



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

**Meeting of the Mashpee Planning Board
Wednesday, January 6, 2021
Waquoit Meeting Room
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649
6:00 PM**

Virtual / Remote Meeting

Broadcast Live on Local Channel 18

Call in Conference Number: 508-539-1400 extension 8585

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

Call Meeting to Order

- Pledge of Allegiance

Workshop (until 7:00 PM)

Community Engagement Action Plan – Comprehensive Plan Update Visioning Exercise

- Review of Vision Statement from 1998 Local Comprehensive Plan
- Discussion of Community Engagement Action Plan structure relative to RPP and existing LCP Chapters
- Consideration of engaging with a consultant

Approval of Minutes

- Review of meeting minutes from December 2, 2020

New Business

- C. Rowley – December 2020 Invoice

Old Business

- Discussion regarding potential inclusionary zoning bylaw proposals

Chairman's Report

- Thank you to Ms. Jen Clifford, former Board Secretary

Town Planner Report

- Flood Plain Bylaw Zoning Provisions update.
- Consulting Engineer RFP and interview process
- Impact fees presentation reminder

MASHPEE TOWN CLERK

JAN 04 2020

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Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

Board Member Committee Reports

- Cape Cod Commission, Community Preservation Committee, Design Review, Plan Review, Environmental Oversight Committee, Greenways/Quashnet Footbridge, Historic District Commission, Military Civilian Advisory Council.

Correspondence

- Town of Falmouth Notices
- Town of Sandwich Notices
- Waterways Application – 112 Whippoorwill Circle
- Waterways Application – 15 Metacomet Road
- November 2020 Discharge Monitoring Report for south Cape Village – N= 4.6
- October 2020 Discharge Monitoring Report for South Cape Village – N= 2.2
- September 2020 Discharge Monitoring Report for South Cape Village – N= 4.2

Additional Topics (not reasonably anticipated by Chair)

Adjournment

MASHPEE TOWN CLERK

JAN 04 2020

RECEIVED BY: _____

Vision Statement

Mashpee is a town with a proud and unique past. Though officially young compared to our neighbors, we draw on roots in a culture that has treasured this place for millennia. While many of us are relative newcomers, we respect the ancient traditions maintained by our Wampanoag community and respect the land and waters which we all now share.

The last half century has been a time of rapid growth, great change and some turmoil for our town. What has emerged is a strong and diverse community that seeks to enter the next century with a common purpose and shared identity.

Our vision for the future honors our past and the treasures that nature has given us. We have been a small community which welcomed many summer guests. Now, as we have grown, we hope to retain some of our rural character, the freedom of our woodlands, the purity of our waters, the closeness to our neighbors, the affordable cost of living and the tranquillity that brought many of us here.

At the same time, we wish to boldly meet the challenges of the new century, to ensure the economic well-being of our citizens and to carefully improve upon what our predecessors have built. We want our children to achieve their maximum potential and our seniors to enjoy the fruits of their life's labors. We wish to feel safe in our homes and on our streets, to avoid the congestion, pollution and stresses of bigger places. We seek to maintain the highest quality in our community's appearance, facilities, services and all we undertake to do.

Our goals may be similar to those of other places and we share much in common with neighboring towns, but we know in our hearts that Mashpee is special. That is why we are here. That is why so many of us care about our town and are proud to call Mashpee home.

Our vision is to keep it so.

Commented [EL1]: These goals are directly contradictory to the development pattern deployed today. The continued pattern of single family home construction on septic systems, the literal distance between neighbors (40000 and 80,000 s.f. lots), and the gross lack of affordability.

Commented [EL2]: Mashpee, like many towns, is an auto dependent town with no consideration for the public realm. Tranquillity should include some liberation from vehicular travel and enhance a development pattern where pedestrian life is valued.

Commented [EL3]: Mashpee, and Cape Cod, has growing economic inequity. Working class community members and families are finding themselves unable to make a life here. I would posit Mashpee needs a significant deviation from past patterns of development as the issues today are derived from those patterns. It is time to reimagine how the built environment of the past has contributed to these inequities.

Commented [EL4]: School enrollment continues to decline. It becomes harder and harder for families to live here, let alone thrive. Fewer and fewer return home and student potential is realized elsewhere. While Mashpee's population remains largely within the senior demographic, it has become more and more expensive for those on limited incomes and there are no options to 'age in place' except for the wealthy.

Commented [EL5]: We need to stop the sprawl and focus on development that reduces traffic speeds, incentivizes walkability and pedestrian amenities.

**Mashpee Planning Board
Minutes of Meeting
December 2, 2020 at 7:00 p.m.
Mashpee Town Hall-Waquoit Meeting Room
16 Great Neck Road North-Mashpee**

**Virtual/Remote Meeting-Call In (508) 539-1400 x8585
Broadcast Live on Local Channel 18 & Streaming at www.mashpeema.gov/channel-18**

Present: Chairman John (Jack) Phelan, Mary Waygan, Dennis Balzarini, John Fulone, Robert (Rob) Hansen (Alt.)

Also Present: Evan Lehrer-Town Planner, Charles Rowley-Town Consulting Engineer

Absent: Joseph Callahan

CALL TO ORDER

Chairman Phelan opened the meeting at 7:00 p.m. and welcomed Planning Board members to the meeting. Due to the pandemic and Town of Mashpee regulations, the meeting was being held virtually, but the Chair announced that it was being live streamed on Channel 18 and could also be viewed at www.mashpeema.gov/channel18. Although public comment was not expected, viewers wishing to comment could call (508) 539-1400, extension 8585. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES—November 4, 2020

There were no comments regarding the minutes.

MOTION: Mr. Fulone made a motion to approve the minutes. Mr. Balzarini seconded the motion. Roll call vote: Mr. Balzarini-yes; Mr. Fulone-yes; Ms. Waygan-yes; Chairman Phelan-yes

NEW BUSINESS

Charles Rowley, November Invoice-An invoice in the amount of \$1,050 was received and reflected inspections at New Seabury and attendance at one meeting.

MOTION: Mr. Balzarini made a motion to approve the minutes. Mr. Fulone seconded the motion. Roll call vote: Mr. Balzarini-yes; Ms. Waygan-yes; Mr. Fulone-yes; Mr. Hansen-yes; Chairman Phelan-yes

Review & Approval of Planning Board 2021 Meeting Schedule-Mr. Lehrer confirmed that, should the Board wish to continue to meet on the first and third Wednesday at 7 p.m., he would post the meetings for 2021 with the Town Clerk. There was general consensus that there were no issues with the proposed schedule.

Vote to Establish Performance Bond Amount and Release Lots from the Covenant for the Subdivision Known as The Cottages-Phase IV, Bayswater Development, LLC-The Chair read the request for the record. Mr. Lehrer noted that there were some issues that he had been discussing with Mr. Rowley. Nick Gelanas, Bayswater, was present on the call to discuss

acquiring the lot release. Mr. Lehrer reported that there was an administrative difficulty with the plans having been endorsed in May but were still under administrative review with the Land Court, and not yet recorded. Mr. Lehrer explained that the applicant was seeking lot releases in exchange for a cash security, for work to be completed. Since the covenant and subdivision had not yet been recorded, Mr. Lehrer suggested the Board should not yet take action on the release of a covenant that had not yet been recorded.

Mr. Rowley referenced a letter from John Falacci, dated November 24, requesting the security, as well as a cost estimate from Pastore Construction totaling \$97,850 for the pump station, bounding of the streets and street signs, along with site work totaling \$1,795,000. Mr. Rowley described the completed work and suggested amounts to be retained to complete the work. In total, Mr. Rowley suggested the retention of \$841,500, plus \$97,000 for the pump station and streets, for a total of \$945,520. Adding the customary 50% of \$472,760, Mr. Rowley recommended a bond total of \$1,418,280. Mr. Lehrer has been in contact with Bayswater regarding the matter and recommended that the Board could establish the bond amount, but should seek further clarity from Land Court regarding the recording of the covenant before further action could be taken on the plan. Mr. Balzarini agreed. Mr. Rowley further explained that the Land Court did not recognize the lot numbers of the new plan until the plan was accepted, and reflected by notation on the plan. Mr. Rowley agreed that Mr. Lehrer should clarify the matter with Land Court.

Ms. Waygan inquired about the date of approval of the plan and Mr. Lehrer responded that he believed it was approved in April but, due to the pandemic, was not submitted to Land Court until June. Ms. Waygan suggested that she did not believe there was no other means to substitute the Land Court acknowledgement. Mr. Rowley added that, if Land Court took more than 6 months since the Board's endorsement, the plan would return to the Planning Board to be re-signed to confirm that no changes had been made since approval. The Chair suggested that Mr. Lehrer follow up with Land Court. Mr. Balzarini agreed and suggested that the Board make a determination on the bond amount.

MOTION: Mr. Balzarini made a motion for \$1,418,280.

Mr. Fulone inquired about the 50% and Mr. Rowley explained that additional security was customary, in case of incompleteness of the roads or infrastructure, after the lots were sold, and would allow for the Town to take over the completion of the work. Mr. Lehrer recommended that the lot release discussion remain on the next agenda, to be addressed once clarification was made with Land Court. The Board Secretary requested clarification on the motion.

MOTION: Mr. Balzarini made a motion to keep \$1,418,280 for a security bond plus wait for clarification on the Land Court. Mr. Fulone seconded the motion. Roll call vote: Mr. Balzarini-yes; Ms. Waygan-yes; Mr. Fulone-yes; Chairman Phelan-yes

Discussion Relative to a Community Engagement Action Plan, Comprehensive Plan Update Visioning Exercise-The Chair invited feedback regarding the program. Ms. Waygan noted that she preferred a panel experience that would offer a variety of experiences, rather than the point of view of just one person. The speaker of the program worked in the very densely

populated community of Somerville, which was different from Mashpee. Mr. Hansen pointed out that the speaker emphasized a focus on charrettes rather than surveys to engage the community. The Chair agreed with both Ms. Waygan and Mr. Hansen, adding his opinion that the survey could be helpful if visioning first occurred. Ms. Waygan noted that a more urban area may have greater attendance at a meeting, whereby a survey may elicit a greater response from another community. Mr. Balzarini suggested doing both and Mr. Lehrer agreed, noting that well designed surveys could be very helpful, but its structure and length required extensive consideration. Mr. Fulone shared his experience, confirming that creation of a good survey would require the help of a professional firm. The Chair felt that the visioning exercise would help to determine the direction of a survey. Mr. Lehrer added that there was a challenge involving the community in charrettes, which would require work on branding and drafting of an action plan.

Mr. Lehrer noted the recent changes made by the Cape Cod Commission to the Regional Policy Plan and updates to Local Comprehensive Plans, noting that Mashpee's update would need to be developed in such a way that it would be compatible with the RPP. The First chapter required a vision statement, which would need a comprehensive community engagement strategy, targeted to specific stakeholders and populations, inviting them to participate in the process. Mr. Lehrer anticipated preparation now with a plan to initiate action beginning in April 2021 and through the summer, finishing around Labor Day, due to the likelihood that gathering indoors may not be possible. Mr. Lehrer discussed the need to identify how best and where to meet in order to define and re-envision Mashpee through consideration of place types. Mr. Lehrer emphasized the necessity for the Board to not wait any longer to define the visioning process and identify the changing needs of the Town.

Mr. Fulone stated his support of Mr. Lehrer's proposed draft and agreed that people would be looking to participate in a safe manner. It was Mr. Fulone's opinion that engagement could be improved with proper advertising. Mr. Balzarini noted the importance of the survey as it would encourage more participation throughout the entire town, since the same people usually attended meetings. Mr. Lehrer agreed with Mr. Balzarini regarding the importance of a survey, and the necessity to target and encourage participation of the appropriate stakeholders. The Chair also liked Mr. Lehrer's proposed draft and inquired how best to move past Zoom meetings in order to improve collaboration. Mr. Lehrer noted the importance of being mindful of the Covid infection rate and necessity to follow recommended guidance and engage in ways that would keep the process going with substantive collaboration. Mr. Lehrer's hope was that the summer could include outdoor, social distanced events.

Ms. Waygan suggested the removal of specific company names from the stakeholders listed in the proposed draft, but Mr. Lehrer responded that they were the largest employers in town. Ms. Waygan also recommended the addition of town volunteers, such as boards and committee members who served as town decision makers, as stakeholders. Since it is a visioning project, Ms. Waygan suggested keeping the topics more open, or related to the RPP, as members of the community would likely have additional suggestions and concerns, such as water quality. Mr. Lehrer disagreed, stating that for the visioning process to be productive, it was necessary to identify parameters to seek input, otherwise the responses would be too broad. Ms. Waygan then suggested that, in addition to housing and economic development, open space, water quality,

affordable housing and traffic should be added, as these were issues of concern consistently stated by members of the Mashpee community. Mr. Balzarini suggested that a survey would allow for the community to identify the issues they felt could be addressed in visioning. The Chair suggested that other subject matters would come up with the listed topics. Ms. Waygan stated that the Board was seeking input from the community, but was already assigning specific topics without community engagement.

Mr. Lehrer stated that the intent of his draft was to establish a timeline and engagement strategy. Mr. Lehrer pointed out that the Local Comprehensive Plan update had to be done in coordination with the Regional Policy Plan, so would need to address specific issues in built systems and natural systems. Ms. Waygan stated that natural system had not been included, adding that, without it, the Board would not develop a strong vision statement.

Mr. Rowley inquired about checklists from the previous LCP planning and Mr. Lehrer suggested that consideration of that would be in Stage II. The Chair stated that much had changed since that time, including the RPP. Ms. Waygan stated that she had looked at the previous work, which contained beneficial information, including the history of the Town's buildout. Mr. Balzarini agreed that the existing LCP could serve as a good starting point and Mr. Lehrer agreed that it was a robust document that would be a good jumping off point.

There was discussion about how best to move forward and it was determined that the Board would meet one hour prior to regularly scheduled meetings to discuss the matter further. Mr. Lehrer recommended focusing on the community engagement action plan. There was consensus to begin meeting in the new format on January 6. Mr. Rowley recommended posting the 6-7 meeting time as a workshop, and maintaining the 7pm public meeting posted for Open Meeting Law.

OLD BUSINESS

Discussion Regarding Potential Inclusionary Zoning Bylaw Proposals-Mr. Lehrer noted the importance of considering the economic side of the Mashpee housing market because existing zoning prohibited almost all but single family homes, other than the OSID designed for Mashpee Commons. Mr. Lehrer further stated that market rate housing of all types was necessary in the community, otherwise, if not done well, inclusionary zoning could result in a cost increase of market rate housing. It was Mr. Lehrer's opinion that visioning would be necessary to best identify how to redefine the built environment within the context of place types. Mr. Lehrer wished to continue to look at the matter.

Ms. Waygan suggested that attempts to rebrand as "housing types" instead of "density" may be ineffective, and recommended using the word as there were benefits to density, provided down zoning with open space occurred in one project. Ms. Waygan strongly recommended that the Board move forward now on inclusionary zoning, while people were discussing affordable housing, rather than wait for a year from July. Ms. Waygan recommended consideration of Dennis' bylaw. Mr. Lehrer explained Dennis' bylaw as having various overlays and use tables that varied in scale and density, with 25% required to be affordable. Ms. Waygan stated that Mashpee currently had OSID in place that could be further modified to make it more accessible for use and production of housing. There was discussion comparing the Yarmouth and Dennis

bylaws. The Chair inquired about possible short term amendments. It was Mr. Lehrer's opinion that visioning would be beneficial to identify the problems, how best to address the problems and the willingness of the community to make the necessary changes, otherwise it would be difficult to produce the necessary units. Mr. Fulone agreed with Mr. Lehrer.

Mr. Rowley stated that the only new subdivisions built over the last 5 years had been either New Seabury or Willowbend, both upscale developments. It was Mr. Rowley's opinion that, despite having a cluster development in the Bylaw, greater success may come from reviewing other aspects regarding density and use rather than encouraging subdivisions of a new type. Property was now so expensive, most development was occurring as redevelopment of existing structures. Ms. Waygan stated that it was due to redevelopment of derelict properties that encouraged people in Yarmouth to embrace density, not development of green wooded lots. Mr. Lehrer agreed that the redevelopment and reimagining of the existing built environment was the best option moving forward. Chairman Phelan suggested that the matter be discussed further at the next meeting.

CHAIRMAN'S REPORT

Comprehensive Plan Update-The Chair stated that the matter had been discussed previously.

Consideration of December 16 Meeting Cancellation-

MOTION: Mr. Balzarini made a motion to cancel the meeting. Ms. Waygan seconded the motion. Roll call vote: Mr. Balzarini-yes; Ms. Waygan-yes; Mr. Fulone-yes; Mr. Hansen-yes; Chairman Phelan-yes

TOWN PLANNER REPORT

Wastewater Impact Fee Update-Mr. Lehrer confirmed that Town Counsel was available to present to the Board on January 22.

Consulting Engineer RFP Update-Mr. Lehrer reported that he had sent the advertisement to a number of appropriate firms, surveyors and consultants and anticipated receiving at least one response from a qualified surveyor, possibly two. Interested parties had requested an extension to submit. There was consensus to extend the deadline.

MOTION: Mr. Balzarini made a motion to extend the deadline for two weeks from the existing deadline of December 4th. Mr. Fulone seconded the motion. Roll call vote: Mr. Balzarini-yes; Mr. Fulone-yes; Mr. Hansen-yes; Ms. Waygan-yes; Chairman Phelan-yes

BOARD MEMBER COMMITTEE UPDATES

Cape Cod Commission-Ms. Waygan reported that she would be attending a Housing and Development Stakeholders meeting on December 19.

Community Preservation Committee-No meeting

Design Review Committee-No update

Plan Review-Mr. Lehrer reported that Plan Review met and voted to approve with conditions the marijuana cultivation and manufacturing facility adjacent to Deer Crossing and Stop & Shop gas.

Environmental Oversight Committee-No meeting
Greenway Project-No update
Historic District Commission-A meeting was expected
Military Civilian Advisory Council-No meeting

CONSULTING ENGINEER REPORT

Mr. Rowley expressed his farewells and offered his willingness to speak with Mr. Lehrer if needed. Mr. Lehrer thanked Mr. Rowley for his experience and guidance. Mr. Balzarini also expressed his appreciation working with Mr. Rowley for so many years.

ADDITIONAL TOPICS NOT ANTICIPATED BY THE CHAIR

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Ms. Waygan seconded the motion. All voted unanimously.

The meeting adjourned at 8:24 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

Documentation available online at Mashpee's Planning Board website page

Charles L. Rowley, PE, PLS

Consulting Engineer and Land Surveyor

5 Carver Road
PO Box 9
West Wareham, MA 02576

Tel: 508-295-1881
Cell: 508-295-0545
E-mail: csr63@verizon.net

December 31, 2020

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

Re: Services for month of December, 2020.

Attendance at one virtual Planning Board meeting and recommendations for proposed security for lot releases for New Seabury, Cottages IV.

\$100.00

Inspections.

New Seabury, Cottages IV

Dec. 4, 9, 11, 16, 22. Inspection of sewer manhole installation for SMH #16 through #21, connecting pipe, manholes SMH #11 through #14 and connecting pipes for gravity portion of system.

Inspection of force main installation from pump station location into project area, observation of thrust blocks and recommendations for setting at undisturbed trench walls, recommendation for installation of partial bends in force main at SMH #16.

Inspection of pump station excavation and observation of first lift for pump station components to be put in place.

5 hrs. \$500.00

Total Amount Due

\$600.00

Massachusetts 2020 Model Floodplain Bylaws

Table of Contents

Section 1.	Introduction
Section 2.	Local Required Bylaws
Section 3.	Required Definitions
Section 4.	Explanations

Section 1. Introduction

After years of devastation from flooding across the nation, Congress created the National Flood Insurance Act of 1968 in an attempt to offer flood disaster relief in the form of insurance. This insurance would be available to residents of communities that voluntarily adopt and enforce floodplain management ordinances that meet at least minimum National Flood Insurance Program (NFIP or the Program) requirements.

According to FEMA's Community Status Book, the first Massachusetts community to officially participate in the NFIP was the Town of Wareham, who joined the NFIP on May 28, 1971. Most other MA communities quickly followed suit in the 1970s and early 1980s. The State NFIP Coordinating Office was created by Executive Order of the Governor in 1978 and is housed under the Water Resources Commission in the Department of Conservation & Recreation's Flood Hazard Management Program.

This document has been prepared in order to assist NFIP communities in Massachusetts to understand the minimum requirements of the NFIP, and to assure that their local bylaws or ordinances contain the necessary and proper language for compliance with the Program.

The local floodplain overlay district is established as an overlay to all other districts. In Massachusetts, the floodplain overlay district bylaw or ordinance is part of a federal requirement for communities that choose to participate in the NFIP. However, the state already administers regulations that take care of many floodplain management requirements and concerns. Referencing existing regulations is important to ensure that projects have been reviewed under the appropriate state regulations and that variances to the conditions of the bylaw do not erroneously allow variances to state requirements.

All development in the floodplain overlay district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with the following:

- 780 CMR- Massachusetts Statewide Building Code
- 310 CMR- Department of Environmental Protection Regulations

For those NFIP requirements that are not found in the above state regulations, the community must adopt these requirements in their bylaws (towns) or ordinances (cities.) The following section contains all NFIP requirements that must be adopted as local regulations, since they are not found in the above listed regulations.

Section 3 contains floodplain management definitions that FEMA Region I feels are critical for inclusion in local codes.

Section 4 of this document offers explanations to support local understanding of these requirements.

Section 2. Required Local Bylaws

For those National Flood Insurance Program minimum requirements that are not found in existing state law, the following articles must be adopted by the community as a part of their local bylaws or ordinances, if these are not already adopted. The suggested language in this section is compliant with the federal requirements.

1. Stated local purpose for flood resistant standards

The purpose of the Floodplain Overlay District 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

2. Use of FEMA maps and supporting studies

A community must select the appropriate option as follows:

A. Bylaw text for communities with “Community-Based” FIRMs, FBFM and FIS

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated on the [Town or City]’s Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program, dated [effective map dates on FIRM] and on the Flood Boundary & Floodway Map (if applicable) dated [FBFM effective date.] These maps indicate the 1%-chance regulatory floodplain. 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 Flood Insurance Study (FIS) report dated [FIS date.] The effective FIRM, FBFM, and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and [other.]

OR

B. Bylaw text for communities with “Countywide” FIRMs and FIS

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within [Community Name] designated as Zone A, AE, AH, AO, A99, V, or VE on the [County Name] Flood Insurance Rate Map (FIRM) dated [FIRM date] 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 [County Name] Flood Insurance Study (FIS) report dated [FIS date]. 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 [other].

3. Abrogation and greater restriction section

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

4. Disclaimer of liability

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

5. Severability section

If any section, provision or portion of this bylaw [ordinance] is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

6. Designation of community Floodplain Administrator

The Town/City of _____ hereby designates the position of _____ to be the official floodplain administrator for the Town/City.

7. Requirement to submit new technical data

If the Town/City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town/City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) 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

8. Variances to building code floodplain standards

CHOOSE THE APPROPRIATE OPTION:

A. If the State issues variances to the flood-resistant standards as found in the state building code, the community will use this text for local adoption:

The Town/City will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town/City shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official 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 up to 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.

B. Certain communities have the authority to issue variances to the state building code. If your community has this authority from the BBRS, you will use this text for local adoption:

Variances to floodplain development regulations shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

A written justification for the variance will be maintained in the Town's/City's building permit files, delineating the technical reason for the variance, and stating that the variance is the minimum necessary (considering the flood hazard) to afford relief.

The Town/City shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official 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 up to 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.

9. Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws must meet the requirements set out 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.

10. Permits are required for all proposed development in the Floodplain Overlay District

The Town/City of _____ requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, 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.

11. Assure that all necessary permits are obtained

(Town/City)_____’s permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.

12. Subdivision proposals

All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

- (a) Such proposals minimize flood damage.
- (b) Public utilities and facilities are located & constructed so as to minimize flood damage.
- (c) Adequate drainage is provided.

13. Base flood elevation data for subdivision proposals

When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

14. Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize 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.

15. 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/City's FIRM or Flood Boundary & Floodway Map (choose map which delineates floodways for your community) 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.

16. Watercourse alterations or relocations in riverine areas

In a riverine situation, the _____ (appropriate official in community) shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th floor
Boston, MA 02114
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17. 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.

18. Recreational vehicles

In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for

foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

19. Protection of dunes

Alteration of sand dunes is prohibited when the alteration would increase potential flood damage.

20. Local Enforcement

This is not sample bylaw text, but rather an instruction:

Please read the explanation in Section 4 about the importance of being able to point to specific local enforcement procedures for non-compliant floodplain development.

