com>**Subject:** Willow Circle Tri-Partite

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

Evan,

Hope all is well. Reaching out to see if we can get a reduction in the amount of the current surety bond held by the Town of Mashpee for Willow Circle based on work that has been completed at the subdivision.

Per the attached schedule of amounts, we have completed most of the landscaping and more than 1/3 of the fencing required per the approved plans. I estimate there is about \$141,998 of the surety bond that can be reduced based on the work in place.

Can you let me know what needs to be done to put this in motion? I am happy to meet Ed on site to review the work that has been completed and ready for inspection.

Thanks
Scott

Scott P Miller
Silva Development LLC
PO Box 1610
Cotuit, MA 02635

Silva Development LLC
65 Cape Road
Mendon, MA 01756

December 5, 2022

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

RE: Performance Surety – Willow Circle

Dear Mr. Lehrer,

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

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

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

Thanks



Scott P. Miller

Vice President

Silva Development LLC

Cc: Ed Pesce

Willow Circle – Estimate Cost to Complete

- 1) Final paving - \$30,000
- 2) Final Landscaping - \$155,100
- 3) Street Signage - \$4,000
- 4) Pump out cleaning catch basins – \$4,250
- 5) Final As Built Plan - \$7,500
- 6) Fencing along Orchard Road Abutters - \$37,500

TOTAL - \$238,350



November 21, 2022

Job No. - 11647

Willow Circle
186 Quinaquisset Ave
Mashpee, MA 02649

Willow Circle Landscaping

Proposal

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

Front Entrance Landscaping

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

No clearing is included

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

No irrigation is included

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

Consistency, Dependability, and Care

Buffer Plantings

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

No clearing is included

No irrigation is included

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

Bio-Retention Plantings

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

No irrigation is included

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

Consistency, Dependability, and Care

PAYMENT SCHEDULE

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

Escalation Clause

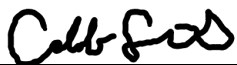
If, during the performance of this contract, the price of materials significantly increases, through no fault of Outerland, the price shall be equitably adjusted by an amount reasonably necessary to cover any such significant price increases. As used herein, a significant price increase shall mean any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

?

Time & Materials Conditions:

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

By



Caleb Simms

Outerland

By

Date

Willow Circle

Consistency, Dependability, and Care

***General Terms and Conditions**

1. Scheduling and purchasing of materials specific to your job commences upon signature of this contract. The 10% scheduling covers any cost associated with the initiation of this contract and for that reason is non-refundable. If the front page terms do not require this upfront deposit, then the 10% fee is due if the contract is canceled for any reason after it has been accepted and scheduled.

2. The precise commencement date depends on weather conditions, availability of materials to perform the required work and the completion of previously scheduled work. Work will generally be performed during day light hours and may be conducted on Saturdays and Sundays. The work may not be conducted on a continuous basis depending on the type of work being performed, the availability of materials, and the scheduling of other projects. Every effort will be made to perform the work in an efficient manner. If conditions are encountered on the site which are subsurface or otherwise concealed physical conditions which differ materially from those contemplated (ie shale, ledge, clay, toxic waste, garbage and/or rubble), or physical conditions of an unusual nature are encountered and cause a furtherance to the Contractor in time or materials, the Contractor will be entitled to an equitable adjustment in the contract price, an extension of the completion date, or both, by change order. Furthermore, the Contractor will not be held responsible for any damage to the following: Underground Sprinkler heads-Underground irrigation piping-Television Cable-Phone Cable- Low Voltage Cable, Cesspools/Septic Tanks or any buried utilities and/or devices not installed in accordance with local building codes or common practices.

3. This proposal shall not be deemed valid until countersigned by Outerland, LLC. This proposal is valid to customer for 15 days from the signed date. Outerland, LLC reserves the right to terminate this contract at any time. This verbiage in this proposal, including plant lists, will always supersede any plans previously provided for quantities, specifications and/or details.

4. Necessary permits and variances shall be secured and paid for by the Customer, unless otherwise specified.

5. Materials supplied are believed to be of high quality. Outerland, LLC will install all material in accordance with appropriate industry and nursery standards. Proper maintenance, particularly of plant and organic materials, is required and is the obligation of the Customer. Please see below for warranties. Maintenance contracts are available from Outerland, LLC.

6. Plant material supplied by Outerland, LLC pursuant to this agreement, except as stated below*, will be warranted for 90 days from the date of installation providing the Customer furnishes plant material with the services of a professional landscape service meeting with Outerland, LLC, standards of care. This is a limited warranty. Plant material supplied by Outerland, LLC pursuant to this agreement, except as stated below*, will be warranted for a period of one-year from the date of installation providing the Customer has procured a maintenance contract from Outerland, LLC. *Annuals, potted plants or existing plants that are transplanted on-site will not be guaranteed. Plants are also not guaranteed against physical damage (i.e. wind or storm damage). The Customer is responsible for winterization of installed plant material. When hydro-seed is applied after April 15th and prior to October 1st, Outerland will guarantee germination only. No guarantees extended beyond this time frame. Hydro-seed is not guaranteed against heavy rain and wash out. Additional applications if needed to be priced separately. All parts and workmanship are guaranteed for one full year against defects and improper installation. This does not include physical damage done by weather, outside contact or misuse. The warranty is effective only if the Customer has complied with all of the terms and conditions of this agreement, including payment. Other than as set forth herein, there are no express or implied warranties, including fitness for a particular purpose or merchantability.

7. Work performed by other contractors or subcontractors that is not provided for in this contract such as, but not limited to masonry, fencing and irrigation, is not guaranteed by Outerland, LLC and Outerland, LLC. shall not be liable for such work or for any losses, damages or any repairs resulting, including damage to plant material installed by Outerland, LLC.

8. Payment is due in accordance with the terms set forth on the front page of this agreement. Otherwise, payment is due upon receipt of an invoice. Progress payment may be required and are due upon receipt of a request for payment or an invoice. All work is expected to be paid in full upon completion of contract. A payment outstanding 30 days after due date will be subject to interest at the rate of 1.5% per month. The Customer shall be liable for all costs of collection including reasonable attorney fees. Warranties contained herein will not be honored and will become void should the Customer be in default of a payment obligation.

9. Outerland, LLC will not assume responsibility for damage to any underground object such as gas and water lines, irrigation lines, cable television, electric or telephone lines or conduit, unless designated by Customer to Outerland, LLC on appropriate drawings prior to the beginning of work. Outerland, LLC is not responsible for damage to walks, curbs and driveways caused by the delivery of supplies and materials through normal construction operations. Outerland, LLC will take all reasonable precautions to preserve existing trees and shrubs. However, Outerland, LLC is not responsible for loss of existing trees and shrubs. Unforeseen weather conditions such as extreme temperature, high wind and heavy rain that result in damage that includes, but is not limited to, the washout of seed and damage to sod, plant materials and mulch is not the responsibility of Outerland, LLC.

10. Any authorization for additional work will be agreed upon by both parties either by verbal consent or by written Change Order Approval form, which shall become a part of this contract. Where such additional work is so added to this contract, it is agreed that the total price under this contract shall be increased by the price of such additional work and that installment may be increased proportionately, and that all terms and conditions shall apply equally to such work.

11. Customer will assume maintenance of plants and / or lawn areas immediately after installation. Failure to provide proper maintenance such as watering by Customer shall void all warranties. Maintenance contracts are available from Outerland, LLC.

Consistency, Dependability, and Care



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, MA 02649

October 18, 2023

National Marine Fisheries Service
National Oceanic and Atmospheric Administration
Department of Commerce
NOFO: NOAA-NMFS-HCPO-2023-2008081

RE: Mashpee Planning Board Letter of Support for APCC's proposal to NOAA's 2023 Transformational Habitat Restoration and Coastal Resilience Grant

To Whom It May Concern:

The Mashpee Planning Board is pleased to provide this letter of support for the proposal submitted by the Association to Preserve Cape Cod (APCC) to the NOAA's 2023 Transformational Habitat Restoration and Coastal Resilience Grant. This proposal will help support planning, design, and implementation of watershed scale restoration across Cape Cod building upon existing priorities.

The Mashpee Planning Board has just completed a significant community engagement effort to update its Local Comprehensive Plan (LCP). Habitat and wetlands restoration has been identified by the community as critical actions required to meet the Town's objectives to increase its coastal resiliency, protect and preserve wildlife habitat, improve water quality, and enhance the character of the Town. The Planning Board continues to serve the Town by providing critical outreach, education, and engagement for its long term planning efforts and associated implementation strategies. The Board believes that the proposed funding will help to fill critical gaps in funding, capacity, outreach, community engagement, and monitoring that will be required to assist the Town in realizing its vision for watershed scale restoration in this community and across Cape Cod.

We strongly urge you to support this regionally important proposal. If you have any questions, please feel free to contact Evan R. Lehrer, Town Planner, at 508-539-1400 Ext. 8521. Thank you for your consideration.

Sincerely,

Karen D. Faulkner, Chair
Mashpee Planning Board

NOAA Transformational Habitat Restoration Grant Association to Preserve Cape Cod (APCC) 2023 Application Outline

Project Title: Cape Cod Watershed Restoration

Vision: Working with local, regional and federal partners we will complete planning, design and implementation of seven freshwater and tidal wetland systems on Cape Cod to : 1) restore connectivity and improve habitat for NOAA resources including river herring, American eel, and eastern Brook Trout; 2) increase community and coastal ecosystem resilience to the impacts of climate change through transformative habitat restoration; 3) work collaboratively within our region to implement priority restoration projects to achieve the collective goals for the Cape and our respective project teams to implement shovel ready projects as well as priority projects in the Bass River watershed and the Waquoit Bay Estuary watershed; and 4) benefit tribal and underserved communities through capacity building, project visioning and planning, partnership and implementation of projects within these communities.

Project Scope and Funding Request Summary

Within this proposal we will be seeking to fund priority freshwater and tidal wetland habitat restoration projects on Cape Cod. The proposed projects are complimentary to existing projects identified as priorities under the USDA Natural Resources Conservation Service Cape Cod Water Resources Restoration Project (CCWRRP), as well as other regionally important watershed plans, and will support restoration of ecological function for rivers, former cranberry bogs, and salt marshes.

