

**AGENDA  
BOARD OF SELECTMEN  
MONDAY, JULY 12, 2021  
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.mashpee.ma.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 21, 2021 Regular Session; Monday, June 28, 2021 Regular Session

**APPOINTMENTS & HEARINGS**

- Public Comment
- Discussion and Approval of the Following Special Event and Temporary Sign Permit Applications:
  1. La Tavola, August 27, 2021, 4 – 9 pm Steeple Street Mashpee Commons:  
*Katy Acheson, Mashpee Chamber of Commerce*
  2. Memorial for Elaine O’Keefe, August 1, 2021, 9:30-11:45 am Mashpee Community Park Gazebo:  
*Carol Skrickis*
  3. Charity Pickleball Tournament, August 28, 2021 (Rain Date August 29, 2021), 9am - 6pm Mashpee Pickleball Park:  
*Recreation Director Mary Bradbury*
  4. Oktoberfest, October 2, 2021 (Rain Date October 3, 2021), 10am - 4pm Mashpee Commons Green:  
*Recreation Director Mary Bradbury*
  5. Mashpee Historical Commission Preservation Award Ceremony, October 11, 2021, 9 am - 1 pm  
Mashpee Community Park Gazebo: *Richard DeSorgher*
- Discussion and Approval of Request for Recommendation to the Governor for Appointment to the Community Advisory Council of the Environmental Management Commission- Precinct 4: *Ann Shea*
- Discussion and Approval of Letter of Support for Tribe’s Application for Broadband Service Grant:  
*Mashpee Wampanoag Tribe TERO Officer Winona Pocknett*

**COMMUNICATIONS & CORRESPONDENCE**

**OLD BUSINESS**

**NEW BUSINESS**

- Discussion and Approval of Revisions to Mashpee Shellfish Regulations: *Shellfish Warden Donovan McElligatt*

**LIAISON REPORTS**

**TOWN MANAGER UPDATES**

**ADDITIONAL TOPICS**

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

**EXECUTIVE SESSION**

**ADJOURNMENT**

MASHPEE TOWN CLERK

JUL 08 2021

RECEIVED BY: 

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BOARD OF SELECTMEN  
MONDAY, JUNE 21, 2021  
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**6:30 p.m. – Convene Meeting in Open Session**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

***Convene Joint Meeting with the Planning Board***

**APPOINTMENTS & HEARINGS**

***Kristy Senatori – Executive Director of the Cape Cod Commission:***

Discussion of the Process with Regard to the Mashpee Commons Limited Partnership, Arnold Chace, Jr., Mashpee Commons II, LLC, and GNRS-MA LLC, Town of Mashpee, and the Cape Cod Commission Three-Party Development Agreement for the Proposed Expansion of Mashpee Commons

***Adjourn Joint Meeting with the Planning Board***

**NEW BUSINESS**

Discussion and Approval of Native Land Trust Designation of Swim Areas in Wakeby Pond

**COMMUNICATIONS & CORRESPONDENCE**

**ADDITIONAL TOPICS**

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

**ADJOURNMENT**

Board of Selectmen  
Minutes  
June 21, 2021

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Present: Selectman Carol A. Sherman, Selectman David W. Weeden, Selectman Andrew R. Gottlieb,  
Selectman John J. Cotton, Selectman Thomas F. O'Hara  
Town Manager Rodney C. Collins

Meeting Called to Order by Chairman Sherman at 6:30 p.m.  
Mashpee Town Hall, Waquoit Meeting Room

Convene Joint Meeting with the Planning Board: Meeting Called to Order by Planning Board Chairman John Fulone at 6:31 p.m. Planning Board members in attendance were;  
John Phelan, Joe Callahan, Robert Hansen, Mary Waygan, and Dennis Balzarini.  
Evan Lehrer, Town Planner was also present.

## **APPOINTMENTS & HEARINGS**

Kristy Senatori – Executive Director of the Cape Cod Commission:  
Discussion of the Process with Regard to the Mashpee Commons Limited Partnership, Arnold Chace, Jr.,  
Mashpee Commons II, LLC, and GNRS-MA LLC, Town of Mashpee, and the Cape Cod Commission Three-  
Party Development Agreement for the Proposed Expansion of Mashpee Commons:

Kristy Senatori, Executive Director of the Cape Cod Commission was in attendance with Erin Perry, Deputy Director and Jordan Velozo Regulatory Planner to begin collective discussions on the proposed expansion of Mashpee Commons with the Board of Selectmen and Planning Board.

To facilitate discussions Ms. Senatori reviewed the process associated to Development Agreements and key challenges facing the Cape Cod region. Of which includes natural resource protection, water quality, climate change, housing needs, infrastructure planning and historic preservation. At this time, eighty-six percent of the Cape land region is developed or protected.

Development Agreements focus on growth in existing centers of activity while protecting and preserving the region's resources. Growth for Barnstable County is development that should be focused in centers of activity and areas supported by adequate infrastructure. Development should be responsive to context while promoting economic and community resilience.

Ms. Senatori explained that eight place-types exist on Cape Cod recognizing and supporting the different and unique places. This includes areas that are natural, historic, industrial, rural and of suburban nature as well as maritime, military, transportation areas and community activity centers.

The vision for community activity centers is to accommodate mixed-use and multifamily residential development in a walkable, vibrant area, preserving historic buildings, and providing diverse services, shopping, recreation, civic spaces, housing and job opportunities with adequate infrastructure and pedestrian amenities that would support development. Mixed commercial and residential units make it possible to live and work in a compact form supporting a development that facilitates. Seventeen community activity centers with a strong foundation for future focused growth on the Cape have been identified.

Development Agreements are a tool used to define the scope and substance of a proposed development which would benefit from a comprehensive review to allow for the planning of efficient infrastructure. Eligible projects typically include a large area of development and/or multiple uses and/or structures anticipated to be constructed in phases exceeding 7 years with anticipated expansions not fully defined.

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Kristy Senatori – Executive Director of the Cape Cod Commission: (continued)

This is the first Three-Party Development Agreement the Cape Cod Commission has been involved in. The participating parties are the entities selected by the Qualified Applicant which in this case is Mashpee Commons to consider the Development Agreement.

In the Three-Party Agreement which involves the Cape Cod Commission, Mashpee Commons and the Town of Mashpee parallel reviews are conducted. The Cape Cod Commission reviews the application for consistency with the Regional Policy Plan, the Cape Cod Commission Act and the Local Comprehensive Plan.

The Town of Mashpee's parallel review would consider the application for consistency with Local Zoning, the Local Comprehensive Plan and Applicable State Laws.

In process, the Development Agreement if adopted by the Cape Cod Commission would forward the document to the respective municipality for consideration. The Mashpee Commons project was deemed eligible for a Development Agreement in March of 2020 and the Town of Mashpee Board of Selectmen voted to act as a Participating Party in the Development Agreement in March of 2021.

In the summer of 2021, it is anticipated the review period would begin. The Town of Mashpee would conduct local review, applicable laws and zoning considerations. The Cape Cod Commission would conduct their review and hold subcommittee hearings. This allows for opportunities for the Town of Mashpee and Cape Cod Commission to define their process independently. During this time Mashpee Commons may continue to submit materials.

In considering the process as outlined it was strongly recommended the Cape Cod Commission hold their subcommittee hearings in the Town of Mashpee.

There is also a noted preference to maintain the character of the Cape when considering design elements. It was agreed design guidelines and considerations are of importance as is consistency with the Regional Policy Plan.

There was concern with respect to the Town's Zoning Bylaw under §174-27.1 (3) *Negotiation of the elements of a Development Agreement between Participating Parties and a Qualified Applicant shall be led by the Planning Board or its designee, and may include representatives from other municipal boards, departments and commissions where said joint participation will assist in the negotiation process* as the Planning Board does not appear to be involved in the Cape Cod Commission Development Agreement process as outlined.

Concern was also addressed regarding the potential zoning change as it relates to the Development Agreement that may or may not be executed. It was recommended the Cape Cod Commission map out the process which is recommended to require conditional approval of the zoning amendment. If the Town is not in agreement would the process move forward to the Cape Cod Commission for adoption?

