

**AGENDA
BOARD OF SELECTMEN
MONDAY, MARCH 8, 2021
WAQUOIT MEETING ROOM
MASHPEE TOWN HALL
16 GREAT NECK ROAD NORTH
MASHPEE, MA 02649**

MASHPEE TOWN CLERK

MAR 04 2021

RECEIVED BY: W

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.mashpeema.gov/channel-18>

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

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES

Approval of the following: Monday, February 22, 2021 Regular Session; Monday, March 1, 2021 Regular Session

APPOINTMENTS & HEARINGS

- Public Comment: ****Call in Number (508) 539-1400 extension 8585****
- 6:35 pm – Public Hearing: 2021 Seasonal Alcoholic Beverages and Entertainment License Renewals
- 6:40 pm – Public Hearing: Liquor License Amendment Application for an Alteration of Premises Bacchus Enterprises, Inc. d/b/a South Cape Wine & Spirits; 19 Commercial Street, Mashpee, MA, *Barbara Rymsha, Manager: (Johnny Rymsha, Store Manager & Myles Ostroff, Property Manager)*
- Discussion and Approval of the following Special Event Applications:
Annual Easter Egg Hunt: Saturday March 27, 2021 (Rain Date: Sunday, March 28, 2021) 11 am – 2:30 pm; *Recreation Director Mary Bradbury*
MassMasters Bass Club Tournament: Wednesday April 7, 2021 7 am – 3 pm; *Ray Lentine*
- Presentation and Discussion of Solar Energy Overlay District Town Meeting Warrant Petition Articles: *William Haney, Robert Mills, Esq.*
- Discussion and Approval of Revised Order of Taking for 226 Cotuit Road: *DPW Director Catherine Laurent*
- Discussion and Approval of Acceptance of Resignation from the Board of Health
Member-at-Large (Term Expires: June 30, 2023): *Veronica Warden*

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 and Approval of Spring Town Meeting

NEW BUSINESS

1. Discussion and Approval of Temporary Beach Parking and Access Restrictions
2. Discussion and Approval of Draft #2 May 3, 2021 Special and Annual Town Meeting Warrant Articles
3. 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

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

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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

Board of Selectmen
Minutes
February 22, 2021

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 6:32 p.m.
Mashpee Town Hall, Waquoit Meeting Room

MINUTES

Monday, February 8, 2021 Regular Session:

**Motion made by Selectman Sherman to approve the minutes of Monday, February 8, 2021 as presented.
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

APPOINTMENTS & HEARINGS

Public Comment:

Leon Prover, Asher's Path East indicated he resides directly across from the Transfer Station entrance. He has recently learned the Town has approved a 5-year lease for the operation of a landscape supply company at the site location. This firm operates a similar business in Marstons Mills. It was noted this is a very odorous, noisy and an unclean type of business with trucks entering and existing continuously. There is concern within the relatively quiet neighborhood of the impending daily traffic and as to why the Town did not seek comment from the area residents for this type of business to operate at the Transfer Station.

The public comment was taken under advisement, and would be further addressed by the Select Board.

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:

Nicole Spencer was present to request the Board approve a Special Event Application for the Heroes in Transition Ruck4HIT Not Your Ordinary Challenge Weekend. Due to circumstances related to COVID-19 it is requested the event take place at Heritage Park from 6:00 a.m. Friday, April 30, 2021 through 12:00 p.m. Sunday, May 2, 2021.

It is projected that ten to twelve teams of up to ten persons would be participating in the event to raise awareness and funds for veterans and families served through the Heroes in Transition program.

Board of Selectmen
Minutes
February 22, 2021

APPOINTMENTS & HEARINGS

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: (continued)

The weekend event challenges the miles collectively rucked by running, walking, biking, paddling, swimming and hiking while wearing a ruck sack/backpack or something similar to symbolize the burdens our men and women of the armed forces carry each day.

Ms. Spencer indicated the overall goal is camaraderie although it is difficult with social distancing requirements. Being outdoors and providing a base camp would greatly assist this event. Participating teams may not be at the park at the same time so the numbers may constantly fluctuate throughout the weekend. Tents are proposed, but not required. For tents encompassing over 400 square feet, a building permit is necessary.

Heritage Park is an ideal location with space and size for social distancing as well as safety with sidewalks and lighted parking areas for visibility.

With necessary approvals, the gathering site would be located behind the Recreation Department at Heritage Park. Portable toilets and trash pick-up is required. Applicable regulatory departments have signed off on the application with stipulations with the exception of the Police Department which may require detail officers. The event is contingent upon all approvals.

The application also requires a Temporary Sign Permit application. Approval of 18"x24" signage would allow for the promotion of the event, business sponsorship and safety. Signage must adhere to the mandates of the Town's Sign Code.

It was recommended the abutters be notified by the applicant of this event, dates and times. The challenge would also be advertised locally to promote awareness.

Motion made by Selectman Gottlieb to approve the Special Event Application and Temporary Sign Permit of Heroes in Transition for the Annual Ruck4HIT Not Your Ordinary Challenge Weekend on April 30, 2021 through May 2, 2021 as referenced subject to the additional paperwork to be completed and adherence to the stipulations imposed by all applicable Department Heads.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cotton, yes

Selectman Gottlieb, yes

Selectman O'Hara, yes

Selectman Weeden, yes

Selectman Sherman, yes

Opposed, none

Board of Selectmen
Minutes
February 22, 2021

APPOINTMENTS & HEARINGS

Discussion and Approval of Appointment to the Zoning Board of Appeals:
Associate Member (Term Expires June 30, 2023): Charles P. Reidy III:

Correspondence was received from the Zoning Board of Appeals dated February 3, 2021 recommending the appointment of Charles P. Reidy III to Associate member status. Attached to the communication was a letter of interest from Mr. Reidy dated February 5, 2021 offering his skillset to this position. Mr. Reidy has resided in the Town of Mashpee since the 1980's and has a significant career as a trial lawyer.

Motion made by Selectman Gottlieb to appoint Charles P. Reidy III to the Zoning Board of Appeals as Associate Member for a term to expire; June 30, 2023.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

Discussion and Approval of Acceptance of Resignation from the Community Preservation Committee:
Member-at-Large (Term Expires June 30, 2021): David Harsch:

Correspondence was received from David Harsch dated February 18, 2021 resigning from the Community Preservation Committee effective immediately.

Motion made by Selectman Sherman to accept the resignation of David Harsch from the Community Preservation Committee as a Member-at-Large sending a letter of appreciation to Mr. Harsch for his service to the Town of Mashpee.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

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

When a vacancy arises, it was recommended the resigning appointee be requested, but not mandated to provide input regarding their respective resignation to improve upon the processes associated to the representing board, committee, or commission for outreach and informational purposes.

Board of Selectmen
Minutes
February 22, 2021

APPOINTMENTS & HEARINGS

Natural Resources Director Ashley Fisher:

Discussion and Approval of Mooring Rules and Regulations:

The Board of Selectmen met with Jeff Smith, the Harbormaster to review recommendations associated to the Town of Mashpee Mooring Rules & Regulations. It has been over nine years since the regulations have been updated. The changes will maintain up to date regulations and cease unsafe practices. Additional fees would allow a funding stream to continue the maintenance of current dinghy racks on Town property. Waitlist fees would also control the mooring wait lists which is over 1,000.

Changes outlined in the draft include Fees as follows;

Initial Waitlist Fee – Increased from \$5 to \$20

Waitlist Renewal Fee – Increased from Zero to \$15

Dinghy Rack Waitlist Fee – Increased from Zero to \$10

Dinghy Rack Fee – Increased from Zero to \$40

Other changes include a proof of liability insurance on all boats greater than 20'. The changes would allow the Harbormaster to manage and execute his authority as defined under M.G.L. and local by-laws.

Motion made by Selectman Gottlieb to adopt the revised Mooring Rules & Regulations as presented by the Harbormaster.

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

Discussion and Approval of Rescinding Board of Selectmen Policy #013 Mooring Permits and Regulations:

Town Manager Rodney C. Collins indicated it is the recommendation of Town Counsel to rescind Board of Selectmen Policy #013 to eliminate redundancy and outdated information. There is no requirement to have both Mooring Rules & Regulations and a Board of Selectmen Policy regarding moorings.

Motion made by Selectman Gottlieb to rescind Board of Selectmen Policy #013; Mooring Permits and Regulations as recommended.

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

Board of Selectmen
Minutes
February 22, 2021

OLD BUSINESS

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

To date there has been 659 positive cases of COVID-19 with 27 persons in isolation. There are no reported cases on this date.

Correspondence was received from the Board of Health regarding notice received from the Department of Public Health on February 17, 2021 advising that individual municipalities are not eligible to receive dosages of the vaccination. Regional site locations in the State of Massachusetts will receive vaccinations administering at minimum 750 shots per day, 5 days per week. Regional sites will be open to all eligible persons in the state. Through a regional collaborative effort, local homebound and low-income persons would receive on site vaccinations.

Update, Discussion and Possible Action Relative to Wastewater Project(s):

Discussion of and Approval of Adding Articles to the May 3, 2021 Special and Annual Town Meeting Warrant:

Additional articles to be considered for the May Town Meeting warrant include a Flow Neutral Bylaw. The Board is awaiting an opinion from Town Counsel. This may be achieved through action by the Board of Health or by Sewer Commission regulation. A determination should be provided by the next Select Board Meeting.

The Town is also awaiting an opinion from Town Counsel to ensure there are no requirements for Legislation under the mandates of Article 97. One of the six proposed pump station sites is proposed to be located on unrestricted conservation land off of Mashpee Neck Road. If this is not an option a site has been identified directly across the street on property owned by Willowbend. A Town Meeting article would be necessary to obtain an easement if this is the selected site location.

It was recommended the Department of Natural Resources be directed to review in-house data on the nutrient loading of Mashpee's lakes and ponds and possibly provide an analysis that would assist in remediation plans. If the DNR lacks the capacity to conduct an analysis, it may be feasible to authorize funds for outside consulting services to conduct additional studies to bring forth solutions to remedy the degrading lakes and ponds in the Town of Mashpee.

Discussion of Comcast Contract Negotiations:

Select Board members were requested to participate in negotiations for contracted cable services provided by Comcast. Select Board members John J. Cotton and Carol A. Sherman will partake in the negotiation process planned to be held in mid-April.

Board of Selectmen
Minutes
February 22, 2021

NEW BUSINESS

Discussion and Approval of Draft #1 May 3, 2021 Special and Annual Town Meeting Warrant Articles:

It was unanimously agreed the wastewater articles would be represented on the warrant in consecutive order. To move the process of the time spent at Town Meeting, the articles of the warrant would be collectively grouped. Under State of Emergency ruling, municipalities have the authority to bundle articles.

For organizational purposes and for articles that may be added and/or deleted on this warrant, there is no numbering of the articles in Draft #1.

The Select Board also unanimously gave preference to hold the Spring Special and Annual Town Meeting(s) outdoors with rain dates and possible weekend options. The Town Moderator would be consulted, and any logistics would be addressed at the next meeting.

SPECIAL TOWN MEETING 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.

Motion made by Selectman Gottlieb to approve the article to deficit spend the Snow & Ice Account pending the insertion of a figure at a later date.

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

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

Motion made by Selectman Gottlieb to support and recommend the payment of previous unpaid bills.

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

Board of Selectmen
Minutes
February 22, 2021

SPECIAL TOWN MEETING WARRANT

Discussion and Approval of Draft #1 May 3, 2021 Special and Annual Town Meeting Warrant Articles:

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.

Motion made by Selectman Sherman to include and support funds to the Capital Stabilization Account.

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

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.

Motion made by Selectman Gottlieb to include and support the appropriation of \$850,000 for the DNR Facilities.

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

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

Motion made by Selectman Gottlieb to include and support the appropriation of the CPC Reserves.

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

Board of Selectmen
Minutes
February 22, 2021

SPECIAL TOWN MEETING WARRANT

Discussion and Approval of Draft #1 May 3, 2021 Special and Annual Town Meeting Warrant Articles:

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.

Motion made by Selectman Gottlieb to include and support the TNC Receipts Reserved Fund; \$5,275.

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

ANNUAL TOWN MEETING WARRANT

Article_

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

Motion made by Selectman Gottlieb to include and support the reports of the Town officers.

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

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.

Motion made by Selectman Gottlieb to include and support the FY2022 Omnibus Budget.

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

Board of Selectmen
Minutes
February 22, 2021

ANNUAL TOWN MEETING WARRANT

Discussion and Approval of Draft #1 May 3, 2021 Special and Annual Town Meeting Warrant Articles:

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.

Motion made by Selectman Gottlieb to include and support the FY2022 CIP Program.

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

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.

Motion made by Selectman Sherman to include and support the Cape Cod Regional Technical High School District budget.

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

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.

Motion made by Selectman O'Hara to include and recommend the Cape Cod Regional Technical High School District Building Project.

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

Board of Selectmen
Minutes
February 22, 2021

ANNUAL TOWN MEETING WARRANT

Discussion and Approval of Draft #1 May 3, 2021 Special and Annual Town Meeting Warrant Articles:

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.

Motion made by Selectman Gottlieb to include and recommend Phase I of the Town's Comprehensive Nitrogen and Wastewater Management, Treatment & Disposal Improvement Plans.

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

Board of Selectmen
Minutes
February 22, 2021

Discussion and Approval of Draft #1 May 3, 2021 Special and Annual Town Meeting Warrant Articles:

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.

Motion made by Selectman Gottlieb to include and recommend the Solar Project subject to the Identification; Assessors Map and Lots.

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

Article __ HELD; To clarify whether this is the site for the pump station, requires an opinion from TC.

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 _____

_____, as shown on the Plan entitled

"_____, 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.

Board of Selectmen
Minutes
February 22, 2021

ANNUAL TOWN MEETING WARRANT

Discussion and Approval of Draft #1 May 3, 2021 Special and Annual Town Meeting Warrant Articles:

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.

Motion made by Selectman Gottlieb to include and support the OPEB appropriation.

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

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.

Motion made by Selectman Gottlieb to include, but HOLD on the recommendation for a dollar amount on the PEG Fund.

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

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.

Motion made by Selectman Sherman to include and recommend the appropriation to the Injured-on Duty Fund.

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

Board of Selectmen
Minutes
February 22, 2021

ANNUAL TOWN MEETING WARRANT

Discussion and Approval of Draft #1 May 3, 2021 Special and Annual Town Meeting Warrant Articles:

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

Motion made by Selectman O'Hara to include and recommend the Revolving Fund expenditures.

Motion seconded by Selectman Gottlieb.

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

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.

Motion made by Selectman Gottlieb to include and HOLD the recommendation for the dollar figure.

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

Board of Selectmen
Minutes
February 22, 2021

ANNUAL TOWN MEETING WARRANT

Discussion and Approval of Draft #1 May 3, 2021 Special and Annual Town Meeting Warrant Articles:

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.

Motion made by Selectman Gottlieb to include and recommend the Layout Plan of Red Brook Road.

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

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.

Estimated Revenues

Registration Fees	\$ 3,000
Tuition	\$ 415,845
<u>Investment Income</u>	<u>\$ 275</u>
Total Budgeted Revenue	\$ 419,120

Estimated Expenses

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>
Total Budgeted Expenses	\$419,120

Net Profit/Loss

\$0

Motion made by Selectman Gottlieb to include and support the Kids Klub Enterprise Fund.

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

Board of Selectmen
Minutes
February 22, 2021

ANNUAL TOWN MEETING WARRANT

Discussion and Approval of Draft #1 May 3, 2021 Special and Annual Town Meeting Warrant Articles:

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.

Motion made by Selectman Sherman to include and recommend the FY 2022 Community Preservation Fund appropriation to the CPC Administrative & Operating Expense Account.

Motion seconded by Selectman Gottlieb.

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

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.

Motion made by Selectman Gottlieb to include and support the Community Septic Management Program and the Massachusetts Water Pollution Abatement Trust loan program.

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

Board of Selectmen
Minutes
February 22, 2021

ANNUAL TOWN MEETING WARRANT

Discussion and Approval of Draft #1 May 3, 2021 Special and Annual Town Meeting Warrant Articles:

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.

Motion made by Selectman Gottlieb to include and HOLD the replacement of the monitoring wells pending a dollar amount.

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

Is the Town able to recoup costs for the monitoring wells replacement?

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.

Motion made by Selectman Sherman to include and support engineering/permitting/dredging for navigational purposes.

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

Board of Selectmen
Minutes
February 22, 2021

ANNUAL TOWN MEETING WARRANT

Discussion and Approval of Draft #1 May 3, 2021 Special and Annual Town Meeting Warrant Articles:

PETITION ARTICLES (4) Same topic.

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.

Article _

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

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

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.

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.

Board of Selectmen
Minutes
February 22, 2021

ANNUAL TOWN MEETING WARRANT

Discussion and Approval of Draft #1 May 3, 2021 Special and Annual Town Meeting Warrant Articles:

PETITION ARTICLES (continued)

Article __

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

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

Article _

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

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.

It was disclosed the Select Board previously determined to not create large overlay districts, and thus declined to place an article on the October warrant for this purpose.

It was agreed the petitioner would be requested to attend the next Select Board Meeting to review the intent of this project and that a map would be included in the project proposal for additional review. It was also recommended the petitioner contact the abutters regarding this project.

LIAISON REPORTS

Sewer Commission: It was reported the project engineers of GHD, Inc. reviewed the wastewater plan at the last Sewer Commission meeting to continue on task to achieve 75% design to obtain cost assumptions and to mitigate the impacts to the surrounding areas. The amount of disruption should be minimal with double filtering and no open-air escape.

The Sewer Commission voted in support to include the grinder pumps in the overall project. Details regarding costs would be provided in mid-March.

Of note, two additional components to the project are being considered. This includes contract bidding to fully install solar panels on the building which would fulfill most or all electricity needs. In addition, cost comparisons are being studied for (8) underground treatment tanks. Initial construction requires two of the eight underground tanks to be installed. There may be a savings to install all of the tanks simultaneously. This would be decided upon when cost comparisons are received in mid-March.

It was requested the project engineer GHD, Inc. provide the Town with a project schedule and list of what is required to be accomplished to meet project deadlines.

Board of Selectmen
Minutes
February 22, 2021

TOWN MANAGER UPDATES

Medical Marijuana Facility: Triple M has provided notice regarding a change of hours.

U.S. Department of the Interior: On a favorable note, the U.S. Department of the Interior has withdrawn its administrative appeal in U.S. District Court regarding the Mashpee Wampanoag Tribes Land-In-Trust case.

ADJOURNMENT

Motion made by Selectman Sherman to adjourn at 8:05 p.m.

Motion seconded by Selectman Weeden.

VOTE: Unanimous. 5-0.

Roll Call Vote:

**Selectman Cotton, yes
Selectman Gottlieb, yes**

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

**Selectman Sherman, yes
Opposed, none**

Respectfully submitted

Kathleen M. Soares
Secretary to the Board of Selectmen

AGENDA
BOARD OF SELECTMEN
MONDAY, MARCH 1, 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

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

7 p.m. – Convene Meeting in Open Session

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

COMMUNICATIONS & CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

1. Update on Phase 1 of the Wastewater Plan
2. Financial Update and Projections for Phase 1 of the Wastewater Plan
3. Discussion of Spring Town Meeting

LIAISON REPORTS

TOWN MANAGER UPDATES

ADDITIONAL TOPICS

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

EXECUTIVE SESSION

ADJOURNMENT

Board of Selectmen
Minutes
March 1, 2021

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

Meeting Called to Order by Chairman Cotton at 7:00 p.m.
Mashpee Town Hall, Waquoit Meeting Room

NEW BUSINESS

Update on Phase 1 of the Wastewater Plan:

Town Manager Rodney C. Collins updated the Select Board on circumstances and financial assumptions related the Comprehensive Water Resources Management Plan (CWRMP) which recommends a hybrid comprehensive plan for all areas of Mashpee. This includes the south facing embayment's of Popponesset, Three Bays and Waquoit Bay which would be addressed cooperatively and collectively with the Towns of Sandwich, Barnstable and Falmouth as well as adaptive management approaches for nitrogen credit reduction.

Through the shellfish aquaculture remediation program there are nitrogen credit assumptions. The Town may be required to increase shellfish propagation and implement further adaptive management approaches if the Town does not act promptly to address the wastewater plan.

