



**AGENDA  
SELECT BOARD  
MONDAY, AUGUST 7, 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, July 17, 2023 Regular Session; Monday, July 24, 2023 Regular Session

**APPOINTMENTS & HEARINGS**

- Public Comment
- Update on Stormwater Catch Basins: *DPW Director Catherine Laurent*
- Discussion and Approval of Contract for Implementation of Revaluation Program – Fiscal Year 2024 through Fiscal Year 2026: *Director of Assessing Joseph Gibbons*
- 6:50 pm – Public Hearing-Amendment to Weekday and Sunday Entertainment Licenses:  
*Barnstable Pizza and Pasta Co Inc dba Finally Dino's*
- Discussion and Possible Approval of Amendment to Weekday and Sunday Entertainment Licenses:  
*Barnstable Pizza and Pasta Co Inc dba Finally Dino's*

**COMMUNICATIONS & CORRESPONDENCE**

**NEW BUSINESS**

- Discussion and Approval of adding the Following Articles to the October 16, 2023 Town Meeting Warrant –
  - Option 9 Wastewater Project Design and Engineering Funding
  - Reduction of Community Preservation Act Surcharge
  - Increase of Water Infrastructure Investment Fund ("WIIF") Surcharge
- Discussion and Approval of November 7, 2023 Special Town Election
- Discussion and Approval of the Following Ballot Questions for the November 7, 2023 Special Town Election:
  - Option 9 Wastewater Project Design and Engineering Funding
  - Reduction of Community Preservation Act Surcharge
  - Increase of Water Infrastructure Investment Fund ("WIIF") Surcharge

**OLD BUSINESS**

- Discussion with Regard to Pickleball: *Marie Cheung-Truslow*
- Discussion of Amending Select Board Policy 001:  
Appointment Policy for Boards, Commissions, Committees & Councils
- Discussion with Regard to Articles Submitted by the Planning Board for the October 16, 2023 Town Meeting Warrant: *Town Planner Evan Lehrer; Planning Board Chair Karen Faulkner*
- Discussion, Approval and Recommendations of Draft #2 of the October 16, 2023 Town Meeting Warrant

**ADDITIONAL TOPICS**

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

**LIAISON REPORTS**

**WATER QUALITY UPDATES**

**TOWN MANAGER UPDATES**

**EXECUTIVE SESSION**

**ADJOURNMENT**

MASHPEE TOWN CLERK  
AUG 9 '23 PM 1:47



**AGENDA**  
**SELECT BOARD**  
**MONDAY, JULY 17, 2023**  
**WAQUOIT MEETING ROOM**  
**MASHPEE TOWN HALL**  
**16 GREAT NECK ROAD NORTH**  
**MASHPEE, MA 02649**

**\*Broadcast Live on Local Cable Channel 18\***

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**6 p.m. – Convene Meeting in Open Session**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**CONVENE JOINT MEETING WITH THE SEWER COMMISSION**

Discussion, Approval of Comprehensive Watershed Nitrogen Management Plan ("CWMP") Phase II or Modifications: Presentation by the Town Manager and GHD, Inc. of Options for Joint Review, Modifications and Approval

**ADJOURN JOINT MEETING WITH THE SEWER COMMISSION**

**MINUTES:**

Approval of the Following: Monday, June 26, 2023 Regular & Executive Sessions

**APPOINTMENTS & HEARINGS**

- Public Comment
- State Representative David Viera; State Senator Susan Moran
- Discussion and Approval of Order of Betterment Assessment and Certification of Betterment Assessment for Cedar Street, Chestnut Street, Devon Street, Ash Street, Hawthorne Street and Gina Way
- Discussion and Approval of Expenditure of ARPA Funds for Purchase of Electronic Voting Systems
- Discussion with Regard to Mashpee Pickleball: *Earnest Barrows*
- Discussion and Approval of the Following Resignations and Appointments:
  - Resignations:
    - Mashpee Community Garden Advisory Committee: *Sheryl Carberry (Term Expires June 30, 2026)*
    - Affordable Housing Committee: *Stephanie Coleman (Term Expires June 30, 2024)*
    - Conservation Commission: *Charles Dalton (Term Expires June 30, 2024)*
  - Appointments:
    - Barnstable County Home Consortium: *Gary Shuman (Term Expires January 31, 2024)*
    - Zoning Board of Appeals: *Sharon Sangeleer (Term Expires June 30, 2026)*
- Discussion and Approval of the Following Special Events, Temporary Sign Permits, One Day Liquor Licenses:
  - Special Event, One-Day Liquor License, Temporary Sign Permit:  
Annual Mashpee Chamber of Commerce Christmas Parade, December 9, 2023, 5:30-9 pm:  
*Mashpee Chamber of Commerce*
  - Special Event: Head of the Ponds Regatta, September 10, 2023, 5:30-9:30 am, Attaquin Park: *Alan Robinson*
  - Special Event: Make a Splash, September 10, 2023, 10 am-1 pm, Attaquin Park: *Susan Dangel*

**COMMUNICATIONS & CORRESPONDENCE**

**OLD BUSINESS**

**NEW BUSINESS**

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

**ADDITIONAL TOPICS** - Environmental Oversight Committee - Appointment

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

**LIAISON REPORTS**

**WATER QUALITY UPDATES**

**TOWN MANAGER UPDATES**

**EXECUTIVE SESSION**

**ADJOURNMENT**

Mashpee Select Board-Sewer Commission  
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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 6:00 p.m.  
Mashpee Town Hall, Waquoit Meeting Room

### CONVENE JOINT MEETING WITH THE SEWER COMMISSION

Discussion, Approval of Comprehensive Watershed Nitrogen Management Plan ("CWMP") Phase II or Modifications: Presentation by the Town Manager and GHD, Inc. of Options for Joint Review, Modifications and Approval:

The Joint Meeting of the Mashpee Select Board and Sewer Commission was Called to Order at 6:01 p.m. In attendance was Sewer Commission members; Chad Smith, Meredith Harris, Joe Lyons, Alex Towle, Catherine Castaneda and Erin Copeland. Representatives from GHD, Inc. Marc Drainville and Anastasia Rudenko were also present for discussion purposes.

Mr. Drainville indicated that nitrogen removal is a high priority, and an approved plan places the Town of Mashpee on the list, although not every town gets funded. Any submission for State Revolving Fund (SRF) zero percent financing requires the project to be outlined in an approved plan. The Town has an approved Watershed Nitrogen Management Plan (2015), and has outlined a 5- Phase approach to meet the Town's nitrogen management goals. Currently the Town of Mashpee is completing most of Phase 1. GHD is currently working on a plan update required by the State at the end of each phase. It was disclosed that most projects that qualify receive funding in the range of \$50,000.

The SRF loan schedule for 0% loans require an application submission deadline of August 11, 2023. Typically, the State drafts an Intended Use Plan (IUP) prioritizing the projects intended to be funded in this round. The highest tier of funding is required to be consistent with the approved plan document. Notification is generally issued by the State in January/February 2024 with borrowing authorization to be determined in June of 2024. The financing application including drawings, specifications and all permits is due in October 2024.

Anastasia Rudenko reviewed the 2015 Watershed Nitrogen Management Plan and options to be considered for the upcoming SRF loan application. As follows;

Option #1:	Balance of Phase 1	Cost: \$17 million	Number of Properties: 45
Option #2:	Portion of Phase 2	Cost: \$26 million	Number of Properties: 376
Option #3:	#2 & WRRF Expansion	Cost: \$36 million	Number of Properties: 376
Option #4:	Option #1 & #3	Cost: \$53 million	Number of Properties: 421
Option #5:	#4 & Portions of Phase #5	Cost: \$70 million	Number of Properties: 651
Option #6:	#4 & Portions of Phase #4	Cost: \$82 million	Number of Properties: 918
Option #7:	Portions of Phase 2	Cost: \$111 million	Number of Properties: 1,041
Option #8:	#4 & Portions of Phase 2	Cost: \$128 million	Number of Properties: 1,086
Option #9:	#4 & Portions of Phase 3 & 4	Cost: \$88 million	Number of Properties: 1,288

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Discussion. Approval of Comprehensive Watershed Nitrogen Management Plan ("CWMP") Phase II or Modifications: Presentation by the Town Manager and GHD, Inc. of Options for Joint Review, Modifications and Approval: (continued)

- Option #1: Provides artery to future northern sewer sheds (including sewerage around Mashpee-Wakeby), Does not require WRRF expansion or revised groundwater discharge permit. Serving less densely developed neighborhood – 45 properties.
- Option #2: Removes nitrogen load from properties, more immediate nitrogen removal impact. Next proposed phase in 2015 Plan. High density neighborhood – 376 properties. Does not reduce nutrient loading to freshwater ponds.
- Option #3: Removes nitrogen load from properties, more immediate nitrogen removal impact, High density neighborhood – 376 properties. Does not reduce nutrient loading to fresh water ponds, Required complex permitting process to increase recharge capacity. Would require Town assistance.
- Option #4: Removes nitrogen load from properties, more immediate nitrogen removal impact, Provides artery to future northern sewer sheds including Mashpee-Wakeby and Santuit Ponds, High Density neighborhood – 421 properties. Requires complex permitting process to increase recharge capacity. Would require Town assistance.
- Option #5: Removes nitrogen load from properties, more immediate nitrogen removal impact, Provides artery to future northern sewer sheds including Mashpee-Wakeby Pond watershed. Requires complex permitting process to increase recharge capacity. Would require Town assistance.
- Option #6: Removes nitrogen load from properties, more immediate nitrogen removal impact, Provides artery for future northern sewer sheds including Mashpee-Wakeby & Santuit Ponds, Requires complex permitting process to increase recharge capacity.
- Option #7: Removes nitrogen load from properties, more immediate nitrogen removal impact, High density neighborhood – 1,041 properties. Requires complex permitting process to increase recharge capacity. Would require Town assistance & negotiations with private WWTFs in a quick timeframe.
- Option #8: Removes nitrogen load from properties, more immediate nitrogen removal impact, High density neighborhood – 1,086 properties. Requires complex permitting process to increase recharge capacity. Would require negotiations with private WWTFs in a quick timeframe.

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Discussion, Approval of Comprehensive Watershed Nitrogen Management Plan ("CWMP") Phase II or Modifications: Presentation by the Town Manager and GHD, Inc. of Options for Joint Review, Modifications and Approval: (continued)

Option #9: Removes nitrogen load from properties, more immediate nitrogen removal impact, Provides artery to future northern sewer sheds including Mashpee-Wakeby & Santuit Ponds, Portion of sewer in Santuit Pond watershed. Requires complex permitting process to increase recharge capacity. Would require Town assistance.

The menu of the (9) different options was considered and weighed upon for matters of importance such as cost, connection, impact, density, phasing, effectiveness, efficiency, benefit, the urgency for clean waters and the overall tax burden.

Guidance was requested from the project engineers GHD, Inc. as the deadline for the SRF application of August 11, 2023 is impending. In response, it was stated that all areas have to be done, and the Town needs to think of the order as the cost of the options are fairly different.

As the options were debated it was agreed Option #9 which includes Option #4 and Portions of Phases 3 & 4 is highly advantageous. This option gives the biggest bang for the buck as it would focus on the largest amount of nitrogen and the largest amount of properties, 1288 at a projected cost of \$88 million. The efficiency rate is noted to be 90%.

