



**Meeting of the Mashpee Planning Board
Wednesday, July 15, 2020
Waquoit Meeting Room
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649
7:00 PM**

Virtual / Remote Meeting

Broadcast Live on Local Channel 18

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

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

Call Meeting to Order

- Pledge of Allegiance

Approval of Minutes

- Review of meeting minutes from July 1, 2020

New Business

- Discussion of LCP timeline

Town Planner Report

- Update to Subdivision Rules and Regulations and Special Permit Regulations
- Stormwater Task Force

Correspondence

- Town of Barnstable – Public Hearing Notice
- Falmouth Board of Appeals Notices
- Sandwich Board of Appeals Notices
- Waterways License Applications – 76 Summersea Rd
110 Wheeler Rd
- May 2020 Discharge Monitoring Report for South Cape Village – N = 5.1
- April 2020 Discharge Monitoring Report for South Cape Village – Plant met all permit effluent discharge requirements for April 2020. No influent sample was collected due to Whitewaters Safety Policy pertaining to COVID-19.
- March 2020 Discharge Monitoring Report for South Cape Village N= 6.0
- February 2020 Discharge Monitoring Report for South Cape Village N= 7.1
- January 2020 Discharge Monitoring Report for South Cape Village N=15.60
- December 2019 Discharge Monitoring Report for South Cape Village – No flow in December due to plant upgrade work



Adjournment

Town of Mashpee

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

**Mashpee Planning Board
Minutes of Meeting
July 1, 2020 at 7:00 p.m.
Mashpee Town Hall-16 Great Neck Road North
Virtual/Remote Meeting-Call In (508) 539-1400 x8585
Broadcast Live on Local Channel 18**

Present: Chairman Mary Waygan, Dennis Balzarini, John (Jack) Phelan, Joseph Callahan

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

Absent: Robert (Rob) Hansen (Alt.)

CALL TO ORDER

Chairman Waygan welcomed attendees and read a statement regarding the order of Governor Baker suspending provisions of the Open Meeting Law, issued March 12, 2020. The meeting was being live streamed and could be viewed at www.mashpeema.gov/channel18 since Town Hall was currently closed to the public. Viewers wishing to be included in the meeting could contact (508) 539-1400, extension 8585.

The Chair and Board members welcomed new member, John Fulone.

Attendance was taken by roll call with Mr. Balzarini, Mr. Fulone, Mr. Phelan, Mr. Callahan and Chairman Waygan stating their presence. The Town of Mashpee Planning Board meeting was opened by Chairman Waygan, with a quorum, by remote participation at 7:00 p.m. on Wednesday, July 1, 2020 and the Pledge of Allegiance was recited.

REORGANIZATION OF BOARD OFFICERS

Chairman Waygan opened the floor nominations for the Chair.

MOTION: Mr. Balzarini made a motion to nominate Mr. Phelan for Chair. Mr. Callahan seconded the motion.

Mr. Phelan accepted the nomination. Hearing no other nominations, Chairman Waygan closed the nominations.

Roll call vote: Mr. Balzarini-yes; Mr. Fulone-yes; Mr. Phelan-yes; Mr. Callahan-yes; Chairman Waygan-yes

Chairman Phelan took over the meeting and opened nominations for Vice Chair.

MOTION: Mr. Balzarini made a motion to nominate Ms. Waygan for Vice Chair.

MOTION: Mr. Fulone made a motion to nominate Mr. Callahan for Vice Chair. Chairman Phelan seconded the motion.

There were no additional nominations for the Vice Chair and Mr. Callahan accepted the nomination. Hearing no other nominations, Chairman Phelan closed the nominations.

Roll call vote: Mr. Balzarini-yes; Ms. Waygan-yes; Mr. Fulone-yes; Mr. Callahan-yes; Chairman Phelan-yes

Chairman Phelan opened nominations for Clerk.

MOTION: Mr. Balzarini made a motion to nominate Mr. Fulone for Clerk. The Chair seconded the motion.

Hearing no other nominations for Clerk, Chairman Phelan closed the nominations.

Roll call vote: Mr. Balzarini-yes; Ms. Waygan-yes; Mr. Callahan-yes; Mr. Fulone-yes; Chairman Phelan-yes

BOARD REPS & ASSIGNMENTS TO COMMITTEES, COMMISSIONS & BOARDS

Design Review-Mr. Callahan
Historic District Commission-Mr. Balzarini
Community Preservation Committee-Ms. Waygan
Environmental Oversight Committee-Mr. Fulone
Military Civilian Council-Chairman Phelan
Cape Cod Commission-Ms. Waygan

The Chair appointed Mr. Callahan to the Design Review Committee.

MOTION: Mr. Balzarini made a motion to approve the Committee assignments as a group, as previously discussed. Ms. Waygan seconded the motion. Roll call vote: Mr. Balzarini-yes; Ms. Waygan-yes; Mr. Callahan-yes; Mr. Fulone-yes; Chairman Phelan-yes

APPROVAL OF MINUTES—June 17, 2020

There were no questions or suggestions for the minutes.

MOTION: Mr. Balzarini made a motion to accept the minutes as written. Ms. Waygan seconded the motion. Roll call vote: Mr. Balzarini-yes; Ms. Waygan-yes; Mr. Callahan-yes; Mr. Fulone-abstain; Chairman Phelan-yes

PUBLIC HEARING

7:10 pm-Southworth Mashpee Properties LLC

Chairman Phelan read the Public Hearing Notice for the record. Mr. Lehrer stated that although the Public Hearing Notice was listed on tonight's agenda as June 17th, both the abutters and the newspapers were properly noticed for July 1. Chairman Phelan confirmed that notification was received from the applicant requesting to continue the Public Hearing to the first meeting in August.

MOTION: Mr. Balzarini made a motion to continue the Public Hearing to August 5th at 7:10 p.m. Mr. Callahan seconded the motion. Roll call vote: Mr. Balzarini-yes; Ms. Waygan-yes; Mr. Callahan-yes; Mr. Fulone-yes; Chairman Phelan-yes

NEW BUSINESS

Charles Rowley Billing-June 2020-An invoice in the amount of \$550 was received for services rendered in June, including inspections for Cottages II and III at New Seabury, Willow Park and Cape Cod Coffee.

MOTION: Mr. Balzarini made a motion to accept the bill for \$550. Ms. Waygan seconded the motion. Roll call vote: Mr. Balzarini-yes; Ms. Waygan-yes; Mr. Callahan-yes; Mr. Fulone-yes; Chairman Phelan-yes

TOWN PLANNER REPORT

Update to Subdivision Rules and Regulations and Special Permit Regulations-Mr. Rowley suggested including information to be provided on the plans, possibly including a means to depart the traveled way, to address the matter of postal access. Mr. Rowley also suggested the possibility that the detail could be considered within the regulation or during the review of the project. Mr. Lehrer recommended keeping the language general to use as a means to ensure that the developer engaged with the Postmaster prior to submitting an application. In addition, the Planning Board had no authority on the site regarding the location for postal services. Mr. Rowley suggested that language be included that, in addition to consulting with the Postmaster, the developer would work with the Planning Board to establish details about the particular site of the location. Mr. Rowley would work with Mr. Lehrer regarding specific language. Ms. Waygan inquired whether a Public Hearing would be necessary and Mr. Lehrer confirmed that it would, as well as be submitted to Town Clerk and Land Court. Mr. Rowley inquired whether the Zoning Bylaw would also require the change and Mr. Lehrer responded that he would look into the matter further. Mr. Callahan suggested that with limited land in Town, it would likely not be a great issue, and Mr. Lehrer noted that could be the case, under existing zoning. Mr. Lehrer suggested that the amendment could avoid the recent issue encountered at Evergreen Circle. Mr. Lehrer would work with Mr. Rowley to finalize the language for the amendment.

Stormwater Task Force-Mr. Lehrer confirmed that he and Mr. Rowley met with the DPW consultants to discuss necessary Bylaw amendments to maintain compliance of the MS4 Stormwater Permit. Mr. Lehrer was in receipt of recommendations from June 29, which he has shared with the Board. Mr. Lehrer was seeking authorization from the Board to submit placeholders for Articles related to MS4 Stormwater, in time for the deadline for Zoning Bylaw changes.

MOTION: Ms. Waygan made a motion to request that the Board of Selectmen make a placeholder for this proposed Zoning Bylaw Change. Mr. Balzarini seconded the motion. Roll call vote: Mr. Balzarini-yes; Ms. Waygan-yes; Mr. Callahan-yes; Mr. Fulone-yes; Chairman Phelan-yes

Ms. Waygan referenced previous consideration of the Zoning Bylaw and the lack of site plan review to accept public input, and suggested it as an addition. Mr. Lehrer confirmed that Plan Review noticed abutters and posted an agenda. Mr. Lehrer reported that some of the recommended suggestions appeared to be duplicative. Mr. Rowley noted that it was believed the consultants, within their report, could provide suggestions as to how best assure compliance with the Regulations. However, Mr. Rowley found limited suggestions in the Report to help make the Regulations more compliant. Mr. Rowley noted that contractors were required to submit a sediment and erosion control plan and application with the EPA, for projects over one acre. It was unclear whether a filing would be necessary with the State and the Planning Board. Mr. Lehrer agreed that there was not clarity. Mr. Lehrer confirmed that, with the Covid-19 Pandemic, the EPA had modified their deadlines for making the amendments, with a deadline of July 2021. Mr. Lehrer will continue to work with Mr. Rowley and others regarding the matter and would report their findings at future meetings.

CONSULTING ENGINEER'S REPORT

Cape Cod Coffee-Mr. Rowley reported that the contractor planned to revegetate the area which was the subject of a complaint by an abutter. Mr. Rowley and Mr. Lehrer have met with the contractor and the developer, who have proposed to remove all sand dumped on the site, replace the area to the original grade and spread loam over the disturbed area, prior to revegetation. Their recommendation was to plant wildflower seed. Mr. Rowley and Mr. Lehrer allowed them to spread the loam, but to take no additional action until the Board could consider whether wildflower seed was a sufficient measure of revegetation. Chairman Phelan stated that he liked the idea of wildflowers. Mr.

Balzarini suggested that wildflowers tended to die off after one year, and expressed preference to add more than just wildflowers. Ms. Waygan suggest the idea of native species. Mr. Rowley had suggested the idea of trees to break up the line of sight, such as with an oak or pine or rhododendron, but cautioned against over vegetation. Mr. Callahan suggested beach grass, though Mr. Lehrer advised it could appear out of place at that location. Mr. Lehrer noted that the Cape Cod Commission had a list of vegetation for low impact design, featuring native species, which could be adequate for the area. Mr. Lehrer suggested that the Board could approve the wildflowers and invite them to return with a new plan. Ms. Waygan recommended that the Commission list be utilized. Mr. Rowley also noted that there was another area cleared at Evergreen Circle that was outside of the vegetation zone, which would be loamed and reseeded, as approved by the Planning Board. Chairman Phelan inquired whether a letter could be sent regarding use of the native species list. Mr. Lehrer confirmed that if it was the consensus of the Board, he could draft a letter to revegetate the area with plantings consistent with the Cape Cod Commission's approved list. Ms. Waygan recommended the addition of Mr. Rowley's suggestion regarding a tree or rhododendron to break up the line of sight.

Mr. Rowley further reported that he had also had a conversation with the contractor regarding the re-sloping of a rain garden. Mr. Rowley had a conversation with the owner, the general contractor and the site contractor, who all agreed to paving with a tack coat, considered a necessity. During a subsequent inspection of a neighboring site, Mr. Rowley found Cape Cod Coffee paving without the tack coat. Mr. Rowley expressed his frustration with the owner, who responded that prior rain did not allow them access to a machine, and they attempted to complete it by hand, which is not an acceptable practice. Mr. Rowley indicated that there was little more he could do because the requirement was not clearly noted in the Special Permit, and tack coat details has not previously been required in plan cross sections. Mr. Rowley recommended that, to ensure it not happen again, it should be included on the details in the plans and added to the detail sheet that appeared in the Rules and Regulations. Mr. Rowley will make the adjustment to the plate with the modification if the Board approves. Chairman Phelan inquired whether the tack coat was needed in all cases. Mr. Rowley clarified that if the binder was placed with the wearing surface added within a couple of days, the tack coat was not necessary. However, over time, the binder could be infiltrated with dirt so that the top wearing surface would not appropriately attach to the binder. Additionally, Cape Cod Coffee reduced their wearing surface from 1 ½ inch to 1 inch, so it was critical for the wearing surface to be well attached to the binder. Cuts requested by Mr. Rowley were also not completed. Chairman Phelan inquired, if it was not necessary in every situation, whether it could be added to a list as needed. Mr. Lehrer agreed the tack coat could be addressed in that manner and suggested the possibility that language in the Zoning Bylaw allowing a short layer of pavement, could be amended to require a thicker top of mix. Mr. Lehrer would work with Mr. Rowley regarding language for a possible Article.

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

CORRESPONDENCE

- Pierce Atwood-Re: South Cape Village-Notice of Intent to Sell and Transfer Special Permit
- Falmouth Board of Appeals Notices
- April 2020 Discharge Monitoring Report for South Cape Village-Plant met all permit effluent discharge requirements for April 2020. No influent sample was collected due to Whitewaters Safety Policy pertaining to COVID-19.
- March 2020 Discharge Monitoring Report for South Cape Village N=6.0
- February 2020 Discharge Monitoring Report for South Cape Village N=7.1
- January 2020 Discharge Monitoring Report for South Cape Village N=15.60

-December 2019 Discharge Monitoring Report for South Cape Village-no flow due to plant upgrade work

-November 2019 Discharge Monitoring Report for South Cape Village N=4.52

ADJOURNMENT

Mr. Fulone made an announcement that he had resigned from his position at Cape Cod 5, as of June 19th. Mr. Fulone has stated that his resignation was unrelated to the potential conflict of interest question that was raised during his campaign. As a result of his resignation, potential conflict of interest questions are now moot.

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

The meeting adjourned at 7:44 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS PROVIDED

Documentation available online at Mashpee's Planning Board website page

Warrant Article _____ :

To see if the Town will vote to amend Section 174-41.F Driveway Design as follows:

- F. Unless alternate paving is approved by the permitting authority, all parking areas and driveways shall be constructed on a base of not less than eight (8") inches of **dense-graded crushed stone or reclaimed asphalt or (12") twelve inches of** good binding gravel or other suitable road base material **meeting the Massachusetts Standard Specification M1.03(b), all of which** shall be properly shaped and compacted. Subsoil **shall be clear of all roots,** peat or similar spongy material, **clay or other such unsuitable material and** shall be excavated and replaced with solid fill as necessary to support the finished surface. **All parking areas and driveways required to meet the minimum parking space requirements of §174-39 shall be paved with a minimum of three (3") inches of bituminous concrete, type I, consisting of one and three quarters (1-3/4") inches of binder course and one and one half (1-1/4") inches of surface course, both properly compacted by a ten-ton roller.** Where additional overflow parking areas are proposed, the base shall be constructed as above, but alternate materials or grass may be used as a finished surface if approved by the permitting authority"

Explanation:

This Warrant Article would update the minimum standards for material thickness of new and redeveloped driveways consistent with engineering best practices today. This article would increase the minimum thickness of the paved surface to a total of three (3) inches from two and one half (2.5) inches of bituminous concete. The minimum binder course of pavement would increase one quarter (0.25) inches to one and three quarters (1.75) inches and the minimum surface course would increase one quarter (0.25) inches to one and one quarter (1.25) inches. The article further clarifies the standards for suitable base material by citing the Massachusetts Standard Specifications.

Submitted by
Planning Board

Warrant Article ____ :

To see if the Town will vote to amend Section 174-24.B. of the Mashpee Zoning Bylaws as follows:

3. Plan Review Committee Procedures.

a. The Plan Review Committee shall review said plans with regard to those items related to the fields of expertise of its members and to determine whether they are consistent with applicable state and town regulations, bylaws and plans and will not adversely affect public health or safety, will not significantly decrease surface or groundwater quality or air quality, will not have a significant adverse impact on wildlife habitat, estuarine systems, traffic flow, traffic safety, waterways, fisheries, public lands or neighboring properties and will not destroy or disrupt any species listed as rare endangered or threatened by the Massachusetts Natural Heritage Program or any known historic or archaeological site.

b. The site plan review shall include:

1. A pre-construction review of the site design, the planned operations at the construction site, planned BMPs during the construction phase, and the planned BMPs to be used to manage runoff created after development;
2. Receipt and consideration of information submitted by the public;
3. Evaluating the incorporation of Low Impact Development (LID) site planning and design strategies, unless such practices are infeasible.

c. A determination shall be made by the Committee that the application may be approved, that the application may be approved subject to certain specified conditions or changes, that the application shall be denied for certain specified reasons or that additional specific information is required. Unless an extended review period is agreed to in writing by the applicant failure to make said determination within 21 days shall be considered an approval with no conditions or changes.

d. Any decision of the Committee shall be filed thereafter with the Building Inspector and recorded with the Town Clerk. In those cases where the Committee is acting in an advisory capacity to the Planning Board or Zoning Board of Appeals regarding a Special Permit application, the Committee shall forward its determination forthwith to said Board. The determination of the Committee will not substitute for, or otherwise eliminate the need for, any permits required under other provisions of the chapter or required from the departments or Boards represented by the members of the Committee.

Explanation:

This article is a housekeeping article that will update the Town's plan review procedures relative to best management practices for stormwater for compliance with its MS4 General Permit issued by the Environmental Protection Agency.

