



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, MA 02649

Meeting of the Mashpee Planning Board
Wednesday, December 6, 2023; 7:00 PM
Mashpee Town Hall - Waquoit Meeting Room
16 Great Neck Road North, Mashpee, MA 02649

Broadcast Live on Local Channel 8

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

Call Meeting to Order

- Pledge of Allegiance

Approval of Minutes

- Review of Meeting Minutes from November 15, 2023

Public Comment

Public Hearings

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

Applicant: Southworth Mashpee Properties LLC
Location: 275 Quinaquisset Avenue (Map 69 Parcel 32)
Request: Applicant proposes to modify the Willowbend Country Club Special Permit to construct a 14-unit single family cottage community immediately contiguous to the Willowbend Golf Course. With these changes the total unit count for the Willowbend project would be increased to 287 if the Board authorizes the annexation of 275 Quinaquisset into the Willowbend Special Permit as allowed. 287 dwelling units is the maximum number of dwelling units authorized under the Special Permit. All units will be connected to and served by the existing privately owned wastewater treatment plant which serves the entire Willowbend project.

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

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

New Business

- Vote to set special joint meeting on Monday, December 18, 2023 with Select Board to review and adopt the updated Housing Production Plan.
- Raze and Replace Bylaw discussion and possible vote to invite the Zoning Board of Appeals, Conservation Commission and the Board of Health to convene a joint session on the subject.

Old Business

- Review updated draft implementation table of the Local Comprehensive Plan Update



Town of Mashpee

Planning Board

16 Great Neck Road North
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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

- 32 Crescent Road MassDEP Waterways License Application No. 23-WW01-0123-APP
- Child's River Culvert on Rt. 151 MassDEP Waterways License Application No. 23-WW01-0115-AAP
- October 2023 Discharge Monitoring Report for South Cape Village – N = 5.1
- Town of Barnstable
- Town of Falmouth Notices
- Town of Sandwich Notices

Additional Topics (not reasonably anticipated by Chair)

Adjournment

MASHPEE TOWN CLERK
NOV 30 '23 AM 9:13



Town of Mashpee

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Mashpee Planning Board

Minutes of Meeting

Wednesday, November 15, 2023 at 7:00PM

Mashpee Town Hall - Waquoit Meeting Room

16 Great Neck Road North

Mashpee, Ma 02649

Broadcast Live on Local Channel 8

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

Streamed Live on the Town of Mashpee website

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

Present: Chair Karen Faulkner, Mary Waygan, Dennis Balzarini, Mike Richardson, Dale Oakley

Also Present: Evan Lehrer – Town Planner

Absent: Robert (Rob) Hansen

CALL TO ORDER

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

APPROVAL OF MEETING MINUTES – November 01, 2023

There were no comments regarding the meeting minutes for November 01, 2023.

MOTION:

Mr. Richardson made a motion to approve the meeting minutes for November 01, 2023.

Seconded by Mr. Balzarini. All in favor.

PUBLIC COMMENT

Colton Atkinson- He had a couple ideas to consider for the next bylaw revisions. One would be to have an EV incentive or requirement for charging stations being added in homes. If someone were to update a garage or build new, a level two charger could be installed. Charging infrastructure will be something the town will need to worry about in the near future. His next idea is more in the wheelhouse of the LCP, but in discussing the residential tax exemption on Monday, it was said they would need to go to the state legislature to get the amount capped. If you have a lower valued house you will receive a substantially less tax reduction than people with more expensive homes, our community has both \$400,000 and



Town of Mashpee

Planning Board

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\$10,000,000 homes. The people paying the most are getting the most benefit from this. We could consider looking at flat rates or covering minimum charge for water district.

Lynne Barbee- She has been heavily interested in the LCP process. She took the time to go through what was in the packet and made comments. She redlined items, but will not comb through every detail. Starting with housing, Goal H4, create affordable housing. Is the town going to promote this or are we going to create the promotion of housing? She doesn't understand Policy H1 and how that would work. H2 is form based code, she knows people talk about it, she is not sure what it means. If we use that language there needs further explanations and why it would be better than what we have now. On H6 she would hope to say actively engage and regularly fund the Affordable Housing Trust. Let's encourage the meeting of the trust. What does it mean to develop incentives for affordable senior housing? She doesn't disagree, it just raises questions. Some of these items should be explained more in the document. The Affordable Housing Coordinator should be a member of the Affordable Housing Trust. H13 states assess ways for the private sector to contribute. We want to encourage or promote, saying assessing ways is vague and doesn't elaborate on what the goal would be.

Economic Development under ED3, consider increasing Kids Klub childcare program, sounds wonderful, but how does that work? It's unusual to have a town run childcare program. She would love to see it quadrupled. ED4 says evaluate use conflicts in fisheries and sounds like awkward language. Are there competing issues within the development of fisheries? ED5 states to promote business, which then promotes living wages, but how does the Town do that? It's a great goal, but we should be able to explain how we can actually facilitate these items better. Would that be by way of tax breaks? ED9 notes to increase access to childcare for Mashpee's workforce. Does that mean within the Kids Klub organization or other incentives for home based childcare? Also, what in our current bylaws prevent homebased childcare? ED2 says minimize homelessness, we might want to say address homelessness or create programs to address homelessness.

Under Sustainability S6, maintain dams in good condition, it's an important goal, but maybe we work with state and local resources to help maintain. She is unsure the town has the wherewithal to maintain dams on their own. She likes S5 and hopes that will lead to a bottle ban. Under Natural Resources NR4, it states to limit construction in land under ocean to maintain a restored habitat. This is not a clear sentence to her. In all of the housing chapter there is nothing under the water column for housing. It comes in under Natural Resources, it seems to her water should be a wider issue. NR17 notes to explore the use of district of critical planning concern, which means something to a Town Planner, but that doesn't mean anything to her. We want people to read and absorb this document. Land Use mentions form based code. She read the tree bylaw. There is more form based code under Heritage Preservation.



Town of Mashpee

Planning Board

16 Great Neck Road North
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HP6, the adopted demolition delay bylaw has a “*” so it will most likely be explained. She is happy to come up with better verbs if agreed one is needed.

Marge Hecht- Chairwoman Faulkner read an excerpt from the letter submitted by Ms. Hecht. It states that form based code was not a concept supported by this community during the LCP process, it was opposed. The LCP implementation plan provides an overview of the process, that vision did not include form based code. It was not useful. Design wasn't the problem, it was not then and isn't now. No more large development projects! If the Planning Department would find it useful for form based code for future projects they should draft one and present. The main goals of the community were not recognized by the consultants. Ms. Faulkner noted there was a copy of the letter in the packet.

NEW BUSINESS

Review updated draft implementation table of the Local Comprehensive Plan Update

Ms. Waygan commented about the visioning workshops on Built Systems, Community Systems, and Natural Systems. The Town Planner has these workshops consolidated on spreadsheets. The Consultant and Town Planner gave the Board a list and we met in May and redlined it. It was a dump of anything that was left out of the workshops, it got put into this redlined packet. If you said something at one of those workshops it would be in here.

Mr. Lehrer commented generally yes, but if one single person contributed an idea, not necessarily a majority, it was not always entered.

Ms. Waygan noted when she relined that document she went through all the charts and made sure the comments were in that version. There is the vision, goals, policies, and actions. Every action should be linked to a policy, every policy to a goal, and every goal linked to the overall vision statement.

Mr. Lehrer stated the last review was in May, if the chart is scrutinized some red lined items were not in there, they were removed for obvious redundancy purposes.

Ms. Waygan noted there is room for development.

Mr. Lehrer referenced Ms. Barbee's comment about verbiage. It is difficult to be granular with actions. It's often assessing a concept and analyzing the potential for an action. Ultimately, it's up to staff, boards, committees, and commissions to identify what the appropriate pathway is and the overall desirability or urgency within the Town. The structure of the table needs to be put together in totality then opened to the public before it goes to Town Meeting. The draft before you is not what is being submitted, there is more work to be done. There are no levels of priority assigned to any actions.



Town of Mashpee

Planning Board

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Ms. Faulkner also stated the actions are not in any priority, these are things we need to consider doing.

Mr. Balzarini would like to prioritize items so that does not become a point of contention.

Ms. Waygan stated under time frame there are items, we should list all short time frames first and medium time frames second, and then it would self-sort.

Mr. Oakley stated some environmental actions would benefit from being a priority.

Mr. Lehrer made a clarifying comment about form based code. This is the Planning Board's plan as well as the Town. Form based code is simply one tool to effectuate goals and objectives defined in this plan. We are not pigeonholing into one mechanism, it would be his recommendation to pursue as another tool. He doesn't think form based code is contrary to development patterns that have been prioritized through discussion. There have always been a misunderstanding about this approach back when Mashpee Commons tried to introduce it. Form based code can work at any density.

Ms. Faulkner always felt form based code was hard to understand as it regulates physical form and character of new development. What would form based code over by the former Zachary's look like as opposed to cleaning it up and making it look nice?

Mr. Lehrer stated right now you have zoning districts with certain uses, single, no mixture, defined by use and dimensional criteria. Many critiques about what we have now is it creates inconsistent development patterns. There is a different point A and B with not much cohesion between public and private realm. For example at Andy's market, it is not a walkable pattern, you would drive between all the uses. Mashpee doesn't use floor area ratio. It is an interesting way to describe a set of differences that can occur. We use lot coverage. Form based code would divide the town into variable districts. Instead of uses, it prescribes building types. Use is not something that is considered as prominently as is conventional zoning. You would not want to seek heavy industrial next to residential hence why prohibitions are in place. The community defines what is acceptable per district with a predictable pattern between the town and developers. We would prioritize redevelopment over new development and focus on commercial areas for redevelopment.

Ms. Waygan noted form based code regulates exterior, what it looks like, not uses inside. There is a big need in town for preexisting non-conforming. There is also a big need for design standards in that area. It might be a good place to start. The Cape Cod Commission is doing their Regional Housing Strategy and they are working on these design standards. They are so general and we can at least adopt them as step one.



Town of Mashpee

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Mr. Lehrer liked the drafts that Ms. Waygan is referring to, describing every scenario in which form based code works. Convention zoning has solid design guidelines. Form based code is a regulatory mechanism. Form based code can work in the most rural setting or most dense metropolis, it is up to Planning to define.

Ms. Waygan stated she is on the Charter Review Committee and they each took a section of the Charter and concentrated on it. She offered to split this up and manage it similarly.

Housing & Land Use: Ms. Waygan

Sustainability: Mr. Lehrer

Transportation Circulation: Mr. Balzarini

Growth Management and Economic Development: Ms. Faulkner

Municipal Buildings, Facilities, and Services: Mr. Richardson

Heritage and Preservation & Water and Coastal Resources: Mr. Oakley

Mr. Lehrer needs 30 days for the draft to circulate in the community. Warrant articles are due in February for May Town Meeting. Talking this out loud, it pains him to say it, but he suggests finishing this document by July 1st so that it is ready for adoption at October Town Meeting.

Ms. Waygan proposed review of Housing and Sustainability for next meeting, she is hopeful to cover two per meeting.

Review and approval of 2024 meeting schedule

MOTION:

Ms. Waygan made a motion to approve the recommended meeting schedule where the Board canceled the meeting of July 3, 2024, with no meeting June 19, 2024 or October 2, 2024. Seconded by Mr. Richardson. All in favor.

Review and approval of Consulting Engineer Invoices

Ockway Highlands

MOTION:

Mr. Richardson made a motion to approve the invoice 2023-2140 for the amount of \$3,951.52. Seconded by Ms. Waygan. All in favor.

Sherwin Williams

MOTION:

Mr. Richardson made a motion to approve the invoice 2023-2139 for the amount of \$2,776.08. Seconded by Ms. Waygan. All in favor.

Tudor Terrace



Town of Mashpee

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MOTION:

Mr. Richardson made a motion to approve the invoice 2023-2142 for the amount of \$1,371.14. Seconded by Ms. Waygan. All in favor.

Willow Circle

MOTION:

Mr. Richardson made a motion to approve the invoice 2023-2143 for the amount of \$517.88. Seconded by Ms. Waygan. All in favor.

CHAIRWOMAN'S REPORT

Water Quality Issues

There is a letter from the Town Manager that explains the special election November 28th, polls are open from 7:00a.m. to 8:00p.m. This is regarding the vote on the bonds to fund the wastewater collection treatment and other associated costs. The Town Manager's website can be referenced for further details.

TOWN PLANNER REPORT

Harbor Management Planning Committee Update

Mr. Lehrer did not attend, they have not met in some time. They are in production mode and coming into the closure of year one of development of that plan, he has no further update.

Housing Production Plan

The Affordable Housing Committee was not able to meet. Mr. Lehrer had a productive meeting with the Chair of the AHC and Tribal representatives from the Tribal Housing Commission. In the Housing Production Plan there was discussion about marketing and tenant selection and the local preference policy, the Town will be seeking legal opinion relative to the inability to do local preference as defined. He left feeling positive. The needs assessment has been completed and the survey is now closed. They have met on goals and strategies and committee members will offer comments before the Planning Board will do the same. He reached out to the Town manager for a joint meeting. He will receive the draft and he will deliver it to the Board. More to come soon.

BOARD MEMBER COMMITTEE REPORTS

Cape Cod Commission- The Regional Housing Strategy and the Assistant Town Manager wanted to engage with local stakeholders, there was a mapping exercise to identify ideal sites for affordable housing. They did a decent job, and made some progress relative to that work. They know our HPP is coming forward, hopefully they don't issue theirs before ours is done. We are working with different resources to



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Planning Board

16 Great Neck Road North
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effectuate strategies inclusive of design criteria and mixed use production.

Charter Review Committee-

Meet November 27th in the same place. They took public comment and now they are sorting through and pinpointing. There were edits made such as changing Selectman to Select Board, there was also a lot of discussion about preamble.

Community Preservation Committee-

There are 3 applications that are in the packet. The Heritage Park demo and rebuild ask is \$74,000, the total cost is \$110,000. Pickeral Cove is a land acquisition, there is a working group from CPC alongside Mr. Lehrer and the land owners to solidify the desire to sell and any restrictions. This is open space and there needs to be public access to figure out trails, there is some hesitation to beach access. Mr. Richardson advocated to acquire all the lots. There is an application for the Mashpee Natural Resources and the Ashumet Pond nutrient deactivation. It is polluted by JBCC and the base has pledged to cover half the cost. The request is for \$675,000. It's also a program reimbursement where the Town has to pay and the base would reimburse half. Falmouth should also be involved, their staff is supportive to contributing, and formal approval could come from CPC application for their town. This aid would last 15 years. The plume that has phosphorous is at the tail end, as well as the PFAs area. They start by taking water out and treating it for PFAs and that process will take out phosphorus. They are thinking this will be the last application, there were two prior. Dunkin' sign was approved by Dino's, they need a new form of the building, need to know existing condition of area.

Design Review-

Environmental Oversight Committee-

Next meeting is November 27, 2023

Plan Review-

No Meeting

Historic District Commission –

Meeting soon

ADJOURNMENT

Mr. Richardson made a motion to adjourn the meeting of the Planning Board at 8:12p.m. Seconded by Mr. Balzarini. All in favor.

Next Meeting: Wednesday, December 06, 2023 @ 7:00PM



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Respectfully Submitted,

Christine M. MacDonald
Board Secretary

LIST OF DOCUMENTS

Additional documents may be available in the Planning Department.

- 33 Sturgis Lane MassDEP Waterways License Application No. 23-WW-PRE-0073-AAP
- Town of Barnstable
- Town of Falmouth Notices
- Town of Sandwich Notices

PHN 7:10 PM: 275 QUINAQUISSET



Mashpee Planning Board Public Hearing Notice

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

Cranberry Point At Willowbend Site Construction Plans

Mashpee, Massachusetts

Owner:

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

Applicant:

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

Engineer/Surveyor:

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



Locus Map

Scale 1" = 500

Job Number: 2014-009 QUIN

Plan Sheet Index

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

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

STAMP

STAMP

CONSULTANT

CONSULTANT

PREPARED FOR:

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

PROJECT TITLE

Cranberry Point
275 Quinaquisset Avenue
Mashpee, MA 02649

	DATE	DESCRIPTION
JKL	5/24/2023	PER PLANNING BOARD COMMENTS

SHEET TITLE

Cover Sheet

SHEET NO

CO.0

DATE: JANUARY 16, 2023

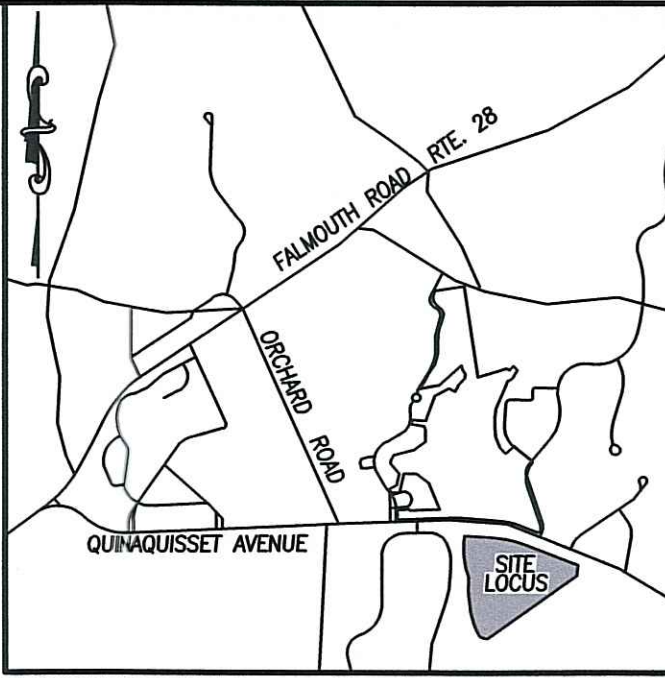
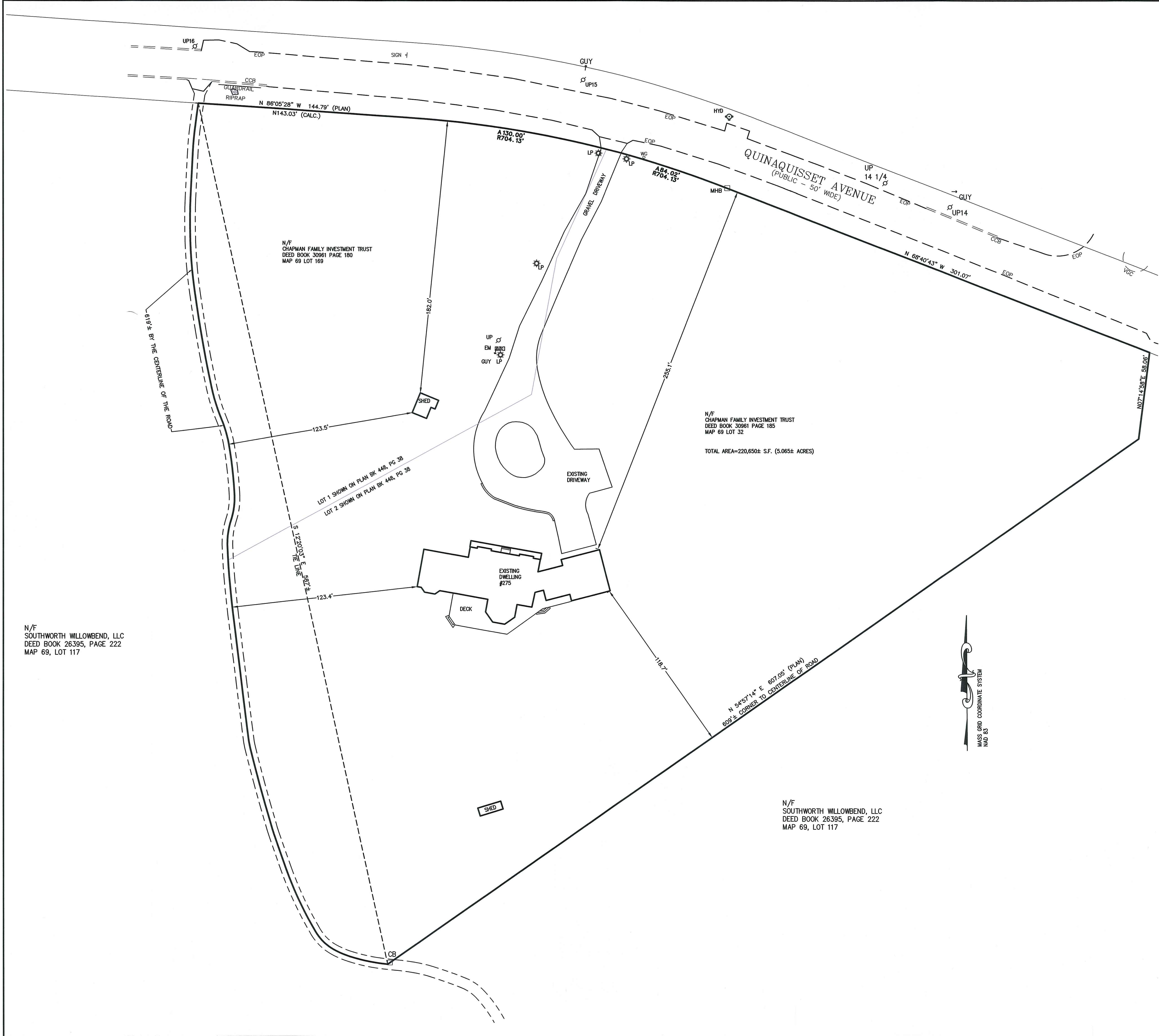
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STAMP

CONSULTANT

CONSULTANT

PREPARED FOR:

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

PROJECT TITLE

**275 Quinquisset Avenue
Mashpee, MA 02649**

DATE DESCRIPTION

SHEET TITLE

Certified Plot Plan

SHEET NO

CPP1.0

DATE: MAY 13, 2019

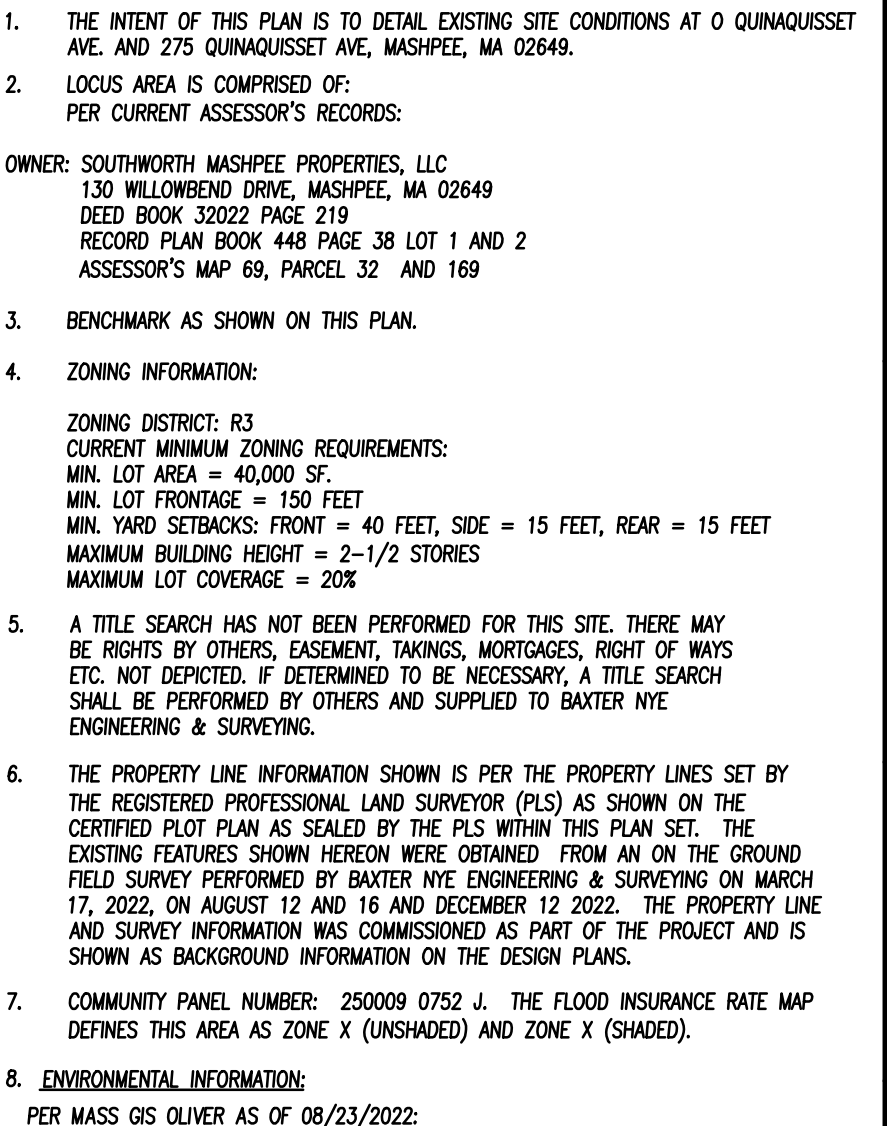
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SCALE IN FEET

SCALE: 1"=30'

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



CONSULTANT

REPAIRED FOR:

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

PROJECT TITLE

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

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JKI	3/24/2023	PER PLANNING BOARD COMMENT
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DATE	DESCRIPTION
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HEET TITLE

Existing Conditions Plan

HEET NO

C2.0

ATE: JANUARY 16, 2023



SCALE IN FEET

C A L E : 1"=30'

DRAWN BY: ZDP CHECKED BY: MWE

DB NO:2014-009 FILE:2014-009 QUIN EC.dwg

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NOTES:

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

ZONING TABLE

ZONING DISTRICT(S): R3*	OVERLAY DISTRICTS: NONE	ALLOWED USE: SINGLE FAMILY RES.	EXIST USE: SINGLE-FAMILY RES.	PROPOSED USE: 14 DETACHED SINGLE FAM. RESIDENTIAL UNITS
				TYPICAL UNIT FOOTPRINT: BUILDING = 1,802 SF REAR DECK = 309 SF FREE STANDING GARAGE = 298 SF TOTAL FOOTPRINT/UNIT = 2,407 SF
				PROPOSED TOTAL SITE BLDG FOOTPRINT = 33,698 SF
EXIST BLDGS FOOTPRINT=3,873 SF EXIST BUILDING TO BE DEMOLISHED				
TOTAL PARCEL AREA: 220,650 SF TOTAL (UPLAND-152,288± SF; WETLAND-68,362 SF)				
REQUIRED/ALLOWED				
PROPOSED				
LOT AREA:	40,000 SF (UPLAND)	152,288 SF		
FRONTAGE:	150 FT	658 FT		
BUILDING SETBACKS*	40 FT	40.0 FT		
FRONT SETBACK	15 FT*	N/A INTERIOR LOT LINE		
SIDE SETBACK	15 FT*	N/A INTERIOR LOT LINE		
REAR SETBACK	10 FT	N/A		
PARKING SETBACK TO ABUTTER LOTS	2.5 STORIES / 35 FT	2 STORIES/30.7 FT		
MAX. BLDG. HEIGHT (STORIES):	20%*	N/A PER WILLOWBEND SPECIAL PERMIT		
MAX. LOT COVERAGE (STRUCTURES):	28 SPACES	28 SPACES		
PARKING TABLE	19.33' x 9'	19' x 9'		
SINGLE FAMILY = 2 PER UNIT x 14 UNITS				
(1 GARAGE AND 1 DRIVEWAY SPACE)				
PARKING STALL SIZE - 90°				
DESIGN VEHICLE				
*PROPOSED BUILDING REQUIREMENTS TO BE PER WILLOWBEND SPECIAL PERMIT MODIFICATION				

SIGN SUMMARY

M.U.T.C.D. NUMBER	SPECIFICATION	TEXT/ GRAPHIC	QUAN.
	WIDTH	HEIGHT	
R1-1	24"	24"	1

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

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

* ADD "VAN ACCESSIBLE" SIGN WHERE ASTERISKED

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PREPARED FOR:

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

PROJECT TITLE

Cranberry Point
275 Quinaquisset Avenue
Mashpee, MA 02649

DATE DESCRIPTION

SHEET TITLE

Master Layout Plan

SHEET NO

C3.0

DATE: JANUARY 16, 2023

30 0 30 60

SCALE IN FEET

SCALE: 1"=30'

DRAWN BY: JKL CHECKED BY: MWE

JOB NO: 2014-009 FILE: 2014-009 QUIN.DWG

Bog 1

Bog 2

Bog 3

Bog 4

QUINAQUISSET AVENUE
(PUBLIC - 50' WIDE)