Cost considerations were diligently examined. It was noted the Town of Yarmouth recently submitted an application for SRF funding in the amount of \$207 million. The funding was capped at \$50 million per year.

Cost assumptions were considered. The burden to the taxpayer with an average value property of \$665,000 borrowing \$53 million per year would result in an estimated increase of \$152 in taxes per year. If the borrowing was doubled at \$106 million it would be essentially an increase of \$304 per year, less than \$1 per day for an average assessed property.

Each option was given careful consideration as the matter was studied. In an effort to move forward, several options were eliminated from the discussion. From a technical standpoint GHD indicated that all options are necessary and the Town cannot make the wrong choice.

Additional comment was received from Andrew Gottlieb who stated there is no bad investment. Mashpee residents are deeply concerned with the rapid decline of water quality and it is highly likely the Town would receive approval by a vote of Town Meeting to move forward. Although the average loan is \$50 million, the Town if approved would be locked into the requested amount granting certainty. There would be no need to reapply for the additional funds. And, with approval of the SRF loan at 0% there are other funding opportunities to assist the Town. This includes principal forgiveness from the Cape & Islands Water Protection Trust, additional State water funding, the WIIF, and the short-term rental tax.

It was explained this is Year 2 of a 5 Year precedent. It was recommended the Town advance a large project now to meet the objective for better water in Mashpee. This is an environmental need.

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Discussion, Approval of Comprehensive Watershed Nitrogen Management Plan ("CWMP") Phase II or Modifications: Presentation by the Town Manager and GHD, Inc. of Options for Joint Review, Modifications and Approval: (continued)

**Motion made by Mr. Smith to move forward with Option #9 of the Phasing Plan of the Town approved Watershed Nitrogen Management Plan (2015) as the correct course of action.**

**Motion seconded by Mr. Lyons.**

**VOTE: Unanimous. 7-0.**

Mr. Smith, yes	Ms. Harris, yes	Mr. Lyons, yes	Mr. Towle, yes
Ms. Sprout, yes	Ms. Castaneda, yes	Ms. Copeland, yes	Opposed, none

**Motion made by Selectman Sherman to move forward with Option #9 of the Phasing Plan of the Town approved Watershed Nitrogen Management Plan (2015) as the correct course of action.**

**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

## **ADJOURN JOINT MEETING WITH THE SEWER COMMISSION**

**Motion made by Selectman Sherman to adjourn the joint meeting at 7:33 p.m.**

**Motion seconded by Mr. Lyons.**

**VOTE: Unanimous.**

**Roll Call Vote:**

Selectman Cotton, yes	Selectman O'Hara, yes	Selectman Sherman, yes
Selectman Weeden, yes	Selectman Wyman-Colombo, yes	
Sewer Commission members; Chad Smith, yes	Joseph Lyons, yes	Meredith Harris, yes
Phyllis Sprout, yes	Alfred Towle, yes	Opposed, none

Respectfully submitted,

Kathleen M. Soares  
Secretary to the Select Board

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Meeting re-convened: 7:34 p.m.

## **MINUTES:**

### Monday, June 26, 2023 Regular & Executive Sessions:

Selectman Wyman-Colombo made several amendments to the minutes as referenced. It was agreed the changes would be red-lined for ease of review.

**Motion made by Selectman Weeden to table the approval of the minutes of Monday, June 26, 2023 to the next Select Board meeting.**

**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

## **APPOINTMENTS & HEARINGS**

### Public Comment:

Ken Debrowski offered comment on the WIIF, a part of the tax base, not separate. Mr. Debrowski indicated with the increased growth in schools and in other areas there is a need to look at the total tax load, and not take a holistic approach. With regards to the proposed residential exemption being discussed tonight it was suggested to target the residents below the median income.

Joe Lyons: Deferred comment.

Karen Faulkner: Left the meeting.

Lynne Barbee expressed appreciation to Select Board and to the Sewer Commission for their actions stating this type of discussion is important for those of us who do not understand how this works. Adhering to the deadline, and getting help from our representatives is positive step. It is also good to note there are state and federal grant monies to apply for, and that the Town is moving forward with the hiring of a grant writer. Ms. Barbee indicated the Town has invested in shellfishing, an adaptive management approach to sewerage, and it is important to maintain funds for this aquaculture initiative.

Anne Malone: Not present for discussion.

Sue Dangel applauded the Select Board for the productive meeting stating it is hopeful to the Board would have more informational sessions like this. No meeting has rivaled this discussion since November. It was recommended that Wakeby, Waquoit, Quashnet, Ashumet, and Johns Pond be included in discussions to ensure the residents of what is to come.

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## **APPOINTMENTS & HEARINGS**

### Public Comment: (continued)

Glenn McCarthy also expressed appreciation to the Select Board in moving forward with sewerage mindful in support of all Mashpee waters. What is missing from the discussion is Waquoit Bay, in the 2015 Plan, and that needs to be addressed. The State requires a mandate on both bays. Water quality testing in Waquoit Bay is dire. Citing a Letter to the Editor from Donald Barton published last Friday, the Waquoit Bay waters are in a state of abandonment. A no sewerage plan represents pure catastrophe.

Rick Otis, President of the Citizens for the Protection of Waquoit Bay congratulated the Select Board for undertaking the sewerage project. Understanding the process Mr. Otis indicated it appears the 2015 Plan is completely absent of Waquoit Bay. It was highly recommended the Town of Mashpee meet with the Town of Falmouth to agree on responsibilities. This includes the Moonakis River, Quashnet River and Waquoit Bay. Many people are no longer unhappy, they are angry.

Linda Smith stated the stormwater is polluting to the river. At the mouth of the river there is a parking lot from the herring run to the museum. With a heavy rain, the untreated water from Lake Avenue goes right into the river. Ms. Smith recommended that additional catch basins be installed in this area.

### State Representative David Vieira; State Senator Susan Moran:

State Representative David Vieira was in attendance with State Senator Susan Moran during the notable discussion regarding Mashpee Watershed Nitrogen Management Plan (2015) and action taken by the Select Board and Sewer Commission for clean water.

Representative Vieira affirmed the maximum annual allotment under the 2023 Intended Use Plan (IUP) is \$54 million. It was noted the Town of Yarmouth project; \$207 million received an IUP of \$50 million. The North Reading project; \$107 million received \$50 million. Sudbury and Lawrence also have received SRF funding for projects in excess of \$50 million.

It was agreed the Town of Mashpee should get in line, get ready and get approved. It is likely the Town would receive \$50 million and another \$50 million the year after. The key is to meet the application deadline by noon on August 11, 2023. It was recommended the Town complete the application as soon as possible using the legislators as a resource to assist the Town Manager.

There are other grant opportunities such as MassWorks grant funding that would assist privately owned treatment facilities to upgrade and increase capacity. An additional source is the Community One Stop for Growth grant. These opportunities are above and beyond the 0% SRF loan.

Both legislators agreed they would help to push this project over the finish line for Mashpee.

It was noted the current sewer project does not require betterments. However, as the Town moves forward with additional sewerage and betterment assessments there are further opportunities at 0%. Utilizing Chapter 1 of the Acts of 2016 is another tool for the tool box requiring a vote of Town Meeting for no interest betterment loans.

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## **APPOINTMENTS & HEARINGS**

State Representative David Viera; State Senator Susan Moran: (continued)

Wastewater and economic development will open the doors for Mashpee bringing funds directly to the Mashpee community. In closing, the legislators recommended to reach out as necessary through the Town Manager in moving forward with this wastewater endeavor.

In closing, it was noted that several initiatives of benefit to the Town including Wills Work Road will most likely move forward after August 1, 2023.

Discussion and Approval of Order of Betterment Assessment and Certification of Betterment Assessment for Cedar Street, Chestnut Street, Devon Street, Ash Street, Hawthorne Street and Gina Way:

Correspondence was received from Stephanie Coleman, Administrative Secretary dated July 12, 2023 indicating the Department of Public Works has completed the road conversion work for the project entitled "Cedar Street, Devon Street, Ash Street Road Taking Plan" dated January 28, 2021. The total cost of the Betterment Assessment is \$300,866.95. The cost to be borne by the 15 property owners is \$20,057.79

**Motion made by Selectman Sherman to approve the Order of Betterment Assessment and Certification of Betterment Assessment for construction improvements to Cedar Street, Chestnut Street, Devon Street, Ash Street, Hawthorne Street and Gina Way acting under Article 20 of the Warrant of the October 18, 2021 Town Meeting.**

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

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

**Roll Call Vote:**

**Selectman Cotton, yes  
Selectman Weeden, yes**

**Selectman O'Hara, yes  
Selectman Wyman-Colombo, yes**

**Selectman Sherman, yes  
Opposed, none**

Discussion and Approval of Expenditure of ARPA Funds for Purchase of Electronic Voting Systems:

Correspondence was received from David DeVecchio, Information Technology Director dated June 2, 2023 relative to the evaluation of the handheld Electronic Voting systems. For ease of use, security, flexibility, technical overhead and site and location of user base, the Meridia handheld was highly recommended. Approximately 55 Massachusetts communities use this system. If required, the Town of Mashpee would have the ability to rent the Meridia system.

The Meridia Voting System provides; standard voting, anonymous voting, proxy voting, weighted voting, attendee roll call, speakers list, real time results and detailed voting reports is a secure, easy to use, accurate, reliable manner with instant results.

With the Select Board's approval the handheld devices would be purchased using ARPA funds, and be available for use at the October 16, 2023 Town Meeting.

For clarification to a previous question, there are no handheld voting devices that have rechargeable batteries.

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## **APPOINTMENTS & HEARINGS**

Discussion and Approval of Expenditure of ARPA Funds for Purchase of Electronic Voting Systems:  
(continued)

**Motion made by Selectman Sherman to approve the expenditure of available ARPA Funds to purchase the Merida Electronic Voting System for the Town of Mashpee.**

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

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

**Roll Call Vote:**

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

Discussion with Regard to Mashpee Pickleball: Earnest Barrows:

The Select Board met with Earnest Barrows to review his concerns regarding the pickleball courts on Ashumet Road. Mr. Barrows indicated the repetitive noise emanating from the courts is like a machine gun being fired from 8:00 a.m. to 7:00 p.m., one hit per quarter second and constant.

The noise is now affecting the health of Mr. Barrows who requested the Select Board shut the park down until a solution can be determined. Mr. Barrows indicated he has complained about the noise for several years. The sheeting installed by the Town in his opinion is not soundproofing, it escalates the noise. After discussing this concern with a soundproofing specialist, it was suggested that a 20' wall be constructed with a roof with proper absorbing insulation to enclose the courts and eliminate the noise disturbance.

Mr. Barrows was in attendance with a resident from the Town of Falmouth who also resides in close proximity to the pickleball courts located near the Lawrence School. With an injunction, the courts were shut down. The matter is still pending with a pretrial hearing scheduled in mid-October. In support of Mr. Barrows, the Falmouth resident indicated the frequency of the impulse noise created by the hits, 9,000 per hour, 100,000 per day raises blood pressure.

Mr. Barrows requested the Select Board stop the playing or at least limit the days of play. This has been going on for the past five years, and it is truly a health issue. Mr. Barrows was amicable to work with the Town on this matter. If the Select Board does not take action, Mr. Barrows stated he will take this matter to court, and he will win.

