

3. Community Setting

A. *Regional Context*

Mashpee is located 65 miles from Boston on upper Cape Cod (See Map 3-8). It lies entirely within a gravel plain, known as the "Mashpee pitted outwash plain", which slopes southward from the heights of the Sandwich moraine to an eroding sandy shore on Nantucket and Vineyard Sounds. It is surrounded by the much larger towns of Falmouth, Sandwich and Barnstable, with a portion of its northwest corner absorbed into the 21,000-acre Massachusetts Military Reservation.

The Town's physical location predicts much of its demographic, economic and environmental character. The Cape Cod location and sandy beaches mean retirees, tourists and an economy based primarily on their expenditures. Barnstable and Falmouth's position as the largest towns on Cape Cod result, to a certain extent, in a Mashpee role as a suburb, bedroom community and transportation corridor. Commuting has also increased in recent years to jobs off-Cape.

Groundwater contamination problems at the Military Reservation, nitrogen overloading of our bays reported recently by the Massachusetts Estuaries Program, major algae blooms in Santuit Pond, extensive shellfish bed closures, the almost total loss of eelgrass and scallops and other signs of decline in water quality have resulted in a population which is highly concerned about the impacts of water contamination on public health, natural resources and our tourist/retiree economy.

All of the upper Cape towns share a common groundwater aquifer, with the Military Reservation unfortunately located at its center and high point. As a result, much intermunicipal cooperation has occurred around protecting and restoring that aquifer. In addition, both the Popponesset and Waquoit Bay watersheds are shared with two other towns, leading to ongoing discussions of shared responsibility for the costs of sewerage and other steps that will be needed to reduce nitrogen levels and restore the health of those bays.

Mashpee also shares other open space and environmental issues with its neighboring towns. Falmouth and Mashpee share the Mashpee National Wildlife Refuge, with 4,653 acres located in Mashpee and 1,218 acres in Falmouth. Through the Refuge's Management Committee, they share with a number of other agencies in the development and management of the Refuge. The two towns also share the watershed of Waquoit Bay and the Waquoit Bay National Estuarine Research Reserve. As a result, there have been extensive efforts at cooperation in protecting the Bay and the quality of groundwater in its watershed, including recently-approved joint funding for a Massachusetts Estuaries Program study of Waquoit Bay and Childs and Eel Rivers, and the beginnings of discussions regarding sewerage in the watershed. In addition, the recharge zones of existing and proposed Falmouth wells extend into Mashpee. As a result, Mashpee has adopted zoning, regulations and land preservation efforts aimed at protecting the Falmouth wells.

Sandwich and Mashpee play reversed roles, with the recharge areas of Mashpee Pond, Santuit Pond, Popponesset and Waquoit Bays and several potential public wells extending into Sandwich. To date, Sandwich has not adopted any particular regulations aimed at protecting Mashpee's waters, although the general adoption of fairly large minimum lot sizes in the 1980's served indirectly to

reduce potential groundwater contamination downstream in Mashpee. As noted, the Towns are discussing, along with Barnstable, how to share the costs of meeting nitrogen reduction targets for Popponesset Bay. Only limited progress has been made on the cooperative effort proposed in the mid-90s to develop a "Cross-Cape Trail" and accompanying open space corridor between Sandy Neck on Cape Cod Bay, the Maple Swamp and Ryder Conservation Areas in Sandwich, The Trustees of Reservations' Lowell Holly and Mashpee River Reservations, the Mashpee River Woodlands, South Mashpee Pine Barrens and South Cape Beach State Park.

Mashpee also shares Popponesset Bay and its watershed with the town of Barnstable, along with the Santuit River, which serves as a portion of the boundary between the two towns. Barnstable has been very active in the joint discussions on common efforts to protect the bay. In addition, the recharge areas of a number of Barnstable wells owned by the Cotuit Fire & Water District extend into Mashpee and have received regulatory protection similar to that afforded Falmouth's wells. In 2002, Mashpee and Barnstable jointly acquired the 280+ acre Santuit Pond Preserve, subject to a conservation restriction purchased by the Mass. Division of Fisheries & Wildlife. The property is jointly managed by a Management Committee made up of one representative each from the towns and Mass. DFW.

Finally, any discussion of regional context must take into account the role of the Cape Cod Commission as well as Barnstable County's unique governmental structure in serving as a real force for coordination and cooperation among Cape Cod towns. The development of a Regional Policy Plan, a consistency review process for comprehensive plans adopted by Cape towns and project reviews which mandatorily consider the impact of proposed projects on neighborhood towns serve to ensure that Mashpee and its neighbors recognize our impacts, both positive and negative, on each other. The Commission's permitting process for "Developments of Regional Impact" includes mandatory open space set asides and options for off-site open space or cash contributions for open space which have resulted in significant additions to protected open space acreage in Mashpee. In addition, the "Cape Cod Pathways" project, originated by the County Commissioners and managed by the Commission staff, has provided a unifying theme for the development of open space corridors between towns and throughout the Cape. Most recently, the County has established the Cape Cod Water Protection Collaborative, with representatives from the County Commissioners and all 15 Cape towns, to encourage coordination of, and seek funding sources for, facilities and programs needed to deal with the Cape's estuarine and other water quality problems.

B. History of the Community

While Mashpee shares much with its neighboring towns and the region, there is one characteristic which makes Mashpee unique on the Cape: its history as a Native American “plantation,” “district” and town, the home of the Mashpee Wampanoags, and the political and social ramifications of that history in the face of tremendous population growth and rapid land development.

Long before the Pilgrims landed at Plymouth, Mashpee was inhabited by the Wampanoags. Their lives depended on the natural bounty of the area and revolved around the rivers with their annual herring runs, the coastal bays and ponds rich with fish, eels and shellfish, fertile soil for garden plots and the abundant game of the woodlands. Their main winter village lay protected from the cold wind near the current location of Town Hall and Attaquin Park, the traditional center of Mashpee. With the summer, families moved to temporary homes closer to the shellfish resources of the bays. The spring run of herring up the Mashpee River was a much-anticipated annual event and a major source of food for the tribe, a tradition which has continued until recent years.

With the growth of English population and their final defeat of the Wampanoags in King Philip’s War, what remained of the area’s Native American population either fled west or was settled in Christian “Praying Indian” towns or “plantations.” In 1666 a great convocation was held in Mashpee, attended by the famous missionary to the Indians of Massachusetts, John Eliot, at which the first Native American church (Congregational) on Cape Cod was organized. In 1670, a Sandwich farmer named Richard Bourne, who had converted many of the Mashpee natives as well as Wampanoags from Middleborough to Provincetown, was ordained as Mashpee’s first minister.

