



# Town of Mashpee

# Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

## Meeting of the Mashpee Planning Board

Wednesday, March 20, 2024; 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>\*

**AMENDED MARCH 18, 2024**

### Call Meeting to Order

- Pledge of Allegiance

### Approval of Minutes

- Review of Meeting Minutes from March 6, 2024

### Public Comment

### Public Hearings

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

**Applicant:** Southworth Mashpee Properties LLC

**Location:** 275 Quinaquisset Avenue (Map 69 Parcel 32)

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

### New Business

- Vote to set a Public Hearing date for May Town Meeting Warrant Articles
- Discussion and possible vote of Windchime's requests to perform vegetation management within areas identified on the approved site plans as "not to disturb" such as, removing weeds and overgrowth and vines on trees. Windchime proposes the use of a non toxic herbicide. The request also includes selective pruning of Kousa Dogwood and Limelight Hydrangea. The Board will review this request in accordance with Condition #6 of the Windchime Special Permit (fka Sandcastle) recorded in Barnstable County Registry of Deeds in Book 5734 Page 225.
- Re-execution of a Covenant Release for property addressed as 12 Cypress Circle. The Affordable Housing Trust is purchasing this property for affordable housing.

### Old Business

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

### Board Engineer Report

- Project Reviews and Inspections

MASHPEE TOWN CLERK  
MAR 18 '24 PM1:55



# Town of Mashpee

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### 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

- 28 Quaker Run Road MassDEP Waterways License Application No. 24-WW01-0016-APP
- DEP handouts about proposed changes to the Wetland Protection Act in regard to flood zone changes
- Notices for Towns of Barnstable, Falmouth and Sandwich

### Additional Topics (not reasonably anticipated by Chair)

### Adjournment

MASHPEE TOWN CLERK  
MAR 18 '24 PM1:55



# *Town of Mashpee*

## *Planning Board*

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**Mashpee Planning Board  
Minutes of Meeting  
Wednesday, March 06, 2024 at 4:30p.m.  
Mashpee Public Library – Event Room  
64 Steeple Street  
Mashpee, Ma 02649**

**Recorded by Mashpee TV  
Call-in Conference Number: (508)-539-1400 x 8585  
Streamed on the Town of Mashpee Website:  
<https://www.mashpeema.gov/channel -8>**

**Present:** Vice Chair Mary Waygan, Dennis Balzarini, Dale Oakley, Mike Richardson

**Also Present:** Evan Lehrer – Town Planner

**Absent:** Karen Faulkner, Rob Hansen

### **CALL TO ORDER**

Vice Chair Waygan called the meeting of the Planning Board to order at 4:30p.m. The Pledge of Allegiance was recited.

### **APPROVAL OF MINUTES – February 21, 2024**

Ms. Waygan commented on page 5, third to last paragraph, she would like to add that the town's goal is for 10% affordable housing, so for a development of 12 units it would be reasonable to ask for 1 affordable unit.

Mr. Lehrer then talked about mitigation matching impact in the next paragraph, that any dollar value assigned for mitigation purposes should be reasonably related to impacts to actual development. Corrections made.

### **MOTION:**

**Mr. Balzarini made a motion to accept the February 21, 2024 meeting minutes as amended. Seconded by Mr. Oakley. All in favor.**

### **NEW BUSINESS**

**Vote to set public hearing date for a Special Permit application submitted by Joao Junqueira for approval to construct a 4,752 sq. ft. commercial building for retail sales of water related products with indoor and outdoor storage at property addressed as 474 Main Street (Map 27-21-A) and 21 Ashumet Road (Map 27-21-B)**



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Ms. Waygan is an abutter to this proposal so she is going to recuse herself from this matter and ask the Clerk set a date for this Public Hearing. Mr. Lehrer also noted a conflict of interest with the applicant where he is removing himself as well. There is a recommended Public Hearing date for the first meeting in April which is the 3<sup>rd</sup> at 7:10p.m.

### **MOTION:**

**Mr. Balzarini made a motion to set a Public Hearing date for April 3, 2024 at 7:10p.m. Seconded by Mr. Oakley. All in favor. Ms. Waygan recused herself.**

### **News on JBCC**

Ms. Waygan handed around a flyer for Town Planner to scan in and send to everyone, this has the address to sign up for updates. The Military Bond Bill of 2014 gave Mass Development first right of refusal for surplus state land on the base. Mass Development can take that surplus land and put housing on it. The concept of the base was to house military families and veterans and the whole concept was they work there and were given housing so they wouldn't have to commute. Now if they aren't using up our housing supply, and they are housed on Cape, it frees up units here. The land in Mashpee is federally owned. The state owned part is mostly in Bourne.

### **OLD BUSINESS**

**Continue review of draft implementation table of the Local Comprehensive Plan Update: Municipal Buildings, Facilities, and Services; Natural Resources; and any other section time allows**

It was noted Department Heads need to rebuild the list of actions. One thing he has been trying to focus on is making sure the goals are truly aspirational statements like having the most accessible open spaces or the most walked trails in MA.

Mr. Lehrer would like the Board to consider how much repetition and overlap we want to cross implement. We intentionally separated Water Quality from Natural Resources. With that being said, many actions are solely focused on water.

Ms. Waygan would like to cross reference and put in parentheses at the end where else it is located, it can be tweaked later.

Mr. Lehrer feels removing the redundancies may be a better option but then it might be lacking content in other areas.

### **Municipal Buildings Facilities and Services**





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Goal FS1: Cultivate healthy and productive civil discourse by maximizing inclusion and diversity in civic life. The policy related to this would be promoting intergovernmental coordination with the Tribe, county's Human Rights Commission, the Mashpee High School's Human Rights Club, and our own Mashpee Inclusion and Diversity Committee. Then an action would be that town boards and committees are provided with ongoing DEI resources and trainings.

Mr. Lehrer would like to reach out to these specific groups and the Tribe to see what they are working on, what they could be doing, or what we need from one another to get things accomplished.

Goal FS2: Provide the safest, most equitable, and technologically advanced municipal and school facilities that nurture community and civic engagement for all ages and meet the needs of projected student populations to maximize student potential and educational opportunities.

Goal 3 was condensed into Goal 2.

Ms. Waygan wanted to note there has been talk about sharing facilities and services with the Tribe and she would like that to be captured as that could create opportunities like services the county offers or emergency disaster response.

Mr. Oakley stated encourage increased coordination with the county and Tribe for sharing facilities and services.

Ms. Waygan would like to update the town's meeting room and public access technology.

Goal FS4: Make Mashpee the safest possible community where all community members can thrive without fear of crime or suffering, fire, or other man-made or natural disasters. This is a Public Safety related goal.

Ms. Waygan commented that these service departments need to have adequate resources to address resident's needs. For Human Services, we need to enhance or maintain any and all supports for public health and wellness. This is a cross sector collaboration with substance abuse prevention, homelessness, and childcare. Some actions would be funding and staffing for human resource programs that address homelessness and/or substance abuse. We need to support the increasing of childcare facilities, specifically fund and expand the town's childcare. She would also like some action steps about community policing.

Goal FS5: Maintain financial stability and AAA bond rating.



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Ms. Waygan would like a policy that considers the financial impacts and benefits of town programs and services. One action would be to make sure our Finance Department is staffed and FinCom has the resources it needs. We also need to have a robust Capital Improvement Plan process.

Goal FS6: Nurture and enhance continued education and life-long learning for Mashpee's adult community. It was mentioned this could go under previously merged Goals FS2 and 3.

Ms. Waygan added a policy to make educational opportunities accessible to all. An action could be to increase the budget, they often do 6 week classes. We have a lot of educational programs at the Public Library, we should support and increase those. She suggested they try to attract other educational opportunities into Mashpee via Woods Hole, CCCC, Local theatre and art centers, the Chamber of Commerce, and other community partners.

Goal FS7: Ensure Mashpee community members are as physically, mentally, and emotionally healthy as possible.

Mr. Lehrer noted this was a cross sector departmental goal.

Ms. Waygan noted supporting the Recreation Department opportunities as well as the Human Service Department programs. She suggested reaching out to Community Health Center to inquire about an action plan they might have for the town. It may be as simple as all local residents can go there and apply for Mass Health.

Mr. Oakley commented to support initiatives put forth by the Recreation Department.

Ms. Waygan also suggested to ensure health pamphlets are available at Town Hall or all public buildings.

Mr. Lehrer added awareness of where and who their local medical resources are.

Goal FS9: Provide the most accessible and interconnected trail network in the Commonwealth throughout Mashpee's conservation lands to maximize safe enjoyment of nature and the outdoors.

Goal FS10: Improve, maintain, and monitor Mashpee's ponds, coastal waterways, and coastline in pristine condition that allows all users and adjacent property owners to benefit from its natural beauty without conflict.



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Mr. Richardson noted some natural beauty is not there or is inaccessible, we don't want to maintain and monitor, we want to improve.

Goal FS11: Be a leader in sustainable solid waste and wastewater management to remove or mitigate impacts of hazardous waste and nutrient pollution on natural systems. Mr. Lehrer will work on this, possibly tweak the use of 'be a leader'.

Goal FS12: Make Mashpee the most operationally efficient municipality in the Commonwealth.

Policy FS1: Invest in new technologies or best practices at the Mashpee Transfer Station that maximize operational efficiency and minimize potential environmental impacts of the facility's operation.

Policy FS2: Continue to invest in a community policing model that protects Mashpee residents, visitors, and their property from crime whilst nurturing the public's trust. Mr. Lehrer will be looking to the Police Department for specifics of community policing.

Policy FS3: Ensure that the Police Department and Fire Department staffing levels and facilities can appropriately accommodate consistent enforcement of local, state, and federal laws, rapid response times, high quality care and protection, and minimize loss and suffering due to crime, fire, and other man-made and natural disasters. Mr. Lehrer will reach out to both department Chiefs for input.

Ms. Waygan asked for a similar statement involving Harbor Master, Enforcement/Inspection Services i.e. Building Commissioner, and Animal Control. Actions are staffing related, in the Hazard Mitigation Plan it discusses hiring requisite number of staffing. It also discussed a Fire House in the north part of town.

Policy FS4: Increase collaboration and communications internally between the Town departments and externally with the broader community by maximizing in-person and virtual opportunities for civic engagement.

Ms. Waygan would like to acknowledge the technology investments buildings/meeting rooms require as well as expanding our civic reach for communication methods.

Policy FS5: Enhance, maintain, and/or provide any and all needed municipal infrastructure and services needed to support the local economy, mobility of people and goods, the natural environment, and public health and wellness.



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Ms. Waygan commented infrastructure made her think about Mass Development and the importance of knowing what funding sources and grants are available to us.

Policy FS6: Ensure that the development and operation of school facilities and programs are coordinated to the maximum extent possible with other municipal agencies. Mr. Lehrer will reach out to the schools for further inquiry/input.

Policy FS7: Maximize non-property tax funding sources for new municipal buildings and facilities as well as school buildings and facilities.

Policy FS8: Foster cross-sector collaboration and cooperation to develop a common understanding of health and human service needs, priorities, and appropriate resource allocation to critical areas of need such as substance abuse programs, homelessness prevention, child care, etc.

Policy FS9: Maintain and enhance cross-sector collaborations with educational institutions and research organizations to bolster programs for water quality sampling and reporting.

Ms. Waygan noted an action to coordinate with the Tribe, Association to Preserve Cape Cod, as well as neighboring towns,

Policy FS10: Prioritize collaboration and communication with the Mashpee Wampanoag Tribe on all matters.

An action would be to hold quarterly meetings between Select Board and Tribal Counsel. Mr. Lehrer noted the shared housing goals and natural resources, where there is already collaboration with departments. This section should cover municipal government at its highest level.

Ms. Waygan stated the Community Preservation Committee should be checking in with the Tribe to see if they want a parcel that is presented. The Planning Board gets notices if there are zoning changes in neighboring towns. Whenever an application comes through the CPC one extra copy is sent to Tribal Headquarters, maybe they have an interest.

Policy FS11: Ensure critical facilities are located near populated centers while promoting equitable access to underserved communities. Mr. Lehrer elaborated that 'critical facilities' is a technical term that exists in the Hazard Mitigation Plan, it is important to contemplate critical facilities, it gets at emergency management.



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For example, the Children's Museum is a critical facility, it's out of the flood zone. More examples are grocery stores, Senior Center, cell towers, dams, and culverts. It's important to maintain relative to emergency management, he is unsure of the verbiage.

Policy FS12: Increase the supply and availability of public meeting space for Town Boards and Committees, working groups, and for Mashpee-based non-profit service organizations such as Girl Scouts, Boy Scouts, etc.

