

Willowbend Special Permit Modifications

Original Special Permit Decision [dated 4/15/87, recorded 5707-290] ✓
authorizes construction of a residential/golf course community

Modification of Plan [dated 1/9/88, recorded 6097-164] *change 3 street names*

✓ Modification [dated 8/17/88, recorded 6464-314] *revised Condition 20*

✓ 2nd Modification [3/7/90, recorded 6527-95 & 7964-308] *further revised Condition 20*

✓ 3rd Modification [3/21/90, recorded 7964-312] *permits Lot 219 to be divided into 219A & 219B*

✓ 1.) Transfer of Special Permit Decision [dated 8/7/91, recorded 7964-316]
from Hostetter/Largay, Fox Run to Bent Twig LP

New owner to record deed, pay outstanding taxes, establish \$100,000 escrow for 1992 taxes, execute covenant replacing 6009-302 encumbering Schedule A lots until roadways and municipal services have been provided, post bond for installation of roads and municipal services for Schedule B (Hostetter) lots

✓ 2.) Modification [dated 11/12/91, recorded 7964-300]

(i) *confirmed of total number of units/bedrooms from 338/853 to 287/853*

(ii) *confirmed non-resident members of golf club allowed*

(iii) *allow golf course open space to be transferred to homeowners assn subject to long-term lease*

(iv) *that the 27 sold lots be released from Condition 20 requiring all sewage from project be treated at STP because of DEP change*

Board voted new Condition 29, 30, 31, replaced Condition 20

3.) Modification [dated 5/6/92, recorded 8229-264] ✓

(i) *reallocation of space in clubhouse, additions to clubhouse, and modifications of surrounding area per plan*

(ii) *changes to driving range*

(iii) *delete and replace Condition 20*

Plan: "Conceptual Plan, Willowbend Country Club, Willowbend Road, Mashpee, MA"
dated 4/13/92, revised 4/30/92, 5/6/92, by Norman Grossman - Engineered
Plans will replace sheets 83 and 85 of Special Permit Plans 1-122

4.) Modification [dated 5/20/92, recorded 8229-269] ✓

allow clubhouse restaurant and grill to open to public for dining and functions

- ✓ 5.) Modification [dated 5/20/92, recorded **8229-273**]
2 at-grade pedestrian and golf cart crossings on Quinaquisset
Plan: "Special Permit Plan Revisions in Mashpee, Massachusetts" dated 1/9/92,
DW&P - revises pages 85-88, 93 of 122
- ✓ 6.) Modification [dated 7/15/92, recorded **8229-278**]
modify existing Phase Lotting Plan to divide Lot 202 into four smaller lots
allows creation of separate ten unit condominium built by Hostetter but never sold
Plan: "Plan of Land, Dunrobin Road, Mashpee, MA" dated 6/29/92, by Norman
Grossman, recorded 490-90
- ✓ 7.) Modification [dated 9/16/92, recorded **8505-18**]
Modify Golf Holes 3, 4, 7 and relocate Golf Holes 13, 14, 15
Plan: Replacement sheets 75-78, 91, 91a 91b, 92, 93 of 122
- ✓ 8.) Modification [dated 2/17/93, recorded **8526-87**]
Relocate and expand Tennis Courts, Swimming Pool, Recreational Facility from Lot
163 to Lots 21-29 and Lot 3
Plan: "Proposed Site Plan for Willowbend Spa and Tennis Club, Mashpee, Mass.",
dated 2/15/93, by Hawk & Jordan (Not Available)
- ✓ 9.) Modification No. 9 [dated 6/17/93, recorded **8758-33**]
install Snack Bar and Comfort Station along tenth hole
Plan: "Willowbend, Mashpee, MA, Plan Showing Proposed Snack Bar", dated 4/5/93,
by Norman Grossman
- ✓ 10.) Modification No. 10 [dated 6/17/93, recorded **8758-36**]
with Site Plan (DW&P 4/6/93) showing 2 driveways off modified subdivision road and
creating 126 housing sites by relocated golf holes 13, 14 & 15.
deletes old and substitutes new Paragraphs 4 and 28
also amends project phasing schedule to reflect buildout of the project
deletes Appendix A and specifies schedule in new Paragraph 4
Plan: "Willowbend, Mashpee, Massachusetts" dated 4/6/93, by DW&P - Site Plan
- 11.) Modification No. 11 [dated 10/26/93, recorded **8906-211**]
with minor changes to No. 10 Site Plans - replaces plan approved with No. 10
authorizes construction of up to 115 condominium units on new roads on plan

Plan: Site Plan (now dated 9/13/93, last revised 10/19/93)

Plan: "Conceptual Golf Cart Crossing Plan", dated 10/19/93 Vanasse & Assoc

12.) Modification No. 12 [dated 2/15/95, recorded 9582--88]

- (i) *modify entrance intersection of West Gate and Quinaquisset for entrance gate*
- (ii) *reconfigure some of the 115 housing sites (West Gate)*
- (iii) *modify Paragraph 20 to change identity of lots served by on-site septic - deleted and replaced Paragraph 20 as shown on Exhibit B*
- (iv) *construct comfort station on 14th golf hole*
- (v) *construct 5 units of multi-family housing as golf villas on Lot 64A*
- (vi) *modified condition 18 of Special Permit extending deadline re improvement of intersection with Rte 28*

Plan: "Willowbend, Phase I Extension, Mashpee, Massachusetts", dated 11/7/94, last revised 12/21/94, by DW&P, Grading & Utility Sheets 18, 24, 27-29 of 122, Plan & Profile Sheets 1-7

Plan: "Conceptual Architectural Plan for 14th Hole Comfort Station" dated 11/9/94, revised 12/27/94, by Willowbend

Plan: "Site Plan, Willowbend Golf Villas, Simons Road, Mashpee, MA" dated 11/9/94, by Norman Grossman

Plan: "Willowbend Villas, Floor Plans" dated 11/8/94, by Childs Bertman Tseckares

Plan: "Plan of Land, Simons Road, Mashpee, Massachusetts" dated 11/21/94 - ANR *plan defines golf villa lots*

Plan: "Proposed Density Distribution Plan for Willowbend Development Corp., 100 Willowbend Drive, Mashpee, MA" dated 12/21/94, by Willowbend Land Design - *re future project construction, a conceptual plan that does not control location of specific structures*

13.) Modification No. 13 [dated 4/5/95, recorded 9704-193]

- (i) *construct underground golf cart storage area beneath driving range*

Plan: "Site Plan, Proposed Golf Cart Underground Storage, Lot 208, Willowbend Road, Mashpee, MA" dated 1/17/95, by Norman Grossman, and "Cart Storage Buildings, Preliminary Design Drawings", dated 12/22/94, by Ford Construction Corp.

- (ii) *60 additional parking spaces south of club house lot*

Plan: "Site Plan, Proposed Additional Clubhouse Parking, Lot 187, Willowbend Road, Mashpee, MA", dated 1/17/95, by Norman Grossman, and "Site and Landscape Plan, Proposed Additional Clubhouse Parking, Lot 187 Willowbend Road", dated 3/7/95, Willowbend Land Design

- (iii) *construct additional 4 tennis courts and athletic field*

Plan: "Landscape Plan, Proposed Athletic Field, Fin' Me Oot Road" dated 3/27/95, by Willowbend Land Design

- (iv) *approve single family home on Lot 37*
- (v) *add new Condition 33 to authorize Board to make minor changes to Special Permit at public meeting without a public hearing [withdrawn by applicant]*

✓ 14.) **Modification No. 14** [dated 2/7/96, recorded **10111-298**]

modify existing clubhouse and related landscaping - 2/2/96 Memorandum re Allocation of Clubhouse Space with breakout table

Plan: "Willowbend, Mashpee, Massachusetts, Proposed Pond Alterations & Clubhouse Addition" dated 11/29/95, revised 2/5/96, by DW&P, revises Sheet 16 of 122

Plan: "Willowbend Clubhouse Addition, Mashpee, MA" dated 11/21/95, by CBT

Modification No. 14 Amendment [dated 11/21/96, recorded **10503-30**]
minor changes to clubhouse design

Plan: "Revised Site Plan for Clubhouse Addition", dated 11/4/96, by Team Engineering

✓ 15.) **Modification No. 15** [dated 4/3/96, recorded **10239-170**]

(i) *modified site plan north of Quinaquisset with layout of subdivision road and creation of 27 condominium house sites*

(ii) *grant of water line easement to Town of Mashpee Water District*

(iii) *release Lots 8, 51, 52, 53 from obligation of Condition 20 to tie into STP and allow interim septic systems until DEP allows single family lots to be connected Lot 30 to be connected to STP*

(iv) *Board deleted Condition 20 with Schedule 20 and replaced with new Condition 20 and Schedule 20 (list of lots with septic systems)*

Plan: "Definitive Subdivision Plan, Willowbend Phase II, Mashpee, Massachusetts" dated 3/19/96, last revised 4/30/96, DW&P (Sheets 1, 2, 3)

Plan: "Willowbend Phase II, Mashpee, Mass." dated 3/19/96, last revised 4/30/96, DW&P [Grading and Utility sheets 1 & 2 (11 & 15 of 122), Plan and Profile sheets 1-4, Pump Station Detail Sheet, and Construction Detail Sheets 1-3] the "Site Plans"

✓ 16.) **Modification No. 16** [dated 6/5/96, recorded **10365-49**]

(i) *construct additional parking and landscaped areas by existing fitness center*

(ii) *location and future use of tennis facility approved*

(ii) *Fin Me Oot Road and lots to be abandoned*

(iv) *Simon's Road to be kept open for vehicular traffic, public use*

Plan: Sheet 1--Fitness Center Expansion Grading and Drainage Plan" dated 4/26/96, revised 6/3/96, DW&P

Plan: "Sheet 2--Construction Details Willowbend Fitness Center Expansion" dated 4/26/96, revised 6/3/96, DW&P

Plan: "Plan of Land, Willowbend, Mashpee, Massachusetts", dated 5/13/96, DW&P
discontinues Fin' Me Oot Road and consolidates Lots 3 and 12-29

Index revisions 6/23/97

Willowbend Special Permit Modifications after June, 1996.

✓ 17.) **Modification No. 17** [approved 2/18/98, signed 4/15/98, recorded n/a]

Dunrobin Road area, two new subdivision roads, modified site layout.

- i.) *authorization to construct up to 25 single-unit condominium buildings along new subdivision roads shown on definitive plan in addition to 10 townhouse condominiums previously built.*
- ii.) *all units to be connected to sewage treatment plant.*
- iii.) *installation of fencing per submitted plans, openings; conditions re: openings, removal of vegetation, maintenance.*
- iv.) *construction traffic to utilize Quippish Road, restore to passable condition.*
- v.) *use of slow-release pesticides/fertilizers, approved by Conservation Commission, by all homes, recorded as part of condominium documents.*

Plan: "The Gardens Definitive Subdivision Plans, Mashpee, Massachusetts," dated 10/31/97, revised 2/16/98, Team Engineering, Inc. Sheets 1 – 5.

Plan: Grading and Utility Sheets (26, 27 and 28 of 122); Plan and Profile Sheets 1 – 7; all entitled "The Gardens, Mashpee, Massachusetts," all dated 10/22/97, revised 2/16/98, Team Engineering, Inc.

Plan: Proposed Fence Layout, dated 2/18/98, Team Engineering, Inc. 5 sheets.

18.) **Modification No. 18** [approved 9/3/98, signed 10/7/98, recorded n/a]

Construction of road connection between Willowbend and Shoestring Bay Estates, extension of water, sewer service to Shoestring Bay Estates.

- i.) *minimum of 20 and up to 38 of Shoestring Bay Estates subdivision may be connected to Willowbend sewage treatment plant, subject to approval by Mass. DEP; no more than 249 homes to be constructed until DEP approval of increase in permitted design flow and effluent discharge area for combined Willowbend/Shoestring Bay projects.*
- ii.) *decision not an approval under Subdivision Control law; access road may not provide frontage for any lots for zoning purposes and shall be built to subdivision specs as approved for Eagle Drive.*
- iii.) *Easement plan showing access and utilities to be recorded with this special permit.*
- iv.) *Bryants Cove Road to be maintained as a public way.*

Plan: "Construction Plans for Shoestring Bay Estates, Mashpee, Massachusetts," dated 8/26/98, Team Engineering, Inc. Sheets 1 – 9.

Plan: "Willowbend Development Corporation, Shoestring Bay Estates, Special Permit Modification Number 18," dated 7/29/98, Team Engineering, Inc.

*modifications #17 & 18: special permits/plans in
Planning Board files*



Town of Mashpee

P. O. BOX 1108
MASHPEE, MA 02649

PLANNING BOARD

SPECIAL PERMIT DECISION

I. REGARDING:

Petition of applicant Daniel C. Hostetter and John A. Largay, Trustees of Fox Run Realty Trust, for a Special Permit under previous Sections 9.3 (Open Space Multi-Family) and 9.4 (Cluster Development) of the Mashpee Zoning By-law for development of a residential, golf course community south of Rte. 28 in East Mashpee. The "Fox Run" project will consist of 173 detached single family and 165 attached single family housing units. The applicant also seeks approval under M.G.L. Chapter 41, Section 81 (inclusive) and the Rules and Regulations for the Subdivision of Land in Mashpee for the cluster portion of the development.

II. JURISDICTION:

This decision is issued by the Mashpee Planning Board pursuant to Sections 9.3 and 9.4 of the Mashpee Zoning By-law as they existed on November 6, 1985, and applicable provisions of Massachusetts General Law, Chapter 40A, Section 9. Under this latter section, a Planning Board is granted the authority to impose conditions upon the issuance of a special permit.

III. CHRONOLOGY OF APPLICATION:

On November 6, 1985 the applicant submitted a preliminary plan of the cluster subdivision to the Planning Board. On December 18, 1985 this plan was approved subject to conditions. Meetings with the Planning Board were continued on February 19, 1986 and May 21, 1986 at which time the definitive plan for the cluster portion of the project was submitted. At the May 21 meeting, a request for extension of the 60 day review period for definitive plans was granted, and definitive approval of the cluster portion of the development was made subject to a final decision on the special permit. On July 16, 1986 the applicant appeared

before the Planning Board for pre-application review of their special permit application under sections 9.3 (Open Space Multi-Family) and 9.4 (Cluster Development). Pre-application review was continued to September 10, 1986, followed by a site visit on October 25, 1986 and a special meeting on October 29. On December 3, 1986 the applicant submitted an application for approval of special permit plans. A public hearing was held on January 28, 1987, notice of which was duly given to abutters in accordance with M.G.L. Chapter 40A, Section 11, and by publication in the Falmouth Enterprise, a newspaper of general circulation in the town of Mashpee on January 14 and January 21, 1987, a copy of which is attached hereto.

The public hearing was continued to February 18, 1987 at which time it was adjourned. On March 4, 1987 the applicant met again with the Planning Board, and on March 18, 1987 the Board voted unanimously to approve the special permit, subject to conditions which are specified below.

IV. FINDINGS:

1. The Planning Board is the Special Permit Granting Authority under Sections 9.3 and 9.4 of the Mashpee Zoning By-law, and under authority granted to it by M.G.L. Chapter 40A, Section 9.
2. The proposed 338-unit "Fox Run" development meets the requirements of Sections 9.3 and 9.4 of the Mashpee Zoning by-law in effect at the time of submission, as well as the requirements of M.G.L. Chapter 40A, Section 9.
3. The Cluster portion of the development meets the requirements of the Rules and Regulations for the Subdivision of Land in Mashpee, as well as applicable requirements of M.G.L. Chapter 41, Section 81 (inclusive).
4. The special permit application, with attendant recreational and open space areas, is superior to a grid subdivision plan on the same property.
5. The applicant has paid all applicable Planning Board fees in processing the application(s) and has met the procedural requirements for special permit and definitive plan approval.
6. The applicant has sought necessary approvals from other Town Boards, Commissions and Departments, and from State and Federal agencies for regulated components of the "Fox Run" development.
7. The applicant has agreed to grant a fifty foot easement to the town of Mashpee along the western bank of the Santuit River, from Sampson's Mill Rd. northward along his property boundary. The

purpose of this easement is for stream management and maintenance activities, principally by the Massachusetts Division of Fisheries and Wildlife and/or Trout Unlimited Inc.

8. The applicant has agreed that the water distribution system constructed at his expense for this development will be transferred (along with any necessary easements or other appurtenant items) at no cost to the Mashpee Water District, to be operated by it as a part of its water system on the same basis as other parts of its system, upon its completion and on a date agreeable to said Water District.
9. The applicant has agreed to fund the installation of a 24" test well on Town of Mashpee property adjacent to the proposed development, said property being shown on the 1985 Mashpee Assessor's Maps as Map 62, Plot 67, along with the engineering costs associated with obtaining approval from the Massachusetts Department of Environmental Quality Engineering of said well as a source of public water supply.

V. CONDITIONS:

1. Whenever used in this special permit, the term applicant shall refer to Mr. Dan Hostetter and Mr. John Largay, Trustees of Fox Run Realty Trust and/or their heirs and assigns.
2. The applicant shall construct the project in accordance with the plans on file in the Planning Board files dated _____, 1987 and signed by the Planning Board Chairman on _____, 1987.
3. A minimum 100 foot buffer strip from either edge of Sampson's Mill Road and Quinaquisset Avenue will be left in its existing vegetative state, except for entrance areas, golf cart underpass and golf course areas shown on the filed plans. Minimum distance of clearing from the center of the Santuit River to the edge of the disturbed golf course area will be 150 horizontal feet. Minimum buffer area on perimeter portions of the development seeking approval under Section 9.3 shall be 40 feet. Each of these bordering areas shall be clearly flagged prior to commencement of any land clearing. Where these conditions are not in accordance with approved plans, the more stringent requirement shall take precedence.
4. The applicant will construct the roads, buildings, golf course, and clubhouse of the project in five phases, in accordance with the annual phasing schedule specified in Appendix A of this decision and indexed in special permit plans. Whenever possible, housing units shall be built as projected by the phasing schedule, however in no case shall more than the following numbers of single family and/or multi-family units be constructed in any single

construction year, the first year starting at the commencement of construction:

<u>Projected Phase</u>	<u>Construction Year</u>	<u>Multi-Family</u>	<u>Single Family</u>	<u>Total</u>
I*	5/87 thru 4/88	29	44	73*
II	5/88 thru 4/89	36	37	73
III	5/89 thru 4/90	36	34	70
IV	5/90 thru 4/91	29	37	66
V	5/91 thru 4/92	35	21	56

* Phase I will include construction of the golf course and clubhouse.

In the event that units remain to be built beyond the fifth year, no more than a total of 68 (multi-family and/or single family) units shall be constructed in any individual construction year until the completion of the project. Continuation of construction for each phase beyond the first phase shall be contingent upon written approval by the Planning Board, the Consulting Engineer to the Planning Board, the Building Inspector, the Fire Chief, and the Design Review Committee. The purpose of this condition is to insure that the project is built in accordance with special permit plans. Where necessary, the Planning Board may require revegetation and/or other improvements for individual phase approval. In order to expedite this condition, the applicant shall notify the above listed offices approximately sixty days prior to the completion of each phase. No later than thirty days beyond the expiration of the sixty day notification period, the Planning Board, Consulting Engineer to the Board, the Building Inspector, the Fire Chief, and the Design Review Committee shall approve or approve with modifications the phase being reviewed. Failure of any of these offices to act within this ninety day (total) time period shall be construed as approval. Planning Board approval of any phase shall be made at a regularly scheduled meeting of the Board, but will not require a public hearing.

5. All new or substantially enlarged utilities associated with this development, including those in public ways, shall be located underground except where specifically voted otherwise by the Planning Board.
6. No work shall be done in the areas of Sampson's Mill, the Old Quippish Homestead, the Simon's Homestead, the lower end of Quaker Run, and any other portions of the site which may, in the opinion of the office of the State Archaeologist, contain sites of historic and archaeological importance until such time as historic and archaeological investigations have been completed and the office of the State Archaeologist indicates that land clearing and/or construction may proceed at these sites.
7. A condition of this special permit is completion of requirements imposed by the Secretary of Environmental

Affairs by authority of the Massachusetts Environmental Policy Act. Specifically, mitigating measures and/or corrective actions and/or changes to plans recommended and/or required by the Secretary to satisfy concerns introduced by the Draft and Final Environmental Impact Reports shall constitute conditions of this permit and failure to comply with these conditions will cause this permit to become invalid.

8. Non-profit corporation(s) shall be established to insure proper care and maintenance of the open space and facilities as required by the appropriate sections of the Mashpee Zoning By-Law. Open space designated within the Fox Run project shall be restricted by deed restrictions that run with the land. Said restrictions shall be recorded at the Barnstable County Registry of Deeds. They shall specify the uses and activities to be allowed on the open space and shall require approval by the Planning Board prior to their recording.
9. In all areas within the project, vegetative clearing shall be kept to a minimum so as to protect natural forest communities. Specimen trees shall be tagged and preserved whenever possible.
10. Due to shallow water depth in upper Shoestring Bay, no fixed or floating piers, wharfs, or docks, either seasonal or year-round, shall be constructed along the shoreline of the property included in this special permit unless such structure(s) is subsequently approved by a 4/5 vote of the Planning Board.
11. All water supply and wastewater disposal infrastructure integral to the "Fox Run" project shall meet the then current standards for water supply for the Town or Mashpee Water District.
12. The applicant will dedicate twenty (20') feet on either side of Quinaquisset Avenue and Sampson's Mill Road on property owned by the applicant for future use by the Town of Mashpee for purposes of improving such roads should the Town deem such improvement advisable.
13. The applicant shall require all construction vehicles to enter and exit the development site from the unimproved public way (Quippish Road) during that period of time the roads, utilities and other amenities are being constructed in the area north of Sampson's Mill Road so as to minimize the potential of burdening and/or damaging those improved public ways maintained by the Town. The applicant shall further be responsible for maintaining Quippish Road in a passable state at all times during construction provided that the applicant has created a problem that has resulted in an impassable state. The applicant shall further require that construction vehicles will exit the remainder of the site via Orchard Road and will not use the crossings of the Santuit River at Sampson's Mill Road or Quinaquisset Avenue.

14. The applicant shall schedule construction of the proposed culvert beneath Quinaquisset Ave. so as to minimize impact on thru traffic. No portion of Quinaquisset Ave. shall be closed to thru traffic during the summer months.
15. Should the Town DPW Director deem it advisable, the applicant will post traffic control signs at its development entrances and exits to control the direction in which traffic will flow onto public roads.
16. The applicant will post appropriate signs to alert traffic to pedestrians and golf carts which will cross any private or public way, and where necessary, and with the permission of the Mashpee DPW Director where applicable, will provide paving treatment to draw additional attention to those areas.
17. The applicant shall not interfere with or prohibit travel on those public ways located within the development and in particular Quippish Rd. from Rte. 28 to Quinaquisset Ave., Simons Rd. from Sampson's Mill Rd. to Bryant's Cove Rd. and Bryant's Cove Rd. from Quinaquisset Ave. to the southern property line of this site. Any relocation of any portion of these roads shall require the approval of the Board of Selectmen in conformance with M.G.L. Chapter 82. Any discontinuance of any portion of these roads shall require the approval of a Town Meeting in conformance with M.G.L. Chapter 82 after a report by the Planning Board under M.G. L. Chapter 41, Section 81.
18. The applicant shall pay fifty (50) percent of all engineering and construction costs associated with the realignment and improvement of the proposed relocated section of Sampson's Mill Rd. between Simon's Rd. and Rte. 28 as per the Town Planner's proposal for a four-way signalized intersection at Rte. 28 and Noisy Hole Rd. Said funds shall be paid upon request by the Mashpee Board of Selectmen at one time, or from time to time, as they shall deem appropriate to accomplish the layout and construction of said road relocation. Should such request not be made within eight years from the signature of this permit, this condition shall become null and void.
19. The applicant complete an engineering survey, to be conducted by a qualified, registered engineer to determine the structural condition and ability of the current crossing of Sampson's Mill Rd. over the Santuit River to safely carry vehicular and pedestrian traffic projected at the time of completion of the "Fox Run" project, or 10 years from the signature of this permit, whichever is sooner.
20. The applicant shall construct a sewage treatment plant to provide a "tertiary" level of treatment for all wastewater produced by the proposed development, said treatment to include at least 90% denitrification and conformance with requirements and

standards of the wastewater discharge permit issued and monitored by DEQE.

21. The applicant will install a deodorization unit at the sewage treatment plant to insure that nuisance odors do not emit from the plant.
22. The applicant shall maintain the sewage treatment facility in conformance with all requirements of the DEQE until such time as the common areas and facilities are turned over to the Homeowners Association or Associations which are being formed. Following such a transfer, the Association(s) shall have the responsibility to maintain the sewage treatment facility(s) as required by the DEQE. The applicant and its successor shall establish a budget and collect appropriate monthly fees to insure the proper care and maintenance of the treatment plant. If a Town sewer district is established, or the Town establishes a sewer department to oversee operations of sewage treatment plants within the Town, the sewage treatment facility, collection system and any other appurtenant items and necessary easements shall be transferred upon request of the Town, to it or to the sewer district under terms similar to the water distribution system.
23. The applicant shall include in a set of restrictive covenants a limitation on the amount of lawn area which can be planted on single family house lots and common condominium lot areas. Specifically, no more than 35% (exclusive of foundation and driveway areas) of either of these areas shall be managed as lawn area.
24. The golf course, specifically fairways, roughs, and edges, and all areas exclusive of greens and tees shall be designed and maintained as a low-impact, low-maintenance facility. Grass species and other planted vegetation will be selected to require minimal amounts of pesticide and fertilizer applications. Management practices shall reflect those used at the Dennis Highlands golf course in Dennis, Massachusetts. The applicant will provide to the Planning Board and the Conservation Commission, on an annual basis, a listing of pesticides and fertilizers used on the golf course, the volumes applied, and describe any real or potential adverse affects on receiving water quality and proposed mitigating measures. Any areas to which pesticides or other potentially hazardous materials are applied shall be posted with warnings to that effect for a period of at least 72 hours following each application.
25. The cranberry bogs will be designed and maintained as low-impact, low-maintenance cranberry operations. Specifically, the bogs will be maintained for aesthetic purposes, not for intensive cranberry production. Pursuant to this purpose, fertilizer and pesticide applications will be held to minimum amounts necessary. All operations of the bogs will be subject to the Order of Conditions imposed by the Conservation Commission. The applicant

will provide to the Planning Board and Conservation Commission, on an annual basis, a listing of pesticides and fertilizers used in the cranberry bogs, the volumes used, and description of any real or potential adverse affects on receiving water quality and proposed mitigating measures. Any areas to which pesticides or other potentially hazardous materials are applied shall be posted with warnings to that effect for a period of at least 72 hours following each application.

26. The applicant shall take steps to insure that the treatment of the bogs with pesticides or other potentially hazardous materials shall not be undertaken when there is play on the golf course in the vicinity of the bogs, and shall be applied in a manner to prevent contact with residents of the development.
27. No voided single condition(s) enclosed herein shall affect the validity of any other condition(s).
28. This permit shall lapse within two years of the date of its filing with the Town Clerk if substantial progress has not been made in the completion of the first phase indicated in Appendix A, and will lapse if completion of the remaining phases is not done within two years of the date specified in Appendix A.

VI. DECISION:

The Mashpee Planning Board, acting under its authority established by applicable sections of M.G.L. Chapter 40A and 41, and under the authority granted it by the Mashpee Zoning By-laws, hereby grants a special permit to applicant Daniel C. Hostetter and John A. Largay, Trustees of Fox Run Realty Trust, for construction of a 338 unit residential/golf course community known as "Fox Run" or "Willow Bend" south of Rte. 28 in East Mashpee. Grant of this special permit is contingent upon the successful execution of and adherence to the aforementioned findings and special permit conditions.

Any appeal made to the grant of this special permit shall be made within twenty (20) days of filing of the signed permit with the Mashpee Town Clerk, pursuant to M.G.L. Chapter 40A, Section 17.

Hereby Signed on this 15 day of April, 1987 by the Mashpee Planning Board:

Richard S. Dubin
Richard S. Dubin, Chairman

Anthony E. Ferragamo
Anthony E. Ferragamo

Richardson H. Jonas
Richardson H. Jonas

Judy M. Mills
Judy M. Mills

Michele S. Stone
Michele S. Stone

This decision has been duly filed on 16 April, 1987 with the Town Clerk of Mashpee.

RECEIVED

APR 16 1987

James D. Mahut
MASHPÉE TOWN CLERK



Town of Mashpee

P. O. BOX 1108
MASHPEE, MA 02649

8/17/88

PLANNING BOARD

MODIFICATION OF SPECIAL PERMIT DECISION

I. REGARDING:

Petition of applicant Daniel C. Hostetter and John A. Largay, Trustees of Fox Run Realty Trust, to modify special permit decision signed April 15, 1987 by the Mashpee Planning Board under Sections 9.3 and 9.4 of the Zoning By-Law for the project known as "Fox Run" a.k.a. "Willowbend".

II. JURISDICTION:

Issued pursuant to Sections 9.3 and 9.4 of the Mashpee Zoning By-Law as they existed on November 6, 1985 and applicable provisions of M.G.L. Chapter 40A, Section 9.

III. FACTS:

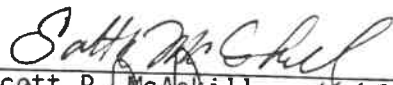
At its meeting of August 3, 1988, the Planning Board was presented by the applicants with proposed modifications to the special permit decision signed April 15, 1987. The applicants explained that the proposed modifications, which would allow construction of individual septic systems for a certain number of single-family lots and condominium units, are made necessary by a decision of the Massachusetts Department of Environmental Quality Engineering (DEQE) to prohibit the developers from connecting single-family lots to their proposed wastewater treatment plant. The Mashpee Board of Health has, of necessity, agreed to allow the individual septic systems based on the DEQE decision. The Planning Board was also informed that Mashpee Town Counsel has ruled that the proposed modifications, since they relate to items which are largely the domain of DEQE and the Board of Health, do not require an advertized public hearing. On the basis of that ruling and the above facts, the Board voted 4-0, with Chairman Anthony Ferragamo abstaining, to approve the following modifications to the special permit:

IV. MODIFIED CONDITION:

Condition 20 of the Special Permit decision is revised to read as follows:

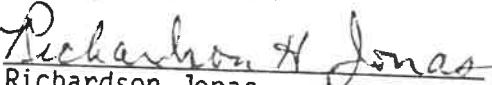
The applicant shall construct a sewage treatment plant to provide a "tertiary" level of treatment for all wastewater produced by the proposed development, said treatment to include at least 90% denitrification and conformance with requirements and standards of any wastewater discharge permit issued and monitored by DEQE and with any requirements imposed by the Mashpee Board of Health. Prior to operation of the sewage treatment plant (or an alternative public system), a maximum of 64 single family lots and two condominium buildings (up to 10 units) may be served by on-site septic systems designed, constructed and maintained in accordance with the requirements of Title V of the State Environmental Code and the Disposal Works Construction Permit requirements of the Mashpee Board of Health. The leaching facilities for these systems shall be located on the respective lots being serviced. These on-site septic systems shall be considered interim systems only and may be utilized only until such time as the private sewage treatment plant servicing the Fox Run (Willowbend) development has been approved and permitted by DEQE and the Board of Health, has been constructed and becomes operational, or until such time as a Town owned sewage treatment plant has been constructed and is operational to service the development and other lands. The applicant shall construct wastewater collection systems suitable to provide direct service to all lots and units in the development, including sewer lines to the front property line of each single family lot, in anticipation of connection to a sewage treatment plant, notwithstanding the construction of interim septic systems for the limited number of lots and units noted above. Upon the availability and approval by DEQE of a private or public sewage treatment plant to service the development, all units and lots shall, at the expense of the developer or subsequent lot owners, connect to the sewer lines and wastewater collection system and abandon any interim septic systems. The applicant shall provide sufficient notice of these requirements to all buyers of lots and condominium units in a form approved by the Planning Board. The applicant shall also provide sufficient cash or other security to guarantee funds for the construction of connections to the sewer lines from units built with interim septic systems.

V. Hereby signed on this 17th day of August, 1988 by the Mashpee Planning Board:


Scott R. McAskill, VICE CH.


Judy M. Mills


V. Louise Behrman


Richardson Jonas

Any appeal made to this special permit modification shall be made within twenty (20) days of filing of this signed decision with the Mashpee Town Clerk, pursuant to M.G.L. Chapter 40A, Section 17.

This decision has been duly filed on August 18, 1988 with the Town Clerk of Mashpee.

Jane D. Labute
Jane Labute, Town Clerk

3/7/90



Town of Mashpee

P. O. BOX 1108
MASHPEE, MA 02649

PLANNING BOARD

MODIFICATION OF SPECIAL PERMIT DECISION

I. REGARDING:

Petition of applicant Daniel C. Hostetter and John A. Largay, Trustees of Fox Run Realty Trust, to further modify special permit decision signed April 15, 1987 by the Mashpee Planning Board under Sections 9.3 and 9.4 of the Zoning By-Law for the project known as "Fox Run" a/k/a "Willowbend."

II. JURISDICTION:

Issued pursuant to Sections 9.3 and 9.4 of the Mashpee Zoning By-Law as they existed on November 6, 1985 and applicable provisions of M.G.L. Chapter 40A, Section 9.

III. FACTS:

At its meeting of December 6, 1989, the Planning Board was presented by the applicants with proposed further modifications to the special permit decision signed April 15, 1987. The applicants explained that the proposed modifications, which would allow construction of individual septic systems for a certain number of single-family lots, are made necessary by a decision of the Massachusetts Department of Environmental Protection (formerly DEQE) to prohibit the developers from connecting single-family lots to their proposed wastewater treatment plant. The Mashpee Board of Health has, of necessity, agreed to allow the individual septic systems based on the DEP decision. On the basis of the above facts, the Board voted 4-0, with Chairman Anthony

Ferragamo abstaining, to approve the following modifications to the special permit:

IV. MODIFIED CONDITION:

Condition 20 of the Special Permit decision is further revised to read as follows:

The applicant shall construct a sewage treatment plant to provide a "tertiary" level of treatment for all wastewater produced by the proposed development, said treatment to include at least 90% denitrification and conformance with requirements and standards of any wastewater discharge permit issues and monitored by DEP and with any requirements imposed by the Mashpee Board of Health. Prior to the operation of the sewage treatment plant (or an alternative public system), a maximum of 8~~4~~ single family lots and two condominium buildings (up to 10 units) may be served by on-site septic systems designed, constructed and maintained in accordance with the requirements of Title V of the State Environmental Code and the Disposal Works Construction Permit requirements of the Mashpee Board of Health. The leaching facilities for these systems shall be located on the respective lots being serviced. These on-site septic systems shall be considered interim systems only and may be utilized only until such time as the private sewage treatment plant servicing the Fox Run (Willowbend) development has been approved and permitted by DEP and the Board of Health, has been constructed and becomes operational, or until such time as a Town owed sewage treatment plan has been constructed and is operational to service the development and other lands. The applicant shall construct wastewater collection systems suitable to provide direct service to all lots and units in the development, including sewer lines to the front property line of each single family lot, in anticipation of connection to a sewage treatment plant, notwithstanding the construction of interim septic systems for the limited number of lots and units noted above. Upon the availability and approval by DEP of a private or public sewage treatment plant to service the development, all units and lots shall, at the expense of the developer or subsequent lot owners, connect to the sewer lines and wastewater collection system and abandon any interim septic systems. The applicant shall provide sufficient notice of these requirements to all buyers of lots and condominium units in a form approved by the Planning Board. The applicant shall also provide sufficient cash or other security to guarantee funds for the construction of connections to the sewer lines from units built with interim septic systems.

LAWN SIZES ON the Aforementioned lots, so long as they remain ON TITLE V systems, shall be limited to 3000 square feet.

V. Hereby signed on this 7th day of March, 1990 by the Mashpee Planning Board.


Wayne Garrett


Judy M. Mills


V. Louise Behrman


Patrick Coffey

Any appeal made to this special permit modification shall be made within twenty (20) days of filing of this signed decision with the Mashpee Town Clerk, pursuant to M.G.L. Chapter 40A, Section 17.

This decision has been duly filed on March 13, 1990, 1990 with the Town Clerk of Mashpee.


Jane Labute, Town Clerk



Town of Mashpee

P. O. BOX 1108
MASHPEE, MA 02649

3/21/1990

PLANNING BOARD

MODIFICATION OF SPECIAL PERMIT DECISION

I. REGARDING:

Petition of applicant, Daniel C. Hostetter and John A. Largay, Trustees of Fox Run Realty Trust to further modify Special Permit decision and signed April 15, 1987 by the Mashpee Planning Board under Sections 9.3 and 9.4 of the Zoning By-Laws of the project as Fox Run a.k.a. Willowbend.

II. JURISDICTION:

Issued pursuant to Sections 9.3 and 9.4 of the Mashpee Zoning By-Law as they existed on November 6, 1985 and applicable provisions of M.G.L. Chapter 40A, Section 9.

III. FACTS:

At its meeting on March 21, 1990, the Planning Board was presented by the applicants with a proposed further modification to the Special Permit decision signed April 15, 1987. The applicants explained that the proposed modification would allow the transfer of certain rights to construct fifteen (15) condominium units on Lot 219A as shown on an approval not required plan entitled "Plan of Land in Mashpee, Massachusetts, prepared Daniel C. Hostetter, showing phase lotting at Willowbend dated March 5, 1990, subject to all of the terms and conditions contained in the original Special Permit and its subsequent modifications". At the Board's meeting of March 7, it was requested that a note be added to the approval not required plan setting forth that said plan was subject to certain covenants of the Planning Board dated April 22, 1987 and recorded at the Barnstable County Registry of Deeds. On the basis of the above facts, the Board voted 4-0, with Chairman

Anthony Ferragamo abstaining, to approve the following modification to the Special Permit.

IV. MODIFICATION:

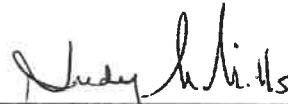
The applicant shall be permitted to create two (2) approval not required lots 219A and 219B, shown on the approval not required plan referred to above, which lots constitute a division of Lot 219 on the Willowbend phase lotting plan endorsed by the Planning Board on April 20, 1988.

In all other respects, the Special Permit as modified shall remain in full force and effect and subject to all the terms and conditions contained therein.

V. Hereby signed on this 21st day of March, 1990, by the Mashpee Planning Board.



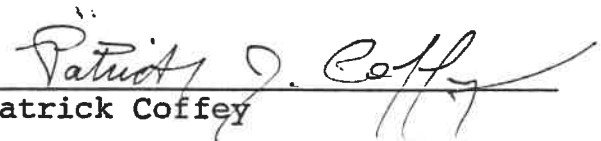
Wayne Garrett



Judy M. Mills



V. Louise Behrman



Patrick Coffey

Any appeal made to this Special Permit modification shall be made within twenty (20) days of filing of this signed decision with the Mashpee Town Clerk, pursuant to M.G.L. Chapter 40A, Section 17.

This decision has been duly filed on _____, 1990, with the Town Clerk of Mashpee.

Jane Labute, Town Clerk

①

Mashpee Planning Board

Transfer of Special Permit Decision

Reference is made to a Special Permit Decision issued to Daniel C. Hostetter and John A. Largay, Trustees of Fox Run Realty Trust, dated April 15, 1987, as amended by a Modification of Special Permit dated August 17, 1988, a second Modification of Special Permit dated March 7, 1990 and a third Modification of Special Permit dated March 21, 1990 (hereinafter collectively the "Special Permit"). The Special Permit authorizes construction of a residential/golf course community known as Willowbend south of Route 28 in East Mashpee (the "Project").

Pursuant to Section 9.3827 of the applicable Mashpee Zoning By-law, the Mashpee Planning Board hereby authorizes the transfer of the Special Permit to Bent Twig Limited Partnership, or an assignee of its rights to acquire the Project (the "New Owner"), and confirms that after the effective date of this transfer the New Owner shall have full right and authority to proceed with the Project subject to the terms and conditions of the Special Permit.

This transfer and confirmation of the Special Permit is subject to the following conditions:

- i) This transfer and confirmation of the Special Permit shall become effective only after the occurrence of both of the following events: a) the recording of a deed(s) with the Barnstable County Registry of Deeds transferring title to those portions of the Project now owned by the Resolution Trust Corporation (the "Premises") to the New Owner, and b) the payment of all unpaid real estate taxes now due and payable to the Town of Mashpee with respect to the Premises in accordance with the terms of the attached escrow agreement.
- ii) An escrow account in the amount of \$100,000 shall be established pursuant to the attached escrow agreement to cover estimated real estate taxes payable to the Town of Mashpee for fiscal year 1992 for the Premises.
- iii) Upon taking title to the Premises, the New Owner shall execute a covenant substantially in the form of the covenant encumbering portions of the Premises now recorded with the Barnstable County District Registry of Deeds at Book 6009, Page 302 originally executed in connection with the approval of a certain Definitive Subdivision Plan dated May 16, 1986 by the Mashpee Planning Board. The covenant shall run in favor of the Planning Board and shall encumber the lots listed on Schedule A. The covenant shall generally provide that

the New Owner shall not, except as otherwise provided in M.G.L. c. 41, Section 81U, build upon or convey the lots listed in Schedule A until such time as the roadways and municipal services necessary to service those lots as depicted on the Definitive Plan have been provided or other security for the installation of those roadways and municipal services has been provided in accordance with M.G.L. c. 41, Section 81U. Such covenant when executed shall be duly recorded with the Barnstable County District Registry of Deeds.

- iv) Within sixty days of the date on which the New Owner takes title to the Premises, the New Owner shall post a bond or provide other adequate security as authorized by M.G.L. c. 41, Section 81U for the installation of roads and municipal services as depicted on the Definitive Plan necessary to serve the lots listed on Schedule B which have been released from the covenant and conveyed prior to the date hereof. Such bond or other form of security authorized under M.G.L. c. 41, Section 81U shall require that such roads and municipal services necessary to serve the lots listed on Schedule B be completed according to a schedule approved by the Board.

At a public meeting held on July 17, 1991 the Board voted to transfer the Special Permit to the New Owner and confirmed the New Owner's authority to proceed with the Project subject to the terms and conditions of the Special Permit and the additional requirements set forth above.

Signed this 7th day of August, 1991.

Mashpee Planning Board

Wm. P. Gantt

Judy H. Mills

Houise Belhomme

PJ Coffey

This decision has been duly filed on AUGUST 8, 1991
with the office of the Town Clerk.

Jane Labute
Jane Labute, Town Clerk

SCHEDULE "A"

(Lots Released But Not Yet Conveyed Out)

Willowbend Road: Lots 5, 6, 8, 13, 22, 23, 24, 31, 32, 33, 34,
36, 39, 40, 41, 44, 45, 46 and 47.

Gullane Road: Lots 51, 52, 53 and 56.

Fin Me Oot Road: Lots 14 and 18.

Condo Units: Lot 201 (formerly) a portion of Lot 1)
Lots 202 & 204 (formerly a portion of Lot 2)

SCHEDULE "B"

(Lots Released and Subsequently Conveyed Out)

Willowbend Road: Lots 7, 9, 10, 11, 12, 20, 21, 25, 30,
 35, 37, 38, 42 and 43

Gullane Road: Lots 55, 48, 49, 50, 54, 57, 58, 59 and 60

Fin Me Oot Road: Lots 15, 16, 17, 19

PLANNING BOARD
MODIFICATION OF SPECIAL PERMIT DECISION

(2)

I. REGARDING

Reference is made to a Special Permit Decision issued by the Mashpee Planning Board to Daniel C. Hostetter and John A. Largay, Trustees of Fox Run Realty Trust, dated April 15, 1987, as amended by a Modification of Special Permit dated August 17, 1988, a second Modification of Special Permit dated March 7, 1990, and a third Modification of Special Permit dated March 21, 1990 (hereinafter collectively the "Special Permit"). By decision dated August 7, 1991, the Special Permit was conditionally transferred to Bent Twig Limited Partnership or its assignee (referred to hereinafter as the "New Owner" or "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 New Owner requested modifications to the Special Permit in order to clarify its rights under the Special Permit. The requested modifications were considered at the Planning Board's meeting on November 6, 1991.

II. JURISDICTION

This modification is issued pursuant to Sections 9.3 and 9.4 of the Mashpee Zoning By-law as in effect on November 6, 1985 as well as pursuant to applicable provisions of M.G.L. c. 40A, Section 9.

