

**TOWN OF MASHPEE
MASHPEE HIGH SCHOOL
500 OLD BARNSTABLE ROAD
MASHPEE, MA 02649
ANNUAL TOWN MEETING
MONDAY, OCTOBER 18, 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 18th day of October 2021 at 6:00 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 authorize the Board of Selectmen to petition the General Court pursuant to Section 8 of the Home Rule Amendment to the Constitution of the Commonwealth of Massachusetts (Article 89) for an amendment to the Mashpee Home Rule Charter striking out the words "Board of Selectmen" or "Selectmen" wherever they appear in said Charter and inserting in place thereof the words "Select Board", and to strike out the definition of Board of Selectmen set forth in Section 1-7 of the Charter and insert in place thereof: "**Select Board**. The words "Select Board" shall mean the board of persons referred to in the General Laws of Massachusetts and heretofore in this Charter as the Board of Selectmen."; further, subject to, in furtherance of, and consistent with said Charter amendment, to amend Chapter 4, Article II, §4-2 of the Mashpee General Bylaws by substituting the term "Select Board" for "Board of Selectmen" and adding the following sentence: "For purposes of these bylaws, the Select Board shall assume and retain the status of the formerly designated Board of Selectmen and shall assume all powers and duties vested in a board of selectmen by general or special law, home rule charter, these bylaws or other applicable authority."; to amend Article XVI, §174-91 of the Zoning Bylaws by substituting the term "Select Board" for "Board of Selectmen", and further, by deleting, in every other instance in which they appear in the General Bylaws, with the exception of Chapter 1, Article I, §1-1, and in the Zoning Bylaw the terms "Board of Selectmen" and "Selectmen" and inserting in their place, the words "Select Board";

or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article will change the name of the Board of Selectmen to Select Board.

The Board of Selectmen recommends approval of Article 1 by a vote of 5-0

The Finance Committee makes no recommendation on Article 1 by a vote of 3-3

Article 2

To see if the Town will vote pursuant to G.L. c. 40, §§15 & 15A to authorize the Board of Selectmen to transfer title, care, management, custody and/or control of the real property identified as 108 Commercial Street (Mashpee Assessors Map 81, Parcel 130) to the Mashpee Affordable Housing Trust for purposes of developing affordable housing, and, further, to authorize the Board of Selectmen to prepare and execute such agreements, deeds and other instruments necessary to effect said transfer upon such terms and conditions as the Selectmen shall deem to be in the interest of the Town, or take any other action relating thereto.

SEE MAP IN APPENDIX A

Submitted by the Board of Selectmen

Explanation: This article seeks Town Meeting authorization to transfer care, management, and control of the subject parcel of Town owned land to the Affordable Housing Trust for the purposes of developing affordable housing.

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 6-0

Article 3

To see if the Town will vote to amend the General By-laws in accordance with the provisions of the Mashpee Home Rule Charter, Section 5-1(b), by adopting the following By-law as Division 1, Part 1, Chapter 1, Article V, §1-9, *Reorganization of Town Government; Department of Wastewater Management*, together with the Plan of Reorganization submitted herewith, which shall be appended to the Town By-laws in the form of an Administrative Code, and, further, to amend the provisions of the Town Bylaws Chapter 5, Article VI, Section 5-30 by adding Subsection "R" as follows: "R. The Town Manager shall appoint a Town Engineer."; or take any other action relating thereto.

Article V, §1-9. Reorganization of Town Government; Department of Wastewater Management.

Pursuant to the provisions of the Mashpee Home Rule Charter, Article V, Section 5-1(b), the Town Manager has adopted a Reorganization Plan for the orderly, efficient and convenient conduct of the business of the Town, dated September 13, 2021 a copy of which is appended to the Administrative Code section of these Bylaws as Administrative Code III, which document is incorporated herein by reference. Said Reorganization Plan creates a new Department of Wastewater Management which shall be charged with supervision and operation of all public wastewater collection, treatment and disposal facilities in the Town under the direction and oversight of the Town Engineer, who shall be appointed by and report to the Town Manager. The provisions hereof and those of Administrative Code III shall remain in full force and effect until amended, supplemented or repealed in accordance with the provisions of the Charter, Section 5-1.

