



# Town of Mashpee

# Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

## Meeting of the Mashpee Planning Board

Wednesday, April 17, 2024; 7:00 PM

Mashpee Town Hall – Waquoit Meeting Room  
16 Great Neck Road North, Mashpee, MA 02649

### Call Meeting to Order

- Pledge of Allegiance

### Approval of Minutes

- Review of Meeting Minutes from April 3, 2024
- Review and approval of Meeting Minutes from joint Select Board and Planning Board from December 18, 2023

### Public Comment

### Approval Not Required (ANR)

**Applicant:** Triple M. Management Co., LLC

**Location:** 29 & 41 Echo Road, Mashpee, MA (Assessor's Maps 19-3-9 (29) and 19-3-8 (41))

**Request:** The purpose of the request is to combine the parcels into one to become Lot 1A

### Public Hearings

**7:10 PM** To review the following zoning article proposed for action at the May 6, 2024 Town Meeting:

- Warrant Article 28: To see if the Town will vote to amend Section 174-25 (B)(18) of the Mashpee Zoning Bylaw Table of Use regulations.

### **7:10 PM (Continued from 4/3/2024)**

**Applicant:** Joao Junqueira

**Location:** 474 Main Street (Map 27-21-A) and 31 Ashumet Road (Map 27-21-B)

**Request:** Applicant proposes to construct a 4,752 sq. ft. commercial building for retail sales of water related products with indoor and outdoor storage.

### New Business

- Review and make recommendation regarding the road taking plans submitted by petition from the South Cape Beach Homeowners Association to convert the roads (Chickadee Road, Debbie Lane, Manitoba Road, Metacomet Road, Nehoiden Road, Neshobe Road, Pontiac Road, Samoset Road, Wamesit Road and Whippoorwill Circle) from private roads to public roads under consideration at the May Town meeting
- Review and make recommendation regarding the road taking plans submitted by the Select Board to convert Christopher Lane from a private way to a public way under consideration at the May Town meeting
- Review and approval of Consulting Engineer's Invoices
- Consideration of DNR's request for a letter of support for its application for funding to the Municipal Vulnerability Preparedness Program. The project is seeking funding to carry out upcoming phases of the Santuit Town Landing Construction and Community Outreach Project. The Board may vote to submit a letter of support.

MASHPEE TOWN CLERK  
APR 12 '24 PM3:47



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

### Old Business

- Continue deliberation and potential vote on the 275 Quinaquisset Avenue application submitted by Southworth Mashpee Properties LLC to modify the Willowbend Country Club Special Permit
- Continue review of draft implementation table of the Local Comprehensive Plan Update

### Board Engineer Report

- Project Reviews and Inspections

### Chairwoman's Report

- Water Quality Issues

### Town Planner Report

- Harbor Management Planning Committee Update
- Housing Production Plan Update

### Board Member Committee Reports

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

### Correspondence

- 16 Summersea Lane MassDEP Waterways License Application No. 23-WW01-0151-APP
- 199 Daniels Island Road MassDEP Waterways License Application No. 24-WW01-0038-APP
- Notices for Towns of Barnstable, Falmouth and Sandwich

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

### Adjournment

MASHPEE TOWN CLERK  
APR 12 '24 PM3:47





# *Town of Mashpee* *Planning Board*

*16 Great Neck Road North  
Mashpee, Massachusetts 02649*

**Mashpee Planning Board  
Minutes of Meeting  
Wednesday, April 03, 2024 at 7:00 PM  
Mashpee Town Hall - Waquoit Meeting Room  
16 Great Neck Road North  
Mashpee, Ma 02649**

**Broadcast Live on Local Channel 8  
Call-in Conference Number: (508)-539-1400 x 8585  
Streamed Live on the Town of Mashpee website  
<https://www.mashpeema.gov/channel -8>**

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

**Also Present:** Evan Lehrer – Town Planner, Ed Pesce – Consulting Engineer, Christopher Kirrane – Attorney representing Joao Junqueira, Robert Dewar – Bracken Engineering

## **CALL TO ORDER**

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

## **APPROVAL OF MINUTES – March 20, 2024**

No comments were made regarding the minutes.

### **MOTION:**

**Mr. Richardson made a motion to approve the meeting minutes of March 20, 2024, as written. Seconded by Mr. Balzarini. All in favor.**

**Review and approval of Meeting Minutes from joint Select Board and Planning Board from December 18, 2023**

### **MOTION:**

**Ms. Waygan made a motion to table the minutes dated December 18, 2023, joint meeting with Select Board, until next meeting April 17, 2024. All in favor.**

Ms. Faulkner read a letter from Rodney Collins, Town Manager, regarding funding for Wastewater Phase 2. Many people had questions relative to scope and cost. At times, the technical elements of a project are overwhelming, which leads to confusion. Article 6 will



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

rescind the previously authorized borrowing of \$4.5 Million. The new Article 4 will authorize \$96.1 Million to complete Phase 2.

You can click on the clean water tab on the Town of Mashpee website to review roads covered in Phase 2. The Wastewater Superintendent as well as the Finance Committee have provided a good faith estimate. They are striving to keep tax rates low. All available funding sources have been utilized. The debt service plan relies on obtaining a 0% state revolving fund. Mashpee's eligibility was confirmed from a DEP letter and contingent on the Flow Neutral Bylaw as well as voter approval. There is a 25% principal debt relief from the water protection fund. They will use all future revenue not already committed from the wastewater stabilization fund and revenue growth efforts. The expected Phase 2 tax increase over a 30-year life is \$75.00 per year for the average resident. The average home costs \$772,000. This will not commence until FY 2029, at the earliest. This will not have an impact on the tax rate for the next five years and allow the opportunity to change the payment approach.

### **PUBLIC COMMENT**

**Arden Russell:** She thanked the Chair, as this letter was relative to her comment this evening. She reiterated the SRF funding being contingent on the Flow Neutral Bylaw. She saw this as a mandate from the Town Manager to all departments, boards, and committees to protect funding. This Board cannot approve the proposal for Willowbend and still comply with the existing FNB. They are asking for more bedrooms than are currently allowed. Additionally, after the last meeting, we all now know that permit conditions are meaningless. This permit ignores conditions. Conditioning this permit might make this Board feel good, but she has no confidence any of those conditions will be enforced by our own Building Commissioner. The Zoning Bylaw that lists required findings for issuance of Special Permit, each has criteria it must meet, and a positive determination cannot be made in good conscience. She is deeply disappointed that members speak publicly in favor of the environment, advocate for setbacks, and run as clean water candidates, but when opportunity presents to act, those values appear to fall.

Mr. Lehrer reminded the Board that deliberation cannot consider any additional testimony. Ms. Waygan noted they cannot prevent someone from speaking after already letting one person speak, it just cannot change their mind.

**Wendy Williams-** She reminded the Board they cannot tell someone what they can and cannot say in Public Comment. The procedure that happened during this Public Hearing was atrocious. So many rules and regulations were broken. She is appalled. We know the Madame Chair had a private off record meeting with the project proponent and did not do that with the permission or direction of the Board. There have been numerous egregious problems connected to this project. She asked for notes and was told she couldn't have any for that meeting. She stated Mr. Richardson said at the beginning that he golfs there and is voting in



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

favor of it. She informed him he should recuse himself as he has a personal connection to the project. The subject of her discussion point is denying without prejudice. Willowbend must provide a comprehensive water analysis before the Board can allow a project with 12 cottage style homes. The proposed expansion will significantly increase pollution in Poppy Bay. By law they must now prove this before the Planning Board can decide to grant a Special Permit. Given our already degraded waters, we cannot conflict with our wetland protection and groundwater protection bylaws. General Bylaws establish specific performance standards to protect water from nitrogen. Excess algae lead to fish kills and blooms. Pollutants have degraded the embayment. Legislation calls for pollution reduction and development will increase that. The state approved the Comprehensive Management Plan in 2015 and relies on an adaptive management approach to allow shellfish to clean the waters. We have a certificate proving our wastewater plan, no development should be improved unless it can prove it won't jeopardize these resources. Even projects connected to sewer cannot just be compliant. Willowbend abuts water and exceeds nitrogen limits. Poppy Bay nitrogen must be reduced by 34%. Santuit, including Quaker Run, require 423% reduction. She referenced Troy Miller's 2024 letter, where he claims these 14 units, now 12, will be serviced by Willowbend under DEP permit, that total nitrogen will be 50% less than if the site were developed as 3 single family units. This claim is unsubstantiated by any model and by no means valid. Who has the burden of proof? It is on Willowbend. Mass mitigation is required as well as consistency with the watershed nitrogen plan. The Board must demand a detailed site-specific nitrogen loading analysis. The Town must rigorously evaluate all development moving forward.

**Jack McElhinney-** He declares this out of order as the Public Hearing has been closed, it went on for a year. This Board is allowing the public record, established over a year, to be tainted by comments after public record has been closed. A Judge would say stricken from the record. This is bad practice and he would recommend they consult Town Counsel about appropriateness.

### **PUBLIC HEARING**

**7:10PM**

**Applicant:** Joao Junqueira  
**Location:** 474 Main Street (Map 27-21-A) and 31 Ashumet Road (Map 27-21-B)  
**Request:** Applicant proposes to construct a 4,752 sq. ft. commercial building for retail sales of water related products with indoor and outdoor storage.

Ms. Waygan and Mr. Lehrer both recused themselves from the Public Hearing.

Ms. Faulkner read the application for the Special Permit, dated February 12, 2024. Checks totaling \$5,525 addressed to the Town of Mashpee. There are two claim deeds conveying land



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

in question to Mr. Junqueira. Included is a proposed site plan. There is an extensive drainage analysis report as well as Mr. Pesce's report on the matter. Architectural plans were submitted as well.

Mr. Kirrane is present this evening representing Joao Junqueira. He noted there was an error in the size of the commercial building and corrected it is a 6,000 sq. ft. It is in C3 zoning, and a portion of the bottom corner is in R5. The entrance to the building will be off Ashumet Rd. The lot is located in the light industrial overlay and ground water protection. Robert Dewar with Bracken Engineering, Roger Brooks from Cape Wide Construction, and representatives from E.J. Prescott are with him tonight. E.J. Prescott already has a building in Mashpee for over 20 years.

The lot is 90,000sq. ft. with over 200ft. of frontage on both Main St. and Ashumet Road. The proposed structure will be 76 ft. from Main St., 245ft. from Ashumet, the building will be 107 ft. from the southerly side yard setback, and 21 feet from the northernly side. Lot coverage is 6.1% which is well under the 20% maximum allowed in the C3 Zoning District. They had a Site Plan Review which consists of representatives from the Board of Health, Planning, Fire, Police, DPW, and Building. There are 9 parking spaces proposed, including one handicap. It meets the requirements for the zoning bylaw. There will be one access off Ashumet Rd. with no traffic exiting or entering. There will be a substantial natural buffer remaining, some trees may be disturbed but will be replanted. Next week the project will go through the Historical Commission. This is water service for stormwater, nothing hazardous, it is wholesale retail of plumbing supplies. The Special Permit criteria complies with state and Town of Mashpee zoning. It will not adversely affect public health or safety. They are currently located on Industrial Drive. They will not be affecting any conservation. They don't anticipate heavy traffic or many large trucks, it will be mostly contractors with pickups.

Ms. Faulkner noted they will have 1,200ft. devoted to a showroom, but combined square footage will be under 10,000 sq. ft. Standards for C3 development, approved signage and lighting with no odorous activity. She inquired about the lighting design. She noted the side facing Rt.130 is clapboard and the front is shingles, because they must comply with historical. She asked about the holding tank and where it would be located. It was answered lighting meets requirements.

Robert Dewar with Bracken Engineering answered the holding tank is required and is separate from the septic. It is used for floor drains. Any time there is an overhead garage door with any potential for a vehicle it requires a holding tank so drains can be pumped out. The tank has double walls for leakage and an alarm at 75% capacity. They are only selling plumbing equipment and piping so it may go many years before it requires to be pumped.



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

Mr. Kirrane read through all the conditions of C3, he also noted the majority of the parcel determines what district the overall parcel is considered.

Mr. Balzarini inquired about the title 5 septic, and it was answered that the nitrogen flow isn't like residential, so they do not require the IA technology.

Mr. Pesce noted there is no issue with septic design, they still must go before the Board of Health for septic and holding tank.

Mr. Balzarini asked about putting trees back, he would like to see what is going to be planted there and what will be along Ashumet Road to make it look residential.

Mr. Kirrane noted a lot on Ashumet Road isn't being disturbed, it will be left natural.

Mr. Hansen noted some of the foliage might need to be pruned to allow for site distance for turning, but he wants to leave as much of a natural buffer.

Mr. Oakley stated this is across the street from where people have homes, how will this affect their homes and their day to day?

Mr. Hansen asked about the natural vegetation, especially around the outside storage, will there be pipes? He has seen evidence of pallets and pipes. How high is the maximum height for storage of materials and will natural foliage screen it?

Mr. Kirrane reiterated the building is 200 ft. back from Ashumet Road, likely to have sufficient screening. They are in C3 zoning, it allows for commercial uses. It will not be the only building that has commercial use there. This is a low impact project and use. E.J. Prescott has been in this town for 20 years. This is not sticking a commercial building in the middle of residential zoning.

Mr. Pesce did a peer review. He made some comments relatively easy to comply with. Some general safety items such as the stop sign pruning and clearing the edges of Ashumet. On his site visit he looked at the site distance with no leaves but in the spring it will be different. He included a comment because it helps the board with the final decision making. The Fire Department will need to inspect for safe circulation with emergency vehicles or whatever else they want. There is more than adequate room to do that. The tight tank is domestic title 5. The holding tank is from the floor. It is not anticipated to fill the holding tank in a year, but he added a few things to comply with. He mentioned items on stormwater management. Consider using state of the art mechanisms for climate change. Calculations are run to adjust for the size of collection system. Runoff from parking will adequately perform. Finally, put signatures and dates on documents and inspection log for stormwater management. He believes it to be





# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

straightforward and well done, no major problems. He wants them to see the Fire Department. He will respond in writing that has been satisfied to get the building permit.

Mr. Dewar stated 90% of the review has already been addressed. They are still working through stormwater and having the rain garden increase in size.

Mr. Kirrane stated when you go to Site Plan Review you meet with the Fire Department. He is certainly happy to follow up, but they didn't have any problems. The Board would like a follow-up with the Fire Department.

Mr. Hansen added that signage would be helpful to be able to identify the building.

Mr. Kirrane stated that will come later down the road, but no signage is being proposed right now.

**Mohamad Fahd:** He is an abutter. One of the main issues that everyone around him agrees on is Ashumet Road being the access road to this site. It should be investigated to see if it would be feasible to have access from Rout 130. Ashumet Road is a dead-end residential road that is protected from traffic and noise. This would disrupt pedestrian usability and lower property values. The plan shows an 18-wheeler truck in the parking lot, trucks will go in and out. The trucks are too large and anyone who drives Rt. 130 has to slow down because there is no curb so it's difficult to maneuver. Ashumet Road was not built for truck traffic. If the pavement was inspected right now you would see that immediately. The intersection has already failed and needs repair. Added commercial will also ruin the road. The volume could endanger pedestrians, runners and bikers, who use the pedestrian way on Rt.130. Most pedestrians don't turn left, they go right towards the museum and Herring Run. They could adjust the building in such a way to serve them. The asphalt parking lot is too large. This large area will lead to unsightly use of storage equipment. It will impact the neighborhood and lower values. Request for outdoor storage should be prohibited or all outdoor storage be screened with wooden fencing. The parking lot should be white top to diminish heat island. Lastly, make sure the lights don't shine brightly at night to abutting properties.

**Leonard & Diane Pocknett** (2 Ashumet Rd): She got a letter from the Planning Board, as they are within 300 feet of the proposed project. They agree with what Mr. Fahd said. Her husband grew up here and is nearly 80 years old. He has lived on that corner, and they know what is zoned for nearly 100 years. It was zoned in a time when there weren't many people here. Rt. 130 does have businesses, but Old Colony is a neighborhood. They have children and dogs. Ashumet is going to impact driveway traffic and the infrastructure has not been designed for the volume it has today. This will impact the environment and the property values and people being able to live and walk. In looking at noise and safety, this will cause more problems. They think of wildlife, if you walk up the road all these trees are knocked down, and then he found



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

out this project was proposed. If this isn't determined yet, why are trees being taken down? If 18-wheeler trucks make deliveries, the people in Old Colony will be disturbed that live directly across from this business.

Mr. Balzarini suggested they put the structure way up where the parking lot is, from Rt. 130, not interfering with all traffic. He is not going to vote for this unless they show there was another study done. The town uses that road all the time.

**Joel Clifford-** He is the President for the Old Colony Association. He is worried about pedestrian foot traffic. This is a pedestrian friendly street with pickleball courts, a dog park, and sports fields. Ashumet Road is heavily trafficked all year long. There is a bus stop right at Old Colony Drive. He would like the Board to consider the entrance being relocated to Rt. 130.

**Bill Campbell-** (35 Ashumet Rd.) He purchased at Oak Hollow about 6 months ago, at the top of the market, top dollar for this family friendly area. He has grandchildren and that was a big part of the motivation to move there, it has a swimming pool on site and is in walking distance to the park. He thinks when it comes to the size of vehicles, it should be memorialized on the deed, as well as no further construction.

**Paul Lehman-** (2 Birch Way) He is located across Rt.130. Everyone keeps saying to move the entrance to Rt. 130. The issue is the intersection, it is the entrance to his neighborhood. That was part of the reason Ashumet Road was chosen. The other issue he is concerned about is when the deliveries would be happening. Landscapers now have deliveries coming in at 2:00a.m. sometimes. The lighting which has already been addressed, but he doesn't want bright lights like down on Echo Road.

**Antonio Brum-** (96 Old Colony Dr.) He has been there since 1987 when the development was first constructed. The issue with traffic on Rt. 130 has increased greatly since 1987. It is increasingly more difficult to pull out and back into because of the traffic flow on Rt. 130. Have we really reached a point in Mashpee where plumbers have supplied such shotty products that we now need two wholesale plumber supplies a stones throw away from each other? Napa was vacant for a while, nobody jumped on that, easy in and easy out development. Ashumet Rd. is not the answer, Old Colony has 29 homes, kids, and parks.

**Joao Junqueira** – He stated E.J. Prescott is a drainage store for septic supplies, there are 12-15 customers a day. It's his company, septic systems, not sinks or faucets, he sells drainage for sewers and septic. He would love to have an entrance on Rt. 130, but the Zoning Bylaw prohibits an entrance there. When you front on 2 different streets Rt. 130 a public way, it requires use of other driveway. They will be open 7:00a.m.-4:00p.m. and closed on weekends. They might have 2-3 deliveries a day, it is not a constant coming in and out of with trucks. There will be a lock gate that only the Fire Department will have a key to. They are over 250



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

feet from Ashumet Rd. and have done a good job protecting visibility and complying with lighting.

Ms. Faulkner asked where the outdoor storage would be located, it was answered in the back of the building.

**Bill Campbell-** He heard there wouldn't be trucks, everyone knows what septic and concrete trucks look like, they are going to be large trucks, and storage too.

Mr. Kirrane reiterated they are building in a commercial zone and will not impact foot traffic. The operating hours are during the day and not open on weekends. He asked what the reason for a continuance would be, and what information is needed that the Board does not already have?

Mr. Pesce stated the location of the driveway could move to the corner. The Board seeks to continue, and he recommends the Board go look at the site, look at the intersection, and look at where that bus stop is. Twice a day the bus will pick up and drop off. We could likely restrict deliveries, but that is something to consider. The width of Ashumet Rd. will be looked at as well as the amount of traffic. He recognized people will be walking with dogs, not generally walking towards Rt. 130, but some may. The use of the intersection where Ashumet meets Rt. 130 is common access and safe site distance, that won't affect Birch Way or add another conflict. Each selection has conflict, which has lesser impact?

Mr. Hansen inquired about the long drive coming across on the side of Johnson Road, the unbuilt subdivision. It was answered that nothing is there today, its town owned land.

Ms. Faulkner stated she would like to have the site visit, review the abutters petition that Mr. Fahd spoke on, and re-read the information again before making a decision.

### **MOTION:**

**Mr. Balzarini made a motion to continue the Public Hearing to April 17, 2024 at 7:10p.m. Seconded by Mr. Richardson. All in favor.**

**Site Visit:** Scheduled for Wednesday, April 10, 2024 @ 9:00a.m. Mr. Pesce would like to meet at the current E.J. Prescott site at 89 Industrial Drive. He has an e-mail prepared for Chris Kirrane.

### **NEW BUSINESS**

**Vote to set a Public Hearing date for an Application for Approval of Definitive Plan and approval of an accompanying special permit submitted by New Seabury Homes, LLC to subdivide six parcels into seven new lots at property addressed as off the western**





# *Town of Mashpee*

## *Planning Board*

*16 Great Neck Road North  
Mashpee, Massachusetts 02649*

**sideline of Great Oak Road (between Red Brook Road and Sipps Road) (Map 110:  
Parcels 58, 59, 80, 82, 83, and 97)**

**MOTION:**

**Mr. Richardson made a motion to set two Public Hearing dates for May 1, 2024, the first one at 7:15p.m. for Special Permit, and the second at 7:20p.m. for the definitive subdivision. Seconded by Mr. Balzarini. All in favor.**

**Vote to set Public Hearing date to establish the fee schedule for Tree Permits and Certificates of Exemption as required by Mashpee General Bylaw Chapter 175 Tree Preservation**

**MOTION:**

**Ms. Waygan made a motion to set the Public Hearing date to May 1, 2024 at 7:05p.m. Seconded by Mr. Balzarini. All in favor.**

**275 Quinaquisset Avenue- Deliberation and potential vote on the application submitted by Southworth Mashpee Properties LLC to modify the Willowbend Country Club Special Permit**

**MOTION:**

**Ms. Waygan made a motion that struck any information provided by Public Comment tonight from being put into public record and will not be considered during deliberations. Seconded by Mr. Balzarini. All in favor.**

Ms. Faulkner would like to review the draft decision, have Town Counsel review it, and vote on it next time.

Mr. Lehrer said nothing was noted by Counsel that needed legal perspective. All bases were covered according to the zoning bylaw. It is important to be as clear as possible relative to data presented and received and issues with the proposed mitigation impacts identified.

Ms. Faulkner knows what the proposal is, she will not be going over that. The first page was a lot of history, she will start on page 2 for the chronological events. February 1, 2023, the application was filed, then March 2, 2023 the Public Hearing was opened, and ample notice was given to abutters. There was a vote to close the Public Hearing on March 20, 2024. Today we are here to discuss the findings and vote.

Ms. Faulkner moved on to Finding a., which everyone was fine with.



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

Ms. Waygan would need to look at the website, Special Permit Modification # 27 is on the website, she doesn't think this is relevant to this modification. Finding b. will be struck.

Ms. Faulkner went on with the current open space.

Mr. Lehrer stated the Board needs to continue to establish that this project isn't going away from special permit.

Ms. Waygan commented 1985 zoning is part of public record, she would have to look at the public record for the special permit as amended. That will have to wait until next time. She doesn't have those materials and paper right now.

Ms. Faulkner does not know what special permit would have allowed in 1987. Under the 1985 Special Permit the project was permitted for 338, in 1991 it reduced units to 287. This Board finds the max approved permissible units to be 287.

Ms. Waygan stated in 1987 it was 338 units, that is correct. Ms. Waygan will confirm the 341 original units before 1991. Wordage was changed to remove the word increased because it was confusing.

Ms. Faulkner read aloud the bedroom count projected by Town Planner in August 2023, and confirmed by Ms. Waygan to be 855.

Ms. Waygan thinks it should end, strike from Finding d. the new series of conditions, and those will go to Section 5 for the piece on mitigations on page 6 under C.

Ms. Waygan will not vote in favor of compliance with Chapter 40a because it does not comply with zoning bylaws. She cannot say this will not have sufficient adverse impacts on wildlife or destroy or disturb archeological sites. She doesn't think it can be found compliant because it's not consistent with regulations, specifically the Flow Neutral Bylaw. She cannot find that the project will not destroy or disturb sites, so she tried to keep it open for research. She can't support those conditions; they are not strong enough. You guys can say this language is fine, but she will not vote for it.

She continued that it is not in compliance with state and town regulations, Flow Neutral Bylaw is a regulation. In Section 108, the flows are capped at 15-22 bedrooms, 1 bedroom for 10,000 sq. ft. If you add in wetlands and upland that's 22 bedrooms, they have proposed 36-48, which is not consistent with FNB and is not allowed.

Ms. Faulkner moved on to H, the Board finds Mashpee Flow Neutral Bylaw limits present and future flows permitted as of July 1, 2015, Chapter 108, one bedroom for 10,000sq. ft. for



# *Town of Mashpee*

## *Planning Board*

*16 Great Neck Road North  
Mashpee, Massachusetts 02649*

multifamily projects, such as Cranberry Point. Willowbend would be 26 bedrooms over the limit.

Ms. Waygan would like to note that the 22-bedroom count to be correct. The use of without relief implies this is allowed with relief, it's not. We might let them make the decision and then vote against it. This is a town regulation, we heard testimony saying it needs to be tweaked. This is the law of the land we have now. It was reviewed by Town Counsel, voted on and went to the AG. It's dysfunctional, but they can't negate because they don't like it.

Ms. Faulkner noted five members said "no" for F. If something doesn't apply say does not apply. We need to respond to each and every one of those special permit conditions. Under G, the original 1987 Special Permit is conditioned to a minimum edge buffer of 100 ft. left in existing entrance areas and golf course areas. There was a site plan submitted for a 65ft. buffer between the first condo and the edge of Quinaquisset, which is less than the 100ft. requirement.

Ms. Waygan would say everything is right, keep as is. The buffer strip is equal to the entire perimeter of the parcel. She will look up dimensional requirements. Ms. Waygan looked it up, everything in G is fine.

Ms. Faulkner thinks that the flow neutral is poorly written.

Ms. Waygan stated the purpose and intent clarifies everything but the rules and regulations of enforcing it need to be put into the bylaw.

Ms. Faulkner moved onto I, everyone said it looked good. She went on to J, the forebay will collect runoff of Quinaquisset Bay, everyone is in favor of it. Under K, the submitted plan with the Consulting Engineer's written responses on three dates, the Board accepts recommendation of Board engineer and comments are satisfactorily addressed.

Ms. Waygan would like a condition added that final plans are approved by the Board Engineer. We cannot approve them because we closed the Public Hearing, but we delegate to the Town Engineer and make it a condition the final plans are approved by Ed Pesce.

Ms. Faulkner went on to L, and it was stated would need to be followed up with a condition. M is Conservation, a correct statement everyone agreed. N contemplates subject parcel in conservation and will require review by Conservation. The project is exempt from the requirements of the Tree Bylaw, due to no jurisdiction in conservation. O states that the Planning Board finds proposal will not adversely affect public health or safety and will not cause excessive demands on community facilities and will not significantly decrease groundwater or air quality.



# *Town of Mashpee* *Planning Board*

*16 Great Neck Road North  
Mashpee, Massachusetts 02649*

Ms. Waygan does not agree with the water quality. She cannot make that finding. She cannot find if it will impact, estuarine programs are nitrogen, FNB is meant to clean up estuaries. Being over the bedroom count is a regulation, just as our special permit is a regulation. A Special Permit is considered a town regulation and if you're not consistent with requirements you can deny modifications.

Ms. Faulkner continued to traffic and waterways, neighboring properties, noise, or any electrical, radioactivity, or glare. Will it destroy or threaten species that are rare or any non-historic or archaeological site? If we have a condition, it must be done, we shall condition, and she is confident they will follow through.

Mr. Hansen inquired if the condition would include Tribal verification.

Mr. Balzarini, Ms. Faulkner, and Mr. Hansen don't want to disturb the Flow Neutral Bylaw funding.

Ms. Waygan cannot find if the project will not have effects on estuarine systems. The answer has to be it does because it violates the Flow Neutral Bylaw, one bedroom per 10,000sq. ft.

Ms. Faulkner read the conditions and asked if everything was current. Ms. Waygan would like to add that final plans are approved by our Board Engineer, i.e. grading, drainage, and utility plans.

Ms. Waygan pressed this is a town regulation, we are acting as the town right now. We can try to spin it off, but right now we are responsible for this. She is not going to be able to find, whatever conditions go forward, she is voting no on the whole thing. She can't make the finding in O. You can't just vote no because you don't like the plan, you must have a reason.

Ms. Faulkner will remove the other relevant authority in D. She would like to get rid of everything after authority. We don't make these arguments, strike I, II, and III, and end it with "to the satisfaction of the Sewer Commission or other relevant authority".

Ms. Waygan commented that people bring their questions to this Board, and we are empowered by state law. We are citizens and are fine with doing this, don't doubt yourselves.

Ms. Faulkner continued that no other permits should be permitted for this project, everyone agreed. She moved on to an archaeological site and bog restoration with a submitted site plan with Tribal Officer present during site visits. The site assessment shall take advantage of the latest technologies available.



# *Town of Mashpee* *Planning Board*

*16 Great Neck Road North  
Mashpee, Massachusetts 02649*

Ms. Waygan stated the scope of work shall be approved by the Mashpee Wampanoag Tribal Historic Preservation Officer prior to any commencement of bog work described in E above, applicant shall retain this work prior to any issuance of a building permit.

Ms. Waygan noted they can't touch the bogs until conservation assesses the site. At minimum, the scope should include a response from David Weeden, additionally scope of work for PAL.

Mr. Pesce stated PAL will do their work before anything. They take samplings of the land. A representative sampling is taken and if they think there is something there, then add language about the Tribal Historic Preservation Officer commentary.

Ms. Waygan referenced the Tribe being Federally recognized and the federal government gives them the authority.

Ms. Waygan asked if the Board wanted to say anything about construction times. No Sunday work, and start by 7:00a.m. during the week and leave by 5:00p.m., Saturday 8:00a.m. to 3:00p.m., unless special permission is obtained. The Building Commissioner will be the one to get called.

Ms. Faulkner stated I-K is fine. She stated under L, this decision must be recorded within 60 days of the Board's endorsement.

Ms. Waygan will type up her Memo and give it to the Chair.

## **OLD BUSINESS**

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

Mr. Lehrer merged the chapters.

## **BOARD ENGINEER REPORT**

Nothing currently.

## **TOWN PLANNER REPORT**

**Housing Production Plan Update**

Plan for review by mid-May, it may be available sooner. The May 1<sup>st</sup> meeting is packed, Mr. Lehrer will plan for the second meeting of May.

## **ADJOURNMENT**

### **MOTION:**

**Mr. Balzarini made a motion to adjourn the meeting of the Planning Board at 10:46p.m. Seconded by Mr. Richardson. All in favor.**



# *Town of Mashpee*

## *Planning Board*

*16 Great Neck Road North  
Mashpee, Massachusetts 02649*

**Next Meeting:** Wednesday, April 17, 2024 @ 7:00p.m.

Respectfully Submitted,

Christine M. MacDonald  
Board Secretary

### **LIST OF DOCUMENTS**

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

- February 2024 Discharge Monitoring Report for South Cape Village – N= 1.5
- 48 Quaker Run Road MassDEP Waterways License Application No. 23-WW01-0156-APP
- Notices for Towns of Barnstable, Sandwich, and Falmouth



**AGENDA  
SELECT BOARD  
MONDAY, DECEMBER 18, 2023  
WAQUOIT MEETING ROOM  
MASHPEE TOWN HALL  
16 GREAT NECK ROAD NORTH  
MASHPEE, MA 02649**

**\*Broadcast Live on Local Cable Channel 8\***

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

**6 p.m. – Convene Joint Meeting with the Planning Board in Open Session**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

- Presentation of the Draft Housing Production Plan: *Town Planner Evan Lehrer; Barrett Planning Group*

**Adjourn Joint Meeting with the Planning Board**

**MINUTES**

Discussion and Approval of the Following Minutes: Monday, December 4, 2023 Regular Session

**APPOINTMENTS & HEARINGS**

- 6:40 pm Public Hearing – Modification of Weekday Entertainment License (including Saturday) of Elevated Crust, LLC dba Wicked Restaurant 35F South Street Mashpee
- Discussion and Approval of Modification of Weekday Entertainment License (including Saturday) of Elevated Crust, LLC dba Wicked Restaurant 35F South Street Mashpee
- Discussion and Possible Approval of Sending a Letter of Support for the Proposal Submitted by the Association to Preserve Cape Cod (APCC) for NOAA's "Coastal Habitat Restoration and Resilience Grants for Tribes and Underserved Communities"
- Presentation and Discussion of Visitor Center at 966 Falmouth Road: *Friends of the National Wildlife Refuge*
- Discussion and Approval of Official Names for Mashpee Ancient Burial Grounds: *Mashpee Historical Commission*
- Certification of Hiring Process of Firefighter/ Paramedic: *Blake Wilson*
- Public Comment

**COMMUNICATIONS & CORRESPONDENCE**

**NEW BUSINESS**

- Discussion and Approval of the Following Resignations:  
Human Services Committee: Member at Large (Term Expires June 30, 2024) *Sam MacDonald*  
Sewer Commission: Member at Large (Term Expires June 30, 2026) *Erin Copeland*
- Discussion and Approval of Reappointment: Barnstable County HOME Consortium Council,  
Term February 1, 2024 – January 31, 2027: *Gary Shuman*

**ADDITIONAL TOPICS**

(This space is reserved for topics that the Chair did not reasonably anticipate would be discussed)

**LIAISON REPORTS**

**WATER QUALITY UPDATES**

**TOWN MANAGER UPDATES**

**EXECUTIVE SESSION**

**ADJOURNMENT**



Mashpee Select Board  
Minutes  
December 18, 2023

---

Present: Selectman John J. Cotton, Selectman Thomas F. O'Hara, Selectman Carol A. Sherman,  
Selectman David W. Weeden, Selectman Michaela A. Wyman-Colombo  
Town Manager Rodney C. Collins  
Assistant Town Manager Wayne E. Taylor

Meeting Called to Order by Chairman Cotton at 6:00 p.m.  
Mashpee Town Hall, Waquoit Meeting Room

Presentation of the Draft Housing Production Plan: Town Planner Evan Lehrer; Barrett Planning Group:

The Select Board conducted an introductory meeting with Evan Lehrer, Town Planner/Community Development Director and Alexis Lanzillotta, Senior Planner of the Barrett Planning Group LLC to review the updated draft Housing Production Plan (HPP) with members of the Planning Board.

In attendance were Planning Board members; Karen D. Faulkner, Mary Waygan, Michael R. Richardson, Dennis Balzarini, and Robert Hansen, associate member.

When adopted the document will be forwarded to the Executive Office of Housing and Livable Communities (EOHLC) for approval. The goal is to submit the Housing Production Plan to the EOHLC by the end of January 2024.

The statewide goal under 40B is to have at least 10% of year-round housing units in every municipality deed-restricted as affordable to low-or moderate-income households. As of June 2023, 4.66 percent of Mashpee's year-round housing stock meets this requirement.

The Subsidized Housing Inventory (SHI) is a list compiled by the Executive Office of Housing & Livable Communities formerly referred to as the Department of Housing and Community Development (DHCD). To be listed on SHI, housing units must be deed-restricted as affordable to households at or below 80% HUD Area Median Family Income (HAMFI).

80% HAMFI for a household size of 1 is at or below \$64,450. For a household size of 2, the 80% HAMFI is at or below \$73,560. A household size of 3 must be at or below \$82,850. Mashpee's household sizes are smaller than those across the state and nation, but not unique to Cape Cod.

A goal is to provide mixed housing types consistent with community and regional needs, provide for a range of year-round housing stock including rental, homeownership, and other occupancy arrangements. And, to determine implementation strategies, site identification; town-owned and other, as well as desired characteristics for development and opportunities for regional partnership.

To meet the threshold for one-year certification of this plan, Mashpee would need to produce (37) new SHI-eligible affordable housing units in a given calendar year.



Mashpee Select Board  
Minutes  
December 18, 2023

---

Presentation of the Draft Housing Production Plan: Town Planner Evan Lehrer; Barrett Planning Group:  
(continued)

Results of the Housing Production Plan survey identify and prioritize the quality of open waters, groundwater and drinking water 63.3% and attainable, affordable, and workforce housing 70% as serious needs. This includes the desire for more single-family homes and multifamily options.

Survey results voiced strong support for the redevelopment of existing buildings/properties into housing 80% and a requirement for developers of new housing units to dedicate a portion of those units to low/moderate income households 65.8%, remove regulatory barriers to mixed use in commercial districts 62.8% and height and density bonuses for inclusion of attainable, affordable workforce housing 60.1%.

There is Town support to acquire additional open space 44.7%, and creating attainable affordable housing and workforce housing 68.6% with Town investments. A community center is also desired 31.5%.

In 2022 the median sales price for a single-family home in Mashpee was \$675,000. 57% of the respondents indicated they could not afford to purchase a home in Mashpee for this price. The fair market rents for a 1-bedroom \$1,553, a 2-bedroom \$2,044 are deemed affordable by 47% of those responding.

Important housing initiatives include helping people to stay in affordable year-round housing, ensuring that new housing is sustainably built, helping those to stay in the community as they age, and creating housing with a mix or price ranges. Barriers to affordable housing in Mashpee include; cost, price, availability, inventory, affordability, zoning, regulations, Airbnb, land and income and wages.

In assessing the local housing stock, it was noted that 34% of Mashpee's single-family homes are Cape style, 28% are ranch, with 13% as colonial and contemporary. 51% of residents in Mashpee are over the age of 55 years versus 31% in the state. 50% of residents over the age of 55 live in Barnstable County.

Strategies outlined in the plan are reflected into (5) overarching groups: Affordable Housing Development & Preservation, Zoning for Housing Choice, Planning & Collaboration, Capacity and Advocacy & Support.

