



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

Meeting of the Mashpee Planning Board  
Wednesday, May 5, 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 April 21, 2021

### New Business

- Intro and update on ongoing projects from Consulting Engineer – Ed Pesce
- Request for Release of Covenant – 111 Orchard Road, Ethellean Antunes Living Trust

### Old Business

- Update, Discussion and possible action relative to Mashpee Commons Development Agreement

### Chairman's Report

### Town Planner Report

- 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

MAY 03 2021

RECEIVED BY: WY



**Mashpee Planning Board  
Minutes of Meeting  
April 21, 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](http://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, Attorney Eliza Cox, Arnold Buff Chase (Mashpee Commons LP), Paul Niedzwiecki (Mashpee Commons LP)

**CALL TO ORDER**

Chairman Phelan opened the meeting at 7:00 p.m. and welcomed Planning Board members to the meeting. Due to the pandemic and Town of Mashpee regulations, the meeting was being held virtually, but the Chair announced that it was being live streamed on Channel 18 and could also be viewed at [www.mashpeema.gov/channel18](http://www.mashpeema.gov/channel18). The Pledge of Allegiance was recited.

Chairman Phelan first announced that this meeting is not open to public comment but there will be many opportunities for the public to participate at a later date. The public is invited to submit questions or comments to the Town Planner at [elehrer@mashpeema.gov](mailto:elehrer@mashpeema.gov). These comments will be forwarded to the Board and presented at the next Planning Board Meeting.

**APPROVAL OF MINUTES – March 17, 2021**

There were no comments regarding the minutes.

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

**NEW BUSINESS**

**Presentation of conceptual Community Activity Center Overlay District proposal from the Mashpee Commons team.**

Chair Phelan announced the first item is a presentation of a conceptual Community Activity Center Overlay District proposal from Mashpee Commons. The presentation presents an opportunity to listen and to collaborate.

Attorney Eliza Cox from Nutter, McClennen & Fish LLP began by stating that she was pleased to be with the Planning Board on behalf of Mashpee Commons Limited Partnership. She added that Buff Chase with Mashpee Commons II LLC and GNRSMALLC were collectively the applicants in the three party development agreement application submitted to the Cape Cod Commission.

Attorney Cox indicated that she was not planning on a formal presentation this evening but wanted to provide an introduction and to make a procedural request of the Board. She referred to her letter dated April 14, 2021 which identified one of the proposed elements of the development agreement. This proposed amendment to the Mashpee Zoning Bylaw through the creation of a proposed zoning overlay district is being referred to as the Community Activity Center Overlay District. The Cape Cod Commission designated the land in 2018 as a Community Activity Center and one of the regions eight Community Activity Centers. A Community Activity Center as defined by the Commission is an area with a concentration of business and community activity in a compact built environment. The subject site does meet these qualifications and has the potential for further expansion. Included with the letter is a document which provides a summary of the vision for the proposed zoning which would overlay about 187 acres that is the subject of the development agreement application.

Attorney Cox reported a draft of the proposed zoning overlay is in process and felt that at this point it would be helpful for the Planning Board to appoint two board members who would be available to meet with the Mashpee Commons group as well as the Town Planner all at public meetings in accordance with the Open Meeting Law to engage in detailed discussion about proposed language and concept of the zoning overlay. She explained that this group would be a working group created to meet in between Planning Board meetings if needed. She emphasized that the zoning would be reviewed and discussed before the full Planning Board including at public hearings as the development agreement progresses. There will be full public hearings as the process moves forward. There would be regular meetings with the Town Planner and the Cape Cod Commission staff to create a framework for the review and the public hearing process for the development agreement application. They expect by mid-May to report the framework to the Planning Board and to formally request that the Town convene its team to coordinate the scheduling of the public meetings and hearings regarding the proposed development agreement application. This would be the regions first three party development agreement which will involve a lot of coordination. She expressed the desire to collaborate with the Town, the Planning Board and The Cape Cod Commission.

Attorney Cox reiterated that the request before the Planning Board this evening is to appoint two members of the Planning Board to the creation of a zoning working group to enable a more direct and focused discussion on the proposed zoning which is a key element of the development agreement. She concluded by stating that this is a procedural step of a very public process.

Chair Phelan thanked Attorney Cox for the presentation and stated that he also viewed this as a collaboration. He inquired of Attorney Cox what the anticipated schedule would be for those members of the board that would be appointed. She responded that these dates have not been worked out yet but when she reports back to the Board in May, she would present a schedule of public meetings and hearings for the development agreement application after conferring with the Town Planner. Attorney Cox stated that if this zoning working group is created they would like to have the ability to have these appointed members at the public meetings. She anticipated that these meetings would commence in the very near future.

Chairman Phelan inquired of the Board if they would like to make a motion to appoint two board members or if they would like a discussion. Board members indicated they would like a discussion.

Mr. Lehrer reported to the Chair and Board that there were approximately 10 phone calls received from the public on the matter of appointing two members of the board and there were concerns on this process. He stated he wanted to make the Board aware of the phone calls so that the Chair could decide how to manage these concerns.

Mr. Balzarini recalled from about a year ago that the Planning Board had a discussion and had agreed that the entire Planning Board would be present at meetings. He questioned why only two board members would be participating while there are five board members with five different perspectives on the proposed development agreement. He stated his opinion was that since the Planning Board plays such a vital role in this process the entire board as well as the public should be present at every meeting.

Chairman Phelan said while Mr. Balzarini made valid points, his interpretation when he read the proposal was that this subcommittee would be meeting more frequently than the regularly scheduled board meetings. The two elected members would only be gathering information and reporting back to the Board and felt it would make the process easier. He explained the entire Board would be engaging in discussions.

Ms. Waygan indicated that she was happy to hear the meetings were being planned and being held in public which would mean all Planning Board members would be present as well. She indicated that the Board voted to pursue a three party development agreement with the Town, Mashpee Commons and The Cape Cod Commission. At that time it was acknowledged that the negotiation team would be comprised of the entire Planning Board and one member from the Board of Selectmen. She explained that she was against this however she was convinced that having more people involved would offer more talent to draw from. She said she was tremendously disappointed that the first action from the applicant was to go from a board of six to a group of two. She felt that any Planning Board member that wanted to attend and participate as a full member of the Planning Board during these meetings should be able to do so. She stated that she was readily available for meetings. Ms. Waygan explained that the applicant came before the Board voluntarily with a proposed development agreement and did not have the authority to dictate that only part of the Planning Board could participate in discussions. She further explained that the Planning Board members elected by the public have the right to sit at any meeting as a full Planning Board member.

Chair Phelan indicated that he understood Ms. Waygan's position however, he explained that he did not feel this was an affront by the applicant to subvert or undermine the Planning Board in any way. Ms. Waygan stated that there is no authority who could stop her from participating in any of these meetings being held if they are in public session as a full Planning Board member. Mr. Phelan stated that he actually had hoped Ms. Waygan would accept his nomination to be one of the two members selected for this subcommittee.

Mr. Fulone asked to clarify a question. He stated his understanding of the request was to create a subcommittee comprised of all three parties to focus strictly on the proposed zoning change. The findings of this subcommittee would then report back to the Planning Board. Attorney Cox said that Mr. Fulone's understanding of this was correct and further explained that they were not trying to eliminate anyone from the process but in fact were trying to create more process by having more meetings between the regularly scheduled Planning Board meetings. She clarified the development agreement collaboration process is a larger piece than just the zoning. The proposed zoning overlay is just a component and an exhibit to the overall development agreement.

Attorney Cox reiterated that they felt it would be helpful to have smaller group meetings and had no intention of eliminating anyone from the process. She pointed out that this is a Planning Board process and these are public meetings.

Ms. Waygan addressed the applicant directly and stated that each of the Planning Board members understands what it means to do a bylaw change. She questioned what members were going to be cut out of this process.

Chairman Phelan reiterated that as the applicant had previously explained, it was not their intention to cut board members out of the process. The intent was to gather information. He stated that he did not understand how Ms. Waygan felt that she was being eliminated from the process and that all information would be brought back to the Board. He explained that at this point the applicant has only made a proposal in an effort to streamline the process with a smaller group. Chairman Phelan emphasized this is only a proposal and it has not been decided that only two people can attend meetings. It would be a decision made by the entire Board.

Mr. Balzarini commented that he felt that the entire board should be involved and that perhaps by only having two board members participating that it may ultimately slow down the process. He stated that this was not just a zoning change but a change to Mashpee as we know it. It is important for everyone in the Town to be involved. Perhaps the process can be reviewed at a later time to make the decision to continue with fewer Board members.

Chair Phelan stated that there was no motion made to only have two members elected to the subcommittee. He suggested that based on the discussions, perhaps a board member make a motion for the entire Board to participate and if the Board decides that the process is too cumbersome then a change can be made later. He reiterated that there was no intent on the part of the applicant to eliminate anyone from the process. He was not aware that Mr. Balzarini and Ms. Waygan would have the feeling of anyone being eliminated from the process. He noted as Ms. Waygan had pointed out previously, the Planning Board has a major role in the process.

Mr. Lehrer indicated that he would like to tone down the language and have a productive dialog and to proceed in a collaborative manner. His interpretation of the request from the applicant is to refine language and that it may be more difficult to accomplish well without a more refined process. The process as proposed he noted could help to ensure the presentation of a cohesive and functional piece of zoning regulatory language that will have a profound impact on Mashpee's built environment. He pointed out that subcommittees have no authority to vote or

offer any approvals and are formed to focus in on specific issues. He suggested that if the Board wanted to address the issue in a targeted and comprehensive manner for both the benefit of the Town and of a proposal that functions for the community, it might behoove the Board to consider pursuing the subcommittee. Mr. Lehrer stated that when the Board returns to a full meeting with a schedule of public hearings, a proposal can be presented to the community that makes sense and is defensible but ultimately it is within the authority and discretion of the Board to decide. He added this is how business is done and how business gets done well.

Mr. Fulone agreed with Mr. Lehrer that this is a standard procure and that subcommittees do the work and bring information back to the committee. He added that subcommittees may come and go during the process. He indicated that in his experience it is much more efficient to work with a smaller, focused group of people.

Ms. Waygan responded that her issue is that the Planning Board is not just a standard group but an elected board. Each Planning Board member is elected and each has a responsibility to be involved in this process every step of the way. She indicated that she has been through this process several times both in Mashpee and where she works. She stated that it is important to have the entire Board involved from the beginning and stay involved through the entire process.

Mr. Phelan questioned why Ms. Waygan felt that any board member would not want to be involved. He referenced Mr. Fulone's previous comment referring to a business model where it is more effective to have smaller subgroups. Ms. Waygan interjected this is not true when you are working on bylaws and you are an elected body. Mr. Phelan asked the Board to consider that when the Board meets and if it is discovered that there are ways to allow smaller groups to focus on certain areas and everyone is communicating with each other, that these opportunities be recognized when they exist to move the process forward. He stated that it is his experience that when you have more people on a committee that it tends to slow down the process. He would like to collaborate and move forward.

Mr. Lehrer questioned whether there was another proposal other than appointing a subcommittee and pointed out that there would be a logistical challenge presented if a quorum of the Planning Board meets an agenda will have to be posted. He will need clarity on how the Board would like to proceed and a quorum will be needed to open a meeting.

Ms. Waygan stated that this presents numerous problems. When you don't invite the whole Board, you don't have a quorum to open a meeting. She suggested more meetings and that the Board would just have to be sure that at least three members are present.

Mr. Fulone asked if Chair Phelan was looking for someone to make a motion.

**MOTION: Mr. Fulone made a motion to appoint two Board members to a subcommittee as outlined in Attorney Cox's document. The motion was seconded by Mr. Callahan. Roll Call Vote: Mr. Balzarini – No; Mr. Callahan – Yes; Mr. Fulone – Yes; Ms. Waygan – No; Mr. Phelan - No**

Ms. Waygan reiterated that she is an elected public official and nobody has the right to exclude her from these meetings. She said it is not allowed to go into a subcommittee in a public meeting and say that some members from the Planning Board cannot attend.

Chair Phelan asked if there were any additional comments.

The Chair recognized Mr. Fulone who attempted to address a question to Attorney Cox. After some commotion, Ms. Waygan called point of order and the Chairman addressed the point of order. He directed Mr. Fulone to avoid addressing his question to Attorney Cox.

Ms. Waygan was recognized by Chairman Phelan. She reiterated that she could not be excluded from these public meetings. She stated that she is an elected official and could not be demoted to a member of the public.

Mr. Lehrer made the point that it appeared that Ms. Waygan seemed to be interested in participating as a member of the proposed subcommittee if two members of the Board are elected and asked if anyone would consider nominating Ms. Waygan to the subcommittee.

Chair Phelan said he would entertain another motion since the previous one failed. He then called upon Ms. Waygan.

**MOTION: A motion was made by Ms. Waygan for the full Planning Board to commence meetings with the applicant, Mashpee Commons, to engage in detailed discussion regarding the proposed language of a zoning amendment related to the proposed development agreement of the Mashpee Commons expansion in the conceptual Community Activity Center Overlay District zoning proposal. The motion was seconded by Mr. Balzarini. Roll Call Vote: Mr. Balzarini – Yes; Ms. Waygan – Yes; Mr. Callahan – No; Mr. Fulone – No; Mr. Phelan - Yes**

Mr. Phelan stated that he understood the various opinions and perspectives but did not want to make the applicant feel that this will be a long process. We will look for opportunities to break into smaller groups then all come together.

Mr. Callahan stated while he understood the various positions of the board members, he felt the subcommittee was a good opportunity to keep things moving forward. But if the Board wants to move slower then he was agreeable.

Mr. Balzarini recalled about 10 years ago that Mashpee Commons came forward with a development agreement so this is not new for the Planning Board. He stated he wants to start from “ground zero” and that both the Town and Mashpee Commons understand what each party is looking for. He suggested that perhaps subcommittees could be formed to study various areas. He felt the process would be efficient and move right along so that Mashpee commons could start developing

Chairman Phelan pointed out that although Mashpee Commons might have presented something 10 years ago to the Board, but the Commons is basing everything on The Cape Cod Commission



CAC from 2018. Much of the language has been mirrored. He added that this is a new model and the first of its kind in our area.

Mr. Lehrer stated that he felt we were on “the cusp and precipice of a massive opportunity.” He urged staff, colleagues, the Board and Mashpee Commons to keep in mind the light of collaboration and that we all have a similar end goal which is to develop something for the betterment of the future generations of this town and the region. We should avoid accusations and inflammatory language and work towards a product to be proud of.

Mr. Lehrer closed by stating it is common and best practice to define smaller working groups to deliver proposals in preparation for delivery to the public and felt it was shortsighted not to proceed in this manner.

Mr. Phelan inquired of Attorney Cox a date for the next meeting in keeping with the Open Meeting Law.

Mr. Lehrer said he would like the Board to consider when and how often meetings would occur as well as what would be discussed with appropriate staff.

Attorney Cox responded that she would communicate through the Town Planner and report back to the Chair shortly.

Mr. Phelan thanked the Mashpee Commons team for their presentation.

#### **CHAIRMAN’S REPORT**

No report

#### **TOWN PLANNER REPORT**

##### **Consulting Engineer Update**

The Town Manager and the new Consulting Engineer, Ed Pesce have signed the contract. Mr. Lehrer met with Mr. Pesce and Charles Rowley, the former Consulting Engineer in his office to review current projects and update on inspections. Mr. Pesce is currently meeting with contractors and project managers and forging new relationships. Mr. Lehrer hoped to formally introduce Mr. Pesce at the next board meeting.

##### **Local Comprehensive Plan RFP Update**

Mr. Lehrer reported that he received council’s written comments on the RFP last Friday. He is amending the project timeline since the deadline was missed. The draft was approved with very minor edits. Mr. Lehrer is currently working with the DPW Director to post on Central Register and in CommBuys.

#### **Proposed amendments to Special Permit Regulations and Subdivision Rules and Regulations**

Mr. Lehrer shared a concept with the Board for amending the Planning Board’s Special Permit Regulations and The Rules and Regulations Governing the Subdivision of Land. Specifically he

proposes, along with the new consulting engineer, amending the schedule of fees to require, upon submission of a special permit application or definitive plan for review and approval by the Board, a retainer of an undetermined dollar amount for the purposes of peer review and inspections. The Board, upon the retirement of former consultant, is shifting towards utilizing a 53G account as authorized by the Department of Revenue for the purposes of paying its consultant without the need for an annual town meeting appropriation. Mr. Lehrer notified the Board that amendments to special permit regulations do not require a public hearing but that the proposed amendment to subdivision rules and regulations would. He requested the Chair seek a motion to set a public hearing date for the amendments discussed for May 19, 2021 at 7:10.

**MOTION: A motion was made by Ms. Waygan for to set a public hearing date on May 19, 2021 at 7:10 for the purposes of discussing proposed amendments to the Rules and Regulations Governing the Subdivision of Land. Mr. Balzarini seconded the motion. Roll Call Vote: Mr. Balzarini – Yes; Ms. Waygan – Yes; Mr. Callahan – Yes; Mr. Fulone – Yes; Mr. Phelan – Yes**  
**The motion passed unanimously.**

## **BOARD MEMBER COMMITTEE UPDATES**

**Cape Cod Commission**-No report

**Community Preservation Committee**- No Report

**Design Review Committee**- Design Review met to approve two (2) signs for a new sign at Chapman, Cole and Gleason. The Committee reviewed a sign for the Country Club Lane subdivision but the applicant withdrew the application and intends on submitting at a later date.

**Plan Review**- Plan Review met and approved with conditions another proposed Contractor's Yard to be located in the Evergreen Circle subdivision.

**Environmental Oversight Committee** – Met on April 14<sup>th</sup> and got various updates regarding ongoing projects: Santuit Pond Remediation, Estuary Restoration Project, Town-wide stormwater management.

**Historic District Commission**- No meeting

**Military Civilian Advisory Council**-No meeting

### **Additional Topics (not reasonably anticipated by Chair)**

Mr. Balzarini sought to be recognized for the purposes of notifying the Board regarding potential maintenance issues at the Ockway Highland's subdivision. He noted that the swales alongside the roadways are stripped of grass and all the manhole covers are at risk from impacts due to siltation from material stockpiling alongside the road connecting Blue Castle Drive from Degrass Road. He suggested that when the new engineer gets up to speed that he go and check on the issues noted. The Chair stated that he recognized the same issues. The Town Planner assured the Board he would notify the consulting engineer for the purposes of making an inspection and report back.

## **ADJOURNMENT**

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

Mr. Phelan closed the meeting by thanking the Board for their participation.

**The meeting adjourned at 7:48 p.m.**

Respectfully submitted,

Patricia A. Maguffin  
Administrative Secretary

## **LIST OF DOCUMENTS**

*Additional documents may be available in the Planning Department.*

- *Planning Board Meeting Minutes from March 17, 2021*
- *Correspondence from Nutter, McClennen & Fish LLP regarding Mashpee Commons Development Agreement*
- *Notice of Public Comment – Vineyard Wind 1 LLC*
- *Town of Falmouth Notices*
- *Town of Sandwich Notices*
- *Water Ways Application – 17 Taffrail Way*
- *Water Ways Application – 174 Captains Row*
- *February 2021 Discharge Monitoring Report South Cape Village*

To: John Phelan, Chair, Mashpee Planning Board

May 3, 2021

Jack,

As a member of the public, I would like to submit the following statements and question to Mashpee Commons' representatives, regarding Mashpee Commons' Proposed Expansion Plan, Proposed Community Activity Center Overlay District and their Third-Party Development Agreement with the Cape Cod Commission.

I realize that Mashpee Commons' expansion proposals have significant, potential benefits and consequences for the town of Mashpee. I also realize that Mashpee Commons over the past several years have made significant effort to introduce new planning concepts (Form Base Code) and to solicit public input.

Going forward, I believe it would benefit all parties if Mashpee Commons would provide a review of their assessment of the short comings/obstacles that prevented their previous efforts from obtaining plan approval. Additionally, what effort has Mashpee Commons made to overcome these previous obstacles?

It is from this assessment, balanced against Mashpee's published Local Comprehensive Plan (LCP) and current bylaws, that meaningful discussion can start to take place.

Thank you,

Rob Hansen

10 Chadwick Court, Mashpee, Ma

Cc: Evan Lehrer, Mary Waygan

**From:** Stuart Rapp [<mailto:srapp@srapplaw.com>]  
**Sent:** Tuesday, April 20, 2021 12:39 PM  
**To:** Evan Lehrer <[ELehrer@mashpeema.gov](mailto:ELehrer@mashpeema.gov)>  
**Cc:** Cindy Civetti <[cindy@srapplaw.com](mailto:cindy@srapplaw.com)>; 'Anthony Mazzeo' <[anthony@pizzutimazzeo.com](mailto:anthony@pizzutimazzeo.com)>  
**Subject:** Lot 6, 111 Orchard Road, Mashpee

**WARNING! EXTERNAL EMAIL:** : This message originated outside the Town of Mashpee mail system. DO NOT CLICK on links or attachments unless you are absolutely certain the content is safe.

Dear Mr. Lehrer,

Please be advised that I am the Successor Trustee of the Ethellean Antunes Living Trust, which Trust is the current owner of Lot 6, 111 Orchard Road.

Back on March 17, 1992, a Covenant was recorded at the Barnstable County Registry of Deeds in Book 7921, Page 193 and which Covenant, I understand, continues to be a burden on Lot 6, 111 Orchard Road and this email is sent to request that that Covenant be released by the Mashpee Planning Board.

I further understand that the Planning Board meets at 7:00 PM on May 5<sup>th</sup> and ask that this request to release the Covenant be placed on the May 5<sup>th</sup> Planning Board Agenda.

Please let me know what additional information or documents you need from me prior to the May 5<sup>th</sup> meeting.

I look forward to hearing from you.

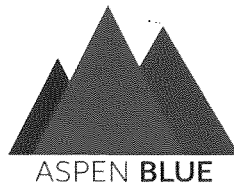
Regards,

Stuart W. Rapp, Esquire

Law Offices of Stuart W. Rapp  
749 Main Street  
Osterville, MA 02655  
Tel: [508.428.0400](tel:508.428.0400)  
Fax: [508.428.0096](tel:508.428.0096)  
Email: [srapp@srapplaw.com](mailto:srapp@srapplaw.com)

**NOTICE OF CONFIDENTIALITY:**

This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein and contains legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, immediately notify me by e-mail (by replying to this message) or telephone (noted above) and permanently delete the original and any copy of this e-mail and any attachments thereto and any printouts thereof. Thank you for your cooperation in this matter.



