



**Meeting of the Mashpee Planning Board  
Wednesday, July 7, 2021  
Waquoit Meeting Room  
Mashpee Town Hall  
16 Great Neck Road North  
Mashpee, MA 02649  
6:00 PM**

**\*Broadcast Live on Local Channel 18\***

**\*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 June 30, 2021

### **New Business**

- Vote to set Public Hearing date for consideration of an application made by Longfellow Design Build to construct a retail grocery business at 647 Falmouth Road/9 Shellback Way (Map 81, Lot 132). This Special Permit application will be a mandatory referral to the Cape Cod Commission as a Development of Regional Impact.
- Discuss and formulate questions relative to the proposed Community Activity Center Overlay District in preparation for the topical meetings focused on Density/Height, Neighborhood Design including setbacks and lot coverage requirements, and parking/parking ratios.
- Review recommendations for Local Comprehensive Plan consultants and score proposals in accordance with Comparative Evaluation Criteria of issued RFP.

### **Chairman's Report**

### **Town Planner Report**

### **Board Member Committee Reports**

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



# Town of Mashpee

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## **Correspondence**

- Town of Sandwich Notices
- Town of Barnstable Notices
- Town of Falmouth Notices
- May 2021 Discharge Monitoring Report for South Cape Village – N=3.6
- April 2021 Discharge Monitoring Report for South Cape Village – N=6.3
- March 2021 Discharge Monitoring Report for South Cape Village – N=4.1

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

## **Adjournment**



# *Town of Mashpee*

# *Planning Board*

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**Mashpee Planning Board  
Minutes of Meeting  
Wednesday, June 30, 2021 at 6:00PM  
Mashpee Town Hall - Waquoit Meeting Room  
16 Great Neck Road North  
Mashpee, Ma 02649**

**Broadcast Live on Local Channel 18  
Call-in Conference Number: (508)-539-1400 x 8585  
Streamed Live on the Town of Mashpee website <https://www.mashpeema.gov/channel -18>**

**Present:** Chairman John Fulone, John (Jack) Phelan, Mary Waygan, Joseph Callahan, Dennis Balzarini, Robert (Rob) Hansen

**Also Present:** Evan Lehrer – Town Planner, John Cotton – Selectmen, Eliza Cox – Nutter McClennen & Fish LLP, Arnold Buff Chace – Mashpee Commons

## **CALL TO ORDER**

Chairman Fulone called the meeting of the Planning Board to order at 6:01PM. The Pledge of Allegiance was recited. The sign in sheet for public comment was turned into the Chairman.

## **APPROVAL OF MINTUES – June 16, 2021 and June 21, 2021**

There were no comments regarding the meeting minutes for June 16, 2021 and June 21, 2021.

Ms. Waygan asked for a moment to look through the notes.

## **MOTION:**

**Mr. Balzarini made a motion to accept the minutes for both June 16<sup>th</sup> and June 21<sup>st</sup>. Seconded by Mr. Phelan. All in favor.**

Tonight is the first of a series of meetings regarding specific topics in relation to the CAC. Tonight's discussion is around subzones and uses. Chairman asked that citizens wishing to comment stay focused on the topic of the meeting.

## **PUBLIC COMMENT RELATIVE TO MASHPEE COMMONS DEVELOPMENT AGREEMENT**

**Judith Conway-** She feels offended that an article in the paper portrayed her concerned colleagues as negative. They are concerned citizens that are hoping this proposal will be done correctly while protecting the environment and taking into account the issues. The facts are not forthcoming about fire safety. Mr. Phelan informed her there is a 20 year old ladder truck in good shape that could reach people in 4-5 story unit. Do we have egress? Big ladder truck coming in has to go down an alley, extenders need to be put out, has anyone thought about this? It was also concerning that the Cape Cod Chamber of Commerce gives their blanket approval without any facts forthcoming.



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**Beth Hennessey-** She is new to Mashpee, which means there are many facets of the Town history she is not aware of, including if Mr. Chace will remain good on his word. She hears people talk. She is not opposed to development but she cannot support irresponsible development that disrespects the Town and environment. To believe that it's in all our best interest, this can only be achieved through transparency and accountability. It is in the best interest of the developer to increase profits, somewhere between this is a sweet spot we can all co-exist and be contently satisfied. People come to Mashpee to swim boat, fish, and walk the woods and beach, the life blood of the community. If air, water, or traffic is bad our visitors will go elsewhere. Fear if the CAC is built as planned, we will be left holding an empty shopping bag.

Mr. Fulone made a second request to keep comments relative to subzones and uses.

Mr. Balzarini asked him to explain what that meant for the public's understanding.

Chairman Fulone noted these are the core, transition, and edge areas. This is all information that has been provided and it has been on the Town site since that first presentation given by Mashpee Commons. At least a month ago these items were made available along with the schedule of meetings. Tonight is a special meeting for the purpose of subzones and uses. If comments are not relevant please respect the time.

Ms. Waygan thinks he may be too strict about the parameters around the public being able to comment. Some people may not be aware of this information and she is uncomfortable with this. The time has already been cut down to two minutes they should be able to speak.

**Lynne Barbee-** She has already shared her views with Select Board at their recent meeting. Where is the Development Agreement proposal for the Commons? Why doesn't the Town have a copy of it? She has read the zoning bylaw draft. She would like clarification, for example, on agricultural use, could she raise chickens in her back yard? She would like more information regarding solar uses, institutional use, commercial use, homebased child care and more. How can she address subzones and uses if she doesn't have a copy of the regulating plan and design book? She cannot support something we don't have much less get clarification on. This is Important for voters, please get this, then comments and input can be specific and direct to these meetings. Selectmen assured her again, no DA without zoning. In her visual of the cart before the horse, the horse is missing.

**[Two. Mins.]**

**Karen Faulkner-** She looked at the letter the Chamber of Commerce sent. Where is the Development Agreement information? This is a joke, the DA needs to come first, and the only thing being talked about is the zoning bylaw. She is familiar with subzones. She also drove down to New Seabury a week ago and saw the cottages and knows their selling for a million dollars right next to one another with little vegetation and the grass has been cut out to hold a second car. She is praying there won't be anything built like that on the edge, it looks ugly.

There was a comment made about Mr. Chace being the developer behind those cottages, and Mr. Lehrer wanted to inform her phase 4 of New Seabury was not developed by any of his companies.



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**Arden Russell-** She would like to see how the proposal differs from current zoning as far as what it allows now. Compare what is there now as a point of reference, it will help when everyone is following along.

**Richard Klein-** There is an abandoned area at the Commons. Why wasn't it completed? Are they going to do that with everything else they do?

## **OLD BUSINESS**

### **Discussion of proposed Community Activity Center Subzones and Uses**

Buff Chace wanted to make a statement before he started his presentation on subzones and uses.

Mashpee Commons is his family owned business. He has loved this Community for more than four decades. His current mission is to seek input and collaborate with the Community as Mashpee Commons grows. Prior to Covid-19 there was a community engagement that focused on the proposed project. He thanked the Mashpee Planning Board, Board of Selectmen, and the Cape Cod Commission's willingness to participate in a voluntary collaborated discussion that will develop into a Development Agreement. We are all navigating uncharted waters with this approach, it is his sincere hope it yields beneficial to all of us. As we move forward, all parties will understand their role and responsibilities and articulate details. The basis for any successful agreement is good faith amongst parties. The interest of the people of Mashpee will be best served by civil discourse. Parties must stop making points that aren't factual. Cape Cod is suffering from an affordable and workforce housing crisis. They feel strongly about fulfilling these needs. Presently, the majority of the project is zone C1, allowing for big box type structures with no housing opportunity. Nobody wants that. It's the opposite of what is already built and what is being proposed for its expansion. The drafted zoning amendment will allow Mashpee Commons to build desperately needed housing all in the CAC place type encouraged by the Cape Cod Commission. Mashpee Commons has always owned and operated its own state of the art wastewater facility and several municipal buildings utilize the plant. As we have remained ahead of the curve, all future development will connect to the wastewater treatment plant with ample capacity. Maintaining green space is a major objective. Environmentally sensitive areas near rivers and wetlands will be parkland, and trails will increase accessibility by bike or foot. Keeping with the Mashpee Commons tradition, the expansion will be constructed in familiar New England style architecture. He wants to maintain the Town's charm and traditional look and feel in regards to civic and recreation spaces. He asks those not express a bias prior to the proposal. He hopes the public will refrain from using social media to spread untruthful facts about what will become of this property. He would like a collaborative good faith effort by all. He has always met the needs and expectations of the Community. He appreciates the opportunity to address the Board. Mr. Chace closed with every party needs to be treated with respect.



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## **DA vs. DRI**

DRI- specific building program for a specific parcel

DA- multiple uses, extended duration of development, framework with predictability for both town and developer

This also allows for more capacity to housing which we need desperately.

## **Future discussions**

Overview of neighborhood design

Dimension requirements

Parking

## **Map of Three Zones**

**Core** – 58 Acres

Residential, education, agricultural, commercial, industrial, parking facilities and solar, accessory

**Transition** – 52 Acres

Residential, institutional, educational, commercial (except hotels and car repair), solar, accessory

**Edge** – 77 Acres

Residential except mix use (building and commercial), certain institutional and educational, agricultural, solar, accessory

Ms. Cox asked for questions.

