

**AGENDA  
BOARD OF SELECTMEN  
MONDAY, FEBRUARY 22, 2021  
WAQUOIT MEETING ROOM  
MASHPEE TOWN HALL  
16 GREAT NECK ROAD NORTH  
MASHPEE, MA 02649**

**\*Virtual / Remote Meeting\***

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

**\*Public Call in Number: (508) 539-1400 extension 8585 for Public Comment and Public Hearings\***

**\*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, February 8, 2021 Regular Session

**APPOINTMENTS & HEARINGS**

- Public Comment: ***\*Call in Number (508) 539-1400 extension 8585\****
- Discussion and Approval of the Special Event Application: Heroes in Transition Ruck4HIT Not Your Ordinary Challenge Weekend: 6 am Friday, April 30, 2021 – 12 pm Sunday, May 2, 2021; *Nicole Spencer*
- Discussion and Approval of Appointment to the Zoning Board of Appeals:  
Associate Member (Term Expires June 30, 2023): *Charles P. Reidy III*
- Discussion and Approval of Acceptance of Resignation from the Community Preservation Committee:  
Member-at-Large (Term Expires June 30, 2021): *David Harsch*
- *Natural Resources Director Ashley Fisher:*
  - Discussion and Approval of Mooring Rules and Regulations
  - Discussion and Approval of Rescinding Board of Selectmen Policy #013 Mooring Permits and Regulations

**COMMUNICATIONS & CORRESPONDENCE**

**OLD BUSINESS**

1. Update, Discussion and Possible Action Relative to COVID-19
2. Update, Discussion and Possible Action Relative to Wastewater Project(s)
3. Discussion of Comcast Contract Negotiations

**NEW BUSINESS**

1. Discussion and Approval of Draft #1 May 3, 2021 Special and Annual Town Meeting Warrant Articles
2. Discussion of and Approval of Adding Articles to the May 3, 2021 Special and Annual Town Meeting Warrant

**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

FEB 18 2021

RECEIVED BY: \_\_\_\_\_

**AGENDA  
BOARD OF SELECTMEN  
MONDAY, FEBRUARY 8, 2021  
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MASHPEE TOWN HALL  
16 GREAT NECK ROAD NORTH  
MASHPEE, MA 02649**

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

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**MOMENT OF SILENCE**

**MINUTES**

Approval of the following: Monday, February 1, 2021 Regular Session

**APPOINTMENTS & HEARINGS**

- Public Comment: **\*Call in Number (508) 539-1400 extension 8585\***
- 6:35 pm - Public Hearing (Continued from January 11, 2021): Liquor License Application for a Change of License Classification New Seabury Resources Management d/b/a New Seabury Athletic Club and Pool 60-80 Cross Road Mashpee MA 02649; Scott Mullen, Manager: *Chris Card*  
**\*Call in Number (508) 539-1400 extension 8585\***
- 6:40 pm - Public Hearing(Continued from January 11, 2021): Liquor License Application for a Change of License Classification New Seabury Resources Management d/b/a Popponesset Inn 252 Shore Drive Mashpee MA 02649; Scott Mullen, Manager: *Chris Card*  
**\*Call in Number (508) 539-1400 extension 8585\***
- 6:45 pm - Public Hearing: Liquor License Amendment Application for a Change of License Type New Seabury Resources Management d/b/a The Lure, 236 Shore Drive, Mashpee MA 02649: *Scott Mullen, Manager: Chris Card*  
**\*Call in Number (508) 539-1400 extension 8585\***
- Discussion and Approval of Order of Taking for 226 Cotuit Road: *DPW Director Catherine Laurent*

**CONVENE JOINT MEETING WITH THE FINANCE COMMITTEE**

*Town Manager Rodney Collins:*

- Discussion of Fiscal Year 2022 Budget Recommendations
- Discussion of Fiscal Year 2022 Capital Improvement Program
- Discussion of May 3, 2021 Special and Annual Town Meetings

**ADJOURN JOINT MEETING WITH THE FINANCE COMMITTEE**

**COMMUNICATIONS & CORRESPONDENCE**

**OLD BUSINESS**

1. Update, Discussion and Possible Action Relative to COVID-19

**NEW BUSINESS**

**LIAISON REPORTS**

**TOWN MANAGER UPDATES**

**ADDITIONAL TOPICS**

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

1. Request to Deficit Spend Snow & Ice Account

**EXECUTIVE SESSION**

**ADJOURNMENT**

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

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

## MINUTES

Monday, February 1, 2021 Regular Session:

**Motion made by Selectman Sherman to approve the minutes of Monday, February 1, 2021 Regular Session as presented.**

**Motion seconded by Selectman Weeden.**

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

**Roll Call Vote:**

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

## APPOINTMENTS & HEARINGS

Public Comment: None at this time.

Public Hearing (Continued from January 11, 2021): Liquor License Application for a Change of License Classification New Seabury Resources Management d/b/a New Seabury Athletic Club and Pool 60-80 Cross Road Mashpee MA 02649: Scott Mullen, Manager: Chris Card:

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 New Seabury Resources Management, Inc. d/b/a New Seabury Athletic Club and Pool, 60-80 Cross Road, Mashpee, MA, Scott Mullen, Manager for a Change of License Classification from Annual to Seasonal. The Public Hearing was continued from Monday, January 11, 2021.

In accordance with posting procedures, the Hearing notice was read aloud into the record. Chris Card was in attendance on behalf of New Seabury Resources Management to review the application with the Select Board. Mr. Card indicated due to the pandemic it is not feasible to open the facility on an annual basis. In the future, this may change.

The classification of the licensed premise from Annual All Alcohol to Seasonal All Alcohol would be valid from April 1<sup>st</sup> to January 15<sup>th</sup>. If the ABCC approves the amendment, the licensee would cease the service of alcoholic beverages on the licensed premises until April 1, 2021.

Being no comment, the Board motioned as follows;

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## **APPOINTMENTS & HEARINGS**

Public Hearing (Continued from January 11, 2021): Liquor License Application for a Change of License Classification New Seabury Resources Management d/b/a New Seabury Athletic Club and Pool 60-80 Cross Road Mashpee MA 02649; Scott Mullen, Manager: Chris Card: (continued)

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

**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 Gottlieb, yes</b>	<b>Selectman Weeden, yes</b>	<b>Opposed, none</b>

**Motion made by Selectman Sherman to grant the Liquor License Amendment application of New Seabury Resources Management, Inc. d/b/a new Seabury Athletic Club and Pool, 60-80 Cross Road, Mashpee for a Change of License Classification from Annual to Seasonal.**

**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 Gottlieb, yes</b>	<b>Selectman Weeden, yes</b>	<b>Opposed, none</b>

Public Hearing (Continued from January 11, 2021): Liquor License Application for a Change of License Classification New Seabury Resources Management d/b/a Popponesset Inn 252 Shore Drive Mashpee MA 02649; Scott Mullen, Manager: Chris Card:

The Board of Selectmen opened the Public Hearing by reading aloud the notice on the Liquor License Amendment Application of New Seabury Resources Management, Inc. d/b/a Popponesset Inn, 252 Shore Drive, Mashpee, Scott Mullen, Manager for a Change of License Classification from Annual to Seasonal. The Public Hearing was continued from January 11, 2021.

Chris Card, President of New Seabury Resources Management indicated that it is not sustainable at this time to remain open annually due to COVID-19. In the future, this may change.

There was no public comment to address this application.

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

**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 Gottlieb, yes</b>	<b>Selectman Weeden, yes</b>	<b>Opposed, none</b>

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## **APPOINTMENTS & HEARINGS**

Public Hearing (Continued from January 11, 2021): Liquor License Application for a Change of License Classification New Seabury Resources Management d/b/a Popponesset Inn 252 Shore Drive Mashpee MA 02649; Scott Mullen, Manager: Chris Card: (continued)

**Motion made by Selectman Weeden to grant the Liquor License Amendment Application of New Seabury Resources Management, Inc. d/b/a Popponesset Inn, 252 Shore Drive for a Change of License Classification from Annual to Seasonal.**

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

**Roll Call Vote:**

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

The licensing period for the establishment would be valid from April 1<sup>st</sup> to January 15<sup>th</sup>. If approved by the ABCC, the licensee would be required to cease the service of alcoholic beverages on the licensed premises until April 1, 2021.

Public Hearing: Liquor License Amendment Application for a Change of License Type New Seabury Resources Management d/b/a The Lure, 236 Shore Drive, Mashpee MA 02649; Scott Mullen, Manager: Chris Card:

The Board of Selectmen opened the Public Hearing on the Liquor License Amendment Application of New Seabury Resources Management, Inc. d/b/a The Lure, 236 Shore Drive, Mashpee, Scott Mullen, Manager for a Change of License Type from §12 All Alcoholic Restaurant License to a §12 All Alcoholic Club License. The Hearing notice was read into the record to adhere to posting procedures.

If the application is approved the establishment may serve alcoholic beverages to members of the club only and accompanying guests of the club members subject to regulations of the Licensing Authority. Club members are members of the club at New Seabury. Mr. Card indicated this is the most favorable direction for sustainability to secure a Private Club liquor license.

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

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

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

**Roll Call Vote:**

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

**Motion made by Selectman Weeden to grant the Liquor License Amendment Application of New Seabury Resources Management, Inc. d/b/a The Lure, 236 Shore Drive for a Change of License Classification from a §12 All Alcoholic Restaurant License to a §12 Alcoholic Club License.**

**Motion seconded by Selectman Sherman.**

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

**Roll Call Vote:**

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

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## **APPOINTMENTS & HEARINGS**

### Discussion and Approval of Order of Taking for 226 Cotuit Road: DPW Director Catherine Laurent:

Catherine Laurent, Director of Public Works reviewed the Order of Taking for property described as 226 Cotuit Road, land containing a total area of 1,194 square feet more or less for the purpose of constructing, reconstructing, restoring, installing, using, maintaining, repairing and inspecting a public way, including all appurtenances and improvements traditionally associated with the Town ways in the Town of Mashpee.

Betterments shall not be assessed with this taking, but it has been determined that damages are sustained by the person(s) whose property is taken by this Order. Therefore, damages shall be awarded pursuant to the provisions of G.L. c. 79 §6.

Construction to improve the safety and flow of this intersection is expected to commence in a few months. Work includes the removal of the divided island and connection to a multi-use path on Route 130.

**Motion made by Selectman Gottlieb to accept the Order of Taking for 226 Cotuit Road, Mashpee identified on Assessor's Map 37 as Lot 38.**

**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 Gottlieb, yes</b>	<b>Selectman Weeden, yes</b>	<b>Opposed, none</b>

## **ADDITIONAL TOPICS**

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

### Request to Deficit Spend Snow & Ice Account:

Late filed was a memorandum from the Director of Public Works requesting to deficit spend the Snow & Ice Account. With the variant winter storms', the \$116,570 budget lacks sufficient funds to purchase additional road salt. Currently, 60% of the stockpile of salt has been depleted.

**Motion made by Selectman Gottlieb to place the above referenced topic on the agenda as an unanticipated discussion.**

**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 Gottlieb, yes</b>	<b>Selectman Weeden, yes</b>	<b>Opposed, none</b>

**Motion made by Selectman Gottlieb to authorize deficit spending in the Snow & Ice Account.**

**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 Gottlieb, yes</b>	<b>Selectman Weeden, yes</b>	<b>Opposed, none</b>

Board of Selectmen-Finance Committee  
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## **CONVENE JOINT MEETING WITH THE FINANCE COMMITTEE**

Meeting Called to Order by Chairman Pettengill at 6:55 p.m.

Finance Committee members in attendance; Jeffrey Pettengill, Gregory McKelvey, Darlene Furbush, Mike Richardson, John Miller, Pat Brady, and James Carrier.

Town Manager Rodney Collins:

### Discussion of Fiscal Year 2022 Capital Improvement Program:

Town Manager Rodney C. Collins outlined the proposed Capital Improvement Program (CIP) budget for Fiscal Year 2022. The \$2,656,046 capital budget unanimously approved by the Capital Improvement Program Committee uses an offset of \$80,000 from Mashpee Cable & Advanced Technology Funds (MCAT). The \$2,576,046 budget would be funded through the Capital Stabilization Account.

The CIP budget outline collectively consists of funding as follows;

DPW	\$256,000	3 Trucks, Chipper - Purchase
Fire	\$120,000	2 Utility Vehicles - Purchase
Information Technology	\$109,448	MCAT offset \$50,000
Natural Resources	\$201,000	2 Replacement Boats
Planning & Construction	\$1,534,198	Various capital needs
Police	\$224,400	Continuation of Lease/Purchase Program
School	\$211,000	MCAT offset \$30,000

It was noted the DPW vehicles are purchased outright relacing (2) F350 and (1) F550 2012 and 2014 vehicles. In the future a lease purchase for a longer duration may be considered for the DPW. In the Police Department vehicle replacement program, a rotating schedule for marked vehicles is planned every three years, non-line vehicles are replaced every 6 years. Given the hard use of the Police vehicles, the use of the lease program is preferred.

The replacement of the boats used by Natural Resources, Shellfish and the Harbormaster are deemed mission critical. Last year, the Finance Committee approved an emergency reserve fund transfer to allow for the purchase of (1) boat. A boat replacement plan would be considered in future years. In addition to the patrolling of waters, the boats would be used to haul and replace navigational aids.

It was noted that (3) flagpoles are proposed to be installed at all three schools. The American, State and Tribal flags would be honorably flown at each site.

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Discussion of Fiscal Year 2022 Budget Recommendations:

Town Manager Rodney C. Collins outlined the Town Manager's FY22 Recommended Operating Budget. With the exception of the DPW, Transfer Station and Board of Health the expense budget is essentially level funded. The recommended budget of \$64,924,643 represents a 4.89% increase while reducing expenditures by \$791,202.

The operating budget contains wage and salary adjustments consistent with collective bargaining obligations.

Medical Insurance presents a 9.02% increase within a recommended budget of \$8,592,742. It was reported new figures have been obtained in the Medical Insurance category that represent a decrease in projections realizing a savings in expenses by approximately \$1 million.

The School Department budget adheres to the recommendation of the Town Manager for Fiscal Year 2022. The \$23,299,435 budget has been reduced by \$229,000 to consider an increase of 3.29% in FY22. The School Committee was noted to have affirmed the modified submittal. As an offset School Choice funds and Capital Improvement Program budget appropriations would compensate for the shortfall.