WILLOWBEND DRIVE

TOTAL AREA=220,650± SF
(5.065± ACRES)
WETLAND - 68,362± SF
UPLAND - 152,288± SF

MASS GRID COORDINATE
SYSTEM INADDS

N 54°57'14" E 607.08' (PLAN)
CORNER TO CENTERLINE OF ROAD

ACTIVE CRANBERRY BOG

ACTIVE CRANBERRY BOG

ACTIVE CRANBERRY BOG

ACTIVE CRANBERRY BOG

ACTIVE CRANBERRY BOG

ACTIVE CRANBERRY BOG

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ACTIVE CRANBERRY BOG

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130 Willowbend Drive
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PROJECT TITLE

Cranberry Point
275 Quinaquisset Avenue
Mashpee, MA 02649

DATE DESCRIPTION

SHEET TITLE

**Site Layout Plan
Sheet 1 of 2**

SHEET NO

C3.1

DATE: JANUARY 16, 2023

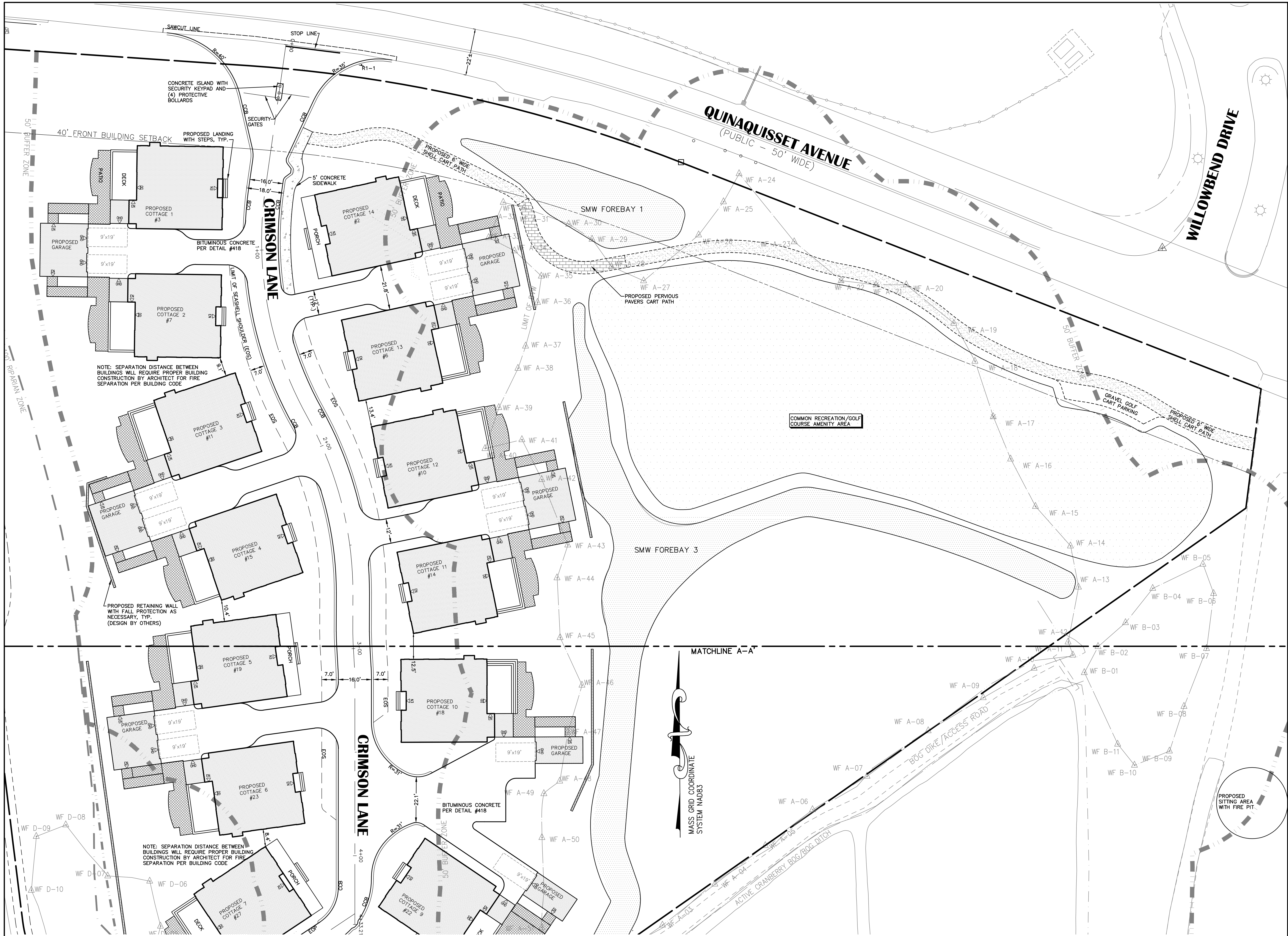
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SCALE IN FEET

SCALE: 1"=20'

DRAWN BY: JKL CHECKED BY: MWE

JOB NO: 2014-009 FILE: 2014-009 QUIN.DWG



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PROJECT TITLE

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

[illegible]

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

SHEET TITLE

Site Layout Plan Sheet 2 of 2

SHEET NO

C3.2

DATE: JANUARY 16, 2023



SCA

SCALE: 1"=20'

DRAWN BY: JKL CHECKED BY: MWE

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

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PROJECT TITLE

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

JKL 3/24/2023 PER PLANNING BOARD COMMENTS

DATE DESCRIPTION

SHEET TITLE

Sight Distance Plan

SHEET NO

C3.3

DATE: JANUARY 16, 2023

30 0 30 60

SCALE IN FEET

SCALE: 1"=30'

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Mashpee, MA 02649

PROJECT TITLE

Cranberry Point
275 Quinaquisset Avenue
Mashpee, MA 02649

[illegible]

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

SHEET TITLE

Truck Turning Template Plan

SHEET NO

C3.4

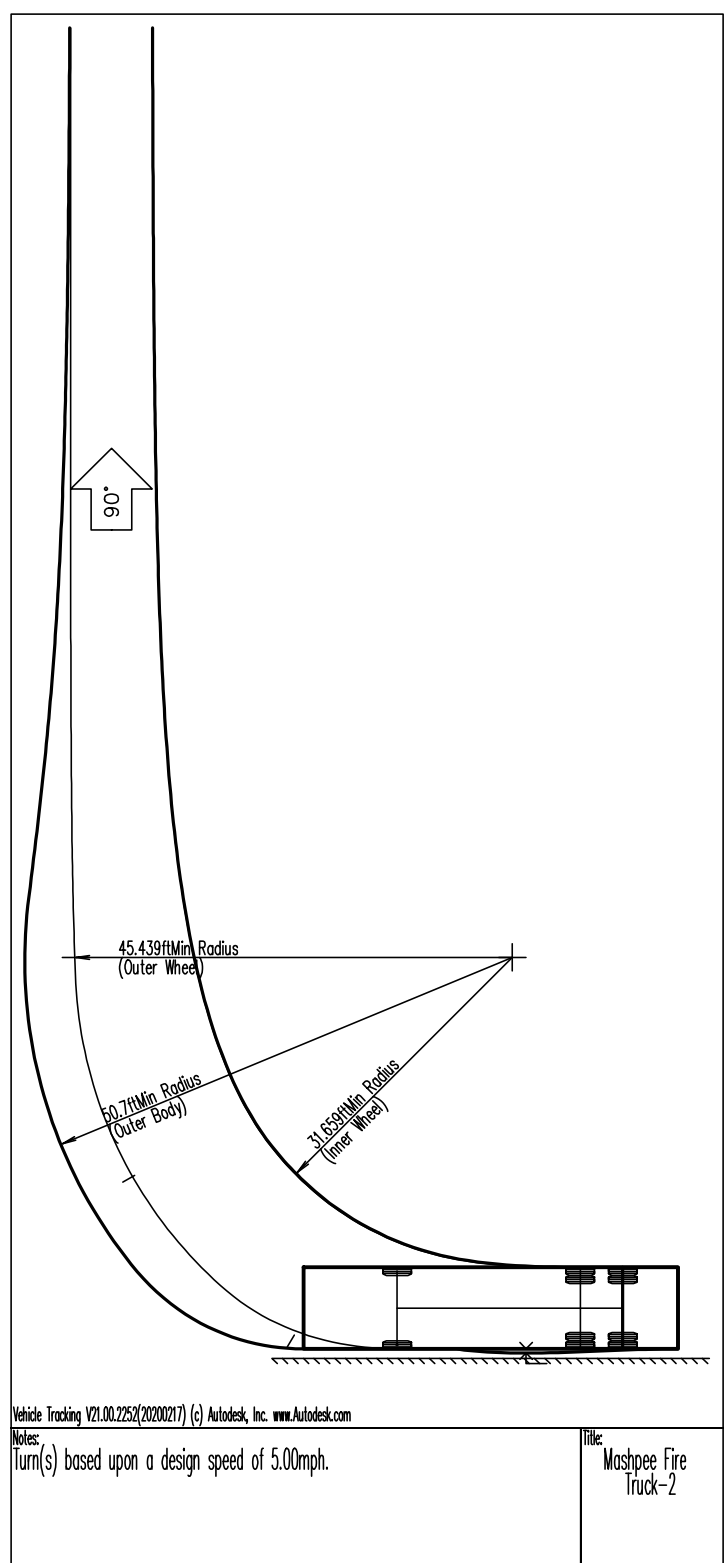
DATE: JANUARY 16, 2023



SCALE IN FEET

SCALE: 1"=30'

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



Ladder Truck Turning Template

Vehicle Tracking V21.00.2253 (20200317) (c) Autodesk, Inc. www.autodesk.com
 Unless:
 Turn(s) based upon a design speed of 5.00mph.

Mostpee Fire
Truck-2

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PROJECT TITLE

Cranberry Point
275 Quinaquisset Avenue
Mashpee, MA 02649

[illegible]

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

Grading & Drainage Plan - Sheet 1 Of 2

SHEET NO

C4.0

DATE: JANUARY 16, 2023

20	0	20	40
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SCALE IN FEET

SCALE: 1"=20'

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

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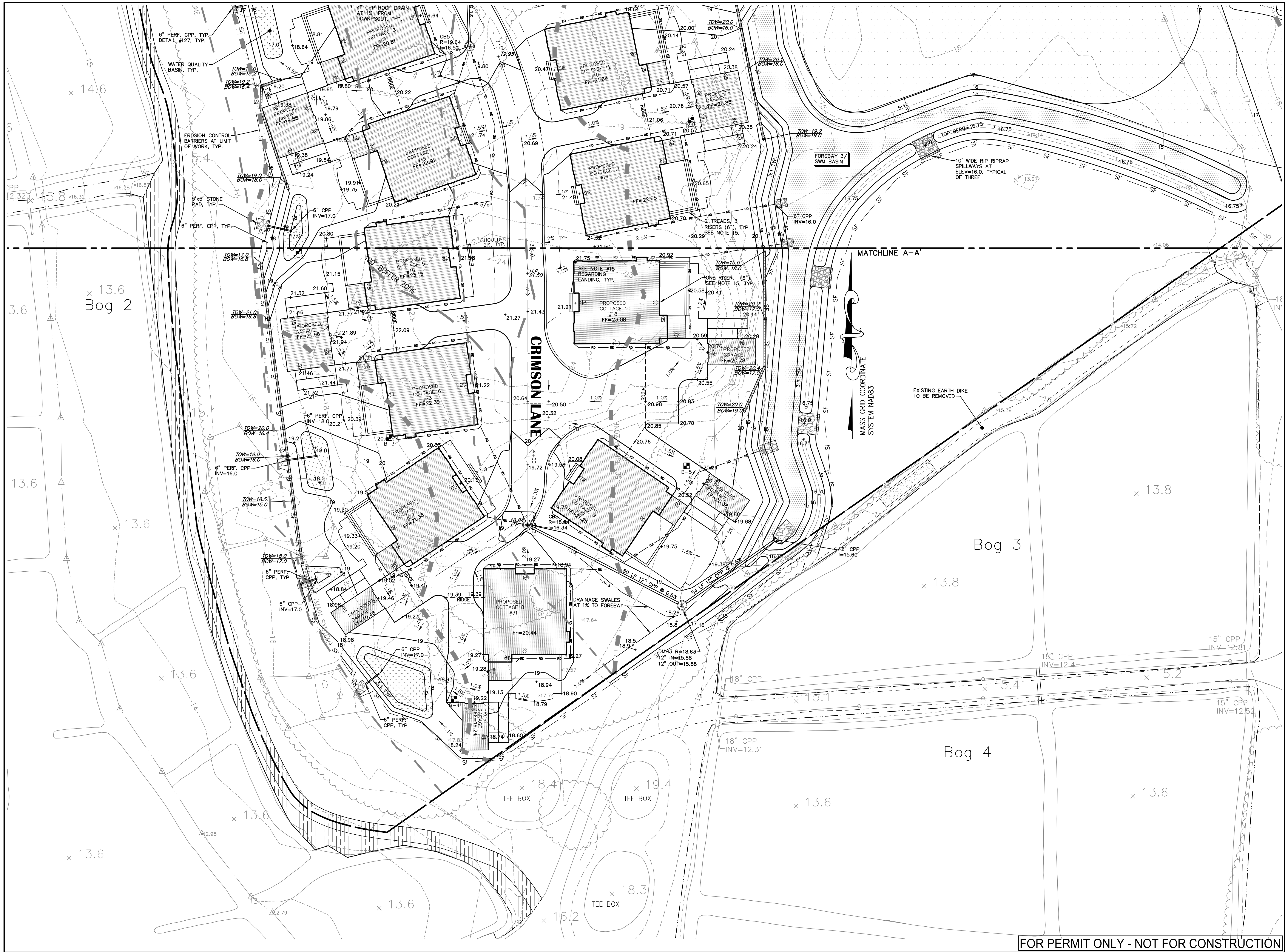
**Southworth Mashpee
Properties, LLC**
130 Willowbend Drive
Mashpee, MA 02649

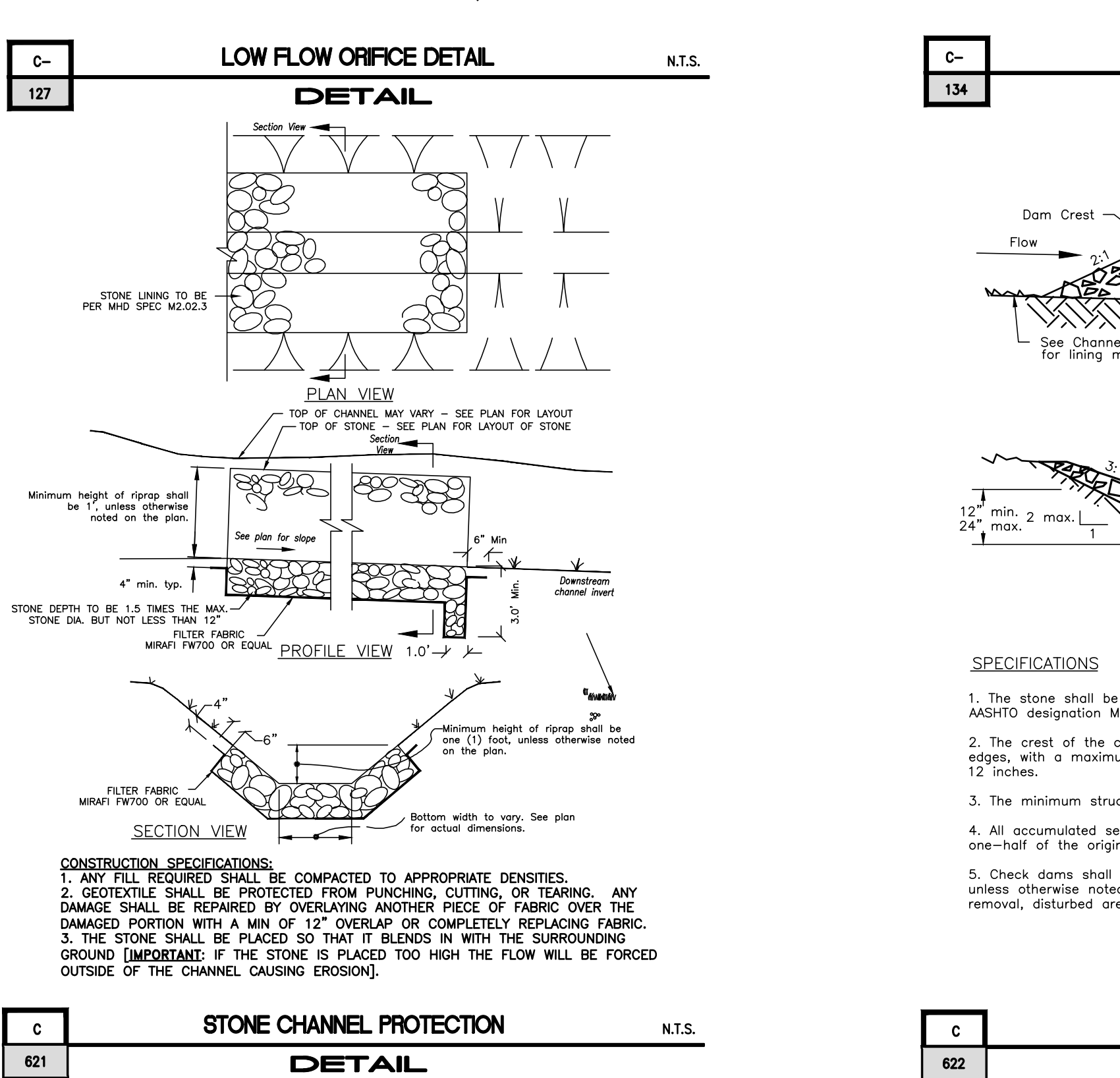
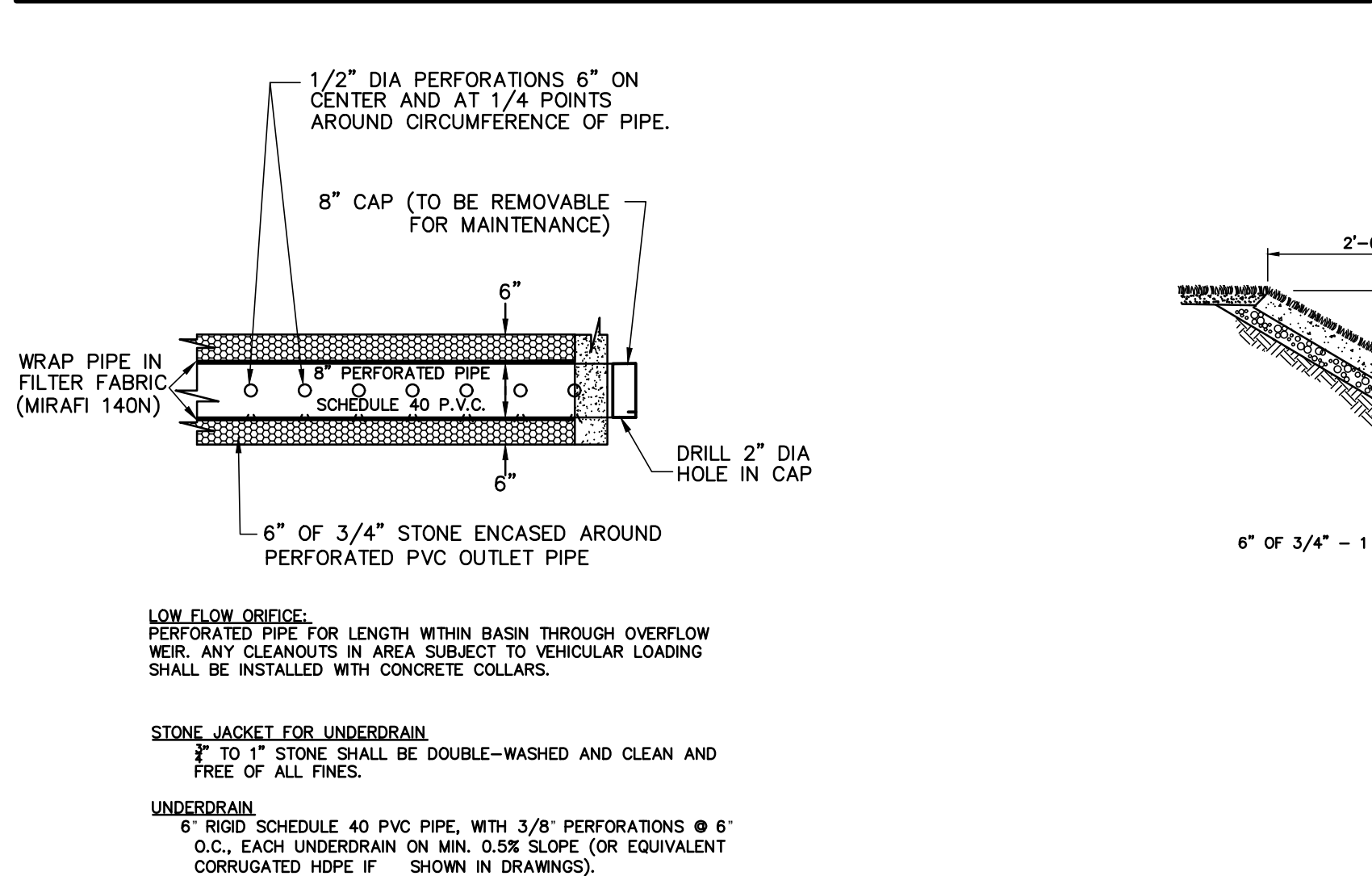
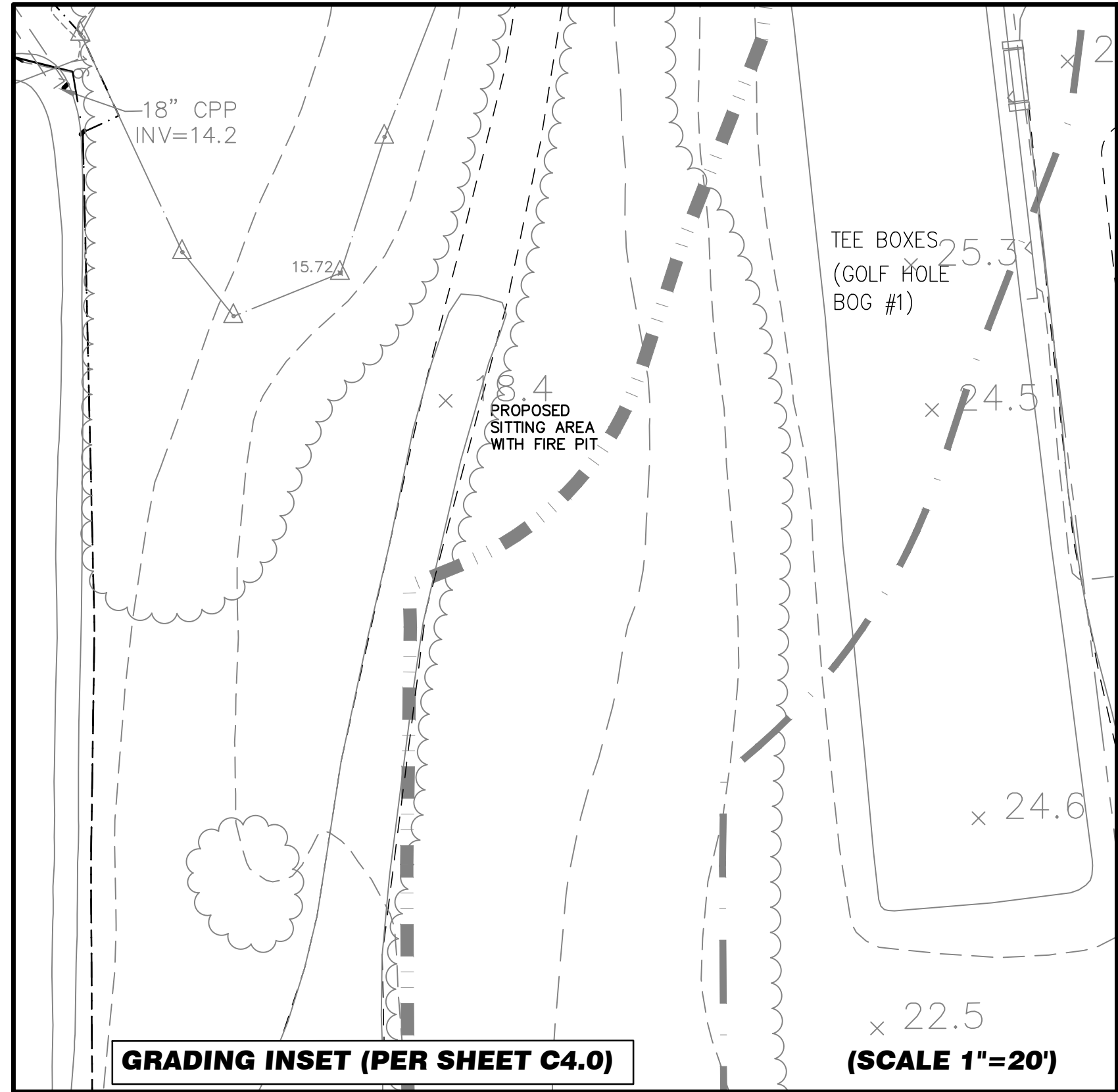
**Cranberry Point
275 Quinaquisset Avenue
Mashpee, MA 02649**

