



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

**Meeting of the Mashpee Planning Board
Wednesday, July 21, 2021
Waquoit Meeting Room
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649
6:00 PM**

Broadcast Live on Local Channel 18

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

Call Meeting to Order

- Pledge of Allegiance

Approval of Minutes

- Review of Meeting Minutes from July 7, 2021

New Business

- Mashpee Commons Development Agreement – Proposed Community Activity Center Overlay District: Overview of Neighborhood Design, including proposed CAC setbacks and lot coverage dimensional requirements, and Discussion of Proposed CAC maximum densities and building height
- Discussion regarding next steps of the Mashpee Commons Development Agreement Local Review Process and Proposed Community Activity Center Overlay District deliberations.

Chairman's Report

Town Planner Report

- Local Comprehensive Plan RFP Update

Board Member Committee Reports

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

MASHPEE TOWN CLERK

JUL 16 2021

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Town of Mashpee

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Mashpee, Massachusetts 02649

Correspondence

- Town of Barnstable Notices
- Town of Falmouth Notices
- Waterways Application – Joyece - 78 Popponeset Island Rd
- Waterways Application – Caffyn – 10 Popponeset Island Rd
- Waterways Application – The 134 Popponeset Island Realty Trust – 134 Popponeset Island Rd
- Waterways Application – Blythe – 228 Wading Place Rd
- Waterways Application – Sahl – 351 Monomoscoy Rd
- May 2021 Discharge Monitoring Report for South Cape Village – N=3.6
- April 2021 Discharge Monitoring Report for South Cape Village – N=6.3
- March 2021 Discharge Monitoring Report for South Cape Village – N=4.1

Additional Topics (not reasonably anticipated by Chair)

Adjournment

MASHPEE TOWN CLERK

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Town of Mashpee

Planning Board

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Mashpee, Massachusetts 02649

**Mashpee Planning Board
Minutes of Meeting
Wednesday, July 07, 2021 at 6:00PM
Mashpee Town Hall - Waquoit Meeting Room
16 Great Neck Road North
Mashpee, Ma 02649**

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

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

Also Present: Evan Lehrer – Town Planner

CALL TO ORDER

Chairman Fulone called the meeting of the Planning Board to order at 6:00PM. The Pledge of Allegiance was recited.

APPROVAL OF MINTUES – June 30, 2021

There were no comments regarding the meeting minutes for June 30, 2021.

MOTION:

Mr. Balzarini made a motion to accept the minutes for June 30, 2021. Seconded by Ms. Waygan. All in favor.

NEW BUSINESS

Vote to set Public Hearing date for consideration of an application made by Longfellow Design Build to construct a retail grocery business at 647 Falmouth Road / 9 Shellback Way (Map 81, Lot 132). This Special Permit application will be mandatory referral to the Cape Cod Commission as a Development of Reginal Impact.

Everyone has a copy of the notice in their packet.

Mr. Lehrer is looking for a motion to set a Public Hearing date for August 4th at 7:10p.m.

MOTION:

A motion was made by Mr. Balzarini to set a hearing date for August 4th at 7:10p.m. This was seconded by Ms. Waygan. All in favor.

Ms. Waygan asked if the Planning Board opens up the meeting does it then get deferred to the Cape Cod Commission?



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Mr. Lehrer elaborated the Public Hearing notice will reflect there will be no deliberations, open Public Hearing where the Planning Board makes a referral pursuant to requirements and waits for the Cape Cod Commission to send it back to Planning Board for local review after theirs.

Discuss and formulate questions relative to the proposed Community Activity Center Overlay District in preparation for the topical meetings focused on Density/Height, Neighborhood Design including setbacks and lot coverage requirements

Mr. Fulone had asked to put this on the agenda, as the meeting on the 21st with Cape Cod Commission and Mashpee Commons will be heavy. He is hoping everyone can read through the zoning proposal so a series of questions can be delivered to the Commons in advance for a most productive meeting. Questions will absolutely arise during the meeting, but this will guide conversation.

Mr. Phelan suggested their individual questions be sent to the Town Planner so there is no overlap.

Mr. Fulone wants questions be sent to Mr. Lehrer by Friday, as they informed the Commons they want the presentation the following Friday before the meeting of 21st, if the Commons can have the questions by Tuesday, they will have a chance to respond or incorporate into their presentation.

