



**Meeting of the Mashpee Planning Board
Wednesday, July 18, 2018
Waquoit Meeting Room, 7:00 P.M.**

Call Meeting to Order: 7:00 p.m. – Waquoit Meeting Room – Mashpee Town Hall

- Pledge of Allegiance

Approval of Minutes

- Review and approval of June 20, 2018 & June 28, 2018 Minutes

Proposed Amendments to the Mashpee Zoning By-law and State Zoning Statute

- Mixed-Use Planned Development By-Law, Planning Board Proposal, *Chair Waygan*
- Review of Draft Form-based Code with revisions, Mashpee Commons, *Mr. Russ Preston and staff*
- Review of Zoning Warrant Articles submitted by the Town Planner, *Mr. Evan Lehrer*
- State Housing and Zoning Reform Bills, *Chair Waygan*

New Business

- Owner(s) of 20 & 28 Blue Castle Drive seeking determination of adequate roadway, *Attorney Jonathan Polloni*
- Informational discussion on Windchime Special Permit and need to upgrade its WWTP, *Mr. David Bennett*

Old Business

- Signature by the Board of 2 Center Street Special Permit Modification
- Update on Ockway Highlands Subdivision and Country Club Lane Intersection Design, *Mr. Charlie Rowley*
- Approval of correspondence to Mr. Rui Almeida
- Update on DRI referral to Cape Cod Commission of Special Permit application to erect a personal wireless service facility at 101 Red Brook Road.

Board Member Committee Updates

- Chairman's Report
- Committee assignments to boards, committees and working groups:
RFP Working Group of the Affordable Housing Committee, Community Preservation, Design Review, Environmental Oversight, Greenways/Quashnet Footbridge, Historic District, MMR Military Civilian Community Council, Plan Review
- Cape Cod Commission, Community Preservation, Design Review, Environmental Oversight, Greenways/Quashnet Footbridge, Historic District, MMR Military Civilian Community Council, Plan Review

Correspondence

- December 2017 Discharge Monitoring Report for South Cape Village N=5.10
- January 2018 Discharge Monitoring Report for South Cape Village N=5.60
- February 2018 Discharge Monitoring Report for South Cape Village N=39.50
- March 2018 Discharge Monitoring Report for South Cape Village N=4.50
- April 2018 Discharge Monitoring Report for South Cape Village N=8.90
- May 2018 Discharge Monitoring Report for South Cape Village N=5.20



Town of Mashpee

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

Waterways

- Bonnie Smith of 266 Monomoscoy Road, Mashpee has applied to the MA-DEP for a Simplified License to propose construction of a pier/dock, ramp, float(s), pile(s).
- Ashley Morgan of 196 Captains Row, Mashpee has applied to the MA-DEP for construction and maintainance of a pier, ramp and float in and over flowed tidelands of the Mashpee River. The proposed project has been determined to be water-dependent.
- Mueller Family Trust of 130 Captains Row, Mashpee has applied to the MA-DEP for construction and maintainance of a pier, ramp and float in and over flowed tidelands of the Mashpee River. The proposed project has been determined to be water-dependent.
- Gregory & Hillery Lee of 11 Taffral Way, Mashppe have applied to the MA-DEP for construction and maintainance of an elevated walkway, ramp and float and to perform maintenance dredging in and over flowed tidelands of Popponesset Creek. The proposed project has been determined to be water dependent.

Additional Topics (not reasonably anticipated by Chair)

Adjournment

**Mashpee Planning Board
Minutes of Meeting
June 20, 2018 at 6:00 p.m.**
Waquoit Meeting Room, Mashpee Town Hall
Approved 8/1/18

Present: Chairman Mary Waygan, Dennis Balzarini, Joe Cummings, David Kooharian, David Weeden, Robert (Rob) Hansen (Alt.)

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

CALL TO ORDER

The Town of Mashpee Planning Board meeting was opened with a quorum in the Waquoit Meeting Room at Mashpee Town Hall by the Chair, at 6:00 p.m. on Wednesday, June 20, 2018. The Chair welcomed attendees and asked that people addressing the Board do so using the microphone, stating their name and their business. The Chair stated that the meeting was being video graphed and recorded. The Pledge of allegiance was recited. The Chair noted that this evening's meeting was beginning one hour earlier to allow for a presentation from the Cape Cod Commission.

PRESENTATION FROM CAPE COD COMMISSION

Chairman Waygan introduced, from the Cape Cod Commission, Acting Executive Director, Kristi Senatori, and Transportation Program Manager, Steven Tupper, as well as Mashpee Representative, Ernest Virgilio. Ms. Senatori planned to summarize the Cape Cod Commission's regulatory work, as well as updates to their Regional Policy Plan. Ms. Senatori expressed her thanks to Mr. Virgilio for his work with the Commission.

Ms. Senatori stated that the role of the Commission was to protect Cape Cod's unique values and quality of life and resources, but also assist in the need to grow economically, while keeping the Cape special. Ms. Senatori emphasized the importance of balancing environmental and historic protections with economic development. Ms. Senatori discussed the Commission's purposes, as defined in the Cape Cod Commission Act that was established by the Legislature in 1990.

Among the purposes were:

- Anticipate, guide and coordinate the rate and location of development with the capital facilities necessary to support such development
- Review developments which will have impacts beyond their local community
- Identify and protect areas whose characteristics make them particularly vulnerable to adverse effects of development
- Preserve the social diversity of Cape Cod by promoting fair affordable housing for low-income and moderate-income persons (including the missing middle)
- Promote the expansion of employment opportunities
- Implement a balanced and sustainable economic development strategy capable of absorbing the effects of seasonal fluctuations in economic activity

Ms. Senatori noted that the Cape Cod Commission had a Comprehensive Economic Development Strategy, with plans to commence an update in the fall, and recommended that stake holders become involved in the process.

Ms. Senatori indicated that the Cape Cod Commission was comprised of several areas of responsibility to include the Regional Policy Plan (RPP), Districts of Regional Impact (DRI), Districts of Critical Planning and Concern (DCPC) and the provision of Technical Assistance. Ms. Senatori stated that Cape Cod was home to 215,000 residents, with 162,000 housing units and 96,000 employer jobs. Ms. Senatori noted that 85% of the Cape's land mass was already either protected or developed, with only 15% remaining to either protect or develop. As a result, it was necessary consider smart ways to develop further.

Regarding seasonal economy, Ms. Senatori pointed out that, in comparison to other state counties, the Cape featured a higher proportion of seasonal housing, totaling more than 58,000 units, which was disproportional compared to the rest of the State, though not unlike the Islands. Ms. Senatori reported that 82% of the Cape's housing featured single family detached units, with little distribution among the other types of housing units. As a result, there were 26,000 households faced with a cost burden, spending more than 30% of their income on housing and suggesting that they would be unable to live in the type of housing units currently available on the Cape.

Chairman Waygan introduced Mr. Weeden, representing the Tribe as a Native American Representative on the Commission. Mr. Virgilio expressed his appreciation for the staff of Cape Cod Commission over his 22 years representing Mashpee. Mr. Weeden echoed those sentiments, as a member for 3 years, adding that the staff was very efficient, providing comprehensive reports to assist with decision making. The Chair inquired about the best way for residents to become notified about the work of the Cape Cod Commission and Ms. Senatori responded that individuals could sign up on their website to receive a newsletter and be notified of volunteer opportunities. Ms. Senatori thanked Mr. Weeden for his work on the Commission.

Ms. Senatori stated that the 2009 Regional Policy Plan separated planning and regulatory in order to develop more definitive and collaborative opportunities with towns on projects, and assisted with amplifying planning for the staff. Regarding current Commission thresholds, Ms. Senatori stated that over 10,000 square feet was used for commercial activity and more than 30 units for residential units. Ms. Senatori noted that the thresholds were being revaluated for the new RPP. Ms. Senatori summarized that if a proposal triggered a mandatory review with the aforementioned thresholds, it would be reviewed by the CCC as a Development of Regional Impact (DRI). If a town's permit granting authority determined, they could send a Discretionary Referral to the Cape Cod Commission for review if it created regional impacts. Developments were typically reviewed either as a DRI or in a Development Agreement in coordination with a municipality, such as with a large phased project. The Chair inquired about the agents that could send requests from the towns and Ms. Senatori responded that she could provide a list of agents from Mashpee.

The Local Comprehensive Plan provided for coordinated and consistent regional and local planning on Cape Cod to improve the region's quality of life and long term sustainability and requirements to include:

- Plan for capital facilities
- Plan for development of low and moderate income housing consistent with local needs

- Consistent with RPP and Act goals
- Bylaw consistency within 2 years

Twelve of the 15 Cape communities had some form of a master plan, many of which were at least 10 years old. Mashpee's plan was drafted in 1998 and Capewide, no plans had been certified in the last five years. As a result, the CCC was looking to develop a new process for the local comprehensive planning that would be easier for communities to use and update. The goal of the new RPP would be to provide a template for what an LCP would contain and provide consistency with the RPP.

Regarding an update for the Regional Policy Plan, Ms. Senatori anticipated a draft for the general public at the end of the summer. The Plan would protect the region's natural resources to provide vital ecosystem services and focus economic revitalization in existing centers of activity. Following analysis of development and growth patterns Cape wide, the CCC created centers of activity, where increased density could be incentivized with regulatory relief, encouraging more housing units per acre and increasing more affordable housing. Centers of activity would reduce infrastructure and twice as many jobs would be created.

In creating a framework for the future, the Cape Cod Commission considered seven areas to include regional housing strategy, regional capital planning, goal & checklist approach, streamlined Local Comprehensive Planning, regional targets & performance measures, identification of transect types and identification of regional activity centers. Ms. Senator described transect types as an ecology concept that would involve six zones that would transition from a natural area to a dense urban core. The transects would consist of priority protection areas, rural development areas, suburban development areas, activity centers, industrial activity centers and special districts (airports/marinas). The Cape Cod Transects would set the stage for the planning component of the Regional Policy Plan.

Ms. Senatori noted that they considered characteristics they were seeking while looking at and mapping the activity centers on Cape Cod. Among the characteristics were community and business activity with dense, compact, pedestrian oriented, walkable neighborhoods. Ms. Senatori referenced an example in Falmouth, utilizing a scoring system for criteria, and noting that the CCC was compiling a map of the activity centers on Cape Cod, which would become a focus of the Regional Policy Plan. Activity centers would allow for a focus on infrastructure planning and potential revenue sources and funding to develop the areas, and where the Commission could provide technical assistance. Activity centers would also serve as an opportunity to utilize form based code and a discussion of regulation and design. Ms. Senatori further noted that there may be an opportunity for industrial development that may not be appropriate in downtown areas. Ms. Senatori also suggested the possibility of areas that may need less control by the Commission, such as in areas of residential housing units. Mr. Balzarini inquired about developments with a 30 unit threshold and Ms. Senatori responded that they were working on the details but that some may be smaller units in an area of increased density with infrastructure already in place, and code already in place.

Mr. Balzarini referenced the 15% of land remaining and inquired with so little to develop, why there was a need to address it further. Ms. Senatori responded that, with limited land, it was necessary to carefully develop for the future. The Chair added that there would be need to also

re-develop. Regarding form-based code, Mr. Balzarini did not see how it was appropriate for Cape Cod. Ms. Senatori responded that the Commission had design guidelines and a model bylaw that towns could use, and the next step would be for towns to implement zoning amendments that would allow for form-based code. It was Ms. Senatori's opinion that it was the evolution of zoning for the future, but its adoption would be addressed locally. It was Mr. Balzarini's opinion that developers could make changes through the Special Permit process and inquired how form-based code would help Mashpee. Ms. Senatori responded that she could return to discuss it further, adding that form-based code could be a helpful tool to plan activity centers.

Mr. Weeden inquired about the model for form-based codes to be used by the towns and Ms. Senatori responded that it was design guidelines that were in the process of being updated. The Chair stated that Yarmouth utilized the Architectural and Site Design Guidelines and some towns had adopted them within their bylaws.

Regarding the mapping of activity centers, the Chair inquired whether they would be part of RPP public review before being finalized. Ms. Senatori responded that they were currently mapping out the boundaries and anticipated that some of it would be part of the RPP.

Mr. Tupper was present to discuss the transportation system on the Cape, noting that the region was automobile dominated but it was hoped that there would be other networks more utilized in the future. In addition to the road network, there existed a transit network, sidewalk network and paved path (rail trail) network. In addition, the Cape featured ferry, rail, air and rideshares. The Cape Cod transportation system was being considered for the way in which it interacted with people both living and visiting here and how it allowed them to reach their destinations.

Regarding the ways in which the Cape Cod Commission planned for transportation activities, it reviewed the capacity of the existing transportation network, identified critical gaps and issues in the network and quantified the benefits of capital infrastructure improvements. As an example, Mr. Tupper noted the retail areas around the Mashpee rotary, describing it as a destination, and noting that there were options available, such as sidewalks, to access the area, adding that there was more work to be done. Mashpee had been making improvements to Route 151 by connecting residents with a sidewalk network, making non-automobile transportation an option. On Route 28 east of the rotary, there was an opportunity to make improvements, and there were ongoing conversations with the State. Mashpee rotary was considered a safety and capacity issue.

To address transportation challenges, Mr. Tupper suggested the need to deal with realities, such as crashes on the road, adding the need to address challenges without losing the purpose of the region. In transportation planning studies, the Cape Cod Commission started at the local level identifying solutions, beginning with existing data such as GIS data and crash data, hosting listening sessions. The information would then be considered to develop concepts by gauging reaction from public review. Concepts were then refined and a final report developed with community input. Solutions for challenges were then implemented, through identifying State and Federal funds.

Mr. Tupper reported that Mashpee rotary would be the subject of their next study beginning in October. Data would be collected during the summer. Mr. Tupper added that Planning Boards and other review agencies also reviewed traffic impact assessment, which specifically studied the impacts of a proposed development on a community.

Mr. Tupper stated that Falmouth was hosting a Resiliency Design Workshop. In addition, One Cape 2018 would take place in Harwich August 16 and 17.

Mark inquired about form-based code and Mr. Lehrer described it as based on form, such as architecture, and building types to create more organic developments. Mr. Lehrer invited Mark to his office to share his resources. There was no additional public comment.

Mr. Balzarini inquired about their work with the State regarding transportation. Mr. Tupper responded that they worked with MassDOT as a partner, who would be funding the study. Mr. Balzarini suggested that Southport and other developments offer transportation to Mashpee Commons. Mr. Tupper confirmed that they had seen more communities offering transportation services, such as assisted living communities. It was noted that it may be privately offered or through the RTA. Mr. Lehrer stated that, in reviewing Southport's Special Permit, they would be required to offer transit after meeting a certain threshold. It was noted that it was likely they had reached the threshold so Mr. Lehrer would be looking into the issue further. Chairman Waygan requested that the CCC presentation be added to the website in color to allow a better review of the maps. Mr. Balzarini inquired about the pathways from the beach to Sandwich. Mr. Tupper responded that he would add that slide. Mr. Balzarini stated his support for simplifying the LCP based on his prior involvement with drafting the plan.

Mr. Hansen inquired why their One Cape program was being held in August and Ms. Senatori responded that they had tried a variety of times and this would be timed with the release of the RPP as well as other reports and projects.

The Chair inquired about the rotary meetings, cautioning that some residents would be leaving during the off season, and recommended that some be held while residents were in town. Mr. Tupper confirmed that meetings would be held at different times of the year, noting that they wanted as large an audience as possible. Mr. Tupper added that they were willing to consider other forms of communication, such as phone calls, with interested parties.

Mr. Lehrer encouraged the Board to consider the activity centers and the goals of the Regional Policy Plan as future development was being considered in Mashpee, and the need for dense development for the remaining 15% of land. Mr. Virgilio stated that public exchange was a benefit and was effective in the work of the Cape Cod Commission and offered his vote of support for Ms. Senatori to serve as the Executive Director.

Chairman Waygan stated that the Planning Board had just referred a project and inquired how residents would be made aware of the public hearing. Ms. Senatori responded that the notice would be located on their website and the local paper and agreed to send it to the Board.

A recess was taken at 6:59 p.m. The Board reconvened at 7:06 p.m.

APPROVAL OF MINUTES— June 6, 2018

The Chair inquired whether the minutes included Mr. Almeida's comments that, as part of developing a form-based code, there should be a master plan. The Chair asked that it be added to the minutes. Following the meeting, the Board Secretary found the content located at the bottom of page 6, reading "Four components of form based code was described as, vision centered, written as part of a master plan, binding public and private interests; purposeful, and priority driven, concentrating on regulating with emphasis on those areas that were prone to change; place based, code prescriptions carefully calibrated specific to the setting to which they are applied; and consequential urbanism, not an exercise in beautification."

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

PUBLIC HEARINGS

7:10 p.m. Applicant: William Lovely, Property Owner
Property: 2 Center St. (Assessor's Map 36, Lot 47)
Request: Special Permit Modification to list 174-25(B10), "Day nursery, nursery school, kindergarten or other agency giving day care to children, provided that any outdoor play area is screened by fence, wall or planting line from any neighboring residential structure and is not detrimental to the neighborhood by reasons of noise," of the Mashpee Zoning Bylaw.

The appointed time having arrived, Chairman Waygan read for the record the public hearing notice and opened up the continued public hearing. Owner of 2 Center Street, Bill Lovely, stated that he had followed up with Robert Our, and provided documentation to Mr. Rowley regarding the access hatch installed on the property.

Mr. Rowley confirmed that he was in receipt of the specifications for the cover but stated that he saw no indication of the type of cover described. One specification noted it was steel, a second specification indicated that it was aluminum. The aluminum cover could be used in limited areas but for parking, the bottom of the specification referenced use of a steel cover. Mr. Rowley expressed concern regarding the location of the aluminum cover in the driving area. Within the drafted Special Permit Modification No. 2, an allowance was made to allow Mr. Lovely four months to make the cover appropriate. Mr. Rowley inspected the site, providing photographs of the location and parking scheme. Mr. Rowley was not prepared to state that it was an appropriate cover for the location.

Mr. Lovely stated that the loading of the cover was good for trucks, but was in agreement with Mr. Rowley that the steel cover was more appropriate. Mr. Lovely stated that the condo association owned the parking lot and it was his opinion that he should not have to do something. Mr. Lovely stated that the condo association had a \$100,000 bond with the Board of Health for the septic system, for which the cover was the access, and they agreed to address the issue based on Mr. Rowley's comments. Mr. Lovely stated that the condo association would work with Robert Our to fix the hatch, but Mr. Lovely felt that it should not be tied to his Modification.

Mr. Balzarini responded that his Modification was using the parking lot and increasing traffic to the parking lot. Mr. Lovely stated that he placed cones around the cover to divert traffic as advised by Mr. Rowley. Mr. Balzarini inquired about the grade and Mr. Lovely responded that he believed it was only the binder course in place. Mr. Rowley stated that it was tied to the Special Permit because the portion of the project was tied to the Planning Board. Mr. Rowley recommended 4 months, rather than 6 months, to allow for the replacement before the cold weather set in.

The Chair agreed that the condition should remain in the Modification and Mr. Balzarini added that they did not want to hold up Mr. Lovely's request. Mr. Lehrer read the condition located at the bottom page 2 of Special Permit Modification No. 2. The Chair stated that she would be willing to change the Modification once there was a plan in place to change the cover and linking it to the bond, but she did not want to delay the school. Mr. Lovely was in agreement to move forward. The Chair noted that reference to Mr. Hansen in the Modification needed to be struck. Mr. Cummings inquired about tying in the condo association and the Chair responded that the 4 month period should allow the time necessary to tie them in. Mr. Lehrer used more general language so that the hatch could be addressed, without placing the responsibility on Mr. Lovely or the condo association. There were no additional comments.

MOTION: Mr. Balzarini made a motion to close the Public Hearing. Mr. Kooharian seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to approve Modification No. 2. Mr. Kooharian seconded the motion. All voted unanimously.

Mr. Kooharian signed the signatory page and Chairman Waygan will notarize the document and return it to Mr. Lehrer.

NEW BUSINESS

Signatory page for Recording at Registry of Deeds/Land Court-Board members signed the signatory page.

'Raze and Replace' Working Group-Chairman Waygan referenced the Bylaw that the Board previously did not recommend for May Town Meeting, regarding rebuilding in south Mashpee. The Chair inquired whether there two members of the Board wishing to serve with two members from the Zoning Board of Appeals to discuss public comments, as well as Planning Board comments about identifying the best solution for a new Warrant Article. Mr. Lehrer reported that the Building Inspector would identify a meeting date for the group. Mr. Balzarini and the Chair expressed interest and recommended either a morning meeting or a time after 5 p.m.

Preliminary Subdivision Plan-

Applicant: Mark and Donna Lopez, Property Owners
Property: 103 Meetinghouse Road (45-50-0)

Proposal: Divide 284,184 s.f. parcel in an R-5 District into three (3) residential lots with 127,263 s.f. of proposed open space.

The Chair read the request for the record. Matt Costa, Cape & Islands Engineering, represented the project proponent to divide a parcel into three residential lots. Mr. Costa stated that he was before the Board seeking feedback regarding a proposed roadway. Mr. Costa stated that the Lopez property was in the midst of a land swap with the Town, deeded to the Conservation Commission, but retaining a large portion at the back of the parcel. The project proponent was proposing a subdivision, creating two buildable lots around the existing Lopez family home and Mr. Costa highlighted the open space parcels, including one that would lead out to Meetinghouse Road.

At present, there was an existing gravel way that serviced a home out back. Additional Lopez properties were also accessed by the gravel way which measured approximately 12 feet wide. Mr. Costa proposed improving the gravel way, with a "T" turnaround at the end, widening the gravel way to 16 feet with pull offs to accommodate fire trucks or an 18 foot gravel way, if sufficient. Mr. Costa indicated that cost was a consideration, but the project proponent was seeking a safe and adequate access. Mr. Costa had initially spoken with former Town Planner Tom Fudala and referenced Orchard Road that had been previously approved for 18 feet wide. A drainage swale would run alongside the road with pitched drainage.

Mr. Lehrer believed that the Special Permit Regulations allowed for an 18 foot way, of suitable material, if it served five residences or less. Mr. Rowley needed to look into it. Mr. Balzarini expressed concern about fire truck access and inquired about the pull offs. The Chair stated that it would be 18 feet. Mr. Balzarini stated that he would want to receive approval from the Fire Department. Mr. Rowley agreed, adding that a short gravel road serving two lots had been previously approved, but offered a circle at the end to allow for a turnaround. There was discussion regarding whether that road had been labelled a driveway. Mr. Rowley noted that the profile showed a steep grade, with further review of the drainage necessary. In addition, there was a road length limit of 800 or 900 feet. Regarding the "T", Mr. Rowley expressed concern about its adequacy for the Fire Department and suggested to first address the issue with them. The Chair inquired where the gravel improvement would begin and Mr. Costa responded that it would start at Meetinghouse Road, and that they would be seeking an easement to define the layout of the road area from another member of the Lopez family. The Chair requested that permission be obtained.

Mr. Rowley inquired about the arrow shaped open space and Mr. Costa responded that it was existing. Mr. Rowley suggested making an adjustment to place some of the frontage on the lots. Mr. Rowley needed to look into the Subdivision Regulations and Bylaws regarding a lot with a road easement rather than a road layout. The Chair noted that the request had potential. Mr. Rowley suggested that the Fire Department first assess the width and driving surface and whether or not there was sufficient access. Mr. Cummings inquired about the drainage entering Meetinghouse Road and Mr. Rowley stated that the appropriate surface and the way in which runoff would be address required further consideration. Mr. Costa would be looking into it further and will follow up with Mr. Rowley and Mr. Lehrer. Mr. Rowley requested being part of the discussion with the Fire Department.

1st Draft Overview- Mashpee Commons' Form Based Code Proposal-Russell Preston, representing Mashpee Commons, referenced their Master Plan Design Week and introduced Tom Ferronti and John Connell, also in attendance at tonight's meeting. Mr. Preston thanked the community for their involvement in the discussion and planning process. Mr. Preston's presentation will introduce some of the big ideas that came out of their process.

Mr. Preston described values that had been identified through the process, such as preservation of the Cape Cod vernacular through design that dignified the history and character of Mashpee and the Cape while supporting arts and culture and promoting recreational and public space opportunities. In addition, Mashpee Commons wished to enhance economic development, noting that 1100 people worked at Mashpee Commons. Finally, Mashpee Commons wished to promote a healthy and environmentally friendly lifestyle to enjoy the wonderful things on Cape Cod.

First sharing an existing image of Mashpee Commons' location, featuring mixed use structures with Trout Pond, rivers, library and the Church, Mr. Preston then shared an illustration that combined the many big ideas suggested during the visioning process. Among the highlights were a regional park around Trout Pond, connected series of paths, trails and open spaces, walking traffic from river to river, parks and connections to larger conservation areas throughout Mashpee. Additionally, a series of walkable streets, paths and thoroughfares in the character of Mashpee Commons and Cape Cod, would be offered in order to build out the neighborhoods. Finally, Mashpee Commons would tie in to other facilities in the surrounding neighborhoods, such as schools, Boys and Girls Club and senior centers.

