

Town of Mashpee



Report of the Finance Committee on the Articles of the Annual Town Meeting Warrant

Mashpee High School
500 Old Barnstable Road
Mashpee, MA 02649

Monday, October 17, 2022
7:00 p.m.

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Dear Mashpee Voters:

This document is the Finance Committee's report on the Warrant Articles enacted by the Select Board for the Town Meeting of October 17, 2022.

The Finance Committee is composed of seven volunteers appointed by the Town Moderator. As mandated by the Mashpee Charter, our purpose is to review all articles posed on the Town Meeting Warrant and provide recommendations and conclusions, as well as the impact on the tax rate. Also required is that the Finance Committee provide written explanations of all articles on the warrant.

The Warrant for the October Annual Town Meeting includes sixteen (16) articles. Over the past month, the Finance Committee has met with the Town Manager, various Department Heads, and other Town officials for guidance, clarification, and their expertise on all articles submitted. In the following report, under each article, we have explained and offered our recommendation.

Several articles within the Annual Town Meeting Warrant of particular interest to you are:

- Article 2 and Article 3 will utilize funds from the Wastewater Stabilization Fund and the Wastewater Infrastructure Investment Fund to pay off a Bond Anticipation Note (BAN) which was used to pay for the planning phase of the Wastewater project which is coming due in May 2023.
- Article 6 will grant a non-exclusive easement to Eversource Energy to bring power to the property at 101 Red Brook Road. This will allow Eversource Energy to not only bring power to the cell tower, but to also perform the necessary maintenance to keep it powered.
- Article 10 repeals and replaces Article XI (Floodplain Zone Provisions) of Mashpee Bylaws with Article XI (Floodplain Zone Overlay) to bring the Town's bylaws in line with FEMA regulations. These are mostly administrative changes necessary to meet what FEMA has always required but have only recently begun to enforce.
- Article 12 which appropriates and transfers funds from revenue available for appropriation to fund the development of a plan which will inventory, assess, and recommend improvements of the Town's stormwater infrastructure.
- Article 14 will add language to the Waterways Regulations Ch. 170 prohibiting using "motorized boats" on Santuit Pond in an attempt to preserve the pond's water quality.

We suggest you take time, as the Legislative Branch of the Town government, to familiarize yourself with the warrant articles prior to Town Meeting. If you have any questions, please do not hesitate to ask any one of us on the Finance Committee before or during Town Meeting. You may contact us by phone at (508)539-1401 or through the Town of Mashpee website at www.mashpeema.gov, by clicking on Finance Committee under the Boards & Committees tab.

We look forward to seeing you on Monday, October 17, 2022 at 7:00 p.m. at Mashpee High School.

Thank you,

Jeffrey C Pettengill – Chair

A Gregory McKelvey – Vice-Chair

Darlene Furbush – Clerk

Richard Weiner

Lee Smith

Geoffrey Gorman

Jamie Schuh

**TOWN OF MASHPEE
MASHPEE HIGH SCHOOL
500 OLD BARNSTABLE ROAD
MASHPEE, MA 02649
ANNUAL TOWN MEETING
MONDAY, OCTOBER 17, 2022**

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 17th day of October 2022 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 appropriate and transfer the sum of \$150,000 from revenue available for appropriation to the Wastewater Professional and Technical Expenses Account, or take any other action related thereto.

Submitted by the Board of Selectmen

Explanation: This article is necessary to fund a wastewater consultant for overseeing the Wastewater Management Department as the Town moves forward with the sewerage of the Town.

The Board of Selectmen recommends approval of Article 1 by a vote of 3-0

***FINCOM:** This article appropriates and transfers funds from revenue available for appropriation to pay for a consultant to fill in as the head of the Wastewater Management Department while the Town seeks to hire someone on a permanent basis. This article will have no impact on the current year tax rate.*

The Finance Committee recommends approval of Article 1 by a vote of 4-0

Article 2

To see if the Town will vote to appropriate and transfer the sum of \$1,254,450 from the Wastewater Stabilization Fund to the Temporary borrowing outside 2 ½, or take any other action relating thereto.

Submitted by the Town Treasurer

Explanation: This article, along with article #3, is for the purpose paying off the Bond Anticipation Note (BAN) that is coming due in May 2023 along with interest. (Requires a 2/3 vote)

The Board of Selectmen recommends approval of Article 2 by a vote of 4-0

***FINCOM:** This article appropriates and transfers the funds, which were set aside in the Wastewater Stabilization Fund, to pay off the Bond Anticipation Note (BAN) which was issued to pay for the costs related to the planning phase of the wastewater project. The principle and interest on this note is coming due in May 2023 and the funds need to be transferred before that time. This article will have no impact on the current year tax rate.*

The Finance Committee recommends approval of Article 2 by a vote of 7-0

Article 3

To see if the Town will vote to appropriate and transfer the sum of \$1,268,950 from the Wastewater Infrastructure Investment Fund (WIIF) to the Temporary borrowing outside 2 ½, or take any other action relating thereto.