APR 23 2021

April 19, 2021

Evan Lehrer  
Town Planner  
Town of Mashpee  
16 Great Neck Road North  
Mashpee, MA 02649

Mr. Lehrer,

Aspen Blue Mashpee, Inc. is planning on opening a marijuana cultivation facility located at 14 Wags Road, Mashpee, MA 02649. Pursuant to MA Regulation 935 CMR 500.101, we are hereby notifying the town clerk, the abutters, the planning board, and the contracting authority for the town that there will be a Community Outreach Meeting concerning this proposed facility on Tuesday, May 4, 2021 at 7:00PM via Zoom. Aspen Blue placed an ad in the Mashpee Enterprise regarding the aforementioned Community Outreach Meeting. Meeting ID, Passcode and Call-in number are listed below:

Meeting Link:

<https://us02web.zoom.us/j/82346077370?pwd=dm5nRmZoVm9ENFdMcEFTOUthaWh6UT09>

Meeting ID: 823 4607 7370

Passcode: 032263

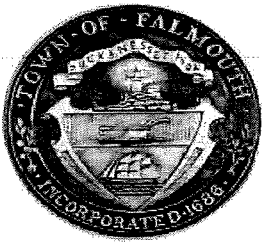
Dial-in Number: +1 646 558 8656

Please e-mail Matthew Wilkes (Chief Business Officer) if you would like the Zoom invitation with the corresponding hyperlink.

Matthew Wilkes' E-mail: [m.wilkes@terps.com](mailto:m.wilkes@terps.com)

Sincerely,

Aspen Blue Mashpee, Inc.



# *TOWN OF FALMOUTH*

## ZONING BOARD OF APPEALS

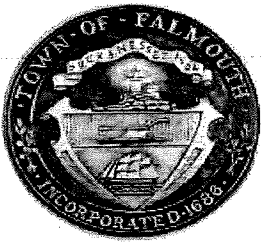
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APR 20 2021

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.
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

APR 20 2021

### **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 #023-21 William J. and Gina C. Webber, 47 Rockville Avenue, East Falmouth, Ma:**

Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-38 G(4)(b) of the Code of Falmouth to park a vehicle over 13,000GVW on subject property known as 47 Rockville Avenue, East Falmouth, Ma

Map 27 Section 06 Parcel 028 Lot(s) 012

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

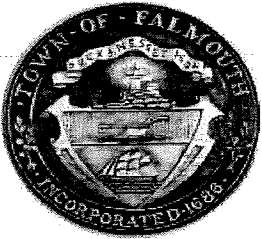
**May 6, 2021 at 6:30PM**

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 20 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.
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 #021-21 Lorien LLC, 108 Gansett Road, Woods Hole, Ma:** Applied to the Zoning Board of Appeals for a modification of special # 075-18 pursuant to section(s) 240-3 A. and 240-68 A(8) of the Code of Falmouth to modify previously approved plans. The subject property is 108 Gansett Road, Woods Hole, Ma.

Map 49 Section 03 Parcel 006 Lot(s) 002B

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, May 6, 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

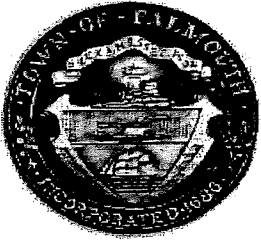
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APR 20 2021

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

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

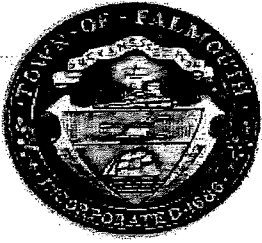
**Application #022-21 Rick A. Meissner, 44 Castlemere Place, North Andover, Ma:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-68 A.(8) and 240-69 E. of the Code of Falmouth to construct an accessory structure (swimming pool) in the front yard, more than 50' from the front property line; exceeding 20% lot coverage by structures. The subject property is 12 Vernon Avenue, Falmouth, Ma.

Map 46B Section 03 Parcel 006 Lot(s) 003

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, May 6, 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 27 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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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 #033-21 Falmouth Housing Trust, Inc., 200 Main Street, Rm 212; PO Box 465, Falmouth, Ma.** : Applied to the Zoning Board of Appeals for a Comprehensive Permit pursuant to MGL Chapter 40B to construct three (3) affordable single family dwellings. The subject property is 55 Lewis Neck Road, East Falmouth, Ma.

Map 40 Section 03 Parcel 001C Lot(s) 002C

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, May 13, 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 Sandwich  
THE OLDEST TOWN ON CAPE COD



## Planning Board

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

APR 28 2021

### TOWN OF SANDWICH PUBLIC HEARING NOTICE PLANNING BOARD

In accordance with M.G.L. Ch. 138, and Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus" and the Planning Board's Open Meeting Law Declaration providing explanatory language on the use of Virtual Meetings, the Sandwich Planning Board will hold a public hearing on May 5, 2021 at 7:00 p.m. **which shall be convened remotely via ZOOM videoconference** to consider the application of Housing Assistance Corporation of Cape Cod, Property Owner, and LSE Ophiuchus LLC, Applicant, for a Special Permit for property located at 9 Victory Drive, 0 Kiahs Way and 144 Kiahs Way, Map #28, Parcel numbers 41, 42 and 48, Sandwich, MA, for the purpose of a large scale ground mounted solar photovoltaic installation. 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](mailto:planning@sandwichmass.org). This comment line will be monitored during the meeting. Anyone wishing to participate via ZOOM can contact the Planning office for the log-in credentials.

Jeffrey R. Picard, Chair  
Sandwich Planning Board

Publication: Cape Cod Times  
Publication Date: April 21, 2021



APR 20 2021

**Special Permit  
Certificate of Approval**

TOWN CLERK  
TOWN OF SANDWICH

**Petition #** 21-08  
**Name of Applicant:** Jay W. & Rhonda L. Briggs  
**Address:** 7 Academy Road

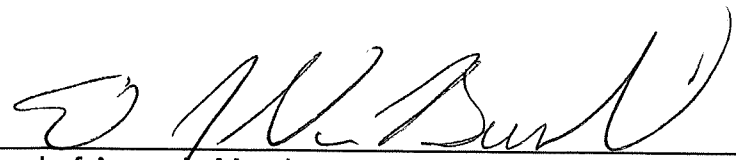
APR 14 2021  
3 H 30 M P M  
RECEIVED & RECORDED

On April 13, 2021 the Board of Appeals voted to approve a special permit from Section 1330 & 2540 of the Sandwich Zoning By-law for property located at 7 Academy Road, as shown on Assessor's Map 72, Parcel 85, for the purpose of constructing a second principal dwelling on a lot.

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

4/14/2021  
Date



## **PROCEDURAL HISTORY**

1. Application from Section 1330 & 2540 of the Zoning By-Law for property located at 7 Academy Road was filed on March 23, 2021.
2. After proper notice was given the public hearing was opened on April 13, 2021 and closed on April 13, 2021.
3. The application was accompanied by a plan entitled:  
    PROPOSED SITE PLAN  
    Prepared for  
    Jay W. & Rhonda L. Briggs  
    #7 Academy Road  
    Map 72 Parcel 85  
    Date: March 3, 2021
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:

James Killion  
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-1 Zoning District.
3. Subject property has 3.9 acres.
4. Subject property has approximately 150 feet of frontage on Academy Road.
5. Subject property currently has one principal dwelling.
6. Section 1330 requirements:
  - a) The Board of Appeals does not find that there are conditions peculiar to this case but not generally true for similar permitted uses on other sites in the same district;
  - b) The Board of Appeals finds that nuisance, hazard or congestion will not be created;
  - c) The Board of Appeals finds that there will not be substantial harm to the neighborhood;

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

7. Board of Appeals found that the northerly elevation of the structure shall be considered the front.

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

Second: Gerry Nye

Vote:	James Killion	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 (12) twelve months of special permit approval, excluding such time required to pursue or await the determination of an appeal referred to in MGL C 40A, Section 17.
3. The special permit shall not take effect until it is recorded at the Barnstable County Registry of Deeds and a copy of the recorded special permit is provided to the Board of Appeals.

4. This special permit shall allow for a maximum of two principal dwellings on the subject property.
5. Erosion control measures will be established before the start of construction and maintained until final stabilization is achieved.
6. The northerly setback shall be 30'.

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

Second: Gerry Nye

Vote:	James Killion	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 7 Academy Road, as shown on Assessor's Map 72, Parcel 85 for the purpose of two principal dwellings on the same lot.

Motion: I, Robert Jensen, move to approve the special permit application.

Second: Gerry Nye

Vote:	James Killion	Yes
	Robert Jensen	Yes
	Chase Terrio	Yes
	Gerry Nye	Yes

APR 23 2021

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATERWAYS REGULATION PROGRAM

Notice of License Application Pursuant to M. G. L. Chapter 91  
Waterways License Application Number W21-5946  
Suzanne M. & Kevin G. McCartney

**NOTIFICATION DATE: April 30, 2021**

Public notice is hereby given of the waterways application by Suzanne M. & Kevin G. McCartney to construct and maintain a fixed pier with access stairs and kayak rack and seasonal pier with support posts at 0 Melissa Avenue in the municipality of Mashpee, in and over the waters of Mashpee Pond. The proposed project has been determined to be water-dependent.

The Department will consider all written comments on this Waterways application received within thirty (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).

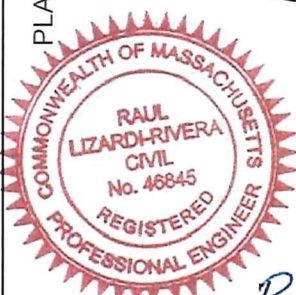
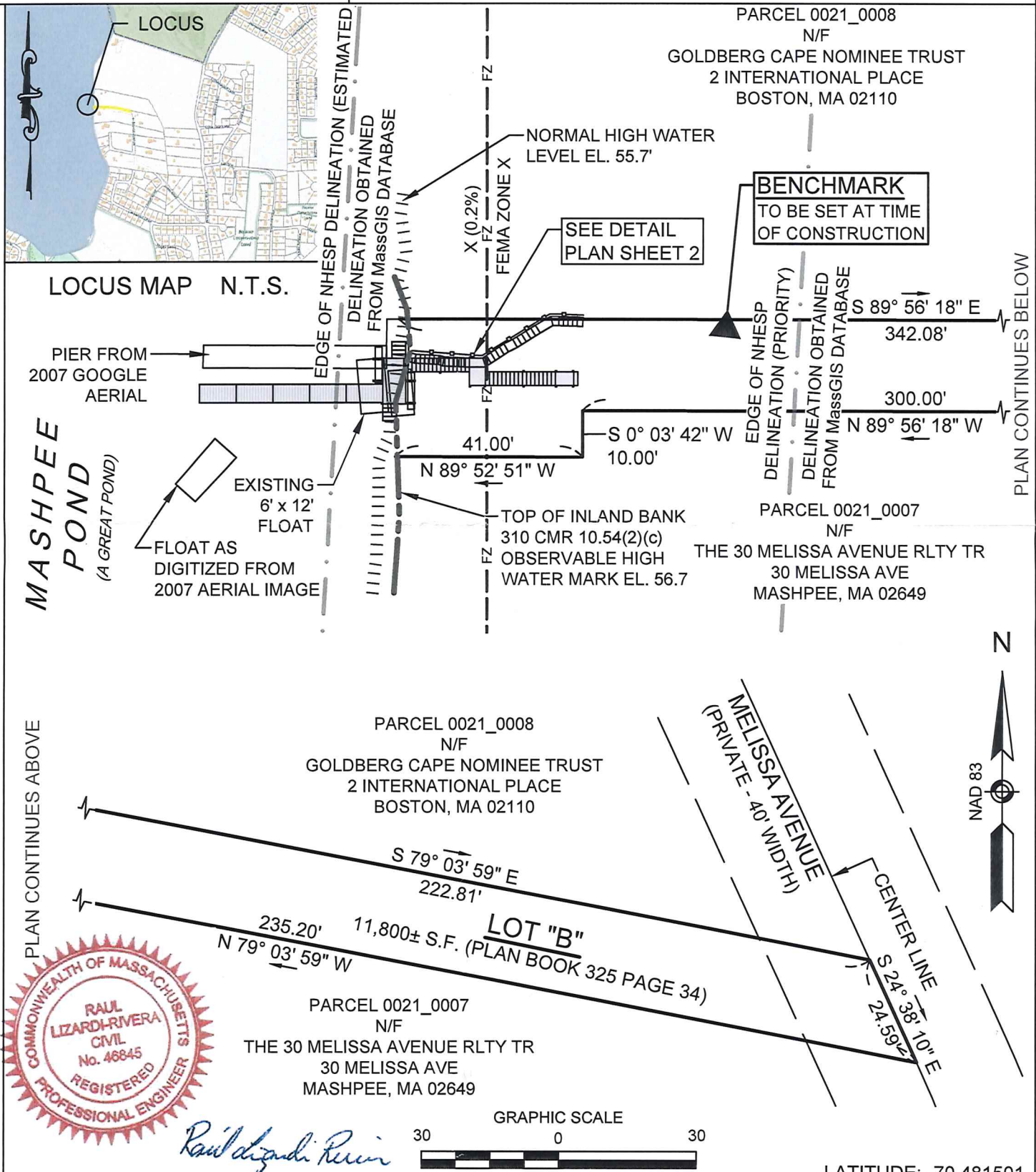
Additional information regarding this application may be obtained by contacting the Waterways Regulation Program at (508) 946-2707. Project plans and documents for this application are on file with the Waterways Regulation Program for public viewing, by appointment only, at the address below.

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](mailto:brendan.mullaney@mass.gov).

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

*Raul Lizardi-Rivera*

RAUL LIZARDI-RIVERA, P.E.



*Raul Lizardi-Rivera*

**PROPOSED PIER & STAIRS PLAN**

PARCEL ADDRESS: 0 MELISSA AVENUE, MASHPEE, MA  
 PLAN ACCOMPANYING PETITION OF SUZANNE M. & KEVIN G. MCCARTNEY TO CONSTRUCT & MAINTAIN A 5' W x 10' L FIXED PIER WITH SIDE ACCESS STAIRS & KAYAK RACK AND A 4' W x 40' L SEASONAL PIER WITH PIPE SUPPORT POSTS IN AND OVER THE WATERS OF MASHPEE POND, MASHPEE, MASSACHUSETTS  
 PLAN BY: CAPE & ISLANDS ENGINEERING, INC. 508.477.7272 DATE: JULY 7, 2020

LATITUDE: -70.481501  
 LONGITUDE: 41.658200  
 DATUM: NAVD88 = 0.00 FT.  
 ELEVATIONS IN FEET

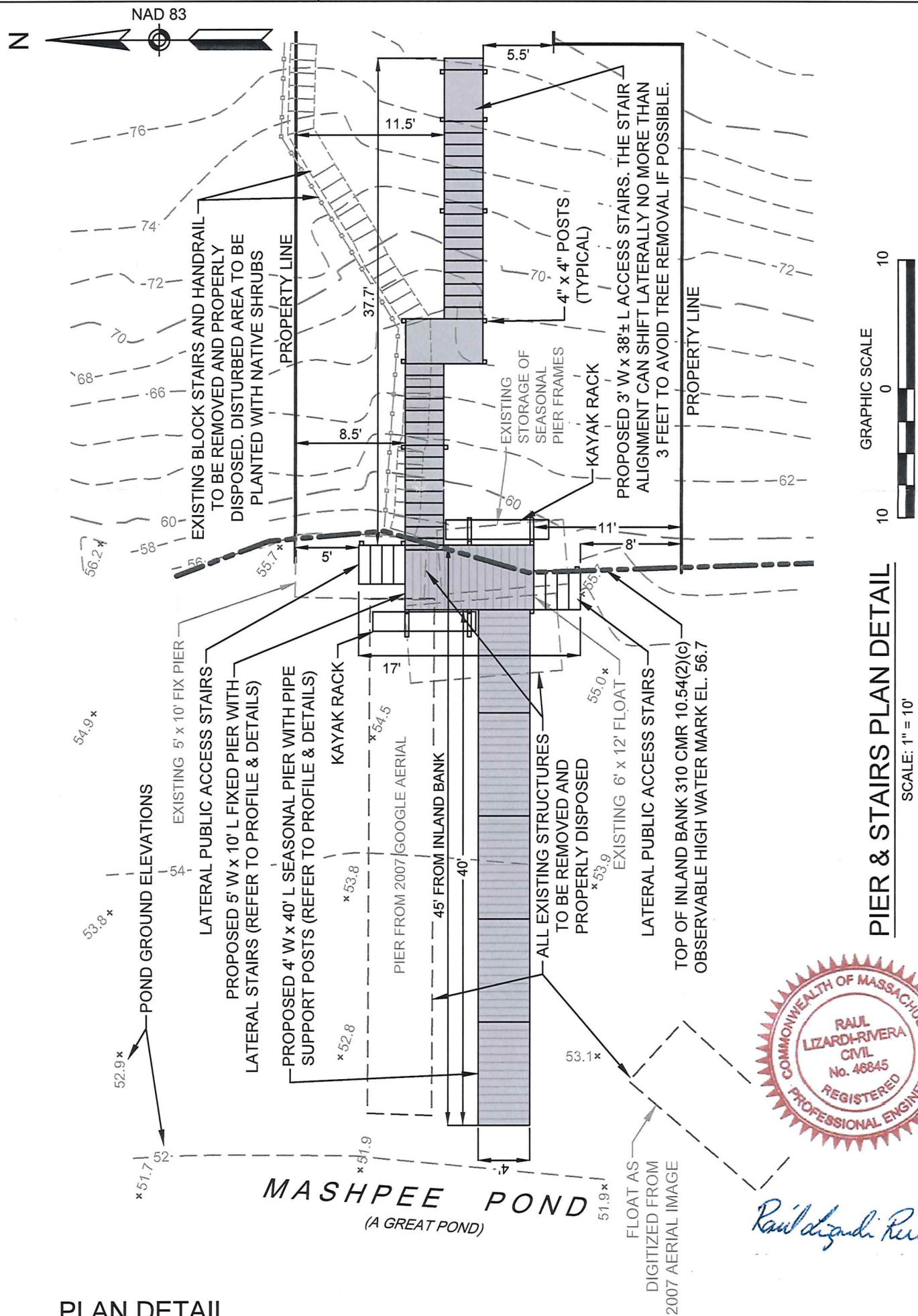
PARCEL ID MAP 21 PARCEL 7B SHEET 1 OF 4



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

*Raul Lizardi-Rivera*

RAUL LIZARDI-RIVERA, P.E.



**PLAN DETAIL**

PARCEL ADDRESS: 0 MELISSA AVENUE, MASHPEE, MA  
 PLAN BY: CAPE & ISLANDS ENGINEERING, INC.  
 508.477.7272 DATE: JULY 7, 2020

DATUM: NAVD88 = 0.00 FT.  
 ELEVATIONS IN FEET

PARCEL ID MAP 21 PARCEL 7B SHEET 2 OF 4

**PIER & STAIRS PLAN DETAIL**  
 SCALE: 1" = 10'

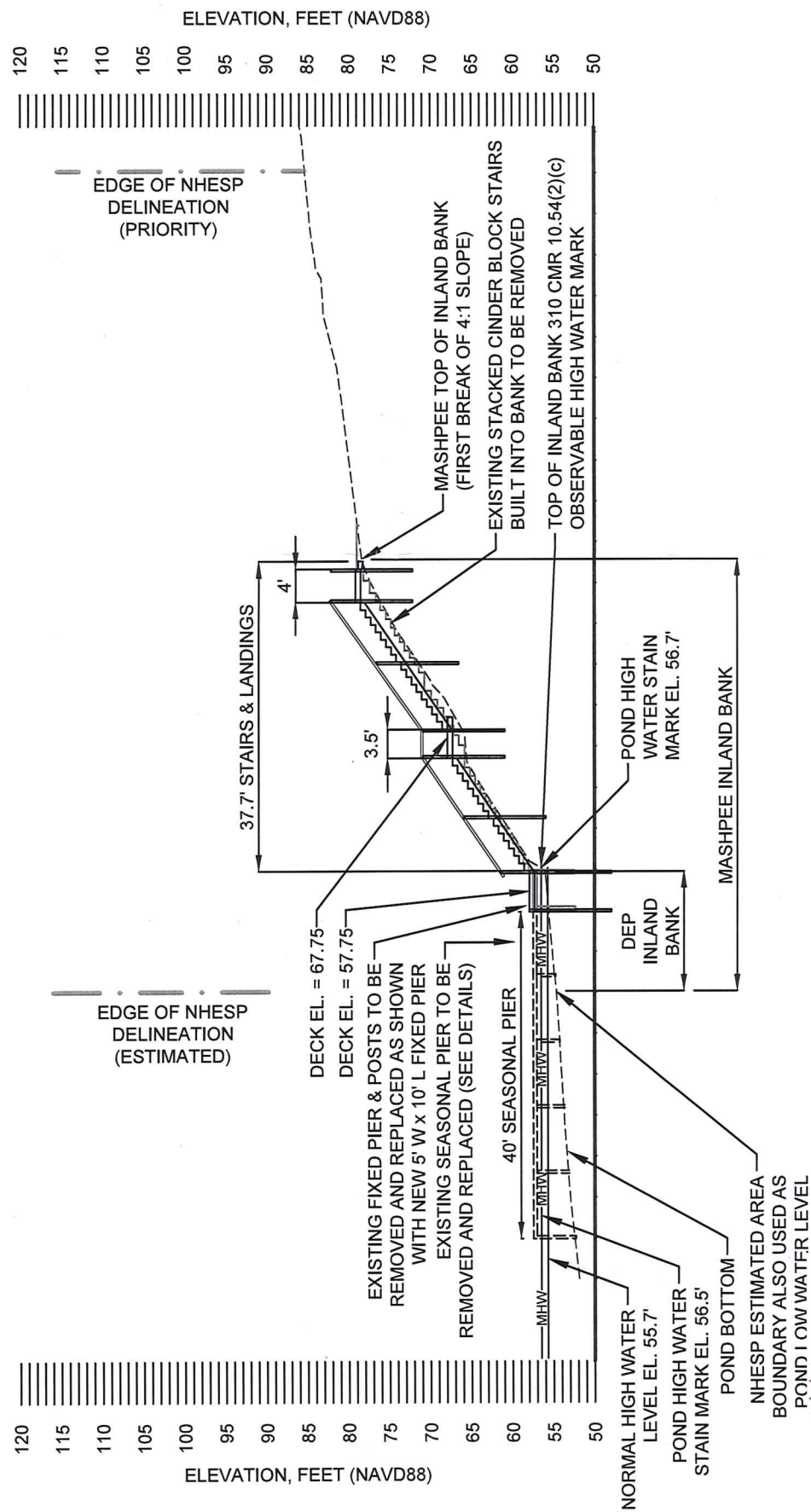


*Raul Lizardi-Rivera*

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

*Raul Lizardi-Rivera*

RAUL LIZARDI-RIVERA, P.E.