Ms. Waygan was under the impression it was just an educational meeting on the 21st not getting into the bylaw. She sought agreement with Mr. Balzarini, who agreed, she went on to say she thought it would be updated on the website and it would be about these concepts, but not about the bylaw. Ms. Waygan mentioned Ms. Cox had suggested this as there is no regulating plan or guide book.

Mr. Lehrer's understanding with wanting to add to the agenda, was yes it is an educational session, but the goal is to understand how the proposed dimensional criteria applies to the urban design principals, why they are what they are. The Board needs to understand what's being proposed, but also in the context of what was presented in the draft Community Activity Center Overlay District. The questions he submitted were about methodology for density, why 0 foot setbacks in the core, or why lot coverage percentages? Without getting into details they need to relate to the dimensional criteria as proposed. That was his understanding.

Mr. Fulone expects the presentation on the 21st to be educational in the context of what their plan is, and a piece of that is the zoning bylaw. We have the ability to direct the conversation to answer our specific questions relative to their proposed plan.

Ms. Waygan noted they don't have any of these visuals and no regulating plan. Ms. Cox said we would put the bylaw on hold. She has a million questions about the bylaw she has not expressed yet because she doesn't have the regulating plan or design guide. She said Ms. Cox offered to stop talking about the bylaw and do an educational piece. She would like to know what's going on. This is all going around and around, back and forth. Ms. Waygan thinks they should stop talking about the bylaw until they have the regulating plan. If the Board doesn't put their foot down and say no to this applicant, who doesn't even have a complete application with the CCC, we will never see the regulating plan or design guide. She accepted this plan because it would just be educational only.



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Mr. Phelan is wanting to know about the diagrams in the back. He does not understand what they mean. He is not talking about the bylaw, he wants to know how they get to the numbers of densities. The bylaw is intermingled, it will always be there because it is how this is all driven.

Ms. Waygan does not want to talk about the bylaw until she has the regulating plan.

Mr. Fulone said they agreed they were going to run parallel paths with the DA and bylaw. This was agreed upon at the joint meeting with the Selectmen. He offered her to go back and refer to previous minutes. The process will be running a parallel path even without the DA in hand. If the meeting on the 21st is going to be relevant and productive, the Commons has been reasonably specific with what they are proposing. He would like to at least provide them with questions so when they present on the 21st its relevant to what everyone is trying to understand.

Mr. Balzarini wants to see the street layout so he can see the story buildings. A few of them have asked 5, 6, 7 times for these items, and every meeting they say they will get that next meeting. Next meeting comes and they don't have it.

Mr. Lehrer answered from staff's perspective, he doesn't think what Ms. Waygan is asking for and what is being discussed are different, and everyone is on the same page. The 21st is an educational opportunity, but to completely divorce it from what's being proposed, he doesn't see the benefit in stopping discussion on zoning. This is a long term process that we are just skimming the surface of now. You have a bylaw with specific criteria, why that? What's the methodology where that was derived? He feels very confident the questions provided to the Commons are more than adequate to give a thoughtful presentation. If there are no more questions, then let's wait until the 21st as the Board has defined.

Ms. Waygan feels the Board will not understand until they have the design guide and regulating plan.

Chairman Fulone and Mr. Lehrer disagree, those items do not need to be in hand to gain clarity. Chairman would prefer to have an educational conversation about actuality not talking about theoreticals.

Mr. Callahan reiterated when they have the questions prior they can be incorporated into the presentation.

Mr. Lehrer doesn't anticipate having these regulating plans or design guidelines on the 21st.

Mr. Balzarini would like to see if they provide any of the information that has been asked of them many times.

Ms. Waygan would like clarity on the 21st being the last meeting about these topics until the regulating plan and design guide are complete. If they don't give us the information we are asking for we should just say come back when you are ready.



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Mr. Lehrer commented with exception to parking ratios, it is the last meeting.

Chairman Fulone stated there are two more meetings scheduled. Parking is the last meeting.

Mr. Lehrer will provide the list of already asked questions Friday, then additional questions will need to be given to him Monday, he will send them over to Mashpee Commons for Tuesday.

Review recommendations for Local Comprehensive Plan consultants and score proposals in accordance with Comparative Evaluation Criteria of issued RFP.