A report is expected to be presented by the project engineer GHD, Inc. on March 15, 2021 of estimated cost projections associated to Phase I of the CWRMP. In moving forward, articles are under review for inclusion in the final warrant for the May Town Meeting.

The cost projection to address Phase I which includes wastewater and stormwater obligations is \$51.2 million over a 30-year period. Additional costs are projected after the completion of Phase I to address additional phases associated to the Comprehensive Water Resources Management Plan.

The Clean Water State Revolving Fund (CWSRF) loan requires municipalities to include the cost of operations in the calculation of expenses. The estimated cost is \$1.2 million per year for Phase I. The operational costs and maintenance of the treatment and collection facility are not included in the \$51.2 million cost projection. The GHD cost analysis would further define the costs and the Sewer Commission would then determine the rates to offset these costs. In the wastewater plan, it is expected that outside services would be contracted to control operational functions as well as maintenance assumptions.

It is projected the CWSRF loan would be secured offering principal forgiveness at 0% interest. It is expected the average subsidy of the CWSRF loan would be 3.3% for the Town of Mashpee as a Group 1 community. Principal forgiveness is based on a sliding scale, income and demographics. The payback of the CWSRF loan would then be 3.3% less at a 0% interest rate.

Projects eligible to receive CWSRF loans are also guaranteed eligibility to receive Cape Cod and Islands Water Protection Fund (CCIWPF) grant funding.

Board of Selectmen
Minutes
March 1, 2021

Update on Phase 1 of the Wastewater Plan: (continued)

The CCIWPF was established to assist municipalities in funding critical wastewater infrastructure and water quality remediation projects. The same formula is applied to each qualified community to determine the grant amount equally. The subsidy percentage would apply to the principal of all projects costing over \$1 million. The total monetary value of each grant equals the subsidy percentage times the final project cost. After final approval, the amount is allocated in four installments.

The MassDEP publishes the Intended Use Plan (IUP) which lists the projects eligible to receive CWSRF loans and municipalities are notified of their eligibility to receive a CCIWPF grant. It is perceived the Town of Mashpee may receive 10% forgiveness from the CCIWPF. With a projected budget in Phase I of \$51.2 million, this would result in \$5.1 million in loan forgiveness.

It is projected the CWSRF loan and CCIWPF subsidy would be fully determined prior to the May Town Meeting. In accordance with grant requirements, a municipality must approve project funding through a vote of Town Meeting by June 20, 2021.

Revenue assumptions to be used for offset include the Rooms Tax estimated at \$750,000 per year with 75% of revenues earmarked for wastewater obligations. The implementation of the WIIF at 2% adds a tax assessment of \$89 per year. The 2% WIIF actually represents a 1% tax increase as the tax utilizes the 1% reduction from the CPA. The 2% WIIF would be assessed as \$89 on an average home valued at \$500,000. Homes of lesser value would thus be assessed at a lesser rate. A breakdown of costs will be presented to the Select Board on March 15, 2021 for additional review.

In considering the average debt per household for the \$51.2 million project in Phase I the \$143 per year debt using the CCIWTP 10% forgiveness; minus -\$15 and Rooms Tax offset minus -\$49, brings forth a net cost of \$80 per year in Phase I. However, the WIIF assessment is \$89 per year. With the \$80 reduction, this brings forth a net cost of \$0 per household with an additional \$9 to remain in the coffers for wastewater. The Town therefore does not require an override or additional funds for Phase I of the wastewater plan.

The analysis to be provided by the project engineer on March 15, 2021 would further detail cost projections. Grinder pumps as previously discussed will be included as an option in the 75% design presentation.

With regards to requirements of the CWSRF loan, the importance of a Flow Neutral Nitrogen Bylaw was prioritized as was the article and debt exclusion required for bonding purposes. Any ineligible cost is subject to bonding.

At the next meeting locations to be connected to Phase I, and costs to individuals who would be directly affected by the Phase I project will be reviewed. Town Counsel would be requested to render an opinion regarding flow requirements as it relates to planned bedroom units before and after sewerage.

Town Manager Rodney C. Collins gave credit to his Financial Team for compiling data for the wastewater cost analysis. The Select Board expressed appreciation to Mr. Collins, his Financial Team, the Sewer Commission and to Selectman Andrew R. Gottlieb for their due diligence and guidance.

Board of Selectmen
Minutes
March 1, 2021

NEW BUSINESS

Discussion of Spring Town Meeting:

Town Counsel has advised it is permissible to change the date of Town Meeting, but not Election Day. Options regarding the scheduling of Town Meeting planned to be held on May 3, 2021 was discussed.

It is the preferred option of the Select Board to hold the May Special and Annual Town Meetings in an outdoor setting. Town Manager Rodney C. Collins will review the logistics and present alternative dates to the Select Board to assist in their decision at the next meeting.

TOWN MANAGER UPDATES

Correspondence was received from Ashley Fisher, Director of Natural Resources regarding the reclassification of Massachusetts shellfish areas required to meet national shellfish regulations. This includes harvest areas and sites in close proximity to vessels, docks and moorings. It was agreed the Select Board would review this matter when information is readily available to review.

For planning purposes, it was agreed the rules and regulations for parking at Town beaches would be re-visited.

ADJOURNMENT

Motion made by Selectman O'Hara to adjourn at 8:16 p.m.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

**Selectman Cotton, yes
Selectman Gottlieb, yes**

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

**Selectman Sherman, yes
Opposed, none**

Respectfully submitted,

Kathleen M. Soares
Secretary to the Board of Selectmen

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

Pursuant to Chapter 138 of Massachusetts General Laws, the Board of Selectmen, acting as the Local Licensing Authority for the Town of Mashpee, will conduct a public hearing on the 2021 Seasonal Alcoholic Beverages and Entertainment License renewals.

Said hearing will be held on Monday, March 8, 2021 at 6:35 p.m., in the Waquoit Meeting Room of Mashpee Town Hall, 16 Great Neck Road North, Mashpee, MA 02649.

Please be advised, if the Mashpee Town Hall is still closed to the public due to the COVID-19 public health emergency the public may participate in the following manner:

Broadcast Live on Local Cable Channel 18

Call in Comment Number: (508) 539-1400 extension 8585

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

You can submit comments and questions via email to bos@mashpeeema.gov prior to the meeting date and time.



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

Pursuant to Chapter 138 of Massachusetts General Laws, the Board of Selectmen, acting as the Local Licensing Authority for the Town of Mashpee, will conduct a public hearing on the 2021 Seasonal Alcoholic Beverages and Entertainment License renewals.

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Broadcast Live on Local Cable Channel 18

Call In Comment Number: (508) 539-1400 extension 8585

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

You can submit comments and questions via email to bos@mashpeeema.gov prior to the meeting date and time.

Per order of
The Mashpee Board of Selectmen
John J. Cotton, Chair
Thomas F. O'Hara, Vice-Chair
Carol A. Sherman, Clerk
Andrew R. Gottlieb
David W. Weeden

February 26, 2021

Per order of
The Mashpee 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

OFFICE OF SELECTMEN

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

MEMORANDUM

Date: March 2, 2021

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

From: Stephanie A. Coleman, Administrative Secretary

Re: 2021 Seasonal Alcoholic Beverages and Entertainment License Renewals

Description

Discussion and approval of the Seasonal Alcoholic Beverages and Entertainment License Renewals for the year 2021.

Background

Pursuant to Chapter 138 of Massachusetts General Laws, the Board of Selectmen, acting as the Local Licensing Authority for the Town of Mashpee, will conduct a public hearing on the 2021 Seasonal Alcoholic Beverages and Entertainment License renewals for the Town of Mashpee.

The following licensees have filed complete renewal applications:

Package Store – All Alcohol

Commons Convenience

Mashpee Mart

Poppy Market (*Formally Popponesset Marketplace*)

Restaurant – All Alcohol

Cooke's Seafood

Bob's Seafood Café*

The Raw Bar*

Club – All Alcohol

The Lure*

* Denotes an establishment that is renewing a license for Weekday Entertainment and/or Entertainment on Sundays.

The Building Department has verified that all licensed establishments have passed building/fire inspections.

The Health Agent has verified that there are no violations to report.

Our office has received no notice of violations from the Police Chief.

The Treasurer/Tax Collector's office has confirmed that all licensed establishments are current on their property taxes.

Additionally the ABCC has reported no violations for the calendar year 2020.



Jean M. Lorizio, Esq.
Commission Chairman

Commonwealth Of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358

2021 FEB 16 PM 2:09

2021
Retail License Renewal

License Number: 00052-RS-0670 Municipality: MASHPEE
License Name : Azzaro Mashpee Inc License Class: Seasonal
DBA : Cookes Seafood License Type: Restaurant
Premise Address: 7 Ryan'S Way Mashpee, MA 02144 License Category: All Alcoholic Beverages
Manager: Angela Asimakopoulos

I hereby certify and swear under penalties of perjury that:

1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
2. The renewed license is of the same class, type, category as listed above;
3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
4. The premises are now open for business (if not, explain below).

Angela Asimakopoulos
Signature

Angela Asimakopoulos
Printed Name

February 12, 2021
Date

Co-owner / Mgr.
Title

Please sign this form only in the month of March and return to your Local Licensing Authority.

Additional Information:





The Commonwealth of Massachusetts
Office of Public Safety & Inspections
New and Renewal Certificate of Inspection - Regular

In accordance with **780 CMR, Chapter 1** (The Ninth Edition of the Massachusetts State Building Code) and Chapter **304 of the Acts of 2004** (an Act to further enhance fire and life safety), this Certificate Of Inspection is issued to the premise or structure or part thereof as herein identified

Issued to	Identify Name of Establishment				Certificate No. CI-20-0974
	Cooke's				
Located at	Identify property address including street number, name, city or town and county				Certificate Expiration
	7 RYANS WAY				12/31/21
Use Group Classification (s)	Basement	First Floor	Second Floor	Third Floor	Fourth Floor
		DINING AREA	STANDING ROOM		Other
Allowable Occupant Load		165	25		
This is hereby issued by the undersigned to certify that the premise, structure or portion thereof as herein specified has been inspected for general fire and life safety features. This certificate shall be framed behind clear glass and/or laminated and posted in a conspicuous place within the space as directed by the undersigned. Failure to post or tampering with the contents of the certificate is strictly prohibited.					
Name of Municipal Fire Chief	Thomas Rullo	Name of Building Official	Charles Maintanis	Date of Inspection	10/29/20
Signature of Municipal Fire Chief		Signature of Building Official	 Charles Maintanis	Date of Issuance	11/03/20



Jean M. Lorizio, Esq.
Commission Chairman

Commonwealth Of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358

2021 MAR -1 PM 2:38

2021
Retail License Renewal

License Number: 03360-RS-0670

Municipality: MASHPEE

License Name : PM Cafe LLC

License Class: Seasonal

DBA : Bob'S Seafood Cafe

License Type: Restaurant

Premise Address: 259 Shore Drive 8 Mashpee, MA 02649

License Category: All Alcoholic Beverages

Manager: Tara Marie Merola

I hereby certify and swear under penalties of perjury that:

1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
2. The renewed license is of the same class, type, category as listed above;
3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
4. The premises are now open for business (if not, explain below).


Signature

MATTHEW GILLY
Printed Name

MARCH 1, 2021
Date

OWNER/OPERATOR
Title

Please sign this form only in the month of March and return to your Local Licensing Authority.

Additional Information:

SEASONAL BUSINESS SCHEDULED TO OPEN
MAY 15th. LOOKING TO MAINTAIN EXPANDED
OUTDOOR SEATING IN COURTYARD DUE TO COVID.





The Commonwealth of Massachusetts
Office of Public Safety & Inspections
New and Renewal Certificate of Inspection - Regular

In accordance with **780 CMR, Chapter 1** (The Ninth Edition of the Massachusetts State Building Code) and Chapter **304 of the Acts of 2004** (an Act to further enhance fire and life safety), this Certificate Of Inspection is issued to the premise or structure or part thereof as herein identified

Issued to	Identify Name of Establishment				Certificate No. CI-20-1055
	The Raw Bar Inc				
Located at	Identify property address including street number, name, city or town and county				Certificate Expiration
	259 SHORE DR				12/31/21
Use Group Classification (s)	Basement	First Floor	Second Floor	Third Floor	Fourth Floor
					Other
Allowable Occupant Load					

This is hereby issued by the undersigned to certify that the premise, structure or portion thereof as herein specified has been inspected for general fire and life safety features. This certificate shall be framed behind clear glass and/or laminated and posted in a conspicuous place within the space as directed by the undersigned. **Failure to post or tampering with the contents of the certificate is strictly prohibited.**

Name of Municipal Fire Chief	Thomas Rullo	Name of Building Official	Charles Maintanis	Date of Inspection	11/12/20
Signature of Municipal Fire Chief		Signature of Building Official	 Charles Maintanis	Date of Issuance	11/24/20



Jean M. Lorizio, Esq.
Commission Chairman

Commonwealth Of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358

2021 MAR -1 PM 2:30

2021
Retail License Renewal

License Number: 03356-RS-0670

Municipality: MASHPEE

License Name : PM Raw Bar, LLC

License Class: Seasonal

DBA : The Raw Bar

License Type: Restaurant

Premise Address: 259 Shore Drive Bldg 4 Mashpee, MA
02649

License Category: All Alcoholic Beverages

Manager: Matthew James Gelly

I hereby certify and swear under penalties of perjury that:

1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
2. The renewed license is of the same class, type, category as listed above;
3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
4. The premises are now open for business (if not, explain below).

Signature

MATTHEW GELLY

Printed Name

MARCH 1, 2021

Date

OWNER/OPERATOR

Title

Please sign this form only in the month of March and return to your Local Licensing Authority.

Additional Information:

SEASONAL BUSINESS SCHEDULED TO OPEN APRIL 9th
WOULD LIKE TO CONTINUE EXPANDED OUTDOOR
SEATING DUE TO COVID.





The Commonwealth of Massachusetts
Office of Public Safety & Inspections
New and Renewal Certificate of Inspection - Regular

In accordance with **780 CMR, Chapter 1** (The Ninth Edition of the Massachusetts State Building Code) and Chapter **304 of the Acts of 2004** (an Act to further enhance fire and life safety), this Certificate Of Inspection is issued to the premise or structure or part thereof as herein identified

Issued to	Identify Name of Establishment				Certificate No. CI-20-1055
	The Raw Bar Inc				
Located at	Identify property address including street number, name, city or town and county				Certificate Expiration
	259 SHORE DR				12/31/21
Use Group Classification (s)	Basement	First Floor	Second Floor	Third Floor	Fourth Floor
					Other
Allowable Occupant Load					

This is hereby issued by the undersigned to certify that the premise, structure or portion thereof as herein specified has been inspected for general fire and life safety features. This certificate shall be framed behind clear glass and/or laminated and posted in a conspicuous place within the space as directed by the undersigned. **Failure to post or tampering with the contents of the certificate is strictly prohibited.**

Name of Municipal Fire Chief	Thomas Rullo	Name of Building Official	Charles Maintanis	Date of Inspection	11/12/20
Signature of Municipal Fire Chief		Signature of Building Official	 Charles Maintanis	Date of Issuance	11/24/20



Jean M. Lorizio, Esq.
Commission Chairman

Commonwealth Of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358

2021 MAR -1 PM 2:38

2021
Retail License Renewal

License Number: 00081-RS-0670

Municipality: MASHPEE

License Name : New Seabury Resources Management
Inc

License Class: Seasonal

DBA : The Lure At Popponesset

License Type: Restaurant

Premise Address: 236 Shore Drive Mashpee, MA 02649

License Category: All Alcoholic Beverages

Manager: Scott Mullen

I hereby certify and swear under penalties of perjury that:

1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
2. The renewed license is of the same class, type, category as listed above;
3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
4. The premises are now open for business (if not, explain below).


Signature

Chris Curd
Printed Name

2/26/21
Date

2/26/21
Title

Please sign this form only in the month of March and return to your Local Licensing Authority.

Additional Information:





The Commonwealth of Massachusetts

Office of Public Safety & Inspections

New and Renewal Certificate of Inspection - Regular

In accordance with **780 CMR, Chapter 1** (The Ninth Edition of the Massachusetts State Building Code) and Chapter **304 of the Acts of 2004** (an Act to further enhance fire and life safety), this Certificate Of Inspection is issued to the premise or structure or part thereof as herein identified

Issued to	Identify Name of Establishment				Certificate No. CI-20-1070
	The Lure on the Waterfront at the Poppy				
Located at	Identify property address including street number, name, city or town and county				Certificate Expiration
	236 SHORE DR				12/31/21
Use Group Classification (s)	Basement	First Floor	Second Floor	Third Floor	Fourth Floor
		FIRST FLOOR	SECOND FLOOR	OUTSIDE	
Allowable Occupant Load		45	68	80	

This is hereby issued by the undersigned to certify that the premise, structure or portion thereof as herein specified has been inspected for general fire and life safety features. This certificate shall be framed behind clear glass and/or laminated and posted in a conspicuous place within the space as directed by the undersigned. **Failure to post or tampering with the contents of the certificate is strictly prohibited.**

Name of Municipal Fire Chief	Name of Building Official	Charles Maintanis	Date of Inspection	11/19/20
Signature of Municipal Fire Chief	Signature of Building Official	 Charles Maintanis	Date of Issuance	12/01/20



Jean M. Lorizio, Esq.
Commission Chairman

Commonwealth Of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358

2021 FEB 16 PM 12:35

2021
Retail License Renewal

License Number: 89619-PK-0670 Municipality: MASHPEE
License Name : COMMONS CONVENIENCE INC. License Class: Seasonal
DBA : Commons Convenience License Type: Package Store
Premise Address: 414 Nathan Ellis Highway Mashpee, MA License Category: All Alcoholic Beverages
02649
Manager: Ghulam Rasool

I hereby certify and swear under penalties of perjury that:

1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
2. The renewed license is of the same class, type, category as listed above;
3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
4. The premises are now open for business (if not, explain below).

Signature

SAEED A CHAUDHRY

Printed Name

2-16-2021

Date

PRESIDENT

Title

Please sign this form only in the month of March and return to your Local Licensing Authority.

Additional Information:





Jean M. Lorizio, Esq.
Commission Chairman

Commonwealth Of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358

2021 FEB 22 AM 8:56

2021
Retail License Renewal

License Number: 89547-PK-0670 Municipality: MASHPEE
License Name : ASZS GROUP INC. License Class: Seasonal
DBA : Mashpee Mart License Type: Package Store
Premise Address: 44 Falmouth Rd Mashpee, MA 02649 License Category: All Alcoholic Beverages
Manager: Zohaib Shahid

I hereby certify and swear under penalties of perjury that:

1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
2. The renewed license is of the same class, type, category as listed above;
3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
4. The premises are now open for business (if not, explain below).



Signature

Zohaib Shahid
Printed Name

2/19/21
Date

President
Title

Please sign this form only in the month of March and return to your Local Licensing Authority.

Additional Information:





Jean M. Lorizio, Esq.
Commission Chairman

Commonwealth Of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358

2021 FEB 25 AM 11:55

2021
Retail License Renewal

License Number: 89783-PK-0670 Municipality: MASHPEE
License Name : Morrison Marketplace LLC License Class: Seasonal
DBA : Poppy Market License Type: Package Store
Premise Address: 259 Shore Drive Unit #1 Mashpee, MA License Category: All Alcoholic Beverages
02649
Manager: Michael T. Morrison

I hereby certify and swear under penalties of perjury that:

1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
2. The renewed license is of the same class, type, category as listed above;
3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
4. The premises are now open for business (if not, explain below).

Signature

Michael Morrison

Printed Name

3/1/21

Date

Owner

Title

Please sign this form only in the month of March and return to your Local Licensing Authority.

Additional Information:



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

Pursuant to Chapter 138 of Massachusetts General Laws, the Board of Selectmen, acting as the Local Licensing Authority for the Town of Mashpee, will conduct a public hearing on the Liquor License Amendment Application of Bacchus Enterprises, Inc. d/b/a South Cape Wine & Spirits; 19 Commercial Street, Mashpee, MA, Barbara Rymsha, Manager for an Alteration of Premises.

Said hearing will be held on Monday, March 8, 2021 at 6:40 p.m., in the Waquoit Meeting Room of Mashpee Town Hall, 16 Great Neck Road North, Mashpee, MA 02649.