Submitted by the Town Treasurer

Explanation: This article, along with article #2 is for the purpose paying off the Bond Anticipation Note (BAN) that is coming due in May 2023 along with interest.

The Board of Selectmen recommends approval of Article 3 by a vote of 4-0

***FINCOM:** This article appropriates and transfers the funds, which were set aside in the Wastewater Infrastructure Investment Fund, to pay off a portion of the Bond Anticipation Note (BAN) which was used for the planning phase of the Town's sewer project which is coming due in May 2023. This article will have no impact on the current year tax rate*

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

Article 4

To see if the Town will vote to appropriate and transfer the sum of \$8,400 from revenue available for appropriation with said funds to be distributed as follows: \$2,964 to the Planning Temporary Wage account, \$5,236 to the Planning Full Time Clerical Salary account and \$200 to the Medicare Expense account, or take any other action relating thereto.

Submitted by the Finance Director

Explanation: This article is to provide additional funds to cover a shortfall in the Planning Department salary accounts.

The Board of Selectmen recommends approval of Article 4 by a vote of 4-0

***FINCOM:** This article appropriates and transfers funds from revenue available for appropriation. These funds are necessary because the clerical position in planning was reclassified to full time to provide support to the Wastewater Management Department. This article will have no impact on the current year tax rate.*

The Finance Committee recommends approval of Article 4 by a vote of 5-0

Article 5

To see if the Town will vote to appropriate and transfer the sum of \$22,000 from revenue available for appropriation with said funds to be distributed as follows: \$21,685 to the Fire Department Management Salary account, and \$315 to the Medicare expense account, or take any other action relating thereto.

Submitted by the Fire Department

Explanation: This article is to provide additional funds to cover a shortfall in the Fire Department Salary account.

The Board of Selectmen recommends approval of Article 5 by a vote of 4-0

***FINCOM:** This article appropriates and transfers funds from revenue available for appropriation. These funds are necessary due to the new personal services contracts for the new Fire Chief and Deputy Fire Chief. This article will have no impact on the current year tax rate.*

The Finance Committee recommends approval of Article 5 by a vote of 5-0

Article 6

To see if the Town will vote to authorize the Select Board to grant to Eversource Energy, its respective successors and assigns, a non-exclusive easement conveying the right to locate, relocate, erect, construct, reconstruct, install, operate, maintain, patrol, inspect, repair, replace, alter, change the location of, extend or remove primary wires, transformers, poles and conduits, together with service conductors and other necessary equipment and apparatus along, upon, under, across and over a certain parcel of land situated at 101 Red Brook Road, Mashpee, as further described and shown on Mashpee Assessors Maps, Map 104, Parcel 2-0 and to authorize the Select Board to execute all instruments and do all things necessary to carry out the provisions of this article, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article will grant an easement to Eversource Energy to provide the 101 Red Brook Road property with electric utilities.

The Board of Selectmen recommends approval of Article 6 by a vote of 4-0

FINCOM: *This article grants a non-exclusive easement to Eversource Energy to bring power to the property at 101 Red Brook Road. This will enable Eversource Energy to bring power to the new cell tower and maintain its service. This article will have no impact on the current year tax rate.*

The Finance Committee recommends approval of Article 6 by a vote of 4-1

Article 7

To see if the Town will vote to amend §174-27.2 (A) of the Mashpee Zoning Bylaw, Stormwater Management, to read as follows:

- A. For any new residential or non-residential development or redevelopment requiring either approval, a Special Permit, plan review under the provisions of §174-24.B., or a Building Permit for a building over one thousand (1000') square feet in area a system of stormwater management and artificial recharge of precipitation which is designed to achieve the following purposes shall be required: to prevent untreated discharges to wetlands and surface waters, preserve hydrologic conditions that closely resemble pre-development conditions, reduce or prevent flooding by managing the peak discharges and volumes of runoff, minimize erosion and sedimentation, not result in significant degradation of groundwater, reduce suspended solids, nitrogen, phosphorous, volatile organics and other pollutants to improve water quality, and provide increased protection of sensitive natural resources. To better achieve the aforementioned purpose of this section, Stormwater Low Impact Development (LID) planning and development strategies shall be required.

, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article would mandate that Stormwater Low Impact Design strategies be utilized whereas the current regulation merely encourages Stormwater Low Impact design strategies where practicable.