The Affordable Housing Development & Preservation strategies contained in the plan were reviewed. This includes making good use of Chapter 40B as a vehicle for creating affordable housing by;  
Collaborating with Mashpee Commons for the continued implementation of their Phase I and for future and additional project phases,

Preparing local LIP guidelines to promote the program and outline the Town's priorities,

Provide 40B training and technical assistance,

Continue to explore 209 Old Barnstable Road and VFW sites,

Explore the creation of a non-profit Community Land Trust through a land donation or funding to facilitate more affordable homeownership opportunities,

Require the inclusion of affordable units in all new residential development and redevelopment,

Develop regulations to allow small affordable units on unbuildable lots under zoning provided wastewater policies are met,

Explore opportunities to preserve existing modestly priced housing stock and creating deed restricted affordable units through a rehabilitation program, buy down of units upon resale and other options.

Mashpee Select Board  
Minutes  
December 18, 2023

---

Presentation of the Draft Housing Production Plan: Town Planner Evan Lehrer; Barrett Planning Group:  
(continued)

Under Zoning for Choice there may be recommendations for change when exploring zoning mechanisms for increasing options for housing choice outside of the Town's current Open Space Incentive Development Bylaw. This may prompt a revision under Planning & Collaboration as well.

It is recommended the specifics of the survey and results of the workshop groups be incorporated into the Zoning for Choice strategy. There is concern with respect to the impacts of climate change, and for polluted water bodies. It was agreed the clean water perspective would be further reviewed with the Sewer Commission to see how the strategies fit into the Nitrogen Management Plan.

It was also suggested the year-round population be further reviewed to accurately reflect the residency figures resulting from the pandemic.

Adjourn Meeting with Planning Board.

Motion made by Mr. Balzarini to adjourn the Planning Board meeting.

Motion seconded by Ms. Waygan.

VOTE: 5-0. Unanimous.

**MINUTES**

Monday, December 4, 2023 Regular Session:

**Motion made by Selectman Sherman to approve the Regular Session minutes of Monday, December 4, 2023 as presented.**

**Motion seconded by Selectman Wyman-Colombo.**

**VOTE: 5-0. Unanimous.**

**Roll Call Vote:**

**Selectman Cotton, yes**

**Selectman O'Hara, yes**

**Selectman Sherman, yes**

**Selectman Weeden, yes**

**Selectman Wyman-Colombo, yes**

**Opposed, none**

Mashpee Select Board  
Minutes  
December 18, 2023

---

## **APPOINTMENTS & HEARINGS**

Public Hearing – Modification of Weekday Entertainment License (including Saturday) of Elevated Crust, LLC dba Wicked Restaurant 35F South Street Mashpee:

Discussion and Approval of Modification of Weekday Entertainment License (including Saturday) of Elevated Crust, LLC dba Wicked Restaurant 35F South Street Mashpee:

Acting as the Local Licensing Authority, the Select Board opened the Public Hearing to consider modifications to the Weekday Entertainment License (including Saturday) of Elevated Crust LLC d/b/a Wicket Restaurant, 35F South Street, Mashpee. Modifications would allow one amplifier for a one-to-three-person band, live music and recorded music outdoors until 12:00 a.m. through December 31, 2023.

To conform to posting requirements, the hearing notice was read aloud into the record.

Kris Abney was in attendance to review the modification of the Weekday Entertainment License (including Saturday) with the Select Board. Ms. Abney indicated the request is for live entertainment as presented for the remainder of 2023 only. All other necessary paperwork is in order, and the 2024 Annual Alcoholic Beverage and Entertainment Licenses were approved at the last Select Board meeting in normal course.

Being no comment, the Select Board motioned as follows;

**Motion made by Selectman Sherman to close the Public Hearing.**

**Motion seconded by Selectman Wyman-Colombo.**

**VOTE: 5-0. Unanimous.**

**Roll Call Vote:**

Selectman Cotton, yes	Selectman O'Hara, yes	Selectman Sherman, yes
Selectman Weeden, yes	Selectman Wyman-Colombo, yes	Opposed, none

**Motion made by Selectman Sherman to approve the Modification of Weekday Entertainment License (including Saturday) of Elevated Crust, LLC d/b/a Wicked Restaurant 35F South Street, Mashpee as stipulated until December 31, 2023.**

**Motion seconded by Selectman O'Hara.**

**VOTE: 5-0. Unanimous.**

**Roll Call Vote:**

Selectman Cotton, yes	Selectman O'Hara, yes	Selectman Sherman, yes
Selectman Weeden, yes	Selectman Wyman-Colombo, yes	Opposed, none

Mashpee Select Board  
Minutes  
December 18, 2023

---

Discussion and Possible Approval of Sending a Letter of Support for the Proposal Submitted by the Association to Preserve Cape Cod (APCC) for NOAA's "Coastal Habitat Restoration and Resilience Grants for Tribes and Underserved Communities":

Daniel Kent, Assistant Conservation Agent was in attendance to review a draft letter addressed to the National Marine Fisheries Service, National Oceanic and Atmospheric Administration (NOAA), and Department of Commerce dated December 11, 2023 expressing full support to the proposal submitted by the Association to Preserve Cape Cod (APCC).

The grant proposal is for Coastal Habitat Restoration and Resilience Grants for Tribes and Underserved Communities. The project would engage the Tribe to restore fish passage and habitat along the Mashpee River, one of the most important diadromous fish runs. The ecological restorations would ensure the water temperature would revert-back to normal levels to support the herring, sea brook trout and eel. The project was noted to have three segments. This includes repairs to the fish ladders and erosion work.

The letter serves as the Town's authorization to have the APCC submit this proposal and receive grant funds if awarded. The partnership will generate public awareness and feasibility studies.

There is not cost to the Town to participate. All segments are anticipated to be complete within three years.

**Motion made by Selectman Weeden to send the letter in full support to the APCC proposal for Coastal Habitat Restoration and Resilience Grants for Tribes and Underserved Communities.**

**Motion seconded by Selectman O'Hara.**

**VOTE: 5-0. Unanimous.**

**Roll Call Vote:**

<b>Selectman Cotton, yes</b>	<b>Selectman O'Hara, yes</b>	<b>Selectman Sherman, yes</b>
<b>Selectman Weeden, yes</b>	<b>Selectman Wyman-Colombo, yes</b>	<b>Opposed, none</b>

Presentation and Discussion of Visitor Center at 966 Falmouth Road: Friends of the National Wildlife Refuge:

Friends of the National Wildlife Refuge Glen Davis and MaryKay Fox were in attendance with State Representative David Vieira to discuss the proposed visitor center planned to be cited at 966 Falmouth Road, Mashpee, Town-owned land adjacent to the South Cape Resort.

Mr. Davis indicated the Mashpee National Wildlife Refuge was created in 1995. It is the second largest open, accessible conservation land on Cape Cod, nearly 6,000 acres. There are no visitors center or central place for the public to learn or enhance their experience with the Refuge.

The property identified for the visitors center is 2.43 acres. It consists of a paved parking lot. Plans for the visitor center would include a greenhouse, a pavilion, pollinator gardens, solar power and alterations to the parking lot. Maintaining the tree buffer would suppress noise emanating from Route 28. There is a potential connection with the partner lands, and a great habitat management area without crossing the highway.

The project has been endorsed by the Conservation Commission, and the Refuge Partnership. CPA funds will be requested for the October Town Meeting for this project with additional funding to derive from existing partnerships and funds from the Friends of the National Wildlife Refuge.

## **APPOINTMENTS & HEARINGS**

### Presentation and Discussion of Visitor Center at 966 Falmouth Road: Friends of the National Wildlife Refuge: (continued)

Town Manager Rodney C. Collins indicated he has had conversations with high regards for the visitor center proposal. This was a valuable presentation, and it is endorsed by the Town Manager. The property lies under the jurisdiction of the Select Board with no restrictions on the land.

**Motion made by Selectman Sherman to authorize the Town Manager to negotiate the proposed National Wildlife Refuge Visitor Center on behalf of the Select Board.**

**Motion seconded by Selectman Wyman-Colombo.**

**VOTE: 5-0. Unanimous.**

**Roll Call Vote:**

Selectman Cotton, yes	Selectman O'Hara, yes	Selectman Sherman, yes
Selectman Weeden, yes	Selectman Wyman-Colombo, yes	Opposed, none

It was suggested the Select Board adopt policy to recognize wooded lots to allow the Tribe to burn and heat their homes as well as making a living selling and using wood. It was recommended Town Counsel be consulted regarding the taking of wood, to include utilization by all residents of the Town of Mashpee.

### Discussion and Approval of Official Names for Mashpee Ancient Burial Grounds: Mashpee Historical Commission:

Ava Costello, Chair of the Historical Commission was before the Select Board to gain approval to name the Ancient Burying Grounds historically correct with appropriate signage to identify the ancient cemeteries.

The (4) Mashpee Ancient Burying Grounds include;

Lakewood Cemetery – Historic correction: Bourne Ancient Burial Ground  
 Avant Cemetery – Historic correction: Amos-Coombs-Avant Ancient Burial Ground  
 Pocknett Cemetery – Historic correction: Pocknett Ancient Burial Ground  
 Attaquin Cemetery – Historic correction: Attaquin Ancient Burial Ground

**Motion made by Selectman Sherman to approve the Historically correct names of the Ancient Burial Grounds with appropriate signage to identify these sites.**

**Motion seconded by Selectman Weeden.**

**VOTE: 5-0. Unanimous.**

**Roll Call Vote:**

Selectman Cotton, yes	Selectman O'Hara, yes	Selectman Sherman, yes
Selectman Weeden, yes	Selectman Wyman-Colombo, yes	Opposed, none

There was a comment regarding the Boardley Cemetery situated on Cotuit Road in Mashpee. Ms. Costello indicated she would research this cemetery.

Mashpee Select Board  
Minutes  
December 18, 2023

---

Certification of Hiring Process of Firefighter/ Paramedic: Blake Wilson:

Correspondence was received from Fire Chief John F. Phelan dated December 6, 2023 relative to the phases of the entry-level selection process for the hiring of Firefighter/Paramedic Blake Wilson. Town Manager Rodney C. Collins affirmed that all policies and practices consistent with the process have been adhered to. In addition to the monitoring and review as required from the Department of Human Resources.

**Motion made by Selectman Sherman to certify the hiring process of Firefighter/Paramedic Blake Wilson for appointment effective December 19, 2023.**

**Motion seconded by Selectman Wyman-Colombo.**

**VOTE: 5-0. Unanimous.**

**Roll Call Vote:**

Selectman Cotton, yes	Selectman O'Hara, yes	Selectman Sherman, yes
Selectman Weeden, yes	Selectman Wyman-Colombo, yes	Opposed, none

Public Comment:

Lynne Barbee a resident of Surf Drive commented favorably on the proposed visitor center planned by the Friends of the Mashpee National Wildlife Refuge. This will be a valuable resource for the Town of Mashpee. Ms. Barbee noted she has a copy of the brochure for the MNWR that was used by her family recently to walk the trails.

**NEW BUSINESS**

Discussion and Approval of the Following Resignations:

Human Services Committee: Member at Large (Term Expires June 30, 2024) Sam MacDonald:

The Select Board was in receipt of a letter of resignation dated October 20, 2023 from Sam MacDonald from the Human Services Committee.

**Motion made by Selectman Sherman to accept the letter of resignation of Sam MacDonald from the Human Services Committee sending a letter of regret to Mr. MacDonald for his service.**

**Motion seconded by Selectman O'Hara.**

**VOTE: 5-0. Unanimous.**

**Roll Call Vote:**

Selectman Cotton, yes	Selectman O'Hara, yes	Selectman Sherman, yes
Selectman Weeden, yes	Selectman Wyman-Colombo, yes	Opposed, none

Mashpee Select Board  
Minutes  
December 18, 2023

---

Sewer Commission: Member at Large (Term Expires June 30, 2026) Erin Copeland:

A letter of resignation was received from Erin Copeland dated December 11, 2023 from the Sewer Commission.

**Motion made by Selectman Weeden to accept the resignation of Erin Copeland from the Sewer Commission sending a letter of gratitude to Ms. Copeland for her service.**

**VOTE: 5-0. Unanimous.**

**Roll Call Vote:**

<b>Selectman Cotton, yes</b>	<b>Selectman O'Hara, yes</b>	<b>Selectman Sherman, yes</b>
<b>Selectman Weeden, yes</b>	<b>Selectman Wyman-Colombo, yes</b>	<b>Opposed, none</b>

Discussion and Approval of Reappointment: Barnstable County HOME Consortium Council, Term February 1, 2024 – January 31, 2027: Gary Shuman:

Correspondence was received from the Barnstable County HOME Consortium Advisory Counsel dated November 29, 2023 announcing that Mashpee's member representative, Gary Shuman's term is due to expire on January 31, 2024.

**Motion made by Selectman Sherman to reappoint Gary Shuman to the Barnstable County HOME Advisory Counsel from February 1, 2024 through January 31, 2027.**

**Motion seconded by Selectman O'Hara.**

**VOTE: 5-0. Unanimous.**

**Roll Call Vote:**

<b>Selectman Cotton, yes</b>	<b>Selectman O'Hara, yes</b>	<b>Selectman Sherman, yes</b>
<b>Selectman Weeden, yes</b>	<b>Selectman Wyman-Colombo, yes</b>	<b>Opposed, none</b>

**LIAISON REPORTS**

Community Preservation Committee: The CPC interviewed (3) candidates for the (2) At Large vacancies at their December 14, 2023 meeting. The candidates were well-qualified. It is the recommendation of the CPC to support the Select Board, the appointing authority for this position. It was suggested that a standardized list of questions be presented to the applicants for the purpose of consistency.

Intermunicipal Agreement: The Tri-party Intermunicipal Agreement between the Towns of Mashpee, Sandwich and Falmouth is underway. The Town Manager's are currently working with their respective Town Counsel's on the matter of shared watersheds. The MassDEP has extended the date from requiring the incorporation of the Best Available Nitrogen Reducing Technology (BANRT) in septic systems serving new construction in designated Natural Resource Nitrogen Sensitive Areas to July 8, 2024.

Open Space and Recreation Plan: An application has been submitted to the Community Preservation Committee to fund the update of the Town's Open Space and Recreation Plan. Andrew McManus, Conservation Agent is the fiscal administrator for this project. Additional letters of support have been received from the Environmental Oversight Committee, the Department of Natural Resources, the Town Planner/Community Development Director and Conservation Committee. Updating the Local Comprehensive Plan will allow the Town to leverage state funding.

Mashpee Select Board  
Minutes  
December 18, 2023

---

## **LIAISON REPORTS**

Mashpee Chamber of Commerce. The holiday parade was another successful event for the Town of Mashpee.

## **TOWN MANAGER UPDATES**

Town Hall Closure: The Mashpee Town Hall will be closed on December 25, 2023, December 26, 2023 for the Christmas Holiday and on January 1, 2024 in observance of New Years Day.

KC Coombs School Grant: The KC Coombs School received a commercial equipment rebate in the amount of \$262,050. Catherine Laurent, Director of Public Works was recognized for this initiative.

## **ADJOURNMENT**

**Motion made by Selectman O'Hara to adjourn at 7:35 p.m.**

**Motion seconded by Selectman Wyman-Colombo.**

**VOTE: 5-0. Unanimous.**

**Roll Call Vote:**

Selectman Cotton, yes  
Selectman Weeden, yes

Selectman O'Hara, yes      Selectman Sherman, yes  
Selectman Wyman-Colombo, yes      Opposed, none

Respectfully submitted,

Kathleen M. Soares  
Secretary to the Select Board



ANR: Triple M. Management Co.



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

### FORM A

#### APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

Date: April 10, 2024

To the Planning Board: The undersigned, believing that the accompanying plan of his or her property in the Town of Mashpee does not constitute a subdivision within the meaning of the Subdivision Control law, herewith submits said plan for a determination and endorsement that Planning board approval under the Subdivision Control Law is not required.

Name of Applicant Triple M. Management Co., LLC, c/o Jonathan Herlihy Phone 617-645-7900

Address 29 & 41 Echo Road, Mashpee MA 02649

Owner, if different Same Phone 617-645-7900

Address 9 Collins Avenue Plymouth, MA 02320

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

Engineer or Surveyor Matthew C. Costa, P.L.S., R.S. Phone 508-477-7272

Address Cape & Islands Engineering, 800 Falmouth Road, Suite 301C, Mashpee, MA 02649

Deed of property recorded in Barnstable County Registry Book 29370 & 33210 Page 175 & 113

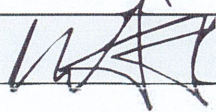
Or Land Court Certificate of Title No. \_\_\_\_\_

Location and description of property

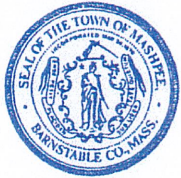
29 Echo Road, consists of 41,209+/- sq.ft. of area & 41 Echo Road, consists of 40,911+/- sq.ft. of area. Located west off Main Street (Rte. 130), Mashpee, MA.

The purpose of the ANR is to combine 29 and 41 Echo Road into one (1) parcel to become Lot 1A consisting of 82,120+/- sq. ft.

Mashpee Assessors map(s) and Block(s) 19-3-9 (29) 19-3-8 (41)

Signature of Owner or Quthorized Representative 

*Attach written authorization signed by owner.*



**FORM N**

**NOTICE OF APPLICATION FILING WITH THE MASHPEE PLANNING BOARD**

To the Mashpee Town Clerk:

This is to notify you that on April 10, 2024 an application for  
\_\_\_\_ endorsement of a plan believed not to require approval

X approval of preliminary plan

\_\_\_\_ approval of definitive plan

was submitted to the Mashpee Planning Board at its public meeting by

Triple M. Management Co., LLC., 29 and 41 Echo Road, Mashpee, MA.  
Applicant name Applicant address

The land to which the application relates appears on the current Mashpee Assessors  
Maps as 19-3-9 and 19-3-8.

and is generally described as located 29 Echo Road, Mashpee, MA consisting of  
41,209 +/- sq. ft. area, 41 Echo Road consisting of 40,911 +/- sq. ft. area in L1 Zone and is  
located West off Main Street (Rte. 130), Mashpee, MA.

This notice must be submitted to the Town Clerk by delivery or by registered or certified  
mail, postage prepaid, along with a copy of the application and submitted plans.

Received by Planning Board on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
for Mashpee Planning Board



April 3, 2024

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

**RE: Application for Approval of Preliminary Plan for 29 and 41 Echo Road,  
Mashpee, MA**

Dear Mr. Lehrer:

This letter is in regard the above referenced application.

Please accept this letter as my written authorization to allow Matthew C. Costa, P.L.S.,  
President, Cape and Islands Engineering, Inc. and/or his Associates to represent this  
Approval of Preliminary Application on my behalf.

If you have any questions, please feel free to contact me at 617-645-7900.

Sincerely,

*Jonathan Herlihy*

Jonathan Herlihy (Apr 8, 2024 13:17 EDT)

Jonathan Herlihy  
Triple M. Management Co., LLC.  
9 Collins Avenue  
Plymouth, MA 02362  
jonathan@mm-ma.org

**Town of Mashpee  
Planning Board**

I hereby attest that Triple M Management Co., LLC.

**OWNER OF RECORD**

Assess Map 19-3-8 & 19-3-9, 29 & 41 Eco Road, Mashpee, MA

**ADDRESS**

Is (are) the owner(s) of the above-referenced property.

I hereby further attest that the owner of the above-cited property is not, to the best of my knowledge, in arrears of payment of any local taxes as may be applicable under Section 1 of Chapter 112 of the Mashpee Code.

  
\_\_\_\_\_  
**Treasurer/Collector**

4/9/24  
\_\_\_\_\_  
**Date**

**Signature:**

**Email:** cmayen@mashpeema.gov

Bk 29370 Pg175 #64740  
12-31-2015 @ 11:21a

MASSACHUSETTS STATE EXCISE TAX  
BARNSTABLE COUNTY REGISTRY OF DEEDS  
Date: 12-31-2015 @ 11:21am  
Ctl#: 434 Doc#: 64740  
Fee: \$1,624.50 Cons: \$475,000.00

BARNSTABLE COUNTY EXCISE TAX  
BARNSTABLE COUNTY REGISTRY OF DEEDS  
Date: 12-31-2015 @ 11:21am  
Ctl#: 434 Doc#: 64740  
Fee: \$1,282.50 Cons: \$475,000.00

### QUITCLAIM DEED

I, Ronald P. Gangemi, Trustee of 81 Echo Road Realty Trust u/d/t dated February 23, 2001 and recorded with the Barnstable County Registry of Deeds at Book 13601, Page 101, of Mashpee, Massachusetts, for consideration of Four Hundred Seventy-five Thousand and 00/100 Dollars (\$475,000.00)

*grant to* Triple M Management Company, LLC, a Massachusetts limited liability company having a business address of c/o Jonathan Herlihy, 9 Collins Avenue, Box 1650, Plymouth, MA 02362,

*with quitclaim covenants*

A certain lot of vacant land located on the northerly side of Echo Road in Mashpee, Barnstable County, Massachusetts, shown as Lot 1 on a plan entitled "Proposed Land Division Located in Mashpee, Mass. Prepared for Pamela Gangemi, Trustee" dated March 19, 2007 and recorded with the Barnstable County Registry of Deeds in Plan Book 616, Page 53.

Said Lot 1 contains 40,911 square feet according to said plan.

Meaning and intending to convey and hereby conveying a portion of the premises conveyed to Pamela Gangemi, Trustee of 81 Echo Road Realty Trust, by deed dated February 23, 2001, and recorded with the Barnstable County Registry of Deeds at Book 13601, Page 109.

See also Appointment and Resignation of Trustee documents dated November 14, 2013, and recorded with the Barnstable County Registry of Deeds in Book 27833, Pages 162 and 163 respectively.

Property Address: 29 Echo Road - Mashpee, MA 02649

TRUSTEE'S CERTIFICATION: The Grantor, being the sole Trustee of the 81 Echo Road Realty Trust w/d/t dated February 23, 2001, hereby certifies under the pains and penalties of perjury that he is the sole Trustee of said Trust; that said Trust has not been altered, amended or terminated; that he has been authorized by all of the beneficiaries of said Trust to transfer the premises situated at LOT 1 Echo Road, Mashpee, Barnstable County, Massachusetts, as shown on a plan entitled "Proposed Land Division Located in Mashpee, Mass. Prepared For Pamela Gangemi, Trustee", Dated March 19, 2007, and recorded with the Barnstable County Registry of Deeds in Plan Book 616, Page 53, to Triple M Management Company, LLC, for consideration of Four Hundred Seventy-five Thousand and 00/100 Dollars (\$475,000.00); and that no Beneficiary of this Trust is a minor, incompetent or a corporation selling all or substantially all of its Massachusetts assets, or a personal representative of an estate subject to estate tax liens or is now deceased or under any legal disability.

EXECUTED as a sealed instrument this 30<sup>th</sup> day of December, 2015.

81 ECHO ROAD REALTY TRUST

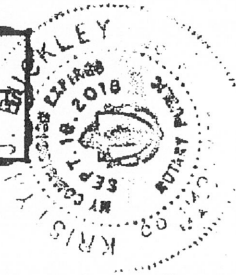
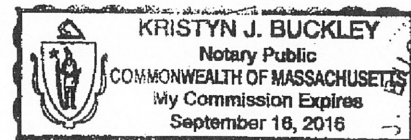
Ronald P. Gangemi  
Ronald P. Gangemi, Trustee

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 30<sup>th</sup> day of December, 2015, before me, the undersigned notary public, personally appeared RONALD P. GANGEMI, as Trustee of 81 Echo Road Realty Trust, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Kristyn J. Buckley  
- Notary Public  
My commission expires:



BARNSTABLE REGISTRY OF DEEDS  
John F. Meade, Register









08-28-2020 @ 12:46p

MASSACHUSETTS STATE EECISE TAX  
BARNSTABLE COUNTY REGISTRY OF DEEDS

Date: 08-28-2020 @ 12:46pm  
Ctl#: 727 Doc#: 44746  
Fee: \$1,778.40 Cons: \$520,000.00

NOT  
AN  
OFFICIAL  
COPY

BARNSTABLE COUNTY EECISE TAX  
BARNSTABLE COUNTY REGISTRY OF DEEDS

Date: 08-28-2020 @ 12:46pm  
Ctl#: 727 Doc#: 44746  
Fee: \$1,591.20 Cons: \$520,000.00

NOT  
AN  
OFFICIAL  
COPY  
QUITCLAIM DEED  
OFFICIAL  
COPY

I, Ronald P. Gangemi, of Mashpee, Massachusetts, for consideration of Five Hundred Twenty Thousand and 00/100 Dollars (\$520,000.00)

**grant to** Triple M Management Company, LLC., a Massachusetts corporation with a business address of c/o Jonathan Herlihy, 9 Collins Avenue, Plymouth, Massachusetts 02320

**with quitclaim covenants**

A certain lot of vacant land known as and numbered Echo Road in Mashpee, Barnstable County, Massachusetts, being LOT 2 as shown on plan entitled "Proposed Land Division Located in Mashpee, Mass. prepared for Pamela Gangemi, Trustee" Dated Mar. 19, 2007, and recorded with the Barnstable County Registry of Deeds in Plan Book 616, Page 53.

Said Lot contains 41,209 square feet according to said plan.

Meaning and intending to convey and hereby conveying the same premises conveyed to Ronald P. Gangemi by deed dated October 30, 2018, recorded with the Barnstable County Registry of Deeds at Book 31638, Page 111.

EXECUTED as a sealed instrument this 27 day of August, 2020.

Ronald P. Gangemi  
Ronald P. Gangemi

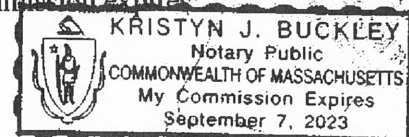
# COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 27<sup>th</sup> day of August, 2020, before me, the undersigned notary public, personally appeared RONALD P. GANGEMI, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Kristyn J. Buckley  
- Notary Public  
My commission expires:

JOHN F. MEADE, REGISTER  
BARNSTABLE COUNTY REGISTRY OF DEEDS  
RECEIVED & RECORDED ELECTRONICALLY



Property Address: 41 Echo Road - Mashpee, MA 02649







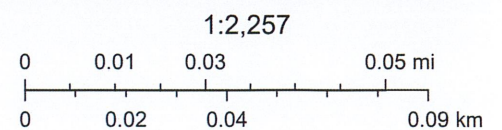


# ArcGIS Web Map



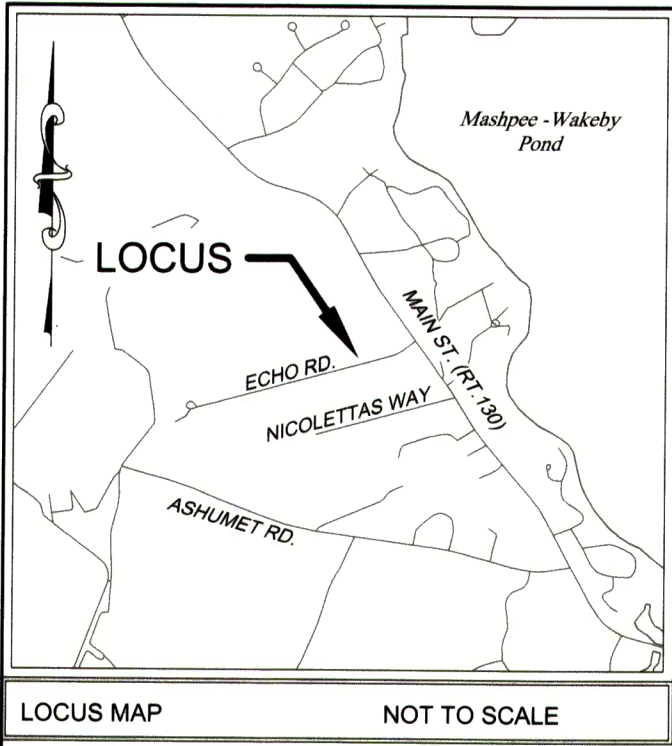
4/3/2024, 12:23:27 PM

-  Parcel Lines (New)
-  Mashpee\_Boundary



MassGIS, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA





**PLAN PURPOSE**  
THE PURPOSE OF THIS PLAN IS TO COMBINE 2 ABUTTING PARCELS, SHOWN AS LOTS 1 & 2 IN PLAN BOOK 616 PAGE 53 AS DESCRIBED IN DEEDS:  
DEED BOOK 29370 PAGE 175 (29 ECHO ROAD)  
DEED BOOK 33210 PAGE 113 (41 ECHO ROAD)  
RESULTING IN LOT 1A SHOWN HEREON.


PLANNING BOARD APPROVAL UNDER THE  
SUBDIVISION CONTROL LAW NOT REQUIRED

DATE APPROVED \_\_\_\_\_ DATE SIGNED \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

I CERTIFY THAT THIS PLAN AND SURVEY CONFORMS TO THE ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

 **MATTHEW C. COSTA P.L.S.** **4/4/24**  
DATE

FOR REGISTRY USE ONLY

**GENERAL NOTES**

LOCATIONS ARE BASED ON AN "ON THE GROUND" INSTRUMENT SURVEY AND ELEVATIONS BASED ON THE NAVD 1988 DATUM. COORDINATE SYSTEM USED IS THE MA-MAINLAND COORDINATE SYSTEM, DATUM: NAD 83, UNITS: U.S. SURVEY FEET. FIELD SURVEY PERFORMED MARCH 24, 2024.

ZONING DISTRICT: I-1

PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF NON-HAZARD X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 25001C0536J, WITH A MAP EFFECTIVE DATE OF JULY 16, 2014.

THIS LOT IS NOT LOCATED WITHIN A DEP APPROVED ZONE II WELLHEAD PROTECTION AREA.

THIS LOT IS NOT MAPPED WITHIN A MESA NATURAL HERITAGE AND ENDANGERED SPECIES AREA.

DEED REFERENCE: BOOK 29370 PAGE 175 & BOOK 33210 PAGE 113


PLAN REFERENCE: BOOK 616 PAGE 53

OWNER: TRIPLE M MANAGEMENT CO, LLC  
9 COLLINS AVENUE  
PLYMOUTH MA 02320



**NOTICE**  
THIS PLAN MAY NOT BE ADDED TO, DELETED FROM, OR ALTERED IN ANY WAY BY ANYONE OTHER THAN CAPE & ISLANDS ENGINEERING, INC.  
UNLESS AND UNTIL SUCH TIME AS AN ORIGINAL (RED) STAMP APPEARS ON THIS PLAN NO PERSON OR PERSONS, MUNICIPAL OR PUBLIC OFFICIAL MAY RELY UPON THE INFORMATION CONTAINED HEREIN AND THIS PLAN REMAINS THE PROPERTY OF CAPE & ISLANDS ENGINEERING, INC.

COPYRIGHT (C) BY CAPE & ISLANDS ENGINEERING, INC. ALL RIGHTS RESERVED

DATE	DESCRIPTION	BY	CHK
PREPARED FOR: TRIPLE M MANAGEMENT CO, LLC JONATHAN HERLIHY 9 COLLINS LANE PLYMOUTH MA 02320			
PROJECT: 29 & 41 ECHO ROAD MASHPEE, MASSACHUSETTS			
SHEET NO.: 1 OF 1		DATE: APRIL 3, 2024	
DRAWN BY: JUF		CHECKED BY: MCC	
PREPARED BY:  <b>CAPE &amp; ISLANDS</b> ENGINEERING SUMMERFIELD PARK 800 FALMOUTH ROAD SUITE 301C MASHPEE, MA 02649 508 477.7272 PHONE 508 477.9072 FAX www.CapeEng.com			
DRAWING TITLE: PLAN OF LAND			
ASSESSORS INFORMATION: MAP 19-3-8 & MAP 19-3-9			

**LEGEND**  
■ CB ----- CONCRETE BOUND  
■ SB ----- STONE BOUND  
● RC ----- ROD CAP  
○ IP ----- IRON PIPE FOUND

0 15 30 60  
SCALE: 1" = 30'

PHN: 7:10 PM WARRANT ARTICLE 28





# 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 28:**

*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 29, 2024  
                                 April 5, 2024

PHN: 7:10 PM 474 MAIN ST/31 ASHUMET RD





# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

### Mashpee Planning Board Public Hearing Notice

Pursuant to Massachusetts General Laws, Chapter 40A, the Mashpee Planning Board will hold a public hearing on Wednesday, April 3, 2024 at 7:10 p.m. in the Waquoit Meeting Room at the Mashpee Town Hall, 16 Great Neck Road North, to consider an application by Joao Junqueira, property owner, requesting a Special Permit to construct and operate a 4,752 square foot commercial building for retail sale of plumbing and water related products with accessory storage at a currently vacant property addressed as 31 Ashumet Road/474 Main Street, Mashpee, MA 02649 (Assessors Map 27-21A and 27-21B). The subject lot is located predominantly in the C-3 Limited Commercial Zoning District with portions of the parcel bisected by the R-5 Zoning Districts and is located within the Groundwater Protection District and Light Industrial Overlay District. This petition is made pursuant to the Mashpee Zoning Bylaw Sections 174-24(C)(1), 174-25(E)(13), 174-45.6(D), Article XIII: Groundwater Protection District, and 174-25.1: Standards for Developments in C-3 Districts.

Submitted by

Karen D. Faulkner, Chair  
Mashpee Planning Board

Publication dates:    Friday, March 15, 2024  
                                 Friday, March 22, 2024

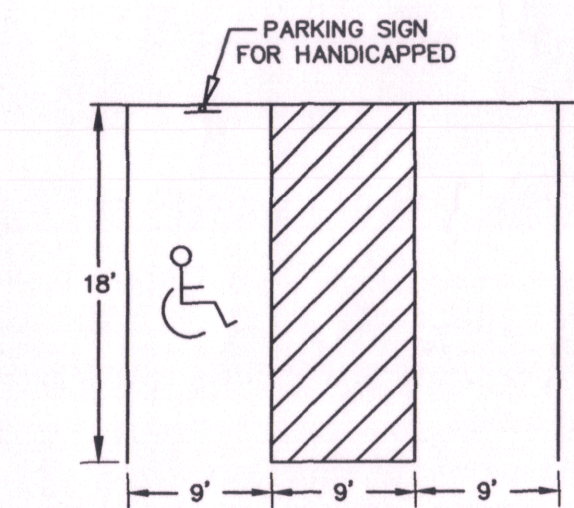
MASHPEE TOWN CLERK  
MAR 7 '24 AM 10:24



### PARKING SUMMARY

**ADA PARKING SUMMARY**  
per §521 CMR 23.2.1

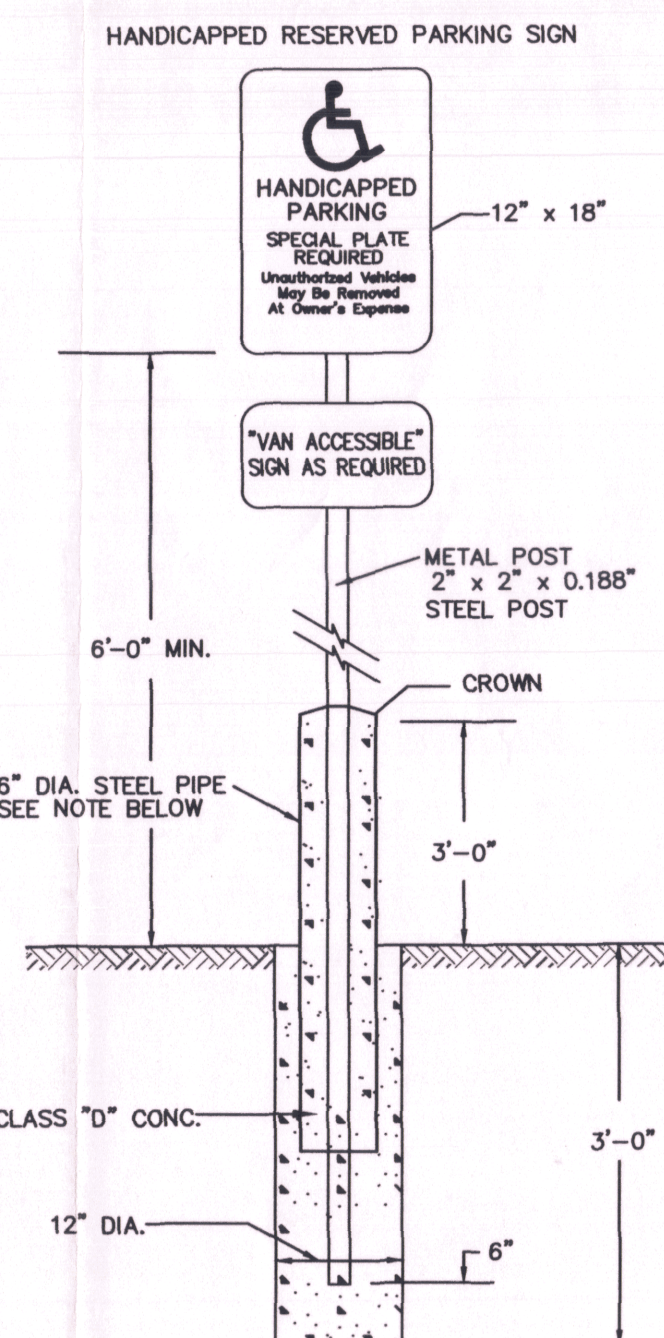
PROVIDED:  
(1) VAN ACCESSIBLE SPACE



NOTE:  
GRADE TO BE 2% MAXIMUM IN ANY DIRECTION ACROSS  
HANDICAP STALLS AND LOADING AREAS.

### HANDICAP PARKING DETAIL

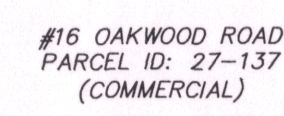
NOT TO SCALE



NOTE: SIGN LAYOUT, COLORS, SYMBOL AND LETTERING SHALL BE STANDARD.