Please be advised, if the Mashpee Town Hall is still closed to the public due to the COVID-19 public health emergency the public may participate in the following manner:

Broadcast Live on Local Cable Channel 18

Call in Comment Number: (508) 539-1400 extension 8585

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

You can submit comments and questions via email to bos@mashpeeema.gov prior to the meeting date and time.



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

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Per order of
The Mashpee Board of Selectmen
John J. Cotton, Chair
Thomas F. O'Hara, Vice-Chair
Carol A. Sherman, Clerk
Andrew R. Gottlieb
David W. Weeden

Per order of
The Mashpee 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

OFFICE OF SELECTMEN

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

MEMORANDUM

Date: March 2, 2021

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

From: Stephanie A. Coleman, Administrative Secretary

Re: Alcoholic Beverages License Amendment Application – Bacchus Enterprises, Inc. dba South
Cape Wine & Spirits

Description

Discussion and approval of the License Amendment Application of Bacchus Enterprises, Inc. dba South Cape Wine & Spirits, for an Alteration of Premises.

Background

Attached for your review is the Liquor License Amendment Application of Bacchus Enterprises, Inc. dba South Cape Wine & Spirits; 19 Commercial Street, Mashpee MA. The applicant is requesting to expand the floor plan for the licensed premises into an adjacent unit. The proposed floor plan will be a total of 4,992 sq. ft. of retail storage, office space and bathrooms. The store will remain one floor with two entrances, two exits and one door for deliveries.



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

2021 FEB 23 PM 12:00

AMENDMENT-Change or Alteration of Premises Information

☐ **Change of Location**

- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

☒ **Alteration of Premises**

- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

1. BUSINESS ENTITY INFORMATION

Entity Name

Bacchus Enterprises Inc. dba South Cape Wine & S

Municipality

Mashpee

ABCC License Number

00020-PK-0670

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

The existing South Cape Wine and Spirits retail liquor store occupies 3,788 square feet at 19 Commercial St., Unit C1, in South Cape Plaza. We are planning to expand and integrate the 1,214 sq ft unit adjacent to the store to create a total space of 4,992 sq ft. This will include retail, storage, office and bathrooms.

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name

Barbara Rymsha

Title

President

Email

Phone

2. ALTERATION OF PREMISES

2A. DESCRIPTION OF ALTERATIONS

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

Please see Additional Information Page

2B. PROPOSED DESCRIPTION OF PREMISES

Please provide a complete description of the proposed premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

The proposed expanded floor plan for South Cape Wine and Spirits will result in a total of 4,992 sq ft of combined retail, storage, office and bathrooms. The store will remain 1 floor with 2 customer entrance/exits and 1 delivery door.

Total Sq. Footage

4,992

Seating Capacity

N/A

Occupancy Number

Number of Entrances

2 plus delivery

Number of Exits

2 plus delivery

Number of Floors

1

AMENDMENT-Change or Alteration of Premises Information

3. CHANGE OF LOCATION

3A. PREMISES LOCATION

Last-Approved Street Address

Proposed Street Address

3B. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

3C. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises. (E.g. Deed, lease, letter of intent)

Please indicate by what means the applicant has to occupy the premises

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

☐ Yes ☐ No

4. FINANCIAL DISCLOSURE

Associated Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):

Associated Cost(s):

\$100,000-150,000 - our portion of the renovation

Landlord work to be done at own expense.

Business Name:

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Bacchus Enterprises, Inc - using own funds	\$100,000 - 150,000.
(See attached Bank Statement)	
Total:	\$100,000-150,000.

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No

APPLICANT'S STATEMENT

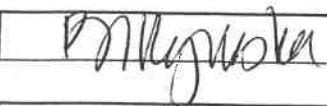
I, Barbara Rymsha the: ☐ sole proprietor; ☐ partner; ☒ corporate principal; ☐ LLC/LLP manager
Authorized Signatory

of Bacchus Enterprises, Inc.
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: 

Date: 2/16/21

Title: President

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

Response to #2

In order to combine our existing retail liquor store (South Cape Wine & Spirits) location with the adjacent unit (Suite 103/1,214 sq ft), the wall between the 2 units will be demolished. The adjacent unit's floor will be brought to grade to be level with that of South Cape Wine and Spirits.

A section of existing beer cooler with 7 retail doors will be relocated to a wall in the adjacent unit. A new, additional section of beer cooler with 9 retail doors and a walk-in door will be added to join the existing cooler sections.

In the adjacent space to South Cape Wine & Spirits, (Suite 103) the existing entrance/exit door on Joy St will be sealed. The existing rear delivery door will also be sealed. The combined premises will continue to use the 2 South Cape Wine & Spirits entrance/exit doors (1 on Joy St/1 on Commercial St) and the existing rear delivery door.

The 2 existing bathrooms and office in South Cape Wine and Spirits will be demolished. One bathroom will be rebuilt next to the existing bathroom in the adjacent unit (Suite 103) for a total of 2 bathrooms for the combined premises.
A new office will be built in the existing South Cape Wine and Spirits premises.

The current cash register area in South Cape Wine and Spirits will be relocated from its current position along the wall to be demolished to the wall that abuts Joy Street.

See attached
1 on Commercial St

See attached
1 on Commercial St

Entity Name

Mashpee

City/Town

2	22	2
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Date of Meeting

☒ Alteration of Licensed Premises

☐ Change of Location☐ Other

Barbara Rynisha

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

A true copy attest,

For Corporations ONLY

A true copy attest,

B. Repusla
Corporate Officer / LLC Manager Signature

Barbara Rynisha
(Print Name)


Corporation Clerk's Signature

Corporation Clerk's Signature

Richard A. Rymaszewski
(Print Name)



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM**

AMENDMENT-Change or Alteration of Premises Information

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL
LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: ABCC PAYMENT WEBSITE

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE
PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

00020-PK-0670

ENTITY/ LICENSEE NAME Bacchus Enterprises, Inc dba South Cape Wine and Spirits

ADDRESS 19 Commercial Street, Unit C-1

CITY/TOWN Mashpee

STATE MA

ZIP CODE 02649

For the following transactions (Check all that apply):

- | | | | |
|---|---|---|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Change of DBA | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Change of Hours |
| <input type="checkbox"/> Change of Manager | <input checked="" type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input type="checkbox"/> Change of Officers/Directors | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Ownership Interest | <input type="checkbox"/> Other | | |

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS
TRANSMITTAL FORM ALONG WITH
COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358

BUILDING CODE INFORMATION

CODES

REFERENCE: IBC 2015 WITH MA AMENDMENTS
 INTERNATIONAL BUILDING CODE 2015
 INTERNATIONAL FIRE CODE 2015
 INTERNATIONAL ELECTRICAL CODE 2015
 INTERNATIONAL MECHANICAL CODE 2015
 INTERNATIONAL PLUMBING CODE 2015
 INTERNATIONAL SLEEPING TENANT HOBAS AMENDMENT SECTION 12
 MAAS 201 CAR
 MAAS 2015 MA AMENDMENTS

BUILDING DESCRIPTION

AREA (SUITING)
 Total Suite Area: 107,000 sq. ft.
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PROPOSED TENANT EXPANSION SUITE 101 AND SUITE 103 SOUTH CAPE WINE AND SPIRITS SOUTH CAPE VILLAGE 19 COMMERCIAL STREET MASHPEE, MA 02649

PROJECT: 19 COMMERCIAL STREET
 MASHPEE, MA 02649
 PROJECT NUMBER: 30100.00
 CHECKED BY: TJA
 DRAWN BY: TJA
 DATE: 01-07-2021
 SCALE: AS NOTED

TITLE SHEET

PROPOSED
 SOUTH CAPE WINE AND
 SPIRITS EXPANSION
 SOUTH CAPE VILLAGE
 MASHPEE, MA

T100



Scott Griffin
 ARCHITECTS
 100 South Commercial Street
 Mashpee, MA 02649
 Phone: (508) 861-1111 Fax: (508) 861-1112

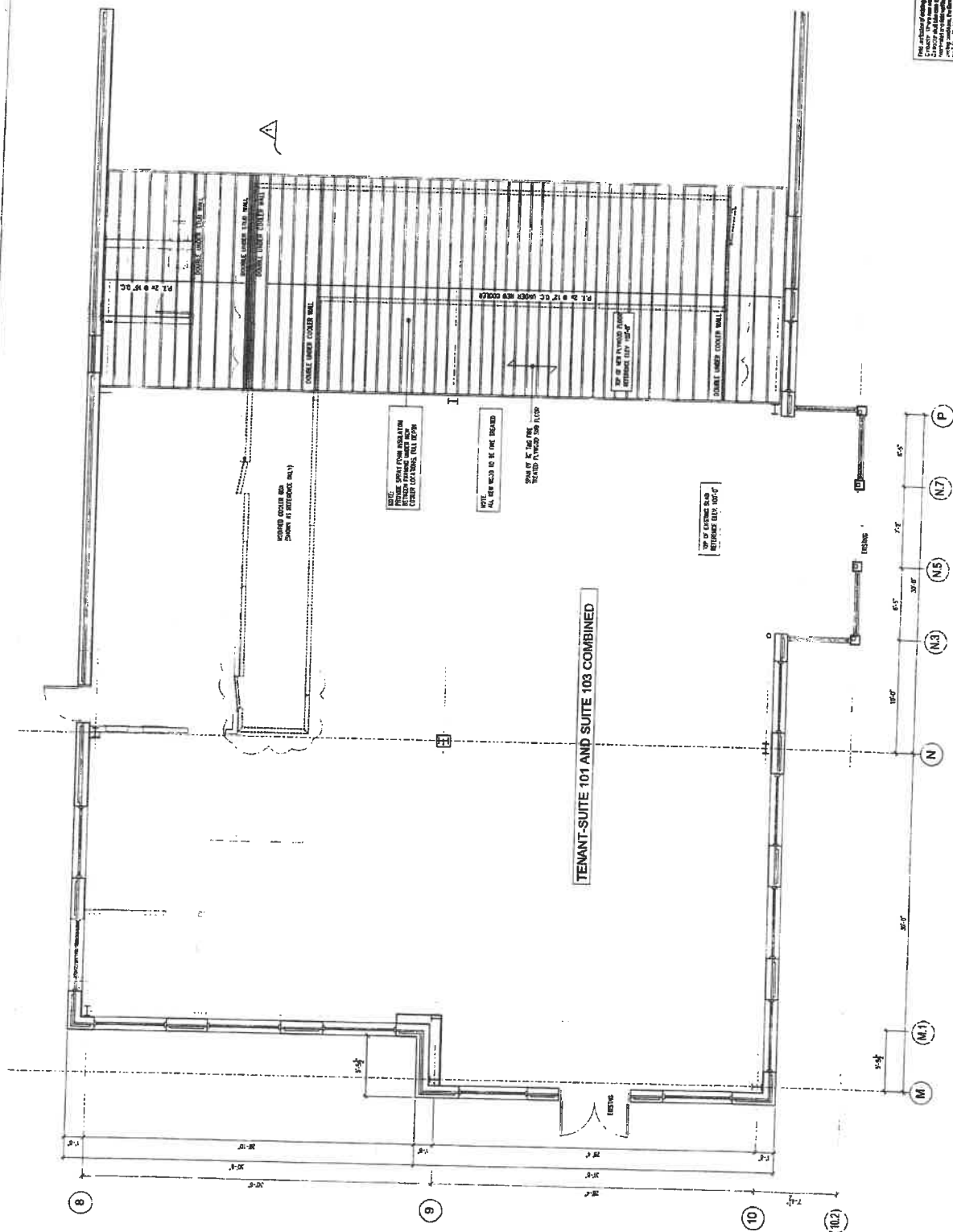
PROJECT: 19 COMMERCIAL STREET
 MASHPEE, MA 02649
 PROJECT NUMBER: 30100.00
 CHECKED BY: TJA
 DRAWN BY: TJA
 DATE: 01-07-2021
 SCALE: AS NOTED

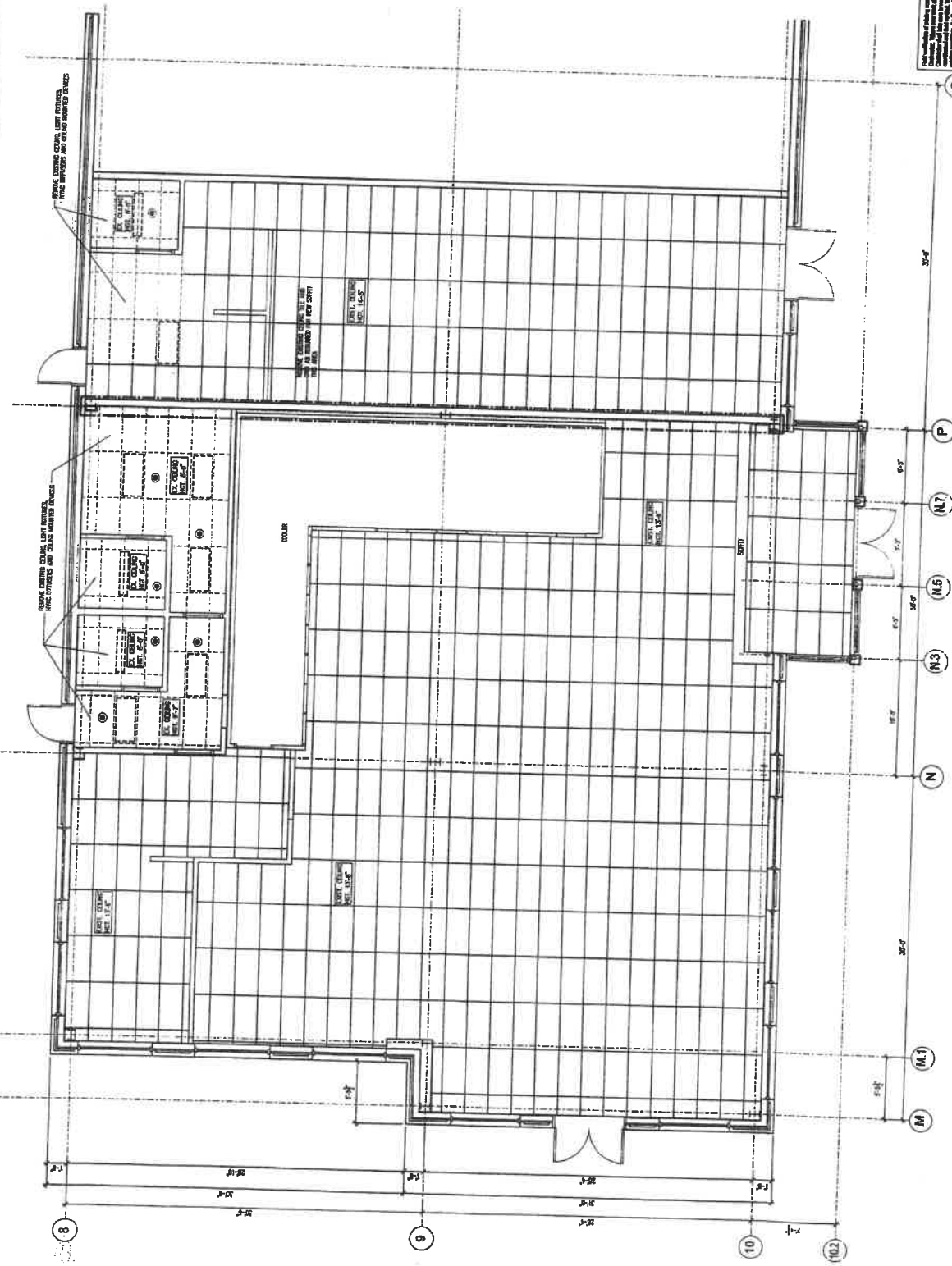
TITLE SHEET

PROPOSED
 SOUTH CAPE WINE AND
 SPIRITS EXPANSION
 SOUTH CAPE VILLAGE
 MASHPEE, MA

T100

TENANT-SUITE 101 AND SUITE 103 COMBINED

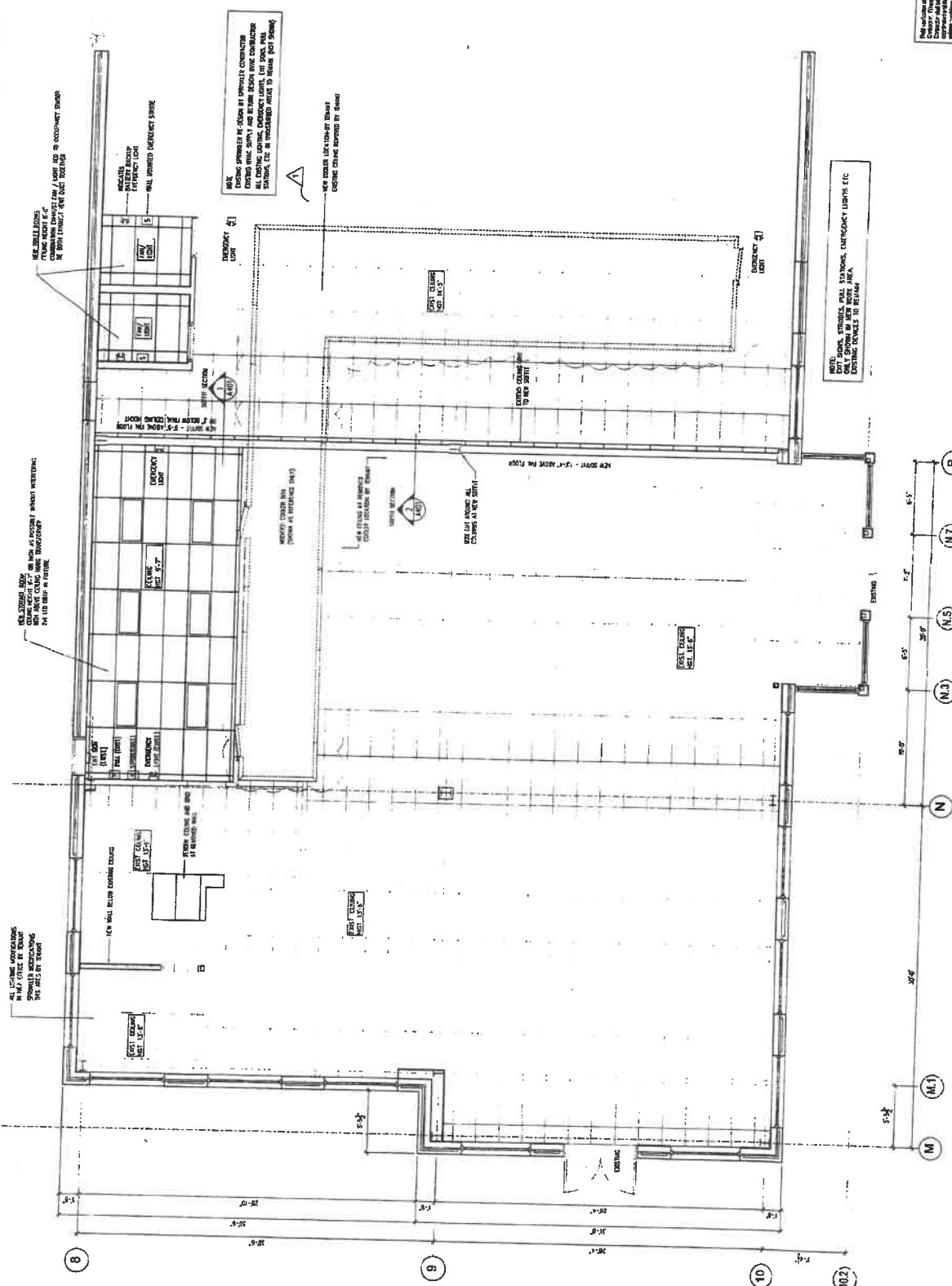


[illegible]

DEMO REFLECTED CEILING PLAN

NOTE: DOT SIGNS, STROBES, PULL STATIONS, EMERGENCY LIGHTS ETC
ONLY SHOWN IN NEW YORK AREA

field vehicles of existing conditions to be unacceptable, if the General Contractor's Division and staff are not fully informed. After the General Contractor and staff come to a consensus, an initial meeting with the Corps and the Corps' Division will be held. The Corps will then conduct a site visit and a meeting with the General Contractor and staff to discuss the findings of the site visit. The Corps will then conduct a final meeting with the General Contractor and staff to discuss the findings of the site visit. The Corps will then conduct a final meeting with the General Contractor and staff to discuss the findings of the site visit.