PIER & STAIRS PROFILE

SCALE: 1" = 20'



*Raul Lizardi-Rivera*

PIER PROFILE

PARCEL ADDRESS: 0 MELISSA AVENUE, MASHPEE, MA  
 PLAN BY: CAPE & ISLANDS ENGINEERING, INC.  
 508.477.7272 DATE: JULY 7, 2020

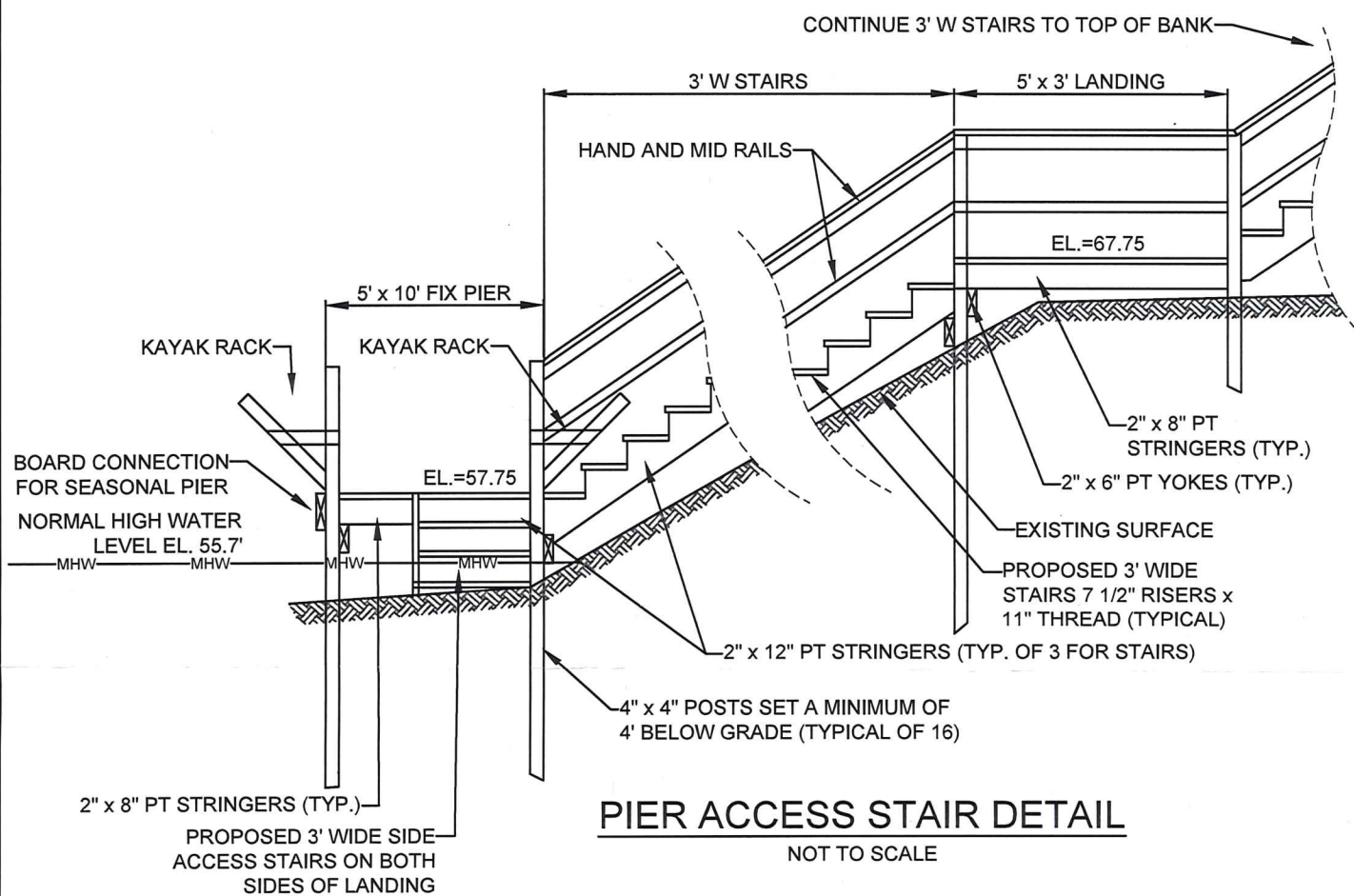
DATUM: NAVD88 = 0.00 FT.  
 ELEVATIONS IN FEET

PARCEL ID MAP 21 PARCEL 7B SHEET 3 OF 4

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

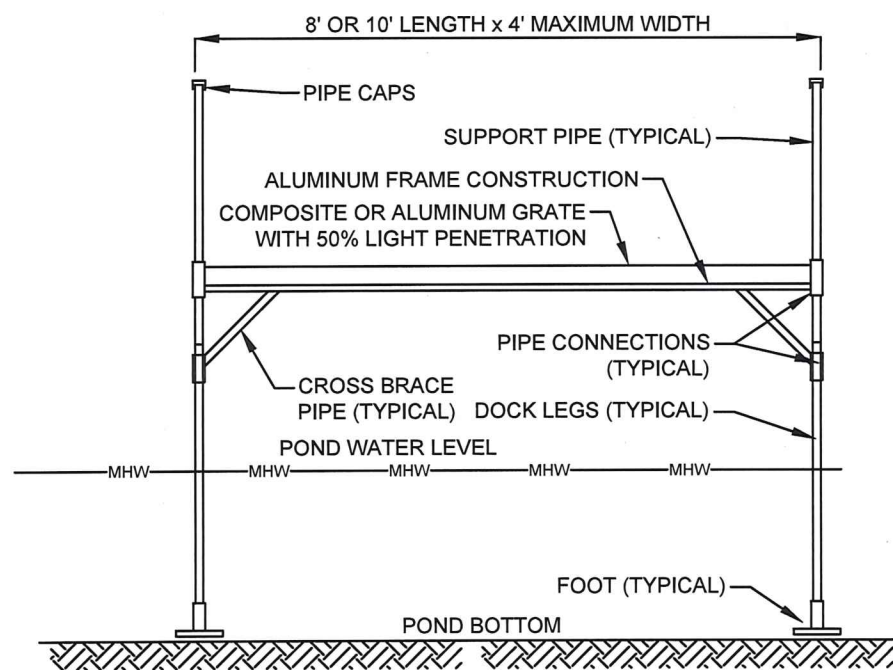
*Raul Lizardi-Rivera*

RAUL LIZARDI-RIVERA, P.E.



**PIER ACCESS STAIR DETAIL**

NOT TO SCALE



BENT SECTIONS AS MANUFACTURED BY SHORE MASTER MODEL "INFINITY RS4 OR RS7" OR APPROVED EQUAL

**SEASONAL PIER BENT SECTION**

NOT TO SCALE



*Raul Lizardi-Rivera*

**DETAILS**

PARCEL ADDRESS: 0 MELISSA AVENUE, MASHPEE, MA  
 PLAN BY: CAPE & ISLANDS ENGINEERING, INC.  
 508.477.7272 DATE: JULY 7, 2020

DATUM: NAVD88 = 0.00 FT.  
 ELEVATIONS IN FEET

PARCEL ID MAP 21 PARCEL 7B 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

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 #
<b>WATER-DEPENDENT -</b>			
<b>General (A-H)</b>	<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
<b>Amendment (A-H)</b>	<input type="checkbox"/> Residential with $\leq$ 4 units	\$100.00	BRP WW03a
	<input type="checkbox"/> Other	\$125.00	BRP WW03b
<b>NONWATER-DEPENDENT -</b>			
<b>Full (A-H)</b>	<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
<b>Partial (A-H)</b>	<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
<b>Municipal Harbor Plan (A-H)</b>	<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
<b>Joint MEPA/EIR (A-H)</b>	<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
<b>Amendment (A-H)</b>	<input type="checkbox"/> Residential with $\leq$ 4 units	\$530.00	BRP WW03c
	<input type="checkbox"/> Other	\$1,000.00	BRP WW03d
	<input type="checkbox"/> Extended Term	\$1,335.00	BRP WW03e

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

Transmittal No. \_\_\_\_\_

**B. Applicant Information Proposed Project/Use Information**

1. Applicant:

Leslie A. Wagner Caffyn \_\_\_\_\_ jean@capeeng.com \_\_\_\_\_  
 Name E-mail Address  
 10 Popponeset Island Road \_\_\_\_\_  
 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)  
 105 / 267A / 0 \_\_\_\_\_ 41°35' 06.900" N \_\_\_\_\_ 70° 28' 32.088" W  
 Tax Assessor's Map and Parcel Numbers Latitude Longitude  
 10 Popponeset Island Road, Mashpee \_\_\_\_\_ MA \_\_\_\_\_ 02649  
 Street Address and City/Town State Zip Code

2. Registered Land  Yes  No

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

Popponeset Bay (Creek) \_\_\_\_\_

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		

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**C. Proposed Project/Use Information (cont.)**

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

5. Proposed Use/Activity description

Proposed work consists of extending the existing licensed (License #13083) fixed pier by 24' seaward, install three (3) ten inch (10") pier piles, remove existing ramp and relocate the existing 3' x 21' ramp 24' seaward. Also relocate the existing 8' x 24' licensed float 24' seaward, relocate two piles and install three (3) new 10" float piles with float stops.

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

\$10,000.00

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.

<u>The Popponesset Island Rd., LLC</u>	<u>33 Hillcrest Road, Belmont, MA 02478</u>
Name	Address
<u>Judith J. Miller, Trustee</u>	<u>23 Locke Road, Waban, MA 02468</u>
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

401 Water Quality Certificate

\_\_\_\_\_  
Date of Issuance

Wetlands

43-3115

\_\_\_\_\_  
File Number

Jurisdictional Determination

JD-

\_\_\_\_\_  
File Number

MEPA

\_\_\_\_\_  
File Number

EOEa Secretary Certificate

\_\_\_\_\_  
Date

21E Waste Site Cleanup

\_\_\_\_\_  
RTN Number

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**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

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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.

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**G. Municipal Zoning Certificate**

Leslie Wagner Caffyn

Name of Applicant

10 Popponeset Island Road

Project street address

Popponeset Bay (AKA Creek)

Waterway

Mashpee

City/Town

Description of use or change in use:

Extend the existing licensed (License #13083) fixed pier by 24' seaward, install three (3) ten inch (10") pier piles, remove existing ramp and relocate the existing 3' x 21' ramp 24' seaward. Also relocate the existing 8' x 24' licensed float 24' seaward, relocate two piles and install three (3) new 10" float piles with float stops.

**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

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H. Municipal Planning Board Notification

Notice to Applicant:

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

Leslie Wagner Caffyn  
Name of Applicant

10 Popponeset Island Road, Mashpee      Popponeset Bay (Creek)      Mashpee  
Project street address      Waterway      City/Town

Description of use or change in use:

Extend the existing licensed (License #13083) fixed pier by 24' seaward, install three (3) ten inch (10") pier piles, remove existing ramp and relocate the existing 3' x 21' ramp 24' seaward. Also relocate the existing 8' x 24' licensed float 24' seaward, relocate two piles and install three (3) new 10" float piles with float stops.

To be completed by municipal clerk or appropriate municipal official:

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

Deborah Dami  
Printed Name of Municipal Official

April 15, 2021  
Date

*Deborah Dami*  
Signature of Municipal Official

Town Clerk  
Title

Mashpee  
City/Town

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

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## 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.*



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**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.

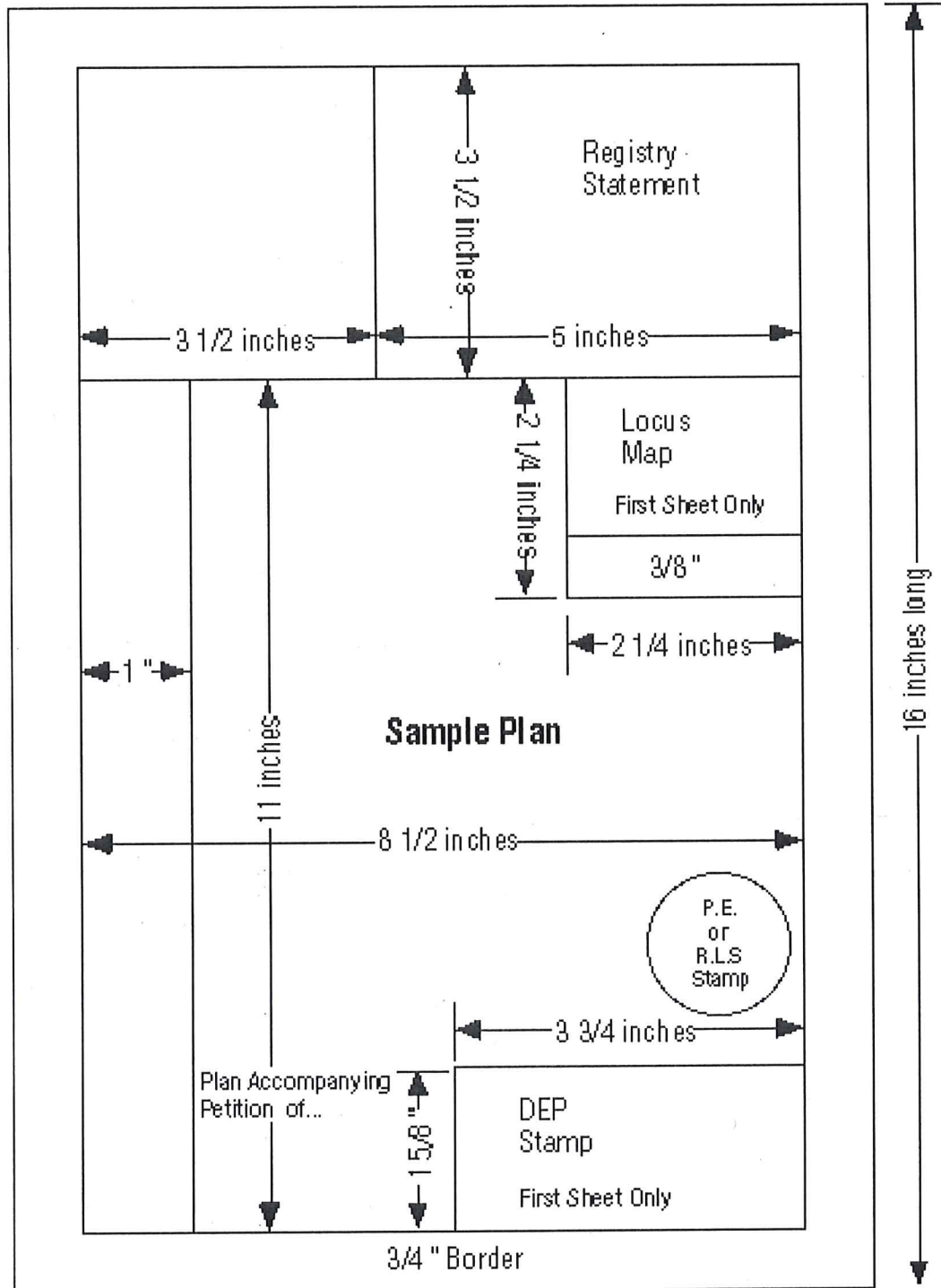
**Non Water-Dependent Structures**

- 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.**



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**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).

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## 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 15<sup>th</sup> and 30<sup>th</sup> of each month.

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**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.

## OVERVIEW

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### Introduction

**CAPE & ISLANDS ENGINEERING, INC.** has submitted this Chapter 91 – Waterways License application, on behalf of the applicant, Leslie A. Wagner Caffyn, for property located at 10 Popponesset Island Road, Mashpee, MA. The proposed activities are listed below (please reference attached project plans).

The proposed work is to extend the existing licensed (License #13083) fixed pier by 24' seaward, install three (3) ten inch (10") pier piles, remove existing ramp and relocate the existing 3' x 21' ramp 24' seaward. Also relocate the existing 8' x 24' licensed float 24' seaward, relocate two piles and install three (3) new 10" float piles with float stops.

For the purposes of this discussion the term "dock" includes the complete structure, including the pier and platform. The term "dock" and "pier" are commonly used interchangeably and may be used in this manner within this document and subject regulations.

## BACKGROUND

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### Existing Conditions

The project site is located at 10 Popponesset Island Road, Mashpee, MA, a private residential waterfront property located adjacent to the waters of Popponesset Bay and Popponesset Bay (AKA Creek) (Tidal Ebb Flood). The lot is occupied by an existing single-family dwelling; garage, patios, rinse station; crushed stone drive; walkways; licensed pier, ramp and float (License #13083). The property also includes an existing licensed stone revetment (License #13083); stone stairs down revetment; four-foot-wide path to the point; existing septic system; planted bank; mulched areas; manicured lawn and plantings.

## PROPOSED PROJECT

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### Scope of Work

The project site located at 10 Popponesset Island Road, Mashpee, MA adjacent to Popponesset Bay and Popponesset Bay (aka Creek), a tidal coastal embayment that flows into Nantucket Sound. The proposed work is to extend the existing licensed (License #13083) fixed pier by 24' seaward, install three (3) ten-inch (10") pier piles, remove existing ramp and relocate the existing 3' x 21' ramp 24' seaward. Also relocate the existing 8' x 24' licensed float 24' seaward, relocate two piles and install three (3) new 10" float piles with float stops.

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 have been identified. Adjacent resource areas include Land under the Ocean (Popponesset Bay (aka Creek) and Popponesset Bay), Coastal Bank; Land Subject Coastal Storm Flowage (LSCSF); Coastal Beach; Coastal Dune and Salt Marsh.

The resources areas were marked and located by an on the ground survey. The resource area boundaries are marked onsite and are shown as Salt Marsh flags SM-1C to SM-3C. Coastal Dune, Top of Coastal Bank and Coastal Beach are marked onsite and is shown on the plan of reference.

See Section 7.0 for a performance standard analysis of each resource area.

## APPLICABLE PERFORMANCE STANDARDS

### Land Subject to Coastal Storm Flowage (LSCSF)

Land Subject to Coastal Storm Flowage is low lying land which lies in 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 property is surrounded by water on three sides. A portion of the property is in FEMA Flood Zone Velocity Zone, VE (EL.17 & EL. 14), also within AE (EL.14, EL. 13 & EL.11) and a portion within the non-special Zone X (0.2%) as shown on the FEMA Flood Insurance Rate Map No. 25001C0754J dated July 16, 2014. Flood Zone Elevations shown are based on NAVD 1988. The property is located within Land Subject to Coastal Storm Flowage.

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 is over the waters of Popponesset Bay (aka Creek). No work is proposed within Land Subject to Coastal Storm Flowage.

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

The proposed project meets or exceeds these performance standards because the proposed work will not otherwise impair the function of the resource areas and will have no measurable impacts beyond what currently legally exists.

### Salt Marsh

The resource area referred to as “Salt Marsh” is located along the areas as shown on attached site plan. The Salt Marsh area has been flagged in the field.

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.*

No work is proposed on or within the Salt Marsh area.

The proposed project meets or exceeds these performance standards. The proposed project activities will not induce any impairment of the Salt Marsh'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 Popponesset Bay, (Creek) 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.*"

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

The proposed work that will occur within Land Under the Ocean will be the relocation of two (2) licensed piling and installation of six (6) new 10" diameter pilings. All piles will be driven into the substrate of Popponesset Bay (aka Creek) 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.

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 Popponesset Bay, (Creek) 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. The proposed work that will occur within Land Under the Ocean will be the relocation of two (2) licensed piling and installation of six (6) new 10" diameter pilings. All piles will be driven into the substrate of Popponesset Bay (aka Creek) 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. The proposed relocated float will be in water with approximately 1.2 feet to 1.5 feet of depth at Mean Low Water (current float location only provides 0.7 to 1.4' of water depth) and the float piles will have float stops to keep the float 18 inches clear from the substratum.

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.

#### **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 2008, indicates that there are protected species or rare communities on a portion of the property however, none within the proposed project location.

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

There is no proposed work within the areas mapped as 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).

<b>Order of Conditions</b>	<b>DEP File #043-3088</b>
----------------------------	---------------------------

























Chapter 91 License No. 13083

Doc=1,171,614 08-12-2011 8:35  
BARNSTABLE LAND COURT REGISTRY

*The Commonwealth of Massachusetts*



No. 13083

*Whereas, Leslie Wagner Caffyn*

of -- Wellesley -- in the County of -- Norfolk -- and Commonwealth aforesaid, has applied to the Department of Environmental Protection for license to -- maintain a wooden pier, ramp and float and stone revetment --

Cert. 192799  
lot 1047 plan 11408-91

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

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

-- Leslie Wagner Caffyn --, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to -- maintain a wooden pier, ramp and float and stone revetment --

in and over the waters of -- Popponesset Bay -- at -- 10 Popponesset Island Road -- in the -- Town of Mashpee -- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 13083 (4 sheets).

PLAN FILED  
IN PLAN DEPT.

License No. 13083

Page 2

The structures hereby authorized shall be limited to the following use(s): noncommercial docking and boating access to navigable waters and shoreline stabilization for the protection of existing structures.

This license will expire thirty (30) years from the date of license issuance. By written request of the licensee for an amendment, the Department may grant a renewal for the term of years not to exceed that authorized in the original license.

This license supersedes Interim Approval No. 6979, issued on October 23, 1997, to Raymah T. Mendleson.

The project authorized herein has been completed in conformance with the accompanying License Plan. The issuance of this license, therefore, fulfills the Licensee's obligation to obtain a Certificate of Compliance pursuant to 310 CMR 9.19.

Special Waterways Conditions:

In accordance with any license condition, easement, or other public right of lateral passage that exists in the area of the subject property lying between the high and low water marks, the Licensee shall allow the public in the exercise of such rights to pass freely around, over or under all structures within such intertidal area. Accordingly, the Licensee shall place and maintain, in good repair, a public access sign on both the northerly and southerly sides of the pier authorized herein, adjacent to the mean high water shoreline. Said signs, designed in accordance with the signage specifications provided by the Department, attached hereto, shall be posted within thirty (30) days of the issuance date of this license. Nothing in this condition shall be construed as preventing the Licensee from excluding the public from portions of said structure(s) or property not intended for lateral passage.

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

No dredging (including, but not limited to the effects of prop wash) is permitted herein.

Please see page 3 for addition conditions to this license.

Duplicate of said plan, number 13083 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

## STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP, Division of Water Pollution Control.
9. This License authorizes structure(s) and/or fill on:
  - Private Tidelands. In accordance with the public easement that exists by law on private tidelands, the licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.
  - Commonwealth Tidelands. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.
  - a Great Pond of the Commonwealth. The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.
  - Navigable River and Streams. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, in the waterway.

No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.
10. Unless otherwise expressly provided by this license, the licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.



License No. 13083

Page 4

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

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

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

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this 3rd day of August in the year two thousand eleven.

Program Chief *Mitch Zancina*

Department of Environmental Protection

Commissioner *[Signature]*

THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said -- Leslie Wagner Caffyn --

of the further sum of -- nine hundred sixty-three dollars and zero cents (\$ 963.00) --

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

BOSTON,

Approved by the Governor.

*[Signature]*

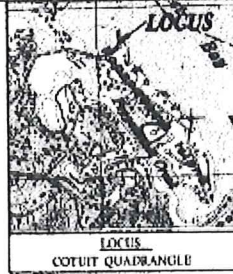
Governor

"I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS."