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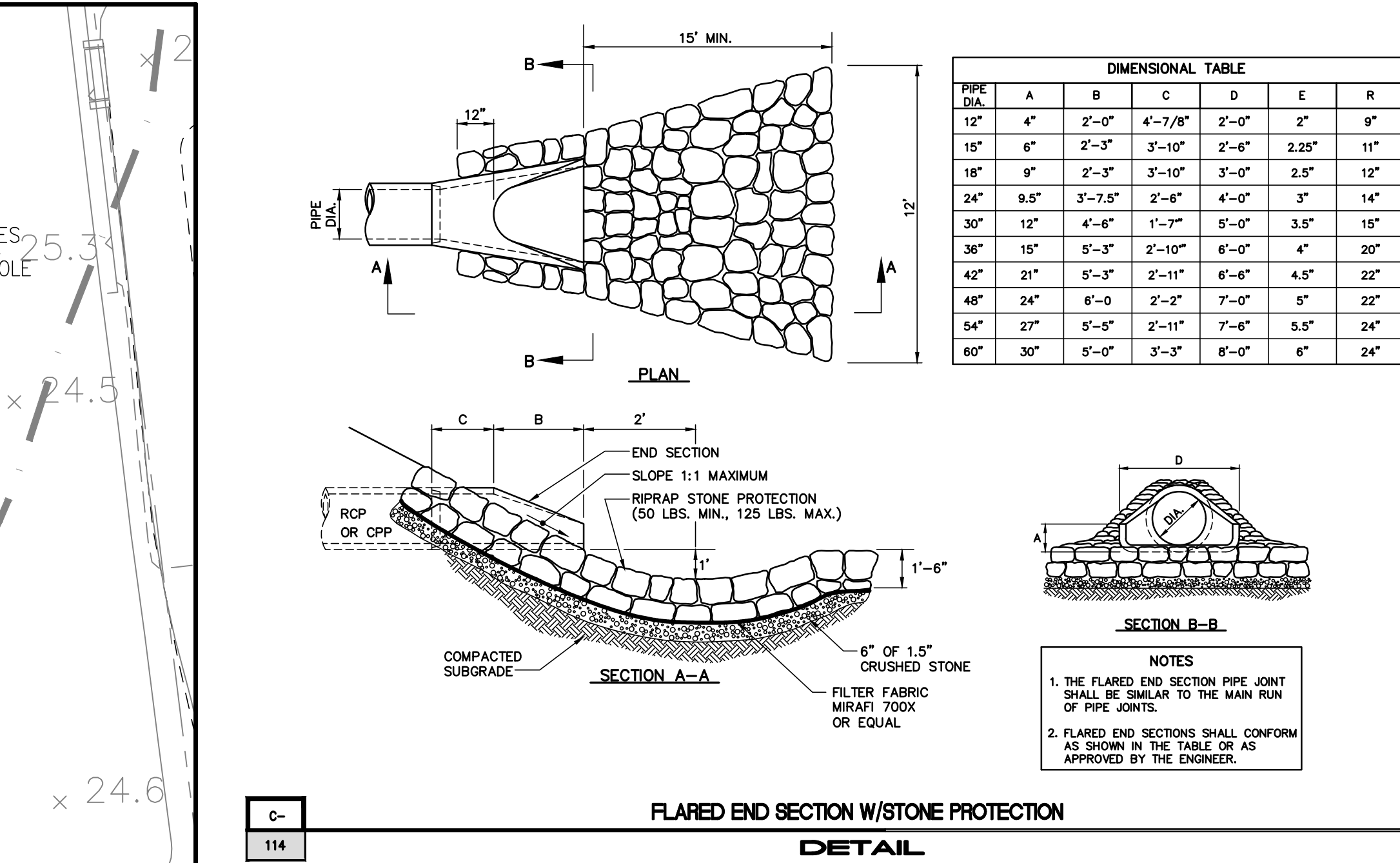
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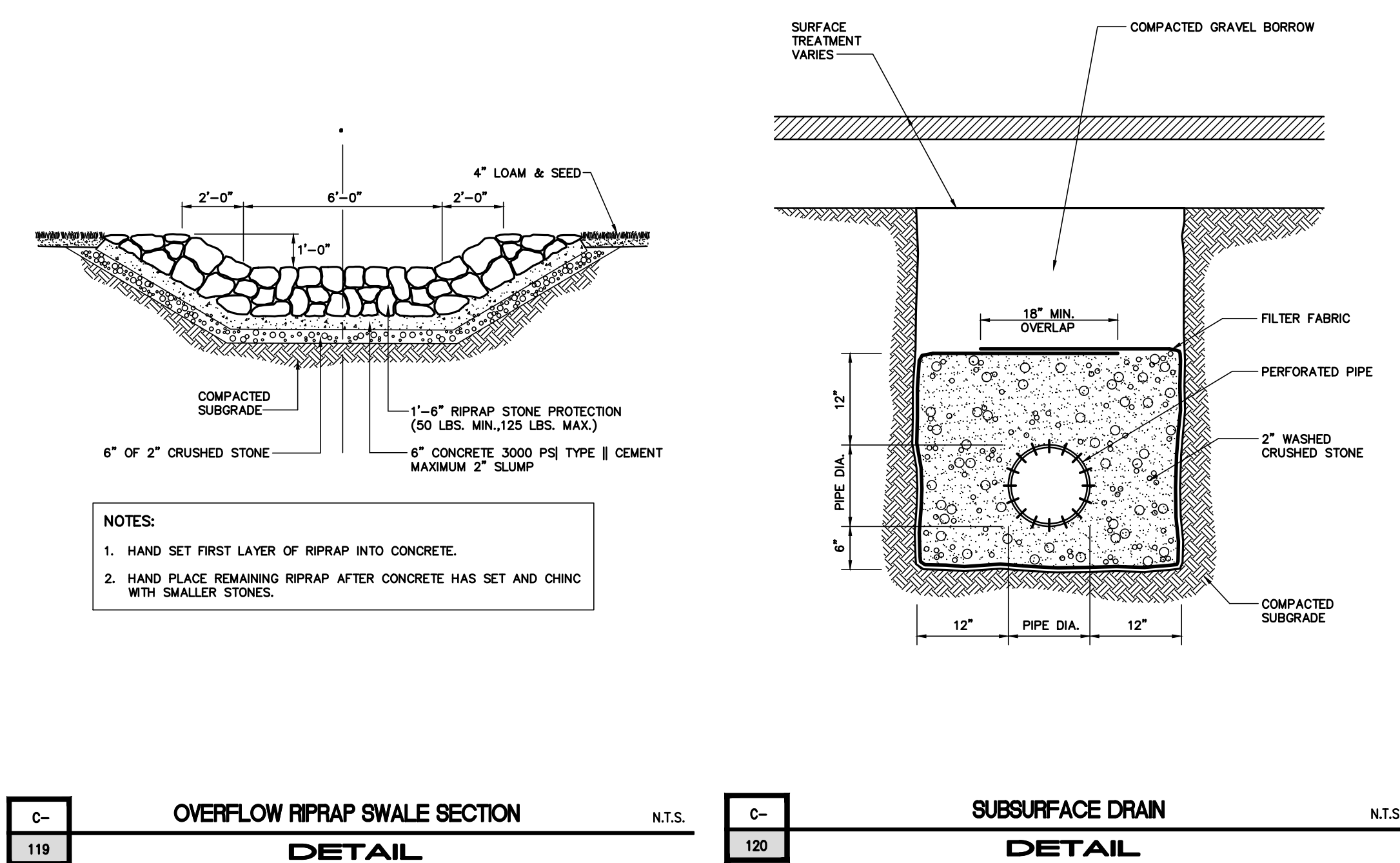




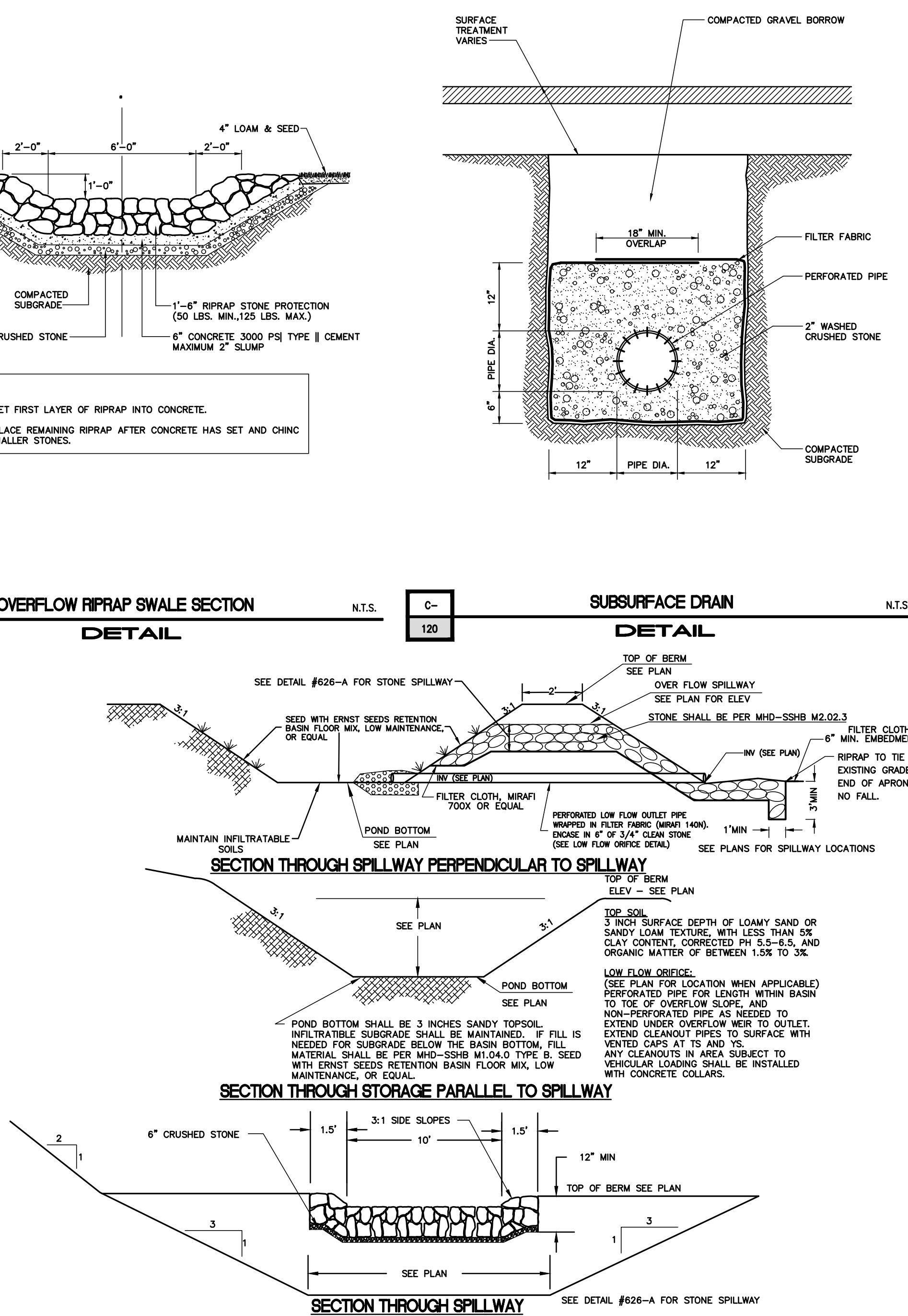
C- 621 STONE CHANNEL PROTECTION DETAIL N.T.S.



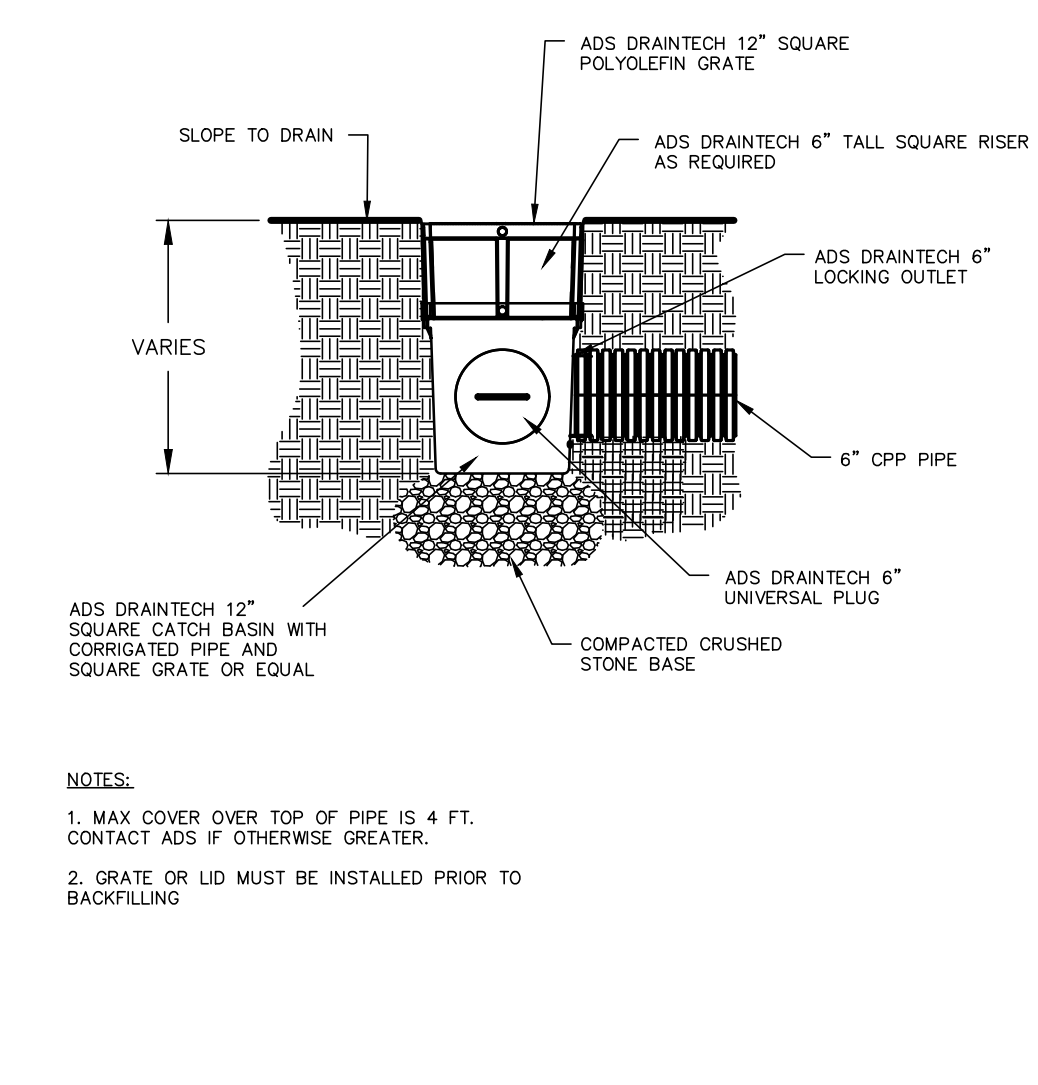
C- 114 FLARED END SECTION W/STONE PROTECTION DETAIL N.T.S.



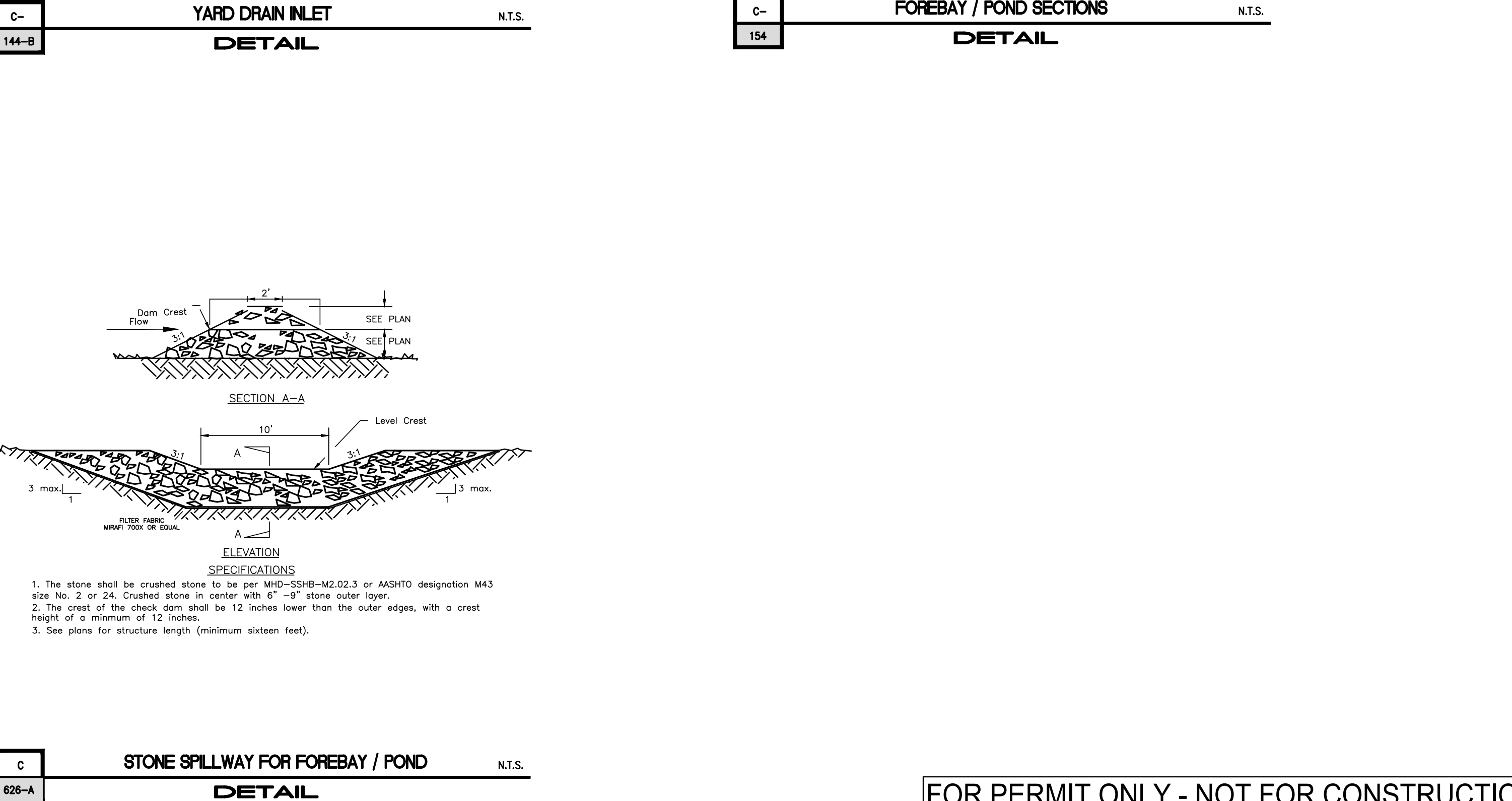
C- 119 OVERFLOW RIPRAP SWALE SECTION DETAIL N.T.S.



C- 120 SUBSURFACE DRAIN DETAIL N.T.S.



C- 144-B YARD DRAIN INLET DETAIL N.T.S.



C- 626-A STONE SPILLWAY FOR FOREBAY / POND DETAIL N.T.S.

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130 Willowbend Drive
Mashpee, MA 02649

PROJECT TITLE
Cranberry Point 275 Quinaquisset Avenue Mashpee, MA 02649

DATE	DESCRIPTION
3/24/2023	PER PLANNING BOARD COMMENTS
SHEET TITLE	
Grading Inset & Drainage Details	
SHEET NO	
C4.2	
DATE: JANUARY 16, 2023	
SCALE: 1"=20'	
DRAWN BY: JKL CHECKED BY: MWE	
JOB NO: 2014-009 FILE: 2014-009 QUIN GD.dwg	

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275 Quinaquisset Avenue
Mashpee, MA 02649

DATE: 3/24/2023 PER PLANNING BOARD COMMENTS

DATE DESCRIPTION

SHEET TITLE

**Utilities Plan
Sheet 1 of 2**

SHEET NO

C5.0

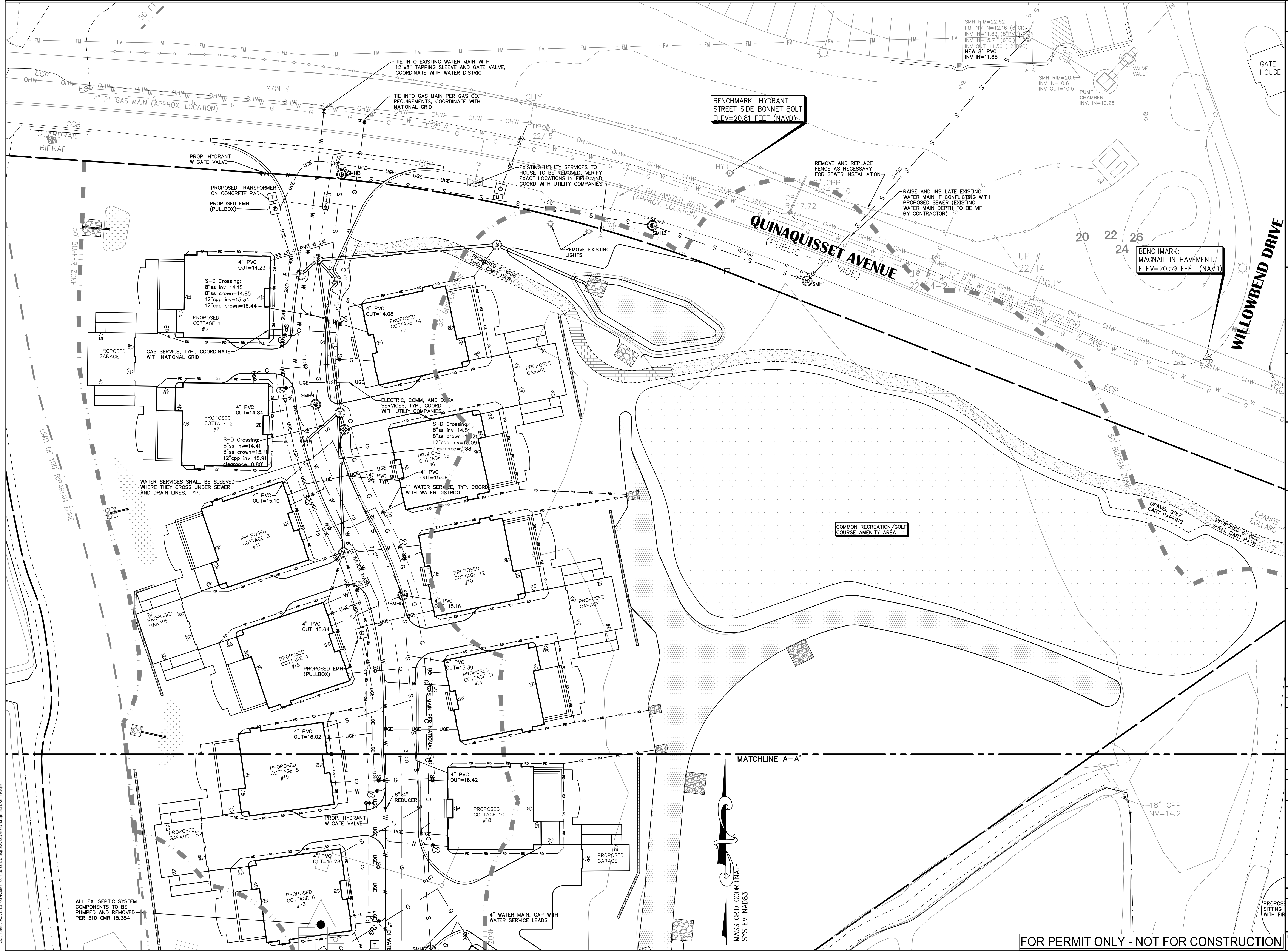
DATE: JANUARY 16, 2023

SCALE IN FEET

SCALE: 1"=20'

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



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PROJECT TITLE

Cranberry Point
275 Quinaquisset Avenue
Mashpee, MA 02649

JKL 3/24/2023 PER PLANNING BOARD COMMENTS

DATE DESCRIPTION

SHEET TITLE

**Driveway and
Utility Profiles**

SHEET NO

C5.2

DATE: JANUARY 16, 2023

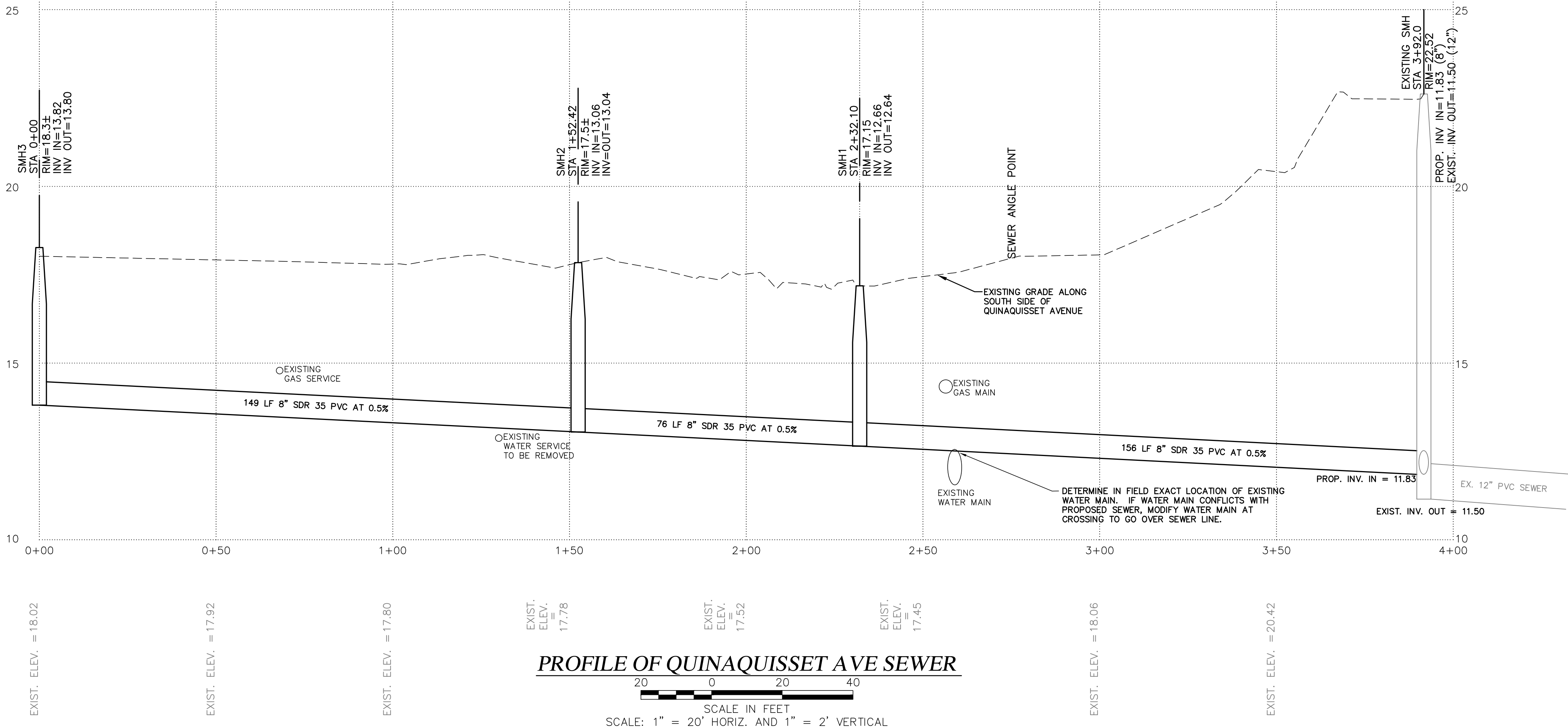
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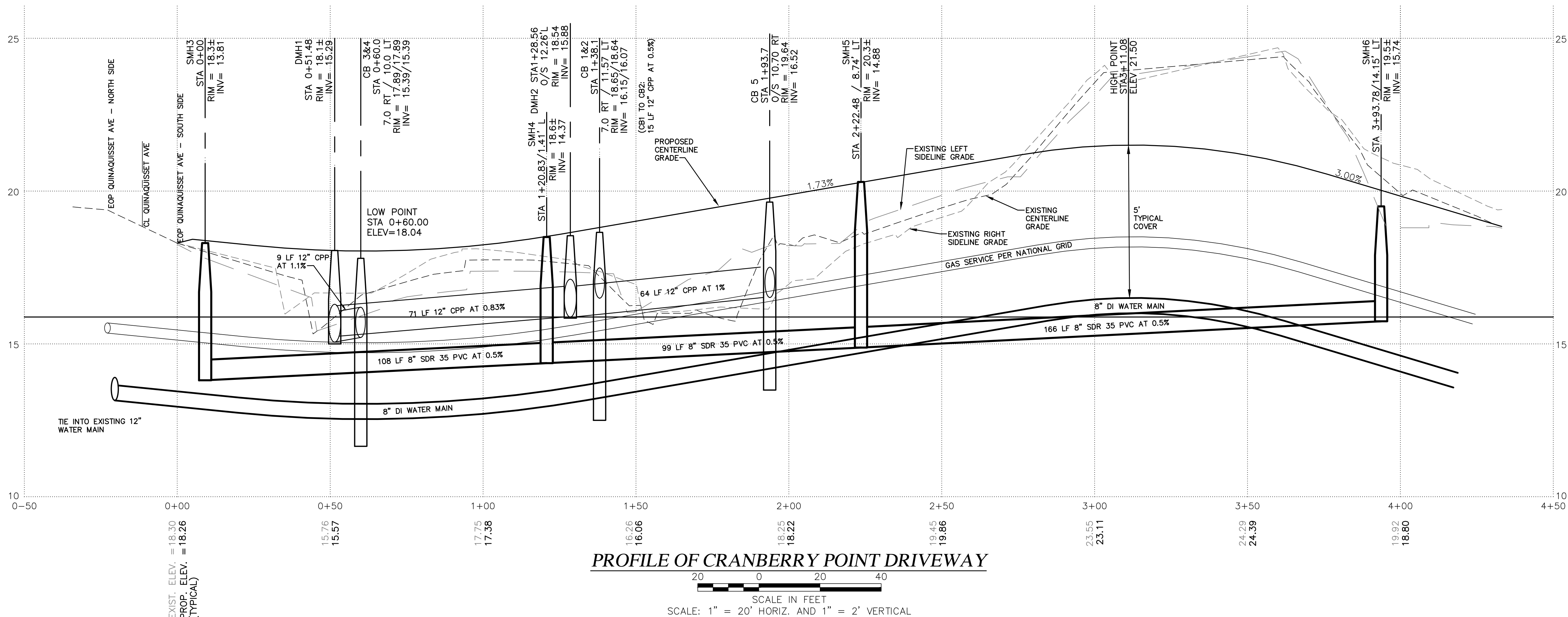
DRAWN BY:JKL CHECKED BY:MWE

JOB NO. 2014-009 FILE 2014-009 QUIN PR.dwg



PROFILE OF QUINAQUISSET AVE SEWER

SCALE IN FEET
SCALE: 1" = 20' HORIZ. AND 1" = 2' VERTICAL



PROFILE OF CRANBERRY POINT DRIVEWAY

SCALE IN FEET
SCALE: 1" = 20' HORIZ. AND 1" = 2' VERTICAL

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Mashpee, MA 02649

PROJECT TITLE

Cranberry Point
275 Quinaquisset Avenue
Mashpee, MA 02649

JKL 3/24/2023 PER PLANNING BOARD COMMENTS

DATE DESCRIPTION

SHEET TITLE

**Master
Mitigation Plan**

SHEET NO

C6.0

DATE: JANUARY 16, 2023

40 0 40 80

SCALE IN FEET

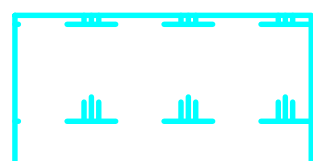
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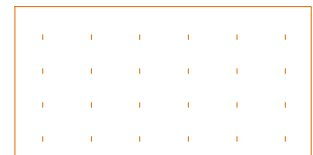
JOB NO.: 2014-009 FILE: 2014-009QUINPMMASTER

WETLAND MITIGATION CALCULATIONS					
Buffer Impact Areas (SF)	Mitigation Multiple	Required Buffer Mitigation Area	Wetland Restoration Required (Ac)		
			Mitigation is being provided in the form of Wetland Restoration of existing active Bog Areas. As this is a higher form of mitigation we propose the total Buffer Mitigation requirement to be at a ratio of 0.25: 1 Wetland		
(0-50) NR	8.729	2.9	sf	Ac.	0.58
(50-100) R	9.537	3.3	31,260	0.72	
(100-200) R	48.970	1.0	48,270	1.12	
Total Mitigation for Buffer Impact				2.42	
Upland Buffer Mitigation Provided on Existing Bog Road					
				0.11	
Net Mitigation required for Buffer Impact				2.31	0.25 *
					0.58
* 25:1 Ratio taken as comparison to Bylaw Mitigation Table. Between a 5 to 6:1 ratio is required at 0 ft to 10 ft buffer impact. Reasoning a 4:1 credit ratio for actual wetland restoration vs. buffer restoration is a conservative assumption.					
Wetland Impact Area (SF)					
Wetland Number Wetland Area (SF)			Required Wetland Replication Area		
1	45,215		sf	Ac.	
2	691				
Total Mitigation for Wetland Impact		45,906	2.0	91,812	2.11
TOTAL MITIGATION REQUIRED					2.60
Mitigation Provided					
Bog Area			Wetland Restoration Provided		
Bog Number	Bog Area (SF)		sf	Ac.	
1+2	88,348		88,348	2.03	
3	33,358		33,358	0.77	
TOTAL WETLAND RESTORATION MITIGATION PROVIDED USING 1,2 & 3					2.79
USING BOGS 1, 2, & 3 FOR MITIGATION MEET THE MITIGATION AREA REQUIREMENTS.					