A400

PROPOSED
SOUTH CAPE WINE &
SPIRITS EXPANSION
MASSAPEQUET, MA

DATE
CHECKED BY
PROJECT NUMBER
SCALE

SCHEDULES AND
DETAILS

Scott Griffin
ARCHITECTS
Phone (781) 883-7100 Fax (781) 883-7200
100 Main Street, Suite 200
Boston, MA 02101

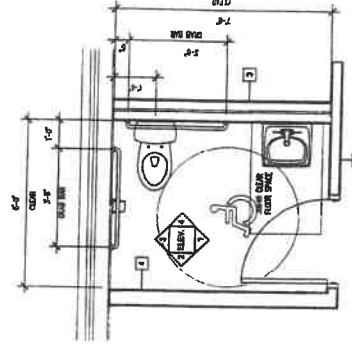


Notes:
1. The architect is not responsible for the design of the building's mechanical, electrical, plumbing, or fire protection systems. The design of these systems is the responsibility of the respective consultants.
2. The architect is not responsible for the design of the building's structural system. The design of the structural system is the responsibility of the structural engineer.
3. The architect is not responsible for the design of the building's landscape architecture. The design of the landscape architecture is the responsibility of the landscape architect.

TOILET ROOM FINISH SCHEDULE

NO.	FINISH	DESCRIPTION	QUANTITY	UNIT
1	WALL	WHITE PAPER DUPLEX	100	SQ. YD.
2	CEILING	WHITE PAPER DUPLEX	100	SQ. YD.
3	FLOOR	WHITE PAPER DUPLEX	100	SQ. YD.
4	DOOR	WHITE PAPER DUPLEX	100	SQ. YD.
5	WINDOW	WHITE PAPER DUPLEX	100	SQ. YD.
6	TOILET	WHITE PAPER DUPLEX	100	SQ. YD.
7	SINK	WHITE PAPER DUPLEX	100	SQ. YD.
8	VANITY	WHITE PAPER DUPLEX	100	SQ. YD.
9	MIRROR	WHITE PAPER DUPLEX	100	SQ. YD.
10	SHOWER	WHITE PAPER DUPLEX	100	SQ. YD.

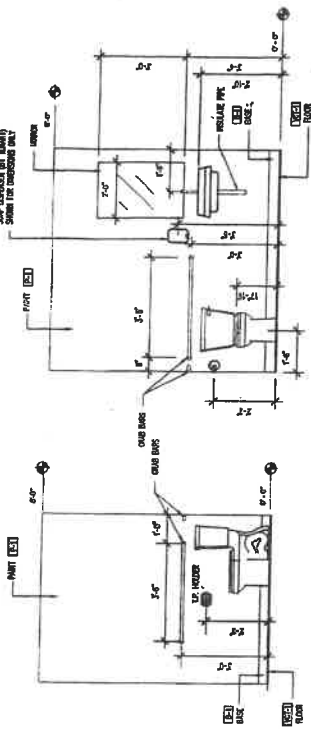
TOILET ROOM PLAN
5'-0" x 4'-6"



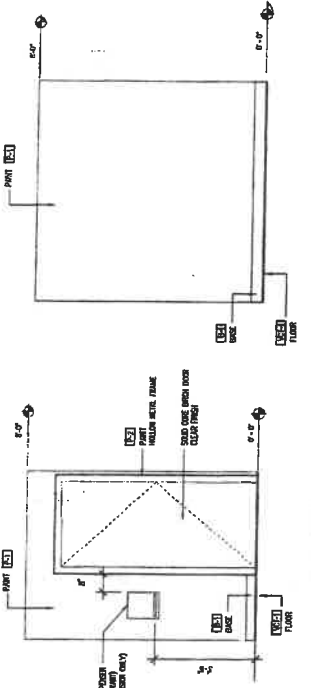
TOILET ROOM FINISHES

NO.	FINISH	DESCRIPTION
1	WALL	WHITE PAPER DUPLEX
2	CEILING	WHITE PAPER DUPLEX
3	FLOOR	WHITE PAPER DUPLEX
4	DOOR	WHITE PAPER DUPLEX
5	WINDOW	WHITE PAPER DUPLEX
6	TOILET	WHITE PAPER DUPLEX
7	SINK	WHITE PAPER DUPLEX
8	VANITY	WHITE PAPER DUPLEX
9	MIRROR	WHITE PAPER DUPLEX
10	SHOWER	WHITE PAPER DUPLEX

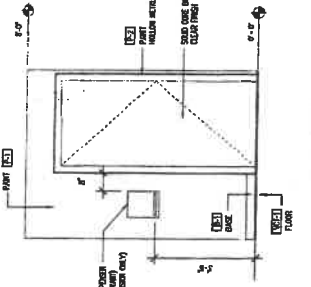
ELEVATION - 4



ELEVATION - 3



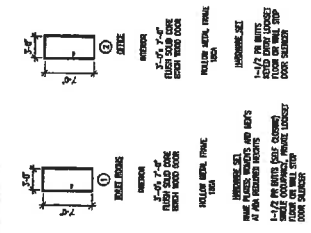
ELEVATION - 2



ELEVATION - 1

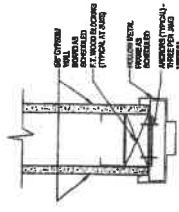


FIXTURE AND ACCESSORIES MOUNTING HEIGHTS

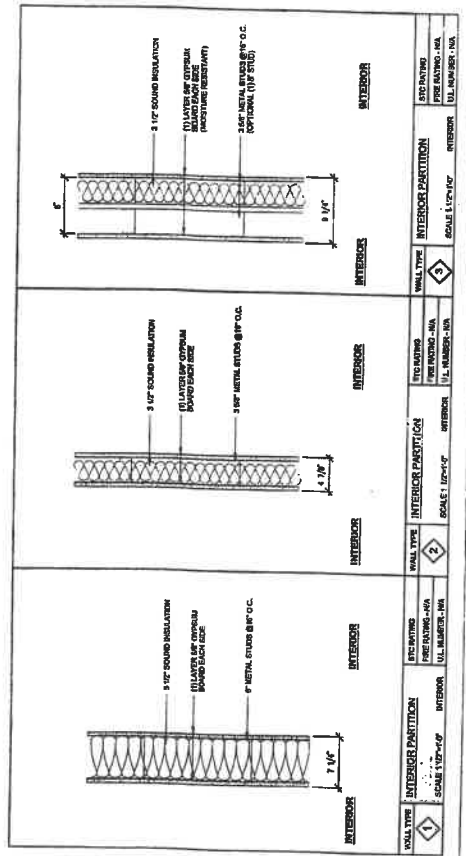


DOOR TYPES

METAL DOOR FRAME



METAL DOOR FRAME JAMB DETAIL



[illegible]

100%¹⁰⁰ = 11.0°

$$0.1 \leq \frac{\lambda}{\mu} \leq 1$$
[illegible]

14-00000

1

600 000

DATE	01-07-2021
DRAWN BY	TJA
CHECKED BY	TB
PROJECT NUMBER	20106.00
SCALE	AS NOTED

1

f




TOWN OF MASHPEE

OFFICE OF SELECTMEN

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

MEMORANDUM

Date: March 2, 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 – Town of Mashpee Annual Easter Egg Hunt

Description

Discussion of the Recreation Department Special Event Application for the Town of Mashpee Annual Easter Egg Hunt.

Background

The proposed event is scheduled to take place Saturday, March 27, 2021 (*Rain Date Sunday, March 28th*) from 11:00 AM to 2:30 PM at Heritage Park for children ages 2 – 10 years.

In order to be in compliance with COVID-19 Guidelines parents and children will be separated into three age groups at different locations within the park. The groups will consist of a maximum of fifty pre-registered child/parents. Each group has a different start time for the hunt, 12:00 PM, 1:00 PM and 2:00 PM. Parents will be assigned a time slot upon registration.

Participants in each group must remain six feet apart and wear mask at all times. Attached is the event proposal for your reference.

Recommendations

Health – Approved, pending current COVID-19 guidance will be applied to the event. Recreation Department has consulted with the Board of Health in regard to the updated guidance.

Building – Approved, no additional comments.

DPW – Approved, applicant shall be responsible for setting up as well as picking up after the event. No stakes due to irrigation.

Fire – Approved, no additional comments.

Police – Approved, no Police detail will be required for this event.

Updated 2/26/2021



Town of Mashpee - Easter Egg Hunt

Event Proposal

Easter Egg Hunt

Date / Time
Rain Date

Saturday, March 27th / 11am – 2:30pm (3 start times: 12pm, 1pm & 2pm)
Sunday, March 28th

Event Description:

Easter Egg Hunt to be held at Heritage Park for children ages 2 – 10 years

We will have three age groups at three locations within the park (see attached map)

2-4 years (Chicks)

5-7 years (Peeps)

8-10 years (Cottontails)

We will have three start times for each age group: 12pm, 1pm & 2pm

Each group will consist of a maximum of 50 children/parents combined

Pre-registration will be required ahead of time by calling Mashpee Recreation. Parents will be assigned a time slot upon registration. As cars arrive (15 minutes prior to the event beginning), we will ensure they are on our roster and instruct them to remain in their vehicle until 5 minutes before the event begins.



Town of Mashpee- Easter Egg Hunt

Event Proposal



Timing:

11-11:45am – Event set-up for 1st group

11:45am – Cars arrive, we will ensure they are registered and on our roster

11:55am – Parent and child may exit their car to line up for the hunt. All participants will be directed to stay 6' apart.

12pm – Egg Hunt begins for Chicks, Peeps & Cottontails at three separate locations

12:15-12:30pm – 1st group exits park

12:30-12:55pm – Set-up for 2nd group egg hunt

12:45pm – Cars arrive for 2nd hunt

12:55am - Parent and child may exit their car to line up for the hunt

1:00pm – 2nd group egg hunt begins with same procedure

2pm group egg hunt will follow the same routine as outlined above



Town of Mashpee- Easter Egg Hunt Event Proposal



Concern	Policy/Procedure
Prevention/Precautions	<ul style="list-style-type: none">• All participants must be pre-registered• Each age group's event will be no longer than 15 minutes in length• Parent/child must maintain 6' distance from others• Masks must be worn at all times




TOWN OF MASHPEE

OFFICE OF SELECTMEN

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

MEMORANDUM

Date: March 3, 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 – MassMaster Bass Club Tournament

Description

Discussion of the Special Event Application for the MassMaster Bass Club Tournament.

Background

The proposed event is scheduled to take place Wednesday, April 7, 2021 from 7:00 AM to 3:00 PM at Santuit Pond. There will be a maximum of ten (10) regulation bass boats. No more than twenty (20) people are expected for the tournament. Participants can take part in the event alone or fish with a partner.

In order to comply with COVID-19 Guidelines for outdoor events the following protocols will be put in place:

- a. Only one person will be allowed to bring their fish to the scale at a time.
- b. Nobody can come to the scale unless their name is called.
- c. Everyone coming to the scale and operating the scale MUST wear a mask.
- d. At the end when announcing the winner participants will be standing 6' apart.

Recommendations

Health – Approved, no additional comments

Building – Approved, no additional comments.

DPW – Approved, parking for the event shall be onsite in designated parking area. Applicant shall be responsible for picking up and removing any trash generated by the event.

Fire – Approved, no additional comments.

Police – Approved, Police detail will not be required for this event.

MassMaster Bass Club Tournament

1. There will be a maximum of ten boats. The invitation is for a maximum of ten, but infrequently do we have that many that early in the year- beginning of April.
2. The boats are regulation bass boats. Each and every boat will have aerated live wells that keep the fish (5 max) alive. (Average length: 19 feet)
3. The tournament is what we call a “5-fish” tournament. This means you can only weigh in 5 fish and you can fish alone or with a friend. There will be several people fishing alone. To tell you exactly how many is impossible, but there will be a max of 20 people. Here is what will determine the number of participants:
 - a. Time of year (fishing isn’t very good)
 - b. The fish alone or with a partner format
 - c. The event taking place on a Wednesday. Many people cannot take the time off from work to fish.
4. All of last year we set COVID guidelines for our tournaments as such:
 - a. Only one person will be allowed to bring their fish to the scales at a time.
 - b. Nobody can come to the scale unless their name is called.
 - c. Everyone coming to the scale and operating the scale MUST wear a mask.
 - d. At the end when we announce the winner we will be standing 6’ apart.

Ray Lentine

President: MassMasters Bass Club



PRINCI MILLS LAW PC

300 Barnstable Road, Hyannis, Massachusetts 02601
Telephone: (508) 775-1160 • Fax: (774) 810-7122
www.princimills.com

Robert F. Mills
rmills@princimills.com
Michael J. Princi
mprinci@princimills.com

Gerald S. Garnick (Of Counsel)
ggarnick@princimills.com

February 5, 2021

Via Hand Delivery

Mashpee Town Hall
Attn: Terrie Cook
16 Great Neck Road North
Mashpee, MA 02649

2021 FEB -5 PM 4:07

RE: SOLAR ENERGY SYSTEMS OVERLAY DISTRICT


Dear Terrie:

Thank you for speaking with me this morning. Enclosed please find the following originals, copies of which were sent via email today.

1. Petition cover with support signatures;
2. Petition;
3. Amendment to Section 174-25(H)(12);
4. Amendment to Section 174-4;
5. Amendment to Section 174-5; and
6. Amendment to Section 174-3.

Please do not hesitate to contact me if you have any questions in this regard.

Very truly yours,
PRINCI MILLS LAW PC


Jennifer M. Sturm
Paralegal to Robert F. Mills, Esq.

PETITION

ALL PETITIONERS MUST BE REGISTERED VOTERS OF MASHPEE

Lead Petitioner name, address, phone and email:

William Haney
415 Beacon Street, #2, Boston, MA 02115
Tel: 617-633-6333
Email: wrhaney@verizon.net

To see if the Town will vote to:

SEE ATTACHED WARRANT ARTICLES (5).

2021 FEB -5 PM 4: 00

ADDRESS

SIGNATURE

[illegible]

I hereby certify that the above

names are those of registered voters in the Town of Mashpee.

Number of names - use numbers and words

Date: February 8, 2024

Deborah F. Dami, Town Clerk

Deborah F. Dami, Town Clerk

2021 FEB -5 PM 4:08

SIGNATURE

I hereby certify that the above _____ names are those of registered voters in the Town of Washpee.

Date: February 8, 2021

Deborah F. Dami, Town Clerk

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 given 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.

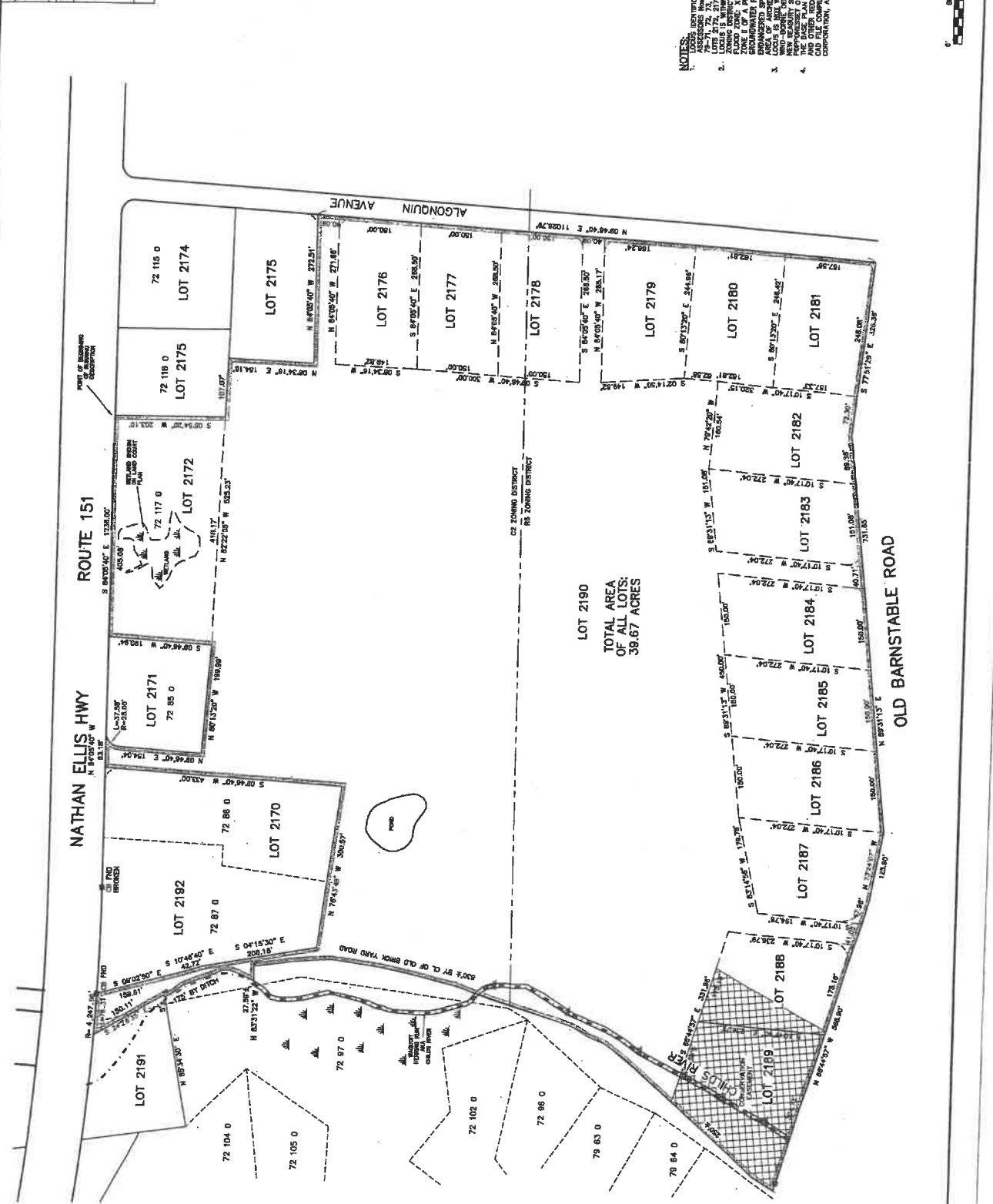
10. Erosion Control and Stormwater: Erosion Control and Stormwater Management notation shall be included to show that adequate provisions against erosion and adverse impacts of runoff are appropriately mitigated.

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.



NOTES:

1. IDENTIFICATION:
ASSESSMENT MAPS 111, 112, 113, 117, 118
79-71, 72, 73, 74, 75, 76, 77, 78, 79
LOTS 2172, 2178-2180 LAND COURT PLAN 11390 Q
ZONING DISTRICTS C2 & M2
FLOOD ZONE X
2. ZONE I OF A PUBLIC WATER SUPPLY
BROWNIER PROTECTION JERALT DISTRICT
AREA OF AGRICULTURAL PRODUCTIVITY
LOCUS IS MAIL TRAIL
3. WIND-BORNE DORMIS REGION
PREPARED BY ENVIRONMENTAL PLANNING AREA
THE BASE PLAN WAS COMPILED FROM LAND COURT
AND OTHER RECORDED PAPERS, MAPS, AIR PHOTO
CORPORATION, AND STRUCTURAL ENGINEERING
- 4.

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.

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.

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.

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.



PRINCI MILLS LAW PC

300 Barnstable Road, Hyannis, Massachusetts 02601
Telephone: (508) 775-1160 • Fax: (774) 810-7122
www.princimills.com

2021 MAR -4 AM 9:17

Robert F. Mills
rmills@princimills.com
Michael J. Princi
mprinci@princimills.com

Gerald S. Garnick (Of Counsel)
ggarnick@princimills.com

March 12, 2021

Via Hand Delivery

Mr. Rodney C. Collins
Town Manager
Town of Mashpee
16 Great Neck Road North
Mashpee, MA 02649

RE: SOLAR ENERGY OVERLAY DISTRICT / SELECTMEN'S DISCUSSIONS
Two Plans of Existing Conditions from 2014 to 2021 (without topo detail)
Six Plans with Various Projects that have been considered for the site (labeled #1-6)

Dear Mr. Collins:

Enclosed herewith please find seven (7) sets of the foregoing referenced plans on 8 1/2 x 11 paper for dissemination to its Board for the Selectmen's Meeting scheduled for Monday, March 8, 2021 at 6:30 pm.