DATE: NOV. 10, 2010

*D.C. Savill*

CAPE & ISLANDS ENGINEERING  
800 FALMOUTH ROAD, SUITE 301C  
MASHPEE, MA 02649



KIM R. CASEY, TRS.  
12 POPPONNETT ISL. NOM. TR.  
101 GREEN ST.  
CANTON, MA 02021

OWNER/APPLICANT:  
LESLIE A WAGNER CAFFYN  
10 LIVERMORE RD.  
WELLESLEY MA 02461



JUDITH J. MILLER, TRS.  
ALLSHAR REALTY TR.  
23 LOCKE RD.  
WARREN, MA 02468



SHEET 1 OF 4 NOV. 10, 2010  
PLAN ACCOMPANYING PETITION OF  
LESLIE WAGNER CAFFYN  
TO MAINTAIN  
A WOODEN PIER, RAMP & FLOAT  
IN POPPONNETT BAY, MASHPEE, MA  
CAPE & ISLANDS ENGINEERING  
MASHPEE, MA

ELEVATIONS BASED ON M.L.W.

LICENSE PLAN NO. 13083  
Approved by Department of Environmental Protection  
of Massachusetts AUG 3 X 2011

*[Signatures]*

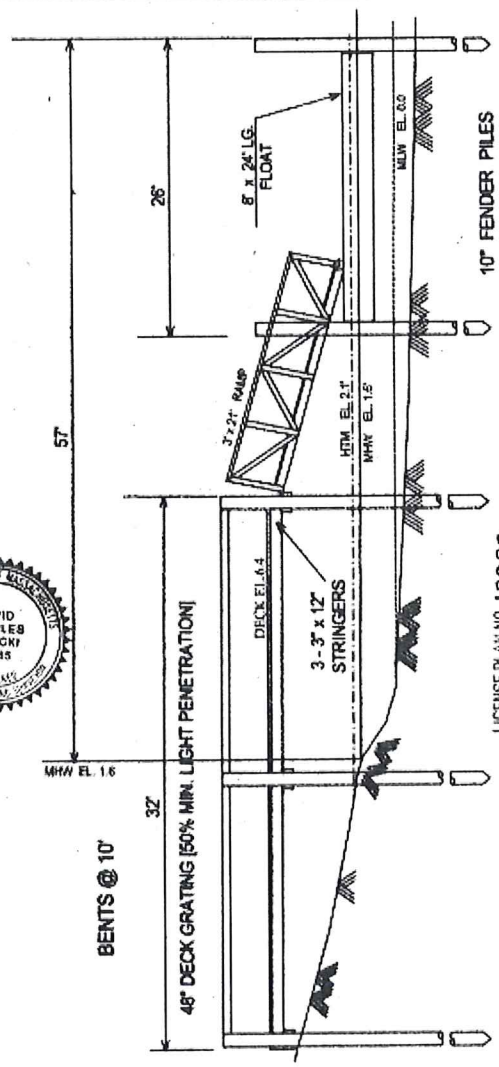
1010-5307

"I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS."

DATE: NOV. 10, 2010

*[Signature]*

CAPE & ISLANDS ENGINEERING  
800 FALMOUTH ROAD, SUITE 301C  
MASHPEE, MA 02649



LICENSE PLAK NO. 13063  
Approved by Department of Environmental Protection  
Date: AUG 31, 2011  
SCALE IN FEET

LESLIE WAGNER CAFFYN  
CAPE & ISLANDS ENGINEERING  
MASHPEE, MA

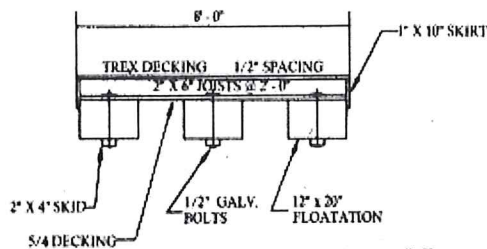
SHEET 2 OF 4 NOV. 10, 2010  
ELEVATIONS ARE BASED ON MLW

"I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS."

DATE: NOV.10.2010

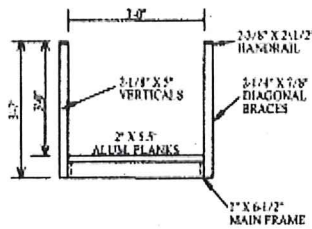
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CAPE & ISLANDS ENGINEERING  
800 FALMOUTH ROAD, SUITE 301C  
MASHPEE, MA 02649



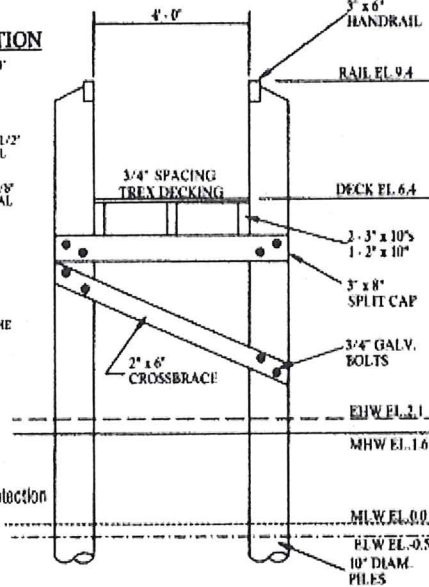
**FLOAT SECTION**

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



**PREFAB. ALUMINIUM RAMP SECTION**

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



**PROPOSED BENT SECTION**

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

LICENSE PLAN NO. 13083  
Approved by Department of Environmental Protection  
Date:

AUG 3 X 2011



LESLIE WAGNER CAFFYIN  
CAPE & ISLANDS ENGINEERING  
MASHPEE, MA

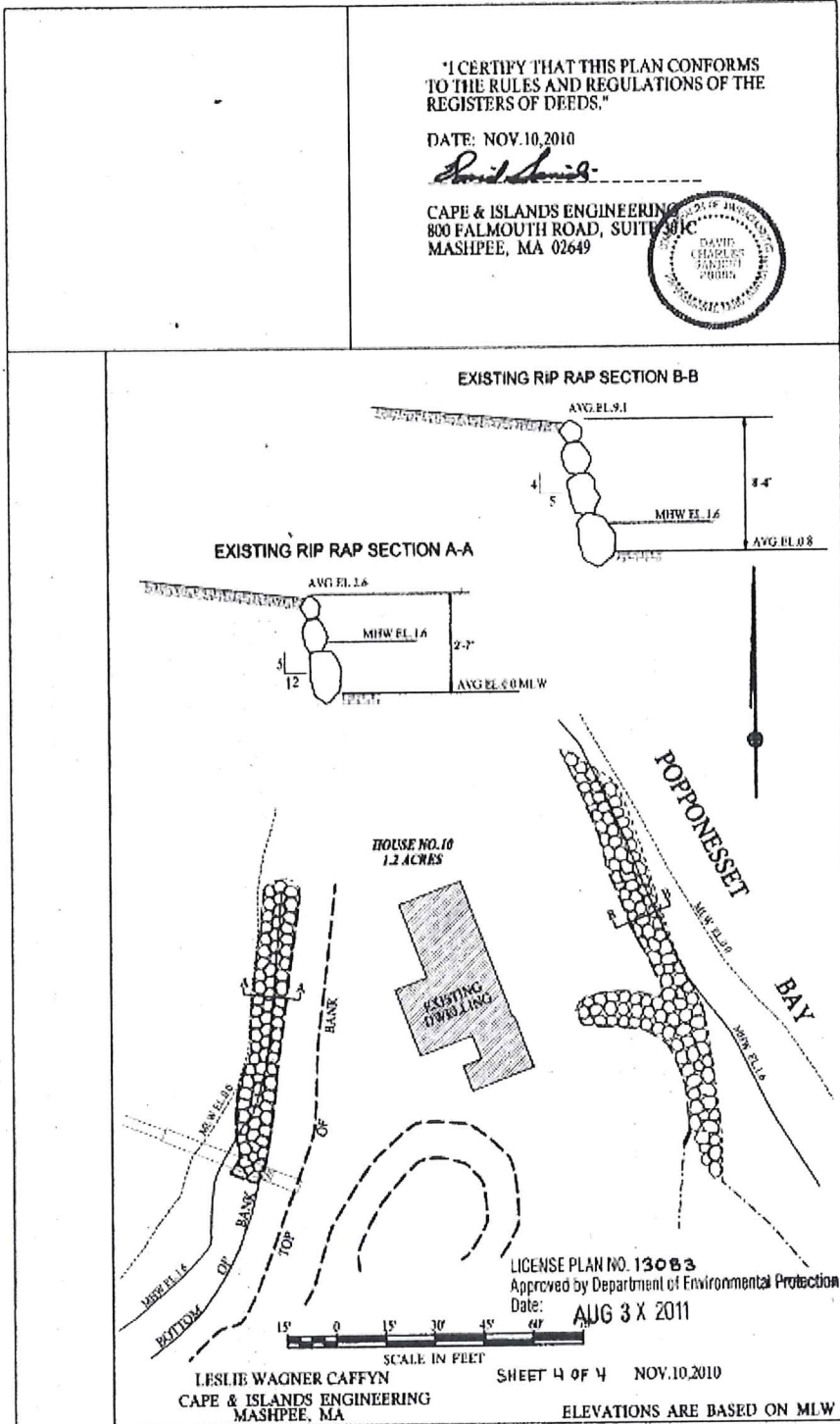
SHEET 3 OF 34 NOV.10.2010  
ELEVATIONS ARE BASED ON MLW

"I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS."

DATE: NOV.10,2010

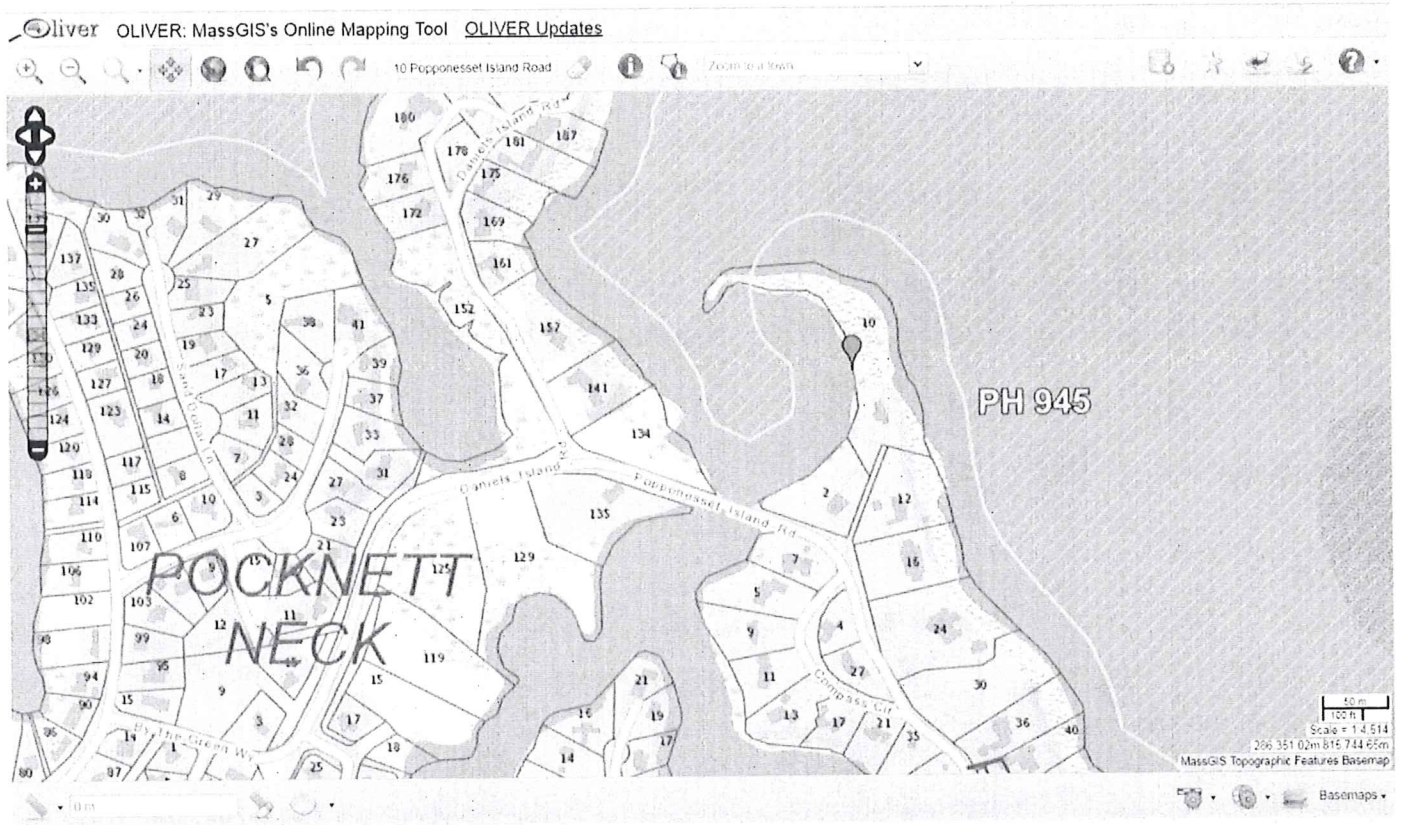
*David Smith*

CAPE & ISLANDS ENGINEERING  
800 FALMOUTH ROAD, SUITE 301C  
MASHPEE, MA 02649



BARNSTABLE REGISTRY OF DEEDS

# ACEC / Natural Heritage Endangered Species Map



Mashpee GIS Map

Town Map

10 POPPONESSET ISLAN. X

Show search results for 10 POP...



Google Earth





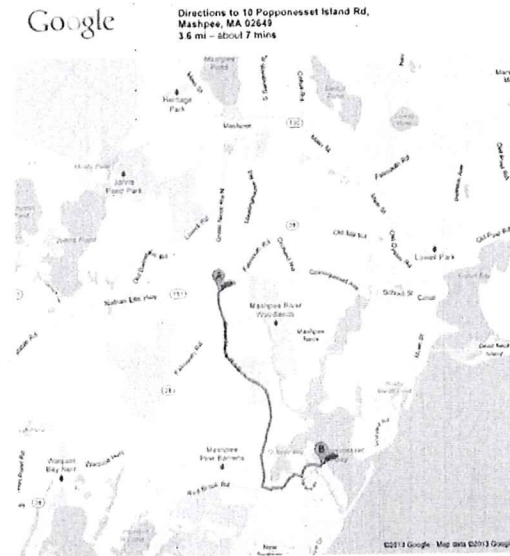
Directions to Site

## Leslie A. Wagner Caffyn 10 Popponeset Island Road Mashpee, MA

(4.7 miles)

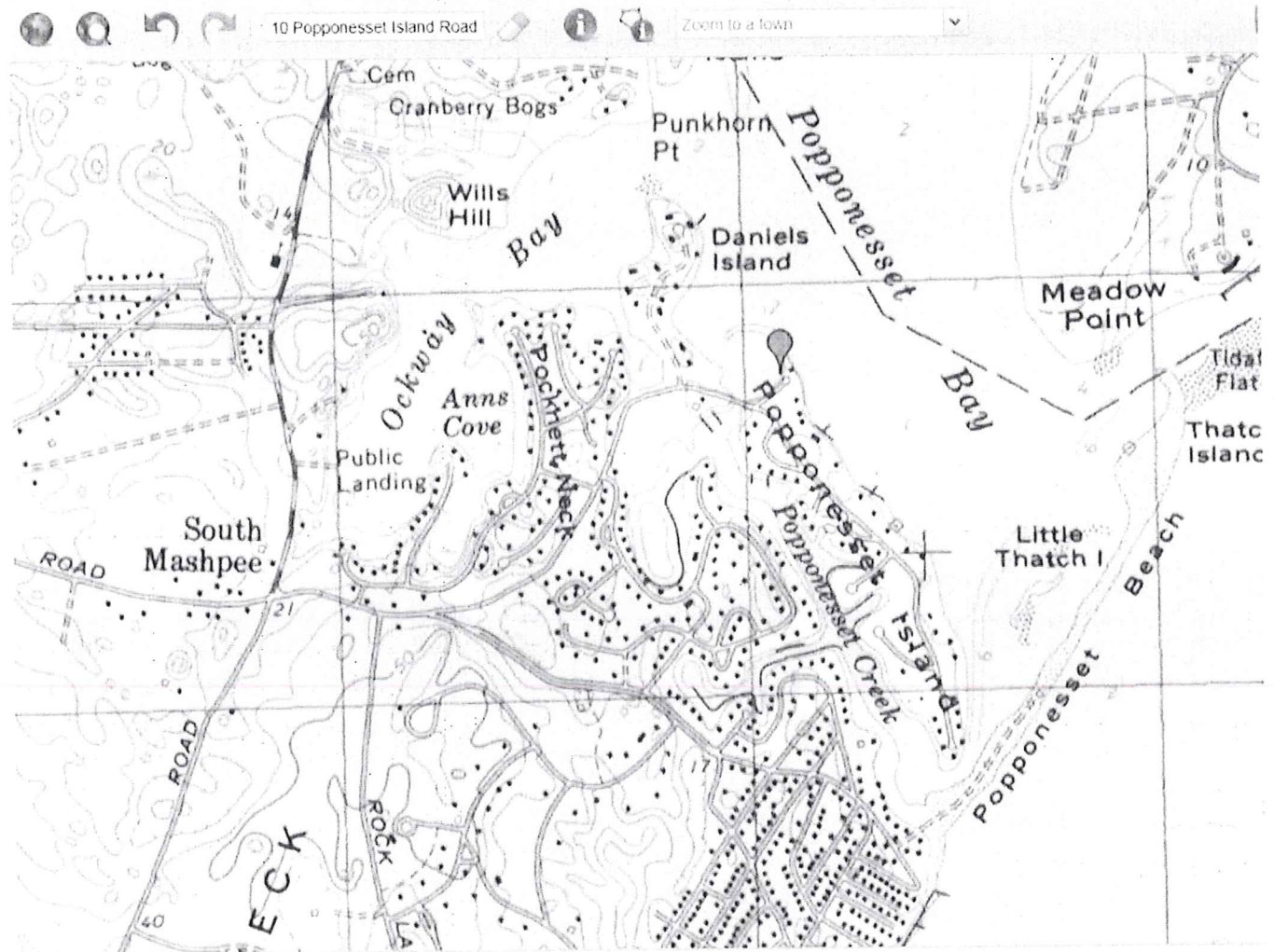
START: 16 Great Neck Rd N

- |   |        |
|---|--------|
| 1. Head <b>southeast</b> toward <b>MA-28 S/Falmouth Rd</b>                      | 203 ft |
| 2. Exit the traffic circle onto <b>Great Neck Rd S</b>                          | 2.7 mi |
| 3. Turn left onto <b>Red Brook Rd</b>   | 0.1 mi |
| 4. Turn left onto <b>Summersea Ln</b>   | 207 ft |
| 5. Turn right onto <b>Summersea Rd</b>  | 0.4 mi |
| 6. Take the 1st right onto <b>By-The-Green Way</b>                              | 482 ft |
| 7. Continue onto <b>Daniels Island Rd</b>                                       | 0.2 mi |
| 8. Continue onto <b>Popponeset Island Rd</b><br>Destination will be on the left |        |

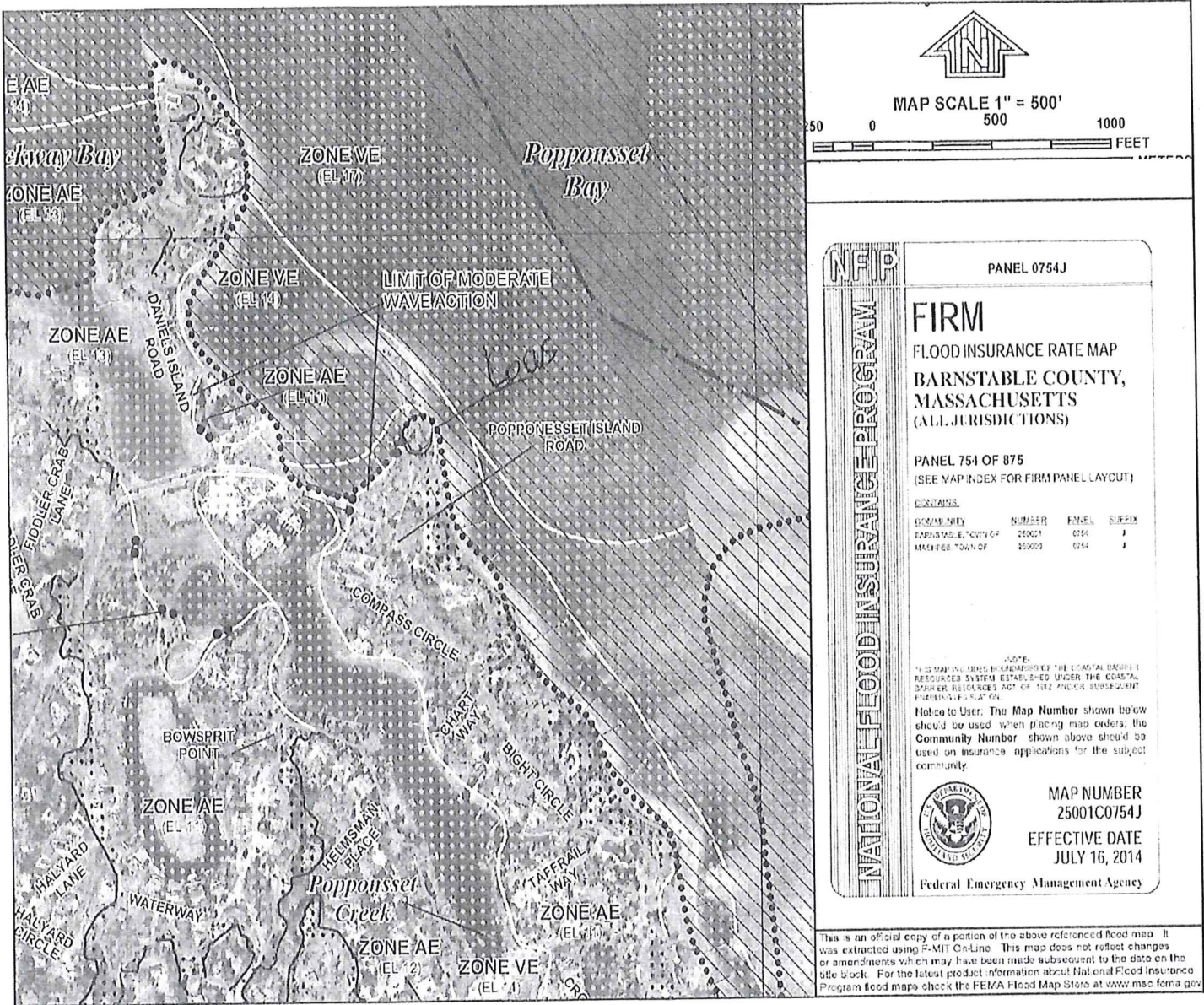


MASS GIS Topo Map

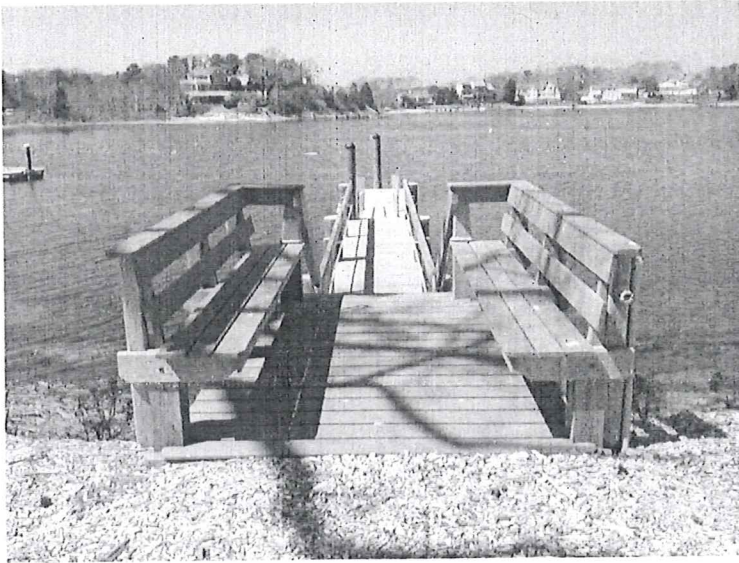
MassGIS's Online Mapping Tool [OLIVER Updates](#)