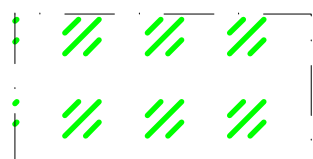
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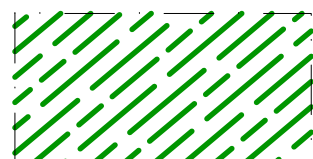
WETLAND IMPACT



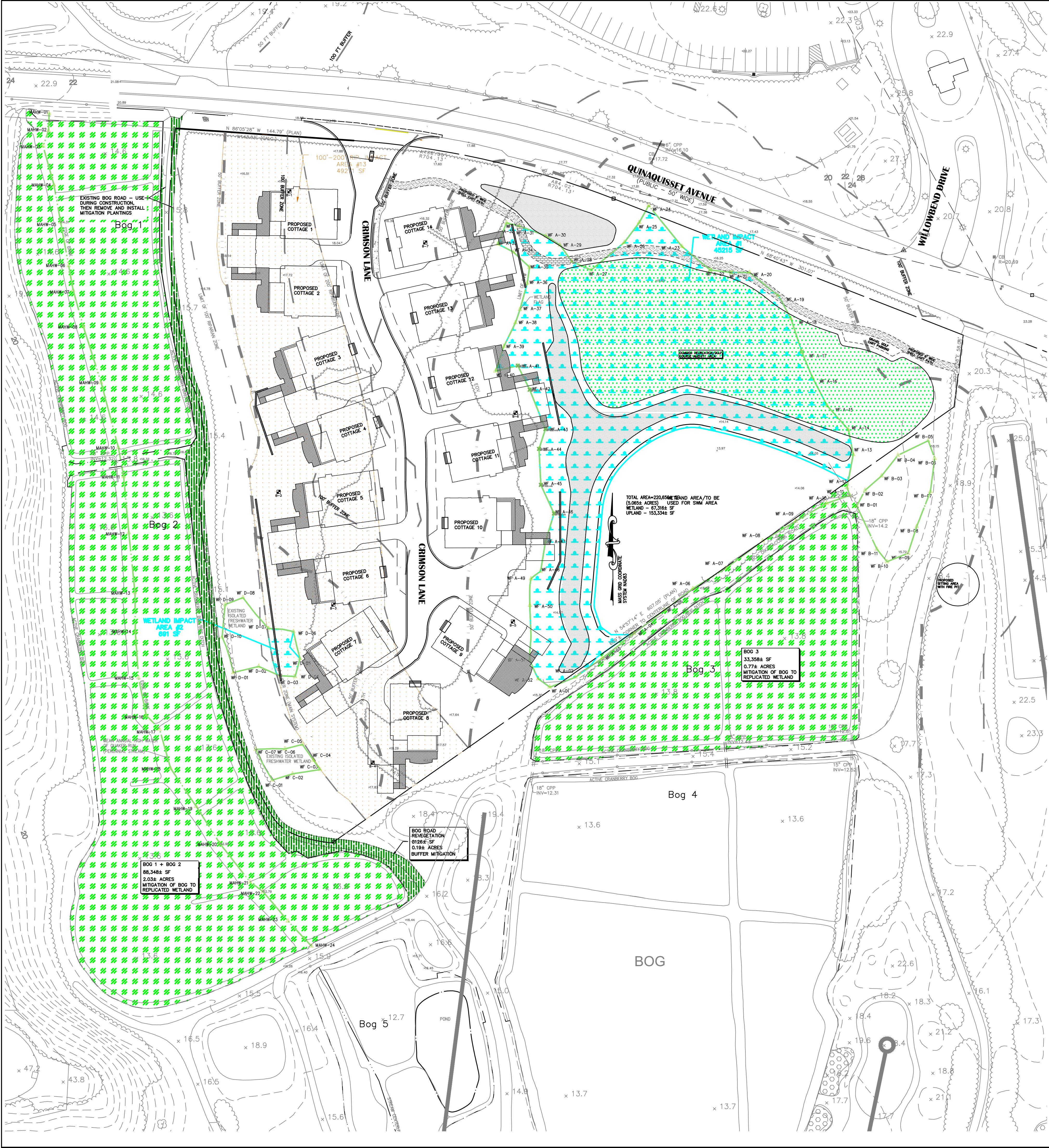
OUTER RIPARIAN' BUFFER IMPACT



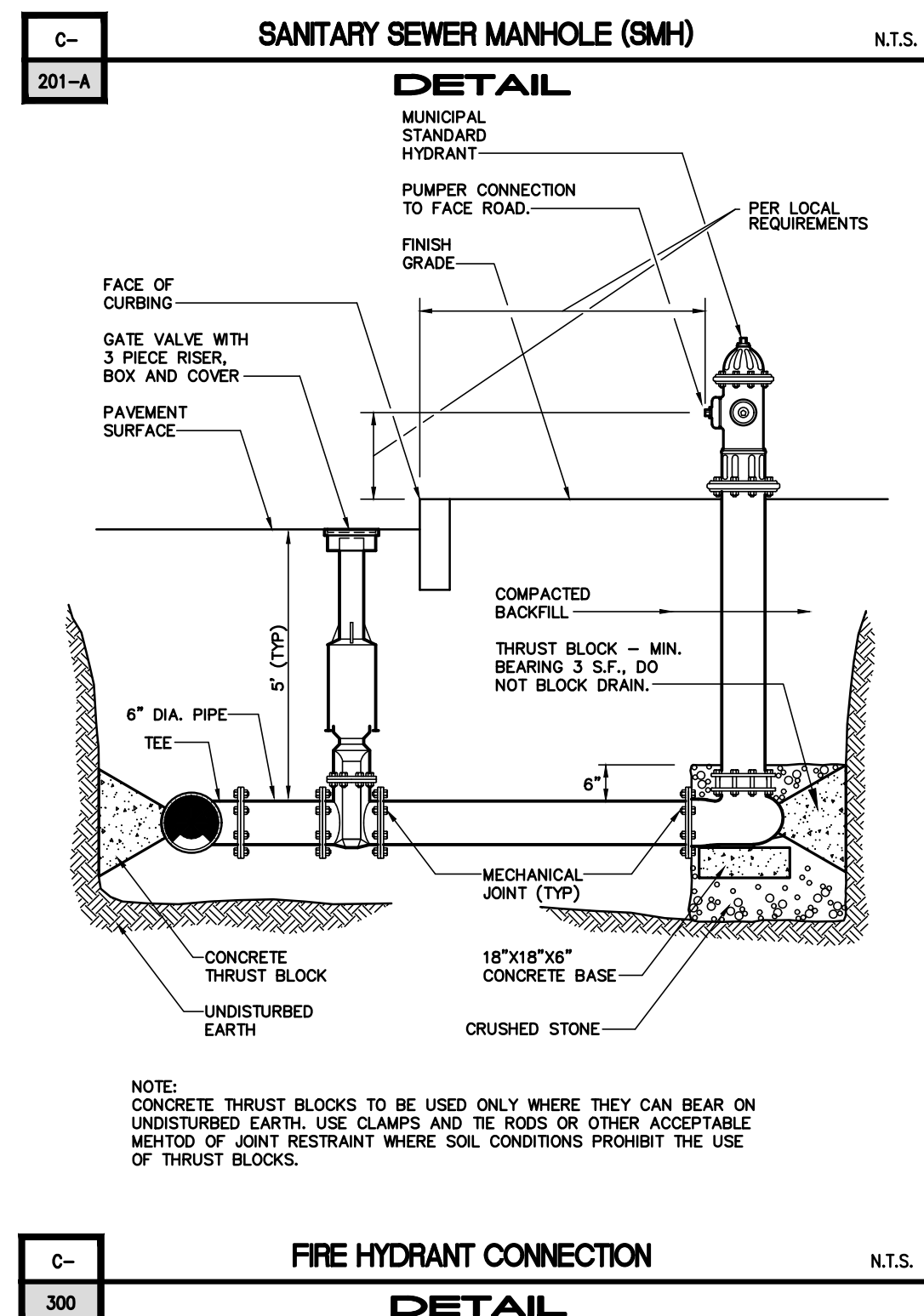
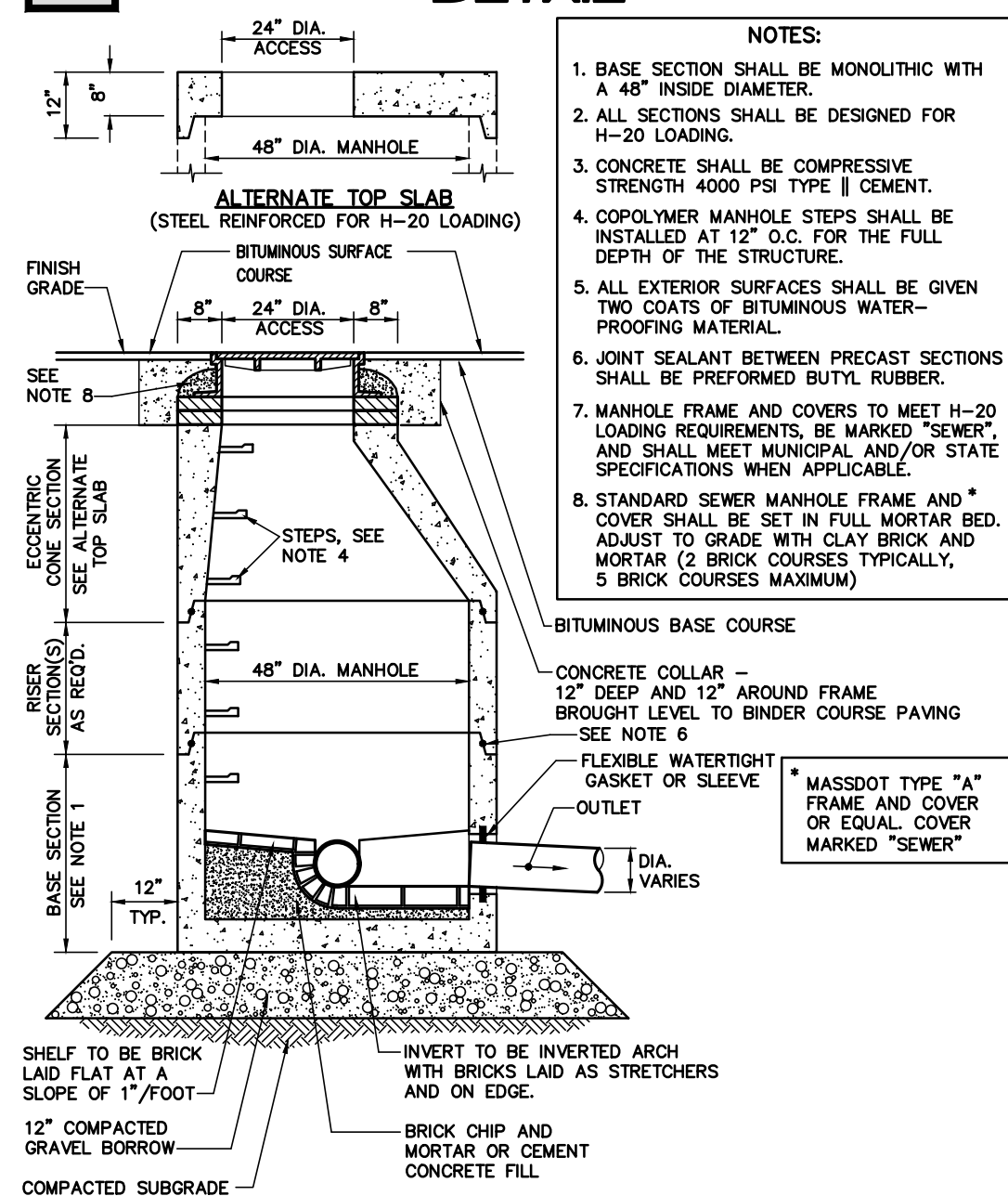
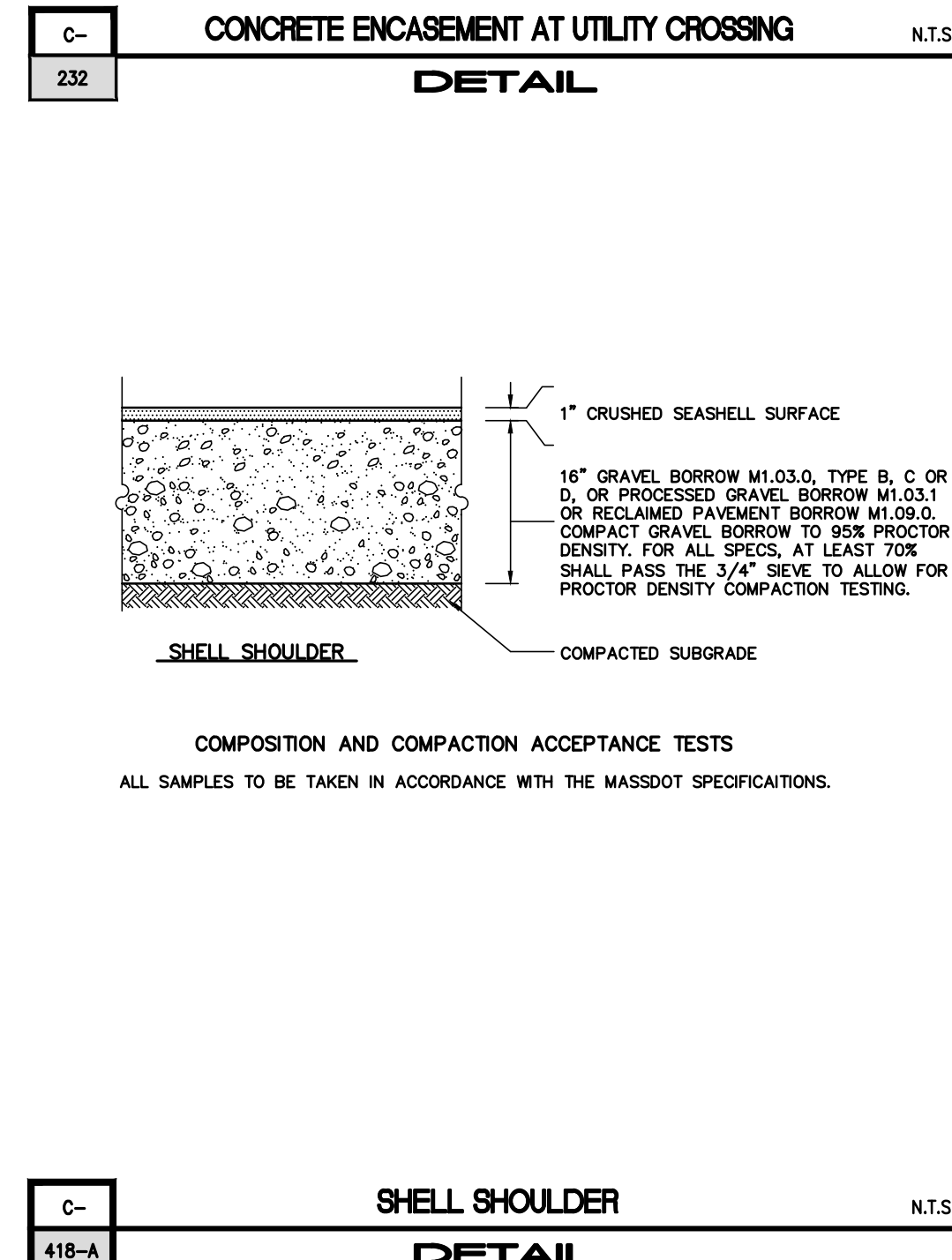
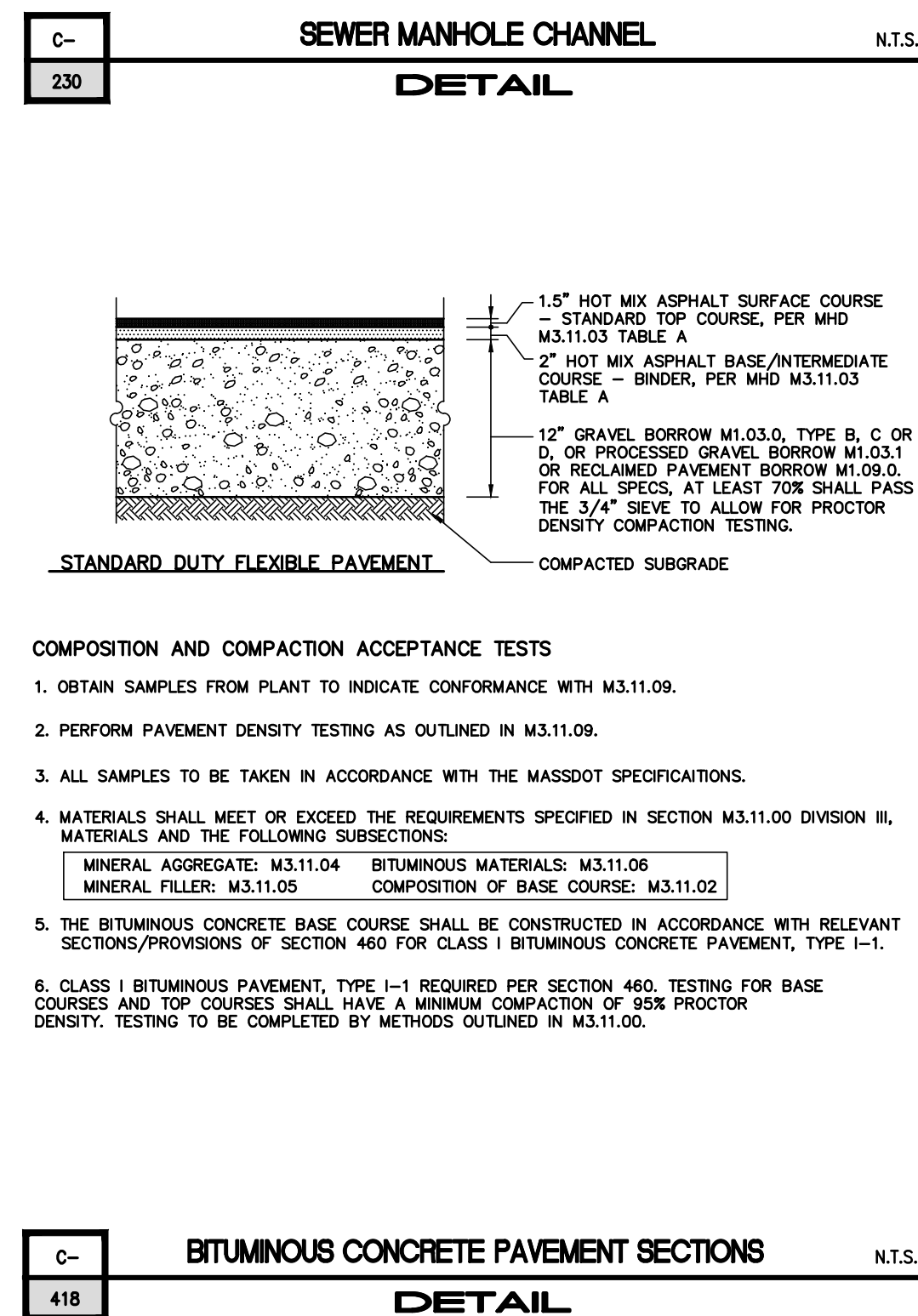
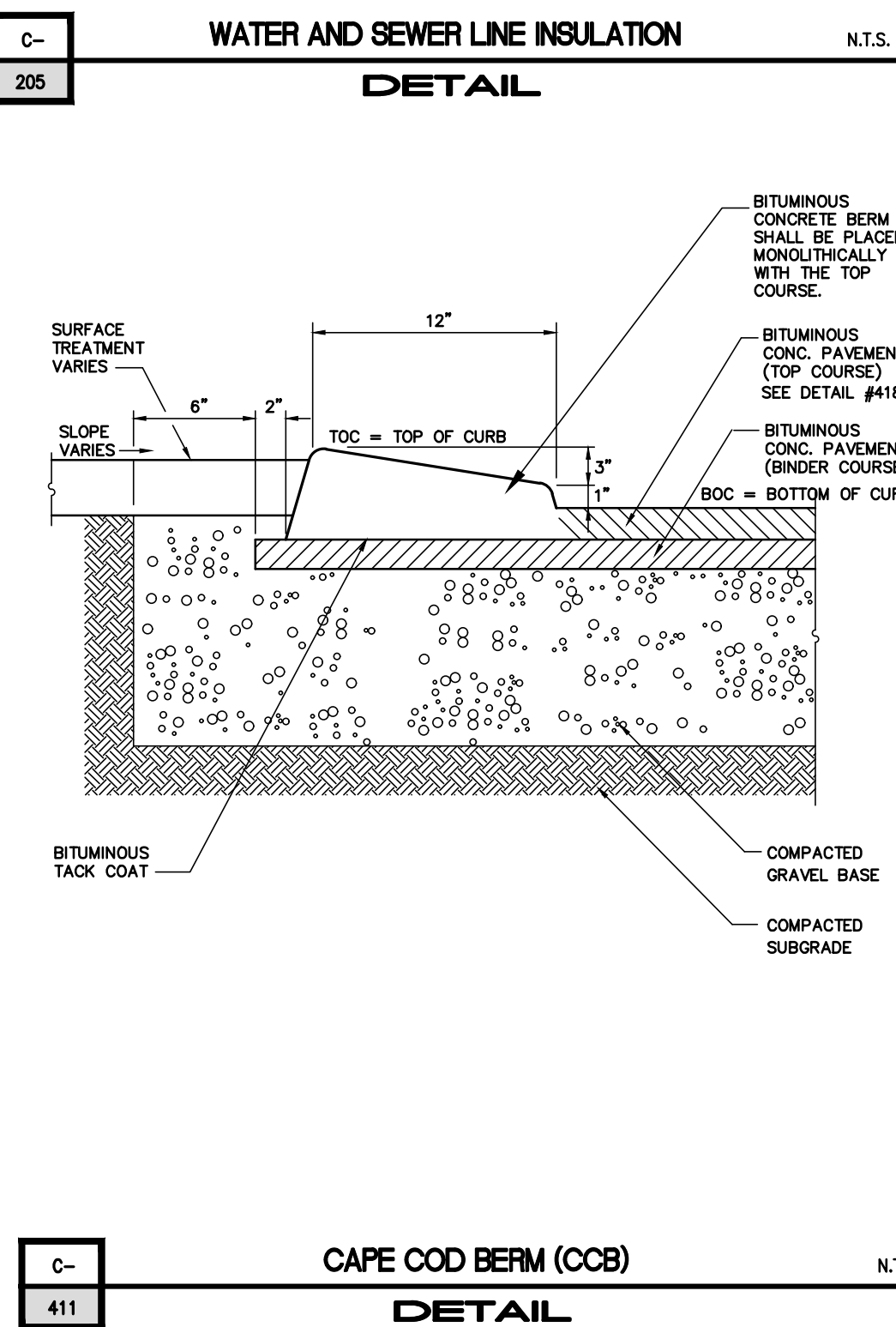
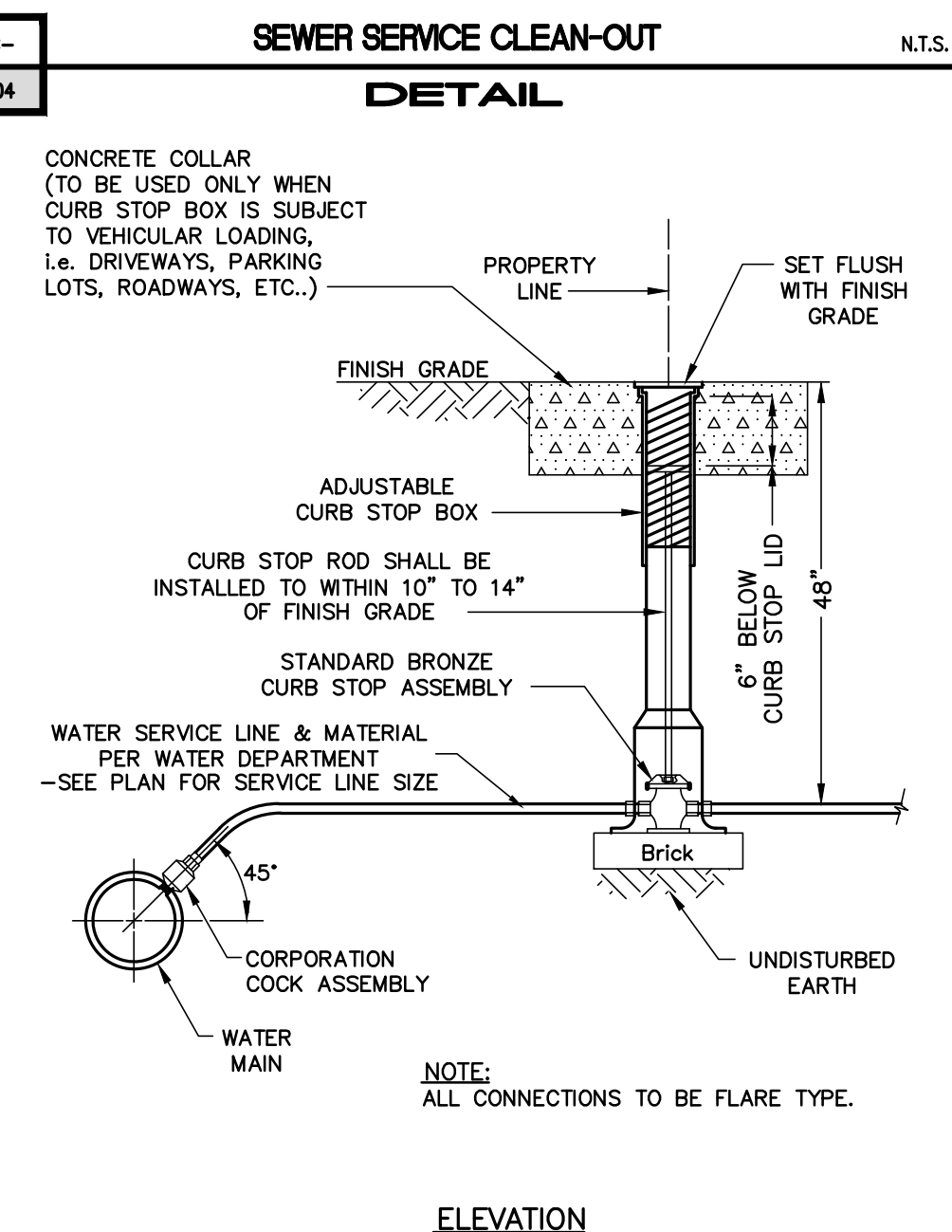
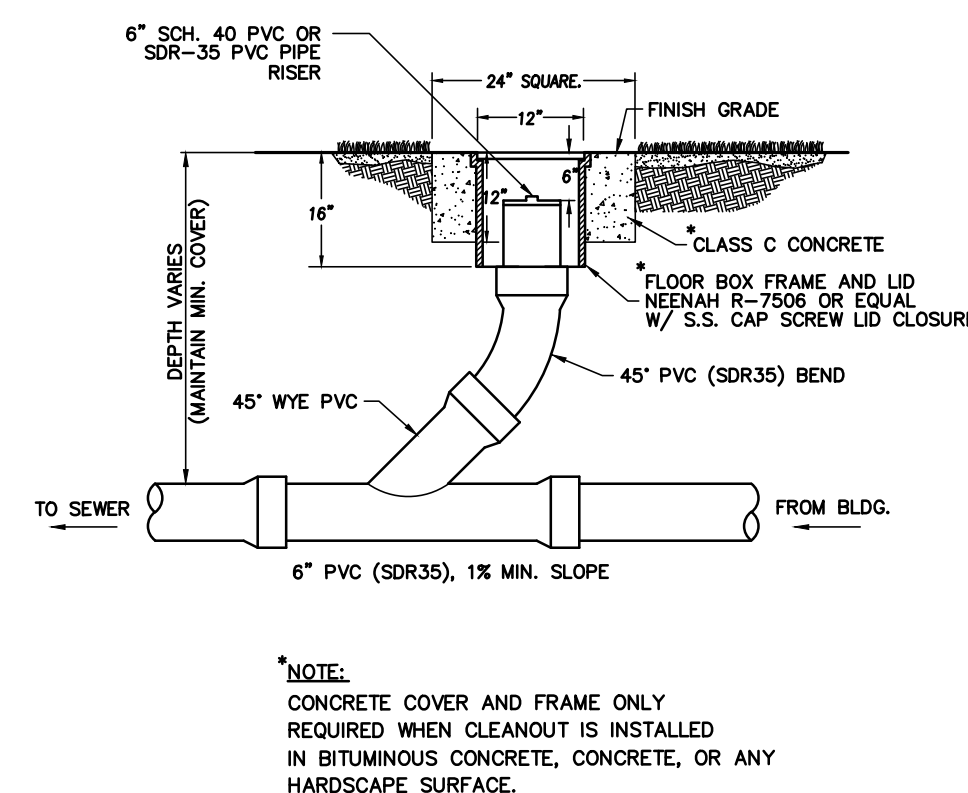
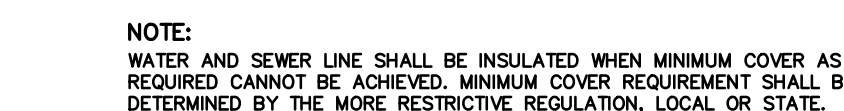
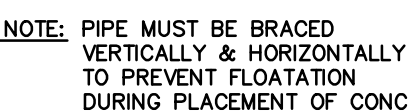
BOG TO WETLAND RESTORATION



