



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, MA 02649

**Meeting of the Mashpee Planning Board
Wednesday, December 20, 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 December 6, 2023

Public Hearings

7:10 PM

Applicant: Ockway Highlands, LLC
Location: Map 104; Parcels 20, 14, 48
Request: Applicant is requesting that the required sidewalk as shown on the approved subdivision plan referenced in Condition #1 of the recorded decision be removed as a requirement.

7:15 PM

Applicant: Ockway Highlands, LLC
Location: Map 104; Parcels 20, 14, 48
Request: Applicant is seeking approval of a modification to a Definitive Subdivision Plan of land approved on June 4, 2014 and recorded in Barnstable County Registry of Deeds Plan Book 654 Page 21. The applicant requests a further waiver from the requirement to install sidewalks at least 4' in width on at least one side of a street in accordance with the Mashpee Rules and Regulations Governing the Subdivision of Land.

7:30 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.

MASHPEE TOWN CLERK
DEC 15 '23 AM 11:35



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New Business

- Discussion of an updated draft of Raze & Replace Bylaw and the desired process for review of draft with applicable regulatory boards and other stakeholders prior to submission of a warrant article to the Select Board.

Old Business

- Continue review of draft implementation table of the Local Comprehensive Plan Update

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

- Town of Falmouth Notices
- Town of Sandwich Notices

Additional Topics (not reasonably anticipated by Chair)

Public Comment

Adjournment

MASHPEE TOWN CLERK
DEC 15 '23 AM 11:36



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Mashpee Planning Board

Minutes of Meeting

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

Broadcast Live on Local Channel 8

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

Streamed Live on the Town of Mashpee website

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

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

Also Present: Evan Lehrer – Town Planner, Jack McElhinney – Attorney for Willowbend

Virtually Present: Matthew Eddy – Baxter & Nye Engineering, Ed Pesce – Consulting Engineer

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 15, 2023

There were no comments regarding the meeting minutes for November 15, 2023.

MOTION:

Mr. Richardson made a motion to approve the meeting minutes as presented. Seconded by Mr. Balzarini. All in favor.

PUBLIC COMMENT

Lynne Barbee- She is Chair of the Human Services Committee and she wanted to comment on the Housing Production Plan. She would like to be available and included in one of those stakeholder meetings. It's a very important document. With December 18th as a deadline, does that give enough time for feedback?

Mr. Lehrer replied that stakeholder meetings are afforded to regulatory boards as well as the development community, to determine whether our proposed strategies are feasible. We don't want to implement actions that cannot be completed. Those meetings should wrap up within



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the next two weeks. He did have an opportunity to speak with the Cape Cod Commission about the grant draft. He would like to make the comment period inclusive and efficient. We will be sure that the comment period on the draft is substantial. It would be unique to put Ms. Barbee on this list.

Ms. Waygan advocated that Ms. Barbee is the Chair of Human Services and goes to all Affordable Housing Meetings. Ms. Faulkner will follow up with an update at the next meeting.

PUBLIC HEARING

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

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

Mr. McElhinney is here for Southworth, along with Matthew Eddy, Principal of Baxter & Nye and site engineer. There are two issues needing to be discussed and resolved relative to the project. First is the bedroom count issue, a separate application to discuss later. The other major issue holding up progress was unable to make required special permit findings. The environmental board indicated its strong desire to wait for indications from the Conservation Commission for review of the project to proceed on a parallel track. Mr. McElhinney reminded the Board about the reduction in the scope from 14 units to 12 units. The buffer was increased on Quinaquisset to 75 feet and the bulk of wetland impact. They agreed with Conservation to take that storm water design and concept through Baxter & Nye. The preliminary report dated November 16, 2023 showed a significant amount of work to be done with regulatory determinations. In conclusion, the project was said to have significant environment benefits. They are doing the work requested of them in terms of regulatory compliance, next they will go before Conservation in January and they hope to move forward.

Mr. Pesce reiterated the removal of 2 units, he noted the setback of 65ft. plus another 5ft. of clearance to total 70ft. On sheet C3.1, he made a number of comments, revisions of the grading, storm water, issues regarding groundwater elevation, and other minor stuff. The design changed to allow for more space between buildings. Comments were addressed



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satisfactorily. Plans have been properly revised, all previous concerns were answered, it is designed for 100 year storm, and in accordance with current general practice.

Mr. Eddy echoed Mr. Pesce about the 70 ft. buffer, relocation of wetlands reduction, increase of road widths to 20 ft., and shoulders are now 5 ft. The T turnaround was reconfigured so no driveways are affected. There will be a no parking sign on T turnaround. The elimination of units allows distance between structures to be greater than 20 ft. The overall lawn area has been increased.

Ms. Waygan confirmed the removal of the cart path along Quinaquisset. Mr. Eddy affirmed there is no cart path along that road and that entire buffer area off Quinaquisset is undisturbed aside from the main entrance.

Mr. Balzarini asked if there was going to be any restoration behind the development on Quaker Run. The restoration areas are the bogs that run to the westerly side, directly along Quaker Run. He would like them to keep an open mind regarding further up Quaker Run. He agrees the benefits seem pretty good. Mr. Eddy explained that area is targeted and mitigation will be restored over 13:1 ratio. The restoration being provided is well over the wetland mitigation bylaw requirements.

Ms. Waygan requested Mr. Eddy elaborate more on the 13:1 ratio and how one obtains that. Mr. Eddy referred to the mitigation table. There are three small areas, wetland impact areas next to Quinaquisset Ave., behind units 10 and 11, then an isolated area to the east near the village green, and a small wetland area behind cottage 6. When those mitigation areas are added up, that total acreage, in comparison to the amount of bog restoration, equals a ratio of 13:1.

Ms. Waygan pointed to C6.1 and inquired across the 5,000s.f. if we are providing 2 acres of restoration. This is 88,000s.f. of mitigation and restoration of the bogs, as opposed to the 6,000s.f. wetland impact. Mashpee Bylaw requires 2,000s.f. of wetland mitigation.

Ms. Faulkner asked how many years it would take to restore these bogs. Mr. Eddy stated the construction is 6 months, then each year there will be visible improvements. It's in the neighborhood of 3-5 years where the wetland system bounces back and is fully established. There is a built in 3 year monitoring multiyear process. Willowbend will put up a performance bond to make sure everything is running.

Mr. Oakley asked what the wetland will look like in the end. Mr. Eddy exclaimed the goal would be to restore itself to a naturalized wetland system and stream. Previously he provided pictures of restored bogs to the Board, he will resubmit.



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Ms. Waygan would like Mr. Eddy to resubmit those photos.

MOTION:

**Mr. Balzarini made a motion to continue the Public Hearing to a later time of 8:05P.M.
Seconded by Mr. Richardson. All in favor.**

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

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

Chair Faulkner provided some back story. On July 31, 2023 a legal letterhead from one Attorney Donald Pinto was forwarded to Attorney Patrick Costello, Legal Counsel for the Town. An e-mail from the Town Manager was sent to Town Counsel where the July 31st letter was in question and the governing authority wanted clarification. On August 22nd Chairwoman attended a Zoom with Attorney Donald Pinto, Jack McElhinney, Troy Miller, and Town Planner, Evan Lehrer. Attorney Pinto outlined his arguments and Town Counsel suggested a formal request for the Planning Board to go into executive session to assert merits. The Board met on September 20th and agreed executive session was not happening unless there was a written request. An exchange between the Town Manager and Chair Faulkner ensued on September 21st, he was aware of the letter and there was push back from members of the Board regarding ex parte communications and transparency of process. It was concluded no executive session, as that would be premature. Ms. Faulkner wrote a memo to the Board on October 18th because of her appearance in that Zoom which could have been a violation. She was asked to be present by Town Counsel. She listened to his arguments. The only time she recalls speaking at all was in regards to the interpretation of the 853 bedroom cap. The question remains, is it in accordance with density as a function of zoning or wastewater capacity. No negotiations took place, she is a former officer of the court, and nothing resulted from the August 22nd Zoom meeting, and her duty to act impartially remains intact.

Mr. McElhinney noted this is a hold up to the Cranberry Point project. This issue came up many months ago and it's been a struggle to find a resolution. He appreciated the chronology but the legal position from the July 31st letter was because there was a fundamental disagreement regarding enforceability of the 1991 document. Bedroom count was tied to the capacity of the sewer treatment in 1987 and as it exists today. DEP limitations have been waived for the past 15 years. They would like a resolve and to be able to move forward however that looks.



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Mr. Lehrer will provide some clarification. The memo on August 2nd shows estimates more inflated. The original estimate included four streets that were actually not subject to the Willowbend Special Permit. According to the accessors map that is 140 bedrooms. 140 subtracted from 995 is 855. Mr. Lehrer's best guess is 855 bedrooms, their total is higher. His questions to the Board pertain to the following. Currently, there are homes in the Willowbend area that have a building permit and are under construction. How do we want to proceed with those homes if we don't have a modification to accommodate those bedrooms? Are you interested in modifying the permit in those bedrooms? There are at least 13 properties in Willowbend, properties that remain vacant and have not exercised their development rights. Those 13 property owners plus 4 of the 6 lots, assuming each is a 4 bedroom layout, constitutes 68 additional bedrooms. Is the Board interested in modifying the permit to appease those property owners?

Ms. Faulkner suggested when these buyers closed on these lots, their closing attorney would not necessarily show the buyer the special permit that says what it says. It was stated they would have seen that as part of their title exam.

Mr. Lehrer circled back to his questions, one being about the projects in the permit currently under construction, the vacant lots, and the Board's interest to further accommodate up to 287 unit max as we had for Cranberry Point, or some other project should that not be feasible?

Ms. Waygan noted procedurally, the Public Hearing is closed before a board goes into deliberation. She is not comfortable with being flexible on this project. She is disturbed that there were members of this group that felt it was going to be a lawsuit. We should be strict on how we proceed if people feel there is a willingness for our decision to be challenged in court. Hence, she doesn't want to trigger anything that will become a procedural issue. In the past, we have given an opinion, but with this, she is not expressing any opinion until the Public Hearing is closed and there is formal deliberation. She cautions others on the matter as well. We should get the website updated with the application as amended and any other amendments, any correspondence such as the Town Manager e-mails, Attorney Pinto's letter, Town Planner updates, Town Counsel's response, and Board meeting minutes from June 21st, July 5th, August 2nd, September 6th, and October 18th. Our next step is to request access to Town Counsel to have a public meeting with him and ask questions on zoning bylaw for the zoning applicant referenced. How a permit is modified, approved with conditions, or denied. What information does the Planning Board need to make those findings and decisions.

Mr. Balzarini commented we are not going to take bedrooms that are already there, he doesn't want to take those rights for what is being built.



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Ms. Waygan asked how a proponent can bring forth violations and come compliant, and then how does it affect this Board's modifications to the Special Permit.

Mr. McElhinney rejects the idea that they are not in compliance. Anything asked or suggested by this Board has been attended to thoroughly. We were asked to bring forward a modification for the bedrooms, and they did that in the spirit on moving forward. He does believe it has grown out of proportion. He wants to remind this Board they introduced Town Counsel into this matter. Without any notice to them, members of this Board met with Town Counsel in early April or May, soliciting an opinion about whether they were in compliance. It was then reported they were not and door to door bothering of our property owners was threatened, so yes, they defended their legal right. The Chair should understand as a matter of courtesy when a party is represented, our counsel directs correspondence to Patrick Costello. It's unfortunate it was blown into something greater. This Board sought legal opinion. When did Ms. Waygan meet with Mr. Costello? He answered back in April.

Ms. Waygan thinks there was a request to get information from Town Counsel, she was not Chair so she dropped off the conversation. She would like to follow up with Town Counsel, she has some serious technical issues about this. She does not want to go down a pathway that causes a problem for anyone.

Mr. McElhinney would encourage a revisit to the history of this matter. It was suggested they bring this as a separate modification in hopes it would get beyond that. He is now requesting the right to withdraw without prejudice. He doesn't see any utility to this process. He would ask the Board approve that.

Mr. Lehrer posed three questions previously and is still awaiting an answer.

Ms. Faulkner figures they are exceeding 130 bedrooms over the maximum limit, assuming all configurations have four bedrooms.

Ms. Waygan noted this is not up to date. Any new permits that come online she would like to capture.

Mr. Richardson thinks too much time is being spent on this and it's becoming messy. He would like to move forward. The wastewater treatment hooks up many other facilities, is there any damage anywhere?

Ms. Waygan emphasized this was a 134 unit mistake. She really wants to see what their power is and she would like to speak with Town Counsel. People who bought this land had



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lawyers that looked at this. How this slipped through she is unsure. Town Counsel feels the cap was a zoning issue not wastewater capacity.

Mr. Balzarini asked what is to be gained. We have given them 22 modifications. He doesn't understand where his fellow member is going or what the gain is for all the pushback.

Ms. Waygan answered that this lot of land to be developed, without this Special Permit it is under current zoning, but trying to expand into Cranberry Point with the special permit they can have up to 12 units because they are using 1985 zoning. Who gets to use that? They should use current zoning. That special permit has a growth mechanism in it, it froze the bylaw in place. Our bylaw has changed over 2 decades. You're not supposed to use 1985 zoning forever. She would like to defer to Town Counsel about it. If people have purchased development rights that aren't real, that's a huge problem. Is this in our jurisdiction?

Ms. Faulkner asked about the Special Permit and how certain areas fall under its orbit.

Mr. Lehrer stated our current zoning has a provision to allow any multi permitted project to expand, you specifically authorized the use of zoning criteria, that's what the Town has adopted.

Ms. Waygan noted you have to maintain all conditions under that Special Permit. This project is not abiding by their conditions. You cannot annex land into a Special Permit. There is no mechanism to go forward on this.

Ms. Faulkner asked what the Board will do after the closing of this Public Hearing.

Mr. McElhinney repeated his request to withdraw the application without prejudice. These issues need to be resolved in another forum.

MOTION:

Mr. Balzarini made a motion to withdraw without prejudice. Seconded by Ms. Waygan. All in favor.

Ms. Waygan followed up that she would like to see Town Counsel respond to this and she would like the documents in public record and on the website.

Mr. Lehrer agreed that in the event of an appeal, the record is concise.

Ms. Waygan would like to add to the website the application and plans as amended, correspondence from Mr. Pesce, the Special Permit dated 1987 as amended, correspondence



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from Wendy Williams, Arden Russell, and Tom Fudala. She is unsure how many people came to provide comment, she would also ask for the minutes from March 1st, March 8th, March 29th, April 19th, May 3rd, June 7th, June 21st, August 2nd, September 2nd, and October 18th. This should be inclusive of the site visit and any notes from March 8th. She would like the Town of Mashpee's Rules and Regulations governing subdivision of land, the 2017 Special Permit Regulations, current zoning bylaw, the 1985 Zoning Bylaw, and all written comments.

Mr. Lehrer will take that direction.

Mr. McElhinney doesn't see a need to close the hearing, he would caution the Board it is not within their purview or jurisdiction with zoning, any attempt based solely on bedroom count, an alleged violation, is suspect as a legal matter. He thinks they should talk to Town Counsel and review where we came from. Every request has been accommodated on this project since day one, including widening, splitting, increasing buffers, modification with this Board in 1992 where the 100 ft. buffer was specifically waived, not only up the street but the parking lot across from this site. We are prepared to do more on mitigation to the cranberry bogs if that would get us over the hurdle. This has been held up with issues, at this point he is unsure why we are still here discussing this. This Board can certainly address the bedroom count in the context of a final decision. We do have to bring this to a head. If Town Counsel's input would help, that's why Willowbend reached out to him. They welcome the opportunity.

MOTION:

Ms. Waygan made a motion to continue the Public Hearing on 275 Quinaquisset Ave. for December 20, 2023 at 7:30p.m. Mr. Richardson seconded. All in favor.

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.

Mr. Lehrer doesn't want to extend the review period and editing period for longer than necessary. If we need more than one joint meeting we can do that. He would ask to set the joint meeting to begin the review, subsequent to closure, the draft requires edits.

Ms. Waygan does not want to vote for a plan that doesn't have a comment period. We should meet jointly to start reviewing it, she will vote no unless there is a comment period. We should meet to review the plan, but not meet to adopt. Ms. Waygan is available for a 6:30P.M. start time.



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MOTION:

Ms. Waygan made a motion to agree to a joint meeting with the Select Board to be held on Monday, December 18, 2023 to review but not adopt the Housing Production Plan. Seconded by Mr. Richardson. All in favor.

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.

Mr. Lehrer is suggesting an invitation to those three boards to participate in a process to finalize Raze and Replace. He presented changes which will require more work, and more with the neighborhoods affected, boards that have a hand, most notably Board of Health, Zoning, and Conservation. He doesn't have a proposal, he just wants a consensus that inviting these entities would be beneficial. They can come up with a process for community engagement by workshopping a bylaw that is more consistent with efforts brought forth as important by the town. We can start with our last draft. The Board could offer their issues at that time. He wants to start getting the public involved. His complaints are about discretion and the proposal will provide parameters around detriment and non-conformities. This requires process and time.

Ms. Waygan doesn't understand the items the petitioner earmarked as an issue, she needs to understand what they are looking for before introducing more people. This is coming because of a petition article, so we should listen to the petitioner first. We have an e-mail from the lead petitioner.

Mr. Lehrer argued that would be an added step in the process. It offered too much expansion of footprint. It needs to be much clearer with firmer understanding, feedback from a very small group within these neighborhoods.

Ms. Waygan stated it's so complicated, then Town Counsel edited and the PowerPoint, she keeps reading it again, it hasn't sunk in yet.

Mr. Richardson is asking why Zoning isn't taking the lead on it, Ms. Waygan stated it's under a court case because the bylaw doesn't say detrimental to the neighborhood.

Mr. Lehrer stated the consensus is other chairs are desperate to get involved. Let's see what the petitioner says about what was drafted. They can convene with everyone. He can go back to that draft and comments from the last go through. There are a few provisions that are of particular interests. In projects mostly completely in land subject to coastal storm flow, there will not allow for any increase in coverage or footprint of structure. He will reevaluate his last draft, we will review it together, then invite boards. He will send it to petitioner for comment as well.



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Mr. Hansen asked what happens when we get a new bylaw, we are all in agreement, now ZBA does what with the bylaw? He's looked at some ZBA approvals. They seem blatantly outside the bylaw guidelines.

Mr. Lehrer answered if we adopted a bylaw there will be far more clarity around how they render decisions. If they are ignored then the town would be subject. An applicant can request to alter and we would prescribe certain actions that would determine detriment.

OLD BUSINESS

Review update draft implementation table of the Local Comprehensive Plan Update

Ms. Waygan noted the time is late and she would like to hold off on this until December 20th to see if more of it can be digested.

Mr. Balzarini did transportation, Mr. Lehrer stated the section is in very good shape regarding goals, policies, and actions. One modified action contemplates utilization of mitigation dollars taken in by DRI, and since that application has been withdrawn. Action TC3, there are a number of intersection improvements by Shellback Way, all of them carried through in the table and proposed as an action. The project was referred to the Commission at subject site to implement intersection improvements. That project is withdrawn and unclear if it will resubmit, if a Special Permit is sought it should be a condition requiring improvement of that intersection or a DRI.

Mr. Lehrer commented the town has been accepting layouts without consideration to maintenance costs and we have an action that considers the Select Board modify the road taking policy. It costs the town just to perform the study. If we decided not to do the road the town is out \$80,000. Lastly, he wants to include as an action, 209 Old Barnstable Road traffic study. He can run a report outlining a series of actions or improvements.

Mr. Balzarini noted under TC9 to have transportation, we also need bus shelters. Ms. Waygan stated they cost about \$35,000. TC10 says to establish a transit hub to go to Boston in or around the Mashpee rotary. TC11 notes to work with Mass DOT with the retrofit. Mr. Balzarini does not want to change the rotary. Mr. Lehrer noted there is potential for a modern roundabout in efforts to reduce traffic and increase flow, it is worth reevaluating long term potential and evaluate in the future. Retrofit is enough.

Mr. Lehrer stated the Town vehicles have not used gas in three years. Mr. Balzarini inquired about an electrical dump truck. He would like to note the carbon emissions with the battery destruction.



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Ms. Waygan referenced TC17 about the greenway. TC5 talks about conductivity between neighborhoods and it should be between open space areas, we need to add the word between. When she is approaching the convenient store from the soccer fields and she stops at this light here, when people are taking a left to Great Neck Road North only four cars get through. What if we had more like 8 cars go through? She thinks if a rotary is added it will double her time and she will get stuck anyways. There needs to be a traffic study. TC11 noted to consolidate and reduce curb cuts along Rt. 151, we need to add within internal circulation roads.

Mr. Lehrer would like to consider alternate design options for the potential rotary outside Town Hall.

Ms. Faulkner would like to assess the traffic lights and see if they can be synced.

Mr. Lehrer wrote most of sustainability and he reviewed Ms. Waygan's housing edits. He doesn't have any suggested edits on sustainability.

BOARD ENGINEER REPORT

Project Reviews and Inspections

Mr. Pesce commented that November 16th was the last time he spoke with the Board. He met with a representative from New Seabury to go over three projects that have not had a release of surety, and wanted to go over what was left to be done. They are under agreement in all three. One was virtually completed 10 years ago, Fairway Homes at Seaside, it was constructed years ago, there is a pool house being constructed on one property. Site walk determined a couple of things. He went to The Cottages at phase 3, which he reviewed with the Board about topography and grades around building, all that construction has been completed. There were a couple small items needing to be taken care of such as outlets, elbows, and catch basins to catch debris. Finally, phase 4 for Ockway Village cottages in New Seabury closest to the entrance. They are adding the final paving and base course paving at the cul-de-sac end. There are various things still needed there. Mr. Lehrer will need a list of remaining items for each project. Mr. Pesce will re-inspect and follow up. They can close out a couple projects, or at least get some money returned. Bonds for these projects are almost \$3Million.

The Country Club Estates phase 2 had base course paving road work last week, there were several inspections to look at base course gravel thickness and width. Infrastructure is in and piping for electric, water, and drainage systems are in. He is looking to meet back with them in the coming months.



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Mr. Pesce also wanted to inform the Board he is involved with two zoning projects, one at 40 Evergreen Circle and 50 Evergreen Circle, commercial contractors in the same area.

CHAIRWOMANS REPORT

Water Quality Issues

Chair Faulkner wanted to applaud the special vote on November 28th, of 12,900 registered voters there were 1,070 'yes' votes and 380 'no' votes, and 2 left blank. That is 10.67% of total registered voters.

TOWN PLANNER REPORT

Harbor Management Planning Committee Update

The Committee met last month, we are currently in development at the closure of year one. He remembers the consultant saying 75% completion, still another year to go. At this point the work is being done and the Committee is less involved.

Mr. Oakley stated there will be another public information session at Mashpee Village. There was little turn out but some great information was received from folks that attended. He met with the Tribe's elders using lunch and learn, he suggested another lunch and learn session for the Tribe after the holidays. That will satisfy their requirements for public engagement.

Housing Production Plan Update

The HPP is in development. There are some outstanding stakeholder interviews. The Affordable Housing Committee will meet this upcoming Tuesday. They are very near completion of the final components. The Planning Board, Select Board, and Affordable Housing Committee will be first to review. As soon as he has it he will get it to the Planning Board.