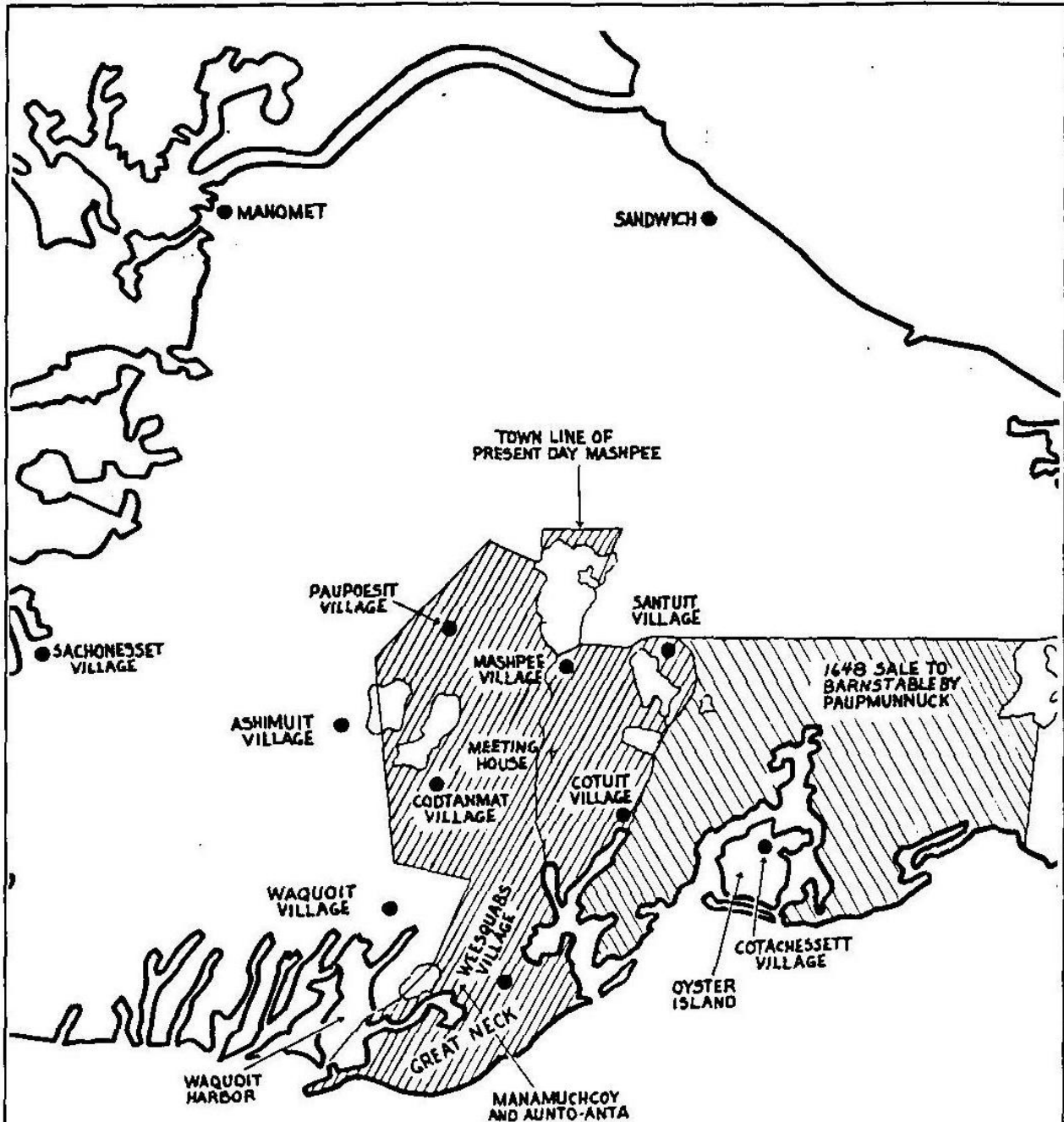
Bourne had earlier, in 1665, secured a formal deed to the “South Sea Indians,” as Mashpee’s residents were called by the English, of all the land in Mashpee and portions of the three adjacent towns (except for his own properties on Mashpee Pond). This was the genesis of the Mashpee “plantation,” a sort of pre-town form of local government under which Mashpee was organized (with one interruption) until it was incorporated as a self-governing “district” in 1834 and finally incorporated as a town in 1870.

Under the plantation and district forms of government, Mashpee residents were not allowed to sell land to outsiders without a vote of all residents and much land remained in common ownership. The previous villages of Mashpee, Santuit, Cotuit, Waquoit, Weesquabs, Ashimuit, Pompoesit and Codtanmat which existed in the seventeenth century (see Map 3-1) gradually gave way to more scattered settlement of individual family wigwams and, as time went on, English-style houses. Residents still lived a subsistence lifestyle of hunting, fishing, shellfishing and farming, although significant numbers went out into the world of cash employment, particularly in the whaling industry.

The incorporation of Mashpee as a Town was supported by men like Matthias Amos, one of two selectmen who supported the move in 1869, George Thomas Sewall, a free black from Kentucky who had married a Mashpee woman and chaffed at the loss of the right to vote in state and national elections that he had enjoyed in other places (plantation and district residents were not enfranchised to vote except for their local officials) and Solomon Attaquin, a former whaler and innkeeper who

Wampanoag Villages

Map 3-1



Source: "Mashpee, the Story of Cape Cod's Indian Town" - Francis G. Hutchins

had made a small fortune and influential friends in the “outside world” and thought it was high time that Mashpee became part of it. Opposed were men like William Simons and the Reverend “Blind Joe” Amos, who argued that Mashpee residents were not ready to compete, particularly financially, with whites who would soon buy up all of Mashpee’s land one way or another if the restrictions on outside sales that existed under the plantation and district were removed. A 26 to 14 majority of residents voted against eliminating the restrictions on the sale of land at a meeting held by a committee of the Massachusetts General Court on February 9, 1869.

However, the views of the more affluent minority prevailed with the legislature, which incorporated Mashpee as a Town on May 23, 1870. As had been feared by the majority, much of Mashpee’s most valuable land, including cranberry bogs and prime oceanfront property passed into white hands by the end of the 1870’s.

Most of the town’s full-time residents remained Wampanoag, however, as few whites moved in. The Town settled into a fairly peaceful existence as a Native American town which hosted small numbers of summer residents, hunters, fishermen and other seasonal visitors. By 1950, however, the signs of change to come began with the development of a large summer residential development at Popponesset Beach. In that year, only 118 of Mashpee’s 438 residents were white. By 1960, the Wampanoags were outnumbered and plans were taking shape for an even larger resort community known as New Seabury. From that point on, the town’s population growth exploded and over the next decade political offices that had all been held by natives throughout the Town’s history passed to the new white residents.

Partly in reaction to the shock of being outnumbered so quickly, the loss of political control in their hometown and because of the rapid development of woods and beaches that had been open for hunting and shellfishing for thousands of years but were now either cut down or closed to them, Mashpee’s Wampanoags sued in federal court on August 26, 1976 in a bid to regain control of their traditional lands. The controversy of 1870 had been revived and was to dominate the Town’s next decade as the case wound its way all the way to the Supreme Court.

The Wampanoags lost their suit and real estate development, which had been virtually stopped by the cloud the case put on land titles in the town, exploded in the mid 80’s.

Mashpee was the fastest-growing town in Massachusetts during the 1980’s according to the U.S. Census. Its population grew by 113% and its housing stock by 95% between 1980 and 1990. In absolute numbers, single-family home construction was second only to neighboring Barnstable. Mashpee’s growth continued during the 1990s at an only somewhat slower pace, with the Town’s 64.2% growth rate ranking second to the state’s other Wampanoag town, Aquinnah on Martha’s Vineyard. That growth has meant a radical change in the demographic makeup of the Town, whose Native American population went from majority status in a town of 438 people in 1950 to a mere 2.9% in 2000. The resulting disconnection of the majority of the current population from the Town’s history and traditions and the loss by the Wampanoags of political and physical control of their ancestral homeland has driven much of the recent political history of the Town, which has often been fraught with conflict and confusion. On March 21, 2006, the Mashpee Wampanoag received preliminary approval by the U.S. Bureau of Indian Affairs of their petition for federal recognition as a tribe. Final approval and recognition of the Mashpee Wampanoag by the federal

government as a sovereign Indian nation came on February 15, 2007. The ramifications for the Town and the status of its conservation and other lands, although not yet clear, may be significant.

However, one issue which has been a unifying theme between the Wampanoag and new residents is a desire to protect the town's natural resources and to preserve the woods, wetlands and beaches which have been the Wampanoags' hunting grounds for millennia and which attracted our newer residents in the first place. In a real sense, the preservation of open space and environmental quality serves a unique role in Mashpee. It has been one basis on which two cultures have come together and on which a new definition of "Mashpee" is was developed during the 90s. This definition was of Mashpee as the "green" town, proud of its Native American history, cognizant of the critical importance of open space preservation to its social and economic base, and committed to providing all of its residents with a quality of life and environment which is second to none.

C. Population Characteristics

In 1950, Mashpee had a year-round population of 438 residents, of which 235 (54%) were Native American, 85 (19%) Black and 118 (27%) White. Summer population roughly doubled due to seasonal homes located primarily on Monomoscoy and Seconsett Islands, Johns Pond and in the new resort community of Popponesset Beach.

By the 2000 U.S Census, Mashpee's year-round population had increased almost thirtyfold to 12,946, with a summer population estimated at almost 30,000. There were 377 persons listed as Native Americans (2.9%), 365 Blacks (2.8%) and 11,683 Whites (90.2%). Another 125 residents (1%) were listed as part Native American.