FEMA Flood Map



Photographs

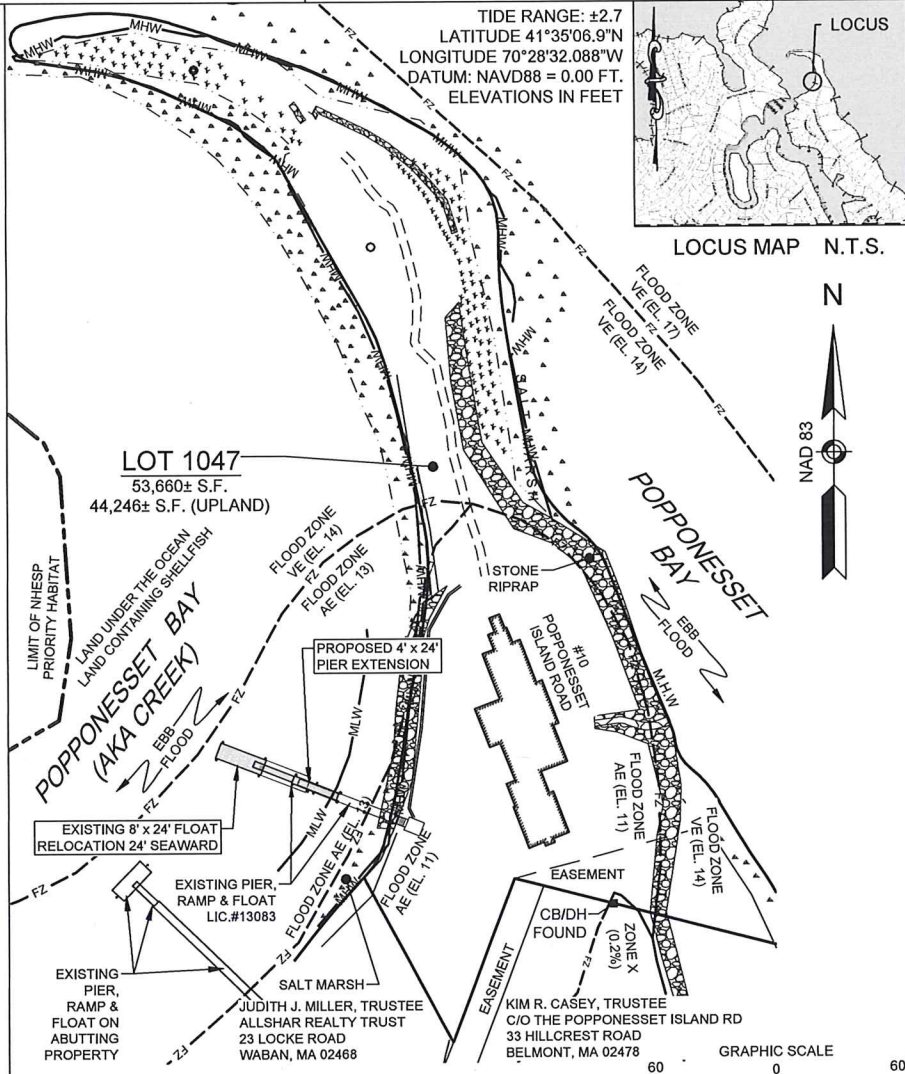


Plan of Reference

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

*Raul Lizardi-Rivera*

RAUL LIZARDI RIVERA, P.E.



**PROPOSED PIER, RAMP & FLOAT PLAN**

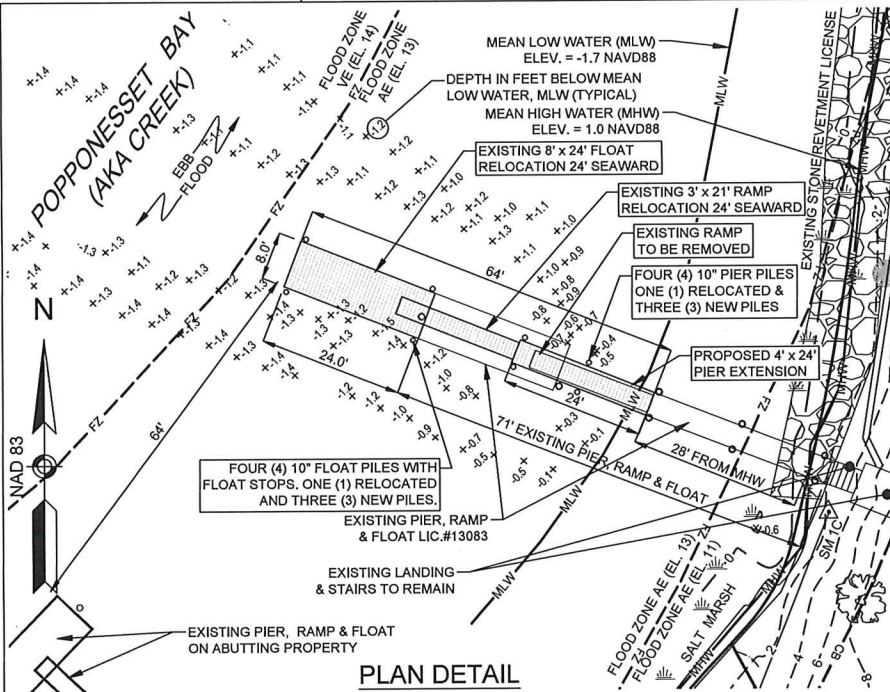
ADDRESS: 10 POPPOISET ISLAND ROAD, MASHPEE, MA 02649  
 PLAN ACCOMPANYING PETITION OF LESLIE A. WAGNER CAFFYN TO CONSTRUCT, & MAINTAIN A 4' x 24' PIER EXTENSION, RELOCATED EXISTING 3' x 21' RAMP & 8' x 24' FLOAT, AND INSTALL SIX (6) 10" PILES IN AND OVER THE WATERS OF POPPOISET BAY (CREEK), MASHPEE, MA 02649  
 PLAN BY: CAPE & ISLANDS ENGINEERING, INC.  
 508.477.7272 DATE: APRIL 13, 2021

PARCEL ID 105-267A-0-R SHEET 1 OF 3

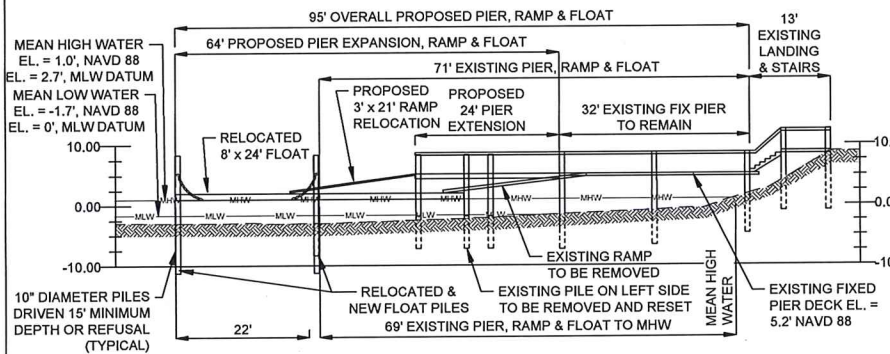
I HEREBY CERTIFY THAT THIS PLAN DOES CONFORM WITH THE REQUIREMENTS FOR RECORDING OF PLANS IN THE REGISTRY OF DEEDS.

*Raul Lizardi-Rivera*

RAUL LIZARDI RIVERA, P.E.

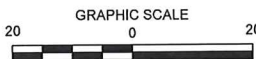


PLAN DETAIL



PROFILE

DATUM: NAVD88 = 0.00 FT.  
ELEVATIONS IN FEET



PLAN & PROFILE

ADDRESS: 10 POPPONSETT ISLAND ROAD, MASHPEE, MA 02649

PLAN BY: CAPE & ISLANDS ENGINEERING, INC.  
508.477.7272 DATE: APRIL 13, 2021

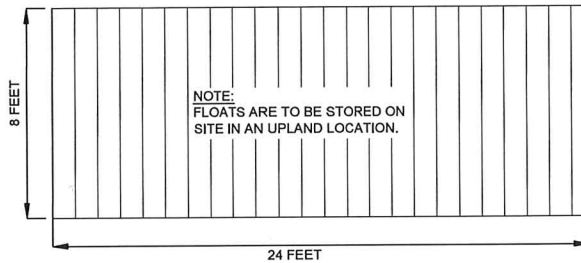
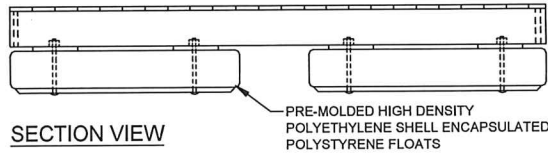
PARCEL ID 105-267A-0-R

SHEET 2 OF 3

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

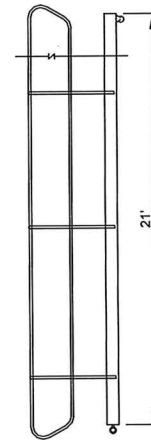
*Raul Lizardi-Rivera*

RAUL LIZARDI RIVERA, P.E.

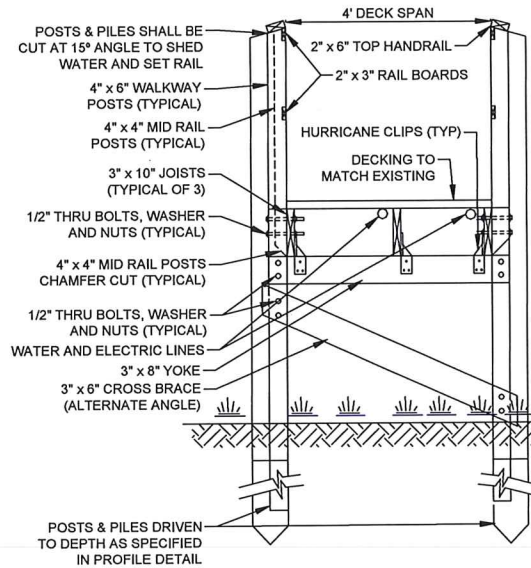


PLAN VIEW

EXISTING FLOAT DETAIL  
NOT TO SCALE



EXISTING RAMP DETAIL  
NOT TO SCALE



PROPOSED PIER EXTENSION SECTION DETAIL  
NOT TO SCALE

ADDRESS: 10 POPPONSETT ISLAND ROAD, MASHPEE, MA 02649  
 PLAN BY: CAPE & ISLANDS ENGINEERING, INC.  
 508.477.7272 DATE: APRIL 13, 2021 PARCEL ID 105-267A-0-R

DATUM: NAVD88 = 0.00 FT.  
 ELEVATIONS IN FEET  
 SHEET 3 OF 3



DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATERWAYS REGULATION PROGRAM

Notice of License Application Pursuant to M. G. L. Chapter 91  
Waterways License Application Number W21-5945  
John R. Ghublikian, Jr.

APR 23 2021

**NOTIFICATION DATE: April 30, 2021**

Public notice is hereby given of the waterways application by John R. Ghublikian, Jr. to construct and maintain a pier extension, ramp, float, and piles at 140 Summersea Road in the municipality of Mashpee, in and over flowed tidelands of Ockway Bay. The proposed project has been determined to be water-dependent.

The Department will consider all written comments on this Waterways application received within thirty (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 may be obtained by contacting the Waterways Regulation Program at (508) 946-2707. Project plans and documents for this application are on file with the Waterways Regulation Program for public viewing, by appointment only, at the address below.

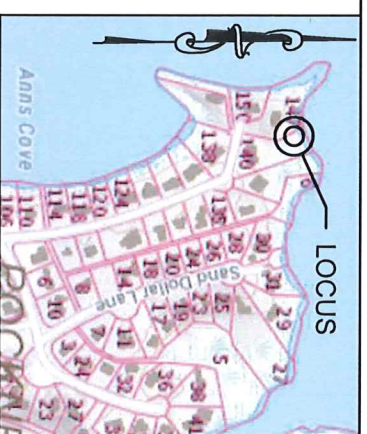
Written comments must be addressed to: Brendan Mullaney, Environmental Analyst, DEP Waterways Regulation Program, 20 Riverside Drive, Lakeville, MA 02347 or [brendan.mullaney@mass.gov](mailto:brendan.mullaney@mass.gov).

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

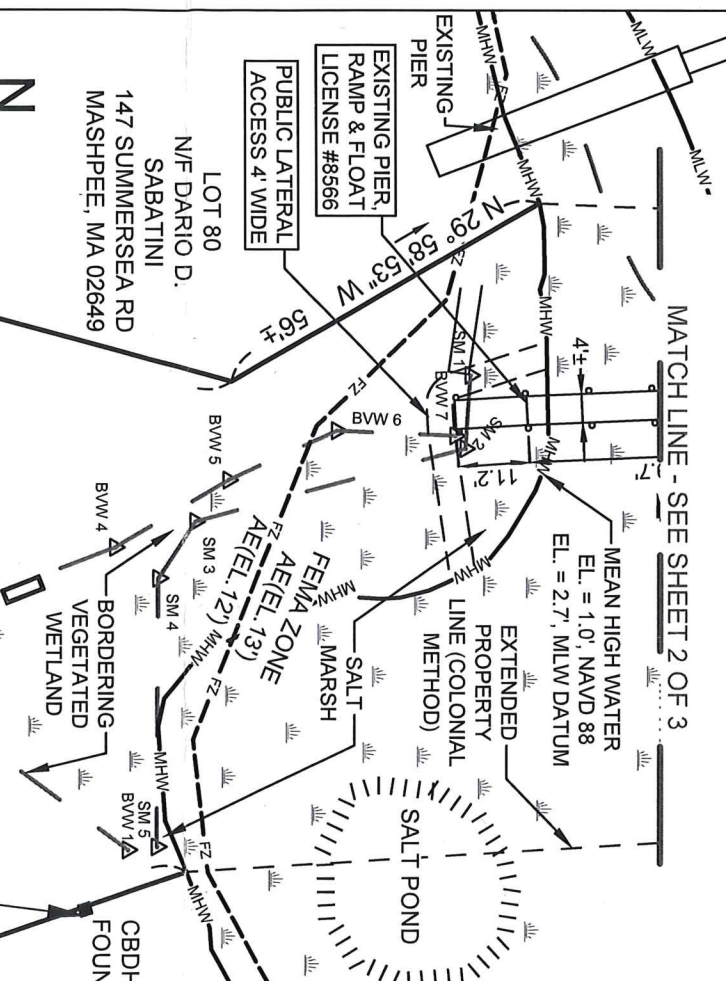
*Raul Lizardi-Rivera*

RAUL LIZARDI-RIVERA, P.E.

TIDE RANGE: ±2.7'  
 LATITUDE 41.58760  
 LONGITUDE -70.46665  
 DATUM: NAVD88 = 0.00 FT.  
 ELEVATIONS IN FEET



LOCUS MAP N.T.S.



LOT 78  
 N/F  
 ERIC R. & JACKIE L.  
 GOLDMAN, TRUSTEES  
 GOLDMAN REVOCABLE  
 TRUSTS  
 12 CYPRESS ROAD  
 WELLESLEY, MA 02481



**PROPOSED PIER, RAMP & FLOAT PLAN**

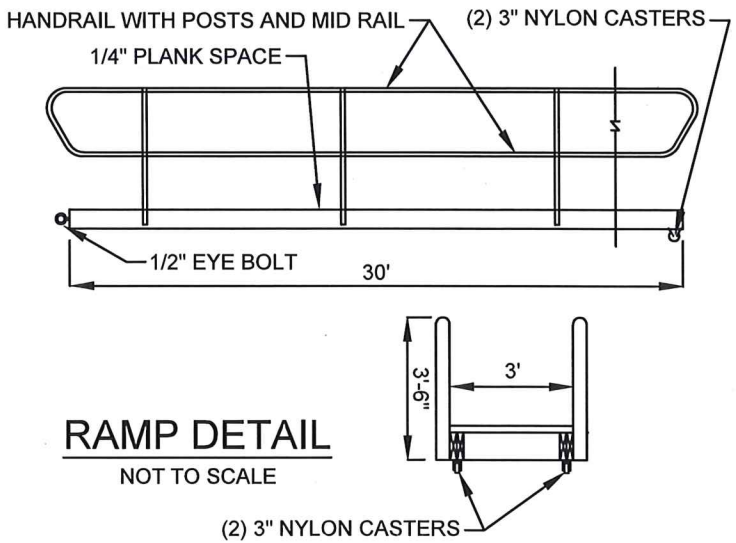
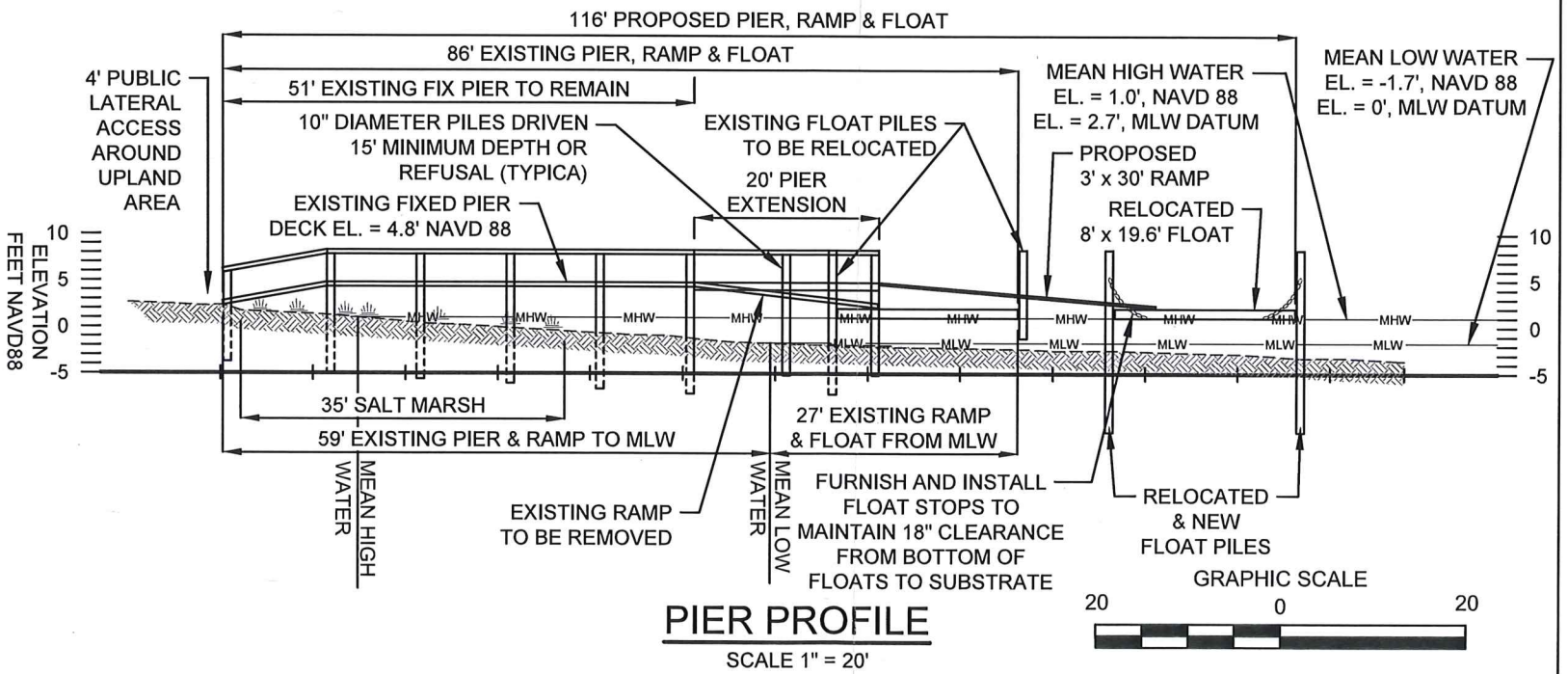
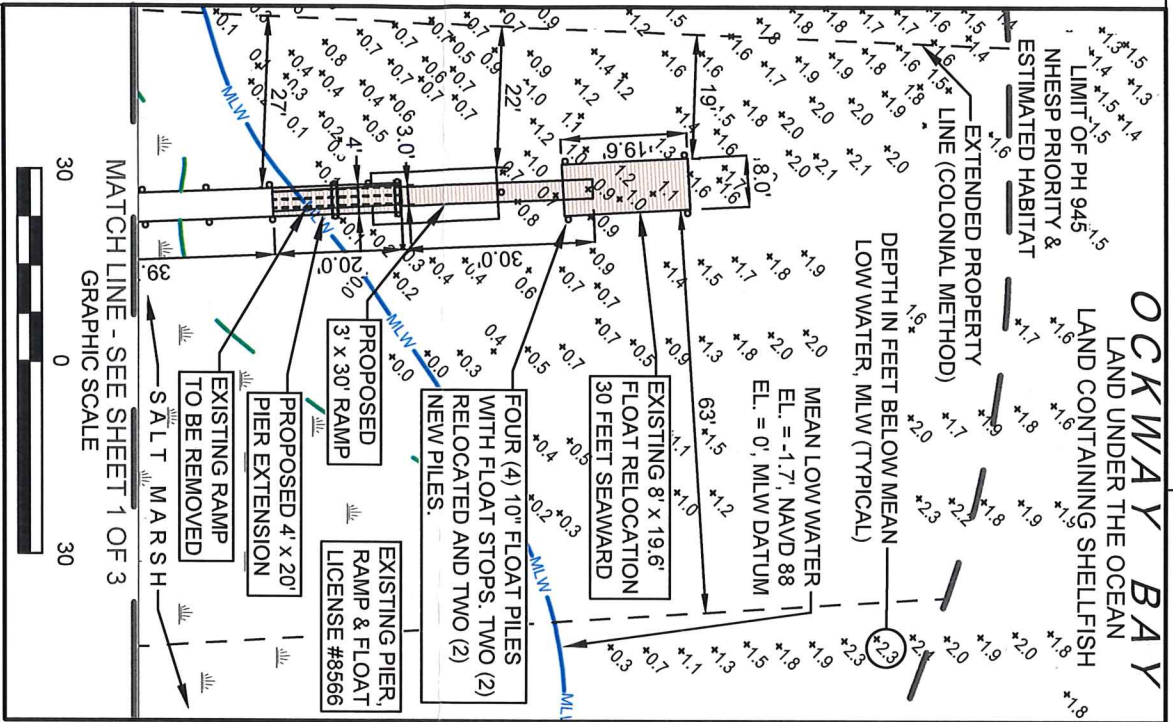
PARCEL ADDRESS: 140 SUMMERSEA ROAD,  
 MASHPEE, MASSACHUSETTS  
 PLAN ACCOMPANYING PETITION OF  
 JOHN R. GHUBLIKIAN, JR. TO CONSTRUCT &  
 MAINTAIN A 4' x 20' PIER EXTENSION, 3' x 30' RAMP  
 AND 19.6' x 8' FLOAT WITH SIX NEW 10" DIAMETER  
 PILES AND RELOCATE TWO PILES IN AND OVER THE  
 WATERS OF OCKWAY BAY IN MASHPEE, MA  
 PLAN BY: CAPE & ISLANDS ENGINEERING, INC.  
 508.477.7272 DATE: JANUARY 6, 2021

PARCEL ID MAP 105 PARCEL 62 SHEET 1 OF 3

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

*Raul Lizardi-Rivera*

RAUL LIZARDI-RIVERA, P.E.