Mr. Preston then shared some of the big ideas that came from their discussions, including how to support the small town feel and character. Mr. Preston discussed how best to deliver to the missing middle through the addition of small cottages, apartment buildings, large duplexes, brought together to create a small town community. Mr. Preston noted that, in order to make it feasible, density was needed to provide new and affordable housing. Character of buildings and how they related to one another was generated through their design studies. By mixing different buildings within a block, it created a more authentic, small town feel. Mashpee Commons wished to further develop the idea through form-based code.

Another big idea, creation of an open space network, would link greenways between the rivers and connecting Mashpee Commons to the Town through recreation and a connection to nature. Squares, parks, playgrounds and other enhancements to the village common would promote an outdoor lifestyle.

Mashpee Commons considered how they could best move forward with fulfilling these big ideas on their own, as well as working with third party developers, and determined that form-based code would allow growth in the spirit of Mashpee Commons' character. Form-based code would allow for a predictable path forward. Goals for implementation would include administrative section to clearly outline review of future projects by review boards, clearly defined character districts, building and use standards to support mixed-use walkable neighborhoods, site standards and neighborhood standards.

Mr. Preston referenced the rough draft of a form-based code, and where it would be applied on the map. The intent was to start discussion with the Planning Board over the course of the summer. Mr. Preston referenced the Cape Cod Commission presentation and the need to work together, which has been key to the success of Mashpee Commons by Design. Mr. Preston emphasized the need to consider the commercial center of the Town and what else was needed to support the larger goals, which would include apartments, mixed-use buildings and townhouses. Mr. Preston shared images of the types of buildings that could be developed at Mashpee Commons, reminiscent with characteristics of old Main Streets, with more variety moving away from the more commercial area, and a greater focus on residential units in areas further from the commercial center. The residential areas would feature larger houses or apartment houses, detached, with some corner stores. At the edge, more green and landscape would be introduced with open space, public play spaces and rural areas.

Rather than bringing forward a project, Mr. Preston suggested that Mashpee Commons was proposing a process of review and guidance through a form-based code, which would allow them a path forward. In an effort to look forward 10 or 15 years to what could be built, and incorporating third party developers, for projects such as affordable and senior housing, form-based code could create pattern and density and build at a human scale. In order to build a small town character, parking would need to become part of a larger transportation plan, moving some parking to the edges. Mr. Preston suggested that character districts would become part of the master plan, and then in an incremental process, lot by lot, build out Mashpee Commons.

Mr. Preston referenced a working-draft copy of their form-based code for further discussion at the June 28th meeting. Mr. Lehrer confirmed that a larger meeting space was reserved at the library to accommodate all interested parties. Mr. Preston felt the meeting would be an opportunity to address questions and comments and to establish an agenda for the summer to address the draft. The Chair stated that the proposed Bylaw would need to be considered by the Board of Selectmen by July 9. Mr. Preston responded that he understood July 9 to be procedural, as a deadline placeholder. Chairman Waygan responded that the Planning Board and the public would have no control over the Bylaw after July 9, unless they ask the Selectmen, but they have not previously had success with such requests. The Chair stated that they had received nothing in writing regarding Mashpee Commons' proposal. Mr. Balzarini expressed concern about how they could address it with a July 9 deadline, noting that it felt sneaky. Mr. Lehrer attempted to speak but the Chair stated that she would recognize Board members. The Chair stated that this had happened repeatedly before with Planning Board requests such as additional staff, resource and funding. Chairman Waygan distributed copies of a proposed Mixed-use Planned Development Bylaw.

Mr. Preston stated that they offered 10 months of process that was open to the public. The Chair responded that no Bylaw in writing had been provided. Mr. Balzarini stated that he attended one Mashpee Commons meeting because the issue needed to be heard by the Planning Board, adding that time was needed. Mr. Preston stated that they had laid out a schedule for the summer to work on the draft with the Planning Board. Mr. Balzarini and Mr. Weeden stated that Mashpee Commons was giving the Planning Board one meeting to work out the details of their draft. The Chair referenced the proposed Mixed-use Planned Development Bylaw and summary, developed by their proposed consultant, Mr. Fudala, who drafted it at no cost to the Town. The

Chair suggested the possibility of submitting the proposal as a Petition Article to safeguard the interests of Mashpee residents and Mashpee Commons. Although the Chair stated that Mashpee Commons had been a great partner to the Town, it was her opinion that the Mashpee Commons proposal may not acquire the necessary 2/3 vote, due to it not being proposed by the Town. The Chair expressed extreme frustration that nothing had been received in writing, with a deadline of July 9 and turned the meeting back over to Mr. Preston. The Chair did not allow Mr. Lehrer to speak.

Mr. Preston responded that, it was acceptable if more time was needed beyond the July 9 deadline, adding that Mashpee Commons by Design was intended to be a collaborative effort to define the future of Mashpee Commons. Mr. Preston noted that, as a result of discussions with members of Town Hall, they were encouraged to develop a schedule to get them to Town Meeting in October, but their intention was to work collaboratively with the Planning Board throughout the summer to edit the proposal. Mr. Balzarini responded that they were proposing just one meeting due to the July 9 deadline. Mr. Preston stated that it was his understanding that edits could be made until mid-August. The Chair responded that the Board of Selectmen could make edits and that the Planning Board was more receptive to public comment than any other Board in the Town. Mr. Preston inquired how they could best meet the Planning Board's schedule. The Chair responded that if she did not act with a Petition Article by July 9, she would be opening up the Town to having a Bylaw introduced by one of the three bodies that could do so after July 9. The Chair stated that she was unwilling to give up the Planning Board's influence over the project because they were the elected officials for land use and planning in Mashpee and needed to be at the core of the issue. Mr. Balzarini inquired about Mashpee Commons' need for a Modification since they would be changing their Special Permit. The Chair suggested that Mashpee Commons' request would be appropriate for a May Special Town Meeting. Mr. Balzarini stated that Mashpee Commons offered presentations over a period of time but was only allowing one week to consider a proposed bylaw.

Mr. Lehrer stated that it was his understanding, in speaking with the Town Manager and Assistant Town Manager, that July 9 served as an administrative deadline for the Board of Selectmen to be aware of what would be placed on the October Town Meeting Warrant. The administrative deadline would allow for the Planning Board to continue to work with Mashpee Commons to make edits and amendments and to become comfortable with the administrative procedures that would be contained in their proposed bylaw. It was Mr. Lehrer's understanding that an earlier meeting would occur with Mashpee Commons on June 28 with the formalized proposal, continuing to work on it during additional Planning Board meetings until the middle of August. The Planning Board could then enter the Warrant, after which it could not be changed. Once the Warrant was open, the Planning Board could then host their Public Hearing on the proposed bylaw for public comment, following which, they may or may not offer their endorsement. The Chair disagreed, stating that, as a Mashpee Planning Board member, she had never submitted an Article by the second Monday in July and been allowed to change that Article. In a past experience, the Board of Selectmen removed a Planning Board Article from the Warrant because they would not allow the Planning Board to change it. The Chair stated that she had received nothing in writing from the Board of Selectmen that they would not place an Article on the Warrant without unanimous approval from the Planning Board. After July 9, the Planning Board could offer nothing but public comment.

Tom Ferronti, Mashpee Commons, confirmed that he was in the meeting with Mr. Lehrer, Mr. Collins and Mr. Taylor, stating that this was the process mapped out for Mashpee Commons to allow the Planning Board involvement. The Chair inquired whether there was a vote or documentation guaranteeing that the Board of Selectmen would allow the Planning Board to make changes. Mr. Ferronti inquired how they could follow the process and acquire a letter of recommendation from the Board of Selectmen to allow the Planning Board to make changes until September 11. The Chair stated that the deadline of the second Monday in July was located in the Charter or the Town Bylaw, with no provision for the Planning Board to make changes. Mr. Ferronti stated that they received different information and that it was their intent to include the Planning Board in the process, as they had done through the whole process. Mr. Balzarini stated that Mashpee Commons offered public sessions that were not for the Planning Board. The Chair stated that the Planning Board had initially asked that those meetings occur with the Planning Board. Mr. Ferronti responded that it was Mashpee Commons' intent to offer ample opportunities on different nights for anyone in Town to participate. It was felt that every other Wednesday did not allow the flexibility. Mr. Balzarini stated that it was to the benefit of Mashpee Commons to hold those meetings. Mr. Ferronti responded that it was their intent to offer an inclusive process and Mr. Balzarini responded that the Planning Board could not attend due to quorum issues with Open Meeting Law.

Mr. Preston offered to distribute their draft, noting that it was not yet complete, with text still in development, adding that the process since Master Plan Week had been arduous. The proposed form-based code would need review over the summer, which they hoped to complete collaboratively during the Planning Board's summer meetings. Mr. Preston stated that the collaborative visioning with the Town allowed them to integrate that thinking into their form-based code. Provided that edits went well with the Planning Board, they were being asked to go to Town Meeting in October. As discussed in the past, Mashpee Commons did not wish force anything, but were looking to make it a collaborative dialogue and effort while making it the best for the Town and feasible for Mashpee Commons. Mr. Preston indicated that they could look at alternative timelines if necessary, suggesting that the Board read through the document and provide Mashpee Commons with their feedback. Mr. Preston noted that best practices had been integrated in to their Form-Based Code, adding that they had attempted to do the best job that they could for the Town of Mashpee, and their intent was to accommodate and be present at Planning Board meetings as much as possible, to review the details.

Chairman Waygan stated that it was not completely on the shoulders of Mashpee Commons and expressed concern that the issue had been mismanaged by the Town. The Chair stated that she was advised by Mr. Collins not to discuss by email, but that she would discuss it in the meeting.

Mr. Weeden stated that the Planning Board was being given a 266-page document to revise and deliberate and advise on for the July 9th meeting. Mr. Weeden stated that the document should have been issued 3-4 months ago in conjunction with the Planning Board meeting schedule. The Chair stated that it contained nothing to address affordable housing, open space and traffic concerns.

Mr. Preston urged the Board to take some time to look at the document. The Chair responded that the document offered amazing potential but did not address many of the concerns expressed by the public. Mr. Preston suggested consideration of the differences between form-based code and a bylaw that enabled projects to happen and then what projects would come forward to address other aspects. The Chair inquired what would be changed in Mashpee Bylaw to allow form-based code, while addressing the concerns expressed by the residents and each chapter of the Local Comprehensive Plan. Mr. Preston responded that they did not yet have a project to put forth because they were looking to first identify what they could build in the next few years, adding that the zoning and regulatory framework were not currently available to move forward or study the impacts of traffic. The Chair and Mr. Balzarini disagreed. The Chair stated that she was fine with form-based code but she wanted to know what would be changed in the Bylaw to allow the use of form-based code. Mr. Preston responded that, in discussions with Mr. Lehrer during Mashpee Planning Week, it was recommended to explore the idea of adding a chapter in the Bylaw that would incorporate form-based code, to become a new mixed-use zoning district. The Chair inquired whether it would apply only to the outlined land and Mr. Preston responded that an administrative section and preamble would outline other aspects of the Town Bylaw. The Chair inquired about the piece regarding affordable housing, but Mr. Preston was unsure of its location, but noted that there was a recommended inclusionary requirement. There was agreement that it needed a closer look and Mr. Preston responded that it was being updated just hours before the meeting, so the document was not available before now. The Chair suggested that the October Town Meeting was an impossibility, but that if they were to go forward, there would be a petitioned zoning article for which form-based code would be a subset. Mr. Preston reiterated that they wanted the Planning Board to have time to look at the document, sharing any questions at the next meeting and setting up an agenda to move forward.

Mr. Lehrer stated that, the mechanics behind the proposed schedule, had been reviewed by Town Counsel and there were no issues regarding legalities to the process. The Chair expressed interest in discussing the matter with Town Counsel and Mr. Lehrer responded that he would coordinate it. Mr. Balzarini agreed that the Selectmen could add the item to the Warrant but that if it went to Town Meeting, he would speak against it. Mr. Ferronti stated that they were not trying to fight with anyone, they wished to include the opinions of all without the pressure of a schedule. Mr. Ferronti stated that the schedule was identified based on a conversation with the Town Manager, the Assistant Town Manager and with input from Town Counsel. Mr. Balzarini inquired why a member of the Planning Board was not present and Mr. Lehrer responded that he was present. Mr. Ferronti stated that the schedule was not intended to preclude the Planning Board, and was created with the understanding that July 9 was a placeholder and no finalization of language was needed until September 11th, when the Warrant was published. Mr. Ferronti apologized for any misunderstanding, stating that it was never their intent to subversively bring their proposal to Town Meeting. Mr. Ferronti further explained that they proposed the extra June 28 meeting as a means for the Planning Board to pose a first round of questions, allowing them to make revisions incorporating Planning Board comments, in time for the July 9 draft submitted as a placeholder to the Board of Selectmen. Mashpee Commons would then work with the Planning Board until September 11th to finalize the language, to be posted for the Warrant. The Chair stated that July 9 served as a placeholder for the Board of Selectmen, not the Planning Board. Mr. Preston stated that they needed to start somewhere with form-based code and their proposed draft and they were interested in starting the discussion as quickly as possible. Mr.

Preston confirmed that the draft would be available on the Mashpee Commons by Design website.

Chairman Waygan stated that attendance at tonight's meeting was indicative of residential interest and response to Mashpee Commons' proposal. Mr. Ferronti agreed that there had been tremendous community interest shown, with over 300 residents participating. Mashpee Commons was all about transparency, sharing for the public to see and participate. The Chair suggested that copies of the draft be made available at the library. Mr. Preston added that they planned to continue the Mashpee Commons by Design process up until Town Meeting, including meetings with neighborhood groups or other interested parties. The Chair invited further comments from the Board.

Mr. Kooharian stated that he was not happy with the short deadline, potentially cutting the Planning Board out of the process. It was the job of the Planning Board to review the matter but if it could not be completed by July 9, then their job would be taken away from them, which would not be good for Mashpee Commons, the Planning Board or the Town. It was a serious issue for the Planning Board.

Mr. Cummings was in agreement, adding that it was received too late.

Mr. Weeden stated that the draft offered a lot to digest in just a few meetings, adding that there was no way they could compile all of their concerns and have them addressed and negotiated in time for July 9th. Mr. Weeden agreed with the Chair that Mashpee Commons was being transparent in engaging with the community and placed the blame on the Town who should have been familiar with the process.

Mr. Hansen agreed that the presentations and involvement of the public had been very good. Although discussion had touched on buildings and open space, little focus had been placed on target demographic groups and the environment, including wastewater issues, as it would be addressed in a master plan. Mr. Preston responded that their proposal included a series of review steps, including a master plan review by the Planning Board, to review such details. Regarding demographics and affordable housing, Mr. Preston stated that they were unsure what they would be building over the next few years, but a key piece would be the zoning necessary to move forward, with a better understanding of the feasibility. Once the processes were agreed to, they would be able to better identify the projects, but over the last few months, there had been interest expressed in 55+ communities, workforce housing and deed restricted affordable housing, possibly with third party developers. Mr. Hansen suggested it should have been part of the presentation but Mr. Preston stated that he was asked to keep his presentation brief, with a focus on the process.

The Chair suggested that, instead of replacing the underlining zoning, form-based code could be referenced in the Bylaw. Form-based code would not be voted on at Town Meeting, but changes would then not require the 2/3 vote. The Chair referenced the proposed Mixed-Use Plan Development Bylaw distributed to attendees at the meeting, which amended Section 174-3 by adding a definition for Mixed-Use Development and adding a new section 174-46.1, which would agree with the intent of the Form-Based Code and be approved by Special Permit. In

addition, rather than apply to a single property owner, it would apply to the C-1, C-2, R-3 and R-5 zones in Mashpee. The Chair noted that a comment had already been made by a property owner inquiring why the Mashpee Commons proposed bylaw would not apply to their 15 acres.

The Chair summarized the Planning Board proposed bylaw, noting that it would be considered in detail at the June 28 meeting. Of note, the Chair stated that open space would be 1:1, as currently required by Mashpee's Subdivision Regulations, requiring that 1 acre of developed land would require 1 acre of land set aside for open space. Bonus bedrooms could be allowed based on the quality of the donated open space. Allowed uses would be existing uses. Deed restricted affordable housing would be 15% of all housing units. Form-based code would be introduced into Land Space Requirements. Water Quality Requirement would require that effluent be less than 3 mg/L nitrogen. The master plan would be approved by the Planning Board and would include consideration of the details of the development. The Chair invited Mr. Fudala to discuss the proposal further at the June 28 meeting and invited interested parties to submit comments to the Planning Department, to be forwarded to the Planning Board. The Chair invited the public to comment.

Mashpee resident, Marjory Hecht, stated that she did not understand the process for the petition, but did understand the reason to delay the schedule. The Chair responded that a recommendation had been made at the Mashpee Commons Master Planning Meeting that a proposal apply not to a single property owner and that it did not remove the underlying zoning. The petition article would add a Planning Board Special Permit, after consideration of a Master Plan with approval of Form-Based Code. Ms. Hecht inquired why Mashpee Commons could not proceed with their plan without changing to form-based code or why they would make a change to the bylaw without a plan. Mr. Preston responded that, currently, three sections of Mashpee Commons held Special Permits, including a 40B permit. Mr. Preston stated that the existing zoning was not a path forward for them to create the types of streets, buildings, housing and public spaces they envisioned. The Chair disagreed. Ms. Hecht stated that, although the building designs were fine, there was still no master plan made public before people to consider changing the zoning. Ms. Hecht referenced a questionnaire where 47% and 39% of the population moved to Mashpee due to its rural character. Similar responses appeared regarding open space and tranquility. Ms. Hecht did not wish to change the character of the Town and it would seem that the majority of residents agreed. It seemed critical to Ms. Hecht that a master plan was needed to identify the increases in people and traffic and impacts before a zoning change could be determined. Mr. Preston stated that, without form-based code, they would not know if a project would be approved. Ms. Hecht responded that, without a project outlined, there was nothing to be approved. The Chair stated that a speaker informed them that for form-based code to move forward, a master plan was necessary. Mr. Balzarini had repeatedly requested a master plan. Mr. Preston stated that they would need to look 5-10 years in the future, but due to infrastructure needs and improvements, they would also need to look further into the future. Ms. Hecht suggested reviewing the 5-10 year master plan and Mr. Preston referenced an image from the Master Plan Week, noting that they had been assessing what buildings would be feasible to bring forward for that master plan, but they were still not at that point. As an example, they knew that they wanted to incorporate affordable housing, but had not yet had a conversation with the Planning Board. In addition, they wished to offer open space with the creation of parks, squares and trail networks that may conflict with the open space set asides proposed by the Planning

Board. Ms. Hecht felt that it was too much for the Town to discuss and time was needed to understand it.

Yvonne Courtney stated that she had attended many meetings over the years and suggested that there was a big problem with communication between the Planning Board, Mashpee Commons and the Board of Selectmen. It was Ms. Courtney's opinion that a major change in the Zoning Bylaw could not be requested without clear communication. Ms. Courtney suggested better communication was needed prior to moving forward and the majority of the Town was unaware of what was happening and could not be presented to the Town in its current state. The burden should be shared with the various offices in the Town. This proposal would be opening the door to other developers and others should communicate and understand what was going on.

Peggy Bent expressed frustration that the resident elected Planning Board had not been given an opportunity to address these concerns until this late.

Kathleen Irwin stated that the Mashpee Commons' presentation seemed like a commercial, adding that Cape home buyers were aware of the challenges of septic systems and felt that it should have been addressed in the presentation. Mr. Preston apologized. Ms. Irwin stated that Mashpee Commons needed to know the percentages for affordable housing but suggested that they could propose their vision for affordable housing and show more generosity to the Town. Mr. Preston stated that they had hosted a number of presentations that addressed issues such as wastewater and their current treatment plant operated at 3 mg/L, adding that it had always been a core concern of theirs.

The Chair invited all to attend June 28th. Mr. Ferronti noted that the schedule on the presentation listed Wednesday, June 28th but the meeting at the library would take place at 6 p.m. on Thursday, June 28th. Mr. Lehrer confirmed that the meeting would be posted on the Planning Board website and in Town Hall. Mr. Ferronti confirmed that it would be posted on the Mashpee Commons website. The Chair requested that the agenda for the Special Meeting be sent to all parties. Mr. Lehrer confirmed that they would be able to stay as late as necessary.

OLD BUSINESS

Ockway Highlands Site Visit-The Chair inquired whether members of the public were present for the Ockway Highlands update. Mr. Lehrer reported that Mr. Morin would not be attending tonight's meeting and requested that he attend the next Planning Board meeting.

Naukabout Brewery Site Visit-Peter Murner reported that the Board of Selectmen voted that no parking would be allowed on Lake Avenue, and signs would be installed indicating that it was a Tow Away Zone. The Chair expressed her appreciation for Naukabout's efforts, referencing a sign in place advising customers to park at Veteran's Park. In addition, Mr. Rowley and Mr. Weeden reviewed field engineered layouts of the seating areas, feedback was received about fill in place of cutting, the areas were re-inspected and Mr. Rowley and Mr. Weeden offered additional feedback. New plans were submitted and Naukabout was looking forward to completing the work this summer.

Mr. Weeden stated that the plans reflected the items that he and Mr. Rowley discussed. Mr. Weeden would be present for the stumping and conduct inspection as necessary. Mr. Rowley discussed the specifics of the plans presented, regarding the grading and Tribal concerns. Rather than cutting into the grade, fill would be added to protect the natural grade and any potential artifacts. Mr. Rowley will utilize the plan while the grading was being completed. The retaining wall would be the final consideration once the fill was in place.

MOTION: Mr. Balzarini made a motion to accept this plan as presented. Mr. Kooharian seconded the motion. All voted unanimously.

Mr. Rowley recommended that the plan be dated as of today, as approved by the Board. The Chair signed copies of the plan. Mr. Murner will follow up with Mr. Weeden and Mr. Rowley.

Intersection of Country Club Ln. & Old Barnstable Rd.-Mr. Rowley reported that he met last week with involved parties to review the plan for the intersection that showed a left turn lane at Country Club Lane. The site distance would be improved and a left hand lane would be created, similar to Southport's central left turn lane. Signage and striping on the road would be needed. Another meeting would occur on July 12 at 9 a.m. to discuss the final plan. Once reviewed, Mr. Rowley has advised Ken Marsters that he would need to bring it to the Planning Board. Mr. Balzarini inquired about lighting, and Mr. Rowley responded that there had not yet been a final determination regarding signage and lighting. It was likely there would be signage in both directions informing drivers of a difficult intersection ahead. Mr. Rowley did not feel that it would be necessary to require a Subdivision Modification. Mr. Balzarini would also attend the July 12 meeting. Mr. Hansen inquired about the paved second road and Mr. Rowley confirmed that it was temporary and would be removed.

BOARD MEMBER UPDATES

Chairman's Report-The Chair requested that the reorganization of Committee assignments be added to the next agenda and Mr. Lehrer agreed.

Cape Cod Commission-As presented

Community Preservation Committee-No update

Design Review Committee-No meeting

Environmental Oversight Committee-There was discussion about the national movement banning plastics, including Provincetown's banning of plastic straws. The Mashpee Rotary tree restoration would be completed at a cost of \$7,000. The herring count was complete. A culvert would be replaced. In April there was a clean-up of Johns Pond hosted by the Conservation Department in collaboration with Mohawk 4x4, Zoe's Pizza and Ron's Excavating.

Historic District Commission-No meeting

Greenway Project & Quashnet Footbridge-No meeting

MMR Military Civilian Community Council-MMR Joint Land Use Study-No update

Plan Review-Mr. Lehrer referenced the 40B building across from Cape Cod Coffee, who would be opening a breakfast/lunch restaurant. Plan Review looked at the interior design layout of the kitchen, with no major comments other than question from Health and Fire Departments regarding grease traps and fire alarms.

CORRESPONDENCE

- November 2017 Discharge Monitoring Report for South Cape Village N=6.40
- December 2017 Discharge Monitoring Report for South Cape Village N=5.10
- January 2018 Discharge Monitoring Report for South Cape Village N=5.60
- February 2018 Discharge Monitoring Report for Southport N=39.75
- March 2018 Discharge Monitoring Report for South Cape Village N=4.5
- April 2018 Discharge Monitoring Report for South Cape Village N=8.9—The Chair inquired about a May report and Mr. Lehrer agreed to follow up to locate. It was noted that the limit was 5. Mr. Cummings pointed out that repairs should result in 3.

WATERWAYS LICENSES

None at this time

ADDITIONAL TOPICS

Letter for Rui Almeida-Mr. Balzarini recommended drafting a letter to thank Mr. Almeida for his presentation to the Planning Board, adding that he did a nice job. Mr. Lehrer will draft a letter to be signed at the next meeting.