III. FACTS AND FINDINGS

In order to confirm its rights under the Special Permit, the New Owner requested the modifications described below. The Board made the following findings on the proposed requests.

Request 1

The applicant requested confirmation of the total number of bedrooms allowed within the Project. As originally permitted, the Project was proposed to include 338 units with a maximum of 853 bedrooms. The applicant is now proposing a less dense future development plan which will focus primarily on detached single-family units under condominium or other form of common ownership resulting in greater open space and, based on the applicant's marketing plans which target "empty-nesters," less overall

population within the development and therefore lessened impact on municipal resources. Consistent with the OSID provisions of the current By-law, the Board interprets the bedroom limit contained within Section 9.322 as a density limit which was intended to establish a maximum number of bedrooms within the development when applied in conjunction with the maximum number of units established under the permit. The Board believes that the applicant's proposed plan to reduce the total number of units is consistent with the intent of the By-law and will result in a more beneficial project. The Board therefore approves the reduction in the number of units from 338 to 287 and waives strict compliance with the provisions of section 9.322 provided that the maximum number of 853 bedrooms (excluding dens, studies and family rooms) originally contemplated shall not be exceeded.

Request 2

The applicant requested the Board to confirm that under the Special Permit he may allow non-resident members of the golf club. The applicant demonstrated that the original developer's plans provided for outside members. The applicant also provided information documenting that it is customary for golf courses within residential communities such as Willowbend to have outside members in addition to resident members. The Board stated that in granting the Special Permit, it had anticipated that non-resident members would be allowed to join the golf club and that the proposed use is authorized as a customary accessory use and is not precluded by Section 9.334. Based on the information presented, the Board finds that this use was permitted under the original Special Permit pursuant to Sections 9.3613 and Section 9.42(7)(b) of the By-law.

Request 3

The applicant also requested a modification to the Special Permit to allow the golf course open space to be transferred to the association of homeowners subject to the provisions of a long-term lease. In granting the original Special Permit, the Board anticipated that the homeowners would need to contract with a third party to actually manage the course, and the proposed lease represents a long-term solution to that need. Presentations were made on behalf of existing homeowners expressing their support for the proposal and stating that it would relieve them from burdensome assessments and potential liabilities. Therefore, the Board finds that the proposed lease arrangement satisfies the requirements of Section 9.362 and Section 9.42 which list the allowable forms of ownership of open space.

Request 4

The petitioner also requested that the 27 lots listed on Schedule C to this modification which have been sold to third parties be released from the provisions of condition 20 of the Special Permit requiring that all sewage from the project be treated by the sewage treatment plant.

The Board finds that since the original issuance of the Special Permit in 1987, statements of policy at the state DEP have effectively prohibited the use of sewage treatment plants to service single-family subdivisions. The applicant presented information confirming that there is no practical manner in which it can provide sewer service to the 27 single family lots without altering the form of ownership of the existing lots. The Board also finds that the total flow associated with the 27 lots will represent less than 6% of the total flows from the Project and that allowing these 27 lots to remain on septic systems will not have any significant impact. The lot owners themselves have also requested the Board to grant this modification to remove the cloud surrounding the marketability of these lots. Should public ownership of the sewer system or a change in DWPC policy allow these 27 lots to be tied into the sewage treatment plant, the applicant has agreed that they will be tied into the sewage treatment plant pursuant to the provisions of Condition 20 of the Special Permit. The Board therefore finds that the requested modification would not have a detrimental effect on the development and grants the requested relief. The use of the septic systems for the 27 lots shall be subject to the approval of the Mashpee Board of Health.

Based on the foregoing, the Board finds that the development as herein modified is to be constructed in substantial compliance with the requirements of the original Special Permit and that the proposed modifications will reduce overall density from that originally permitted and allow the golf course to be operated as a championship course as envisioned under the original Special Permit. No change in use is proposed. The Board also finds, for reasons enumerated above, that the modifications and clarifications sought are: (1) consistent with, and do not derogate from, the intent of the Zoning By-law; (2) in general harmony with the purposes and intents of the Zoning By-law; (3) in compliance with the provisions of M.G.L. c. 40A, Section 9 and applicable provisions of the Zoning By-law including requirements of Sections 9.3 and 9.4; (4) in furtherance of the public good and not substantially detrimental to adjoining land; and (5) not of such significance as to require a public hearing on the Board's modification decision.

IV. MODIFICATIONS TO SPECIAL PERMIT

The Board voted unanimously on November 6, 1991 to grant the proposed modifications and relief requested and to modify the Special Permit as follows:

1. By adding a new condition 29 as follows:

29. Notwithstanding anything to the contrary in the Special Permit, the total number of residential units permitted, which may be of any type allowed under Section 9.3 or under Section 9.4, shall not exceed 287 and the total number of bedrooms within the Project (not including any den, study or family room) shall not exceed 853.

2. By adding a new condition 30 as follows:

30. Any person who initially purchases a lot or unit within the development from the developer shall, at that time, be offered membership in the golf club, subject to the applicable fees and regulations provided for under the golf club's membership documents. If after having been offered membership, that lot or unit owner declines to join, then such membership spot can be offered to persons who are not residents of Willowbend. The developer may also offer additional memberships in the golf club to non-residents.

3. By adding a new condition 31 as follows:

31. The open space, including the golf course, shall be owned by an association of homeowners which may take the form of a condominium association which shall be a non-profit organization. When title to the golf course open space is transferred to the association, it may be transferred subject to the terms of a long-term lease to a third party who will operate the golf course. The lease shall specifically provide that all golf course open space subject to the lease shall remain subject to the terms and conditions of the Special Permit and the provisions of the applicable Mashpee Zoning By-law. A copy of the lease shall be submitted to the Planning Board for approval prior to its execution so that the Board can determine that the lease complies with the terms of this paragraph and that the description of the leased premises accurately reflects the approved special permit plans.

4. By deleting Condition Number 20 of the Special Permit, as most recently amended on March 7, 1990, in its entirety and by substituting the following in its place:

The applicant shall construct a sewage treatment plant to provide a "tertiary" level of treatment for all waste water produced by the development, said treatment to include at least 90% denitrification and conformance with requirements and

standards of any waste water discharge permit issued and monitored by DEP and with any requirements imposed by the Mashpee Board of Health. Prior to the operation of the sewage treatment plant (or in alternative public system), a maximum of 27 single-family lots and 67 other residential units may be served by on-site septic systems designed, constructed and maintained in accordance with the requirements of Title V of the State Environmental Code and the Disposal Works Construction Permit requirements of the Mashpee Board of Health. The leaching facilities for these systems shall be located on the respective lots being serviced. The applicant shall construct waste water collection systems suitable to provide direct service to all lots and units in the development, including sewer lines to the front property line of each single family lot, in anticipation of connection to a sewage treatment plant, notwithstanding the construction of interim septic systems for the limited number of lots and units noted above. Upon completion and approval of the operation of the sewage treatment plant (or, for the 27 lots, upon said event and approval by DEP of the connection of said lots to the sewage treatment plant or a public system), all units and lots shall, at the expense of the developer or subsequent lot owners, connect to the sewer lines and waste water collection system and abandon any interim septic systems. The applicant shall provide sufficient notice of these requirements to all buyers of lots and condominium units in a form approved by the Planning Board. The applicant shall also provide sufficient cash or other security to guarantee funds for the construction of connections to the sewer lines from units built with interim septic systems. Lawn sizes on the aforementioned lots, so long as they remain on Title V systems, shall be limited to 3,000 square feet.

This modification represents a further refinement and specification of the original Special Permit which relates back and is hereby deemed part of the original Special Permit. In all other respects, the Special Permit, as herein modified, shall remain in full force and effect.

This Modification of the Special Permit shall become effective only after the occurrence of both of the following events: a) the recording of a deed(s) with the Barnstable County Registry of Deeds transferring title to those portions of the Project now owned by the Resolution Trust Corporation (the "Premises") to the New Owner, and b) the payment of all unpaid real estate taxes now due and payable to the Town of Mashpee with respect to the Premises in accordance with the terms of an escrow agreement dated August 7, 1991 on file with the Mashpee Tax Collector. This Modification of the Special Permit shall be further conditioned on the continued maintenance of an escrow account in the amount of \$100,000 provided for under said escrow agreement to cover estimated real estate taxes payable to the Town of Mashpee for fiscal year 1992 for the Premises.

Signed as of this 12th day of November, 1991.

Mashpee Planning Board

Judy L. Mills

This decision has been duly filed on NOVEMBER 13, 1991
with the office of the Town Clerk.

Jane D. Labute
Jane Labute, Town Clerk

I HEREBY CERTIFY THAT NO NOTICE OF APPEAL
HAS BEEN RECEIVED BY THIS OFFICE DURING
THE TWENTY DAYS FOLLOWING RECEIPT AND
RECORDING OF NOTICE FROM THE PLANNING
BOARD OF APPROVAL OF THE ATTACHED PLAN.

Jane D. Labute
TOWN CLERK

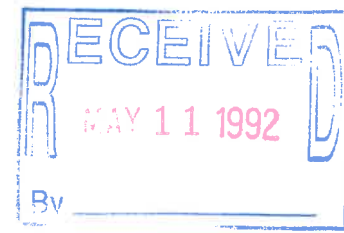
DATE OF CERTIFICATION

December 10, 1991

SCHEDULE C

Lots 7, 9, 10, 11, 12, 15, 16, 17, 19, 20, 21, 25, 30, 35
37, 38, 42, 43 & 55, 48, 49, 50, 54, 57, 58, 59, 60

APR 15 5-6-92



PLANNING BOARD
MODIFICATION OF SPECIAL PERMIT DECISION

3

I. REGARDING

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 5070, 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. Willowbend Development Corporation is hereinafter referred to as the "New Owner" or "applicant". The Special Permit authorizes construction of a residential/golf course community known as Willowbend south of Route 28 in East Mashpee (the "Project").

In a letter dated March 20, 1992, the New Owner presented a proposal for modifications to the approved special permit plans to reallocate space within the golf course clubhouse and to authorize certain additions to the clubhouse and related facilities including modifications to parking areas and access ways. Originally approved capacities for dining, lockers, etc. within the clubhouse will remain the same. The proposed changes are shown on a plan entitled "Conceptual Plan, Willowbend Country Club, Willowbend Development Corp.", scale 1"= 40, dated April 13, 1992. The applicant also sought confirmation of its right under the Special Permit to modify the existing interim septic system installed by the prior developer to service the clubhouse until the wastewater treatment plant is operational. Finally, the applicant also proposed modifications to the approved Special Permit plans to allow the regrading of the driving range to lower it by three feet. The proposed change will not affect the size or location of the proposed driving range.

The proposals were considered at the Planning Board's meeting on April 15, 1992.

II. JURISDICTION

This modification is issued pursuant to Sections 9.3 and 9.4 of the Mashpee Zoning By-law as in effect on November 6, 1985 as well as pursuant to applicable provisions of M.G.L. c. 40A, Section 9.

III. FACTS AND FINDINGS

The Board finds that the proposed changes to the clubhouse and related facilities will improve circulation within the development and improve the appearance of the clubhouse from the road. Because the capacity of the clubhouse will remain the same, the requested changes will not increase the overall infrastructure and traffic impacts of the Project. At the meeting, the Board also reviewed the applicant's proposal to modify the club house septic system previously approved by the Board of Health for the prior developer. The New Owner updated the Board on the progress made to date on the design and permitting of the wastewater treatment plant and committed to commencing construction of the plant as soon as the necessary local and state approvals have been obtained. The Board finds that the changes to the driving range are not significant.

Based on the foregoing and additional information presented at the meeting, the Board finds that the development as herein modified is to be constructed in substantial compliance with the requirements of the original Special Permit and that the proposed changes will enhance the operation of the course as a championship level golf course as envisioned under the original Special Permit. The Board also finds, for reasons enumerated above, that the modifications sought are: (1) consistent with, and do not derogate from, the intent of the Zoning By-law; (2) in general harmony with the purposes and intents of the Zoning By-law; (3) in compliance with the provisions of M.G.L. c. 40A, Section 9 and applicable provisions of the Zoning By-law including requirements of Sections 9.3 and 9.4; and (4) in furtherance of the public good and not substantially detrimental to adjoining land.

IV. MODIFICATIONS TO SPECIAL PERMIT

On April 15, 1992, the Board voted unanimously, with members Garrett, Coffey, Mitrokostas, Tavares and Jacobs voting in favor (member Ferragamo having stepped down), to grant the proposed modifications and relief requested and to modify the Special Permit:

- i) to authorize the reallocation of space within the clubhouse, certain additions to the clubhouse, and modifications of surrounding areas, including the access road as shown on the Conceptual Plan referenced above. Final engineered plans reflecting the changes shall be submitted to the Town Planner and to the Planning Board's consulting engineer and upon confirmation by each that the engineered plans are consistent with the Conceptual Plans approved by the Board, the Engineered Plans shall replace sheets 83 of 122 and 85 of 122 of the approved Special Permit Plans;

- ii) to authorize the changes to the golf course driving range; and
- iii) by deleting Condition Number 20 of the Special Permit, as most recently amended on November 12, 1991, in its entirety and by substituting the following in its place:

The applicant shall construct a sewage treatment plant to provide a "tertiary" level of treatment for all waste water produced by the development, said treatment to include at least 90% denitrification and conformance with requirements and standards of any waste water discharge permit issued and monitored by DEP and with any requirements imposed by the Mashpee Board of Health. Prior to the operation of the sewage treatment plant (or an alternative public system), a maximum of 27 single-family lots, 67 other residential units, and the golf course clubhouse may be served by on-site septic systems designed, constructed and maintained in accordance with the requirements of Title V of the State Environmental Code and the Disposal Works Construction Permit requirements of the Mashpee Board of Health. The leaching facilities for these systems shall be located on the respective lots being serviced. The applicant shall construct waste water collection systems suitable to provide direct service to all lots and units in the development, including sewer lines to the front property line of each single family lot, in anticipation of connection to a sewage treatment plant, notwithstanding the construction of interim septic systems for the lots, units and golf course clubhouse noted above. Upon completion and approval of the operation of the sewage treatment plant (or, for the 27 lots, upon said event and approval by DEP of the connection of said lots to the sewage treatment plant or a public system), all units and lots and the golf course clubhouse shall, at the expense of the developer or subsequent lot owners, connect to the sewer lines and waste water collection system and abandon any interim septic systems. The applicant shall provide sufficient notice of these requirements to all buyers of lots and condominium units in a form approved by the Planning Board. The applicant shall also provide sufficient cash or other security to guarantee funds for the construction of connections to the sewer lines from units built with interim septic systems. Lawn sizes on the aforementioned single-family lots, so long as they

remain on Title V systems, shall be limited to
3,000 square feet.

This modification represents a further refinement and
specification of the original Special Permit which relates back
to and is hereby deemed part of the original Special Permit
which, as herein modified, shall remain in full force and effect.

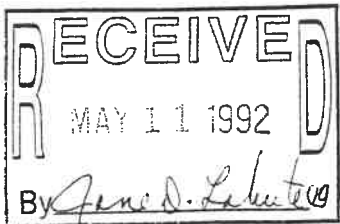
Signed as of this 6 day of May, 1992.

Mashpee Planning Board

Patricia J. Coffey

This decision has been duly filed on May 11, 1992
with the office of the Town Clerk.

James D. LaHute



PLANNING BOARD

MODIFICATION OF SPECIAL PERMIT DECISION

Recorded:
9/30/92
Inst # 59889

4

I. REGARDING:

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 5070, 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. Willowbend Development Corporation is hereinafter referred to as the "New Owner" or "applicant". The Special Permit authorizes construction of a residential/golf course community known as Willowbend south of Route 28 in East Mashpee (the "Project").

II. JURISDICTION:

This modification is issued pursuant to Sections 9.3 and 9.4 of the Mashpee Zoning By-Law as they existed on November 6, 1985 and applicable provisions of M.G.L. Chapter 40A, Section 9.

III. FACTS AND FINDINGS:

At its meeting on May 20, 1992, the applicant sought approval from the Board to open the clubhouse restaurant and grill to the public for dining and functions. The applicant demonstrated to the Board that pursuant to Section 9.338 of the applicable By-law, the original developer was permitted to have retail space within the development. Under the By-law, restaurants fall within the category of allowed retail uses within a multi-family development. The area of the proposed public dining areas (including kitchens) would be less than the maximum amount of retail space allowed. No increase in seating capacity from that originally approved in 1987 is proposed.

The Board found that although a public restaurant could have been allowed, no specific reference to public use of the restaurant was contained in the original Special Permit. The applicant stated its expectation that the restaurant would be primarily utilized by members of the Willowbend Community, and that the public use of the restaurant would be primarily an accessory use. The applicant also demonstrated that limiting the use of the restaurant to

members would pose a financial hardship especially in the early years before all available golf memberships have been granted. The Board noted that the New Owner has already made a substantial investment in the clubhouse.

Based on the foregoing and additional information presented at the meeting, the Board finds that the development as herein modified is to be constructed in substantial compliance with the requirements of the original Special Permit. The Board finds that the proposed revision is necessary to allow the applicant to implement its plans for redeveloping and improving the Project. The Board also finds, for reasons enumerated above, that the modifications sought are: (1) consistent with, and do not derogate from, the intent of the Zoning By-law; (2) in general harmony with the purposes and intents of the Zoning By-law; (3) in compliance with the provisions of M.G.L. c. 40A, Section 9 and applicable provisions of the Zoning By-law including requirements of Sections 9.3 and 9.4: and (4) in furtherance of the public good and not substantially detrimental to adjoining land.

IV. MODIFICATION

The Board voted unanimously on May 20, 1992 to modify the Special Permit by adding a new condition 32 as follows:

32. The applicant shall be permitted to open the clubhouse restaurant and grill to the public for dining and functions. Based on the provisions of Section 9,338 and the current count of 287 project units, 7,175 sq.ft. of such retail uses are allowed.

In all other respects, the Special Permit as modified shall remain in full force and effect and subject to all the terms and conditions contained therein.

This modification represents a further refinement and specification of the original Special Permit which relates back to and is hereby deemed part of the original Special Permit.

Hereby signed on this 20 day of May, 1992, by the Mashpee Planning Board.

PJ Coffey

Any appeal made to this Special Permit modification shall be made within twenty (20) days of filing of this signed decision with the Mashpee Town Clerk, pursuant to M.G.L. Chapter 40A, Section 17.

This decision has been duly filed on May 23, 1992, with the Town Clerk of Mashpee.

James D. Lohr



I HEREBY CERTIFY THAT NO NOTICE OF APPEAL
HAS BEEN RECEIVED BY THIS OFFICE DURING
THE TWENTY DAYS FOLLOWING RECEIPT AND
RECORDING OF NOTICE FROM THE PLANNING
BOARD OF APPROVAL OF THE ATTACHED PLAN.

James J. Lalute
TOWN CLERK

DATE OF CERTIFICATION

August 11, 1992

4/24

(5)

PLANNING BOARD
MODIFICATION OF SPECIAL PERMIT DECISION

I. REGARDING

Reference is made to a Special Permit Decision issued by the Mashpee Planning Board to Daniel C. Hostetter and John A. Largay, Trustees of Fox Run Realty Trust, dated April 15, 1987 and recorded with the Barnstable County District Registry of Deeds at Book 5070, Page 290, as amended from time to time with the most recent amendment by a document entitled Modification of Special Permit dated November 12, 1991 and recorded with said Deeds (hereinafter collectively the "Special Permit"). By decision dated August 7, 1991, the Special Permit was conditionally transferred to Bent Twig Limited Partnership whose interest was subsequently assigned to Willowbend Development Corporation. Willowbend Development Corporation is hereinafter referred to as the "New Owner" or "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 New Owner requested modifications to the approved plans to install two at-grade crossings on Quinaquisset Avenue. The requested changes are shown generally on plans entitled: "Special Permit Plan Revisions, prepared for Willowbend Development Corp., Mashpee, Massachusetts, prepared by DeFeo, Waite and Pare, Inc., dated January 9, 1992 (sheets 1-6), copies of which have been filed with the Planning Board. The requested modifications were considered at the Planning Board's public hearing on December 18, 1991. Notice of the public hearing was published in The Enterprise on December 3 and 10, 1991.

II. JURISDICTION

This modification is issued pursuant to Sections 9.3 and 9.4 of the Mashpee Zoning By-law as in effect on November 6, 1985 as well as pursuant to applicable provisions of M.G.L. c. 40A, Section 9.

III. FACTS AND FINDINGS

The Board finds that given the applicant's intention to upgrade the course to accommodate tournament play, it will be desirable to supplement the use of the underpass beneath Quinaquisset Avenue with two at-grade crossings on Quinaquisset

Avenue. Traffic studies prepared by the applicant's consultants showing the location and impact of the proposed crossings were submitted and presented at the public hearing on December 18, 1991.

Based on the foregoing and information presented at the hearing, the Board finds that the development as herein modified is to be constructed in substantial compliance with the requirements of the original Special Permit and that the proposed crossings will be necessary in connection with tournament play at the course and will enhance the operation of the course as a championship level golf course as envisioned under the original Special Permit. The Board also finds, for reasons enumerated above, that the modifications sought are: (1) consistent with, and do not derogate from, the intent of the Zoning By-law; (2) in general harmony with the purposes and intents of the Zoning By-law; (3) in compliance with the provisions of M.G.L. c. 40A, Section 9 and applicable provisions of the Zoning By-law including requirements of Sections 9.3 and 9.4; and (4) in furtherance of the public good and not substantially detrimental to adjoining land.

IV. MODIFICATIONS TO SPECIAL PERMIT

On April 15, 1992, the Board voted unanimously, with members Garrett, Coffey, Mitrokostas, Tavares and Jacobs, voting in favor (member Ferragamo having stepped down), to grant the proposed modifications and relief requested and to modify the Special Permit to allow the applicant to install two at-grade pedestrian and golf cart crossings on Quinacisset Avenue as shown on a set of plans entitled: "Special Permit Plan Revisions, prepared for Willowbend Development Corp., Mashpee, Massachusetts, January 9, 1992, prepared by DeFeo, Waite & Pare, Inc. (sheets 1-6) which shall become a modification of the approved Special Permit plans.

This modification represents a further refinement and specification of the original Special Permit which relates back to and is hereby deemed part of the original Special Permit which, as herein modified, shall remain in full force and effect.

All work performed under this Modification shall be subject to the following conditions:

1. Prior to any construction related to the proposed crossings of Quinacisset Avenue, the applicant shall as necessary provide to the Board, its consulting engineer and the Mashpee Director of Public Works, detailed plans and information as follows:
 - a. Topography with one foot contours of the proposed crossing areas with drainage designs.

- b. Details of warning signage on Quinaquisset Avenue and on the golf course paths notifying drivers and golfers of the crossings.
 - c. Details of signalization design for two flashing yellow signals, activated by the approach of golf carts, to be placed to the east and west of the proposed crossings.
 - d. Details of the crossing markings.
 - e. A plan of preparation and final materials to be used in the areas leading to and at the crossings.
 - f. A plan of landscaping designed to influence proper usage of the crossings by golf carts and pedestrians.
 - g. Proposed maintenance criteria, schedules and responsibilities. Road painting is to be done on an annual basis (spring). All signage shall be maintained when needed. The painting schedule will be coordinated with the Department of Public Works.
- 2. No construction of said crossings may begin until the Mashpee Public Works Director and the Board's consulting engineer have indicated to the Board, in writing, their approval of the above-noted plans and information.
 - 3. The signals specified in condition 1. c. shall be required.
 - 4. The applicant shall be responsible for the installation and maintenance of all items related to the crossings, required signage and signals.
 - 5. The existing underpass shall be maintained in operation and clear signage shall be provided indicating its availability as an alternate route between holes 15 and 16.
 - 6. The applicant shall provide at his expense, police crossing protection at both crossings, as deemed necessary by the Mashpee Police Chief, during any events at which a significant number of operators are expected. As an alternative to, or in addition to, police protection at the easterly crossing, the Police Chief may require that approaches should be blocked and golfers and operators required to use the underpass facility.

7. Within 90 days of approval of this permit modification, the detailed plans specified in Condition 1 shall be provided to the Board.
8. No additional construction of, or brushing and clearing for, new, relocated or enlarged tees, fairways or greens shall take place without written permission from the Board after review of plans for the proposed change.
9. Within 90 days of approval of this permit modification, the applicant shall provide to the Board a plan of the Willowbend site indicating existing and approved golf course holes (tees, fairways, greens, other areas which have been cleared or brushed), other areas which have been cleared for development or otherwise, areas where underbrush has been removed and areas which remain in their natural undisturbed state, along with a calculation of the acreage of each (i.e. golf course, other cleared areas, forested areas which have been brushed, cranberry bogs and areas which remain undisturbed).

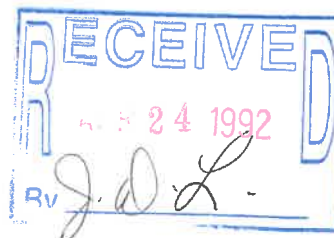
Signed as of this 20th day of MAY ~~April~~, 1992.

Mashpee Planning Board

Wm P. Gunt
PD Coffey
Richard Martore
Egon Antunich

This decision has been duly filed on April 24, 1992
with the office of the Town Clerk.

Jane D. Salente (MS)



PLANNING BOARD

MODIFICATION OF SPECIAL PERMIT DECISION

Recorded,
9/30/92
59891

(6)

I. REGARDING:

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 5070, 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. Willowbend Development Corporation is hereinafter referred to as the "New Owner" or "applicant". The Special Permit authorizes construction of a residential/golf course community known as Willowbend south of Route 28 in East Mashpee (the "Project").

II. JURISDICTION:

This modification is issued pursuant to Sections 9.3 and 9.4 of the Mashpee Zoning By-Law as they existed on November 6, 1985 and applicable provisions of M.G.L. Chapter 40A, Section 9.

III. FACTS:

At its meeting on July 1, 1992, the applicant presented the Planning Board with a proposed further modification to the Special Permit decision to modify the existing Phase Lotting Plan to divide Lot 202 into four smaller lots. The applicant presented an Approval Not Required Plan labelled "Plan of Land, Dunrobin Road, Mashpee, MA, prepared by Norman Grossman, scale 1"=40', and dated June 29, 1992 showing the revised lotting scheme for endorsement by the Planning Board pursuant to M.G.L. c. 41, Section 81P. The applicant explained that the proposed modification was being requested in order to allow the applicant to create a separate condominium to include the ten condominium units constructed by the prior developer, but never sold.

Based on the foregoing and additional information presented at the meeting, the Board finds that the development as herein modified is to be constructed in substantial compliance with the requirements of the original Special Permit. The Board finds that the proposed revision is necessary to allow the applicant to implement its plans for redeveloping and improving the Project. The Board also finds, for reasons enumerated above, that the modifications

sought are: (1) consistent with, and do not derogate from, the intent of the Zoning By-law; (2) in general harmony with the purposes and intents of the Zoning By-law; (3) in compliance with the provisions of M.G.L. c. 40A, Section 9 and applicable provisions of the Zoning By-law including requirements of Sections 9.3 and 9.4; and (4) in furtherance of the public good and not substantially detrimental to adjoining land.

IV. MODIFICATION:

The applicant shall be permitted to revise the Phase Lotting Plan as shown on the ANR Plan.

In all other respects, the Special Permit as modified shall remain in full force and effect and subject to all the terms and conditions contained therein.

This modification represents a further refinement and specification of the original Special Permit which relates back to and is hereby deemed part of the original Special Permit.

Hereby signed on this 15th day of July, 1992, by the Mashpee Planning Board.

P. J. C. H.
R. Martin
W. P. Graft
Joseph J. Lohman

Any appeal made to this Special Permit modification shall be made within twenty (20) days of filing of this signed decision with the Mashpee Town Clerk, pursuant to M.G.L. Chapter 40A, Section 17.

This decision has been duly filed on July 16, 1992, with the Town Clerk of Mashpee.

James W. Lohman

7

PLANNING BOARD
MODIFICATION OF SPECIAL PERMIT DECISION

I. REGARDING

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 5070, 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. Willowbend Development Corporation is hereinafter referred to as the "New Owner" or "applicant". The Special Permit authorizes construction of a residential/golf course community known as Willowbend south of Route 28 in East Mashpee (the "Project").

At the Planning Board's meeting on September 16, 1992, the New Owner presented a proposal for modifications to the approved special permit plans to modify golf holes 3, 4 and 7 and to relocate golf holes 13, 14 and 15 all as shown on the proposed replacement sheets 75, 76, 77, 78, 91, 91A, 91B, 92 and 93 of the approved Special Permit Plans of 122 sheets titled Fox Run, Mashpee, Mass. and dated June 3, 1987.

II. JURISDICTION

This modification is issued pursuant to Sections 9.3 and 9.4 of the Mashpee Zoning By-law as in effect on November 6, 1985 as well as pursuant to applicable provisions of M.G.L. c. 40A, Section 9.

III. FACTS AND FINDINGS

The Board finds that the proposed changes to golf holes 3, 4 and 7 and the relocation of holes 13, 14 and 15 are not significant changes and will provide the New Owner with greater flexibility in carrying out the development of the housing component of the Project.

Based on the foregoing and additional information presented at the meeting, the Board finds that the development as herein modified is to be constructed in substantial compliance with the requirements of the original Special Permit and that the proposed changes will enhance the operation of the course as a championship level golf course as envisioned under the original

Special Permit. The Board also finds, for reasons enumerated above, that the modifications sought are: (1) consistent with, and do not derogate from, the intent of the Zoning By-law; (2) in general harmony with the purposes and intents of the Zoning By-law; (3) in compliance with the provisions of M.G.L. c. 40A, Section 9 and applicable provisions of the Zoning By-law including requirements of Sections 9.3 and 9.4; and (4) in furtherance of the public good and not substantially detrimental to adjoining land.

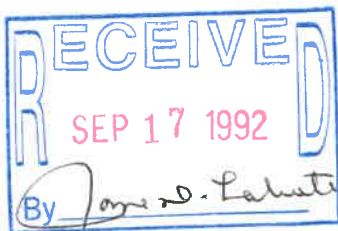
IV. MODIFICATIONS TO SPECIAL PERMIT

On September 16, 1992, the Board voted ⁴⁰unanimously, with members Garrett, Coffey, Mitrokostas, DiMaggio and Martini voting in favor (member Ferragamo having stepped down), to grant the proposed modifications and relief requested and to modify the Special Permit to authorize the modification of golf holes 3, 4 and 7 and the relocation of golf holes 13, 14 and 15 as shown on the replacement sheets referenced above. Such replacement sheets shall replace sheets 75, 76, 77, 78, 91, 92 and 93 of the approved Special Permit Plans of 122 sheets titled Fox Run, Mashpee, Mass. and dated June 3, 1987.

This modification represents a further refinement and specification of the original Special Permit which relates back to and is hereby deemed part of the original Special Permit which, as herein modified, shall remain in full force and effect.

Signed as of this 16th day of September, 1992.

Mashpee Planning Board



W. P. Guntt
Rick Marto
Eugene Antist
Robert Whigg

This decision has been duly filed on September 17, 1992 with the office of the Town Clerk.

James D. Lalute

8

PLANNING BOARD

MODIFICATION OF SPECIAL PERMIT DECISION

I. REGARDING:

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 5070, 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. Willowbend Development Corporation is hereinafter referred to as the "New Owner" or "applicant". The Special Permit authorizes construction of a residential/golf course community known as Willowbend south of Route 28 in East Mashpee (the "Project").

II. JURISDICTION:

This modification is issued pursuant to Sections 9.3 and 9.4 of the Mashpee Zoning By-Law as they existed on November 6, 1985 and applicable provisions of M.G.L. Chapter 40A, Section 9.

III. FACTS:

At several meetings during December, 1992 and January, 1993, the applicant discussed with the Planning Board a proposed further modification to the Special Permit decision to relocate and expand the proposed tennis courts, swimming pool and recreational facility. The originally approved Special Permit Plans show tennis courts, a pool and two associated community buildings on lot 163 depicted on a set of plans entitled "Definitive Subdivision Plan of Land in Mashpee, Mass., dated May 16, 1986, and recorded with Barnstable County Registry of Deeds at Book 433, Pages 17-47. The applicant is now proposing to relocate the recreational facilities onto Lots 21-29 and Lot 3 as shown on said Definitive Plans. The new facility will include tennis courts, a pool, and a community building containing approximately 9500 s.f. of space for meeting rooms and exercise facilities.

At a public meeting held on February 17, 1993, the applicant presented testimony demonstrating that the new proposed location was more centralized and would reduce pedestrian and vehicular crossings of Quinnaquisset Avenue. The new proposed location is also wholly located within Willowbend

and will lessen any potential impacts on neighbors to the Willowbend development.

Based on the foregoing and additional information presented at the meeting, the Board finds that the development as herein modified is to be constructed in substantial compliance with the requirements of the original Special Permit. The Board finds that the proposed revision is necessary to allow the applicant to implement its plans for redeveloping and improving the Project. The Board also finds, for reasons enumerated above, that the modifications sought are: (1) consistent with, and do not derogate from, the intent of the Zoning By-law; (2) in general harmony with the purposes and intents of the Zoning By-law; (3) in compliance with the provisions of M.G.L. c. 40A, Section 9 and applicable provisions of the Zoning By-law including requirements of Sections 9.3 and 9.4; and (4) in furtherance of the public good and not substantially detrimental to adjoining land.

IV. MODIFICATION:

The applicant shall be permitted to construct the recreational facilities on Lots 21-29 and Lot 3 in accordance with the conceptual plan entitled "Proposed Site Plan for Willowbend Spa and Tennis Club, Mashpee, Mass." prepared by Hawk & Jordan, Inc., dated February 15, 1993, Scale 1" = 40', a copy of which has been submitted to the Planning Board.

In all other respects, the Special Permit as modified shall remain in full force and effect and subject to all the terms and conditions contained therein.

This modification represents a further refinement and specification of the original Special Permit which relates back to and is hereby deemed part of the original Special Permit.

Hereby signed on this 17th day of February, 1993, by the Mashpee Planning Board.



PT Coffey
ST Dimity

JENSWIMA.PP

Richard Martin

SPYRO MITROKOSTAS.

Any appeal made to this Special Permit modification shall be made within twenty (20) days of filing of this signed decision with the Mashpee Town Clerk, pursuant to M.G.L. Chapter 40A, Section 17.

This decision has been duly filed on February 18, 1993, with the Town Clerk of Mashpee.

James D. Lalute

PLANNING BOARD

MODIFICATION OF SPECIAL PERMIT DECISION NO. 9

I. REGARDING:

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 5070, 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. Willowbend Development Corporation is hereinafter referred to as the "New Owner" or "applicant". The Special Permit authorizes construction of a residential/golf course community known as Willowbend south of Route 28 in East Mashpee (the "Project").

II. JURISDICTION:

This modification is issued pursuant to Sections 9.3 and 9.4 of the Mashpee Zoning By-Law as they existed on November 6, 1985 and applicable provisions of M.G.L. Chapter 40A, Section 9.

III. FACTS:

At a public meeting held on April 7, 1993, the applicant presented to the Planning Board a proposed further modification to the Special Permit Plans to create a proposed snack bar and comfort station along the tenth hole. The improvements will include bathroom facilities and a small snack bar with seating for approximately sixteen people. The proposed improvements are shown on a plan entitled "Willowbend, Mashpee, MA, Plan Showing Proposed Snack Bar", drawn by Norman Grossman, R.L.S. dated April 5, 1993.

Based on the information presented at the meeting, the Board finds that the development as herein modified is to be constructed in substantial compliance with the requirements of the original Special Permit. The Board finds that the proposed revision is a normal and customary accessory use to the golf course and will improve the overall operation of the course. The Board also finds based on the presentation that the modifications sought are: (1) consistent with, and do not derogate from, the intent of the Zoning By-law; (2) in general harmony with the purposes and intents of the Zoning By-law; (3) in compliance with the provisions of

M.G.L. c. 40A, Section 9 and applicable provisions of the Zoning By-law including requirements of Sections 9.3 and 9.4; and (4) in furtherance of the public good and not substantially detrimental to adjoining land.

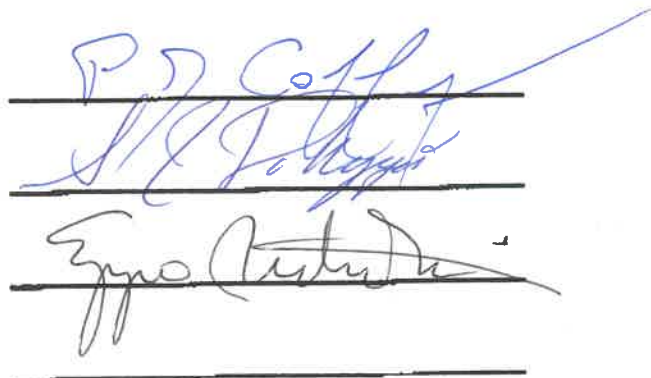
IV. MODIFICATION:

The applicant shall be permitted to construct the proposed snack bar in accordance with the above-referenced plan.

In all other respects, the Special Permit and Special Permit Plans as modified shall remain in full force and effect and subject to all the terms and conditions contained therein.

This modification represents a further refinement and specification of the original Special Permit which relates back to and is hereby deemed part of the original Special Permit.

Hereby signed on this 17TH day of June , 1993, by the Mashpee Planning Board.



Any appeal made to this Special Permit modification shall be made within twenty (20) days of filing of this signed decision with the Mashpee Town Clerk, pursuant to M.G.L. Chapter 40A, Section 17.

This decision has been duly filed on June 18, 1993, with the Town Clerk of Mashpee.



PLANNING BOARD

MODIFICATION OF SPECIAL PERMIT DECISION NO. 10

I. REGARDING:

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 5070, 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. Willowbend Development Corporation is hereinafter referred to as the "New Owner" or "applicant". The Special Permit authorizes construction of a residential/golf course community known as Willowbend south of Route 28 in East Mashpee (the "Project").

II. JURISDICTION:

This modification is issued pursuant to Sections 9.3 and 9.4 of the Mashpee Zoning By-Law as they existed on November 6, 1985 and applicable provisions of M.G.L. Chapter 40A, Section 9.

III. FACTS AND FINDINGS:

At a public meeting on April 7, 1993, the applicant presented the Planning Board with a proposed further modification to the Special Permit Plans showing a modified site plan in the southwestern portion of the site. The proposed modification shows the layout of modified subdivision roads and the creation of 132 housing sites. The housing is designed around relocated golf holes 13, 14 and 15. The proposed changes are shown on a set of plans entitled "Willowbend, Mashpee, Mass.", drawn by DeFeo, Wait & Paré (the "Site Plans") copies of which were filed with the Board and which are listed on Schedule A to this Modification. The Site Plans reduce the amount of paved area and allows more efficient provision of utilities.

The applicant also requested amendments to the project phasing schedule to accurately reflect the proposed buildout of the project.

Based on the foregoing and additional information presented at the meeting, the Board finds that the development as herein modified is to be constructed in substantial compliance with the requirements of the original Special Permit. The Board also finds, for reasons enumerated above, that the modifications sought are: (1) consistent with, and

do not derogate from, the intent of the Zoning By-law; (2) in general harmony with the purposes and intents of the Zoning By-law; (3) in compliance with the provisions of M.G.L. c. 40A, Section 9 and applicable provisions of the Zoning By-law including requirements of Sections 9.3 and 9.4; and (4) in furtherance of the public good and not substantially detrimental to adjoining land.

IV. MODIFICATIONS:

1. The applicant shall be authorized to construct up to 132 condominium units along the new subdivision roads as shown on the Site Plans. Buildings (other than garages, sheds, greenhouse or cabana) must be separated from other buildings on the lot by not less than twenty feet.
2. The Special Permit is hereby amended as follows to reflect the revised phasing schedule:
 - a. By deleting condition 4 and substituting the following therefor:
 4. The applicant intends to construct the roads, driveways, buildings, golf course, fitness center and clubhouse of the project in seven phases. The following schedule lists the maximum number of housing units for which building permits shall be issued, and, in the case of single-family house lots, the maximum number of such lots for which releases from the subdivision covenant will be issued, during particular time periods:

<u>Projected Phase</u>	<u>Construction Period</u>	<u>Condominium</u>	<u>Detached Homes</u>	<u>House Lots</u>	<u>Other</u>	<u>Total</u>
I	5/87 thru 4/93	10		31	Golf Course/ Clubhouse	41
II	4/93 thru 4/94		40		Course/ Clubhouse/ Fitness Center	40
III	4/94 thru 4/95		40			40
IV	4/95 thru 4/96		40			40
V	4/96 thru 4/97		40			40
VI	4/97 thru 4/98		40			40
VII	4/98 thru 4/99		46			<u>46</u>
						287

In the event that units remain to be built, or lots remain to be released, beyond the seventh year, no more than a total of 50 units shall be constructed in any individual construction year until the completion of the project.

- b. By deleting condition 28 of the original Special Permit and substituting the following therefor:

28. This permit shall lapse within two years of the date of the filing with the Town Clerk if substantial progress has not been made in the completion of the first phase indicated in condition 4 above.

- c. The Special Permit is further modified by deleting Appendix A to the Special Permit. The annual phasing schedule specified and indexed in the special permit plans is hereafter superseded by the schedule set out in paragraph 4 above.

In all other respects, the Special Permit and Special Permit Plans as modified shall remain in full force and effect and subject to all the terms and conditions contained therein.

This modification represents a further refinement and specification of the original Special Permit which relates back to and is hereby deemed part of the original Special Permit.

Hereby signed on this 17th day of June, 1993, by the Mashpee Planning Board.

PD Coffey
J. L. Maggior
Richard Martin
E. J. Martin

Any appeal made to this Special Permit modification shall be made within twenty (20) days of filing of this signed decision with the Mashpee Town Clerk, pursuant to M.G.L. Chapter 40A, Section 17.

This decision has been duly filed on June 18, 1993, with the Town Clerk of Mashpee.

Jane D. Lehtinen

SCHEDULE A

Set of Plans labelled "Willowbend, Mashpee, Massachusetts, owned by Willowbend Development Corp., Mashpee, Massachusetts", prepared by DeFeo, Wait & Paré, dated April 15, 1993, last revised June 1, 1993 as follows:

Sheet Title: Grading & Utility Sheet, Sheet 18 of 122
Sheet Title: Grading & Utility Sheet, Sheet 19 of 122
Sheet Title: Grading & Utility Sheet, Sheet 21 of 122
Sheet Title: Grading & Utility Sheet, Sheet 22 of 122

Sheet Title: Plan & Profile Sheet, Pinehurst Drive, Sheet 1 of 7
Sheet Title: Plan & Profile Sheet, Pinehurst Drive, Sheet 2 of 7
Sheet Title: Plan & Profile Sheet, Muirfield Drive, Sheet 3 of 7
Sheet Title: Plan & Profile Sheet, Muirfield Drive, Sheet 4 of 7
Sheet Title: Plan & Profile Sheet, Prestwick Lane, Gleneagles Lane, Augusta Lane, Sheet 5 of 7
Sheet Title: Detail Sheet, Sheet 6 of 7
Sheet Title: Profile & Detail Sheet, Sheet 7 of 7

I HEREBY CERTIFY THAT NO NOTICE OF APPEAL HAS BEEN RECEIVED BY THIS OFFICE DURING THE TWENTY DAYS FOLLOWING RECEIPT AND RECORDING OF NOTICE FROM THE PLANNING BOARD OF APPROVAL OF THE ATTACHED PLAN.

James S. Calvert
TOWN CLERK

DATE OF CERTIFICATION

JULY 14, 1993

PLANNING BOARD

MODIFICATION OF SPECIAL PERMIT DECISION NO. 11

I. REGARDING:

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 5070, 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. Willowbend Development Corporation is hereinafter referred to as the "New Owner" or "applicant". The Special Permit authorizes construction of a residential/golf course community known as Willowbend south of Route 28 in East Mashpee (the "Project").

II. JURISDICTION:

This modification is issued pursuant to Sections 9.3 and 9.4 of the Mashpee Zoning By-Law as they existed on November 6, 1985 and applicable provisions of M.G.L. Chapter 40A, Section 9.