Ms. Senatori indicated the process requires a joint public hearing at the onset with separate parallel reviews to follow. A series of findings would be discussed to reach consensus regarding the intended language of the agreement to be acceptable with both bodies. The Board of Selectmen is a required signatory.

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Kristy Senatori – Executive Director of the Cape Cod Commission: (continued)

Discussions regarding the legal aspect of the Development Agreement continued. It was recommended there should be definition regarding Town authority within the confines of the language, and if the project is no longer serving the most favorable interest of either party could there be a clause to subtract their respective interest? What legal authority does the Development Agreement imply with the use of the zoning amendment for 25 plus years? Does the Development Agreement replace a Development of Regional Impact (DRI) review?

Ms. Senatori indicated she would provide a copy of the Development Agreement to the Town of Mashpee. It was noted there would be opportunities in the process to present modifications to the Agreement.

There was a question as to how density is calculated and if a specific formula is utilized and if a 25-year development plan is unreasonable. It was noted the density is defined in the development proposal and it is anticipated this project would entail a lengthy agreement which is in general common practice.

It was highly recommended the Cape Cod Commission work collaboratively with the Town of Mashpee on this matter. The Town will conduct its parallel review process, however there should be opportunities for joint meetings. It was suggested the CCC outline the process to include future joint meetings.

It was also recommended the Town conduct a broader review of the process and not focus solely on zoning.

There was also concern with respect to the zoning amendments. It was strongly recommended the Development Agreement be executed before the zoning amendments are voted upon. It was stated the Development Agreement implies that only Mashpee Commons can amend the Agreement. With a lengthy 25-year agreement, if the project is not in the most favorable interest of the Town there should be a method to rescind. Ms. Senatori indicated there is a rescind section within the regulation which requires ratification by all parties relative to the Three-Party Agreement.

Ms. Senatori indicated the Cape Cod Commission at their subcommittee hearing would receive public testimony and discuss permitted uses and densities as well as project impacts and potential mitigation strategies as well as the duration of the agreement and any terms and conditions to be mutually agreed upon between the participating parties. The subcommittee may direct the drafting of the Development Agreement and would make a recommendation to the full Commission.

In accordance with the Development Agreement process in the Town of Mashpee, the Planning Board is the negotiating team to negotiate the propers. The Agreement would therefore be required to be voted on affirmatively by the Planning Board before it is forwarded to the Board of Selectmen for approval. Any recommended changes would be required to be remitted back to the Planning Board for re-affirmation. It was thus recommended the (Process) template include the Planning Board.

Ms. Senatori indicated that goals are listed on the CCC website including information relative to the Regional Policy Plan. It was recommended the list of RPP goals be forwarded to the Town of Mashpee.

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Kristy Senatori – Executive Director of the Cape Cod Commission: (continued)

Planning Board member Mary Waygan offered comment on this matter;

*Per the Cape Cod Commission Ch D on Development Agreement Regulations, Sec 5(c) the Development Application shall also include: 1. Legal description of land and a recent survey of the land subject to the development agreement; 2. The developments uses currently permitted and the development uses proposed on the land, including residential densities, building densities and height 3. Description of facilities and infrastructure that will serve the development; 4. Description of any reservation or dedication of land and waters for public purpose; 5. Description of all local development permits needed for the proposed development; and 6. The Final Environmental Impact Report.*

*These items were due to the CCC, again if I have the dates correct, on March 5, 2021. Have all of the required items listed in Sec 5(c) been submitted to the Cape Cod Commission? How can that missed deadline be cured? What would be a good reason for curing this missed deadline?*

In response Ms. Senatori indicated the Cape Cod Commission staff is currently reviewing the application materials to process the application. The staff has been reviewing and identifying what additional materials may be required over the next several months.

Ms. Waygan indicated the Notice of Intent was submitted on December 12, 2019. The project was deemed eligible and suitable on March 5, 2020. The time has lapsed for one year for the applicant to submit a complete application.

When asked if the applicant has paid the application fee, it was not known.

It was also asked if the staff has certified the application as being complete and if the subcommittee has been formed. It was noted the application process is ongoing and the timeframes for a Development Agreement differ from a DRI. The subcommittee has not been identified.

In support to the recommendation to hold public hearings in Mashpee, the Cape Cod Commission was encouraged to hold as many joint meetings as possible. The joint meetings should include the Planning Board negotiating team. It was recommended the Board of Selectmen liaison coordinate the joint meetings.

With regards to the final Environmental Impact Report Town Manager Rodney C. Collins asked of the anticipated timeline for the Planning Board and Board of Selectmen to receive this document. It was noted that at this time the CCC does not know if this project would require an updated EIR, but filing thresholds for MEPA are required. Ms. Senatori will further clarify the requirements.

It was agreed that clarification should be obtained regarding the EIR and if an amendment is required. With a development of this magnitude, it was strongly recommended the MA Historical Review be a part of the process, and that it is important to conduct due diligence at all levels in a timely manner.

This includes the Town's Local Comprehensive Plan which has not been revised or updated since 1998. Thus, there are inconsistencies with the Regional Policy Plan. Since the LCP is not revised or updated how can the Plan adhere to the Regional Policy Plan? It was noted the LCP is certified and is remains certified until it is revoked.

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Kristy Senatori – Executive Director of the Cape Cod Commission: (continued)

In further due diligence it was recommended that Town Counsel be consulted regarding the special permit previously granted to Mashpee Commons. Does the Town need to rescind the permit before the project proceeds forward? Would the Town have input in the new special permit?

If the project is approved and moves forward does the Planning Board and/or the Board of Selectmen have a role during construction? This is yet to be defined, however with the developmental phases there is potential opportunity for interactions. This aspect could be considered a part of the Development Agreement.

There is concern with a possible zoning change that Mashpee Commons may sell some of their parcels. The Town would then have to interact with many and different developers. Would Mashpee Commons be bound by this project if they transfer ownership? If Mashpee Commons sells to a new party, would the owner stay within the confines of the 25-year agreement?

If there is no master owner, who would then govern? The Town would need assurance for unexpected instances that may occur and would garner advice from Town Counsel.

Using the activity center concept as the focus area of development, would the Town require minimal development or moratoriums in other areas of Town to protect natural resources?

In the concept community areas accommodate additional growth. Incentivized growth could be accommodated within the goals and objectives of the Regional Policy Plan. The developer could also be requested to provide open space.

It was highly recommended the Town obtain independent studies on various levels to include housing stock and retail space, and consider the sustainability of having increased commercial space in this area. It is critical to establish perimeters and review what is legal by right as it is in the present to what is being proposed. Several zonings apply to this land. Analysis should also consider maximum build-out by special permit and by-right. The matter of height should be fully discussed and vetted as well.

When asked of the number of hearings anticipated, there is no set determination proposed.

This is the first Three Party Agreement the Cape Cod Commission has been involved in. It is not known how many Two-Party Agreements the Cape Cod Commission has offered participation.

It was strongly recommended that a Development Agreement be agreed upon before any zoning changes are brought forth for this project.

It was also suggested the applicant submit additional information regarding the abutting of waterways which should require an EIR. There should be more study.

The duration of the Agreement and the alteration effect in each typical year should be reviewed. The MEPA review should start the process.

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Kristy Senatori – Executive Director of the Cape Cod Commission: (continued)

To maintain the requirements of the Development Agreement from a legality standpoint, adherence to the mandates of the project submittals should be observed and a complete application should be received. There was concern as the Cape Cod Commission should be in compliance with Section D, and there should be visible support from the Commission as a legal authority with loyalties to the Town of Mashpee and not the applicant.

It was suggested the 25-year Agreement be apportioned into 5 phases to allow for mitigation. Performance bonds are regarded and would be considered for this project. Additional legal requirements would be reviewed for inclusion.

In closing it was noted the project is an opportunity for the Town of Mashpee to negotiate a plan that can be beneficial to the Town and to the community as a whole. The possibilities are not etched in stone. A slow progression will allow for collaborative and positive steps to move the project forward and to develop an agreement that will be good for Mashpee and for Mashpee Commons. This will make a better Mashpee.