Laurentide-Mr. Rowley reported that he conducted an inspection at Laurentide because they were seeking a temporary occupancy permit. Mr. Rowley drafted and submitted a letter stating that site work was completed, except for three small items that would be completed prior to the issuance of the final occupancy permit. Among the necessary items for completion was the ramp crosswalks at Windchime Point that needed to be ADA compliant, hydro seeding and a posting for the secondary access. Planning Board members discussed positive feedback about Laurentide.

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Kooharian seconded the motion. All voted unanimously. The meeting ended at 9:35 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

- Cape Cod Commission Presentation
- Special Permit Modification #2, Main Street Village
- Mark and Donna Lopez, Preliminary Plan
- Mark and Donna Lopez, Preliminary Road Plan & Profile
- Mashpee Commons by Design Presentation
- Mixed-use Planned Development Bylaw

**Mashpee Planning Board
Minutes of Special Meeting
June 28, 2018 at 6:00 p.m.
Mashpee Public Library**

Planning Board Members Present: Chairman Mary Waygan, Dennis Balzarini, David Kooharian, Joe Cummings, David Weeden, Robert (Rob) Hansen

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

CALL TO ORDER

The Town of Mashpee Planning Board meeting was opened with a quorum at the Mashpee Public Library by the Chair at 6:07 p.m. on Thursday, June 28, 2018. The Chair welcomed the public and stated that the meeting was being recorded and videographed and asked that people addressing the Board do so using the microphone, stating their name and their business. As there was no flag in the room, the Pledge of Allegiance was not recited at this meeting.

APPROVAL OF MINUTES

There were no minutes being approved at this meeting

NEW BUSINESS

Proposed Mixed-Use Planned Development Bylaw for Zones C1, C2, R3 and R5-Chairman Waygan referenced the proposed Mixed-Use Bylaw distributed to Board members at the last regular Planning Board meeting on June 20, to be considered for submission to the Board of Selectmen. The Chair stated that a Zoning Warrant Article amending Mashpee's Zoning Bylaw was required to be submitted by the Planning Board with a deadline of July 9, to be considered for the October Town Meeting.

Since its distribution, changes were made to the proposed Bylaw, to include: a definition for Form-Based Design Code, clarification regarding percentage of natural or landscape vegetation in Item C, allowed uses calling for one acre of development and 50 bedrooms for one acre of open space transferred to the Town, or one half acre of development and 25 bedrooms for one acre of open space donated to another entity conserving land, additional text changes and the addition of an Explanation.

The Chair wished to review the proposed Article by first reading the Explanation. The Chair stated that it was her opinion that the Article allowed for the expansion of Mashpee Commons with a Master Plan, while introducing Form-Based Code into Mashpee's Zoning Bylaw. The Article would keep protective zoning in place while allowing for mixed use (mix of commercial and residential).

Definitions of Mixed-use Planned Development (MPD) and Form-Based Design Code were added to the proposed Article. Additionally, the Table of Use Regulations would be amended to add a new subsection H.(14) Mixed Use Plan Development, by Special Permit from the Planning Board. In addition, add the notation "SP" under the C-1, C-2, R-3 and R-5 columns, from the Zoning Bylaw. A new section would be added for the Mixed-use Development, and Chairman Waygan read the Purpose and intent in Section A.

The Chair continued to read through Sections B and C. Regarding C, Land Area Permitted, Open Space Requirement, Chairman Waygan noted that the developer would need to have control of at least 20 acres, and one acre of land of a specific quality would be set aside as open space in the custody of the Conservation Commission, in order to develop one acre of land or one acre of land set aside to be managed by another non-profit or trust for the purpose of conservation, in exchange for the development of one half of an acre. The Chair continued to read portions of Section C.

The Chair read Section D, Allowed Uses, which clarified the acreage and number of allowable bedrooms, and noting that any use allowable in Town could be considered by the Planning Board, in an effort to allow the greatest flexibility for MPD Special Permit. Section E described the Affordable Housing Requirement, requiring that 15% of the dwellings would be deed restricted affordable. Chairman Waygan read Section F, Land Space Requirements, stating that this was where Form-Based Code would be inserted into the Bylaw without being part of the Bylaw or requiring a 2/3 vote by Town Meeting. It would require a Master Plan. Sections G, H and I were read aloud, noting that I, Master Plan, would be representative of the work completed during the planning stages of Mashpee Commons by Design. Section J, K and L allowed for Development in phases, and Expiration and Extension. Chairman Waygan read through Section M, detailing the Form-based Design Code, likely submitted by the developer, and described the minimum requirement elements of FBC. Signage, Parking and Revisions to Code were detailed in Sections N, O and P. The Chair noted that, once there was a Master Plan, Mixed Use Plan Development, Form-Based Code and Permit approved, the development could then move forward by right.

Mr. Balzarini expressed his support for the proposed Article, stating his opinion that it would work for Mashpee Commons and noting that something similar had been discussed years before. Mr. Balzarini stated that the Mashpee Commons proposal was not a Zoning Article that could be approved by the State House. It was Mr. Balzarini's opinion that the Planning Board proposed Article would be an easier option for Mashpee Commons.

Mr. Cummings was in agreement with Mr. Balzarini, adding that he felt that the Article was a good plan.

Mr. Weeden expressed his preference for the Planning Board's Article that gave the Board its due authority without circumvention throughout the buildout process. It was Mr. Weeden's opinion that the Mashpee Commons' proposal was premature, referencing an article that featured Buff Chace who indicated that a Master Plan would be developed to guide the changes to develop a Form-Based Code but, instead, just a few months later, Mashpee Commons has presented Form-Based Code without a Master Plan.

Mr. Hansen was in agreement with the other Board members regarding their proposed Article. It was Mr. Hansen's opinion that the proposed Article encompassed all zoning classifications and was broad based, incorporating Form-Based Code while also retaining the authority of the Planning Board and the Town. Mr. Hansen encouraged the Town to adopt the Planning Board's proposed Article.

Mr. Kooharian also agreed with the proposed Article, maintaining the Board's involvement, as elected officials for the Town. Mr. Kooharian was hopeful that the Article would provide Mashpee Commons

with the flexibility to create the Master Plan that they envisioned and understood the difficulty of creating a Master Plan with unclear regulations. Mr. Kooharian hoped that Mashpee Commons could move forward with the proposed Article in place.

Mr. Lehrer referenced the Planning Board's Article, wishing to express his concerns about the Article as well as addressing Mashpee Commons' Form-Based Code, developed from a year-long participatory, citizen engaged process. Mr. Lehrer addressed what he perceived to be concern expressed by the Planning Board that Mashpee Commons' proposed Form-Based Code would circumvent the authority of the Planning Board. As elected officials, Mr. Lehrer confirmed that the Board would be responsible for managing the new phase of growth in Mashpee while relying on both resident and Board feedback.

Mr. Lehrer summarized that the Form-Based Code was a long, graphics-based document of over 250 pages but that Article 7 laid out the administration of the Form-Based Code. The Chair stated that they would be reviewing the document line by line during the next Agenda item. Mr. Lehrer wished to provide an overview, noting that there were four sections to include Small plan review, Large Plan Review, Master Plan Review, Special Plan Review and other areas listed. Mr. Lehrer provided an example whereby during Small Plan Review, the Building Inspector would be granted authority to approve projects, building by building. The Large Plan Review, projects greater than 10,000 square feet, would be reviewed by the Planning Board, by project. The Master Plan Review would also be reviewed by the Planning Board. Mr. Lehrer disagreed that the Mashpee Commons' proposal was an effort to circumvent the Board, suggesting instead that it granted the Planning Board more opportunity to review because the current 1986 Permit was delegated to the Zoning Board of Appeals.

Mr. Lehrer expressed several concerns about the Planning Board's proposed Article. Mr. Lehrer stated that it was his goal to identify areas that could support density in Mashpee, allowing for smart growth for the future, while creating great spaces and generating revenue for the Town, while also preserving Open Space. Smart growth and development was necessary to support future generations. Mr. Lehrer stated that the proposed Article would enable the Planning Board discretion on dense projects throughout the R-3 and R-5 districts, but cautioned that it was unstudied and required further review. Mr. Lehrer expressed concern about a one to one land swap due to shifts in the economy and lapses of Special Permits, where land may have already been turned over to Conservation. In addition, Mr. Lehrer expressed concern about a 15% inclusionary requirement, but suggested that economics should be further reviewed to determine whether the regional lending environment could support such a requirement. The Cape Cod Commission presently required 10% and it was Mr. Lehrer's opinion that it would be unreasonable to ask a single landowner to exceed the thresholds determined by the Cape Cod Commission. Referencing density control, it was Mr. Lehrer's opinion that greater constraints would be created. Finally, Mr. Lehrer stated that Mashpee Commons had undertaken a year-long process to engage with the public, in which Mr. Lehrer participated since February. Mr. Lehrer stated that the Mashpee Commons' proposal was the outcome of feedback received from the community, granting the Planning Board the opportunity to review projects as before. Mr. Lehrer noted that the Planning Board's Article was only just being reviewed for the first time this evening and expressed concerns from a technical standpoint.

Chairman Waygan responded that the six page proposed Zoning Article had been considered for the same amount of time as Mashpee Commons' 260 page proposal. The Chair will be asking for a vote from the Planning Board to submit the Article to the Board of Selectmen, and she also will be submitting it as a Petition Article. The Article could be withdrawn but it would ensure that the Planning Board was included in the process. Chairman Waygan stated that it was not her intent to suggest that Mashpee Commons was attempting to circumvent the Planning Board, and apologized if that was the perception. It was the Chair's opinion that the Town had acted in an uncoordinated and unsophisticated way, placing the Planning Board in a situation where they would be forced to submit a document by July 9 and review an over 200-page document. The Planning Board served as an elected Planning and Land Use component of the Town, and the Chair felt that they had much to offer and plans reviewed were always improved.

Referencing the inclusion of residential R-3 and R-5 Zones, Chairman Waygan read the last portion of the "Mixed-Use Planned Development (MPD)" definition emphasizing that it would have to be linked with a business owner in the C-1 Zoning District. Good uses of land could be pursued outside of the C-1 Zone provided that it was included in the Master Plan, part of a Mixed-Use Plan Development Application and approved by the Planning Board through a Special Permit. Precedent had been set with land swaps, such as what occurred recently with Evergreen where approximately 40% was placed in Open Space as required by the Cape Cod Commission. In addition, Mashpee's Residential Cluster Subdivision Regulations required that 50% of land be set aside as Open Space. Regarding inclusionary housing, a Chapter 40B Permit would require that 25% of the units be deed restricted affordable while some towns required 20% affordable. The Cape Cod Commission required 10% affordable. It was the Chair's opinion that, for Mashpee to consider the density and height proposed by Mashpee Commons, it would be appropriate to request 15% affordable housing. If Mashpee Commons felt that 15% was not feasible, they could share their Pro Forma with the Board. Chairman Waygan stated that she was still awaiting the summary of community comments from the Mashpee Commons by Design sessions as was promised to her and Mr. Balzarini agreed. Mr. Balzarini added that he wanted to see what the community requested and how it fit into the Mashpee Commons' proposal. The Chair stated that their bylaw addressed the ideas the Planning Board heard expressed by the public, to include affordable housing, open space, trails and liveable/walkable communities.

The Chair asked for comments from Mr. Rowley who suggested further details to consider. In reference to the MPD definition and "a portion of which must lie within the C-1 zoning district," Mr. Rowley inquired whether a portion needed to be defined, such as one square foot, if that was the intent. In addition, Mr. Rowley referenced the minimum requirement of 20 acres and whether it could be multiple parcels and if it needed to be contiguous or if it could be more than one landowner. Mr. Rowley suggested more definition if the parcels were not tied together. Finally, regarding the Mashpee Commons Form-Based Design Code, Mr. Rowley suggested defining the need to maintain the underlying continuity of the Master Plan, since over time, desires of the Town or developer could change. The Chair suggested that it could be defined within the Code.

The Chair invited Public Comment. Resident Marjory Hecht felt that it would be good for the Planning Board to maintain control over the process, thereby expressing her support for the Article, with changes. Ms. Hecht stated that the Planning Board was elected and should have control. Ms. Hecht expressed disappointment in the Town, the Town Manager and the Board of Selectmen in their

consideration of adding a 275-page document to the Warrant that had not been presented until one week ago and suggested that it be withdrawn. Ms. Hecht did not object to the designs but stated that the proposal would impact the character of Mashpee, and the timeline to consider the document from one week ago until July 9 was insufficient. Ms. Hecht inquired why Mashpee Commons, a special interest, was writing the code for Mashpee. Ms. Hecht contacted the Form-Based Code Institute who stated that municipalities typically drafted the code. It was Ms. Hecht's opinion that the authority should rest with the Planning Board.

Mashpee Building Commissioner, Michael Mendoza, was first introduced to the Planning Board's Article today and inquired about its origin. The Chair responded that the Article had been drafted by former Town Planner, Tom Fudala. Mr. Mendoza inquired about the timeline for developers of using the process from start to finish. The Chair responded that it would be dependent upon the completeness of the application, adding that the Planning Board had reviewed projects that took a year to be approved and other projects approved in one day. The Chair added that a project of Mashpee Commons' size likely would not be considered in one meeting, though a provision was in the Article that once the project was approved, it could move forward by right. Mr. Mendoza referenced a need for clarity regarding "a portion which must lie within the C-1 zoning district" noting that applicants would want to know specific details. Regarding Section C, Land Area Permitted, Mr. Mendoza inquired about Town requirements to maintain Open Space and Chairman Waygan responded that the Conservation Commission had a plan to manage land, adding that Open Space was typically deed restricted under the custody care of a Conservation or Trust. The Chair noted that there was an incentive included for the developer to give the Open Space to the Town. On page 3, Mr. Mendoza suggested that it would be a violation that "said transfer shall be completed before the issuance of any occupancy permit for development within said phase," which he has confirmed with the District, adding that a certificate of occupancy was based on the Building Code. The Chair inquired about using "building permit" and Mr. Mendoza confirmed that would be acceptable. The Chair proposed changing "occupancy permit" to "building permit." Regarding I, Master Plan, it was clarified that there was no Form-Based Code without a Master Plan. Regarding N, Signage, Mr. Mendoza inquired about the vagueness of a sign code for the MPD and the Chair responded that it could be removed, but noted that it was intended to provide flexibility with the presentation of a Master Plan, should there be a desire to deviate from the Town's sign code. Mr. Balzarini suggested that the same sign standards should be used for the whole town and recommended striking the section. Mr. Mendoza recommended that it be specific.

On behalf of the Board of Selectmen, Selectman John Cotton stated that the drafts had been presented to the Planning Board, but not yet to the Board of Selectmen. Selectman Cotton referenced what he felt were derogatory comments toward the Selectmen at the last Planning Board meeting. Selectman Cotton stated that, as elected officials, all were doing what they believed was in the best interest of Mashpee. Selectmen Cotton understood that the Planning Board had a tough task, with a tight timeline to review and respond, but did not appreciate misleading, negative comments and tone about the Board of Selectmen. Selectmen Cotton requested that they come together to make the best decisions for Mashpee because the Planning Board and the Selectmen were on the same team. It was Mr. Cotton's opinion that Mashpee Commons and Buff Chace had served as partner role models in the development of Mashpee and they deserved respect and consideration of their future development. Selectman Cotton stated that he was unsure whether the Planning Board's Article would be financially feasible

for Mashpee Commons or any other developer, and suggested the Planning Board submit two placeholders, the proposed Article and Mashpee Commons' Form-Based Code. If proposed to the Board of Selectmen by July 9, Selectman Cotton indicated that the Planning Board could amend or request to withdraw, if due diligence could not be met. Chairman Waygan stated that she had received an email from the Town Manager noting that the Board of Selectmen were in control. The Chair further stated that they had not received the memo regarding the deadline for Planning Board Articles to be submitted to the Board of Selectmen, adding that although the deadline was listed in Public documents, there was new staff. The Chair agreed that the Board of Selectmen was in control of the Warrant, and that it was their purview to make changes, but it was not in the purview of the Planning Board to make changes after July 9. The Chair stated that the Planning Board was not in receipt of any communication from the Board of Selectmen to allow the Planning Board to be full partners. The Chair also stated that she was made aware about meetings occurring between Town staff, Selectmen and Mashpee Commons, from Mashpee Commons, and that the Planning Board had not received reports about those meetings. Selectmen Cotton referenced the Article drafted by Mr. Fudala, noting that he had been in attendance at the meetings when he was Town Planner. Chairman Waygan confirmed that when Mr. Fudala met with Mashpee Commons, he provided reports to the Planning Board. Selectman Cotton concluded by stating that they were one Mashpee, all elected officials, and it was unfair to make accusations about working behind the scenes. Mr. Balzarini apologized, stating that he made the statement about the Board of Selectmen based on what was learned at the last Planning Board meeting with Mashpee Commons, suggesting that communications needed to be improved.

Town Manager, Rodney Collins, referenced the aforementioned email, stating that it had been taken out of context. Mr. Collins indicated that, his intent was not to be disrespectful of the Board and encouraged the public to read the email in its entirety. Mr. Collins stated that the email was focused on the Open Meeting Law and the fact that the Board of Selectmen did not control the process but that it controlled the warrant. Mr. Collins further stated that no one ever suggested to eliminate or circumvent the Planning Board from the process. Mr. Collins stated that the deadline, by Charter, was July 9. Mr. Balzarini suggested that the Town could have waited another year to consider the issue and the Chair added that there was no plan from the Town suggesting that they consider it at the following Town Meeting. Mr. Collins stated that he had heard from many, including the Planning Board, that Mashpee Commons had done development right and had been a great partner to the Town of Mashpee, noting that he was perplexed why they had taken on an adversarial role with Mashpee Commons. Mr. Collins understood that the Planning Board had concerns and that it was up to people to listen to those concerns and inquired whether it made sense to collaborate and cooperate. The Chair and Mr. Balzarini expressed frustration that they were not included in the meetings or provided with summaries of the meetings. The Chair responded that the Planning Board had attempted to keep the process open, noting that when Mashpee Commons by Design first began, two members of the Board were invited to meet behind closed doors with Mashpee Commons, and then invited individually to meet, a clear violation of Open Meeting Law. Mr. Collins disagreed but Chairman Waygan responded that it was true. Mr. Collins stated that Mashpee Commons reached out to Town officials with their vision to expand, adding that there may be financial challenges in 2023 and 2024, and a need to expand revenue. Mr. Collins felt that Mashpee Commons offered a reasonable concept and people were invited to share their feedback. There was no violation of Open Meeting Law. The Chair stated that these were Town meetings on Town property, but there were invitations for Planning Board members to meet with

Mashpee Commons, but they stopped after she made a call to the Attorney General's office. Mr. Collins stated that their meetings included no deliberations and was informational to provide a clearer perspective of what a good partner was trying to do. Mr. Collins stated that it would be a dereliction of duty if operational officials did not respond to people with conceptual ideas. From the beginning, Mashpee Commons knew that they would have to go before the Planning Board. Mr. Collins understood the Board's concern about the July 9th date, stating that they had a window of extension, provided that there was no issue with the Board, they could make changes until the end of August. It was Mr. Collins' belief that the Board could collaborate with Mashpee Commons. Mr. Collins added that Mashpee Commons deserved to be treated with more consideration because they had been a great partner in the community and supportive of the Town. Chairman Waygan stated that any information given to a public official, whether behind closed doors or not, was public information. The Chair disagreed with closed door sessions, it was her opinion that it should be considered in open session but added that there was no violation of the Open Meeting Law. The Chair asked if Mr. Collins would communicate when they would be meeting with Mashpee Commons and provide reports of these meetings and Mr. Collins agreed, with no issues. Mr. Collins stated that the meetings were not secretive, adding that it was an operational meeting. The Chair responded that the Planning Board did not hear about the meetings, adding that the Planning Board had received no documentation regarding a window of extension or option to implement Planning Board changes. It was the Chair's opinion that their proposed Zoning Article would be beneficial to Mashpee Commons because it would keep the process going, whereas their proposal would not. Mr. Collins inquired about the timeline for the creation of the Planning Board's proposed Zoning Article. The Chair responded that the item was on the agenda and discussed at the last meeting and that it had been emailed by Mr. Fudala in May. Mr. Collins suggested that there was greater concern regarding communications about the Board's Zoning Article than any communications regarding his operational conversations with Mashpee Commons. The Chair confirmed that there had been no deliberation or emailed discussion about the Zoning Article until the last public meeting on June 20 when it was presented. Mr. Balzarini stated that a similar proposal had been discussed years ago with Mashpee Commons. Mr. Collins stated that his discussions with Mashpee Commons were no different than the Planning Board's proposed Zoning Article. The Chair disagreed, stating that there was no discussion of the document until they met in open session on June 20. Mr. Collins stated that he never saw the Form-Based Code and the Chair agreed that it had not been presented in an open session until June 20. Mr. Balzarini stated that Mashpee Commons had reported at the last Planning Board meeting that they had met with the Town Manager, Town Planner and Building Inspector. Mr. Lehrer asked to make a comment but the Chair did not allow it. The Chair confirmed that Mr. Collins would notify the Planning Board about their meetings with Mashpee Commons. Mr. Collins confirmed that every Town official advised Mashpee Commons that they needed to go before the Planning Board. Mr. Lehrer asked to respond but the Chair did not allow comment because the public was waiting to speak.

Mary LeClair, Mashpee resident, expressed her commitment to economic development, noting that she had worked with many Boards over the years, to make Mashpee the place to live, work and play. Ms. LeClair expressed her disappointment with the Planning Board after last week's meeting. Ms. LeClair stated that she had attended most of Mashpee Commons' workshops and felt that their proposal incorporated the feedback of the majority of the community. Ms. LeClair felt that Mashpee Commons had spent time, energy and money to educate the public about their goals, adding that they had been a good partner to the Town, and nationally recognized. Ms. LeClair supported the Mashpee Commons

Bylaw change and encouraged the Planning Board to have reasonable conversations in order to move the project forward.

Mary Lou Palumbo, representing the Mashpee Chamber of Commerce, stated that Mashpee Commons had been an unbelievable partner in Mashpee and had been very generous, transparent and knowledgeable. Ms. Palumbo respected the Planning Board, but noted that leadership could change in the future with different developers, but with Mashpee Commons the Town would know what they were getting. Ms. Palumbo stated that they had taken a lot of time to develop their plan and to listen to the community and local businesses. Ms. Palumbo asked that the Planning Board consider Mashpee Commons' proposal because a future developer may have a different concept for the Town. On behalf of the Chamber of Commerce, Ms. Palumbo asked that the Planning Board to consider the proposal, adding that the Chamber supported Mashpee Commons.

Mr. Fudala stated that there would be no Mashpee Commons without the vision of Buff Chase, and expressed his concern about the negative feedback he had been hearing. Mr. Fudala indicated that he drafted the Planning Board's proposed Zoning Article, last year while serving as Mashpee's Town Planner, and revised it based on discussion at meetings and charrettes he had attended during Mashpee Commons by Design. Mr. Fudala stated that the intent of the Bylaw was to provide a legal Zoning Bylaw framework to allow Mashpee Commons to do what they wanted to do, with Form-Based Code by right. Once the project was permitted, Form-Based Code would control the development. Mr. Fudala felt that the expectation for Town Meeting to read and adopt a 268 page document, as well as fulfilling the requirement to mail out the Article to all residents, would be challenging. The proposed Zoning Article was intended to make it easy for Mashpee Commons to do what they wanted to do with a Master Plan with adopted Form-Based Code, and then develop by right with no oversight. The proposed Article was intended to support Mashpee Commons' efforts.

Mr. Fudala referenced the Local Comprehensive plan and offsets for open space and affordable housing, which was included in the proposed Article and adjustments were made in the form of some trade-offs. Mr. Fudala discussed items in the Article to include allowances for farm, open space, water treatment and nitrogen mitigation. Mr. Fudala emphasized the intent to create a simple, legally appropriate Bylaw that, once permitted, with a guarantee of 50 bedrooms per acre, any use by right, offering total flexibility. The Chair stated that she saw the proposed Article as supporting Mashpee Commons. Mr. Fudala emphasized that Mashpee Commons was a great developer, and the proposed Form-Based Code would be too much to absorb by the voters, but that the proposed Zoning Article was intended to assist Mashpee Commons with their goals. In reference to the sign code, Mr. Fudala suggested that Article N remain because it would be appropriate for a high density area and Mashpee Commons could propose a set of rules to the Planning Board. Mr. Fudala emphasized that it should not be a fight and encouraged Mashpee Commons to consider the proposed Zoning Article as a better approach to Form-Based Code that would be better received at Town Meeting. The Chair stated that she introduced the proposed Zoning Article at the last meeting in order keep the process moving. It was Mr. Fudala's opinion that this was the easiest approach to achieving the financial goals expressed by the Town Manager and to address the needs of Mashpee Commons with flexibility.