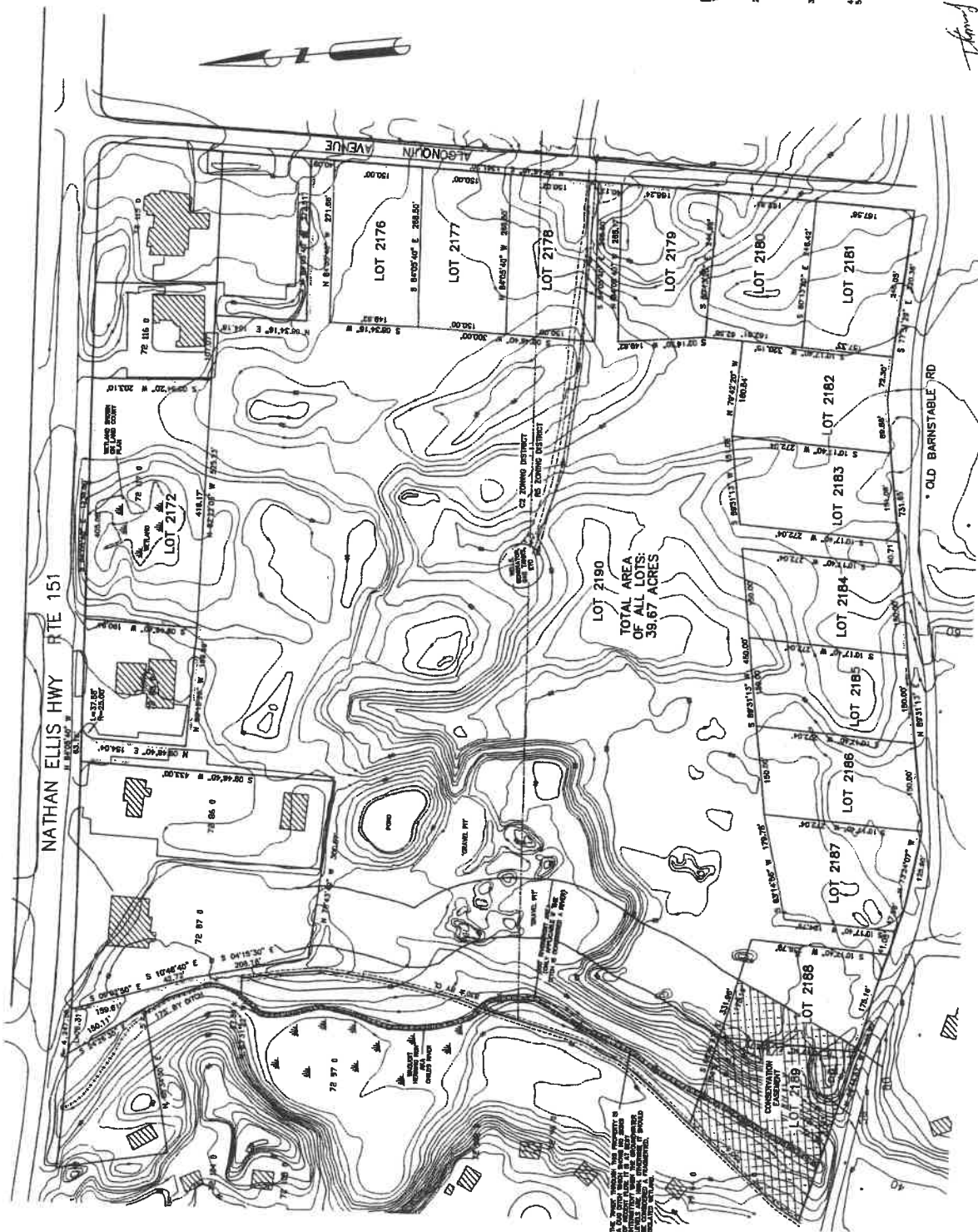
Kindly advise if you would like anything further.

Very truly yours,
PRINCI MILLS LAW PC



Robert F. Mills, Esquire

RFM/jms
cc: W. Haney



- NOTES:**
1. BOUNDARIES ARE BASED ON AERIAL PHOTOGRAPHY DATED 1995. THE BOUNDARIES SHOWN ON THIS PLAN ARE BASED ON THE AERIAL PHOTOGRAPHY DATED 1995. THE BOUNDARIES SHOWN ON THIS PLAN ARE BASED ON THE AERIAL PHOTOGRAPHY DATED 1995.
 2. LOT 2176 IS 190.00' WIDE AND 190.00' DEEP. LOT 2177 IS 190.00' WIDE AND 190.00' DEEP. LOT 2178 IS 190.00' WIDE AND 190.00' DEEP. LOT 2179 IS 190.00' WIDE AND 190.00' DEEP. LOT 2180 IS 190.00' WIDE AND 190.00' DEEP. LOT 2181 IS 190.00' WIDE AND 190.00' DEEP. LOT 2182 IS 190.00' WIDE AND 190.00' DEEP. LOT 2183 IS 190.00' WIDE AND 190.00' DEEP. LOT 2184 IS 190.00' WIDE AND 190.00' DEEP. LOT 2185 IS 190.00' WIDE AND 190.00' DEEP. LOT 2186 IS 190.00' WIDE AND 190.00' DEEP. LOT 2187 IS 190.00' WIDE AND 190.00' DEEP. LOT 2188 IS 190.00' WIDE AND 190.00' DEEP. LOT 2189 IS 190.00' WIDE AND 190.00' DEEP.
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 4. LOT 2176 IS 190.00' WIDE AND 190.00' DEEP. LOT 2177 IS 190.00' WIDE AND 190.00' DEEP. LOT 2178 IS 190.00' WIDE AND 190.00' DEEP. LOT 2179 IS 190.00' WIDE AND 190.00' DEEP. LOT 2180 IS 190.00' WIDE AND 190.00' DEEP. LOT 2181 IS 190.00' WIDE AND 190.00' DEEP. LOT 2182 IS 190.00' WIDE AND 190.00' DEEP. LOT 2183 IS 190.00' WIDE AND 190.00' DEEP. LOT 2184 IS 190.00' WIDE AND 190.00' DEEP. LOT 2185 IS 190.00' WIDE AND 190.00' DEEP. LOT 2186 IS 190.00' WIDE AND 190.00' DEEP. LOT 2187 IS 190.00' WIDE AND 190.00' DEEP. LOT 2188 IS 190.00' WIDE AND 190.00' DEEP. LOT 2189 IS 190.00' WIDE AND 190.00' DEEP.
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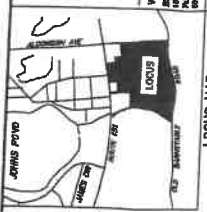
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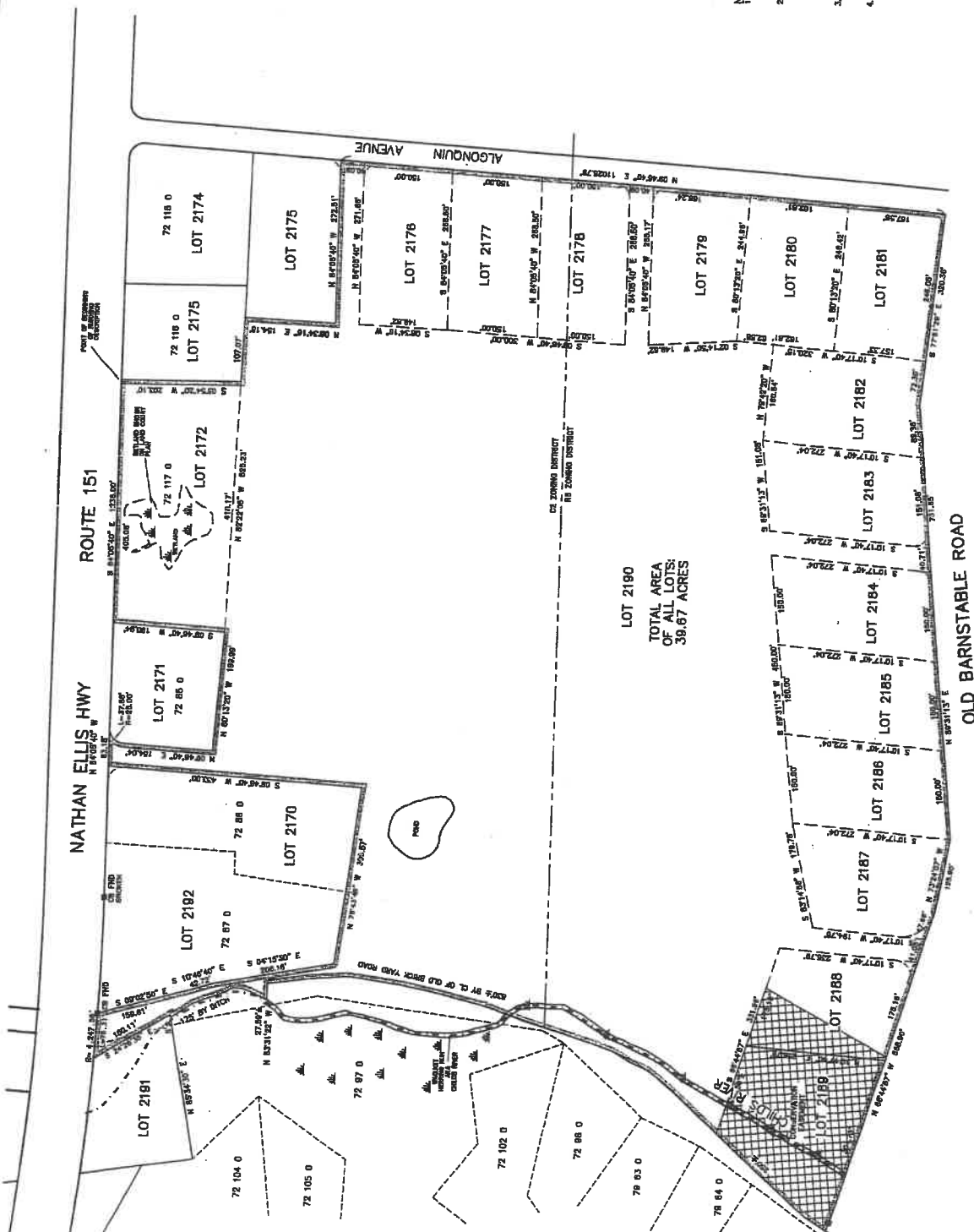
PLAN OF PROPOSED SOLAR ENERGY SYSTEMS
AT
OVERLAY DISTRICT
ROUTE 151, ALGONDQUIN AVENUE AND OLD BARNSTABLE ROAD
MASHPEE, MASSACHUSETTS

= 80'
 N 25, 2021
 B, E.P.
 035

B22-0

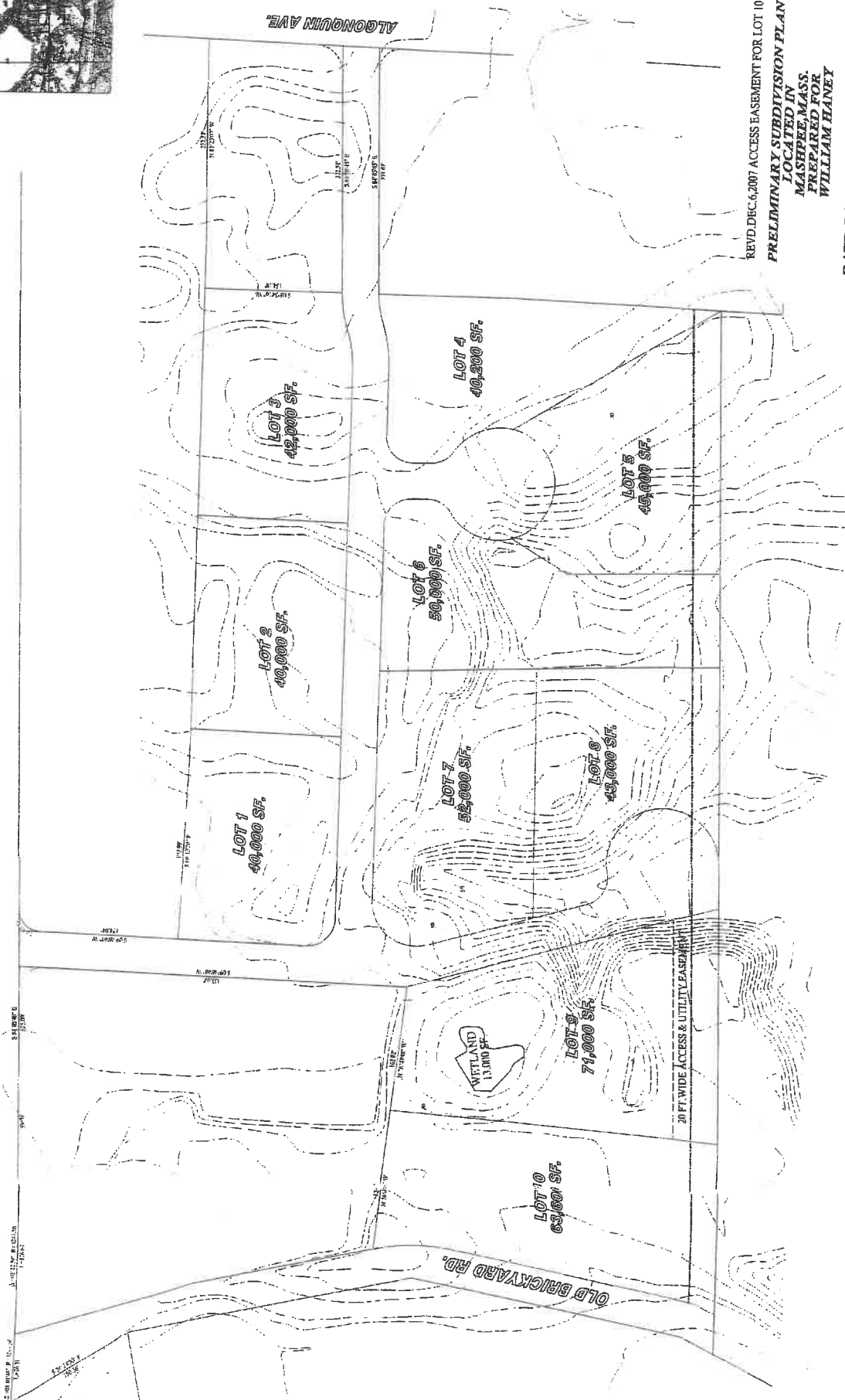


NOTES: INVESTIGATION
ASSESSMENT: 110, 111, 112, 113, 117, 118
7-7-71, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9, 7-10, 7-11, 7-12, 7-13, 7-14, 7-15, 7-16, 7-17, 7-18, 7-19, 7-20, 7-21, 7-22, 7-23, 7-24, 7-25, 7-26, 7-27, 7-28, 7-29, 7-30, 7-31, 7-32, 7-33, 7-34, 7-35, 7-36, 7-37, 7-38, 7-39, 7-40, 7-41, 7-42, 7-43, 7-44, 7-45, 7-46, 7-47, 7-48, 7-49, 7-50, 7-51, 7-52, 7-53, 7-54, 7-55, 7-56, 7-57, 7-58, 7-59, 7-60, 7-61, 7-62, 7-63, 7-64, 7-65, 7-66, 7-67, 7-68, 7-69, 7-70, 7-71, 7-72, 7-73, 7-74, 7-75, 7-76, 7-77, 7-78, 7-79, 7-80, 7-81, 7-82, 7-83, 7-84, 7-85, 7-86, 7-87, 7-88, 7-89, 7-90, 7-91, 7-92, 7-93, 7-94, 7-95, 7-96, 7-97, 7-98, 7-99, 7-100, 7-101, 7-102, 7-103, 7-104, 7-105, 7-106, 7-107, 7-108, 7-109, 7-110, 7-111, 7-112, 7-113, 7-114, 7-115, 7-116, 7-117, 7-118, 7-119, 7-120, 7-121, 7-122, 7-123, 7-124, 7-125, 7-126, 7-127, 7-128, 7-129, 7-130, 7-131, 7-132, 7-133, 7-134, 7-135, 7-136, 7-137, 7-138, 7-139, 7-140, 7-141, 7-142, 7-143, 7-144, 7-145, 7-146, 7-147, 7-148, 7-149, 7-150, 7-151, 7-152, 7-153, 7-154, 7-155, 7-156, 7-157, 7-158, 7-159, 7-160, 7-161, 7-162, 7-163, 7-164, 7-165, 7-166, 7-167, 7-168, 7-169, 7-170, 7-171, 7-172, 7-173, 7-174, 7-175, 7-176, 7-177, 7-178, 7-179, 7-180, 7-181, 7-182, 7-183, 7-184, 7-185, 7-186, 7-187, 7-188, 7-189, 7-190, 7-191, 7-192, 7-193, 7-194, 7-195, 7-196, 7-197, 7-198, 7-199, 7-200, 7-201, 7-202, 7-203, 7-204, 7-205, 7-206, 7-207, 7-208, 7-209, 7-210, 7-211, 7-212, 7-213, 7-214, 7-215, 7-216, 7-217, 7-218, 7-219, 7-220, 7-221, 7-222, 7-223, 7-224, 7-225, 7-226, 7-227, 7-228, 7-229, 7-230, 7-231, 7-232, 7-233, 7-234, 7-235, 7-236, 7-237, 7-238, 7-239, 7-240, 7-241, 7-242, 7-243, 7-244, 7-245, 7-246, 7-247, 7-248, 7-249, 7-250, 7-251, 7-252, 7-253, 7-254, 7-255, 7-256, 7-257, 7-258, 7-259, 7-260, 7-261, 7-262, 7-263, 7-264, 7-265, 7-266, 7-267, 7-268, 7-269, 7-270, 7-271, 7-272, 7-273, 7-274, 7-275, 7-276, 7-277, 7-278, 7-279, 7-280, 7-281, 7-282, 7-283, 7-284, 7-285, 7-286, 7-287, 7-288, 7-289, 7-290, 7-291, 7-292, 7-293, 7-294, 7-295, 7-296, 7-297, 7-298, 7-299, 7-300, 7-301, 7-302, 7-303, 7-304, 7-305, 7-306, 7-307, 7-308, 7-309, 7-310, 7-311, 7-312, 7-313, 7-314, 7-315, 7-316, 7-317, 7-318, 7-319, 7-320, 7-321, 7-322, 7-323, 7-324, 7-325, 7-326, 7-327, 7-328, 7-329, 7-330, 7-331, 7-332, 7-333, 7-334, 7-335, 7-336, 7-337, 7-338, 7-339, 7-340, 7-341, 7-342, 7-343, 7-344, 7-345, 7-346, 7-347, 7-348, 7-349, 7-350, 7-351, 7-352, 7-353, 7-354, 7-355, 7-356, 7-357, 7-358, 7-359, 7-360, 7-361, 7-362, 7-363, 7-364, 7-365, 7-366, 7-367, 7-368, 7-369, 7-370, 7-371, 7-372, 7-373, 7-374, 7-375, 7-376, 7-377, 7-378, 7-379, 7-380, 7-381, 7-382, 7-383, 7-384, 7-385, 7-386, 7-387, 7-388, 7-389, 7-390, 7-391, 7-392, 7-393, 7-394, 7-395, 7-396, 7-397, 7-398, 7-399, 7-400, 7-401, 7-402, 7-403, 7-404, 7-405, 7-406, 7-407, 7-408, 7-409, 7-410, 7-411, 7-412, 7-413, 7-414, 7-415, 7-416, 7-417, 7-418, 7-419, 7-420, 7-421, 7-422, 7-423, 7-424, 7-425, 7-426, 7-427, 7-428, 7-429, 7-430, 7-431, 7-432, 7-433, 7-434, 7-435, 7-436, 7-437, 7-438, 7-439, 7-440, 7-441, 7-442, 7-443, 7-444, 7-445, 7-446, 7-447, 7-448, 7-449, 7-450, 7-451, 7-452, 7-453, 7-454, 7-455, 7-456, 7-457, 7-458, 7-459, 7-460, 7-461, 7-462, 7-463, 7-464, 7-465, 7-466, 7-467, 7-468, 7-469, 7-470, 7-471, 7-472, 7-473, 7-474, 7-475, 7-476, 7-477, 7-478, 7-479, 7-480, 7-481, 7-482, 7-483, 7-484, 7-485, 7-486, 7-487, 7-488, 7-489, 7-490, 7-491, 7-492, 7-493, 7-494, 7-495, 7-496, 7-497, 7-498, 7-499, 7-500, 7-501, 7-502, 7-503, 7-504, 7-505, 7-506, 7-507, 7-508, 7-509, 7-510, 7-511, 7-512, 7-513, 7-514, 7-515, 7-516, 7-517, 7-518, 7-519, 7-520, 7-521, 7-522, 7-523, 7-524, 7-525, 7-526, 7-527, 7-528, 7-529, 7-530, 7-531, 7-532, 7-533, 7-534, 7-535, 7-536, 7-537, 7-538, 7-539, 7-540, 7-541, 7-542, 7-543, 7-544, 7-545, 7-546, 7-547, 7-548, 7-549, 7-550, 7-551, 7-552, 7-553, 7-554, 7-555, 7-556, 7-557, 7-558, 7-559, 7-560, 7-561, 7-562, 7-563, 7-564, 7-565, 7-566, 7-567, 7-568, 7-569, 7-570, 7-571, 7-572, 7-573, 7-574, 7-575, 7-576, 7-577, 7-578, 7-579, 7-580, 7-581, 7-582, 7-583, 7-584, 7-585, 7-586, 7-587, 7-588, 7-589, 7-590, 7-591, 7-592, 7-593, 7-