The goals of the project are to:

- Engage the community including tribal and underserved communities in particular in project visioning, planning and design.
- To build upon tribal elder knowledge and historic site knowledge from the community to inform planning and design to incorporate culturally important resources.
- Support regional capacity building, training of new staff, and hosting workshops on project management and planning, grant administration and grant writing among other topics to be defined by partner and stakeholder engagement and planning.
- Restore fish, shellfish, and other aquatic resources.
- Restore native wetland (freshwater and salt marsh) vegetation and hydrologic connectivity from the headwaters to the ocean.
- Remove barriers (dams, earthen berms, failed and undersized culverts) to fish and other aquatic species movements increasing connectivity across the watershed.
- Increase community resilience to the impacts of climate changes through replacement of aging or failing infrastructure, increasing flood storage capacity of river and wetland systems, removing barriers to freshwater or tidal flow to restore natural hydrology to the system.
- Improve water quality through restoration of wetlands and increased flushing from restored tidal flow.

Freshwater River and Bog Restoration Project Summaries

The following project summaries are draft proposed scope, timeline and budget. Final budget may vary based on updated cost estimates and review of scope, timeline and budget with project teams. The proposed leverage/match includes known values of existing past, current and secured future funding for these projects. No additional match will be required or requested of project teams and partners.

Hinckleys Pond (Harwich)

- Status: 60% designs complete. Permitting underway.
- Proposed: Complete final design and bidding January – September of 2024. Complete pre-restoration vegetation monitoring in summer of 2024. Construction fall of 2024 through spring of 2025. Post-restoration monitoring (hydrologic and vegetation) in summer of 2025.
- Request: \$600k to support construction and construction oversight.
- Leverage/Match: Funding for feasibility studies, design, permitting, final design, bidding including \$250K NEP grant, \$200K donor, \$289,300 HCT and \$30K pre-restoration vegetation monitoring APCC.

Red Brook (Mashpee/Falmouth)

- Status: Completed initial community engagement to discuss need and potential alternatives for restoration to address the failure of the existing dam/culvert and draining of the upstream impoundment. Completed alternatives analysis and conceptual design for culvert replacement.
- Proposed: Community engagement and visioning process to develop common goals and objectives for watershed scale restoration upstream and downstream of the failed culvert to be completed late 2024 through 2025 to inform design with ongoing engagement throughout design phase 2025-2026. Development of conceptual designs in 2025 and permit ready design plans in 2026. Permitting to be initiated in late 2026 with all permits to be submitted by Sept 30, 2027. Acquisition of private land by the towns to allow for full scale restoration of upstream area (ongoing in tandem with community engagement and design to be completed in 2026 and 2026 prior to permitting).
- Request: estimated \$1.5M including \$500K for community visioning, \$500K for land acquisition, and \$500k for design and permitting (to be updated after further review and discussion with team).
- Leverage/Match: Total of \$254,500 including \$127,500K grant to town of Mashpee to fund design and \$127,000 combined (\$63,500 each town) to fund permitting work for the culvert replacement.

Upper Quashnet River (Mashpee)

- Status: Completed feasibility study with alternatives analysis in spring of 2022. Preferred design alternative was selected and advanced to 25% design with modeling work and report completed in May of 2023. This plan was presented to the Conservation Commission for approval in June 2023. Work is ongoing to develop 50% designs for next phase of review.
- Proposed: Complete permit ready design in 2024. Begin permitting in late 2024 to be completed in early 2026. Final design and bidding spring and summer of 2026.

Construction fall 2026 through spring of 2027 outside TOY restrictions for river herring. Post-implementation hydrologic monitoring in summer of 2027.

- Request: \$4.2-5.9M to fund construction (estimate to be further reviewed and updated)
- Leverage/Match: \$1.1M including \$800k Air Force Remediation Funding, \$300K CPA funds.

Upper Bass River Weir Road and Bogs (Yarmouth)

- Status: Completed alternative analysis report for replacement of culverts under Weir Road in July of 2021 and geotechnical evaluation in September of 2023. Completed 60% permit ready designs for the upstream river and bogs from Miss Thatchers Pond to Weir Road in May of 2021. Have completed MEPA filing for bog restoration work and will complete NOI submission fall of 2023.
- Proposed: Completion of permitting in 2024 and 2025 along with final design in 2025. Construction to commence on bogs in fall of 2025 to be completed in spring of 2026. Weir Road construction to occur in tandem with bogs or in coordination with work at North Dennis Road the following construction season 2026-2027. Post-restoration monitoring (hydrologic) in summer of 2026 or 2027.
- Request: \$4.7M for final design, permitting and construction.
- Leverage/Match: \$253,779 SNEP grant, \$27K DER, and \$77,000 YA CPC.

Salt Marsh Tidal Flow Restoration

Weir Creek (Dennis)

- Status: Initial project team and community engagement meetings held in early 2023. Data collection for feasibility study completed summer of 2023. Modeling underway fall of 2023.
- Proposed: Complete modeling, alternatives analysis and permit ready designs by November of 2024. Complete two additional community engagement meetings early and middle of 2024. Complete pre-restoration monitoring (water quality and vegetation) summer 2024. Permitting fall 2024 through early 2026. Final design and bidding 2026. Construction 2026-2027. Post-restoration monitoring (hydrologic and vegetation) in summer of 2027.
- Request: \$4M, Permitting, Final Design and portion of Construction
- Leverage/Match: \$417,888 for ongoing grant funded work 2023-2024 for feasibility study, modeling and alternatives analysis, permit ready designs, and \$20,000 for pre-restoration monitoring.

Oyster Pond (Falmouth)

- Status: Permitting ready designs completed in 2022 with draft O&M plans but project in need of funding for permitting to reach implementation.
- Proposed: Upon award of funding initiate project permitting (Fall 2024 – Early 2026). Complete final design and bidding (Spring-Summer 2026). Construction (Fall 2026-Spring 2027). Post-restoration monitoring (hydrologic) in summer of 2027.
- Request: \$1M to fund permitting, and approximately 50% of construction (\$750k).

- Leverage/Match: Completed feasibility studies and design as well as funding for final design and a portion of construction cost to be funded by NRCS with town 25% non-federal match.

Upper Bass River North Dennis Road (Yarmouth)

- Status: Completed bridge replacement alternatives analysis in January 2021. Completed concept designs for the preferred bridge crossing based on further site assessment including geotechnical evaluation and modeling in 2023.
- Proposed: Complete permit ready designs (fall 2023 – summer 2024). Begin permitting late summer 2024 to be completed by 2026. Final design and bidding 2026. Construction to commence in the fall of 2026 through spring of 2027. Post-restoration hydrologic monitoring to occur most-implementation in summer of 2027.
- Request: \$4M to support a portion of construction of the new bridge at North Dennis Road to meet need for high cost of construction at this site and reduce amount of total non-federal match town is required to provide for NRCS funded construction.
- Leverage/Match: \$600K NRCS North Dennis Road Design, \$90K Dennis CPC for permitting, and remaining estimated \$4M+ for construction (to be conservative on leverage and match I'd suggest we only list \$4M for construction leverage so we don't come up short).

Community Engagement, Capacity Building and Trainings

In support of this work APCC is proposing to partner with Waquoit Bay National Estuarine Research Reserve (WBNERR) to completed community engagement visioning and planning for select projects in early planning stages as outlined below, and to develop regional capacity building and training opportunities to support coordination across these watersheds and support additional restoration beyond the scope and funding of this grant.

Community engagement and outreach have been important components of planning and design for these projects. Additional targeted community engagement is proposed for Red Brook in particular to develop collective goals and objectives for the river and bog restoration that will inform planning and design for this project, which is at an earlier phase of development. This engagement process would include facilitated discussion and planning with the towns of Falmouth and Mashpee, MassWildlife, the Mashpee Wampanoag tribe, the USFWS Mashpee National Wildlife Refuge, private property owners, and homeowners' associations. In tandem with this more detailed engagement and planning process for Red Brook the project would incorporate coordination and discussion between these same partners and stakeholders on the next phases of design for the upper Quashnet River. Other projects proposed in this scope will have progressed to permitting at the start of this proposed scope of work so efforts by project leads will be focused more on community and public outreach to share updates on project schedule with more minimal inputs on final design from partners and stakeholders.

In addition to community engagement and outreach, APCC is proposing to support regional capacity building efforts and trainings in coordination with the partners and projects included here. This effort would benefit new 2023-2024 staff and proposed new hires for APCC, WBNERR and the Wampanoag Tribe as well as other regional partners and early career practitioners working to support habitat restoration on Cape Cod. Development of a final plan for

capacity building activities and trainings would be part of the scope of this project to define gaps in knowledge and best methods for filling these gaps. However, we would propose to incorporate training in project planning, project management, project and grant administration, community engagement and meeting facilitation. This program would be managed by WBNERR under their existing Coastal training program with technical expertise provided by APCC and our state and regional partners including key staff with a decade or more experience in these areas. This training program would include a combination of formal classroom workshops, field workshops and site visits, shadowing and mentoring of existing project leads and experts from the project teams to learn from these other projects moving through different phases of planning, design, permitting and implementation, provision of planning, and budgeting templates as well as development of restoration process factsheets to summarize typical project steps, phases, timeline and costs to support these and future restoration projects to be completed in the region.