III. FACTS AND FINDINGS:

At a public meeting on October 20, 1993, the applicant presented the Planning Board with proposed further modifications to the Special Permit Plans showing a modified site plan in the southwestern portion of the site. The proposed modification shows the layout of modified subdivision roads and the creation of 115 housing sites. The housing is designed around relocated golf holes 13, 14 and 15. The proposed changes are shown on a set of plans entitled "Willowbend, Mashpee, Mass.", drawn by DeFeo, Wait & Paré (the "Site Plans") copies of which were filed with the Board and which are listed on Schedule A to this Modification. The Site Plans reflect minor changes to the plans approved in Modification No. 10 to the Special Permit dated as of June 17, 1993.

Based on the foregoing and additional information presented at the meeting, the Board finds that the development as herein modified is to be constructed in substantial compliance with the requirements of the original Special Permit. The Board also finds, for reasons enumerated above, that the modifications sought are: (1) consistent with, and do not derogate from, the intent of the Zoning By-law; (2)

in general harmony with the purposes and intents of the Zoning By-law; (3) in compliance with the provisions of M.G.L. C. 40A, Section 9 and applicable provisions of the Zoning By-law including requirements of Sections 9.3 and 9.4; (4) in furtherance of the public good and not substantially detrimental to adjoining land and (5) not of sufficient scope to require advertisement of a public hearing on the proposal.

IV. MODIFICATIONS:

At its meeting on October 20, 1993, the Board voted unanimously, with members Coffey, Martini, DiMaggio, Watt and Mitrokostas voting in the affirmative (Chairman Ferragamo having stepped down), that the applicant shall be authorized to construct up to 115 condominium units along the new subdivision roads as shown on the Site Plans. Buildings (other than garages, sheds, greenhouses or cabanas) must be separated from other buildings on the lot by not less than twenty feet.

The golf cart crossing south of the new subdivision road entrance on Quinaquisset Avenue and related signage and signals shall be installed and maintained in accordance with a plan entitled "Conceptual Golf Cart Crossing Plan," dated October 19, 1993, prepared by Vanasse & Associates, Inc., copies of which were filed with the Board at the meeting. The flashing signals shall be installed so that they are only activated when a golf cart is waiting to cross Quinaquisset Avenue. The applicant shall be responsible for maintaining the crossings and signals in accordance with the criteria set forth in the Modification to Special Permit Decision signed as of the 20th day of May, 1992 and recorded with Barnstable County Registry of Deeds as Instrument No. 5989 on September 20, 1992.

The Site Plan approved hereby shall replace the Site Plans approved in Modification No. 10. In all other respects, the Special Permit and Special Permit Plans as modified shall remain in full force and effect and subject to all the terms and conditions contained therein.

This modification represents a further refinement and specification of the original Special Permit which relates back to and is hereby deemed part of the original Special Permit.

A true copy

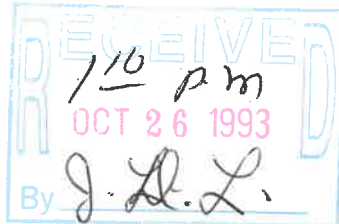
ATTEST:



Date: 10/26/93

Any appeal of this Special Permit modification shall be made within twenty (20) days of filing of this signed decision with the Mashpee Town Clerk, pursuant to M.G.L. Chapter 40A, Section 17.

This decision has been duly filed on October 26, 1993, with the Town Clerk of Mashpee.



Jane D. Lalute
Town Clerk

Signed by Mashpee Planning Board and hereby recordable on November 17TH, 1993.

P.J. C. H.
James Christopher
Richard Schreder
Richard Martin

I hereby certify that no notice of appeal has been received by this office during the twenty days following receipt by this office of notice of the decision.

Jane D. Lalute
Town Clerk
Date: NOVEMBER 18, 1993

SCHEDULE A

Set of Plans labelled "Willowbend, Mashpee, Massachusetts, owned by Willowbend Development Corp., Mashpee, Massachusetts", prepared by DeFeo, Wait & Paré, dated September 13, 1993, last revised October 19, 1993 as follows:

Sheet Title: Grading & Utility Sheet, Sheet 18 of 122
Sheet Title: Grading & Utility Sheet, Sheet 19 of 122
Sheet Title: Grading & Utility Sheet, Sheet 21 of 122
Sheet Title: Grading & Utility Sheet, Sheet 22 of 122
Sheet Title: Grading & Utility Sheet, Sheet 24 of 122

Sheet Title: Plan & Profile Sheet, Eagle Drive, Sheet 1 of 6
Sheet Title: Plan & Profile Sheet, Eagle Drive, Sheet 2 of 6
Sheet Title: Plan & Profile Sheet, The Heights, Sheet 3 of 6
Sheet Title: Plan & Profile Sheet, The Heights, Sheet 4 of 6
Sheet Title: Plan & Profile Sheet, Danny's Corner, The Cartway,
Access Road, Sheet 5 of 6
Sheet Title: Detail Sheet, Sheet 6 of 6

PLANNING BOARD

MODIFICATION OF SPECIAL PERMIT DECISION NO. 12

I. REGARDING:

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 5070, Page 290, as amended from time to time (hereinafter the "Special Permit"). Willowbend Development Corporation is hereinafter referred to as the "Owner" or "applicant". The Special Permit authorizes construction of a residential/golf course community known as Willowbend south of Route 28 in East Mashpee (the "Project").

II. JURISDICTION:

This modification is issued pursuant to Sections 9.3 and 9.4 of the Mashpee Zoning By-Law as they existed on November 6, 1985 and applicable provisions of M.G.L. Chapter 40A, Section 9.

III. FACTS:

At a public hearing held on December 7, 1994 and continued to December 21, 1994, the applicant presented to the Planning Board an application proposing further modifications to the Special Permit Plans to: (i) modify the entrance intersection of Quinaquisset Avenue and West Gate to modify the pavement layout to provide an entrance gate and associated landscaping; (ii) to reconfigure certain of the 115 housing sites approved under Section 9.3 of the By-law and shown on the Site Plans referenced in Modification of Special Permit Decision No. 11 recorded at Book 8906, page 211 with Barnstable Registry of Deeds. (The proposed improvements at the entrance and the reconfigured building sites are shown on a set of plans entitled "Willowbend, Phase I Extension, Mashpee, Massachusetts," drawn by DeFeo, Waite & Paré and listed in Exhibit A; additional materials relating to traffic issues were also submitted to the Board by R.D. Vanasse & Associates, Inc.); (iii) to modify Paragraph No. 20 of the Special Permit to change the identity of lots to be served by on-site septic systems; and (iv) to construct five units of multi-family housing under Section 9.3 to be used as golf villas.

Simultaneously with the application for Modification of the Special Permit, the applicant submitted a modification of the Definitive Subdivision Plan showing the modified layout of Eagle Drive and The Heights for approval under the

Subdivision Control Law. The plan is entitled "Definitive Plan of Land, Quinaquisset Avenue, Mashpee, Massachusetts prepared by DeFeo, Waite & Paré, Inc., dated November 7, 1994, 3 sheets (the "Definitive Plan").

The Board finds that the changes to the housing sites will allow the applicant to make better use of the land, will reduce the amount of paved area and increase the amount of dedicated open space in this area. The total number of building sites shown on the Phase I Extension Plans will remain at 115 as originally approved by the Board in Modification No. 11.

Based on the information presented at the meeting, the Board finds that the development as herein modified is to be constructed in substantial compliance with the requirements of the original Special Permit. The Board also finds based on the presentation that the modifications sought are: (1) consistent with, and do not derogate from, the intent of the Zoning By-law; (2) in general harmony with the purposes and intents of the Zoning By-law; (3) in compliance with the provisions of M.G.L. c. 40A, Section 9 and applicable provisions of the Zoning By-law including requirements of Sections 9.3 and 9.4; and (4) in furtherance of the public good and not substantially detrimental to adjoining land.

IV. MODIFICATIONS:

After reviewing the plans and the applicant's presentation, the Board unanimously voted to modify the Special Permit as follows:

1. The applicant shall be permitted to construct the proposed entrance and associated landscaping on West Gate in accordance with Sheet 18 of the DeFeo, Wait & Paré Phase I Extension plans listed on Exhibit A.
2. The housing sites and new roadway locations for Eagle Drive and The Heights are approved pursuant to Section 9.3 of the By-law and shall be located as depicted on the plans referred to in Exhibit A. Applicant may in the future alter the location of housing sites shown by dashed lines on said plans within the lot without further approval of the Board, provided the modification does not increase the number of housing sites within the lot and provided that buildings (other than garages, sheds, greenhouses or cabanas) must be separated from other buildings by not less than 20 feet. The Board also finds that the side and rear yard setbacks established by Section 9.351 of the By-law

only apply to lot lines defining the perimeter of the entire Willowbend project and not to internal lot lines separating the golf course from housing sites.

3. By deleting Paragraph No. 20 of the Special Permit, as most recently amended in a decision dated May 6, 1992, and substituting in its place the language set forth on Exhibit B. This modification reduces the total number of lots served by interim septic systems from 27 to 26 and reflects the fact that certain of the lots previously slated for residences have been incorporated into the tennis courts. Five new lots have been added to the list to accommodate the desires of prospective purchasers who do not wish to be part of a condominium. The Applicant must abide by the requirements set forth in the Board of Health's December 19, 1994 recommendation on the modification and shall provide the Planning Board with copies of deeds to buyers of the lots referenced in Exhibit B within sixty days of recording.
4. To allow construction of a comfort station on the 14th hole of the Willowbend golf course in accordance with a conceptual architectural plan labelled "14th Hole Comfort Station, dated November 9, 1994, revised December 27, 1994, Scale $\frac{1}{4}"=1'$ " presented to the Board. The Board finds that this is a reasonable accessory use for the golf course and will have no adverse impact on adjacent properties. The comfort station shall be located as shown on the plans listed on Exhibit A.
5. To allow construction of five duplex golf villas pursuant to Section 9.3 on Lot 64A. The villas are intended to provide overnight accommodations for guests of the golf club or residents of Willowbend community. The 10 units will replace 10 units of multifamily housing originally approved and will be credited against the total approved unit and bedroom counts for the project. The location and design of the villas are shown on a plan entitled "Site Plan", Willowbend Golf Villas, Simons Road, Mashpee, MA, Scale $1"=20'$, dated November 9, 1994, a copy of which was filed with the Board. An ANR plan entitled "Plan of Land, Simons Road, Mashpee" dated November 21, 1994 and defining the lot on which the villas will be located was also submitted to the Board for signature.

The Board reviewed a plan entitled "Proposed Density Distribution Plan For Willowbend Development Corp., 100 Willowbend Drive, Mashpee, MA 02649, by Willowbend Land

Design", dated December 21, 1994 (the "Density Distribution Plan"). The density distribution shown on that plan shall apply to all future construction on the project within the overall bedroom count limit contained in Condition No. 29 of the Special Permit. The applicant shall not construct more units in any particular area of the project than the number shown on the Density Distribution Plan for that area without further approval of the Board. For example, the 115 building sites shown on the plans listed on Exhibit A shall supersede the 134 units shown on the original Special Permit Plans for this area. The applicant may proceed with construction of the units previously approved under the existing Special Permit Plans provided the construction will not exceed the density distribution shown on the Density Distribution Plan for the area under construction and that it otherwise complies with the Special Permit. The Density Plan is a conceptual plan only and shall not control the location of specific structures and may be modified with the Planning Board's consent as master planning for the Willowbend project continues.

6. To modify condition 18 of the Special Permit to extend the deadline for completion of certain studies to April 15, 2003 so that said condition reads as follows:

The applicant shall pay fifty (50) percent of all engineering and construction costs associated with the realignment, improvement, and signalization of the proposed relocated section of Sampson's Mill Rd. between Simon's Rd. and Rte. 28 as per the Town Planner's proposal for a four-way signalized intersection at Rte. 28 and Noisy Hole Rd. Said funds shall be paid upon request by the Mashpee Board of Selectmen at one time, or from time to time, as they shall deem appropriate to accomplish the layout and construction of said road relocation and signalization. Should such request not be made before April 15, 2003 this condition shall become null and void.

In all other respects, the Special Permit and Special Permit Plans as modified shall remain in full force and effect and subject to all the terms and conditions contained therein.

This modification represents a further refinement and specification of the original Special Permit which relates back to and is hereby deemed part of the original Special Permit.

Hereby signed on this 15TH day of ^{FEBRUARY} ~~January~~ 95, 1995, by the
Mashpee Planning Board.

Dennis H. Baharini
PT Coffey
Egon (Art)
Richard Morton

Any appeal made to this Special Permit modification shall be made within twenty (20) days of filing of this signed decision with the Mashpee Town Clerk, pursuant to M.G.L. Chapter 40A, Section 17.

This decision has been duly filed on January 18, 1995, with the Town Clerk of Mashpee.

Jane D. Lalonde (CS)

A TRUE COPY, ATTEST

Jane D. Lalonde
TOWN CLERK OF MASHPEE, MA

I HEREBY CERTIFY THAT NO NOTICE OF APPEAL HAS BEEN RECEIVED BY THIS OFFICE WITHIN THE TWENTY DAYS FOLLOWING RECEIPT AND RECORDING OF NOTICE FROM THE PLANNING BOARD OF APPROVAL OF THE ATTACHED PLAN.

Jane D. Lalonde (CS)
TOWN CLERK

DATE OF CERTIFICATION

Feb. 17, 1995

EXHIBIT A

Set of Plans labelled "Willowbend Phase 1 Extension, Mashpee, Massachusetts, owned by Willowbend Development Corp., Mashpee, Massachusetts", prepared by DeFeo, Wait & Pare, Scale 1"=40' dated November 7, 1994, revised December 21, 1994 as follows:

Sheet Title: Grading & Utility Sheet, Sheet 18 of 122
Sheet Title: Grading & Utility Sheet, Sheet 24 of 122
Sheet Title: Grading & Utility Sheet, Sheet 27 of 122
Sheet Title: Grading & Utility Sheet, Sheet 28 of 122
Sheet Title: Grading & Utility Sheet, Sheet 29 of 122

Sheet Title: Plan & Profile Sheet, Sheet 1 of 7
Sheet Title: Plan & Profile Sheet, Sheet 2 of 7
Sheet Title: Plan & Profile Sheet, Sheet 3 of 7
Sheet Title: Plan & Profile Sheet, Sheet 4 of 7
Sheet Title: Plan & Profile Sheet, Sheet 5 of 7
Sheet Title: Detail Sheet, Sheet 6 of 7
Sheet Title: Detail Sheet, Sheet 7 of 7

EXHIBIT B

20. The applicant shall construct a sewage treatment plant to provide a "tertiary" level of treatment for all waste water produced by the development other than wastewater produced by the 26 lots listed on Schedule 20 attached hereto. Treatment of wastewater shall include at least 90% denitrification and conformance with requirements and standards of any waste water discharge permit issued and monitored by DEP and with any requirements imposed by the Mashpee Board of Health. The leaching facilities for the systems for the 26 lots shall be located on the respective lots being serviced.

The applicant shall construct waste water service to lots and units in the development, including sewer lines to the front property line of each of the 26 lots, in anticipation of connection to a sewage treatment plant, notwithstanding the construction of interim septic systems for the lots. The 26 lots listed on Schedule 20 shall be connected to the sewage treatment plant at such time as DEP regulations shall allow the connection of subdivision lots to such plants. Upon completion and approval of the operation of the sewage treatment plant (or, for the 26 lots, upon said event and approval by DEP of the connection of said lots to the sewage treatment plant or a public system), all units and lots and the golf course clubhouse shall, at the expense of the developer or subsequent lot owners, connect to the sewer lines and waste water collection system and abandon any interim septic systems.

The applicant shall provide sufficient notice of these requirements to all buyers of lots and condominium units in a form approved by the Planning Board. Copies of the recorded deed conveyance documents for 26 lots listed on Schedule 20 containing these restrictions shall be provided to the Planning Board within sixty days of recording. The applicant shall also provide sufficient cash or other security to guarantee funds for the construction of connections to the sewer lines from units built with interim septic systems. Lawn sizes on the aforementioned single-family lots, so long as they remain on Title V systems, shall be limited to 3,000 square feet.

SCHEDULE 20

Lots 7, 9, 10, 11, 12, 21, 30, 35, 36, 37, 38, 39, 40, 41, 42, 43
& 55, 48, 49, 50, 54, 56, 57, 58, 59, 60

PLANNING BOARD

MODIFICATION OF SPECIAL PERMIT DECISION NO. 13

I. REGARDING:

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 5070, Page 290, as amended from time to time (hereinafter the "Special Permit"). Willowbend Development Corporation is hereinafter referred to as the "Owner" or "applicant". The Special Permit authorizes construction of a residential/golf course community known as Willowbend south of Route 28 in East Mashpee (the "Project").

II. JURISDICTION:

This modification is issued pursuant to Sections 9.3 and 9.4 of the Mashpee Zoning By-Law as they existed on November 6, 1985 and applicable provisions of M.G.L. Chapter 40A, Section 9.

III. FACTS AND FINDINGS:

At a public hearing held on March 1, 1995 and continued to March 15, 1995 and April 5, 1995, the applicant presented to the Planning Board its application proposing further modifications to the Special Permit in accordance with submitted plans as follows: (i) to construct an underground golf cart storage area beneath the existing driving range; (ii) to construct approximately 60 additional parking spaces in the area south of the existing club house parking lot; (iii) to construct an additional set of four tennis courts as well as an athletic field to include softball and field sports; (iv) to approve a detached single family home on Lot 37 pursuant to Section 9.3 of the Zoning By-law; and (v) to add a new condition No. 33 to the Special Permit which will authorize the Board to make minor changes to the Special Permit at a public meeting without the need for a public hearing. After discussion at the meeting on March 15, 1995 and review of advice from Town Counsel to the Board, the

applicant agreed to withdraw its proposal to include a new condition no. 33 in the Special Permit relating to minor modifications and to reapply for such a condition in the future after further discussions with the Town Planner to define the scope of minor modifications which could be considered under that section.

The Board noted that the proposal to enclose the golf cart storage area will eliminate the need to wash and maintain vehicles beneath the clubhouse which has proven to be incompatible with use of the clubhouse for dining and functions. The Board reviewed and approved the proposed landscaping plans for the area which will shield the storage area from view along Quinaquisset Avenue. The Board reviewed correspondence from the Board of Health dated March 3, 1995. The applicant agreed to comply with the correspondence which requires all floor drains to be connected to the sewage treatment plant.

In discussing the athletic fields and tennis courts, the applicant agreed that the athletic fields will not be lighted and will not contain any structures, other than wooden benches and a small backstop. A 50-foot naturally vegetated buffer shall be maintained along the property boundary to be enhanced with ornamental privacy fencing and evergreen screen plantings to provide increased privacy to abutting properties. A plan showing the landscaping entitled "Proposed Athletic Field," scale 1" = 20', dated March 27, 1995, and prepared by Willowbend Land Design, Inc. was submitted. The applicant also agreed that it would not light the northern tennis courts so as to minimize impacts to abutting properties.

After review of the plans, the Board finds that the tennis courts and playing fields are all consistent with the scope and purposes of the original Project, will improve overall appearance of the Project and that the associated limited impacts are internal to the Project and have been minimized by attractive landscaping and screening.

With respect to the parking areas, the Board finds that although the proposed parking will encroach into the original 100 foot buffer along Quinaquisset Avenue, the

applicant's agreement to extensively landscape the area will significantly mitigate the impact of reducing the buffer. The lights will be appropriately shielded and directed to minimize their visibility from surrounding properties and from Quinaquisset Avenue.

The Board further finds that inclusion of Lot 37 into the existing Willowbend condominium and application of the zoning requirements applicable under Section 9.3 will not impact abutting properties or uses and will facilitate connection to the project's wastewater treatment facility.

Based on the information presented at the public hearing and in addition to the findings set forth above, the Board finds that the development as herein modified is to be constructed in substantial compliance with the requirements of the original Special Permit. The Board also finds based on the presentation that the modifications sought are: (1) consistent with, and do not derogate from, the intent of the Zoning By-law; (2) in general harmony with the purposes and intents of the Zoning By-law; (3) in compliance with the provisions of M.G.L. c. 40A, Section 9 and applicable provisions of the Zoning By-law including requirements of Sections 9.3 and 9.4; and (4) in furtherance of the public good and not substantially detrimental to adjoining land.

IV. MODIFICATIONS:

After reviewing the plans, the application and the applicant's presentation, members Coffey, Balzarinni, Mitrokostas, ~~Martini~~ and Watt voted affirmatively on April 5, 1995 to modify the Special Permit and Special Permit Plans as follows:

1. Applicant is granted permission to construct an underground golf cart storage area beneath the existing driving range. The proposed structure shall be a one-story concrete structure to provide parking for 114 golf carts and related club storage areas. The structure shall be located as shown on the plan entitled "Site Plan, Proposed Golf Cart Underground Storage, Lot 208, Willowbend Road, Mashpee, MA, Scale 1"-20', dated January 17, 1995, prepared by Norman

Grossman" and filed herewith. The design of the proposed underground storage garage shall conform to the plan entitled "Ford Construction Corporation, 77 Accord Park Drive, Norwell, MA 02061, Preliminary Design Drawings, Cart Storage Buildings" also filed herewith.

Per the Board of Health correspondence, all floor drains for the storage area shall be tied into the sewage treatment plant. To the extent required, the applicant will obtain any necessary DEP approvals for that connection.

2. The applicant shall be permitted to construct approximately 60 additional parking spaces in the area south of the existing club house parking lot on lot 197. The layout and landscaping of these spaces shall be as shown on a plan entitled "Site Plan, Proposed Additional Club House Parking, Lot 187, Willowbend Road, Mashpee, MA, Scale 1"=20', dated January 17, 1995, prepared by Norman Grossman, RPLS". Landscaping will conform to the Planting Plan entitled: Proposed Additional Clubhouse Parking, scale 1" = 10', prepared by Willowbend Land Design and dated March 7, 1995. All existing trees are to remain and to the extent necessary to maintain their viability and surrounding ground elevation shall be enclosed with fieldstone wells having a diameter at least that of each tree's dripline. Lighting shall be designed to throw light down and away from the actual fixtures away from Quinaquisset Avenue. Light fixtures and standards shall be no greater than 15 feet in height.
3. The applicant shall be permitted to construct an additional four tennis courts as well as an athletic field to accommodate softball and other field sports in the area of Fin Me 'Oot Road. The proposed improvements are shown on a plan dated March 27, 1995, entitled: Proposed Athletic Field, Scale 1" = 20', prepared by Willowbend Land Design submitted herewith. No artificial illumination shall be allowed on the field and no structures shall be allowed on the athletic field except for benches and backstop. The northernmost tennis court shall not be lighted; the other tennis courts shall use lighting of minimal impact on nearby residential properties and consistent with the intended uses.

4. In order to facilitate connection to the project's wastewater treatment facility through inclusion in the Willowbend condominium, the applicant is permitted to construct a detached single family home on Lot 37 Willowbend Drive pursuant to Section 9.3 of the Zoning By-laws. The lot was originally approved as part of the cluster subdivision under Section 9.4.

In all other respects, the Special Permit and Special Permit Plans as modified shall remain in full force and effect and subject to all the terms and conditions contained therein. This modification represents a further refinement and specification of the original Special Permit which relates back to and is hereby deemed part of the original Special Permit.

V. SIGNATURE AND FILING:

This special permit decision, which includes all referenced appendices and plans, has been approved on this 5TH day of April, 1995.

A true copy
Attest

Patrick J. Coffey
Member, Mashpee Planning Board

The Commonwealth of Massachusetts

Barnstable, ss.

5 APR 95
Date

Then personally appeared PATRICK J. COFFEY, a member of the Mashpee Planning board and acknowledged the foregoing instrument to be his free act and deed, before me.

Ad E. M. [Signature]
Notary Public
My Commission expires: May 8, 1999
Date of Expiration

A copy of the decision and the accompanying plans endorsed by the Planning Board have been duly filed on April 6, 1995 with the Town Clerk of Mashpee.

Jane D. Labute

Town Clerk

Notice of this decision was mailed on April 6, 1995 to the applicant, to the parties in interest designated in MGL chapter 40A, Section 11 and to all persons at the hearing who requested such notice. Any appeal shall be made pursuant to Section 17 of the Chapter 40A of the Massachusetts General Laws within twenty (20) days after the date of said filing.

I, Jane D. Labute, Town Clerk of the Town of Mashpee, hereby certify that a copy of this decision and the accompanying plans endorsed by the Planning Board were filed with the office of the Town Clerk on April 6, 1995 and that no appeal of that decision was filed within twenty (20) days thereafter.

April 27, 1995

Date

Jane D. Labute

Town Clerk

Upon expiration of the statutory appeal period with no appeal having been filed, this special permit decision has been signed by the Mashpee Planning Board on MAY 3, 1995 and may be recorded.

[Signature]

Pennis H. Bagarini

Tamela Christ Walt

PLANNING BOARD

MODIFICATION OF SPECIAL PERMIT DECISION NO. 14

1. REGARDING:

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 5070, Page 290, as amended from time to time (hereinafter the "Special Permit"). Willowbend Development Corporation is hereinafter referred to as the "Owner" or "applicant". The Special Permit authorizes construction of a residential/golf course community known as Willowbend south of Route 28 in East Mashpee (the "Project").

2. JURISDICTION:

This modification is issued pursuant to Sections 9.3 and 9.4 of the Mashpee Zoning By-Law as they existed on November 6, 1985 and applicable provisions of M.G.L. Chapter 40A, Section 9.

3. FACTS AND FINDINGS:

At a public hearing held on January 3, 1996 and continued to February 7, 1996, the applicant presented to the Planning Board its application proposing further modifications to the Special Permit in accordance with submitted plans to enclose the existing terrace on the clubhouse and to make additional modifications (listed on ~~Exhibit A~~ to the clubhouse.

Schedule

Bruce Besse, Jr., Vice-President of Willowbend Development Corp. and John McElhinney, attorney for Willowbend, presented the new plans to the Board and explained that the changes, which would add approximately 9,100 s.f. to the clubhouse, were being proposed to accommodate the increase in membership in the Willowbend Golf Club, which has grown from 185 members in 1992 to 341 members as of the end of 1995.

The Board discussed with the applicant whether, because of the public use of the restaurant, certain portions of the proposed increase in square footage in the clubhouse should be considered as additional retail space subject to the cap on commercial space set forth in Section 9.338 of the By-law. In a prior decision dated May 28, 1992, the Board had approved an expansion of the restaurant based on a determination that the project was allowed to have up to 7,175 s.f. of retail space, based on the revised unit count of 287 units. At the January 3, 1996 hearing, Willowbend presented a table

showing the break-out of the existing and proposed floor area of the clubhouse, a copy of which is attached. At the February 7, 1996 hearing, Willowbend also provided a memorandum dated February 2, 1996 documenting those portions of the clubhouse that would be available to the public (attached).

Willowbend presented information indicating that the public use of the restaurant accounted for only approximately 9% of total sales from the grill room restaurant based on 1995 receipts and on that basis requested that the Board determine that the public component of the restaurant use be considered an accessory use. The Board indicated that, consistent with its 1992 decision, it would instead consider the modifications pursuant to Section 9.338, but that only those areas where sales actually took place to the public needed to be counted as retail areas subject to the limit of 7,175 s.f. of retail space established in the May, 1992 decision.

The Board reviewed the square footage of space within the clubhouse and related facilities and Willowbend's February 2, 1996 memorandum indicating that the grill room (3,330 s.f.), and lounge (648 s.f.) would be the only areas of the clubhouse where sales to the public would occur. Based on that approach, the Board determined that only those areas need be counted toward the 7,175 s.f. cap. The Board also found that: (i) kitchen space need not be counted toward that cap as that would be required for member services in any event and public sales do not occur there, and (ii) because the outside terrace is used only on a seasonal basis, it need not be counted. Based on those figures, the Board determined that Willowbend's proposed changes to the clubhouse, totalling 3,978 s.f., were within the cap on retail space allowed under Section 9.338.

Representatives of Willowbend and the Board stated their view that the original intent of Section 9.338 was to allow for a small convenience store or similar independent retail use within the development. In response to a request from the Board, Willowbend waived its rights to seek approval of any stand alone commercial buildings involving sales to the public within Willowbend.

The Board found that the proposed clubhouse changes are consistent with the intent of the By-law as they will continue to function primarily as a recreational facility for members and guests. The Board also reviewed elevations of the proposed changes prepared by Willowbend showing views from Quinaquisset Avenue which reflected existing building lines and features and demonstrated the lack of any adverse visual impacts from the street line. Willowbend also presented documentation confirming that there would be no changes to the main dining room where functions are held and that the levels of use of that room would not increase.

No public comments were received at the public hearings.

Based on the information presented at the public hearing and in addition to the findings set forth above, the Board finds that the development as herein modified is to be constructed in substantial compliance with the requirements of the original Special Permit. The Board also finds based on the application and presentation that the modifications sought are: (1) consistent with, and do not derogate from, the intent of the Zoning By-law; (2) in general harmony with the purposes and intents of the Zoning By-law; (3) in compliance with the provisions of M.G.L. c. 40A, Section 9 and applicable provisions of the Zoning By-law including requirements of Sections 9.3 and 9.4; and (4) in furtherance of the public good and not substantially detrimental to adjoining land.

4. MODIFICATIONS:

After reviewing the plans, the application and the applicant's presentation, members Coffey, Balzarini, Mitrokostas, Meijering and ~~Kuchinski~~ voted affirmatively on February 7, 1996 to modify the Special Permit and Special Permit Plans as follows:

- a. Applicant is granted permission to modify the existing clubhouse and related landscaping of the surrounding area in accordance with the submitted plans listed on Schedule A attached. Approval is granted subject to the following conditions:
 - i. No work shown on the proposed plans which is subject to the jurisdiction of the Mashpee Conservation Commission pursuant to the Mashpee Wetlands Protection By-law or the Massachusetts Wetlands Protection Act shall be undertaken until final approval has been obtained from the Commission. Changes may be made to the approved plans affecting resource and buffer area work, but not building footprints, to accommodate requirements or recommendations of the Mashpee Conservation Commission without the need for further approval by the Planning Board of those changes.
 - ii. No future stand-alone commercial retail buildings involving sales to the public within the Willowbend project shall be allowed.
 - iii. Public sales within the clubhouse shall be limited to the grill room and lounge.

In all other respects, the Special Permit and Special Permit Plans as modified shall remain in full force and effect and subject to all the terms and conditions contained therein.

This modification represents a further refinement and specification of the original Special Permit which relates back to and is hereby deemed part of the original Special Permit.

V. SIGNATURE AND FILING:

This special permit decision, which includes all referenced appendices and plans, has been approved on this 7TH day of February , 1996.

A true copy
Attest

Patrick J. Coffey
Member, Mashpee Planning Board

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

February 8, 1996
Date

Then personally appeared PATRICK J. COFFEY, a member of the Mashpee Planning Board and acknowledged the foregoing instrument to be his free act and deed, before me.

James J. Lalenti
Notary Public

My Commission expires: June 7, 2002
Date of Expiration

A copy of the decision and the accompanying plans endorsed by the Planning Board have been duly filed on February 8, 1996 with the Town Clerk of Mashpee.

James J. Lalenti
Town Clerk

Notice of this decision was mailed on Feb. 9, 1996 to the applicant, to the parties in interest designated in MGL chapter 40A, Section 11 and to all persons at the hearing who requested such notice. Any appeal shall be made pursuant to Section 17 of the Chapter 40A of the Massachusetts General Laws within twenty (20) days after the date of said filing.

V. SIGNATURE AND FILING:

This special permit decision, which includes all referenced appendices and plans, has been approved on this 7th day of February __, 1996.

A true copy
Attest

Patrick J. Coffey
Member, Mashpee Planning Board

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

FEB 7, 1996
Date

Then personally appeared PATRICK J. COFFEY, a member of the Mashpee Planning Board and acknowledged the foregoing instrument to be his free act and deed, before me.

James D. Lalumiere
Notary Public

My Commission expires: June 7, 2002
Date of Expiration

A copy of the decision and the accompanying plans endorsed by the Planning Board have been duly filed on FEB 8, 1996 with the Town Clerk of Mashpee.

James D. Lalumiere
Town Clerk
June 7, 2002

Notice of this decision was mailed on Feb. 9, 1996 to the applicant, to the parties in interest designated in MGL chapter 40A, Section 11 and to all persons at the hearing who requested such notice. Any appeal shall be made pursuant to Section 17 of the Chapter 40A of the Massachusetts General Laws within twenty (20) days after the date of said filing.

I, Jane D. Labute, Town Clerk of the Town of Mashpee, hereby certify that a copy of this decision and the accompanying plans endorsed by the Planning Board were filed with the office of the Town Clerk on _____, 1996 and that no appeal of that decision was filed within twenty (20) days thereafter.

Date

Town Clerk

Upon expiration of the statutory appeal period with no appeal having been filed, this special permit decision has been signed by the Mashpee Planning Board on 6 MAR, 1996 and may be recorded.

87 Copy
Walter Kelly
Connie Bazarini
Jane D. Labute

V. SIGNATURE AND FILING:

This special permit decision, which includes all referenced appendices and plans, has been approved on this 7th day of February , 1996.

A true copy
Attest

Patrick J. Coffey
Member, Mashpee Planning Board

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

FEB 7, 1996
Date

Then personally appeared PATRICK J COFFEY, a member of the Mashpee Planning Board and acknowledged the foregoing instrument to be his free act and deed, before me.

James D. Lalonde
Notary Public

My Commission expires: June 7, 2002
Date of Expiration

A copy of the decision and the accompanying plans endorsed by the Planning Board have been duly filed on FEB 8, 1996 with the Town Clerk of Mashpee.

James D. Lalonde
Town Clerk

Notice of this decision was mailed on , 1996 to the applicant, to the parties in interest designated in MGL chapter 40A, Section 11 and to all persons at the hearing who requested such notice. Any appeal shall be made pursuant to Section 17 of the Chapter 40A of the Massachusetts General Laws within twenty (20) days after the date of said filing.

I, Jane D. Labute, Town Clerk of the Town of Mashpee, hereby certify that a copy of this decision and the accompanying plans endorsed by the Planning Board were filed with the office of the Town Clerk on February 8, 1996 and that no appeal of that decision was filed within twenty (20) days thereafter.

April 19, 1996
Date

Jane D. Labute
Town Clerk

Upon expiration of the statutory appeal period with no appeal having been filed, this special permit decision has been signed by the Mashpee Planning Board on _____, 1996 and may be recorded.

SCHEDULE A

Schedule of Plans

1. Conceptual plans entitled "Willowbend Clubhouse Addition, MA, prepared by CBT, sheets A101, A102 and A201, dated November 21, 1995.
2. Plan entitled "Willowbend, Mashpee, MA, owned by Willowbend Development Corp., Proposed Pond Alterations and Clubhouse Addition," prepared by DeFeo, Wait & Pare, scale 1" = 40', dated November 29, 1995, last revised February 5, 1996.

PLANNING BOARD

MODIFICATION OF SPECIAL PERMIT DECISION NO. 15

I. REGARDING:

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. Willowbend Development Corporation is hereinafter referred to as the "New Owner" or "applicant". The Special Permit authorizes construction of a residential/golf course community known as Willowbend south of Route 28 in East Mashpee (the "Project").

II. JURISDICTION:

This modification is issued pursuant to Sections 9.3 and 9.4 of the Mashpee Zoning By-Law as they existed on November 6, 1985 and applicable provisions of M.G.L. Chapter 40A, Section 9.

III. FACTS AND FINDINGS:

At a public hearing held on March 6, 1996, and continued on March 20 and April 3 the applicant presented the Planning Board with a proposed further modification to the Special Permit Plans showing a modified site plan in the area of Stirling Road, north of Quinaquisset Avenue and west of Willowbend Drive. The proposed modification shows the layout of a modified subdivision road and the creation of 27 housing sites which will be developed as condominium units under Section 9.3. The proposed changes are shown on two sets of plans, the first of which is entitled "Definitive Subdivision Plan, Willowbend Phase II, Mashpee, Massachusetts" (the "Definitive Plans") and the second of which is labelled "Willowbend Phase II, Mashpee, Mass." consisting of grading and utility sheets, plans and profiles and construction details, drawn by DeFeo, Wait & Paré (the "Site Plans") copies of which were filed with the Board and which are listed on Schedule A to this Modification. There are no changes proposed to the exit and entrance point to Quinaquisset Avenue and the new road layout will be largely limited to the clearing undertaken by the prior owner for the prior configuration. The new layout of housing sites reflects the development of larger lots and the provision of more internal open space along the roadway. The Board finds that the changes to the area do not differ significantly from the layout of this area as shown on the original Special Permit Plan. There will be no changes to the view lines

from Quinaquisset or adjacent property. The applicant has also agreed to upgrade the existing PVC water line running out to Quinaquisset Avenue with a ductile iron line from the Town well.

The applicant also requested that lots 8, 51 and 52 and 53 be released from the obligations under Condition No. 20 of the Special Permit to tie into the sewage treatment plant and be allowed to use interim septic systems until such time as DEP amends its regulations to allow single family subdivision lots to be connected to the sewage treatment plant. The applicant presented evidence indicating that because of the redesign of the lotting scheme in the area of these lots, there was no longer sufficient pressure in the existing sewer lines to allow those lots to be connected to the sewage treatment plant. The applicant also agreed to connect lot 30, which had previously been approved for use of an interim septic system, to the sewage treatment plant as the applicant had recently acquired that lot from the original purchaser.

Based on the foregoing and additional information presented at the meeting, the Board finds that the development as herein modified is to be constructed in substantial compliance with the requirements of the original Special Permit. The Board also finds, for reasons enumerated above, that the modifications sought are: (1) consistent with, and do not derogate from, the intent of the Zoning By-law; (2) in general harmony with the purposes and intents of the Zoning By-law; (3) in compliance with the provisions of M.G.L. c. 40A, Section 9 and applicable provisions of the Zoning By-law including requirements of Sections 9.3 and 9.4; and (4) in furtherance of the public good and not substantially detrimental to adjoining land.

IV. MODIFICATIONS:

1. The applicant shall be authorized to construct up to 27 condominium units along the new subdivision roads as shown on the Site Plans. Buildings (other than garages, sheds, greenhouse or cabana) must be separated from other buildings on the lot by not less than twenty feet.
2. The applicant shall grant to the Town of Mashpee Water District an easement to maintain and repair the water line running beneath the land and serving areas outside the subdivision. The easement will run from Town land to the north of the subdivision in an easterly direction in the area designated on the Definitive Plans as "Proposed 20' Wide Utility Easement" to the westerly side of Stirling Drive, then in a southwesterly direction in the area shown on the Definitive Plans as "7' Utility Easement Parallel and Concentric" on the western side of Stirling Drive out to Quinaquisset Avenue.
3. The Special Permit is hereby modified by deleting Condition No. 20 and related Schedule 20 as most recently amended in Modification No. 12 and replacing it with a new Condition No. 20 and related Schedule 20 as set forth on Schedule B hereto.

In all other respects, the Special Permit and Special Permit Plans as modified shall remain in full force and effect and subject to all the terms and conditions contained therein.

This modification represents a further refinement and specification of the original Special Permit which relates back to and is hereby deemed part of the original Special Permit.

V. SIGNATURE AND FILING:

This special permit decision, which includes all referenced appendices and plans, has been approved on this 3RD day of APRIL, 1996.

A true copy
Attest

P. J. Coffey
Member, Mashpee Planning Board

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

MAY 3, 1996.
Date

Then personally appeared PATRICK COFFEY, a member of the Mashpee Planning Board and acknowledged the foregoing instrument to be his free act and deed, before me.

James J. Palumbo
Notary Public

My Commission expires: June 7, 2002
Date of Expiration

A copy of the decision and the accompanying plans endorsed by the Planning Board have been duly filed on MAY 3, 1996 with the Town Clerk of Mashpee.

James D. Labute
Town Clerk

Notice of this decision was mailed on May 6, 1996 to the applicant, to the parties in interest designated in MGL chapter 40A, Section 11 and to all persons at the hearing who requested such notice. Any appeal shall be made pursuant to Section 17 of the Chapter 40A of the Massachusetts General Laws within twenty (20) days after the date of said filing.

I, Jane D. Labute, Town Clerk of the Town of Mashpee, hereby certify that a copy of this decision and the accompanying plans endorsed by the Planning Board were filed with the office of the Town Clerk on MAY 6, 1996 and that no appeal of that decision was filed within twenty (20) days thereafter.

JUNE 5, 1996
Date

James D. Labute
Town Clerk

Upon expiration of the statutory appeal period with no appeal having been filed, this special permit decision has been signed by the Mashpee Planning Board on 5 JUN, 1996 and may be recorded.

PD Coffey
Marion Coffey
Dennis H. Bazarini

SCHEDULE A

Schedule of Plans

1. "Definitive Subdivision Plan, Willowbend Phase II, Mashpee, Massachusetts, Prepared for Willowbend Development Corp." by DeFeo, Wait & Paré dated 3/19/96 and last revised on 4/30/96. Sheets 1, 2 and 3 of 3.
2. Grading and Utility Sheets 1 and 2 (11 and 15 of 122), Plan and Profile Sheets 1, 2, 3 and 4, Pump Station Detail Sheet, Construction Details Sheets 1, 2, and 3 entitled "Willowbend Phase II, Mashpee, Massachusetts, Prepared for Willowbend Development Corp." by DeFeo, Wait & Paré all of which are dated 3/19/96 and last revised 4/30/96 (the "Site Plans") .

Schedule B

20. The applicant shall construct a sewage treatment plant to provide a "tertiary" level of treatment for all waste water produced by the development other than wastewater produced by the 29 lots listed on Schedule 20 attached hereto. Treatment of wastewater shall include at least 90% denitrification and conformance with requirements and standards of any waste water discharge permit issued and monitored by DEP and with any requirements imposed by the Mashpee Board of Health. The leaching facilities for the systems for the 29 lots shall be located on the respective lots being serviced.

The applicant shall construct waste water service to lots and units in the development, including sewer lines to the front property line of each of the 29 lots, in anticipation of connection to a sewage treatment plant, notwithstanding the construction of interim septic systems for the lots. The 29 lots listed on Schedule 20 shall be connected to the sewage treatment plant at such time as DEP regulations shall allow the connection of subdivision lots to such plants. Upon completion and approval of the operation of the sewage treatment plant (or, for the 29 lots, upon said event and approval by DEP of the connection of said lots to the sewage treatment plant or a public system), all units and lots and the golf course clubhouse shall, at the expense of the developer or subsequent lot owners, connect to the sewer lines and waste water collection system and abandon any interim septic systems.

The applicant shall provide sufficient notice of these requirements to all buyers of lots and condominium units in a form approved by the Planning Board. Copies of the recorded deed conveyance documents for the 29 lots listed on Schedule 20 containing these restrictions shall be provided to the Planning Board within sixty days of recording. The applicant shall also provide sufficient cash or other security to guarantee funds for the construction of connections to the sewer lines from units built with interim septic systems. Lawn sizes on the aforementioned single-family lots, so long as they remain on Title V systems, shall be limited to 3,000 square feet.

Schedule 20

Lots 7, 8, 9, 10, 11, 12, 21, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 55, 48, 49, 50, 51, 52, 53, 54, 56, 57, 58, 59, 60

PLANNING BOARD

MODIFICATION OF SPECIAL PERMIT DECISION-NO. 16

I. REGARDING:

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. Willowbend Development Corporation is hereinafter referred to as the "New Owner" or "applicant". The Special Permit authorizes construction of a residential/golf course community known as Willowbend south of Route 28 in East Mashpee (the "Project").

II. JURISDICTION:

This modification is issued pursuant to Sections 9.3 and 9.4 of the Mashpee Zoning By-Law as they existed on November 6, 1985 and applicable provisions of M.G.L. Chapter 40A, Section 9.

III. FACTS AND FINDINGS:

At a public hearing held on May 1, 1996 and continued to May 15, 1996 and June 5, 1996, the applicant presented the Planning Board with a proposed further modification to the Special Permit Plans showing a modified site plan in the area of the existing fitness center complex. The proposed modification shows additional parking and landscaped areas to the east of Simons Road and west of the real estate and development offices as well as the proposed site of a future basketball court and indoor tennis facility. The applicant is also seeking formal approval, to the extent required, of the relocated real estate/construction office. The modifications to the approved Special Permit Plans are shown on a set of plans labeled: "Sheet 1 -- Fitness Center Expansion Grading and Drainage Plan," prepared for Willowbend Development Corp., dated April 26, 1996 and last revised on June 3, 1996; and "Sheet 2 -- Construction Details Willowbend Fitness Center Expansion," prepared for Willowbend Development Corp., dated April 26, 1996 and last revised of June 3, 1996, copies of which were filed with the Board (the "Special Permit Sheets").