## **Continued discussion and deliberation of proposed CAC Overlay Proposal**

Mr. Balzarini holds up the map. He is counting access ways to exit the project. He has been asking for a master plan, a layout so he can understand and have a better visual. These roads are backed up especially in the summer, there needs to be egress for local traffic. Also, fire trucks getting into the complex. He would like for the Town to have more say than the CCC.

Mr. Chace clarified the piece about traffic as there's a chicken and egg process. They have not gotten into that detail, but they have hired a traffic engineer. They are meeting with the CCC traffic engineer, that's the kind of detail they will be coming back with. Obviously the CCC will be looking over our shoulders and making sure the traffic works as well as their own traffic consultant. He will also be working with the Town Manager to see how priority can be given to local traffic. Regional road ways go east to west, we need to figure out collectively how to make north/south traffic work better. The Selectmen delayed consideration so his team decided to utilize this time to perform more analysis.

Mr. Phelan understands what Mr. Balzarini is talking about. He also noted off Rt. 28 east of Trout Pond you see the transition area and edge, but there is no diagram of what you plan to do there. He knows it is difficult but he is looking for something that gives the whole idea. If they follow proposed zoning is this what it would look like? He wanted to put fire safety issues to bed as all Mashpee bylaws have to follow State Building Codes and 527 CMR Fire Access, they have to do that. He personally won't allow anything that will inhibit their access to provide safety to the people.



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Ms. Cox reiterated the purpose of this plan is to show the zones, and the following details are going to be worked through.

Mr. Phelan wanted to know if Mr. Chace was committed to what remains in the zoning now.

Mr. Chace noted there are a number of masters here, one is producing affordable and workforce housing. There is someone sitting somewhere doing the math. The math to be able to pay for infrastructure improvements, the number of units that we come up with is in that range. We could go back towards commercial, or institutional, wouldn't it be great to land a regional college. There was some discussion from 2008 around a college, but the world changed. If that was allowed in the DA we could go out and rekindle that conversation. The answer is no, we are open to hearing why we should change a line one way or another. Overall there is a math issue that we have to be aware of.

Mr. Lehrer made a brief comment for Board and Community consideration. The zoning bylaw that's proposed now breaks out into subzones. Conversations that we should be considering is one of design. The focus should remain on what the zoning produces by way of density, building type, core, transition, and edge remaining consistent with desires and needs for the Town, and the design principals being proposed. With regard to how we process thoughtful impact questions, he feels from a professional and technical perspective the Board is in a better position with impact questions when we have set parameters in regards to density. Zoning defines density, we need parameters with people living and working in this space.

Ms. Waygan is glad Mr. Lehrer brought up design. She has asked for a design book several times, could it be given? The copy of the map that had been handed out is fuzzy and she cannot understand without clearer graphics. She sent a message last week that she wanted the design book and a better regulating plan. Mr. Balzarini and Mr. Phelan would like it too. She cannot give all her comments if she is provided the materials on the night of the evening of the meeting. At this time she is having a difficult time forming an opinion because information is lacking. From the first meeting she asked for this. Was an email sent to their group asking for all of these items? It needs to be addressed. She does not want to be negative, it's difficult to have these meetings without proper information.

Ms. Cox clarified what she is looking for are the design guidelines. They are in the process of being prepared.

Mr. Fulone mentioned the special topic for the meeting on July 7<sup>th</sup> is lot setbacks, and it would be helpful to get those ahead of time to formulate thoughtful conversation. It is okay to move topics around if it is needed. The next three scheduled meetings are July 7<sup>th</sup>, 21<sup>st</sup>, and 28<sup>th</sup>. He asked if Ms. Cox could work with Mr. Lehrer in getting this information ahead of time.

Mr. Chace noted the Friday before the next meeting would be two days from today. Maybe the topic should be delayed until the following week because they will not be completed.

Mr. Balzarini mentioned the change of topics needing to be advertised to the Public.



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Ms. Waygan cannot go forward on any topics without the design guidelines and does not think any topics are feasible without the regulating plan or design book. She doesn't think it's unreasonable to pause until materials are received.

Mr. Lehrer thinks the intent of the special topic meetings were to discuss urban design principals and best practice as they related to the Development Agreement and zoning. This is an educational opportunity for the Board to understand what dimensional criteria means and then get into more refined detail in a regulating plan. The intent was to educate on the architectural aspect.

Mr. Phelan would like to take the next meeting as educational and not in regards to the proposal. When you look at this he is not sure what he is looking at. Education even just for a half hour prior to the regular meeting would be helpful.

Ms. Cox referenced the submissions prior were aimed to get the zoning bylaw at the next Town Meeting. That timeline has changed, and a lot of comments she has been hearing from the Board and Selectmen are more about process and less about language. Does it make sense to continue on with the schedule that we previously proposed or should we take a pause and get further along in the DA then re-sequence zoning?

Mr. Balzarini and Ms. Waygan like that idea.

Mr. Fulone struggles in thinking about a DA without zoning. How do you put together a thoughtful DA not knowing what zoning is going to provide? Building this plan and then having to go back and try to retrofit into zoning, he struggles with that, but running parallel paths makes sense. The Planning Board and Selectmen have made it clear, we won't ask residents to vote without DA in place. If we want to use the next several meetings as educational, he is fine with that.

Ms. Cox reiterated the main focus of this Board is zoning and the Development Agreement. We could catch up a little more with the process until we get into the nitty gritty of the DA.

Mr. Balzarini would like to see this work together.

Ms. Waygan thinks zoning is so far ahead, she is having trouble understanding and not even seeing pieces or plots makes it more difficult.

Mr. Fulone corrected that the Board only has a draft of a bylaw that hasn't been agreed on, there is no bylaw yet, there hasn't been anything done on zoning except reading a proposed bylaw. To say the zoning is way ahead of the DA, it isn't.

Mr. Lehrer wants to add the dimensions and density to the 21<sup>st</sup> meeting to allow more time to produce the design guidelines. If they aren't in then there can be more on urban development. Follow through with regular meeting on the 7<sup>th</sup>. The 21<sup>st</sup> is a more comprehensive conversation with development pieces. Conversation beneficial to the Board is architecture and design and methodology of design and





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why what is being proposed is being proposed. The reality is our current zoning isn't being contemplated, the two are like apples and oranges. He is making a proposal to have additional time given to the applicant to accommodate the conversation on the 21<sup>st</sup> being education in design.

Ms. Cox does not think the design guidelines will be completed by 21<sup>st</sup>.

Mr. Fulone wants to know if there is an opportunity to talk about what current zoning would allow verses what is being proposed. If we were to develop 187 acres based on today's zoning, what would that look like?

Mr. Chace noted it is not pretty.

Mr. Lehrer announced (with Boards knowledge) he has created a build out analysis getting through residential and moving into commercial. He did a rough build out of a portion of the core area south of the rotary, can accommodate 18 commercial properties. Part of his buildout will be the housing need and what we provide in the current zoning, and we are not able to provide much housing. That is the evolution of design, what is needed, and what currently allows and with what implications. Mr. Lehrer will have this completed within the next two weeks.

Chairman Fulone wanted to clarify July 7<sup>th</sup> will be a regular meeting where questions can be formulated for the following educational topic meeting. The 21<sup>st</sup> will be discussion and education relating to topic of neighborhood design, density/height, and parking.

Mr. Cotton would like to mention in looking at the core area, transition, and edge he has a very good visual in front of him, it makes sense. He is curious if the project will be broken down into phases. If so, what would be the first phase? Continuation of commercial center? Do you have housing blocks parceled to allow a visual on a map to see buildings and roads?

Mr. Chace responded with in order to come up with numbers, an EIA consultant compares density ranges in the areas and they did a test fit to try it out. It is not a design, it says these are the typologies or housing that could fit in these various colored areas. The scale is relevant to street design and it can be presented, but one cannot mistake that as the plan because it isn't one. The plan is going to be later when we are working with a builder, POAH is one. Mashpee Commons is hopeful to work with POAH. There is a general person's agreement in place, nothing legal or contractual. Certain typologies in other developments give them ideas, but then you get into design and size and how many buildings and units, and then the design happens. There is a local developer who wants to participate in the pink area. Then there are roadways and parking associated with it. If we got too far ahead on the design we wouldn't have the benefit of the input of these specialists whether it's affordable housing, workforce, or a 55+ community.

Mr. Cotton understands and that was a good response. Part two of his question was referencing a comment Mr. Chace made in a previous presentation about the first phase of the development being dedicated to housing, specifically affordable. What percent will that account for?