Section 3. Definitions not found in the State Building Code

National Flood Insurance Program (NFIP) definitions are found in Title 44 of the Code of Federal Regulations, section 59.1. The definitions below refer to their source; if the definition is from the MA building code, it is from the 9th Edition, which meets the minimum standards of the NFIP.

In order for the bylaw or ordinance to be clearly understood, it is necessary to define technical terms or key words. An understanding of these terms is a prerequisite to effective administration of the floodplain management bylaw or ordinance.

Per FEMA Region I, these additional definitions must be included in local bylaws or ordinances.

DEVELOPMENT means 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]

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM.) An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [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 means 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 means 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 means 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 means 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 means, 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 means 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 means 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]

ZONES, FLOOD – *These definitions do not need to be included in local bylaws.*

Definitions of Flood Zones

The community shall use the pertinent definitions for flood zones delineated within the community. All of these terms are defined in the US Code of Federal Regulations, Title 44, Part 64.3.

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

ZONE A1-30 and ZONE AE means 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.)*

ZONE A99 means area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)

ZONES B, C, AND 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 V1-30 and 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)

Section 4. Explanations

The requirements of the NFIP can be found in the US Code of Federal Regulations, Title 44 Emergency Management, generally in sections 59 through 75, although the requirements that most specifically address development in the floodplain are found in section 60.3. The highlighted bold italic type below states the requirement as found in the federal code and is followed by the code citation.

1. Stated local purpose for flood resistant standards

To justify the community's reasoning behind local floodplain overlay district zoning bylaws, the NFIP requires:

A purpose section citing health, safety, and welfare reasons for adoption [44 CFR 59.22(a)(1)]

The statement of purpose should set forth the goals and objectives to be achieved through the bylaw or ordinance. In other words, the statement of purpose enumerates what the community intends to accomplish by enacting regulations. The underlying purpose of the floodplain management regulations is to protect the public health, safety, and general welfare and to minimize the harmful impacts of flooding upon the community

These stated purposes will be ever more critical as community liabilities increase due to climate changes and increased flooding/ flood damages. The community is responsible to assure that all development is implemented in a safe, healthy, and socially/economically acceptable manner.

2. Use of FEMA maps and supporting studies

For local adoption of current effective FEMA flood maps and Flood Insurance Studies (FIS), the NFIP requirements state:

Adopt or reference correct Flood Insurance Rate Map (and where applicable, Flood Boundary Floodway Map) and date. [44CFR 60.2(h)]

and

Adopt or reference correct Flood Insurance Study and date. [44CFR 60.2(h)]

FEMA guidance (publication #495) states:

“The basis of your community’s floodplain management regulations is the flood hazard data FEMA provides. In support of the NFIP, FEMA identifies flood hazards nationwide and publishes and periodically updates flood hazard data. These data are provided to communities in the form of a Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report...”

and *“Each time FEMA provides your community with new or revised flood hazard data, you must either adopt new floodplain management regulations to incorporate the data into your ordinance or amend the existing ones to reference the new FIRM and FIS report.”*

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the 1973 Act as amended. (Text from actual FEMA Letter of Final Determination.)

3. Abrogation and greater restriction section

The community must provide that floodplain management regulations take precedence over any less restrictive conflicting local laws, ordinances or codes. [44CFR 60.1(b)]

This is a legal provision that specifies that the floodplain management bylaw, ordinance, regulations, and building codes take precedence over less restrictive requirements.

4. Disclaimer of liability

The community must state that the degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.

5. Severability section

If any section, provision or portion of the ordinance is deemed unconstitutional or invalid by a court, the remainder of the ordinance shall still be effective.

6. Designation of community Floodplain Administrator

Designate the official responsible to submit a report to the Federal Insurance Administrator concerning the community participation in the Program, including, but not limited to the development and implementation of floodplain management regulations. [44CFR 59.22 (b)]

The community must designate by title one person to act as the community's floodplain administrator (sometimes referred to as the FPA.). This is so that FEMA can use this information in their local contacts database, and so that this person can act on behalf of the community when implementing certain tasks under the National Flood Insurance Program. For example, the local FPA would sign the Community Acknowledgement Form when a property owner wishes to file for a Letter of Map Revision (LOMR).

The designation refers to a local staff position and can be anyone with the local authority to assure that the community is meeting its obligations as a participant in the National Flood Insurance Program. The FPA does not need to be someone who is directly involved in local development, but it should be someone who has at least a general concept of NFIP requirements and of the community's obligations under the Program. Typically, across the nation the FPA can be a building commissioner, town manager, town engineer, director of planning, environmental planner, etc.

Typical duties of an FPA include but are not limited to:

- a) Understanding the regulations for development in the floodplain overlay district
- b) Ensuring that permits are applied for when development of any kind is proposed in the floodplain overlay district
- c) Involvement with the permit process and/or permit application review for development in the floodplain overlay district
- d) Coordinating with other local departments such as public works, stormwater/ engineering, planning & zoning, conservation commission, or housing
- e) Notifying adjacent communities prior to alteration of a watercourse
- f) Dealing with compliance issues and enforcement actions such as correcting violations, or working with the appropriate local staff to correct violations
- g) Maintaining records of floodplain development, and keeping FEMA current and historic maps available for public inspection

7. Requirement to submit new technical data

Within 6 months, notify FEMA of changes in the base flood elevation by submitting technical or scientific data so insurance & floodplain management can be based on current data. [44CFR 65.3]

Many development changes to the floodplain will trigger the requirement to file a Letter of Map Revision or other type of Letter of Map Change. When the development does not trigger the LOMC requirement but impacts the heights or extents of the base flood (usually to lower the risk), FEMA should be notified that a change was made so that in future map studies/updates this can be adequately addressed.

8. Variances to building code floodplain standards

44CFR 60.6(a)(3-6):

(3) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

(5) A community shall notify the applicant in writing over the signature of a community official 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 up to 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 a record of all variance actions as required in paragraph (a)(6) of this section.

(6) A community shall (i) maintain a record of all variance actions, including justification for their issuance

Because a variance can lead to an increased risk to life and property, variances from flood elevation requirements or other floodplain management requirements should be granted only rarely. Variances for floodplain development regulations must show that:

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

In Massachusetts, typically the State Building Code Appeals Board issues a variance to the state building code, unless your community is one of those approved by BBRS for local variance authority. When a local building official's interpretation of the flood-resistant standards under the building code are contested through the appeal process, the community must keep written documentation of both:

- a. the justification for local decision to deny the permit, and
- b. the results of the state's appeal/variance hearing (either in agreement with the local community, or having granted the variance through appeal.)

The community must also send a letter to the property owner stating that the implications of this variance may adversely impact the cost of the flood insurance policy covering the structure.

A FEMA suggestion for language to be used in such a letter is as follows:

"The granting of this variance may result in increased flood insurance premium rates, up to \$25 per \$100 of coverage, and such construction below the base flood level increases risks to life and property."

The justification for the variance (or the denial of the variance) and the community letter must be maintained as documentation that these actions were taken.

[9. Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program \(NFIP\)](#)

Please note: This section addresses local Zoning Board variances only, and applies only when other variance procedures (such as those under the state building code) do not cover the variance request.

§60.6 Variances and exceptions. Excerpts:

(a) The Federal Insurance Administrator does not set forth absolute criteria for granting variances from the criteria set forth in §§60.3, 60.4, and 60.5. The issuance of a variance is for flood plain management purposes only.

The community, after examining the applicant's hardships, shall approve or disapprove a request.

The Federal Insurance Administrator may review a community's findings justifying the granting of variances, and if that review indicates a pattern inconsistent with the objectives of sound flood plain management, the Federal Insurance Administrator may take appropriate action under §59.24(b) of this subchapter.

Procedures for the granting of variances by a community are as follows:

(1) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;

(3) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

(5) A community shall notify the applicant in writing over the signature of a community official 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 up to 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 a record of all variance actions as required in paragraph (a)(6) of this section; and

(6) A community shall (i) maintain a record of all variance actions, including justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to the Federal Insurance Administrator.

(7) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria of paragraphs (a)(1) through (a)(4) of this section are met, and (ii) the structure or other development is protected by methods that minimize

flood damages during the base flood and create no additional threats to public safety.

For further information, see FEMA publication P-993, “Variances & the National Flood Insurance Program.”

From the State NFIP Coordinating Office: For all variances to floodplain development regulations, the community must maintain documentation that includes the variance request; determinations made by the entity granting the request that the three criterium listed above have been met; a copy of the letter to the property owner regarding possible insurance premium impacts; and that all appropriate flood protection and hazard mitigation measures were taken where applicable and possible, as specifically described in the variance file.

10. Permits are required for all proposed development in the Floodplain Overlay District

Require permits for all proposed construction and other developments including the placement of manufactured homes [44CFR 60.3(b)(1)]

NFIP requirements are focused on “development” in the floodplain. The NFIP definition of development is “*any manmade 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.*” [44CFR 59.1]

Most Massachusetts communities have long used building permits to review construction in their floodplain overlay district, and conservation commissions use several documents for review of other types of development, but the regulation of all development in a floodplain is essential so that flood risks are not increased either on the site or to adjacent or upstream/downstream properties.

Some communities use a ‘Floodplain Development Review Form’ in addition to the traditional building permit, so they can document the review of all activities in the floodplain such as filling and grading; excavation, mining and drilling, storage of materials or equipment, placement of recreational vehicles or temporary stream crossings, and the review of activities conducted by other agencies such as roads or bridges built by state or federal government.

In Massachusetts, the local conservation commission reviews many of the above-listed activities, but use of a floodplain development review form for all floodplain overlay district proposals ensures that nothing slips through the cracks. This NFIP permitting

requirement is not prescriptive, but the documentation of some kind of permit or review process is mandatory for all floodplain development.

An additional benefit of documenting all floodplain development is that when a violation is discovered, the community can demonstrate that they did not approve the development as constructed, or that the developer did not come in for a full review of the development activity.

11. Assure that all necessary permits are obtained

Assure that all other State and Federal permits are obtained [44CFR 60.3(a)(2)]

While the community does not have to participate in the acquisition or review of all necessary state and federal permits for floodplain development, the community is obligated to assure that all necessary permits have been obtained by the proponent. The use of a checklist facilitates awareness for the proponent of which other permits must be obtained, generally prior to beginning the development project.

12. Subdivision proposals

Review subdivision proposals and development proposals to assure that:

(a) Such proposals minimize flood damage.

(b) Public utilities and facilities are located & constructed so as to minimize flood damage.

(c) Adequate drainage is provided.

[44CFR 60.3(a)(4) (I thru iii)]

13. Base flood elevation data for subdivision proposals

Require base flood elevation data for subdivision proposals or other developments greater than 50 lots or 5 acres. [44CFR 60.3(b)(3)]

If a subdivision fitting this size description is proposed in the floodplain overlay district where there are not already base flood elevations (BFEs) for each parcel, then the developer must provide BFEs for each parcel so that flood-resistant standards can be appropriately applied. The developer is responsible for providing the necessary technical data to support the base flood elevations shown on his/her design drawings.

14. Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and floodway data, obtain, review and reasonably utilize base flood elevation and floodway data available from 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. [44CFR 60.3(b)(4)]

If the community has the engineering resources required to determine the base flood elevation in an unnumbered A zone, these resources can be used to meet this requirement. For those communities that do not have these resources, and even in communities that do, the permitting office can require that the proponent pay for resources to determine the base flood elevation when a development is being proposed. Historical records can be used, as well as any other data that reasonably indicates the 1% chance flood event. Two notes about this requirement:

- a) FEMA does allow a “defacto” elevation of two (2) feet above the highest adjacent grade in cases where the BFE cannot be reasonably determined, but the 9th Edition of the Massachusetts building code requires an additional foot of freeboard. This means that the top of the lowest floor would have to be three (3) feet above the highest adjacent grade.
- b) The 9th Edition of the MA building code allows communities to use preliminary FEMA maps once the Letter of Final Determination has been issued. These maps may indicate a BFE where none existed before, by virtue of the map update process.

15. Floodway encroachment

310 CMR 10.57(4) General Performance Standards.

(a) Bordering Land Subject to Flooding.

1. Compensatory storage shall be provided for all flood storage volume that will be lost as the result of a proposed project within Bordering Land Subject to Flooding, when in the judgment of the issuing authority said loss will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows.

Compensatory storage shall mean a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream or creek.

2. Work within Bordering Land Subject to Flooding, including that work required to provide the above-specified compensatory storage, shall not restrict flows so as to cause an increase in flood stage or velocity.

This standard is found in the Wetlands Protection Act (WPA), and essentially means that there is no rise allowed in the elevation of the base flood anywhere in the entire floodplain. While an official certification is not required in floodways that are not regulated (shown on the FEMA map), for the intent of the WPA to be fulfilled the community must be sure that there will be no rise in the base flood elevation. If the area is located in an unnumbered A zone, a BFE must be determined before the development is designed, so that the “no rise” standard can be demonstrated.

Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge. [44CFR 60.3(b)(6)]

Under federal NFIP requirements, the community must require certification from a registered professional that shows there will be no rise in the base flood elevation when development takes place in the regulated floodway. This cannot be accomplished by showing compensatory alone; the documentation must include a hydrologic and hydraulic (H&H) analysis.

16. Watercourse alterations or relocations in riverine areas

In riverine areas, notify neighboring communities of watercourse alterations or relocations. [44CFR 60.3(b)(6)]

Neighboring communities (and possibly a neighboring state) need to know in advance if the alteration or relocation of a watercourse might change their floodplain or flood risk. Send plans for this development to the CEOs of those communities, as well as to the Massachusetts NFIP State Coordinator and to the FEMA Regional Office.

17. AO and AH zones drainage requirements

In Zones AO and AH, require drainage paths around structures on slopes to guide water away from structures. [44CFR 60.3(c)(11)]

Guiding water away from the structure must also consider adjacent properties, where drainage cannot impact those lots or structures.

18. Recreational vehicles

In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored or be on the site for less than 180 consecutive days or be fully licensed and highway ready. [44CFR 60.3(c)(14)]

In V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored or be on the site for less than 180 consecutive days or be fully licensed & highway ready. [44CFR 60.3(e)(9)]

“Fully licensed and highway ready” means that wheels must be inflated; the vehicle must be self-propelled or towable by a light-duty truck; have no attached deck, porch or shed; and have quick-disconnect sewage, water and electrical connections. In other words, the vehicle must be ready to relocate immediately upon notification of the possibility of flooding in the area.

19. Protection of dunes

Prohibit alteration of sand dunes which would increase potential flood damage. [44CFR 60.3(e)(7)]

20. Local Enforcement

The NFIP requires that the floodplain management ordinance be legally enforceable and enforced uniformly throughout the community. [44 CFR 60.1(b)]

Sample bylaw language has not been offered regarding local enforcement of flood-resistant and flood reduction standards because enforcement is typically already addressed elsewhere in codes that are locally enforced.

As a part of implementing the NFIP in a local community, however, FEMA will need to know how the community enforces these regulations and standards. Each NFIP community should be prepared to answer the following questions:

1. How do you enforce the building code in your community? What specific actions are taken, and how are these actions documented? What penalties are specified? *[Definitions and regulations related to building code enforcement are found in CMR 780 Chapter 1 Sections 114 and 115, which refer to M.G.L. c. 143, c. 148, and M.G.L. c. 148A, and specifically M.G.L. c. 143, section 94(a.)]*
2. How do you enforce the Wetlands Protection Act? What actions and documentation exist to prove that enforcement was implemented? *[Enforcement regulations related to the Wetlands Protection Act are found in 310 CMR section 10.08.]*
3. How are other NFIP floodplain development requirements enforced, such as fencing that increases flood risk, the placement of recreational vehicles in the floodplain, re-grading of large commercial properties, construction of agricultural structures, placement of tanks, pools, temporary construction offices, etc.?

FEMA will expect to hear about a rigorous enforcement program that includes specific actions taken by the community for non-compliant floodplain development. Enforcement provisions establish the responsibilities of persons, enforcement authority, what makes a violation, notice of violation, stop work and other orders, and citation and penalties for violations. These penalties may include fines and/or jail sentences.

Explanations for Definitions found in Section 3

Development. FEMA's minimum standards for the NFIP require review of, and possibly permitting for all activities defined as development within the Special Flood Hazard Area (SFHA.) Some of these activities might not normally require permitting under existing state or local regulations, and not all of these activities might be reviewed by the building department in a community.

Flood Boundary & Floodway Map. Some communities with older mapping (typically 1987 and prior) have two sets of flood maps, the familiar Flood Insurance Rate Map (FIRM) and the Flood Boundary & Floodway Map (FBFM). The floodway is delineated only on the FBFM. Communities with a FBFM must include it in the district definition in order to enforce floodway standards.

Flood Hazard Boundary Map. Communities with very old mapping (usually prior to 1980) might have a Flood Hazard Boundary Map (FHBM). This map must be referenced in the community's floodplain district definition. In most cases the FHBM has been converted to a FIRM by letter but the map will still say "Flood Hazard Boundary Map."

Floodway, Regulatory Floodway. The floodway, or regulatory floodway, is established by regulation and through hydraulic analysis. It is not a natural, physical feature of the watercourse. It is part of the 100-year floodplain but has specific requirements that exceed those in the floodplain fringe (the rest of the floodplain). The NFIP standards for floodway encroachments (for example including no-rise analysis) are not in state regulations.

Functionally dependent use. This term is used in the evaluation of variances to floodplain management standards. Sometimes variances can be issued for functionally dependent uses.

Highest adjacent grade. In an AO zone, the base flood elevation is determined by adding the depth indicated on the FIRM to the highest adjacent grade, or two feet if no depth is indicated (and if no alternative floodplain analysis is conducted and applied.)

Historic structure. NFIP standards for substantial improvement include an exception for structures that are identified as historic structures. Only those structures meeting this definition are eligible for this exception.

New construction. NFIP minimum standards apply to all new construction, which includes improvements to structures defined as new construction. as follows: (1) new

construction, including subsequent work to such structures, and (2) work classified as substantial improvement of an existing structure that is not an historic structure. [ASCE 24-14]

Recreational vehicle. NFIP elevation standards can sometimes apply to these vehicles when they are placed in the SFHA.

Special Flood Hazard Area (SFHA). The flood-prone areas on the FEMA maps (and subsequently adopted in a community's Floodplain Overlay District) where NFIP minimum standards apply. within special flood hazard areas.

Start of construction. Knowing the start of construction, as defined, can sometimes determine which version of a FIRM or regulation is used in situations where the FIRM or the regulation has been or is being updated.

Structure. NFIP minimum standards apply to all structures meeting this definition.

Substantial Repair of a Foundation. This is a Massachusetts unique definition included in the 9th Edition Building Code. It is important to be familiar with this definition as Building Code standards will apply.

Variance. It is important to understand the term in order to properly administer, consider and potentially issue variances. Note that variances are not the same as (and shouldn't be confused with) similar terms and/or processes such as special permits, exceptions or exemptions. Variances to standards enforced under state regulations must be administered through the proper state authority.

Violation. Violations can affect the community's standing in the NFIP and will likely result in higher flood insurance premiums. Violations can also prevent a community from entering participating in the Community Rating System.

RECEIVED

NOV 20, 2020 AM 8:20

TOWN OF FALMOUTH
PLANNING BOARD
PUBLIC MEETING NOTICE

TOWN CLERK

APPLICANT: Michael and Nicole Bingaman

Location: Lot 15B, Timothy Bourne Cartway
Map# 32 01 001 015B

PROPOSAL: Definitive Plan application and Special Permit application for a 6-lot planned residential development

DATE & TIME: Tuesday, December 8, 2020 at 6:30pm

PLACE: Virtual Zoom Meeting (see agenda for further instructions)

Plans may be viewed online at <http://www.falmouthmass.us/933/Plans-Under-Review-By-The-Planning-Board>

By Order of the Planning Board

Paul Dreyer
Clerk/Secretary

Publishing Date:
11.20.20
11.27.20

NOV 28 2020



DEC 30 2020

**TOWN OF FALMOUTH
MASSACHUSETTS**

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by Rockland Trust Company, 397 East Falmouth Highway, East Falmouth, Ma. (Map 33, Lot 000) under 240-67 A. and 240-3 C. of the Zoning by-Law, as amended to **grant** the special permit to construct an addition, alter the drive - thru to be two lanes and replace the canopy.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **December 3, 2020**, which is the date the Decision was filed in the office of the Town Clerk.

Please contact Noreen Stockman at 508-495-7460
or Noreen.stockman@falmouthma.gov if you have any questions or comments
full text of decision available at <http://www.falmouthmass.us>



TOWN OF FALMOUTH
MASSACHUSETTS

DEC 02 2020

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by Richard D. and Janet R. Spector, 15 Prospect Street, Falmouth, Ma.

(Map 47A, Lot 000A) under 240-3 C. and 240-69 E. of the Zoning by-Law, as amended to **grant** the special permit to construct a second floor addition.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **November 25, 2020**, which is the date the Decision was filed in the office of the Town Clerk.

Please contact Noreen Stockman at 508-495-7460
or Noreen.stockman@falmouthma.gov if you have any questions or comments
full text of decision available at <http://www.falmouthmass.us>



TOWN OF FALMOUTH
MASSACHUSETTS

DEC 18 2020

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by Roger Colinvaux, Trustee, 20 Brooks Road, Falmouth, Ma.

(Map 49, Lot 050) **under** 240-3. And 240-69 E. of the Zoning By-Law, as amended to **grant** the special permit to remove existing decks, and construct a screened porch and rinse station.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **December 14, 2020**, which is the date the Decision was filed in the office of the Town Clerk.

Please contact Noreen Stockman at 508-495-7460
or Noreen.stockman@falmouthma.gov if you have any questions or comments
full text of decision available at <http://www.falmouthmass.us>

TOWN OF FALMOUTH
PLANNING BOARD
PUBLIC MEETING NOTICE

DEC 11 2020

APPLICANT: Sandwich Road Development, LLC

Location: 0 Sandwich Rd
Map# 17 01 032 000

PROPOSAL: Special Permit application along with a Site Plan Review application to have a contractor's yard in the AGA District, including a contractor's yard building with floor area of 7,450 SF and exterior contractor's yard storage, parking and assembly area of 39,900 SF, and one detached single family dwelling

DATE & TIME: Tuesday, December 22, 2020 at 6:30pm

PLACE: Virtual Zoom Meeting (see agenda for further instructions)

Plans may be viewed online at <http://www.falmouthmass.us/933/Plans-Under-Review-By-The-Planning-Board>

By Order of the Planning Board

Paul Dreyer
Clerk/Secretary

Publishing Date:
12.4.20
12.11.20



TOWN OF FALMOUTH

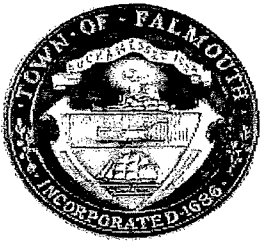
ZONING BOARD OF APPEALS

DEC 30 2020

59 TOWN HALL SQUARE, FALMOUTH, MA 02540
508-495-7460 – FAX 508-495-7463

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, public meetings of the Falmouth Zoning Board of Appeals shall be physically closed to the public to avoid group congregation. Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Falmouth Community Television.
2. Real-time public comment can be addressed to the Zoning Board of Appeals utilizing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting and send a comment or question to the Chair via the Chat function. Submitted text comments will be read into the record at the appropriate points in the meeting.
 - a. Zoom Login instructions:
 - i. Browse to the following web address: www.falmouthmass.us/ZBA
 - ii. For mobile devices (tablets and phones), please go to either 'Google Play' [Android] or the iOS 'App Store' [iPhones and iPads] and download the free program 'ZOOM'. Then click the 'join a meeting' link and type in '655 502 768'. If you have not registered with Zoom you will be asked for your name and an e-mail address.
3. Applicants, their representatives and individuals required to appear before the Zoning Board of Appeals may appear remotely and are not required to be physically present. Applicants, their representatives and individuals required to appear before the Zoning Board of Appeals may contact the IT Department to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to FALZBA@FALMOUTHMA.GOV, so that they may be displayed for remote public access viewing.
4. You may also send any comments regarding an application in advance of the meeting to FALZBA@FALMOUTHMA.GOV.



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

59 TOWN HALL SQUARE, FALMOUTH, MA 02540
508-495-7460 – FAX 508-495-7463

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

APPLICATION NO: 065-20

January 7, 2021

A list of abutters is on file in the office of the Board of Appeals, Town Hall Falmouth, Massachusetts.

Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified that:

Sally J. Ralph, Trustee

of

Naples, FL

applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. and 240-69 E. of the Code of Falmouth to construct a 2nd floor addition to the single family dwelling on subject property known as 318 Shorewood Drive, East Falmouth, MA.

PUBLICATION DATES: December 11, 2020 and December 18, 2020

Map 40 Section 02A Parcel 000 Lot 155

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday,**

January 7, 2021 at 6:30 pm.

You are invited to be present.