BOG ROAD REVEGETATION



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Mashpee, MA 02649

PROJECT TITLE

Cranberry Point
275 Quinaquisset Avenue
Mashpee, MA 02649

DATE DESCRIPTION

SHEET TITLE

Details Plan

SHEET NO

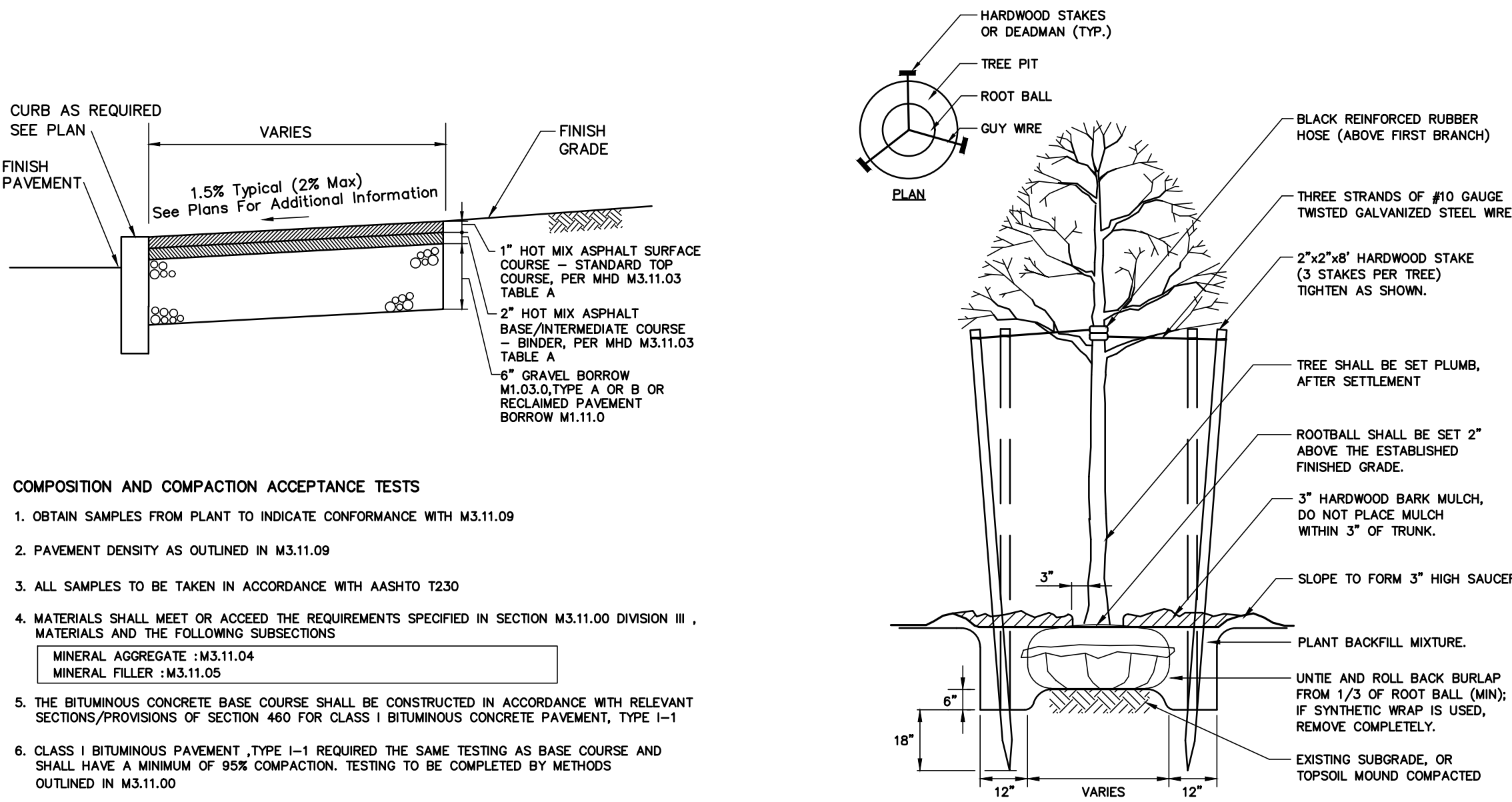
C7.1

DATE: JANUARY 16, 2023

SCALE: NO SCALE

DRAWN BY: JKL CHECKED BY: MWE

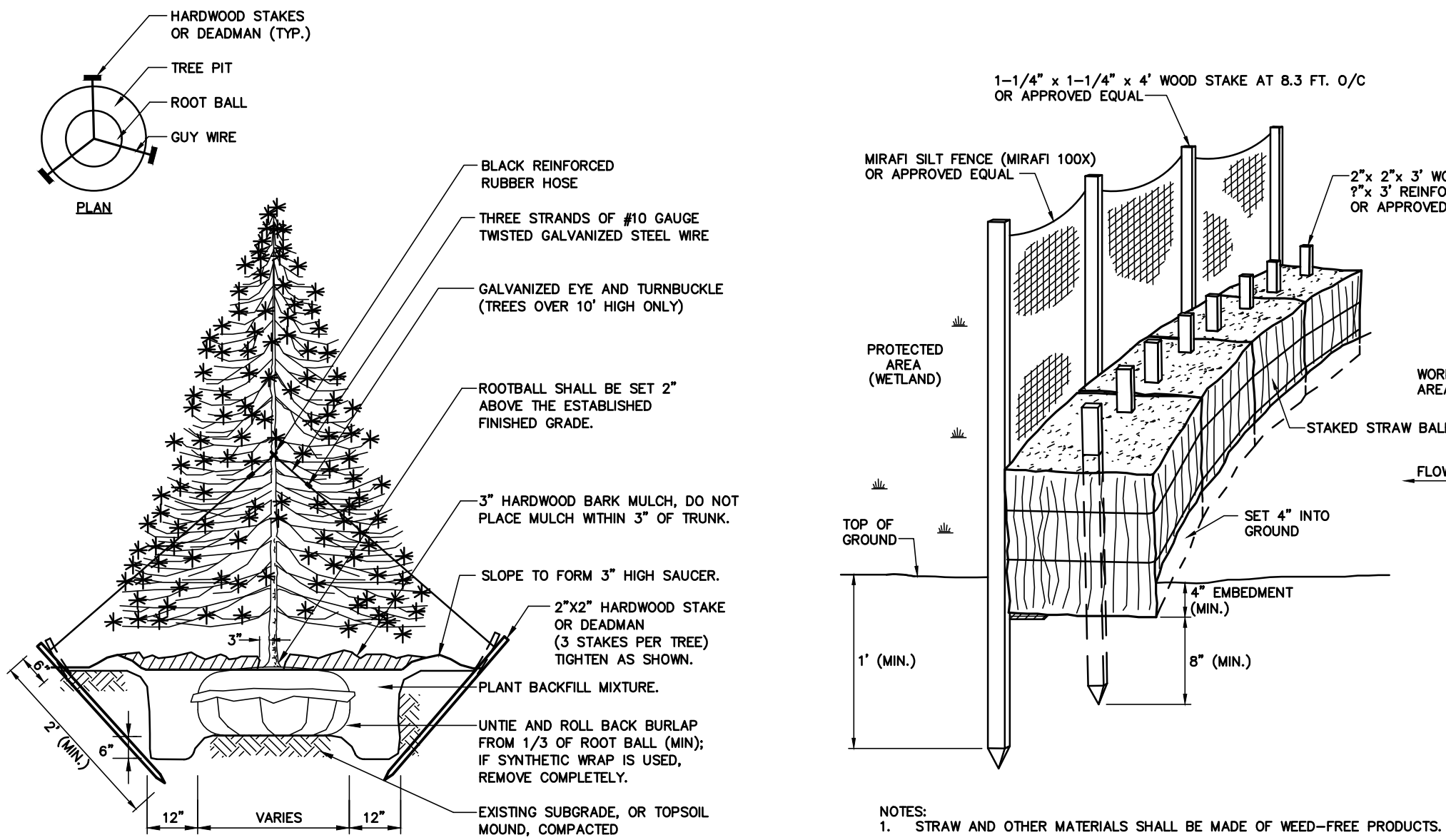
JOB NO: 2014-009 FILE: 2014-009 QUIN DT.dwg



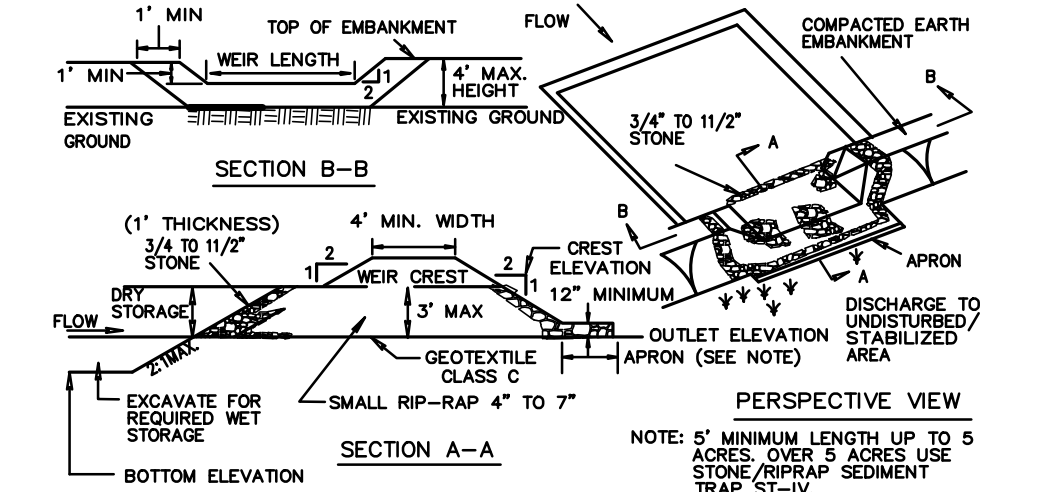
- COMPOSITION AND COMPACTION ACCEPTANCE TESTS**
- OBTAIN SAMPLES FROM PLANT TO INDICATE CONFORMANCE WITH M3.11.09
 - PAVEMENT DENSITY AS OUTLINED IN M3.11.09
 - ALL SAMPLES TO BE TAKEN IN ACCORDANCE WITH AASHTO T230
 - MATERIALS SHALL MEET OR EXCEED THE REQUIREMENTS SPECIFIED IN SECTION M3.11.00 DIVISION III, MATERIALS AND THE FOLLOWING SUBSECTIONS
MINERAL AGGREGATE :M3.11.04
MINERAL FILLER :M3.11.05
 - THE BITUMINOUS CONCRETE BASE COURSE SHALL BE CONSTRUCTED IN ACCORDANCE WITH RELEVANT SECTIONS/PROVISIONS OF SECTION 460 FOR CLASS I BITUMINOUS CONCRETE PAVEMENT, TYPE I-1
 - CLASS I BITUMINOUS PAVEMENT TYPE I-1 REQUIRED THE SAME TESTING AS BASE COURSE AND SHALL HAVE A MINIMUM OF 95% COMPACTION. TESTING TO BE COMPLETED BY METHODS OUTLINED IN M3.11.00

BITUMINOUS CONCRETE SIDEWALK
DETAIL

TREE PLANTING (For Trees under 4" caliper)
DETAIL



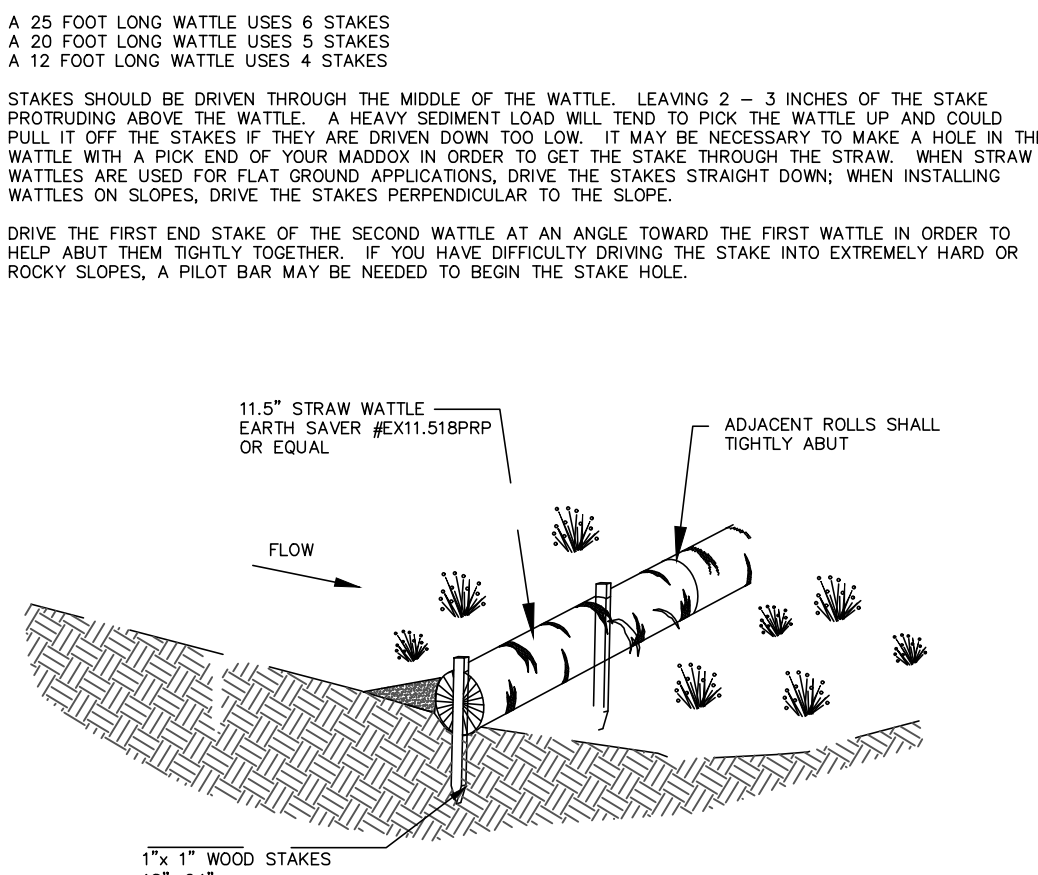
EVERGREEN TREE PLANTING
DETAIL



- Construction Specifications**
- Area under embankment shall be cleared, grubbed and stripped of any vegetation and root mat. The pool area shall be cleared.
 - The fill material for the embankment shall be free of roots and other woody vegetation as well as over-sized stones, rocks, organic material or other objectionable material. The embankment shall be compacted by traversing with equipment while it is being constructed.
 - All cut and fill slopes shall be 2:1 or flatter.
 - The stone used in the outlet shall be small rip-rap 4" to 7" in size with a 1" thick layer of 3/4" to 1-1/2" washed aggregate placed on the upstream face of the outlet. Stone facing shall be as necessary to prevent clogging. Geotextile Class C may be substituted for the stone facing by placing it on the inside face of the stone outlet.
 - Sediment shall be removed and trap restored to its original dimensions when the sediment has accumulated to one half of the wet storage depth of the trap. Removed sediment shall be deposited in a suitable area and in such a manner that it will not erode.
 - The structure shall be inspected periodically and after each rain and repairs made as needed.
 - Construction of traps shall be carried out in such a manner that sediment pollution is dated. Once constructed, the top and outside face of the embankment shall be stabilized with seed and mulch. Points of concentration inflow shall be protected in accordance with Grade Stabilization Structure criteria. The remainder of the interior slopes should be stabilized (one time) with seed and mulch upon trap completion and monitored and maintained erosion free during the life of the trap.
 - The structure shall be dewatered by approved methods, removed and the area stabilized when the drainage area has been properly stabilized.
 - Geotextile Class C shall be placed over the bottom and sides of the outlet channel prior to the placement of stone. Sections of filter cloth must overlap at least 1" with the section nearest the entrance placed on top. The filter cloth shall be embedded at least 6" into existing ground at the entrance of the outlet channel.
 - Outlet - An outlet shall be provided, including a means of conveying the discharge in an erosion free manner to an existing stable channel.

STONE OUTLET SEDIMENT TRAP
DETAIL

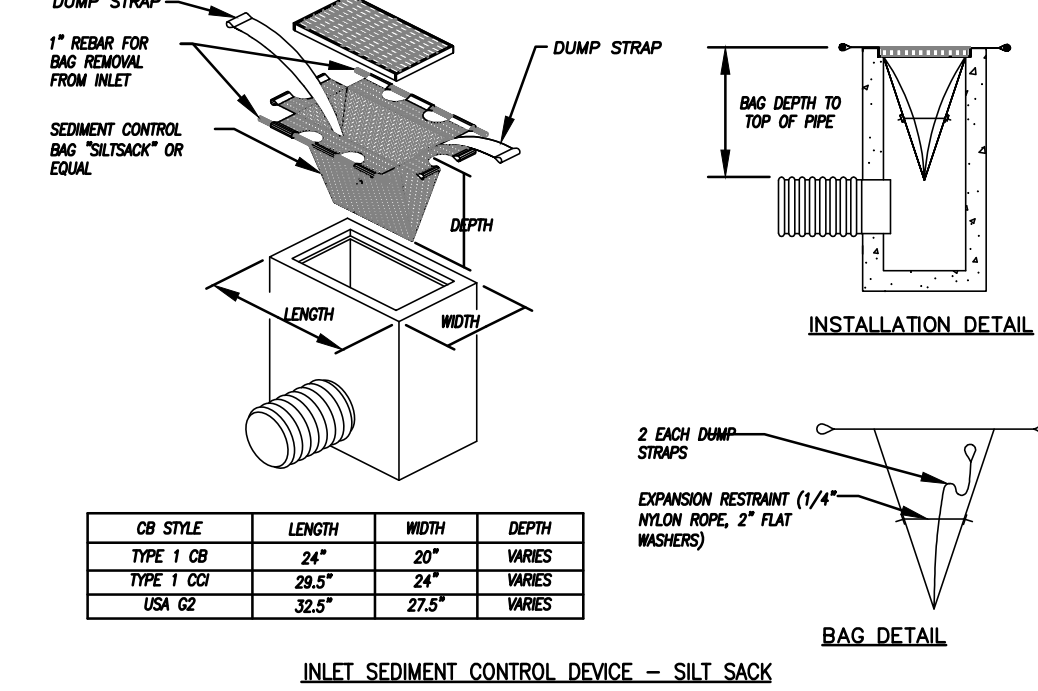
SILT FENCE / STRAW BALE BARRIER
DETAIL



- NOTES:**
- WATLES SHALL CONSIST OF 11" STRAW WATTLE - EARTH-SAVERS #E511.018RPPR OR EQUAL.
 - NOTES FOR USE IN CONCENTRATED FLOW AREAS.
 - THE WATLES SHALL BE TRENCHED INTO THE GROUND A MINIMUM OF TWO (2) INCHES.
 - WATLES SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS.
 - ON SLOPES, WATLES SHOULD BE INSTALLED ON CONTOUR WITH A SLIGHT DOWNWARD ANGLE AT THE END OF THE ROW IN ORDER TO PREVENT FLOWING AT THE MID SECTION.
 - RUNNING LENGTHS OF WATLES SHOULD BE ABUTTED FIRMLY TO ENSURE NO LEAKAGE AT THE ABUTMENTS.
 - STAKING - USE WOOD STAKES TO SECURE THE WATLES. 1/2" TO 5/8" REBAR IS ALSO ACCEPTABLE. USE A STAKE THAT IS LONG ENOUGH TO PROTRUDE SEVERAL INCHES ABOVE THE WATTLE. 18" LENGTH FOR HARD, ROCKY SOIL, 24" LENGTH FOR SOFT LOAMY SOIL.
- WATTLE MAINTENANCE NOTES:**
- THE OWNER SHALL INSPECT WATLES EVERY TWO WEEKS AND AFTER ANY SIGNIFICANT STORM EVENT AND MAKE REPAIRS OR REMOVE/REPLACE ACCUMULATED BEHIND WATTLE AS NECESSARY.
 - SEDIMENT ACCUMULATED BEHIND WATTLE SHALL BE REMOVED WHEN THE SEDIMENT HAS ACCUMULATED TO ONE HALF THE DIAMETER OF THE WATTLE.

WATTLE SEDIMENT BARRIER
DETAIL

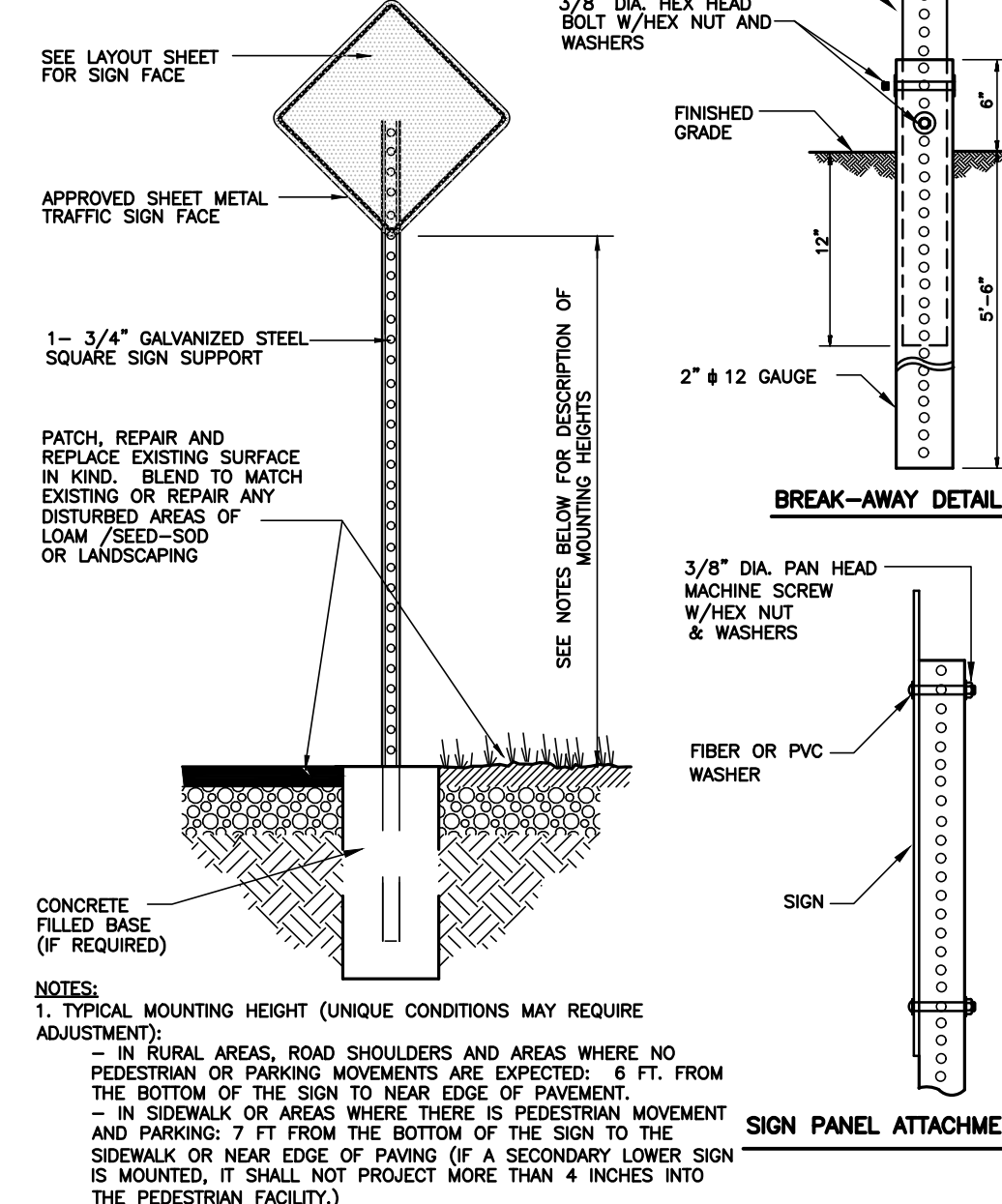
STABILIZED CONSTRUCTION EXIT
DETAIL



- NOTES:**
- THE DIMENSION CHART ABOVE IS FOR STANDARD CATCH BASINS AND INLETS ONLY. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING THE CORRECT SIZE DEVICE FOR EACH INLET.
 - FOR NON-STANDARD CATCH BASINS AND INLETS, THE CONTRACTOR SHALL MEASURE DIMENSIONS IN THE FIELD AND ORDER THE APPROPRIATE SIZE(S).
 - THE INLET SEDIMENT CONTROL DEVICE SHALL BE OF HIGH FLOW DESIGN (200 GAL/MIN/FT), AS PER THE MANUFACTURER'S SPECS.
 - THE SEDIMENT CONTROL DEVICE SHALL BE INSPECTED DAILY BY THE CONTRACTOR AND MAINTAINED A MINIMUM ONCE PER MONTH OR WITHIN THE 48 HOURS FOLLOWING A STORM EVENT. FILTER SHALL BE CLEANED IN A MANNER WHICH ENSURES THAT ALL SEDIMENT REMAINS ON SITE.
 - SUBSTITUTION OF AN INLET OF FILTER FABRIC PLACED OVER THE OPENING OF THE INLET IS NOT APPROVED.
 - RECESSED CURB INLET CATCH BASINS MUST BE BLOCKED WHEN USING FILTER FABRIC INLET SACKS, SIZE OF FILTER INLET SACK TO BE DETERMINED BY MANUFACTURER.
 - THE FILTER SHALL BE REPLACED OR CLEANED WHEN THE BAG BECOMES HALF FULL.