Other Requests

APCC time and expense - estimated \$1M

- To fund APCC restoration staff time for project management, grant administration, partner coordination, community engagement, trainings and capacity building activities as well as expense for travel, meetings and supplies
- Partial funding for two restoration ecologists for project management and administration
- Partial funding for one restoration technician for project planning, monitoring, and outreach
- Partial funding for education, outreach and administrative staff
- Full time funding for one new hire to provide added capacity to the existing team

Partner/Stakeholder time and expense – estimated \$1M

- To fund project partner and community stakeholder time and expense for travel and meetings as well as other supply and equipment needs to build capacity
- Partial funding for Natural Resource Director and Assistant Director for the Mashpee Wampanoag Tribe
- Partial to full time funding for one new hire for Natural Resources staff of the Mashpee Wampanoag Tribe to provide added capacity to the existing team
- Funding for community stakeholder time participating in project team meetings to inform project vision and design including Mashpee Wampanoag Tribal elders
- To fund partners working to support community engagement meetings, training activities, and workshops to build capacity across the region and amongst this set of partners including but not limited new staff at APCC, the tribe, the CCCD, and WBNERR

Total Request: \$22-23.7M

Project Partners:

Association to Preserve Cape Cod (APCC); Cape Cod Compact; Cape Cod Commission (CCC); Cape Cod Conservation District (CCCD); Cape Cod Mosquito Control Program (CCMCP); Dennis Conservation Land Trust (DCLT); Friends of Bass River (FOBR); Harwich Conservation Trust (HCT); Mashpee Wampanoag Tribe (Tribe); Massachusetts Division of Ecological Restoration (DER); Massachusetts Division of Fisheries and Wildlife (MassWildlife); Massachusetts Division of Marine Fisheries (DMF); Massachusetts Office of Coastal Zone Management (CZM); towns of Dennis, Falmouth, Mashpee and Yarmouth; USDA Natural

Resources Conservation Service (NRCS); USFWS Mashpee National Wildlife Refuge; and Waquoit Bay National Estuarine Research Reserve (WBNERR).

Key Roles:

- APCC will serve as grant administrator and support project management. Project management will include coordination within and across project teams, community engagement, monitoring, and outreach working with project teams, partners and community stakeholders. APCC will directly manage consulting contracts and scope of work for design, permitting, construction oversight and post-construction effectiveness monitoring for the upper Quashnet River, Red Brook (excluding culvert replacement), and Weir Creek projects.
- WBNERR will manage community engagement and trainings working with APCC to complete this related scope of work with the Tribe, community stakeholders and partners of the Red Brook and upper Quashnet projects in particular.
- Hinckley's Pond, Oyster Pond and Upper Bass River projects will be managed by project leads at the HCT, town of Falmouth, and FOBR with the town of Yarmouth respectively. APCC will provide subaward and reimbursement of expense for permitting and design for these projects.
- The towns of Dennis, Falmouth, Mashpee and Yarmouth as well as HCT will complete bidding and award of construction contracts and manage construction (including subcontracts for construction oversight by consultants engineering firms for Oyster Pond, and Hinckleys Pond). All construction contracts will be managed by these project leads and funding for construction will be by subaward and on a reimbursement basis.
- State and regional partners from the CCCD, DER, MassWildlife and NRCS will work closely with APCC and project teams to provide technical support and review as well as coordinate with ongoing regional efforts to restore projects under the CCWRRP and within other watershed scale management plans.
- Other partners will support technical review, planning, oversight, community engagement and outreach for their respective projects working with project leads and project teams to support completion of the proposed scope of work.

Proposed Application Timeline

- Project Specific Meetings to Discuss and Review Scope and Budget Details: Ongoing
- Copy of Project Designs, Key Planning Docs/Reports, Cost Estimates and Other Materials Provided to APCC by October 20th.
- Template Letter of Support Provided by APCC: early October (minimum of 4 weeks to provide response)
- Draft Narrative and Budget Provided by APCC: late October (2 weeks to provide response with comments and edits)
- **Letters of Support Due to APCC: November 1, 2023**
- APCC Application Submission via Grants.gov: November 15, 2023
- **Application Deadline: November 17, 2023 11:59pm**

Project title: Mashpee River Restoration, Mashpee, MA

Draft scope for a grant application to NOAA's Coastal Habitat Restoration and Resilience Grants for Tribes and Underserved Communities

Association to Preserve Cape Cod

NOAA Coastal Habitat Restoration and Resilience Grants for Tribes and Underserved Communities Summary

- Anticipate typical proposal funding range of \$250,000 to \$1 million with a minimum value of \$75,000 and a maximum award value of \$3 million
- Funding for up to three years
- \$45 million total funding available including \$20 million for tribes, and \$25 million for all other applicants
- Application Deadline: December 19, 2023
- Project start date: October 1, 2024

Task 1. Community engagement and input on restoration vision and goals (Year 1-2).

Community engagement and support for restoration goals are key to this project. Development of a shared community vision for a healthy and attractive Mashpee River will help to ensure long-term success of restoration and protection efforts. The community, including Mashpee Wampanoag Tribal members, town residents and officials, and other stakeholders will be engaged and asked to provide input. The results of this task will be combined with data collected in Task 2 to inform design and planning. One idea that has already been suggested is to develop an advisory council of Mashpee Wampanoag elders as well as non-Tribal members to provide a cultural framework for restoration. Deliverables: Community-based input on restoration goals and a vision for the Mashpee River, a community engagement plan, list of stakeholders, meeting notes, formation of an advisory council for restoration, information needed to help in evaluating restoration options, and others TBD.

Task 2. Information collection (Year 1). This task will collect information needed to evaluate restoration options to be considered in Task 3. Examples of relevant information include but are not limited to: streamflow and hydrology, fish and wildlife, rare species, wetland types and habitats, manmade structures and condition (e.g., Mill Pond dam), climate change impacts, current human uses, and cultural history and uses. Deliverables: information needed to evaluate restoration options (e.g., studies, monitoring data, reports, maps, information from prior permits, Town of Mashpee climate change vulnerability assessments, input from Task 1 to identify and collect information on cultural history and uses, and other information.

Task 3. Restoration feasibility study (Year 1). This task will involve scoping and evaluation of potential restoration options, including instream restoration of the Mashpee River, wetland habitat restoration adjacent to the river channel and in a nearby bog, and potentially other areas outside of the NRCS/CCWRRP scope. This task will build on the NRCS/CCWRRP restoration

feasibility study which covers the stream from the outlet of Mashpee Pond south to Great Neck Road. Restoration options will be developed for the following project segments:

- Outlet of Mashpee Pond to Mill Pond: Possibilities include improved streamflow to foster diadromous fish migration and improve wetland habitat and water quality;
- Mill Pond to Route 130 fish ladder: Possibilities include improved migratory fish passage to reduce predation and improved hydrologic connectivity and riparian habitat between the Mashpee River north of Mill Pond and the Mashpee River south of Route 130.
- Route 130 fish ladder south to Great Neck Road: Possibilities include improved fish passage, improvements in streamflow to avoid stranding migratory fish and to improve resilience to climate change impacts including drought and low-flow, and restoration of surrounding wetland habitat and water quality.
- Evaluation of climate change risks and resilience measures to help ensure that the Mashpee River remains a healthy and resilient riverine system that supports clean water, healthy fish and wildlife and the communities that depend on these resources.

Deliverables: Restoration feasibility study that identifies restoration options and provides recommendations.

Task 4. Design work (Year 2). Using results of Tasks 1-3, preliminary concept designs will be developed for review by the project team, and presented to the public and to stakeholders. Following public input, concept designs will be revised and shared with the NRCS to develop permit-ready designs. Several iterations of draft designs may be needed. Deliverables: Preliminary concept designs, notes on public comments, and revised concept designs that address public input where feasible.

Task 5. Permitting for the project (Year 3). This task assumes that NRCS funding focuses on getting up to permit ready design. It will likely involve early drafting and submission of permits but not likely finalizing and securing all permits as that can sometimes extend to 18 months or more. Permits that may or will likely be required include: Notice of Intent under the state and local wetlands regulations; review by the Massachusetts Natural Heritage and Endangered Species Program; permit from the Massachusetts Division of Marine Fisheries for work in a herring run; state 401 Water Quality Certification; MEPA review; permit from Massachusetts Department of Transportation (MADOT) for work under Route 130; and other local, regional, and state permits. Deliverables: Draft permit applications, submission of permit applications.

Task 6. Capacity building and training (Years 1-3). The objective is to build local capacity and to train local leaders in effective project management, including project administration, grant-writing and grant administration, financing, building public support, outreach, and community engagement. This task will extend from the early stages of project to support administration and will continue into later phases of this project. Training and capacity-building will be provided through a variety of means: training workshops, small group meetings, attendance at local, regional, or state training opportunities, and other means. Trainees will be provided with opportunities to practice methods. Deliverables: training workshop(s), training materials, meetings, meeting notes, and opportunities for trainees to put into practice what they have learned.

Project Partners:

Association to Preserve Cape Cod (APCC); Cape Cod Conservation District (CCCD); Mashpee Wampanoag Tribe (Tribe); Massachusetts Division of Marine Fisheries (DMF); town of Mashpee; USDA Natural Resources Conservation Service (NRCS); USFWS Mashpee National Wildlife Refuge; and Waquoit Bay National Estuarine Research Reserve (WBNERR).

APCC proposes to lead on grant application development. However, the applicant for this project to the NOAA Coastal Habitat Restoration and Resilience Grants for Tribes and Underserved Communities could follow one of two options: 1) APCC is the applicant and will serve as lead for grant administration as well as project management including coordination with the project team, community engagement, monitoring and outreach. In this role, APCC and or the town would directly manage consulting contracts and scope of work. 2) The Tribe is the applicant and could serve in the lead role for grant administration and/or project management, or apply in coordination with APCC establishing an agreement that would layout specifics for APCC to provide support and capacity to the Tribe.

WBNERR would manage community engagement and trainings working with APCC and the Tribe to complete this related scope of work. The town of Mashpee will hold all agreements with NRCS for scope of work related directly to their funding.

Beyond the direct cost for project design, permitting, and implementation, it is anticipated that the proposal funding request would include funds to cover APCC, tribe, and WBNERR staff and expense related to our respective roles for project management, planning, community engagement and outreach. This would include coverage of: 1) APCC restoration, outreach and administrative staff time along with travel, materials and supplies; 2) Tribe natural resource staff time along with travel, materials, supplies and any equipment expense. This is envisioned to cover a portion of existing staff as well as to support hiring of new staff to provide additional capacity; 3) funding for community stakeholder time participating in project team meetings to inform project vision and design including Mashpee Wampanoag Tribal elders; and 4) to support community engagement, outreach and training activities coordinated by WBNERR in partnership with APCC and the project team.