**PROPOSED PIER PLAN, PROFILE & RAMP DETAIL**

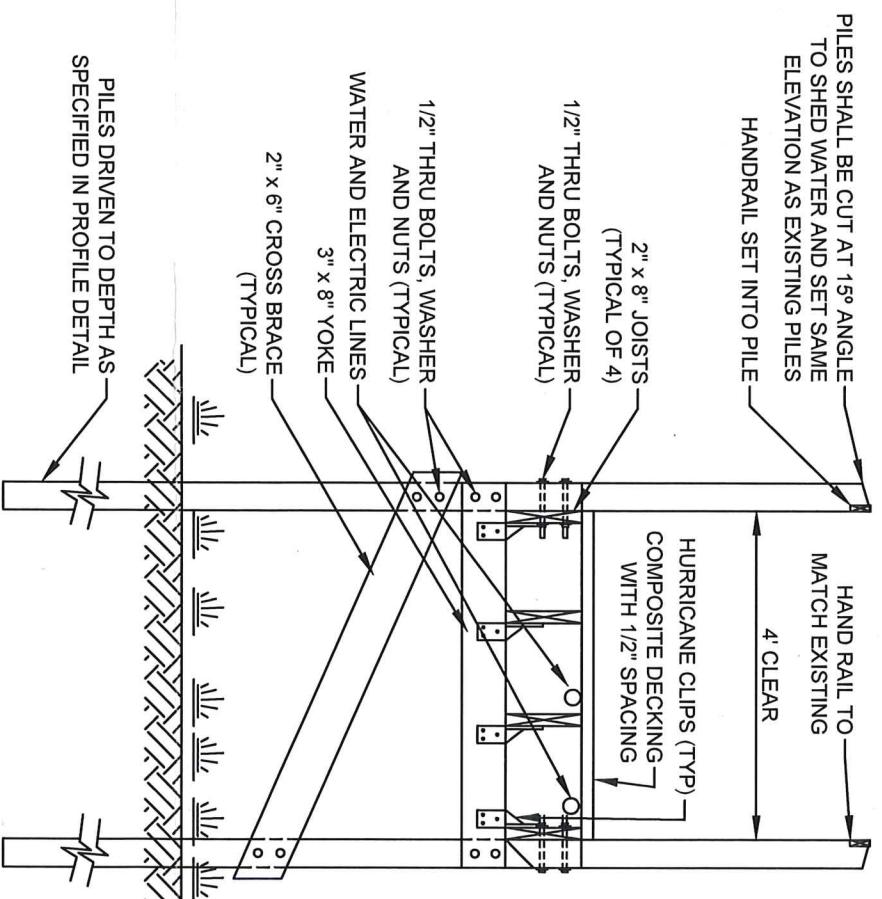
PARCEL ADDRESS: 140 SUMMERSEA ROAD, MASHPEE, MASSACHUSETTS  
 PLAN BY: CAPE & ISLANDS ENGINEERING, INC.  
 DATE: JANUARY 6, 2021



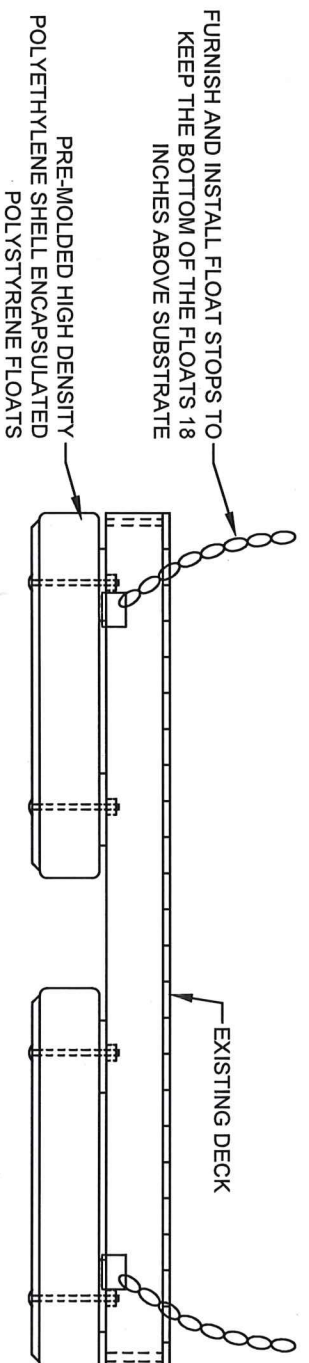
PARCEL ID MAP 105 PARCEL 62 SHEET 2 OF 3  
 DATUM: NAVD88 = 0.00 FT.  
 ELEVATIONS IN FEET

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

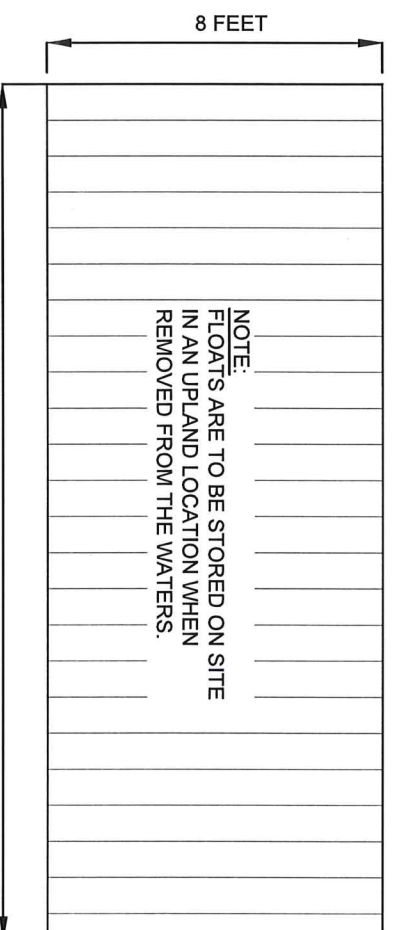
*Raúl Lizardi-Rivera*  
RAÚL LIZARDI-RIVERA, P.E.



**PIER SECTION**  
NOT TO SCALE



**SECTION VIEW**



**PLAN VIEW**  
**FLOAT DETAIL**  
NOT TO SCALE



*Raúl Lizardi-Rivera*

**FLOAT & PIER SECTION DETAILS**

PARCEL ADDRESS: 140 SUMMERSEA ROAD, MASHPEE, MASSACHUSETTS  
PLAN BY: CAPE & ISLANDS ENGINEERING, INC.  
508.477.7272 DATE: JANUARY 6, 2021

PARCEL ID MAP 105 PARCEL 62 SHEET 3 OF 3

APR 30 2021

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATERWAYS REGULATION PROGRAM**

**Notice of License Application Pursuant to M. G. L. Chapter 91  
Waterways License Application Number W21-5954  
Town of Mashpee**

**NOTIFICATION DATE: April 30, 2021**

Public notice is hereby given of the waterways application by the Town of Mashpee to construct and maintain a floating pier extension, piles, and concrete scour pad at 664 Great Neck Road South in the municipality of Mashpee, in and over flowed tidelands of Ockway Bay. The proposed project has been determined to be water-dependent.

The Department will consider all written comments on this Waterways application received within thirty (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).

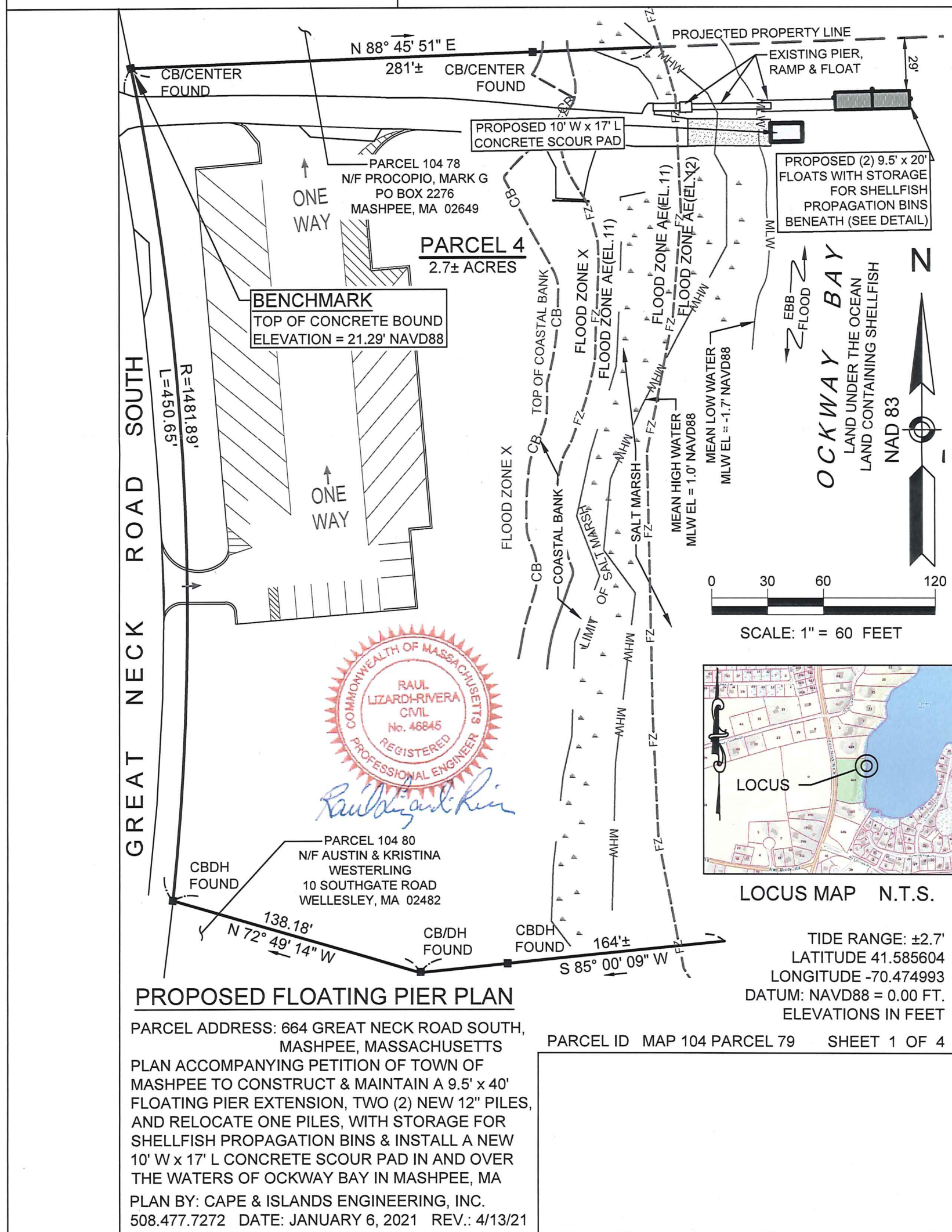
Additional information regarding this application may be obtained by contacting the Waterways Regulation Program at (508) 946-2707. Project plans and documents for this application are on file with the Waterways Regulation Program for public viewing, by appointment only, at the address below.

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](mailto:brendan.mullaney@mass.gov).

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

*Raúl Lizardi Rivera*

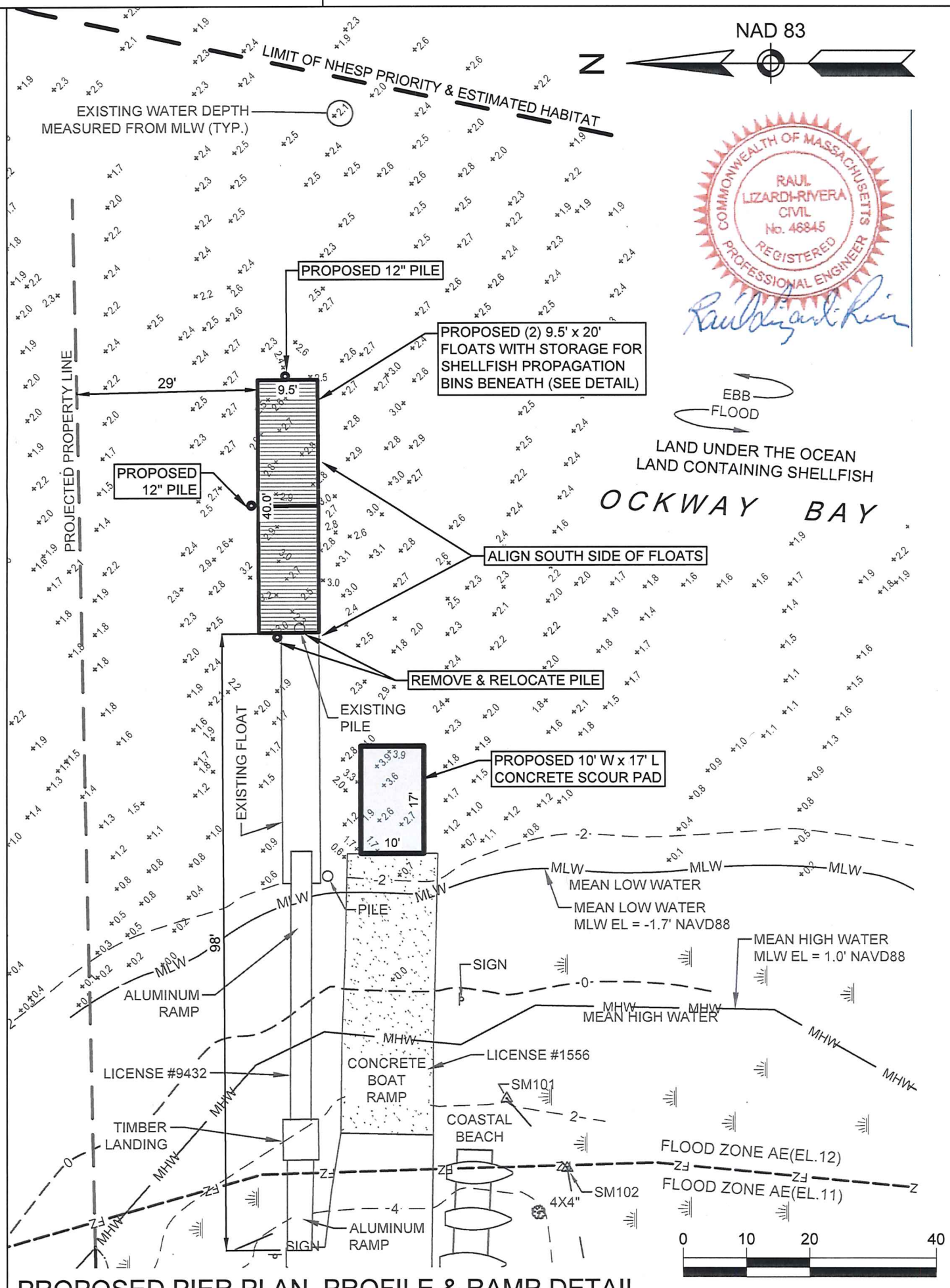
RAÚL LIZARDI-RIVERA, P.E.



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

*Raúl Lizardi Rivera*

RAÚL LIZARDI-RIVERA, P.E.



**PROPOSED PIER PLAN, PROFILE & RAMP DETAIL**

PARCEL ADDRESS: 664 GREAT NECK ROAD SOUTH, MASHPEE, MASSACHUSETTS

PLAN BY: CAPE & ISLANDS ENGINEERING, INC.

DATUM: NAVD88 = 0.00 FT. ELEVATIONS IN FEET

508.477.7272 DATE: JANUARY 6, 2021, REV.: 4/13/21

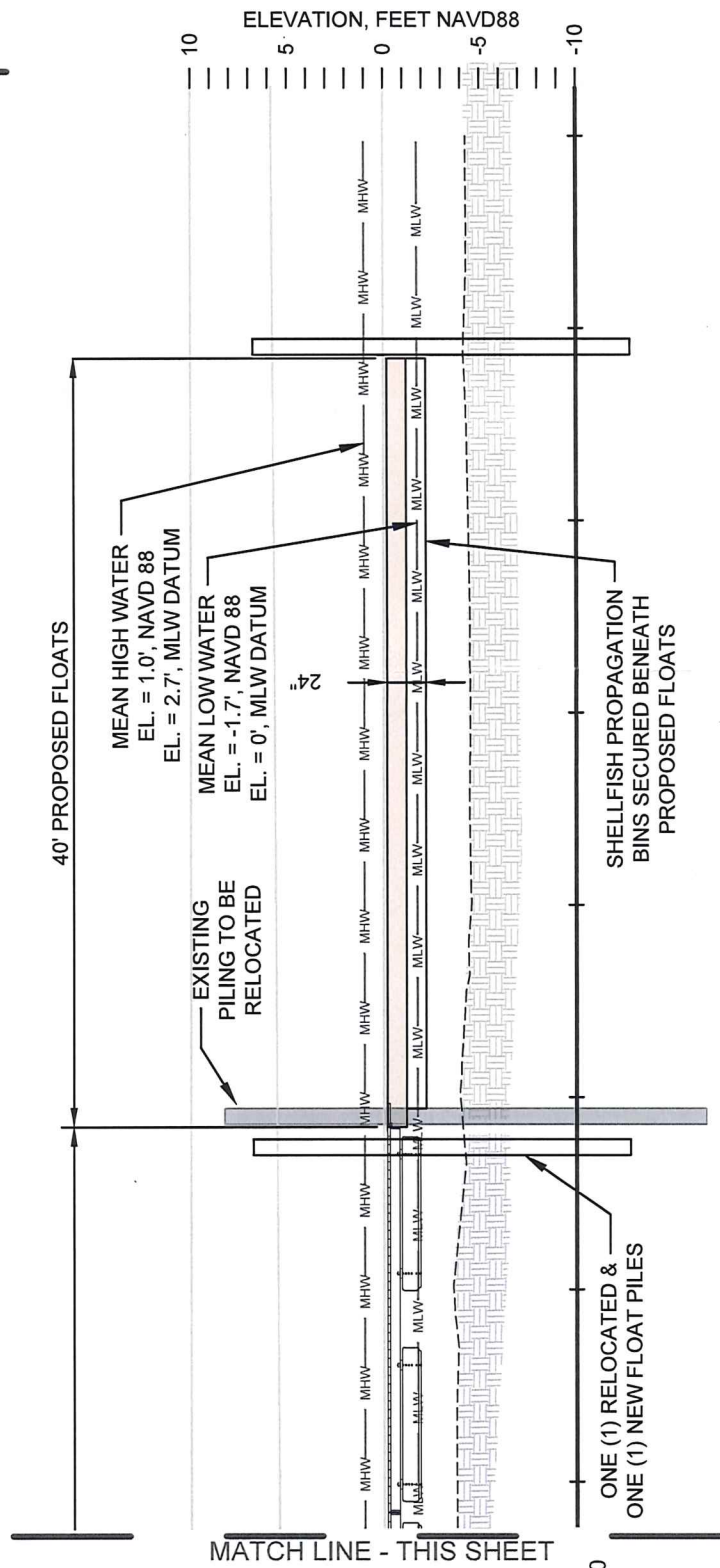
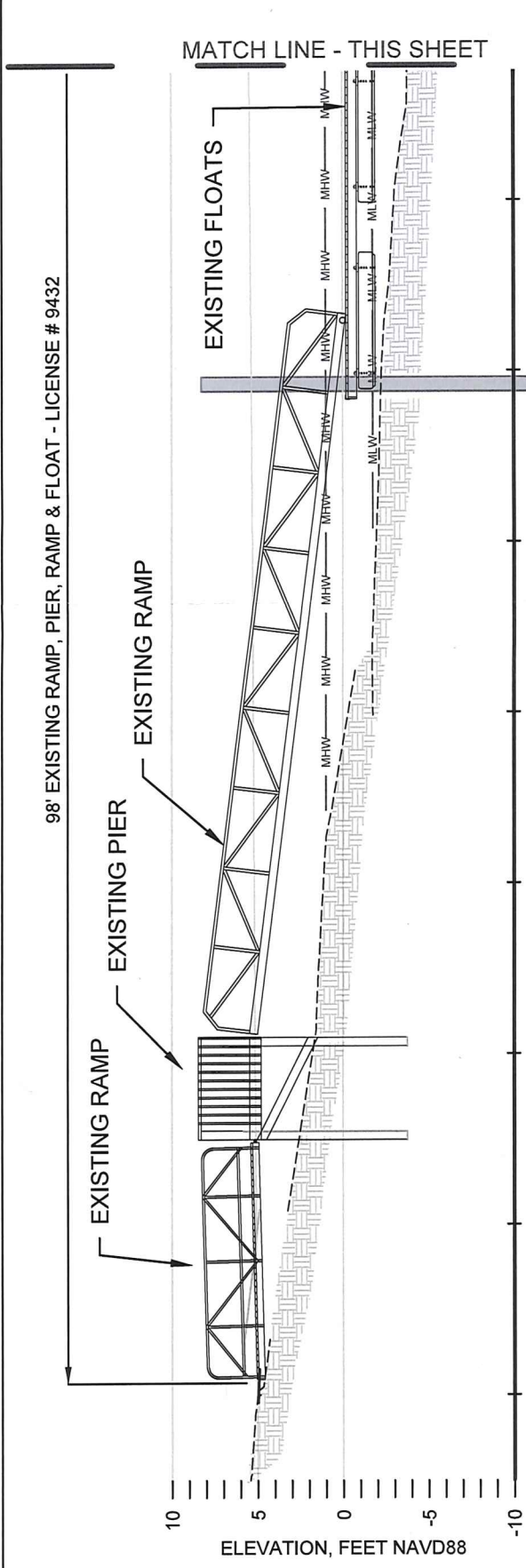
PARCEL ID MAP 104 PARCEL 79

SHEET 2 OF 4

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

*Raúl Lizardi Rivera*

RAÚL LIZARDI-RIVERA, P.E.



