



# Town of Mashpee

# Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

**Meeting of the Mashpee Planning Board  
Wednesday, November 1, 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 October 18, 2023

## Public Comment

## Public Hearings

### **7:10 PM (Continued from 9/20/2023)**

**Applicant:** Marcello Mallegni, Forestdale Road, LLC  
**Location:** 532 Main Street (Map 26, Block 6)  
**Request:** The Applicant requests consideration for approval of a 9 lot definitive subdivision plan of land consisting of approximately 18.05 acres located on Main Street (Route 130) between Nicoletta's Way and Echo Road.

### **7:20 PM (Continued from 9/20/2023)**

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

### **7:25 PM (Continued from 9/20/2023)**

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

## New Business

- Request for release of covenant dated October 31, 2007 for property addressed as 30 Evergreen Circle signed by Stephen Giatrelis and recorded in Barnstable County Registry of Deeds Book 22461 Page 293.

MASHPEE TOWN CLERK  
OCT 27 '23 PM3:51



# Town of Mashpee

# Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

- Consideration of special permit and definitive plan modification applications submitted by Ockway Highlands, LLC to determine if the scope of the applications is de minimus in nature and can be acted upon without a public hearing and other requirements prescribed in Massachusetts General Law Chapter 40A and 41. If the Board finds that the application constitutes a modification that is not minor in nature, the Board will vote to set a public hearing date.

## 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

- September 2023 Discharge Monitoring Report for South Cape Village – N = 2.9
- 32 Crescent Road MassDEP Waterways License Application No. 23-WW01-0123-APP
- Town of Falmouth Notices
- Town of Sandwich Notices

## Additional Topics (not reasonably anticipated by Chair)

## Adjournment

MASHPEE TOWN CLERK  
OCT 27 '23 PM3:51



# *Town of Mashpee*

## *Planning Board*

*16 Great Neck Road North  
Mashpee, Massachusetts 02649*

### **Mashpee Planning Board**

#### **Minutes of Meeting**

**Wednesday, October 18, 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:** Vice- Chair Mary Waygan, Dennis Balzarini, Mike Richardson, Dale Oakley, Robert (Rob) Hansen

**Also Present:** Evan Lehrer – Town Planner, Kieran Healy- BSC Group, Tom Bunker- BSS Design, Carl Gehring – Gehring and Associates (Cellco Partnership)

**Absent:** Karen Faulkner

### **CALL TO ORDER**

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

### **APPROVAL OF MEETING MINUTES – September 20, 2023**

There were no comments regarding the meeting minutes for September 20, 2023.

### **MOTION:**

**Mr. Richardson made a motion to accept the meeting minutes for September 20, 2023 as written. Seconded by Mr. Balzarini. All in favor.**

### **APPROVAL NOT REQUIRED**

**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.

Mr. Lehrer stated this is a subdivision. The frontages were reduced on Azalea lane. It is within the New Seabury special permit, no frontage issues, conforms with requirements, he recommends endorsement.



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
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Ms. Waygan inquired about having to change the subdivision plan.

Mr. Healy noted this lot is being divided and then this plan will go to Land Court and the decree plan will change and another one will be issued in the next five years.

Tom Bunker clarified the difference is their road is not being changed.

### **MOTION:**

**Mr. Richardson made a motion to endorse the ANR. Seconded by Mr. Balzarini. All in favor.**

Ms. Waygan signed the mylar.

**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.

Tom Bunker has two plans, as Mashpee Commons is mostly Land Court registered land, there is a portion of the property that is not, one mylar goes to Land Court. The Land Court plan shows the entire site, and everything being done is on that side. He highlighted everything in green that was being affected by this plan. At the side behind the theatre are two sheds, this is special permit lots 20 and 21, which have a 40b comprehensive permit. These are sheds Mashpee Commons uses for maintenance storage and they want to give that land (4,200 s.f.) out of the comprehensive permit land and put it in the special permit land. The other two parcels, one 1,655 s.f. that is part of the special permit land, is going to the comprehensive permit land, Land Court land and non-Land Court land. Three parcels are created. Land is moved and this plan affects the entire lot of former lot 17, which is becoming lot 26. Lot 20 is becoming 25. Land Court always requires a new lot number. This area is shown on the public plan and 16b is being divided into lots 16 e, f, and g. Former Board Engineer Charlie Rowley wrote a letter that stated 16h is not being created until d and f are conveyed from Mashpee Commons LLC to partnership. Until land is in common ownership it cannot be combined. Mr. Rowley instructed him to remove 'h' at the time.

### **MOTION:**

**Mr. Richardson made a motion to endorse the petition. Seconded by Mr. Balzarini. All in favor.**

### **MOTION:**

**Mr. Richardson made a motion to endorse Jobs Finishing Road, revised October 16, 2023. Seconded Mr. Balzarini. All in favor.**





# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

All members signed the ANR.

### **PUBLIC HEARING**

#### **7:10PM (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 the units will be connected to and served by the existing privately owned wastewater treatment plant which serves the entire Willowbend project.

#### **MOTION:**

**Mr. Richardson made a motion to continue the Public Hearing to December 6, 2023 at 7:10P.M. Seconded by Mr. Balzarini. All in favor.**

**Seated on this matter:** Mr. Hansen, Mr. Balzarini, Ms. Faulkner, Mr. Richardson, & Ms. Waygan.

#### **7:20PM (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.

#### **MOTION:**

**Mr. Richardson made a motion to continue this Public Hearing to December 6, 2023 at 7:20P.M. Seconded by Mr. Balzarini. All in favor.**

### **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)



# *Town of Mashpee*

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Carl Gehring is present tonight to respectfully withdraw with the intent to come back before the Board. The project is taking a pause. This is not being abandoned, there are higher level discussions taking place behind the scenes. The Town will continue to hold the \$5,000 review costs.

Ms. Waygan reiterated that the Town will keep the funds until next time he comes back, there will be no fee.

### **MOTION:**

**Mr. Balzarini made a motion to allow the project proponent to withdraw without prejudice and the Town will retain the application fee for peer review until the proponent requests the funds back, it will remain with the Treasurer. Seconded by Mr. Richardson. All in favor.**

### **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.**

Mr. Lehrer stated there are a group of property owners on Rt. 130 /Mashpee Wakeby that have had this land informally on the market for a number of years. There are multiple owners, all cousins that are highly motivated to sell 8 of the 17 acres. There is a potential acquisition for the entire 17.2. This is in conjunction with Conservation over on Pickerel Cove Road and Pickerel Cove Circle. They want to see this be used for preservation for wildlife and access to water. The applicants are interested in making the Town the buyer through CPC and the property owners can negotiate a mutually advantageous agreement. Mr. Lehrer supports this.

Mr. Hansen asked who would be doing the negotiations.

Mr. Lehrer stated the CPC would designate one or two people to start the process.

### **MOTION:**

**Mr. Balzarini made a motion to approve this letter of recommendation to be signed by Chair Karen Faulkner. Seconded by Mr. Richardson. All in favor.**

**Ms. Waygan abstains due to sitting on CPC.**

### **Request to reduce the performance guarantee held for the subdivision referred to as Willow Circle by \$141,998.**

Mr. Lehrer has correspondence that the reduction in surety is fine. Mr. Pesce is not here and has not provided that in writing. He is satisfied with work performed regarding scope and has accepted requests to reduce.



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Ms. Waygan asked how much the town is holding.

Mr. Lehrer stated total value is \$357,525.

Ms. Waygan would like Mr. Pesce to acknowledge this confirmation.

Mr. Pesce was phoned in for comment. He was on site with Scott Miller, all the numbers are conservative. There was more work that's been done, he can confirm that number is certainly acceptable and Mr. Pesce recommends the release of those funds.

### **MOTION:**

**Mr. Richardson made a motion to approve the request to release funds in the amount of \$141,998. Seconded by Mr. Balzarini. All in favor.**

**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 Mashpee River and Red Brook.**

Ms. Waygan noted parts of the application are in the packet. The applicant is the Association to Preserve Cape Cod. Department of Natural Resources is supporting this in conjunction with Conservation and the Tribe. These efforts will impact Hinckley's Pond in Harwich, Red Brook, upper Quashnet River, upper Bass River, and a fresh water river off Weir Road for fresh water river and bog restorations. This is \$22Million worth of funds to aid in restorations. The draft letter is in the packet.

### **MOTION:**

**Mr. Richardson made a motion to approve the submission of this support letter signed by Chair Karen Faulkner. Seconded by Mr. Balzarini. All in favor.**

### **OLD BUSINESS**

N/A

### **BOARD ENGINEER REPORT**

Mr. Pesce reported on Blue Castle Drive and the significant improvements that were made. Mr. Pesce has been on site daily inspecting work and it is being performed to his satisfaction. He asked residents at Town Meeting about the quality and the ones he spoke with are overall satisfied. Mr. Pesce will be here to discuss on November 1<sup>st</sup>. He is pleased to report the maintenance obligation has been rectified with hopes of ongoing annual work to be done.



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### **VICE- CHAIRWOMANS REPORT**

Ms. Waygan was given the Town of Mashpee blue pages all about water and sustainability. She would like to publish this again with updates. This book was copyrighted then Mashpee published it and fine-tuned it specifically for Mashpee. She is going to bring it up to the CPC and see if it would be eligible and what we would have to do to get the update. The Environmental Club could earmark items that require updating.

### **TOWN PLANNER REPORT**

#### **Harbor Management Planning Committee Update**

Mr. Lehrer was not at the meeting but the consultants met with Ms. Fisher to discuss public access ways to water.

Mr. Oakley is working to set a time for an information gathering event with the Tribal community to get them involved within the next 4-6 weeks.

#### **Housing Production Plan**

They will be hosting the second workshop to discuss goals on October 26<sup>th</sup> at 6:30 at the Mashpee Public Library. The survey has been extended through October 30<sup>th</sup>. Flyers went out at Town Meeting. The results have doubled from what we had a couple weeks ago. There is a call to action to review goals and objectives from the 2015 HPP. He wants to ask the Planning Board members to do the same and provide any comments relative to goals and objectives from 2015. We need to understand what strategies still make sense to carry through or modify and add anything missing.

Ms. Waygan handed out goals, policies, and actions from the LCP for housing.

Mr. Balzarini noted his struggle with the base and their acreage, he mentioned the 600 acres being used from the base for housing initiatives finally.

Mr. Lehrer is happy the base has made this statement but we need to keep focus on priorities.

Mr. Balzarini wants to put pressure on them. There will not be any local preferences.

Mr. Hansen stated it could be split amongst bordering towns, a hundred acres per town.

### **PUBLIC COMMENT**

**Lynne Barbee-** Where she lives, her HOA is the Mashpee side at Red Brook. It's been disconcerting as an HOA to own half of a cranberry bog and the other half is in Falmouth's ownership. It's hard to get everyone on board. She heard there was intention to go to the state and other places to get funding. She also wants to inquire about the stop signs on Jobs Fishing



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Road, there has been a lot of conversation on social media. People are not stopping, and she asked if the Town was responsible.

Mr. Lehrer stated it was Mashpee Commons who installed the stop signs. There are a lot of outstanding. Jobs Fishing Road is privately owned, it is unclear and we are awaiting some answers. The town was as surprised as residents.

### **BOARD MEMBER COMMITTEE REPORTS**

#### **Cape Cod Commission –**

There is a stakeholder meeting for the Regional Housing Strategy. Admin from the Town of Yarmouth went and promoted the use of redevelopment and village center models. CCC has been identifying parcels Cape wide for possible housing uses. Michaela Colombo attended, there was a lot of conversation about moving housing forward, housing in areas with sewer, and getting form based code out to Town Planners.

#### **Charter Review Committee-**

Meetings Monday, October 23<sup>rd</sup> & 30<sup>th</sup> at 6:30p.m. All committee comments were incorporated, they haven't made it to public comment yet. They are going to have the Mashpee Town Clerk who is elected and have another Town Clerk who is appointed come and discuss why one is better.

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

No Meeting. Applications are due November 1<sup>st</sup> and are available at Town Managers office. Funds can be used for affordable housing, historic preservation, open space, and recreation. EOC is asking for funds for the development of an update for their plans.

#### **Design Review-**

No Meeting

#### **Plan Review-**

No Meeting

#### **Environmental Oversight**

#### **Committee-**

No Update

#### **Historic District Commission-**

No Meeting

### **ADJOURNMENT**

#### **MOTION:**

Mr. Balzarini made a motion to adjourn the meeting of the Planning Board at 8:14P.M.  
Seconded by Mr. Richardson. All in favor.



# *Town of Mashpee*

## *Planning Board*

*16 Great Neck Road North  
Mashpee, Massachusetts 02649*

**Next Meeting:** Wednesday, November 1, 2023 @ 7:00P.M.

Respectfully Submitted,

Christine M. MacDonald  
Board Secretary

### **LIST OF DOCUMENTS**

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

- 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 Notices
- Town of Falmouth Notices
- Town of Sandwich Notices

PHN 7:10 MARCELLO MALLEGN





# *Town of Mashpee*

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16 Great Neck Road North  
Mashpee, Massachusetts 02649

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

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

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

Submitted by

John Fulone, Chair  
Mashpee Planning Board

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

**MASHPEE TOWN CLERK**

**MAR 09 2022**

RECEIVED BY: SM



Christopher J. Kirrane

Jessica C. Sommer

Nicole B. Norkevicius

Christopher A. Veara

Abigaëlle A. Ngamboma

Patricia McGauley, *of Counsel*

Brian F. Garner, *of Counsel*

Kevin M. Kirrane, *Of Counsel*

November 1, 2023

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

RE: Forestdale Road, LLC  
532 Route 130

Dear Chairwoman Faulkner:

On behalf of our client, it is requested that the applicant be permitted to withdraw their Application for a Special Permit without prejudice.

Unfortunately, at this time, due to circumstances outside of the applicant's control, they are unable to meet the conditions required by the Board to allow the Board to vote on the application. We believe it is in the best interest of both the applicant and Board to withdraw at this time and in the future, bring forward a complete application for the Board's consideration.

The applicant thanks the Board for their thoughtful consideration of this project over the last several months.

Thank you in anticipation of your cooperation.

Very truly yours,



Christopher J. Kirrane

CJK:amb

PHN 7:20 20 TUDOR TERRACE SPECIAL PERMIT



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

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

Pursuant to Massachusetts General Laws, Chapter 41 Section 81T and the Mashpee Rules and Regulations Governing the Subdivision of Land, the Mashpee Planning Board will hold a public hearing on Wednesday, August 16, 2023 at 7:15 p.m. in the Waquoit Meeting Room, at the Mashpee Town Hall, at 16 Great Neck Road North, Mashpee, MA 02649, to consider an application made by Pleasantwood Homes, LLC for approval of a Definitive Subdivision Plan of land that would create three new 40,000 sq. ft. building lots by dividing the 6.024 acre subject property addressed as 20 Tudor Terrace (Assessor's Map 29 Parcel 198). The remaining land area totaling approximately 3.021 acres is proposed for open space as required by Mashpee Zoning Bylaw. The three lots proposed obtain frontage via an extension of the existing public way called Tudor Terrace.

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

Submitted by

Karen D. Faulkner, Chair  
Mashpee Planning Board

Publication dates:

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

MASHPEE TOWN CLERK  
JUL 20 '23 AM 11:08

November 1, 2023

Karen Faulkner,  
Chairperson

Mashpee Planning Board  
Mashpee, MA 02649

Dear Madam,

I attended both meetings re:  
Pleasant Wood Home, LLC regarding three  
houses on Tudor Terrace.

I'm unable to attend the  
November 1 meeting, but I am  
opposed to the request of  
Pleasant Wood Home, LLC.  
Thank you.

Kathryn Murphy  
28 Windsor Way

Mashpee

774-228-2920



Christopher J. Kirrane  
Jessica C. Sommer  
Nicole B. Norkevicius  
Christopher A. Veara  
Abigaille A. Ngamboma

Patricia McGauley, *of Counsel*  
Brian F. Garner, *of Counsel*  
Kevin M. Kirrane, *Of Counsel*

October 27, 2023

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

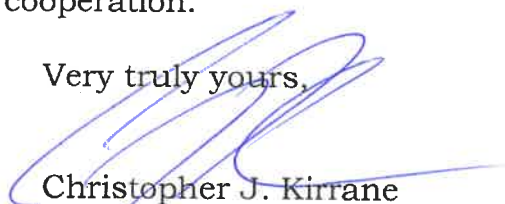
RE: Pleasantwood Homes, LLC  
Tudor Terrace  
Mashpee, Massachusetts

Dear Mr. Lehrer:

It is requested that the applicant be permitted to withdraw their Application for a Special Permit and Definitive Subdivision Plan approval without prejudice, at this time.

Thank you in anticipation of your cooperation.