The Select Board recommended that further discussions and deliberations be held to avoid litigation. Constructing walls and a roof is not an immediate fix. To give Mr. Barrows a day of rest it was recommended the courts be closed on Sundays. This gives both parties a start to begin constructive dialogue to develop options and to begin a start of good faith.

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## **APPOINTMENTS & HEARINGS**

Discussion with Regard to Mashpee Pickleball: Earnest Barrows:

**Motion made by Selectman Weeden to close the Pickleball Courts on Sundays in a good faith effort to begin the dialogue as recommended.**

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

**VOTE: Unanimous. 4-0-1.**

**Roll Call Vote:**

**Selectman Cotton, abstained**

**Selectman O'Hara, yes**

**Selectman Sherman, yes**

**Selectman Weeden, yes**

**Selectman Wyman-Colombo, yes**

**Opposed, none**

Selectman John J. Cotton indicated he abstained from voting on this matter as he is an avid pickleball player.

Discussion and Approval of the Following Resignations and Appointments:

Resignations:

Mashpee Community Garden Advisory Committee: Sheryl Carberry (Term Expires June 30, 2026):

A letter of resignation was received from Sheryl Pannebaker Carberry from her position as a member of the Mashpee Community Garden Advisory Committee as of June 30, 2023.

**Motion made by Selectman Sherman to accept the resignation of Sheryl Pannebaker Carberry from the Mashpee Community Garden Advisory Committee as presented sending a letter of appreciation to Ms. Carberry for her service.**

**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**

Affordable Housing Committee: Stephanie Coleman (Term Expires June 30, 2024):

Stephanie A. Coleman submitted a letter of resignation from the Mashpee Affordable Housing Committee dated June 27, 2023.

**Motion made by Selectman Sherman to accept the resignation of Stephanie A. Coleman from the Mashpee Affordable Housing Committee sending a letter of gratitude to Ms. Coleman for her service.**

**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**

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## **APPOINTMENTS & HEARINGS**

Conservation Commission: Charles Dalton (Term Expires June 30, 2024):

Correspondence was received from Charles Dalton dated July 6, 2023 resigning as a member of the Mashpee Conservation Commission.

**Motion made by Selectman Sherman to accept the resignation of Charles Dalton from the Mashpee Conservation Commission with regret sending a letter of appreciation to Mr. Dalton for his service.**  
**Motion seconded by Selectman O'Hara.**

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

**Roll Call Vote:**

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

Appointments:

Barnstable County Home Consortium: Gary Shuman (Term Expires January 31, 2024):

The Select Board met with Gary Shuman to review his interest in serving as the Town of Mashpee representative to the Barnstable County Home Consortium Advisory Council; term to expire January 31, 2024.

Mr. Shuman is a member of the Affordable Housing Committee and is a passionate advocate for affordable housing in the Town of Mashpee. His background and experience make him suitable for the role of representative. Mr. Shuman indicated with the change in administration in the new Governorship it is likely there would be changes with affordable housing. As a citizen Mr. Shuman indicated he would like to see what other towns are doing with respect to affordable housing, and maintain the momentum the Town has begun with the construction of the LeClair Village as well as the 209 Old Barnstable Road and VFW sites under review for affordable housing.

Selectman Wyman-Colombo recommended the Select Board follow the requirements of Policy 001 for consistency. A brief discussion followed noted the position was duly advertised. Mr. Shuman was the sole candidate. This position represents the Town of Mashpee, and there is no committee to recommend this appointment.

**Motion made by Selectman Sherman to appoint Gary Shuman to the Barnstable County Home Consortium for a term to expire; January 31, 2024.**

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

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

**Roll Call Vote:**

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

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## **APPOINTMENTS & HEARINGS**

### Zoning Board of Appeals: Sharon Sangeleer (Term Expires June 30, 2026):

Sharon Sangeleer was in attendance to review her interest in serving as a full member of the Zoning Board of Appeals. Ms. Sangeleer indicated she has served as an Associate member of the ZBA for the past six years. Her appointment was strongly recommended by the ZBA. Ms. Sangeleer is well qualified for the position. Ms. Sangeleer holds a graduate certificate in Municipal Government, and a masters degree in Geography with a concentration in planning, site location, GIS and demographics.

**Motion made by Selectman Sherman to appoint Sharon Sangeleer to full membership status on the Zoning Board of Appeals.**

**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 Special Events, Temporary Sign Permits, One Day Liquor Licenses:

#### Special Event, One-Day Liquor License, Temporary Sign Permit:

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

For clarification it was disclosed the Mashpee Chamber of Commerce is not seeking a One Day Liquor License for the Annual Mashpee Chamber of Commerce Christmas Parade. The application before the Select Board is for the Special Event and Temporary Sign Permit only.

The rain date for this event is Sunday, December 10, 2023 for the 17<sup>th</sup> Annual Christmas Parade scheduled to take place within Mashpee Commons from 5:30 p.m. to 7:30 p.m.

**Motion made by Selectman Sherman to approve the Special Event Application and Temporary Sign Permit of the Mashpee Chamber of Commerce for the Annual Christmas Parade as stipulated.**

**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**

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## **APPOINTMENTS & HEARINGS**

Special Event: Head of the Ponds Regatta, September 10, 2023, 5:30-9:30 am, Attaquin Park: Alan Robinson:

Alan Robinson was in attendance on behalf of All-American Rowing to request approval of the Special Event Application for the 4<sup>th</sup> Annual Head of the Ponds Regatta scheduled to be held on September 10, 2023 at Attaquin Park. This is a by invitation-only rowing event limited to 25 participants in 2-seat boats. The race is scheduled to begin at 7:30 a.m. Participants would arrive between 5:00 a.m. – 7:00 a.m. and be off-course by 8:45 a.m. and departing by 9:30 a.m.

Last year, the event worked closely with the Make a Splash event planned on the same date. Mr. Robinson indicated this is the best place to row on Cape Cod.

**Motion made by Selectman Sherman to approve the Special Event Application of All-American Rowing for the Head of the Ponds Regatta on September 10, 2023 at Attaquin Park as presented.**  
**Motion seconded by Selectman Wyman-Colombo.**

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

**Roll Call Vote:**

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

Special Event: Make a Splash, September 10, 2023, 10 am-1 pm, Attaquin Park: Susan Dangel:

Make a Splash is an important community event to help save Mashpee-Wakeby Pond. A Special Event Application was before the Select Board for the 3<sup>rd</sup> Annual Make a Splash event on Sunday, September 1, 2023 from 9:15 a.m. until 1:00 p.m. Susan Dangel was in attendance to request approval of this free community event.

**Motion made by Selectman Sherman to approve the Special Event Application for the Annual Make a Splash Event on September 10, 2023 at Attaquin Park as presented.**

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

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

**Roll Call Vote:**

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

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## NEW BUSINESS

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

Members of the Select Board conducted a review of Policy No. 001; Appointment Policy for Boards, Commissions, Committees and Councils. The following language was recommended to be incorporated into the document.

Insert Select Board in place of Board of Selectmen,  
Insert language regarding Associate Members.

It was suggested the Select Board acting as liaison to various boards, commissions, committees and councils should attend the interview process.

Given the late hour, the Select Board agreed to make recommendations in writing to the Town Manager's Office. This matter will be re-visited at the next meeting.

## ADDITIONAL TOPICS

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

### Environmental Oversight Committee – Appointment:

**Motion made by Selectman Sherman to place the above topic on the Select Board's agenda as an item not reasonably anticipated to be discussed.**

**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

The appointment of Paul Colombo was omitted from the Annual Reappointment List. Therefore, the Select Board agreed to take action.

**Motion made by Selectman Sherman to reaffirm the vote of the Conservation Committee and appoint Paul Colombo to the Environmental Oversight Committee for a term of one year consistent with the other related timelines.**

**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

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## **LIAISON REPORTS**

Harbor Management Meeting: The Harbor Management Committee held a meeting last Thursday at the New Seabury Country Club with well received public participation.

Special Events: Dino's Sports Bar is holding a grand opening on Wednesday evening to promote the new Sushi Bar.

## **ADJOURNMENT**

**Motion made by Selectman Sherman to adjourn at 9:25 p.m.**

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

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

**Roll Call Vote:**

**Selectman Cotton, yes**

**Selectman Weeden, yes**

**Selectman O'Hara, yes**

**Selectman Wyman-Colombo, yes**

**Selectman Sherman, yes**

**Opposed, none**

Respectfully submitted,

Kathleen M. Soares  
Secretary to the Select Board



**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**

**EXECUTIVE SESSION**

**ADJOURNMENT**

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

Meeting Called to Order by Chairman Cotton at 6:31 p.m.  
Mashpee Town Hall, Waquoit Meeting Room

**MINUTES:**

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

**Motion made by Selectman Sherman to approve the Regular & Executive minutes of Monday, June 26, 2023 with amendments as presented.**

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

**VOTE: Unanimous. 4-0.**

**Roll Call Vote:**

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

**APPOINTMENTS & HEARINGS**

Public Comment:

Jill Alpert a resident of Flat Pond Circle is the noted USA Pickleball Ambassador for the Town of Mashpee. With over 250 members this sport brings joy, laughter, fitness, camaraderie, and allows us to play with all even during covid they could be outdoors to laugh, run and play. Ms. Alpert indicated pickleball gives folks a reason to eat healthier and there are positive impacts on well-being. Several fundraisers have been held to benefit Heroes in Transition, the Police Fund and the Make a Wish Foundation. Meals have also been given to those in need. The Select Board was respectfully asked to open the courts on Sundays. It was suggested the Town conduct their own study on the noise. And, in closing Ms. Alpert stated there is only one neighbor who has complained.

Rosanne Altshuler of Fells Pond Road voiced her support for pickleball. Ms. Altshuler disclosed she has Parkinsons Disease. Pickleball has played an important role in her physical and mental health while slowing the progression of the disease. It was explained this is great exercise for the body and brain. The social nature of the game is most important. When she plays, Ms. Altshuler indicated she feels good about herself and it gets her out of the house. Ms. Altshuler said she is thankful to the Mashpee pickleball community as the sport has really saved her. Ms. Altshuler recommended the Town come together to save the Mashpee pickleball courts.

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## **APPOINTMENTS & HEARINGS**

### Public Comment: (continued)

Ronald Kessel indicated he has resided in Stratford Ridge for the past 21 years. At 86 years of age, Mr. Kessel started playing pickleball at the age of 81. Prior to this Mr. Kessel spent most of the day at the computer. The sport of pickleball has improved his physical well-being and the doctors are impressed with his improvements. Mr. Kessel stated he feels younger and has never been a part of a large group of people who are decent and consistently considerate at these courts.

Lauren Johnson Lavander a resident of Mashpee Shores stated she has grown up in the Town of Mashpee. She is a taxpayer and an active voter. Ms. Lavander indicated she is entrenched in the Cape, and is very active in Town matters. Ms. Lavanders career involved work in healthcare for the past 40 years at the Falmouth Hospital. Ms. Lavander disclosed her husband committed suicide. And, through an act of God someone introduced her to pickleball, and it has saved her life. Ms. Lavander plays pickleball daily. She has built a family of choice, and her pickleball friends are invaluable. It was noted this is a sport that families can play. In closing Ms. Lavander indicated pickleball is very important to so many of us stating let's find an amicable solution.