By Order of the Board of Appeals,
Chairman, Terrence Hurrie

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:00 AM to 4:00 PM. *Plans are available to review at <http://www.falmouthmass.us/1113/Applications-under-review-by-the-ZBA>*



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

59 TOWN HALL SQUARE, FALMOUTH, MA 02540
508-495-7460 – FAX 508-495-7463

DEC 30 2020

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, public meetings of the Falmouth Zoning Board of Appeals shall be physically closed to the public to avoid group congregation. Alternative public access to this meeting shall be provided in the following manner:

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 - ii. For mobile devices (tablets and phones), please go to either 'Google Play' [Android] or the iOS 'App Store' [iPhones and iPads] and download the free program 'ZOOM'. Then click the 'join a meeting' link and type in '655 502 768'. If you have not registered with Zoom you will be asked for your name and an e-mail address.
3. Applicants, their representatives and individuals required to appear before the Zoning Board of Appeals may appear remotely and are not required to be physically present. Applicants, their representatives and individuals required to appear before the Zoning Board of Appeals may contact the IT Department to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to FALZBA@FALMOUTHMA.GOV, so that they may be displayed for remote public access viewing.
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TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

59 TOWN HALL SQUARE, FALMOUTH, MA 02540
508-495-7460 – FAX 508-495-7463

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

APPLICATION NO: 066-20

January 7, 2021

A list of abutters is on file in the office of the Board of Appeals, Town Hall Falmouth, Massachusetts.

Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified that:

Donald S. and Laura J. Burnham

of

Brookline, MA

applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. and 240-69 E. of the Code of Falmouth to construct dormers and an addition connecting the dwelling and existing garage; increasing lot coverage by structures on subject property known as 8 Worcester Court, Falmouth, MA.

PUBLICATION DATES: December 11, 2020 and December 18, 2020

Map 46B Section 16 Parcel 004 Lot 008

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday January 7, 2021 at 6:30 pm.**

You are invited to be present.

By Order of the Board of Appeals,
Chairman, Terrence Hurrie

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:00 AM to 4:00 PM.*Plans are available to review at http://www.falmouthmass.us/1113/Applications-under-review-by-the-ZBA*



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

DEC 30 2020

59 TOWN HALL SQUARE, FALMOUTH, MA 02540
508-495-7460 – FAX 508-495-7463

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 - ii. For mobile devices (tablets and phones), please go to either 'Google Play' [Android] or the iOS 'App Store' [iPhones and iPads] and download the free program 'ZOOM'. Then click the 'join a meeting' link and type in '655 502 768'. If you have not registered with Zoom you will be asked for your name and an e-mail address.
3. Applicants, their representatives and individuals required to appear before the Zoning Board of Appeals may appear remotely and are not required to be physically present. Applicants, their representatives and individuals required to appear before the Zoning Board of Appeals may contact the IT Department to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to FALZBA@FALMOUTHMA.GOV, so that they may be displayed for remote public access viewing.
4. You may also send any comments regarding an application in advance of the meeting to FALZBA@FALMOUTHMA.GOV.



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

59 TOWN HALL SQUARE, FALMOUTH, MA 02540
508-495-7460 – FAX 508-495-7463

BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

APPLICATION NO: 067-20

January 7, 2021

A list of abutters is on file in the office of the Board of Appeals, Town Hall Falmouth, Massachusetts.

Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified that:

Deirdre Karle, Trustee

of

Milton, Ma

applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. and 240-69 E. of the Code of Falmouth to raze and reconstruct the single-family dwelling and detached garage adding living space above on subject property known as 44 Grand Avenue, Falmouth, Ma.

PUBLICATION DATES: December 11, 2020 and December 18, 2020

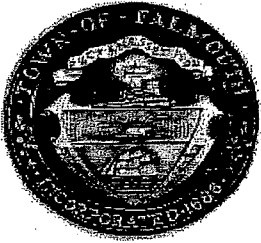
Map 46B Section 11 Parcel 001 Lot 111

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, January 7, 2021 at 6:30 pm.**

You are invited to be present.

By Order of the Board of Appeals,
Chairman, Terrence Hurrie

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:00 AM to 4:00 PM. *Plans are available to review at <http://www.falmouthmass.us/1113/Applications-under-review-by-the-ZBA> *



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

DEC 30 2020

59 TOWN HALL SQUARE, FALMOUTH, MA 02540
508-495-7460 – FAX 508-495-7463

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3. Applicants, their representatives and individuals required to appear before the Zoning Board of Appeals may appear remotely and are not required to be physically present. Applicants, their representatives and individuals required to appear before the Zoning Board of Appeals may contact the IT Department to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to FALZBA@FALMOUTHMA.GOV, so that they may be displayed for remote public access viewing.
4. You may also send any comments regarding an application in advance of the meeting to FALZBA@FALMOUTHMA.GOV.



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

59 TOWN HALL SQUARE, FALMOUTH, MA 02540
508-495-7460 – FAX 508-495-7463

BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

APPLICATION NO: 076-20

January 7, 2021

A list of abutters is on file in the office of the Board of Appeals, Town Hall Falmouth, Massachusetts.

Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified that:

Crooked Meadow, LLC

of

East Falmouth, MA

applied to the Zoning Board of Appeals for a modification of Comprehensive Permit #058-19 pursuant to MGL Chapter 40B to allow modifications to previously approved plans. The subject properties are 26, 30, 36 & 40 Crooked Meadow Road, Hatchville, MA.

Map 22 Section 02 Parcel 005 Lot(s) 141 - #26
Map 22 Section 02 Parcel 005 Lot(s) 140 - #30
Map 22 Section 02 Parcel 005 Lot(s) 139 - #36
Map 22 Section 02 Parcel 005 Lot(s) 138 - #40

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday**
January 7, 2021 at 6:00PM
You are invited to be present.

By Order of the Board of Appeals,
Chairman, Terrence Hurrie

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:00 AM to 4:00 PM. *Plans are available to review at <http://www.falmouthmass.us/1113/Applications-under-review-by-the-ZBA>*

Town of Sandwich
THE OLDEST TOWN ON CAPE COD



Planning Board

16 Jan Sebastian Drive
Sandwich, MA 02563
Phone: 508-833-8001
Fax: 508-833-8006
Email: planning@sandwichmass.org

DEC 03 2020

TOWN OF SANDWICH PUBLIC HEARING NOTICE PLANNING BOARD

In accordance with M.G.L. Ch. 138, and Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus" and the Planning Board's Open Meeting Law Declaration providing explanatory language on the use of Virtual Meetings, the Planning Board will hold a public hearing on Tuesday, December 15, 2020 at 7:00 p.m. which shall be convened remotely via a ZOOM videoconference and broadcast live on SCTV to consider the application of Aubuchon Realty Co., Inc., Applicant and Property Owner, for a Modification to the Definitive Subdivision for property located at 311 Cotuit Road/6 Aubuchon Lane, Map 22, Parcels 183/182, Sandwich, MA, for the purpose of approving overhead utility services. The public record information can be viewed at the Planning & Development office, 16 Jan Sebastian Drive, Sandwich, MA, Monday-Friday 8:30 a.m. to 4:30 p.m.

Anyone wishing to be heard on the subject will be afforded an opportunity to comment by email to planning@sandwichmass.org. This comment line will be monitored during the meeting.

Matthew T. Cubetus, Chair
Sandwich Planning Board

Publication: Sandwich Enterprise
Publication Dates: November 27 and December 4, 2020



**TOWN OF SANDWICH
PUBLIC HEARING NOTICE
BOARD OF APPEALS**

DEC 08 2020

In accordance with M.G.L. Ch. 138, and Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus" and the Board of Appeals Open Meeting Law Declaration providing explanatory language on the use of Virtual Meetings, the Sandwich Board of Appeals will hold a public hearing on Tuesday, December 8, 2020 at 6:00 p.m. which shall be convened remotely via a ZOOM videoconference and broadcast live on SCTV to consider the application of the Town of Sandwich, Applicant and Property Owner, for a Special Permit under Section 2600 (r) of the Sandwich Protective Zoning By-Law for property located at 34 Quaker Meetinghouse Road, Sandwich, MA, Assessor's Map #17, Parcel #196, for the purpose of obtaining a Special Permit to exceed allowable height. The public record information can be viewed at the Planning & Development office, 16 Jan Sebastian Drive, Sandwich, MA, Monday-Friday 8:30 a.m. to 4:30 p.m.

Anyone wishing to be heard on the subject will be afforded an opportunity to comment by email to planning@sandwichmass.org. This comment line will be monitored during the meeting.

Erik Van Buskirk, Chair
Sandwich Board of Appeals

Publication: Sandwich Enterprise
Publication Dates: November 20 and November 27, 2020



DEC 14 2020

**Special Permit
Certificate of Approval**

TOWN CLERK
TOWN OF SANDWICH

Petition # 20-07
Current Property Owner(s): Town of Sandwich
Applicant: Town of Sandwich
Property Address: 34 Quaker Meetinghouse Road
Map, Parcel 17-196

DEC 10 2020

3 H 26 M P M8
RECEIVED & RECORDED

On December 8, 2020 the Board of Appeals voted to approve a special permit from Section 2600 (r) of the Sandwich Zoning By-law for property located at 34 Quaker Meetinghouse Road, as shown on Assessor's Map 17, Parcel 196, for the purpose of exceeding the maximum building height allowed within in the R2 zoning district.

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to approve a special permit and that copies of said decision, and of all plans referred to in the decision, have been filed with the Board of Appeals and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 provides that no special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town clerk that twenty days have elapsed after the decision has been filed in the office of the town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The owner or applicant shall pay the fee for such recording or registering. A copy of that registered decision shall be returned to the Planning & Development office as proof of filing.

Any person aggrieved by this decision may appeal to the Superior Court or Land Court as in Section 17 of Chapter 40A, M.G.L. by filing a NOTICE OF ACTION AND COMPLAINT with the Town Clerk within twenty (20) days of the date of filing of this decision.


Board of Appeals Member

12/9/2020
Date

PROCEDURAL HISTORY

1. Application from Section 2600 (r) of the Zoning By-Law for property located at 34 Quaker Meetinghouse Road, was filed on November 16, 2020.
2. After proper notice was given the public hearing was opened on December 8, 2020 and closed on December 8, 2020.
3. The application was accompanied by Plans entitled:
Layout and Materials
Sandwich CAL
Dated November 2, 2020
4. The Board reviewed the application and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:

Erik Van Buskirk
Christopher Neeven
Robert Jensen
Gerry Nye
Jack Casali

FINDINGS

The Zoning Board of Appeals finds that:

1. The Board of Appeals finds that this application meets the requirements of Section 9, M.G.L. Chapter 40A.
2. The Board of Appeals finds that the subject property is located within the R2 district.
3. The Board of Appeals finds that subject property has a lot area of 83.01 acres and has approximately 2721 feet of frontage on Quaker Meetinghouse Road.
4. The Board of Appeals finds that under section 2600 (r) of the bylaw, the board may allow a municipal building to exceed the height limitations set forth in section 2600.
5. The Board of Appeals finds that the Center for Active Living is a municipal building.
6. The Board of Appeals finds that the applicant wishes to construct a municipal building to 49 feet 2 inches.
7. The Board of Appeals finds that the recommended height of 49 feet 2 inches will accommodate a raised indoor walking track, gymnasium and solar panels.
8. Section 1330 requirements:
 - (a) The Board of Appeals does not find that there are conditions peculiar to this case but not generally true for similar permitted uses on other sites in the same district;

- (b) The Board of Appeals finds that nuisance, hazard or congestion will not be created;
- (c) The Board of Appeals finds that there will not be substantial harm to the neighborhood;
- (d) The Board of Appeals finds that there is no derogation from the intent of the bylaw such that the districts' objectives will be satisfied.

Motion: I, Christopher Neeven, move to adopt these findings as the findings of the Board of Appeals.

Second: Robert Jensen

Vote:	Erik Van Buskirk	Yes
	Christopher Neeven	Yes
	Robert Jensen	Yes
	Gerry Nye	Yes
	Jack Casali	Yes

CONDITIONS:

At the public hearing, the Board of Appeals considered potential conditions of approval for the special permit. The Board of Appeals voted that the following conditions of approval shall be imposed upon any approval of a special permit and that these conditions are reasonable and that the applicant and its successor-in-interest shall be bound by these conditions:

1. Failure to comply with all the conditions set forth in this decision shall terminate the grant of this special permit.
2. Pursuant to the requirements of Sandwich Protective Zoning By-law Section 1330, the grant of special permit shall expire upon:
 - (a) Transfer of ownership, prior to initiation of substantial construction on or occupancy of the site unless such transfer is authorized in this permit, or
 - (b) If no substantial construction or occupancy takes place within (12) twelve months of special permit approval, excluding such time required to pursue or await the determination of an appeal referred to in MGL C 40A, Section 17.
3. The special permit shall not take effect until it is recorded at the Barnstable County Registry of Deeds and a copy of the recorded special permit is provided to the Board of Appeals.
4. The Center for Active Living shall be constructed no higher than 49 feet +/-.

Motion: I, Christopher Neeven, move to impose the above conditions of approval upon any approval of the special permit.

Second: Robert Jensen

Vote: Erik Van Buskirk Yes
 Christopher Neeven Yes
 Robert Jensen Yes
 Gerry Nye Yes
 Jack Casali Yes

DECISION:

After reviewing the application, the plan and other materials submitted and after giving due consideration to testimony given at the public hearing, the Board hereby approves the special permit application for property located at 34 Quaker Meetinghouse Road as shown on Assessor's Map 17, Parcel 196, for the purpose of exceeding the maximum building height allowed within in the R2 zoning district.

Motion: I, Christopher Neeven, move to approve the special permit application.

Second: Robert Jensen

Vote: Erik Van Buskirk Yes
 Christopher Neeven Yes
 Robert Jensen Yes
 Gerry Nye Yes
 Jack Casali Yes

RECOMMENDATION

The Board of Planning and Zoning has reviewed the application for a special permit to exceed the maximum building height allowed within the R2 zoning district for property located at 34 Quaker Meetinghouse Road, Parcel 196, Assessor's Map 17. The Board has heard testimony from the applicant and the public at a public hearing held on [Date]. The Board finds that the proposed use is a permitted use in the R2 zoning district and that the proposed building height is a reasonable deviation from the maximum building height allowed within the R2 zoning district. The Board hereby recommends that the Board of Selectmen approve the special permit application.

The Board of Planning and Zoning has reviewed the application for a special permit to exceed the maximum building height allowed within the R2 zoning district for property located at 34 Quaker Meetinghouse Road, Parcel 196, Assessor's Map 17. The Board has heard testimony from the applicant and the public at a public hearing held on [Date]. The Board finds that the proposed use is a permitted use in the R2 zoning district and that the proposed building height is a reasonable deviation from the maximum building height allowed within the R2 zoning district. The Board hereby recommends that the Board of Selectmen approve the special permit application.

The Board of Planning and Zoning has reviewed the application for a special permit to exceed the maximum building height allowed within the R2 zoning district for property located at 34 Quaker Meetinghouse Road, Parcel 196, Assessor's Map 17. The Board has heard testimony from the applicant and the public at a public hearing held on [Date]. The Board finds that the proposed use is a permitted use in the R2 zoning district and that the proposed building height is a reasonable deviation from the maximum building height allowed within the R2 zoning district. The Board hereby recommends that the Board of Selectmen approve the special permit application.

The Board of Planning and Zoning has reviewed the application for a special permit to exceed the maximum building height allowed within the R2 zoning district for property located at 34 Quaker Meetinghouse Road, Parcel 196, Assessor's Map 17. The Board has heard testimony from the applicant and the public at a public hearing held on [Date]. The Board finds that the proposed use is a permitted use in the R2 zoning district and that the proposed building height is a reasonable deviation from the maximum building height allowed within the R2 zoning district. The Board hereby recommends that the Board of Selectmen approve the special permit application.

The Board of Planning and Zoning has reviewed the application for a special permit to exceed the maximum building height allowed within the R2 zoning district for property located at 34 Quaker Meetinghouse Road, Parcel 196, Assessor's Map 17. The Board has heard testimony from the applicant and the public at a public hearing held on [Date]. The Board finds that the proposed use is a permitted use in the R2 zoning district and that the proposed building height is a reasonable deviation from the maximum building height allowed within the R2 zoning district. The Board hereby recommends that the Board of Selectmen approve the special permit application.

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Respectfully,
 [Signature]

Town of Sandwich
THE OLDEST TOWN ON CAPE COD



Board of Appeals

16 Jan Sebastian Drive
Sandwich, MA 02563
Phone: 508-833-8001
Fax: 508-833-8006

E-mail: planning@sandwichmass.org

TOWN CLERK
TOWN OF SANDWICH

DEC 23 2020

**Special Permit
Certificate of Approval**

Petition # 20-08
Current Property Owner(s): Charles White Management Inc.
Applicant: The Dugout Baseball and Softball Club, LLC
Property Address: 7 Jan Sebastian Drive Unit H
Map, Parcel 27-30

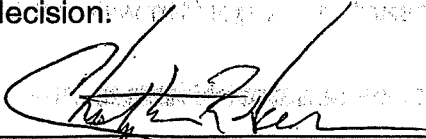
11 45 M A M
RECEIVED & RECORDED

On December 22, 2020 the Board of Appeals voted to approve a special permit from Section 1330 & 2200 of the Sandwich Zoning By-law for property located at 7 Jan Sebastian Drive Unit H, as shown on Assessor's Map 27, Parcel 30, for the purpose of operating an indoor recreation facility.

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to approve a special permit and that copies of said decision, and of all plans referred to in the decision, have been filed with the Board of Appeals and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 provides that no special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town clerk that twenty days have elapsed after the decision has been filed in the office of the town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The owner or applicant shall pay the fee for such recording or registering. A copy of that registered decision shall be returned to the Planning & Development office as proof of filing.

Any person aggrieved by this decision may appeal to the Superior Court or Land Court as in Section 17 of Chapter 40A, M.G.L. by filing a NOTICE OF ACTION AND COMPLAINT with the Town Clerk within twenty (20) days of the date of filing of this decision.


Board of Appeals Member

12/23/2020
Date

PROCEDURAL HISTORY

1. Application from Section 1330 & 2200 of the Zoning By-Law for property located at 7 Jan Sebastian Drive Unit H was filed on November 25, 2020.
2. After proper notice was given the public hearing was opened on December 22, 2020 and closed on December 22, 2020.
3. The application was accompanied by a Plan entitled:
Naples Court Warehouse Condominiums Proposed in Sandwich MA
Dated April, 1998
4. The Board reviewed the application and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:

Christopher Neeven

James Killion

Erik Van Buskirk

Chase Terrio

Gerry Nye

Jack Casali

FINDINGS

The Zoning Board of Appeals finds that:

1. The Board of Appeals finds that this application meets the requirements of Section 9, M.G.L. Chapter 40A
2. Subject property is located within the Flex Zoning District and Water Resource Overlay District.
3. Subject property has approximately 1.64 acres.
4. Subject property has approximately 300 feet of frontage on Jan Sebastian Drive.
5. Unit H consists of 3,891 s.f.
6. Section 1330 requirements:
 - a) The Board of Appeals does not find that there are conditions peculiar to this case but not generally true for similar permitted uses on other sites in the same district;
 - b) The Board of Appeals finds that nuisance, hazard or congestion will not be created;
 - c) The Board of Appeals finds that there will not be substantial harm to the neighborhood;

d) The Board of Appeals finds that there is no derogation from the intent of the bylaw such that the districts' objectives will be satisfied.

7. The applicant has demonstrated adequate parking per section 3120.

8. Applicant states there are 70 paved and 50 gravel parking spaces that are all available to the proposed use.

9. Hours of operation are as follows: Summer hours 9 a.m. - 2 p.m.

Winter Hours 2 p.m. - 10 p.m.

Weekend hours 8 a.m. - 8 p.m.

Motion: I, James Killion, move to adopt these findings as the findings of the Board of Appeals.

Second: Christopher Neeven

Vote:	Christopher Neeven	Yes
	James Killion	Yes
	Erik Van Buskirk	Yes
	Chase Terrio	Yes
	Gerry Nye	Yes
	Jack Casali	Yes

CONDITIONS:

At the public hearing, the Board of Appeals considered potential conditions of approval for the special permit. The Board of Appeals voted that the following conditions of approval shall be imposed upon any approval of a special permit and that these conditions are reasonable and that the applicant and its successor-in-interest shall be bound by these conditions:

1. Failure to comply with all the conditions set forth in this decision shall terminate the grant of this special permit.
2. Pursuant to the requirements of Sandwich Protective Zoning By-law Section 1330, the grant of special permit shall expire upon:
 - (a) Transfer of ownership, prior to initiation of substantial construction on or occupancy of the site unless such transfer is authorized in this permit, or
 - (b) If no substantial construction or occupancy takes place within (12) twelve months of special permit approval, excluding such time required to pursue or await the determination of an appeal referred to in MGL C 40A, Section 17.

3. The special permit shall not take effect until it is recorded at the Barnstable County Registry of Deeds and a copy of the recorded special permit is provided to the Board of Appeals.

Motion: I, James Killion, move to impose the above conditions of approval upon any approval of the special permit.

Second: Christopher Neeven

Vote: Christopher Neeven Yes
James Killion Yes
Erik Van Buskirk Yes
Chase Terrio Yes
Gerry Nye Yes
Jack Casali Yes

DECISION:

After reviewing the application, the plan and other materials submitted and after giving due consideration to testimony given at the public hearing, the Board hereby approves the special permit application for property located at 7 Jan Sebastian Drive Unit H, as shown on Assessor's Map 27, Parcel 30, for the purpose of operating an indoor recreation facility.

Motion: I, James Killion, move to approve the special permit application.

Second: Christopher Neeven

Vote: Christopher Neeven Yes
James Killion Yes
Erik Van Buskirk Yes
Chase Terrio Yes
Gerry Nye Yes
Jack Casali Yes



December 23, 2020

C19385.00

Mass. DEP/SERO
Wetlands and Waterways
Attn: Brendan Mullaney
20 Riverside Drive
Lakeville, MA 02347

Via Email & Certified Mail

RE: Chapter 91 License Application Filing Package
Proposed Re-Licensing of Existing Dock System
South Cape Homeowners Association
112 Whippoorwill Circle
Mashpee, MA
Map 125, Parcel 149-0
DEP File No: SE 43-3079

On behalf of our client, South Cape Homeowners Association, we are submitting a Chapter 91 License Application Package for the above referenced project. The following items are enclosed:

- Chapter 91 License Application
- DEP Fee Transmittal Form
- Copy of \$330.00 check made payable to Commonwealth of Mass. for filing fee, (original sent directly to lockbox)
- Mashpee Harbormaster Email Correspondence
- Order of Conditions SE 43-3079, Issued 10/29/2020
- Previously Issued Ch 91 License # 2739, dated 9/5/1991
- Mashpee USGS Map, identifying Locus
- Plan entitled, "*Plan to accompany petition of South Cape Homeowners Association, to License and Maintain an Existing Pier, Ramp, And Float System in Great River, Mashpee, Barnstable County, MA*" Sheets 1 & 2, Dated 11/02/2020.

Please contact our office if you have any questions or require additional information.

Thank you for your assistance.

Sincerely,

COASTAL ENGINEERING CO., INC.

Carla A. Davis

Enclosures: as stated

cc: South Cape Homeowners Association
Barry P. Fogel, Keegan Werlin LLP
Donald K. Munroe, Project Manager

Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Waterways Regulation Program
Chapter 91 Waterways License Application - 310 CMR 9.00
 Water-Dependent, Nonwater-Dependent, Amendment

X286982
 Transmittal No.

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



For assistance in completing this application, please see the "Instructions".

A. Application Information (Check one)

NOTE: For Chapter 91 Simplified License application form and information see the Self Licensing Package for BRP WW06.