The following conversation between the Planning Board is in regards to scoring the two proposals for consultants in regards to the RFP. Transcription is modified as conversation included running down a list of questions and simply just stating yes or no. Dialogue would be hard to follow.

- Weston and Sampson
- Principle Group

Weston and Sampson

Mr. Fulone questioned when the subcommittee met was there a CD or thumb drive, that requirement was missing from Principle.

Mr. Lehrer noted they were both equally not responsive to that request. He asked if partial points are being awarded there is an explanation as to why.

Total score of 92.

Principle Group

Ms. Waygan commented on their community engagement plan being an example of what they did in a different town.

Mr. Phelan noted it called for a general outline.

Mr. Fulone said it was a benchmark and it was a similar town to Mashpee.

Mr. Lehrer stated the intent of providing the draft was to let them know our vision. It was also made clear in the RFP as well as the pre-proposal discussion, we aren't married to this 100% and they need to deliver something at least this good. If it is not that good, don't award the points. We spent time producing an RFP that was clear and concise, we want a response to this.

Total score of 64.5.

Mr. Lehrer asked the Board if they wanted to submit the scoring worksheets to the Chief Procurement Officer or make a recommendation by virtue of scoring sheets.



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Everyone agreed to make a recommendation as a Board, as some score sheets had numerous markups.

Mr. Fulone asked everyone if they were okay to recommend.

MOTION:

Ms. Waygan put forth a motion to recommend Weston and Sampson to the Chief Procurement Officer as the chosen consultant based on their score of 92 for the LCP. Mr. Balzarini seconded this motion. All in favor.

Mr. Lehrer collected everyone's scoring sheets to compile a master copy.

BOARD MEMBER COMMITTEE REPORTS

**Cape Cod Commission –
Community Preservation Committee –**

No Report
Met on June 24th, CPC made a recommendation
Town Meeting fund Ockway Bay boat ramp, ramp
itself replaced for \$425,000. Next year due to Real
Estate activity, the State anticipates our match for
community preservation surcharge will be 32%
from the State. For FY22, \$1.3 Million to spend on
affordable housing, open space, recreation, and
historic preservation.

**Design Review –
Plan Review –
Environmental Oversight Committee –
Historic District Commission –
Military Civilian Advisory Council –**

No Meeting
No Meeting
No Meeting
No Meeting
As of last week, Mr. Phelan is officially appointed
by the Governor to the Community Advisory
Council, a sworn in voting member.

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn the meeting at 6:58p.m. Ms. Waygan seconded this motion. All in favor.

The meeting ended at 6:58PM.

Next Meeting: Wednesday, July 21, 2021 6:00PM



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CORRESPONDENCE

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

Respectfully Submitted,

Christine M. MacDonald
Board Secretary

DRAFT

Chapter 1

NEIGHBORHOOD DESIGN

IN THIS CHAPTER

In this chapter, we discuss how strong neighborhoods become places where people want to spend their daily lives. They offer pleasant places for neighbors to socialize, entertain, exercise, garden, run errands, relax, and take an enjoyable walk with their dog. A variety of nonresidential uses and community services, such as parks and retail, make these neighborhoods more complete. A builder can create significant value through a site plan that encourages residents to socialize. After all, good neighbors are one of the most valuable assets in any neighborhood. Here we focus on a few simple design principles that will help developers and builders create significant value through site plans that encourage residents to meet and socialize. We discuss the critical elements of a healthy neighborhood, which include short blocks to enhance connectivity and pedestrian circulation, and a diverse system of plazas, common greens, parks, and well-appointed streets, all of which work together to create a thriving public realm. We also review neighborhood design principles and suggest simple guidelines to address the architecture of a block face, which is an essential factor in creating an attractive and harmonious neighborhood.

GENERAL NEIGHBORHOOD PLAN

COMPACT

Compactness refers not only to the density of buildings, but also to how they increase the intensity of social life and encourage neighborly interaction. For example, a high-rise building may have considerable unit density, but if it is surrounded by a sea of parking, it may promote little interaction between residents. By contrast, a green court, well-appointed street, or small plaza surrounded by front entrances and porches can create a strong sense of place and encourage interaction between residents. A well-connected street grid with smaller blocks increases the intensity of neighborly interaction because small blocks create a more appealing and interesting environment for walking. Mid-block green court pedestrian connections, pocket parks, and small plazas enrich the pedestrian experience (see for example figure 1.7). In a traditional neighborhood, deep and narrow lots with narrow houses increase the number of front doors and porches along the sidewalk. Instead of street-facing garages, garages with access from an alley behind the houses can handle cars and encourage pedestrian use of sidewalks. Serving buildings from alleys also eliminates curb cuts so the sidewalk continues uninterrupted. Buildings placed close to the sidewalk provide visual interest and bring neighbors closer to the action. This scheme makes sidewalks safer and more attractive and allows space for on-street parking, which also calms traffic.