Submitted by:

Planning Board

Warrant Article ____ :

To see if the Town will vote to amend Section 174-27.2 Stormwater Management as follows:

- A. For any new residential or non-residential development **or redevelopment** requiring either subdivision approval, a Special Permit, plan review under the provisions of §174-24.B., or a Building Permit for a building over one thousand (1000') square feet in area a system of stormwater management and artificial recharge of precipitation shall be required which is designed to achieve the following purposes: prevent untreated discharges to wetlands and surface waters, preserve hydrologic conditions that closely resemble pre-development conditions, reduce or prevent flooding by managing the peak discharges and volumes of runoff, minimize erosion and sedimentation, not result in significant degradation of groundwater, reduce suspended solids, nitrogen, **phosphorous**, volatile organics and other pollutants to improve water quality, **and** provide increased protection of sensitive natural resources, **and encourage stormwater Low Impact Development (LID) planning and development strategies to the extent feasible.**
- B. These standards may be met using the following or similar best management practices:
 - 1. **For compliance with the Performance Standards of this By-Law, the design of treatment and infiltration practices must meet the current Massachusetts Department of Environmental Protection's Stormwater Management Standards and document compliance based on the Stormwater Handbook as amended, or other federally or State approved BMP design guidance. Projects must also comply with the Post-Construction Stormwater Management Requirements of the current Small MS4 General Permit, whichever is more stringent, using appropriate Stormwater Best Management Practices**
 - 2. For new single or two-family residences, recharge shall be attained through site design that incorporates natural drainage patterns and vegetation in order to maintain pre-development stormwater patterns and water quality to the greatest extent possible. Stormwater runoff from rooftops, driveways and other impervious surfaces shall be routed through vegetated water quality swales, as sheet flow over lawn areas or to constructed stormwater wetlands, sand filters, organic filters and/or similar systems capable of removing nitrogen **and phosphorous** from stormwater.
 - 3. For new subdivision roadways or for lots occupied or proposed to be occupied by uses other than single or two-family homes, a stormwater management plan which; (a) utilizes site planning and building techniques **including LID planning and development strategies**, such as minimizing impervious surfaces and disturbance of existing natural areas, pervious reserve or overflow parking areas, multi-level buildings, parking structures, "green roofs" and storage and re-use of roof runoff, to minimize runoff volumes and the level treatment required to reduce contaminants, (b) minimizes erosion and runoff from disturbed areas during construction and (c) provides for **the following:**
- i. artificial recharge or precipitation to groundwater through site design that incorporates natural drainage patterns and vegetation and through the use of constructed (stormwater) wetlands, bioretention facilities, vegetated filter strips, rain gardens, wet (retention) ponds, water quality swales, organic filters or similar-site-appropriate current best management practices capable of removing significant amounts of nitrogen and other contaminants from stormwater. Said

stormwater treatment facilities shall be designed and sized to retain up to the first inch of rainfall from their catchment area within the area designed for nitrogen treatment, before any overflow to subsurface leaching facilities and otherwise meet the Stormwater Management Standards and technical guidance contained in the Massachusetts Department of Environmental Protection's *Stormwater Management Handbook*, as amended, or State-approved BMP guidance, whichever is stricter Volumes 1 and 2, dated March 1997, for the type of use proposed and the soil types present on the site. Such runoff shall not be discharged directly to rivers, streams, other surface water bodies, wetlands or vernal pools. Except for overflow from stormwater treatment facilities as described above and when there are no other feasible alternatives, dry wells shall be prohibited.

- ii. Except when used for roof runoff from non-galvanized roofs and for runoff from minor residential streets, all such wetlands, ponds, swales or other infiltration facilities shall be preceded by oil, grease and sediment traps or forebays or other best management practices to facilitate control of hazardous materials spills and removal of contamination and to avoid sedimentation of treatment and leaching facilities.
 - iii. All such artificial recharge systems shall be maintained in full working order by the owner(s) under the provisions of an operations and maintenance plan approved by the permitting authority to assure that systems function as designed.
 - iv. Infiltration systems shall be located so that no part of any leaching system is located less than one hundred (100) feet from drinking water wells. Any infiltration basins or trenches shall be constructed with a three (3') foot minimum separation between the bottom of the leaching system and maximum groundwater elevation.
 - v. Roadway widening or improvements that increase the amount of impervious area on the redevelopment site by greater than or equal to a single lane width shall meet the requirements of MS4GP part 2.3.6.a.ii.4(a) – (c) fully.
- C. The Building Inspector shall require the submission of sufficient plans and specifications to demonstrate the location and nature of proposed stormwater facilities for development under subsection B(1) and shall require their implementation. For development and redevelopment under subsection B(2), the permitting authority shall require the submission of sufficient plans and specifications to demonstrate the location, nature, operation and effectiveness of the proposed stormwater management facilities and practices and shall require their implementation and maintenance, including provisions for deed restrictions and other implementing provisions, as a condition of approval of the proposed development.

No permit may be approved for a development unless the permitting authority determines in writing that the proposed system of stormwater management and artificial recharge will achieve the purposes described in Subsection A.

Explanation:

This article is a housekeeping article that will update the Town's stormwater management practices for compliance with its MS4 General Permit issued by the Environmental Protection Agency.

Submitted by:
Planning Board



Town of Barnstable
Planning & Development Department
www.townofbarnstable.us/planninganddevelopment



Elizabeth Jenkins
Director

June 26, 2020

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 Sebastien 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

Reference: Town of Barnstable Planning Board

Proposed Zoning Amendment – TC Item No. 2020-193

**AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL
ORDINANCES, CHAPTER 240 ZONING, ARTICLE II, SECTION 7, ADDING CERTAIN
PROVISIONS PERTAINING TO SHORT TERM RENTALS**

The Barnstable Planning Board, acting under Chapter 40A, Section 5 of the General Laws of the Commonwealth of Massachusetts, will hold a public hearing on Monday, July 13, 2020, at 7:00 p.m. The purpose of this public hearing is to take comment on a proposal to amend the Town of Barnstable Zoning Ordinance by revising the Zoning Code, Chapter 240, Article II, Section 7 by adding certain provisions pertaining to short term rentals. The proposal would amend Section 240-7 Application of District Regulations by adding the following subparagraph (J):

"J. Short term rentals. Notwithstanding any provisions to the contrary in this Chapter 240, short term rentals shall be permitted within lawful dwelling units in all zoning districts. A short term rental shall be defined as a residential dwelling or any portion of a dwelling rented out through the use of advance reservations, for a fee, for a period of not more than 31 consecutive calendar days, excluding: Cottage Colonies, as defined herein; hotels licensed under M.G.L. Chapter 140, Section 6; motels licensed under M.G.L. Chapter 140, Section 32B; lodging establishments licensed under M.G.L. Chapter 140, Section 23 or under Chapter 506 of the Code of the Town of Barnstable; bed & breakfast establishments or bed & breakfast homes licensed under said Chapter 506. Cottage Colony shall be defined as a group of three

or more detached dwellings, legally in existence at the time of adoption of this ordinance, located on a single lot, which are customarily occupied on a seasonal basis. When a property is in use as a short term rental, on-site parking shall not be in any cultivated or landscaped area between a roadway and the part of the principal structure nearest to the roadway.”

The Public Hearing will be held by remote participation methods as a result of the COVID-19 state of emergency in the Commonwealth of Massachusetts.

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be viewed via the Channel 18 website at <http://streaming85.townofbarnstable.us/CablecastPublicSite/>

2. Real-time access to the Planning Board meeting is available utilizing the Zoom link or telephone number and Meeting ID provided below. Public comment can be addressed to the Planning Board by utilizing the Zoom link or telephone number and Meeting ID provided below:

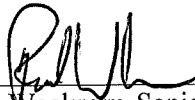
Link: <https://zoom.us/j/96662768084>

Phone: 888 475 4499 US Toll-free, Meeting ID: 966 6276 8084

3. Applicants, their representatives and individuals required or entitled to appear before the Planning Board may appear remotely and are not permitted to be physically present at the meeting, and may participate through accessing the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to elizabeth.jenkins@town.barnstable.ma.us, so that they may be displayed for remote public access viewing.

Copies of the proposed amendment are available for review by calling 508-862-4064 or emailing Karen.herrand@town.barnstable.ma.us.

Respectfully,



Paul Wackrow, Senior Planner, Planning & Development

Attach: Notice Amendment and Summary
Copy: Planning Board File Zoning Amendment No. 2020-193
Planning Board Chair

JUL 01 2020

**Town of Barnstable
Notice of Public Hearing
Planning Board
July 13, 2020 at 7:00 P.M.**

**TC Item No. 2020-193
AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL
ORDINANCES, CHAPTER 240 ZONING, ARTICLE II, SECTION 7, ADDING CERTAIN
PROVISIONS PERTAINING TO SHORT TERM RENTALS**

The Barnstable Planning Board, acting under Chapter 40A, Section 5 of the General Laws of the Commonwealth of Massachusetts, will hold a public hearing on Monday, July 13, 2020, at 7:00 p.m. The purpose of this public hearing is to take comment on a proposal to amend the Town of Barnstable Zoning Ordinance by revising the Zoning Code, Chapter 240, Article II, Section 7 by adding certain provisions pertaining to short term rentals. The proposal would amend Section 240-7 Application of District Regulations by adding the following subparagraph (J):

"J. Short term rentals. Notwithstanding any provisions to the contrary in this Chapter 240, short term rentals shall be permitted within lawful dwelling units in all zoning districts. A short term rental shall be defined as a residential dwelling or any portion of a dwelling rented out through the use of advance reservations, for a fee, for a period of not more than 31 consecutive calendar days, excluding: Cottage Colonies, as defined herein; hotels licensed under M.G.L. Chapter 140, Section 6; motels licensed under M.G.L. Chapter 140, Section 32B; lodging establishments licensed under M.G.L. Chapter 140, Section 23 or under Chapter 506 of the Code of the Town of Barnstable; bed & breakfast establishments or bed & breakfast homes licensed under said Chapter 506. Cottage Colony shall be defined as a group of three or more detached dwellings, legally in existence at the time of adoption of this ordinance, located on a single lot, which are customarily occupied on a seasonal basis. When a property is in use as a short term rental, on-site parking shall not be in any cultivated or landscaped area between a roadway and the part of the principal structure nearest to the roadway."

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Phone: 888 475 4499 US Toll-free, Meeting ID: 966 6276 8084

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meeting to elizabeth.jenkins@town.barnstable.ma.us, so that they may be displayed for remote public access viewing.

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Barnstable Patriot
June 26 & July 3, 2020
Board

Steven Costello, Chair
Barnstable Planning

B. NEW BUSINESS (Refer to Planning Board)

BARNSTABLE TOWN COUNCIL

**ITEM# 2020-193
INTRO: 06/18/2020**

**2020-193 ORDER AMENDING CHAPTER 240 ZONING, ARTICLE II, SECTION 7
ADDING CERTAIN PROVISIONS PERTAINING TO SHORT TERM RENTALS**

ORDERED that the Code of the Town of Barnstable, Chapter 240 Zoning, Article II, Section 7, be amended by adding the following subparagraph (J) to Section 240-7:

“J. Short term rentals. Notwithstanding any provisions to the contrary in this Chapter 240, short term rentals shall be permitted within lawful dwelling units in all zoning districts. A short term rental shall be defined as a residential dwelling or any portion of a dwelling rented out through the use of advance reservations, for a fee, for a period of not more than 31 consecutive calendar days, excluding: Cottage Colonies, as defined herein; hotels licensed under M.G.L. Chapter 140, Section 6; motels licensed under M.G.L. Chapter 140, Section 32B; lodging establishments licensed under M.G.L. Chapter 140, Section 23 or under Chapter 506 of the Code of the Town of Barnstable; bed & breakfast establishments or bed & breakfast homes licensed under said Chapter 506. Cottage Colony shall be defined as a group of three or more detached dwellings, legally in existence at the time of adoption of this ordinance, located on a single lot, which are customarily occupied on a seasonal basis. When a property is in use as a short term rental, on-site parking shall not be in any cultivated or landscaped area between a roadway and the part of the principal structure nearest to the roadway.”

SPONSOR: Town Council Committee to Review Zoning & Permitting Regulations: Paula K. Schnepf, Chair, Councilor Precinct 12, Britt Beedenbender, Councilor Precinct 4, 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# 2020-193
INTRO: 06/18/2020

SUMMARY

TO: Town Council
FROM: Town Council Committee to Review Zoning & Permitting Regulations
DATE: June 12, 2020
SUBJECT: Order amending Chapter 240 Zoning, Article II, Section 7 adding certain provisions pertaining to Short Term Rentals

RATIONALE: This proposed amendment to Chapter 240, Zoning, aims to provide a clear understanding of what is permitted in terms of renting a residential dwelling as a Short Term Rental in the Town of Barnstable. Currently, Short Term Rentals are neither expressly permitted nor prohibited in the Town of Barnstable; the use is not addressed in any municipal ordinance. Short Term Rentals are being, and historically have been, operated in all villages in Barnstable. According to the latest data set provided by the Massachusetts Department of Revenue, there are 663 short term rentals currently registered in the Town of Barnstable.

This proposed amendment to the Town's zoning ordinance defines Short Term Rentals in a manner consistent with the Commonwealth in the Short-Term Rental Law (Chapter 337 of the Acts of 2018, revising G.L. c. 64G, Section 3A), which includes Short Term Rentals among the list of establishments subject to the local excise tax. Short Term Rentals are broadly defined as residential dwellings, or portions of dwellings, that are rented out in advance for less than 31 days (including weekly rentals).

The proposed approach to Short Term Rentals is two-fold: a general ordinance to register Short Term Rentals with the Inspectional Services Department and require that certain standards, including life safety standards, are met; and an amendment to the zoning ordinance to recognize Short Term Rentals as an allowed use of a residential dwelling.

This item is a proposed amendment to the Zoning Ordinance to recognize and define Short Term Rentals. Short Term Rentals are defined consistent with the Short-Term Rental Law, as noted above; the definition also includes exclusions, including historical cottage colonies. The amendment also establishes parking standards for the use. Parking is appropriately addressed through zoning, as opposed to a general ordinance.

This proposed amendment to the zoning ordinance was developed with the assistance of consultant groups who provided background research on short term rental operations in Barnstable; meetings with the Centerville, Osterville, West Barnstable, Barnstable, Marston Mills, and Greater Hyannis Civic Associations; and public input at multiple Town Council and Zoning & Regulatory Subcommittee meetings.

A proposed zoning amendment requires referral by the Council to the Planning Board, and a recommendation by the Planning Board to the Town Council. The amendment then must be considered by the Town Council at an advertised public hearing, and requires a two-thirds majority vote for passage.

STAFF ASSISTANCE: M. Andrew Clyburn, Assistant Town Manager, Karen Nober, Town Attorney, Charles McLaughlin, Assistant Town Attorney, Brian Florence, Building Commissioner, Elizabeth Jenkins, Planning & Development Director, Paul Wackrow, Senior Planner, Gloria McPherson, Planning & Economic Development Coordinator



JUL 06 2020

TOWN OF FALMOUTH
MASSACHUSETTS

BOARD OF APPEALS

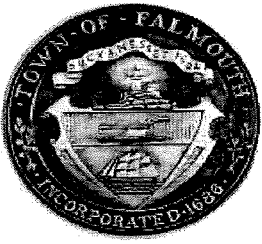
Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by John A. Mannix, Jr. and Carmel A. Shields, 10 Crown Avenue, Falmouth, Ma. (Map 46B, Lot 007) **under** 240-3 C. and 240-69 E. of the Zoning By-Law, as amended to **grant** the special permit to allow the cottage to be reconstructed.

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 30, 2020**, which is the date the Decision was filed in the office of the Town Clerk.

****Statutory appeal periods, and thus the issuance of Certificates of No Appeal, have been temporarily effected by Court Standing Orders, available at www.mass.gov/guides/court-system-response-to-covid-19. Applicants, abutters and interested parties should consult the Standing Orders to determine their next actions. Any decision by a permit holder to proceed is at their own risk, and the permit holder is urged to consult their own legal counsel. ****

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



TOWN OF FALMOUTH

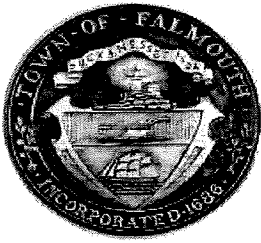
ZONING BOARD OF APPEALS

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

JUL 06 2020

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

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

APPLICATION NO: 038-20

July 23, 2020

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

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

Joao L. Junqueira and Christine B. Junqueira

of

Waquoit, MA

applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-23 G. (1)(b) of the Code of Falmouth to construct a garage structure for more than two (2) cars on subject property know as 11 Cornell Way, Waquoit, Ma.

PUBLICATION DATES: June 26, 2020 and July 3, 2020

Map 30 Section 01 Parcel 005D Lot 003

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, July 23, 2020 at 6:30 pm.**

You are invited to be present.

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

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

JUL 06 2020

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

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

APPLICATION NO: 037-20

July 23, 2020

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

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

Marie A. Ferreira

of

East Falmouth, 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 an addition to the pre-existing non-conforming single family dwelling on subject property known as 10 Terry Lou Avenue, East Falmouth, Ma.

PUBLICATION DATES: June 26, 2020 and July 3, 2020

Map 40 Section 12 Parcel 004 Lot 002

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, July 23, 2020 at 6:30 pm.**

You are invited to be present.