**PROPOSED PIER PROFILE**

PARCEL ADDRESS: 664 GREAT NECK ROAD SOUTH, MASHPEE, MASSACHUSETTS  
 PLAN BY: CAPE & ISLANDS ENGINEERING, INC.  
 508.477.7272 DATE: JANUARY 6, 2021

PARCEL ID MAP 104 PARCEL 79 SHEET 3 OF 4



*Raúl Lizardi Rivera*

**PIER PROFILE**

SCALE 1" = 10'

GRAPHIC SCALE

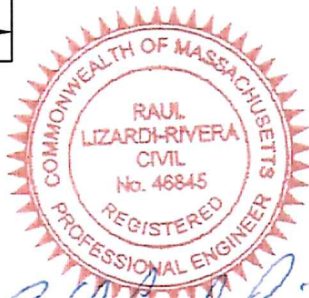
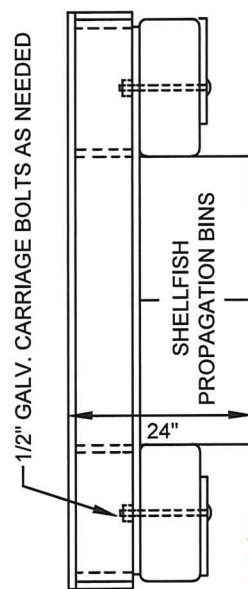
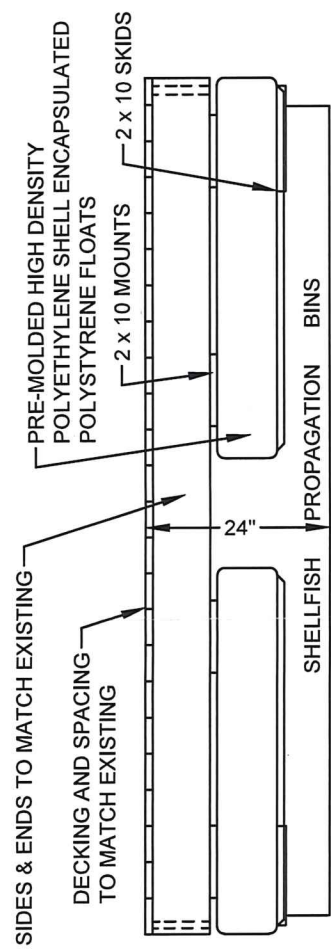




I HEREBY CERTIFY THAT THIS PLAN DOES CONFORM WITH THE REQUIREMENTS FOR RECORDING OF PLANS IN THE REGISTRY OF DEEDS.

*Raúl Lizardi Rivera*

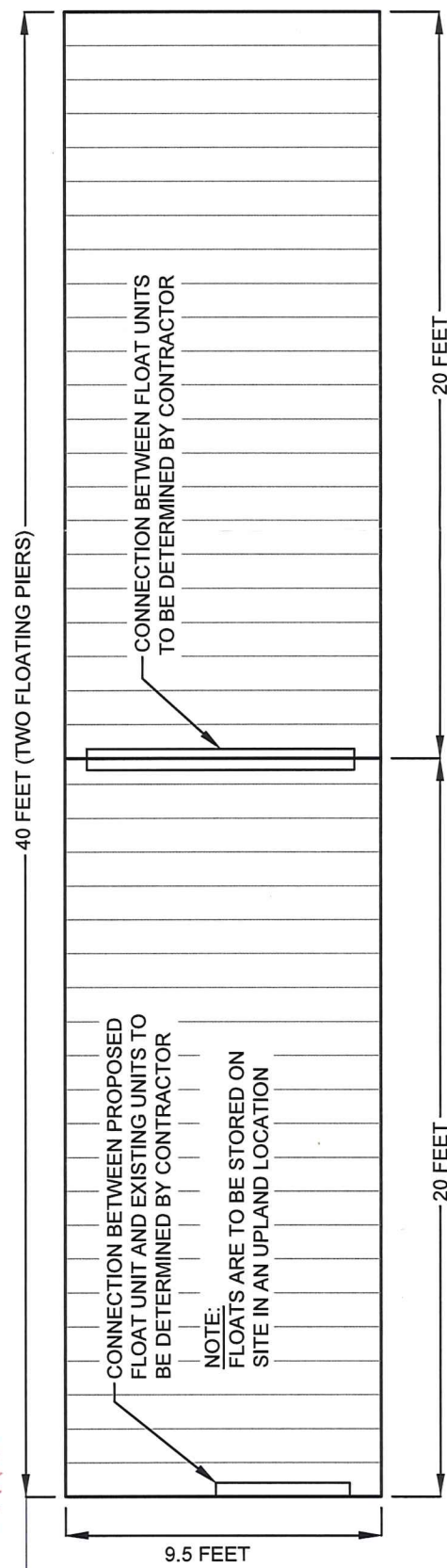
RAÚL LIZARDI-RIVERA, P.E.



*Raúl Lizardi Rivera*

**FLOAT DETAILS**

PARCEL ADDRESS: 664 GREAT NECK ROAD SOUTH, MASHPEE, MASSACHUSETTS  
 PLAN BY: CAPE & ISLANDS ENGINEERING, INC.  
 508.477.7272 DATE: JANUARY 6, 2021



**FLOAT DETAIL**  
NOT TO SCALE

**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

X287503  
 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 #
<b>WATER-DEPENDENT -</b>			
<b>General (A-H)</b>	<input checked="" type="checkbox"/> Residential with ≤ 4 units	\$215.00	BRP WW01a
	<input type="checkbox"/> Other	\$330.00	BRP WW01b
	<input type="checkbox"/> Extended Term	\$3,350.00	BRP WW01c
<b>Amendment (A-H)</b>	<input type="checkbox"/> Residential with ≤ 4 units	\$100.00	BRP WW03a
	<input type="checkbox"/> Other	\$125.00	BRP WW03b
<b>NONWATER-DEPENDENT -</b>			
<b>Full (A-H)</b>	<input type="checkbox"/> Residential with ≤ 4 units	\$665.00	BRP WW15a
	<input type="checkbox"/> Other	\$2,005.00	BRP WW15b
	<input type="checkbox"/> Extended Term	\$3,350.00	BRP WW15c
<b>Partial (A-H)</b>	<input type="checkbox"/> Residential with ≤ 4 units	\$665.00	BRP WW14a
	<input type="checkbox"/> Other	\$2,005.00	BRP WW14b
	<input type="checkbox"/> Extended Term	\$3,350.00	BRP WW14c
<b>Municipal Harbor Plan (A-H)</b>	<input type="checkbox"/> Residential with ≤ 4 units	\$665.00	BRP WW16a
	<input type="checkbox"/> Other	\$2,005.00	BRP WW16b
	<input type="checkbox"/> Extended Term	\$3,350.00	BRP WW16c
<b>Joint MEPA/EIR (A-H)</b>	<input type="checkbox"/> Residential with ≤ 4 units	\$665.00	BRP WW17a
	<input type="checkbox"/> Other	\$2,005.00	BRP WW17b
	<input type="checkbox"/> Extended Term	\$3,350.00	BRP WW17c
<b>Amendment (A-H)</b>	<input type="checkbox"/> Residential with ≤ 4 units	\$530.00	BRP WW03c
	<input type="checkbox"/> Other	\$1,000.00	BRP WW03d
	<input type="checkbox"/> Extended Term	\$1,335.00	BRP WW03e

**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Waterways Regulation Program  
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 Water-Dependent, Nonwater-Dependent, Amendment

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 Transmittal No.

**B. Applicant Information Proposed Project/Use Information**

1. Applicant:

The 134 Popponeset Island Realty Trust  
 Name jd@derenzo.net  
 E-mail Address  
 43 Charles Street  
 Mailing Address  
 Needham MA 02494  
 City/Town State Zip Code  
 781-424-5617 [redacted]  
 Telephone Number Fax Number

Note: Please refer to the "Instructions"

2. Authorized Agent (if any):

Jeffrey E. Ryther, P.E., BSS Design, Inc  
 Name jeff@bssdesign.com  
 E-mail Address  
 164 Katharine Lee Bates Road  
 Mailing Address  
 Falmouth MA 02540  
 City/Town State Zip Code  
 5085408805 508-548-8313  
 Telephone Number Fax Number

**C. Proposed Project/Use Information**

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

[redacted]  
 Owner Name (if different from applicant)  
 112-8 41.580290 -70.457570  
 Tax Assessor's Map and Parcel Numbers Latitude Longitude  
 134 Popponeset Island Road 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:

Popponeset Bay

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 checked="" type="checkbox"/> Uncertain
<input type="checkbox"/> Uncertain		

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

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 Transmittal No.

**C. Proposed Project/Use Information (cont.)**

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

5. Proposed Use/Activity description  
 This project is to replace & expand the main float and add a jet ski float

6. What is the estimated total cost of proposed work (including materials & labor)?  
 \$N/A

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.

The E K Price Trust	71 Arrowhead Road, Weston, MA 02493
Name	Address
The 140 Popponeset Island Realty Trust	c/o Comm Management Group Corp, 2000 Commonwealth Avenue, Auburn, MA 02466
Scott Taylor	552 North Avenue, Weston, ma 02493
Name	Address

**D. Project Plans**

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

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

2. Other State and Local Approvals/Certifications

- |  |                  |
|--|------------------|
| <input type="checkbox"/> 401 Water Quality Certificate | _____            |
|  | Date of Issuance |
| <input checked="" type="checkbox"/> Wetlands           | OOO 3/8/21       |
|  | File Number      |
| <input type="checkbox"/> Jurisdictional Determination  | JD-_____         |
|  | File Number      |
| <input type="checkbox"/> MEPA                          | _____            |
|  | File Number      |
| <input type="checkbox"/> EOEA Secretary Certificate    | _____            |
|  | Date             |
| <input type="checkbox"/> 21E Waste Site Cleanup        | _____            |
|  | RTN Number       |

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

X287503  
 Transmittal No.

**E. Certification**

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

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

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

\_\_\_\_\_  
 Applicant's signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Property Owner's signature (if different than applicant)

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Agent's signature (if applicable)

\_\_\_\_\_  
 Date

**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?

\_\_\_\_\_

3. What method will be used to dredge?

Hydraulic

Mechanical

Other

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

\_\_\_\_\_

\_\_\_\_\_

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

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

X287503  
 Transmittal No.

**G. Municipal Zoning Certificate**

134 Popponeset Island Realty Trust  
 Name of Applicant  
 134 Popponeset Island Road                      Popponeset Bay                      Mashpee  
 Project street address                      Waterway                      City/Town

Description of use or change in use:  
 To replace & expand the main float and add a jet ski float

**To be completed by municipal clerk or appropriate municipal official:**

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

Printed Name of Municipal Official                      Date

Signature of Municipal Official                      Title                      City/Town

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

X287503  
 Transmittal No.

**H. Municipal Planning Board Notification**

Notice to Applicant:  
 Section H should be completed and submitted along with the original application material.

134 Popponeset Island Realty Trust		
Name of Applicant		
134 Popponeset Island Road	Popponeset Bay	Mashpee
Project street address	Waterway	City/Town
Description of use or change in use:		
To replace & expand the main float and add jet ski float		

**To be completed by municipal clerk or appropriate municipal official:**

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

Deborah Dami	4-16-21
Printed Name of Municipal Official	Date

Deborah Dami	Town Clerk	Mashpee
Signature of Municipal Official	Title	City/Town

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



## 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.*

**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

X287503

Transmittal No.

## 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.

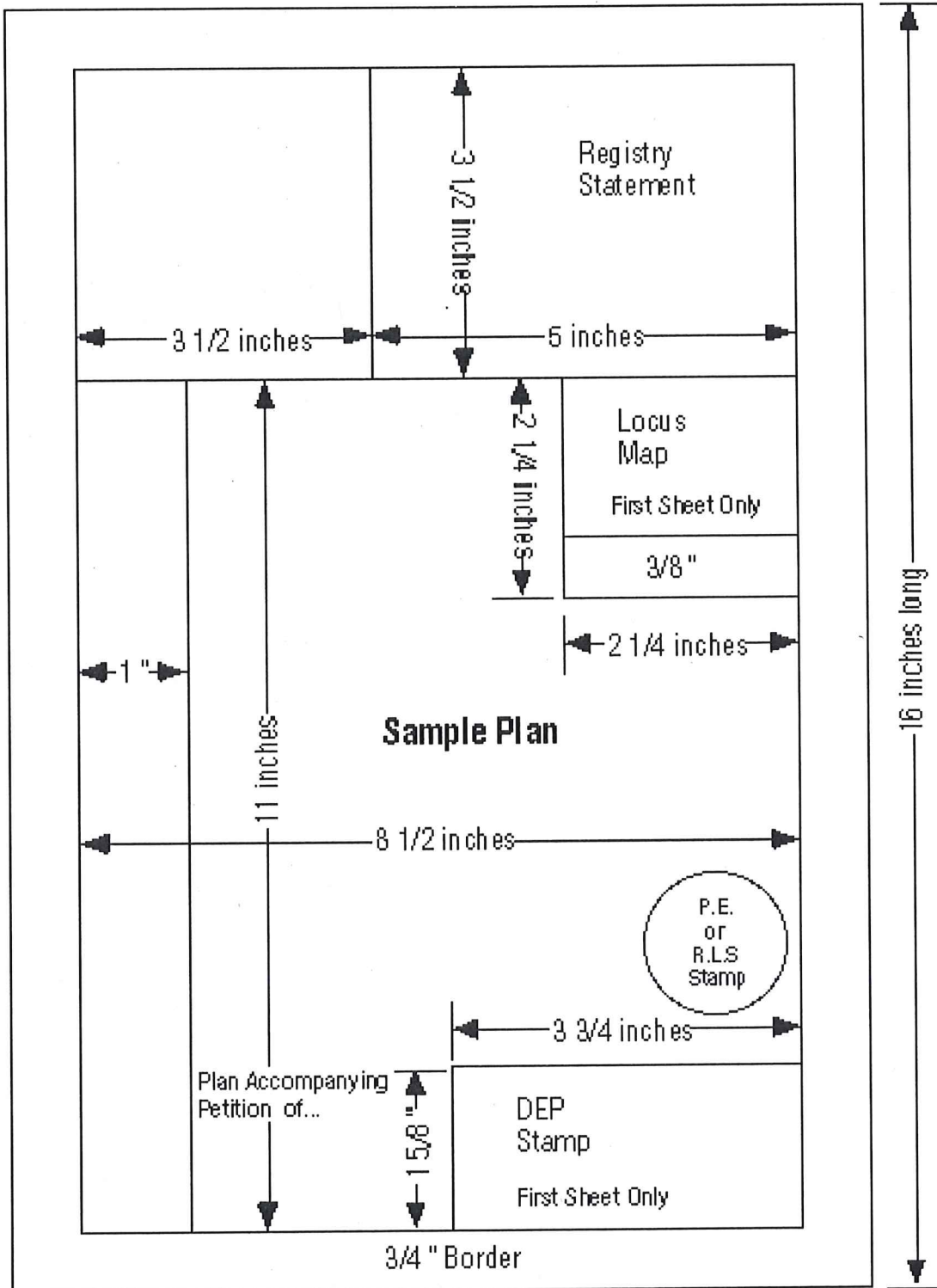
### Non Water-Dependent Structures

- 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.**



## 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:*

### 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.

- 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).
- 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 15<sup>th</sup> and 30<sup>th</sup> of each month.

**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

X287503  
 Transmittal No.

## Appendix C: Application Completeness Checklist (cont.)

- 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.

### 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.

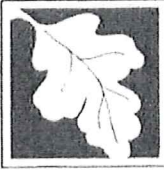
Department of Environmental Protection  
 Waterways Regulation Program  
 One Winter Street  
 Boston, MA 02108

- 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.



Massachusetts Department of Environmental Protection

## eDEP Transaction Copy

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Username: **MASHPEE**

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Document: **WPA Form 5 - OOC**

Size of File: **134.98K**

Status of Transaction: **In Process**

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**Cynthia Bartos**

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**From:** edep.confirmation@massmail.state.ma.us  
**Sent:** Monday, March 8, 2021 2:39 PM  
**To:** Cynthia Bartos  
**Subject:** eDEP Submittal Confirmation for DEP Transaction ID: 1255922

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To contact MassDEP Programs, please see <http://mass.gov/dep/about/contacts.htm>.

\*\*\*\*\*  
\*\*\*\*\*

DEP Transaction ID: 1255922

Date and Time Submitted: 03/08/2021 02:39:11

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\*\*\*\*\*

Form Name: WPA Form 5 - OOC

Conservation Commission: MASHPEE

Mass DEP File #: 043-3102

Applicant Name: JAY J.

DERENZO

Signed by: Chad R. Smith

Ancillary Document Uploaded/Mailed :

134 Popponeset Island Road 43-3102 conditions



\*\*\*\*\*  
\*\*\*\*\*

EMAIL ID OF THE USER: cbartos@mashpeema.gov

\*\*\*\*\*  
\*\*\*\*\*

**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 5 - Order of Conditions**

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

Provided by MassDEP:  
MassDEP File #:043-3102  
eDEP Transaction #:1255922  
City/Town:MASHPEE

**A. General Information**

1. Conservation Commission MASHPEE
2. Issuance a.  OOC b.  Amended OOC
3. Applicant Details  
a. First Name JAY J. b. Last Name DERENZO  
c. Organization  
d. Mailing Address 43 CHARLES STREET  
e. City/Town NEEDHAM f. State MA g. Zip Code 02494
4. Property Owner  
a. First Name JAY J. & ELIZABETH A b. Last Name DERENZO, TRUSTEES  
c. Organization 134 POPPONESSET ISLAND REALTY TRUST  
d. Mailing Address 43 CHARLES STREET  
e. City/Town NEEDHAM f. State MA g. Zip Code 02494
5. Project Location  
a. Street Address 134 POPPONESSET ISLAND ROAD \*  
b. City/Town MASHPEE c. Zip Code 02649  
d. Assessors Map/Plat# MAP 112/PARCEL 8 e. Parcel/Lot# LOT 50, PLAN 11408-12 (SHEET 1)  
f. Latitude 41.58028N g. Longitude 70.45759W
6. Property recorded at the Registry of Deed for:
- | a. County  | b. Certificate | c. Book                         | d. Page |
|------------|----------------|---------------------------------|---------|
| BARNSTABLE | 195579         | LOT 50, PLAN 11408-12 (SHEET 1) |         |
7. Dates  
a. Date NOI Filed : 1/7/2021 b. Date Public Hearing Closed: 2/25/2021 c. Date Of Issuance: 3/8/2021
8. Final Approved Plans and Other Documents  
a. Plan Title: PLOT PLAN - FLOAT EXPANSION  
b. Plan Prepared by: BSS DESIGN  
c. Plan Signed/Stamped by: JEFFREY E. RYTHER, P.E.  
d. Revised Final Date: FEBRUARY 17, 2021  
e. Scale: 1" = 20'

**B. Findings**

**1. Findings pursuant to the Massachusetts Wetlands Protection Act**

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

Check all that apply:

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

**Massachusetts Department of Environmental Protection**

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Provided by MassDEP:  
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 City/Town:MASHPEE

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

Approved subject to:

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

Denied because:

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

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

**Inland Resource Area Impacts:(For Approvals Only):**

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

**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 5 - Order of Conditions**

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

Provided by MassDEP:

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City/Town:MASHPEE

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

**Coastal Resource Area Impacts:**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input checked="" type="checkbox"/> Land Under the Ocean	<u>445</u>	<u>445</u>		
	a. square feet	b. square feet		
	<u>0</u>	<u>0</u>		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
14. <input type="checkbox"/> Coastal Dunes	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
15. <input type="checkbox"/> Coastal Banks	<u>                    </u>	<u>                    </u>		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u>                    </u>	<u>                    </u>		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u>                    </u>	<u>                    </u>		
	a. square feet	b. square feet		
	<u>                    </u>	<u>                    </u>		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	<u>                    </u>	<u>                    </u>		
	c. c/y dredged	d. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	<u>445</u>	<u>445</u>		
	a. square feet	b. square feet		

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

Provided by MassDEP:  
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22.

Restoration/Enhancement (For Approvals Only)

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c & d or B.17.c & d above, please entered the additional amount here.

\_\_\_\_\_ a. square feet of BVW

\_\_\_\_\_ b. square feet of Salt Marsh

23.

Streams Crossing(s)

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

\_\_\_\_\_ a. number of new stream crossings

\_\_\_\_\_ b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

**The following conditions are only applicable to Approved projects**

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. the work is a maintenance dredging project as provided for in the Act; or
  - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not exceed the issuance date of the original Final Order of Conditions.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing

**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 5 - Order of Conditions**

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

Provided by MassDEP:  
MassDEP File #:043-3102  
eDEP Transaction #:1255922  
City/Town:MASHPEE

the words,

" Massachusetts Department of Environmental Protection"  
[or "MassDEP"]  
File Number : "043-3102"

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

**NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS**

19. The work associated with this Order(the "Project") is (1)  is not (2)  subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions;
  - a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
  - b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction

**Massachusetts Department of Environmental  
Protection**

Bureau of Resource Protection - Wetlands

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

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BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
  - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.

