



**AGENDA
SELECT BOARD
MONDAY, JULY 24, 2023
WAQUOIT MEETING ROOM
MASHPEE TOWN HALL
16 GREAT NECK ROAD NORTH
MASHPEE, MA 02649**

Broadcast Live on Local Cable Channel 18

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

6:30 p.m. – Convene Meeting in Open Session

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES:

Approval of the Following: Monday, June 26, 2023 Regular & Executive Sessions (with edits- continued from 7-17-23)

APPOINTMENTS & HEARINGS

- Public Comment
- Discussion with Regard to Residential Tax Exemptions: *Director of Assessing Joseph Gibbons*
- Discussion and Approval of the Following Appointments to the Mashpee Cultural Council:
Pamela N. Joseph (Term Expires September 30, 2026); Diane Scott (Term Expires September 30, 2025)

COMMUNICATIONS & CORRESPONDENCE

NEW BUSINESS

- Discussion and Approval of Proclamation of National Suicide Prevention Month – September 2023
- Discussion, Approval and Recommendations of Draft #1 of the October 16, 2023 Town Meeting Warrant

OLD BUSINESS

- Discussion of Amending Select Board Policy 001: Appointment Policy for Boards, Commissions, Committees & Councils

ADDITIONAL TOPICS

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

LIAISON REPORTS

WATER QUALITY UPDATES

TOWN MANAGER UPDATES

**MASHPEE TOWN CLERK
JUL 20 '23 PM3:53**

EXECUTIVE SESSION

ADJOURNMENT

APPOINTMENTS & HEARINGS

Appointment to the Zoning Board of Appeals (Member-at-Large): Sharon Sangeleer (Term Expires June 30, 2024):

The Select Board reviewed the request of the Zoning Board of Appeal for the appointment of (1) member who is advancing from the Associate to Member-at-Large position. In accordance with Policy 001 under Item E. Appointment Notice, *Upon appointment or reappointment to a Board, Commission, Committee or Council, the appointee and the relevant Chairperson shall be issued a notice of appointment/reappointment stating the term of said appointment.*

It was agreed that recommendations from all Boards, Commissions, Committees or Councils should adhere to Policy 001 – Appointment Policy for Boards, Commissions, Committees and Councils (appointed by the Select Board). Recommendations shall be consistent with Policy 001. Suitable ratings are as follows;

Strongly Recommend

Recommend

Recommended with Hesitation

Not Recommended.

All Boards, Commissions, Committees and Councils shall receive a copy of Policy 001 to adhere to the steps of the Policy. Amendments to the Policy shall include the revision date.

~~Motion made by Selectman Sherman to appoint Sharon Sangeleer to the Zoning Board of Appeals with a term to expire, June 30, 2024 subject to the correct term.~~

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

~~VOTE: Unanimous. 5-0.~~

~~Roll Call Vote:~~

~~Selectman Cotton, yes Selectman O'Hara, yes Selectman Sherman, yes~~

~~Selectman Weeden, yes Selectman Wyman-Colombo, yes Opposed, none~~

Town Manager Rodney C. Collins recommended to defer action. The Select Board decided to not make further appointments until Policy 001 is reviewed.

OLD BUSINESS

Nomination, Discussion and Approval of the Select Board Representative to the following:

Community Preservation Act Committee ("CPC"):

Selectman Weeden nominated Selectman Michaela Wyman-Colombo to the Community Preservation Act Committee (CPC).

Following Roberts Rules of Order, a second to the motion is not required.

~~Motion made by Selectman Sherman to nominate~~ Selectman Sherman nominated Selectman Carol A. Sherman to the Community Preservation Act Committee (CPC).

Chairman Cotton requested a vote putting forth the nomination of Michaela Wyman-Colombo. *Sentence Added.

STRAW VOTE: ROLL CALL VOTE: 4-1.

Selectman Cotton, yes	Selectman O'Hara, yes	Selectman Sherman, no
Selectman Weeden, yes	Selectman Wyman-Colombo, yes	Opposed, (1)

Capital Improvement Program Committee ("CIP"):

~~Motion made by Selectman Weeden to nominate~~ Selectman John J. Cotton to the Capital Improvement Program Committee (CIP).

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

STRAW VOTE: Roll Call Vote:

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

Environmental Oversight Committee ("EOC"):

~~Motion made by Selectman Wyman-Colombo to nominate~~ Selectman David W. Weeden to the Environmental Oversight Committee (EOC).

ROLL CALL VOTE: 5-0.

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

Page 20 (continued)

Economic Development Industrial Corporation ("EDIC"):

**~~Motion made by Selectman Wyman-Colombo to nominate~~ Selectman Carol A. Sherman
to the Economic Development Industrial Corporation (EDIC).**

~~STRAW VOTE:~~ ROLL CALL VOTE: 4-0-1.

**Selectman Cotton, yes Selectman O'Hara, yes Selectman Sherman,
abstained**

Selectman Weeden, yes Selectman Wyman-Colombo, yes Opposed, none



AGENDA *AMENDED*
SELECT BOARD
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WAQUOIT MEETING ROOM
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6 p.m. – Convene Meeting in Open Session

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

CONVENE JOINT MEETING WITH THE AFFORDABLE HOUSING TRUST

- Discussion and Approval of Community Preservation Application-\$500,000

Town Planner Evan Lehrer:

- Discussion of Affordable Housing Trust Mission & Goals with Consideration of the Update of the Housing Production Plan
- Discussion and Possible Vote to Authorize a Traffic Impact Assessment for 209 Old Barnstable Road
- Discussion of Possible Approval of a Request for Quotes” for a Feasibility Analysis of an Affordable Housing Development at the “VFW Site” (Map 62, Parcel 67)

ADJOURN JOINT MEETING WITH THE AFFORDABLE HOUSING TRUST

MINUTES:

Approval of the Following: Monday, June 5, 2023 Regular Session

APPOINTMENTS & HEARINGS

- Status of Wastewater Management and Planning: *Marc Drainville (GHD); Sewer Commission Chair Chad Smith, Town Manager Rodney Collins*
- Public Comment
- Administrative Investigation Status: *Town Manager Rodney Collins*
- Updates on the Residential Tax Exemption and Setting the Tax Rate: *Assessing Director Joseph Gibbons*
- Discussion and Approval of End of Year Transfers: *Finance Director Dawn Thayer*
- Discussion and Certification of the Hiring Process for the Following as Firefighter/EMTs: *Keith Birch, Jessica O’Kane, Nicholas Hill, Corey Celeste: Fire Chief John Phelan*
- 6:50 pm Public Hearing: New Annual All Alcoholic Beverages Restaurant License: *Chen 1688, Inc. D/B/A Saga Hibachi 36 South Street, Mashpee, MA: Hui Ling Chen, Attorney Theodore Schilling*
- Discussion and Approval of the Following Resignations and Appointments:
 - Resignation from the Mashpee Community Garden Advisory Committee: *Lynn Harris (Term Expires June 30, 2025)*
 - Appointment to the Zoning Board of Appeals (Member-at-Large): *Sharon Sangeleer (Term Expires June 30, 2024)*
 - Appointment of Deputy Shellfish Constables: *Richard Santangelo, Tyler Grady, Christopher Lucier (Terms Expire June 30, 2026)*

(Continued on next page)

APPOINTMENTS & HEARINGS (CON'T)

- Discussion and Approval of the Following Special Events, Temporary Sign Permits, One Day Liquor Licenses:
 - La Tavola: August 4, 2023, 5-9 pm, Steeple Street: *Mashpee Chamber of Commerce*
 - Annual Mashpee Chamber of Commerce Christmas Parade: December 9, 2023, 5:30-7:30 pm: *Mashpee Chamber of Commerce*
 - Head of the Ponds Regatta: September 10, 2023, 5:30-10:30 am, Attaquin Park: *Alan Robinson*

COMMUNICATIONS & CORRESPONDENCE

AMENDED ITEM **Petition with Regard to Mashpee Neck Road Speed Limit**

OLD BUSINESS

- 2023-2024 Select Board Liaison Assignments: *Select Board Chair John Cotton*
- Nomination, Discussion and Approval of the Select Board Representative to the following:
 - *Community Preservation Act Committee ("CPC")*
 - *Capital Improvement Program Committee ("CIP")*
 - *Environmental Oversight Committee ("EOC")*
 - *Economic Development Industrial Corporation ("EDIC")*

NEW BUSINESS

ADDITIONAL TOPICS

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

LIAISON REPORTS

WATER QUALITY UPDATES

TOWN MANAGER UPDATES

EXECUTIVE SESSION

- Discussion of Strategy with Respect to the Following Personal Service Contracts Pursuant to M.G.L. C. 30A §21 (a) (2):
 - *Police Captain Thomas Rose*
 - *Fire Chief John Phelan*
 - *Deputy Fire Chief Joseph Peltier*

RECONVENE OPEN SESSION

- Discussion, Approval and Ratification of Personal Service Contracts for the Following:
 - *Police Captain Thomas Rose*
 - *Fire Chief John Phelan*
 - *Deputy Fire Chief Joseph Peltier*

ADJOURNMENT

Mashpee Select Board-Affordable Housing Trust
Minutes
June 26, 2023

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

Meeting Called to Order by Chairman Cotton at 6:04 p.m.
Mashpee Town Hall, Waquoit Meeting Room

CONVENE JOINT MEETING WITH THE AFFORDABLE HOUSING TRUST

The Meeting of the Affordable Housing Trust was Called to Order at 6:05 p.m.
In addition to the five member Select Board, Allan Isbitz was in attendance representing the Affordable Housing Committee and Gregory McKelvey attending as representative to the Finance Committee.

PUBLIC COMMENT

Susan Dangel – Deferred her comments at this time.
Jonathan Small – Deferred his comments at this time.
Dr. Jayne Singer – Deferred her comments at this time.
Mary Waygan – Deferred her comments at this time.

Don Allen, Mike Perkins and Jay Hill of Palmer Road were present with Arthur Schneider of West Way to review concerns regarding the 209 Old Barnstable Road affordable housing project. In quarter one of 2023, 239 residencies in the three residential communities abutting 209 Old Barnstable Road received a survey asking if they supported or opposed the proposed development of affordable housing. Of the 239 residents, 192 surveys were returned. Fifteen percent or 29 residents were in support of the project, 163 residents or 85% were in opposition.

Key issues of concern include unsafe road with the high volume of traffic re-routed during recent construction which now traverse the road areas on a daily basis. Unsafe road conditions increase the risk of a serious traffic accident which may impact pedestrians and drivers. The site being too small would diminish the quality of life for residents, and water and sewerage required for the additional 24 housing units would exacerbate Mashpee's current water problem.

All Quashnet elementary school buses now exit on Snead Drive and directly pass the 209 Old Barnstable Road site which is already surrounded by traffic with the area condominium complexes, the golf course and Mashpee Village. Housing has also increased greatly over the past six years. This makes this site a very dangerous area. Local decision makers were requested to conduct a site visit, and to vote in favor of a traffic study.

Mashpee Select Board-Affordable Housing Trust
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PUBLIC COMMENT (continued)

An analysis of density was conducted of the acreage of surrounding properties in aggregate. The site 209 Old Barnstable Road proposes 24 units with 48 bedrooms resulting in a 13.3 density factor. For comparison, the 950 Falmouth Road project density is 5.9. The Lowell Road condominiums are defined at 11 in terms of density.

Ellen Klenert a resident of Lowell Road indicated over the past 29 years she has seen various changes to the area. With the re-routing of traffic, the road is now a new conduit for commercial and oversized vehicles. To add more development in this area would create an already dangerous situation. The proposed affordable housing site is situated in the middle of two schools and a golf course. Although she is sympathetic to the housing situation Ms. Klenert voiced strong opposition to the project and urged the planners to reconsider this site.

Mike Hannan of Snead Drive commented on the Commercial Street project as perfect and previously planned for affordable housing. The project has stalled, and he was told the matter was in land court. Mr. Hannan stated the 209 Old Barnstable Road project does not appear to have much community engagement. There is a lack of information online. In moving forward, it was felt this would be a slow process stating that as residents they do have a voice on this matter. 90% of the area communities are noted to be in opposition. Mr. Hannan indicated he feels the Town is going to move ahead with this project anyway and asked if 3.7 acre site is going to get the Town any closer to achieve the affordable housing goals.

Linda Dallis also residing on Lowell Road stated the road is now damaged from those walking along the road. There are million-dollar homes in the area, and then there is a small affordable housing project planned. How is the Town going to keep the children safe? Ms. Dallis indicated that affordable housing is fine in other places. This area is too crowded. If she put up a fancy home and had affordable housing next to her house she would move. Ms. Dallis stated people are afraid that something is going to happen when you crowd the area.

Glen McCarthy – Deferred his comment at this time.

John Barron, Players Circle conveyed concern regarding density. Over the course of seven years 420 new homes have been constructed. The site is situated in close proximity to two schools, and the police, fire and council on aging complex. There is a lot of Town of Mashpee development surrounding this area. The affordable housing project might be better suited in another location.

Anthony Venuti of Snead Drive discussed his concerns regarding density and traffic. Twenty-four homes would equate to 48 vehicles. In the aspect of safety, there is the golf course crossing the street many times daily and there are walkers to consider.

Lynne Barbee – Deferred her comments at this time.

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Discussion and Approval of Community Preservation Application-\$500,000:

Acting under the direction of former Chair David W. Weeden, Wayne Taylor Assistant Town Manager submitted an application to the Community Preservation Committee to request additional funding to accelerate actions for more attainable, affordable and workforce housing in the Town of Mashpee.

At the May 2023 Town Meeting, the Affordable Housing Trust (AHT) was awarded \$550,000 in CPA monies to allow for a more efficient procedure to enable the acquisition of land and subsequent development of affordable housing projects. Adequate funding would enable the AHT to move forward effectively and efficiently, and to take action on affordable projects as they arise.

Motion made by Selectman Weeden to accept the application to the Community Preservation Committee for \$500,000 in CPA funding at the October 2023 Town Meeting.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 7-0.