The respective parties are appreciative of their involvement. Recommended in-house and independent technical experts and consultants were considered. It was agreed the Planning Board would offer collective advice to the Board of Selectmen on this matter. This would grant the Town Manager and the Board of Selectmen to review what monies may be available to support independent services.

Adjourn Joint Meeting with the Planning Board:

The Planning Board motioned unanimously to adjourn at 8:14 p.m.

**NEW BUSINESS**

Discussion and Approval of Native Land Trust Designation of Swim Areas in Wakeby Pond:

To eliminate motorized traffic, the Board of Selectmen were requested to approve the Native Land Trust designation of swim areas in Wakeby Pond. This is a tool for enforcement, and there is no cost to the Town for navigational markers.

**Motion made by Selectman Gottlieb to approve the Native Land Trust designation of swim areas in Wakeby Pond as presented.**

**Motion seconded by Selectman Cotton.**

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

**Roll Call Vote:**

Selectman Sherman, yes  
Selectman Cotton, yes

Selectman Weeden, yes  
Selectman O'Hara, yes

Selectman Gottlieb, yes  
Opposed, none



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## ADJOURNMENT

**Motion made by Selectman Gottlieb to adjourn at 8:20 p.m.**

**Motion seconded by Selectman Cotton.**

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

**Roll Call Vote:**

**Selectman Sherman, yes  
Selectman Cotton, yes**

**Selectman Weeden, yes  
Selectman O'Hara, yes**

**Selectman Gottlieb, yes  
Opposed, none**

Respectfully submitted,

Kathleen M. Soares  
Secretary to the Board of Selectmen

### *Enclosure:*

Per the Cape Cod Commission Ch D on Development Agreement Regulations, Sec 5(c) the Development Application shall also include: 1. Legal description of land and a recent survey of the land subject to the development agreement; 2. The developments uses currently permitted and the development uses proposed on the land, including residential densities, building densities and height 3. Description of facilities and infrastructure that will serve the development; 4. Description of any reservation or dedication of land and waters for public purpose; 5. Description of all local development permits needed for the proposed development; and 6. The Final Environmental Impact Report.

These items were due to the CCC, again if I have the dates correct, on March 5, 2021. Have all of the required items listed in Sec 5(c) been submitted to the Cape Cod Commission? How can that missed deadline be cured? What would be a good reason for curing this missed deadline?

Has the applicant paid the application fee due to the CCC?

Has staff certified that the application is complete? Has the CCC Chair appointed a subcommittee? When do you anticipate these meetings will start being held by the subcommittee? I believe there is interest in have joint meetings between the CCC and the other "Participating Parties" (i.e., the Town) regarding the Development Agreement. When can these meetings start?

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*Enclosure: (continued)*

**TO THE SELECTMEN AND TOWN MANAGER:**

I want to thank the Board of Selectmen and the Town Manager for their interest and support on this matter.

Development Agreement is a powerful tool for a developer and a municipality to realize their shared vision, and to reduce risk and uncertainty to the benefit to all participating parties. The scale of this proposal is large, and there are many technical topics to consider. And I support the use of in-house experts (provided they have the time and capacity) and independent consultants as well; to address the following:

1. Accessibility/ADA consultant, especially considering our aging population and the innovative shared and reduced parking being proposed by the applicant
2. Economic specialist to review and interpret the forthcoming Fiscal Impact Study to help the Town determine the tax burden or tax benefit from the development, review the project proforma to ensure the financial feasibility of the development, and to conduct a commercial market study so that we know that our community can absorb the proposed commercial space.
3. Engineers and experts to review or prepare impact studies such as an environmental impact study, infrastructure impact study, comparative zoning build-out analysis comparing the new proposed zoning to the existing zoning, a traffic and transportation impact study, and a utility impact study, and further, to recommend how best to mitigate these impacts

We should agree that no party has the authority to dictate who we use as technical experts.

Lastly, if the Town does not have the capacity (staff time or expertise) to review this application in house, that the town should secure the technical experts needed. I imagine this will pose a significant cost to the Town, and the applicant should provide funding to the town to hire the necessary technical experts to review the application and assist the Town in negotiations.

Comments made by Mary Waygan June 21, 2021

**AGENDA \*AMENDED\***  
**BOARD OF SELECTMEN**  
**MONDAY, JUNE 28, 2021**  
**WAQUOIT MEETING ROOM**  
**MASHPEE TOWN HALL**  
**16 GREAT NECK ROAD NORTH**  
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**6 p.m. – Convene Meeting in Open Session**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

***Convene Joint Meeting with the Affordable Housing Trust***

- Update on 950 Falmouth Road Affordable Housing Project
- Discussion and Approval of Housing Assistance Corporation Request for Additional Funding for 950 Falmouth Road
- Discussion and Approval of Pursuing Transferring the 108 Commercial Street Property from the Town of Mashpee to the Affordable Housing Trust

***Adjourn Joint Meeting with the Affordable Housing Trust***

**MINUTES**

Approval of the following: Monday, June 7, 2021 Regular Session

**APPOINTMENTS & HEARINGS**

- Public Comment
- 6:40 pm Public Hearing: Liquor License Amendment Application of Better Food, LLC dba Siena 17 Steeple Street Mashpee, MA: Alteration of Premises: *Graham Silliman*
- Discussion of the July 1, 2021 Ban on the Sale of Alcohol Nips: *Dena Rymsha; Representatives of the Mashpee Wine and Spirits Retail Community*
- Discussion and Approval of Award of Annual Contract for Operation of the Transfer Station, Hauling of Recyclables: *Department of Public Works Director Catherine Laurent*
- Discussion and Approval of Temporary Sign Permit: Annual Seaside Le Mans, September 4<sup>th</sup> – 11<sup>th</sup>, 2021: *Kelsey Ellis*
- Discussion and Approval of Appointment of the following: Sewer Commission Member-at-Large (Term Expires June 30, 2023): *Alfred R. Towle*

**COMMUNICATIONS & CORRESPONDENCE**

**OLD BUSINESS**

- Discussion and Approval of 2021-22 Liaison Assignments

**NEW BUSINESS**

- Update on Cyanobacteria Blooms in Mashpee-Wakeby and Santuit Ponds: *DNR Director Ashley Fisher*
- Discussion and Approval of Seasonal No Parking Designation on the Entry Road to the State Boat Ramp for Mashpee-Wakeby Pond (Fisherman's Landing off of Route 130)
- Discussion and Approval of Acceptance of Unit Deed for 31 Mercantile Way Units 6 & 7 Mashpee, MA
- Discussion and Approval of Letter Opposing the Multi-Purpose Machine Gun Range Proposed by the Massachusetts National Guard
- Discussion and Approval to Authorize the Town Manager to Execute the Required Submissions for Financial Assistance from the Massachusetts Clean Water Trust

**LIAISON REPORTS**

**TOWN MANAGER UPDATES**

**ADDITIONAL TOPICS**

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

**EXECUTIVE SESSION**

**ADJOURNMENT**

Board of Selectmen  
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June 28, 2021

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

Meeting Called to Order by Chairman Sherman at 6:00 p.m.  
Mashpee Town Hall, Waquoit Meeting Room

Convene Joint Meeting with the Affordable Housing Trust:

The Joint Board of Selectmen Meeting with the Affordable Housing Trust convened at 6:01 p.m.  
Affordable Housing Trust members in attendance include;  
Selectman Carol A. Sherman, Selectman David W. Weeden, Selectman Andrew R. Gottlieb,  
Selectman John J. Cotton, Selectman Thomas F. O'Hara, EDIC representative Patrice Pimental and  
Affordable Housing representative Allan Isbitz.

Update on 950 Falmouth Road Affordable Housing Project:

The Board of Selectmen and Affordable Housing Trust reviewed the 950 Falmouth Road Affordable Housing Development project which is comprised of 39 affordable rental units. A Comprehensive Permit under M.G.L. c.40B was obtained, and appreciation was given to the Zoning Board of Appeals for facilitating the process.

To comply with the concerns of the abutter's buffers and additional sidewalks and crosswalks have been installed.