BOARD MEMBER COMMITTEE REPORTS

Cape Cod Commission –

Working on their own housing plan. Ms. Waygan found their design guidelines. She will provide them to the Board.

Charter Review Committee-

Meet December 17th. Lot of Public Comment at last meeting. We want the preamble to be first for our federally recognized Tribe.

Community Preservation Committee-

Meeting next Thursday. Reviewing same applications.

Design Review-

No Meeting

Plan Review-

No Meeting

Environmental Oversight Committee-

Canceled then convened, Mr. Lehrer was present. There is a new member. Mr. Lehrer has the Community Coordinator role. They are forming a land



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acquisition committee. DNR for next MVP funding
round. Next meeting December 11th.
No Meeting, interviewed two candidates.

Historic District Commission-

ADJOURNMENT

**Mr. Balzarini made a motion to adjourn the meeting of the Planning Board at 9:27P.M.
Seconded by Mr. Richardson. All in favor.**

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

Respectfully Submitted,

Christine M. MacDonald
Board Secretary

LIST OF DOCUMENTS

Additional documents may be available in the Planning Department.

- 32 Crescent Road Mass DEP 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= 5.2
- Town of Barnstable
- Town of Falmouth Notices
- Town of Sandwich Notices

PHN 7:10 PM: OCKWAY HIGHLANDS



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Mashpee, MA 02649

Mashpee Planning Board Public Hearing Notice

Pursuant to Massachusetts General Laws, Chapter 40A, Section 9 and the Mashpee Zoning Bylaw Sections 174-24(C) and 174-47, the Mashpee Planning Board will hold a public hearing on Wednesday, December 20, 2023 at 7:10 PM in the Waquoit Meeting Room, at the Mashpee Town Hall, at 16 Great Neck Road North, Mashpee, MA 02649 to consider an application made by Ockway Highlands LLC for approval of a special permit modification of a cluster subdivision known as Ockway Highlands originally issued to BCDM LLC and on record at the Barnstable County Registry of Deeds in Book 28196 Page 307. The special permit decision relates to properties addressed as follows: 51, 55, 58, 61, 62, 65, 66, 69, 70, 76, 80 and 84 Blue Castle Drive, as well as 0, 8, 12, 16, and 20 Carriage Road.

The applicant is requesting that the required sidewalk as shown on the approved subdivision plan referenced in Condition #1 of the recorded decision be removed as a requirement. As noted in Finding #35 of the recorded special permit decision, "The final set of plans submitted showed a sidewalk on the north side of Blue Castle Drive between the eastern boundary of the Project and Carriage Road...". The Board had granted a waiver from the requirement to install a sidewalk for that section of Blue Castle Drive west of Carriage Road. This application requests approval of the Board to further waive the sidewalk requirement in totality. The approved subdivision plan notes that "Road construction to comply with the Town of Mashpee Rules and Regulations Governing the Subdivision of Land design standards, except where noted." The plans and submitted application can be viewed in the offices of the Town Clerk or the Town Planner.

Submitted by
Karen D. Faulkner, Chair

Publication Dates

Friday, November 24, 2023
Friday, December 1, 2023

MASHPEE TOWN CLERK
NOV 22 '23 AM 9:59

PHN 7:15 PM: OCKWAY HIGHLANDS



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, MA 02649

Mashpee Planning Board Public Hearing Notice

Pursuant to Massachusetts General Laws, Chapter 41 Section 81T and the Mashpee Rules and Regulations Governing the Subdivision of Land, the Mashpee Planning Board will hold a public hearing on Wednesday, December 20, 2023 at 7:15 p.m. in the Waquoit Meeting Room, at the Mashpee Town Hall, at 16 Great Neck Road North, Mashpee, MA 02649, to consider an application made by Ockway Highlands, LLC for approval of a modification to a Definitive Subdivision Plan of land approved on June 4, 2014 and recorded in Barnstable County Registry of Deeds Plan Book 654 Page 21 that created 15 building lots totaling 152,758 s.f. (each lot ranging between 10,163 s.f. and 10,338 s.f.) and 3 open space lots totaling 339,120 s.f.. The applicant requests a further waiver from the requirement to install sidewalks at least 4' in width on at least one side of a street in accordance with the Mashpee Rules and Regulations Governing the Subdivision of Land. The approved plans show a sidewalk on the north side of Blue Castle Drive between the eastern boundary of the project and Carriage Road. The Board had granted a waiver from the requirement to install a sidewalk for that section of Blue Castle Drive west of Carriage Road. The applicant is now requesting the Board's approval to eliminate that sidewalk between the eastern boundary of the project and Carriage Road.

The application and relevant plans may be reviewed in the offices of the Town Clerk or Town Planner at Mashpee Town Hall.

Submitted by

Karen D. Faulkner, Chair
Mashpee Planning Board

Publication dates:

Friday, November 24, 2023
Friday, December 1, 2023

MASHPEE TOWN CLERK
NOV 22 '23 AM 10:00



FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN *Modification*

Date 10/24/2023

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

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

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

Owner, if different — Phone —

Address —

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

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

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

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

or Land Court Certificate of Title No. —

Location and description of property

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

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

Attach written authorization signed by owner.

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



Town of Mashpee

Planning Board

100 Circuit Neck Road, North
Mashpee, Massachusetts 02649

APPLICATION FOR SPECIAL PERMIT MODIFICATION

Date received by Town Clerk: _____ Town Clerk Signature / Seal: _____

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

Ockway Highlands

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

Book 2136 Page 225

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

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

Owner, if different _____ Phone _____

Address _____

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

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

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

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

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

Section(s) of the Zoning Bylaw which require(s) the permit you seek: § 17A-24 C9

WAIVER FROM SEC. IX (I)
(SIDEWALKS)

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

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

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

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

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

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



Ockway Highlands Realty Trust, L.L.C.

Jacques N. Morin, Trustee

P.O. Box 1726 Mashpee, MA 02649

October 24, 2023

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

Dear Board Members,

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

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

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

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

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

Thank you,

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



APPLICATION FOR SPECIAL PERMIT MODIFICATION

Date received by Town Clerk: _____ Town Clerk Signature / Seal: _____

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

Ockway Highlands.

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

BOOK 2136 PAGE 225.

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

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

Owner, if different _____ Phone _____

Address _____

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

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

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

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

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

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

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

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

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

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

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

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



FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

Date 10/24/2023

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

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

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

Owner, if different — Phone —

Address —

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

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

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

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

or Land Court Certificate of Title No. —

Location and description of property

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

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

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

Attach written authorization signed by owner.

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

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

QUITCLAIM DEED

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

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

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

WITH QUITCLAIM COVENANTS

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

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

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

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

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

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

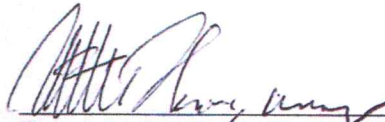
BARNSTABLE COUNTY EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 09-01-2017 @ 02:33pm
Ct1#: 906 Doc#: 44876
Fee: \$3,139.56 Cons: \$1,025,700.00

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

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

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

BCDM LLC



By: MATTHEW HANEY, MANAGER

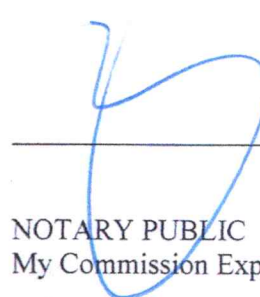
COMMONWEALTH OF MASSACHUSETTS

County: BARNSTABLE

AUGUST 31, 2017

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




NOTARY PUBLIC
My Commission Expires:



Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

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

I. Proposal

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

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

II. Jurisdiction

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

III. Chronology

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

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

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

IV. Findings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

V. Conditions

APPROVED PLANS

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

ALLOWED USES AND AFFORDABLE HOUSING REQUIREMENT

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

DIMENSIONAL REQUIREMENTS APPROVED

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

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

SIGNAGE

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

OPEN SPACE

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

PRIOR TO SIGNATURE OF SPECIAL PERMIT

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

TRAFFIC MITIGATION

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

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

PUBLIC SAFETY MITIGATION

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

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

WATER QUALITY MITIGATION

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

GENERAL CONDITIONS

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

VI. Expiration, Extension or Modification

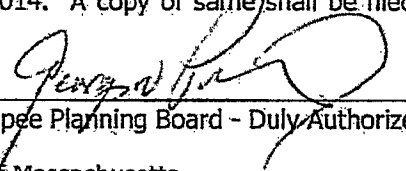
Pursuant to Massachusetts General Law, Chapter 40A, Section 9 and Article IX, Subsection 174-47.C.(5) of the Mashpee Zoning Bylaw, this Special Permit shall lapse within 2 years, which shall not include such time required to pursue or wait the determination of any appeal from the grant hereof, if a substantial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

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

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

VII. Signature and Filing

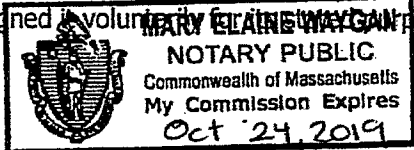
This Special Permit decision document, which incorporates by reference herein all attachments and plans, has been approved on this 7th day of May, 2014. A copy of same shall be filed with the Town Clerk in accordance with applicable law.

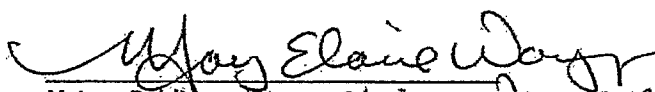

Mashpee Planning Board - Duly Authorized Member

Commonwealth of Massachusetts

Barnstable, ss

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




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

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


Town Clerk

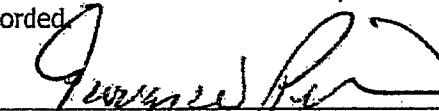
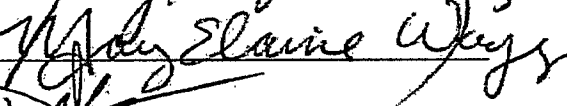
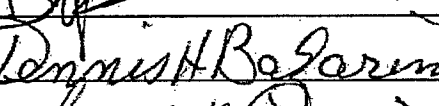
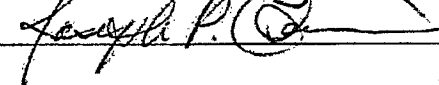
Notice of this decision was mailed on MAY 9, 2014 to the applicant, to the parties in interest designated in Massachusetts General Law, Chapter 40A, Section 11 and all persons at the hearing who requested such notice. Any appeal should be made pursuant to Section 17 of Chapter 40A of the Massachusetts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

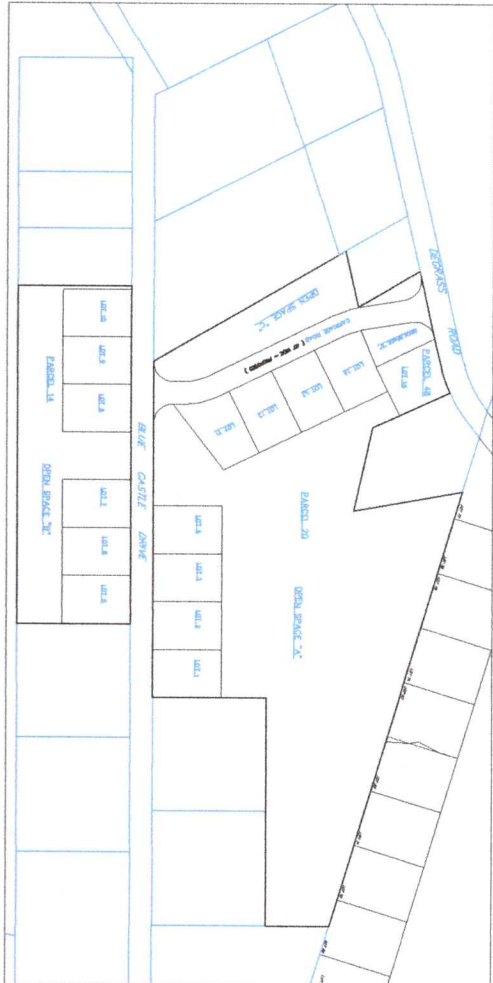
I, Debra Dami, Town Clerk of the Town of Mashpee, hereby certify that a copy of this decision and the accompanying plans endorsed by the Planning Board were filed with the office of the Town Clerk on May 8, 2014 and that no appeal of that decision was filed within 20 days thereafter.


Town Clerk

Date: June 2, 2014

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



OCKWAY HIGHLANDS

PLAN INDEX

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


| | | | | |
|----------|--------|--|-------|-----|
| 2 | 4/1/14 | ASSED SEE MAPS AND SHEET "11" | MOD 1 | CS |
| 1 | 2/5/14 | REVISED AS PER PLANNING BOARD COMMENTS | APPC | CC |
| APPROVAL | DATE | DESCRIPTION | BY | APP |

BCDM LLC
 98 CHARLES STREET, SUITE 215
 BOSTON, MA 02114

OWNER OF RECORD:
BCDM LLC
 98 CHARLES STREET, SUITE 215
 BOSTON, MA 02114

PROJECT:
 PROPOSED SUBDIVISION OF LAND
 "OCKMAY HIGHLANDS"
 IN
 MASHPEE, MASSACHUSETTS

SHEET NO. 1 OF 11
 SCALE: AS SHOWN
 DRAWN BY: MJC
 PREPARED BY:

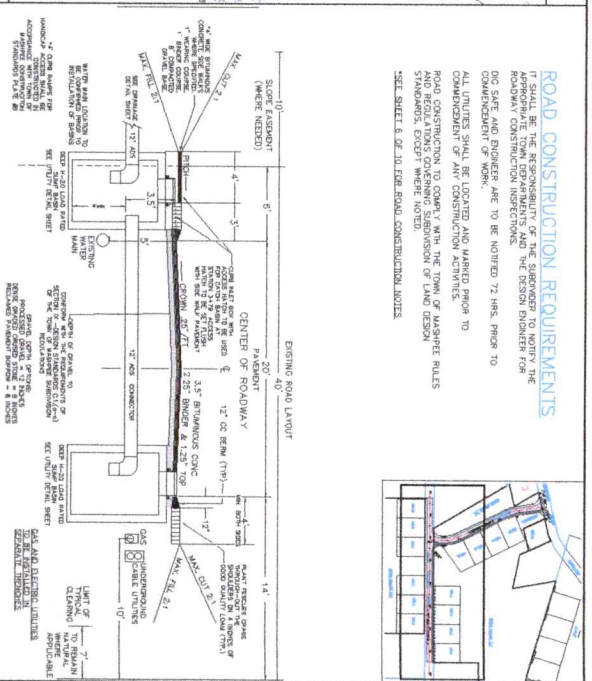
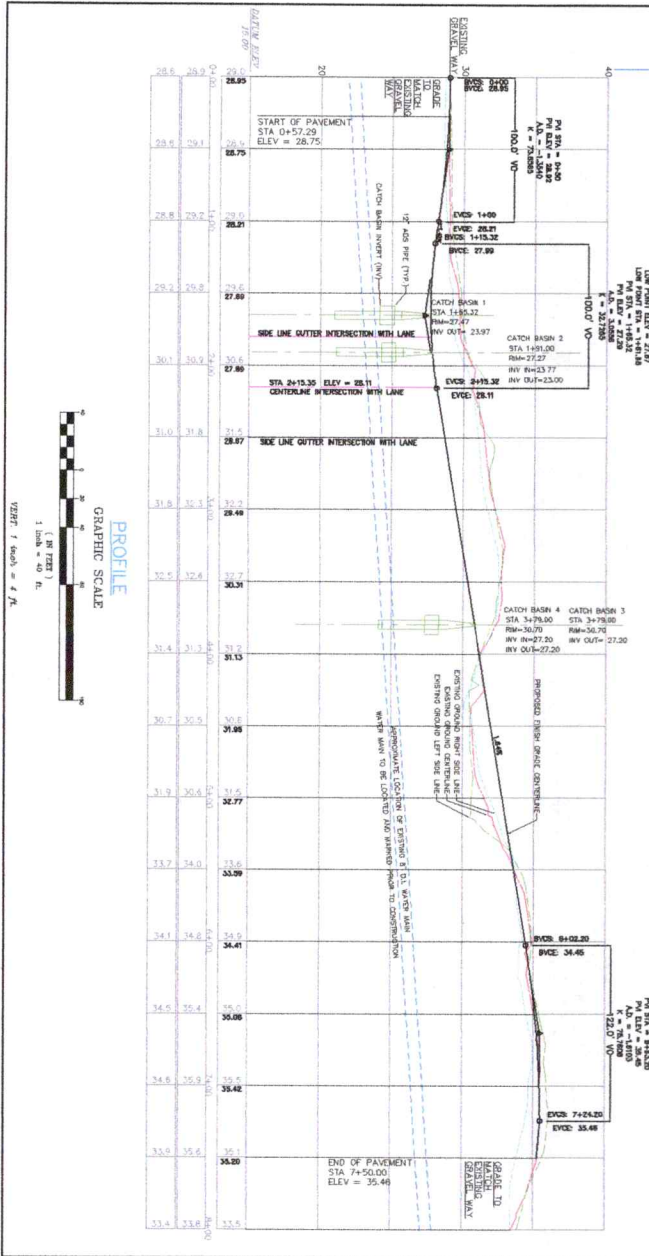
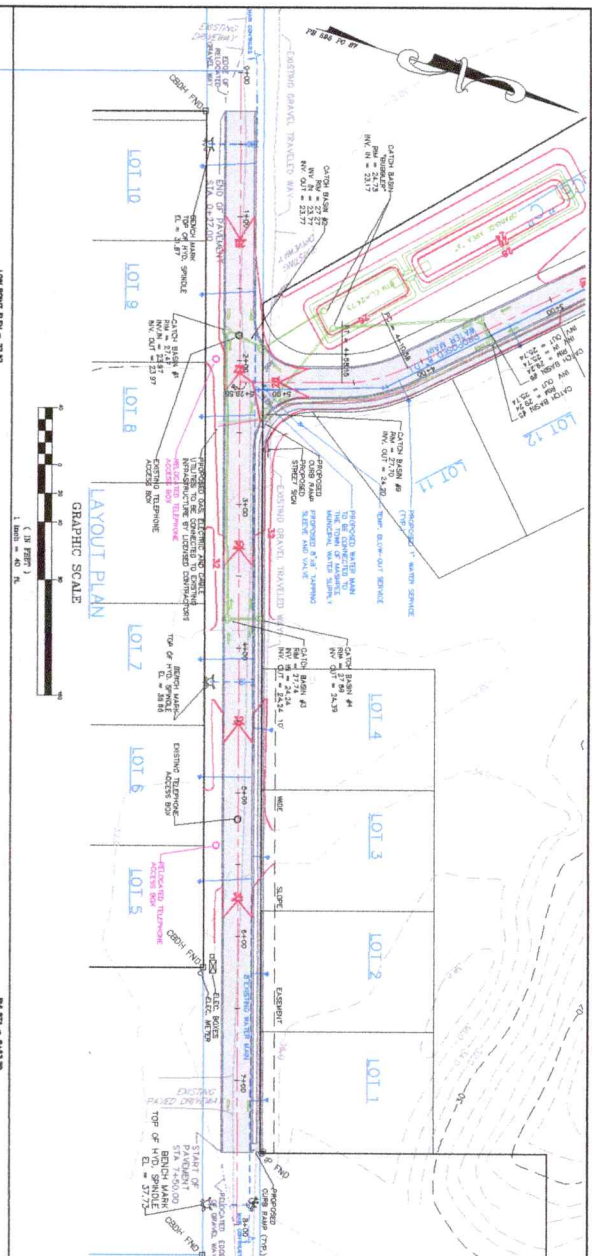

 CIVIL ENGINEERING
 LAND SURVEYING
 ENVIRONMENTAL CONSULTING
 500 Fenwick Road, Suite 301C
 Weymouth, MA 02094
 508.546.6464 (PHONE)
 508.546.0350 (FAX)
 WWW.COSTASOCIATESLLC.COM

CHECKED BY: CHRISTOPHER COSTA, P.E.
 PREP. TITLE: RECONSTRUCTION, BROWN

INDEX
 MASHPEE, MASSACHUSETTS

INDEX SHEET

REGISTRATIONS INFORMATION: PARCELS 104-20-00-1, 104-48-00-1, 104-11-0-8



TYPICAL ROADWAY CROSS SECTION

NOT TO SCALE

EXISTING PROPOSED

50.5

50.5

LEGEND

PROPOSED SUBDIVISION OF LAND

"OCEANVIEW HIGHLANDS"

WASHPHE, MASSACHUSETTS

BLVD PROFILE

ROAD PROFILE

BLVD CASTER (PROPOSED IMPROVEMENTS)

OWNER OF RECORD:

66 CANADIAN STREET, SUITE 210
ROSTON, MA. 02474

BLVD LLC

66 CANADIAN STREET, SUITE 210
ROSTON, MA. 02474

PRODUCTS:

| DATE | DESCRIPTION | BY | DATE |
|--------|---|----|------|
| 3/6/14 | ADDED SEE WALLS AND SHEET 11 | MC | CC |
| 2/2/14 | PROVIDE AS NOT PLANNING BOARD COMMUNITY | MC | CC |
| 2/2/14 | RECORD IMPROVED ROAD, IMPROVED APPROACHES | MC | CC |
| 2/2/14 | RECORD IMPROVED ROAD, IMPROVED APPROACHES | MC | CC |
| 2/2/14 | RECORD IMPROVED ROAD, IMPROVED APPROACHES | MC | CC |

PROPOSED IMPROVEMENTS:

1. TOP OF GRADE

2. SPOT PIT

3. CONCRETE ROUND

4. SPRUCE

5. UTILITY POLE

6. WATER GATE

7. WATER SERVICE

8. FIRE HYDRANT

9. WELL

10. FLOW DIRECTION

11. WATER MAIN

12. STONE WALL

13. UTILITY BOX

14. STREET SIGN

BLVD LLC

66 CANADIAN STREET, SUITE 210
ROSTON, MA. 02474

PROPOSED IMPROVEMENTS:

1. TOP OF GRADE

2. SPOT PIT

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ROSTON, MA. 02474

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ROSTON, MA. 02474

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ROSTON, MA. 02474

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ROSTON, MA. 02474

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9. WELL

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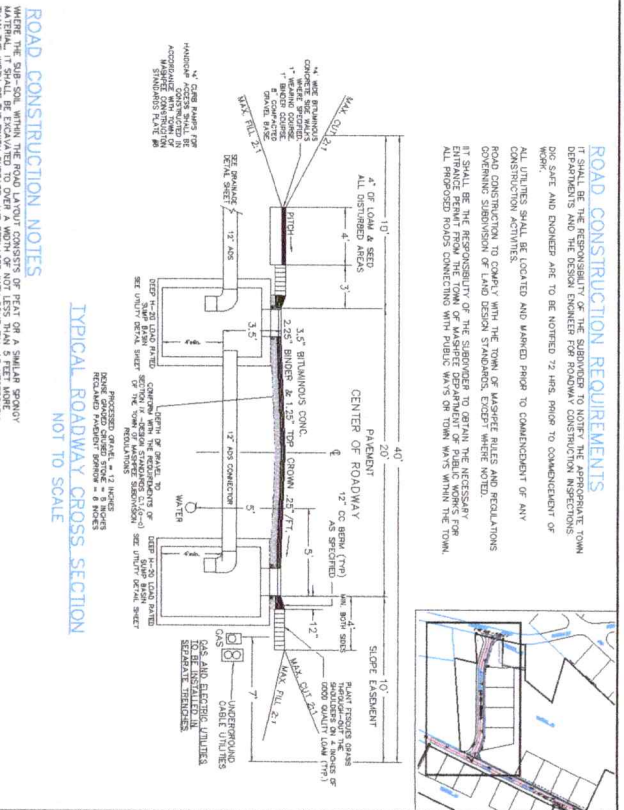
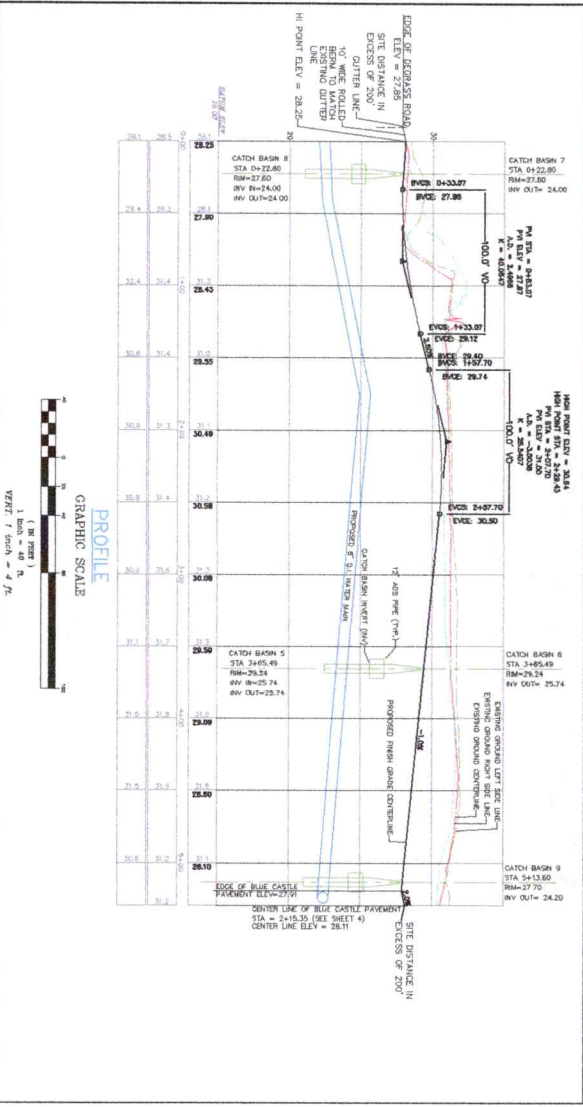
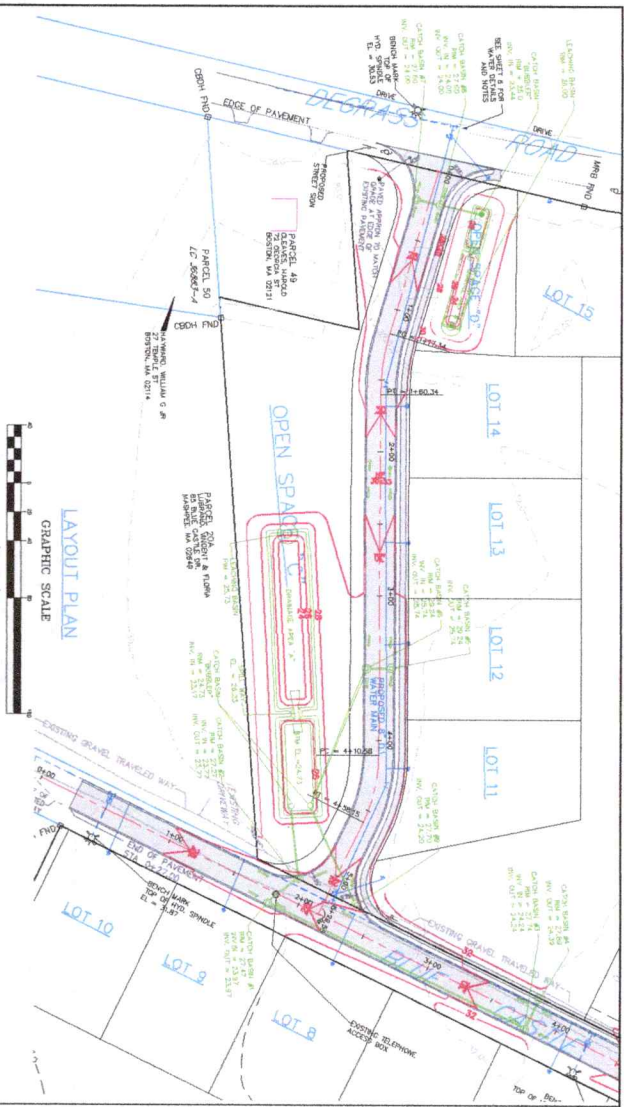
13. UTILITY BOX

14. STREET SIGN

BLVD LLC

66 CANADIAN STREET, SUITE 210
ROSTON, MA. 02474

PROPOSED IMPROVEMENTS:



ROAD CONSTRUCTION NOTES

1. THE SUB-GRADING SHALL BE TO THE PROPOSED FINISH GRADE OR FEET OF A SHARP SLOPE TO THE PROPOSED FINISH GRADE. IT SHALL BE EXCAVATED TO OVER A MINIMUM OF 12 INCHES AND NOT LESS THAN 5 FEET MORE TO THE PROPOSED FINISH GRADE. THE PROPOSED FINISH GRADE SHALL BE 12 INCHES ABOVE THE PROPOSED FINISH GRADE. THE PROPOSED FINISH GRADE SHALL BE 12 INCHES ABOVE THE PROPOSED FINISH GRADE.

LEGEND

| EXISTING | PROPOSED | DESCRIPTION |
|----------|----------|---------------------|
| 50.5 | 50.5 | SPOT GRADE |
| 50.5 | 50.5 | TEST PIT (TP) |
| 50.5 | 50.5 | CONCRETE BOUND (CB) |
| 50.5 | 50.5 | SPHE (SPH) |
| 50.5 | 50.5 | UTILITY POLE (UP) |
| 50.5 | 50.5 | WATER CATE (WC) |
| 50.5 | 50.5 | WATER SERVICE (WS) |
| 50.5 | 50.5 | FIRE HYDRANT |
| 50.5 | 50.5 | WELL |
| 50.5 | 50.5 | SEPTIC |
| 50.5 | 50.5 | FLOW DIRECTION |
| 50.5 | 50.5 | WATER MAIN |
| 50.5 | 50.5 | UTILITY BOX |
| 50.5 | 50.5 | STONE WALL |
| 50.5 | 50.5 | STREET SIGN |

PROPOSED SUBDIVISION OF LAND

"CORKWAY HIGHLANDS" IN MASPER, MASSACHUSETTS

| OWNER OF RECORD | OWNER OF RECORD | OWNER OF RECORD |
|--|--|--|
| 60 CHARLES STREET, SUITE 315 BOSTON, MA 02114 | 60 CHARLES STREET, SUITE 315 BOSTON, MA 02114 | 60 CHARLES STREET, SUITE 315 BOSTON, MA 02114 |

ROAD PROFILE

CARRIAGE ROAD (PROPOSED)

Costa Associates, Inc.

ONE EXPANDING • LAND SURVEYING • ENVIRONMENTAL CONSULTING

1000 STATE STREET, SUITE 315
BOSTON, MA 02114
WWW.COSTAASSOCIATES.COM





NOTES

SEE SHEETS 8 AND 9 OF 10 FOR DRAINAGE CALCULATIONS AND DETAILS

LEGEND

| | |
|---------------------|--------------------|
| EXISTING | PROPOSED |
| 50.5 | 50.5 |
| SPOT GRADE | TEST PIT (TP) |
| CONCRETE BOUND (CB) | SPRINKLER (SP) |
| UTILITY POLE (UP) | UTILITY POLE (UP) |
| WATER GATE (WG) | WATER SERVICE (WS) |
| FIRE HYDRANT | WELL |
| SEPTIC | FLOW DIRECTION |
| WATER MAIN | STONE WALL |
| UTILITY BOX | UTILITY BOX |
| STREET SIGN | |

PROJECT:

PROPOSED SUBDIVISION OF LAND
"OAKWAY HIGHLANDS"
IN
MASHPEE, MASSACHUSETTS

OWNER OF RECORD:
BODM LLC
68 CHARLES STREET, SUITE 218
BOSTON, MA 02114

DESIGNER:
COSTA ASSOCIATES, INC.
100 STATE STREET, SUITE 200
BOSTON, MA 02109
508.464.0550 FAX
WWW.COSTASSOCIATES.COM

DATE: 10.1.2013

DESIGNED BY: MATTHEW C. COSTA, P.E.
CHECKED BY: CHRISTOPHER COSTA, P.E.
PREPARED BY:

SCALE: 1" = 40' (GRAPHIC SCALE)

DATE: 10.1.2013

PROJECT: 100-20-0-0, 100-46-0-0, 100-11-0-0

LEGEND

| | | | | |
|---|---------|--|-----|----|
| 2 | 4/16/14 | NOTED SEE MAPS AND SHEET 11 | WGS | CS |
| 3 | 2/2/14 | REVISED AS PER PLANNING BOARD COMMENTS | WGS | CS |
| 4 | 1/1/14 | REVISED AS PER PLANNING BOARD COMMENTS | WGS | CS |
| 5 | 1/1/14 | REVISED AS PER PLANNING BOARD COMMENTS | WGS | CS |

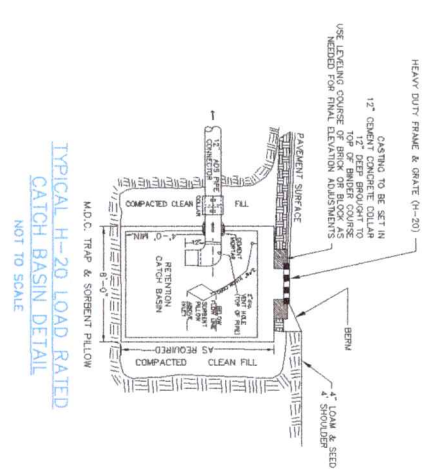
APPLICANT:
BODM LLC
68 CHARLES STREET, SUITE 218
BOSTON, MA 02114

OWNER OF RECORD:
BODM LLC
68 CHARLES STREET, SUITE 218
BOSTON, MA 02114

DESIGNER:
COSTA ASSOCIATES, INC.
100 STATE STREET, SUITE 200
BOSTON, MA 02109
508.464.0550 FAX
WWW.COSTASSOCIATES.COM

DATE: 10.1.2013

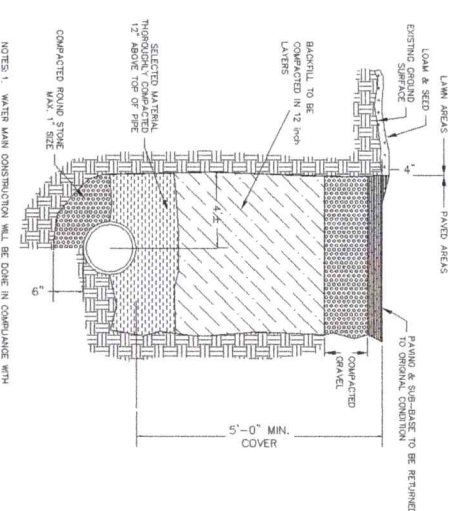
PROJECT: 100-20-0-0, 100-46-0-0, 100-11-0-0



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

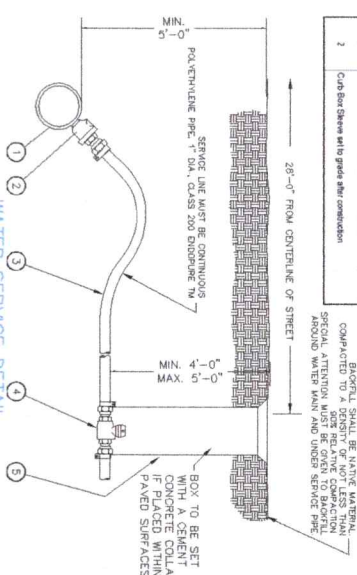
NOTES:
1. WATER MAIN CONSTRUCTION SHALL BE DONE IN COMPLIANCE WITH MASSHPIE WATER DISTRICT REGULATIONS.
2. ALL INSTALLATIONS MUST BE INSPECTED BY MASSHPIE WATER DISTRICT PRIOR TO BACKFILLING.

WATER MAIN TRENCH DETAIL
NOT TO SCALE



BACKFILL SHALL BE NATIVE MATERIAL COMPACTED TO A DENSITY OF NOT LESS THAN 95% RELATIVE COMPACTION. SPECIAL ATTENTION MUST BE GIVEN TO BACKFILL AROUND WATER MAIN AND UNDER SERVICE PIPE.

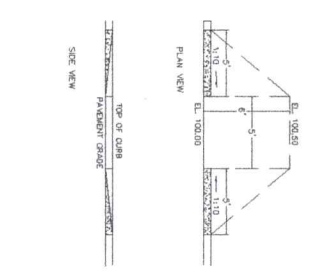
WATER SERVICE DETAIL
NOT TO SCALE



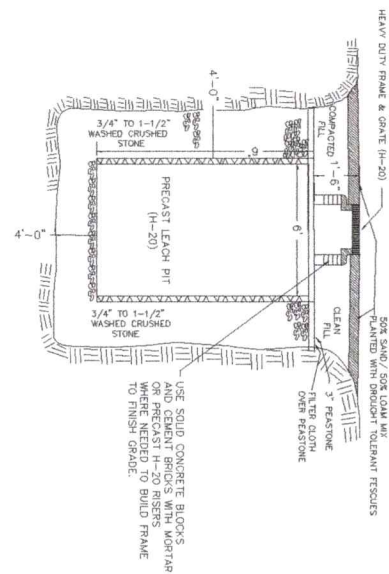
BACKFILL SHALL BE NATIVE MATERIAL COMPACTED TO A DENSITY OF NOT LESS THAN 95% RELATIVE COMPACTION. SPECIAL ATTENTION MUST BE GIVEN TO BACKFILL AROUND WATER MAIN AND UNDER SERVICE PIPE.

| REF. | DESCRIPTION |
|------|--|
| 1 | 1) For O.D.C. L. and Other Tapping Sleeve |
| 2 | 2) For P.C.C. & A.C. pipe, Service Saddle, Ductless Style 91 or 1 (See 1) Approved equal by the Utilities Division |
| 3 | 3) This to be positioned at 45 degree angle |
| 4 | 4) Corporation Block, Weather Type 20000 |
| 5 | 5) Polyethylene Pipe, 1" Dia. Class 200 Ductless TM |
| 6 | 6) One Step Valve, Weather Type B-52000 |
| 7 | 7) One Step Valve, Type H-10204 |
| 8 | 8) One Step Valve, Type H-10204 |
| 9 | 9) One Step Valve, Type H-10204 |

| NOTE: |
|--|
| 1. Section line must be continuous |
| 2. One Step Valve with pipe after connection |

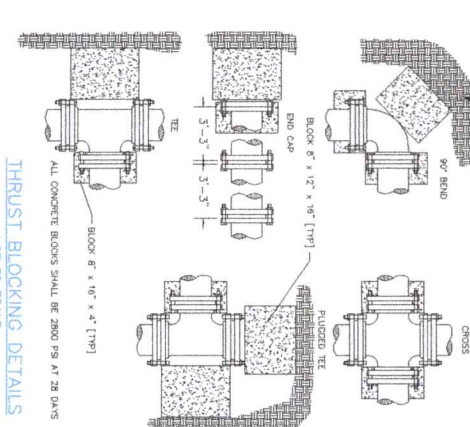


TYPICAL RAMP DETAIL
NOT TO SCALE



TYPICAL LEACHING PIT DETAIL
NOT TO SCALE

THRUST BLOCKING DETAILS
NOT TO SCALE



| | | | | |
|-----|---------|--|-----|----|
| 2 | 4/16/14 | ADDED SEE WATER AND SEWER IN | WCC | CC |
| 3 | 4/16/14 | REMOVED AS PER PROJECT ENGINEER COMMENTS | WCC | CC |
| 4 | 4/16/14 | REMOVED AS PER PROJECT ENGINEER COMMENTS | WCC | CC |
| 5 | 4/16/14 | REMOVED AS PER PROJECT ENGINEER COMMENTS | WCC | CC |
| 6 | 4/16/14 | REMOVED AS PER PROJECT ENGINEER COMMENTS | WCC | CC |
| 7 | 4/16/14 | REMOVED AS PER PROJECT ENGINEER COMMENTS | WCC | CC |
| 8 | 4/16/14 | REMOVED AS PER PROJECT ENGINEER COMMENTS | WCC | CC |
| 9 | 4/16/14 | REMOVED AS PER PROJECT ENGINEER COMMENTS | WCC | CC |
| 10 | 4/16/14 | REMOVED AS PER PROJECT ENGINEER COMMENTS | WCC | CC |
| 11 | 4/16/14 | REMOVED AS PER PROJECT ENGINEER COMMENTS | WCC | CC |
| 12 | 4/16/14 | REMOVED AS PER PROJECT ENGINEER COMMENTS | WCC | CC |
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PHN 7:30 PM: SOUTHWORTH PROPERTIES LLC



16 Great Neck Road North
Mashpee, Massachusetts 02649

Mashpee Planning Board Public Hearing Notice

Pursuant to Massachusetts General Laws, Chapter 40A Section 11, the Mashpee Planning Board will hold a public hearing on Wednesday, March 1, 2023 at 7:10PM at the Mashpee Town Hall, 16 Great Neck Road North, to consider an application from Southworth Mashpee Properties LLC, property owner, to modify the Willowbend Country Club Special Permit. The applicant proposes to construct a 14-unit single family cottage community immediately contiguous to the Willowbend Golf Course at 275 Quinaquisset Avenue (Map 69 Block 32). The existing single-family dwelling is proposed for demolition. With these changes the total unit count for the Willowbend project would be increased to 287 if the Board authorizes the annexation of 275 Quinaquisset into the Willowbend Special Permit as allowed. 287 dwelling units is the maximum number of dwelling units authorized under the Special Permit. All units will be connected to and served by the existing privately owned wastewater treatment plant which serves the entire Willowbend project.

Submitted by:

Mary E. Waygan
Mashpee Planning Board

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

NEW BUSINESS

To see if the Town will vote to repeal Section 174-17.1: Raze and Replace of the Mashpee Zoning Bylaws and replace with a new Section 174-17.1 Raze and Replace as follows:

Purpose and Intent

Buildings or structures that are nonconforming by dimension are likely if they are changed, extended or altered, to cause overcrowding and congestion in the neighborhoods and are contrary to the purposes of this bylaw. Buildings or structures that are nonconforming by dimension inhibit present and future development of nearby properties. It is intended that existing buildings or structures that are nonconforming by dimension shall not justify further departures from this bylaw. This section is intended to provide clarity to property owners and any applicable special permit granting authority which changes, extensions, or alterations of a pre-existing dimensional conformity may constitute detriment to the neighborhood in which the proposed reconstruction is located as to preserve the character and general scale of neighborhoods.

General Requirements

No pre-existing, non-conforming single or two family dwelling structures shall be torn down and rebuilt on any lot unless there is an issuance of a Special Permit from the Zoning Board of Appeals unless the proposed reconstruction qualifies for an exception as defined in this chapter or is otherwise buildable pursuant to Section 174-21 of this bylaw. Such a special permit may be granted only if the Zoning Board of Appeals finds that any changes, extensions, alterations, or reconstruction of the pre-existing non-conformities are not substantially more detrimental to the neighborhood than existed prior to the removal of the existing structure and that there is adequate land area to provide sufficient parking. No new nonconformities shall be permitted without the issuance of a variance from the Zoning Board of Appeals.

For All Properties except those Located Within the Floodplain Zone Overlay District and/or Popponesset Overlay District

1. The Zoning Board of Appeals may approve replacement structures that continue, extend, or alter lawful pre-existing nonconformities as follows:
 - a) For structures that do not comply with one or more required setbacks (front, side, rear, and/or setback to water and wetlands) property owners may increase the footprint within the side, front, rear or water and wetlands setback area provided that the replacement structure is not any closer to the applicable property line (or resource area) than existed previously. Any structure that is proposed to increase the intensity of a setback nonconformity as described shall be considered substantially more detrimental to the neighborhood and shall not be permitted.
 - b) For portions of a structure that are not nonconforming, the replacement structure may increase the building footprint and height to the maximum extent allowed in the applicable zoning district. For example, a 1.5 story house may be replaced with a 2.5 story house or a house with 20 feet to the side property line may be replaced with a house that is 15 feet from the side property line. The creation of any new nonconformities shall be considered substantially more detrimental to the neighborhood and shall not be permitted.

- c) For properties with pre-existing lot coverage nonconformities, the Zoning Board of Appeals may approve replacement structures that maintain, but do not increase, the lot coverage nonconformity. Any increase of a lot coverage nonconformity shall be considered substantially more detrimental to the neighborhood and shall not be permitted.
- d) For structures with nonconformities described in items a-c above (setbacks, lot coverage, and building height) replacement structures may increase the height of replacement structures up to the maximum height allowed in the applicable zoning district. For homes with pre-existing nonconforming building heights, the Board of Appeals can approve a replacement structure that maintains, but does not increase, the nonconforming nature of the building height. Increases in building height nonconformities shall be considered to be substantially more detrimental to the neighborhood and shall not be permitted.

For Properties within the Floodplain Zone Overlay District and/or the Popponesset Overlay District

The Zoning Board of Appeals may approve replacement structures in the Floodplain Zone Overlay District and/or the Popponesset Overlay District that continue, extend, or alter lawful pre-existing nonconformities as follows:

- a) For structures that do not comply with one or more required setbacks (front, side, or rear) property owners may NOT increase the footprint within the side, front or rear setback area that was pre-existing nonconforming. Increases in the size of the building footprint in the Floodplain Zone Overlay and Popponesset Overlay Districts shall be considered substantially more detrimental to the neighborhood than existed previously and shall not be permitted. The location of the footprint of a replacement structure may be adjusted on the lot so long as the overall footprint area is not larger than existed previously and is otherwise compliant with the provisions of this bylaw.
- b) For replacement structures that propose to continue a pre-existing side, front, or rear setback nonconformity than any increase in building height within the nonconforming setback area shall be considered substantially more detrimental to the neighborhood than existed previously and shall not be permitted. Building height may increase provided that the increase in height is located within the portion of a structure that conforms with the applicable setbacks of the underlying zoning district or overlay as applicable. For example, a house that is situated 10 feet from a property line where 15 feet is required may increase the height of a building at the 15 foot setback line. The portion of a home within the nonconforming setback area shall not exceed the height of the home that existed previously.
- c) Any reconstruction of a single or two-family dwelling that renders any portion of the lot outside of the building footprint impervious shall be considered substantially more detrimental to the neighborhood than existed previously and shall not be permitted. Previously existing impervious surfaces shall be replaced with pervious materials.

Exceptions

1. The voluntary demolition and reconstruction of a single or two-family residential structure may be approved as of right by the Building Commissioner if the reconstruction complies with all current setbacks, lot coverage, and building height requirements defined in 174-31 but is located on a lot with insufficient area and/or insufficient frontage where the reconstruction will also comply with all of said current requirements except frontage and/or lot area.
2. The voluntary demolition and reconstruction of a single or two-family residential structure that is reconstructed within the same footprint, building height, and the same volume or less as the building voluntarily demolished may be approved as of right by the Building Commissioner.