Very truly yours,



Christopher J. Kirrane

CJK:amb

# PHN 7:25 20 TUDOR TERRACE DEFINITIVE SUBDIVISION





# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

### Mashpee Planning Board Public Hearing Notice

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

Submitted by  
Karen D. Faulkner, Chair

#### Publication Dates

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

MASHPEE TOWN CLERK  
JUL 20 '23 AM 11:08



Christopher J. Kirrane  
Jessica C. Sommer  
Nicole B. Norkevicius  
Christopher A. Veara  
Abigaille A. Ngamboma

Patricia McGauley, *of Counsel*  
Brian F. Garner, *of Counsel*  
Kevin M. Kirrane, *Of Counsel*

October 27, 2023

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

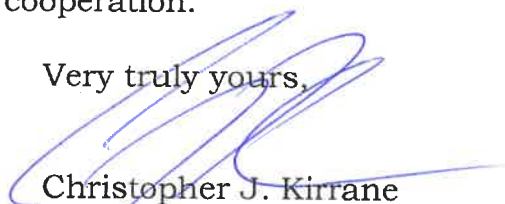
RE: Pleasantwood Homes, LLC  
Tudor Terrace  
Mashpee, Massachusetts

Dear Mr. Lehrer:

It is requested that the applicant be permitted to withdraw their Application for a Special Permit and Definitive Subdivision Plan approval without prejudice, at this time.

Thank you in anticipation of your cooperation.

Very truly yours,



Christopher J. Kirrane

CJK:amb

NEW BUSINESS

11-08-2007 @ 11:34a

## COMMONWEALTH OF MASSACHUSETTS

NOT TOWN OF MASHPEE NOT

AN FORM D AN

OFFICIAL COVENANT OFFICIAL

COPY COPY

The undersigned Stephen Giatrelis of Mashpee

County, Massachusetts, hereinafter called the "Covenantor," having submitted to the Mashpee Planning Board a definitive plan of a subdivision, entitled Subdivision Plan of Land located in Mashpee, \* dated July 25, 2007 made by F. I. C. I. A. L. Islands Engineering C. I. A. L. does hereby covenant and agree with said Planning Board and the successors in office of said Board, pursuant to G.L. (Ter. Ed.) C. 41, Sec. 81U, as amended, that:

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

The undersigned n/a

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

EXECUTED as a sealed instrument this 31<sup>st</sup> day of October, 20 07.

Stephen Giatrelis, Manager of  
ABKJJT, LLC

## COMMONWEALTH OF MASSACHUSETTS

County of Barnstable

On this 31<sup>st</sup> day of October, 20 07, before me, the undersigned notary public, personally appeared

Stephen Giatrelis, proved to me through satisfactory evidence of identification, which were Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose, as Manager of ABKJJT, LLC.

Notary Public

My Commission expires 11/13, 20 09.

KEVIN M. KIRRANE  
NOTARY PUBLIC  
Commonwealth of Massachusetts  
My Commission Expires Nov. 13, 2009

BARNSTABLE REGISTRY OF DEEDS

PROPERTY ADDRESS: MAIN ST., MASHPEE, MA  
PLAN BOOK: 567, PAGE 75 & DEED BOOK 14254, PAGE 3  
Plans: 621-19,50,51,52 + 53

## Anita Bonaiuto

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**From:** Evan Lehrer <ELehrer@mashpeema.gov>  
**Sent:** Tuesday, September 19, 2023 11:14 AM  
**To:** Christopher Kirrane  
**Cc:** Anita Bonaiuto  
**Subject:** Re: Evergreen Circle

Chris,

I will take care of it but the release won't come until the 2nd meeting in October. PB cancelled their 10/4 meeting

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

---

**From:** Christopher Kirrane <ckirrane@dunningkirrane.com>  
**Sent:** Tuesday, September 19, 2023 11:11:37 AM  
**To:** Evan Lehrer <ELehrer@mashpeema.gov>  
**Cc:** Anita Bonaiuto <anitab@dunningkirrane.com>  
**Subject:** Evergreen Circle

**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.

Hi Evan,

I know Anita reached out to you about a Form D Covenant release that is recorded against lots including those comprising Evergreen Circle (and therefore against the property at 30 Evergreen Circle which is under agreement). The Form D was issued to Stephen Giatrellis. He was a prior owner who lost the property and I believe the Govoni's bought the land either at foreclosure or from the bank. I think Giatrellis was proposing a substantial 40B and some commercial component. Anyways, the Giatrellis project was never developed but because the covenant is still of record and it affects the Evergreen Circle lots, Buyer's attorney is looking for a release from the Planning Board. I know this hasn't come up before but it is with this sale so I need to obtain the covenant release.

Hope this makes sense as to what we need. Let me know what you may need on my end.

Chris

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



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



FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN *Modification*

Date 10/24/2023

To the Planning Board: The undersigned herewith submits the accompanying Definitive Plan of property located in Mashpee, Massachusetts, for approval as a subdivision as allowed under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the Town of Mashpee.

Name of Subdivider Ockway Highlands L.L.C. (Realty Trust)  
JACQUES N. MORIN, MANAGER Phone 508-776-2953

Address P.O. Box 1726, Mashpee, MA 02649

Owner, if different — Phone —

Address —

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

Engineer or Surveyor Cape & Islands Engineering Phone 508-548-6424

Address 800 Falmouth Road, Suite 301 C, Mashpee, MA 02649

Deed of property recorded in Barnstable County Registry Book 30743 Page 292

or Land Court Certificate of Title No. —

Location and description of property

Mashpee Assessors Map(s) and Block(s) MAP 104, LOT'S 14, 20, 28

Signature of Owner or Authorized Representative Jacques N. Morin, Manager  
Ockway Highlands L.L.C.  
(Realty Trust)

Attach written authorization signed by owner.

A list of names and addresses of the abutters of this subdivision, as appearing on the most recent tax list, is attached.





Town of Mashpee

Planning Board

100 Circuit Neck Road, North  
Mashpee, Massachusetts 02649

## APPLICATION FOR SPECIAL PERMIT MODIFICATION

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

The undersigned hereby applies for a Modification of the Special Permit approved by the Mashpee Planning Board on May 7, 2014 for a project entitled

Ockway Highlands

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

Book 2136 Page 225

Name of Applicant JACQUES N. MORIN, MANAGER (REALTY TRUST)  
Ockway Highlands L.L.C. Phone 508-776-2953

Address P.O. Box 1726, Mashpee, MA 02649

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

Address \_\_\_\_\_

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

Deed of property recorded in Barnstable County Registry Book 30743 Page 292  
or Land Court Certificate of Title No. \_\_\_\_\_

Location and description of property: Blue Castle Drive AND CARAIGE ROAD  
MASHPEE, MA duly filed with the BARNSTABLE County Registry of Deeds  
IN PLAN BOOK 654, Page 21.

Mashpee Assessors Map(s) and Block(s): Map 204 109, Parcels 14, 20, AND 28  
Zoning District(s) in which property is located: R3

How long have you owned the property? SINCE 9/1/2017

Section(s) of the Zoning Bylaw which require(s) the permit you seek: § 174-24 C9

WAIVER FROM SEC. IX (I)  
(SIDEWALKS)

Present use of property: SUBDIVISION - RESIDENTIAL - LOTS 1-14

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

MODIFICATION REQUEST REMOVAL OF SIDEWALK REQUIREMENT NOTED ON  
SUBDIVISION PLAN AND SPECIAL PERMIT DECISION. SEPARATE COVER  
LETTER PROVIDED.

WAIVER FROM SEC. IX (I) - (SIDEWALKS)

Signature of Owner or Authorized Representative Jacques N. Morin, Manager

Ockway Highlands L.L.C.  
(REALTY TRUST)  
Attach written authorization signed by owner.



## Ockway Highlands Realty Trust, L.L.C.

*Jacques N. Morin, Trustee*

*P.O. Box 1726 Mashpee, MA 02649*

October 24, 2023

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

Dear Board Members,

I am writing to request a modification of the Ockway Highlands definitive subdivision recorded at the Barnstable County Registry of Deeds in Plan Book 654, Page 21 and the special permit granting said approval with special permit having been recorded at the Barnstable County Registry of Deeds in Book 2136 Page 225.

Specifically, we are requesting a grant of waiver from subdivision rules and regulations, Section IX (I) "sidewalk(s)". The requested waiver seeks to modify the special permit, as a minor modification, by waiving said requirement with regard to sidewalk installation.

As there would not involve peer review or any site inspections the applicant further requests that any fee related therefrom, with the exception of the minimum filing fee (\$230.00), be waived.

The sidewalk noted on said plan depicts a sidewalk with one dead end and would not provide continuity to any sidewalk leading to a major road or to any other sidewalks from connecting roads. As a whole, there are no sidewalks installed within any other subdivisions within a vast perimeter area surrounding the Ockway Highlands subdivision.

The Board has received prior public comment from residents within the subdivision requesting that sidewalks not be installed. We hope the board considers the request favorably and we remain available to answer any questions relating to this request.

Thank you,

Best regards,  
Jacques Morin, Manager  
Ockway Highlands, L.L.C.



# APPLICATION FOR SPECIAL PERMIT MODIFICATION

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

The undersigned hereby applies for a Modification of the Special Permit approved by the Mashpee Planning Board on MAY 7, 2014 for a project entitled

Ockway Highlands.

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

BOOK 2136 PAGE 225.

Name of Applicant JACQUES N. MORIN, MANAGER (REALTY TRUST)  
Ockway Highlands L.L.C. Phone 508-776-2953

Address P.O. Box 1726, Mashpee, MA 02649

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

Address \_\_\_\_\_

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

Deed of property recorded in Barnstable County Registry Book 30743 Page 292  
or Land Court Certificate of Title No. \_\_\_\_\_

Location and description of property: Blue Castle Drive AND Carnegie Road  
mashpee, MA duly filed with the Barnstable County Registry of Deeds  
IN PLAN BOOK 654, Page 21.

Mashpee Assessors Map(s) and Block(s): Map 204 109, Parcels 19, 20, AND 28  
Zoning District(s) in which property is located: R3

How long have you owned the property? SINCE 9/1/2017

Section(s) of the Zoning Bylaw which require(s) the permit you seek: § 174-24 C9  
WAIVER FROM Sec. IX (I)

Present use of property: SUBDIVISION - RESIDENTIAL - LOTS 1-14 (SIDEWALKS)

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

Modification Request removal of sidewalk requirement noted on  
subdivision Plan and special Permit Decision. Separate cover  
letter provided.

Waiver From Sec. IX (I) - (Sidewalks)

Signature of Owner or Authorized Representative Jacques N. Morin, Manager

Ockway Highlands L.L.C.  
Attach written authorization signed by owner. (REALTY TRUST)





FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

Date 10/24/2023

To the Planning Board: The undersigned herewith submits the accompanying Definitive Plan of property located in Mashpee, Massachusetts, for approval as a subdivision as allowed under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board in the Town of Mashpee.

Name of Subdivider Ockway Highlands L.L.C. (Realty Trust)  
JACQUES N. MORIN, MANAGER Phone 508-776-2953

Address P.O. Box 1726, Mashpee, MA 02649

Owner, if different — Phone —

Address —

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

Engineer or Surveyor Cape + Islands Engineering Phone 508-548-6424

Address 800 Falmouth Road, Suite 301 C, Mashpee, MA 02649

Deed of property recorded in Barnstable County Registry Book 30743 Page 292

or Land Court Certificate of Title No. —

Location and description of property

Mashpee Assessors Map(s) and Block(s) MAP 104, LOTS 14, 20, 28

Signature of Owner or Authorized Representative Jacques N. Morin, Manager

Ockway Highlands L.L.C.  
(Realty Trust)

Attach written authorization signed by owner.

A list of names and addresses of the abutters of this subdivision, as appearing on the most recent tax list, is attached.

MASSACHUSETTS STATE EXCISE TAX  
BARNSTABLE COUNTY REGISTRY OF DEEDS  
Date: 09-01-2017 @ 02:33pm  
Ct1#: 906 Doc#: 44876  
Fee: \$3,508.92 Cons: \$1,025,700.00

### QUITCLAIM DEED

BCDM LLC, a duly organized Massachusetts Limited Liability Company of 276 Broadway, Chelsea, MA 02150,

For consideration of **ONE MILLION TWENTY-FIVE THOUSAND SEVEN HUNDRED AND 00/100 (\$1,025,700.00) PAID**

Grant to **OCKWAY HIGHLANDS, LLC**, a duly organized Massachusetts Limited Liability Company of 1436 Iyannough Road, Ste 4, Hyannis, MA 02601

WITH QUITCLAIM COVENANTS

The vacant land in Mashpee, Barnstable County, Massachusetts, further described and bounded as follows:

Shown as LOTS 1 through LOT 14 inclusive, as shown on a plan entitled, "Proposed Subdivision of Land in Mashpee, Barnstable County, Mass. for BCDM LLC., July 15, 2013, Costa Associates, Inc.", which plan is duly filed with the Barnstable County Registry of Deeds in Plan Book 654 Page 21 AND the fee in Carriage Road AND the fee in that portion of Blue Castle Drive that abuts Lots 1 through 10 inclusive, and Open Space A, B and C as described in Plan Book 654, Page 21 referenced herein.

By conveying the fee in said portion of Blue Castle Drive referenced above, the Grantor (their successors, devisees, heirs and assigns) shall not be responsible for any maintenance, costs or improvements related to said portion of Blue Castle Drive.

The Grantor (inclusive of their successors, heirs and assigns), however, reserves the fee in the remainder of Blue Castle Drive not being conveyed herein and also reserves the right to use Blue Castle Drive in common with others for all purposes in which ways are commonly used in the Town of Mashpee. The Grantor also hereby grants to the Grantee and its successors in interest the right to use Blue Castle Drive from Lot 10 herein East for all purposes for which ways are used in the Town of Mashpee.

Subject to a Special Permit issued by the Town of Mashpee Planning Board recorded in Book 28196, Page 307. The aforementioned land is conveyed subject to and with the benefit of any and all rights, rights of way, easements and other matters of record insofar as the same are now in force and applicable.

This sale does not represent a transfer or sale of all or substantially all of the L.L.C.s assets in Massachusetts.

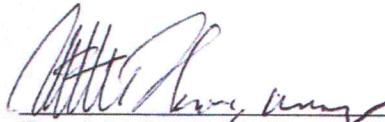
BARNSTABLE COUNTY EXCISE TAX  
BARNSTABLE COUNTY REGISTRY OF DEEDS  
Date: 09-01-2017 @ 02:33pm  
Ct1#: 906 Doc#: 44876  
Fee: \$3,139.56 Cons: \$1,025,700.00

For title see Book 27056 Page 53 and Book 27056, Page 56 recorded at the Barnstable County Registry of Deeds.

PROPERTY ADDRESS: Lots 1 through 14 inclusive off Carriage Road and Blue Castle Drive, Mashpee, MA 02649

Executed as a sealed instrument this 31 day of AUGUST, 2017.

BCDM LLC



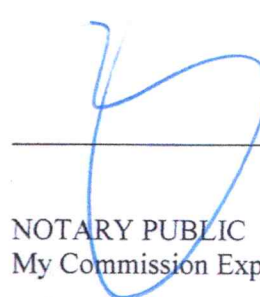
By: MATTHEW HANEY, MANAGER

COMMONWEALTH OF MASSACHUSETTS

County: BARNSTABLE

AUGUST 31, 2017

On this 31 day of AUGUST, 2017, before me, the undersigned notary public, personally appeared **MATTHEW HANEY**, as aforesaid, and proved to me through satisfactory evidence of identity which were, DRIVER'S LICENSE and acknowledged to me that he/she/they signed it voluntarily and for its stated purpose.

  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires:





# *Town of Mashpee*

16 Great Neck Road North  
Mashpee, Massachusetts 02649

**MASHPEE PLANNING BOARD**  
**Special Permit Decision**  
**BCDM, LLC**  
**"Ockway Highlands" Cluster Subdivision**  
**Blue Castle Drive / Degress Road**

## **I. Proposal**

This decision concerns an application by BCDM, LLC, 66 Charles Street, Suite 215, Boston, MA 02114 (the Applicant) to allow for the development of a cluster subdivision (hereafter, the "Project") located on an approximately 12.09 acre undeveloped parcel of land situated on Blue Castle Drive (an unpaved private road), with additional frontage on Degress Road (a paved Town road) (hereafter, the "Property"). The Property is shown on Mashpee Assessor's Map 104 as Lots 14, 20 and 28.

As submitted, the Project was depicted on a 10-sheet plan set entitled "Proposed Subdivision of Land, "Ockway Highlands" in Mashpee, Massachusetts" prepared by Costa Associates, Inc., issued on June 1, 2013. The original proposal was for 16 lots, which was later reduced to 15 lots, including one lot to be donated for affordable housing.