The HAC/POAH team is now focused on securing all necessary funding for construction. An application was submitted to the Massachusetts Department of Housing & Community Development (DHCD) seeking an allocation of Low-income Housing Tax Credits, Project-Based Vouchers for (8) units and a mix of state affordable housing "soft" money sources to support capital costs and ongoing operations. Unfortunately, funding was not received.

It is anticipated that HAC/POAH would re-apply for grant funds in September. Local funds are critical to provide assistance to leverage the project to qualify for funding and to move the project forward. An application will also be submitted to the Barnstable County HOME Consortium for funding. It was agreed the Town of Mashpee would communicate its support of this project to the Assembly of Delegates.

If there is a fall back, the number of planned units would not decrease. To ensure the success of this project, additional state funding sources would hopefully be identified to meet obligations.

Board of Selectmen/Affordable Housing Trust  
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Discussion and Approval of Housing Assistance Corporation Request for Additional Funding for 950 Falmouth Road:

The Affordable Housing Trust was requested to grant \$300,000 to this project to support developmental costs.

**Motion made by Selectman Gottlieb to approve the request and allocate \$300,000 from the Affordable Housing Trust to the 950 Falmouth Road Affordable Housing project.**

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

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

**Roll Call Vote:**

Selectman Sherman, yes

Selectman Weeden, yes

Selectman Gottlieb, yes

Selectman Cotton, yes

Selectman O'Hara, yes

Mr. Isbitz, yes

Ms. Pimental, yes

Opposed, none

Discussion and Approval of Pursuing Transferring the 108 Commercial Street Property from the Town of Mashpee to the Affordable Housing Trust:

It was recommended the Affordable Housing Trust work with the EDIC to create affordable housing at the 108 Commercial Street site. In moving forward it is necessary to submit an article to be placed on the October Town Meeting warrant.

**Motion made by Mr. Isbitz to place an article on the October Town Meeting warrant for the purpose of creating affordable housing on the site; 108 Commercial Street, Mashpee.**

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

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

**Roll Call Vote:**

Selectman Sherman, yes

Selectman Weeden, yes

Selectman Gottlieb, yes

Selectman Cotton, yes

Selectman O'Hara, yes

Mr. Isbitz, yes

Ms. Pimental, yes

Opposed, none

Adjourn Joint Meeting with the Affordable Housing Trust:

**Motion made by Selectman Gottlieb to adjourn the joint meeting with the Affordable Housing Trust at 6:12 p.m.**

**Motion seconded by Selectman Cotton.**

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

**Roll Call Vote:**

Selectman Sherman, yes

Selectman Weeden, yes

Selectman Gottlieb, yes

Selectman Cotton, yes

Selectman O'Hara, yes

Mr. Isbitz, yes

Ms. Pimental, yes

Opposed, none

Board of Selectmen meeting resumed: 6:13 p.m.

Board of Selectmen  
Minutes  
June 28, 2021

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## MINUTES

Monday, June 7, 2021 Regular Session:

**Motion made by Selectman Gottlieb to approve the Regular Session minutes of Monday, June 7, 2021 as presented.**

**Motion seconded by Selectman Cotton.**

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

**Roll Call Vote:**

**Selectman Sherman, yes**

**Selectman Weeden, yes**

**Selectman Gottlieb, yes**

**Selectman Cotton, yes**

**Selectman O'Hara, yes**

**Opposed, none**

## APPOINTMENTS & HEARINGS

Public Comment:

Mary Waygan, a new member of the Sierra Club of Cape Cod spoke in opposition to the Machine Gun Range proposal planned to be cited at Joint Base Cape Cod. Of high importance is the protection of the Upper Cape Water Supply Reserve and wildlife habitat.

Dave Romwell a resident of New Seabury offered comment on the proposed ban on the sale of alcohol nips stating the Town should go after the people who choose to litter versus the businesses selling the nips.

Karen Faulkner of Ashers Path provided comment on the proposed expansion of Mashpee Commons. In concern with the Cyanobacteria blooms waters and lawsuit filed by the Conservation Law Foundation for failing to prevent nitrogen pollution in our waters, Mashpee Commons wants to build a large development. Ms. Faulkner indicated Mashpee Commons has been less than transparent with the project details and in her opinion, a Development Agreement is not in the best interest of the Town. Additional comments were made regarding the parallel review and the traffic the project would create.

Robert Epstein 165 Willowbend Drive discussed the proposed ban on nips, stating the local businesses are friends and neighbors who have worked hard during a tough year. Mr. Epstein urged the Board to place the ban on hold as buyers will shop in other towns.

Brett Rymsha, Mashpee Wine & Spirits requested the Board re-think their decision and extend the proposal to January 1, 2022 as the local businesses are trying to get to the problem at the core. It is hopeful the state will pass the bottle bill. This would help greatly to keep Mashpee strong and hopefully not divided. Mr. Rymsha indicated he has also trained personnel on the disposal of nips.

Dena Rymsha, Co-Owner of Liberty Liquors indicated the Board of Selectmen has given the local business owners less than 8 months to implement a solution during the pandemic. Ms. Rymsha requested more time, at least until January 1<sup>st</sup> to develop a solution. To date, the local business community has held two community clean-ups of all trash, not just the nip litter. The issue of litter is a problem in Mashpee. People who litter will continue to do so and others will go to neighboring towns to buy their liquor.

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## APPOINTMENTS & HEARINGS

### Public Comment: (continued)

Arden Cadrin, Sturgis Lane expressed appreciation to the Affordable Housing Trust for making the commitment for much needed affordable housing in the Town of Mashpee. With regards to the Cyanobacteria Ms. Cadrin indicated she is saddened to no longer be able to swim in her lake. The Board of Selectmen was urged to take swift and strong action to resolve this matter.

Mashpee/Wakeby lake resident Sue Dangle voiced concern with regards to the second algae bloom since September. As residents there is no direct communication from the Town. Many residents are not aware of the problem. There is little signage and no caution regarding safety on the lake. Ms. Dangle stated the messaging is mixed and unclear and there is no direct communication plan to notify residents, and to those having renters. There is a need to be consistent. It was suggested the Town hold an emergency resident meeting to answer any questions. Ms. Dangle indicated as residents; we stand ready to help on a volunteer basis.

Dave Simpson a Selectman from the Town of Sandwich residing on 14 Cove Road, fully supports the Town's position on the proposed machine gun range and issue of not receiving the right information. Regarding the lake, there is a need for awareness of the conditions pertaining to the lake especially with the Cyanobacteria. The Town of Sandwich Board of Selectmen is willing to collaborate on any issue.

Lynne Barbee, Surf Drive expressed appreciation to the Selectmen for their attention to the Mashpee Commons expansion project. The last meeting was helpful. Ms. Barbee asked if the Cape Cod Commission has a copy of the Mashpee Commons proposal, and questions why the Planning Board does not have a copy. The Mashpee Chamber of Commerce was noted to have a copy of the proposal. Ms. Barbee noted there are open permits for Mashpee Commons to build affordable homes, why can't they do it?

Mike Cogswell a resident of Ships Rudder Drive indicated he works for Mr. Epstein, a liquor distributor. On his route last week, it was noticeable that all package stores abutting the Town of Mashpee were buying nips to sell. With summer being the busiest time of year Mr. Cogswell recommended the Board defer their decision until the start of next year.

### Public Hearing: Liquor License Amendment Application of Better Food, LLC dba Siena 17 Steeple Street Mashpee, MA: Alteration of Premises: Graham Silliman:

The Board of Selectmen acting as the Licensing Authority for the Town of Mashpee opened the Public Hearing on the Liquor License Amendment Application of Better Food, LLC d/b/a Siena, 17 Steeple Street Mashpee, Graham Silliman, Manager for an Alteration of Premises.

The Hearing notice was read aloud into the record in accord with posting requirements. It was disclosed Selectman John J. Cotton has three children working for the subject establishment. It was also disclosed Selectman Thomas F. O'Hara conducted a repair at the subject establishment a few years ago. Both Selectmen indicated they are able to make an impartial judgement on this matter.