Within the DPW, expenses have been reduced by 18% to equal expenses in FY21. This created an adjustment to the road maintenance plan. In the salary/wage category there are reductions as several vacant positions were not intended to be filled in FY22. This objective maintains level funding retaining personnel and avoiding layoffs.

It was noted it is permissible to deficit spend the Snow & Ice Account. This line item cannot turn-back funds.

Discussion of May 3, 2021 Special and Annual Town Meetings:

The deadline for articles to be considered for the May 3, 2021 Special and Annual Town Meeting warrant is Monday, February 8, 2021. The warrant will be reviewed at subsequent meetings. There is one petition article submitted for solar panels in the overlay district.

It is the recommendation of the Town Manager to place the Department of Natural Resources (DNR) facility, a capital improvement program recommendation on the Special Town Meeting warrant to have funds readily available for the needs of this department. The CIP, Select Board and Finance Committee were noted to have unanimously recommended the \$850,000 DNR building for placement on the Special Town Meeting warrant. In the interim Town Counsel would be consulted to ensure all procurement aspects of the proposal would be satisfied. The remaining CIP budget would be placed in normal course on the Annual Town Meeting warrant after the Omnibus Budget is funded.

Appreciation was given to Finance Committee member Gregory McKelvey for recommending the Town consider facilities outside of the scope. This has resulted in a considerable savings from the \$4.4 million estimate to construct a new facility. The new building with adjacent bays would function adequately for the DNR. Office space would also be used by the Shellfish Department and the Harbormaster.



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Wastewater Discussions:

To ensure the cost effectiveness and efficiency of operations the Select Board continued discussions on the Town's Comprehensive Wastewater Nitrogen Management Plan (CWNMP) meeting with the Finance Committee to continue collective efforts on the Town's behalf. At the last meeting, the Select Board met with the Sewer Commission to review matters pertaining to Phase I of the Water Resource Recovery Facility; pump stations, collection system schedule and design. Last week the Town Manager held an operational meeting with select Town Officials.

A Town Meeting article is planned for the borrowing authorization to fund the project and complete the design for both the Wastewater Treatment Facility (WWTF) and Sewer Collection System for Phase I. A Ballot Question is required to allow exemption from the provisions of Proposition 2 ½, the amounts to pay for the bond issuance.

Of foremost importance is communicating a clear and transparent message to the public on this project.

Within the onset of discussion, the importance of a smooth and transparent process was highly prioritized. Financial options and scenarios would be disclosed when estimates are received in March.

It is essential the Town adequately address the overall process. Service area residents within the collection system layout have been notified by mail. It was agreed the streets and addresses should be made available. The Board of Health is compiling information as to the age and type of septic system within each property that would be serviced by the sewer and of requirements to tie into different types of systems. New systems will be required to tie into the collection system. Older septic systems will be required to be removed.

GHD, the project engineer is reviewing the number of homes that may require a lift to provide connection from the sewer to the street. The numbers and estimates should be received in March. Typically, the individual homeowner assumes the cost of connection from the sewer to the street. It was agreed connection costs would be the responsibility of the homeowner. There will be recommendations forthcoming on the use and benefit of the Community Septic Management Program administered by Barnstable County which offers long term repayment loans. Additional options may be secured to reduce costs, this would include but not be limited to financing options similar to the financing of a mortgage. It was noted the Sewer Commission voted not to access betterments.

Discussion followed with respect to the grinder pumps estimated to cost \$4,000 per unit. This is the grinder mechanism within the lift station. This process elevates the septic coming from the house to the sewer. Certain households will require the grinder pumps to lift and grind from a smaller house line. For uniformity and consistency, it was agreed the Town of Mashpee would include the grinder pumps as a component within overall costs to not burden the individual homeowner. The connection is anticipated to lie within the street layout in the Town's right of way.

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Wastewater Discussions: (continued)

Members of the Finance Committee asked about financing opportunities that may provide funding on the Federal level for this project. It was noted that Federal grants generally focus on regional efforts and on plans that are construction ready. It was agreed the lines of communication should remain open to defer costs where possible. With the new administration there is a possibility the Town would receive stimulus funding for construction ready projects. If necessary, the Town would consider amended language if required to maintain eligibility. A joint letter requesting support was considered.

Regarding the educational component of the intended wastewater program, members of the Finance Committee offered to provide volunteer support to broadcast the information to the public on MTV on a regular basis in moving forward.

With respect to the timeline of receiving information, informing the voters and executing the warrant, there was concern the project may be premature. Plans are conceptual and the Town may be in-equipped in terms of determining cost details. The concept of hiring a communications consultant was favorable to fully inform the residents on the broad level. With the completion of Phase I taxpayers would need to anticipate a future sewer bill that would most likely factor in operational costs. Many homes are on well water, there was a question as to how this would be addressed.

It was disclosed that costs associated to 75% design are anticipated to be realized on March 15, 2021. The warrant is scheduled to be executed by the Select Board on March 22, 2021. Town Meeting is scheduled to be held on May 3, 2021.

It is fairly known and widely discussed the Town is expected to contract for the operation of the wastewater facility for an estimated cost of \$1 to \$1.5 million. Some of the functions would fall under the jurisdiction of the Water Department while operational matters would be recognized by the engineer.

It was agreed the elements of the media would assist residents in absorbing the information. It was recommended the project be explained decisively to the senior population. It is unclear regarding cost overruns and the responsibility thereof for cost control.

Many municipalities employ the services of a Clerk of the Works or an Owners Project Manager. Internally delegated personnel ensure charges being levied are appropriate. The Town advocates the process generally in-house and with an external hire to safeguard the level of service being provided with suitable construction practices.

Members of the Finance Committee requested a breakdown of the timeline of deliverables anticipated to be secured by March 15, 2021 and a copy of information that is not included in the proposal outside of the scope of the project.

It was noted the Chair of Sewer Commission has issued a timeline articulating target dates, and focus dates for staff information. The schedule is tight, but the Town remains optimistic that all will fall into place.

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Wastewater Discussions: (continued)

It was agreed the information; 75% design to be provided by the project engineer by March 15, 2021 will be forwarded directly to the Finance Committee and a special meeting is likely to be called. There are multiple layers of the project scope that require additional review and refinement. Objective decisions would be presented in detail. The timeline will be a useful tool for the taxpayers outlining the schedule and sequence of the events.

All parties involved in the process will receive the same information working toward a good faith group action. The Town of Mashpee is in a good position to receive substantial assistance from the Clean Water State Revolving Fund and from the Cape Cod & Islands Water Protection Fund and details are generally refined in the ongoing process.

With respect to the Environmental Report preliminary work is complete and the issue of the plume has been fully vetted within the compliance process. There is no reasonable anticipation this would become a potential impediment. Analysis shows there is no meaningful impact to the landfill plume.

**ADJOURN JOINT MEETING WITH THE FINANCE COMMITTEE**

**Mr. McKelvey motioned to adjourn the joint meeting at 8:15 p.m.**

**Motion seconded by Mr. Brady.**

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

**Roll Call Vote:**

<b>Mr. Pettengill, yes</b>	<b>Mr. McKelvey, yes</b>	<b>Mrs. Furbush, yes</b>	<b>Mr. Richardson, yes</b>
<b>Mr. Miller, yes</b>	<b>Mr. Brady, yes</b>	<b>Mr. Carrier, yes</b>	<b>Opposed, none</b>

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## OLD BUSINESS

### Update, Discussion and Possible Action Relative to COVID-19:

It was reported that a regional clinic; 1035 doses is scheduled to be held on Wednesday, February 10, 2021 at the Melody Tent site location in Hyannis for those 75 years and older.

There is concern as the Upper Cape region is receiving a limited amount of the vaccine. Many seniors do not have computer access to schedule appointments for the vaccination. The Council on Aging Department in coordination with Human Services is coordinating efforts to provide assistance. A van is available for those who are isolated or have limited abilities to schedule and access the site locations for immunization. Based on the need there are insufficient vaccinations. It is hopeful conditions would improve.

## NEW BUSINESS

### Discussion of Communications Consultant:

With a tight timeline in presenting the wastewater project to the voters Town Manager Rodney C. Collins requested the Select Board retain the services of a Communications Consultant. For timely notification and for transparency a professional with a communications skill-set would be highly desired to disseminate information appropriately in a timely manner.

**Motion made by Selectman Gottlieb to authorize the Town Manager to employ the services of a Communications Consultant as referenced.**

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

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

### **Roll Call Vote:**

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

## TOWN MANAGER UPDATES

ABCC Advisory: Effective February 8, 2021, restaurant capacity indoors has increased to 40% from 25%.

## ADJOURNMENT

**Motion made by Selectman Gottlieb to adjourn at 8:33 p.m.**

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

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

### **Roll Call Vote:**

Selectman Cotton, yes	Selectman O'Hara, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman Weeden, 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: February 11, 2021

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

From: Stephanie A. Coleman, Administrative Secretary 

Re: Special Event Application – Heroes in Transition, Ruck4Hit Not your Ordinary  
Challenge Weekend

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#### Description

Discussion of the Special Event Application for the Ruck4Hit Not your Ordinary Challenge Weekend, hosted by Heroes in Transition.

#### Background

The proposed event is scheduled to take place beginning 6:00 A.M. Friday, April 30, 2021 through 12:00 P.M. Sunday, May 2, 2021 at Heritage Park.

Ten (10) to twelve (12) teams of up to ten (10) people will set up camp at Heritage Park for a period of time during the weekend. Teams will be required to bring their own tents/pop ups and other gear they will need throughout the weekend. Heroes in Transition will provide portable toilets and trash pick-up. The applicant is proposing to utilize part of the Recreation Department parking lot for portable toilets. Participating teams will not be at the field at the same time so the number of participants will constantly fluctuate throughout the weekend.

#### Recommendations

**Health** – Approved, no additional comments.

**Building** – Approved, tents over 400 sq. ft. will require a building permit.

**DPW** – Approved, applicant will be responsible for providing portable toilets and for trash removal. Location of the toilets should be coordinated with the DPW. Heritage Park will remain open for other users. Participants in the event should use only the row of parking spaces in the front or the middle parking lot (Spaces closest to the playground should be left open for playground users.) Field 1 is irrigated. Placement of tents may be limited to avoid puncturing the irrigation lines or damaging the heads. DPW will mark out areas for tents and/or can meet someone on site.

**Fire** – Approved, organizers are to be aware of the best access for emergency apparatus if an incident occurs. Ashumet Road for the rear fields and Main Street for the front.

**Police** – Approved, no additional comments.

## **Heroes in Transition “Ruck4HIT Not Your Ordinary Challenge Weekend”**

**April 30<sup>th</sup> – May 2<sup>nd</sup>**

Each year we do our event on the first weekend in May. Below are the details as we have them planned right now. Due to the nature of the event and its reach, having ample time to advertise will help us raise even more awareness and funding for the veterans and military families we serve.

### **Information similar to this will be part of our advertising:**

Looking for something to train for this winter? Do you like to Ruck, Run, Walk, Bike, Paddle, Swim or Hike? Create a team, join a team or participate solo and help us to raise awareness and funds for Heroes in Transition!

A minimum donation enters you into the weekend challenge. All miles that you cover during the weekend will count towards the overall goal—to see how many miles we can collectively ruck, run, walk, bike, paddle, swim and hike--while wearing a ruck sack/backpack or something similar to symbolize the burdens our men and women of the armed forces carry each day.

***“As every service member is forced to carry the burden of war during active service and beyond, carrying the ruck sack is symbolic of hardships endured and the perseverance required to complete the mission.”***

- **Who:** This event is for everyone that wants to support the mission!
- **When:** 6AM Friday, April 30- 12PM Sunday, May 2, 2021
- **Where:** Anywhere! We will also have a Home base for teams in Mashpee!
- **What:** Challenge yourself to participate in something you have never done before. Want to paddle a 10k? Want to walk a 5k? Looking to ride 100 miles? Have you ever wanted to run 20 miles? NOW is the time to think outside the box and challenge yourself—while raising awareness and funds for Heroes in Transition!

**Use of Heritage Park for the Challenge Weekend:**

The Ruck4HIT event was designed to mimic the experiences of the men and women of the armed forces. One of the most important aspects of the event is the comradery shared from participant to participant and team to team. Using Heritage Park as a “Home base” for our teams allows us to be together while remaining socially distanced and following COVID protocols for the given dates. Heritage Park is an ideal location for many reasons:

- Space and Size of the field: Allows for social distancing
- Safety: sidewalks on the road and the park is paved for nighttime use.
- Visibility/exposure: For the teams and for HIT
- Close to our sponsor: Cape Cod Coffee is continuing to support our cause!

10-12 Teams (5-10 people) will be setting up “camp” for a period of time during the weekend. Teams will be required to bring their own tents/pop ups and other gear they will need throughout the weekend. Heroes in Transition will provide porta potties and trash pick-up. Our thought, if possible, would be to use part of the Recreation Department parking lot for porta potties—making sure that the fields are kept in the same great condition they are always in. All teams will not be at the field at the same times so the number of participants will constantly fluctuate throughout the weekend.

The attached map shows the area that we are requesting to use for the weekend. Participants may use the paved path around the fields to log miles throughout the weekend.

Thank you for your consideration and support throughout the years!







# 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: February 9, 2021

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

From: Stephanie A. Coleman, Administrative Secretary

Re: Appointment to the Zoning Board of Appeals

#### Description

Discussion and approval of the appointment of Charles P. Reidy III to the Zoning Board of Appeals as an Associate Member, term to expire June 30, 2023.

#### Background

At their meeting on Tuesday, February 2, 2021 the Zoning Board of Appeals voted to recommend appointing Charles P. Reidy III as an Associate Member.

#### Recommendation

For your reference attached is correspondence from the Board approving the recommendation and Mr. Reidy's letter of interest in addition to his resume.

## Stephanie Coleman

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**From:** Mary Ann Romero  
**Sent:** Wednesday, February 3, 2021 11:41 AM  
**To:** Stephanie Coleman  
**Cc:** Terrie Cook  
**Subject:** ZBA Letter of Interest - Charlie Reidy  
**Attachments:** Letter of Interest to Join ZBA -Charlie Reidy.pdf

Good morning;

See attached. At last night's ZBA hearing, the Board voted and accepted Charlie Reidy to become an Associate Member.

Can you please add his letter of interest to be on the next available Selectmen's Agenda for their review. Thank you!