SEE CHART AND MEMORANDUM IN APPENDIX A

Submitted by the Board of Selectmen

Explanation: This article will create a Wastewater Management Department.

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 6-0

Article 4

To see if the Town will vote to appropriate and transfer the sum of \$10,600 from revenue available for appropriation with said funds distributed as follows: \$9,180 to the Sewer Commission Full Time Salaries Account, \$1,265 to the Sick Leave Incentive account, and \$155 to the Medicare expense account, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article will transfer funds to cover a shortfall in the Town Engineer's salary and associated accounts.

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 6-0

Article 5

To see if the Town will vote to amend Section 174-48.1 Subsection B (Plan Review Committee) of the Mashpee Zoning Bylaws by adding "Town Engineer," as follows:

B. Membership of the Plan Review Committee shall consist of the Town Engineer, Building Inspector, Health Agent, Town Planner, Conservation Agent, Fire Chief, Police Chief, Director of Public Works and Town Manager or their designees. The Committee may organize itself in any way it deems appropriate and establish rules and procedures it deems necessary for the performance of its functions. The Committee may meet as a group to discuss projects, in which case it shall follow the requirements of the "Open Meeting Law", or it may establish procedures under which, for certain types of uses, the members may file individual recommendations regarding a project with the Building Inspector, who shall compile the Committee's decision or recommendation letter, provide it to the applicant and, if appropriate, to the Special Permit granting authority, and record it with the Town Clerk.

or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This warrant article would add the newly appointed Town Engineer and any successors to that position as a member of the Plan Review Committee whose duties are to advise the Building Inspector, Board of Selectmen, Planning Board and Board of Appeals on matters related to the areas of expertise of its members, and to provide informal advice and review to prospective applicants for permits.

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 6-0

Article 6

To see if the Town will vote to rescind the authority to issue the following un-issued balances of authorized bonds or notes pursuant to the votes adopted under the following articles to the extent not previously exercised, or take any other action relating thereto.

Submitted by the Town Treasurer

<u>Town Meeting</u>	<u>Article #</u>	<u>Balance</u>	<u>Purpose</u>
May 1, 2001	17	\$ 275,000.00	Mashpee River Dredge
May 5, 2008	16	\$ 50,000.00	Solar Power/ Senior Center
May 1, 2017	15	\$1,141,318.35	Quashnet School Building
May 1, 2017	36	\$ 600,830.00	Chapter 90/ 2019

Explanation: This article is for the purpose of rescinding loans authorized for capital projects that have been completed or never started. This will enable the Town Accountant to remove the un-issued balances.

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 6-0

Article 7

To see if the Town will vote to appropriate and transfer \$50,000 from the Principal Temp Borrow Outside 2 ½ account to the Principal Temporary Borrowing Inside 2 ½ account and vote to transfer \$2,720 from Interest Temp Borrow Inside 2 ½ to the Interest Temp Borrow Outside 2 1/2 or take any other action relating thereto.

Submitted by the Town Treasurer

Explanation: This article is for the purpose of distributing the funds in the proper accounts due to the actual interest on BANS issued 5-12-21. These funds could not be appropriated in annual Town meeting as the Bonding was completed after the warrant article submission. The reduction in temporary borrowing interest outside 2 ½ and Principal Temp Borrow outside 2 ½ will reduce the outside 2 ½ portion of the tax rate.

The Board of Selectmen recommends approval of Article 7 by a vote of 5-0

The Finance Committee recommends approval of Article 7 by a vote of 6-0

Article 8

To see if the Town will vote to appropriate and transfer the sum of \$2,795.50 from revenue available for appropriation to pay the previous fiscal year's unpaid bills as follows:

Visiting Nurse Association of Cape Cod \$2,256.25

Northeast Resource Recovery Association \$ 539.25

or take any other action relating thereto.