The 200 Census also revealed a major shift from seasonal to year-round residency. In 1990, 45.1% of housing was occupied year-round. By 2000, that figure had grown to 63.1%, a trend which appears to be continuing.

2007 Mashpee Planning Department estimates put year-round population at 15,434 and summer peak population at 30,684.

With a current year-round population roughly 35 times larger than in 1950, it is obvious why real estate development and population growth has been the dominant issue facing Mashpee during the last half-century. It has dominated town politics, it led to the Wampanoag's land suit, it has totally changed the demographic makeup of the town and it has radically altered Mashpee's natural environment.

Concern about both the social and the environmental impact of this growth was the driving force behind the extensive land preservation efforts Mashpee has undertaken during the last 25 years. In addition to authorizing large Town land purchases, supporting state acquisitions and pushing for the creation of the Mashpee National Wildlife Refuge, the Town adopted zoning changes which decreased potential residential density, encouraged cluster subdivisions and transfer of development rights and sought to protect groundwater resources. All of those efforts continue today for the same reasons.

During the 1990s, two other factors emerged in support of open space preservation: the realization that Mashpee and the Cape's economy is based primarily on tourists and retirees that come here to enjoy the natural resources that we've been busily despoiling, and a belated understanding that residential development, with the exception only of the most expensive seasonal and retirement homes, is a big money-loser for the Town.

As a result, protection of open space is now understood to preserve our wildlife, groundwater and other natural resources, help retain our cultural and social roots in Mashpee's Native American past, maintain a healthy tourist and retirement-based economy and avoid the costs associated with excessive rates of residential development.

Our preserved open spaces and parks also provide recreational resources necessary for a growing population. Of primary significance in that respect is our retiree population, which grew faster than

that of any other Cape Cod town between 1980 and 2000, and our children. 3194 (24.7%) of Mashpee residents were below the age of 18 in 2000, while 3803 (29.4%) were age 55 or older. As a result, recreation facilities and programs are in short supply, particularly when the summer competition for recreational resources from seasonal residents and tourists is considered.

While Mashpee's median household income of \$50,871 was second highest in the county after Sandwich in 2000 (but 213th in the state), per capita income was lower than most Cape towns (it had been the lowest in 1990) due to the larger number of persons per household, compared to Lower Cape towns. Families below the poverty level increased from 1990-2000 by 30%, to 4.5% of families, similar to the Cape-wide average of 4.6%.

The currently projected "buildout" population of the town is about 22,800 persons year round, a 47.7% increase over the 2007 current year-round population estimate. Due to the shift from seasonal to year-round occupancy, summer peak population is only expected to increase by 17.5% to 36,058. About half that growth is likely to occur within the next 10 years at current rates of construction. Although much reduced from former rates of increase, population growth and conversion of land to residential and commercial development will continue to drive both the Town's need to provide recreational resources and its desire to protect the best of what's left of its natural resources.

Mashpee has no designated Environmental Justice Populations. A copy of the MassGIS map of Environmental Justice Populations in the southeast region of Massachusetts has been included at the end of this chapter.

D. Growth and Development Patterns

1. Patterns and trends

Mashpee's history as a tiny Native American town, until recent decades having no more than a few hundred residents, meant that there was no major development, no commercial "downtown," no "town" at all of the kind we associate with the classic densely built "New England village."

Until the Revolutionary War, traditional wigwams (or wickups) outnumbered European-style houses (52 wigwams vs. 21 houses in 1767). They were located primarily around the ponds and bays and along the Mashpee, Santuit and Quashnet Rivers (see Map 3-2). The only significant structures prior to the Civil War were the Meetinghouse, located on Meetinghouse Road near what is now Route 28, the Attaquin Hotel and North Mashpee School near the south end of Mashpee Pond, and a few now-disappeared mills located on the rivers.

By the 1860's however, residential development had become more concentrated in two general areas, the site of the traditional Wampanoag village of Mashpee at the south end of Mashpee Pond and along Main Street (Route 130), and in South Mashpee near Ockway Bay.

The center of town was the area around the current Town Hall at the intersections of Main Street and Great Neck Road North, near where the traditional winter village of the Wampanoags had been located. That is where the Town Hall has been for most of Mashpee's history since 1870. One of the Town's schools has always been located there, as has the Baptist church. Until the 1980's the library was located across the road from Town Hall in what is now the Town Archives building and the DPW garage was nearby on Meetinghouse Road. The area once boasted the post office, the famous Attaquin Hotel, two general stores and the fire station along with almost a dozen homes.

Most of the other homes in town stretched along Main Street between Ashumet Road and the Barnstable town line. At one time or another, five gas stations, an ice cream parlor, other retail establishments, a number of restaurants, a motel and the post office were located on Main Street.

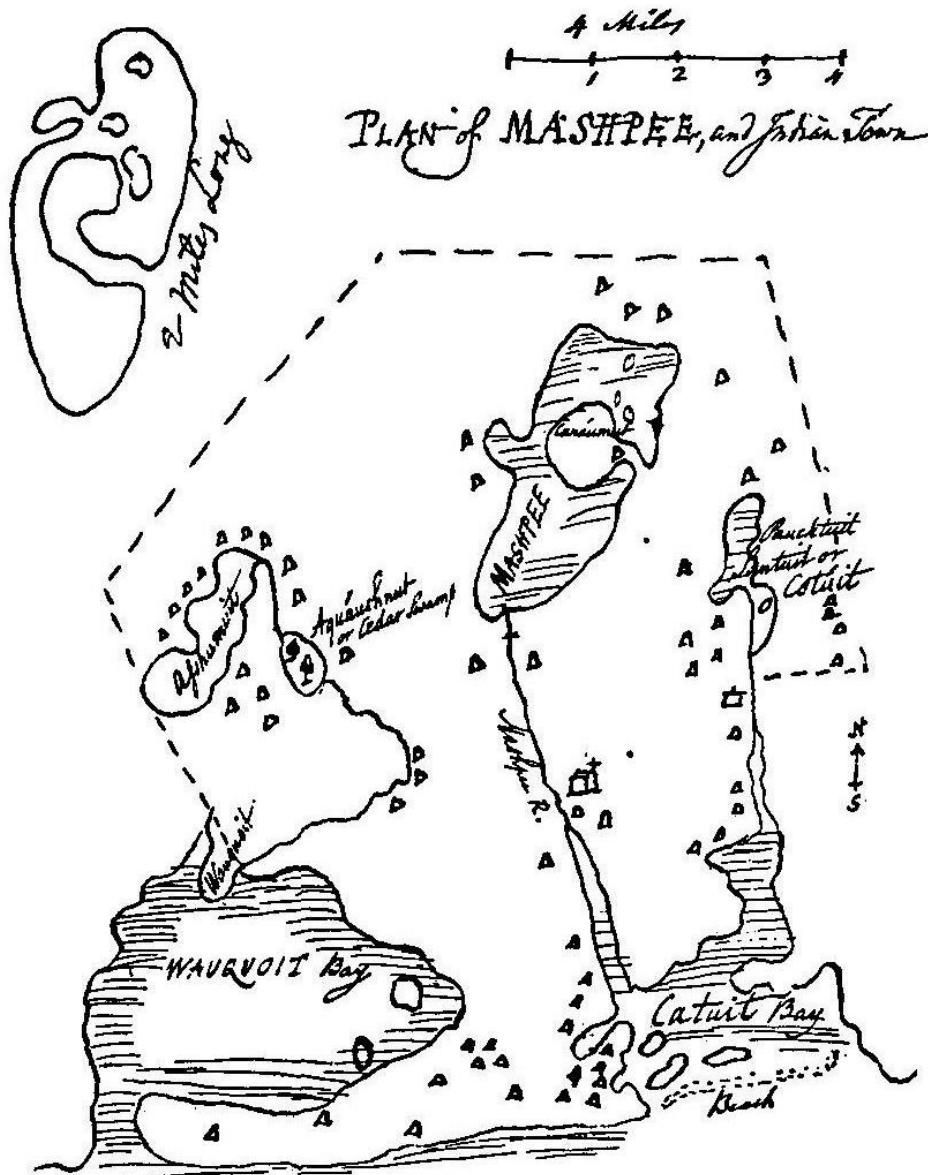
South Mashpee was a much smaller settlement, with fewer than a dozen homes located along Red Brook and Wading Place Roads in the area of the current New Seabury entrance. For many years it boasted its own tiny South Mashpee School.