The applicant explained that the changes are being provided to satisfy existing and prospective residents who have expressed the desire to have additional fitness oriented community facilities. The Board finds that extensive landscaping will be provided to screen the proposed changes from adjacent roads and that the additional parking will

lessen demand for spaces in and around the clubhouse. Site work will be minimal as no major grading changes will be required and no new roads will be needed.

Based on the foregoing and additional information presented at the meeting, the Board finds that the development as herein modified is to be constructed in substantial compliance with the requirements of the original Special Permit. The Board also finds, for reasons enumerated above, that the modifications sought are: (1) consistent with, and do not derogate from, the intent of the Zoning By-law; (2) in general harmony with the purposes and intents of the Zoning By-law; (3) in compliance with the provisions of M.G.L. c. 40A, Section 9 and applicable provisions of the Zoning By-law including requirements of Sections 9.3 and 9.4; and (4) in furtherance of the public good and not substantially detrimental to adjoining land.

IV. MODIFICATIONS:

1. The applicant shall be authorized to construct the proposed improvements shown on the Special Permit Sheets.
2. The location and future use of the tennis facility is approved, however, prior to actual construction, architectural renderings and drainage and site details shall be submitted to the Board for their review and approval at a public meeting.
3. A minimum 40 foot vegetative buffer shall be maintained to the north of the proposed tennis facility.
4. Lighting in the expansion area shall be of the same type as in the clubhouse lot (12 foot Sternberg double lamp pole) and shall be downshielded.
5. Within fourteen days of this approval, applicant shall submit an application for modification of the original May 16, 1986 Definitive Plans for this area to abandon Fin Me Oot Road and the lots originally fronting thereon.
6. Simons Road shall be kept open for vehicular traffic. No construction or landscaping may interfere with public use of such road.

In all other respects, the Special Permit and Special Permit Plans as modified shall remain in full force and effect and subject to all the terms and conditions contained therein.

This modification represents a further refinement and specification of the original Special Permit which relates back to and is hereby deemed part of the original Special Permit.

V. SIGNATURE AND FILING:

This special permit decision, which includes all referenced plans, has been approved on this 5th day of June, 1996.

A true copy
Attest

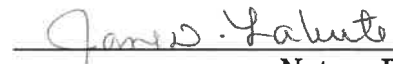

Member, Mashpee Planning Board

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.


JUNE 5, 1996
Date

Then personally appeared MARTINE MEIERING, a member of the Mashpee Planning Board and acknowledged the foregoing instrument to be his free act and deed, before me.


Notary Public

My Commission expires: June 7, 2002
Date of Expiration

A copy of the decision and the accompanying plans endorsed by the Planning Board have been duly filed on JUNE 6, 1996 with the Town Clerk of Mashpee.


Town Clerk

Notice of this decision was mailed on June 10, 1996 to the applicant, to the parties in interest designated in MGL chapter 40A, Section 11 and to all persons at the hearing who requested such notice. Any appeal shall be made pursuant to Section 17 of the Chapter 40A of the Massachusetts General Laws within twenty (20) days after the date of said filing.

I, Jane D. Labute, Town Clerk of the Town of Mashpee, hereby certify that a copy of this decision and the accompanying plans endorsed by the Planning Board were filed with the office of the Town Clerk on JUNE 6, 1996 and that no appeal of that decision was filed within twenty (20) days thereafter.

AUGUST 21, 1996
Date

Jane D. Labute
Town Clerk

Upon expiration of the statutory appeal period with no appeal having been filed, this special permit decision has been signed by the Mashpee Planning Board on 21 AUG, 1996 and may be recorded.

PD 50117
Wendell J. J.
Dennis H. B. Gamm
Ralph A. Moore

John E. McElhinney
John E. McElhinney

My Commission Expires July 22, 1999



MASHPEE NEW GARDEN Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

PLANNING BOARD DECISION

WILLOWBEND SPECIAL PERMIT MODIFICATION NO. 17

I. REGARDING:

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. Willowbend Development Corporation is hereinafter referred to as the "New Owner" or "applicant". The Special Permit authorizes construction of a residential/golf course community known as Willowbend south of Route 28 in East Mashpee (the "Project").

II. JURISDICTION:

This modification is issued pursuant to Sections 9.3 and 9.4 of the Mashpee Zoning By-Law as they existed on November 6, 1985 and applicable provisions of M.G.L. Chapter 40A, Section 9.

III. FACTS AND FINDINGS:

At a public hearing held on December 3, 1997, and continued on January 7 (due to lack of quorum), January 21, 1998, February 4, 1998 and February 18, 1998, the applicant presented the Planning Board with a modification to the Special Permit Plans and Definitive Subdivision Plans for the Project showing a modified site layout in the area of Dunrobin Road, north of Sampsons Mill Road and a proposed fence along the majority of the western and southern property lines of the Project. The proposed Dunrobin Road area modification shows the layout of two new subdivision roads and the creation of 25 housing sites which will be developed as condominium units under Section 9.3. The proposed changes are shown on a set of plans entitled "Definitive Subdivision Plan, The Gardens, Mashpee, Massachusetts" by Team Engineering, Inc., dated October 31, 1997, last revised February 16, 1998 (the "Definitive Plans") and a set of fencing plans. Copies of all plans were filed with the Board and are listed on Schedule A to this Modification.

There are no changes proposed to the exit point to Quinaquisset Avenue or the main layout of Dunrobin Road. The new road layout will consist of two small cul-de-sacs off of the existing layout of Dunrobin Road. At present, there are ten attached condominium units in the area north of Dunrobin Road constituting the Willowbend Townhome Condominium. The original special permit plans approved in April, 1987 showed a total of 64 units north of Dunrobin Road, whereas the new plans show a total of only 35 units. All units will be connected to the Sewage Treatment Plant (STP). The applicant also has proposed fencing along portions of the western perimeter of the Willowbend property in response to recent vandalism events. The applicant has met with several concerned neighbors to develop plans for the location and style of fencing. In response to comments from concerned neighbors and the Cape Cod Commission, the applicant revised the proposed plans to eliminate from its original proposal a five lot cul-de-sac off of Sampson's Mill Road in an open space area.

The Board finds that with the modifications to the original submittal, the changes to the area do not differ significantly from the layout of this area as shown on the original Special Permit Plan. There will be no changes to the view lines from Sampsons Mill Road or the adjacent property. Based on the foregoing and additional information presented at the meeting, the Board finds that the development as herein modified is to be constructed in substantial compliance with the requirements of the original Special Permit. The Board also finds, for reasons enumerated above, that the modifications sought are: (1) consistent with, and do not derogate from, the intent of the Zoning By-law; (2) in general harmony with the purposes and intents of the Zoning By-law; (3) in compliance with the provisions of M.G.L. Chapter 40A, Section 9 and applicable provisions of the Zoning By-law including requirements of Sections 9.3 and 9.4; and (4) in furtherance of the public good and not substantially detrimental to adjoining land.

IV. MODIFICATIONS:

1. The applicant shall be authorized to construct up to twenty-five (25) single-unit condominium buildings along the new subdivision roads shown on the Definitive Plans in addition to the 10 townhouse condominiums previously built. Buildings (other than garages, sheds, greenhouse or cabana) must be separated from other buildings on the lots by not less than twenty feet.
2. All units shall be connected to the sewage treatment plant.
3. The applicant is authorized to install fencing per the submitted plans dated February 16, 1998. No ancient ways are to be fenced and openings shall be provided in the fence at approximately 100 foot intervals to permit animal passage. Openings shall also incorporate existing animal passage ways as appropriate. Removal of trees and clearing of vegetation associated with construction of the fence shall be strictly limited and shall in no case extend more than five feet from

the fence. In addition, the fence shall be properly maintained and be kept in an attractive condition where it is visible from public ways or from residences or abutting property.

4. Construction traffic for the work shall utilize Quippish Road off Route 28. After construction is completed, Quippish Road shall be restored to a passable condition to the Board's reasonable satisfaction.
5. The Applicant shall require the use of slow-release pesticides and fertilizers by all of the homes through recordation of such a requirement in the condominium documents. Willowbend shall consult with and obtain approval of the Conservation Commission on the types and frequency of fertilizers and pesticides used on homesites.

This modification represents a further refinement and specification of the original Special Permit that relates back to and is hereby deemed part of the original Special Permit decision.

V. SIGNATURE AND FILING:

In all other respects, the Special Permit and Special Permit Plans as modified shall remain in full force and effect and subject to all the terms and conditions contained therein.

This special permit decision, which includes all referenced plans, has been approved on this 18TH day of FEB, 1998.

A true copy
Attest



Member, Mashpee Planning Board

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

March 4, 1998
Date

Then personally appeared P.D. Coffey, a member of the Mashpee Planning Board and acknowledged the foregoing instrument to be his free act and deed, before me.



Notary Public

My Commission expires: November 30, 2003
Date of Expiration

A copy of the decision and the accompanying plans endorsed by the Planning Board have been duly filed on March 16, 1998 with the Town Clerk of Mashpee.

Jane D. Labute
Town Clerk

Notice of this decision was mailed on March 16, 1998 to the applicant, to the parties in interest designated in M.G.L. Chapter 40A, Section 11 and to all persons at the hearing who requested such notice. Any appeal shall be made pursuant to Section 17 of the Chapter 40A of the Massachusetts General Laws within twenty (20) days after the date of said filing.

I, Jane D. Labute, Town Clerk of the Town of Mashpee, hereby certify that a copy of this decision and the accompanying plans endorsed by the Planning Board were filed with the office of the Town Clerk on March 16, 1998 and that no appeal of that decision was filed within twenty (20) days thereafter.

April 15, 1998
Date

Jane D. Labute
Town Clerk

Upon expiration of the statutory appeal period with no appeal having been filed, this special permit decision has been signed by the Mashpee Planning Board on 15 APR, 1998 and may be recorded.

PJ Coffey
Jennifer Bagaric
John D. Hall
[Signature]

SCHEDULE A

Schedule of Plans

1. "Definitive Subdivision Plan, Willowbend Phase II, Mashpee, Massachusetts, Prepared for Willowbend Development Corp." by Team Engineering, dated October 22, 1997, last revised February 16, 1998, Sheets 1 - 5.
2. Grading and Utility Sheets (26, 27, and 28 of 122), Plan and Profile Sheets 1 - 7, all of which are entitled "The Gardens, Mashpee, Massachusetts", prepared for Willowbend Development Corp." by Team Engineering, and all of which are dated 10/22/97 and last revised February 16, 1998.
3. Proposed fence layout prepared by Willowbend Development Corporation, dated February 16, 1998, consisting of five sheets (1F-5F).

PROPOSED 6 FT NATURAL
WOOD FENCE/NANTUCKET
STYLE TO BE SET BACK
5' FROM PROPERTY LINE
IN AREAS WHICH ABUT
MASHPEE NECK ROAD.

BEGIN FENCE
LOCATION:

Parcel No.48
26,689 s.f.

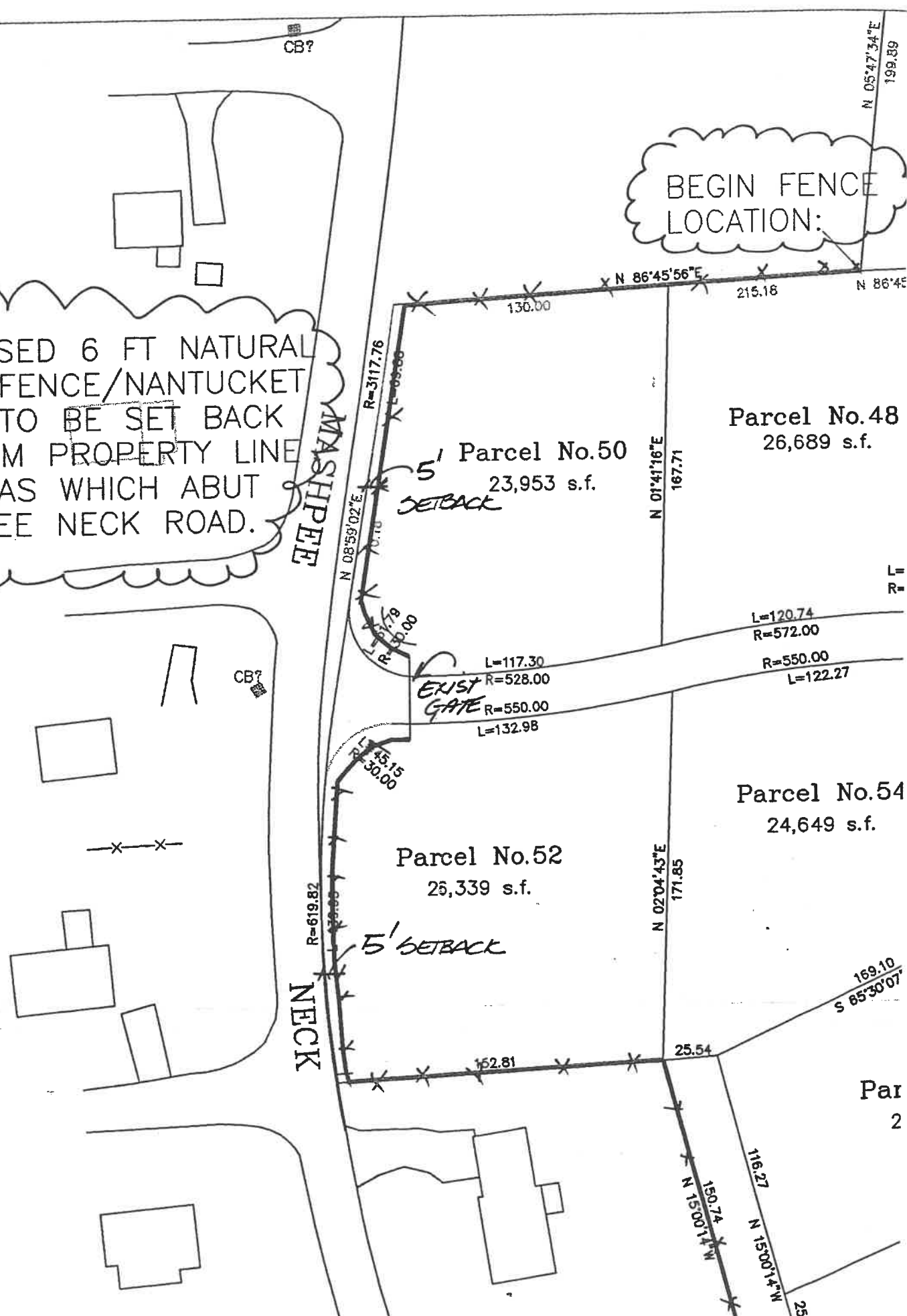
5' Parcel No.50
23,953 s.f.
SETBACK

Parcel No.54
24,649 s.f.

Parcel No.52
25,339 s.f.

5' SETBACK

Par
2





**PLANNING BOARD DECISION
WILLOWBEND SPECIAL PERMIT
MODIFICATION NO. 19**

I. 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. Willowbend Development Corporation 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 project by deleting a 47.37 acre portion, south of Quinaquisset Avenue, from the original 373.94 acre project area, including the elimination of Windygate Road, Bonney Blink Road, 21 cluster subdivision lots on said roads and a number of multifamily structures along Windygate Road. The remaining 326.57 area of the project is referred to herein as the "Original Project" area. Within said Original Project area, the applicant proposes to relocate a rest station from east to west of the tees for golf hole 19, on top of the current location of Simons Road, relocate the tees for golf hole 14 (old 16) and construct a new cart path in previously undisturbed open space between the 14th tees and North Glen Drive. The applicant then further proposes to construct nine additional golf course holes and associated cart paths and facilities in said 47.37 acre deleted area, and on 20.53 acres of additional lands north and south of the Original Project, including portions of the adjacent previously-approved "Shoestring Bay Estates" and "Cranberry Ridge" subdivisions. Said golf course expansion project on the deleted area and additional lands, totaling 67.9 acres, is referred to herein as the "Golf Project". The "Original Project" and the "Golf Project" together are referred to as "the project".

The project is shown on a site plan entitled "Willowbend 9 Hole Golf Expansion, Master Developer: Willowbend Development Corp., 130 Willowbend Drive, Mashpee, MA 02649, (508)539-5000" and labeled "Golf Course Architectural Plans" Index Sheet (scale 1"=300'), Sheets 1-10 (scale 1"=40') and "Key Symbol" sheet, dated January 17, 2002. Proposed relocation of Bryant's Cove Road is shown on a plan entitled "Ancient Way / Public Way Relocation Plan", sheets C-1 and C-2, dated 2/21/02, scale 1"=40', by Vanasse Hangen Brustlin, Inc., 101 Walnut Street, P.O. Box 9151, Watertown, Massachusetts 02471. Applicable zoning on, and acreages of, the remaining area of the Original Project is shown on a plan entitled "Willowbend Golf Modification, Zoning Compliance Plan", one sheet described as Drawing Number C-1, dated 2/4/02, scale 1"=200', by Vanasse Hangen Brustlin, Inc. In addition, the project is shown on three plans titled "Willowbend Golf Modification, Open Space Monumentation Plan", dated 3/4/02, sheets C-1, C-2 and C-3, by Vanasse Hangen Brustlin, Inc., "Willowbend Golf Modification, Zoning Compliance Plan", sheets C-1, C-2 and C-3, revised date 3/1/02, showing required open space and buffer areas, by Vanasse Hangen

Brustlin, Inc. and "Willowbend Matrix of Proposed Project Areas, Restoration and Habitat Enhancement Measures", dated 1/2/02, by Horsley & Witten, Inc., 90 Route 6A, Sandwich, MA 02563.

II. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Sections 174-24.C. and 174-47.1 of the Mashpee Zoning By-Law as they existed on March 6, 2002, the date on which this special permit modification was approved by the Mashpee Planning Board. Where reference is made herein to the Mashpee Zoning By-Law, it shall refer to the provisions thereof as they existed on March 6, 2002.

It should be noted that under the provisions of Section 174-24.C.9, the "Original Project" area continues to be subject to the provisions of Sections 9.3 and 9.4 of the Mashpee Zoning By-Law as they 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.

At that time the project was located in the former R-3M zoning district. The "Golf Project" is subject to the provisions of Sections 174-47.1 and 174-24.C. as they existed on March 6, 2002.

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

III. Chronology.

Application for this Special Permit Modification was made on May 2, 2001. At its meeting on May 2, 2001 the Board voted 4-0 to refer the project as a mandatory Development of Regional Impact (DRI) to the Cape Cod Commission. The Commission issued its DRI decision approving the project with conditions on February 7, 2002.

Prior to said Cape Cod Commission final approval, a hearing was opened before the Mashpee Planning Board at the Mashpee Town Hall, 16 Great Neck Road North, Mashpee, Massachusetts on February 6, 2002 at 7:00 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 January 18 and 25, 2002. The hearing was continued on February 20 and March 6, 2002.

On March 1, 2002, the Design Review Committee approved the site plan for the project, as noted in a letter to the Planning Board from Building Inspector Russell Wheeler to the Planning Board dated March 1, 2002.

On March 6, 2002, the Planning Board closed the public hearing and voted to make the following findings and grant a special permit authorizing the proposed modification, with the conditions enumerated below. The members of the Planning Board were recorded as follows Dennis H. Balzarini, Beverly A. Kane, Richard L. Terry and Steven Dolan were recorded as voting in favor of the decision. No members were recorded as voting against.

IV. Findings.

1. The Property is located in the R-3 Zone as depicted on the Town of Mashpee zoning Map. The applicable zoning as of March 6, 2002, allowed the proposed golf course use in the R-3 district.

The "Original Project" area remains subject to the applicable November 6, 1985 zoning for the former R-3M district as noted above.

2. 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 By-Law on the applicable dates. The project is also consistent with the Mashpee Comprehensive Plan.
3. The Golf Project was approved as a Development of Regional Impact by the Cape Cod Commission on February 7, 2002 and is subject to the provisions of the decision issued by the Commission on that date.
4. The project site plans were approved by the Design Review Committee on March 1, 2002.
5. The proposed development complies with the lot area and dimensional requirements set forth in the Zoning By-Law, as further explained below.
6. In conformance with the provisions of Section 174-24.C.9 of the Zoning By-law, the applicant demonstrated that the "Original Project" area continues to conform with the open space requirements of 30% for the portion subject to Section 9.36 of the 1985 By-law (Open Space Multi-family Development) and 25% for the portion subject to Section 9.4 (Cluster Subdivision). In addition, the applicant demonstrated (letter from Bruce A. Besse, Jr. to Mashpee Planning Board dated February 20, 2002) that the remaining residential units in the Original Project area continued to meet the applicable by-law requirements (R-3M zone allowed 1 residence per acre under Section 9.3 and one cluster subdivision lot per 40,000 sq. ft., exclusive of roadways under Section 9.4), with 135 units, or a residential density of 1 unit per 1.94 acres (.52 units per acre) in the Section 9.3 area and 82 units, or 1 unit per 1.24 acres (.80 units per acre), in the Section 9.4 area. Total residential units in the Original Project area will thus be 217.
7. A variance from the Zoning By-law requirement for a 50 foot buffer along portions of the perimeter of the "Golf Project", as well as of the 200 foot setback requirement for structures located on the Golf Project site, was approved by the Zoning Board of Appeals on February 27, 2002 and filed with the Town Clerk on March 7, 2002. The requested variances involved 1) the buffer between tee #22 and Quinaquisset Avenue reduced from 50 to 10 feet, 2) the buffer between Quinaquisset Avenue and the tees for holes 19 and 21 reduced from 50 to 25 feet to allow construction of an irrigation pump house and proposed lake 20, 3) the buffer reduced from 50 feet to zero along the southern and eastern side of hole 22 and the northwest side of hole 23, along Bryants Cove Road and a paper street called Lawrence Street, 4) the buffer between Sampson's Mill Road and the tees for hole 17 reduced from 50 to 10 feet and 5) reduction of the 200 foot setback requirement for structures from the property boundary to 90 feet to accommodate the proposed water transfer station and rest shelter located between lake 22, the tees for hole 23 and a paper street known as Falmouth Road. Said variance only becomes effective only upon its recording at the Registry of Deeds, which must await the expiration of the statutory 20 day appeal period with no appeal, or the denial of any appeal by the courts.
8. Certification was received from Willowbend development Corporation (letters dated February 20 and 28, 2002 from David Southworth, President & CEO) and from the Mashpee Board of Selectmen (February 25, 2002 vote) that they have no objection to the elimination or reduction of the 50 foot buffer strip adjacent to their properties. Under the provisions of Section 174-47.1.C. of the Zoning Bylaw, the Board voted 4-0 at its public hearing on March 6, 2002, that

the 50 foot buffer strip may be eliminated adjacent to the properties owned by Willowbend Development Corporation and the Town of Mashpee. In all other portions of the project perimeter, except where the variance was approved by the Zoning Board of Appeals, the Golf Project site meets the 50 foot buffer requirement.

9. On February 21, 2002, the Mashpee Conservation Commission voted to support a waiver of the 200 foot wetland setback required for the "Golf Project" under Section 174-47.1.C. of the Zoning By-law, contingent upon the eventual issuance of an Order of Conditions under M.G.L. Chapter 131, Section 40 and Chapter 172 of the Mashpee Code (memorandum from Bob Sherman, Conservation Agent to the Planning Board dated 2/22/02).
10. In consideration of the approval of the proposed wetland buffer areas by the Cape Cod Commission and the support of the Mashpee Conservation Commission for a waiver of the 200 foot wetland setback required by Section 174-47.1.C., the Board voted 4-0 at its public hearing on March 6, 2002, that the requested waiver would be consistent with the findings required under Section 174-24.C.(2), particularly with respect to its effect on water quality, wildlife habitat or fisheries, and hereby grants said waiver, with the required wetland setback area to follow the line described as "200' WETLAND BUFFER WAIVER LINE" on a plan entitled "Willowbend Golf Modification, Zoning Compliance Plan", sheets C-1, C-2 and C-3, revised date 3/1/02, by Vanasse Hangen Brustlin, Inc., 101 Walnut Street, P.O. Box 9151, Watertown, Massachusetts 02471.
11. In conformance with the requirements of Section 174-47.1.C., which requires that a minimum of forty (40) percent of the site shall be left as open space in its undisturbed natural state, including any buffer areas required from water bodies or wetlands, but not including water bodies, wetlands, cranberry bogs or the required 50 foot buffer strips, the applicant has provided 29.5 acres, of which 27 acres are located within the 67.9 acre Golf Project site and 2.5 acres are located outside the site on one or more of the parcels shown on the 2001 Mashpee Assessors' Maps as Map 45, Blocks 15, 16, 17, 18 and 72, with the specific location and configuration of said off-site parcel requiring approval by the Board at a regular meeting. Section 174-47.1.C. requires that said open space shall be owned by one of the entities identified in Subsection 174-47.B.(6) and be made subject to a deed restriction, enforceable by the Town of Mashpee, providing that said open space shall be left in essentially its undisturbed natural state, except for pedestrian, equestrian or bicycle trails, minor clearing for water wells, pump houses and related access, provided that such activities may disturb no more than ten percent (10%) of such open space. The applicant has chosen to deed the required open space within the site to Willowbend Community Trust, the project's condominium association, subject to the required deed restriction, and the off-site open space to the Mashpee Conservation Commission. It should be noted that a portion of the open space within the site is currently owned by the Town of Mashpee but is the subject of a Land Exchange Agreement between the Town and Willowbend which has been approved by the May 7, 2001 Annual Town Meeting, the General Court and the Governor. In addition to the above parcels required under the zoning by-law, it should be noted that Map 70, Blocks 71, 79, 86 and 90 are to be transferred to the Mashpee Conservation Commission per Cape Cod Commission Decision Condition NR13 and that 19.79 acres at "Noisy Hole" are to be donated to the Mashpee Wampanoag Indian Tribal Council subject to a conservation restriction.
12. No residences have been proposed and no other buildings have been proposed within the Golf Project site except small structures related to the golf course stormwater and irrigation systems.

13. A Water Quality Report, dated February 20, 2002, by Horsley & Witten, Inc., was provided under the provisions of Section 174-27 of the Mashpee Zoning By-laws that addressed the specific items required by that by-law. The report used a different loading methodology than that specified in Subsection 174-27.B.(4), requiring the applicant to demonstrate to the satisfaction of the Board that other standards are applicable. As the applicant used the Cape Cod Commission Technical Bulletin 91-001 methodology, the Board finds that the methodology was appropriate. Monitoring wells, well logs and water quality sample reports were submitted as required by Section 174-27 for seven monitoring wells, meeting the requirements of Section 174-47.1.G., with the proposed well locations approved by the Mashpee Board of Health on February 7, 2002.
14. In conformance with the requirements of Section 174-47.1.G., no runoff from the proposed golf course holes or related facilities is proposed to be directly discharged into any stream, water body or wetland, including cranberry bogs and vernal pools.
15. As part of nitrogen mitigation required for the project by the Cape Cod Commission, and reflected in the above Water Quality Report, the applicant will connect the Cotuit Bay condominium, located to the east of the project on Quinaquisset Ave. and the Santuit River, to its wastewater treatment plant. By letter from Jack E. McElhinney to the Planning Board dated February 20, 2002, Willowbend has committed to providing the required planning and engineering to route the proposed sewer line from the Cotuit Bay Condominiums to their wastewater treatment facility via the road layout of Quinaquisset Ave. and the unpaved road known as Quippish Road. This proposed routing is reflected in a "Draft Conceptual Layout Plan, Sewer Extension Project, Cotuit Bay Condominiums – Riverview Ave." prepared for Willowbend Development Corp. by Cullinan Engineering Co., Inc., dated February 22, 2002.
16. In conformance with the requirements of Section 174-47.1.G. of the Zoning By-law, the applicant submitted a golf course management plan entitled "Willowbend Golf Course Turf Management Plan" prepared by Environmental Science Services, Inc., 888 Worcester Street, Suite 240, Wellesley, MA 02482, December 17, 2001.
17. The Board received a letter from Mitchell T. Mulholland, Director of Archaeological Services at the University of Massachusetts at Amherst, dated February 19, 2002, stating that, based on site examination archaeological surveys completed in summer 2001 on the Fox Run 2 and 4 archaeological sites and on the construction methodology to be used by Willowbend at those sites, it was his opinion that those sites will not be destroyed or disrupted, and that the proposed "plating" program will better protect the sites than the existing conditions. The applicant submitted an 11"x17" sheet entitled "Archaeological Area Avoidance Detail", no scale, date or attribution, showing a typical section of green construction over archaeological sites.
18. At its meeting on February 25, 2002, the Mashpee Board of Selectmen granted approval for certain relocations of Bryant's Cove Road under the provisions of condition 17 of the original Special Permit decision and M.G.L. Chapter 82. Said proposed relocations are shown on a plan entitled "Ancient Way / Public Way Relocation Plan", sheets C-1 and C-2, dated 2/21/02, scale 1"=40', by Vanasse Hangen Brustlin, Inc., 101 Walnut Street, P.O. Box 9151, Watertown, Massachusetts 02471. Said approved relocation and plan did not include the relocation of Simon's Road for the proposed relocated rest station near the tees for golf hole 19 shown on Sheet 6 of the Golf Course Architectural Plans or the discontinuance of the section of Simons

Road between the current and new approved locations of Bryant's Cove Road.

19. 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 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.

V. Conditions.

1. Construction of this Project shall be done only in conformance with the following plans, which have been approved by the Planning Board and signed by the Board Chair, as well as certain plans referenced in the following conditions which are to be prepared subsequent to this decision:

The project site plan entitled "Willowbend 9 Hole Golf Expansion, Master Developer: Willowbend Development Corp., 130 Willowbend Drive, Mashpee, MA 02649, (508)539-5000" and labeled "Golf Course Architectural Plans" Index Sheet (scale 1"=300'), Sheets 1-10 (scale 1"=40') and "Key Symbol" sheet, dated January 17, 2002, except that relocation of Bryant's Cove Road shall be done in conformance with the plan referenced below, and except that the proposed rest station relocation adjacent to the tees for golf hole 19 may not be constructed unless and until the Mashpee Board of Selectmen grant approval of a relocation of Simons Road as proposed on Sheet 6 of the above plans. In addition, the same approval must be obtained for the elimination of that portion of Simon's Road between the existing Bryant's Cove Road and its proposed location as approved on February 25, 2002 by the Mashpee Board of Selectmen.

Proposed relocation of Bryant's Cove Road as shown on a plan entitled "Ancient Way / Public Way Relocation Plan", sheets C-1 and C-2, dated 2/21/02, scale 1"=40', by Vanasse Hangen Brustlin, Inc., 101 Walnut Street, P.O. Box 9151, Watertown, Massachusetts 02471, as approved by the Mashpee Board of Selectmen on February 25, 2002.

Open Space Monumentation Plan, dated March 4, 2002, Sheets C-1, C-2, C-3.

Proposed "naturalization" of approximately 12 acres of the existing golf course and other habitat enhancements as detailed on a plan entitled "Willowbend Matrix of Proposed Project Areas, Restoration and Habitat Enhancement Measures", Sheets 1-3, by Horsley & Witten, Inc. revised date January 10, 2002.

2. Notwithstanding the provisions of Condition 1 above, the applicant and / or the Town of Mashpee may establish a scenic viewpoint, sitting area and pedestrian and carry-in boat access, including any dock required for said boat access, pursuant to the provisions of Article 32 of the

May 7, 2001 Annual Town Meeting and of House Bill MA01RHB 4299 approved by the General Court and signed by the Governor, between the Town's land shown on the Mashpee Assessors' Maps as Map 77, Block 32 and the waters of Shoestring Bay over that portion of the project open space located east of the Hole 23 green and Hole 24 tees without further modification of this special permit decision but with approval by the Board of any site plan at a regular meeting of the Board, subject to any other required approvals by the Mashpee Conservation Commission, Mashpee Zoning Board of Appeals or other agencies.

3. The project shall be constructed in conformance with the terms and conditions of the Development of Regional Impact Decision approved by the Cape Cod Commission on February 7, 2002, except where the terms of said Decision may conflict with the terms and conditions of this Special Permit.
4. The project shall be constructed in conformance with any Order of Conditions or other approvals or permits issued relative thereto by the Mashpee Conservation Commission.
5. Prior to signature of this Special Permit by the Board, the required inspection fee (\$250 + \$.02 per sq. ft. of impervious surface coverage or $\$250 + \$.02 \times 1000 \text{ sq. ft.} = \270) shall be submitted to the Board in care of the Town Planner's office.
6. This decision shall require modification prior to any development on the Golf Project site should an appeal from the Zoning Board of Appeal's variance decision regarding required buffer areas result in any changes to said required buffer area and project open space requirements and may be rescinded in such case if the Planning Board determines that the project has not been properly modified or does not then conform to the requirements of Section 174-47.1 or that any required changes result in a project which will have significantly greater detrimental impacts on the interests identified in Section 174-24.C.(2) of the Mashpee Zoning By-law.
7. In conformance with Condition 6 of the original Special Permit decision, no work may be done in areas containing sites of archaeological importance, specifically in the area subject to Preservation Restrictions at proposed golf holes 24 and 25 and the connecting golf cart path and bridge, until such time as the State Archaeologist indicates that land clearing and / or construction may proceed and a final agreement has been reached with the State Archaeologist and Massachusetts Historical Commission addressing the details of the proposed encapsulation techniques, construction methodology and provisions to prevent future disturbance to archaeologically sensitive areas. The applicant shall provide to the Board copies of all correspondence and documents relating to review and approval by the State Archaeologist and Massachusetts Historical Commission regarding proposed work in archaeologically sensitive areas.
8. The applicant shall require that all construction personnel working on the project shall be familiar with, and comply with, the provisions of Massachusetts General Law Chapter 38, Section 6(b) regarding the discovery of human remains.
9. Prior to final grading of the golf course expansion, the irrigation, tee and green underlining and irrigation / hazard pond plans identified in Condition WR4 of the Cape Cod Commission DRI decision on the project shall be submitted to the Planning Board.

10. Prior to construction of the golf course expansion, all areas required to be preserved as part of the undisturbed open space by Section 174-47.1.C. on the Golf Project site shall be properly surveyed, identified on the ground and marked with snow fencing or other continuous barrier approved by the Board in order to prevent entrance by construction equipment or other activities which would damage or destroy vegetation within said areas, except that where golf cart paths or other facilities have been specifically allowed within said open space areas per the approved site plan, the area of said construction shall be similarly marked to prevent encroachment into the remainder of the undisturbed open space.
11. Prior to opening the golf course expansion to play, monumentation of the required open space shall occur, in consultation with the Planning Board's Consulting Engineer, based upon a plan provided to the Planning Board entitled: Open Space Monumentation Plan, dated March 4, 2002, sheets C-1, C-2, C-3. Monumentation shall occur after all grading and seeding has been completed. Concrete bounds shall be placed in locations as detailed on the referenced plans and $\frac{3}{4}$ " steel rebar with protective caps shall be located at, or below, ground level at all other turning points. The final monumentation shall be shown on recordable plans, with coordinates, and in an electronic CAD disk format compatible with AutoCAD, which shall be provided to the Board within 60 days of opening the golf course expansion to play.
12. Prior to opening the golf course expansion to play, all facilities shown on the above plans shall be constructed, and be inspected and approved by the Planning Board's Consulting Engineer as being in accordance with this decision, the Mashpee Zoning By-law and proper engineering practice.
13. Prior to opening the golf course expansion to play, a Chapter 91 license must have been received from the Commonwealth for the proposed bridge between holes 24 and 25 and an Order of Conditions, Order of Resource Delineation and any other required wetlands permits shall have been received from the Mashpee Conservation Commission for any alteration to wetland resource areas or buffers.
14. Prior to opening the golf course expansion to play, all existing septic systems at the Cotuit Bay Condominium complex shall have been removed, or at a minimum be rendered inoperable, and all wastewater from the 89 condominium units in said condominium complex shall be treated at the Willowbend Development Corporation wastewater treatment plant, with said wastewater conveyed via the sewer line routing along Quinaquisset Ave. and Quippish Road described in the letter from Jack E. McElhinney to the Planning Board dated February 20, 2002. The connection of said units to the Willowbend treatment facility shall be confirmed in writing by Willowbend's wastewater engineering consultant or the plants operating contractor. For the first five years of operation after connection of the Cotuit Bay Condominium units, Willowbend shall provide to the Planning Board copies of any treatment plant monitoring reports filed with the Massachusetts Department of Environmental protection and / or the Mashpee Board of Health. Upon completion of the wastewater collection system at the Cotuit Bay Condominium and sewer line to the Willowbend treatment plant, the applicant shall file copies of as-built plans of said facilities with the Planning Board and Mashpee Sewer Commission. Any of said facilities shall be subject to the provisions of Condition 22 of the original Willowbend special permit decision.
15. Prior to opening the golf course expansion to play, or 12 months from the approval of this decision, whichever is sooner, the applicant shall ensure that the provisions of Condition 8 of

the original Special Permit Decision have been met with regard to the Original Project site and shall provide the Board with copies of the recorded deeds and deed restrictions applicable to the Original Project open space, including evidence of submittal of any such restrictions to, and approval by, the Massachusetts EOE Division of Conservation Services and any other boards or agencies from whom approval of said restrictions may be required, along with identification of the Registry Book and Page at which they are recorded. Deed restrictions shall specify the uses and activities to be allowed on the open space in conformance with the applicable provisions of the Zoning By-law and shall require approval by the Board prior to their recording.

16. Within 60 days of opening the golf course expansion to play, or 12 months from the approval of this decision, whichever is sooner, the applicant shall provide the Board with copies of the recorded deeds, survey plans and deed restrictions required to ensure protection of the undisturbed open space required by Section 174-47.1.C. for the Golf Project, including evidence of submittal of any such restrictions to, and approval by, the Massachusetts EOE Division of Conservation Services and any other boards or agencies from whom approval of said restrictions may be required, along with identification of the Registry Book and Page at which said deeds, plans and restrictions are recorded. Any deed restrictions shall specify the uses and activities to be allowed on the open space in conformance with the applicable provisions of the Zoning By-law and shall require approval by the Board prior to their recording.
17. The golf course, including those portions in both the Original Project area and the Golf Project area, shall be maintained in accordance with the a golf course management plan entitled "Willowbend Golf Course Turf Management Plan" prepared by Environmental Science Services, Inc., 888 Worcester Street, Suite 240, Wellesley, MA 02482, revised date December 17, 2001, which shall be further revised to conform with the provisions of Condition WR3 of the Development of Regional Impact Decision on the project approved by the Cape Cod Commission on February 7, 2002, except that water quality monitoring shall be in accordance with the provisions of Attachment A to this decision.
18. A water quality monitoring program shall be established and funded in conformance with those provisions attached herewith as Attachment A. Said monitoring program shall include seven monitoring wells identified as AW-15, WB-3, AW-52, AW-100, Riz-4, AW-85 and AW-86, or a series of new adjacent wells identified as HW-1, HW-3S and 3D, HW-8S and 8D, HW-4S and 4D, HW 5S and 5D and HW 6S and 6D (along with existing AW-100), as shown on two plans entitled "Groundwater Quality Monitoring Stations Northern Area" dated 2/14/02 and "Groundwater Quality Monitoring Stations Southern Area", dated 2/13/02, both by Horsley & Witten, Inc., which are contained as Figure 3 and Figure 4 of the Water Quality Report for the project dated February 20, 2002, as well as one pan lysimeter for water quality sampling in an appropriate fertilized location at each of the nine new golf course holes. In addition, a permanent monitoring station in the fresh water portion of Quaker Run east of Bryant's Cove Road shall be established for monitoring stream elevation, stream flow, pH, dissolved oxygen and water temperature. All of said permanent water quality sampling wells and pan lysimeters shall be installed and the Quaker Run monitoring station shall be established, prior to opening the golf course expansion to play. Where this monitoring program differs from that referenced by the Cape Cod Commission Development of Regional Impact decision, it's requirements shall be considered to be in addition to those referenced in said decision.

19. All greens shall be encapsulated to prevent the percolation of fertilizers into groundwater, with said drainage, along with all stormwater from the 9 new golf course holes, returned to the golf course irrigation system or to vegetated basins or other vegetated areas for infiltration.
20. By agreement with the applicant, Willowbend Development Corporation shall contribute a \$10,000 donation account to the Town, via the Town Accountant, intended to assist with engineering and construction costs for signalization of the four-way intersection at Route 28, Orchard Road and Ashers Path, which has been determined to meet traffic signal warrants based on information submitted by the applicant to the CapeCod Commission. Said account shall be established prior to signature of this decision.
21. The applicant shall provide plans, cross-sections and construction specifications for all portions of Bryants Cove Road and Simons Road which are proposed to be relocated, or to be crossed by any new golf hole, which plans, cross-sections and construction specifications shall require approval by the Board at a regular public meeting, after review by the Board's Consulting Engineer, prior to signature of this decision.
22. No portion of the site shall be disturbed except for valid construction purposes consistent with the construction of project infrastructure and golf course features approved by the Board under the provisions of this decision. The applicant shall install temporary landscape materials or other means of preventing erosion on any areas disturbed for more than four months but not yet developed. A plan for said landscape materials or other means shall be presented to the Board for approval prior to installation, and installation shall be completed within sixty days of said approval.
23. Construction activities shall not customarily take place in connection with this project (i) between the hours of 6 p.m. and 7 a.m. on weekdays, (ii) before 7 a.m. and after 6 p.m. on Saturdays, or (iii) on Sundays or holidays. There shall be no substantial deliveries of materials or unloading of heavy construction equipment on Saturdays, Sundays or holidays.
24. The applicant and all contractors, subcontractors and employees engaged by the applicant shall properly dispose of stumps, construction debris, hazardous materials and other waste and shall provide a report to the Planning Board and Board of Health, at six-month intervals beginning with the signature of this decision and ending upon completion of the golf course expansion project, describing the amount of, and means of disposal of, such materials resulting from the construction of the project, including the approximate date and specific location at which such materials were disposed.
25. All fertilizers and pesticides used within the development shall be of a type approved by the Town of Mashpee Board of Health and applied by licensed applicators. Use of fertilizers and pesticides shall be minimized and the use of natural pest control methods should be encouraged. The applicant shall provide the local Board of Health with a complete list of any such fertilizers or pesticides used on the golf course or other common property and their method of storage on the site.
26. Except in the case of foreclosure by a lender, or a transfer to a related entity controlled by the Applicant, the holder of this special permit shall not transfer said permit without 90 days prior notice to the Planning Board. The Planning Board may notify the holder of any violations of the

Special Permit and no transfer shall take place while any violations exist without the approval of four members of the Board.

27. Notwithstanding the provisions of 26 above, the developer/ applicant and his heirs and assigns shall have the right to pledge and assign, as part of the mortgage collateral, its rights under this special permit to any institutional construction lender which has given written notice to the Planning Board of such assignment. Upon receipt of the written notice, said lending institution shall become a "recognized mortgagee." All such notices shall be sent to Mashpee Planning Board, Mashpee Town Hall, 16 Great Neck Road North, Mashpee, MA 02649, by certified mail, return receipt requested. In the event of a default by, the applicant under the terms and conditions of this special permit, the Planning Board shall give written notice of such default by certified mail to the applicant and each recognized mortgagee. Upon receipt of the Planning Board notice, any recognized mortgagee so notified shall have one hundred twenty (120) days from the date of receipt of such notice, to remedy any such default. The applicant's rights under this special permit may not be terminated prior to the expiration of any such 120 day cure period. Failure of the Planning Board to give such notice will only extend the cure period for the recognized mortgagee, pursuant to the provisions provided for above, and shall not constitute a waiver of any default. The Planning Board hereby approves the transfer of applicant's rights under this special permit to any recognized mortgagee which results from the default under a construction mortgage from the applicant to any recognized mortgagee. The Planning Board will not unreasonably withhold or delay its consent to a transfer of the rights under this special permit from any recognized mortgagee which has so acquired rights under this special permit, to a proposed transferee reasonably acceptable to the Planning Board. The proposed transferee must be able to demonstrate to the Planning Board a reasonable ability to complete the project in accordance with the terms of this special permit.
28. Within 60 days of opening the golf course expansion to play, an as-built plan of the Golf Project shall be provided to the Board as a hard plan copy and in an electronic CAD Disk format, following the CAD layering standards contained in the Board's Rules and Regulations Governing the Subdivision of Land. The plan shall be proved by aerial photogrametry and shall include topography, vegetative cover, and layouts of all golf features including but not limited to fairways, roughs, native planting areas, bunkers, greens, tees, lakes, streams, cart paths, retaining walls, and other significant project features.
29. In the event that minor changes or deviations to the golf course and other facilities shown on the approved plans are proposed by the Applicant, the following procedure shall apply: The Applicant shall consult with the Planning Board regarding said changes at a regular Board meeting. The Board may decide to approve said changes without the need for formal permit modification and/or public hearing. Said changes shall thereafter be shown on the as-built plans submitted by the Applicant as provided in condition 28. Alternately, the Board may decide potential impacts are such that that notice to the residents of Willowbend or abutting properties is required, in which case the Applicant shall send notice, by certified mail to the Willowbend Community Trust members and abutting property owners designated by the Board, of the date of the regular Board meeting at which the proposal will be addressed and of the subject matter of the proposal. A copy of said notice shall be submitted for review and approval by the Town Planner prior to mailing and one complete set of any plans showing the proposed changes shall be provided, at least seven days before said meeting, to the Willowbend Community Trust Board of Directors and to the Town Planner. If approved, said changes shall thereafter be shown on the as-built plans submitted by the Applicant as provided

in condition 28. Alternately, the Board may decide that the proposed changes are of such a scale or potential impact on abutters that a public hearing, with proper notice to abutters, must be held following the procedures specified in the General Laws for a Special Permit approval.

