



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

**Meeting of the Mashpee Planning Board
Wednesday, April 21, 2021
Waquoit Meeting Room
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649
7:00 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

Approval of Minutes

- Review of Meeting Minutes from March 17, 2021

New Business

- Presentation of conceptual Community Activity Center Overlay District proposal from Mashpee Commons team.
- Vote to appoint two (2) members available to meet with applicants, applicant's representatives, and with staff Town staff to engage in detailed discussions regarding the proposed language of the zoning amendment.
- Update, Discussion, and possible action relative to Mashpee Commons Development Agreement

Chairman's Report

Town Planner Report

- Consulting Engineer Update
- Proposed amendments to Special Permit Regulations and Subdivision Rules and Regulations from Town Planner and Consulting Engineer
- Local Comprehensive Plan RFP Update

Board Member Committee Reports

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

MASHPEE TOWN CLERK

APR 15 2021

RECEIVED BY: _____



Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

Correspondence

- Town of Falmouth Notices
- Town of Sandwich Notices
- Notice of Public Comment – Vineyard Wind 1 LLC
- Waterways Application – South Cape Homeowners Association
- Waterways Application – 17 Taffrail Way
- Waterways Application – 174 Captains Row
- February 2021 Discharge Monitoring Report for South Cape Village – N=5.0
- January 2021 Discharge Monitoring Report for South Cape Village – N=6.1
- December 2020 Discharge Monitoring Report for South Cape Village – N=5.3

Additional Topics (not reasonably anticipated by Chair)

Adjournment

**Mashpee Planning Board
Minutes of Meeting
March 17, 2021 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 and Joseph Callahan
Absent: Robert (Rob) Hansen (Alt.)
Also Present: Evan Lehrer-Town Planner

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/channell18. Viewers wishing to comment for the Public Hearing can call (508) 539-1400, extension 8585. The Pledge of Allegiance was recited.

**WORKSHOP – COMMUNITY ENGAGEMENT ACTION PLAN/COMPREHENSIVE
PLAN UPDATE VISIONING EXERCISE**

Review and Discuss Draft RFP

Chairman Phelan opened the meeting by stating that he would like to move forward with the updated RFP drafted by Mr. Lehrer.

Mr. Lehrer forwarded an updated version of the draft RFP to the Board prior to the meeting. He indicated that he would like to be able to provide this document to Town Counsel for review so that the timeline defined in the documents can be adhered to. He referenced each suggested edit previously submitted by Ms. Waygan and proceeded to report the changes made to the document.

The Board was in consensus with the suggested modifications however, Mr. Lehrer looked to the Board to consider a few areas and wished to reduce redundancies. Mr. Lehrer had hoped to complete the Open Space section of the RFP but was not able to collaborate with the Conservation Agent. He wrote what he felt was most appropriate but looked to the Board for direction in this area.

Mr. Phelan asked Ms. Waygan what the purpose was to ask for employment information for the past five years. Ms. Waygan responded that she felt it was important since some people might have been terminated by a firm then proceed to go out on their own to become independent contractors. She felt that requesting this information would allow the Board to have a better level of investigation. Mr. Lehrer asked if requesting the resume from not only the applicant but

to request resumes from the proposed entire project team would be adequate to which Ms. Waygan agreed.

Mr. Phelan stated that he would like to move forward. Ms. Waygan said that it was her understanding that the Waste Water section (5N) should be tied back in to Growth Management. Mr. Phelan and Mr. Lehrer both felt this was redundant. Ms. Waygan explained that Land and Growth Management with respect to Water and Waste Water needs to be explicit. She felt strongly that these two areas need to be connected. Mr. Fulone disagreed and stated that this information was already captured in a previous section and did not need to be so explicit. Mr. Lehrer suggested adding language to Section N to address Ms. Waygan's concern. Mr. Lehrer said that he felt the language is explicit and did not want to confuse issues. Mr. Lehrer said he could expand Section N pursuant to the suggestions that Ms. Waygan provided.

In an effort to move things along, Mr. Phelan suggested that the Board authorize Mr. Lehrer to make edits and proceed with the RFP process.

MOTION: Mr. Balzarini made a motion to authorize Mr. Lehrer to proceed with the RFP as amended by the Board. Mr. Callahan seconded the motion. All voted unanimously.

Mr. Lehrer said he would submit the RFP to Town Counsel after some minor formatting and composition of the attachments.

PUBLIC HEARING 7:10PM – Warrant Articles

Chair Phelan read the Public Hearing Notice for the record and invited the public to call into 508-539-1400 x8585 for comment. Mr. Phelan read each warrant article submitted but commented before proceeding, he wanted to share the findings of the Board of Selectmen relative to petition articles from their March 8, 2021 meeting. He reported that while the Town Clerk did certify the signatures submitted on the petition, the petitioner only submitted one signatory page while the articles as submitted are dependent upon each other to function as designed. They are indeed five separate zoning articles, each requiring their own unique signatory page. It was the finding of the Board of Selectmen by unanimous vote to find the articles as submitted inadequate to form thus compelling the Selectmen not to place the articles on the warrant. He suggested for this reason that the Board take no action or any deliberation with the regard to the substance or technical aspects of the articles as submitted. Chair Phelan asked if the Board had any procedural questions with regard to the petitions. He stated then he would open questions from the public relative to the process but not to substance from any members of the community or petitioner.

Mr. Balzarini inquired as to whether the Public Hearing needed to be continued or would it have to be closed. Mr. Lehrer responded that the hearing could be continued and reopened in two weeks however, it was his assumption that the Selectmen were not going to include these articles on the warrant. The Board could continue the hearing and see if there are any changes within the next few weeks but ultimately due to the findings that the Selectmen had at the March 8th meeting, there would not be anything to deliberate as the articles will not be placed on the

warrant for town meeting consideration. Mr. Lehrer suggested that if there were any calls from the public, the Board may want to elaborate why they may or may not want to take any action at tonight's meeting. Mr. Lehrer stated that the public hearing could be continued but if it is the Board's consensus to take no action or recommendation, then the public hearing should be closed.

Mr. Phelan asked if the Board had any questions relative to the process. Ms. Waygan asked if the petition article was resubmitted to the Board of Selectmen in a format that was acceptable, could another public hearing be held in the future. The response was affirmative.

Mr. Phelan opened comment from the public. Attorney Robert Mills introduced himself as the representative for the petitioner with respect to the warrant articles. He asked the Board to consider sponsoring these warrant articles. He indicated that he took already existing articles and improvised to make this area into an Overlay District as opposed to a straight zoning bylaw and added some other warrant articles that make the entire zoning bylaws make sense with respect to the overlay district. He referenced a map of the area under consideration. He stated this is a 40 acre parcel and will be developed whether it be for solar or another use. He and the petitioner feel the best use of this land would be for solar usage. He was advised by a prospective interested party called Nexgrid that of the 40 acres, only approximately 25 acres would be usable. Seven to ten of the 40 acre lot is a gravel pit.

Mr. Mills indicated that he considered the primary article to be article 174-45.7 which was fully vetted by the Board. It contemplates the process by which the applicant would have to appear before the Planning Board to seek a special permit. He stated that within the article, it has all of the safe guards that one would expect so that the PB could carefully consider these proposals and take into consideration areas such as neighborhood and aesthetics.

Mr. Mills expressed that he would like to see the Planning Board sponsor the articles as being in the best interest of the town. He indicated that there are significant benefits to the Town. He stated one of the benefits is the projection of income for the Town which was in the range of \$3.5 - \$4 million of revenue over a period of 20 years. He indicated that additional benefits would include credits to low and moderate income residents in addition to less of a burden of town services and infrastructure. He further indicated that if this parcel of land is not used for solar, he felt the alternative uses would not be as favorable.

Mr. Phelan said while he appreciated the report, he explained that the Board of Selectmen did not have an issue with the articles but only the process. They had a problem with setting a precedent for this process and asked Mr. Lehrer if there have been previous situations where the Selectmen have not approved articles but the Board moved forward.

Mr. Lehrer elaborated on the Selectmen's meeting. It was stated that it was an unprecedented petition article situation and the Board of Selectmen forwarded the issue to Town Counsel. The petitioners request at this point is to have the Planning Board sponsor the articles. Mr. Lehrer stated that the deadline has passed for the Planning Board to submit articles to the Selectmen. Selectmen Gottlieb shared with the Board of Selectmen at their March 8th meeting that the option remaining for the petitioner was to have Selectmen themselves sponsor the articles. Selectmen

O'Hara did make a motion for the Board of Selectmen to sponsor the articles but did not receive a second.

Mr. Lehrer said that what he believes Mr. Mills is asking is that the Planning Board consider submitting a letter to the Selectmen suggesting that they reconsider the motion then the hearing could be continued. The Board could at a future town meeting consider being a sponsor or the petitioner could resubmit with petitions adequate to form for the October Town Meeting.

Mr. Phelan stated that he was not inclined to take action this evening nor was he inclined to write a letter to the Board of Selectmen asking for reconsideration. Both Mr. Fulone and Mr. Callahan concurred. Mr. Lehrer explained that these warrants will not be on the May town meeting warrant if the Selectmen don't opt to sponsor the articles and place the articles on the warrant themselves. The articles would have to be resubmitted to be placed on the October town meeting warrant.

Chair Phelan reiterated that he would recommend not taking action this evening. Mr. Balzarini agreed. The Board agreed that a vote should be taken. Mr. Lehrer suggested taking a vote to take no action pursuant to the finding of the Board of Selectmen that the petition articles were inadequate form and that the Board does not wish to submit a letter to the Selectmen suggesting that they reconsider sponsoring the articles. He recommended closing the public hearing and suggested to the petitioner a resubmission of the petition articles for the July deadline to be on the October town meeting warrant.

There were no other callers on the line for comment.

MOTION: Ms. Waygan made a motion to take no action relative to the articles. Mr. Balzarini seconded the motion. The Board voted unanimously to take no action.

MOTION: Mr. Balzarini made a motion to close the public hearing. Ms. Waygan seconded the motion. The Board voted unanimously.

Review and Discuss Proposed Kick off Workshop outline for Vision Process

Discuss Comparative Evaluation Criteria

Mr. Phelan inquired if Mr. Lehrer had any additional items to discuss regarding the workshop. While there were no comments or items to discuss relative to the workshop, Mr. Lehrer reported that there were two suggestions in the comparative evaluation criteria that were edited. One was a request for a highly advantageous proposal, have experience on Cape Cod or have significant knowledge of the region. He added there was some confusion about the breakdown of the budget for a highly advantageous proposal. To clarify this area, he included some ranges.

Mr. Lehrer asked if there were any other suggestions or comments relative to the evaluation criteria. There were no further comments.

APPROVAL OF MINUTES – March 3, 2021

There were no comments regarding the minutes.

MOTION: Mr. Callahan made a motion to approve the minutes. Mr. Balzarini seconded the motion. All voted unanimously.

NEW BUSINESS

No discussion or topics were offered by Mr. Phelan or the Board.

OLD BUSINESS

No discussion or topics were offered by Mr. Phelan or the Board.

CHAIRMAN'S REPORT

No report

TOWN PLANNER REPORT

Mashpee Commons Development Agreement

Mr. Lehrer reported that Mashpee Commons submitted their development agreement application to the Cape Cod Commission. The first step is to request the Board of Selectmen formally sign on to become a party to the agreement. The first stage will be an establishment of the process for negotiation and collaboration. Mr. Lehrer indicated that there will be many opportunities for participation. He said that this is the first three party development agreement that the Cape Cod Commission is undertaking with developer, commission and a municipality. At the Selectmen's meeting there will be discussion about what the process will look like for negotiation and collaboration. Mr. Phelan asked whether there would be a need for the Planning Board to be present at the Selectmen's meeting. Mr. Lehrer responded that he did not believe there would be anything of substance with regard to the actual development but that it would be a good idea to tune into the meeting.

Consulting Engineer Update

Mr. Lehrer stated that a formal offer letter was sent to Mr. Ed Pesce to which he accepted. Mr. Lehrer has sent a request to Town Counsel to draft an agreement for services. Once this agreement is executed the Town will have a new engineer.

BOARD MEMBER COMMITTEE UPDATES

Cape Cod Commission-No report

Community Preservation Committee-Ms. Waygan reminded the Board that Community Preservation applications are due by April 1st for consideration at the October town meeting. Applications can be obtained online or at the Town Manager's Office.

Ms. Waygan had heard that there will be a vacancy on the Community Preservation Committee but she has not seen anything formally posted as of yet.

Design Review Committee- Mr. Callahan reported that there was a meeting to approve both buildings and signs. The first application was for a sign located at 735 Falmouth Road for The Black Dog headquarters which was continued. The next was for a sign located at 800 Falmouth Road for a foundation recovery group which was also approved. There was also an application from the Gutter Monkeys to construct a Morton building at 20 Evergreen Circle which was approved. The second application to construct a Morton building at 53 Mercantile Way was also approved.

Plan Review- Mr. Lehrer said that the Committee reviewed both 20 Evergreen Circle and 53 Mercantile Way.

The Board of Appeals had previously issued a special permit for 20 Evergreen Circle but the applicant withdrew. The proposal reviewed for Cape Cod Gutter Monkey was essentially identical to the previous plan with the exception of the elimination of a second building. This was really a modification of an existing special permit to modify the site plan for removal of the second structure and the inclusion of a different use. The Plan Review Committee recommended approval with some conditions.

The application for 53 Mercantile Way was similar. A special permit already exists for this site for contractor bays. An expansion for a secondary structure to the rear was proposed by the developer to be used as his own office. This petition met all requirements of the zoning bylaw and was approved with conditions.

Environmental Oversight Committee - Mr. Fulone said there was a meeting but nothing of substance to report. He will forward minutes to the Board.

Historic District Commission- No meeting

Military Civilian Advisory Council-No meeting

ADJOURNMENT

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

The meeting adjourned at 7:40 p.m.

Respectfully submitted,

Patricia A. Maguffin
Administrative Secretary

LIST OF DOCUMENTS

Additional documents may be available in the Planning Department.

- *Community Engagement Action Plan – RFP Draft*
- *Visioning Kick-Off Workshop Draft*
- *Comparative Evaluation Criteria for Community Engagement Action Plan-Draft*
- *Draft Meeting Minutes from March 3, 2021 meeting*
- *May 2021 Proposed Solar Articles*
- *Public Hearing Notice – Proposed Warrant Articles for 2021 May Town Meeting*
- *Mashpee Commons Proposed Development Agreement*
- *Consulting Engineer Award Letter*
- *Southport Correspondence*
- *Town of Falmouth Notices*
- *Town of Sandwich Notices*
- *Water Ways Application – 62 Cayuga Ave.*
- *Water Ways Application – 45 Popponesset Island Road*
- *January 2021 Discharge Monitoring Report South Cape Village*



Eliza Cox

Direct Line: 508-790-5431

Fax: 617-310-9191

E-mail: ecox@nutter.com

April 14, 2021
120390-1

By Electronic Mail

Chair John Phelan
Town of Mashpee Planning Board
16 Great Neck Road North
Mashpee, MA 02649
Attn: Evan Lehrer, Town Planner
elehrer@mashpeema.gov

Re: Mashpee Commons – Development Agreement

Dear Chair Phelan and Members of the Planning Board:

We write on behalf of our clients, Mashpee Commons Limited Partnership, Arnold Chace, Jr., Mashpee Commons II, LLC, and GNRS-MA LLC, (collectively, the “Applicants”) to request to appear before the Board at its April 21, 2021 meeting to discuss a proposed zoning amendment in connection with the three-party development agreement between the Applicants, Cape Cod Commission, and the Town of Mashpee.¹ Pursuant to the Mashpee Zoning Bylaw, § 174-27.1(D), the Planning Board, or its designee, leads the municipal review of the elements of a development agreement.

One of the proposed elements of the development agreement is an amendment to the Mashpee Zoning Bylaw through the creation of a zoning overlay district, referred to as the “Community Activity Center” overlay district. We have enclosed a document titled “Overview of Proposed Community Activity Center Zoning Overlay District,” which gives a brief summary of the Applicants’ vision for the proposed zoning. At the Board’s April 21st hearing, we will be asking that the Board appoint two Board members who would be available to meet with the Applicants, their representatives, and members of the Planning Board staff to engage in detailed discussions regarding the proposed language of the zoning amendment and then report back to the full Board.

We look forward to commencing this process and working with the Mashpee Planning Board and its designated Board members to discuss a proposed zoning amendment.

¹ At its March 22, 2021 meeting, the Mashpee Board of Selectmen voted to accept the Applicants’ request for the Town to participate in the three-party development agreement with the Applicants and the Cape Cod Commission.



Please do not hesitate to contact us with any questions.

Very truly yours,

A handwritten signature in blue ink that reads "Eliza Cox".

Eliza Cox

Enclosure

cc: Mashpee Commons Limited Partnership (with enclosure)
Rodney Collins, Town Manager (by email, with enclosure)
Jon Idman, Esq., Cape Cod Commission

A handwritten mark in blue ink, possibly initials or a signature, located to the left of the enclosure list.

5126823.1

OVERVIEW OF PROPOSED COMMUNITY ACTIVITY CENTER ZONING OVERLAY DISTRICT

As part of the proposed development agreement to expand the existing Mashpee Commons, the Applicants propose to amend the Mashpee Zoning Bylaw through the creation of a zoning overlay district, referred to as the Community Activity Center (“CAC”) overlay district. It is envisioned that the zoning amendment would become an exhibit to, and incorporated by reference, into the development agreement.

As its name suggests, the CAC overlay district has been designated by the Cape Cod Commission (“Commission”) as a Community Activity Center in its 2018 Regional Policy Plan, described as an area “with a concentration of business activity, community activity, and a compact built environment.” The vision for these areas is to accommodate mixed-use development (e.g., a variety of shops, stores, restaurants, office spaces and residential), and a wide range of housing types including single family, attached townhouses, and multifamily residential “in a walkable, vibrant area, to preserve historic buildings, and to provide diverse services, shopping, recreation, civic spaces, housing, and job opportunities at a scale of growth and development desired by the community, with adequate infrastructure and pedestrian amenities to support development.”

The proposed CAC overlay district is consistent with the Commission’s vision for these types of centers. The CAC is a hybrid between conventional zoning and form-based code, more specifically it creates a mixed-use zone, and would allow for a broad range of residential, commercial, civic, educational, and institutional uses subject to certain dimensional and other requirements. It would be superimposed over the underlying zoning and shown on the Official Zoning Map of the Town of Mashpee.

In particular, the CAC seeks to focus growth in existing centers of activity and areas supported by adequate infrastructure. The overlay district will accommodate a variety of housing types, including mixed-use, single-family, multi-family, senior, workforce, and affordable housing. By promoting the efficient use of land and encouraging multi-modal transportation, the CAC overlay district will provide opportunities to live, work and shop in a manner that minimizes dependence on private vehicle trips. It will also enhance and extend the aesthetic character and livability of the currently built environment and reduce the impact of new development on the Town of Mashpee’s water quality and natural resources. To that end, by locating development within the CAC, where there is infrastructure to support the smart-growth envisioned by the draft zoning, the CAC overlay district will further the vision and planning goals articulated by the Regional Policy Plan which, in turn, will reduce the likelihood of sprawl, disruption of undisturbed properties, and the impacts of uncoordinated growth.

To accomplish these objectives, the CAC overlay district consists of three sub-areas: the “Core,” “Transition” and “Edge” areas, which will authorize different uses, densities, and scales. The Core area is characterized by denser development, a variety of mixed-uses (including residential uses primarily on upper floors), more commercial development, and taller buildings.

The Transition area is comprised of neighborhoods that connect the Core and Edge areas and is the middle and more variable portion of the overall zone. It consists of a variety of building types, with more residential uses than the Core area, as well as mixed use and civic buildings.

The proposed Edge area generally includes the perimeter of the CAC overlay district and is the lowest, less variable density portion of the district. It has a smaller variety and scale of building types, with dominantly residential uses, including single family dwellings and attached townhouses. Commercial uses are not authorized in the Edge area.

The CAC overlay district authorizes by right development, subject to certain densities and dimensional requirements. However, the draft also provides that the Zoning Board of Appeals may grant special permit relief from the density and dimensional requirements if it finds that the proposed increase is in keeping with the purpose of the CAC overlay district and the social, economic, or other benefits of the proposal for the neighborhood or town outweigh any adverse effects such as hazard, congestion, or environmental degradation.

Finally, the CAC overlay district also contemplates continuing and expanding on the existing multi-modal transportation methods. Presently, the Commons already has two bus stops, a school bus stop, electric vehicle chargers, and traditional parking. It also authorizes a variety of parking solutions, including on-street parking, shared parking lots, and common driveways.