Roll Call Vote:

Selectman Cotton, yes	Selectman O'Hara, yes	Selectman Sherman, yes
Selectman Weeden, yes	Selectman Wyman-Colombo, yes	
Mr. Isbitz, yes	Mr. McKelvey, yes	Opposed, none

Town Planner Evan Lehrer: Discussion of Affordable Housing Trust Mission & Goals with Consideration of the Update of the Housing Production Plan:

Evan Lehrer, Town Planner met with members of the Affordable Housing Trust to review the update of the Housing Production Plan, a CPA funded project at the May 2022 Town Meeting. The project also received funds from the Cape Cod Commission via District Local Technical Assistance. Mr. Lehrer indicated that actions to be defined in the Plan would consider projects recommended to move forward, evaluate the housing policy, and provide specific actions to be taken in consideration to the demographic changes over the past 10 years.

The Housing Production Plan (HPP) will provide the framework which the Town should rely on to meet its 10% mandate of housing units eligible for inclusion on the States Subsidized Housing inventory. The document is intended to support "the creation, preservation, and support of community housing."

It was noted the Town of Mashpee adopted its first Housing Production Plan in 2015. To meet the 10% mandate, a minimum of 32 units annually was recommended in this report. This goal was not achieved.

On July 11, 2023 Mr. Lehrer is scheduled to meet with the Affordable Housing Committee and consultants to outline an engagement strategy focusing on necessary steps to achieve the 10% mandate of eligible affordable housing units. It is anticipated the Affordable Housing Trust would be involved in this process as a decision-making board in similar capacity with the Affordable Housing Committee.

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Town Planner Evan Lehrer: Discussion of Affordable Housing Trust Mission & Goals with Consideration of the Update of the Housing Production Plan: (continued)

Thereafter, it is anticipated the Plan would meet filing deadlines by December 31, 2023. An approved Plan at the state level will initiate grant funding opportunities.

It was agreed the Affordable Housing Trust would assist in the update of the Housing Production Plan in consideration of existing conditions and future needs as well as community interests for submission to the Department of Housing and Community Development.

A meeting to define goals and policies will be held in approximately one month.

Discussion and Possible Vote to Authorize a Traffic Impact Assessment for 209 Old Barnstable Road:

Evan Lehrer updated the Affordable Housing Trust on 209 Old Barnstable Road, a Town owned site suitable for affordable housing. After surveying residencies in the three communities abutting the site, the majority of residents do not support an affordable housing project at this location. Key issues of concern include safety and security, impacts to traffic, unsafe roads, too small of a site with clustered affordable stock in this area and water and sewerage concerns.

Mr. Lehrer recommended the Select Board vote to authorize a traffic impact assessment study to better understand the traffic impacts that would be created or exacerbated by a 48-bedroom affordable housing development. Mr. Lehrer further added that it is important to propose solutions to mitigate the impacts by making recommendations intended to improve vehicular and pedestrian safety.

As the Trust discussed this matter, it was conveyed the feasibility work has been completed. The Town is in a housing crisis, and the availability of sustainable year-round housing is worsening. Opportunities are limited and relatively finite. Mr. Lehrer has indicated that utilizing Town-owned land is one of the most attainable goals of meeting Mashpee's needs. It is critical to define the next steps of engagement. With the understanding of traffic conditions, mitigation options would be identified.

Discussion followed with respect to the complaints and concerns of the neighborhood voicing their opinions during public comment. It was agreed there are heavy vehicles traversing this area, and there is a potential need for sidewalks. Wastewater would be evaluated, most likely to require denitrification. A study of native species habitat would follow in normal course of review. The road has challenges with vehicles driving at a high rate of speed where children would reside. The proximity to the Mashpee River is also a priority of concern.

The 48-bedroom count is the maximum density the site can sustain on the 3.7-acre lot. In comparison, the LeClair Village affordable housing project currently underway at 950 Falmouth Road is comprised of three separate parcels. One for mitigation, one for septic and the other for 39 units of affordable housing on 2.9 acres.

Mashpee Select Board-Affordable Housing Trust
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Town Planner Evan Lehrer: Discussion and Possible Vote to Authorize a Traffic Impact Assessment for 209 Old Barnstable Road:
(continued)

It was agreed this is a difficult decision. The charge of the Affordable Housing Trust is to find a way to build affordable housing. There is a need to reach the 10% subsidized housing goal which is 3-400 units of affordable housing. If the Town fails to meet the need, the economy will not grow as fast as it could, or it would stagnate. It was noted that a development process normally does not have a traffic study. The process generally moves forward to achieve its goal.

It is hopeful a traffic study would allow the neighborhood to address their concerns. The Town does not have the luxury to ignore this project. The Housing Production Plan when complete will list all potential sites available for consideration for affordable housing. This is the time to move ahead with the traffic study and continue to have the neighbors involved.

Mr. Lehrer requested up to \$25,000 to complete the traffic impact assessment. Approval would enable the preparation of a Request for Quote (RFQ) for consultants. It was agreed the Affordable Housing Trust would consider voting on this matter after the VFW site discussion.

Discussion of Possible Approval of a Request for Quotes” for a Feasibility Analysis of an Affordable Housing Development at the “VFW Site” (Map 62, Parcel 67):

Evan Lehrer offered comment on the development of affordable housing stating the Town needs to get comfortable in doing more than one project at once.

With regards to the VFW site, it is a large parcel in close proximity to the under-construction wastewater treatment facility located across from the Sea Oaks Condominium off of Route 28, and east of Orchard Road, Mashpee. Town Meeting action is required to accept the deed for this property. Mr. Lehrer requested the Select Board recommend an article for the October 2023 warrant for the transfer. However, the VFW site is not ready to move forward from a feasibility perspective. The staff, when directed would prepare the procurement of documents including the RFP to be developed with the input of the Affordable Housing Trust to begin moving this project forward. It is hopeful the Town would work on the VFW site in conjunction with the 209 Old Barnstable Road site.

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Discussion and Possible Vote to Authorize a Traffic Impact Assessment for 209 Old Barnstable Road:
(continued)

Motion made by Selectman Sherman to authorize a Traffic Impact Assessment study for the purposes of understanding traffic impacts created or exacerbated by a 48 bedroom affordable housing development at 209 Old Barnstable Road, and further to propose solutions to mitigate those impacts by making recommendations that are intended to improve vehicular and pedestrian safety on Old Barnstable Road between Route 151 and Great Neck Road North and Lowell Road to Old Barnstable Road consistent with the study prepared by Horsley & Witten for a sum limit up to \$20,000. Funds to derive from the Affordable Housing Trust.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 7-0.

Roll Call Vote:

Selectman Cotton, yes	Selectman O'Hara, yes	Selectman Sherman, yes
Selectman Weeden, yes	Selectman Wyman-Colombo, yes	
Mr. Isbitz, yes	Mr. McKelvey, yes	Opposed, none

Discussion of Possible Approval of a Request for Quotes" for a Feasibility Analysis of an Affordable Housing Development at the "VFW Site" (Map 62, Parcel 67): (continued)

Motion made by Selectman Sherman to move forward with a Feasibility Analysis at the VFW Site.

Motion seconded by Selectman Wyman-Colombo.

The Motion was withdrawn.

Motion made by Selectman Weeden to request staff to draft an RFQ for the VFW Site (Map 62, Parcel 67), to bring back to the Affordable Housing Trust with a contemplated estimate. And, further authorize that an article be prepared for the Deed Transfer at the May 2024 Town Meeting.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 7-0.

Roll Call Vote:

Selectman Cotton, yes	Selectman O'Hara, yes	Selectman Sherman, yes
Selectman Weeden, yes	Selectman Wyman-Colombo, yes	
Mr. Isbitz, yes	Mr. McKelvey, yes	Opposed, none

Mashpee Select Board-Affordable Housing Trust
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June 26, 2023

ADJOURN JOINT MEETING WITH THE AFFORDABLE HOUSING TRUST

Motion made by Selectman Sherman to adjourn at 7:20 p.m.

Motion seconded by Mr. McKelvey.

VOTE: Unanimous. 7-0.

Roll Call Vote:

**Selectman Cotton, yes
Selectman Weeden, yes
Mr. Isbitz, yes**

**Selectman O'Hara, yes
Selectman Wyman-Colombo, yes
Mr. McKelvey, yes**

**Selectman Sherman, yes
Opposed, none**

Respectfully submitted,

Kathleen M. Soares
AHT Secretary

Mashpee Select Board
Minutes
June 26, 2023

Select Board meeting convened: 7:21 p.m.

MINUTES

Monday, June 5, 2023 Regular Session:

Motion made by Selectman Weeden to approve the Regular Session minutes of Monday, June 5, 2023 as presented.

Motion seconded by Selectman Wyman-Colombo.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cotton, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Selectman Weeden, yes

Selectman Wyman-Colombo, yes

Opposed, none

APPOINTMENTS & HEARINGS

Status of Wastewater Management and Planning: Marc Drainville (GHD); Sewer Commission Chair Chad Smith, Town Manager Rodney Collins:

After hearing the recent comments and concerns of residents regarding the conditions of the waterways, Town Manager Rodney C. Collins read aloud a statement to assure the residents the Town is moving forward. The following professional goals and timeline was identified and subject to the approval of the Select Board.

- To meet with the State Revolving Fund (SRF) loan process August 11, 2023 deadline to receive Town funding is 2024. To satisfy the scoring criteria to be reviewed by the DEP; August through December achieving a determination from the DEP for an Intended Use Plan (IUP), and to identify projects to be funded. A 30-day comment period would follow before finalizing the funding project list.
- To introduce an article for the October 2023 Town Meeting for planning, design and engineering. The deadline for the Select Board to place articles on the warrant is August 28, 2023.
- With an approved IUP on or before July 1, 2024, the Town would move forward to obtain local funding. (It is customary for a town to seek local approval after an IUP award). The Nitrogen Management & Clean Water Management Plan is in place, and was adopted in 2015. The (5) specific phases as identified for the collection and treatment in Phase I are the basis for current Phase I. Town Operational Management will submit what is remaining for Phase I and for Phase II and introduce an article for the May 2024 Town Meeting to fund an identified scope for the remaining Phase I and Phase II.

Mashpee Select Board
Minutes
June 26, 2023

APPOINTMENTS & HEARINGS

Status of Wastewater Management and Planning: Marc Drainville (GHD); Sewer Commission Chair Chad Smith, Town Manager Rodney Collins: (continued)

Town Manager Rodney C. Collins proposed to present menu-style options for review and deliberation identifying specific scopes for further action including Town Meeting authorization.

Motion made by Selectman Weeden to support the recommendation of the Town Manager with respect to Wastewater Management & Planning approving all (3) identifiable goals as priorities.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

It was advised the Town Manager conducted an operational meeting on this date with members of the Sewer Commission, GHD, Environmental Partners, and Weston and Sampson. It was strongly recommended the Select Board and Sewer Commission meet to conduct a joint workshop session to review and reach agreement regarding the project scope as the Town moves forward with the second phase of the Wastewater Plan.

It was agreed the menu prepared and recommended by the Town Manager would be re-visited at the Select Board's regular meeting on July 17, 2023.

Chad Smith, Chair of the Sewer Commission acknowledged approval of the entire Plan as presented by the Town Manager stating the options from Phase I are not included or finished, and the options considered in Phase II would take an inclusive approach. The menu of options will allow the Town to proceed forward. Mr. Smith indicated it is appropriate to refer to the planning as a menu, as it relates to families sitting down to see what they can actually afford, and this is exactly what we as a Town want to do.

Public Comment:

Susan Dangel deferred her comments at this time.

Jonathan Small deferred his comments at this time.

Dr. Jane Singer deferred her comments at this time.

Mary Waygan, Chair of the Planning Board made note of the Annual OneCape Summit scheduled to be held on July 31st and August 1st. Topics this year include housing affordability, water quality, economic and climate related-changes on Cape Cod. Residents, and local community groups are invited to attend. The forum will be held at the Wequessett Resort in Harwich.

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June 26, 2023

APPOINTMENTS & HEARINGS

Public Comment: (continued)

Glenn McCarthy urged the Select Board to reinforce the Phase II sewerage plan and the use of SRF funding. As a member of the Citizens for the Protection of Waquoit Bay, initially formed to protect Washburn Island there is dire concern for Waquoit Bay. Mr. McCarthy indicated that any sewer plan needs to prioritize the Town's watersheds. It was recommended the Town finish the Intermunicipal Agreement between Mashpee and the Town of Falmouth. A group of local residents were in attendance in support of the restoration of Waquoit Bay.

Lynn Barbee expressed appreciation to the Town Manager for his proposal and its process. It makes a lot of sense. The Town was also acknowledged for the wonderful fireworks event and to those making this an amazing summer event in the Town of Mashpee.

Greg McKelvey advocated for the Mashpee taxpayer in concern to the rising cost of sewerage. With no State or Federal funding, he asked where the money would be coming from, the backs of the taxpayers. Mr. McKelvey indicated that sewerage is a 30-year plan. It was recommended the Town defer any action until an engineer is on board to fill the shoes of Mr. Jack to ensure funds are spent wisely with no overages. Mr. McKelvey recently discussed this concern with a resident who is not able to assume the increased tax rate and would be selling her home as a result. People will have to make choices, and balance is important to all of us. Mr. McKelvey indicated he is concerned as the Town has not discussed the financial impact to the taxpayer.

Regarding the comments made by Mr. McKelvey, Town Manager Rodney C. Collins indicated that it is important to understand there are checks and balances in effect immediately. In the absence of Mr. Jack, the engineering firm of Weston and Sampson will assume the role of OPM, and the Town will be further reviewing the menu of options.

Administrative Investigation Status: Town Manager Rodney Collins:

Town Manager Rodney C. Collins indicated he is not prepared to deliver a report on the status of the Administrative Investigation at this meeting. It does appear there are no violations to any rules, policies or procedures. The Board if it chooses to do so is able to adopt more policies.

It is worthy to note there is an issue with the process which was defined in a recent resignation. In moving forward, the Select Board will be voting individually on certain appointments such as CIP and CPC instead of voting collectively with the Annual Board and Committee Appointment List.

Mashpee Select Board
Minutes
June 26, 2023

APPOINTMENTS & HEARINGS

Updates on the Residential Tax Exemption and Setting the Tax Rate: Assessing Director Joseph Gibbons:

The Select Board met with Director of Assessing Joseph Gibbons to review the results of the residential exemption adopted in FY23 as it relates to FY24. The result of the 5% residential exemption in FY23 represented a \$233.31 tax discount for all domiciliary properties.