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## APPOINTMENTS & HEARINGS

Public Hearing: Liquor License Amendment Application of Better Food, LLC dba Siena 17 Steeple Street Mashpee, MA: Alteration of Premises: Graham Silliman: (continued)

Graham Silliman, Manager was in attendance to discuss the alteration of premises. The licensed premise is described as 5,338 total square feet, dining room seating 180, bar seating 22, outside patio seating 73.

The proposed changes include extending the patio seating from Siena's front door towards Steeple Street. There will be a 10'x18'bar with seating for 15 diners and a wait station. A total of 4 propane heaters will be replaced with 7 natural gas heaters and 1 fire pit supplied from underground lines. The total square footage is 2,420 with a seating capacity of 124 outdoor; 15 square feet per seat.

Siena Restaurant is on the list of 11 amazing restaurants with patios on Cape Cod. There are no reported issues with the Fire Chief, Board of Health or Building Commissioner.

Being no comment, the Board of Selectmen motioned as follows;

**Motion made by Selectman Gottlieb to close the Public Hearing.**

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

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

**Roll Call Vote:**

Selectman Sherman, yes	Selectman Weeden, yes	Selectman Gottlieb, yes
Selectman Cotton, yes	Selectman O'Hara, yes	Opposed, none

**Motion made by Selectman Gottlieb to approve the Liquor License Amendment Application of Better Food, LLC d/b/a Siena, 17 Steeple Street, Mashpee, Graham Silliman Manager for an Alteration of Premises as described.**

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

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

**Roll Call Vote:**

Selectman Sherman, yes	Selectman Weeden, yes	Selectman Gottlieb, yes
Selectman Cotton, yes	Selectman O'Hara, yes	Opposed, none

Discussion of the July 1, 2021 Ban on the Sale of Alcohol Nips:

Dena Rymsha: Representatives of the Mashpee Wine and Spirits Retail Community:

In concern to the matter of the sale of alcohol nips it was disclosed there has been no communication from the State Representative and State Senator regarding the proposed bottle bill or any other matter pertaining to the alcohol nip ban. This includes communication to delay the alcohol nip ban. The clean-ups undertaken by the local business community are very much appreciated by the Town of Mashpee.

Selectman O'Hara indicated in his opinion; the merchants do not have anything to do with the illegal disposal of alcohol nips. The Town should be enforcing and the liquor store owners should not be penalized. It appears the Town is not going after the right person.



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## APPOINTMENTS & HEARINGS

Discussion of the July 1, 2021 Ban on the Sale of Alcohol Nips:

Dena Rymsha; Representatives of the Mashpee Wine and Spirits Retail Community: (continued)

Selectman Weeden offered comment stating the Town is not going after the actual customer who is doing the offense. It is a misdirection of punishment. Users will travel to surrounding towns to purchase nips or to purchase the upsize bottle that the Town will find along the roadsides. Selectmen Weeden voiced support to defer this matter to January 1, 2022 to see what the legislation does in terms of the bottle bill. It was recommended the Town send a letter of support to the state legislation, and consider more clean-ups.

**Motion made by Selectman Weeden to defer the matter of the ban on alcohol nips to January 1, 2022.**

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

**VOTE: 2-3. Motion does not carry.**

**Roll Call Vote:**

Selectman Sherman, no

Selectman Weeden, yes

Selectman Gottlieb, no

Selectman Cotton, no

Selectman O'Hara, yes

Opposed, (3)

The ban shall be effective on Tuesday, July 1, 2021.

Discussion and Approval of Award of Annual Contract for Operation of the Transfer Station, Hauling of Recyclables: Department of Public Works Director Catherine Laurent:

Catherine Laurent, Director of Public Works was in attendance to recommend the Board award the Annual Contract for the Operation of the Transfer Station and Hauling of Recyclables.

The Town solicited a 3-year bid in February 2019. Only one bid from the current vendor was received. It was recommended a contract be awarded to Gotta Do Contracting, LLC of Jordan, NY for FY22.

It was noted the Town does not currently have the personnel or own the equipment needed for operation and hauling and curbside service.

Discussion followed with regards to this service. For comparison, it was agreed the Town would further review the options. This would include contracted service, in-house, and in-house with the outsource for the hauling of recyclables and for curbside. A timeline of review considers the next budget cycle in November/December.

**Motion made by Selectman Gottlieb to approve the Annual Contract for the Operation of the Transfer Station and Hauling of Recyclables to Gotta Do Contracting, LLC for FY22.**

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

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

**Roll Call Vote:**

Selectman Sherman, yes

Selectman Weeden, yes

Selectman Gottlieb, yes

Selectman Cotton, yes

Selectman O'Hara, yes

Opposed, none

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Discussion and Approval of Temporary Sign Permit:

Annual Seaside Le Mans, September 4<sup>th</sup> – 11<sup>th</sup>, 2021: Kelsey Ellis:

The Board of Selectmen was in receipt of a temporary sign permit application for the Annual Seaside Le Mans requesting to place (7) banners; 20 square feet at the entrances of Mashpee Commons from Saturday, September 4, 2021 through Saturday, September 11, 2021.

**Motion made by Selectman Gottlieb to approve the Temporary Sign Permit Application for the Annual Seaside Le Mans as presented.**

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

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

**Roll Call Vote:**

**Selectman Sherman, yes**

**Selectman Weeden, yes**

**Selectman Gottlieb, yes**

**Selectman Cotton, yes**

**Selectman O'Hara, yes**

**Opposed, none**

Discussion and Approval of Appointment of the following:

Sewer Commission Member-at-Large (Term Expires June 30, 2023): Alfred R. Towle:

Correspondence was received from Alfred R. Towle dated June 11, 2021 requesting consideration for appointment to the Sewer Commission as a Member-at-Large. Mr. Towle has experience in major construction, energy management and sewage treatment. Additional communication was received from the Sewer Commission dated June 21, 2021 strongly endorsing this appointment.

**Motion made by Selectman Gottlieb to appoint Alfred R. Towle to the Sewer Commission as a Member-at-Large with a term to expire; June 30, 2023.**

**Motion seconded by Selectman Cotton.**

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

**Roll Call Vote:**

**Selectman Sherman, yes**

**Selectman Weeden, yes**

**Selectman Gottlieb, yes**

**Selectman Cotton, yes**

**Selectman O'Hara, yes**

**Opposed, none**

**OLD BUSINESS**

Discussion and Approval of 2021-22 Liaison Assignments:

The Board of Selectmen reviewed the Liaison Assignment List for 2021-2022. There were no changes to the assignments as listed.

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Update on Cyanobacteria Blooms in Mashpee-Wakeby and Santuit Ponds: DNR Director Ashley Fisher:

Ashley Fisher, Director of Natural Resources gave an update of the Cyanobacteria blooms and pond conditions in Mashpee-Wakeby and Santuit Ponds. Ms. Fisher indicated the causes of changes in water quality include; light, water temperature, the alternation of water flow, changes in ph, vertical mixing, nutrient loading, excess nitrogen and phosphorus, and trace metals. Attributing factors may also include the increased residency under COVID conditions as water usage has risen by 10%.

Mashpee's freshwater ponds and saltwater bays are showing signs of poor water quality. This is common on the Cape and driven by excess nutrients entering the water from septic tanks, inadequate wastewater treatment systems, stormwater runoff and fertilizer uses on lawns and landscaped areas.

Alerts regarding pond conditions are posted in the newspaper, on the Town's website and Facebook page as well as in the Mashpee Message. Town Manager Rodney C. Collins indicated it is extremely important to make the conditions of the ponds known with signage and by publicizing this information for full awareness. It was recommended the information be posted on the local cable channel 18 as well.

The water temperature in June is 80.6 degrees. It is recommended that children and animals stay away from the water. The Town tests for saxitoxins and microcystins. All test samples are consistently taken from the same sites.

Discussion followed regarding remediation methods to improve water quality. Recommendations include adherence to the Town's Nitrogen Bylaw by limiting fertilizer applications from April 15 to October 15. As an immediate action from a water quality perspective, it is highly recommended that all property owners on both the marine and fresh water sides of the ponds and saltwater bays refrain from fertilizer usage. This is also a recommendation of the Association to Preserve Cape Cod as every Cape town is struggling with this issue. The APCC conducts pond sampling, and provides public information via emails on tested conditions.