Submitted by the Board of Selectmen

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 8 by a vote of 5-0

The Finance Committee recommends approval of Article 8 by a vote of 6-0

Article 9

To see if the Town will vote to appropriate and transfer the sum of \$1,000,000 from revenue available for appropriation to the CARES ACT Coronavirus Relief Fund (CARES ACT CVRF) to cover expenses incurred due to the COVID-19 pandemic, or take any other action relating thereto.

Submitted by the Finance Director

Explanation: These funds are to cover expenses incurred due to the COVID-19 pandemic. The Town has exhausted our allocation of CARES Act federal funding and these expenses may be deemed ineligible under the FEMA reimbursement program. Any funds appropriated through this article can only be utilized for COVID related expenses. After all expenses and liabilities have been paid, any remaining balance of this appropriation will revert back to the general fund.

The Board of Selectmen recommends approval of Article 9 by a vote of 5-0

The Finance Committee recommends approval of Article 9 by a vote of 7-0

Article 10

To see if the Town will vote to raise, appropriate or transfer the sum of \$9,625 from revenue available for appropriation to the Sewer Commission Professional & Technology Account for aerial photography of the entire Town, or take any other action relating thereto.

Submitted by the Town Engineer

Explanation: This article is to fund aerial photography for use in future surveying for all phases of the Town's wastewater projects.

The Board of Selectmen recommends approval of Article 10 by a vote of 5-0

The Finance Committee recommends approval of Article 10 by a vote of 6-0

Article 11

To see if the Town will vote to appropriate and transfer pursuant to the provisions of M.G.L. Chapter 44B, §6 to Reserve from the FY 2022 estimated Community Preservation revenues, the following amounts:

\$198,834	10% for Open Space/Recreational Purposes
\$198,834	10% for Historic Preservation Purposes
\$198,834	10% for Affordable Housing Purposes
\$1,351,834	to the FY 2022 Community Preservation Fund Budget for Appropriation Reserve as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

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

The Community Preservation Committee voted to approve this article to set aside the 10% Reserves and Budget for Appropriation Reserve to be available for use in fiscal year 2022 as certified by the Finance Director and reflected in the FY 2022 CP-1. The total FY22 appropriation to the 10% Reserves and Budget for Appropriation Reserve is \$1,948,336.

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

The Board of Selectmen recommends approval of Article 11 by a vote of 5-0

The Finance Committee recommends approval of Article 11 by a vote of 6-0

Article 12

To see if the Town will vote to appropriate and transfer from the Community Preservation Budget for Appropriation Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$425,000 for the purpose of funding the Ockway Bay Boat Ramp Improvement Project Phase III, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The Ockway Bay Boat Ramp is one of the Town's three public launch facilities for boating access and it is used year round by recreational boaters and fishermen. The boat ramp is also utilized by the DNR and for the Town's shellfish propagation program. Phase III would replace the concrete boat ramp and install a concrete scour pad at the end of the ramp. The 35-year old ramp has deteriorated due to salt water corrosion. If funding is received the project would be completed in Winter/Spring 2022. Design and permitting for the \$450,000 project will be funded through the DPW/DNR or Waterways Commission budgets.

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

The Board of Selectmen recommends approval of Article 12 by a vote of 5-0

The Finance Committee recommends approval of Article 12 by a vote of 7-0

Article 13

To see if the Town will vote to appropriate and transfer the sum of \$50,000 from revenue available for appropriation to fund consulting services for a Mashpee Municipal Harbor Management Plan, or take any other action relating thereto.

Submitted by the Department of Natural Resources

Explanation: This will provide funds for consulting services to request funding through the Seaport Economic Council by way of Coastal Zone Management and The University of Massachusetts Boston: Urban Harbors Institute for a Mashpee Municipal Harbor Management Plan. All funds will be used to implement a state approved Harbor Management Plan.