Ms. Waygan noted the facilities that exist are closed in the evenings. All groups don't have access to reasonably priced rooms. Building a Community Center is super expensive. We need to figure out a way to give people more access. Volunteer groups have to rely on churches for the space. An action step would be to build a Community Center. She would like to say make more spaces available in off hours through provision of staffing. There could be some scholarship fund given out to applicants such as Boy/Girl Scouts through an application process. Another action step is to construct/allocate more space.

Policy FS13: Support volunteer members of public boards and committees with training, conflict resolution/mediation services, and legal support.

Ms. Waygan added participation on these committees requires a lot of time and knowledge of policy. Actions would be specific trainings boards would receive. She would also like to include the MIDC (Inclusion and Diversity Committee) as a resource as well as Human Resources that offers guidance.

Policy FS14: Increase youth participation in local governance with integration of activities with other youth systems, such as school and youth groups.

Ms. Waygan stated if 20% of the population is youth there should be 20% representation. They should establish a town youth committee.

Policy FS15: Provide recreational programming and facilities that nurtures youth curiosity and opportunity as well as adult learning in a variety of disciplines consistent with local, state, and/or national trends.

Policy FS16: Lead by example and maintain Mashpee buildings and facilities consistent with community character and construct new facilities in locations that are consistent with other planning goals and priorities that enhance community pride and the visual quality of the built environment.



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Ms. Waygan made a note for Action FS8, when considering a new website for the town she thinks that should include a dedicated staff person. There is mention of a Communication Director, propose that person update and monitor the website inclusive of press releases.

### **Natural Resources**

Goal NR1: Ensure Mashpee's wildlife and wildlife habitats, both terrestrial and aquatic, are of highest quality and thriving in an unpolluted clean environment.

Ms. Waygan noted thriving in harmony with the built environment for the rest of time is a policy. She elaborated we want to ensure we have high quality, clean, and unpolluted habitats for our wildlife. She wants a policy to say the built environment doesn't degrade our natural environment. It might be climate change, it won't always be the built environment if we were to narrow the goal. Mr. Lehrer will contemplate the impacts of the built environment. There was a lot of discussion re: how this goal was worded.

Mr. Oakley added there is only one real goal and that is our Natural Resources are the best they can be. Ms. Waygan agreed to add that as a goal, in addition to what is also here, the environment is of highest quality and unpolluted.

Goal NR2: Never will any Mashpee resident, community member, or visitor not be able to enjoy equitable access to pristine natural resources in Mashpee such as drinking water, healthy surface water bodies, estuaries, beaches, ancient and public ways to water.

Goal NR3: Be true stewards of the land alongside the Mashpee Wampanoag Tribe through shared cultural, environmental, and social prosperity.

Mr. Lehrer inquired about coastal resiliency in the sustainability chapter being a redundancy and if that adds or retracts value.

Vice- Chair handed the meeting over to Clerk Mike Richardson at 6:20p.m.

Mr. Lehrer would like to make this chapter less water quality focused and then reference the chapter on water quality. He definitely will not be repeating actions.

Policy NR1: Mr. Lehrer specifically related this policy to reconcile the original goal which is the reality that we live here. He would suggest adding references to the built environment and high quality and unpolluted to this policy.





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Mr. Lehrer wants to limit discussion specific to water quality actions and focusing on other natural resources like beaches, wetlands, dunes, shellfish, fisheries, freshwater marshes, saltwater marshes, vernal pools, etc. He prefer water quality section be referenced and make this section less water focused.

Policy NR3: Prioritize the preservation and enhancement of ancient ways and ancient ways to water. (Ms. Waygan noted earlier this is two different things, it should say ancient ways and public ways to water).

Policy NR4: Protect the aboriginal rights of the Wampanoag people for fishing, hunting, and gathering in and on Mashpee water and lands by nurturing collaborative opportunities to educate the community about Wampanoag history on this land.

Mr. Lehrer expanded this a little bit. He thinks part of the protection of the rights is that anyone who lives and works in the town needs to develop some sort of understanding of what that means and what aboriginal rights are and why they are important to protect. An action in this should be added about easements and reintroduction of culturally significant vegetation. There is an educational component but Native people have an easement across all lands. There is an obligation by the town that residents understand these rights. Mr. Oakley noted the traditional ecological knowledge of ancestors passing down through generations, which is different from modern western science.

**Policy NR5: Maintain and enhance cross-sector collaborations such as with educational institutions and research organizations to bolster water quality sampling programs and reporting.** Moved to Water Quality section.

Policy NR5: Maximize the productivity of Mashpee's shellfisheries for recreational, commercial, and municipal aquaculture and promote shell fishing aquaculture, especially in areas with impacted water quality.

Policy NR6: Reduce pollutant and nutrient loads in Mashpee's natural systems.

Policy NR7: Maintain navigational channels for mariner safety but also for stream and tidal flow.

Mr. Lehrer alluded to the Poppy Spit, that a lot of people say the velocity at which water streams through the channel provides a flushing for the bay. We are not sure if it has ever been modeled what it would mean in terms of water quality, if the spit were to go away. Many say before the spit water quality was better, but that was before 11,000 septic tanks.





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Mr. Lehrer felt any mention of navigational channels would be more appropriate for Municipal Facilities & Services. There doesn't seem to be a consistent scientific answer to the question. One theory is existence of the spit creates the water pull out of the bay than if it were just open to the ocean. Mr. Oakley noted it was not directly open it just had a second opening and it was thought back then water quality was better. He feels that nourishing the spit so much provides excess sand sediment which affects water quality. Mr. Lehrer stated maintenance of channels will be left in Natural Resources for now.

Policy NR8: Maximize funding opportunities for projects focused on Natural Resource protection.

Policy NR9: Limit new development or expansion of structures in 100 year flood plain.

Policy NR10: Acquire as much land area as possible in the flood plain for open space protection. Mr. Lehrer commented DNR would have an action supporting that where we identify and seek to get titles to marsh properties on private lands.

Policy NR11: Prioritize coastal habitat restoration projects and enhance investments in green infrastructure. Mr. Lehrer noted an action for this could be to evaluate the Poppy Spit. He would love to see a model of what would happen to water quality if it were open to ocean flow.

Policy NR12: Regularly evaluate regulatory mechanisms designed to protect the natural systems and modify whenever conditions necessitate.

### **TOWN PLANNER REPORT HPP**

The document is out for Public Comment, that period closes on March 11<sup>th</sup>. The Affordable Housing Committee meets on March 12<sup>th</sup>. It had two or three comments.

### **Tree Bylaw Update**

There was a tree remove at Windchime, 33 trees. Removal was authorized for all of them and replacements were required for 13, with replacement plan. The scope of their tree removal is a couple hundred thousand dollars. The Board has never authorized tree removal without replacements. Mr. Lehrer disregarded trees that were not consistent with the Tree Bylaw and replacements were not required for already deceased trees. If they were visible from public right of way a replacement was required. The 13 trees are allowed to be planted over 3 or 4 years. They need to submit a plan to Mr. Lehrer by the beginning of September for first round of planting in the fall.



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A press release for the Tree Bylaw will go out this week commencing enforcement by April 1<sup>st</sup>.

### **BOARD MEMBER COMMITTEE REPORTS**

**Cape Cod Commission-** No Report

**Charter Review Committee-** No Report

**Community Preservation Committee-** No Report

**Design Review-** No Report

**Plan Review-** No Report

**Environmental Oversight Committee-** Met last Monday, currently working on mission statement, goals, and vision. DNR is applying for Coastal Zone Grant for coastal resilience for beach nourishment. The Tribe is hosting an emergency response training with county officials, DNR, and other stakeholder groups.

**Historic District Commission-** No Report

### **ADJOURNMENT**

#### **MOTION:**

**Mr. Balzarini made a motion to adjourn the meeting of the Planning Board at 6:41p.m. Seconded by Mr. Oakley. All in favor.**

**Next Meeting:** Wednesday, March 20, 2024 @ 7:00p.m.

Respectfully Submitted,

Christine M. MacDonald  
Board Secretary



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### **LIST OF DOCUMENTS**

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

- Memo from Health Agent, Zach Seabury, Regarding Zoning Bylaw for "Personal Kennel"
- January 2024 Discharge Monitoring Report for South Cape Village – N= 4.1
- Notices for Towns of Barnstable, Falmouth, and Sandwich

DRAFT

7:10 PM PHN - 275 QUINAQUISSET



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



## Willowbend

March 19, 2024

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

Attn: Evan Lehrer, Town Planner

Re: Southworth Mashpee Properties –Cranberry Pointe – Additional Mitigation Commitments

Dear Mr. Lehrer:

In response to the discussion on the application for Cranberry Point on Feb 21<sup>st</sup>, we make the following adjustments to our mitigation proposal package. On the topic of affordable housing, we propose to provide additional mitigation as a condition of approval by way of an in kind donation of Parcels 21, 22 and 23 on Assessor's Map 77, totaling just over one-half an acre. (this would be in addition to the \$90,000 cash contribution that was previously presented). The donation would be made at the time of the issuance of the building permit for the first unit at Cranberry Pointe. The donation would run to Mashpee Municipal Affordable Housing Trust, or suitable third-party organization such as Habitat for Humanity of Cape Cod.

Based on market data, we believe this real property to have a minimum value of approximately \$300,000. This brings our total contribution to affordable housing to \$390,000.

All other components of the February 21st proposal will remain in place. With the addition of this contribution of land, the cost of our total financial mitigation package for Cranberry Pointe will exceed \$1,000,000.00.

We do not come to these decisions or figures lightly, but rather require in-depth analysis to ensure the feasibility of every project, and the associated costs. This proposal represents the results of that careful study and represents a significant compromise that provides the maximum benefit to the community.

We also have also reviewed with our counsel and engineers the potential applicability of the non-zoning Flow Neutral home-rule by-law, Chapter 108, which was raised at the February 21 hearing. Based on this analysis we believe that the policy behind the By-law was not intended to prohibit developments such as Cranberry Pointe where the project, if built, would significantly reduce nitrogen flows from the parcel in question. Considering the total capacity of the private Willowbend sewer plant as it existed as of July 1, 2015 and the total size of the parcels being developed the



plant is fully approved to handle 113,000 gpd of flow and has more -than-enough unused capacity available to process the flows from the 48 additional bedrooms being proposed.

It is also important to remember that this project stands to *reduce* the overall density of the Willowbend Community by maintaining the currently approved unit count while adding additional acreage.

The regulation also makes it clear that the wastewater flow to the “sewage system” “shall be determined by ... “any other method acceptable to the Department of Environmental Protection or Town of Mashpee.” As we have said, the DEP will ultimately have to approve the connection of Cranberry Pointe to the Willowbend plant and we commenced that approval process last summer. Baxter Nye Engineering has had an initial conversation with the Superintendent of the Sewer Commission for clarification on how the By-law should apply to Willowbend’s particular facts, and, despite some of these ambiguities, we anticipate being able to resolve this issue of the Ch. 108 Bylaw.


Finally, Chapter 108 is not a zoning regulation and while we recognize the issue of wastewater is a legitimate concern for the Planning Board to consider, if these questions can not otherwise be resolved ahead of a final Planning Board vote on Cranberry Pointe, Southworth would be willing to accept a condition to any approval requiring compliance with Chapter 108, to the extent it is ultimately determined to be applicable.

Over the 35-year history of the Willowbend Community, our goal has been to create high quality improvements that benefit the greater community. We continue to believe this to be true, through numerous efforts to improve water quality through wastewater treatment, produce significant tax revenue with little impact on services, reduction of pressure on housing through the addition of our own workforce housing projects, and the restoration of natural systems like Quaker Run.

Alternatives to this approach represent an outcome that provide little to no benefit to the community, and work against the spirit of improvement to critical issues in the community, including water quality and affordable housing.

We look forward to continuing to address the concerns of the Board.

Sincerely yours,



Troy Miller

Chief Development Officer

Cc: Thomas Southworth, CEO  
Matt Eddy, P.E.  
Jack McElhinney, Esq.




**Fwd: Public Comment - 275 Quinaquisett Ave- MWT THPO Archaeological Concerns**

David Weeden &lt;David.Weeden@mwtribe-nsn.gov&gt;

Sun 3/17/2024 3:52 PM

To: Karyn Leslie &lt;kleslie@mashpeema.gov&gt;; Evan Lehrer &lt;ELehrer@mashpeema.gov&gt;

Cc: Rodney C. Collins &lt;rccollins@mashpeema.gov&gt;

 1 attachments (668 KB)

Resized\_Resized\_Screenshot\_20240303\_195127\_Chrome\_1709513503182\_1709513738494\_1709609976465.jpeg;

You don't often get email from david.weeden@mwtribe-nsn.gov. [Learn why this is important](#)

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

Hello Evan and Karyn,

I'm unable to attend this week's meeting and would like these comments entered into the record at this week's PB meeting.