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

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

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

Town of 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

JUN 29 2020

**Special Permit
Certificate of Approval**

TOWN CLERK
TOWN OF SANDWICH

JUN 24 2020

1 H 36 M P M
RECEIVED & RECORDED

Petition # 20-04
Current Property Owner(s): Thatcher Ellery LLC/Kristin Donaldson
Applicant: Kristin Donaldson
Property Address: 102 Route 6A
Map, Parcel 82-040

On June 23, 2020 the Board of Appeals voted to approve a special permit from Section 1330 & 2200 of the Sandwich Zoning By-law for property located at 102 Route 6A, as shown on Assessor's Map 82, Parcel 040, for the purpose of operating a retail store.

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

6/24/2020

Date

PROCEDURAL HISTORY

1. Application from Section 1330 & 2200 of the Zoning By-Law for property located at 102 Route 6A was filed by Kristin Donaldson on March 18, 2020.
2. Due to the State of Emergency issued by Governor Baker, the application was postponed until June 23, 2020.
3. After proper notice was given the public hearing was opened on June 23, 2020 and closed on June 23, 2020.
4. The application was accompanied by a parking plan showing the existing parking.
5. 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.
6. The following members attended the public hearing:

Christopher Neeven
James Killion
Robert Jensen
Erik Van Buskirk
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 Village Zoning District.
3. Subject property is approximately 7,840.8 square feet.
4. Subject property has approximately 146 feet of frontage on Route 6A.
5. Section 1330 requirements:
 - a) The Board of Appeals does not find that there are conditions peculiar to this case but not generally true for similar permitted uses on other sites in the same district;
 - b) The Board of Appeals finds that nuisance, hazard or congestion will not be created;
 - c) The Board of Appeals finds that there will not be substantial harm to the neighborhood;
 - d) The Board of Appeals finds that there is no derogation from the intent of the bylaw such that the districts' objectives will be satisfied.

6. The property has a total of four parking spaces. Per section 3120 a retail store must have one space per 200 square feet of gross floor area.
7. Applicant is proposing hours of operation as Tuesday – Sunday 9:30 a.m. to 6:00 p.m.
8. The proposed retail use will be on the first floor of the structure.
9. The proposed retail space is approximately 792 square feet. The proposed use meets the requirement of 3120.

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

Second: Robert Jensen

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

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

Second: Robert Jensen

Vote:	Christopher Neeven	Yes
	James Killion	Yes
	Robert Jensen	Yes
	Erik Van Buskirk	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 102 Route 6A, as shown on Assessor's Map 82, Parcel 040, for the purpose of operating a retail store.

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

Second: Robert Jensen

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

JUL 06 2020

APPLICATION FOR AMENDMENT TO CHAPTER 91 WATERWAYS LICENSE

Filing Under the Massachusetts Waterways Regulations (310 CMR 9.00)

**76 SUMMERSEA ROAD
MASHPEE, MASSACHUSETTS**

PREPARED FOR:

JAMES & ERIN HIRBOUR

PREPARED BY:



**FALMOUTH ENGINEERING, INC.
17 ACADEMY LANE, STE. 2
FALMOUTH, MA
02540**

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

X286411
 Transmittal No.

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



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

A. Application Information (Check one)

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

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

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

X286411
Transmittal No.

B. Applicant Information Proposed Project/Use Information

1. Applicant:

James & Erin Hirbour

Name

E-mail Address

3 Lucinda Place

Mailing Address

Westford

City/Town

MA

State

01886

Zip Code

Telephone Number

Fax Number

Note: Please refer
to the "Instructions"

2. Authorized Agent (if any):

Falmouth Engineering, Inc.

Name

mike@falmouthengineering.com

E-mail Address

17 Academy Lane, Suite 200

Mailing Address

Falmouth

City/Town

MA

State

02540

Zip Code

5084951225

Telephone Number

Fax Number

C. Proposed Project/Use Information

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

Owner Name (if different from applicant)

105/40

Tax Assessor's Map and Parcel Numbers

76 Summersea Road Mashpee

Street Address and City/Town

41° 35' 6" N

Latitude

70° 28' 11"

W

MA

State

02649

Zip Code

2. Registered Land ☐ Yes

☒ No

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

Ockway Bay

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

Type

Nature

Designation

☐ Nontidal river/stream

☒ Natural

☐ Area of Critical Environmental Concern

☐ Flowed tidelands

☐ Enlarged/dammed

☐ Designated Port Area

☐ Filled tidelands

☐ Uncertain

☐ Ocean Sanctuary

☐ Great Pond

☐ Uncertain

☐ Uncertain

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Waterways Regulation Program
Chapter 91 Waterways License Application - 310 CMR 9.00
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X286411
Transmittal No.

C. Proposed Project/Use Information (cont.)

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

5. Proposed Use/Activity description

Non-commercial docking and boating access to navigable waters. The applicant proposes to convert a portion of the fixed pier to a ramp and float.

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

\$5,000.00

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

Ray Bachand, Trustee

Name

74 Summersea Rd. Mashpee, MA 02649

Address

Burton Liebman, Trustee

Name

86 Summersea Rd. Mashpee, MA 02649

Address

Name

Address

D. Project Plans

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

☒ Appendix A (License plan)

☐ Appendix B (Permit plan)

2. Other State and Local Approvals/Certifications

☐ 401 Water Quality Certificate

☒ Wetlands

☐ Jurisdictional Determination

☐ MEPA

☐ EOEA Secretary Certificate

☐ 21E Waste Site Cleanup

Date of Issuance

43-3002 Amended OOC

File Number

JD-

File Number

File Number

Date

RTN Number

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

X286411
Transmittal No.

E. Certification

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

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

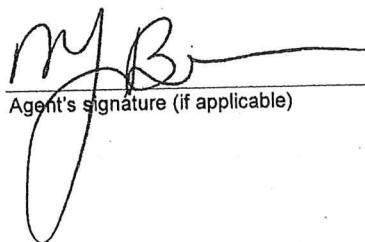
"I hereby certify that the information submitted in this application is true and accurate to the best of my knowledge."

Applicant's signature

Date

Property Owner's signature (if different than applicant)

Date



Agent's signature (if applicable)

7-6-20

Date

F. Waterways Dredging Addendum

1. Provide a description of the dredging project

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

N/A

Purpose of Dredging

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

N/A

3. What method will be used to dredge?

☐ Hydraulic

☐ Mechanical

☐ Other

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

N/A

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

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

X286411
Transmittal No.

G. Municipal Zoning Certificate

James & Erin Hirbour

Name of Applicant

76 Summersea Road

Project street address

Ockway Bay

Waterway

Mashpee

City/Town

Description of use or change in use:

Non-commercial docking and boating access to navigable waters. The applicant proposes to convert a portion of the fixed pier to a ramp and float.

To be completed by municipal clerk or appropriate municipal official:

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

Printed Name of Municipal Official

Date

Signature of Municipal Official

Title

City/Town

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

X286411
Transmittal No.

H. Municipal Planning Board Notification

Notice to
Applicant:

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

James & Erin Hirbour

Name of Applicant

76 Summersea Road

Project street address

Ockway Bay

Waterway

Mashpee

City/Town

Description of use or change in use:

Non-commercial docking and boating access to navigable waters. The applicant proposes to convert a portion of the fixed pier to a ramp and float.

To be completed by municipal clerk or appropriate municipal official:

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

Evan R Lehrer

Printed Name of Municipal Official

7/7/2020

Date

Signature of Municipal Official

Town Planner

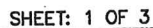
Title

Mashpee

City/Town

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

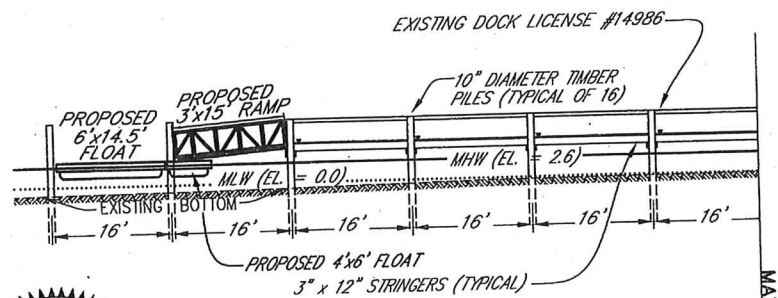

REGISTERED PROFESSIONAL ENGINEER



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

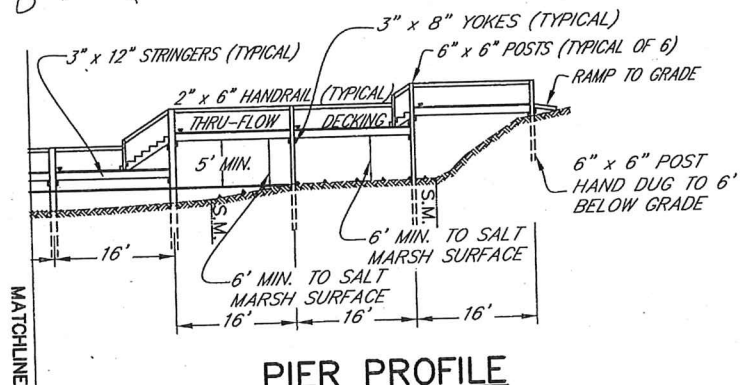
6-29-2020
DATE

M. J. Borselli
REGISTERED PROFESSIONAL ENGINEER



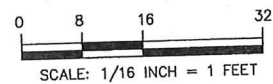
PIER PROFILE

SCALE: 1/16" = 1' - 0"



PIER PROFILE

SCALE: 1/16" = 1' - 0"



PURPOSE: PRIVATE RECREATIONAL USE
PLAN ACCOMPANYING PETITION OF
JAMES HIRBOUR
76 SUMMERSEA ROAD TO AMEND PIER
BY REMOVING A PORTION AND ADDING RAMP
AND FLOAT IN OCKWAY BAY
MASHPEE, BARNSTABLE COUNTY, MA

PLAN BY:



17 ACADEMY LANE, SUITE 200
FALMOUTH, MA 02540
508.495.1225

DATE: JUNE 18, 2020

SHEET: 2 OF 3

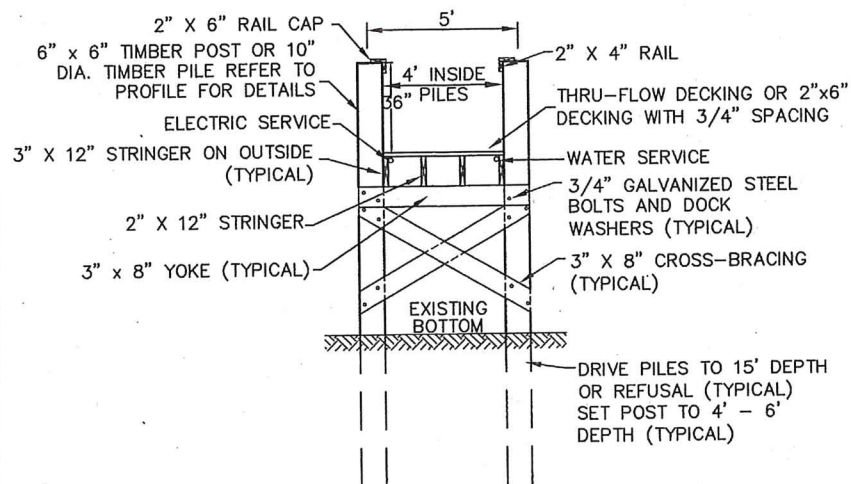
DATUM:

BASED ON MLW = 0.0
ELEV. ABOVE MHW BASED ON NAVD88

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

6-29-2020
DATE

[Signature]
REGISTERED PROFESSIONAL ENGINEER



TYPICAL PIER CROSS-SECTION



SCALE: 1/4" = 1' - 0"



PURPOSE: PRIVATE RECREATIONAL USE

PLAN ACCOMPANYING PETITION OF
JAMES HIRBOUR
76 SUMMERSEA ROAD TO AMEND PIER
BY REMOVING A PORTION AND ADDING RAMP
AND FLOAT IN OCKWAY BAY
MASHPEE, BARNSTABLE COUNTY, MA

PLAN BY:



17 ACADEMY LANE, SUITE 200
FALMOUTH, MA 02540
508.495.1225

DATE: JUNE 18, 2020

SHEET: 3 OF 3

DATUM:

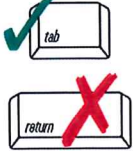
BASED ON MLW = 0.0
ELEV. ABOVE MHW BASED ON NAVD88

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

X286357
Transmittal No.

JUL 01 2020

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



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

A. Application Information (Check one)

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

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

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

X286357
Transmittal No.

B. Applicant Information Proposed Project/Use Information

1. Applicant:

Note: Please refer
to the "Instructions"

Russell Lowe and Karen O'Rourke

Name

jean@capeeng.com

E-mail Address

110 Wheeler Road

Mailing Address

Mashpee

City/Town

MA

State

02649

Zip Code

508-477-7272

Telephone Number

508-477-9072

Fax Number

2. Authorized Agent (if any):

Cape & Islands Engineering, Inc.

Name

jean@capeeng.com

E-mail Address

800 Falmouth Road, Suite 301C

Mailing Address

Mashpee

City/Town

MA

State

02649

Zip Code

508-477-7272

Telephone Number

508-477-9072

Fax Number

C. Proposed Project/Use Information

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

Russell Lowe and Karen O'Rourke

Owner Name (if different from applicant)

57 - 20 - 0

Tax Assessor's Map and Parcel Numbers

110 Wheeler Road, Mashpee,

Street Address and City/Town

41°37'51.420" N

Latitude

70°31'46.848" W

Longitude

MA

State

02649

Zip Code

2. Registered Land

☐ Yes

☒ No

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

Ashumet Pond

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

Type

Nature

Designation

☐ Nontidal river/stream

☒ Natural

☐ Area of Critical Environmental Concern

☐ Flowed tidelands

☐ Enlarged/dammed

☐ Designated Port Area

☐ Filled tidelands

☐ Uncertain

☐ Ocean Sanctuary

☒ Great Pond

☐ Uncertain

☐ Uncertain

C. Proposed Project/Use Information (cont.)

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

4. Proposed Use/Activity description: License, maintain and retain a seasonal dock with four (4) 4'x8' aluminum sections on ten (10) 2" aluminum piles and ten (10) 6"x6" footings in and over the waters of Ashumet Pond in Mashpee, MA.

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

\$1,500.00

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

Kenneth & Linne Ursaki
Name

2 Merritt Woods, Burlington, CT 06013
Address

BCS Properties, LLC
Name

264 Salem Street, Medford, MA 02155
Address

Name

Address

D. Project Plans

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

☒ Appendix A (License plan)

☐ Appendix B (Permit plan)

2. Other State and Local Approvals/Certifications

☐ 401 Water Quality Certificate

Date of Issuance

043-3021

File Number

☒ Wetlands

JD-

File Number

☐ Jurisdictional Determination

☐ MEPA

File Number

☐ EOEA Secretary Certificate

Date

☐ 21E Waste Site Cleanup

RTN Number

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

X286357
Transmittal No.

E. Certification

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

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

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

Applicant's signature

Date

Property Owner's signature (if different than applicant)

Date

Agent's signature (if applicable) **Cape & Islands Engineering, Inc.**

Date

N/A

F. Waterways Dredging Addendum

1. Provide a description of the dredging project

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

N/A

Purpose of Dredging

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

N/A

3. What method will be used to dredge?

☐ Hydraulic

☐ Mechanical

☐ Other

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

N/A

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

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

X286357
Transmittal No.

G. Municipal Zoning Certificate

Russell Lowe and Karen O'Rourke
Name of Applicant

110 Wheeler Road,
Project street address

Ashumet Road
Waterway

Mashpee
City/Town

Description of use or change in use:

License, maintain and retain, seasonal dock with four (4) 4'x8' aluminum sections on ten (10) 2" aluminum piles and ten (10) 6"x6" footings in and over the waters of Ashumet Pond in Mashpee, MA.

To be completed by municipal clerk or appropriate municipal official:

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

Charles Maintanis
Printed Name of Municipal Official


Signature of Municipal Official

Acting Building Commissioner
Title

Mashpee
City/Town

6/25/20
Date

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

X286357
Transmittal No.

H. Municipal Planning Board Notification

Notice to Applicant:

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

Russell Lowe and Karen O'Rourke

Name of Applicant

110 Wheeler Road,

Project street address

Ashumet Pond

Waterway

Mashpee

City/Town

Description of use or change in use: License, maintain and retain, seasonal dock with four (4) 4'x8' aluminum sections on ten (10) 2" aluminum piles and ten (10) 6"x6" footings in and over the waters of Ashumet Pond in Mashpee, MA.

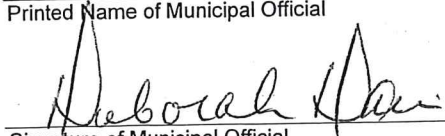
To be completed by municipal clerk or appropriate municipal official:

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

Deborah Dami

Printed Name of Municipal Official

6-26-2020
Date


Signature of Municipal Official

Town Clerk

Title

Mashpee

City/Town

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

Appendix A: License Plan Checklist

General View

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

Structures and Fill

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

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

Appendix A: License Plan Checklist (cont.)