Just before and after World War I, a number of waterfront areas on Monomoscoy and Seconsett Islands and Johns Pond were subdivided into small lots for summer homes. Throughout the 20's and 30's there was gradual growth in the number of summer residents.

In 1946, a new resort subdivision on a much grander scale was created at Popponesset Beach and the rapid growth which has characterized Mashpee's last half century had begun. Large numbers of homes were built in the late 40's and 1950's in the area and newcomers quickly outnumbered Wampanoags during the summer. However, much of Mashpee remained undeveloped and open to hunting and fishing by all.

Early Settlement Patterns

Map 3-2



Map of Mashpee Drawn in 1762

Source: "Mashpee, the Story of Cape Cod's Indian Town" - Francis G. Hutchins

In 1964, however, a new and much larger development was initiated which would change the entire character of the Town. Developed by the same Rhode Island family that had earlier subdivided Popponesset Beach, New Seabury was planned to include almost all of southern Mashpee, including most of the town's coastline. At one time, almost 4,000 homes and a million square feet of commercial buildings were contemplated, along with dredged harbors, three golf courses and other luxury facilities intended to make New Seabury the premier resort community on the East Coast.

Almost overnight, Mashpee went from out-of-the-way Native American town to prime resort real estate. More year-round homes were built and by 1970 the U.S. Census showed 1,288 residents, of which Native Americans numbered only one quarter. Having been outnumbered, Wampanoags soon lost control of the Town political offices that they had held since Mashpee's incorporation.

The success of New Seabury soon attracted other real estate developers who extended subdivision activity to all other parts of the town. Along with major subdivisions on Johns Pond, Santuit Pond, Mashpee Pond, Mashpee Neck and Great River, condominium projects were proposed and the Town approved plans for a 1,500-unit planned retirement community on Old Barnstable Road and an 800-unit golf-course community on the Quashnet River.

In response partly to the loss of political control and partly to the rapid private development of woods and shore once open to all, the Wampanoag Tribal Council filed suit in federal court in August, 1976 to reclaim control of all the undeveloped parcels in the town over 20 acres. While the suit was ultimately unsuccessful, the cloud it created on land titles in the town effectively halted real estate development until 1983. By that time, many of the town's new residents had also seen the need to protect the open spaces that had attracted them to Mashpee. Although the 1980's saw the greatest real estate boom in the town's history, with dozens of new subdivision and condominium projects begun throughout the town and thousands of homes built, they also saw the beginning of major town efforts to protect the remaining open spaces.

With the assistance of the Commonwealth, major tracts of land at South Cape Beach, Johns Pond Park, the Mashpee River, the Quashnet River, the South Mashpee Pine Barrens and other parts of the town were purchased for conservation and recreation purposes. With minor exceptions, those purchases, along with the real estate development of the 60's-80's, have set the ultimate development pattern of the town.

2. Infrastructure

As noted previously, the original Wampanoag settlements in Mashpee focused on the ponds, shore and rivers, reflecting those waterways' functions as transportation routes as well as food sources. As roads were developed during the 19th century and residents switched from wigwams to houses, homesites shifted away from the water and toward roadside locations. Main Street became the primary focus of development, along with the intersection of Red Brook (formerly Ockway), Great Neck and Wading Place Roads.

Dependence on the automobile and the coming of paved highways increased the influence of roadway location on development patterns. The construction of the Nathan Ellis Highway in the 1940's turned its intersection with Route 28 and Great Neck Road into a prime location for commercial development. Over the years, the resulting traffic rotary has displaced the old center at Main Street and Great Neck Road as the primary commercial center of town. The New Seabury Shopping Center (now Mashpee Commons) was built there in the late 1960's. In addition, many town facilities have been built in or relocated to that area, including the library, post office, police station, fire station, senior center and two of the town's three schools. While highway signage and road maps still point to the old town center as "Mashpee," the rotary area has clearly become the main focus of activity in town.

The Mashpee Commons project, which ultimately proposes a "new urbanist" downtown with up to 600 homes and over one-half million square feet of commercial buildings, will, along with other high-density projects in the rotary area, create a small city that will cement that area's position as the center of Mashpee.

Aside from major roadways, other infrastructure has not had a significant impact on development patterns in the town. There is no public sewer system, although Mashpee Commons has its own sewage treatment plant and collection system. Other large projects, such as the Willowbend golf course resort, Southport retirement community and a number of condominium and commercial projects also have their own sewage treatment and collection systems, allowing higher development densities than could be achieved with conventional septic systems.

The public water system in Mashpee has followed development rather than impacted it. Established in 1987 in response to concerns about groundwater contamination from the Massachusetts Military Reservation and the Town landfill, the Mashpee Water District originally served small areas near Ashumet and Johns Pond and on Ashers Path and Quinaquisset Ave. It later acquired the private High Wood Water Company which had been established in the 1960's by the owners of New Seabury to service that development and was later expanded to serve the Mashpee Commons area. The District has been gradually expanding its service area, and now encompasses almost all of Mashpee, as well a small portion of Sandwich.

One impact of the public water system has been to allow construction on small lots in older subdivisions which had previously been unbuildable due to state and town health regulations mandating minimum separation between wells and septic systems. Those regulations, which require separation by 150 feet (Town Board of Health Regulations--the state's Title 5 requires a minimum of 100 feet), acted as an effective control on maximum residential densities (resulting in about 2 units per acre) as long as public water was unavailable. While zoning regulations have allowed a maximum of one unit per acre since the mid-1980's, with two acre lots required in the northern half of the town, the expansion of the public water system has created increased "infill" development on smaller "grandfathered" lots.

Due to increasing concern about the impacts of development on the Town's water supply, ponds and bays, and especially about high nutrient and bacteria levels in the Mashpee River, the Town voted in 1987 to create a Sewer Commission. The Commission had originally hoped to incorporate up to a dozen private treatment plants proposed in the late 1980s into a smaller

number of municipal facilities. However, the 1989-92 recession killed most of the proposed projects. For a time it was hoped that new on-site denitrifying wastewater treatment systems would allow the problem to be solved on an individual home or project level. However, because the level of nitrogen in our bays has been determined by recent Massachusetts Estuaries Program studies to be far in excess of the ability of such on-site systems to solve the problem, the Sewer Commission is developing a wastewater facilities plan which must involve sewerage large portions of the town. The plan is scheduled to be completed in 2008.

3. Long-Term Development Patterns

Mashpee has gone from Wampanoag hunting, fishing and farming based in small winter villages and summer encampments focused on water bodies, to small town centered on Main Street and Great Neck Road, to summer resort focused on the lakes and beaches, to real estate boom town overwhelmed physically, financially and otherwise by the impacts of growth, to a fairly mature resort/retirement community now looking at catching up with those impacts, particularly to its bays.

In response to the early stages of our rapid growth in the 1950's, Mashpee adopted its first zoning regulations in 1959 (see Map 3-3). While they seemed like a step forward, their effect was primarily to formally endorse an unsupportable high density of development throughout the town. Most of the town was zoned for 7,500 and 10,000 square foot lots. If the town had been built out in accordance with that zoning, we would have had over 60,000 residences, vs. the current buildout projection of just under 13,000. At the 2000 Census' 2.44 year-round persons per household, that translates to 146,400 people if all residences were occupied! Winter population would have been 92,400 at 2000's 63.1% year-round occupancy rate or just under 112,000 at the Town's projected year-round occupancy rate of 76.3% at "buildout".