The adoption increased the residential tax rate to \$7.01 from \$6.94. Commercial, Industrial and Personal Properties remained at the rate of \$6.94.

Nearly 2,600 residential exemption applications were received. This resulted in 2,434 approvals in FY23. Of the 2,434 approvals most are single family homes. It is recommended the taxpayers who were not previously approved, file their applications prior to the November 6, 2023 deadline to limit potential overlay shortfalls.

Mr. Gibbons recommended the Select Board adopt the setting of the tax rate earlier to allow his department to meet his departmental requirements timely. The Town's Financial Team has supported the earlier timeframe to allow for more flexibility, and if more residential exemptions are received. Applications are being accepted from July 1st through September 1st. Last year the department received 325 applications that were not factored into the tax rate. It was explained that it is difficult to depict the number of applications the Town would receive and what the values would be. Prior estimates projected approximately 4,800 potential qualifiers.

Discussion followed with respect to the possibility of adding non-residential investment property that is used as a year-round rental. Mr. Gibbons indicated that an application must be presented. This may also require state approval with a HOME Rule Petition. Provincetown was noted to support this type of use for exemption.

With regards to potential increases in the residential exemption it was agreed the Select Board would request certain percentage scenario's to be reviewed at the next meeting. Last year the percentage scenarios were shown in 5%, 10% and 20% increments.

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APPOINTMENTS & HEARINGS

Discussion and Approval of End of Year Transfers: Finance Director Dawn Thayer:

Dawn Thayer, Finance Director was in attendance to request the Select Board approved the following End of Year Transfers between unanticipated departmental appropriations at the end of the fiscal year as allowed by M.G.L. Chapter 44, Section 33B. The transfers avoid the requirement to raise the deficit(s) on the following year's recap.

Transfer Amount: \$4,850

FROM – Treasurer Overtime Salary, Treasurer Longevity, Treasurer Sick Buy Back Incentive and Foreclosure Expense.

TO – Postage Expense, Other Purchase of Services for the printing and mailing of tax bills.

Motion made by Selectman Sherman to approve the End of Year Appropriation Transfer in the amount of \$4,850 as referenced.

Motion seconded by Selectman Wyman-Colombo.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cotton, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Selectman Weeden, yes

Selectman Wyman-Colombo, yes

Opposed, none

Transfer Amount: \$20,000

FROM – Dispatcher Salary

TO – Police Overtime Salary

Motion made by Selectman Sherman to approve the End of Year Appropriation Transfer in the amount of \$20,000 as referenced.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cotton, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Selectman Weeden, yes

Selectman Wyman-Colombo, yes

Opposed, none

Mashpee Select Board
Minutes
June 26, 2023

APPOINTMENTS & HEARINGS

Discussion and Approval of End of Year Transfers: Finance Director Dawn Thayer: (continued)

Transfer Amount: 22,412

FROM – DPW Salaries/Full Time Local 888

TO – Transfer Station/Local Transfer Contract, Transfer Station/Recycling

Motion made by Selectman Sherman to approve the End of Year Appropriation Transfer in the amount of \$22,412 as referenced.

Motion seconded by Selectman Wyman-Colombo.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cotton, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Selectman Weeden, yes

Selectman Wyman-Colombo, yes

Opposed, none

Discussion and Certification of the Hiring Process for the Following as Firefighter/EMTs:
Keith Birch, Jessica O'Kane, Nicholas Hill, Corey Celeste: Fire Chief John Phelan:

Correspondence was received from Fire Chief John F. Phelan regarding the New Hire Certified Process dated June 8, 2023. Town Manager Rodney C. Collins affirmed that all phases of the entry-level selection process have been adhered to and reviewed by the Department of Human Resources.

Motion made by Selectman Sherman to certify the Hiring Process for Keith Birch, Jessica O'Kane, Nicholas Hill and Corey Celest as Firefighters/EMT's as presented.

Motion seconded by Selectman Wyman-Colombo.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cotton, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Selectman Weeden, yes

Selectman Wyman-Colombo, yes

Opposed, none

New Annual All Alcoholic Beverages Restaurant License: Chen 1688, Inc. D/B/A Saga Hibachi 36 South Street, Mashpee, MA: Hui Ling Chen. Attorney Theodore Schilling:

The Mashpee Select Board acting as the Local Licensing Authority for the Town of Mashpee opened the Public Hearing to review the application of Chen 1688, Inc. d/b/a Saga Hibachi for a new Annual All Alcoholic Beverages Restaurant License at 36 South Street, Mashpee. In accordance with posting requirements, the hearing notice was read aloud into the record.

Hui Ling Chen, Manager and Principle of record was in attendance with representing counsel Theodore Schilling to review the license request. The site consists of one floor containing 4,589 s.f. dining room and bar seating for 65 patrons, full kitchen, storage in rear and patio seating for 24.

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APPOINTMENTS & HEARINGS

New Annual All Alcoholic Beverages Restaurant License: Chen 1688, Inc. D/B/A Saga Hibachi 36 South Street, Mashpee, MA: Hui Ling Chen, Attorney Theodore Schilling: (continued)

Ms. Chen was noted to have experience running successful restaurants of like in the Town's of Wareham, Barnstable and Lakeville.

The hearing was opened to solicit comment. Being no comment, the Board motioned as follows;

Motion made by Selectman Sherman to close the Public Hearing.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

Motion made by Selectman Sherman to approve the application of Chen 1688, Inc. d/b/a Saga Hibachi for a New Annual All Alcoholic Beverages Restaurant License at 36 South Street, Mashpee.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

Discussion and Approval of the Following Resignations and Appointments:

Resignation from the Mashpee Community Garden Advisory Committee: Lynn Harris (Term Expires June 30, 2025):

Correspondence was received from Lynn Harris dated June 1, 2023 resigning from the Mashpee Community Garden Advisory Committee.

Motion made by Selectman Sherman to accept the resignation of Lynn Harris from the Mashpee Community Garden Committee with regret sending a letter of appreciation to Ms. Harris for her service to the Town of Mashpee.

Motion seconded by Selectman Wyman-Colombo.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

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APPOINTMENTS & HEARINGS

Appointment to the Zoning Board of Appeals (Member-at-Large): Sharon Sangeleer
(Term Expires June 30, 2024):

The Select Board reviewed the request of the Zoning Board of Appeal for the appointment of (1) member who is advancing from the Associate to Member-at-Large position. In accordance with Policy 001 under Item E. Appointment Notice, *Upon appointment or reappointment to a Board, Commission, Committee or Council, the appointee and the relevant Chairperson shall be issued a notice of appointment/reappointment stating the term of said appointment.*

It was agreed that recommendations from all Boards, Commissions, Committees or Councils should adhere to Policy 001 – Appointment Policy for Boards, Commissions, Committees and Councils (appointed by the Select Board). Recommendations shall be consistent with Policy 001. Suitable ratings are as follows;

Strongly Recommend

Recommend

Recommended with Hesitation

Not Recommended.

All Boards, Commissions, Committees and Councils shall receive a copy of Policy 001 to adhere to the steps of the Policy. Amendments to the Policy shall include the revision date.

Motion made by Selectman Sherman to appoint Sharon Sangeleer to the Zoning Board of Appeals with a term to expire; June 30, 2024 subject to the correct term.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cotton, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Selectman Weeden, yes

Selectman Wyman-Colombo, yes

Opposed, none

Appointment of Deputy Shellfish Constables: Richard Santangelo, Tyler Grady, Christopher Lucier
(Terms Expire June 30, 2026):

The Select Board took action to appoint Deputy Shellfish Constables; Richard Santangelo, Tyler Grady and Christopher Lucier previously appointed through the Town process by the Town Manager. The referenced individuals are employed and serving as officers to assist the Natural Resources Department.

Motion made by Selectman Sherman to appoint as Deputy Shellfish Constables;

Richard Santangelo, Tyler Grady and Christopher Lucier with terms to expire; June 30, 2026.

Motion seconded by Selectman Wyman-Colombo.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cotton, yes

Selectman O'Hara, yes

Selectman Sherman, yes

Selectman Weeden, yes

Selectman Wyman-Colombo, yes

Opposed, none

Mashpee Select Board
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APPOINTMENTS & HEARINGS

*The Board of Health Agent was noted to be omitted from the Reappointment List to the Human Services Committee. This appointment will be placed on the next Select Board agenda.

Discussion and Approval of the Following Special Events, Temporary Sign Permits, One Day Liquor Licenses:

The Select Board reviewed the following Special Events which include Temporary Sign Permits and One Day Liquor Licenses which include stipulations imposed by certain regulatory officials;

La Tavola: August 4, 2023, 5-9 pm, Steeple Street: Mashpee Chamber of Commerce:

The La Tavola event is sponsored by the Mashpee Chamber of Commerce.

Motion made by Selectman Weeden to approve the Annual La Tavola special event scheduled to be held on August 4, 2023 from 5:00 p.m. to 9:00 p.m. at Steeple Street, Mashpee to include a Temporary Sign Permit and One Day Liquor License.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

Annual Mashpee Chamber of Commerce Christmas Parade: December 9, 2023, 5:30-7:30 pm:
Mashpee Chamber of Commerce:

Motion made by Selectman Sherman to approve the Special Event application of the Mashpee Chamber of Commerce for the Annual Christmas Parade.

Motion seconded by Selectman O'Hara.

The motion was rescinded by Selectman Sherman and Selectman O'Hara by a vote of 5-0.

Approval of the Special Event sponsored by the Mashpee Chamber of Commerce was held as there was a question regarding a possible request for a One Day Liquor License possibly a typographical error.

Motion made by Selectman Sherman to defer approval of the Christmas Parade for clarification.

Motion seconded by Selectman Wyman-Colombo.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

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APPOINTMENTS & HEARINGS

Head of the Ponds Regatta: September 10, 2023, 5:30-10:30 am, Attaquin Park: Alan Robinson:
Special Event:

Mashpee resident Mary Waygan indicated the Head of the Ponds Regatta planned on September 10, 2023 at Attaquin Park has a potential conflict with the Save Mashpee Wakeby Pond Alliance Splash on the same date as it relates to parking for this event.

Although the Head of the Ponds Regatta is held from 5:30 a.m. to 10:30 a.m. in advance of the Splash event, the Select Board held approval for further clarification of the two functions.

COMMUNICATIONS & CORRESPONDENCE

Petition with Regard to Mashpee Neck Road Speed Limit: For informational purposed it was noted the Select Board has received a Petition with regards to the Mashpee Neck Road Speed Limit. The petition signed by 37 residents of Mashpee Neck Road are concerned about the constant speed limit violations.

OLD BUSINESS

2023-2024 Select Board Liaison Assignments: Select Board Chair John Cotton:

The Select Board reviewed the updated 2023-2024 Liaison Assignment List, amended to add the Chamber of Commerce assignment to Selectman Wyman-Colombo.

Motion made by Selectman Sherman to approve the 2023-2024 Select Board Liaison Assignment List as amended.

Motion seconded by Selectman Wyman-Colombo.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cotton, yes
Selectman Weeden, yes

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

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OLD BUSINESS

Nomination, Discussion and Approval of the Select Board Representative to the following:

Community Preservation Act Committee ("CPC"):

Motion made by Selectman Weeden to nominate Selectman Michaela Wyman-Colombo to the Community Preservation Act Committee (CPC).

Following Roberts Rules of Order, a second to the motion is not required.

Motion made by Selectman Sherman to nominate Selectman Carol A. Sherman to the Community Preservation Act Committee (CPC).

STRAW VOTE: 4-1.

Selectman Cotton, yes	Selectman O'Hara, yes	Selectman Sherman, no
Selectman Weeden, yes	Selectman Wyman-Colombo, yes	Opposed, (1)

Capital Improvement Program Committee ("CIP"):

Motion made by Selectman Weeden to nominate Selectman John J. Cotton to the Capital Improvement Program Committee (CIP).

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

Environmental Oversight Committee ("EOC"):

Motion made by Selectman Wyman-Colombo to nominate Selectman David W. Weeden to the Environmental Oversight Committee (EOC).

STRAW VOTE: 5-0.

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

Economic Development Industrial Corporation ("EDIC"):

Motion made by Selectman Wyman-Colombo to nominate Selectman Carol A. Sherman to the Economic Development Industrial Corporation (EDIC).

STRAW VOTE: 4-0-1.

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

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LIAISON REPORTS

October Town Meeting Warrant: The Planning Board is continuing to work collaboratively on the proposed new Raise and Replace Bylaw for the October 2023 Town Meeting warrant.

War Memorial Ceremony: The Select Board made note of the War Memorial Dedication acknowledging the work of Catherine Laurent, the Director of Public Works and Historical Commission member Richard DeSorgher.

EXECUTIVE SESSION

Discussion of Strategy with Respect to the Following Personal Service Contracts:
Pursuant to M.G.L. C. 30A §21 (a) (2):

Police Captain Thomas Rose
Fire Chief John Phelan
Deputy Fire Chief Joseph Peltier

Motion made by Selectman Sherman to enter into Executive Session at 9:01 p.m. pursuant to M.G.L. c. 30A §21(1)(2), for the purpose of discussing strategy regarding negotiations with respect to the Personal Service Contracts of Police Captain Thomase Rose, Fire Chief John Phelan and Deputy Fire Chief Joseph Peltier, where an Open Meeting may have a detrimental effect on the negotiating position of the Town, from which the Board will reconvene in Open Session.

Motion seconded by Selectman Weeden.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

Respectfully submitted,

Kathleen M. Soares
Secretary to the Select Board

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RECONVENE OPEN SESSION: 9:17 P.M.