Referencing occupancy permits in the proposed Zoning Article, Mr. Fudala noted that there were many Special Permits issued by the Board with conditions. The Chair responded that she would look into the

matter further. Mr. Fudala pointed out that the condition was intended to allow developers to move forward with their projects. Referencing the amount of C-1 Zoning, Mr. Fudala noted that the intent was to address density in the center of Town and confirmed that one square foot would be acceptable. In SubSection H.(14), Mr. Fudala recommended removing C-2. Mr. Fudala stated that the proposed Zoning Article had been drafted, following many years of working with Mashpee Commons and in support of the work of Mr. Chace, while incorporating Form-Based Code, which would guarantee the appearance of Mashpee Commons development. The Form-Based Code would be offered as a condition once a Special Permit was granted. Every potential developer purchasing a piece of Mashpee Commons would be required to fulfill the requirements of the Special Permit. Mr. Fudala added that there would still be flexibility to make adjustments if necessary. Mr. Fudala expressed his appreciation for Mr. Chace and Mashpee Commons, adding that the proposed Article would be the simplest and quickest way to support Mashpee Commons in a proper legal approach.

Mr. Kooharian echoed Mr. Fudala's thoughts about Mashpee Commons, who had done a remarkable job planning their development. Mr. Kooharian stated that the Planning Board wanted to help and remain engaged to address the Town's needs. Mr. Kooharian agreed that it would be important to maintain the flexibility of signage for Mashpee Commons and emphasized that the Board was not against the efforts of Mashpee Commons and wanted the project to move forward and be a good project for the Town.

The Chair described the changes to the Article to include:

-page 1/MPD- Mr. Rowley had recommended defining the portion, even down to the square inch, based on his previous experience that it could become a source of contention later if there was no discussion. Although recommended to include a minimum square footage, there was consensus by the Planning Board to maintain the wording that any portion within C-1 was acceptable, recognizing that it could be down to the square inch, provided that it was within C-1.

Mr. Rowley added that he respected Mr. Fudala's opinion and agreed that this should be included in a Zoning Bylaw as a potential option. Mr. Rowley stated that, for two years, 2005-2007, the ZBA considered a Comprehensive Special Permit for Mashpee Commons, with accompanying documents that included the basis for Form-Based Code and adopted as part of the Special Permit. Mr. Rowley expressed concern about language in the Mashpee Commons' recent Form-Based Code proposal that required "all Departments, Boards and Authorities of the Town of Mashpee must comply with the procedural requirements of the Ordinance." Mr. Rowley suggested it would be the Town, through Town Meeting vote, establishing the authority and procedural requirements, including the Master Plan. Mr. Rowley agreed that Mashpee Commons was a good steward and good neighbor to Mashpee and felt that something could be done to benefit the Town as a whole.

-page 1/Add new subsection H.(14), removing "C-2" for which there was consensus

-page 3/Section C-change occupancy permit to building permit for which there was consensus

-page 6/Section N-there had been discussion about removing the section but there was consensus to maintain Section N as is

MOTION: Mr. Balzarini made a motion to submit this Article to the Board of Selectmen for inclusion on the October 2018 Annual Town Meeting, as amended. Mr. Kooharian seconded the motion. All voted unanimously.

A recess was taken at 7:55 p.m. The meeting reconvened at 8:10 p.m. The first and second portion of the meeting was recorded in two separate files.

Form-Based Code by Mashpee Commons/Mashpee Commons by Design-It was confirmed that the Form-Based Code proposal was located online at MashpeeCommons.com/future and on their Facebook page. Russell Preston represented Mashpee Commons and thanked the Board for the opportunity to participate in a special meeting. Mr. Preston viewed this meeting as a working session to address questions about their draft Form-Based Code. Mr. Preston stated that they planned to review the document with the Planning Board, as well as refine it through the summer, and will also make it available online to receive public comment, believing in the value of community involvement. The intent of the proposal was to create a predictable path to craft a specific Master Plan to present to the Planning Board. Mr. Preston stated that initial conversations occurred to determine a logistical approach that became Mashpee Commons by Designs. Some of those conversations were with Mr. Fudala, and Mr. Preston stated that the Planning Board's Article was not feasible for Mashpee Commons. Open space as mitigation would not allow the project to work. Mashpee Commons was attempting to create a path forward that they felt would be feasible from a development standpoint and in the best interest of the Town and community. Form-Based Code was considered the best practice in zoning. Mr. Preston indicated that there may have been procedural mis-steps but they wanted to move forward collaboratively and talk through all questions, concerns and comments.

The Planning Board determined that they wished to work through the document page by page.

(p.1-1) **ARTICLE 1: GENERAL STANDARDS-Applicability-**It was not clear whether the use of "Ordinance" was appropriate and the statement "All departments, boards, and authorities of the Town of Mashpee must comply with the procedural requirements of this Ordinance" should be reviewed by Town Counsel for its appropriateness.

1. (p.1-2) **Code Instructions-B.1 Meaning & Purpose—Article Definitions** should be 8, not 7
3. (p. 1-3) **Authority & Compliance-B Compliance—**The Chair inquired about the use of "permitting authority" and Mr. Preston confirmed that a number of words utilized required clarification with the Town to confirm appropriate terms. The Chair stated that it should be Special Permit Granting Authority. Mr. Preston responded that the FBC would be a stand-alone chapter in Mashpee's Bylaws. The Chair responded that they were considering it as an insert to their recommended Bylaw. Mr. Preston reiterated that it would not work for their project. The Chair recommended that Mashpee Commons reconsider the possibility as the best way to be added to the October Town Meeting, and stated that she was not supportive of wiping out the underlying zoning for Mashpee, increasing the liability of the Town, by the removal of protective zoning developed over a number of years.

Vanessa Farr, representing Mashpee Commons with prior experience as a Municipal Planner, stated that she had assisted with the zoning pieces of their FBC. Ms. Farr noted the Planning Board's concern that FBC could not be adopted due to Massachusetts Zoning Act, but confirmed it could be

adopted like any other zoning bylaw. Ms. Farr indicated that their FBC draft would call out sections that would be applicable, and under the parts of Massachusetts zoning laws it would enable FBC, so they have synced appropriate State Law, as well as identify the appropriate rules of staff and authorities and acknowledge their authority. Ms. Farr confirmed that the Building Inspector would continue to serve as the authority for the administration of zoning. The Planning Board would continue to serve in the role for Large Plan Review and the Permit Authority for subdivisions. Ms. Farr stated that the Ordinance would set the policy of Form-Based Code in the arena of the public. The Chair stated that a Special Permit before the Planning Board had a Public Hearing. Ms. Farr responded that the Ordinance would impart on the land less discretion by setting the rules clearly with the public, have the public adopt the rules by Town Meeting, the developer would follow the rules and the Planning Board would review the projects under those rules, while the public would continue to participate in a Public Hearing process, all of which she felt was fundamentally different from what was previously proposed at tonight's meeting. Regarding zoning, Ms. Farr stated that there were ordinances that would remain and the FBC would point to. Other ordinances would be put aside because the proposed FBC would be tighter and stricter with the metrics. Environmental regulations, such as water quality and setbacks to critical resources, would remain in place. Ms. Farr also stated that the Form-Based Code draft contained a lot of white space so that the content could be easily understood, adding that Mashpee's ordinances were very vague.

(p. 1-4) Missing map and plan

(p. 2-7&8) ARTICLE 2: DISTRICT STANDARDS-General-A.1 Lots—The Chair requested clarification regarding lot lines versus theoretical lot lines and thoroughfare versus street. Carol Wilbur, representing Mashpee Commons, explained that theoretical lot lines allowed for multiple buildings on a legal lot, but to measure side setbacks, theoretical lot lines would be created so as not to subdivide land, creating greater flexibility for the landowner.

(p.2-7) A.3 General—The Chair asked for clarification and Ms. Wilbur stated that platted was the process of creating lots, allowing different ways a lot could be related to the streets and Ms. Wilbur described the various types of proposed lots, the rules of which were stated in a separate section. Mr. Rowley added that, historically, platted meant that it was added to paper. The Chair inquired about the existence of a non-conforming lot and Ms. Wilbur confirmed that it would be something that was in place before. Mr. Rowley stated that there was no information regarding lot creation or establishment with the Registry of Deeds. Ms. Farr responded that, in Article 7, Administration, and the Subdivision section (p.7-235), a process identified the timeline in which there was a requirement to file the plat with the Registry. On the same page, Ms. Farr pointed out an example of Massachusetts compliance with MGL Chapter 41, Section 81L, listed under the Purpose. Mr. Rowley stated that it referenced a subdivision plan retaining its approval status, that if not recorded within six months of signing, the project must be reviewed by the Planning Board and a vote taken to confirm that no changes had been made to affect its approval. Mr. Rowley noted that there was still much to absorb with the drafted FBC.

(p.2-11) General-A.4 Special Map Requirements—Ms. Wilbur stated that this section provided for Master Plans with a focus on shop front streets and focus on retail activity as well as the distribution of character districts for pedestrian sheds, further described in the Neighborhood section.

(p.2-10) General-A.2 Setbacks & A.3 Building Groups & (p.2-13) Character District Summary Table—Ms. Wilbur stated that the Character Districts were a result of discussion during their design week and included a range of areas in Mashpee Commons from Conservation Areas to Residential

Neighborhoods to 5-Story Town Centers. This sections defined the differences of the seven Character Districts. The Chair read each of the seven Districts and requested that Mashpee Commons find a way to distribute the information further to the public. Ms. Wilbur confirmed that the FBC would create the framework under which Master Plans would be developed for the Master Plan process, which would include the seven Character Districts, meeting each of those standards.

Mr. Balzarini inquired about the 4 and 5-Story Town Centers and where they would be placed. Mr. Weeden stated that previous presentations implied that those buildings would be placed in lower areas so that there would be less visual impact. Mr. Balzarini emphasized that if there was a Master Plan they would be able to see the location of those buildings. Mr. Preston responded that renderings created during the design week, illustrated how a 3-story building could be brought to the street with integration into a composition of buildings with stepbacks. Mr. Weeden stated that it was his understanding that there would be a combination of purpose driven developments but the districts seemed to be micro zoning rather than mixed use. Ms. Wilbur responded that certain Character Districts featured certain uses, noting that CD5 (5-story/4-story) and CD4 (General Neighborhood, Residential Neighborhood) were mixed use and CD-3 (Town Edge) was predominantly residential, with some corner stores. Ms. Wilbur stated that the uses would be blended with varying degrees of mixed use. Mr. Balzarini inquired about the location of parks and Ms. Wilbur responded that the Neighborhood Section included a study on how to best distribute meaningful Civic Spaces, as appropriate for the neighborhood. All spaces would be public for use of all visitors to Mashpee Commons and would appear on the Master Plan. Mr. Balzarini inquired about who would be responsible for the roads and sewer system and whether there would be association fees. Mr. Preston responded that it would be determined at the Master Plan level, adding that interior roads were currently being maintained by Mashpee Commons.

(p.2-14) B-Character District-B.1-Conservation (CD1)—The Chair asked that Mr. Preston show the page so that the public could have an understanding of each Character District. The Chair read the description and standards, to include permitted and Special Permit.

(p.2-15) B-Character District-B.2-Rural (CD2)—The Chair reviewed the standards and building types. Mr. Rowley inquired about the width dimension of 100 foot minimum with a 50 foot setback, noting that it would result in a building width of .5 feet wide. Corrections would be made.

(p.2-17) B-Character District-B.3-Town Edge (CD3)—The Chair referenced the permitted building types, noting that commercial was not allowed in the District. The Chair inquired how it would be addressed if there was an idea in the future to add a commercial use to the District and Ms. Farr responded that it would require a Zoning Amendment. Mr. Preston suggested the possibility of a Regulating Plan Update at Town Meeting. The Chair inquired where height was defined for buildings and Ms. Wilbur referenced the Building Type Section. Ms. Wilbur stated that standards were attached to buildings because that is what was understood. The Building Standard Section would include dimensions, heights and allowable attachments. For example, the Shophouse, located on page 3-73, which detailed specifications of the building. Ms. Wilbur noted that “stories” represented full stories and half story and a roof. Mr. Hansen inquired about the stories, noting that the first story featured a maximum height of 18 feet, then 12 feet for subsequent stories, creating a total of 42 feet and whether the other buildings featured a similar formula. Ms. Wilbur responded that it would depend on the building, noting that offering varied stories created a more interesting roof line. Additionally, a first floor taller height tended to create a better retail experience. Roof shape and pitch were also included

in the proposed FBC in Article 3E Roof Types, where dimensions were identified, limiting the height of the roof. Mr. Preston discussed the importance of the addition of details to FBC.

(p.2-19) B-Character District-B.4-Residential Neighborhood (CD4-R)—The Chair inquired about the note regarding home occupation under Purpose and Ms. Wilbur confirmed that it referenced home based businesses and an increase of interest in creative enterprise, but was a question as to the practice in Mashpee. Mr. Preston noted a big idea from Mashpee Commons by Design for developing economic gardening.

(p.2-21) B-Character District-B.5-General Neighborhood (CD4)—The Chair inquired about addressing zero setbacks with buildings. Mr. Preston referenced a sketch during Design Week, suggesting that it was similar to what appeared in Mashpee Commons today, with maximum setbacks, (whereas previous Districts defined minimum setbacks) to provide flexibility.

(p.2-23) B-Character District-B.6-4-Story Center (CD5.4)—The Chair inquired about parking and it was noted that it was located in a separate section.

(p.2-25) B-Character District- B.7-5-Story Center (CD5.5)—Mr. Balzarini inquired whether there was a sidewalk and Mr. Preston responded that this description was in relationship to the lot and the Building Type would be addressed elsewhere. Mr. Hansen inquired whether FBC would dictate the type of streets in relation to the buildings. Ms. Wilbur responded that the “Thoroughfares” were key to Character Districts, adding that streets were appropriate to their Character Districts. Mr. Balzarini inquired about street accessibility and Mr. Preston responded that there had been discussion about developing a network of streets with different characteristics to create blocks. Mr. Balzarini emphasized that there needed to be more than one street in and out of the development, particularly for first responder accessibility.

Mr. Rowley inquired about when the Planning Board would see a layout reflecting buildout to the Quashnet River that currently fell under the 40B Comprehensive Special Permit. Mr. Rowley pointed out that Mashpee Commons was requesting significant approvals and flexibility, which may or may not progress and without known phasing, which was in conflict to the typical planning process. Ms. Wilbur responded that rules would be in place to follow with FBC, by establishing the framework, before presenting the Master Plan. After the Master Plan, Mashpee Commons would move in to the next level of details with the Small or Large Master Plan.

Mr. Hansen inquired about the conceptual overall plan and Mr. Preston stated that it, along with other materials, were located online.

Mr. Kooharian inquired about the process and creation of different zones. Mr. Kooharian suggested that it would be helpful to have some concept of how the plan would be developed. Ms. Farr stated that the Character Districts would be assigned during the Master Plan process, and reviewed by the Planning Board in a Public Hearing. Once completed, the Building Inspector would accept applications for the Small Projects. The Chair stated that it would be helpful for the Board to have a conceptual Master Plan to visualize the project. Ms. Wilbur responded that FBC created a flexible framework that would respond to market but also provide a certain amount of flexibility to the community. Ms. Wilbur indicated that they could show different examples of what could be done but it would be hypothetical, due to the market cycle, until the Master Plan was created. The Chair again stated that it would be useful for the Planning Board to have a conceptual Master Plan. The Chair provided an example that there may be places that the Board would not want to see a 5-story building.

Mr. Kooharian noted that Mashpee Commons had spent more time with their proposal and suggested that the more information they shared, it would provide the Board the opportunity to become more familiar with the concept. Mr. Preston responded that they had held a number of public meetings, including the introduction of concept of a Mashpee Commons Master Plan in 5-10 years. Mr. Preston indicated his hope that, after tonight, a clear process could be identified to move forward. Mr. Preston stated that the FBC represented their vision and they would like to have more dialogue with the Planning Board to know if they were moving in the right direction.

Mr. Hansen referenced Table 7.1 on page 7-227 regarding Notices & Public Hearings and suggested that the table be expanded to identify who would be responsible for adjudicating whether it was the Building Inspector or the Planning Board or some other authority. Ms. Farr responded that the Public Hearing Notice would be the responsibility of the Development Administrator/Town Planner. There was consensus to add a column.

Mr. Balzarini stated that he liked the conceptual plan, adding that over the years, Mashpee had given a lot to Mashpee Commons, and believed they had a good relationship. Mr. Balzarini expressed frustration regarding the way in which the Town addressed the issue and apologized to Mashpee Commons and stated that Mr. Chace was marvelous for the Town.

Town Clerk, Deborah Dami, inquired whether the Planning Board wished to hold off on their original Article they voted to submit, since it seemed there was further conversation regarding the Mashpee Commons' proposal. Chairman Waygan responded that the Board was never against Mashpee Commons and did not feel that the Planning Board Article conflicted with their request. The Chair did not allow Mr. Preston to comment but noted that Mashpee Commons believed the Board's proposal was in conflict with their FBC proposal, but the Chair had requested that they consider it further. As a resident of Mashpee, Ms. Dami was interested in hearing Mashpee Commons' response. The Chair stated that the Planning Board was taking a cautionary approach. There were no other Board members who wished to re-address their Article.

Ms. Hecht stated that there would be two items on the Warrant. The Chair responded that the FBC may not take the form of a Zoning Bylaw by September. Ms. Hecht indicated that it took hours to review the first few pages and inquired how residents would understand what was being talked about. Ms. Hecht expressed concern about the acceleration of the schedule without seeing a Master Plan.

Heather Harper, representing the Cape Cod Commission, acknowledged the hard work and leadership of Mashpee and Mashpee Commons for taking on the comprehensive planning process for infrastructure and housing and commercial development, all at the same time. Ms. Harper encouraged all involved to stay on parallel tracks, noting that the Commission saw FBC as a tool in traditional New England village centers. Chairman Waygan noted that the Cape Cod Commission served as the Regional Planning Commission and inquired about how the project would be reviewed. Ms. Harper responded that, under the existing framework of the Regional Policy Plan, the project would meet the thresholds for a Development of Regional Impact. The Chair expressed an interest in Cape Cod Commission involvement and inquired whether a Development Agreement should be established. The Chair indicated her preference that review occur at the same time so that it did not get bumped out of Mashpee.

Mr. Preston agreed that there would need to be more discussion on the draft FBC but requested that, to establish a clear process, the Board make a motion to create a parallel placeholder for the FBC. The Chair responded that Mashpee Commons could request a placeholder from the Board of Selectmen because the Chair has had insufficient time to review the document to fairly allow a placeholder. Mr. Preston stated that Mashpee Commons by Design would be posting the draft online for public comment, host forums to discuss the details, meet with neighborhood groups and abutters to ensure their understanding of the Code and how the big ideas could be made possible with the FBC. Mr. Preston stated that it was their objective, tonight, to develop a path forward collaboratively and inquired about the best process with the Board. The Chair stated that the Board needed to review the document and both she and Mr. Balzarini confirmed that it would be addressed during their scheduled public meetings. The Chair suggested that additional copies be distributed to the public at the library, Town Hall, the Senior Center and other locations throughout Mashpee. Additionally, people would be interested in looking at the information at Mashpee Commons.

Mr. Lehrer confirmed that he had bound copies in the Planning Department and would distribute copies to other Mashpee departments and buildings. Mr. Lehrer invited anyone interested to speak with him further about either Bylaw proposed this evening.

Mr. Lehrer noted that the next meeting of the Board was July 18 and stated that he would provide a report of the conversation and communication at the Board of Selectmen, if it was amenable to the Board. The Chair stated that it was not amenable, that the Planning Board had their Article they were submitting to the Selectmen.

OLD BUSINESS

Invoice for June 2018 Engineering Services for Charles Rowley- Mr. Lehrer reported that an invoice was received for Southport, in the amount of \$150 for inspections. Additionally, an invoice in the amount of \$985 was received for Planning Board services during the month of June to include attendance at meetings, Laurentide inspections, paving at Lawrence Lynch site, meeting with Ernie Virgillio and inspection, conference for Naukabout Beer Company and inspection of Blue Castle Drive.

MOTION: Mr. Balzarini made a motion to pay Charles Rowley for the June inspections for \$150 for Southport. Mr. Kooharian seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to pay Charles Rowley \$985 for Blue Castle, Naukabout Beer, Ernie Virgillio, Northbridge and attendance at two regular special meetings. Mr. Kooharian seconded the motion. All voted unanimously.

Mr. Lehrer reported that there was no batch sheet for the \$150 invoice because it would be paid directly by Southport. The Chair responded that in the past, the Board used to sign for both invoices, but as long as there was no issue with the Town Treasurer and Mr. Rowley was paid, it was fine. Mr. Rowley stated that Southport reimbursed the Town. Mr. Lehrer further confirmed that Southport was handled differently by the Treasurer and did not require the signature of Planning Board members.

CORRESPONDENCE

ADDITIONAL TOPICS

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Kooharian seconded the motion. All voted unanimously. The meeting ended at 9:40 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

- Proposed Mixed-Use Planned Development (MPD) Article
- Draft Mashpee Commons Form-Based Code (FBC)

MASHPEE COMMONS FORM-BASED CODE

Change Log

Updated 2018.07.13

Change	Article/Page	Comment Source	Draft where reflected	Type of change	Noted
1 Correct reference to definitions article.	1-2	2018.06.28 Planning Board Meeting	2018.07.09	Reference correction	
2 Search and replace for Ordinace, replace with Code.	Global	Internal following 2018.06.28 Planning Board Meeting	2018.07.09	Clarity	
3 Replace the term platted with the term divided.	Global	2018.06.28 Planning Board Meeting	2018.07.09	Clarity	
4 Replace the term flag lot with the term pork chop lot.	Global	2018.06.28 Planning Board Meeting	2018.07.09	Clarity	
5 In CD2, reduce side setback.	2-17	2018.06.28 Planning Board Meeting	2018.07.09	Substantive	Yes, in pink.
6 Update Table 7.1 to include review authority.	7-229	2018.06.28 Planning Board Meeting	2018.07.09	Clarity	Yes, in pink.
7 Replace the term development administrator with the term town planner	Global	Internal following 2018.06.28 Planning Board Meeting	2018.07.09	Clarity	Yes, in pink.

Explanation

- | | |
|---|--|
| 1 | Reference to Definitions article had wrong Article number. |
| 2 | We try to use the same terminology through the code to minimize confusion. Code is an easier term than Ordinance. An explanation of how these terms relate is provided in Article 1.A. |
| 3 | People were unfamiliar with the term platted. A more clear term is divided, where a lot is divided to create new lots. |
| 4 | Planning Board indicated the local term is porkchop lot, not flag lot. |
| 5 | With a lot width of 100 ft min, it was noted that the side setbacks of 50 ft would make it impossible to develop a lot of the minimum width. Side setbacks were reduced from 50 ft to 30 ft. |
| 6 | Information added to table to help with quick access to who is review authority, without having to go to each section to read the language. |
| 7 | Replaced general placeholder term with correct Town of Mashpee position name. |
-

2. RURAL (CD2)



a. DESCRIPTION

The CD2 Rural district consist of rolling pastoral fields and forested lands. Typical buildings include houses, farmhouses, agricultural buildings, and cabins.

b. PURPOSE

1. To identify areas of floodplains, resource protection, steep slopes, utility corridors, and farmlands.
2. To provide the community with a predictable outcome from development and redevelopment.
3. To protect and enhance rural character.
4. To provide opportunities for activities and development that support rural character, including agricultural uses, agrotourism, rural-based businesses, and residential uses.

c. LOT DIMENSIONS

Width	100 ft min
Depth	n/a
Lot Area	2 acre min

d. PRIMARY BUILDING PLACEMENT

Primary Front Setback	20 ft min
Secondary Front Setback	20 ft min
Side Setback	30 ft min
Rear Setback	0 ft min

4. PUBLIC NOTICE

PURPOSE

- To inform the general public of the public hearing or meeting and to inform neighboring landowners of any potential development impacts.

APPLICABILITY

- All projects.



A. MAILED NOTICE

- Table 7.2 Notices & Public Hearings summarizes which types of applications require notice.
- Notice of a development review or legislative procedure public hearing must be mailed by the Town of Mashpee at the applicant's expense to abutters located:
 - Within 300 feet of the subject property.
- The applicant must develop a notice containing pertinent information about the project including: application type, project location and description, and if applicable, time, date and location of first scheduled meeting of the Permitting Authority, contact information for the Town of Mashpee. Notices must be mailed within 2 business days of submission of an application.
- Applicant must provide copy of mailing receipt to the Office of the Town Planner.

B. PUBLISHED NOTICE

- When published notice is required, notice of a development review or legislative procedure public hearing must be published on the Town of Mashpee's web page and in a newspaper of general circulation.

C. POSTED NOTICE

- When posted notice is required, the Town Planner must post notice of a development review or legislative procedure public hearing in a conspicuous public location at the Town of Mashpee Office.
- The posted notice must include a description of application type and brief summary as well as contact information for the Town of Mashpee.

