



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, MA 02649

Meeting of the Mashpee Planning Board

Wednesday, July 19, 2023; 7:00 PM

Waquoit Meeting Room

Mashpee Town Hall

16 Great Neck Road North

Mashpee, MA 02649

Broadcast Live on Local Channel 18

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

Call Meeting to Order

- Pledge of Allegiance

Approval of Minutes

- Review of Meeting Minutes from July 5, 2023

Approval Not Required (ANR)

(Continued from 07/05/2023)

Applicant: John and Carla Mullen, Trustees
Carla E Mullen 2012 Trust

Location: 188 Pimlico Pond Road, Mashpee, MA 02649
Assessor's Map 2 Parcels 191 and 192

Request: Purpose of the ANR is to Divide Lots 1 and 2 as shown on the plan creating new Lots A and B. The remaining area of Lot 1 after division will be combined with Lot B and the remaining area of Lot 2 after division will be combined with Lot A.

New Business

- Vote to set public hearing date for an application submitted by Pleasantwood Homes LLC for a cluster development special permit and definitive subdivision plan of property addressed as 20 Tudor Terrace (Assessor's Map 29 Lot 198).

Old Business

- Declaration of Default – Ockway Highlands Tripartite Agreement dated March 20, 2019

Board Engineer Report

- Project Reviews and Inspections

Chairman's Report

- Water Quality Issues

Town Planner Report

- Housing Production Plan update

Board Member Committee Reports

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



Town of Mashpee

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Correspondence

- May 2023 Discharge Monitoring Report for South Cape Village – N = 6.0
- April 2023 Discharge Monitoring Report for South Cape Village – N = 6.0
- Town of Falmouth Notices
- Town of Sandwich Notices

Additional Topics (not reasonably anticipated by Chair)

Adjournment

MASHPEE TOWN CLERK
JUL 14 '23 PM 12:19



Town of Mashpee *Planning Board*

16 Great Neck Road North
Mashpee, Massachusetts 02649

Mashpee Planning Board

Minutes of Meeting

Wednesday, July 05, 2023 at 7:00PM

Mashpee Town Hall - Waquoit Meeting Room

16 Great Neck Road North

Mashpee, Ma 02649

Broadcast Live on Local Channel 18

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

Streamed Live on the Town of Mashpee website

<https://www.mashpeema.gov/channel-18>

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

Also Present: Evan Lehrer – Town Planner

Absent: Mike Richardson

CALL TO ORDER

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

APPROVAL OF MEETING MINUTES – June 21, 2023

No comments were made regarding the meeting minutes for June 21, 2023.

MOTION:

Mr. Balzarini made a motion to accept the meeting minutes from June 21, 2023.

Seconded by Ms. Waygan. All in favor.

APPROVAL NOT REQUIRED

Applicant: John and Carla Mullen, Trustees
Carla E Mullen 2012 Trust

Location: 188 Pimlico Pond Road, Mashpee, MA 02649
Assessor's Map 2 Parcels 191 and 192

Request: Purpose of the ANR is to Divide Lots 1 and 2 as shown on the plan creating new Lots A and B. The remaining area of Lot 1 after division will be combined with Lot B and the remaining area of Lot 2 after division will be combined with Lot A.

Ms. Faulkner asked if the drawn up plan shows access from the street to these lots?



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Mr. Lehrer stated frontage on Pimlico Pond is 130ft. and 150ft. They would like to rectify encroachment from Lot 2 onto Lot 1. They are proposing to create Lot A and B through an equal land swap. This plan would be entitled to endorsement.

Ms. Waygan asked about Lot 1 and Lot 2 in existence now, and why did Lot 2 get created with only 130ft. of frontage?

Mr. Lehrer stated it predated the subdivision he does not know but he will look into it.

Ms. Waygan does not want to endorse until that is looked into.

Mr. Lehrer answered that the plan is entitled to endorsement, the Board has 21 days to endorse which would allow for discussion at the next meeting. The existing condition of the current lot shows 130ft. of frontage.

Ms. Waygan stated if that time frame is missed then it just goes through. Her question is how this lot got approved with 130ft. of frontage.

Mr. Lehrer stated it will remain an agenda item for the July 19th meeting.

PUBLIC HEARING

7:10P.M. (Continued from 06/21/2023)

Applicant: Southworth Mashpee Properties LLC

Location: Willowbend Permit Area

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

Ms. Faulkner stated the proponent is not here. She asked Mr. Lehrer to explain the status. The Town Manager was going to figure out a program that would calculate the excess of bedrooms, and she would like to know what steps are being taken.

Mr. Lehrer reopened the Public Hearing today to report back about the Town Manager's necessary research for best available estimate relative to bedroom count in Willowbend. This is currently resting with the Building Department. Mr. Lehrer spoke with Mr. Collins regarding time frame. Internally, Town Hall transitioned to a new permitting software 6 years ago, the record keeping relative to building permits is quite clear and data is sound. Currently, they are going through every street utilizing the listing provided by Willowbend and the assessor's data.



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This is a municipal file that will archive back to 6 years with specific permits and specific bedroom counts. They will start with the permits going back 6 years, as that is the statute of limitations, where the Building Department could withdraw or take some action having issued the permit in error. Going past the statute will be more complicated and require a bit more work. The records pre software are a little more disorganized. The Building Department records are stored in such a way where every property has its own independent file, every subdivision is one file with hundreds of documents. We will have an understanding of the number of pages and documents that need to be evaluated. It averages about 10 properties a day, five days a week, 300 properties a month, the document compiling could be completed in 6 weeks.

Mr. Balzarini asked if the statute is removed due to violating the permit in the first place.

Mr. Lehrer stated Counsel felt strongly the Board should establish a baseline. His figure is 995. There is 6 years in the statute to discover the problem and act.

Ms. Waygan stated it causes a problem with building permits and the special permit going forward because it's not in compliance. Should we authorize the hiring of a consultant so they can start working on this?

Mr. Lehrer answered they can pose the question to Town Counsel on the hiring of outside consultants, his only reservation is he doesn't have a solid grasp of the scope of review for how many documents. We need to get a reasonable estimate of the documents.

Ms. Waygan stated the Board's consulting engineer could do it with a company that assesses properties. Vision is a company that works with assessors, they research these documents and enter the bedroom count in the records.

Mr. Lehrer stated the Board of Health lacks a solid bedroom count because the DEP is the approving authority for the wastewater treatment. Their records aren't giving proper data.