## **II. Jurisdiction**

This application was made and this Decision has been issued by the Mashpee Planning Board pursuant to Sections 174-24.C, 174-47, and other provisions of the Mashpee Zoning By-Laws (the "By-Laws") as they existed on May 7, 2014, the date on which this Special Permit decision was approved. Where reference is made to the By-Laws, it shall refer to the provisions thereof as they existed on May 7, 2014.

## **III. Chronology**

Application for this Special Permit was made with the Town Clerk on June 17, 2013. A public hearing was opened by the Planning Board on August 21, 2013 at 7:10 p.m. Notice of this hearing was duly given to abutters, the Planning Boards of adjoining towns and the Cape Cod Commission (mailed on July 19, 2013) in accordance with Massachusetts General Laws Chapter 40A and the Planning Board's Special Permit Regulations. Notice was also given by publication in The Mashpee Enterprise, a newspaper of general circulation in the Town of Mashpee on August 2 and 9, 2013. The hearing was continued on September 18, October 2, November 20, December 4 and December 20, 2013 and February 5 and 19 and March 5 and 19, and April 2 and 16 and May 5, 2014. Planning Board member Waygan was not present for the October 2 meeting, but has filed a Certification pursuant to MGL c. 39, Section 23D that she reviewed all the evidence introduced at that hearing session, including a review of the video recording of the session.

On August 6 and December 13, 2013 the project plans were reviewed by the Design Review Committee and the Plan Review Committee. On December 13 the Committees voted to recommend approval of the proposal with conditions.

On May 7, 2014, the Planning Board closed the public hearing and voted to make the following findings and grant a Special Permit authorizing the project, with the conditions enumerated below. The members of the Planning Board were recorded as follows: Members George W. Petersen Jr., Mary E. Waygan, Dennis H. Balzarini, David Kooharian and Associate Member Joseph P. Cummings were recorded as voting in favor of the decision. No members were recorded as voting against.

#### **IV. Findings**

1. The subject Property, consisting of approximately 12.09 acres of undeveloped land, is located within the R-3 zoning district as depicted on the Town of Mashpee Zoning Map. The By-Laws allow single-family residential development and mandatory cluster subdivisions in the R-3 zoning district.
2. The Property is owned by BCDM, LLC and the Applicant has submitted correspondence dated July 12, 2013, signed by Matthew Haney of BCDM, LLC, indicating that his surveyor, Matthew C. Costa and/or his associates are authorized to represent the Applicant with regard to this cluster subdivision application.
3. The most recent plan of record at the Barnstable County Registry of Deeds shows the Property divided into three (3) lots, one being 0.23 acre fronting on Degress Road (a Town Road), one being 9.13 acres fronting on both Degress Road and Blue Castle Drive (a private unpaved street) and one being 2.73 acres fronting on Blue Castle Drive. The three lots constitute a "tract" of land, as defined in Section 174-3 of the Zoning By-law ("A continuous area of land, which may be subdivided or unsubdivided, may be crossed by roadways or streams and may be in single or multiple ownership, which is proposed for development under these by-laws"). Under the provisions of Section 174-47.B the Board may grant a Special Permit for a cluster development for a tract of land containing at least twice the minimum lot area required in the applicable zoning district (40,000 sq. ft. minimum lot area in the R-3 district).
4. As shown on the plans, as amended, the Project proposes the creation of 15 lots (original application was for 16). The number of lots is based on 12 lots allowed under the basic R-3 zoning, two extra lots allowed per section 174-47.B.9. on the basis of more than 80,000 sq. ft. of open space provided in excess of the minimum 50% required under the by-law, plus one additional lot allowed under Section 174-47.B.10. in exchange for the reservation of one lot for the construction of a permanently deed-restricted home meeting the low-income affordability requirements of MGL Ch 40B as it existed on October 18, 2010.
5. Based on the number of lots proposed, at least one lot shall be reserved for construction only of a permanently deed-restricted home as described in #4 above. By email from Atty. Brian Wall, dated February 19, 2014, the Applicant has indicated that the lot



required to be reserved for an affordable home will be deeded to the Town or to a public or non-profit housing agency or trust, per the provisions of Section 174-47.B.10. At the continued hearing on February 19, 2014, the Applicant indicated that Lot 15, fronting on Degross Road, would be the lot donated.

6. The Applicant has indicated that the proposed open space parcels will be deeded to the Mashpee Conservation Commission, per the provisions of Section 174-47.B.6.(a). Per Section 174-47.B.7., the deed will have to be subject to a restriction enforceable by a non-profit organization, the principal purpose of which is the conservation of open space, which shall be recorded at the Barnstable County Registry of Deeds and which shall provide that such land shall be restricted as specified in Subsections 174-47.B.7.(a), (b) and (c). As described in a memo dated March 4, 2014 to Atty. Wall from Mashpee Conservation Agent Andrew McManus, the Conservation Commission voted unanimously at its February 27, 2014 meeting to endorse the conveyance of the proposed open space to the Commission.
7. The Project is located entirely on lands mapped by the Massachusetts Natural Heritage & Endangered Species Program (NHESP) as "BioMap Core Habitat", "Priority Habitat of Rare Species" and "Estimated Habitat of Rare Wildlife". By correspondence dated March 27, 2013, NHESP determined that the Project will not result in a prohibited "take" of any state-listed rare species. However, as the design of the project has changed since that letter, additional filing may be required with NHESP.
8. In conformance with the requirements of Section 174-47.B.4., the Applicant submitted evidence that the design process used followed the sequence specified by said Section. These included maps entitled 1. "Delineation of Conservation Resource Areas" (topography, wetlands, prime agricultural soils, and primary and secondary open space areas per the Section 174-46 OSID by-law), 2. "Delineation of Proposed Open Space", 3. "Conceptual Subdivision Layout" (delineation of potential building sites), 4. "Conceptual Subdivision Layout" (location and alignment of access roads) 5. a series of plans indicating proposed design of stormwater management and treatment facilities and 6. "Definitive Subdivision Plan" showing establishment of lot lines.
9. In conformance with Section 174-47.B.3., the proposed lots are grouped into four clusters, within which the lots are contiguous. Two of the open space parcels are contiguous with other open land owned by the Town of Mashpee and proposed for preservation as open space.
10. Pursuant to Section 174-47.B.5., the Applicant has requested the following lot area, frontage and setback requirements: Lot area 10,000 sq. ft., frontage 84 feet, front setback 25 feet, side and rear setbacks 10 feet. The lot dimensions are shown on the definitive subdivision plan, along with a table identifying the front, side and rear setbacks. The Board finds that these proposed dimensions allow for a building footprint of at least 1000 square feet plus additional area to meet the setback regulations established by the Planning Board for the subdivision and any setback requirements from wetlands and cranberry bogs established elsewhere in this chapter; include sufficient area to accommodate required grade changes; provide adequate area for required parking and access drive; provide for stormwater management on the lot in

conformance with the provisions of this chapter, provide for required wastewater disposal facilities and setbacks from wells or other features as specified by the Board of Health and provide for reasonable privacy and landscape buffers between residences.

11. At their meeting on August 6, 2013, the Plan Review Committee voted to seek Town Counsel's opinion as to their concerns regarding the Project and the "Town's right to request road realignment and require Blue Castle Drive to be completely paved".
12. In response to the above vote and to a September 18, 2013 letter (noted below) by attorney Brian Wall on behalf of the Applicant objecting to the potential imposition of a requirement that the Applicant pave all of Blue Castle Drive and citing legal reasoning supporting that objection, Town Counsel provided a letter to the Town Planner dated September 27, 2013 stating his opinion "that the Planning Board does have legal authority to require modifications or improvements to public or private ways affording access to or from a proposed subdivision." Counsel further stated that "it is my opinion that the Planning Board may impose a condition or conditions relative to improvement of a public or private way located outside the limits of a subdivision, including Blue Castle Drive, in conjunction with its issuance of a cluster development special permit under the provisions of Section 174-47 of the Mashpee Zoning Bylaw if it deems the interests of adequate access or traffic safety to so require. It is further my opinion that the Planning Board has the right to deny the approval of such a cluster development special permit if it concludes that adequate access to the proposed cluster development from a public way has not been established or if public safety and/or traffic flow/ traffic safety in the general area of the subdivision would be significantly impacted."
13. Atty. Wall's September 18 letter stated, among other points, that "The Applicant's proposal provides frontage to the proposed lots over roadways within the subdivision and provides adequate access to a public way — Degrasse Road. The proposed subdivision does not require access over Blue Castle Drive to Great Neck Road South. Consequently, it would be unreasonable for the Planning Board to require the Applicant to improve Blue Castle Drive when such improvements are not necessary to the proposed subdivision." "It would be fundamentally unfair, and therefore unreasonable, to require the Applicant to improve Blue Castle Drive because of the expense — which is estimated at \$450,000. This is particularly true because the access that the improvement of the way would provide is not necessary to the proposed subdivision." "The Applicant does not have the legal right to improve Blue Castle Drive in a manner that would comply with Mashpee's Subdivision Regulations. The existing way is approximately 10 feet in width and meanders outside of the 40 foot right of way. In order to comply with the Regulations, the Applicant would have to perform grading on private property owned by abutters to the roadway and would have to secure drainage and slope easements from the Abutters. This would require permission from the abutters. Obtaining this permission is not within the control of the Applicant. It would be unlawful for the Planning Board to impose a condition with which the Applicant does not have the legal capacity to comply."
14. By letters dated September 26, 2013 Atty. Wall indicated to the abutters to Blue Castle Drive that BCDN, LLC was "willing to perform maintenance, levelling and grading on the entire length of Blue Castle Drive", to include "filling potholes and grading the road with

a crown in the center in order to improve the road condition" and was also "proposing to put down a layer of crushed sea shells to improve aesthetics." Because "the existing roadway meanders in and out of the legal right of way and is, in some locations, situated on the private property of the owners of land that abuts Blue Castle Drive" Atty. Wall requested the abutters' "assent to the proposed work on the roadway" and provided an "Assent Form" for signature by the abutting land owners. In addition, Atty. Wall's letter noted "that BCDM will only perform the road work on the roadway on properties whose owners have provided written assent." The letter also indicated that BCDM was "willing to work cooperatively with all owners on Blue Castle Drive" "in an effort to develop a mechanism to address future road maintenance." The letter also included an attached questionnaire regarding the abutters willingness to participate in various organizational options with regard to said future road maintenance. Only one abutter, at 8 Blue Castle Drive, responded favorably, with conditions, to the Assent Form and maintenance organization proposals (letter to Brian Wall from Hugh Barnes, 8 Blue Castle Drive, Mashpee dated October 16, 2013 with attachments). (The existing roadway lies entirely on the property at 8 Blue Castle where it intersects Great Neck Road South, and mostly outside the recorded layout location adjacent to that lot.) A second abutter at 19 Blue Castle Drive declined to sign the form and indicated opposition to all the proposed maintenance organization proposals.

15. The "Easement Plan of Land in Mashpee, MA Prepared for Mashpee Water District" by Eagle Surveying, Inc., dated July 14, 2004 and recorded at Barnstable Registry Map Book 595, Pages 88 & 89, shows the location of the travelled way of Blue Castle Drive, vs. the street layout location. It indicates that the only portion of the travelled way between the proposed subdivision and Great Neck Road South which lies outside the street layout is on the lot at 8 Blue Castle Drive.
16. On August 20, 2013, Mashpee Fire Inspector Joel Clifford addressed an email to the Town Planner expressing "concerns with the fire truck turning radius on the set of plans that were dated June 01, 2013... the right hand turn... from Degross Road, the fire truck turning radius does not look appropriate." Subsequent plans, which eliminated the proposed 16<sup>th</sup> lot and re-aligned the entrance to the subdivision from Degross Road at a right angle, satisfied the Fire Inspector's concerns regarding turning radius.
17. The Board received a copy of correspondence dated October 1, 2013 addressed from Captain Scott W. Carline, Polygraph Examiner, Mashpee Police Department (who regularly represents the Department on the Plan Review Committee) to the Town's Public Works Director Catherine Laurent (also a member of the Plan Review Committee) stating that "In follow up to our meeting regarding the proposed subdivision and plan for improvement of Blue Castle Drive, I have reviewed the Town of Mashpee's legal review and opinion rendered and subsequently viewed the area and adjacent public ways which would be affected if the potential condition to upgrade were not initiated. Not having access from Great Neck Road South would clearly have an impact on congestion in these adjacent and surrounding public ways which would in my opinion affect 'due regard for lessening congestion...in the adjacent public ways' which is addressed in Attorney Costello's opinion... The significant increase in the volume of traffic during the summer months leading to two major beaches could and would add significant congestion to those adjacent streets, specifically, when trying to enter and

exit these areas in an attempt to enter the flow of traffic." "The immediate concern from a public safety perspective has to deal with the response time of an emergency vehicle. As public safety officials, we have policies and procedures in place to implement, evaluate and enhance the critical response time of an emergency vehicle... A direct route to an emergency situation is the main objective of all first responders." "The improved condition or upgrade to Blue Castle Drive would immediately enhance the response time for those Mashpee residents that not only reside on Blue Castle Drive, but enhance the safety in those adjacent public ways as well. Now emergency vehicles would not have to take an alternate route through such populated neighborhoods as Gia Lane, Tracy Lane, Lisa Lane and Degross Road, they could respond directly using Blue Castle Drive saving valuable seconds, if not minutes, in an emergency situation." "In the case of a critical incident in which a situation presented itself where mutual aid was requested (Mutual aid fire personnel, police personnel, special response teams, etc.), outside agencies not familiar with this area would have delayed response if travelling the route of the adjacent streets mentioned above." "Considering these factors, I feel there is a significant public safety interest to improve this section of Blue Castle Drive from the proposed subdivision to Great Neck Road South. This improvement should alleviate these traffic concerns."

18. No direct correspondence was received by the Planning Board from the Police or Fire Departments.
19. At their joint meeting on December 3, 2013, both the Plan Review Committee and the Design Review Committee unanimously voted to recommend approval of the Project "contingent on paving and finishing Blue Castle Drive to Great Neck Road South, or providing an acceptable plan for maintenance of the existing road."
20. The Board finds, in light of the above information, that Blue Castle Drive between the Project and Great Neck Road South is not in adequate condition, as it currently exists, to provide the alternative public safety access necessary to adequately protect the residents of the proposed subdivision and the surrounding area.
21. The project plans were reviewed by the Planning Board's Consulting Engineer, Charles Rowley, who provided comment letters dated August 5, 2013, February 5, 2014 and February 21, 2014. The project plans have been amended to address the recommendations of the Consulting Engineer, whose February 5 letter recommended that the Project "be considered for approval subject to a decision by the Planning Board as to what construction if any will be done on Blue Castle Drive between the limits of the proposed project and Great Neck Road South."
22. Mr. Rowley's February 21 letter summarized the status of the section of Blue Castle Drive between the Project and Great Neck Road South and the proposals made for its upgrade and maintenance, and also listed certain concerns regarding the ability of the Board to require the upgrade of Blue Castle Drive and the rights of the Applicant to do so. The letter was provided to Town Counsel, who met with the Town Planner on February 28, 2014 to provide his opinion on the issues raised. Town Counsel indicated that the Board can put conditions on its Special Permit requiring the Applicant to upgrade Blue Castle Drive in its current location, subject to his acquiring whatever right,



title or interest is necessary to do so from the owner of 8 Blue Castle Drive, which is the one location, based on the above-mentioned "Easement Plan of Land in Mashpee, MA Prepared for Mashpee Water District", where the existing road clearly lies outside the paper layout of Blue Castle Drive, and whose owner had indicated a conditional interest in cooperating with the upgrade proposal for the road. The Applicant may do any necessary work within the layout of the road. Town Counsel also indicate that, should the Applicant not be able to secure the necessary right, title or interest to do the required work at 8 Blue Castle Drive, the Applicant could return to the Board to request a modification of the Special Permit.