Please distribute to the board, for awareness and consideration.

Best Regards,

David

Tribal Councilman  
David Weeden  
Tribal Historic Preservation Officer  
Mashpee Wampanoag Tribe  
Historic Preservation Department  
483 Great Neck Rd. South,  
Mashpee, MA 02649  
P: (508)477-0208\*102  
C: (774)327-0068  
E: David.Weeden@mwtribe-nsn.gov

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**From:** David.weeden@mwtribe-nsn.gov <David.Weeden@mwtribe-nsn.gov>**Sent:** Monday, March 4, 2024 11:13:12 PM**To:** Evan Lehrer <ELehrer@mashpeema.gov>**Cc:** K Faulkner@mashpema.gov <KFaulkner@mashpema.gov>**Subject:** 275 Quinaquisett Ave- MWT THPO Archaeological Concerns

Hello Evan,

I'm reaching in my role as THPO for the Tribe.

The recent article in the news paper caught my eye. The Willowbend project area at and around 275 Quinaquisett Ave., is considered culturally sensitive; and warrants an Archaeological investigation. It's adjacent to a moderate sensitive area on the Town wide Pre-Contact sensitivity assessment layer of the town GIS.

We passed a bylaw that was meant to protect culturally sensitive areas, where projects requiring a SP need to consider potential archaeological concerns. This undertaking meets the requirements and in my professional opinion has evidence based on environmental characteristics and sensitivity modeling may potentially have culturally sensitive materials.

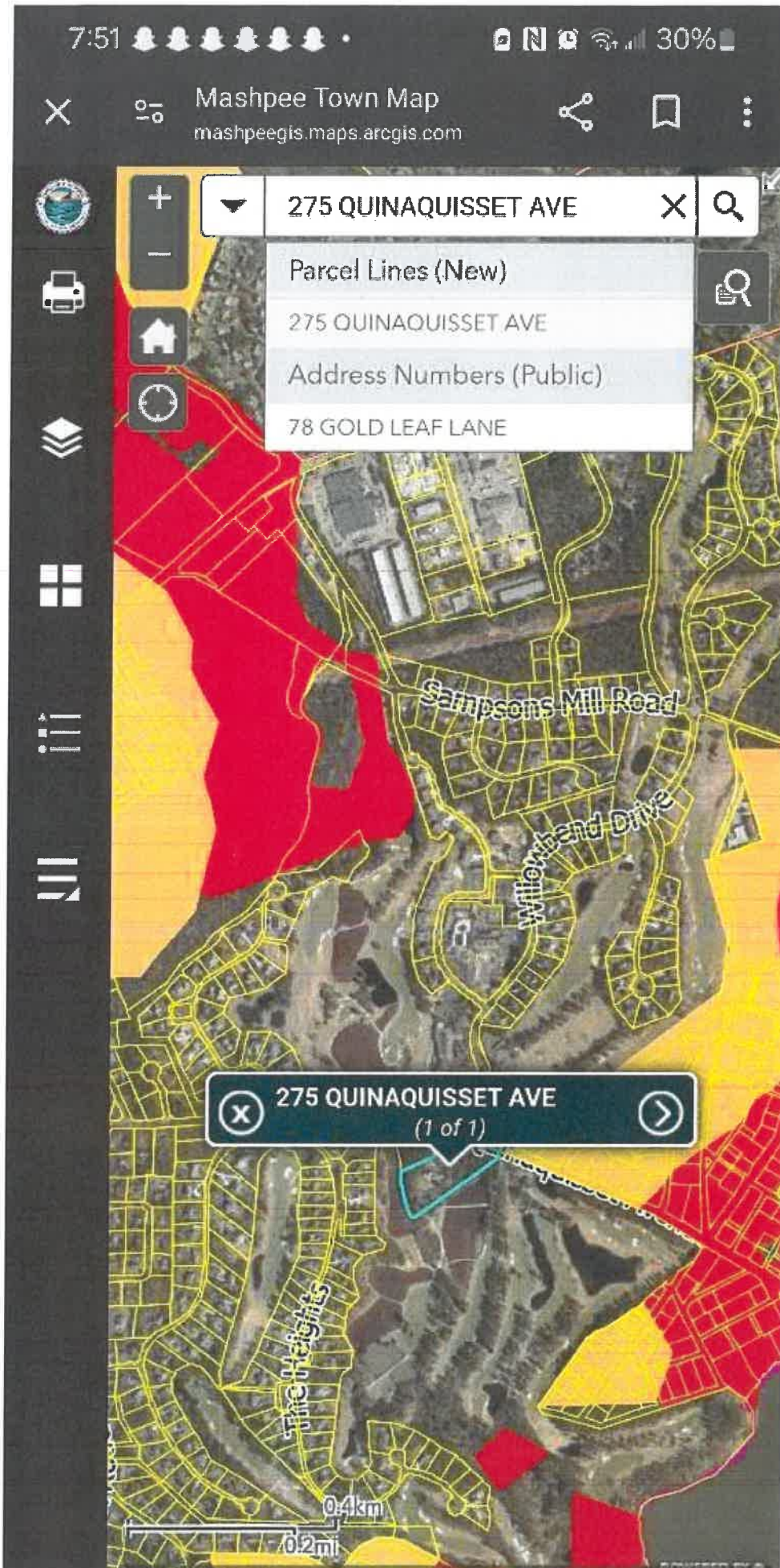
I wanted to put this on folks radar and I'll have to look to see how close known archaeological sites are to the area of potential affect.

We are concerned with any and all ground disturbing activities in the area, and would want to monitor any archaeological investigations.

Best Regards,

David

Tribal Councilman  
David Weeden  
Tribal Historic Preservation Officer  
Mashpee Wampanoag Tribe  
Historic Preservation Department  
483 Great Neck Rd. South,  
Mashpee, MA 02649  
P: (508)477-0208\*102  
C: (774)327-0068  
E: David.Weeden@mwtribe-nsn.gov



NEW BUSINESS

Terrie M. Cook  
Administrative Assistant  
(508) 539-1401  
tmcook@mashpeema.gov



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

## MEMORANDUM

**TO:** Members of the Planning Board  
CC: Town Manager, Town Planner

**FROM:** Terrie Cook – Administrative Assistant to the Town Manager

**DATE:** February 23, 2024

**RE:** ***2024 May Town Meeting Zoning Bylaw and Road Taking Warrant Articles***

---

The **2024 May Town Meeting Zoning Bylaw and Road Taking Warrant Articles (Draft #2)** are attached for your reference and discussion.

- Articles 24 Zoning Bylaw article submitted by the Planning Board
- Article 28 is a road taking article submitted by petition

**Article numbers are “subject to change”**

Thank you.

**Article numbers are subject to change**

**Article 24**

To see if the Town will vote to amend Section 174-25 (B)(18) of the Mashpee Zoning Bylaw Table of Use regulations by adding the letters “SP” in the column identified as I-1 as follows:

(18)	Indoor recreation facilities such as bowling alleys, miniature golf, batting cages, computerized golf or similar simulated sports, video games, billiards, aerobics, health clubs, dance or gymnastics studios, skating rinks, indoor go kart facilities, swimming pools, tennis or racquet clubs etc. by Special Permit from the Planning Board.	Residential		Commercial			Industrial
		R-3	R-5	C-1	C-2	C-3	I-1
		---	---	SP	SP	SP	SP

Submitted by the Planning Board

**Explanation:** This Article would authorize Indoor Recreational Facilities in the I-1 Zoning District by Special Permit. Currently, indoor recreation facilities are authorized in only the Commercial Zoning Districts.

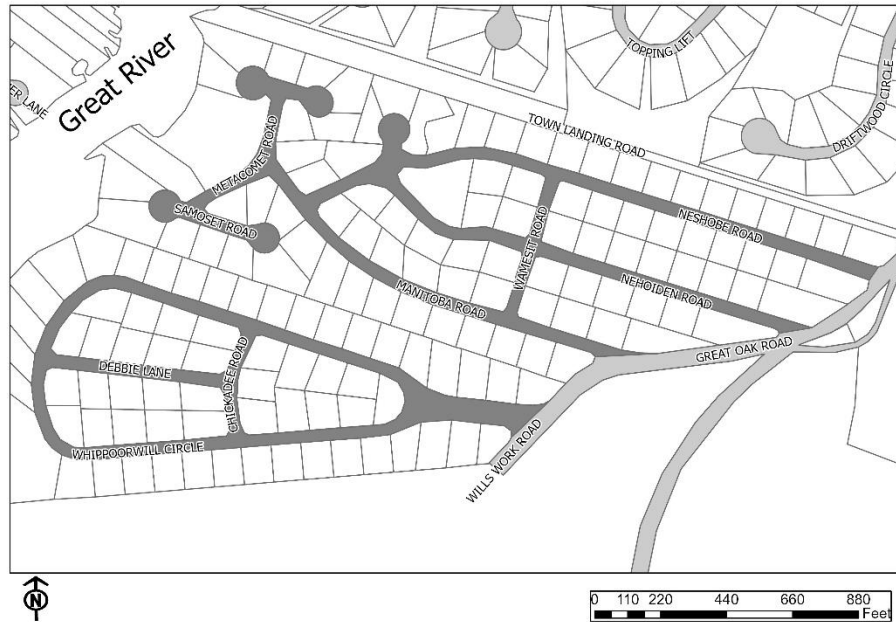
**Article 28**

To see if the Town will vote to accept the layouts as public ways of CHICKADEE ROAD, DEBBIE LANE, MANITOBA ROAD, METACOMET ROAD, NEHOIDEN ROAD, NESHOBE ROAD, PONTIAC ROAD, SAMOSET ROAD, WAMESIT ROAD and WHIPPOORWILL CIRCLE, as shown on plans entitled “SOUTH CAPE ESTATES ROAD TAKING PLAN,” in Mashpee, MA (Barnstable County), dated May 31, 2023 and prepared by Cape & Islands Engineering, which layouts shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of vote hereunder, and to authorize the Select Board to acquire by gift, purchase, or eminent domain taking any land necessary for the purposes of such ways as so laid out, and to appropriate the sum of \$ 2,761,630.00 to the CHICKADEE ROAD, DEBBIE LANE, MANITOBA ROAD, METACOMET ROAD, NEHOIDEN ROAD, NESHOBE ROAD, PONTIAC ROAD, SAMOSET ROAD, WAMESIT ROAD and WHIPPOORWILL CIRCLE Roadways Account, and to raise said appropriation, the Treasurer, with the approval of the Select Board, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8, or any other enabling authority for such purchase or taking and layout, including costs of constructing such ways, and legal financing, and other costs incidental and related thereto, and further authorize the Select Board to assess betterments to the owners of the land abutting the ways. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relating thereto.

Submitted by Petition

(Lead Petitioner – Darien Homer)

**Explanation:** This article authorizes the Town to complete the private to public road conversion process for CHICKADEE ROAD, DEBBIE LANE, MANITOBA ROAD, METACOMET ROAD, NEHOIDEN ROAD, NESHOBIE ROAD, PONTIAC ROAD, SAMOSET ROAD, WAMESIT ROAD and WHIPPOORWILL CIRCLE.







# Town of Mashpee

# Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

## MASHPEE PLANNING BOARD PUBLIC HEARING NOTICE

**\*Broadcast Live on Local Cable Channel 18\***

**\*Streamed Live on the Town of Mashpee Website: <https://www.mashpeema.gov/channel-18>\***

Pursuant to Massachusetts General Laws, Chapter 40A, Section 5 the Mashpee Planning Board will hold a public hearing on Wednesday, April 17, 2024 at 7:10 p.m. from the Mashpee Town Hall, 16 Great Neck Road North in the Waquoit Meeting Room to review the following zoning articles proposed for action at the May 6, 2024 Town Meeting.

**Warrant Article \_\_\_\_:**

*To see if the Town will vote to amend Section 174-25 (B)(18) of the Mashpee Zoning Bylaw Table of Use regulations by adding the letters "SP" in the column identified as I-1 as follows:*

This Article would authorize Indoor Recreational Facilities in the I-1 Zoning District by Special Permit. Currently, indoor recreation facilities are authorized in only the Commercial Zoning Districts.

The full text of these Articles may be reviewed in the Office of the Town Manager/Select Board and Planning Department.