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Mr. Chace explained a component of affordable housing depends on tax credits and POAH, and Mashpee Commons gets in line and waits until they procure the necessary tax credits. They hold a few rounds throughout the year, it takes two or three rounds until you get it. Mashpee Commons would want to get that started up front, as it is a designated need, but it could come later in year two or three. There is also a specific building type that is a sweet spot in obtaining these credits. He believes affordable housing will be frontloaded, as it will be more than other units. How many units specifically built initially is unclear. Obviously they want to position themselves to facilitate the development. Discussions with workforce housing is another avenue, but doesn't come from subsidies. These will be mixed so it's a neighborhood not just made up of one thing, varied in use and type and height, that's what makes place making, and each time we want to add to collectively make it better. Lumber prices are out of control right now, nothing can really happen, timing is a big issue. They don't have permissions needed to be able to talk to developers. Affordable housing needs to be located next to services, retail, and employment and walkability is a big component especially for families with one automobile. It may very well be affordable housing on the North side of 151 and convenience to Stop and Shop. The transitional zone buildings tend to be modest, could be in the core as well. There needs to be discussions with builders and the cost of delivery is an issue. Where is easiest to develop and within proximity? The north side is also accessible to municipal buildings and schools.

Mr. Cotton assumes affordable housing and higher density would fall into the pink area as displayed.

Mr. Balzarini noted thresholds from other projects triggering a DRI, here they are looking at one project not phase 1, 2, or 3, shouldn't that kick off technical bulletins? He wants these studies to be completed as needed.

Ms. Waygan included that in her list of wants from the Cape Cod Commission.

Ms. Cox explained that the Cape Cod Commission Act has different types of applications. If you trigger a threshold you can go through the DRI process, with the DA, the Town has agreed and the CCC then approved. In lieu of a DRI, the Commission issues a DA authorizing this proposal, then no DRI review is required for something that has been approved under the DA.

Ms. Waygan stated with a DRI there is mitigation. Sometimes under the DA, you don't want certain mitigation, you have more flexibility. Let's say you didn't want a traffic light somewhere, a DRI would require, but say you want more affordable housing, you can absolutely negotiate.

Ms. Cox noted one of the reasons a DA makes sense, a DRI is only good 7 years. You do not want to permit as multiple, multiple DRIs. A Development Agreement looks more comprehensively and allows for more phased construction over longer periods.

Mr. Hansen asked Mr. Chace about industrial in the transition area. Could that mean bakery or maybe a bicycle factory? Any thoughts?

Mr. Chace envisions an industry in which some people could walk to work. Those seem like possibilities, beyond that he hasn't given much thought. He would like to get through this process and



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have people come to him with ideas on how they can best utilize the space. A count of how many jobs in Mashpee Commons, 1100, with maybe a few lost during covid. He hopes to find a way for another 1100 jobs, and the people don't have to leave Town to go to their job.

Ms. Cox reminded the Board to use the definition section of the proposal as it provides explanations of proposed uses. While navigating the document it is important to cross reference the definition section, it provides better examples of what's intended.

Chairman Fulone thanked the presenters for being available to discuss the subzones this evening.

## **CORRESPONDENCE**

**Letter submitted by the Cape Cod Chamber of Commerce 6-21-2021**

## **ADJOURNMENT**

**MOTION: Mr. Phelan made a motion to adjourn the meeting at 7:26PM. Mr. Balzarini seconded. All in favor.**

The meeting ended at 7:26PM.

**Next meeting:** Wednesday, July 07, 2021 6:00PM

Respectfully Submitted,

Christine M. MacDonald  
Board Secretary

**Mashpee Planning Board**  
**LCP Update RFP Scoring Worksheet**  
**July 7, 2021**

**Firm:** \_\_\_\_\_

**Scorer:** \_\_\_\_\_

**Community Engagement and Public Participation – Total 25 points**

Did the proposal include a community engagement and visioning plan (If no, award 0 points for entire section)?

Yes

No

Did the community engagement and visioning plan outlined in the proposal show general consistency with the draft community engagement action plan and visioning plan produced by the Planning Board?

Yes (award 5 points)

No (0 Points)

Did the community engagement action plan describe how the firm intends to collaborate and communicate with elected and appointed officials, staff, and other stakeholders?

Yes (award 5 points)

No (0 Points)

Did the community engagement plan and visioning contemplate the use of surveys?

Yes (award 5 points)

No 0 Points

**Extra Points**

Did the proposal indicate an intention to go above and beyond the draft Community Engagement Action Plan included as an attachment in the RFP?

Yes (award 2.5 points)

No (0 points)

If surveys were proposed, did the applicant demonstrate concisely demonstrate how surveys would be developed and rolled out?

Yes (award 2.5 points)                      No (0 points)

Did the proposal indicate an intention to utilize digital resources and reach people outside of the more conventional engagement methods?

Yes (award 2.5 points)                      No (0 points)

Did the proposal include a concise schedule of community engagement and visioning events?

Yes (award 2.5 points)                      No (0 points)

Total \_\_\_\_\_

**Credibility of Past Performance – Maximum 25 Points**

Did the proposal include sufficient evidence of having completed at least two LCP's?

Yes (award 5 points)                      No (0 points)

Did the proposal provide a sufficient number of credible references?

Yes (award 5 points)                      No (0 points)

Were references generally satisfied with the work conducted?

Yes (award 5 points)                      No (0 points)

Did the proposal indicate a substantial track record by providing evidence of having completed more than two Comprehensive Plans?

Yes (award 1 point for each provided beyond 2)

No (0 Points)

Total \_\_\_\_\_

Were any called references extremely satisfied with the firm's project management, work product, and technical expertise?

Yes (add 1 point for each reference extremely satisfied)                      No 0 points

Were references diverse?

Yes (add 1 point)                      No (0 Points)

**Experience and Technical Expertise – Maximum 25 Points**

Based on the information provided in the proposal does the Evaluation Team feel that the group of professionals to be assigned to this project are diverse in skillset and able to manage the proposed scope of work?

Yes (award 15 points)                      No (0 points)

Does the project team include at least 1 planner with AICP designation?

Yes (add 2.5 Points)                      No (0 points)

Is there a clear commitment from the firm to include senior staff throughout the entirety of the plan development?

Yes (add 2.5 points)                      No (0 points)

Does the firm have experience working on Cape Cod?

Yes, minimal (add 2.5 points)

Yes, extensive (add 5 points)

No, (0 points)

**Total** \_\_\_\_\_

**Quality of Proposed Plan of Services and Understanding of Project Components - Maximum 25 Points**

Does the proposed plan of services include sufficient detail to fully evaluate?

Yes (Award 5 points)                      No (0 points)

Does the proposed plan of services address all of the required components?

Yes (award 5 points)                      No (0 points)

Does the proposed plan of services include a basic scheme for producing a complete report?

Yes (award 5 points)                      No (0 points)

**Extra Points**

Does the proposed plan of services go above and beyond by providing a highly detailed, logical, thorough, and highly efficient scheme for producing a comprehensive plan that addresses all of the required components

Yes (award up to 10 points)                      No (0 Points)

Total \_\_\_\_\_

Overall Score

**Community Engagement and Public Participation:** \_\_\_\_\_

**Credibility of Past Performance :** \_\_\_\_\_

**Experience and Technical Expertise:** \_\_\_\_\_

**Quality of Proposed Plan of Services  
and Understanding of Project Components:** \_\_\_\_\_

**Final Score:** \_\_\_\_\_







Massachusetts Department of Environmental Protection

# eDEP Transaction Copy

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Here is the file you requested for your records.

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

Username: **EBELAIR**

Transaction ID: **1283241**

Document: **Groundwater Discharge Monitoring Report Forms**

Size of File: **1029.30K**

Status of Transaction: **Submitted**

Date and Time Created: **6/17/2021:1:56:30 PM**

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



# Groundwater Permit

## DISCHARGE MONITORING REPORT

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2021 MAY MONTHLY
3. Sampling Month & Frequency

### A. Facility Information

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



1. Facility name, address:

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

MYLES OSTROFF

a. Name of Facility Contact Person

6174311097

b. Telephone Number

myles@chartweb.com

c. e-mail address

3. Sampling information:

5/4/2021

a. Date Sampled (mm/dd/yyyy)

RI ANALYTICAL

b. Laboratory Name

NICOLE SKYLESON

c. Analysis Performed By (Name)

### B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Discharge Monitoring Report - 2021 May Monthly

All forms for submittal have been completed.

2.  This is the last selection.

3.  Delete the selected form.



**Groundwater Permit**  
 DISCHARGE MONITORING REPORT

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2021 MAY MONTHLY
3. Sampling Month & Frequency

**D. Contaminant Analysis Information**

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

1. Parameter/Contaminant	2. Influent	3. Effluent	4. Effluent Method Detection limit
Units			
BOD	48	5.0	3.0
MG/L			
TSS	150	9.0	2.0
MG/L			
TOTAL SOLIDS	620		
MG/L			
AMMONIA-N	22		
MG/L			
NITRATE-N		0.37	0.25
MG/L			
TOTAL NITROGEN(NO3+NO2+TKN)		3.6	0.25
MG/L			
OIL & GREASE		ND	0.50
MG/L			



# Groundwater Permit

## DAILY LOG SHEET

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2021 MAY DAILY
3. Sampling Month & Frequency

### A. Facility Information

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



- Facility name, address:
 

SOUTH CAPE VILLAGE		
a. Name		
672 FALMOUTH ROAD/RTE. 28		
b. Street Address		
MASHPEE	MA	02649
c. City	d. State	e. Zip Code
- Contact information:
 

MYLES OSTROFF		
a. Name of Facility Contact Person		
6174311097	myles@chartweb.com	
b. Telephone Number	c. e-mail address	
- Sampling information:
 

5/31/2021	WHITEWATER
a. Date Sampled (mm/dd/yyyy)	b. Laboratory Name
JAIME STEWART	
c. Analysis Performed By (Name)	

### B. Form Selection

- Please select Form Type and Sampling Month & Frequency
 

Daily Log Sheet - 2021 May Daily
----------------------------------

  - All forms for submittal have been completed.
- This is the last selection.
- Delete the selected form.