30. Except where modified by the provisions of this decision, and except that allowed residences in the Original Project area are reduced to 217 as noted in finding 6 of this decision, all previous Special Permit conditions regarding the project shall remain in full force and effect.
31. All conditions of this special permit shall be binding not only upon the applicant but also on all successors-in-interest and assigns of the applicant.
32. Within 60 days of the approval of this decision, the applicant shall provide the Board with proof of its recording with the Barnstable County Registry of Deeds, including an indication as to the book and page at which it was recorded.

VI. Expiration, Extension or Modification

Pursuant to Massachusetts General Law, Chapter 40A, Section 9 and Article IX, Subsection 174-47.C.(5) of the Mashpee Zoning Bylaw, this special permit shall lapse within 2 years, which shall not include such time required to pursue or wait the determination of any appeal from the grant hereof, if a substantial use hereof is not sooner commenced except for good cause. Initiation of construction of the proposed building shall constitute "substantial use" for these purposes. The applicant shall require a specific determination of good cause by a favorable vote of four members of the Planning Board if claiming an extension of the 2-year period, except to wait the determination of any appeal from the grant hereof. For the purposes of this section, time required to pursue or wait the determination of any appeal from the variance granted by the Zoning Board of Appeals for this project on February 27, 2002 shall stay the beginning of said 2-year period.

VII. Signature and Filing

This special permit decision document, which incorporates by reference herein all appendices and plans, has been approved on this 6th day of March, 2002. A copy of same shall be filed with the Town Clerk in accordance with applicable law.

Dennis H Balzarini
Mashpee Planning Board - Duly Authorized Member

Commonwealth of Massachusetts

Barnstable, ss

Then personally appeared Dennis Balzarini member of the Mashpee Planning Board and acknowledged the foregoing instrument to be his free act and deed, before me.

Deborah F. H.
Notary Public
My Commission Expires: 7-29-02

A copy of this decision and the accompanying plans endorsed by the Planning Board as been duly filed on March 12, 2002 with the Town Clerk of Mashpee.

Deborah F. H.
Town Clerk

Notice of this decision was mailed on 3/21/02 to the applicant, to the parties interest designated in Massachusetts General Law, Chapter 48, Section 11 and all persons at the hearing who requested such notice. 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, Debra Dami, Town Clerk of the Town of Mashpee, hereby certify that a copy of this decision and the accompanying plans endorsed by the Planning Board were filed with the office of the Town Clerk on April 3-12 2002 and that no appeal of that decision was filed within 20 days thereafter.

Deborah F. H.
Town Clerk
Date: April 3, 2002

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 15/1, 2002 and may be recorded.

Robert M. Kelley
Dennis H Balzarini
Steve Don
Beverly A Kare
Robert A. Perry

ATTACHMENT A
To Willowbend Special Permit Modification #19
March 6, 2002

Willowbend Water Quality Monitoring Program

Under Condition 18 of the Mashpee Planning Board decision approving Modification #19 of the Willowbend Special Permit, the applicant, its heirs and assigns shall be responsible for the conduct of a periodic water quality sampling and analysis program as follows. It should be noted that where this monitoring program differs from that referenced by the Cape Cod Commission Development of Regional Impact decision on the Willowbend 9 hole golf expansion project, its requirements shall be considered to be in addition to those referenced in said decision.

1. Monitoring wells to be sampled:

Seven monitoring wells are required for the Golf Project under the provisions of Section 174-27 of the Mashpee Zoning By-law. Background samples, as required by Section 174-27 of the Mashpee Zoning By-law, were taken from wells AW-15, WB-3, AW-52, RIZ-4, AW-100, AW-85 and AW-86, whose locations were approved by the Mashpee Board of Health on February 7, 2002.

The background samples were analyzed for the following parameters: sodium, iron, manganese, chloroform, benzene, phosphate, total coliform, pH, conductivity, nitrate-nitrogen, carbon tetrachloride, lead, phenolics, PCB (1254), PCB (1260), trichloroethylene, tetrachloroethylene, and 1,1,1,-trichloroethane as required by the By-law.

As a number of the wells from which these background samples were taken are likely to be disrupted by golf course construction, a series of replacement wells, identified as HW-1, HW-3S and 3D, HW-8S and 8D, HW-4S and 4D, HW 5S and 5D and HW 6S and 6D (along with existing AW-100) may be used as alternate sampling locations for this monitoring program. All of the existing and proposed wells are shown on two plans entitled "Groundwater Quality Monitoring Stations Northern Area" dated 2/14/02 and "Groundwater Quality Monitoring Stations Southern Area", dated 2/13/02, both by Horsley & Witten, Inc., which are contained as Figure 3 and Figure 4 of the Water Quality Report for the project dated February 20, 2002.

In addition to the seven monitoring wells, the applicant has agreed to install one pan lysimeter for water quality sampling in an appropriate fertilized location at each of the nine new golf course holes. The proposed locations for said lysimeters shall require approval of the Mashpee Planning Board, in consultation with the Board of Health and the Cape Cod Commission, prior to final grading of the golf course and shall be documented as to Massachusetts State Plane coordinates.

In addition, one permanent sampling station, including installation of a permanent marker, stream elevation gauge and a constant temperature monitoring data logger, as well as establishment of stream cross section, shall be established in the fresh water portion of Quaker Run east of Bryant's Cove Road, with the location of said station requiring approval of the Planning Board in consultation with the Massachusetts Division of Fisheries & Wildlife.

The proposed wells shall be installed using PVC or other casing approved by the Board of Health,

grouted in place, with a protective locking cover and be otherwise in conformance with accepted standards for long-term groundwater monitoring wells. Five of the well locations (HW-3, 4, 5, 6, and 8) will include cluster wells with screens at the water table and at a ten foot depth below the water table. The other wells will be screened at the water table. Wells will be constructed with 2 inch diameter flush threaded joint PVC or equivalent. Screens will be ten feet in length and number 10-slot size. Finished wells will be backfilled with material from the borehole, sealed with bentonite to isolate the various screens, and capped with a steel security cover that is anchored to a cement base.

For each well, completion reports and logs, including elevation based on USGS vertical datum, Massachusetts Coordinate Plane coordinates as well as surveyed location tied to an established roadway or property bound, depth ranges of the various soils and sediment layers found in development of each well shall be submitted to the Planning Board, the Board of Health, the Barnstable County Health and Environmental Department and the Cape Cod Commission. Said proposed wells shall be installed and reports filed prior to opening the golf course expansion to play. Prior to installation, proposed well depth, design and method of installation and sediment sampling shall require review and approval by the Board of Health Agent and Cape Cod Commission.

For the wells which will be used for long term monitoring, as well as pan lysimeters and stream monitoring station, a map shall be prepared on a 24" x 36" sheet, at a scale of 1" = 100' or larger, which shall indicate the Massachusetts Coordinate Plane coordinates, elevation of top of casing of wells based on USGS vertical datum, the applicant's property lines and any existing roadways, buildings or other recognizable physical features useful in identifying the well, lysimeter or stream monitoring station location on the ground. Said map shall be prepared and one set of mylar or velum originals of said map, as well as disk containing said map as an AutoCAD or ArcInfo file, shall be submitted to the Planning Board and the map shall become an attachment to this special permit document. Personnel of the Board of Health, Local Water Resource Management Official (Town Planner), Mashpee Sewer Commission, Cape Cod Commission, Barnstable County Health and Environmental Department and the Massachusetts Division of Fisheries & Wildlife or their consultants shall not be denied access to said wells, lysimeters and for sampling or other groundwater monitoring purposes and keys to any locking covers shall be provided to the Town Planner. Prior notice shall be given to Willowbend personnel of any proposed access to said wells and Willowbend personnel shall be given the opportunity to accompany said personnel on the project site.

2. Well and Lysimeter Monitoring Schedule:

For the first three years after the golf course expansion is opened to play, each of the monitoring wells shall be monitored for static water level (USGS datum), pH, nitrate, nitrite, ammonia and total nitrogen (Kjeldahl plus nitrate-nitrogen) on a quarterly basis, preferably on or near the first day of January, April, July and October.

Each of the pan lysimeters shall be sampled for pH, nitrate, nitrite, ammonia and total nitrogen on a quarterly basis at the same time as the monitoring wells.

In addition, for the first three years after the golf course expansion is opened to play, wells HW-2, 3 (3s and 3d), 4, 7, and 8, as well as one of the pan lysimeters selected in consultation with the Town Planner, the Board of Health and the Cape Cod Commission as being in an area where pesticides have been most heavily used, shall be sampled for the following pesticides on an annual basis: Propiconazole, PCNB, Vinclozolin, Chlorpyrifos, Triadimefon, Azoxystrobin, Carbaryl, Isofenphos, Iprodione and Chlorothalonil.

In addition, if Roundup or Carbaryl are used on the course, the following two EPA Methods will be analyzed: EPA Methods 531.1 and 547.1.

Each well will be purged of 3-5 well volumes prior to sampling with either a dedicated teflon bailer or redi-flow submersible pump. Groundwater quality parameters, such as temperature, pH, conductivity and dissolved oxygen, will also be monitored during purging. Water samples will be iced and shipped to the analytical laboratory within 24 hours. Chain of custody forms will be utilized to document sampling, shipping, and analytical times. Laboratory reports will be provided to the Mashpee Planning Board, the Mashpee Board of Health and the Cape Cod Commission.

If any target pesticides are detected in any concentrations above minimum detection limits, the following steps will be taken. First, re-sampling will occur. If the problem is again detected, the golf course superintendent will be contacted to determine the potential insecticide or pesticide involved, and the time and quantity of recent applications. Re-sampling and analysis will be required on those wells on a weekly basis until two consecutive sampling rounds show no detection of those chemicals. If pesticide concentrations exceed 50% of an EPA-published MCL or Health Advisory, the pesticide usage will be discontinued. Quality assurance/quality control measures as specified in DEP document WSC-310-91 will apply.

If average total nitrogen levels (Kjeldahl plus nitrate-nitrogen) reach 5 mg/l total nitrogen or greater, re-sampling and analysis will be required on a weekly basis until two consecutive rounds are below 5 mg/l. The owner shall meet with the Mashpee Planning Board and Board of Health to discuss potential action plans to eliminate exceedances.

3. Quaker Run Monitoring:

The sampling station in Quaker Run shall be monitored for water temperature at 15 minute intervals using a constant temperature monitoring data logger, as well as for stream elevation, stream flow, pH and dissolved oxygen four times per year on a schedule to be determined by the Planning Board in consultation with the Massachusetts Division of Fisheries & Wildlife (the Division) in order to most suitably monitor spawning and habitat conditions for brook and brown trout. The constant temperature monitoring data logger shall be maintained by the applicant in consultation with the Division and all data shall be forwarded to the Planning Board and the Division on a regular schedule to be specified by the Division.

4. Sampling/Analytical Frequency Re-Evaluation:

After a period of three years, water quality data will be compiled and reviewed. Pesticide sampling frequency for those wells where pesticides have not been detected will be reduced to a bi-annual basis (once every other year) thereafter. Monitoring wells number HW-2 and HW-3s/3d will continue to be tested for pesticides on an annual basis in any case. Those wells in which pesticides which have been detected (and confirmed) will continue to be analyzed on an annual basis. Sampling of one lysimeter per year for pesticides will continue on the same basis as previously, unless the Planning Board, in consultation with the Board of Health and the Cape Cod Commission, determines that less frequent monitoring is justified.

The Planning Board reserves the right to add certain pesticides to the sampling regime if records of pesticide use on the project site indicate the use of pesticides not on the initial sampling list.

After a period of three years, nitrogen components and temperature, pH, conductivity and dissolved oxygen will continue to be monitored on a quarterly basis in all wells and lysimeters unless the Planning Board, in consultation with the Board of Health and the Cape Cod Commission, determines that less frequent monitoring is justified.

After a period of three years, sampling frequency in Quaker Run shall be re-evaluated in consultation with the Massachusetts Division of Fisheries & Wildlife and may be adjusted if approved by the Planning Board.

5. Reporting

A water quality monitoring report, including all laboratory sample results and all other parameters measured at the wells, pan lysimeters and the stream monitoring station, along with a narrative regarding the results and any levels of sampled constituents that may be of concern, shall be filed annually with the Planning Board, the Board of Health, the Cape Cod Commission and the County Health and Environmental Department by the next February 1 following the year being reported.

Should sampling at any time indicate target pesticides in any concentrations above minimum detection limits, or total nitrogen exceeding 5 mg/l, the sampling results shall be immediately reported to the Planning Board and the Board of Health, along with an explanation, if available, of possible causes of the detected levels. If subsequent re-sampling confirms levels of concern, the Planning Board or Board of Health may specify measures that shall be undertaken by the applicant to mitigate the likely causes.

6. Monitoring Program Funding

The applicant, its heirs and assigns, including any condominium or other association to which the applicant transfers ownership of roadways or other common facilities within the project site, shall be responsible for all costs associated with the emplacement, construction, relocation, collection, analysis and evaluation (including distribution of results) of monitoring wells, lysimeters, samples and other items required under this monitoring program. In order to insure performance, the applicant shall provide funding for the monitoring program by one of the following methods:

- (1) Establishment of an endowment account benefiting the Town, based on a certified estimate by a firm or firms established in the field of hydrogeologic studies and water quality monitoring, of the annual costs required to conduct the specified monitoring program and of the amount of the endowment required to produce the necessary income to the Town to fund the monitoring program, (in which case monitoring would be the responsibility of the Town using the endowment income), or
- (2) Establishment of a donation account in an amount equal to \$1000 for each monitoring well, lysimeter and stream sampling station, or an alternate amount sufficient to fund the monitoring program for a period of one year, with said amount established following the procedures specified above for an endowment account (in which case monitoring would be the responsibility of the applicant, with the Town conducting monitoring only in the event of his failure to perform, using the funds contained in the donation account).

Any deeds, declaration of covenants, conditions and restrictions, association bylaws, rules and regulations transmitted to buyers of property or units within the project site shall contain a notice of responsibility for the conduct and funding of this monitoring program and of the fact that failure to conduct the required monitoring or to correct on-site conditions resulting in significantly reduced water quality identified by the monitoring program shall be considered a violation of this special

permit enforceable by all means available to the Town and that the cost of any work conducted by or contracted by the Town to carry out the monitoring program or to correct identified conditions on the site resulting in reduced water quality shall become a lien against all owners' property within the project site. The Town may use funds collected under such liens to replenish the donation account noted above.



Town of Mashpee

Planning Board

*16 Great Neck Road North, Mashpee, MA 02649
Telephone (508) 539-1400 ext. 520 • Fax (508) 539-0954
Email: planning@ci.mashpee.ma.us*

PLANNING BOARD DECISION

WILLOWBEND SPECIAL PERMIT

MODIFICATION NO. 22

I. 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 more recently to Willowbend Country Club, Inc. Willowbend Country Club, Inc. 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 project by 1) relocating a short section of the northern portion of Simons Road, 2) adding a new street between Simons Road and Willowbend Drive to be known as "Fin' Me Oot Road", 3) replacing a previously approved ballfield with five single-family cluster subdivision lots on the north side of Fin' Me Oot Road and Willowbend Drive and 4) creating three cluster single-family lots on the west side of Simons Road, of which two are proposed to be located on current golf course open space and one is deleted from a lot on which five duplex "golf villa" buildings were authorized in 1995 by special permit modification #12 (of which four have been built). To compensate for the loss of golf course open space west of Simons Road, a 23,404 sq. ft. lot is proposed to be created by an ANR plan and set aside as golf course open space. The proposal creates a total of 8 new single-family cluster building lots and eliminates one of the previously-approved "golf villa" duplex buildings.

II. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Section 174-24.C. of the Mashpee Zoning By-Law as it existed on November 3, 2004, the date on which this special permit modification was approved by the Mashpee Planning Board. As the proposal does not increase square footage of any use by more than ten percent (10%), the provisions of Section 174-24.C.(9)(d) of said by-law provide that the land involved in this application is subject to the dimensional and other relevant provisions of the Zoning By-law 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.

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

III. Chronology.

Application for this Special Permit Modification was filed with the Town Clerk on July 8, 2004.

A hearing was opened before the Mashpee Planning Board at the Mashpee Town Hall, 16 Great Neck Road North, Mashpee, Massachusetts on September 1, 2004 at 7:30 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 August 13 and 20, 2004. The hearing was continued on October 6, October 20 and on November 3, 2004, on which date the hearing was closed.

Written comments in opposition were submitted via a letter dated August 30, 2004 submitted by Mr. & Mrs. Andrew Adelson, Mr. & Mrs. Stephen Cutler, Mr. & Mrs. Daniel Farber, Mr. & Mrs. Michael Gordon, Mr. & Mrs. Bill Karlyn and Mr. & Mrs. Richard Oresman. Written reviews of the accompanying subdivision and site plans by the Board's Consulting Engineer and by the Assistant Town Planner were also submitted.

After closing the public hearing on November 3, 2004, the Planning Board voted to make the following findings and grant the proposed special permit modification, subject to the conditions enumerated below. The members of the Board were recorded voting as follows: Beverly A. Kane, Dennis H. Balzarini, Steven Dolan, Lee Gurney and John Halachis were recorded as voting in favor of approval of the proposed modification; no members were recorded as voting against.

IV. Findings.

1. 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 By-law, subject to the dimensional and other relevant provisions of the Zoning By-law 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.
2. The proposed modifications lie entirely within the "Original Project" area as referenced in previous Board decisions regarding the project and within the portion of the project covered by the cluster zoning regulations contained in Section 9.4 of the Zoning By-law as it existed on November 6, 1985. At that time the property was in an R-3M zoning district.
3. As shown on a map entitled "Open Space Plan" dated September 2, 2004, the applicant indicated that the portion of the "Original Project" area subject to Section 9.4 of the applicable zoning includes 53.1% open space (98.73 ac. of 185.90 total acres) where 25% was required.
4. Notwithstanding the creation of lots under this modification, the project remains subject to the limitation established under modification 19 of this special permit of 217 total allowed residences within the "Original Project" area.
5. 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 By-Law on the applicable dates.
6. The applicant revised the proposed plans in conformance with comments and recommendations received from the Board's Consulting Engineer, whose satisfaction is indicated in his letter to the Board dated November 2, 2004.

7. The applicant appeared at the November 1, 2004 meeting of the Mashpee Board of Selectmen to request approval of the relocation of the public way known as Simons Road per the plans submitted in conjunction with this modification. The applicant indicated that the Selectmen approved said relocation.
8. 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 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.

V. Conditions.

1. In accordance with the applicant's proposal, the project may be modified as shown on a "Definitive Subdivision Plan of Land in Mashpee, Massachusetts, Prepared for: Willowbend", Sheets 1-3, scale 1"=40', by Vanasse Hangen Brustlin, Inc., revised date November 2, 2004. Said plan shall require endorsement by the Board and shall be recorded along with this decision at the Barnstable Registry of Deeds.
2. In accordance with the applicant's proposal, an area of 23,404 square feet currently designated as a portion of lot 46 and Parcel B-2, as shown on an "Approval Not Required" plan entitled "Redivision Plan of Land in Mashpee, Massachusetts, Prepared for: Willowbend", scale 1"=20', by Vanasse Hangen Brustlin, Inc. dated October 6, 2004, shall be dedicated as permanent open space under the same terms as the required open space under the zoning applicable to the "Original Project", in order to compensate for approximately 23,263 square feet of land currently dedicated to open space on the west side of Simons Road which will be incorporated into residential lots under the current lot line modification proposal. Said "Approval Not Required" plan shall require endorsement by the Board and shall be recorded along with this decision at the Barnstable Registry of Deeds.
3. The project shall be developed in conformance with the Site Plans submitted by the applicant, Sheets C-1 through C-5, by Vanasse Hangen Brustlin, Inc., as revised November 2, 2004 and signed by the Board Chair.
4. Prior to signature of this decision, the applicant shall provide to the Board the soil test logs referenced in the Planning Board Consulting Engineer's letter to the Board dated November 2, 2004.
5. Prior to signature of this decision, the applicant shall provide to the Board a Water Quality Report satisfying the requirements of Section 174-27 of the current Mashpee Zoning By-law.

6. Prior to signature of this decision, the applicant shall provide to the Board written documentation from the Board of Selectmen or Town Manager that the Selectmen have approved the proposed relocation of the public way known as Simons Road per the plans submitted with this modification request.
7. Within six months of this decision, the applicant shall remove from the right-of-way layout of Simons Road the landscape mounds currently obstructing passage along said layout just north of the proposed relocation and restore a driveable roadway surface within said layout at that location.
8. Prior to signature of this decision, the applicant shall provide to the Board, for its review and approval, a proposed system of signage identifying those ways within the overall Willowbend project that are required by the terms of this special permit to be kept open as public ways, in order to facilitate their use by the public. After approval by the Board, the applicant shall install said signage by such date as is specified by the Board in its approval decision.

VI. 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 By-law.

VII. Signature and Filing.

This special permit modification document, which incorporates by reference herein all plans noted, has been approved on this 3rd day of November, 2004. A copy of same shall be filed with the Town Clerk in accordance with applicable law.

Dennis H. Bazarini
Mashpee Planning Board - Duly Authorized Member

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

November
date

On this 5th day of November 2004, before me, the undersigned notary public, personally appeared Dennis H. Bazarini, proved to me through satisfactory evidence of identification, which were personal knowledge 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.

Margaret C. Santos
Notary Public

My Commission expires: 9-24-2010
date of expiration



Margaret C. Santos
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires Sept. 24, 2010

A copy of this decision and the accompanying plans approved by the Planning Board have been duly filed on Nov. 5, 2004 with the Town Clerk of Mashpee.


Town Clerk

Notice of this decision was mailed on Nov 8, 2004 to the applicant, to the parties in interest designated in Massachusetts General Law, Chapter 48, Section 11 and all persons at the hearing who requested such notice. 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, Debra Dami, 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 November 5, 2004 and that no appeal of that decision was filed within 20 days thereafter.


Town Clerk

Date: 12-15-04

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 12-15-04, 2004 and may be recorded.

Beverly A. Kane

Dennis H. Bezarani

Lee Gurney

Steve Tolar



Town of Mashpee

Planning Board

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Telephone (508) 539-1400 ext. 520 • Fax (508) 539-0954
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PLANNING BOARD DECISION WILLOWBEND SPECIAL PERMIT MODIFICATION NO. 23

I. 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 more recently to Willowbend Country Club, Inc. Willowbend Country Club, Inc. 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 project by 1) converting a 2-unit "guest villa" building located on Simons Road, being Building #4 on Lot 64A (approved under Modification #12 dated 2-15-1995), to a 4-unit condominium building, 2) adding a new parking space within the parking area adjacent to said building by removing a landscape island 3) reserving 2 existing parking spaces in the golf course clubhouse parking area adjacent to guest villa building #1 for use by occupants of the villa buildings and 4) creating a 5 space gravel parking area off an existing gravel drive between the clubhouse parking area and guest villa building #1. The proposal creates 2 new residences, increasing units shown on the approved site plans from 197 to 199, of 217 currently allowed by the special permit.

II. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Section 174-24.C. of the Mashpee Zoning By-Law as it existed on February 15, 2006, the date on which this special permit modification was approved by the Mashpee Planning Board. As the proposal does not increase square footage of any use by more than ten percent (10%), the provisions of Section 174-24.C.(9)(d) of said by-law provide that the land involved in this application is subject to the dimensional and other relevant provisions of the Zoning By-law 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.

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

III. Chronology.

Application for this Special Permit Modification was filed with the Town Clerk on January 13, 2006. A hearing was opened before the Mashpee Planning Board at the Mashpee Town Hall, 16 Great Neck Road North, Mashpee, Massachusetts on February 1, 2006 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 January 13 and 20, 2006. The hearing was continued on February 15 and on March 1, 2006, on which date the hearing was closed. As a 4 member quorum was not present on February 15, the application was not discussed, other than to continue the hearing.

Written comments and recommendations on the accompanying site plans were submitted by the Board's Consulting Engineer Charles Rowley by letter dated February 9, 2006.

After closing the public hearing on March 1, 2006, the Planning Board voted to make the following findings and grant the proposed special permit modification, subject to the conditions enumerated below. The members of the Board were recorded voting as follows: Beverly A. Kane, Dennis H. Balzarini, Lee Gurney and Myrna Nuey, as well as Associate Member Harvey Cohen, were recorded as voting in favor of approval of the proposed modification; no members were recorded as voting against. Mr. Cohen sat for John Halachis, who was not present at the February 1 hearing.

IV. Findings.

1. 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 By-law, subject to the dimensional and other relevant provisions of the Zoning By-law 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.
2. The proposed modifications lie entirely within the "Original Project" area as referenced in previous Board decisions. At that time the property was in an R-3M zoning district.
3. Notwithstanding the creation of 2 new units under this modification, the project remains subject to the limitation established under condition #30 of Modification 19 of this special permit of 217 total allowed residences within the "Original Project" area.
4. According to the Mashpee Deputy Fire Chief, conversion from 2 to 4 residences will require that the building sprinkler system be upgraded from NFPA 13D to NFPA 13R standards, and individual units will have to be alarmed for individual transmission to the alarm company.
5. 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 By-Law on the applicable dates.
6. 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.

V. Conditions.

1. In accordance with the applicant's proposal, the project may be modified as shown on a "Parking Plan for Special Permit Modification of Willowbend Golf Villas at Simon's Road", scale 1"=30', by Baxter Nye Engineering & Surveying, Inc., revised date March 1, 2006.
2. In accordance with the applicant's proposal, the building shown on the above-mentioned plan as "Building #4" may be converted internally to provide 4 residential condominium units vs. the 2 "guest villa" units now in existence. The project remains subject to the limitation of 217 total allowed residences within the "Original Project" area established under condition #30 of Modification 19 of this special permit.
3. Any changes to the building facades or roof shall require review and approval by the Board at a regular meeting.
4. Internal layout of the building shall be essentially that shown on a drawing entitled "Willowbend Reconstruction" Sheet A1, by Bayside Building, Inc, dated 11/14/05. Any significant changes shall require review and approval by the Board at a regular meeting.
5. The building's sprinkler system shall be upgraded to NFPA 13R standards and unit alarms shall transmit directly to the alarm company.
6. Prior to signature of this special permit decision, the applicant shall remove from the right-of-way layout of Simons Road any landscape mounds obstructing passage along said layout just north of the proposed guest villa reconstruction and restore a driveable roadway surface within said layout at that location, having at least 6 inch depth of stone meeting Mass. Highway Department specifications and a width similar to the remainder of Simons Road, and shall provide the Board, for its review and approval, a screening and re-landscaping plan for the area in the vicinity of the required mound removal and road reconstruction.
7. Prior to May 17, 2006 the applicant shall install a system of signage identifying those ways within the overall Willowbend project that are required by the terms of this special permit to be kept open as public ways, in order to facilitate their use by the public. Said signs shall conform with the design shown on a sketch by Day Sign Company as approved by the Board on February 15, 2006 and signed by the Vice Chairman Mr. Balzarini. 8 signs shall be located along Bryants Cove Road, 6 along Simons Road, 4 along Quippish Road and 3 along Mashpee Neck Road, as shown on plans signed by Chairman Kane. As these signs require replacement in the future, the replacement signs shall consist only of the road name and the words "public way", all on one sign board, and not include the Willowbend name and logo.

VI. 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 By-law.

VII. Signature and Filing.

This special permit modification document, which incorporates by reference herein all plans noted, has been approved on this 1st day of March, 2006. A copy of same shall be filed with the Town Clerk in accordance with applicable law.

Lee Gurney
Mashpee Planning Board - Duly Authorized Member

Barnstable, ss.

COMMONWEALTH OF MASSACHUSETTS

March 6, 2006
date

On this 6th day of March 2006, before me, the undersigned notary public, personally appeared Lee Gurney, proved to me through satisfactory evidence of identification, which were Personal knowledge, 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.



Margaret C. Santos
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires Sept. 24, 2010

Margaret Santos
Notary Public

My Commission expires: 9-24-2010
date of expiration

A copy of this decision and the accompanying plans approved by the Planning Board have been duly filed on 3-6-06, 2006 with the Town Clerk of Mashpee.

Deborah F. Dami
Town Clerk

Notice of this decision was mailed on April 21, 2006 to the applicant, to the parties in interest designated in Massachusetts General Law, Chapter 48, Section 11 and all persons at the hearing who requested such notice. 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, Debra Dami, 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 April 21, 2006 and that no appeal of that decision was filed within 20 days thereafter.

Deborah F. Dami
Town Clerk
Date: April 21, 2006

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 3/1, 2006 and may be recorded.

Beverly A. Kane
Dennis H. Bazarini
Lee Gurney
Margaret Santos
Deborah F. Dami



PLANNING BOARD DECISION WILLOWBEND SPECIAL PERMIT MODIFICATION NO. 24

I. 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 more recently to Willowbend Country Club, Inc. Willowbend Country Club, Inc. 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 Water Quality Monitoring Program contained in Attachment A to the Special Permit decision, as amended.

II. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Section 174-24.C. of the Mashpee Zoning By-Law as it existed on June 20, 2007, the date on which this special permit modification was approved by the Mashpee Planning Board. As the proposal does not increase square footage of any use by more than ten percent (10%), the provisions of Section 174-24.C.(9)(d) of said by-law provide that the land involved in this application is subject to the dimensional and other relevant provisions of the Zoning By-law 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.

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

III. Chronology.

Application for this Special Permit Modification was filed with the Town Clerk on May 15, 2007. A hearing was opened before the Mashpee Planning Board at the Mashpee Town Hall, 16 Great Neck Road North, Mashpee, Massachusetts on June 6, 2007 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 May 18 and 25, 2007. The hearing was closed on June 6, 2007 and the proposal taken under advisement.

On June 20, 2007, the Planning Board voted to make the following findings and grant the proposed special permit modification, subject to the conditions enumerated below. The members of the Board

were recorded voting as follows: Beverly A. Kane, Dennis H. Balzarini, Myrna Nuey, Thomas O'Hara and Associate Member Harvey Cohen, were recorded as voting in favor of approval of the proposed modification; no members were recorded as voting against. Mr. Cohen sat for John Halachis, who was not present at the hearing.

IV. Findings.

1. 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 By-law, subject to the dimensional and other relevant provisions of the Zoning By-law 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.
2. The proposed modifications lie entirely within the "Original Project" area as referenced in previous Board decisions. At that time the property was in an R-3M zoning district.
3. 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 By-Law on the applicable dates.
4. 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.

V. Conditions.

1. The project may be modified by amending Attachment A as shown on the attached revised Willowbend Water Quality Monitoring Program, revised date June 20, 2007.

VI. 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 By-law.

VII. Signature and Filing.

This special permit modification document, which incorporates by reference herein all plans noted, has been approved on this 20th day of June, 2007. A copy of same shall be filed with the Town Clerk in accordance with applicable law.

Beverly A. Kane

Mashpee Planning Board - Duly Authorized Member

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

June 20, 2007
date

On this 20th day of June 2007, before me, the undersigned notary public, personally appeared Beverly A. Kane, proved to me through satisfactory evidence of identification, which were known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he/she) signed it voluntarily for its stated purpose.

Dennis H. Bagarini
Notary Public

My Commission expires: December 31, 2010
date of expiration

A copy of this decision and the accompanying plans approved by the Planning Board have been duly filed on June 21, 2007 with the Town Clerk of Mashpee.

Debra Dami
Town Clerk

Notice of this decision was mailed on JUNE 21, 2007 to the applicant, ~~to the parties in interest designated in Massachusetts General Law, Chapter 48, Section 11~~ and all persons at the hearing who requested such notice. 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, Debra Dami, 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 JUNE 21, 2007 and that no appeal of that decision was filed within 20 days thereafter.

Debra Dami
Town Clerk
Date: July 17, 2007

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 7/18, 2007 and may be recorded.

Beverly A. Kane
Dennis H. Bagarini
Myrae Ruff
Thomas F. O'Farrell
W. B. Allen

ATTACHMENT A
To Willowbend Special Permit Modification #19
March 6, 2002
Revised June 20, 2007

Willowbend Water Quality Monitoring Program

Under Condition 18 of the Mashpee Planning Board decision approving Modification #19 of the Willowbend Special Permit, the applicant, its heirs and assigns shall be responsible for the conduct of a periodic water quality sampling and analysis program as follows. It should be noted that where this monitoring program differs from that referenced by the Cape Cod Commission Development of Regional Impact decision on the Willowbend 9 hole golf expansion project, its requirements shall be considered to be in addition to those referenced in said decision.

1. Monitoring wells to be sampled:

Seven monitoring wells are required for the Golf Project under the provisions of Section 174-27 of the Mashpee Zoning By-law. Background samples, as required by Section 174-27 of the Mashpee Zoning By-law, were taken from wells AW-15, WB-3, AW-52, RIZ-4, AW-100, AW-85 and AW-86, whose locations were approved by the Mashpee Board of Health on February 7, 2002.

The background samples were analyzed for the following parameters: sodium, iron, manganese, chloroform, benzene, phosphate, total coliform, pH, conductivity, nitrate-nitrogen, carbon tetrachloride, lead, phenolics, PCB (1254), PCB (1260), trichloroethylene, tetrachloroethylene, and 1,1,1-trichloroethane as required by the By-law.

As a number of the wells from which these background samples were taken are likely to be disrupted by golf course construction, a series of replacement wells, identified as HW-1, HW-3S and 3D, HW-8S and 8D, HW-4S and 4D, HW 5S and 5D and HW 6S and 6D were used as alternate sampling locations for this monitoring program. All of the existing and proposed wells are shown on two plans entitled "Groundwater Quality Monitoring Stations Northern Area" dated 2/14/02 and "Groundwater Quality Monitoring Stations Southern Area", dated 2/13/02, both by Horsley & Witten, Inc., which are contained as Figure 3 and Figure 4 of the Water Quality Report for the project dated February 20, 2002. An updated plan of monitoring point locations, by Horsley & Witten, Inc., was submitted to the Planning Board in April, 2007.

In addition to the seven monitoring wells, the applicant installed one soil moisture lysimeter for water quality sampling in an appropriate fertilized location at each of the nine new golf course holes. The proposed locations for said lysimeters were approved by the Mashpee Planning Board, in consultation with the Board of Health and the Cape Cod Commission, prior to final grading of the golf course and were documented as to Massachusetts State Plane coordinates.

In addition, one permanent sampling station, including installation of a permanent marker, stream elevation gauge, as well as establishment of stream cross section, was established in the fresh water portion of Quaker Run east of Bryant's Cove Road, with the location of said station requiring approval of the Planning Board in consultation with the Massachusetts Division of Fisheries & Wildlife. A constant temperature monitoring data logger shall also be installed at the sampling station.

The proposed wells were installed using PVC or other casing approved by the Board of Health, grouted in place, with a protective locking cover and are otherwise in conformance with accepted standards for long-term groundwater monitoring wells. Five of the well locations (HW-3, 4, 5, 6, and 8) include cluster wells with screens at the water table and at a ten foot depth below the water table. The other wells were screened at the water table. Wells were constructed with 2 inch diameter flush threaded joint PVC or equivalent. Screens are ten feet in length and number 10-slot size. Finished wells are backfilled with material from the borehole, sealed with bentonite to isolate the various screens, and capped with a steel security cover that is anchored to a cement base.

For each well, completion reports and logs, including elevation based on USGS vertical datum, Massachusetts Coordinate Plane coordinates as well as surveyed location tied to an established roadway or property bound, depth ranges of the various soils and sediment layers found in development of each well shall be submitted to the Planning Board, the Board of Health, the Barnstable County Health and Environmental Department and the Cape Cod Commission.

For the wells which will be used for long term monitoring, as well as soil moisture lysimeters and stream monitoring station, a map was prepared on a 24" x 36" sheet, at a scale of 1" = 100' or larger, which indicates the Massachusetts Coordinate Plane coordinates, elevation of top of casing of wells based on USGS vertical datum, the applicant's property lines and any existing roadways, buildings or other recognizable physical features useful in identifying the well, lysimeter or stream monitoring station location on the ground. One set of originals of said map, as well as disk containing said map as an AutoCAD or ArcInfo file, was submitted to the Planning Board and the map shall become an attachment to this special permit document. Personnel of the Board of Health, Local Water Resource Management Official (Town Planner), Mashpee Sewer Commission, Cape Cod Commission, Barnstable County Health and Environmental Department and the Massachusetts Division of Fisheries & Wildlife or their consultants shall not be denied access to said wells, lysimeters and for sampling or other groundwater monitoring purposes and keys to any locking covers shall be provided to the Town Planner. Prior notice shall be given to Willowbend personnel of any proposed access to said wells and Willowbend personnel shall be given the opportunity to accompany said personnel on the project site.

2. Well and Lysimeter Monitoring Schedule:

For the first three years after the golf course expansion is was opened to play, water sampling and analyses were conducted as required by the original Attachment A monitoring program dated March 6, 2002, with generally good water quality results encountered. Following that initial monitoring period, a series of meetings were held with Cape Cod Commission and Town representatives to design a revised monitoring program reflective of the results obtained from the original program. That revised monitoring program is one suggested by the Commission and is included here as Table 1.

The revised monitoring program includes annual monitoring in the late summer / early fall of each year for a subset of the different monitoring wells on the property as specified in Table 1. Lysimeter monitoring is no longer included in the revised monitoring program based upon the results of the initial sampling program.

Pesticides to be sampled include those specified by the Cape Cod Commission in its monitoring program for the Willowbend Golf Club, adopted as part of its Development of Regional Impact decision on the project, as may be periodically updated by the Commission. If any target pesticides are detected in any concentrations above minimum detection limits, the following steps will be taken. First, re-sampling will occur. If the problem is again detected, the golf course superintendent will be contacted to determine the potential insecticide or pesticide involved, and the time and quantity of recent applications. Re-sampling and analysis will be required on those wells on a weekly basis for one month, and then monthly thereafter until two consecutive sampling rounds show no detection of

those chemicals. If pesticide concentrations exceed 50% of an EPA-published MCL or Health Advisory, the pesticide usage will be discontinued. Quality assurance/quality control measures as specified in DEP document WSC-310-91 will apply.

If average total nitrogen levels (Kjeldahl plus nitrate-nitrogen) reach 5 mg/l total nitrogen or greater, re-sampling and analysis will be required on a weekly basis for the first month, and then monthly thereafter until two consecutive rounds are below 5 mg/l. The owner shall meet with the Mashpee Planning Board and Board of Health to discuss potential action plans to eliminate exceedances.

3. Quaker Run Monitoring:

The sampling station in Quaker Run shall be monitored for water temperature at 15 minute intervals using a constant temperature monitoring data logger, as well as for stream elevation, stream flow, pH and dissolved oxygen four times per year on a schedule to be determined by the Planning Board in consultation with the Massachusetts Division of Fisheries & Wildlife (the Division) in order to most suitably monitor spawning and habitat conditions for brook and brown trout. The constant temperature monitoring data logger shall be maintained by the applicant in consultation with the Division and all data shall be forwarded to the Planning Board and the Division on a regular schedule to be specified by the Division.

4. Sampling /Analytical Frequency Re-Evaluation:

The monitoring program will be reviewed again in 2012 as described in Table 1, if requested by the applicant, to evaluate future changes to the program. Otherwise, the five year (2007-2011) sampling schedule specified in Table 1 shall be repeated for subsequent five year periods.

The Planning Board reserves the right to add certain pesticides to the sampling regime if records of pesticide use on the project site indicate the use of pesticides not on the initial sampling list.

5. Reporting

A water quality monitoring report, including all laboratory sample results and all other parameters measured at the wells, soil moisture lysimeters and the stream monitoring station, along with a narrative regarding the results and any levels of sampled constituents that may be of concern, shall be filed annually with the Planning Board, the Board of Health, the Cape Cod Commission and the County Health and Environmental Department by the next February 1 following the year being reported.

Should sampling at any time indicate target pesticides in any concentrations above minimum detection limits, or total nitrogen exceeding 5 mg/l, the sampling results shall be immediately reported to the Planning Board and the Board of Health, along with an explanation, if available, of possible causes of the detected levels. If subsequent re-sampling confirms levels of concern, the Planning Board or Board of Health may specify measures that shall be undertaken by the applicant to mitigate the likely causes.

6. Monitoring Program Funding

The applicant, its heirs and assigns, including any condominium or other association to which the applicant transfers ownership of roadways or other common facilities within the project site, shall be responsible for all costs associated with the emplacement, construction, relocation, collection, analysis and evaluation (including distribution of results) of monitoring wells, lysimeters, samples and other items required under this monitoring program. In order to insure performance, the applicant shall provide funding for the monitoring program by one of the following methods:

- (1) Establishment of an endowment account benefiting the Town, based on a certified estimate by a firm or firms established in the field of hydrogeologic studies and water quality monitoring, of the annual costs required to conduct the specified monitoring program and of the amount of the endowment required to produce the necessary income to the Town to fund the monitoring program, (in which case monitoring would be the responsibility of the Town using the endowment income), or
- (2) Establishment of a donation account in an amount equal to \$1000 for each monitoring well, lysimeter and stream sampling station, or an alternate amount sufficient to fund the monitoring program for a period of one year, with said amount established following the procedures specified above for an endowment account (in which case monitoring would be the responsibility of the applicant, with the Town conducting monitoring only in the event of his failure to perform, using the funds contained in the donation account).

Any deeds, declaration of covenants, conditions and restrictions, association bylaws, rules and regulations transmitted to buyers of property or units within the project site shall contain a notice of responsibility for the conduct and funding of this monitoring program and of the fact that failure to conduct the required monitoring or to correct on-site conditions resulting in significantly reduced water quality identified by the monitoring program shall be considered a violation of this special permit enforceable by all means available to the Town and that the cost of any work conducted by or contracted by the Town to carry out the monitoring program or to correct identified conditions on the site resulting in reduced water quality shall become a lien against all owners' property within the project site. The Town may use funds collected under such liens to replenish the donation account noted above.

Table 1 - Willowbend Monitoring Schedule						
HW Well	2007	2008	2009	2010	2011	Review 2012 Frequency
1		N,P			N1,P2	TBD 3-year
2	N,P	N,P	N,P	N,P	N,P	
3s	N,P	N,P	N,P	N,P	N,P	
3d	N,P	N,P	N,P	N,P	N,P	
4s	N,P		N1,P2		N1,P2	
4d		N,P			N1,P2	
5s	N		N1		N1	
5d		N			N1	
6s		N		N1		
6d		N			N1	
7	N,P	N,P		N1,P2		
8s	N,P		N1,P2		N1,P2	
8d		N,P			N1,P2	

Description:

	Wellhead Protection Area
	Washrack influent/effluent
	Concentrations previously exceeded threshold

- N Nitrogen compounds (refer to monitoring program)
P Pesticides compounds (refer to monitoring program)

- N1 Next analysis for nitrogen compounds if N < 2.5 ppm after 2006, otherwise sample next year; resume annual sampling if N > 5 ppm
P2 Next analysis for pesticide compounds if pesticides not detected after 2006, otherwise sample next year; resume annual sampling in subsequent years if pesticide > 50% HAL/MCL

All samples subject to the following:

Two bi-weekly samples upon pesticide detection and/or nitrogen > 5 ppm, and monthly thereafter until two consecutive non-detects; resume regular frequency.