Figure 1.1: Buildings placed close to the sidewalk with ample porches, detached sidewalks, street trees, and on-street parking create an appealing walking environment.

WALKABLE

Strong neighborhoods offer pleasant environments for walking. Walking is an essential daily activity, not only for traveling to destinations, but also for sustaining a healthy level of fitness and social interaction. Residential streets in a healthy community are important amenities, where significant levels of recreation and socialization take place. For a residential street to embrace life and provide a safe place for families and older or physically challenged neighbors, traffic needs to be slowed down or calmed. Designing streets according to the desired speed of traffic is essential. This means providing narrower streets with tighter turning curb radii at intersections. Trees planted at short intervals and close to the curb, in tree lawns separating the street from detached sidewalks, provide shade for pedestrians and help drivers slow down without speed bumps. On-street parking also slows drivers and provides pedestrians a safer and more appealing sidewalk environment, as well as protection from the moving cars. Street furniture such as a bench or a table also can communicate a subliminal message to drivers: People live here, slow down. Buildings placed close to the sidewalk also communicate the presence of people. These are all simple design principles, but they are essential in creating a safe and thriving neighborhood.

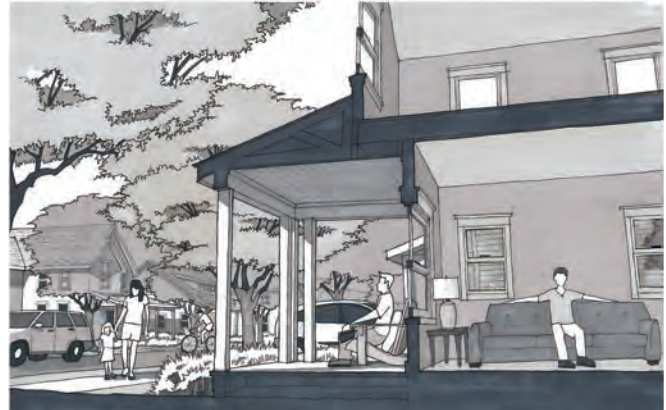


Figure 1.2: "Facing the street" for a house means creating a strong connection between the social parts of the house (kitchen, dining, and living rooms) and the sidewalk.



Figures 1.3, 1.4, and 1.5: Placing buildings close to the sidewalk with the presence of pedestrian activity helps to slow down vehicular traffic and create an appealing walking and socialization environment on the sidewalks. Above are views from Boulder, Colorado (from left to right a view from 8th and Pearl and two views from North Court at Holiday Neighborhood).

STREET-ORIENTED DESIGN

Just as we face each other to communicate, buildings need to face each other to relate. When buildings face the street, the street becomes a place that accommodates and encourages interaction. The two site plans presented in figure 1.7 (right) show a comparison between a typical suburban pattern designed to isolate homes on large lots and a street-oriented traditional neighborhood plan that encourages community interactions. While suburban neighborhood plans often provide only one entrance and access roads branching from it, traditional neighborhoods offer multiple access points via a street grid. Furthermore, this street grid is overlapped by a grid of pedestrian walkways and greens.

The suburban plan offers a lot of pavement via wide streets and driveways. It is easy and quick to drive through. Sidewalks are attached to the street. The buildings sit back, away from the sidewalk, with ample lawns. Wide driveways and large garages facing the street create distance between homes. The private green space in front of and between homes acts as a buffer providing privacy but little connection. You rarely see people strolling in these neighborhoods, unless they are walking the dog. It is just not that pleasant to walk around.