**Groundwater Permit**  
DAILY LOG SHEET

668  
1. Permit Number  
[REDACTED]  
2. Tax identification Number  
2021 MAY DAILY  
3. Sampling Month & Frequency

**C. Daily Readings/Analysis Information**

Date	Effluent Flow GPD	Reuse Flow GPD	Irrigation Flow GPD	Turbidity	Influent pH	Effluent pH	Chlorine Residual (mg/l)	UV Intensity (%)
1	10394							
2	10394							
3	7598					7.2		
4	11496					7.2		
5	6384					7.1		
6	9432					7.2		
7	8246					7.2		
8	8246							
9	8246							
10	11263					7.3		
11	7368					7.2		
12	10626					7.3		
13	7592					7.2		
14	9596					7.3		
15	9596							
16	9596							
17	11329					7.2		
18	7441					7.3		
19	7522					7.2		
20	7423					7.3		
21	10629					7.2		
22	10629							
23	10629							
24	10966					7		
25	7505					7.2		
26	11361					7.2		
27	11341					7.3		
28	11412					7.2		
29	11412							
30	11412							
31	11412							



**Groundwater Permit**  
MONITORING WELL DATA REPORT

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2021 MAY MONTHLY
3. Sampling Month & Frequency

**A. Facility Information**

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



1. Facility name, address:

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

MYLES OSTROFF

a. Name of Facility Contact Person

6174311097

b. Telephone Number

myles@chartweb.com

c. e-mail address

3. Sampling information:

5/1/2021

a. Date Sampled (mm/dd/yyyy)

WHITEWATER

b. Laboratory Name

JAIME STEWART

c. Analysis Performed By (Name)

**B. Form Selection**

1. Please select Form Type and Sampling Month & Frequency

Monitoring Well Data Report - 2021 May Monthly

All forms for submittal have been completed.

2.  This is the last selection.

3.  Delete the selected form.



**Groundwater Permit**  
 MONITORING WELL DATA REPORT

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2021 MAY MONTHLY
3. Sampling Month & Frequency

**C. Contaminant Analysis Information**

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

<

Parameter/Contaminant	P-1	P-2	P-4	P-6	Well #: 5	Well #: 6
Units	Well #: 1	Well #: 2	Well #: 3	Well #: 4		
PH	6.1	DRY	6.2	6.1		
S.U.						
STATIC WATER LEVEL	23.9	DRY	47.1	50.5		
FEET						
SPECIFIC CONDUCTANCE	1420	DRY	840	698		
UMHOS/C						



# Groundwater Permit

668

1. Permit Number

2. Tax identification Number

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



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

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



## Facility Information

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

## Certification

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

ELIZABETH BELAIR

a. Signature

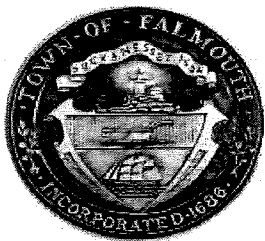
6/17/2021

b. Date (mm/dd/yyyy)

## Reporting Package Comments

PLANT MET ALL DISCHARGE PERMIT REQUIREMENTS FOR MAY 2021.





# ***TOWN OF FALMOUTH***

## **ZONING BOARD OF APPEALS**

JUN 14 2021

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:

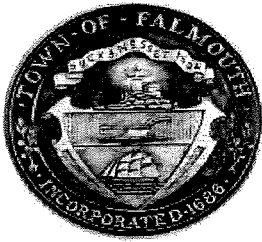
**Application #039-21 Nandu J. and Jean M. Marketkar, 491 Cross Street, Boylston, Ma:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. and 240-69 E. of the Code of Falmouth to construct dormers, a balcony and roof deck to the second floor of the non-conforming dwelling on subject property known as 159 Grand Avenue, Falmouth, Ma.

Map 46B Section 29 Parcel 017 Lot(s) 133

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, July 1, 2021 at 6:30PM \* MEETING WILL BE HELD IN-PERSON\***  
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**

JUN 14 2021

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 #043-21 Fenton and Melody Brown, 159 Upalong Road, East Falmouth, Ma:** Applied to the Zoning Board of Appeals for a modification of special permit #043-20 pursuant to section(s) 240-68 A(8) and 240-70 D. of the Code of Falmouth to construct a pool house with a height of 23' in the front yard more than 50' from the front property line on subject property know as 159 Upalong Road, East Falmouth, Ma.

Map 40 Section 12 Parcel 033A Lot(s) 000A

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, July 1, 2021 at 6:30PM\* MEETING WILL BE HELD IN-PERSON\***  
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**

JUN 14 2021

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:

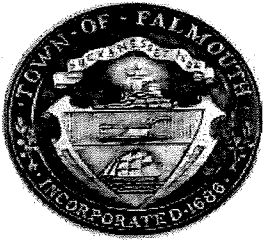
**Application #041-21 Jonathan E. O'Reilly, 16 Barrows Street, Norton, Ma.:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. and 240-69 E. of the Code of Falmouth to raze and rebuild the non-conforming detached garage and dwelling on subject property know as 14 Montgomery Avenue, Falmouth, Ma.

Map 46B Section 25 Parcel 002 Lot(s) 016

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, July 1, 2021 at 6:30PM \*MEETING WILL BE HELD IN-PERSON\***  
You are invited to be present.

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

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



# ***TOWN OF FALMOUTH***

## **ZONING BOARD OF APPEALS**

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

JUN 14 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:

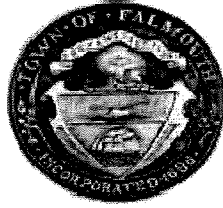
***Application #040-21 Todd Sage, 63 Sidewinder Road, East Falmouth, Ma:*** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-66 C. (3) of the Code of Falmouth to construct a single-family dwelling on subject property known as 130 Sam Turner Road, Hatchville, MA.

Map 11 Section 01 Parcel 026 Lot(s) 116

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, July 1, 2021 at 6:30PM** **\*MEETING WILL BE HELD IN-PERSON\***  
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> \*



JUN 14 2021

TOWN OF FALMOUTH  
MASSACHUSETTS

## BOARD OF APPEALS

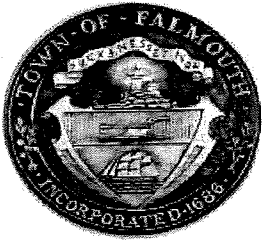
### Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by **Philip B. Heald Jr. and Jennifer J. Heald, Trustees**, 19 Shapquit Bars Road, West Falmouth, Ma.

(Map 14, Lot 027) **under** 240-23 G. of the Zoning By-Law, as amended to **grant** the special permit to allow garage space for more than two cars.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **June 9, 2021** which is the date the Decision was filed in the office of the Town Clerk.

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



# ***TOWN OF FALMOUTH***

## **ZONING BOARD OF APPEALS**

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

### **BOARD OF APPEALS NOTICE OF PUBLIC HEARING**

JUN 14 2021

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:

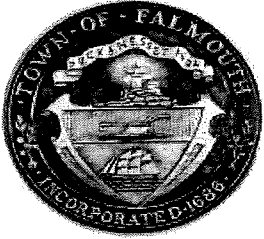
**Application #044-21 Susan E. Hassett, 22 Royal Circle, East Falmouth, Ma .:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-162 of the Code of Falmouth to allow a home occupation (dog care) on subject property known as 22 Royal Circle, East Falmouth, Ma.

Map 29 Section 07 Parcel 015 Lot(s) 009

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, July 1, 2021 at 6:30PM \* MEETINGS WILL BE HELD IN-PERSON\***  
You are invited to be present.

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

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



# ***TOWN OF FALMOUTH***

## **ZONING BOARD OF APPEALS**

---

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

### **BOARD OF APPEALS NOTICE OF PUBLIC HEARING**

**JUN 21 2021**

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:

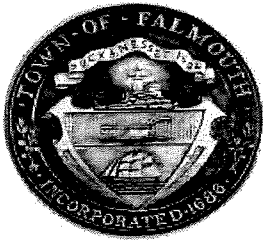
**Application #047-21 Edmond and Salpi Der Stepanian, 12 Becket Road, Belmont, Ma.:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. of the Code of Falmouth to construct additions and a second floor to the nonconforming single family dwelling on subject property known as 29 Nauset Avenue East, North Falmouth, Ma.

Map 13 Section 16 Parcel 000 Lot(s) 237

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, July 8, 2021 at 6:30PM - \*MEETING WILL BE HELD IN-PERSON\***  
You are invited to be present.

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

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



# **TOWN OF FALMOUTH**

## **ZONING BOARD OF APPEALS**

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

JUN 21 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 #045-21 Steven J. and Lorraine Barilaro, 1403 Della Way, Davidsonville, MD.:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. of the Code of Falmouth to construct an addition, front porch and detached garage on subject property known as 36C Alder Lane, North Falmouth, Ma.