102 #1

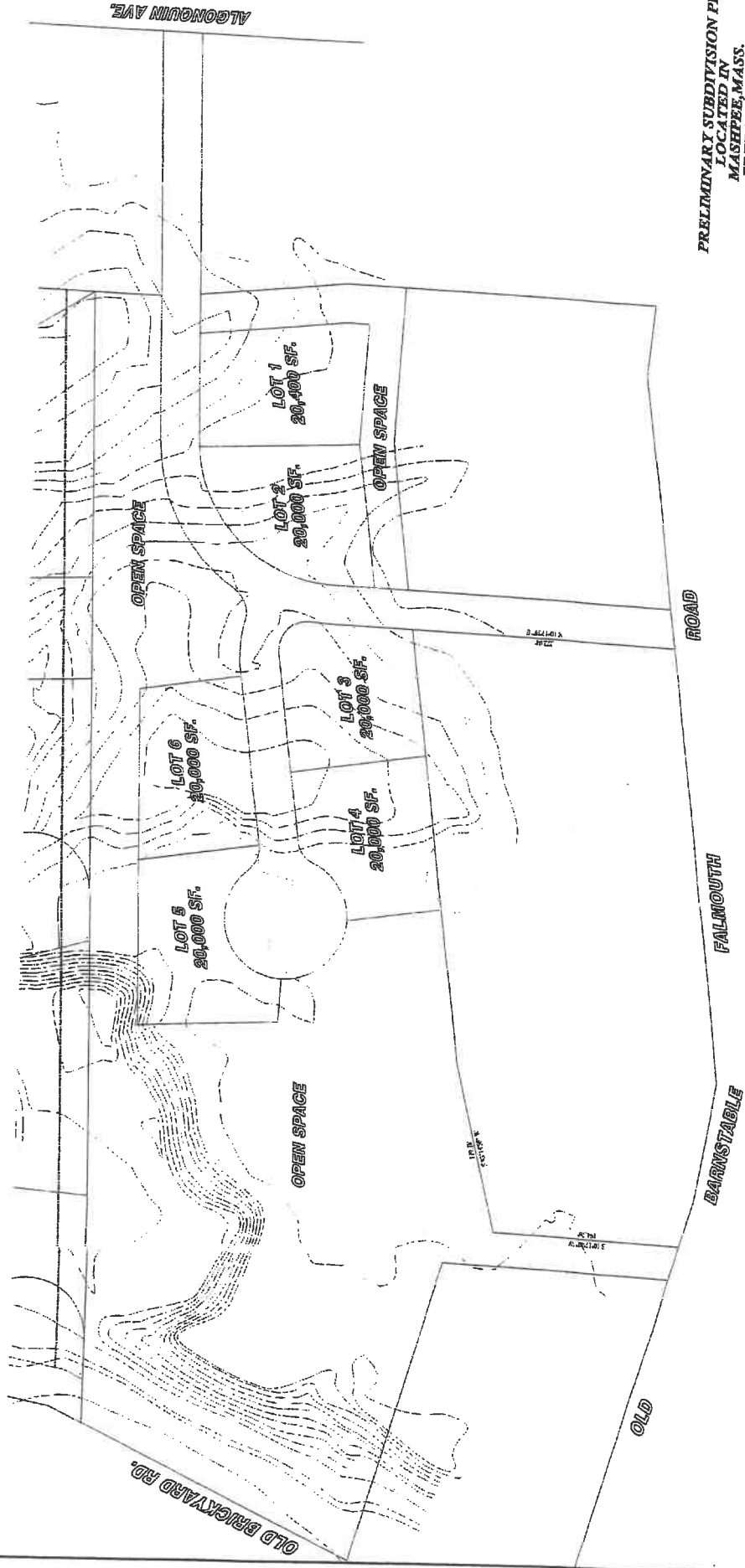
RT 151



REV'D DEC. 6, 2007 ACCESS EASEMENT FOR LOT 10
PRELIMINARY SUBDIVISION PLAN
LOCATED IN
MASHPEE, MASS.
PREPARED FOR
WILLIAM HANEY

DATE: OCT. 10, 2007 SCALE: 1" = 50'
FILE: 158MA #151
CAPE & ISLANDS ENGINEERING
800 FALMOUTH ROAD, SUITE 301C
MASHPEE, MASS. 02649 [508]477-7272





PRELIMINARY SUBDIVISION PLAN
LOCATED IN
MASSACHUSETTS
PREPARED FOR
WILLIAM HANEY

DATE: OCT. 10, 2007 SCALE: 1" = 50'
FILE: 158MA #151

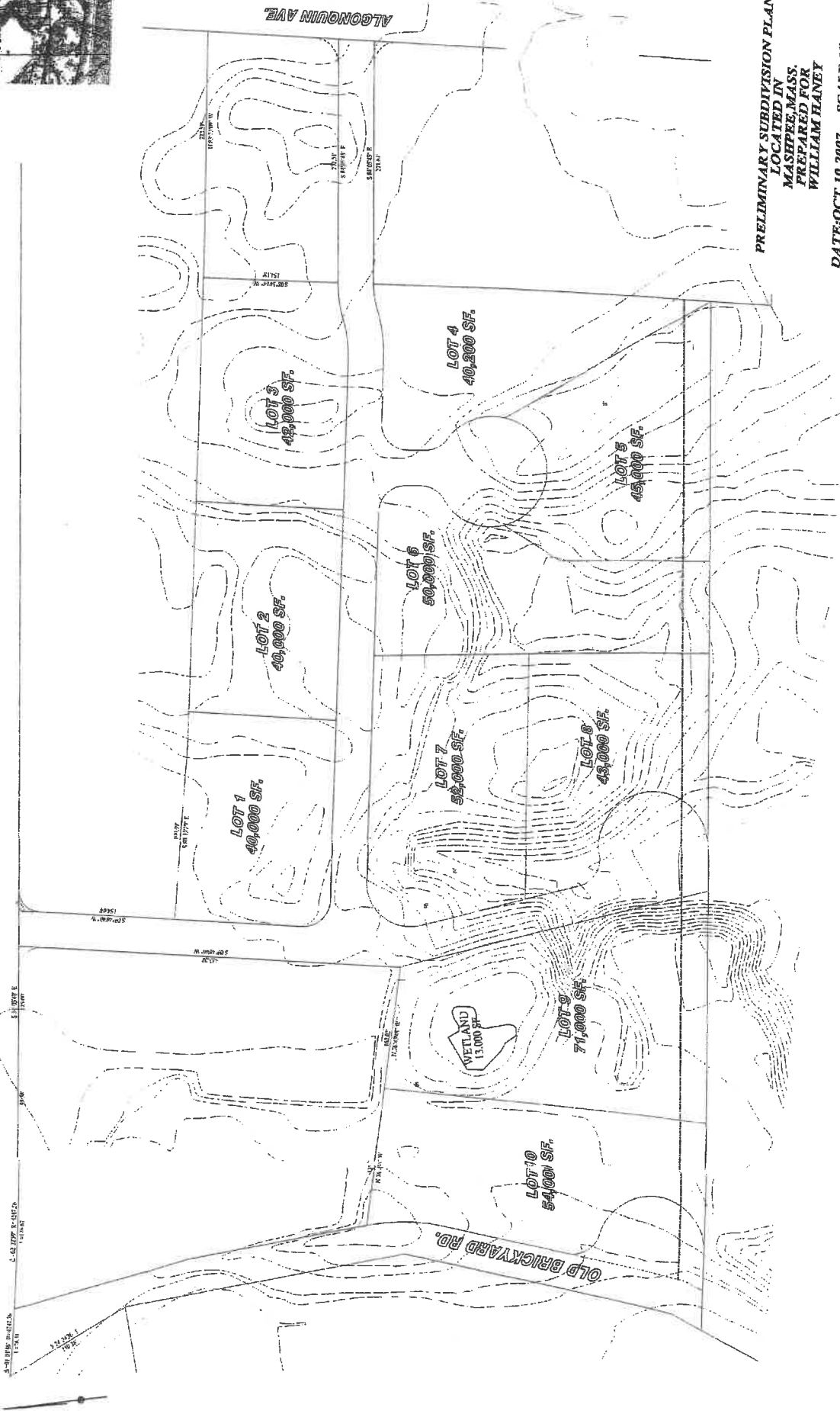
CAPE & ISLANDS ENGINEERING
800 FALMOUTH ROAD, SUITE 301C
MASSACHUSETTS 02649 / 508/477-7272



1726



RTE.151



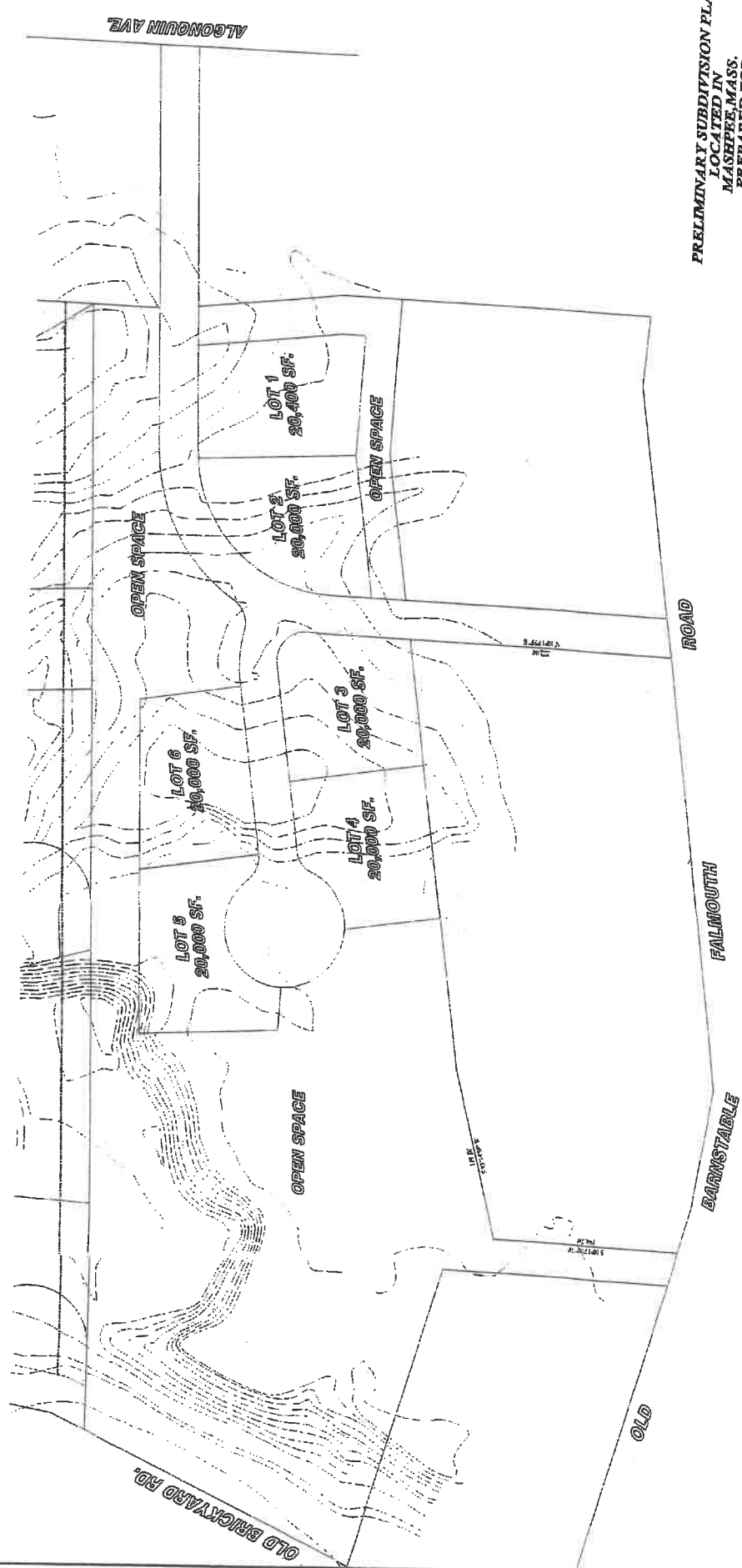
PRELIMINARY SUBDIVISION PLAN
LOCATED IN
MASHPEE, MASS.
PREPARED FOR
WILLIAM HANEY

DATE: OCT. 10, 2007 SCALE: 1" = 50'
FILE: 158MA 1151

CAPE & ISLANDS ENGINEERING
800 FAIRMOUTH ROAD, SUITE 301C
MASHPEE, MASS. 02649 1508/477-7272



1002



PRELIMINARY SUBDIVISION PLAN
LOCATED IN
MASHPEE, MASS.
PREPARED FOR
WILLIAM HANEY

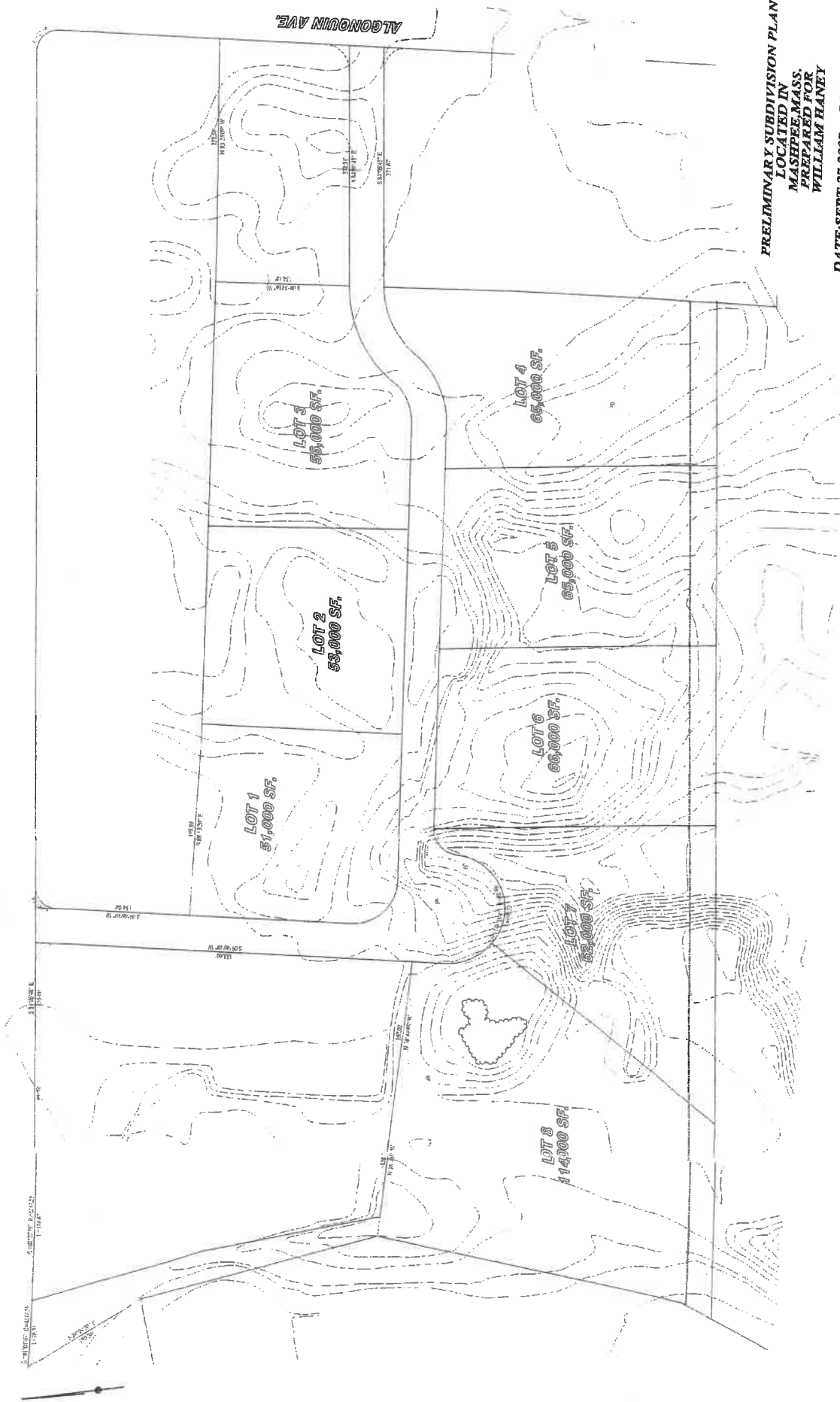
DATE: OCT. 10, 2007 SCALE: 1" = 50'
FILE: 158MA #131

CAPE & ISLANDS ENGINEERING
800 FALMOUTH ROAD, SUITE 301C
MASHPEE, MASS. 02649 /508/477-7272



102 #3

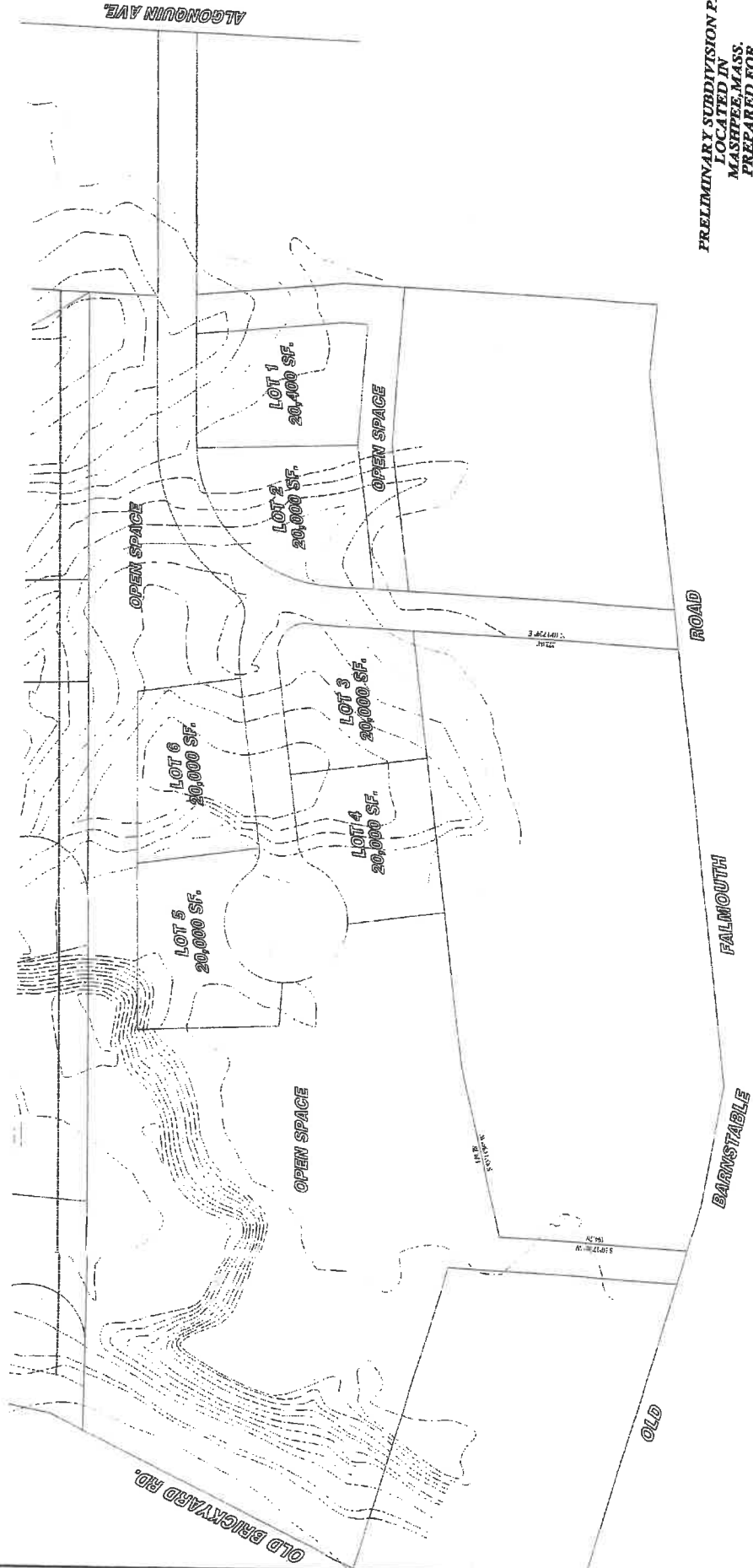
ATEL 151



PRELIMINARY SUBDIVISION PLAN
LOCATED IN
MASHPPE MASS.
PREPARED FOR
WILLIAM HANEY

DATE: SEPT. 27 2007 SCALE: 1" = 50'
FILE: 158MA #151

CAPE & ISLANDS ENGINEERING
800 PALMOUTH ROAD, SUITE 301C
MASHPPE, MASS. 02649 (508) 477-7272



PRELIMINARY SUBDIVISION PLAN
LOCATED IN
MASHPEE, MASS.
PREPARED FOR
WILLIAM HANEY

DATE: OCT. 10, 2007 SCALE: 1" = 50'
FILE: 158MA 1151

CAPE & ISLANDS ENGINEERING
800 FALMOUTH ROAD, SUITE 301C
MASHPEE, MASS. 02649 1508/477-7272



202.