Submitted by:

Karen D. Faulkner, Chair

**Mashpee Planning Board**

Publication dates:    March 22, 2024  
                                 March 29, 2024

**Received By**

MAR 5 2024

**Planning Dept.**

**March, 4, 2024**

**Windchime Condominium Association  
Great Neck Road South  
Mashpee, MA 02649**

EVAN LEHRER

Town Planner Mashpee MA

KAREN FAULKNER

Chair Planning Board

TOWN OF MASHPEE  
16 GREAT NECK ROAD NORTH  
MASHPEE, MA 02649

Dear Evan and Karen:

On behalf of the Windchime Board of Trustees and the Home Owners we would like to thank you for the time you spent with us surveying the Windchime grounds and providing feedback and answering questions about tree removal and replacement. The one question that remained to be dealt with is the area we call the basin, located at the upper end of Gold Leaf Lane. You suggested that we write to you and further explain what we would like to do and present this proposal to the Planning Board.

The runoff Basin is located on the curve of Gold Leaf Lane and Green Ivy. We are looking at ways in which we can improve the usage of the Basin as well as its appearance. It is used as a receptacle for the two culverts which are located on Gold Leaf and Green Ivy. When there is a significant downpour the basin fills up with a substantial amount of water and then slowly seeps into the ground which prevents the water from flooding resident's homes. What has come to light overtime due to deferred maintenance and lack of clarity about the special permit is the proliferation of vines, weeds and overgrowth that has been allowed to grow and become

entangled in the trees and near the exit of the pipes entering the basin floor. Along with the native trees in the Basin there are large Limelight Hydrangeas and Kousa Dogwoods that were originally planted by the developers. They are desperately in need of pruning and are being strangled by the vines and encroaching weeds. The slopes going down into the Basin have been allowed to become extremely overgrown. It makes the runoff more difficult when the culverts cannot handle the major downpours and there is nowhere for the water to flow naturally, as it was intended. In September of last year we decided to invite the surrounding neighbors to join us on a walk around the Basin and to hear what they think/ feel about the area. We were quite surprised to learn the following: \*Many residents remembered that clearing of the slopes into the Basin was done on a regular basis and kept clear. \*They expressed concerned that when coming around the bend it was difficult to see the oncoming cars because of the weeds on the slopes. \*All were unanimously in favor of getting the Basin back to its original state. It is our desire to take a serious look at this situation with the Town Planning Board and to discuss the options for removing the overgrowth on the slopes, apply a selective non-toxic herbicide that will not kill or harm the other trees and environment, and to save the hydrangea and the Kousa Dogwood.

In summary we would like approval to do the following:

1. Clear the slops of the basin of the weeds and overgrowth and apply a nontoxic herbicide  
(Attachment A)
2. Remove the vines and prune the Limelight Hydrangea and the Koisa Dogwoods  
(Attachment B)

We wish to thank you in advance for your consideration of this request.

Sincerely,

  
Kathleen M. Egan WC Board Member

  
Pam Susidko GBC Member

CC Karen Kingsley Chair WC BOD



Attachment #1





Attachment 2





Attachment 2A







# Town of Mashpee

# Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

## FORM E RELEASE OF COVENANT AGREEMENT

The undersigned, being a majority of the Planning Board of the Town of Mashpee, Barnstable County, Massachusetts, hereby releases

Lot(s) Reserved Recreation and Green Area (no lot number) shown on a plan entitled Conaumet Highlands Subdivision Plan of Land in Mashpee, Mass by William C. Nye, R.L.S. dated March 1, 1972, from the provisions of a covenant agreement dated May 3, 1972.

Record owner as of August 19, 2020 Christine Marano

*Date*

*Name of Owner*

Executed as a sealed instrument this 20th day of March, 2024.

Chairman \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

County of Barnstable

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned notary public, personally appeared

\_\_\_\_\_, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
Commonwealth of Massachusetts









My Commission expires \_\_\_\_\_, 20\_\_\_\_\_.
















OLD BUSINESS

Notes: Goals and policies have been refined and reorganized. Actions still need to be re-evaluated. Note that the following were listed as policies which are more appropriately listed under actions so they've been deleted from the Policies section and will need to be re-introduced as actions We may want to consider a policy that supports these human services related actions. 1.) Increase Substance Abuse Support Programs 2. ) Enhance Suicide Prevention programing and educational awareness. 3. Identify a site to be used for materials storage and develop the materials storage site. (DPW Related)

Goals, Policies, & Actions		
Goals		
Goal FS-1:	Cultivate healthy and productive civil discourse by maximizing inclusion and diversity in civic life.	Commented [EL1]: DEI, communications
Goal FS-2:	Provide the safest, most equitable, and technologically advanced municipal facilities and school facilities that nurture community and civic engagement and that meet the needs of projected student populations and that maximize student potential and educational opportunities.	Commented [EL2]: Schools
Goal FS-4:	Make Mashpee the safest possible community where all community members can thrive without fear of crime or suffering created by fire or other man-made or natural disasters.	Commented [EL3]: Public Safety
Goal FS-5:	Maintain financial stability and AAA bond rating.	Commented [EL4]: Finances
Goal FS-6:	Nurture and enhance continued education and life-long learning for Mashpee's adult community.	Commented [EL5]: Recreation/Library/CoA
Goal FS-7:	Ensure Mashpee community members are as physically, mentally, and emotionally healthy as possible.	Commented [EL6]: Public Health and Human Services
Goal FS-9:	Provide the most accessible and interconnected trail network in the Commonwealth throughout Mashpee's conservation lands to maximize safe enjoyment of nature and the outdoors.	Commented [EL7]: Conservation and Recreation
Goal FS-10:	Improve, maintain, and monitor, Mashpee ponds, coastal waterways and coastline in pristine condition that allows all users and adjacent property owners to benefit from its natural beauty without conflict.	Commented [EL8]: Natural Resources/Harbormaster and Recreation
Goal FS-11:	Be a leader (didn't like "be a leader" what is alternative?) in sustainable solid waste and wastewater management to remove or mitigate impacts of hazardous waste and nutrient pollution on natural systems.	Commented [EL9]: Solid Waste Management
Goal FS-11:	Make Mashpee the most operationally efficient municipality in the Commonwealth.	
Policies		
Policy FS-1:	Invest in new technologies or best practices at the Mashpee Transfer station that maximize operational efficiency and minimize potential environmental impacts of the facility's operation	Commented [EL10]: Solid Waste
Policy FS-2:	Continue to invest in a community policing model that protect Mashpee residents, visitors, and their property from crime whilst nurturing the public's trust	Commented [EL11]: Police
Policy FS-3:	Ensure that the police department and fire department staffing levels and facilities can appropriately accommodate consistent enforcement of local, state and federal laws, rapid response times, high quality care and protection, and minimize loss and suffering due to crime, fire, and other man-made and natural disasters.	Commented [EL12]: Fire
Policy FS-3:	Ensure that municipal departments, notably and specifically the inspectional services: Health, Building, and Conservation are adequately staffed to accommodate consistent enforcement of local state and federal laws within their jurisdictions to protect the health, safety and welfare of people, property and the environment.	

<b>Policy FS-4:</b>	Increase collaboration and communications internally between Town departments and externally with the broader community by maximizing in-person and virtual opportunities for civic engagement. <b>(CIVIC Real and tech investments are actions)</b>								<b>Commented [EL13]:</b> Communications/Town Hall
<b>Policy FS-5:</b>	Enhance, maintain, and/or provide any and all needed municipal infrastructure and services needed to support the local economy, mobility of people and goods, the natural environment, and public health and wellness.								
<b>Policy FS-6:</b>	Ensure that the development and operation of school facilities and programs are coordinated to the maximum extent possible with other municipal agencies.								<b>Commented [EL14]:</b> Schools
<b>Policy FS-7:</b>	Maximize non-property tax funding sources/grant funding for infrastructure and new municipal buildings and facilities as well as school building and facilities by ensuring awareness of those opportunities and preparedness for success.								<b>Commented [EL15]:</b> All facilities
<b>Policy FS-8:</b>	Foster cross-sector collaboration and cooperation to develop a common understanding of health and human service needs, priorities and appropriate resource allocation to critical areas of need such as substance abuse programs, homelessness prevention, child care, etc.								<b>Commented [EL16]:</b> Human Services
<b>Policy FS-9:</b>	Maintain and enhance cross-sector collaborations with educational institutions and research organizations to bolster programs such as water quality sampling programs and reporting.								
<b>Policy FS-10:</b>	Prioritize collaboration and communication with Mashpee Wampanoag Tribe on all matters.								
<b>Policy FS-11:</b>	Ensure critical facilities are located near populated centers while promoting equitable access to underserved communities.								
<b>Policy FS-12:</b>	Increase the supply and availability of public meeting space for Town Boards and Committees, working groups, and for Mashpee-based non-profit service organizations such as Girls Scouts, Boy Scouts, etc.								
<b>Policy FS-13:</b>	Support volunteer members of public boards and committees with training, conflict resolution/mediation services, and legal support.								
<b>Policy FS-14:</b>	Increase youth participation in local governance with integration of activities with other youth systems, such as school and youth groups.								
<b>Policy FS-15:</b>	Provide recreational programming and facilities that nurtures youth curiosity and opportunity as well as adult learning in a variety of disciplines consistent with local, state, and/or national trends.								
<b>Policy FS-16:</b>	Lead by example and maintain Mashpee buildings and facilities consistent with community character and construct new facilities in locations that are consistent with other planning goals and priorities and that enhance community pride and the visual quality of the built environment.								
<b>Policy FS-17:</b>	Share municipal services and facilities between Mashpee Town Agencies and with the Mashpee Wampanoag Tribe whenever possible to maximize efficiency and collaboration. <b>(Now feels duplicative of FS-6)</b>								
<b>Policy FS-18:</b>	Conduct financial analysis and modeling when evaluating existing programs and services and when seeking to establish new programs and services.								
Actions						Timeframe	Responsibility	Cost	
<b>Town Hall</b>									
<b>FS-1.</b> Remedy user conflicts within waterways consistent with the DNHRMP.						S	DNR BOS WC	\$	<b>Commented [EL17]:</b> Move to Coastal/Natural Resources
<b>FS-2.</b> Assess Town's staff capacity by procuring a consultant to analyze the administrative code and organizational chart to make recommendations regarding personnel capacity.						S	TM BOS HR	\$	













FS-3. Conduct parking needs assessment for Town Hall and modify parking layout as recommended.						S	PD PB	\$
FS-4. Construct a unisex locker room and shower facility for Town Employees.						M	BOS DPW TM	\$\$
FS-5. Add EV charging stations in Town Parking Facilities as discussed in the Transportation and Circulation Element of this plan.						O	BOS DPW EOC TM	\$\$\$
FS-6. Construct solar canopies in municipal parking areas where feasible as discussed in the Sustainability element of this plan.						M	DPW EOC ER	\$\$\$
FS-7. Audio/Visual overhaul of Waquoit Meeting Room system with most advanced technology that will better facilitate remote and other alternate forms of participation.						S	BOS IT TM	\$
FS-8. Consider a new website host platform.						S	TM BOS IT	
FS-9. Implement recommended stormwater improvements within the Santuit Pond Watershed as recommended by the Fuss & O'Neill MVP Action Grant.						S	DNR BOS ConC DPW EOC	\$\$
FS-10. Construct wastewater treatment plant and all lift stations and phases as needed in accordance with the Watershed Nitrogen management plan.						L	BOS DPW SC TM	\$\$\$
FS-11. Identify the most appropriate sites to establish Aquaculture Development Zones consistent with the Department of Natural Resources Harbor Management Plan.						S	DNR WC	\$

**Commented [EL18]:** Be more specific. Feasibility study need to be done? What improvements need to be made? What's

**Commented [EL19]:** RFP to evaluate potential of competitors?

**Commented [EL20]:** Coastal/Natural Resources?

**Commented [EL21]:** Coastal/Natural Resources





















<b>FS-12.</b> Continue to investigate and inventory the legal status of all known public landings and access to coastal water and great ponds to develop an access plan.						O	DNR WC	\$
<b>FS-13.</b> Purchase parcels, where feasible, to enhance public access to water or create new sites for public landings.						L	BOS DNR TM	\$\$\$
<b>FS-14.</b> Create Town information hub (i.e., "Get to Know Mashpee"), staffed with volunteers						S	BOS TM IT	\$
<b>FS-15.</b> Develop emergency communication system between Town and media.						M	TM BOS IT	\$
<b>FS-16.</b> Update Town website and social media presence to enhance user-friendliness and communication						S	TM IT	\$
<b>FS-17.</b> Designated moorings for commercial entities may alleviate this issue and remove a significant barrier to entry for the burgeoning aquaculture industry especially						M	PB	\$
<b>FS-18.</b> Increase enforcement and identify a more streamlined solution to protect diggers from speeding boats and recreational boats that stray from channels.						S	HM DNR TM	\$
<b>FS-19.</b> Hire a Town grant-writer.						S	TM BOS HR	\$\$
<b>FS-20.</b> Hire a Town communication director						M	TM BOS HR	\$\$
<b>FS-21.</b> Increase public participation opportunities regarding government processes						S	TM BOS	\$
<b>FS-22.</b> Design and build community center for educational programs, gym, pools, and senior services						L	BOS BD CA DPW	\$\$\$