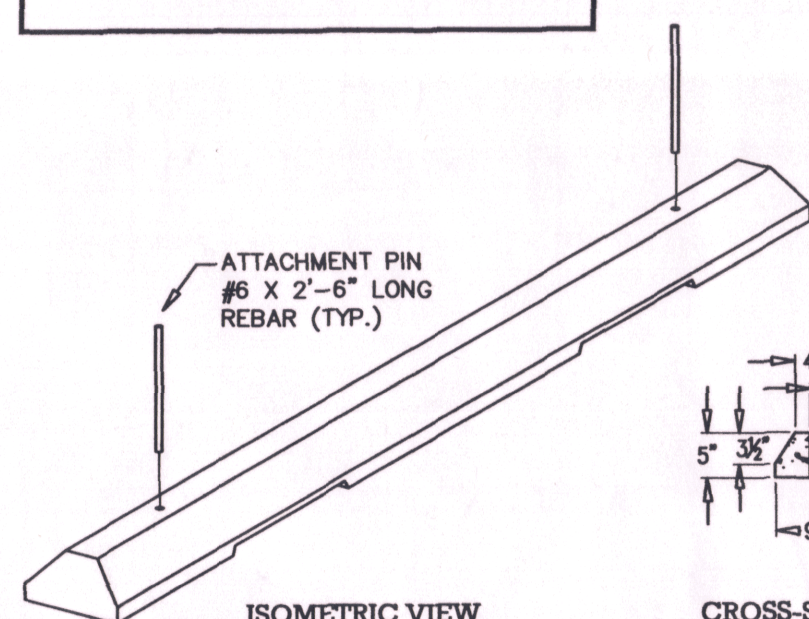
### HANDICAP PARKING SIGN

NOT TO SCALE



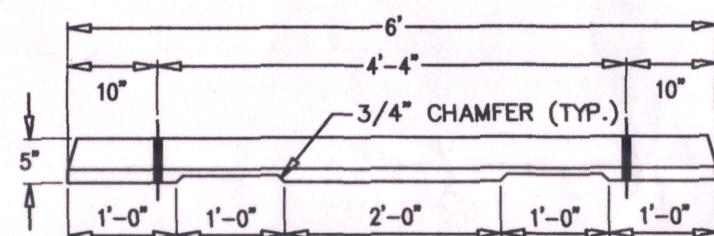
#16 OAKWOOD ROAD  
PARCEL ID: 27-137

PARCEL 10  
(COMM)



## ISOMETRIC VIEW

### CROSS-SECTION

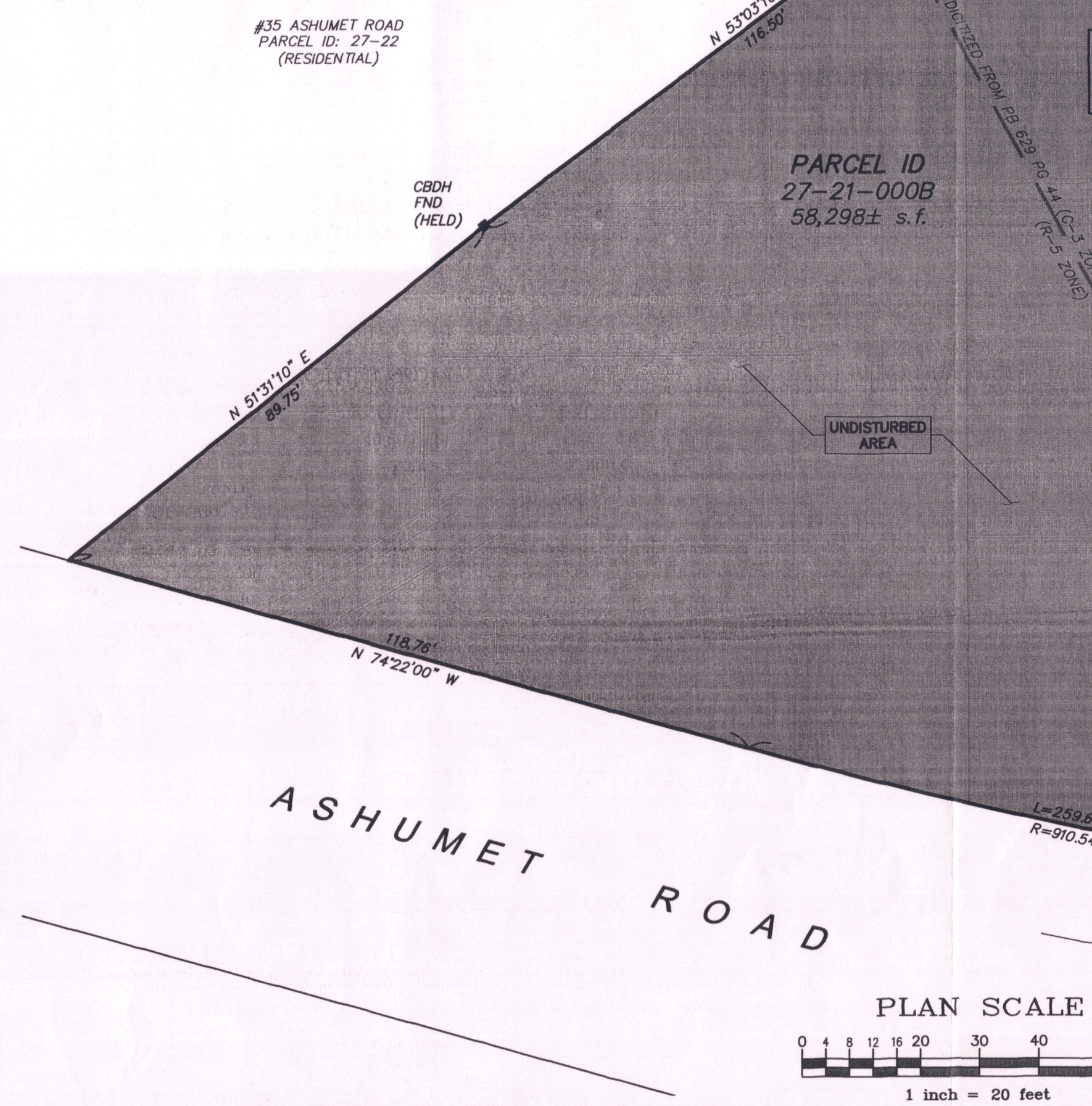


### ELEVATION

**NOTE:** PRECAST CONCRETE BUMPERS TO BE PLACED AS SHOWN ON PLAN OR WHERE PARKING SPACES ABUT A CURB <6" ADJACENT TO THE BUILDING.

### PRECAST CONCRETE BUMPER DETAIL

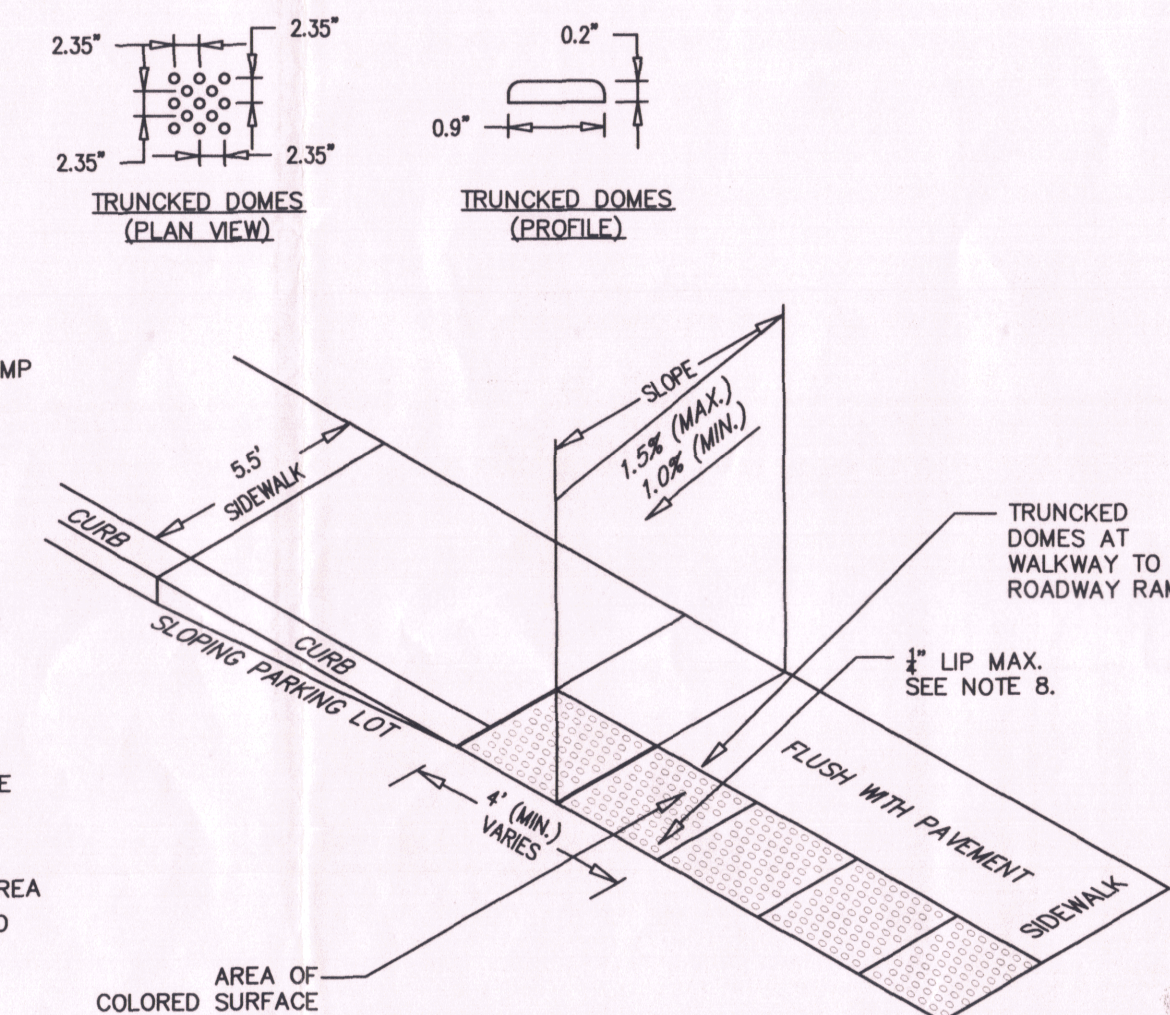
NOT TO SCALE



## PLAN SCALE

0 4 8 12 16 20 30 40 60

1 inch = 20 feet



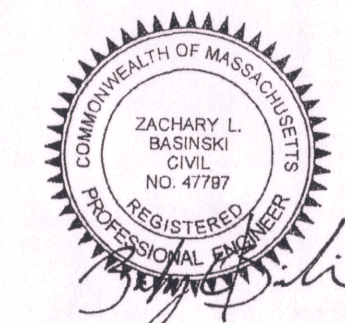
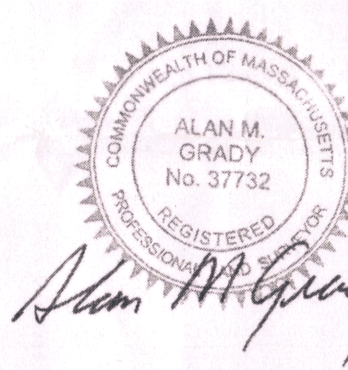
### HANDICAP RAMP DETAIL

NOT TO SCALE

- NOTES:
1. THE MAXIMUM ALLOWABLE SIDEWALK AND CURB RAMP CROSS SLOPES SHALL BE 1.5% (1.0% MIN.).
2. THE MAXIMUM ALLOWABLE SLOPE OF ACCESSIBLE ROUTE EXCLUDING CURB RAMPS SHALL BE .5%.
3. THE MAXIMUM ALLOWABLE SLOPE OF ACCESSIBLE ROUTE CURB RAMPS SHALL BE 7.5%.
4. A MINIMUM DISTANCE OF 3' CLEAR SHALL BE MAINTAINED AT ANY PERMANENT OBSTACLE IN THE ACCESSIBLE ROUTE (I.E.,HYDRANTS, UTILITY POLES, TREE WELLS, SIGNS, ETC.).
5. CURB TREATMENT VARIES, SEE PLANS FOR CURB TYPE.
6. RAMP, CURB, AND ADJACENT PAVEMENTS SHALL BE GRADED TO PREVENT PONDING.
7. WHERE ACCESSIBLE ROUTES ARE LESS THAN 5' IN WIDTH (EXCLUDING CURBING) A 5' x 5' PASSING AREA SHALL BE PROVIDED AT INTERVALS NOT TO EXCEED 200'.
8. ELIMINATE CURBING AT RAMP WHERE IT ABUTS ROADWAY, EXCEPT WHERE VERTICAL CURBING IS INDICATED ON THE DRAWING TO BE INSTALLED AND SET FLUSH.
9. DETECTABLE WARNINGS SHALL CONTRAST VISUALLY AND AUDIBLY WITH ADJOINING SURFACES.

### PROJECT NOTES

1. LOCUS: #474 MAIN STREET  
PARCEL 27-001-000A  
&  
#31 ASHLEY STREET  
PARCEL 27-001-000B
2. OWNER: JOAO L. JUNQUEIRA  
13 MERCANTILE WAY, UNIT 6  
MASHPÉE, MA 02649
3. DEED REF: Deed Bk: 36014 Pg: 239
4. PLAN REF: Plan Bk: 629 Pg: 44 (LOTS 1 & 3)
5. ZONING DISTRICT: C-3
6. LOCUS DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25001C-0538-J dated 07/16/2014.
7. LOCUS DOES NOT FALL WITHIN THE NATURAL HERITAGE AND ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE AND PRIORITY HABITATS OF RARE SPECIES.
8. LOCUS DOES FALL WITHIN A ZONE II WELLHEAD PROTECTION AREA.
9. THE LOCATION OF UNDERGROUND UTILITIES AS REPRESENTED ON THESE PLANS IS BASED ON PLANS AND INFORMATION PROVIDED BY THE RESPECTIVE UTILITY COMPANIES OR MUNICIPAL DEPARTMENTS SUPPLEMENTED BY FIELD IDENTIFICATION WHEREVER POSSIBLE. NO WARRANTY IS MADE AS TO THE ACCURACY OF THESE LOCATIONS OR THAT ALL UNDERGROUND UTILITIES ARE SHOWN. THE CONTRACTOR SHALL CONTACT DIG SAFE AT LEAST 72 HOURS PRIOR TO START OF CONSTRUCTION. DIG SAFE TELEPHONE NUMBER IS 1-800-322-4844.
10. THE CONTRACTOR SHALL REPORT TO THE OWNER AND ENGINEER ANY SIGNIFICANT VARIATIONS IN EXISTING SITE CONDITIONS FROM THOSE SHOWN ON THESE PLANS. ANY PROPOSED REVISIONS TO THE WORK, IF REQUIRED BY THESE SITE CONDITIONS, SHALL BE NOTED, UNDERTAKEN, REVIEWED AND APPROVED BY THE OWNER, ENGINEER, AND IF NECESSARY, ANY APPLICABLE MUNICIPAL AGENCIES.
11. THE CONTRACTOR SHALL VERIFY THE LOCATION, SIZE AND DEPTH OF EXISTING UTILITIES PRIOR TO TAPPING INTO, CROSSING, OR EXTENDING THEM. IF THE NEW WORK POSES A CONFLICT WITH EXISTING UTILITIES, THE ENGINEER SHALL BE NOTIFIED PRIOR TO THE CONTRACTOR CONTINUING.
12. THE MASHPÉE WATER DEPARTMENT SHALL BE NOTIFIED BY THE CONTRACTOR PRIOR TO ANY WORK ON, OR AFFECTING THE WATER SYSTEM.
13. PROJECT ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88).
14. ALL DISTURBED LANDSCAPE AND HARDSCAPE AREAS TO BE RE-ESTABLISHED UNLESS OTHERWISE STATED ON THESE PLANS.



Prepared By:



49 HERRING POND ROAD  
BUZZARDS BAY, MA 02532  
(tel) 508.833.0070  
(fax) 508.833.2282

Sheet Title:

## LAYOUT, ZONING & LANDSCAPING

Project: **PROPOSED SITE DEVELOPEMENT  
IN MASPHEE, MASSACHUSETTS**

Prepared For:  
IOAO - JINQUEIRA

#474 MAIN STREET  
PARCEL 27-001-000A  
&  
31 ASHUMET ROAD  
PARCEL 27-001-000B

-	-		-		-
No.	Date	Revision Description			By
Date:	DRAWN BY:		Checked:	Sheet:	

ISSUED FOR PERMIT



MAXIMUM LOT COVERAGE	20% (MAX.)	6.1%
MAXIMUM HEIGHT	35'	<35'

### PARKING SUMMARY

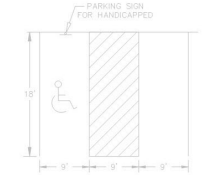
USE	REQUIRED	TOTAL
HARBOUR STORE	1 SPACE / 300 S.F. 4 SPACES (1,248 S.F.)	4
WAREHOUSE	1 SPACE / 900 S.F. 5 SPACES (4,752 S.F.)	5
TOTAL REQUIRED = 9 SPACES		
TOTAL PROVIDED = 9 SPACES		

### ADA PARKING SUMMARY

per §821 CMR 33.2.1

REQUIRED:  
TOTAL PARKING SPACES = 9  
MIN. ACCESSIBLE SPACES REQUIRED = 1  
(MIN. of 1 VAN ACCESSIBLE)

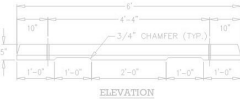
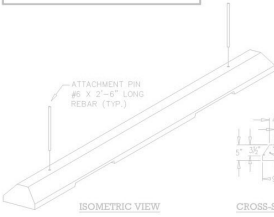
PROVIDED:  
(1) VAN ACCESSIBLE SPACE



NOTE: GRADE TO BE 2% MAXIMUM IN ANY DIRECTION ACROSS HANDICAP STALLS AND LOADING AREAS.

### HANDICAP PARKING DETAIL

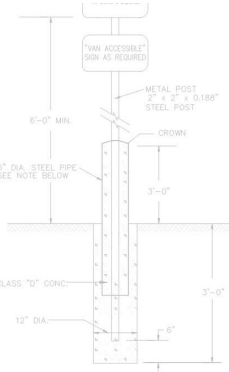
NOT TO SCALE



NOTE: PRECAST CONCRETE BUMPERS TO BE PLACED AS SHOWN ON PLAN OR WHERE PARKING SPACES ADJUT A CURB <6" ADJACENT TO THE BUILDING.

### PRECAST CONCRETE BUMPER DETAIL

NOT TO SCALE



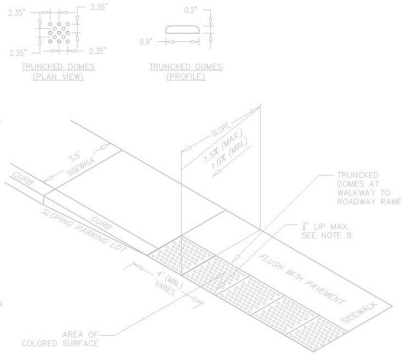
NOTE: SIGN LAYOUT, COLORS, SYMBOL AND LETTERING SHALL BE STANDARD.

### HANDICAP PARKING SIGN

NOT TO SCALE



- NOTES:
1. THE MAXIMUM ALLOWABLE SIDEWALK AND CURB RAMP CROSS SLOPES SHALL BE 1.5% (1.0% MIN.)
  2. THE MAXIMUM ALLOWABLE SLOPE OF ACCESSIBLE ROUTE EXCLUDING CURB RAMP SHALL BE 5%.
  3. THE MAXIMUM ALLOWABLE SLOPE OF ACCESSIBLE ROUTE CURB RAMP SHALL BE 7.5%.
  4. A MINIMUM DISTANCE OF 3' CLEAR SHALL BE MAINTAINED AT ANY PERMANENT OBSTACLE IN THE ACCESSIBLE ROUTE (I.E. HYDRANTS, UTILITY POLES, TREE WELLS, SIGNS, ETC.).
  5. CURB TREATMENT VARIES. SEE PLANS FOR CURB TYPE.
  6. RAMP, CURB, AND ADJACENT PAVEMENTS SHALL BE GRADED TO PREVENT PONDING.
  7. WHERE ACCESSIBLE ROUTES ARE LESS THAN 5' IN WIDTH (EXCLUDING CURBING) A 6' x 5' PASSING AREA SHALL BE PROVIDED AT INTERVALS NOT TO EXCEED 200'.
  8. ELIMINATE CURBING AT RAMP WHERE IT ABUTS ROADWAY, EXCEPT WHERE VERTICAL CURBING IS INDICATED ON THE DRAWING TO BE INSTALLED AND SET FLUSH.
  9. DETECTABLE WARNINGS SHALL CONTRAST VISUALLY AND AUDIBLY WITH ADJOINING SURFACES.



### HANDICAP RAMP DETAIL

NOT TO SCALE

1. LOCUS DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP NO. 25001C-0538-J dated 07/16/2014.
2. LOCUS DOES NOT FALL WITHIN THE NATURAL HERITAGE AND ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE AND PRIORITY HABITATS OF RARE SPECIES.
3. LOCUS DOES FALL WITHIN A ZONE II WELHEAD PROTECTION AREA.
4. THE LOCATION OF UNDERGROUND UTILITIES AS REPRESENTED ON THESE PLANS IS BASED UPON PLANS AND INFORMATION PROVIDED BY THE RESPECTIVE UTILITY COMPANIES OR MUNICIPAL DEPARTMENTS SUPPLEMENTED BY FIELD IDENTIFICATION WHEREVER POSSIBLE. NO WARRANTY IS MADE AS TO THE ACCURACY OF THESE LOCATIONS OR THAT ALL UNDERGROUND UTILITIES ARE SHOWN. THE CONTRACTOR SHALL CONTACT DIG SAFE AT LEAST 72 HOURS PRIOR TO THE START OF CONSTRUCTION. DIG SAFE TELEPHONE NUMBER IS 1-800-322-4844.
5. THE CONTRACTOR SHALL REPORT TO THE OWNER AND ENGINEER ANY SIGNIFICANT VARIATIONS IN EXISTING SITE CONDITIONS FROM THOSE SHOWN ON THESE PLANS. ANY PROPOSED REVISIONS TO THE WORK, IF REQUIRED BY THESE SITE CONDITIONS, SHALL NOT BE UNDERTAKEN UNTIL REVIEWED AND APPROVED BY THE OWNER, ENGINEER, AND IF NECESSARY, ANY APPLICABLE MUNICIPAL AGENCIES.
6. THE CONTRACTOR SHALL VERIFY THE LOCATION, SIZE AND DEPTH OF EXISTING UTILITIES PRIOR TO TAPPING INTO, CROSSING, OR EXTENDING THEM. IF THE NEW WORK POSES A CONFLICT WITH EXISTING UTILITIES, THE ENGINEER SHALL BE NOTIFIED PRIOR TO THE CONTRACTOR CONTINUING.
7. THE MASHPHEE WATER DEPARTMENT SHALL BE NOTIFIED BY THE CONTRACTOR PRIOR TO ANY WORK ON, OR AFFECTING THE WATER SYSTEM.
8. PROJECT ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
9. ALL DISTURBED LANDSCAPE AND HARDSCAPE AREAS TO BE RE-ESTABLISHED UNLESS OTHERWISE STATED ON THESE PLANS.



Prepared By:  
**BRACKEN ENGINEERING, INC.**  
48 HERRING POND ROAD  
BUZZARDS BAY, MA 02532  
(tel) 508.833.0070  
(fax) 508.833.2282

15 OLD SOUTH ROAD  
NANTUCKET, MA 02554  
(tel) 508.325.0044  
www.brackeneng.com

Sheet Title:  
**LAYOUT, ZONING & LANDSCAPING**

Project:  
**PROPOSED SITE DEVELOPEMENT**  
**IN MASHPHEE, MASSACHUSETTS**  
Prepared For:  
**JOAO JUNQUEIRA**  
**#474 MAIN STREET**  
**PARCEL 27-001-000A**  
**&**  
**31 ASHMET ROAD**  
**PARCEL 27-001-000B**

No.	Date	Revision	Description	Checked	By
1	FEBRUARY 19, 2024			RED/BEI	ZLB/AMC



**Mike Ciaffone**  
Lighting Specialist

617-533-0385

mciaffone@ledlightingsupply.com

ledlightingsupply.com

Get A Lighting Plan Or Quote

**LED LIGHTING SUPPLY**

Rated 4.9/5 based on 300+ Trustpilot reviews

NEW BUSINESS

## South Cape Estates Update on Road Takings

Terrie Cook <tmcook@mashpeema.gov>

Fri 3/22/2024 1:40 PM

To: Karyn Leslie <kleslie@mashpeema.gov>

Cc: Evan Lehrer <ELehrer@mashpeema.gov>

**From:** Catherine Laurent <claurent@mashpeema.gov>

**Sent:** Thursday, March 14, 2024 11:33 AM

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

**Subject:** South Cape Estates - Petition Article for Conversion from Private to Town Roads

Good morning.

As discussed, the roads in South Cape Estates are located in their entirety in the floodplain. DEP confirmed that the project would have to file a Notice of Intent and would have to comply with their stormwater standards. The proposed changes to the DEP regulation are increasing these standards.

I spoke with Raul Lizardi-Rivera, Director of Engineering for Cape & Islands Engineering to ask his opinion on potential cost. While I included a budget number of \$800,000 for drainage improvements, he concurs that it is difficult at this point to know whether the \$800,000 would be sufficient as engineering design plans have not been prepared.

**I am therefore recommending that this article be indefinitely postponed.** The postponement would allow for a new estimate to be prepared and a new public hearing with property owners. As you know, the estimate provided by the Town is the maximum cost that can be included in a betterment to the property owners. Any construction costs above this amount would have to be paid by the Town. While there will still not be engineering design plans for the drainage (the 1<sup>st</sup> petition does not fund these plans), the estimate can be adjusted to allow additional funds for permitting and engineering design as well as a higher contingency for the project to cover any unanticipated costs.

Please let me know if you have any questions on this recommendation.

Catherine

*Catherine Laurent, Director*

*Mashpee DPW*

*350 Meetinghouse Road*

*Mashpee, MA 02649*

*508-539-1420*

*508-539-3894 (fax)*

*[www.mashpeema.gov](http://www.mashpeema.gov)*

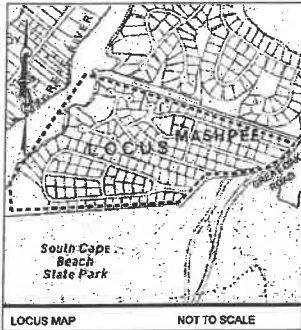
**Terrie M. Cook, MCPPO | Administrative Assistant to the Town Manager**

Office of the Town Manager

16 Great Neck Road North, Mashpee, MA 02649

Office: 508.539.1401 | Fax: 508.539.1142

Email: [tmcook@mashpeema.gov](mailto:tmcook@mashpeema.gov)



PLANNING BOARD APPROVAL UNDER THE  
SUBDIVISION CONTROL LAW NOT REQUIRED

DATE APPROVED \_\_\_\_\_

DATE SIGNED \_\_\_\_\_

**MASHPEE PLANNING BOARD**

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

I, \_\_\_\_\_, CLERK OF THE TOWN OF MASHPEE,  
HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY  
THE TOWN OF MASHPEE PLANNING BOARD HAS BEEN RECEIVED AND  
RECORDED AT THIS OFFICE AND THAT NO APPEAL WAS RECEIVED  
DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND  
RECORDING OF SAID NOTICE.

MASHPEE TOWN CLERK \_\_\_\_\_

DATE \_\_\_\_\_

PLAN EASEMENT TAKING FOR ROADWAY PURPOSES  
UNDER ORDER OF TAKING ADOPTED ON  
(DATE) \_\_\_\_\_

**SELECTMEN OF MASHPEE**

VOTED UNDER ARTICLE \_\_\_\_\_

OF THE \_\_\_\_\_

TOWN MEETING \_\_\_\_\_

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

MATTHEW C. COSTA P.L.S. \_\_\_\_\_

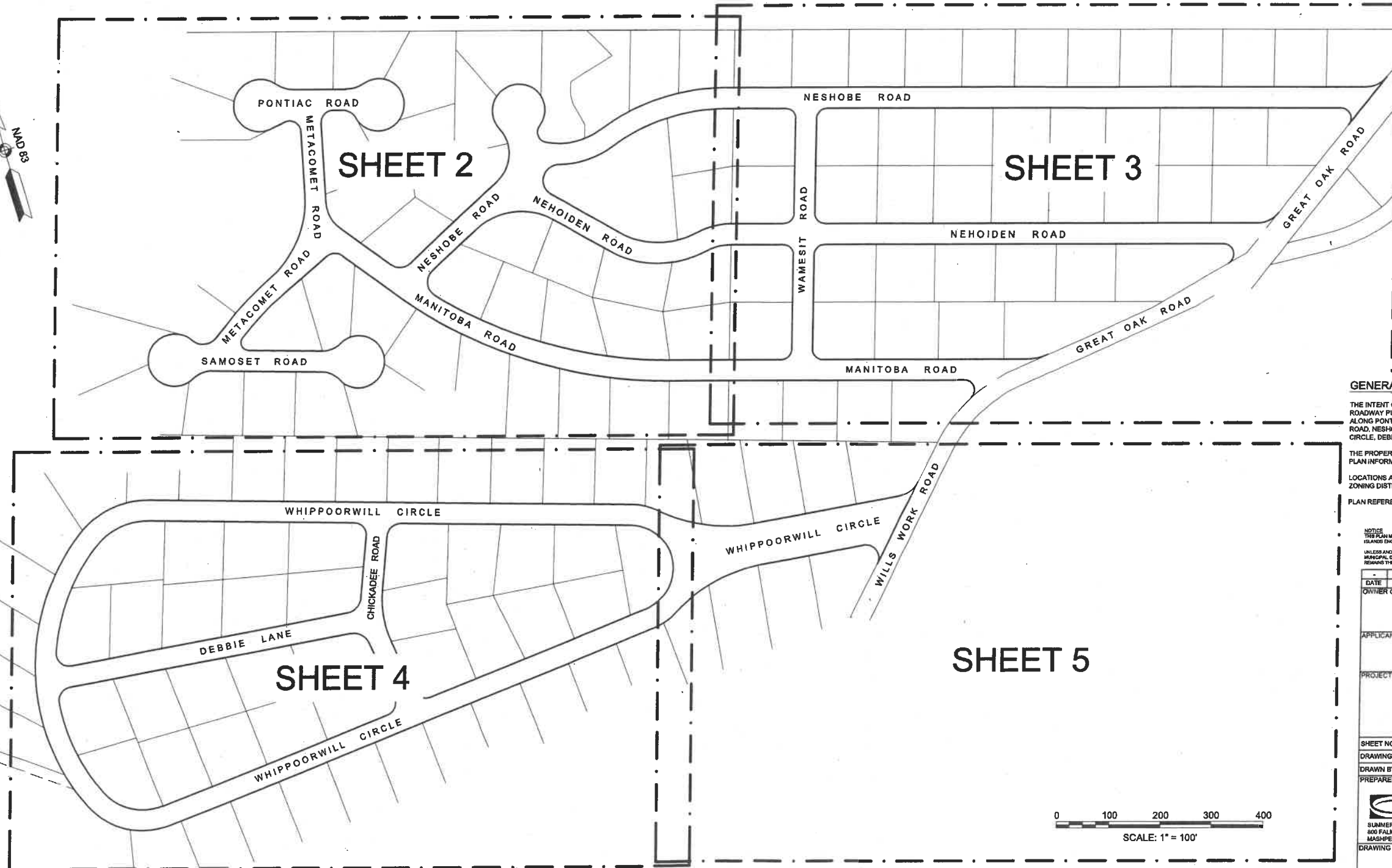
DATE \_\_\_\_\_

I CERTIFY THAT THIS PLAN AND SURVEY CONFORMS TO THE  
ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS FOR THE  
PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF  
MASSACHUSETTS.

MATTHEW C. COSTA P.L.S. \_\_\_\_\_

DATE \_\_\_\_\_

FOR REGISTRY USE ONLY



**GENERAL NOTES**

THE INTENT OF THIS PLAN SET IS TO DELINEATE THE EASEMENT TAKING FOR  
ROADWAY PURPOSES TO BENEFIT THE TOWN OF MASHPEE WITHIN AND  
ALONG PONTIAC ROAD, METACOMET ROAD, SAMOSET ROAD, MANITOBA  
ROAD, NESHOBIE ROAD, NEHOIDEN ROAD, WAMESIT ROAD, WHIPPOORWILL  
CIRCLE, DEBBIE LANE AND CHICKADEE ROAD, MASHPEE, MA.

THE PROPERTY LINE INFORMATION SHOWN IS BASED ON CURRENT AVAILABLE  
PLAN INFORMATION.

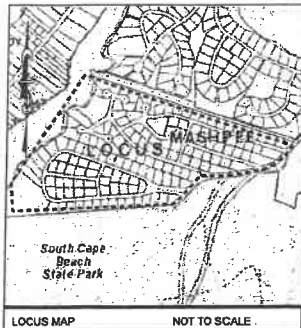
LOCATIONS ARE BASED ON AN "ON THE GROUND" INSTRUMENT SURVEY  
ZONING DISTRICT: R-3

PLAN REFERENCE: LAND COURT CASE 26502

NOTICE  
THIS PLAN MAY NOT BE ADDED TO, DELETED FROM OR ALTERED IN ANY WAY BY ANYONE OTHER THAN CAPE &  
ISLANDS ENGINEERING, INC.  
UNLESS AND UNTIL SUCH TIME AS AN ORIGINAL (RED) STAMP APPEARS ON THIS PLAN NO PERSON OR PERSONS  
MUNICIPAL OR PUBLIC OFFICIAL MAY RELY UPON THE INFORMATION CONTAINED HEREIN; AND THIS PLAN  
REMAINS THE PROPERTY OF CAPE & ISLANDS ENGINEERING, INC.

DATE	DESCRIPTION	BY	APPR
OWNER OF RECORD:			
TOWN OF MASHPEE 16 GREAT NECK ROAD NORTH MASHPEE, MA 02649			
APPLICANT:			
TOWN OF MASHPEE 16 GREAT NECK ROAD NORTH MASHPEE, MA 02649			
PROJECT:			
ROAD TAKING PLAN SOUTH CAPE ESTATES MASHPEE, MASSACHUSETTS			
SHEET NO.: 1 OF 5			
DATE: MARCH 10, 2023			
DRAWING FILE NAME: SOUTHCAPEESTATES_TOWNOFMASHPEE_TAKING PLAN			
DRAWN BY: JVB			
CHECKED BY: MC			
PREPARED BY:			
<b>CAPE &amp; ISLANDS</b> ENGINEERING			
SUMMERFIELD PARK 800 FALMOUTH ROAD SUITE 301C MASHPEE, MA 02649			
508.477.7272 PHONE 508.477.8072 FAX			
info@CapeEng.com www.CapeEng.com			
DRAWING TITLE:			
INDEX SHEET			
ASSESSORS INFORMATION:			

0 100 200 300 400  
SCALE: 1" = 100'



PLANNING BOARD APPROVAL UNDER THE  
SUBDIVISION CONTROL LAW NOT REQUIRED

DATE APPROVED \_\_\_\_\_

DATE SIGNED \_\_\_\_\_

### MASHPEE PLANNING BOARD

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

I, \_\_\_\_\_, CLERK OF THE TOWN OF MASHPEE,  
HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY  
THE TOWN OF MASHPEE PLANNING BOARD HAS BEEN RECEIVED AND  
RECORDED AT THIS OFFICE AND THAT NO APPEAL WAS RECEIVED  
DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND  
RECORDING OF SAID NOTICE.

MASHPEE TOWN CLERK \_\_\_\_\_

DATE \_\_\_\_\_

PLAN EASEMENT TAKING FOR ROADWAY PURPOSES  
UNDER ORDER OF TAKING ADOPTED ON  
(DATE) \_\_\_\_\_

### SELECTMEN OF MASHPEE

VOTED UNDER ARTICLE \_\_\_\_\_ OF THE TOWN MEETING

**SELECTBOARD**

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

MATTHEW C. COSTA P.L.S. \_\_\_\_\_

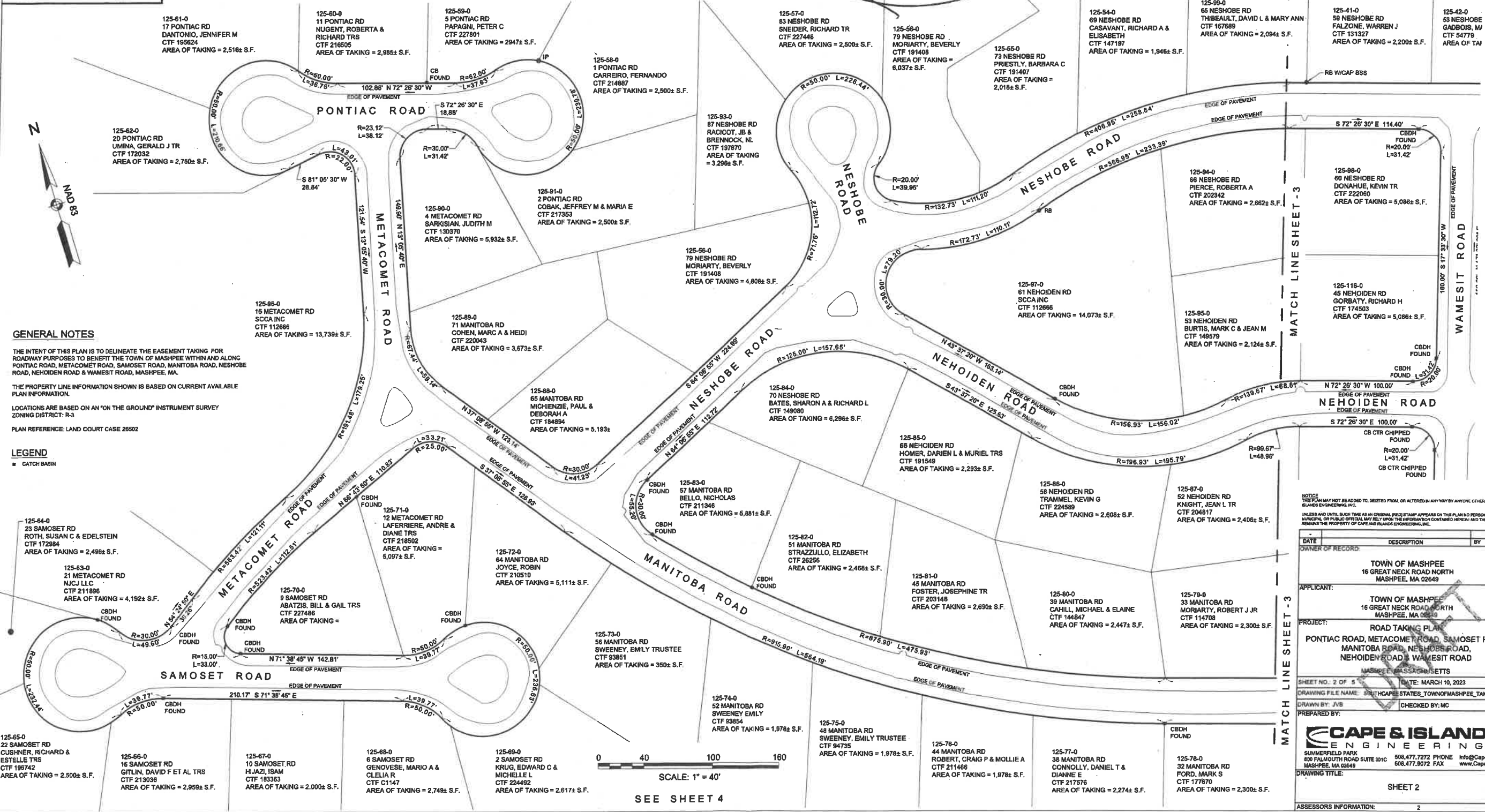
DATE \_\_\_\_\_

I CERTIFY THAT THIS PLAN AND SURVEY CONFORMS TO THE  
ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS FOR THE  
PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF  
MASSACHUSETTS.