The Board of Selectmen recommends approval of Article 7 by a vote of 4-0

FINCOM: *This article amends the Mashpee Zoning Bylaws to mandate that Stormwater Low Impact Development (LID) strategies be utilized whereas the current regulation merely encourages LID strategies where practicable. The Environmental Protection Agency (EPA) defines low impact development as "an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels and permeable pavements." This article will have no impact on the current year tax rate.*

The Finance Committee recommends approval of Article 7 by a vote of 4-0

Article 8

To see if the Town will vote to amend §174-27.2 (B) (2) of the Mashpee Zoning Bylaw, Stormwater Management, by adding new subsections (d) and (e) after §174-27.2 (B) (2) (c) as follows:

(d) Incorporates filter media and/or an internal water storage zone to optimize nitrogen and phosphorous removal for projects which employ bio retention or similar filtering best management practices (e.g., rain gardens, tree filters, sand/organic filters, and dry water quality swales) for treatment prior to infiltration.

(e) evaluates and designs new stormwater quantity control BMPs and other drainage system components in accordance with the Resilient Massachusetts Action Team (RMAT) Climate Resilience Design Standards and Guidelines, as may be amended from time to time, to account for projected increases in precipitation intensity and frequency over the duration of the useful life of the systems.

, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article specifies specific low impact design requirements for removal of nitrogen and phosphorous from stormwater at single and two family dwellings.

The Board of Selectmen recommends approval of Article 8 by a vote of 4-0

***FINCOM:** This article amends the Mashpee Zoning Bylaws detailing specific stormwater management design requirements to remove nitrogen and phosphorous for single- and two-family homes. This article will have no impact on the current year tax rate.*

The Finance Committee recommends approval of Article 8 by a vote of 4-0

Article 9

To see if the Town will vote to reformat and amend §174-27.2 (B) (3) of the Mashpee Zoning Bylaw, Stormwater Management, by adding new subsections 'vi' and 'vii' under current §174-27.2 (B) (3) (v) and indenting appropriately as follows:

- 3) For new subdivision roadways or for lots occupied or proposed to be occupied by uses other than single or two-family homes, a stormwater management plan which
 - (a) utilizes site planning and building techniques including LID planning and development strategies, such as minimizing impervious surfaces and disturbance of existing natural areas, pervious reserve or overflow parking areas, multi-level buildings, parking structures, "green roofs" and storage and re-use of roof runoff, to minimize runoff volumes and the level treatment required to reduce contaminants
 - (b) minimizes erosion and runoff from disturbed areas during construction and,

(c) provides for the following:

- i. Artificial recharge or precipitation to groundwater through site design that incorporates natural drainage patterns and vegetation and through the use of constructed (stormwater) wetlands, bio retention facilities, vegetated filter strips, rain gardens, wet (retention) ponds, water quality swales, organic filters or similar-site-appropriate current best management practices capable of removing significant amounts of nitrogen and other contaminants from stormwater. Said stormwater treatment facilities shall be designed and sized to retain up to the first inch of rainfall from their catchment area within the area designed for nitrogen 51 treatment, before any overflow to subsurface leaching facilities and otherwise meet the Stormwater Management Standards and technical guidance contained in the Massachusetts Department of Environmental Protection's Stormwater Management Handbook, as amended, or State-approved BMP guidance, whichever is stricter Volumes 1 and 2, dated March 1997, for the type of use proposed and the soil types present on the site. Such runoff shall not be discharged directly to rivers, streams, other surface water bodies, wetlands or vernal pools. Except for overflow from stormwater treatment facilities as described above and when there are no other feasible alternatives, dry wells shall be prohibited.
- ii. Except when used for roof runoff from non-galvanized roofs and for runoff from minor residential streets, all such wetlands, ponds, swales or other infiltration facilities shall be preceded by oil, grease and sediment traps or fore bays or other best management practices to facilitate control of hazardous materials spills and removal of contamination and to avoid sedimentation of treatment and leaching facilities.
- iii. All such artificial recharge systems shall be maintained in full working order by the owner(s) under the provisions of an operations and maintenance plan approved by the permitting authority to assure that systems function as designed.
- iv. Infiltration systems shall be located so that no part of any leaching system is located less than one hundred (100) feet from drinking water wells. Any infiltration basins or trenches shall be constructed with a three (3') foot minimum separation between the bottom of the leaching system and maximum groundwater elevation
- v. Roadway widening or improvements that increase the amount of impervious area on the redevelopment site by greater than or equal to a single lane width shall meet the requirements of MS4GP part 2.3.6.a.ii.4(a) – (c) fully.