Boundaries

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

Water-Dependent Structures

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

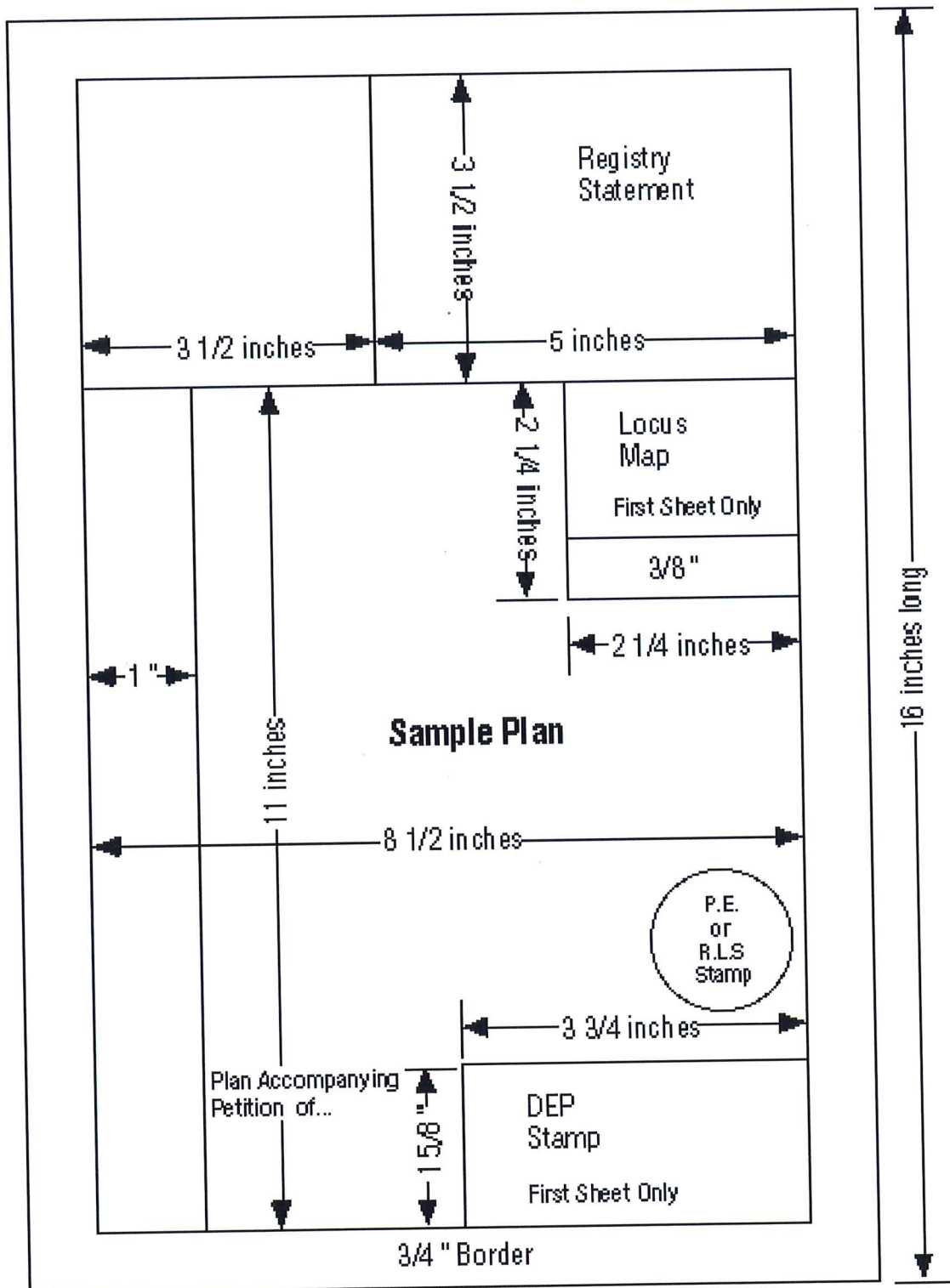
Non Water-Dependent Structures

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

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

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

Appendix A: License Plan Checklist Cont.



Appendix B: Dredging Permit Plan Checklist

N/A

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

N/A

General View

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

Plan View

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

Section Views

- ☐ Existing bottom and bank profiles.
- ☐ Vertical and/or horizontal scales.
- ☐ Proposed and existing depths relative to an indicated datum.
- ☐ Elevation and details of control structure (for projects lowering waters of Great Ponds).

Appendix C: Application Completeness Checklist

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

N/A

- ☐ **Proper Public Purpose:** For nonwater-dependent projects, a statement must be included that explains how the project serves a proper public purpose that provides greater benefit than detriment to public rights in tidelands or great ponds and the manner in which the project meets the applicable standards. If the project is a nonwater-dependent project located in the coastal zone, the statement should explain how the project complies with the standard governing consistency of the policies of the Massachusetts Coastal Zone Management Program, according to 310 CMR 9.54. If the project is located in an area covered by a Municipal Harbor Plan, the statement should describe how the project conforms to any applicable provisions of such plan pursuant to 310 CMR 9.34(2).

- ☒ **Plans:** Prepared in accordance with the applicable instructions contained in Appendix A-B of this application. For initial filing, meet the requirements of 310 CMR 9.11(2)(b)(3).

- ☒ **Applicant Certification:** All applications must be signed by "the landowner if other than the applicant. In lieu of the landowner's signature, the applicant may provide other evidence of legal authority to submit an application for the project site." If the project is entirely on land owned by the Commonwealth (e.g. most areas below the current low water mark in tidelands and below the historic high water mark of Great Ponds), you may simply state this in lieu of the "landowner's signature".

- ☒ **Municipal Zoning Certification:** If required, applicants must submit a completed and signed Section E of this application by the municipal clerk or appropriate municipal official or, for the initial filing, an explanation of why the form is not included with the initial application. If the project is a public service project subject to zoning but will not require any municipal approvals, submit a certification to that effect pursuant to 310 CMR 9.34(1).

- ☒ **Municipal Planning Board Notification:** Applicants must submit a copy of this application to the municipal planning board for the municipality where the project is located. Submittal of the complete application to DEP must include Section H signed by the municipal clerk, or appropriate municipal official for the town where the work is to be performed, except in the case of a proposed bridge, dam, or similar structure across a river, cove, or inlet, in which case it must be certified by every municipality into which the tidewater of said river, cove, or inlet extends.

- ☒ **Final Order of Conditions:** A copy of one of the following three documents is required with the filing of a General Waterways Application: (1) the Final Order of Conditions (with accompanying plan) under the Wetlands Protection Act; (2) a final Determination of Applicability under that Act stating that an Order of Conditions is not required for the project; or (3) the Notice of Intent for the initial filing (if the project does not trigger review under MEPA).

N/A

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

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

Appendix C: Application Completeness Checklist (cont.)

N/A

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

N/A

Projects involving dredging:

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

Filing your Completed General Waterways Application:

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

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

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

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

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

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

OVERVIEW

Introduction

CAPE & ISLANDS ENGINEERING, INC. has submitted this application, on behalf of the applicant, Russell W. Lowe and Karen A. O'Rourke, who propose to license, maintain and retain a seasonal dock with four (4) 4'x8' aluminum sections on ten (10) 2" aluminum piles and ten (10) 6"x6" footings in and over the waters of Ashumet Pond in Mashpee, MA.

BACKGROUND

Existing Conditions

The project site is located at 110 Wheeler Road, Mashpee, MA, a private residential waterfront property with frontage on a Ashumet Pond. The property is currently occupied by an existing single family dwelling and appurtenances.

PROPOSED PROJECT

Scope of Work

The project site is located at 110 Wheeler Road, Mashpee, MA, adjacent to and within Ashumet Pond, a Great Pond. License, maintain and retain a seasonal dock with four (4) 4'x8' aluminum sections on ten (10) 2" aluminum piles and ten (10) 6"x6" footings in and over the waters of Ashumet Pond Resource Areas

The resource areas on or within 100 feet of the site include Bordering Vegetated Wetland (BVW), Inland Bank and Land Under Waterbodies and Waterways (under any Creek, River, Stream, Pond or Lake).

Land Under Waterbodies and Waterways (under any Creek, River, Stream, Pond or Lake)

The resource area referred to as "Land Under Waterbodies" is the area of land below the waters of the Great Pond body of water known as Ashumet Pond, as shown on attached site plan.

As defined in 310 CMR 10.56 (2)(a)(b)(c) – Definition, Critical Characteristics and Boundary

Definition:

- (a) Land under Water Bodies and Waterways is the land beneath any creek, river, stream, pond or lake. Said land may be composed of organic muck or peat, fine sediments, rocks or bedrock.*
- (b) The physical characteristics and location of Land under Water Bodies and Waterways specified in 310 CMR 10.56(2)(a) are critical to the protection of the interests specified in 310 CMR 10.56(1).*
- (c) The boundary of Land under Water Bodies and Waterways is the mean annual low water level.*

The proposed work on or within Land Under Waterbodies and Waterways (under any Creek, River, Stream, Pond or Lake) is the seasonal placement of the ten (10) footings which hold stable the seasonal pier. None of the proposed seasonal pier components will be driven into the pond's substratum.

Inland Bank

The resource area known as "Inland Bank" (IB) is located, as identified on the project plans

As defined in the Town of Mashpee REGULATION 18 – Inland Banks (revised and approved March 3, 2005)

(A) DEFINITION: An Inland Bank is a sloping (1:4 or steeper slope ratio*) portion of the land surface which: (1) confines and/or abuts a waterbody and/or freshwater wetland, or, (2) without touching a freshwater wetland, is within 100 feet of said wetland. *(1 foot vertical change in 4 feet of horizontal change, i.e. "run")

For the purposes of Chapter 172, the Commission shall exercise jurisdiction for Inland Banks according to the following:

For (1), above, the lower boundary of an Inland Bank is the mean annual low water level (for a waterbody) or, in the case of a bank abutting a freshwater wetland, the upper boundary of said freshwater wetland {as defined in section 19(a) of these Regulations}. For (2), above, the lower boundary of an Inland Bank is the point where any slope with a minimum 1:4 ratio begins within fifty (50) feet of a freshwater wetland.

The upper boundary of an Inland Bank is the most landward portion of the land surface (as described above) where the slope becomes less than 1:4.

Bank delineations are typically done on plan scales of 1 inch = 20 feet (1:20) or 1 inch = 10 feet (1:10). In bank delineations (as depicted on plans) where 1:4 (1 foot vertical change in 4 feet of horizontal change, i.e., "run") is the determining slope ratio, said ratios shall normally be calculated across horizontal distances (measured) of no less than eight (8) feet for scales measured on 2-foot contour intervals, and no less than ten (10) feet horizontal distance (measured) for 1-foot contour intervals. When depicted on slope profiles, departures where the slope ratio is purported to be shallower than 1:4 (as compared to areas above or below on the slope being shown) on spans of less than eight (8) feet shall be presumed to not be of sufficient significance to represent a "break in slope", i.e., the continuity of the bank. This presumption can be rebutted upon acceptance of evidence presented to the Commission that sediments/debris could not be transported across the (purported) "break in slope" by sheet flow as calculated via the methodology as described in 310 CMR 10.57(2)(b)3.

A bank may be partially or totally vegetated, or it may be comprised of exposed soil, gravel, sand and/or stone

Inland Banks are defined differently under the Wetlands Protection Act (WPA) and Chapter 172. The greater than 4:1 slope ratio is defined as a Chapter 172 Inland Bank. Under the WPA, the Inland Bank is the Mean Annual Flood Level, or the first break in slope, whichever is lower.

C. PERFORMANCE STANDARDS – The physical characteristics and location of Inland Banks are critical to the protection of the wetland values specified in section 172-1 of the Mashpee Wetlands Protection Bylaw.

Any proposed work and/or activity on an Inland Bank, or within 100 feet of the top of the bank, shall not impair or destroy the following:

1. the physical stability of the bank;
2. the water carrying capacity of the existing channel within the bank;
3. ground water and surface water quality;
4. the capacity of the Bank to provide breeding habitat, escape cover and food for fisheries and terrestrial and/or aquatic birds, mammals, reptiles, amphibians and invertebrates.

Activities, which will result in the building within or upon, removing, filling and/or altering (as defined in section 172-9 of the Mashpee Wetlands Protection Bylaw) of an Inland Bank or within 50 feet of said Bank, may be permitted if the activity will not induce cumulative impairments of the Critical Characteristics. The following projects (activities) may qualify:

- The maintenance of an already existing and lawful structure
- The construction of an elevated walkway for access to a water body at the lower boundary of said bank (or to a lawful dock on said waterbody). Such walkway shall have no adverse effect other than blocking sunlight from the underlying vegetation for a portion of each day. Such structure shall be constructed in such a way that its surface area and design shall allow the maximum possible amount of sunlight to penetrate and reach the underlying vegetation.
- Vista pruning, which shall be shown on a plan acceptable to the Commission, and which has been certified as not being detrimental to the vegetative cover by a certified arborist of the Commission's choosing. (A \$50 charge will be assessed to the applicant for the review of the vista pruning plan).
- Any other activity (on a single lot) which alters up to 500 square feet of said bank shall be permitted only when it is demonstrated by the applicant that such alteration shall have no adverse effect on the wetland values as expressed in 172-9 of the Bylaw. Any

proposed work permitted by the Commission on an inland bank or within 100 feet of such bank, other than as permitted above, shall not destroy any portions of that bank, nor shall the work impair the functional capacity or values of the bank as described in the foregoing (B).

- In the event that the proposed activity is the construction of a new house, and where there is no alternative positioning that will enable the house to be placed on a portion of the property where the slope ratio is less than 4:1, mitigation (to prevent erosion and/or any alteration of resource areas as described in Chapter 172 of the Mashpee Code) employing best available measures will be required.

For that portion of the bank between mean annual high water and mean annual low water, no project or projects on a single lot shall alter more than 20 linear feet or 10 percent of the length of the bank, whichever is less.

There is no proposed work within the Inland Bank.

Estimated Habitat and Protected Species

The Massachusetts Natural Heritage Atlas of Estimated Habitats of Rare Wetland Wildlife, Certified Vernal Pools and High Priority Sites of Rare Species dated, October 2008, indicates that there are protected species or rare communities at the project location.

Estimated Habitat and Protected Species is classified as any resource areas under Chapter 172 of the Mashpee Code REGULATION 23 Part II, as defined in 172-2 of the Mashpee Code,

"A. Definition: any resource areas as defined in 172-2 of the Mashpee Code within which any state rare species (plant and/or animal) officially listed by the Massachusetts Division of Fisheries and Wildlife under 321 CMR 8.00 has been documented by the Commission, or for any such resource area falling within any of the most recent Estimated Habitat Maps of the Massachusetts Natural Heritage and Endangered Species Program or the Association for the Preservation of Cape Cod's Critical Habitat Atlas), shall be considered to be Rare Species Wildlife Habitat.

Around such Rare Species Wildlife Habitat, there shall be presumed to be a Rare Species Wildlife Habitat Buffer Zone. This Rare Species Wildlife Habitat Buffer Zone shall include the area within 100 feet of the boundary of any resource area under Chapter 172 and its regulations as described in the preceding paragraph.

C. Performance: Upon acceptance of any area as Rare Species Wildlife Habitat by the Commission, the PERFORMANCE STANDARD shall be that no project or activity (except as noted in section 172-3 EXCEPTIONS of the Bylaw) shall have an adverse effect on the Rare Species Wildlife Habitat by altering its topography, soil structure, plant community composition, hydrologic regime and/or water quality in such a way so as to result in any short-term, intermediate, and/or long-term adverse effect upon the capacity of said Rare Species Wildlife Habitat to provide the function as described in the CRITICAL CHARACTERISTICS AND PRESUMPTIONS OF SIGNIFICANCE (above). The diversion of any new (not pre-existing) stormwater run-off into Rare Species Wildlife Habitat shall not be permitted unless the applicant can prove that there will be no adverse effect upon the water quality and/or biological community of said vernal pool, and unless the applicant has obtained a 401 Water Quality Certificate. It shall be presumed, unless compelling evidence can be provided to the contrary, that the following activities within the area of Rare Species Wildlife Habitat would fail to meet the PERFORMANCE STANDARDS:

1. Disturbing the soil, humus layer and/or leaf litter at any time of the year.
2. The placement of sediments, brush, clippings or other fill.
3. The changing of drainage patterns.
4. Alterations to vegetation, including changing patterns of shade by alterations to the canopy and/or understory (shrub layer).

The burden of proof shall be on the applicant to demonstrate that any proposed project (activity) within the Rare Species Wildlife Habitat shall meet the PERFORMANCE STANDARDS as described above.

Within the Rare Species Wildlife Habitat Buffer Zone, all work and/or alterations shall be judged in terms of their likelihood of impacting the Rare Species Wildlife Habitat in such a way as to fail to meet the PERFORMANCE STANDARDS as described above. Factors to be considered shall include but not be limited to alterations resulting in:

1. Disturbing the soil, humus layer and/or leaf litter.
2. The placement of sediments, brush clippings.
3. The changing of drainage patterns.

4. Alterations to vegetation, including changing patterns of shade by alterations to the canopy and/or understory (shrub layer).
5. The current of foreseeable threats to the population and/or habitat of any State listed species listed by the Natural Heritage program as "endangered", "threatened" or of "special concern."

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

NHESP Division of Fisheries and Wildlife determined the proposed project will not result in a prohibited Take of state-listed rare species. See attached letter dated May 23, 2019.

The proposed project meets or exceeds these performance standards because there will be no measurable impact to Rare Species Wildlife Habitat.