MATTHEW C. COSTA P.L.S. \_\_\_\_\_

DATE \_\_\_\_\_

FOR REGISTRY USE ONLY



NOTICE  
THIS PLAN MAY NOT BE ADDED TO, DELETED FROM, OR ALTERED IN ANY WAY BY ANYONE OTHER THAN CAPE &  
ISLANDS ENGINEERING, INC.  
UNLESS AND UNTIL SUCH TIME AS AN ORIGINAL (P.E.E.) STAMP APPEARS ON THIS PLAN NO PERSON OR PERSONS,  
MUNICIPAL OR PUBLIC OFFICIAL MAY RELY UPON THE INFORMATION CONTAINED HEREIN, AND THIS PLAN  
REMAINS THE PROPERTY OF CAPE & ISLANDS ENGINEERING, INC.

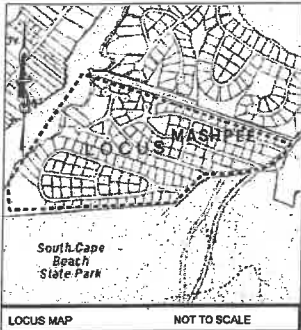
DATE	DESCRIPTION	BY	APPR
OWNER OF RECORD:			
TOWN OF MASHPEE			
16 GREAT NECK ROAD NORTH			
MASHPEE, MA 02649			
APPLICANT:			
TOWN OF MASHPEE			
16 GREAT NECK ROAD NORTH			
MASHPEE, MA 02649			
PROJECT:			
ROAD TAKING PLAN			
PONTIAC ROAD, METACOMET ROAD, SAMOSET ROAD,			
MANITOBA ROAD, NESHOB ROAD,			
NEHOIDEN ROAD & WAMESIT ROAD			
MASHPEE, MASSACHUSETTS			
SHEET NO. 2 OF 5			
DATE: MARCH 10, 2023			
DRAWING FILE NAME: 030117CAPESTATES_TOWNOFMASHPEE_TAKING PLAN			
DRAWN BY: JVB			
CHECKED BY: MC			
PREPARED BY:			

**CAPE & ISLANDS**  
ENGINEERING  
800 FALMOUTH ROAD SUITE 301C  
MASHPEE, MA 02649  
508.477.7272 PHONE  
508.477.9072 FAX  
info@CapeEng.com  
www.CapeEng.com

**SHEET 2**

ASSESSORS INFORMATION: 2





PLANNING BOARD APPROVAL UNDER THE  
SUBDIVISION CONTROL LAW NOT REQUIRED

DATE APPROVED \_\_\_\_\_ DATE SIGNED \_\_\_\_\_

### MASHPEE PLANNING BOARD

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

I, \_\_\_\_\_, CLERK OF THE TOWN OF MASHPEE,  
HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY  
THE TOWN OF MASHPEE PLANNING BOARD HAS BEEN RECEIVED AND  
RECORDED AT THIS OFFICE AND THAT NO APPEAL WAS RECEIVED  
DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND  
RECORDING OF SAID NOTICE.

MASHPEE TOWN CLERK \_\_\_\_\_ DATE \_\_\_\_\_

PLAN EASEMENT TAKING FOR ROADWAY PURPOSES  
UNDER ORDER OF TAKING ADOPTED ON  
(DATE) \_\_\_\_\_

### SELECTMEN OF MASHPEE

VOTED UNDER ARTICLE \_\_\_\_\_ OF THE \_\_\_\_\_ TOWN MEETING

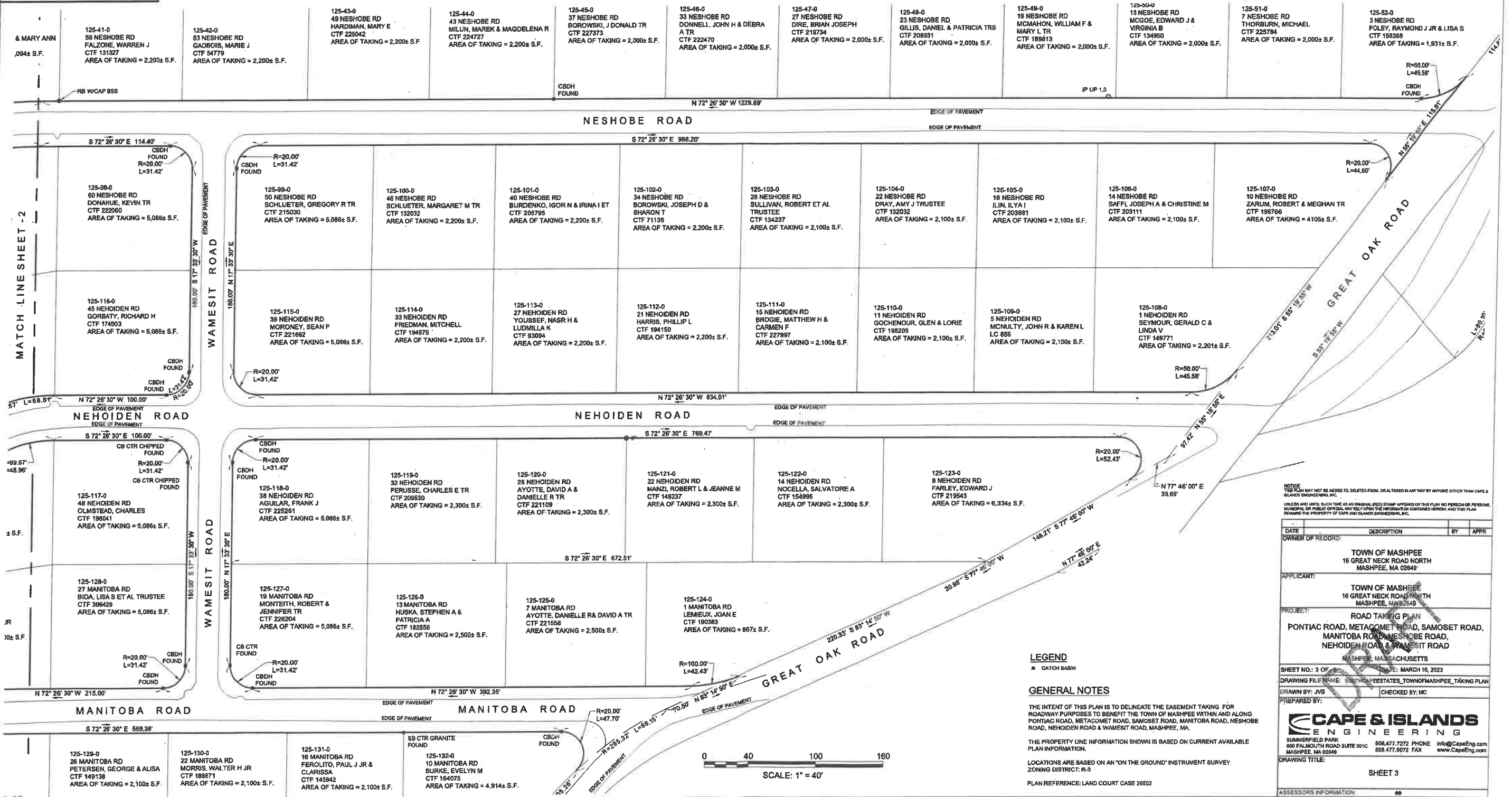
I HEREBY CERTIFY THAT THIS PLAN DOES CONFORM WITH THE  
REQUIREMENTS FOR RECORDING OF PLANS IN THE REGISTRY  
OF DEEDS.

MATTHEW C. COSTA P.L.S. \_\_\_\_\_ DATE \_\_\_\_\_

I CERTIFY THAT THIS PLAN AND SURVEY CONFORMS TO THE  
ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS FOR THE  
PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF  
MASSACHUSETTS.

MATTHEW C. COSTA P.L.S. \_\_\_\_\_ DATE \_\_\_\_\_

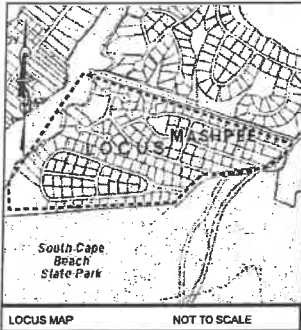
FOR REGISTRY USE ONLY



DATE	DESCRIPTION	BY	APPR
OWNER OF RECORD:			
TOWN OF MASHPEE 16 GREAT NECK ROAD NORTH MASHPEE, MA 02649			
APPLICANT:			
TOWN OF MASHPEE 16 GREAT NECK ROAD NORTH MASHPEE, MA 02649			
PROJECT:			
ROAD TAKING PLAN PONTIAC ROAD, METACOMET ROAD, SAMOSET ROAD, MANITOABA ROAD, NESHOSHOE ROAD, NEHOIDEN ROAD & WAMESIT ROAD MASHPEE, MASSACHUSETTS			
SHEET NO.: 3 OF _____ DATE: MARCH 10, 2023			
DRAWING FILE NAME: SOUTH-COAST-STATES-TOWN-OF-MASHPEE-TAKING-PLAN			
DRAWN BY: JVB CHECKED BY: MC			
PREPARED BY:			
CAPE & ISLANDS ENGINEERING SUMMITFIELD PARK 600 FALMOUTH ROAD SUITE 301C MASHPEE, MA 02649 508.477.7272 PHONE 508.477.5072 FAX info@CapeEng.com www.CapeEng.com			
DRAWING TITLE:			
SHEET 3			
ASSESSORS INFORMATION:			







PLANNING BOARD APPROVAL UNDER THE  
SUBDIVISION CONTROL LAW NOT REQUIRED

DATE APPROVED

DATE SIGNED

#### MASHPEE PLANNING BOARD

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

I, \_\_\_\_\_, CLERK OF THE TOWN OF MASHPEE,  
HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY  
THE TOWN OF MASHPEE PLANNING BOARD HAS BEEN RECEIVED AND  
RECORDED AT THIS OFFICE AND THAT NO APPEAL WAS RECEIVED  
DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND  
RECORDING OF SAID NOTICE.

MASHPEE TOWN CLERK

DATE

PLAN EASEMENT TAKING FOR ROADWAY PURPOSES  
UNDER ORDER OF TAKING ADOPTED ON  
(DATE)

#### SELECTMEN OF MASHPEE

VOTED UNDER ARTICLE

OF THE

TOWN MEETING

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

MATTHEW C. COSTA P.L.S.

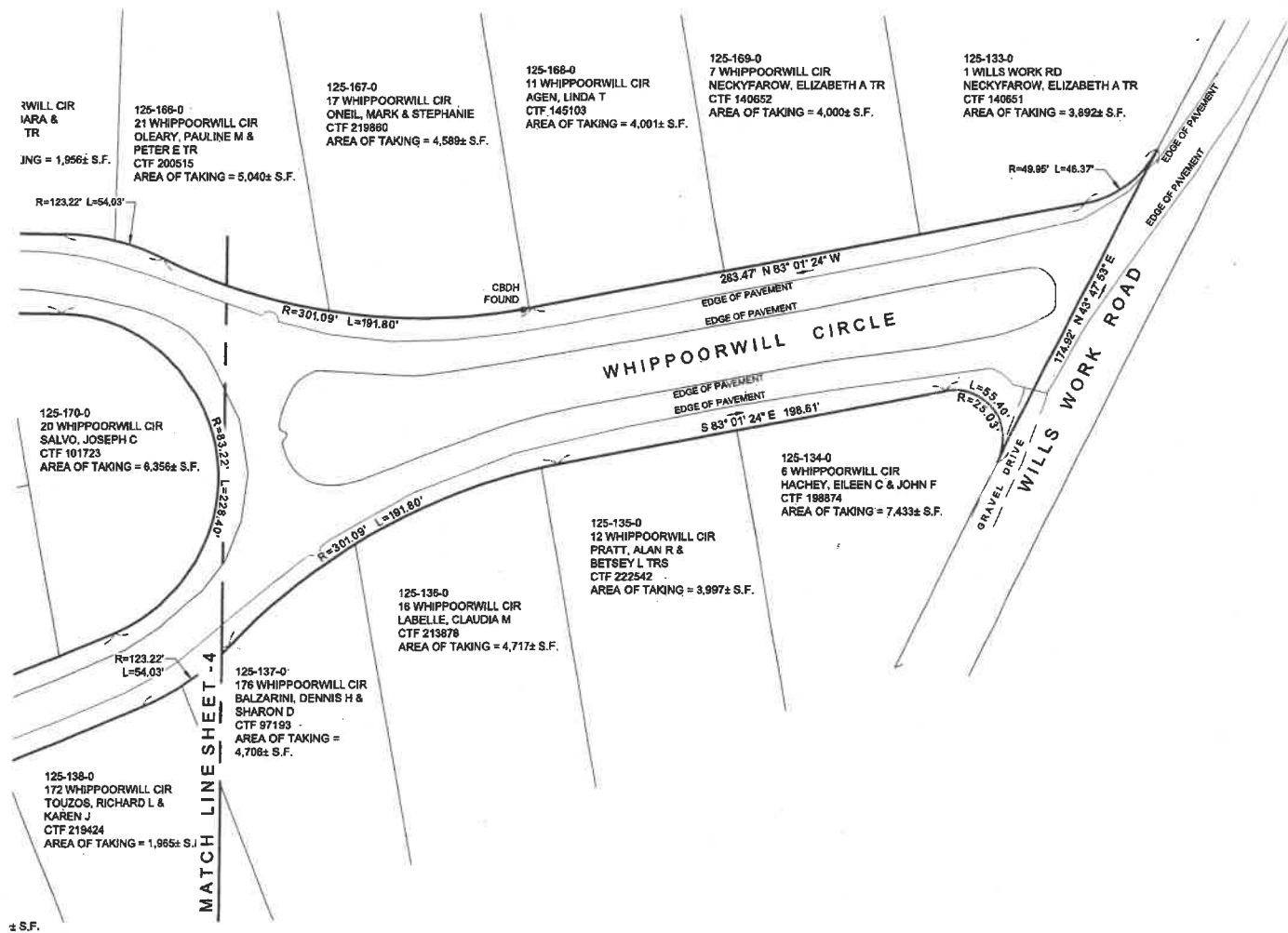
DATE

I CERTIFY THAT THIS PLAN AND SURVEY CONFORMS TO THE  
ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS FOR THE  
PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF  
MASSACHUSETTS.

MATTHEW C. COSTA P.L.S.

DATE

FOR REGISTRY USE ONLY



**LEGEND**  
■ CATCH BASIN SQUARE  
⊙ DRAIN MANHOLE

0 40 100 160  
SCALE: 1" = 40'

#### GENERAL NOTES

THE INTENT OF THIS PLAN IS TO DELINEATE THE EASEMENT TAKING FOR  
ROADWAY PURPOSES TO BENEFIT THE TOWN OF MASHPEE WITHIN AND ALONG  
WHIPPOORWILL CIRCLE, DEBBIE LANE & CHICKADEE ROAD, MASHPEE, MA.

THE PROPERTY LINE INFORMATION SHOWN IS BASED ON CURRENT AVAILABLE  
PLAN INFORMATION.

LOCATIONS ARE BASED ON AN "ON THE GROUND" INSTRUMENT SURVEY  
ZONING DISTRICT: R-3

PLAN REFERENCE: LAND COURT CASE 26502

NOTICE  
THIS PLAN MAY NOT BE ADDED TO, DELETED FROM, OR ALTERED IN ANY WAY BY ANYONE OTHER THAN CAPE &  
ISLANDS ENGINEERING, INC.  
UNLESS AND UNTIL SUCH TIME AS AN ORIGINAL (RED) STAMP APPEARS ON THIS PLAN NO PERSON OR PERSONS,  
MUNICIPAL, CIVIL, PUBLIC, OFFICIAL MAY RELY UPON THE INFORMATION CONTAINED HEREIN AND THIS PLAN  
REMAINS THE PROPERTY OF CAPE & ISLANDS ENGINEERING, INC.

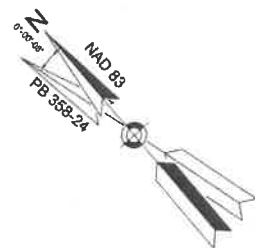
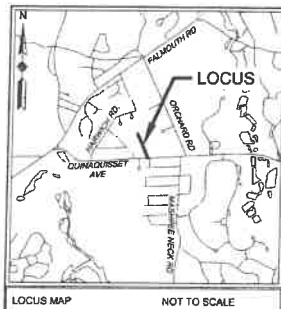
DATE	DESCRIPTION	BY	APPR
OWNER OF RECORD:			
TOWN OF MASHPEE 16 GREAT NECK ROAD NORTH MASHPEE, MA 02649			
APPLICANT:			
TOWN OF MASHPEE 16 GREAT NECK ROAD NORTH MASHPEE, MA 02649			
PROJECT:			
ROAD TAKING PLAN WHIPPOORWILL CIRCLE, DEBBIE LANE & CHICKADEE ROAD MASHPEE, MASSACHUSETTS			
SHEET NO.: 5 OF 5		DATE: MARCH 10, 2023	
DRAWING FILE NAME: SOUTH CAPE STATES TOWN OF MASHPEE TAKING PLAN			
DRAWN BY: JVB		CHECKED BY: MC	
PREPARED BY:			

**CAPE & ISLANDS**  
ENGINEERING  
SUMMERFIELD PARK  
890 FALMOUTH ROAD SUITE 301C  
MASHPEE, MA 02649  
508.477.7272 PHONE  
508.477.5072 FAX  
info@CapeEng.com  
www.CapeEng.com

DRAWING TITLE:

SHEET 5

ASSESSORS INFORMATION:



I, \_\_\_\_\_, CLERK OF THE TOWN OF MASHPEE,  
HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY  
THE TOWN OF MASHPEE PLANNING BOARD HAS BEEN RECEIVED AND  
RECORDED AT THIS OFFICE AND THAT NO APPEAL WAS RECEIVED  
DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND  
RECORDING OF SAID NOTICE.

MASHPEE TOWN CLERK DATE

PLAN EASEMENT TAKING FOR ROADWAY PURPOSES  
UNDER ORDER OF TAKING ADOPTED ON  
(DATE)

MASHPEE SELECT BOARD

VOTED UNDER ARTICLE OF THE TOWN MEETING

FOR REGISTRY USE ONLY

**PLAN PURPOSE**  
THE INTENT OF THIS PLAN SET IS TO DELINEATE THE EASEMENT TAKING FOR  
ROADWAY PURPOSES TO BENEFIT THE TOWN OF MASHPEE WITHIN AND ALONG  
CHRISTOPHER LANE, MASHPEE, MA.

**GENERAL NOTES**  
THE PROPERTY LINE INFORMATION SHOWN IS BASED ON CURRENT AVAILABLE  
PLAN INFORMATION.

LOCATIONS ARE BASED ON AN "ON THE GROUND" INSTRUMENT SURVEY  
PLAN REFERENCE: PLAN BOOK 266 PAGE 17 AND PLAN BOOK 585 PAGE 92

I HEREBY CERTIFY THAT THE PROPERTY LINES  
SHOWN ON THIS PLAN ARE THE LINES DIVIDING  
EXISTING OWNERSHIPS, AND THE LINES OF THE  
STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC  
OR PRIVATE STREETS OR WAYS ALREADY  
ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION  
OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE  
SHOWN.

MATTHEW COSTA P.L.S. DATE 1/26/24

THE ABOVE IS INTENDED TO MEET REGISTRY OF  
DEEDS REQUIREMENTS AND IS NOT A CERTIFICATION  
TO THE TITLE OR OWNERSHIP OF THE PROPERTY  
SHOWN. OWNERS OF PROPERTIES SHOWN ARE  
ACCORDING TO CURRENT TOWN ASSESSOR'S  
RECORDS.

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

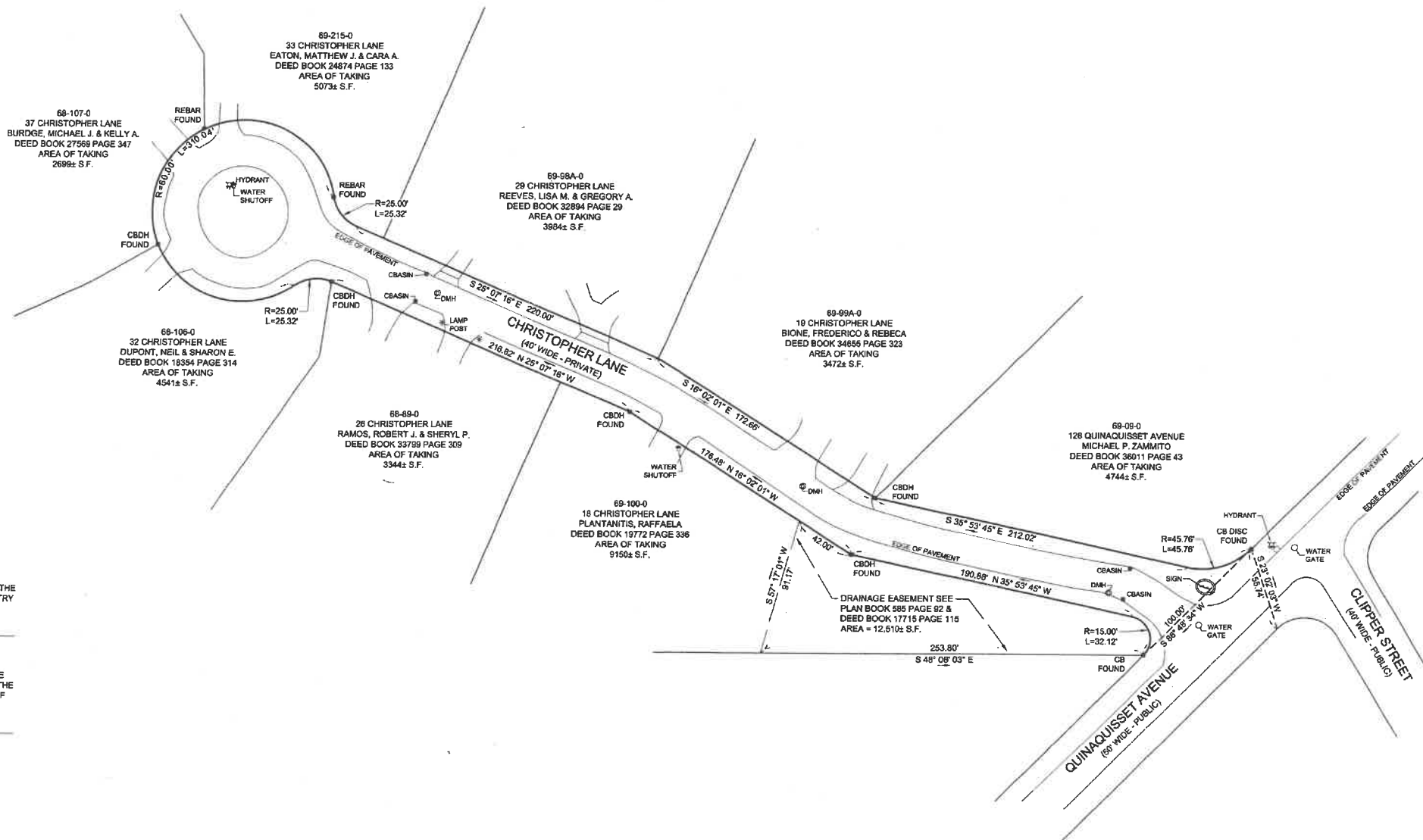
MATTHEW C. COSTA P.L.S. DATE 1/26/24

I CERTIFY THAT THIS PLAN AND SURVEY CONFORMS TO THE  
ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS FOR THE  
PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF  
MASSACHUSETTS.

MATTHEW C. COSTA P.L.S. DATE 1/26/24

**LEGEND**

- CB CONCRETE BOUND
- SB STONE BOUND
- RD ROD CAP
- PIP IRON PIPE FOUND
- REBAR REBAR FOUND
- HYDRANT HYDRANT
- WATER SHUTOFF WATER SHUTOFF
- CATCH BASIN SQUARE CATCH BASIN SQUARE
- UTILITY POLE UTILITY POLE
- GUY POLE GUY POLE
- GUY WIRE GUY WIRE



NOTICE  
THIS PLAN MAY NOT BE ADDED TO, DELETED FROM, OR ALTERED IN ANY WAY BY ANYONE OTHER THAN CAPE &  
ISLANDS ENGINEERING, INC.  
UNLESS AND UNTIL SUCH TIME AS AN ORIGINAL, TRUE & CORRECT COPY OF THIS PLAN AND PERSON OR PERSONS,  
MUNICIPAL OR PUBLIC OFFICIAL MAY RELY UPON THE INFORMATION CONTAINED HEREIN AND THIS PLAN  
REMAINS THE PROPERTY OF CAPE & ISLANDS ENGINEERING, INC.

DATE	DESCRIPTION	BY	APPR
	TOWN OF MASHPEE 16 GREAT NECK ROAD NORTH MASHPEE, MA 02549		
	TOWN OF MASHPEE 16 GREAT NECK ROAD NORTH MASHPEE, MA 02549		
	ROAD TAKING PLAN CHRISTOPHER LANE IN MASHPEE, MASSACHUSETTS		
SHEET NO. 1 OF 1	DATE: JANUARY 26, 2024		
DRAWING FILE NAME: CHRISTOPHER_ROAD TAKING PLAN_TOWN OF MASHPEE			
DRAWN BY: JIF	CHECKED BY: MCC		
PREPARED BY:			
<b>CAPE &amp; ISLANDS</b> ENGINEERING SUMMERFIELD PARK 600 FALMOUTH ROAD SUITE 301C MASHPEE, MA 02549 508.477.7272 PHONE 508.477.9072 FAX info@CapeEng.com www.CapeEng.com			
DRAWING TITLE: ROAD TAKING PLAN			

0 20 40 80  
SCALE: 1" = 40'



**Pesce Engineering & Associates, Inc.**

43 Porter Lane  
West Dennis, MA 02670

Phone:(cell) 508-333-7630 Ed@PesceEng.com

**Invoice**

**Invoice #:** 2024-2179  
**Invoice Date:** 3/27/2024  
**Due Date:** 4/29/2024

**Bill To:**

Mashpee Planning Board  
ATTN: Evan Lehrer, Town Planner  
Mashpee Town Hall  
16 Great Neck Road N  
Mashpee, MA 02649

Project & Location:  
Country Club Estates  
- Construction Inspection Services

Description	Hrs./Qty.	Rate (\$)	Amount (\$)
ENGINEERING PROFESSIONAL SERVICES: 24 June 2023 - 25 March 2024 -----  Travel & Site visit to review existing conditions, Meetings with Contractor (Will Dumas), view construction progress & erosion controls; Inspect Gravel Base placement - 5 Trips: 24 July, 6, 23 & 19 Oct, and 2 Nov 2023  Review of gravel Base Sieve Analysis; Travel and Site Visits to Complete Inspections of Gravel Base placement; Witness compaction tests & Inspection Base Course Paving Operations - 5 Trips: 3, 8, 16 ,28 & 29 Nov 2023	11.0	160.00	1,760.00
	13.5	160.00	2,160.00
REIMBURSABLES ----- Mileage expense - 44 Miles Roundtrip for Site Visits - 10 site visits, with 4 trips shared with 2 sites = (5 X 44mi.) + (5 X 44mi./2 sites) = 330 mi.	330.0	0.57	188.10

*Please make checks payable to "Pesce Engineering"*

**Thank You for Your Business!**

<b>Total</b>	\$4,108.10
<b>Payments/Credits</b>	\$0.00
<b>Balance Due</b>	\$4,108.10



## Pesce Engineering & Associates, Inc.

43 Porter Lane  
West Dennis, MA 02670

Phone:(cell) 508-333-7630 Ed@PesceEng.com

# Invoice

**Invoice #:** 2024-2176

**Invoice Date:** 3/25/2024

**Due Date:** 4/25/2024

**Bill To:**

Mashpee Planning Board  
ATTN: Evan Lehrer, Town Planner  
Mashpee Town Hall  
16 Great Neck Road N  
Mashpee, MA 02649

Project & Location:

Cranberry Point - Willowbend  
(275 Quinacisset Ave.)  
- Engineering Review Services

Description	Hrs./Qty.	Rate (\$)	Amount (\$)
ENGINEERING PROFESSIONAL SERVICES: 24 June 2023 - 24 February 2024			
-----			
Travel & Attendance at Planning Bd. hearing - 20 Sep 2023	2.50	160.00	400.00
Review of Site Plans and Drainage Calculations for site plans revised to show 12-unit layout - 30 Oct 2023, Review of LEC letter (dated 16 Nov), and preparation of updated review comments via e-mail - 6 Dec, Travel, Preparation and attendance at Pl. Bd. hearing (via Zoom) - 6 Dec, Travel & Attendance at Pl. Bd. Hearing - 20 Dec	10.50	160.00	1,680.00
Review of revised site plans (dated 16 Feb 2024) - 19 Feb; Review and responses to e-mails with Matt Eddy - 19-21 Feb 2024; Attendance at Pl. Bd. hearing (via Zoom) - 21 Feb	4.00	160.00	640.00
Attendance at Pl. Bd. hearing (via Zoom) - 20 March 2024	2.75	160.00	440.00
REIMBURSABLES			
-----			
Mileage expense - 2 Town Hall meetings @ 42 miles Roundtrip	84.00	0.57	47.88
Plan Copies 11" X 17" color - Oct 23 and Feb 24 sets	24.00	2.65	63.60
Document Printing (8.5" X 11" B&W and Color) - Drainage Report	82.00	0.50	41.00

**Please make checks payable to "Pesce Engineering"**

**Thank You for Your Business!**

**Total** \$3,312.48

**Payments/Credits** \$0.00

**Balance Due** \$3,312.48

**Pesce Engineering & Associates, Inc.**

43 Porter Lane  
West Dennis, MA 02670

Phone:(cell) 508-333-7630   Ed@PesceEng.com

# Invoice

**Invoice #:** 2024-2182

**Invoice Date:** 3/27/2024

**Due Date:** 3/29/2024

**Bill To:**

Mashpee Planning Board  
ATTN: Evan Lehrer, Town Planner  
Mashpee Town Hall  
16 Great Neck Road N  
Mashpee, MA 02649

Project & Location:

New Seabury - Phase IV & Others  
- Construction Inspection &  
Project Review Services

Description	Hrs./Qty.	Rate (\$)	Amount (\$)
ENGINEERING PROFESSIONAL SERVICES: 25 March 2023 - 25 March 2024 ----- (The following services have been provided in support of review of the New Seabury Cottages, Phase III & Phase IV, and the Fairway Homes at Seaside Projects)			
Review of e-mails regarding multiple project Bond Escrow Funds Release Request, and response - 13 Nov 2023; Travel & Site Inspection of multiple roads and project areas with Mr. Nick Galanis - 16 Nov 2023	4.75	160.00	760.00
Attendance at Planning Board Meeting (via Zoom) to update Pl. Bd. on New Seabury Site Inspection and remaining work items - 6 Dec; Review of e-mail correspondence from new Seabury (Tamara Joyce) & Responses regarding final punch list items - 7 & 20 Dec 2023, 25 Jan 2024; Phone call with Nick Galanis regarding closeout of Punch List Items - 24 Jan 2024	2.50	160.00	400.00
Review of Applicant Letter and correspondence regarding calculations for Escrow Funds Release Request - 5 & 6 Feb 2024,; Call with Town Planner, and preparation of Bond Release recommendation letter for New Seabury Projects, and preparation & Attendance at Pl. Bd. Hearing - 7 Feb 2024	3.50	160.00	560.00
REIMBURSABLES -----			
Mileage expense - 52 Miles Roundtrip for Site Visit (1 trip)	52.00	0.57	29.64

***Please make checks payable to "Pesce Engineering"***

***Thank You for Your Business!***

<b>Total</b>	\$1,749.64
<b>Payments/Credits</b>	\$0.00
<b>Balance Due</b>	\$1,749.64



## Pesce Engineering & Associates, Inc.

43 Porter Lane  
West Dennis, MA 02670

Phone:(cell) 508-333-7630 Ed@PesceEng.com

# Invoice

**Invoice #:** 2024-2178  
**Invoice Date:** 3/27/2024  
**Due Date:** 4/29/2024

### Bill To:

Mashpee Planning Board  
ATTN: Evan Lehrer, Town Planner  
Mashpee Town Hall  
16 Great Neck Road N  
Mashpee, MA 02649

### Project & Location:

Ockway Highlands  
- Construction Inspection Svcs.

Description	Hrs./Qty.	Rate (\$)	Amount (\$)
ENGINEERING PROFESSIONAL SERVICES: 1 November 2023 - 25 March 2024 -----			
Call with Jacques Morin & Chris Lynch regarding paving work performed on Carriage Rd & Blue Castle Dr. - 29 Nov 2023	0.5	160.00	80.00
Review of e-mail comments from abutters regarding Applicant request to delete sidewalk from subdivision; Travel, preparation & attendance at Pl. Bd. Hearing - 20 Dec 2023	2.5	160.00	400.00
Coordination with DPW, and travel & site visit with DPW & Jacques Morin regarding existing detention basin conditions and maintenance issues - 8 Feb 2024	2.5	160.00	400.00
REIMBURSABLES -----			
Mileage expense - 42 Miles Roundtrip for Site Visits/PB Meetings - 2 trips = 210 miles	84.0	0.57	47.88

**Please make checks payable to "Pesce Engineering"**

**Thank You for Your Business!**

<b>Total</b>	<b>\$927.88</b>
<b>Payments/Credits</b>	<b>\$0.00</b>
<b>Balance Due</b>	<b>\$927.88</b>






## Fwd: Request for LOS- Santuit Pond Town Landing

Evan Lehrer <ELEhrer@mashpeema.gov>

Fri 4/12/2024 12:29 PM

To: Karyn Leslie <kleslie@mashpeema.gov>

 2 attachments (250 KB)

Mashpee MVP FY25 MVP Grant LOS Template.docx; Santuit Pond - Concept Design .jpg;

See if Karen is willing to add to agenda for Ashley

Sent from my Verizon, Samsung Galaxy smartphone

Get [Outlook for Android](#)

---

**From:** Ashley Fisher <Afisher@mashpeema.gov>

**Sent:** Friday, April 12, 2024 12:10:37 PM

**To:** Jason Steiding <jason.steiding@mwtribe-nsn.gov>; Andrew McManus <amcmanus@mashpeema.gov>; Daniel Kent <dkent@mashpeema.gov>; Catherine Laurent <clarent@mashpeema.gov>; Gottlieb, Andrew <argottlieb@gmail.com>; Surgeon-Rogers, Tonna-Marie (DCR) <tonna-marie.surgeon-rogers@mass.gov>; Evan Lehrer <ELEhrer@mashpeema.gov>; Karen Faulkner <kdfaulknerlaw@gmail.com>; David W. Weeden <DWeeden@mashpeema.gov>; Paul.Colombo@gmail.com <Paul.Colombo@gmail.com>

**Subject:** Request for LOS- Santuit Pond Town Landing

Good afternoon,

The Mashpee Department of Natural Resources (DNR) intends to present a proposal to the Municipal Vulnerability Preparedness Program for the upcoming phase of the Santuit Town Landing - Construction and Community Outreach project. This initiative aims to implement various stormwater Best Management Practices (BMPs) onsite, establish pollinator gardens/rain gardens, conduct wetland restoration, develop a community resiliency trail with educational components and species identification, and incorporate cultural art installations with significant involvement from the Mashpee Wampanoag Tribe.

Enclosed, you'll find the Concept Design for the area along with a Letter of Support template. The deadline for proposal submission is swiftly approaching on April 26th.

We sincerely hope that your department or agency can provide the DNR with a letter of support to strengthen this year's grant proposal. We are eagerly anticipating the completion of this project for a part of the Town and pond that truly deserves such enhancements.