Natural buffers and the planting of native species remove some of the contaminants that run down the shoreline to the pond. Bark mulch helps to remove nitrogen from the soils as well.

It was agreed a Special Water Quality Alert would be posted and sent to residents of the ponds discouraging the use of any fertilizers, and assessments would be made on cesspools that have not had regular service.

The Department of Natural Resources is working on a Town Meeting article to fund a study on Mashpee/Wakeby to review internal and external problems.

It was agreed that increased awareness and communication would be consistent. The use of Robo calls and QR codes on flyers and mass mailing notices were recommended as an additional source of information. Existing bylaws will be reviewed by staff members and if required would be addressed at the October Town Meeting.

Guidance and direction would be sought by the Sewer Commission who would be charged to develop a plan to restore water quality, in concert with the Towns of Sandwich and Barnstable.

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Update on Cyanobacteria Blooms in Mashpee-Wakeby and Santuit Ponds: DNR Director Ashley Fisher:  
(continued)

**Motion made by Selectman Gottlieb to authorize the Town Manager to remit a Special Water Quality Alert to all residents to strongly discourage fertilizer usage. The Town will work to develop a communication plan that addresses the level of communication desired with the ability for citizens to sign up for notice, and further direct the Sewer Commission to develop a plan to restore water quality, and for consistency to coordinate efforts with the Towns of Barnstable and Sandwich, and direct the Board of Health Agent to conduct an assessment of septic systems that have not been maintained, to include the enforcement of Board of Health and Conservation rules.**

**Motion seconded by Selectman Cotton.**

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

**Roll Call Vote:**

<b>Selectman Sherman, yes</b>	<b>Selectman Weeden, yes</b>	<b>Selectman Gottlieb, yes</b>
<b>Selectman Cotton, yes</b>	<b>Selectman O'Hara, yes</b>	<b>Opposed, none</b>

In closing this discussion, it was highly recommended that residents be vigilant to assist in the detection of Cyanobacteria blooms and any fish kill. Trace metals contribute to Cyanobacteria and elements from the proposed machine gun range may attribute to this concern.

Discussion and Approval of Seasonal No Parking Designation on the Entry Road to the State Boat Ramp for Mashpee-Wakeby Pond (Fisherman's Landing off of Route 130):

Correspondence was received from Mary K. Bradbury, Recreation Director dated June 10, 2021 requesting approval of the seasonal *No Parking* designation along Entry Road, both sides to the State Boat Ramp (off Route 130). It was noted the State is supportive of the seasonal designation in this area.

**Motion made by Selectman Gottlieb to approve the Seasonal No Parking designation on Entry Road to the State Boat Ramp.**

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

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

**Roll Call Vote:**

<b>Selectman Sherman, yes</b>	<b>Selectman Weeden, yes</b>	<b>Selectman Gottlieb, yes</b>
<b>Selectman Cotton, yes</b>	<b>Selectman O'Hara, yes</b>	<b>Opposed, none</b>

It was agreed a parking restriction of Great Neck Road South across from the boat ramp would be placed on the agenda topic for the next meeting.

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Discussion and Approval of Acceptance of Unit Deed for 31 Mercantile Way Units 6 & 7 Mashpee, MA:

The Board of Selectmen reviewed the Unit Deed for 31 Mercantile Way, Units 6 & 7 as voted upon for purchase at the May 3, 2021 Special Town Meeting. The existing condominium units will be customized to assist the needs of the Department of Natural Resources.

**Motion made by Selectman Gottlieb to accept the Unit Deed for 31 Mercantile Way, Units 6 & 7, Mashpee.**

**Motion seconded by Selectman Cotton.**

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

**Roll Call Vote:**

**Selectman Sherman, yes**

**Selectman Weeden, yes**

**Selectman Gottlieb, yes**

**Selectman Cotton, yes**

**Selectman O'Hara, yes**

**Opposed, none**

Discussion and Approval of Letter Opposing the Multi-Purpose Machine Gun Range Proposed by the Massachusetts National Guard:

The Board of Selectmen reviewed a draft letter in strong opposition to the multi-purposed machine gun range proposed by the Massachusetts National Guard on the Upper Cape Water Supply Reserve. The letter was addressed to Commissioners of the Department of Fish and Game, Department of Conservation and Recreation and Department of Environmental Protection to be copied to Governor Charles Baker.

It was disclosed the Board has requested clarification on the intent of this project, however information has not been made available. It was noted the MA National Guard has indicated they would be available to attend the Selectmen's Meeting of August 9, 2021, but a brief specific to the proposed gun range would be required to be coordinated separately.

Most towns abutting the base have opposed this project because of the critical environment on Cape Cod and the need for clean drinking water. The letter states the Guard has completely ignored the overwhelming public opposition to this project and have failed to gain the public's trust as responsible stewards of the reserve.

**Motion made by Selectman Gottlieb to approve the Letter opposing the Multi-Purpose Machine Gun Range proposed by the Massachusetts National Guard.**

**Motion seconded by Selectman Weeden.**

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

**Roll Call Vote:**

**Selectman Sherman, yes**

**Selectman Weeden, yes**

**Selectman Gottlieb, yes**

**Selectman Cotton, yes**

**Selectman O'Hara, yes**

**Opposed, none**

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Discussion and Approval to Authorize the Town Manager to Execute the Required Submissions for Financial Assistance from the Massachusetts Clean Water Trust:

A brief discussion followed regarding the required submissions for financial assistance from the Massachusetts Clean Water Trust.

**Motion made by Selectman Gottlieb the Board of Selectmen delegates authority to the Town Manager to apply for financial assistance from the Massachusetts Clean Water Trust.**

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

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

**Roll Call Vote:**

**Selectman Sherman, yes**

**Selectman Weeden, yes**

**Selectman Gottlieb, yes**

**Selectman Cotton, yes**

**Selectman O'Hara, yes**

**Opposed, none**

**LIAISON REPORTS**

Town Engineer: It is anticipated the new Town Engineer with his impressive technical capabilities will greatly assist the Town of Mashpee to bring forth a cost-effectiveness in the design of the wastewater treatment facility. The Sewer Commission was encouraged to utilize Mr. Gallagher to his greatest capacities.

Citizen of the Year: It was announced that John Miller has been recognized and named Citizen of the Year by the Mashpee Chamber of Commerce.

**TOWN MANAGER UPDATES**

Transfer Station Closure: The Transfer Station will be closed on July 4, 2021.

Online Auction: An online auction is being conducted through Auctions International from now until July 12, 2021.

Fireworks: The annual Fireworks display is scheduled to be held on the grounds of the Mashpee Middle/High School on July 1, 2021 with a rain date of July 2, 2021.

**ADJOURNMENT**

**Motion made by Selectman Gottlieb to adjourn at 8:29 p.m.**

**Motion seconded by Selectman Cotton.**

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

**Roll Call Vote:**

**Selectman Sherman, yes**

**Selectman Weeden, yes**

**Selectman Gottlieb, yes**

**Selectman Cotton, yes**

**Selectman O'Hara, yes**

**Opposed, none**

Respectfully submitted,

Kathleen M. Soares  
Secretary to the Board of Selectmen



# TOWN OF MASHPEE

## OFFICE OF SELECTMEN

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

### MEMORANDUM

Date: July 8, 2021

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

From: Stephanie A. Coleman, Administrative Secretary 

Re: Special Event and Temporary Sign Permit Applications

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#### Description

Discussion and Approval of the following Special Event and Temporary Sign Permit Applications:

- **La Tavola:** August 27, 2021, 4:00 PM – 9:00 PM Steeple Street Mashpee Commons
- **Memorial for Elaine O'Keefe:** August 1, 2021, 9:30 AM – 11:45 AM Mashpee Community Park Gazebo
- **Charity Pickleball Tournament:** August 28, 2021 (Rain Date August 29, 2021), 9:00 AM – 6:00 PM Mashpee Pickleball Park
- **Oktoberfest:** October 2, 2021 (Rain Date October 3, 2021), 10:00 AM – 4:00 PM Mashpee Commons Green
- **Mashpee Historical Commission Preservation Award Ceremony:** October 11, 2021, 9:00 AM – 1:00 PM Mashpee Community Park Gazebo

The summary of each event as well as the Department comments/recommendations are attached for review.