A new master plan and zoning in 1971 increased minimum lot sizes to 12,500 square feet, with the majority of the town zoned for 22,500 square-foot lots. Under that plan, buildout residences would have been reduced to 40,000. A further change in 1979 brought minimum lot sizes to 15,000 square feet and introduced "acre" (40,000 square foot) zoning to a significant portion of the town. Buildout under the 1979 zoning would have resulted in about 27,000 homes which, if occupied at 2000 rates, would have translated to 65,900 persons at 100% occupancy and 50,300 winter residents at 76.3% year-round occupancy. Neither the 1971 or 1979 figures take into account increased densities possible with townhouse condominium projects (up to 4 units per acre) and planned retirement communities allowed under special permits from the Board of Appeals. Significant use of such special permits (which allowed up to 6 units per acre) could have greatly increased potential population.

During the early and mid-1980's, the town saw its greatest development boom, with over 500 residences built in some years (most under townhouse condo special permits or in "grandfathered" small lot subdivisions). In response, numerous open space land purchases were made by the Town and the Commonwealth, and further changes were made to zoning regulations. Residential special permit authority was moved from the Board of Appeals to the Planning Board. A transfer of development rights bylaw (the Open Space Incentive Development, or OSID bylaw) replaced the previous townhouse condo and planned retirement community bylaws. Minimum open space requirements were increased to 35% in cluster subdivisions and 50%+ in OSID projects. On

February 11, 1985, Town Meeting reduced “grandfathering” protections adopted in the 1970’s and increased minimum lot sizes to 40,000 square feet, with 60,000 square feet required in much of the northern portion of the town.

The large lot sizes came primarily in response to increased concerns about groundwater contamination, as did the creation of the Mashpee Water District. Buildout projections done for the Town’s first water system master plan in 1987 showed a potential for about 22,000 residences, with a year-round population of over 24,000 persons. However, the large number of subdivision plans filed just prior to the February, 1985 Town Meeting under “grandfather” provisions of the state’s zoning laws illustrated the limitations of lot size zoning as a tool for growth management and open space protection. The fairly small impact of the major increase in lot size requirements on potential buildout population was also an indication of how completely the town had already become developed or subdivided under previous zoning.

As a result, there has been only one significant lot size zoning change since 1985. The areas zoned for 60,000 square-foot lots were increased to 80,000 square feet in 1989. However, primarily through conservation land purchases by the Town, the state, the U.S. Fish & Wildlife Service and various non-profit land trusts, along with the failure of a number of townhouse condominium projects that had been permitted in the 1980’s but never begun, the town’s calculated “buildout” has been reduced to about 12,900 dwellings and 22,800 year-round residents. Current zoning is illustrated by Map 3-4. Residential areas in the northern half of the town, which lie in the recharge zones of existing and proposed Mashpee, Falmouth and Cotuit public wells, are zoned primarily for 80,000 square-foot lots, although much of the area was developed with much smaller lots under old zoning. The southern half of the town is zoned for 40,000 square-foot lots although, again, much as been developed at smaller lot sizes.

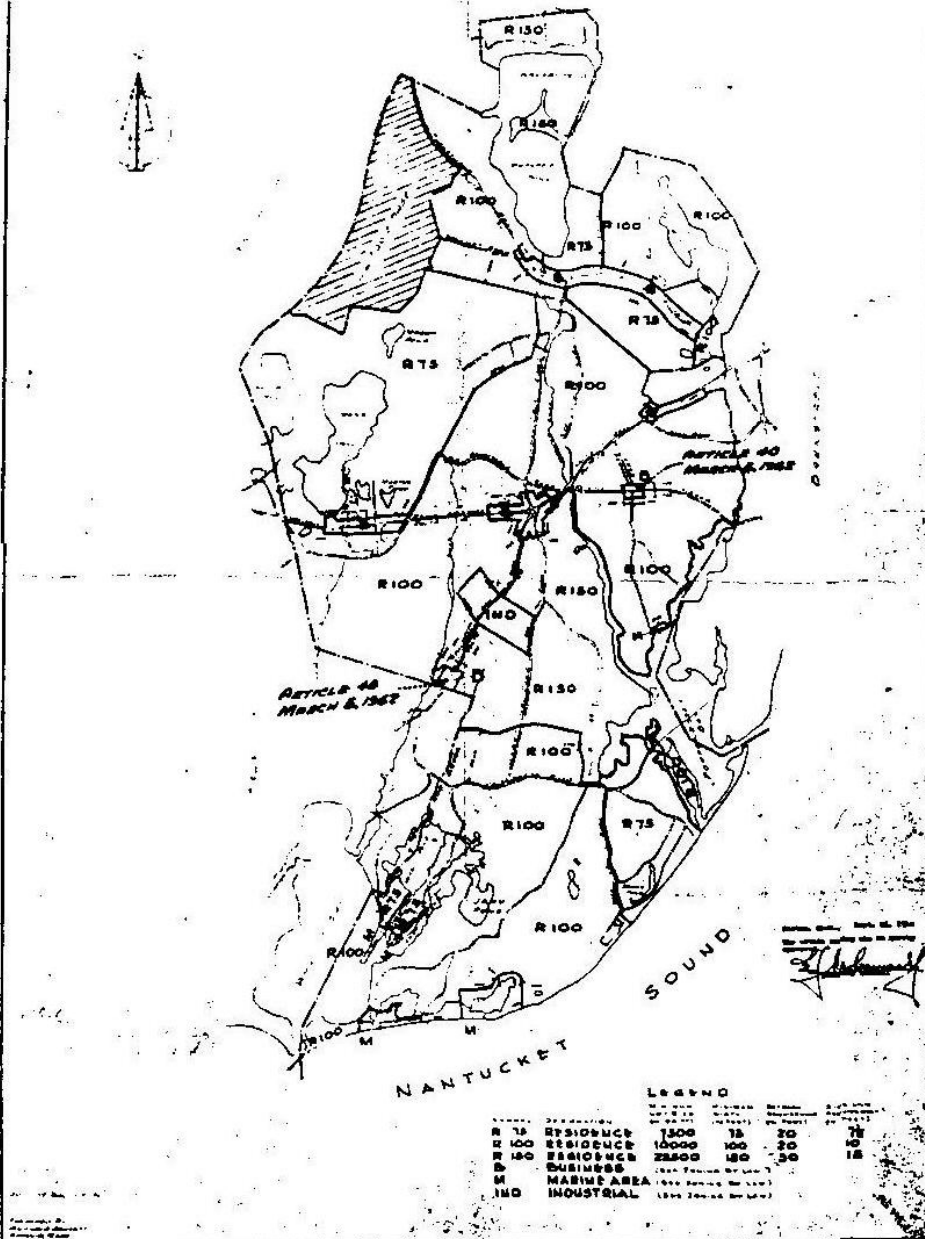
Commercial zones are located primarily in the center of the town around the Route 28/151 rotary, on Route 28 at the Barnstable town line, on Route 151 near Johns Pond, and on Route 130 at the old town center and in a strip west from Ashumet Road to the boundary of the Mass. Military Reservation. The town’s industrial zones include a small, almost fully developed area on Bowdoin Road, a prime area on Route 28 between the rotary and the Falmouth town line (of which one portion, the Mashpee Industrial Park, has been designated by Town Meeting as an Economic Opportunity Area) and a large area south of Route 130 adjacent to the Military Reservation.

Particular provisions of our current zoning which are relevant to the Town’s open space protection efforts are 1) the previously mentioned OSID by-law, which has been used to date in one case, resulting in the protection of 340 acres of land on the Quashnet River (after state purchase of 270 acres of open space and 70 acres of adjacent land proposed for condominium development under an OSID permit), 2) provisions of the Commercial Center by-law which provide for transfer of residential development rights into second and third floor spaces above commercial uses, 3) cluster zoning provisions, revised in October 2006 (requiring that 50% of uplands and all wetlands in a project be preserved as open space, including prime farmland soils and wetland buffer areas), which have been the most frequently used form of development since the 1960s, and 4) the aforementioned 40,000 and 80,000 square foot zoning, which creates the basis on which OSID and cluster projects result in protection of large areas of open space. Flood zoning, the Mashpee River and Quashnet River Protective Districts, an ACEC (Areas of Critical Environmental Concern)

1959 Zoning Map

Map 3-3

ZONING MAP TOWN OF MASHPEE MASSACHUSETTS



overlay zone and Groundwater Protection Districts are targeted at certain environmental issues but have no impact on open space preservation and only minimal impact on land use patterns.