In traditional neighborhood plans, the street right-of-way is wide but the streets themselves are narrow. The buildings are placed close to the sidewalk to communicate presence of life to the drivers. Figure 1.1 (left) depicts the quality of street and sidewalk environments created via on-street parking, street trees, and large porches placed close to the sidewalk. To further encourage neighborly interaction, the front yard setback illustrated in Figure 1.2 (left) creates continuity between the sidewalk, the front porch, and the social spaces within the house. Finally, in the traditional neighborhood plan, the green spaces take the form of neighborhood parks and green courts. Sited in a central location and celebrated as a gathering place, the neighborhood park shown in Figure 1.7 is embraced by surrounding buildings, encouraging residents to step outside and connect.



Figure 1.6: On the left is a top view of eight people meeting around a table, and on the right is a partial plan of a neighborhood street with houses facing the street. Like the way we need to face each other to communicate effectively, buildings need to face each other to create a street that accommodates and encourages neighborly interaction.



Figure 1.7: A comparison of a conventional suburban pattern (left) with a street-oriented traditional neighborhood site design (right). The conventional plan has a single entrance with branching access roads where parking is provided at the front of homes (either as surface parking or attached garages) and where buildings are located away from the roads. The traditional neighborhood plan provides multiple access points via a street grid, and the civic buildings are highlighted by a centrally located neighborhood park. Alleys provide vehicular access and allow sidewalks to serve uninterrupted as pedestrian pathways. Buildings are placed closer to the sidewalks, shaded by street trees located in the tree lawns.



Figure 1.8: Section-perspective drawing of a three-story apartment building placed close to the sidewalk, creating an urban character that may be proper for certain parts of the neighborhood. From *The Design Book: The Northern Neighborhoods*, Stapleton.

PUBLIC REALM



Figure 1.9: View of a corner green court with small community gardens located on the corner. Note how the community gardens are contained and celebrated by small entry trellis structures and low fences. When designed well and placed at a visible public location, community gardens encourage neighborly interaction. From Design Book: The Northern Neighborhoods Stapleton.

NEIGHBORHOOD CENTERS

Living close to neighborhood amenities and services is becoming more in demand as urban areas become increasingly desirable. Many younger and older people now prefer to live in smaller houses on smaller lots if that means they can shop, socialize, eat out, and take care of daily needs in their neighborhood. As research shows (Leinberger, 2009; NAHB, 2019; Nelson, 2013), from 2020 through the mid-century, demographics in the United States will shift with housing preferences toward traditional neighborhoods, favoring walkable communities with easy access to grocery stores, community services, entertainment, and “third places,” such as local coffee houses, cafes, and breweries, where neighbors can relax, socialize, and everybody knows your name. A strong public realm motivates residents to spend more time in their neighborhood.



Figure 1.10: View of a green court from a ground-floor porch. When a diverse set of residential and nonresidential units faces a court, the court becomes a vibrant amenity.

NEIGHBORHOOD PARKS AND COMMON GREENS

Developers of traditional neighborhoods are aware that they do not just sell houses – they sell the community as well. Green places in a traditional neighborhood are designed to accommodate daily life so the neighborhood becomes a vital place. Parks and common greens are one of the key elements in creating a strong sense of arrival, ownership, and place in residential neighborhoods. Well-designed and well-maintained parks become places where everyone wants to be, and properties facing these parks increase in value. The value of facing a great park actually increases for each unit as the number of units increase. This increased value typically exceeds park construction and maintenance costs and pays for the park overhead. The central park shown in Figure 1.7 is framed by a large number of residential and nonresidential buildings, allowing more residents and businesses to appreciate a view of and direct access to the park.

Retail shops, offices, and other nonresidential uses are not feasible at all locations in a residential neighborhood. Creating gathering places with a strong sense of arrival does not necessarily require the presence of coffee shops and boutiques. Neighborhood pocket parks, common greens, and green courts can create places that are well-used and well-loved by residents. Especially when these open green spaces accommodate community functions, such as concerts and festivals, they become culturally significant for the residents and create fond memories and expectations for the next year’s festival. Providing amenities such as community gardens and park furniture is another way to activate the use of these places without a large investment.