Discussion, Approval and Ratification of Personal Service Contracts for the Following:

Police Captain Thomas Rose:

Motion made by Selectman Sherman to approve and ratify the Personal Service Contract of Police Captain Thomas Rose for a three-year term effective July 1, 2023.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

Fire Chief John Phelan:

Motion made by Selectman Weeden to approve and ratify the Personal Service Contract of Fire Chief John Phelan for a three-year term effective July 1, 2023.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

Deputy Fire Chief Joseph Peltier:

Motion made by Selectman Weeden to approve and ratify the Personal Service Contract of Deputy Fire Chief Joseph Peltier for a three-year term effective July 1, 2023.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

ADJOURNMENT

Motion made by Selectman Cotton to adjourn at 9:20 p.m.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

Respectfully submitted,

Kathleen M. Soares
Secretary to the Select Board

Tax Rate Options and Shifts

CLASS	TOTAL VALUE	%	
Residential	7,355,506,020	92.1796%	R Q %
Open Space	2,293,700	0.0287%	92.2064%
Commercial	469,285,580	5.8811%	
Industrial	45,767,200	0.5736%	C I P %
Personal Property	106,683,030	1.3370%	7.7916%
Total	7,979,535,530	100.0000%	

Residential Exemption	
# Eligible Parcels	2,434,000,000
Res Parcel Count	11,055
Res Exemption %	25%
Total Res Value Net of Exemption	6,550,636,384

Small Commercial Exemption	
# Eligible Parcels	
Total Value of Eligible Parcels	
Com Exemption %	
Total C & I Value Net of Exemption	
	515,052,780

Maximum Allowable Levy	56,027,404.00
Estimated Levy	55,401,468.00

Single Tax Rate	6.94
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CIP Shift	
Enter the desired CIP Shift from table below (Col. A):	1.000
Residential Factor Selected:	100.0000
Use 1.00 for a Single Tax Rate (no shift)	

CIP Shift	Res Factor	Share Percentages		Levy Amounts						Estimated Tax Rates								
		Res	OS	Com	Ind	PP	Total	Res	OS	Com	Ind	PP	Total	Res	OS	Com	Ind	PP
1.000	100.000000	92.1796	5.8811	0.0287	1.3370	100.0000	51,068,866	15,925	3,258,223	317,759	740,694	55,401,468	6.94	7.35	6.94	6.94	6.94	6.94
1.005	99.957750	92.1407	5.9105	0.0287	1.3436	100.0000	51,047,289	15,918	3,274,515	319,348	744,398	55,401,468	6.94	7.34	6.94	6.98	6.98	6.98
1.010	99.915500	92.1017	5.9399	0.0287	1.3503	100.0000	51,025,713	15,912	3,290,806	320,937	748,101	55,401,468	7.34	7.34	6.94	7.01	7.01	7.01
1.015	99.873250	92.0628	5.9693	0.0287	1.3570	100.0000	51,004,136	15,905	3,307,097	322,525	751,805	55,401,468	6.93	7.34	6.93	7.05	7.05	7.05
1.020	99.831000	92.0238	5.9987	0.0287	1.3637	100.0000	50,982,559	15,898	3,323,388	324,114	755,508	55,401,468	6.93	7.33	6.93	7.08	7.08	7.08
1.025	99.788749	91.9849	6.0281	0.0287	1.3704	100.0000	50,960,983	15,891	3,339,679	325,703	759,212	55,401,468	7.33	7.33	6.93	7.12	7.12	7.12
1.030	99.746499	91.9460	6.0575	0.0287	1.3771	100.0000	50,939,406	15,885	3,355,970	327,292	762,915	55,401,468	6.93	7.33	6.93	7.15	7.15	7.15
1.035	99.704249	91.9070	6.0870	0.0287	1.3838	100.0000	50,917,829	15,878	3,372,261	328,881	766,619	55,401,468	6.92	7.33	6.92	7.19	7.19	7.19
1.040	99.661999	91.8681	6.1164	0.0286	1.3904	100.0000	50,896,253	15,871	3,388,552	330,469	770,322	55,401,468	7.32	7.32	6.92	7.22	7.22	7.22
1.045	99.619749	91.8291	6.1458	0.0286	1.3971	100.0000	50,874,676	15,864	3,404,844	332,058	774,026	55,401,468	6.92	7.32	6.92	7.26	7.26	7.26
1.050	99.577499	91.7902	6.1752	0.0286	1.4038	100.0000	50,853,100	15,858	3,421,135	333,647	777,729	55,401,468	7.32	7.32	6.91	7.29	7.29	7.29
1.055	99.535249	91.7512	6.2046	0.0286	1.4105	100.0000	50,831,523	15,851	3,437,426	335,236	781,432	55,401,468	7.31	7.31	6.91	7.32	7.32	7.32
1.060	99.492999	91.7123	6.2340	0.0286	1.4172	100.0000	50,809,946	15,844	3,453,717	336,825	785,136	55,401,468	6.91	7.31	6.91	7.36	7.36	7.36
1.065	99.450748	91.6733	6.2634	0.0286	1.4239	100.0000	50,788,370	15,838	3,470,008	338,413	788,839	55,401,468	7.31	7.31	6.90	7.39	7.39	7.39
1.070	99.408498	91.6344	6.2928	0.0286	1.4305	100.0000	50,766,793	15,831	3,486,299	340,002	792,543	55,401,468	6.90	7.30	6.90	7.43	7.43	7.43
1.075	99.366248	91.5954	6.3222	0.0286	1.4372	100.0000	50,745,216	15,824	3,502,590	341,591	796,246	55,401,468	7.30	7.30	6.90	7.46	7.46	7.46
1.080	99.323998	91.5565	6.3516	0.0286	1.4439	100.0000	50,723,640	15,817	3,518,881	343,180	799,950	55,401,468	6.90	7.30	6.90	7.50	7.50	7.50
1.085	99.281748	91.5175	6.3810	0.0285	1.4506	100.0000	50,702,063	15,811	3,535,172	344,769	803,653	55,401,468	7.29	7.29	6.89	7.53	7.53	7.53
1.090	99.239498	91.4786	6.4104	0.0285	1.4573	100.0000	50,680,486	15,804	3,551,464	346,357	807,357	55,401,468	6.89	7.29	6.89	7.57	7.57	7.57
1.095	99.197248	91.4397	6.4398	0.0285	1.4640	100.0000	50,658,910	15,797	3,567,755	347,946	811,060	55,401,468	6.89	7.29	6.89	7.60	7.60	7.60
1.100	99.154998	91.4007	6.4692	0.0285	1.4707	100.0000	50,637,333	15,790	3,584,046	349,535	814,764	55,401,468	6.88	7.29	6.88	7.64	7.64	7.64

Tax Rate Options and Shifts

CLASS	TOTAL VALUE	%
Residential	7,355,506,020	92.1796%
Open Space	2,293,700	0.0287%
Commercial	469,285,580	5.8811%
Industrial	45,767,200	0.5736%
Personal Property	106,683,030	1.3370%
Total	7,979,535,530	100.0000%

Residential Exemption	
# Eligible Parcels	2,434,000,000
Res Parcel Count	11,055
Res Exemption %	30%
Total Res Value Net of Exemption	
	6,869,662,582

Small Commercial Exemption	
# Eligible Parcels	
Total Value of Eligible Parcels	
Com Exemption %	
Total C & I Value Net of Exemption	
	515,052,789

Maximum Allowable Levy	56,027,404.00
Estimated Levy	55,401,468.00

Estimated Levy cannot exceed the Maximum Allowable Levy

CIP Shift	1.000	Use 1.00 for a Single Tax Rate (no shift)
Enter the desired CIP Shift from table below (Col. A):		
Residential Factor Selected:	100.0000	

CIP Shift	Res Factor	Share Percentages		Levy Amounts				Estimated Tax Rates						
		Res	O S	Com	Ind	PP	Total	Res	O S	Com	Ind	PP		
1.000	100.000000	92.1796	0.0287	5.8811	0.5736	1.3370	100.0000	51,068,866	15,925	3,259,223	317,759	740,694	6.94	6.94
1.005	99.957750	92.1407	0.0287	5.9105	0.5764	1.3436	100.0000	51,047,289	15,918	3,274,515	319,348	744,398	6.94	6.98
1.010	99.915500	92.1017	0.0287	5.9399	0.5793	1.3503	100.0000	51,025,713	15,912	3,290,806	320,937	748,101	6.94	7.01
1.015	99.873250	92.0628	0.0287	5.9693	0.5822	1.3570	100.0000	51,004,136	15,905	3,307,097	322,525	751,805	6.93	7.05
1.020	99.831000	92.0238	0.0287	5.9987	0.5850	1.3637	100.0000	50,982,559	15,898	3,323,388	324,114	755,508	6.93	7.08
1.025	99.788749	91.9849	0.0287	6.0281	0.5879	1.3704	100.0000	50,960,983	15,891	3,339,679	325,703	759,212	6.93	7.12
1.030	99.746499	91.9460	0.0287	6.0575	0.5908	1.3771	100.0000	50,939,406	15,885	3,355,970	327,292	762,915	6.93	7.15
1.035	99.704249	91.9070	0.0287	6.0870	0.5936	1.3838	100.0000	50,917,829	15,878	3,372,261	328,881	766,619	6.92	7.19
1.040	99.661999	91.8681	0.0286	6.1164	0.5965	1.3904	100.0000	50,896,253	15,871	3,388,552	330,469	770,322	6.92	7.22
1.045	99.619749	91.8291	0.0286	6.1458	0.5994	1.3971	100.0000	50,874,676	15,864	3,404,844	332,058	774,026	6.92	7.26
1.050	99.577499	91.7902	0.0286	6.1752	0.6022	1.4038	100.0000	50,853,100	15,858	3,421,135	333,647	777,729	6.91	7.29
1.055	99.535249	91.7512	0.0286	6.2046	0.6051	1.4105	100.0000	50,831,523	15,851	3,437,426	335,236	781,432	6.91	7.32
1.060	99.492999	91.7123	0.0286	6.2340	0.6080	1.4172	100.0000	50,809,946	15,844	3,453,717	336,825	785,136	6.91	7.36
1.065	99.450748	91.6733	0.0286	6.2634	0.6108	1.4239	100.0000	50,788,370	15,838	3,470,008	338,413	788,839	6.90	7.39
1.070	99.408498	91.6344	0.0286	6.2928	0.6137	1.4305	100.0000	50,766,793	15,831	3,486,299	340,002	792,543	6.90	7.43
1.075	99.366248	91.5954	0.0286	6.3222	0.6166	1.4372	100.0000	50,745,216	15,824	3,502,590	341,591	796,246	6.90	7.46
1.080	99.323998	91.5565	0.0286	6.3516	0.6194	1.4439	100.0000	50,723,640	15,817	3,518,881	343,180	799,950	6.90	7.50
1.085	99.281748	91.5175	0.0285	6.3810	0.6223	1.4506	100.0000	50,702,063	15,811	3,535,172	344,769	803,653	6.89	7.53
1.090	99.239498	91.4785	0.0285	6.4104	0.6252	1.4573	100.0000	50,680,486	15,804	3,551,464	346,357	807,357	6.89	7.57
1.095	99.197248	91.4397	0.0285	6.4398	0.6280	1.4640	100.0000	50,658,910	15,797	3,567,755	347,946	811,060	6.89	7.60
1.100	99.154998	91.4007	0.0285	6.4692	0.6309	1.4707	100.0000	50,637,333	15,790	3,584,046	349,535	814,764	6.88	7.64

Residential Exemptions Options
(Using \$770,395 Average 101)

Percentage (%)	Exempted Value (\$)	Tax Rate (\$)	Tax Exempted Amount	Savings
0%	\$ -	\$ 6.94	\$ -	\$0
5%	\$ 33,268	\$ 7.01	233.10	\$ 179.17
10%	\$ 66,356	\$ 7.07	470.74	\$ 370.59
15%	\$ 99,803	\$ 7.14	712.59	\$ 558.51
20%	\$ 133,071	\$ 7.22	960.15	\$ 744.44
25%	\$ 166,339	\$ 7.29	1,212.61	\$ 942.97
30%	\$ 199,607	\$ 7.36	1,469.11	\$ 1,145.54
35%	\$ 232,875	\$ 7.44	1,732.59	\$ 1,347.39

Proposed single natural tax rate = \$6.94

POTENTIAL OVERLAY SHORTFALL SCENARIOS

20%

1,000	\$	960,150
2,000	\$	1,920,300
3,000	\$	2,880,450

30%

1,000	\$	1,469,110
2,000	\$	2,938,220
3,000	\$	4,407,330

Due to the relatively low percentage (22%) of Residential Exemption Applicants/Approvals, the chart above represents potential overlay shortfalls.

An overlay shortfall would create a deficit situation, which would reduce available funds for The Fiscal Year 2025 budget.

Any deficit must be addressed on The Fiscal Year 2025 recapitulation worksheet prior to the setting of next year's tax rate.



TOWN OF MASHPEE

OFFICE OF THE SELECT BOARD

16 Great Neck Road North
Mashpee, Massachusetts 02649
Telephone – (508) 539-1401
bos@mashpeema.gov

MEMORANDUM

Date: July 20, 2023

To: Rodney C. Collins, Town Manager and
Honorable Members of the Select Board

From: Stephanie A. Coleman, Administrative Secretary 

Re: Board, Committee and Commission: Appointments

Description

Discussion of the Following Appointments:

- **Cultural Council: Pamela N. Joseph (Term Expires September 30, 2026).**
- **Cultural Council: Diane Scott (Term Expires September 30, 2025).**

There are currently two vacancies on the Cultural Council that were advertised in the June 2, 2023 edition of the Mashpee Enterprise, the Town of Mashpee website and on the Town Facebook page.

Only two applicants submitted letters of interest to the Town Manager and Select Board Office. The candidates were interviewed by the Cultural Council and the Council voted to recommend appointing both Pamela Joseph and Diane Scott. Chair Andrea Watson has provided a letter to the Select Board that recommends the Board appoint both candidates.

Mashpee Cultural Council Member Recommendations

Andrea Watson

Thu 7/13/2023 11:48 AM

To: Stephanie Coleman <SColeman@mashpeema.gov>; Terrie Cook <tmcook@mashpeema.gov>

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

Hi, Stephanie,

Thank you for forwarding the letters of interest of Diane Scott and Pamela Joseph to join The Mashpee Cultural Council. The council recommends both candidates and requests that they be approved as members to the council. Would you please add them to the agenda of the next available Select Board meeting for appointment?

Thank you very much!

Andrea Watson

Co-chair, Mashpee Cultural Council

From: Pamela Joseph

Sent: Sunday, June 18, 2023 2:32 PM

To: Terrie Cook <tmcook@mashpeema.gov>

Subject: Interest in Joining Mashpee Cultural Council

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

TO: Mashpee Select Board

I am interested in becoming a member of the Mashpee Cultural Council. I have lived in Mashpee for 13 years. I would like to support artistic and cultural activities in our community. A brief resume is attached.

Thank you for your consideration.