There have been very few new subdivision plans filed in the last fifteen years, reflecting the fact that most of the town has either been developed or previously subdivided. However, a growing portion of subdivisions filed have been under the provisions of M.G.L. Chapter 40B, which usually results in much higher development densities and little or no open space. Most of the few remaining large areas of un-subdivided land are either landlocked or have title problems. The exceptions are the area around the Mashpee rotary proposed for development by Mashpee Commons and a 92 acre tract of land on Route 130 owned by the Diocese of Fall River and now on the market. Map 3-5 illustrates current land use by assessors parcel. Map 3-6 represents actual land use mapped by the University of Massachusetts using 1990 aerial photography and their “MacConnell” land use classification system.

Because Mashpee was such a small town until recently, there are very few “historic” buildings or areas. Map 3-7 illustrates the areas and sites with the most historic associations. The old village center near the current Town Hall has now been established as the Mashpee Historic District under MGL Chapter 40C. The old Indian Meetinghouse / cemetery area is listed on the National Register of Historic Places. South Mashpee village at the intersection of Great Neck and Red Brook Roads includes the historic Amos house and the South Mashpee School House (now converted to a residence). Other areas of historic importance lie along Main Street (Route 130), Great Neck Road North and Lovell’s Lane, while the Popponesset Inn, 4-H Camp Farley and the Besse House on Mashpee Pond are also of historic interest. The map also locates all of the Town’s known burial grounds, some of which are very small family plots, along with the general area of known archaeological sites.

Two large new residential development proposals are currently in the works. Mashpee Commons has secured a Chapter 40B Comprehensive Permit for 382 housing units and 40,900 sq. ft. of commercial space on 60 acres in the Jobs Fishing Road / Whitings Road /Quashnet River area. Approximately 40 acres of the project lies within the boundaries of the National Wildlife Refuge, of which about 5 acres along the Quashnet River will be set aside as open space. The Mashpee Commons project also includes three other primarily commercial neighborhoods between Route 28 and Great Neck Road South (the “East Steeple Street” neighborhood), between Great Neck Road South, Route 28 and Trout Pond (the “Trout Pond” neighborhood), and on the north side of Route 151 between the existing North Market Street neighborhood and the Quashnet River.

The second large proposal recently approved under Chapter 40B is a 120 unit condominium / apartment project at the rear of an industrial area off Route 130 adjacent to Otis Air National Guard Base. Mashpee Woods would develop the residences in five buildings on 8 acres, with 19 acres set aside as open space and approximately 20 acres developed for commercial and industrial uses. The entire site lies within the authorized boundary of the Mashpee National Wildlife Refuge.

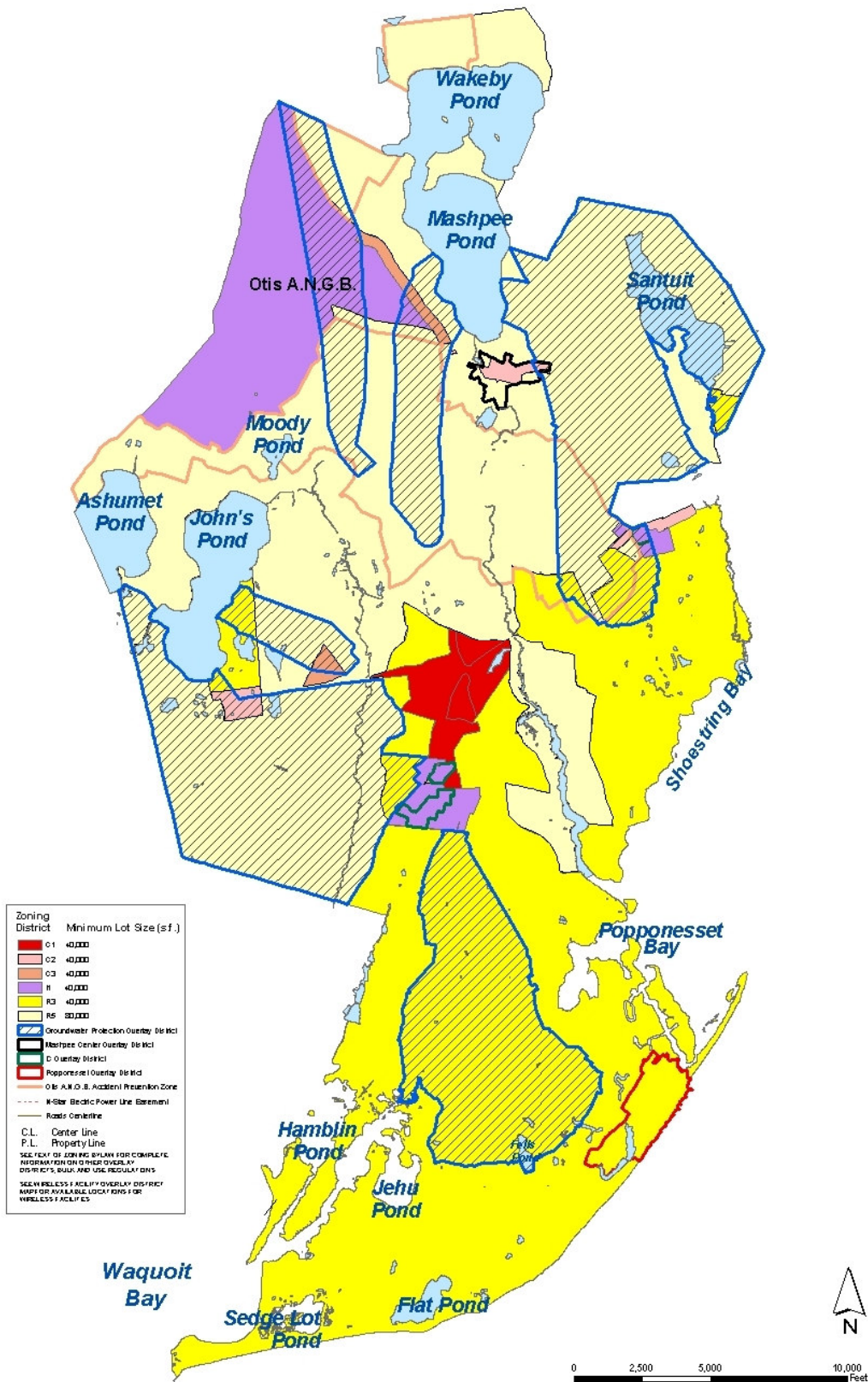
With the exception of Chapter 40B projects, significant new development will be subject to review by the Cape Cod Commission as a Development of Regional Impact. Under the Commission’s current regulations, as much as 66% of any residential project, and 40% of commercial projects,

must be set aside as open space. This has resulted in the protection of a significant acreage of open space land in Mashpee, and may protect additional acres in the future.

Assuming no major increases in density allowed by zoning, or a tremendous increase in 40B development, “new” development, however, will account no more than half of future building in Mashpee. About a thousand housing units approved under older special permits, dating as far back as New Seabury’s in 1964, (almost 300 at New Seabury, 250 at Southport, 80+ at Quashnet Valley, 57 at Mashpee Commons etc.), as well as additional hundreds within old partially-developed subdivisions, will add to water quality and other environmental impacts, but their pattern of development has been set and they will not be subject to any regulatory changes we might make. Except for some potential for open space mitigation under Cape Cod Commission permitting, the same can be said for most of the Town’s already subdivided industrial and commercial land.