Best regards,

Mary Ann Romero | Administrative Secretary  
Office of Zoning Board of Appeals  
Town of Mashpee  
16 Great Neck Road North 02649  
508-539-1400 Ext. 8558  
[mromero@mashpeema.gov](mailto:mromero@mashpeema.gov)

February 5, 2021

**Board of Selectmen  
Mashpee, MA. 02649**

**Re: Zoning Board of Appeals**

**Dear Members of the Board of Selectmen:**

I am writing to confirm my interest in applying for a position on the Mashpee Zoning Board of Appeals.

I am 78 years old and a resident of the Town of Mashpee. My work life was spent as a lawyer and Senior Partner at the firm of Martin, Magnuson, McCarthy & Kenney in Boston, a law firm founded by Edward Hennessey, former Chief Justice of the Massachusetts Supreme Judicial Court. A copy of the information relative to my professional background is enclosed. I retired from the practice of law in 2016.

I have lived on the Cape either part time or full time since the late 1980's. My wife and I bought our first Cape vacation home in New Seabury in the late 1980's and have continued to own homes in either Mashpee or Cotuit since then. From 2002 I have lived full time on the Cape. In 2005 we moved from Mashpee to Cotuit and lived there until 2019. My wife died in 2017 and I moved back to Mashpee in February 2019 and live in Stratford Ponds. I served on the New Seabury Board of Managers for a number of years and over the years have served on the Boards of a number of professional and civic organizations. I currently serve as Vice Chairman of the Board of Directors of Gosnold, Inc.

I do wish to remain active and involved in my community and have more than enough time and hopefully enough skills to do so. Despite the cold and sometimes snow of the wintertime Cape, I live here year round and have no plans to change that.

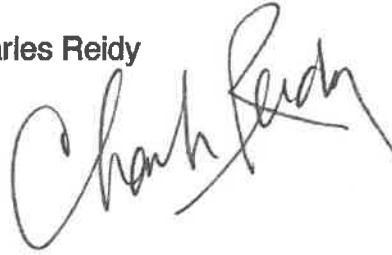
I look forward to the opportunity to give my time, service and whatever skills I have to the community I enjoy so much. I believe that service as a member of the ZBA would give me that opportunity.

**Please do not hesitate to contact me if any additional information is required.**

**My address is Mashpee. My cell is . My email is**

Thank you for your consideration.

Charles Reidy

A handwritten signature in black ink, appearing to read "Charles Reidy". The signature is written in a cursive, flowing style with a large initial "C" and a long, sweeping underline.

cc w/enclosures

Mary Ann Romero  
Administrative Secretary  
Zoning Board of Appeals

# Charles P. Reidy III

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**Charles P. Reidy III - Senior Counsel**  
Boston, Massachusetts



Charlie Reidy joined Ray Kenney and Clem McCarthy at MMM&K in September 1968 after serving a year as a Law Clerk to the Justices of the Massachusetts Superior Court. During that year at the Superior Court, Mr. Reidy clerked for Judge Edward Hennessey who had founded the firm before leaving for the Court and it was Judge Hennessey who recommended Charlie to Ray and Clem. Mr. Reidy graduated from Providence College in 1964 and graduated from Boston College Law School in 1967. While at Boston College Law School, he served as Editor and Staff Writer for the Industrial and Commercial Law Review.

Since joining MMM&K in 1968, Mr. Reidy has worked almost exclusively as a trial lawyer and has tried significant matters in the areas of professional liability on behalf of health care providers, architects, engineers as well as matters involving various product manufacturers. Over his career at the firm, he has had in excess of 350 jury trials in the State and Federal Courts of the Commonwealth and has argued appellate matters in the Massachusetts Supreme Judicial Court, Massachusetts Appeals Court and United States Court of Appeals for the First Circuit. He has represented physicians before the Massachusetts Board of Registration in Medicine, nurses before the Massachusetts Board of Registration in Nursing and dentists before the Massachusetts Board of Registration in Dentistry.

In 1985, Mr. Reidy was selected as a Fellow of the American College of Trial Lawyers, a position of honor also held by his present and former partners, Clem McCarthy, Ray Kenney, Ted Mahoney and Paul McTague. Over the years, he has been selected and listed in Best Lawyers in America, Top 100 New England Super Lawyers and Massachusetts Super Lawyers.



He has often been invited to lecture on various topics relating to trial of cases, medicine and the law at seminars presented by various bar associations throughout the Commonwealth, as well as hospitals and insurers. He has served as a Hearing Officer on the Board of Bar Overseers of the Supreme Judicial Court.

He and his wife Jane have been married since Boston College Law School. They have four children. Their son Kevin is a partner at MMM&K and is also a trial lawyer.

**Bar Admissions:**

Massachusetts,  
U.S. District Court District of Massachusetts  
U.S. Court of Appeals 1st Circuit

**Education:**

Boston College Law School, Boston, Massachusetts, 1967  
J.D.  
Industrial and Commercial Law Review, 1966 - 1967  
Providence College, 1964  
A.B.

**Published Works:**

Massachusetts Automobile Law and Practice (Co-Author), West Publishing Co.  
Contributor, Massachusetts Courtroom Advocacy (MCLE)  
Contributor, Massachusetts Deposition Practice Manual (MCLE)

**Honors and Awards:**

Fellow, Massachusetts Bar Foundation  
Fellow, American College of Trial Lawyers  
State Committeeman, 1988 - 1992  
Listed in the Best Lawyers in America  
Listed in Massachusetts Super Lawyers  
Listed Top 100 New England Super Lawyers

**Professional Associations and Memberships:**

Board of Bar Overseers of the Supreme Judicial Court, 1987 - 1991  
Member, Hearing Committee  
Massachusetts Bar Association  
Massachusetts Academy of Trial Attorneys, 1985  
Board of Governors, 1985

## **Practice Areas**

Product Liability

Civil Litigation

Medical Malpractice

Appellate Practice

Construction Litigation

## **Awards**

# Super Lawyers





**Terrie Cook**

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**Subject:** FW: CPC

**From:** David Harsch  
**Sent:** Thursday, February 18, 2021 2:52 PM  
**To:** Terrie Cook  
**Subject:** Community Preservation Committee

**WARNING! EXTERNAL EMAIL:** : This message originated outside the Town of Mashpee mail system. DO NOT CLICK on links or attachments unless you are absolutely certain the content is safe.

To the Board of Selectmen:

Please accept my resignation from the above Committee immediately.

And thank you for the opportunity to serve Mashpee again. I feel that this is a good time to move on since there are no projects pending

Sincerely,  
David Harsch



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

**MEMORANDUM**

**February 18, 2020**

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

FROM: Ashley Fisher, Director of Natural Resources

RE: Recommendation to Approve Revised Mooring Regulations

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Description

Changes to the Town of Mashpee Mooring regulations are long overdue. It has been over 9 years since any updates to the town's mooring regulations have been made. The described changes below are necessary to continue to manage the town's moorings efficiently.

Background

The last update to Mashpee Mooring Regulations was made in 2011. Since that time the Harbormaster Division has shifted from a paper-based mooring payment system to an on-line tracking system. The current mooring regulations are inadequate and lack the ability to manage moorings with-in the Town of Mashpee. These changes have been modified while observing the current mooring system for over 18 months and will bring the Mashpee Mooring system in to the 21<sup>st</sup> century and continue to allow the Harbormaster to manage and execute his authority as defined with Massachusetts General Law and Local By-Laws.

Changes Made to Existing Regulations:

**Fees:**

Initial Waitlist Fee – increased from \$5.00 to \$20.00  
Waitlist Renewal Fee – increased from ZERO to \$15.00  
Dingy Rack Waitlist Fee - increased from ZERO to \$10.00  
Dingy Rack Fee – increased from ZERO to \$40.00

Waitlist fee increases will allow us to maintain a well-managed waitlist, right now there is no renewal fee for the waitlist, this allows people to be on the waitlist and never accept and application but only delay the process in giving out new moorings, as we have to go through the “dead” waitlist application before we go to people who want a moorings.

Dingy Rack fee will cover the cost of adding them into Mooring Info and the time spend on the management of the racks and users, along with enforcement of who is in what rack.



## TOWN OF MASHPEE

### DEPARTMENT OF NATURAL RESOURCES

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**NO OTHER FEE CHANGES** – our mooring fees are higher than all surrounding towns, but we have no marine services that other towns offer, i.e. marina, town landing, and floating dingy docks. I feel at this time we don't need to increase our mooring fees.

**Removed "Out-Hauls"** – We have no out-hauls for moorings with-in the town, but I have heard that some people might be using this loop hole to have a mooring where they can't have a dock, in a situation where they could transit over a salt marsh. Since I have no authority to stop people from walking through a salt marsh, I can cut out the "out-haul" part and prevent them from having this type of mooring.

**Upgraded Mooring Equipment** – All required mooring equipment has been upgraded to match industry standard. The previous Director required only "American" made hardware but I don't think there is any difference in hardware and if they getting mooring inspections done and hardware replaced it doesn't matter where it comes from.

**Inspection Interval** – Changed fresh water inspections to every SIX years, since most mooring providers won't travel to the lakes to do inspections, I have increased the interval to SIX years to give more flexibility in owners getting an inspection done.

**Billing Period** – Changed from 31<sup>st</sup> of April to 30<sup>th</sup> of March, a four month period to pay you mooring only delays the process and issuing of new applications. Also this backs up the Harbormasters at the same time they are placing the navigation aids in the water and training new Assistant Harbormasters. Removed late fee, and instead instituted a removal of the permit if not paid with-in time period. The current software we use for mooring payments doesn't allow a "late" so removing the permit is a strong penalty.

**Winter Sticks** - Changed dates from "early October to May 31<sup>st</sup>" to 1<sup>st</sup> October to May 31<sup>st</sup>, this aligns with dates and present a uniform approach to when changes may be made to moorings.

**Dingy Rack** –The Harbormaster updated the dingy rack regulations to have all dinghies removed by the 15th of November, right now people keep their dinghies in the rack year round. This will lead to abandonment of the dinghies; having each owner remove there dingy by the middle of November will stop this action.

**Anchoring** – The Town of Mashpee has no anchoring verbiage in the any mooring regulations, since anchoring is in effect a type of mooring, this addition to the mooring regulations will put a limit on any boat that would anchor with-in the Towns waters.

**Waiting List** – Updated numerous incorrect information and formatting in waiting list, also add fee changes to wait list and an annual renewal fee of waitlist.

**Placement** – Add comments and instructions that the Harbormaster control all placement of moorings with-in each mooring field. Owners are no longer allowed to request a mooring location and each mooring is placed in position that the Harbormaster deems necessary based on safe navigation.

**Proof of Liability Insurance** - All boats greater than 20' shall have at a minimum Boat Liability Insurance with the following coverages:

- a. Pollution Liability: coverage in the event of the fuel spill.
- b. Wreckage Removal: covers the legal obligation to remove debris after an incident.



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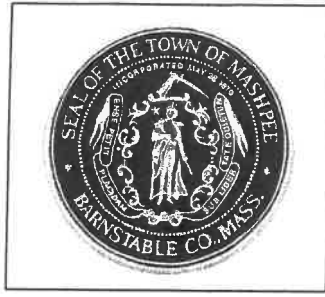
Recommendation

The Department of Natural Resources along with the Waterways Commission is recommending that the Mooring Regulations be revised as seen in the attached “DRAFT Town of Mashpee Mooring Rules and Regulations”. Remove the Board of Selectman Policy regarding Mashpee moorings to eliminate redundancy and outdated information. There is no need to have both Mooring Regulations and a Board of Selectman Policy regarding moorings.

Pros and Con

Pros – Updating the mooring regulations will enhance the mooring regulations and close loop holes with-in the town’s current regulations and will stop unsafe practices. Adding fees for storage of dingy racks will allow a funding stream to continue to maintain the current dingy racks on town property. Making changes to the waiting list fees and renewals fees will bring control to the mooring waiting lists. The current waitlists are fast approaching over 1000 people.

Cons – Failure to allow the update of mooring regulations will continue to hamper the Harbormaster in the exaction of his duties. Failure to update the mooring fees for waitlists and dingy racks will continue to allow mooring holders to use town maintained and funded facilities without a usage fee.



## Town of Mashpee Mooring Rules and Regulations

Massachusetts General Law Chapter 91, Section 10A, and Mashpee General Bylaw, §170-9.B provide that individuals who wish to moor or anchor a vessel, boat, raft or float in the territorial harbors and waters of the Town of Mashpee must first obtain a permit from the Harbormaster. Additionally, Mashpee has adopted Use of Waterways Bylaws (Chapter 170) as well as Regulations promulgated by the Board of Selectmen and Harbormaster pertaining to moorings.

Under the authority of Massachusetts General Laws, Chapter 90B, Section 15, Chapter 91 and Chapter 102, Sections 21 through 26; 310 CMR §9.07; Chapter 170 of the Bylaws of the Town of Mashpee, and any other enabling authority, the following Mooring Rules and Regulations are promulgated and effective as of February 23, 2021.

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## **1. Permits**

These Regulations shall govern mooring permits in the Town of Mashpee. For purposes of these Regulations, a "mooring" shall mean any location or structure to which a vessel, boat, raft or float (hereafter, collectively referred to as "vessel") is secured by mooring tackle, including anchors, chains, hawsers, bridles, or other such equipment, which is subject to the permitting requirements hereunder. The only vessel allowed on a permitted mooring shall be the one registered to that mooring. Multiple mooring permits will not be issued for the same vessel. Non-commercial moorings are limited to one mooring permit per vessel, and a maximum of three mooring permits per household, which, for the purposes of this Regulation shall mean a family or group of people who live in the same dwelling unit.

## **2. Mooring Renewals**

The Harbormaster will NOT accept any incomplete permit applications:

1. Permit Application Form;
2. Non-Refundable Application Fee;
3. Proof of valid and current boat/ vessel insurance with declarations page showing amount of coverage and fuel spill coverage.
4. Permittee agrees to maintain in full force and effect during the term of the mooring permit and thereafter for so long as Permittee is in occupancy of the mooring location liability insurance issued by a reputable insurance company qualified to do business in the Commonwealth of Massachusetts, evidencing: (a) customary "all risk" hull insurance to insure the full declared value of the boat/vessel and related equipment from damage or theft for the full insurable amount thereof, such insurance to include wreck removal coverage, (b) public liability insurance in the amount of not less than \$500,000 per occurrence or in the aggregate, (c) fuel spill coverage, in the amount of not less than \$500,000 per occurrence or in the aggregate.
5. The Certificate(s) of Insurance evidencing the afore-mentioned coverage shall name the Town of Mashpee as an additional insured and as a certificate holder entitled to notice under all such insurance policies.
6. Current Boat Registration (Required for motorized vessels ONLY) the name on the boat registration must match; insurance and Release and Waiver of Claims. Boats/vessels without a registration, such as a sailboat or a rowboat, do require a Sail Number or a Hull ID.
7. Proof of payment of current Mashpee boat/vessel excise tax.
8. Executed Release and Waiver of Claim form. (Must be notarized and provide primary residence address).