OLD BUSINESS

IMPLEMENTATION PLAN FOR ECONOMIC DEVELOPMENT

GOALS

GOAL ED-1 Ensure a prosperous and steadily growing local economy that supports financial independence for all residents while preserving Mashpee's environmental quality, town character, and cultural heritage.

Rewrite: "To create and maintain a prosperous and steadily growing and sustainable economy that supports financial independence while preserving and enhancing Mashpee's environmental quality, town character, and cultural heritage."

GOAL ED-2 Bolster support for local businesses, local agriculture, and the "blue economy."

Read the article "8 Policy Strategies Cities (or Towns) can Use to Support Local Businesses". Some of the strategies that could work for Mashpee are:

- 1. GET ZONING RIGHT FOR SMALL BUSINESSES 2. SET ASIDE SPACE FOR LOCAL BUSINESSES IN NEW DEVELOPMENT 3. ADOPT A BUSINESS DIVERSITY ORDINANCE 4. FACILITATE ADAPTIVE REUSE OF VACANT BUILDINGS 5. OPEN A SMALL BUSINESS OFFICE (perhaps too expensive) 6. GIVE PREFERENCE TO LOCAL BUSINESSES IN PURCHASING and 7. EXPAND ACCESS TO CAPITAL.*
- 2. Read the article: "Farm Stops: A New Way to Enhance Local and Regional Food Systems" A Farm Stop is a small-farm-supporting grocery store that supports small-scale farmers by sourcing agricultural products from nearby producers and by operating on consignment. This concept based on a survey of 284 people from 4 different Farm Stops around the country produced the following results:*
 - 1. Enhanced access to local foods*
 - 2. Keeps \$ circulating with a local radius*
 - 3. Community resilience in crisis events (global pandemics, recessions)*
 - 4. Sense of Place- create environments locals enjoy*
 - 5. Sense of Meaningful action- serve community needs, bolster local producers, improve health and wellbeing*

3. *(Our “blue economy” cannot really grow until we remove the pollution from our water bodies. There is no agreed upon definition for the term blue economy per the August 5, 2022 Congressional Research Service attached. <https://crsreports.congress.gov>). NOAA defines the blue economy as the “sustainable use of ocean resources for economic growth, improved livelihoods and job creation.”)*

Goal #2 of current LCP under Economic Development: “To increase the incomes of Mashpee residents.” (too vague)

Goal ED-3 Produce a stable and adequate local workforce with education and affordable living (affordable and attainable housing, education, health, transportation, childcare and recreation).

This is a lofty goal. To have a stable and adequate local workforce we need all the elements listed. Without affordable housing we cannot have a stable workforce. Employers should care about housing because: 1. Housing costs affect where employers can locate their companies 2. Available and affordable housing allows employers to attract and retain diverse employees at all levels 3. Access to affordable and stable housing can make workers more productive 4. Affordable housing options improve job access. (See attached article called “Four Reasons Why Employers Should Care about Housing”)

This goal is not adequately stated in current LCP under Economic Development.

GOAL ED-4 Meet or exceed the best available technological resources/infrastructure to ensure Mashpee is economically competitive in the region and state.

A very important goal. Best available infrastructure enables trade, powers businesses, connects workers to their jobs, creates opportunities for citizens, and protects us from increasingly unpredictable natural environment. From investment in telecommunication systems, broadband networks, energy projects, sewer projects, infrastructure is the backbone of a healthy economy. Creating the best available infrastructure creates new jobs! (See article “Choosing the Right Technology to Support Your Municipality” and article “Investing In America” October 2023)

This goal was not referenced in the current LCP as technology did not have the prominence in economic development that it has today.

POLICIES

Policy ED-1 Provide financial and policy-based support for local fishers and businesses. *(Define financial and policy-based support)*

Policy ED-2: Minimize homelessness and the proportion of Mashpee residents living below the poverty line. *Rewrite: WORK TO MINIMIZE*
(see articles entitled : “The Federal Government’s Plan to Tackling America’s Homelessness Crisis.” Enterprise – “Cape Cod’s Homeless Population is Consistent from Year to Year.”

Policy ED-3: “Regularly explore grant funding opportunities for projects that support Mashpee’s economic development goals whether it be related to community systems, natural systems or built systems.” *(People don’t understand what community, natural and built systems are. Use different words.)*

Policy ED-4 Prioritize economic development which creates jobs with a livable wage. *(Good. See excerpt of article entitled: “What is a Living Wage? Definition, History, and How to Calculate.)*
A good definition of livable wage is: “a socially acceptable level of income that provides adequate coverage for basic necessities such as food, shelter, child services , and healthcare w/o reliance on outside assistance.”

Policy ED-5: Promote joint economic development effort with the Mashpee Wampanoag Tribe. *(This is an important policy in furthering the Town’s relationship with the tribe.)*

Policy ED-6: Develop municipal broadband service.

(The Bipartisan Infrastructure Law has already allocated \$145 million to Massachusetts to expand high-speed internet access. The Massachusetts

Broadband Institute, a state agency, wants to bring affordable high-speed internet to every person in MA. MBI has developed planning documents and wants people to read the docs and engage in public comment which ends December 15, 2023. See attached MBI info.

Policy ED-7: Leverage the assets of the Economic Development and Industrial Corporation to better meet the needs of the local economy and to support its growth.

(EDIC creation is authorized by MGL Chapter 121C to allow towns or cities identified as labor surplus areas by US Dept. of Labor to implement local economic development projects in accordance with locally approved economic development plans.) See attached info. Question for the experts: Is Mashpee a labor surplus area?

Policy ED-8: Minimize or remove barriers of entry for new startups or small businesses including but not limited to streamlining the local permitting process and incentivizing certain uses by allowing them by-right as opposed to a special permit process. (Pop up stores to test viability of business. Make list of important businesses that would provide needed jobs and could/should be permitted by-right.)

Policy ED-9: Increase access to childcare for Mashpee's workforce.

(This is a tall order. The \$24 billion the federal government provided the states to keep child care services going under the American Rescue Plan of 2021 expired at the end of September 2023). There are training courses for home-based daycares. This could work for an unemployed single mother to train as a daycare provider. (see excerpt of Money Report in Partnership with NBC)

ACTIONS

ACTION ED-1 “Incentivize locally owned, small business development and maintain its long-term growth by auditing the zoning bylaw to determine regulatory areas that discourage local business and harm its long-term sustainability. Bring forth zoning changes for Town Meeting consideration based on those audits.”

(This action is based on Policy ED-8.) How do we incentivize locally owned, small business development? (See Action 9 as an example.)

ACTION ED-2 Work with the EDIC and Mashpee Chamber of Commerce to assess areas where the Town can assist with start-up costs.

(Supports Policy ED-7) *How does the Town assist with start-up costs?*

ACTION ED-3: Partner with higher education and regional institutions, including Woods Hole MBL, to enhance childcare and afterschool programs.

(Follows Policy ED-g) Are you asking that the institutions have an on premise childcare and afterschool program?

—
ACTION ED-3: Consider increasing the Kids Klub Childcare program.

(Follows Policy ED-g) Rewrite: Consider options to increase the Kids Klub Childcare program.)

ACTION ED-4: Evaluate use conflicts in fisheries and invest in appropriate infrastructure. *Please explain what this statement means.*

ACTION ED-5: Promote business which offer living wages for all Mashpee residents. (Follows Policy ED-4)

ACTION ED-6: Ensure prime soils and shell fishing areas are preserved and set aside for agriculture and aquaculture respectively. Explanation?

ACTION ED-7: Support current major local industries (such as financial services) while promoting new and emerging ones (such as eco-tourism and solar companies).

Participate in a cape wide tourism district to boost funds available for marketing and housing initiatives being promoted by the CCC. 70% of every dollar earned on the Cape is related to tourism in some way, per the executive officer of the Cape Cod Commission. Financial services are big business in Mashpee given the amount of retirees/wealth in this town. Mashpee is a perfect place to promote eco-tourism. Eco-tourism can be defined as responsible travel to natural areas which conserves the environment and improves the well-being of local people. Eco-tourism is travel in which you enjoy the world's amazing diversity of natural life and human culture without causing damage to either. The possibility of an interactive village for the tribe could be an eco-tourism venue. We now have a solar bylaw in Mashpee zoning bylaws, section 174-45.7.

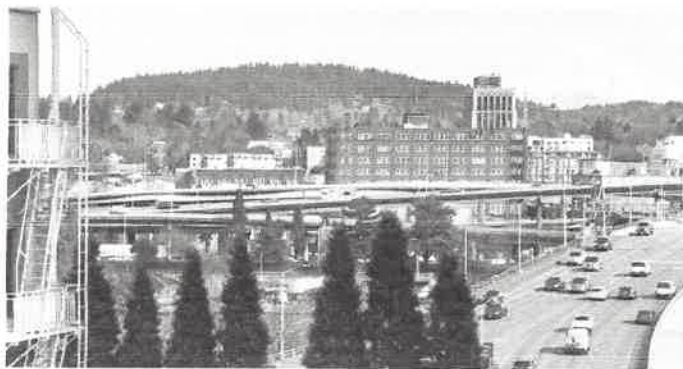
ACTION ED-8: "Identify and remove barriers to full engagement in the local economy (such as childcare, education). Enumerate more barriers to full engagement.

ACTION ED-9: "Provide public incubator space for emerging businesses."

A business incubator is a specialized program designed as a space for new businesses to learn and grow. The program provides services for entrepreneurs and startups while offering reduced rates for supplies and workspace.

(See article: Cape Cod Culinary Incubator to open shared space, commercial kitchen at future home of KAM Appliances)

Housing
Matters
an Urban
Institute
Initiative



Goal
ED-3

HOUSING ACCESS AND STABILITY, UPWARD MOBILITY

Four Reasons Why Employers Should Care about Housing

September 11, 2019

by Aaron Shroyer and Veronica Gaitán

Available, affordable housing that fits a range of household types and lifestyles is essential to attracting, retaining, and developing a diverse, productive workforce. But with 47 percent of renters and 23 percent of homeowners paying 30 percent or more of their income on housing, high housing costs can prevent workers from living near their jobs and can put a strain on the local economy by slowing employment growth.

Given the far-reaching effects of today's housing shortages, the public sector needs private- and philanthropic-sector support to tackle this challenge. A new report by the Urban Institute shows how a lack of affordable housing can hold back a region's economy. To get ahead of this issue, employers should not only be aware of how housing affects their employees but also advocate for and invest in affordable housing as a way to support their workforce and the local economy. Here are four reasons why employers should know about, care about, and bolster affordable housing.

Housing costs affect where employers can locate their companies

Housing availability and costs are two of the most important factors in determining quality of life that companies take into account when moving into a metropolitan region. Why do they matter so much? When employees cannot afford to live near jobs, employers must spend more money on wages or turnover costs.

This inability of working class and service class workers to afford housing in economically vibrant cities hurts workers and cities too. Workers are either shut out of living in cities where their skills could command a higher salary, or the higher salaries they do earn are negated by higher living costs. And when workers choose to live elsewhere, cities lose productivity because of unfilled jobs.

Available and affordable housing allows employers to attract and retain diverse employees at all levels

High housing costs limit who can afford to live in a region, leading to a shortage of workers for lower-wage roles. With the exception of people who earn very high wages, job seekers are discouraged from moving into the region, and the region's existing workers get pushed to less costly markets. This creates problems for attracting and retaining workers at any level. For example, nearly 75 percent of employers in Greater Boston reported (PDF) finding it "extremely or somewhat difficult" to recruit or retain employees, and two-thirds cite the cost of housing as a major barrier. Cost pressures on low-wage workers are especially fierce, leading to displacement. A recent survey in the Washington, DC, region found that 29 percent of respondents knew someone who moved involuntarily within the past two years, with high housing costs being the primary reason for those moves. Unsustainably high rents can ultimately lead to forced moves and evictions, and survey data show that low-income workers are more likely lose their jobs after experiencing a forced move out of rental housing.

Access to affordable and stable housing can make workers more productive

A lack of affordable housing can impede employee productivity. A [study of 34,000 workers](#) in the United Kingdom found that those who commute fewer than 30 minutes per day gain seven days' worth of productive time annually, compared with those who commute over an hour per day. Those with longer commutes are also more likely to experience depression, financial concern, and stress. Another [study](#) calculated that Boston-area drivers spend 164 hours in traffic per year and equated this time to a productivity cost of \$4.1 billion.

Economic instability and housing instability are closely related. Access to stable, affordable housing is particularly important for low-wage workers, who typically have inflexible work schedules and leave options. If they face high housing and transportation costs, they are then more likely to experience economic instability if related emergencies, such as a sudden repair, an unpredictable and extreme commute, or a summons to court for an eviction hearing force them to miss work. In addition, their performance at work might [suffer](#) because of the extra stress of dealing with an eviction and finding a new place to live.

Affordable housing options improve job access

The lack of affordable housing close to metropolitan job centers often pushes job seekers to the suburbs and beyond. When faced with a long commute into the city, some households might seek employment opportunities closer to their new homes. In fact, 64 percent of people who earn less than \$50,000 said they would [consider \(PDF\)](#) a lateral employment move if it would shorten their commute, while 60 percent of workers earning more than \$50,000 said the same.

This spatial mismatch between regional employment clusters and potential worker populations limits access to jobs. Because these outer neighborhoods are not as accessible by public transit, this mismatch can [add to congestion](#) on roads and highways. Long commutes impede employee retention. Fifty-eight percent of larger companies that lack nearby affordable housing options report that employees cite [long commute times as a reason why \(PDF\)](#) they left the company.

Employers often only consider employees' housing costs when the company is contemplating a move or an expansion. Instead, employers across the country should educate themselves about how a lack of affordable housing affects their workforce. Employers should learn about policies that can [improve housing across the income spectrum](#) as a way to better attract and retain workers. In higher-cost markets, employers should combine advocacy with direct investment in affordable housing, which, in turn, is an investment in the vitality of their workforce. This investment can benefit their own bottom line, as well as their employees and the local economy as a whole.

Photo by Nate Hovee/Shutterstock

[Affordability](#), [Job Access](#)

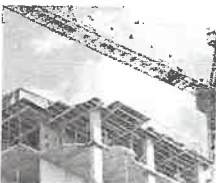
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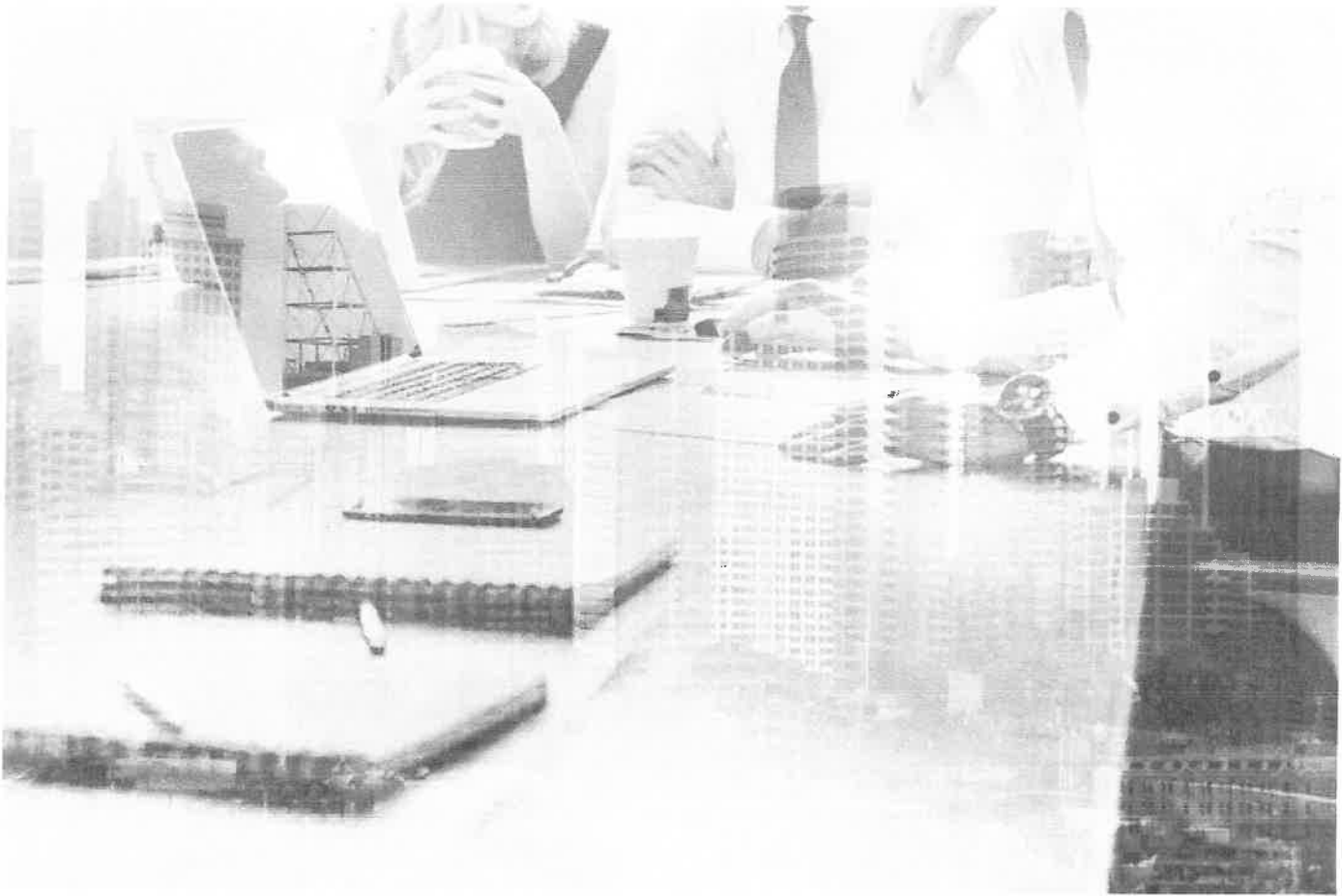
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October 25, 2023 / Article

Gaal ED-4



September 19, 2018

Choosing the Right Technology to Support Your Municipality

Written by Nick Price

For the most part, government boards operate in much the same way as other types of boards. Best practices for good governance apply to all boards of directors, including municipal boards. Directors of government boards often recognize their responsibility to ensure accountability and transparency more readily than other boards because of their service to the general public.

Municipal boards may be slower to implement technology than private or public boards because of lengthy procurement cycles and lack of government funds, even when technology promotes efficiency and saves money. When governments invest taxpayer dollars in technology, they need to be sure to get it right. Their first course of action is to look for governance management software solutions that were designed with the needs of government boards in mind.

Most government boards have to abide by state open meetings acts. Board directors for government boards are in the business of citizen capital. Government board directors have a duty to the general public to be accurate, transparent, accountable and efficient, and to make good use of public funds. These qualities are also part of the principles of good corporate governance. Secrecy of government operations generates mistrust while transparency ensures accountability.

What Is the Right Technology for Government Boards?

The right technology for government boards is technology that meets the needs of that particular board. Since government boards operate much like other boards, in seeking the right technology, boards should consider asking the same basic questions about technology as any other board. McKinsey & Company recommends that all boards ask themselves five basic questions about technology:

1. How well does technology enable the core business?
2. What value is the business getting from its most important IT projects?
3. How long does it take the IT organization to develop and deploy new features and functionality?
4. How efficient is IT at rolling out technologies and achieving desired outcomes?
5. How strong is our supply of next-generation IT talent?

The right technology for government boards will support the core business activities of the board and enable them to be true partners with their many stakeholders. Government boards should be able to support the cost of implementing new technology by demonstrating the value it creates in cost-effectiveness, accuracy, efficiency and transparency. Municipal boards need software solutions from innovative software providers that understand the unique needs of government boards. The right software providers are forward-thinking and continually offer valuable upgrades and enhancements.

Security is a high priority for municipal boards and boards should consider the level of security that software providers offer before making choices. Electronic board solutions are only good if they work consistently. Government boards seeking to implement new technology should make sure that software providers offer 24/7 customer service every day of the year with quick response by qualified service personnel.

The most basic tools for government boards are a secure board portal and a secure messaging system. Electronic board portals support good governance by streamlining processes that lead to increased transparency and accountability. With these systems in place, government boards should be cognizant of other helpful digital applications, such as software for taking meeting minutes and electronic applications for board evaluations.

How Does Technology Support Municipalities?

Board portal software supports municipalities by automating processes, reducing human error, preserving documents, *promoting good governance and maintaining confidentiality as necessary.*

Governance management solutions automate many of the board's standard processes like preparing agendas, taking minutes and streamlining meetings. Software solutions provide a safety net for issues that are subject to human error.

When government board directors make mistakes, even minor mistakes, they risk noncompliance with laws and regulations. Board portal software preserves the details of compliance issues, such as complying with meeting notice requirements, maintaining public access to meetings, retaining copies of agendas and minutes for the required length of time, and recording when the board met in closed sessions, along with their reasons for doing so.

BoardEffect uses cloud-based storage systems that provide unlimited storage. BoardEffect's board management software solution allows board directors to retrieve documents quickly when needed for compliance or Freedom of Information Act (FOIA) requests. Many government boards are required to write annual reports for the council or other parties.

Government boards are under as much pressure as other types of boards to make sure their boards have the proper composition that provides diversity of people and skillsets. Board portal technology supports good governance by preserving the board's efforts to recruit, nominate and appoint candidates for the board that best represent the governing body and its constituency.

Board portals help to manage a municipality's calendar of activities. Board administrators can set up the system so that it sends out automatic notifications about time-sensitive matters.

Government boards have the ability to go into executive session for the reasons outlined in their bylaws. Board portals support clear minute-taking that details the reasons boards decided to utilize private executive meeting matters. Minutes should also document how long board members spent in executive session. Due to confidentiality issues, the board should record only broad details of the matter for the permanent record.

The Right Technology for Municipalities Supports Boards Through Board Cycles

Municipal boards work through the same cycles as other boards. Citizens support their municipal governments through their taxes. Since municipal boards are the face and voice of the citizens in their

communities, they need technology offered by BoardEffect, which supports their meeting cycles, their annual cycles and the development cycles of the board. In the interest of accountability, government boards need to support their meeting cycle with clear documentation and transparency. The right technology supports the annual cycle of required board activities, such as updating policies, maintaining regulatory compliance and planning initiatives. The development cycle focuses on board education, development and skillsets, and technology provides documentation of such progress.

In essence, getting the right technology helps government boards fulfill their duties as the general public expects them to. The sooner that municipalities can get buy-in from their authorities, the sooner they can implement software solutions that save money, improve efficiency and streamline workflow.

INTERESTED IN LEARNING MORE?

See how BoardEffect can help your municipality board leverage technology for increased efficiency and better corporate governance.

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President Biden's Bipartisan Infrastructure Law is Delivering in Massachusetts

As of October 2023

The Biden-Harris Administration has hit the ground running to implement the Bipartisan Infrastructure Law, and it is already delivering results for the people of Massachusetts. To date, \$6 billion in Bipartisan Infrastructure Law funding has been announced and is headed to Massachusetts with over 196 specific projects identified for funding. Since the Bipartisan Infrastructure Law passed, approximately \$5.1 billion has been announced for transportation – to invest in roads, bridges, public transit, ports and airports – and roughly \$402 million has been announced for clean water and water infrastructure. Massachusetts received \$147.4 million to connect everyone in the state to reliable high-speed internet and, as of today, more than 349,000 Massachusetts households are already saving on their monthly internet bill due to the Bipartisan Infrastructure Law. Many more projects will be added in the coming months, as funding opportunities become grant awards and as formula funds become specific projects. By reaching communities all across Massachusetts – including rural communities and historically underserved populations – the law makes critical investments that will improve lives for Massachusettsans and position the state for success.