- vi. For projects which employ bio retention or similar filtering best management practices (e.g., rain gardens, tree filters, sand/organic filters, and dry water quality swales) filter media and/or an internal water storage zone to optimize nitrogen and phosphorous removal shall be incorporated into the design for treatment prior to infiltration.
- vii. Design of new stormwater quantity control BMPs and other drainage system components shall be designed in accordance with Resilient Massachusetts Action Team (RMAT) Climate Resilience Design Standards and Guidelines, as amended, to account for projected increases in precipitation intensity and frequency over the duration of the useful life of the systems.

, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article specifies specific low impact design requirements for removal of nitrogen and phosphorous from stormwater at all lots that are not single and two family dwellings such as new subdivision roadways, commercial and industrial uses/buildings, and multifamily residential. Further this article proposes a minor reformatting of text by indenting subsections appropriately where they currently are not.

The Board of Selectmen recommends approval of Article 9 by a vote of 4-0

***FINCOM:** This article amends and reformats the Mashpee Zoning Bylaws detailing specific stormwater management design requirements to remove nitrogen and phosphorous for all lots which are NOT single- and two-family homes. This article will have no impact on the current year tax rate.*

The Finance Committee recommends approval of Article 9 by a vote of 4-0

Article 10

To see if the Town will vote to repeal Article XI (Floodplain Zone Provisions) of the Zoning Bylaw in its entirety and replace it with a new Article XI (Floodplain Zone Overlay) to read as follows:

§174-58 Purpose and Intent

The purpose of the Floodplain Zone Overlay is to:

- 1) Ensure public safety through reducing the threats to life and personal injury
- 2) Eliminate new hazards to emergency response officials
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
- 5) Eliminate costs associated with the response and cleanup of flooding conditions
- 6) Reduce damage to public and private property resulting from flooding waters

§174-59 Use of FEMA Maps and Supporting Studies

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within Mashpee’s designated as Zone A, AE, AH, AO, A99, V, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) dated July 6, 2021 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated July 6, 2021. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and GIS/E911 Coordinator.

§174-60 General Provisions

Permits for new construction, alteration of structures or other development (any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations), within the A, AE, AH, AO, A99, V and VE Zones as designated on Flood Insurance Rate Maps dated July 6, 2021, and the Flood Insurance Study dated July 6, 2021, which are on file with the Town Clerk, Planning Board and Building Inspector, shall be approved subject to other laws and bylaws applicable thereto and to the following provisions. Definitions of terms used herein or relevant hereto are set forth in §174-3.1 of this Bylaw.

§174-60.1 Disclaimer of Liability

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

§174-60.2 Severability

If any specific and segregable section, provision, or portion of this bylaw is deemed to be unconstitutional, invalid or unenforceable by a court, all other sections or provisions of the bylaw shall remain in full force and effect.

§174-60.3 Designation of Community Floodplain Administrator

The Town of Mashpee hereby designates the Building Commissioner to be the official Floodplain Administrator for the Town.

§174-60.4 Requirement to Submit New Technical Data

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months of such acquisition, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Such notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor, Boston, MA 02110
And copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation
251 Causeway Street, Boston, MA 02114

§174-61 Compliance with State Building Code and Other Laws/Regulations

Any New Construction or substantial improvement to be undertaken within said zones shall be in accordance with applicable requirements of the Massachusetts State Building Code, 780 CMR, as amended. The Building Commissioner shall review all proposed developments within the flood zones to assure that all necessary permits and/or approvals which are obtainable at the time of such review have been issued by those governmental agencies from which such permits/approvals are required by federal or state law or regulation.

§174-61.1 Permit Requirements

The Town of Mashpee requires a permit for all proposed construction or other development in the floodplain overlay district, including New Construction or changes to existing buildings and Structures, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

§174-61.2 Variances to Building Code Floodplain Standards

In the event that a Variance is requested from the state Building Code Appeals Board, the Town will request from said Board a written and/or audible copy of the portion of the hearing related to the Variance, and will maintain this record in the files of the Building Commissioner.

The Town shall also issue an official executed written notice to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering the subject property noting that: (i) the issuance of a Variance to construct a structure below the base flood level will result in increased premium rates for flood insurance in amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all Variance actions for the referenced development in the Floodplain Overlay District.

§174-61.3 Variances to Local Zoning Bylaws related to compliance with the National Flood Insurance Program (NFIP)

A Variance from these floodplain bylaws issued by the Zoning Board of Appeals must meet the variance requirements established by State law, and may only be granted if:

1. Good and sufficient cause and exceptional non-financial hardship exist;
2. the Variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
3. the Variance is the minimum action necessary to afford relief.