D. NOTICE DEFECTS

- Minor defects in notice do not impair the notice or invalidate proceedings if a bona fide attempt has been made to comply with applicable notice requirements.

TABLE 7.1 NOTICES, PUBLIC HEARINGS & REVIEW AUTHORITY

	NOTICE	PUBLIC HEARING	REVIEW AUTHORITY
SMALL PROJECT PLAN			Building Inspector
LARGE PROJECT PLAN	●		Planning Board
SUBDIVISION PLAN	●	●	Planning Board
MASTER PLAN	●	●	Planning Board
PLAN REVISION	◐	◐	Building Inspector
SPECIAL PERMIT	●	●	Planning Board
VARIANCE	●	●	Board of Appeals
LAND CONVEYANCE			Board of Selectmen
ZONING AMENDMENT	●	●	Town Meeting

- Required
- ◐ May be required

Overview of Housing and Zoning Legislation - July 2, 2018

Provision	Brief summary	In housing production bills, S2131 & H3845?	In senate zoning bill, S81?	In house zoning bill, H4397 (aka H2420)?	In Gov's Housing Choices bill, H4290 (aka H4075)?
40R approval	Simple majority for 40R district approval	Yes	No	Yes	Yes
Accessory apartments	Accessory by right for apts. within main single family structure, with provisos: lot size 5K or more, apt 900sf or less, munis may require either of units owner-occupied & muni can cap total number of units.	Yes	Yes	Yes, but limited to elder/disabled occupants	No
Alternative dispute resolution	Authorized use of executive session/use of confidentiality provisions for medication.	No	Yes	Yes	No
Appeals procedure/standard	Subdivision appeals based on the record; more certainty that cases go to Land Court permit session	No	Yes	No (removed)	No
Approval not required (ANR)/minor subdivisions	Muni that adopts minor subdivisions for 6 lots or fewer is no longer required to allow ANR. Exemption: Can still use ANR for 2 lots/year if eligible for farm/forest program, with formula to minimize abuses. H4397 also contains language adding exemption for land under common ownership and states lots can only be 1.5 times minimum lot size.	No	Yes	Yes	No
Artist live/work spaces	Requires communities to allow artist live/work spaces by special permit	No	No	Yes	No
Board training	Directs DHCD to create training program, allows contract with Citizen Planner Training Collaboration, and training to be at various locations. H4397 also requires program to offer online training.	No	Yes	Yes	No
Cluster "open-space" development	Communities required to create at cluster by-right districts or overlays; yield plan and density bonus both permitted. (S.81 and H 3845) Where muni has OSRD ordinance, sets general requirements, such as 30-60% preserved land. Where no ordinance and large lot zoning for a single family home, municipalities must offer cluster option for 5+ home developments. Cluster must identify natural/cultural resources, conserve 40% of land. Yield plan and density bonus both permitted. (H4397)	Yes	Yes	Yes	No
Community-scale housing development demonstration program	Will issue grants and loans for the development of community scale residential homeownership or rental housing	Yes	No	No	No
Court may require appeal bond	Added bonding provision for additional types of appeals (now limited to subdivision appeals). Court may impose bond to cover statutory court costs—maximum of \$15,000 or amount meeting Chapter 40R bonding requirement.	No	Yes	No (removed)	No
Dover amendment	Commission created to evaluate so-called "Dover" amendment on educational institutions	No	Yes	Yes	No
Enforcement of multifamily zoning & cluster development	For municipalities that have failed to meet the requirements of section 6, the zoning vote to adopt consistent ordinances or bylaws would be reduced to a simple majority.	Yes	Yes	No (removed)	No
Exclusionary practices	Makes exclusionary land use practices unlawful under state anti-discrimination statute, but with affirmative defense. Section: 34A	No	Yes	Yes	No
Form-Based Codes	Defined and clear authorization for the first time	No	No	No (removed)	No
Housing and economic growth cabinet	Includes Secretaries of housing and economic development, transportation, education, and energy and environmental affairs or their designees, to promote a coordinated approach to data collection, analysis, and policy relating to the orderly growth and development of the commonwealth.	Yes	No	No	No

Provision	Brief summary	In housing production bills, S2131 & H3845?	In senate zoning bill, S81?	In house zoning bill, H4397 (aka H2420)?	In Gov's Housing Choices bill, H4290 (aka H4075)?
Impact Fees	Clear statutory authorization; communities must create an infrastructure plan; fees conform to "rational nexus" & "proportionality" test; fees for specific infrastructure types.	No	Yes	Yes	No
Inclusionary Zoning	Provides clear authorization; leaves density bonus up to municipalities.	No	Yes	Yes	No
Inter-municipal agreements	Allows contiguous towns to establish inter-municipal planning board, zoning board of appeals, conservation commission or board of health, or may share costs and revenues from development	Yes	No	No	May agree to share costs & revenue, but no language on inter-muni boards
Master Planning	Master planning process streamlined by reducing the number of required elements	No	Yes	No (removed)	No
Minor subdivision process	Minor subdivision process would expedite subdivision for 6 lots or fewer.	No	Yes	Yes	No
Multifamily zoning	Every community must have at least one multifamily district "of reasonable size" by right in eligible locations and at either 14/acre or 8/acre (rural). DHCD waivers possible. (S.81) S 2131 and H 3845 almost identical. Gov's bill makes it easier to adopt a by-right multifamily or mixed use district by making them a simple majority vote (H4290) Note: Multifamily provision in H 2420 was removed and H 4397 has none. H 2420 said every community must provide "reasonable and realistic opportunities" for multifamily housing in eligible locations. No requirement of by right zoning or specified density.	Yes, as a requirement	Yes, as a requirement	No (removed)	Makes it easier to adopt, but up to the municipality
Municipal Incentive Program	EOHED would develop incentives to encourage municipal participation in multifamily zoning by right program. Incentives could include reduced vesting time for definitive subdivision plans, enhanced natural resource protection zoning, expanded use of development impact fees, and preference for discretionary state grants and loans.	No	Yes	No	No
Natural resource protection zoning	Reduce required majority to simple majority for allowing natural resource protection zoning	No	No	No	Yes
Notice on Boards to Health	Require that boards of health get notice of public hearings	No	Yes	Yes	No
Permit duration	Duration of building permit is 2 years and special permit is not less than 3 years/may be longer. (S.81) Duration of building permit is 2 years. Special permit is unchanged, as 2016 economic development bill moved special permit duration to 3 years (H4397)	No	Yes	No	No
Special Permits	Community can vote to reduce required majority to simple majority (S 81). Voting majority re-set to simple majority and community can raise it (H 4397). Special permit applications for multifamily or mixed use zoning require only simple majority if they include at least 10% affordable units (H 4290).	No	Yes	Yes	Yes
Starter home zoning districts	Technical correction to the definition of "smart growth zoning district" clarifying for the purposes of G.L. c. 40S that term also includes starter home zoning districts as authorized under G.L. c. 40R	Yes	No	No	Yes
TDR zoning	Reduce required majority to simple majority for allowing transfer of development rights zoning	No	No	No	Yes
Transfer of Development Rights	Updated definition of transfer of development rights	No	Yes	Yes	Yes

Overview of Housing and Zoning Legislation - July 2, 2018

Provision	Brief summary	In housing production bills, S2131 & H3845?	In senate zoning bill, S81?	In house zoning bill, H4397 (aka H2420)?	In Gov's Housing Choices bill, H4290 (aka H4075)?
Variances	More liberal "practical difficulty" standard for dimensional variances with factors (but not required findings). "Substantial hardship" for use variances, which run with the land unless time/use condition attached. (S. 81) Keeps substantial hardship standard for dimensional and use variances. Specific findings required, but clearer than existing law. For communities who want a more liberal approach, explicitly authorizes use of special permit for dimensional waiver/modification at local option. (S4397)	No	Yes	Yes	No
Vesting Rights (Zoning Freeze)	Preliminary plan followed by substantially similar definitive within 7 months triggers 8 year freeze; freeze applies to property; other reforms deleted. (S.81) Filing of definitive subdivision plan triggers vesting/freeze for 8 years; freeze applies to proposal, not the property; ANR plan freeze removed (H 4397)	No	Yes	Yes	No
Zoning Amendments	Municipality can vote to lower majority.	No	Yes	Yes	No, simple majority for certain zoning changes required by state law

Article _____

To see if the Town will vote to amend the Zoning Bylaws by replacing the entirety of §174-45.4- Accessory Apartments, with §174-45.4 – Accessory Dwelling Units, to read as follows:

§174-45.4 Accessory Dwelling Unit (ADU)

Section A.) Purpose and Intent

- a. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing;
- b. Develop housing units on single-family residential properties that are appropriate for households at a variety of stages in their life cycle;
- c. Increase the number of small dwelling units available for rent in Town, and increase the range of choice of housing accommodations;
- d. Encourage greater housing choice to support aging in place and young people.

Section B.) Definitions

Accessory Dwelling Unit (ADU):

An accessory Dwelling Unit incorporated within the lawful single family dwelling or within a detached building accessory to and on the same lot as a lawful principal single-family dwelling use, shall be clearly subordinate in design to that principal structure to which it is accessory

Dwelling Unit

Any room or suite of rooms forming a habitable unit for one (1) family, with its own cooking and food-storage equipment and its own bathing and toilet facilities and its own living, sleeping and eating areas wholly within such room or suite of rooms

Section C.) Procedural/Administrative Requirements

- a. An ADU shall be permitted as a "By Right" use accessory to a lawful single family dwelling use when contained within the building envelope of the primary residence
- b. An ADU constructed as a detached structure shall be permitted by Special Permit from the Zoning Board of Appeals.
- b. The Building Commissioner/ Chief Zoning Officer shall administer and enforce the provisions of this section.
- c. ADUs shall not be eligible for zoning use variances, or for zoning dimensional variance relief proposing to increase the allowable number of ADUs on a lot.
- d. The construction of any accessory dwelling unit must be in conformity with the State Building Code, Title V of the State Sanitary Code and lawful under all o t h e r

provisions of applicable town health, building, zoning and other local laws and regulations.

e. Prior to issuance of a building permit for an ADU, site plans, floor plans and elevations shall be submitted showing the proposed interior and exterior changes to the existing principal structure.

f.) ADU shall be permitted on an annual basis with the initial date of issuance of the Special Permit or date of issuance of Occupancy Permit, the property owner shall submit to the Building an executed lease signed by both parties.

Section D.) General Requirements

1.) There shall no more than one (1) ADU permitted as accessory to any primary residence whether attached or detached.

2.) No more than 1 unit shall be rented at any given time.

3.) An accessory apartment shall not be for boarding or lodging or for any other commercial use,

4.) An accessory apartment is not intended for sale and shall exist in the principal dwelling and an ADU on which they are located shall remain in common or single ownership, and shall not be severed in ownership, including that the lot or building thereon shall not be placed in a condominium form of ownership.

5.) An accessory apartment may be rented for periods not shorter than 12 months at a time, and is prohibited as a rental unit on a weekly or daily basis.

Section E.) Certification from the Board of Health

The Applicant must provide documentation, endorsed by the Board of Health or its agent, that the proposed accessory apartment conforms with all state and town health and sewage disposal regulations. The principal dwelling and accessory apartment shall meet all wastewater requirements for the combined number of bedrooms/wastewater flow on the lot.

Section F.) Unit Size and Dimensional Requirements

The design, installation, and use of an accessory apartment shall be secondary and incidental to the property's primary residential unit.

- The gross floor area of any ADU shall be not less than three hundred (300') square feet nor more than forty percent (40%) of the gross floor area of the principle structure on the day the Application was filed: Garages, unfinished attics, unfinished basements, common entries, porches and decks shall not be included in the floor area calculations.
- Once an accessory apartment has been added to a single-family dwelling or lot, the accessory apartment shall not be enlarged beyond the square footage allowed by this section
- The footprint of a detached ADU shall contribute to the principal residence's overall lot coverage maximum as defined in §174-31. If the minimum unit size defined in this

section would result in lot coverage nonconformity, a detached ADU shall not be permitted.

Section G.) Exterior Design.

Modifications to the exterior of an existing principal structure resulting from the installation of an accessory apartment shall be consistent with the principal structure's predominant character. An accessory apartment shall be designed so that, to the maximum extent practical, the appearance of the property on which it is to be located remains that of a single-family residential property and the privacy of abutting properties is maintained.

If the primary entrance of an ADU is not proposed to be shared with that of the principal dwelling, such entrance shall be less visible from the street than the main entrance of the principal dwelling. Further consideration should be given to the design of the following features to maintain consistency with principal structure:

- Building architectural details
- Roof design
- Building spacing and orientation
- Building screening
- Door and window location
- Building materials.

Note: Appropriate landscaping may be required in order to provide a buffer between the applicant's lot and abutting properties if so determined by the Building Commissioner as administration and enforcement agent of this by-law.

Section H.) Parking.

Notwithstanding the provision of §174-39, at least one (1) off-street parking space shall be for the accessory apartment in addition to any other off-street parking requirement.

Section I.) Roadways/Accessways

No new driveway or curb cut shall be created to service the accessory apartment, unless the Planning Board determines that, due to severe topographic or other constraints on the lot, the required parking cannot be provided without relief from this provision and unless any necessary town or state curb cut permit is approved.

Section J.) Applications to the Board of Appeals

Any application for a Special Permit under this Section shall require the submission of three (3) original copies of the application, plans and documentation required under §174-24C.3 for Special Permit application to the Board of Appeals

Section K.) Certificate of Occupancy

The ADU shall not be rented or occupied until a Certificate of Occupancy has been issued by the Building Inspector. History: Amended 10-18-2004 ATM, Article 35, approved by Attorney General 12-16-2004.

Submitted by

Town Planner

Article _____

To see if the Town will vote to amend the Zoning Bylaws by adding a new section § 174-17.1 to read as follows:

§174-17.1 Raze and Replace:

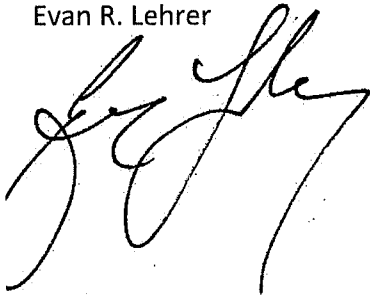
Single-and two family dwellings on pre-existing non-conforming lots may be torn down and replaced if the only pre-existing nonconformities are minimum lot area and minimum lot frontage so long as all other pertinent dimensional requirements defined in §174-31: Land Space Requirements meet the established dimensional criteria by administrative approval from the Building Commissioner/Zoning Official.

Single and two family structures on pre-existing non-conforming lots that have additional dimensional nonconformities beyond minimum lot area and minimum lot frontage may be permitted by Special Permit from the Zoning Board of Appeals. Replacements of demolished residences shall be designed so that rear, side and front setbacks, height, and lot coverage satisfy dimensional criteria defined in §174-31.

or take any other action relating thereto.

Submitted by the Town Planner

Evan R. Lehrer

A handwritten signature in black ink, appearing to read 'Evan R. Lehrer', written over a horizontal line.

Explanation: This article will clarify, under the Bylaw, the ability of the Zoning Board of Appeals to review and evaluate existing homes to be torn down and rebuilt which may or may not meet the requirements under the existing Zoning Bylaws.

Article _____

To see if the Town will vote to amend the Mashpee Zoning By-Law by adding "Light Industry Gateway Overlay District" to the Zoning Map by adding §174-5(G) - Establishment of Zoning Districts to read as follows:

§174-5 (G) Light Industry Overlay District

G.) The Light Industrial Overlay District shall include all parcels shown on the Zoning Map approved in 2017 to be I-1 and C-3 districts along Route 130 As identified on Mashpee Tax Assessment Maps as:

Map: 13	Lots: 46, 47
Map: 19	Lots: 1, 3, 3-1, 3-2, 3-3, 3-4, 3-5, 3-6, 3-7, 3-8, 3-9, 4, 5, 10, 11, 14, 15, 16, 17, 18, 19
Map: 20	Lots: 24, 25, 26, 47, 50, 56, 57, 58
Map: 26	Lots: 6, 19, 20, 21
Map: 27	Lots: 21, 21A, 21B, 25, 122, 123, 135, 136, 137, 157, 159, 160

To see if the Town will vote to amend the Mashpee Zoning By-Law §174-45.6- Light Industry Overlay District to Section IX: Special Provisions to read as follows:

Section A.) Purpose and Intent

a. Elevate our established Industrial and Gateway commercial districts by accommodating for emerging light industrial uses with compatible commercial activities and create a sense of place by accommodating suitable accessory uses'.

b. Enable a district of creativity and innovation designed to drive community and economic development and contribute to the enhancement of Mashpee's evolving character.

c.) Enhance the Rt. 130 Gateway by placing greater value on the architectural integrity of the area and create a stronger sense of Rt. 130's Industrial/Commercial business community to create harmony with the adjacent Historic District

d.) Bolster a vibrant creative/industrial economy and add to the list of Mashpee destinations.

Section B.) Definitions

'LIGHT INDUSTRIAL'- Production of smaller consumer goods generally sold directly to the end user not as products designed as intermediates for use by other industries, often in the form of food and beverage, handicrafts. Non capital intensive consumer focused manufacture of goods by firms with at least one employee and not more than

'ART, HANDICRAFT, AND APPAREL MANUFACTURING' - Manufacture of crafts, art, sculpture, stained glass, jewelry, apparel, furniture, cabinet making, and similar items using hand tools and small mechanical devices.

'FURNITURE MAKING' – The manufacture of movable objects designed to support human activity and comfort using hand tools and small mechanical devices such as sofas, stools tables, chairs, etc.

'PRINTING ACTIVITIES' – The production of books, magazines, pamphlets, posters and similar materials

'VITREOUS CHINA'- Enamel coated non-porous pottery products normally made of porcelain.

'EARTHENWARE' – Pottery products fired to a porous state left raw or made non-porous by use of glaze.

'TRADEBINDING' – The binding of books.

'FOOD MANUFACTURING' – The aggregation of food products from hydroponic food production facilities for packaging and sale.

'FOOD PROCESSING'- The combination of raw food products that may or may not be cooked or otherwise prepared to produce marketable food products.

'HYDROPONIC FOOD PRODUCTION'- The cultivation and production of fresh produce grown in a nutrient solution, generally indoors without soil.

'AQUAPONIC FOOD PRODUCTION' - The cultivation and production of fresh produce using any system that combines hydroponics in conjunction with aquatic animals to create a symbiotic environment.

'CO-WORKING' - membership-based workspaces where diverse groups of freelancers, remote workers, and other independent professionals work together in a shared, communal setting

'MAKERSPACE' a place in which people with shared interests can gather to work on projects while sharing ideas and knowledge using shared equipment usually capital intensive and cost prohibitive for the individual maker. Often include information and technology and art communities.

'ARTIST STUDIOS' - an artist or worker's workroom used for the purpose of acting, architecture, painting, pottery (ceramics), sculpture, origami, woodworking, scrapbooking, photography, graphic

design, filmmaking, animation, industrial design, radio or television production broadcasting or the making of music. *Also see 'MAKERSPACE'.*

'MECHANICS GARAGE' – See MAKERSPACE

'FOOD INCUBATOR' – Also referred to as 'shared-use kitchens and food accelerators. Used as a place of business for the exclusive purpose of providing commercial space and equipment to multiple individuals or business entities which commercially prepare or handle food that will be offered for sale

Section C.) Allowed Uses:

In addition to uses specified in §174-25: Land Use Regulations of the Mashpee Zoning-By Law, this Overlay establishes the criteria to develop, within established industrial areas, activities and business models that represent the present model of industrial uses. This district will create a pathway for light-industrial uses, as defined above, to establish a presence and an identity in Mashpee while knitting together town fabric by permitting compatible commercial and miscellaneous uses that help to establish sense of place and character. Uses that reflect modern industrial realities and shall be permitted within the boundaries of the Light Industrial Overlay as defined. Uses shall reflect the modern industrial typology that does not require significant floor area, produce excessive levels noise or environmental pollution or degradation.

Ideal uses permitted under the requirements defined herein are identified in Table 1. \

TABLE 1

Arts, Crafts, and Apparel Manufacturing	Wood, window, and door manufacturing Furniture Making Printing and related support activities (general) Commercial lithographic printing Commercial screen printing Tradebinding and related work Pottery and ceramics manufacturing Vitreous china, fine earthenware, and other pottery products Blacksmithing & Metalworking Other pressed and blow glass and glassware manufacturing Jewelry Making Fashion/Garment Manufacturing
Food & Beverage Production	Food manufacturing (general) Food Processing (general) Bakery Butcher Non-Alcoholic Beverage Manufacturing Breweries Wineries Distilleries Hydroponic Food Production

Coworking/Shared Office: Commercial & Industrial	Makerspace Commercial Kitchen/Food Incubator Office Co-Working Artist Studios: <i>Pottery</i> <i>Blacksmithing</i> <i>Jewelry making</i> <i>Glass blowing,</i> Mechanics Garage Musician Recording Studios Laboratory Space/Research Facility Theater/Performance Space
Science & Technology	LED Manufacturing
	A.I. Research and Development
	Robotics
	Laboratory Space
Miscellaneous Uses*	Food Truck Park Hotel/Motel

Section D.) General Requirements and Prohibitions

- Allowed uses in this district may extend beyond those listed so long as the alternative use conforms with the definition of 'Light-Industrial' provided in Section B
- Any process that may produce dangerous or noxious compounds that may impact surrounding parcels and districts is prohibited.
- No food truck vendor who wishes to conduct business in a Food Truck Park shall do so without acquiring all required licenses and permits from the Board of Health, Board of Selectmen and any relevant state and/or federal permitting/licensing authority.
- District-wide events such as farmers markets, arts and crafts sales, and open studios shall be allowed after the Plan Review Committee has reviewed and approved a planned proposal that indicates the dates, times, locations, events scheduled, vendors, and a statement of expected impact etc.

Section E.) Accessory Uses

Compatible accessory uses shall be allowed so long as the accessory use is complementary to the principal business(es) and does not detract from the intent and purpose of the overlay. Any proposed exterior use shall be included in the design of the landscaping plan that shall require approval from the Plan Review Committee. Accessory uses shall include the following:

- Retail sales and services clearly secondary to the principal business.
- Tasting Room/Bar for product sampling.
- Dog Park
- Playground/Skatepark
- Family recreation activities (including miniature golf*)
- Community Garden

- Bandsells/Stage/Amphitheatre as long as any musical performances are not amplified.
- Outdoor seating/eating area

Section F.) Dimensional Requirements

Base Zoning Dimensional requirements defined in the Land Space Requirements table in Section 174-25 of the Mashpee Zoning by law shall apply in the Light Industrial Overlay District, however the district, to support a variety of small business owners, shall not set a maximum density and there may be multiple tenants on a single parcel and/or in the same building so long as the harmony among businesses and pedestrians is not disrupted and there are no violations of building, health, or fire codes. Building construction and site design shall adhere to the following architectural standards subject to approval by the Zoning Board of Appeals:

Section G.) Site Design:

- Buildings shall have their narrow side displayed on the street when appropriate.
- Where building frontage is elongated, the roof line must vary by a minimum of 10 feet for every 50 lineal feet of building frontage.
- As many mature trees as possible shall be maintained and harmoniously distributed along the roadway.
- Pedestrian-scale amenities: bike shelters, arcades, benches, and garden areas incorporating arbors, pergolas, etc. shall be deployed to bring down the buildings edges and create visual interest.
- Attractive landscaping shall be incorporated and maintained to further define the exterior space.
- Reduce the visibility of parking areas as much as possible from the street.
- Where multiple tenants are proposed in buildings, the buildings massing may be broken down and distributed on the site sharing common/pedestrian space among them.
- Significant buffer between roadway and building area shall be maintained.
- Driveway should be long enough to allow traffic to 'meander' to the site.

Section H.) Architectural Design Standards

- Buildings shall be constructed with a material palette consistent with the Cape Cod vernacular and using only traditional and natural materials that weather naturally.
- Corrugated metal roofs and siding are prohibited if permitted within the Light Industrial Overlay.
- The Ground Floor of buildings with 2 or more stories shall be higher than floors above.
- Buildings shall be designed with a series of attached and varied masses to reflect historical development patterns.
- Façade line shall be varied.

Section I.) Streetscape Requirements

Sidewalks:

Sidewalks shall be developed or improved on both sides of the street and must be at least 4 feet wide.

Street Trees:

Trees shall be planted continuously along the street on both sides of the street utilizing either tree pits or continuous planters where mature trees were unable to be maintained

Crosswalks/Pedestrian Pathways.

The pedestrian experience between uses on a singular parcel and businesses on separate parcels shall be addressed to allow for maximum connectivity, safety and beauty by accommodating linkages via adequate crosswalks and pedestrian paths.