TOWN OF FALMOUTH
MASSACHUSETTS

MAR 16 2021

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 **Thomas W. DeMello and Cynthia L. Feldmann**, 15 Hawthorne Court, Falmouth, Ma. (Map 46B, Lot 000A) **under** 240-3 C. and 240-69 E. of the Zoning By-Law, as amended to **grant** the special permit to expand the footprint and add a detached garage.

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 **March 10, 2021** 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>



MAR 16 2021

**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 **Bruce Stivaletta, Trustee**, 118 Timothy Bourne Cartway, East Falmouth, Ma. (Map 29, Lot 007) **under** 240-38 G (1) (b) and 240-70 D. of the Zoning By-Law, as amended to **grant** the special permit to construct an accessory structure with a footprint exceeding 900s/f and 24' in height.

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 **March 12, 2021** 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

ZONING BOARD OF APPEALS

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

MAR 24 2021

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: <http://www.falmouthma.gov/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

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:

Application #013-21 Cove Cottage LLC, 63 Orchard Street, Cambridge, Ma.: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 of the Code of Falmouth to adjust lot lines on subject property known as 24 Reed Path, East Falmouth, Ma (a/k/a 98 Seapit Road, East Falmouth, Ma.)

Map 32 Section 21 Parcel 005 Lot 026 – 24 Reed Path
Map 32 Section 21 Parcel 005C Lot 027 – 32 Nichols Road

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, April 8, 2021 at 6:30PM**
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

MAR 24 2021

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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.
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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

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:

Application # 014-21 Thomas W. and Michelle M. Oliver, 643 Old Barnstable Road, East Falmouth, Ma. Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-38 G. of the Code of Falmouth to allow a detached three car garage on subject property known as 643 Old Barnstable Road, East Falmouth, Ma

Map 20 Section 06 Parcel 049 Lot(s) 009

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, April 8, 2021 at 6:30PM**

You are invited to be present.

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Chairman, Terrence Hurrie

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ZONING BOARD OF APPEALS

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MAR 24 2021

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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.
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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

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:

#012-21 Antonio H. and Judith C. DePina, 14 Andy's Lane, West Falmouth: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-69 E. of the Code of Falmouth to allow a 15'x 26' above ground swimming pool; increasing lot coverage by structures on subject property known as 14 Andy's Lane, West Falmouth, Ma.

Map 26 Section 05 Parcel 071A Lot(s) 009

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, April 8, 2021 at 6:30PM**
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> *



MAR 25 2021

**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 **Cellco Partnership d/b/a Verizon Wireless, c/o Gehring and Associates, LLC.**, 132 East Falmouth Highway (a/k/a 13 Old Barnstable Road) East Falmouth, Ma. (Map 33, Lot 000A) under 240-3 C., 240-23 E., 240-216. MGL c.40A and 47 U.S.C. 332 (c)(7)(b) of the Zoning By-Law, as amended to **grant** the special permit to construct a replacement 100' cell tower.

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 **March 19, 2021** 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>



MAR 30 2021

**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 **Joseph P. Celia, Trustee**, 10 Grove Street, North Falmouth, Ma.

(Map 04A, Lot 000A) **under** 240-3 C. of the Zoning By-Law, as amended to **grant** the special permit to expand the second floor.

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 **March 24, 2021** 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>



APR 01 2021

**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 **Kathleen G. Rausch, Trustee**, 200 Mill Road, Falmouth, Ma.

(Map 47, Lot 016) under 240-3 C. of the Zoning By-Law, as amended to **grant** the special permit to raze and rebuild the attached garage with living space above.

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 **March 26, 2021** 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>



APR 01 2021

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 **Martha B. Rizzoli**, 28 Bar Neck Road, Woods Hole, Ma.

(Map 49A, Lot 000) **under** 240-3 C. 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 **March 26, 2021** 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

APR 02 2021

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 **James M. Kelly**, 165 Acapesekt Road, East Falmouth, Ma.

(Map 33, Lot 358) under 240-23 G.(1) of the Zoning By-Law, as amended to **grant** the modification of special permit #050-19 to allow habitable space above the garage.

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 **March 30, 2021** 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

ZONING BOARD OF APPEALS

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

APR 05 2021

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.
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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

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:

Application #018-21 Robert L. Deters and Jean M. Casello, 39 Keyes House Road, Shrewsbury, Ma:
Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. of the Code of Falmouth to raze and rebuild the pre-existing non-confirming single family dwelling on subject property known as 65 Philadelphia Street, Teaticket, Ma.

Map 39A Section 09 Parcel 000 Lot(s) 538

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, April 22, 2021 at 6:30PM**
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

APR 05 2021

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:

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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.
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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

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:

Application #019-21 Stephen J. and Debra O. Laster, Trustees, 43 Beverly Road, Wellesley, Ma:

Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. of the Code of Falmouth to raze and reconstruct the existing detached garage and construct an addition to the dwelling on subject property known as 322 Woods Hole Road, Woods Hole, Ma.

Map 50 Section 06 Parcel 006 Lot(s) 000A

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

April 22, 2021 at 6:30PM

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

APR 05 2021

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:

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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

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:

Application #017-21 Christopher R. Wagner, 100 Pier 4 Boulevard, apt. #1919, Boston, 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 additions to the pre-existing non-conforming single family dwelling; increasing lot coverage by structures on subject property known as 87 Mariners Lane, Falmouth, Ma.

Map 47 Section 06 Parcel 034 Lot(s) 009

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, April 22, 2021 at 6:30PM**
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

APR 05 2021

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.
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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.
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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

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:

Application #016-21 Joseph Noonan and Mary Noonan, 12 Pheasant Hill Road, Norfolk, 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 rebuild the non-conforming dwelling, increasing lot coverage by structures on subject property known as 183 Surf Drive, Falmouth, Ma.

Map 47 Section 03 Parcel 081A Lot(s) 000D

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, April 22, 2021 at 6:30PM**

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> *



APR 09 2021

**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 **Robert L. Graham**, 31 Hamilton Street, Teaticket, Ma.

(Map 46A, Lot 103) **under** 240-3 C. 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 **April 5, 2021**, 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>



APR 12 2021

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 **Brendan J. and Sarah G. Murphy**, 40 Oyster Pond Road, Falmouth.

(Map 48, Lot 040) **under** 240-3 C. of the Zoning By-Law, as amended to **grant** the special permit to raze and reconstruct the detached garage, adding living space above.

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 **April 8, 2021** 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>



MAR 24 2021

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

TOWN CLERK
TOWN OF SANDWICH

MAR 17 2021

2 H 35 M P M ef
RECEIVED & RECORDED

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 a proposed amendment to the Sandwich Protective Zoning By-Law. This meeting will take place on Tuesday, April 6, 2021 at 7:00 p.m. and shall be convened remotely via a ZOOM videoconference and broadcast live on SCTV.

Join Zoom Meeting

<https://zoom.us/j/93251389945?pwd=UTZkSUFjZ2Z4RGsyT2J5a0tMWTFNdz09>

Meeting ID: 932 5138 9945 Passcode: 2zug1r

Citizen Petition Proposed Amendment:

- Proposed amendment to Article II to add Section 2200 26. for the purpose of adding a Rooster provision.

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.

Full text of the proposed Zoning Amendments, along with the current Protective Zoning By-Law and current Zoning Map may be viewed in the following ways:

1. Request a PDF from the Office of Planning & Development at planning@sandwichmass.org
2. Visit the Office of Planning & Development at 16 Jan Sebastian Drive, Sandwich, MA Monday – Friday, 8:30 a.m. to 4:30 p.m.
3. Call (508) 833-8001 if other accommodations are needed.

Jeffrey R. Picard, Chair
Sandwich Planning Board
Publication: Sandwich Enterprise
Publication Dates: March 19 and March 26, 2021



APR 01 2021

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

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, April 13, 2021 at 6:00 p.m. which shall be convened remotely via a ZOOM videoconference and broadcast live on SCTV to consider the application of Jay W. & Rhonda L. Briggs, applicant and owner for a Special Permit under Section 2540 of the Sandwich Protective Zoning By-Law for property located at 7 Academy Road, Sandwich, MA, Assessor's Map #72, Parcel #85, for the purpose of constructing a second single family dwelling. 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: March 26 and April 2, 2021



APR 01 2021

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

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, April 13, 2021 at 6:00 p.m. which shall be convened remotely via a ZOOM videoconference and broadcast live on SCTV to consider the application of Cape Cod BMX c/o Tammy Gibbs, applicant and Town of Sandwich, property owner for a Special Permit under Section 4150 & 4200 of the Sandwich Protective Zoning By-Law for property located at 71 Quaker Meeting House Road, Sandwich, MA, Assessor's Map #17, Parcels #134, 137 & 138, for the purpose of constructing and operating a BMX Facility. 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: March 26 and April 2, 2021



APR 08 2021

**Special Permit
Certificate of Approval**

Petition # 21-05
Current Property Owner(s): Wilsinn, LLC
Applicant: Christopher Wilson
Property Address: 2 Jarves Street
Map, Parcel 73-030

TOWN CLERK
TOWN OF SANDWICH

APR 02 2021

2 45 11 P M
RECEIVED & RECORDED

On March 23, 2021 the Board of Appeals voted to approve a special permit from Section 2210 and 3100 of the Sandwich Zoning By-law for property located at 2 Jarves Street, as shown on Assessor's Map 73, Parcel 030, for the purpose of operating a full service bar and restaurant.

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

4/2/21
Date

PROCEDURAL HISTORY

1. Application from Section 2210 and 3100 of the Zoning By-Law for property located at 2 Jarves Street was filed on February 24, 2021.
2. After proper notice was given the public hearing was opened on March 23, 2021 and closed on March 23, 2021.
3. The application included a site plan entitled:
6-8 Jarves Street
Sandwich, Massachusetts
Wilsinn, LLC
Dated: November 28, 2016
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*
James Killion
Christopher Neeven
Robert Jensen
Chase Terrio*
Jack Casali

*Board member missed no more than one meeting and listened to a full audio recording of the Public Hearing at which he was not present, which allows for participation in the deliberation of a Decision under General Law c. 39.

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 Village Business Zoning District.
3. Subject property is approximately 1,742 sq. ft.
4. Subject property has 30.1 feet of frontage on Jarves Street.
5. 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.
6. The subject lot predates the Protective Zoning Bylaw.
 7. Under Section 3120 the applicant must provide 17 parking spaces.
 8. The applicant is requesting approval to allow offsite parking on 6 Jarves Street per section 3110 of the Bylaw.
 9. 6 Jarves Street has 46 parking spaces and is located approximately 143 ft. from 2 Jarves Street.
 10. The Board finds that 12 parking spaces for the use is not adequate.
 11. The applicant is proposing the hours of operation as 11 a.m. to 1 a.m.
 12. The applicant is proposing indoor and outdoor seating.
 13. There will be proposed takeout dining.
 14. The applicant proposes a total seating of 49 which includes a combination of indoor and outdoor seating.
 15. The applicant proposes to designate two handicapped parking spaces as close to the site as possible.

Motion: I, Robert Jensen, move to adopt these findings as the findings of the Board of Appeals.

Second: Christopher Neeven

Vote:	Erik Van Buskirk	Yes
	James Killion	Yes
	Christopher Neeven	Yes
	Robert Jensen	Yes
	Chase Terrio	Yes
	Jack Casali	Yes

16. The Board finds that in the event of modification of this special permit to address parking or seating, all fees shall be waived.

Motion: I, Robert Jensen, move to adopt these amended findings as the findings of the Board of Appeals.

Second: Christopher Neeven

Vote:	Erik Van Buskirk	Yes
	James Killion	Yes
	Christopher Neeven	Yes
	Robert Jensen	Yes

Chase Terrio	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 twelve (12) 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 hours of operation will be 11 a.m. to 1 a.m.
5. Restaurant seating shall be limited to a total of 43.
6. Parking spaces provided shall be no less than 12.

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

Second: Christopher Neeven

Vote:	Erik Van Buskirk	Yes
	James Killion	Yes
	Christopher Neeven	Yes
	Robert Jensen	Yes
	Chase Terrio	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 2 Jarves Street, as shown on

Assessor's Map 73, Parcel 030, for the purpose of operating a full service bar and restaurant.

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

Second: Christopher Neeven

Vote:	Erik Van Buskirk	Yes
	James Killion	Yes
	Christopher Neeven	Yes
	Robert Jensen	Yes
	Chase Terrio	Yes
	Jack Casali	Yes



MAR 16 2021

**Special Permit
Certificate of Approval**

TOWN CLERK
TOWN OF SANDWICH

Petition # 21-04
Current Property Owner(s): MACK LLC
Applicant: Caren Berry
Property Address: 497 Route 6A
Map, Parcel 53-012

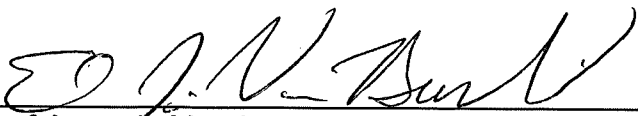
MAR 10 2021
2 H 48 M P MF
RECEIVED & RECORDED

On March 9, 2021 the Board of Appeals voted to approve a special permit from Section 2420 of the Sandwich Zoning By-law for property located at 497 Route 6A, as shown on Assessor's Map 53, Parcel 012, to allow for the change, extension or alteration of a non-conforming use from an office to a retail use.

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

3/10/21

Date

PROCEDURAL HISTORY

1. Application from Section 2420 of the Zoning By-Law for property located at 497 Route 6A was filed by Caren Berry on February 12, 2021.
2. After proper notice was given the public hearing was opened on March 9, 2021 and closed on March 9, 2021.
3. The applicant requested a waiver from the site plan requirement.
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
James Killion
Christopher Neeven
Robert Jensen
Chase Terrio
Gerry Nye

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 R-2 Zoning District.
3. Subject property is approximately 0.56 acres.
4. Subject property has approximately 112 feet of frontage on Route 6A.
5. 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.
6. The subject lot predates the Protective Zoning Bylaw.

7. The applicant proved that the preexisting non-conforming use has not been abandoned for more than 5 years making it eligible to apply for a permit under this section.
8. The applicant requested a waiver of the site plan requirement.
9. Under section 3120 the applicant is required to provide one parking space per 200 square feet of gross floor area. The applicant must provide 8 parking spaces.
10. The applicant is proposing the hours of operation as Tuesday-Friday 10 a.m. to 5 p.m. and Saturday 10 a.m. to 3 p.m. Approximately 3 times a month there will be evening painting/craft classes.
11. The applicant primarily uses non-toxic paint.
12. The applicant demonstrated to the satisfaction of the Board that a minimum of 8 parking spaces are available.

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

Second: Christopher Neeven

Vote:	Erik Van Buskirk	Yes
	James Killion	Yes
	Christopher Neeven	Yes
	Robert Jensen	Yes
	Chase Terrio	Yes
	Gerry Nye	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 twelve (12) 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. All hazardous materials must be stored per Fire Department regulations.
5. The applicant must provide 8 parking spaces for the use.
6. Any new parking created shall be screened from abutters and streets.

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

Second: Christopher Neeven

Vote:	Erik Van Buskirk	Yes
	James Killion	Yes
	Christopher Neeven	Yes
	Robert Jensen	Yes
	Chase Terrio	Yes
	Gerry Nye	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 497 Route 6A, as shown on Assessor's Map 53, Parcel 012, to allow for the change, extension or alteration of a non-conforming use from an office to a retail use.

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

Second: Christopher Neeven

Vote:	Erik Van Buskirk	Yes
	James Killion	Yes
	Christopher Neeven	Yes
	Robert Jensen	Yes
	Chase Terrio	Yes
	Gerry Nye	Yes

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

APR 05 2021

NOTICE OF ADJUDICATION
NOTICE OF PUBLIC COMMENT HEARING
D.P.U. 21-08

Vineyard Wind 1 LLC

Notice is hereby given that, pursuant to G.L. c. 40A, § 3, Vineyard Wind 1 LLC (“Vineyard Wind” or “Company”), located at 700 Pleasant Street, Suite 510, New Bedford, MA 02740, has filed with the Department of Public Utilities (the “Department”) a petition seeking individual and comprehensive zoning exemptions from the operation of the *Zoning Ordinance of the Town of Barnstable, Massachusetts* (the “Zoning Petition”).

The zoning exemptions are requested in connection with Vineyard Wind’s proposal to use an additional 2.2 acres of land located at 40 Communications Way in the Town of Barnstable for the construction and operation of the substation that the Energy Facilities Siting Board (“Siting Board”) approved previously as part of the “Vineyard Wind Connector” by a Final Decision issued on May 10, 2019 in EFSB 17-05/D.P.U. 18-18/18-19 (the “Final Decision”). In the Final Decision, the Siting Board approved construction and operation of a substation located on approximately 6.35 acres in the eastern portion of the 13.1-acre parcel at 40 Communications Way, on which a former Cape Cod Times building is located. On November 3, 2020, the Siting Board approved the proposed 2.2-acre expansion, finding that it “will not alter in any substantive way either the assumptions or conclusions reached in” the Siting Board’s analysis of impacts in the Final Decision. In the Zoning Petition, Vineyard Wind seeks zoning exemptions for the additional 2.2 acres of the 13.1-acre parcel located immediately to the west of the previously approved 6.35 acres. Vineyard Wind intends to construct and operate the expanded substation on the combined approximately 8.55 acres. Vineyard Wind’s proposed use of the additional 2.2 acres for this purpose constitutes the “Substation Expansion” for the purposes of the Zoning Petition.

The Zoning Petition has been docketed as D.P.U. 21-08. The Department will review the Petition to determine whether the zoning exemptions should be granted, and if the proposed use of the land or structures is reasonably necessary for the convenience or welfare of the public, pursuant to G.L. c. 40A, § 3.

Due to the COVID-19 State of Emergency, the Department will conduct a remote public comment hearing using Zoom videoconferencing regarding the Project at 7:00 p.m., Thursday, April 15, 2021. Attendees can join by clicking (or entering) the following link: <https://zoom.us/j/91598985872> from a computer, smartphone, or tablet. No prior software download is required. For audio-only participation, attendees can dial in at 1 646 558 8656 (not toll free) and then enter the Meeting ID# 915-9898-5872.

If you anticipate providing comments via Zoom during the public comment hearing, please send an email to geneen.bartley@mass.gov with your name, email address, and mailing address by **Wednesday, April 14, 2021**. If you anticipate commenting by telephone, please leave a

voicemail message at (617) 305-3529 with your name, telephone number, and mailing address by **Wednesday, April 14, 2021**.

At the remote public comment hearing, Vineyard Wind will present an overview of the proposed Substation Expansion. Public officials and members of the public will then have an opportunity to ask questions and make comments about the proposed Substation Expansion. The public comment hearing will be transcribed by a court reporter. The public may also file written comments; please see “Filing Instructions” at the end of this Notice. Written comments will be accepted on the Substation Expansion until 5:00 p.m. on **Thursday, April 29, 2021**.

Substation Expansion Description

The 2.2 acre Substation Expansion includes an area currently occupied by paved parking and circulation roads, a portion of the former Cape Cod Times building, and a wooded area along Independence Drive. The Substation Expansion is bounded to the east by the area previously approved for a substation, to the north by the existing Barnstable Switching Station, to the west by the remainder of the 40 Communications Way parcel (which includes the remainder of the former Cape Cod Times building and additional parking area), and to the south by Independence Drive. Vineyard Wind proposes to use the 2.2-acre Substation Expansion together with the adjacent 6.35 acres for the construction and operation of a substation. Vineyard Wind proposes to construct and operate two synchronous condensers with enclosures, two 270 MVA transformers, associated outdoor cooling fan decks, and associated equipment on the 2.2-acre Substation Expansion site. The Substation Expansion would be a component of the Vineyard Wind Connector, which was approved in the Final Decision and includes offshore and onshore transmission facilities to interconnect an offshore wind turbine array in federal waters to the New England grid. **A figure showing the Substation Expansion is provided at the end of this Notice.**

Public Review of the Company’s Petition

Electronic copies of Vineyard Wind’s Zoning Petition and attachments have been filed with the Town of Barnstable. Copies of the Zoning Petition and all attachments are available for public inspection in electronic format at the following locations:

- Department of Public Utilities’ website at: <https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber/21-08>
- Vineyard Wind’s website at: <https://www.vineyardwind.com/vineyard-wind-1>, and click “Documents” then “State Permitting” then “Department of Public Utilities (DPU)”

To request materials in accessible formats (Braille, large print, electronic files, or audio format) for persons with disabilities contact the Department’s ADA coordinator at Melixza.Esenyie2@mass.gov.