Ms. Waygan commented that this is a condo complex and asked if there were copies of the condominium master deed and trust. It sounded like he bought lots, he had to have been given a copy of something. Each lot is linked to a certain water flow capacity, there must be something in their condo documents that talk about flow or number of bedrooms. Two helpful documents would be the DEP data and condo trust information.

Mr. Balzarini stated when they first had their permit it said 284 bedrooms.



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Mr. Lehrer retorted that DEP intervenes for expansion when 80% capacity is reached. Assuming the DEP reports provided to us are complete, it will shed light on the issue.

Mr. Oakley noted the basis of their argument was they are over the bedroom count and still aren't at max capacity.

Mr. Hansen stated even though actual flows are within their guidelines, maybe their formula was a bit aggressive. The DEP is a big organization, they don't change their policies very well. They could be up against a brick wall and allow the bedrooms to increase.

Mr. Lehrer reiterated going back 6 years is simple, the complete picture will take 6 weeks.

Ms. Waygan referenced a letter from Willowbend dated March 24, 2023 signed by Troy Miller. Exhibit A is the entire list of properties. There is a report from the wastewater treatment facility. It also references the Willowbend community consisting of over 300 homes.

Mr. Lehrer commented based on the streets given, every property is contained in the special permit area. There may be properties outside of the special permit area. There is also the club house and other facilities on site. There also may be a street that Willowbend acquired the development rights to.

MOTION:

Ms. Waygan made a motion to extend this Public Hearing on the 853 bedroom count to August 2, 2023 at 7:20P.M. Seconded by Mr. Balzarini. All in favor.

NEW BUSINESS

Vote to set a Public Hearing date for special permit application submitted by Cellco Partnership d/b/a Verizon Wireless for a proposed personal wireless service facility (cell tower) at 524 Great Neck Road North (Assessor's Map 67 Parcel 4).

MOTION:

Ms. Waygan made a motion to set a Public Hearing date for the immediate referral of the cell tower to the Cape Cod Commission for August 2, at 7:05P.M. Seconded by Mr. Balzarini. All in favor.

Review and possible vote to accept invoices submitted by Ed Pesce Engineering and process payment.

Ockway Highlands- November 12, 2022-June 2023: \$6,699.40



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Teal Circle in Willowbend- Construction, inspection, and professional engineering services
November 18, 2022 – June 2023: \$461.66

Country Club Estates- January 18, 2023 - June 23, 2023: \$673.63

17 Silver Leaf Lane- Construction and Inspection
February 21, 2023 - May 17, 2023: \$1,635.24

New Seabury Cottages Phase 3- Elevation Survey
December 21, 2022 - March 24, 2023: \$3,364.21

Ms. Waygan asked if Teal Circle was an open project. Mr. Lehrer stated there was a minor modification with an existing shared driveway that the Board approved. The shared driveway needed to be evaluated for fire.

MOTION:

Ms. Waygan made a motion to accept the invoices presented and processed for payment. Seconded by Mr. Balzarini. All in favor.

OLD BUSINESS

Declaration of Default – Ockway Highlands Tripartite Agreement dated March 20, 2019

Mr. Lehrer stated Mr. Pesce wrote a letter with a report relative to the paving. It was completed on June 21st. There was a lot of rain recently and everything is functioning in accordance with design. The drop in basin near 83-86 Blue Castle is performing. The only complaint since the paving is from the gentleman with the driveway that was not draining, and he is having some pooling water at the end. A photograph was submitted to Mr. Pesce. Due to the grade of the lot and elevation it will be difficult. That will be a conversation with the property owner and the developer, but the developer has moved quite a bit.

Ms. Waygan asked if that driveway was constructed by this developer.

Mr. Lehrer stated all conservation has been addressed, equipment is gone, vegetative native trees were planted, but the dirt matter remains unresolved. Mr. Lehrer needs to follow up with the Building Commissioner. A few outstanding matters remain like procurement of traffic radar speed sign. The intentions of completing the tripartite agreement remain, new security, or new tripartite, relative to default. The main impotence for contemplating declaration were draining challenges.

The Board agreed to keep this as an agenda until all items are completed.



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Mr. Lehrer noted once every item is satisfied the subdivision is complete. We can keep it on the agenda and allow time to ask questions about the driveway and finalize and complete the entire scope.

MOTION:

Mr. Balzarini made a motion to maintain the declaration of default as an agenda item to see what Mr. Morin will do to remedy the outstanding items of the tripartite schedule. Seconded by Ms. Waygan. All in favor.

Mr. Balzarini made a comment about Mr. Marsters property to try and push for a formal process. Mr. Lehrer stated he has the right to construct but has to come back for lot releases, but he is allowed to build infrastructure. There are 81 lots in there.

Mr. Lehrer noted in 2001 the Planning Board affirmed that approval, the as built intersection. The former Planner and Engineer expressed dissatisfaction with the design, they wanted a redesign with traffic safety in mind. A plan was provided and approved in 2018. When Mr. Marsters came back for lot releases we could not compel him to change it. They met with DPW and Mr. Pesce, there are some shared obligations between the town and the developer like the clearance of vegetation within the town road layout. The DPW expressed willingness and they are awaiting a timeframe.

Ms. Faulkner asked about the accident rate at that location.

Mr. Lehrer noted there was a traffic study done of this area for 209 Old Barnstable Road. He will follow up with Ms. Laurent regarding vegetation encroachment. This will defer to another agenda.

CHAIRMANS REPORT

Water Quality Issues

Ms. Faulkner announced that at the Select Board meeting a week ago there was unanimous approval for the town to submit the application for the state revolving fund loan. She was distressed to see Old Silver Beach in N. Falmouth closed on June 29th due to high bacterial count. This is an ocean beach! They didn't say what the bacteria was. She hopes the tree preservation bylaw passes and it will stop clear cutting of lots during building.

Ms. Waygan stated the DEP put out their new regulations. There is a lot of pushback for changes to Title 5, impacting communities on Cape Cod that haven't met their water quality goals for nitrogen in our estuaries. Our town has 2 years to submit for a 20 year water shed permit, otherwise we will be replacing with IA systems.



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Mr. Balzarini commented the state could come in and say this town isn't moving fast enough. In 5 years the DEP could change it.

Mr. Oakley asked how we can stop these bacteria from getting into the ponds. One reason is bringing boats in the ponds. Some people bring their boat for that reason, to flush the engines. Mashpee Pond has already been closed twice. This is a new development for Mashpee Wakeby Pond.