Pamela N. Joseph

Pamela Joseph

Mashpee MA 02649

PAMELA N. JOSEPH

Mashpee MA 02649

PROFESSIONAL

Attorney, Private Practice
Mental health/guardianship cases in in probate court
Mentor to new attorneys in mental health litigation

EDUCATION

J.D., Suffolk University Law School
A.B., Mount Holyoke College, English Literature Major

**CIVIC ACTIVITIES/
MEMBERSHIPS**

-Member, Board of Directors, Santuit Pond Estates
Association

-Member, Mashpee Women's Club

-Member, Cotuit Center for the Arts

INTERESTS:

Reading, book clubs, writing; theater, concerts, dance,
music of all kinds from classical to rock and roll,
crossword puzzles

From: Diane Scott
Sent: Friday, June 30, 2023 8:35 AM
To: Terrie Cook <tmcook@mashpeema.gov>
Cc: Terrie Cook <tmcook@mashpeema.gov>
Subject: Mashpee Cultural Council Letter of Intent

Dear Select Board for The Mashpee Cultural Council,

This is a letter of intent to become part of the Mashpee Cultural Council. I have been a full-time resident of Mashpee for eleven years. I am greatly interested in becoming a member of this group

to help promote and encourage cultural initiatives in the Mashpee Community. Mashpee is a unique, diverse, and beautiful community, and it would be an honor to participate in the cultural council to further encourage, support, and award individuals or groups for their projects to further enhance the Mashpee Community.

Background and experience:

Elementary school teacher (over thirty years experience)

Taught grade 3 (also 4, 5, 6) Western MA-Springfield and Hampden-Wilbraham school districts

Bachelors of Science (in Education K-8) Westfield State College

Masters-Consultant of Reading University of Connecticut

Cape Activities and Volunteering:

Calmer Choice: (10 years) Involved in fundraising, event set up and greeter, Yale pre and post testing of mindfulness training in Grade 4 classes of Falmouth School System

Cape Cod Foundation: (10 years to present) involved with reviewing high school applicants and awarding scholarships to distribute \$1,000,000 of scholarship funds

Highfield Hall: (10 years to present) Culinary volunteer, involved as sous chef to presenters at cooking classes

Waquoit Bay National Estuarine Research Reserve: Baywatcher (3 years to present) Visit three sites for water sampling and testing

OCAC: Otis Civilian Advisory Council (first year volunteer) involved in supporting military families through special event programs, fundraising, holiday celebrations, and memorial observances

Hobbies: golf, photography, guitar, fitness

Please let me know if I can provide you with any further information. Thank you so much for your consideration.

Sincerely,
Diane Scott

Mashpee, MA 02649



National Suicide Prevention Month Proclamation

WHEREAS, September is known as Suicide Prevention Month, a time in which mental health advocates, individuals, prevention organizations, survivors, allies and communities around the country unite to promote suicide prevention awareness; and

WHEREAS, the past year has presented our communities with challenges and led to transitions that, expected or unexpected, welcomed or not, can be unsettling, disorienting, and stressful; and

WHEREAS, the pandemic has changed our fabric of life, and major life changes are environmental risk factors for suicide; and

WHEREAS, we know that connecting, working with, and supporting one another can help prepare us for the future; and

WHEREAS, according to the American Foundation for Suicide Prevention (AFSP), Suicide is the 12th leading cause of death among adults, and the 2nd leading cause of death among individuals between the ages of 20 and 34 in the US; and

WHEREAS, nearly 46,000 people died by suicide across the United States in 2020, with an average of 130 suicides completed daily; and

WHEREAS, each suicide directly impacts a minimum of 100 additional people, including family, friends, co-workers, neighbors, and community members; and

WHEREAS, local organizations like the Cape and Islands Suicide Prevention Coalition encourage all residents to take the time to understand the importance of mental health education and recognize that taking care of ourselves and others includes taking care of mental health; and

WHEREAS, the Town of Mashpee publicly places its full support behind those who work in the fields of mental health education, and law enforcement;

WHEREAS, all Mashpee residents are urged to play a role in suicide prevention and promote mental health and wellness as we strive towards reducing suicides; and

WHEREAS, September is recognized across the United States as Suicide Prevention Month and provides the opportunity to educate our community about the warning signs for suicide and how to reach out and connect to those experiencing an emotional crisis;

NOW, THEREFORE, be it resolved that the Mashpee Select Board does hereby proclaim the month of September 2023, as National Suicide Prevention Month in the Town of Mashpee.

John J. Cotton, Chair

Thomas F. O'Hara, Vice-Chair

Carol A. Sherman, Clerk

David W. Weeden

Michaela Wyman-Colombo

4Cs Suicide Prevention Awareness Proclamation

Allaire, Sue <sallaire@capecod.edu>

Wed 7/19/2023 10:12 AM

📎 2 attachments (424 KB)

Towns Proclamation 2023 (2).docx; Ribbon Ceremony and Trainings.pptx;

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

July 19, 2023

Dear Board of Selectmen:

Each year, we lose more than thirty-five Cape & Island residents to suicide. For each of these suicide deaths, it is estimated more than thirty people are affected. Suicide is a public health issue in our communities; and we need your help to help us reduce the rate of suicide on the Cape and Islands which stands at 14.2% per 100,000; 1.5 times higher than the suicide rate of the state of Massachusetts which stands at 9.5% per 100,000.

In recognition of National Suicide Prevention Month, the Cape & Islands Suicide Prevention Coalition is once again seeking to have September recognized as Suicide Prevention Month in all of the towns on Cape Cod and the Islands.

We aim to recognize this painful and often hidden part of our communities, to demonstrate our commitment to suicide prevention, and to send a message of hope to those struggling, grieving, or affected in any way by suicide. We know that by decreasing the stigma that surrounds suicide, we increase the likelihood that someone will reach out for help.

Please accept this proclamation request for the selectman's agenda for a September meeting (Sample proclamation wording is attached) we appreciate your consideration for this request, and look forward to hearing from you.

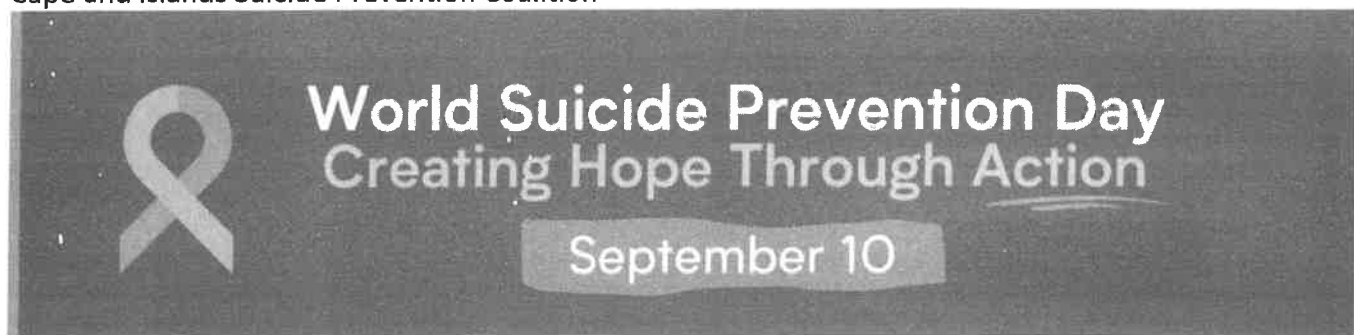
The signed proclamation can be emailed to us at capeandislandspc@gmail.com or mailed to us at: Cape and Islands Suicide Prevention Coalition, P.O. Box 119, Barnstable, MA 02630.

We invite you all to attend and/or spread the word about the September 14th Suicide Prevention Ribbon Ceremony at 1pm at Cape Cod Community College, Tilden Library Steps when this proclamation will be read publicly by Cape Cod Community College's President John Cox . I have attached the flyer.

Trainings on Suicide Prevention are available for town employees at no or low cost through the The Institute for Mental Health at Cape Cod Community College. If you are interested in scheduling a training, please see the attached flyer for more information.

Warm Regards,

Dr. Maura Weir and Sue Allaire
Co-Chairs,
Cape and Islands Suicide Prevention Coalition



Sue Allaire
Success Navigator, Student Wellness
Cape Cod Community College
774-330-4652
sallaire@capecod.edu

Pronouns: she/her/hers



TALKCampus available to all 4C's students 24/7 to have someone to talk to at
1-855-612-2962

For anyone needing behavioral/substance use help State of MA Behavioral Health Hotline
at 833-773-2445 (call or text) or masshelpline.com

988 is the National Mental Health and Substance Use Hotline available 24/7



TOWN OF MASHPEE

OFFICE OF THE SELECT BOARD

16 Great Neck Road North
Mashpee, Massachusetts 02649
Telephone – (508) 539-1401
bos@mashpeema.gov

MEMORANDUM

Date: July 20, 2023

To: Rodney C. Collins, Town Manager and
Honorable Members of the Select Board

From: Terrie Cook, Administrative Assistant

Re: DRAFT #1 October 16, 2023 Town Meeting Warrant

Attached is Draft #1 of the October 16, 2023 Town Meeting Warrant. There are a total of 13 Articles:

Article 1: Pages 1 – 2
Article 2: Pages 2 – 3
Article 3: Page 3
Article 4: Pages 3 – 4
Article 5: Pages 4 – 15
Article 6: Page 15
Article 7: Page 16
Article 8: Pages 16 – 17
Article 9: Page 17
Article 10: Page 17
Article 11: Page 18
Article 12: Pages 18 – 19
Article 13: Page 19

**TOWN OF MASHPEE
MASHPEE HIGH SCHOOL
500 OLD BARNSTABLE ROAD
MASHPEE, MA 02649
ANNUAL TOWN MEETING
MONDAY, OCTOBER 16, 2023**

Barnstable, ss:

Greetings to the Constables of the Town,

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and summon the inhabitants of the Town of Mashpee who are qualified to vote in the elections to meet at the Mashpee High School on Monday, the 16th day of October 2023 at 7:00 p.m. for the following purposes:

To act on the articles contained in the following Warrant:

Article 1

To see if the Town will vote to add the following new subsections into Article XI: Floodplain Zone Overlay as follows:

§174-67 Prohibitions

The purpose of these prohibitions are to encourage more resilient, safer, and environmentally beneficial construction methods in the 100 Year Floodplain and is not intended to otherwise restrict or prevent construction of a new or redeveloped dwelling or other allowable structure.

No person shall fill, place or dump in a floodplain any soil, loam, peat, sand, gravel, rock or other material substance, refuse, trash, rubbish, debris or dredged material for the purposes of raising their first floor elevation to be at or above the base flood elevation. Solid wall foundations with flood vents or pilings are the only acceptable construction methods within the 100 Year Floodplain.

No Letters of Map Revision based on Fill (LOMR-Fs) or Letters of Map Amendment Based on Fill (LOMA-F) will be permitted.

Conventional Title V Septic System technologies shall not be permitted within the 100 Year Floodplain and a Board of Health approved Innovative/Alternative septic system is required pursuant to Board of Health Regulations. For the purposes of this Section any lot who is partially impacted by the 100 Year floodplain shall be considered within the 100 Year Floodplain.

§174-67.1 Exceptions to rule prohibiting the use of fill in any flood zone

Landscape material up to two feet in depth at the foundation and tapered to meet grade within ten feet (10) of the foundation shall not be calculated towards grade plane and shall not be considered fill as regulated in §174-67 of this Bylaw.

The use of rock for the purposes of reconstructing a revetment or groin shall not be considered fill as regulated by §174-67 of this Bylaw. The reconstruction of such structures shall require all permits as required by local, state, and/or federal laws.

The use of dredged material for beach re-nourishment shall not be considered fill as regulated in §174-67 of this Bylaw but shall require all permits as required by local, state, and/or federal laws.

Any material: soil, loam, peat, sand, gravel, rock or other material substance required for the installation of a Board of Health approved Innovative/Alternative Septic System shall not be considered fill as regulation in §174-67 of this Bylaw.

Submitted by the Planning Board

Explanation: This article would require new construction or redevelopment of homes in the 100 Year Floodplain utilize either a solid-wall foundation with flood vents or pilings for new homes or redeveloped homes. Further it requires that properties touched by the Floodplain install Innovative/Alternative septic systems unless served by a public or private wastewater treatment facility. This Bylaw does not propose to remove the rights of any property owner to build or re-build a new dwelling on lots in the Floodplain. If your lot is buildable today, it will remain buildable following the passage of this Article.

The Select Board recommends approval of Article by a vote of

The Finance Committee recommends approval of Article by a vote of

Article 2

To see if the Town will vote to amend Section 174.45.4 Subsection A of the Mashpee Zoning Bylaw as follows:

In order for an accessory apartment to be permitted, in addition to meeting all of the requirements under subsections B-M, the principal dwelling unit or the proposed accessory apartment must be occupied by the property owner as listed on the latest recorded deed. The property owner may reside in either the accessory apartment or in the principal dwelling and rent to a tenant the other unit but may not under any circumstances rent to tenants both the principal dwelling and the accessory apartment at the same time. For purposes of this Bylaw, the term "property owner" shall include: every person who alone or jointly or severally with others: a) has legal title of record to any building, structure, or property subject to this Bylaw, or; b) has care, charge, or control of any such building, structure, or property in any capacity including but not limited to agent, executor, administrator, member or owner of a limited liability company, trustee or guardian of the estate of the record holder of legal title; or c) is a lessor under written agreement; or d) is the mortgagee in possession; or e) is the recognized agent, trustee or other person claiming rights under the record title holder with care, charge, or control of the property as a matter of law or as appointed by the courts. On an annual basis coinciding with the initial date of issuance of the Building Permit, the property owner shall submit to the Building Inspector sufficient evidence to demonstrate occupancy of the principal dwelling unit.

Submitted by the Planning Board

Explanation: This Article would allow property owners who construct accessory apartments to live in their accessory apartment and rent their principal dwelling to tenants. Current Bylaw language restricts a property owner from residing in the accessory apartment while renting their principal dwelling.

The Select Board recommends approval of Article by a vote of
The Finance Committee recommends approval of Article by a vote of

Article 3

To see if the Town will vote to amend Section 174.45.4 Subsection C of the Mashpee Zoning Bylaw as follows:

C. Unit Size

The design, installation and use of an accessory apartment shall be secondary and incidental to the principal use of the structure as the owner's home. An accessory apartment may be located within the same structure as said home or constructed within a new or pre-existing detached structure. The gross floor area of the accessory apartment shall be not less than four-hundred and fifty (450') square feet and shall not exceed nine hundred (900') square feet.