Name (Complete Application Sections)	Check One	Fee	Application #
WATER-DEPENDENT -			
General (A-H)	<input type="checkbox"/> Residential with \leq 4 units	\$215.00	BRP WW01a
	<input checked="" type="checkbox"/> Other	\$330.00	BRP WW01b
	<input type="checkbox"/> Extended Term	\$3,350.00	BRP WW01c
Amendment (A-H)	<input type="checkbox"/> Residential with \leq 4 units	\$100.00	BRP WW03a
	<input type="checkbox"/> Other	\$125.00	BRP WW03b
NONWATER-DEPENDENT -			
Full (A-H)	<input type="checkbox"/> Residential with \leq 4 units	\$665.00	BRP WW15a
	<input type="checkbox"/> Other	\$2,005.00	BRP WW15b
	<input type="checkbox"/> Extended Term	\$3,350.00	BRP WW15c
Partial (A-H)	<input type="checkbox"/> Residential with \leq 4 units	\$665.00	BRP WW14a
	<input type="checkbox"/> Other	\$2,005.00	BRP WW14b
	<input type="checkbox"/> Extended Term	\$3,350.00	BRP WW14c
Municipal Harbor Plan (A-H)	<input type="checkbox"/> Residential with \leq 4 units	\$665.00	BRP WW16a
	<input type="checkbox"/> Other	\$2,005.00	BRP WW16b
	<input type="checkbox"/> Extended Term	\$3,350.00	BRP WW16c
Joint MEPA/EIR (A-H)	<input type="checkbox"/> Residential with \leq 4 units	\$665.00	BRP WW17a
	<input type="checkbox"/> Other	\$2,005.00	BRP WW17b
	<input type="checkbox"/> Extended Term	\$3,350.00	BRP WW17c
Amendment (A-H)	<input type="checkbox"/> Residential with \leq 4 units	\$530.00	BRP WW03c
	<input type="checkbox"/> Other	\$1,000.00	BRP WW03d
	<input type="checkbox"/> Extended Term	\$1,335.00	BRP WW03e

Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Waterways Regulation Program
Chapter 91 Waterways License Application - 310 CMR 9.00
 Water-Dependent, Nonwater-Dependent, Amendment

X286982
 Transmittal No.

B. Applicant Information Proposed Project/Use Information

1. Applicant:

Darien Homer, South Cape Homeowners Assoc.

Name

E-mail Address

P.O. Box 468

Mailing Address

Mashpee

City/Town

MA

State

02649

Zip Code

Telephone Number

Fax Number

Note: Please refer
 to the "Instructions"

2. Authorized Agent (if any):

Donald K. Munroe

Name

dmunroe@coastalengineeringcompany.com

E-mail Address

260 Cranberry Highway

Mailing Address

Orleans

City/Town

MA

State

02653

Zip Code

5082556511

Telephone Number

5082556700

Fax Number

C. Proposed Project/Use Information

1. Property Information (all information must be provided):

SCCA Inc.

Owner Name (if different from applicant)

125-149-0

Tax Assessor's Map and Parcel Numbers

41°33'36.04"N

Latitude

70°30'34.29"

W

112 Whippoorwill Circle, Mashpee

Street Address and City/Town

MA

State

02649

Zip Code

2. Registered Land Yes No

3. Name of the water body where the project site is located:

Great River

4. Description of the water body in which the project site is located (check all that apply):

Type

Nature

Designation

Nontidal river/stream

Natural

Area of Critical Environmental Concern

Flowed tidelands

Enlarged/dammed

Designated Port Area

Filled tidelands

Uncertain

Ocean Sanctuary

Great Pond

Uncertain

Uncertain

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Waterways Regulation Program
Chapter 91 Waterways License Application - 310 CMR 9.00
Water-Dependent, Nonwater-Dependent, Amendment

X286982
Transmittal No.

C. Proposed Project/Use Information (cont.)

Select use(s) from
Project Type Table
on pg. 2 of the
"Instructions"

5. Proposed Use/Activity description

Proposed Re-Licensing of Existing Dock System

6. What is the estimated total cost of proposed work (including materials & labor)?

\$ _____

7. List the name & complete mailing address of each abutter (attach additional sheets, if necessary). An abutter is defined as the owner of land that shares a common boundary with the project site, as well as the owner of land that lies within 50' across a waterbody from the project.

HOMELAND GROUP	119 AUTUMN CIRCLE, HOLDEN, MA 01520
REAL TY LLC	Address
MASHPEE, TOWN OF	16 GREAT NECK RD, MASHPEE, MA 02649
Name	Address
_____	_____
Name	Address

D. Project Plans

1. I have attached plans for my project in accordance with the instructions contained in (check one):

Appendix A (License plan) Appendix B (Permit plan)

2. Other State and Local Approvals/Certifications

<input type="checkbox"/> 401 Water Quality Certificate	_____
	Date of Issuance
<input checked="" type="checkbox"/> Wetlands	SE 43-3079
	File Number
<input type="checkbox"/> Jurisdictional Determination	JD-
	File Number
<input type="checkbox"/> MEPA	_____
	File Number
<input type="checkbox"/> EOEA Secretary Certificate	_____
	Date
<input type="checkbox"/> 21E Waste Site Cleanup	_____
	RTN Number

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Waterways Regulation Program
Chapter 91 Waterways License Application - 310 CMR 9.00
Water-Dependent, Nonwater-Dependent, Amendment

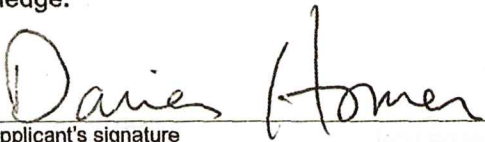
X286982
Transmittal No.

E. Certification

All applicants, property owners and authorized agents must sign this page. All future application correspondence may be signed by the authorized agent alone.

"I hereby make application for a permit or license to authorize the activities I have described herein. Upon my signature, I agree to allow the duly authorized representatives of the Massachusetts Department of Environmental Protection and the Massachusetts Coastal Zone Management Program to enter upon the premises of the project site at reasonable times for the purpose of inspection."


"I hereby certify that the information submitted in this application is true and accurate to the best of my knowledge."


Applicant's signature

12/23/20
Date

Property Owner's signature (if different than applicant)

Date


Agent's signature (if applicable)
Donald K. Munroe, Coastal Engineering Co., Inc.

12/23/2020
Date

Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Waterways Regulation Program
Chapter 91 Waterways License Application - 310 CMR 9.00
 Water-Dependent, Nonwater-Dependent, Amendment

X286982
 Transmittal No.

F. Waterways Dredging Addendum N/A

1. Provide a description of the dredging project

Maintenance Dredging (include last dredge date & permit no.) Improvement Dredging

Purpose of Dredging

2. What is the volume (cubic yards) of material to be dredged?

3. What method will be used to dredge?

Hydraulic Mechanical Other

4. Describe disposal method and provide disposal location (include separate disposal site location map)

5. Provide copy of grain size analysis. If grain size is compatible for beach nourishment purposes, the Department recommends that the dredged material be used as beach nourishment for public beaches. **Note:** In the event beach nourishment is proposed for private property, pursuant to 310 CMR 9.40(4)(a)1, public access easements below the existing high water mark shall be secured by applicant and submitted to the Department.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Waterways Regulation Program
Chapter 91 Waterways License Application - 310 CMR 9.00
Water-Dependent, Nonwater-Dependent, Amendment

X286982
Transmittal No.

G. Municipal Zoning Certificate

South Cape Homeowners Association

Name of Applicant

112 Whippoorwill Circle

Project street address

Great River

Waterway

Mashpee

City/Town

Description of use or change in use:

Proposed Re-Licensing of Existing Dock System

To be completed by municipal clerk or appropriate municipal official:

"I hereby certify that the project described above and more fully detailed in the applicant's waterways license application and plans is not in violation of local zoning ordinances and bylaws."

Printed Name of Municipal Official

Date

Signature of Municipal Official

Title

City/Town

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Waterways Regulation Program
Chapter 91 Waterways License Application - 310 CMR 9.00
Water-Dependent, Nonwater-Dependent, Amendment

X286982

Transmittal No.

H. Municipal Planning Board Notification

Notice to Applicant:

Section H should be completed and submitted along with the original application material.

South Cape Homeowners Association

Name of Applicant

112 Whippoorwill Circle

Project street address

Great River

Waterway

Mashpee

City/Town

Description of use or change in use:

Proposed Re-Licensing of Existing Dock System

To be completed by municipal clerk or appropriate municipal official:

"I hereby certify that the project described above and more fully detailed in the applicant's waterways license application and plans have been submitted by the applicant to the municipal planning board."

Evan R Lehrer

Printed Name of Municipal Official

12/28/2020

Date

[Handwritten Signature]

Signature of Municipal Official

Town Planner

Title

Mashpee

City/Town

Note: Any comments, including but not limited to written comments, by the general public, applicant, municipality, and/or an interested party submitted after the close of the public comment period pertaining to this Application shall not be considered, and shall not constitute a basis for standing in any further appeal pursuant to 310 CMR 9.13(4) and/or 310 CMR 9.17.



Enter your transmittal number



X286982
Transmittal Number

Your unique Transmittal Number can be accessed online:

<http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html>

Massachusetts Department of Environmental Protection

Transmittal Form for Permit Application and Payment

1. Please type or print. A separate Transmittal Form must be completed for each permit application.

2. Make your check payable to the Commonwealth of Massachusetts and mail it with a copy of this form to: MassDEP, P.O. Box 4062, Boston, MA 02211.

3. Three copies of this form will be needed.

Copy 1 - the original must accompany your permit application. Copy 2 must accompany your fee payment. Copy 3 should be retained for your records

4. Both fee-paying and exempt applicants must mail a copy of this transmittal form to:

MassDEP
P.O. Box 4062
Boston, MA
02211

* Note:
For BWSC Permits,
enter the LSP.

A. Permit Information

BRP WW01b

Water Dependent

1. Permit Code: 4 to 7 character code from permit instructions

2. Name of Permit Category

Proposed Re-Licensing of Existing Dock System

3. Type of Project or Activity

B. Applicant Information - Firm or Individual

South Cape Homeowners Association

1. Name of Firm - Or, if party needing this approval is an individual enter name below:

Homer

Darien

2. Last Name of Individual

3. First Name of Individual

4. MI

P.O. Box 468

5. Street Address

Mashpee

MA

02649

6. City/Town

7. State

8. Zip Code

9. Telephone #

10. Ext. #

11. Contact Person

12. e-mail address

C. Facility, Site or Individual Requiring Approval

SCCA Inc.

1. Name of Facility, Site Or Individual

112 Whippoorwill Circle

2. Street Address

Mashpee

MA

02649

3. City/Town

4. State

5. Zip Code

6. Telephone #

7. Ext. #

8. DEP Facility Number (if Known)

9. Federal I.D. Number (if Known)

10. BWSC Tracking # (if Known)

D. Application Prepared by (if different from Section B)*

Coastal Engineering Co., Inc.

1. Name of Firm Or Individual

260 Cranberry Highway

2. Address

Orleans

MA

02653

5082556511

3. City/Town

4. State

5. Zip Code

6. Telephone #

7. Ext. #

8. Contact Person

9. LSP Number (BWSC Permits only)

E. Permit - Project Coordination

1. Is this project subject to MEPA review? yes no
If yes, enter the project's EOE file number - assigned when an Environmental Notification Form is submitted to the MEPA unit:

EOEA File Number

F. Amount Due

Special Provisions:

1. Fee Exempt (city, town or municipal housing authority)(state agency if fee is \$100 or less).
There are no fee exemptions for BWSC permits, regardless of applicant status.
2. Hardship Request - payment extensions according to 310 CMR 4.04(3)(c).
3. Alternative Schedule Project (according to 310 CMR 4.05 and 4.10).
4. Homeowner (according to 310 CMR 4.02).

DEP Use Only

Permit No:

Rec'd Date:

Reviewer:

403

\$330.00

12/22/2020

Check Number

Dollar Amount

Date

COASTAL ENGINEERING CO INC.
SANDWICH OFFICE
260 RT. 6A
ORLEANS, MA 02653-3114


403

Date 12/22/2020 53-7107/2113

Pay To The
Order Of

Commonwealth of MA-DEP \$ 330.00

Three hundred and thirty 00/100 Dollars

 Security Features
Visible Only on Back

CAPE 5 PO Box 10
COD 5 Orleans, MA 02653
capecodfive.com

Memo 19,385.00 Whippoorwill

Carla Li

MP

On Oct 2, 2020, at 9:03 AM, Jeffrey Smith
<JSmith@mashpeema.gov> wrote:

Good Day Craig,

It would best if you confirmed with Conservation, I have not seen anywhere in my correspondence about a limit of 6 boats, so I am unsure of where that request would have come from.

Plus it would allow you to have the information on hand as I do not attend Conservation Commission meetings.

Jeff Smith
Town of Mashpee - Harbormaster

From: Craig Robert <cprobert67@yahoo.com>
Sent: Thursday, October 1, 2020 9:29 AM
To: Jeffrey Smith <JSmith@mashpeema.gov>
Cc: Darien. Homer Homer <darien.homer@comcast.net>
Subject: Re: October 8 Conservation Commission Agenda and Public Hearing Notices

Jeff,

Thank you!

Can you confirm with conservation that there is not a 6 boat limit as long as we continue to actively manage the situation as described?

We appreciate your support!

Craig Robert
Treasurer
South Cape Homeowners Association

Sent from my iPhone

On Oct 1, 2020, at 7:27 AM, Jeffrey Smith
<JSmith@mashpeema.gov> wrote:

Craig, It sounds like you have everything that I needed covered and a running a tight ship at your association docks.

Please let me know if you need anything else.

Jeff Smith
Mashpee Harbormaster
Ph: 508-539-1400, ext 8597

From: Craig Robert [mailto:cprobert67@yahoo.com]
Sent: Wednesday, September 30, 2020 6:45 PM
To: Darien. Homer Homer <darien.homer@comcast.net>; Jeffrey Smith <JSmith@mashpeema.gov>
Cc: Cynthia Bartos <cbartos@mashpeema.gov>; Andrew McManus <amcmanus@mashpeema.gov>
Subject: Re: October 8 Conservation Commission Agenda and Public Hearing Notices

Jeff,

Thanks for reviewing our information. For the 2021 season we will include the owner's name and phone number as a requirement to be displayed on the dinghy. Currently we note the active mooring number on the permit sticker and will continue that practice.

We developed a dinghy policy to support those in the association that have active moorings. Our goal is to ensure the members have a way to get to their moored boats and keep all dinghies from being stored or dragged across the coastal bank.

Based on our 11' LOA dinghy restriction, it is believed we can permit tie-ups for up to 14 dinghies at each dock. This year we issued 13 permits at Metacomet dock and 12 permits at Whippoorwill dock and did not have any issues. We are actively managing the policy so that the dinghies are contained inside the dock horseshoe or along the landwards sides so even with tide and wind swing a dinghy will never extend past the front corners of the face dock.

Thanks again for your feedback and support

Regards

Craig Robert

Treasurer
South Cape Homeowners Association

On Wednesday, September 30, 2020, 07:22:54 AM EDT,
Jeffrey Smith <jsmith@mashpeema.gov> wrote:

Good Day Everyone,

You have either meet or exceed all my concerns in regards to both properties by providing me updated blueprints and a copy of your association rules for the dingy docks. So there is no need to meet in person.

One last questions is what are the maximum number of dinghies you are going to allow each dock to hold?

Also one request, is that each dingy be labeled with the owners name and contact number in case they break free from the dock, I am doing the same this year with all dinghies on the racks on town property.

I will let the conservation department know you have answer all my questions and I am good to go, if anything else is needed when this go before the state please let me know.

Jeff Smith Mashpee Harbormaster

Ph: 508-539-1400, ext 8597

From: Craig Robert [<mailto:cprobert67@yahoo.com>]
Sent: Tuesday, September 29, 2020 4:17 PM
To: Jeffrey Smith <JSmith@mashpeema.gov>;
Darien.Homer Homer <darien.homer@comcast.net>
Subject: Re: October 8 Conservation Commission Agenda and Public Hearing Notices

Jeff,

Great to connect with you again. Darien and I met you in the spring when the Grady we were on took on water and the owner tied to the Whippoorwill dock.

We have addressed the concerns from the last conservation meeting and invite you to meet us at the docks to review.

Attached are the revised drawings showing the mooring location as well as some picture that show the docks from the water side as well as on the dock showing how the dinghy tie-up is managed by using only designated cleats. I have also included the signage we have at the docks that limits tie-up time as well as a copy of the dinghy policy we implemented in the spring of 2019.

We would be happy to meet you at either dock on Wednesday 9/30 from 1:00-3:30 PM or Thursday 10/1 anytime after 11:00 AM.

Let us know what works best for you. my cell is 781-248-8373 if you prefer to call or text.

Thanks in advance

Craig Robert

Treasurer

South Cape Homeowners Association

On Tuesday, September 29, 2020, 08:57:11 AM EDT, Cynthia Bartos <cbartos@mashpeema.gov> wrote:

Good morning,

Reminder: Continuance of your proposals was to allow time for revised plans showing locations of moorings within 75 feet and to communicate with Harbormaster Jeffrey Smith. He has been cc'd in this email. Deadline to reach out to the Harbormaster and to submit revised plans is Friday, October 2nd, at noon.

Regards,

Cynthia Bartos
Administrative Assistant
Conservation Department/Department of Natural Resources
cbartos@mashpeema.gov
508-539-1400, ext 8540

From: Jeffrey Smith
Sent: Tuesday, September 29, 2020 8:45 AM
To: Cynthia Bartos <cbartos@mashpeema.gov>
Cc: Andrew McManus <amcmanus@mashpeema.gov> **Subject:**
RE: October 8 Conservation Commission Agenda and Public Hearing Notices

I have received no communication from either 15 Metacomet or

112 Whippoorwill in regards to the charting of the moorings.

Jeff Smith
Mashpee Harbormaster
Ph: 508-539-1400, ext 8597

From: Cynthia Bartos
Sent: Monday, September 28, 2020 3:52 PM
To: AndrewMcManus <amcmanus@mashpeema.gov>; Ashley Fisher <Afisher@mashpeema.gov>; Caitlin Cantella <ccantella@mashpeema.gov>; Catherine Laurent <claurent@mashpeema.gov>; Charles Maintanis <cmaintanis@mashpeema.gov>; Craig Mayen <cmayen@mashpeema.gov>; Deb F. Dami <ddami@mashpeema.gov>; Donovan McElligatt <DMcElligatt@mashpeema.gov>; Evan Lehrer <ELehrer@mashpeema.gov>; Glen E. Harrington <gharrington@mashpeema.gov>; Jack Phelan <jphelan@mashpeema.gov>; Jason Streebel <jstreebel@mashpeema.gov>; Jeffrey Smith <JSmith@mashpeema.gov>; Joseph Callahan <JCallahan@mashpeema.gov>; Karol A. Grato <kgrato@mashpeema.gov>; Katelyn Cadoret <kwcadoret@mashpeema.gov>; Ken Bates <kenbates@comcast.net>; Mary Ann Romero <mromero@mashpeema.gov>; Michael R. Richardson <mrichardson@mashpeema.gov>; Rodney C. Collins <rccollins@mashpeema.gov>; Scott Carline <scarline@mashpeema.gov>; Stephanie Coleman <SColeman@mashpeema.gov>; Susan Mulcare <SMulcare@mashpeema.gov>; Tamara Gray <TGray@mashpeema.gov>; Terrie Cook <tmcook@mashpeema.gov>; Thomas Rullo <TRullo@mashpeema.gov>; Wayne E. Taylor <wtaylor@mashpeema.gov>
Subject: October 8 Conservation Commission Agenda and Public Hearing Notices
Importance: High

Good afternoon, Please submit comments concerning these petitions to the Conservation Department prior to the hearing date.

Regards,

Cynthia Bartos
Administrative Assistant
Conservation Department/Department of Natural Resources 16
Great Neck Road
Mashpee, MA 02649
cbartos@mashpeema.gov
508-539-1400, ext. 8540

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:043-3079
eDEP Transaction #:1216112
City/Town:MASHPEE

A. General Information

- 1. Conservation Commission MASHPEE
- 2. Issuance a. OOC b. Amended OOC
- 3. Applicant Details
 - a. First Name DARIEN b. Last Name HOMER
 - c. Organization SOUTH CAPE HOMEOWNERS ASSOCIATION
 - d. Mailing Address PO BOX 468
 - e. City/Town MASHPEE f. State MA g. Zip Code 02649
- 4. Property Owner
 - a. First Name b. Last Name
 - c. Organization SCCA, INC.
 - d. Mailing Address P.O. BOX 468
 - e. City/Town MASHPEE f. State MA g. Zip Code 02649
- 5. Project Location
 - a. Street Address 112 WHIPPOORWILL CIRCLE
 - b. City/Town MASHPEE c. Zip Code 02649
 - d. Assessors Map/Plat# MAP 125/PARCEL 149 e. Parcel/Lot# LOT 141, LC PLAN 26502-E (SHEET 3) AND LOT 168, LC PLAN 26502-F
 - f. Latitude 41.56105N g. Longitude 70.50847W
- 6. Property recorded at the Registry of Deed for:

a. County	b. Certificate	c. Book	d. Page
BARNSTABLE	100605	LOT 141, LC PLAN 26502-E (SHEET 3) AND LOT 168, LC PLAN 26502-F	

7. Dates

- a. Date NOI Filed : 7/24/2020 b. Date Public Hearing Closed: 10/8/2020 c. Date Of Issuance: 10/29/2020

8. Final Approved Plans and Other Documents

- a. Plan Title: PLAN SHOWING EXISTING PIER, RAMP AND FLOATS
- b. Plan Prepared by: COASTAL ENGINEERING, CO.
- c. Plan Signed/Stamped by: ROGER P. MICHNIEWICZ, P.E.
- d. Revised Final Date: 9/28/2020
- e. Scale: 1" = 20'

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act
Following the review of the the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act.

Check all that apply:

Doc # 358,049

Massachusetts Department of Environmental Protection

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a. <input checked="" type="checkbox"/> Public Water Supply	b. <input type="checkbox"/> Land Containing Shellfish	c. <input checked="" type="checkbox"/> Prevention of Pollution
d. <input checked="" type="checkbox"/> Private Water Supply	e. <input checked="" type="checkbox"/> Fisheries	f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat
g. <input checked="" type="checkbox"/> Ground Water Supply	h. <input checked="" type="checkbox"/> Storm Damage Prevention	i. <input checked="" type="checkbox"/> Flood Control

2. Commission hereby finds the project, as proposed, is:

Approved subject to:

a. The following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

b. The proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**

c. The information submitted by the applicant is not sufficient to describe the site, the work or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310CMR10.02(1)(a).

a. linear feet

Inland Resource Area Impacts:(For Approvals Only):

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. <input type="checkbox"/> Land under Waterbodies and Waterways	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
Cubic Feet Flood Storage	<u> </u> e. cubic feet	<u> </u> f. cubic feet	<u> </u> g. cubic feet	<u> </u> h. cubic feet

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8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u> </u>	<u> </u>		
	a. square feet	b. square feet		
Cubic Feet Flood Storage	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	<u> </u>	<u> </u>		
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	g. square feet	h. square feet	i. square feet	j. square feet

Coastal Resource Area Impacts:

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
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10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input checked="" type="checkbox"/> Land Under the Ocean	<u>1</u>	<u>1</u>		
	a. square feet	b. square feet		
	<u>0</u>	<u>0</u>		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input checked="" type="checkbox"/> Coastal Beaches	<u>1</u>	<u>1</u>	<u>0</u>	<u>0</u>
	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
14. <input type="checkbox"/> Coastal Dunes	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
15. <input type="checkbox"/> Coastal Banks	<u> </u>	<u> </u>		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u>	<u> </u>		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u>	<u> </u>		
	a. square feet	b. square feet		
	<u> </u>	<u> </u>		
	c. c/y dredged	d. c/y dredged		
19. <input checked="" type="checkbox"/> Land Containing Shellfish	<u>1</u>	<u>1</u>	<u>0</u>	<u>0</u>
	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	<u> </u>	<u> </u>		
	c. c/y dredged	d. c/y dredged		

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which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..

10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

" Massachusetts Department of Environmental Protection"

[or 'MassDEP']

File Number : "043-3079"

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before Mass DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order(the "Project") is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions;
- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period

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BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with

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all applicable federal, state, and local laws and regulations.

- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions:

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No

2. The Conservation Commission hereby (check one that applies):

a. DENIES the proposed work which cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

b. APPROVES the proposed work, subject to the following additional conditions.

1. Municipal Ordinance or Bylaw TOWN OF MASHPEE 2. Citation CHAPTER 172

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows:
SEE ATTACHED PAGES A THROUGH D.

COASTAL DOCKS/COASTAL STRUCTURES

TOWN OF MASHPEE CHAPTER 172 ORDER OF CONDITIONS FOR 43-3079

112 Whippoorwill Circle):

Work Description:

Permit existing pier, ramp and float system.

1. Any work activities and/or alterations discovered during inspections that are not included in the work description above shall be due cause for enforcement actions, including enforcement orders, fines, revocation of this permit and/or denial of a Certificate of Compliance.

This Order of Conditions (OOC) authorizes the Conservation Agent, Assistant Agent or other designated representative of the Conservation Department to enter the property, as necessary, to monitor the project for compliance with this OOC. This authorization shall continue until such time as a Certificate of Compliance is issued from either the Conservation Commission or the MA Department of Environmental Protection (as applicable).

2. This OOC is subject to amendment, revocation or a new application should the Commission deem:
 - Incomplete work is causing damage to the interests of either the MA State Wetlands Protection Act (M.G.L., Ch. 131, Section 40) or the Town of Mashpee Wetland Ordinance (Chapter 172).
 - New information, not available at the time this OOC was issued, has become available and indicates that the Order is not adequate to protect the interests of both the state and local wetland protection acts.