Roads and Bridges: In Massachusetts, there are 444 bridges and over 1,416 miles of highway in poor condition. The Bipartisan Infrastructure Law will rebuild our roads and includes the single largest dedicated bridge investment since the construction of the interstate highway system. Based on formula funding alone, Massachusetts is expected to receive approximately \$5.4 billion over five years in federal funding for highways and bridges.

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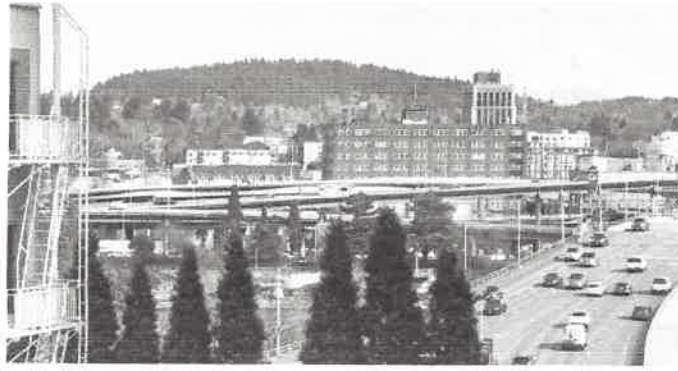
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ED-3

HOUSING ACCESS AND STABILITY, UPWARD MOBILITY

Four Reasons Why Employers Should Care about Housing

September 11, 2019

by Aaron Shroyer and Veronica Gaitán

Available, affordable housing that fits a range of household types and lifestyles is essential to attracting, retaining, and developing a diverse, productive workforce. But with 47 percent of renters and 23 percent of homeowners paying 30 percent or more of their income on housing, high housing costs can prevent workers from living near their jobs and can put a strain on the local economy by slowing employment growth.

Given the far-reaching effects of today's housing shortages, the public sector needs private- and philanthropic-sector support to tackle this challenge. A new report by the Urban Institute shows how a lack of affordable housing can hold back a region's economy. To get ahead of this issue, employers should not only be aware of how housing affects their employees but also advocate for and invest in affordable housing as a way to support their workforce and the local economy. Here are four reasons why employers should know about, care about, and bolster affordable housing.

Housing costs affect where employers can locate their companies

Housing availability and costs are two of the most important factors in determining quality of life that companies take into account when moving into a metropolitan region. Why do they matter so much? When employees cannot afford to live near jobs, employers must spend more money on wages or turnover costs.

This inability of working class and service class workers to afford housing in economically vibrant cities hurts workers and cities too. Workers are either shut out of living in cities where their skills could command a higher salary, or the higher salaries they do earn are negated by higher living costs. And when workers choose to live elsewhere, cities lose productivity because of unfilled jobs.

Available and affordable housing allows employers to attract and retain diverse employees at all levels

High housing costs limit who can afford to live in a region, leading to a shortage of workers for lower-wage roles. With the exception of people who earn very high wages, job seekers are discouraged from moving into the region, and the region's existing workers get pushed to less costly markets. This creates problems for attracting and retaining workers at any level. For example, nearly 75 percent of employers in Greater Boston reported (PDF) finding it "extremely or somewhat difficult" to recruit or retain employees, and two-thirds cite the cost of housing as a major barrier. Cost pressures on low-wage workers are especially fierce, leading to displacement. A recent survey in the Washington, DC, region found that 29 percent of respondents knew someone who moved involuntarily within the past two years, with high housing costs being the primary reason for those moves. Unsustainably high rents can ultimately lead to forced moves and evictions, and survey data show that low-income workers are more likely lose their jobs after experiencing a forced move out of rental housing.

Access to affordable and stable housing can make workers more productive

A lack of affordable housing can impede employee productivity. A [study of 34,000 workers](#) in the United Kingdom found that those who commute fewer than 30 minutes per day gain seven days' worth of productive time annually, compared with those who commute over an hour per day. Those with longer commutes are also more likely to experience depression, financial concern, and stress. Another [study](#) calculated that Boston-area drivers spend 164 hours in traffic per year and equated this time to a productivity cost of \$4.1 billion.

Economic instability and housing instability are closely related. Access to stable, affordable housing is particularly important for low-wage workers, who typically have inflexible work schedules and leave options. If they face high housing and transportation costs, they are then more likely to experience economic instability if related emergencies, such as a sudden repair, an unpredictable and extreme commute, or a summons to court for an eviction hearing force them to miss work. In addition, their performance at work might [suffer](#) because of the extra stress of dealing with an eviction and finding a new place to live.

Affordable housing options improve job access

The lack of affordable housing close to metropolitan job centers often pushes job seekers to the suburbs and beyond. When faced with a long commute into the city, some households might seek employment opportunities closer to their new homes. In fact, 64 percent of people who earn less than \$50,000 said they would [consider \(PDF\)](#) a lateral employment move if it would shorten their commute, while 60 percent of workers earning more than \$50,000 said the same.

This spatial mismatch between regional employment clusters and potential worker populations limits access to jobs. Because these outer neighborhoods are not as accessible by public transit, this mismatch can [add to congestion](#) on roads and highways. Long commutes impede employee retention. Fifty-eight percent of larger companies that lack nearby affordable housing options report that employees cite [long commute times as a reason why \(PDF\)](#) they left the company.

Employers often only consider employees' housing costs when the company is contemplating a move or an expansion. Instead, employers across the country should educate themselves about how a lack of affordable housing affects their workforce. Employers should learn about policies that can [improve housing across the income spectrum](#) as a way to better attract and retain workers. In higher-cost markets, employers should combine advocacy with direct investment in affordable housing, which, in turn, is an investment in the vitality of their workforce. This investment can benefit their own bottom line, as well as their employees and the local economy as a whole.

Photo by Nate Hovee/Shutterstock

[Affordability, Job Access](#)

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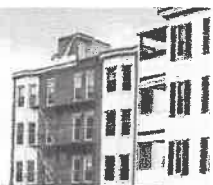
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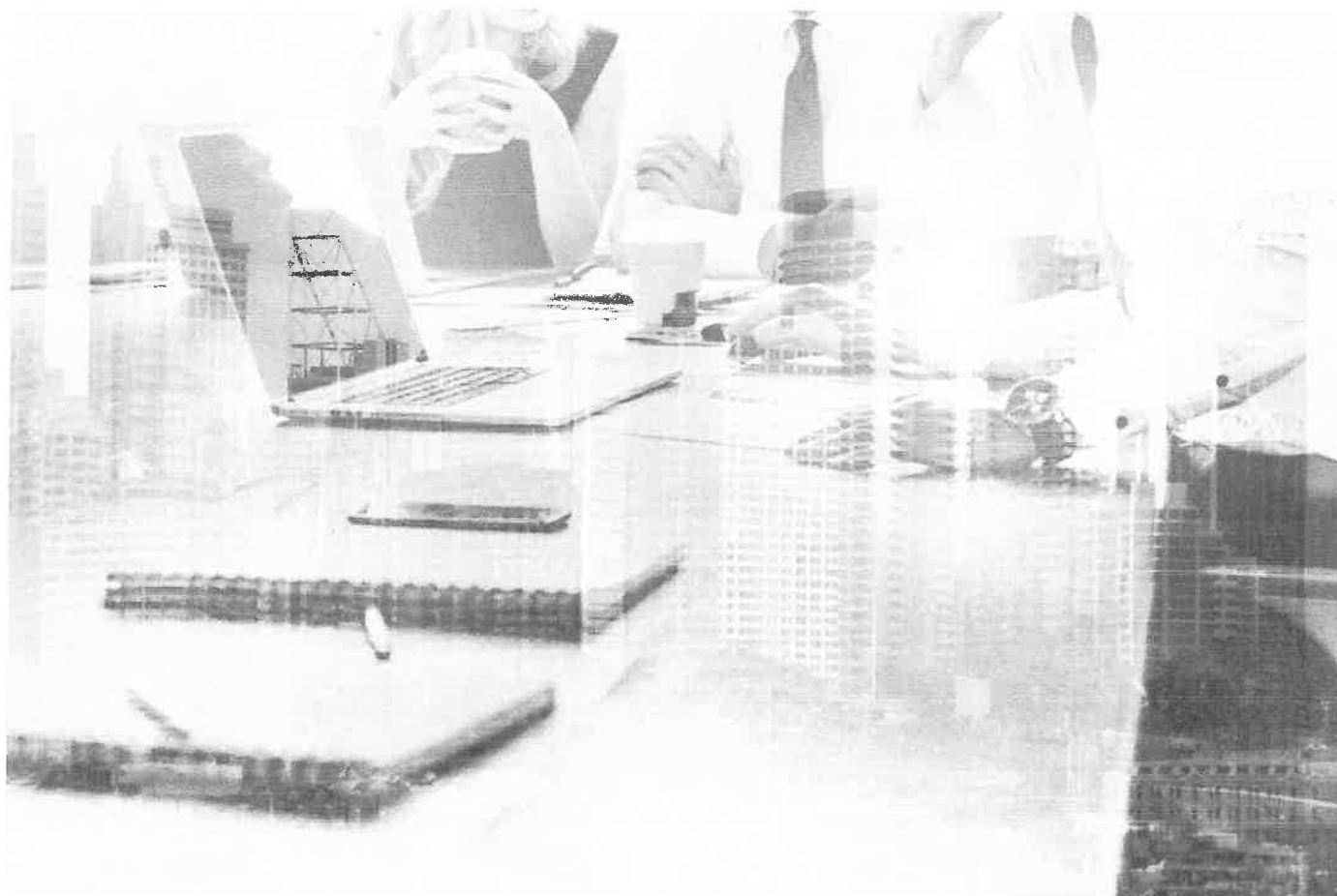
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[Local Policies to Strengthen the Renter Safety Net](#)

[Abby Boshart](#)

October 25, 2023 / Article

Goal ED-4



September 19, 2018

Choosing the Right Technology to Support Your Municipality

Written by Nick Price

For the most part, government boards operate in much the same way as other types of boards. Best practices for good governance apply to all boards of directors, including municipal boards. Directors of government boards often recognize their responsibility to ensure accountability and transparency more readily than other boards because of their service to the general public.

Municipal boards may be slower to implement technology than private or public boards because of lengthy procurement cycles and lack of government funds, even when technology promotes efficiency and saves money. When governments invest taxpayer dollars in technology, they need to be sure to get it right. Their first course of action is to look for governance management software solutions that were designed with the needs of government boards in mind.

Most government boards have to abide by state open meetings acts. Board directors for government boards are in the business of citizen capital. Government board directors have a duty to the general public to be accurate, transparent, accountable and efficient, and to make good use of public funds. These qualities are also part of the principles of good corporate governance. Secrecy of government operations generates mistrust while transparency ensures accountability.

What Is the Right Technology for Government Boards?

The right technology for government boards is technology that meets the needs of that particular board. Since government boards operate much like other boards, in seeking the right technology, boards should consider asking the same basic questions about technology as any other board. McKinsey & Company recommends that all boards ask themselves five basic questions about technology:

1. How well does technology enable the core business?
2. What value is the business getting from its most important IT projects?
3. How long does it take the IT organization to develop and deploy new features and functionality?
4. How efficient is IT at rolling out technologies and achieving desired outcomes?
5. How strong is our supply of next-generation IT talent?

The right technology for government boards will support the core business activities of the board and enable them to be true partners with their many stakeholders. Government boards should be able to support the cost of implementing new technology by demonstrating the value it creates in cost-effectiveness, accuracy, efficiency and transparency. Municipal boards need software solutions from innovative software providers that understand the unique needs of government boards. The right software providers are forward-thinking and continually offer valuable upgrades and enhancements.

Security is a high priority for municipal boards and boards should consider the level of security that software providers offer before making choices. Electronic board solutions are only good if they work consistently. Government boards seeking to implement new technology should make sure that software providers offer 24/7 customer service every day of the year with quick response by qualified service personnel.

The most basic tools for government boards are a secure board portal and a secure messaging system. Electronic board portals support good governance by streamlining processes that lead to increased transparency and accountability. With these systems in place, government boards should be cognizant of other helpful digital applications, such as software for taking meeting minutes and electronic applications for board evaluations.

How Does Technology Support Municipalities?

Board portal software supports municipalities by automating processes, reducing human error, preserving documents, *promoting good governance and maintaining confidentiality as necessary.*

Governance management solutions automate many of the board's standard processes like preparing agendas, taking minutes and streamlining meetings. Software solutions provide a safety net for issues that are subject to human error.

When government board directors make mistakes, even minor mistakes, they risk noncompliance with laws and regulations. Board portal software preserves the details of compliance issues, such as complying with meeting notice requirements, maintaining public access to meetings, retaining copies of agendas and minutes for the required length of time, and recording when the board met in closed sessions, along with their reasons for doing so.

BoardEffect uses cloud-based storage systems that provide unlimited storage. BoardEffect's board management software solution allows board directors to retrieve documents quickly when needed for compliance or Freedom of Information Act (FOIA) requests. Many government boards are required to write annual reports for the council or other parties.

Government boards are under as much pressure as other types of boards to make sure their boards have the proper composition that provides diversity of people and skillsets. Board portal technology supports good governance by preserving the board's efforts to recruit, nominate and appoint candidates for the board that best represent the governing body and its constituency.

Board portals help to manage a municipality's calendar of activities. Board administrators can set up the system so that it sends out automatic notifications about time-sensitive matters.

Government boards have the ability to go into executive session for the reasons outlined in their bylaws. Board portals support clear minute-taking that details the reasons boards decided to utilize private executive meeting matters. Minutes should also document how long board members spent in executive session. Due to confidentiality issues, the board should record only broad details of the matter for the permanent record.

The Right Technology for Municipalities Supports Boards Through Board Cycles

Municipal boards work through the same cycles as other boards. Citizens support their municipal governments through their taxes. Since municipal boards are the face and voice of the citizens in their

communities, they need technology offered by BoardEffect, which supports their meeting cycles, their annual cycles and the development cycles of the board. In the interest of accountability, government boards need to support their meeting cycle with clear documentation and transparency. The right technology supports the annual cycle of required board activities, such as updating policies, maintaining regulatory compliance and planning initiatives. The development cycle focuses on board education, development and skillsets, and technology provides documentation of such progress.

In essence, getting the right technology helps government boards fulfill their duties as the general public expects them to. The sooner that municipalities can get buy-in from their authorities, the sooner they can implement software solutions that save money, improve efficiency and streamline workflow.

INTERESTED IN LEARNING MORE?

See how BoardEffect can help your municipality board leverage technology for increased efficiency and better corporate governance.

[REQUEST A DEMO](#)

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INVESTING IN AMERICA

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 - \$80.1 million for weatherization;
 - \$7.7 million through the State Energy Program;

- \$8.4 million through the Energy Efficiency and Conservation Block Grant Program; and
- \$109.3 million to prevent outages and make the power grid more resilient.

Airports: According to some rankings, no U.S. airports rank in the top 25 of airports worldwide. The Bipartisan Infrastructure Law invests \$25 billion in airports to replace and modernize airport infrastructure, which helps the U.S. become more economically competitive globally, creates good jobs, and revitalizes and supports more efficient and enhanced traveler experience.

- **Announced funding:** To date, Massachusetts has received approximately \$181.6 million for airports.

Ports and Waterways: Our ports and waterways are in need of repair and investment. The Bipartisan Infrastructure Law invests \$17 billion in port infrastructure to strengthen our supply chains, address maintenance backlogs, and reduce congestion and emissions near ports—ultimately helping our country move goods more quickly and at lower cost.

- **Announced funding:** To date, Massachusetts has received roughly \$66.3 million for ports and waterways. Massachusetts was awarded \$33.8 million for one port project through the Port Infrastructure Development Program.

Resilience: Millions of Americans feel the effects of climate change and extreme weather every day. More frequent hurricanes, wildfires, heat waves, floods, unprecedented power outages, and persistent droughts devastate our communities and threaten our infrastructure. In the last decade, Massachusetts has experienced 14 extreme weather events, costing the state up to \$1.3 billion in damages. The Bipartisan Infrastructure Law makes a historic investment to bolster our resilience against pressing challenges like impacts of climate change, extreme weather events, and other hazards like cyberattacks.

- **Announced funding:** To date, approximately \$113.3 million has been allocated to Massachusetts for infrastructure resilience including \$10.1 million through the Army Corps of Engineers for flood mitigation.

Legacy Pollution Cleanup: Across the country, thousands of former industrial, chemical, and energy sites emit harmful pollutants into surrounding communities. These sites pose harms to health, welfare, and economic prosperity — and disproportionately impact communities of color: 26% of Black Americans and 29% of Hispanic Americans live within 3 miles of a Superfund site, a higher percentage than for Americans overall. The Bipartisan Infrastructure Law will deliver the largest investment in tackling

legacy pollution in American history by cleaning up Superfund and brownfield sites, reclaiming abandoned mines, and capping orphaned oil and gas wells.

- **Announced funding:** To date, approximately \$87.5 million has been allocated to Massachusetts for cleaning up brownfield sites.

For more information, click [here](#) to see a map of funding and announced projects in your community through the Bipartisan Infrastructure Law.

Massachusetts Project Spotlights

Grid Resilience Spotlight

Accelerating Building Thermal Electrification While Managing System Impacts

Generac Grid Services is receiving up to nearly \$50 million from the Department of Energy to provide approximately 2,000 income-eligible participants a combination of home battery systems, thermostats paired with heat pumps, and hot water heater load control switches. The goal of this initiative is to demonstrate that efficient building electrification can be achieved while minimizing system overloads, reliability issues, and the need for infrastructure upgrades. This project will reduce demand during peak hours in the summer and winter.

See [here](#) for more information on recent grid resilience announcements.

Rail Project Spotlight

Connecting the Commonwealth: Early Actions for the Inland Route Project

The Department of Transportation has awarded \$108,085,280 to the Massachusetts Department of Transportation for rail infrastructure and safety improvements through the Consolidated Rail Infrastructure and Safety Improvements (CRISI) program. The project involves project development, final design, and construction activities for various track, signal, grade crossing and bridge improvements on the Inland Route corridor, which is CSX Transportation-owned and MassDOT-owned infrastructure. The project will increase capacity to safely accommodate the addition of two round trip Amtrak Lake Shore Limited intercity passenger trains per day at higher speeds, while maintaining current freight operations. The improvements will raise the track class in many locations and address multiple areas of track alignment within curves that were not designed for higher speeds.

See [here](#) for a full list of CRISI awards.

RAISE Grant Spotlight

Roxbury Transportation Corridor

The Department of Transportation has awarded \$20 million to the city of Boston for improvements to the Roxbury Transportation Corridor. This project will reconstruct and upgrade three corridors in the Roxbury neighborhood of Boston, as well as construct dedicated bus corridors. The project will transform a community that has been underserved and overburdened by creating a safer street while promoting active transportation choices. It will also use sensors and data technologies to improve three corridors that will provide affordable transportation options.

See [here](#) for more information on awarded grants through the RAISE program.

Airport Project Spotlight

General Edward Lawrence Logan International Airport Bridge Rehabilitation

The Department of Transportation awarded a total of \$84.5 million to the General Edward Lawrence Logan International Airport. These grants were awarded in 2022 and 2023 to replace aging infrastructure at Terminal E. Renovations include expanding the baggage claim area, replacing the HVAC system, rehabilitating the existing gates and jet bridges, adding a new oversized baggage belt, expanding the arrivals curb, renovating the arrivals level canopy, and adding two new flex gate passenger boarding bridges. The Terminal E project was completed in October 2023.

See [here](#) for a map and list of the Airport Terminal awards and [here](#) for 2023 Airport Terminal Selections.

Clean Buses Project Spotlight

Expanding Clean Buses in Boston

The Department of Transportation awarded \$116 million to the Massachusetts Bay Transportation Authority to purchase new battery-electric buses to replace older diesel buses that have reached their useful life and launching a workforce development program to support training and safety efforts.

See [here](#) for more information on Low or No Emission Bus programs that have been announced.



FY 2023 INCOME LIMITS DOCUMENTATION SYSTEM

[HUD.gov](#) [HUD User Home](#) [Data Sets](#) [Fair Market Rents](#) [Section 8 Income Limits](#) [MTSP Income Limits](#) [HUD LIHTC Database](#)

FY 2023 Income Limits Summary

| FY 2023 Income Limit Area | Median Family Income Click for More Detail | FY 2023 Income Limit Category | Persons in Family | | | | | | | |
|--|---|---|-------------------|--------|--------|---------------|--------|---------|---------|---------|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Barnstable Town, MA MSA | \$124,300 | Very Low (50%) Income Limits (\$) Click for More Detail | 40,300 | 46,050 | 51,800 | 57,550 | 62,200 | 66,800 | 71,400 | 76,000 |
| | | Extremely Low Income Limits (\$)* Click for More Detail | 24,200 | 27,650 | 31,100 | 34,550 | 37,350 | 40,280 | 45,420 | 50,560 |
| | | Low (80%) Income Limits (\$) Click for More Detail | 64,450 | 73,650 | 82,850 | 92,050 | 99,450 | 106,800 | 114,150 | 121,550 |

NOTE: **Barnstable Town city** is part of the **Barnstable Town, MA MSA**, so all information presented here applies to all of the Barnstable Town, MA MSA.

The **Barnstable Town, MA MSA** contains the following areas: Barnstable Town city, MA; Bourne town, MA; Brewster town, MA; Chatham town, MA; Dennis town, MA; Eastham town, MA; Falmouth town, MA; Harwich town, MA; Mashpee town, MA; Orleans town, MA; Provincetown town, MA; Sandwich town, MA; Truro town, MA; Wellfleet town, MA; and Yarmouth town, MA.

BROOKINGS

Goal ED-4

COMMENTARY **OP-ED**

Why Infrastructure Matters: Rotten Roads, Bum Economy

Robert Puentes

January 20, 2015

Cities, states and metropolitan areas throughout America face an unprecedented economic, demographic, fiscal and environmental challenges that make it imperative for the public and private sectors to rethink the way they do business. These new forces are incredibly diverse, but they share an underlying need for modern, efficient and reliable infrastructure.

Concrete, steel and fiber-optic cable are the essential building blocks of the economy. Infrastructure enables trade, powers businesses, connects workers to their jobs, creates opportunities for struggling communities and protects the nation from an increasingly unpredictable natural environment. From private investment in telecommunication systems, broadband networks, freight railroads, energy projects and pipelines, to publicly spending on transportation, water, buildings and parks, infrastructure is the backbone of a healthy economy.

It also supports workers, providing millions of jobs each year in building and maintenance. A Brookings Institution analysis Bureau of Labor Statistics data reveals that 14 million people have jobs in fields directly related to infrastructure. From locomotive engineers and electrical power line installers, to truck drivers and airline pilots, to construction laborers and meter readers, infrastructure jobs account for nearly 11 percent of the nation's workforce, offering employment opportunities that have low barriers of entry and are projected to grow over the next decade.