### **3. Term of Annual Permits**

Mooring permits are issued for a one year term on a calendar-year basis and must be renewed annually. All such permits shall expire on December 31<sup>st</sup> unless surrendered by the permit holder or revoked by the Harbormaster for good cause at an earlier date.

### **4. Transfers of Permit**

There is no correlation between property or vessel ownership and the mooring permit. Mooring permits are not transferable when a permitted vessel or property is sold. Moorings may be transferred to immediate family members upon approval of the Harbormaster as allowed in 310 CMR §90.7 (2) (d).

### **5. Use, Lack of**

If a permit holder fails to use their mooring for less than 14 days during a calendar year, the Harbormaster may revoke their permit.

If a permit holder discontinues use of the mooring permanently, he or she shall notify the Harbormaster within 10 days. The mooring and mooring tackle shall be removed by the owner at that time, or it shall be subject to removal at the permit holder's expense as provided in Chapter 170 of the Bylaws.

### **5. Renewal of an Existing Permit**

Mooring permits are renewable each year and must be renewed by March 31<sup>st</sup>. If a renewal application is not received by the Harbormaster or postmarked by March 31<sup>st</sup>, it may be revoked and deemed nonrenewable. Renewal Applications received or postmarked after March 31<sup>st</sup> shall be deemed untimely, and the permits to which they relate shall be revoked and non-renewable. Mooring number(s) shall, whenever possible, be retained from year to year, but the Harbormaster may reassign numbers if renewal is not timely.

### **6. Annual Mooring Fees**

Fees are based on boat length or float size.

- Boats or floats up to 20' or less is \$200.00.
- Boats 20'+ to 25' = \$250.00.
- Boats 25'+ to 30' = \$300.00
- Boats 30'+ and up = \$400.00.
- Commercial moorings are \$400.00 per mooring



## **7. Temporary Mooring Users**

A non-commercial mooring permit holder may allow their mooring to be used by another party/ a different vessel for no more than 30 days or 2 different vessels during a calendar year only upon approval of the Harbormaster. A temporary mooring permit request form must be submitted by the mooring permit holder at least one week prior to the use of the mooring by another party / vessel. The Harbormaster will ensure that an appropriately-sized vessel will be on the mooring, i.e. length-draft, and then may issue a temporary mooring permit if the Harbormaster determines that said vessel will not interfere with use of the mooring field area or navigation therein.

A temporary mooring user shall be responsible for the preservation and maintenance of the mooring during their use, and upon discontinuance of said use, shall leave the mooring in the same condition as when their temporary use commenced.

Rental or unauthorized use of a non-commercial mooring is forbidden and may result in immediate revocation of a mooring permit by the Harbormaster.

## **8. New Vessel or Change in Vessel Size**

If, at any time during the term of a mooring permit, a mooring permit holder wishes to change the vessel authorized to be on the mooring they must submit a Change of Boat Request form to the Harbormaster. Such vessel change requests shall not be approved if the Harbormaster determines, in his or her discretion, that the replacement vessel is not appropriate for the mooring location.

Denials of vessel change requests may be appealed, in writing, to the Director of Natural Resources.

## **9. Moving, Relocating, Removal of Moorings**

Moorings shall not be moved from an approved location without prior approval of the Harbormaster.

If for any reason the approved location of a mooring is not deemed adequate for the vessel by the permit holder, it shall be the responsibility of the permit holder to move the mooring within ten (10) days, to a new location approved by the Harbormaster.

In the event that a mooring is moved from its approved location by a storm, ice, or other cause, it shall be the responsibility of the permit holder to, at the earliest possible opportunity, but in no event later than (14) days from the date of the dislocation of the mooring or the date when the dislocation is or could reasonably have been discovered, whichever is earlier, relocate the mooring to the location originally approved or to another location approved by the Harbormaster.

The Harbormaster may relocate, remove or cause to be removed or relocated any mooring or vessel whenever, in his/her judgment, the safety of other vessels or the maximum use of the mooring area requires such action.

Any expense of such inspection, removal or relocation and any liability incurred on account thereof shall be the responsibility of the permit holder/mooring owner.

## **10. Lost Moorings**

In the event that a mooring is lost it shall be the responsibility of the permit holder/owner to, at the earliest possible opportunity, locate, mark, and properly identify the lost mooring.

If after (6) months the permit holder/owner fails to locate, mark, and properly identify a lost mooring, the approved mooring location shall be deemed abandoned and the mooring may be removed by the Harbormaster.

## **11. Billing**

The Harbormaster will facilitate mooring bills being sent each year. Bills will be mailed or emailed after January 1<sup>st</sup> of that calendar year. Payment must be received by the Town no later than March 31<sup>st</sup> of that same year (the year of use). Mooring permit holders must notify the Harbormaster, in writing or email, of any address changes.

The mooring permit holder is responsible for making the annual payment each year. **Renewal notices are sent as a courtesy only, non-receipt of an annual mooring permit bill is not an excuse or justification for late payments.**

## **12. Mooring Specifications**

1. Substitutions of similarly sized or type mooring anchors are not permitted without approval of the Harbormaster. Elastic mooring rods are acceptable with use of the manufacturer's specifications and approval from the Harbormaster.

The mooring tackle specifications outlined below are minimum standards and are not designed to meet severe weather conditions. If severe weather is predicted, the prudent mariner should take additional measures, including removal of the vessel from the water or relocation to a more protected harbor.

### **Mooring Anchor Minimum Size Requirements**

<u>Boat Length</u>	<u>Weight of Mooring Anchor</u>
Up to 15 feet	100 pounds
15 to 19 feet	150 pounds
20 to 24 feet	200 pounds
25 to 29 feet	300 pounds
30 to 35 feet	400 pounds
35 to 39 feet	500 pounds
40 and longer	700 pounds

**NOTE: These mooring anchor requirements are for new or replaced moorings.**

**Allowed Mooring Anchors:** Steel (or cast iron) mushroom, pyramid, or helical screw.

**Not Allowed Mooring Anchors:** Cement blocks, granite blocks, radiators, engine blocks, etc.

### Scope and Size of Chain

Length of chain shall be at least twice the depth at mean high water. Boats up to forty (40) feet shall use one-half (1/2) inch or larger; Boats forty-one (41) feet or larger shall use five-eighths (5/8) inch or larger.

### Scope and Diameter of Pennant

Length of mooring pennants (lines) shall be at least ½ the depth of water at mean high water at location of mooring.

- Vessels less than 22 feet in length shall use 1/2 inch line
- Vessels greater than 23 but less than 28 feet shall use 5/8 inch line
- Vessels greater than 29 but less than 35 feet shall use three-quarters 3/4 inch line
- Vessels greater than 36 feet shall use one 1 inch line.

**Pennant lines must be made of nylon or equivalent line having no floatability.**

During mooring inspection any defective or worn mooring hardware (shackles/swivels, chain, mooring eye connector etc.) identified by the inspector shall be replaced.

### 13. Mooring Buoys and Markings

Mooring buoys shall be at least 12" in diameter and permit numbers shall be permanently and legibly displayed on the buoy. Mooring buoys shall be white, with a blue band not less than 2 inches in width, and black numbers not less than 3 inches high on buoy. The buoy must be clearly visible at a distance of 150 feet.

### 14. Mooring Stickers

Mooring stickers shall be issued each year to the mooring holder. **The stickers shall be attached to the starboard side of the authorized boats transom for visibility (right side of the flat surface forming the back/stern of a boat).** The corresponding mooring number will be printed on the sticker before issuance. Any misuse, to include duplication, selling or gifting of mooring stickers will result in revocation of mooring permits.

### 15. Winter Spar Buoys, Sticks

Winter spar buoys (winter sticks) shall be painted white with the permit number in black letters at least three inches in size, and shall float upright at all times at not less than 45 degrees and a minimum exposed length of 18 inches above any tide level. Winter spar buoys may be used from October 1<sup>st</sup> to May 31<sup>st</sup>. Winter spar buoys which are not removed by May 31<sup>st</sup> may be considered abandoned and the Harbormaster may remove the mooring.

## **16. Maintenance**

Water-logged mooring buoys and frayed mooring pennants (lines) shall be replaced within 10 days of the permit holder being notified of such condition by the Harbormaster. Mooring pennants must be of nylon, or equivalent, but must not have any floatability.

Mooring tackle must remain in the water and at the assigned location at all times (summer and winter, see equipment guidelines listed in this regulation). Failure to comply with any and all harbor/mooring regulations may result in the loss of the holder's mooring permit or permits.

## **17. Inspections**

Inspections of all moorings shall be conducted by approved Mooring Inspectors on the current Mashpee Mooring Inspector list before the mooring is placed in service in Mashpee waters.

- Moorings in brackish or salt water shall be inspected every three (3) years.
- Moorings in fresh water shall be inspected every six (6) years.

A copy of the mooring inspection report shall be forward to the Harbormaster after completion. Failure to adhere to these regulations may result in revocation of the mooring permit to which the above equipment relates.

## **18. Annual Verifications by Harbormaster**

The Harbormaster or his/her designee may inspect and verify that the mooring numbers on the mooring balls and hull stickers (of vessel affixed to the mooring) all match as permitted and comply with these specifications.

## **19. Waitlists**

A vessel owner wishing to apply for a mooring permit must first be added to the Town of Mashpee mooring waitlist. Town of Mashpee waters are broken down into 20 different mooring zones. Each mooring applicant can apply for a mooring located in up to three mooring zones.

The mooring waitlist instructions are located on the Harbormaster webpage.

Each application is required to be notarized, and the date and time the application is received by the Town will determine the applicant's position on the mooring waitlist.

Applicants for the Mooring Waitlists shall submit the completed Mooring Waitlist Application with a twenty dollar (\$20.00) application fee. Vessel Owners unable to process an application online may do so in person at Mashpee Town Hall, or may mail the application to the Mashpee Harbormaster by certified mail.

Applicants on the waitlists are responsible for notifying the Harbormaster, in writing, of any address, phone number and email change. Failure to notify the Harbormaster of an address change may result in lack of notification to the applicant when an opening occurs. Lack of notification due to an unknown or changed applicant address will cause the removal of the applicant from the waitlist(s).

## **20. Waitlist Annual Renewal**

Mooring waitlist applications must be renewed each calendar year during the months of January to March. Each waitlist applicant will receive either via email or mail a renewal form that they must verify and return to the Harbormaster office by the 31st of March to continue to maintain their place on the waitlist. The cost to renew a mooring waitlist application is \$15.00 and is paid by check.

Failure to renew the mooring waitlist will result in removal of the waitlist application and will require the applicant to reapply for the waitlist.

It is the responsibility of the waitlist applicant to ensure that the Office of the Harbormaster has a current legal mailing address and/or current e-mail address for the applicant. A delayed receipt or non-receipt of a waitlist renewal form via mail or electronically due to a failure of the applicant to provide the Office of the Harbormaster with a current legal mailing address or e-mail address will not be grounds for reinstatement of their placement on the waitlist if the delay or non-receipt of the renewal form results in their removal from the waitlist. Ultimately, it is the responsibility of the applicant to renew the waitlist(s) by March 31st of each year, whether or not that individual has received a renewal notice.

The mooring waitlist renewal fee is a tool used by the Harbormaster to maintain a true and honest waitlist that only has boat owners that have a strong desire to have a mooring in Mashpee waters.

## **21. Placement**

Moorings located within the Town of Mashpee have been marked and mapped with in the computer program "Mooring Info". Moorings shall not be moved without the written approval of the Mashpee Harbormaster.

Any mooring may be inspected, removed, or relocated (within the same mooring field), by the Harbormaster whenever, in his judgment, the safety of other vessels or the maximum use of the area requires such action.

## **22. Abandonment**

Abandoned moorings will become the property of the Town of Mashpee Harbormaster. Owners of moorings are required to arrange for the removal of moorings no longer wanted. Owners may be responsible for the fees associated with the removal of abandoned moorings.

### **23. Voluntary Surrender**

Mooring permit holders who no longer wish to maintain their mooring permit may gift, in writing, their equipment to the next person on the waitlist. The person receiving the gift must perform an inspection of the gifted equipment before use, regardless of the last inspection date. The Harbormaster must receive a copy of the gifting letter prior to the transfer of ownership being made.

### **24. Revocations/Violations**

Revocations of mooring permits or waitlist placements may be appealed in writing to the Mashpee Director of Natural Resources or his/her designee.

Violations of these Regulations will be marked in the following way:

**Illegal Moorings:** Illegal moorings will have a tag attached that notifies the permit holder of the violation. After five days the mooring may be impounded and the owner liable for any expenses for its removal. Moorings impounded and not claimed will become the property of the Mashpee Harbormaster as outlined in M.G.L. 91. The associated mooring permit is subject to revocation for this violation.

**Unauthorized Vessels:** Vessels attached to an illegal mooring, vessels that are not permitted, vessels that are not displaying a hull sticker (mooring permit number) as outlined in these Regulations shall be subject to impoundment. Any fees or costs associated with the impounding of vessels in violation of these Regulations will be the responsibility of the vessel owner. Unclaimed vessels will become the property of the Mashpee Harbormaster as provided in G.L. 102. The associated mooring permit is subject to revocation for this violation.

### **25. Safety Revocation**

Moorings that become a hazard to property or persons may be impounded at the discretion of the Harbormaster and may cause revocation of the mooring permit issued therefor.

### **26. Suspension of Mooring Use**

Permitted moorings shall submit vessel information for the mooring license number on an annual basis. Suspensions of use may be requested by the permit holder/owner by written request to the Harbormaster explaining the reason for the suspension (illness, military deployment, etc.).

Suspensions of use may be granted by the Harbormaster for no more than two years. Upon expiration of the second year, the permit holder shall forfeit the mooring and remove their mooring tackle within 30 days. The mooring will be assigned to the next person on the waitlist by the Harbormaster.

## **27. Unauthorized Use**

Allowing a vessel other than the one registered to the mooring to be placed on the permitted mooring may result in revocation of the mooring permit, unless the vessel is permitted under the temporary mooring permit provisions of these Regulations.