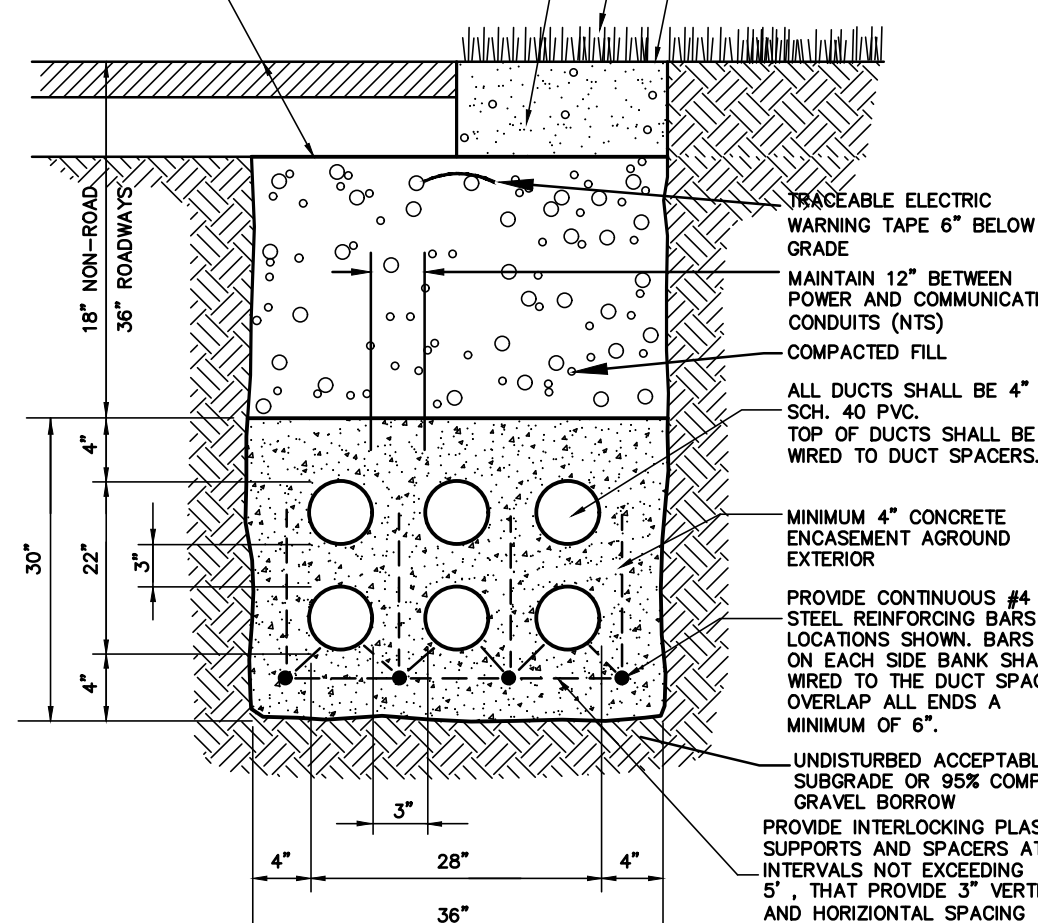
SILT SACK
DETAIL

EROSION CONTROL BLANKET SLOPE INSTALLATION
DETAIL



TRAFFIC SIGN POST
DETAIL

RIP-RAP OULET PROTECTION I
DETAIL



- NOTES:**
- ANY POWER (PRIMARY AND/OR SECONDARY) AND DATA/COMM LAYOUTS SHOWN ON THE SITE PLAN SHALL BE INSTALLED PER THIS DETAIL. IF A SPECIFIC DESIGN IS PROVIDED BY THE UTILITY COMPANY OR MEP ENGINEERS THOSE DESIGNS SHALL SUPERCEDE THIS DETAIL.
 - ALL WORK SHALL BE IN ACCORDANCE WITH THE UTILITY COMPANY REGULATIONS, SPECIFICATIONS AND DETAILS. SPECIFIC REFERENCE TO EVERSOURCE/ASTAR REGULATION C100.
 - SUBGRADE OF DUCTBANK SHALL BE ACCEPTABLE UNDISTURBED MATERIAL OR GRAVEL BORROW COMPACTED TO 90% MAXIMUM DENSITY PER ASTM D1557.
 - PROVIDE 4000 PSI CONCRETE FILL AROUND DUCTS.
 - IN GENERAL, DUCTBANKS SHALL BE CONSTRUCTED USING FORMS FOR SIDEWALLS. IF SOIL CONDITIONS ARE SUITABLE, STABLE TRENCH WALLS MAY BE USED AS THE FORM.
 - DUCT SPACERS TO BE USED AT 5'-0" CENTERS, BETWEEN DUCTS.

UTILITY DUCT BANK (POWER, DATA/COM)
DETAIL

FOR PERMIT ONLY - NOT FOR CONSTRUCTION

PHN 7:20 PM: WILLOWBEND PERMIT AREA



Town of Mashpee

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

Mashpee Planning Board Public Hearing Notice

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

Submitted by:

Mary E. Waygan
Mashpee Planning Board

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

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

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

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

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

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

Donald R. Pinto, Jr.

100 Summer Street
Suite 2250
Boston, MA 02110

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

July 31, 2023

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

Re: Willowbend Special Permit Modification

Dear Pat:

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

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

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

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

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

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

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

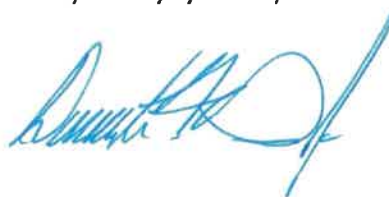
Even if the 853-bedroom figure was enforceable as a cap in 1991, as a result of the Planning Board's consistent conduct over a span of more than 30 years and Southworth's reasonable, good-faith reliance on the Board's non-enforcement of that provision, I believe a court presented with all the facts will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

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

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

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

Very truly yours,



Donald R. Pinto, Jr.

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

"Preserving public trust and providing professional services"



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

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

September 21, 2023

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

Dear Madam Chair:

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

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

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

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

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

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

Sincerely,

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

RODNEY C. COLLINS
Town Manager

Attachments

Cc: Town Planner

Town Attorney

Re: Willowbend

Rodney C. Collins <rccollins@mashpeema.gov>

Mon 7/31/2023 3:48 PM

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

Hi Pat,

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

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

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

Rodney C. Collins | Town Manager

Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649

Office: 508.539.1401 | Fax: 508.539.1142



"Preserving public trust and providing professional services."

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Warning: The content of this message and any response may be considered a Public Record pursuant to Massachusetts General Law.

From: Patrick Costello <pcostello@lccplaw.com>

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

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

Subject: Fwd: Willowbend

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

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

Pat

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

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Begin forwarded message:

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

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

Donald Pinto[PIERCE ATWOOD LLP](#)

100 Summer Street
22nd Floor
Boston, MA 02110

PH 617.488.8175
FAX 617.824.2020

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

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

CORRESPONDENCE

Rec'd Planning
11/10/23 J

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM**

**Notice of License Application Pursuant to M. G. L. Chapter 91
Waterways License Application Number 23-WW01-0123-APP
Brian Brochu**

NOTIFICATION DATE: November 10, 2023

Public notice is hereby given of the waterways application by Brian Brochu to construct and maintain a pier and float at 32 Crescent Road, in the municipality of Mashpee, in and over the waters of Johns Pond. The proposed project has been determined to be water-dependent.

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

Project plans and documents for the Waterways application are on file for public viewing electronically at: <https://eeaonline.eea.state.ma.us/EEA/PublicApp/> (enter "32 Crescent Road" in the Search Page as the Location Address). If you need assistance, please contact cally.harper@mass.gov or if you do not have access to email, please leave a voicemail at (617) 549-3598 and you will be contacted with information on alternative options.

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

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

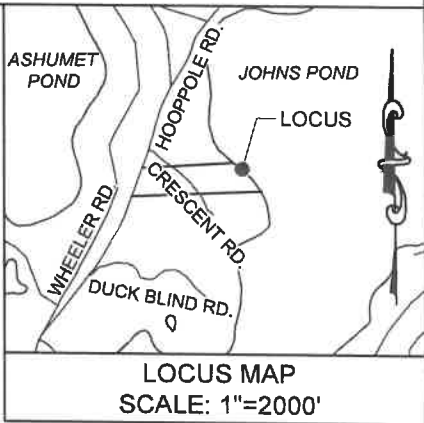
Raul Lizardi-Rivera
RAUL LIZARDI-RIVERA, P.E.

DRAWING INDEX

SHEET	TITLE
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

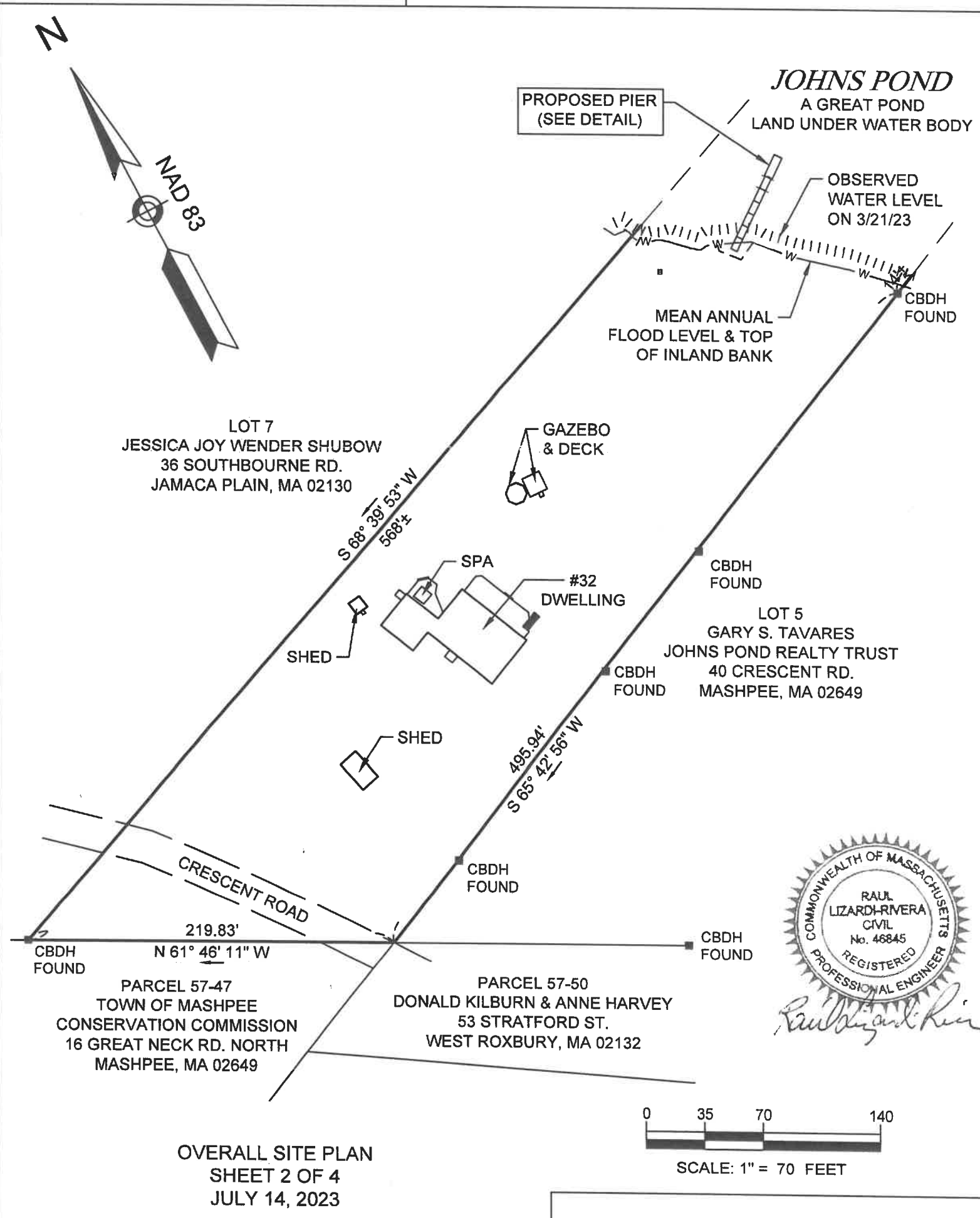
PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
508.477.7272



DEP FILE # XXXX

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

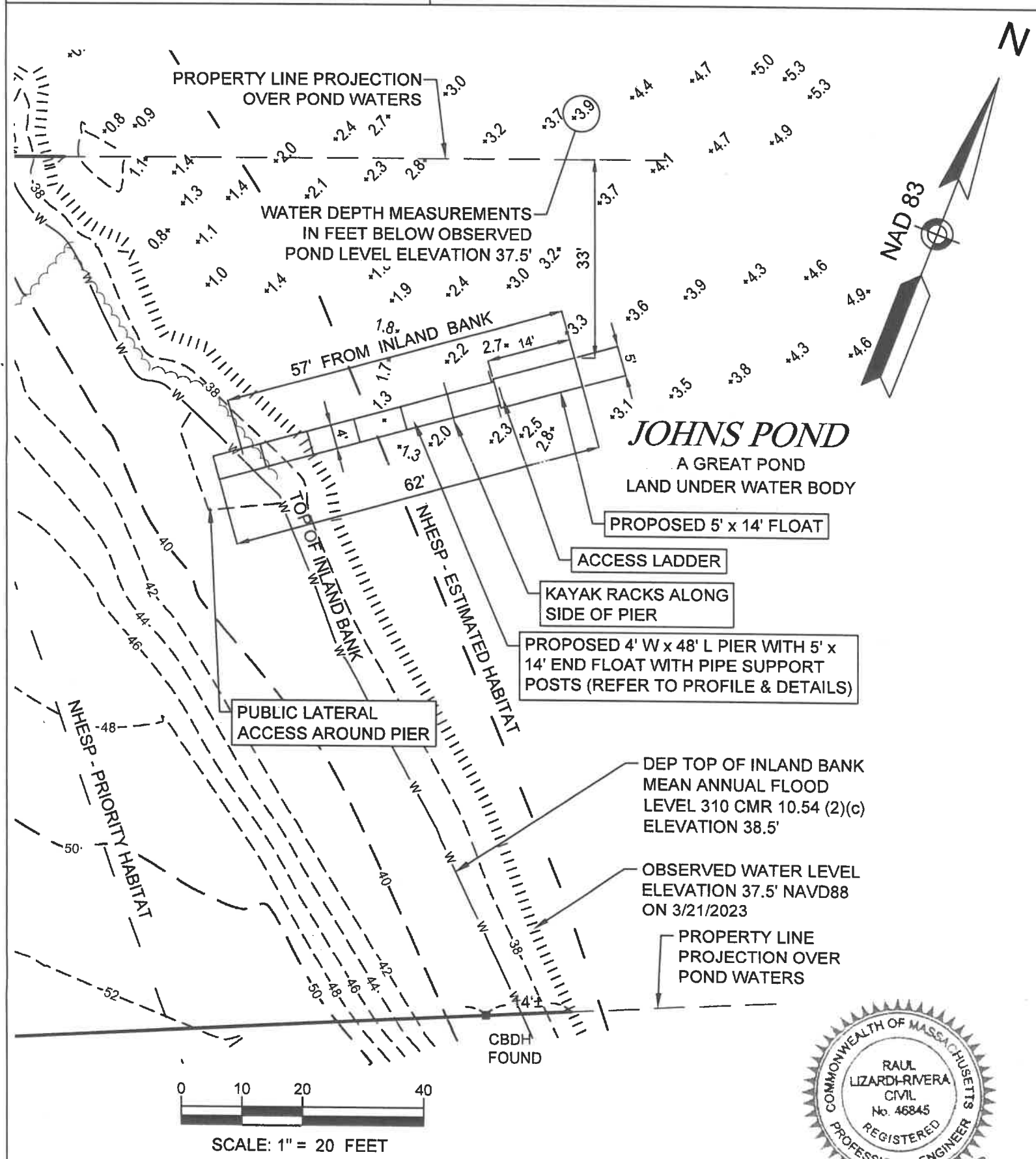
Raul Lizardi-Rivera
RAUL LIZARDI-RIVERA, P.E.



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

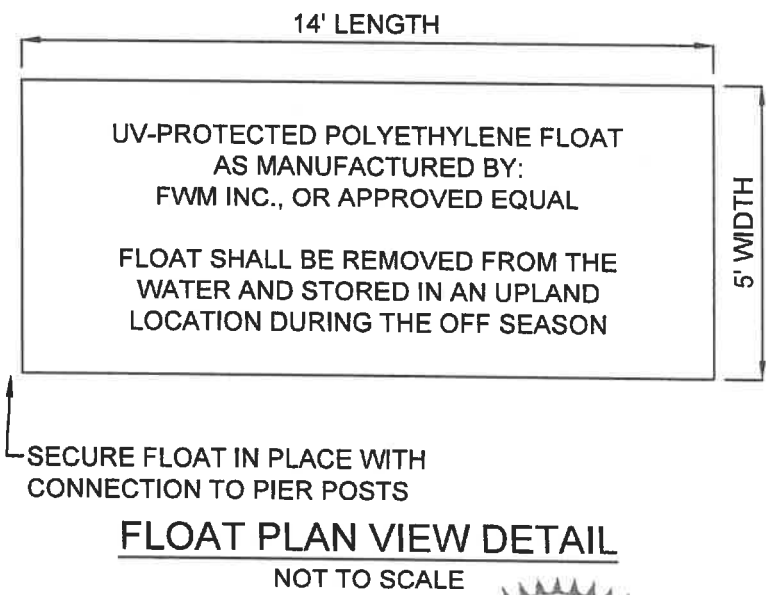
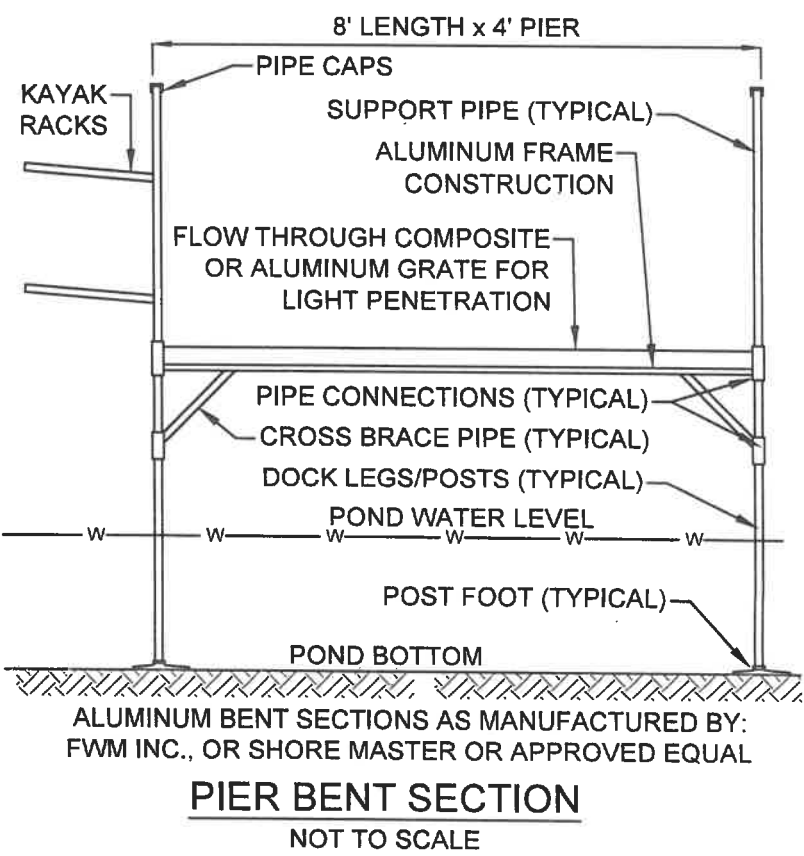
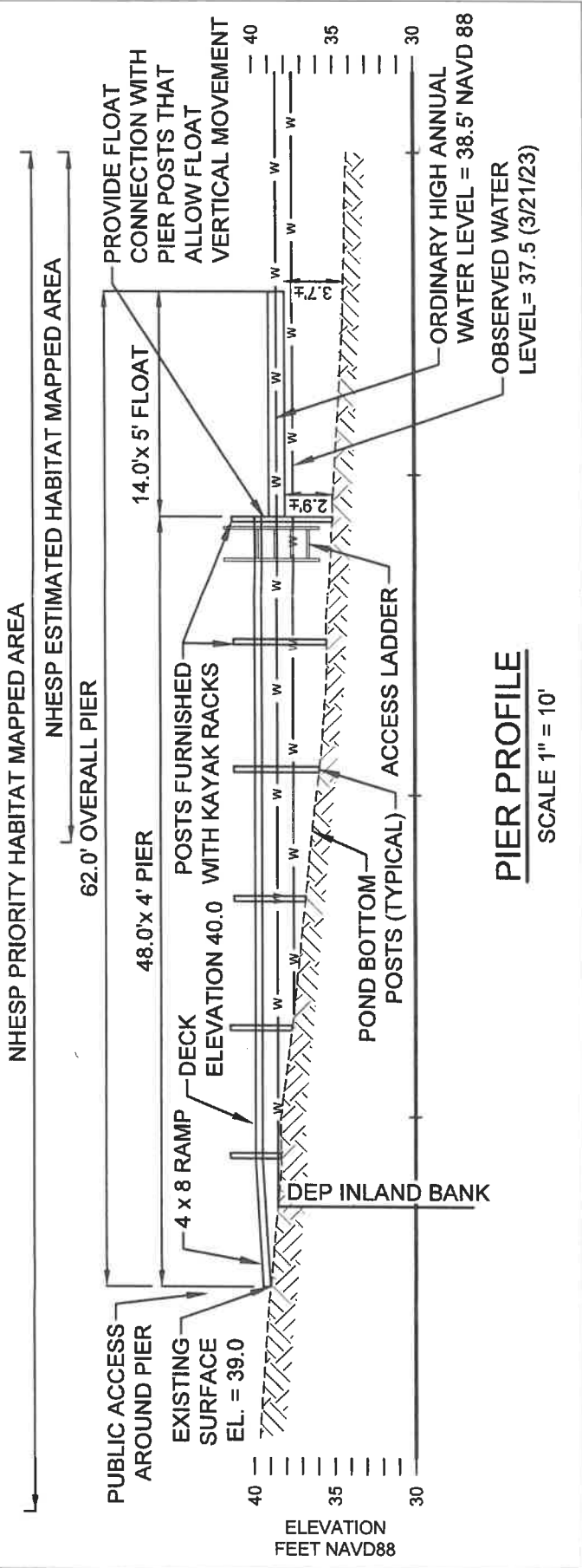
PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
508.477.7272



Raul Lizardi-Rivera

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



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.

Town of Mashpee Department of Public Works c/o Catherine Laurent; 350 Meetinghouse Road; Mashpee; MA 02469

Name of Permittee

160' west of the intersection of

Route 151 and Old Brickyard Road

Project Address

Childs River
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).

The Town of Mashpee and the Massachusetts Department of Transportation - Highway Division (MassDOT) are proposing to reconstruct and widen Nathan Ellis Highway (Route 151). In addition to roadway improvements, a shared use path will be provided on the north side of Route 151 and a sidewalk for portions of the south side of Route 151. The Project corridor extends approximately 2.2 miles from the Falmouth Town Line (approximately 400 feet east of the intersection of Route 151 with County Road/Ashument Road) east to the Mashpee Rotary at Route 28/Great Neck Road. Although Route 151 has a State-route number, this section of roadway is Town-owned and maintained.

The Project consists of two phases. Phase 1 includes the section of Route 151 to the east and Phase 2 includes the section to the west. Phase 1 has completed the design process and is currently under construction. Phase 1 extends along Route 151 from approximately 1,400 feet west of the Old Barnstable Road intersection to the Mashpee Rotary. Phase 2 is currently under design and extends along Route 151 from the Falmouth Town Line to just west of Old Barnstable Road. Both phases of the project have been permitted with an Order of Conditions, Superseding Order of Conditions, MEPA Certification, and Section 106 Clearance. A Preconstruction Notification (PCN) and Chapter 91 License are being sought for work under Phase 2.

The Project involves a 3-foot long extension of the existing 5.5-foot diameter culvert on the north side and removal of a 4-foot section on the south side. This work is associated with the Childs River crossing under Route 151, which includes impacts to the Childs River below ordinary high water (OHW); thereby requiring Chapter 91 authorization. This application applies to Project activities occurring below OHW associated with the culvert modifications. The Applicants have applied for or received authorization for all other applicable state and federal authorizations, excluding the PCN which is still in process.

The overall purpose of the Project is to improve pedestrian, bicycle, and vehicular mobility and safety along the Project corridor, while minimizing environmental, historic, and economic impacts to the area, in accordance with MassDOT's Healthy Transportation Policy. The need for the project is directly related to the increase in mobility demands with the expansion of local commercial and retail uses, particularly at Mashpee Commons. Improved bicycle/pedestrian facilities along this corridor is desired to increase non-vehicular travel by providing an alternative means of mobility for residents, workers, and visitors traveling in the corridor. The project will also provide general transportation improvements including: new pavement, drainage improvements, upgrades to intersection operations and road signs, new pavement markings, and enhanced streetscape conditions.



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

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."

Evan Lehrer

Print Name of Municipal Planning Board Representative

Date

11/16/2023

Signature of Municipal Planning Board Representative

Community Development
Director/Town Planner

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.

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

PROFESSIONAL ENGINEER

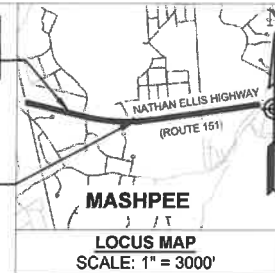
DATE

DRAWING INDEX

<u>SHEET NO.</u>	<u>DESCRIPTION</u>
1	COVER SHEET
2	EXISTING CONDITIONS PLAN
3	ABUTTER INFORMATION
4	PROPOSED PLAN VIEW
5	SECTION VIEW
6	VOLUME IMPACT DIAGRAMS
7	PROPERTY OWNERSHIP PLAN

PROJECT
LOCATION

CHILDS
RIVER



PLAN LEGEND

————— MEAN ANNUAL/ORDINARY HIGH WATER (MAHW/OHW. EL.38.0± NAVD88)

NOTES

1. THE EXISTING CONDITIONS SURVEY IS BASED UPON MOBILE LIDAR DATA ACQUIRED BY SURVEYING AND MAPPING CONSULTANTS ON NOVEMBER 13, 2013 AND SUPPLEMENTAL FIELD SURVEYS TO LOCATE WETLAND BOUNDARY FLAGS AND UTILITY STRUCTURES. TOPOGRAPHY DERIVED FROM THE LIDAR DATA HAS BEEN SUPPLEMENTED WITH TOWN OF MASHPEE GIS DATA
2. ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) BASED UPON NGS BENCHMARKS P56, G56 AND M56.
3. THE PROJECT AREA IS LOCATED WITHIN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. FEMA MAP NUMBER 25001C0732J, ZONE X, EFFECTIVE DATE JULY 16, 2014.
4. MAHW/OHW LINE DELINEATED BY LEC ENVIRONMENTAL CONSULTANTS, INC. IN THE FIELD AND SURVEYED BY DAWOOD ENGINEERING, INC.
5. MAHW LINE AND OHW LINE ARE COINCIDENT IN THE FIELD.
6. THE PROJECT IS LOCATED IN A NON-TIDAL AREA.
7. THE MAHW/OHW ELEVATION HAS BEEN INTERPOLATED FROM LOCATION OF WETLAND FLAGS, SURVEY POINTS AND TOPOGRAPHY.