Respectfully,

**Ashley K. Fisher | Director**

Department of Natural Resources

31 Mercantile Way Unit 6 , Mashpee, MA 02649

Office: 508.539.1410 | Cell: 508.364.3358

Email: [afisher@mashpeema.gov](mailto:afisher@mashpeema.gov)

## Town Landing - Proposed Concept Design Mashpee, MA

The Town Landing site serves as a public access boat launch and fishing area on Santuit Pond. The Town of Mashpee was awarded two Municipal Vulnerability Preparedness (MVP) Action Grants during FY22 and FY23 to address stormwater runoff, one of the primary external or watershed sources of excess nutrients to Santuit Pond. MVP grant funds were used to develop a design concept for Town Landing that incorporates climate resilience and water quality measures.

Given the importance of the Town Landing site to the Town, recreational users, Friends of Santuit Pond, and the Mashpee Wampanoag Tribe, a community visioning workshop, public site visit, and stakeholder meetings were held to gather input and opinions about its redesign. The proposed concept for this site reflects the diverse interests of the key stakeholders and users of the site and advances the Town's water quality and climate resilience goals. Key elements of the proposed concept for the site include:

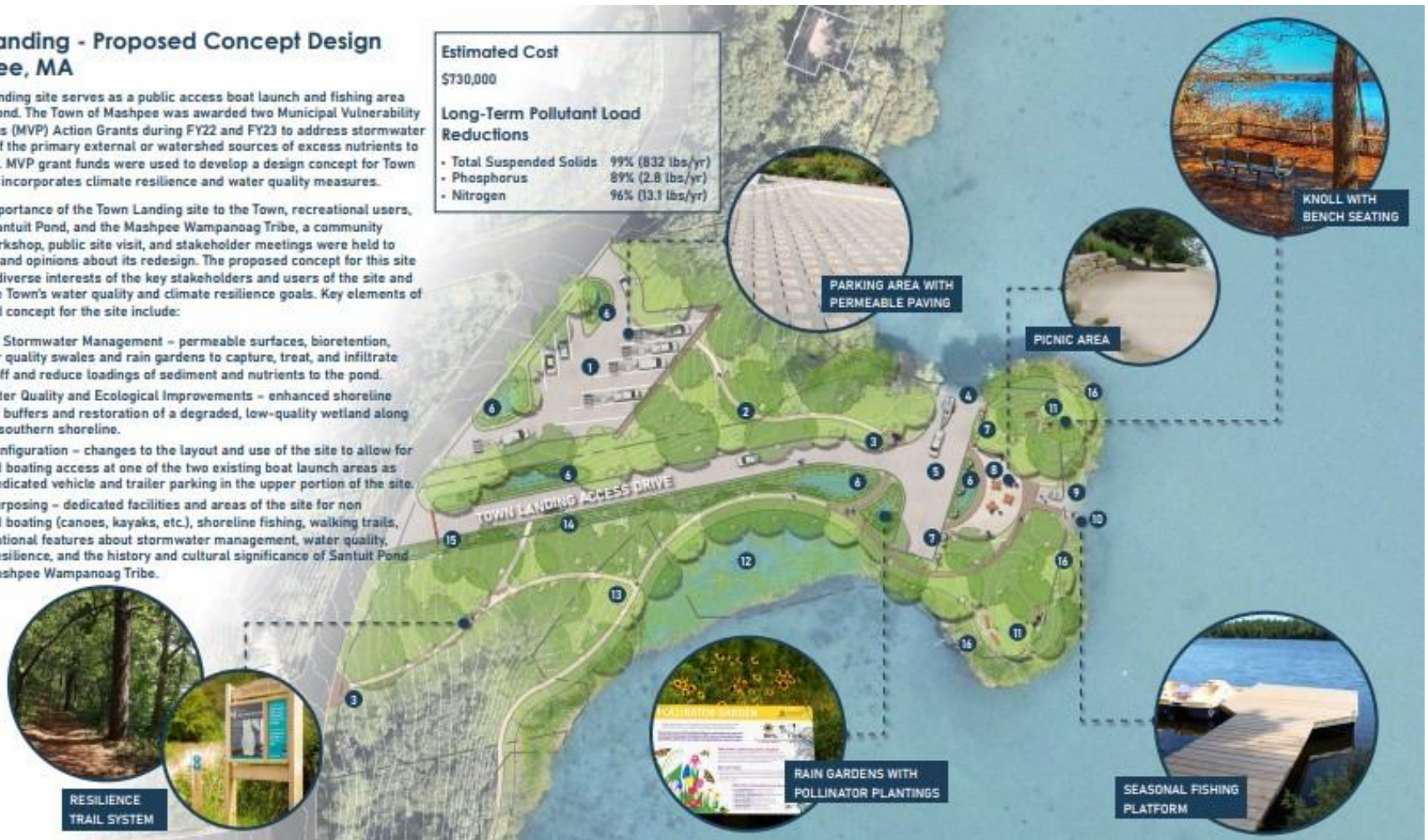
- Improved Stormwater Management – permeable surfaces, bioretention, and water quality swales and rain gardens to capture, treat, and infiltrate road runoff and reduce loadings of sediment and nutrients to the pond.
- Other Water Quality and Ecological Improvements – enhanced shoreline vegetated buffers and restoration of a degraded, low-quality wetland along the site's southern shoreline.
- Site Reconfiguration – changes to the layout and use of the site to allow for motorized boating access at one of the two existing boat launch areas as well as dedicated vehicle and trailer parking in the upper portion of the site.
- Site Repurposing – dedicated facilities and areas of the site for non motorized boating (canoes, kayaks, etc.), shoreline fishing, walking trails, and educational features about stormwater management, water quality, climate resilience, and the history and cultural significance of Santuit Pond for the Mashpee Wampanoag Tribe.

### Estimated Cost

\$730,000

### Long-Term Pollutant Load Reductions

- Total Suspended Solids 99% (832 lbs/yr)
- Phosphorus 89% (2.8 lbs/yr)
- Nitrogen 96% (13.1 lbs/yr)



Mashpee MVP FY25 MVP Grant LOS Template:

Kara Runsten  
Municipal Vulnerability Preparedness Program Manager  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street, Suite 900  
Boston, MA 02114

**RE: Letter of Support for the Town of Mashpee FY25 MVP Action Grant Application**

Dear Ms. Runsten:

The Town of Mashpee is requesting additional MVP Action Grant funding for implementation (bidding and construction) of improvements to the public boat ramp site at Santuit Pond. This project is a continuation of the Santuit Pond Resiliency Project previously funded through earlier MVP grant rounds.

In addition to improved and more sustainable public access to Santuit Pond, the improvements for the property include new green infrastructure to capture and treat stormwater generated from the landing as well as the adjacent public roadway, Timberlane Drive, enhanced vegetated buffers along the shoreline, and restoration of the on-site wetlands. The green infrastructure and other water quality improvements will help address and minimize the negative impact to Santuit Pond and other sensitive wetland resource areas from pollutants contained within stormwater.

**ORGANIZATION SPECIFICS: WATER QUALITY; STORMWATER; BMPS; GREEN INFRASTRUCTURE ETC.**

The **DEPARTMENT OR ORGANIZATION** looks forward to continuing to work with the project team on the bidding and construction phase of this project and to make these much-needed improvements a reality.

**Sincerely,**

**NAME**  
**TITLE**  
**EMAIL/PHONE**

Good morning,

The Department of Natural Resources (DNR) intends to present a proposal to the Municipal Vulnerability Preparedness Program for the upcoming phase of the Santuit Town Landing - Construction and Community Outreach project. This initiative aims to implement various stormwater Best Management Practices (BMPs) onsite, establish pollinator gardens/rain gardens, conduct wetland restoration, develop a community resiliency trail with educational components and species identification, and incorporate cultural art installations with significant involvement from the Mashpee Wampanoag Tribe.

Enclosed, you'll find the Concept Design for the area along with a Letter of Support template. The deadline for proposal submission is swiftly approaching on April 26th.

We sincerely hope that your department or agency can provide the DNR with a letter of support to strengthen this year's grant proposal. We are eagerly anticipating the completion of this project for a part of the Town and pond that truly deserves such enhancements.

Respectfully,

OLD BUSINESS



## Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

### TOWN COUNSEL COMMENTS

### PLANNING BOARD DECISION WILLOWBEND SPECIAL PERMIT MODIFICATION 275 Quinaquisset Avenue – Cranberry Point

#### 1. Proposal.

Reference is made to a Special Permit Decision issued by the Mashpee Planning Board, dated April 15, 1987 and recorded with the Barnstable County District Registry of Deeds at Book 5707, Page 290, as amended from time to time (hereinafter the "Special Permit"). By decision dated August 7, 1991, the Special Permit was transferred to Bent Twig Limited Partnership whose interest was subsequently assigned to Willowbend Development Corporation, and then to Willowbend Country Club, Inc. Most recently the Special Permit was transferred to Southworth Mashpee Properties LLC who is hereinafter referred to as the "Applicant". The Special Permit authorizes construction of a residential / golf course community known as Willowbend south of Route 28 in east Mashpee ("the project").

The applicant proposes to modify the special permit and site plans to allow for the construction of 12 single-family cottage-style condominiums on properties addressed as 275 Quinaquisset Avenue and, Mashpee, MA 02649 (Assessor's Map 69 Block 169) totaling 220,650 square feet (+/-) or 5.065 acres. The units proposed represent a reduction of 2 units that were removed from the proposal to accommodate a more substantial naturally vegetated buffer between the limits of development and Quinaquisset Avenue consistent with most of the Willowbend project. Additionally, the original submittal included a "village green" along the easterly portion of the property which was removed from consideration to minimize impacts to wetlands along that portion of the site.

The subject property is not currently included within Willowbend's special permit area and is improved with a single-family dwelling, sheds, a septic system, paved driveway, and lawn area. The existing dwelling is proposed for demolition. The existing development on these lots is concentrated around the dwelling, with extensive forested uplands to the west and forested uplands and wetlands to the east of the driveway/dwelling. Willowbend proposes to annex the subject parcel into the Willowbend Special Permit area as allowed pursuant to 174-24(C)(9)(g) of the Mashpee Zoning Bylaws which is intended to reduce the overall density of the project by not increasing the overall number of dwelling units authorized by the special permit nor decreasing the amount of protected open space.

The subject property is bounded by Quinaquisset Avenue to the north and surrounded by cranberry bogs to the west and south constructed around the Quaker Run, a perennial stream, which flows south through the cranberry bogs and the golf course. The project will tie into existing utilities in Quinaquisset Avenue, including the Willowbend Wastewater Treatment Facility and no new septic systems are proposed. The project further incorporates a stormwater collection system that includes a new sediment forebay along Quinaquisset Avenue to offer pre-treatment to stormwater runoff currently entering the wetlands system without any pre-treatment.

The 12 units proposed would contribute to the overall dwelling unit maximum of 287 dwelling units defined in the Special Permit. Subsequent to the most recent modification of the Willowbend Special Permit pertaining to Willow Circle (See Barnstable County Registry of Deeds Book 34860 Page 149) the total number of dwelling units in the project were found to be 274. The applicant provided documentation during the Planning Board's review of this application that demonstrated that one property owner in Willowbend purchased two building

Commented [PC1]: Should be "The Applicant" ?





## Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

lots to build one dwelling and, as such, the dwelling unit count stands at 273. Inclusion of these 12 units would increase the total number of dwelling units in the project area to 275. Willowbend's special permit further specifies a maximum number of bedrooms allowed within the project area of 853. The Planning Board contends alleged, and the applicant has acknowledged, that the number of bedrooms currently within the permit area exceeds the 853 limit.

### 2. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Section 174-24(C)(9) of the Mashpee Zoning Bylaw as it existed on XX/XX/XXXX the date on which this special permit modification was approved/denied by the Mashpee Planning Board. As the proposal does not increase square footage of any use by more than 10%, the provisions of Section 174-24.C.(9)(d) of said bylaw provide that the land involved in this application is subject to the dimensional and other relevant provisions of the Zoning Bylaw as it existed on November 6, 1985, the date on which a preliminary subdivision plan was filed on the property, freezing the zoning in effect at the time that this special permit was originally issued on April 15, 1987. Expansion of the project area is permitted under Section 174-24.C.(9)(g) of the Zoning Bylaw if approved by the Planning Board. With regard to the prohibition contained in Section 174-24.C.(9)(f) on increasing the number of units in a development, the proposed 285 units are less than the 338 originally authorized by the special permit and less than the 287 maximum established currently defined in the 1991 special permit modification recorded in Book 8229 Page 264.

The application and this decision are project is also subject to the applicable provisions of M.G.L. Chapter 40A, Section 9.

### 3. Chronology.

Application for this Special Permit Modification and accompanying site development plans were as filed with the Town Clerk and Planning Board on February 1, 2023. A hearing was opened before the Mashpee Planning Board at the Mashpee Town Hall, 16 Great Neck Road North, Mashpee, Massachusetts on March 1, 2023 at 7:10 p.m. Notice was duly given to abutters in accordance with Massachusetts General Laws Chapter 40A. Notice was also given by publication in the Mashpee Enterprise, a newspaper of general circulation in the Town of Mashpee, on February 10, 2023 and February 17, 2023.

On March 20, 2024, the Planning Board voted to close the hearing. On April 3, 2024 the Planning Board commenced its deliberations the deliberative process and made the following findings outlined below in Section 4. Findings, below. Upon a motion to grant the special permit modification subject to the conditions enumerated below made by \_\_\_\_\_ and seconded by \_\_\_\_\_ the members of the Board were recorded voting as follows: Members.... were recorded as voting in favor of approval of the proposed modification; Mmembers.... were recorded as voting against approval of the proposed modification. The motion to approve the special permit modification passed/failed.

### 4. Findings.

- a. The proposed modification involves less than 10% increase in the area of any use and is therefore, under the provisions of Section 174-24.C.(9)(d) of the Zoning Bylaw, subject to the dimensional and other relevant provisions of the Zoning Bylaw as it existed on November 6, 1985, the date on which a



## Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

preliminary subdivision plan was filed on the property, freezing the zoning in effect at the time that this special permit was originally issued on April 15, 1987. At that time, the property was in an R-3M zoning district. This subdivision is proposed under the cluster subdivision zoning regulations applicable to the project on that date.

- b. The proposed modification lies outside of the "Original Project" area but within the project area as expanded by vote of the Planning Board in Willowbend Special Permit Modification #27 pursuant to Section 174-24.C.(9)(g) of the Zoning Bylaw, increasing said area to 330.14 acres in Mashpee and 3.39 acres in Barnstable.
- c. Under the provisions of Sections 9.3 and 9.4 of the applicable 1985 Zoning By-law, a minimum of 92.0 acres of open space was required within the "original project area". Current open space is 237.9 acres, well in excess of the required acreage.
- d. Under the 1985 special permit, the project would have ~~been~~ allowed 341 residential units and was permitted for 338 units. In 1991, the Permit was modified to reduce the total number of units to 287. The current proposal increases the number of approved units to 285 out of 287 maximum allowed units, ~~which~~ the Board finds this increase to be permissible under Section 174-24.C.(9)(f), as it is less than the originally allowed 338 units and less than the currently allowed 287, and it hereby approves said increase.
- e. Under the 1985 special permit, which was affirmed in a 1991 special permit modification, the project is allowed no more than 853 bedrooms within the project area. The Planning Board finds, and the applicant has acknowledged, that there are currently more than 853 bedrooms in the project area and that there were at least 855 existing bedrooms on August 2, 2023, as calculated by the Town Planner utilizing Assessor's data and Building Department records. The Planning Board finds that the applicant is not in compliance with this bedroom limit condition of the special permit and it has established a further new series of conditions to mitigate the impacts of the excess additional bedrooms in existence and planned, including those proposed by this application. Those conditions are outlined below in Section 5: Conditions, below.
- f. The project satisfies the requirements of Massachusetts General Law Chapter 40A, in that it complies with the general purposes and intent of the Mashpee Zoning Bylaw on the applicable dates.
- g. The original special permit (1987) is conditioned on maintaining a minimum 100 foot buffer strip from either edge of Sampson's Mill Road and Quinaquisset Avenue left in its existing vegetative state, except for entrance areas, golf cart underpass and golf course areas shown on the filed plans. The submitted site plans for Cranberry Point indicate a buffer strip totaling 65 feet between the first condominium and the edge of Quinaquisset Avenue which is less than the 100 feet required. The Board finds that section 9.352 of the Zoning Bylaws in place at the time of the original special permit approval stated:

"A buffer strip of land equal in width to the front yard requirement of the underlying zoning district shall be created along the entire perimeter of the parcel. The perimeter shall be unbroken except for access roads. The buffer strip shall be considered part of the open space. The buffer strip shall be maintained in its natural state or landscaped if in the opinion of the



## Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

Planning Board it is necessary to protect privacy of adjoining land owners and shall not be used for parking or organized recreational activities. The Planning Board may require a buffer strip in excess of the minimum requirement depending on the use of adjoining land.”

The Planning Board finds that a reduced ~~65-foot~~65-foot buffer strip is greater than 40 feet, which was the minimum width of the front yard requirement applicable under the 1985 bylaw, which would adequately protect the privacy of adjoining land owners and is not being used for parking or organized recreational activities. The Board finds that the ~~65-foot~~65-foot buffer strip shown on the site development plans does not derogate from the purpose and intent of the bylaw or the special permit and exceeds the minimum requirements of the applicable zoning criteria. Accordingly, the Board and hereby authorizes a 65 foot buffer between the edge of Quinquisset Avenue and the limits of development on the subject parcel.

- h. The Board finds that Mashpee General Bylaws Chapter 108, Flow Neutral, which limits present and future wastewater flows to the flows permitted from the property as of the effective date of the Mashpee Comprehensive Wastewater Management Plan (CWMP), July 1, 2015, applies to the subject property ~~which limits present and future wastewater flows to the flows permitted from the property as of the effective date of the Mashpee Comprehensive Wastewater Management Plan (CWMP), July 1, 2015.~~ Chapter 108 establishes a 1 bedroom per 10,000 square feet of lot area limit for multifamily projects such as Cranberry Point. The subject parcel totals 220,650 square feet. As such, under the provisions of Chapter 108, the subject property is presumed to be limited to 22 bedrooms without relief from the Board of Health or Sewer Commission.
- i. The Board finds that the subject parcel and surrounding bog system contemplated in the applicant’s mitigation package are within or adjacent to areas mapped as moderate pre-contact archaeological sensitivity areas determined from a Town-wide pre-contact sensitivity survey conducted by the Public Archaeological Laboratory (PAL) from Pawtucket, RI. The Board accepted comment from the Mashpee Wampanoag Tribal Historic Preservation Officer (THPO) who expressed concern over any and all ground disturbing activities on the subject parcel and surrounding bog parcels under consideration for restoration due to the cultural and archaeological sensitivity of the area and the potential presence of ~~to discover~~ culturally sensitive artifacts and materials therein.
- j. The Board finds that the proposed stormwater sediment forebay proposed within the 65 foot buffer strip along Quinquisset Avenue will capture and pre-treat stormwater before it enters the wetlands systems in and around the subject parcel.
- k. The submitted site plans were reviewed by the Planning Board’s consulting engineer, Ed Pesce, who provided written responses to the Planning Board dated February 27, 2023, October 13, 2023, and December 6, 2023. The Board finds that the applicant was responsive to the engineer’s comments and made satisfactory revisions to the submitted plans. The Board accepts the ~~recommendation of the consulting engineer’s~~ te-recommendation that said plans be approved. In his December 6, 2023 correspondence letter transmitted as an email to Evan Lehrer, Community Development Director, the consulting engineer wrote:

“The revised plans and associated documentation have addressed the majority of my previous engineering review comments. There are a few comments that still need to be resolved.



## Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

However, these comments are relatively minor, and I believe can be resolved with direct coordination between myself and Matt Eddy of Baxter Nye. Subject to the discretion of the Board, I would recommend approval of these plans, with the condition that all the Pesce Engineering comments are satisfactorily addressed."

- I. Due to changes made to the development plans to remove, to the maximum extent practicable, impacts to bordering vegetated wetland onsite updates to the drainage and grading plans need to be made to the satisfaction of the consulting engineer.
- m. The project on the subject parcel as well as the bog restoration contemplated in the plans fall within the jurisdiction of the Mashpee Conservation Commission and require the issuance of an order of conditions.
- n. The Board finds that the subject parcel is within the jurisdictional buffer of the Mashpee Conservation Commission. The 12 condominiums proposed on the subject parcel and the bog restoration contemplated in the plans require review and approval by the Conservation Commission. Additionally, the Board finds that, due to the subject parcel's existence within the jurisdictional buffer of the Mashpee Conservation Commission the project is exempt from the requirements of the Chapter 175 Mashpee Tree Preservation General Bylaw.
- o. In conformance with the provisions of Article VI, Section 174-24.C.(2) of the Zoning Bylaw, the Planning Board finds that the proposal, as conditioned hereby, will not adversely affect public health or safety, will not cause excessive demand on community facilities, will not significantly decrease surface or ground water quality or air quality, will not have significant adverse impact on wildlife habitat, estuarine systems, traffic flow, traffic safety, waterways, fisheries, public lands or neighboring properties, will not cause excessive levels of noise, vibration, electrical disturbance, radioactivity or glare, will not destroy or disrupt any species listed as rare, endangered or threatened by the Massachusetts Natural Heritage program or any known historic or archaeological site, will not produce amounts of trash, refuse or debris in excess of the Town's landfill and waste disposal capacities, will properly dispose of stumps, construction debris, hazardous materials and other wastes, will provide adequate off street parking, will not cause excessive erosion or cause increase runoff into neighboring properties or into any natural river, stream, pond or water body and will not otherwise be detrimental to the Town or the area.

### 5. Conditions.

- a. The project shall be constructed in conformance with the following site plans:

"Cranberry Point at Willowbend - Site Construction Plans, Mashpee, Massachusetts,"  
Prepared for Southworth Mashpee Properties, LLC, 130 Willowbend Drive, Mashpee, MA 02649; Project Titled: Cranberry Point – 275 Quinacisset Avenue, Mashpee, MA 02649; Prepared by Baxter Nye Engineering & Surveying, Hyannis, MA 02601, dated January 16, 2023 consisting of 19 sheets as follows:

C0.0 Cover Sheet  
C1.0 Legend and General Notes

**Commented [PC2]:** Evan: this language is somewhat confusing. Not clear what further plan changes are to be required.



## Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

CPP1.0 Certified Plot Plan  
C2.0 Existing Conditions Plan  
C3.0 Master Layout Plan  
C3.1 Site Layout Plan – Sheet 1 of 2  
C3.2 Site Layout Plan – Sheet 2 of 2  
C3.3 Sight Distance Plan  
C-3.4 Truck Turning Template Plan  
C-4.0 Grading & Drainage Plan Sheet 1 of 2  
C-4.1 Grading & Drainage Plan Sheet 2 of 2

C4.2 Grading Inset & Drainage Details  
C4.3 Drainage Notes  
C5.0 Utility Plan – Sheet 1 of 2  
C5.1 Utility Plan – Sheet 2 of 2  
C5.2 Proposed Driveway and Utility Profiles  
C6.0 Master Mitigation Plan  
C7.0 Details Plan  
C7.1 Details Plan

- b. The applicant shall submit updated and final grading and drainage plans to the Planning Board for its file to the satisfaction of the Planning Board's consulting engineer.
- c. To mitigate the impacts of the existing and proposed bedrooms ~~that exist and that are proposed in~~ the project that exceed the 853 bedroom special permit limit, the applicant shall:
- I. Make a \$100,000 cash contribution to the Mashpee Affordable Housing Trust, payable to be made upon issuance of the building permit for the first unit at Cranberry Point.
  - II. Donate parcels 21, 22, and 23 shown on Mashpee Assessor's Map 77, totaling just over one-half an acre to the Mashpee Affordable Housing Trust.
- d. The applicant shall comply demonstrate compliance with the requirements of the Chapter 108 Flow Neutral Bylaw to the satisfaction of the Sewer Commission or other relevant jurisdictional authority. Given the parcel's size, 22 bedrooms are allowed on the parcel by right, but 48 bedrooms are proposed. Willowbend shall demonstrate compliance with the requirements of Chapter 108 to the satisfaction of the Sewer Commission by demonstrating one or more of the following:
- I. The total land area held in common throughout Willowbend (that has not been conveyed to private property owners) area results in less than 1 bedroom per 10,000 square feet based on all available estimates of existing and planned bedrooms.
  - II. Can restrict land area under the control of Willowbend for purposes of nitrogen aggregation if and when those regulations are promulgated by the Sewer Commission. Any land area restricted for this purpose should be in the same watershed.
  - III. Obtain a variance from the Sewer Commission from the provisions of Chapter 108 in accordance with the requirements for variance relief in the bylaw.

**Commented [PC3]:** Has this condition been discussed with the applicant during the course of the hearing? Ideally, there should be some basis for the condition in the record of proceedings.

**Commented [PC4]:** As a general rule, a special permit cannot be conditioned/contingent upon a determination to be made by another board or Commission. Nor can the Planning Board impose conditions for Chapter 108 compliance since, per that Bylaw, the Board of Health and Sewer Commission, and their duly authorized agents, have the power and authority to enforce the provisions of Chapter 108. I suggest that you may want to include the first sentence and delete the remainder of Condition d.



## Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

- e. Restore 5.3 acres of cranberry bogs to natural wetlands systems identified in the site plans around the perennial stream called Quaker Run ~~in accordance with subject to the issuance of~~ an Order of Conditions from the Mashpee Conservation Commission. Until adequate performance surety is posted with the Mashpee Conservation Commission for the scope of the restoration, no building permits shall be issued ~~pursuant to this decision for this project.~~
- f. The applicant shall retain the services of Public Archaeology Laboratory (PAL) or similarly qualified firm to conduct a site assessment, sometimes referred to as a Phase 1 or Phase 1A investigation, of the project site at 275 Quinaquisset Avenue as well as any of the parcels identified for bog restoration on the submitted site plan with the Mashpee Wampanoag Tribal Historic Preservation Officer present during any site visits. The site assessment should take advantage of the most advanced archaeological technologies available to determine with accuracy the likelihood of any archaeological resources on the sites. Additionally, the scope of work shall include at a minimum:
  - 1. *Pending response from David Weeden*
- g. Local contractors and suppliers will be given ~~first~~ preference with regard to contracts for construction of the project.
- h. No lot shall be cleared until a building permit is issued for construction on said lot, except as necessary relative to removal of the existing structures on the property or for connection of the property to utilities or in connection with the project's stormwater management facilities.
- i. Except ~~as may be expressly where~~ modified by the provisions of this decision, all previous special permit ~~terms and~~ conditions ~~applicable to~~ ~~regarding~~ the project shall remain in full force and effect.
- j. All conditions of this special permit and modification shall be binding not only upon the applicant but also on all successors-in-interest and assigns of the applicant.
- k. Any modifications to the site plans of this project result ~~ingant~~ from conditions imposed by the Conservation Commission, the Sewer Commission, or any ~~other~~ governmental agency with jurisdiction over the project shall be submitted to the Planning Board for its file through the Planning Department.
- l. This decision must be recorded within 60 days of their endorsement by the Board, with a notice provided to the Board of the Book and Page at which ~~it each~~ was recorded.

### 6. Expiration, Extension or Modification.

This Special Permit Modification shall lapse only as part of any lapse of the original Special Permit as previously modified. It may be further modified under the terms of Section 174-24.C.(9) of the Mashpee Zoning Bylaw.

### 7. Signature and Filing.

This special permit modification document, which incorporates by reference herein all plans noted, has been approved on this \_\_\_\_ day of \_\_\_\_\_ 2024. A copy of same shall be filed with the Town Clerk in accordance with applicable law.

Formatted: Highlight





## Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

\_\_\_\_\_  
Mashpee Planning Board - Duly Authorized Member

COMMONWEALTH OF MASSACHUSETTS  
Barnstable, ss.

\_\_\_\_\_  
date

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

My Commission expires: \_\_\_\_\_  
date of expiration

A copy of this decision and the accompanying plans approved by the Planning Board have been duly filed on \_\_\_\_\_, 2024 with the Town Clerk of Mashpee.

\_\_\_\_\_  
Town Clerk

Notice of this decision was mailed on \_\_\_\_\_ to the applicant, to any parties in interest to whom such notice is required under Massachusetts General Law. Any appeal should be made pursuant to Section 17 of Chapter 48 of the Massachusetts General Laws 20 days after the date of such filing.

I, Deborah Kaye, Town Clerk of the Town of Mashpee, hereby certify that a copy of this decision and the accompanying plans approved by the Planning Board were filed with the office of the Town Clerk on \_\_\_\_\_, 2024 and that no appeal of that decision was filed within 20 days thereafter.

\_\_\_\_\_  
Town Clerk

Date: \_\_\_\_\_

Upon expiration of the statutory appeal period with no appeal having been filed, this special permit decision has been endorsed by the undersigned members of the Mashpee Planning Board on \_\_\_\_\_, 2024 and may be recorded.



## Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

---

---

---

---

DRAFT



# Town of Mashpee

# Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

**PB COMMENTS**  
**FROM 4/3/24**  
**DELIBERATIONS**

**PLANNING BOARD DECISION**  
**WILLOWBEND SPECIAL PERMIT MODIFICATION**  
275 Quinaquisset Avenue – Cranberry Point

1. **Proposal.**

Reference is made to a Special Permit Decision issued by the Mashpee Planning Board, dated April 15, 1987 and recorded with the Barnstable County District Registry of Deeds at Book 5707, Page 290, as amended from time to time (hereinafter the "Special Permit"). By decision dated August 7, 1991, the Special Permit was transferred to Bent Twig Limited Partnership whose interest was subsequently assigned to Willowbend Development Corporation, and then to Willowbend Country Club, Inc. Most recently the Special Permit was transferred to Southworth Mashpee Properties LLC who is hereinafter referred to as the "applicant". The Special Permit authorizes construction of a residential / golf course community known as Willowbend south of Route 28 in east Mashpee ("the project").

The applicant proposes to modify the special permit and site plans to allow for the construction of 12 single-family cottage-style condominiums on properties addressed as 275 Quinaquisset Avenue and, Mashpee, MA 02649 (Assessor's Map 69 Block 169) totaling 220,650 square feet (+/-) or 5.065 acres. The units proposed represent a reduction of 2 units that were removed from the proposal to accommodate a more substantial naturally vegetated buffer between the limits of development and Quinaquisset Avenue consistent with most of the Willowbend project. Additionally, the original submittal included a "village green" along the easterly portion of the property which was removed from consideration to minimize impacts to wetlands along that portion of the site.

The subject property is not currently included within Willowbend's special permit area and is improved with a single-family dwelling, sheds, a septic system, paved driveway, and lawn area. The existing dwelling is proposed for demolition. The existing development on these lots is concentrated around the dwelling, with extensive forested uplands to the west and forested uplands and wetlands to the east of the driveway/dwelling. Willowbend proposes to annex the subject parcel into the Willowbend Special Permit area as allowed pursuant to 174-24(C)(9)(g) of the Mashpee Zoning Bylaws which is intended to reduce the overall density of the project by not increasing the overall number of dwelling units authorized by the special permit nor decreasing the amount of protected open space.

The subject property is bounded by Quinaquisset Avenue to the north and surrounded by cranberry bogs to the west and south constructed around the Quaker Run, a perennial stream, which flows south through the cranberry bogs and the golf course. The project will tie into existing utilities in Quinaquisset Avenue, including the Willowbend Wastewater Treatment Facility and no new septic systems are proposed. The project further incorporates a stormwater collection system that includes a new sediment forebay along Quinaquisset Avenue to offer pre-treatment to stormwater runoff currently entering the wetlands system without any pre-treatment.

The 12 units proposed would contribute to the overall dwelling unit maximum of 287 dwelling units defined in the Special Permit. Subsequent to the most recent modification of the Willowbend Special Permit pertaining to Willow Circle (See Barnstable County Registry of Deeds Book 34860 Page 149) the total number of dwelling units in the project were found to be 274. The applicant provided documentation during the Planning Board's review of this application that demonstrated that one property owner in Willowbend purchased two building



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

lots to build one dwelling and, as such, the dwelling unit count stands at 273. Inclusion of these 12 units would increase the total number of dwelling units in the project area to 275. Willowbend's special permit further specifies a maximum number of bedrooms allowed within the project area of 853. The Planning Board alleged, and the applicant acknowledged, that the number of bedrooms currently within the permit area exceeds 853.

### 2. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Section 174-24(C)(9) of the Mashpee Zoning Bylaw as it existed on XX/XX/XXXX the date on which this special permit modification was approved/denied by the Mashpee Planning Board. As the proposal does not increase square footage of any use by more than 10%, the provisions of Section 174-24.C.(9)(d) of said bylaw provide that the land involved in this application is subject to the dimensional and other relevant provisions of the Zoning Bylaw as it existed on November 6, 1985, the date on which a preliminary subdivision plan was filed on the property, freezing the zoning in effect at the time that this special permit was originally issued on April 15, 1987. Expansion of the project area is permitted under Section 174-24.C.(9)(g) of the Zoning Bylaw if approved by the Planning Board. With regard to the prohibition contained in Section 174-24.C.(9)(f) on increasing the number of units in a development, the proposed 285 units are less than the 338 originally authorized by the special permit and less than the 287 maximum currently defined in the 1991 special permit modification recorded in Book 8229 Page 264.

The project is also subject to the applicable provisions of M.G.L. Chapter 40A, Section 9.

### 3. Chronology.

Application for this Special Permit Modification and accompanying site development plans was filed with the Town Clerk and Planning Board on February 1, 2023. A hearing was opened before the Mashpee Planning Board at the Mashpee Town Hall, 16 Great Neck Road North, Mashpee, Massachusetts on March 1, 2023 at 7:10 p.m. Notice was duly given to abutters in accordance with Massachusetts General Laws Chapter 40A. Notice was also given by publication in the Mashpee Enterprise, a newspaper of general circulation in the Town of Mashpee, on February 10, 2023 and February 17, 2023.

On March 20, 2024, the Planning Board voted to close the hearing. On April 3, 2024 the Planning Board commenced the deliberative process and made the following findings outlined below in Section 4: Findings. Upon a motion to grant the special permit modification subject to the conditions enumerated below made by \_\_\_\_\_ and seconded by \_\_\_\_\_ the members of the Board were recorded voting as follows: Members.... were recorded as voting in favor of approval of the proposed modification; members..... were recorded as voting against. The motion to approve the special permit modification passed/failed.

### 4. Findings.

- a. The proposed modification involves less than 10% increase in the area of any use and is therefore, under the provisions of Section 174-24.C.(9)(d) of the Zoning Bylaw, subject to the dimensional and other relevant provisions of the Zoning Bylaw as it existed on November 6, 1985, the date on which a preliminary subdivision plan was filed on the property, freezing the zoning in effect at the time that this special permit was originally issued on April 15, 1987. At that time, the property was in an R-3M



# Town of Mashpee

# Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

zoning district. ~~This subdivision is proposed under the cluster subdivision zoning regulations applicable to the project on that date.~~

- b. ~~The proposed modification lies outside of the "Original Project" area but within the project area as expanded by vote of the Planning Board in Willowbend Special Permit Modification #27 pursuant to Section 174-24.C.(9)(g) of the Zoning Bylaw increasing said area to 330.14 acres in Mashpee and 3.39 acres in Barnstable.~~

- c. Under the provisions of Sections 9.3 and 9.4 of the applicable 1985 Zoning By-law, a minimum of 92.0 acres of open space was required within the "original project area". Current open space is 237.9 acres, well in excess of the required acreage.

HOLD  
Need to  
confirm

- d. Under the <sup>1987</sup>~~1985~~ special permit, the project would have been allowed <sup>HOLD</sup>~~341~~ residential units and was permitted for 338 units. In 1991, the Permit was modified to reduce the total number of units to 287. The current proposal <sup>totals</sup>~~increases~~ the number of approved units to 285 out of 287 maximum allowed units, which the Board finds to be permissible under Section 174-24.C.(9)(f), as it is less than the originally allowed 338 units and less than the currently allowed 287, and hereby approves said increase.

- e. Under the 1985 special permit, which was affirmed in a 1991 special permit modification, the project is allowed no more than 853 bedrooms within the project area. The Planning Board finds, and the applicant acknowledged that there are currently more than 853 bedrooms in the project area and were at least 855 on August 2, 2023 as calculated by the Town Planner utilizing Assessor's data and Building Department records. The Planning Board finds that the applicant is not in compliance with this condition of the special permit ~~and has established a new series of conditions to mitigate the impacts of the additional bedrooms in existence and planned, including this application. Those conditions are outlined below in Section 5: Conditions.~~

- f. The project satisfies the requirements of Massachusetts General Law Chapter 40A, in that it complies with the general purposes and intent of the Mashpee Zoning Bylaw on the applicable dates. <sup>Keep as? No: 0-5-0 to protect flow neutral</sup>

- g. The original special permit (1987) is conditioned on maintaining a minimum 100 foot buffer strip from either edge of Sampson's Mill Road and Quinaquisset Avenue left in its existing vegetative state, except for entrance areas, golf cart underpass and golf course areas shown on the filed plans. The submitted site plans for Cranberry Point indicate a buffer strip totaling 65 feet between the first condominium and the edge of Quinaquisset Avenue which is less than the 100 feet required. The Board finds that section 9.352 of the Zoning Bylaws in place at the time of the original special permit approval stated:

Confirm this language:

"A buffer strip of land equal in width to the front yard requirement of the underlying zoning district shall be created along the entire perimeter of the parcel. The perimeter shall be unbroken except for access roads. The buffer strip shall be considered part of the open space. The buffer strip shall be maintained in its natural state or landscaped if in the opinion of the Planning Board it is necessary to protect privacy of adjoining land owners and shall not be used for parking or organized recreational activities. The Planning Board may require a buffer strip in excess of the minimum requirement depending on the use of adjoining land."