The Board of Selectmen recommends approval of Article 13 by a vote of 5-0

The Finance Committee recommends approval of Article 13 by a vote of 6-0

Article 14

To see if the Town will vote to prohibit overnight occupancy on Town issued moorings within Mashpee Estuarine systems by adding the following provision to the Mashpee Use of Waterways General Bylaw, specifically, Ch.170- 9 A, or take any other action relating thereto.

- A. 4) Overnight occupancy by vessels and boats of Town permitted moorings within mooring fields located within Mashpee Estuarine systems is prohibited.

Submitted by the Department of Natural Resources

Explanation: This Bylaw amendment is necessary to protect vital shellfish habitat located within mooring fields from potential spillage or failure due to prolonged Marine Sanitation Device (MSD) usage within the mooring fields. If article is not supported all mooring fields within Mashpee may be shut down to the recreational and commercial harvest of shellfish during the months of May, June, July, August, and September.

The Board of Selectmen recommends approval of Article 14 by a vote of 5-0

The Finance Committee recommends approval of Article 14 by a vote of 6-0

Article 15

To see if the Town will vote to amend the Use of Waterways General Bylaw Chapter 170, specifically, "Speeds", Ch.170- 4.A.4), to read:

- A. "Maximum Speed for watercraft is "Slow, No Wake" (Headway Speed)

4.) On the following bodies of tidal water:

- (a) Great River
- (b) Little River
- (c) Santuit River,
- (d) Mashpee River
- (e) Ockway Bay
- (f) Shoestring Bay and Simons Narrows,

or take any other action relating thereto.

Submitted by the Department of Natural Resources

Explanation: This article is necessary to clarify No Wake zones within Mashpee Town Waters. Ockway bay and all of Great River should be considered a “No Wake” zone per Ch.170-4 sec. 3 : No wakes within 150 ft. from shore, bathers, vessels propelled by means other than machinery, vessels not underway, and commercial and private docking or mooring areas. There is NO marked channel in neither the Upper Great River region nor Ockway Bay. Bylaw currently reads “except in planning channel” for both Upper Great River and Ockway Bay, but none exist.

The Board of Selectmen recommends approval of Article 15 by a vote of 5-0

The Finance Committee recommends approval of Article 15 by a vote of 6-0

Article 16

To see if the Town will vote to appropriate and transfer the sum of \$350,000 from revenue available for appropriation to fund a diagnostic study of Mashpee-Wakeby Pond, or take any other action relating thereto.

Submitted by the Department of Natural Resources

Explanation: This article is necessary to fund a diagnostic study of Mashpee Wakeby Pond to determine necessary nutrient mitigation, public access improvements, and water quality management practices and improvements. All funds appropriated will be for sole use for funding a Mashpee Wakeby Diagnostic Study and/ or implementation of recommended water quality improvements suggested by the awarded consultant.

The Board of Selectmen recommends approval of Article 16 by a vote of 5-0

The Finance Committee recommends approval of Article 16 by a vote of 6-0

Article 17

To see if the Town will vote to appropriate and transfer the sum of \$19,050 from revenue available for appropriation to the Natural Resources Waterways Expense Account, or take any other action relating thereto.

Submitted by the Department of Natural Resources

Explanation: This article is necessary to fund The Watershed Based Solutions to Increase Resilience to Harmful Algal Blooms in Santuit Pond in a Warmer and Wetter Climate. All funds appropriated will be for sole use in funding recommended water quality improvements as outlined in the AECOM 2010 Santuit Pond Diagnostic Study.

The Board of Selectmen recommends approval of Article 17 by a vote of 5-0

The Finance Committee recommends approval of Article 17 by a vote of 6-0

Article 18

To see if the Town will vote to appropriate and transfer the sum of \$9,000 from revenue available for appropriation to the Election/Registrations Expense Account to purchase six (6) Election Poll Pads and six (6) Election Poll Pad printers, or take any other action relating thereto.