Intervention and Participation

Persons or groups who wish to be involved in the Department proceeding beyond providing comments at the public comment hearing or submitting written comments may seek either to

intervene as a party or to participate as a limited participant. Intervention as a party allows the person or group to participate fully in the evidentiary phase of this proceeding, including the right to participate in evidentiary hearings, and grants the right to appeal a final order. A limited participant would receive documents that will be submitted to the Department and may present written argument to the Department after evidentiary hearings conclude but is not permitted to actively participate in the evidentiary phase of the proceeding and does not have the right to appeal the final order.

Any person wishing to intervene as a party or to participate as a limited participant in this proceeding must file a written petition with the Hearing Officer. A petition to intervene or a petition to participate as a limited participant must satisfy the timing and substantive requirements of 220 CMR 1.03(1). To be allowed, a petition to intervene filed pursuant to 220 CMR 1.03(1) must demonstrate that the petitioner may be substantially and specifically affected by this proceeding. For additional information, see <https://www.mass.gov/how-to/file-a-petition-to-intervene-in-an-efsb-or-dpu-siting-case>.

Filing Instructions

Written comments on the Company's Substation Expansion, or a petition to intervene or participate as a limited participant in this proceeding, must be filed as follows:

All comments and petitions must be filed with the Department in electronic format by e-mail or email attachment to dpu.efiling@mass.gov; geneen.bartley@mass.gov; and robert.j.shea@mass.gov no later than the close of business (5:00 p.m.) on **Thursday, April 29, 2021**. The commenter or petitioner must retain a hard copy of the comment or petition and send said hard copy to the Department if and when requested. The text of the email must specify: (1) the docket number of the proceeding (D.P.U. 21-08); (2) the name of the person or entity submitting the filing; and (3) a brief description of the document. The electronic filing should also include the name, title and telephone number of a person to contact in the event of questions about the filing.

In addition, all comments and petitions must be sent electronically to counsel for Vineyard Wind, Adam P. Kahn, Esq. and Zachary Gerson, Esq., Foley Hoag LLP, at akahn@foleyhoag.com and zgeron@foleyhoag.com.

Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can. Also include a way the Department can contact you if we need more information. Please provide as much advance notice as possible. Last minute requests may not be able to be accommodated. Contact the Department's ADA coordinator at Melixza.Esenyie2@mass.gov.

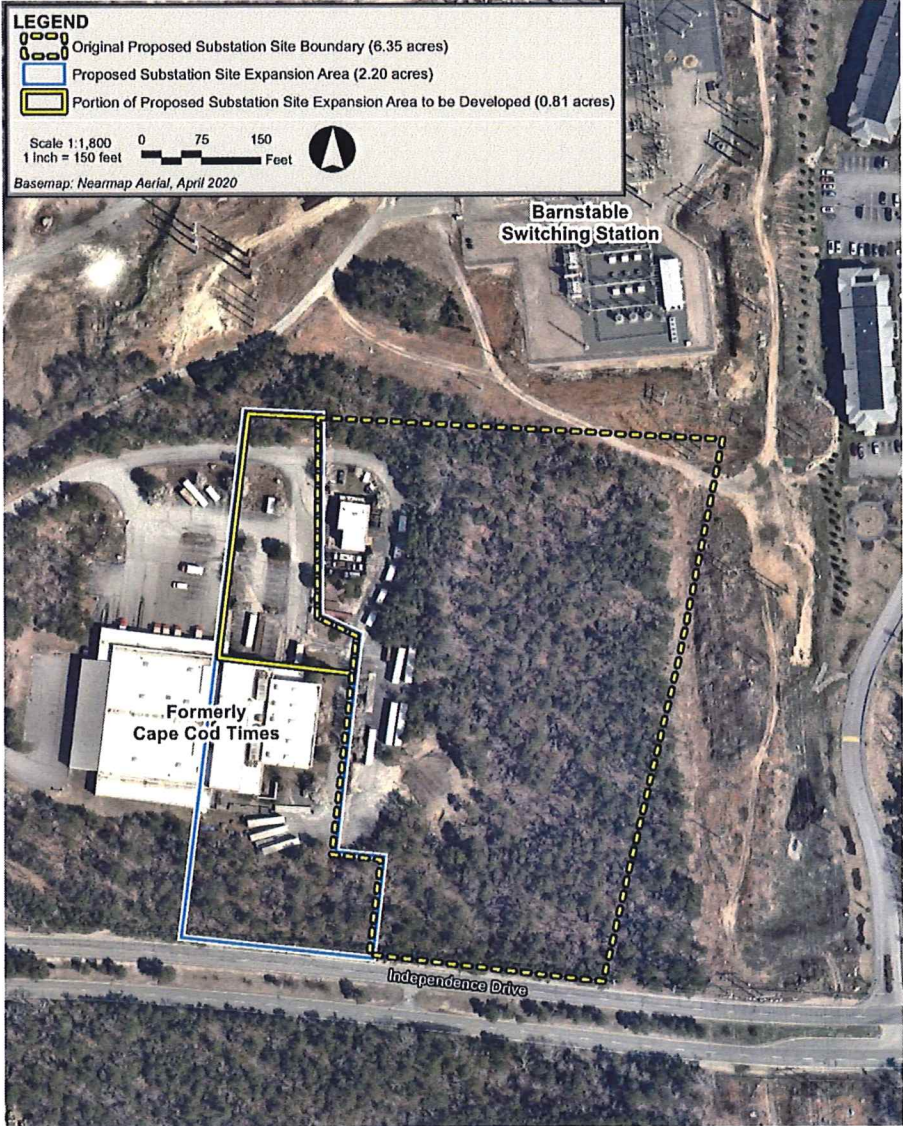
Interpretation services for those with limited English language proficiency are available upon request. Include in your request the language required, and a way to contact you if the Hearing Officer needs more information. Please provide as much advance notice as possible. Last minute requests may not be able to be accommodated.

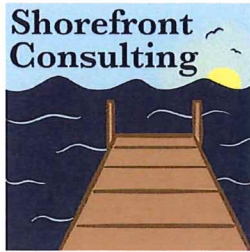
Esta é uma Notificação importante sobre a proposta de um projeto de energia principalmente na cidade de Barnstable. Para receber estas informações em português, por favor visite <https://fileservice.eea.comacloud.net/FileService.Api/file/FileRoom/13298460> .

Any person desiring further information regarding this Notice, including information regarding intervention or participation in the proceeding, may also contact the Hearing Officer at the telephone number or email address:

Robert J. Shea, Esq., Hearing Officer
Massachusetts Department of Public Utilities
(617) 851-4246
Robert.j.shea@mass.gov

Figure 1 – Proposed Substation Site and Expansion





Shorefront Consulting

Professional Services on Land or At Sea

290 Center St., Dennis Port, MA 02639
508-280-8046

www.shorefrontconsulting.com
shorefrontconsulting@gmail.com

MAR 16 2021

DEPARTMENT OF ENVIRONMENTAL PROTECTION WATERWAYS REGULATION PROGRAM

Notice of License Application Pursuant to M. G. L. Chapter 91 Waterways License Application Number W20-5892 Taffrail Nominee Trust

NOTIFICATION DATE: March 12, 2021

Public notice is hereby given of the waterways application by the Taffrail Nominee Trust to install and maintain a seasonal ramp and float to an existing pier at 17 Taffrail Way, in the municipality of Mashpee, in and over the waters of Popponesset Creek. The proposed project has been determined to be water-dependent.

The Department will consider all written comments on this Waterways application received within 30 days subsequent to the "Notification Date". Failure of any aggrieved person or group of ten citizens or more, with at least five of the ten residents residing in the municipality(s) in which the license or permitted activity is located, to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c).

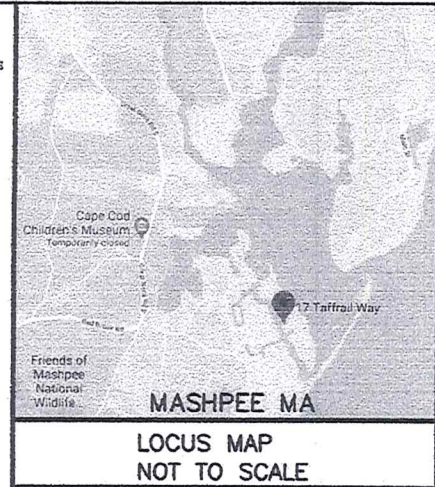
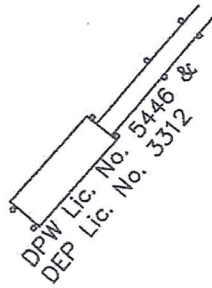
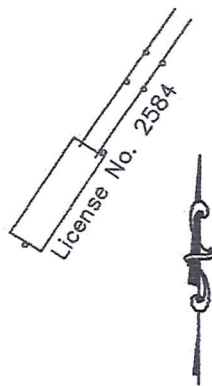
Additional information regarding this application, including plans and associated documents, may be obtained by contacting the Waterways Regulation Program at (508) 946-2707 or brendan.mullaney@mass.gov.

Written comments must be addressed to: Brendan Mullaney, Environmental Analyst, DEP Waterways Regulation Program, 20 Riverside Drive, Lakeville, MA 02347 or Brendan.mullaney@mass.gov.

I CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS.

Date _____

P.L.S. _____



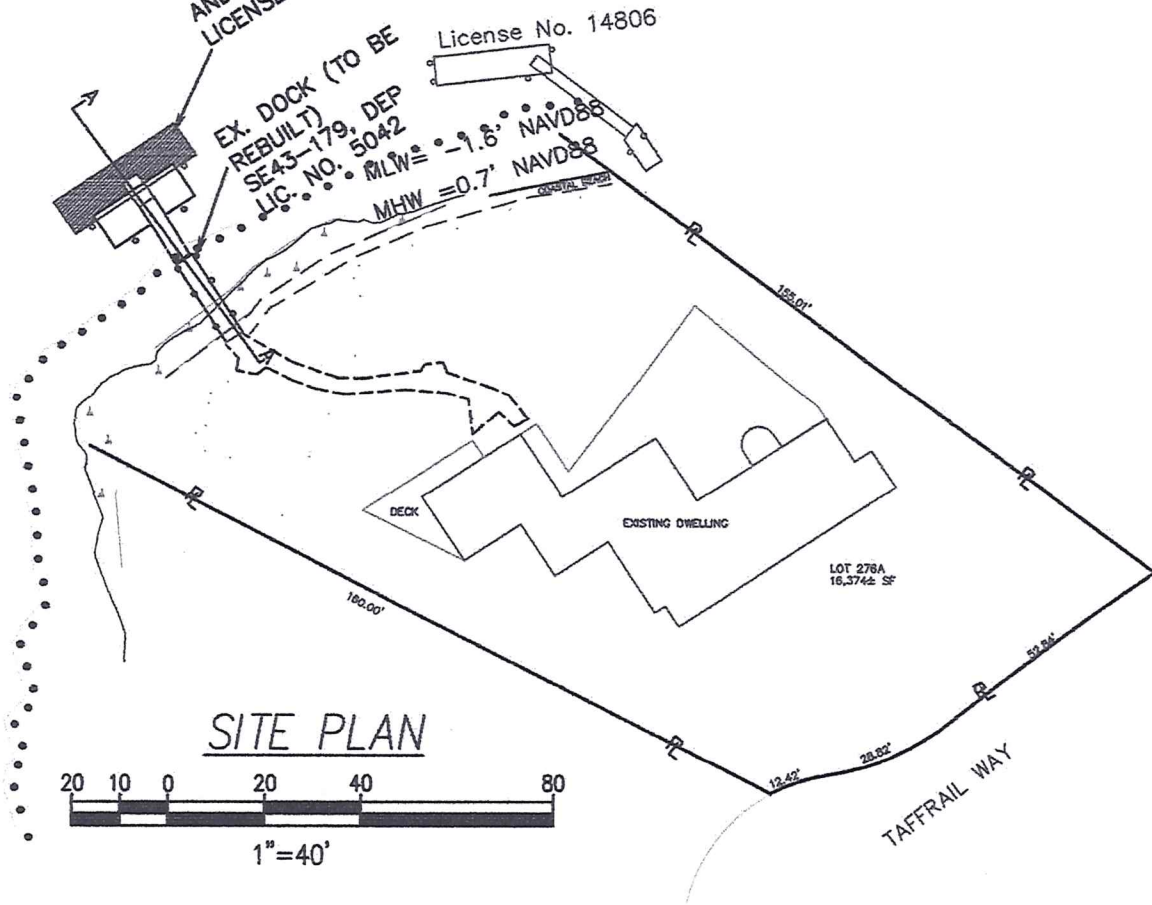
POPPONESSET CREEK

PROPOSED NEW RAMP AND FLOAT (TO BE LICENSED)

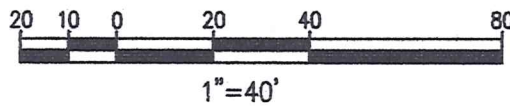
EX. DOCK (TO BE REBUILT)
SE43-179, DEP LIC. NO. 5042

License No. 14806

MHW = -1.8' NAVD88
MHW = 0.7' NAVD88



SITE PLAN



DATUM FOR ALL ELEVATIONS = NAVD88

PLANS TO ACCOMPANY PETITION OF TAFFRAIL NOMINEE TRUST, MARTIN BLOOM TRUSTEE, 17 TAFFRAIL WAY, MASHPEE, TO CONSTRUCT, LICENSE AND MAINTAIN A SEASONAL RAMP AND FLOAT IN POPPONNESSET CREEK, BARNSTABLE COUNTY

BY: SHOREFRONT CONSULTING, DENNIS, MA AND DOWN CAPE ENGINEERING, YARMOUTH, MA
MARCH 7, 2021 SHEET 1 OF 4

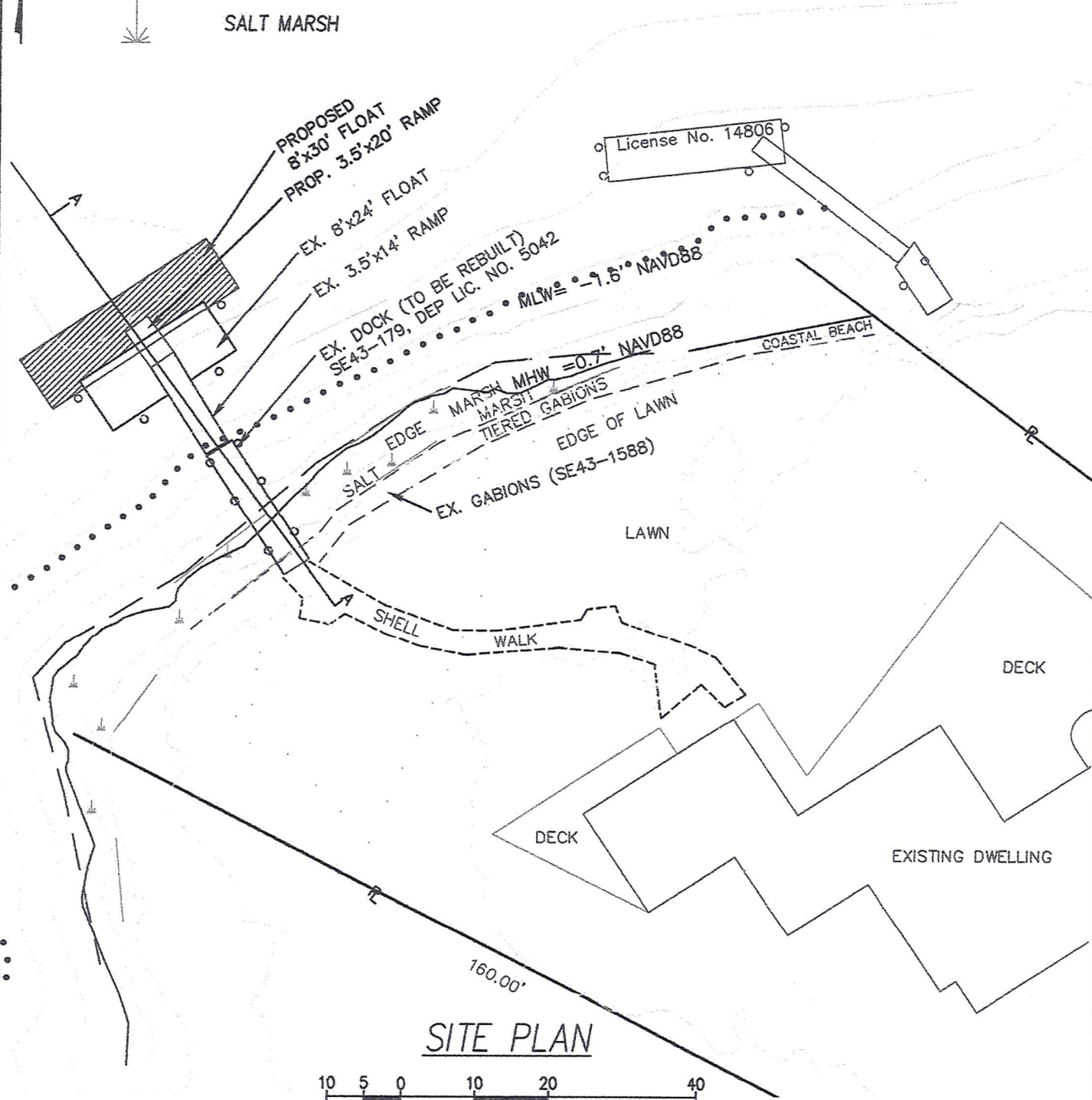
I CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS.