Respectfully submitted,

April Wobst, Restoration Ecologist
Association to Preserve Cape Cod
482 Main Street, Dennis, MA 02638
awobst@apcc.org
www.apcc.org

Jo Ann Muramoto, Ph.D., Director of Science Programs
Association to Preserve Cape Cod
482 Main Street, Dennis, MA 02638
jmuramoto@apcc.org

TOWN PLANNER REPORT

Mashpee Housing Production Plan Goals Discussion

State regulations and EOHLC Housing Production Plan Guidelines describe the required framework the goals of a Housing Production Plan, directing communities to include both qualitative and quantitative goals based upon community and regional needs.¹ Qualitative goals should support a mix of housing types that: are affordable at a range of income levels; provide for a range of housing types for families, individuals, persons with special needs, and older adults; and are feasible within the housing market.

In addition, plans must include a quantitative goal for an annual increase in SHI-eligible housing units by at least 0.50 percent of its year-round housing count. Communities that meet their annual goal can request a one-year certification of compliance (often referred to as **safe harbor**) with EOHLC, and communities that reach a 1.0 percent target are eligible for a two-year certification of compliance. Achieving this “safe harbor” threshold and receiving a one- or two-year certification allows communities to have a more flexible approach to managing the comprehensive permit process, despite being below the overall 10 percent target for SHI units.² To meet this threshold for one-year certification of this plan, Mashpee currently would need to produce **thirty-seven new SHI-eligible affordable housing units** in a given calendar year based upon the 2020 Census year-round housing count, and seventy-four units for a two-year certification.

Mashpee's 2015 Housing Goals

The following four major qualitative goals are from the Town's 2015 HPP and include applicable objectives.

Goal 1: Promote the development of affordable housing for both rental and purchase that meets the needs of present and future residents of Mashpee.

Objectives:

- A. Increase the town's affordable housing stock to ten percent of all year-round housing based on the 2010 [now 2020] census. It is intended that this be done consistent with the EOHLC 0.5% per year. standard. Specifically, Mashpee will make every effort to produce at least 32 [now 37] units annually.
- B. Provide for a balance of affordable rental and ownership units to meet the needs of low and moderate income households.
- C. Ensure the distribution of affordable housing throughout the town's residential neighborhoods as opposed to groupings or concentrations in one area.
- D. Identify and begin the task of addressing the barriers to the development of affordable housing.

¹ 760 CMR 56.03(4)(c) and corresponding EOHLC Housing Production Plan Guidelines, October 2020.

² If a community is certified compliant, decisions made by the Zoning Board of Appeals to deny a comprehensive permit will be deemed “consistent with local needs” by the Housing Appeals Committee and will be upheld as a matter of law.

Goal 2: Encourage a mix of housing densities, ownership patterns, prices, and building types to serve diverse households consistent with the small town character of the community.

Objectives:

- A.** Continue to seek opportunities for mixed-use development within the town's commercial center and commercial corridors to add to the vitality of these areas as well as providing housing for small households within easy access to services.
- B.** Analyze development and redevelopment opportunities in locations appropriate for increased density where the expansion of multifamily housing may be considered.
- C.** Identify and promote innovative wastewater management technologies that would allow higher densities in selected residential areas.
- D.** Expand the Town's zoning bylaw inclusionary provisions to encourage the development of affordable housing units in all new residential construction and redevelopment projects.
- E.** Explore the provision of zoning incentives for the creation of affordable housing for households that work in the local economy.

Goal 3: Provide regulatory and financial incentives that maximize affordability for the most vulnerable segment of Mashpee's population, including but not limited to families in poverty, the very low income (50% of median income), single heads of households and others with special needs.

Objectives:

- A.** Continue to identify and evaluate the use of surplus town-owned property for the development of "friendly" 40B affordable housing projects.
- B.** Utilize appropriate funding sources in combination with town donated land to provide affordable rental housing opportunities (e.g. Ashers Path Apartments).
- C.** Maintain a revolving loan fund to assist special needs families with the move-in costs (first and last months rent plus security fee) for an affordable rental housing unit.
- D.** Assure all contributions from the development of housing projects are placed in the Affordable Housing Trust Fund to be used to further affordable housing initiatives.
- E.** Create an Accessory Affordable Apartment bylaw that meets the state requirements for inclusion on the subsidized housing inventory.
- F.** Seek opportunities to convert existing properties, motels and seasonal homes to more productive, long-term use as affordable year-round housing.

Goal 4: Pursue joint ventures with the development community and collaborations with local and regional agencies who are resources for information, public financing and technical assistance.

Objectives:

- A. In collaboration with the town's Affordable Housing Committee and the Mashpee Housing Authority, establish a plan framework and design guidelines for the development of future "friendly" 40B projects.
- B. Work with regional agencies such as the Cape Cod Commission, Housing Assistance Corporation and the Barnstable County's HOME Consortium and Soft Second Loan Program as well as private entities like Habitat for Humanity to develop cooperative arrangements and projects to benefit those in need of affordable housing
- C. Engage the community in discussions on affordable housing to bring attention to the issue, offering information on housing needs. and strategies to help attract community support.

Questions for Discussion

- Which goals and objectives are no longer relevant? What would you add?
- To what extent should the HPP's goals and strategies mirror the LCP? Should the wording carry over where applicable? Should the HPP cross-reference the LCP?
- Which goals resonate with the themes of engagement we have heard so far?
 - Infrastructure and water quality concerns – BIGGEST area of consensus at community meeting
 - Increasingly unattainable housing costs
 - Increasingly limited housing available
 - Shifting demographics – a cause for concern?
 - Housing needs of most vulnerable populations – some groups seemed more focused on this topic than others
 - Workforce shortages and impact on local economy
 - Focusing development and redevelopment in suitable areas
 - Need for community education
 - Housing needs
 - Development feasibility
 - Housing terminology
 - Breaking down stereotypes
- Which issues are a "fact of life" in today's world? Which are unique to Mashpee?

CORRESPONDENCE

DONALD R. PINTO

100 Summer Street
22nd Floor
Boston, MA 02110

PH 617.488.8175
FX 617.824.2020
dpinto@pierceatwood.com
pierceatwood.com

Admitted in: MA

September 19, 2023

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

Attn: Evan Lehrer, Town Planner

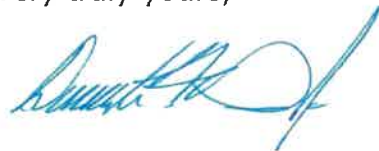
Re: Southworth Mashpee Properties LLC – Request for Endorsement of Approval
Not Required Plan for 275 Quinaquisset Avenue

Dear Members of the Planning Board:

Southworth Mashpee Properties LLC respectfully requests that the Board continue the agenda item currently scheduled for September 20, 2023 for endorsement of the three-lot ANR plan prepared by Baxter Nye Engineering & Survey, Inc. until the first Board meeting in November 2023. In connection with this extension request, Southworth hereby agrees to extend the twenty-one day statutory period for Planning Board action on the plan under M.G.L. c. 41, § 81P for an additional sixty (60) days.

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

Very truly yours,



Donald R. Pinto, Jr., attorney for
Southworth Mashpee Properties LLC

cc: Patrick Costello, Esq.
Jack McElhinney, Esq.
Troy Miller



Massachusetts Department of Environmental Protection

eDEP Transaction Copy

Here is the file you requested for your records.

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

Username: **EBELAIR**

Transaction ID: **1602074**

Document: **Groundwater Discharge Monitoring Report Forms**

Size of File: **1082.19K**

Status of Transaction: **Submitted**

Date and Time Created: **9/19/2023:3:39:28 PM**

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



Groundwater Permit

DISCHARGE MONITORING REPORT

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2023 AUG MONTHLY
3. Sampling Month & Frequency

A. Facility Information

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



1. Facility name, address:

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

MYLES OSTROFF

a. Name of Facility Contact Person

6174311097

b. Telephone Number

myles@chartweb.com

c. e-mail address

3. Sampling information:

8/3/2023

a. Date Sampled (mm/dd/yyyy)

RI ANALYTICAL

b. Laboratory Name

BRENT PLANT

c. Analysis Performed By (Name)

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Discharge Monitoring Report - 2023 Aug Monthly

☐

All forms for submittal have been completed.

☐

2. This is the last selection.

☐

3. Delete the selected form.



Groundwater Permit
DISCHARGE MONITORING REPORT

668
1. Permit Number
2. Tax identification Number
2023 AUG MONTHLY
3. Sampling Month & Frequency

D. Contaminant Analysis Information

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

1. Parameter/Contaminant	2. Influent	3. Effluent	4. Effluent Method
Units			Detection limit
BOD	250	ND	3.0
MG/L			
TSS	170	ND	2.0
MG/L			
TOTAL SOLIDS	1000		
MG/L			
AMMONIA-N	31		
MG/L			
NITRATE-N		0.32	0.050
MG/L			
TOTAL NITROGEN(NO3+NO2+TKN)		1.9	0.50
MG/L			
OIL & GREASE		ND	0.50
MG/L			



Groundwater Permit

MONITORING WELL DATA REPORT

668
1. Permit Number
2. Tax identification Number
2023 AUG MONTHLY
3. Sampling Month & Frequency

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



A. Facility Information

1. Facility name, address:

SOUTH CAPE VILLAGE		
a. Name		
672 FALMOUTH ROAD/RTE. 28		
b. Street Address		
MASHPEE	MA	02649
c. City	d. State	e. Zip Code

2. Contact information:

MYLES OSTROFF		
a. Name of Facility Contact Person		
6174311097	myles@chartweb.com	
b. Telephone Number	c. e-mail address	

3. Sampling information:

8/31/2023	WHITEWATER
a. Date Sampled (mm/dd/yyyy)	b. Laboratory Name
JAMIE STEWART	
c. Analysis Performed By (Name)	

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Monitoring Well Data Report - 2023 Aug Monthly
--

☐ All forms for submittal have been completed.

2. ☐ This is the last selection.

3. ☐ Delete the selected form.