Important national goals also depend on it. The economy needs reliable infrastructure to connect supply chains and efficiently move goods and services across borders. Infrastructure connects households across metropolitan areas to higher quality opportunities for employment, healthcare and education. Clean energy and public transit can reduce greenhouse gases. This same economic logic applies to broadband networks, water systems and energy production and distribution.

Big demographic and cultural changes, such as the aging and diversification of our society, shrinking households and domestic migration, underscore the need for new transportation and telecommunications to connect people and communities. The percentage of licensed drivers among the young is the lowest in three decades, as more of them use public transit and many others use new services for sharing cars and bikes. The prototypical family of the suburban era, a married couple with school-age children, now represents only 20 percent of households, down from over 40 percent in 1970. Some 55 percent of millennials say living close to public transportation is important to them, according to a recent survey by the Urban Land Institute.

Yet unlike Western Europe and parts of Asia, the United States still has a growing population. We've added 25 million people in the past 10 years. This tremendous growth, concentrated in the 50 largest metropolitan areas, will place new demands on already overtaxed infrastructure. Metropolitan areas must be ready to adapt not only to serve millions of new customers but also to help poorer residents, many of whom are jobless, have the best chance possible to find work.

A recent Brookings analysis found that only a quarter of jobs in low-skill and middle-skill industries can be reached within 90 minutes by a typical metropolitan commuter. Successful cities will be those that connect workers to jobs and close the digital divide between high-income and low-income neighborhoods. The White House notes that broadband speeds have doubled since 2009 and that more than four out of five people now have high-speed wireless broadband, adoption rates for low-income and minority households remains low (about 43 and 56 percent, respectively.)

Our economy is changing as fast as our society. Over 83 percent of world economic growth in the next five years is expected to occur outside the United States, and because of rapid globalization, it will be concentrated in cities. This offers an

unprecedented opportunity for American businesses to export more goods and services and to create high-quality jobs at home. It also amplifies the importance of our seaports, air hubs, freight rail, border crossings and truck routes, which move \$51 billion worth of goods quickly and efficiently each day in the complex supply chains of the modern economy.

The diverse energy boom also disrupts our infrastructure. Natural gas needs new truck, pipeline and rail networks. Rooftop solar panels have rattled electric utilities, which are scrambling to find ways to incorporate and store the energy they produce while keeping the grid operating. At the same time, finding the money to pay for the development of a smart electricity grid and for clean energy presents challenges, as hundreds of thousands of small and large projects are projected to come online in coming decades.

High-profile natural disasters, such as Hurricane Sandy, drew attention to problems with water infrastructure. Overwhelmed waste water systems, washed-out roads, shorted electrical circuitry and flooded train stations not only highlighted the economy's reliance on these networks, but also revealed their poor condition. The nation's water systems are now being rebuilt. Cities are working to capture storm and rain water rather than building costly pipes to sluice it away. The Center for an Urban Future recently described how New York City plans to spend \$2.4 billion over 18 years in so-called "green" infrastructure such as rooftop vegetation, porous pavements, and soils to soak up rain.

Over and above the new types of needed infrastructure is a big change in how projects are financed.

Despite the importance of infrastructure, the U.S. has not spent enough for decades to maintain and improve it. It accounts for about 2.5 percent of the economy, compared to about 3.9 percent spent in Canada, Australia and South Korea, 5 percent for Europe and 9-12 percent in China. The McKinsey Global Institute estimates that the U.S. must spend at least \$150 billion more a year on infrastructure through 2020 to meet its needs. This would add about 1.5 percent to annual economic growth and create at least 1.8 million jobs.

Split between Republicans and Democrats, the federal government appears incapable of doing this. For the foreseeable future, the Highway Trust Fund, the State Revolving Funds for water and others will face cuts and squeezed budgets. Other experiments, such as a National Infrastructure Bank, seem prohibitively complex in the current political environment. And of course, rising interest costs on federal debt, increases in entitlement spending and declining traditional revenue sources such as the gasoline tax mean that competition for limited resources is fiercer than ever.

Some cities and states are enjoying budget surpluses because property and sales tax revenues. But most localities will take years to build back their reserves, repay additional debt incurred during the recession and pay for deferred maintenance on infrastructure. Unfunded pension obligations and other debts facing all levels of government mean there just aren't the public funds to pay for necessary infrastructure. And though interest rates remain at historically low levels, the ability of many governments to borrow from capital markets is hindered by debt caps and weak credit ratings.

Despite gradual acceptance in the past decade that infrastructure is vital to economic growth, debate of spending remains an amorphous and simplistic. Infrastructure is made up of interrelated sectors as diverse as a water treatment plant is from an airport, a wind farm, a gas line or a broadband network. The focus on infrastructure in the abstract led to unrealistic silver-bullet policy solutions that fail to capture the unique and economically critical attributes of each. In reality, each infrastructure sector involves fundamentally different design frameworks and market attributes. And they are owned, regulated, governed and operated by different public and private entities.

The federal role should not be exaggerated. American infrastructure is selected, built, maintained, operates and paid for in a diverse and fragmentary fashion. For certain sectors, such as transportation and water, federal spending is relatively high, averaging \$92.15 billion each year from 2000 to 2007. But even there, according to the Congressional Budget Office, Washington's share of spending never topped 27 percent. For other sectors, such as freight rail, telecommunications, and clean energy, the federal role is more limited.

So what does all this mean and how are we going to pay for what we need?

Roads, bridges and transit must be paid for largely from public funds. Ballot measures have been important for fund raising, particularly at the local level, because general obligation bonds require popular approval. That's how regions and municipalities pay for public transit systems, bridges, road construction, water and sewer improvements and a host of other infrastructure projects. Many cities are following this trend. Those places, especially in Western cities such as Los Angeles, Phoenix and Salt Lake City, are taxing themselves, dedicating substantial local money and effectively contributing to the construction of the nation's infrastructure.

Metropolitan transportation initiatives are popular among voters. According to the Center for Transportation Excellence, 71 percent of measures were passed in 2014 as were 73 percent in 2013. While state level ballot measures on infrastructure spending are far less common, in 2013, eight states voted to raise taxes for such projects. This includes both conservative strongholds such as Wyoming and Democrat-controlled legislatures in states such as Maryland.

A number of cities are using market mechanisms that capture the increased value in land that accrues from infrastructure. This provides a more targeted way to finance new or existing transportation projects by matching the benefit from infrastructure with its cost. These techniques include impact fees where land developers are assessed a charge to support associated public infrastructure improvements, generally local roads and public works like sidewalks. The lease or sale of air rights is another practice that has been used by to finance development around transit stations for decades, famously around Grand Central Station in New York, and more recently in Boston and Dallas.

Another growing trend is the use of tax increment financing districts. These TIFs support infrastructure projects by borrowing against the future stream of additional tax revenue the project is expected to generate. Examples include a TIF used to pay for improvements at the Atlantic Station project in Atlanta and Portland, Ore.,'s similar strategy to fund its streetcar by creating a local improvement district that leveraged the economic gains of nearby property owners.

For its part, the federal government can allow greater flexibility for states and cities to innovate on projects that connect metros. Passenger Facility Charges used to fund airport modernization are artificially capped at \$4.50 and do not begin to cover the

airport's operating and long-term investment costs. Busy airports could be freed to meet congestion and investment costs by removing the caps. Archaic restrictions on interstate highways tolls could also be lifted. Metropolitan and local leaders, with the states, are in the best position to determine which segments of road could best raise revenue.

Other infrastructures could be public-private partnerships. These often complex agreements allow the public sector to bring in private enterprises to take an active role during the life of the infrastructure asset. At their heart, these partnerships share risk and costs of design, construction, maintenance, financing and operations.

The public-sector interest in partnerships is propelled by the shortage of money. Ever since the recession, many states and local governments have been plagued by high debt, low credit ratings and limited options to borrow. PPPs are not "free money," but they can offer benefits such as better and faster completion of the project, more budgetary accountability and overall savings.

Partnerships with the private sector are not appropriate for all infrastructure sectors or projects. Some may not be profitable enough to attract investors. Green infrastructure or public parks, for example, may lack a revenue stream. Private conservancies maintain and oversee parks in New York, Pittsburgh, Houston and St. Louis, but they are all nonprofit organizations set up solely for that purpose and do not help spread risk.

The best infrastructure projects for private sector involvement are those with a clear revenue stream from rate-payers, such as water infrastructure and toll roads. The private sector can bring in new technologies for metering and billing that can improve services. Thoughtful procurement can also facilitate projects that do not include ratepayers. Nearly any project can be suitable for a private partnership as long as there is a mechanism to spread risk among all parties, even without user fees. So-called availability payment models allow the public sector to pay a recurring user fee for the use of an asset based on its condition and accessibility. These payments are a form of debt since but require continuous public expenditure and a binding budgetary obligation.

It would help spur public-private partnerships if there were standard contracts and pricing, risk sharing and returns. In the past, Washington has set these kinds of standards for such vast areas of the consumer market as housing and small business. But the federal government appears unlikely to do so for infrastructure investment. A mix of public, private and civic bodies will have to do so instead.

An emerging example is the West Coast Infrastructure Exchange, a collaboration between California, Oregon, Washington and British Columbia standardizing transparency, contracts, labor and risk allocation. The goal is to build a market for projects. By sharing details, project finance and delivery methods can be scaled and replicated.

If successful, the WCX could be a model for other state, city and metro infrastructure exchanges. Each exchange could focus on the infrastructure delivery and finance strategies suited to the culture, traditions and needs of the region it serves. An East Coast or Mid-Atlantic Exchange could focus on rebuilding coastlines and climate resiliency after Hurricane Sandy, or on transportation projects that cross state borders. A Midwestern Exchange might focus on water infrastructure in a largely slow growth environment or on projects with Canada. A Southern Exchange might facilitate new infrastructure to accommodate fast growth and new manufacturing, supply chains and movement of goods. Regardless of their focus, exchanges could be linked through a project clearinghouse to share data, information and best practices.

Energy, telecommunications and freight rail will remain dominated by the private sector typically with federal and state regulatory oversight. But there will also be new types of public and private relationships in these sectors, too. For example, while broadband networks are still delivered by private companies, local governments recognize that this kind of network access is equally important to the future economic success of households as well as businesses. So as cities such as Los Angeles explore ways to extend broadband to all homes, they also are working to figure out the financing arrangements and business opportunities for firms interested in developing those networks.

The trade and logistics industry is highly decentralized, with private operators owning almost all trucks and rails, and the public sector owning roads, airports, and waterway rights. Unlike such countries as Germany, Canada and Australia, the U.S. does not

have a unified strategy that aligns disparate owners and interests around national economic objectives. Innovative partnerships are therefore necessary to make freight movements in and around big cities more efficient and reliable. The CREATE program in Chicago aligns several such interests in a citywide effort to relieve freight and passenger bottlenecks that cause delays. The \$2.5 billion for the program will come from a mix of traditional sources (federal grants), private investments (railroads), state loans (bonds) and existing local sources.

It is clear that projects are becoming more complex. There is not one-size-fits-all form of financing for them. It very much depends on the place, time and particulars of each project. The level of private engagement will depend on market and business opportunities.

In many respects, America's ability to realize its competitive potential depends on making smart infrastructure choices. These must respond to economic, demographic, fiscal, and environmental changes if they are to help people, places and firms thrive and prosper.

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All In: The Federal Government's Plan to Tackling America's Homelessness Crisis

May 23 • Written By Paige Warren

A Conversation with Jeff Oli



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he served as CEO of C4 Innovations. Throughout his career, he has worked extensively in the areas of homelessness and housing, health and behavioral health, HIV, education, and organizational development. Jeff has been principal investigator on multiple research studies funded by private foundations and the National Institutes of Health. Jeff is deeply committed to social justice, racial equity, gender equality, and inclusion for all. He has a bachelor's degree from the University of Alabama and a master's degree from Boston College.



Determining the size of homeless population in the U.S. is not as straight forward as you might think. Thousands of people enter and exit homelessness on a given day, so depending on the type of survey method — a single point-in-time count or other — most recent estimates suggest it's somewhere between 580,000 and 1.3 million people. But despite the challenge of arriving at a precise number, the following are indisputable facts about the nature of that population.

1. Homelessness is disproportionately impacting minority and marginalized people.
2. People with preexisting health conditions are more likely to experience homelessness, and homelessness worsens health.
3. The number of people that enter homelessness each year exceeds the number that exit.

Jeff Olivet serves as the executive director of the U.S. Interagency Council on Homelessness (USICH) and recently participated in a two-day deep dive on health and homelessness that was sponsored by Harvard's Advanced Leadership Initiative. This interview seeks to recapture some of the highlights of his presentation and aspires to explore the topic more broadly.

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territory that we're charting is around both upstream prevention and racial equity.

Warren: The administration's plan is rooted in the philosophy of "housing first," which I understand has been employed in other countries, like Finland, with notable success. What does it mean and how does it play out in application in the U.S.?

Olivet: "Housing First" is a long-standing approach that is grounded in the belief that housing is the fundamental solution to homelessness. Without it, every other aspect of a person's life can suffer. But it's not the only solution. We need to make sure that people have access to wraparound supports that help them stay housed, like health care (including mental health and drug and alcohol treatment), job training and placement and education support. Housing First programs offer people these supports at the same time as housing, and they continue to offer them long after people are housed



When I got into this work almost 30 years ago, we did not have "Housing First." At that time, we set up a lot of hurdles (such as sobriety or employment) for people to clear before they could get into housing. What practitioners have come to realize is that it's very hard to stop using drugs and alcohol, for example, when you're living on the street. Similarly, it's very hard to get and keep a job when you're living in a car or a tent. Housing First flipped the mindset: Instead of expecting people living on the streets and in shelters to solve all of their non-housing problems, this approach immediately ends the life-threatening crisis of homelessness and simultaneously works on solving their other problems that contributed to homelessness. That represents a real sea change in thinking.

The evidence for Housing First is extraordinary. It works for roughly 9 out of every 10 people, but we do appreciate that it doesn't work for everybody. That is partially because we need to scale housing and support, which is what *All In* aims to do. But I think we also need to have a more creative and open conversation about what else we need in the toolbox and in the continuum of housing options. Some people, for instance, do really well with recovery housing, where (unlike with Housing First) sobriety is a

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As someone who spent a large part of their career in public and affordable housing, I was surprised that I had not heard that expression before, but it immediately made visceral sense. Can you address this linkage?

Olivet: Homelessness is inherently harmful to people's health. Not only does homelessness worsen health, but preexisting conditions increase a person's likelihood of experiencing it. Everything from strokes and epilepsy to dementia are more common in people who have experienced homelessness.

It is extremely hard to treat chronic medical conditions, acute medical conditions, drug and alcohol recovery when you haven't addressed the basic foundational need for a safe and stable place to sleep, when you have no kitchen to cook healthy meals, and no bathtub to bathe your children. Just try to put yourself in the shoes of that experience for a minute and imagine how you'd attend to the health of your children or your own mental and physical wellbeing when you don't know where your next meal is going to come from, when you don't know necessarily where you're going to sleep tonight, or if you're going to be safe through the night. On Maslow's hierarchy of needs, shelter is part of the first, most basic level along with air, water, and food.

Warren: In your presentation, you also mentioned that some cities and states have "right to shelter" laws that require jurisdictions to provide emergency shelter for any unhoused resident that requests it. I also understand that the number of people who are homeless is significantly higher than what might otherwise be plainly visible because approximately 60% of the homeless population is estimated to be living in shelters or in other temporary housing.

Olivet: The conversation we really need to be having is how to operationalize a right to housing. Right to shelter jurisdictions have invested pretty heavily in shelter, and that's important for keeping people alive and giving them a temporary safe place to be — although shelters can be a mixed bag. Shelters, however, don't solve homelessness. What we need to do is dramatically shorten the length of stay in shelter and create



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tents. HUD is investing hundreds of millions of dollars in communities to explicitly address unsheltered homelessness, and I think that's going to be a really important tool. In addition, USICH and the White House are set to launch a new initiative to help targeted cities and states implement *All In* and test new models to get people off the streets and into homes.

While there's a lot of room for innovation, we know that criminalization doesn't work. It's ineffective, expensive, and inhumane. Unfortunately, more and more cities and states are resorting to it as they face public pressure to do something about the tents that people see in their neighborhoods and on their way to work. But we cannot arrest our way out of homelessness.

Where are people supposed to go? In many communities, there is little affordable housing, and shelters are full or turn away people who are not sober, people who identify as LGBTQ+, and people with partners, pets, or teenage kids. We need to dramatically ramp up our investments in housing and expand the supply of and access to affordable housing and low-barrier shelter.

It doesn't work just to sweep an encampment and hope it doesn't pop up somewhere else. If you're not providing housing and services for people, then it's like playing whack-a-mole: the encampment will go away here, but then it pops up over there. And now all you've done is displace people, disconnect them from services and support, and anger not just one neighborhood but two because the encampment simply moved.

Warren: In many areas, the COVID-19 pandemic accelerated strategies and forced innovation was required. What did the pandemic teach us about homelessness and its solutions? Do you have confidence that we've integrated the learning into the work?

Olivet: In the beginning of the pandemic we were all told to stay home. But not everybody has that, right? Not everybody could. And people without a home —





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the start of what are now broad and ongoing partnerships between health and homeless systems. That's a real success story.

The pandemic also forced us to reimagine and decongregate shelters. Many communities used American Rescue Plan funding to convert vacant hotels and motels into non-congregate shelters where people without a home could socially distance. This was an extraordinarily effective approach, and some communities and states are now converting the shelters into permanent housing. That was an incredible innovation.

We also saw an easing of government regulations that was really useful. I think we need to do some real soul searching now around what bureaucratic requirements are necessary.

The pandemic also proved the power of prevention and the impact of getting money into people's pockets. Emergency rental assistance prevented more than 1 million households from losing their homes and it prevented an overall spike in evictions. Meanwhile, the stimulus checks and expanded child tax credits significantly reduced poverty — and this all happened during a time of economic crisis, proving that we can make progress even in the most difficult times.

Our response to the pandemic prevented what could have been a tsunami of new homelessness. In reality, between 2020 and 2022, homelessness flattened out. It had been increasing since 2016, but the Biden administration halted the rapid rise and is now working to reduce it 25% by 2025. The flattening of the curve was no accident. It was the result of unprecedented federal investment.

Warren: How much of this innovation do you think is temporary, brought to bear to meet the need of the hour? Have you seen new stakeholders come in to help solve the problem and have they stayed invested?

Olivet: I think the jury is still out. I do know that we need the private sector to step up in a different way — the corporate sector and the philanthropic sector, including corporate





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business downturn or to fund a corporation.

Both the availability and the cost of housing can drive your own workforce out of the area that you're based in. So I think there's some neuro-connectivity between these issues on the part of folks in the corporate sector, and I think that's wonderful. I would just issue a call for leaders in the corporate sector to step up and also to be part of the solution on homelessness.

Warren: The *Social Impact Review* is a social impact journal focused on ideas and solutions for advancing the thinking and problem solving by practitioners on some of the world's thorniest, most complex problems. Do you believe we can and will solve homelessness in your lifetime? Can and will — two very different questions.

Olivet: I'm Intensely optimistic that we can solve homelessness if we choose to. And I say that very carefully. This nation has proved extraordinary at its ability to tackle really challenging problems. It's also clear that to do that, we need public and political will. And we need resources. We can't just hope the problem goes away.

The problem of homelessness has cycled through the history of the U.S. and that's true even in the colonial era on this continent. So it's an old problem and it's deeply entrenched. In the last 50 years, as contemporary homelessness has really risen and gotten entrenched on the American landscape, that it could seem overwhelming, but it doesn't have to be this way. We know what it would take to end homelessness. We've got enough money. We've got enough creativity. We've got enough amazing people. I believe our plan lays out a lot of those ambitious approaches. I think we can absolutely end homelessness if we choose to as a nation. There's enough resilience in the lives of people who are experiencing homelessness, so much strength there, and so much ability to navigate really complex situations. We just have to put it all together and then we scale up what's working to meet the need. It all starts with preventing homelessness before it ever happens. Down to my core, I believe we can do all that.





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Paige Warren is a 2021 Harvard ALI Senior Fellow and senior editor for the Social Impact Review. Paige had a distinguished career in financial services at the nexus of business, government, and neighborhoods. Over the course of her 17-year tenure in the commercial debt side of Prudential Financial's investment management arm, Paige served in various senior roles including Global COO and Head of Strategy, President, and Portfolio Manager.

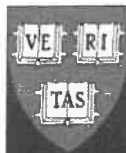
Much of Paige's career was spent in affordable and public housing development and finance. Prior to joining Prudential, she served in the Federal Government to build an organization focused on restructuring the government's affordable multifamily housing debt. She has served in various other private sector roles, including that of developer, investor, and feasibility consultant.

Paige is currently the vice chair of the board of trustees and chair of the finance subcommittee at The Washington Center, a non-profit, higher education adjacent organization whose mission is to enhance the pipeline of diverse talent and to build more equitable, inclusive workplaces and communities. She is an ESG FSA Credential-holder and holds a certification in ESG Investment from the CFA Institute.

This interview has been edited for length and clarity.

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Cape Cod's Homeless Population Is Consistent From Year To Year

By LILY HENNESSY

Dec 31, 2020

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Barnstable County has an annually steady number of approximately 336 homeless people, according to the county's Human Services Department Point in Time count from January 2020.

Beth Albert, the director of the county's Human Services Department, made a presentation during the Barnstable County Board of Regional Commissioners meeting on December 23.

"Our numbers on the Cape in Barnstable County have been consistent since 2017. They go from 35 unsheltered individuals, and last year it was 32," Ms. Albert said referring to the decreases in the homeless population.

In 2019, the County reported a count of 371 homeless people in the County.

"Overall, our numbers don't fluctuate that much from year to year. We have a certain number of beds in our shelters, and those don't change typically from year to year."

However, Ms. Albert said a criticism of the way the program counts homeless people is that it does not count those who are "doubled up"—people who may be living on a friend's couch or in the basement.

Ms. Albert said it is impossible for the program to count the doubled-up people.

"It's conceivable that we always have an undercount," she said.

Homeless people are counted each year through the Annual Point in Time, or PIT.

"We undertake an annual count of homelessness on the Cape every January," Ms. Albert said. "This is a requirement by the US Department of Housing and Community Development."

Typically, the count will take place during the last week of January.

"Hopefully, the count will not be too high this year, and the weather will be good," said Ronald Bergstrom, chairman of the board of regional commissioners.

The count has two components: homelessness is counted as either unsheltered or sheltered.

"We do a count of people that are in shelter, transitional housing and also that are being put up in a motel, and then there is the unsheltered count where we actually in previous years have gone out with a group of trained volunteers, including all of our homeless outreach agencies and individuals and police departments, to conduct a count of those who are unsheltered on that night," Ms. Albert said.

The count of unsheltered homeless takes place over a 24-hour period and is scheduled for Tuesday, January 26.

"This year because of COVID we're going to be changing a little bit in order to maintain the safety of the volunteers who are doing the count," Ms. Albert said. "It is a communitywide effort. We have teams that are going to be activated not only on the Cape and the regions of the Cape but also on Martha's Vineyard and Nantucket."

Getting an accurate count during COVID-19 will be different than in previous years, she said.