COVER SHEET

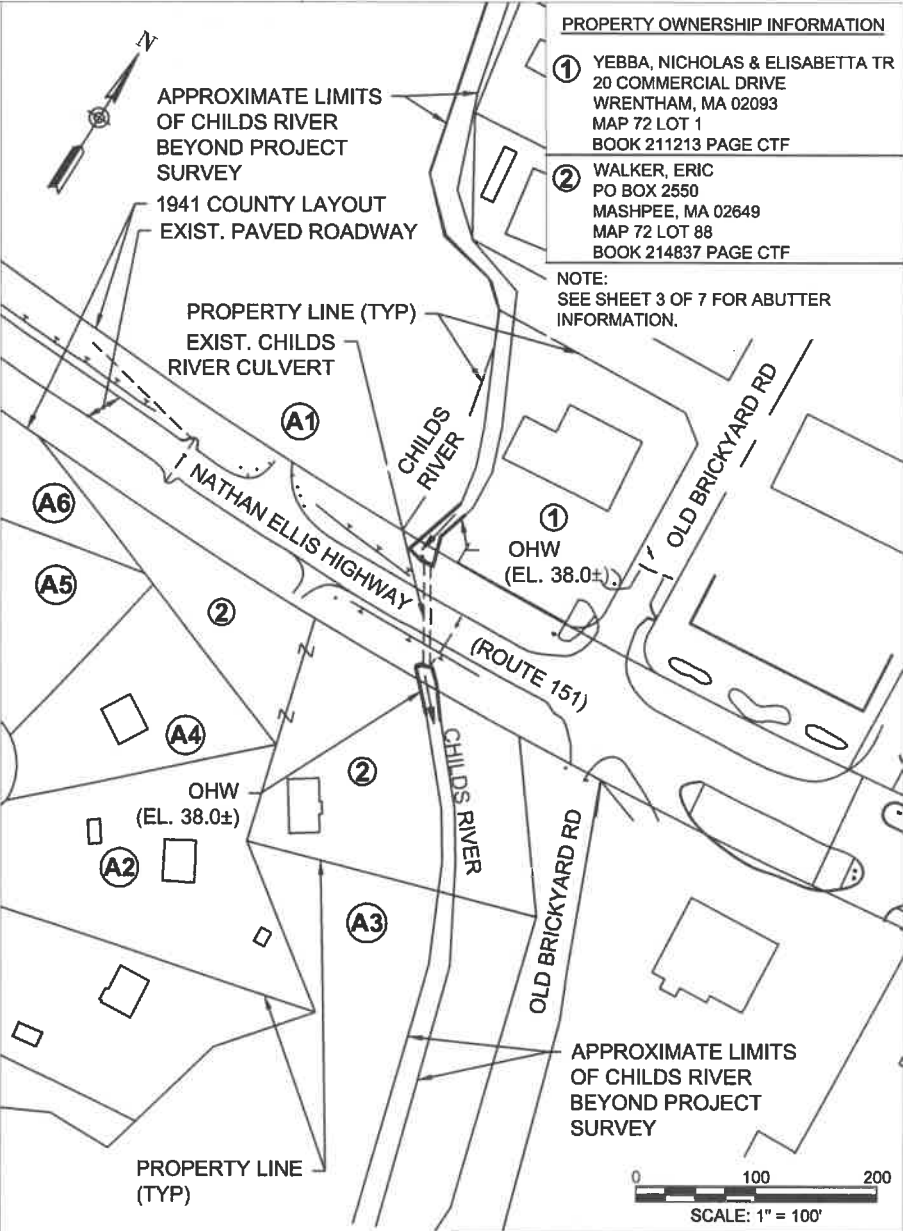
SHEET 1 OF 7
SEPTEMBER 05, 2023

DEP FILE # XXXX

PLAN ACCOMPANYING PETITION OF MASSACHUSETTS
DEPARTMENT OF TRANSPORTATION TO CONSTRUCT AND
THE TOWN OF MASHPEE TO MAINTAIN THE CHILDS RIVER
CULVERT IN THE TOWN OF MASHPEE, MASSACHUSETTS.

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

PROFESSIONAL ENGINEER _____ DATE _____



EXISTING CONDITIONS PLAN
SHEET 2 OF 7
SEPTEMBER 05, 2023

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

PROFESSIONAL ENGINEER

DATE

ABUTTER INFORMATION

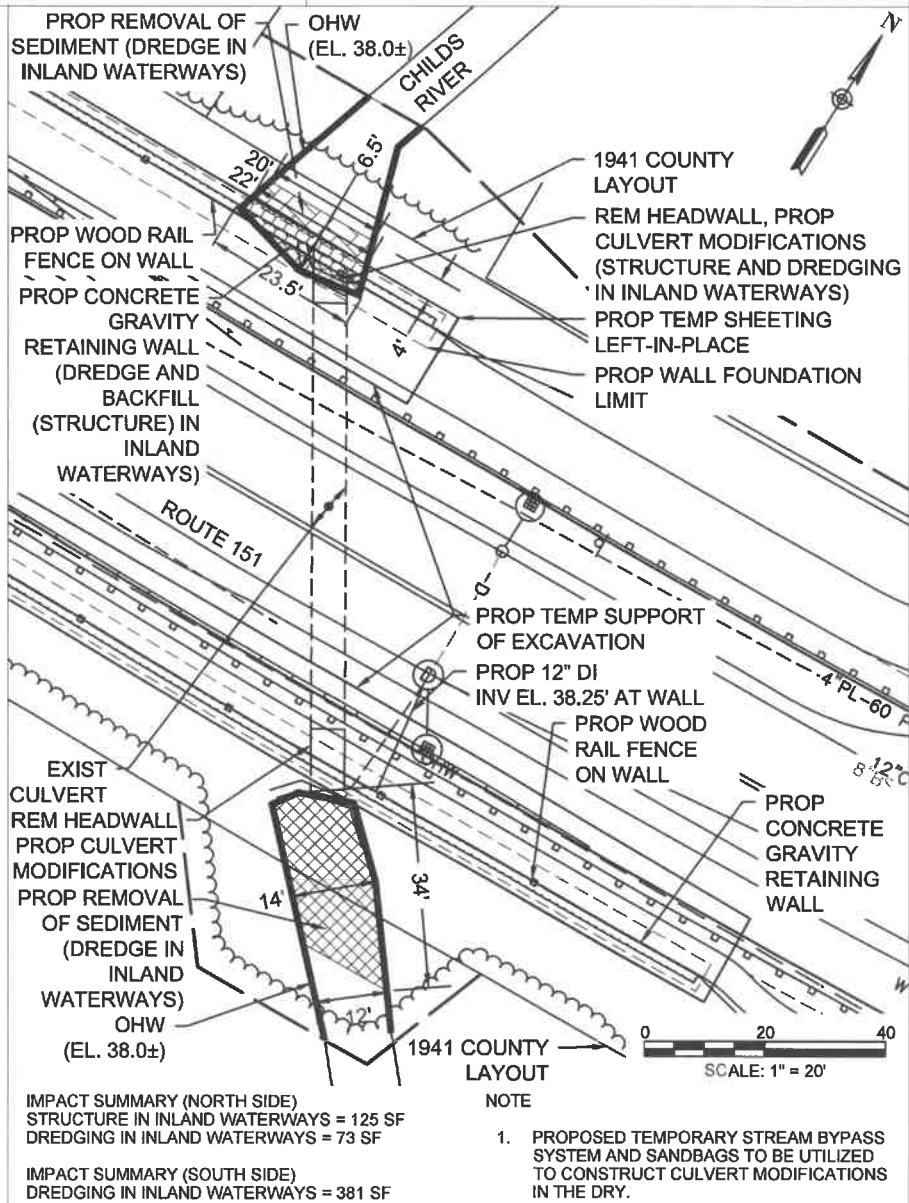
ID	NAME	ADDRESS
A1	PLAYSTEAD LLC	100 HAMMOND STREET WALTHAM, MA 02451 MAP 71 LOT 55 BOOK 32990 PAGE 158
A2	EYNON, DERYK A. & GINA M. C/O ANDERSON, DANIEL P. & ANDERSON, JESSICA DENISE	25 FAIRNENY WAY, MASHPEE, MA 02649 MAP 72 LOT 104 BOOK 31427 PAGE 106
A3	TOWN OF MASHPEE	16 GREAT NECK ROAD NORTH, MASHPEE, MA 02649 MAP 72 LOT 97 BOOK 12705 PAGE 236
A4	MURPHY, CAMERON & C/O MURPHY, CAMERON	27 FAIRNENY WAY, MASHPEE, MA 02649 MAP 72 LOT 103 BOOK 32279 PAGE 169
A5	TOWN OF MASHPEE	16 GREAT NECK ROAD NORTH, MASHPEE, MA 02649 MAP 71 LOT 116 BOOK 12916 PAGE 271
A6	TOWN OF MASHPEE	16 GREAT NECK ROAD NORTH, MASHPEE, MA 02649 MAP 71 LOT 149 BOOK 12709 PAGE 163

ABUTTER INFORMATION

SHEET 3 OF 7
SEPTEMBER 05, 2023

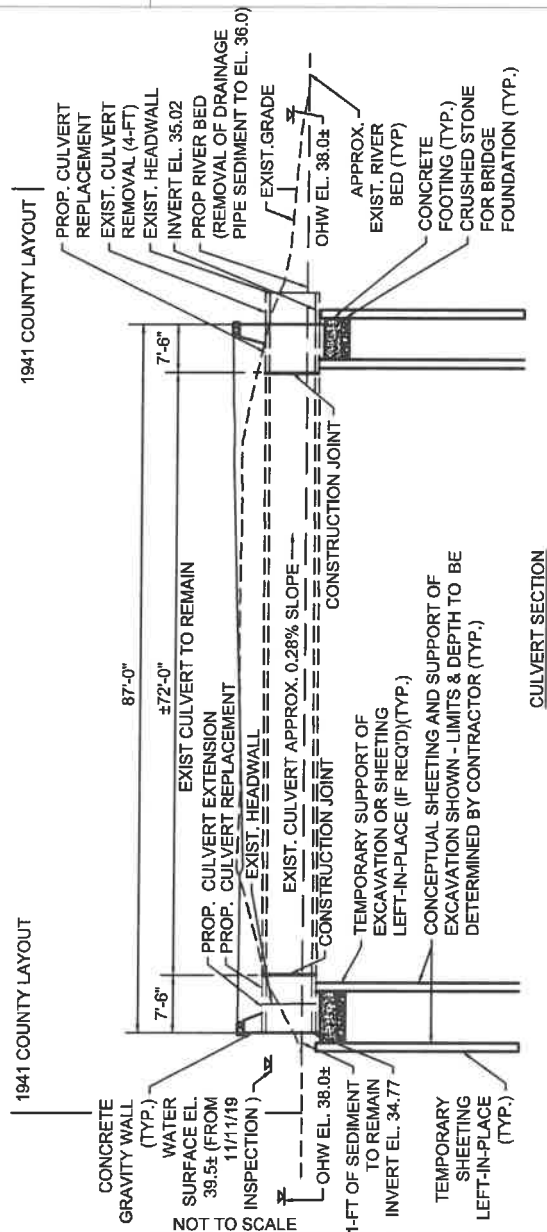
I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

PROFESSIONAL ENGINEER _____ DATE _____



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

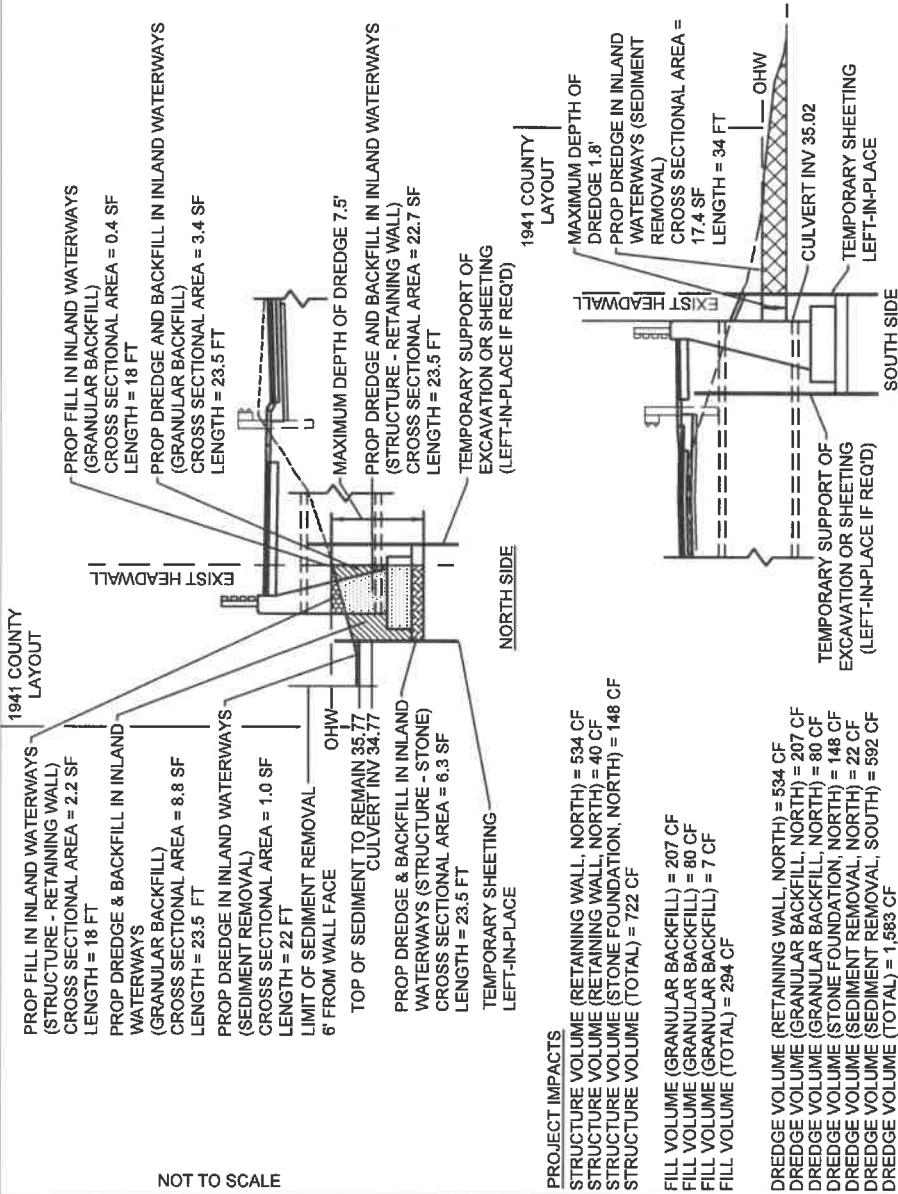
PROFESSIONAL ENGINEER _____ DATE _____



SECTION VIEW
SHEET 5 OF 7
SEPTEMBER 05, 2023

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

PROFESSIONAL ENGINEER DATE

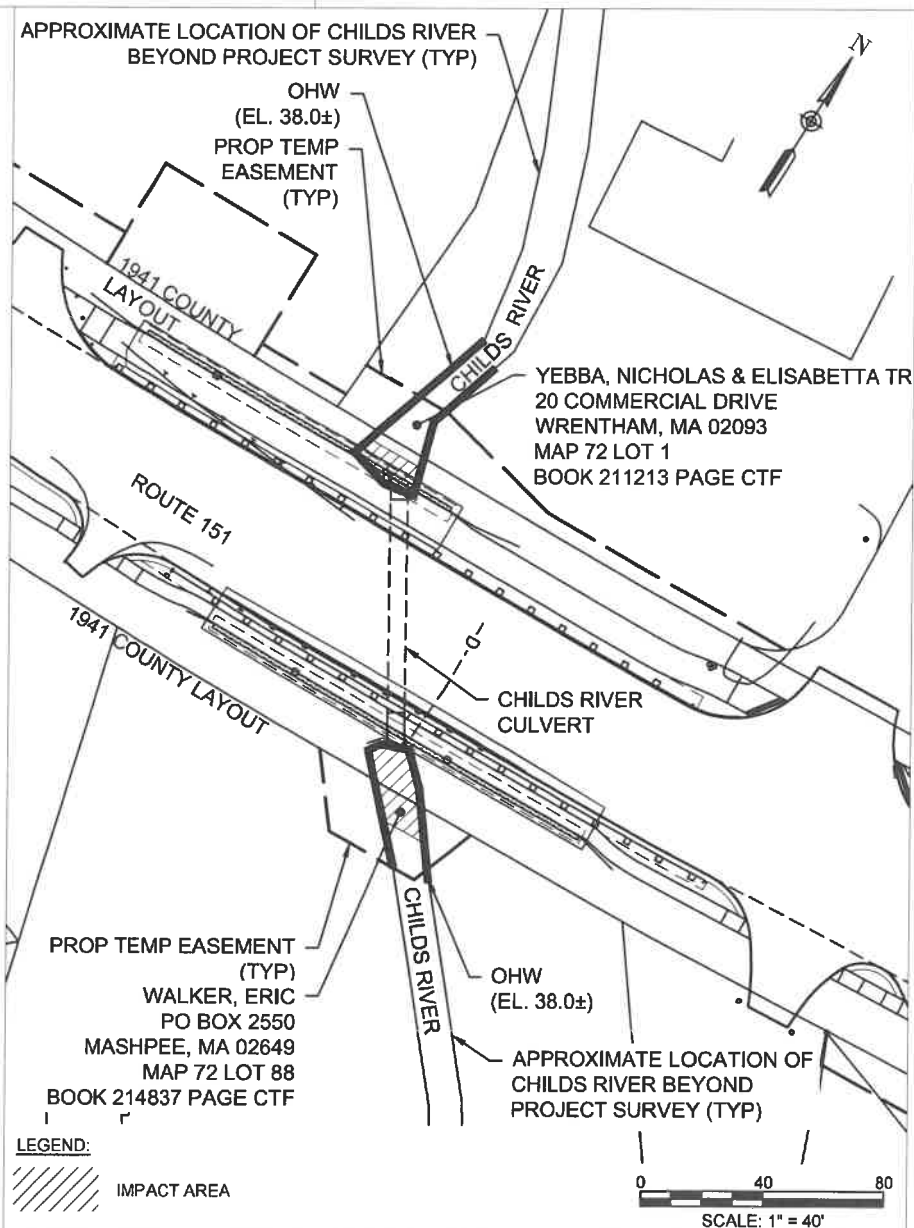


VOLUME IMPACT DIAGRAMS
SHEET 6 OF 7
SEPTEMBER 05, 2023

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

PROFESSIONAL ENGINEER

DATE



PROPERTY OWNERSHIP PLAN
SHEET 7 OF 7
SEPTEMBER 05, 2023

Does the project exceed the MEPA review thresholds for waterways standards?: yes

If yes, please provide MEPA Certification number: 16261

If yes, please provide the date of the secretary certificate: 09/25/2020

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?: Yes

Dredging Information

Please select the type: Improvement dredging

What is the volume of the material to be dredged? (cubic yards): 59

What is the area of the dredge foot print? (square feet): 454

What is the maximum dredge depth including over-dredge (referenced to Mean Low Water)? 7.5

Describe dredge spoil disposal location/method: Soil to be removed from the project area will be evaluated prior to off-site management for potential contamination with hazardous materials. No soil will be disposed of off-site without proper assessment by the contractor and approval from the MassDOT Resident Engineer. Any stockpiling of soil will be performed in compliance with MassDOT Policy Directive P-22-001, Off-Site Stockpiling of Soil from MassDOT Construction Projects. This directive limits the allowable locations for off-site stockpiling of soil generated during MassDOT projects and includes various requirements that must be satisfied by the contractor prior to off-site stockpiling.

Is the dredge spoil compatible for beach nourishment?: No

Dredging Method

Hydraulic: No

Mechanical: Yes

Other: No

Documents

Documents: Required Documents: 1. Chapter 91 Plans 2. List of Environmental Regulatory Programs 3. MEPA Certificate 4. WPA Order of Conditions

List of Documents

When uploading file document(s) the maximum file size allowed is 50 MB.
The 'File Name' (including file extension) MUST NOT exceed 75 characters in length.
The document 'Description' MUST NOT exceed 50 characters in length.
Documents that exceed any of these limits will be removed by the system, and cannot be retrieved, which may delay the review process.
.bat;.bin;.dll;.exe;.js;.msi;.sql;.vbs;.ade;.adp;.chm;.cmd;.com;.cpl;.hta;.ins;.isp;.jar;.jse;.lib;.lnk;.mde;.msc;.msp;.mst;.php;.pif;.scr;.sct;.shb;.sys;.vb;.vbe;.vxd;.wsc;.wsf;.wsh are disallowed file types to upload.

Name	Type	Size	Latest Update	Description	Action
OOC_Route151CorridorImprovementProject.pdf	WPA Order of Conditions	1004.24 KB	07/27/2023	OOC for Route 151 Corri... read more	Actions ▼
EEA# 16261 MA DOT and Town of Mashpee.pdf	Other	92.68 KB	07/27/2023	MA DMF Consultation Letter	Actions ▼
16261 FINAL Route 151 Corridor Improvements ENF SKT signed.pdf	MEPA Certificate	2.07 MB	07/27/2023	MEPA Certificate	Actions ▼
environmental-regulatory-programs final 7_27_23.docx	List of Environmental Regulatory Programs	15.72 KB	07/27/2023	List of envir... read more	Actions ▼
05 Mashpee Rte 151 - SOOC combined.pdf	WPA Order of Conditions	8.17 MB	09/08/2023	SOOC for Rte151 Corridor	Actions ▼

[< Prev](#)
[1](#)
[2](#)
[Next >](#)

Special Fee Provision

Exemption: Yes

Exemption Type: City/Town/County Government

Application Submitter

Individual
CHRIS VONDERWEIDT
Topsham, ME, 04008
United States

Telephone #:207-406-5484
E-mail:christopher.vonderweidt@stantec.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.

☐ By checking this box, I agree to the above certification.

Date:

[Continue Application »](#)

[Save and resume later](#)

PLAYSTEAD LLC	100 HAMMOND STREET WALTHAM, MA 02451 MAP 71 LOT 55 BOOK 32990 PAGE 158
EYNON, DERYK A. & GINA M. C/O ANDERSON, DANIEL P. & ANDERSON, JESSICA DENISE	25 FAIRNENY WAY, MASHPEE, MA 02649 MAP 72 LOT 104 BOOK 31427 PAGE 106
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TOWN OF MASHPEE	16 GREAT NECK ROAD NORTH, MASHPEE, MA 02649 MAP 71 LOT 149 BOOK 12709 PAGE 163

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):

Town of Mashpee Department of Public Works

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):

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: Other

Primary Project Location

Childs River | 0 Route 151 (Nathan Ellis Highway) Mashpee MA 02649

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):

MassDOT Project File No. 611986 to be processed under MassDOT/MassDEP ISA: The Town of Mashpee and the Massachusetts Department of Transportation - Highway Division (MassDOT) are proposing to reconstruct and widen Nathan Ellis Highway (Route 151). In addition to roadway improvements, a shared use path will be provided on the north side of Route 151 and a sidewalk for portions of the south side of Route 151. The Project corridor extends approximately 2.2 miles from the Falmouth Town Line (approximately 400 feet east of the intersection of Route 151 with County Road/Ashument Road) east to the Mashpee Rotary at Route 28/Great Neck Road. Although Route 151 has a State-route number, this section of roadway is Town-owned and maintained. The Project consists of two phases. Phase 1 includes the section of Route 151 to the east and Phase 2 includes the section to the west. Phase 1 has completed the design process and is currently under construction. Phase 1 extends along Route 151 from approximately 1,400 feet west of the Old Barnstable Road intersection to the Mashpee Rotary. Phase 2 is currently under design and extends along Route 151 from the Falmouth Town Line to just west of Old Barnstable Road. Both phases of the project have been permitted with an Order of Conditions, Superseding Order of Conditions, MEPA Certification, and Section 106 Clearance. A Preconstruction Notification and Chapter 91 License are being sought for work under Phase 2. The Project involves a 3-foot long extension of the existing 5.5-foot diameter

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):

Proposed Use/Activity description:

culvert on the north side and removal of a 4-foot section on the south side. This work is associated with the Childs River crossing under Route 151, which includes impacts to the Childs River below ordinary high water (OHW); thereby requiring Chapter 91 authorization. This application applies to Project activities occurring below OHW associated with the culvert modifications. The Applicants have applied for or received authorization for all other applicable state and federal authorizations, excluding the PCN which is still in process. The overall purpose of the Project is to improve pedestrian, bicycle, and vehicular mobility and safety along the Project corridor, while minimizing environmental, historic, and economic impacts to the area, in accordance with MassDOT's Healthy Transportation Policy. The need for the project is directly related to the increase in mobility demands with the expansion of local commercial and retail uses, particularly at Mashpee Commons. Improved bicycle/pedestrian facilities along this corridor is desired to increase non-vehicular travel by providing an alternative means of mobility for residents, workers, and visitors traveling in the corridor. The project will also provide general transportation improvements including: new pavement, drainage improvements, upgrades to intersection operations and road signs, new pavement markings, and enhanced streetscape conditions.

The Childs River crossing at Route 151 is located 160 feet west of the intersection of Route 151 and Old Brickyard Road. Ordinary High Water (OHW) is associated with the Childs River, flowing from Johns Pond in a southerly direction underneath Route 151 through a 5.5± foot diameter wide by 85± foot long culvert. The Route 151 culvert has approximately 3± feet of accumulated sand, silt, and organic infill, which reduces the hydraulic opening by approximately 55%. Typical stream width ranges from 3-6 feet, increasing in width immediately north of the culvert. OHW heights vary between 1-4± feet in height along the stream channel that was originally a man-made herring ditch excavated in the 1870s. The Childs River north of Old Barnstable Road, including the Route 151 culvert, no longer functions for diadromous fish migration, according to the Massachusetts Division of Fisheries and Wildlife (DFW) and Mashpee Herring Warden.

Permanent and temporary Resource Area disturbances occurring at the Childs River crossing include a 3-foot-long extension (north side) and 4-foot removal (south side) of the existing 5.5± s.f. diameter culvert under Route 151, as well as proposed concrete gravity retaining walls at both ends of the culvert. Under culvert maintenance, approximately 2± feet of accumulated material will be cleaned from the culvert to improve hydrology and stream flow. The material will be properly disposed of off-site and/or repurposed on-site. At least one-foot of the bottom substrate will be left within the culvert. The maintenance work will result in approximately 427± s.f. of temporary disturbance to land below OHW (inside the culvert) and has not been included in the proposed impact area calculations. Natural stream conditions will be restored on the south side of the Childs River crossing. Approximately 4± linear feet of the culvert south of Route 151 will be removed, concurrent with construction of the new retaining wall and installation of a new outlet. Thus, approximately 8± linear feet of Bank/OHW will be restored by daylighting the culvert. Sandbags will be installed within the stream for water control to accommodate the culvert extension in the dry. As necessary, a stream bypass system will be installed to allow flow downstream. Preliminary discussions with the Division of Fisheries and Wildlife (DFW) indicated that there would not be a Time of Year Restriction (TOYR) for in-stream work, as the Childs River north of Old Barnstable Road, including the Route 151 culvert no longer functions for diadromous fish migration. Excluding the culvert clean-out/maintenance, the volume of material to be dredged below OHW totals 59 c.y. The area of the dredge footprint is 454 s.f. The structure volume of material placed back for construction of the retaining wall on the north side is 27 c.y. The fill volume of material placed back for the placement of granular backfill is 11 c.y. The proposed work activities will not impair the water carrying capacity of the existing channel, groundwater or surface water quality, or capacity of the river to provide wildlife habitat functions. While the culvert extension cannot meet all Stream Crossing Standards due to the existing culvert conditions, a natural stream bottom will be maintained within the 3-foot long, 5.5± foot diameter extension. Furthermore, approximately 22± s.f. of area below OHW will be restored.

No

Is this site subject to 21E?

Mass.gov Licensing and Permitting Portal



An Official website of the Commonwealth of Massachusetts

EEA ePLACE Portal

Need Help? For technical assistance in using this web application, please call the ePLACE Help Desk Team at (844) 733-7522 or (844) 73-ePLAC between the hours of 7:30 AM-5:00 PM Monday-Friday, with the exception of all Commonwealth and Federally observed holidays. If you prefer, you can also e-mail us at ePLACE_helpdesk@mass.gov. For assistance with non-technical questions, please contact the issuing Agency directly using the links below.

Contact:
Energy and Environmental Affairs, MASSDEP
Energy and Environmental Affairs, MDAR
Energy and Environmental Affairs, DCR

Convenience Fee: Please note there will be a convenience fee for all online credit card transactions. There is also a nominal fee for online payment by check.