DIVERSITY ON THE BLOCK FACE

GRAIN OF DIVERSITY

Strong neighborhoods display diversity in many ways through building types, services, and activities. Diversity of building types is crucial to creating a strong community because when a neighborhood accommodates, for instance, detached homes, duplexes, townhouses, apartments, and mixed-use buildings in varied configurations, it offers residents a wide range of lifestyle choices and economic options. In a neighborhood with social and economic diversity on a single block, synergies develop among demographic groups. For example, an elderly couple may take care of their neighbor's kids. A young couple who travels a lot may appreciate the stay-at-home family next door that can keep an eye on their property. But for these synergies to develop and foster strong community relations, residents need to live in proximity.

The conventional plan (Figure 1.7) shows two building types, detached houses and apartment buildings, on sites separated from each other. This site layout does not encourage interaction between the residents living in these two building types. On the other hand, a well-designed traditional neighborhood plan (Figure 1.7) positions several adjacent building types, in many cases on the same block face. In other words, instead of trying to separate and put distances between various building types, typical for suburban-style zoning and housing development, the traditional neighborhood plan adopts diversity and proximity as design principles. The financial theory behind this approach is that proximity creates value. Especially in urban real estate markets, where value creation is often linked to “location, location, location,” the closer a property is to certain amenities, the higher its value. Well-designed proximity is the most important principle to follow when designing traditional neighborhood site plans.

In addition to parks, common greens, and community gardens, amenities that create value include daily shops and services, community activity and event centers, and most of all good neighbors who can offer support and a sense of community.

ARTICULATION ALONG THE BLOCK FACE

Builders often think of articulation, or defining parts of architecture so they stand out, in terms of a single building. When located away from other buildings, a single building façade may look balanced and harmonious with multiple articulations and special effects, such as a sculptural awning, columns, a complex roof, or recessed or bay windows. But when this same building is located on a block face, among other buildings with the same amount of articulation, it may be too much, creating clutter rather than harmony. Similarly, a building may look bland alone, but when mixed with other buildings with similar (although not identical) articulation along the block face, the total effect will be harmonious. Harmony is the reason why this book proposes simplicity and quietness as design principles.

The challenge for many builders today is to provide architectural diversity while achieving the cost-effective benefits of repetition. The most successful new communities require each block face to have at least three building models that offer significant variation in floor plan configurations and massing. Not more than two of the same models with identical architectural style should be constructed on the same block. It is also useful to vary color schemes to further differentiate one model from another.

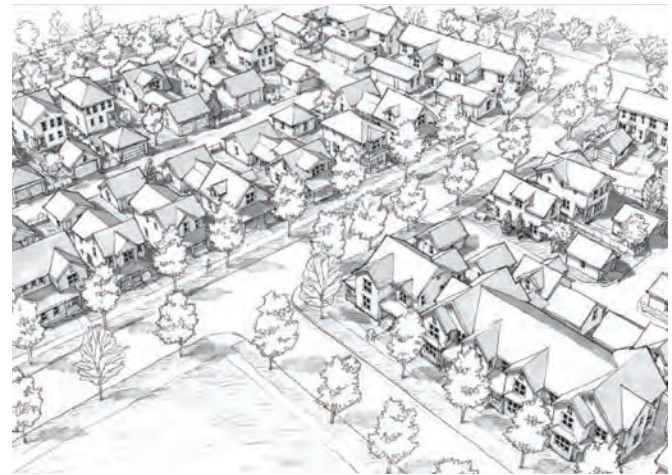


Figure 1.11: A bird's-eye view perspective drawing of a street intersection where several building types come together. From *The Design Book: The Northern Neighborhoods*, Stapleton.

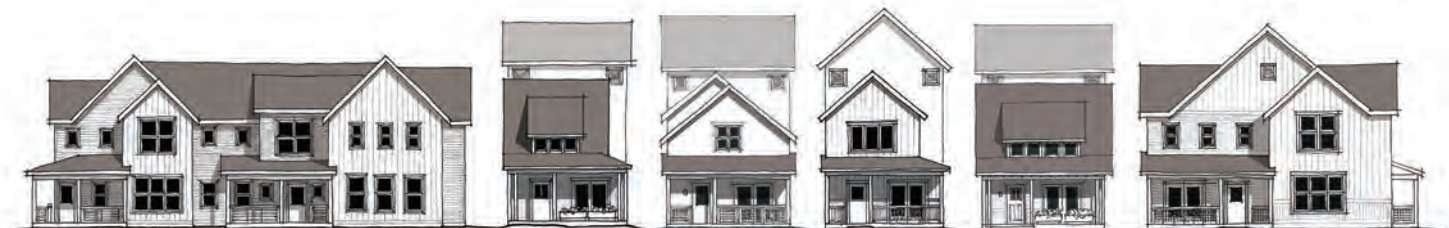


Figure 1.12: A block face that accommodates row homes, duplex units, and detached houses together. Note that row home and duplex buildings have certain elements, such as projections and forward-facing gables, that relate to the scale of the detached homes.