Mr. Lehrer restated that if someone goes to Poppy and then brings their boat to Mashpee Wakeby, it is enforced. How do you know where the person was before the boat was in the pond?

Ms. Waygan assumes the bacteria at Old Silver was E.coli.

TOWN PLANNER REPORT

Hazard Mitigation Planning Committee Public Workshop #2

The workshop will be held Thursday, July 27th at 6:30p.m. There will be a press release to notify stakeholders. Anyone who lives in low lying areas, they need more representation from people that live near flooding roads.

Harbor Management Planning Committee New Seabury Workshop

This workshop is scheduled for July 13th, it was in The Enterprise.

Housing Production Plan Update

The Affordable Housing Committee is underway with consultants auditing the 2015 general literature. There is a meeting on July 11th with the AHC and consultants to layout process and engagement. There will be more updates to come. He will need to coordinate with the Planning Board to establish a joint meeting with the Select Board to get this adopted for submission to the DHCD in September. He will look into the availability of the Select Board. A draft schedule is being presented Tuesday at the AHC meeting. The grant needs to be submitted by December. The purpose of meeting jointly will be to expedite. The Select and Planning Boards should have a completed draft with a month long comment period prior to that meeting. The draft will be available at the end of October.

Ms. Waygan anticipates a lot of comments.

BOARD MEMBER COMMITTEE REPORTS

Cape Cod Commission-

Two day summit called One Cape: all about water, housing, and climate change.

Community Preservation Committee-

Meeting 7/06/23



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Design Review-
Plan Review-
Environmental Oversight Committee-

No Meeting
No Meeting
David Weeden is the Chair. He got appointed by the Select Board and he will convene the meetings. He received the minutes from this Board appointing Mr. Oakley.

Historic District Commission-

No Meeting

ADJOURNMENT

MOTION:

**Mr. Balzarini made a motion to adjourn the meeting of the Planning Board at 8:07P.M.
Seconded by Ms. Waygan. All in favor.**

Respectfully Submitted,

Christine M. MacDonald
Board Secretary

LIST OF DOCUMENTS

Additional documents may be available in the Planning Department.

- May 2023 Discharge Monitoring Report for South Cape Village – N= 6.0
- April 2023 Discharge Monitoring Report for South Cape Village – N= 6.0
- Town of Falmouth Notices
- Town of Sandwich Notices
- Town of Barnstable Notices

APPROVAL NOT REQUIRED



Town of Mashpee

Charlene
Bk 26189 Ps 89 #16379
03-27-2012 @ 08:08a

16 Great Neck Road North
Mashpee, Massachusetts 02649

MASHPEE ZONING BOARD OF APPEALS DECISION FOR A VARIANCE V-2012-5

Robin Mastandrea
188 and 194 Pimlico Pond Road
Mashpee, MA 02649
Map 2 Parcel 192/Map 2 Parcel 191

Registry of Deeds Title Reference:
Book: 20339 Page: 241

A Petition was filed on January 27, 2012 by Robin Mastandrea requesting a Variance from Section 174-31 of the Zoning By-laws to vary the lot size requirements and the frontage requirements for permission to divide an existing lot into two buildable lots on property located in an R-5 zoning district at 188 Pimlico Pond Road (Map 2 Parcel 192) and 194 Pimlico Pond Road (Map 2 Parcel 191) Mashpee, MA. The 1998 Variance, V-98-117, has lapsed due to failure of owner to record document in a timely manner.

Notice was duly given to abutters in accordance with Massachusetts General Laws Chapter 40A. Notice was given by publication in The Mashpee Enterprise, a newspaper of general circulation in the Town of Mashpee, on February 3, and February 10, 2012, a copy of which is attached hereto and made a part hereof.

Public Hearings were held on the Petition at the Mashpee Town Hall on February 22, 2012. The following members of the Board were present and acting throughout: Board Members Robert G. Nelson, Jonathan D. Furbush, William A. Blaisdell, James Reiffarth, and John M. Dorsey.

The Mashpee Zoning Board of Appeals issues this Decision pursuant to the provisions of Massachusetts General Laws Chapter 40A §10 and the Town of Mashpee Zoning By-laws.

Ms. Charlene Antrim, Project Planner, Cape & Islands Engineering, Inc., represented the Petitioner. The lots located at 188 and 194 Pimlico Pond Road were created by a subdivision plan approved by the Planning Board on August 18, 1999. The 1998 ZBA Variance lapsed because the Petitioner did not record the Decision at the Barnstable County Registry of Deeds until 2008. The Petitioner is appearing before the Board for a second time requesting a Variance from the frontage requirements on the property located at 188 Pimlico Pond Road (Lot #1, Map 2 Parcel 192).

In a memo dated January 30, 2012, Town Planner F. Thomas Fudala confirmed that there is no need for permission to divide the lots. Because the subdivision plan has been recorded, no re-approval by the Planning Board is required.

No comments were received from abutters.

MASHPEE ZONING BOARD OF APPEALS

Robin Mastandrea
 188 and 194 Pimlico Pond Road
 Mashpee, MA 02649
 V-2012-5

General Findings:

The property located at 188 Pimlico Pond Road consists of 2.606 acres of land.

The property located at 194 Pimlico Pond Road consists of 1.947 acres of land.

Variance Criteria/Specific Findings:

1. The Board determined that a literal enforcement of the provisions of the By-law would involve substantial hardship, financial or otherwise, to the Petitioner due to the following:
 - unique circumstances relating to soil conditions owing to the impact of wetlands on the property and the unusual, irregular, long, narrow shape of the property located at 188 Pimlico Pond Road especially affect such land or structure, but do not affect generally the zoning district in which it is located.
2. The Board determined that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or By-law due to the following:
 - the property located at 194 Pimlico Pond Road meets all the setback, frontage and lot size requirements.
 - except for frontage, the property located at 188 Pimlico Pond Road meets all the setback and lot size requirements.
 - the properties located at 188 Pimlico Pond Road and 194 Pimlico Pond Road were created by a subdivision plan approved by the Planning Board on August 18, 1999.
 - the subdivision plan was recorded at the Barnstable County Registry of Deeds in 1999.

In view of the foregoing, the Board determined that the Petitioner met the criteria for grant of a Variance. Upon motion duly made and seconded at the Public Hearings on February 22, 2012, the Zoning Board of Appeals voted unanimously:

- to grant a Variance of 21.31 feet from the frontage requirements on property located at 188 Pimlico Pond Road.
- to authorize as separately buildable the properties located at 188 Pimlico Pond Road and 194 Pimlico Pond Road.