"The way we're going to do it this year is a little bit different. Our methodology is going to be more of an observational count," Ms. Albert said. "At least on the Cape my understanding, and this has been confirmed by the outreach people, the outreach folks know who are unsheltered, we know where these folks are, we know where they may be in encampments, so we have a really good handle on the unsheltered and where these folks are located. So that count is going to go on."

The unsheltered count is also weather-dependent. Ms. Albert explained that on a cold night there will be more people staying in motels who might normally sleep outside.

Commissioner Ronald R. Beaty had some questions for Ms. Albert.

"I've had some concerns," he said. "I've been in Hyannis over the last few weeks, and it's really noticeable seeing the homeless individuals walking around Main Street, and it's cold out, and we have the pandemic going on and there's been talk about perhaps trying to vaccinate the homeless population. I wasn't sure if that would somehow work in conjunction with the census being conducted or if possibly we could, so there are a lot of questions that are coming up."

The majority of homeless people are in Yarmouth and Hyannis, Ms. Albert said, adding that there are multiple efforts in the works to make sure unsheltered people have a place to go when it is cold.

"We have a very—administered through Duffy Health Center—a very robust 'in from the streets' program this year where we're actually putting people up in motels," Ms. Albert said. "Duffy and many of our partners are working through FEMA (Federal Emergency Management Agency) dollars to do some of this work."

The county's human services department also works with Vinfen Corporation, Duffy Health Center and the Housing Assistance Corporation of Cape Cod to conduct a drop-in program three days a week so that homeless people have somewhere to go during the day.

"The vaccination [idea] I think is a different issue, and it's not something we're going to be doing as part of the point-in-time count. But in Massachusetts people who live in congregate settings like shelters have been prioritized to receive the (coronavirus) vaccine," Ms. Albert said.

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What Is a Living Wage? Definition, History, and How to Calculate

By JULIA KAGAN Updated June 13, 2023

Reviewed by DORETHA CLEMON

Is the income required
to cover basic family
needs w/o reliance on
outside assistance.

than the legal [minimum wage](#).

KEY TAKEAWAYS

- A living wage is a socially acceptable level of income that provides adequate coverage for basic necessities such as food, shelter, child services, and healthcare.

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when workers demanded higher pay.

- The living wage shouldn't be confused with the minimum wage, which is the lowest amount of money someone can earn as mandated by law.
- Supporters of living wages say they boost productivity and employee morale while critics argue they could hurt the economy and force corporations to reduce hiring.

How a Living Wage Works

What constitutes a living wage may vary slightly depending on who's defining it. According to the Global Living Wage Coalition, some 60+ definitions and descriptions of the term exist. Despite some deviations, the organization found certain common themes when comparing how it is defined in human rights declarations, by [non-governmental organizations \(NGOs\)](#), and from others. ^[2]

So what exactly is a living wage?

The general consensus is that a living wage is one that provides individuals with

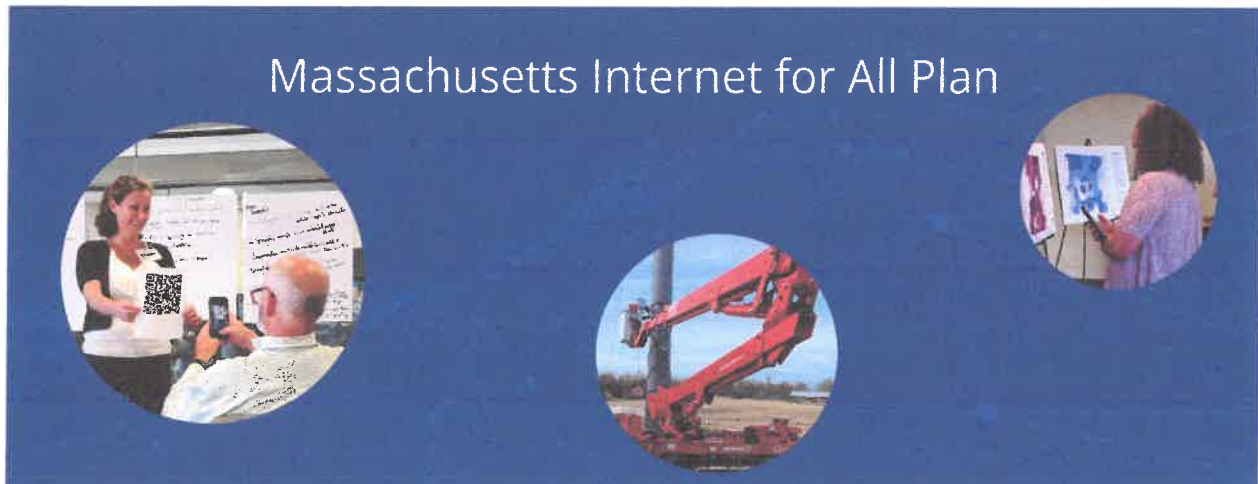
- Other basic necessities ^[2] ^[3]



Policy ED-6



Massachusetts Internet for All Plan



As the state's leading agency for broadband and connectivity, MBI is dedicated to bringing affordable, high-speed internet to every person in Massachusetts. The Bipartisan Infrastructure Law https://broadbandusa.ntia.doc.gov/sites/default/files/2022-02/state_local%20iija%202-pager_final%2001.27.2022.pdf has already allocated \$145 million to Massachusetts to expand high-speed internet access and digital equity programming across the state. The first step to deploying these funds is developing a strong plan, informed by organizational stakeholders and residents of the Commonwealth. Over the last year, MBI has led a planning effort [internetforall](#) that has resulted in the development of two guiding planning documents – a Statewide Digital Equity Plan and what is known as the Initial Proposal for the Broadband Equity, Access, and Deployment (BEAD) Program. These two documents create the Massachusetts Internet for All Plan.

economic development
policy ED-6

Public Comment Period: Nov. 13 - Dec. 15, 2023

Now that our planning documents have been drafted, we want to hear from you! MBI is collecting input from residents of Massachusetts to make sure we got the plan right. Your input is crucial during this public comment period as we want to understand your experiences and how we can enhance them to meet the needs of all Commonwealth residents. Below, you'll find the executive summary, a link to the Comment Form where you can provide us your feedback, and tips for submitting a helpful comment. You can provide feedback on any portion of whichever document(s) you read. ***Together, we can make a difference!***

Executive Summary



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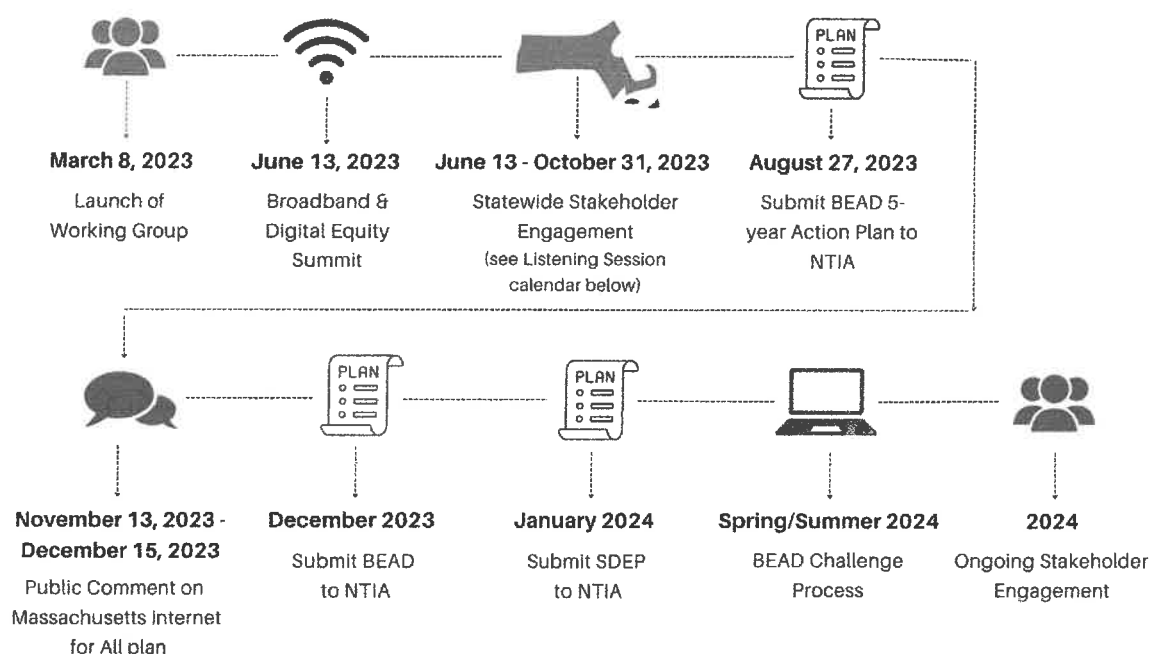
MBI will also welcome typed or written public comments using this **printable form** <https://broadband.masstech.org/sites/default/files/2023-11/english%20public%20comment%20form.pdf> which can be mailed to:

**Massachusetts
Broadband Institute
Attn: MBI Public
Comment**

Massachusetts Internet for All

MBI hosted many activities to help shape the State Digital Equity Plan and 5-year Strategic Broadband Action Plan that is available for download and public comment above. The listening sessions, which started in September, were an opportunity for the public to share their experiences, ideas, and vision for a connected Massachusetts, tackling key questions around internet access, adoption, affordability, digital skills training, and device availability. In addition, focus groups gathered input directly from covered populations and underrepresented communities identified by the federal programs. Visit the webpage here <https://www.flickr.com/photos/masstechcollaborative/collections/72157722135315350/> to review recaps on those events, resources, and photos from Listening Session Tour

<https://www.flickr.com/photos/masstechcollaborative/collections/72157722135315350/>.



Frequently Asked Questions

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Frequently Asked Questions

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What is a Labor Surplus Area?

A Labor Surplus Area (LSA) is a civil jurisdiction that has a civilian average annual unemployment rate during the previous two calendar years of 20% or more above the average annual civilian unemployment rate for all states (including Puerto Rico) during the same 24-month reference period. If the national annual average unemployment rate during the referenced period is less than 6.0% then the qualifying rate is 6.0%. If the national annual average unemployment rate during the referenced period is above 10% then the qualifying rate is 10%.

What is a Civil Jurisdiction?

Civil jurisdictions are defined as follows:

- A city of at least 25,000 population on the basis of the most recently available estimates from the Bureau of the Census; or
- A town or township in the States of Michigan, New Jersey, New York, or Pennsylvania of 25,000 or more population and which possess powers and functions similar to those of cities; or
- A county, except those counties which contain any type of civil jurisdictions defined in A or B above; or
- A "balance of county" consisting of a county less any component cities and townships identified in paragraphs A or B above; or
- A county equivalent which is a town in the States of Connecticut, Massachusetts, and Rhode Island, or a municipio in the Commonwealth of Puerto Rico.

Who are some of the users of the LSA list and what are the reasons they use the list?

- The Administrator for Federal Procurement Policy uses the LSA list to identify where procurement set asides should be emphasized in order to strengthen our Nation's economy;
- General Service Administration (GSA) Online Representations and Certifications Application (ORCA) system uses the LSA list as a tool to determine if a business qualifies as a Labor Surplus Area concern;
- The Small Business Administration uses the LSA list for bid selections for small business awards in Historically Underutilized Business Zones (HUBZones);
- Some state and local area governments use the LSA list to allocate employment related assistance (food stamps and training); and
- Private industry has used the LSA list for strategic planning and potential areas of human capital.

What is the Balance of County Geography?

The balance of county is defined as the reminder of the county after all cities that are civil jurisdictions are disaggregated from the county.

Can an area be added to the Labor Surplus List if that area's unemployment rate was below the qualifying unemployment rate for the referenced period?

An area can be classified as a labor surplus area if that area's unemployment rate was below the qualifying unemployment rate for the referenced period under the exceptional circumstance provision. The exceptional circumstance provision is a written petition by the state workforce agency to the Department of Labor's ETA requesting an area(s) be classified a Labor Surplus Area. The criteria for an exceptional circumstance classification are:

- An area's unemployment rate will be greater than or equal to the Labor Surplus Area qualifying unemployment rate for each of the three most recent months;
- A projected unemployment rate that will be greater than or equal to the qualifying unemployment rate for each of the next 12 months; and
- Documentation that the exceptional circumstance event has already occurred.

State Workforce Agencies may submit petitions in electronic format to wright.samuel.e@dol.gov, or in hard copy to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, 200 Constitution Ave NW, Room S-4231, Washington, DC 20210. Attention Samuel Wright.

Can an area be added to the Labor Surplus List if that area is not a civil jurisdiction?

Under the Labor Surplus Area program's exceptional circumstance procedures, labor surplus area classifications can also be made for Metropolitan Statistical Areas as defined by the Office of Management and Budget.

Program Areas **Policy and Directives** **News** **About**



Employment & Training Administration (ETA)

An agency within the U.S. Department of Labor

200 Constitution Ave NW
Washington, DC 20210

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Policy ED-7



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Economic Development Industrial Corporations (EDIC)

EDIC creation is authorized by a state statute which allows cities and towns identified as labor surplus areas by the U.S. Department of Labor

EDIC creation is authorized by a state statute which allows towns or cities to identified as labor surplus areas by the US Department of Labor to establish Economic Development Industrial Corporations to implement local economic development projects in accordance with local approved economic development plans.

Projects must involve industrial and manufacturing uses and are designed to lower the unemployment rate and eliminate substandard, or open areas. The DCS provides assistance to cities and towns in establishing EDICs to undertake redevelopment projects, as well as ongoing technical assistance.

Eligible Applicants: Any towns designated by the U.S. Department of Labor as a labor surplus area due to high unemployment is eligible to establish an EDIC under [MGL Chapter 121C](#) (<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter121C>).

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Economic Development Policy ED-7

Eligible Activities

In accordance with an economic development plan an EDIC may implement economic development projects designed to decrease the unemployment rate and eliminate decadent and blighted open areas existing in a city or town.

Selection Criteria

In order to establish an EDIC, a town must first determine that the need for an EDIC exists. In towns this requires a vote by town meeting and in cities a vote by the city council and approval by the mayor or city manager. Under M.G.L. Chapter 121C, towns must receive certification from the Executive Office of Housing and Livable Communities (EOHLC) for the establishment of EDICs. Cities are not required to receive certification from EOHLC.

How to Apply

Please refer to the DHCD publication [EDIC Implementation Guide 2022](#) (</doc/edic-implementation-guide-2022/download>)

Additional Program Information

[Organizer for Economic Development 2022](#) (</doc/organizer-for-economic-development-2022/download>)

[Matrix of Organizational Characteristics](#) (</files/documents/2016/07/qf/matrix.pdf>)

[USDL Labor Surplus Areas](#) (<http://www.doleta.gov/programs/lisa.cfm>)

[Massachusetts Office of Business Development](#) (</orgs/massachusetts-office-of-business-development>)

[Executive Office of Energy and Environmental Affairs](#) (</orgs/executive-office-of-energy-and-environmental-affairs>)

[Massachusetts Department of Environmental Protection](#) (</orgs/massachusetts-department-of-environmental-protection>)

[Massachusetts Environmental Policy Act Office \(MEPA\)](#) (</orgs/executive-office-of-energy-and-environmental-affairs>)

[Massachusetts Historical Commission](#) (<http://www.sec.state.ma.us/mhc/>)

Executive Office of Housing and Economic Development - Economic Development Incentive Program (EDIP)

[MassDevelopment](#) (<http://www.massdevelopment.com/>)

[MassHousing](#) (<http://www.masshousing.com/>)

Part I ADMINISTRATION OF THE GOVERNMENT

Title XVII PUBLIC WELFARE

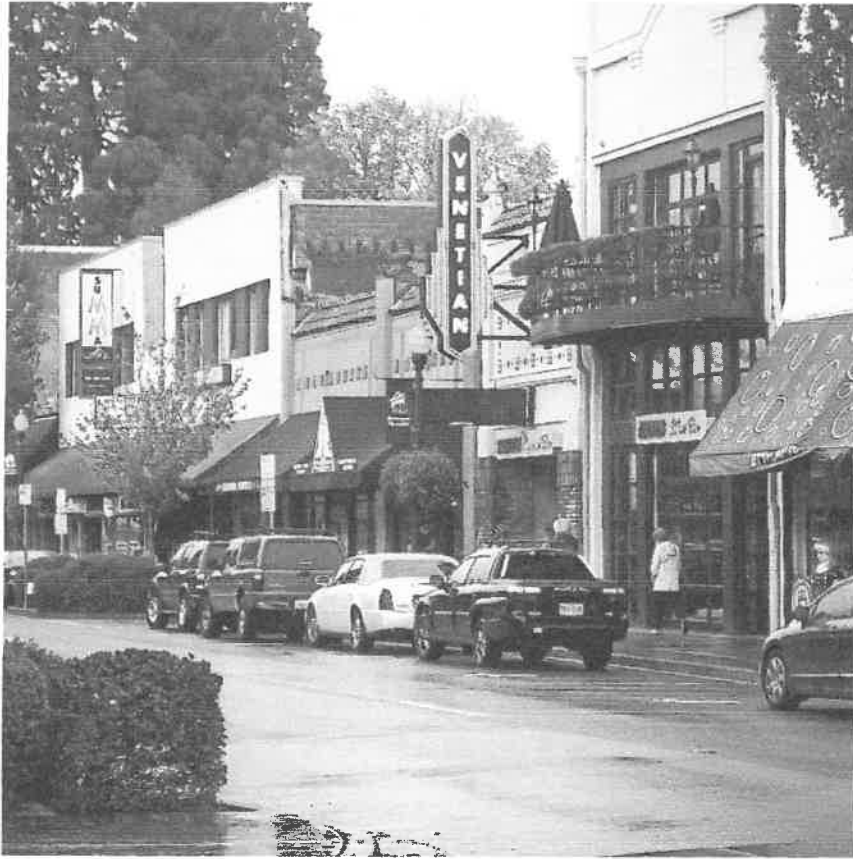
Chapter 121C ECONOMIC DEVELOPMENT AND INDUSTRIAL CORPORATIONS

- Section 1** Definitions
- Section 2** Legislative declarations
- Section 3** Economic development and industrial corporation; authority to organize; consolidations; members of board of directors; surety bonds; compensation and reimbursements
- Section 4** Corporate seal; officers; bond; accounts; annual audit and report; management of affairs and property
- Section 5** Powers of corporation; payment of relocation costs
- Section 6** Economic development projects; approval; procedural requisites
- Section 7** Rents and charges for service or facilities furnished or supplied; control and application; sinking fund for revenue bond obligations
- Section 8** Corporate liability in contract or in tort
- Section 9** Real estate and tangible personal property exempt from taxation and assessments; payments in lieu of taxes; taxation of certain

real estate; exemption of income or profits from transfer of corporation obligations

- Section 10** Debentures; issuance authorized; trust agreements as security
- Section 11** Municipal indebtedness in aid of corporation
- Section 12** Revenue bonds; revenue refunding bonds; requisites; negotiability
- Section 13** Revenue or revenue refunding bonds; trust agreements as security
- Section 14** Revenue and revenue refunding bonds as securities for purposes of investments or deposits by certain institutions
- Section 15** Enforcement of this chapter and of trust agreements
- Section 16** Provisions inconsistent with other law controlling
- Section 17** Severability
- Section 18** Liberal construction

Goal ID-2



8 Policy Strategies Cities Can Use to Support Local Businesses

BY STACY MITCHELL | DATE: 28 AUG 2017 | [Facebook](#) [Twitter](#) [LinkedIn](#) [Email](#)

*The Institute for Local Self-Reliance produced this policy brief for Local Progress, a network of elected officials organized by the Center for Popular Democracy. We've reproduced the text of the brief below, and it's also available to **download** [PDF] and as part of Local Progress's **library of policy briefs**.*

The Problem

Locally owned businesses play a central role in healthy communities, and are among the best engines that cities and towns have for advancing economic opportunity. Small business ownership has been a pathway to the middle class for generations of Americans, and continues to be a crucial tool for building wealth and community self-determination. This is something many people understand intuitively, and it is also borne out by research that finds that the presence of locally owned businesses is linked to higher rates of

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Despite these benefits, in many communities, small businesses are disappearing. Between 2008 and 2012, the number of independent retailers fell by about 108,000 and small manufacturers by about 70,000.[2] Even more alarming than the overall decline in small businesses is the fact that it has become much harder to launch one: The number of new firms created each year has fallen by about half since the 1970s, a trend that economists say is slowing job growth.[3]



SHUTTING LOCAL
POWER

What Neighborhood
Retail Gets Right
(Episode 27)

Contrary to popular perception, this decline isn't because local businesses aren't competitive. In many cases, it's because public policy and concentrated market power are working against them. Misguided zoning policies, soaring real estate costs, and financing terms that incentivize landlords to rent to chains[4] are making it harder for local businesses to find suitable space. Banking consolidation and the decline of local financial institutions has left more entrepreneurs struggling to obtain the capital they need, a barrier that is especially acute for Black, Latinx, and women entrepreneurs.[5] Economic development subsidies and tax incentives further skew the playing field by **disproportionately flowing** to big corporations.

The Solution

As policymakers begin to recognize these barriers, some are taking action to ensure that their communities are places where local businesses can thrive. Here is a sampling of the strategies they are using.

Get Zoning Right for Small Businesses — Rather than favoring strip malls and large-format development, zoning should support multi-story, pedestrian-oriented districts that include a mix of small and large commercial spaces, and that preserve historic buildings. This type of varied building stock offers the best habitat for local businesses, and research has found that neighborhoods with a range of building types and ages have more startups per square foot. [6]

Set Aside Space for Local Businesses in New Development — Cities can require development projects to **reserve a portion** of their first-floor space for small storefronts and for locally owned businesses, either as a condition of permitting or through agreements in particular projects, as **Austin, Portland, Ore.**, and other cities have done. Because of financing incentives and national relationships, new development is often oriented to the needs of large chains; set asides can help close the gap.

Adopt a Business Diversity Ordinance — A **Business Diversity Ordinance** can ensure that independent, neighborhood-serving businesses don't get crowded out by chains. Municipalities around the country, from **Fredericksburg, Texas**, to **Jersey City**, have used this tool effectively. **San Francisco's** 12-year-old policy is one of the most comprehensive. It requires a "formula" business to apply for a special use permit and meet criteria in order to locate in any of the city's neighborhood commercial districts.[7]

Facilitate Adaptive Reuse of Vacant Buildings — Cities can establish an **Adaptive Reuse Program** to help local entrepreneurs turn vacant historic buildings into new businesses. In **Phoenix**, for instance, the program offers permit-fee waivers and a faster timeline for eligible projects. In **Anchorage, Alaska**, a **land trust** works with local entrepreneurs to repurpose derelict commercial properties.

Reorient Economic Development Incentives — Economic development incentive programs disproportionately favor big companies,[8] and what's more, they often don't work.[9] Instead of giving public dollars to big businesses, cities should redirect these resources to foster local businesses, as some cities, like **Grand Rapids, Mich.**, are doing. Another model can be found in **Portland**, where the city has several initiatives to accelerate the growth of minority-owned businesses.

Open a Small Business Office – Cities should create a position within city government to guide business owners through local permitting requirements, and to serve as a liaison between small businesses and

Md., and **Minneapolis**, or a Small Business Commission, such as the one in **San Francisco**.

Give Preference to Local Businesses in Purchasing — Cities should establish a **preference for locally owned businesses** in city purchasing, and include clear definitions, goal-setting, and reporting. For example, that their purchasing doubles as economic development, as **Cleveland** has done. Cities can also establish a preference for local businesses when leasing city-owned commercial space, as **Seattle** has done with the King Street Station.