Groundwater Permit
MONITORING WELL DATA REPORT

668

1. Permit Number

2. Tax identification Number

2023 AUG MONTHLY

3. Sampling Month & Frequency

C. Contaminant Analysis Information

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

Parameter/Contaminant	P-1	P-2	P-4	P-6		
Units	Well #: 1	Well #: 2	Well #: 3	Well #: 4	Well #: 5	Well #: 6
PH	5.9	DRY	6.1	6		
S.U.						
STATIC WATER LEVEL	18.6	DRY	47.6	50.7		
FEET						
SPECIFIC CONDUCTANCE	675	DRY	755	888		
UMHOS/C						



Groundwater Permit

DAILY LOG SHEET

668
1. Permit Number
2. Tax identification Number
2023 AUG DAILY
3. Sampling Month & Frequency

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



A. Facility Information

1. Facility name, address:

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

MYLES OSTROFF

a. Name of Facility Contact Person

6174311097

b. Telephone Number

myles@chartweb.com

c. e-mail address

3. Sampling information:

8/31/2023

a. Date Sampled (mm/dd/yyyy)

WHITEWATER

b. Laboratory Name

JAMIE STEWART

c. Analysis Performed By (Name)

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Daily Log Sheet - 2023 Aug Daily

☐

All forms for submittal have been completed.

☐

2. This is the last selection.

☐

3. Delete the selected form.



Groundwater Permit
DAILY LOG SHEET

668
1. Permit Number
2. Tax identification Number
2023 AUG DAILY
3. Sampling Month & Frequency

C. Daily Readings/Analysis Information

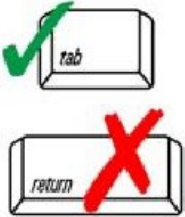
Date	Effluent Flow GPD	Reuse Flow GPD	Irrigation Flow GPD	Turbidity	Influent pH	Effluent pH	Chlorine Residual (mg/l)	UV Intensity (%)
1	12630					7.4		
2	10457					7.3		
3	12458					7.4		
4	10369					7.4		
5	10369							
6	10369							
7	12475					7.3		
8	10492					7.1		
9	8446					7.1		
10	12475					7.2		
11	10393					7		
12	10393							
13	10393							
14	8310					7.1		
15	12519					7.3		
16	10470					7.3		
17	14936					7.3		
18	11429					7.2		
19	11429							
20	8270							
21	10635					7.3		
22	10487					7.3		
23	10038					7		
24	9454					7		
25	11141					7.1		
26	11141							
27	11141							
28	12564					7.3		
29	10469					7.2		
30	10346					7.2		
31	12566					7.3		



Groundwater Permit

668
1. Permit Number
2. Tax identification Number

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



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

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



Facility Information

SOUTH CAPE VILLAGE
a. Name
672 FALMOUTH ROAD/RTE. 28
b. Street Address
MASHPEE MA 02649
c. City d. State e. Zip Code

Certification

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

ELIZABETH BELAIR 9/19/2023
a. Signature b. Date (mm/dd/yyyy)

Reporting Package Comments

FACILITY WAS IN FULL COMPLIANCE WITH ALL PERMIT REQUIREMENTS FOR THE MONTH



GUARD LAW LLC

September 22, 2023

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

RE: 411 Monomoscoy Rd MassDEP Waterways License Application No. 23-WW01-0102-AAP

Dear Mr. Lehrer,

This office represents MT Guard LC regarding MassDEP Waterways License Application No. 23-WW01-0102-AAP to replace, install and maintain a private residential pier and float located at 411 Monomoscoy Road, Mashpee, Massachusetts. Pursuant to M.G.L. c. 91 and 310 CMR 9.13(1)(a), annexed hereto please find a copy of the public notice and the project plan set.

Please feel free to contact us with any questions.

Thank you.

Very truly yours,

Steven M. Guard

SMG/ejc
Encl.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM**

**Notice of License Application Pursuant to M. G. L. Chapter 91
Waterways License Application Number 23-WW01-0102-APP
MT Guard, L.C.**

NOTIFICATION DATE: October 6, 2023

Public notice is hereby given of the waterways application by MT Guard, L.C. to construct and maintain a pier, ramp and float at 411 Monomoscoy Road, in the municipality of Mashpee, in and over the waters of the Little River. The proposed project has been determined to be water-dependent.

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

Project plans and documents for the Waterways application are on file for public viewing electronically at: <https://eeaonline.eea.state.ma.us/EEA/PublicApp/> (enter "411 Monomoscoy Road" in the Search Page as the Location Address). If you need assistance, please contact cally.harper@mass.gov or if you do not have access to email, please leave a voicemail at (508) 946-2815 and you will be contacted with information on alternative options.

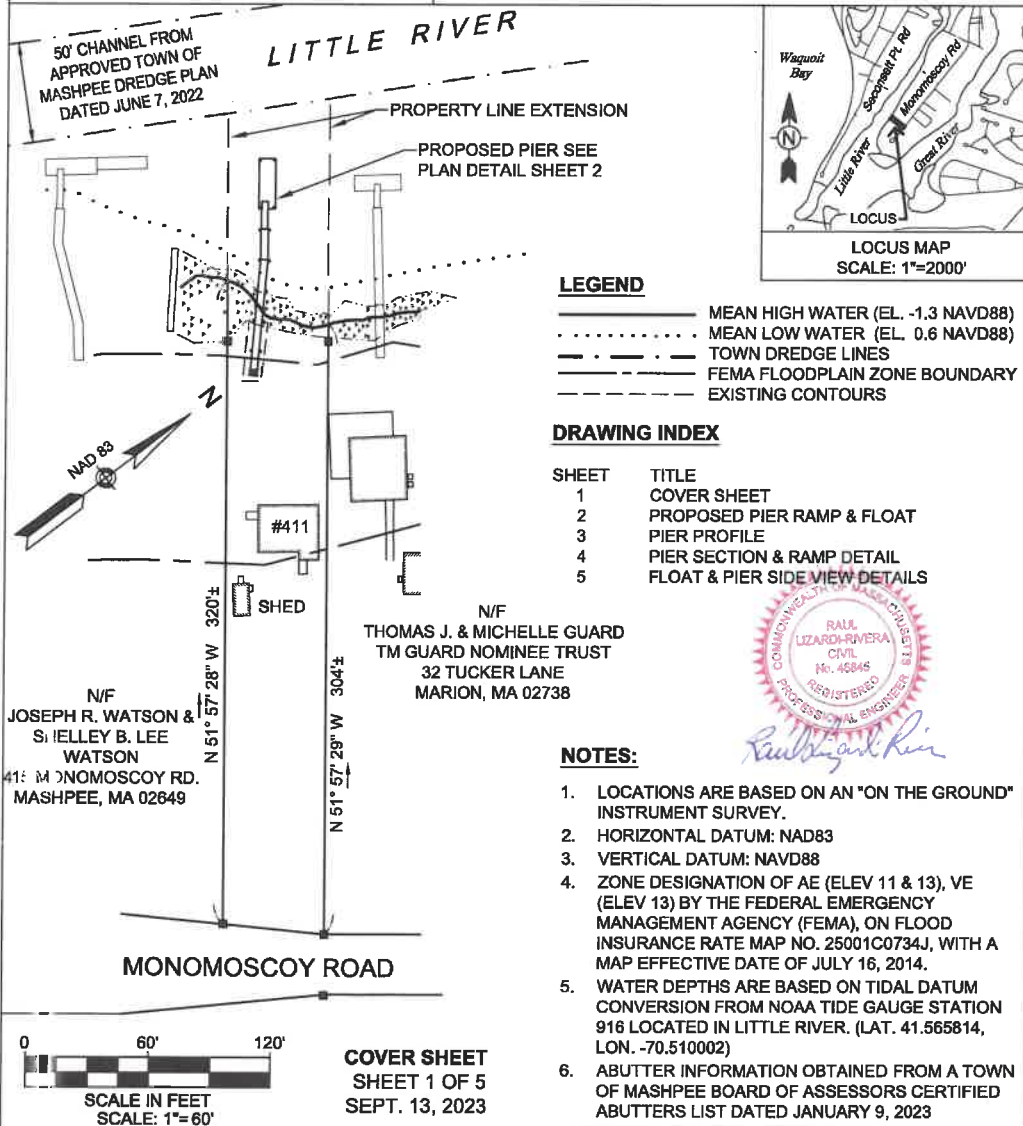
Written comments must be addressed to: Cally Harper, Environmental Analyst, DEP Waterways Regulation Program, 20 Riverside Drive, Lakeville, MA 02347.

I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

NAME

9/14/2023

DATE



PLAN: ACCOMPANYING PETITION OF MT GUARD, LC. TO CONSTRUCT & MAINTAIN A PIER, RAMP & FLOAT IN AND OVER THE WATERS OF LITTLE RIVER IN MASHPEE, AT 411 MONOMOSCOY ROAD, MASHPEE, MA 02649 BARNSTABLE COUNTY, MASSACHUSETTS

PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
508.477.7272

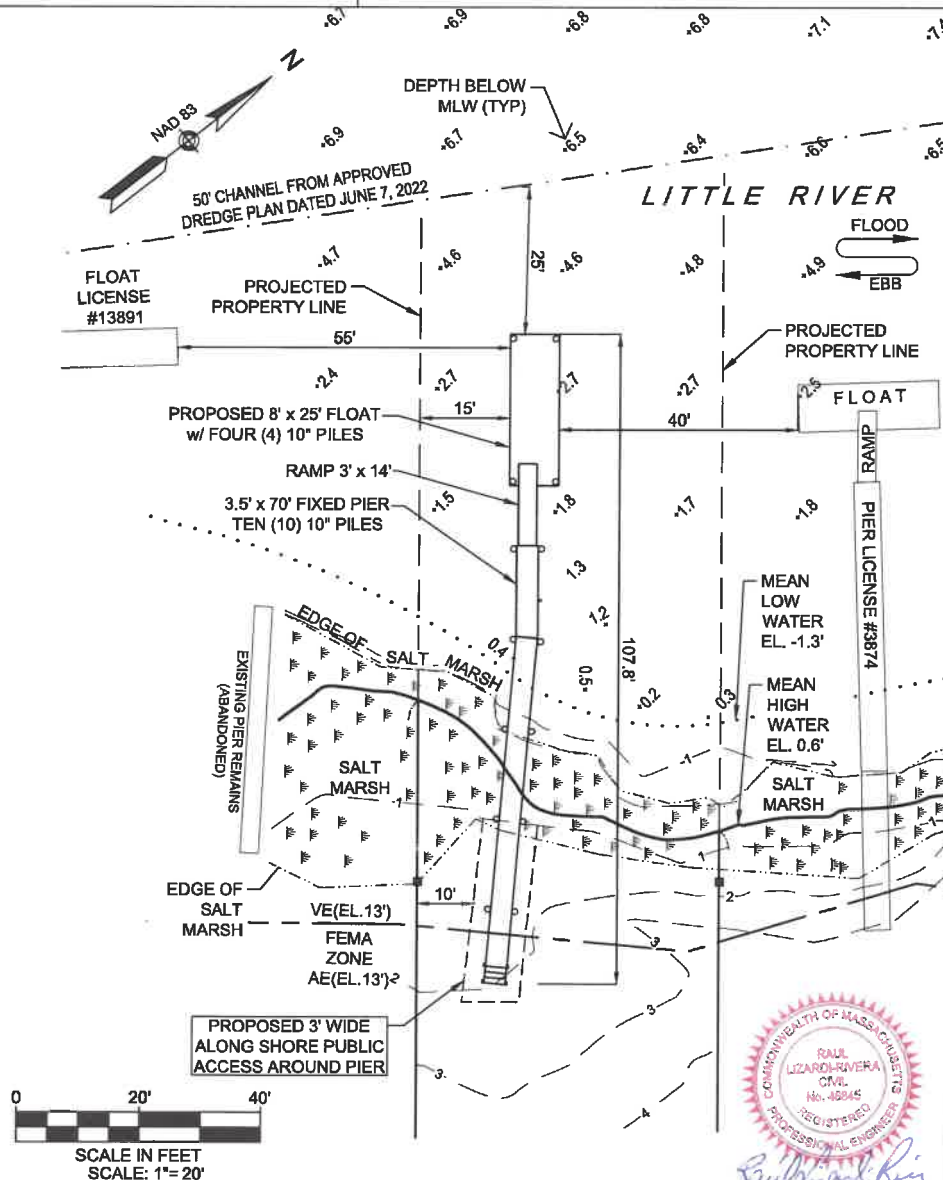
I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Raul Lizarola-Rivera

9/14/2023

NAME

DATE



PROPOSED PIER, RAMP & FLOAT
SHEET 2 OF 5
SEPT. 13, 2023

PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
508.477.7272

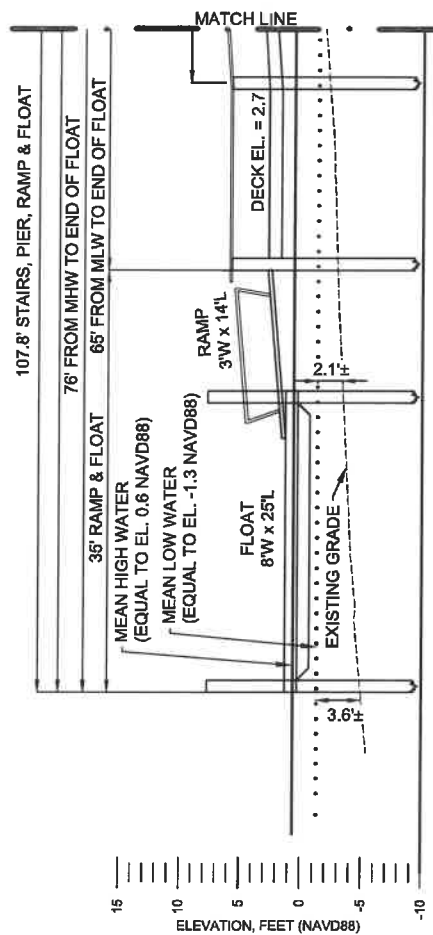
I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Raul Lizardi-Rivera

9/14/2023

NAME

DATE



0 10' 20'

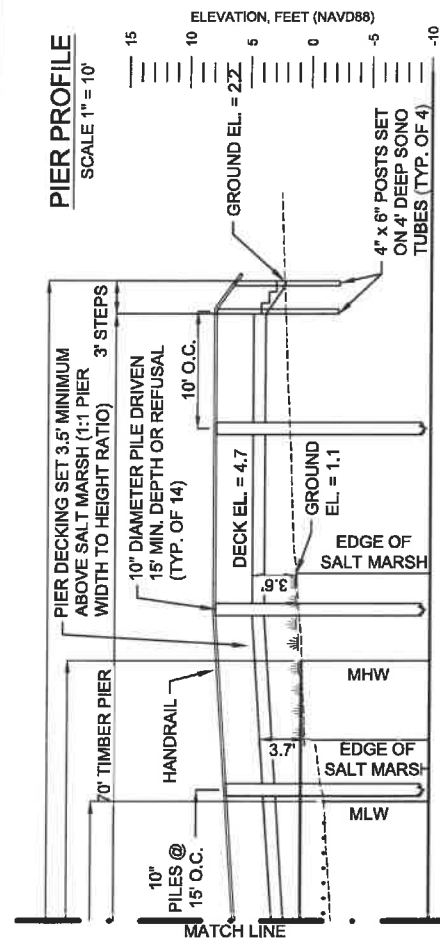
SCALE IN FEET
HOR. SCALE: 1"= 10'
VERT. SCALE: 1"= 10'

PIER PROFILE
SHEET 3 OF 5
SEPT. 13, 2023

PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
508.477.7272



PIER PROFILE
SCALE 1"= 10'



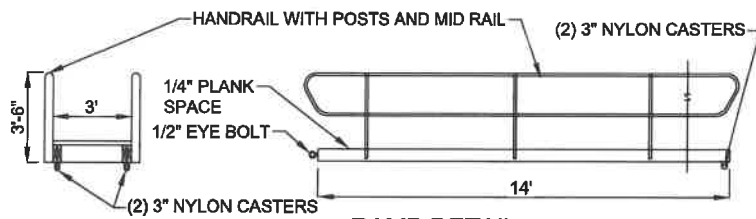
10 0 10

GRAPHIC SCALE

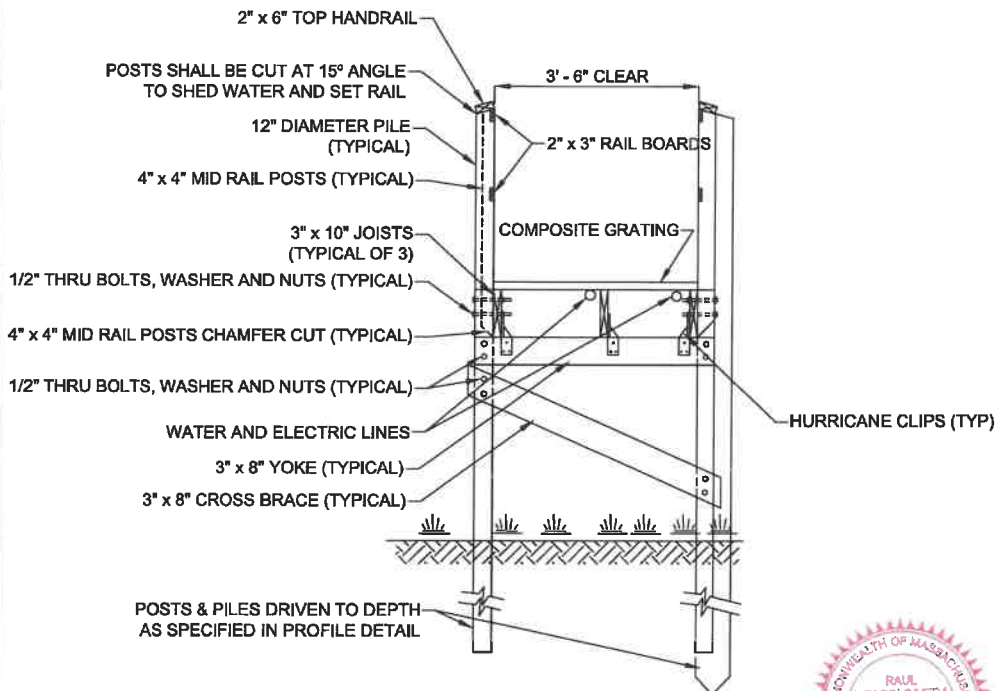
I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Raul Lizardo-Rivera
NAME

9/14/2023
DATE



RAMP DETAIL
NOT TO SCALE



PIER SECTION
NOT TO SCALE



PIER SECTION & RAMP DETAIL
SHEET 4 OF 5
SEPT. 13, 2023

PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
508.477.7272

I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Raul Lizardi-Rivera

9/14/2023

NAME

DATE

FLOAT SHALL BE FURNISHED SUCH THAT 6" IS SUBMERGED DURING WORKING CONDITIONS

PRE-MOLDED HIGH DENSITY POLYETHYLENE SHELL ENCAPSULATED POLYSTYRENE FLOATS

1/2" GALVANIZED CARRIAGE BOLTS & WASHERS AS NEEDED

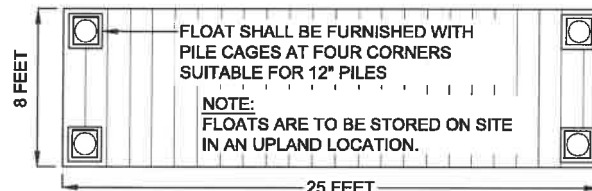
2" x 10" MOUNTS

2" x 10" SKIDS

6"

FLOAT SHALL BE FURNISHED WITH SOLID PLATE INSTALLED WHERE FOR ANGLE STOPS ON PILES TO KEEP 18" CLEARANCE FROM BOTTOM OF FLOAT TO EXISTING GRADE.