This Decision is conditioned upon compliance with Cape & Islands Engineering: "Subdivision Plan of Land Located in Mashpee – Mass. Prepared for Robert T. Cardillo Date: June 14, 1999."

If the rights authorized by this Variance are not exercised within one year of date of grant of such Variance, such rights shall lapse unless: (1) substantial use or construction has commenced, or (2) a Petition for a six-month extension has been filed prior to the expiration date, or (3) the property that is the subject of the Variance has been conveyed in reliance on said Variance prior to the expiration of such one year period.

MASHPEE ZONING BOARD OF APPEALS

Robin Mastandrea
188 Pimlico Pond Road
Mashpee, MA 02649
V-2012-5

IN FAVOR: *Robert G. Nelson* TO DENY: _____
Robert G. Nelson

IN FAVOR: *Jonathan D. Furbush* TO DENY: _____
Jonathan D. Furbush

IN FAVOR: *William A. Blaisdell* TO DENY: _____
William A. Blaisdell

IN FAVOR: *James Reiffarth* TO DENY: _____
James Reiffarth

IN FAVOR: *Ronald S. Bonvie* TO DENY: _____
Ronald S. Bonvie

Legal Notices



TOWN
OF

**MASHPEE
ZONING BOARD OF APPEALS
PUBLIC HEARINGS NOTICE
FEBRUARY 22, 2012**

The Mashpee Zoning Board of Appeals will hold Public Hearings on Wednesday, February 22, 2012 at 7:00 p.m. (Conference Room #2) at the Mashpee Town Hall, 16 Great Neck Road North, on the following:

NEW HEARINGS

Robert B. and Maura H. Wilkstein: Request a Variance from Section 174-33 of the Zoning By-laws to vary the setback to water and wetlands to allow for addition of a deck to an existing dwelling on property located in an R-3 zoning district at 55 Monahanett Road (Map 123 Parcel 100) Mashpee, MA.

Robin Mastandrea: Requests a Variance from Section 174-31 of the Zoning By-laws to vary the lot size requirements and the frontage requirements for permission to divide an existing lot into two buildable lots on property located in an R-5 zoning district at 188 Pimlico Pond Road and 184 Pimlico Pond Road (Map 2 Parcel 192 and Map 2 Parcel 191) Mashpee, MA. (The 1998 Variance, V-98-117, has lapsed due to failure of owner to record document in a timely manner).

Plans may be viewed prior to the hearings in the ZBA office and the office of the Town Clerk.

Per Order of:

Robert G. Nelson, Chairman
Mashpee Zoning Board of Appeals

February 3, 10, 2012

This Decision has been duly filed on February 28, 2012 with the Town Clerk of Mashpee. Any Appeals shall be made pursuant to Section 17 of the Massachusetts General Laws Chapter 40A within Twenty days after the date of said filing.

This Decision is effective when a Certified Copy is filed at the Barnstable County Registry of Deeds. A Certified Copy may be obtained from the Town Clerk the next business day after the expiration of the 20-day Appeal phase, which lasts through March 20, 2012.

Special Permits shall lapse two years after date of grant; Variances and Appeals shall lapse one year after date of grant, unless substantial use or construction has commenced or Petitions for Extensions have been filed prior to the expiration date.

MASHPEE TOWN CLERK

TOWN CLERK'S OFFICE

FEB 28 2012

RECEIVED BY

222
C of Eng

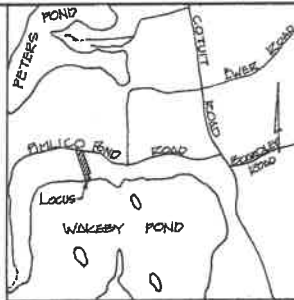


I HEREBY CERTIFY THAT NO NOTICE OF
APPEAL HAS BEEN FILED BY THIS OFFICE
DURING THE TWENTY DAYS FOLLOWING
RECEIPT AND RECORDING OF NOTICE FROM
THE APPEALS BOARD OF APPROVAL OF THE
ATTACHED DOCUMENT.

Richard D. [Signature]
TOWN CLERK
March 20 2012
DATE OF CERTIFICATION

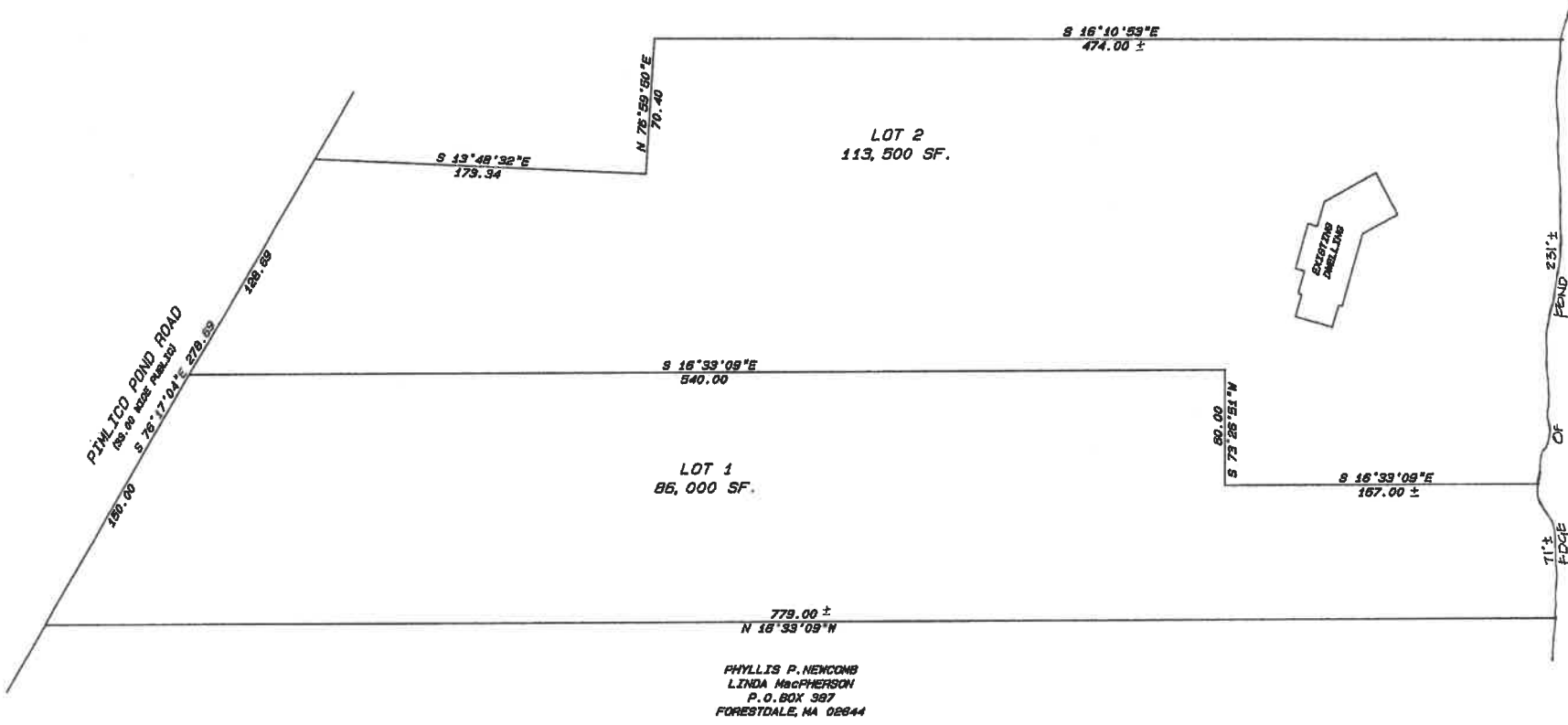
RECEIVED & RECORDED
1999 NOV 18 P 2 01
BARNSTABLE COUNTY
REGISTRY OF DEEDS
JOHN F. MEADE