Area of Critical Environmental Concern (ACEC)

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

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

Order of Conditions

DEP File #043-3021

Bk 32076 Ps170 #26329
06-10-2019 @ 10:06aRECEIPT
Printed: June 10, 2019 @ 10:08:21
BARNSTABLE COUNTY REGISTRY OF DEEDS
JOHN F. MEADE, REGISTERans#: 139280 Oper:ALICE
REN

=====

ok: 32076 Page: 170 Inst#: 26329
I#: 250 Rec:6-10-2019 @ 10:06:43a
SH 110 WHEELER RD

C	DESCRIPTION	TRANS AMT
1	LOWE, RUSSELL	
DER		
	unity Fee \$ 10.00	21.00
	rcharge CPA \$20.00	20.00
	ate Fee \$40.00	40.00
	rcharge Tech \$5.00	5.00
	ate/County pg adj	11.00
	Total fees:	75.00
	* Total charges:	75.00
	ECK PM 201	75.00

Environmental
Wetlands
ditions
Act M.G.L. c. 131, §40Provided by MassDEP:
MassDEP File #:043-3021
cDEP Transaction #:1109952
City/Town:MASHPEEASHPEE
☒ OOC b. Amended OOC
EN b. Last Name LOWE/O'ROURKE
ROAD f. State MA g. Zip Code
EN b. Last Name LOWE/O'ROURKE
ROAD f. State MA g. Zip Code 02649
a.R ROADa. City/Town
d. Assessors 57
Map/Plat#
f. Latitude 41.63095N
c. Zip Code 02649
e. Parcel/Lot# 20
g. Longitude 70.52968W

6. Property Recorded at the Registry of Deeds for:

a. County b. Certificate c. Book d. Page
BARNSTABLE 29438 557. Dates:
a. Date NOI Filed: 5/8/2019 b. Date Public Hearing Closed: 5/9/2019 c. Date Of Issuance: 5/29/2019

8. Final Approved Plans and Other Documents

a. Plan Title: b. Plan Prepared by: c. Plan Signed/Stamped by: d. Revised Final Date: e. Scale:
RUSSELL LOWE 04/25/2019

B. Findings

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

Check all that apply:

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

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

Page 1 of 11 * ELECTRONIC COPY

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

Provided by MassDEP:
MassDEP File #:043-3021
eDEP Transaction #:1109952
City/Town:MASHPEE

A. General Information

1. Conservation Commission	MASHPEE		
2. Issuance	a. <input type="checkbox"/> OOC b. <input checked="" type="checkbox"/> Amended OOC		
3. Applicant Details			
a. First Name	RUSSELL/KAREN		
b. Last Name	LOWE/O'ROURKE		
c. Organization			
d. Mailing Address	110 WHEELER ROAD		
e. City/Town	MASHPEE		
f. State	MA		
g. Zip Code			
4. Property Owner			
a. First Name	RUSSELL/KAREN		
b. Last Name	LOWE/O'ROURKE		
c. Organization			
d. Mailing Address	110 WHEELER ROAD		
e. City/Town	MASHPEE		
f. State	MA		
g. Zip Code	02649		
5. Project Location			
a. Street Address	110 WHEELER ROAD		
b. City/Town	MASHPEE		
c. Zip Code	02649		
d. Assessors	57		
e. Parcel/Lot#	20		
f. Map/Plat#			
g. Longitude	70.52968W		
6. Property recorded at the Registry of Deed for:			
a. County	b. Certificate	c. Book	d. Page
BARNSTABLE		29438	55
7. Dates			
a. Date NOI Filed: 5/8/2019	b. Date Public Hearing Closed: 5/9/2019	c. Date Of Issuance: 5/29/2019	
8. Final Approved Plans and Other Documents			
a. Plan Title:	b. Plan Prepared by:	c. Plan Signed/Stamped by:	d. Revised Final Date: e. Scale:
	RUSSELL LOWE		04/25/2019

B. Findings

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

Check all that apply:

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

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

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

Provided by MassDEP:
MassDEP File #:043-3021
eDEP Transaction #:1109952
City/Town:MASHPEE

Approved subject to:

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

Denied because:

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

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

Inland Resource Area Impacts: (For Approvals Only)				
Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. <input checked="" type="checkbox"/> Land under Waterbodies and Waterways	<u>128</u> a. square feet	<u> </u> b. square feet	<u>0</u> c. square feet	<u> </u> d. square feet
	<u>0</u> e. c/y dredged	<u> </u> f. c/y dredged	<u> </u>	<u> </u>
	<u>0</u>	<u> </u>	<u> </u>	<u> </u>
7. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	<u>0</u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
Cubic Feet Flood Storage	<u> </u> e. cubic feet	<u> </u> f. cubic feet	<u> </u> g. cubic feet	<u> </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u>	<u> </u>
Cubic Feet Flood Storage	<u> </u> c. cubic feet	<u> </u> d. cubic feet	<u> </u> e. cubic feet	<u> </u> f. cubic feet
9. <input type="checkbox"/> Riverfront Area	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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

Provided by MassDEP:
MassDEP File #:043-3021
eDEP Transaction #:1109952
City/Town:MASHPEE

Sq ft within 100 ft	a. total sq. feet	b. total sq. feet		
Sq ft between 100-200 ft	c. square feet	d. square feet	e. square feet	f. square feet
	g. square feet	h. square feet	i. square feet	j. square feet
Coastal Resource Area Impacts:				
Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	c. c/y dredged	d. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Restoration/Enhancement (For Approvals Only)				

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

Provided by MassDEP:
MassDEP File #:043-3021
eDEP Transaction #:1109952
City/Town:MASHPEE

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

a. square feet of BVW

b. square feet of Salt Marsh

23. ~~23. square feet of BVW~~

☐ Streams Crossing(s)

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

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects

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

"Massachusetts Department of Environmental Protection"

Page 4 of 11 * ELECTRONIC COPY

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

Provided by MassDEP:
MassDEP File #:043-3021
eDEP Transaction #:1109952
City/Town:MASHPEE

[or "MassDEP"]
File Number : "043-3021"

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

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

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

Page 5 of 11 * ELECTRONIC COPY

the requirements of Stormwater Standard 10; iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

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

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

Provided by MassDEP:
MassDEP File #:043-3021
eDEP Transaction #:1109952
City/Town:MASHPEE

defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.

- 1) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions:

D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

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

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

1. Municipal Ordinance or Bylaw _____

2. Citation _____

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

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

1. Municipal Ordinance or Bylaw Mashpee

2. Citation Chapter 172

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

The special conditions relating to municipal ordinance or bylaw are as follows:

1. NOTWITHSTANDING ANY CONTENTS OF THE NOTICE OF INTENT FOR THE PERMIT AND/OR ANY PROVISIONS OF THIS OOC, ALL WORK/ALTERATIONS ON THIS SITE SUBJECT TO THIS PERMIT SHALL MEET THE FOLLOWING PERFORMANCE STANDARDS FOR 310 CMR 10.00 AND MASHPEE'S CHAPTER 172 WETLAND BYLAW: REG. 18, CH. 172 ? INLAND BANKS REG. 21, CH. 172 ? LAND UNDER WATER BODIES AND WATERWAYS REG. 27, CH. 172 ? DOCKS, PIERS AND FLOATS REG. 29, CH. 172 ? BUFFER ZONES AND BUFFER STRIPS 310 CMR 10.56 - LAND UNDER WATER BODIES AND WATERWAYS (UNDER ANY CREEK, RIVER, STREAM, POND OR LAKE) 310 CMR 10.57 - LAND SUBJECT TO FLOODING (BORDERING AND ISOLATED AREAS) 310 CMR 10.58 - RIVERFRONT AREA RESOURCE AREA VALUES TO BE PROTECTED (CHAPTER 172-1) WATER POLLUTION CONTROL WATER QUALITY FISHERIES SHELLFISH BIODIVERSITY/RARE SPECIES HABITAT (FLORA AND FAUNA) PREVENTION OF POLLUTION WILDLIFE HABITAT RECREATION 2. UPON RECEIPT OF THIS ORDER OF CONDITIONS, THE APPLICANT IS REQUIRED TO APPLY FOR A CHAPTER 91 LICENSE FROM THE STATE OF MASSACHUSETTS. PROOF OF APPLICATION TO CHAPTER 91 MUST BE PROVIDED TO THE MASHPEE CONSERVATION DEPT. UPON RECEIPT OF A CHAPTER 91 PERMIT, A COPY OF SAID PERMIT MUST BE PROVIDED TO THE MASHPEE CONSERVATION DEPT. NO CONSTRUCTION IS TO

**Massachusetts Department of Environmental
Protection**

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

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

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eDEP Transaction #:1109952
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COMMENCE UNTIL THE PROPERTY OWNER SUBMITS A COPY OF AN APPROVED AND RECORDED COMMONWEALTH OF MASSACHUSETTS CHAPTER 91 WATERWAYS LICENSE TO THE CONSERVATION DEPT. 3. A. THE DEP NUMBER AND STREET ADDRESS MUST BE DISPLAYED IN PERPETUITY ON EACH SEPARABLE PORTION OF A SEASONAL DOCK, INCLUDING ANY FLOAT COMPONENT, IN A MANNER SO THAT IT IS CLEARLY VISIBLE FROM THE WATERWAY ADJOINING SAID DOCK OR PIER. NO CERTIFICATE OF COMPLIANCE SHALL BE ISSUED AT THE TIME OF A REQUEST UNLESS THIS ORDER IS FOLLOWED AND THE AFOREMENTIONED SIGNAGE IS DISPLAYED AT THE TIME OF THE ONSITE INSPECTION FOR A CERTIFICATE OF COMPLIANCE. B. LETTERING/NUMBERING FOR DISPLAY OF DEP # AND STREET ADDRESS SHALL BE A MINIMUM OF 3 INCHES IN SIZE AND IN CONTRASTING COLOR SO AS TO BE CLEARLY VISIBLE AND LEGIBLE FROM THE WATER AND ADJOINING DOCK/PIER. LETTERING AND NUMBERING MAY BE STENCILED OR HAND PAINTED. 4. THE CONSERVATION AGENT SHOULD BE NOTIFIED ONE WEEK PRIOR TO THE COMMENCEMENT OF WORK. 5. THE PLAN OF RECORD FOR THIS ORDER OF CONDITIONS DOES NOT CONSTITUTE SPECIFIC ACCEPTANCE OF THE BOUNDARIES OF RESOURCE AREAS UNDER M.G.L. CHAPTER 131, SEC. 40 AND CHAPTER 172 OF THE MASHPEE CODE. FOR ANY WORK NOT DESCRIBED IN SPECIAL CONDITION 1(A), A NEW FILING/APPLICATION MAY BE NECESSARY IF DEEMED SO BY THE COMMISSION AND MAY REQUIRE NEW PLANS AND/OR NEW DELINEATIONS OF RESOURCE AREAS, AS THE COMMISSION DEEMS APPROPRIATE. THE COMMISSION MAY ALSO REQUIRE THAT SAID PLANS BE PREPARED BY A PROFESSIONAL ENGINEER AND/OR REGISTERED LAND SURVEYOR AND MAY FURTHER REQUIRE THAT RESOURCE AREAS SHALL BE DELINEATED BY A PROFESSIONAL, AS PER THE PROVISIONS AS CITED IN "REQUIREMENTS FOR PROFESSIONAL SERVICES" ON P.1 (INSTRUCTIONS) OF THE NOTICE OF INTENT FORM. 6. IN THE EVENT OF ANY ADVERSE IMPACTS TO WETLAND RESOURCE AREAS AS A RESULT OF THIS PROJECT, THE COMMISSION RESERVES THE RIGHT TO REQUIRE ADDITIONAL MEASURES TO PROTECT RESOURCE AREAS AND VALUES AS PER MGL CHAPTER 131 SECTION 40 AND/OR MASHPEE'S CHAPTER 172 WETLAND BYLAW. THE CONSERVATION AGENT, ASSISTANT CONSERVATION AGENT AND/OR OTHER DESIGNATED REPRESENTATIVES OF THE COMMISSION SHALL HAVE THE RIGHT TO ENTER THE PREMISES TO MONITOR ONGOING WORK/MAINTENANCE. 7. OFF SEASON STORAGE OF ANY COMPONENT OF A SEASONAL DOCK SHALL NOT TAKE PLACE OVER EXISTING NATIVE VEGETATION WITHIN WETLANDS JURISDICTION (INCLUDING BUFFER ZONES). THIS INCLUDES NATURALLY VEGETATED AREAS OF INLAND BANK. OFF SEASON STORAGE ON AREAS OF SANDY BEACH OR EXISTING TURF/WOODCHIPS/MULCH IS ACCEPTABLE. 8. ALL BOARDWALKS (SEASONAL OR PERMANENT) ARE RESTRICTED TO A MAXIMUM OF 4 FEET IN OVERALL WIDTH. 9. THE USAGE OF CONCRETE BLOCKS, STONES, ETC TO ANCHOR A SEASONAL DOCK IS PROHIBITED. 10. THERE SHALL BE SPACING BETWEEN PLANKS TO ALLOW SUNLIGHT THROUGH TO VEGETATION. PLANKING SHALL BE IN ACCORDANCE WITH THE FOLLOWING TABLE: A. ONE INCH SPACING FOR 2 X 10 PLANKS B. THREE QUARTER INCH SPACING FOR 2 X 8 PLANKS C. ONE HALF INCH SPACING FOR 2 X 6 PLANKS D. COMPOSITE DECKING THAT ALLOWS FOR 50% + SUNLIGHT PENETRATION 11. MAINTENANCE SHALL BE ALLOWED IN PERPETUITY, PROVIDED THAT ALL CONDITIONS HEREIN ARE OBSERVED AND THAT THE COMMISSION IS NOTIFIED IN WRITING OF THE NATURE OF SAID MAINTENANCE AT LEAST ONE WEEK PRIOR TO THE START OF SAID MAINTENANCE ACTIVITIES AND PROVIDED THERE IS A VALID CHAPTER 91 PERMIT FOR THE STRUCTURE AND PROVIDED THAT A CERTIFICATE OF COMPLIANCE HAS BEEN ISSUED. ANY MAINTENANCE AND/OR OTHER ALTERATIONS TO THE STRUCTURE NOT CORRESPONDING TO THE PLAN OF RECORD AND/OR THIS ORDER OF CONDITIONS ARE NOT ALLOWED WITHOUT THE EXPRESS, WRITTEN CONSENT OF THE COMMISSION. THE COMMISSION RESERVES THE RIGHT IN THE EVENT OF FUTURE MAINTENANCE TO REQUIRE ADDITIONAL MEASURES TO PROTECT AREAS SUBJECT TO PROTECTION UNDER M.G.L.

Page 8 of 11 * ELECTRONIC COPY

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

Provided by MassDEP:
MassDEP File #:043-3021
eDEP Transaction #:1109952
City/Town:MASHPEE

CHAPTER 131, SECTION 40 AND/OR CHAPTER 172 OF THE MASHPEE CODE. 12. AT NO TIME SHALL BOAT WASHING (WITH THE POTENTIAL TO INTRODUCE CHEMICALS INTO WETLAND RESOURCE AREAS) OCCUR WHILE THE BOAT IS DOCKED AT THE PIER, RAMP AND FLOAT. 13. THIS ORDER OF CONDITIONS OR ANY CONTINUING CONDITIONS IN PERPETUITY SHALL APPLY TO ANY SUCCESSOR INTEREST OR SUCCESSOR IN CONTROL. THIS CONDITION SHALL NOT APPLY TO ANY NEW SEASONAL DOCK THAT MAY REPLACE THE SEASONAL DOCK AUTHORIZED IN THIS ORDER OF CONDITIONS. 14. VIOLATION OF ANY CONDITIONS OF THIS ORDER OR ANY CONTINUING CONDITIONS IN PERPETUITY MAY RESULT IN THE ISSUANCE OF AN ENFORCEMENT ORDER. SUCH ENFORCEMENT ORDER, IF ISSUED, WILL REQUIRE THE IMMEDIATE CESSATION OF ALL WORK UNTIL THE MANDATES IN THE ENFORCEMENT ORDER ARE FOLLOWED. IN SOME INSTANCES, THE VIOLATION MAY NECESSITATE A HEARING, IN THIS CASE SUCH HEARING WILL BE HELD NOT MORE THAN 15 DAYS FROM THE ISSUANCE OF THE ENFORCEMENT ORDER. 15. IN THE EVENT THAT A SUPERSEDING ORDER OF CONDITIONS IS ISSUED FOLLOWING AN APPEAL FILED PURSUANT TO M.G.L. CHAPTER 131, SEC. 40, THIS ORDER OF CONDITIONS ISSUED PURSUANT TO CHAPTER 172 OF THE MASHPEE CODE SHALL BE CONSIDERED AMENDED TO INCLUDE ALL CONDITIONS OF SAID SUPERSEDING ORDER. NOTWITHSTANDING THE PRECEDING, ALL SPECIAL CONDITIONS PROTECTING THE WETLAND VALUES OF CHAPTER 172 SHALL REMAIN IN EFFECT UNLESS MODIFIED BY AN ORDER AMENDING SAID CONDITIONS. THE MASHPEE CONSERVATION COMMISSION RESERVES THE RIGHT TO REQUIRE (IN THE EVENT OF THE ISSUANCE OF A SUPERSEDING ORDER BY DEP) AN AMENDED ORDER OF CONDITIONS IF IT DEEMS SUCH NECESSARY FOR CLARIFICATION AND/OR PROTECTION OF THE WETLAND VALUES OF CHAPTER 172. 16. SPECIAL CONDITION(S): 3, 6, 9, 10, 11, 12, 14, 15, 16 & 17 SHALL EXTEND BEYOND THE CERTIFICATE OF COMPLIANCE (IN PERPETUITY) AND SHALL BE REFERENCED IN ALL FUTURE DEEDS TO THIS PROPERTY. 17. UPON COMPLETION OF THIS PROJECT, THE APPLICANT SHALL SUBMIT THE FOLLOWING TO THE CONSERVATION COMMISSION TO RECEIVE A CERTIFICATE OF COMPLIANCE: A. A FORM REQUESTING A CERTIFICATE OF COMPLIANCE. B. A WRITTEN STATEMENT FROM A REGISTERED PROFESSIONAL ENGINEER OF THE COMMONWEALTH CERTIFYING THAT THE WORK HAS BEEN CONDUCTED AS SHOWN ON THE PLAN(S) AND DOCUMENTS REFERENCED, AND AS CONDITIONED BY THE COMMISSION. C. THE COMMISSION RESERVES THE RIGHT, BEFORE ISSUING A CERTIFICATE OF COMPLIANCE, SHOULD ITEMS A AND B BE DEEMED INSUFFICIENT AND/OR IN ERROR, TO REQUIRE AN "AS-BUILT" PLAN PREPARED AND SIGNED AND STAMPED BY A REGISTERED PROFESSIONAL ENGINEER OR LAND SURVEYOR OF THE COMMONWEALTH. 18. THIS ORDER SHALL BE VALID FOR THREE YEARS FROM THE DATE OF ISSUANCE BUT MAY BE EXTENDED FOR ONE OR MORE ADDITIONAL PERIODS OF UP TO THREE YEARS.