Nancy Horn of Pine Grove Circle expressed appreciation to the public comment on pickleball. Last summer Ms. Horn started playing after declining previous offers due to fear and pain. Ms. Horn indicated she opened a restaurant in 2001, and has been a published food columnist cooking for President Obama in 2012. After two surgical spine surgeries Ms. Horn was housebound for 4 years. She never returned to restaurant business. Upon moving to the Cape, Ms. Horn indicated she sank into deep depression due to the pain she was incurring. Acting on the advice of a friend, Ms. Horn started playing pickleball and realized it did not hurt as other activities. Playing pickleball helped her to relax. Since then, her health, and energy increased. The pain subsided. Ms. Horn plays pickleball in the winter and indoors at the school 4-5 times per week. She has great friends that play and enjoys getting outside. It is heartbreaking for this to be crushed because of one individual.

David Harman lives on Quinns Way since 2016. Mr. Harman indicated through pickleball he has met new people, has made new friends, and has lost weight. His body has increased dopamine and has made happiness. The Town of Mashpee has been very helpful and willing to make changes. And, the Town has spent a lot of money to purchase a sound barrier. He asked why should the happiness of many people be hurt from one person. It was suggested the gentleman in opposition and the one from Falmouth learn to play pickleball.

Whippoorwill Circle resident Betsey Pratt urged the Select Board to please find a way to work with Mr. Barrows to mitigate the noise and to make everyone happy.

Brian Everett a resident of Forest Drive indicated he was against this project using CPA funds. Now, he is not against the moods and the health benefits of pickleball. Mr. Everett conveyed concern with regards to fragmenting the fragile habitat in Mashpee. Mr. Everett added the Town is planning on having a disc golf course and in his opinion, Mashpee cannot afford to lose any more forest.

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## APPOINTMENTS & HEARINGS

### Public Comment: (continued)

Greg McKelvey Menemsha Way commented on an article which appeared in the *Mashpee Enterprise* on July 12, 2023 regarding the July 6, 2023 CPC meeting. At this meeting, the Affordable Housing Trust was impugned, and its integrity was questioned. Mr. McKelvey recommended the Affordable Housing Trust hold a meeting with the Community Preservation Committee to clarify its intent.

In other business, Mr. McKelvey voiced concern regarding the recent \$88 million authorization to move forward with wastewater. The cost in Phase I is \$66 million, adding the two together is \$144 million. Mr. McKelvey indicated we all know we need to go forward with wastewater; however, this is just the beginning. There is more to this, and taxes will go up across the board for everyone. Mr. McKelvey asked if there are creative resources to assist the Town realizing there are costs to run the plant and facility currently estimated between \$1 to \$2 million.

In closing Mr. McKelvey noted he is supportive of pickleball for mental health and well-being and he also recognizes the problem for Mr. Barrows. Mr. McKelvey recommended the Town find compromise and conduct testing and mitigation working out a solution together for the common good of the community to keep everyone together.

Ernie Barrows of Ashumet Road stated the comments and stories conveyed tonight hit home. Mr. Barrows indicated he has health issues effecting his well-being and life which he appreciates greatly. Mr. Barrows indicated this is not the only pickleball park in the state. The Town of Sandwich has built one, but not directly in a neighborhood. Mr. Barrows noted his property lies 100' away from pickleball property line. The opposition from Mr. Barrows is not attacking pickleball and he is appreciative of what pickleball has done for many residents. Mr. Barrows is not denying this is a great sport.

Mr. Barrows indicated he has lived on Ashumet Road for the past 20 years. It took time to find this location. At this time, his health is deteriorating. Mr. Barrows indicated he is willing to help to solve the problem. This is not a fight; this is a pleading to fix this problem. Mr. Barrows asked for empathy and for how this is affecting his health.

Autumn Drive resident Lisa Frye indicated she has been involved in pickleball since its inception. After listening to the comments, Ms. Frye stated she is not sure what goal we are trying to attain that would make Mr. Barrows happy. In 2020, the Town conducted a sound study. Mr. Barrows said it made the problem worse. The Town then paid for a professional study, and the acoustic block worked. Ms. Frye stated as a Town, we will not be able to solve the problem unless we know the problem. Is there no sound? Is it sound versus noise or a reasonable effect of sound coming from the courts?

Richard Martin of Jane Circle stated pickleball is a great sport, and it is one of the best park events in Mashpee. The Select Board was asked to reinstate Sunday play. Mr. Martin indicated the Select Board has heard the will of the community and the benefits. We should wait until the actual evidence is presented and subject to the further development of sound studies.

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## APPOINTMENTS & HEARINGS

### Public Comment: (continued)

Lynne Barbee resides on Surf Drive. Ms. Barbee commented on the Select Board Minutes approved June 26, 2023 stating the Board of Health Agent was omitted from the Reappointment List and was to be a topic on the next agenda. Ms. Barbee indicated this topic has not been on the agenda. Ms. Barbee asked the Board to please place this item on agenda.

For clarification it was disclosed the Board of Health Agent is appointed by the Board of Health.

With regards to Policy 001, Ms. Barbee urged the Select Board to develop a simple standard form for every committee, commission, board and council. Ms. Barbee also recommended that postings for vacancies be updated regularly, and in a place on the website that can be easily found for public review.

Recess: 7:07 p.m. Meeting Resumed: 7:08 p.m.

### Discussion with Regard to Residential Tax Exemptions: Director of Assessing Joseph Gibbons:

Members of the Select Board met with Joseph Gibbons, Director of Assessing and Paul Andrew, Chair of the Board of Assessors to continue discussions regarding Residential Tax Exemptions. A 5% residential exemption was adopted at last November's Tax Classification Hearing. This resulted in a 33,268 valuation (\$233.21 tax) discount for all approved domiciliary properties. This adoption created an increase in the residential tax rate to \$7.01 from the natural tax rate of \$6.94. Commercial, Industrial and Personal properties remained at the natural tax rate of \$6.94.

Of the 2,600 residential exemption applications, 2,434 were approved in Fiscal Year 2023.

Prior estimates indicated approximately 4,800 potential RX qualifiers. An increase in the RX percentage will, most likely, result in more applicants due to the increased value of exemption. It is recommended that taxpayers that may qualify for an exemption, file by September 1<sup>st</sup>. This would allow the abatement to be included in the tax rate.

### Residential Exemptions Options:

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

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## APPOINTMENTS & HEARINGS

### Discussion with Regard to Residential Tax Exemptions: Director of Assessing Joseph Gibbons: (continued)

As of January 1, 2022, the average single home value is \$770,385.

As of January 1, 2022, the average residential including condominiums, two families, etc. is \$660,000.

The potential overlay shortfalls (worst case scenarios) were considered at 20% and 30% as follows;

20%	1,000	Shortfall: \$960,150
	2,000	Shortfall: \$2,920,300
	3,000	Shortfall: \$2,880,450
30%	1,000	Shortfall: \$1,469,110
	2,000	Shortfall: \$2,938,220
	3,000	Shortfall: \$4,407,330

An overlay shortfall would create a deficit situation, reducing available funds for the FY2025 budget.

It is recommended that taxpayers, who have not been previously approved, file their applications prior to the cutoff date to limit potential overlay shortfalls.

Last year, the overlay was increased to \$800,000 from approximately \$400,000. One-tenth or \$80,000 - \$100,000 was utilized. It was noted the overlay is also used to cover unpaid taxes, and other unfunded liabilities.

Mr. Gibbons indicated it is difficult to determine the applications that would be received. A public service announcement is considered to ensure the filings meet the deadline to avoid an exposure to the overlay creating a shortfall. There is a short window as the Classification Hearing is scheduled on November 6, 2023 while applications are recommended to be submitted by September 1<sup>st</sup>.

It was agreed the Finance Director would be consulted regarding the adequacy of overlay funds.

Different scenarios were considered in future planning. It was noted the exemption if supported is adopted at the Tax Classification Hearing in November. It may be prudent to begin contemplating this issue in the spring. However, filing for the exemption should occur with the setting of the tax rate.

The budget process begins in October. With departmental reviews and Finance Committee review, funds for the overlay should be appropriated first. By law, the Assessors can release the balance of the overlay. The balance minus the unfunded liabilities would be available to add to the funded overlay to support abatement applications that are filed after September 1<sup>st</sup>.

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## **APPOINTMENTS & HEARINGS**

### Discussion with Regard to Residential Tax Exemptions: Director of Assessing Joseph Gibbons: (continued)

A goal is to encourage year-round rentals (residents of Mashpee with investment property) to qualify for the exemption. This would require a Home Rule Petition which may take 1-2 years to enact. Provincetown is the only Cape town that has approved this initiative.

It was agreed a public service announcement would be placed on the Town's website regarding the deadline of September 1<sup>st</sup> to complete an application for a residential exemption.

The Select Board will re-visit this matter in September to review the number of applications received while factoring in discussions regarding wastewater.

### 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):

Correspondence was received from the Cultural Council dated July 13, 2023 recommending the appointments of Diane Scott and Pamela Joseph to fill the current two vacancies. In response to advertisement only two applicants submitted a letter of interest.

Pamela N. Joseph was in attendance to review her interest in serving on this committee. A Mashpee resident for the past 13 years, Ms. Joseph is supportive of artistic and cultural activities.

**Motion made by Selectman Sherman to appoint Pamela N. Joseph to the Mashpee Cultural Council for a term to expire; September 30, 2026.**

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

**VOTE: Unanimous. 4-0-1.**

**Roll Call Vote:**

**Selectman Cotton, yes**

**Selectman O'Hara, yes**

**Selectman Sherman, yes**

**Selectman Weeden, yes**

**Selectman Wyman-Colombo, abstained**

**Opposed, none**

Selectman Michaela Wyman-Colombo disclosed the candidate would be of benefit to the council and her resume is impressive. Selectman Wyman-Colombo indicated she is abstaining because the Select Board is not following Policy 001.

The second candidate, Diane Scott was unable to attend this meeting due to a family matter. Ms. Scott is an attorney and serves as a member of the Santuit Pond Estates Association, Mashpee Women's Club and Cotuit Center of the Arts.

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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):  
(continued)

\*In the absence of a uniform Appointment Form agreed upon to be distributed to all boards, committees, commissions and councils, the Select Board took the following action;

**Motion made by Selectman Sherman to appoint Diane Scott to the Mashpee Cultural Council for a term to expire; September 30, 2025.**

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

**VOTE: Unanimous. 4-0-1.**

**Roll Call Vote:**

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

Selectman Michaela Wyman-Colombo disclosed the candidate would be of benefit to the council and her resume is impressive. Selectman Wyman-Colombo indicated she is abstaining because the Select Board is not following Policy 001.

## **NEW BUSINESS**

Discussion and Approval of Proclamation of National Suicide Prevention Month – September 2023:

Each year, more than 35 Cape & Island residents have died due to suicide. Suicide on the Cape & Islands is 1.5 times higher than the suicide rate of the State of Massachusetts which stands at 9.5% per 100,000.

September is known as Suicide Prevention Month. The National Suicide Prevention Month Proclamation was read aloud into the record.