FOR REGISTRY USE



LOCATION MAP
SCALE: 1"=2000'
ZONING DISTRICT R-5
TOWN MAP 2 PARCEL 11

FRITSONI FAMILY TRUST
7 KING PHILIP TRAIL
NORFOLK MA 02056



WAKEBY POND

231' ±
POND
OF
71' ±
EDGE

OWNER/APPLICANT:
ROBERT T. CARDILLO
P.O. BOX 337
FORESTDALE, MA 02644

PHYLLIS P. NEWCOMB
LINDA MacPHERSON
P.O. BOX 387
FORESTDALE, MA 02644

APPROVAL REQUIRED UNDER
SUBDIVISION CONTROL LAW
MASHPEE PLANNING BOARD

DATE APPROVED: 2-12-99

DATE SIGNED: 10-20-99

Dennis H. Bagaric
Robert T. Cardillo
John F. Meade

"I CERTIFY THAT NOTICE OF APPROVAL
OF THIS PLAN BY THE MASHPEE PLANNING
BOARD HAS BEEN RECEIVED AND RECORDED
AT THIS OFFICE AND NO APPEAL HAS
RECEIVED IN THE TWENTY DAYS SUBSEQUENT
TO SUCH RECEIPT AND RECORDED."

MASHPEE TOWN CLERK,

DATE: October 20, 1999

THIS PLAN IS A SUBDIVISION OF LOT 2
AS SHOWN ON A PLAN OF LAND
RECORDED IN THE BARNSTABLE REGISTRY OF DEEDS
IN PLAN BOOK 344 PAGE 81
IT DOES NOT REPRESENT AN ACTUAL FIELD SURVEY

"I CERTIFY THAT THIS PLAN CONFORMS TO THE
RULES AND REGULATIONS OF THE REGISTRARS
OF DEEDS."

DATE: JUNE 14, 1999



VARIANCE V-98-117

SUBDIVISION PLAN OF LAND
LOCATED IN
MASHPEE - MASS.
PREPARED FOR
ROBERT T. CARDILLO

PLAN NO. 061499	SCALE: 1"=40 FT.
FILE NO. 147MA	DATE: JUNE 14, 1999
D-44	DRAWN BY: HP

CAPE & ISLANDS ENGINEERING
800 FALMOUTH ROAD - SUITE 301
MASHPEE - MA, 02649 508-477-7272



Planning Board
Form N

Notice of Filing
of Application with the Mashpee Planning Board

To the Mashpee Town Clerk:

This is to notify you that on June 27, 2023 an application for


☒ endorsement of a plan believed not to require approval
☐ approval of preliminary plan
☐ approval of definitive plan

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

John and Carla Mullen, Trustees, 188 Pimlico Pond Road, Mashpee, MA
Applicant name Applicant address

The land to which the application relates appears on the current Mashpee Assessors Maps as
Map 2 Parcel 191 and Map 2 Parcel 192

and is generally described as located

188 Pimlico Pond Road, Mashpee, MA consisting of 112,236 +/- sq. ft. area(upland) and 194 Pimlico Pond Road, Mashpee, MA consisting of 86,452 +/- sq. ft. area (upland). Located on the south side of Pimlico Pond Road and north of Wakeby Pond. Zone R-5. Purpose of ANR is to divide lots 1 and 2 to create Lots A and B. Then combine the remainder of Lot 1 with Lot B and the remainder of Lot 2 with Lot A to create Lots 1A and 2A. 

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

Received by Planning Board on _____, 20____.

for Mashpee Planning Board



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

FORM A

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

Date: June 27, 2023

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

Name of Applicant John J. and Carla E. Mullen, Trustees Phone 508-477-7272

Address 188 Pimlico Pond Road, Mashpee, MA 02649

Owner, if different SAME AS ABOVE Phone 508-477-7272

Address _____

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

Engineer or Surveyor Cape & Islands Engineering Inc. Phone 508-477-7272

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

Deed of property recorded in Barnstable County Registry Book 34322 Page 100
Lot 2 34058 77

Land Court Certificate of Title No. _____

Location and description of property 188 Pimlico Pond Road, Mashpee, MA consisting of 112,236 +/- sq. ft. area(upland) and 194 Pimlico Pond Road, Mashpee, MA consisting of 86,452 +/- sq. ft. area (upland). Located on the south side of Pimlico Pond Road and north of Wakeby Pond. Zone R-5. The purpose of ANR is to divide lots 1 and 2 to create Lots A and B. Then combine the remainder of Lot 1 with Lot B and the remainder of Lot 2 with Lot A to create Lots 1A and 2A.

Mashpee Assess map(s) and Block(s) Map 2 Parcel 191 and Map 2 Parcel 192

Signature of Owner or Authorized Representative John J. Mullen
Cape & Islands Engineering, Inc.

Attach written authorization signed by owner.