## **28. 10A Floats**

10A Floats cover a broad spectrum of bottom anchored objects, this will include but not limited to swim platforms, inflatable swim platforms, swim rafts, docks without pilings, etc. issued by the Harbormaster within the Town of Mashpee they shall all have a mooring permit as outlined in this regulation. All fee schedules and renewals shall apply.

10A floats will display, in 3 inch numbers, the permit number assigned to the float. These numbers shall face away from the land, toward the marked channel when possible.

## **29. Dinghy Rack Regulations**

### **Dinghy Racks**

Dinghy racks are the sole location permitted for storage of dinghies on land owned by the Town of Mashpee for more than 24 hours at one time. There is a forty dollar (\$40.00) annual fee for use of a dinghy rack.

### **Dinghy Size**

Dinghies stored on dinghy racks shall not exceed thirteen feet in length.

### **Securing Dinghy**

Dinghies shall be secured to the dinghy rack or other secure fixed object. The method used shall ensure that the dinghy will not float or blow away during extreme weather.

### **Liability for Dinghy**

Dinghy owners store their dinghies on dinghy racks do so at their own risk and peril. The Town of Mashpee is not responsible for any loss or damage to any dinghy stored as provided in these Regulations.

### **Assigned Dinghy Locations**

Dinghies shall only be placed on assigned locations, by number, and permit. Mooring holders shall have sole use of dinghy racks and shall display assigned permits for dinghy storage.

### Discontinuance of Use of Dinghy Racks

Any person with a permit to store a dinghy on a rack must notify the Harbormaster in writing of their intent not to use the rack for any given season. Discontinuance of use for more than 3 months or lack of notification of such discontinuance to the Harbormaster shall result in revocation of the dinghy rack permit.

### Dinghy Waitlist

The dinghy waitlist shall be maintained in the same manner as the mooring waitlist. A \$10.00 waitlist fee is required each year to remain on the waitlist. The applications will be placed on the waitlist in the order they are received, with the first available permit going to the first person on the waitlist. Dinghy racks may be assigned only to mooring holders in the adjacent mooring field.

### Winter Removal of Dinghies

All dinghies shall be removed from their assigned racks prior to the 15<sup>th</sup> of November each calendar year. Such removal will allow for the maintenance and repair of the dingy rack spaces. No dinghies shall be placed in their assigned spaces prior to the 1<sup>st</sup> of April.

### Violations of Regulations

Any violation of these Regulations may result in revocation of a dinghy rack permit at the discretion of the Harbormaster.

## **30. Anchoring within Town of Mashpee Waters**

No vessel may be anchored in the waters of the Town of Mashpee for more than eight days, total, per calendar year, without the consent of the Harbormaster. Anchoring shall be prohibited within all designed mooring areas. Anchorage is at the discretion of the Harbormaster.

All aforementioned forms and documents can be found under the Department of Natural Resources section of the Mashpee Town website at [www.mashpee.ma.gov/harbormaster](http://www.mashpee.ma.gov/harbormaster)



**Mooring Permits & Regulations**

Under the provision of Chapter 102, Section 21, Massachusetts General Laws, individuals wishing to moor or anchor a boat or vessel in the various harbors or waters within the Town of Mashpee must first obtain permission from the Harbormaster.

**1. General Regulations**

- a. The term "Harbormaster" wherever used in these Regulations shall also include the Assistant Harbormaster.
- b. Permits issued hereunder shall be for a period of one (1) year, terminating on December 31 of the year, unless sooner revoked by the Harbormaster for good cause, and shall be renewable each year. Requests for renewals must be made by May 1<sup>st</sup> of the following year or the mooring will be reassigned.
- c. A mooring permit shall continue to be valid only to December 31 of the current year, after the holder of said permit has discontinued using the mooring, but during such discontinuance, and during stormy weather when the holder of a permit is not using his mooring, the mooring facility shall not be refused to another boat or vessel in need of a mooring, after application to the Harbormaster and approval given by him.
- d. When a mooring is used by boat owned by one who is not the permit holder, under the forgoing provisions, the owner of said boat shall be responsible for the preservation of the mooring and he shall leave said mooring in the same condition as when the same is first used by him.
  1. If the mooring is lost or damaged during the period of use by him, he shall be liable to the holder of the permit for an amount of money which shall be fair and reasonable, the amount to be determined by the cost of replacement, less an equitable amount for use by the holder of the permit, and in case of dispute, binding upon the one using the mooring under this provision.
- e. Upon discontinuance of use of mooring, the permit holder shall notify the Harbormaster of such discontinuance within ten (10) days and shall surrender his permit to the Harbormaster.
- f. When a permit shall expire or is surrendered to the Harbormaster, the location of the mooring of the permit holder shall not be assigned by him to anyone else without the approval of the Harbormaster, and the Harbormaster shall have the right to refuse approval of such assignment if he shall have had written application for said mooring

place by anyone qualified to receive a mooring permit, previous to the time when said permit shall have expired or is surrendered, and shall have the right to assign said mooring place to the applicant.

- g. No mooring shall be moved or removed from its location in the water without at least two (2) days prior notice to and approval given by the Harbormaster.
- h. The type and adequacy of every mooring must be approved by the Harbormaster, and the exact location of the same approved by him before being placed in the water by the owner or his agent.
- i. Any mooring may be inspected, removed or relocated by the Harbormaster whenever, in his judgment, the safety or other vessels or maximum use of the area requires such action.
- j. Mooring buoys or makers shall always be clearly visible, and the number of the mooring permit and permit-holder's last name shall appear thereon in contrasting color so as to be clearly visible, said name and number to be not less than one (1) inch in height. Mooring buoys to be painted white with a blue band and must be visible for 150 feet.
- k. Spar mooring buoys shall be painted and upright at all times, and at any period of tide not less than forty-five (45) degrees and shall have a minimum exposed length of eighteen (18) inches above any tide level.
- l. Water-logged mooring buoys and frayed mooring pennants shall be replaced by permit holder within the ten (10) days after notice to do so from the Harbormaster.
- m. Mooring pennants will be nylon or equivalent but must not have any floatability.
- n. State and Town laws require that no solid waste, oil, grease, raw sewage, garbage, rubbish or debris shall be discharged from any boat, craft or vessel into inland or coastal waters.
- o. Failure to comply with any and all harbor regulations will result in loss of mooring permit.

2. Mooring Specification – Minimum Requirements – Protected Areas

- a. Bays and Inlets, such as Waquoit Bay, Big and Little Rivers, Popponesset Bay and its Inlets.
- b. Hairpins or eyes in blocks must be twenty-five percent (25%) heavier than chain specifications.

1. Mushroom

<u>Length of Boat</u>	<u>Mushroom</u>
Under 16'	50
10' to 19'	75
19' to 26'	100
26' to 30'	150
31' to 40'	200

2. Scope and Size of Chain:

Length of chain shall at least be from the ocean floor to two (2) feet above mean high water. Boats up to twenty-six (26) feet shall use three-eighths (3/8) inch or larger chain, and boats from twenty-six (26) feet to forty (40) feet shall use one half (1/2) inch or larger chain.

3. Scope and Diameter of Pennant:

Length of mooring pennants shall be two (2) times the depth of water at mean high water where mooring will be located. Boats up to twenty-six (26) feet shall use one-half inch, and boats over twenty-six (26) feet in length shall use five-eighths (5/8) inch nylon or equivalent, and pennants will not have any floatability.

***Adopted by the Mashpee  
Board of Selectmen  
May 1, 1986***

**Town of Mashpee  
Mashpee High School  
500 Old Barnstable Road  
Mashpee, MA 02649  
Special Town Meeting  
Monday, May 3, 2021**

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 3rd day of May 2021 at 7:00 p.m. for the following purposes:

To act on the articles contained in the following Warrant:

**Article\_**

To see if the Town will vote to appropriate and transfer the sum of \$\_\_\_\_\_ from revenue available for appropriation to the Snow & Ice Account, or take any other action relating thereto.

Submitted by the Department of Public Works

**Explanation:** This article is necessary to fund a deficit in the Snow & Ice Account.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article\_**

To see if the Town will vote to appropriate and transfer the sum of \$514.91 from revenue available for appropriation to pay the previous fiscal year's compensation and unpaid bills as follows:

Katrina Ewing	\$142.08
Christopher Roguzac	\$344.23
Massachusetts Department of Transportation EZ Pass	\$ 28.60

or take any other action relating thereto.

Submitted by the Finance Director

**Explanation:** This article is necessary to pay bills received after the end of a previous fiscal year.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article\_**

To see if the Town will vote to appropriate and transfer the sum of \$1,415,485 from revenue available for appropriation, to be deposited into the Capital Stabilization Fund, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** This article will set aside funds into the Capital Stabilization account for future capital expenditures in an effort to ensure the Town will maintain its assets at a level adequate to protect the Town's capital investment and to minimize future maintenance and replacement costs.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article\_**

To see if the Town will vote to appropriate and transfer the sum of \$850,000 from the Capital Stabilization Fund to the Natural Resources Capital Account for the purchase and customization of facilities for the Department of Natural Resources, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** the Capital Improvement Program Committee voted unanimously to recommend that the Town use Capital Stabilization Funds to purchase existing condominium units and customize those units to house the Department of Natural Resources and further to use Capital Stabilization Funds to be voted at the May Special Town Meeting for the funds to become available during Fiscal Year 2021

FISCAL YEAR 2022 CAPITAL IMPROVEMENT PROGRAM	
PLANNING & CONSTRUCTION	
DNR Facility	\$ 850,000

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article\_**

To see if the Town will vote to appropriate and transfer pursuant to the provisions of M.G.L. C. 44B, §6 to reserve from the Community Preservation Fund Budgeted for Appropriation Reserve, the following amounts:

\$32,620	10% Open Space/Recreation Purposes
\$32,620	10% Historic Purposes
\$32,620	10% Affordable Housing Purposes

or take any other action relating thereto.

Submitted by the Community Preservation Committee

The Community Preservation Committee recommends approval of Article \_\_ by a vote of 9-0.

**Explanation:** This is a "clean-up" article to meet the requirement of reserving funds from the supplemental CPA FY 2021 Trust Fund distribution. The amount of FY 2021 state reimbursement received by the Town of Mashpee was \$326,204 higher than the initial estimate and due to a surplus in the FY 2020 state budget. The initial estimate was based on a 11.2% reimbursement rate whereas a 33.3% reimbursement rate was actually received. We are required to set aside 10% of those excess funds and deposit them into each of the CPA reserves. Funding shall derive from the Community Preservation Budgeted for Appropriation Reserve.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article\_**

To see if the town will appropriate and transfer from the Transportation Network Company Per Ride Assessment (TNC) Receipts Reserved Fund, the sum of \$5,275 to the Department of Public Works Road Maintenance Account, or take any other action relating thereto.

Submitted by the Finance Director

**Explanation:** Under Chapter 187 of the Acts of 2016, certain transportation network companies must submit to the Transportation Network Company Division of the Department of Public Utilities (DPU), the number of rides from the previous calendar year that originated within each city or town and a per-ride assessment of \$0.20. The assessment is credited to the Commonwealth Transportation Infrastructure Fund and each year, one half of the amount credited to the fund is distributed by the DPU to each city and town based on the number of rides that originated in that city or town. When received, the Town is required to deposit the funds into a special revenue receipts reserved account which must then be appropriated through a vote at town meeting. The amount requesting to be transferred represents three years of assessments.

**The Board of Selectmen 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 SPECIAL 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 22nd day of March in the year two thousand and twenty one.

Per Order of,  
**Board of Selectmen**

John J. Cotton, Chair  
Thomas F. O'Hara, Vice Chair  
Carol A. Sherman, Clerk  
Andrew R. Gottlieb  
David W. Weeden

**Town of Mashpee  
Mashpee High School  
500 Old Barnstable Road  
Mashpee, MA 02649  
Annual Town Meeting  
Monday, May 3, 2021**

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 3rd day of May 2021 at 7:00 p.m. for the following purposes:

To act on the articles contained in the following Warrant:

**Article\_**

To see if the Town will vote to accept the reports of the Town officers, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** The 2019 Annual Town Report in which the reports of Town officers are presented is available at the Town Meeting and at the Town Hall.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article\_**

To see if the Town will vote to fix the salaries of the following elected officers as provided in Chapter 41, Section 108, of the Massachusetts General Laws for the period of July 1, 2021 to June 30, 2022, and further, to see if the Town will vote to appropriate, raise, and/or transfer a sum of money to defray the Town's expenses for the ensuing fiscal year, according to the following line item budget, with the maximum amount to be appropriated as shown in the column entitled "FY 2022 Department Request" (see Omnibus Budget), or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** This article seeks to fund the annual operating budgets for the various Town Departments.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of 7-0**



DEPARTMENT		FY 2021 BUDGET		FY 2022 DEPARTMENT REQUEST	FY 2022 FINANCE COMMITTEE RECOMMEND	FY 2022 TOWN MANAGER RECOMMEND
MODERATOR						
SALARY	1	200	200	200	200	
TOTAL		200	200	200	200	
SELECTMEN						
SALARY-ELECTED	2	15,500	15,500	15,500	15,500	
SALARY/WAGE	3	397,970	411,950	411,950	411,950	
EXPENSE	4	38,500	38,500	38,500	38,500	
LEG/ENG/CONSULTING	5	385,000	385,000	385,000	385,000	
TOTAL		836,970	850,950	850,950	850,950	
FINANCE COMMITTEE						
RESERVE FUND	6	57,236	100,000	100,000	100,000	
EXPENSE	7	67,000	70,000	70,000	70,000	
TOTAL		124,236	170,000	170,000	170,000	
TOWN ACCOUNTANT						
SALARY/WAGE	8	290,380	300,236	300,236	300,236	
EXPENSE	9	2,790	2,675	2,675	2,675	
TOTAL		293,170	302,911	302,911	302,911	
ASSESSORS						
SALARY-APPOINTED	10	3,000	3,000	3,000	3,000	
SALARY/WAGE	11	299,852	310,995	310,995	310,995	
EXPENSE	12	6,400	6,400	6,400	6,400	
TOTAL		309,252	320,395	320,395	320,395	
TREASURER/TAX COLLECTOR						
SALARY/WAGE	13	255,320	264,972	264,972	264,972	
EXPENSE	14	47,100	48,900	48,900	48,900	
DEBT SERVICE	15	2,500	2,500	2,500	2,500	
FORECLOSURE	16	12,000	12,000	12,000	12,000	
TOTAL		316,920	328,372	328,372	328,372	
HUMAN RESOURCES						
SALARY/WAGE	17	367,134	387,660	387,660	387,660	
EXPENSE	18	113,519	116,429	113,519	113,519	
TOTAL		480,653	504,089	501,179	501,179	