SECTION VIEW

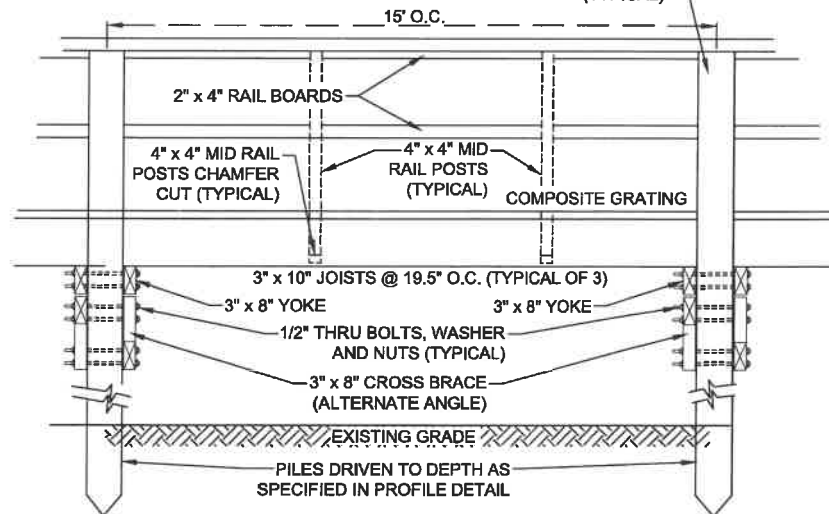


PLAN VIEW

FLOAT DETAIL

NOT TO SCALE

10" DIAMETER PILES (TYPICAL)



PIER SIDE VIEW DETAIL

NOT TO SCALE

FLOAT & PIER SIDE VIEW DETAILS

SHEET 5 OF 5
SEPT. 13, 2023

PLANNED BY: CAPE & ISLANDS ENGINEERING, INC.
508.477.7272



**Town of Barnstable
Planning Board
Notice of Public Hearing
Regulatory Agreement No. 2023-002 – Shoestring Properties, LLC
110 School Street and 115 School Street, Hyannis
October 16, 2023, 7:00 P.M.
James H. Crocker, Jr. Hearing Room
Barnstable Town Hall, 2nd Floor, 367 Main Street, Hyannis, MA**

To all persons deemed interested, the Planning Board acting under Chapter 168 of the Code of the Town of Barnstable, Regulatory Agreements and the General Laws of the Commonwealth of Massachusetts, and the Zoning Ordinances of the Town of Barnstable, specifically Section 240-24.1 Downtown Hyannis Zoning Districts, you are hereby notified of a Public Hearing for Regulatory Agreement No. 2023-002.

Shoestring Properties, LLC seeks to enter into a Regulatory Agreement with the Town of Barnstable to construct twenty-nine (29) condominium units in two (2) buildings with associated improvements at 110 School Street and 115 School Street, Hyannis. The redevelopment consists of eighteen (18) 3-bedroom units and eleven (11) 2-bedroom units. A total of 70 parking spaces will be provided.

The subject property is located at 110 School Street and 115 School Street, Hyannis, Massachusetts, shown on Assessor's Map 326 as Parcels 121 and 125. It is in the Hyannis Harbor District zoning district; the Hyannis Main Street Waterfront Historic District; and the Aquifer Protection Overlay District.

The Regulatory Agreement seeks the following waivers from the Zoning Ordinance, specifically: Section 240-24.1.3.B.2 Development Review to waive the standards of the Design and Infrastructure Plan to the extent the project does not meet the Design and Infrastructure Plan standards. Section 240-24.1.3.B.2(b) to waive the requirement for Formal Site Plan Review. Section 240-24.1.5.A.(1) Standards for all Districts to waive certain building standards for frontage type, maximum number of building stories, maximum building height, and certain building components. Section 240-24.1.5.C(3)(b) to waive location of parking within the frontage area. Section 240-24.1.5.D(2)(i) to waive the required landscape plan stamped by a Massachusetts registered Landscape Architect. Section 240-24.1.5.E(3) to waive certain surface parking lot design standards. Section 240-24.1.10.C Hyannis Harbor District to waive certain building standards for setbacks, height requirements, and building stories. Section 240-24.1.10.F to waive certain landscape requirements in the Hyannis Harbor District.

The Regulatory Agreement seeks the following waivers from the General Ordinance, specifically: Chapter 9 Inclusionary Housing to allow for six (6) affordable units to be provided offsite. Chapter 112, and Article III, Hyannis Main Street Waterfront Historic District, to waive the requirement for a Certificate of Appropriateness from the Hyannis Main Street Waterfront Historic District Commission for all revisions that have occurred to the project as a result of the Regulatory Agreement process that differ from the Hyannis Main Street Waterfront Historic District Certificate of Appropriateness for this project approved on February 16, 2022.

The Planning Board meeting shall take place in person at the James H. Crocker, Jr. Hearing Room, Barnstable Town Hall, 2nd floor, 367 Main Street, Hyannis, MA.

The meeting will be televised via the Barnstable Government Access channel and may be viewed via the Government Access website at <http://streaming85.townofbarnstable.us/CablecastPublicSite/>.

Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to Karen.herrand@town.barnstable.ma.us, so that they may be displayed for remote public access viewing. Copies of the Regulatory Agreement application are available for review by calling 508-862-4064 or emailing Karen.herrand@town.barnstable.ma.us or on the Town of Barnstable webpage, www.town.barnstable.ma.us under Planning Board, "meeting materials".

**TOWN OF BARNSTABLE PLANNING BOARD
NOTICE OF PUBLIC HEARING
MONDAY, OCTOBER 23, 2023, AT 7:00 P.M.
JAMES H. CROCKER, JR. HEARING ROOM
BARNSTABLE TOWN HALL, 2ND FLOOR, 367 MAIN STREET, HYANNIS, MA**

**SPECIAL PERMIT NO. 2023-04
NILE MORIN – 50 MAIN STREET, HYANNIS**

To all persons deemed interested in the Planning Board acting under the General Laws of the Commonwealth of Massachusetts, Chapter 40A, Section 9, and all amendments thereto and the Town of Barnstable Zoning Ordinances you are hereby notified of a Public Hearing to consider a request for a Special Permit Application No. 2023-04.

The Applicant and Owner Nile Morin has requested relief from Section 240-1.7(B)(3)(c) facade buildout requirements. The application proposes a 46 percent frontage buildout where 80 percent is required. The subject property is located at 50 Main Street, Hyannis, Massachusetts, shown on Assessor's Map 342 Parcel 026, zoned Downtown Village Zoning District and Wellhead Protection Overlay District.

The Planning Board meeting shall take place in person at the James H. Crocker, Jr. Hearing Room, Barnstable Town Hall, 2nd floor, 367 Main Street, Hyannis, MA.

The meeting will be televised via Channel 18 and may be viewed via the Channel 18 website at <http://streaming85.townofbarnstable.us/CablecastPublicSite/>.

Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to Karen.pina@town.barnstable.ma.us, so that they may be accessible for viewing.

Copies of the Special Permit application are available for review by calling 508-862-4064 or emailing Karen.pina@town.barnstable.ma.us or on the Town of Barnstable webpage, www.town.barnstable.ma.us under Planning Board, "meeting materials".

Barnstable Patriot
October 6 & October 13, 2023

Stephen Robichaud, Chair
Barnstable Planning Board



**TOWN OF FALMOUTH
MASSACHUSETTS**

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by David Stinnett, Trustee, 5 Harbor Hill Road, Woods Hole, MA.

(Map 51 Lot 014A) under 240-11.3A(4) of the Zoning By-Law, as amended to **grant** the special permit to construct an addition; exceeding 20% lot coverage by structures.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **September 20, 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 Paul J. Reppucci and Sarah J. Briones, 24 Prospect Street, Falmouth, MA. (Map 47A Lot 033B) under 240-10.2A and 240-11.3A(4) of the Zoning By-Law, as amended to **grant** the special permit to utilize the Premises as a single-family dwelling, and to allow additional habitable space on the second floor of the detached garage.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **September 20, 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 Stephen F. and Donna M. Foley, 265 Walker Street, Falmouth, MA.

(Map 47 Lot 017) under 240-6.6B of the Zoning By-Law, as amended to **grant** the special permit to allow a third garage bay.

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 25, 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 Joseph and Kristin Palomba, 19 Santuit Road, North Falmouth, MA.

(Map 13 Lot 015) under 240-10.2A and 240-11.3A(4) of the Zoning By-Law, as amended to **grant** the special permit to raze and rebuild the existing, non-conforming, single-family dwelling, exceeding 20% lot coverage by structures.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **September 25, 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 Lisa M. Colombo, 25 Clam Lane, East Falmouth, MA.

(Map 33 Lot 005) under 240-11.3A(4) of the Zoning By-Law, as amended to **grant** the special permit to install a plunge pool, exceeding 20% lot coverage by structures.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **September 25, 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 Jessica Kate Martin and Neil Whiting Cross, 0 Stowers Street (lot 202), Teaticket, Ma.

(Map 39 Lot 202) under 240-11.3A(4) of the Zoning By-Law, as amended to **grant** the special permit to construct a single family dwelling, exceeding 20% lot coverage by structures.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **September 29, 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 F. and Heidi L. Gugliotta, 219 Great Bay Street, East Falmouth, Ma.

(Map 46A Lot 108) under 240-10.2A of the Zoning By-Law, as amended to **grant** the special permit to raze and reconstruct 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 29, 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 Michael and Patricia Tor, 10 Melrose Avenue, Falmouth, MA.

(Map 46B Lot 010) under of the Zoning By-Law, as amended to **grant** the modification of special permit No.90-79 to allow alterations to the existing, non-conforming dwelling to include an addition, expansion of the second floor and porch/deck additions.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **October 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

ZONING BOARD OF APPEALS

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

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

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

Application #079-23 John H. Munson and Erin M. Staine – Pyne, 29634 Turnberry Drive, Dagsboro, DE.: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A. and 240-11.3A(4) of the Code of Falmouth to remove the existing garage and shed and to raze and rebuild the existing, non-conforming, single-family dwelling. The subject property is 88 Jewelers Avenue, East Falmouth, MA.