Map 13 Section 02 Parcel 003 Lot(s) 000A

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, July 8, 2021 at 6:30PM - \*MEETING WILL BE HELD IN-PERSON\***  
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**

---

JUN 21 2021

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 #046-21 Amy L. Greene, 95 Erie Avenue, Newton, Ma:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. and 240-69 E. of the Code of Falmouth to construct an addition to the non-conforming dwelling; exceeding 20% lot coverage by structures on subject property known as 27 Bar Neck Road, Woods Hole, Ma.

Map 49A Section 06 Parcel 013 Lot(s) 031

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, July 8, 2021 at 6:30PM - \* MEETING WILL BE HELD IN-PERSON\***  
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**

---

JUN 21 2021

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 #042-21 Woods Hole Partners LLC, 367 Main Street, Falmouth, Ma.:** Applied to the Zoning Board of Appeals for a modification of special permit #115-18 pursuant to section(s) 240-240 G. (1)(b) of the Code of Falmouth to allow modifications to previously approved plans on subject property known as 533 Woods Hole Road, Woods Hole, Ma.

Map 51 Section 05 Parcel 000 Lot(s) 002B

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, July 8, 2021 at 6:30PM \*MEETING WILL BE HELD IN -PERSON\***  
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> \*



JUN 21 2021

TOWN OF FALMOUTH  
MASSACHUSETTS

## BOARD OF APPEALS

### Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by Melissa McKim and William A. McKim, Trustees, 306 Scranton Avenue, Falmouth, Ma.

(Map 47C Lot 003) **under 240-3 C.** of the Zoning By-Law, as amended to **grant** the special permit to modify front and rear facades, add a cupola and extend interior storage space within the existing boat shed.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **June 15, 2021** which is the date the Decision was filed in the office of the Town Clerk.

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



JUN 29 2021

TOWN OF FALMOUTH  
MASSACHUSETTS

## BOARD OF APPEALS

### Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by **Joseph and Mary Noonan**, 183 Surf Drive, Falmouth, Ma.

(Map 47 Lot 000D) **under** 240-3 C. and 240-69 E. of the Zoning By-Law, as amended to **deny** the special permit request to raze and reconstruct the single-family dwelling.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **June 24, 2021** which is the date the Decision was filed in the office of the Town Clerk.

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



TOWN OF FALMOUTH  
MASSACHUSETTS

JUN 23 2021

## BOARD OF APPEALS

### Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by **Rick A. Meissner**, 12 Vernon Avenue, Falmouth, Ma.

(Map 46B Lot 003) **under** 240-68 A. (8) and 240-69 E. of the Zoning By-Law, as amended to grant the special permit to allow a shed and swimming pool in the front yard.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **June 18, 2021** which is the date the Decision was filed in the office of the Town Clerk.

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



**Town of Barnstable**  
**Planning & Development Department**  
[www.townofbarnstable.us/planninganddevelopment](http://www.townofbarnstable.us/planninganddevelopment)



Elizabeth Jenkins  
Director

June 14, 2021

Department of Housing and Community Development  
100 Cambridge Street, Suite 300 - Boston, MA 02114

Cape Cod Commission  
P.O. Box 226 - 3225 Main Street (Route 6A) - Barnstable, MA 02630

Town of Sandwich, Planning Board  
16 Jan Sebastian Drive - Sandwich, MA 02563

✓ Town of Mashpee, Planning Board  
16 Great Neck Road - Mashpee, MA 02649

Town of Yarmouth, Planning Board  
1146 Route 28 - Yarmouth, MA 02664

Town of Barnstable, Zoning Board of Appeals  
200 Main Street- Hyannis, MA 02601

JUN 21 2021

**TOWN OF BARNSTABLE**  
**NOTICE OF PUBLIC HEARING – ITEM NO. 2021-175**  
**TOWN COUNCIL**  
**JULY 1, 2021 AT 7:00 P.M.**

AMENDING ARTICLE XIV, CHAPTER 240, SECTION 128 OF THE ZONING ORDINANCE TO REVISE THE DEFINITION OF ACCESSORY DWELLING UNIT (ADU) AND AMENDING ARTICLE V, CHAPTER 240, SECTION 47.2(C)(4) TO ALLOW ADUS WITH GREATER THAN 900 SQUARE FEET BY SPECIAL PERMIT FROM THE ZONING BOARD OF APPEALS

The Town Council of the Town of Barnstable, acting under Chapter 40A, Section 5 of the General Laws of the Commonwealth of Massachusetts, will hold a public hearing on Thursday, July 1, 2021, at 7:00 p.m. in the Hearing Room of the Barnstable Town Hall, 367 Main Street, Hyannis, MA. The purpose of this public hearing is to take comment on a proposal to amend the Town of Barnstable Zoning Ordinance by amending Article XIV, Chapter 240, Section 128 of the zoning ordinance to revise the definition of Accessory Dwelling Unit (ADU) and to amend Article V, Chapter 240, Section 47.2(C)(4) to allow ADUs with greater than 900 square feet by special permit from the Zoning Board of Appeals

Article XIV, Chapter 240, Section 128 of the zoning ordinance is proposed to be amended by adding in the definition of “Accessory Dwelling Unit (ADU)” the phrase “unless special permit relief is granted with respect to the requirements of 240-47.2(C)(4) with regard to square footage” so it reads as follows: ACCESSORY DWELLING UNIT (ADU) An Accessory Dwelling Unit (ADU) is a self-contained Dwelling Unit, inclusive of sleeping, cooking, and sanitary facilities, incorporated within a lawful principal single-family dwelling or within a

detached building accessory to and on the same lot and in the same ownership as a lawful principal single-family dwelling use. The ADU shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress. ADUs shall have a maximum habitable floor area that is not larger than 1/2 of the habitable floor area of the principal single family dwelling unit (exclusive of floor area that converted to the ADU), or 900 square feet, whichever is smaller, unless special permit relief is granted with respect to the requirements of 240-47.2(C)(4) with regard to square footage.

Article V, Chapter 240, Section 47.2(C)(4) of the zoning ordinance is proposed to be amended by adding the phrase “and/or a maximum habitable floor area greater than 900 square feet” so it reads as follows: The ADU shall contain no more than two bedrooms. ADUs, in accordance with the definition, shall have a maximum habitable floor area that is not larger than 1/2 of the habitable floor area of the principal single family dwelling unit (exclusive of floor area that converted to the ADU), or 900 square feet, whichever is smaller. ADUs with more than two bedrooms and/or a maximum habitable floor area greater than 900 square feet may be permitted by special permit from the Zoning Board of Appeals. Garages, unfinished attics and basements, common entries, porches and decks shall not be included in the floor area calculations.

This amendment was introduced at Town Council on May 6, 2021 and referred to the Planning Board for review and recommendation. The Planning Board voted on a recommendation on the amendment on May 24, 2021. Copies of the application are available for review at the Barnstable Town Council Office, 367 Main Street, Hyannis, MA between the hours of 8:30 AM to 4:30 PM, Monday through Friday. Copies can be additionally obtained by calling 508-862-4738 or emailing [cynthia.lovell@town.barnstable.ma.us](mailto:cynthia.lovell@town.barnstable.ma.us)

Attach: Notice Amendment and Summary  
Copy: Town Council



**Town of Barnstable**  
**Planning & Development Department**  
[www.townofbarnstable.us/planninganddevelopment](http://www.townofbarnstable.us/planninganddevelopment)



Elizabeth Jenkins  
Director

June 14, 2021

Department of Housing and Community Development  
100 Cambridge Street, Suite 300 - Boston, MA 02114

Cape Cod Commission  
P.O. Box 226 - 3225 Main Street (Route 6A) - Barnstable, MA 02630

Town of Sandwich, Planning Board  
16 Jan Sebastian Drive - Sandwich, MA 02563

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

Town of Yarmouth, Planning Board  
1146 Route 28 - Yarmouth, MA 02664

Town of Barnstable, Zoning Board of Appeals  
200 Main Street- Hyannis, MA 02601

JUN 21 2021

**TOWN OF BARNSTABLE**  
**NOTICE OF PUBLIC HEARING – ITEM NO. 2021-174**  
**TOWN COUNCIL**  
**JULY 1, 2021 AT 7:00 P.M.**

AMENDING ARTICLE XIV, CHAPTER 240, SECTION 128 OF THE ZONING ORDINANCE TO ADD A DEFINITION FOR ACCESSORY DWELLING UNIT (ADU) AND DWELLING UNIT, AND REVISE THE DEFINITION OF DWELLING, SINGLE-FAMILY AND ADD ARTICLE V, CHAPTER 240, SECTION 47.2 ACCESSORY DWELLING UNITS (ADUS) TO THE ZONING ORDINANCE

The Town Council of the Town of Barnstable, acting under Chapter 40A, Section 5 of the General Laws of the Commonwealth of Massachusetts, will hold a public hearing on Thursday, July 1, 2021, at 7:00 p.m. in the Hearing Room of the Barnstable Town Hall, 367 Main Street, Hyannis, MA. The purpose of this public hearing is to take comment on a proposal to amend the Town of Barnstable Zoning Ordinance by amending Article XIV, Chapter 240, Section 128 of the zoning ordinance to add a definition for Accessory Dwelling Unit (ADU) and Dwelling Unit, and revise the definition of Dwelling, Single-Family and to add Article V, Chapter 240, Section 47.2 Accessory Dwelling Units (ADUs) to the zoning ordinance.