**Motion made by Selectman Sherman to proclaim the month of September 2023 as National Suicide Prevention Month in the Town of Mashpee.**

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

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

**Roll Call Vote:**

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

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Discussion, Approval and Recommendations of Draft #1 of the October 16, 2023 Town Meeting Warrant:

Members of the Select Board conducted an initial review of Draft #1 of the October 16, 2023 Annual Town Meeting warrant. It was agreed that articles related to Planning would be deferred for Planning Board decisions. Input is also recommended from the Finance Committee.

Discussion and action were taken on the following articles submitted by the Community Preservation Committee.

Article #7: \$200,000 to fund the 18-Hole Disc Golf Course project.  
Trees are anticipated to be removed to create the course.

Prior to this article is a Mashpee Tree Preservation Bylaw encouraging the preservation and protection of certain trees on residential, commercial and industrial lots. The preservation of existing trees and the promotion of new tree planning is a public purpose that protects the public health, welfare, environment and aesthetic character of the Town of Mashpee.

Article #8: \$60,000 to the Affordable Housing Trust  
The Affordable Housing Trust submitted a funding application to the CPC requesting an appropriation of \$500,000 to enable the acquisition and subsequent development of affordable housing projects in the Town of Mashpee.

**Motion made by Selectman Sherman to remove Article #8 from the October Town Meeting warrant.**

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

**VOTE: 4-1. Motion carries.**

**Roll Call Vote:**

**Selectman Cotton, yes  
Selectman Weeden, no**

**Selectman O'Hara, yes      Selectman Sherman, yes  
Selectman Wyman-Colombo, yes      Opposed, (1)**

Community Preservation Committee member Mary Waygan indicated she made the recommendation to vote on \$60,000 opposed to \$500,000 as questions remained unanswered. When reviewing the AHT application a list of addresses for affordable housing locations was requested as was what the \$500,000 was intended to be used for.

Wayne Taylor, Assistant Town Manager and authorized applicant representative on behalf of the Trust indicated he asked the CPC Chair if he needed to attend this meeting. Questions could have been answered.

Ms. Waygan indicated the Affordable Housing Trust had not met to approve the application submission. Ms. Waygan asked for a list of affordable housing projects and the projects to be prioritized. At the last CPC meeting Ms. Waygan made it clear she was not comfortable in moving forward with another \$500,000 without a plan. The information was not provided except for two; 209 Old Barnstable Road, and the VFW site. This was disclosed at the Affordable Housing Trust Meeting. The \$60,000 in CPA funding was authorized to assist the AHT with the feasibility study and the traffic study related to the 209 Old Barnstable Road site.

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Discussion, Approval and Recommendations of Draft #1 of the October 16, 2023 Town Meeting Warrant:  
(continued)

Ms. Waygan indicated generally projects come to the CPC once per year. The Affordable Housing Trust submitted two applications in the same year. Ms. Waygan indicated she is in angst of the situation.

Ms. Waygan along with Arden Russell have offered to provide their review and expertise in this matter. The only advice that was needed was for the formation of the Affordable Housing Trust requiring a Declaration of the Trust.

Selectman Sherman indicated she is objecting to the \$60,000 allocation opposed to \$500,000. The goal of the Trust is to purchase property for affordable housing when it becomes available.

Selectman Wyman-Colombo related concerns regarding the expenditure of \$200,000 for a recreational activity when we are only expending \$60,000 for affordable housing.

**Motion made by Selectman Sherman to remove Article #7 from the October Town Meeting warrant.**

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

**VOTE: 4-1. Motion carries.**

**Roll Call Vote:**

**Selectman Cotton, no**  
**Selectman Weeden, yes**

**Selectman O'Hara, yes**

**Selectman Sherman, yes**

**Selectman Wyman-Colombo, yes    Opposed, (1)**

In support of the Disc Golf application Ms. Waygan indicated the applicants came to all of the meetings and answered all of the questions asked of them.

The Planning Board will be invited to attend the next meeting to further review the warrant.

**COMMUNICATION & CORRESPONDENCE**

Agenda Topic Next Meeting: Ashumet Road speed limit signs if required. The DPW Director will be consulted with respect to this regard.

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## **OLD BUSINESS**

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

The following amendments were recommended by the Select Board;  
(Language may be modified to correct form)

The Select Board agreed to amended Policy 001 to add language regarding Associate Member; Under Recommendation: Interested candidates are ranked equally, preference shall be given to the Associate Member.

Recommendation to have a check list type of form with bullets;

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

Under Selectmen Interview: Second sentence: Boards, Commissions, Committees or Councils will submit reappointment recommendations to Select Board indicating the performance of attendance of the candidates has been satisfactory.

To be consistent with existing policies regarding attendance, is there a percentage?

Select Board Liaisons shall attend the interview, or an alternate may serve if absent.

All candidates under consideration are recommended to come before the Select Board. If an individual is not recommended, reason shall be given. Not recommended candidates are entitled to come before the Selectmen.

Any staff member from the Office of the Town Manager is prohibited and may not sit on any board, committee, commission or council

The standard form to be used by all boards, commissions, committees, or councils will be presented to Select Board in draft format at the next meeting.

Mashpee Select Board  
Minutes  
July 24, 2023

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## **LIAISON REPORTS**

Special Events: First chance in the 22-year history of the annual Seaside Lemans race will be the sale of raffle tickets for the opportunity to win a seat in the charitable race. Raffle tickets are \$50 each, 300 tickets to be sold. Nearly \$9 million dollars has been raised over the past two decades.

Environmental Oversight Committee: The EOC has reactivated. The next meeting is Wednesday at 6:00 p.m. Ashley Fisher, the Director of Natural Resources will make a presentation regarding shellfish propagation. The public is invited to attend.

## **TOWN MANAGER UPDATES**

The Historical Commission has funded signage to be placed at river crossings along Route 130 and Great Neck Road North. The DPW Director assisted in the coordination of signs for appearance and uniformity.

## **ADJOURNMENT**

**Motion made by Selectman Sherman to adjourn at 8:54 p.m.**

**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

Respectfully submitted,

Kathleen M. Soares  
Secretary to the Select Board



## *Town of Mashpee*

*16 Great Neck Road, North  
Mashpee, Massachusetts 02649*

Hours: Mon. - Fri., 8:30am - 4:30pm  
Phone: (508) 539-1404  
FAX: (508) 539-1142

Assessing Department  
Joseph Gibbons, MAA  
Director of Assessing

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### MEMORANDUM

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**DATE:** JULY 31, 2023  
**TO:** SELECT BOARD,  
TOWN MANAGER RODNEY C. COLLINS,  
ASSISTANT TOWN MANAGER WAYNE TAYLOR  
**FROM:** JOSEPH GIBBONS, DIRECTOR OF ASSESSING  
**RE:** CONTRACT SERVICES

---

I respectfully request that the Select Board include on their Monday August 7, 2023 agenda, the awarding of the valuation services contract for Fiscal Years 2024 thru 2026.

**Description:**

A request from the Board of Assessors to approve and execute a three year contract for Valuation Services. All towns must perform certain specific assessing functions in order to assure reliable income from taxes which, in Mashpee's case, provides for roughly 70% of available revenue. If these same functions were to be performed in-house it would require, a minimum of two additional employees in the department and these type of skilled workers are almost impossible to find in today's marketplace.

**Background:**

The Assessing Department contracts out for valuation services. This includes deliverables such as Real Estate data collection with onsite measure and listing of all building permits; ongoing data and field review of all real property; business personal property collection and valuation consulting to ensure statutory and regulatory compliance with ever increasing Dept. of Revenue mandates.

Since 2001, this contract has been triennially awarded to Paul Kapinos & Assoc. due to their history of satisfactory performance, being a competitive bidder, familiarity with Mashpee and Cape Cod, and continued interest in serving the Town.

**Recommendation:**

After review of the non-price (technical) proposal received, the Board of Assessors recommends that the Select Board award the contract to PK Valuation Group (Paul S. Kapinos & Associates Inc.), who was the sole bidder.



# TOWN OF MASHPEE

## OFFICE OF THE SELECT BOARD

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

### MEMORANDUM

Date: August 1, 2023

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

From: Stephanie A. Coleman, Administrative Secretary 

Re: Public Hearing: Amendment to Weekday and Sunday Entertainment License  
Barnstable Pizza & Pasta Co. Inc. dba Finally Dino's

---

The Select Board, acting as the Local Licensing Authority for the Town of Mashpee, will conduct a public hearing on Monday, August 7, 2023 at 6:50 p.m. in the Waquoit Meeting Room of Mashpee Town Hall, 16 Great Neck Road North, Mashpee, MA 02649.

The purpose of said hearing is to consider modifications to the Weekday and Sunday Entertainment Licenses of Barnstable Pizza & Pasta Co Inc. dba Finally Dino's, located at 401 Nathan Ellis Highway, Mashpee MA 02649. The modifications would allow amplified, live and/or recorded music using up to two speakers on the outdoor premises, Wednesday through Sunday, from 4 p.m. to 8 p.m. The public is invited to attend, and to present any questions, comments, or concerns they may have pertaining to this license.

Attached is the Entertainment License application and the current Weekday and Sunday Entertainment Licenses for Finally Dino's.

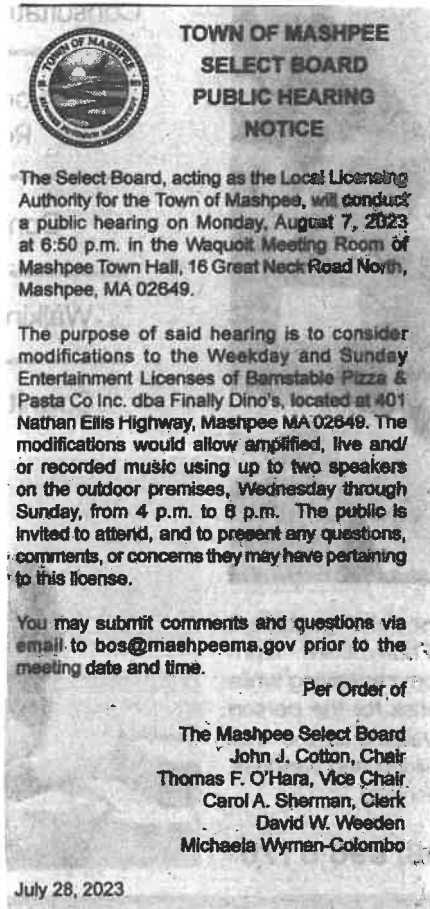


**TOWN OF MASHPEE  
SELECT BOARD  
PUBLIC HEARING NOTICE**

The Select Board, acting as the Local Licensing Authority for the Town of Mashpee, will conduct a public hearing on Monday, August 7, 2023 at 6:50 p.m. in the Waquoit Meeting Room of Mashpee Town Hall, 16 Great Neck Road North, Mashpee, MA 02649.

The purpose of said hearing is to consider modifications to the Weekday and Sunday Entertainment Licenses of Barnstable Pizza & Pasta Co Inc. dba Finally Dino's, located at 401 Nathan Ellis Highway, Mashpee MA 02649. The modifications would allow amplified, live and/or recorded music using up to two speakers on the outdoor premises, Wednesday through Sunday, from 4 p.m. to 8 p.m. The public is invited to attend, and to present any questions, comments, or concerns they may have pertaining to this license.