Section J.) Landscaping Requirements

- Attractive landscaping shall be deployed around access ways, driveways, entrances and any other area as a directional foundation and to create natural visual interest among the varied uses between parcels.
- Selected trees and shrubs must be native plants suitable for the cultivated Cape Cod Landscape and shall be selected from the Native Plant List created by the Cape Cod Commission. The list is posted to the Planning and Building Department webpages, as hardcopy in the Mashpee Planning Department or on the Building or Planning web pages.

Section K.) Procedural/Administrative Requirements

Pre-Application Procedure

- A written letter, one (1) addressed to the Building Commissioner and one (1) the Town Planner completed application forms and a written statement describing the proposed use or uses requesting a pre-application meeting.
- If the proposal is generally consistent with the requirements of this section, the applicant, prior to any public hearing, must meeting with the Plan Review Committee who will refer the applicant to the Zoning Board of Appeals so long as any and all conditions or issues have been addressed in the building, site and landscaping plans.

Special Permit Procedure/Requirements

- After Plan Review Committee recommends referral, the applicant may submit for a Special Permit from the Zoning Board of Appeals following Special Permit Regulations as defined in M.G.L Chapter 40A.

Submitted by:

The Town Planner

Summary of key Housing/Zoning bills

S.81: An Act promoting housing and sustainable development (filed by Sen. Chandler)

- Directs the DHCD to create a training program
- EOHED to create an incentive program
- Accessory by right for apartments within main single family structure with provisions
 - Lot size 5k or more
 - Apt 900 sf or less
- Authorizes adoption of Natural Resources Protection Zoning
- Requires multifamily zoning districts, with DHCD waiver process
- Requires communities to create a cluster by-right district or overlays
- Authorizes and creates statewide framework for development impact fees
- Authorizes and creates statewide framework for inclusionary zoning
- Makes it easier for municipalities to resolve land use disputes through mediation at local level
- Municipality can vote to lower majority for zoning changes from current 2/3
- 8 year freeze if preliminary plan followed by substantially similar definitive
 - Freeze applies to property (not filed plan)
- Community can vote to reduce required majority from 2/3 to simple majority for approval of special permit applications
- Authorizes and creates statewide framework for site plan review
- Variance reforms
 - More liberal "practical difficulty" standard
- Court to decide site plan review and subdivision appeals on record created at local level
- Master planning process streamlined
 - Number of required elements reduced
 - Additional environmental elements included
 - Voting majority lowered to simple
- If a municipality enacts a "minor" subdivision ordinance for expedited review of six lots or less, it can limit use of "approval not required" process for subdividing roadside lots
- Exclusionary land use practices unlawful
- Commission created to evaluate Dover amendment

H.4397 (formerly H.2420): An Act building for the future of the Commonwealth (filed by Rep. Peake and Rep. Kulik)

- Directs the DHCD to create a training program
- Authorizes adoption of Natural Resources Protection Zoning
- Accessory by rights for apartments within main single family structure—same as S 81—but applies only where occupant will be elderly or disabled
- If municipality has cluster/open space residential development provision, it sets general requirements (e.g., 30-60% land preserved); if no provision, it sets default requirements if municipality has large lot zoning and owner proposes 5+ lot development
- Municipality can vote to lower majority for zoning changes from current 2/3
- Authorizes and creates statewide framework for development impact fees
- Authorizes and creates statewide framework for inclusionary zoning
- Makes it easier for municipalities to resolve land use disputes through mediation at local level
- 8 year freeze if definitive plan filed
 - Freeze applies to filed plan (not property)
- Special permit applications re-set from 2/3 majority to simple majority, but municipality can vote to raise required majority
- Communities required to allow artist live/work spaces by special permit
- Variance reforms.
 - Keeps substantial hardship standard for dimensional and use variances.
 - Specific findings required, but clearer than existing law.
 - For communities who want a more liberal approach, explicitly authorizes use of special permit for dimensional waiver/modification at local option.
- If a municipality enacts a “minor” subdivision ordinance for expedited review of six lots or less, it can limit use of “approval not required” process for subdividing roadside lots. Difference between House and Senate version is wording of partial exemption for farm/forest lands
- Simple majority for 40R district approval
- Exclusionary land use practices unlawful
- Commission created to evaluate Dover amendment

Note: The Joint Committee on Municipalities amended H.2420 to remove (e.g., multifamily zoning, master plan, appeals reform), change (e.g., ADU provision) and add (e.g., Dover Commission) provisions. That redrafted bill is H.4397.

S.2131 & H3845: An Act Relative to Housing Production (filed by former Sen. Dorcena-Forry and Rep. Honan)

- Multi-family zoning requirement like Senate 81
- Accessory by right for apartments within main single family structure like S 81
- Requires communities to create a cluster by-right district or overlays like S 81
- Allow cities and towns to regionalize land use regulation and engage in inter-local development compacts.
- Identify impacts and ways to support communities in meeting the Commonwealth's housing needs.
- Expand Chapter 40S to reimburse communities for demonstrated increases to school costs from their production of affordable multifamily and open space residential developments.
- Create a state-assisted program to develop affordable community-scale developments that fit the local community context.
- Identify strategies and tools to redevelop greyfields, underutilized or former commercial sites in communities across the Commonwealth.
- Coordinate state agencies, through a Growth Cabinet, to collect data, analyze, and develop policies relating to the orderly growth and development of the Commonwealth.
- Allow municipalities to create 40R smart growth zoning districts by a simple majority

H4290 (formerly H4075): An Act to Promote Housing Choices (filed by Governor Baker)

- Re-sets the voting majority from 2/3 to simple majority for nine types of zoning changes; these changes embody best practices like multifamily zoning or accessory apartments by-right in smart growth locations and measures to increase housing production like increased density by special permit
- Simple majority for 40R district approval
- Re-sets the voting majority from 2/3 to simple majority for special permit applications that create multifamily zoning or mixed use zoning districts if they require at least 10% affordable units in the districts
- Allows inter-municipal agreements to share costs and revenue from development

Summary of key Housing/Zoning bills

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MACKEY & FOSTER, P.A.
Counselors at Law
220 Main Street, Suite 202
P.O. Box 901
Falmouth, MA 02541

e-mail MackeyFoster@aol.com

Tel (508) 548-1155
Fax (508) 548-3399

To: Evan Lehrer, Town Planner

Fax: (508) 539-1142

Phone:

From: Jonathan M. Polloni

Date: July 11, 2018

Subject: application for waiver – 20 & 28 Blue Castle Drive

Pages (including cover sheet): 18

If you do not receive all the pages, please call back as soon as possible to the number indicated above.

Comments:

Please include in the materials for next weeks Planning Board meeting on July 18, 2018.

IMPORTANT NOTICE: This facsimile transmission (including all attached pages) is intended only for the person or entity named. If you are not the intended recipient (or the person responsible for delivering it to the intended recipient), please destroy this facsimile, and all copies, and telephone us immediately. Thank you.

COMMONWEALTH OF MASSACHUSETTS

TOWN OF MASHPEE
PLANNING BOARD

APPLICATION FOR WAIVER OF SPECIAL PERMIT REGULATIONS

The undersigned hereby requests a waiver of the following sections of the Mashpee Planning Board's Special Permit Regulations with regard to a project entitled _____, located at _____
~~20 Blue Castle Drive~~, Assessors' Map 104 Block 10A

Section(s) from which a waiver is requested: 174-12

Reasons for requested waiver(s) (*attach plans and documents as required to explain your request*):

~~# 20 fronts on a way on record with the registry of deeds and has adequate access over the way, which is being improved according to special permit decision granted to BCDM, LLC and approved May 7, 2014. As such, the Board should approve Blue Castle Drive as a means of adequate access to 20 Blue Castle Drive. Alternatively, the Board should waive the requirements for road construction to the extent they exceed what is proposed in the special permit decision to BCDM, LLC.~~

Name of Applicant Ellen Brady Phone _____

Address 56 Summersea Road, Mashpee MA 02649

Owner, if different _____ Phone _____

Address _____

Attach copies of (a) most recent recorded deed and (b) tax bill or Assessors' certification.

Zoning District(s) in which property is located: R3

Signature of Owner or Authorized Representative _____
(If not signed by Owner, attach written authorization signed by owner.)

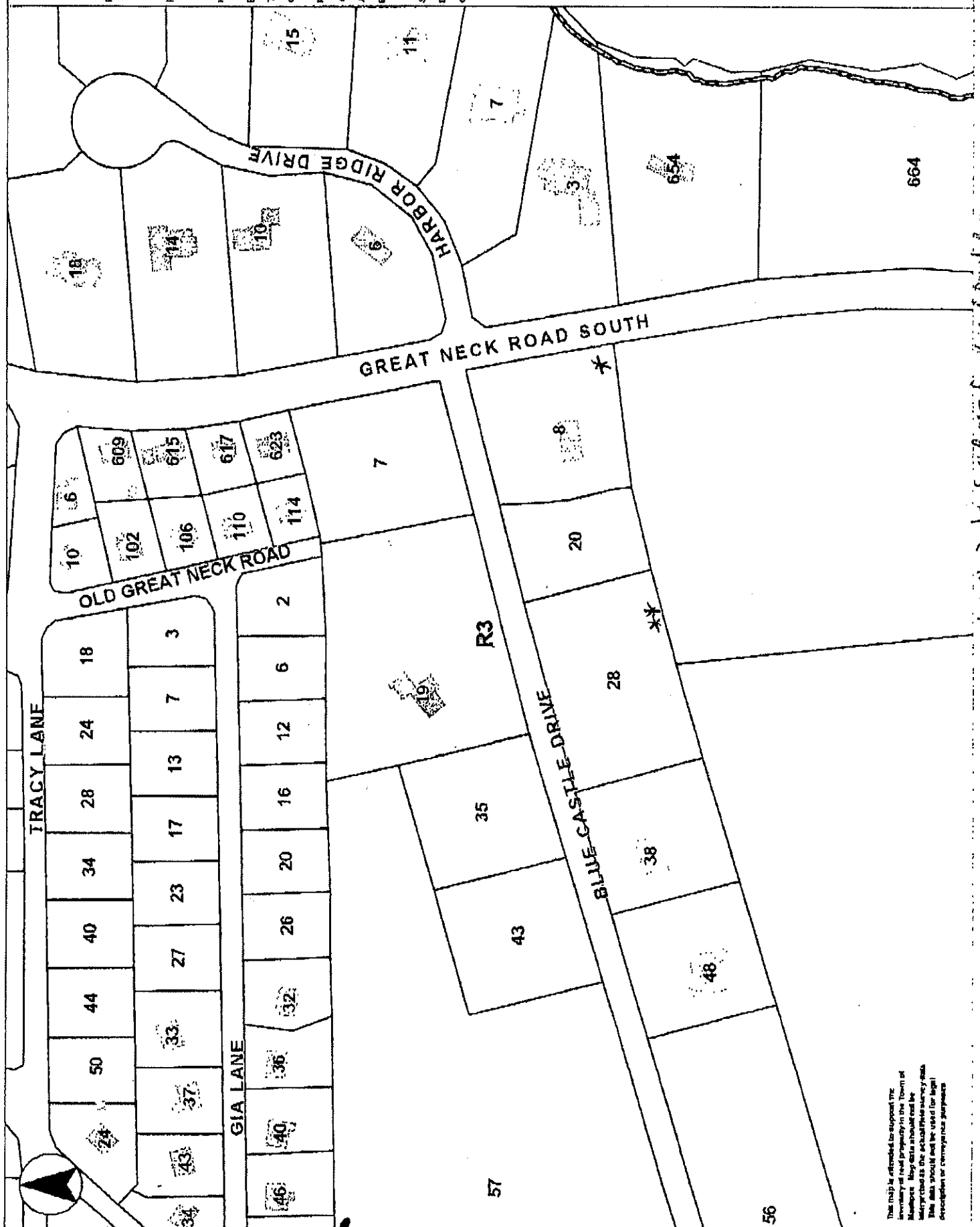
PLANNING BOARD ACTION:

Date received by Planning Board: _____

At it's meeting on _____ the members of the Planning Board voted to ___approve___ disapprove the requested waivers. The vote of the members was as follows: _____

Signature of Board Chairman or designee: _____ Date: _____

Received by Town Clerk: Date _____ Time _____ By _____
(Signature of Town Clerk or authorized representative)



This map is intended to support the inventory of real property in the Town of Mendon. Map data should not be interpreted as the actual field survey data. This data should be used for legal description or conveyance purposes.

of 2004 died to Scott Beaver from Hairs of David Bremer.

Printed on 08/27/2014 at 12:13 PM

270 540 ft

MACKEY & FOSTER, P.A.
Counselors at Law
220 Main Street
P.O. Box 901
Falmouth, MA 02541

William K. Mackey
Kathryn Wilson
Jonathan M. Polloni

E-mail Address
mackeyfooster@mackeyfooster.com

Tel 508-548-1155
Fax 508-548-3399

July 11, 2018

Michael Mendoza, Building Commissioner
Town Of Mashpee
16 Great Neck Road
Mashpee, MA 02649

RE: Determination of Buildability
20 Blue Castle Drive, Mashpee (Lot 10A)

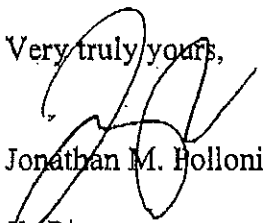
Dear Michael,

I represent Ellen Brady, the owner of the above referenced lot. The purpose of this letter is to describe in detail my opinion that the lot is buildable.

The subject lot is identified on the enclosed Assessors Map as Lot 10A. This lot was created by conveyance from David H. Greene to William L. Hawley and Eleanor T. Hawley by deed dated September 6, 1957. The enclosed deed was subsequently recorded on September 5, 1980. Lot 10A is zoned R3, and contains a total area of 29,738 sq. ft.

The enclosed grantor index for William L. Hawley show that no adjoining land was held in common ownership since that time. This is attested to in the enclosed Protected Lot Status form. As the lot was a separate and distinct lot in 1985, and there was no common ownership with any contiguous lot, the lot is eligible for a building permit under Art. V, section 174-21.

Very truly yours,


Jonathan M. Polloni, Esq.

JMP/

Enclosures

cc: Ellen Brady

98	99	100
103	104	105
109	110	111



Legend:

- State of Massachusetts
- Dock
- Ordinary Bay
- Water of Pond
- Water of River
- Water of Marsh
- Water of Pond
- Water of River
- Water of Marsh
- Water of Pond

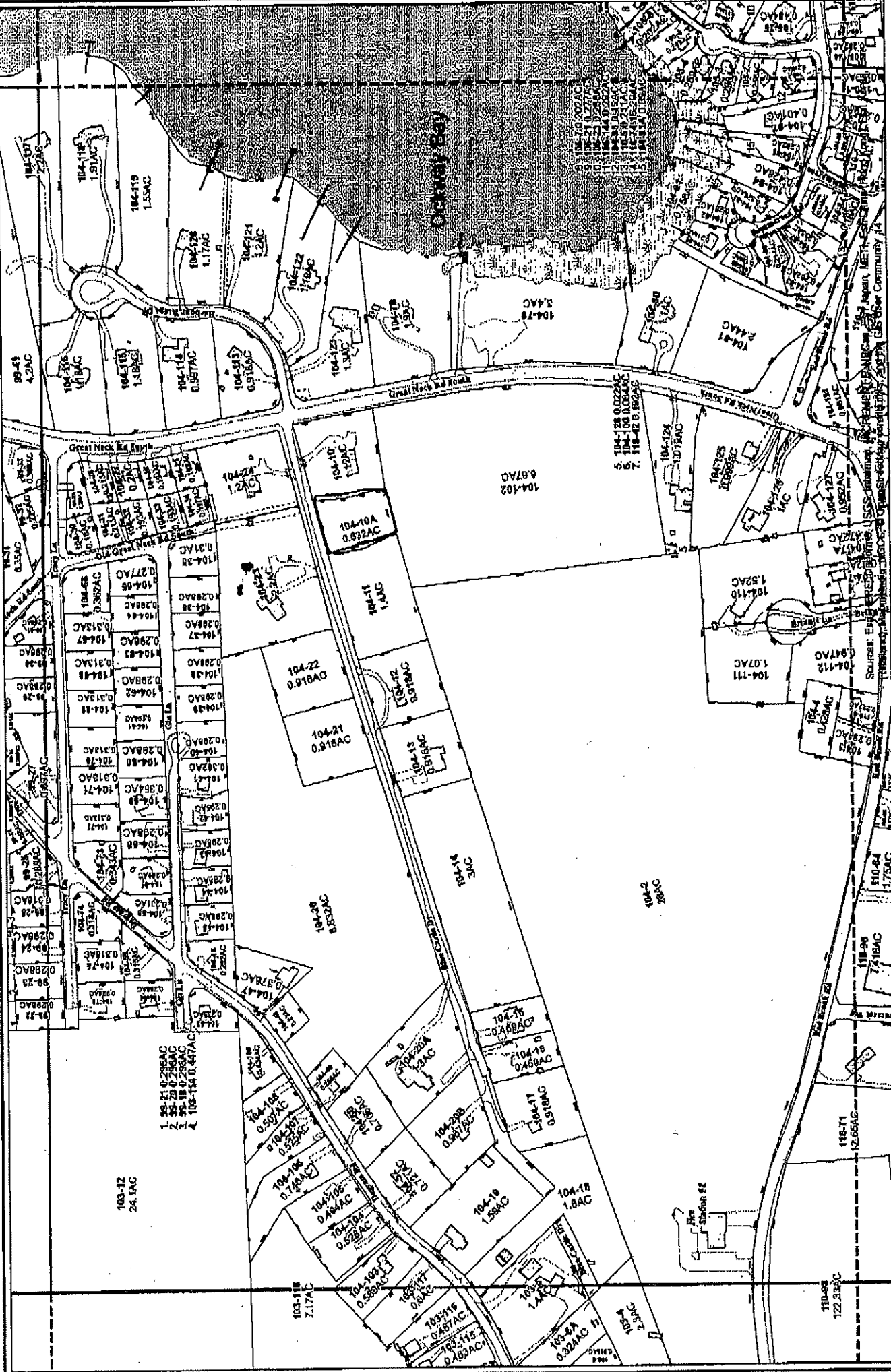
Town of Mashpee, Massachusetts

Fiscal Year 2018 Tax Maps



This map is intended to support the inventory of real property in the Town of Mashpee. Map data should not be interpreted as this actual field survey data. This data should not be used for legal description or other purposes.

This map was prepared by the Town of Mashpee, Massachusetts. The map was prepared by the Town of Mashpee, Massachusetts. The map was prepared by the Town of Mashpee, Massachusetts.



I, DAVID M. GREENE
of Barnstable (Hymannis), Barnstable County, Massachusetts,
being married, for consideration paid, grant to WILLIAM L. HAWLEY and ELEANOR T.
HAWLEY, husband and wife as tenants by the entirety, both of
83 Mayfield Street, Worcester, Worcester County, Massachusetts
with full power to grant
the land in Mashpee, Barnstable County, Massachusetts, together with any
buildings thereon, more particularly bounded and described as follows:

On the NORTH by a forty-foot private way, there measuring 150 feet,
more or less;
on the EAST by Old Great Neck Road, so-called, there measuring 200
feet more or less;
on the SOUTH by land now or formerly of Aaron Keeter, there measuring
150 feet more or less;
on the WEST by land now or formerly of the present grantor, there
measuring 200 feet more or less; containing 30,000
square feet of land, more or less.

The above parcel is part of the land conveyed to me by Fred P. Abbott, under date of March 15th, 1949, duly recorded in Barnstable County Deeds, Book 792, Page 412.

I, ELSEBETH C. GREENE _____ husband/wife of said grantor,

release to said grantee all rights of tenancy by the entirety, joint tenancy and homestead and other interests therein.

Witness — our — hands and seals this 6th day of — September — 19 57

David H. Greene
Elizabeth C. Greene



The Commonwealth of Massachusetts

Barnstable, _____ September 6 1957

Then personally appeared the above named DAVID H. GREENE

and acknowledged the foregoing instrument to be his free act and deed, before me

ALLG 00 SEP 5 80

My commission expires _____

Ward 1 S, 1963

Harvestable County Registry of Deeds

RECORDED LAND BY NAME

John P. Meade

REQUESTED BY (RS).....

WILLIAM L

INQUIRY PRINT REQUEST

PAGE 1

SURNAME/GIVEN NAME.....

PRINTED: 7/11/18 12:18:31

PG340RP

DOC TYPES.....*ALL

TOWN: *ALL

WEBSEVER

INDEX DATES...Jan 1,1742 thru Jul 11, 2018 #33479 @ 12:14

ALL YEARS BY NAME

5.00

TRANSACTION #:

DATE	TIME	SURNAME	REVERSE PARTY	BOOK-PAGE	DOCUMENT TYPE	DISCRIPTION
RECEIVED	INST	RECEIVED	GIVEN NAME			TOWN OTHER

*** GRANTORS ***

HANLEY

12-06-2004	9:22:11a	WILLIAM L (EO)	MSHRE (COMMISSIONERS)	19314	112	TAKING	WASH 595/87 88 89 90
09-12-2014	41228 12:17:25P	WILLIAM L (EO)	BRADY, ELLEN C	28378	173	CERTIFICATE OF MUNICIPAL LTR	WASH 3149/193
09-12-2014	41229 12:17:25P	WILLIAM L (EW)		28378	174	DEED	WASH BOLD CASTLE DR B/WEBSTER

*** GRANTEEES ***

HANLEY

09-05-1980	20848	WILLIAM L (LEF)	GREENE, DAVID H	3149	193	DEED	WASH OLD GREAT BRCK RD
06-11-2014	25193	WILLIAM L (EO)	BARNES, MARCUD (AS TR)	28196	327	BASEMENT	WASH BOLD CASTLE DR

----- RUN TOTALS -----

3 GRANTORS LISTED
2 GRANTEEES LISTED



Town of Mashpee

18 Great Neck Road North
Mashpee, Massachusetts 02649

Protected Lot Status

(This Document Shall not be Altered)

Date September 3, 2014

Street Blue Castle Drive Map 104 Block 10A Lot 20

To the Building Commissioner of the Town of Mashpee
Print

Jonathan M. Polloni

I, Jonathan M. Polloni, being a licensed Massachusetts practicing attorney,
being on oath say that I have caused to be examined the records of the Barnstable County Registry of
Deeds

by Jonathan M. Polloni, of the law firm Glynn Law Offices; and

that he/she and I, based upon their title abstract record, say and affirm that I have caused the records to be
examine that the land located along

20 Blue Castle Drive Street/Road/Way, on Map 104 Block 10A Lot 20

has never been held in Common Ownership (since 9/6/1957) with any
adjoining land nor has any of their predecessors in title held adjoining land in Common Ownership with
said lot in the Town of Mashpee and said parcel(s) also conformed to the existing requirements (when
created), thus in compliance with the provision of Massachusetts General Laws, Chapter 40A, Section 6.

Signed under penalties of perjury, I declare that I hereby certify that the information presented to the
Town of Mashpee is accurate and in compliance with and entitled to grandfather protection under the
provisions of Chapter 40A, Section 6 M.G.L.

Attorney [Signature]

Date 9/3/2014

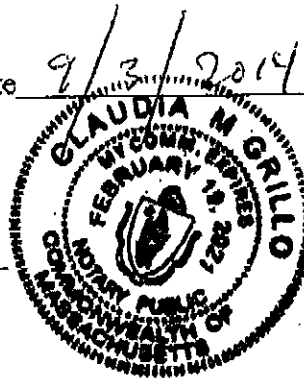
Signature

686642

BBO No. 686642

Notary Public Claudia M. Grillo

Date 9/3/2014 Seal



A copy of the plan of the land, to scale, by a registered land surveyor or land engineer,
must be submitted with this application.

Rev. 08/14

BOOK 630 PAGE 10

ASSESSORS AND RECORDERS

MAY 21 P 1:15

RECORDS OF DEEDS
JUN 11 1946

1969 LAYOUT OF GREAT NECK ROAD

BLUE CASTLE DRIVE

PRIVATE 40' WIDE

LOCUS MAP
SCALE: 1" = 100'

PUBLIC

ROAD SOUTH

HARBOR RIDGE DR

ROAD GREAT NECK

VARIABLE WIDTH

NOTES:

SEE TOWN OF MASHPEE ASSESSORS MAP 304
OWNERS DEED OF RECORD BARNSTABLE COUNTY BK 3149-193
SEE 1969 LAYOUT GREAT NECK ROAD
FOR REFERENCE SEE FOLLOWING PLANS:
PLAN BOOK 86 PLAN 69, PLAN BOOK 157 PLAN 87
PLAN BOOK 431 PLAN 15, PLAN BOOK 509 PLAN 91
UN-RECORDED PLAN BY STEPHEN J. DOYLE ASSOCIATES
FOR SCOTT SAURE DATED 4-02-06

AM 104-102
MASHPEE COMMONS (2)

RESERVED FOR REGISTRY OF
DEEDS USE ONLY

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN
ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND
THE LINES OF THE STREETS AND WAYS SHOWN ARE
THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS AL-
READY ESTABLISHED AND THAT NO NEW LINES FOR
DIVISION OF EXISTING OWNERSHIPS OR FOR NEW
WAYS ARE SHOWN.