Article XIV, Chapter 240, Section 128 of the zoning ordinance is proposed to be amended by adding a definition of “Accessory Dwelling Unit (ADU)” as follows: ACCESSORY DWELLING UNIT (ADU) An Accessory Dwelling Unit (ADU) is a self-contained Dwelling Unit, inclusive of sleeping, cooking, and sanitary facilities, incorporated within a lawful principal single-family dwelling or within a detached building accessory to and on the same lot and in the same ownership as a lawful principal single-family dwelling use. The ADU shall maintain a separate entrance, either directly from the outside or through an



entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress. ADUs shall have a maximum habitable floor area that is not larger than 1/2 of the habitable floor area of the principal single family dwelling unit (exclusive of floor area that converted to the ADU), or 900 square feet, whichever is smaller.

Article XIV, Chapter 240, Section 128 of the zoning ordinance is proposed to be amended by adding a definition of "Dwelling Unit" as follows: DWELLING UNIT Complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Article XIV, Chapter 240, Section 128 of the zoning ordinance is proposed to be amended by striking in the definition of DWELLING, SINGLE-FAMILY the phrase "including permanent provisions for living, sleeping, eating, cooking and sanitation" so it reads as follows: DWELLING, SINGLE-FAMILY A detached residential building designed for and occupied by a single family and providing complete independent living facilities for one or more persons.

Article V, Chapter 240 of the zoning ordinance is proposed to be amended by adding Section 47.2 Accessory Dwelling Units (ADUs) which reads as follows:

#### A. Purpose and Intent.

The intent of permitting Accessory Dwelling Units is to:

- (1) Increase the number of dwelling units available for year-round rental in Town while remaining within our current wastewater capacity limitations;
- (2) Adapt single-family residential properties so they are supportive of residents at a variety of stages in their life cycle;
- (3) Encourage greater diversity and support of all populations with particular attention to young adults and senior citizens; and
- (4) Encourage a more economic and efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods; and
- (5) Provide homeowners with a means of obtaining rental income to defray housing costs.

#### B. Procedural Requirements

- (1) An ADU that conforms to the requirements contained herein shall be permitted as an accessory use to a lawful single family dwelling use, except that no ADU shall be permitted on a lot at the same time as a family apartment exists on that lot pursuant to §240-47.1.
- (2) Prior to issuance of a building permit for an ADU, site plans, floor plans and elevations shall be submitted showing the proposed interior and exterior changes to existing buildings or new buildings and improvements on a lot associated with a proposed ADU.
- (3) The construction of any accessory dwelling unit must be in conformity with the Federal, State, and local laws and regulations, including all historic, and Old King's Highway requirements if applicable.

#### C. Use and Dimensional Requirements

The Building Commissioner may issue a Building Permit authorizing the installation and use of an Accessory Dwelling Unit within a lawful existing or new single-family dwelling to which the ADU is accessory, or in a new or existing detached building accessory to and on the same lot as the principal dwelling subject to the following:

- (1) No more than one (1) ADU may be created per lot. This provision is not subject to variance.
- (2) If the primary entrance of an ADU is not proposed to be shared with that of the principal dwelling, such entrance shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling.
- (3) An ADU shall be designed so that, to the maximum extent practical, the appearance of the property on which it is to be located remains that of a single-family residential property. Any addition or new construction shall be consistent in design with the principal single family dwelling, considering the following: architectural details, roof design, building spacing and orientation, door and window location, and building materials. Any person aggrieved by the determination of a Town official with respect to a determination under this subsection may appeal said determination to the Zoning Board of Appeals.
- (4) The ADU shall contain no more than two bedrooms. ADUs, in accordance with the definition, shall have a maximum habitable floor area that is not larger than 1/2 of the habitable floor area of the principal single family dwelling unit (exclusive of floor area that converted to the ADU), or 900 square feet, whichever is smaller. ADUs with more than two bedrooms may be permitted by special permit from the Zoning Board of Appeals. Garages, unfinished attics and basements, common entries, porches and decks shall not be included in the floor area calculations.
- (5) Occupancy of the ADU shall not exceed two persons; occupancy limitations shall not apply to children ages 18 and under. Occupancy of an ADU by more than two persons over the age of 18 may be permitted by special permit from the Zoning Board of Appeals.
- (6) Once an ADU has been added to a single-family dwelling or lot, the accessory dwelling unit shall not be enlarged beyond the square footage allowed by this section.
- (7) All parking for the ADU shall be off street.
- (8) The Board of Health must have documented to the Building Commissioner that sewage disposal will be satisfactorily provided for in accordance with the provisions of Title 5 and Board of Health regulations, including provisions for an appropriate reserve area on the site. The principal dwelling unit and accessory dwelling unit shall meet all wastewater requirements for the combined number of bedrooms/ wastewater flow on the lot. If the property is served by municipal sewer, the Department of Public Works shall certify adequate capacity is available to serve the additional unit.
- (9) The rights and requirements of this ordinance hereby transfer upon the sale of a property containing an ADU built under the provisions of this ordinance.
- (10) An ADU and the principal dwelling to which it is accessory may be rented only in accordance with the terms of this section.
- (11) An ADU shall be used only as a rental, except that the owner of the property may reside in the ADU while renting the principal dwelling. The rental period for an ADU and for a principal dwelling shall not be shorter than 12 consecutive months. Both the ADU and the principal dwelling may be rented concurrently.
- (12) Any commercial use, with the exception of permitted home occupations, shall not be allowed on a property on which there is an ADU.

This amendment was introduced at Town Council on May 6, 2021 and referred to the Planning Board for review and recommendation. The Planning Board voted on a recommendation on the amendment on May 24, 2021. Copies of the application are available for review at the Barnstable Town Council Office, 367 Main Street, Hyannis, MA between the hours of 8:30 AM to 4:30 PM, Monday through Friday. Copies can be additionally obtained by calling 508-862-4738 or emailing [cynthia.lovell@town.barnstable.ma.us](mailto:cynthia.lovell@town.barnstable.ma.us)

Attach: Notice Amendment and Summary  
Copy: Town Council

**B. NEW BUSINESS (Refer to the Planning Board for Public Hearing)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2021-175  
INTRO: 05/06/21**

**2021-175 AMENDING ARTICLE XIV, CHAPTER 240, SECTION 128 OF THE ZONING ORDINANCE TO REVISE THE DEFINITION OF ACCESSORY DWELLING UNIT (ADU) AND AMENDING ARTICLE V, CHAPTER 240, SECTION 47.2(C)(4) TO ALLOW ADUS WITH GREATER THAN 900 SQUARE FEET BY SPECIAL PERMIT FROM THE ZONING BOARD OF APPEALS**

**ORDERED:** That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

**SECTION 1**

By amending Article XIV, Chapter 240, Section 128 by adding in the definition of “Accessory Dwelling Unit (ADU)” the phrase “unless special permit relief is granted with respect to the requirements of 240-47.2(C)(4) with regard to square footage” so it reads as follows:

ACCESSORY DWELLING UNIT (ADU)

An Accessory Dwelling Unit (ADU) is a self-contained Dwelling Unit, inclusive of sleeping, cooking, and sanitary facilities, incorporated within a lawful principal single-family dwelling or within a detached building accessory to and on the same lot and in the same ownership as a lawful principal single-family dwelling use. The ADU shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress. ADUs shall have a maximum habitable floor area that is not larger than 1/2 of the habitable floor area of the principal single family dwelling unit (exclusive of floor area that converted to the ADU), or 900 square feet, whichever is smaller, **unless special permit relief is granted with respect to the requirements of 240-47.2(C)(4) with regard to square footage.**

**SECTION 2**

By amending Article V, Chapter 240, Section 47.2(C)(4) by adding the phrase “and/or a maximum habitable floor area greater than 900 square feet” so it reads as follows:

The ADU shall contain no more than two bedrooms. ADUs, in accordance with the definition, shall have a maximum habitable floor area that is not larger than 1/2 of the habitable floor area of the principal single family dwelling unit (exclusive of floor area that converted to the ADU), or 900 square feet, whichever is smaller. ADUs with more than two bedrooms **and/or a maximum habitable floor area greater than 900 square feet** may be permitted by special permit from the Zoning Board of Appeals. Garages, unfinished attics and basements, common entries, porches and decks shall not be included in the floor area calculations.