AKUNA ENGINEERING CORPORATION
 CONSULTING ENGINEERS
 1749 CENTRAL STREET
 STROUCHTON, MA 02072
 (781) 344-8565



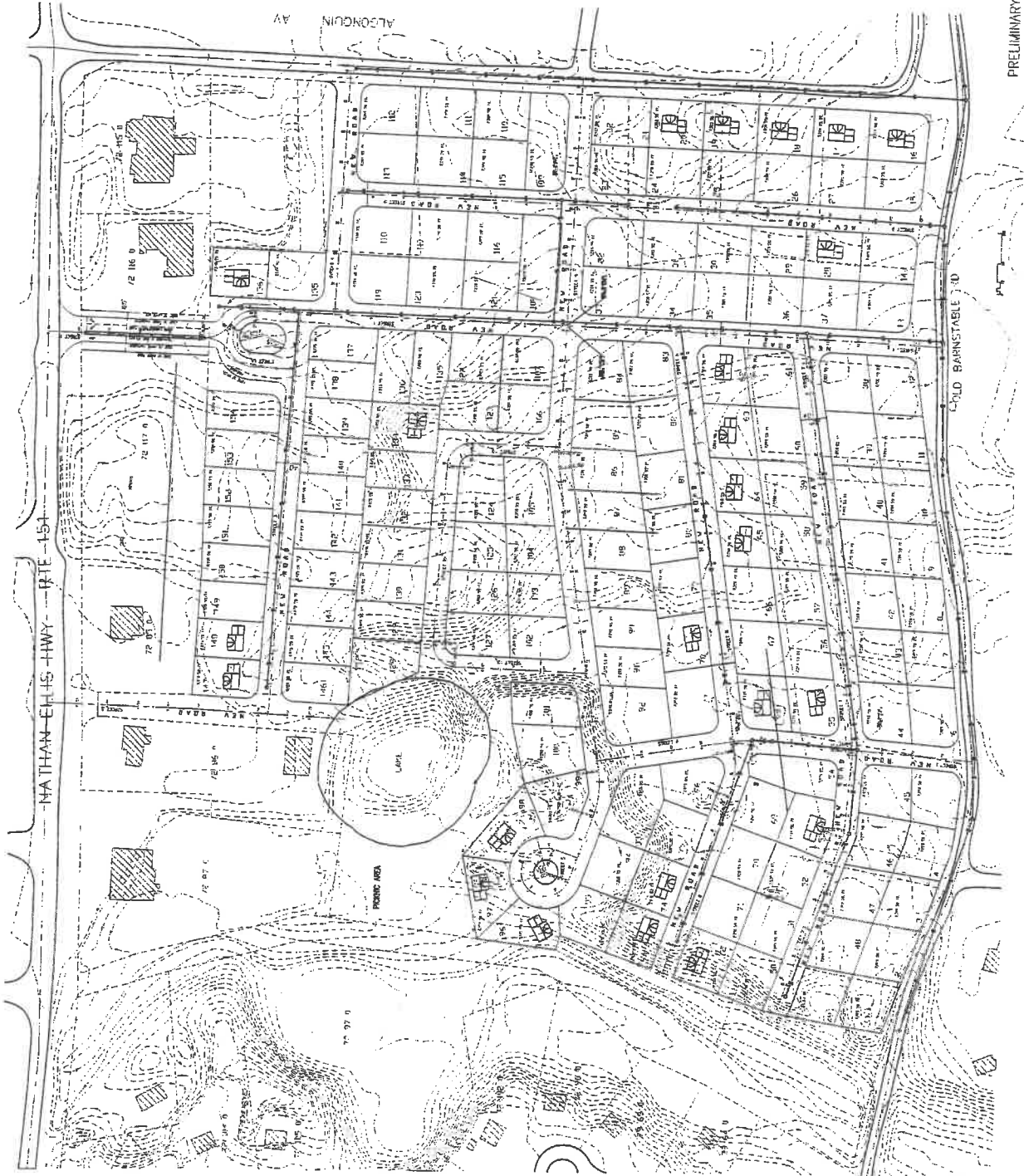
DESIGNED BY	AKUNA ENGINEERING CORPORATION
CHECKED BY	AKUNA ENGINEERING CORPORATION
DATE	01-20-2011
PROJECT NO.	100-000000
PROJECT NAME	WASHPE AFFORDABLE HOUSING (408)
LOCATION	OLD BARNSTABLE RD., WASHPE, MA
SCALE	1"=60'

WASHPE AFFORDABLE HOUSING (408)
 OLD BARNSTABLE RD.
 WASHPE, MA
 SUBDIVISION

Fig. No. 1
 PRELIMINARY PLAN



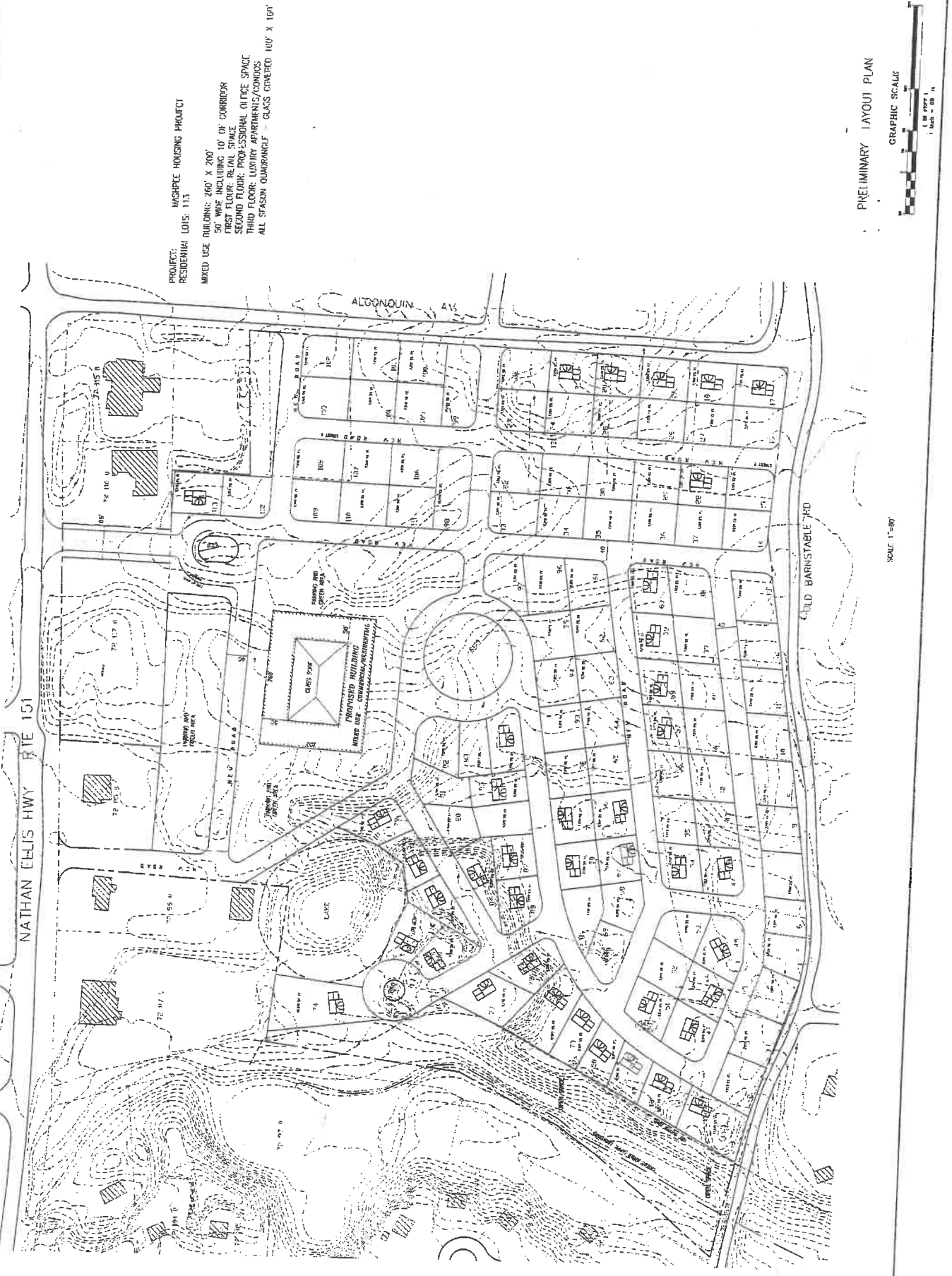
SCALE 1"=60'



La

#5

SUBDIVISION		MASHPEE AFFORDABLE HOUSING (408)	
ALTERNATE 2: RESIDENTIAL AND COMMERCIAL		OLD BARNSTABLE RD., MASHPEE, MA	
Job No.		14-001-001-001	
Drawn by		J. J. J.	
Checked by		J. J. J.	
Approved by		J. J. J.	
Scale		AS SHOWN	
Sheet No.		1	



PROJECT: MASHPEE HOUSING PROJECT
RESIDENTIAL LOTS: 113
MIXED USE BUILDING: 260' X 200'
50' WIDE INCLUDING 10' OF CORRIDOR
FIRST FLOOR: RETAIL SPACE
SECOND FLOOR: PROFESSIONAL OFFICE SPACE
THIRD FLOOR: LUXURY APARTMENTS/CONDO
ALL STATION QUADRANGLE - CLASS COVERED 100' X 100'

PRELIMINARY LAYOUT PLAN

GRAPHIC SCALE

SCALE 1"=50'



Town of Mashpee

Department of Public Works

*350 Meetinghouse Road
Mashpee, Massachusetts 02649
Telephone - (508) 539-1420
Fax - (508) 539-3894*

MEMORANDUM

March 4, 2021

TO: Board of Selectmen
Rodney Collins, Town Manager

FROM: Catherine Laurent, Director *CL*

RE: Route 130/Cotuit Road Intersection – Order of Taking for 226 Cotuit Road

Description

The Board voted to approve the Order of Taking for a portion of the property at 226 Cotuit Road at their meeting of February 8, 2021. A re-vote on the Order is required.

Background

For the realignment of the intersection of Route 130 and Cotuit Road, acquisition of approximately 1,200 square feet from the adjacent property at 226 Cotuit Road is required. An appraisal has been completed but completion of the taking process, specifically payment of damages, was complicated by a bankruptcy proceeding involving the property owner. The bankruptcy proceeding has been closed as of March 1. At the recommendation of Town Counsel, the finalization of the taking was delayed until after this closure. A new vote to approve the Order of Taking is therefore required.

Recommendation

I recommend that the Board of Selectmen vote to approve the Order of Taking.

Pros and Cons

Acquisition of the property is required for the intersection realignment. The realignment will improve safety at the intersection.

TOWN OF MASHPEE

ORDER OF TAKING

At a regularly convened meeting of the Board of Selectmen of the Town of Mashpee, a municipal corporation located in the County of Barnstable, Commonwealth of Massachusetts (the "Town") held on the 8th day of March 2021, it was voted and ordered as follows:

The Board of Selectmen of the Town of Mashpee, duly elected and qualified, and by virtue of and in accordance with the authority vested in it by the provisions of G.L. c.40, §14, G.L. c. 79 and of any and every other power and authority which is hereunto in any way enabling, does hereby take on behalf of the Town the fee interest in and over that portion of the parcel of the land located at 226 Cotuit Rd., Mashpee, Massachusetts (Assessor's Map 37, Lot 38), as more particularly described below, to be managed, improved and controlled by the said Board of Selectmen:

A certain portion of a parcel of land located off Cotuit Road and Main Street-Mashpee, MA. as shown on a plan entitled "Cotuit Road Road Taking Plan Assessor Map 37 Lot 38" prepared by Baxter Nye Engineering & Surveying, Dated September 20, 2019 and said parcel being shown thereon and is described according to said plan as follows:

Beginning at a point, said point being located on Main Street-Rout 130 (Discontinuance of 1963 Layout #5358) at station 257+40.95 with a tie line of N 68°39'14" E a distance of Eighteen feet and 18/100 (18.18') feet to the easterly sideline of Main Street at the southwesterly most corner of the within described parcel, thence;

N 44°16'27" W

Along the side line of Main Street (Rout 130) a distance of twenty-seven and 00/100 (27.00') feet; thence

N 30°14'14" E

A distance of fifty and 35/100 (50.35') feet to the side line of Cotuit Road; thence

S 11°30'17" E Along the side line of Cotuit Road a distance of fifty-seven and 00/100 (57.00') feet to the side line of Main Street (Rout 130); thence

S 68°39'14" W A distance of nineteen and 19/100 (19.19') feet to the point of beginning.

The above-described parcel of land contains a total area of 1,194 square feet more or less, (hereafter, the "Area of Taking") according to the plan referenced above.

Said land is hereby taken for the purpose of constructing, reconstructing, restoring, installing, using, maintaining, repairing, and inspecting a public way, including all appurtenances and improvements traditionally associated with Town ways in the Town of Mashpee, and to do all other acts incidental thereto. The Town and its agents shall further have the right of entry and passage over said Area of Taking from time to time for the passage of and storage of vehicles, equipment, and supplies associated with any such construction, reconstruction, restoration, installation, maintenance, repair, and inspection of said way.

Any trees, shrubs and stone walls located within the above referenced easements are also taken hereby, and shrubs and stone walls may be relocated within the taking area. Other structures so located are not taken and shall be removed or relocated whenever their removal or relocation shall be required for the purposes for which this land is taken.

The Town does not hereby take any interest in existing easements, if any, affecting the above referenced parcel that do not interfere with the use of the premises for the purposes of a public way as described above, and it is not taking any structures located within such parcels pursuant to such existing easements, but such structures may be relocated.

Betterments are not to be assessed under this Taking.

We have determined that damages are sustained by the person(s) whose property is taken by this Order, and we accordingly award damages pursuant to the provisions of G.L. c.79 §6 to said persons as set forth in Schedule A appended hereto.

The parcel of land lying within the above-described boundaries of the Area of Taking are, upon information and belief of the Town, owned by the owner(s) of record listed in said Schedule A.

IN WITNESS WHEREOF, we, the duly elected and qualified Selectmen of the Town of Mashpee have hereunto set our hands this 8th day of March, 2021.

**SELECTMEN OF THE
TOWN OF MASHPEE**

John J. Cotton, Chair

As per Town of Mashpee Certificate of Authorization Vote (attached of November 16, 2020), authorizes the Chair, Vice Chair or Clerk to execute all documents or instrument, of whatever nature, on behalf of, and as duly authorized agent for, the Board of Selectmen, effective until further vote of the Board of Selectmen or upon the expiration of the March 10, 2020 Declaration of State of Emergency to Respond to COVID 19 by the Governor of the Commonwealth of Massachusetts, whichever occurs first.

THE COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

March 8, 2021

Then personally appeared John J. Cotton, Chair of the Board of Selectmen of the Town of Mashpee, proved to me through satisfactory evidence of identification, which was personally known by me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public Theresa M. Cook
My Commission Expires: July 22, 2022

SCHEDULE A

AFFECTED PARCELS/OWNERS

Name: Eric Murtaugh

Property Address: 226 Cotuit Road, Mashpee MA 02649

Title: Barnstable Deeds, Book 18809, Page 73

Assessors' Map 37, Lot 38

Pro Tanto Damage Award: Nine Thousand (\$9,000.00) Dollars

TOWN OF MASHPEE
BOARD OF SELECTMEN
CERTIFICATE OF AUTHORIZATION VOTE

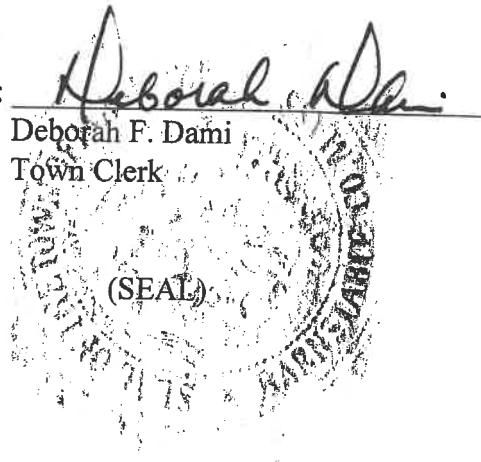
I, the undersigned, Deborah F. Dami, duly elected Town Clerk of the Town of Mashpee, hereby certify in my official capacity that the Town of Mashpee Board of Selectmen ("Board") at a duly convened public meeting on November 16, 2020 did, by vote of five (5) in favor, zero (0) opposed, authorize the following action:

Moved that the Board vote to authorize the Chair, or in the Chair's absence, the Vice-Chair or Clerk to execute and endorse all decisions, permits, approvals, plans, orders, instruments or other documents, of whatever nature, on behalf of, and as duly authorized agent for, the Board of Selectmen.

The within authorization shall terminate upon further vote of the Board or upon the expiration of the March 10, 2020 Declaration of State of Emergency To Respond To COVID-19 by the Governor of the Commonwealth of Massachusetts, whichever occurs first.

Attested: _____

Deborah F. Dami
Town Clerk






TOWN OF MASHPEE

OFFICE OF SELECTMEN

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

MEMORANDUM

Date: March 4, 2021
To: Rodney C. Collins, Town Manager and
Honorable Members of the Board of Selectmen
From: Stephanie A. Coleman, Administrative Secretary 
Re: Board of Health Letter of Resignation – Veronica Warden

Description

Discussion and acceptance of the resignation of Veronica Warden from the Board of Health, term to expire June 30, 2023.

Background

Correspondence was received on February 25, 2021 from Veronica Warden expressing her decision to resign from the Board of Health as a Member-at-Large.

Terrie Cook

From: Terrie Cook
Sent: Thursday, February 25, 2021 10:25 AM
To: Rodney C. Collins
Cc: Glen E. Harrington; Kimberly Landry
Subject: RE: Resignation Board of Health

Received.