Town of Mashpee

Planning Board

16 Great Neck Road North, Mashpee, MA 02649
Telephone (508) 539-1400 ext. 520 • Fax (508) 539-0954
Email: planning@ci.mashpee.ma.us

PLANNING BOARD DECISION WILLOWBEND SPECIAL PERMIT MODIFICATION NO. 25

I. 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 more recently to Willowbend Country Club, Inc. Willowbend Country Club, Inc. 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 conversion of three 2-unit villas located on Simons Road to 4-unit buildings, modify the site plan to provide for additional parking to accommodate the proposed new residential units, and increase the currently permitted overall residential units in the project from 217 to 223.

II. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Section 174-24.C. of the Mashpee Zoning By-Law as it existed on September 19, 2007, the date on which this special permit modification was approved by the Mashpee Planning Board. As the proposal does not increase square footage of any use by more than ten percent (10%), the provisions of Section 174-24.C.(9)(d) of said by-law provide that the land involved in this application is subject to the dimensional and other relevant provisions of the Zoning By-law 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.

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

III. Chronology.

Application for this Special Permit Modification was filed with the Town Clerk on August 1, 2007. A hearing was opened before the Mashpee Planning Board at the Mashpee Town Hall, 16 Great Neck Road North, Mashpee, Massachusetts on September 5, 2007 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 August 17 and 24, 2007. The hearing was continued and closed on September 19, 2007.

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.

V. Conditions.

1. Total residential units allowed within the "original project area" shall be 223.
2. "Villa" buildings #1, 2 and 3 on Simons Road may be converted to 4-unit residential condominiums.
3. Parking shall be increased in the area of said "Villa" buildings to 32 spaces as shown on the site plan entitled "Parking Plan for Buildings #1, 2 & 3 Special Permit Modification of Willowbend Golf Villas at Simons Road" revision date September 19, 2007, scale 1"=30', by Baxter Nye Engineering & Surveying. However, all spaces and their access ways shall be paved and a revised site plan showing said paving, along with evidence of proper drainage, shall be submitted to the Board prior to signature and recording of this decision. *REVISED PLAN DATED 10/10/07*
4. At least one of the existing paved parking spaces located between the residences and Simon's Road shall be designated for use by the occupants of each of the 16 residential units.

VI. 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 By-law.

VII. Signature and Filing.

This special permit modification document, which incorporates by reference herein all plans noted, has been approved on this 19th day of September, 2007. A copy of same shall be filed with the Town Clerk in accordance with applicable law.


Mashpee Planning Board - Duly Authorized Member

Barnstable, ss.

COMMONWEALTH OF MASSACHUSETTS

Sept 26, 2007
date

On this *26* day of *Sept* 2007, before me, the undersigned notary public, personally appeared *Thomas O'Hara*, proved to me through satisfactory evidence of identification, which were *known to me*, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he/she) signed it voluntarily for its stated purpose.


Notary Public

My Commission expires: *July 24, 2009*
date of expiration

A copy of this decision and the accompanying plans approved by the Planning Board have been duly filed on Sept 26, 2007 with the Town Clerk of Mashpee.

Deborah F. J.
Town Clerk

Notice of this decision was mailed on 9-27-07 to the applicant, to the parties in interest designated in Massachusetts General Law, Chapter 48, Section 11 and all persons at the hearing who requested such notice. 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, Debra Dami, 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 October 16, 2007 and that no appeal of that decision was filed within 20 days thereafter.

Deborah F. J.
Town Clerk

Date: October 16, 2007

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 10-17-07, 2007 and may be recorded.

Beverly A Kane

Dennis H. Balarin

Thomas J. [Signature]

W. B. [Signature]



PLANNING BOARD DECISION WILLOWBEND SPECIAL PERMIT MODIFICATION NO. 27

I. 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 more recently to Willowbend Country Club, Inc. Willowbend Country Club, Inc. 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 expansion of the Special Permit project area onto 4 previously subdivided lots comprising 3.19 acres on the north side of Quinaquisset Avenue west of the original project area (Assessors' Map 69, Blocks 23-26, located on the north side of Quinaquisset Avenue between North Glen Drive and Orchard Road) and to re-subdivide that area into 5 single-family lots under the cluster subdivision zoning regulations applicable to the project, including construction of a new subdivision street and turnaround having a gated access from Quinaquisset Avenue, and to increase the currently permitted overall residential units in the project from 255 to 260.

II. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Section 174-24.C. of the Mashpee Zoning By-Law as it existed on May 5, 2010, the date on which this special permit modification was approved by the Mashpee Planning Board. As the proposal does not increase square footage of any use by more than ten percent (10%), the provisions of Section 174-24.C.(9)(d) of said by-law provide that the land involved in this application is subject to the dimensional and other relevant provisions of the Zoning By-law 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 By-law 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 260 units are less than the 338 units allowed under the original 1987 Special Permit.

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

The Cape Cod Commission, by letter from Kristy Senatori, Chief Regulatory Officer, dated May 4,

2010, indicated that the proposal is not subject to review as a mandatory Development of Regional Impact by the Commission.

III. Chronology.

Application for this Special Permit Modification was filed with the Town Clerk and Planning Board on November 18, 2009, along with an accompanying Definitive Subdivision Plan. A hearing was opened before the Mashpee Planning Board at the Mashpee Town Hall, 16 Great Neck Road North, Mashpee, Massachusetts on January 6, 2010 at 7:05 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 December 18 and 25, 2009. The hearing was continued on February 3, February 17, April 7, April 21 and May 5, 2010. The applicant had submitted letters extending the Board's statutory timeframe for acting on the Definitive Subdivision Plan, along with letters requesting certain continuations of the public hearings on this Special Permit and the Definitive Plan.

The applicant met with the combined Design Review and Plan Review Committees regarding the project on April 8, 2010.

On May 5, 2010, the Planning Board voted to close the hearing, make the following findings and grant the proposed special permit modification, subject to the conditions enumerated below. The members of the Board were recorded voting as follows: Thomas O'Hara, Dennis H. Balzarini, Joseph Mullen, James Leonard and Mary Waygan were recorded as voting in favor of approval of the proposed modification; no members were recorded as voting against. Member Leonard was not present at the April 21, 2010 hearing continuation at which substantive matters were discussed, but was able to familiarize himself with the

IV. Findings.

1. 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 By-law, subject to the dimensional and other relevant provisions of the Zoning By-law 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 zoning district. This subdivision is proposed under the cluster subdivision zoning regulations applicable to the project on that date.
2. The proposed modifications lie outside the "Original Project" area (on 3.19 acres consisting of four lots previously owned and subdivided by others). The current proposal constitutes an expansion under the November 6, 1985 zoning applicable to the "Original Project" area per the 10% rule cited in Finding #1, increasing said area to 330.14 acres in Mashpee and 3.39 acres in Barnstable.
3. 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.
4. Under the 1985 special permit, the project would have been allowed 341 residential units and was permitted for 338 units. Modification #19 reduced the allowed units to 217, which was subsequently increased to 255 by Modification #26. The current proposal increases that number

to 260, which the Board finds to be permissible under Section 174-24.C.(9)(f), as it is less than the originally permitted 338 units, and hereby approves said increase.

5. 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 By-Law on the applicable dates.
6. The project includes a 0.41 acre area of Lot 3 to be made subject to a conservation restriction pursuant to the regulations and determinations of the Massachusetts Natural Heritage and Endangered Species program, which will be fenced with a post and rail fence, including a gate for emergency access to the restricted area.
7. The Board has approved enhanced plantings and a 7½ foot high decorative fence ("Wood Privacy Fence With Lattice" shown on Sheet C-9 of approved plans listed under Conditions below) to maintain a visual buffer between the project and abutting properties on Orchard Road. The fence will be located 10 feet in from the western property line of lots 1 and 2 and the 10 feet will be landscaped as shown on the approved plans.
8. The applicant has agreed to an increased setback at the rear of lots 1 and 2, based on a 45 foot setback from the existing residence at 132 Orchard Road.
9. The applicant has agreed to donate an existing 1400 sq. ft. duplex building currently located on the property to the Town or another agency for relocation to another site for use as affordable housing, and to assist with such relocation. In the alternate, if such relocation is not feasible within the timetable required for development of the proposed new street and 5 lots, the applicant will provide \$1000 per unit, at the time building permits are issued for each of the 5 houses, towards the construction of affordable housing in Mashpee.
10. The project was reviewed by the combined Design Review and Plan Review Committees on April 8, 2010. The Committees voted to endorse the plans with the following recommendations: 1) street name to be changed from "Willowbend Circle" due to public safety concern over similarity to existing "Willowbend Drive"; 2) residential sprinklers are recommended, in exchange for the possibility of an alternate "T" turnaround; 3) a 30 foot rear setback requirement should be considered; 4) a landscape plan for the proposed buffer area should be provided.
11. The Board received letters dated December 30, 2009 and April 21, 2010 from its Consulting Engineer Charles L. Rowley identifying a number of specific comments and recommendations for changes to the filed plans.
12. 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.

V. Conditions.

1. Total residential units allowed within the "Original Project area" shall be 260, including the 5 units proposed under this Modification.
2. The project shall be constructed in conformance with the following site plans, which are the same plans approved by the Board for these proposed 5 lots under the Subdivision Control Law:

"Definitive Road Construction Plans, Willow Circle Subdivision, 178, 182, 184 & 186 Quinaquisset Avenue, Mashpee, Massachusetts, Willowbend Country Club, Inc.," by Baxter Nye Engineering & Surveying, Hyannis, MA 02601, revision date April 21, 2010, consisting of 11 sheets as follows:

- C-1 Cover Sheet – Definitive Road Construction Plans
- C-2 Legend and General Notes
- C-3 Existing Conditions Plan
- C-4 Layout and Materials Plan
- C-4.1 Buffer Landscape Plan
- C-5 Road Plan & Profile – Station 0+00 to 5+01.26
- C- 5.1 Stormwater Management Plan
- C-6 Utility Plan
- C-7 Detail Sheet 1 of 3
- C-8 Details
- C-9 Detail Sheet 3 of 3

"Willow Circle Definitive Subdivision Plan, 178, 182, 184 & 186 Quinaquisset Avenue, Mashpee, MA", Sheet SV, prepared for Willowbend Country Club, Inc. by Baxter Nye Engineering & Surveying, Hyannis, MA 02601, revision date April 21, 2010 – the Definitive Subdivision Plan signed by the Board members for recording

3. Said plans shall conform to the recommendations and comments made by the Board's Consulting Engineer Charles L. Rowley in his letter to the Board dated April 21, 2010.
4. The applicant shall maintain a 10 foot landscaped buffer area along the western property line of lots 1 and 2, (as shown on Sheet C-4) within which the Board has approved enhanced plantings (as shown on Sheet C-4.1) and a 7½ foot high wood privacy fence with lattice (per detail shown on Sheet C-9) to maintain a visual buffer between the project and abutting properties on Orchard Road. Where existing wooded areas remain within the project area adjacent to the 10 foot buffer, the applicant shall, where practicable, attempt to retain additional portions of said areas in their natural, or in an enhanced state, to provide additional buffer and maintain the natural habitat and nitrogen reduction functions of said wooded areas.
5. Lots 1 and 2 shall be subject to an increased rear setback, based on a 45 foot setback from the existing residence at 132 Orchard Road, as shown on Sheet C-4 of the plans referenced in Condition #2.
6. The applicant has agreed to donate an existing 1400 sq. ft. duplex building currently located on the property to the Town or another agency for relocation to another site for use as affordable housing, and to assist with such relocation. In the alternate, if such relocation is not feasible

within the timetable required for development of the proposed new street and 5 lots, the applicant will provide \$1000 per unit, at the time building permits are issued for each of the 5 houses, to the Mashpee Housing Authority to be deposited into a fund for the construction of affordable housing in the Town of Mashpee. Any disbursements from said fund shall require the approval of the Planning Board (simple majority vote).

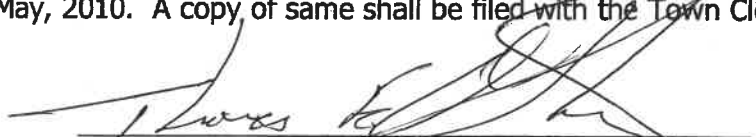
7. Local contractors and suppliers will be given first preference with regard to contracts for construction of the project.
8. No lot shall be cleared until a building permit is issued for construction on said lot, except as necessary relative to removal of the existing structures on the property or for connection of the property to utilities or in connection with the project's Stormwater management facilities.
9. Except where modified by the provisions of this decision, all previous Special Permit conditions regarding the project shall remain in full force and effect.
10. 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.
11. This Special Permit Modification Decision is accompanied by a Definitive Subdivision Plan as described under Condition #2 above. Both this decision and said definitive plan shall 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.

VI. 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 By-law.

VII. Signature and Filing.

This special permit modification document, which incorporates by reference herein all plans noted, has been approved on this 5th day of May, 2010. 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.

5/5/10
date

On this 5th day of May, 2010, before me, the undersigned notary public, personally appeared Thomas O'Hara, proved to me through satisfactory evidence of identification, which were known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he/she) signed it voluntarily for its stated purpose.


Notary Public
My Commission expires: Dec. 31, 2010
date of expiration

A copy of this decision and the accompanying plans approved by the Planning Board have been duly filed on May 6, 2010 with the Town Clerk of Mashpee.

Deborah F. Dami
Town Clerk

Notice of this decision was mailed on MAY 6, 2010 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, Debra Dami, 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 May 6, 2010 and that no appeal of that decision was filed within 20 days thereafter.

Deborah F. Dami
Town Clerk
Date: June 2, 2010

Upon expiration of the statutory appeal period with no appeal having been filed, this special permit decision has been endorsed by the undersigned members of the Mashpee Planning Board on June 2, 2010, 2010 and may be recorded.

Wayne Wayne
Dennis H. Balzarini
Thomas J. Dyer
James Sheppard



Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

PLANNING BOARD DECISION WILLOWBEND SPECIAL PERMIT MODIFICATION NO. 28

I. 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, then to Willowbend Country Club, Inc., and more recently to Southworth Mashpee Properties, LLC. Southworth Mashpee Properties, LLC 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 site plans to install a pavilion structure and pergola structure at the pool deck at the common recreation facilities and to alter existing interior space in the same area for a coffee / ice cream takeout station. The facilities are located at 110 Willowbend Drive on Assessors' Map 70, Block 200.

II. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Section 174-24.C. of the Mashpee Zoning By-Law as it existed on March 20, 2013, the date on which this special permit modification was approved by the Mashpee Planning Board. As the proposal does not increase square footage of any use by more than ten percent (10%), the provisions of Section 174-24.C.(9)(d) of said by-law provide that the land involved in this application is subject to the dimensional and other relevant provisions of the Zoning By-law 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. Under the provisions of Section 174-24.C.(9)(b) the Planning Board voted unanimously on March 6, 2010 that it believes that the proposal will not potentially impact abutting land owners and that no advertised hearing is required regarding this modification.

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

The proposal is not subject to review as a mandatory Development of Regional Impact by the Cape Cod Commission.

III. Chronology.

Application for this Special Permit Modification was filed with the Town Clerk and Planning Board on March 1, 2013, along with accompanying plans. The Planning Board voted unanimously on March 6, 2013 that it believes that the proposal will not potentially impact abutting land owners and that no advertised hearing is required regarding this modification. The proposed Modification was reviewed at the Board's March 20, 2013 meeting.

The applicant met with the combined Design Review and Plan Review Committees regarding the project on March 19, 2013. Both Committees voted to recommend approval of the project with the following conditions: 1) The pergola appears to be approximately 20 feet from the sideline of Simons Road, vs. 30 feet front setback required under Mashpee Zoning By-law Section 9.4, regarding cluster zoning, as it existed on November 6, 1985, requiring a variance from the ZBA, 2) Board of Health final plan review will be required for the proposed café / workroom equipment.

On March 20, 2013, the Planning Board voted to make the following findings and grant the proposed special permit modification, subject to the conditions enumerated below. The members of the Board were recorded voting as follows: Mary Waygan, Dennis H. Balzarini, David Kooharian and Associate Member Joseph Cummings were recorded as voting in favor of approval of the proposed modification; no members were recorded as voting against. Members George Petersen and Joseph Mullin were absent.

IV. Findings.

1. 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 By-law, subject to the dimensional and other relevant provisions of the Zoning By-law 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 zoning district.
2. The proposed modifications are minor in nature and consist only of changes to the project site plan.
3. 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 By-Law on the applicable dates.
4. The project was reviewed by the combined Design Review and Plan Review Committees on March 19, 2013. The Committees voted to endorse the plans with the following conditions: 1) The pergola appears to be approximately 20 feet from the sideline of Simons Road, vs. 30 feet front setback required under Mashpee Zoning By-law Section 9.4, regarding cluster zoning, as it existed on November 6, 1985, requiring a variance from the ZBA, 2) Board of Health final plan review will be required for the proposed café / workroom equipment.
5. 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 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.

V. Conditions.

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

"Special permit Modification Plan, Pool Improvements, Willowbend Country Club" by Baxter Nye Engineering & Surveying, Hyannis, MA 02601, revision date 3/14/13, consisting of sheets EX-1 and EX-2

"Pool Pavilion / Pergola, Willowbend Golf Club" by KHArchitecture, 68 Park Street, Second Floor, Andover, MA 01810, undated, consisting of sheets X001, A101, A102, A201 and A601.

"Willowbend Café, Willowbend Golf Club" by KHArchitecture, 68 Park Street, Second Floor, Andover, MA 01810, dated 1-24-13, consisting of sheets A001, A101 and A201.

2. This Special Permit Modification is granted subject to the approval of a setback variance by the Zoning Board of Appeals for the pergola, which appears to be approximately 20 feet from the sideline of Simons Road, vs. 30 feet front setback applicable under Mashpee Zoning By-law Section 9.4, regarding cluster zoning, as it existed on November 6, 1985, requiring a variance from the ZBA. The Board does not object to the grant of such a variance. Other than the pergola, the remainder of the proposal may be constructed upon recording of this decision.
3. Board of Health final plan review will be required for the proposed café / workroom equipment.
4. Except where modified by the provisions of this decision, all previous Special Permit conditions regarding the project shall remain in full force and effect.
5. 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.
6. This decision shall 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.

VI. 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 By-law.

VII. Signature and Filing.

This Special Permit Modification decision document, which incorporates by reference herein all referenced plans and drawings, has been approved on this 20th day of March, 2013 and has been endorsed on the same date by the undersigned members of the Mashpee Planning Board and may be recorded. Pursuant to the provisions of Mashpee Zoning Sections 174-24.C.9.(a) and (b) no public hearing, notice to abutters or 20-day appeal period applies to this minor site plan change and Special Permit Modification.

A copy of same shall be filed with the Town Clerk in accordance with applicable law.

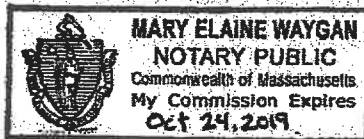
Mary Elaine Waygan
Dennis H. Balzarini
Joseph P. Cummings

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

March 20, 2013
 date

On this 20th day of March 2013, before me, the undersigned notary public, personally appeared Dennis Balzarini, David Koocharian and Joseph Cummings, who proved to me through satisfactory evidence of identification, which were personally known to me, to be members of the Mashpee Planning Board whose names are signed above, and acknowledged to me that they signed it voluntarily for its stated purpose.



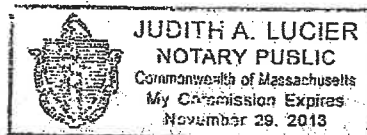
Mary Elaine Waygan
 Notary Public *Mary Elaine Waygan*
 My Commission Expires: Oct 24, 2019
 date of expiration

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

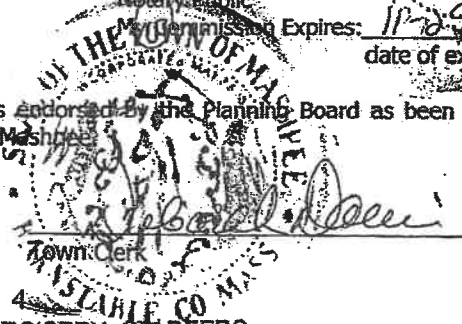
March 21, 2013
 date

On this ___th day of March 2013, before me, the undersigned notary public, personally appeared Mary Waygan, who proved to me through satisfactory evidence of identification, which were _____ to be a member of the Mashpee Planning Board whose name is signed above, and acknowledged to me that she signed it voluntarily for its stated purpose.



Judith A. Lucier
 Notary Public
 My Commission Expires: 11-29-2013
 date of expiration

A copy of this decision and the accompanying plans endorsed by the Planning Board as been duly filed on March 22, 2013 with the Town Clerk of Mashpee.



BARNSTABLE REGISTRY OF DEEDS



PLANNING BOARD DECISION WILLOWBEND SPECIAL PERMIT MODIFICATION NO. 29

I. 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, then to Willowbend Country Club, Inc., and more recently to Southworth Mashpee Properties, LLC. Southworth Mashpee Properties, LLC 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 previously-approved layout of 40 condominium dwellings in the area of Simons Road, Fin' Me Oot Road and Willowbend Drive, including relocation of the public rights in Simons Road. The property involved is listed on the Mashpee Assessors' Maps as Map 62, Lots 73, 169, 170, 171, 172, 183A, 237, 238, 239 and 240, Map 63, Lots 75, 76 and 94 and Map 70, Lot 200.

II. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Section 174-24.C. of the Mashpee Zoning By-Law as it existed on May 15, 2013, the date on which this special permit modification was approved by the Mashpee Planning Board. As the proposal does not increase square footage of any use by more than ten percent (10%), the provisions of Section 174-24.C.(9)(d) of said by-law provide that the land involved in this application is subject to the dimensional and other relevant provisions of the Zoning By-law 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.

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

The proposal is not subject to review as a Development of Regional Impact by the Cape Cod Commission, as the Special Permit for this portion of the project predated the creation of the Cape Cod Commission and thus falls under an exemption contained in Section 22(b) of the Cape Cod Commission Act.

III. Chronology.

Application for this Special Permit Modification was filed with the Town Clerk and Planning Board on March 6, 2013, along with accompanying plans. A hearing was opened before the Mashpee Planning Board at the Mashpee Town Hall, 16 Great Neck Road North, Mashpee, Massachusetts on April 3, 2013 at 7:20 p.m. Notice was duly given to abutters in accordance with Massachusetts General Laws Chapter 40A and the Board's Special Permit Regulations. Notice was also given by publication in *The Mashpee Enterprise*, a newspaper of general circulation in the town of Mashpee, on March 15 and 22, 2013. The hearing was continued on April 17, May 1 and May 15, 2013.

The applicant met with the combined Design Review and Plan Review Committees regarding the project on April 16, 2013. Both Committees voted to recommend approval of the project with the following conditions: 1) The Fire Department is satisfied that the proposed roadways will have radii adequate for travel by the Department's tower truck and 2) a variance by the Zoning Board of Appeals is obtained / modified for the three proposed 3-story buildings.

On May 15, 2013, the Planning Board voted to make the following findings and grant the proposed special permit modification, subject to the conditions enumerated below. The members of the Board were recorded voting as follows: Mary Waygan, Dennis H. Balzarini, Joseph Mullin, George Petersen and David Kooharian were recorded as voting in favor of approval of the proposed modification; no members were recorded as voting against.

IV. Findings.

1. 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 By-law, subject to the dimensional and other relevant provisions of the Zoning By-law 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 zoning district.
2. The proposed modifications are site plan changes regarding the layout of 40 condominium units previously approved by the Board under Modification #26 approved on May 6, 2009, along with the elimination the subdivision street layouts of Fin' Me Oot Road and a portion of Simons Road which are the subject of an accompanying subdivision modification plan.
3. 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 By-Law on the applicable dates.
4. The project was reviewed by the combined Design Review and Plan Review Committees on April 16, 2013. The Committees voted to endorse the plans with the following conditions: 1) The Fire Department is satisfied that the proposed roadways will have radii adequate for travel by the Department's tower truck and 2) a variance by the Zoning Board of Appeals is obtained / modified for the three proposed 3-story buildings.
5. The applicant's engineer submitted plans at 1"=20' scale to Mashpee Fire Inspector Joel Clifford showing the tower truck inside and outside turn radius "template" indicating adequate radius for travel by the tower truck. In response, an email was received from Inspector Clifford dated May 1, 2013 stating that "the Fire department does not have any issues with this plan".

6. The applicant has submitted an application for the necessary height and 3-story variance to the Zoning Board of Appeals. It should be noted that variances for 39 foot high three-story buildings were previously granted by the ZBA for six unit buildings at 84, 92 and 100 Simons Road and 9 Fin' Me Oot on March 25, 2009. A subsequent variance extension was granted on April 25, 2012. The current locations of the proposed buildings at 84 and 92 Simons Road are exactly as they were when the previous variances were approved. The proposed building at 100 Simons Road has been slightly adjusted. The previously-approved 3-story building at 9 Fin' Me Oot has been eliminated. The current modification to the existing variances is being sought because the variances referred to a specific plan showing the 100 Simons Road building in its previously-approved location vs. the current proposed location. Otherwise, both the 2009 and 2012 variance decisions were automatically extended by the state legislature for four years by Section 173 of Chapter 240 of the Acts of 2010 as extended by Sections 74 and 75 of Chapter 238 of the Acts of 2012, referred to as "The Permit Extension Act".
7. The project plans were reviewed by the Board's Consulting Engineer Charles L. Rowley, who provided review letters dated April 16 and May 7, 2013 relative to suggested amendments to the plans, as well as proposed permit conditions relative to soil tests and the location and inspection of existing subsurface infiltration systems that are to be used in the project. The applicant's engineer made the changes suggested by Mr. Rowley as part of a final set of plans dated May 8, 2013.
8. Abutters to the project along the Cotuit side of the Santuit River appeared at the Board's hearings to express concerns about the effect on the River of water withdrawals from Willowbend's irrigation well, which is located 420+ feet from the river. In response, the applicant provided a memorandum dated April 17, 2013 from Kevin P. Klein, P.E. relative to irrigation well pumping volumes from 1994 through 2012 and comparisons to volumes permitted by Willowbend's DEP Water Management Act permit and the conditions placed on water use by the Cape Cod Commission in its DRI decision regarding expansion of the golf course to 27 holes. Water withdrawals were below the permit limits. Mr. Klein also attended the April 17 hearing to present this information and answer questions about the irrigation system and the operation of the cranberry bogs at Willowbend. Also in response to the concerns expressed regarding the River, the applicant agreed to install a separate irrigation well or wells within the proposed condominium area to provide for watering of landscaping features.
9. 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.

V. Conditions.

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

"The Village at Willowbend Site Construction Plans, Simons Road & Willowbend Drive, Mashpee, Massachusetts" by Baxter Nye Engineering & Surveying, Hyannis, MA 02601, revision date 5/8/13, consisting of sheets C0.0, C1.0, C2.0, C2.1, C3.0, C-3.1, C-3.2, C4.0, C4.1, C4.2, C4.3, C4.4, C5.0, C5.1, C6.0, C7.0, C7.1, C7.2 and C7.3

2. The Board approves the following architectural plans, which are the same as those approved under Special Permit Modification #26. Changes in the elevations and floor plans of particular units may be made without further Planning Board approval, provided that: a) all changes to elevations reflect the same exterior façade treatment and design elements as provided on the below-referenced plans; and b) all such changes are approved by the Design Review Committee, with a report to the Planning Board.

Architectural elevations entitled "Willowbend Development" prepared by Judd Brown Designs, Inc. / Jefferson Group Architects, Inc – Warwick, RI as follows:

- "6-Unit Townhouse Villa – Elevations", 3 sheets dated February 26, 2009
- "4-Unit Townhouse Villa – Elevations", 3 sheets dated February 17, 2009
- "Comdex Unit – Larger Unit Elevations", 2 sheets dated October 9, 2007
- "Comdex Unit – Smaller Unit Elevations", 2 sheets dated February 9, 2009

Floor plans entitled "Willowbend Development" prepared by Judd Brown Designs, Inc./ Jefferson Group Architects, Inc – Warwick, RI as follows:

- "4 Unit Building – First Floor", dated October 9, 2007 (also applies to 6 unit building)
- "4 Unit Building – Second Floor", dated October 9, 2007 (also applies to 6 unit building second and third floors)
- "Comdex Unit – Larger Unit First Floor", dated October 9, 2007
- "Comdex Unit – Larger Unit Second Floor", dated October 9, 2007
- "Comdex Unit – Smaller Unit First Floor", dated October 9, 2007
- "Comdex Unit – Smaller Unit Second Floor", dated October 9, 2007

3. This Special Permit Modification is granted subject to the approval of a height variance by the Zoning Board of Appeals for the three proposed 39 foot high, three-story six-unit buildings. The Board does not object to the grant of such a variance, which was previously granted for four three-story buildings under the Modification #26 plans. Other than those three-story buildings, the remainder of the proposal may be constructed upon recording of this decision.
4. Based on the recommendations of the Board's Consulting Engineer in his letter dated May 7, 2013, soil tests shall be performed at the location of each new subsurface infiltration area at the time of construction. Test pits shall be excavated to a minimum depth of 3' below the bottom of the lowest structural component of each system. The purpose of the testing is to confirm the existence of suitable material throughout the systems and that the systems will be above ground water.
5. Based on the recommendations of the Board's Consulting Engineer in his letter dated May 7, 2013, existing subsurface infiltration systems that are to be used in the project shall be located and inspected at the initial phase of construction of the project. Structures shall be of H-20 design and found to be in good condition for reuse, or shall require suitable replacements.

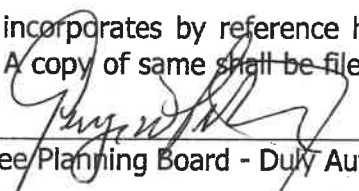
6. All irrigation and watering of landscape features within this proposed condominium area shall obtain water from the proposed irrigation well to be constructed on the site, as shown on site plan sheet C5.0, and shall not use water from the existing golf course irrigation well near the Santuit River.
7. The main drive through the project, along which the Simons Road public right of way is to be relocated, shall be named Simons Road. The connecting drive between Simons Road and Willowbend Drive shall be named Matthew Road. ✓
8. Except where modified by the provisions of this decision, all previous Special Permit conditions regarding the project, and most specifically those applied to this proposed condominium development under Modification #26 (except Condition 10), shall remain in full force and effect, including the provision that, at the time that building permit applications are filed, the applicant will pay \$1000 per unit to the Mashpee Housing Authority to be deposited into a fund for the construction of affordable housing in the Town of Mashpee. Any disbursements from said fund shall require the approval of the Planning Board (simple majority vote).
9. 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.
10. This decision shall be recorded within 60 days of endorsement by the Board, with a notice provided to the Board of the Book and Page at which each was recorded. The provisions of, and rights created by this decision, shall not become effective until the date of said recording.

VI. 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 By-law.

VII. Signature and Filing.

This special permit modification document, which incorporates by reference herein all plans noted, has been approved on this 15th day of May, 2013. A copy of same shall be filed with the Town Clerk in accordance with applicable law.



Mashpee Planning Board - Duty Authorized Member

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

May 15, 2013
date

On this 15th day of May 2013, before me, the undersigned notary public, personally appeared George Peterson, proved to me through satisfactory evidence of identification, which were personal knowledge, 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: Aug 9, 2013
date of expiration

A copy of this decision and the accompanying plans approved by the Planning Board have been duly filed on May 14, 2013 with the Town Clerk of Mashpee.

Deborah Dami
Town Clerk

Notice of this decision was mailed on May 17, 2013 to the applicant, to the parties in interest designated in Massachusetts General Law, Chapter 48, Section 11 and all persons at the hearing who requested such notice. 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, Debra Dami, 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 May 16, 2013 and that no appeal of that decision was filed within 20 days thereafter.

Deborah Dami
Town Clerk
Date: June 5, 2013

Upon expiration of the statutory appeal period with no appeal having been filed, this special permit decision has been endorsed by the undersigned members of the Mashpee Planning Board on JUNE 5, 2013 and may be recorded.

Mary Elaine Wayson
Duff
Bennis H. Bagerin
James White



**PLANNING BOARD DECISION
WILLOWBEND SPECIAL PERMIT
MODIFICATION NO. 30**

I. 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, then to Willowbend Country Club, Inc., and more recently to Southworth Mashpee Properties, LLC. Southworth Mashpee Properties, LLC 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 site plans to slightly relocate 2 of the condominium buildings approved under Modification #29 and to change the architectural elevations for the two-unit townhomes. The property involved is located between Willowbend Drive, Matthew Road and Simons Road and is currently listed on the Mashpee Assessors' Maps as Map 62, Lots 73, 169, 170, 171, 172, 183A, 237, 238, 239 and 240, Map 63, Lots 75, 76 and 94 and Map 70, Lot 200, although most of said lots were merged under a subdivision plan approved on May 14, 2013.

II. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Section 174-24.C. of the Mashpee Zoning By-Law as it existed on August 7, 2013, the date on which this special permit modification was approved by the Mashpee Planning Board. As the proposal does not increase square footage of any use by more than ten percent (10%), the provisions of Section 174-24.C.(9)(d) of said by-law provide that the land involved in this application is subject to the dimensional and other relevant provisions of the Zoning By-law 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. Under the provisions of Section 174-24.C.(9)(b) the Planning Board voted unanimously on August 7, 2010 that it believes that the proposal will not potentially impact abutting land owners and that no advertised hearing is required regarding this modification.

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

The proposal is not subject to review as a mandatory Development of Regional Impact by the Cape Cod Commission.

III. Chronology.

Application for this Special Permit Modification was filed with the Town Clerk and Planning Board on August 7, 2013, along with accompanying plans. The Planning Board voted unanimously on August 7, 2013 that it believes that the proposal will not potentially impact abutting land owners and that no advertised hearing is required regarding this modification. The proposed Modification was reviewed at the Board's August 7, 2013 meeting.

On August 7, 2013, the Planning Board voted to make the following findings and grant the proposed special permit modification, subject to the conditions enumerated below. The members of the Board were recorded voting as follows: George Petersen, Mary Waygan, Dennis H. Balzarini, David Kooharian and Associate Member Joseph Cummings were recorded as voting in favor of approval of the proposed modification; no members were recorded as voting against. Member Joseph Mullin was absent.

IV. Findings.

1. 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 By-law, subject to the dimensional and other relevant provisions of the Zoning By-law 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 zoning district.
2. The proposed modifications are minor in nature and consist only of changes to the project site plan and architectural elevations.
3. 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 By-Law on the applicable dates.
4. 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 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.

V. Conditions.

1. The project shall be constructed in conformance with the plans approved under Modification #29 except for the following revised plans:

"The Village at Willowbend, Layout and Materials Plan, Sheet C-3.1" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date August 2, 2013.

"Willow" 2-unit building floor plans and elevations, dated July 26, 2013 by Jeffrey Yates Architecture, 60 Thoreau St., Concord, MA, consisting of sheets A-1, A-2, A-4 and A-5.

"Fairway" 2-unit building floor plans and elevations, dated July 26, 2013 by Jeffrey Yates Architecture, 60 Thoreau St., Concord, MA, consisting of sheets A-1, A-2, A-4 and A-5.

2. This Special Permit Modification is granted subject to the submission of revised utility and other detail sheets relative to the relocated buildings to the Board for review and approval by the Board's Consulting Engineer. Upon said approval, the revised plans shall become the approved record plans for the portion of the project in the vicinity of the relocated buildings.
3. Except where modified by the provisions of this decision, all previous Special Permit conditions regarding the project shall remain in full force and effect.
4. 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.
5. This decision shall 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.

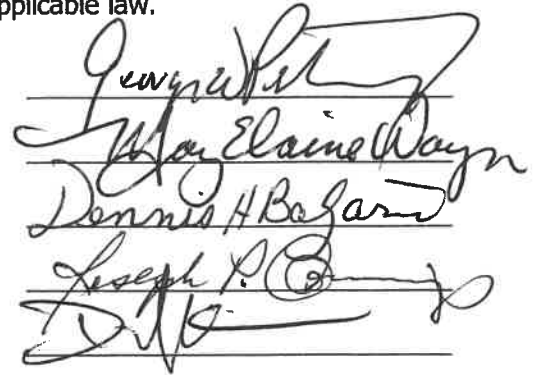
VI. Expiration, Extension or Modification.

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 By-law.

VII. Signature and Filing.

This Special Permit Modification decision document, which incorporates by reference herein all referenced plans and drawings, has been approved on this 7th day of August, 2013 and has been endorsed on the same date by the undersigned members of the Mashpee Planning Board and may be recorded. Pursuant to the provisions of Mashpee Zoning Sections 174-24.C.9.(a) and (b) no public hearing, notice to abutters or 20-day appeal period applies to this minor site plan change and Special Permit Modification.

A copy of same shall be filed with the Town Clerk in accordance with applicable law.



COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Aug 7, 2013
date

On this 7th day of August 2013, before me, the undersigned notary public, personally appeared George Petersen, Dennis Balzarini, David Kooharian and Joseph Cummings, who proved to me through satisfactory evidence of identification, which were personal knowledge, to be members of the Mashpee Planning Board whose names are signed above, and acknowledged to me that they signed it voluntarily for its stated purpose.


Notary Public
My Commission Expires: Aug 9, 2013
date of expiration

COMMONWEALTH OF MASSACHUSETTS


Barnstable, ss.

Aug 7, 2013
date

On this ___th day of August 2013, before me, the undersigned notary public, personally appeared Mary Waygan, who proved to me through satisfactory evidence of identification, which were personal knowledge, to be a member of the Mashpee Planning Board whose name is signed above, and acknowledged to me that she signed it voluntarily for its stated purpose.


Notary Public
My Commission Expires: Aug 9, 2013
date of expiration

A copy of this decision and the accompanying plans endorsed by the Planning Board as been duly filed on Aug 16, 2013 with the Town Clerk of Mashpee.


Town Clerk



**PLANNING BOARD DECISION
WILLOWBEND SPECIAL PERMIT
MODIFICATION NO. 31**

I. 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, then to Willowbend Country Club, Inc., and more recently to Southworth Mashpee Properties, LLC, 130 Willowbend Drive, Mashpee, MA 02649. Southworth Mashpee Properties, LLC 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 site plans to add three freestanding garages, totaling 17 enclosed parking spaces and 8 golf cart parking spaces, located in the area of "The Village at Willowbend" condominiums approved under Modifications #29 and #30 and intended to provide parking for certain of those condominium units. Garage #1 is proposed to be located on the south side of Simons Road adjacent to the pool and tennis center, Garage #2 is proposed to be located off the south side of the previously-approved parking lot for condominium units 46 A-D, and Garage #3 is proposed to be located on the south side of Matthew Road. The land is currently listed on the Mashpee Assessors' Maps as Map 62, Lots 73, 169, 170, 171, 172, 183A, 237, 238, 239 and 240, Map 63, Lots 75 and 76 and Map 70, Lot 206, although most of said lots were merged under a subdivision plan approved on May 14, 2013 but not yet reflected on the Mashpee Assessors' Maps.

II. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Section 174-24.C. of the Mashpee Zoning By-Law as it existed on November 5, 2014, the date on which this Special Permit Modification was approved by the Mashpee Planning Board. As the proposal does not increase square footage of any use by more than ten percent (10%), the provisions of Section 174-24.C.(9)(d) of said by-law provide that the land involved in this application is subject to the dimensional and other relevant provisions of the Zoning By-law 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. Under the provisions of Section 174-24.C.(9)(b) the Planning Board voted unanimously on October 15, 2014 that it believes that the proposal will not potentially impact abutting land owners and that no advertised hearing is required regarding this modification.

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

The proposal is not subject to review as a mandatory Development of Regional Impact by the Cape Cod Commission.

III. Chronology.

Application for this Special Permit Modification was filed with the Town Clerk on October 3, 2014, along with accompanying plans. The Planning Board voted unanimously on October 15, 2014 that it believes that the proposal will not potentially impact abutting land owners and that no advertised hearing is required regarding this modification. The proposed Modification was reviewed at the Board's November 5, 2014 meeting.

On November 5, 2014, the Planning Board voted to make the following findings and grant the proposed Special Permit Modification, subject to the conditions enumerated below. The members of the Board were recorded voting as follows: George Petersen, Mary Waygan, Dennis H. Balzarini, David Kooharian and Joseph Cummings were recorded as voting in favor of approval of the proposed modification; no members were recorded as voting against.

IV. Findings.

1. 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 By-law, subject to the dimensional and other relevant provisions of the Zoning By-law 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 zoning district.
2. The proposed modifications are minor in nature and consist only of changes to the project site plan and architectural elevations.
3. The proposed modifications were reviewed by the Design Review and Plan Review Committees at their meeting on October 21, 2014 at which time the Committees voted to recommend approval of the proposal with no conditions.
4. 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 By-Law on the applicable dates.
5. 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 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.

V. Conditions.

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

"The Village at Willowbend, Master Layout Plan, Sheet C3.0" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date September 29, 2014.

"The Village at Willowbend, Layout and Materials Plan, Sheet C-3.1" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date September 29, 2014.

"The Village at Willowbend, Grading & Drainage Plan (Sheet 1 of 2), Sheet C-4.0" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date September 29, 2014.

"The Village at Willowbend, Grading & Drainage Enlarged Plan, Sheet C-4.3" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date September 29, 2014.

"The Village at Willowbend, Utility Plan, Sheet C-5.0" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date September 29, 2014.

"Villa Garages at Willowbend, Garage Plan – Location #1, Sheet A100" (site and building floor plan), dated September 17, 2014 by Ryan Southworth, 130 Willowbend Drive, Mashpee, MA, 02649.

"Villa Garages at Willowbend, Garage Plan – Location #2, Sheet A100" (site and building floor plan), dated September 17, 2014 by Ryan Southworth, 130 Willowbend Drive, Mashpee, MA, 02649.

"Villa Garages at Willowbend, Garage Plan – Location #3, Sheet A100" (site and building floor plan), dated September 17, 2014 by Ryan Southworth, 130 Willowbend Drive, Mashpee, MA, 02649.

"Villa Garages at Willowbend, Garage Elevations – Location #1, Sheet A200", dated September 17, 2014 by Ryan Southworth, 130 Willowbend Drive, Mashpee, MA, 02649.

"Villa Garages at Willowbend, Garage Elevations – Location #2, Sheet A200", dated September 17, 2014 by Ryan Southworth, 130 Willowbend Drive, Mashpee, MA, 02649.

"Villa Garages at Willowbend, Garage Elevations – Location #3, Sheet A200", dated September 17, 2014 by Ryan Southworth, 130 Willowbend Drive, Mashpee, MA, 02649.

2. This Special Permit Modification is granted subject to the submission of any revised utility and other detail sheets relative to the proposed buildings to the Board for review and approval by the Board's Consulting Engineer. Upon said approval, the revised plans shall become the approved record plans for the portion of the project in the vicinity of the relocated buildings.
3. Except where modified by the provisions of this decision, all previous Special Permit conditions regarding the project shall remain in full force and effect.
4. 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.
5. This decision shall 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.

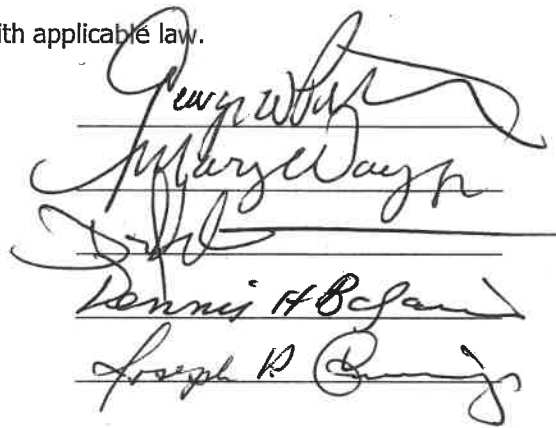
VI. Expiration, Extension or Modification.

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 By-law.