**SPONSOR:** Town Council Zoning & Regulatory Advisory Subcommittee (as constituted on December 16, 2020); Paula Schnepf, Councilor Precinct 12; Matthew Levesque, Councilor Precinct 10; Kristine Clark, Councilor Precinct 11; Jennifer Cullum, Councilor Precinct 13; Gordon Starr, Councilor Precinct 1

DATE

ACTION TAKEN

_____	_____
_____	_____

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Motion to Open Public Hearing
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close public hearing
- \_\_\_\_\_ Council discussion
- \_\_\_\_\_ Move/vote

## **BARNSTABLE TOWN COUNCIL**

**ITEM# 2021-175**  
**INTRO: 05/06/2021**

### **SUMMARY**

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Elizabeth Jenkins, Director, Planning & Development Department  
**DATE:** May 4, 2021  
**SUBJECT:** Amending Article XIV, Chapter 240, Section 128 of the zoning ordinance to revise the definition of Accessory Dwelling Unit (ADU) and amending Article V, Chapter 240, Section 47.2(C)(4) to allow ADUs with greater than 900 square feet by special permit from the Zoning Board of Appeals

### **BACKGROUND:**

The proposed amendment adds to the definition for an Accessory Dwelling Unit (ADU) and the dimensional requirements for an ADU as defined within Article V, Chapter 240, Section 47.2(C)(4) to allow that an ADU with more than 900 square feet may be permitted by a special permit from the Zoning Board of Appeals. The new "Housing Choice" legislation, adopted by the Commonwealth on January 14, 2021, encourages and promotes new housing production by establishing that zoning for 'as of right' ADUs, defined to be no larger than 900 square feet, shall be adopted by a simple majority vote. The ability to seek relief by special permit for ADUs that are greater than 900 square feet diverges from the Commonwealth's Housing Choice provisions and therefore requires a two-thirds majority vote. Massachusetts General Laws Chapter 40A Section 5 was amended to note that "any amendment that requires a simple majority vote shall not be combined with amendments that require a two-thirds majority vote." Therefore, consistent with the guidance from local officials on determining voting thresholds for zoning ordinances and bylaws, the additional provision to seek a special permit for an ADU greater than 900 square feet is voted upon as a separate amendment in an effort to not combine provisions that require different voting thresholds.

### **RATIONALE:**

The ability to seek a special permit for an ADU greater than 900 square feet enables additional flexibility supporting more diverse housing options and aligns with the provisions of the Family Apartment ordinance which similarly allows an apartment that exceeds the established maximum square footage to be authorized by special permit from the Zoning Board of Appeals. Despite any allowed increase in square footage for the ADU, the principal dwelling unit and the ADU shall meet all wastewater requirements for the combined number of bedrooms/wastewater flow on the lot.

**FISCAL IMPACT:** There is no significant fiscal impact of the proposed zoning amendment.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends the proposed zoning amendment.

**STAFF SUPPORT:** Elizabeth Jenkins, Director of Planning & Development; Arden Cadrin, Housing Coordinator; Kate Maldonado, Assistant Director of Planning & Development, Gloria McPherson, Planning & Economic Development Coordinator; Brian Florence, Building Commissioner; Karen Nober, Town Attorney; Charles McLaughlin, Assistant Town Attorney; Kathleen Connolly, Assistant Town Attorney

**B. NEW BUSINESS (Refer to the Planning Board for Public Hearing)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2021-174  
INTRO: 05/06/21**

**2021-174 AMENDING ARTICLE XIV, CHAPTER 240, SECTION 128 OF THE ZONING ORDINANCE TO ADD A DEFINITION FOR ACCESSORY DWELLING UNIT (ADU) AND DWELLING UNIT, AND REVISE THE DEFINITION OF DWELLING, SINGLE-FAMILY AND ADD ARTICLE V, CHAPTER 240, SECTION 47.2 ACCESSORY DWELLING UNITS (ADUS) TO THE ZONING ORDINANCE**

**ORDERED:** That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

**SECTION 1**

By amending Article XIV, Chapter 240, Section 128 by adding a definition of “Accessory Dwelling Unit (ADU)” as follows:

ACCESSORY DWELLING UNIT (ADU)

An Accessory Dwelling Unit (ADU) is a self-contained Dwelling Unit, inclusive of sleeping, cooking, and sanitary facilities, incorporated within a lawful principal single-family dwelling or within a detached building accessory to and on the same lot and in the same ownership as a lawful principal single-family dwelling use. The ADU shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress. ADUs shall have a maximum habitable floor area that is not larger than 1/2 of the habitable floor area of the principal single family dwelling unit (exclusive of floor area that converted to the ADU), or 900 square feet, whichever is smaller.

**SECTION 2**

By amending Article XIV, Chapter 240, Section 128 by adding a definition of “Dwelling Unit” as follows:

DWELLING UNIT

Complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**SECTION 3**

By amending Article XIV, Chapter 240, Section 128 by striking in the definition of DWELLING, SINGLE-FAMILY the phrase “including permanent provisions for living, sleeping, eating, cooking and sanitation” so it reads as follows:

DWELLING, SINGLE-FAMILY

A detached residential building designed for and occupied by a single family and providing complete independent living facilities for one or more persons.

#### **SECTION 4**

By adding Article V, Chapter 240, Section 47.2 **Accessory Dwelling Units (ADUs)** which reads as follows:

##### **A. Purpose and Intent.**

The intent of permitting Accessory Dwelling Units (ADUs) is to:

- (1) Increase the number of dwelling units available for year-round rental in Town while remaining within our current wastewater capacity limitations;
- (2) Adapt single-family residential properties so they are supportive of residents at a variety of stages in their life cycle;
- (3) Encourage greater diversity and support of all populations with particular attention to young adults and senior citizens; and
- (4) Encourage a more economic and efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods; and
- (5) Provide homeowners with a means of obtaining rental income to defray housing costs.

##### **B. Procedural Requirements**

- (1) An ADU that conforms to the requirements contained herein shall be permitted as an accessory use to a lawful single family dwelling use, except that no ADU shall be permitted on a lot at the same time as a family apartment exists on that lot pursuant to §240-47.1.
- (2) Prior to issuance of a building permit for an ADU, site plans, floor plans and elevations shall be submitted showing the proposed interior and exterior changes to existing buildings or new buildings and improvements on a lot associated with a proposed ADU.
- (3) The construction of any accessory dwelling unit must be in conformity with the Federal, State, and local laws and regulations, including all historic, and Old King's Highway requirements if applicable.

##### **C. Use and Dimensional Requirements**

The Building Commissioner may issue a Building Permit authorizing the installation and use of an Accessory Dwelling Unit within a lawful existing or new single-family dwelling to which the ADU is accessory, or in a new or existing detached building accessory to and on the same lot as the principal dwelling subject to the following:



- (1) No more than one (1) ADU may be created per lot. This provision is not subject to variance.
- (2) If the primary entrance of an ADU is not proposed to be shared with that of the principal dwelling, such entrance shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling.
- (3) An ADU shall be designed so that, to the maximum extent practical, the appearance of the property on which it is to be located remains that of a single-family residential property. Any addition or new construction shall be consistent in design with the principal single family dwelling, considering the following: architectural details, roof design, building spacing and orientation, door and window location, and building materials. Any person aggrieved by the determination of a Town official with respect to a determination under this subsection may appeal said determination to the Zoning Board of Appeals.
- (4) The ADU shall contain no more than two bedrooms. ADUs, in accordance with the definition, shall have a maximum habitable floor area that is not larger than 1/2 of the habitable floor area of the principal single family dwelling unit (exclusive of floor area that converted to the ADU), or 900 square feet, whichever is smaller. ADUs with more than two bedrooms may be permitted by special permit from the Zoning Board of Appeals. Garages, unfinished attics and basements, common entries, porches and decks shall not be included in the floor area calculations.
- (5) Occupancy of the ADU shall not exceed two persons; occupancy limitations shall not apply to children ages 18 and under. Occupancy of an ADU by more than two persons over the age of 18 may be permitted by special permit from the Zoning Board of Appeals.
- (6) Once an ADU has been added to a single-family dwelling or lot, the accessory dwelling unit shall not be enlarged beyond the square footage allowed by this section.
- (7) All parking for the ADU shall be off street.
- (8) The Board of Health must have documented to the Building Commissioner that sewage disposal will be satisfactorily provided for in accordance with the provisions of Title 5 and Board of Health regulations, including provisions for an appropriate reserve area on the site. The principal dwelling unit and accessory dwelling unit shall meet all wastewater requirements for the combined number of bedrooms/ wastewater flow on the lot. If the property is served by municipal sewer, the Department of Public Works shall certify adequate capacity is available to serve the additional unit.
- (9) The rights and requirements of this ordinance hereby transfer upon the sale of a property containing an ADU built under the provisions of this ordinance.
- (10) An ADU and the principal dwelling to which it is accessory may be rented only in accordance with the terms of this section.
- (11) An ADU shall be used only as a rental, except that the owner of the property may reside in

the ADU while renting the principal dwelling. The rental period for an ADU and for a principal dwelling shall not be shorter than 12 consecutive months. Both the ADU and the principal dwelling may be rented concurrently.

- (12) Any commercial use, with the exception of permitted home occupations, shall not be allowed on a property on which there is an ADU.