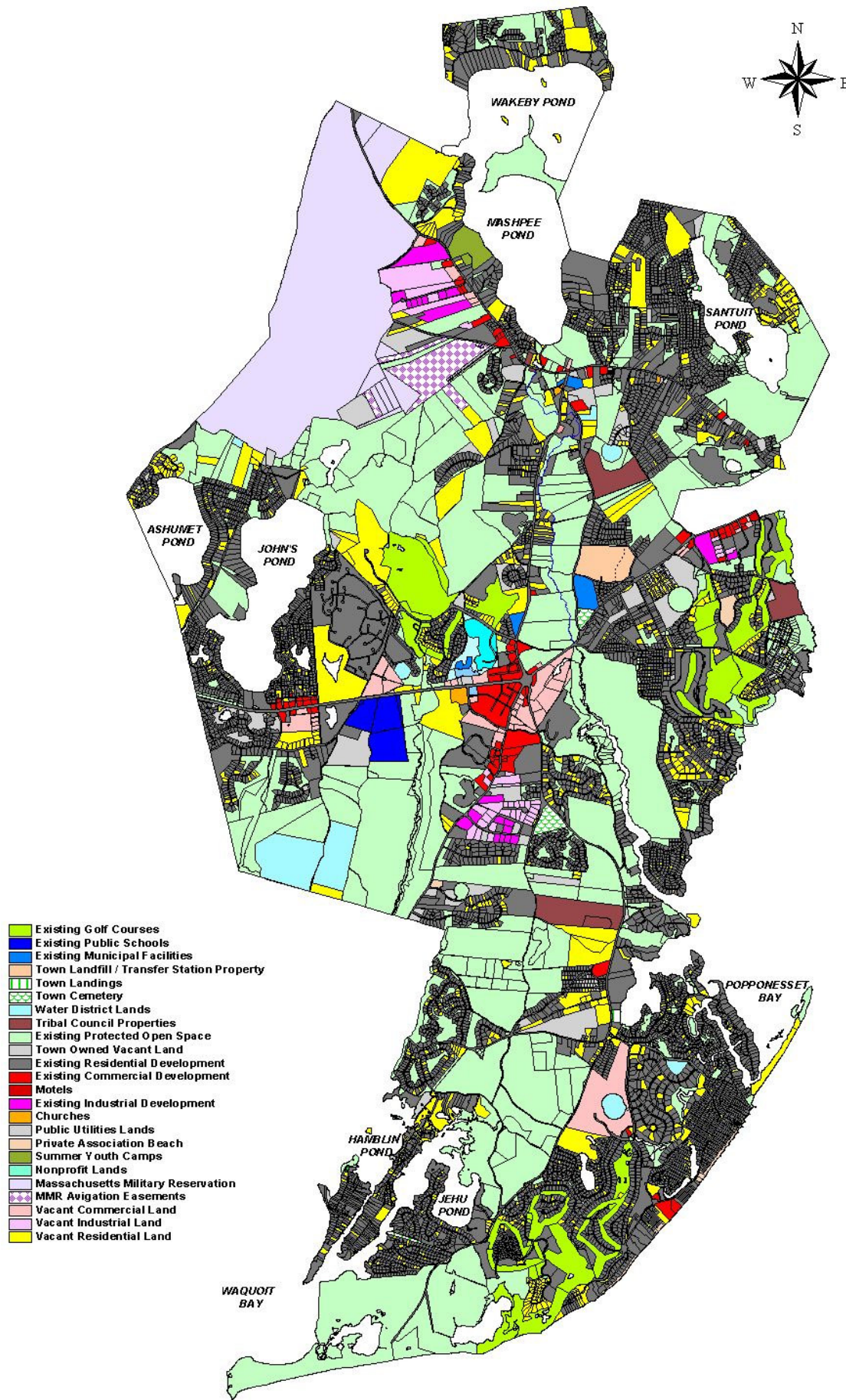
Mashpee Zoning Map

Map 3-4



Mashpee Land Use by Parcel

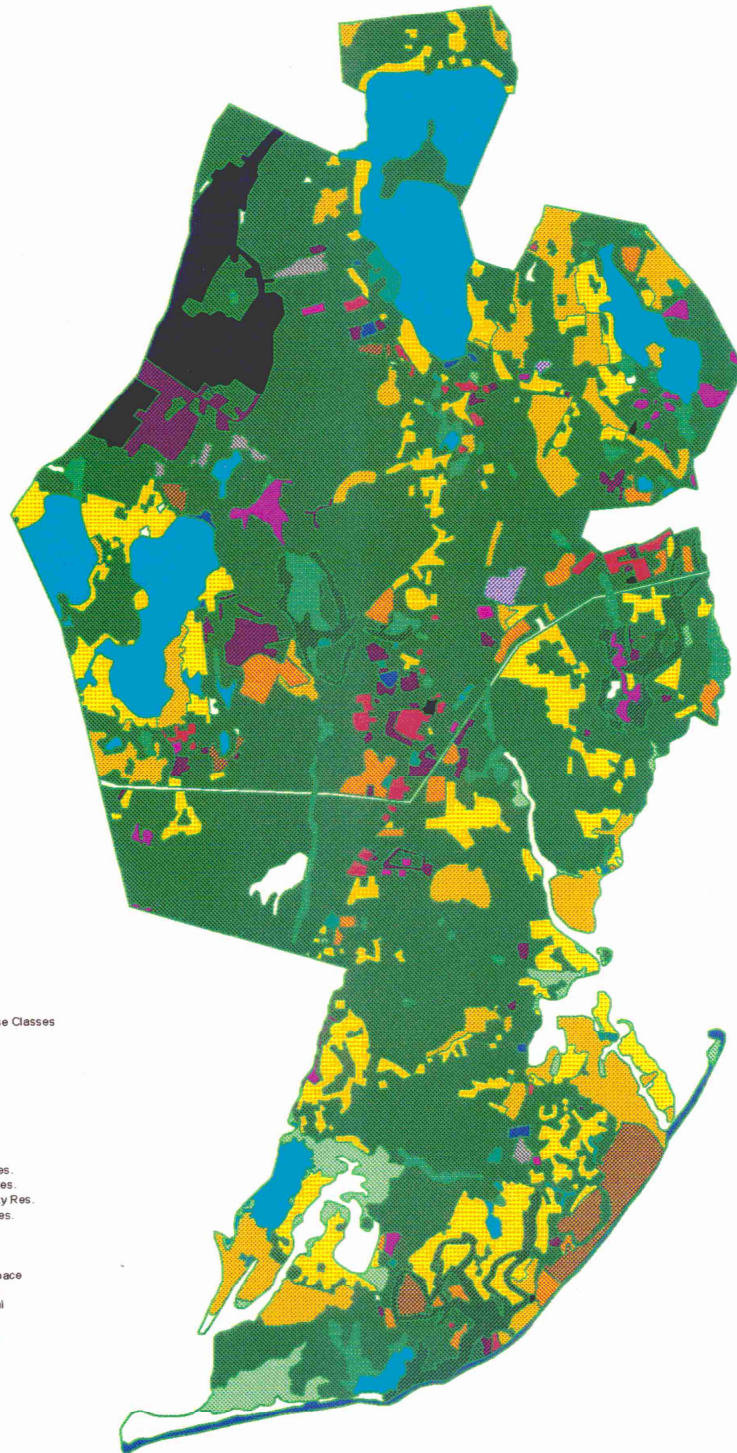
Map 3-5



Mashpee Land Use Based on MacConnell Classification

Map 3-6

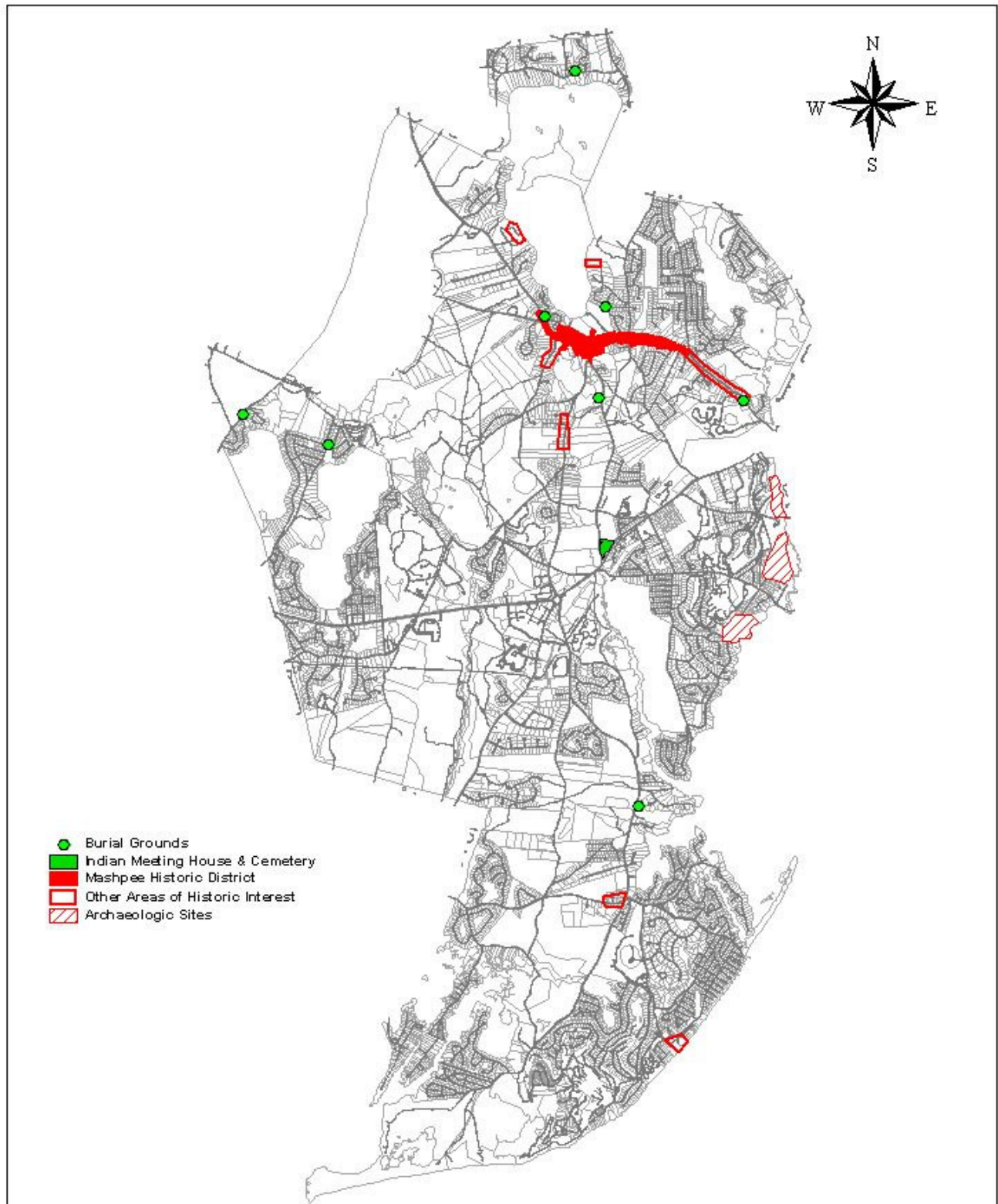
- MacConnell Land Use Classes
- Crop Land
 - Pasture
 - Forestland
 - Inland Water
 - Mining
 - Open Land
 - Particip. Rec.
 - Spectator Rec.
 - Water Rec.
 - Multi-Family Res.
 - High Density Res.
 - Medium Density Res.
 - Low Density Res.