**Commented [EL22]:** Natural Resources/Coastal Resources

**Commented [EL23]:** Natural Resources/Coastal Resources

**Commented [EL24]:** Be more specific

**Commented [EL25]:** Add actions such as parcel ID, feasibility study, procurement, construction

							RD TM	
FS-23. Offer additional options for internet and cell services						M	IT BOS	
FS-24. Inspect, maintain, and upgrade septic systems.						S	DPW	
FS-25. Consider redevelopment of DPW Building with a LEED Certified Net Zero accreditation.						L	DPW BOS ER TM	\$
FS-26. Add at least 8,000 square feet of additional garage space with at least some portion of that additional capacity heated.						L	DPW BOS BD TM	\$\$\$
FS-27. Build an additional 1,600 square foot bay into the maintenance garage.						L	DPW PB BD	\$\$\$
FS-28. Install audio/visual capabilities into the Event Room and Zoom Meeting tech in the conference room of the library.						S	BOS IT L TM	\$
FS-29. Install publicly accessible EV Charging stations in library parking lot.						M	BOS DPW L TM	\$\$
FS-30. Lease or purchase electric vehicles for use by Library Staff.						M	BOS L TM	\$\$
FS-31. Redevelop Harbormaster Shack with a modern, climate resilient, facility.						M	BOS BD DNR TM	\$\$
FS-32. Identify a location for and construct the Fire Department's north station.						M	BOS BD FD TM	\$\$\$
FS-33. Consider expanding Kids Klub into a second location.						M	BOS RD TM	\$
FS-34. Explore the potential for childcare tuition assistance for Town Employees at the Kids Klub.						S	BOS RD TM	\$\$

**Commented [EL26]:** Municipal Broadband? Replicate action from Economic Development

**Commented [EL27]:** This seems silly to put here







**Commented [EL28]:** Be more specific like Community Center above

**Commented [EL29]:** Be more specific – Parcel ID, feasibility, procurement, construction

**Commented [EL30]:** Same criticism. Add actions regarding personnel and equipment needs consistent with state mandate and CIP

**Commented [EL31]:** Conduct Needs Assessment. Consider going to MPS. Parcel ID/Building ID, Staffing etc.



FS-35. Assess the viability and feasibility of creating a Communications Manager or similar title to manage information releases from the Town on all social media platforms and Town website.								\$
FS-36. Establish a Mashpee Youth Committee with assistance from MPS.								\$
FS-38. Move recreation facility to community center.						L	RD	\$
FS-39. Open new childcare facility at 505 Main Street.						M	HS BOS CCF R	\$\$
FS-41. Re-establish regular in-person drop-in nights with the Substance Abuse Task Force.						S	HS PD	\$
FS-42. Offer NARCAN Training through Human Services Department.						S	HS FD PD	\$

Needs:

PD related actions  
 Schools – ask hope and patty for latest strategic plan  
 Archives? Reach out to Richard DeSorgher  
 Senior Center?  
 Library – Generator!  
 DPW – Double check with Catherine  
 Harbormaster  
 Inspectional Services

## CORRESPONDENCE

MAR 5 2024

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATERWAYS REGULATION PROGRAM

Planning Dept.

**Notice of License Application Pursuant to M. G. L. Chapter 91  
Waterways License Application Number 24-WW01-0016-APP  
Bayridge Realty, LLC**

**NOTIFICATION DATE: March 1, 2024**

Public notice is hereby given of the waterways application by Bayside Realty, LLC, to construct and maintain a timber pier, ramp and float at 28 Quaker Run Road in the municipality of Mashpee, in and over the waters of Shoestring Bay. The proposed project has been determined to be water-dependent.

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

Project plans and documents for the Waterways application are on file for public viewing electronically at: <https://eeaonline.eea.state.ma.us/EEA/PublicApp/> (enter "24-WW01-0016-APP" in the Search Page as the Record ID). If you need assistance, please contact [christine.koczera@mass.gov](mailto:christine.koczera@mass.gov) or if you do not have access to email, please leave a voicemail at (508) 946-2700 and you will be contacted with information on alternative options.

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

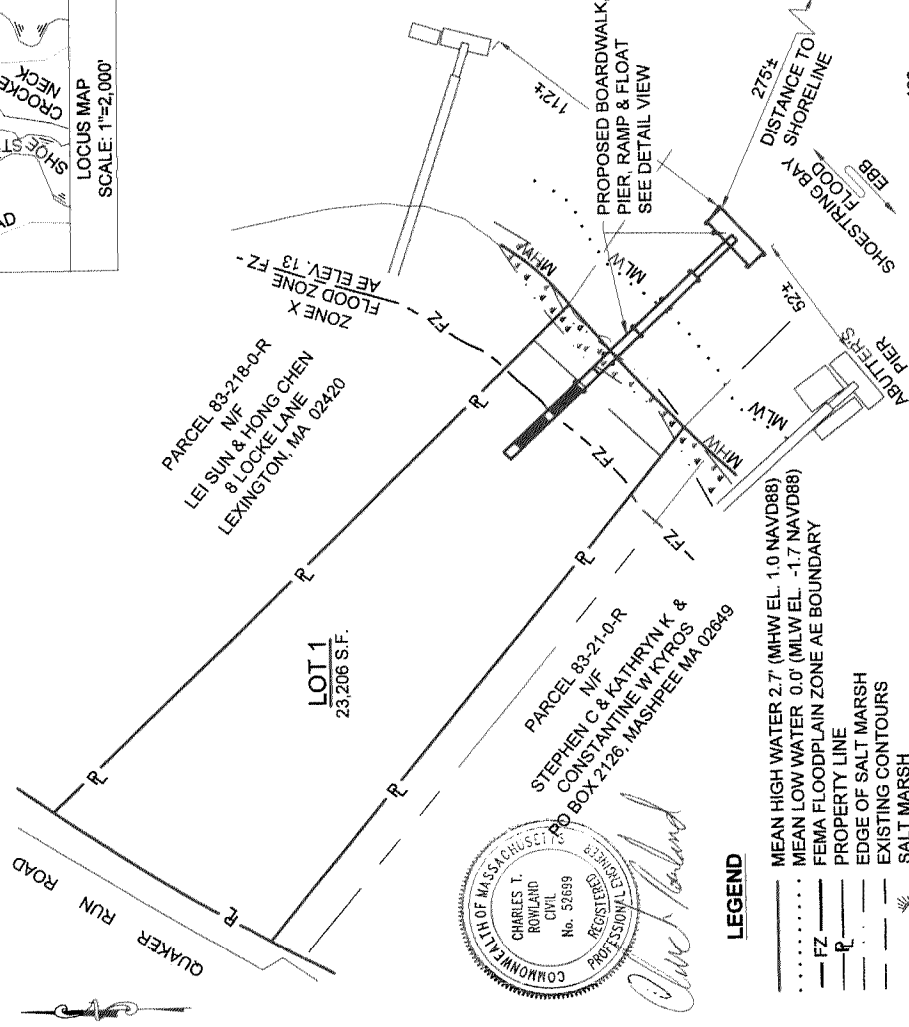
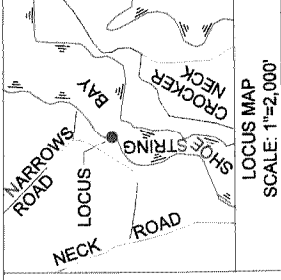
I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

*Charles T. Rowland*  
NAME

*1/19/2024*  
DATE

#### DRAWING INDEX

SHEET	TITLE
1	OVERALL SITE PLAN
2	DETAIL PLAN VIEW
3	PROFILE VIEW
4	SECTION AND SIDE VIEW



#### LEGEND

- MEAN HIGH WATER 2.7' (MHW EL. 1.0 NAVD88)
- MEAN LOW WATER 0.0' (MLW EL. -1.7 NAVD88)
- FEMA FLOODPLAIN ZONE AE BOUNDARY
- PROPERTY LINE
- EDGE OF SALT MARSH
- EXISTING CONTOURS
- SALT MARSH

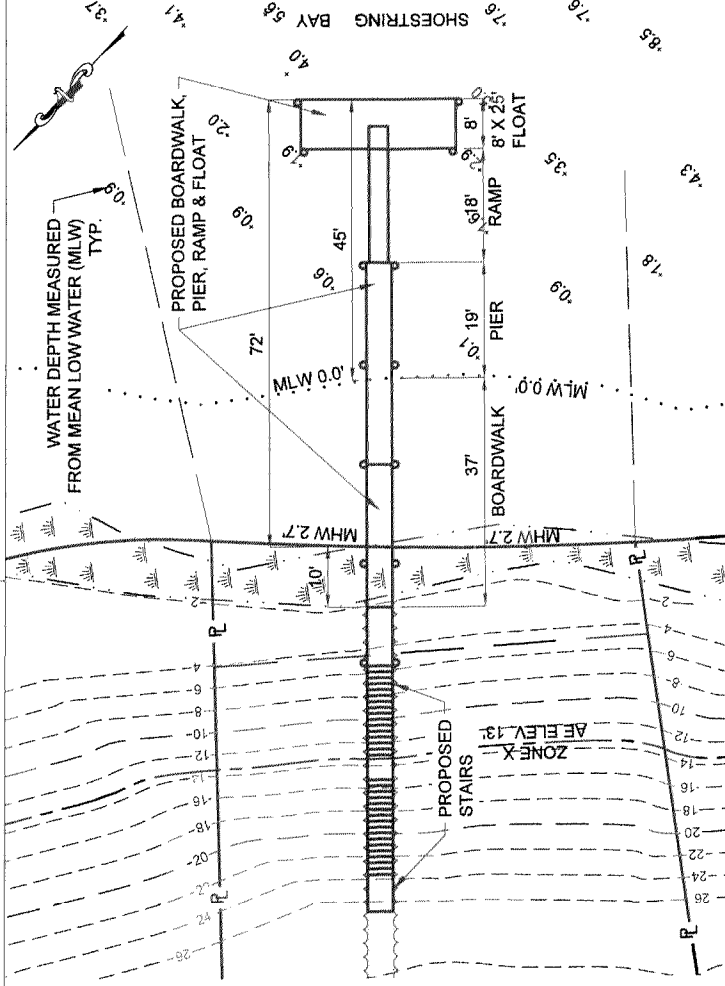
#### OVERALL SITE PLAN SHEET 1 OF 4 JANUARY 19, 2024

PLAN ACCOMPANYING PETITION OF  
QUAKER RUN NOMINEE TRUST  
DIANE WELLS TRUSTEE  
TO CONSTRUCT AND MAINTAIN A TIMBER PIER, RAMP,  
FLOAT AND PILES WITHIN  
SHOESTRING BAY  
AT 28 QUAKER RUN ROAD, MASHPEE, MASSACHUSETTS  
PLAN BY: CAPE & ISLANDS ENGINEERING, INC.  
508.477.7272

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

*Charles T. Rowland*  
NAME

*1/19/2024*  
DATE



#### NOTES:

1. LOCATIONS ARE BASED ON AN "ON THE GROUND" INSTRUMENT SURVEY.
2. HORIZONTAL DATUM: NAD83
3. VERTICAL DATUM: NAVD88 (SOUNDINGS ARE DEPTH FROM MLW)
4. ZONE DESIGNATION OF X & AE (EL.13) BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 25001C0752J, WITH A MAP EFFECTIVE DATE OF JULY 16, 2014.
5. MEAN LOW WATER ELEVATIONS ARE BASED ON BUZZARDS BAY NATIONAL ESTUARY PROGRAM TIDE GAUGE STATION 1133 LOCATED AT LONGITUDE -70.460815, LATITUDE 41.607198, AND THE FOLLOWING TIDAL GAGE DATUM CONVERSION OF NAVD88 = -1.7' MLW DATUM
6. MEAN HIGH & MEAN LOW WATER DETERMINATION BASED ON FROM TIDE GAUGE STATION 1133 LOCATED IN BUZZARDS BAY. (LAT: 41.607198, LON: -70.460815)
7. ABUTTER INFORMATION OBTAINED FROM A TOWN OF MASHPEE BOARD OF ASSESSORS CERTIFIED ABUTTERS LIST DATED NOVEMBER 22, 2022