REGISTERED ENGINEER REGISTERED LAND SURVEYOR

LAND IN
MASHPEE, MASSACHUSETTS
OWNED BY
WILLIAM L. & ELEANOR HAWLEY

SCALE: 1" = 40' MAY 13, 2009

ALLEN F. PAICE REGISTERED CIVIL ENGINEER & LAND SURVEYOR
P.O. BOX 469 - AUBURN, MASSACHUSETTS 01501 CELL (508) 963-6360

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

Allen F. Paice
William L. & Eleanor Hawley

shall 1) pay for any costs associated with installing four-way stop signs at the intersections of Degraass Road with Tracy Lane and with Gia Lane, provided that said four-way stop signs are approved by the Mashpee Board of Selectmen upon petition of said residents, and 2) contribute \$3000 to a donation account to be held by the Town under MGL c.44, Section 53A for the specific purpose of acquisition and installation by the Town of a portable radar speed sign, such as a Traffic Logix Corp. SP 100 with Solar Panel and 3-Cell Battery back-up, with a universal mounting bracket and pole plates, as described in an email dated February 27, 2014 to the Town Planner from Joanna Van Der Veen of Traffic Logix, or a similar portable radar speed sign, along with any necessary post and installation, to be used on Degraass Road to help slow cut-through traffic in the neighborhood, but which may also be used as appropriate by the Town on occasion in other locations. Any remainder in said donation account after purchase and installation of said portable radar speed sign shall be returned to the Applicant.

PUBLIC SAFETY MITIGATION

9. Based on the recommendations of the Plan Review Committee, which includes representatives from the Police and Fire Departments, the Town Manager and the Mashpee Department of Public Works, the previously-noted memo from Capt. Scott Carline of the Mashpee Police Department, the concerns expressed by residents of Blue Castle Drive and other abutters at the public hearings, and to avoid an effective "dead-end" in excess of 800 feet as prohibited by the Planning Board's Rules and Regulations Regarding the Subdivision of Land, and to satisfy the requirement of Subsection 174-24.C.2. of the Zoning By-law that the Project not adversely affect public health or safety, the Applicant shall upgrade and maintain the portion of Blue Castle Drive between the Project and Great Neck Road South by re-grading Blue Castle Drive in its current location, subject to obtaining whatever right, title or interest to do so is necessary from any landowners where said location lies outside the recorded layout of Blue Castle Drive, including, but not limited to, an easement from the owner of 8 Blue Castle Drive, so that it constitutes an all-weather surface roadway, constructed by any combination and manipulation of soils, with or without admixtures, which produce a firm mass capable of supporting fire apparatus in all weather conditions and having an improved surface width of at least sixteen (16) feet and a cleared width of twenty (20) feet as shown on the plan submitted by the Applicant entitled "Existing Road Improvement Plan", Sheet 11 of 11, dated 5/1/14, prepared by Costa Associates, Inc., P.O. Box 128, 465 East Falmouth Highway, East Falmouth, Massachusetts 02536. All of said work shall be completed prior to the issuance of any occupancy permit for any residence within the subdivision, except for the required affordable house on Lot 15. This requirement for reconstruction and / or re-grading of a portion of Blue Castle Drive is not, and should not be interpreted as, a finding by the Planning Board that said section of roadway is approved by the Planning Board as a principal means of adequate access to abutting property, that said section of roadway constitutes a "Street" under the provisions of Section 174-3 of the Mashpee Zoning By-law or a finding under Section 174-12 of the Mashpee Zoning By-law that a building permit may be issued on any lot abutting said section of roadway.
10. Per the Applicant's agreement to do so, the portion of Blue Castle Drive between the Project and Great Neck Road South shall be maintained on an annual basis at the

expense of the applicant or HOA.

ARTICLE IV: APPLICATION OF REGULATIONS

§174-9 Compliance Required:

No buildings shall be erected or used, and no land shall be used or divided unless in conformity with the regulations of this chapter. All other buildings and all other uses of land or of buildings are hereby expressly prohibited, except those already lawfully existing which by the provisions of this chapter become lawfully nonconforming.

§174-10 Lot lines in adjoining municipalities:

When a lot lies in part within the Town of Mashpee, and in part in the adjacent municipality, the provisions of this chapter shall be applied to the portion of such lot in the Town of Mashpee in the same manner as if the entire lot were situated in Mashpee.

History: Amended 5-11-1987 STM, Article 2, approved by Attorney General 10-13-1987

§174-11 Lots located in multiple zoning districts:

History: Amended 10-2-2000 ATM, Article 29, approved by Attorney General 1-12-2001

When a lot is transected by a zoning district boundary, the regulations of this chapter which shall be applicable to each portion of the lot shall be those applicable to the zoning district in which it lies, provided that such portion shall have a land area sufficient to meet the minimum lot size requirement within said district.

Where such portion or portions of said lot do not meet the applicable minimum lot size requirement, they shall be governed by the zoning applicable to the adjacent portion of the lot, if any, which complies with the minimum lot size requirement applicable to the district in which it lies.

If no portion or portions of said lot do not meet the applicable minimum lot size requirement of the district in which it lies, the entire lot shall be governed by those regulations which apply to the largest portion of the lot.

No new lot may be created which extends more than thirty (30') feet into a zoning district (excepting overlay districts) other than that in which the majority of said lot is located.

History: Amended 10-15-2007 ATM, Article 17, approved by Attorney General 1-23-2008

§174-12 Location of buildings on lots; street layout:

No building shall be erected except on a lot fronting on a street and there shall be not more than one (1) principal building on any residential lot, except as allowed under this chapter. For the purpose of adequate access to a parcel of land proposed for subdivision or division, there shall be required direct access from the parcel or lot to a paved Town, County or State Road, or a street for which a road covenant has been released by the Planning Board, or a street having a right-of-way layout and construction meeting at the minimum layout width, pavement, drainage and other street requirements of the Mashpee Subdivision Regulations and Planning Board for subdivision streets. Where access is to an existing Town or County road, no subdivision or other division of land may be approved until such Town or County road, for its entire length along the frontage of the parcel proposed to be subdivided or otherwise divided, has been paved to at least the minimum width and depth, including road base, required by the Mashpee Subdivision Regulations, by the applicant with the approval of the Mashpee Board of Selectmen and Director of

Sign: Includes any permanent or temporary structure, device, letter, word, model, banner, pennant, insignia, trade flag or representation used as or which is in the nature of an advertisement, announcement or direction or is designed to attract the eye by intermittent or rapid motions or illumination.

Site: The entire tract on which a proposed use or development is located.

History: Added 10-20-2003 ATM, Article 12, approved by Attorney General 11-14-2003

Site: The entire tract on which a proposed use or development is located.

History: Added 10-20-2003 ATM, Article 12, approved by Attorney General 11-14-2003

Space, Habitable-Those areas within the exterior walls of a dwelling which have head room of not less than seven (7) feet measured vertically upward from the top of the finished floor, but excluding basement areas and excluding areas in any accessory structure attached to any dwelling.

Special Permit Granting Authority: The Planning Board or Board of Appeals as designated in Article VI or any other applicable sections of this Chapter.

History: Added 5-1-1978 ATM, Article 13, approved by Attorney General 8-16-1978

History: Amended 10-1-1990 ATM, Article 4, approved by Attorney General 12-18-1990

Story: That portion of a building contained between any floor and the floor or roof next above it, but not including any portion so contained if more than one-half (1/2) of such portion vertically is below the average natural grade of the ground adjoining such building.

Street: A public way laid out by the Town under MGL C 82, § 21, or other authority, or laid out by the State or County, which is open to travel by the general public and is on record at the Registry of Deeds, or a public or private way duly approved by the Planning Board under the Subdivision Control Statute, or a way on record at the Registry of Deeds which is approved by the Planning Board as a principal means of adequate access to abutting property.

History: Amended 8-4-1971 ATM, Article 15, approved by Attorney General 10-15-1971

History: Amended 5-11-1987 STM, Article 4, approved by Attorney General 10-13-1987

Structure: A combination of material assembled at a fixed location to give support or shelter, such as a building, tower framework, platform, bin, sign, or the like.

Tract: A continuous area of land, which may be subdivided or unsubdivided, may be crossed by roadways or streams and may be in single or multiple ownership, which is proposed for development under these bylaws.

History: Added 10-20-2003 ATM, Article 12, approved by Attorney General 11-14-2003

Trailer: The following shall be considered a trailer.

- (1) **Travel Trailer:** A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation, and vacation having body width not exceeding eight (8) feet and a body length not exceeding thirty two (32) feet.
- (2) **Pick-up Coach:** A structure to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

**MASHPEE PLANNING DEPARTMENT**

Prepared for the meeting of July 18, 2018

WAIVER REQUEST**RE: The 'buildability' of 20 and 28 Blue Castle Drive**

Property owners of 20 and 28 Blue Castle Drive request waiver Mashpee's Rules and Regulations Governing the Subdivision of Land: Road Construction Standards.

Subject Properties:

Address:	20 Blue Castle Drive	28 Blue Castle Drive
Parcel ID:	104-10A	104-11
Zoning District:	R3	R3
Minimum Lot Area:	40,000 s.f.	40,000
Lot Area (Actual):	29,738 s.f.	60,984 s.f.
Minimum Lot Frontage:	150'	150'
Lot Frontage (Actual)	304'	154'

Note: below information relevant only to pre-existing nonconforming 20 Blue Castle.

CONCLUSION: CONDITIONS IN THE SPECIAL PERMIT DECISION FOR THE SUBDIVISION ARE EXPLICIT AND I DO NOT BELIEVE WAIVER COULD BE GRANTED WITHOUT A MODIFICATION TO THAT SPECIAL PERMIT. See cited language in the 'recommendations' section.

20 Blue Castle Drive is a pre-existing non-conforming lot created in September 1957 by way of conveyance from David H Greene by deed to William and Eleanor Hawley. . It does not meet today's minimum lot area defined in the zoning by-law. A deed search by Attorney Johnathan Polloni on on behalf of the property owners has provided documentation that supports his argument that Lot 10A on Blue Castle Drive should be deemed 'buildable' under Article V: Section 174-21 of the Zoning by-law for the following reasons:

- 1. No adjoining land to the subject property has been held in common ownership since conveyance to the Hawley's in 1957.**
- 2. The lot has been separate and distinct since 1985**

The property owner purchased and holds this property with the expectation and hope to build a retirement home. Due diligence was conducted prior to the purchase as the lot was known to them to be nonconforming hence the title search by Attorney Polloni.

I believe his conclusions are sound regarding the 'grandfathering' of the lot, however the Building Commissioner has made clear that no building or occupancy permits will be issued to residential properties that have not received a determination from the Planning Board stating that roadways developed or improved as part of a subdivision were built to specification outlined in Mashpee's Rules and Regulations Governing the Subdivision of Land. It has been the Building Commissioners determination that until the Board authoprizes the issuance of such permits to enable the proposed residential construction, the lots shall remain 'un-buildable.'

MASHPEE PLANNING DEPARTMENT

WAIVERS OR VARIATIONS

A waiver or variation of the requirements of these regulations may be permitted when, in the opinion of the Board, topography or other considerations necessitate such waiver or variation.

The request being made of the Planning Board to grant a waiver of these requirements necessary for a suitable street system, and/or make a determination that the length of Blue Castle Drive from Great Neck South to the far lot line of 28 Blue Castle provides adequate and safe access to the subject property.

RECOMMENDATION

I would encourage the relevant stakeholders to collaborate and find a common pathway towards making the necessary improvements to the section of Blue Castle that requires further investment. Perhaps the Planning Board can give thought to how much relief, if any, would be amenable to the Board to enable this process between Bayberry Building and the abutters to Ockway Highlands to progress towards a common goal

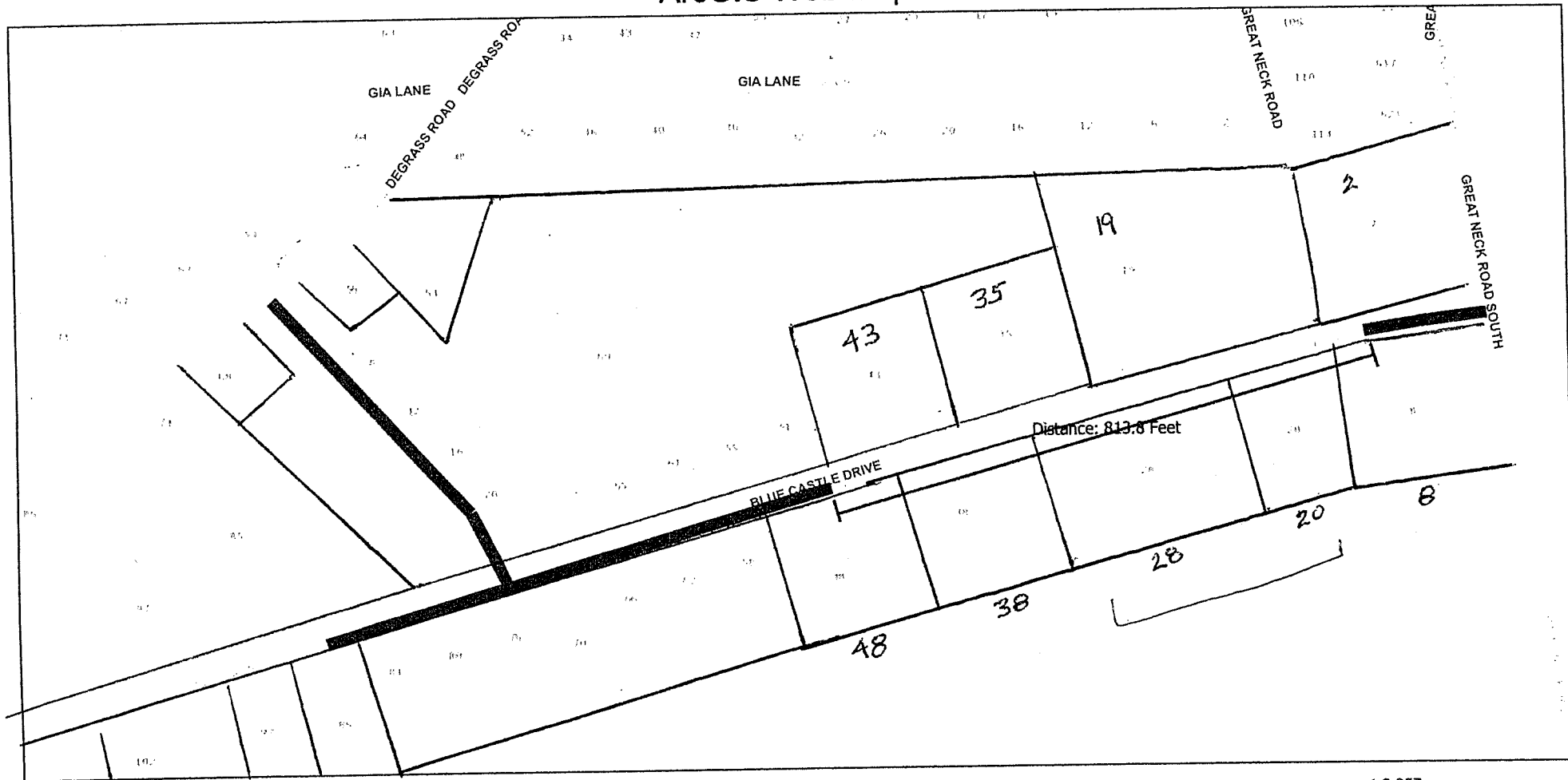
While the Planning Board has some amount of discretion in determining the suitability of the street system, I believe the language in the Ockway Highlands Special Permit Decision to be pretty clear. Specifically in reference to the section titled, 'Public Safety Mitigation' it says this regarding abutting parcels outside of the subdivision boundaries:

"...the Applicant shall upgrade and maintain the portion of Blue Castle Drive between the Project and Great Neck Road South by re-grading Blue Castle Drive in its current location, subject to obtaining whatever right, title or interest to do so is necessary from any landowners where said location lies outside the recorded layout of Blue Castle Drive, including, but not limited to, an easement from the owner of 8 Blue Castle Drive, so that it constitutes an all-weather surface roadway, constructed by any combination and manipulation of soils, with or without admixtures, which produce a firm mass capable of supporting fire apparatus in all weather conditions and having an improved surface width of at least sixteen (16) feet and a cleared width of twenty (20) feet as shown on the plan submitted by the Applicant entitled "Existing Road Improvement Plan", Sheet 11 of 11, dated 5/1/14, prepared by Costa Associates, Inc., P.O. Box 128, 465 East Falmouth Highway, East Falmouth, Massachusetts 02536. All of said work shall be completed prior to the issuance of any occupancy permit for any residence within the subdivision, except for the required affordable house on Lot 15. This requirement for re-construction and / or re-grading of a portion of Blue Castle Drive is not, and should not be interpreted as, a finding by the Planning Board that said section of roadway is approved by the Planning Board as a principal means of adequate access to abutting property, that said section of roadway constitutes a "Street" under the provisions of Section 174-3 of the Mashpee Zoning By-law or a finding under Section 174-12 of the Mashpee Zoning By-law that a building permit may be issued on any lot abutting said section of roadway.

The improvement of the section of Blue Castle Drive indicated on the 'Existing Road Improvement' plan is not adequate to meet the design standards mandated by the Rules and Regulations Governing the Subdivision of Land. Further investment by the property owners to meet the standard is required for their lots to be eligible for building and occupancy permits.

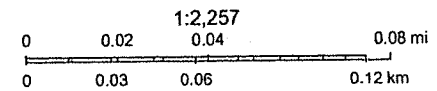
Although I would like to facilitate an easier path to building upon these lots, it's my understanding of the regulatory document in question that it is merely not possible without further investment to bring that section of roadway to spec.

ArcGIS Web Map



7/16/2018, 9:23:23 AM

Lines
 Override 1
 Override 2
 Parcel Lines
 Street Names
 Mashpee_Boundary



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS

Esri, HERE, Garmin, INCREMENT P, USGS, Intermap, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community



Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

June 26, 2018

Mr. Rui Almeida, *Town Planner*
Westerly Town Hall, Planning Office
45 Broad St.
Westerly, RI 02891

Dear Mr. Almeida,

We felt compelled to write and thank you for your thoughtful and considerate presentation on Form-Based Code. Your knowledge and insights were welcome and informative as the Board considers plans for future development.

We each left with a greater sense of understanding of form-based code and its potential. We are appreciative of the time you committed to the Town of Mashpee amid your already busy agenda in Westerly, and look forward to seeing what you are able to accomplish in your community.

As decision makers in a coastal town like Westerly, we welcome and value the experiences brought from our colleagues around New England. Westerly is lucky to have such an experienced and dedicated public servant such as yourself. In a few short hours you added value to the planning and development discourse here on the Cape and for that we are thankful.

With sincere gratitude,

The Mashpee Planning Board

Mary E. Waygan, *Chair*

Joseph Cummings, *Vice-chair*

David Kooharian, *Clerk*

Dennis Balzarini

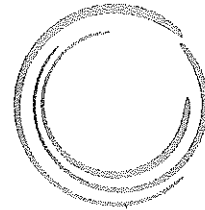
David Weeden

Rob Hansen



Town of Mashpee

*16 Great Neck Road North
Mashpee, Massachusetts 02649*



3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

**CAPE COD
COMMISSION**

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Tracking Number: 7017 1450 0002 3388 0841

June 27, 2018

Ms. Elizabeth R. Thompson, Esq.
Duval & Klasnick, LLC
210 Broadway, Suite 204
Lynnfield, MA 01940

**RE: Project—Blue Sky Towers Personal Wireless Service Facility—101 Red Brook Road, Mashpee, MA
CCC Project No. TR18012**

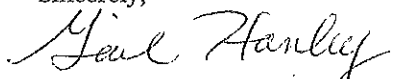
Dear Attorney Thompson:

This letter serves as notice that the above-referenced project has been referred to the Cape Cod Commission (Commission) as a mandatory Development of Regional Impact (DRI) pursuant to Section 3 of *Chapter A, Code of Cape Cod Commission Regulations, Enabling Regulations Governing Review of Developments of Regional Impact*. The Commission received the referral from the Town of Mashpee through the Mashpee Town Planner, Evan Lehrer, on June 22, 2018. Enclosed is a copy of the DRI referral form.

In accordance with the *Cape Cod Commission Act*, the Commission is required to open the public hearing period on the project within sixty (60) days of the receipt of the DRI referral, which date in this case is **August 20, 2018**. Pursuant to the *Enabling Regulations*, upon receiving notice that the project has been referred to the Commission as a mandatory DRI, the Applicant shall file an application for DRI review. No substantive public hearing on the DRI will be scheduled or held until Commission staff deems the application complete. No municipal development permits may be reviewed or issued until the Commission completes its review and issues a DRI approval.

Jon Idman, Chief Regulatory Officer at the Commission, is the project manager and your contact person. Please do not hesitate to contact Mr. Idman should you have further questions.

Sincerely,


Gail Hanley, Commission Clerk

Enclosure

cc: Ernest Virgilio, Mashpee Commission Representative

By certified mail:

✓ Evan Lehrer, Mashpee Town Planner/DRI Liaison
Michael Mendoza, Mashpee Building Inspector
Chair, Mashpee Zoning Board of Appeals
Chair, Mashpee Conservation Commission

Deborah Demi, Mashpee Town Clerk
Chair, Mashpee Planning Board
Mashpee Health Agent

RECEIVED

JUN 22 2018

Development of Regional Impact (DRI) CAPE COD COMMISSION
Referral Form

Please attach a copy of the original municipal development permit application or site plan review, subdivision, or other application showing the date on which it was received by the Municipal Agency. Receipt of this information via the U.S. Mail or delivered in person to the Cape Cod Commission constitutes a referral for purposes of Chapter 716 of the Acts of 1989, as amended.

Referred by:

Town and Agency Mashpee, Planning Department

Official Evan R. Lehrer, Town Planner

☒ Mandatory referral

☐ Discretionary referral

☐ Limited Discretionary Referral (please see the back of this form)

Project Name Blue Sky Towers Personal Wireless Service Facility

Project Proponent Name Elizabeth Thompson, Esq.

Address 210 Broadway, Suite 204
Lynnfield, MA 01940
ethompson@akp-law.com

Telephone 781-423-3988 (M) 1781-873-0022 (O)

Brief description of the project including, where applicable, gross floor area, lots, units, acres and specific uses:

150' monopole in a 70' x 70' fenced off
area in a 100' x 100' total leased area
from the Town of Mashpee.

Project location:

101 Red Brook Rd.
Mashpee, MA 02649 (Map 104, Lot 2)
Mashpee Fire Station #2

List municipal agency(ies) before which a municipal development permit is pending:

Mashpee Planning Board

Evan R. Lehrer
Print Name of Authorized
Referring Representative

Signature

Date

6/19/2018

June 18, 2018

5 Centennial Drive, Peabody, MA 01960 (HQ)
Tel: 978.532.1900

Mr. Brian Petrucci, General Manager (via email)
Southport on Cape Cod Condominium Association
c/o The Dartmouth Group
23 Southport Drive
Mashpee, MA 02649

**RE: Southport on Cape Cod, GWDP# 272
Monthly Operations Report – May 2018**

Dear Mr. Petrucci:

Enclosed please find the May 2018 Operations Reporting Package for the Southport on Cape Cod wastewater treatment facility (WWTF) located at 3 Southport Drive in Mashpee, MA.

Weston & Sampson Services, Inc. would like to note the following:

- Monthly BOD and TSS of effluent sample collected on May 22, 2018 were reported to be 45 and 61 mg/L, respectively; the maximum permissible limit for these parameters is 30 mg/L.
- Monthly Total Nitrogen of effluent sample collected on May 22, 2018 was reported to be 38.26 mg/L; the maximum permissible limit for this parameter is 10 mg/L.
- Ongoing construction and repairs to the treatment facility are believed to be inhibiting adequate treatment. At this time, process control equipment is being maintained to improve the treatment efficacy of the system.
- All other regulated effluent parameters collected in May 2018 were reported to be within permissible limits.
- Data was filed with MassDEP electronically, via eDEP. A copy of the transaction is included in this package.

If you have any questions or concerns regarding this report, or the wastewater treatment facility, please feel free to contact me at (978) 977-0110 or wsscompliance@wseinc.com.

Sincerely,

WESTON & SAMPSON SERVICES, INC.



Marianna N. Coombs
Business Supervisor

cc: Mashpee Board of Health (via email)
Scott Kraihanzel, Weston & Sampson (via email)



Massachusetts Department of Environmental Protection

eDEP Transaction Copy

Here is the file you requested for your records.