**SPONSOR:** Town Council Zoning & Regulatory Advisory Subcommittee (as constituted on December 16, 2020): Paula Schnepf, Councilor Precinct 12; Matthew Levesque, Councilor Precinct 10; Kristine Clark, Councilor Precinct 11; Jennifer Cullum, Councilor Precinct 13; Gordon Starr, Councilor Precinct 1

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Motion to Open Public Hearing
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close public hearing
- \_\_\_\_\_ Council discussion
- \_\_\_\_\_ Move/vote

## BARNSTABLE TOWN COUNCIL

**ITEM# 2021-174**  
**INTRO: 05/06/2021**

### SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Elizabeth Jenkins, Director, Planning & Development Department  
**DATE:** May 4, 2021  
**SUBJECT:** Amending Article XIV, Chapter 240, Section 128 of the Zoning Ordinance to add a definition for Accessory Dwelling Unit (ADU) and Dwelling Unit, and revise the definition of Dwelling, Single-Family and add Article V, Chapter 240, Section 47.2 Accessory Dwelling Units (ADUs) to the Zoning Ordinance

### RATIONALE:

This item proposes an update to the Town's Zoning Ordinance to allow Accessory Dwelling Units (ADUs) as an accessory use to single-family residential dwellings town-wide. The intent and purpose of this amendment, as stated in the proposed ordinance is to increase the number of dwelling units available for year-round rental while remaining within our current wastewater capacity limitations; allow adaptation of single-family residential properties to be supportive of residents at a variety of stages in their life cycle; encourage greater diversity and support of all populations with particular attention to young adults and senior citizens enabling an intergenerational community; encourage a more economic and efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods; and provide homeowners with a means of obtaining rental income to defray housing costs.

The proposed Accessory Dwelling Unit ordinance directly responds to goals and recommendations in the Town's Housing Production Plan and the associated Housing Needs Assessment. These plans identify the need for expanded housing choice and additional supply of rental housing to support an intergenerational community by encouraging aging in place and the attraction and retention of younger residents. The Needs Assessment emphasizes the need for more alternative choices to single-family houses, which currently compose the majority of the Town's housing stock. Limited housing choice and the high cost of housing results in homeownership being out of reach for many families. These factors, coupled with very low vacancy rates, place a significant burden on those seeking rental housing options. The Housing Production Plan, which is a compilation of housing recommendations for the community based on the Needs Assessment and an extensive community engagement process, explicitly recommends permitting market-rate Accessory Dwellings Units accessory to existing single-family homes and in outbuildings throughout Barnstable to increase housing options.

The proposed Accessory Dwelling Unit ordinance is based on the Cape Cod Commission's model Accessory Dwelling Unit ordinance. The model ADU ordinance allows ADUs by-right to support the addition of small scale housing alternatives in an effort to meet housing needs within our region. In an overview of the model ADU ordinance, the Commission highlights how the gap between median annual income and the cost of housing continues to widen. At the same time, the average household size is declining creating a demand for smaller units. Allowing ADUs by right will expand housing choices and increase the number of smaller units, which the Commission notes as being an important part of meeting Cape Cod's housing challenge especially in areas of our region with limited infrastructure and sensitive habitats. To date nine other towns on Cape Cod have adopted by-right Accessory Dwelling Unit bylaws.

Additionally, the new "Housing Choice" legislation, adopted by the Commonwealth on January 14, 2021, encourages and promotes new housing production by making it easier to approve housing supportive zoning. The new legislation reduces the required vote for the approval of zoning amendments allowing as of right ADUs, whether within the principal dwelling or a detached structure on the same lot, from a two-thirds majority vote to a simple majority vote.

Furthermore, Town Council's Strategic Plan housing goal includes developing and promoting rental housing to meet the needs of residents. One of the identified strategies is to review zoning issues identified by the Council to determine how to best achieve housing goals through zoning and regulatory changes. Our current zoning allows for the incorporation of accessory apartments through the Accessory Affordable Apartment Program (AAP) and our Family Apartment ordinance. However, the Housing Production Plan notes that although AAP has been a successful tool for producing affordable housing, the process requires a Comprehensive Permit and Zoning Board of Appeals approval for each unit, which was noted to be a cumbersome process. The Family Apartment ordinance allows, within a residential district, one temporary family apartment occupied only by the property owner or a member(s) of the property owner's family as accessory to a single-family residence to provide families the ability to live together as a family unit. While the Family Apartment ordinance allows more diverse housing it is limited by factors including duration and is prohibited for non-family members. Allowing ADUs as of right is an effort aimed at increasing the supply of rental housing to better meet the needs of our residents.

The proposed zoning ordinance allows ADUs "by right" to encourage the creation of new units, while including limitations on size, dimension, style, number of bedrooms, and occupancy necessary to protect community character. ADUs are further limited by the general standards required for all buildings (setbacks, height, etc.) and uses contained in the underlying zoning. The ordinance proposes allowing specific restrictions to be exceeded with the grant of a Special Permit by the Zoning Board of Appeals: bedrooms in excess of two and occupants (over 18) in excess of two. A third standard, ADUs in excess of 900 square feet, is the subject of the second item under consideration.

The proposed ordinance does not include an owner occupancy requirement, consistent with the recommendation in the Cape Cod Commission's model. It allows the rental of both or either of the units, so long as the ownership of the units is not severed. The proposed zoning ordinance requires that any rental on a property with an ADU be no shorter than 12 consecutive months, in

keeping with the goal of increasing the supply of year-round rentals. This provision prevents the owner of a single family dwelling with an ADU from offering any rental for a time period shorter than 12 consecutive months, thereby deterring short term rentals in neighborhoods and promoting housing opportunity for year-round residents.

The ordinance also requires properties with ADUs to remain within established wastewater capacity limitations. The principal dwelling unit and ADU must meet all wastewater requirements for the combined number of bedrooms/wastewater flow on a lot. No additional wastewater disposal capacity is permitted by this zoning amendment.

**FISCAL IMPACT:** There is no significant fiscal impact of the proposed zoning amendment.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager, recommends the proposed zoning amendment.

**STAFF SUPPORT:** Elizabeth Jenkins, Director of Planning & Development; Arden Cadrin, Housing Coordinator; Kate Maldonado, Assistant Director of Planning & Development, Gloria McPherson, Planning & Economic Development Coordinator; Brian Florence, Building Commissioner; Karen Nober, Town Attorney; Charles McLaughlin, Assistant Town Attorney; Kathleen Connolly, Assistant Town Attorney



Town of Sandwich  
THE OLDEST TOWN ON CAPE COD



Board of Appeals

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

JUN 14 2021

Special Permit  
Certificate of Approval

TOWN CLERK  
TOWN OF SANDWICH

**Petition #** 21-13  
**Current Property Owner(s):** Paul Chicco  
**Applicant:** Paul Chicco  
**Property Address:** 17 Dewey Avenue  
**Map, Parcel** 74-45-2

JUN 09 2021


2 H 22 M P M<sup>g</sup>  
RECEIVED & RECORDED

On June 8, 2021 the Board of Appeals voted to approve a special permit from Sections 1330 and 4340 of the Sandwich Zoning By-law for property located at 17 Dewey Avenue, as shown on Assessor's Map 74, Parcel 45-2, for the purpose of adding fill in a flood zone.

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

6/9/21  
\_\_\_\_\_  
Date

## **PROCEDURAL HISTORY**

1. Application from Sections 1330 & 4340 of the Zoning By-Law for property located at 17 Dewey Avenue was filed on May 18, 2021.
2. After proper notice was given the public hearing was opened on June 8, 2021 and closed on June 8, 2021.
3. The application was accompanied by a Site Plan entitled:  
Proposed Septic System/Site Plan  
17 Dewey Avenue, Sandwich MA  
Dated: February 23, 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:

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

## **FINDINGS**

The Zoning Board of Appeals finds that:

1. The Board of Appeals finds that this application meets the requirements of Section 9, M.G.L. Chapter 40A.
2. Subject property is located within the R-1 Zoning District and the Flood Plain Overlay District.
3. The applicant is proposing 169 cubic yards of fill for the purpose of constructing an on-site sewage disposal system.
4. Pursuant to Sandwich Zoning Bylaw Section 4350, none of the following must be true of this proposal, which are presumed to be hazardous to health and safety:
  - a) Floor level, including basement or cellar of the structure, below base flood elevation.
  - b) Individual sewage disposal systems subject to inundation in the event of coastal flooding during a 100-year flood event.



- c) Methods of filling or foundations subject to displacement by coastal flooding during a 100-year flood event as the result of the construction of a retaining wall.
- d) Water supply subject to interruption or contamination in the event of coastal flooding during a 100-year flood event as a result of the dwelling being serviced by a municipal water supply.

5. Section 1330 requirements:

- a) The Board of Appeals does not find that there are conditions peculiar to this case but not generally true for similar permitted uses on other sites in the same district;
- b) The Board of Appeals finds that nuisance, hazard or congestion will not be created;
- c) The Board of Appeals finds that there will not be substantial harm to the neighborhood;
- d) The Board of Appeals finds that there is no derogation from the intent of the bylaw such that the districts' objectives will be satisfied.

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

Second: Christopher Neeven

Vote:	Erik Van Buskirk	Yes
	Christopher Neeven	Yes
	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. Applicant shall demonstrate to the satisfaction of the Building Commissioner that the proposed construction conforms to all requirements of section 4350.

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

Second: Christopher Neeven

Vote:	Erik Van Buskirk	Yes
	Christopher Neeven	Yes
	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 17 Dewey Avenue, as shown on Assessor's Map 74, Parcel 45-2, for the purpose of adding fill in a flood zone.

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

Second: Christopher Neeven

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