Date _____

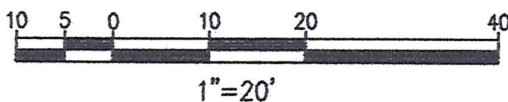
P.L.S. _____

LEGEND

- EDGE OF MARSH
- MHW MEAN HIGH WATER
- ... MLW MEAN LOW WATER
- 2 — ELEVATION CONTOUR
- PROPERTY LINE
- ↓ SALT MARSH



SITE PLAN



PLANS TO ACCOMPANY PETITION OF TAFFRAIL NOMINEE TRUST, MARTIN BLOOM TRUSTEE, 17 TAFFRAIL WAY, MASHPEE, TO CONSTRUCT, LICENSE AND MAINTAIN A SEASONAL RAMP AND FLOAT IN POPPONNESSET CREEK, BARNSTABLE COUNTY

DATUM FOR ALL ELEVATIONS = NAVD88

BY: SHOREFRONT CONSULTING, DENNIS, MA AND DOWN CAPE ENGINEERING, YARMOUTH, MA

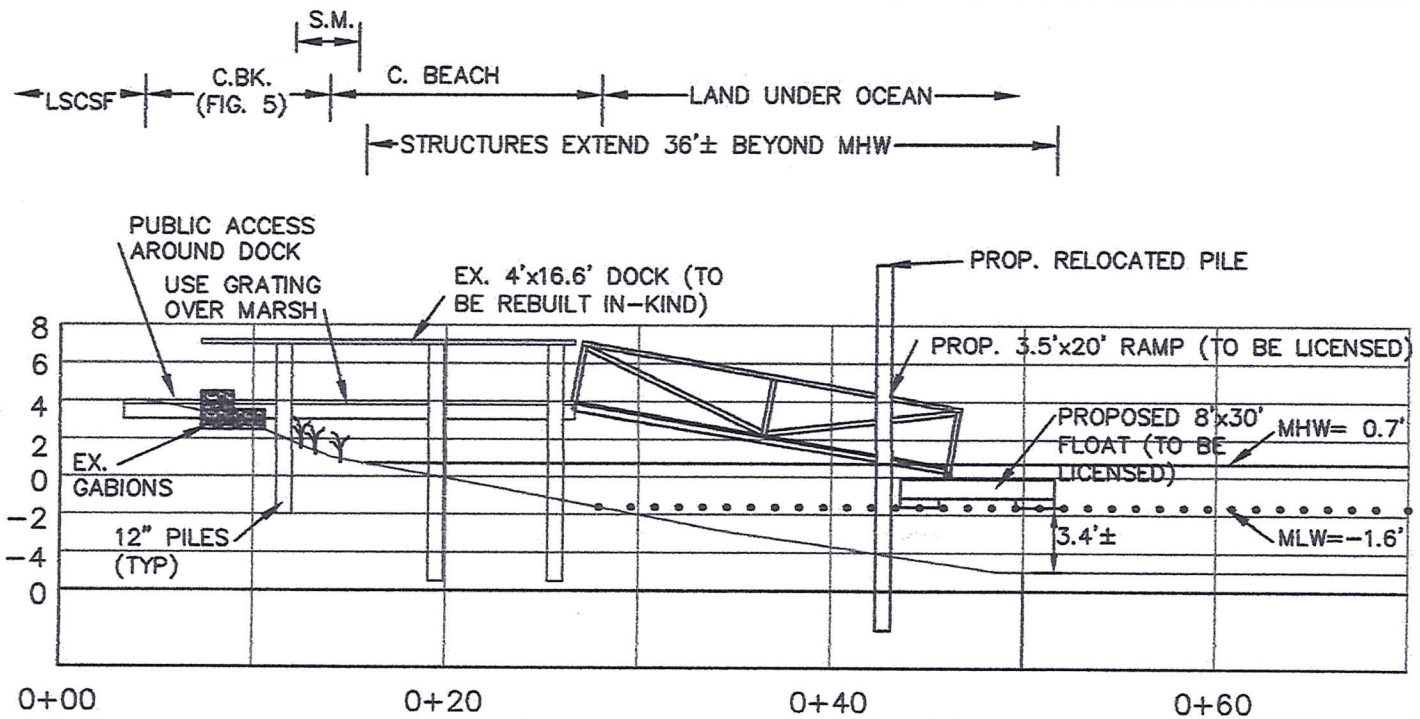
MARCH 7, 2021

SHEET 2 OF 4

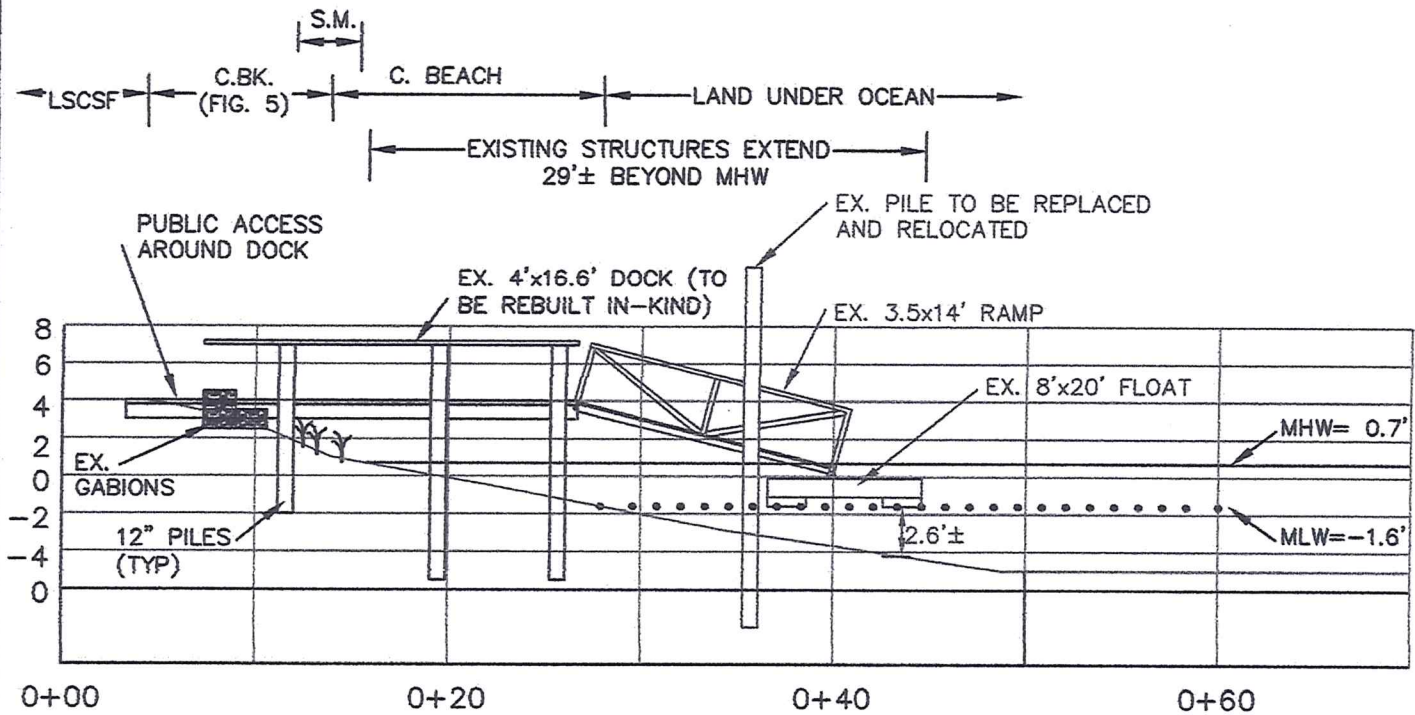
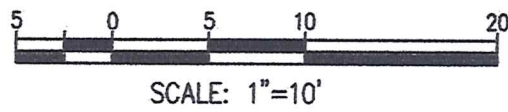
I CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS.

Date _____

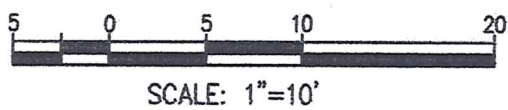
P.L.S. _____



SECTION A-A (PROPOSED)



SECTION A-A (EXISTING)



DATUM FOR ALL ELEVATIONS = NAVD88

PLANS TO ACCOMPANY PETITION OF TAFFRAIL NOMINEE TRUST, MARTIN BLOOM TRUSTEE, 17 TAFFRAIL WAY, MASHPEE, TO CONSTRUCT, LICENSE AND MAINTAIN A SEASONAL RAMP AND FLOAT IN POPPONESSET CREEK, BARNSTABLE COUNTY

BY: SHOREFRONT CONSULTING, DENNIS, MA AND DOWN CAPE ENGINEERING, YARMOUTH, MA

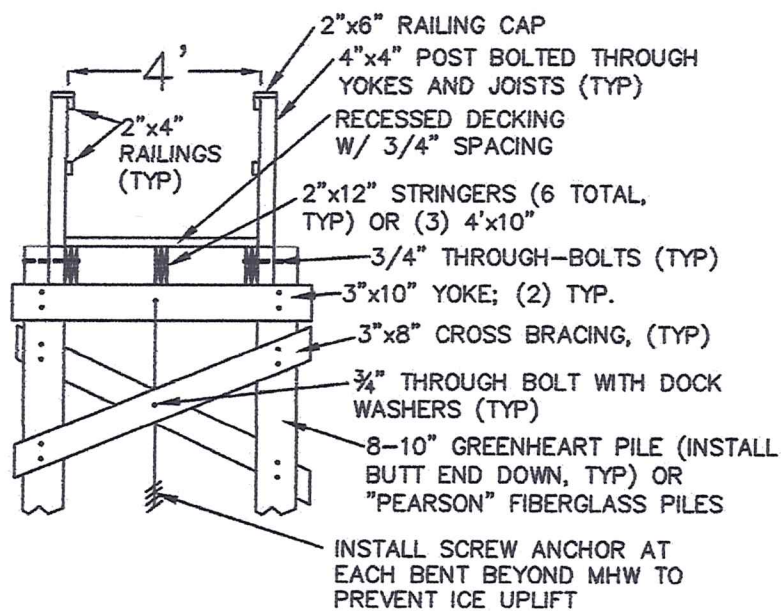
MARCH 7, 2021

SHEET 3 OF 4

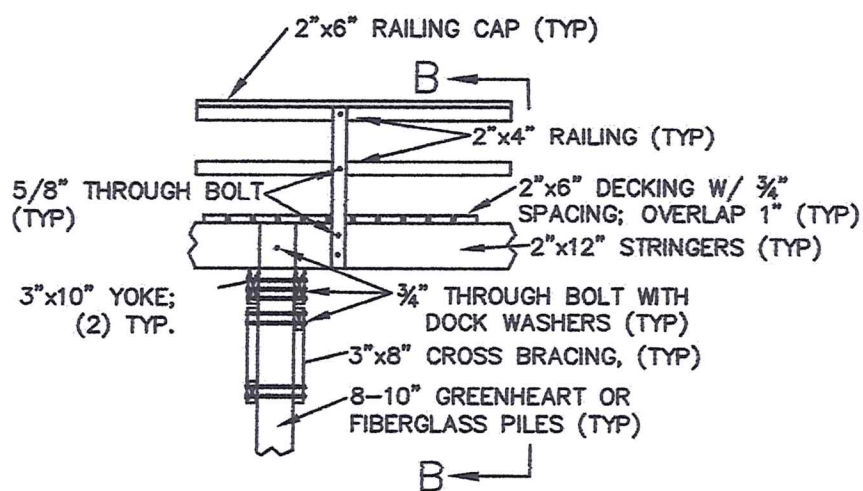
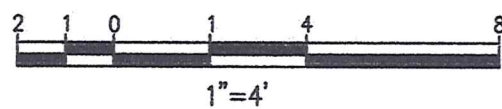
I CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS.

Date _____

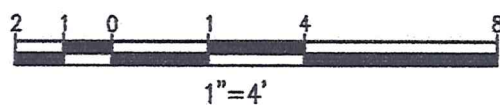
P.L.S. _____



SECTION B-B DETAIL



DETAIL A



PLANS TO ACCOMPANY PETITION OF TAFFRAIL NOMINEE TRUST, MARTIN BLOOM TRUSTEE, 17 TAFFRAIL WAY, MASHPEE, TO CONSTRUCT, LICENSE AND MAINTAIN A SEASONAL RAMP AND FLOAT IN POPPONSETT CREEK, BARNSTABLE COUNTY

BY: SHOREFRONT CONSULTING, DENNIS, MA AND DOWN CAPE ENGINEERING, YARMOUTH, MA

MARCH 7, 2021

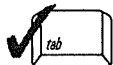
SHEET 4 OF 4

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

X287540

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 checked="" type="checkbox"/> Residential with \leq 4 units	\$215.00	BRP WW01a
	<input 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

B. Applicant Information Proposed Project/Use Information

1. Applicant:

John S. and Carol D. Kelley	jean@capeeng.com	
Name	E-mail Address	
174 Captains Row		
Mailing Address		
Mashpee	MA	02649
City/Town	State	Zip Code
477-7272	508-477-9072	
Telephone Number	Fax Number	

Note: Please refer to the "Instructions"

2. Authorized Agent (if any):

Cape & Islands Engineering	jean@capeeng.com	
Name	E-mail Address	
800 Falmouth Road		
Mailing Address		
Mashpee	Mashpee, MA	02649
City/Town	State	Zip Code
508-477-7272	508-477-9072	
Telephone Number	Fax Number	

C. Proposed Project/Use Information

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

SAME AS ABOVE		
Owner Name (if different from applicant)	41°35'58.020"N	70°28'17.184"W
96 - 30 - 0	Latitude	Longitude
Tax Assessor's Map and Parcel Numbers		
174 Captains Row, 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:

Mashpee 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		

C. Proposed Project/Use Information (cont.)

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

5. Proposed Use/Activity description Remove existing licensed (Interim License #2875) 3'W x 16' L pier, remove and relocate existing 3.2'W x 18' L aluminum ramp, relocate existing 8'W x 20'L float, remove and relocate existing float piles. Also, the construction, maintenance and licensing of a 92' length overall, stairs, pier, ramp and float, in and over the waters of Mashpee River and provision for a 4' wide upland access foot path for public lateral access.

6. What is the estimated total cost of proposed work (including materials & labor)?
\$15,000.00

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.

Name	Address
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 type="checkbox"/> Wetlands	43-3107
<input type="checkbox"/> Jurisdictional Determination	File Number
<input type="checkbox"/> MEPA	JD-
<input type="checkbox"/> EOECA Secretary Certificate	File Number
<input type="checkbox"/> 21E Waste Site Cleanup	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

Date

Property Owner's signature (if different than applicant)

Date

Agent's signature (if applicable) CAPE & ISLANDS ENGINEERING, INC.

Date

N/A F. Waterways Dredging Addendum

1. Provide a description of the dredging project

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

N/A

Purpose of Dredging

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

N/A

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)

N/A

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.

G. Municipal Zoning Certificate

John S. and Carol D. Kelley

Name of Applicant

174 Captains Row

Project street address

Mashpee River

Waterway

Mashpee

City/Town

Description of use or change in use: Remove existing licensed (Interim License #2875) 3'W x 16' L pier, remove and relocate existing 3.2'W x 18' L aluminum ramp, relocate existing 8'W x 20'L float, remove and relocate existing float piles. Also, the construction, maintenance and licensing of a 92' length overall, stairs, pier, ramp and float, in and over the waters of Mashpee River and provision for a 4' wide upland access foot path for public lateral access.

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."

David Morris

Printed Name of Municipal Official

Date

Signature of Municipal Official

Building Commissioner

Title

Mashpee

City/Town

Appendix A: License Plan Checklist

General View

- PE or RLS, as deemed appropriate by the Department, stamped and signed, in ink, each sheet within 8 1/2 inch by 11 inch border
- Format and dimensions conform to "Sample Plan" (attached)
- Minimum letter size is 1/8 of an inch if freehand lettering, 1/10 of an inch if letter guides are used
- Sheet number with total number in set on each sheet
- Title sheet contains the following in lower left: Plans accompanying Petition of [Applicant's name, structures and/or fill or change in use, waterway and municipality]
- North arrow
- Scale is suitable to clearly show proposed structures and enough of shoreline, existing structures and roadways to define its exact location
- Scale is stated & shown by graphic bar scale on each sheet
- Initial plans may be printed on bond; final plans due before License issuance must be on 3mil Mylar.

Structures and Fill

- All Structures and Fill shown in full BLACK lines, clearly labeling which portions are existing, which are Proposed and indicating Existing Waterways Licenses
- Cross Section Views* show MHW* and MLW* and structure finish elevations
- Dredge or Fill*, actual cubic yardage must be stated and typical cross sections shown
- All Structures and Fill shown in full BLACK lines, clearly labeling which portions are existing, which are Proposed and indicating Existing Waterways Licenses
- Cross Section Views* show MHW* and MLW* and structure finish elevations
- Dredge or Fill*, actual cubic yardage must be stated and typical cross sections shown
- Actual dimensions of structures(s) and or fill and the distance which they extend beyond MHW* or OHW*
- Change in Use of any structures on site must be stated

* See 310 CMR 9.02, Waterways Regulations definitions of High Water Mark, Historic High Water Mark, Historic Low Water Mark, and Low Water Mark. *Note:* DEP may, at its discretion, accept appropriately scaled preliminary plans in lieu of the plans described above. In general, DEP will accept preliminary plans only for non-water dependent projects and projects covered by MEPA to address site design components such as visual access, landscaping & site coverage. *Anyone wishing to submit preliminary plans must obtain prior approval of the DEP Waterways Program before*

submitting them with their application.

Appendix A: License Plan Checklist (cont.)

Boundaries

- Property lines, full black lines, _____, along with abutters' names and addresses
- Mean High Water (MHW)* or Ordinary High Water (OHW)*, full black line _____
- Mean Low Water (MLW)*, black dotted line, (.....)
- Historic MHW* or OHW* (— — — —)
- Historic MLW* (..._..._..._)
- State Harbor Lines, black dot-dash line (- . - . -) with indication of Chapter & Act establishing them (Ch. , Acts of)
- Reference datum is National Geodetic Vertical Datum (NGVD) or (NAVD).
- Floodplain Boundaries according to most recent FEMA maps
- Proposed & Existing Easements described in metes & bounds

Water-Dependent Structures

- Distance from adjacent piers, ramps or floats (minimum distance of 25' from property line, where feasible)
- Distance from nearest opposite shoreline
- Distance from outside edge of any Navigable Channel
- Access stairs at MHW for lateral public passage, or 5 feet of clearance under structure at MHW.

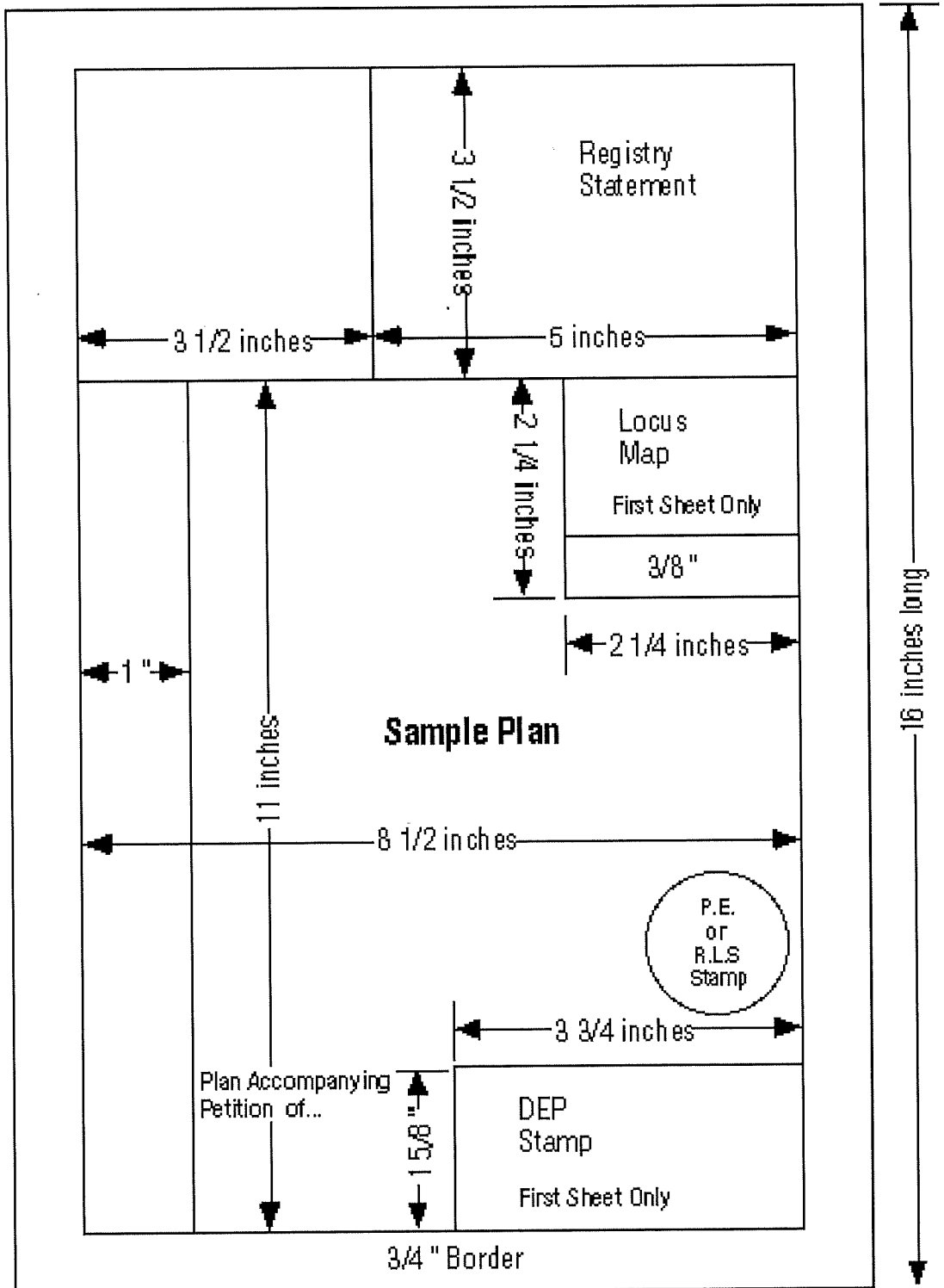
Non Water-Dependent Structures

- Depict extent of "Water-dependent Use Zone".

See Waterways Regulations at 310 CMR 9.51-9.53 for additional standards for non water-dependent use projects.

Note: Final Mylar project site plans will be required upon notice from the Department, prior to issuance of the Chapter 91 Waterways License.

Appendix A: License Plan Checklist Cont.



N/A Appendix B: Dredging Permit Plan Checklist

For projects applying for dredging permits only, enclose drawings with the General Waterways Application that include the following information:

N/A

General View

- Submit one original of all drawings. Submit the fewest number of sheets necessary to adequately illustrate the project on 8-1/2 inch X 11 inch paper.
- A 1-inch margin should be left at the top edge of each drawing for purposes of reproduction and binding. A 1/2 inch margin is required in the three other edges.
- A complete title block on each drawing submitted should identify the project and contain: the name of the waterway; name of the applicant; number of the sheet and total number of sheets in the set; and the date the drawing was prepared.
- Use only dot shading, hatching, and dashed or dotted line to show or indicate particular features of the site on the drawings.
- If deemed appropriate by the Department, certification by the Registered Professional Engineer or Land Surveyor is included.