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

The Planning Board finds that a reduced 65 foot buffer strip is greater than 40 feet, which was the minimum width of the front yard requirement applicable under the 1985 bylaw, which would adequately protect the privacy of adjoining land owners and is not being used for parking or organized recreational activities. The Board finds that the 65 foot buffer strip shown on the site development plans does not derogate from the purpose and intent of the bylaw or special permit and exceeds the minimum requirements of the applicable zoning criteria and hereby authorizes a 65 foot buffer between the edge of Quinaquisset Avenue and the limits of development on the subject parcel. **Keep as is 4-1-0**

- h. The Board finds that Mashpee General Bylaws Chapter 108: Flow Neutral applies to the subject property which limits present and future wastewater flows to the flows permitted from the property as of the effective date of the Mashpee Comprehensive Wastewater Management Plan (CWMP), July 1, 2015. Chapter 108 establishes a 1 bedroom per 10,000 square feet of lot area limit for multifamily projects such as Cranberry Point. The subject parcel totals 220,650 square feet. As such, under the provisions of Chapter 108, the subject property is limited to 22 bedrooms ~~without relief~~. **Strike 4-1-0**
- i. The Board finds that the subject parcel and surrounding bog system contemplated in the applicant's mitigation package are within or adjacent to areas mapped as moderate pre-contact archaeological sensitivity areas determined from a Town-wide pre-contact sensitivity survey conducted by the Public Archaeological Laboratory (PAL) from Pawtucket, RI. The Board accepted comment from the Mashpee Wampanoag Tribal Historic Preservation Officer (THPO) who expressed concern over any and all ground disturbing activities on the subject parcel and surrounding bog parcels under consideration for restoration due to the cultural and archaeological sensitivity of the area and the potential to discover culturally sensitive artifacts and materials. **Keep as is 5-0-0**
- j. The Board finds that the proposed stormwater sediment forebay proposed within the 65 foot buffer strip along Quinaquisset Avenue will capture and pre-treat stormwater before it enters the wetlands systems in and around the subject parcel. **Keep as is 5-0-0**
- k. The submitted site plans were reviewed by the Planning Board's consulting engineer Ed Pesce, who provided written responses to the Planning Board dated February 27, 2023, October 13, 2023, and December 6, 2023. The Board finds that the applicant was responsive to the engineer's comments and made satisfactory revisions to the submitted plans. The Board accepts the recommendation of the consulting engineer to recommend approval. In his December 6, 2023 letter transmitted as an email to Evan Lehrer, Community Development Director, the consulting engineer wrote:

"The revised plans and associated documentation have addressed the majority of my previous engineering review comments. There are a few comments that still need to be resolved. However, these comments are relatively minor, and I believe can be resolved with direct coordination between myself and Matt Eddy of Baxter Nye. Subject to the discretion of the Board, I would recommend approval of these plans, with the condition that all the Pesce Engineering comments are satisfactorily addressed." **Keep as is 5-0-0 provided there is condition that final plans are approved by Board Engineer.**

- l. Due to changes made to the development plans to remove, to the maximum extent practicable, impacts to bordering vegetated wetland onsite updates to the drainage and grading plans need to be made to the satisfaction of the consulting engineer. **Keep as is 5-0-0 provided there is condition that final plans are approved by Board Engineer.**





# Town of Mashpee

# Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

- m. The project on the subject parcel as well as the bog restoration contemplated in the plans fall within the jurisdiction of the Mashpee Conservation Commission and require the issuance of an order of conditions. **Keep as is 5-0-0**
- n. The Board finds that the subject parcel is within the jurisdictional buffer of the Mashpee Conservation Commission. The 12 condominiums proposed on the subject parcel and the bog restoration contemplated in the plans require review and approval by the Conservation Commission. Additionally, the Board finds that, due to the subject parcel's existence within the jurisdictional buffer of the Mashpee Conservation Commission the project is exempt from the requirements of the Chapter 175 Mashpee Tree Preservation General Bylaw. **Keep as is 5-0-0**
- o. In conformance with the provisions of Article VI, Section 174-24.C.(2) of the Zoning Bylaw, the Planning Board finds that the proposal will not adversely affect public health or safety, will not cause excessive demand on community facilities, will not significantly decrease **surface or ground water quality**, or air quality, will not have significant adverse impact on wildlife habitat, **estuarine systems**, traffic flow, traffic safety, waterways, fisheries, public lands or neighboring properties, will not cause excessive levels of noise, vibration, electrical disturbance, radioactivity or glare, will not destroy or disrupt any species listed as rare, endangered or threatened by the Massachusetts Natural Heritage program or any known **historic or archaeologic site**, will not produce amounts of trash, refuse or debris in excess of the Town's landfill and waste disposal capacities, will properly dispose of stumps, construction debris, hazardous materials and other wastes, will provide adequate off street parking, will not cause excessive erosion or cause increase runoff into neighboring properties or into any natural river, stream, pond or water body and will not otherwise be detrimental to the Town or the area.
- 1-4-0 on this finding*  
*1-4-0 on this finding*  
*4-1-0 on this finding*

## 5. Conditions.

- a. The project shall be constructed in conformance with the following site plans:

"Cranberry Point at Willowbend - Site Construction Plans, Mashpee, Massachusetts,"  
Prepared for Southworth Mashpee Properties, LLC, 130 Willowbend Drive, Mashpee, MA 02649; Project Titled: Cranberry Point – 275 Quinaquisset Avenue, Mashpee, MA 02649; Prepared by Baxter Nye Engineering & Surveying, Hyannis, MA 02601, dated January 16, 2023 consisting of 19 sheets as follows:

C0.0	Cover Sheet
C1.0	Legend and General Notes
CPP1.0	Certified Plot Plan
C2.0	Existing Conditions Plan
C3.0	Master Layout Plan
C3.1	Site Layout Plan – Sheet 1 of 2
C3.2	Site Layout Plan – Sheet 2 of 2
C3.3	Sight Distance Plan
C-3.4	Truck Turning Template Plan
C-4.0	Grading & Drainage Plan Sheet 1 of 2
C-4.1	Grading & Drainage Plan Sheet 2 of 2



# Town of Mashpee

# Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

C4.2	Grading Inset & Drainage Details
C4.3	Drainage Notes
C5.0	Utility Plan – Sheet 1 of 2
C5.1	Utility Plan – Sheet 2 of 2
C5.2	Proposed Driveway and Utility Profiles
C6.0	Master Mitigation Plan
C7.0	Details Plan
C7.1	Details Plan

- b. The applicant shall submit updated and final grading and drainage plans to the Planning Board for its file to the satisfaction of the Planning Board's consulting engineer. <sup>, final utilities,</sup> including but not limited to plan pages C4.0 through C4.3 and C5.0 through C5.2.
- c. To mitigate the impacts of the bedrooms that exist and that are proposed in the project that exceed 853, the applicant shall:
- Make a \$100,000 cash contribution to the Mashpee Affordable Housing Trust to be made upon issuance of the building permit for the first unit at Cranberry Point.
  - Donate parcels 21, 22, and 23 shown on Mashpee Assessor's Map 77, totaling just over one-half an acre to the Mashpee Affordable Housing Trust.
- d. The applicant shall demonstrate compliance with the requirements of Chapter 108 Flow Neutral Bylaw to the satisfaction of the Sewer Commission or other relevant authority. ~~Given the parcels size, 22 bedrooms are allowed on the parcel by right, but 48 bedrooms are proposed. Willowbend shall demonstrate compliance with the requirements of Chapter 108 to the satisfaction of the Sewer Commission by demonstrating one or more of the following.~~
- ~~Strike 5-0-0~~
- ~~The total land area held in common throughout Willowbend (that has not been conveyed to private property owners) area results in less than 1 bedroom per 10,000 square feet based on all available estimates of existing and planned bedrooms.~~
  - ~~Can restrict land area under the control of Willowbend for purposes of nitrogen aggregation if and when those regulations are promulgated by the Sewer Commission. Any land area restricted for this purpose should be in the same watershed.~~
  - ~~Obtain a variance from the Sewer Commission from the provisions of Chapter 108 in accordance with the requirements for variance relief in the bylaw.~~
- ~~Stike 5-0-0~~
- e. Restore 5.3 acres of cranberry bogs to natural wetlands systems identified in the site plans around the perennial stream called Quaker Run subject to the issuance of an Order of Conditions from the Mashpee Conservation Commission. Until adequate performance surety is posted with the Mashpee Conservation Commission for the scope of the restoration, no building permits shall be issued for this project.
- f. <sup>Prior to the issuance of any building permit, or the commencement of any site work in the cranberry bogs cited in the paragraph e. above,</sup> The applicant shall retain the services of Public Archaeology Laboratory (PAL) or similarly qualified firm to conduct a site assessment, sometimes referred to as a Phase 1 or Phase 1A investigation, of the project site at 275 Quinaquisset Avenue as well as any of the parcels identified for bog restoration on the submitted site plan with the Mashpee Wampanoag Tribal Historic Preservation Officer present



# Town of Mashpee

# Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

during any site visits. The site assessment should take advantage of the most advanced archaeological technologies available to determine with accuracy the likelihood of any archaeological resources on the sites. Additionally, the scope of work shall ~~include at a minimum:~~ <sup>for the PAL investigation</sup> shall be approved by the Tribal Historic Preservation officer of the Federally Recognized Mashpee Wampanoag Tribe prior to the commencement of the PAL investigation.

~~l. Pending response from David Weeden~~

- g. Local contractors and suppliers will be given first preference with regard to contracts for construction of the project. The hours of site work and construction shall be limited to 7 AM to 5 PM Monday through Friday and 8 AM to 3 PM on Saturday. No site work or construction shall be allowed to occur at the project site on Sunday or Holidays unless urgent in nature as determined and approved by the Building Commissioner.
- h. No lot shall be cleared until a building permit is issued for construction on said lot, except as necessary relative to removal of the existing structures on the property or for connection of the property to utilities or in connection with the project's stormwater management facilities.
- i. Except where modified by the provisions of this decision, all previous special permit conditions regarding the project shall remain in full force and effect.
- j. All conditions of this special permit and modification shall be binding not only upon the applicant but also on all successors-in-interest and assigns of the applicant.
- k. Any modifications to the site plans of this project resultant from conditions imposed by the Conservation Commission, the Sewer Commission, or any governmental agency with jurisdiction over the project shall be submitted to the Planning Board for its file through the Planning Department.
- l. This decision must be recorded within 60 days of their endorsement by the Board, with a notice provided to the Board of the Book and Page at which each was recorded.

## 6. Expiration, Extension or Modification.

This Special Permit Modification shall lapse only as part of any lapse of the original Special Permit as previously modified. It may be further modified under the terms of Section 174-24.C.(9) of the Mashpee Zoning Bylaw.

## 7. Signature and Filing.

This special permit modification document, which incorporates by reference herein all plans noted, has been approved on this \_\_\_\_ day of \_\_\_\_\_ 2024. A copy of same shall be filed with the Town Clerk in accordance with applicable law.

\_\_\_\_\_  
Mashpee Planning Board - Duly Authorized Member

COMMONWEALTH OF MASSACHUSETTS  
Barnstable, ss.

\_\_\_\_\_  
date

On this \_\_\_\_ day of \_\_\_\_\_ 2024, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which were



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

\_\_\_\_\_, 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

My Commission expires: \_\_\_\_\_  
date of expiration

A copy of this decision and the accompanying plans approved by the Planning Board have been duly filed on \_\_\_\_\_, 2024 with the Town Clerk of Mashpee.

\_\_\_\_\_  
Town Clerk

Notice of this decision was mailed on \_\_\_\_\_ to the applicant, to any parties in interest to whom such notice is required under Massachusetts General Law. Any appeal should be made pursuant to Section 17 of Chapter 48 of the Massachusetts General Laws 20 days after the date of such filing.

I, Deborah Kaye, Town Clerk of the Town of Mashpee, hereby certify that a copy of this decision and the accompanying plans approved by the Planning Board were filed with the office of the Town Clerk on \_\_\_\_\_, 2024 and that no appeal of that decision was filed within 20 days thereafter.

\_\_\_\_\_  
Town Clerk

Date: \_\_\_\_\_

Upon expiration of the statutory appeal period with no appeal having been filed, this special permit decision has been endorsed by the undersigned members of the Mashpee Planning Board on \_\_\_\_\_, 2024 and may be recorded.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

### COMBINED TOWN

### COUNSEL & PB

### COMMENTS

#### PLANNING BOARD DECISION

#### WILLOWBEND SPECIAL PERMIT MODIFICATION

275 Quinaquisset Avenue – Cranberry Point

#### 1. Proposal.

Reference is made to a Special Permit Decision issued by the Mashpee Planning Board, dated April 15, 1987 and recorded with the Barnstable County District Registry of Deeds at Book 5707, Page 290, as amended from time to time (hereinafter the "Special Permit"). By decision dated August 7, 1991, the Special Permit was transferred to Bent Twig Limited Partnership whose interest was subsequently assigned to Willowbend Development Corporation, and then to Willowbend Country Club, Inc. Most recently the Special Permit was transferred to Southworth Mashpee Properties LLC who is hereinafter referred to as the "~~applicant~~Applicant". The Special Permit authorizes construction of a residential / golf course community known as Willowbend south of Route 28 in east Mashpee ("the project").

The ~~applicant~~Applicant proposes to modify the special permit and site plans to allow for the construction of 12 single-family cottage-style condominiums on properties addressed as 275 Quinaquisset Avenue and, Mashpee, MA 02649 (Assessor's Map 69 Block 169) totaling 220,650 square feet (+/-) or 5.065 acres. The units proposed represent a reduction of 2 units that were removed from the proposal to accommodate a more substantial naturally vegetated buffer between the limits of development and Quinaquisset Avenue consistent with most of the Willowbend project. Additionally, the original submittal included a "village green" along the easterly portion of the property which was removed from consideration to minimize impacts to wetlands along that portion of the site.

The subject property is not currently included within Willowbend's special permit area and is improved with a single-family dwelling, sheds, a septic system, paved driveway, and lawn area. The existing dwelling is proposed for demolition. The existing development on these lots is concentrated around the dwelling, with extensive forested uplands to the west and forested uplands and wetlands to the east of the driveway/dwelling. ~~Willowbend-The Applicant~~ proposes to annex the subject parcel into the Willowbend Special Permit area as allowed pursuant to 174-24(C)(9)(g) of the Mashpee Zoning Bylaws which is intended to reduce the overall density of the project by not increasing the overall number of dwelling units authorized by the special permit nor decreasing the amount of protected open space.

The subject property is bounded by Quinaquisset Avenue to the north and surrounded by cranberry bogs to the west and south constructed around the Quaker Run, a perennial stream, which flows south through the cranberry bogs and the golf course. The project will tie into existing utilities in Quinaquisset Avenue, including the Willowbend Wastewater Treatment Facility and no new septic systems are proposed. The project further incorporates a stormwater collection system that includes a new sediment forebay along Quinaquisset Avenue to offer pre-treatment to stormwater runoff currently entering the wetlands system without any pre-treatment.

The 12 units proposed would contribute to the overall dwelling unit maximum of 287 dwelling units defined in the Special Permit. Subsequent to the most recent modification of the Willowbend Special Permit pertaining to Willow Circle (See Barnstable County Registry of Deeds Book 34860 Page 149) the total number of dwelling units in the project were found to be 274. The ~~applicant~~Applicant provided documentation during the Planning Board's review of this application that demonstrated that one property owner in Willowbend purchased two



## Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

building lots to build one dwelling and, as such, the dwelling unit count stands at 273. Inclusion of these 12 units would increase the total number of dwelling units in the project area to 275. Willowbend's special permit further specifies a maximum number of bedrooms allowed within the project area of 853. The Planning Board ~~alleged~~contends, and the ~~applicant~~Applicant has acknowledged, that the number of bedrooms currently within the permit area exceeds the 853 limit.

### 2. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Section 174-24(C)(9) of the Mashpee Zoning Bylaw as it existed on XX/XX/XXXX the date on which this special permit modification was approved/denied by the Mashpee Planning Board. As the proposal does not increase square footage of any use by more than 10%, the provisions of Section 174-24.C.(9)(d) of said bylaw provide that the land involved in this application is subject to the dimensional and other relevant provisions of the Zoning Bylaw as it existed on November 6, 1985, the date on which a preliminary subdivision plan was filed on the property, freezing the zoning in effect at the time that this special permit was originally issued on April 15, 1987. Expansion of the project area is permitted under Section 174-24.C.(9)(g) of the Zoning Bylaw if approved by the Planning Board. With regard to the prohibition contained in Section 174-24.C.(9)(f) on increasing the number of units in a development, the proposed 285 units are less than the 338 originally authorized by the special permit and less than the 287 maximum ~~currently defined~~established in the 1991 special permit modification recorded in Book 8229 Page 264.

The ~~project is~~application and this decision are also subject to the applicable provisions of M.G.L. Chapter 40A, Section 9.

### 3. Chronology.

Application for this Special Permit Modification and accompanying site development plans ~~was~~were filed with the Town Clerk and Planning Board on February 1, 2023. A hearing was opened before the Mashpee Planning Board at the Mashpee Town Hall, 16 Great Neck Road North, Mashpee, Massachusetts on March 1, 2023 at 7:10 p.m. Notice was duly given to abutters in accordance with Massachusetts General Laws Chapter 40A. Notice was also given by publication in the Mashpee Enterprise, a newspaper of general circulation in the Town of Mashpee, on February 10, 2023 and February 17, 2023.

On March 20, 2024, the Planning Board voted to close the hearing. On April 3, 2024 the Planning Board commenced ~~the deliberative process~~its deliberations and made the ~~following~~ findings outlined below in Section 4: Findings, below. Upon a motion to grant the special permit modification subject to the conditions enumerated below made by \_\_\_\_\_ and seconded by \_\_\_\_\_ the members of the Board were recorded voting as follows: Members.... were recorded as voting in favor of approval of the proposed modification; ~~members~~Members.... were recorded as voting against approval of the proposed modification. The motion to approve the special permit modification passed/failed.

### 4. Findings.

- a. The proposed modification involves less than 10% increase in the area of any use and is therefore, under the provisions of Section 174-24.C.(9)(d) of the Zoning Bylaw, subject to the dimensional and other relevant provisions of the Zoning Bylaw as it existed on November 6, 1985, the date on which a

Commented [KL1]: Mary: Confirm date





## Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

preliminary subdivision plan was filed on the property, freezing the zoning in effect at the time that this special permit was originally issued on April 15, 1987. At that time, the property was in an R-3M zoning district. ~~This subdivision is proposed under the cluster subdivision zoning regulations applicable to the project on that date.~~

Commented [KL2]: Mary

~~b. The proposed modification lies outside of the "Original Project" area but within the project area as expanded by vote of the Planning Board in Willowbend Special Permit Modification #27 pursuant to Section 174-24.C.(9)(g) of the Zoning Bylaw increasing said area to 330.14 acres in Mashpee and 3.39 acres in Barnstable.~~

Commented [KL3]: Mary

~~c. Under the provisions of Sections 9.3 and 9.4 of the applicable 1985 Zoning By-law, a minimum of 92.0 acres of open space was required within the "original project area". Current open space is 237.9 acres, well in excess of the required acreage.~~

Commented [KL4]: Mary: Need to confirm

~~d. Under the 1985-1987 special permit, the project would have been allowed 341 residential units and was permitted for 338 units. In 1991, the Permit was modified to reduce the total number of units to 287. The current proposal increases totals the number of approved units to 285 out of 287 maximum allowed units, which the Board finds this increase to be permissible under Section 174-24.C.(9)(f), as it is less than the originally allowed 338 units and less than the currently allowed 287, and it hereby approves said increase.~~

Commented [KL5]: Mary

Commented [KL6]: Mary: Hold

Commented [KL7]: Mary

~~e. Under the 1985-1987 special permit, which was affirmed in a 1991 special permit modification, the project is allowed no more than 853 bedrooms within the project area. The Planning Board finds, and the applicant Applicant has acknowledged, that there are currently more than 853 bedrooms in the project area and that there were at least 855 existing bedrooms on August 2, 2023, as calculated by the Town Planner utilizing Assessor's data and Building Department records. The Planning Board finds that the applicant Applicant is not in compliance with this bedroom limit condition of the special permit and it has established a new series of further conditions to mitigate the impacts of the additional excess bedrooms in existence and planned, including those proposed by this application. Those conditions are outlined below in Section 5: Conditions, below.~~

Commented [KL8]: If we changed it above, it should be changed here as well

~~f. The project satisfies the requirements of Massachusetts General Law Chapter 40A, in that it complies with the general purposes and intent of the Mashpee Zoning Bylaw on the applicable dates.~~

Commented [KL9]: Mary: delete

Commented [KL10]: Mary: Keep as? 0-5-0 to protect flow neutral

~~g. The original special permit (1987) is conditioned on maintaining a minimum 100 foot buffer strip from either edge of Sampson's Mill Road and Quinaquisset Avenue left in its existing vegetative state, except for entrance areas, golf cart underpass and golf course areas shown on the filed plans. The submitted site plans for Cranberry Point indicate a buffer strip totaling 65 feet between the first condominium and the edge of Quinaquisset Avenue which is less than the 100 feet required. The Board finds that section 9.352 of the Zoning Bylaws in place at the time of the original special permit approval stated:~~

~~"A buffer strip of land equal in width to the front yard requirement of the underlying zoning district shall be created along the entire perimeter of the parcel. The perimeter shall be unbroken except for access roads. The buffer strip shall be considered part of the open space. The buffer strip shall be maintained in its natural state or landscaped if in the opinion of the~~



## Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

Planning Board it is necessary to protect privacy of adjoining land owners and shall not be used for parking or organized recreational activities. The Planning Board may require a buffer strip in excess of the minimum requirement depending on the use of adjoining land."

**Commented [KL11]:** Mary: Confirm this language  
Keep as is 4-1-0

The Planning Board finds that a reduced ~~65-65~~-foot buffer strip is greater than 40 feet, which was the minimum width of the front yard requirement applicable under the 1985 bylaw, which would adequately protect the privacy of adjoining land owners and is not being used for parking or organized recreational activities. The Board finds that the ~~65-65~~-foot buffer strip shown on the site development plans does not derogate from the purpose and intent of the bylaw or the special permit and exceeds the minimum requirements of the applicable zoning criteria. Accordingly, the Board and hereby authorizes a ~~65-65~~-foot buffer between the edge of Quinaquisset Avenue and the limits of development on the subject parcel.

~~h.g.~~ The Board finds that Mashpee General Bylaws Chapter 108, Flow Neutral, which limits present and future wastewater flows to the flows permitted from the property as of the effective date of the Mashpee Comprehensive Wastewater Management Plan (CWMP), July 1, 2015, applies to the subject property ~~which limits present and future wastewater flows to the flows permitted from the property as of the effective date of the Mashpee Comprehensive Wastewater Management Plan (CWMP), July 1, 2015.~~ Chapter 108 establishes a 1 bedroom per 10,000 square feet of lot area limit for multifamily projects such as Cranberry Point. The subject parcel totals 220,650 square feet. As such, under the provisions of Chapter 108, the subject property is presumed to be limited to 22 bedrooms ~~without relief from the Board of Health or Sewer Commission.~~

**Commented [KL12]:** Mary: delete  
Strike 4-1-0

~~h.h.~~ The Board finds that the subject parcel and surrounding bog system contemplated in the ~~applicant~~Applicant's mitigation package are within or adjacent to areas mapped as moderate pre-contact archaeological sensitivity areas determined from a Town-wide pre-contact sensitivity survey conducted by the Public Archaeological Laboratory (PAL) from Pawtucket, RI. The Board accepted comment from the Mashpee Wampanoag Tribal Historic Preservation Officer (THPO) who expressed concern over any and all ground disturbing activities on the subject parcel and surrounding bog parcels under consideration for restoration due to the cultural and archaeological sensitivity of the area and the potential ~~to discover presence of~~ culturally sensitive artifacts and materials therein.

**Commented [KL13]:** Mary: Keep as is 5-0-0

~~h.i.~~ The Board finds that the proposed stormwater sediment forebay proposed within the 65 foot buffer strip along Quinaquisset Avenue will capture and pre-treat stormwater before it enters the wetlands systems in and around the subject parcel.

**Commented [KL14]:** Mary: Keep as is 5-0-0

~~h.j.~~ The submitted site plans were reviewed by the Planning Board's consulting engineer Ed Pesce, who provided written responses to the Planning Board dated February 27, 2023, October 13, 2023, and December 6, 2023. The Board finds that the ~~applicant~~Applicant was responsive to the engineer's comments and made satisfactory revisions to the submitted plans. The Board accepts the ~~recommendation of the consulting engineer's to~~ recommendation that said plans be approved. In his December 6, 2023 ~~letter correspondence~~ transmitted as an email to Evan Lehrer, Community Development Director, the consulting engineer wrote:

"The revised plans and associated documentation have addressed the majority of my previous engineering review comments. There are a few comments that still need to be resolved.



## Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

However, these comments are relatively minor, and I believe can be resolved with direct coordination between myself and Matt Eddy of Baxter Nye. Subject to the discretion of the Board, I would recommend approval of these plans, with the condition that all the Pesce Engineering comments are satisfactorily addressed."

**Commented [KL15]:** Mary: Keep as is 5-0-0 provided there is condition that final plans are approved by Board Engineer.

**h.k.** Due to changes made to the development plans to remove, to the maximum extent practicable, impacts to bordering vegetated wetland onsite updates to the drainage and grading plans need to be made to the satisfaction of the consulting engineer.

**Commented [KL16]:** Town Counsel: Evan, this language is somewhat confusing. Not clear what further plan changes are to be required.

**m.h.** The project on the subject parcel as well as the bog restoration contemplated in the plans fall within the jurisdiction of the Mashpee Conservation Commission and require the issuance of an order of conditions.

**Commented [KL17]:** Mary: Keep as is 5-0-0 provided there is condition that final plans are approved by Board Engineer.

**a.m.** The Board finds that the subject parcel is within the jurisdictional buffer of the Mashpee Conservation Commission. The 12 condominiums proposed on the subject parcel and the bog restoration contemplated in the plans require review and approval by the Conservation Commission. Additionally, the Board finds that, due to the subject parcel's existence within the jurisdictional buffer of the Mashpee Conservation Commission the project is exempt from the requirements of the Chapter 175 Mashpee Tree Preservation General Bylaw.

**Commented [KL18]:** Mary: Keep as is 5-0-0

**e.n.** In conformance with the provisions of Article VI, Section 174-24.C.(2) of the Zoning Bylaw, the Planning Board finds that the proposal, as conditioned hereby, will not adversely affect public health or safety, will not cause excessive demand on community facilities, will not significantly decrease surface or ground water quality or air quality, will not have significant adverse impact on wildlife habitat, estuarine systems, traffic flow, traffic safety, waterways, fisheries, public lands or neighboring properties, will not cause excessive levels of noise, vibration, electrical disturbance, radioactivity or glare, will not destroy or disrupt any species listed as rare, endangered or threatened by the Massachusetts Natural Heritage program or any known historic or archaeological site, will not produce amounts of trash, refuse or debris in excess of the Town's landfill and waste disposal capacities, will properly dispose of stumps, construction debris, hazardous materials and other wastes, will provide adequate off street parking, will not cause excessive erosion or cause increase runoff into neighboring properties or into any natural river, stream, pond or water body and will not otherwise be detrimental to the Town or the area.

**Commented [KL19]:** Mary: Keep as is 5-0-0

**Commented [KL20]:** Mary: 1-4-0 on this finding

**Commented [KL21]:** Mary: 1-4-0 on this finding

**Commented [KL22]:** 4-1-0 on this finding

### 5. Conditions.

a. The project shall be constructed in conformance with the following site plans:

"Cranberry Point at Willowbend - Site Construction Plans, Mashpee, Massachusetts,"  
Prepared for Southworth Mashpee Properties, LLC, 130 Willowbend Drive, Mashpee, MA 02649; Project Titled: Cranberry Point – 275 Quinaquisset Avenue, Mashpee, MA 02649; Prepared by Baxter Nye Engineering & Surveying, Hyannis, MA 02601, dated January 16, 2023 consisting of 19 sheets as follows:

C0.0 Cover Sheet  
C1.0 Legend and General Notes



## Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

CPP1.0	Certified Plot Plan
C2.0	Existing Conditions Plan
C3.0	Master Layout Plan
C3.1	Site Layout Plan – Sheet 1 of 2
C3.2	Site Layout Plan – Sheet 2 of 2
C3.3	Sight Distance Plan
C-3.4	Truck Turning Template Plan
C-4.0	Grading & Drainage Plan Sheet 1 of 2
C-4.1	Grading & Drainage Plan Sheet 2 of 2

C4.2	Grading Inset & Drainage Details
C4.3	Drainage Notes
C5.0	Utility Plan – Sheet 1 of 2
C5.1	Utility Plan – Sheet 2 of 2
C5.2	Proposed Driveway and Utility Profiles
C6.0	Master Mitigation Plan
C7.0	Details Plan
C7.1	Details Plan

b. The ~~applicant~~Applicant shall submit updated and final grading, ~~final utilities~~, and drainage plans to the Planning Board for its file to the satisfaction of the Planning Board's consulting engineer ~~including but not limited to plan pages C4.0 through C4.3 and C5.0 through C5.2~~.

Commented [KL23]: Mary

c. To mitigate the impacts of the ~~existing and proposed~~ bedrooms ~~that exist and that are proposed~~ in the project that exceed ~~the 853 bedroom special permit limit~~, the ~~applicant~~Applicant shall:

Commented [KL24]: Mary

- I. Make a \$100,000 cash contribution to the Mashpee Affordable Housing Trust, ~~payable to be made~~ upon issuance of the building permit for the first unit at Cranberry Point.
- II. Donate parcels 21, 22, and 23 shown on Mashpee Assessor's Map 77, totaling just over one-half an acre to the Mashpee Affordable Housing Trust.

Commented [KL25]: Town Counsel: Has this condition been discussed with the applicant during the course of the hearing? Ideally, there should be some basis for the condition in the record of proceedings.

~~d. The applicant~~Applicant shall ~~demonstrate compliance~~comply with the requirements of ~~the Chapter 108 Flow Neutral Bylaw~~ to the satisfaction of the Sewer Commission or other relevant ~~jurisdictional~~ authority. ~~Given the parcels size, 22 bedrooms are allowed on the parcel by right, but 48 bedrooms are proposed. Willowbend shall demonstrate compliance with the requirements of Chapter 108 to the satisfaction of the Sewer Commission by demonstrating one or more of the following:~~

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: 0.5", List tab

- ~~I. The total land area held in common throughout Willowbend (that has not been conveyed to private property owners) area results in less than 1 bedroom per 10,000 square feet based on all available estimates of existing and planned bedrooms.~~
- ~~II. Can restrict land area under the control of Willowbend for purposes of nitrogen aggregation if and when those regulations are promulgated by the Sewer Commission. Any land area restricted for this purpose should be in the same watershed.~~
- ~~III. Obtain a variance from the Sewer Commission from the provisions of Chapter 108 in accordance with the requirements for variance relief in the bylaw.~~

Commented [KL26]: Town Counsel: As a general rule, a special permit cannot be conditioned/contingent upon a determination to be made by another Board or Commission. Nor can the Planning Board impose conditions for Chapter 108 compliance since, per that Bylaw, the Board of Health and Sewer Commission, and their duly authorized agents have the power and authority to enforce the provisions of Chapter 108. I suggest that you may want to include the first sentence and delete the remainder of Condition d.

Commented [KL27]: Mary: Strike 5-0-0



## Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

~~e.d.~~ Restore 5.3 acres of cranberry bogs to natural wetlands systems identified in the site plans around the perennial stream called Quaker Run ~~subject to the issuance of in accordance with~~ an Order of Conditions from the Mashpee Conservation Commission. Until adequate performance surety is posted with the Mashpee Conservation Commission for the scope of the restoration, no building permits shall be issued ~~for this project pursuant to this decision.~~

~~f.e.~~ Prior to the issuance of any building permit, or the commencement of any site work in the cranberry bogs cited in Paragraph e (this reference may change once things are stricken-check) above, ~~the applicant~~ Applicant shall retain the services of Public Archaeology Laboratory (PAL) or similarly qualified firm to conduct a site assessment, sometimes referred to as a Phase 1 or Phase 1A investigation, of the project site at 275 Quinacisset Avenue as well as any of the parcels identified for bog restoration on the submitted site plan with the Mashpee Wampanoag Tribal Historic Preservation Officer present during any site visits. The site assessment should take advantage of the most advanced archaeological technologies available to determine with accuracy the likelihood of any archaeological resources on the sites. Additionally, the scope of work ~~for the PAL investigation shall include at a minimum be approved by the Tribal Historic Preservation officer of the federally recognized Mashpee Wampanoag Tribe prior to the commencement of the PAL investigation.~~

Commented [KL28]: Mary

~~g.f.~~ Local contractors and suppliers will be given ~~first~~ preference with regard to contracts for construction of the project. ~~The hours of site work and construction shall be limited to 7 a.m. to 5 p.m. Monday through Friday and 8 a.m. to 3 p.m. on Saturday. No site work or construction shall be allowed to occur at the project site on Sunday or holidays unless urgent in nature as determined and approved by the Building Commissioner.~~

Commented [KL29]: Mary

~~h.g.~~ No lot shall be cleared until a building permit is issued for construction on said lot, except as necessary relative to removal of the existing structures on the property or for connection of the property to utilities or in connection with the project's stormwater management facilities.

~~i.h.~~ Except ~~as may be expressly where~~ modified by the provisions of this decision, all previous special permit ~~terms and~~ conditions ~~regarding applicable to~~ the project shall remain in full force and effect.

Commented [KL30]: Mary

~~j.i.~~ All conditions of this special permit and modification shall be binding not only upon the ~~applicant~~ Applicant but also on all successors-in-interest and assigns of the ~~applicant~~ Applicant.

~~k.j.~~ Any modifications to the site plans of this project ~~resultant~~ resulting from conditions imposed by the Conservation Commission, the Sewer Commission, or any ~~other~~ governmental agency with jurisdiction over the project shall be submitted to the Planning Board for its file through the Planning Department.

~~l.k.~~ This decision must be recorded within 60 days of their endorsement by the Board, with a notice provided to the Board of the Book and Page at which ~~each~~ it was recorded.

### 6. Expiration, Extension or Modification.

This Special Permit Modification shall lapse only as part of any lapse of the original Special Permit as previously modified. It may be further modified under the terms of Section 174-24.C.(9) of the Mashpee Zoning Bylaw.





## Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

### 7. Signature and Filing.

This special permit modification document, which incorporates by reference herein all plans noted, has been approved on this \_\_\_\_ day of \_\_\_\_\_ 2024. A copy of same shall be filed with the Town Clerk in accordance with applicable law.

\_\_\_\_\_  
Mashpee Planning Board - Duly Authorized Member

COMMONWEALTH OF MASSACHUSETTS  
Barnstable, ss.

\_\_\_\_\_  
date

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

My Commission expires: \_\_\_\_\_  
date of expiration

A copy of this decision and the accompanying plans approved by the Planning Board have been duly filed on \_\_\_\_\_, 2024 with the Town Clerk of Mashpee.

\_\_\_\_\_  
Town Clerk

Notice of this decision was mailed on \_\_\_\_\_ to the ~~applicant~~Applicant, to any parties in interest to whom such notice is required under Massachusetts General Law. Any appeal should be made pursuant to Section 17 of Chapter 48 of the Massachusetts General Laws 20 days after the date of such filing.

I, Deborah Kaye, Town Clerk of the Town of Mashpee, hereby certify that a copy of this decision and the accompanying plans approved by the Planning Board were filed with the office of the Town Clerk on \_\_\_\_\_, 2024 and that no appeal of that decision was filed within 20 days thereafter.

\_\_\_\_\_  
Town Clerk

Date: \_\_\_\_\_



## Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, MA 02649

Upon expiration of the statutory appeal period with no appeal having been filed, this special permit decision has been endorsed by the undersigned members of the Mashpee Planning Board on \_\_\_\_\_, 2024 and may be recorded.

---

---














---

---













---

DRAFT

<b>Natural Resources</b>
<b>Goals, Policies, &amp; Actions</b>
<b>Goals</b>
<b>Goal NR-1:</b> Return Mashpee's water bodies to pristine condition.
<b>Goal NR-2:</b> Ensure Mashpee's wildlife and wildlife habitats, both terrestrial and aquatic, continue to thrive in harmony with the built environment for the rest of time.
<b>Goal NR-3:</b> Never will any Mashpee resident, community member or visitor be unable to enjoy equitable access to pristine Natural Resources in Mashpee such as clean air and drinking water, healthy surface water bodies and estuaries, vast open spaces, productive wetlands, etc.
<b>Goal NR-4:</b> Remove all threats from pollutants emerging from Joint Base Cape Cod and other sources into Mashpee's groundwater and open water bodies and ensure that no contamination enters and negatively impacts Mashpee's natural systems.
<b>Goal NR-5:</b> Be true stewards of the land alongside the Mashpee Wampanoag Tribe towards shared social, cultural, and environmental prosperity.
<b>Goal NR-6:</b> Become a municipal leader in climate resiliency and make Mashpee's low lying areas i.e., floodplain/Land Subject to Coastal Storm Flow (LSCSF), coastlines/seashore are as resilient as possible to climate change impacts.
<b>Goal NR-7:</b> Maintain and restore the quality of Mashpee's groundwater and monitor groundwater levels to ensure an adequate supply of safe, high quality drinking water.
<b>Goal NR-8:</b> Prevent future harmful algal blooms such as cyanobacteria in Mashpee waters to maximize recreational opportunities and public health and safety on Mashpee waterways.
<b>Goal NR-9:</b> Maximize nutrient removing wastewater technologies to the maximum extent on every Mashpee parcel and remove and replace all outdated technologies such as cesspools.
<b>Policies</b>
<b>Policy NR-1:</b> Prioritize the protection, preservation and enhancement of coastlines and of coastal habitat, terrestrial and aquatic habitat, wetlands, vernal pools, animal and plant populations, and wetland resource areas to minimize and mitigate impacts of development and climate change on all natural systems for long-term environmental and social benefits.
<b>Policy NR-2:</b> Develop and maintain an intergovernmental collaboration with the Mashpee Wampanoag Tribe and the Town of Mashpee toward Natural Resource Protection.
<b>Policy NR-3:</b> Prioritize the preservation and enhancement of ancient ways to water.
<b>Policy NR-4:</b> Protect the aboriginal rights of the Wampanoag Native 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.
<b>Policy NR-5:</b> Maintain and enhance cross-sector collaborations such as with educational institutions and research organizations to bolster water quality sampling programs and reporting.
<b>Policy NR-6:</b> Maximize the productivity of Mashpee's shellfisheries for recreational, commercial, and municipal aquaculture and promote shellfishing and aquaculture, especially in areas with impacted water quality.
<b>Policy NR-7:</b> Reduce pollutant and nutrient loads into Mashpee's natural systems by appropriately managing stormwater, maintaining stormwater collection infrastructure, and limiting the use of harmful or polluting materials such as chemical fertilizers.
<b>Policy NR-8:</b> Maintain navigational channels not just for mariner safety but also for adequate stream and tidal flow.
<b>Policy NR-9:</b> Maximize funding opportunities for projects focused on natural resource protection.
<b>Policy NR-10:</b> Limit new development or expansion of structures in the 100 year flood plain.