Submitted by the Town Clerk

Explanation: In order to prepare for an election, the Town Clerk's Office is required by Massachusetts General Laws to provide check-in and check-out voter books. Mashpee currently has over 12,000 voters divided into five precincts. The reams of paper required to prepare for an election increases exponentially based on the election. This October town meeting will require a minimum of six out of ten reams of paper. These poll pads would save the Town paper, money, and will expedite the check-in process for both town meeting and elections.

The Board of Selectmen recommends approval of Article 18 by a vote of 5-0

The Finance Committee recommends approval of Article 18 by a vote of 7-0

Article 19

To see if the Town will vote to authorize and empower the Board of Selectmen to prepare a plan laying out and defining Canonchet Avenue and to accomplish said purpose and for expenses related thereto, the Town vote to appropriate and transfer the sum of \$5,000 from revenue available for appropriation to the Canonchet Avenue Roadways Account, or take any other action relating thereto.

SEE MAP IN APPENDIX A

Submitted by Petition

Explanation: This article authorizes the Town to layout and define Canonchet Avenue and to appropriate funding for that purpose.

The Board of Selectmen recommends approval of Article 19 by a vote of 5-0

The Finance Committee recommends approval of Article 19 by a vote of 6-0

Article 20

To see if the Town will vote to accept the layouts as public ways of Cedar Street, Chestnut Street, Devon Street, Ash Street, Hawthorne Street, and Gina's Way as shown on plans entitled "Cedar Street, Devon Street, Ash Street, Road Taking Plan," in Mashpee, MA (Barnstable County), dated January 28, 2021 and prepared by Cape & Islands Engineering, Inc., which layouts shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of vote hereunder, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain taking any land necessary for the purposes of such ways as so laid out, and to appropriate the sum of \$311,010.00 to the "Cedar Street, Chestnut Street, Devon Street, Ash Street, Hawthorne Street, and Gina's Way" Roadways Account, and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8, or any other enabling authority for such purchase or taking and layout, including costs of constructing such ways, legal, financing, and other costs incidental and related thereto, and further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relating thereto.

SEE MAP IN APPENDIX A

Submitted by Petition

Explanation: This article authorizes the Town to complete the private to public road conversion process for Cedar Street, Chestnut Street, Devon Street, Ash Street, Hawthorne Street, and Gina's Way.

The Board of Selectmen recommends approval of Article 20 by a vote of 5-0

The Finance Committee recommends approval of Article 20 by a vote of 6-0

Article 21

To see if the Town will vote to accept the layouts as public ways of Oldham Circle, as shown on plans entitled "Oldham Circle, Road Taking Plan," in Mashpee, MA (Barnstable County), dated December 20, 2020 and prepared by Cape & Islands Engineering, Inc., which layouts shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of vote hereunder, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain taking any land necessary for the purposes of such ways as so laid out, and to appropriate the sum of \$ 387,906.75 to the "Oldham Circle" Roadways Account, and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8, or any other enabling authority for such purchase or taking and layout, including costs of constructing such ways, legal, financing, and other costs incidental and related thereto, and further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relating thereto.

SEE MAP IN APPENDIX A

Submitted by Petition

Explanation: This article authorizes the Town to complete the private to public road conversion process for Oldham Circle.

The Board of Selectmen recommends approval of Article 21 by a vote of 5-0

The Finance Committee recommends approval of Article 21 by a vote of 6-0

Article 22

To see if the Town will vote to adopt the following as a general by-law and to insert it into the Code of the Town of Mashpee, Massachusetts.

Section 1. Sale of Single-use Plastic Water Bottles

Effective on September 30, 2022, it shall be unlawful to sell non-carbonated, unflavored drinking water in single-use plastic bottles of less than one gallon in the Town of Mashpee. Enforcement of this regulation will begin September 30, 2022.