Should the Commission choose to amend or revoke this OOC, the applicant/permit holder will be notified by certified mail and shall be allowed to respond and present evidence at a public hearing. Notice of said hearing shall be published in a newspaper of local circulation and the hearing shall be conducted in accordance with the MA Open Meeting Law (M.G.L. Ch.39, Section 23B).

3. Notwithstanding any contents of the Notice of Intent for the permit and/or any provisions of this OOC, all work/alterations on this site subject to this permit shall meet the following performance standards for 310 CMR 10.00 and Mashpee's Chapter 172 Wetland Bylaw:

- 310 CMR 10.02(1)(d)- Land Subject to Coastal Storm Flow
- 310 CMR 10.25- Land Under Ocean
- 310 CMR 10.30- Coastal Banks
- 310 CMR 10.32- Salt Marshes
- 310 CMR 10.34- Land Containing Shellfish
- 310 CMR 10.55- Bordering Vegetated Wetland

- Ch.172, Reg.12- Mitigation
- Ch.172, Reg.15- Shellfish
- Ch.172, Reg.16- Coastal Banks
- Ch.172, Reg.17- Coastal Resource Areas (Other than Banks)
- Ch.172, Reg.25- Land Subject to Flooding or Inundation by Coastal Flowage
- Ch.172, Reg.27- Docks, Piers and Floats

Ch.172, Reg.29- Buffer Zones and Buffer Strips

Ch.172, Reg.32- Water Quality

Resource Area Values to be Protected (Chapter 172-1)

Erosion/Sedimentation Control

Storm Damage Prevention

Water Pollution Control

Water Quality

Fisheries

Shellfish

Prevention of Pollution

Wildlife Habitat

Recreation

4. PREWORK CONDITIONS: *(The following conditions must be met PRIOR to any work proceeding or signing of any other town permits)*

- Submission of a dated copy of the recording page of the Order of Conditions (OOC) to the Conservation Department. The OOC cannot be recorded until the end of the 10 day appeal period from the date of issue (date of issue is the date that the OOC is mailed out or picked up in person).
- Submission of FORMS A & B, attached to this Order of Conditions (OOC) to the Conservation Department.
- Any deviations made or intended to be made from the approved plan of record accompanying the OOC shall require, in advance, one of the following:
 - A new Notice of Intent or Amended Order Request.
 - A written Administrative Approval from the Conservation Department indicating the proposed changes are not substantial enough to require either of the above.

ADDITIONAL CONDITIONS

5. Upon receipt/recording of this Order of Conditions, the applicant is required to apply for an amended Chapter 91 License from the State of Massachusetts. Proof of application to Chapter 91 and recorded permit from Chapter 91 must be provided to the Mashpee Conservation Department.
6. No part of the fixed pier/access steps can be wider than four (4) feet.
7. The float, if removed seasonally, **cannot be dragged across any wetland resource area NOR can it be stored upon any salt marsh, bank or bordering vegetated wetland at any time.**
8. Performance standards of 310 CMR 10.25 (Land Under Ocean) require minimal adverse effects on water circulation, eel grass (if present), water quality and/or sediment changes. Any vessel(s) using this dock cannot adversely impact the values associated with Land Under Ocean through grounding or prop dredging of the underlying sediments. The commission reserves the right to require additional measures to ensure that the performance standards for Land Under Ocean and Land Containing Shellfish are not adversely impacted.

9. The DEP permit number AND street address are to be displayed in perpetuity on the float and fixed pier. A minimum of three (3) inch lettering on contrasting color background must be used for displaying this information. Any signage that fades or falls apart must be replaced immediately. No certificate of compliance will be issued on any dock project without proof of this signage in place.
10. At no time shall boat washing (using chemical agents) occur while vessel(s) are docked at this pier/float.
11. The Commission reserves the right to require modifications and/or limitations relative to authorized work/methodology of work to ensure compliance with this OOC. Any modifications/restrictions will be provided in writing to the applicant.
12. A Naturally Vegetated Buffer Strip (NVBS) delineated as all naturally vegetated areas within 50 feet of bordering vegetated wetlands must be maintained in perpetuity. Within this Buffer Strip, no removal and/or pruning of vegetation is permitted with the exception of pathway no wider than four (4) feet. Pathway(s) must be shown on a plan of record and staked in the field prior to creation.
13. Vista pruning is not allowed under this permit.
14. The Conservation Department must be notified immediately of any proposed changes in dock footprint, including float changes.
15. In the event of any adverse impacts to wetland resource areas as a result of construction and/or maintenance of this project, the Commission reserves the right to require additional measures to protect resource areas and values as per MGL Chapter 131 Section 40 and/or Mashpee's Chapter 172 Wetland Bylaw. The Conservation Agent, Assistant Agent and/or other designated representative of the Commission shall have the right to enter the premises to monitor ongoing work/maintenance.
16. The Plan of Record for this OOC does not constitute specific acceptance of the boundaries of resource areas under M.G.L. Chapter 131 Section 40 and Chapter 172 of the Mashpee Code for any work not described under Section 1 A of this Order. A new filing/application may be necessary if deemed so by the Commission and require new plans and/or new delineations of resource areas. The Commission may also require that said plans be prepared by a certified engineer, surveyor and/or landscape designer.
17. This OOC or any continuing conditions in perpetuity will apply to any successor in interest or control
18. Violation of any conditions in this Order or any continuing conditions in perpetuity may result in the issuance of an enforcement order. Such enforcement order, if issued, will require the immediate cessation of all work until the mandates in the enforcement order are followed. In some instances, the violation may necessitate a hearing, in this case, such hearing will be held no more than 15 days from the issuance of an enforcement order.
19. In the event that a Superseding Order of Conditions is issued following an appeal to the MA State Department of Environmental Protection, this OOC issued pursuant to Chapter 172 of the Mashpee Code shall be considered amended to include all conditions of said Superseding Order. Notwithstanding the preceding, all special conditions protecting the wetland values of Chapter 172 shall remain in effect unless modified by an Order amending said conditions. The Commission reserves the right to require (in the event of the issuance of a Superseding Order by DEP) an Amended Order

of Conditions if it deems such necessary for clarification and/or protection of the wetland values of Chapter 172.

20. Special conditions: **3, 6, 8, 9, 10, 12, 14, 15, 17 & 18** extend beyond the Certificate of Compliance (in perpetuity) and shall be referenced in all future deeds of this property.
21. Upon completion of this project, the applicant must submit the following to the Commission to receive a Certificate of Compliance, closing out the permit/OOC with the Conservation Department:
 - a. A form requesting a Certificate of Compliance (WPA Form 8A).
 - b. A written statement from the registered professional engineer, surveyor, landscape designer, architect or wetland consultant associated with this project certifying that the work has been conducted as shown on the plan(s) of record and documents referenced, and as conditioned by the Commission.
 - c. The Commission reserves the right, before issuing a Certificate of Compliance (should items "a" and "b" be deemed insufficient and/or in effort) to require an "as built" plan prepared and signed/stamped by a registered professional engineer or land surveyor of the Commonwealth.
22. This Order is valid for three years from the date of issuance but may be extended for more additional periods of up to three years per extension request. All extension requests are at the discretion of the Commission and may be subject to denial if deemed appropriate.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:043-3079
eDEP Transaction #:1216112
City/Town:MASHPEE

E. Signatures


This Order is valid for three years from the date of issuance, unless otherwise specified pursuant to General Condition #4. If this is an Amended Order of Conditions, the Amended Order expires on the same date as the original Order of Conditions.

10/29/2020
1. Date of Original Order

Please indicate the number of members who will sign this form. This Order must be signed by a majority of the Conservation Commission.

1
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures: 
Chad R. Smith, CHAIR

by hand delivery on
Date

by certified mail, return receipt requested, on
10/29/2020
Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

This instrument has been executed by and on behalf of the Conservation Commission by its duly authorized agent in accordance with the Certificate of Vote filed with the Barnstable Land Court District Registry as Document No. 1,409,048.

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:043-3079

eDEP Transaction #:1216112

City/Town:MASHPEE

regulations, the Department has no appellate jurisdiction.

G. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

MASHPEE

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

MASHPEE

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

112 WHIPPOORWILL CIRCLE

Project Location

043-3079

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

**Massachusetts Department of Environmental
Protection**
Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:043-3079
eDEP Transaction #:1216112
City/Town:MASHPEE

Signature of Applicant

Rev. 4/1/2010

Page 10 of 10 * ELECTRONIC COPY

JOHN F. MEADE, ASSISTANT RECORDER
BARNSTABLE REGISTRY LAND COURT DISTRICT
RECEIVED & RECORDED ELECTRONICALLY

624812

noted on Ch. 100605 ✓

9

DARNSTABLE COUNTY
REGISTRY OF DEEDS
JOHN F. HEADE

SEP 27 10 08 AM '94

RECORDED

RECEIVED SEP 27 1994
SEP 27 9 42 AM '94
DARNSTABLE COUNTY
REGISTRY OF DEEDS

10.29

Care x Islands Eng.
131 Spring Bors Rd.
Falm 02540

The Commonwealth of Massachusetts

No. 2739



Whereas, South Cape Civic Association

of Natick, in the County of Middlesex and Commonwealth aforesaid, has applied to the Department of Environmental Protection* for license to construct and maintain a pier, ramp and float-----

and has submitted plans of the same; and whereas due notice of said application, and of the time and place fixed for a hearing thereon, has been given, as required by law, to the Board of Selectmen of the Town of Mashpee.-----

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said-----

South Cape Civic Association subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to construct and maintain a pier, ramp and float-----

in and over the waters of the Great River in the Town of Mashpee and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 2739, (3 sheets).

*Pursuant to Stat. 1989, c.240, s.101, "The Department of Environmental Quality Engineering shall be known as the Department of Environmental Protection," hereinafter in this document referred to as the "Department" or "DEP".

Cell. # 100605
lot 168 pl 26502-F

PLAN BOOK 482 PAGES 87, 88 & 89

License No. 2739

Page 2

The structures hereby authorized shall be limited to the following use: noncommercial docking and boating access to navigable waters.

This license is valid for 30 years from the date of license issuance. By written request of the Licensee for an amendment, the Department may grant a renewal for the term of years not to exceed that authorized in the original license.

Please see page three for additional conditions to this license.-----

Duplicate of said plan, number 2739 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP Division of Water Pollution Control.

License No. 2739

Page 4

The amount of tide-water displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said --South Cape Civic Association----- by paying into the treasury of the Commonwealth two dollars and zero cents (\$2.00) for each cubic yard so displaced, being the amount hereby assessed by said Department. (0 cy = \$0.00)

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of Barnstable.

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this fifth day of September in the year nineteen hundred and ninety-one.

Commissioner _____
Director _____
Section Chief _____

Thomas B. Parsons
Christy V. Smith
John A. Sizer

Department of
Environmental
Protection

THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said South Cape Civic Association of the further sum of one thousand eighty dollars and zero cents (\$1080.00)-----

the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

Approved by the Governor.

BOSTON,
Paul Cell
Governor
Ap. [Signature]

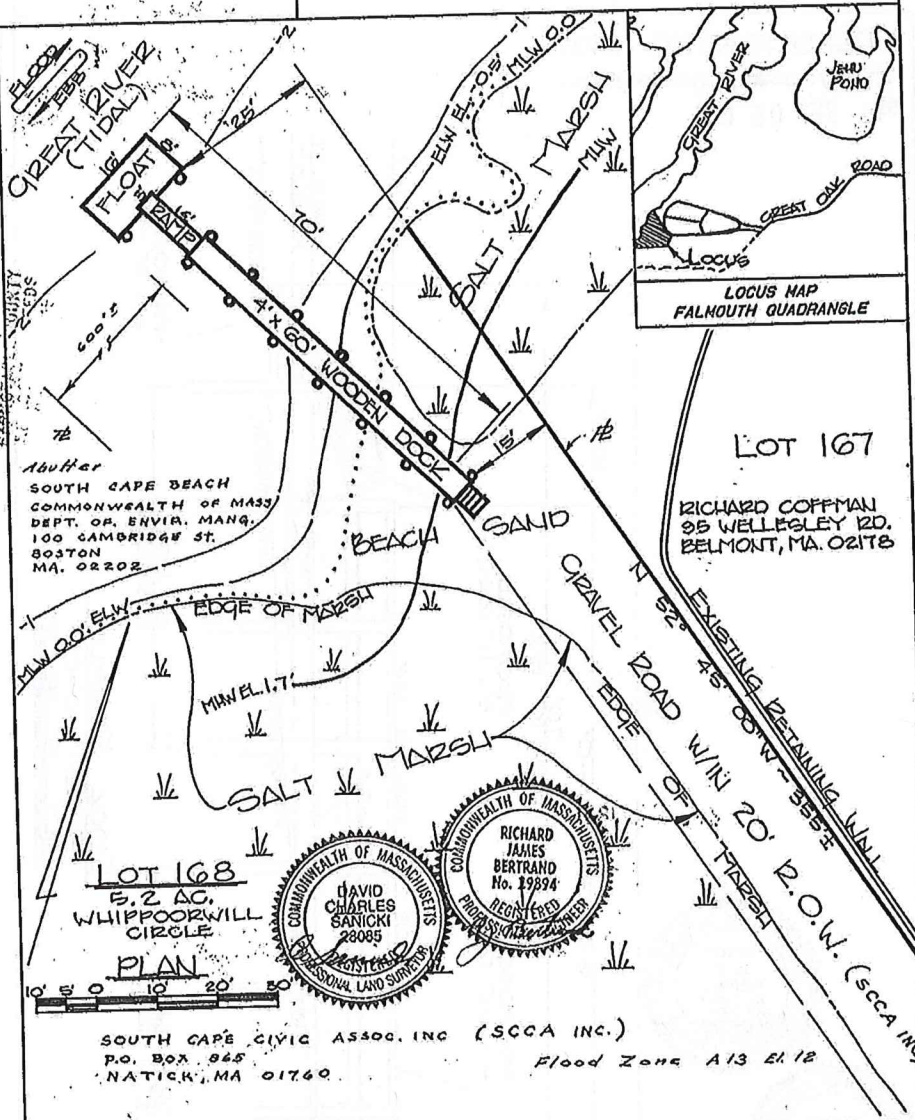
"I CERTIFY THAT THIS PLAN CONFORMS
TO THE RULES AND REGULATIONS OF THE
REGISTERS OF DEEDS"
DATE: AUG. 23, 1990

David Sanicki

CAPE & ISLANDS SURVEYING
131 SPRING BARS ROAD
FALMOUTH, MASS.

482-87

RECEIVED & RECORDED
SEP 11 9 41 AM '91



SHEET 1 OF 3 AUG. 23, 1990 REVD 7/19/91 ELEVATIONS ARE BASED ON MEAN LOW WATER
PLAN ACCOMPANYING PETITION OF
SOUTH CAPE CIVIC ASSOC.
TO CONSTRUCT & MAINTAIN A
WOODEN DOCK, RAMP & FLOAT
IN GREAT RIVER, MASHPEE, MASS.
CAPE & ISLANDS SURVEYING
FALMOUTH, MASS.

REGISTERED PLAN NO. 2739
Approved by Department of Environmental Protection
of Massachusetts
Thomas J. Ryan COMMISSIONER
Christy Telle-Smith DIRECTOR
D. K. S. Jr. SECTION CHIEF
SEP 05 1991 DATE

"I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS"
 DATE: AUG. 23, 1990

David Sanicki

CAPE & ISLANDS SURVEYING
 131 SPRING BARS ROAD
 FALMOUTH, MASS.

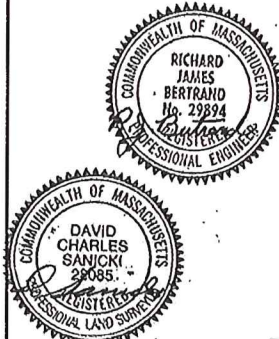
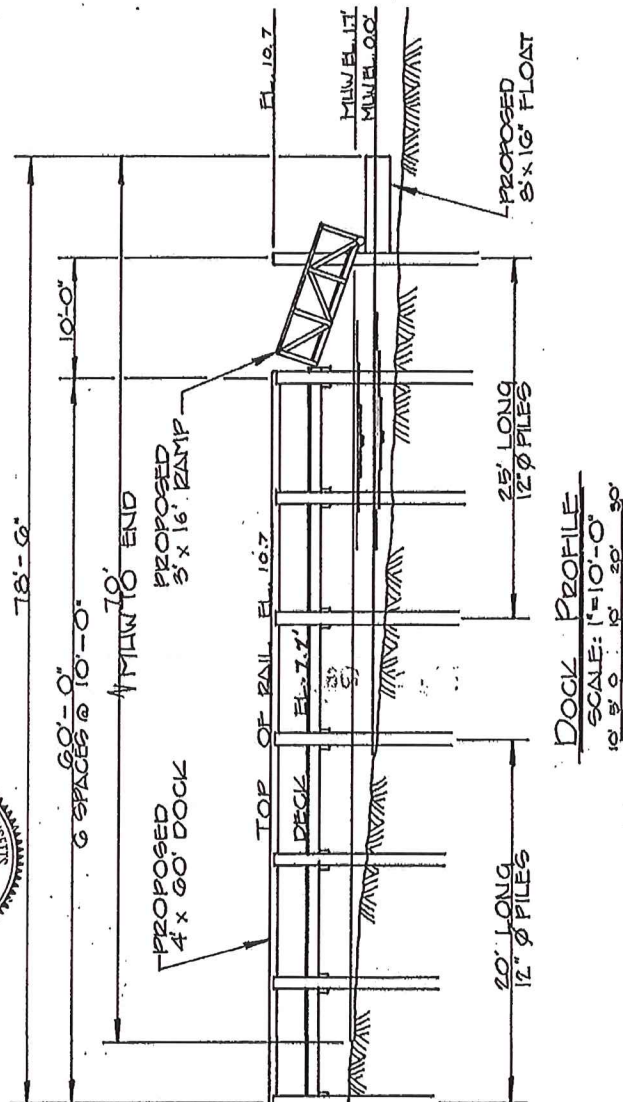
482-88

RECEIVED
 SEP 11 9 41 AM '91
 BARNSTABLE COUNTY
 DEEDS

LICENSE PLAN NO. 2739

Approved by Department of Environmental Protection

Date: SEP 05 1991



SOUTH CAPE CIVIC ASSOC.

CAPE & ISLANDS SURVEYING
 FALMOUTH, MASS.

SHEET 2 OF 3 AUG. 23, 1990 REVD 7/19/91
 ELEVATIONS ARE BASED ON MEAN LOW WATER

"I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS"
DATE: AUG. 29, 1990

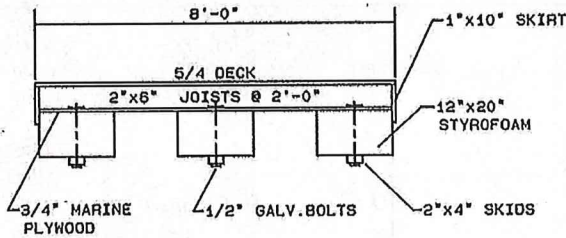
David Smith

CAPE & ISLANDS SURVEYING
131 SPRING BARS ROAD
FALMOUTH, MASS.

LICENSE PLAN NO. 2739

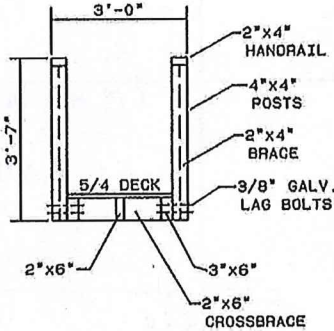
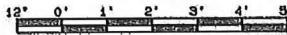
Approved by Department of Environmental Protection

Date: SEP 05 1991



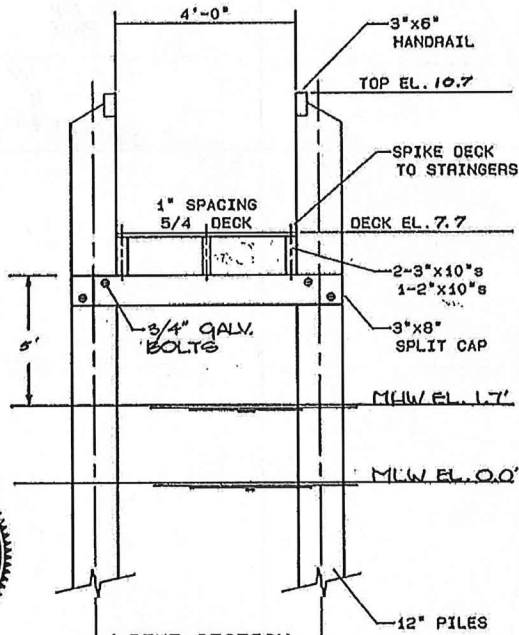
FLOAT SECTION

SCALE: 3/8"=1'-0"



RAMP SECTION

SCALE: 3/8"=1'-0"



BENT SECTION

SCALE: 3/8"=1'-0"

482-89

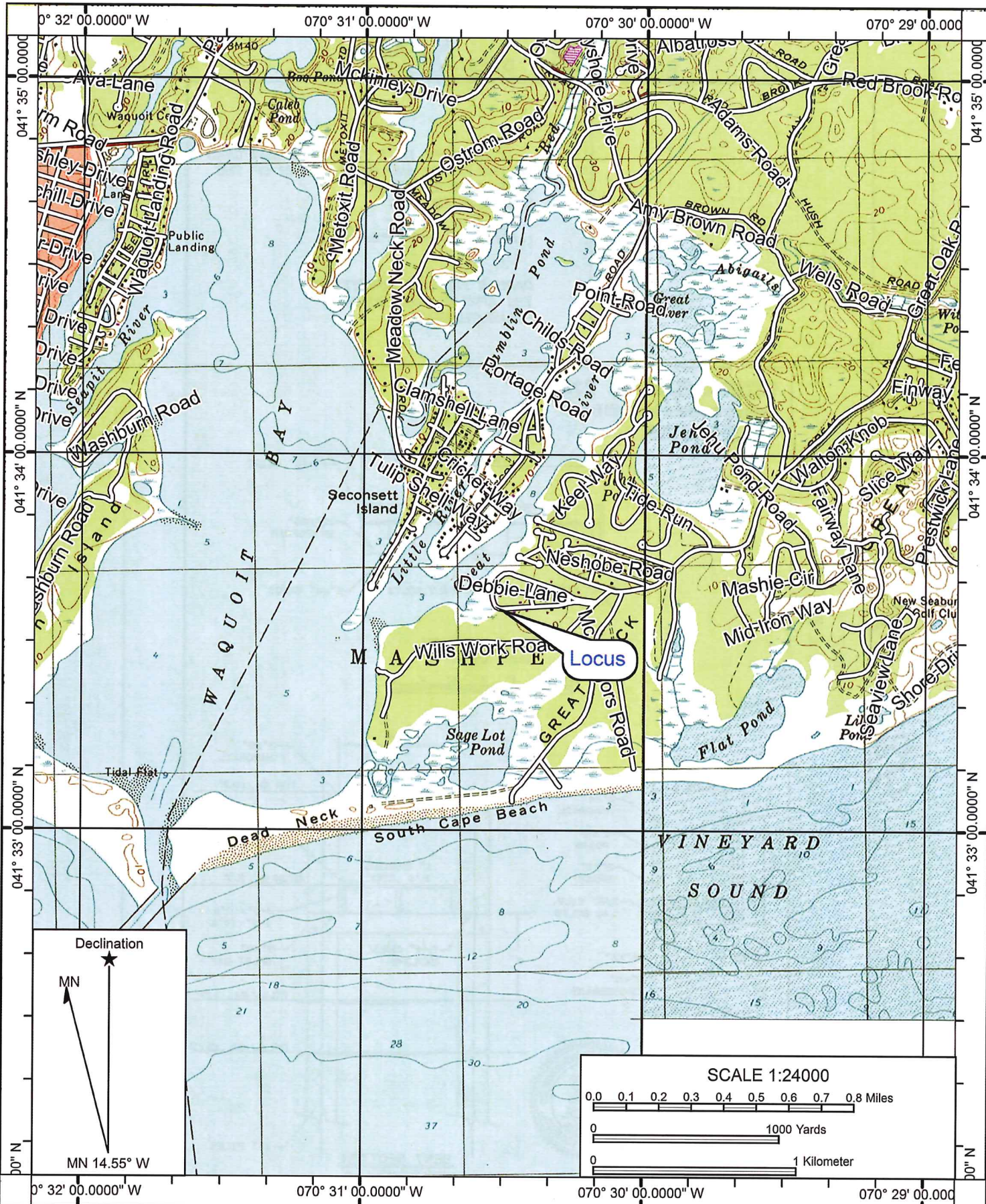
RECEIVED & REVIEWED
SEP 11 9 41 AM '91
SOUTH CAPE CIVIC ASSOC.
FALMOUTH, MASS.