Natural Resources								
<b>Policy NR-11:</b> Acquire as much land area in the floodplain for open space protection as is possible.								
<b>Policy NR-12:</b> Prioritize coastal habitat restoration projects and enhance investments in green infrastructure like the Popponeset Spit.								
<b>Policy NR-13:</b> Regularly evaluate regulatory mechanisms designed to protect natural systems and modify whenever conditions necessitate.								
<b>Policy NR-14:</b> Continue to support the shellfish propagation and shellfish seeding program to enhance local fisheries, restore vital habitat, and remove excessive nitrogen in both Waquoit and Popponeset Bay.								
<b>Policy NR-15:</b> Preserve fishing and hunting rights of way on shore.								
<b>Policy NR-15:</b> Remedy user conflicts within waterways consistent with the DNHRMP.								
Actions						Timeframe	Responsibility	Cost
<b>NR-1.</b> Conduct a personnel needs assessment to understand gaps in consideration of current and planned water quality monitoring and testing programs.						S	DNR ConC	\$
<b>NR-2.</b> Establish Water Quality Task force as a subcommittee of the Environmental Oversight Committee to conduct necessary engagement and community education around recommended bylaw changes to address water quality issues: fertilizer and pesticide use, wetlands buffers, and floodplain management.						S	TM BOS EOC DNR	\$
<b>NR-3.</b> 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	\$\$
<b>NR-4.</b> Construct the Wastewater Treatment Facility and wastewater collection system consistent with the Watershed Nitrogen Management plan as amended from time to time.						M	SC BOS BH DPW	\$\$\$
<b>NR-5.</b> Continue acquisition of conservation lands with a priority in areas with high						S	ConC BOS PD	\$

**Commented [EL1]:** Policy – What actions will support it?  
Refer to draft harbor management plan









Natural Resources								
environmental sensitivity or areas adjacent to other open space, wildlife refuge, and/or conservation land in recharge areas.								
NR-6. Implement water quality improvement measures as recommended upon completion of the Mashpee Wakeby Diagnostic Study - To be completed in 2025.						M	DNR BOS ConC TM	\$ \$
NR-7. Invest in necessary equipment and facilities to test cyanobacteria in-house that would specifically identify species in real time to assist in determinations of toxicity.						S	DNR BOS ConC TM	\$
NR-8. Continue to maintain navigational channels for not only navigation but for adequate stream and tidal flow.						O	DNR WC	\$
NR-10. 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	
NR-11. Work to purchase parcels, if feasible, to enhance public access to water or create new sites for public landings.						O	BOS ConC DNR	\$ \$ \$
NR-12. Identify areas for coastal and habitat restoration to enhance water quality and implement restoration projects with a focus on areas within or in close proximity to wetland resource areas. Cranberry Bogs are an obvious place to start.						M	DNR BOS ConC	\$
NR-14. Protect Mashpee from invasive species through education, regulations and enforcement.							DNR BOS ConC	\$
NR-15. Maximize protective buffers to wetlands, ponds,							DNR BOS	\$

**Commented [EL2]:** What about Ashumet and John's Pond PFAS issues?

**Commented [EL3]:** Confirm this is a priority with Ashley.


**Commented [EL4]:** Duplicate of a policy above. Probably better as policy but need specified actions to support policy. Dredge related. What actions do we need to continue to implement to address dredging? Refer to draft Harbor Management Plan



Natural Resources								
rivers, lakes, bays and other sensitive natural systems.							ConC PD	
<b>NR-16.</b> Seek funding from Joint Base Cape Cod to begin addressing the PFAS contamination of John's Pond and Ashumet Pond.							<b>DNR</b> BOS ConC	\$
<b>NR-17.</b> Explore the use of a District of Critical Planning Concern to temporarily curb nutrient loads while a long term solution is planned.							<b>DNR</b> ConC PD	\$
<b>NR-18.</b> Adopt fertilizer restrictions to reduce pollution loading from fertilizers.							<b>DNR</b> BOS ConC	\$
<b>NR-19.</b> Implement stormwater retrofit projects or new stormwater systems using Best Management Practices (and low impact design principles) that have been identified by the Stormwater Task Force.							<b>DPW</b> <b>DNR</b> ConC	\$
<b>NR-20.</b> Educate residents about the Mashpee Water District and encourage that all residents connect to public drinking water.						S	<b>DPW</b>	\$
<b>NR-21.</b> Identify the most appropriate sites to establish Aquaculture Development Zones consistent with the Department of Natural Resources Harbor Management Plan.								
<b>NR-22.</b> Identify, preserve, and enhance ancient and public ways to water with a particular focus on those areas identified in the Coastal Resources Element of the 1998 Comprehensive Plan. Coordinate with officials at Joint Base Cape Cod to determine strategies and funding sources to address the pollutants, such								

**Commented [EL5]:** Policy? There could be regulatory changes to follow as actions.

**Commented [EL6]:** Confirm with Ashley

Natural Resources								
as PFAS, negatively impacting Mashpee residents' quality.								
NR-23. Evaluate regulatory mechanisms that would limit construction in land under ocean to maintain and restore habitat vital to our fisheries and implement those regulations if desired and feasible.								
NR-24. Establish boat washes to prevent invasive species from spawning in waterways.						M	RD	\$

## CORRESPONDENCE



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

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

Nancy E. Gendron  
Name of Permittee

16 Summersea Ln Ockway Bay Mashpee  
Project Address Name of Waterway City/Town

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

Proposed project involves the replacement of the existing floating pier originally permitted under Chapter 91 License 5995 issued November 7, 1996. The project includes the removal of three (3) existing floating piers totaling 387 sf in area and replacing them with two (2) new floating piers totally 192 sf in area, removing the existing float support pipes and replacing them with four (4) new 2-inch diameter support pipes.

To be completed by the municipal Planning Board representative.

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

Evan R. Leher 3/28/2024  
Print Name of Municipal Planning Board Representative Date

[Signature] Comm. Dev. Director Mashpee  
Signature of Municipal Planning Board Representative Title City/Town

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



## Department of Environmental Protection

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

Maura T. Healey  
Governor

Kimberley Driscoll  
Lieutenant Governor

Rebecca L. Tepper  
Secretary

Bonnie Heiple  
Commissioner

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

#### Permittee Information

Name: Nancy E. Gendon  
Phone: (617) 285-2403  
Address: 775 EAST FALMOUTH HIGHWAY, #352  
EAST FALMOUTH, MA 02536

#### Permittee Company Information

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

#### Application Submitter Information

Name: LORI A MACDONALD  
Phone: (508) 477-7272  
Address: 800 FALMOUTH ROAD, SUITE 301C  
MASHPEE, MA 02649

#### Location Information

Ockway Bay  
16 SUMMERSEA LANE MASHPEE, MA 02649  
Latitude: 41.58324  
Longitude: -70.474176

#### Additional Contacts Info



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

NANCY E. GENDRON

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

Yes

Is the project site within a right of way?

No

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

Yes

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

Yes

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

Yes

## Application Type

Please select the application type you are applying for

Residential with less than or equal to 4 units

## Project Information

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

Proposed project involves the replacement of the existing floating pier originally permitted under Chapter 91 License 5995 issued November 7, 1996. The project includes the removal of three (3) existing floating piers totaling 387 sf in area and replacing them with two (2) new floating piers totally 192 sf in area, removing the existing float support pipes and replacing them with four (4) new 2-inch diameter support pipes.

Brief Description of Project Location - Non-Traditional Address (e.g., 'west end Toronto Avenue right-of-way at Gloucester Harbor' DO NOT complete this field if your project has a traditional address - enter N/A)

The existing and replacement floats are located at the end of an existing dock system that provides residential boating access to Ockway Bay in Mashpee. The dock system to the north and behind the existing residential home at 16 Summersea Road in Mashpee. The property behind the home is an upland, landscaped and lawn area that slopes down to salt marsh before transitioning to open water.

Proposed Use/Activity description

The existing dock and proposed replacement fixed floats will continue to be used for residential, recreational boating access to the water.

Is this site subject to 21E?

No

Does the project exceed the MEPA review thresholds for Waterways standards?

No

Is the Project site in an Environmental Justice Community?

No

Which Wetlands Protection Act process document are you attaching?

WPA Negative Determination of Applicability

Has there ever been a waterways jurisdictional determination issued for this project site? No

Does your project require a 401 water quality certificate? If yes, please attach if currently available, a copy of '401 Water Quality Certificate' in the document section. No

Are you seeking a Variance? If yes, please attach a supporting evidence of compliance with 310 CMR 9.21, 'Variance Supplement' in the document section. No

Is the project located within the Designated Port Area? If yes, please review the standards at 310 CMR 9.12 and 9.32. No

Is the project located within an area subject to State Approved Municipal Harbor Plan? If yes, please attach supporting evidence of compliance with applicable MHP, 'MHP Supplement' in the document section. No

Are you seeking a CWD (consolidated written determination) in accordance with 310 CMR 9.14(4)? If yes, please attach a document 'CWD Supplement' in the document section. No

Does your project involve dredging? No

## Documents

Documents

Required Documents:

1. Chapter 91 Plans
2. Evidence of Legal Authority
3. List of Environmental Regulatory Programs
4. WPA Negative Determination of Applicability

## Special Fee Provision

Exemption

Exclusion (special agreement or policy)

Substitution (ASP/IRP)

Double Fee for Enforcement

Hardship payment extension request

**Attachments**

Name	Description	Type	Latest Updated
Chapter 91 environmental-regulatory-programs 12-15-23.docx	List of Env Reg Programs Checklist	List of Environmental Regulatory Programs	12/15/2023
Chapter 91.pdf	6 Summersea Chapter 91 License Plans	Chapter 91 Plans	12/20/2023
CH 91 NOTIFICATION LIST & Abutters List.pdf	Chapter 91 Notification and Abutter's List	Other	12/20/2023
Deed for 16 Summersea and Western Lot.pdf	Deed Showing Ownership	Evidence of Legal Authority	12/20/2023
Negative DOA 16 Summersea Road 10 23 2023.pdf	16 Summersea Neg DOA MA WPA	WPA Negative Determination of Applicability	12/20/2023

**Application Contacts**

Name	Organization Name	Contact Person	Telephone #	Contact Type	Email
LORI, MACDONALD	n/a	n/a	(508) 477-7272	Application Prepared By	Imacdonald@capeeng.com

**Fee Info**

Amount: \$ 215.00  
Status: INVOICED  
Description: WW01 Application Fees

**Certification Information**

Individual  
LORI MACDONALD  
800 FALMOUTH ROAD, SUITE 301C  
MASHPEE, MA 02649  
United States

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

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



## List of Environmental Regulatory Programs

Pursuant to 310 CMR 9.11(3)(b)4., an application shall include a list of state environmental regulatory programs with which the project must comply, in accordance with the applicable provisions of 310 CMR 9.33. Please check all that are applicable and add any additional programs in the "Other" field.

☐ Massachusetts Environmental Policy Act, M.G.L. c. 30, §§ 61 through 62H and 301 CMR 11.00: MEPA Regulations.

☒ Wetlands Protection Act, M.G.L. c. 131, § 40, and 310 CMR 10.00: Wetlands Protection.

☐ Wetlands Restriction Acts, M.G.L. c. 130, § 105 and c. 131, § 40A, and 310 CMR 12.00: Adopting Coastal Wetlands Orders and 310 CMR 13.00: Adopting Inland Wetlands Orders. All projects shall comply with wetland restriction orders recorded pursuant to these statutes.

☐ Areas of Critical Environmental Concern, M.G.L. c. 21A, § 2(7) and St. 1974, c. 806, § 40(E), and 301 CMR 12.00: Areas of Critical Environmental Concern.

☐ Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53, and 314 CMR 3.00: Surface Water Discharge Permit Program, 314 CMR 5.00: Ground Water Discharge Permit Program, 314 CMR 7.00: Sewer System Extension and Connection Permit Program, 314 CMR 9.00: 401 Water Quality Certification for Discharge of Dredged or Fill Material, Dredging, and Dredged Material Disposal in Waters of the United States Within the Commonwealth, and 310 CMR 15.00: The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage.

☐ Ocean Sanctuaries Act, M.G.L. c. 132A, §§ 13 through 16 and 18, and 302 CMR 5.00: Ocean Sanctuaries. No license or permit shall be issued for any structure or fill that is expressly prohibited in M.G.L. c. 132A, §§ 1 through 16.

☐ Marine Fisheries Laws, M.G.L. c. 130, and 322 CMR 1.00: Enforcement of Rules and Regulations.

☐ Scenic Rivers Act, M.G.L. c. 21, § 17B, and 302 CMR 3.00: Scenic and Recreational Rivers Orders.

☐ Massachusetts Historical Commission Act, M.G.L. c. 9, §§ 26 through 27C, as amended by St. 1982, c. 152 and St. 1988, c. 254, and 950 CMR 71.00: Protection of Properties Included in the State Register of Historic Places. For projects for which a Project Notification Form must be submitted pursuant to 950 CMR 71.07: Review of Projects the applicant shall file said form with the Massachusetts Historical Commission.

☐ Mineral Resources Act, M.G.L. c. 21, §§ 54 through 58.

☐ Massachusetts Drinking Water Act, M.G.L. c. 111, §§ 159 through 174A, and 310 CMR 22.00: Land Application of Sludge and Septage.

☐ Underwater Archeological Resources Act, M.G.L. c. 91 and c. 6, §§ 179 and 180, and 312 CMR 2.00: Massachusetts Underwater Archaeological Resources.

☐ Hazardous Waste Management Act, M.G.L. c. 21C and 310 CMR 30.000: Hazardous Waste.

☐ Solid Waste Disposal Act, M.G.L. c. 16, §§ 18 through 24, and 310 CMR 16.00: Site Assignment Regulations for Solid Waste Facilities.

☐ Air Pollution Act, M.G.L. c. 111, §§ 142A through I and 310 CMR 7.00: Air Pollution Control.

☐ State Highway Curb Cuts, M.G.L. c. 81, § 21.

☐ Energy Restructuring Act, M.G.L. c. 164, §§ 69G through S, and 980 CMR 1.00 through 12.00.

☐ Regional land use control statutes, including the Martha's Vineyard Commission Act, St. 1974, c. 637, c. 831, and the Cape Cod Commission Act, St. 1989, c. 716.

☐ Other

---

---

---

---



## CHAPTER 91 LICENSE

**16 Summersea Road, Mashpee (Map/Parcel 104-93A)**

### **Notification List**

(per 310 CMR 9.13 (1)(a))

**Mashpee Town Manager**

16 Great Neck Road North  
Mashpee, MA 02649

**Mashpee Planning Board**

16 Great Neck Road North  
Mashpee, MA 02649

**Mashpee Conservation Commission**

16 Great Neck Road North  
Mashpee, MA 02649

**Mashpee Harbormaster**

31 Mercantile Way  
Unit 6/7  
Mashpee, MA 02649

**Cape Cod Commission**

Attn: Heather McElroy  
3225 Main Street  
PO Box 226  
Barnstable, MA 02630

**Coastal Zone Management**

Attn: Robert L. Boeri  
100 Cambridge Street, Suite 800  
Boston, MA 02114

**Environmental Monitor**

*Public Notices must be received by 5 p.m. on the 15th and last day of each month for publication in the next issue of the Environmental Monitor. If the 15th or last day falls on a weekend or holiday, the deadline is extended to the next business day. Public notices should be e-mailed in PDF format to [MEPA@mass.gov](mailto:MEPA@mass.gov)*

**U.S. Army Corps of Engineers**

**New England Division**

Attn: Bettina M. Chaisson  
696 Virginia Road  
Concord, MA 01742



**CHAPTER 91 LICENSE**  
**16 Summersea Road, Mashpee (Map/Parcel 104-93A)**

**Notification List**

(per 310 CMR 9.13 (1)(a))

**Attached Highlighted Certified Abutter's List (Parcels Outlined in Pink)**

*Abutters according to 9.11(3)(b)1.: Abutter means the owner of land which shares, along the water's edge, a common boundary or corner with a project site, as well as the owner of land which lies within 50 feet across a water body from such site. Ownership shall be determined according to the records of the local tax assessors office.*

**New Seabury Properties LLC**  
**(Map/Parcel 104-91-0-R - 40 Red Brook)**  
20 Red Brook Road  
Mashpee, MA 02649

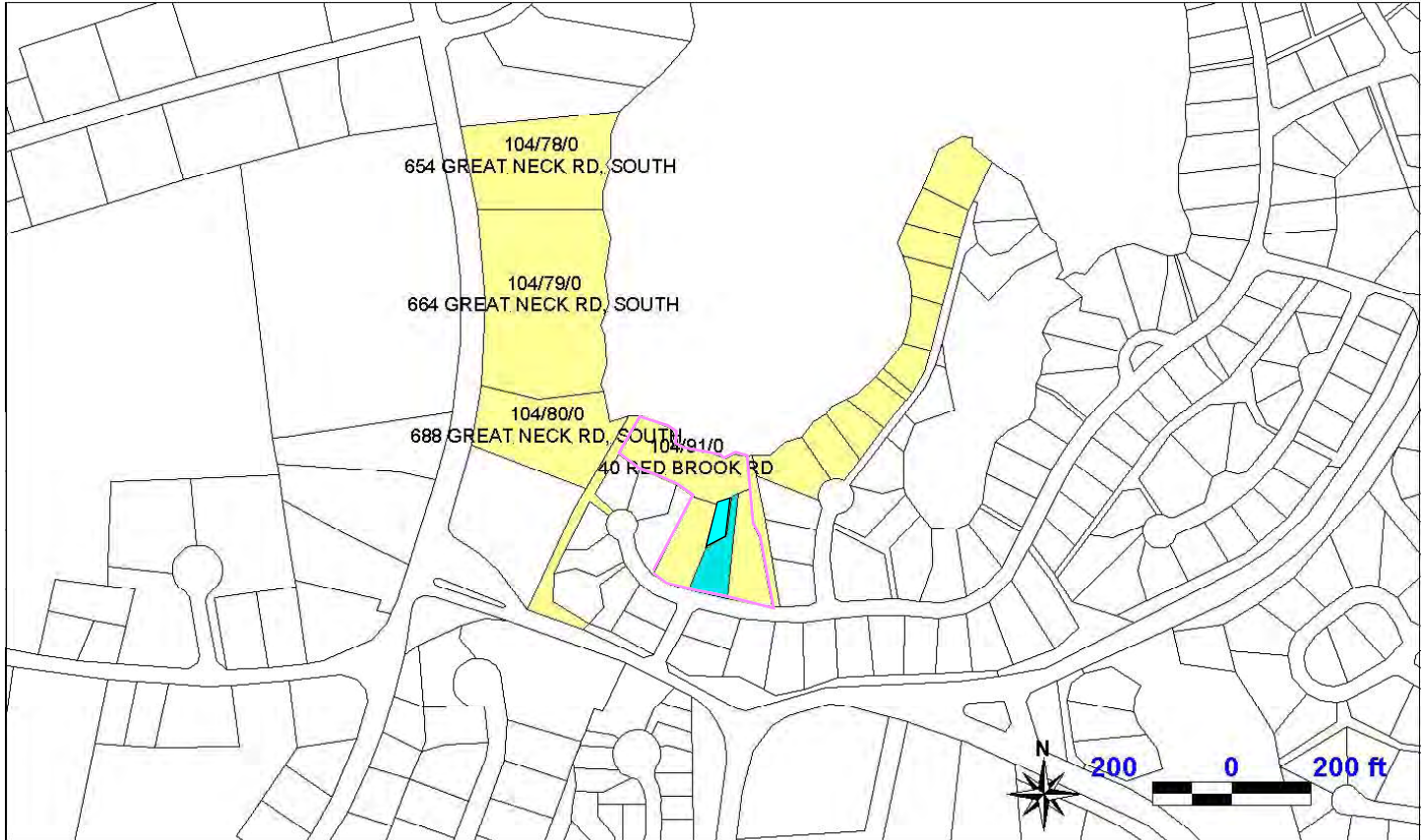
**Arlene C. Rand**  
**(Map/Parcel 104-97-0-R – 20 Summersea)**  
280 Boylston Street, #205  
Chestnut Hill, MA 02467

**Gerald S. Fine & Risa Schneider Fine, Trustees**  
**(Map/Parcel 104-94-0-R – 12 Summersea)**  
The 12 Summersea Road Realty Trust  
12 Summersea Road  
Mashpee, MA 02649



TOWN OF MASHPEE, MA  
BOARD OF ASSESSORS  
16 Great Neck Rd., North, Mashpee, MA 02649

Custom Abutters List



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
7644	104-78-0-R	PROCOPIO, MARK G	654 GREAT NECK RD, SOUTH	654 GREAT NECK RD, SOUTH	MASHPEE	MA	02649
7645	104-79-0-E	MASHPEE, TOWN OF	664 GREAT NECK RD, SOUTH	16 GREAT NECK ROAD NORTH	MASHPEE	MA	02649
7646	104-80-0-R	WESTERLING, AUSTIN & KRISTINA WESTERLING HOLDING TRUST	688 GREAT NECK RD, SOUTH	10 SOUTHGATE ROAD	WELLESLEY	MA	02482
7648	104-82-0-R	NEW SEABURY PROPERTIES LLC	0 RED BROOK RD	20 RED BROOK RD	MASHPEE	MA	02649-3757
7657	104-91-0-R	NEW SEABURY PROPERTIES LLC	40 RED BROOK RD	20 RED BROOK RD	MASHPEE	MA	02649-3757
7660	104-94-0-R	FINE, GERALD S & SCHNEIDER FINE, RISA TRS	12 SUMMERSEA RD	THE 12 SUMMERSEA RD RLTY TRUST 12 SUMMERSEA ROAD	MASHPEE	MA	02649
7661	104-95-0-R	GENDRON, NANCY E	16 SUMMERSEA RD	775 EAST FALMOUTH HWY #352	EAST FALMOUTH	MA	02536
7662	104-97-0-R	RAND, ARLENE C	20 SUMMERSEA RD	280 BOYLSTON ST - #205	CHESTNUT HILL	MA	02467
7663	104-98-0-R	NEW SEABURY PROPERTIES LLC	24 SUMMERSEA RD	20 RED BROOK RD	MASHPEE	MA	02649-3757
21347	104-93A-0-R	GOMBOS, WILLIAM & MARJORIE L	Parcel is Actually a Part of 104-95-0-R	0 SUMMERSEA RD 18 GOLDEN ROD LANE	YARMOUTHPORT	MA	02675
7694	105-4-0-R	SELAME, THEODORE TRS 12 LITTLE NECK LANE REALTY TRS	12 LITTLE NECK LN	7 GREAT MEADOW RD	NEWTON	MA	02459-2713
7695	105-5-0-R	NAHIGIAN, DOUGLAS G TR NAHIGIAN FAMILY IRREVOC TRUST	14 LITTLE NECK LN	14 LITTLE NECK LN	MASHPEE	MA	02649
7696	105-6-0-R	NIXDORFF, STUART & CHRISTINE	18 LITTLE NECK LN	7142 WESTMORELAND DR	SARASOTA	FL	34243-1433
7697	105-7-0-R	FRANK, STUART J & LESLIE S	22 LITTLE NECK LN	22 LITTLE NECK LN	MASHPEE	MA	02649
7698	105-8-0-R	NEW SEABURY PROPERTIES LLC	24 LITTLE NECK LN	20 RED BROOK RD	MASHPEE	MA	02649-3757

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
7699	105-9-0-R	BEASLEY, JOHM & ANN MARIE	26 LITTLE NECK LN	26 LITTLE NECK LN	MASHPEE	MA	02649
7700	105-10-0-R	TUTOR, GERALD W & MAXINE A	32 LITTLE NECK LN	32 LITTLE NECK LN	MASHPEE	MA	02649
7701	105-11-0-R	VILENKIN, ALEXANDER & SIMONE INNA	36 LITTLE NECK LN	58 SOLOMON PIERCE RD	LEXINGTON	MA	02420
7702	105-12-0-R	PIO, MICHAEL J & BARBARA M	40 LITTLE NECK LN	231 WOODLAND CIRCLE	LUDLOW	MA	01056
7703	105-13-0-R	BARENHOLTZ, BRETT & EUGENA	44 LITTLE NECK LN	44 LITTLE NECK LN	MASHPEE	MA	02649
7704	105-14-0-R	SILVA, JULIE & REILLY, MARTIN J	46 LITTLE NECK LN	22 BATES RD - #275	MASHPEE	MA	02649

NOT  
AN  
OFFICIAL  
COPY

MASSACHUSETTS STATE EXCISE TAX  
BARNSTABLE COUNTY REGISTRY OF DEEDS  
Date: 12-10-2010 @ 11:54am  
Ct1#: 742 Doc#: 64688  
Fee: \$1,966.50 Cons: \$575,000.00  
NOT  
AN  
OFFICIAL  
COPY

### QUITCLAIM DEED

We, **Thomas G. Routhier and Joy W. Sweeney**, of Boston, Suffolk County,  
Massachusetts, as joint tenants,

For full consideration and consideration paid of **Five Hundred and Seventy-Five  
Thousand (\$575,000.00) Dollars** grant to

**Nancy E. Gendron**, of 440 Commercial Street, Unit 603, Boston, Suffolk County,  
Massachusetts, individually,

with **QUITCLAIM COVENANTS**

BARNSTABLE COUNTY EXCISE TAX  
BARNSTABLE COUNTY REGISTRY OF DEEDS  
Date: 12-10-2010 @ 11:54am  
Ct1#: 742 Doc#: 64688  
Fee: \$1,552.50 Cons: \$575,000.00

the land, together with the buildings and other improvements thereon, in Mashpee,  
Barnstable County, Massachusetts, shown as Lot 134 on a Subdivision Plan of Land in  
Mashpee, dated August 26, 1965, by Hayes Engineering, Inc., duly filed with the Land  
Registration Office at Boston as No. 33345A.

The Lot is conveyed subject to and with the benefit of the matters set forth in a  
Declaration dated November 17, 1964, entitled "Summer Sea of New Seabury" and duly  
registered in Barnstable Registry District as Document No. 94825, as amended by  
Supplemental Declarations dated March 31 and November 5, 1965, duly registered in  
Barnstable Registry District as Documents 95128 and Barnstable County Registry of  
Deeds No. 19306. Together with a right of way over the ways shown on the aforesaid  
plan for all purposes for which ways are commonly used in the Town of Mashpee.

The Lot is also conveyed to the rights of the public in so much of the premises as lies  
below high water mark and to current taxes to be apportioned as the date of delivery  
hereof.

Subject to and with the benefits of any rights, easements, variances recorded and still in  
force and effect.

For title, see Deed dated November 1, 1996 and recorded with the Barnstable County  
Registry of Deeds in Book 10467, Page 80.

For title, see also Decree of Confirmation recorded with Barnstable Deeds in Book 1517,  
Page 722.

16 Summer Sea Rd, Mashpee, MA

2



NOT  
AN  
OFFICIAL  
COPY

Witness our hands and seals this 8<sup>th</sup> day of December, 2010.

NOT  
AN  
OFFICIAL  
COPY

NOT  
AN  
OFFICIAL  
COPY

NOT  
AN  
OFFICIAL  
COPY

Thomas G. Routhier  
Thomas G. Routhier  
OFFICIAL

Joy W. Sweeney  
Joy W. Sweeney

## COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

December 8<sup>th</sup>, 2010

On this day, before me, Charles B. Wilde, the undersigned Notary Public, personally appeared Thomas G. Routhier and Joy W. Sweeney, proved to me through satisfactory evidence of identity, which were MA Drivers License to be the person or persons whose name is signed on the preceding or attached document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of their knowledge and belief, and acknowledged to me that they signed it voluntarily for its stated purpose.

Charles B. Wilde  
Notary Public  
My commission expires: 9-23-2016

O F E <sup>N A O N T</sup> <sub>C O P Y</sub> A L 242-81 O F E <sup>N A O N T</sup> <sub>C O P Y</sub> A L  
 O F E <sup>N A O N T</sup> <sub>C O P Y</sub> A L O F E <sup>N A O N T</sup> <sub>C O P Y</sub> A L  
 SUBDIVISION PLAN OF LAND

MASHPEE, MASS.

Scale 1" = 60'

August 26, 1965

Hayes Engineering, Inc. 828 Lynn Fells Parkway, Melrose

I certify that this plan was made in accordance with the Land Court Instructions of 1959.

Date: Aug 26, 1965

George E. Hayes  
Registered Land Surveyor

MASHPEE PLANNING BOARD

Approved: \_\_\_\_\_

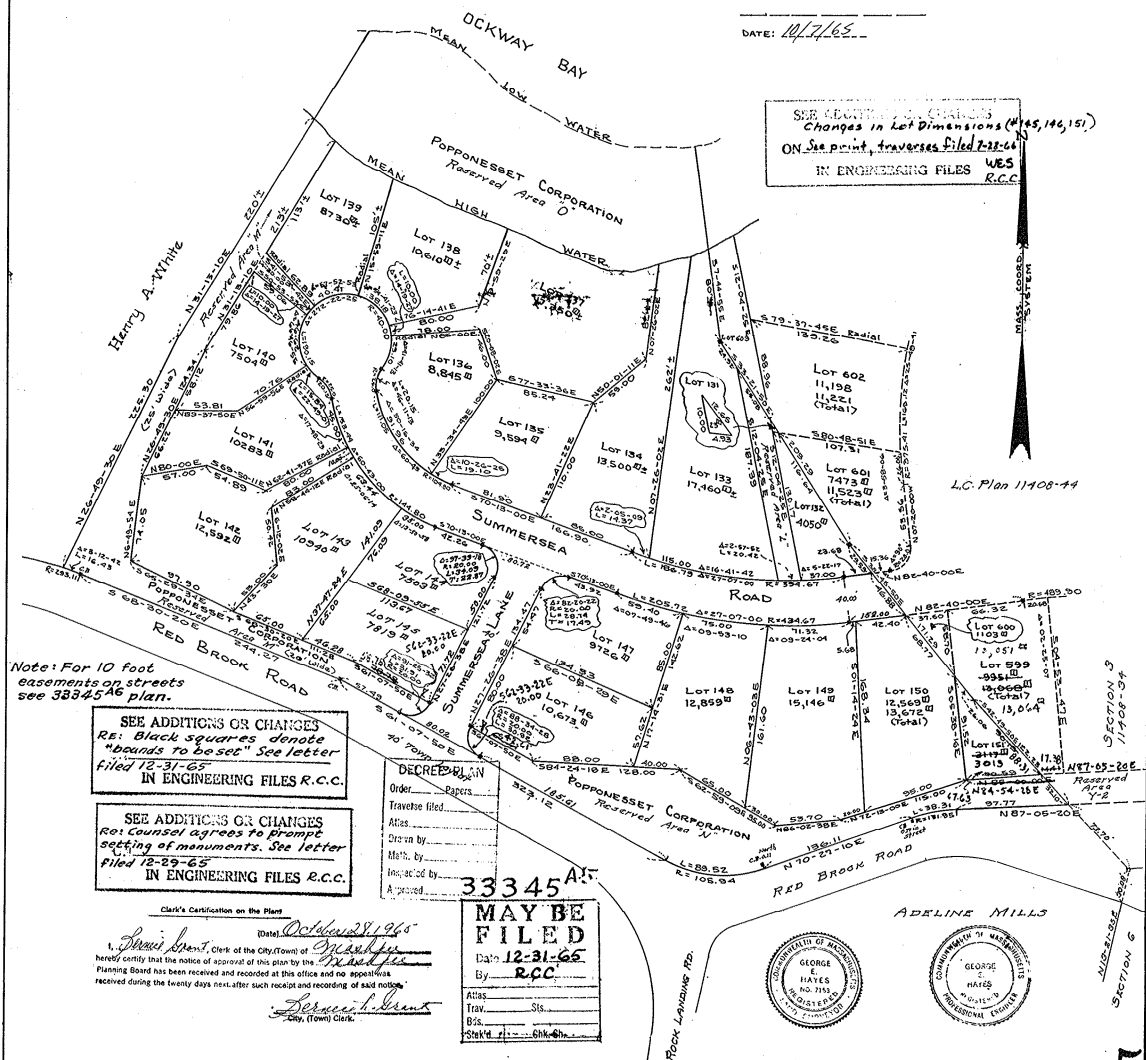
Richardson H Jones

Dep. C. J. Toranzo

Harry W. Gabb

\_\_\_\_\_

DATE: 10/7/65



33345A

POPPANESSETT CORPORATION

RED FROM LAND LOVER

CONFIRMATION PLAN TO FOLLOW

ATTEST:

RELATIVE

NOT  
AN  
OFFICIAL  
COPY

NOT  
AN  
OFFICIAL  
COPY

NOT  
AN  
OFFICIAL  
COPY

NOT  
AN  
OFFICIAL  
COPY

We, WILLIAM GOMBOS and MARJORIE L. GOMBOS, husband and wife, as tenants by the entirety, both of Mashpee, Barnstable County, Massachusetts, for consideration paid, and in full consideration of Eighty Three Thousand Dollars (\$83,000.00), grant to PAULA J. OLSEN, being unmarried, of 8 Barrett's Mill Road, Concord, Middlesex County, Massachusetts, with QUITCLAIM COVENANTS a parcel of confirmed land in Mashpee, Barnstable County, Massachusetts, with the buildings thereon, shown as:

Lot 136A on a Plan of Land in Mashpee, Massachusetts by Hayes Engineering, Inc., dated June 21, 1974, and recorded in the Barnstable Registry of Deeds in Plan Book 286 Page 42 on July 19 1974.

Meaning and intending to require the conveyance of a parcel of land as shown on a Plan of Land in Mashpee, Massachusetts by Hayes Engineering, Inc., dated August 26, 1965, and recorded in Plan Book 248 Page 81 as Lot 136 and a portion of the adjacent parcel, Lot 137.

The Lot is conveyed subject to and with the benefit of the matters set forth in a Declaration dated November 17, 1964 entitled, "Summer Sea of New Seabury", duly registered in Barnstable Registry District as Document No. 94825, as amended by Supplemental Declarations dated March 31 and November 6, 1965, duly registered in Barnstable Registry District as Documents No. 95128. Barnstable County Registry of Deeds No. 19306. See also Confirmation Decree No. 33345, Book 1517 Page 722.

The Lot is also conveyed subject to the rights of the public in so much of the premises as lies below the high water mark.

For title reference see deed of James F. Flynn and Anastasia M. Flynn recorded in Barnstable Registry of Deeds, Book 1732 Page 250. See also deed of Barbara H. Beck recorded with the Barnstable Registry of Deeds on this date.

WITNESS our hands and seals this 19th day of July 1974.



*William Gombos*  
William Gombos  
*Marjorie L. Gombos*  
Marjorie L. Gombos

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

July 19th 1974

Then personally appeared the above named WILLIAM GOMBOS and MARJORIE L. GOMBOS and acknowledged the foregoing instrument to be their free act and deed before me.

*[Signature]*  
Notary Public  
My commission expires

RECORDED JUL 1974



NOT

MASSACHUSETTS QUITCLAIM DEED SHORT FORM (INDIVIDUAL) 881

NOT

OFFICIAL

OFFICIAL

ALEXANDER GROSSACK AND EUNICE R. GROSSACK

COPY 23113

of Yarmouth

NOT

Barnstable

Nantux, Massachusetts

being conveyed, for consideration paid, and in full consideration of FOURTEEN THOUSAND FOUR HUNDRED DOLLARS AND 00/100 C (\$14,400.00) grant to THOMAS G. ROUTHIER

of Commonwealth Avenue, Boston, Massachusetts

with quitclaim covenants

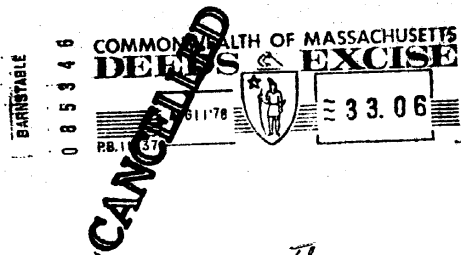
the land in Mashpee, Barnstable County, Massachusetts, shown as LOT 134 on a Subdivision Plan of Land in Mashpee, dated August 26, 1965, by Hayes Engineering, Inc., duly filed with the Land Registration Office at Boston as No. 33345A.

The Lot is conveyed subject to and with the benefit of the matters set forth in a Declaration dated November 17, 1964, entitled "Summer Sea of New Seabury" and duly registered in Barnstable Registry District as Document No. 94825, as amended by Supplemental Declarations dated March 31 and November 5, 1965, duly registered in Barnstable Registry District as Documents 95128 and Barnstable County Registry of Deeds No. 19306. Together with a right of way over the ways shown on the aforesaid plan for all purposes for which ways are commonly used in the Town of Mashpee.

The Lot is also conveyed subject to the rights of the public in so much of the premises as lies below high water mark and to current taxes to be apportioned as of the date of delivery hereof.