2938

CAPE & ISLANDS
ENGINEERING
800 Falmouth Road Suite 301C
Mashpee, MA 02649
508-477-7272
info@capeeng.com

Bank of America, NA

5-13/110

5/12/2023

PAY TO THE
ORDER OF

Town of Mashpee

\$ **100.00

One Hundred and 00/100

DOLLARS

Town of Mashpee
16 Great Neck Road North
Mashpee, MA 02649



Charles
AUTHORIZED SIGNATURE

MP

MEMO

ANR, 188 & 194 Pimlico Pond Road

[Redacted line]

**Town of Mashpee
Planning Board**

I hereby attest that John J. and Carla E. Mullen, Trustees

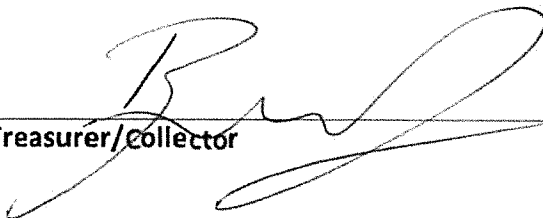
OWNER OF RECORD

Assess Map 2 Parcel 191 and Map 2 Parcel 192, 188 and 194 Pimlico Pond Road,
Mashpee, MA 02649

ADDRESS

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

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



Treasurer/Collector

5/15/23

Date

May 9, 2023

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

**RE: Application for Approval Not Required 188 and 194 Pimlico Pond Road,
Mashpee, MA**

Dear Mr. Lehrer:

This letter is in regard to the above referenced application.

Please accept this letter as my written authorization to allow Matthew C. Costa, P.L.S., R.S., President, Cape and Islands Engineering, Inc. and/or his Associates to represent this Approval Not Required Application on our behalf.

If you have any questions, please feel free to contact me at 508-294-9393.

Sincerely,



John and Carla Mullen, Trustees
188 Pimlico Pond Road
Mashpee, MA 02649

Cc: Cape & Islands Engineering, Inc.

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C O P Y

After Recording, Return To:
MORTGAGE CONNECT, LP
600 CLUBHOUSE DRIVE
MOON TOWNSHIP, PA 15108
File No. 1621174

PROPERTY APPRAISAL (TAX/APN) PARCEL IDENTIFICATION NUMBER
2-192-0

QUITCLAIM DEED

Exempt: Consideration is less than \$100.00

Carla E. Mullen, Trustee of Carla E. Mullen 2012 Trust under declaration of trust dated March 28, 2012, hereinafter grantor, whose tax-mailing address is 188 PIMLICO POND RD, MASHPEE, MA 02649, for \$0.00 (Zero dollars) in consideration paid, grants and quitclaims to Carla E. Mullen and John J. Mullen, Trustees of Carla E. Mullen 2012 Trust under declaration of trust dated March 28, 2012, hereinafter grantee, whose tax mailing address is 188 PIMLICO POND RD, MASHPEE, MA 02649, with Quitclaim Covenants:

SEE "EXHIBIT A" ATTACHED HERETO FOR LEGAL DESCRIPTION

Prior instrument reference: 17311, Book 26203, Page 175. recorded on 3/30/2012

The real property described above is conveyed subject to and with the benefit of: All easements, covenants, conditions and restrictions of record; in so far as in force applicable.

The real property described above is conveyed subject to the following: All easements, covenants, conditions and restrictions of record; All legal highways; Zoning, building and other laws, ordinances and regulations; Real estate taxes and assessments not yet due and payable; Rights of tenants in possession.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title interest, lien equity and claim whatsoever of the said grantor, either in law or equity, to the only proper use, benefit and behalf of the grantee forever.

C O P Y

Executed by the undersigned under seal on April 23, 2021:

A N

A N

O F F I C I A L

O F F I C I A L

Carla E. Mullen, Trustee

C O P Y

Carla E. Mullen, Trustee of Carla E. Mullen 2012 Trust under declaration of trust dated March 28, 2012

STATE OF Massachusetts
COUNTY OF Barnstable

The foregoing instrument was acknowledged before me on April 23, 2021 by Carla E. Mullen, Trustee of Carla E. Mullen 2012 Trust under declaration of trust dated March 28, 2012 who is personally known to me or has produced MA D.L. as identification, and furthermore, the aforementioned person has acknowledged that his/her signature was his/her free and voluntary act for the purposes set forth in this instrument.



ALEX MICHAEL COUTO
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
February 17, 2028

A M C
Notary Public

This instrument prepared by:

Nowell Bloomenthal Esq., (Massachusetts Bar Number: 046760), 935 Main Street # 3, Waltham, MA 02451-7437 and Jay A. Rosenberg, Esq., Rosenberg LPA, Attorneys At Law, 9078 Union Centre Blvd., Suite 350, West Chester, Ohio 45069, (513) 247-9605 Fax: (866) 611-0170.

NOT
AN
OFFICIAL
COPY

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EXHIBIT A

NOT
AN
OFFICIAL
COPY

That certain parcel of land with the building thereon situated in Mashpee, Massachusetts in the County of Barnstable and Commonwealth of Massachusetts, situated on Pimlico Road, shown as Lot 2 on a plan of land dated June 14, 1999, entitled "Subdivision Plan of Land Located in Mashpee, Mass. Prepared for Robert T. Cardillo" prepared by Cape and Islands Engineering, and recorded at the Barnstable County Registry of Deeds, at Plan Book 553, Page 45. Said Lot 2 contains 113,500 square feet according to said plan of land.

This conveyance is subject to all restrictions of record insofar as the same are in force and effect, and together with the benefit of that certain Variance dated February 28, 2012, entitled "Mashpee Zoning Board of Appeals Decision for a Variance, V-2012-5", recorded in the Barnstable County Registry of Deeds in Book 26189, Page 89 and made effective as of the date of said recording.

Tax ID: 2-192-0

PROPERTY ADDRESS 188 PIMLICO POND RD, MASHPEE, MA 02649

(9)

NEW BUSINESS



16 Great Neck Road North
Mashpee, MA 02649

Pursuant to Massachusetts General Laws, Chapter 40A, Section 9 and the Mashpee Zoning Bylaw Sections 174-24(C) and 174-47, the Mashpee Planning Board will hold a public hearing on Wednesday, August 16, 2023 at 7:10 PM in the Waquoit Meeting Room, at the Mashpee Town Hall, at 16 Great Neck Road North, Mashpee, MA 02649 to consider an application made by Pleasantwood Homes, LLC for approval of a special permit for a cluster subdivision of property addressed as 20 Tudor Terrace (Assessor's Map 29 Parcel 198). The Applicant proposes to divide the subject Parcel comprised of approximately 6.024 acres into three building lots for single family home construction while preserving 3.021 acres as protected open space. The Plans and submitted Application can be viewed in the offices of the Town Clerk or the Town Planner.