Home

[DEP Applications](#)

WW01 - Water-Dependent License/Permit Application

1 | 2 **Application Information** | 3 Documents | 4 Special Fee Provision | 5 Review | 6 Application Submitted

Step 5: Review

[Continue Application »](#)[Save and resume later](#)

Please review the information below prior to submission. After the application has been submitted, you will not be able to make changes. To make changes after submittal you must contact the Department directly.

Review and Certification

[Edit Application](#)

Permittee

Individual
Catherine Laurent
Town of Mashpee Department of Public Works, 350 Meetinghouse Road
Mashpee, MA, 02649
United States
Telephone #:508-539-1420
E-mail:claurent@mashpeeema.gov
Use Login Information: No

Application Contacts

Showing 1-3 of 3

Contact Type	Name	Organization Name	Contact Person	Action
Application Prepared By	CHRIS VONDERWEIDT			Edit/View
Property Owner	Eric Walker			Edit/View
Property Owner	Nicholas & Elisabetta Yebba			Edit/View

List of Abutters

LIST OF ABUTTERS

[Full Legal Name](#)[Abutting Property Address](#)

Rec'd Planning
11/14/23

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM**

Notice of Chapter 91 License/Permit Application Number 23-WW01-0115-APP

Applicant: Town of Mashpee Department of Public Works

Project Location: Child's River Culvert on Route 151 (Nathan Ellis Highway), adjacent to the intersection of Route 151 and Old Brickyard Road, Child's River, Town of Mashpee, Barnstable County

Notification Date: November 15, 2023

Public Comments Deadlines: As specified below

Public notice is hereby given of the Chapter 91 Waterways License Application by the Town of Mashpee Department of Public Works for the culvert extension and maintenance work, including the installation of appurtenant fill and structures and improvement dredging at the Child's River culvert on Route 151 (Nathan Ellis Highway) adjacent to the intersection of Route 151 and Old Brickyard Road. The Department has determined that the proposed project is a Water-Dependent Use project.

Written comments on the **Chapter 91 Permit** Application must be sent **within fifteen (15) days of the Notification Date** and written comments on the **Chapter 91 License** Application must be sent **within thirty (30) days of the Notification Date** to: Ryan.Morrison@mass.gov or Waterways Regulation Program c/o Ryan Morrison at 100 Cambridge Street, Suite 900, Boston, MA, 02114

The Department will consider all written comments on this Waterways Permit and License Application by the respective Public Comments Deadline. Failure of any aggrieved person or group of ten (10) citizens or more to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c). The group of citizens must include at least five (5) citizens who are residents of the municipality in which the proposed project is located. A public hearing may be held upon request by the Municipal Official.

Project plans and documents for the Waterways application are on file for public viewing electronically at: <https://eeaonline.eea.state.ma.us/EEA/PublicApp/> (enter 23-WW01-0115-APP in the Search Page in the field for Record ID). If you need assistance, please contact Ryan.Morrison@mass.gov or if you do not have access to email, please leave a message at (617) 292-5929 for alternative options.

It is recommended that documents and correspondence be filed electronically with the email address above when possible. Alternatively, comments may be mailed to Ryan Morrison c/o MassDEP Waterways Regulation Program, 100 Cambridge Street, 9th Floor, Boston, MA 02114.



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: **1622465**

Document: **Groundwater Discharge Monitoring Report Forms**

Size of File: **1689.43K**

Status of Transaction: **Submitted**

Date and Time Created: **11/22/2023:1:34:55 PM**

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



Groundwater Permit

DISCHARGE MONITORING REPORT

668
1. Permit Number
2. Tax identification Number
2023 QUARTERLY 4
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:

10/3/2023	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 Quarterly 4	▼
--	---

☐ All forms for submittal have been completed.

2. ☐ This is the last selection.

3. ☐ Delete the selected form.



Groundwater Permit
DISCHARGE MONITORING REPORT

668

1. Permit Number

2. Tax identification Number

2023 QUARTERLY 4

3. Sampling Month & Frequency

D. Contaminant Analysis Information

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

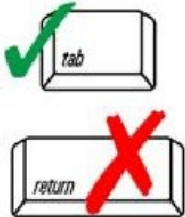
1. Parameter/Contaminant	2. Influent	3. Effluent	4. Effluent Method
Units			Detection limit
TOTAL PHOSPHORUS AS P		6.7	0.010
MG/L			
ORTHO PHOSPHATE		5.9	0.020
MG/L			



Groundwater Permit
DISCHARGE MONITORING REPORT

668
1. Permit Number
2. Tax identification Number
2023 OCT 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:		
10/3/2023	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 Oct Monthly	
<input type="checkbox"/> All forms for submittal have been completed.	
2. <input type="checkbox"/> This is the last selection.	
3. <input type="checkbox"/> Delete the selected form.	



Groundwater Permit
DISCHARGE MONITORING REPORT

668
1. Permit Number
2. Tax identification Number
2023 OCT 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	180	ND	3.0
MG/L			
TSS	490	ND	2.0
MG/L			
TOTAL SOLIDS	990		
MG/L			
AMMONIA-N	21		
MG/L			
NITRATE-N		0.19	0.050
MG/L			
TOTAL NITROGEN(NO3+NO2+TKN)		5.1	0.50
MG/L			
OIL & GREASE		1.3	0.50
MG/L			



Groundwater Permit

MONITORING WELL DATA REPORT

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

10/25/2023	WHITEWATER
a. Date Sampled (mm/dd/yyyy)	b. Laboratory Name
JAMIE STEWART	
c. Analysis Performed By (Name)	

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Monitoring Well Data Report - 2023 Oct Monthly
--

☐ All forms for submittal have been completed.

2. ☐ This is the last selection.

3. ☐ Delete the selected form.



Groundwater Permit
MONITORING WELL DATA REPORT

668

1. Permit Number

2. Tax identification Number

2023 OCT MONTHLY

3. Sampling Month & Frequency

C. Contaminant Analysis Information

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

Parameter/Contaminant	P-1	P-2	P-4	P-6		
Units	Well #: 1	Well #: 2	Well #: 3	Well #: 4	Well #: 5	Well #: 6
PH	6.2	DRY	6.3	6.5		
S.U.						
STATIC WATER LEVEL	18.9	DRY	47.8	51		
FEET						
SPECIFIC CONDUCTANCE	1137	DRY	737	1059		
UMHOS/C						



Groundwater Permit

DAILY LOG SHEET

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

10/31/2023

WHITEWATER

a. Date Sampled (mm/dd/yyyy)

b. Laboratory Name

JAMIE STEWART

c. Analysis Performed By (Name)

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Daily Log Sheet - 2023 Oct Daily

☐

All forms for submittal have been completed.

☐

2. This is the last selection.

☐

3. Delete the selected form.



Groundwater Permit
DAILY LOG SHEET

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

C. Daily Readings/Analysis Information

Date	Effluent Flow GPD	Reuse Flow GPD	Irrigation Flow GPD	Turbidity	Influent pH	Effluent pH	Chlorine Residual (mg/l)	UV Intensity (%)
1	10768							
2	8355					7.3		
3	12780					7.3		
4	10514					7.3		
5	8473					7.5		
6	10644					7.4		
7	10644							
8	10644							
9	8671					7.3		
10						7.2		
11						7.2		
12	7750					7.3		
13	10199					7.3		
14	10200							
15	10200							
16	10997					6.8		
17	11322					6.8		
18	11072					6.8		
19	4607					6.8		
20	10866					6.8		
21	10867							
22	10867							
23	10867					7.5		
24	8734					7.7		
25	10610					7.5		
26	10509					7.5		
27	9885					7.9		
28	9884							
29	9885							
30	6415					7.6		
31	8777					7.6		



Groundwater Permit

MONITORING WELL DATA REPORT

668
1. Permit Number
2. Tax identification Number
2023 QUARTERLY 4
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:

10/25/2023	RI ANALYTICAL
a. Date Sampled (mm/dd/yyyy)	b. Laboratory Name
KATIE AMARAL	
c. Analysis Performed By (Name)	

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Monitoring Well Data Report - 2023 Quarterly 4
--

☐ All forms for submittal have been completed.

2. ☐ This is the last selection.

3. ☐ Delete the selected form.



Groundwater Permit
MONITORING WELL DATA REPORT

668
1. Permit Number
2. Tax identification Number
2023 QUARTERLY 4
3. Sampling Month & Frequency

C. Contaminant Analysis Information

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

<

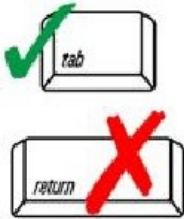
Parameter/Contaminant	P-1	P-2	P-4	P-6		
Units	Well #: 1	Well #: 2	Well #: 3	Well #: 4	Well #: 5	Well #: 6
NITRATE-N	1.8	DRY	5.4	3.0		
MG/L						
TOTAL NITROGEN(NO3+NO2+TKI	4.2	DRY	13.0	3.0		
MG/L						
TOTAL PHOSPHORUS AS P	0.49	DRY	2.7	2.4		
MG/L						
ORTHO PHOSPHATE	ND	DRY	1.5	2.4		
MG/L						



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 11/22/2023
a. Signature b. Date (mm/dd/yyyy)

Reporting Package Comments

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

Received By

NOV 17 2023

Planning Dept.

TOWN OF BARNSTABLE PLANNING BOARD
NOTICE OF PUBLIC HEARING
MONDAY, DECEMBER 11, 2023, AT 7:00 P.M.
JAMES H. CROCKER, JR. HEARING ROOM
BARNSTABLE TOWN HALL, 2ND FLOOR, 367 MAIN STREET, HYANNIS, MA

SPECIAL PERMIT NO. 2023-05
LOUIS N. VINIOS, TRUSTEE, J&P HYANNIS TRUST
378,380,382 AND 384 BARNSTABLE ROAD AND 425 IYANNOUGH ROAD, HYANNIS

To all persons deemed interested in the Planning Board acting under the General Laws of the Commonwealth of Massachusetts, Chapter 40A, Section 9, and all amendments thereto and the Town of Barnstable Zoning Ordinances you are hereby notified of a Public Hearing to consider a request for a Special Permit Application No. 2023-05.

The Applicant and Owner Louis N. Vinios, Trustee, J & P Hyannis Trust has requested relief from Section 240-24.1.5.B Use Provisions, Table 1. The application proposes retail use and food and beverage services use. Retail use and food and beverage services use are permitted in the Highway Commercial Zoning District by Special Permit. The subject property is located at 378,380,382 and 384 Barnstable Road and 425 Iyannough Road, Hyannis, Massachusetts, shown on Assessor's Map 311 Parcel 026 and Map 328 Parcel 070, zoned Highway Commercial Zoning District and split Groundwater Protection Overlay District and Wellhead Protection Overlay District.

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

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

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

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

Barnstable Patriot
November 24 & December 1, 2023

Stephen Robichaud, Chair
Barnstable Planning Board



Received By

NOV 15 2023

Planning Dept.

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 #093-23 Falmouth Southerly, LLC, 25 Recreation Park Drive, suite 204, Hingham, MA.:
Applied to the Zoning Board of Appeals for a Comprehensive Permit pursuant to Chapter 40B to construct three hundred (300) units of rental apartments, throughout five (5) separate buildings, a clubhouse and amenities. **The subject properties are “0” & 375 Sandwich Road, East Falmouth, MA.**

Map 27 Section 06 Parcel 011 Lot(s) 000 - # 375 Sandwich Road
Map 27 Section 06 Parcel 031 Lot(s) 000 – # 0 Sandwich Road

A public hearing will be given on this application, at the Lawrence School Auditorium, 113 Lakeview Avenue, Falmouth on Thursday, November 30, 2023 at 6:00PM.

You are invited to be present.

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

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



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

The Sandwich Board of Appeals will hold a Public Hearing on the application of SCKD Properties LLC, Matthew Arguin, Property Owner, for a Special Permit under Section 2200 of the Sandwich Protective Zoning By-Law for property located at 125 Route 6A, Sandwich, MA, Assessor's Map #82 Parcel #84 for the purpose of operating a design-build contractor business. The Public Hearing will be held on November 28, 2023 at the Sand Hill School Community Center, 16 Dewey Ave, Sandwich, MA at 6:00 p.m. The public record information can be viewed at the Planning & Development office.

James Killion, Chair
Sandwich Board of Appeals
Publication: Sandwich Enterprise
Publication Dates: November 10 and November 17, 2023

Received By

NOV 15 2023

Planning Dept.



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

Received By

NOV 20 2023

Planning Dept.

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 #094-23 G. L. Tucker LLC, 237 Acapesket Road, East Falmouth, MA.: Applied to the Zoning Board of Appeals for a modification of special permit # 115-88 pursuant to section(s) 240-6.6B of the Code of Falmouth to raze the existing, detached garage and rebuild a garage / barn with habitable space on the 2nd floor on subject property known as 237 Acapesket Road, East Falmouth, Ma.

Map 40 Section 03 Parcel 012 Lot(s) 286

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

Thursday, December 7, 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

Received By

NOV 20 2023

Planning Dept.

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 #092-23 John J. and Theresa M. Kim, 33 Kentwood Street, Brookline, MA.: Filed an appeal with the Falmouth Town Clerk pursuant to M.G.L. c.40A § 8 & 15 and 240-12.4A(1)(b) of the Code of Falmouth appealing the Building Commissioner's determination. The subject property is 0 Stowers Street (lot 202), Teaticket, MA.

Map 39 Section 11 Parcel 006 Lot(s) 202

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

Thursday, December 7, 2023 at 6:00PM

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

Received By

NOV 20 2023

Planning Dept.

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 #091-23 Bac V. Nguven, 62 Old Bayberry Lane, East Falmouth, Ma.: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-6.6 B. of the Code of Falmouth to construct a detached accessory apartment on subject property known as 62 Old Bayberry Lane, East Falmouth, Ma.

Map 33 Section 09 Parcel 003 Lot(s) 518

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, December 7, 2023 at 6:00PM**
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

Received By

NOV 20 2023

Planning Dept.

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

Application #095-23 Jeanette Marques, 21 Russell Street, Acushnet, MA.: Filed an appeal with the Falmouth Town Clerk pursuant to M.G.L. c.40A § 8 & 15 and 240-12.4A(1)(b) of the Code of Falmouth appealing the Building Commissioner's Notice of Violation and Cease and Desist Order. **The subject property is 594 Palmer Avenue, Falmouth, MA.**

Map 35 Section 01A Parcel 008B Lot(s) 000

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

Thursday, December 7, 2023 at 6:00PM

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

Received By

NOV 27 2023

Planning Dept.

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 #097-23 William C. Roberts, 12 Washington Street, Wellesley, MA.: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-11.4A(1)i and 240-6.6B of the Code of Falmouth to construct a detached, three-car garage with habitable space above, in the front yard, more than 50' from the front property line. **The subject property is 384 Acapesket Road, East Falmouth, MA.**

Map 40 Section 08 Parcel 003 Lot(s) 383

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, December 14, 2023 at 6:00PM**
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

Received By

NOV 27 2023

Planning Dept.

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

Application #096-23 Melissa Odell and Vincent Thomas Odell, Jr., 177 Berrywood Drive, Severna Park, MD.: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A, 240-11.4A(1)I and 240-12.1 of the Code of Falmouth to raze and rebuild the existing dwelling and detached garage. The subject property is 54 Sam Turner Road, Hatchville, MA.

Map 16 Section 03 Parcel 015 Lot(s) 000

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

Thursday, December 14, 2023 at 6:00PM

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

Received By

NOV 27 2023

Planning Dept.

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 #098-23 Michael J. and Kara W. Levoshko, 90 Charmark Circle, Middleboro, MA.:
Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A. and 240-11.3A(4) of the Code of Falmouth to remove a portion of the existing dwelling, remove front porch and construct an attached garage addition with habitable space above, exceeding 20% lot coverage by structures. **The subject property is 70 Philadelphia Street, East Falmouth, Ma.**

Map 39A Section 10 Parcel 000 Lot(s) 061

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, December 14, 2023 at 6:00PM**
You are invited to be present.

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

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

Town of Sandwich
THE OLDEST TOWN ON CAPE COD



Board of Appeals

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

TOWN CLERK
TOWN OF SANDWICH

NOV 16 2023

2 H 04 M P **Special Permit**
Certificate of Approval
RECEIVED & RECORDED

Petition # 23-22
Name of Applicant: Diane C. Madden Trust, Parke Madden Trustee
Address: 111 Main Street
Certificate of Title: 203212

On November 14, 2023, the Board of Appeals voted to approve a special permit from Section 1330 & 2540 of the Sandwich Zoning By-law for property located at 111 Main Street, as shown on Assessor's Map 81, Parcel 129, for the purpose of allowing a second principal dwelling on a lot.

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

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

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


Board of Appeals Member

11/16/2023
Date

Received By

NOV 20 2023

Planning Dept.

PROCEDURAL HISTORY

1. Application from Section 1330 & 2540 of the Zoning By-Law for property located at 111 Main Street was filed by Atty. Rebecca Moore representative for the Diane C. Madden Trust on October 16, 2023.
2. After proper notice was given, the public hearing was opened on November 14, 2023 and closed on November 14, 2023.
3. The application was accompanied by a plan entitled:
SUBDIVISION OF PLAN OF LAND
IN SANDWICH
Newell B. Snow, Surveyor
November 30, 1963
4. The Board reviewed the application and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:

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

FINDINGS

The Zoning Board of Appeals finds that:

1. The Board of Appeals finds that this application meets the requirements of Section 9, M.G.L. Chapter 40A
2. Subject property is located within the R-1 Zoning District.
3. Subject property has 3.76 acres.
4. Subject property has approximately 420 feet of frontage on Main Street.
5. Subject property currently has one principal dwelling and one cottage/barn.
6. The applicants are seeking to designate the existing cottage/barn as a second primary dwelling.
7. The applicant submitted a Title 5 Official Inspection Form dated August 17, 2023 that identifies a septic system for the cottage/barn but states it has not appeared to have been used.
8. Applicant's representative states that the cottage/barn is capable of supporting year round occupation.
9. Section 1330 requirements:

- a) The Board of Appeals does not find that there are conditions peculiar to this case but not generally true for similar permitted uses on other sites in the same district;
- b) The Board of Appeals finds that nuisance, hazard or congestion will not be created;
- c) The Board of Appeals finds that there will not be substantial harm to the neighborhood;
- d) The Board of Appeals finds that there is no derogation from the intent of the bylaw such that the districts' objectives will be satisfied.

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

Second: Chase Terrio

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

CONDITIONS:

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

1. Failure to comply with all the conditions set forth in this decision shall terminate the grant of this special permit.
2. Pursuant to the requirements of Sandwich Protective Zoning By-law Section 1330, the grant of special permit shall expire upon:
 - (a) Transfer of ownership, prior to initiation of substantial construction on or occupancy of the site unless such transfer is authorized in this permit, or
 - (b) If no substantial construction or occupancy takes place within (3) three years of special permit approval, excluding such time required to pursue or await the determination of an appeal referred to in MGL C 40A, Section 17.

3. The special permit shall not take effect until it is recorded at the Barnstable County Registry of Deeds and a copy of the recorded special permit is provided to the Board of Appeals.
4. This special permit shall allow for a maximum of two principal dwellings on the subject property.
5. The dwellings shall be serviced by a septic system that meets the approval of the Health Department and the standards of occupation.

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

Second: Christopher Neeven

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

DECISION:

After reviewing the application, the plan and other materials submitted and after giving due consideration to testimony given at the public hearing, the Board hereby approves the special permit application for property located at 111 Main Street, as shown on Assessor's Map 81, Parcel 129 for the purpose of two principal dwellings on the same lot.

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

Second: Christopher Neeven

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

Town of Sandwich
THE OLDEST TOWN ON CAPE COD



Board of Appeals

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

**Special Permit Amendment
Certificate of Approval**

TOWN CLERK
TOWN OF SANDWICH

Petition #: 23-21
Applicant/Property Owner(s): Tsakalos Realty Trust
Property Address: 290 Route 130
Map, Parcel: 22-191
Registry of Deeds #: Book 7467 Page 312

NOV 16 2023
2 H 04 M 15 MS
RECEIVED & RECORDED

On November 14, 2023, the Board of Appeals voted to approve a special permit amendment from section 1330 & 4500 of the Sandwich Zoning By-law for property located at 290 Route 130, as shown on Assessor's Map 22, Parcel 191, for the purpose of creating a mixed use cluster development.

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

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 provides that no special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town clerk that twenty days have elapsed after the decision has been filed in the office of the town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The owner or applicant shall pay the fee for such recording or registering. A copy of that registered decision shall be returned to the Planning & Development office as proof of filing. Any person aggrieved by this decision may appeal to the Superior Court or Land Court as in Section 17 of Chapter 40A, M.G.L. by filing a NOTICE OF ACTION AND COMPLAINT with the Town Clerk within twenty (20) days of the date of filing of this decision.


Board of Appeals Member

11/16/2023
Date

Received By

NOV 20 2023

Planning Dept.

PROCEDURAL HISTORY

1. An application was filed on October 4, 2023 under section 4500 of the Zoning By-Law for property located at 290 Route 130.
2. After proper notice was given, the public hearing was opened on November 14, 2023 and closed on November 14, 2023.
3. The application was accompanied by a Plot Plan entitled:
SITE PLAN SHOWING EXISTING BUILDINGS
AND PROPOSED IMPROVEMENTS
COTUIT AND FALMOUTH ROADS, SANDWICH, MA
Eagle Surveying and Engineering, Inc.
Dated: October 22, 1994 and revised April 15, 1994 and August 23, 2023
4. The Board reviewed the application and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:

Christopher Neeven
Erik Van Buskirk
Chase Terrio
Mary Foley

FINDINGS

The Zoning Board of Appeals finds that:

1. The Board of Appeals finds that this application meets the requirements of Section 9, M.G.L. Chapter 40A.
2. Subject property is located within the B-2 Zoning District.
3. The property consists of 4.26 acres with 600 ft. of frontage on Route 130.
4. The applicant wishes to amend special permit petition #87-08, which created building one to include 5,600 s.f. in second floor for office space and retail space of 14,182 s.f. on first floor.
5. The applicant is seeking to convert the office space into 10 residential rental units with at least three units meeting the prescribed affordability restrictions.
6. The Board finds that the applicant is seeking to create 10 residential rental units with eight being approximately 600 s.f. and 2 being approximately 700 s.f.
7. The Board finds that 290 Route 130 is a Major Commercial Complex.
8. The Board finds the average bedroom count for the 10 units does not exceed 1.5.
9. The Board finds that the rental units will be located on the second floor.
10. Under Section 3120, 20 parking spaces are required, two spaces per unit. The applicant shall provide 31 spaces.
11. The Board finds unit size and configuration of the apartments meets the intent of the by-law to increase affordable rental stock within the Town of Sandwich.

12. Applicant states that 3 units shall be affordable.

13. Section 1330 requirements:

- a) The Board of Appeals does not find that there are conditions peculiar to this case but not generally true for similar permitted uses on other sites in the same district;
- b) The Board of Appeals finds that nuisance, hazard or congestion will not be created;
- c) The Board of Appeals finds that there will not be substantial harm to the neighborhood;
- d) The Board of Appeals finds that there is no derogation from the intent of the bylaw such that the districts' objectives will be satisfied.

Motion: I, Christopher Neeven, move to adopt these findings as the findings of the Board of Appeals.

Second: Chase Terrio

Vote:

Christopher Neeven	Yes
Erik Van Buskirk	Yes
Chase Terrio	Yes
Mary Foley	Yes

CONDITIONS:

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

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

4. The applicant will provide 3 affordable units. The units shall be restricted to families earning low to moderate income as defined by the Massachusetts Department of Executive Office of Housing and Livable Communities (EOHLC).
5. The applicant shall place a deed restriction that will be recorded against the property to require permanent affordability of all affordable units prior to or simultaneously with the recording of the special permit.
6. No occupation of any unit shall occur unless and until the affordable units have been determined as eligible for inclusion upon occupancy of the unit on the Town's Subsidized Housing Inventory as maintained by EOHLC or any successor agency.
7. The applicant must secure a Monitoring Agent prior to the occupancy of the units.

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

Second: Chase Terrio

Vote:

Christopher Neeven	Yes
Erik Van Buskirk	Yes
Chase Terrio	Yes
Mary Foley	Yes

DECISION:

After reviewing the application, the plan and other materials submitted and after giving due consideration to testimony given at the public hearing, the Board hereby approves the special permit amendment for property located at 290 Route 130, as shown on Assessor's Map 22, Parcel 191, for the purpose of creating 10 rental units in a mixed use cluster development.

Motion: I, Christopher Neeven, move to approve the special permit amendment.

Second: Chase Terrio

Vote:

Christopher Neeven	Yes
Erik Van Buskirk	Yes
Chase Terrio	Yes
Mary Foley	Yes

Town of Sandwich
THE OLDEST TOWN ON CAPE COD



Board of Appeals

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

**Special Permit
Certificate of Approval**

Petition # 23-23
Current Property Owner(s): JL Real Estate Group LLC
Applicant: Geovany Rivera
Property Address: 15 Jan Sebastian Drive Unit 2C
Map, Parcel: 27-033-02C
Registry of Deeds: Book 33468 Page 284

TOWN CLERK
TOWN OF SANDWICH

NOV 16 2023


2 H 04 M P M
RECEIVED & RECORDED

On November 14, 2023, the Board of Appeals voted to approve a special permit from Sections 1330 & 2200 of the Sandwich Zoning By-law for property located at 15 Jan Sebastian Drive Unit 2C, as shown on Assessor's Map 27, Parcel 033-2C, for the purpose of operating a motor vehicle wholesale and used car sales accessory to motor vehicle sales.

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

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

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


Board of Appeals Member

11/16/2023
Date

Received By

NOV 20 2023

Planning Dept.

PROCEDURAL HISTORY

1. An application for a Special Permit for 15 Jan Sebastian Drive Unit 2C was filed on October 24, 2023 under sections 1330 & 2200 of the zoning bylaw.
2. After proper notice was given, the public hearing was opened on November 14, 2023 and closed on November 14, 2023.
3. The application was accompanied by a plan entitled:
MODIFICATION PLAN
D&R CONDOMINIUM
SANDWICH, MASS
Dated: June 1986
4. The Board reviewed the application and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:

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

FINDINGS

The Zoning Board of Appeals finds that:

1. The Board of Appeals finds that this application meets the requirements of Section 9, M.G.L. Chapter 40A.
2. The Board of Appeals finds that the subject property lies within the FLEX zoning district and Water Resource Overlay zoning district.
3. The Board of Appeals finds that the subject property has shared access frontage on Jan Sebastian Drive.
4. The Board of Appeals finds that the applicant wishes to use unit 2C for motor vehicle wholesale and used car sales accessory to motor vehicle sales.
5. The Board of Appeals finds that unit 2C has been used for motor vehicle service and repair and the applicant will continue that use to prepare vehicles for sale.
6. The Board of Appeals finds that unit 2C has up to 3 parking spaces associated to it.
7. Section 1330 requirements:
 - a) The Board of Appeals does not find that there are conditions peculiar to this case but not generally true for similar permitted uses on other sites in the same district;

- b) The Board of Appeals finds that nuisance, hazard or congestion will not be created;
 - c) The Board of Appeals finds that there will not be substantial harm to the neighborhood;
 - d) The Board of Appeals finds that there is no derogation from the intent of the bylaw such that the districts' objectives will not be satisfied.
8. The applicant has submitted an application to the Town of Sandwich for approval of a class 2 used car dealer license.

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

Second: Christopher Neeven

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

CONDITIONS:

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

1. Failure to comply with all the conditions set forth in this decision shall terminate the grant of this special permit.
2. Pursuant to the requirements of Sandwich Protective Zoning By-law Section 1330, the grant of special permit shall expire upon:
 - a) Transfer of ownership, prior to initiation of substantial construction on or occupancy of the site unless such transfer is authorized in this permit, or
 - b) If no substantial construction or occupancy takes place within (3) three years of special permit approval, excluding such time required to pursue or await the determination of an appeal referred to in MGL C 40A, Section 17.
3. The special permit shall not take effect until it is recorded at the Barnstable County Registry of Deeds and a copy of the recorded special permit is provided to the Board of Appeals.
4. Limit of 12 vehicles or watercraft on site at any one time.

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

Second: Christopher Neeven

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

DECISION:

After reviewing the application, the plan and other materials submitted and after giving due consideration to testimony given at the public hearing, the Board hereby approves the special permit application for property located at 15 Jan Sebastian Drive Unit 2C, as shown on Assessor's Map 27, Parcel 033-2C, for the purpose of operating a motor vehicle wholesale and used car sales accessory to motor vehicle sales.

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

Second: Christopher Neeven

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