DEPARTMENT		FY 2021 BUDGET	FY 2022 DEPARTMENT REQUEST FY 2022	FY 2022 FINANCE COMMITTEE RECOMMEND	FY 2022 TOWN MANAGER RECOMMEND
<b>INFORMATION TECHNOLOGY</b>					
SALARY/WAGE	19	360,167	374,048	374,048	374,048
EXPENSE	20	314,328	326,480	314,328	314,328
EQUIPMENT REPLACEMENT	21	27,000	27,000	27,000	27,000
<b>TOTAL</b>		<b>701,495</b>	<b>727,528</b>	<b>715,376</b>	<b>715,376</b>
<b>TOWN CLERK</b>					
SALARY-ELECTED	24	91,520	93,355	93,355	93,355
SALARY/WAGE	25	98,750	105,251	105,251	105,251
EXPENSE	26	9,175	9,175	9,175	9,175
<b>TOTAL</b>		<b>199,445</b>	<b>207,781</b>	<b>207,781</b>	<b>207,781</b>
<b>ELECTIONS &amp; REGISTRATIONS</b>					
SALARY/WAGE	27	60,612	63,095	63,095	63,095
EXPENSE	28	23,000	23,000	23,000	23,000
<b>TOTAL</b>		<b>83,612</b>	<b>86,095</b>	<b>86,095</b>	<b>86,095</b>
<b>CONSERVATION</b>					
SALARY/WAGE	29	221,731	228,350	228,350	228,350
EXPENSE	30	5,336	5,420	5,336	5,336
HERRING EXPENSE	31	500	500	500	500
<b>TOTAL</b>		<b>227,567</b>	<b>234,270</b>	<b>234,186</b>	<b>234,186</b>
<b>NATURAL RESOURCES</b>					
SALARY/WAGE	32	457,685	508,932	508,932	508,932
EXPENSE	33	132,840	136,500	132,840	132,840
PROPAGATION	34	162,000	135,000	135,000	135,000
<b>TOTAL</b>		<b>752,525</b>	<b>780,432</b>	<b>776,772</b>	<b>776,772</b>
<b>PLANNING BOARD</b>					
EXPENSE	35	8,265	8,325	1,125	1,125
<b>TOTAL</b>		<b>8,265</b>	<b>8,325</b>	<b>1,125</b>	<b>1,125</b>
<b>PLANNING DEPARTMENT</b>					
SALARY/WAGE	36	135,345	142,730	142,730	142,730
EXPENSE	37	4,250	4,125	4,125	4,125
<b>TOTAL</b>		<b>139,595</b>	<b>146,855</b>	<b>146,855</b>	<b>146,855</b>
<b>TOWN HALL</b>					
EXPENSE	38	282,000	282,000	282,000	282,000
<b>TOTAL</b>		<b>282,000</b>	<b>282,000</b>	<b>282,000</b>	<b>282,000</b>

DEPARTMENT		FY 2021 BUDGET	FY 2022 DEPARTMENT REQUEST FY 2022	FY 2022 FINANCE COMMITTEE RECOMMEND	FY 2022 TOWN MANAGER RECOMMEND
<b>POLICE</b>					
SALARY/WAGE	39	4,166,642	4,404,421	4,404,421	4,404,421
EXPENSE	40	317,681	317,681	317,681	317,681
DISPATCHERS SALARY/WAGE	41	529,365	548,095	548,095	548,095
<b>TOTAL</b>		<b>5,013,688</b>	<b>5,270,197</b>	<b>5,270,197</b>	<b>5,270,197</b>
<b>FIRE</b>					
SALARY/WAGE	42	3,900,285	4,158,990	4,158,990	4,158,990
EXPENSE	43	507,723	510,047	507,723	507,723
<b>TOTAL</b>		<b>4,408,008</b>	<b>4,669,037</b>	<b>4,666,713</b>	<b>4,666,713</b>
<b>BUILDING INSPECTOR</b>					
SALARY/WAGE	44	332,535	332,993	332,993	332,993
EXPENSE	45	29,375	29,375	29,375	29,375
<b>TOTAL</b>		<b>361,910</b>	<b>362,368</b>	<b>362,368</b>	<b>362,368</b>
<b>TREE WARDEN</b>					
EXPENSE	46	2,000	2,000	-	-
<b>TOTAL</b>		<b>2,000</b>	<b>2,000</b>	<b>-</b>	<b>-</b>
<b>SCHOOL</b>					
BUDGET	47	22,778,314	23,528,435	23,299,435	23,299,435
<b>TOTAL</b>		<b>22,778,314</b>	<b>23,528,435</b>	<b>23,299,435</b>	<b>23,299,435</b>
<b>D.P.W.</b>					
SALARY/WAGE	49	2,696,278	2,896,661	2,756,526	2,756,526
EXPENSE	50	963,420	1,178,295	965,420	965,420
BUILDINGS & GROUNDS	51	1,200,311	1,300,311	1,300,311	1,300,311
<b>TOTAL</b>		<b>4,860,009</b>	<b>5,375,267</b>	<b>5,022,257</b>	<b>5,022,257</b>
<b>SNOW &amp; ICE</b>					
EXPENSE	52	116,570	116,570	116,570	116,570
<b>TOTAL</b>		<b>116,570</b>	<b>116,570</b>	<b>116,570</b>	<b>116,570</b>
<b>STREET LIGHTING</b>					
EXPENSE	53	25,000	22,000	22,000	22,000
<b>TOTAL</b>		<b>25,000</b>	<b>22,000</b>	<b>22,000</b>	<b>22,000</b>
<b>TRANSFER STATION</b>					
EXPENSE	54	1,047,126	1,154,149	1,078,249	1,078,249
<b>TOTAL</b>		<b>1,047,126</b>	<b>1,154,149</b>	<b>1,078,249</b>	<b>1,078,249</b>

DEPARTMENT		FY 2021 BUDGET	FY 2022 DEPARTMENT REQUEST FY 2022	FY 2022 FINANCE COMMITTEE RECOMMEND	FY 2022 TOWN MANAGER RECOMMEND
<b>SEWER COMMISSION</b>					
SALARY	55	90,900	100,820	100,820	100,820
EXPENSE	56	10,200	10,200	10,200	10,200
<b>TOTAL</b>		<b>101,100</b>	<b>111,020</b>	<b>111,020</b>	<b>111,020</b>
<b>CEMETERY</b>					
EXPENSE	57	43,000	15,000	15,000	15,000
<b>TOTAL</b>		<b>43,000</b>	<b>15,000</b>	<b>15,000</b>	<b>15,000</b>
<b>HEALTH</b>					
SALARY-APPOINTED	58	3,000	3,000	3,000	3,000
SALARY/WAGE	59	309,294	321,105	321,105	321,105
EXPENSE	60	41,290	63,040	63,040	63,040
<b>TOTAL</b>		<b>353,584</b>	<b>387,145</b>	<b>387,145</b>	<b>387,145</b>
<b>COUNCIL ON AGING</b>					
SALARY/WAGE	61	251,546	264,680	264,680	264,680
EXPENSE	62	44,095	43,627	43,627	43,627
<b>TOTAL</b>		<b>295,641</b>	<b>308,307</b>	<b>308,307</b>	<b>308,307</b>
<b>VETERANS</b>					
EXPENSE	63	110,000	121,000	121,000	121,000
MEMBERSHIP	64	45,000	49,500	41,500	41,500
<b>TOTAL</b>		<b>155,000</b>	<b>170,500</b>	<b>162,500</b>	<b>162,500</b>
<b>HUMAN SERVICES</b>					
SALARY/WAGE	65	80,411	85,601	85,601	85,601
EXPENSE	66	51,910	51,910	51,910	51,910
<b>TOTAL</b>		<b>132,321</b>	<b>137,511</b>	<b>137,511</b>	<b>137,511</b>
<b>LIBRARY</b>					
SALARY/WAGE	67	518,818	529,898	529,898	529,898
EXPENSE	68	192,018	193,467	193,467	193,467
<b>TOTAL</b>		<b>710,836</b>	<b>723,365</b>	<b>723,365</b>	<b>723,365</b>
<b>RECREATION</b>					
SALARY/WAGE	69	288,255	296,871	296,871	296,871
EXPENSE	70	32,125	32,125	32,125	32,125
<b>TOTAL</b>		<b>320,380</b>	<b>328,996</b>	<b>328,996</b>	<b>328,996</b>
<b>HISTORICAL</b>					
TEMP WAGE	71	9,000	9,000	9,000	9,000
EXPENSE	72	6,830	6,830	6,830	6,830
<b>TOTAL</b>		<b>15,830</b>	<b>15,830</b>	<b>15,830</b>	<b>15,830</b>

DEPARTMENT		FY 2021 BUDGET	FY 2022 DEPARTMENT REQUEST FY 2022	FY 2022 FINANCE COMMITTEE RECOMMEND	FY 2022 TOWN MANAGER RECOMMEND
<b>CULTURAL COUNCIL</b>					
EXPENSE	73	90	90	90	90
<b>TOTAL</b>		<b>90</b>	<b>90</b>	<b>90</b>	<b>90</b>
<b>PRINCIPAL INSIDE 2 1/2</b>	<b>74</b>	<b>1,250,142</b>	<b>1,178,797</b>	<b>1,173,797</b>	<b>1,173,797</b>
<b>PRINCIPAL OUTSIDE 2 1/2</b>	<b>75</b>	<b>810,000</b>	<b>805,000</b>	<b>805,000</b>	<b>805,000</b>
<b>TEMP PRINC OUTSIDE 2 1/2</b>	<b>76</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>INTEREST INSIDE 2 1/2</b>	<b>77</b>	<b>251,688</b>	<b>209,138</b>	<b>209,138</b>	<b>209,138</b>
<b>INTEREST OUTSIDE 2 1/2</b>	<b>78</b>	<b>289,375</b>	<b>261,125</b>	<b>261,125</b>	<b>261,125</b>
Principal & Interest					
<b>TEMP BORROW INSIDE 2 1/2</b>	<b>79</b>	<b>40,000</b>	<b>70,000</b>	<b>70,000</b>	<b>70,000</b>
Principal & Interest					
<b>TEMP BORROW OUTSIDE 2 1/2</b>	<b>80</b>	<b>-</b>	<b>61,250</b>	<b>61,250</b>	<b>61,250</b>
<b>RETIREMENT EXPENSE</b>	<b>81</b>	<b>3,649,255</b>	<b>3,774,725</b>	<b>3,704,763</b>	<b>3,704,763</b>
<b>UNEMPLOYMENT</b>	<b>82</b>	<b>40,000</b>	<b>60,000</b>	<b>40,000</b>	<b>40,000</b>
<b>MEDICAL INSURANCE</b>	<b>83</b>	<b>7,882,008</b>	<b>8,592,742</b>	<b>7,543,742</b>	<b>7,543,742</b>
<b>GROUP INSURANCE</b>	<b>84</b>	<b>15,645</b>	<b>15,845</b>	<b>15,845</b>	<b>15,845</b>
<b>MEDICARE</b>	<b>85</b>	<b>462,187</b>	<b>485,000</b>	<b>485,000</b>	<b>485,000</b>
<b>TOWN INSURANCE</b>	<b>86</b>	<b>902,378</b>	<b>946,520</b>	<b>946,520</b>	<b>946,520</b>
<b>TOTAL</b>		<b>61,088,990</b>	<b>64,108,132</b>	<b>62,267,930</b>	<b>62,267,930</b>

**Article\_**

To see if the Town will vote to appropriate and transfer the sum of \$1,806,046 from available funds to various department Capital Accounts, as specified in the chart accompanying this Article, or take any other action relating thereto.

Submitted by the Board of Selectmen

<b>FISCAL YEAR 2022 CAPITAL IMPROVEMENT PROGRAM</b>		
<b>REQUESTS BY DEPARTMENT</b>	<b>FY 2022 CIP COMMITTEE RECOMMENDATIONS</b>	<b>FY 2022 TOWN MANAGER RECOMMENDATIONS</b>
<b>DPW</b>		
Replace 2012 Ford F350	\$ 44,000	\$ 44,000
Replace 2014 Ford F350	\$ 46,000	\$ 46,000
Replace 2014 Ford F550	\$ 91,000	\$ 91,000
Replace 2013 Vermeer Chipper	\$ 75,000	\$ 75,000
<b>Total DPW</b>	<b>\$ 256,000</b>	<b>\$ 256,000</b>
<b>FIRE</b>		
Purchase 2 Vehicles (DC 372/Utility 350)	\$ 120,000	\$ 120,000
<b>Total Fire</b>	<b>\$ 120,000</b>	<b>\$ 120,000</b>
<b>INFORMATION TECHNOLOGY</b>		
Phone System Upgrade	\$ 25,564	\$ 25,564
Network Switch - Town Hall	\$ 50,000	\$ 50,000
MS Office	\$ 33,884	\$ 33,884
<b>Total Information Technology</b>	<b>\$ 109,448</b>	<b>\$ 109,448</b>
<b>NATURAL RESOURCES</b>		
Replace Shellfish Boats	\$ 43,000	\$ 43,000
Replace Harbormaster Boat	\$ 158,000	\$ 158,000
<b>Total Natural Resources</b>	<b>\$ 201,000</b>	<b>\$ 201,000</b>
<b>PLANNING &amp; CONSTRUCTION</b>		
Flooring Replacement	\$ 50,000	\$ 50,000
Roof Solar System Purchase (MMHS, DPW, COA)	\$ 119,198	\$ 119,198
QS Library AC Installation	\$ 75,000	\$ 75,000
MMHS Parking Lot Resurfacing	\$ 350,000	\$ 350,000
School Security Upgrades	\$ 90,000	\$ 90,000
<b>Total Planning &amp; Construction</b>	<b>\$ 684,198</b>	<b>\$ 684,198</b>
<b>POLICE</b>		
10 Police Vehicles	\$ 156,000	\$ 156,000
4 Police Vehicles	\$ 68,400	\$ 68,400
<b>Total Police</b>	<b>\$ 224,400</b>	<b>\$ 224,400</b>