**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 5 - Order of Conditions**

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

Provided by MassDEP:  
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- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

**Special Conditions:**

**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

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

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

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

1. Municipal Ordinance or Bylaw \_\_\_\_\_

2. Citation \_\_\_\_\_

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

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

1. Municipal Ordinance or Bylaw TOWN OF MASHPEE

2. Citation CHAPTER 172

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

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



COASTAL DOCKS/COASTAL STRUCTURES

TOWN OF MASHPEE CHAPTER 172 ORDER OF CONDITIONS FOR: 41-3102

134 Popponesset Island Road

Work Description: Float expansion and jet ski floats as per Plan of Record submitted by BSS Design dated 2/17/21

**\*NOTE: The Shellfish Constable must be notified 7 days in advance of the commencement of work. Siltation curtains must be installed and inspected by the Shellfish Constable prior to pile installation. Throughout the duration of pile installation, the Shellfish Constable reserves the right to stop work in order to mitigate any negative impacts to shellfish habitat in the area. Work must occur within 2.5 hours before or after high tide; no work during low tide is permitted.**

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

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

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

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

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

310 CMR 10.02(1)(d)- Land Subject to Coastal Storm Flow  
310 CMR 10.25- Land Under Ocean  
310 CMR 10.28- Coastal Dunes  
310 CMR 10.30- Coastal Banks

310 CMR 10.32- Salt Marshes  
310 CMR 10.34- Land Containing Shellfish

Ch.172, Reg.15- Shellfish  
Ch.172, Reg.16- Coastal Banks  
Ch.172, Reg.17- Coastal Resource Areas (Other than Banks)  
Ch.172, Reg.25- Land Subject to Flooding or Inundation by Coastal Flowage  
Ch.172, Reg.27- Docks, Piers and Floats  
Ch.172, Reg.29- Buffer Zones and Buffer Strips  
Ch.172, Reg.32- Water Quality

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

Erosion/Sedimentation Control  
Storm Damage Prevention  
Water Pollution Control  
Water Quality  
Fisheries  
Shellfish  
Prevention of Pollution  
Wildlife Habitat  
Recreation

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

- Submission of a dated copy of the recording page of the Order of Conditions (OOC) to the Conservation Department. The OOC cannot be recorded until the end of the 10 day appeal period from the date of issue (date of issue is the date that the OOC is mailed out or picked up in person).
- Submission of FORMS A & B, attached to this Order of Conditions (OOC) to the Conservation Department.
- The applicant and/or project supervisor(s) are required to notify all contractors/subcontractors on site of the OOC requirements. A copy of the OOC must be kept onsite or be made readily available during inspection at all times. Both the applicant and project supervisor may be held jointly liable in the event of a violation of the OOC.
- All required staking for structure corners, wetland resource areas and work limits must be clearly present on the lot and accurate with the plan of record.
- All erosion control/work limit(s) must be in place as per the plan of record or as per staff direction (as applicable).
- Scheduling of a site visit with Conservation Department staff at least one week prior to any commencement of work to confirm all of the prework conditions are met.
- Any deviations made or intended to be made from the approved plan of record accompanying the OOC must require, in advance, one of the following:

- A new Notice of Intent or Amended Order Request
- A written Administrative Approval from the Conservation Department indicating the proposed changes are not substantial enough to require either of the above

5. WORK LIMIT/EROSION CONTROL CONDITIONS:

- A siltation curtain must be placed as per the plan of record or at the discretion of Conservation Department staff.
- Siltation curtains must remain in place throughout the project until authorization is given by Conservation Department staff to remove.

6. CONSTRUCTION ACTIVITY/MATERIAL STORAGE CONDITIONS:

- Construction/reconstruction must be done in such a way that debris (sawdust, etc.) is not introduced into the water and/or any wetland resource area. Cutting, routing, shaping etc. should take place in an upland location away from wetlands. If this is not possible, then deployment of tarps to capture debris will be required.
- The only saltmarsh loss/disturbance under this OOC is for cross sectional areas occupied by the pilings shown on the approved Plan of Record. Any additional loss of salt marsh will result in enforcement/mitigation proceedings.
- All soils removed from postholes/pilings are to be removed from the marsh.
- Non-leaching wood preservative must be used for wood construction materials. CCA Treated piles are acceptable.
- A siltation screen must be in place and kept in place during construction.
- Construction must be completed as quickly as possible to minimize turbidity and sedimentation.
- No construction equipment is to traverse wetland/salt marsh areas.
- The construction of the boardwalk must not destroy any portion of the marsh except for the immediate area of the boardwalk.
- All trash and debris on site must be cleaned up daily and contained by virtue of onsite disposal (e.g. trailer or dumpster).
- Records as to the destination of all waste materials removed from the construction site must be kept and made available to the Conservation Department upon request. Said records must describe the ultimate disposal site, contents, volume of debris and date of disposal (receipts).

ADDITIONAL CONDITIONS:

7. Upon receipt of this Order of Conditions, the applicant is required to apply for a Chapter 91 License from the State of Massachusetts. Proof of application to Chapter 91 must be provided to the Mashpee Conservation Department. Upon receipt of a Chapter 91 Permit, a copy of said permit must be provided to the Mashpee Conservation Department. **No construction is to commence until the property owner submits a copy of an approved and recorded Commonwealth of Massachusetts Chapter 91 Waterways license to the Conservation Department.**
8. **The chosen contractor to perform the permitted work must have demonstrated experience working in a marine environment. Proof of recent experience must be provided to the Conservation Department.**
9. No part of the fixed pier/access steps can be wider than four (4) feet.

10. **Jetting is allowed for the purposes of setting piles in place. Once piles are set, they must be driven to refusal. Piles cannot be installed using jetting only.**
11. Any additional loss/damage to salt marsh as a result of construction disturbances outside of pile footprints will be subject to mitigation at a 2:1 ratio per square foot.
12. The floats, if removed seasonally, cannot be dragged across any wetland resource area NOR can it be stored upon any salt marsh, bank or bordering vegetated wetland at any time.
13. Performance standards of 310 CMR 10.25 (Land Under Ocean) require minimal adverse effects on water circulation, eel grass (if present), water quality and/or sediment changes. Any vessel(s) using this dock cannot adversely impact the values associated with Land Under Ocean through grounding or prop dredging of the underlying sediments. The commission reserves the right to require additional measures to ensure that the performance standards for Land Under Ocean and Land Containing Shellfish are not adversely impacted.
14. The DEP permit number AND street address are to be displayed in perpetuity on the float and fixed pier. A minimum of three (3) inch lettering on contrasting color background must be used for displaying this information. Any signage that fades or falls apart must be replaced immediately. No certificate of compliance will be issued on any dock project without proof of this signage in place.
15. At no time is boat washing (using chemical agents) to occur while vessel(s) are docked at this pier/float.
16. Decking spacing for the fixed pier must be constructed as per the Plan of Record submitted by BSS Design dated 2/17/2021.
17. All Conservation and dock/pier notes on the Plan of Record submitted by BSS Design dated 2/17/2021 must be incorporated into this OOC.
18. The Commission reserves the right to require modifications and/or limitations relative to authorized work/methodology of work to ensure compliance with this OOC. Any modifications/restrictions will be provided in writing to the applicant.
19. A Naturally Vegetated Buffer Strip (NVBS) delineated as all naturally vegetated areas within 50 feet of the coastal bank must be maintained in perpetuity. Within this Buffer Strip, no removal and/or pruning of vegetation is permitted with the exception of pathway no wider than four (4) feet. Pathway(s) must be shown on a plan of record and staked in the field prior to creation.
20. Vista pruning is not allowed under this permit.
21. The Conservation Department must be notified immediately of any proposed changes in plans or construction methodology.
22. In the event of any adverse impacts to wetland resource areas as a result of construction and/or maintenance of this project, the Commission reserves the right to require additional measures to protect resource areas and values as per M.G.L. Chapter 131 Section 40 and/or Mashpee's Chapter 172 Wetland Bylaw. The Conservation Agent, Assistant Agent and/or other designated

representative of the Commission shall have the right to enter the premises to monitor ongoing work/maintenance.

23. The Plan of Record for this OOC does not constitute specific acceptance of the boundaries of resource areas under M.G.L. Chapter 131 Section 40 and Chapter 172 of the Mashpee Code for any work not described under Section 1 A of this Order. A new filing/application may be necessary if deemed so by the Commission and require new plans and/or new delineations of resource areas. The Commission may also require that said plans be prepared by a certified engineer, surveyor and/or landscape designer.
24. This OOC or any continuing conditions in perpetuity applies to any successor in interest or control
25. Violation of any conditions in this Order or any continuing conditions in perpetuity may result in the issuance of an enforcement order. Such enforcement order, if issued, will require the immediate cessation of all work until the mandates in the enforcement order are followed. In some instances, the violation may necessitate a hearing, in this case, such hearing will be held no more than 15 days from the issuance of an enforcement order.
26. In the event that a Superseding Order of Conditions is issued following an appeal to the MA State Department of Environmental Protection, this OOC issued pursuant to Chapter 172 of the Mashpee Code shall be considered amended to include all conditions of said Superseding Order. Notwithstanding the preceding, all special conditions protecting the wetland values of Chapter 172 shall remain in effect unless modified by an Order amending said conditions. The Commission reserves the right to require (in the event of the issuance of a Superseding Order by DEP) an Amended Order of Conditions if it deems such necessary for clarification and/or protection of the wetland values of Chapter 172.
27. Special conditions: #3, 12, 13, 14, 15, 19, 22, 24 & 25 will extend beyond the Certificate of Compliance (in perpetuity) and shall be referenced in all future deeds of this property.
28. Upon completion of this project, the applicant must submit the following to the Commission to receive a Certificate of Compliance, closing out the permit/OOC with the Conservation Department:
  - a. A form requesting a Certificate of Compliance (WPA Form 8A).
  - b. A written statement from the registered professional engineer, surveyor, landscape designer, architect or wetland consultant associated with this project certifying that the work has been conducted as shown on the plan(s) of record and documents referenced, and as conditioned by the Commission.
  - c. The Commission reserves the right, before issuing a Certificate of Compliance (should items "a" and "b" be deemed insufficient and/or in effort) to require an "as built" plan prepared and signed/stamped by a registered professional engineer or land surveyor of the Commonwealth.
29. This Order is valid for three years from the date of issuance but may be extended for more additional periods of up to three years per extension request. All extension requests are at the discretion of the Commission and may be subject to denial if deemed appropriate.

**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 5 - Order of Conditions**

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

Provided by MassDEP:

MassDEP File #:043-3102

eDEP Transaction #:1255922

City/Town:MASHPEE

**E. Signatures**

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

3/8/2021

1. Date of Original Order

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

12

2. Number of Signers

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

Signatures:

Chair

Vice Chair

Chad R. Smith

Thomas J. O'Neill

by hand delivery on

by certified mail, return receipt requested, on  
3/8/2021

Date

Date

**F. Appeals**

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

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

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

**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 5 - Order of Conditions**

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

Provided by MassDEP:  
MassDEP File #:043-3102  
eDEP Transaction #:1255922  
City/Town:MASHPEE

Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

**G. Recording Information**

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

MASHPEE  
\_\_\_\_\_   
Conservation Commission

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

To:  
MASHPEE  
\_\_\_\_\_   
Conservation Commission

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

134 POPPONSETT ISLAND ROAD \*  
\_\_\_\_\_   
Project Location

043-3102  
\_\_\_\_\_   
MassDEP File Number

Has been recorded at the Registry of Deeds of:

_____	_____	_____
County	Book	Page

for:  
Property Owner JAY J. & ELIZABETH A DERENZO,  
TRUSTEES

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

\_\_\_\_\_   
Book Page

In accordance with the Order of Conditions issued on:

\_\_\_\_\_   
Date

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

\_\_\_\_\_   
Instrument Number

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

\_\_\_\_\_   
Document Number

**Massachusetts Department of Environmental  
Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 5 - Order of Conditions**

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

Provided by MassDEP:

MassDEP File #:043-3102

eDEP Transaction #:1255922

City/Town:MASHPEE

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Signature of Applicant

Rev. 4/1/2010



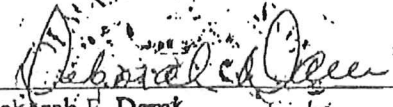
TOWN OF MASHPEE  
CONSERVATION COMMISSION  
CERTIFICATE OF AUTHORIZATION VOTE

I, the undersigned, Deborah F. Dami, duly elected Town Clerk of the Town of Mashpee, hereby certify in my official capacity that the Town of Mashpee Conservation Commission ("Commission") at a duly convened public meeting on October 8, 2020 did, by vote of 4 in favor, 0 opposed, authorize the following action:

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

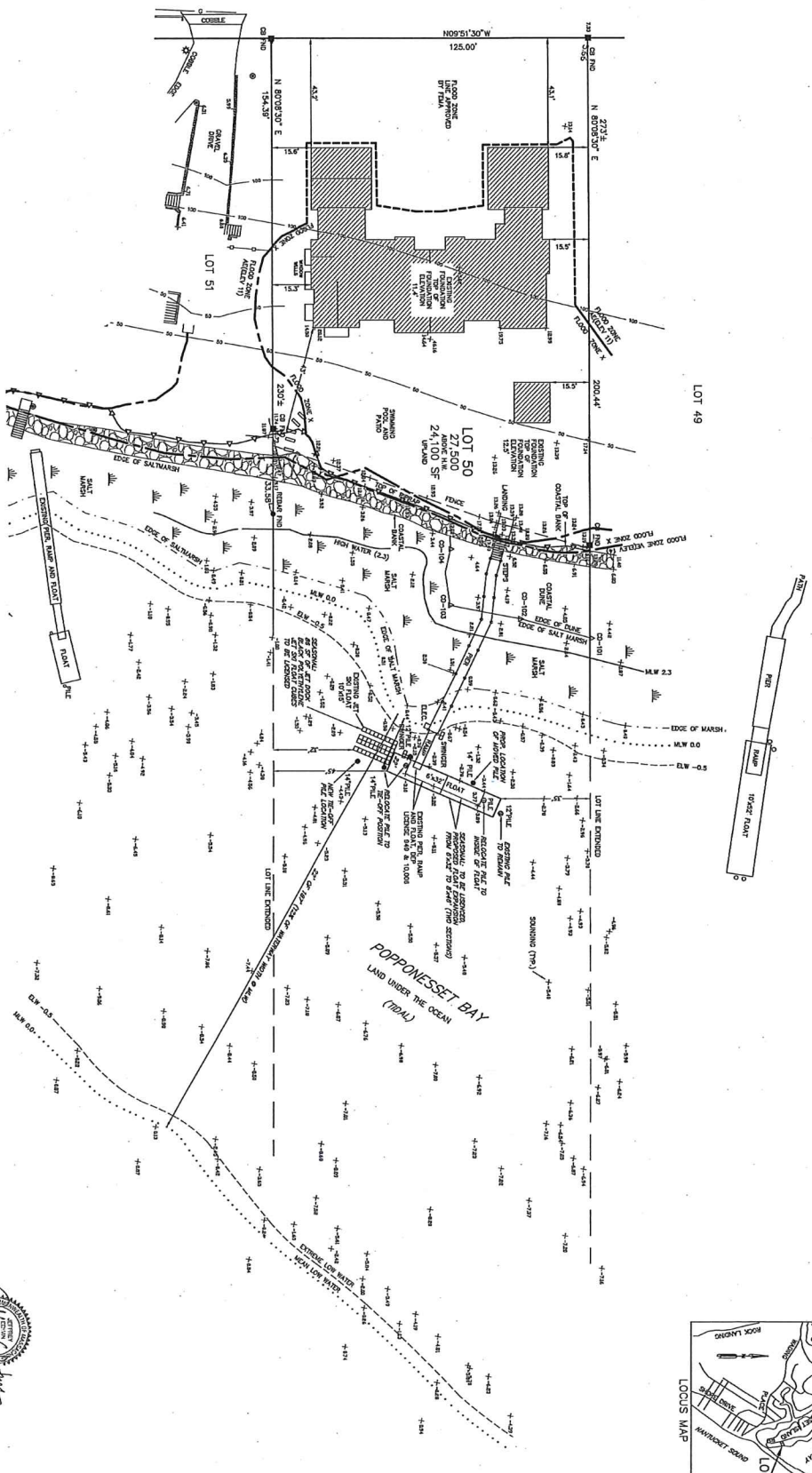
The within authorization shall take effect upon the filing of this Certificate with the Barnstable Land Court District and will replace all previous Certificates of Authorization Vote and shall terminate upon further vote of the Commission or upon the expiration of the March 10, 2020 Declaration of State of Emergency To Respond To COVID-19 by the Governor of the Commonwealth of Massachusetts, whichever occurs first.

Attested:

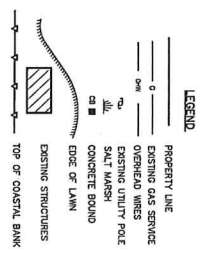
  
Deborah F. Dami  
Town Clerk

(SEAL)

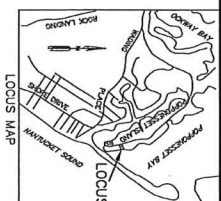
POPPONNESSET ISLAND ROAD



- DOCK SPECIFICATIONS**
1. ALL DOCK STRUCTURES SHALL BE NOT PIPED
  2. GALVANIZED STEEL OR STAINLESS STEEL
  3. PROPOSED UNDER PILING SHALL NOT BE
  4. CONSTRUCTION BEAMS SHALL BE REMOVED FROM
  5. THE MARINA HORIZONTAL FOOT-CANOE LEVEL
  6. SHALL NOT EXCEED 0.2 FOOT-CANALS FROM
  7. A RUBBER BEARING OR STORER ON THE UNLAND
  8. SHALL HAVE A 1/2" SPACE BETWEEN BOARDS
  9. ALL VISIBLE FASTENERS (NAILS, ETC.) USED ON
  10. ALL PILING SHALL BE DRIVEN INTO THE BOTTOM,
  11. NOT SETTLING.



- NOTES**
1. LOCUS IDENTIFICATION: POPPONNESSET ISLAND ROAD
  2. ASSESSORS No. 119-00-0-R
  3. LOT 50 LAND COURT PLAN 11-00-0-12
  4. ZONING DISTRICT: R3
  5. BUILDING CODE: MASS. REGS. 801.00 & 801.01
  6. LAND-USE: MARINA
  7. NEW SEABURY SPECIAL PERMIT
  8. ZONE II OF A PUBLIC WATER SUPPLY
  9. POPPONNESSET SPECIAL WATER
  10. LOT COVERAGE: 100%
  11. ELEVATIONS BASED ON M.W. 0.0
  12. ELEVATIONS BASED ON M.W. 0.0



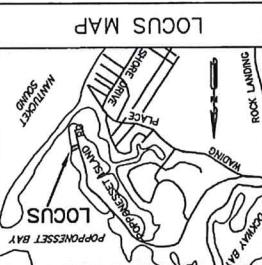
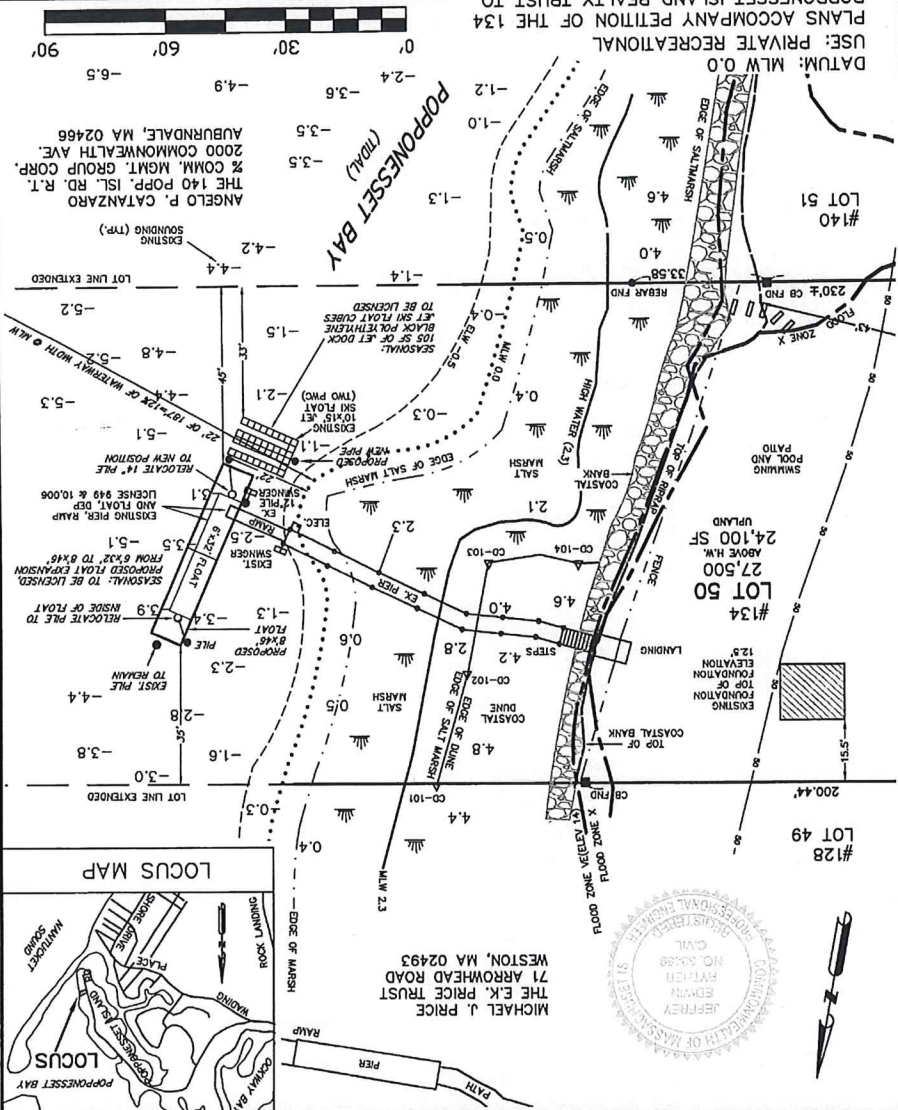
**PLOT PLAN - FLOAT EXPANSION**  
 AT  
 134 POPPONNESSET ISLAND ROAD  
 MASHPEE, MASSACHUSETTS  
 PREPARED FOR  
**JAY DERENZO**

**BSSS**  
 DESIGN  
 ENGINEERING  
 & SURVEYING

www.bssdesign.com  
 1000 Pacific International  
 1st. Suburban Lane, Suite 20  
 BOSTON, MASSACHUSETTS 02116

scale	1" = 20'
date	JUN. 5, 2021
drawn by	EJP/JER
checked by	JFA
no. number	20174
revision	JANUARY 28, 2021 FLOAT SIZE AND DIMS 2. REVISION 1.0 OF AT 2. REVISION 1.0 OF AT 2. REVISION 1.0 OF AT
sheet	1 OF 1
title	SITE PLAN DETAILS
drawing number	B2B-10

PLANS ACCOMPANY PETITION OF THE 134 POPPONESSETT ISLAND REALTY TRUST TO LICENSE & MAINTAIN A NEW 8'x46' FLOAT AND AN EXIST. 10'x15' JET SKI FLOAT AT 134 POPPONESSETT ISLAND ROAD IN THE WATERS OF POPPONESSETT BAY, MASHPEE, BARNSTABLE COUNTY, MASSACHUSETTS  
PLAN BY: BSS DESIGN  
164 KATH, LEE BATES RD. SHEET 1 OF 1  
FALMOUTH, MA 02540  
MAR. 2, 2021



MICHAEL J. PRICE  
THE E.K. PRICE TRUST  
71 ARROWHEAD ROAD  
WESTON, MA 02493

I CERTIFY THAT THIS PLAN WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.  
DATE 3/2/21  
REGISTERED PROFESSIONAL CIVIL ENGINEER  
*Jeffrey Edman*

ANGELO P. CATANZARO  
THE 140 POPP. ISL. RD. R.T.  
1/2 COMM. MGMT. GROUP CORP.  
2000 COMMONWEALTH AVE.  
AUBURNDALE, MA 02466