SOUTH CAPE CIVIC ASSOC.

CAPE & ISLANDS SURVEYING
FALMOUTH, MASS.

SHEET 9 OF 9 AUG. 29, 1990 REVD 7/19/92
ELEVATIONS ARE BASED ON MEAN LOW WATER



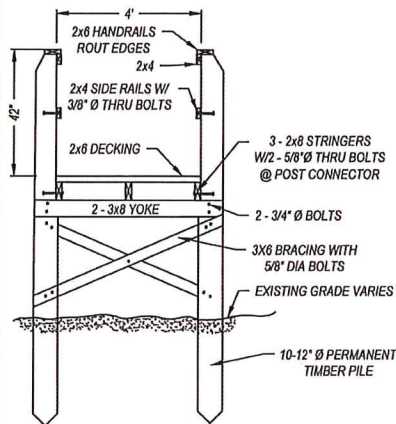
Name: FALMOUTH
 Date: 11/04/20
 Scale: 1 inch = 2,000 ft.

Location: 041° 33' 35.5999" N, 070° 30' 31.6206" W
 C19385.00, SCCA
 112 Whippoorwill Circle, Mashpee

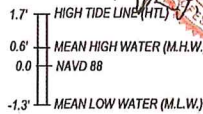
I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

Roger Paul Michniewicz
 12.23.20
 PROFESSIONAL ENGINEER

REFERENCE DATUM IS NAVD88



TYPICAL PIER DETAIL
 NOT TO SCALE



DATUM PROFILE

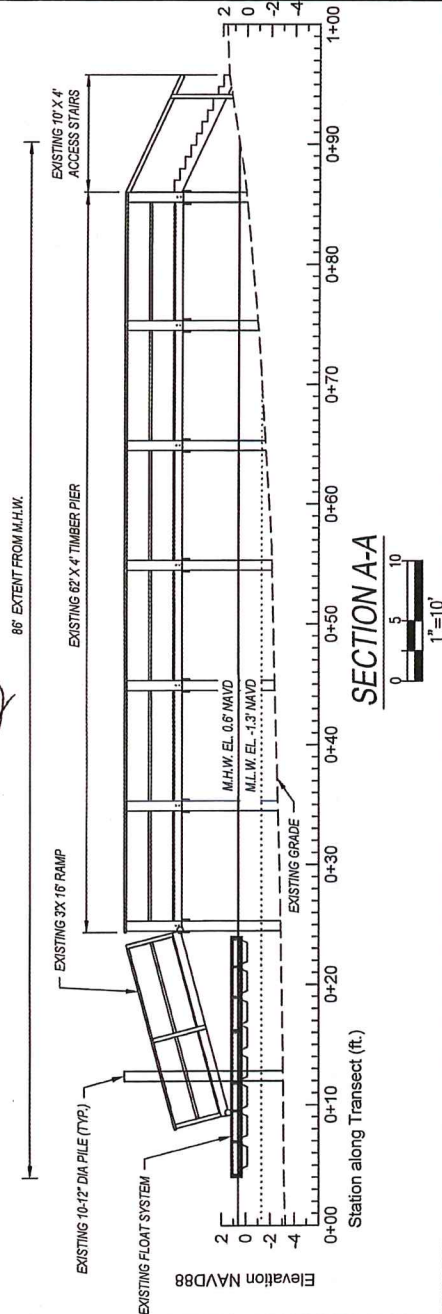
SCALE: 1" = 4'
 REF: NOAA VDATUM 05-05-2020
 REF: BUZZARDS BAY NATIONAL ESTUARY PROGRAM

PLAN TO ACCOMPANY PETITION OF SOUTH CAPE HOMEOWNERS ASSOCIATION

TO LICENSE AND MAINTAIN AN EXISTING PIER RAMP AND FLOAT SYSTEM IN GREAT RIVER, MASHPEE, BARNSTABLE COUNTY, MA

PREPARED BY
 COASTAL ENGINEERING CO., INC.
 260 CRANBERRY HIGHWAY
 ORLEANS, MA 02653
 DRAWN BY: ELN

DRAWING: C19385-C 112 Whippoorwill.dwg



SECTION A-A



F:\SDSK\PROJ\19000\C19385\C19385-00\C19385-C 112 Whippoorwill.dwg 11/22/2020 8:16 AM



December 23, 2020

C19385.00

Mass. DEP/SERO
Wetlands and Waterways
Attn: Brendan Mullaney
20 Riverside Drive
Lakeville, MA 02347

Via Email & Certified Mail

RE: Chapter 91 License Application Filing Package
Proposed Re-Licensing of Existing Dock System
South Cape Homeowners Association
15 Metacomet Road
Mashpee, MA
Map 125, Parcel 96-0
DEP File No: SE 43-3078

On behalf of our client, South Cape Homeowners Association, we are submitting a Chapter 91 License Application Package for the above referenced project. The following items are enclosed:

- Chapter 91 License Application
- DEP Fee Transmittal Form
- Copy of \$330.00 check made payable to Commonwealth of Mass. for filing fee, (original sent directly to lockbox)
- Mashpee Harbormaster Email Correspondence
- Order of Conditions SE 43-3078, Issued 10/29/2020
- Previously Issued Ch 91 License # 6687, dated 9/23/1997
- Mashpee USGS Map, identifying Locus
- Plan entitled, "Plan to accompany petition of South Cape Homeowners Association, to License and Maintain an Existing Pier, Ramp, And Float System in Great River, Mashpee, Barnstable County, MA" Sheets 1 & 2, Dated 11/02/2020.

Please contact our office if you have any questions or require additional information.

Thank you for your assistance.

Sincerely,

COASTAL ENGINEERING CO., INC.

Carla A. Davis

Enclosures: as stated

cc: South Cape Homeowners Association
Barry P. Fogel, Keegan Werlin LLP
Donald K. Munroe, Project Manager

Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Waterways Regulation Program
Chapter 91 Waterways License Application - 310 CMR 9.00
 Water-Dependent, Nonwater-Dependent, Amendment

X286981
 Transmittal No.

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



For assistance in completing this application, please see the "Instructions".

A. Application Information (Check one)

NOTE: For Chapter 91 Simplified License application form and information see the Self Licensing Package for BRP WW06.

Name (Complete Application Sections)	Check One	Fee	Application #
WATER-DEPENDENT -			
General (A-H)	<input type="checkbox"/> Residential with ≤ 4 units	\$215.00	BRP WW01a
	<input checked="" type="checkbox"/> Other	\$330.00	BRP WW01b
	<input type="checkbox"/> Extended Term	\$3,350.00	BRP WW01c
Amendment (A-H)	<input type="checkbox"/> Residential with ≤ 4 units	\$100.00	BRP WW03a
	<input type="checkbox"/> Other	\$125.00	BRP WW03b
NONWATER-DEPENDENT -			
Full (A-H)	<input type="checkbox"/> Residential with ≤ 4 units	\$665.00	BRP WW15a
	<input type="checkbox"/> Other	\$2,005.00	BRP WW15b
	<input type="checkbox"/> Extended Term	\$3,350.00	BRP WW15c
Partial (A-H)	<input type="checkbox"/> Residential with ≤ 4 units	\$665.00	BRP WW14a
	<input type="checkbox"/> Other	\$2,005.00	BRP WW14b
	<input type="checkbox"/> Extended Term	\$3,350.00	BRP WW14c
Municipal Harbor Plan (A-H)	<input type="checkbox"/> Residential with ≤ 4 units	\$665.00	BRP WW16a
	<input type="checkbox"/> Other	\$2,005.00	BRP WW16b
	<input type="checkbox"/> Extended Term	\$3,350.00	BRP WW16c
Joint MEPA/EIR (A-H)	<input type="checkbox"/> Residential with ≤ 4 units	\$665.00	BRP WW17a
	<input type="checkbox"/> Other	\$2,005.00	BRP WW17b
	<input type="checkbox"/> Extended Term	\$3,350.00	BRP WW17c
Amendment (A-H)	<input type="checkbox"/> Residential with ≤ 4 units	\$530.00	BRP WW03c
	<input type="checkbox"/> Other	\$1,000.00	BRP WW03d
	<input type="checkbox"/> Extended Term	\$1,335.00	BRP WW03e

Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Waterways Regulation Program
Chapter 91 Waterways License Application - 310 CMR 9.00
 Water-Dependent, Nonwater-Dependent, Amendment

X286981
 Transmittal No.

B. Applicant Information Proposed Project/Use Information

Note: Please refer to the "Instructions"

1. Applicant:

Darien Homer, South Cape Homeowners Assoc. _____
 Name E-mail Address
 P.O. Box 468 _____
 Mailing Address
 Mashpee _____ MA _____ 02649 _____
 City/Town State Zip Code
 _____ _____
 Telephone Number Fax Number

2. Authorized Agent (if any):

Donald K. Munroe _____
 Name E-mail Address
 260 Cranberry Highway _____
 Mailing Address
 Orleans _____ MA _____ 02653 _____
 City/Town State Zip Code
 5082556511 _____
 Telephone Number Fax Number

C. Proposed Project/Use Information

1. Property Information (all information must be provided):

SCCA Inc. _____
 Owner Name (if different from applicant)
 125-960 _____ 41°33'47.39"N _____ 70°30'20.68"
 Tax Assessor's Map and Parcel Numbers Latitude W
 15 Metacomet Road, Mashpee _____ MA _____ 02649 _____
 Street Address and City/Town State Zip Code

2. Registered Land Yes No

3. Name of the water body where the project site is located:

Great River _____

4. Description of the water body in which the project site is located (check all that apply):

<u>Type</u>	<u>Nature</u>	<u>Designation</u>
<input type="checkbox"/> Nontidal river/stream	<input checked="" type="checkbox"/> Natural	<input type="checkbox"/> Area of Critical Environmental Concern
<input checked="" type="checkbox"/> Flowed tidelands	<input type="checkbox"/> Enlarged/dammed	<input type="checkbox"/> Designated Port Area
<input type="checkbox"/> Filled tidelands	<input type="checkbox"/> Uncertain	<input type="checkbox"/> Ocean Sanctuary
<input type="checkbox"/> Great Pond		<input type="checkbox"/> Uncertain
<input type="checkbox"/> Uncertain		

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Waterways Regulation Program
Chapter 91 Waterways License Application - 310 CMR 9.00
Water-Dependent, Nonwater-Dependent, Amendment

X286981
Transmittal No.

C. Proposed Project/Use Information (cont.)

Select use(s) from
Project Type Table
on pg. 2 of the
"Instructions"

5. Proposed Use/Activity description

Proposed Re-Licensing of Existing Dock System

6. What is the estimated total cost of proposed work (including materials & labor)?

\$5,000.00

7. List the name & complete mailing address of each abutter (attach additional sheets, if necessary). An abutter is defined as the owner of land that shares a common boundary with the project site, as well as the owner of land that lies within 50' across a waterbody from the project.

UMINA, GERALD J TR

Name

SPINNAKER REAL TY TRUST, PO BOX 492, MASHPEE, MA 02649

Address

NJCJ LLC

Name

98 ADAMS STREET -SUITE 114 LEOMINSTER, MA 01453

Address

Name

Address

D. Project Plans

1. I have attached plans for my project in accordance with the instructions contained in (check one):

Appendix A (License plan)

Appendix B (Permit plan)

2. Other State and Local Approvals/Certifications

401 Water Quality Certificate

Wetlands

Jurisdictional Determination

MEPA

EOE Secretary Certificate

21E Waste Site Cleanup

Date of Issuance

SE 43-3087

File Number

JD-

File Number

File Number

Date

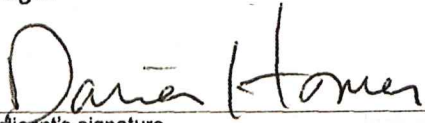
RTN Number

E. Certification

All applicants, property owners and authorized agents must sign this page. All future application correspondence may be signed by the authorized agent alone.

"I hereby make application for a permit or license to authorize the activities I have described herein. Upon my signature, I agree to allow the duly authorized representatives of the Massachusetts Department of Environmental Protection and the Massachusetts Coastal Zone Management Program to enter upon the premises of the project site at reasonable times for the purpose of inspection."

"I hereby certify that the information submitted in this application is true and accurate to the best of my knowledge."



Applicant's signature

12/23/20

Date

Property Owner's signature (if different than applicant)

Date



Agent's signature (if applicable)

Donald K. Munroe, Coastal Engineering Co., Inc.

12/23/2020

Date

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Waterways Regulation Program
Chapter 91 Waterways License Application - 310 CMR 9.00
Water-Dependent, Nonwater-Dependent, Amendment

X286981
Transmittal No.

F. Waterways Dredging Addendum N/A

1. Provide a description of the dredging project

- Maintenance Dredging (include last dredge date & permit no.) Improvement Dredging

Purpose of Dredging

2. What is the volume (cubic yards) of material to be dredged?

3. What method will be used to dredge?

- Hydraulic Mechanical Other

4. Describe disposal method and provide disposal location (include separate disposal site location map)

5. Provide copy of grain size analysis. If grain size is compatible for beach nourishment purposes, the Department recommends that the dredged material be used as beach nourishment for public beaches. **Note:** In the event beach nourishment is proposed for private property, pursuant to 310 CMR 9.40(4)(a)1, public access easements below the existing high water mark shall be secured by applicant and submitted to the Department.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Waterways Regulation Program
Chapter 91 Waterways License Application - 310 CMR 9.00
Water-Dependent, Nonwater-Dependent, Amendment

X286981
Transmittal No.

G. Municipal Zoning Certificate

South Cape Homeowners Association

Name of Applicant

15 Metacomet Road

Project street address

Great River

Waterway

Mashpee

City/Town

Description of use or change in use:

Proposed Re-Licensing of Existing Dock System

To be completed by municipal clerk or appropriate municipal official:

"I hereby certify that the project described above and more fully detailed in the applicant's waterways license application and plans is not in violation of local zoning ordinances and bylaws."

Printed Name of Municipal Official

Date

Signature of Municipal Official

Title

City/Town

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Waterways Regulation Program
Chapter 91 Waterways License Application - 310 CMR 9.00
Water-Dependent, Nonwater-Dependent, Amendment

X286981
Transmittal No.

H. Municipal Planning Board Notification

Notice to Applicant:

Section H should be completed and submitted along with the original application material.

South Cape Homeowners Association

Name of Applicant

15 Metacomet Road

Project street address

Great River

Waterway

Mashpee

City/Town

Description of use or change in use:

Proposed Re-Licensing of Existing Dock System

To be completed by municipal clerk or appropriate municipal official:

"I hereby certify that the project described above and more fully detailed in the applicant's waterways license application and plans have been submitted by the applicant to the municipal planning board."

Evan R Lehrer

Printed Name of Municipal Official

12/28/2020

Date

[Signature]

Signature of Municipal Official

Town Planner

Title

Mashpee

City/Town

Note: Any comments, including but not limited to written comments, by the general public, applicant, municipality, and/or an interested party submitted after the close of the public comment period pertaining to this Application shall not be considered, and shall not constitute a basis for standing in any further appeal pursuant to 310 CMR 9.13(4) and/or 310 CMR 9.17.



Enter your transmittal number

X286981
Transmittal Number

Your unique Transmittal Number can be accessed online:
<http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html>

Massachusetts Department of Environmental Protection Transmittal Form for Permit Application and Payment

1. Please type or print. A separate Transmittal Form must be completed for each permit application.

2. Make your check payable to the Commonwealth of Massachusetts and mail it with a copy of this form to: MassDEP, P.O. Box 4062, Boston, MA 02211.

3. Three copies of this form will be needed.

Copy 1 - the original must accompany your permit application. Copy 2 must accompany your fee payment. Copy 3 should be retained for your records

4. Both fee-paying and exempt applicants must mail a copy of this transmittal form to:

MassDEP
P.O. Box 4062
Boston, MA
02211

* Note:
For BWSC Permits,
enter the LSP.

A. Permit Information

BRP WW01b
1. Permit Code: 4 to 7 character code from permit instructions
Proposed Re-Licensing of Existing Dock System
Water Dependent
2. Name of Permit Category
3. Type of Project or Activity

B. Applicant Information – Firm or Individual

South Cape Homeowners Association
1. Name of Firm - Or, if party needing this approval is an individual enter name below:
Homer Darien
2. Last Name of Individual 3. First Name of Individual 4. MI
P.O. Box 468
5. Street Address
Mashpee MA 02649
6. City/Town 7. State 8. Zip Code 9. Telephone # 10. Ext. #
11. Contact Person 12. e-mail address

C. Facility, Site or Individual Requiring Approval

SCCA Inc.
1. Name of Facility, Site Or Individual
15 Metacomet Road
2. Street Address
Mashpee MA 02649
3. City/Town 4. State 5. Zip Code 6. Telephone # 7. Ext. #
8. DEP Facility Number (if Known) 9. Federal I.D. Number (if Known) 10. BWSC Tracking # (if Known)

D. Application Prepared by (if different from Section B)*

Coastal Engineering Co., Inc.
1. Name of Firm Or Individual
260 Cranberry Highway
2. Address
Orleans MA 02653 5082556511
3. City/Town 4. State 5. Zip Code 6. Telephone # 7. Ext. #
Donald K. Munroe
8. Contact Person 9. LSP Number (BWSC Permits only)

E. Permit - Project Coordination

1. Is this project subject to MEPA review? yes no
If yes, enter the project's EOE file number - assigned when an Environmental Notification Form is submitted to the MEPA unit:

EOEA File Number

F. Amount Due

Special Provisions:

- 1. Fee Exempt (city, town or municipal housing authority)(state agency if fee is \$100 or less).
There are no fee exemptions for BWSC permits, regardless of applicant status.
- 2. Hardship Request - payment extensions according to 310 CMR 4.04(3)(c).
- 3. Alternative Schedule Project (according to 310 CMR 4.05 and 4.10).
- 4. Homeowner (according to 310 CMR 4.02).

DEP Use Only

Permit No:

Rec'd Date:

Reviewer:

402 \$330.00 12/22/2020
Check Number Dollar Amount Date

COASTAL ENGINEERING CO INC.
SANDWICH OFFICE
260 RT. 6A
ORLEANS, MA 02653-3114

402

Date 12/22/2020 53-7107/2113

Pay To The
Order Of

Commonwealth of MA-DEP

\$ 330.00

Three hundred and thirty ⁰⁰/₁₀₀

Dollars



Security Features
Available
Outside the Back

CAPE
COD 5

PO Box 10
Orleans, MA 02653
capecodfive.com

Memo

C19385.00 Metacomet

Carla Kelly

MP

On Oct 2, 2020, at 9:03 AM, Jeffrey Smith
<JSmith@mashpeema.gov> wrote:

Good Day Craig,

It would best if you confirmed with Conservation, I have not seen anywhere in my correspondence about a limit of 6 boats, so I am unsure of where that request would have come from.

Plus it would allow you to have the information on hand as I do not attend Conservation Commission meetings.

Jeff Smith
Town of Mashpee - Harbormaster

From: Craig Robert <cprobert67@yahoo.com>
Sent: Thursday, October 1, 2020 9:29 AM
To: Jeffrey Smith <JSmith@mashpeema.gov>
Cc: Darien. Homer Homer <darien.homer@comcast.net>
Subject: Re: October 8 Conservation Commission Agenda and Public Hearing Notices

Jeff,

Thank you!

Can you confirm with conservation that there is not a 6 boat limit as long as we continue to actively manage the situation as described?

We appreciate your support!

Craig Robert
Treasurer
South Cape Homeowners Association

Sent from my iPhone

On Oct 1, 2020, at 7:27 AM, Jeffrey Smith
<JSmith@mashpeema.gov> wrote:

Craig, It sounds like you have everything that I needed covered and a running a tight ship at your association docks.

Please let me know if you need anything else.

Jeff Smith
Mashpee Harbormaster
Ph: 508-539-1400, ext 8597

From: Craig Robert [mailto:cprobert67@yahoo.com]
Sent: Wednesday, September 30, 2020 6:45 PM
To: Darien. Homer Homer <darien.homer@comcast.net>; Jeffrey Smith <JSmith@mashpeema.gov>
Cc: Cynthia Bartos <cbartos@mashpeema.gov>; Andrew McManus <amcmanus@mashpeema.gov>
Subject: Re: October 8 Conservation Commission Agenda and Public Hearing Notices

Jeff,

Thanks for reviewing our information. For the 2021 season we will include the owner's name and phone number as a requirement to be displayed on the dinghy. Currently we note the active mooring number on the permit sticker and will continue that practice.

We developed a dinghy policy to support those in the association that have active moorings. Our goal is to ensure the members have a way to get to their moored boats and keep all dinghies from being stored or dragged across the coastal bank.

Based on our 11' LOA dinghy restriction, it is believed we can permit tie-ups for up to 14 dinghies at each dock. This year we issued 13 permits at Metacomet dock and 12 permits at Whippoorwill dock and did not have any issues. We are actively managing the policy so that the dinghies are contained inside the dock horseshoe or along the landwards sides so even with tide and wind swing a dinghy will never extend past the front corners of the face dock.

Thanks again for your feedback and support

Regards

Craig Robert

Treasurer
South Cape Homeowners Association

On Wednesday, September 30, 2020, 07:22:54 AM EDT,
Jeffrey Smith <jsmith@mashpeema.gov> wrote:

Good Day Everyone,

You have either meet or exceed all my concerns in regards to both properties by providing me updated blueprints and a copy of your association rules for the dingy docks. So there is no need to meet in person.

One last questions is what are the maximum number of dinghies you are going to allow each dock to hold?

Also one request, is that each dingy be labeled with the owners name and contact number in case they break free from the dock, I am doing the same this year with all dinghies on the racks on town property.

I will let the conservation department know you have answer all my questions and I am good to go, if anything else is needed when this go before the state please let me know.

Jeff Smith Mashpee Harbormaster

Ph: 508-539-1400, ext 8597

From: Craig Robert [<mailto:cprobert67@yahoo.com>]
Sent: Tuesday, September 29, 2020 4:17 PM
To: Jeffrey Smith <JSmith@mashpeema.gov>;
Darien.Homer Homer <darien.homer@comcast.net>
Subject: Re: October 8 Conservation Commission Agenda and Public Hearing Notices

Jeff,

Great to connect with you again. Darien and I met you in the spring when the Grady we were on took on water and the owner tied to the Whippoorwill dock.

We have addressed the concerns from the last conservation meeting and invite you to meet us at the docks to review.

Attached are the revised drawings showing the mooring location as well as some picture that show the docks from the water side as well as on the dock showing how the dinghy tie-up is managed by using only designated cleats. I have also included the signage we have at the docks that limits tie-up time as well as a copy of the dinghy policy we implemented in the spring of 2019.

We would be happy to meet you at either dock on Wednesday 9/30 from 1:00-3:30 PM or Thursday 10/1 anytime after 11:00 AM.

Let us know what works best for you. my cell is 781-248-8373 if you prefer to call or text.

Thanks in advance

Craig Robert

Treasurer

South Cape Homeowners Association

On Tuesday, September 29, 2020, 08:57:11 AM EDT, Cynthia Bartos <cbartos@mashpeema.gov> wrote:

Good morning,

Reminder: Continuance of your proposals was to allow time for revised plans showing locations of moorings within 75 feet and to communicate with Harbormaster Jeffrey Smith. He has been cc'd in this email. Deadline to reach out to the Harbormaster and to submit revised plans is Friday, October 2nd, at noon.

Regards,

Cynthia Bartos
Administrative Assistant
Conservation Department/Department of Natural Resources
cbartos@mashpeema.gov
508-539-1400, ext 8540

From: Jeffrey Smith
Sent: Tuesday, September 29, 2020 8:45 AM
To: Cynthia Bartos <cbartos@mashpeema.gov>
Cc: Andrew McManus <amcmanus@mashpeema.gov> **Subject:**
RE: October 8 Conservation Commission Agenda and Public Hearing Notices

I have received no communication from either 15 Metacomet or

112 Whippoorwill in regards to the charting of the moorings.

Jeff Smith
Mashpee Harbormaster
Ph: 508-539-1400, ext 8597

From: Cynthia Bartos
Sent: Monday, September 28, 2020 3:52 PM
To: Andrew McManus <amcmanus@mashpeema.gov>; Ashley Fisher <Afisher@mashpeema.gov>; Caitlin Cantella <ccantella@mashpeema.gov>; Catherine Laurent <claurent@mashpeema.gov>; Charles Maintanis <cmaintanis@mashpeema.gov>; Craig Mayen <cmayen@mashpeema.gov>; Deb F. Dami <ddami@mashpeema.gov>; Donovan McElligatt <DMcElligatt@mashpeema.gov>; Evan Lehrer <ELehrer@mashpeema.gov>; Glen E. Harrington <gharrington@mashpeema.gov>; Jack Phelan <jphelan@mashpeema.gov>; Jason Streebel <jstreebel@mashpeema.gov>; Jeffrey Smith <JSmith@mashpeema.gov>; Joseph Callahan <JCallahan@mashpeema.gov>; Karol A. Grato <kgrato@mashpeema.gov>; Katelyn Cadoret <kwcadoret@mashpeema.gov>; Ken Bates <kenbates@comcast.net>; Mary Ann Romero <mromero@mashpeema.gov>; Michael R. Richardson <mrichardson@mashpeema.gov>; Rodney C. Collins <rccollins@mashpeema.gov>; Scott Carline <scarline@mashpeema.gov>; Stephanie Coleman <SColeman@mashpeema.gov>; Susan Mulcare <SMulcare@mashpeema.gov>; Tamara Gray <TGray@mashpeema.gov>; Terrie Cook <tmcook@mashpeema.gov>; Thomas Rullo <TRullo@mashpeema.gov>; Wayne E. Taylor <wtaylor@mashpeema.gov>
Subject: October 8 Conservation Commission Agenda and Public Hearing Notices
Importance: High

Good afternoon, Please submit comments concerning these petitions to the Conservation Department prior to the hearing date.