You may submit comments and questions via email to [bos@mashpeema.gov](mailto:bos@mashpeema.gov) prior to the meeting date and time.



Per order of  
**The Mashpee Select Board**

John J. Cotton, *Chair*  
Thomas F. O'Hara, *Vice Chair*  
Carol A. Sherman, *Clerk*  
David W. Weeden  
Michaela Wyman-Colombo

# WEEKDAY ENTERTAINMENT LICENSE APPLICATION (CHAPTER 140, SECTION 183A, M.G.L.)

## APPLICATION DETAILS

Application #:	<i>WE-23-117236</i>	Date Issued:		Permit #:		Date Paid :	
Fee Payable: (\$)	<i>0.00</i>	Fee Paid: (\$)	<i>0.00</i>	Receipt #:			

## SECTION 1 - SITE INFORMATION

Street Name	<i>NATHAN ELLIS HWY</i>	Map Block Lot	<i>72-0-57</i>
Street Number	<i>401</i>	Zone	<i>C2</i>
Unit No.			

## SECTION 2 - BUSINESS OWNER INFORMATION

Business Owner Name	<i>VCMAR MASHPEE LLC</i>				
Street Number	<i>0</i>	Street Name	<i>PO BOX 135</i>		
City	<i>ROSLINDALE</i>	State	<i>MA</i>	Zip Code	<i>02131</i>
Telephone		Email			

## SECTION 3 - APPLICANT INFORMATION

Applicant Name	<i>DINO MITROKOSTAS</i>				
Street Number	<i>401</i>	Street Name	<i>Nathan Ellis Hwy</i>		
City	<i>Mashpee</i>	State	<i>MA</i>	Zip Code	<i>02649</i>
Business Telephone	<i>508 555 5555</i>	Email			

## SECTION 4 - MAILING ADDRESS

Street Number \_\_\_\_\_

Street Name \_\_\_\_\_

City Mashpee

State MA

Zip Code 02649

Telephone \_\_\_\_\_

#### SECTION 5 - TYPE OF ENTERTAINMENT FOR WHICH LICENSE IS SOUGHT

- ☒ Orchestra/B \_\_\_\_\_ pieces ☐ Disc Jockey ☐ Vocalist(s) ☐ Dancing by patrons
- ☐ Karaoke ☐ Floor show ☐ Other

Brief Description of Entertainment to be Performed

*modification outdoor entertainment amplified accoustic 1/2 musicians / singers*

Describe any amplification devices proposed to be used

*minimal amplification 1/2 speakers primarily*

#### SECTION 6 - EVENT DETAILS

Is this a one-time event? ☐ Yes ☐ No

Please list the exact date on which Entertainment will be conducted in accordance with the hours provided above

*Wednesday to Sunday*

#### SECTION 7 - HOURS OF OPERATION

Proposed Hours of Operation (Please indicate AM or PM)	From	To
Weekdays	<i>4:00 pm</i>	<i>8:00 pm</i>

#### SECTION 8 - DECLARATION

☒ I do hereby certify under the pains & penalties of perjury that the information provided above is true and correct.

Date 07/25/23

Permit No - WE-23-0005



THE COMMONWEALTH OF  
MASSACHUSETTS

The Town Of Mashpee

Fee - \$700.00

This is to certify that

*Barnstable Pizza & Pasta Co., Inc. d/b/a Finally Dino's*

(Name)

401 NATHAN ELLIS HWY

(Address)

Weekday Entertainment

IS HEREBY GRANTED A

*Restrictions: TV, Live and/or Recorded music and Dancing by patrons, Outdoor Entertainment restricted to acoustic/non-amplified entertainment outdoors and outdoor entertainment must cease at 10 p.m.*

This license is granted in conformity with the Statutes and ordinances relating thereto, and expires 12/31/23 unless sooner suspended or revoked.

Issue Date :

12/05/22

David W. Weeden (Chair)

John J. Cotton (Vice-Chair)

Thomas F. O'Hara (Clerk)

Carol A. Sherman (Select Board)

Michaela Wyman-Coldumbo (Select Board)

THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF MASHPEE



State Fee, \$ \_\_\_\_\_  
Municipal Fee, \$ \_\_\_\_\_

LICENSE

For

PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is DINO'S PIZZA / DINO'S SPONZ'S BAR  
401 NATHANIELS HWY (RTE 151)

in or on the property at No. \_\_\_\_\_

(address)

The Licensee or Authorized representative, BARNSTABLE PIZZA & PASTA CO. INC CON STANTINOS MITROKOSTAS in  
accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment: PRINT AND SIGN

Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion

DATE	TIME	
JAN 1 -		
DEC 31	10:00 AM -	DANCING BY PATRONS
2017	1:00 AM	DJ/LIVE ENTERTAINMENT
		COIN OPERATED DEVICES

Hon. ANDREW R. GOTTLEB

Mayor/Chairman of Board of Selectman,

TOWN OF MASHPEE

(City or Town)

Fees per occurrence (Individual Sunday(s)): Regular Hours (Sunday 1:00pm - Midnight): \$2.00 Special Hours (Sunday 12:00 am- Midnight): \$5.00. Annual Fee (For Operating on every Sunday in calendar year): Regular Hours (Sunday 1:00pm - Midnight): \$50.00 Special Hours (Sunday 12:00 am- Midnight): \$100.00

This license is granted and accepted, and the entertainment approved, upon the understanding that such entertainment shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: The licensee shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Department to enter and be about this place of amusement during performances therein; may employ to preserve order in his place of amusement only regular or special police officers designated therefore by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief of the Fire Department to guard against fire; shall keep in good condition, go as to be easily accessible, such standpipes, hose, axes, chemical extinguishers and other apparatus as the fire department may require; shall allow such members of the fire department in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle passageway or stairway during an entertainment; and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be kept on the premise where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Department of Public Safety. This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

Do not write in this box

This application and program must be signed by the licensee or authorized representative of entertainment to be held. No Change to be made in the program without permission of the authorities granting and approving the license.

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES

FORM 90

(Revised 2015)

**DRAFT OCTOBER 16, 2023 TOWN MEETING ARTICLES**  
**CPC SURCHARGE RATE ADJUSTMENT**  
**WIIF SURCHARGE RATE ADJUSTMENT**  
**DEBT EXCLUSION FOR DESIGN AND ENGINEERING OF "OPTION 9" OF THE WASTEWATER PLAN**

**Of Note: All Proposed Articles will need approval of Bond Counsel and Town Counsel**

**Article \_\_ Community Preservation Act (CPA) Surcharge Rate Reduction**

To see if the Town will vote to amend its acceptance of the Massachusetts Community Preservation Act (General Laws Chapter 44B, Sections 3-7) by reducing the annual surcharge imposed on real property in the Town for Chapter 44B purposes from the rate of two percent (2%) to the rate of one per cent (1%) of the real estate tax levy against said property; said reduction to take effect in Fiscal Year 2025, effective July 1, 2024; or take any other action relating thereto.

Submitted by the Select Board

**Explanation:** This Article proposes an amendment to the Town of Mashpee's acceptance of Massachusetts General Laws Chapter 44B, §§ 3-7, also known as the Community Preservation Act (the "Act"), by decreasing the surcharge imposed on real property from two percent (2%) to one percent (1%) of the tax levy, as determined annually by the Board of Assessors. The Act allows municipalities to impose a surcharge on real property to establish a dedicated source of funds for: the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation, and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created with Community Preservation Funds.

*(Note that for this Article to become effective acceptance of same by ballot question is also required. See GL c.44B, §16).*

**Article \_\_ Water Infrastructure Investment Fund (WIIF) Surcharge Rate Increase**

To see if the Town will vote pursuant to General Laws Chapter 40, Section 39M to increase the Municipal Water Infrastructure Investment Fund surcharge on real property in the Town from the rate of two per cent (2%) to the rate of three per cent (3%) of the real estate tax levy against said real property, commencing in Fiscal Year 2025, effective July 1, 2024; said revenues to be expended exclusively for maintenance, improvements and investments to municipal drinking, wastewater and stormwater infrastructure assets, or take any other action relating thereto.

Submitted by the Select Board

**DRAFT OCTOBER 16, 2023 TOWN MEETING ARTICLES**  
**CPC SURCHARGE RATE ADJUSTMENT**  
**WIIF SURCHARGE RATE ADJUSTMENT**  
**DEBT EXCLUSION FOR DESIGN AND ENGINEERING OF "OPTION 9" OF THE WASTEWATER PLAN**

**Explanation:** This article proposes an amendment to the surcharge rate for the special fund for infrastructure for wastewater, stormwater and municipal drinking water. The surcharge will increase from two percent (2%) to three percent (3%) on the annual property tax assessed on real property starting in Fiscal Year 2025, which begins on July 1, 2024. Real estate properties that are fully exempt from property taxes are not subject to the surcharge. In addition, taxpayers who receive partial exemptions of the real estate taxes assessed on their domiciles, including certain seniors, veterans, blind persons and surviving spouses, are fully exempt from the surcharge. Taxpayers that receive other exemptions or abatements of their real estate taxes will receive a pro rata reduction in their surcharges.

*(Note that for this Article to become effective acceptance of same by ballot question is also required.)*

*See GL c.40, §39M (f)*

**Article \_\_ (Debt Exclusion Design and Engineering of Option 9 of the Town's Municipal Wastewater System Expansion Plan)**

To see if the town will vote to appropriate the sum of \$\_\_\_\_\_ for the design and engineering of Option 9 of the Municipal Wastewater System Expansion Project in the Town of Mashpee, including all expenses incidental and related thereto; and to meet this appropriation, the Treasurer, with the approval of the Select Board, be authorized to borrow said amount under M.G.L. Chapter 44, sections 7 and/or 8 or any other enabling authority and to issue such bonds or notes as may be necessary for such purpose; provided, however, that this appropriation and debt authorization shall be contingent upon passage of a Proposition 2<sup>1/2</sup>, so-called, debt exclusion ballot question exempting from the provisions of said Proposition 2<sup>1/2</sup> the amounts required to pay the principal and interest on bonds, notes or certificates of indebtedness issued for this purpose pursuant to General Laws Chapter 59, §21C(k), or take any other action relating thereto.

Submitted by the Select Board

**Explanation:** This article would appropriate funds and authorize the borrowing thereof, contingent upon the successful passage of a debt exclusion ballot question, for the design and engineering of Option 9 of the Municipal Wastewater System Expansion Project in the Town of Mashpee. This project is the next step approved by the Sewer Commission and the Select Board in implementing the Town's Watershed Nitrogen Management Plan/CWMP.