VII. Signature and Filing.

This Special Permit Modification decision document, which incorporates by reference herein all referenced plans and drawings, has been approved on this 5th day of November, 2014 and has been endorsed on the same date by the undersigned members of the Mashpee Planning Board and may be recorded. Pursuant to the provisions of Mashpee Zoning Sections 174-24.C.9.(a) and (b) no public hearing, notice to abutters or 20-day appeal period applies to this minor site plan change and Special Permit Modification.

A copy of same shall be filed with the Town Clerk in accordance with applicable law.



COMMONWEALTH OF MASSACHUSETTS


Barnstable, ss.

Nov 5, 2014

date

On this 5th day of November 2014, before me, the undersigned notary public, personally appeared George Petersen, Dennis Balzarini, David Kooharian and Joseph Cummings, who proved to me through satisfactory evidence of identification, which were personal knowledge, to be members of the Mashpee Planning Board whose names are signed above, and acknowledged to me that they signed it voluntarily for its stated purpose.

A True Copy Attest
JOHN E. McELHINNEY
NOTARY PUBLIC
My commission expires Aug. 7, 2020


Notary Public

My Commission Expires: _____

date of expiration

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Nov 5, 2014

date

On this 5th day of November 2014, before me, the undersigned notary public, personally appeared Mary Waygan, who proved to me through satisfactory evidence of identification, which were personal knowledge, to be a member of the Mashpee Planning Board whose name is signed above, and acknowledged to me that she signed it voluntarily for its stated purpose.

A True Copy Attest
JOHN E. McELHINNEY
NOTARY PUBLIC
My commission expires Aug. 7, 2020


Notary Public

My Commission Expires: _____

date of expiration

A copy of this decision and the accompanying plans endorsed by the Planning Board as been duly filed on November 6, 2014 with the Town Clerk of Mashpee.


Town Clerk



Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

PLANNING BOARD DECISION WILLOWBEND SPECIAL PERMIT MODIFICATION NO. 32

I. 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, then to Willowbend Country Club, Inc., and more recently to Southworth Mashpee Properties, LLC, 130 Willowbend Drive, Mashpee, MA 02649. Southworth Mashpee Properties, LLC 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 site plans and architectural drawings to modify the design of a freestanding garage #1 approved under Modification 31, located at 71 Simons Road in the area of "The Village at Willowbend" condominiums approved under Modifications #29 and #30 and intended to provide parking for certain of those condominium units. Garage #1 is proposed to be modified by dividing it into two separate buildings by eliminating a small center section but otherwise retaining the same footprint. The land is currently listed on the Mashpee Assessors' Maps as Map 62, Lots 73 and 237 - 240.

II. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Section 174-24.C. of the Mashpee Zoning By-Law as it existed on November 5, 2014, the date on which this Special Permit Modification was approved by the Mashpee Planning Board. As the proposal does not increase square footage of any use by more than ten percent (10%), the provisions of Section 174-24.C.(9)(d) of said by-law provide that the land involved in this application is subject to the dimensional and other relevant provisions of the Zoning By-law 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. Under the provisions of Section 174-24.C.(9)(b) the Planning Board voted unanimously on April 15, 2015 that it believes that the proposal will not potentially impact abutting land owners and that no advertised hearing is required regarding this modification.

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

The proposal is not subject to review as a mandatory Development of Regional Impact by the Cape Cod Commission.

III. Chronology.

Application for this Special Permit Modification was filed with the Town Clerk on April 10, 2015, along with accompanying plans. The Planning Board voted unanimously on April 15, 2015 that it believes that the proposal will not potentially impact abutting land owners and that no advertised hearing is required regarding this modification. The proposed Modification was reviewed at the Board's April 15, 2015 meeting.

On April 15, 2015, the Planning Board voted to make the following findings and grant the proposed Special Permit Modification, subject to the conditions enumerated below. The members of the Board were recorded voting as follows: George Petersen, Mary Waygan, Dennis H. Balzarini and Joseph Cummings were recorded as voting in favor of approval of the proposed modification; no members were recorded as voting against. Member Kooharian was absent. (Member Petersen participated electronically.)

IV. Findings.

1. 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 By-law, subject to the dimensional and other relevant provisions of the Zoning By-law 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 zoning district.
2. The proposed modifications are minor in nature and consist only of changes to the project site plan and architectural elevations.
3. 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 By-Law on the applicable dates.
4. 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 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.

V. Conditions.

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

"Layout and Materials Plan, Sheet C-3.1" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date April 9, 2015.

"Grading and Drainage Plan(Sheet 1 of 2)", Sheet C4.0" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date April 9, 2015.

"Villa Garages at Willowbend, Final Schematic Design, Garage #1 Ground Floor Plan" Sheet A101", dated April 13, 2015 by Ryan Southworth, 130 Willowbend Drive, Mashpee, MA, 02649.

"Villa Garages at Willowbend, Final Schematic Design, Garage #1 Elevations" Sheet A200", dated April 13, 2015 by Ryan Southworth, 130 Willowbend Drive, Mashpee, MA, 02649.

2. Except where modified by the provisions of this decision, all previous Special Permit conditions regarding the project shall remain in full force and effect.
3. 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.
4. This decision shall 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.

VI. 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 By-law.

VII. Signature and Filing.

This Special Permit Modification decision document, which incorporates by reference herein all referenced plans and drawings, has been approved on this 15th day of April, 2015 and has been endorsed by the undersigned members of the Mashpee Planning Board and may be recorded. Pursuant to the provisions of Mashpee Zoning Sections 174-24.C.9.(a) and (b) no public hearing, notice to abutters or 20-day appeal period applies to this minor site plan change and Special Permit Modification.

A copy of same shall be filed with the Town Clerk in accordance with applicable law.

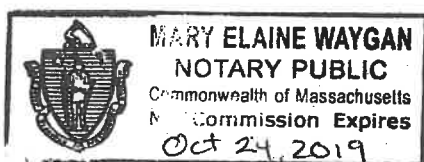
Mary Elaine Waygan
Dennis H Balzarini
Joseph P. Cummings
George J. ...

COMMONWEALTH OF MASSACHUSETTS

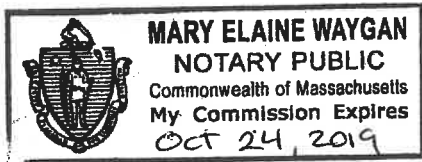
Barnstable, ss.

April 15, 2015
date

On this 15th day of April 2015, before me, the undersigned notary public, personally appeared Dennis Balzarini, and Joseph Cummings, who proved to me through satisfactory evidence of identification, which were personally known to me, to be members of the Mashpee Planning Board whose names are signed above, and acknowledged to me that they signed it voluntarily for its stated purpose.



Mary Elaine Waygan
Mary Elaine Waygan



Mary Elaine Waygan
Notary Public Mary Waygan
My Commission Expires Oct 24, 2019
date of expiration

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

April 16, 2015
date

On this 16th day of April 2015 before me, the undersigned notary public, personally appeared Mary Waygan, who proved to me through satisfactory evidence of identification, which were MA Drivers License to be a member of the Mashpee Planning Board whose name is signed above, and acknowledged to me that she signed it voluntarily for its stated purpose.

Shanie J. Cappello
Notary Public
My Commission Expires 11-12-2021
date of expiration
My Commission Expires

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

April 17, 2015
date

On this 17th day of April 2015 before me, the undersigned notary public, personally appeared George W. Petersen, Jr., who proved to me through satisfactory evidence of identification, which were personally known, to be a member of the Mashpee Planning Board whose name is signed above, and acknowledged to me that she signed it voluntarily for its stated purpose.



Deborah Dami
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires July 29, 2016

Deborah Dami
Notary Public
My Commission Expires: _____
date of expiration

A copy of this decision and the accompanying plans endorsed by the Planning Board as been duly filed on April 17, 2015 with the Town Clerk of Mashpee.

Deborah Dami
Town Clerk



**PLANNING BOARD DECISION
WILLOWBEND SPECIAL PERMIT
MODIFICATION NO. 33
October 7, 2015**

I. 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, then to Willowbend Country Club, Inc., and more recently to Southworth Mashpee Properties, LLC, 130 Willowbend Drive, Mashpee, MA 02649. Southworth Mashpee Properties, LLC 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 site plans and architectural drawings to add two freestanding garages, containing 2 and 7 parking spaces respectively, in the area of "The Village at Willowbend" condominiums approved under Modifications #29 and #30 and intended to provide parking for certain of those condominium units. The land is currently listed on the Mashpee Assessors' Maps as Map 63, Lots 94 and 95.

II. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Section 174-24.C. of the Mashpee Zoning By-Law as it existed on October 7, 2015, the date on which this Special Permit Modification was approved by the Mashpee Planning Board. As the proposal does not increase square footage of any use by more than ten percent (10%), the provisions of Section 174-24.C.(9)(d) of said by-law provide that the land involved in this application is subject to the dimensional and other relevant provisions of the Zoning By-law 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.

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

The proposal is not subject to review as a mandatory Development of Regional Impact by the Cape Cod Commission.

III. Chronology.

Application for this Special Permit Modification was filed with the Town Clerk on September 25, 2015, along with accompanying plans.

The plans were reviewed at the October 6, 2015 meeting of the Plan Review and Design Review Committees, who recommended approval, subject to the condition that each of the five existing and

proposed garages in the area of "The Village at Willowbend" condominiums be given street addresses.

The proposed Modification was reviewed at the Board's October 7, 2015 meeting. The Board voted unanimously at said meeting, under the provisions of Section 174-24.C.(9)(b) of the Zoning By-law, that it believes that the proposal will not potentially impact abutting land owners and that no advertised hearing is required regarding this modification.

On October 7, 2015, the Planning Board voted to make the following findings and grant the proposed Special Permit Modification, subject to the conditions enumerated below. The members of the Board were recorded voting as follows: Members Waygan, Balzarini, Cummings and Kooharian and Associate Member Hansen were recorded as voting in favor of approval of the proposed modification; no members were recorded as voting against. Member Petersen was absent.

IV. Findings.

1. 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 By-law, subject to the dimensional and other relevant provisions of the Zoning By-law 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 zoning district.
2. The proposed modifications are minor in nature and consist only of changes to the project site plan and architectural elevations.
3. 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 By-Law on the applicable dates.
4. 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 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.

V. Conditions.

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

"Master Layout Plan, Sheet C-3.0" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date September 23, 2015.

"Layout and Materials Plan, Sheet C-3.1" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date September 23, 2015.

"Grading and Drainage Plan (Sheet 1 of 2), Sheet C4.0" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date September 23, 2015.

"Grading and Drainage Enlarged Plan, Sheet C4.3" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date September 23, 2015.

"Utility Plan, Sheet C5.0" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date September 23, 2015.

"Villa Garages at Willowbend, Garage #1A Ground Floor Plan, Sheet A101", dated August 20, 2015 by Ryan Southworth, 130 Willowbend Drive, Mashpee, MA, 02649.

"Villa Garages at Willowbend, Garage #1A Elevations" Sheet A200", dated August 20, 2015 by Ryan Southworth, 130 Willowbend Drive, Mashpee, MA, 02649.

"Villa Garages at Willowbend, Garage #s 3&4, Ground Floor Plan, Sheet A101", dated August 20, 2015 by Ryan Southworth, 130 Willowbend Drive, Mashpee, MA, 02649.

"Villa Garages at Willowbend, Garage #3 Elevations" Sheet A200", dated August 20, 2015 by Ryan Southworth, 130 Willowbend Drive, Mashpee, MA, 02649.

"Villa Garages at Willowbend, Garage #4 Elevations" Sheet A201", dated August 20, 2015 by Ryan Southworth, 130 Willowbend Drive, Mashpee, MA, 02649.

2. Street addresses shall be provided for each of the five garages in the area of "The Village at Willowbend" condominiums, based on consultation with the Town's E-911 Coordinator.
3. An inspection shall be conducted prior to construction to confirm the location and size of drainage pits that are assumed to be in the area where Garage #4 is to be constructed and would be moved to the area between Garages #3 and #4. The new drainage pits and paving between those two garages shall require inspection by the Board's Consulting Engineer in accord with the Board's Special Permit Regulations and the appropriate inspection fee shall be provided to the Board.
4. Except where modified by the provisions of this decision, all previous Special Permit conditions regarding the project shall remain in full force and effect.
5. 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.
6. This decision shall be recorded within 60 days of its endorsement by the Board, with a notice provided to the Board of the Book and Page at which it was recorded.

VI. 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 By-law.

VII. Signature and Filing.

This Special Permit Modification Decision document, which incorporates all plans and documents referred to herein, has been approved on this 7th day of October 2015. A copy of same shall be filed with the Town Clerk in accordance with applicable law and may be recorded at the Registry of Deeds.

MASHPEE PLANNING BOARD

Mashpee Planning Board - Duly Authorized Member

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

date

On this ____ day of _____ 2015, before me, the undersigned notary public, personally appeared _____, a member of the Mashpee Planning Board, who proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed above on this document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public

My Commission Expires: _____

A copy of this decision and the accompanying plans endorsed by the Planning Board have been duly filed on _____, 2015 with the Town Clerk of Mashpee.

Town Clerk



**PLANNING BOARD DECISION
WILLOWBEND SPECIAL PERMIT
MODIFICATION NO. 34
September 21, 2016**

I. 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, then to Willowbend Country Club, Inc., and more recently to Southworth Mashpee Properties, LLC, 130 Willowbend Drive, Mashpee, MA 02649. Southworth Mashpee Properties, LLC 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 site plans to slightly relocate 3 previously-approved buildings, convert 2 of said buildings (46 and 62 Simons Road) from 4-unit to 2-unit residences (the third, at 64 Simons Road, remains a 6-unit building) and modify parking facilities to reflect the use of garages and driveways at the two proposed 2-unit buildings, in the area of "The Village at Willowbend" condominiums approved under Modifications #29 and #30. The number of units at "The Village at Willowbend" will thus be reduced from 40 to 36. The land is currently listed on the Mashpee Assessors' Maps as Map 63, Lot 95.

II. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Section 174-24.C. of the Mashpee Zoning By-Law as it existed on October 7, 2015, the date on which this Special Permit Modification was approved by the Mashpee Planning Board. As the proposal does not increase square footage of any use by more than ten percent (10%), the provisions of Section 174-24.C.(9)(d) of said by-law provide that the land involved in this application is subject to the dimensional and other relevant provisions of the Zoning By-law 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.

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

The proposal is not subject to review as a mandatory Development of Regional Impact by the Cape Cod Commission.

III. Chronology.

Application for this Special Permit Modification was filed with the Town Clerk on September 12, 2016, along with accompanying plans.

The plans were reviewed at the September 20, 2016 meeting of the Plan Review and Design Review Committees. The Design Review Committee recommended approval with no conditions. The Plan Review Committee recommended approval on the condition, requested by the Fire Department, that the applicant identify what fire alarm panels will serve each of the three buildings.

The proposed application was reviewed at the Board's September 7, 2016 meeting, at which the Board voted unanimously at said meeting, under the provisions of Section 174-24.C.(9)(b) of the Zoning By-law, that it believes that the proposal will not potentially impact abutting land owners and that no advertised hearing is required regarding this modification.

On September 21, 2016 the Planning Board voted to make the following findings and grant the proposed Special Permit Modification, subject to the conditions enumerated below. The members of the Board were recorded voting as follows: Members Waygan, Balzarini, Cummings and Associate Member Hansen were recorded as voting in favor of approval of the proposed modification; no members were recorded as voting against. Members Kooharian and Weeden were absent.

IV. Findings.

1. 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 By-law, subject to the dimensional and other relevant provisions of the Zoning By-law 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 zoning district.
2. The proposed modifications are minor in nature and consist only of changes to the project site plan and architectural elevations.
3. 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 By-Law on the applicable dates.
4. 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 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.

V. Conditions.

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

"Master Layout Plan, Sheet C-3.0" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date August 19, 2016.

"Layout and Materials Plan, Sheet C-3.1" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date August 19, 2016.

"Grading and Drainage Plan (Sheet 1 of 2), Sheet C4.0" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date August 19, 2016.

"Grading and Drainage Enlarged Plan, Sheet C4.2" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date August 19, 2016.

"Grading and Drainage Enlarged Plan, Sheet C4.2" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date August 19, 2016.

"Utility Plan, Sheet C5.0" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date August 19, 2016.

The building at 46 Simons Road will be constructed in conformance with the "Fairway" architectural design, Sheets A-1 to A-5 and the building at 62 Simons Road will be constructed in conformance with the "Willow" design, Sheets A-1 to A-5, both by Jeffrey Yates Architecture (JYA) and dated 7/26/13 which were previously approved by the Board. The building at 64 Simons Road will be constructed in conformance with the 6-unit condominium plans previously approved by the Board.

2. The relocated bio-retention areas, other stormwater management facilities and parking lot and driveway paving serving the three buildings shall require inspection by the Board's Consulting Engineer in accord with the Board's Special Permit Regulations and the appropriate inspection fee shall be provided to the Board.
3. Except where modified by the provisions of this decision, all previous Special Permit conditions regarding the project shall remain in full force and effect.
4. 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.
5. This decision shall be recorded within 60 days of its endorsement by the Board, with a notice provided to the Board of the Book and Page at which it was recorded.

VI. 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 By-law.

VII. Signature and Filing.

This Special Permit Modification Decision document, which incorporates all plans and documents referred to herein, has been approved on this 21st day of September 2016. A copy of same shall be filed with the Town Clerk in accordance with applicable law and may be recorded at the Registry of Deeds.

MASHPEE PLANNING BOARD

Mashpee Planning Board - Duly Authorized Member

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

date

On this ____ day of _____ 2016, before me, the undersigned notary public, personally appeared _____, a member of the Mashpee Planning Board, who proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed above on this document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public

My Commission Expires: _____

A copy of this decision and the accompanying plans endorsed by the Planning Board have been duly filed on _____, 2016 with the Town Clerk of Mashpee.

Town Clerk



Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

PLANNING BOARD DECISION WILLOWBEND SPECIAL PERMIT

MODIFICATION NO. 35

September 5, 2018

I. 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, then to Willowbend Country Club, Inc., and more recently to Southworth Mashpee Properties, LLC, 130 Willowbend Drive, Mashpee, MA 02649. Southworth Mashpee Properties, LLC 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 site plans to construct an additional twenty-two (22) units on a 9.3 acre parcel located north of Sampsons Mill Road. With this modification, the total unit count will be increased from 251 to 273, which remains within the 287 units authorized. The Planning Board endorsed an ANR Plan at the May 2, 2018 that showed a land swap between 0 Sampsons Mill Road (63-89-0) and 100 Willowbend Drive (69-117-0) creating the subject parcel. The land is currently listed on the Mashpee Assessors' Maps as Map 63, Lot 89.

II. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Section 174-24.C. of the Mashpee Zoning By-Law as it existed on September 5, 2018, the date on which this Special Permit Modification was approved by the Mashpee Planning Board. As the proposal does not increase square footage of any use by more than ten percent (10%), the provisions of Section 174-24.C.(9)(d) of said by-law provide that the land involved in this application is subject to the dimensional and other relevant provisions of the Zoning By-law 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.

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

The proposal is not subject to review as a mandatory Development of Regional Impact by the Cape Cod Commission.

III. Chronology.

Application for this Special Permit Modification was filed with the Town Clerk on June 22, 2018, along with accompanying plans.

The plans were reviewed at the July 17, 2018 meeting of the Design Review Committee. The Design Review Committee recommended approval conditional upon the inclusion of a landscaped buffer area

V. Conditions.

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

"Master Layout Plan, Sheet C-3.0" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date July 24, 2018.

"Layout and Dimension Plan, Sheet C-3.1" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date July 24, 2018.

"Grading and Drainage Plan Sheet C4.0" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date August 29, 2018.

"Roadway Profile, Sheet C4.1" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date August 29, 2018.

"Stormwater Management Details and Notes (1 of 2 Sheets), Sheet C4.2" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date August 29, 2018.

"Stormwater Management Details and Notes (2 of 2 Sheets), Sheet C4.3" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date August 29, 2018.

"Utility Plan, Sheet C5.0" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date August 29, 2018.

"Landscape Plan, Sheet L1.0" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date July 24, 2018.

2. Any future modifications or changes to the positions of the retaining wall indicated in the plan set shall require approval from the Planning Board.

3. Any information submitted to the Building Department with regard to the aforementioned retaining walls shall also be submitted in writing to the Planning Board.

4. The grass swale access for stormwater system #8 should be stabilized during construction to prevent erosion of the proposed 15% slope

5. The plans will indicate notation referencing the archaeological sensitivity study.

VI. 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 By-law.

Upon expiration of the statutory appeal period with no appeal having been filed, this special permit decision has been signed by the Mashpee Planning Board on November 7, 2018 and may be recorded.

Mary Elaine Weyer

D.P.

Joseph P. Quin

Dennis H. Bazarini

Doris W. Weed



Special Permit Modification Decision
Minor Modification of Special Permit Site Plan

Southworth Mashpee Properties LLC
Willowpark Townhomes

I. Background/Procedural Record

This decision concerns the application of Southworth Mashpee Properties LLC., Inc. of 130 Willowbend Drive, Mashpee MA, (the "Applicant") for approval of a modification to the Special Permit site plan approved by the Mashpee Planning Board on September 5, 2018 for 11 townhouses totaling 22 units.

The proposed modifications include increasing the footprint of Building #5 (the northerly-most duplex) of the development. The proposal is to increase the size of the building from 3,300 square feet to 4,400 square feet. The proposed adjustment brings the building approximately nine (9) feet closer to the golf course. The setbacks between buildings is not disturbed by this proposal and the increase in lot coverage is de minimus, increasing by 0.03%. Minor adjustments, approved by a structural engineer, have been made to the retaining wall between the structure and the golf course.

II. Jurisdiction.

The application was made and this decision is issued by the Mashpee Planning Board pursuant to Article VI, Section 174-24.C. (Special Permit Use) of the Mashpee Zoning Bylaws as they existed on April 15, 1987, the date on which the initial special permit application was approved by the Mashpee Planning Board. Where reference is made herein to the Mashpee Zoning Bylaw, it shall refer to the provisions thereof as they existed on said date.

III. Chronology.

The proposal was presented to the Board at its meeting on January 15, 2020, at which time it was determined, by a 5-0 vote of the Board, that the proposed change was a minor site plan change not requiring a public hearing under the terms of Section 174-24.C.9. of the zoning by-law.

IV. Decision.

On January 15, 2020 the Planning Board voted to approve the proposed changes to the Project as requested including:

1. Increase the square footage of building #5 (northerly-most duplex) on the plan from 3,300 sq feet to 4,400 square feet.
2. Adjust the buildings footprint shifting it approximately nine (9) feet closer to the golf course to the north of the structure.



Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

These modifications are shown on Sheet C3.0 'Master Layout Plan, by Baxter Nye Engineering & Surveying, last revised 12/04/2019, revise unit #5 footprint.

V. SIGNATURE AND FILING:

This Special Permit Site Plan modification decision was approved by the Mashpee Planning Board on January 15, 2020.

MASHPEE PLANNING BOARD

Mary E. Waygan, Chair

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

date

On this ____ day of _____, 20____, 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 the decision has been duly filed on _____, 2020 with the Town Clerk of Mashpee.

Town Clerk



PLANNING BOARD DECISION WILLOWBEND SPECIAL PERMIT Willow Circle Modification

I. 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 an additional single-family lot in a previously approved definitive subdivision known as Willow Circle that, by vote of the Planning Board on May 5, 2010, expanded the Special Permit project area to include the subject lots totaling 3.19 acres North of Quinaquisset Avenue between North Glen Drive and Orchard Road (Assessors' Map 69, Blocks 23-26). The project included a 0.41 acre area of Lot 3 of the approved definitive subdivision plan be subject to a conservation restriction pursuant to the regulations and determinations of the Massachusetts Natural Heritage and Endangered Species program. This restriction was released on August 31, 2021 by the Town of Mashpee acting by and through its Conservation Commission and by the Commonwealth of Massachusetts acting by and through its Division of Fisheries and Wildlife. A release of declaration of restriction was recorded at the Barnstable County Registry of Deeds at Book 34429 Page 125. The applicant requests the Boards approval to include this lot formerly subjected to the aforementioned conservation restriction be shown as a single-family building lot and contribute to the overall dwelling unit maximum as defined in the Willowbend Special Permit. Inclusion of this lot would increase the number of dwelling units in the project area from 273 to 274 which is within the 287 units allowed.

II. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Section 174-24.C. of the Mashpee Zoning By-Law as it existed on December 1, 2021, the date on which this special permit modification was approved by the Mashpee Planning Board. As the proposal does not increase square footage of any use by more than ten percent (10%), the provisions of Section 174-24.C.(9)(d) of said by-law provide that the land involved in this application is subject to the dimensional and other relevant provisions of the Zoning By-law 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 By-law if approved by the

5. 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 By-Law on the applicable dates.
6. The conservation restriction held on Lot 3 by determination of Massachusetts Natural Heritage and Endangered Species program was released in August 2021, recorded at the Barnstable County Registry of Deeds at Book 34429 Page 125
7. The Board has approved enhanced plantings and a 7½ foot high decorative fence ("Wood Privacy Fence With Lattice" shown on Sheet C-9 of approved plans listed under Conditions below) to maintain a visual buffer between the project and abutting properties on Orchard Road. The fence will be located 10 feet in from the western property line of lots 1 and 2 and the 10 feet will be landscaped as shown on the approved plans. These enhanced plantings are consistent with the original Willow Circle plans approved in Modification #27 of the Willowbend Special Permit.
8. The applicant has agreed to an increased setback at the rear of lots 1 and 2, based on a 45 foot setback from the existing residence at 132 Orchard Road. These increased setbacks are consistent with the original Willow Circle plans approved in Modification #27 of the Willowbend Special Permit.
9. The applicant has reaffirmed its agreement to donate an existing 1400 sq. ft. duplex building currently located on the property to the Town or another agency for relocation to another site for use as affordable housing, and to assist with such relocation. In the alternate, if such relocation is not feasible within the timetable required for development of the proposed new street and 5 lots, the applicant will provide \$1000 per unit, at the time building permits are issued for each of the 5 houses, towards the construction of affordable housing in Mashpee.
10. The Board received a letter dated November 26, 2021 from its Consulting Engineer Ed Pesce identifying a number of specific comments and recommendations regarding the project as shown on the submitted plans.
11. 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.

V. Conditions.

1. The project shall be constructed in conformance with the following site plans, which are the same plans approved by the Board for these proposed 6 lots under the Subdivision Control Law:

8. 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.
9. Except where modified by the provisions of this decision, all previous Special Permit conditions regarding the project shall remain in full force and effect.
10. 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.
11. This Special Permit Modification Decision is accompanied by a Definitive Subdivision Plan as described under Condition #2 above. Both this decision and said definitive plan shall 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.

VI. 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 By-law.

VII. Signature and Filing.

This special permit modification document, which incorporates by reference herein all plans noted, has been approved on this 5th day of January 2022. 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 _____ 2022, 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 _____, 2022 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.

PRESERVATION PLAN

Fox Run Project Archaeological Sites, Mashpee and Barnstable
Between the Massachusetts Historical Commission and Daniel C. Hostetter,
Cape Harbor Development Corporation, Project Proponent

WHEREAS, the Massachusetts Historical Commission (MHC) requested on October 9, 1986 that a locational archaeological survey (950CMR70) of the Fox Run project area be conducted in compliance with MEPA; and

WHEREAS, the MHC requested on April 13, 1987 that additional historical research be conducted of the Quippish site and that the Quippish Site be delimited by flagging and avoided from project impacts until MHC had reviewed the results of additional research; and

WHEREAS, the MHC requested on May 5, 1987 that no land clearing or construction occur within any of the seven archaeological sites in the north and south parcels (i.e., Fox - 1, Fox - 2, Fox - 3, Fox - 4 and Fox - 5 prehistoric sites and Simons House and Sampson's Mill historic sites) until the MHC completed its review of the project; and

WHEREAS, the MHC requested on June 12, 1987 that an archaeological site examination be performed at Fox - 1, Fox - 3 prehistoric sites, portions of Fox - 5 prehistoric site in the vicinity of proposed golf greens three and four, and the Simons House and Quippish House historic sites. The MHC also requested that additional archaeological testing be performed at Fox - 2 and Fox - 4 prehistoric sites in order to gather further information necessary for preparing a preservation restriction on these two sites. The MHC did not consider the five remaining identified historic properties (i.e., Sampson's Mill, two cellar holes, twentieth century cottage and barn) eligible for listing on the State Register of Historic Places and no further archaeological review of these five properties was required; and

WHEREAS, the MHC was informed by UMASS Archaeological Services that prior to August 26, 1987 the portions of the Fox - 5 Site situated within the proposed south green (third green) and north green (fourth green) were completely destroyed by bulldozing for the construction of the south and north greens and that the Quippish Site was significantly disturbed by bulldozing; and

WHEREAS, the MHC stated on September 23, 1987 concerning the Draft Environmental Impact Report for Fox Run that the MHC has "several outstanding concerns relating to the protection of archaeological resources identified by the intensive archaeological survey of the project area"; and

WHEREAS, The MHC and the proponent were informed by UMass Archaeological Services on October 19, 1987 of the following results of the site examinations and additional archaeological testing, and recommendations with which the MHC has concurred:

- 1) Fox-1 Site is not significant, and no further review of the Fox-1 site is required; 2) only the south portion of the Fox-2 Site is significant and should be protected and preserved; the remainder of the Fox-2 Site (north portion), which will be impacted by the proposed cul-de-sac and house lots, is not significant, and no further review of the north portion of the Fox-2 Site is required; 3) the portion of the Fox-3 Site which consists of a prehistoric shell midden is significant and will be impacted by at least two proposed house lots and should be avoided and/or mitigated; the remainder of the Fox-3 Site is not significant, and no further review of the remainder of the Fox-3 Site is required; 4) Fox-4 Site contains two separate prehistoric occupation areas, both of which are significant and both of which should be protected and preserved; 5) Fox-5 Site is significant and should be protected and preserved entirely within its boundaries as defined by the Santuit River to the east, the Fox Run project boundary to the north, Old Mill Road to the south, and the 40-foot contour to the west, excluding the third and fourth greens and previously disturbed areas and including land north of the fourth green, as specified by UMass Archaeological Services; and 6) Simons House Site is an historic complex consisting of at least two refuse (midden) deposits and additional archaeological materials adjacent to both midden deposits; the entire historic complex is significant, and the larger midden and adjacent archaeological materials will be impacted by a proposed roadway and house lots and should be avoided and/or mitigated; the smaller midden should be protected and preserved.

NOW, THEREFORE, it is agreed that the project proponent will insure that the following steps will be carried out in order to protect the remaining significant archaeological sites within the Fox Run project area and to mitigate all project impacts to significant archaeological sites:

- 1) The perimeter around each of the following five significant archaeological sites, Fox-2, Fox-3, Fox-4, and Fox-5 prehistoric Sites and the Simons House Site historic complex, shall be clearly indicated on project plans and plotted by a surveyor, in coordination with an archaeologist from UMASS Archaeological Services, for purposes of preparing preservation restrictions on each of the five significant sites mentioned above, and for use in the development of project plans and specifications for proposed construction activities in the vicinity of the sites. Copies of said plans shall be submitted to the MHC.
- 2) The project foreman and construction crews shall be instructed to avoid the above five significant sites from machinery access, land clearing, and construction activities.
- 3) The proponent shall grant to the MHC a preservation restriction on the deed(s) to the lands on which each of the above five significant sites (Fox-2, Fox-3, Fox-4, Fox-5 prehistoric sites and the Simons House Site historic complex) are located, pursuant to the provisions of Massachusetts General Laws, Chapter 31 through 33. The preservation restriction (s) shall require that the five significant archaeological sites shall remain in their existing undisturbed natural state in order to preserve their archaeological resources, and shall allow for field investigations of said sites if authorized by the MHC.
- 4) The proponent shall consider donation of these lands to an organization committed to environmental conservation of land in Mashpee and/or Barnstable, and shall notify the MHC of any such transfer agreements .

- 5) The proponent shall inform the MHC of any proposed activity which might disturb a significant archaeological site, such as land clearing, machinery access or construction. The proponent shall conduct an archaeological data recovery, under the supervision of, and to the satisfaction of, the MHC prior to the commencement of any activity which would disturb a significant archaeological site(s), under the conditions of the preservation restriction(s) referenced above.
- 6) A temporary fence shall be constructed south of Quinaquisset Avenue and north of Fox-2, Fox-3, Fox-4 Sites and the Simons House Site historic complex in order to prevent machinery access and any other disturbance to the south of the temporary fence. No machinery access, land clearing or construction shall occur south of the temporary fence or on any of the five significant sites without written approval of the MHC.
- 7) Seeding and all work at the south green (third green) will help prevent erosional impacts to the surrounding portion of the Fox-5 Archaeological Site, and shall be performed entirely in the manner described by Daniel C. Hostetter in his letter of October 14, 1987 to the MHC. All work at and access to the third green shall be limited to previously disturbed and/or insignificant archaeological areas as identified by UMASS Archaeological Services, and shall be monitored and supervised by an archaeologist.

This Preservation Agreement shall be reviewed and amended upon completion of MHC's review of the final results of the archaeological investigations at Fox Run. The amendments shall reflect the final preservation plan for the project.

Valerie Talmage
Valerie A. Talmage
Executive Director
Massachusetts Historical Commission

10/23/87
Date

Daniel C. Hostetter
Daniel C. Hostetter
Fox Run Project Proponent,
Cape Harbor Development Corporation
Mashpee and Barnstable

10/24/87
Date



February 7, 1990

Tom Fudala
Town Planner
Mashpee Town Hall
Mashpee, MA 02649

Dear Tom:

Doug Boyd indicated to me that you could not locate "Appendix A" in reference to our Special Permit for Willowbend.

Enclosed please find the above.

Sincerely,

Daniel C. Hostetter
gst

Daniel C. Hostetter

DCH/gst
Enclosure

APPENDIX A
WILLOWBEND PHASING

PROJECTED PHASE	PROJECTED CONSTRUCTION PERIOD	SINGLE FAMILY LOTS AVAILABLE FOR OCCUPANCY	MULTI FAMILY UNITS AVAILABLE FOR OCCUPANCY	TOTAL SINGLE FAMILY LOTS	TOTAL MULTI FAMILY LOTS	TOTAL LOTS AVAILABLE FOR OCCUPANCY
I	MAY 1987 TO APRIL 1988	#5 #6 #7 #8 #9 #10 #11 #12 #13 #20 #21 #22 #23 #24 #25 #30 #31 #32 #33 #34 #35 #36 #37 #38 #39 #40 #41 #42 #43 #44 #45 #46 #47 #174 #175 #176 #177 #178 #179 #180 #181 #182 #183 #184	BUILDING A-1 (5 UNITS) A-2 (4 UNITS) A-3 (5 UNITS) B-6 (5 UNITS) B-7 (5 UNITS) B-8 (5 UNITS)	44	29	73
II	MAY 1988 TO APRIL 1989	#14 #15 #16 #17 #18 #19 #26 #27 #28 #29 #48 #49 #50 #51 #52 #53 #54 #55 #56 #57 #58 #59 #60 #61 #62 #63 #64 #164 #165 #166 #167 #168 #169 #170 #171 #172 #173	BUILDING A-7 (4 UNITS) A-8 (5 UNITS) A-9 (4 UNITS) B-1 (5 UNITS) B-2 (4 UNITS) B-3 (4 UNITS) B-4 (5 UNITS) B-5 (5 UNITS)	37	36	73
III	MAY 1989 TO APRIL 1990	#66 #67 #68 #69 #70 #71 #72 #73 #74 #75 #76 #77 #78 #79 #80 #81 #82 #83 #84 #85 #86 #87 #88 #89 #90 #91 #92 #116 #117 #118 #119 #120 #121 #122	BUILDING A-4 (4 UNITS) A-5 (5 UNITS) A-6 (5 UNITS) A-10 (4 UNITS) A-11 (5 UNITS) A-12 (4 UNITS) A-13 (5 UNITS) A-14 (4 UNITS)	34	36	70
IV	MAY 1990 TO APRIL 1991	#93 #94 #95 #96 #97 #98 #99 #100 #101 #102 #103 #104 #105 #106 #107 #108 #109 #110 #111 #112 #113 #114 #115 #127 #128 #129 #130 #131 #132 #133 #155 #156 #157 #158 #159 #160 #161	BUILDING C-10 (5 UNITS) C-11 (5 UNITS) C-12 (5 UNITS) C-13 (4 UNITS) C-14 (5 UNITS) C-1 (5 UNITS)	37	29	66
V	MAY 1991 TO APRIL 1992	#134 #135 #136 #137 #138 #139 #140 #141 #142 #143 #144 #145 #146 #147 #148 #149 #150 #151 #152 #153 #154	BUILDING C-3 (5 UNITS) C-4 (5 UNITS) C-5 (5 UNITS) C-6 (5 UNITS) C-7 (5 UNITS) C-8 (5 UNITS) C-9 (5 UNITS)	21	35	56
				173	165	338

Estimated Completion Date of Project will be Dec. 31, 2000

APPENDIX A
WILLOWBEND PHASING

PROJECTED PHASE	PROJECTED CONSTRUCTION PERIOD	SINGLE FAMILY LOTS AVAILABLE FOR OCCUPANCY	MULTI FAMILY UNITS AVAILABLE FOR OCCUPANCY	TOTAL SINGLE FAMILY LOTS	TOTAL MULTI FAMILY LOTS	TOTAL LOTS AVAILABLE FOR OCCUPANCY
I	MAY 1987 TO APRIL 1988	#5 #6 #7 #8 #9 #10 #11 #12 #13 #20 #21 #22 #23 #24 #25 #30 #31 #32 #33 #34 #35 #36 #37 #38 #39 #40 #41 #42 #43 #44 #45 #46 #47 #174 #175 #176 #177 #178 #179 #180 #181 #182 #183 #184	BUILDING A-1 (5 UNITS) A-2 (4 UNITS) A-3 (5 UNITS) B-6 (5 UNITS) B-7 (5 UNITS) B-8 (5 UNITS)	44	29	73
II	MAY 1988 TO APRIL 1989	#14 #15 #16 #17 #18 #19 #26 #27 #28 #29 #48 #49 #50 #51 #52 #53 #54 #55 #56 #57 #58 #59 #60 #61 #62 #63 #64 #164 #165 #166 #167 #168 #169 #170 #171 #172 #173	BUILDING A-7 (4 UNITS) A-8 (5 UNITS) A-9 (4 UNITS) B-1 (5 UNITS) B-2 (4 UNITS) B-3 (4 UNITS) B-4 (5 UNITS) B-5 (5 UNITS)	37	36	73
III	MAY 1989 TO APRIL 1990	#66 #67 #68 #69 #70 #71 #72 #73 #74 #75 #76 #77 #78 #79 #80 #81 #82 #83 #84 #85 #86 #87 #88 #89 #90 #91 #92 #116 #117 #118 #119 #120 #121 #122	BUILDING A-4 (4 UNITS) A-5 (5 UNITS) A-6 (5 UNITS) A-10 (4 UNITS) A-11 (5 UNITS) A-12 (4 UNITS) A-13 (5 UNITS) A-14 (4 UNITS)	34	36	70
IV	MAY 1990 TO APRIL 1991	#93 #94 #95 #96 #97 #98 #99 #100 #101 #102 #103 #104 #105 #106 #107 #108 #109 #110 #111 #112 #113 #114 #115 #127 #128 #129 #130 #131 #132 #133 #155 #156 #157 #158 #159 #160 #161	BUILDING C-10 (5 UNITS) C-11 (5 UNITS) C-12 (5 UNITS) C-13 (4 UNITS) C-14 (5 UNITS) C-1 (5 UNITS)	37	29	66
V	MAY 1991 TO APRIL 1992	#134 #135 #136 #137 #138 #139 #140 #141 #142 #143 #144 #145 #146 #147 #148 #149 #150 #151 #152 #153 #154	BUILDING C-3 (5 UNITS) C-4 (5 UNITS) C-5 (5 UNITS) C-6 (5 UNITS) C-7 (5 UNITS) C-8 (5 UNITS) C-9 (5 UNITS)	21	35	56
				173	165	338

Estimated Completion Date of Project will be Dec. 31, 2000



Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

PLANNING BOARD DECISION WILLOWBEND SPECIAL PERMIT MODIFICATION NO. 33 October 7, 2015

I. 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, then to Willowbend Country Club, Inc., and more recently to Southworth Mashpee Properties, LLC, 130 Willowbend Drive, Mashpee, MA 02649. Southworth Mashpee Properties, LLC 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 site plans and architectural drawings to add two freestanding garages, containing 2 and 7 parking spaces respectively, in the area of "The Village at Willowbend" condominiums approved under Modifications #29 and #30 and intended to provide parking for certain of those condominium units. The land is currently listed on the Mashpee Assessors' Maps as Map 63, Lots 94 and 95.

II. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Section 174-24.C. of the Mashpee Zoning By-Law as it existed on October 7, 2015, the date on which this Special Permit Modification was approved by the Mashpee Planning Board. As the proposal does not increase square footage of any use by more than ten percent (10%), the provisions of Section 174-24.C.(9)(d) of said by-law provide that the land involved in this application is subject to the dimensional and other relevant provisions of the Zoning By-law 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.

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

The proposal is not subject to review as a mandatory Development of Regional Impact by the Cape Cod Commission.

III. Chronology.

Application for this Special Permit Modification was filed with the Town Clerk on September 25, 2015, along with accompanying plans.

The plans were reviewed at the October 6, 2015 meeting of the Plan Review and Design Review Committees, who recommended approval, subject to the condition that each of the five existing and

130 Willowbend Drive
Mashpee, MA 02649

proposed garages in the area of "The Village at Willowbend" condominiums be given street addresses.

The proposed Modification was reviewed at the Board's October 7, 2015 meeting. The Board voted unanimously at said meeting, under the provisions of Section 174-24.C.(9)(b) of the Zoning By-law, that it believes that the proposal will not potentially impact abutting land owners and that no advertised hearing is required regarding this modification.

On October 7, 2015, the Planning Board voted to make the following findings and grant the proposed Special Permit Modification, subject to the conditions enumerated below. The members of the Board were recorded voting as follows: Members Waygan, Balzarini, Cummings and Kooharian and Associate Member Hansen were recorded as voting in favor of approval of the proposed modification; no members were recorded as voting against. Member Petersen was absent.

IV. Findings.

1. 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 By-law, subject to the dimensional and other relevant provisions of the Zoning By-law 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 zoning district.
2. The proposed modifications are minor in nature and consist only of changes to the project site plan and architectural elevations.
3. 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 By-Law on the applicable dates.
4. 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 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.

V. Conditions.

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

"Master Layout Plan, Sheet C-3.0" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date September 23, 2015.

"Layout and Materials Plan, Sheet C-3.1" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date September 23, 2015.

"Grading and Drainage Plan (Sheet 1 of 2), Sheet C4.0" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date September 23, 2015.

"Grading and Drainage Enlarged Plan, Sheet C4.3" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date September 23, 2015.

"Utility Plan, Sheet C5.0" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date September 23, 2015.

"Villa Garages at Willowbend, Garage #1A Ground Floor Plan, Sheet A101", dated August 20, 2015 by Ryan Southworth, 130 Willowbend Drive, Mashpee, MA, 02649.

"Villa Garages at Willowbend, Garage #1A Elevations" Sheet A200", dated August 20, 2015 by Ryan Southworth, 130 Willowbend Drive, Mashpee, MA, 02649.

"Villa Garages at Willowbend, Garage #s 3&4, Ground Floor Plan, Sheet A101", dated August 20, 2015 by Ryan Southworth, 130 Willowbend Drive, Mashpee, MA, 02649.

"Villa Garages at Willowbend, Garage #3 Elevations" Sheet A200", dated August 20, 2015 by Ryan Southworth, 130 Willowbend Drive, Mashpee, MA, 02649.

"Villa Garages at Willowbend, Garage #4 Elevations" Sheet A201", dated August 20, 2015 by Ryan Southworth, 130 Willowbend Drive, Mashpee, MA, 02649.

2. Street addresses shall be provided for each of the five garages in the area of "The Village at Willowbend" condominiums, based on consultation with the Town's E-911 Coordinator.
3. Except where modified by the provisions of this decision, all previous Special Permit conditions regarding the project shall remain in full force and effect.
4. 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.
5. This decision shall be recorded within 60 days of its endorsement by the Board, with a notice provided to the Board of the Book and Page at which it was recorded.