Regards,

Cynthia Bartos
Administrative Assistant
Conservation Department/Department of Natural Resources 16
Great Neck Road
Mashpee, MA 02649
cbartos@mashpeema.gov
508-539-1400, ext. 8540

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:043-3078
eDEP Transaction #:1216098
City/Town:MASHPEE

A. General Information

- 1. Conservation Commission MASHPEE
- 2. Issuance a. OOC b. Amended OOC
- 3. Applicant Details
 - a. First Name DARIEN b. Last Name HOMER
 - c. Organization SOUTH CAPE HOMEOWNERS ASSOCIATION
 - d. Mailing Address PO BOX 468
 - e. City/Town MASHPEE f. State MA g. Zip Code 02649
- 4. Property Owner
 - a. First Name b. Last Name
 - c. Organization SCCA, INC.
 - d. Mailing Address P.O. BOX 468
 - e. City/Town MASHPEE f. State MA g. Zip Code 02649
- 5. Project Location
 - a. Street Address 15 METACOMET ROAD
 - b. City/Town MASHPEE c. Zip Code 02649
 - d. Assessors MAP 125/PARCEL 96 e. Parcel/Lot# LOT 96 AND 97 ON PLAN 26502-D (SHEETS 1 & 2)
 - f. Latitude 41.56313N g. Longitude 70.50665W
- 6. Property recorded at the Registry of Deed for:

a. County	b. Certificate	c. Book	d. Page
BARNSTABLE	112666	LOT 96 AND 97 ON PLAN 26502-D (SHEETS 1 & 2)	

- 7. Dates
 - a. Date NOI Filed : 7/24/2020 b. Date Public Hearing Closed: 10/8/2020 c. Date Of Issuance: 10/29/2020

- 8. Final Approved Plans and Other Documents

a. Plan Title:	b. Plan Prepared by:	c. Plan Signed/Stamped by:	d. Revised Final Date:	e. Scale:
PLAN SHOWING EXISTING PIER, RAMP AND FLOATS	COASTAL ENGINEERING, CO.	ROGER P. MICHNIEWICZ, P.E.	9/28/2020	1" = 20'

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act
Following the review of the the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act.

- Check all that apply:
- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Public Water Supply | <input checked="" type="checkbox"/> Land Containing Shellfish | <input checked="" type="checkbox"/> Prevention of Pollution |
|---|---|---|

Doc # 30041

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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<input checked="" type="checkbox"/> Private Water Supply	<input checked="" type="checkbox"/> Fisheries	<input checked="" type="checkbox"/> Protection of Wildlife Habitat
<input checked="" type="checkbox"/> Ground Water Supply	<input checked="" type="checkbox"/> Storm Damage Prevention	<input checked="" type="checkbox"/> Flood Control

2. Commission hereby finds the project, as proposed, is:

Approved subject to:

a. The following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

b. The proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**

c. The information submitted by the applicant is not sufficient to describe the site, the work or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310CMR10.02(1)(a).
a. linear feet

Inland Resource Area Impacts:(For Approvals Only):

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. <input type="checkbox"/> Land under Waterbodies and Waterways	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
Cubic Feet Flood Storage	<u> </u> e. cubic feet	<u> </u> f. cubic feet	<u> </u> g. cubic feet	<u> </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u> </u>	<u> </u>		

Massachusetts Department of Environmental Protection

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	a. square feet	b. square feet		
Cubic Feet Flood Storage	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	g. square feet	h. square feet	i. square feet	j. square feet

Coastal Resource Area Impacts:

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input checked="" type="checkbox"/> Land Under the Ocean	<u>0</u>	<u>0</u>		
	a. square feet	b. square feet		
	<u>0</u>	<u>0</u>		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input checked="" type="checkbox"/> Coastal Beaches	<u>3</u>	<u>3</u>	<u>0</u>	<u>0</u>
	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
14. <input type="checkbox"/> Coastal Dunes	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
15. <input type="checkbox"/> Coastal Banks	<u> </u>	<u> </u>		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u>	<u> </u>		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u>	<u> </u>		
	a. square feet	b. square feet		
	<u> </u>	<u> </u>		
	c. c/y dredged	d. c/y dredged		
19. <input checked="" type="checkbox"/> Land Containing Shellfish	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	<u> </u>	<u> </u>		
	c. c/y dredged	d. c/y dredged		

Massachusetts Department of Environmental Protection

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which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..

10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

" Massachusetts Department of Environmental Protection"

[or "MassDEP"]

File Number : "043-3078"

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before Mass DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order(the "Project") is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions;
- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period

**Massachusetts Department of Environmental
Protection**

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BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with

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all applicable federal, state, and local laws and regulations.

- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions:

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No

2. The Conservation Commission hereby (check one that applies):

a. DENIES the proposed work which cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

b. APPROVES the proposed work, subject to the following additional conditions.

1. Municipal Ordinance or Bylaw TOWN OF MASHPEE 2. Citation CHAPTER 172

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows:
SEE ATTACHED PAGES A THROUGH D.

COASTAL DOCKS/COASTAL STRUCTURES

TOWN OF MASHPEE CHAPTER 172 ORDER OF CONDITIONS FOR 43-3078

15 Metacomet Road

Work Description:

Permit existing pier, ramp and float system.

1. Any work activities and/or alterations discovered during inspections that are not included in the work description above shall be due cause for enforcement actions, including enforcement orders, fines, revocation of this permit and/or denial of a Certificate of Compliance.
2. **This Order of Conditions (OOC)** authorizes the Conservation Agent, Assistant Agent or other designated representative of the Conservation Department to enter the property, as necessary, to monitor the project for compliance with this OOC. This authorization shall continue until such time as a Certificate of Compliance is issued from either the Conservation Commission or the MA Department of Environmental Protection (as applicable).
3. This OOC is subject to amendment, revocation or a new application should the Commission deem:
 - Incomplete work is causing damage to the interests of either the MA State Wetlands Protection Act (M.G.L., Ch. 131, Section 40) or the Town of Mashpee Wetland Ordinance (Chapter 172).
 - New information, not available at the time this OOC was issued, has become available and indicates that the Order is not adequate to protect the interests of both the state and local wetland protection acts.

Should the Commission choose to amend or revoke this OOC, the applicant/permit holder will be notified by certified mail and shall be allowed to respond and present evidence at a public hearing. Notice of said hearing shall be published in a newspaper of local circulation and the hearing shall be conducted in accordance with the MA Open Meeting Law (M.G.L. Ch.39, Section 23B).

4. Notwithstanding any contents of the Notice of Intent for the permit and/or any provisions of this OOC, all work/alterations on this site subject to this permit shall meet the following performance standards for 310 CMR 10.00 and Mashpee's Chapter 172 Wetland Bylaw:

310 CMR 10.02(1)(d)- Land Subject to Coastal Storm Flow

310 CMR 10.25- Land Under Ocean

310 CMR 10.30- Coastal Banks

310 CMR 10.32- Salt Marshes

310 CMR 10.34- Land Containing Shellfish

310 CMR 10.55- Bordering Vegetated Wetland

Ch.172, Reg.12- Mitigation

Ch.172, Reg.15- Shellfish

Ch.172, Reg.16- Coastal Banks

Ch.172, Reg.17- Coastal Resource Areas (Other than Banks)

Ch.172, Reg.25- Land Subject to Flooding or Inundation by Coastal Flowage

Ch.172, Reg.27- Docks, Piers and Floats

Ch.172, Reg.29- Buffer Zones and Buffer Strips

Ch.172, Reg.32- Water Quality

Resource Area Values to be Protected (Chapter 172-1)

Erosion/Sedimentation Control

Storm Damage Prevention

Water Pollution Control

Water Quality

Fisheries

Shellfish

Prevention of Pollution

Wildlife Habitat

Recreation

5. PREWORK CONDITIONS: *(The following conditions must be met PRIOR to any work proceeding or signing of any other town permits)*

- Submission of a dated copy of the recording page of the Order of Conditions (OOC) to the Conservation Department. The OOC cannot be recorded until the end of the 10 day appeal period from the date of issue (date of issue is the date that the OOC is mailed out or picked up in person).
- Submission of FORMS A & B, attached to this Order of Conditions (OOC) to the Conservation Department.
- Any deviations made or intended to be made from the approved plan of record accompanying the OOC shall require, in advance, one of the following:
 - A new Notice of Intent or Amended Order Request
 - A written Administrative Approval from the Conservation Department indicating the proposed changes are not substantial enough to require either of the above.

ADDITIONAL CONDITIONS:

6. Upon receipt/recording of this Order of Conditions, the applicant is required to apply for an amended Chapter 91 License from the State of Massachusetts. Proof of application to Chapter 91 and recorded permit from Chapter 91 must be provided to the Mashpee Conservation Department.
7. No part of the fixed pier/access steps can be wider than four (4) feet.
8. The float, if removed seasonally, **cannot be dragged across any wetland resource area NOR can it be stored upon any salt marsh, bank or bordering vegetated wetland at any time.**
9. Performance standards of 310 CMR 10.25 (Land Under Ocean) require minimal adverse effects on water circulation, eel grass (if present), water quality and/or sediment changes. Any vessel(s) using this dock cannot adversely impact the values associated with Land Under Ocean through grounding or prop dredging of the underlying sediments. The commission reserves the right to require additional

measures to ensure that the performance standards for Land Under Ocean and Land Containing Shellfish are not adversely impacted.

10. The DEP permit number AND street address are to be displayed in perpetuity on the float and fixed pier. A minimum of three (3) inch lettering on contrasting color background must be used for displaying this information. Any signage that fades or falls apart must be replaced immediately. No certificate of compliance will be issued on any dock project without proof of this signage in place.
11. At no time shall boat washing (using chemical agents) occur while vessel(s) are docked at this pier/float.
12. The Commission reserves the right to require modifications and/or limitations relative to authorized work/methodology of work to ensure compliance with this OOC. Any modifications/restrictions will be provided in writing to the applicant.
13. A Naturally Vegetated Buffer Strip (NVBS) delineated as all naturally vegetated areas within 50 feet of bordering vegetated wetlands must be maintained in perpetuity. Within this Buffer Strip, no removal and/or pruning of vegetation is permitted with the exception of pathway no wider than four (4) feet. Pathway(s) must be shown on a plan of record and staked in the field prior to creation.
14. Vista pruning is not allowed under this permit.
15. The Conservation Department must be notified immediately of any proposed changes in dock footprint, including float changes.
16. In the event of any adverse impacts to wetland resource areas as a result of construction and/or maintenance of this project, the Commission reserves the right to require additional measures to protect resource areas and values as per M.G.L. Chapter 131 Section 40 and/or Mashpee's Chapter 172 Wetland Bylaw. The Conservation Agent, Assistant Agent and/or other designated representative of the Commission shall have the right to enter the premises to monitor ongoing work/maintenance.
17. The Plan of Record for this OOC does not constitute specific acceptance of the boundaries of resource areas under M.G.L. Chapter 131 Section 40 and Chapter 172 of the Mashpee Code for any work not described under Section 1 A of this Order. A new filing/application may be necessary if deemed so by the Commission and require new plans and/or new delineations of resource areas. The Commission may also require that said plans be prepared by a certified engineer, surveyor and/or landscape designer.
18. This OOC or any continuing conditions in perpetuity will apply to any successor in interest or control.
19. Violation of any conditions in this Order or any continuing conditions in perpetuity may result in the issuance of an enforcement order. Such enforcement order, if issued, will require the immediate cessation of all work until the mandates in the enforcement order are followed. In some instances, the violation may necessitate a hearing, in this case, such hearing will be held no more than 15 days from the issuance of an enforcement order.
20. In the event that a Superseding Order of Conditions is issued following an appeal to the MA State Department of Environmental Protection, this OOC issued pursuant to Chapter 172 of the Mashpee Code shall be considered amended to include all conditions of said Superseding Order. Notwithstanding the preceding, all special conditions protecting the wetland values of Chapter 172

shall remain in effect unless modified by an Order amending said conditions. The Commission reserves the right to require (in the event of the issuance of a Superseding Order by DEP) an Amended Order of Conditions if it deems such necessary for clarification and/or protection of the wetland values of Chapter 172.

21. Special conditions: **3, 6, 8, 9, 10, 12, 14, 15, 17 & 18** extend beyond the Certificate of Compliance (in perpetuity) and shall be referenced in all future deeds of this property.
22. Upon completion of this project, the applicant must submit the following to the Commission to receive a Certificate of Compliance, closing out the permit/OOC with the Conservation Department:
 - a. A form requesting a Certificate of Compliance (WPA Form 8A).
 - b. A written statement from the registered professional engineer, surveyor, landscape designer, architect or wetland consultant associated with this project certifying that the work has been conducted as shown on the plan(s) of record and documents referenced, and as conditioned by the Commission.
 - c. The Commission reserves the right, before issuing a Certificate of Compliance (should items "a" and "b" be deemed insufficient and/or in effort) to require an "as built" plan prepared and signed/stamped by a registered professional engineer or land surveyor of the Commonwealth.
23. This Order is valid for three years from the date of issuance but may be extended for more additional periods of up to three years per extension request. All extension requests are at the discretion of the Commission and may be subject to denial if deemed appropriate.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:043-3078
eDEP Transaction #:1216098
City/Town:MASHPEE

E. Signatures

This Order is valid for three years from the date of issuance, unless otherwise specified pursuant to General Condition #4. If this is an Amended Order of Conditions, the Amended Order expires on the same date as the original Order of Conditions.

10/29/2020
1. Date of Original Order

Please indicate the number of members who will sign this form. This Order must be signed by a majority of the Conservation Commission.

1
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:



Chad R. Smith, CHAIR

by hand delivery on

by certified mail, return receipt requested, on

10/29/2020

Date

Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

Page 8 of 10 * ELECTRONIC COPY

This instrument has been executed by and on behalf of the Conservation Commission by its duly authorized agent in accordance with the Certificate of Vote filed with the Barnstable Land Court District Registry as Document No. 1,409,048.

**Massachusetts Department of Environmental
Protection**
Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:043-3078
eDEP Transaction #:1216098
City/Town:MASHPEE

Signature of Applicant

Rev. 4/1/2010

Page 10 of 10 * ELECTRONIC COPY

JOHN F. MEADE, ASSISTANT RECORDER
BARNSTABLE REGISTRY LAND COURT DISTRICT
RECEIVED & RECORDED ELECTRONICALLY

The Commonwealth of Massachusetts



No. 6687

Whereas,

South Cape Civic Association

of -- Mashpee, -- in the County of -- Barnstable -- and Commonwealth aforesaid, has applied to the Department of Environmental Protection for license to -- construct and maintain gangways, walkway & float -----

and has submitted plans of the same; and whereas due notice of said application, ~~and of the time and place fixed for a hearing thereon,~~ has been given, as required by law, to the -- Board of Selectmen -- of the Town of -- Mashpee. -----

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said -----

South Cape Civic Association --, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to -- construct and maintain gangways, walkway & float -----

in and over the waters of the -- Great River -- in the -- Town -- of -- Mashpee -- and in accordance with the locations shown and details indicated on the accompanying DEP Sketch Plan No. 6687 (2 sheets).

CTF 112666

S CC A INC
bot 96897
Plan 26502-D

10/1/97 96897

The structures hereby authorized shall be limited to the following use: noncommercial docking and boating access to navigable waters.

This license will expire ten(10) years from the date of the license issuance. By written request of the licensee for an amendment, the Department may grant a renewal for the term of years not to exceed that authorized in the original license. -----

Special Waterways Conditions:

In partial compensation for private use of structures on trustlands of the Commonwealth, which interferes with the rights of the public to use such lands, the Licensee shall allow the public to pass on foot, for any purpose and from dawn to dusk, within the area of the subject property lying seaward of the high water mark. This condition shall not be construed to prevent the Licensee from taking reasonable measures to discourage unlawful activities by users of the area(s) intended for public passage, including but not limited to trespassing on the adjacent private areas and deposit of refuse of any kind or nature in the water or on the shore. Further, the exercise by the public of free on-foot passage in accordance with this condition shall be considered a permitted use to which the limited liability provisions of M.G.L. c.21, s.17c apply. -----

Please see page 3 for additional conditions to this license. -----

Duplicate of said plan, number 6687 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
 2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
 3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
 4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
 5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
 6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
 7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
 8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP, Division of Water Pollution Control.
 9. This License authorizes structure(s) and/or fill on:
 - x Private Tidelands. In accordance with the public easement that exists by law on private tidelands, the licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.
 - x Commonwealth Tidelands. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.
 - a Great Pond of the Commonwealth. The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.
- No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.
10. Unless otherwise expressly provided by this license, the licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

~~The amount of tide water displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said treasury of the Commonwealth by paying into the for each cubic yard so displaced, being the amount hereby assessed by said Department.~~

Nothing in this License shall be so construed as to impair the legal rights of any person. -----

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of Barnstable. -----

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this twenty-third day of September in the year nineteen hundred and ninety-seven.

Commissioner
Program Chief

Robert W. [unclear]
Elizabeth A. Kozlowski

Department of
Environmental
Protection

THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said -- South Cape Civic Association-----

of the further sum of -- three hundred, twenty dollars and zero cents (\$320.00)-----

the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

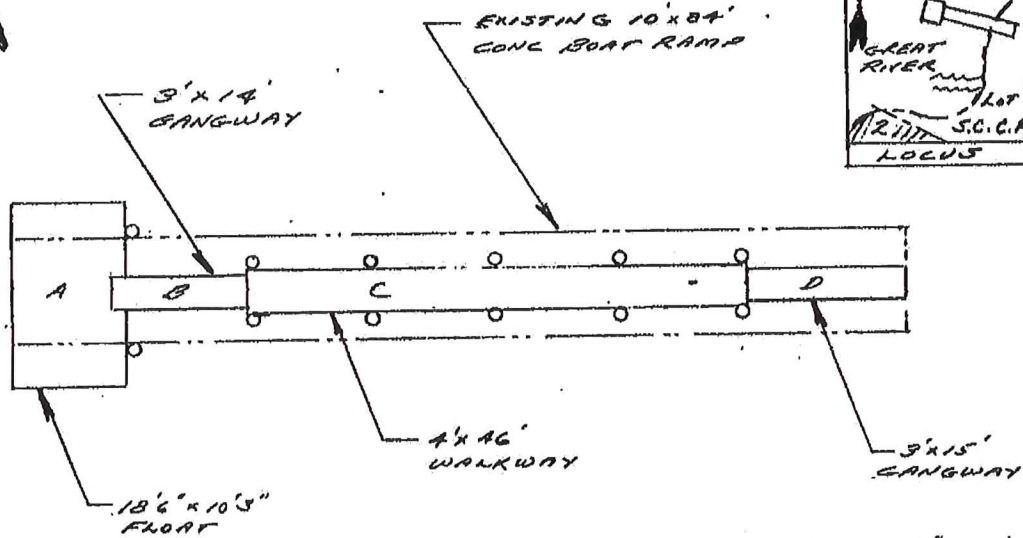
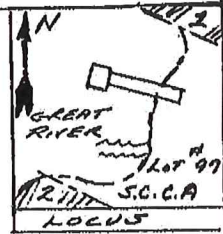
Approved by the Governor.

BOSTON,
Angelo Paul Celli
Acting Governor

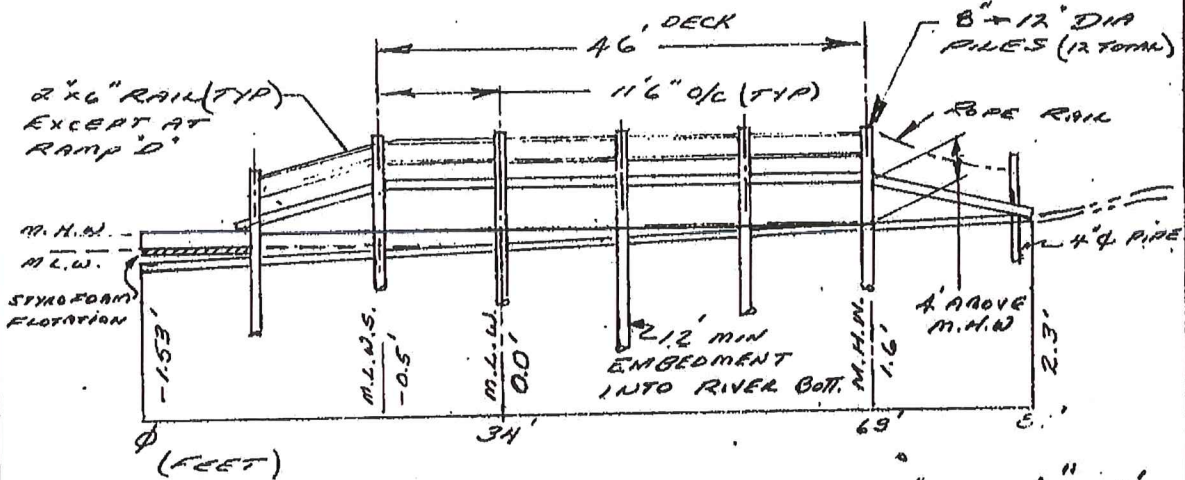
TRANSMITTAL # 125238

LICENSE NO. 6687

Approved By Department Of Environmental Protection
Date SEP 23 1997



SCALE 1/16" = 1'



SCALE 1/16" = 1'

PURPOSE: BODILIFIED LICENSING

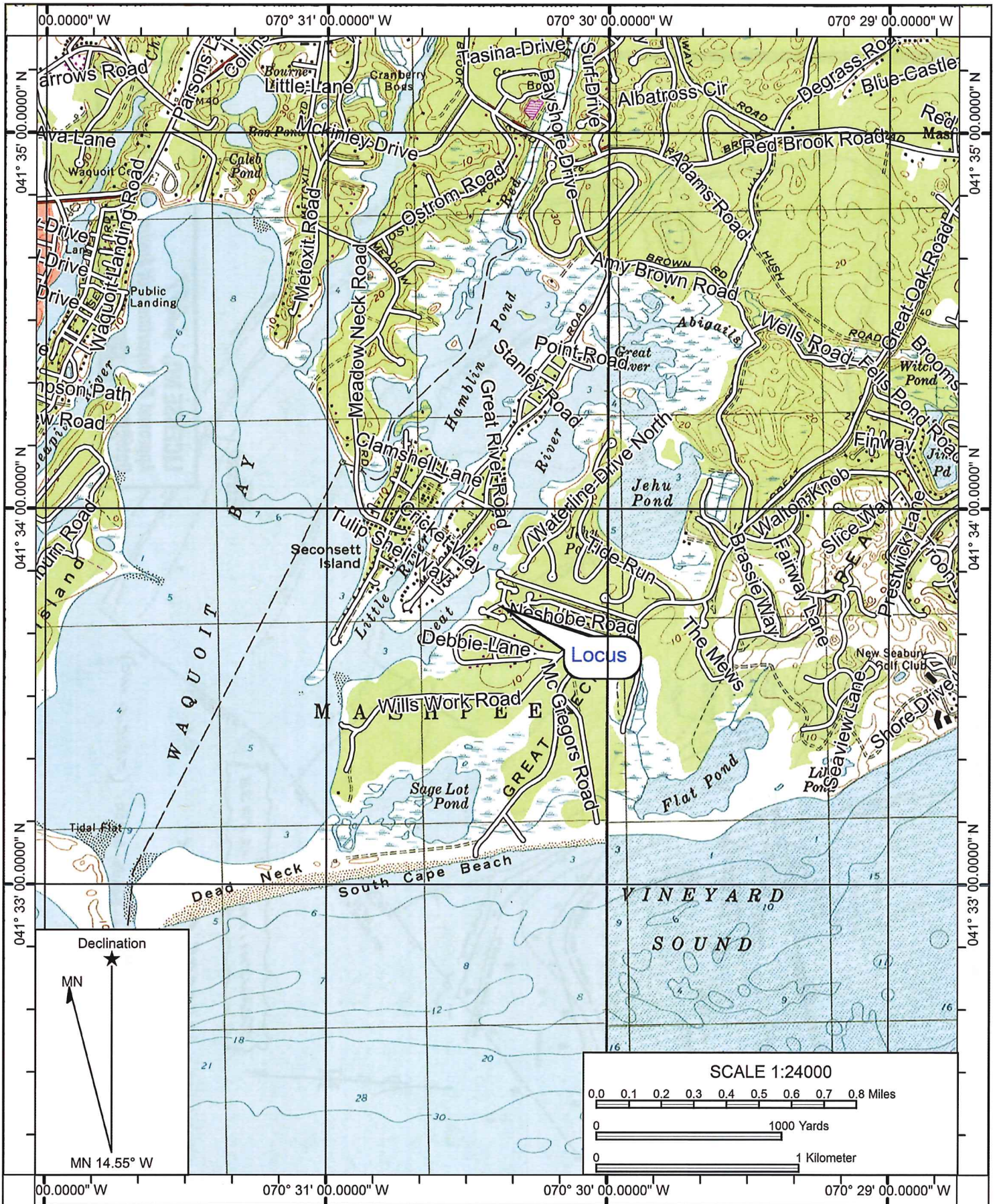
DATUM
ADJACENT PROPERTY OWNERS:
1 GERALD J. UMINA
2 CLAIRE R. GLICK

PLAN ACCOMPANYING
PETITION OF:

SOUTH CAPE CIVIC
ASSOCIATION S.C.C.A. INC
9-15 METACOMENT ROAD
MASHPEE, MA 02649

PROPOSED UPGRADE
OF EXISTING SEASONAL
DOCK TO PERMANENT
DOCK IN GREAT RIVER
AT MASHPEE
COUNTY OF BARNSTABLE STATE MA
APPLICATION BY SOUTH CAPE
CIVIC ASSOC.
SHEET 1 OF 2 DATE 11/24/96

CHARRETTE



Name: FALMOUTH
 Date: 11/04/20
 Scale: 1 inch = 2,000 ft.