Plan View

- North Arrow
- Locus Map
- Standard engineering scale.
- Distances from channel lines and structures if appropriate.
- Mean high water and mean low water shorelines (see definitions of "High Water Mark" and "Low Water Mark" at 310 CMR 9.02, C. 91 Regulations).
- Dimensions of area proposed to be dredged or excavated.
- Notation or indication of disposal site.
- Volume of proposed dredging or excavation.
- Ordinary high water, proposed drawdown level, and natural (historic) high water (for projects lowering waters of Great Ponds).

Section Views

- Existing bottom and bank profiles.
- Vertical and/or horizontal scales.
- Proposed and existing depths relative to an indicated datum.

- Elevation and details of control structure (for projects lowering waters of Great Ponds).

Appendix C: Application Completeness Checklist

Please answer all questions in the General Waterways Application form. If a question does not apply to your project write "not applicable" (n/a) in that block. Please print or type all information provided on the form. Use black ink (blue ink or pencil are not easily reproducible, therefore, neither will be accepted). If additional space is needed, attach extra 8-1/2" x 11" sheets of paper.

N/A

- Proper Public Purpose:** For nonwater-dependent projects, a statement must be included that explains how the project serves a proper public purpose that provides greater benefit than detriment to public rights in tidelands or great ponds and the manner in which the project meets the applicable standards. If the project is a nonwater-dependent project located in the coastal zone, the statement should explain how the project complies with the standard governing consistency of the policies of the Massachusetts Coastal Zone Management Program, according to 310 CMR 9.54. If the project is located in an area covered by a Municipal Harbor Plan, the statement should describe how the project conforms to any applicable provisions of such plan pursuant to 310 CMR 9.34(2).
- Plans:** Prepared in accordance with the applicable instructions contained in Appendix A-B of this application. For initial filing, meet the requirements of 310 CMR 9.11(3)(b)(3).
- Applicant Certification:** All applications must be signed by "the landowner if other than the applicant. In lieu of the landowner's signature, the applicant may provide other evidence of legal authority to submit an application for the project site." If the project is entirely on land owned by the Commonwealth (e.g. most areas below the current low water mark in tidelands and below the historic high water mark of Great Ponds), you may simply state this in lieu of the "landowner's signature".
- Municipal Zoning Certification:** If required, applicants must submit a completed and signed Section E of this application by the municipal clerk or appropriate municipal official or, for the initial filing, an explanation of why the form is not included with the initial application. If the project is a public service project subject to zoning but will not require any municipal approvals, submit a certification to that effect pursuant to 310 CMR 9.34(1).
- Municipal Planning Board Notification:** Applicants must submit a copy of this application to the municipal planning board for the municipality where the project is located. Submittal of the complete application to DEP must include Section H signed by the municipal clerk, or appropriate municipal official for the town where the work is to be performed, except in the case of a proposed bridge, dam, or similar structure across a river, cove, or inlet, in which case it must be certified by every municipality into which the tidewater of said river, cove, or inlet extends.
- Final Order of Conditions:** A copy of one of the following three documents is required with the filing of a General Waterways Application: (1) the Final Order of Conditions (with accompanying plan) under the Wetlands Protection Act; (2) a final Determination of Applicability under that Act stating that an Order of Conditions is not required for the project; or (3) the Notice of Intent for the initial filing (if the project does not trigger review under MEPA).

N/A

- Massachusetts Environmental Protection Act (MEPA):** MGL 30, subsections 61-61A and 301 CMR 11.00, submit as appropriate: a copy of the Environmental Notification Form (ENF) and a Certificate of the Secretary of Environmental Affairs thereon, or a copy of the final Environmental Impact Report (EIR) and Certificate of the Secretary stating that it adequately and properly complies with MEPA; and any subsequent Notice of Project change and any determination issued thereon in accordance with MEPA. For the initial filing, only a copy of the ENF and the Certificate of the Secretary thereon must be submitted.

Note: If the project is subject to MEPA, the Chapter 91 Public Notice must also be submitted to MEPA for publication in the "Environmental Monitor". MEPA filing deadlines are the 15th and 30th of each month.

Appendix C: Application Completeness Checklist (cont.)

N/A

- Water Quality Certificate:** if applicable, pursuant to 310 CMR 9.33, is included.
- Other Approvals:** as applicable pursuant to 310 CMR 9.33 or, for the initial filing, a list of such approvals which must be obtained.

N/A

Projects involving dredging:

- The term "dredging" means the removal of materials including, but not limited to, rocks, bottom sediments, debris, sand, refuse, plant or animal matter, in any excavating, clearing, deepening, widening or lengthening, either permanently or temporarily, of any flowed tidelands, rivers, streams, ponds or other waters of the Commonwealth. Dredging includes improvement dredging, maintenance dredging, excavating and backfilling or other dredging and subsequent refilling. Included is a completed and signed copy of Part F of the application.

Filing your Completed General Waterways Application:

- For all Water-Dependent applications** – submit a completed General Waterways Application and all required documentation with a *photocopy* of both payment check and DEP's *Transmittal Form for Permit Application & Payment* to the appropriate DEP Boston or regional office (please refer to Pg. 10 of the "Instructions" for the addresses of DEP Regional Offices).
- For all Non Water-Dependent applications** – submit a completed General Waterways Application and all required documentation with a *photocopy* of both payment check and DEP's *Transmittal Form for Permit Application & Payment* to DEP's Boston office.

Department of Environmental Protection
Waterways Regulation Program
One Winter Street
Boston, MA 02108

- Application Fee Payment for ALL Waterways Applications:** Send the appropriate Application fee* (please refer to Page 1 of the "Application"), in the form of a check or money order, along with DEP's *Transmittal Form for Permit Application & Payment*.

Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

* Under extreme circumstances, DEP grants extended time periods for payment of license and permit application fees. If you qualify, check the box entitled "Hardship Request" on the *Transmittal Form for Permit Application & Payment*. See 310 CMR 4.04(3)(c) to identify procedures for making a hardship request. Send hardship request and supporting documentation to the above address.

NOTE: You may be subject to a **double application fee** if your application for Chapter 91 authorization results from an enforcement action by the Department or another agency of the Commonwealth or its subdivisions, or if your application seeks authorization for an existing unauthorized structure or use.

INTRODUCTION

CAPE & ISLANDS ENGINEERING, INC. has submitted this application, on behalf of the applicants, John S. and Carol D. Kelley. here are a couple of activities being proposed as part of this Notice of Intent filing for property located at 174 Captains Row, Mashpee, MA. The proposed activities are listed below (please reference attached project plans). For the purposes of this discussion the term “dock” includes the complete structure, including the pier, ramp, float and pilings. The term “dock” and “pier” are commonly used interchangeably and may be used in this manner within this document and subject regulations.

PROPOSED PROJECT

Scope of Work

The project site is located at 174 Captains Row, Mashpee, MA, adjacent to and within Mashpee River, a tidal coastal embayment that flows into Popponesset Bay. Proposed work consists of removing the existing licensed (Interim License #2875) pier, remove and relocate the existing 3.2'W x 18' L aluminum ramp, relocate the existing 8'W x 20'L float, remove and relocate the existing float piles. Also, the construction, maintenance and licensing of a 92' length overall, stairs, pier, ramp and float, in and over the waters of Mashpee River and provision for a 4' wide upland access foot path for public lateral access.

The project site is located adjacent to and within Mashpee River a tidal coastal river that flows into Popponesset Bay.

A temporary staging area for the proposed work that will be designated for material storage and woodcutting will be located in the upland.

Resource Areas

The resource areas on or within 100 feet of the site includes Land Subject Coastal Storm Flowage (LSCSF), Coastal Bank (CB), Salt Marsh (SM), Coastal Beach, Land Under the Ocean, Land Containing Shellfish, Riverfront Area and Anadromous Fish Run.

The resources areas were delineated, marked and located by an on the ground instrument survey. The resource area boundaries are marked onsite and are shown on the project plan as Salt Marsh flags SM-1 to SM-7. The Top of the Coastal Bank was delineated using 310 CMR 10.31, Wetlands Protection Program Policy 92-1 and Regulation 16 of Chapter 172 of the Town of Mashpee Code.

Construction Methodology

The Order of Conditions and signage will be posted at the site and designated areas staged for construction. Efforts will be coordinated to minimize construction time and disturbance within and around the subject resource areas.

Proposed Pier, Pile Installation

The existing float and ramp will be temporarily removed from its current location to be reset later. The existing fixed 3'x16' pier and 3'x3' ramp will be removed and disposed of. Access stairs will be installed for the new elevated pier. The proposed 4'x56' stairs and pier will be installed with two (2) new timber 4 x 4 posts and eight (8) 10" piles. Relocate 8' W x 20 'L float with four (4) 10" diameter piles and float stops to keep 12" clear. Two (2) existing licensed float piles will be relocated along with ten (10) new piles driven to a depth of 15 feet or refusal. The piles will be set in place by the construction crew from a barge within a four-hour time span consisting of two (2) hours before and after high tide when the work area is NOT inundated. There will be no jetting for pile installation used in this project.

After the piles are in place the associated bracing and decking will be installed from a barge and from shore as appropriate. The decking used will be installed in accordance with the Mashpee Conservation requirements and specifications or approved equal. Any changes of proposed decking must be approved prior to installation by project engineer and Mashpee Conservation Commission staff. .

The proposed pier improvements is proposed to continue using existing utility services on the pier with repairs and modification as needed.

Floats will be attached to the pilings with hoop rollers. Given the Mean Low Water (MLW) water depth being approximately 0.2 to 0.7 feet in the area of the proposed float, float stops are proposed. Float stops provide for a more favorable separation between the bottom of the floatation tubs and the existing land surface and it prevents the structure from grounding during extreme low water levels.

Finally, the signage will be placed on the most seaward pile, identifying the License Number. A site inspection will be performed to assess the temporary disturbance to determine if planting or ground stabilization is necessary. A request for a Certificate of Compliance (COC) will be prepared and filed after a final satisfactory site inspection.

Anticipated Impacts

All work from the seaward edge of the Mean Low Water (MLW) will be done from a barge or by hand within a four-hour time span consisting of two hours before and after high tide.

All disturbances will be kept to the minimum necessary to complete the construction and installation(s) of the activities. The proposed impacts to the resource areas will be only temporary.

The project has been designed to incorporate construction methodologies that will protect the resource areas and minimize temporary impacts to the subject resource areas. No adverse impacts are anticipated with this project are anticipated.

APPLICABLE PERFORMANCE STANDARDS

Land Subject to Coastal Storm Flowage (LSCSF)

Land Subject to Coastal Storm Flowage is low lying land within a flood hazard zone, as delineated by FEMA maps. A flood zone delineates the land area which will be inundated by a 100-year storm event. The Federal Emergency Management Agency (FEMA) has established the 100-year base flood elevations located on the property as Flood Zone AE (EL.11) and AE (EL. 13, within the reach Mashpee River, as shown on the plan of reference. All Flood Zone elevations shown and referenced are based on the 1988 North American Vertical Datum (NAVD 1988).

As defined in the Commonwealth of Massachusetts, Wetland Protection Act (WPA) 310 CMR 10.04 and the Town of Mashpee REGULATION 25 – Land Subject to Flooding or Inundation by Coastal Flowage (LSCSF) (Revised and approved 4/7/05):

“A. Definition – shall be the same as in 310 CMR 10.04 for Land Subject to Coastal Storm Flowage. Henceforth, the abbreviation for Land Subject to Coastal Storm Flowage (LSCSF) shall be used to mean Land Subject to Flooding or Inundation by Coastal Flowage.

Performance Standards – *“1. (b.) Activities, which will result in the building within or upon, removing, filling and/or altering (as defined in Chapter 172, section 9 of the Mashpee Code) of a total of 5000 or more square feet of any naturally vegetated area(s) on a lot or on any portion thereof in LSCSF (with the exception of the construction of a single-family home; see part 2 of this section) shall be presumed to have unacceptable significant or cumulative effects upon the protection of wildlife habitat...*

2. All efforts should be made to avoid altering naturally vegetated areas within LSCSF. Where alterations / construction impact naturally vegetated areas, the following performance standards shall apply. Failure to meet these performance standards shall be cause for the Commission to presume that unacceptable and significant effects will be exacted upon the wetlands values protected by Chapter 172 of the Mashpee Code. The applicant will be given the opportunity to rebut this presumption, based upon the provisions of Chapter 172, section 12 of the Mashpee Code...

3. (a.) Any objects and/or structures constructed or placed on a lot within LSCSF must be properly secured so as to be resistant to displacement by the action of storm surges / waves. All such structures must also meet the requirements of the State of Massachusetts Building Code.

The proposed project does not alter any naturally vegetated areas within LSCSF.

The project area is not a Critical Erosion Area as shown on maps prepared by the Massachusetts CZM Shoreline Change Analysis project.

There is no proposed work on or within Land Subject to Coastal Storm Flowage.

The proposed project meets or exceeds these performance standards. The proposed project activities will not induce cumulative impairment of the resource area's functional characteristics.

Salt Marsh

The resource area referred to as "Salt Marsh" is located along the edge of property with the upland edge seaward of the Coastal Beach and seaward edge found near the 0' contour line, in the area just below of Mean High Water mark, as shown on attached site plan.

Salt Marsh is classified as a Coastal Resource Area under Chapter 172 of the Mashpee Code REGULATION 17 – Coastal Resource Areas (Revised and approved April 13, 2000)

“Definition: A vegetated area between mean low water (where a water body exhibits tidal influences) to the point (upland) where less than 50% of the plant community is salt tolerant, i.e., characterized by plants that are well adapted to or prefer living in saline environments.* (Thus the upper boundary of a Coastal Wetland does not necessarily end at the line coincident with the highest spring tide of the year).

Any other activity may be permitted only when it is demonstrated by the applicant that such alteration shall have no adverse effect upon the wetland values as expressed in 172-9 of the Bylaw. Except as specifically provided by these regulations, the Commission shall not permit any work on coastal resource areas, or within 100 feet of resources areas, that will impair the resource area's functional characteristics.”

(4) *Notwithstanding the provisions of 310 CMR 10.32(3), a small project within a salt marsh, such as an elevated walkway or other structure which has no adverse effects other than blocking sunlight from the underlying vegetation for a portion of each day, may be permitted if such a project complies with all other applicable requirements of 310 CMR 10.21 through 10.37.*

The proposed pier decking will be elevated six feet (6') above the salt marsh. The decking will consist of Thruflow decking to provide for maximum light penetration. The proposed work that will occur within the Salt Marsh will be the removal of the existing fixed pier structure and the installation of two (2) 10" timber piles, altering approximately 0.58 +/- square feet. The proposed project activities will not induce cumulative impairment of the Salt Marsh functional characteristics.

The proposed project meets or exceeds these performance standards. The proposed project activities will not induce cumulative impairment of the resource area's functional characteristics.

Coastal Bank

The resource area known as “Coastal Bank” (CB) is located, as identified and delineated on the project plans as Top of Coastal Bank. The Coastal Bank is vegetated and non-eroding and are not a sediment supply source.

As defined in the Town of Mashpee Wetlands Protection Bylaws REGULATION 26 – Coastal Banks:

*“A. Definition: A Coastal Bank means the seaward face or side of any elevated landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to tidal action or storm flooding, or other wetland. Any minor discontinuity of the slope notwithstanding, the top (uppermost boundary) of the coastal bank shall be defined as per descriptions / definitions / illustrations as appear in **Wetlands Protection Program Policy 92-1 (Definition and Delineation Criteria for Coastal Bank, issued on March 3, 1992 by DEP’s Division of Wetlands and Waterways)**, but with the following exceptions:*

Under Chapter 172 of the Mashpee Code the top of the coastal bank shall be considered to be (1) vertical foot higher (upslope) from the top of bank as defined / illustrated in Program Policy 92-1. This additional foot is warranted because of anticipated sea-level rise. (Note: The additional one foot higher top of bank designation shall only apply where the slope continues to manifest a slope ratio of equal to (or greater than) 1’ in 10’.”

The slope above the top of the bank does not continue and is less than 10%; therefore, the 1 foot higher for top of bank designation does not apply.

“C. Performance Standards: The physical characteristics and location of coastal banks are critical to the protection of the wetland values specified in section 172-1 of the Mashpee Wetlands Protection Bylaw.

“Activities, which will result in the building within or upon, removing, filling and/or altering (as defined in section 172-9 of the Mashpee Wetlands Protection Bylaw) of a Coastal Bank or within 50 feet of said Bank, may be permitted if necessary for access to beach / water, including visual access, if the activity will not induce cumulative impairment of said Critical Characteristics. The following projects (activities) may qualify:

Any other activity (on a single lot) which alters up to 5% of the bank (square footage) or 100 square feet (whichever is less) if the applicant has demonstrated to the satisfaction of the Commission that such alteration will not have any adverse effects (including erosion and the creation of channelized sedimentation) on the wetland values expressed in 172-2 of the Bylaw.”

There is no proposed work within the Coastal Bank.

The proposed project meets or exceeds these performance standards. The proposed project activities will not induce any impairment of the Coastal Bank’s functional characteristics.

Coastal Beach

The resource area known as “Coastal Beach” is located on the western portion of the property, landward of the edge of Salt Marsh. The area was not flagged in the field as it is apparent from the observed upland side edge of Salt Marsh.

As defined in the Commonwealth of Massachusetts, Wetland Protection Act (WPA): 310 CMR 10.27: A Coastal Beach is classified as a Coastal Resource Area under Chapter 172 of the Mashpee Code REGULATION 17 – Coastal Resource Areas (Revised and approved April 13, 2000).

“10.27 (2) Definitions.

Coastal Beach means unconsolidated sediment subject to wave, tidal and coastal storm action which forms the gently sloping shore of a body of salt water and includes tidal flats. Coastal beaches extend from the mean low water line

landward to the dune line, coastal bank line or the seaward edge of existing man-made structures, when these structures replace one of the above lines, whichever is closest to the ocean.”

Regulation 17 Performance Standards: “Activities, which will result in the building within or upon, removing, filling and/or altering (as defined in section 172-9 of the Mashpee Wetlands Protection Bylaw) of any of the above-mentioned resource areas, or within 50 feet of said resource area, may be permitted if they are water-dependent and will not induce cumulative impairment of the functions for which the resource is presumed to be significant. The following activities may qualify:

- The maintenance of an already existing and lawful structure.
- The construction of an elevated walkway for access to a waterbody at the lower boundary of said waterbody (where applicable). Such walkways shall have no adverse effects other than blocking sunlight from the underlying vegetation for a portion of each day. Such structures shall be constructed in such a way that its surface area and design shall allow the maximum possible amount of sunlight to penetrate and reach the underlying vegetation.
- Projects designed to preserve and/or protect the natural qualities of the resource area, such as: beach nourishment, fencing and other devices designed to increase dune development, or a pedestrian walkway designed to minimize the disturbance to the vegetation and/or wildlife habitat characteristics of a coastal wetland.”

The proposed work that will occur within Coastal Beach includes the installation of two (2) access stairs 4 x 4 posts, altering approximately 0.17 +/- square feet.

The proposed project meets or exceeds these performance standards. The proposed project activities will not induce cumulative impairment of the resource area’s functional characteristics.

Land Under the Ocean

The resource area referred to as “Land Under the Ocean” is the area of land below the Mean Low Water (MLW) mark and under the body of water known as Mashpee River, as shown on attached site plan.

Land Under the Ocean is classified as a Coastal Resource Area under Chapter 172 of the Mashpee Code REGULATION 17 – Coastal Resource Areas (Revised and approved April 13, 2000)

Definition “The definitions (except for 10.32 – Salt Marshes), boundaries, critical characteristics and presumptions of significance for the following coastal resource areas (Bylaw section 172-2, Jurisdiction) shall be the same as expressed in M.G.L. Chapter 131, section 40 and/or its regulations, 310 CMR 10.00: Section 10.25: Land Under the Ocean”

Performance Standards “Activities, which will result in the building within or upon, removing, filling and/or altering (as defined in section 172-9 of the Mashpee Wetlands Protection Bylaw) of any of the above-mentioned resource areas [Land Under the Ocean], or within 50 feet of said resource area, may be permitted if they are water-dependent and will not induce cumulative impairment of the functions for which the resource is presumed to be significant.”