SCALE IN FEET  
SCALE: 1"=20'



*Charles T. Rowland*

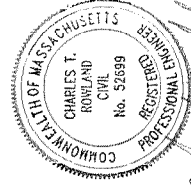
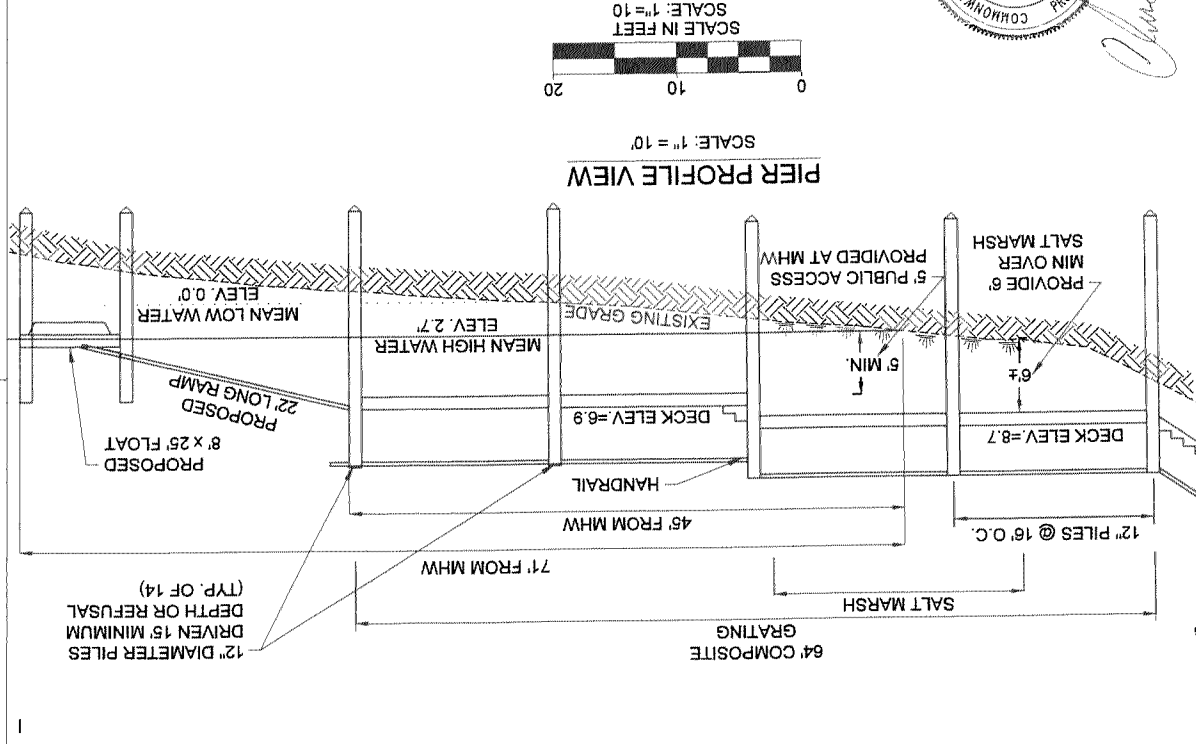
DETAIL PLAN VIEW  
SHEET 2 OF 4  
JANUARY 19, 2024

PLAN BY: CAPE & ISLANDS ENGINEERING, INC.  
508.477.7272

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

Oliver Anderson, P.E. 1/19/2024  
NAME DATE

NAME Chad Fowler, P.E. DATE 1/19/2024



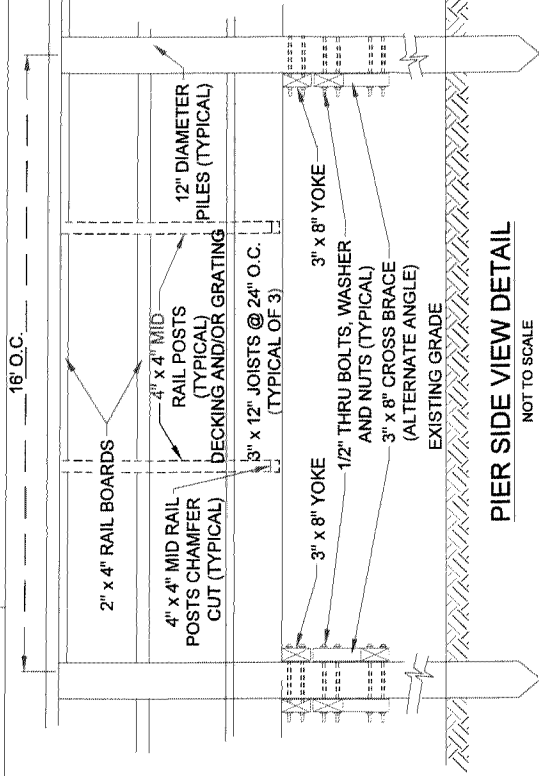
**PROFILE VIEW**  
**SHEET 3 OF 4**  
**JANUARY 19, 2024**



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

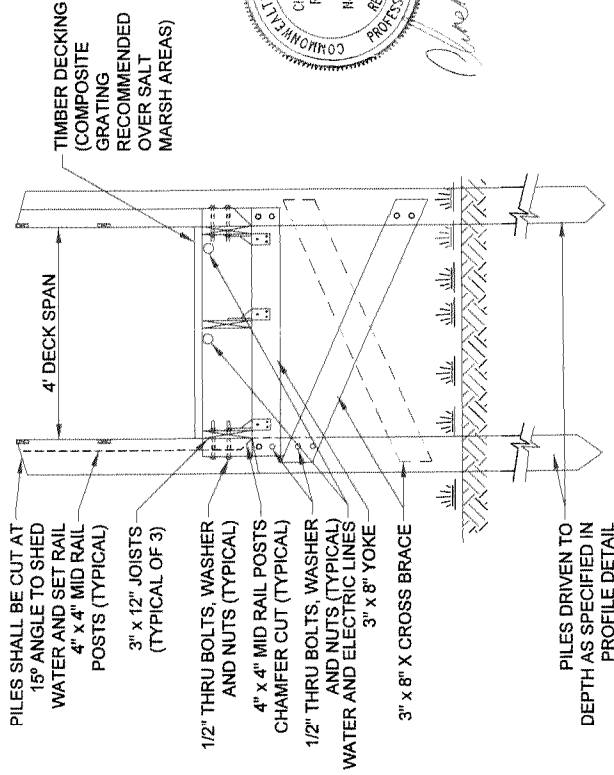
*Charles T. Rowland*  
NAME

*1/19/2024*  
DATE



PIER SIDE VIEW DETAIL

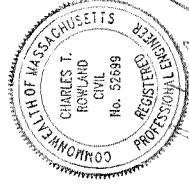
NOT TO SCALE



PIER SECTION DETAIL

NOT TO SCALE

SECTION AND SIDE VIEW  
SHEET 4 OF 4  
JANUARY 19, 2024

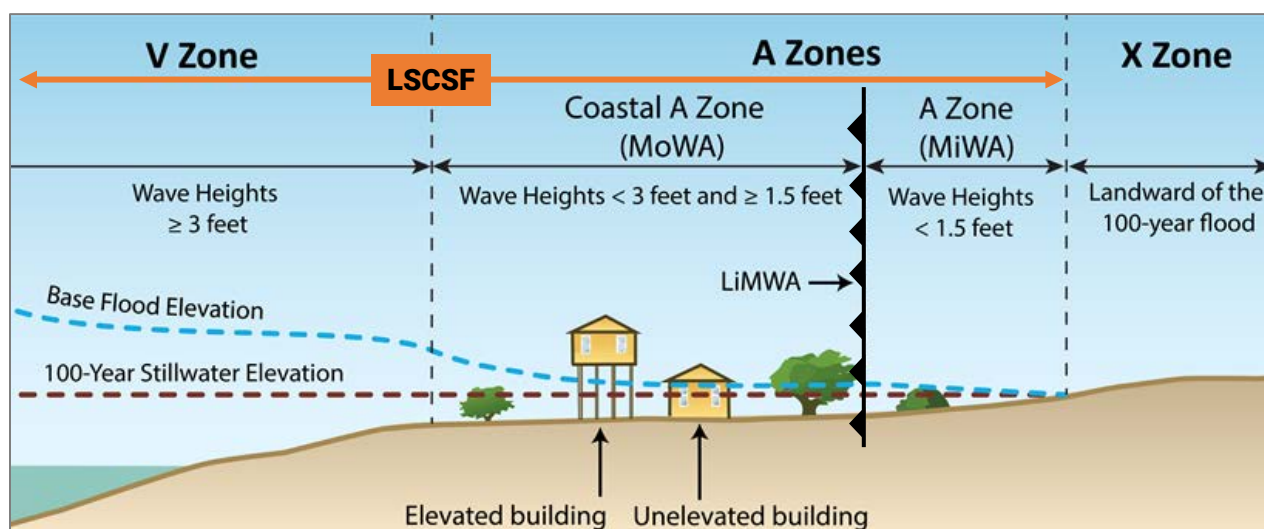




## Understanding Coastal Flood Zones

**Background:** Proposed revisions to the Massachusetts Wetlands Protection Act (WPA) regulations (see [310 CMR 10.36](https://www.mass.gov/info-details/310-CMR-10.36)) published on December 22, 2023 include performance standards for Land Subject to Coastal Storm Flowage (LSCSF), which promote resilience by preserving and restoring the natural floodplain functions of this area. In certain flood zones, proposed LSCSF standards require additional protections, such as elevating structures on open piles to preserve floodplain function and prevent damage (see *MassDEP companion fact sheet on LSCSF and Building Code Standards*, accessible at <https://www.mass.gov/regulations/310-CMR-1000-wetlands-protection-act-regulations#proposed-amendments-public-comment>).

### Coastal Flood Zones (Example Diagram)



**Land Subject to Coastal Storm Flowage (LSCSF)** = FEMA Flood Zones V and A (on this example diagram)

**Limit of Moderate Wave Action (LiMWA)** separates Moderate and Minimal Wave Action Areas (**MoWA** and **MiWA**) within FEMA's A Zones. The LiMWA is shown as a line with triangles (triangles point towards higher hazard area). The LiMWA is available for the entire coast of Massachusetts on the FEMA Map Service Center website: [msc.fema.gov](https://msc.fema.gov).

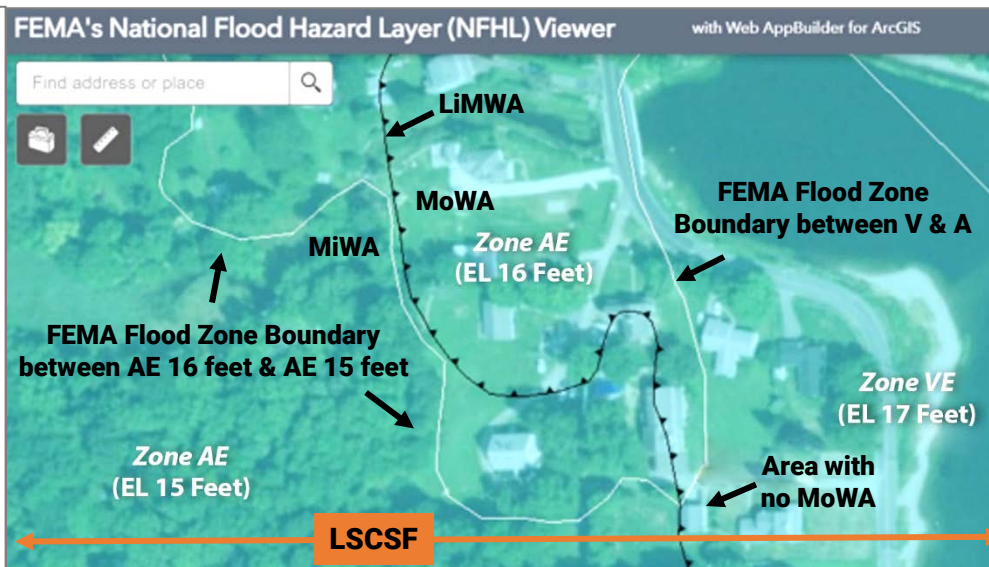
### How to Identify Zones in the LSCSF from FEMA Maps

**White lines** = flood zone boundaries

**LiMWA** = boundary between MoWA and MiWA. Triangles point towards higher hazard area.

Zone AE and VE elevations (EL) are Base Flood Elevation.