Location: 041° 33' 44.5315" N, 070° 30' 23.6287" W
 C19385.00, SCCA
 15 Metacomet Road, Mashpee

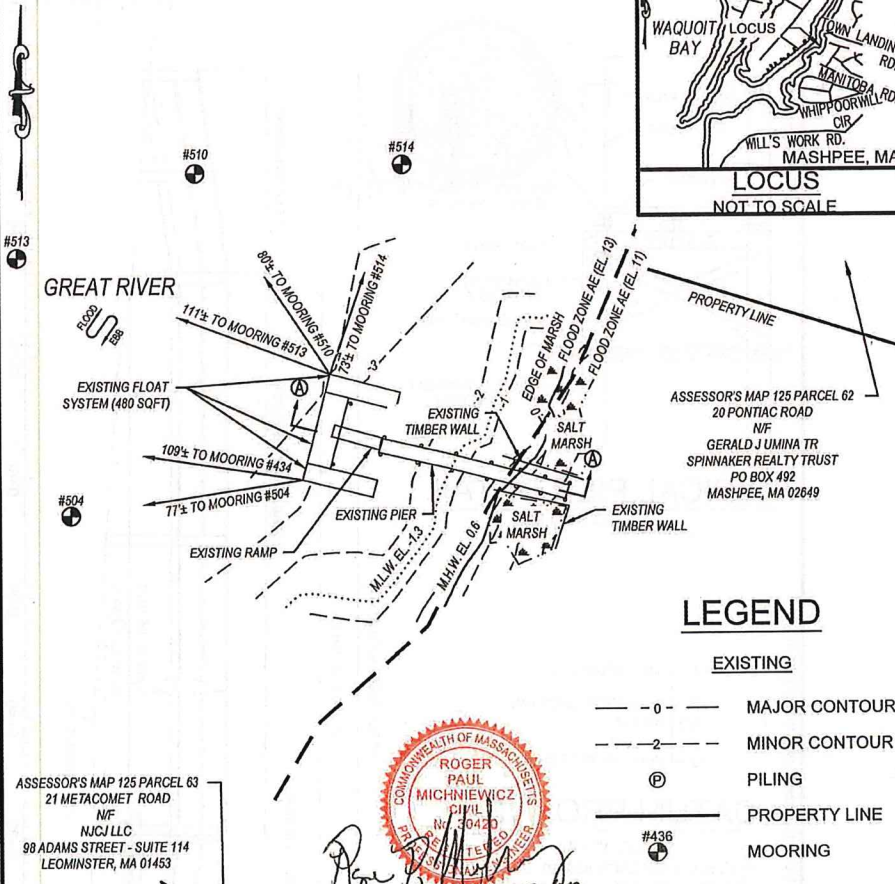
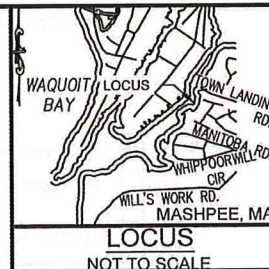
Copyright (C) 2009 MyTopo

Datum: NAD27

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

R. P. Michniewicz 12.23.20
PROFESSIONAL ENGINEER

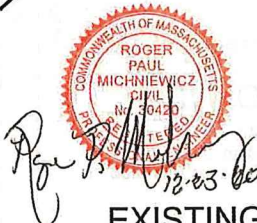
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FEMA DATUM IS NAVD88



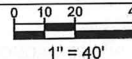
LEGEND

EXISTING

- 0 — MAJOR CONTOUR
- 2 --- MINOR CONTOUR
- ⊕ PILING
- — — PROPERTY LINE
- ⊕ #436 MOORING



EXISTING CONDITIONS PLAN



PLAN TO ACCOMPANY PETITION OF
SOUTH CAPE HOMEOWNERS ASSOCIATION

TO LICENSE AND MAINTAIN AN EXISTING PIER, RAMP, AND FLOAT SYSTEM IN GREAT RIVER, MASHPEE, BARNSTABLE COUNTY, MA

PREPARED BY
COASTAL ENGINEERING CO., INC.
260 CRANBERRY HIGHWAY
ORLEANS, MA 02653

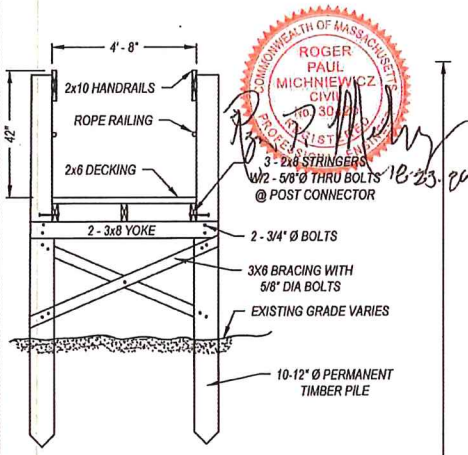
DRAWN BY: ELN
DRAWING: C19385-C 15 Megacommet.dwg

REF: ASSASSOR'S MAP 125 PARCEL 96
ADDRESS: 15 METACOMET ROAD, MASHPEE, MA

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

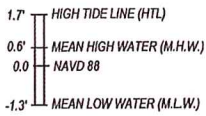
Roger P. Michniewicz 12.23.20
PROFESSIONAL ENGINEER

REFERENCE DATUM IS NAVD88



TYPICAL PIER DETAIL
NOT TO SCALE

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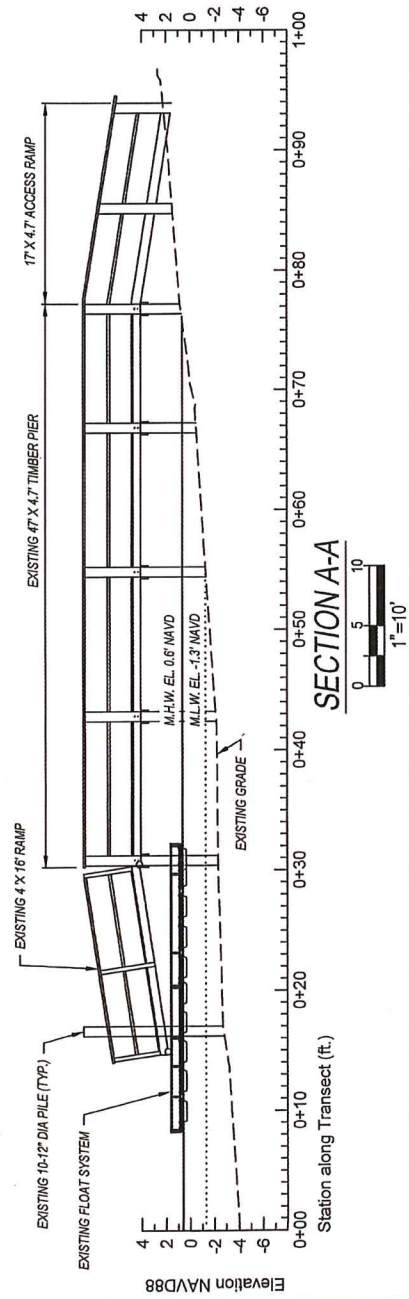


DATUM PROFILE

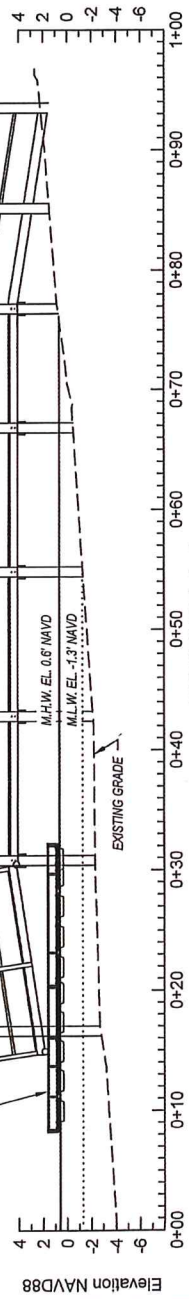
SCALE: 1" = 4'
REF: NOAA VDATUM 05-05-2020
REF: BUZZARDS BAY NATIONAL ESTUARY PROGRAM

PLAN TO ACCOMPANY PETITION OF
SOUTH CAPE HOMEOWNERS ASSOCIATION
TO LICENSE AND MAINTAIN AN EXISTING PIER, RAMP, AND FLOAT SYSTEM IN GREAT RIVER, MASHPEE, BARNSTABLE COUNTY, MA
PREPARED BY
COASTAL ENGINEERING CO., INC.
260 CRANBERRY HIGHWAY
ORLEANS, MA 02653
DRAWN BY: ELN

DRAWING: C19385-C 15 Megacommet.dwg



SECTION A-A
1" = 10'





Massachusetts Department of Environmental Protection

eDEP Transaction Copy

Here is the file you requested for your records.

To retain a copy of this file you must save and/or print.

Username: **EBELAIR**

Transaction ID: **1233585**

Document: **Groundwater Discharge Monitoring Report Forms**

Size of File: **1610.18K**

Status of Transaction: **Submitted**

Date and Time Created: **11/12/2020:11:17:54 AM**

Note: This file only includes forms that were part of your transaction as of the date and time indicated above. If you need a more current copy of your transaction, return to eDEP and select to "Download a Copy" from the Current Submittals page.



Groundwater Permit

DISCHARGE MONITORING REPORT

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2020 OCT MONTHLY
3. Sampling Month & Frequency

A. Facility Information

Important:When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Facility name, address:

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

MYLES OSTROFF

a. Name of Facility Contact Person

6174311097

b. Telephone Number

myles@chartweb.com

c. e-mail address

3. Sampling information:

10/6/2020

a. Date Sampled (mm/dd/yyyy)

RI ANALYTICAL

b. Laboratory Name

NICOLE SKYLESON

c. Analysis Performed By (Name)

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Discharge Monitoring Report - 2020 Oct Monthly

All forms for submittal have been completed.

2. This is the last selection.

3. Delete the selected form.



Groundwater Permit
DISCHARGE MONITORING REPORT

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2020 OCT MONTHLY
3. Sampling Month & Frequency

D. Contaminant Analysis Information

- For "0", below detection limit, less than (<) value, or not detected, enter "ND"
- TNTC = too numerous to count. (Fecal results only)
- NS = Not Sampled

1. Parameter/Contaminant	2. Influent	3. Effluent	4. Effluent Method Detection limit
Units			
BOD	47	ND	3.0
MG/L			
TSS	84	ND	2.0
MG/L			
TOTAL SOLIDS	450		
MG/L			
AMMONIA-N	15		
MG/L			
NITRATE-N		1.5	0.25
MG/L			
TOTAL NITROGEN(NO3+NO2+TKN)		2.2	0.25
MG/L			
OIL & GREASE		ND	0.5
MG/L			



Groundwater Permit
DISCHARGE MONITORING REPORT

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2020 QUARTERLY 4
3. Sampling Month & Frequency

A. Facility Information

Important:When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Facility name, address:

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

MYLES OSTROFF

a. Name of Facility Contact Person

6174311097

b. Telephone Number

myles@chartweb.com

c. e-mail address

3. Sampling information:

10/6/2020

a. Date Sampled (mm/dd/yyyy)

RI ANALYTICAL

b. Laboratory Name

NICOLE SKYLES ON

c. Analysis Performed By (Name)

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Discharge Monitoring Report - 2020 Quarterly 4

All forms for submittal have been completed.

2. This is the last selection.

3. Delete the selected form.



Groundwater Permit
DISCHARGE MONITORING REPORT

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2020 QUARTERLY 4
3. Sampling Month & Frequency

D. Contaminant Analysis Information

- For "0", below detection limit, less than (<) value, or not detected, enter "ND"
- TNTC = too numerous to count. (Fecal results only)
- NS = Not Sampled

1. Parameter/Contaminant	2. Influent	3. Effluent	4. Effluent Method Detection limit
Units			
TOTAL PHOSPHORUS AS P		2.3	0.02
MG/L			
ORTHO PHOSPHATE		2.3	0.02
MG/L			



Groundwater Permit

MONITORING WELL DATA REPORT

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2020 QUARTERLY 4
3. Sampling Month & Frequency

A. Facility Information

Important:When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Facility name, address:

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

MYLES OSTROFF

a. Name of Facility Contact Person

6174311097

b. Telephone Number

myles@chartweb.com

c. e-mail address

3. Sampling information:

10/6/2020

a. Date Sampled (mm/dd/yyyy)

RI ANALYTICAL

b. Laboratory Name

NICOLE SKYLESON

c. Analysis Performed By (Name)

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Monitoring Well Data Report - 2020 Quarterly 4

All forms for submittal have been completed.

2. This is the last selection.

3. Delete the selected form.



Groundwater Permit
 MONITORING WELL DATA REPORT

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2020 QUARTERLY 4
3. Sampling Month & Frequency

C. Contaminant Analysis Information

- For "0", below detection limit, less than (<) value, or not detected, enter "ND"
- TNTC = too numerous to count. (Fecal results only)
- NS = Not Sampled
- DRY = Not enough water in well to sample.

<

Parameter/Contaminant	P-1	P-2	P-4	P-6	Well #: 5	Well #: 6
Units	Well #: 1	Well #: 2	Well #: 3	Well #: 4		
NITRATE-N MG/L	1.8	5.5	5.1	3.5		
TOTAL NITROGEN(NO3+NO2+TK) MG/L	3.4	5.5	9.9	6.1		
TOTAL PHOSPHORUS AS P MG/L	0.39	0.86	3.3	0.99		
ORTHO PHOSPHATE MG/L	0.04	0.42	1.9	0.17		



Groundwater Permit

DAILY LOG SHEET

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2020 OCT DAILY
3. Sampling Month & Frequency

A. Facility Information

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Facility name, address:

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

MYLES OSTROFF

a. Name of Facility Contact Person

6174311097

b. Telephone Number

myles@chartweb.com

c. e-mail address

3. Sampling information:

10/31/2020

a. Date Sampled (mm/dd/yyyy)

WHITEWATER

b. Laboratory Name

RICK BRULLOTE

c. Analysis Performed By (Name)

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Daily Log Sheet - 2020 Oct Daily

All forms for submittal have been completed.

2. This is the last selection.

3. Delete the selected form.



Groundwater Permit
DAILY LOG SHEET

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2020 OCT DAILY
3. Sampling Month & Frequency

C. Daily Readings/Analysis Information

Date	Effluent Flow GPD	Reuse Flow GPD	Irrigation Flow GPD	Turbidity	Influent pH	Effluent pH	Chlorine Residual (mg/l)	UV Intensity (%)
1	11531					7		
2	10234					7.1		
3	10234							
4	10234							
5	11510					7.4		
6	8449					7.4		
7	11258					7.3		
8	11358					7.7		
9	10920					7.6		
10	10920							
11	10920							
12	11308					7.4		
13	7411					7.4		
14	11380					7.1		
15	11354					7.4		
16	11413					7.7		
17	11413							
18	11413							
19	11357					7.6		
20	7486					7.6		
21	7578					7.4		
22	7578					7.6		
23	7578					7.6		
24	11443							
25	11443							
26	11443					7.5		
27	11708					7.6		
28	15393					7.4		
29	7603					7.5		
30	11573					7.4		
31	10392							



Groundwater Permit
MONITORING WELL DATA REPORT

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2020 OCT MONTHLY
3. Sampling Month & Frequency

A. Facility Information

Important:When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Facility name, address:

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

MYLES OSTROFF

a. Name of Facility Contact Person

6174311097

b. Telephone Number

myles@chartweb.com

c. e-mail address

3. Sampling information:

10/1/2020

a. Date Sampled (mm/dd/yyyy)

WHITEWATER

b. Laboratory Name

RICK BRULLOTE

c. Analysis Performed By (Name)

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Monitoring Well Data Report - 2020 Oct Monthly

All forms for submittal have been completed.

2. This is the last selection.

3. Delete the selected form.



Groundwater Permit
 MONITORING WELL DATA REPORT

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2020 OCT MONTHLY
3. Sampling Month & Frequency

C. Contaminant Analysis Information

- For "0", below detection limit, less than (<) value, or not detected, enter "ND"
- TNTC = too numerous to count. (Fecal results only)
- NS = Not Sampled
- DRY = Not enough water in well to sample.

<

Parameter/Contaminant	P-1	P-2	P-4	P-6	Well #: 5	Well #: 6
Units	Well #: 1	Well #: 2	Well #: 3	Well #: 4		
PH	6.2	5.9	6.3	6.7		
S.U.						
STATIC WATER LEVEL	9.8	52.5	47.5	50.9		
FEET						
SPECIFIC CONDUCTANCE	881	227	361	991		
UMHOS/C						



Groundwater Permit

668

1. Permit Number

2. Tax identification Number

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Any person signing a document under 314 CMR 5.14(1) or (2) shall make the following certification

If you are filing electronic-ally and want to attach additional comments, select the check box.



Facility Information

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

Certification

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

ELIZABETH BELAIR

a. Signature

11/12/2020

b. Date (mm/dd/yyyy)

Reporting Package Comments

PLANT MET ALL PERMIT REQUIREMENTS FOR OCTOBER 2020.



Massachusetts Department of Environmental Protection

eDEP Transaction Copy

Here is the file you requested for your records.

To retain a copy of this file you must save and/or print.

Username: **EBELAIR**

Transaction ID: **1242135**

Document: **Groundwater Discharge Monitoring Report Forms**

Size of File: **1032.67K**

Status of Transaction: **Submitted**

Date and Time Created: **12/14/2020:3:30:32 PM**

Note: This file only includes forms that were part of your transaction as of the date and time indicated above. If you need a more current copy of your transaction, return to eDEP and select to "Download a Copy" from the Current Submittals page.



Groundwater Permit

DISCHARGE MONITORING REPORT

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2020 NOV MONTHLY
3. Sampling Month & Frequency

A. Facility Information

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Facility name, address:

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

MYLES OSTROFF

a. Name of Facility Contact Person

6174311097

b. Telephone Number

myles@chartweb.com

c. e-mail address

3. Sampling information:

11/13/2020

a. Date Sampled (mm/dd/yyyy)

RI ANALYTICAL

b. Laboratory Name

NICOLE SKYLESON

c. Analysis Performed By (Name)

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Discharge Monitoring Report - 2020 Nov Monthly

All forms for submittal have been completed.

2. This is the last selection.

3. Delete the selected form.



Groundwater Permit
DISCHARGE MONITORING REPORT

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2020 NOV MONTHLY
3. Sampling Month & Frequency

D. Contaminant Analysis Information

- For "0", below detection limit, less than (<) value, or not detected, enter "ND"
- TNTC = too numerous to count. (Fecal results only)
- NS = Not Sampled

1. Parameter/Contaminant	2. Influent	3. Effluent	4. Effluent Method Detection limit
Units			
BOD	50	ND	3.0
MG/L			
TSS	120	ND	2.0
MG/L			
TOTAL SOLIDS	410		
MG/L			
AMMONIA-N	14		
MG/L			
NITRATE-N		3.0	0.25
MG/L			
TOTAL NITROGEN(NO3+NO2+TKN)		4.6	0.25
MG/L			
OIL & GREASE		2.4	0.5
MG/L			



Groundwater Permit

DAILY LOG SHEET

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2020 NOV DAILY
3. Sampling Month & Frequency

A. Facility Information

Important:When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Facility name, address:

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

MYLES OSTROFF

a. Name of Facility Contact Person

6174311097

b. Telephone Number

myles@chartweb.com

c. e-mail address

3. Sampling information:

11/30/2020

a. Date Sampled (mm/dd/yyyy)

WHITEWATER

b. Laboratory Name

RICK BRULLOTE

c. Analysis Performed By (Name)

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Daily Log Sheet - 2020 Nov Daily

All forms for submittal have been completed.

2. This is the last selection.

3. Delete the selected form.



Groundwater Permit
DAILY LOG SHEET

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2020 NOV DAILY
3. Sampling Month & Frequency

C. Daily Readings/Analysis Information

Date	Effluent Flow GPD	Reuse Flow GPD	Irrigation Flow GPD	Turbidity	Influent pH	Effluent pH	Chlorine Residual (mg/l)	UV Intensity (%)
1	10392							
2	10392					7.71		
3	7817					7.7		
4	11540					7.68		
5	11836					7.1		
6	11213					7.61		
7	12562							
8	12562							
9	12562					7.45		
10	17132					7.41		
11	17745					7.85		
12	17955					7.82		
13	17513					7.6		
14	17481							
15	17481							
16	17481					7.52		
17	17776					7.51		
18	19726					9.34		
19	27273					8.75		
20	14997					7.91		
21	17189							
22	17189							
23	17189					8.1		
24	21685					7.16		
25	20796					7.25		
26	20752							
27	20752							
28	20752							
29	20752							
30	22979					8.75		
31								



Groundwater Permit

MONITORING WELL DATA REPORT

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2020 NOV MONTHLY
3. Sampling Month & Frequency

A. Facility Information

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a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

MYLES OSTROFF

a. Name of Facility Contact Person

6174311097

b. Telephone Number

myles@chartweb.com

c. e-mail address

3. Sampling information:

11/30/2020

a. Date Sampled (mm/dd/yyyy)

WHITEWATER

b. Laboratory Name

RICK BRULLOTE

c. Analysis Performed By (Name)

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Monitoring Well Data Report - 2020 Nov Monthly

All forms for submittal have been completed.

2. This is the last selection.

3. Delete the selected form.



Groundwater Permit
 MONITORING WELL DATA REPORT

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2020 NOV MONTHLY
3. Sampling Month & Frequency

C. Contaminant Analysis Information

- For "0", below detection limit, less than (<) value, or not detected, enter "ND"
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<

Parameter/Contaminant	P-1	P-2	P-4	P-6	Well #: 5	Well #: 6
Units	Well #: 1	Well #: 2	Well #: 3	Well #: 4		
PH	6.42	5.48	6.52	6.37		
S.U.						
STATIC WATER LEVEL	9.6	54.1	53.2	50.5		
FEET						
SPECIFIC CONDUCTANCE	776	981	1163	1420		
UMHOS/C						



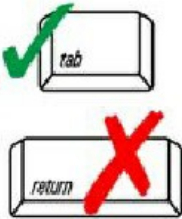
Groundwater Permit

668

1. Permit Number

2. Tax identification Number

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Facility Information

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

Certification

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

ELIZABETH BELAIR

a. Signature

12/14/2020

b. Date (mm/dd/yyyy)

Reporting Package Comments

PLANT MET ALL DISCHARGE PERMIT REQUIREMENTS FOR NOVEMBER 2020.PUMPED 5,500 GALLONS FOR FILTER MAINTENANCE.