## **Special Event Application**

**La Tavola  
Steeple Street  
Friday, August 27, 2021 4:00 PM – 9:00 PM**

### **Background**

The annual event La Tavola, hosted by the Mashpee Chamber of Commerce, is scheduled to take place on Friday, August 27, 2021 from 4:00 PM until 9:00 PM. The location of the event will be Steeple Street in front of the Mashpee Library. Tables will be set up to accommodate small groups for a five course Italian dinner catered by the Villaggio Ristorante along with a performance by Italian tenor Aaron Caruso. Proceeds benefit the Mashpee Chamber's scholarship fund and other Chamber initiatives. Tickets are \$60.00 per person and 300 people are expected to attend this event.

### **Recommendations**

**Health:** Approved. Catering permit required for Villaggio Restaurant.

**Building:** Approved. Please check for minimum egress requirements.

**DPW:** Approved. Applicant will be responsible for picking up trash/litter from the property after the event and will coordinate request for traffic control, lighting with DPW.

**Fire:** Approved. No additional comments.

**Police:** Approved. No details will be required. The police will have a bike patrol on duty monitoring the area.



## **Special Event Application**

### **Memorial for Elaine O'Keefe Mashpee Community Park Gazebo Sunday, August 1, 2021 9:30 AM – 11:45 AM**

#### **Background**

This event is a memorial ceremony for Elaine O'Keefe who passed away last year. The memorial is scheduled to take place Sunday, August 1, 2021 from 9:30 AM – 11:45 AM, at the Mashpee Community Park Gazebo. The applicant is expecting at least 35 guest but no more than 50 to attend the memorial. Tables and chairs will be set up for the event Refreshments will consist of pastry, soda and water.

#### **Recommendations**

**Health:** Approved. No additional comments.

**Building:** Approved. No additional comments.

**DPW:** Approved. Applicant will be responsible for picking up trash/litter from the property after the event and will coordinate use of the Archives restroom with the Town Manager/Selectmen Office.

**Fire:** Approved. No additional comments.

**Police:** Approved. No details will be required.

## **Special Event Application**

### **Charity Pickleball Tournament**

#### **Mashpee Pickleball Park**

**Saturday, August 28, 2021 (Rain Date August 29, 2021) 9:00 AM – 6:00 PM**

#### **Background**

The Charity Pickleball Tournament for Habitat for Humanity is scheduled to take place Saturday, August 28, 2021 (Rain Date August 29, 2021) from 9:00 AM to 6:00 PM at the Mashpee Pickleball Park. The participants must pre-register and sign waiver forms. Teams will play in turn against each other in a round robin form. The Pickleball courts will be closed to open play for the day.

#### **Recommendations**

**Health:** Approved. No additional comments.

**Building:** Approved. Not Applicable.

**DPW:** Approved. Overflow parking shall be designated at Heritage Park. No parking at the Mashpee Dog Park or along Ashumet Road will be permitted. Applicant will be responsible for picking up trash/litter from the property after the event. Applicant will coordinate request for additional portable toilets with DPW.

**Fire:** Approved. No additional comments.

**Police:** Approved. No details will be required.

## **Special Event Application**

**Annual Oktoberfest**

**Mashpee Commons Green**

**Saturday, October 2, 2021 (Rain Date October 3, 2021) 10:00 AM – 4:00 PM**

### **Background**

The Annual Oktoberfest event will include a variety of music, entertainment games. Admission is free for all. Food and beverages will be provided by vendors and will obtain the proper permits from the Board of Health. The applicant is expecting at least 1,500 people to attend.

### **Recommendations**

**Health:** Approved. Food vendors to have temporary food permits approved prior to the event.

**Building:** Approved. Tents will require permits

**DPW:** Approved. Applicant will coordinate setup/breakdown, traffic control, and trash/litter pickup with DPW. Applicant will coordinate request for portable toilets with DPW.

**Fire:** Approved. No additional comments.

**Police:** Approved. Two detail officers will be required for this event.

## **Special Event and Temporary Sign Permit Application**

**Mashpee Historical Commission Preservation Award Ceremony  
Mashpee Community Park Gazebo  
Monday, October 11, 2021, 9:00 AM – 1:00 PM**

### **Background**

The Annual Mashpee Historical Commission Preservation Award Ceremony is scheduled to take place on Monday, October 11, 2021 from 9:00 AM to 1:00 PM at the Mashpee Community Park Gazebo. Subsequent to the ceremony there will be an open house for attendees at the Mashpee Archives Building. It is expected that up to 50 guest will attend the event.

The applicant is also requesting approval of a Temporary Sign Permit for two signs that will be attached to each side of the existing Archives sign on Great Neck Road North. One sign will read "One Room Schoolhouse Open" and "Open House" on the second sign. The applicant did not specify the size of the signs.

### **Recommendations**

**Health:** Approved. No additional Comments

**Building:** Approved. Please check egress before gathering inside building.

**DPW:** Applicant shall coordinate with DPW if electricity needed in pavilion. Applicant shall coordinate with DPW to adjust door unlocking schedule for Archives.

**Fire:** Approved. No additional comments.

**Police:** Approved. Two detail officers will be required for this event.

**Stephanie Coleman**

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**Subject:**

FW: CAC opening

**Attachments:**

generic resume 2021.doc

Dear Select Board Members,

I'm a Mashpee voter from Precinct 4, and I'm interested in applying for the vacancy on the Community Advisory Council of the Environmental Management Commission. My resume is attached.

As a Forestdale School middle grade teacher for over 20 years, I became familiar with the history and services offered by Joint Base Cape. I respect the collaborative work that military and civilian groups have endeavored, all geared toward effective emergency responsiveness. (Emergency responsiveness is absolutely crucial. I remember sitting in my Forestdale classroom the morning of 9/11 when jets zoomed overhead on their way to NYC, where, coincidentally, my sister was working on the 40th floor of the first building that was hit. Fortunately, she exited safely.) I'm also familiar with the work done by one of my former co-teachers, Peter Trimble, involving wild bird conservation at Joint Base Cape Cod.

I observed and still appreciate the hard work that has been done to remedy damage by what became federal SuperFund sites to local public and private wells and where many successes have been achieved. Over the years, my students were the excited recipients of outreach attempts by the military to educate them in regard to maintaining our healthy Upper Cape aquifer. When I taught 8th grade English, I helped to organize field trips to the base, and when I taught all subjects in a self-contained 5th grade classroom, I organized annual visits to our school by Americorps volunteers, who brought interactive activities to teach our students about the properties of water, including the flow of groundwater.

Lately there has been much talk about the proposed multi-purpose machine gun range at Joint Base Cape Cod. It seems that the obvious necessity of such a range has to be balanced with serious consideration of recent research into its projected environmental impacts.

Thank you for the time and effort you've expended in caring for the public good. I hope you will seriously consider this application.

Sincerely,  
Ann Shea

Mashpee, MA

## **ANN SHEA**

### **Highlights of Qualifications**

- 30 years - Middle School Teacher, all subjects, all grades
- Able to collaborate with a team, encouraging individual excellence
  - Strong researcher, writer, and communicator
  - Excellent time management skills

### **Professional Work History**

2014 – present - **Reading Tutor** (part time)  
Oak Ridge School, Sandwich, MA

1991 - 2014 **Middle School Classroom Teacher**  
Forestdale School, Sandwich, MA

### **Education**

**UMass Dartmouth Graduate Program**  
Professional Writing and Communication Program

**Lesley University and Bridgewater University**  
40+ Graduate Credits

**University of Massachusetts, Amherst, MA**  
BA Education, Magna Cum Laude

### **Volunteer Work**

Member, Sandwich Reads Together  
Member, MA People Govern, Not Money  
American Promise – Massachusetts, Facebook manager  
The Sandwich Glass Museum – contributing author for *The Acorn*,  
the museum's annual research publication  
YMCA Camp Lyndon, Library founder and wildflower gardener

July 12, 2021

The Honorable Charlie Baker  
Governor of Massachusetts  
State House, Room 305  
Boston, MA 02133

Dear Governor Baker,

On behalf of the Mashpee Board of Selectmen, I am writing to respectfully request the appointment of Ann Shea to the Community Advisory Council of the Environmental Management Commission as the Representative for Precinct 4.