§174-61.4 Historic District Procedures

Qualifying Historic Structures listed as defined in §174-3.1 are exempt from only those substantial improvement modifications which would alter the historic character of the building. All other substantial improvement modifications must be completed in accordance herewith.

§174-62 Subdivisions

All Subdivision proposals shall be designed to ensure that:

1. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
2. Adequate drainage is provided to reduce exposure to flood hazards.
3. Such proposals minimize flood damage.

§174-62.1 Base Flood Elevation Data for Subdivision Proposals

When proposing subdivisions or other developments including more than 50 lots or 5 acres in area, the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

§174-62.2 Manufactured Home Parks and Subdivisions

Notwithstanding the applicable provisions of the Massachusetts State Building Code within Zone AE, for new manufactured home parks and manufactured home subdivisions and for existing manufactured home parks and manufactured home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced:

1. lots are to be elevated on pilings or a flood compliant solid wall foundation so that the lowest floor of the manufactured home will be above the base flood elevation in compliance with the Massachusetts State Building Code;
2. adequate surface drainage and access for a hauler must be provided; and,
3. in the instance of elevation on pilings, lots must be large enough to permit steps, piling foundations must be placed in stable soil no more than ten (10) feet apart, and reinforcement must be provided for pilings more than six (6) feet above the ground level.

§174-62.3 Manufactured Homes not in Parks or Subdivisions

Notwithstanding the applicable provisions of the Massachusetts State Building Code, in all manufactured homes to be placed within Zone AE but not into a manufactured home park or manufactured home subdivision:

1. Manufactured Homes must be elevated on pilings or on a solid wall foundation with flood openings so that the lowest floor of the manufactured home will be above the base flood elevation in compliance with the Massachusetts State Building Code.
2. Adequate surface drainage and access for a hauler must be provided.
3. In the instance of elevation on pilings, lots must be large enough to permit steps, piling foundations must be placed in stable soil no more than ten (10) feet apart and reinforcement must be provided for piers more than six (6) feet above ground level.

§174-63 Development within V Zones

No land within areas designated as V (velocity) Zones on the Federal Emergency Management Agency Flood Insurance Rate Maps shall be developed unless such development is demonstrated, by the application, to be located landward of the reach of the mean high tide. Notwithstanding the applicable provisions of the Massachusetts State Building Code, all new construction and substantial improvement within the V Zones shall be elevated on adequately anchored pilings or columns and securely anchored to such piles or columns so that the lowest portion of the structural members of the lowest floor, excluding the pilings or columns, is elevated above the base flood elevation in compliance with the Massachusetts State Building Code, and certified by a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.

The following shall be prohibited within said V Zones:

1. Any man-made alteration of sand dunes which might increase the potential for flood damage.
2. Use of fill for structural support for new construction or substantial improvement of structures.
3. Manufactured homes, except in existing manufactured home parks and existing manufactured home subdivisions.

§174-64 Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and Floodway data, the Building Commissioner shall request from the proponent's registered design professional base flood elevation and Floodway data available from a Federal, State, or other source as criteria for requiring New Construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

§174-64.1 Floodway Encroachment

In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other Floodway data shall be

used to prohibit encroachments in Floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zones A1-30 and AE, along watercourses that have a Regulatory Floodway designated on the Town's FIRM encroachments are prohibited in the Regulatory Floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

§174-64.2 Watercourse Alterations or Alterations in Riverine Areas

In a riverine situation, the Conservation Agent shall notify the following entities/officers of any alteration or relocation of a watercourse:

- Adjacent Communities, especially those located upstream and downstream;
- Bordering States, if affected;
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th floor
Boston, MA 02114
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

§174-65 AO and AH Zones Drainage Requirements

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

§174-66 Recreational Vehicles

In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all Recreational Vehicles, as defined in §174-3.1, to be placed on a site must be a) elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements, b) be on the site for less than 180 consecutive days, or c) be fully licensed and highway ready.

§174-68 More Restrictive Regulations to Apply

The floodplain management regulations found in this Floodplain Overlay District bylaw shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

§174-69 Enforcement

Violations of any section or provision of this Bylaw may be enforced by the institution of enforcement actions, either criminal or civil, legal or equitable or both, or by fines of not more than three hundred (\$300) dollars for each offense. Each day that such offense continues shall constitute a separate offense. For purposes of this Bylaw, the Building Commissioner, and/or his designee, shall be the Town's enforcement officer.