Thank you.

Terrie M. Cook | Administrative Assistant to the Town Manager

Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649

Office: 508.539.1401 | Fax: 508.539.1004



"Preserving public trust and providing professional services."

Notice: This communication is intended for the listed recipient only. If you have received this in error, it may be unlawful and prohibited to retain, reproduce or disseminate this message. Please reply to sender if you have received this message in error and delete it with any attachments.

Warning: The content of this message and any response may be considered a Public Record pursuant to Massachusetts General Law.

From:
Sent: Thursday, February 25, 2021 10:08 AM
To: Terrie Cook; Rodney Collins
Cc: Glen E. Harrington; Kimberly Landry
Subject: Resignation

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.

February 24, 2021

Mashpee Board of Selectmen
16 Great Neck Road North
Mashpee, MA 02649

Dear Honorable Selectmen:

This letter is to inform you of my resignation as a Board of Health member effective March 31, 2021.

Thank you for the opportunity to serve on the Board of Health.

Sincerely,
Veronica Warden

Mashpee, MA 02649



Town of Mashpee

*16 Great Neck Road North
Mashpee, Massachusetts 02649
Telephone (508) 539-1400*

MEMORANDUM

TO: Rodney C. Collins – Town Manager
Chair John Cotton and Honorable Members of the Board of Selectmen

FROM: Terrie Cook – Administrative Assistant to the Town Manager

DATE: March 4, 2021

SUBJ: May 2021 Special and Annual Town Meeting Warrant Action Required

The following action needs to be taken on the May 3, 2021 Special and Annual Town Meeting Warrants by the Board of Selectmen at the March 8, 2021 meeting:

1. Page 1 Article 1 Snow and Ice – Recommend/Not Recommend vote needed
2. Page 12 Article 4 Cape Cod Tech Budget - Recommend/Not Recommend vote needed
3. Page 13 Article "Article 97" Use of Conservation Land for pumping station on Mashpee Neck Road – Recommend/Not Recommend vote needed
4. Page 15 Article_ PEG Access and Cable Related Fund- Recommend/Not Recommend vote needed
5. Page 16 Article_ Chapter 90 funds- Recommend/Not Recommend vote needed
6. Page 18 Article_ Gas monitoring and groundwater monitoring well replacements
- Recommend/Not Recommend vote needed
7. Pages 18-26; 5 Petition Articles; Solar Energy Overlay District
- Recommend/Not Recommend vote needed

Votes to recommend/not recommend the following articles be included in the Annual Town Meeting Warrant:

- ❖ ***PROPOSED*** Placement of Pumping Station on Mashpee Neck Road (Alternate article to be used if the current Article 97 Conservation property use article is not)
- ❖ ***PLACESAVER*** "Flow Neutral Bylaw" (to be drafted by Town Counsel)

Thank you.

**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:

(Group #1 Special Town Meeting Articles 1-4)

Article 1 *HOLD*

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 1 by a vote of *HOLD*

The Finance Committee recommends approval of Article 1 by a vote of *HOLD*

Article 2

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 2 by a vote of 5-0

The Finance Committee recommends approval of Article 2 by a vote of *HOLD*

Article 3

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 3 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 an 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 3 by a vote of 5-0

The Finance Committee recommends approval of Article 3 by a vote of *HOLD*

Article 4

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 4 by a vote of 5-0

The Finance Committee recommends approval of Article 4 by a vote of *HOLD*

Article 5 (Stand Alone 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 5 by a vote of 5-0

The Finance Committee recommends approval of Article 5 by a vote of *HOLD*

Article 6 (Stand Alone 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 6 by a vote of 5-0

The Finance Committee recommends approval of Article 6 by a vote of *HOLD*

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 1

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 2020 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 1 by a vote of 5-0

The Finance Committee recommends approval of Article 1 by a vote of *HOLD*****

Article 2

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 2 by a vote of 5-0

The Finance Committee recommends approval of Article 2 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
INFORMATION TECHNOLOGY					
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
TOTAL		701,495	727,528	715,376	715,376
TOWN CLERK					
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
TOTAL		199,445	207,781	207,781	207,781
ELECTIONS & REGISTRATIONS					
SALARY/WAGE	27	60,612	63,095	63,095	63,095
EXPENSE	28	23,000	23,000	23,000	23,000
TOTAL		83,612	86,095	86,095	86,095
CONSERVATION					
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
TOTAL		227,567	234,270	234,186	234,186
NATURAL RESOURCES					
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
TOTAL		752,525	780,432	776,772	776,772
PLANNING BOARD					
EXPENSE	35	8,265	8,325	1,125	1,125
TOTAL		8,265	8,325	1,125	1,125
PLANNING DEPARTMENT					
SALARY/WAGE	36	135,345	142,730	142,730	142,730
EXPENSE	37	4,250	4,125	4,125	4,125
TOTAL		139,595	146,855	146,855	146,855
TOWN HALL					
EXPENSE	38	282,000	282,000	282,000	282,000
TOTAL		282,000	282,000	282,000	282,000

DEPARTMENT		FY 2021 BUDGET	FY 2022 DEPARTMENT REQUEST FY 2022	FY 2022 FINANCE COMMITTEE RECOMMEND	FY 2022 TOWN MANAGER RECOMMEND
POLICE					
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
TOTAL		5,013,688	5,270,197	5,270,197	5,270,197
FIRE					
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
TOTAL		4,408,008	4,669,037	4,666,713	4,666,713
BUILDING INSPECTOR					
SALARY/WAGE	44	332,535	332,993	332,993	332,993
EXPENSE	45	29,375	29,375	29,375	29,375
TOTAL		361,910	362,368	362,368	362,368
TREE WARDEN					
EXPENSE	46	2,000	2,000	-	-
TOTAL		2,000	2,000	-	-
SCHOOL					
BUDGET	47	22,778,314	23,299,435	23,299,435	23,299,435
TOTAL		22,778,314	23,299,435	23,299,435	23,299,435
D.P.W.					
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
TOTAL		4,860,009	5,375,267	5,022,257	5,022,257
SNOW & ICE					
EXPENSE	52	116,570	116,570	116,570	116,570
TOTAL		116,570	116,570	116,570	116,570
STREET LIGHTING					
EXPENSE	53	25,000	22,000	22,000	22,000
TOTAL		25,000	22,000	22,000	22,000
TRANSFER STATION					
EXPENSE	54	1,047,126	1,154,149	1,078,249	1,078,249
TOTAL		1,047,126	1,154,149	1,078,249	1,078,249

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

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

Article 3

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

FISCAL YEAR 2022 CAPITAL IMPROVEMENT PROGRAM		
REQUESTS BY DEPARTMENT	FY 2022 CIP COMMITTEE RECOMMENDATIONS	FY 2022 TOWN MANAGER RECOMMENDATIONS
DPW		
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
Total DPW	\$ 256,000	\$ 256,000
FIRE		
Purchase 2 Vehicles (DC 372/Utility 350)	\$ 120,000	\$ 120,000
Total Fire	\$ 120,000	\$ 120,000
INFORMATION TECHNOLOGY		
Phone System Upgrade	\$ 25,564	\$ 25,564
Network Switch - Town Hall	\$ 50,000	\$ 50,000
MS Office	\$ 33,884	\$ 33,884
Total Information Technology	\$ 109,448	\$ 109,448
NATURAL RESOURCES		
Replace Shellfish Boats	\$ 43,000	\$ 43,000
Replace Harbormaster Boat	\$ 158,000	\$ 158,000
Total Natural Resources	\$ 201,000	\$ 201,000
PLANNING & CONSTRUCTION		
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
Total Planning & Construction	\$ 684,198	\$ 684,198
POLICE		
10 Police Vehicles	\$ 156,000	\$ 156,000
4 Police Vehicles	\$ 68,400	\$ 68,400
Total Police	\$ 224,400	\$ 224,400

SCHOOL		
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
Total School	\$ 211,000	\$ 211,000
TOTAL ALL DEPARTMENTS	\$ 1,806,046	\$ 1,806,046

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

The Board of Selectmen recommends approval of Article 3 by a vote of 5-0

The Finance Committee recommends approval of Article 3 by a vote of 7-0

Article 4 *HOLD*

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 \$12,647,853 and further, to see if the Town will vote to raise and appropriate the sum of \$978,770 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 \$978,770. There are currently 44 students from Mashpee at the Cape Cod Regional Technical High School, a decrease of 4 students from the previous year.

The Board of Selectmen recommends approval of Article 4 by a vote of *HOLD*

The Finance Committee recommends approval of Article 4 by a vote of *HOLD*

Article 5

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 \$6,255,573, and further, to see if the Town will vote to raise and appropriate the sum of \$439,689 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 \$439,689.

The Board of Selectmen recommends approval of Article 5 by a vote of 5-0

The Finance Committee recommends approval of Article 5 by a vote of *HOLD*

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 6 by a vote of 5-0

The Finance Committee recommends approval of Article 6 by a vote of *HOLD*

Article _ *HOLD*

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 Parcel C (0-Mashpee Neck Rd) as shown on the Plan entitled Clippership Village of Mashpee Property Owners Association, plan dated June 8th, 1998 from Cape & Islands Engineering, (Mashpee Assessors' Map 76 as Block 60), in Mashpee, consisting of 2.7 acres, more or less, as described in the deed recorded in the Barnstable County Registry of Deeds in Book 29977 Page 223 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 relating thereto.

Submitted By the Board of Selectmen

Explanation: This article will enable the Town to begin the process to allow the use of this land for the construction of a sewer substation as part of the town's wastewater treatment plan infrastructure. This parcel is in conservation status under Article 97 and is thus restricted from being developed and/or used for any other purposes aside from conservation and passive recreation. Any proposed usage of this parcel that does not comport with allowable uses must be approved by the local governing Conservation Commission, Town Meeting, a 2/3rds vote of the MA State Legislature and approval by the State Governor.

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

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 5-0
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 67, Lots 2), Coombs School (Assessors Map 67, Lots 2), and Mashpee High School (Assessors Map 73, Lots 4) 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 Town has entered into a power purchase agreement and lease with a developer for installation of solar canopies in the parking lots at the KC Coombs School and the Middle/High School. The electricity generated will be used onsite. The per Kilowatt Hour (kWH) cost of this electricity will be significantly lower than the kWH cost charged through the utility, resulting in a savings to the Town for the school's energy use.

Because the solar canopies will be owned by the developer, they are subject to personal property tax (NOTE: Roof-mounted solar systems on municipal property are exempt from personal property tax per state law). This tax would be passed along to the Town as the customer. This article will authorize the Town to exempt the proposed solar canopies from property tax.

The Board of Selectmen recommends approval of Article by a vote of 5-0

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

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.

The Board of Selectmen recommends approval of Article by a vote of 5-0

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 5-0

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

Article_ *HOLD*

To see if the Town will vote to appropriate \$527,959 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 *HOLD*

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

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 5-0

The Finance Committee recommends approval of Article by a vote of

Article_ *HOLD*

To see if the Town will vote to raise, borrow or transfer from available funds and appropriate the sum of \$594,184 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 *HOLD*

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.

The Board of Selectmen recommends approval of Article by a vote of 5-0

The Finance Committee recommends approval of Article by a vote of

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

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

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 5-0

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

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 5-0

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

Article_ *HOLD*

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 *HOLD*

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 5-0

The Finance Committee recommends approval of Article by a vote of

Article_ *HOLD*

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 *HOLD*

The Finance Committee recommends approval of Article by a vote of

Article _*HOLD*

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

Article *HOLD*

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 *HOLD*

The Finance Committee recommends approval of Article by a vote of

Article *HOLD*

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

Article _*HOLD*

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 *HOLD*
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

Proposed Town Meeting Articles March 8, 2021 Board of Selectmen Meeting

Votes needed on the following articles to be included in the Town Meeting Warrant:

**Article __ *PROPOSED* Placement of Pumping Station on Mashpee Neck Road
(Alternate article to be used if the current Article 97 Conservation property use article is not)**

To see if the Town will vote to authorize the Board of Selectmen and/or the Sewer Commission to acquire the fee or an easement for purposes of development and construction of a sewer pumping station and related appurtenances in and over the whole or a portion of the parcel of land designated on the Mashpee Assessors' Map ____ as Block _____, located on _____ in Mashpee, consisting of _____ (square feet/ acres), more or less, as described in the deed recorded in the Barnstable County Registry of Deeds in Book _____ Page _____ and as more particularly shown on the Plan entitled _____, by gift, purchase or, with the consent of the property owners, by eminent domain taking under Massachusetts General Laws Chapter 79 or any other enabling authority; to authorize the Board of Selectmen/ Sewer 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 acquisition of real property interest; and, further, to appropriate and raise, transfer from available funds, and/or to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow a sum of money to fund the acquisition of said real property, including any incidental costs and expenses related thereto, and to authorize the Board of Selectmen and/or the Sewer Commission to apply for, accept and expend any funds which may be provided by the Commonwealth or other public or private sources to defray a portion or all of the costs of acquiring said property, as necessary to effect this purchase and/or obtain reimbursement funding therefor, or take any other action relating thereto.

Article __ *PLACESAVER* "Flow Neutral Bylaw" (to be drafted by Town Counsel)

Article __ Flow Neutral Bylaw

To see if the Town will vote to adopt a General Bylaw to establish flow neutral regulations applicable to present and future wastewater treatment systems and sewer service areas in the Town, as follows,

or take any other action in relating thereto.

Chapter 108 - Flow Neutral Regulation for Present and Future Wastewater Treatment Systems/ Sewer Service Areas.

§108-1 Purpose

In order to manage present and future wastewater flows for the purposes of compliance with present and future groundwater quality standards, preserving the environmental qualities of the Town, and supporting broader community wastewater treatment and disposal planning objectives, the Town adopts this Flow Neutral Regulation for Present and Future Wastewater Treatment Systems and Sewer Service Areas. This regulation shall be supplemental to any and all other applicable statutes, regulations, bylaws, rules, and regulations, including, without limitation, the requirements of 310 CMR 15.000: Septic Systems (Title 5), as such may be amended from time to time, or any orders or directives issued pursuant thereto, and nothing herein shall exempt the owner of any property in the Town therefrom.

§ 108-2 Applicability.

This Chapter shall apply to all property located in the Town which is, or shall in the future be, serviced by an on-site sewage disposal system pursuant to Title 5 or connected to a private or public sewage disposal/ sewer system. The present and future wastewater flows to any such on-site sewage disposal or sewer system shall, pursuant to this regulation, be limited to the flows permitted from such properties as of the effective date of the Mashpee Comprehensive Wastewater Management Plan (CWMP), July 1, 2015.

§108-3 Mandatory Sewer Connection; Elimination of Septic Systems In Sewer Service Areas.

- A. The requirements for mandatory connection of parcels of property located in Town designated sewer service areas to the public sewer system shall be defined in regulations adopted by the Sewer Commission.
- B. Within thirty (30) days of a property's connection to the public sewer, any septic system or other waste disposal system located on the property shall be decommissioned in accordance with Board of Health regulations.

§ 108-4 Determination of Wastewater Flow.

For purposes of this Chapter, wastewater flow to onsite sewage disposal systems and to private/public sewage disposal systems shall be determined in accordance with either: 1) the provisions set forth in 310 CMR 15 (Title 5); or 2) water meter data provided by the Mashpee Water District, as adjusted for seasonal occupancy; or 3) any other method acceptable to the Department of Environmental Protection and the Town of Mashpee. Any structure, legally in existence as of July 1, 2015, regardless of its flow, may by right maintain that flow or number of bedrooms. "Bedroom" is defined in 310 CMR 15.002 (Title 5: Standard requirements specified in 310 CMR 15.000, and the number of bedrooms in the Assessor's records as of July 1, 2015, are presumed to be accurate.

§ 108-5 Modifications to Existing Parcels or Changes in Use in Sewer Service Areas.

A. Single-family residences.

1. Existing development. Modifications of an existing single-family dwelling on a parcel of 40,000 square feet or less may increase the total number of bedrooms to four (4) by right. Modifications of existing single-family residences on parcels over 40,000 square feet may increase the number of bedrooms to one (1) bedroom per 10,000 square feet of lot area by right.
2. New development. A single-family residence may have four (4) bedrooms by right on parcels of 40,000 square feet or less. On parcels greater than 40,000 square feet, a single-family residence may have one (1) bedroom per 10,000 square feet of lot area by right.
3. Addition of bedrooms beyond those permitted in Subsection A.1. and 2. above shall require a variance from the Board of Health (for on-site disposal systems) or Sewer Commission (for sewer systems) in accordance with §108-06.

B. Multifamily residences.

1. Existing development. Modifications of an existing multifamily residence may increase the number of bedrooms to one (1) bedroom per 10,000 square feet of lot area by right.
2. New development. A new multifamily dwelling is allowed one bedroom per 10,000 square feet of lot area by right.
3. Addition of bedrooms in multifamily dwellings, beyond which is allowed by right, shall require a variance from the Board of Health (for on-site disposal systems) or Sewer Commission (for sewer systems) in accordance with §108-6.

C. Nonresidential development.

1. Existing development.

- (a) Modifications or changes of use, including residential to nonresidential, that increase flow to a level that is no more than ten (10) percent above that permitted as of July 1, 2015, by 310 CMR 15 (Title 5) are allowed by right.
- (b) Modifications or changes of use that increase flow more than that allowed by right in Subsection C.1.(a) require a variance from the Board of Health (for on-site disposal systems) or Sewer Commission (for sewer systems) in accordance with §108-6.
- 2. New development.
 - (a) New nonresidential development on a vacant parcel with a wastewater flow up to 110 gallons per day per 10,000 square feet of lot area is allowed by right.
 - (b) New nonresidential development on a vacant parcel with a proposed wastewater flow greater than 110 gallons per day per 10,000 square feet shall require a variance from the Board of Selectmen in accordance with §108-6.

§ 108-6 Variances.

- A. The Board of Health (for on-site disposal systems) or Sewer Commission (for sewer systems), after a public hearing of which notice has been given by publication 1) in a newspaper of general circulation and 2) posting with the Town Clerk and on the Town website for a period of no less than fourteen (14) days prior to the date of hearing, may grant a variance from the requirements of this regulation, provided both Subsection A.1 and 2. below are satisfied.
 - 1. Sufficient capacity exists in the treatment facility, as determined by the Board of Health Agent or Sewer Commission, its agent/ designee, as appropriate. If sufficient capacity does not exist, then no variance shall issue.
 - 2. With respect to an on-site Title 5 disposal system, should the Board of Health determine sufficient capacity exists the applicant must then demonstrate that a septic system for the total number of bedrooms or nonresidential flow requested, meeting the provisions of 310 CMR 15.000 (Title 5), without significant variances, can be sited on the parcel.
- B. The Board of Health may, at its sole and absolute discretion, issue a variance that, in its judgment, could be granted without substantially derogating from the intent or purpose of this regulation should the applicant fail to satisfy criteria in § 108-6A.2. above.

§ 108-7 Rebuilding a Structure Due to Casualty Loss.

A property owner may rebuild a structure destroyed by fire, flood, storm or other acts of nature as a matter of right, provided that the new structure does not exceed the permitted wastewater flow and number of bedrooms of the structure being replaced.

§ 108-8 Transferability of Flow Capacity.

The number of bedrooms or permitted flow on any particular parcel of land cannot be sold, exchanged, transferred, or otherwise used to benefit the determination of number of bedrooms or flow on another parcel or another's right to a sewer connection, unless any such sale, transfer or exchange is authorized by a Board of Health or Sewer Commission regulation.

§ 108-9 Severability.

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

§ 108-10 Violations and Penalties; Enforcement.

- A. Any person found to be violating any provision of this Chapter shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.
- B. Any person who shall continue any violation beyond the period permitted in Subsection A. shall be subject to a fine in an amount not exceeding fifty dollars (\$50) for each violation. Each day in which such a violation shall continue shall be deemed a separate offense.

The Board of Health and Sewer Commission, and their duly authorized agents, shall have the power and authority to enforce the provisions hereof. This section shall in no way limit the Town's power and authority to invoke other remedies at law to enforce and compel compliance with the provisions of this Chapter. Any person violating any of the provisions set forth herein shall be liable to the Town for any expense, loss, or damage incurred by the Town as a result of such violation.

Submitted by the Board of Selectmen

Explanation: This article will _____