The proposed work that will occur within Land Under the Ocean will be the relocation of two (2) licensed piles and installation of ten (10) new 10” diameter pilings. All piles will be driven into the substrate of Mashpee River by a small crane from a barge. The barge will only operate during periods of two (2) hours before and two (2) hours after high tide for the set of piles located closest to shore.

There is no presence of Eel Grass beds within 100 feet of the proposed project.

The proposed project meets or exceeds these performance standards. The proposed project activities will not induce cumulative impairment of the resource area’s functional characteristics.

Land Containing Shellfish

The resource area referred to as “Land Containing Shellfish” is the area of land under the body of water known as Mashpee River, as shown on attached site plan.

As defined in the Commonwealth of Massachusetts, Wetland Protection Act (WPA) 310 CMR 10.34 and a Coastal Resource Area under Chapter 172 of the Mashpee Code REGULATION 17 – Coastal Resource Areas (Revised and approved April 13, 2000)

(2) Definitions. Land Containing Shellfish means land under the ocean, tidal flats, rocky intertidal shores, salt marshes and land under salt ponds when any such land contains shellfish.

*Shellfish means the following species: Bay scallop (*Argopecten irradians*); Blue mussel (*Mytilus edulis*); Ocean quahog (*Arctica islandica*); Oyster (*Crassostrea virginica*); Quahog (*Mercenaria mercenaria*); Razor clam (*Ensis directus*); Sea clam (*Spisula solidissima*); Sea scallop (*Placopecten magellanicus*); Soft shell clam (*Mya arenaria*).*

Shellfish Constable means the official in a city or town, whether designated a constable, warden, natural resources officer, or by some other name, in charge of enforcing the laws regulating the harvest of shellfish.

Performance Standards. WHEN A RESOURCE AREA, INCLUDING LAND UNDER THE OCEAN, TIDAL FLATS, ROCKY INTERTIDAL SHORES, SALT MARSHES, OR LAND UNDER SALT PONDS IS DETERMINED TO BE SIGNIFICANT TO THE PROTECTION OF LAND CONTAINING SHELLFISH AND THEREFORE TO THE PROTECTION OF MARINE FISHERIES, 310 CMR 10.34(4) THROUGH (8) SHALL APPLY:

(4) Except as provided in 310 CMR 10.34(5), any project on land containing shellfish shall not adversely affect such land or marine fisheries by a change in the productivity of such land caused by:

- (a) alterations of water circulation;*
- (b) alterations in relief elevation;*
- (c) the compacting of sediment by vehicular traffic;*
- (d) alterations in the distribution of sediment grain size;*
- (e) alterations in natural drainage from adjacent land; or*
- (f) changes in water quality, including, but not limited to, other than natural fluctuations in the levels of salinity, dissolved oxygen, nutrients, temperature or turbidity, or the addition of pollutants.*

(5) Notwithstanding the provisions of 310 CMR 10.34(4), projects which temporarily have an adverse effect on shellfish productivity but which do not permanently destroy the habitat may be permitted if the land containing shellfish can and will be returned substantially to its former productivity in less than one year from the commencement of work, unless an extension of the Order of Conditions is granted, in which case such restoration shall be completed within one year of such extension.

(6) In the case of land containing shellfish defined as significant in 310 CMR 10.34(3)(b) (i.e., those areas identified on the basis of maps and designations of the Shellfish Constable), except in Areas of Critical Environmental Concern, the issuing authority may, after consultation with the Shellfish Constable, permit the shellfish to be moved from such area under the guidelines of, and to a suitable location approved by, the Division of Marine Fisheries, in order to permit a proposed project on such land. Any such project shall not be commenced until after the moving and replanting of the shellfish have been commenced.

(7) Notwithstanding 310 CMR 10.34(4) through (6), projects approved by the Division of Marine Fisheries that are specifically intended to increase the productivity of land containing shellfish may be permitted. Aquaculture projects approved by the appropriate local and state authority may also be permitted.

(8) Notwithstanding the provisions of 310 CMR 10.34(4) through (7), no project may be permitted which will have any adverse effect on specified habitat of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.

The proposed work is within an area presumed to be significant to Land Containing Shellfish and Shellfish habitat. Relocation of two (2) existing piles, and installation of ten (10) new 10" diameter pilings will be driven into the substrate of Mashpee River by a small crane from a barge. The existing float is located in an area above Mean Low Water, which means that at times during low tides the float is resting on the bottom and not water touches the float. The relocated area will increase the water depth to 0.2 to 0.7 feet and will provide float stops to clear 12" separation from any Land Containing Shellfish.

The proposed project meets or exceeds these performance standards. The proposed project activities will not induce cumulative impairment of the resource area's functional characteristics.

Banks of or Land under the Ocean, Ponds, Streams, Rivers, Lakes or Creeks the Underlie an Anadromous/Catadromous Fish Run ("Fish Run")

The resource area referred to as "Anadromous Fish Run" is the area of land under the body of water known as Mashpee River as shown on attached site plan.

As defined in the Commonwealth of Massachusetts, Wetland Protection Act (WPA) 310 CMR 10.34:

(2) Definitions.

Anadromous Fish means fish that enter fresh water from the ocean to spawn, such as alewives, shad and salmon.

Anadromous/Catadromous Fish Run means that area within estuaries, ponds, streams, creeks, rivers, lakes or coastal waters, which is a spawning or feeding ground or passageway for anadromous or catadromous fish and which is identified by the Division of Marine Fisheries or has been mapped on the Coastal Atlas of the Coastal Zone Management Program. Such fish runs shall include those areas which have historically served as fish runs and are either being restored or are planned to be restored at the time the Notice of Intent is filed. For the purposes of 310 CMR 10.21 through 10.37, such fish runs shall extend inland no further than the inland boundary of the coastal zone.

Performance Standards. *WHEN SUCH LAND OR BANK IS DETERMINED TO BE SIGNIFICANT TO THE PROTECTION OF MARINE FISHERIES, 310 CMR 10.35(3) THROUGH (5) SHALL APPLY:*

(3) Any project on such land or bank shall not have an adverse effect on the anadromous or catadromous fish run by: (a) impeding or obstructing the migration of the fish, unless DMF has determined that such impeding or obstructing is acceptable, pursuant to its authority under M.G.L. c. 130, § 19; (b) changing the volume or rate of flow of water within the fish run; or (c) impairing the capacity of spawning or nursery habitats necessary to sustain the various life stages of the fish.

(4) Unless otherwise allowed by DMF pursuant to M.G.L. c. 130, § 19, dredging, disposal of Dredged Material or filling in a fish run shall be prohibited between March 15 and June 15 in any year.

(5) Notwithstanding the provisions of 310 CMR 10.35(3), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.

The proposed work that will occur within Anadromous Fish Run will be the relocation of two (2) piles and the installation of ten (10) new piles. The proposed new piles will be driven into the substrate of Mashpee River by a small crane from a barge.

The proposed project meets or exceeds these performance standards. The proposed project activities will not change the volume or rate of flow of water or induce cumulative impairment of the resource area's functional characteristics.

Riverfront Area

The resource area known as Riverfront is located along the waterfront portion of the property. Riverfront Area includes a 200' buffer extending inland from the Mean High-water Line (MHW) of the river and is comprised of two 100' foot zones. The first 100' (0'-100') extending inland from the MHW of the river is known as the "inner riparian zone" and the second 100' (100'-200') is known as the "outer riparian zone" as shown on the project plan. The Riverfront Area riparian zones does not have separate buffer zones.

As defined in 310 CMR 10.58::

310 CMR 10.58 (2) – Definition, Critical Characteristics and Boundaries:

(a) A Riverfront Area is the area of land between a river's mean annual high water line and a parallel line measured horizontally. The riverfront area may include or overlap other resource areas or their buffer zones. The riverfront area does not have a buffer zone.

2. Mean Annual High-water Line of a river is the line that is apparent from visible markings or changes in the character of soils or vegetation due to the prolonged presence of water and that distinguishes between predominantly aquatic and predominantly terrestrial land...

c. In tidal rivers, the mean annual high-water line is coincident with the mean high water line determined under 310 CMR 10.23.

3. The Riverfront Area is the area of land between a river's mean annual high-water line measured horizontally outward from the river and a parallel line located 200 feet away...

310 CMR FWR 10.58 (5) Redevelopment Within Previously Developed Riverfront Areas;

Restoration And Mitigation

Notwithstanding the provisions of 310 CMR 10.58(4)(c) and (d), the issuing authority may allow work to redevelop a previously developed riverfront area, provided the proposed work improves existing conditions. Redevelopment means replacement, rehabilitation or expansion of existing structures, improvement of existing roads, or reuse of degraded or previously developed areas. A previously developed riverfront area contains areas degraded prior to August 7, 1996 by impervious surfaces from existing structures or pavement, absence of topsoil, junkyards, or abandoned dumping grounds. Work to redevelop previously developed riverfront areas shall conform to the following criteria:

- (a) At a minimum, proposed work shall result in an improvement over existing conditions of the capacity of the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. When a lot is previously developed but no portion of the riverfront area is degraded, the requirements of 310 CMR 10.58(4) shall be met.*
- (c) Within 200 foot riverfront areas, proposed work shall not be located closer to the river than existing conditions or 100 feet, whichever is less, or not closer than existing conditions within 25 foot riverfront areas, except in accordance with 310 CMR 10.58(5)(f) or (g).*
- (d) Proposed work, including expansion of existing structures, shall be located outside the riverfront area or toward the riverfront area boundary and away from the river, except in accordance with 310 CMR 10.58(5)(f) or (g).*
- (e) The area of proposed work shall not exceed the amount of degraded area, provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the riverfront area, except in accordance with 310 CMR 10.58(5)(f) or (g).*
- (f) When an applicant proposes restoration on-site of degraded riverfront area, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), and (e) at a ratio in square feet of at least 1:1 of restored*

area to area of alteration not conforming to the criteria. Areas immediately along the river shall be selected for restoration. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Restoration shall include:

- 1. removal of all debris, but retaining any trees or other mature vegetation;*
- 2. grading to a topography which reduces runoff and increases infiltration;*
- 3. coverage by topsoil at a depth consistent with natural conditions at the site; and*
- 4. seeding and planting with an erosion control seed mixture, followed by plantings of herbaceous and woody species appropriate to the site;*

The work proposed within the riverfront area includes the pier, ramp and float for the purpose of accessing the water. No other work is proposed.

The proposed project exceeds the mitigation performance standards. The proposed project activities will not induce any impairment of the Riverfront Area functional characteristics, The proposed work will, in fact, increase the natural capacity of the riverfront area by elevating foot traffic above the subject resource areas and allowing the area to naturally revegetate and reestablish natural habitat.

Estimated Habitat and Protected Species

The Massachusetts Natural Heritage Atlas of Estimated Habitats of Rare Wetland Wildlife, Certified Vernal Pools and High Priority Sites of Rare Species dated, October 2017, indicates that there are no protected species or rare communities at the project location.

There are no Vernal Pools located within 100' of the project site.

There is no proposed work on or within Estimated Habitat and Protected Species.

Area of Critical Environmental Concern (ACEC)

As per the Department of Environmental Managements ACEC program, the site is not located within an Area of Critical Environmental Concern, Waquoit Bay.

There is no proposed work on or within Area of Critical Environmental Concern (ACEC).

The Commonwealth of Massachusetts

No.

2875



INTERIM
APPROVAL
ONLY

Whereas,

John and Carol Kelley:

of -- Mashpee, -- in the County of -- Barnstable -- and Commonwealth
aforesaid, has applied to the Department of Environmental Protection for
Interim Approval to -- maintain existing pier, ramp and float -----

and has submitted plans of the same; and whereas due notice of said
application has been given to the -- Board of Selectmen -- of the Town of
-- Mashpee; -----

NOW, said Department, having fully considered said application, hereby,
authorizes --- John and Carol Kelley --, subject to the provisions of 310
CMR 9.10, to -- maintain existing pier, ramp and float -----

in and over the waters of -- Mashpee River -- in the -- Town -- of --
Mashpee -- and in accordance with the locations shown and details indicated
on the DEP Interim Approval Plan No. 2875 (3 sheets) original of which is
on file in the office of said Department.

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

This Interim Approval is valid for 30 years from the date of issuance
unless the affected property is transferred to a new owner for valuable
consideration, in which case said approval shall expire in one year from
the date of the recording of the sale.

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

This Interim Approval shall be void unless the same is recorded within 60
days from the date hereof, in the Registry of Deeds for the -- County of
Barnstable. -----

INTERIM
APPROVAL
ONLY

Interim Approval No. 2875

Page 2

Any change in use or any structural alteration of any structure or fill authorized herein shall require the issuance of a Waterways License. Any unauthorized change in use or unauthorized structural alteration of any structure or fill authorized herein shall render this Interim Approval void.

The license shall not restrict public lateral access over, under or around the pier authorized herein.

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

Commissioner

Director

Section Chief

[Handwritten signatures]

Christopher Hill

John A. Spin

Department of
Environmental
Protection

On this 28th day of February, 1992 before me personally appeared Christopher Hill to me known to be the person described in and who executed this Interim Approval and acknowledged that he executed the same as his free act and deed.

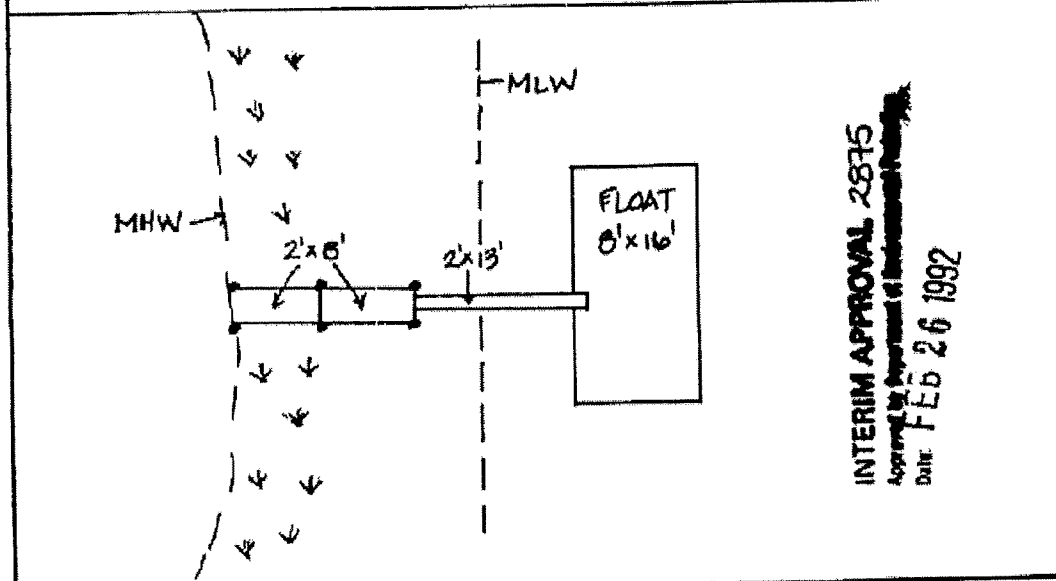
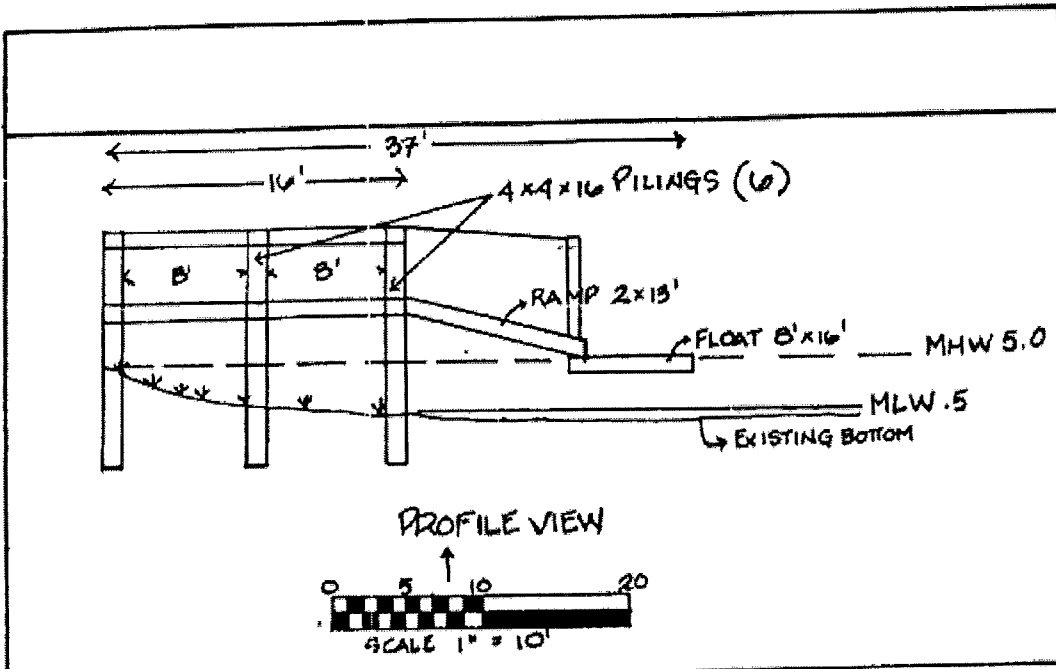
[Handwritten signature]

Notary Public

February 28, 1992
My commission expires on

INTERIM
APPROVAL
ONLY

JAS/JEP/jep

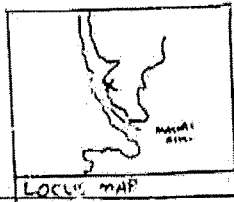


INTERIM APPROVAL 2875
 Approved by Department of Environmental Management
 DATE: FEB 26 1992

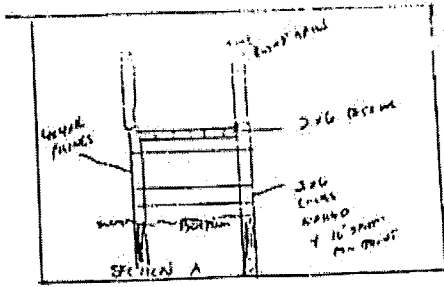
PURPOSE: INTERIM APPROVAL
 DATUM
 ADJACENT PROPERTY OWNERS:
 EDWARD JINKIEWICZ
 JAMES PRITCHARD

JOHN & CAROL KELLEY
 174 CAPTAIN'S ROW
 MASHPEE, MA.