 - Salt Wetland
 - Commercial
 - Industrial
 - Urban Open Space
 - Transportation
 - Waste Disposal
 - Water
 - Cranberry Bog
 - Golf Course
 - Marina



May 14, 1996

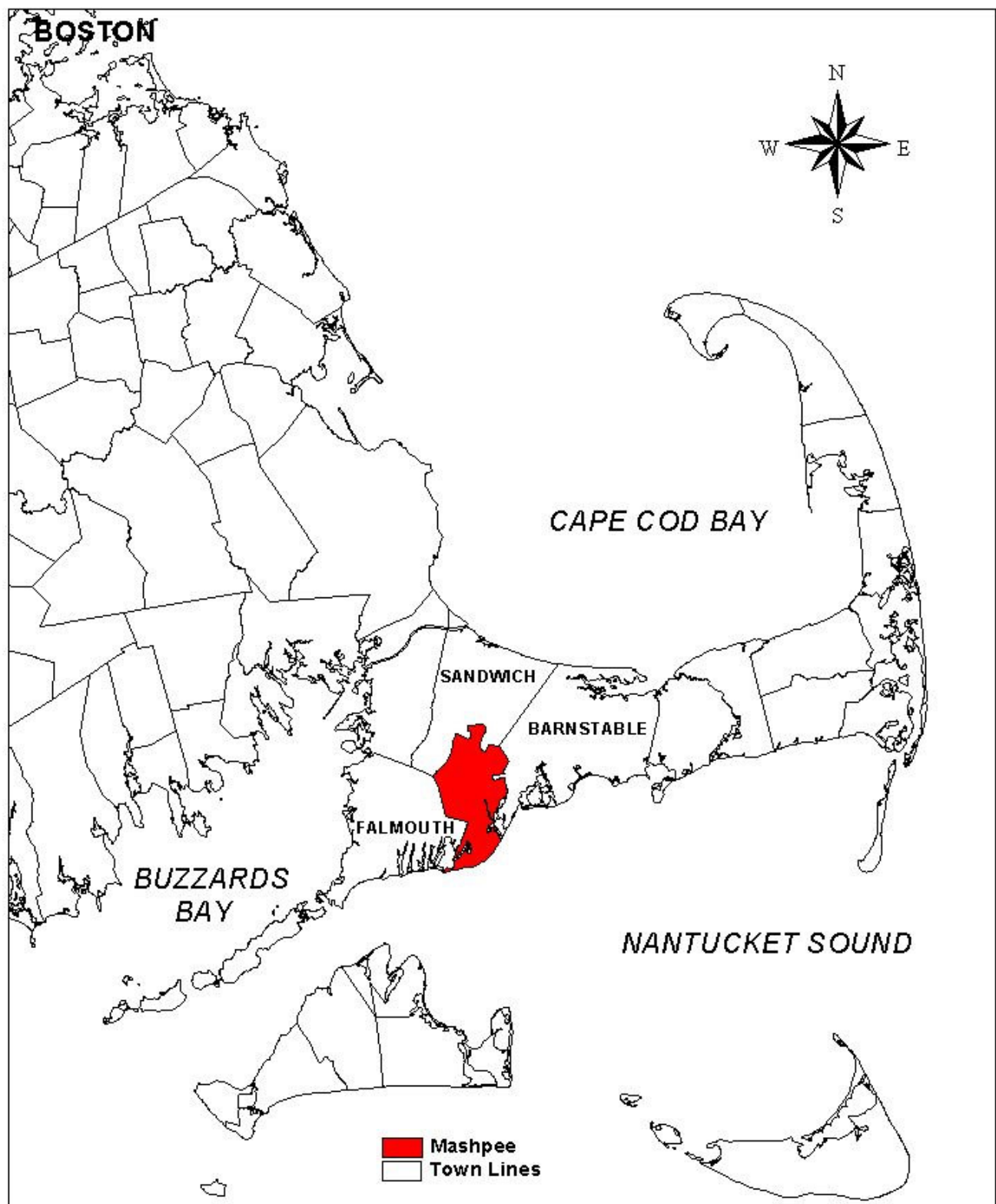
Historic Sites and Areas

Map 3-7

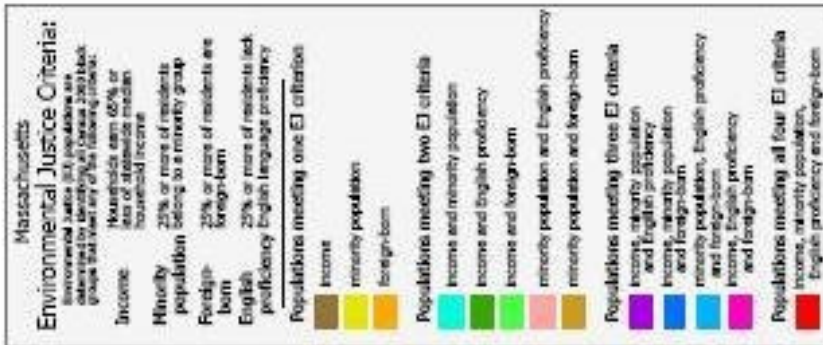


Mashpee Regional Context

Map 3-8



Environmental Justice Populations Southeast Region



For more information contact:
Jesse O'Neil, EJ Policy Program Coordinator
617-626-1026
joe.o'neil@state.ma.us