Please contact my office directly should you have any questions, and thank you in advance for your consideration of this appointment.

Sincerely,

Rodney C. Collins  
Town Manager

Cc: Leonard Pinaud  
Department of Environmental Protection

## Terrie Cook

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**From:** Winona Pocknett <Winona.Pocknett@mwtribe-nsn.gov>  
**Sent:** Tuesday, June 29, 2021 11:08 AM  
**To:** Terrie Cook; Rodney C. Collins; Wayne E. Taylor  
**Cc:** Terrie Cook; Kimberly Maida; brian.weeden@mwtribe-nsn.gov  
**Subject:** Request to be on approved by the Town of Mashpee  
**Attachments:** Request Letter to Town of Mashpee for grant.pdf

**WARNING! EXTERNAL EMAIL:** : This message originated outside the Town of Mashpee mail system and could be harmful ☹. PLEASE DO NOT CLICK ON LINKS OR ATTACHMENTS unless you are absolutely certain the content is safe.

Good Morning All,

I am reaching out to you on behalf of the Mashpee Wampanoag Tribe. Requesting to be put on BOS meeting agenda? Reasoning; The Tribe is applying

for a grant and, believes the town support on this project would be helpful. I have attached a letter from our Chairman.

Thank you,

*Winona Pocknett*

TERO Officer  
Mashpee Wampanoag Tribe  
483 Great Neck Rd, South 02649  
Email: Winona.Pocknett@mwtribe-nsn.gov  
Tel: (508) 477-0208 ext112





**Mashpee Wampanoag Tribe**  
**483 Great Neck Road South**  
**Mashpee, MA 02649**  
**Phone (508) 477-0208**

6/28/2021

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

**RE: Seeking support for a grant application submitted by the Mashpee Wampanoag Tribe to implement a broadband connectivity project on reservation land in Mashpee**

Dear Selectman,

On behalf of the Mashpee Wampanoag Tribe, we write to you today seeking the opportunity to discuss a grant the Tribe will be applying for that will have great benefits for the entire Mashpee community. The grant is the Tribal Broadband Connectivity Program offered by the National Telecommunications and Information Administration (NTIA).

The project we plan to implement will lead to the construction of broadband infrastructure on Tribal lands that will improve connectivity for those who rely on internet for schooling, work, telehealth and more. We are seeking the opportunity to discuss this proposed project with the Board and to identify opportunities to collaborate, ideally culminating in a Letter of Support on behalf of the Board for our grant application.

Thank you, for taking the time to review this request and we look forward to discussing this proposal further.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Weeden", is written over a blue rectangular stamp.

Brian Weeden  
Chairman of the Mashpee Wampanoag Tribe



**TOWN OF MASHPEE**  
**DEPARTMENT OF NATURAL RESOURCES**  
Mashpee Town Hall  
16 Great Neck Road North  
Mashpee, Massachusetts 02649  
Telephone – (508) 539-1409

**MEMORANDUM**

**July 7, 2021**

**TO:** Rodney C. Collins, Town Manager  
Board of Selectmen

**FROM:** Donovan McElligatt, Town of Mashpee Shellfish Warden

**RE:** Recommendation for Changes to Mashpee Shellfish Regulations

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Description

Changes to the Town of Mashpee's Shellfish Regulations to address pressing issues involving private aquaculture areas, year round oyster harvest and to update penalties for closed area harvest to fall in line with a recent change to Massachusetts General law Ch. 130 Sec 75.

Background

A full update to the Mashpee Shellfish Regulations is currently being worked on in conjunction with the Mashpee Shellfish Commission. They are on track to be submitted for review this coming winter, however it is the opinion of the Shellfish Division of the Department of Natural Resources that three issues need immediate updating in order to maintain compliance with M.G.L's, protect public health interests and add protections for Commercial Aquaculturists in Town.

Changes Made to Existing Regulations

Four changes are proposed to the current Mashpee Shellfish Regulations. The Changes are highlighted and as follows:

- **Date Update:** Page 1, line 1 under header: "MASHPEE SHELLFISH REGULATIONS 2019-2020"  
**Changed to:** "MASHPEE SHELLFISH REGULATIONS 2021-2022"
  - Explanation: regulations updated for the 2021-2022 shellfishing harvest season.
- **Closed area violation fine schedule:** Page 1, paragraph 3, lines 7-8: "Penalties for contaminated closure area violations include fines of \$300.00 to \$2,000.00 and up to 3 years in State Prison (MGL Ch. 130, Sec. 75)."  
**Changed to:** "Penalties for contaminated closure area violations include fines of \$500.00 to \$10,000.00 and up to 3 years in State Prison (MGL Ch. 130, Sec. 75)."
  - Explanation: MGL Ch. 130, Sec. 75 was updated in 2021, increasing the fine punishment for this felony violation.

- **Scalloping in Aquaculture License areas:** ARTICLE III. GENERAL REGULATIONS, point 7: "Shellfishing is prohibited in any area designated as a Shellfish Aquaculture License ("Shellfish Grant") area by the Board of Selectmen and other local, state and federal permits except for the aquaculture license holder and his or her employees or designees unless regulated or stipulated otherwise by the Board of Selectmen. **Mashpee Shellfish Permit or Wampanoag Tribal Identification Card holders are allowed to harvest wild scallops in Shellfish 5 Aquaculture License (Grant) areas in season in accordance with the Mashpee Scallop Regulations.** Penalties for violations in these areas include fines up to \$100, imprisonment up to 6 months, and/or damages sought by the aquaculture license holder (MGL Ch.130, Sec. 68)."  
**Changed to:** "Shellfishing is prohibited in any area designated as a Shellfish Aquaculture License ("Shellfish Grant") area by the Board of Selectmen and other local, state and federal permits except for the aquaculture license holder and his or her employees or designees unless regulated or stipulated otherwise by the Board of Selectmen. Penalties for violations in these areas include fines up to \$100, imprisonment up to 6 months, and/or damages sought by the aquaculture license holder (MGL Ch.130, Sec. 68)."  
  - Explanation: Scalloping will no longer be permitted in any area designated as a Shellfish Aquaculture License to prevent tampering with aquaculture gear.
- **Oyster Season:** ARTICLE IV. SPECIAL PERMITS, SEASONS AND REGULATIONS, point 2: "OYSTER REGULATIONS: **Oysters may be harvested year-round for noncommercial purposes only.**"  
**Changed to:** "OYSTER REGULATIONS: **Oysters may be harvested from November 1st through March 31st of the next year for noncommercial purposes only.**"
- Explanation: Currently there is no significant stock of wild oysters in the Town of Mashpee that would be able to sustain a year round recreational fishery. The Town currently has one recreational oyster fishery that is sustained purely thru the Town's propagation efforts. The season for this fishery is November 1<sup>st</sup> through March 31<sup>st</sup> to fall in line with the Division of Marine Fishery's opening of this conditionally approved area. Furthermore the year round recreational harvest of oysters presents a **significant** public health risk and runs directly contrary to the State's Vibrio Control plan. Oyster harvest in the summer months is a significantly regulated activity on the federal and state levels in order to reduce the risk of foodborne illnesses and the Town's local regulations should fall in line with established guidelines. In addition, Vibrio cases are highly tracked by the Division of Marine Fishery's, and a Vibrio case in the Town of Mashpee resulting from recreational harvest of oysters has the potential to shut down all commercial harvest in Town, resulting in a large economic hardship for the numerous Aquaculturists in Town.

#### Recommendation

As the Town's Shellfish Warden (Constable) responsible for the safe and productive management of the Town's Shellfisheries I respectfully recommend to the Board of Selectmen that they adopt these regulations immediately in order to ensure the Town's compliance with all applicable State guidelines and to safeguard both public health and the livelihood of independent Aquaculturists in Town, while a full-scale update to the Shellfish Regulations is in the works.