Submitted by the Planning Board

Explanation: This Bylaw will replace in its entirety the Town’s current floodplain zone provisions. This update is mandatory to remain in the National Flood Insurance Program. This Bylaw regulates development in the floodplain with supplemental regulations that are not enforced through state requirements, such as the State Building Code and Wetlands Protection Act. The most significant new regulations in this Bylaw pertain to administrative management of permits in the floodplain for the Building and Conservation Departments.

The Board of Selectmen recommends approval of Article 10 by a vote of 3-1

***FINCOM:** This article repeals and replaces Article XI (Floodplain Zone Provisions) so that they remain in compliance with the Federal Government's Federal Emergency Management Agency (FEMA) regulations on the location of Flood Plans and the Barnstable County Flood Insurance Study. This modified Bylaw will regulate development in Floodplain Areas. This article will have no impact on the current year tax rate.*

The Finance Committee recommends approval of Article 10 by a vote of 7-0

Article 11

To see if the Town will vote to amend the Zoning Bylaw by adding the following definitions in a new subsection 174-3.1 (Floodplain Management Definitions) as follows:

DEVELOPMENT - any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY - The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE - a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE - any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (1) By an approved state program as determined by the Secretary of the Interior

or

- (2) Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION - Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE - a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA - The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION - The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE (for floodplain management purposes) - a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION - When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE - a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION - the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b) (5), (c) (4), (c) (10), (d) (3), (e) (2), (e) (4), or (e) (5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

ZONE A - an area of special flood hazard without water surface elevations determined.

ZONE AE - area of special flood hazard with water surface elevations determined.

ZONE AH - means areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined.

ZONE AO - means area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (*Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.*)

ZONES X - means areas of minimal or moderate flood hazards or areas of future-conditions flood hazard. (*Zone X replaces Zones B and C on new and revised maps.*)

ZONE V - means area of special flood hazards without water surface elevations determined, and with velocity, that is inundated by tidal floods (coastal high hazard area)

ZONE VE - (*for new and revised maps*) means area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high hazard area)

Submitted by the Planning Board

Explanation: This Zoning Bylaw amendment would add the definitions that pertain to development in the floodplain as required to remain in the National Flood Insurance Program.

The Board of Selectmen recommends approval of Article 11 by a vote of 4-0

***FINCOM:** This article amends the Mashpee Zoning Bylaw to add definitions that pertain to development in the floodplain as required to remain in the National Flood Insurance Program. This article will have no impact on the current year tax rate.*

The Finance Committee recommends approval of Article 11 by a vote of 7-0

Article 12

To see if the Town will vote to appropriate and transfer the sum of \$100,000 from revenue available for appropriation to cover costs associated with the development of a plan that will inventory, assess, and recommend improvement of the Town's stormwater infrastructure, or take any other action relating thereto.

Submitted by the Department of Public Works

Explanation: The Town recognizes the need for a proactive approach to maintaining its stormwater assets. The purpose of this project is to expand upon an existing condition assessment by visiting catch basins, manholes, culverts and drainage pipes that were not previously inspected. Existing GIS data will be updated to include field results for the selected assets. Criticality and risk analyses will be determined for culverts and a 10-year risk-based CIP will be developed for the system. This AMP will provide the Town with an understanding of the condition and vulnerabilities of the drainage system. It will establish a proactive maintenance, repair, and replacement program that will help with budgeting needs.

The Town has received a grant of \$60,000 from the Massachusetts Clean Water Trust for this project. The Town will provide in-kind services valued at \$20,000 and will contribute \$20,000 in a cash match. The terms of the grant agreement requires, however, that the Town appropriate the full project budget of \$100,000. The Town will receive reimbursement of \$60,000 of actual project costs.

The Board of Selectmen recommends approval of Article 12 by a vote of 4-0

***FINCOM:** This article appropriates and transfers funds from revenue available for appropriation to develop a new stormwater asset management plan. The plan will inventory, assess, and recommend improvements to the Towns stormwater infrastructure by visiting catch basins, manholes, culverts and drainage pipes that have not been inspected. This is necessary to develop a ten (10) year capital improvement strategy.*

The Town has received a grant of \$60,000 from the Massachusetts Clean Water Trust for this project. The Town will provide in-kind services and a \$20,000 cash match. This will have no impact on the current year tax rate.

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

Article 13

To see if the Town will vote to increase the weekly hours of the Library's Circulation Supervisor position from 34.5 hours per week to 37.5 hours per week. The position is already budgeted, and eligible for full health insurance and pension benefits for the current fiscal year, and does not result in the creation of a new position or incur additional benefit costs. The salary for the position would increase overall by \$5,247.99 for the fiscal year, but no additional funding is requested.

Submitted by the Library Board of Trustees

Explanation: At this time, the Library's operating needs dictate increasing our available staff hours to allow us to maintain a full six day schedule, which includes evening and Saturday hours.