Section 2. Definitions

A single-use plastic bottle is a beverage container made from any type of plastic resin.

Section 3. Exemptions

Sales or distribution of non-carbonated, unflavored drinking water in single-use plastic bottles occurring subsequent to a declaration of emergency (by the Emergency Management Director or other duly authorized Town, County, Commonwealth or Federal official) affecting the availability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.

Section 4. Enforcement

Enforcement of this article shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate.

Any establishment conducting sales in violation of this article shall be subject to a non-criminal disposition fine as specified in G. L. Chapter 40 § 21D. The following penalties apply:

- First violation: Written warning
- Second violation: \$150 fine
- Third and subsequent violations: \$300 fine

Each day a violation continues constitutes a separate violation, incurring additional fines.

Any such fines collected shall be payable to the Town of Mashpee.

All businesses will be routinely inspected until the Town Manager deems the inspection to no longer be required, or take any other action relating thereto.

Submitted by Petition

Explanation: Single-use plastic bottles impact environmental health, and the health and longevity of other species, who may ingest plastic as food. Ultimately, plastic re-enters the human food chain where the adverse consequences are both known and emerging. Plastics pollute and impact our environment across their lifecycle from production to use to disposal.

Over 1,500 single-use plastic water bottles are used and discarded in the U.S. per second. Elimination of the use of single-use plastic water bottles will have a significant impact on future plastic-based pollution including the nation's greenhouse gas footprint and is consistent with protection of the natural environment in Mashpee, Barnstable County, our nation and our earth, which we have a common responsibility to protect and steward, or take any other action relating thereto.

The Board of Selectmen recommends approval of Article 22 by a vote of 3-2

The Finance Committee does not recommend approval of Article 22 by a vote of 4-2

Article 23

To see if the Town will vote to amend Article VII Land Space Requirement, Section 174-31, Land Space Requirement Table by adding footnote "25" to "maximum of lot coverage (percent)." Footnote 25 would read as follows:

Structures erected solely for the purpose of roof-mounted solar energy systems in permitted parking lots/areas shall not contribute to a parcel's lot coverage maximum but shall comply with all setback criteria of the applicable zoning district. For medium and large scale solar energy systems requiring a special permit from the Planning Board, pursuant to Sec XXXX Solar Energy Systems Overlay District, the Planning Board may, at its sole discretion, approve in its decision a solar energy system whose lot coverage exceeds 20% in consideration of site specific conditions.

Submitted by Petition

Explanation: Rationale and support for zoning change to enhance the density of solar projects in Mashpee: In 2018 the Commonwealth of Massachusetts put forth a new solar initiative called the Smart program. This groundbreaking concept will help Massachusetts be a leader in solar energy. Given the high cost of land in Mashpee, it is essential to achieve enough density to make a solar project meaningful. The proposed footnote to the By-Law will give the planning board sufficient tools and oversight to achieve an appropriate balance between solar project density and the needs of the community.

The Board of Selectmen will make a recommendation on Article 23 at Town Meeting
The Finance Committee will make a recommendation on Article 23 at Town Meeting

Article 24

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 Petition

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

**The Board of Selectmen will make a recommendation on Article 24 at Town Meeting
The Finance Committee will make a recommendation on Article 24 at Town Meeting**

Article 25

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 will make a recommendation on Article 25 at Town Meeting
The Finance Committee will make a recommendation on Article 25 at Town Meeting**

Article 26

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 will make a recommendation on Article 26 at Town Meeting
The Finance Committee will make a recommendation on Article 26 at Town Meeting**

Article 27

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 will make a recommendation on Article 27 at Town Meeting
The Finance Committee will make a recommendation on Article 27 at Town Meeting**

Article 28

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. To this end, as part of its Special Permit decision, the Planning Board may, at its sole discretion, establish a lot coverage maximum that exceeds 20% in consideration of site specific conditions.
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.