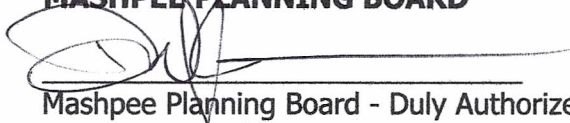
VI. Expiration, Extension or Modification.

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 By-law.

VII. Signature and Filing.

This Special Permit Modification Decision document, which incorporates all plans and documents referred to herein, has been approved on this 7th day of October 2015. A copy of same shall be filed with the Town Clerk in accordance with applicable law and may be recorded at the Registry of Deeds.

MASHPÉE PLANNING BOARD

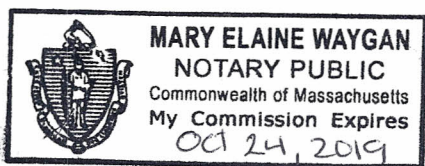

Mashpee Planning Board - Duly Authorized Member

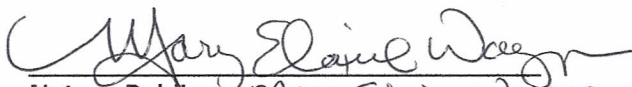
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.


10-7-2015
date

On this 7th day of October 2015, before me, the undersigned notary public, personally appeared David Kookarian, a member of the Mashpee Planning Board, who proved to me through satisfactory evidence of identification, which were personal knowledge to be the person whose name is signed above on this document, and acknowledged to me that he signed it voluntarily for its stated purpose.




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

A copy of this decision and the accompanying plans endorsed by the Planning Board have been duly filed on Oct 8, 2015 with the Town Clerk of Mashpee.


Town Clerk

BARNSTABLE REGISTRY OF DEEDS
John F. Meade, Register



Town of Mashpee

Planning Board

16 Great Neck Road North, Mashpee, MA 02649

Telephone (508) 539-1400 ext. 520 • Fax (508) 539-1403

PLANNING BOARD DECISION WILLOWBEND SPECIAL PERMIT MODIFICATION NO. 26

I. 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 more recently to Willowbend Country Club, Inc. Willowbend Country Club, Inc. 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 proposed to modify the special permit and site plans to allow expansion of the Special Permit project area onto 5 previously subdivided lots along the east side of Simons Road north of the original project area, to construct 62 units of townhouse style condominiums on those lots and on eight lots within the original project area located on Simons Road and Fin Me Oot Road, and increase the currently permitted overall residential units in the project from 223 to 277.

II. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Section 174-24.C. of the Mashpee Zoning By-Law as it existed on May 6, 2009, the date on which this special permit modification was approved by the Mashpee Planning Board. As the proposal does not increase square footage of any use by more than ten percent (10%), the provisions of Section 174-24.C.(9)(d) of said by-law provide that the land involved in this application is subject to the dimensional and other relevant provisions of the Zoning By-law 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 By-law 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 units allowed under the original 1987 Special Permit.

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

The Cape Cod Commission, by letter from Jessica Wielgus faxed July 15, 2008, indicated that the proposal falls under an exemption contained in Section 22 (b) of the Cape Cod Commission Act and is therefore not subject to review by the Commission.

Property address n/a

6

III. Chronology.

Application for this Special Permit Modification was filed with the Town Clerk on April 30, 2008. A hearing was opened before the Mashpee Planning Board at the Mashpee Town Hall, 16 Great Neck Road North, Mashpee, Massachusetts on June 4, 2008 at 7:05 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 May 16 and 23, 2008. The hearing was continued on June 18, July 16, August 20, October 1, October 15, November 5, December 3 and December 17, 2008 and January 7, January 21, February 4, February 18, April 1, April 15 and May 6, 2009.

The applicant met with the combined Design Review and Plan Review Committees regarding the project on May 8, 2008, May 22, 2008 and February 12, 2009.

On May 6, 2009, the Planning Board voted to close the hearing, make the following findings and grant the proposed special permit modification, subject to the conditions enumerated below. The members of the Board were recorded voting as follows: Dennis H. Balzarini, Thomas O'Hara, Joseph Mullen and James Leonard were recorded as voting in favor of approval of the proposed modification; no members were recorded as voting against. Member Beverly A. Kane had resigned in December, 2008 and no other members were qualified to vote.

IV. Findings.

1. 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 By-law, subject to the dimensional and other relevant provisions of the Zoning By-law 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 zoning district.
2. The proposed modifications lie partly within the "Original Project" area, (which had originally consisted of 370.51 acres in Mashpee and 3.39 acres in Barnstable, but which had been reduced to 323.18 acres in Mashpee and 3.39 acres in Barnstable under the provisions of Modification 19 to this Special Permit, which created a separate "Golf Project" of 67.90 acres in Mashpee to allow for expansion of the golf course to 27 holes under March 6, 2002 applicable zoning) and partly outside the "Original Project" area (on 3.77 acres consisting of five lots previously owned and subdivided by others, including 4 lots which were part of the "Cranberry Ridge" subdivision approved on June 5, 1985). The current proposal constitutes an expansion under the November 6, 1985 zoning applicable to the "Original Project" area per the 10% rule cited in Finding #1, increasing said area to 326.95 acres in Mashpee and 3.39 acres in Barnstable.
3. 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.
4. Under the 1985 special permit, the project would have been allowed 341 residential units and was permitted for 338 units. Modification #19 reduced the allowed units to 217, which was subsequently increased to 223 by Modification #25. Pursuant to revisions of the plans originally submitted for this Modification, the requested new units have been reduced from 62 to 40, of which 8 replace single-family lots previously approved within the "Original Project" area, for a

total of 255 proposed, which the Board finds to be permissible under Section 174-24.C.(9)(f), as it is less than the originally permitted 338 units, and hereby approves said increase.

5. 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 By-Law on the applicable dates.
6. The units proposed for construction consist of four 6-unit 3-story buildings (for which height and story variances were approved by the Mashpee Zoning Board of Appeals on March 25, 2009), one 4-unit 2 story building and six 2-story duplex buildings, of which 2 are described as "Larger Comdex" buildings and 4 are described as "Smaller Comdex" buildings, for a total of 40 units, as shown on a plan entitled "Comdex and Villa Units, Simon's Road, WillowBend Country Club, Mashpee, Massachusetts", Sheet C-4.1, by Baxter Nye Engineering & Surveying, revision date May 6, 2009.
7. Said plan also shows proposed parking to accommodate the proposed units. Required parking is 2 per unit, or 80 total. The plan shows 48 spaces in parking lots for the 6-unit buildings, 8 spaces in parking lots for the 4-unit building and 24 spaces (12 in garage, 12 in driveway) for the six duplex buildings, which satisfies the parking requirement for this proposal.
8. The project maintains, at minimum, a 40 foot undisturbed buffer area along the perimeter of the project, within which the Board has approved enhanced plantings and a 7½ foot high decorative fence to maintain a visual buffer between the project and abutting properties.
9. The proposal includes construction of a portion of Simons Road (a public way) within the previously-approved "Cranberry Ridge" subdivision, with a new turnaround shown at the end of the proposed paving and minimal improvement to the road from that point to Sampson's Mill Road. Said revised roadway design, as well as deletion of a paper street in the "Cranberry Ridge" subdivision called "Bog Circle", along with possible lot line changes, will require a public hearing for modification of the "Cranberry Ridge" definitive subdivision plan.
10. The applicant has agreed to provide \$1000 per unit, at the time building permits are issued, towards the construction of affordable housing in Mashpee.
11. The applicant has agreed to preference for local contractors and suppliers in the construction of the project.
12. 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.

V. Conditions.

1. Total residential units allowed within the "Original Project area" shall be 255, including the 40 units proposed under this Modification.

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

"Site Construction Plans, Willowbend Country Club, Inc. Comdex Units, Simons Road, Mashpee, Massachusetts" by Baxter Nye Engineering & Surveying, Hyannis, MA 02601, revision date May 6, 2009, consisting of 15 sheets as follows:

- C-1 Cover Sheet
- C-2 Legend and General Notes
- C-3 Existing Conditions Plan
- C-4 Existing Conditions Plan
- C-4.1 Master Project Layout Plan
- C-4.2 Master Plan ~ Overall
- C-5 Layout and Materials Plan
- C-6 Layout and Materials Plan
- C-7 Grading and Drainage Plan
- C-8 Grading and Drainage Plan
- C-9 Utility Plan
- C-10 Utility Plan
- C-11 Detail Sheet 1 of 3
- C-12 Detail Sheet 2 of 3
- C-13 Detail Sheet 3 of 3

3. The Board approves the following architectural plans. Changes in the footprints, elevations, and floor plans of particular units may be made without further Planning Board approval, provided that: a) existing minimum front, side, and rear setbacks for each unit are maintained; b) all changes to elevations reflect the same exterior façade treatment and design elements as provided on the below-referenced plans; and c) all such changes are approved by the Design Review Committee, with a report to the Planning Board.

Architectural elevations entitled "Willowbend Development" prepared by Judd Brown Designs, Inc. / Jefferson Group Architects, Inc – Warwick, RI as follows:

- "6-Unit Townhouse Villa – Elevations", 3 sheets dated February 26, 2009
- "4-Unit Townhouse Villa – Elevations", 3 sheets dated February 17, 2009
- "Comdex Unit – Larger Unit Elevations", 2 sheets dated October 9, 2007
- "Comdex Unit – Smaller Unit Elevations", 2 sheets dated February 9, 2009

Floor plans entitled "Willowbend Development" prepared by Judd Brown Designs, Inc./ Jefferson Group Architects, Inc – Warwick, RI as follows:

- "4 Unit Building – First Floor", dated October 9, 2007 (also applies to 6 unit building)
- "4 Unit Building – Second Floor", dated October 9, 2007 (also applies to 6 unit building second and third floors)
- "Comdex Unit – Larger Unit First Floor", dated October 9, 2007
- "Comdex Unit – Larger Unit Second Floor", dated October 9, 2007
- "Comdex Unit – Smaller Unit First Floor", dated October 9, 2007
- "Comdex Unit – Smaller Unit Second Floor", dated October 9, 2007

4. The applicant shall maintain, at minimum, a 40 foot undisturbed buffer area along the perimeter of the project, within which the Board has approved enhanced plantings and a 7+ foot high decorative fence to maintain a visual buffer between the project and abutting properties. Where existing wooded areas remain within the project area adjacent to the 40 foot buffer, the applicant shall, where practicable, attempt to retain additional portions of said areas in their natural, or in an enhanced state, to provide additional buffer and maintain the natural habitat and nitrogen reduction functions of said wooded areas.
5. As the proposal includes construction of a portion of Simons Road (a public way) within the previously-approved "Cranberry Ridge" subdivision, with a new turnaround shown at the end of the proposed paving and minimal improvement to the road from that point to Sampson's Mill Road, the applicant shall file, within 90 days of approval of this Modification decision, for a definitive subdivision plan modification of said portion of the "Cranberry Ridge" subdivision, which should include said revised roadway design, as well as deletion of a paper street in the "Cranberry Ridge" subdivision called "Bog Circle", along with any other necessary lot line changes. As part of said definitive plan modification, the applicant shall provide specific design and construction proposals for the portion of Simons Road which is proposed to remain unpaved. The latter design should conform, with the following standards contained in Section 174-32 Fire protection of the Zoning By-law: vertical clearance 13 feet, 6 inches, roadway surface shall have a maintained all-weather surface, constructed by any combination and manipulation of soils, with or without admixtures, which produce a firm mass capable of supporting fire apparatus in all weather conditions and having an improved surface width of twelve (12) feet and a cleared width of sixteen (16) feet.
6. Except as necessary in relation to any upgrade of the portion of Simons Road to be left unpaved, construction traffic associated with this project shall be prohibited from Sampson's Mill Road or the portion of Simons Road to be left unpaved.
7. At the time that building permit applications are filed, the applicant will pay \$1000 per unit to the Mashpee Housing Authority to be deposited into a fund for the construction of affordable housing in the Town of Mashpee. Any disbursements from said fund shall require the approval of the Planning Board (simple majority vote).
8. Local contractors and suppliers will be given first preference with regard to contracts for construction of the project.
9. No lot or land shall be cleared until a building permit is issued for construction on said lot or land.
10. The 3 duplex buildings on Fin-Me-Oot Road shall be the last buildings constructed in this project.
11. Except where modified by the provisions of this decision, all previous Special Permit conditions regarding the project shall remain in full force and effect.
12. 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.
13. Within 60 days of the approval of this decision, the applicant shall provide the Board with proof of its recording with the Barnstable County Registry of Deeds, including an indication as to the book and page at which it was recorded.

VI. 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 By-law.

VII. Signature and Filing.

This special permit modification document, which incorporates by reference herein all plans noted, has been approved on this 6th day of May, 2009. A copy of same shall be filed with the Town Clerk in accordance with applicable law.

Thomas F. [Signature]
Mashpee Planning Board - Duly Authorized Member

Barnstable, ss.

COMMONWEALTH OF MASSACHUSETTS

5/6/09
date

On this 6th day of May, 2009, before me, the undersigned notary public, personally appeared Thomas F. [Signature], proved to me through satisfactory evidence of identification, which were known to me, to be the person whose name is signed on the preceding or attached documents and acknowledged to me that (he/she) signed it voluntarily for its stated purpose.

[Signature]
Notary Public
My Commission expires Dec. 31, 2010
date of expiration

A copy of this decision and the accompanying plans approved by the Planning Board have been duly filed on May 11, 2009 with the Town Clerk of Mashpee.

[Signature]
Town Clerk

Notice of this decision was mailed on 5/11/09 to the applicant, to the parties in interest designated in Massachusetts General Law, Chapter 48, Section 11 and all persons at the hearing who requested such notice. 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, Debra Dami, 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 May 11, 2009 and that no appeal of that decision was filed within 20 days thereafter.

[Signature]
Town Clerk

Date: June 2, 2009

Upon expiration of the statutory appeal period with no appeal having been filed, this special permit decision has been endorsed by the undersigned members of the Mashpee Planning Board on June 3, 2009 and may be recorded.

[Signature]
[Signature]
[Signature]

PLANNING BOARD DECISION

WILLOWBEND SPECIAL PERMIT MODIFICATION NO. 18

I. REGARDING:

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 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. Willowbend Development Corporation is hereinafter referred to as the "New Owner" or "applicant". The Special Permit authorizes construction of a residential/golf course community known as Willowbend south of Route 28 in East Mashpee (the "Project").

II. JURISDICTION:

This modification is issued pursuant to Sections 9.3 and 9.4 of the Mashpee Zoning By-Law as they existed on November 6, 1985 and applicable provisions of M.G.L. Chapter 40A, Section 9.

III. FACTS AND FINDINGS:

At a public hearing held on August 19, 1998 and continued to September 2, 1998, the applicant presented the Planning Board with a proposed modification to the Special Permit for the Project showing a proposed access connection from Herring Gull Road to the Willowbend Phase I area. The proposed access drive and utility plans are shown on a set of plans entitled "Construction Plans for Shoestring Bay Estates, Mashpee, Massachusetts prepared for Willowbend Development Corporation" dated August 26, 1998 consisting of Sheets 1-9 and a plan entitled "Willowbend Development Corporation, Shoestring Bay Estates, Special Permit Modification Number 18" dated July 29, 1998. The road will be 22 feet in width and will traverse the 40 foot buffer zone around Willowbend's property. Willowbend will build the road to subdivision specifications although subdivision approval is not being requested as the new access will not serve as frontage.

The Board finds that the modifications to the original plans and the changes to the area do not differ significantly from the layout of this area as shown on the original Special Permit Plan. The addition of a second access point will increase the ability of emergency vehicles to access the back of Phase I as well as the Shoestring Bay lots. The looping of the water system will also increase pressure. The applicant has met with the Mashpee

Water District to discuss plans to extend the water system in Willowbend down Herring Gull Road and Shoestring Bay Road to a point of connection with Quaker Run and has received permission to do so. In response to requests by the neighborhood, the applicant is proposing to connect up to 38 building sites within the Shoestring Bay subdivision to the sewage treatment plant. It is the applicant's intention that the Shoestring Bay lots be incorporated into the Willowbend Community Trust/condominium regime that owns and operates the plant. The applicant presented an analysis by Earth Tech showing the permitted design flow of the sewage treatment plant is 113,000 gallons per day and that the design capacity of the plant and effluent disposal area is 132,500 gallons per day. The report shows that even with the addition of the 38 Shoestring Bay lots and assuming full build out of the 853 residential bedrooms allowed per Willowbend's special permit, additional capacity would exist although a permit modification would be required if full build out were to be reached.

Based on the foregoing and additional information presented at the meeting, the Board finds that the development as herein modified is to be constructed in substantial compliance with the requirements of the original Special Permit. The Board also finds, for reasons enumerated above, that the modifications sought are: (1) consistent with, and do not derogate from, the intent of the Zoning By-law; (2) in general harmony with the purposes and intents of the Zoning By-law; (3) in compliance with the provisions of M.G.L. Chapter 40A, Section 9 and applicable provisions of the Zoning By-law including requirements of Sections 9.3 and 9.4; and (4) in furtherance of the public good and not substantially detrimental to adjoining land.

IV. MODIFICATIONS:

Willowbend is authorized to construct the access road and utility connections per referenced plans in accordance with the following conditions:

1. A minimum of twenty and up to all thirty-eight of the Shoestring Bay Estates subdivision may be connected to the Willowbend sewage treatment plant, provided that said connection is approved by the Massachusetts Department of Environmental Protection (DEP) and provided that no more than 249 homes may be constructed within the original Willowbend development until DEP has approved any necessary increase in the permitted design flow of the sewage treatment plant and effluent discharge area to handle the flow from the combined Willowbend and Shoestring Bay projects.
2. This decision does not constitute an approval under the Subdivision Control Law and the access road may not be used to provide frontage for any lots for zoning purposes. The access road shall be built to subdivision specifications as approved for Eagle Drive.
3. An Easement Plan showing the access and utilities shall be recorded with this Special Permit.

4. Bryant's Cove Road, which traverses the site, will be maintained as a way open to the public.

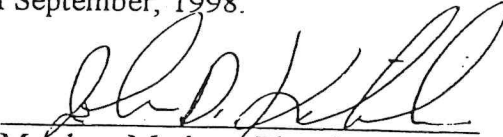
This modification represents a further refinement and specification of the original Special Permit that relates back to and is hereby deemed part of the original Special Permit decision.

V. SIGNATURE AND FILING:

In all other respects, the Special Permit and Special Permit Plans as modified shall remain in full force and effect and subject to all the terms and conditions contained therein.

This Special Permit decision, which includes all referenced plans, has been approved on this 2nd day of September, 1998.

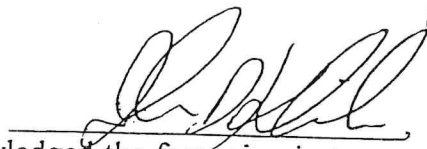
A true copy
Attest



Member, Mashpee Planning Board

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

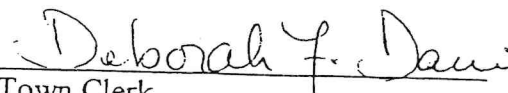
September 3, 1998

Then personally appeared  a member of the Mashpee Planning Board and acknowledged the foregoing instrument to be his free act and deed, before me.


Notary Public

My Commission expires: July 29, 2002

A copy of the decision and the accompanying plans endorsed by the Planning Board have been duly filed on September 3, 1998 with the Town Clerk of Mashpee.


Town Clerk

Notice of this decision was mailed on September 8, 1998 to the applicant, to the parties in interest designated in M.G.L. Chapter 40A, Section 11 and to all persons at the hearing who requested such notice. Any appeal shall be made pursuant to Section 17 of

the Chapter 40A of the Massachusetts General Laws within twenty (20) days after the date of said filing.

I, Deborah F. Dami, Town Clerk of the Town of Mashpee, hereby certify that a copy of this decision and the accompanying plans endorsed by the Planning Board were filed with the office of the Town Clerk on Sept 3, 1998 and that no appeal of that decision was filed within twenty (20) days thereafter.

October 6, 1998
Date

Deborah F. Dami
Town Clerk

Upon expiration of the statutory appeal period with no appeal having been filed, this special permit decision has been signed by the Mashpee Planning Board on 7 Oct, 1998 and may be recorded.

John V. Khl.

Dennis H. Bergeri

James M. Rogers



Town of Mashpee

Beers
Planning Board

16 Great Neck Road North, Mashpee, MA 02649
Telephone (508) 539-1400 ext. 520 • Fax (508) 539-1403

**NOTICE OF DECISION
MASHPEE PLANNING BOARD
MINOR MODIFICATION OF
WILLOWBEND SPECIAL PERMIT
June 19, 2002**

I. 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, now known as Willowbend Country Club, Inc. Willowbend Development Corporation / Willowbend Country Club, Inc. 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 project site plan by adjusting the lot lines of lots 44, 45, 49 and 190 as shown on the cluster subdivision plan of a portion of the Willowbend Country Club project, said plan having been titled "Definitive Subdivision Plan of Land in Mashpee, Mass. Prepared for: Daniel C. Hostetter, by Cape Cod Survey Consultants, 3261 Main Street, Route 6A, Barnstable Village, MA 02630, dated May 16, 1986, endorsed by the Mashpee Planning Board on April 22, 1987 and recorded at the Barnstable County Registry of Deeds at Plan Book 433, Page 29.

The proposed lot line amendments are shown on an "Approval Not Required" plan entitled "Plan of Land, Willowbend Development Corporation, Willowbend and Gullane Roads, Mashpee, MA, scale 1"=100', dated June 13, 2002, by Norman Grossman, PLS, 10 Marsh View Road, East Falmouth, MA 02536.

The amendments would delete a 6,374 sq. ft. section of lot 190, which is a portion of the project's required open space, designated as "Parcel C" on the above plan, and attach it to lot 49 to provide for a swimming pool which was improperly constructed by the owner of lot 49 on the adjacent common open space. In compensation for the deleted open space, a 6,408 sq. ft. portion of lot 44, designated "Parcel A" on the above plan, would be deleted from that lot and combined with lot 190.

The remainder of lot 44, designated "Parcel B", is to be combined with lot 45, a currently vacant building lot.

II. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Section 174-24.C.(9)(a) of the Mashpee Zoning By-Law as it existed on June 19, 2002,

the date on which this minor special permit modification was approved by the Mashpee Planning Board.

It should be noted that under the provisions of Section 174-24.C.(9)(a), the land involved continues to be subject to the provisions of Sections 9.3 and 9.4 of the Mashpee Zoning By-Law as they 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. At that time the project was located in the former R-3M zoning district.

III. Chronology and Decision

Application for this Special Permit Modification was made on June 19, 2002. At its meeting on that date, the Board voted 4-0 that the proposed change is a minor change under the provisions of Section 174-24.C.(9)(a) and does not require a public hearing and notice to abutters. Members Balzarini, Kane, Dolen and Associate Member Myers voted in the affirmative.

The board then voted 4-0, with members Balzarini, Kane, Dolen and Associate Member Myers voting in the affirmative, to make the following findings and grant a minor special permit modification authorizing the proposed lot line modifications, with the conditions enumerated below.

IV. Findings.

1. Parcel C is hereby released from the open space restriction applicable to lot 190 and may be combined with lot 49 as part of a single building lot.
2. The Board finds that the proposed modification is in substantial compliance with the terms of the original special permit and 1) consistent with, and does not derogate from, the intent of the Zoning By-law; 2) in general harmony with the purposes and intents of the Zoning By-law; 3) in compliance with the provisions of M.G.L. Chapter 40A, Section 9 and applicable provisions of the Zoning By-law, including requirements of Sections 9.3 and 9.4 as they existed on November 6, 1985; and 4) in furtherance of the public good and not substantially detrimental to adjoining land.
3. 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 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.
4. In all other respects, the Special Permit and Special Permit plans as hereby modified, remain in full force and effect subject to all the terms and conditions contained therein.

V. Conditions

1. Parcel A shall be legally combined with lot 190 and be permanently restricted as part of the Willowbend project's open space, with an amended open space deed restriction, enforceable by the Town of Mashpee as required by M.G.L. Chapter 40A, Section 9 and the Mashpee Zoning By-law, recorded at the Barnstable County Registry of Deeds within 7 days of this decision and a copy of said restriction as recorded, with an indication of the Book and Page at which it was recorded, provided forthwith to the Board.
2. Parcel B shall be legally combined with lot 45 as part of a single building lot.
3. Parcel C shall be legally combined with lot 49 as part of a single building lot.

VI. Signature and Filing

This special permit modification document, which incorporates by reference herein all appendices and plans, has been approved on this 19th day of June, 2002. A copy of same shall be filed with the Town Clerk in accordance with applicable law.

Dennis H. Balgarni
Mashpee Planning Board - Duly Authorized Member

Commonwealth of Massachusetts

Barnstable, ss

Then personally appeared Dennis H. Balgarni, a member of the Mashpee Planning Board and acknowledged the foregoing instrument to be his free act and deed, before me.

Deborah F. Dami, Notary
My Commission Expires
July 29, 2002

Deborah F. Dami
Notary Public

My Commission Expires July 29, 2002

I, ^{orah} Deborah Dami, Town Clerk of the Town of Mashpee, hereby certify that a copy of this modification decision and the accompanying plans endorsed by the Planning Board were filed with the office of the Town Clerk on June 20, 2002.

Deborah F. Dami
Town Clerk

Date: 6-20-02



Town of Mashpee

Planning Board

16 Great Neck Road North, Mashpee, MA 02649
Telephone (508) 539-1400 ext. 520 • Fax (508) 539-1403

PLANNING BOARD DECISION

WILLOWBEND SPECIAL PERMIT
MODIFICATION NO. 21

I. 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 more recently to Willowbend Country Club, Inc. Willowbend Country Club, Inc. 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 project by amending lot lines at the north end of North Glen Drive to 1) create a parcel known as the "Fireman Cottage" parcel consisting of 68,817 square feet located partly within the portion of the development known as the "Original Project" area and partly within the area added to the permit by Modification 19 of the Special Permit approved on March 6, 2002, known as the "Golf Project" area, and 2) the enlargement of Parcel 31 on North Glen Drive (in the "Original Project" area) by approximately 5,392 square feet. In addition, modification of lot lines in the area of lot 45 on Willowbend Drive is proposed in order to provide compensatory open space. The proposal does not result in any increase in the number of building lots in the project.

II. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Section 174-24.C. of the Mashpee Zoning By-Law as it existed on December 4, 2002, the date on which this special permit modification was approved by the Mashpee Planning Board. Where reference is made herein to the Mashpee Zoning By-Law, it shall refer to the provisions thereof as they existed on December 4, 2002, except as noted below.

It should be noted that under the provisions of Section 174-24.C.9, the "Original Project" area continues to be subject to the provisions of Sections 9.3 and 9.4 of the Mashpee Zoning By-Law as they 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. At that time the project was located in the former R-3M zoning district. The "Golf Project" is subject to the provisions of Sections 174-47.1 and 174-24.C. as they existed on December 4, 2002. The majority of the proposed "Fireman Cottage" parcel is located in the "Golf Project" area and is subject to

North Glen Dr - Mashpee

a minimum lot size requirement of 40,000 square feet. The remainder of the proposed lot line amendments are located in cluster subdivision portions of the "Original Project" and are subject to the provisions of Section 9.4 as they existed on November 6, 1985.

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

III. Chronology.

Application for this Special Permit Modification, as a minor change under the terms of Section 174-24.C.(9)(a) of the Zoning By-law, was made at the Planning Board's meeting on December 4, 2002.

At said meeting the Board voted unanimously that the proposal was a minor change under the terms of Section 174-24.C.(9)(a). As a minor change, no public hearing or notice to abutting landowners was required.

At the same meeting on December 4, 2002, the Planning Board voted to make the following findings and grant a special permit modification authorizing the proposed lot line changes, with the conditions enumerated below. The members of the Planning Board were recorded as follows Beverly A. Kane, Dennis H. Balzarini, Steven Dolan, Richard L. Terry and Don Myers were recorded as voting in favor of the decision. No members were recorded as voting against.

IV. Findings.

1. The proposed modification is a minor change under the terms of Section 174-24.C.(9)(a), as it involves only changes to lot lines, does not increase square footage of structures by more than 5%, does not appear, in the judgement of the Board, to affect abutting lot owners and does not involve a change in the text of the Special Permit decision as modified by Modification #19. As a minor change, no public hearing or notice to abutting landowners is required.
2. The creation of the "Fireman Cottage" parcel is consistent with the terms of the Special Permit, as previously amended, and is called for in the site plans for the project approved as part of Modification #19, which note the location fo "Fireman Cottage" and contain the notation "Lot lines to be revised" in the area of the revision proposed under this Special Permit modification.
3. The Property is located in the R-3 Zone as depicted on the Town of Mashpee Zoning Map. The applicable zoning as of December 4, 2002, allowed the proposed residential use and lot size for the "Fireman Cottage" parcel in the R-3 district. The remaining proposed lot sizes conform with the minimum requirements of Section 9.4 as applicable to the "Original Project" area.
4. 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 By-Law on the applicable dates. The project is also consistent with the Mashpee Comprehensive Plan.

5. 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.

V. Conditions.


1. In accordance with the applicant's proposal contained in a letter to the Board dated December 4, 2002 from John E. McElhinney, Executive Vice President of Willowbend Country Club, Inc., an area of 28,000 square feet currently designated as a portion of lot 45 (as shown on a plan entitled "Definitive Subdivision Plan of Land in Mashpee, MA" prepared for Daniel C. Hostetter by BSC Group, dated May 16, 1986 which is recorded at the Barnstable County Registry of Deeds in Plan Book 433, Pages 17-47 inclusive) on Willowbend Drive shall be dedicated as permanent open space under the same terms as the required open space under the zoning applicable to the "Original Project", in order to compensate for approximately 25,537 square feet of land currently dedicated to open space on North Glen Drive which will be incorporated into residential lots under the current lot line modification proposal.
2. "Approval Not Required" plans of the proposed lot line changes shall be filed with the Board showing a) new lot lines in the area of North Glen Drive in substantially similar to those shown on a draft plan presented at the Board's December 4 meeting entitled "Plan of Land The Fireman Cottage Parcel Mashpee, Ma. Prepared for Willowbend Country Club, Inc." dated December 4, 2002 and b) revised lot lines in the area of lot 45 as described above reflecting an area of 28,000 square feet to be added to the adjacent open space parcel.

VI. 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 By-law.

VII. Signature and Filing.


This special permit modification document, which incorporates by reference herein all plans noted, has been approved on this 4th day of December, 2002 and may be recorded at the Barnstable County Registry of Deeds. A copy of same shall be filed with the Town Clerk in accordance with applicable law.

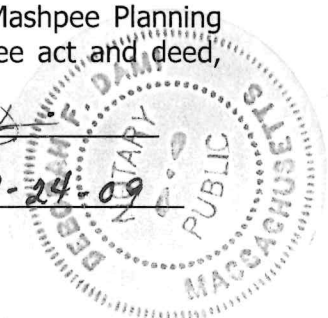

Mashpee Planning Board - Duly Authorized Member

Commonwealth of Massachusetts

Barnstable, ss

Then personally appeared RICHARD L. TERRY a member of the Mashpee Planning Board and acknowledged the foregoing instrument to be his / her free act and deed, before me.


Notary Public
My Commission Expires: 7-24-09



A copy of this decision and the accompanying plans endorsed by the Planning Board as been duly filed on Dec. 10, 2002 with the Town Clerk of Mashpee.


Town Clerk



Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

PLANNING BOARD DECISION WILLOWBEND SPECIAL PERMIT Willow Circle Modification

I. 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 an additional single-family lot in a previously approved definitive subdivision known as Willow Circle that, by vote of the Planning Board on May 5, 2010, expanded the Special Permit project area to include the subject lots totaling 3.19 acres North of Quinacisset Avenue between North Glen Drive and Orchard Road (Assessors' Map 69, Blocks 23-26). The project included a 0.41 acre area of Lot 3 of the approved definitive subdivision plan be subject to a conservation restriction pursuant to the regulations and determinations of the Massachusetts Natural Heritage and Endangered Species program. This restriction was released on August 31, 2021 by the Town of Mashpee acting by and through its Conservation Commission and by the Commonwealth of Massachusetts acting by and through its Division of Fisheries and Wildlife. A release of declaration of restriction was recorded at the Barnstable County Registry of Deeds at Book 34429 Page 125. The applicant requests the Boards approval to include this lot formerly subjected to the aforementioned conservation restriction be shown as a single-family building lot and contribute to the overall dwelling unit maximum as defined in the Willowbend Special Permit. Inclusion of this lot would increase the number of dwelling units in the project area from 273 to 274 which is within the 287 units allowed.

II. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Section 174-24.C. of the Mashpee Zoning By-Law as it existed on December 1, 2021, the date on which this special permit modification was approved by the Mashpee Planning Board. As the proposal does not increase square footage of any use by more than ten percent (10%), the provisions of Section 174-24.C.(9)(d) of said by-law provide that the land involved in this application is subject to the dimensional and other relevant provisions of the Zoning By-law 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 By-law 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 274 units are less than the 338 units allowed under the original 1987 Special Permit.

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

Willow Circle, Mashpee, MA

III. Chronology.

Application for this Special Permit Modification was filed with the Town Clerk and Planning Board on October 13, 2021, along with an accompanying Definitive Subdivision Plan modification. A hearing was opened before the Mashpee Planning Board at the Mashpee Town Hall, 16 Great Neck Road North, Mashpee, Massachusetts on November 17, 2021 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 October 29, 2021 and November 5, 2021. The hearing was continued on November 17, 2021. The applicant had submitted letters requesting the continuation of the public hearings on this Special Permit and the Definitive Plan until December 1, 2021.

On December 1, 2021, the Planning Board voted to close the hearing, make the following findings and grant the proposed special permit modification, subject to the conditions enumerated below. The members of the Board were recorded voting as follows: John Fulone, Jack Phelan, Joseph Callahan, Dennis H. Balzarini, Mary E. Waygan were recorded as voting in favor of approval of the proposed modification; no members were recorded as voting against.

IV. Findings.

1. 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 By-law, subject to the dimensional and other relevant provisions of the Zoning By-law 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 zoning district. This subdivision is proposed under the cluster subdivision zoning regulations applicable to the project on that date.
2. 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 By-law increasing said area to 330.14 acres in Mashpee and 3.39 acres in Barnstable.
3. 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.
4. Under the 1985 special permit, the project would have been allowed 341 residential units and was permitted for 338 units. The current proposal increases the number of approved units to 274 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.
5. 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 By-Law on the applicable dates.
6. The conservation restriction held on Lot 3 by determination of Massachusetts Natural Heritage and Endangered Species program was released in August 2021, recorded at the Barnstable County Registry of Deeds at Book 34429 Page 125

7. The Board has approved enhanced plantings and a 7½ foot high decorative fence ("Wood Privacy Fence With Lattice" shown on Sheet C-9 of approved plans listed under Conditions below) to maintain a visual buffer between the project and abutting properties on Orchard Road. The fence will be located 10 feet in from the western property line of lots 1 and 2 and the 10 feet will be landscaped as shown on the approved plans. These enhanced plantings are consistent with the original Willow Circle plans approved in Modification #27 of the Willowbend Special Permit.
8. The applicant has agreed to an increased setback at the rear of lots 1 and 2, based on a 45 foot setback from the existing residence at 132 Orchard Road. These increased setbacks are consistent with the original Willow Circle plans approved in Modification #27 of the Willowbend Special Permit.
9. The applicant has reaffirmed its agreement to donate an existing 1400 sq. ft. duplex building currently located on the property to the Town or another agency for relocation to another site for use as affordable housing, and to assist with such relocation. In the alternate, if such relocation is not feasible within the timetable required for development of the proposed new street and 6 lots, the applicant will provide \$1000 per unit, at the time building permits are issued for each of the 6 houses, towards the construction of affordable housing in Mashpee.
10. The Board received a letter dated November 26, 2021 from its Consulting Engineer Ed Pesce identifying a number of specific comments and recommendations regarding the project as shown on the submitted plans.
11. 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 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.

V. Conditions.

1. The project shall be constructed in conformance with the following site plans, which are the same plans approved by the Board for these proposed 6 lots under the Subdivision Control Law:

"Definitive Road Construction Plans, Willow Circle Subdivision, 178, 182, 184 & 186 Quinaquisset Avenue, Mashpee, Massachusetts, Willowbend Country Club, Inc.," by Baxter Nye Engineering & Surveying, Hyannis, MA 02601, dated September 10, 2021 and revised on December 13, 2021 consisting of 12 sheets as follows:

- C-1 Cover Sheet – Definitive Road Construction Plans, Willow Circle Subdivision
- C-2 Legend and General Notes
- C-3 Existing Conditions Plan
- C-4 Layout and Materials Plan
- C-4.1 Buffer Landscape Plan

C-5 Road Plan & Profile – Station 0+00 to 5+01.26
 C- 5.1 Stormwater Management Plan
 C-6 Willow Circle Utility Plan – Station 0+00 to 5+1.76
 C-6.1 Willow Circle Utility Notes
 C-7 Detail Sheet 1 of 3
 C-8 Detail Sheet 2 of 3
 C-9 Detail Sheet 3 of 3

“Willow Circle Definitive Subdivision Plan, 178, 182, 184 & 186 Quinaquisset Avenue, Mashpee, MA”, Sheet SV, prepared for Willowbend Country Club, Inc. by Baxter Nye Engineering & Surveying, Hyannis, MA 02601, dated September 10, 2021 and revised 12/13/2021” – the Definitive Subdivision Plan signed by the Board members for recording

3. Said plans shall conform to the recommendations and comments made by the Board’s Consulting Engineer Ed Pesce in his letter to the Board dated April 21, 2010.
4. The applicant shall maintain a 10 foot landscaped buffer area along the western property line of lots 1 and 2, (as shown on Sheet C-4) within which the Board has approved enhanced plantings (as shown on Sheet C-4.1) and a 7½ foot high wood privacy fence with lattice (per detail shown on Sheet C-9) to maintain a visual buffer between the project and abutting properties on Orchard Road. Where existing wooded areas remain within the project area adjacent to the 10 foot buffer, the applicant shall, where practicable, attempt to retain additional portions of said areas in their natural, or in an enhanced state, to provide additional buffer and maintain the natural habitat and nitrogen reduction functions of said wooded areas.
5. Lots 1 and 2 shall be subject to an increased rear setback, based on a 45 foot setback from the existing residence at 132 Orchard Road, as shown on Sheet C-4 of the plans referenced in Condition #2.
6. The applicant has agreed to donate an existing 1400 sq. ft. duplex building currently located on the property to the Town or another agency for relocation to another site for use as affordable housing, and to assist with such relocation. In the alternate, if such relocation is not feasible within the timetable required for development of the proposed new street and 6 lots, the applicant will provide \$1000 per unit, at the time building permits are issued for each of the 6 houses, to the Mashpee Housing Authority to be deposited into a fund for the construction of affordable housing in the Town of Mashpee. Any disbursements from said fund shall require the approval of the Planning Board (simple majority vote).
7. Local contractors and suppliers will be given first preference with regard to contracts for construction of the project.
8. 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.
9. Except where modified by the provisions of this decision, all previous Special Permit conditions regarding the project shall remain in full force and effect.
10. 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.
11. This Special Permit Modification Decision is accompanied by a Definitive Subdivision Plan as described under Condition #2 above. Both this decision and said definitive plan shall 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.

VI. 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 By-law.

VII. Signature and Filing.

This special permit modification document, which incorporates by reference herein all plans noted, has been approved on this 14th day of December 2021. A copy of same shall be filed with the Town Clerk in accordance with applicable law.

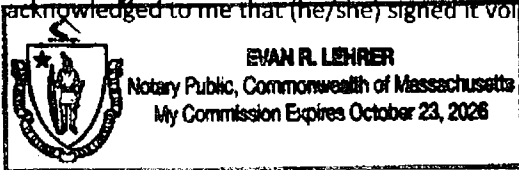
[Signature]
Mashpee Planning Board - Duly Authorized Member

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

12/14/2021
date

On this 14th day of December 2021, before me, the undersigned notary public, personally appeared John Fulone, proved to me through satisfactory evidence of identification, which were personally known 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.



[Signature]
Notary Public
My Commission expires: 10/23/2026
date of expiration

A copy of this decision and the accompanying plans approved by the Planning Board have been duly filed on Dec 15, 2021 with the Town Clerk of Mashpee.

[Signature]
Town Clerk

Notice of this decision was mailed on 12/15/2021 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 Dami, 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 12/15/2021, 2021 and that no appeal of that decision was filed within 20 days thereafter.

[Signature]
Town Clerk
Date: 1-5-2022

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 01/05/2022, 2021 and may be recorded.

[Signature]
[Signature]
[Signature]
[Signature]



Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

Special Permit Modification Decision Minor Modification of Special Permit Site Plan

Southworth Mashpee Properties LLC Willowpark Townhomes

I. Background/Procedural Record

This decision concerns the application of Southworth Mashpee Properties LLC, Inc. of 130 Willowbend Drive, Mashpee MA, (the "Applicant") for approval of a modification to the Special Permit site plan approved by the Mashpee Planning Board on September 5, 2018 for 11 townhouses totaling 22 units. *See deed at Book 31857, Pg. 295*

The proposed modifications include increasing the footprint of Building #5 (the northerly-most duplex) of the development. The proposal is to increase the size of the building from 3,300 square feet to 4,400 square feet. The proposed adjustment brings the building approximately nine (9) feet closer to the golf course. The setbacks between buildings is not disturbed by this proposal and the increase in lot coverage is de minimus, increasing by 0.03%. Minor adjustments, approved by a structural engineer, have been made to the retaining wall between the structure and the golf course.

II. Jurisdiction.

The application was made and this decision is issued by the Mashpee Planning Board pursuant to Article VI, Section 174-24.C. (Special Permit Use) of the Mashpee Zoning Bylaws as they existed on April 15, 1987, the date on which the initial special permit application was approved by the Mashpee Planning Board. Where reference is made herein to the Mashpee Zoning Bylaw, it shall refer to the provisions thereof as they existed on said date.

III. Chronology.

The proposal was presented to the Board at its meeting on January 15, 2020, at which time it was determined, by a 5-0 vote of the Board, that the proposed change was a minor site plan change not requiring a public hearing under the terms of Section 174-24.C.9. of the zoning by-law.

IV. Decision.

On January 15, 2020 the Planning Board voted to approve the proposed changes to the Project as requested including:

1. Increase the square footage of building #5 (northerly-most duplex) on the plan from 3,300 sq feet to 4,400 square feet.
2. Adjust the buildings footprint shifting it approximately nine (9) feet closer to the golf course to the north of the structure.

O Sampson's Mill Road, Mashpee, MA



Town of Mashpee


16 Great Neck Road North
Mashpee, Massachusetts 02649

These modifications are shown on Sheet C3.0 'Master Layout Plan, by Baxter Nye Engineering & Surveying, last revised 12/04/2019, revise unit #5 footprint.

V. SIGNATURE AND FILING:

This Special Permit Site Plan modification decision was approved by the Mashpee Planning Board on January 15, 2020.

MASHPEE PLANNING BOARD

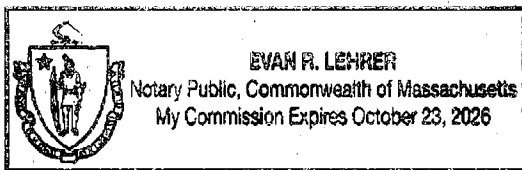

Mary E. Waygan, Chair

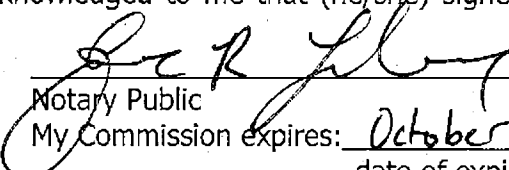
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

2/5/2020
date

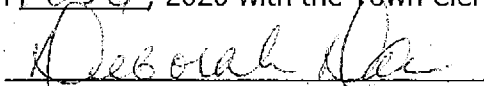
On this 5th day of February, 2020, before me, the undersigned notary public, personally appeared Mary Waygan, proved to me through satisfactory evidence of identification, which were personally known to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he/she) signed it voluntarily for its stated purpose.




Notary Public

My Commission expires: October 23, 2026
date of expiration

A copy of the decision has been duly filed on Feb 6, 2020 with the Town Clerk of Mashpee.


Town Clerk