Submitted by the Planning Board

Explanation: This Article clarifies the allowed size of an accessory apartment to within a defined range. Currently, the Bylaw allows accessory apartments to be not less than three hundred and fifty (350') square feet and may not exceed 40% of the gross floor area of any principal dwelling. The 40% calculation is confusing and thus this Article is intended on placing a firm minimum and maximum unit size of not less than four-hundred and fifty (450') square feet and not more than nine hundred (900') square feet.

The Select Board recommends approval of Article by a vote of
The Finance Committee recommends approval of Article by a vote of

Article 4

To see if the Town will vote to amend Section 174.45.4 Subsection I of the Mashpee Zoning Bylaw as follows:

I. An accessory apartment shall not be used for boarding and lodging, or other commercial use. An accessory apartment and principal dwelling to which it is accessory shall be rented for periods of at least 12 consecutive months at a time and are prohibited from any use as rental units on a weekly, daily, or monthly basis. Property owners who fail to comply with this requirement shall be subject to a three hundred dollar (\$300) fine each day that this violation persists.

Submitted by the Planning Board

Explanation: This Article would require that any accessory apartment that is created be rented year-round. Current Bylaw states that accessory apartments MAY be rented. This Article requires that they be rented. Additionally, the current rental restriction prohibits rentals of accessory apartments of less than 30 days. This Article proposes requiring property owners to rent to tenants occupy either the principal dwelling or accessory apartment for a period not less than 12 months to be more consistent with the purpose and intent of this section.

The Select Board recommends approval of Article by a vote of
The Finance Committee recommends approval of Article by a vote of

Article 5

To see if the Town will vote to add new Chapter 174: Tree Preservation Bylaw to the Mashpee General Bylaw as follows:

CHAPTER 174: MASHPEE TREE PRESERVATION BYLAW

§174-1 PURPOSE & INTENT

The Mashpee Tree Preservation Bylaw encourages the preservation and protection of certain trees on residential, commercial and industrial lots during building activities as defined in this Bylaw and monitors for their survival after construction. The preservation of existing trees and the promotion of new tree planting is a public purpose that protects the public health, welfare, environment and aesthetic character of the Town of Mashpee and its citizens. Trees serve a variety of functions that this Bylaw intends to protect and enhance. These valuable functions include but are not limited to reducing energy consumption, providing shade, improving air quality, providing vital wildlife habitat, erosion control, reducing stormwater runoff, buffering noise pollution, increasing property values, and positively contributing to the visual character of the Town. This Bylaw defines which trees are of preservation value ("Protected Trees") and designates the area(s) of a lot or parcel where those trees should be protected ("Tree Yard").

This Bylaw does not prohibit a landowner's right to remove any protected tree. Removal of protected trees will be authorized so long as the property owner undertakes one of the mitigation options set forth herein. This Bylaw incentivizes the preservation of protected trees by requiring property owners to compensate for any Protected Trees that are removed, either by planting new ones or by contributing to a fund that supports the Town's tree planting and maintenance efforts.

This Bylaw does not discourage the removal of hazardous trees (as defined herein) for reasons of public health and safety nor does this Bylaw discourage the removal of a tree(s) that by size or otherwise is not subject to the protections set forth herein.

§174-2 DEFINITIONS

The following words, terms, and phrases, when used in this Bylaw, shall have the meaning ascribed to them in this section:

AGGREGATE DIAMETER: The combined diameter of a multiple-trunk tree measured at breast height.

BUILDING ACTIVITY: One of the following types of work performed on a lot:

- Work performed pursuant to a special permit (as defined in MGL Ch. 40A Sec. 9 and the Mashpee Zoning Bylaw)
- Work performed pursuant to site plan approval (as defined in the Mashpee Zoning Bylaw)
- Construction of a new dwelling (including after razing an existing dwelling)
- Construction of a subdivision; or
- Clearing, grading, or other site preparation work performed within 12 months prior to undertaking any of the above.

**BUILDING ACTIVITY
PERMIT:**

Any permit or approval which is required in order to perform building activity.

CALIPER:

Diameter of a tree trunk in inches. For trees 6 inches or less in diameter, the caliper is measured six inches above the existing grade at the base of the tree. For trees larger than six inches in diameter the caliper is measured 12 inches above the existing grade at the base of the tree.

**CERTIFICATE OF
EXEMPTION:**

Formal permission granted to proceed with building activity without the need for a tree permit.

CERTIFIED ARBORIST:

An arborist certified by the Massachusetts Arborists Association or International Society of Arboriculture, or any successor organization.

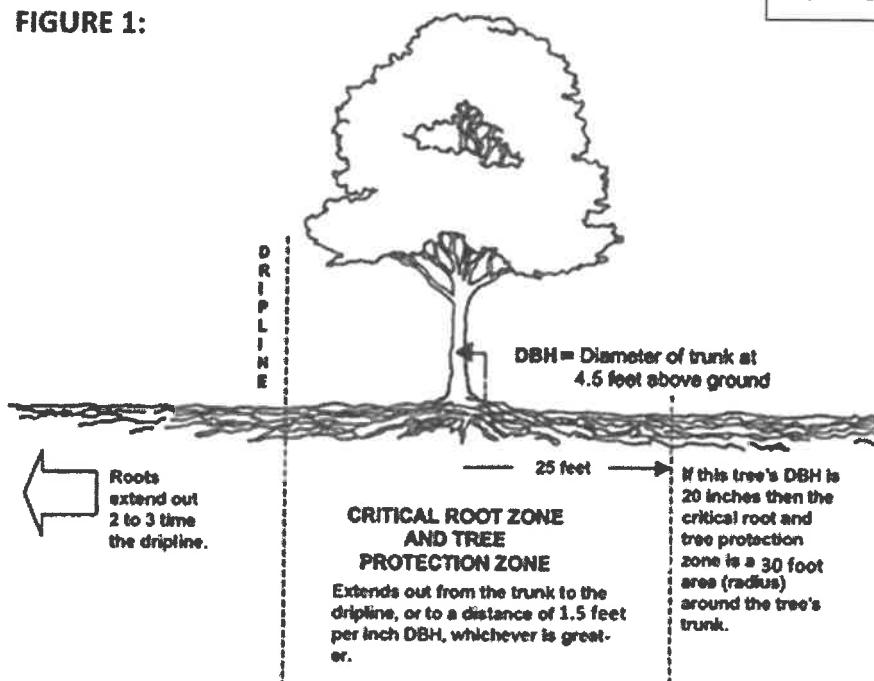
**CRITICAL ROOT ZONE
(CRZ):**

The minimum area beneath the tree canopy of a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The CRZ is represented by a circle centering on the tree's trunk and extending outwards towards the tree's dripline. The minimum radius of the CRZ shall be determined by multiplying the tree's diameter at breast height in inches by 18 (1.5 feet per inch DBH).

See Figure 1 below.

CRITICAL ROOT ZONE

FIGURE 1:



Example: A tree with a diameter at breast height of 20 inches shall have a CRZ of 360 inches or 30'. (20" x 18" = 360")

Calculating the CRZ:

- First you need to calculate the tree's Diameter at Breast Height (DBH). DBH can be measured using a caliper measuring tool, or for trees that are too large, DBH can be measured by dividing the tree's circumference by pi (π).

$$\text{Diameter} = \text{circumference} / \pi (3.14)$$

- The Critical Root zone extends from the trunk of the tree to its drip line, or to a distance of 1.5 feet per inch DBH, whichever is greater.

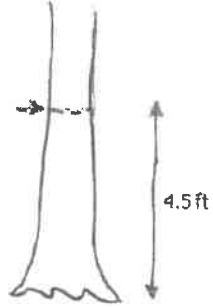
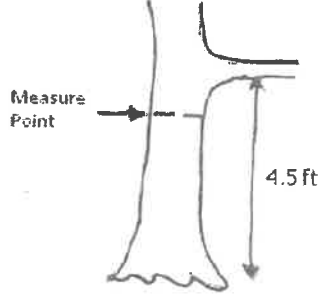
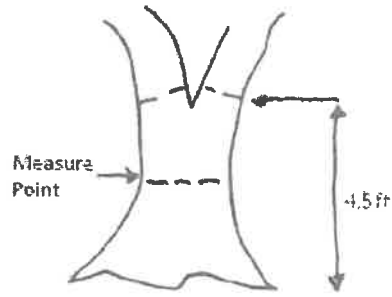
DIAMETER BREAST

$$\text{CRZ} = \text{Diameter} * 1.5 \text{ feet (18 inches)}$$

HEIGHT (DBH):

The diameter of the trunk of a tree 4.5 feet above the existing grade at the base of the tree. For trees that have branches or swelling at 4.5' above grade that interferes with measurement or for multi-stemmed trees refer to Table 1 below.

TABLE 1: HOW TO MEASURE DIAMETER AT BREAST HEIGHT (DBH)

<p>Standard Tree</p> <p>For those trees on a site that are at least 6 inches in diameter at a height of 4.5 feet above the existing grade at the base of the tree. For trees on a slope, measure on the uphill side of the tree.</p>	 <p>The diagram shows a single tree trunk. A horizontal dashed line indicates the measurement point. A vertical double-headed arrow to the right of the trunk shows the height from the base to this point is 4.5 ft.</p>
<p>Tree has branches or swelling at 4.5'</p> <p>Measure DBH below the branch or swelling immediately below where branches cease to affect diameter of the stem. Record the height at which the diameter was measured.</p>	 <p>The diagram shows a tree trunk with a branch on the right side. A horizontal dashed line indicates the measurement point, which is located below the branch. A vertical double-headed arrow to the right of the trunk shows the height from the base to this point is 4.5 ft. The label 'Measure Point' is next to the dashed line.</p>
<p>Multi-stemmed Trees</p> <p>If a tree splits into multiple trunks below 4.5' above the existing grade, the DBH shall be considered to be the measurement taken at the narrowest point beneath the split.</p>	 <p>The diagram shows a tree with multiple trunks that split from a single base. A horizontal dashed line indicates the measurement point at the narrowest part of the trunk below the split. A vertical double-headed arrow to the right of the trunk shows the height from the base to this point is 4.5 ft. The label 'Measure Point' is next to the dashed line.</p>

HAZARDOUS TREE:	A tree that is dead, diseased, injured and/or that is dangerously close to existing structures, utilities, streets, sidewalks or other existing improvements or is causing disruption of public utility service, or poses a threat to pedestrian or vehicular safety, or drainage or passage issues upon right-of-way and/or that is harming the health or condition of other trees on the same site.
INVASIVE SPECIES:	Any tree that is listed on the most recent version of the Massachusetts Prohibited Plant List as published by the Massachusetts Department of Agriculture.
OVERSTORY TREE:	A tree that will generally reach a mature height of more than 40 feet.
PROTECTED TREES:	Native trees, trees with historical significance or trees over a certain trunk diameter. Removal of Protected Trees shall require a permit before being removed, encroached upon, or in some cases, pruned. Invasive or likely invasive species as defined in this Bylaw are not protected trees.

**REMOVE, REMOVED,
REMOVAL or REMOVING:**

The cutting down of any Protected Tree and all other acts that directly or indirectly result in the death of a Protected Tree in the prior 12 months or within two years thereafter, as determined by a certified arborist based on arboricultural practices recommended by the International Society of Arboriculture, including, but not limited to, damaging, poisoning, excessive pruning or other direct or indirect actions.

TREE YARD:

A defined area along the perimeter of a lot which is equal to the minimum setbacks defined in Section 174-31 of the Mashpee Zoning Bylaw.

TREE PERMIT:

Formal permission granted to proceed with any building activity that affects a Protected Tree(s).

§174-3 APPLICABILITY

All lots in the Town of Mashpee are subject to the Tree Preservation Bylaw and the project involves at least one of the following building activities:

- Demolition of a structure(s) with a footprint of 250 SF or greater;
- Construction of a new dwelling to include razing an existing dwelling;
- Construction of a subdivision;
- Work performed pursuant to site plan approval;
- Work performed pursuant to special permit;
- Construction of a retaining wall with a height of 4 feet or greater;
- Construction of a structure or an addition that increases the Gross Floor Area squared by 50% or more; or
- Work performed clearing, grading or other site preparation performed within 12 months prior to undertaking any of the above.

No person shall commence building activity on any lot without first obtaining a Tree Preservation Permit or a Certificate of Exemption from the Planning Department via the Town Planner or his/her designee.

A. EXEMPTIONS

- (1) Any building activity not within the definition of "building activity" (i.e., demolition of a shed that is less than 250 square feet).
- (2) If a Certificate of Exemption has been issued by the Planning Department, no Tree Preservation Permit shall be required. The granting of exemption shall be at the discretion of the Town Planner or his/her designee and shall be based on whether the building activity could potentially harm a Protected Tree. If the proposed building activity does not have the potential to harm a Protected Tree, the Town Planner or his/her designee shall issue a Certificate of Exemption.

- (3) Dead, Diseased, or otherwise hazardous Trees - If a Protected Tree is deemed to be imminently hazardous because it is dead, or infested with a disease or pest of a permanent nature or is an immediate danger to the public health, safety or welfare or shall cause an immediate disruption of public services, the tree may be removed without delay. An oral authorization from the Town Planner or his/her or designee to remove the tree shall be permitted and followed up with a written report. In the event that the emergency condition does not allow time to seek prior authorization then the emergency removal of the tree shall proceed with notification to the Town Planner sent by email or U.S. mail within 24 hours of said removal.
- (4) Pruning: A tree permit is not required for pruning of Protected Trees. However, excessive pruning may constitute tree removal.

Waiver: During a period of a bona fide emergency declaration resultant of a significant weather event and/or natural disaster by local or other Act of God, state and/or federal authorities, requirements of this Bylaw shall be waived.