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

Username: **WSSINC**

Transaction ID: **1024419**

Document: **Groundwater Discharge Monitoring Report Forms**

Size of File: **1324.89K**

Status of Transaction: **Submitted**

Date and Time Created: **6/29/2018:9:41:39 AM**

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



Groundwater Permit

DAILY LOG SHEET

272

1. Permit Number

2. Tax identification Number

2018 MAY DAILY

3. Sampling Month & Frequency

A. Facility Information

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



1. Facility name, address:

SOUTHPORT ON CAPE COD

a. Name

RTE 151 AND OLD BARNSTABLE RD

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

JAMES R. TRINGALE

a. Name of Facility Contact Person

9785321900

b. Telephone Number

WSSCompliance@wseinc.com

c. e-mail address

3. Sampling information:

5/1/2018

a. Date Sampled (mm/dd/yyyy)

ONSITE MEASUREMENTS

b. Laboratory Name

BRIAN TUHOLSKI

c. Analysis Performed By (Name)

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Daily Log Sheet - 2018 May Daily

☐

All forms for submittal have been completed.

☐

2. This is the last selection.

☐

3. Delete the selected form.



Groundwater Permit

DAILY LOG SHEET

272

1. Permit Number

2. Tax identification Number

2018 MAY DAILY

3. Sampling Month & Frequency

C. Daily Readings/Analysis Information

Date	Effluent Flow GPD	Reuse Flow GPD	Irrigation Flow GPD	Turbidity	Influent pH	Effluent pH	Chlorine Residual (mg/l)	UV Intensity (%)
1	50309				6.99	7.10		
2	50309				6.87	6.98		
3	34463				6.90	6.94		
4	54085				6.87	6.98		
5	54085							
6	54085							
7	54521				6.94	7.14		
8	53609				6.87	7.04		
9	53609				6.99	6.87		
10	53609				6.88	7.06		
11	53609				6.80	7.05		
12	53609							
13	53609							
14	53609				6.95	7.08		
15	52663				6.85	6.92		
16	52663				6.88	6.99		
17	49054				6.76	7.16		
18	53279				6.87	7.02		
19	53279							
20	53279							
21	47465				6.97	7.02		
22	82772				6.80	6.94		
23	29797				6.80	6.89		
24	76648				6.92	6.95		
25	57621				6.80	6.90		
26	57621							
27	57621							
28	57621							
29	57621							
30	42382				6.79	6.84		
31	3826				6.82	6.78		



Groundwater Permit
MONITORING WELL DATA REPORT

272
1. Permit Number
2. Tax identification Number
2018 MAY MONTHLY
3. Sampling Month & Frequency

A. Facility Information

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



1. Facility name, address:

SOUTHPORT ON CAPE COD		
a. Name		
RTE 151 AND OLD BARNSTABLE RD		
b. Street Address		
MASHPEE	MA	02649
c. City	d. State	e. Zip Code

2. Contact information:

JAMES R. TRINGALE	
a. Name of Facility Contact Person	
9785321900	WSSCompliance@wseinc.com
b. Telephone Number	c. e-mail address

3. Sampling information:

5/30/2018	ONSITE MEASUREMENTS
a. Date Sampled (mm/dd/yyyy)	b. Laboratory Name
BRIAN TUHOLSKI	
c. Analysis Performed By (Name)	

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Monitoring Well Data Report - 2018 May Monthly
--

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

**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Groundwater Discharge Program

Groundwater Permit**MONITORING WELL DATA REPORT**

272

1. Permit Number

2. Tax identification Number

2018 MAY MONTHLY

3. Sampling Month & Frequency

C. Contaminant Analysis Information

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

<

Parameter/Contaminant	MW-1	MW-2	MW-3	MW-4	MW5	
Units	Well #: 1	Well #: 2	Well #: 3	Well #: 4	Well #: 5	Well #: 6
PH	5.82	6.10	5.90	5.88	5.87	
S.U.						
STATIC WATER LEVEL	46.12	46.92	47.10	49.65	26.97	
FEET						
SPECIFIC CONDUCTANCE	212	460	420	354	1103	
UMHOS/C						



Groundwater Permit

DISCHARGE MONITORING REPORT

272

1. Permit Number

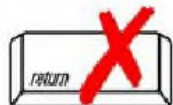
2. Tax identification Number

2018 MAY MONTHLY

3. Sampling Month & Frequency

A. Facility Information

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



1. Facility name, address:

SOUTHPORT ON CAPE COD

a. Name

RTE 151 AND OLD BARNSTABLE RD

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

JAMES R. TRINGALE

a. Name of Facility Contact Person

9785321900

b. Telephone Number

WSSCompliance@wseinc.com

c. e-mail address

3. Sampling information:

5/22/2018

a. Date Sampled (mm/dd/yyyy)

RI ANALYTICAL

b. Laboratory Name

VARIOUS ANALYSTS

c. Analysis Performed By (Name)

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Discharge Monitoring Report - 2018 May Monthly

☐

All forms for submittal have been completed.

☐

2. This is the last selection.

☐

3. Delete the selected form.



Groundwater Permit

DISCHARGE MONITORING REPORT

272

1. Permit Number

2. Tax identification Number

2018 MAY MONTHLY

3. Sampling Month & Frequency

D. Contaminant Analysis Information

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

1. Parameter/Contaminant	2. Influent	3. Effluent	4. Effluent Method
Units			Detection limit
BOD	250	45	30
MG/L			
TSS	96	61	2.0
MG/L			
TOTAL SOLIDS	490		
MG/L			
AMMONIA-N	54		
MG/L			
NITRATE-N		2.8	0.25
MG/L			
TOTAL NITROGEN(NO3+NO2+TKN)		38.26	
MG/L			
OIL & GREASE		6.0	
MG/L			



Groundwater Permit

MONITORING WELL DATA REPORT

272
1. Permit Number
2. Tax identification Number
2018 QUARTERLY 2
3. Sampling Month & Frequency

A. Facility Information

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



1. Facility name, address:

SOUTHPORT ON CAPE COD		
a. Name		
RTE 151 AND OLD BARNSTABLE RD		
b. Street Address		
MASHPEE	MA	02649
c. City	d. State	e. Zip Code

2. Contact information:

JAMES R. TRINGALE	
a. Name of Facility Contact Person	
9785321900	WSSCompliance@wseinc.com
b. Telephone Number	c. e-mail address

3. Sampling information:

5/24/2018	RI ANALYTICAL
a. Date Sampled (mm/dd/yyyy)	b. Laboratory Name
VARIOUS ANALYSTS	
c. Analysis Performed By (Name)	

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Monitoring Well Data Report - 2018 Quarterly 2
--

☐ All forms for submittal have been completed.

2. ☒ This is the last selection.

3. ☐ Delete the selected form.



Groundwater Permit
MONITORING WELL DATA REPORT

272
1. Permit Number
2. Tax identification Number
2018 QUARTERLY 2
3. Sampling Month & Frequency

C. Contaminant Analysis Information

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

<

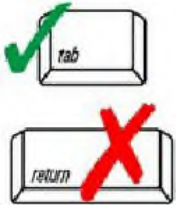
Parameter/Contaminant	MW-1	MW-2	MW-3	MW-4	MW5	
Units	Well #: 1	Well #: 2	Well #: 3	Well #: 4	Well #: 5	Well #: 6
NITRATE-N	0.93	ND	4.7	0.40	ND	
MG/L						
TOTAL NITROGEN(NO3+NO2+TK	0.93	ND	6.40	ND	ND	
MG/L						
TOTAL PHOSPHORUS AS P	1.1	0.25	1.5	0.11	0.08	
MG/L						
ORTHO PHOSPHATE	ND	ND	ND	ND	ND	
MG/L						



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Groundwater Discharge Program
Groundwater Permit

272
1. Permit Number
2. Tax identification Number

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



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

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



Facility Information

SOUTHPORT ON CAPE COD
a. Name
RTE 151 AND OLD BARNSTABLE RD
b. Street Address
MASHPEE MA 02649
c. City d. State e. Zip Code

Certification

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

MARIANNA N. COOMBS 6/18/2018
a. Signature b. Date (mm/dd/yyyy)

Reporting Package Comments

MONTHLY BOD AND TSS OF EFFLUENT SAMPLE COLLECTED ON MAY 22, 2018 WERE REPORTED TO BE 45 AND 61 MG/L, RESPECTIVELY; THE MAXIMUM PERMISSIBLE LIMIT FOR THESE PARAMETERS IS 30 MG/L.

MONTHLY TOTAL NITROGEN OF EFFLUENT SAMPLE COLLECTED ON MAY 22, 2018 WAS REPORTED TO BE 38.26 MG/L; THE MAXIMUM PERMISSIBLE LIMIT FOR THIS PARAMETER IS 10 MG/L.

ONGOING CONSTRUCTION AND REPAIRS TO THE TREATMENT FACILITY ARE BELIEVED TO BE INHIBITING ADEQUATE TREATMENT. AT THIS TIME, PROCESS CONTROL EQUIPMENT IS BEING MAINTAINED TO IMPROVE THE TREATMENT EFFICACY OF THE SYSTEM.

ALL OTHER REGULATED EFFLUENT PARAMETERS COLLECTED IN MAY 2018 WERE REPORTED TO BE WITHIN PERMISSIBLE LIMITS.

LABORATORY REPORT

WSS Inc.dba Weston & Sampson
Attn: Scott Kraihanzel
Five Centennial Drive
Peabody, MA 01960-7985

Date Received: 5/22/2018
Date Reported: 5/30/2018
P.O. Number

Work Order #: 1805-10696

Project Name: SOUTHPORT - MONTHLY WWTP

Enclosed are the analytical results and Chain of Custody for your project referenced above. The sample(s) were analyzed by our Warwick, RI laboratory unless noted otherwise. When applicable, indication of sample analysis at our Hudson, MA laboratory and/or subcontracted results are noted and subcontracted reports are enclosed in their entirety.

All samples were analyzed within the established guidelines of US EPA approved methods with all requirements met, unless otherwise noted at the end of a given sample's analytical results or in a case narrative.

The Detection Limit is defined as the lowest level that can be reliably achieved during routine laboratory conditions.

These results only pertain to the samples submitted for this Work Order # and this report shall not be reproduced except in its entirety.

We certify that the following results are true and accurate to the best of our knowledge. If you have questions or need further assistance, please contact our Customer Service Department.

Approved by:



Melissa A. Manamon
QA /QC Officer

Laboratory Certification Numbers (as applicable to sample's origin state):

Warwick RI * RI LAI00033, MA M-RI015, CT PH-0508, ME RI00015, NH 2070, NY 11726

Hudson MA * M-MA1117, RI LAO00319

R.I. Analytical Laboratories, Inc.**Laboratory Report**

WSS Inc.dba Weston & Sampson

Work Order #: 1805-10696

Project Name: SOUTHPORT - MONTHLY WWTP

Sample Number: 001
Sample Description: INFLUENT
Sample Type : COMPOSITE
Sample Date / Time : 5/22/2018 @ 08:05

PARAMETER	SAMPLE RESULTS	DET. LIMIT	UNITS	METHOD	DATE/TIME ANALYZED	ANALYST
BOD 5	250	120	mg/l	SM5210B 21ed	5/22/2018 21:21	AOO
Total Suspended Solids	96	2.0	mg/l	SM2540D 18-21ed	5/24/2018 16:13	BR
Total Solids	490	10	mg/l	SM2540B 18-21ed	5/23/2018 11:29	BR
Ammonia (as N)	54	0.20	mg/l	EPA 350.1	5/23/2018 9:17	KLE

Sample Number: 002
Sample Description: EFFLUENT
Sample Type : COMPOSITE
Sample Date / Time : 5/22/2018 @ 08:00

PARAMETER	SAMPLE RESULTS	DET. LIMIT	UNITS	METHOD	DATE/TIME ANALYZED	ANALYST
BOD 5	45	30	mg/l	SM5210B 21ed	5/22/2018 22:06	AOO
Total Suspended Solids	61	2.0	mg/l	SM2540D 18-21ed	5/23/2018 13:50	BR
Nitrite (as N)	0.46	0.25	mg/l	EPA 300.0	5/22/2018 22:31	SAS
Nitrate (as N)	2.8	0.25	mg/l	EPA 300.0	5/22/2018 22:31	SAS
TKN (as N)	35	0.50	mg/l	SM4500N Org-D 18-21ed	5/23/2018 9:15	APD
Total Nitrogen (as N)	38.26	0.25	mg/l	CALCULATION	5/22/2018 22:31	SAS

Sample Number: 003
Sample Description: EFFLUENT
Sample Type : GRAB
Sample Date / Time : 5/22/2018 @ 08:00

PARAMETER	SAMPLE RESULTS	DET. LIMIT	UNITS	METHOD	DATE/TIME ANALYZED	ANALYST
Oil & Grease Gravimetric	6.0	0.5	mg/l	EPA 1664A	5/23/2018 16:22	AM



CHAIN OF CUSTODY RECORD

41 Illinois Avenue Warwick, RI 02888-3007 800-937-2580 • Fax: 401-738-1970	131 Coolidge St., Suite 105 Hudson, MA 01749-1331 800-937-2580 • Fax: 978-568-0078
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[illegible]

Grab or Composite	# of Containers & Type ^c	Preservation Code ^p	Matrix Code ^m	BOO	TSS	TS	NH ₃	NO ₂	NO ₃	TKN	TN	ODG
1	1	1	1	X	X	X	X	X	X	X	X	X
2	2	2	2	X	X	X	X	X	X	X	X	X
3	3	3	3	X	X	X	X	X	X	X	X	X
4	4	4	4	X	X	X	X	X	X	X	X	X
5	5	5	5	X	X	X	X	X	X	X	X	X
6	6	6	6	X	X	X	X	X	X	X	X	X
7	7	7	7	X	X	X	X	X	X	X	X	X
8	8	8	8	X	X	X	X	X	X	X	X	X
9	9	9	9	X	X	X	X	X	X	X	X	X
10	10	10	10	X	X	X	X	X	X	X	X	X
11	11	11	11	X	X	X	X	X	X	X	X	X
12	12	12	12	X	X	X	X	X	X	X	X	X
13	13	13	13	X	X	X	X	X	X	X	X	X
14	14	14	14	X	X	X	X	X	X	X	X	X
15	15	15	15	X	X	X	X	X	X	X	X	X
16	16	16	16	X	X	X	X	X	X	X	X	X
17	17	17	17	X	X	X	X	X	X	X	X	X
18	18	18	18	X	X	X	X	X	X	X	X	X
19	19	19	19	X	X	X	X	X	X	X	X	X
20	20	20	20	X	X	X	X	X	X	X	X	X
21	21	21	21	X	X	X	X	X	X	X	X	X
22	22	22	22	X	X	X	X	X	X	X	X	X
23	23	23	23	X	X	X	X	X	X	X	X	X
24	24	24	24	X	X	X	X	X	X	X	X	X
25	25	25	25	X	X	X	X	X	X	X	X	X
26	26	26	26	X	X	X	X	X	X	X	X	X
27	27	27	27	X	X	X	X	X	X	X	X	X
28	28	28	28	X	X	X	X	X	X	X	X	X
29	29	29	29	X	X	X	X	X	X	X	X	X
30	30	30	30	X	X	X	X	X	X	X	X	X
31	31	31	31	X	X	X	X	X	X	X	X	X
32	32	32	32	X	X	X	X	X	X	X	X	X
33	33	33	33	X	X	X	X	X	X	X	X	X
34	34	34	34	X	X	X	X	X	X	X	X	X
35	35	35	35	X	X	X	X	X	X	X	X	X
36	36	36	36	X	X	X	X	X	X	X	X	X
37	37	37	37	X	X	X	X	X	X	X	X	X
38	38	38	38	X	X	X	X	X	X	X	X	X
39	39	39	39	X	X	X	X	X	X	X	X	X
40	40	40	40	X	X	X	X	X	X	X	X	X
41	41	41	41	X	X	X	X	X	X	X	X	X
42	42	42	42	X	X	X	X	X	X	X	X	X
43	43	43	43	X	X	X	X	X	X	X	X	X

Client Information

Company Name: Weston & Simpson

Address:

City / State / Zip:

Telephone:

Contact Person:

Project Information

Project Name:

P.O. Number:

Report To:

Sampled By:

Quote No:

Southport - Monthly WWTIP

Project Number:

Phone:




Email report
to these

Zeit Zeilenzahl

15

1000

Relinquished By Signatures	Date	Time
Bla T J. 1/10/10	5/20/12	1200
[Signature]	5/22/12	1600
[Signature]	5-22-12	1845

Received By Signatures	Date	Time
	5-22-18	1205
	5-22-18	1600
	5-22-18	1845

Turn Around Time	
Normal	<input checked="" type="checkbox"/> EMAIL Report
5 Business days, Possible surcharge	<input type="checkbox"/>
Rush - Date Due:	____ / ____ / ____

Project Comments

Circle if applicable: GW-1, GW-2, GW-3, S-1, S-2, S-3

MCP Data Enhancement QC Package?

Yes	No

of

Temp. Upon Receipt °C

9.

Containers: P=Poly, G=Glass, AG=Amber Glass, V=Vial, St=Sterile Preservatives: A=Ascorbic Acid, NH₄=NH₄Cl, H=HCl, M=MeOH, N=HNO₃, NP=None, S=H₂SO₄, SB=NaHSO₄, SH=NaOH, T=Na₂S₂O₃, Z=ZnOAc
of
Page _____
Matrix Codes: GW=Groundwater, SW=Surface Water, WW=Wastewater, DW=Drinking Water, S=Soil, SL=Sludge, A=Air, B=Bulk/Solid, WP=Wipe, O=_____

Page of

LABORATORY REPORT

WSS Inc.dba Weston & Sampson
Attn: Scott Kraihanzel
Five Centennial Drive
Peabody, MA 01960-7985

Date Received: 5/24/2018
Date Reported: 6/1/2018
P.O. Number

Work Order #: 1805-10921

Project Name: SOUTHPORT - QUARTERLY MONITORING WELLS

Enclosed are the analytical results and Chain of Custody for your project referenced above. The sample(s) were analyzed by our Warwick, RI laboratory unless noted otherwise. When applicable, indication of sample analysis at our Hudson, MA laboratory and/or subcontracted results are noted and subcontracted reports are enclosed in their entirety.

All samples were analyzed within the established guidelines of US EPA approved methods with all requirements met, unless otherwise noted at the end of a given sample's analytical results or in a case narrative.

The Detection Limit is defined as the lowest level that can be reliably achieved during routine laboratory conditions.

These results only pertain to the samples submitted for this Work Order # and this report shall not be reproduced except in its entirety.

We certify that the following results are true and accurate to the best of our knowledge. If you have questions or need further assistance, please contact our Customer Service Department.

Approved by:



Paul Perrotti
President

Laboratory Certification Numbers (as applicable to sample's origin state):

Warwick RI * RI LAI00033, MA M-RI015, CT PH-0508, ME RI00015, NH 2070, NY 11726

Hudson MA * M-MA1117, RI LAO00319

R.I. Analytical Laboratories, Inc.**Laboratory Report**

WSS Inc.dba Weston & Sampson

Work Order #: 1805-10921

Project Name: SOUTHPORT - QUARTERLY MONITORING WELLS

Sample Number: 001
Sample Description: MW-1
Sample Type : GRAB
Sample Date / Time : 5/24/2018 @ 08:00

PARAMETER	SAMPLE RESULTS	DET. LIMIT	UNITS	METHOD	DATE/TIME ANALYZED	ANALYST
Nitrite (as N)	<0.25	0.25	mg/l	EPA 300.0	5/24/2018 22:02	SAS
Nitrate (as N)	0.93	0.25	mg/l	EPA 300.0	5/24/2018 22:02	SAS
TKN (as N)	<0.50	0.50	mg/l	SM4500N Org-D 18-21ed	5/25/2018 9:15	APD
Total Nitrogen (as N)	0.93	0.25	mg/l	CALCULATION	5/24/2018 22:02	SAS
Orthophosphate	<0.02	0.02	mg/l	SM4500P-E 18-22ed	5/24/2018 22:49	JWC
Total Phosphorus (as P)	1.1	0.02	mg/l	SM4500P-B,E 18-21ed	5/25/2018 17:15	JJG

Orthophosphate - Filtered upon receipt at the laboratory. The filtration should occur within fifteen minutes of sample collection.

Sample Number: 002
Sample Description: MW-2
Sample Type : GRAB
Sample Date / Time : 5/24/2018 @ 08:10

PARAMETER	SAMPLE RESULTS	DET. LIMIT	UNITS	METHOD	DATE/TIME ANALYZED	ANALYST
Nitrite (as N)	<0.25	0.25	mg/l	EPA 300.0	5/24/2018 22:20	SAS
Nitrate (as N)	<0.25	0.25	mg/l	EPA 300.0	5/24/2018 22:20	SAS
TKN (as N)	<0.50	0.50	mg/l	SM4500N Org-D 18-21ed	5/25/2018 9:15	APD
Total Nitrogen (as N)	<0.25	0.25	mg/l	CALCULATION	5/24/2018 22:20	SAS
Orthophosphate	<0.02	0.02	mg/l	SM4500P-E 18-22ed	5/24/2018 22:49	JWC
Total Phosphorus (as P)	0.25	0.02	mg/l	SM4500P-B,E 18-21ed	5/25/2018 17:15	JJG

Orthophosphate - Filtered upon receipt at the laboratory. The filtration should occur within fifteen minutes of sample collection.

R.I. Analytical Laboratories, Inc.**Laboratory Report**

WSS Inc.dba Weston & Sampson

Work Order #: 1805-10921

Project Name: SOUTHPORT - QUARTERLY MONITORING WELLS

Sample Number: 003
Sample Description: MW-3
Sample Type : GRAB
Sample Date / Time : 5/24/2018 @ 08:20

PARAMETER	SAMPLE RESULTS	DET. LIMIT	UNITS	METHOD	DATE/TIME ANALYZED	ANALYST
Nitrite (as N)	<0.25	0.25	mg/l	EPA 300.0	5/24/2018 22:06	SAS
Nitrate (as N)	4.7	0.25	mg/l	EPA 300.0	5/24/2018 22:06	SAS
TKN (as N)	1.7	0.50	mg/l	SM4500NOrg-D 18-21ed	5/25/2018 9:15	APD
Total Nitrogen (as N)	6.40	0.25	mg/l	CALCULATION	5/24/2018 22:06	SAS
Orthophosphate	<0.02	0.02	mg/l	SM4500P-E 18-22ed	5/24/2018 22:49	JWC
Total Phosphorus (as P)	1.5	0.02	mg/l	SM4500P-B,E 18-21ed	5/25/2018 17:15	JJG

Orthophosphate - Filtered upon receipt at the laboratory. The filtration should occur within fifteen minutes of sample collection.

Sample Number: 004
Sample Description: MW-4
Sample Type : GRAB
Sample Date / Time : 5/24/2018 @ 08:30

PARAMETER	SAMPLE RESULTS	DET. LIMIT	UNITS	METHOD	DATE/TIME ANALYZED	ANALYST
Nitrite (as N)	<0.25	0.25	mg/l	EPA 300.0	5/24/2018 22:16	SAS
Nitrate (as N)	0.40	0.25	mg/l	EPA 300.0	5/24/2018 22:16	SAS
TKN (as N)	<0.50	0.50	mg/l	SM4500NOrg-D 18-21ed	5/25/2018 9:15	APD
Total Nitrogen (as N)	0.40	0.25	mg/l	CALCULATION	5/24/2018 22:16	SAS
Orthophosphate	<0.02	0.02	mg/l	SM4500P-E 18-22ed	5/24/2018 22:49	JWC
Total Phosphorus (as P)	0.11	0.02	mg/l	SM4500P-B,E 18-21ed	5/25/2018 17:15	JJG

Orthophosphate - Filtered upon receipt at the laboratory. The filtration should occur within fifteen minutes of sample collection.

R.I. Analytical Laboratories, Inc.**Laboratory Report**

WSS Inc.dba Weston & Sampson

Work Order #: 1805-10921

Project Name: SOUTHPORT - QUARTERLY MONITORING WELLS

Sample Number: 005
Sample Description: MW-5
Sample Type : GRAB
Sample Date / Time : 5/24/2018 @ 08:40

PARAMETER	SAMPLE RESULTS	DET. LIMIT	UNITS	METHOD	DATE/TIME ANALYZED	ANALYST
Nitrite (as N)	<0.25	0.25	mg/l	EPA 300.0	5/24/2018 21:21	SAS
Nitrate (as N)	<0.25	0.25	mg/l	EPA 300.0	5/24/2018 21:21	SAS
TKN (as N)	<0.50	0.50	mg/l	SM4500N Org-D 18-21ed	5/25/2018 9:15	APD
Total Nitrogen (as N)	<0.25	0.25	mg/l	CALCULATION	5/24/2018 21:21	SAS
Orthophosphate	<0.02	0.02	mg/l	SM4500P-E 18-22ed	5/24/2018 22:49	JWC
Total Phosphorus (as P)	0.08	0.02	mg/l	SM4500P-B,E 18-21ed	5/25/2018 17:15	JJG

Orthophosphate - Filtered upon receipt at the laboratory. The filtration should occur within fifteen minutes of sample collection.