Publication Dates

Friday, July 28, 2023
Friday, August 4, 2023



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, MA 02649

Mashpee Planning Board Public Hearing Notice

Pursuant to Massachusetts General Laws, Chapter 41 Section 81T and the Mashpee Rules and Regulations Governing the Subdivision of Land, the Mashpee Planning Board will hold a public hearing on Wednesday, August 16, 2023 at 7:15 p.m. in the Waquoit Meeting Room, at the Mashpee Town Hall, at 16 Great Neck Road North, Mashpee, MA 02649, to consider an application made by Pleasantwood Homes, LLC for approval of a Definitive Subdivision Plan of land that would create three new 40,000 sq. ft. building lots by dividing the 6.024 acre subject property addressed as 20 Tudor Terrace (Assessor's Map 29 Parcel 198). The remaining land area totaling approximately 3.021 acres is proposed for open space as required by Mashpee Zoning Bylaw. The three lots proposed obtain frontage via an extension of the existing public way called Tudor Terrace.

Plans may be reviewed in the offices of the Town Clerk or Town Planner at Mashpee Town Hall.

Submitted by

Karen D. Faulkner, Chair
Mashpee Planning Board

Publication dates:

Friday, July 28, 2023
Friday, August 4, 2023

NOTICES



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

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

Application #045-23 Kevin P. Blakeman and Paula M. Melchion Blakeman, 9 Clover Terrace, Natick, MA. Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A and 240-11.3A(4) of the Code of Falmouth to remove the existing deck, construct an addition and a detached garage exceeding 20% lot coverage by structures on subject property known as 64 Cypress Street, Teaticket, MA.

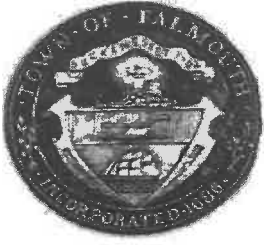
Map 39A Section 11 Parcel 000 Lot(s) 096

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, July 20, 2023 at 6:30PM**

You are invited to be present.

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

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

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

Application #048-23 Nathan K. and Suzanne H. Pieri, 196 Metoxit Road, Waquoit, MA.: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-6.6B (2)(b) and 240-11.4A(1)(i) of the Code of Falmouth to construct a detached garage exceeding 900s/f in size and located within the front yard more than 50' from the front property line. The subject property is 196 Metoxit Road, Waquoit, Ma.

Map 31 Section 02 Parcel 008 Lot(s) 000

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, July 20, 2023 at 6:30PM**
You are invited to be present.

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

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

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

Application #050-23 Falmouth Heights Real Estate LLC, 18 St. Mary's Street, Newton, MA.:

Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A of the Code of Falmouth to enclose the existing ramp and corner porch area on subject property known as 269 Grand Avenue, Falmouth, MA.

Map 46B Section 12 Parcel 020 Lot(s) 000A

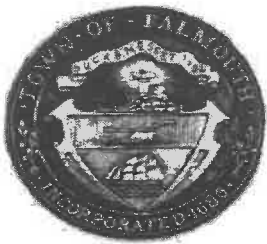
A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on

Thursday, July 20, 2023 at 6:30PM

You are invited to be present.

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

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

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

Application #049-23 Lee A. Viola, Trustee, 293 Edgewater Drive, East, East Falmouth, MA.:

Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A and 240-11.3A(4) of the Code of Falmouth to remove existing carport and construct an addition in its place, exceeding 20% lot coverage by structures on subject property known as 293 Edgewater Drive, East, East Falmouth, MA.

Map 41 Section 03 Parcel 000K Lot(s) 020

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

Thursday, July 20, 2023 at 6:30PM

You are invited to be present.

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

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



**TOWN OF FALMOUTH
MASSACHUSETTS**

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by Blue Moon Sea Grille, Inc., 159 Main Street, Falmouth, MA.

(Map 47A Lot 000) under 240-107 B. of the Zoning By-Law, as amended to **deny** the special permit requesting a parking reduction for proposed restaurant.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **June 28, 2023** which is the date the Decision was filed in the office of the Town Clerk.

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



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

The Sandwich Board of Appeals will hold a Public Hearing on the application of Clayton Southworth, Applicant, and Ron Gangemi, Property Owner, for a Special Permit under Section 2540 of the Sandwich Protective Zoning By-Law for property located at 0 Farmersville Road, Sandwich, MA Assessor's Map #13, Parcel #082 for the purpose of constructing two principal dwellings on one lot. The Public Hearing will be held on July 11, 2023 at the Sand Hill School Community Center, 16 Dewey Ave, Sandwich, MA at 6:00 p.m. The public record information can be viewed at the Planning & Development office, 100 Route 6A, Sandwich, MA, Monday-Friday 8:30 a.m. to 4:30 p.m.

James Killion, Chair
Sandwich Board of Appeals
Publication: Sandwich Enterprise
Publication Dates: June 23 and June 30, 2023



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

The Sandwich Board of Appeals will hold a Public Hearing on the application of Walter and Susan Spigelman c/o Christopher Kirrane Esq., Applicant, and Walter and Susan Spigelman, Property Owner, for a Variance and Special Permit under Sections 1321, 1330 & 2420 of the Sandwich Protective Zoning By-Law for property located at 53 Pine Road, Sandwich, MA Assessor's Map #70, Parcel #33 for the purpose of constructing an addition. The Public Hearing will be held on July 25, 2023 at the Sand Hill School Community Center, 16 Dewey Ave, Sandwich, MA at 6:00 p.m. The public record information can be viewed at the Planning & Development office, 100 Route 6A, Sandwich, MA, Monday-Friday 8:30 a.m. to 4:30 p.m.

James Killion, Chair
Sandwich Board of Appeals
Publication: Sandwich Enterprise
Publication Dates: July 7 and July 14, 2023

Town of Sandwich
THE OLDEST TOWN ON CAPE COD

**TOWN CLERK
TOWN OF SANDWICH**

JUN 28 2023

**10 H 14 M A M
RECEIVED & RECORDED**



Board of Appeals

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

**Special Permit
Certificate of Approval**

Petition #	23-11
Current Property Owner(s):	100 Salt Marsh Road Realty Trust Trustee Joseph Kennedy
Property Address:	100 Salt Marsh Road
Map, Parcel:	85-009
Book, Page:	34331, 181

On June 27, 2023, the Board of Appeals voted to approve a special permit from Sections 1330 & 4340 of the Sandwich Zoning By-law for property located at 100 Salt Marsh Road, as shown on Assessor's Map 85, Parcel 009, for the purpose of constructing a single-family dwelling in the flood zone.