<b>SCHOOL</b>		
Food Service Equipment Upgrades	\$ 25,000	\$ 25,000
Chromebook Leases	\$ 45,000	\$ 45,000
Interactive Board Systems in Classrooms	\$ 25,000	\$ 25,000
Replacement of Teacher PCs	\$ 56,000	\$ 56,000
Wireless Upgrades	\$ 30,000	\$ 30,000
Flag Pole Installation - KCC, QS, MMHS	\$ 30,000	\$ 30,000
<b>Total School</b>	<b>\$ 211,000</b>	<b>\$ 211,000</b>
<b>TOTAL ALL DEPARTMENTS</b>	<b>\$ 1,806,046</b>	<b>\$ 1,806,046</b>

**Explanation:** This article is to appropriate funds for the FY 2022 capital budget.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of 7-0**

**Article\_**

To see if the Town will vote to approve the annual regional school district budget for the Cape Cod Regional Technical High School District for the fiscal year beginning July 1, 2021, in the amount of \$\_\_\_\_\_, and further, to see if the Town will vote to raise and appropriate the sum of \$\_\_\_\_\_ to meet its share of the cost of operation and maintenance of the Cape Cod Regional Technical High School District for the fiscal year beginning July 1, 2021, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** Mashpee's share of the Cape Cod Regional Technical High School budget is \$\_\_\_\_\_. There are currently \_\_\_ students from Mashpee at the Cape Cod Regional Technical High School, an increase of \_ students from the previous year.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article\_**

To see if the Town will vote to approve the regional school district debt assessment for the Cape Cod Regional Technical High School District Building Project for the fiscal year beginning July 1, 2021, in the amount of \$6,255,575, and further, to see if the Town will vote to raise and appropriate the sum of \$487,447 to meet its share of the cost of debt for the Cape Cod Regional Technical High School District Building Project for the fiscal year beginning July 1, 2021, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** Mashpee's share of the Cape Cod Regional Technical High School debt for the Cape Cod Regional Technical High School Building Project for Fiscal Year 2022 is \$487,447.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**



**Article \_**

To see if the town will appropriate a sum of money to fund implementation and construction of Phase 1 of the Town's comprehensive nitrogen and wastewater management, treatment and disposal improvement plans, including construction of the proposed wastewater Treatment Plant adjacent to the Town's solid waste Transfer Station, sewer mains, pump stations, and related sewer collection system improvements, including all expenses incidental and related thereto (the "Project"), to authorize the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for that purpose, and to apply the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, to pay Project costs and reduce the amount authorized to be borrowed by the amount of the premium so applied, and, further, to authorize the Board of Selectmen and/or Town Manager to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, provided, however, that this appropriation and debt authorization shall be contingent upon passage of a Proposition 2½ debt exclusion ballot question pursuant to General Law Chapter 59, § 21C(k), or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** This article would provide funding to implement and construct Phase 1 of the Town's comprehensive wastewater management, treatment and disposal improvement plan, including construction of the Wastewater Treatment Plant to be located adjacent to the Town's solid waste transfer station and related Phase 1 sewer collection system improvements to be connected to the wastewater treatment facility. This project is one of the initial essential steps in implementing the Town's Watershed Nitrogen Management Plan/CWMP.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article \_**

To see if the Town will vote pursuant to G.L. c.40, §59 and G.L. c.23A, §§3E and 3F to: (a) approve the Tax Increment Financing ("TIF") Agreement between Old Barnstable Road MQS CY Solar Project 2020, LLC and the Town of Mashpee, substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), for private property consisting of solar photovoltaic electric generating improvements to be located at the Quashnet School (Assessors Map \_\_\_\_\_, Lots \_\_\_\_\_), Coombs School (Assessors Map \_\_\_\_\_, Lots \_\_\_\_\_), and Mashpee High School (Assessors Map \_\_\_\_\_, Lots \_\_\_\_\_) pursuant to a lease of portions of said school properties by the Town, and as described more fully in the TIF Agreement, which TIF Agreement provides for real estate tax exemptions at the exemption rate schedule set forth therein; (b) authorize the Board of Selectmen to execute the TIF Agreement, and any documents relating thereto; and (c) authorize the Board of Selectmen to approve submission of the TIF Agreement and Certified Project Application, and any associated documents to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement to be located at the above-referenced school properties and in the Certified Project Application, and take such other and further action as may be necessary or appropriate to obtain EACC approval, implement these documents and carry out the purposes of this article; or take any other action relating thereto.

Submitted By the Board of Selectmen

**Explanation:** This article will \_\_\_\_\_.



**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article \_\_**

To see if the Town will vote pursuant to G.L. Chapter 40, Section 15A to authorize the transfer of care, custody and control of that portion of the Town owned conservation land, described as \_\_\_\_\_

entitled \_\_\_\_\_, as shown on the Plan

" \_\_\_\_\_", from

the Conservation Commission to the Board of Selectmen and/or Sewer Commission for purposes of the development and construction of a sewer pumping station and related appurtenances; to authorize the Board of Selectmen and Conservation Commission to petition the General Court for authorization and approval of such transfer in custody and change in use as is required under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts; and, further, to authorize the Board of Selectmen/ Sewer Commission and Conservation Commission to enter into such agreements and execute any and all instruments on behalf of the Town, upon such terms and conditions as they shall deem to be in the best interest of the Town, to effect said transfer in custody and change in use; or take any other action relative thereto.

Submitted By the Board of Selectmen

**Explanation:** This article will \_\_\_\_\_.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article\_**

To see if the Town will vote to appropriate and transfer the sum of \$250,000 from revenue available for appropriation to the Other Postemployment Benefits Irrevocable Trust Fund, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** This article will add funds to the OPEB Irrevocable Trust Fund which was established in FY 2013 to assist the Town with meeting its potential post-employment benefits obligation.

**Article\_**

To see if the Town will vote to appropriate \$\_\_\_\_\_ to establish a budget for the PEG Access and Cable Related fund for fiscal year 2022, with said appropriation to be funded through the current balance of the fund, or take any other action relating thereto.

Submitted by the Finance Director

**Explanation:** The Department of Revenue now requires the Town to vote a yearly budget based on estimated expenditures from the fund for the next fiscal year. The total budget voted may not exceed the current balance within the fund.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article\_**

To see if the Town will vote to appropriate and transfer the sum of \$250,000 from revenue available for appropriation, to be deposited into special injury leave indemnity fund, (Injured on Duty Fund), in accordance with the provisions of General Law Chapter 41, Section 111F for the purposes of funding injury leave compensation or medical bills incurred under said law,, or take any other action relating thereto.

Submitted by the Finance Director

**Explanation:** This article would deposit \$250,000 into the special injury leave indemnity fund (Injured on Duty Fund).

**The Board of Selectmen recommends approval of Article by a vote of**

**The Finance Committee recommends approval of Article by a vote of**

**Article\_**

To see if the Town will vote to authorize the total expenditures for the following revolving funds pursuant to G.L. Ch. 44 Section 53E ½ for the fiscal year beginning July 1, 2021 to be expended in accordance with the Bylaw establishing said revolving funds, heretofore approved, or take any other action relating thereto.

FUND	FY 2022 AUTHORIZATION
RECREATION	\$580,000
LIBRARY	\$20,000
SENIOR CENTER	\$15,000
HISTORICAL COMMISSION	\$2,500

Submitted by the Finance Director

**Explanation:** This article establishes the FY 2022 expenditure limits for departmental revolving funds.

**The Board of Selectmen recommends approval of Article by a vote of**

**The Finance Committee recommends approval of Article by a vote of**

**Article\_**

To see if the Town will vote to raise, borrow or transfer from available funds and appropriate the sum of \$\_\_\_\_\_ to provide for road improvement projects under the Chapter 90 program, or take any other action relating thereto.

Submitted by the Department of Public Works

**Explanation:** This article authorizes use of funds which will be 100% reimbursed by the Commonwealth of Massachusetts. The budget approved each fiscal year by the Legislature and Governor establishes the total funding available for Chapter 90 local transportation aid for that year. These funds are then apportioned to the 351 Massachusetts towns and cities. The funding authorized by this article is the maximum anticipated Town's share of the FY22 Chapter 90 program.

**The Board of Selectmen recommends approval of Article by a vote of**

**The Finance Committee recommends approval of Article by a vote of**

**Article\_**

To see if the Town will vote to accept the plan entitled *Layout Plan of Red Brook Road in Mashpee, MA dated October 7, 1993, Sheets 1-6* which lays out and defines Red Brook Road from the Mashpee/Falmouth Town Line to the intersection of Great Neck Road South and Great Oak Road, or take any other action relating thereto.

Submitted by the Department of Public Works

**Explanation:** This article confirms the formal layout of Red Brook Road. Although the road has been used and maintained by the Town as a public way, it does not appear that a layout was accepted and recorded by the Town.

**Article\_**

To see if the Town will vote to appropriate the sum of \$419,120, for the operation of the Kids Klub Enterprise Fund for Fiscal Year 2022; said sum to be raised from \$419,120 in receipts of the Enterprise, or take any other action relating thereto.

Submitted by the Recreation Department

<b><u>Estimated Revenues</u></b>	
Registration Fees	\$ 3,000
Tuition	\$ 415,845
<u>Investment Income</u>	<u>\$ 275</u>
<b><u>Total Budgeted Revenue</u></b>	<b><u>\$ 419,120</u></b>
<b><u>Estimated Expenses</u></b>	
Salary (full-time; incl. long.)	\$293,570
Salary (part-time)	\$ 27,000
Benefits (Health, Life, Medicare)	\$ 47,500
<u>Building Expenses</u>	<u>\$ 51,050</u>
<b><u>Total Budgeted Expenses</u></b>	<b><u>\$419,120</u></b>
<b><u>Net Profit/Loss</u></b>	<b><u>\$0</u></b>

**Explanation:** The proposed Recreation Enterprise budget for fiscal year 2022 will authorize the Recreation Department to operate a toddler/pre-school program as a self-sufficient, self-funded operation. All costs related to this program are projected are to be offset by the revenues of the program. Any monies in excess of the expenses are to remain in the account.

**The Board of Selectmen recommends approval of Article by a vote of**

**The Finance Committee recommends approval of Article by a vote of**

**Article\_**

To see if the Town will vote to appropriate and transfer from the FY 2022 Community Preservation Fund Estimated Revenues the sum of \$40,000 to the Community Preservation Committee Administrative and Operating Expense Account, pursuant to the provisions of M.G.L., C. 44B, §5, including any necessary costs related thereto, as recommended by the Community Preservation Committee or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** To provide annual funding in FY 2022 for the administrative and operational costs of the Community Preservation Committee which includes project costs associated with and incidental to the Community Preservation Committee. Under the CPA Act, up to 5% of the annual CPA funds may be spent on the operation and administrative costs of the Community Preservation Committee. Funding supports legal and professional fees, technical reviews, appraisal costs, signage, annual Community Preservation Coalition dues, administrative wages, office supplies and similar costs associated with and incidental to the development of a CPA project.

The vote of the Community Preservation Committee was 9-0 in support of this article.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article\_**

To see if the Town will vote to continue participation in the Community Septic Management Program and the Massachusetts Water Pollution Abatement Trust (MWPAT) for the purpose of making loans to residents of the Town for repairing and/or upgrading residential septic systems pursuant to agreements between the Board of Health and residential property owners, including all costs incidental and related thereto, or to take any other action relating thereto.

Submitted by the Board of Health

**Explanation:** The Commonwealth of Massachusetts, through the Water Pollution Abatement Trust, has provided approximately \$660,000.00 at 0% interest to the Town of Mashpee to assist homeowners in complying with failed Title V systems since 1998. The loans are available to homeowners at 5% interest, to cover any ongoing costs of the program. Loans must be secured by a betterment assessed by the Town on the property being improved by the loan. The repayment of the loans to the Town, with the 5% interest, is being repaid through previously issued property betterments. In order for the Town to be able to re-loan funds to future additional septic projects, the Town must annually reauthorize/re-approve participation in the Community Septic Management Program. Failure to reauthorize participation in the Program will restrict the Town from re-lending funds to homeowners with failed septic systems. The repaid monies will be held in an account with the principle amount repaid to the MWPAT as scheduled.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article\_**

To see if the Town will vote to appropriate and transfer the sum of \$\_\_\_\_\_ from revenue available for appropriation to the Board of Health to fund the replacement of one (1) damaged groundwater monitoring well and one (1) damaged gas monitoring well located at the Asher's Path Landfill. Groundwater samples and soil gas samples cannot be collected from these wells and tested until the wells are replaced.

Submitted by the Board of Health

**Explanation:** Since 2016, Tighe & Bond has held the contract with the Town for environmental monitoring and reporting services for the capped landfill adjacent to the Mashpee Transfer Station. Groundwater and gas monitoring reports are submitted by Tighe & Bond to the Board of Health for review and approval prior to submitting to the Department of Environmental Protection. In a recent report, it was identified that groundwater monitoring well W-11 is damaged beyond repair. Additionally, soil gas monitoring well SGW-1 has been destroyed. Approval of this article would allow the Board of Health to cover the anticipated cost of replacing both wells, based on estimates gathered and provided by Tighe & Bond.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article\_**

To see if the Town will vote to appropriate and transfer the sum of \$187,000 from the Waterways Improvement Fund to the Engineering/Permitting/Dredging and Associated Expense Account, or take any other action relating thereto.

Submitted by the Waterways Commission

**Explanation:** This article will provide funds for Waterways projects such as the Little River/Great River Expansion project or the Annual Popponesset Approach Channel Dredge.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article\_**

To see if the Town will vote to establish within the Town of Mashpee a Solar Energy System Overlay District by adding a new Section 174-45.7as follows:

#### **Solar Energy Systems Overlay District**

##### **A. Purpose and Intent**

1. This section promotes the creation of new small, medium and large-scale, ground-mounted solar energy systems overlay district, in the areas which are delineated on a map dated January 25, 2021 and entitled "Solar Energy Systems Overlay District, ROUTE 151, ALGONQUIN AVENUE AND OLD BARNSTABLE ROAD, Mashpee, Massachusetts," (attached hereto) and which shall be considered as superimposed over other districts established by the zoning by-laws of the Town. This map, as it may be amended from time to time, is on file with the office of the Town Clerk and with any explanatory material therein, is hereby made a part of this chapter, by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and for providing adequate financial assurance for the eventual decommissioning of such installations. This Overlay District Ordinance is adopted pursuant to the Commonwealth of Massachusetts green Communities Act and Massachusetts General Laws Chapter 40A Section 3.
2. Uses, other than Solar Energy Systems, otherwise not permitted in the portions of a zoning district superimposed by this district shall not be permitted in this district.

3. The Solar Energy Systems Overlay District shall include all of the land within the lines described in subsection B, which are in the R-5 and C-2 zoning districts. Medium and large scale solar energy systems located in the industrial zoning district (I-1) are exempt from the requirements of this chapter and require approval only from the Plan Review Committee pursuant to the applicable dimensional criteria of the zoning district.