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Expand Access to Capital — Community banks supply a majority of **small business loans**. As their numbers have plummeted in the last decade, so too has lending to small businesses. To strengthen and expand these institutions, **Oakland**, **Santa Fe**, and other cities are exploring setting up a **public partnership bank**, modeled on the Bank of North Dakota. Another helpful approach is to establish a one-stop, single-application portal for local entrepreneurs seeking loans, as **Philadelphia** has done with its Capital Consortium.

Landscape & Resources

For scholarship on the benefits of locally owned businesses, see the **Institute for Local Self-Reliance's** resource page, "**Key Studies: Why Local Matters**." For more about how the built environment can support local businesses, see the ILSR report, "**Affordable Space**." Detail about the decline of local businesses can be found in the ILSR report, "**Monopoly Power and the Decline of Small Business**." Also see the ILSR articles "**Access to Capital for Local Businesses**," "**How San Francisco is Dealing With Chains**," and "**Procurement Can Be a Powerful Tool for Local Economies, but Takes More Than a Policy Change to Work**."

Notes

- [1] "Key Studies: Why Local Matters," *Institute for Local Self Reliance*, Jan. 8, 2016.
- [2] U.S. Economic Census.
- [3] "Declining Business Dynamism in the United States: A Look at States and Metros," *Brookings*, 2014.
- [4] "Blame the Banks for All Those Boring Chain Stores Ruining Your City," Patrick Clark, *Bloomberg*, Sept. 2016.
- [5] "2016 Independent Business Survey," *Institute for Local Self Reliance*, Feb. 10, 2016.
- [6] "Older, Smaller, Better: Measuring how the character of buildings and blocks influences urban vitality," *Preservation Green Lab and National Trust for Historic Preservation*, May 2014.
- [7] "Formula Business Restrictions," *Institute for Local Self-Reliance*, Dec. 1, 2008.
- [8] "Shortchanging Small Business," Greg LeRoy et. al., *Good Jobs First*, Oct. 2015.
- [9] "An Assessment of the Effectiveness and Fiscal Impacts of the Use of Local Development Incentives in the St. Louis Region," *East-West Gateway Council of Governments*, Jan. 2011.

Photo of Hillsboro, Ore.



access to capital, adaptive reuse, commercial diversity, economic development, homestead feature, local purchasing preferences, procurement, set-asides, small business office

About Author Latest Posts



Stacy Mitchell

Stacy Mitchell is co-director of the Institute for Local Self-Reliance and directs its Independent Business Initiative, which produces research and designs policy to counter concentrated corporate power and strengthen local economies.



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Goal ED-2

Farm Stops: A New Way to Enhance Local and Regional Food Systems

By Katie Barr, originally published by Resilience.org

July 29, 2022



There's no denying that our current food system in the United States is in trouble. With the worsening climate crisis affecting crop yields, the pandemic limiting the labor force, and the war in Ukraine driving staggering inflation, we need alternatives to a largely homogenized system and fast. Now more than ever, we need a localized system that supports the rapidly shrinking population of small to mid-sized family farms, makes food more accessible, and provides full transparency to people who increasingly demand justice, equity, and accountability for the quality and source of

their food. Over the past few decades we've turned to alternative methods like farmer's markets, community-supported agriculture programs, and most recently, food hubs. But there's an emerging method that may just be the key to forming strong, localized food systems.

Enter the small-farm-supporting grocery store, otherwise known as a Farm Stop. A Farm Stop is a mission-driven entity that supports small-scale farmers by sourcing agricultural products from nearby producers, and by operating on consignment. Most people, when they hear the word "consignment" think of clothing or antique stores, but it can also be applied to sourcing local agricultural products, supporting small-scale farmers, and strengthening local food systems. A good example is the Argus Farm Stop in Ann Arbor, Michigan. This year-round grocery store works with over 200 local farmers and producers. Argus gives the producers they work with 70 percent of the retail price, and takes a 30 percent commission to maintain its operations. This ensures that farmers get the real value for their products.

With stores like Argus Farm Stop, farmers and producers set their own prices, own their products until they are sold, and make more money than an average retail sale. This not only gives small-scale farmers a fair wage year-round, but it also allows them to manage their own inventories, and save time and labor from participating in farmer's markets that are only open for part of the year. Thus far, in only eight years of operation, Argus Farm Stop has put over \$10 million back into the hands of the farmers and producers they work with.

In addition to strengthening the local food economy, stores like Argus Farm Stop foster closer relationships with the producers they work with, and educate others about the benefits of eating locally and seasonally. Because these stores operate on consignment, they often rely on additional diversified revenue streams, which allows for greater flexibility, adaptability,

and stability to meet the needs of their communities and provide further support for small-scale farmers, food producers, and businesses in their area. For example, most Farm Stops have a café and a commercial kitchen to sell value-added products made from items taken from the store, or directly from other small-scale producers. These cafés often serve as third places; spaces that foster community and communication, support cultural and social creativity and expression, and enhance the quality of life of a community.

Other revenue streams can flow from incubator kitchens or production spaces which offer entrepreneurial support to small-scale producers and businesses that lack their own production spaces. In addition, Farm Stops can be flexible in their business structure, allowing them to incorporate as non-profits or co-operatives where they can access funding opportunities via grants and awards. For example, Local Roots in Wooster, Ohio, and Random Harvest in Craryville, New York, are both co-operatives that offer cafés, incubator kitchens, and rentable community spaces. In this way, Farm Stops help to strengthen local food economies, educate consumers about the benefits of local food, and build community.

The Farm Stop concept is new and not yet well researched. To better understand the social, cultural, and financial impacts of Farm Stops on the communities they serve, I conducted a study analyzing 284 survey responses from four different Farm Stops around the country. The results showed that Farm Stops provide a number of benefits not just to the farmers they work with, but also to their communities. The results are as follows:

1. Enhanced Access to Local Foods

Farm Stops support small to mid-scale local producers by providing them with a year-round, direct-to-consumer sales outlet they don't have to

Farm Stops serve community needs and bolster local producers. This can shift the priorities of community members toward developing their local food system, because individuals can see the wider benefits of purchasing goods at a Farm Stop, while improving health and wellbeing for themselves and the whole community.

For more details, please read my full study [here](#).

How to Start a Farm Stop

When it comes to creating a more sustainable food system, we need a diversity of options that prioritize and support local and regional food systems. To that end, I have also put together a guidebook on How to Start a Farm Stop in any community.

This document is meant to guide and encourage the creation and development of Farm Stops, similar to that of Argus Farm Stop in Ann Arbor, Michigan. For those interested in developing a Farm Stop in their communities, this document not only describes essential elements, but also covers how you want your store to look, feel, and operate.

For those interested in understanding the Farm Stop model further, here is a list of existing Farm Stops around the country:

- Random Harvest, Craryville NY
- Local Roots Market and Café, Wooster, OH
- The Wild Ramp, Huntington, WV
- Agricole Farm Stop, Chelsea, MI
- Acorn Farmers Market and Café, Manchester, MI
- Boone Street Market, Jonesborough, TN



Goal ED-2

August 5, 2022

What Is the *Blue Economy*?

Marine economic activity, which may include activities occurring in the ocean, coastal areas, and Great Lakes, is important for economic growth, jobs, and livelihoods around the world, and particularly in coastal communities. However, some marine economic activities contribute to overexploitation of living (e.g., fisheries) and nonliving (e.g., oil, minerals) marine and coastal resources.

This In Focus discusses various definitions of the term *blue economy*; provides an estimate of the monetary value of the U.S. blue economy; and presents policy considerations for Congress, including a discussion about the possible need for a statutory definition of the blue economy and legislative support for its associated activities.

Blue Economy Definitions

There is no agreed-upon definition of the term *blue economy*. The use of the term varies among and within countries, organizations, and institutions. Definitions of the term generally fall into two categories.

One variation of the definition refers to the blue economy as the collective economic value of the resources, uses, and activities of the ocean and coasts. This definition may be used interchangeably with other terms, such as *ocean economy* and *marine economy*. This In Focus uses this definition of the term *blue economy*.

Another variation of the blue economy definition refers to the use of ocean and coastal resources to balance economic prosperity and environmental sustainability, in line with how the term was first introduced and used at the 2012 United Nations Conference on Sustainability. For example, the World Bank defines the blue economy as the “sustainable use of ocean resources for economic growth, improved livelihoods and jobs, and ocean ecosystem health.” In this definition, the blue economy refers to the efforts of nongovernmental organizations, federal agencies, or others to promote sustainable ocean development, which contributes to maintaining the ocean’s ecological health and ensuring the long-term viability and economic growth of marine-based industries.

Congress has not defined the term *blue economy* in statute. Federal officials have used both of the above variations of the term in the context of federal programs. Some examples include the following:

- The National Oceanic and Atmospheric Administration (NOAA) defines the blue economy as the “sustainable use of ocean resources for economic growth, improved livelihoods and job creation.”

- The Department of State reports that the purpose of the blue economy is to “advance ocean health alongside economic prosperity, providing sustainable food, power, and transportation.”
- The Department of Energy (DOE) describes the blue economy as “comprised of sectors and activities that span commerce and trade; living resources; renewable energy; minerals, materials, freshwater; and ocean health and data” and notes that many of these sectors show an increased focus on sustainability.

Value of the U.S. Blue Economy

In the United States, the Bureau of Economic Analysis (BEA) tracks revenues and jobs associated with the *marine economy*. BEA considers the following activities to be part of the marine economy: living marine resources, coastal and marine construction, marine research and education, marine transportation and warehousing, marine professional and technical services, offshore minerals, coastal utilities, coastal and offshore tourism and recreation, nonrecreational ship and boat building, and national defense and public administration. Some may consider the value of the marine economy as a potential index of the value of the U.S. blue economy. In 2019, BEA reported that the U.S. marine economy portion of the gross domestic product (GDP) grew faster than the nation’s economy as a whole. In 2020, the most recent year for which data are available, BEA found the marine economy accounted for 1.7%, or \$361.4 billion, of the U.S. GDP, with coastal and offshore tourism and recreation as the largest contributor, at \$190.9 billion.

Some organizations have attempted to estimate the worth of a potentially similar group of ocean-based activities, termed the *ocean economy*. For example, the Organisation for Economic Co-operation and Development (OECD) defined the ocean economy to include water transportation; port activities; maritime and coastal tourism; industrial fish processing, capture, and marine aquaculture; exploration and production of offshore oil and gas and wind; shipbuilding and repair; and manufacture of marine equipment. In 2016, the OECD projected the global ocean economy could double in total value added to \$3 trillion by 2030.

Policy Considerations

Congress may consider several issues related to the blue economy, including how the term is defined and valued and legislative support for its associated activities.

Need for a Blue Economy Definition?

Several bills introduced in the 117th Congress aim to codify the term *blue economy*. Some bills would define blue economy as an activity, whereas others would define it as

an economic sector. For example, H.R. 6680 would define the term broadly, in the context of DOE authorities, as “the sustainable use of ocean and aquatic resources to grow the economy, improve livelihoods, and create jobs in a manner that preserves the health of ocean and aquatic ecosystems.” In another example, H.R. 7970/S. 3866 would define blue economy in the context of Department of Commerce responsibilities as “the value and impact of sustainable industries related to the Great Lakes, oceans, bays, estuaries, and coasts on the economy of the United States,” and would specify industries and activities to include.

Some stakeholders argue that a standard definition of the term is needed to capture the blue economy’s full contribution to national GDP. For example, H.R. 3748/S. 140 would direct the NOAA Administrator to work with other agency leaders to define and measure the blue economy in coordination with nonfederal and tribal stakeholders, and to collaborate with national and international entities to ensure measurement comparability, among other activities. Alternatively, Congress might maintain the status quo and leave the term undefined.

The definition used for blue economy could inform policy debates regarding ocean uses and activities. Any economic valuation of the blue economy would depend on the definition used, which would specify what industries, activities, resources, or geographic areas are included. For example, some have proposed to include *ecosystem services*—the benefits to people, such as flood control, provided by the natural environment—in valuations of the blue economy. However, measuring these aspects of the blue economy is challenging due to a lack of consensus on how to value ecosystem services. Most existing measures of the blue economy focus on activities of marine-based industries and exclude ecosystem services.

Supporting Blue Economy Activities

Congress has authorized federal agencies to support activities that may be included in the broad definitions of blue economy above. Legislation in the 117th Congress would add or change these blue economy-related authorities. For example, some bills would support blue economy activities explicitly, such as legislation that would designate and fund regional Ocean Innovation Clusters to “contribute to the equitable and sustainable growth of the blue economy across all sectors” (H.R. 7970/S. 3866). Some bills would support certain industries that fall within the blue economy by providing funding for research and development of “blue energy technologies” (H.R. 6680), establishing requirements for offshore aquaculture in federal waters (H.R. 6258/S. 3100), or making changes to federal fisheries conservation and management programs and processes (H.R. 3128), among other activities. Other bills would support conservation and protection of the marine environment, which serves as the basis for many blue economy activities, or would indirectly facilitate the blue economy through research, observations, and monitoring of the marine environment.

Congress may continue to consider facilitating blue economy cooperation and coordination between the stakeholders that rely on shared marine spaces and

resources. For example, the offshore renewable energy industry anticipates job growth with the deployment of solar, tidal, and wave energy technologies and the continued expansion of federal and state offshore leasing for wind energy. However, potential productive locations for offshore renewable energy projects may coincide with locations of other marine activities, such as commercial and recreational fishing, or conservation activities, such as feeding or migration areas for certain species (e.g., North American right whales). Previous Administrations have provided funding and technical assistance to nonfederal regional ocean partnerships (ROPs) focused on marine spatial planning. Some Members have proposed to codify NOAA’s relationship with ROPs, including authorizations of appropriations for financial assistance (e.g., H.R. 3817/S. 1894 in the 117th Congress).

International Considerations for the Blue Economy

Many international intergovernmental organizations have established goals and targets that may directly or indirectly support activities within the various definitions of the blue economy. For example, one target outlined in the U.N. Convention on Biological Diversity (CBD) Post 2020 Global Biodiversity Framework is for protected areas to cover at least 30% of land and sea areas by 2030. The Biden Administration’s “Executive Order on Tackling the Climate Crisis at Home and Abroad” (E.O. 14008) specified the Administration would determine which steps to take toward “conserving at least 30 percent of [U.S.] lands and waters by 2030.”

Congress may play a role in establishing new or expanding existing marine protected areas (MPAs) to help achieve the goals of the CBD. Human activities are managed within MPAs to protect and restore marine and coastal ecosystems. In the United States, MPAs can be established and managed at the federal, state, local, and tribal levels. MPAs in the United States currently cover 26% of U.S. marine waters.

MPAs may support the marine and coastal tourism sector within the blue economy. The marine and coastal tourism industry, including recreational boating and fishing, marine guided tours, and marine trips and travel, depends on healthy beaches, coral reefs, and other ecosystems. For example, a 2017 study found that 70 million trips are supported by the world’s coral reefs each year, representing an estimated \$36 billion to the global marine and coastal tourism industry.

MPAs also may contribute to the blue economy through their ecosystem services. For example, 83% of U.S. mangrove forests, which occur along the U.S. Gulf Coast, are protected by federal or state MPAs. Mangroves are often referred to as one nature-based approach for mitigating global climate change—studies estimate that mangrove forests can store up to four times more carbon than tropical rainforests. Mangroves also stabilize the coastline, reducing erosion from storm surges, currents, waves, and tides.

Caitlin Keating-Bitonti, Analyst in Natural Resources Policy
Eva Lipiec, Analyst in Natural Resources Policy

Disclaimer

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Policy
ED-9

MONEY REPORT

In partnership with 

NEWS

Some 70,000 child care providers may close as federal aid ends, report finds. What that means for parents

By Ana Teresa Solá,CNBC • Published September 12, 2023 • Updated on September 14, 2023 at 10:55 am



Portland Press Herald | Portland Press Herald | Getty Images

Lauren Rosenberg, right, of Portland, Maine, and her nanny, left, set out toys for Rosenberg's children.

Economic Development
Policy ED-9



services afloat as part of the American Rescue Plan Act of 2021.

- However, more than 70,000 child care providers who benefited are likely to close after the program expires this month, shutting down care for 3.2 million kids, a think tank estimates.
- Experts say that systemic change, such as broader parental leave and more public funding for child care, must be involved for child care to improve at a larger scale.

Child care is already scarce and expensive — and the stakes are about to get higher.

The federal government provided states with nearly \$24 billion in stabilization funds to keep child care services afloat as part of the American Rescue Plan of 2021.

That program expires at the end of this month.

Get Boston local news, weather forecasts, lifestyle and entertainment stories to your inbox. Sign up for NBC Boston's newsletters.

More than 70,000 child care providers who benefited are likely to close as a result of lost funding, according to estimates from The Century Foundation, a liberal think tank. That would affect 3.2 million kids and slash \$10.6 billion in revenue from lost worker productivity as parents reduce hours or leave jobs in the scramble to find new care.

More from Personal Finance:

Money market funds vs. high-yield savings accounts

Women will accept much lower salaries than men

Homeowners say 5% is the magic number to move

Researchers came to these figures based on data from a survey of 12,000 early childhood educators from all states and settings — including faith-based programs, home providers, Head Start programs and child care centers — as well as data from the U.S. Department of Health and Human Services Office of Child Care.

"Quality, affordable child care is already scarce, and the child care workforce is already badly underpaid and under great stress," said Lauren Hipp, national director for early learning at advocacy group

**CAPE COD CULINARY INCUBATOR**

Resources for the food entrepreneur

ACTION ED-9

[Home](#) [Posts](#) [news](#) Cape Cod Culinary Incubator to open shared-space, commercial kitchen at future home of KAM Appliances

Cape Cod Culinary Incubator to open shared-space, commercial kitchen at future home of KAM Appliances

By capeculinaryincubator September 7, 2021

Cape Cod Culinary Incubator (CCCI) announces it will be opening a shared space, commercial kitchen in early 2022. The facility will be the first of its kind on Cape Cod and will serve start-up and small, local food makers. The kitchen will be located within the new KAM Appliances building, currently under construction on Aggregate Way, in Barnstable, MA.

Member food makers will be able to rent kitchen time to prepare and package foods in a fully-equipped, commercial kitchen. CCCI will provide educational opportunities to support local food makers in developing their businesses. The kitchen will employ a manager to oversee the operations of the kitchen and provide on-site support to members.

KAM Appliances has been a long-time supporter of Cape Cod Culinary Incubator and we are excited to be a part of their new location.

Cape Cod Culinary Incubator was founded in 2013 as a 501(c)(3) non-profit organization to promote culinary entrepreneurship across Cape Cod. CCCI offers education, counseling,

networking, and marketing guidance to small entrepreneurial food businesses. CCCI is committed to providing small, local food makers with the resources necessary for success.

Last updated on September 7, 2021

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Sinatra WordPress Theme

CORRESPONDENCE



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

The Sandwich Board of Appeals will hold a Public Hearing on the application of Cezar Lanca, Property Owner, for a Special Permit under Section 4350 of the Sandwich Protective Zoning By-Law for property located at 13 Church Street, Sandwich, MA, Assessor's Map #82 Parcel #131 for the purpose of construction greater than 301 square feet in a flood zone. The Public Hearing will be held on December 12, 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 24 and December 1, 2023

Received By

DEC 01 2023

Planning Dept.

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

Received By

DEC 01 2023

Planning Dept.

**Special Permit
Certificate of Approval**

**TOWN CLERK
TOWN OF SANDWICH**

Petition # 23-24
Current Property Owner: SCKD Properties LLC
Property Address: 125 Route 6A
Book, Page: 35970, 195

NOV 29 2023
2 H38 M PM
RECEIVED & RECORDED

On November 28, 2023, the Board of Appeals voted to approve a special permit from Section 2200 of the Sandwich Zoning By-law for property located at 125 Route 6A, as shown on Assessor's Map 82, Parcel 084, to operate a retail kitchen and bath showroom.

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

NOVEMBER 29, 2023

Date

PROCEDURAL HISTORY

1. Application from Section 2200 of the Zoning By-Law for property located at 125, Route 6A was filed on November 6, 2023.
2. After proper notice was given, the public hearing was opened on November 28, 2023 and closed on November 28, 2023.
3. The applicant did not provide a site plan.
4. The Board reviewed the application and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:

James Killion
Christopher Neeven
Erik Van Buskirk
Chase Terrio
Kevin Kirrane

FINDINGS

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 Village Zoning District.
3. Subject property is 6,098 s.f. with 105 ft. of frontage on Route 6A.
4. The applicant wishes to operate a kitchen and bath showroom.
5. Under section 3120, the applicant is required to provide one parking space per 200 square feet of gross floor area.
6. The applicant is proposing the hours of operation as 9 a.m. – 5:30 p.m. by appointment only.
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 be satisfied.

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

Second: Christopher Neeven

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

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 three (3) 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.

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 125 Route 6A, as shown on Assessor's Map 82, Parcel 084, to operate a retail kitchen and bath showroom.

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 |

COLLINS CIVIL ENGINEERING GROUP, INC.
225 South Main Street
West Bridgewater, MA 02379
Tel: 508-580-2332 Fax: 508-580-8336
grcpe@aol.com

Received By

DEC 04 2023

Planning Dept.

November 30, 2023

Reference: Abutter Notification Per the Sandwich Board of Health Regulations
Proposed Upgrade of a Residential Septic System Located at:
9 Betty Avenue, Sandwich, MA

Dear Abutter to 9 Betty Avenue:

On behalf of Robert Reilly, LLC (applicant), Collins Civil Engineering Group, Inc. is notifying you about the upgrade of a residential septic system. Your notification as an abutter is a requirement under the town regulations.

Local Upgrade Approval Requests

1. **Local Upgrade Approval from section 310 CMR 15.212 of the State Sanitary Code which requires a minimum 5' vertical separation between the high groundwater elevation and the bottom of the soil absorption system with a percolation rate less than 2 minutes per inch. A local upgrade approval allowing a reduction from 5' to 4' is requested.**
2. **Variance in accordance with DEP Policy #BRP/DWM/PeP-POO-1, allowing a percolation rate to be established via grain size distribution analysis is requested.**


Local Board of Health Regulation Waiver Request

1. **A waiver from Local Board of Health Regulation Section 15:03:7 which requires a minimum 100-foot setback between a wetland and a septic component. A waiver allowing reduction down to 51 feet is requested.**

A Board of Health public hearing will be held at the Sand Hill School, 16 Dewey Avenue, Sandwich, on December 11, 2023 at 7:00 P.M. regarding the variances requested.

If you would like to discuss the proposed project or if I may be of any assistance regarding this matter, please contact me at my office at the number above or you may contact the Sandwich Board of Health at: 508-888-4200.

Sincerely,


George R. Collins, P.E.
President/Chief Engineer

Received By

DEC 12 2023

Planning Dept.



TOWN OF FALMOUTH
MASSACHUSETTS

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by Paul and Susan O'Connor, 290 Maravista Avenue, Teaticket, MA.

(Map 46A Lot 091) under 240-10.2A of the Zoning By-Law, as amended to **grant** the special permit to raise the existing, nonconforming dwelling to replace foundation and construct an addition.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **December 6, 2023** which is the date the Decision was filed in the office of the Town Clerk.

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