23. A previous 2-lot subdivision application filed with the Board by Mr. Scott Bauer included engineering plans, revised date 4/2/08, prepared by Stephen J. Doyle and Associates, showing the reconstruction to then-current Planning Board subdivision standards of the first 400 feet of Blue Castle Drive from Great Neck Road South within the legal layout of the road, including its relocation in the area of 8 Blue Castle Drive. After preliminary plan approval, the plan was withdrawn before definitive approval due to a title issue.
24. No professional traffic study was completed by the applicant or the Town regarding this project. The Institute of Transportation Engineers *Trip Generation Report* (8<sup>th</sup> edition) indicates 9.57 average daily trip ends per single-family detached housing unit (Land Use code 210), with 0.75 trip ends during the morning peak hour of adjacent streets, 1.01 trip ends during the afternoon peak hour of adjacent streets and 0.77 trip ends during the morning peak hour of the traffic generator and 1.02 trip ends during the afternoon peak hour of the traffic generator. Average daily trip ends on Saturday were 10.08, with 8.77 on Sunday. Based on the 15 proposed homes, average daily trip ends (i.e. a trip either leaving from, or coming to a home) would be 144 on weekdays, 151 on Saturdays and 132 on Sundays. Weekday peak hour trips would be 11-12 in the morning peak hour and 15 in the afternoon peak hour.
25. At the public hearing and by correspondence to the Board, a number of residents in the area of Degross Road expressed their concern about existing "cut-through" traffic speeding on Degross Road and Tracy Lane and their concern that the Project traffic would increase the problem. The residents suggested that four-way stop signs be placed, at the Applicant's expense, at the intersections of Degross Road with Gia Lane and Tracy Lane, as well as "Share the Road" and "Children Playing" signs to help slow down said traffic. The residents indicated a willingness to initiate a petition to the Board of Selectmen to install the 4-way stop signs, at the Applicant's expense. The Planning Board Chair also suggested the possibility of a radar speed sign being placed on Degross Road in the vicinity of the new subdivision entrance (indicating the speed limit and "your speed" as detected by radar) similar to one he had seen used by the Town of Falmouth on Old Barnstable Road in that town.
26. At the March 5, 2014 continuation of the public hearing, the Town Planner provided the Board with an email dated February 27, 2014 to the Town Planner from Joanna Van Der Veen of Traffic Logix Corp., including pricing and specifications, regarding a low-cost portable radar speed sign, the Traffic Logix, Inc. SP 100 with Solar Panel and 3-Cell Battery back-up, with a universal mounting bracket and pole plates, which would cost less than \$3000.



27. The Applicant submitted the Water Quality Report and test well logs and sampling results required by Section 174-27 of the Zoning By-law. The report, by James Engineering, Inc., 125 Great Rock Road, Hanover, MA 02339, which was later revised February 17, 2014, indicates that the Project lies 1300+/- feet from the shore of Ockway Bay and is in the groundwater recharge area of Ockway Bay, as mapped for the Massachusetts Estuaries Program by the US Geological Survey. The property also lies in the legal "Zone II" of the Mashpee Water District's Rock Landing wells, though the USGS mapping indicates that actual average groundwater flow is to the Bay and not to the wells. The report calculates that current Nitrogen loading from the site is 8.74 lbs/yr (3.97 kg/yr). The original version of the report calculated that Nitrogen loading under the proposed development conditions would be 186.10 lbs/yr (84.5 kg/yr), an increase of 177.36 lb/yr (80.53 kg/yr). This constituted a 4.4% increase in nitrogen loading to the Ockway Bay watershed, from 1831 kg/yr to 1911.5 kg/yr. Attenuated nitrogen load reaching the Bay would be increased from 1549 kg/yr to 1629.5 kg/yr, a 5% increase. The revised report added 81 lbs/yr from lawns, for a total nitrogen loading of 267.76 lbs. (121.56 kg), increasing total loading to the Bay to 1952.56 kg/yr an increase of 121.56 kg/yr. Attenuated load to the Bay would increase from 1549 to 1681.5 kg/yr, a 7.8% increase. It should be noted that the current loading to the Bay is double the TMDL level, so that based on these calculations, the overload of nitrogen to the Bay would be increased by approximately 15.6% due to this Project.
28. The Project proposes installation of standard "Title 5" septic systems on all lots. The project lies within the Ockway Bay sub-watershed of the Popponesset Bay watershed, for which an allowed Total Maximum Daily Load (TMDL) of nitrogen has been established. The Massachusetts Estuaries Program (MEP) report for the Popponesset Bay watershed indicated that the TMDL has already been substantially exceeded. 86.1% of the increased nitrogen load created by the project, according to the original Water Quality Report, will be from the proposed septic systems. The original Water Quality Report calculations indicated an estimated 5000 sq. ft. of lawn for each lot, but included no calculated nitrogen load for lawn area. The revised report added a calculation of nitrogen load from 5000 sq. ft. lawns, generating 81 lbs. of nitrogen annually, added to the septic system load of 166.19 lbs., 3.5 lbs. from roof areas, 5.6 lbs. from driveways and 0.38 lbs. from "natural areas" on lots, 3.45 lbs. from open space lots, 7.4 lbs. from roadway pavement and 0.24 lbs. from roadway shoulders, for a total nitrogen load of 267.76 lbs. (121.56 kg.) per year, an increase of 117.59 kg/yr. Those numbers from the revised report put the percent from septic system loads at 62.07% of the nitrogen load.
29. The Water Quality Report states that "The lots as developed will be only 10,200+ square feet in size. The opportunity for a 5000 square foot lawn area is limited when you consider the fact that 2700 square feet will be house and driveway. Additionally, within the neighborhood there are some dwellings where there is no lawn area which is an appropriate landscape scenario for a seasonal use. Thus the loading from the lawn area should be considered an absolute maximum." The only nitrogen loading mitigation measure proposed by the applicant is a reduction of this "absolute maximum" theoretical lawn area to a limit of 2500 sq. ft., which is proposed to be incorporated into the Project's Covenants and Restrictions, along with a provision in the Covenants & Restrictions requiring that all lawns and all lawn maintenance shall comply with the



"Lawn Standards" issued by the Mashpee Conservation Commission. The revised Water Quality Report claims that cutting the original theoretical lawn size in half and adopting those standards, will reduce nitrogen loading from lawns from 81 lbs/yr (36.8 kg) down to 0.76 lbs/yr. If that number is accepted, the project still results in an increase in nitrogen loading to the Ockway Bay watershed of 81.55 kg/yr. Otherwise, the Water Quality Report states that, based on estimated travel time of groundwater from the Project to the Bay which ranges from 7.5 to 17.5 years from the nearest to the farthest proposed home, it should be assumed that there will be a municipal sewer system built to serve the project before the "full" impact of the project will be felt in the Bay. The Applicant claimed that assumption as a reason that no mitigation measures, such as on-site or clustered denitrifying septic systems should be required regarding the positive additional 81.55 kg/yr nitrogen load to the Bay. The Report did not note that the impact of any eventual sewerage of the area would also not be felt for 7.5 to 17.5 years after sewerage, due to the nitrogen load already deposited to groundwater due to construction of the project with standard Title 5 septic systems. At his February 28 meeting with the Town Planner, Town Counsel described the argument about future sewerage of the area as an "unsubstantiated hypothetical assumption".

30. At the March 5 continuation of the public hearing, the Town Planner presented the Board with a cost estimate from the Shellfish Constable for a project to mitigate the Project's additional 81.55 kg/yr nitrogen load to Ockway Bay through the planting of quahog shellfish seed in the Bay (480,000 1/4 inch little neck quahog seeds – assuming 2/3 survival rate – at 2.8¢ each plus approximately \$600 for protective netting to minimize predation, totaling approximately \$14,000) which could be funded by the Applicant through a MGL c.44, Section 53A donation account, as an alternative to on-site or clustered denitrifying septic systems.
31. As noted, the project lies within a Mass. DEP-designated "Zone II" public well recharge area. Within such areas, the number of bedrooms on a lot is limited to one per 10,000 sq. ft. of lot area. The Mashpee Board of Health reviewed the Project at their July 24, 2013 public meeting. The Board approved the subdivision with one comment: "The subdivision must apply for and obtain an approved nitrogen aggregation plan from the BOH and DEP Division of Wastewater management to obtain three-bedrooms per lot." Such an aggregation agreement will allow the project's open space area to be counted toward the land area used to calculate the number of bedrooms which will be permitted in the Project.
32. The Applicant submitted a "Stormwater Management Plan" regarding maintenance of the roadway drainage and stormwater treatment features indicated on the Project plan.
33. Atty. Wall submitted a draft Declaration of Protective Covenants and Restrictions for the project. Among its provisions were the following: a) "No building or structure shall be erected on any lot except one single family dwelling containing no less than 1,050 square feet of habitable living space for a 'ranch' style or no less than 2,000 square feet of habitable living space for a 1 1/2 or 2 story house..."; B) sheds are allowed at the rear of the lot provided they conform with zoning setback requirements; 3) "All dwellings shall have a minimum of an attached two-car garage..." 4) "No live trees exceeding 4" in diameter at a point 2 feet above ground level shall be disturbed from their natural

growth except as may be necessary for construction of the dwelling, site development, or proper grading to assure the desired degree of visual aesthetics. Vegetated buffers between dwelling units shall be maintained to provide adequate screening and noise reduction."; 5) all buyers of lots in the Project are required to become members of the "Ockway Highlands Homeowner's Association, Inc." and to pay an annual assessment to said Association, "to be a proportion of the actual annual cost of the maintenance, operating expense, repair, improvements, assessments or other expenses incurred on any of the ways and common areas or other improvements..."; 6) "Lawns shall be limited to 2,500 square feet. All lawns and lawn maintenance shall comply with the "Lawn Standards" issued by the Mashpee Conservation Commission..."

34. The above-mentioned draft Declaration of Protective Covenants and Restrictions, in conjunction with the Applicant's offer, noted above, to perform maintenance, levelling and grading on the entire length of Blue Castle Drive to improve the road condition, also included the following provisions: a) "The OCKWAY HIGHLANDS HOMEOWNERS ASSOCIATION, INC. may admit any owner of property situated on Blue Castle Drive as a full member of the Association, provided that the owner agrees to subject his property to this Declaration of Covenants and Restrictions..." including payment of the annual assessment and b) "The OCKWAY HIGHLANDS HOMEOWNERS ASSOCIATION, INC. may admit any owner of property situated on Blue Castle Drive as a limited member of the Association, provided that such owner agrees to pay a proportionate share of the expenses associated with the maintenance of Blue Castle Drive and a proportionate share of the Association's administrative and operating expenses..."
35. In connection with the Definitive Subdivision Plan application submitted in conjunction with this Special Permit application, the Applicant requested a waiver from Section IX(I) of the Board's Rules and Regulations Governing the Subdivision of Land, which requires that "Sidewalks with a minimum width of 4' shall be installed on at least one side of a street." The final set of plans submitted showed a sidewalk on the north side of Blue Castle drive between the eastern boundary of the Project and Carriage Road, and a sidewalk on the east side of Carriage Road, but no sidewalk on the remainder of Blue Castle Drive to the west of carriage Road. On April 16, 2014 the Board voted unanimously to approve the requested waiver for that section of Blue Castle Drive west of Carriage Road.
36. Pursuant to Section 174-47.B. of the Zoning By-law, approval of this Special permit shall require that the Planning Board makes a finding that the public good will be served and that certain criteria are met. Those criteria include
  1. "The proposed plan will promote the purpose of this section (which are "to encourage the preservation of open space, to reduce the impact of new development on the Town's water quality and natural resources, to promote more efficient use of land and municipal infrastructure, and to protect and promote the health, safety and general welfare of the inhabitants of the town,") and shall be superior to a conventional plan in preserving natural open space, protecting wetlands, wildlife habitats, water quality and other natural resources, utilizing natural features of the land and allowing more efficient provisions for public services." The Board finds that the proposed plan is superior to a conventional plan



- in preserving natural open space, protecting wetlands and wildlife habitats and other natural resources, promoting more efficient use of land and municipal infrastructure and using natural features of the land and allowing more efficient provisions for public services. The Board finds that the proposed plan will reduce the impact of new development on the Town's water quality and preserve water quality only as conditioned below by the Board.
2. The Board finds that the total number of lots for building purposes conforms with the provisions of Subsections 174-47.B.2., 9. And 10., provided that the provisions of Subsection 174.B.10. regarding the provision of a deed-restricted home meeting the low-income affordability requirements of MGL c. 40B or the alternative of deeding a lot for said purpose to the Town or to a public or non-profit housing agency or trust are met within three (3) years from the date of the approval of this Special Permit.
  3. The Board finds that the lots for building purposes have been grouped in clusters, and within said clusters are contiguous, and that the proposed open space is sufficiently contiguous within the subdivision and to other existing or proposed open space to the maximum extent practicable and conforms with the provisions of Subsection 174-47.B.8.
  4. The Board finds that the design process sequence specified by Subsection 174-47.B.4. was followed in development of the Project.
  5. The Board finds that the proposed schedule of lot area, frontage, setback and dimensional regulations for building lots are acceptable under the provisions of Subsection 174-47.B.5., as noted in the conditions below, and have been shown on the proposed definitive subdivision plan.
  6. The Board finds that the provisions of Subsection 174-47.B.6. will be met by the Applicant's proposed conveyance of the Project open space to the Mashpee Conservation Commission, subject to the recording of a deed restriction enforceable by an organization, the principal purpose of which is the conservation of open space, at the Barnstable County Registry of deeds restricting it to the uses specified in Subsection 174-47.B.7.
37. Based on the foregoing findings, the Planning Board hereby finds that the Project, as conditioned below, is consistent with applicable state and town regulations, statutes, bylaws and plans, will not adversely affect public health or safety, will not cause excessive demand on community facilities, will not significantly decrease surface or groundwater quality or air quality, will not have a significant adverse impact on wildlife habitat, estuarine systems, traffic flow, traffic safety, waterways, fisheries, public lands or neighboring properties, will not cause excessive levels of noise, vibrations, electrical disturbance, radioactivity or glare, will not destroy or disrupt any species listed as rare, endangered or threatened by the Massachusetts Natural Heritage Program or any known historic or archaeological site, will not produce amounts of trash, refuse or debris in excess of the town's landfill and waste disposal capacities, will properly dispose of stumps, construction debris, hazardous materials and other waste, will provide adequate off-street parking, will not cause excessive erosion or cause increased runoff onto neighboring properties or into any natural river, stream, pond or water body and will not otherwise be detrimental to the town or the area.

## **V. Conditions**

### **APPROVED PLANS**

1. Construction of the Project shall be done only in accordance with the 11-sheet plan set hereby approved by the Planning Board entitled "Proposed Subdivision Plan of Land, Ockway Highlands, in Mashpee, Massachusetts" prepared by Costa Associates, dated July 15, 2013, revision date May 1, 2014, consisting of the following sheets: 1) *Index Sheet*, 2) *Definitive Subdivision Plan*, 3) *Grading Plan*, 4) *Road Profile, Blue Castle (Proposed Improvements)*, 5) *Road Profile, Carriage Road (Proposed)*, 6) *Utility Layout*, 7) *Drainage Area of Contribution*, 8) *Drainage Details 1*, 9) *Drainage Details 2*, 10) *Utility Details* and 11) *Existing Road Improvement Plan*.
2. The "Stormwater Management Plan" regarding maintenance of the roadway drainage and stormwater treatment features indicated on the Project plan shall be attached to this Decision as **Exhibit A** and shall be followed by the Applicant and any successors in title, including the proposed "Ockway Highlands Homeowner's Association, Inc." In addition, any development on the building lots shall conform to the stormwater regulations contained in Section 174-27.2.B.1. of the Zoning By-law.

### **ALLOWED USES AND AFFORDABLE HOUSING REQUIREMENT**

3. Allowed uses shall be single-family residences and accessory structures on 15 lots. One lot shall be deed restricted per Subsection 174-47.B.10. of the Zoning By-law for construction only of a home meeting the low income affordability requirements of MGL c. 40B as it existed on October 18, 2010. The Applicant has designated lot 15 on Degress Road for this purpose and proposed that it be donated to the Town or a public or non-profit housing agency or trust. Said donation may be made to Habitat for Humanity of Cape Cod, Inc., the Mashpee Municipal Affordable Housing Trust, the Mashpee Housing Authority or the Mashpee Affordable Housing Trust, Inc. Said donation shall be completed within three (3) years from the date of approval of this Decision. One additional lot, which shall be lot 4, shall not be built upon or issued a building permit until donation of, and recording of a deed of lot 15 to one of the entities noted above, subject to the noted restrictions. Lot 15 shall not be subject to the Applicant's proposed Declaration of Protective Covenants and Restrictions or be required to join or participate in The "Ockway Highlands Homeowners Association, Inc.", as its frontage lies solely on a Town Road and does not require access over or use of any of the Applicant's proposed private streets and the extra annual cost would run counter to the affordability intent of the Zoning By-law.

### **DIMENSIONAL REQUIREMENTS APPROVED**

4. Pursuant to the provisions of Subsection 174-47.B.5. of the Zoning By-law, the Project shall be subject to the following lot area, frontage and setback requirements: Lot area 10,000 sq. ft., frontage 84 feet, front setback 25 feet, side and rear building setbacks 10

feet (except five feet as otherwise provided in the Zoning By-law for sheds not exceeding 120 square feet in floor area or 12 feet in height).