**Note:** In some cases, there is no MoWA as the LiMWA divides Zone V and MiWA only.





## Comparison of LSCSF and Building Code Performance Standards

**Background:** Proposed revisions to the Massachusetts Wetlands Protection Act (WPA) regulations (see [310 CMR 10.36](#)) published on December 22, 2023 include performance standards for Land Subject to Coastal Storm Flowage (LSCSF), which promote resilience by preserving and restoring the natural floodplain functions of this area. In certain flood zones, proposed LSCSF standards require additional protections, such as elevating structures on open piles to preserve floodplain function and prevent damage. A comparison of the proposed LSCSF standards and the current and proposed Building Code Standards are outlined in the table below.

LSCSF Area <sup>1</sup>	Proposed LSCSF Standard <sup>2</sup>	Current Building Code Standard	Proposed draft 10 <sup>th</sup> Edition Building Code Standard
<b>Velocity Zone</b>  (Area within the Special Flood Hazard Area where base flood wave heights exceed 3 feet)	<b>New Development</b>		
	Prohibited	Elevate structures on open piles above FEMA BFE <sup>3</sup> plus at least 2 feet freeboard <sup>4</sup>	Elevate structures on open piles above the FEMA BFE <sup>3</sup> plus at least 3 feet freeboard <sup>4</sup>
	<b>Redevelopment</b> (substantial damage or improvement)		
	<ul style="list-style-type: none"> <li>Elevate structures on open piles.</li> <li>Must allow flood water to flow unobstructed under structure during 1% annual chance storm with min of 2 feet above 1% annual chance BFE<sup>6</sup></li> </ul>	<i>Same as new development</i>	<i>Same as new development</i>
<b>Moderate Wave Action Zone (MoWA)</b>  (Coastal A Zone; the portion of the Special Flood Hazard Area with base flood wave heights between 1.5 and 3 feet)	<b>New Development</b>		
	<ul style="list-style-type: none"> <li>Elevate structures on open piles.</li> <li>Must allow flood water to flow unobstructed under the structure during 1% annual chance storm with min of 2 feet above 1% annual chance BFE<sup>3, 6</sup></li> </ul>	Elevate structures on open piles or solid foundation above the FEMA BFE <sup>3</sup> plus at least 1 feet freeboard <sup>5</sup>	Elevate structures on open piles above the FEMA BFE <sup>3</sup> plus at least 3 feet freeboard <sup>5</sup>
	<b>Redevelopment</b> (substantial damage or improvement)		
	<i>Same as new development</i>	<i>Same as new development</i>	<i>Same as new development<sup>7</sup></i>
<b>Minimal Wave Action Zone (MiWA)</b>  (A and AE Zone; the portion of the Special Flood Hazard Area with base flood wave heights less than 1.5 feet)	<b>New Development</b>		
	<ul style="list-style-type: none"> <li>Elevation on piles or solid foundation per Building Code.</li> <li>Waves and fast-moving flood waters within the 100-foot Buffer Zone of a coastal Resource Area <u>may</u> require open piles at least 2 feet above 1% annual chance BFE or open foundation<sup>3, 6</sup></li> </ul>	Elevate structures on open piles or solid foundation above the FEMA BFE <sup>3</sup> plus at least 1 feet freeboard	Elevate structures on open piles or solid foundation above the FEMA BFE <sup>3</sup> plus at least 2 feet freeboard
	<b>Redevelopment</b> (substantial damage or improvement)		
	<i>Same as new development</i>	<i>Same as new development</i>	<i>Same as new development</i>

<sup>1</sup> Land Subject to Coastal Storm Flowage (LSCSF) = Land subject to any inundation caused by coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record, whichever is greater.

<sup>2</sup> Water dependent industrial uses in DPA excluded.

<sup>3</sup> FEMA Base Flood Elevation

<sup>4</sup> measured from the lowest horizontal structural member

<sup>5</sup> measured from the top of the lowest floor surface

<sup>6</sup> Two feet may be waived in rare cases.

<sup>7</sup> Substantial improvement to existing commercial/mixed-use multi-story buildings are not required to elevate on open piles.

**NOTE:** Elevation requirements for the State Building Code have been generalized for this handout and reflect the Class 2 building requirements for ASCE 24-14. Class 2 is the reference standard for flood zone in Code and includes the majority of buildings and structures including residential, commercial, and industrial buildings. Refer to [ASCE 24-14](#) for other design classes.





## Storm Surge Flow Channelization

**Background:** Proposed revisions to the Massachusetts Wetlands Protection Act (WPA) regulations (see [310 CMR 10.36](#)) published on December 22, 2023 include performance standards for Land Subject to Coastal Storm Flowage (LSCSF), which promote resilience by preserving and restoring natural floodplain functions. In certain flood zones, proposed LSCSF standards require additional protections, such as elevating structures on open piles.

**Flow Channelization:** When coastal storm flood water flows across a natural, vegetated soil surface, it is slowed and can permeate into soils. In developed areas, where there are waves and moving water in coastal storms, changes in topography such as grading, fill, solid structures, and retaining walls can lead to soil erosion around or under buildings through flow channelization.



The image above shows multiple flow channels ([blue lines](#)) between houses, caused by Hurricane Sandy in 2012. Structures that are not elevated, such as the house shown below, are at risk from flow channel damage.

*\* Adapted from: FEMA P-942. Mitigation Assessment Team Report, Hurricane Sandy in New Jersey and New York. 2013.*

**Preventing Flow Channelization:** To prevent flow channelization and related infrastructure damage, the draft WPA standards require structures to be elevated on open piles in the Velocity Zone and Moderate Wave Action (MoWA) Zone.

In the Minimal Wave Action Area (MiWA), it may be necessary to conduct a **flow path analysis** to ensure that proposed projects do not result in channelization and subsequent damage to adjacent buildings.

[Guidance for flow path analysis is currently being developed by MassDEP.](#)





TOWN OF FALMOUTH  
MASSACHUSETTS

Received By

MAR 1 2024

Planning Dept.

## BOARD OF APPEALS

### Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by Michael and Krystal O'Brien, 63 Bayside Drive, East Falmouth, Ma.

(Map 41 , Lot 080 ) under 240-10.2A(4) and 240-11.3A(4) of the Zoning by-Law, as amended to **grant** the special permit to raze and rebuild the existing, nonconforming dwelling, exceeding 20% lot coverage by structures.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **February 26, 2024**, 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](mailto:Noreen.stockman@falmouthma.gov) if you have any questions or comments  
full text of decision available at <http://www.falmouthma.gov>



TOWN OF FALMOUTH  
MASSACHUSETTS

**BOARD OF APPEALS**

**Notice of Decision**

**Received By**

MAR 11 2024

**Planning Dept.**

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by Nancy L. Parmentier, 18 Sippewissett Road, Falmouth, Ma.

(Map 35 Lot 001) under 240-11.4A(1)(i) of the Zoning by-Law, as amended to **grant** the Special Permit to allow a pool in the front yard, more than 50' from the front property line.

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 **March 7, 2024**, 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](mailto:Noreen.stockman@falmouthma.gov) if you have any questions or comments  
full text of decision available at <http://www.falmouthma.gov>





# **TOWN OF FALMOUTH**

## **ZONING BOARD OF APPEALS**

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

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

**Received By**

**MAR 11 2024**

**Planning Dept.**

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

Application #016-24 Vishrut Sharma, 15 Dylans Way, East Falmouth, MA.: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-6.1B of the Code of Falmouth to convert the existing, detached pool house into an accessory apartment. **The subject property is 15 Dylans Way, East Falmouth, MA.**

Map 32 Section 01 Parcel 001 Lot(s) 004

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, March 28, 2024 at 6:00PM**  
You are invited to be present.

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

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



# ***TOWN OF FALMOUTH***

## **ZONING BOARD OF APPEALS**

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

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

**Received By**

**MAR 11 2024**

**Planning Dept.**

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

Application #015-24 Mark A. and Courtenay Romaine, 155 Hawthorn Road, Braintree, MA.: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A and 240-11.4A(1)i of the Code of Falmouth to construct a loft addition, porch and dormers, and to allow a detached garage with habitable space above and a plunge pool to be located in the front yard, more than 50' from the property line. **The subject property is 45 Tobey Lane, East Falmouth, MA.**

Map 41 Section 01 Parcel 005A Lot(s) 000B

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, March 28, 2024 at 6:00PM**

You are invited to be present.

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

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



# ***TOWN OF FALMOUTH***

## **ZONING BOARD OF APPEALS**

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

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

**Received By**

**MAR 11 2024**

**Planning Dept.**

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

Application #014-24 Nathan K. Pieri, 196 Metoxit Road, Waquoit, MA.: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A and 240-11.4A(1)(i) of the Code of Falmouth to raise the existing dwelling, demolish a portion of the existing dwelling, construct additions, and relocate the existing detached structure and shed. **The subject property is 196 Metoxit Road, Waquoit, MA.**

Map 31 Section 02 Parcel 008 Lot(s) 000

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, March 28, 2024 at 6:00PM**  
You are invited to be present.

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

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



# ***TOWN OF FALMOUTH***

## **ZONING BOARD OF APPEALS**

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

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

**Received By**

**MAR 11 2024**

**Planning Dept.**

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

Application #013-24 Vivian Patricia Perez and John Byron Munson, 18 Eastland Road, Jamaica Plain, MA.: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A & 240-11.3A(4) of the Code of Falmouth to remove the existing deck and construct an addition at the rear of the dwelling; increasing lot coverage by structures. **The subject property is 92 Priscilla Street, East Falmouth, MA.**

Map 39A Section 16 Parcel 000 Lot(s) 048

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, March 28, 2024 at 6:00PM**  
You are invited to be present.

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

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

**Town of Sandwich**  
THE OLDEST TOWN ON CAPE COD



**Planning Board**

100 Route 6A  
Sandwich, MA 02563  
Phone: 508-833-8001  
Fax: 508-833-8006  
Email: [planning@sandwichmass.org](mailto:planning@sandwichmass.org)

The Planning Board of the Town of Sandwich hereby gives notice that it will hold a Public Hearing on a proposed amendment to the Sandwich Protective Zoning By-Law.

**Date and Time: March 19, 2024 at 6 p.m.**

**Location: Sand Hill School Community Center, 16 Dewey Avenue, Sandwich, MA**

**Proposed Amendment:**

- Proposed amendment to Article II Section 2200 Use Regulations for the purpose of allowing a Private Garage/Boathouse on lots having no primary structure.

Full text of the proposed Zoning Amendment, along with the current Protective Zoning By-Law and current Zoning Map may be viewed in the following ways:

1. Request a PDF from the Office of Planning & Development at [planning@sandwichmass.org](mailto:planning@sandwichmass.org)
2. Visit the Office of Planning & Development at 100 Route 6A, Sandwich, MA.
3. Call (508) 833-8001 if other accommodations are needed.

Jennifer Reisig, Chair  
Sandwich Planning Board  
Publication: Sandwich Enterprise  
Publication Dates: March 1 and March 8, 2024

TOWN CLERK  
TOWN OF SANDWICH

MAR 01 2024  
9 15 AM  
RECEIVED & RECORDED

**Received By**

MAR 5 2024

**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](mailto:planning@sandwichmass.org)

**Special Permit  
Certificate of Approval**

**Petition #** 24-02  
**Current Property Owner(s):** Patricia Polito Childs  
**Applicant:** Patricia Polito Childs  
**Property Address:** 3 Guild Road  
**Map, Parcel:** 7-13  
**Book, Page:** 261, 2

TOWN CLERK  
TOWN OF SANDWICH

FEB 28 2024

3 H 36 M P M  
RECEIVED & RECORDED

On February 27, 2024, the Board of Appeals voted to approve a special permit from Sections 1330 and 2220 of the Sandwich Zoning By-law for property located at 3 Guild Road as shown on Assessor's Map 7, Parcel 13, for the purpose of operating a personal kennel accessory to a residential use.

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

2/28/2024  
Date

Received By

MAR 5 2024

Planning Dept.

## **PROCEDURAL HISTORY**

1. An application from sections 1330 & 2220 of the Zoning By-Law was submitted on January 22, 2024 for a Special Permit for 3 Guild Road.
2. After proper notice was given the public hearing was opened on February 27, 2024 and closed on February 27, 2024.
3. The application was not accompanied by a site plan.
4. The Board reviewed the application and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:

James Killion  
Erik Van Buskirk  
Chase Terrio  
Mary Foley

## **FINDINGS**

The Zoning Board of Appeals finds that:

1. The Board of Appeals finds that this application meets the requirements of Section 9, M.G.L. Chapter 40A.
2. Subject property is located within the R2 Zoning District.
3. Applicant wishes to operate a personal kennel consisting of six dogs accessory to a residential use.
4. Applicant states that she works from home and the dogs live inside with access to a fenced in yard.
5. 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.
6. This kennel has been licensed and in operation for 3-4 years.
7. The Building Commissioner states that there have been no complaints relative to the kennel operation.