In addition, as of July 1, 2022, the Massachusetts Board of Library Commissioners has recognized the Mashpee Public Library as serving a community with a population of 15,060 residents (per the 2020 Census), which moves the Library into a different service category and changes the requirements necessary to maintain state certification. Specifically, the required hours of operation for the Library now increase from a minimum of 40 open hours per week to 50 open hours per week.

The Board of Selectmen recommends approval of Article 13 by a vote of 4-0

***FINCOM:** This article authorizes an increase in hours for the Mashpee Town Library's Circulation Supervisor. This increase will allow the library to be open more hours and maintain its State's certification. As a result of the 2020 Census, Mashpee's population of 15,060 moves the Library into a new service category which requires that it be open a minimum of fifty (50) hours per week. There is no additional funding necessary to cover the increased salary. This article has no impact on the current year tax rate.*

The Finance Committee recommends approval of Article 13 by a vote of 7-0

Article 14

To see if the Town will vote to approve an amendment to the Use of Waterways Bylaw, Chapter 170, by adding §170-19 to prohibit the use of motorboats within Santuit Pond to limit potential disturbance and resuspension of sediment into the water column to preserve water quality in the Pond that will support other forms of recreation and be protective of public health and safety.

§170-19 Santuit Pond Prohibited Uses

- A. Use of motorized boats within Santuit Pond is prohibited except for vessels owned or operated by an agency of the United States Government, Tribal Government, or by a State, County, City, or Town. This prohibition is intended to limit potential disturbance and resuspension of sediment into the water column resulting from use of motorized boats to protect and preserve water quality in the Pond, facilitate other forms of recreational use and preserve public health and safety.
- B. For purposes of this Bylaw, the term "motorized boat" shall be defined as any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, but not a vessel which has a valid marine document issued by the Bureau of Customs of the United States Government or any federal agency successor thereto.

, or take any other action relating thereto.

Submitted by the Department of Natural Resources

Explanation: Santuit Pond’s depth is less than 10 feet throughout the pond and cannot support motors of excessive horsepower. Through the Municipal Vulnerability Preparedness Program (MVP) and the completion of a Watershed Management plan both consultants from Fuss & O’Neill and The Southeast New England Program recommend a horsepower restriction on Santuit Pond to enhance water quality. The recommended change to the Waterways Bylaw is intended to restrict boat use to minimize turbidity and protect water quality, in accordance with recommended changes to Mashpee Boating Rules and Regulations.

The Board of Selectmen recommends approval of Article 14 by a vote of 4-0

FINCOM: *This article adds to the Waterways Regulations Ch. 170 to prohibit the use of “motorized boats” on Santuit Pond. This is recommended by two consulting firms for the purpose of minimizing turbulence and to protect water quality. This article will have no impact on the current year tax rate.*

The Finance Committee recommends approval of Article 14 by a vote of 7-0

Article 15

To see if the Town will vote to reserve from the FY 2023 estimated Community Preservation revenues pursuant to the provisions of M.G.L. Chapter 44B, section 6, the following amounts:

\$157,445	10% for Historic purposes
\$157,445	10% for Affordable Housing purposes
\$157,445	10% for Open Space purposes
\$1,062,107	to the FY 2023 Community Preservation Fund Budgeted 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 2023 as certified by the Finance Director and reflected in the FY 2022 CP-1. The total FY23 appropriation to the 10% Reserves and Budget for Appropriation Reserve is \$1,534,442.

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

The Board of Selectmen recommends approval of Article 15 by a vote of 4-0

FINCOM: *This article reserves 10% of FY2023 Community Preservation Act funds for specific purposes. It is required, per the Community Preservation Act, to annually 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 total FY23 appropriation to the 10% Reserves and Budget for Appropriation Reserve is \$1,534,442 as certified by the Director of Finance. This article will have no impact on the current year tax rate.*

The Finance Committee recommends approval of Article 15 by a vote of 7-0

Article 16

To see if the Town will vote to authorize and empower the Board of Selectmen to prepare a plan laying out and defining Chickadee Road, Debbie Lane, Manitoba Road, Metacomet Road, Nehoiden Road, Neshobe Road, Pontiac Road, Samoset Road, Wamesit Road, Whipoorwill Circle, and Wills Work Road and to accomplish said purpose and for expenses related thereto, the Town vote to appropriate and transfer from revenue available for appropriation \$80,000 to the South Cape Homeowner’s Association Roadways Account, or take any other action relating thereto.