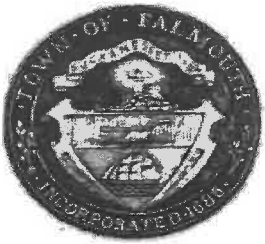
Map 40A Section 07 Parcel 004 Lot(s) 005

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, October 5, 2023 at 6:30PM**

You are invited to be present.

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

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

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

Application #078-23 Stephen and Mary Colleen McCormick, 6 Marlyn Road, Medfield, MA.:

Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.1C(3) of the Code of Falmouth to remove a portion of the existing deck and construct a second floor addition over a portion of the dwelling on subject property known as 43 Salt Pond Road, Falmouth, MA.

Map 47 Section 03 Parcel 060 Lot(s) 022B

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on
Thursday, October 5, 2023 at 6:30PM

You are invited to be present.

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

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

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

Application #077-23 Kevin A. and Cathleen A. Hanwell, 55 Laurie Lane, North Attleboro, MA.:

Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A & 240-11.3A(4) of the Code of Falmouth to construct an addition and attached garage with habitable space above, exceeding 20% lot coverage by structures on subject property known as 15 Grove Street, North Falmouth, MA.

Map 04A Section 02 Parcel 000 Lot(s) 409

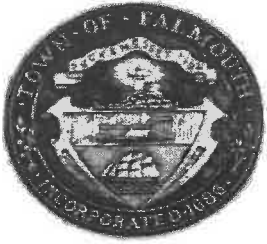
A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on

Thursday, October 5, 2023 at 6:30PM

You are invited to be present.

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

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

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

Application #074-23 Patricia K. Rocha and James H. Lerner, Trustees, 5 Carriage Lane, Canton, MA.: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A and 240-11.3A(4) of the Code of Falmouth to construct a half-story addition, increasing lot coverage by structures on subject property known as 55 Bywater Court, Falmouth, Ma.

Map 47 Section 05 Parcel 013 Lot(s) 009

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, October 5, 2023 at 6:30PM**
You are invited to be present.

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

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

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

Application #082-23 Michael Galasso, 107 Lakeview Avenue, Falmouth, MA. Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-6.2B., 240-9.4A. and 240-10.1 of the Code of Falmouth to redevelop building for dwelling units, commercial accommodations, and restaurant; pursuant to M.G.L. c.40A § 8 & 15 and 240-12.4A(2) of the Code of Falmouth the Applicant is appealing the Building Commissioners determination. The subject property is 545 Main Street, Falmouth, MA.

Map 47B Section 04 Parcel 012 Lot(s) 003

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, October 19, 2023 at 6:30PM**
You are invited to be present.

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

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

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

Application #083-23 William and Mary Henderson, 111 Perkins Street, Apt. 197, Jamaica Plain, MA.: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A. of the Code of Falmouth to remove the existing deck and construct a screened porch addition at the rear of the non-conforming dwelling on subject property known as 9 Highview Drive, East Falmouth, MA.

Map 33 Section 07 Parcel 000 Lot(s) 129

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, October 19, 2023 at 6:30PM**
You are invited to be present.

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

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

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

Application #082-23 Michael Galasso, 107 Lakeview Avenue, Falmouth, MA.: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-6.2B., 240-9.4A. and 240-10.1 of the Code of Falmouth to redevelop building for dwelling units, commercial accommodations, and restaurant; pursuant to M.G.L. c.40A § 8 & 15 and 240-12.4A(2) of the Code of Falmouth the Applicant is appealing the Building Commissioners determination. The subject property is 545 Main Street, Falmouth, MA.

Map 47B Section 04 Parcel 012 Lot(s) 003

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, October 19, 2023 at 6:30PM**
You are invited to be present.

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

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

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

Application #084-23 Falmouth Resort Owner LLC, 350 Madison Avenue, 8th Floor, New York, NY.: Applied to the Zoning Board of Appeals for a modification of exiting special permits pursuant to section(s) 240-10.2A and 240-6.2B of the Code of Falmouth to construct four (4) duplex structures over the existing tennis courts and convert a portion of an existing office building into an additional unit. The subject property is 350 Quaker Road, North Falmouth, Massachusetts.

Map 13 Section 11 Parcel 061 Lot(s) 000

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, October 19, 2023 at 6:30 PM**
You are invited to be present.

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

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

Town of Sandwich
THE OLDEST TOWN ON CAPE COD



Board of Appeals

100 Route 6A
Sandwich, MA 02563
Phone: 508-833-8001
E-mail: planning@sandwichmass.org

**TOWN CLERK
TOWN OF SANDWICH**

SEP 13 2023

10 H 36 M 15 AM
RECEIVED & RECORDED

**VARIANCE DECISION
Certificate of Approval**

Petition # 23-19
Current Property Owner(s): John & Janeth Eby
Applicant: John & Janeth Eby
Property Address: 8 Birchwood Lane
Map, Parcel: 9-293
Book, page: 33885, 29

On September 12, 2023, the Board of Appeals voted to approve a variance from Section 1321 and 2600 (d) of the Sandwich Zoning By-law for property located at 8 Birchwood Lane, as shown on Assessor's Map 9, Parcel 293, for the purpose of obtaining a 5 ft. variance.

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

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

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



Board of Appeals Member

September 13, 2023

Date

PROCEDURAL HISTORY

1. Variance application from Section 1321 and 2600 (d) of the Zoning By-Law for property located at 8 Birchwood Lane was filed on August 7, 2023.
2. After proper notice was given, the public hearing was opened on September 12, 2023 and closed on September 12, 2023.
3. The application was accompanied by a plan entitled:
Site Plan for
John & Janeth Eby
#8 Birchwood Lane Sandwich MA
Dated: July 19, 2023
4. The Board reviewed the application and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:

James Killion
Christopher Neeven
Erik Van Buskirk
Chase Terrio
Mary Foley
Kevin Kirrane

FINDINGS

The Zoning Board of Appeals finds that:

1. The site is located in an R-2 zoning district and consists of 0.370 acres with 105 feet of frontage on Birchwood Lane.
2. The applicant is proposing a roof on posts over an existing patio/kitchen area.
3. The patio covering is considered a one-story accessory structure and is required to be setback 6 feet from the side lot line.
4. The applicant is requesting a 1' variance from the side yard setback.
5. The applicant states that construction of the patio which has been undertaken would have to be modified at great expense in order to accommodate the 6' setback.
6. The subject property is located within a cluster subdivision requiring a side yard setback of 6' for an accessory structure.
7. The Board of Appeals finds that:
 - a) A literal enforcement of the provisions of this bylaw involves a substantial hardship, financial or otherwise,

- b) The hardship is owing to circumstances relating to the soil conditions, shape, or topography of such land or structures but not affecting generally the zoning district in which it is located.
- c) Desirable relief may be granted without substantial detriment to the public good, or nullifying or substantially derogating from the intent or purpose of this by-law.

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

Second: Christopher Neeven

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

CONDITIONS:

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

1. Failure to comply with all the conditions set forth in this decision shall terminate the grant of this variance.
2. The variance shall not take effect until it is recorded at the Barnstable County Registry of Deeds and a copy of the recorded Variance is provided to the Board of Appeals.

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

Second: Christopher Neeven

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

DECISION:

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

Second: Christopher Neeven

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



**Appeal of the Decision of the Building Commissioner
CERTIFICATE OF DENIAL**

PROPERTY ADDRESS: 80 North Shore Boulevard
NAME OF APPLICANT: Monahan Dailey Trust – Isabelle Dailey
CERTIFICATE OF TITLE: 909462096

On September 26, 2023, the Board of Appeals voted to deny an Appeal of the Decision of the Building Commissioner for 80 North Shore Boulevard Sandwich, MA, Assessors Map 70 Parcel 79 for the purpose of appealing the Building Commissioner's zoning determination relating to the construction of a garage dated August 31, 2023.

The Board of Appeals certifies that this certificate is a true and correct copy of the decision to deny the Appeal of the Decision of the Building Commissioner and that copies of said decision, and of all plans referred to in the decision, have been filed with the Board of Appeals and the Town Clerk.

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

TOWN CLERK
TOWN OF SANDWICH

SEP 28 2023

11 H 35 M 19 M 52
RECEIVED & RECORDED


Board of Appeals Member

September 28, 2023
Date

PROCEDURAL HISTORY

1. Application for Appeal of the Decision of the Building Commissioner was received on September 1, 2023 for the purpose of appealing a written zoning determination of the Building Commissioner dated August 31, 2023.
2. After proper notice was given, the public hearing was opened on September 26, 2023 and closed September 26, 2023.
3. The application was not accompanied by a site plan.
4. The Board reviewed the application and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:

James Killion
Christopher Neeven
Erik Van Buskirk
Chase Terrio
Kevin Kirrane

FINDINGS

1. The Board of Appeals finds that this application meets the requirements of Section 8, M.G.L. Chapter 40A.
2. The Board of Appeals finds that the subject property is located in the Shore zoning district and is entirely within the floodplain.
3. The subject property consists of 0.33 acres with 150 ft. of frontage on North Shore Boulevard. A large section of the parcel is in a wetlands resource area and therefore has limited buildable upland.
4. The applicant wishes to construct a garage on the vacant property.
5. A garage is considered an accessory use.
6. The Board of Appeals finds that an accessory use cannot be sought without the establishment of a primary use.

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

Second: Christopher Neeven

Vote:	James Killion	Yes
	Christopher Neeven	Yes
	Erik Van Buskirk	Yes
	Chase Terrio	Yes
	Kevin Kirrane	Yes

DECISION

After reviewing the application, the plan and other materials submitted and after giving due consideration to testimony given at the public hearing, the Board hereby denies the Appeal of the Decision of the Building Commissioner, for property located at 80 North Shore Boulevard Sandwich, MA, Assessors Map 70 Parcel 79 for the purpose of appealing the Building Commissioner's zoning determination relating to the construction of a garage dated August 31, 2023.

Motion: I, James Killion, move to deny the Appeal of the Decision of the Building Commissioner.

Second: Christopher Neeven

Vote:	James Killion	Yes
	Christopher Neeven	Yes
	Erik Van Buskirk	Yes
	Chase Terrio	Yes
	Kevin Kirrane	Yes