The Board of Selectmen will make a recommendation on Article 28 at Town Meeting

The Finance Committee will make a recommendation on Article 28 at Town Meeting

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 13th day of September in the year two thousand and twenty one.

Per Order of,
Board of Selectmen



Carol A. Sherman, Chair



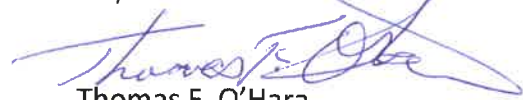
David W. Weeden, Vice-Chair



Andrew R. Gottlieb, Clerk



John J. Cotton



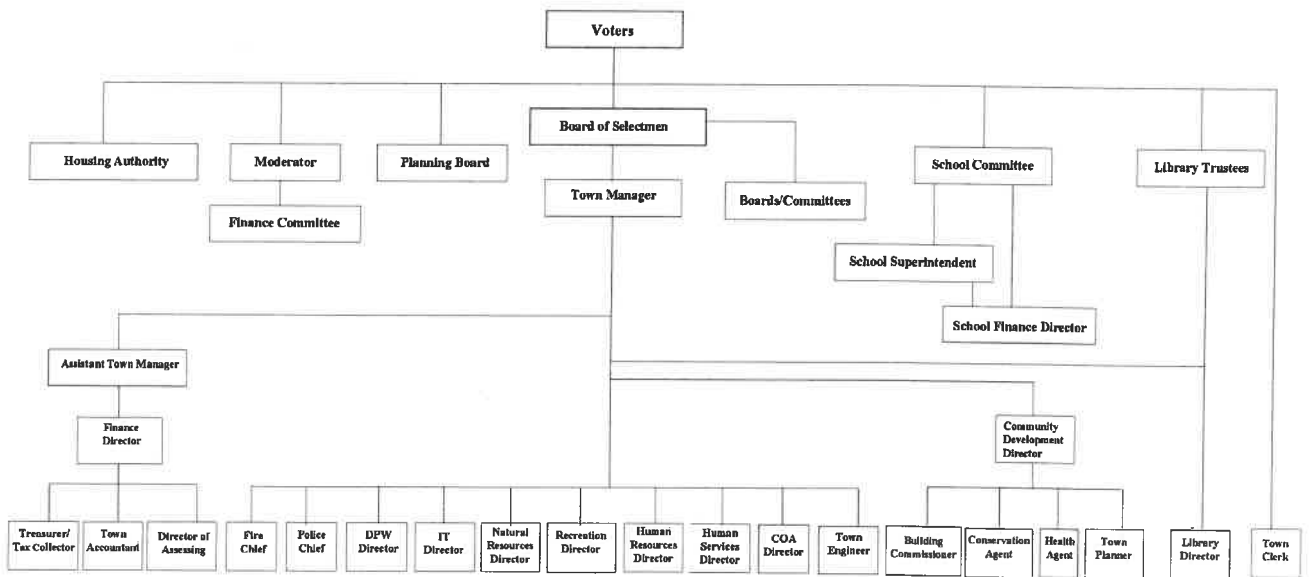
Thomas F. O'Hara

APPENDIX A

Annual Town Meeting - Article 2



Annual Town Meeting - Article 3 Town of Mashpee Proposed Organizational Chart



Annual Town Meeting - Article 3 Town Manager Memorandum – Administrative Code III

"Preserving public trust, providing professional services"

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



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

MEMORANDUM

TO: Honorable Board of Selectmen

FROM: Town Manager Rodney C. Collins

DATE: September 13, 2021

SUBJ: Reorganization of Town Government; Department of Wastewater Management

A handwritten signature in blue ink, appearing to be "RC Collins", written over the "FROM" line.

Pursuant to the provisions of the Mashpee Home Rule Charter, Section 5-1(b), I introduce a Plan of Reorganization for the orderly, efficient and convenient conduct of Town business. This plan was discussed at your August 9, 2021 meeting.