Submitted by Petition

Explanation: This article authorizes the Town to layout and define Chickadee Road, Debbie Lane, Manitoba Road, Metacomet Road, Nehoiden Road, Neshobe Road, Pontiac Road, Samoset Road, Wamesit Road, Whipoorwill Circle, and Wills Work Road and to appropriate funding for that purpose.

The Board of Selectmen recommends approval of Article 16 by a vote of 4-0

***FINCOM:** This article appropriates and transfers funds from revenue available for appropriation for the layout and plan design necessary to convert Chickadee Road, Debbie Lane, Manitoba Road, Metacomet Road, Nehoiden Road, Neshobe Road, Pontiac Road, Samoset Road, Wamesit Road, Whipoorwill Circle, and Wills Work Road from private ways to public ways owned and maintained by the Town. This step is a prerequisite for a subsequent road taking, which will also require voter approval. The design ensures that the road will conform to the town's road building standards. This and the subsequent construction costs, will be recovered by the town via a betterment assessment on the properties abutting the roads. This article will have no impact on the current year tax rate.*

The Finance Committee recommends approval of Article 16 by a vote of 7-0



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 12th day of September in the year two thousand and twenty two.

Per Order of,
Board of Selectmen

David W. Weeden, Chair

John J. Cotton, Vice-Chair

Thomas F. O'Hara, Clerk

Carol A. Sherman

TOWN MEETING RULES AND DEFINITIONS

1. The conduct of Mashpee's Town Meeting is governed by State Law, the Town's Charter, Bylaws and the publication **Town Meeting Time**.
2. Quorum. One hundred (100) registered voters shall constitute a quorum of a Special Town Meeting. Quorum for an Annual Meeting shall be zero (0).
3. The Moderator presides over the Town Meeting, decides all questions of order and procedure, and announces the results of all votes. The results of all votes are announced by the Moderator, shall be final except on a voice vote which may be questioned by any voter standing in his/her place and questions any oral "yea" or "nay" vote. In such case, a hand-counted vote shall be taken without debate.
4. The main body of the house shall be reserved for registered voters; non-voters will be seated in a special section.
5. Articles in the Warrant give notice of the issues subject to discussion at a Town Meeting and establish the parameters of matters that can be debated and acted on. Amendments, motions and/or debate determined by the Moderator, with the advice of Town Counsel, to be "beyond the scope" of the Articles may not be permitted.
6. In order for the Town Meeting to act on or discuss an Article, a motion must be made. The Moderator will call for a motion on each Article and, if no motion is made after the second call, the Moderator will "pass over" the Article and move on to the next Article. In order to bring back a "passed over" Article for a motion and discussion, there must be an approved "motion for reconsideration".
7. Articles may be postponed by a majority vote or advanced by a 2/3 vote.
8. To address the Town Meeting, a speaker must be recognized by the Moderator and once recognized, a speaker should first give his or her name and address for the record. No speaker will be recognized while another person is speaking except to raise "a point of order", which is used to question a ruling of the Moderator or the conduct of Town Meeting. Points of Order are not to address the subject matter being discussed.
9. All matters shall be decided by a majority vote unless a 2/3 or greater vote is required. If more than a majority vote is required, the Moderator shall announce the required percentage for passage before calling the vote.
10. The Moderator may set time limits on all presentations and may terminate debate on a motion when he deems it appropriate. Debate on a motion may also be terminated by a voter "moving the question" which, if accepted by the Moderator as not being premature, shall be voted on without discussion or debate. A motion to "move the question" requires a 2/3 vote for passage.

11. Only two (2) amendments to a motion may be on the floor at any particular time. Amendments over six (6) words must be submitted to the Moderator in writing and, of over fifty (50) words, sufficient copies must be available to those attending at the entrance of the hall before the start of that particular session.
12. Generally, amendments shall be voted on in the order made and prior to the vote on the motion to be amended. However, amendments relating to amounts to be appropriated shall be voted on in a descending order until an amount gains approval.
13. Reconsideration of Votes. No vote shall be reconsidered at the same meeting at which it is acted upon unless public notice of the intention to move such reconsideration is given within thirty (30) minutes of the declaration of the vote by the Moderator, and no notice of intent to move reconsideration on any vote shall be received by the Moderator more than two (2) times at the same meeting. The Town Clerk shall note, in writing, the action taken and time of such vote and also the time when the notice of reconsideration is given.
14. Majority Voting Requirement. No article within any Annual or Special Town Meeting Warrant shall be moved for consideration after 10:00 p.m. without a two-thirds vote of the Town Meeting.

Town of Mashpee
Finance Committee
16 Great Neck Road North
Mashpee, MA 02649

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Finance Committee Report
Annual Town Meeting
Mashpee High School
Monday, October 17, 2022
7:00 p.m.