#### SIGNAGE

5. Any new freestanding sign identifying the subdivision shall require review by the Design Review Committee and approval by the Planning Board, at a regular meeting, prior to installation. Any on-lot signage shall otherwise conform with the requirements of the Mashpee Zoning By-law.

#### OPEN SPACE

6. The proposed Open Space lots shall be deeded to the Mashpee Conservation Commission under the provisions of Section 174-47.B.6.(a) per the Applicant's indication by email from Atty. Brian Wall, dated February 19, 2014, and the vote of the Commission at its February 27, 2014 meeting to endorse the conveyance. (It should be noted that said vote is not a final action of the Town, as the deed to the property, once prepared, must be accepted by a majority vote of the Conservation Commission, with said acceptance then approved by a majority vote of the Board of Selectmen, and the recorded document must bear the signatures of the majority of both Boards regarding said votes.) Per Section 174-47.B.7., the deed shall be subject to a restriction enforceable by a non-profit organization, the principal purpose of which is the conservation of open space, which shall be recorded at the Barnstable County Registry of Deeds and which shall provide that such land shall be restricted as specified in Subsections 174-47.B.7.(a), (b) and (c). Said deed shall be recorded prior to the issuance of any building permit within the Project. The deed to the Conservation Commission shall contain appropriate provisions regarding provisions and responsibility for maintenance of any stormwater treatment features lying within the open space lots.

#### PRIOR TO SIGNATURE OF SPECIAL PERMIT

7. Prior to the Board's endorsement of this decision, the required inspection fee (\$250 + \$.50 per linear foot of roadway) shall be submitted to the Board in care of the Town Planner's office. Based on the other conditions of this Special permit regarding Blue Castle Drive, the fee calculation shall include the length of Blue Castle Drive between the project and Great Neck Road South, as well as the streets within the Project. This fee shall be considered also to meet the inspection fee requirements included in the Board's subdivision regulations regarding the Definitive Subdivision Plan which was filed in conjunction with this Special permit application. Normal inspections covered by this fee include: 1.) drainage inspection; 2.) gravel inspection; 3.) inspection of paving binder course; 4.) inspection of paving finish course; and 5.) final inspection for roadways. A \$100 re-inspection fee will be charged for additional inspections beyond those listed that are made necessary due to unsatisfactory materials or construction methods found at the time of the initial inspection.

#### TRAFFIC MITIGATION

8. Due to the increase in traffic caused by the Project in the area of Degross Road and the safety concerns addressed to the Board by residents of that neighborhood, the Applicant



shall 1) pay for any costs associated with installing four-way stop signs at the intersections of Degross Road with Tracy Lane and with Gia Lane, provided that said four-way stop signs are approved by the Mashpee Board of Selectmen upon petition of said residents, and 2) contribute \$3000 to a donation account to be held by the Town under MGL c.44, Section 53A for the specific purpose of acquisition and installation by the Town of a portable radar speed sign, such as a Traffic Logix Corp. SP 100 with Solar Panel and 3-Cell Battery back-up, with a universal mounting bracket and pole plates, as described in an email dated February 27, 2014 to the Town Planner from Joanna Van Der Veen of Traffic Logix, or a similar portable radar speed sign, along with any necessary post and installation, to be used on Degross Road to help slow cut-through traffic in the neighborhood, but which may also be used as appropriate by the Town on occasion in other locations. Any remainder in said donation account after purchase and installation of said portable radar speed sign shall be returned to the Applicant.

#### PUBLIC SAFETY MITIGATION

9. Based on the recommendations of the Plan Review Committee, which includes representatives from the Police and Fire Departments, the Town Manager and the Mashpee Department of Public Works, the previously-noted memo from Capt. Scott Carline of the Mashpee Police Department, the concerns expressed by residents of Blue Castle Drive and other abutters at the public hearings, and to avoid an effective "dead-end" in excess of 800 feet as prohibited by the Planning Board's Rules and Regulations Regarding the Subdivision of Land, and to satisfy the requirement of Subsection 174-24.C.2. of the Zoning By-law that the Project not adversely affect public health or safety, the Applicant shall upgrade and maintain the portion of Blue Castle Drive between the Project and Great Neck Road South by re-grading Blue Castle Drive in its current location, subject to obtaining whatever right, title or interest to do so is necessary from any landowners where said location lies outside the recorded layout of Blue Castle Drive, including, but not limited to, an easement from the owner of 8 Blue Castle Drive, so that it constitutes an all-weather surface roadway, constructed by any combination and manipulation of soils, with or without admixtures, which produce a firm mass capable of supporting fire apparatus in all weather conditions and having an improved surface width of at least sixteen (16) feet and a cleared width of twenty (20) feet as shown on the plan submitted by the Applicant entitled "Existing Road Improvement Plan", Sheet 11 of 11, dated 5/1/14, prepared by Costa Associates, Inc., P.O. Box 128, 465 East Falmouth Highway, East Falmouth, Massachusetts 02536. All of said work shall be completed prior to the issuance of any occupancy permit for any residence within the subdivision, except for the required affordable house on Lot 15. This requirement for reconstruction and / or re-grading of a portion of Blue Castle Drive is not, and should not be interpreted as, a finding by the Planning Board that said section of roadway is approved by the Planning Board as a principal means of adequate access to abutting property, that said section of roadway constitutes a "Street" under the provisions of Section 174-3 of the Mashpee Zoning By-law or a finding under Section 174-12 of the Mashpee Zoning By-law that a building permit may be issued on any lot abutting said section of roadway.
10. Per the Applicant's agreement to do so, the portion of Blue Castle Drive between the Project and Great Neck Road South shall be maintained on an annual basis at the

expense of the Applicant, or the proposed "Ockway Highlands Homeowner's Association, Inc." once it is established, by grading so as to preserve the crown of the road and the swales on each side as depicted in the cross section detail shown on the approved plans, so that it continues to provide the roadway capable of supporting fire apparatus in all weather conditions as specified in the previous Condition. Maintenance of Blue Castle Drive also includes inspection and cleaning as necessary of the drainage facilities located on the northerly side of Blue Castle Drive near the intersection with Great Neck Road South.

#### WATER QUALITY MITIGATION

11. The Applicant's Water Quality Report indicates that, even with its projected benefit from reduction in lawn size from a theoretical 5000 sq. ft. down to 2500 sq. ft. and inclusion of a provision in the Project association's Covenants and Restrictions requiring that all lawns and all lawn maintenance shall comply with the "Lawn Standards" issued by the Mashpee Conservation Commission, the Project will increase nitrogen loads to Ockway Bay by 81.55 kg/yr, primarily due to the 62.07% of the Project's nitrogen load originating from the Project's proposed Title 5 septic systems. In order to mitigate that negative impact on estuarine water quality the applicant shall either 1) install denitrifying on-site or cluster septic systems, approved by the Mashpee Board of Health, for all residences in the Project except the one lot to be deeded for affordable housing or 2) contribute \$14,000 to a donation account, to be held by the Town under MGL c.44, Section 53A, for the specific purpose of the planting by the Mashpee Shellfish Department of quahog shellfish seed in an appropriate location in Ockway Bay (480,000 1/4 inch little neck quahog seeds at 2.8¢ each plus approximately \$600 for protective netting to minimize predation, totaling approximately \$14,000 per the estimate by the Mashpee Shellfish Constable mentioned previously), as an alternative to on-site or clustered denitrifying septic systems.
12. The subdivision must apply for and obtain an approved nitrogen aggregation plan from the Mashpee Board of Health and the Massachusetts Department of Environmental Protection Division of Wastewater management to obtain three-bedrooms per lot. Said approval shall be required before the issuance of building permits for any residences in the Project. The required aggregation plan shall include the required affordable housing lot, so that it is permissible for a three-bedroom house.
13. Lawn size shall be limited to 2500 square feet and all lawn maintenance shall comply with the "Lawn Standards" issued by the Mashpee Conservation Commission. Only organic fertilizers may be used within the development and any pesticides used shall be of a type approved by the Town of Mashpee Board of Health and applied by licensed applicators. Use of fertilizers and pesticides shall be minimized and the use of natural pest control methods is encouraged.

#### GENERAL CONDITIONS

14. Construction activities shall not customarily take place in connection with this project (i) before 7 a.m. or after 6 p.m. Monday through Saturday, or (ii) on Sundays or holidays.
15. No de-icing chemicals other than a mixture of sand and calcium chloride or sand alone shall be used on any roadways, driveways or other impervious surfaces of the Project.
16. The applicant shall require that all construction personnel working on the project shall be familiar with, and comply with, the provisions of MGL c. 38, Section 6(b) regarding the discovery of human remains.
17. All conditions of this Special Permit shall be binding not only on the Applicant but also on all successors in interest and assigns of the Applicant.
18. No building or occupancy permits may be issued while there exists any substantial violation of the conditions of this Special Permit unless the Board, by a favorable vote of four members at a regular meeting, should allow such issuance.
19. Within sixty (60) days of the Board's endorsement of this decision, the applicant shall provide the Board and the Mashpee Building Inspector with copies of this Special Permit decision as recorded with the Barnstable County Registry of Deeds, showing the Book and Page at which it is recorded or its recordation number. This decision shall not take effect, and no work may be commenced on construction of this project until this decision has been so recorded.

#### **VI. Expiration, Extension or Modification**

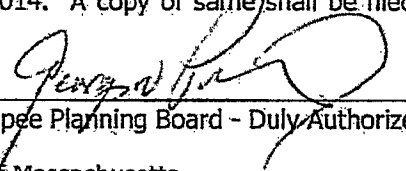
Pursuant to Massachusetts General Law, Chapter 40A, Section 9 and Article IX, Subsection 174-47.C.(5) of the Mashpee Zoning Bylaw, this Special Permit shall lapse within 2 years, which shall not include such time required to pursue or wait the determination of any appeal from the grant hereof, if a substantial use hereof is not sooner commenced except for good cause. Initiation of construction of the proposed roadways shall constitute "substantial use" for these purposes.

The applicant shall require a specific determination of good cause by a favorable vote of four members of the Planning Board if claiming an extension of the 2-year period, except to wait the determination of any appeal from the grant hereof.

Any further modifications of this special permit decision and accompanying plans shall require approval by the Board pursuant to the provisions of Section 174-24.C.(9) of the Zoning Bylaw.

## VII. Signature and Filing

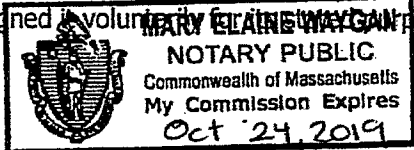
This Special Permit decision document, which incorporates by reference herein all attachments and plans, has been approved on this 7th day of May, 2014. A copy of same shall be filed with the Town Clerk in accordance with applicable law.

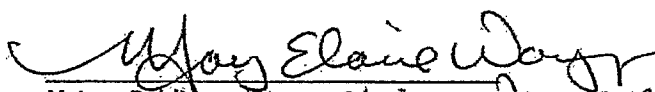
  
Mashpee Planning Board - Duly Authorized Member

Commonwealth of Massachusetts

Barnstable, ss

On this 7th day of May, 2014, before me, the undersigned notary public, personally appeared George Petersen, a member of the Mashpee Planning Board, proved to me through satisfactory evidence of identification, which were personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he/she) signed it voluntarily in his/her own name.



  
Notary Public Mary Elaine Wayman  
My Commission Expires: Oct 24, 2019

A copy of this decision and the accompanying plans endorsed by the Planning Board has been duly filed on May 8, 2014 with the Town Clerk of Mashpee.

  
Town Clerk

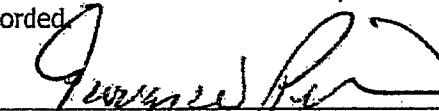
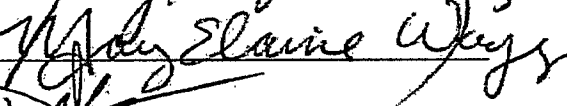
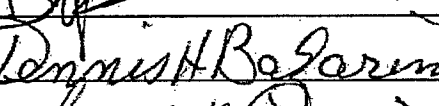
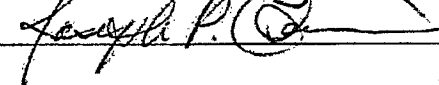
Notice of this decision was mailed on MAY 9, 2014 to the applicant, to the parties in interest designated in Massachusetts General Law, Chapter 40A, Section 11 and all persons at the hearing who requested such notice. Any appeal should be made pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws 20 days after the date of such filing.

I, Debra Dami, Town Clerk of the Town of Mashpee, hereby certify that a copy of this decision and the accompanying plans endorsed by the Planning Board were filed with the office of the Town Clerk on May 8, 2014 and that no appeal of that decision was filed within 20 days thereafter.

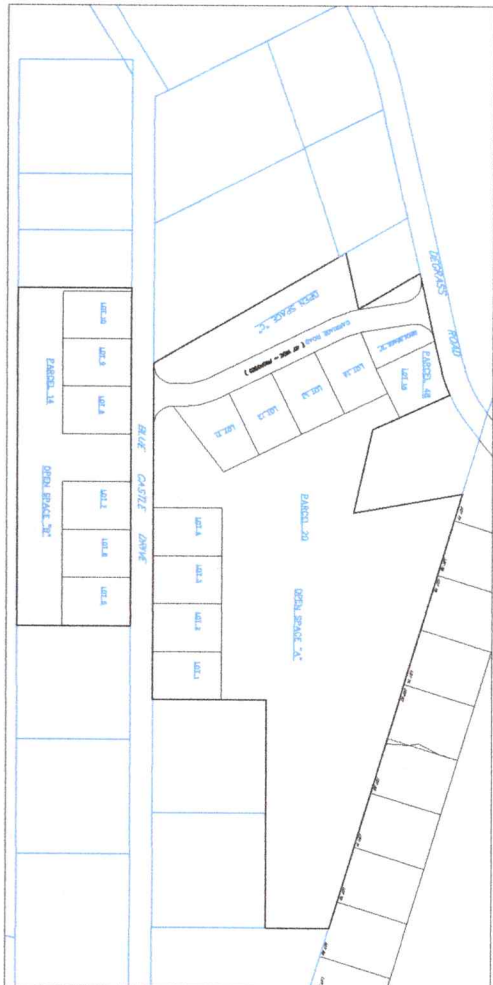
  
Town Clerk

Date: June 2, 2014

Upon expiration of the statutory appeal period with no appeal having been filed, this Special Permit decision has been endorsed by the undersigned members of the Mashpee Planning Board on JUNE 4, 2014 and may be recorded.