*(Note that for this Article to become effective authorization of the debt exclusion by ballot question is also required.)*

**DRAFT BALLOT QUESTIONS**

**CPC SURCHARGE RATE ADJUSTMENT;**

**WIIF SURCHARGE RATE ADJUSTMENT;**

**FUNDING FOR WASTEWATER OPTION 9 DESIGN AND ENGINEERING**

**Of Note: All Proposed Ballot Questions will need approval of Bond Counsel and Town Counsel**

**Proposed Ballot Question for Reduction of Community Preservation Act (“CPC”) Surcharge from 2% to 1%:**

***Shall the Town of Mashpee amend its acceptance of Sections 3 through 7, inclusive of Massachusetts General Laws Chapter 44B, also known as the Community Preservation Act”, by decreasing the surcharge imposed on real property from two percent (2%) to one percent (1%) of the tax levy, as approved by its legislative body, a fair and concise summary of which action appears below?***

**Yes \_\_\_\_\_ No \_\_\_\_\_**

**Summary:** This ballot question amends the Town of Mashpee’s acceptance of Massachusetts General Laws Chapter 44B, §§ 3-7, also known as the Community Preservation Act (the “Act”), by proposing to decrease the surcharge imposed on real property from two percent (2%) to one percent (1%) of the tax levy, as determined annually by the Board of Assessors. The Act allows municipalities to impose a surcharge on real property to establish a dedicated source of funds for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation, and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created with Community Preservation Funds. The Town Meeting has approved a decrease in said surcharge rate from two per cent (2%) to one per cent (1%) of the annual property tax assessed on real property commencing in Fiscal Year 2025, effective July 1, 2024. This rate decrease shall take effect only upon acceptance thereof by the voters of the Town.

**Proposed Ballot Question for Increase of Water Infrastructure Investment Fund (WIIF) Surcharge Rate from 2% to 3%:**

***Shall the Town of Mashpee increase the Municipal Water Infrastructure Investment Fund water infrastructure surcharge on real property in the Town from the rate of two per cent (2%) to three per cent (3%) of the real estate tax levy against said real property, as approved by its legislative body, a fair and concise summary of which action appears below?***

**Yes \_\_\_\_\_ No \_\_\_\_\_**

**DRAFT BALLOT QUESTIONS**

**CPC SURCHARGE RATE ADJUSTMENT:**

**WIIF SURCHARGE RATE ADJUSTMENT:**

**FUNDING FOR WASTEWATER OPTION 9 DESIGN AND ENGINEERING**

Summary: Section 39M of Chapter 40 of the General Laws of Massachusetts authorizes the establishment of a special Municipal Water Infrastructure Investment Fund and the imposition of a real property surcharge as a dedicated funding source that may be spent on maintenance, improvements and investments to municipal drinking, wastewater, and stormwater infrastructure assets. Town Meeting must approve the water infrastructure surcharge on real property at a rate up to, but not exceeding, three per cent (3%) of the real estate tax levy against real property, as determined annually by the Board of Assessors. The Town Meeting has approved an increase in said real property surcharge rate from two per cent (2%) to three per cent (3%) of the annual property tax assessed on non-exempt real property commencing in Fiscal Year 2025, effective July 1, 2024. This rate increase shall take effect only upon acceptance thereof by the voters of the Town.

**Proposed Ballot Question for funding of Design and Engineering for “Option 9 of the Wastewater Project” as approved by the Select Board and Sewer Commission**

***Shall the Town of Mashpee be allowed to exempt from the provisions of proposition two and one half, so called, the amounts required to pay for the bonds to be issued in order to fund the design and engineering of Option 9 of the Municipal Wastewater System Expansion Project in the Town of Mashpee, including all expenses and payment of costs incidental and related thereto?***

**Yes\_\_\_\_\_ No\_\_\_\_\_**

Summary: If approved by the voters, this Debt Exclusion question would authorize the assessment of property taxes in excess of the amount allowed pursuant to the provisions of Proposition 2 ½, so called, to pay the principal and interest on bonds issued to pay for the design and engineering of “Option 9 of the Wastewater Project in the Town of Mashpee This funding will continue the implementation of the Town’s Watershed Nitrogen Management Plan/CWMP. The estimated cost of the subject design and engineering services is \$\_\_\_\_\_. The tax increase authorized hereby will remain in effect until the subject bonds are fully paid.

Rodney C. Collins  
Town Manager  
508-539-1401  
rccollins@mashpeema.gov



Office of the Town Manager  
Mashpee Town Hall  
16 Great Neck Road North  
Mashpee, MA 02649

**MEMORANDUM**

To: Select Board  
From: Town Manager Rodney C. Collins  
Re: Select Board Policy 001  
Date: August 2, 2023

The Select Board recently discussed the provisions and language within Policy 001. Comments were made regarding the interpretation of certain provisions. Suggestions were made for the purposes of streamlining and clarity.

Enclosed, you will find a final draft after amendments and revisions were incorporated. You will also find a "marked up" copy. Please note that the mark-ups in red are *additions*. The mark-ups in yellow are *deletions*. Both are included as a result of Board deliberations.

The major changes in the draft policy are as follows:

- The rating scale previously referenced is eliminated. A uniformed evaluation form is included and labeled as an "Appendix." The forms will be used by boards, committees, commissions and councils in the preliminary screening process.
- All candidates will ultimately be reviewed by the Select Board.
- Staff at the Town Manager's Office are not subject to consideration for appointment to regulatory standing boards, committees, commissions and councils or advisory standing boards, committees, commissions and councils appointed by the Select Board, except as required or authorized by Town Charter, Town Bylaw or in an ex-officio capacity.
- Reappointments do not require interviews by the Select Board. Associate members may receive preference to full appointment but the person should be in good standing and may be judged on attending 75% of the meetings, measured quarterly.

Policy 001 was originally adopted in February 1990. It was amended in 2005, 2006 and twice in 2018. The last modification was August 6, 2018.

**Town of Mashpee  
Select Board**

**Policy No: 001**

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

**I. POLICY**

It is the policy of Mashpee Select Board 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 Select Board will properly evaluate and select the best qualified applicants to serve on these part-time Boards, Commissions, Committees and Councils. This policy applies to all Boards, Commissions, Committees, Councils, etc. that are appointed by the Select Board (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 and In addition, there will be an interested applicant pool for each of these. 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 Select Board. The letter and resume will be kept on file until review or 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 Select Board. Members not desiring reappointment should submit their letter of resignation to the Select Board by May 1<sup>st</sup> 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 **Select Board** to appoint an interim member, unless the Board, Commission, Committee, or Council Chairperson advises the **Select Board** 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 **forward** 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 **Select Board liaison** as to the time and location of each interview. **It is strongly recommended that.....** The **Select Board's** liaison to the Board, Commission, Committee, or Council in which the vacancy exists shall be afforded 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) **on the standardized form (Appendix 1)** 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 **using the evaluation form included in this policy along with its recommendations(s) to the Select Board.** 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.

All evaluation forms will be forwarded to the Select Board for review.

D. Select Board Interview

After review of any candidate(s) recommended for appointment to a Board, Commission, Committee or Council, said candidate(s) shall appear before the **Select Board** for a final interview at a regular scheduled meeting.

E. Reappointments and Preferences

Reappointments do not require interviews by the Select Board. If an associate member to a board, commission, committee or council applies for a full status on the said board, commission, committee or council, and the said applicant is in good standing and has reasonable attendance, the associate member may receive preference by the Select Board. Attendance will be judged based on a member attending 75% of meetings, measured quarterly and associate members must attend half on an annual basis.

The Select Board may consider an incumbent's attendance and ability to perform their roles and responsibilities within their official duties and obligations prior to making any reappointment.

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.

F. 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.

G. 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.

However, due to the responsibilities of the Town Manager as the Chief Administrative Officer, the Chief Procurement Officer, and coordinating communication with various agencies, boards, commissions, committees, or councils, the Town Manager or any member of the Manager's direct staff within said office will be not be considered for appointment to any board, commission, committee, or council appointed by the Select Board. This disqualification shall not apply to any membership which is authorized by the Town Charter or a Town Bylaw (Capital Improvement Committee; Plan Review) or in any ex-officio capacity as a non-voting member or in an advisory role. It shall apply to all standing Boards, Committees, Commissions and Councils, except for external representations by virtue of specific functions.

***Adopted by the  
Mashpee Select Board  
February, 1990  
Amended February 28, 2005  
Amended July 10, 2006  
Amended July 23, 2018  
Amended August 6, 2018  
Amended August 7, 2023***

***Pages: 4***

## MASTER BOARD and COMMITTEE LISTING

Town of Mashpee Internal	External
Affordable Housing Committee	Barnstable County Coastal Resources Commission (CRC)
Affordable Housing Trust (AHT)	Barnstable County Dredge Committee
Americans with Disabilities Act Committee (ADA)	Barnstable County HOME Consortium's Advisory Council
Appeals, Zoning Board of (ZBA)	Cape & Vineyard Electric Cooperative (CVEC)
Assessors, Board of (BOA)	Cape Cod Commission Representative
Bylaw Review Committee	Cape Cod Joint Transportation
Cemetery Commission	Cape Cod Municipal Health Group
Capital Improvement Program Committee (CIP)	Cape Cod Regional Transit Authority Board
Community Garden Advisory Committee (MCGAC)	Cape Cod Water Protection Collaborative
Community Park Committee	Cape Cod & Islands Water Protection Fund Management Board
Community Preservation Act Committee (CPC)	Cape Light Compact JPE
Conservation Commission	Cultural Council
Council on Aging (COA)	Emergency Management Operations Advisor
Design Review Committee	Human Rights Commission Advisory Council
Economic Development Industrial Corporation (EDIC)	Mashpee TV Executive Board
Environmental Oversight Committee (EOC)	MMR Representative Senior Mgmt. Board
Health, Board of (BOH)	
Historic District Commission	
Historical Commission	
Human Services Committee	
Mashpee Cable & Advance Technology Advisory Board (MCAT)	
Mashpee Inclusion and Diversity Committee (MIDC)	
Mashpee Wakeby Lake Management (MWLMC)	
Planning & Construction Committee	
Plan Review Committee (Specific to Town Positions NOT SB APPTS)	
Recreation Advisory Council	
Registrars, Board of	
Sewer Commission	
Shellfish Commission	
Special Events Committee	
Stormwater Management Task Force (Specific to Town Positions NOT SB APPTS)	
Streetlight Committee	
Subdivision Appeals Board (SB APPTS:Associate Members only)	
Registrars, Board of	South Cape Beach Advisory Committee (Inactive as per WBNERR)
Waterways Commission	Waquoit Bay Research Representative (Inactive as per WBNERR)

NOTE: Associate Members are non-voting except in case of absence of a Full Member

**PRELIMINARY EVALUATION FORM**

Candidate: \_\_\_\_\_

Board/Committee/Commission/Council: \_\_\_\_\_

Interview Date: \_\_\_\_\_ Evaluator: \_\_\_\_\_

Did the candidate appear available for scheduled meetings?      YES [     ]      NO [     ]

Did the candidate appear knowledgeable on role/responsibilities?      YES [     ]      NO [     ]

Did the candidate appear competent and qualified to serve?      YES [     ]      NO [     ]

Comments/Observations:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

On 1-5 scale (5 the strongest and 1 the weakest) my rating of this candidate is: \_\_\_\_\_

I attest that this evaluation is true and accurate to my knowledge and belief after impartially evaluating the candidate's performance in the initial interview.

\_\_\_\_\_  
Signature

## **Town of Mashpee Select Board**

### **Policy 001**

#### **Appointment Policy for Boards, Commissions, Committees and Councils (Appointed by Select Board)**

##### **I. POLICY**

It is the policy of Mashpee Select Board 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 Select Board will properly evaluate and select the best qualified applicants to serve on these part-time Boards, Commissions, Committees and Councils. This policy applies to all Boards, Commissions, Committees, Councils, etc. that are appointed by the Select Board (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 and an interested applicant pool for each of these.