**B. Bounds**

1. Including all of the land within the following described lines:

Property Description: The land in the Town of Mashpee, Barnstable County, Massachusetts beginning at the Northeast corner of the premises at Route 151; thence South 05°54'17" West, a distance of 203.10'; thence South 82°22'02" East, a distance of 107.07'; thence South 08°34'16" West, a distance of 154.18'; thence South 84°05'40" East, a distance of 272.51'; thence South 09°46'40" West, a distance of 1,026.79' by Algonquin Avenue; thence North 77°51'29" West, a distance of 320.36' by Old Barnstable Road; thence South 89°31'13" West, a distance of 731.65' by Old Barnstable Road; thence North 73°24'07" West, a distance of 125.90' by Old Barnstable Road; thence North 66°44'57" West, a distance of 568.90' by Old Barnstable Road; thence Northerly along centerline old brick yard road West, a distance of 1,080'+/-; thence North 83°31'22" West, a distance of 27.59' +/- to ditch; thence Northerly along ditch West a distance of 175'+/-; thence North 85°34'30" East a distance of 5'+/-; thence North 24°26'35" West, a distance of 150.11' to Old Barnstable Road; thence With a curve turning to the left with an arc length of 76.29' by Route 151 with a radius of 4,189.42' to a concrete bound; thence South 09°02'50" East, a distance of 159.61'; thence South 10°46'40" East a distance of 42.72'; thence South 04°15'30" East, a distance of 206.16'; thence South 76°43'49" East, a distance of 300.57'; thence North 09°46'40" East, a distance of 433.00' to Route 151; thence South 84°05'40" East, a distance of 63.18' by Route 151; thence With a curve turning to the left with an arc length of 37.30' with a radius of 25.00'; thence South 09°46'40" West, a distance of 154.04'; thence South 80°13'20" East, a distance of 199.99'; thence North 09°46'36" East, a distance of 190.94' to Route 151; thence South 84°05'40" East, a distance of 405.08' along Route 151, which is the point of beginning and having an area of 39.674 acres.

Meaning and intending to include all of the land as shown on Town of Mashpee Assessor Fiscal Year 2021 Tax Maps: 72-117; 72-113; 72-112; 72-111; 72-110; 72-118; 79-80; 79-79; 79-71; 79-72; 79-73; 79-74; 79-75; 79-76; 79-77 and 79-78.

**C. Permitted Uses**

Within the Solar Energy Systems Overlay District, the following uses are permitted provided all necessary permits, orders and approvals required by local, state and federal law are obtained.

1. Any medium or large scale solar energy system shall be allowed in the Solar Energy Overlay District only after the issuance of a Special Permit by the Planning Board. In issuing such Special Permit, the Board shall ensure that neighboring properties are effectively protected from any significant adverse impacts from glare that any such systems are properly fenced or otherwise secured and that no hazardous materials are stored in quantities greater than permitted by other sections of this by-law, subject to approval by the Plan Review Committee and Design Review Committee.
2. The Solar Energy System's owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Management Director. The owner or operator shall be responsible for the cost of maintaining the ground-mounted solar energy system and any access road(s).

**D. Dimensional Criteria**

Small, Medium and Large Scale Solar Energy Systems

1. Small, Medium and Large Scale Solar Energy Systems may be accessory to another principal structure or use provided that they satisfy the dimensional criteria and performance standards contained in this section.
2. Ground-mounted solar energy systems shall be set back a distance of at least 100 feet from a public or private way. The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations.
3. Ground-mounted solar energy systems shall be set back a distance of at least 125 feet from any inhabited residence, and 100 feet from any property in residential use. For the purposes of this section, a residence is defined as a primary living structure and not accessory structures. The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations.
4. Ground-mounted solar energy systems shall be set back a distance of at least 50 feet from any commercial property or use and 25 feet from any industrial property or use notwithstanding the provisions of paragraph 2 above (relative to medium and large scale solar energy systems). The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations.
5. Ground-mounted solar energy systems shall be set back a distance of at least 50 feet from abutting conservation land and any property not included in the Ground-mounted solar array application. The Planning Board may reduce the minimum setback distance as appropriate based on site specific considerations.
6. Fixed tilt Ground-mounted solar energy systems shall have a maximum height of 15 feet above grade. In the case of single or dual axis tracking Ground-mounted solar energy systems, the Planning Board may increase the maximum height as appropriate based on site-specific considerations.
7. Inverters, energy storage systems, and transmission system substations shall be set back a distance of at least 200 feet from any residence. The Planning Board may reduce the minimum setback distance as appropriate based on site-specific conditions.

**E. Special Permits Rules and Application Requirements**

A Solar Energy System Special Permit shall not be granted unless each of the following requirements, in addition to the requirements in §174-24 C Special Permit use, are satisfied:

1. A properly completed and executed application form and application fee.
2. Any requested waivers.
3. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any.
4. Names, contact information and signatures of any agents representing the project proponent.
5. Name, address and contact information for proposed system installer.
6. Documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar energy system.
7. Proposed hours of operation and construction activity.
8. Blueprints or drawings of the solar energy system signed by a Massachusetts licensed Registered Professional Engineer showing the proposed layout of the system and any potential shading from nearby structures.
9. Utility Notification: Evidence that the utility company that operates the electrical grid where a grid-intertie solar energy system is to be located has been informed of the system owner or operator's intent to install an interconnected facility and acknowledges receipt of such notification, and a copy of an Interconnection Application filed with the utility including a one or three line electrical diagram detailing the solar electric installation, associated components, and electrical interconnection methods, with all Massachusetts Electrical Code (527 CMR§ 12.00) compliant disconnects and overcurrent devices. Off-grid solar energy systems shall be exempt from this requirement.
10. Documentation of the major system components to be used, including the electric generating components, battery or other electric storage systems, transmission systems, mounting system, inverter, etc.
11. Preliminary Operation and Maintenance Plan for the solar energy system, which shall include measures for maintaining safe access to the installation, storm water management, vegetation controls, and general procedures for operational maintenance of the installation.
12. Abandonment and Decommissioning Plan: Any ground-mounted solar energy system which has reached the end of its useful life or has been abandoned (i.e, when it fails to operate for more than one year without the written consent of the Planning Board) shall be removed. The owner or operator shall physically remove the installation within 150 days of abandonment or the proposed date of decommissioning. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. The Abandonment and Decommissioning Plan shall include a detailed description of how all of the following will be addressed:
  - (a) Physical removal of all structures; equipment, building, security barriers and transmission lines from the site, including any materials used to limit vegetation.
  - (b) Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
  - (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow landscaping or below-grade foundations left *in situ* in order to minimize erosion and disturbance of the site.



(d) Description of financial surety for decommissioning: Proponents of ground-mounted solar energy systems shall provide a form of surety, either through escrow account, bond or other form of surety approved by the Planning Board to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be commercially reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent and the Town. Such surety will not be required for municipal or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

(e) It shall be a condition of any special permit that all legal documents required to enable the Town to exercise its rights and responsibilities under the plan to decommission the site, enter the property and physically remove the installation shall be provided prior to the issuance of a building permit.

**F. Required Performance Standards: Small, Medium and Large Scale Solar Energy Systems**

1. Visual Impact Mitigation: The site plan for a ground-mounted solar energy system shall be designated to screen the array to the maximum extent practicable year round from adjacent properties in residential use and from all roadways.
2. All required setbacks shall be left in their undisturbed natural vegetated condition for the duration of the solar energy system's installation. In situations where the naturally vegetated condition within required setback is not wooded and does not provide adequate screening of the solar array, the Planning Board may require additional intervention including, but not limited to:
  - (a) A landscaping plan showing sufficient trees and understory vegetation, of a type common in natural areas of Mashpee, to replicate a naturally wooded area and to constitute a visual barrier between the proposed array and neighboring properties and roadways.
  - (b) Berms along property lines and roadways with suitable plantings to provide adequate screening to neighboring properties and roadways.
3. Lighting: Lighting of ground-mounted solar energy systems shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
4. Signage: Signs on ground-mounted solar energy systems shall comply with all applicable regulations of this by-law and/or any Town sign by-law. A sign shall be required to identify the owner, operator and interconnected utility and provide a 24-hour emergency contact phone number. Ground-mounted solar energy systems shall not be used for displaying any advertising signage.
5. Utility Connections: Within setback distances and except where soil conditions, location, property shape, and topography of the site or requirements of the utility provider prevent it, all utility connections from grid-intertie solar energy systems shall be placed underground. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

6. **Vegetation Management:** All land associated with the ground-mounted solar energy system shall be covered and grown in natural vegetation. The height of vegetation must be managed by regular mowing or grazing so as to minimize the amount and height of combustible material available in case of fire. Herbicides, pesticides, or chemical fertilizers shall not be used to manage vegetation. To the greatest extent practicable, a diversity of plant species shall be used, with preference give to species that are native to New England. Use of plants identified by the most recent copy of the "Massachusetts Prohibited Plant List" maintained by the Massachusetts department of Agricultural Resources is prohibited. Management of all vegetated areas shall be maintained throughout the duration of the solar energy system's installation through mechanical means without the use of chemical herbicides.
7. **Noise Generation:** Noise generated by ground-mounted solar energy systems and associated equipment and machinery shall conform to applicable state and local noise regulations, including the DEP's Division of Air Quality Noise Regulations, 310 CMR 7.10.
8. **Fencing:** Fencing around solar arrays shall provide a minimum 6" clearance between the fence bottom and the ground to allow passage of small wildlife. The Planning Board shall require resident style fencing where necessary to screen the solar energy systems year round from adjacent residences.
9. **Land Clearing and Soil Erosion:** Clearing of natural vegetation and topsoil shall be limited to what is necessary for the construction, operation and maintenance of the ground-mounted solar energy system. No topsoil removed during construction shall be exported from the site.
10. **Erosion Control and Stormwater:** Erosion Control and Stormwater Management notation shall be included to show that adequate provisions against erosion and adverse impacts of runoff are appropriately mitigated.
11. **Emergency Services:** The ground-mounted solar energy system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Mashpee Fire Department and any other neighboring Fire Department upon request. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

Submitted by Petition

**Explanation:** This section promotes the creation of new Solar Energy Systems Overlay District for small, medium and large-scale, ground-mounted solar energy systems on land with the Overlay District currently zoned R-5 and C-2 by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and for providing adequate financial assurance for the eventual decommissioning of such installation.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article \_**

To see if the Town will vote to amend §174-3 of the Mashpee Zoning By-Law, Terms Defined as follows:

**Photovoltaic System (also referred to as Photovoltaic Installation):** An active solar energy system that converts solar energy directly into electricity.

**Rated Nameplate Capacity:** The maximum rated output of electric power production of a photovoltaic system in watts of Direct Current (DC).

**Solar Collector:** A device, structure or a part of a device or structure for the primary purpose of harvesting solar energy for use in a solar energy system.

**Solar Energy:** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**Solar Energy System:** A device or structural design feature for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.

**Solar Energy System, Active:** A solar energy system that collects and transforms solar energy into another form of energy or transfers heat from a solar collector to another medium, via mechanical, electrical or chemical means.

**Solar Energy System, Grid-Intertie:** A photovoltaic system or other active solar energy system designed to generate electricity that is connected to an electric circuit served by an electric utility.

**Solar Energy System, Ground-Mounted:** An active solar energy system that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).

**Solar Energy System, Large Scale:** An active solar energy system that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

**Solar Energy System, Medium Scale:** An active solar energy system that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10-150 kW DC).

**Solar Energy System, Off-Grid:** A photovoltaic system or other active solar energy system designed to generate electricity in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.

**Solar Energy System, Passive:** A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

**Solar Energy System, Roof-Mounted:** An active solar energy system that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).

**Solar Energy System, Small-Scale:** An active solar energy system that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 15 kW DC or less).

Submitted by the Petition

**Explanation:** This amendment serves to define terms that are used in the new proposed Solar Energy Systems Overlay District.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

Article \_

To see if the Town will vote to amend §174-25 (H)(12) of the Mashpee Zoning By Law "Table of Use Regulations by adding "SP" under Zoning Districts R-5 and C-2

TYPE OF USE	RESIDENTIAL		COMMERCIAL			INDUSTRIAL
	R-3	R-5	C-1	C-2	C-3	I-1
Medium-scale and Large-scale Ground mounted Solar Energy Systems, provided that neighboring properties are effectively protected from any significant adverse impacts from glare, that any such systems are properly fenced or otherwise secured, and that no hazardous materials are stored in quantities greater than permitted by other sections of this By-Law, subject to approval by the Plan Review Committee and Design Review Committee.  (Allowed by SP under 174-45.7 only in the Solar Energy System Overlay District).		SP		SP		PR

Submitted by Petition

**Explanation:** This article would allow the development of medium and large scale solar energy systems in the residential (R-5) and commercial (C-2) zoning districts with a Special Permit from the Planning Board provided they are within the Solar Energy Systems Overlay District.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

Article \_\_

To see if the Town will vote to amend §174-4, Enumeration of Districts by adding Solar Energy Systems Overlay District.

Submitted by Petition

**Explanation:** This article would create and establish a Solar Energy System Overlay District as enumerated in proposed Section 174-47.7.

**The Board of Selectmen recommends approval of Article by a vote of**  
**The Finance Committee recommends approval of Article by a vote of**

**Article \_**

To see if the Town will vote to amend §174-5, Establishment of Zoning Map by adding §174-5 (H) as follows:

The Solar Energy Systems Overlay District shall include all of the parcels of land described as follows:

All of the land as shown on Town of Mashpee Assessor Fiscal Year 2021 Tax Maps: 72-117; 72-113; 72-112; 72-111; 72-110; 72-118; 79-80; 79-79; 79-71; 79-72; 79-73; 79-74; 79-75; 79-76; 79-77 and 79-78.

All are located in the R-5 and C-2 Zoning District.

Submitted by Petition

**Explanation:** This Article is intended to define by reference to the Mashpee Assessor Fiscal Year 2021 tax maps, the land within the Solar Energy Systems Overlay District that should be attached to this zoning map.

**The Board of Selectmen 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 22nd day of March in the year two thousand and twenty one.

Per Order of,  
**Board of Selectmen**

John J. Cotton, Chair  
Thomas F. O'Hara, Vice Chair  
Carol A. Sherman, Clerk  
Andrew R. Gottlieb  
David W. Weeden