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

Provided by MassDEP:
MassDEP File #:043-3021
eDEP Transaction #:1109952
City/Town:MASHFEE

E. Signatures

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

5/29/19
1. Date of Original Order

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

4
2. Number of Signers

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

Signatures:

Dale McHugh
Brad Sweet
Chad Smith

Tom O'Neill

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

Date

Date

F. Appeals

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

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

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

Page 10 of 11 * ELECTRONIC COPY

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

Provided by MassDEP:
MassDEP File #:043-3021
eDEP Transaction #:1109952
City/Town:MASHPEE

G. Recording Information

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

MASHPEE
Conservation Commission

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

To:
MASHPEE
Conservation Commission

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

110 WHEELER ROAD
Project Location

043-3021
MassDEP File Number

Has been recorded at the Registry of Deeds of:

County	Book	Page
for: <u>Property Owner RUSSELL/KARENLOWE/O'ROURKE</u>		

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

Book	Page

In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

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

Document Number

Signature of Applicant

Rev. 05/2013

Page 11 of 11 * ELECTRONIC COPY



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

Provided by MassDEP:
43-3021
MassDEP File #
1109952
eDEP Transaction #
Mushpee
City/Town

E. Signatures

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



This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.
Please indicate the number of members who will sign this form.
This Order must be signed by a majority of the Conservation Commission.

1. Date of Issuance

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy must be mailed, hand delivered or filed electronically at the same time with the appropriate MassDEP Regional Office.

Signatures:

[Handwritten signatures]

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

6/24/19

Date

Date

F. Appeals

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

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

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

TOWN OF MASHPEE CHAPTER 172 ORDER OF CONDITIONS FOR 43-3021 (110 Wheeler Rd)

Work Description:

Installation of seasonal dock on Ashumet Pond

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

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

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

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

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

Reg. 18, Ch. 172 – Inland Banks
 Reg. 21, Ch. 172 – Land Under Water Bodies and Waterways
 Reg. 27, Ch. 172 – Docks, Piers and Floats
 Reg. 29, Ch. 172 – Buffer Zones and Buffer Strips
 310 CMR 10.56 - Land Under Water Bodies and Waterways (Under any Creek, River, Stream, Pond or Lake)
 310 CMR 10.57 - Land Subject to Flooding (Bordering and Isolated Areas)
 310 CMR 10.58- Riverfront Area

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

Water Pollution Control

Water Quality

Fisheries

Shellfish

Biodiversity/Rare Species Habitat (Flora and Fauna)

Prevention of Pollution

Wildlife Habitat

Recreation

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

- Submission of a dated copy of the recording page of this Order of Conditions (OOC) to the Conservation Dept. The OOC cannot be recorded until the end of the 10 day appeal period from the date of issue (date of issue is the date that the OOC is mailed out or picked up in person).
- Submission of FORMS A & B, attached to this Order of Conditions (OOC) to the Conservation Dept.
- The applicant and/or project supervisor(s) are required to notify all contractors/subcontractors on site of the OOC requirements. A copy of this OOC must be kept onsite or be made readily available during inspection at all times. Both the applicant and project supervisor may be held jointly liable in the event of a violation of this OOC.
- The MA DEP (Dept of Environmental Protection) permit number must be displayed and maintained throughout the project until a Certificate of Compliance inspection is conducted. The sign must be kept visible from the road throughout the entire construction period. Lettering must be a minimum of 3 inches in height and in contrasting color from the display board (e.g. white board, black lettering)
- All required staking for structure corners, wetland resource areas and work limits must be clearly present on the lot and accurate with the plan of record.
- All erosion control/work limit(s) must be in place as per the plan of record or as per staff direction.
- Scheduling of a site visit with Conservation Dept at least one week prior to any clearing, demolition and/or construction, with staff to confirm all staking, signage and erosion control is present on the site as per the above requirements.
- Any deviations made or intended to be made from the approved plan of record accompanying the OOC shall require, in advance, one of the following:
 - A new Notice of Intent or Amended Order Request
 - A written Administrative Approval from the Conservation Dept indicating the proposed changes are not substantial enough to require either of the above.

ADDITIONAL CONDITIONS

5. Upon receipt of this Order of Conditions, the applicant is required to apply for a Chapter 91 License from the State of Massachusetts. Proof of application to Chapter 91 must be provided to the Mashpee Conservation Dept. Upon receipt of a Chapter 91 Permit, a copy of said permit must be provided to the Mashpee Conservation Dept. **No construction is to commence until the property owner submits a copy of an approved and recorded Commonwealth of Massachusetts Chapter 91 Waterways license to the Conservation Dept.**
6. A. The DEP number AND street address must be displayed in perpetuity on each separable portion of a seasonal dock, including any float component, in a manner so that it is clearly visible from the waterway adjoining said dock or pier. **No Certificate of Compliance shall be issued at the time of a request unless this Order is followed and the aforementioned signage is displayed at the time of the onsite inspection for a Certificate of Compliance.**

B. Lettering/numbering for display of DEP # and street address shall be a minimum of 3 inches in size and in contrasting color so as to be clearly visible and legible from the water and adjoining dock/pier. Lettering and numbering may be stenciled or hand painted.
7. The Conservation Agent should be notified one week prior to the commencement of work.
8. The Plan of Record for this Order of Conditions does not constitute specific acceptance of the boundaries of resource areas under M.G.L. Chapter 131, sec. 40 and Chapter 172 of the Mashpee Code. For any work not described in Special Condition 1(A). A new filing/application may be necessary if deemed so by the Commission and may require new plans and/or new delineations of resource areas, as the Commission deems appropriate. The Commission may also require that said plans be prepared by a Professional Engineer and/or Registered Land Surveyor and may further require that resource areas shall be delineated by a professional, as per the provisions as cited in "Requirements for Professional Services" on P.1 (instructions) of the Notice of Intent form.
9. In the event of any adverse impacts to wetland resource areas as a result of this project, the Commission reserves the right to require additional measures to protect resource areas and values as per MGL Chapter 131 Section 40 and/or Mashpee's Chapter 172 Wetland Bylaw. The Conservation Agent, Assistant Conservation Agent and/or other designated representatives of the Commission shall have the right to enter the premises to monitor ongoing work/maintenance.
10. Off season storage of any component of a seasonal dock shall not take place over existing native vegetation within wetlands jurisdiction (including buffer zones). This includes naturally vegetated areas of inland bank. Off season storage on areas of sandy beach or existing turf/woodchips/mulch is acceptable.
11. All boardwalks (seasonal or permanent) are restricted to a maximum of 4 feet in overall width.
12. The usage of concrete blocks, stones, etc to anchor a seasonal dock is prohibited.

13. There shall be spacing between planks to allow sunlight through to vegetation. Planking shall be in accordance with the following table:
- a. one inch spacing for 2 x 10 planks
 - b. three quarter inch spacing for 2 x 8 planks
 - c. one half inch spacing for 2 x 6 planks
 - d. composite decking that allows for 50% + sunlight penetration
14. Maintenance shall be allowed in perpetuity, provided that all conditions herein are observed and that the Commission is notified in writing of the nature of said maintenance at least one week prior to the start of said maintenance activities and provided there is a valid Chapter 91 Permit for the structure and provided that a Certificate of Compliance has been issued. Any maintenance and/or other alterations to the structure not corresponding to the Plan of Record and/or this Order of Conditions are not allowed without the express, written consent of the Commission. The Commission reserves the right in the event of future maintenance to require additional measures to protect areas subject to protection under M.G.L. Chapter 131, section 40 and/or Chapter 172 of the Mashpee Code.
15. At no time shall boat washing (with the potential to introduce chemicals into wetland resource areas) occur while the boat is docked at the pier, ramp and float.
16. This Order of Conditions or any continuing conditions in perpetuity shall apply to any successor interest or successor in control. **This condition shall not apply to any new seasonal dock that may replace the seasonal dock authorized in this Order of Conditions.**
17. Violation of any conditions of this Order or any continuing conditions in perpetuity may result in the issuance of an Enforcement Order. Such Enforcement Order, if issued, will require the immediate cessation of all work until the mandates in the Enforcement Order are followed. In some instances, the violation may necessitate a hearing, in this case such hearing will be held not more than 15 days from the issuance of the Enforcement Order.
18. In the event that a Superseding Order of Conditions is issued following an appeal filed pursuant to M.G.L. Chapter 131, sec. 40, this Order of Conditions issued pursuant to Chapter 172 of the Mashpee Code shall be considered amended to include all conditions of said Superseding Order. Notwithstanding the preceding, all special conditions protecting the wetland values of Chapter 172 shall remain in effect unless modified by an Order amending said conditions. The Mashpee Conservation Commission reserves the right to require (in the event of the issuance of a Superseding Order by DEP) an Amended Order of Conditions if it deems such necessary for clarification and/or protection of the wetland values of Chapter 172.
19. Special Condition(s): **3, 6, 9, 10, 11, 12, 14, 15, 16 & 17** shall extend beyond the Certificate of Compliance (in perpetuity) and shall be referenced in all future deeds to this property.
20. Upon completion of this project, the applicant shall submit the following to the Conservation Commission to receive a Certificate of Compliance:
- a. A form requesting a Certificate of Compliance.
 - b. A written statement from a registered professional engineer of the Commonwealth certifying that the work has been conducted as shown on the plan(s) and documents referenced, and as conditioned by the Commission.

- c. The Commission reserves the right, before issuing a Certificate of Compliance, should items a and b be deemed insufficient and/or in error, to require an "as-built" plan prepared and signed and stamped by a registered professional engineer or land surveyor of the Commonwealth.

21. This Order shall be valid for three years from the date of issuance but may be extended for one or more additional periods of up to three years.

NHESP – NO TAKE LETTER DATED MAY 23, 2019



MASSWILDLIFE

DIVISION OF
FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581
p: (508) 389-6300 | f: (508) 389-7890
MASS.GOV/MASSWILDLIFE

May 23, 2019

Russell Lowe
Karen O'Rourke
110 Wheeler Road
Mashpee MA 02649

Mashpee Conservation Commission
16 Great Neck Rd., North
Mashpee MA 02649

RE: Applicant: Karen O'Rourke, Russell Lowe
 Project Location: 110 Wheeler Road
 Project Description: Seasonal Dock
 DEP Wetlands File No.: Not Issued
 NHESP File No.: 16-35533

Dear Commissioners & Applicant:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received a Notice of Intent with site plans in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.59). The Division also received the MESA Review Checklist and supporting documentation for review pursuant to the MA Endangered Species Act Regulations (321 CMR 10.18).

WETLANDS PROTECTION ACT (WPA)

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, **will not adversely** affect the actual Resource Area Habitat of state-protected rare wildlife species. Therefore, it is our opinion that this project meets the state-listed species performance standard for the issuance of an Order of Conditions.

Please note that this determination addresses only the matter of rare wildlife habitat and does not pertain to other wildlife habitat issues that may be pertinent to the proposed project.

MASSACHUSETTS ENDANGERED SPECIES ACT (MESA)

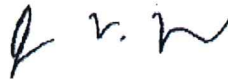
Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, **will not result in a prohibited Take** of state-listed rare species. This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plans may require an additional filing with the Division

MASSWILDLIFE

pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter please contact Emily Holt, Endangered Species Review Assistant, at (508) 389-6385.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. V. Regosin', with a stylized flourish at the end.

Jonathan V. Regosin, Ph.D.
Deputy Director

cc: MA DEP Southeast Region

MASSWILDLIFE

Bk 29438 Pg 55 #5817
02-05-2016 @ 01:29p

MASSACHUSETTS STATE EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 02-05-2016 @ 01:29pm
Ctl#: 758 Doc#: 5817
Fee: \$615.60 Cons: \$180,000.00

BARNSTABLE COUNTY EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 02-05-2016 @ 01:29pm
Ctl#: 758 Doc#: 5817
Fee: \$486.00 Cons: \$180,000.00

QUITCLAIM DEED

WE, GLORIA SALGUEIRO and MARK SALGUEIRO, a married couple, of PO Box
1347, Mashpee, MA 02649

for consideration paid of ONE HUNDRED EIGHTY THOUSAND AND 00/100
(\$180,000.00)

Grants to RUSSELL W. LOWE and KAREN A. O'ROURKE, Husband and Wife as
Tenants by the Entirety of 11 Harbor Ridge Drive, Mashpee, MA 02649,

WITH QUITCLAIM COVENANTS,

The certain parcel of land situated in Mashpee, Barnstable County, Massachusetts,
bounded and described as follows:

Being the northerly portion of Lot 5 on a plan entitled "Plan of Wilfred Wheeler, Jr.,
Trustee, Lots on Ashumet Pond, Mashpee, Mass.", Dated February 1947, Elmer W.
Gifford, C.E., which plan is recorded with the Barnstable County Registry of Deeds in
Plan Book 100, Page 19.

Beginning at the Northeasterly corner of said premises at a point on the Northwesterly
side of a way running from Hooppole Road in a Northeasterly direction to land now or
formerly of the Heirs of Mehitabel Nash, said way beign sometimes known as Wheeler
Road, and being the Northeasterly corner of Lot No. 5 on said Plan, thence running North
64 degrees 58' West, 300.65 feet more or less on Lot No. 6 on said plan to Ashumet
Pond, 100 feet more or less to land now or formerly of Dominy, thence turning and
running South 65 degrees 11' East on said land now or formerly of Dominy, 335 feet
more or less to said road and an iron post in the ground, thence turning nad running
Northwesterly by said road 25.62 feet to a corner, thence turning and running
Northeasterly by said road, 74.38 feet to the point of beginning. Said premises are the
Northerly half of Lot No. 5 on said plan.

[Signature page to follow]

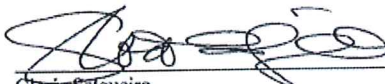
PROPERTY ADDRESS: 110 Wheeler Road, Mashpee, MA 02649

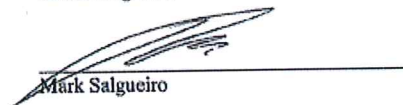
2

Subject to and with benefit of all rights, rights of way, restrictions, reservations, appurtenances and easements of record insofar as the same may be in force and applicable.

We, Gloria Salgueiro and Mark Salgueiro, do hereby waive, revoke and rescind any and all rights of Homestead.

EXECUTED as a sealed instrument this 3rd day of February, 2016.