Any person who wishes to serve on any Board, Commission, Committee or Council, shall submit a letter of interest and resume to the Select Board. The letter and resume will be kept on file until review or 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.

###### **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 Select Board. Members not desiring reappointment should submit their letter of resignation to the Select Board by May 1<sup>st</sup> 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 Select Board to appoint an interim member, unless the Board, Commission, Committee, or Council Chairperson advises the Select Board 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 forward the interested applicant pool and refer all applicants to the appropriate Board, Commission, Committee or Council Chairperson.

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 Select Board liaison as to the time and location of each interview. The Select Board's liaison to the Board, Commission, Committee, or Council in which the vacancy exists shall be afforded 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) on the standardized form (Appendix 1) 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.

#### **C. Recommendation**

The Board, Commission, Committee, or Council Chairperson will provide a summary of the interview process using the evaluation form included in this policy along with its recommendations(s) to the Select Board. Such recommendations must always be in the best interests of the Town and consistent with the provisions of this policy.

All evaluation forms will be forwarded to the Select Board for review.

#### D. Select Board Interview

After review of any candidate(s) recommended for appointment to a Board, Commission, Committee or Council, said candidate(s) shall appear before the Select Board for a final interview at a regular scheduled meeting.

#### E. Reappointments and Preferences

Reappointments do not require interviews by the Select Board. If an associate member to a board, commission, committee or council applies for a full status on the said board, commission, committee or council, and the said applicant is in good standing and has reasonable attendance, the associate member may receive preference by the Select Board. Attendance will be judged based on a member attending 75% of meetings, measured quarterly and associate members must attend half on an annual basis.

The Select Board may consider an incumbent's attendance and ability to perform their roles and responsibilities within their official duties and obligations prior to making any reappointment.

#### F. 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.

#### G. Appointment of Town Employees who are designated members of certain Boards, Commissions, Committees and Councils.

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However, due to the responsibilities of the Town Manager as the Chief Administrative Officer, the Chief Procurement Officer, and coordinating communication with various agencies, boards, commissions, committees, or councils, the Town Manager or any member of the Manager's direct staff within said office will not be considered for appointment to any board, commission, committee, or council appointed by the Select Board.

This disqualification shall not apply to any membership which is authorized by the Town Charter or a Town Bylaw (Capital Improvement Committee; Plan Review) or in any ex-officio capacity as a non-voting member or in an advisory role. It shall apply to all standing Boards, Committees, Commissions and Councils, except for external representations by virtue of specific functions.

***Adopted by the  
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***Pages: 4***

**PRELIMINARY EVALUATION FORM**

Candidate: \_\_\_\_\_

Board/Committee/Commission/Council: \_\_\_\_\_

Interview Date: \_\_\_\_\_ Evaluator: \_\_\_\_\_

Did the candidate appear available for scheduled meetings? YES [     ] NO [     ]

Did the candidate appear knowledgeable on role/responsibilities? YES [     ] NO [     ]

Did the candidate appear competent and qualified to serve? YES [     ] NO [     ]

Comments/Observations:

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

On 1-5 scale (5 the strongest and 1 the weakest) my rating of this candidate is: \_\_\_\_\_

I attest that this evaluation is true and accurate to my knowledge and belief after impartially evaluating the candidate's performance in the initial interview.

\_\_\_\_\_  
Signature

**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 amend the Zoning Bylaws by adding the following new subsections into Article XI: Floodplain Zone Overlay as follows:

**§174-67 Prohibitions**

The purpose of this section is to encourage use of more resilient, safer, and more environmentally beneficial construction methods in the - Floodplain District. It 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 any flood hazard area within the Floodplain District 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 which is partially impacted by the 100 Year floodplain shall be considered within the 100 Year Floodplain.

**§174-67.1 Exceptions to Prohibitions of 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 and approvals required by applicable 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 applicable 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 to read as follows:

- A. 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 identified on the latest recorded or registered deed. The property owner may reside in either the accessory apartment or in the principal dwelling and rent the other unit to a tenant, but may not under any circumstances rent both the principal dwelling and the accessory apartment to tenants concurrently. For purposes of this Bylaw, the term "property owner" shall include: each 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 legal 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 the property owner's occupancy of the principal dwelling unit or the accessory apartment.

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. Either the accessory apartment or the principal dwelling to which it is accessory must 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 occupying 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 175(?) Tree Preservation Bylaw to the Mashpee General Bylaw as follows:

### **CHAPTER 175: MASHPEE TREE PRESERVATION BYLAW**

#### **§175-1 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.

**§175-2 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):**

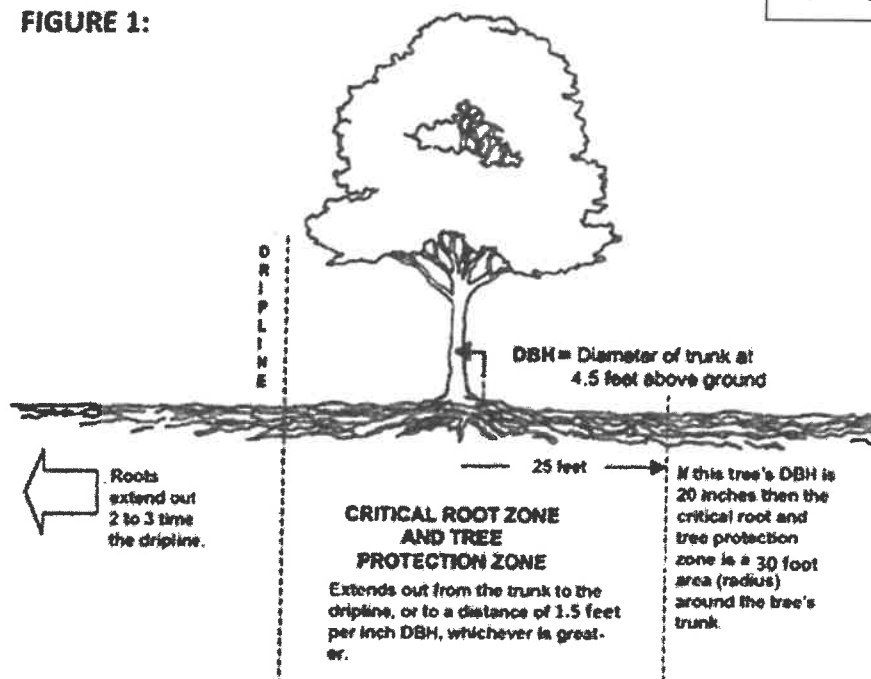
The minimum area beneath the tree canopy of a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The CRZ is represented by a circle centering on the tree's trunk and extending outwards towards the tree's drip line. The minimum 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 ( $\pi$ ).

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

- 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.

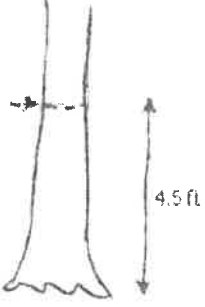
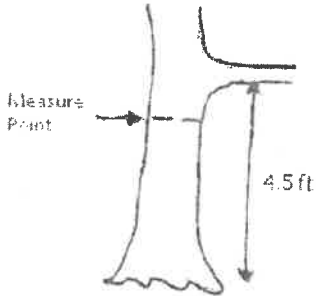
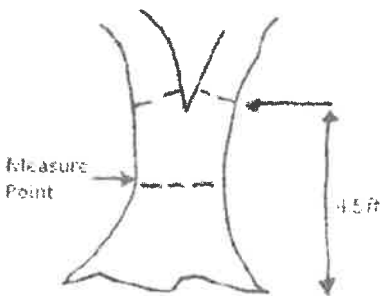
### DIAMETER BREAST

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

### 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><b>Standard Tree</b></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 tree trunk with a horizontal dashed line indicating the measurement point. A vertical arrow to the right of the trunk indicates a height of 4.5 ft from the base to this point.</p>
<p><b>Tree has branches or swelling at 4.5'</b></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. A horizontal dashed line indicates the measurement point below the branch. A vertical arrow to the right indicates a height of 4.5 ft from the base to the measurement point. The label 'Measure Point' is next to the dashed line.</p>
<p><b>Multi-stemmed Trees</b></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 splitting. A horizontal dashed line indicates the measurement point at the narrowest point below the split. A vertical arrow to the right indicates a height of 4.5 ft from the base to the measurement point. 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).

**§175-3 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.

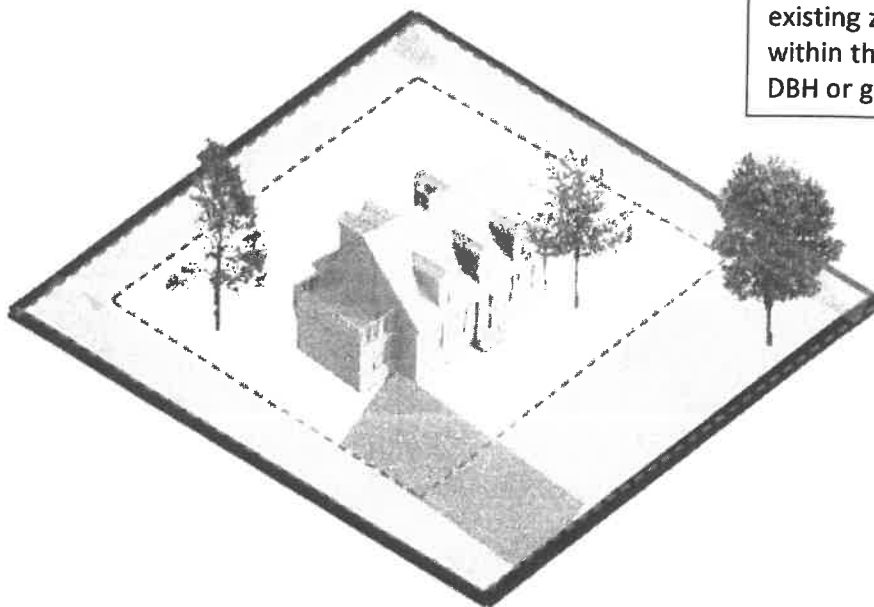
**Waiver:** During a period of a bona fide emergency declaration resultant of a significant weather event and/or natural disaster by local or other Act of God, state and/or federal authorities, requirements of this Bylaw shall be waived.

#### **§175-4 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.**

#### **§175-5 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.

#### **§175-6 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, Drip line 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. Over story Tree species, if removed, must be replaced with an Over story 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.

**§175-7 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.

**§175-8 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.

**§175-9 AUTHORITY**

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

**§175-10 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.

**§175-11 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.

**§175-12 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.

**§175-13 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.

**§175-14 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.

**§175-15 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.

**§175-16 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.
- E. Fines for the above violations are as follows:
  - First offense = \$100 per day
  - Second Offense = \$200 per day
  - Third Offense = \$300 per day
- F. Fines assessed pursuant to this Section shall be enforced and collected in accordance with applicable provisions of law, including the provisions of G.L. c.40, §21D providing for noncriminal disposition of bylaw violations, as implemented by Article III, §1-3 of these Bylaws.

#### **§175-17 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.

#### **§175-18 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.

#### **§175-19 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.

#### **§175-20 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.

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 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 8**

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)

**Explanation:** This article authorizes the Town to layout and define Godfrey Road and Barbary Circle and to appropriate funding for this purpose.

**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; 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 10**

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 11**

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