# OCKWAY HIGHLANDS

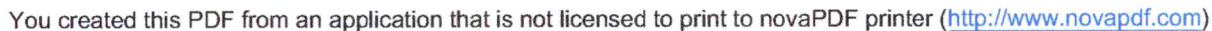
## PLAN INDEX

- SHEET 1 - INDEX PLAN
- SHEET 2 - DEFINITIVE SUBDIVISION PLAN
- SHEET 3 - GRADING PLAN
- SHEET 4 - ROAD PROFILE (BLUE CASTLE)
- SHEET 5 - ROAD PROFILE (CARRIAGE ROAD)
- SHEET 6 - UTILITY LAYOUT
- SHEET 7 - DRAINAGE AREA OF CONTRIBUTION
- SHEET 8 - DRAINAGE DETAILS 1
- SHEET 9 - DRAINAGE DETAILS 2
- SHEET 10 - UTILITY DETAILS
- SHEET 11 - EXISTING ROAD IMPROVEMENT PLAN



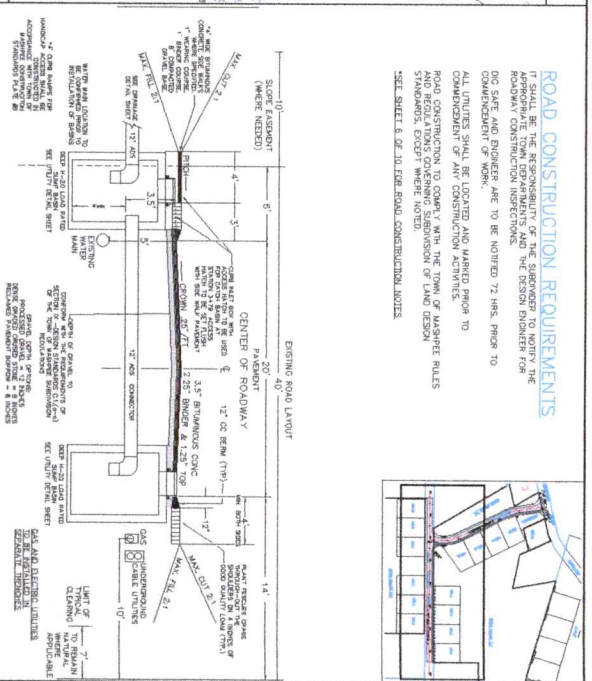
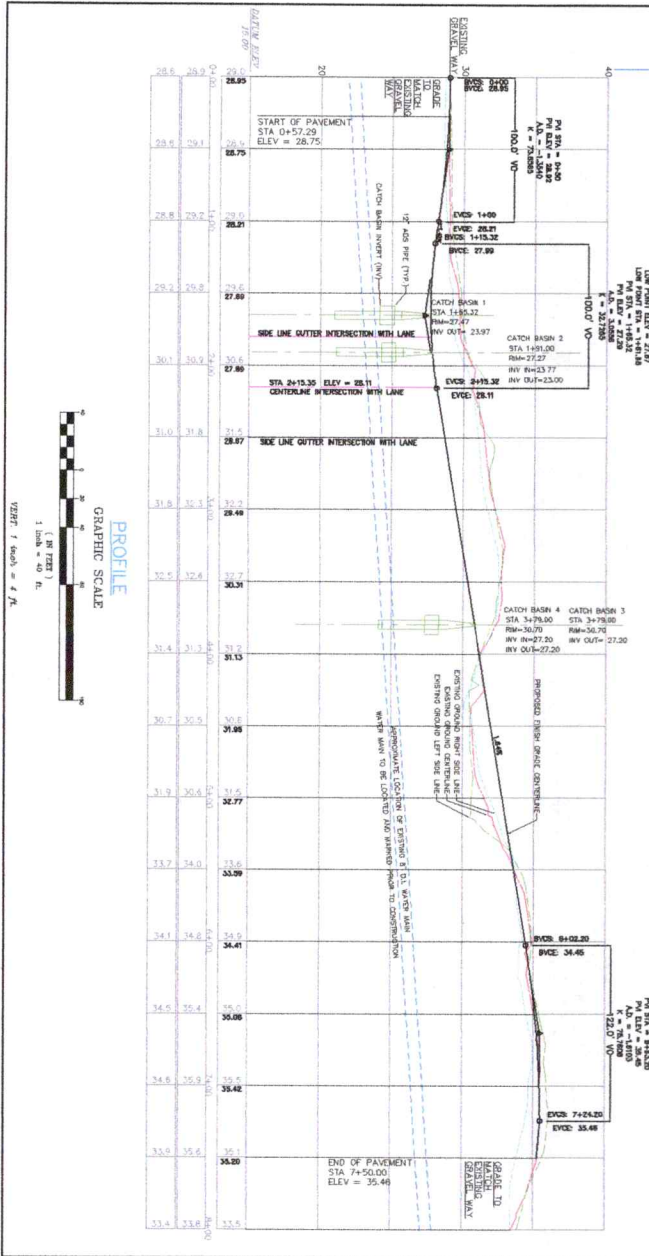
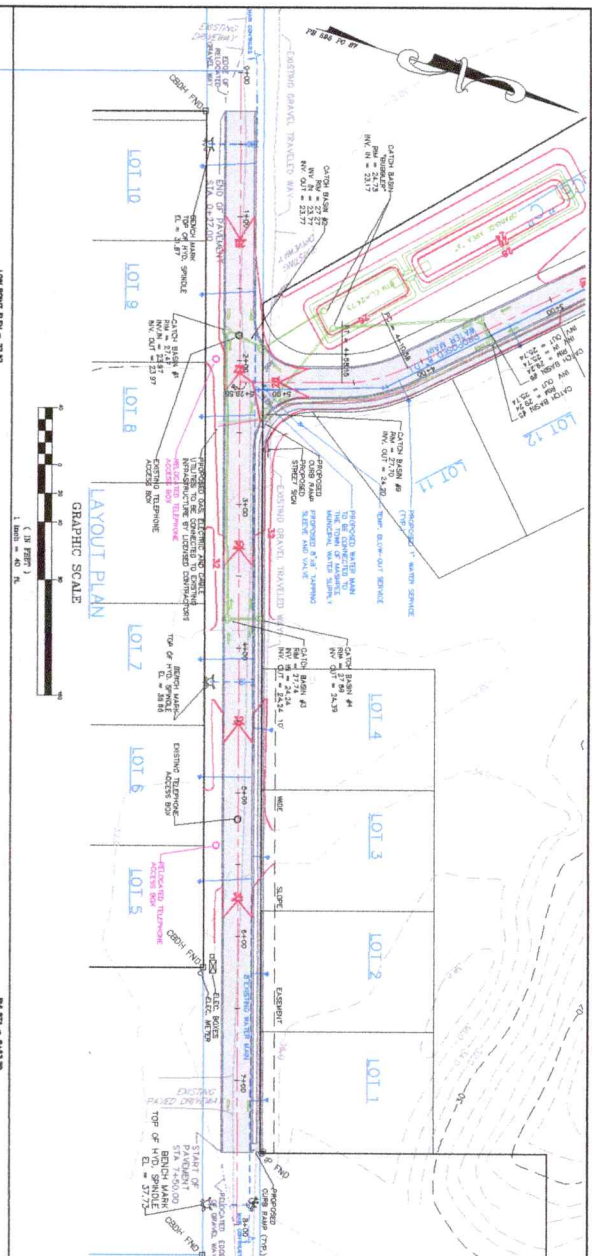
2.	4/10/14	ADDED THE MAINS AND SHEET 11	NOI	CS
3.	7/17/14	REVISED AS PER PLANNING BOARD COMMENTS	NOI	CS
4.	8/1/14	DESCRIPTION	BT	APPR
APPROVANT:				
BCDM LLC				
68 CHARLES STREET, SUITE 316				
BOSTON, MA 02114				
OWNER OF RECORD:				
BCDM LLC				
68 CHARLES STREET, SUITE 316				
BOSTON, MA 02114				
PROJECT:				
PROPOSED SUBDIVISION OF LAND				
"OCKWAY HIGHLANDS"				
IN				
MASHPEE, MASSACHUSETTS				
SHEET NO. 1 OF 11				
DATE: JULY 16, 2013				
SCALE: AS SHOWN				
DRAWN BY: MCT				
CHECKED BY: CHRISTOPHER COSTA, P.E.				
PREPARED BY:				
COSTA ASSOCIATES, INC.				
ONE, ENGINEERING • LAND SURVEYING • ENVIRONMENTAL CONSULTING				
800 FARMOUTH ROAD, SUITE 301C				
MASHPEE, MA 02549				
508.546.6424 PHONE				
508.546.0320 FAX				
WWW.COSTASSOCIATES.COM				
DRAWING TITLE:				
INDEX SHEET				
ASSESSORS INFORMATION: PARCELS 104-20-C-R, 104-48-C-R, 104-14-C-R				











# TYPICAL ROADWAY CROSS SECTION

## NOT TO SCALE

### EXISTING PROPOSED

50.5

50.5

### LEGEND

### PROPOSED SUBDIVISION OF LAND

"OCEANVIEW HIGHLANDS"

WASHPHE, MASSACHUSETTS

### BLVD PROFILE

ROAD PROFILE

BLVD CASTER (PROPOSED IMPROVEMENTS)

### OWNER OF RECORD:

66 CANADIAN STREET, SUITE 210  
ROSTON, MA. 01915

### BCOM LLC

66 CANADIAN STREET, SUITE 210  
ROSTON, MA. 01915

### PRODUCTS:

DATE	DESCRIPTION	BY	DATE
3/6/15	ADDED SEE WALLS AND SHEET 11	MC	05
2/2/15	PROVIDE AS NOT PLANNING BOUND COMMUNITY	MC	05
2/2/15	RECORD IMPROVED ROAD, IMPROVED APPROACHES	MC	05
2/2/15	RECORD IMPROVED ROAD, IMPROVED APPROACHES	MC	05
2/2/15	RECORD IMPROVED ROAD, IMPROVED APPROACHES	MC	05

### PROPOSED IMPROVEMENTS:

1. TOP OF GRADE

2. SPOT PIT

3. CONCRETE ROUND

4. SPRUCE

5. UTILITY POLE

6. WATER GATE

7. WATER SERVICE

8. FIRE HYDRANT

9. WELL

10. FLOW DIRECTION

11. WATER MAIN

12. STONE WALL

13. UTILITY BOX

14. STREET SIGN

### BLVD PROFILE

ROAD PROFILE

BLVD CASTER (PROPOSED IMPROVEMENTS)

### OWNER OF RECORD:

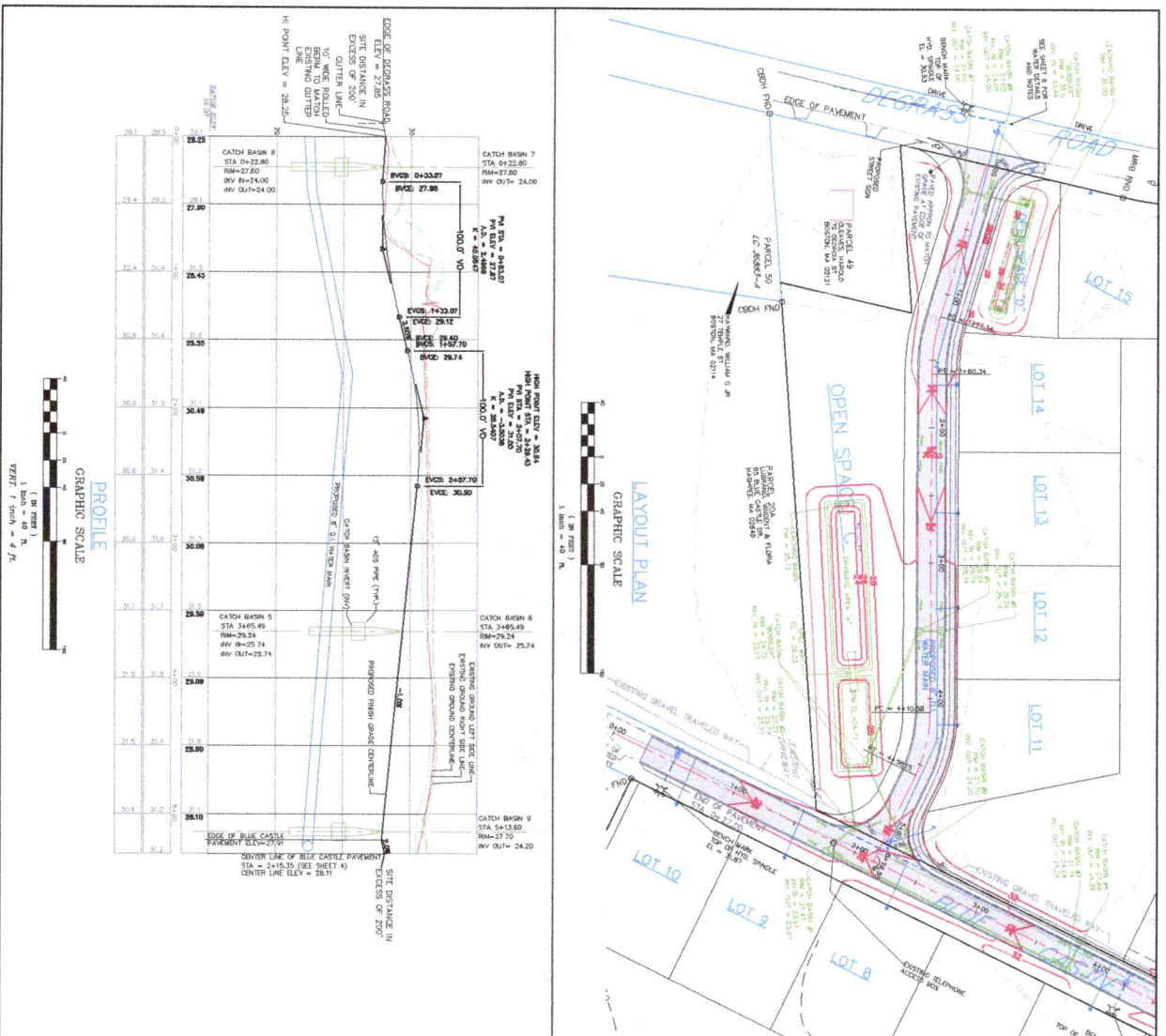
66 CANADIAN STREET, SUITE 210  
ROSTON, MA. 01915

### BCOM LLC

66 CANADIAN STREET, SUITE 210  
ROSTON, MA. 01915

### PRODUCTS:

DATE	DESCRIPTION	BY	DATE
3/6/15	ADDED SEE WALLS AND SHEET 11	MC	05
2/2/15	PROVIDE AS NOT PLANNING BOUND COMMUNITY	MC	05
2/2/15	RECORD IMPROVED ROAD, IMPROVED APPROACHES		



### ROAD CONSTRUCTION REQUIREMENTS

IT SHALL BE THE RESPONSIBILITY OF THE SUBDIVIDER TO NOTIFY THE APPROPRIATE TOWN DEPARTMENTS AND THE DESIGN ENGINEER FOR ROADWAY CONSTRUCTION REQUIREMENTS. THE SAFE AND CONVENIENT ARE TO BE NOTICED 72 HRS. PRIOR TO COMMENCEMENT OF ALL UTILITIES SHALL BE LOCATED AND MARKED PRIOR TO COMMENCEMENT OF ANY ROAD CONSTRUCTION TO COMPLY WITH THE TOWN OF MASSACHUSETTS AND REGULATIONS GOVERNING SUBDIVISION OF LAND DESIGN STANDARDS, EXCEPT WHERE NOTED. IT SHALL BE THE RESPONSIBILITY OF THE SUBDIVIDER TO OBTAIN THE NECESSARY ENTRANCE PERMIT FROM THE TOWN OF MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS FOR ALL PROPOSED ROADWAY CONNECTIONS WITH PUBLIC WAYS OR TOWN WAYS WITHIN THE TOWN.

### ROAD CONSTRUCTION NOTES

1. THE SUBDIVIDER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. IT SHALL BE THE RESPONSIBILITY OF THE SUBDIVIDER TO OBTAIN THE NECESSARY PERMITS FROM THE TOWN OF MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS FOR ALL PROPOSED ROADWAY CONNECTIONS WITH PUBLIC WAYS OR TOWN WAYS WITHIN THE TOWN.

2. THE SUBDIVIDER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. IT SHALL BE THE RESPONSIBILITY OF THE SUBDIVIDER TO OBTAIN THE NECESSARY PERMITS FROM THE TOWN OF MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS FOR ALL PROPOSED ROADWAY CONNECTIONS WITH PUBLIC WAYS OR TOWN WAYS WITHIN THE TOWN.

### LEGEND

EXISTING	PROPOSED
SPOT GRADE	SPOT GRADE
TEST PIT (TP)	TEST PIT (TP)
CONCRETE BOUND (CB)	CONCRETE BOUND (CB)
SPHE (SPH)	SPHE (SPH)
UTILITY POLE (UP)	UTILITY POLE (UP)
WATER CATE (WC)	WATER CATE (WC)
WATER SERVICE (WS)	WATER SERVICE (WS)
FIRE HYDRANT	FIRE HYDRANT
WELL	WELL
SEPTIC	SEPTIC
FLOW DIRECTION	FLOW DIRECTION
WATER MAIN	WATER MAIN
UTILITY BOX	UTILITY BOX
STONE WALL	STONE WALL
STREET SIGN	STREET SIGN

### TYPICAL ROADWAY CROSS SECTION

NOT TO SCALE

### PROPOSED SUBDIVISION OF LAND

"OCCUPANCY HIGHLANDS" IN MASSACHUSETTS

DESIGN BY: MATTHEW C. COSTA, R.E. (CHECKED BY: CHRISTOPHER COSTA, P.E.)

PREPARED BY: COSTA ASSOCIATES, INC.