Gloria Salgueiro


Mark Salgueiro

STATE OF FLORIDA

County of Collier

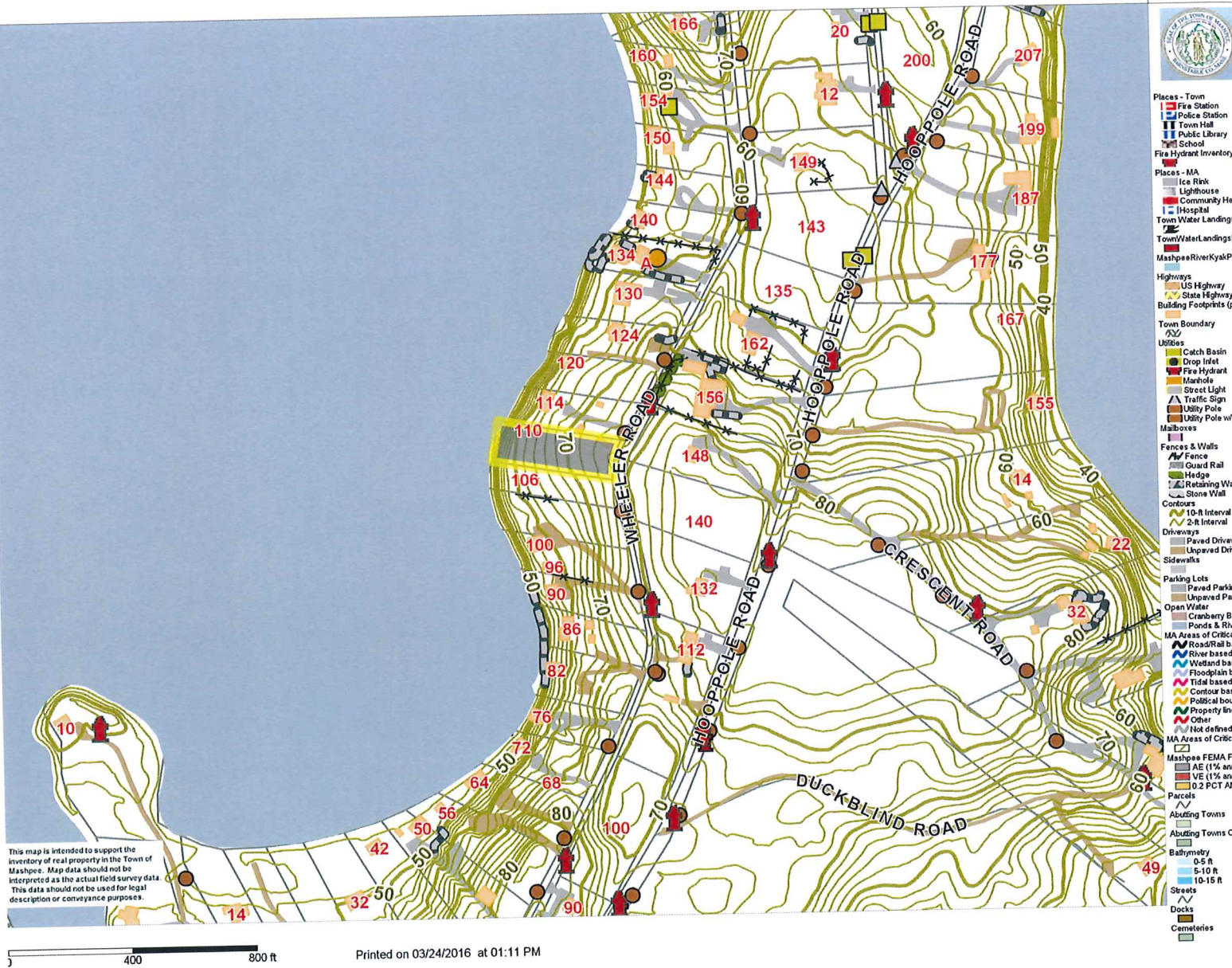
On this 3rd day of February, 2016, before me, the undersigned notary public, personally appeared Gloria Salgueiro and Mark Salgueiro, proved to me through satisfactory evidence of identification, which were personally known to me, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.


Notary Public:
My commission expires:

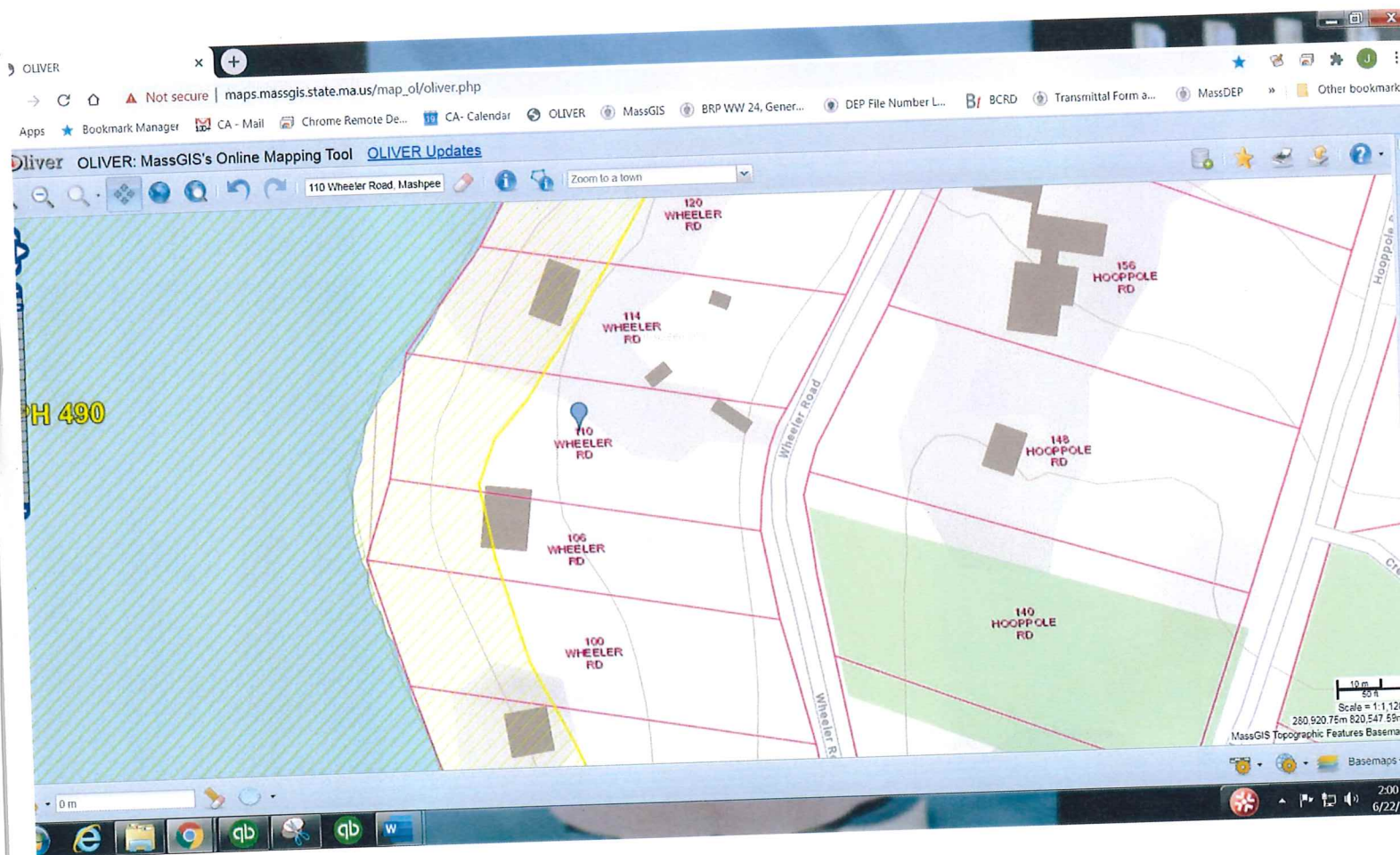


BARNSTABLE REGISTRY OF DEEDS
John F. Meade, Register

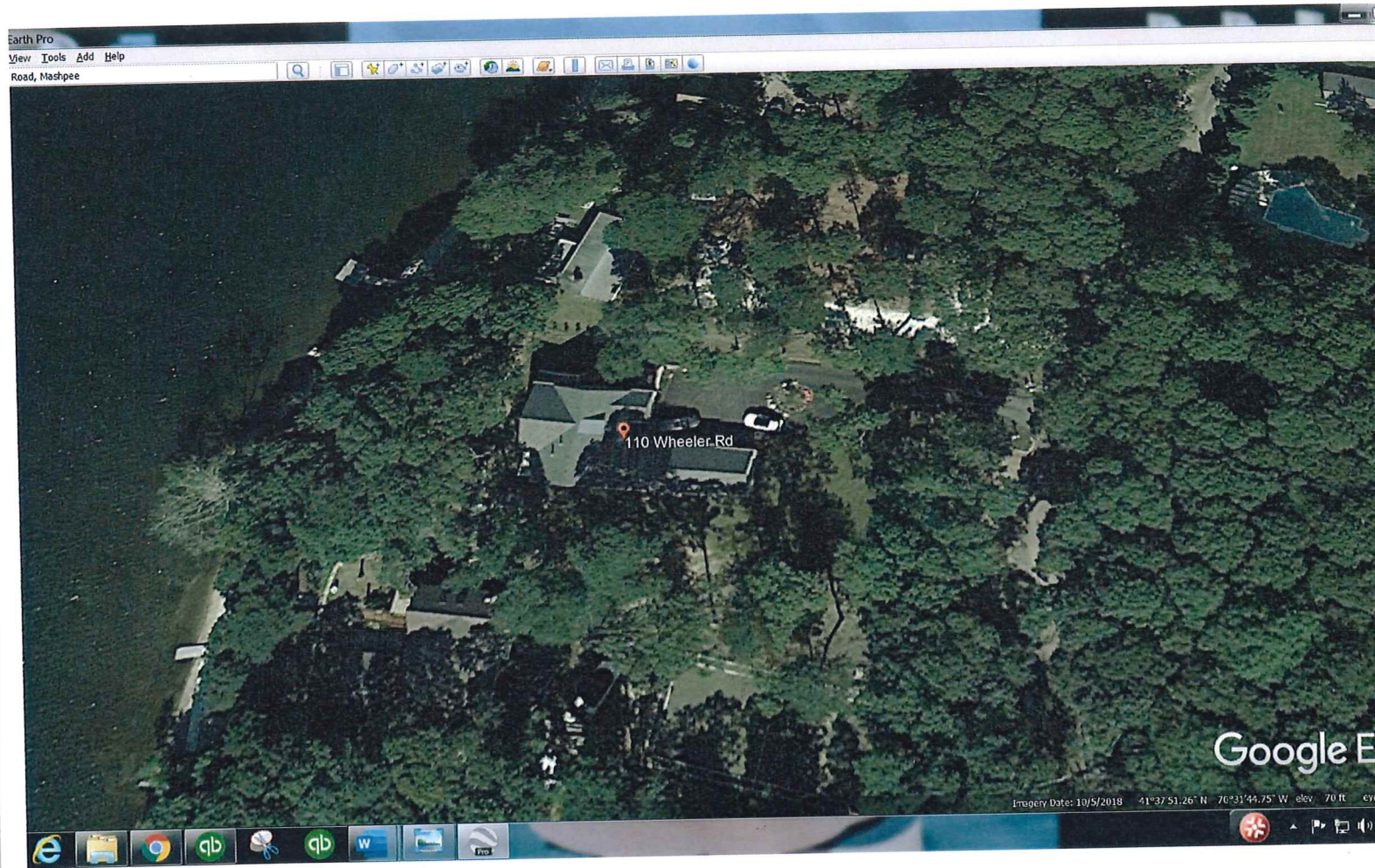
Mashpee GIS Map



Mass GIS NHESP Map



Google Earth



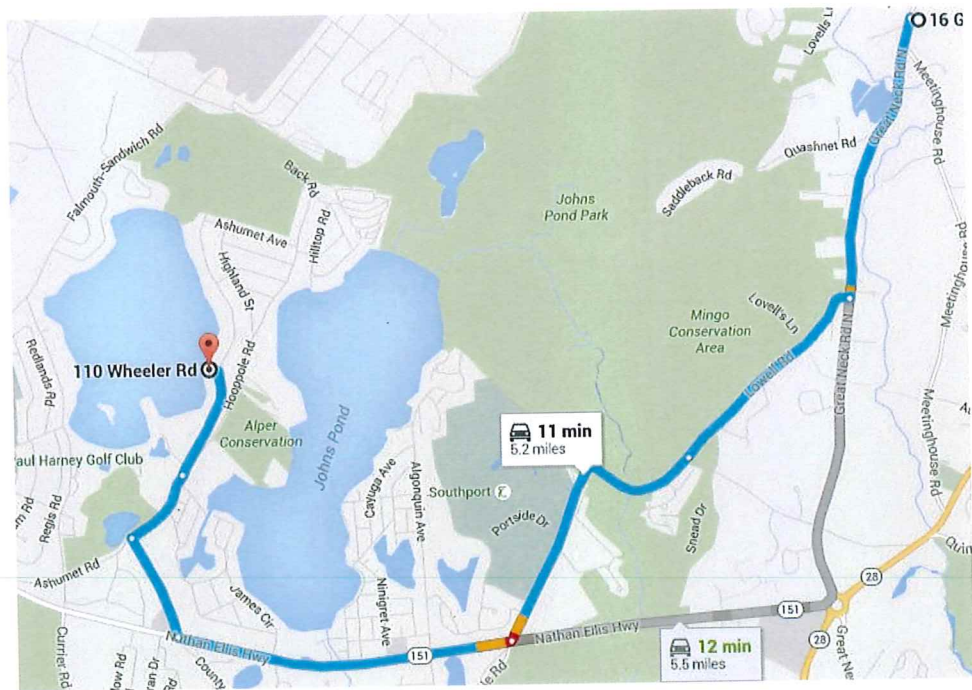
Directions to Site

Russell Lowe and Karen O'Rourke 110 Wheeler Road Mashpee, MA

Starting at Mashpee Town Hall,
16 Great Neck Rd N
Mashpee, MA 02649

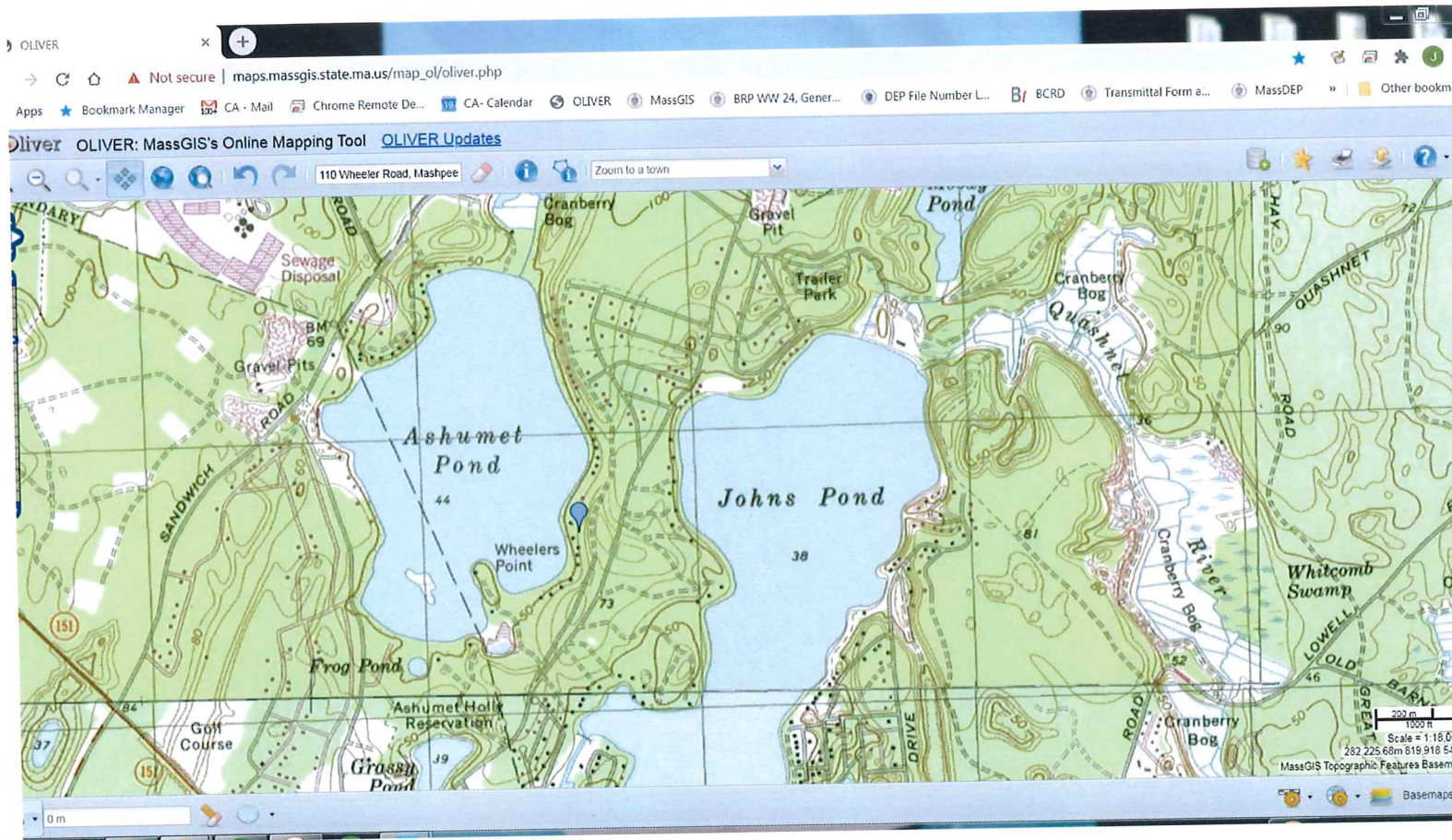
(5.2 miles)
via MA-151 W

16 Great Neck Rd N
Mashpee, MA 02649
Head south on Great Neck Rd
N toward Collins Ln
1.0 mi
Turn right onto Lowell Rd
0.8 mi
Continue onto Old Barnstable Rd
1.1 mi
Turn right onto MA-151 W
1.2 mi
Turn right onto Ashumet Rd
0.4 mi
Turn right onto Hooppole Rd
0.3 mi
Slight left onto Wheeler Rd
Destination will be on the left
0.4 mi