As the Town moves forward with Phase 1 of its clean water plan, there is a need for a Wastewater Management Department to oversee the process. The Administrative Code III, as presented, would reclassify the Town Engineer as the Wastewater Management department head and this position would report directly to the Town Manager. There are no other positions proposed in the Administrative Code III.

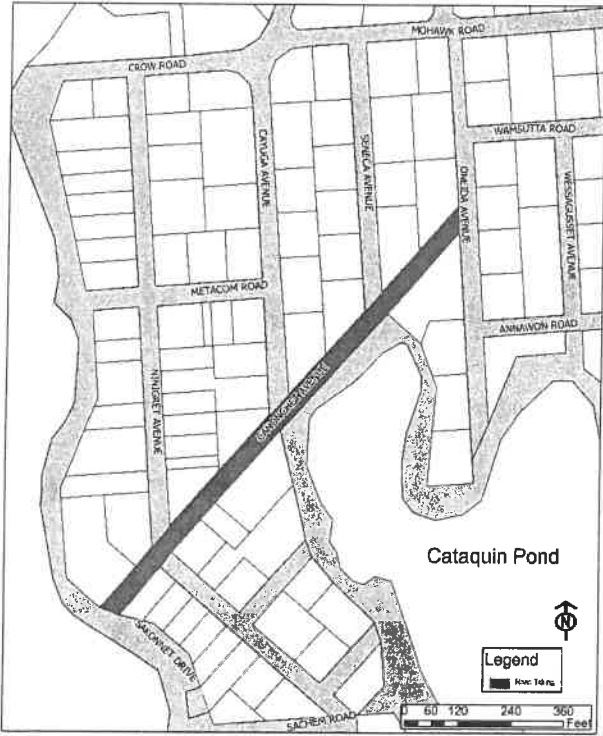
Therefore, I recommend the establishment of a Department of Wastewater Management. I further recommend the transfer of the Town Engineer to the Wastewater Management Department as its department head.

The proposed organization will implement an updated Administrative Code consistent with plans approved in October 20, 2008 (Article 13) and with a new department head (Town Engineer) responsible for overseeing the newly established Wastewater Management Department.

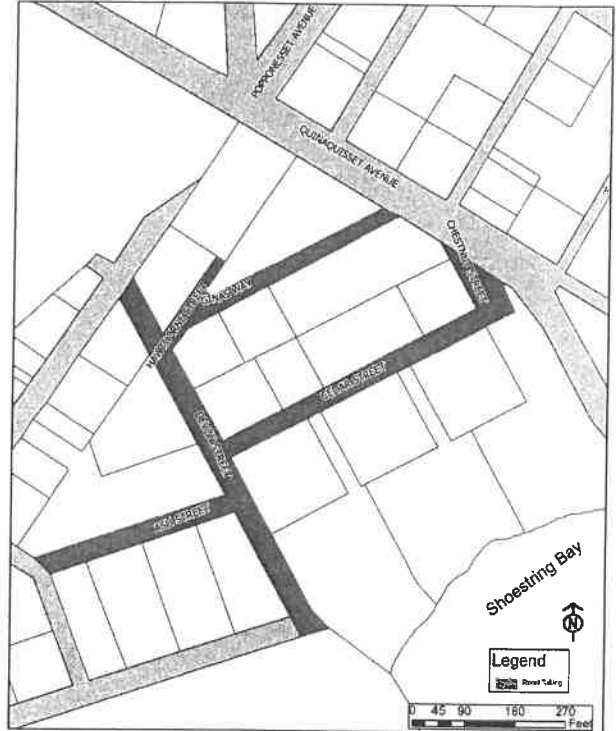
Attached, find a proposed table of organization that articulates the chain of command and operational flow consistent with these recommendations.

APPENDIX A (CON'T)

Annual Town Meeting - Article 19



Annual Town Meeting - Article 20



Annual Town Meeting - Article 21