For title, see deed from Ahmed F. Mouchantat and Barbara A. Mouchantat to us dated May 11, 1971, and recorded with Barnstable County Registry of Deeds in Book 1522, Page 781.

For title see also Decree of Confirmation recorded with Barnstable Deeds in Book 1517, Page 722.



Witness our hands and seals this 10<sup>th</sup> day of August 1978...

ALEXANDER GROSSACK

EUNICE R. GROSSACK

The Commonwealth of Massachusetts

Barnstable, ss.

Aug. 10

Then personally appeared the above named ALEXANDER GROSSACK AND EUNICE R. GROSSACK and acknowledged the foregoing instrument to be their free act and deed.

Notary Public - Justice of the Peace

My commission expires 7/11/79

(\*Individual — Joint Tenants — Tenants in Common — Tenants by the Entirety.)

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

RECORDED AUG 11 1978



# Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

## WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### A. General Information

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



From:

Mashpee

Conservation Commission

To: Applicant

Nancy E. Gendron

Name

775 East Falmouth Hwy, #352

Mailing Address

East Falmouth

MA

02536

City/Town

State

Zip Code

Property Owner (if different from applicant):

Name

Mailing Address

City/Town

State

Zip Code

1. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Cape & Islands Engineering, Inc., Plan: "Floating Pier Modification Plan"

Title

09/26/2023

Date

Title

Date

Title

Date

2. Date Request Filed:

08/22/2023

### B. Determination

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

Floating pier modification.

Project Location:

16 Summersea Road

Street Address

Map 104

Assessors Map/Plat Number

Mashpee

City/Town

Parcel 95

Parcel/Lot Number



# Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

## WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

#### Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

☐ 1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.

☐ 2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

☐ 2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

☐ 3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.

☐ 4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).

☐ 5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

Name

Ordinance or Bylaw Citation





**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 2 – Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Determination (cont.)**

- ☐ 6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:
- 
- ☐ 7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):
- ☐ Alternatives limited to the lot on which the project is located.
  - ☐ Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
  - ☐ Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
  - ☐ Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

**Negative Determination**

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

- ☐ 1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
- ☐ 2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
- ☒ 3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).
- 

- ☐ 4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**WPA Form 2 – Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Determination (cont.)**

- ☐ 5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

- ☐ 6. The area and/or work described in the Request is not subject to review and approval by:

Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Name

Ordinance or Bylaw Citation

**C. Authorization**

This Determination is issued to the applicant and delivered as follows:

- ☐ by hand delivery on ☒ by certified mail, return receipt requested on

Date

10/23/2023

Date

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) and the property owner (if different from the applicant).



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**WPA Form 2 – Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**C. Authorization (cont.)**

16 Summersea Road

Signatures:

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

**D. Appeals**

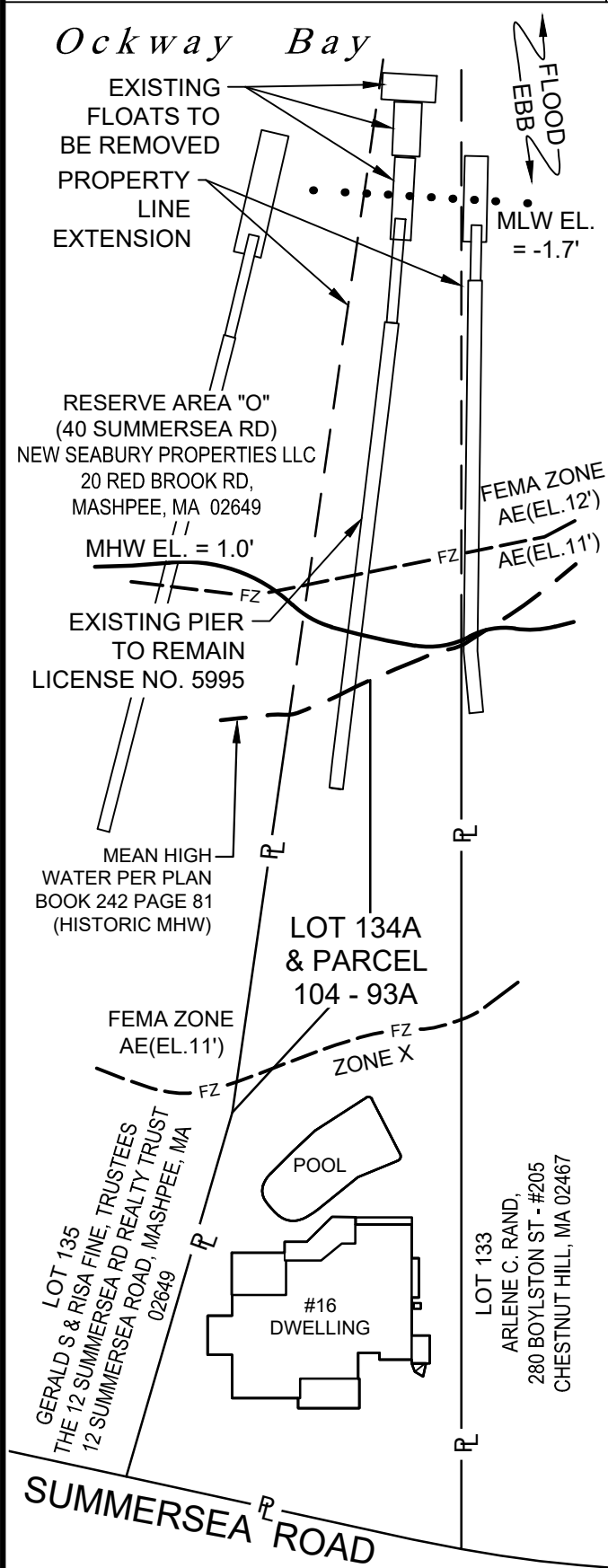
The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see Request for Departmental Action Fee Transmittal Form) as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant if he/she is not the appellant. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



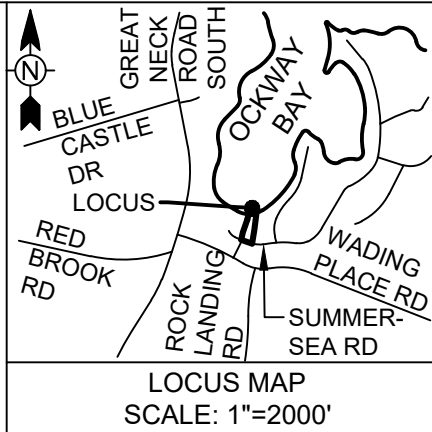
I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

*Raul Lizardi-Rivera*  
NAME

12/18/2023  
DATE



DRAWING INDEX	
SHEET	SHEET TITLE
1	EXISTING CONDITIONS
2	SITE PLAN
3	PIER PROFILE
4	FLOAT DETAILS



**PRIOR CHAPTER 91 AUTHORIZATIONS**

AUTHORIZATION	LICENSE NO. 5995
ISSUING AGENCY	MASS DEP
DATE	NOV. 07, 1996
RECORDED (BARNSTABLE)	BOOK 10505 PAGE 093

**LEGEND**

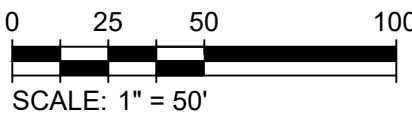
	PROPERTY LINE
	HISTORIC MHW
	MEAN HIGH WATER (MHW, EL. 1.0 NAVD88)
	MEAN LOW WATER (MLW, EL. -1.7 NAVD88)
	FEMA FLOODPLAIN ZONE AE BOUNDARY

**NOTES:**

- LOCATIONS ARE BASED ON AN "ON THE GROUND" INSTRUMENT SURVEY.
- HORIZONTAL DATUM: NAD83
- VERTICAL DATUM: NAVD88
- ZONE DESIGNATION OF AE (ELEV 11 & 12) AND MINIMAL FLOOD HAZARD ZONE X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 25001C0753J, WITH A MAP EFFECTIVE DATE OF JULY 16, 2014.
- MEAN HIGH & MEAN LOW WATER DETERMINATION BASED FROM BUZZARDS BAY NATIONAL ESTUARY PROGRAM TIDE GAUGE STATION POINT 1016 LOCATED IN OCKWAY BAY (LAT. 41.58551, LON. -70.473823) AND THE FOLLOWING: MHW = 1.0' NAVD88, AND MLW = -1.7' NAVD88.
- ABUTTER INFORMATION FROM A TOWN OF MASHPEE, MA ASSESSOR'S ONLINE DATABASE SEARCH DATED DEC. 18 2023

**EXISTING CONDITIONS**

SHEET 1 OF 4  
DECEMBER 18, 2023  
REV.: 12/28/2023



REVISION: 2/12/2024

PLAN ACCOMPANYING PETITION OF NANCY E. GENDRON TO REMOVE EXISTING FLOATING PIERS AND PIPES, INSTALL NEW FLOATING PIERS AND SUPPORT PIPES, AND MAINTAIN EXISTING PILE SUPPORTED PIER, RAMP, FLOATS AND PIPES IN & OVER THE WATERS OF OCKWAY BAY AT 16 SUMMERSEA ROAD, MASHPEE, BARNSTABLE COUNTY, MASSACHUSETTS

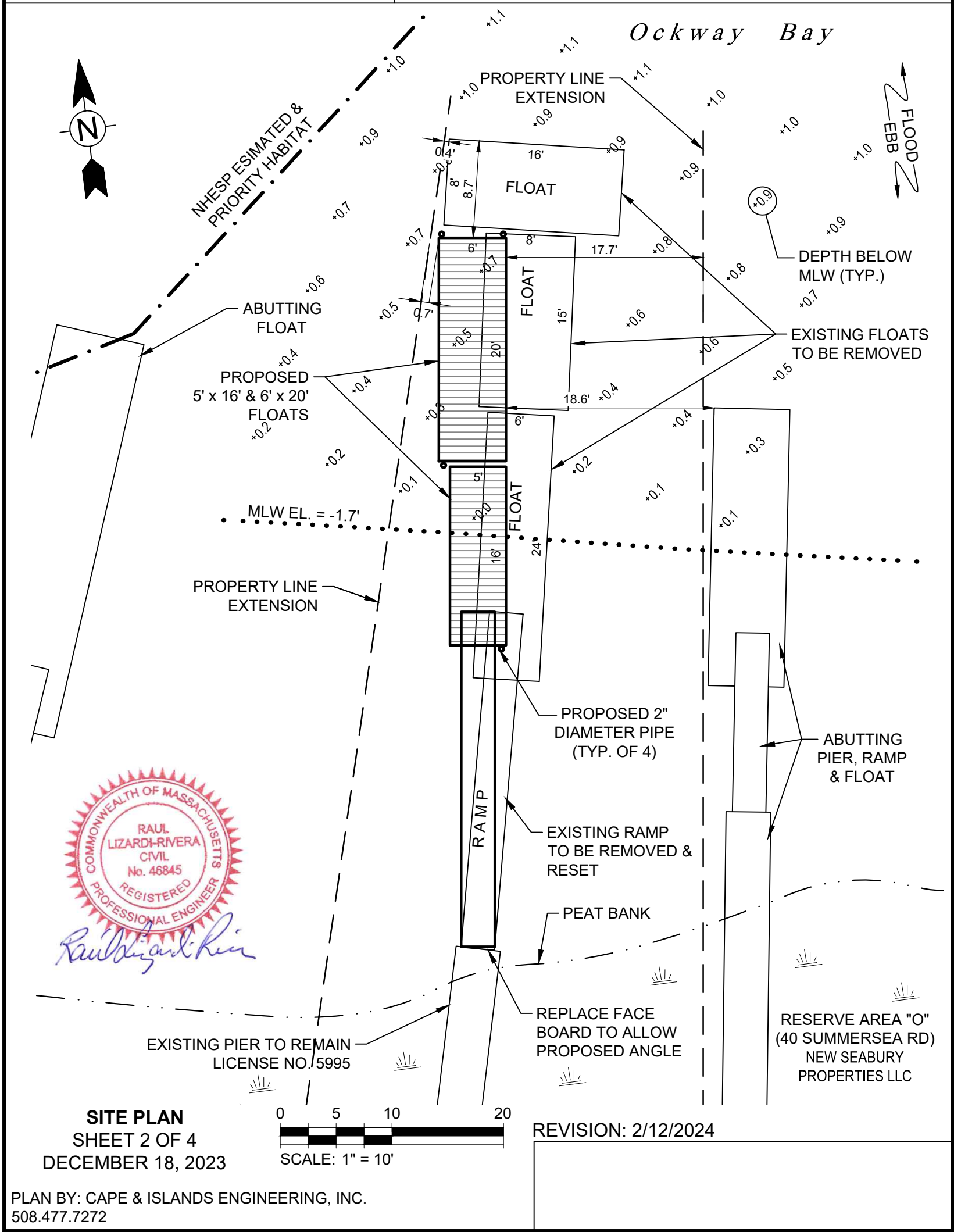
PLAN BY: CAPE & ISLANDS ENGINEERING, INC.  
508.477.7272

DEP FILE # XXXX

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

*Raul Lizardi-Rivera*  
NAME

12/18/2023  
DATE



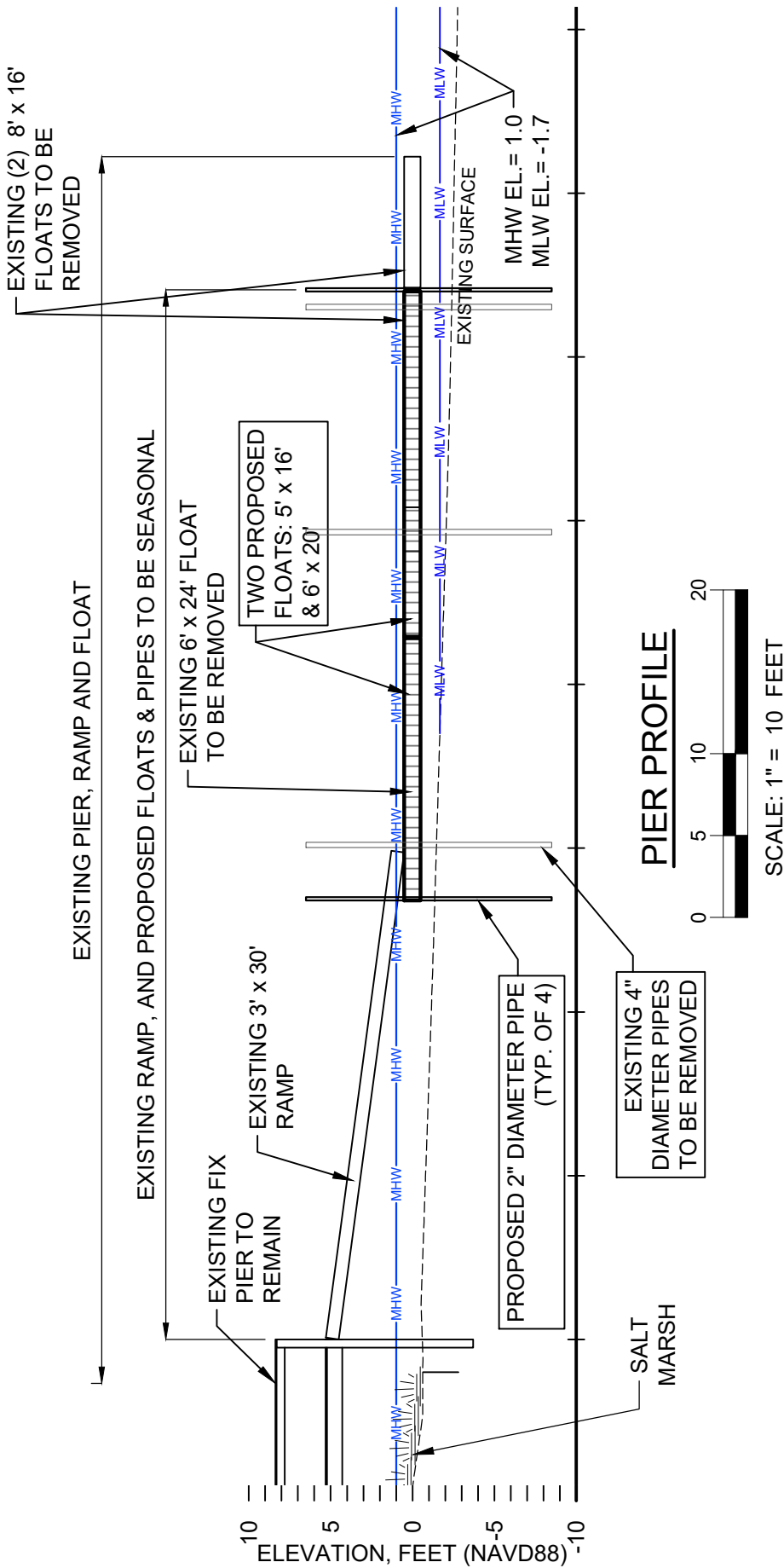
I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

*Raul Lizardi-Rivera*

NAME

12/18/2023

DATE



PIER PROFILE  
SHEET 3 OF 4  
DECEMBER 18, 2023

PLAN BY: CAPE & ISLANDS ENGINEERING, INC.  
508.477.7272

REVISION: 2/12/2024



*Raul Lizardi-Rivera*



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

NAME

12/18/2023

DATE

Raul Lizardi-Rivera

12/18/2023

SIDES & ENDS TO MATCH EXISTING

DECKING AND SPACING TO MATCH EXISTING

1/2" GALVANIZED CARRIAGE BOLTS & WASHERS AS NEEDED

2" x 10" MOUNTS

2" x 10" SKIDS

PRE-MOLDED HIGH DENSITY POLYETHYLENE SHELL ENCAPSULATED POLYSTYRENE FLOATS

FLOAT DETAILS

SHEET 4 OF 4

DECEMBER 18, 2023

PLAN BY: CAPE & ISLANDS ENGINEERING, INC.  
508.477.7272

SECTION VIEW

HINGE CONNECTION

NOTE:  
FLOATS ARE TO BE STORED ON SITE IN AN UPLAND LOCATION.

5 FEET

16 FEET

6 FEET

20 FEET

PLAN VIEW

FLOAT DETAIL

NOT TO SCALE

COMMONWEALTH OF MASSACHUSETTS

RAUL LIZARDI-RIVERA

CIVIL

No. 46845

REGISTERED

PROFESSIONAL ENGINEER

Raul Lizardi-Rivera



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

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

David Elkinson  
Name of Permittee

199 Daniels Island Rd. Popponesset Bay  
Mashpee  
Project Address Name of Waterway City/Town

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

The applicant proposes to replace the existing 6' x 16' float area with a new 8' x 25' float. The area of the new float will be 200 square feet.

To be completed by the municipal Planning Board representative.

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

Erin R. Leher 3/27/2024  
Print Name of Municipal Planning Board Representative Date  
[Signature] Comm. Dev. Director Mashpee  
Signature of Municipal Planning Board Representative Title City/Town

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



## Department of Environmental Protection

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

Maura T. Healey  
Governor

Kimberley Driscoll  
Lieutenant Governor

Rebecca L. Tepper  
Secretary

Bonnie Heiple  
Commissioner

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

#### Permittee Information

Name: David Elkinson  
Phone: (508) 335-7410  
Address: 10 SCHIPPER FARM LANE  
SOUTHBOROUGH, MA 01772

#### Application Submitter Information

Name: ERICA BORSELLI  
Phone: (508) 495-1225, (508) 423-6403  
Address: 17 ACADEMY LANE, STE. 200  
FALMOUTH, MA 02540

#### Location Information

Popponesset Bay  
199 DANIELS ISLAND ROAD MASHPEE, MA 02649  
Latitude: 413524  
Longitude: 702752

#### List of Abutters

Full Legal Name	Abutting Property Address
Gloria L. Clough, Trustee	649 Sudbury Road Concord, MA 01742

#### Additional Contacts Info

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

David Elkinson, Trustee Daniels Island Realty Trust



I hereby attest that I have listed all the Permittees in the Application Contacts section (each Permittee entered as a separate contact - do not list 2 names in 1 field)	Yes
Is the project site within a right of way?	No
Are you submitting evidence of legal authority to apply in lieu of the Property Owner's Signature? If yes, please attach a document 'Evidence of Legal Authority' in the document section	No
I hereby attest that I have listed all the Property Owners in the Application Contacts section	Yes
I hereby attest that I have listed all the Abutters in the above Contact table section	Yes

### Application Type

Please select the application type you are applying for	Residential with less than or equal to 4 units
---	--

### Project Information

Brief Description of Project (e.g., dock, seawall, boat ramp, Harborwalk – if a longer narrative is to be provided, please upload a separate document)	The applicant proposes to replace the existing 6' x 16' float area with a new 8' x 25' float. The area of the new float will be 200 square feet.
Brief Description of Project Location - Non-Traditional Address (e.g., 'west end Toronto Avenue right-of-way at Gloucester Harbor' DO NOT complete this field if your project has a traditional address - enter N/A)	N/A
Proposed Use/Activity description	Non commercial access and docking to navigable waters
Is this site subject to 21E?	No
Does the project exceed the MEPA review thresholds for Waterways standards?	No
Is the Project site in an Environmental Justice Community?	No
Which Wetlands Protection Act process document are you attaching?	WPA Order of Conditions
Has there ever been a waterways jurisdictional determination issued for this project site?	No
Does your project require a 401 water quality certificate? If yes, please attach if currently available, a copy of '401 Water Quality Certificate' in the document section.	No

Are you seeking a Variance? If yes, please attach a supporting evidence of compliance with 310 CMR 9.21, 'Variance Supplement' in the document section. No

Is the project located within the Designated Port Area? If yes, please review the standards at 310 CMR 9.12 and 9.32. No

Is the project located within an area subject to State Approved Municipal Harbor Plan? If yes, please attach supporting evidence of compliance with applicable MHP, 'MHP Supplement' in the document section. No

Are you seeking a CWD (consolidated written determination) in accordance with 310 CMR 9.14(4)? If yes, please attach a document 'CWD Supplement' in the document section. No

Does your project involve dredging? No

Documents

Documents

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

Special Fee Provision

Exemption

Exclusion (special agreement or policy)

Substitution (ASP/IRP)

Double Fee for Enforcement

Hardship payment extension request

Attachments

Name	Description	Type	Latest Updated
Ch 91 Plan Stamped.pdf	Ch 91 License plans	Chapter 91 Plans	03/20/2024
OOO 43-3266.pdf	Order of Conditions	WPA Order of Conditions	03/20/2024
List of Environmental Regulatory Programs.pdf	ist of Environmental Regulatory programs	List of Environmental Regulatory Programs	03/20/2024

### Application Contacts

Name	Organization Name	Contact Person	Telephone #	Contact Type	Email
ERICA, BORSELLI	n/a	n/a	(508) 495-1225	Application Prepared By	erica@falmouthengineering.com

### Fee Info

Amount: \$ 215.00  
Status: Paid  
Description: WW01 Application Fee - Residential with <= to 4 units  
Payment Date: 20-Mar-2024

### Certification Information

Individual  
ERICA BORSELLI  
17 ACADEMY LANE, STE. 200  
FALMOUTH, MA 02540  
United States

Telephone #: (508) 495-1225, (508) 423-6403  
E-mail: erica@falmouthengineering.com

I hereby certify that the information submitted in this application is true and accurate to the best of my knowledge.

All applicants and property owners must sign the "Proof of Signature" which will be provided after initial review by the Department. All future application correspondence may be signed by the Application Submitter.



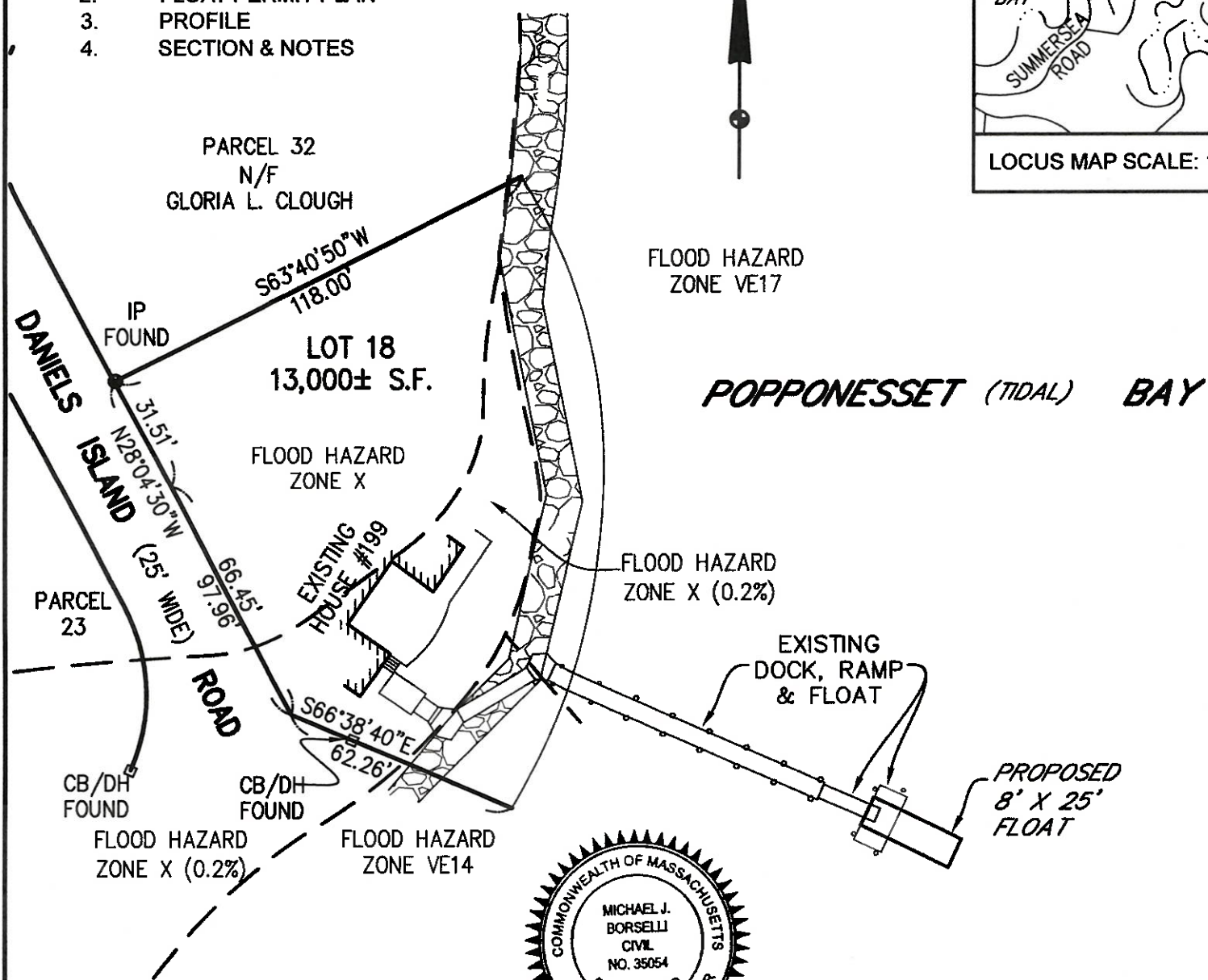
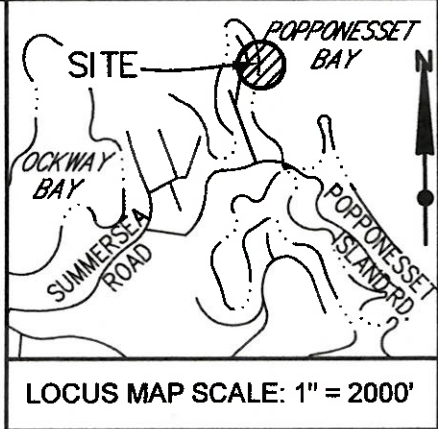
I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

*Michael J. Borselli*  
NAME

3-15-24  
DATE

DRAWING INDEX

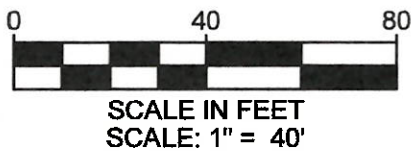
SHEET	TITLE
1.	KEY MAP PLAN
2.	FLOAT PERMIT PLAN
3.	PROFILE
4.	SECTION & NOTES



LEGEND

- IP FOUND ○ IRON PIPE
- CB/DH FOUND □ CONCRETE BOUND WITH DRILL HOLE

DATUM:  
BASED ON NAVD88



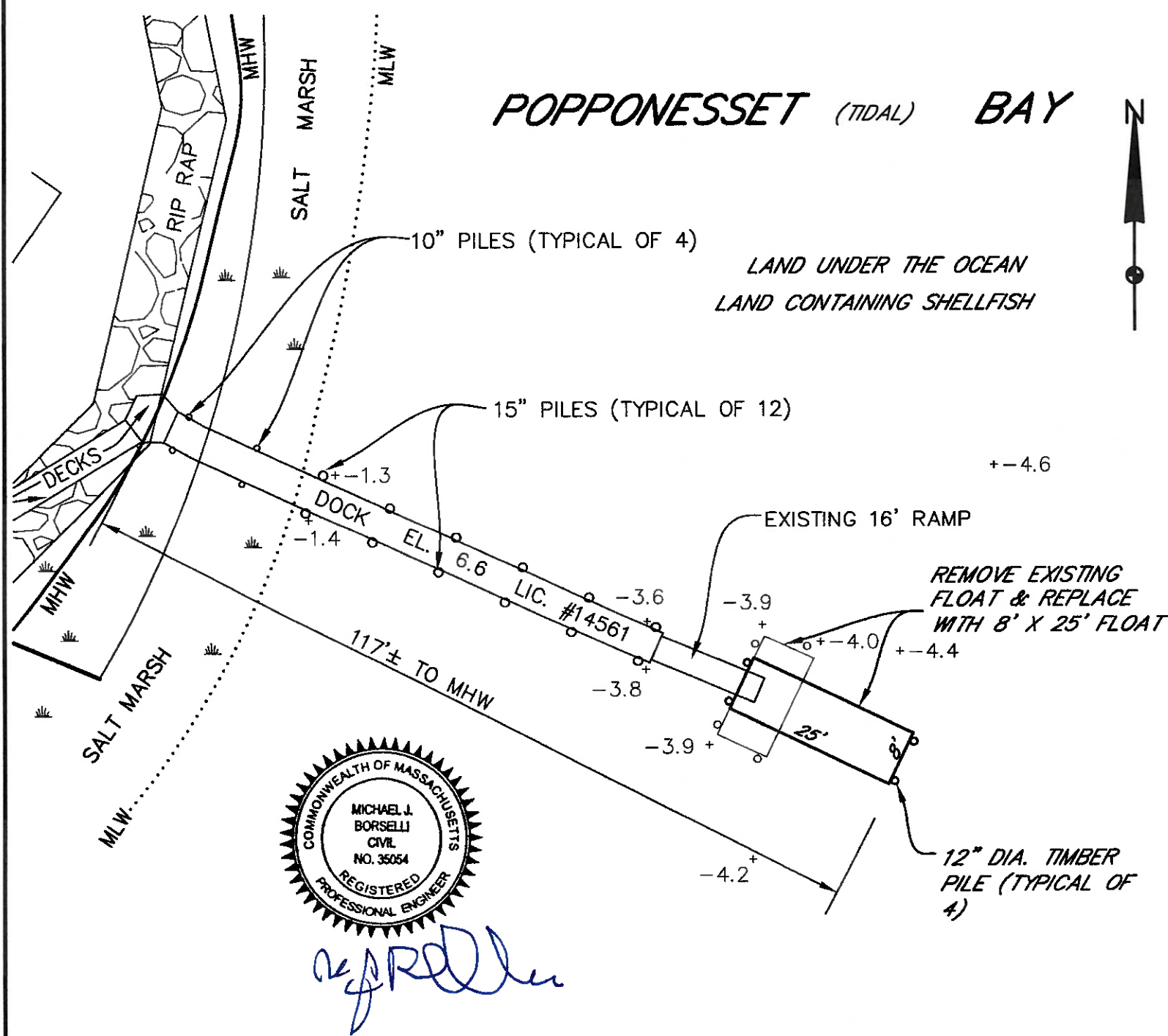
KEY MAP  
SHEET 1 OF 2  
MARCH 11, 2024

PLAN ACCOMPANYING PETITION OF DAVID ELKINSON TO RE-LICENSE AN EXISTING PIER AND PERMIT A PROPOSED FLOAT WITHIN POPPONNESSET BAY AT #199 DANIELS ISLAND ROAD, MASHPEE, BARNSTABLE COUNTY, MASSACHUSETTS

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

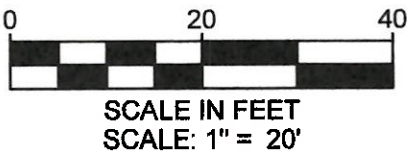
*[Signature]*  
NAME

3-15-24  
DATE



**LEGEND**

+12.0 EXISTING SOUNDING



**FLOAT PERMIT PLAN**  
**SHEET 2 OF 2**  
**MARCH 11, 2024**

**DATUM:**  
BASED ON NAVD88

PLAN ACCOMPANYING PETITION OF DAVID ELKINSON TO RE-LICENSE AN EXISTING PIER AND PERMIT A PROPOSED FLOAT WITHIN POPPONESSET BAY AT #199 DANIELS ISLAND ROAD, MASHPEE, BARNSTABLE COUNTY, MASSACHUSETTS

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



**Board of Appeals**

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

**VARIANCE DECISION**  
**Certificate of Approval**

**Petition #** 24-09  
**Name of Applicant:** Robert Pacl  
**Address:** 14 Freeman Avenue  
**Map Parcel:** 94-62  
**Book, Page:** 88, 47

TOWN CLERK  
TOWN OF SANDWICH

MAR 27 2024

12 H 25 M P MS  
RECEIVED & RECORDED

On March 26, 2024, the Board of Appeals voted to approve a Variance from Section 2550 of the Sandwich Zoning By-law for property located at 14 Freeman Avenue, as shown on Assessor's Map 94, Parcel 47, for the purpose of unmerging two lots.

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

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

Board of Appeals Member

MARCH 27 2024

Date

Received By

APR 1 2024

Planning Dept.



## **PROCEDURAL HISTORY**

1. Variance Application from Section 2550 of the Zoning By-Law for property located at 14 Freeman Avenue was filed on February 26, 2024.
2. After proper notice was given, the public hearing was opened on March 26, 2024 and closed on March 26, 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  
Christopher Neeven  
Erik Van Buskirk  
Chase Terrio  
Mary Foley

## **FINDINGS**

The Zoning Board of Appeals finds that:

1. Subject property is located within the R-1 Zoning District.
2. 14 Freeman Avenue is undeveloped. The lot consists of 5,000 s.f. with 50 feet of frontage on Freeman Avenue.
3. 12 Freeman Avenue is developed with a single-family home
4. The applicant purchased both properties in May of 1997 prior to Section 2550 taking effect.
5. The Board of Appeals finds that:
  - a) A literal enforcement of the provisions of this bylaw involves a substantial hardship, financial or otherwise,
  - b) The hardship is owing to circumstances relating to the soil conditions, shape, or topography of such land or structures but not affecting generally the zoning district in which it is located.
  - c) Desirable relief may be granted without substantial detriment to the public good, or nullifying or substantially derogating from the intent or purpose of this by-law.
6. Applicant states a lack of financial means to develop the subject property prior to the time Section 2550 went into effect.

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

Second: Erik Van Buskirk

Vote:

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

### **CONDITIONS:**

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

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

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

Second: Erik Van Buskirk

Vote:

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

### **DECISION:**

Motion: I, James Killion, move to approve without prejudice the Variance petition.

Second: Christopher Neeven

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



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



**Board of Appeals**

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

**VARIANCE DECISION**  
**Certificate of Denial**

**TOWN CLERK**  
**TOWN OF SANDWICH**

**MAR 27 2024**

**Petition #**  
**Name of Applicant:**  
**Address:**  
**Map Parcel:**  
**Certificate of Title:**

24-01  
Evelyn Cook  
6 Carman Avenue & 17 Dillingham Avenue  
88-073, 88-079  
229846, 229845

12 H 25 M 7 MS  
**RECEIVED & RECORDED**

On March 26, 2024, the Board of Appeals voted to deny a Variance from Section 2550 of the Sandwich Zoning By-law for property located at 6 Carman Avenue & 17 Dillingham Avenue, as shown on Assessor's Map 88, Parcel 073 & 079, for the purpose of unmerging two lots.

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

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

Board of Appeals Member

MARCH 27, 2024

Date

**Received By**

APR 1 2024

## **PROCEDURAL HISTORY**

1. Variance Application from Section 2550 of the Zoning By-Law for property located at 6 Carman Avenue was filed on January 22, 2024
2. After proper notice was given, the public hearing was opened on February 27, 2024 and closed on March 26, 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  
Christopher Neeven  
Erik Van Buskirk  
Chase Terrio  
Mary Foley

## **FINDINGS**

The Zoning Board of Appeals finds that:

1. Subject property is located within the R-1 Zoning District.
2. 6 Carman Avenue is undeveloped. The lot consists of 5,600 s.f. with 50 feet of frontage on Carman Avenue.
3. 17 Dillingham Avenue is developed with a single family home.
4. The applicant owns both 6 Carman Avenue & 17 Dillingham Avenue. Previously, the applicant owned 4 Carman Avenue.
5. 4 and 6 Carman Avenue were held in joint ownership after December 1998 and therefore have merged for zoning purposes.
6. The subject properties were purchased in 2017 and 2021. Applicant's representative states that they were unaware of the lot merger.

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

Second: Erik Van Buskirk

Vote:

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

7. The Board of Appeals finds that:

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

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

Second: Erik Van Buskirk

Vote:

James Killion	No
Christopher Neeven	No
Erik Van Buskirk	No
Chase Terrio	No
Mary Foley	No

**CONDITIONS:**

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

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

**No conditions moved**

**DECISION:**

Motion: I, James Killion, move to deny without prejudice the Variance petition.

Second: Christopher Neeven

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