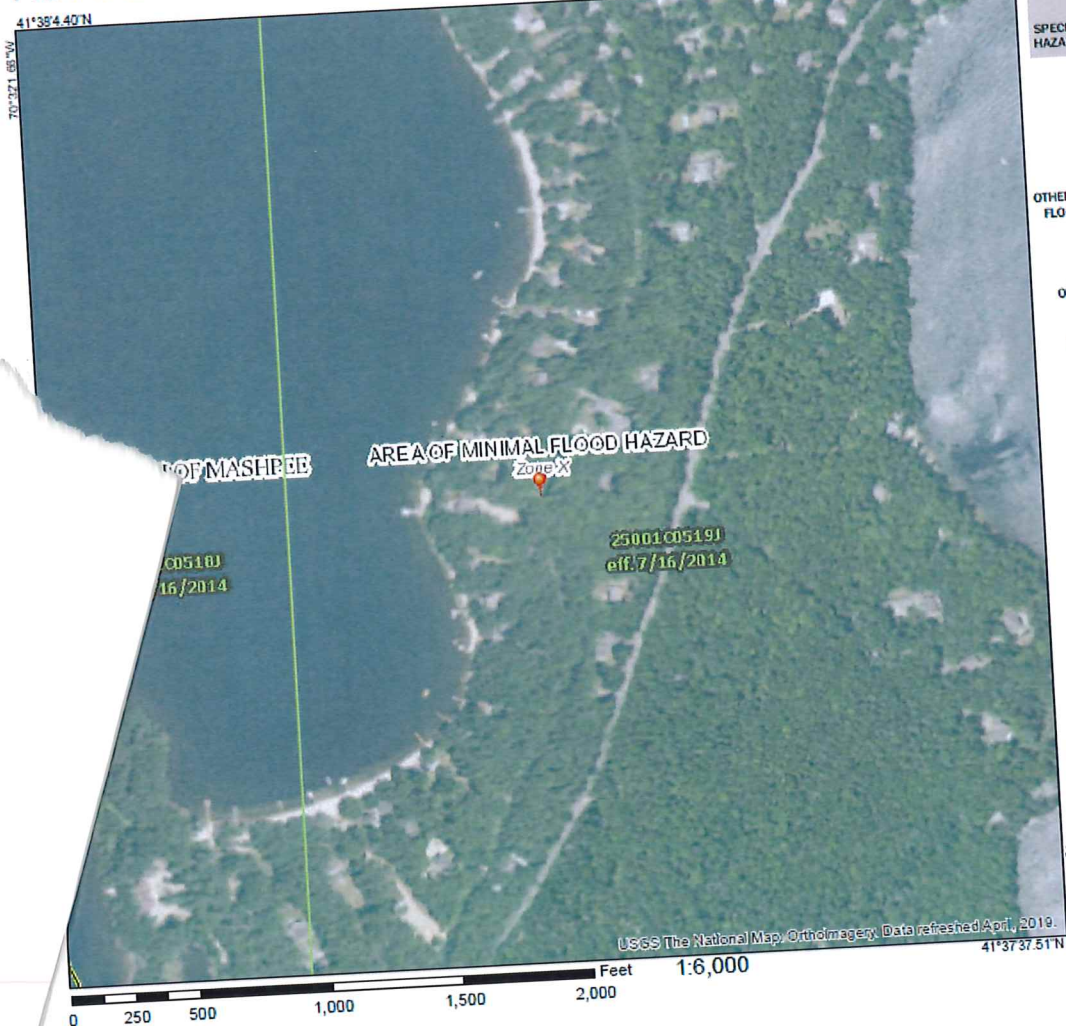
110 Wheeler Road,
Mashpee, MA 02649

MASS GIS Topo Map



FEMA Flood Map

National Flood Hazard Layer FIRMette



Legend

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

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, X, AE, AH, VE, AR
	With BFE or Depth Zone AE, AO, AH, VE, AR
	Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee, See Notes, Zone X
	Area with Flood Risk due to Levee Zone D
OTHER AREAS	Area of Minimal Flood Hazard Zone X
	Effective LOMRs
	Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall
OTHER FEATURES	Cross Sections with 1% Annual Chance
	Water Surface Elevation
	Coastal Transect
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary
MAP PANELS	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
MAP PANELS	Digital Data Available
	No Digital Data Available
	Unmapped

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

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/7/2020 at 2:27:44 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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

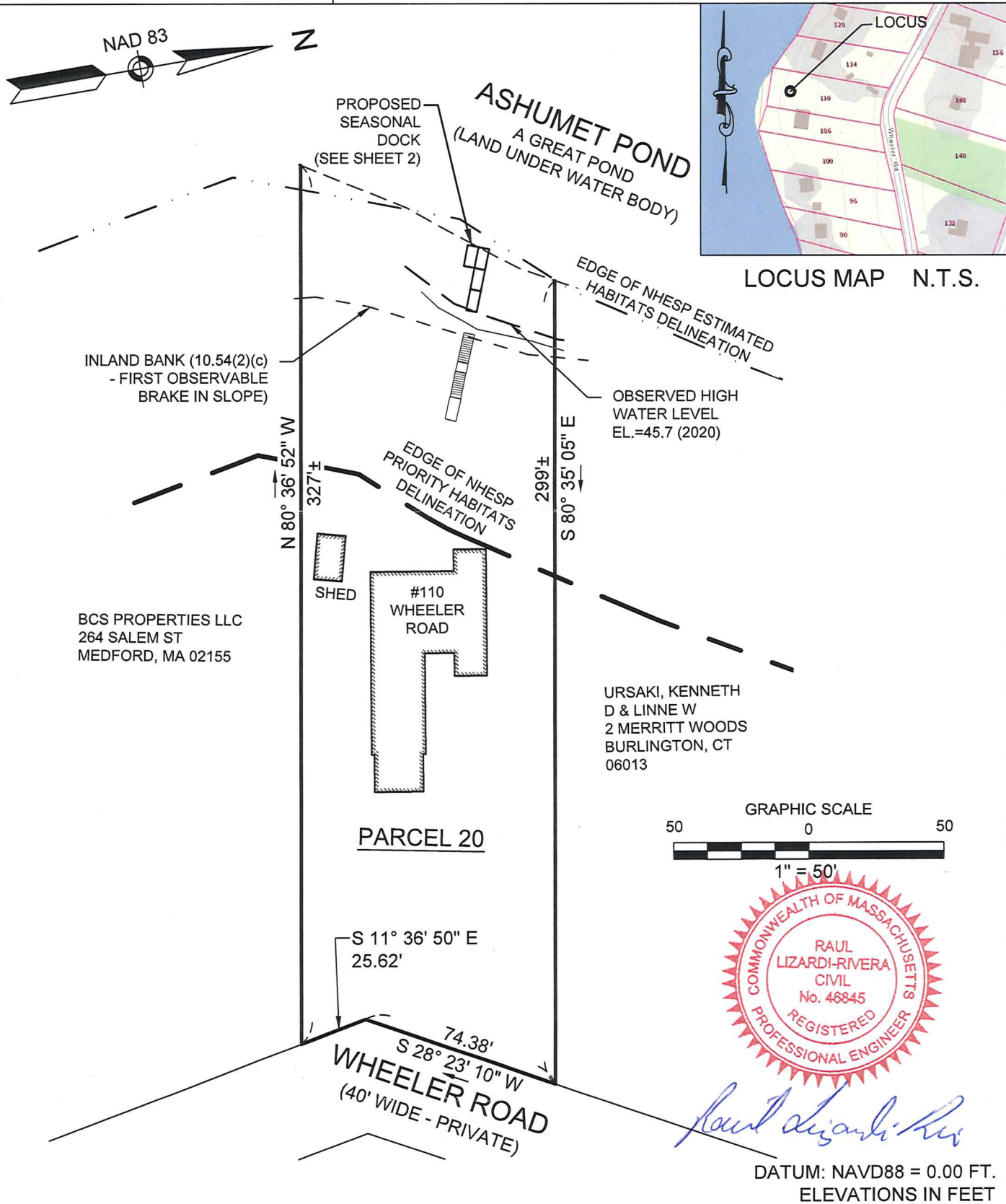
Photographs



Plan of Reference

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

Raul Lizardi-Rivera
RAUL LIZARDI-RIVERA, P.E.



PROPOSED SEASONAL PIER
PARCEL ADDRESS:
110 WHEELER ROAD, MASHPEE, MASSACHUSETTS

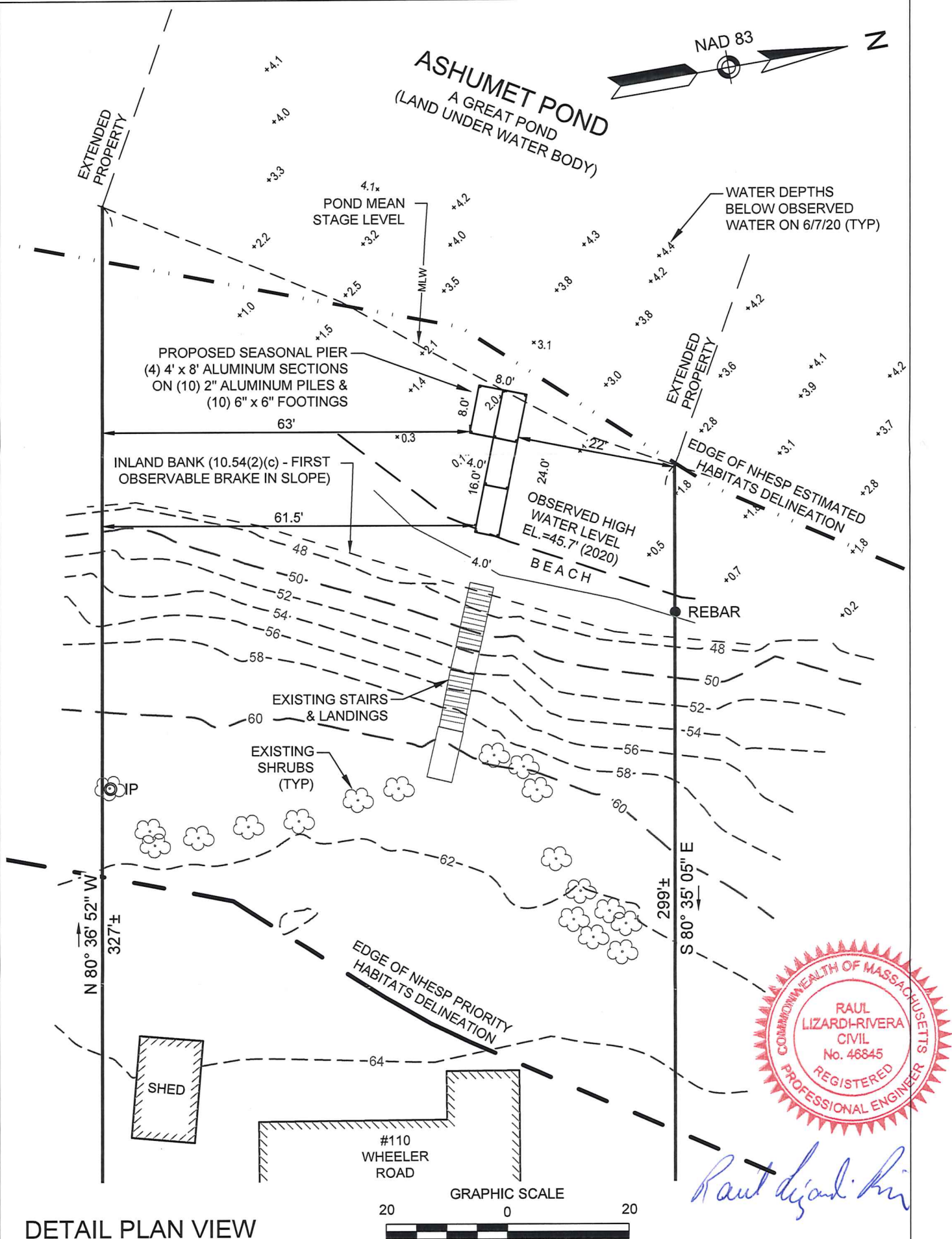
PLAN ACCOMPANYING PETITION OF
RUSSELL W. LOWE TO CONSTRUCT & MAINTAIN A
SEASONAL PIER IN AND OVER THE WATERS OF
ASHUMET POND, MASHPEE, MASSACHUSETTS

PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
508.477.7272 DATE: JUNE 16, 2020

PARCEL ID MAP 57 PARCEL 20 SHEET 1 OF 3

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

Raul Lizardi-Rivera
RAUL LIZARDI-RIVERA, P.E.



DETAIL PLAN VIEW

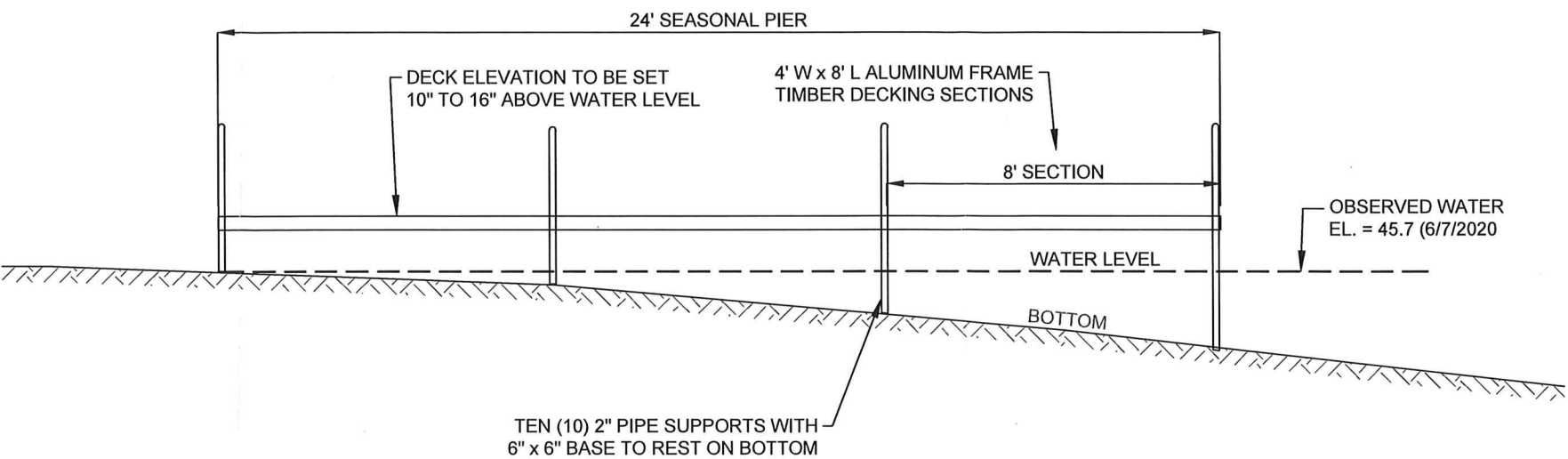
PARCEL ADDRESS: 110 WHEELER ROAD, MASHPEE, MASSACHUSETTS
PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
508.477.7272 DATE: JUNE 16, 2020

PARCEL ID MAP 57 PARCEL 20 SHEET 2 OF 3

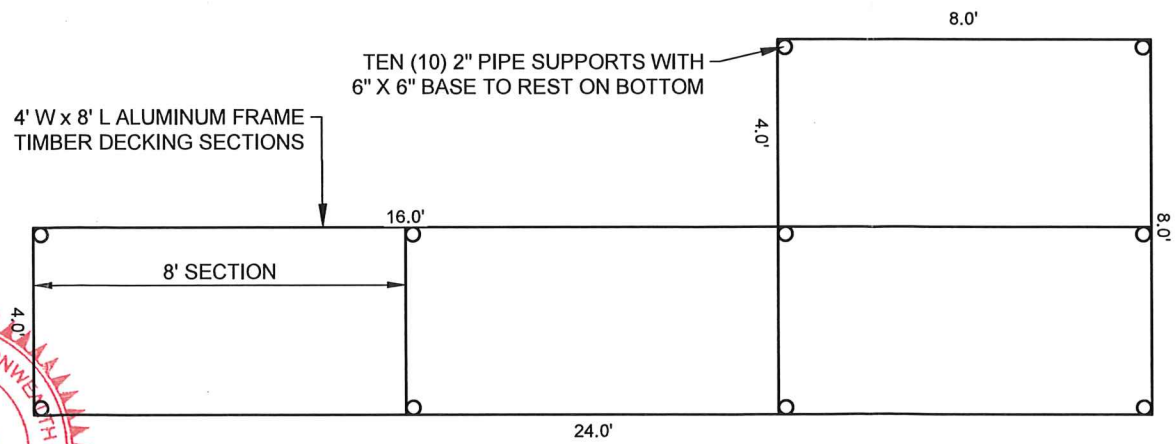
DATUM: NAVD88 = 0.00 FT.
ELEVATIONS IN FEET

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

Raul Lizardi-Rivera
RAUL LIZARDI-RIVERA, P.E.



PIER PROFILE



PIER PLAN DETAIL

PIER PLAN & PROFILE

PARCEL ADDRESS: 110 WHEELER ROAD
PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
508.477.7272 DATE: JUNE 16, 2020



Raul Lizardi-Rivera



PARCEL ID MAP 57 PARCEL 20 SHEET 3 OF 3
DATUM: M.L.W. = 0.00 FT.
ELEVATIONS IN FEET



JUL 11 2020

TOWN OF FALMOUTH
MASSACHUSETTS

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by Kelly North Arthur, 40 Loren Road, North Falmouth, Ma.

(Map 04, Lot 026) **under** 240-3C. and 240-69 E. the Zoning By-Law, as amended to **grant** the special permit to replace existing deck with patio with living space above.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **July 8, 2020**, which is the date the Decision was filed in the office of the Town Clerk.

****Statutory appeal periods, and thus the issuance of Certificates of No Appeal, have been temporarily effected by Court Standing Orders, available at www.mass.gov/guides/court-system-response-to-covid-19. Applicants, abutters and interested parties should consult the Standing Orders to determine their next actions. Any decision by a permit holder to proceed is at their own risk, and the permit holder is urged to consult their own legal counsel. ****

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