PIER, RAMP, FLOAT &
 PILES
 IN MASHPEE RIVER
 AT POPPONNESSETT BAY
 COUNTY OF BARN. STATE MA.
 APPLICATION BY J. KELLEY
 SHEET 1 OF 3 DATE 12.29.91



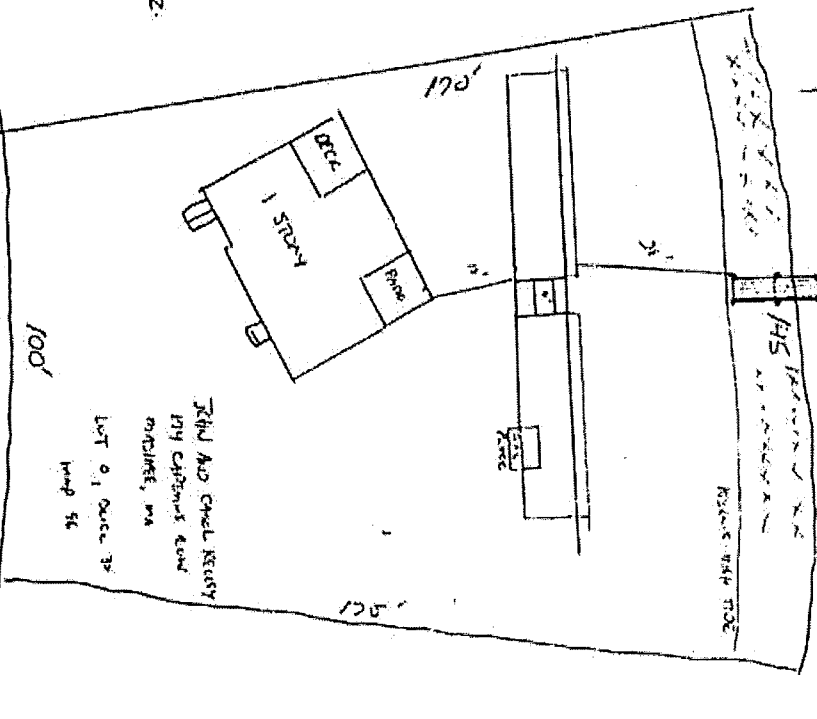
LOCAL MAP



SECTION A

SCALE 1" = 50'
ASBROS
CAPTAINS ROW

EDWARD L. MANLYN
SIDEWALK

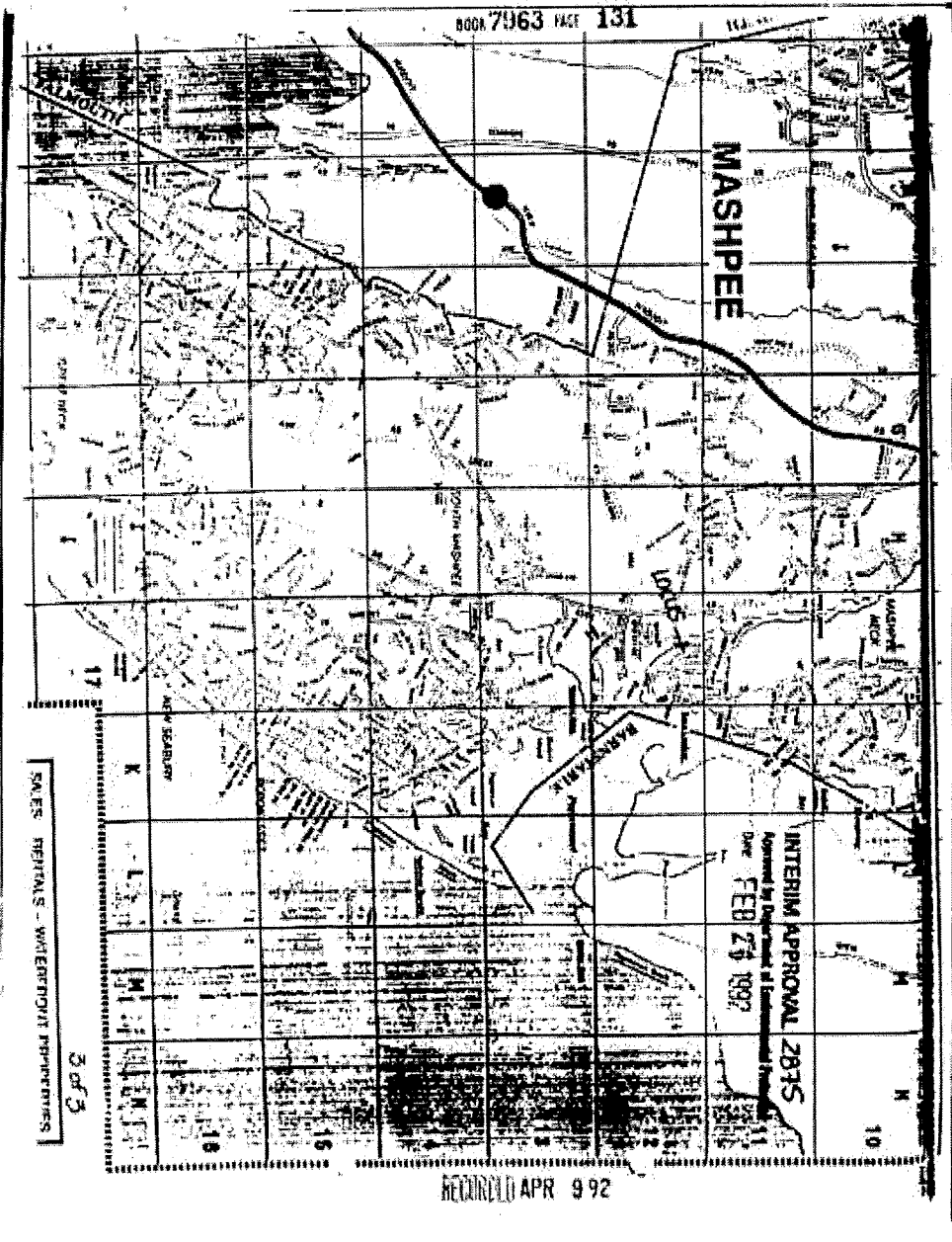


TRAIL AND CHALK RECESS
BY CAPTAINS ROW
MORNING, MA
LOT 0.1 QUOTE 39
WHP 56

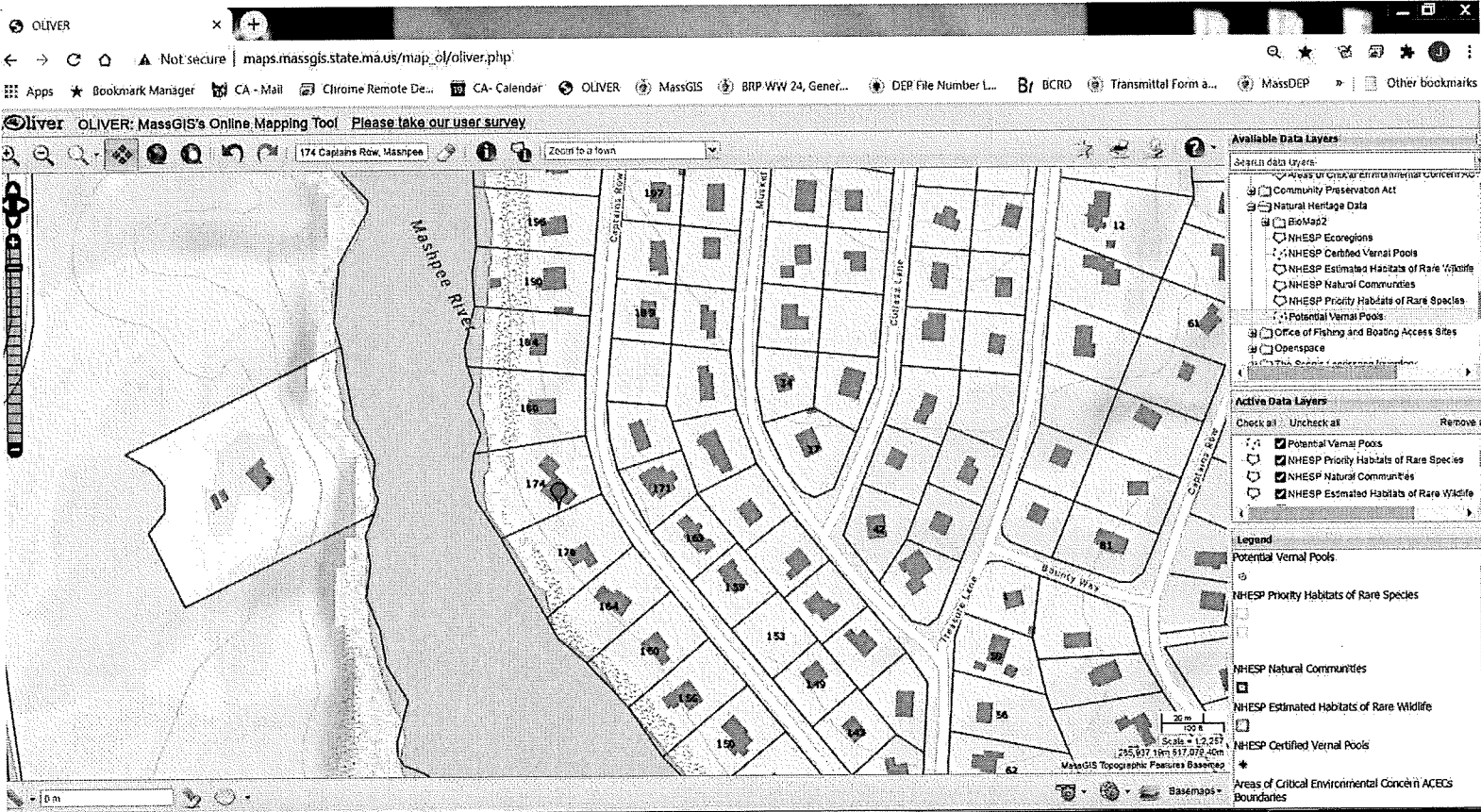


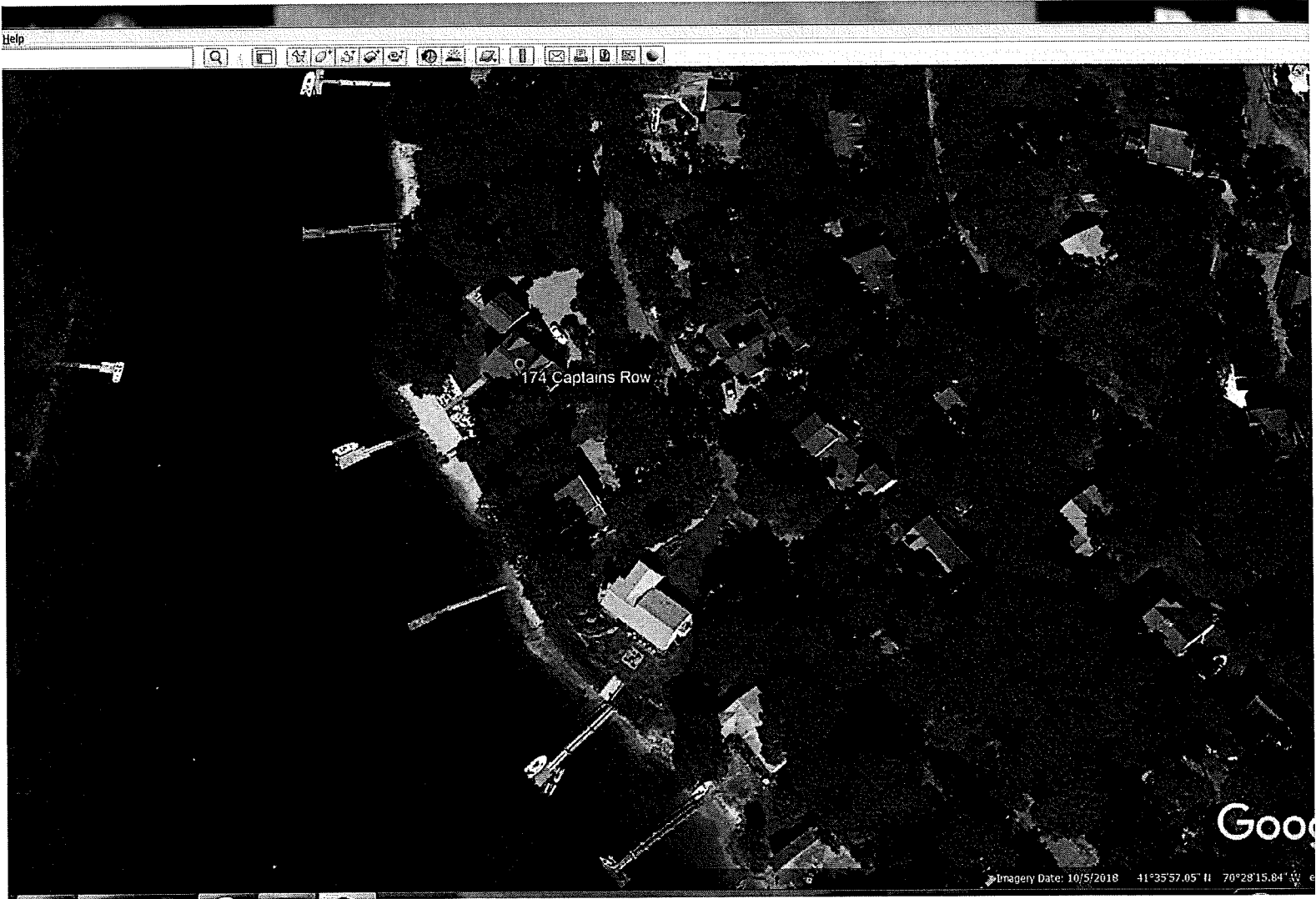
MASHPET RIVER

INTERIM APPROVAL 2875
Approved by Department of Environmental Protection
Date FEB 26 1992



ACEC / Natural Heritage Endangered Species Map





Directions to Site

John S. and Carol D. Kelley
174 Captains Row
Mashpee, MA

1
10 min (4.2 miles)

via Meetinghouse Rd and Mashpee Neck Rd

16 Great Neck Rd N
Mashpee, MA 02649

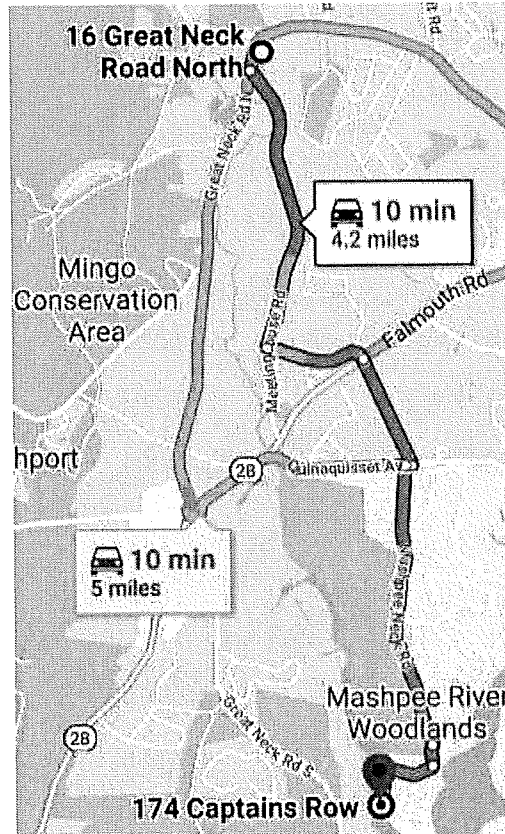
Follow Meetinghouse Rd to Asher's Path E
2 min (1.4 mi)

Turn left onto Asher's Path E
1 min (0.5 mi)

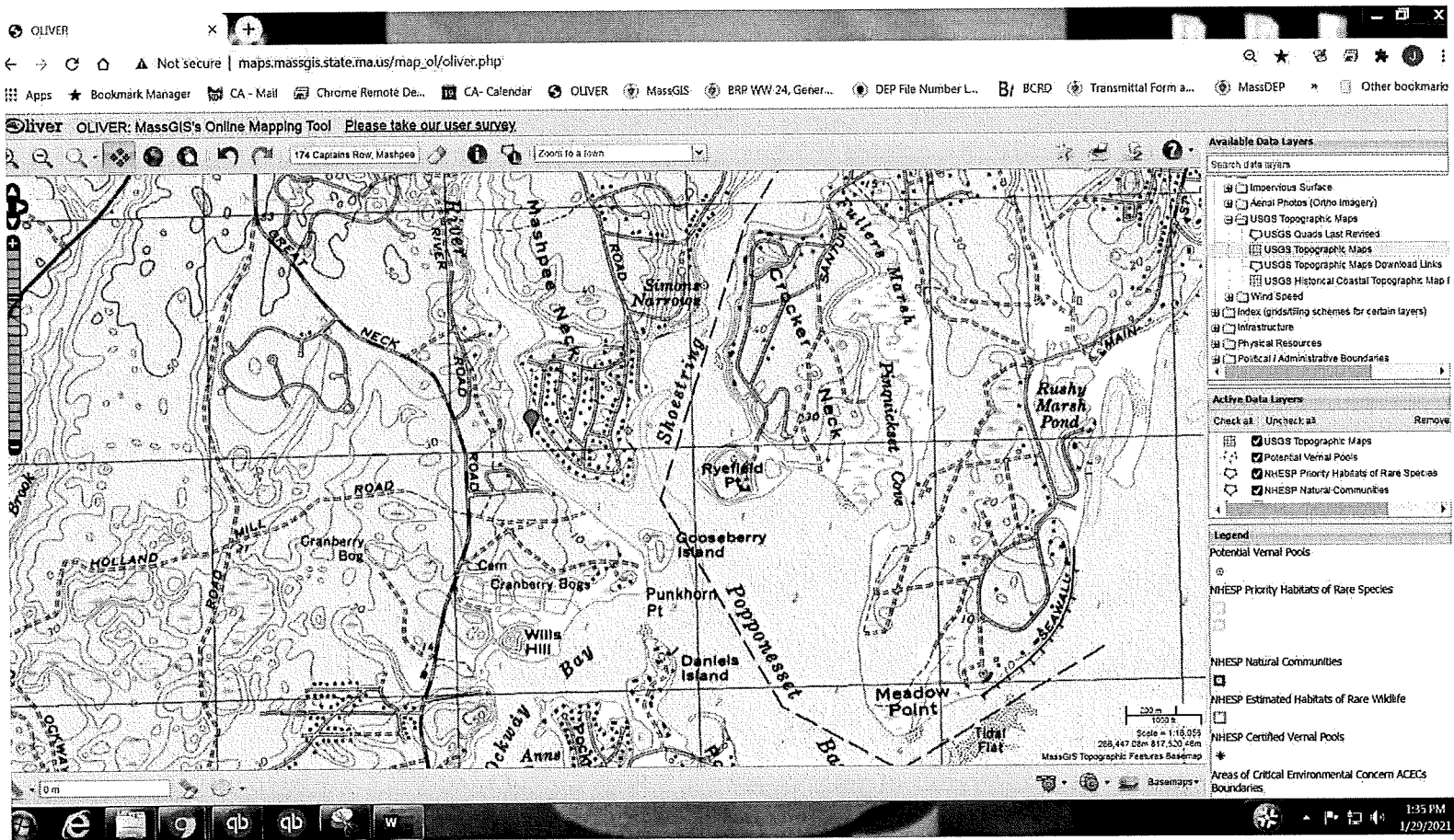
Take Mashpee Neck Rd to Captains Row
4 min (1.8 mi)

Take Buccaneer Way to Captains Row
2 min (0.5 mi)

174 Captains Row
Mashpee, MA 02649



MASS GIS Topo Map



FEMA Flood Map

National Flood Hazard Layer FIRMette



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, V, APF With BFE or Depth Zone AE, AO, AH, VE, AR Regulatory Floodway
[Symbol]	0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone D
[Symbol]	Future Conditions 1% Annual Chance Flood Hazard Zone X
[Symbol]	Area with Reduced Flood Risk due to Levee. See Notes. Zone X
[Symbol]	Area with Flood Risk due to Levee Zone D

OTHER AREAS OF FLOOD HAZARD	
[Symbol]	Area of Minimal Flood Hazard Zone X
[Symbol]	Effective LOMRs
[Symbol]	Area of Undetermined Flood Hazard Zone D

OTHER AREAS	
[Symbol]	Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES	
[Symbol]	Channel, Culvert, or Storm Sewer
[Symbol]	Levee, Dike, or Floodwall

OTHER FEATURES	
[Symbol]	Cross Sections with 1% Annual Chance Water Surface Elevation
[Symbol]	Coastal Transect
[Symbol]	Base Flood Elevation Line (BFE)
[Symbol]	Limit of Study
[Symbol]	Jurisdiction Boundary
[Symbol]	Coastal Transect Baseline
[Symbol]	Profile Baseline
[Symbol]	Hydrographic Feature

MAP PANELS	
[Symbol]	Digital Data Available
[Symbol]	No Digital Data Available
[Symbol]	Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/14/2019 at 11:51:55 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

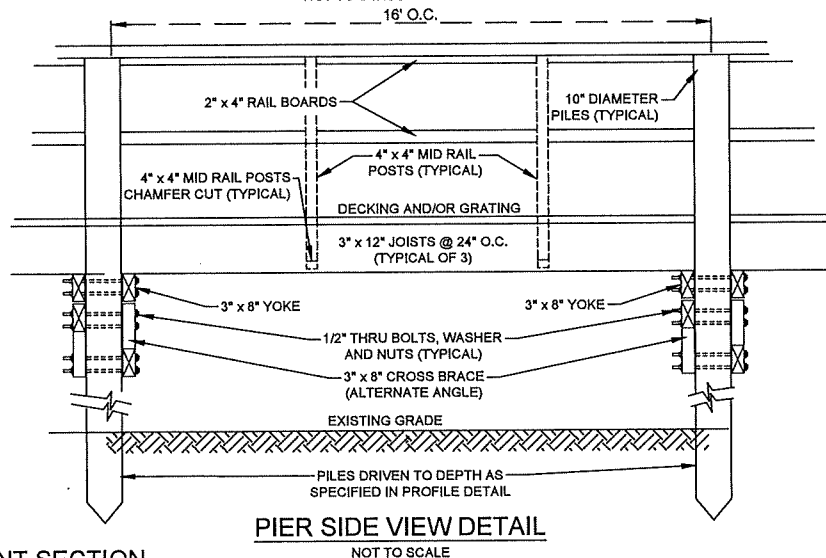
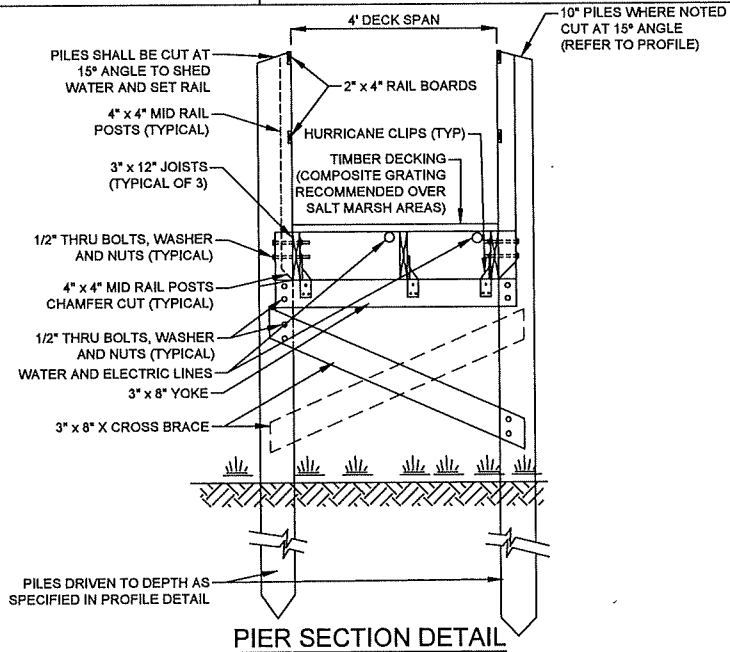


Photographs

Plan of Reference

I HEREBY CERTIFY THAT THIS PLAN DOES CONFORM WITH THE REQUIREMENTS FOR RECORDING OF PLANS IN THE REGISTRY OF DEEDS.