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

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

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


Board of Appeals Member

6/28/2023
Date

PROCEDURAL HISTORY

1. Application from sections 1330 & 4340 of the Zoning By-Law for property located at 100 Salt Marsh Road was filed on May 18, 2023.
2. After proper notice was given the public hearing was opened on June 27, 2023 and closed on June 27, 2023.
3. The application was accompanied by a Site Plan entitled:
Plan Showing Proposed Site Improvements
Dated: April 18, 2022
4. The Board reviewed the application and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:

James Killion
Christopher Neeven
Chase Terrio
Mary Foley
Robert Jensen

FINDINGS

The Zoning Board of Appeals finds that:

1. The Board of Appeals finds that this application meets the requirements of Section 9, M.G.L. Chapter 40A.
2. Subject property is located within the R2 Zoning District and the Flood Plain Overlay District.
3. Applicant is proposing to raze the existing single family dwelling and rebuild a new single-family dwelling.
4. The lot is located in the FEMA Zone VE elevation 15.
5. The original pre-existing non-conforming dwelling slid off its foundation into the beach.
6. The proposed single-family dwelling will be 245 s.f. smaller than the original dwelling.
7. Section 1330 requirements:
 - a) The Board of Appeals does not find that there are conditions peculiar to this case but not generally true for similar permitted uses on other sites in the same district;
 - b) The Board of Appeals finds that nuisance, hazard or congestion will not be created;
 - c) The Board of Appeals finds that there will not be substantial harm to the neighborhood;
 - d) The Board of Appeals finds that there is no derogation from the intent of the bylaw such that the districts' objectives will be satisfied.

8. Section 4350 (2) requirements:

- a) The Board of Appeals finds that susceptibility of the proposed facility and the contents to flood damage and the effect of such damage upon the site and surrounding property is minimal.
- b) The Board of Appeals finds that there are not alternative locations for the proposed use which are not subject to flooding or erosion.
- c) The Board of Appeals finds necessity to the facility of a waterfront location.
- d) Board of Appeals finds that the relief requested is the minimum necessary.

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

Second: Christopher Neeven

Vote:	James Killion	Yes
	Christopher Neeven	Yes
	Chase Terrio	Yes
	Mary Foley	Yes
	Robert Jensen	Yes

CONDITIONS:

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

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

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

Second: Christopher Neeven

Vote:	James Killion	Yes
	Christopher Neeven	Yes
	Chase Terrio	Yes
	Mary Foley	Yes
	Robert Jensen	Yes

DECISION:

After reviewing the application, the plan and other materials submitted and after giving due consideration to testimony given at the public hearing, the Board hereby approves the special permit for property located at 100 Salt Marsh Road, as shown on Assessor's Map 85, Parcel 009, for the purpose of constructing a single-family dwelling in the flood zone.

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

Second: Christopher Neeven

Vote:	James Killion	Yes
	Christopher Neeven	Yes
	Chase Terrio	Yes
	Mary Foley	Yes
	Robert Jensen	Yes

Town of Sandwich
THE OLDEST TOWN ON CAPE COD



Board of Appeals

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

Appeal of the Decision of Building Commissioner CERTIFICATE OF DENIAL

TOWN CLERK
TOWN OF SANDWICH

JUN 28 2023

10 H 14 M A M
RECEIVED & RECORDED

PROPERTY ADDRESS: 339 Route 6A
NAME OF APPLICANT: Douglas W. Allen
BOOK, PAGE #: 33089, 29

On June 27, 2023 the Board of Appeals voted to deny an Appeal of the Decision of the Building Commissioner for 339 Route 6A, Sandwich, MA, Assessors Map 60 Parcel 002 for the purpose of appealing the Building Commissioner's zoning determination relating to a commercial use dated March 10th, 2023.

The Board of Appeals certifies that this certificate is a true and correct copy of the decision to deny the Appeal of the Decision of the Building Commissioner and that copies of said decision, and of all plans referred to in the decision, have been filed with the Board of Appeals and the Town Clerk.

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

Board of Appeals Member

6/28/2023

Date

PROCEDURAL HISTORY

1. Application for Appeal of the Decision of the Building Commissioner was received on April 7, 2023 for the purpose of appealing a written zoning determination of the Building Commissioner dated March 10, 2023.
2. After proper notice was given, the public hearing was opened on May 9, 2023 and closed June 27, 2023.
3. The application was not accompanied by a site plan.
4. The Board reviewed the application and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:

James Killion
Christopher Neeven
Chase Terrio
Mary Foley*
Robert Jensen

*Missed one meeting, but listened to the full audio recording and reviewed all materials in the project file which allows the member to participate in the deliberation of this decision under general law c. 39.

FINDINGS

1. The Board of Appeals finds that this application meets the requirements of Section 8, M.G.L. Chapter 40A.
2. The Board of Appeals finds that the subject property is located in the R-2 zoning district.
3. The Board of Appeals finds that the Gibbs Family purchased the property in 1957.
4. The Board of Appeals finds that the Gibbs Family began a rubbish removal business on the property between 1957-1959.
5. The Board of Appeals finds that the business was started lawfully before the adoption of zoning.
6. The Board of Appeals finds that the business has continued to grow and operate.
7. The Board of Appeals finds that the activities on the property are not in violation of the Sandwich Protective Zoning Bylaw Section 2200 Use Regulations.
8. The board finds that the rubbish removal business has operated continuously since it was founded.

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

Second: Mary Foley

Vote:	James Killion	Yes
	Christopher Neeven	Yes
	Chase Terrio	Yes
	Mary Foley	Yes
	Robert Jensen	Yes

DECISION

After reviewing the application, the plan and other materials submitted and after giving due consideration to testimony given at the public hearing, the Board hereby denies the Appeal of the Decision of the Building Commissioner, for property located at 339 Route 6A, Sandwich, MA, Assessors Map 60 Parcel 002 for the purpose of appealing the Building Commissioner's zoning determination relating to a commercial use dated March 10th, 2023.

Motion: I, James Killion, moves to deny the Appeal of the Decision of the Building Commissioner.

Second: Christopher Neeven

Vote:	James Killion	Yes
	Christopher Neeven	Yes
	Chase Terrio	Yes
	Mary Foley	Yes
	Robert Jensen	Yes