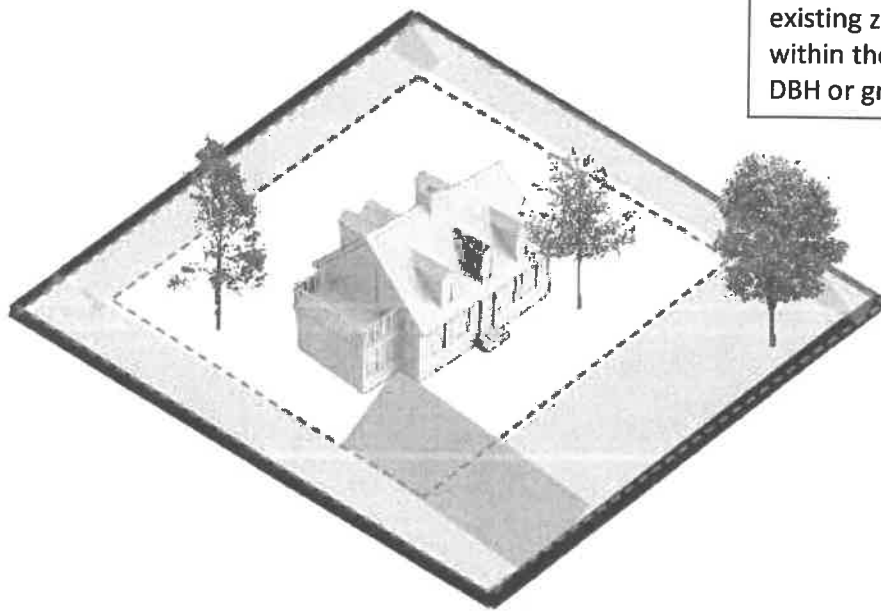
§174-4 IDENTIFYING PROTECTED TREES

The Bylaw defines the Tree Yard to be equal to the minimum front, side, and rear yard setbacks as specified in Table 1 and §174-31 of the Zoning Bylaws of the Town of Mashpee. Any tree with a Diameter at Breast Height (DBH) of 6" or greater as calculated in accordance with Table 1 and within the Tree Yard is considered to be a Protected Tree. Any Protected Trees located within the Tree Yard are to be adequately protected and any Protected Trees located in the Tree Yard proposed for removal shall require adequate mitigation plantings and/or payment to the Mashpee Tree Fund.

Table 2: Tree Yard Locations in Each Zoning District

Zoning District	Minimum Tree Yard (feet)		
	Front Setback	Side Setback	Rear Setback
R-3	40	15	15
R-5	40	15	15
C-1	40	20	40
C-2	75	20	20
C-3	75	20	20
I-1	75	30	50

Figure 2:



Note: The shaded perimeter is the **Tree Yard** on this parcel - the same as existing zoning setbacks. Trees located within the Tree Yard that are 6 inches DBH or greater are Protected Trees.

§174-5 SUBMISSION REQUIREMENTS FOR A TREE PROTECTION AND MITIGATION PLAN

An approved Tree Protection and Mitigation Plan is required before commencement of any applicable building activity. The Tree Protection and Mitigation Plan is intended to define the Tree Yard and the location(s) of Protected Trees within it and define how the method with which the property owner intends on mitigating for any Protected Trees that are proposed for removal. This Plan may be part of a landscape plan or a separate plan. All submitted plans must be drawn to a uniform scale (preferably 1"= 10', 1" =20', or 1"=30') and shall be a minimum size of 11" x 17" (preferred) and a maximum size of 24" x 36", with 3/4" borders. Font sizes on plans should be no smaller than 1/8". All Tree Protection and Mitigation Plans shall be prepared, stamped, dated and signed by a Registered Land Surveyor. If a plan is submitted by a Registered Landscape Architect, the plan must also be stamped by a Registered Land Surveyor.

At a minimum, the Tree Protection and Mitigation Plan shall include the following elements:

- a) Boundaries of the subject property, including all property lines, easements, and right-of-way of public and private ways;
- b) The location of all existing buildings, driveways, retaining walls and other improvements, with an indication of those features to be retained or removed/demolished;
- c) The location of all planned buildings, driveways, retaining walls and other improvements;
- d) The location of the Tree Yard for projects located in the subject zoning district; and
- e) The location, height, DBH, and species of all existing Protected Trees and all Protected Trees that were removed within 12 months prior to application with an indication of those Protected Trees to be removed and those to be retained, if applicable.

§174-6 ADDITIONAL REQUIREMENTS TO BE SUBMITTED

- A. If Protected Trees are intended to be preserved, protected, and retained, the following elements must be added to the Plan:**
1. The Critical Root Zone, Dripline and location of the Tree Save Area shall be shown for all Protected Trees to be retained. **(See Figure 1 above in definitions section).**
 2. Submitted plans shall specify the tree protection measures to be installed around the Critical Root Zone.
 3. Prior to the commencement of construction, written documentation prepared, stamped, dated and signed by a Certified Arborist must be submitted to the Planning Department confirming the protection measures have been installed correctly and in accordance with any approved plans.
 4. Projects that encroach within the CRZ require a maintenance plan which shall be submitted for such trees, prepared, stamped, dated and signed by a Certified Arborist; at a minimum, the maintenance plan shall identify the course of action that will be taken to maintain the tree in good health for a period of no less than 24 months from the date of Final Inspection or issuance of Certificate of Occupancy.
- B. If Protected Trees are intended to be removed and compensated for on-site by replanting new trees, the following additional elements must be added to the Plan:**
1. The location, caliper, species, and planting schedule of trees to be replanted to mitigate the removal of a Protected Tree(s). One -half (0.5) inches of caliper of new trees is needed to mitigate for each inch at breast height of Protected Trees proposed for removal.
Example: The removal of a 20 inch DBH Protected Tree shall require 10, 2 inch DBH replacements.
 2. Each new tree must have a minimum caliper of 2 inches.
 3. Replanting must be complete prior to Final Inspection or the issuance of a Certificate of Occupancy.
 4. Applicants have the ability to plant on land abutting the applicant's land, with the express written approval of the abutting property owner.
 5. Overstory Tree species, if removed, must be replaced with an Overstory Tree species.
 6. Invasive tree species as defined in this Bylaw shall not be replanted to mitigate the removal of a Protected Tree and no invasive species will be accepted as mitigation toward the removal of a Protected Tree.
- C. If Protected Tree removal is permitted but replanting trees as defined above is not the preference of the property owner, then mitigation may be effected through contribution into the Town of Mashpee Tree Fund as follows:**
1. The Town Planner or his/her designee shall determine the amount of the contribution based upon the cost to purchase and install trees. An applicant who has been granted a Tree Permit may choose, in lieu of replanting onsite, to make a contribution to this Fund in an amount equal to planting replacement tree(s). The applicant shall provide to the Board price quotes/estimates from a garden center/nursery for the purchase of trees to establish the required dollar amount as well as from a qualified landscape professional for installation.

2. All sums deposited into the Tree Replacement Fund shall be used for the sole purpose of buying, planting and maintaining trees on public property in Mashpee, and for no other purpose whatsoever.
3. At least once a year the Town Accountant shall audit the receipts and expenses of the Tree Replacement Fund to ensure accuracy and propriety of its transactions.

§174-7 COMBINATION OF OPTIONS

Any combination of Tree Retention, Tree Replanting or Tree Removal with contribution to the Tree Bank can be used. Tree mitigation for those trees removed must be clearly identified either on the submitted plan or in a written document accounting for each DBH of Protected Trees removed and the mitigation proposed. This is not required for tree retention of all trees in the Tree Yard.

§174-8 ADMINISTRATION OF BYLAW

The Town Planner or his/her designee shall administer, implement and enforce this Bylaw and any rules and regulations adopted thereunder. Any powers granted to or duties imposed upon the Town Planner may be delegated to its agents under the Board's direct supervision.

§174-9 AUTHORITY

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes.

§174-10 RULES AND REGULATIONS

The Planning Board may promulgate rules and regulations to effectuate the purposes of this Bylaw. Such rules may prescribe the size, form, contents, style and number of copies of plans for determining final compliance with these regulations. The adoption or amendment of rules and regulations shall be after a public hearing to receive comments on the proposed or amended rules and regulations. The public hearing shall be advertised once in a newspaper of general local circulation, at least 14 days prior to the date of the public hearing.

§174-11 NOTICE OF VIOLATION

Any person who violates any of the provisions of this Bylaw shall be notified by the Town Planner or his/her designee of the specific violation by certified mail, return receipt requested, or by hand delivery. The notice shall set forth the nature of the violation and the date by which the Protected Tree(s) is to be mitigated, by planting a replacement tree(s) or payment to the Tree Fund, for purposes of computing the "per diem" violation rule. Any notice of violation shall also be transmitted to the Mashpee Building Commissioner.

§174-12 STOP WORK ORDER

Upon notice from the Town Planner or his/her designee that work on any lot on which a Protected Tree is located is being performed contrary to the provisions of this Bylaw, a written Stop Work Order shall be given to the owner or agent or the person performing work on the property by the Building Commissioner. The Stop Work Order shall state the conditions under which work will be permitted to resume. Upon receipt of the Stop Work Order all work on the subject property that might affect any Protected Trees must cease while a stop work order is pending.

A person, having been served with a stop work order, may be directed to perform work on the said Protected Tree property to remove a violation or unsafe condition.

§174-13 SUSPENSION OR REVOCATION

The Town Planner or his/her designee may suspend or revoke the applicant's Tree Permit at any time if the permit holder has failed to comply with either the Bylaw or the conditions of the permit. Notice may be made via certified or registered mail, return receipt requested, or hand delivered. The notice must provide the applicant an opportunity to correct the non-compliance. This may include remediation or other requirements identified by the Town Planner or authorized monitoring agent, such as the Code Compliance Inspector. Once the project is returned to compliance or remediation completed, if practicable, the applicant may apply for a renewal of the tree permit.

§174-14 IRREPARABLE DAMAGE

If the Town Planner or his/her designee determines that the applicant damaged a tree approved for Retention and Protection during construction to an extent that may significantly compromise its survival and future health, the Town Planner or his/her designee may require the applicant to provide mitigation per the terms of the Bylaw.

§174-15 NON-CRIMINAL FINES

If the Town Planner or authorized monitoring agent, such as the Code Compliance Inspector, identifies any issues of non-compliance, fines will accrue per the Bylaw if not corrected within 30 days. Each consecutive day the non-compliance continues is considered a separate offense.

§174-16 FINES AND PENALTIES

The following actions shall cause the Planning Department to issue a fine to the applicant:

- A. A Protected Tree has been removed without a Tree Permit: The fine shall be in addition to the required payment for the replacement of the tree(s).
- B. Failure to replace trees or make payment to the Tree Fund as required: Each failure to replace a tree or make a payment to the Tree Fund constitutes a separate violation of this Bylaw, subject to a fine. Each day such violation continues after the compliance date specified by the Planning Department in its notice of violation shall constitute a separate offense.

- C. Failure to comply with a condition of the Tree Permit: Each instance of failure to comply with a condition in the Tree Permit shall constitute a violation of this Bylaw which shall be subject to a fine. Each day such violation continues shall constitute a separate offense.
- D. Failure to comply with a condition in a Stop Work Order: Each instance of failure to comply with a condition in a Stop Work Order shall constitute a violation of this Bylaw which shall be subject to a fine. Each day such violation continues shall constitute a separate offense.

Fines for the above violations are as follows:

First offense = \$100 per day

Second Offense = \$200 per day

Third Offense = \$300 per day

§174-17 SEVERABILITY

The provisions of this Bylaw are severable. If any section, provision or portion of this Bylaw is determined to be invalid by a court of competent jurisdiction, then the remaining provisions of this Bylaw shall continue to be valid.

§174-18 CONFLICT OF LAWS

This Bylaw shall not apply to any public shade tree as that term is defined by the General Laws, Chapter 87, and to the extent that any provision hereof conflicts with said Chapter 87, such provision shall not be valid. Nothing herein is intended to conflict with existing special-permit procedures and to the extent that any provision hereof conflicts with said special-permit procedures, such provision shall not be valid.

§174-19 COMPLIANCE WITH ALL STATE AND LOCAL REGULATIONS

Complying with the terms of this Bylaw shall not relieve the owner of the subject property from complying with any other pertinent regulation, including but not limited to all state and local wetlands-protection regulations.

§174-20 ENFORCEMENT

The Town Planner or his/her designee is hereby authorized to enforce all provisions of the Mashpee Preservation Tree Bylaw and may designate monitoring and enforcement agents to include but not be limited to the Code Compliance Officer, the Town Planner, the Conservation Agent, Building Inspector/Commissioner.

§174-21 APPEALS

Any person who has been aggrieved by refusal, order, or decision of the Town Planner or his/her designee, may appeal to the Planning Board within 20 days from the date of such refusal, order or decision.

Submitted by the Planning Board

Explanation: This Article would establish a program intended to incentivize the protection of certain trees on residential, commercial, and industrial lots in the Town of Mashpee. It would require, prior to any building activities, the submission of an application and plan to the Planning Department that identifies trees that qualify as "Protected Trees" as defined in this Article. This Article does not prohibit any property owner from removing any tree, protected or not, from their property, however if a protected tree is proposed for removal, it will require either a payment into a Town Tree Fund to be created or replacement of the protected tree with a suitable species in accordance with this chapter. This would eliminate the ability for property owners to "clear-cut" their lot prior to a building activity and or/without connection to any building activity. The Article is intended to encourage the preservation of existing trees for their environmental benefits and positive impact on the character of the community.

The Select Board recommends approval of Article by a vote of
The Finance Committee recommends approval of Article by a vote of

Article 6

To see if the Town will vote to reserve from the FY 2023 estimated Community Preservation revenues pursuant to the provisions of M.G.L. Chapter 44B, §6 the following amounts:

\$	10% for Open Space/Recreational Purposes
\$	10% for Historic Preservation Purposes
\$	10% for Affordable Housing Purposes
\$	to the FY 2022 Community Preservation Fund Budgeted Reserve

as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: This article is required annually to set aside the 10% Reserves of the estimated Community Preservation Funds for Open Space/Recreation Purposes, Historic Preservation Purposes and Affordable Housing Purposes and to fund the Budget for Appropriation Reserve.

The Community Preservation Committee voted to approve this article to set aside the 10% Reserves and Budget for Appropriation Reserve to be available for use in fiscal year 2024 as certified by the Finance Director and reflected in the FY 2024 CP-1. The total FY24 appropriation to the 10% Reserves and Budget for Appropriation Reserve is \$_____.

The Community Preservation Committee recommends approval of Article_ by a vote of 6-0.