MARK DIBB, P.E.



BENT SECTION

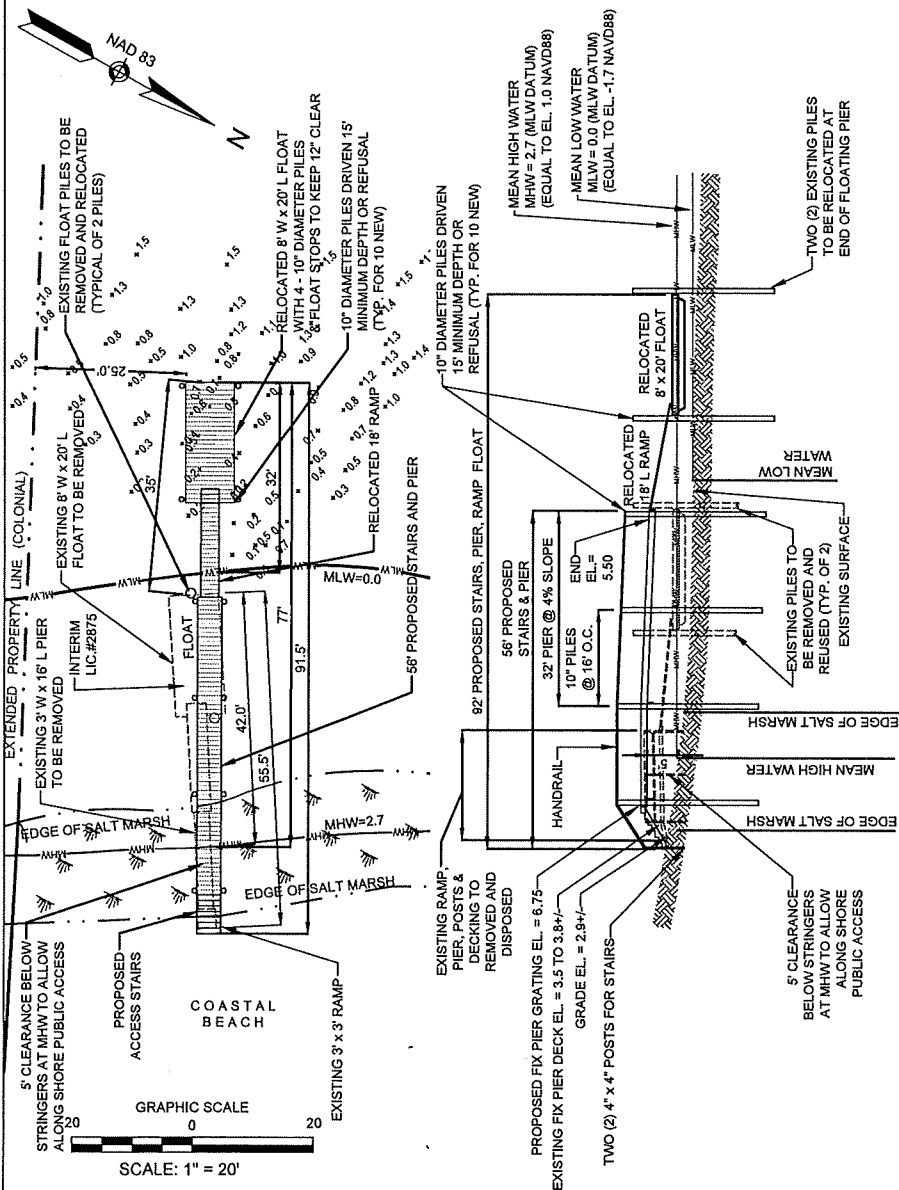
PARCEL ADDRESS: 174 CAPTAINS WAY, MASHPEE, MA
 PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
 508.477.7272 DATE: MARCH 11, 2021

DATUM: M.L.W. = 0.00 FT.
 ELEVATIONS IN FEET

PARCEL ID MAP 96 PARCEL 30 SHEET 4 OF 4

I HEREBY CERTIFY THAT THIS PLAN DOES CONFORM WITH THE REQUIREMENTS FOR RECORDING OF PLANS IN THE REGISTRY OF DEEDS.

MARK DIBB, P.E.



PROPOSED DETAIL PLAN

PARCEL ADDRESS: 174 CAPTAINS ROW, MASHPEE, MA
 PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
 508.477.7272 DATE: MARCH 11, 2021

DATUM: M.L.W. = 0.00 FT.
 ELEVATIONS IN FEET

PARCEL ID MAP 96 PARCEL 30 SHEET 2 OF 4

MAR 16 2021

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM**

**Notice of License Application Pursuant to M. G. L. Chapter 91
Waterways License Application Number W21-5930
South Cape Homeowners Association**

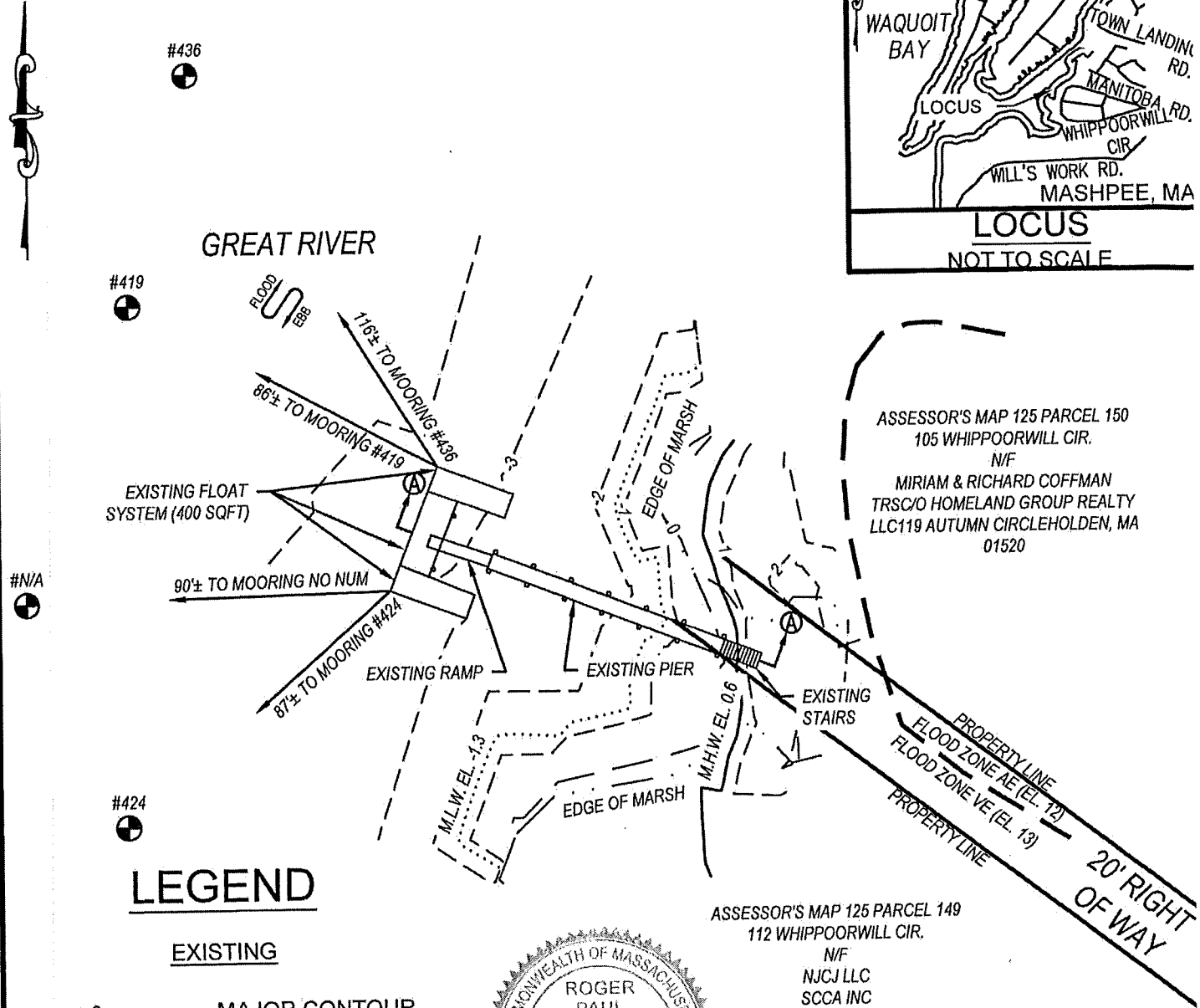
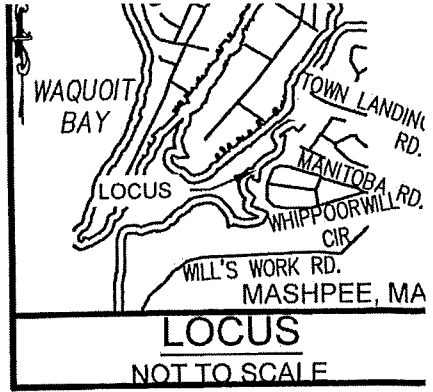
NOTIFICATION DATE: March 12, 2021

Public notice is hereby given of the Waterways application by the South Cape Homeowners Association to license and maintain an existing pier, ramp, and float system at 112 Whippoorwill Circle, in the municipality of Mashpee, in and over the waters of Great River. The proposed project has been determined to be water-dependent.

The Department will consider all written comments on this Waterways application received within 30 days subsequent to the "Notification Date". Failure of any aggrieved person or group of ten citizens or more, with at least five of the ten residents residing in the municipality(s) in which the license or permitted activity is located, to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c).

Additional information regarding this application, including plans and associated documents, may be obtained by contacting the Waterways Regulation Program at (508) 946-2707 or brendan.mullaney@mass.gov.

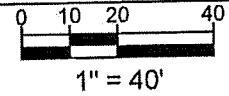
Written comments must be addressed to: Brendan Mullaney, Environmental Analyst, DEP Waterways Regulation Program, 20 Riverside Drive, Lakeville, MA 02347 or brendan.mullaney@mass.gov.



- LEGEND**
- EXISTING
- 0 - MAJOR CONTOUR
 - 2 - MINOR CONTOUR
 - ⊙ PILING
 - PROPERTY LINE
 - ⊙ MOORING

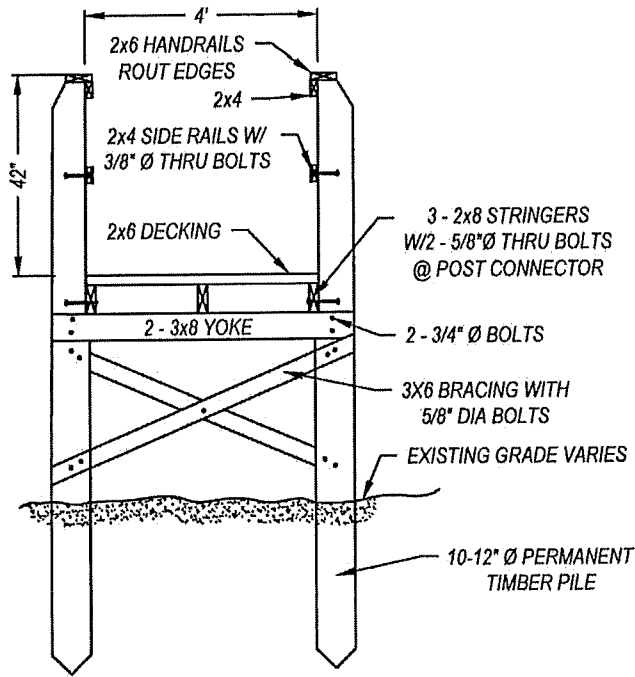
COMMONWEALTH OF MASSACHUSETTS
 ROGER PAUL MICHNIEWICZ
 CIVIL ENGINEER
 No. 30420
 REGISTERED PROFESSIONAL ENGINEER
 12.23.20

EXISTING CONDITIONS PLAN



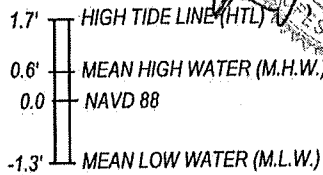
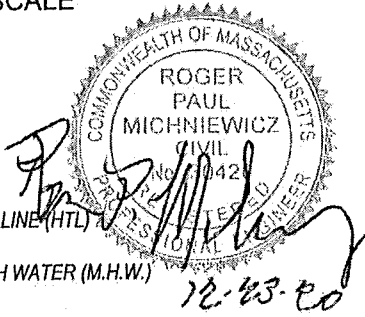
PLAN TO ACCOMPANY PETITION OF
SOUTH CAPE HOMEOWNERS ASSOCIATION
 TO LICENSE AND MAINTAIN AN EXISTING PIER
 RAMP AND FLOAT SYSTEM IN GREAT RIVER,
 MASHPEE, BARNSTABLE COUNTY, MA
 PREPARED BY
 COASTAL ENGINEERING CO., INC.
 260 CRANBERRY HIGHWAY
 ORLEANS, MA 02653
 DRAWN BY: ELN
 DRAWING: C19385-C 112 Whippoorwill.dwg

REF: ASSESSOR'S MAP 125 PARCEL 149
 ADDRESS: 112 WHIPPOORWILL CIRCLE, MASHPEE, M.



TYPICAL PIER DETAIL

NOT TO SCALE



DATUM PROFILE

SCALE: 1" = 4'

REF: NOAA VDATUM 05-05-2020

REF: BUZZARDS BAY NATIONAL ESTUARY PROGRAM

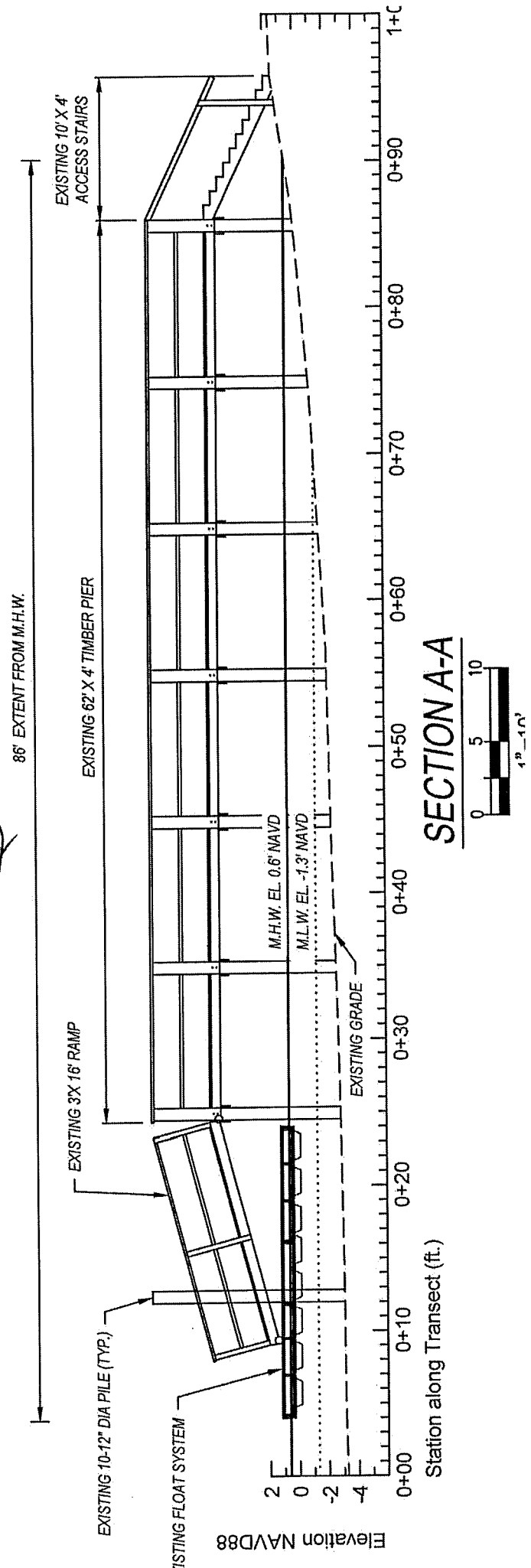
PLAN TO ACCOMPANY PETITION OF SOUTH CAPE HOMEOWNERS ASSOCIATION

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



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Massachusetts Department of Environmental Protection

eDEP Transaction Copy

Here is the file you requested for your records.

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Username: **EBELAIR**

Transaction ID: **1260513**

Document: **Groundwater Discharge Monitoring Report Forms**

Size of File: **1025.79K**

Status of Transaction: **Submitted**

Date and Time Created: **3/17/2021:12:10:27 PM**

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Groundwater Permit

DISCHARGE MONITORING REPORT

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2021 FEB 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:

2/2/2021

a. Date Sampled (mm/dd/yyyy)

RI ANALYTICAL

b. Laboratory Name

DARLENE CAPUANO

c. Analysis Performed By (Name)

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Discharge Monitoring Report - 2021 Feb 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
2021 FEB 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	81	5.1	3.0
MG/L			
TSS	130	13	2.0
MG/L			
TOTAL SOLIDS	470		
MG/L			
AMMONIA-N	19		
MG/L			
NITRATE-N		1.8	0.25
MG/L			
TOTAL NITROGEN(NO3+NO2+TKN)		5.0	0.25
MG/L			
OIL & GREASE		ND	0.5
MG/L			



Groundwater Permit

MONITORING WELL DATA REPORT

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2021 FEB 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:

2/1/2021

a. Date Sampled (mm/dd/yyyy)

WHITEWATER

b. Laboratory Name

OCTAVIO BIZARRO

c. Analysis Performed By (Name)

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Monitoring Well Data Report - 2021 Feb 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
2021 FEB 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	6.5	6.3	6.8	6.7		
S.U.						
STATIC WATER LEVEL	21.2	50.9	48.1	52		
FEET						
SPECIFIC CONDUCTANCE	914	675	701	756		
UMHOS/C						



Groundwater Permit

DAILY LOG SHEET

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2021 FEB 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:

2/28/2021

a. Date Sampled (mm/dd/yyyy)

WHITEWATER

b. Laboratory Name

OCTAVIO BIZARRO

c. Analysis Performed By (Name)

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Daily Log Sheet - 2021 Feb 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
2021 FEB 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	7766					8		
2	11498					7.8		
3	7834					7.8		
4	11717					8.11		
5	9070					7.8		
6	9070							
7	9070							
8	7767					8.1		
9	7926					7.8		
10	11791					7.7		
11	7670					7.8		
12	8766							
13	8766							
14	8766							
15	8766					8		
16	11561					8.1		
17	7713					8		
18	11593					7.8		
19	10290							
20	10290							
21	10290					8.1		
22	78900					7.8		
23	11582					7.8		
24	11780					7.8		
25	11848					7.8		
26	14283							
27	14283							
28	14283							
29								
30								
31								



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

3/17/2021

b. Date (mm/dd/yyyy)

Reporting Package Comments

PLANT MET ALL DISCHARGE PERMIT REQUIREMENTS FOR FEBRUARY 2021.