DATE: JULY 10, 2015

PROJECT: 66 CHARLES STREET, SUITE 215 BOSTON, MA 02114

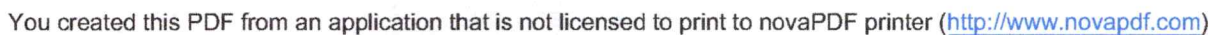
OWNER OF RECORD: BROWN LLC

OWNER OF RECORD: 66 CHARLES STREET, SUITE 215 BOSTON, MA 02114

OWNER OF RECORD: BROWN LLC

OWNER OF RECORD: 66 CHARLES STREET, SUITE 215 BOSTON, MA 02114





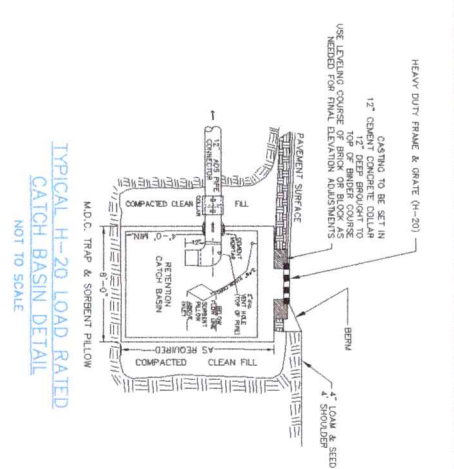








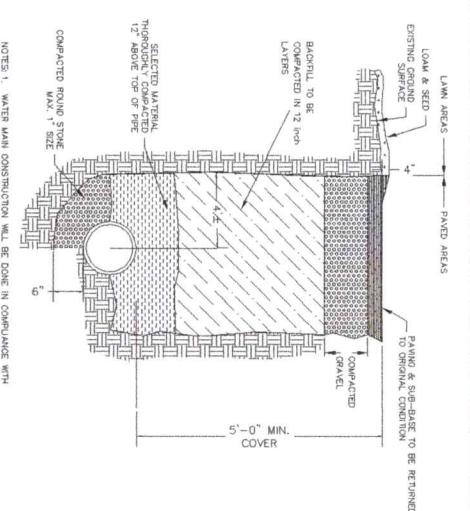




**TYPICAL H-20 LOAD RATED CATCH BASIN DETAIL**  
NOT TO SCALE

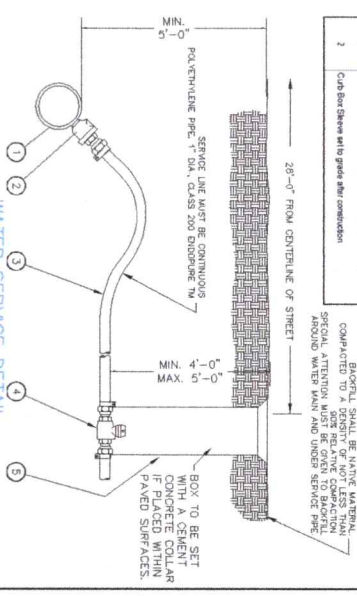
NOTES:  
1. WATER MAIN CONSTRUCTION SHALL BE DONE IN COMPLIANCE WITH MASSHPIE WATER DISTRICT REGULATIONS.  
2. ALL INSTALLATIONS MUST BE INSPECTED BY MASSHPIE WATER DISTRICT PRIOR TO BACKFILLING.

**WATER MAIN TRENCH DETAIL**  
NOT TO SCALE



BACKFILL SHALL BE NATIVE MATERIAL COMPACTED TO A DENSITY OF NOT LESS THAN SPECIAL ATTENTION MUST BE GIVEN TO BACKFILL AROUND WATER MAIN AND UNDER SERVICE PIPE.

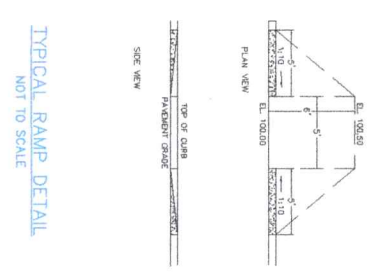
**WATER SERVICE DETAIL**  
NOT TO SCALE



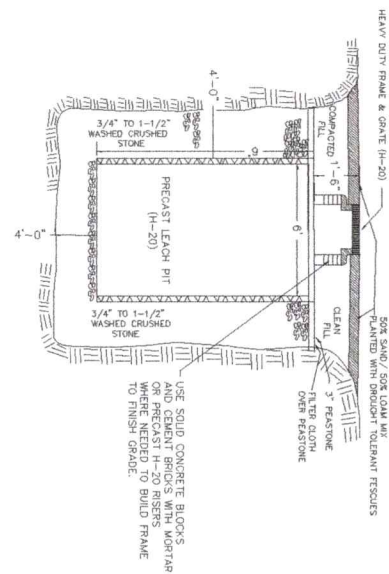
BACKFILL SHALL BE NATIVE MATERIAL COMPACTED TO A DENSITY OF NOT LESS THAN SPECIAL ATTENTION MUST BE GIVEN TO BACKFILL AROUND WATER MAIN AND UNDER SERVICE PIPE.

REF.	DESCRIPTION
1	1) For O.D.C.L. and Other Tapping Sleeve
2	2) For P.C.C. & C.C. and Other Tapping Sleeve
3	3) For P.C.C. & C.C. and Other Tapping Sleeve
4	4) For P.C.C. & C.C. and Other Tapping Sleeve
5	5) For P.C.C. & C.C. and Other Tapping Sleeve

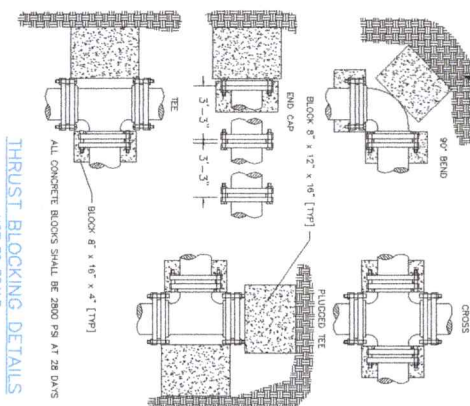
NOTE:  
1. Section line must be continuous.  
2. Can Be Shown with pipes after completion.



**TYPICAL RAMP DETAIL**  
NOT TO SCALE



**TYPICAL LEACHING PIT DETAIL**  
NOT TO SCALE



**THRUST BLOCKING DETAILS**  
NOT TO SCALE

2	4/16/14	ADDED SEE WATER AND SEWER IN	WCC	CC
3	4/16/14	REMOVED AS PER FUTURE DESIGN COMMENTS	WCC	CC
4	4/16/14	REMOVED AS PER FUTURE DESIGN COMMENTS	WCC	CC
5	4/16/14	REMOVED AS PER FUTURE DESIGN COMMENTS	WCC	CC
6	4/16/14	REMOVED AS PER FUTURE DESIGN COMMENTS	WCC	CC
7	4/16/14	REMOVED AS PER FUTURE DESIGN COMMENTS	WCC	CC
8	4/16/14	REMOVED AS PER FUTURE DESIGN COMMENTS	WCC	CC
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14	4/16/14	REMOVED AS PER FUTURE DESIGN COMMENTS	WCC	CC
15	4/16/14	REMOVED AS PER FUTURE DESIGN COMMENTS	WCC	CC
16	4/16/14	REMOVED AS PER FUTURE DESIGN COMMENTS	WCC	CC
17	4/16/14	REMOVED AS PER FUTURE DESIGN COMMENTS	WCC	CC
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98	4/16/14	REMOVED AS PER FUTURE DESIGN COMMENTS	WCC	CC
99	4/16/14	REMOVED AS PER FUTURE DESIGN COMMENTS	WCC	CC
100	4/16/14	REMOVED AS PER FUTURE DESIGN COMMENTS	WCC	CC



## CORRESPONDENCE



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: **1612814**

Document: **Groundwater Discharge Monitoring Report Forms**

Size of File: **1078.41K**

Status of Transaction: **Submitted**

Date and Time Created: **10/20/2023:10:56:08 AM**

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



## Groundwater Permit

### DISCHARGE MONITORING REPORT

668
1. Permit Number
2. Tax identification Number
2023 SEP 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:

9/7/2023	RI ANALYTICAL
a. Date Sampled (mm/dd/yyyy)	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 Sep 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 SEP 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	170	ND	3.0
MG/L			
TSS	360	ND	2.0
MG/L			
TOTAL SOLIDS	770		
MG/L			
AMMONIA-N	23		
MG/L			
NITRATE-N		0.61	0.050
MG/L			
TOTAL NITROGEN(NO3+NO2+TKN)		2.9	0.50
MG/L			
OIL & GREASE		0.60	0.50
MG/L			



## Groundwater Permit

### MONITORING WELL DATA REPORT

668
1. Permit Number
2. Tax identification Number
2023 SEP 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:

9/7/2023	RI ANALYTICAL
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 Sep 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 SEP 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	6.2	6.1		
S.U.						
STATIC WATER LEVEL	18.6	DRY	47.7	50.7		
FEET						
SPECIFIC CONDUCTANCE	622	DRY	799	825		
UMHOS/C						



## Groundwater Permit

### DAILY LOG SHEET

668
1. Permit Number
2. Tax identification Number
2023 SEP 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

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:

9/30/2023

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

Daily Log Sheet - 2023 Sep 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 SEP 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	10419					7.2		
2	10420							
3	10420							
4	10420							
5	12388					7.1		
6	8452					7.3		
7	10656					7.3		
8	11221					7.2		
9	11220							
10	11220							
11	10391					7.2		
12	10468					7.1		
13	10502					7.2		
14	10551					7.2		
15	11309					7.2		
16	11309							
17	11309							
18	10575					7.3		
19	8722					7.3		
20	12931					7.4		
21	10552					7.4		
22	9140					7.2		
23	9141							
24	9141							
25	10785					7.4		
26	11200					7.4		
27	8501					7.2		
28	11824					7.3		
29	10767					7.2		
30	10767							
31								

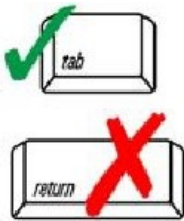




## Groundwater Permit

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 10/18/2023  
a. Signature b. Date (mm/dd/yyyy)

### Reporting Package Comments

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



Massachusetts Department of Environmental Protection  
Chapter 91 Waterways Water-Dependent, Nonwater Dependent, Amendment Application  
Municipal Planning Board Notification

---

Note to Permittee: This form should be submitted, with the top portion completed, to the municipal Planning Board along with the complete application and project plans.

Brian Brochu  
Name of Permittee

32 Crescent Road  
Project Address

Johns Pond  
Name of Waterway

Mashpee  
City/Town

Description of project and use or change in use (this field is not limited to the one line shown).

Proposed work includes the installation of a season pier, ramp, float, access ladder and kayak racks on the property located at 32 Crescent Road, Mashpee. Assessor's Map 57, Parcel 54-0. Pursuant to Chapter 91 regulations, within and adjacent to the waters of Johns Pond.

To be completed by the municipal Planning Board representative.

"I hereby certify that the project described above and more fully detailed in the Permittee's Waterways License application and plans have been submitted by the Permittee to the municipal Planning Board."

Deborah Kave  
Print Name of Municipal Planning Board Representative

Oct 11, 2023  
Date

Deborah F. Kave  
Deborah F. Kave (Oct 11, 2023 11:29 EDT)  
Signature of Municipal Planning Board Representative

Town Clerk  
Title

Mashpee  
City/Town

**Note:** Any Planning Board recommendation shall be submitted in accordance with 310 CMR 9.13(5). Comments pertaining to this Application shall be submitted in accordance with 310 CMR 9.13(4); any comments submitted after the close of the public comment period shall not constitute a basis for standing in any appeal pursuant to 310 CMR 9.13(4) and/or 310 CMR 9.17.



Commonwealth of Massachusetts  
Executive Office of Energy and Environmental Affairs

## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey  
Governor

Rebecca L. Tepper  
Secretary

Kimberley Driscoll  
Lieutenant Governor

Bonnie Heiple  
Commissioner

### WW01 - Water-Dependent License/Permit Application

#### Permittee Information

Name: Brian Brochu  
Phone: (774) 239-7945  
Address: 32 CRESCENT ROAD  
MASHPEE, MA 02649

#### Permittee Company Information

Name: Cape and Islands Engineering, Inc.  
Jean E. Duff-Still  
Phone: (508) 477-7272  
Address: 800 FALMOUTH ROAD, SUITE 301C  
MASHPEE, MA 02649

#### Application Submitter Information

Name: MATTHEW C. COSTA  
Phone: (508) 477-7272  
Address: 800 FALMOUTH ROAD SUITE 301C  
MASHPEE, MA 02649

#### Location Information

Johns Pond  
32 CRESCENT ROAD MASHPEE, MA 02649  
Latitude: 41.63008  
Longitude: 70.52369

### List of Abutters

Full Legal Name	Abutting Property Address
Gary S. Tavares, Tr, Johns Pond Realty Trust	40 Crescent Road Mashpee, MA 02649 (40 Crescent Road)
Wender Shubow, Jessica Joy	36 Southbourne Road Jamaica Plain, MA 02130 (22 Crescent Road)

### Additional Contacts Info

Please provide the Name of the Permittee(s) exactly as it should be listed in the license/permit that will be recorded at the Registry of Deeds (the name(s) listed here need to match the name(s) listed on the plans or the license may be rejected by the Registry of Deeds)

Brian Brochu

I hereby attest that I have listed all the Permittees in the Application Contacts section (each Permittee entered as a separate contact - do not list 2 names in 1 field)

Yes

Is the project site within a right of way?

No

Are you submitting evidence of legal authority to apply in lieu of the Property Owner's Signature? If yes, please attach a document 'Evidence of Legal Authority' in the document section

No

I hereby attest that I have listed all the Property Owners in the Application Contacts section

Yes

I hereby attest that I have listed all the Abutters in the above Contact table section

Yes

### Application Type

Please select the application type you are applying for

Residential with less than or equal to 4 units

### Project Information

Brief Description of Project (e.g., dock, seawall, boat ramp, Harborwalk – if a longer narrative is to be provided, please upload a separate document)

Private seasonal ramp, pier and float with kayak racks and access ladder.

Brief Description of Project Location - Non-Traditional Address (e.g., 'west end Toronto Avenue right-of-way at Gloucester Harbor' DO NOT complete this field if your project has a traditional address - enter N/A)	n/a
Proposed Use/Activity description	Construction, maintenance and licensing of a seasonal ramp, pier and float with kayak racks and an access ladder in the waters of Johns Pond
Is this site subject to 21E?	No
Does the project exceed the MEPA review thresholds for Waterways standards?	No
Is the Project site in an Environmental Justice Community?	No
Which Wetlands Protection Act process document are you attaching?	WPA Order of Conditions
Has there ever been a waterways jurisdictional determination issued for this project site?	No
Does your project require a 401 water quality certificate? If yes, please attach if currently available, a copy of '401 Water Quality Certificate' in the document section.	No
Are you seeking a Variance? If yes, please attach a supporting evidence of compliance with 310 CMR 9.21, 'Variance Supplement' in the document section.	No
Is the project located within the Designated Port Area? If yes, please review the standards at 310 CMR 9.12 and 9.32.	No
Is the project located within an area subject to State Approved Municipal Harbor Plan? If yes, please attach supporting evidence of compliance with applicable MHP, 'MHP Supplement' in the document section.	No
Are you seeking a CWD (consolidated written determination) in accordance with 310 CMR 9.14(4)? If yes, please attach a document 'CWD Supplement' in the document section.	No
Does your project involve dredging?	No

## Documents

### Documents

#### Required Documents:

1. Chapter 91 Plans
2. List of Environmental Regulatory Programs
3. WPA Order of Conditions

## Special Fee Provision



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

*Raul Lizardi-Rivera*

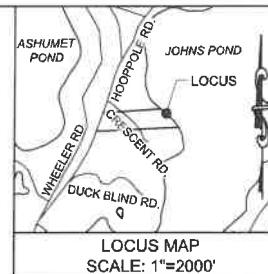
RAUL LIZARDI-RIVERA, P.E.