The Select Board recommends approval of Article by a vote of
The Finance Committee recommends approval of Article by a vote of

Article 7

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund Undesignated Fund Balance in accordance with the provisions of M.G.L. Chapter 44B, §5, the sum of \$200,000 for the purpose of funding the 18-Hole Disc Golf Course project at the site 156 Ashumet Road, Mashpee identified on Assessor's Map 26 as Parcel 10 and at the site 162 Ashumet Road identified on Assessor's Map 26 as Parcel 10 (same parcel) including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The goal of this project is to create an 18-hole disc golf course on 16 acres of Town-owned wooded land supported for use by the Select Board for added recreational opportunities. The proposed course is located within the recreational hub of the Mashpee community adjacent to the Mashpee Dog Park, Heritage Park and the Pickleball Courts. This is a low cost, year-round recreational activity enjoyed by persons of all ages and ability levels. The rules and etiquette of the game is similar to regular golf. A crosswalk and signage would be installed for safety. The noise level is minimum. The course is similar to a trail system with slight alterations. There is no clear cutting of land or turf installation. Overhead and maintenance costs are minimal.

An 18-hole disc golf course can cycle through dozens of players at any given time with little to no backups or delays. The Cape Cod Disc Golf Club would serve as the active stewards of the land and maintain the course under a Memorandum of Agreement and/or through a lease agreement with the Town. Unused funds for this project would be returned to the CPC.

The Community Preservation Committee recommends approval of Article by a vote of 7-0-1.
(one abstention)

The Select Board recommends approval of Article by a vote of
The Finance Committee recommends approval of Article by a vote of

Article 8

To see if the Town will vote, as recommended by the Community Preservation Committee, to appropriate and transfer from the Community Preservation Fund 10% Affordable Housing Reserve in accordance with the provisions of M.G.L. Chapter 44B §5, the sum of \$60,000 to the Mashpee Affordable Housing Trust ("Trust"); said funds to be held and expended by the Board of Trustees of said Trust for the purpose of Affordable Housing, including any necessary costs and expenses related thereto as recommended by the Community Preservation Committee provided, however, that said sum shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of M.G.L. c.44B when expended by the Trust, shall be accounted for separately by the Trust, and, provided further, that at the end of each fiscal year, the Trust shall ensure that all expenditures of said funds are reported to the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The goal of this project is to allow a more efficient procedure to enable the acquisition and subsequent development of affordable housing projects in the Town of Mashpee. The Affordable Housing Trust is a Town body, which, by statute, may purchase, hold, and make decisions regarding the development of affordable housing units within the Town. Granting the requested available funds to the Affordable Housing Trust will enable the Trust to negotiate with developers and execute real estate transactions effectively and efficiently.

The Community Preservation Committee recommends approval of Article__ by a vote of 6-0.

The Select Board recommends approval of Article by a vote of

The Finance Committee recommends approval of Article by a vote of

Article 9

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund 10% Historic Reserve in accordance with the provisions of M.G.L. Chapter 44B, §5, the sum of \$73,640 for the purpose of funding the Ancient Burying Grounds Restoration project as follows; Avant Burial Ground, Main Street; Map 47, Parcels 7 & 7A; Attaquin Burial Ground, Main Street, Map 27, Parcel 41; Pocknett Burial Ground, Meetinghouse Road, Map 45, Parcel 12 including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The goal of the Ancient Burying Ground project sponsored by the Mashpee Historical Commission will restore and rehabilitate the historic sites adhering to the citizens of the Town of Mashpee by vote of Town Meeting on January 29, 1975, Article 29 and at the May 2, 2022 Town Meeting, Article 13 to protect and preserve all Ancient Cemeteries and Burial Grounds. As Ancient Cemeteries they would be eligible for placement on the state and national historic register.

The Community Preservation Committee recommends approval of Article__ by a vote of 8-0.

The Select Board recommends approval of Article by a vote of

The Finance Committee recommends approval of Article by a vote of

Article 10

To see if the Town will vote to authorize and empower the Select Board to prepare a plan laying out and defining **GODFREY ROAD and BARBARY CIRCLE** to accomplish said purpose and for expenses related thereto, the Town vote to appropriate and transfer from revenue available for appropriation **\$20,000** to the **GODFREY ROAD and BARBARY CIRCLE** Roadways Account, or take any other action relating thereto.

Submitted by Petition

(Lead Petitioner – Steven J. Votta)

The Select Board recommends approval of Article by a vote of

The Finance Committee recommends approval of Article by a vote of

Article 11

To see if the Town will vote to; authorize the Select Board to convey, grant and/or release to the Mashpee Wampanoag Tribe of Mashpee, Massachusetts *(the "Tribe" the Town's title, rights, or interest in the following described parcels of real property, to file such petitions with the Massachusetts General Court as may be necessary to effect this conveyance, grant or release, and to execute any and all instruments necessary to convey, grant and/or release the Town's title, interest or rights, upon such terms and conditions as the Select Board shall deem to be in the interest of the Town)*

Map 68: Parcels: 13B, 14 & 16 (1.63 Acres) for the purpose of expanding the Old Indian Cemetery and support placing this parcel into trust on behalf of the Mashpee Wampanoag Tribe, or take any other action relating thereto.

Submitted by Petition

(Lead Petitioner – Brian Weeden)

Explanation: In 2008 at Town Meeting the "Town" authorized the Selectmen release title to the "Tribe" for "Old Indian Cemetery". This article will authorize the Select Board release parcel (Map 68 Block 13C) to The Mashpee Wampanoag Tribe for the purpose of expanding the current cemetery.

This Article will help to expand the Old Indian Cemetery located on the Mashpee Wampanoag Tribe's Reservation located at 410 Meetinghouse Rd and support placing the parcel into trust on behalf of the Mashpee Wampanoag Tribe for future generations of Mashpee Wampanoag Tribal Citizens and families.

The Select Board recommends approval of Article by a vote of

The Finance Committee recommends approval of Article by a vote of

Article 12

To see if the Town will vote to amend the Zoning Bylaws on Special Permit Use §174-24(C)(9)(g) to strike the words "(g) A modification under (b) or (c) above may expand the land area covered by said Special Permit; provided that all uses, dimensions and other aspects of proposed development within the expanded area are in conformance with the provisions of the zoning bylaw applicable to the land at the time of approval of said modification, and provided that the original Special Permit granting authority has authority to approve said proposed uses and development under the provisions of the zoning bylaw applicable to the expanded land area at the time of approval of said modification," and replace with the words "(g) A modification under (b) or (c) above may expand the land area covered by said Special Permit; provided that all uses, dimensions and other aspects of proposed development within the expanded area are in conformance with the provisions of the current zoning bylaw applicable to the land at the time of application for said expansion, and provided that the original Special Permit granting authority has authority to approve said proposed uses and development under the provisions of the current zoning bylaw applicable to the expanded land area at the time of application for said expansion," or take any other action relating thereto.

Submitted by Petition

(Lead Petitioner – Arden Russell)

Explanation: Several large-scale developments were permitted decades ago by special permit. Several important zoning bylaw changes have occurred since then. This article would require that when a development expands its land area via special permit, the expansion must comply with current zoning bylaws.

The Select Board recommends approval of Article by a vote of
The Finance Committee recommends approval of Article by a vote of

Article 13

To see if the Town will vote to convey Parcel No: 28-2-0 (35 Lake Avenue), 36-80-0 (409 Main Street), 28-3-0 (415 Main Street) to the Tribe for historical, educational, and cultural uses to construct a true replica of a Wampanoag Village to accurately depict daily life and complement the adjacent Tribal historic sites within the Town's existing Historical District, or take any other action relating thereto.

Submitted by Petition

(Lead Petitioner – Talia Landry)

Explanation: this article approves transfer of Town Parcels to the Tribe to recreate an accurate Wampanoag home site (circa 1700s) to traditionally educate the Tribal community and general public on Wampanoag history through interactive pre-contact exhibits. Such traditional structures support cultural preservation and conservation efforts encouraged by the Town's planning efforts.

The Select Board recommends approval of Article by a vote of
The Finance Committee recommends approval of Article by a vote of

THIS CONCLUDES THE BUSINESS OF THE ANNUAL TOWN MEETING

And you are hereby directed to serve this Warrant by posting up attested copies thereof, one at the Town Hall, one at the Post Office, and one each on the bulletin boards, thirty days at least before said meeting.

Hereof fail not and make return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 28th day of August in the year two thousand and twenty-three.

Per Order of,
Select Board

John J. Cotton, Chair

Thomas F. O'Hara, Vice-Chair

Carol A. Sherman, Clerk

David W. Weeden

Michaela Wyman-Colombo

**Town of Mashpee
Board of Selectmen**

Policy No: 001

**Appointment Policy for Boards, Commissions, Committees and Councils
(Appointed by Board of Selectmen)**

I. POLICY

It is the policy of Mashpee Board of Selectmen to seek and select qualified and competently fit people to serve on volunteer Boards, Commissions, Committees, or Councils which provide for greater citizen input and enhanced public participation in Mashpee's Town government. Toward that end, the Board of Selectmen will properly evaluate and select the best qualified applicants to serve on these part-time Boards, Commissions, Committees or Councils. This policy applies to all Boards, Commissions, Committees, Councils, etc. that are appointed by the Board of Selectmen (Board of Health, Board of Assessors, Board of Appeals, Board of Registrars, Conservation Commission, Waterways Commission, Shellfish Commission, Plan Review Committee, Council on Aging and other multiple member bodies).

II. PROCEDURES FOR SOLICITATION OF POTENTIAL APPOINTEES

A. Applicant Pool

The Office of the Town Manager will maintain a roster of all Boards, Commissions, Committees, and Councils for the Town. In addition, there will be an interested applicant pool which will also be maintained by the Town Manager's Office.

Any person who wishes to serve on any Board, Commission, Committee or Council, shall submit a letter of interest and resume to the Board of Selectmen. The letter and resume will be kept on file upon appointment. If the applicant is not selected or if no vacancy exists, the list of candidates may be purged after one (1) year.

B. Notification of Vacancy

A public notice shall be published twice annually (generally in January and July) or on an as needed basis in a newspaper of general circulation, on the Town Hall notice board and on the Town's website, listing all Board, Commission, Committee and Council vacancies and/or reappointments for the ensuing fiscal year. The Town Manager or his/her designee shall be responsible for advertising such vacancies and request interested citizens to contact Town Hall.

C. Notification of Termination

A member of any Board, Commission, Committee, or Council who decides to terminate their services shall, at the earliest opportunity, submit a letter of resignation to the Board of Selectmen. Members not desiring reappointment should submit their letter of resignation to the Board of Selectmen by May 1st of their reappointment year.

Should a vacancy occur less than three (3) months before expiration of the term, no action will be taken by the Board of Selectmen to appoint an interim member, unless the Board, Commission, Committee, or Council Chairperson advises the Board of Selectmen that such a delay would result in the inability to conduct Town business.

III. PROCEDURES FOR EVALUATION OF APPLICANTS

A. Screening

The Town Manager or his/her designee shall review the interested applicant pool and refer all applicants to the appropriate Board, Commission, Committee or Council Chairperson. The Board of Selectmen will be provided with copies of all application materials.

The Board, Commission, Committee, or Council on which the vacancy exists should interview all applicants unless it is totally impractical. It is the responsibility of the Board, Commission, Committee, or Council Chairperson to coordinate the scheduling of each interview and to notify the Board of Selectmen as to the time and location of each interview. It is strongly recommended that the Selectmen's liaison to the Board, Commission, Committee, or Council in which the vacancy exists have the opportunity to participate in the interview process. All provisions of the Open Meeting Law shall be adhered to.

B. Initial Interview Process

The Chair of the Board, Commission, Committee, or Council conducting the interview should review questions in advance with the Town Manager or his/her designee if a legal basis for such question is in doubt. When necessary, the Town Manager or his/her designee shall consult with Town Counsel.

As the interview proceeds, each member will prepare his/her individual evaluation of the candidate(s) and, at the conclusion of the interview, will provide his/her recommendation to the Board, Commission, Committee or Council Chairperson. Candidates shall be judged on a merit-based principle, and recommendations shall be made based on a consistent evaluation method that considers the candidate's qualifications and suitability. Suitable ratings are as follows:

- Strongly Recommended
- Recommended
- Recommended with Hesitation
- Not Recommended.

C. Recommendation

The Board, Commission, Committee, or Council Chairperson will provide a summary of the interview process along with its recommendations(s) to the Board of Selectmen. The Chairperson should provide a minimum of two (2) and a maximum of three (3) candidates for review by the Board of Selectmen, unless the minimum number of candidates does not exist. Such recommendations must always be in the best interests of the Town and consistent with the provisions of this policy.

D. Selectmen Interview

After review of any candidate(s) recommended for appointment to a Board, Commission, Committee or Council, said candidate(s) shall appear before the Board of Selectmen for a final interview at a regular scheduled meeting. Reappointments may not result in interviews by the Board of Selectmen and, if one of the applicants is the incumbent seeking reappointment, recognition of their past performance is desired. When there is more than one vacancy to be filled, motions to appoint within a Board, Commission, Committee, or Council shall be made individually for each vacancy.

E. Appointment Notice

Upon appointment or reappointment to a Board, Commission, Committee or Council, the appointee and the relevant Chairperson shall be issued a notice of appointment/reappointment stating the term of said appointment. The Town Clerk shall keep records of all appointments and provide copies to the relevant Chairperson and Town Manager's Office.

All appointees must subscribe to the oath of office for the position to which they are being appointed. This should be completed prior to any Board, Commission, Committee, or Council member actively participating in any deliberations.

IV. APPOINTMENT OF TOWN EMPLOYEES WHO ARE DESIGNATED MEMBERS OF CERTAIN BOARDS, COMMISSIONS, COMMITTEES AND COUNCILS

Because certain employees hold membership on Boards, Commissions, Committees and Councils by virtue of their employment, and because said terms are designed as part of the regular membership of these Boards, Commissions, Committees and Councils, the said employees will hold open-ended continuous membership on such Boards, Commissions, Committees and Councils, until such time as they no longer hold the relevant and employed position. All appointments shall be in accordance with the Mashpee Town Charter and Bylaws.

***Adopted by the
Mashpee Board of Selectmen
February, 1990
Amended February 28, 2005
Amended July 10, 2006
Amended July 23, 2018
Amended August 6, 2018***

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