8. The Animal Control Office received one complaint in 2022 regarding barking. The complainant followed-up with the department to explain it has been remedied by the owners.
9. Applicant states that Board of Health requirements for waste management shall be adhered to.
10. Applicant states that no dog breeding shall be undertaken at the residence.

Motion: I, Chase Terrio, move to adopt these findings as the findings of the Board of Appeals.

Second: Erik Van Buskirk

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

**CONDITIONS:**

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

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

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

Second: Erik Van Buskirk



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

**DECISION:**

After reviewing the application, the plan and other materials submitted and after giving due consideration to testimony given at the public hearing, the Board hereby approves the special permit application for property located at 3 Guild Road as shown on Assessor's Map 7, Parcel 13, for the purpose of operating a personal kennel accessory to a residential use.

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

Second: Chase Terrio

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

Town of Sandwich  
THE OLDEST TOWN ON CAPE COD



Board of Appeals

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

**Special Permit  
Certificate of Approval**

**Petition #** 24-02  
**Current Property Owner(s):** Patricia Polito Childs  
**Applicant:** Patricia Polito Childs  
**Property Address:** 3 Guild Road  
**Map, Parcel:** 7-13  
**Book, Page:** 261, 2

TOWN CLERK  
TOWN OF SANDWICH

FEB 28 2024

3 H 38 M P M  
RECEIVED & RECORDED

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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

2/28/2024  
Date

Received By

MAR 5 2024

Planning Dept.

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5. The following members attended the public hearing:

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Erik Van Buskirk  
Chase Terrio  
Mary Foley

## **FINDINGS**

The Zoning Board of Appeals finds that:

1. The Board of Appeals finds that this application meets the requirements of Section 9, M.G.L. Chapter 40A.
2. Subject property is located within the R2 Zoning District.
3. Applicant wishes to operate a personal kennel consisting of six dogs accessory to a residential use.
4. Applicant states that she works from home and the dogs live inside with access to a fenced in yard.
5. 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.
6. This kennel has been licensed and in operation for 3-4 years.
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9. Applicant states that Board of Health requirements for waste management shall be adhered to.
10. Applicant states that no dog breeding shall be undertaken at the residence.

Motion: I, Chase Terrio, move to adopt these findings as the findings of the Board of Appeals.

Second: Erik Van Buskirk

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

#### **CONDITIONS:**

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

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

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

Second: Erik Van Buskirk

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

**DECISION:**

After reviewing the application, the plan and other materials submitted and after giving due consideration to testimony given at the public hearing, the Board hereby approves the special permit application for property located at 3 Guild Road as shown on Assessor's Map 7, Parcel 13, for the purpose of operating a personal kennel accessory to a residential use.

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

Second: Chase Terrio

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



**Town of Sandwich**  
THE OLDEST TOWN ON CAPE COD



**Board of Appeals**

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

**Special Permit  
Certificate of Approval**

**Petition #** 24-04  
**Current Property Owner(s):** Paul E & Beth Drew  
**Property Address:** 319 Phillips Road  
**Map, Parcel:** 95-018  
**Certificate of Title:** 1365828

TOWN CLERK  
TOWN OF SANDWICH

FEB 28 2024

3 H 38 M P M  
RECEIVED & RECORDED

On February 27, 2024, the Board of Appeals voted to approve a special permit from Sections 1330, 2420 & 4340 of the Sandwich Zoning By-law for property located at 319 Phillips Road, as shown on Assessor's Map 95, Parcel 018, for the purpose of constructing a single-family dwelling in the flood zone.

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

2/28/2024  
Date

**Received By**

MAR 5 2024

**Planning Dept.**

## **PROCEDURAL HISTORY**

1. Application from sections 1330 & 4340 of the Zoning By-Law for property located at 319 Phillips Road was filed on January 23, 2024.
2. After proper notice was given, the public hearing was opened on February 27, 2024 and closed on February 27, 2024
3. The application was accompanied by a Site Plan entitled:  
Site Plan for  
319 Philips Road, Sandwich, MA  
Dated: August 2, 2023
4. The Board reviewed the application and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:

James Killion  
Erik Van Buskirk  
Chase Terrio  
Mary Foley

## **FINDINGS**

The Zoning Board of Appeals finds that:

1. The Board of Appeals finds that this application meets the requirements of Section 9, M.G.L. Chapter 40A.
2. Subject property is located within the R1 Zoning District and the Flood Plain Overlay District.
3. Applicant is proposing to construct an addition with a new deck and stairs.
4. The lot is located in the FEMA Zone VE elevation 16.
5. 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.
6. Section 4350 (2) requirements:

- a) The Board of Appeals finds that susceptibility of the proposed facility and the contents to flood damage and the effect of such damage upon the site and surrounding property is minimal.
  - b) The Board of Appeals finds that there are not alternative locations for the proposed use which are not subject to flooding or erosion.
  - c) The Board of Appeals finds necessity to the facility of a waterfront location.
  - d) Board of Appeals finds that the relief requested is the minimum necessary.
- 7. No changes to the existing grade are proposed.
  - 8. Minor changes to the property setbacks are proposed.

Motion: I, Chase Terrio, move to adopt these findings as the findings of the Board of Appeals.

Second: Erik Van Buskirk

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

#### **CONDITIONS:**

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

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

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

Second: Erik Van Buskirk

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

**DECISION:**

After reviewing the application, the plan and other materials submitted and after giving due consideration to testimony given at the public hearing, the Board hereby approves the special permit for property located at 319 Phillips Road, as shown on Assessor's Map 95, Parcel 018, for the purpose of constructing a single-family dwelling in the flood zone.

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

Second: Chase Terrio

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

**Town of Sandwich**  
THE OLDEST TOWN ON CAPE COD



**Board of Appeals**

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

**Special Permit  
Certificate of Approval**

**Petition #** 24-05  
**Current Property Owner(s):** Kim E. Brooks  
**Property Address:** 50 Wing Boulevard East  
**Map, Parcel** 55-139  
**Book, Page:** 33857, 204

TOWN CLERK  
TOWN OF SANDWICH

FEB 28 2024

3 H 36 M P M  
RECEIVED & RECORDED

On February 27, 2024, the Board of Appeals voted to approve a special permit from Sections 1330 & 2420 of the Sandwich Zoning By-law for property located at 50 Wing Boulevard East as shown on Assessor's Map 55, Parcel 139, for the purpose of demolishing and reconstructing a non-conforming structure.

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

2/28/2024  
Date

**Received By**

MAR 5 2024

**Planning Dept.**



## **PROCEDURAL HISTORY**

1. Application from sections 1330 & 2420 of the Zoning By-Law for property located at 50 Wing Boulevard East was filed on February 5, 2024.
2. After proper notice was given the public hearing was opened and closed on February 27, 2024.
3. The application was accompanied by a Site Plan entitled:  
Proposed Raze and Replace  
50 WING BLVD. EAST, EAST SANDWICH, MA  
Prepared for Kim Brooks  
Dated: 11/21/23
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  
Erik Van Buskirk  
Chase Terrio  
Mary Foley

## **FINDINGS**

The Zoning Board of Appeals finds that:

1. The Board of Appeals finds that this application meets the requirements of Section 9, M.G.L. Chapter 40A.
2. Subject property is located within the R2 Zoning District.
3. Applicant proposes to raze and reconstruct a non-conforming single family dwelling and garage.
4. The proposed rebuild increases the non-conforming nature of the structure by over 30%.
5. The reconstruction of a non-conforming structure is not substantially more detrimental to the neighborhood than the existing nonconforming structure.
6. 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, Chase Terrio, vote to adopt these findings as the findings of the Board of Appeals.

Second: Erik Van Buskirk

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

**CONDITIONS:**

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

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

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

Second: Erik Van Buskirk

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

**DECISION:**

After reviewing the application, the plan and other materials submitted and after giving due consideration to testimony given at the public hearing, the Board hereby approves the special permit application for property located at 50 Wing Boulevard East as shown on Assessor's Map 55, Parcel 139, for the purpose of demolishing and reconstructing a non-conforming structure.

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

Second: Chase Terrio

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

**Town of Sandwich**  
THE OLDEST TOWN ON CAPE COD



**Board of Appeals**

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

**Special Permit  
Certificate of Approval**

**Petition #** 24-03  
**Current Property Owner(s):** Michael Armstrong  
**Property Address:** 303 Phillips Road  
**Map, Parcel** 95-007  
**Certificate of Title:** 229196

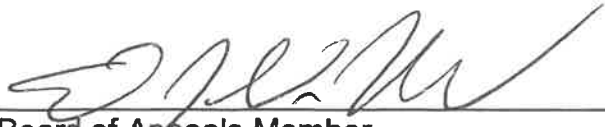
TOWN CLERK  
TOWN OF SANDWICH  
FEB 28 2024  
3 38 PM  
RECEIVED & RECORDED

On February 27, 2024, the Board of Appeals voted to approve a special permit from Sections 1330 & 4340 of the Sandwich Zoning By-law for property located at 303 Phillips Road, as shown on Assessor's Map 95, Parcel 007, for the purpose of constructing a single-family home in the flood zone.

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

2/28/2024  
Date

**Received By**

MAR 5 2024

**Planning Dept.**

## **PROCEDURAL HISTORY**

1. Application from sections 1330 & 4340 of the Zoning By-Law for property located at 303 Phillips Road was filed on January 23, 2024.
2. After proper notice was given, the public hearing was opened on February 27, 2024 and closed on February 27, 2024
3. The application was accompanied by a Site Plan entitled:  
Proposed Conditions  
303 Philips Road, Sandwich, MA  
Dated: November 8, 2023
4. The Board reviewed the application and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:

James Killion  
Erik Van Buskirk  
Chase Terrio  
Mary Foley

## **FINDINGS**

The Zoning Board of Appeals finds that:

1. The Board of Appeals finds that this application meets the requirements of Section 9, M.G.L. Chapter 40A.
2. Subject property is located within the R1 Zoning District and the Flood Plain Overlay District.
3. Applicant is proposing to construct a single-family dwelling.
4. The lot is located in the FEMA Zone VE elevation 16.
5. 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.
6. Section 4350 (2) requirements:



- a) The Board of Appeals finds that susceptibility of the proposed facility and the contents to flood damage and the effect of such damage upon the site and surrounding property is minimal.
  - b) The Board of Appeals finds that there are not alternative locations for the proposed use, which are not subject to flooding or erosion.
  - c) The Board of Appeals finds necessity to the facility of a waterfront location.
  - d) Board of Appeals finds that the relief requested is the minimum necessary.
7. No changes to the existing grade are proposed.

Motion: I, Chase Terrio, move to adopt these findings as the findings of the Board of Appeals.

Second: Erik Van Buskirk

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

### **CONDITIONS:**

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

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

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

Second: Erik Van Buskirk

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

**DECISION:**

After reviewing the application, the plan and other materials submitted and after giving due consideration to testimony given at the public hearing, the Board hereby approves the special permit for property located at 303 Phillips Road, as shown on Assessor's Map 95, Parcel 007, for the purpose of constructing a single-family home in the flood zone.

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

Second: Erik Van Buskirk

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



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

The Sandwich Board of Appeals will hold a Public Hearing on the application of Robert M. Pacl, Property Owner, for a Variance under Section 2550 (c) of the Sandwich Protective Zoning By-Law for property located at 14 Freeman Avenue, Sandwich, MA Assessor's Map #94, Parcel #62, for the purpose of separating two merged lots. The Public Hearing will be held on March 26, 2024 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: March 8 and March 15, 2024

**Received By**

MAR 13 2024

**Planning Dept.**



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

The Sandwich Board of Appeals will hold a Public Hearing on the application of GDBSII & B. Marlin Nominee Trust – Gary Blank, Trustee, Property Owner, for a Special Permit under Sections 1300 & 8000 of the Sandwich Protective Zoning By-Law for property located at 449 Route 130, Sandwich, MA Assessor's Map #32, Parcel #s 006-001, 006-004, 006-04B, 006-007, 006-008, for the purpose of changing the hours of operation and adding an additional unit. The Public Hearing will be held on March 26, 2024, 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: March 8 and March 15, 2024

**Received By**

MAR 13 2024

**Planning Dept.**