DRAWING INDEX

<u>SHEET</u>	<u>TITLE</u>
1	COVER SHEET
2	OVERALL SITE PLAN
3	PROPOSED SEASONAL PIER & FLOAT
4	PROPOSED PIER PROFILE, BENT SECTION & FLOAT DETAIL

PLAN LEGEND

· · · · ·	OBSERVED WATER LEVEL ON 3/21/23 (EL. 37.5 NAVD88)
— w —	MEAN ANNUAL FLOOD LEVEL (EL. 38.5 NAVD88)
— · · —	NHESP - ESTIMATED HABITAT
— · · —	NHESP - PRIORITY HABITAT
— · · —	EXISTING CONTOUR GRADES, NAVD88
— · · —	FEMA FLOOD ZONE BOUNDARY



NO PRIOR CHAPTER 91 AUTHORIZATIONS FOR THIS PROPERTY

NOTES:

1. LOCATIONS ARE BASED ON AN "ON THE GROUND" INSTRUMENT SURVEY.
2. HORIZONTAL DATUM: NAD83
3. VERTICAL DATUM: NAVD88
4. ZONE DESIGNATION OF MINIMAL HAZARD ZONE X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 25001C0519J, WITH A MAP EFFECTIVE DATE OF JULY 16, 2014.
5. POND WATER DEPTH ARE BASED ON ELEVATION MEASUREMENT FROM THE POND BOTTOM IN NAVD88 IN RELATION TO THE POND MEAN ANNUAL FLOOD LEVEL ELEVATION OF 38.5' NAVD88.
6. ABUTTER INFORMATION OBTAINED FROM A TOWN OF MASHPEE BOARD OF ASSESSORS CERTIFIED ABUTTERS LIST DATED 5/3/2023

COVER SHEET  
SHEET 1 OF 4  
JULY 14, 2023

PLAN ACCOMPANYING PETITION OF BRIAN BROCHU TO  
CONSTRUCT & MAINTAIN A SEASONAL PIER AND FLOAT IN AND  
OVER THE WATERS OF JOHNS POND AT 32 CRESCENT ROAD,  
MASHPEE, BARNSTABLE COUNTY, MASSACHUSETTS

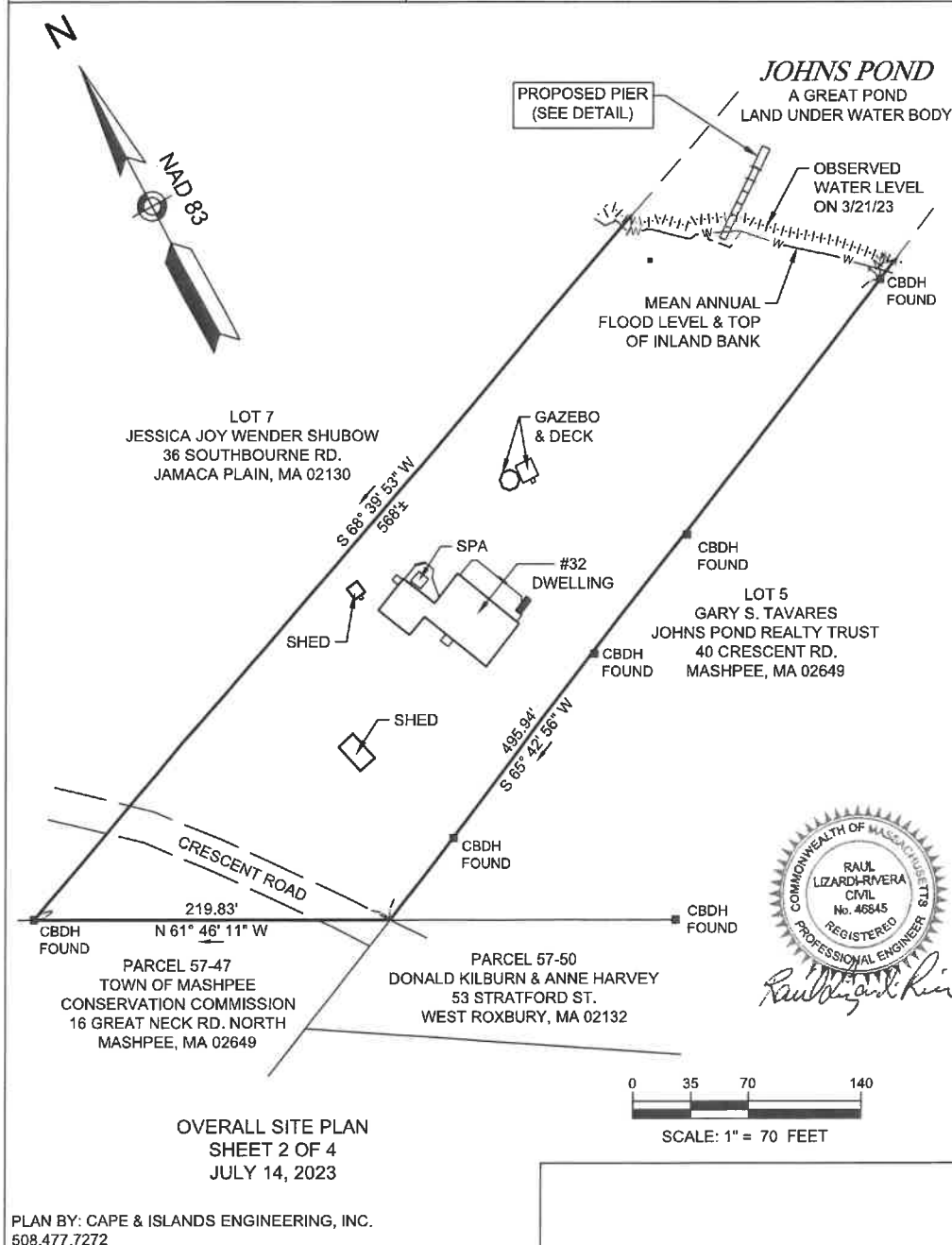


DEP FILE # XXXX

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

*Raul Lizardi-Rivera*

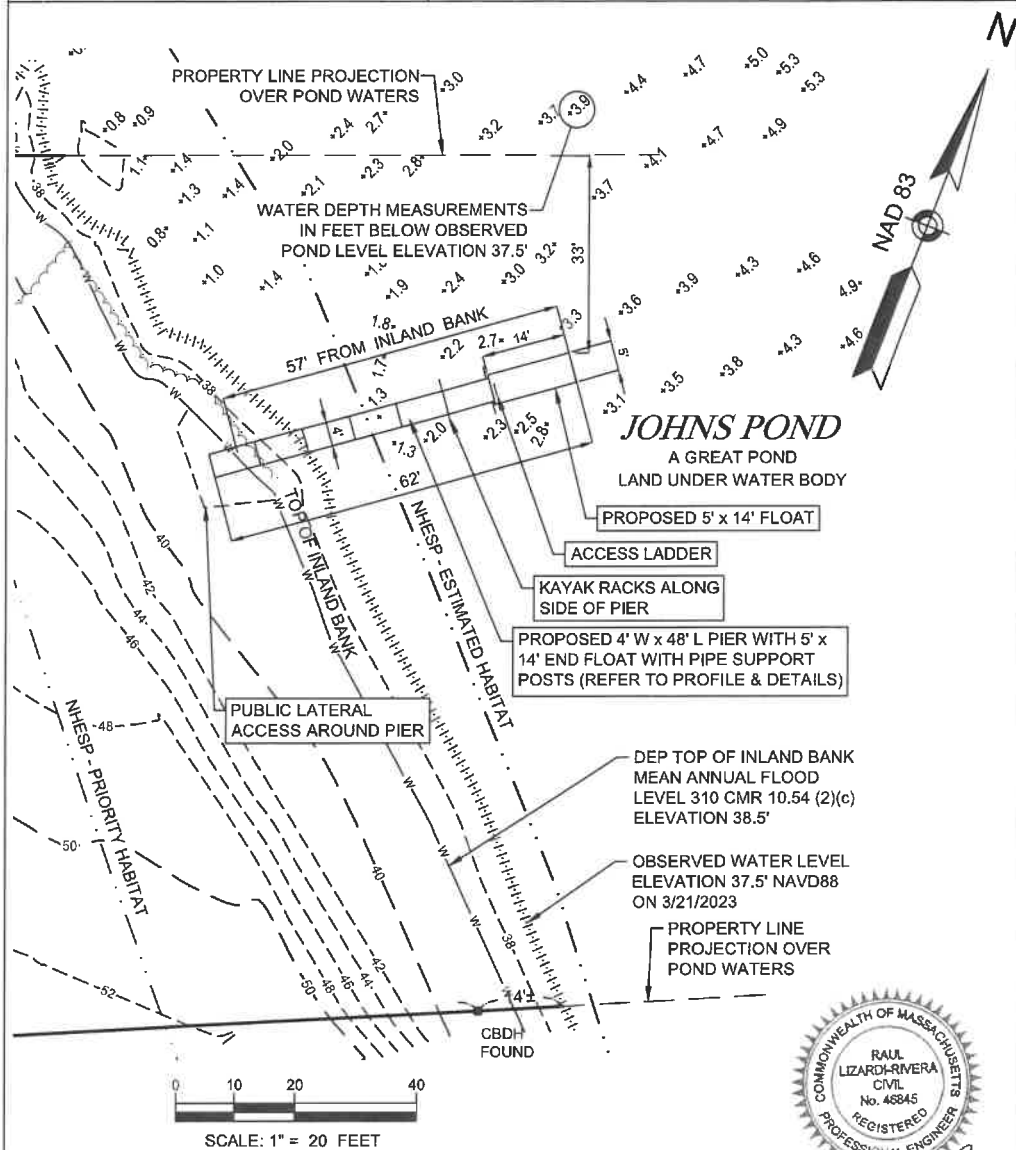
RAUL LIZARDI-RIVERA, P.E.



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

*Raul Lizardi-Rivera*

RAUL LIZARDI-RIVERA, P.E.



PROPOSED SEASONAL PIER & FLOAT  
SHEET 3 OF 4  
JULY 14, 2023

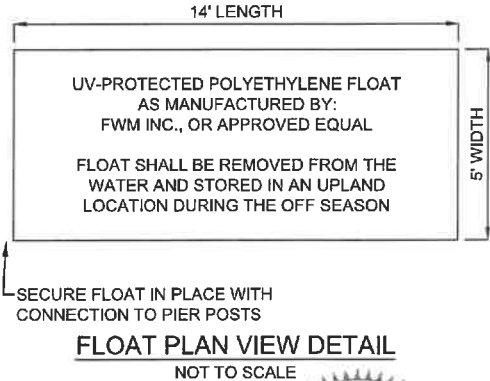
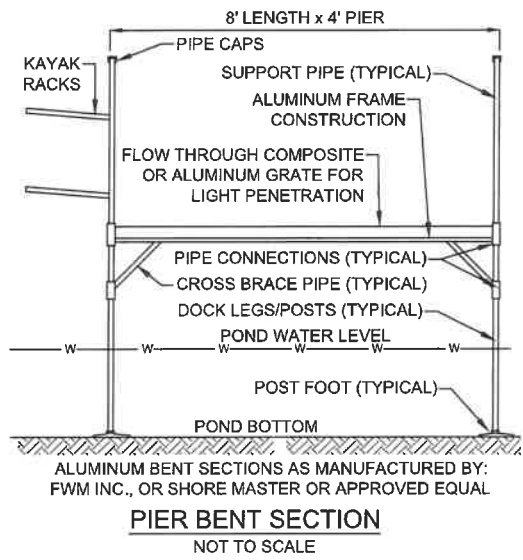
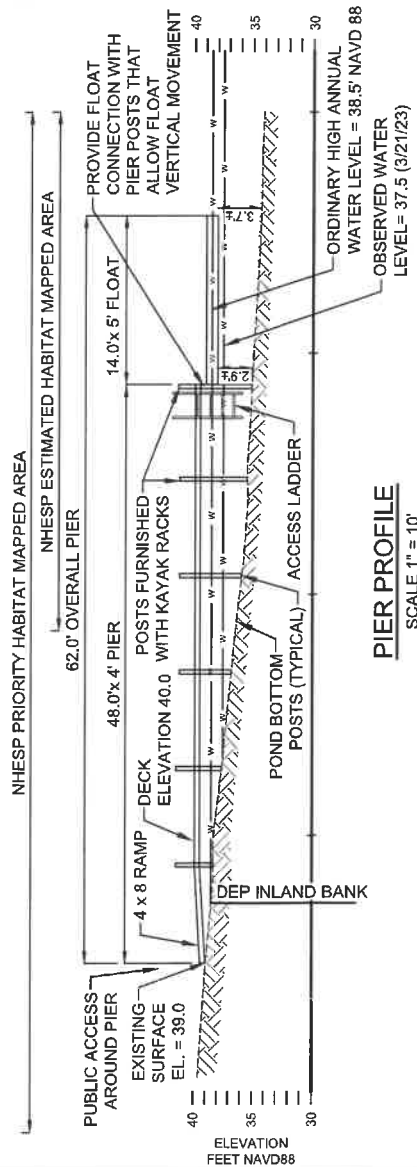
PLAN BY: CAPE & ISLANDS ENGINEERING, INC.  
508.477.7272



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

*Raul Lizardi-Rivera*

RAUL LIZARDI-RIVERA, P.E.



PROPOSED PIER PROFILE, BENT SECTION & FLOAT DETAIL  
SHEET 4 OF 4  
JULY 14, 2023

PLAN BY: CAPE & ISLANDS ENGINEERING, INC.  
508.477.7272



Exemption

Exclusion (special agreement or policy)

Substitution (ASP/IRP)

Double Fee for Enforcement

Hardship payment extension request

## Attachments

Name	Description	Type	Latest Updated
Chapter 91 environmental-regulatory-programs 09-14-23.docx	List of Environmental Regulatory Program	List of Environmental Regulatory Programs	10/11/2023
Chapter 91 zoning form signed 9-21-23.pdf	Signed Zoning Certificate	Municipal Zoning Certification	10/11/2023
Authorization Signed for CIE to represent Chapter 91 09-18-23.pdf	Power Authorization for CIE to represent project	Other	10/11/2023
OOB 43-3243.pdf	Recorded OOB	WPA Order of Conditions	10/11/2023
Chapter 91 plans (stamped) 7-14-23.pdf	Chapter 91 plans	Chapter 91 Plans	10/11/2023

## Fee Info

Amount: \$ 215.00

Status: Paid

Description: WW01 Application Fees

Payment Date: 11-Oct-2023

## Certification Information

Individual  
MATTHEW COSTA  
800 FALMOUTH ROAD SUITE 301C  
MASHPEE, MA 02649  
United States

Telephone #: (508) 477-7272  
E-mail: matt@capeeng.com

I hereby certify that the information submitted in this application is true and accurate to the best of my knowledge. All applicants and property owners must sign the "Proof of Signature" which will be provided after initial review by the Department. All future application correspondence may be signed by the Application Submitter.







# Chapter 91 planning form to be signed 10-11-23

Final Audit Report

2023-10-11

Created:	2023-10-11
By:	Charlene Antrim (charlene@capeeng.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAyn5E0htyc7raJvSLyIAEBYoj8VogIheJ

## "Chapter 91 planning form to be signed 10-11-23" History

-  Document created by Charlene Antrim (charlene@capeeng.com)  
2023-10-11 - 2:56:26 PM GMT- IP address: 71.26.208.21
-  Document emailed to dkaye@mashpeema.gov for signature  
2023-10-11 - 2:56:50 PM GMT
-  Email viewed by dkaye@mashpeema.gov  
2023-10-11 - 3:29:05 PM GMT- IP address: 104.47.65.254
-  Signer dkaye@mashpeema.gov entered name at signing as Deborah F. Kaye  
2023-10-11 - 3:29:36 PM GMT- IP address: 192.107.120.68
-  Document e-signed by Deborah F. Kaye (dkaye@mashpeema.gov)  
Signature Date: 2023-10-11 - 3:29:38 PM GMT - Time Source: server- IP address: 192.107.120.68
-  Agreement completed.  
2023-10-11 - 3:29:38 PM GMT



**Adobe Acrobat Sign**



# ***TOWN OF FALMOUTH***

## **ZONING BOARD OF APPEALS**

---

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

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

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

**Application #087-23 Paul and Susan O'Connor, 19 North Drive, Fiskdale, 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 raise the existing, non-conforming dwelling, replace foundation and construct an addition. The subject property is 290 Maravista Avenue, Teaticket, MA.

Map 46A Section 23 Parcel 000 Lot(s) 091

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, November 2, 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 #085-23 Paul and Amy Sellers, P.O.Box 534, West Falmouth, MA.:** Filed an appeal with the Falmouth Town Clerk pursuant to M.G.L. c.40A § 8 & 15 and 240-12.4A(1)(b) (formerly 240-202) of the Code of Falmouth appealing the Building Commissioners determination. The subject property is 606 West Falmouth Highway, West Falmouth, MA.

Map 24A Section 05 Parcel 003B Lot(s) 001U – 009U

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, November 2, 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>

## ABUTTER NOTIFICATION

**PROJECT TYPE:** Town of Sandwich Board of Health Rules and Regulations  
Local Variance Request for Subsurface Sewage Disposal  
System Upgrade

**SITE LOCATION:** #566 Route 6A (Map 35 Parcel 030)

**APPLICANT:** Jessica Sears

**HANOVER OFFICE:**

427 Columbia Road  
Hanover, MA 02339  
781-826-9200

**PLYMOUTH OFFICE:**

40 Court Street, Ste 2A  
Plymouth, MA 02360  
508-746-6060

**MARINE DIVISION:**

26 Union Street  
Plymouth, MA 02360  
508-746-6060

**FALMOUTH OFFICE:**

448 N. Falmouth Highway Unit A  
North Falmouth, MA 02556  
508-563-2183

[merrillinc.com](http://merrillinc.com)

The Sandwich Board of Health will be conducting a Public Hearing to consider a Board of Health Rules and Regulations, Local Variance Request for the above referenced project in accordance with the State Environmental Code Title V (310 CMR 15.000) and Town of Sandwich Board of Health Regulations. As per Town of Sandwich Regulations, we are notifying you of the waivers requested:

- Town of Sandwich Board of Health Regulations – Minimum Setback Distance to a Wetland: Requesting reductions from the wetland to the proposed septic tank, pump chamber and leaching field.

The hearing is scheduled for November 13, 2023; please contact the Board of Health for the scheduled time and location.