LOT CONFIGURATIONS



Figure 1.13: A duplex building located on a street corner. Note that the corner-unit porch faces the side street, and the adjacent-unit porch faces the main street. The building thus addresses both sidewalks.

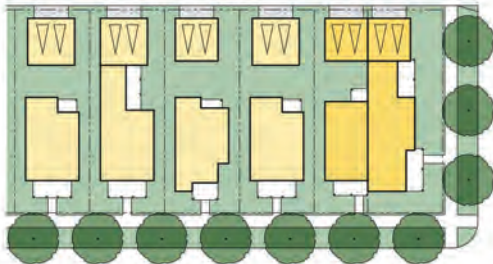


Figure 1.14: Four detached house lots and two duplex lots accommodated on the same block face. Note that some dwelling units employ attached garages and others detached.

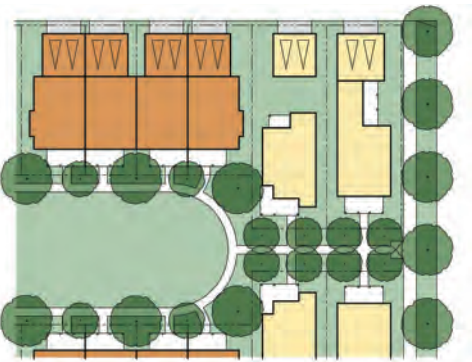


Figure 1.15: A partial plan showing how shallow lots (row houses) and deep lots (detached houses) can come together to shape a common green court.

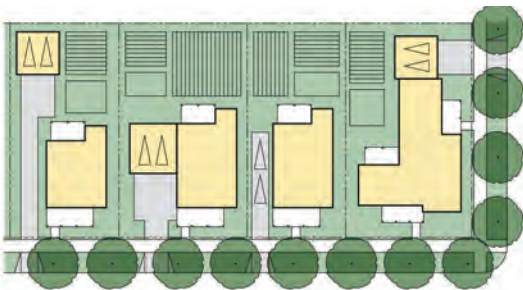


Figure 1.16: Four street-accessed lots: Although it is not ideal, if homes are street-accessed, garages should sit back on the lots with driveways narrowed where they cross the sidewalk to provide safe passage for pedestrians. This layout provides gardening opportunities at the rear.

PRESENTATION AT CORNERS

Laying out a traditional neighborhood requires special attention to configuring lots, especially at corners. Buildings at street corners have the unique opportunity and responsibility of facing two sidewalks. A building type that can address both streets is ideal. A duplex building, such as the one shown in Figure 1.13, or a row home with an end-unit porch facing the side street, represent good choices. For a corner lot with a detached house, a porch that wraps both street façades or a porch that is visible from both sidewalks provides proper address to the streets. Corner building façades should always present appealing fronts at both street faces.

MIXING DETACHED AND ATTACHED GARAGES

Figure 1.14 shows six lots, of which four have detached houses and two have duplex dwelling units on the corner, like the building shown in Figure 1.13. Note that two of the units have their garages attached. The convenience of an attached garage and the appeal of a larger back yard is a choice related to lifestyle. They both have their place and people desire one or the other. A well-designed block can offer more than one choice. Mixing detached and attached garages offers architectural flexibility and allows better solar access for the backyards. Repeated detached garages tend to create a corridor effect, which can be interrupted by an attached garage for one or more homes.

MIXING LOTS WITH DIFFERENT DEPTHS

Mixing lots with different depths is harder than mixing lots with different widths, and thus is not typical in traditional neighborhoods. However, unique street layouts, uneven park boundaries, and commonly shared green courts present opportunities for varying lot depths. The partial plan shown in Figure 1.15 exemplifies how both deep and shallow lots can come together to create a narrow entrance to a wider green court. Shallow-lot building types with attached garages and no back yards make sense along the green court because the lack of back yard is compensated by the presence of a generously sized shared green space.

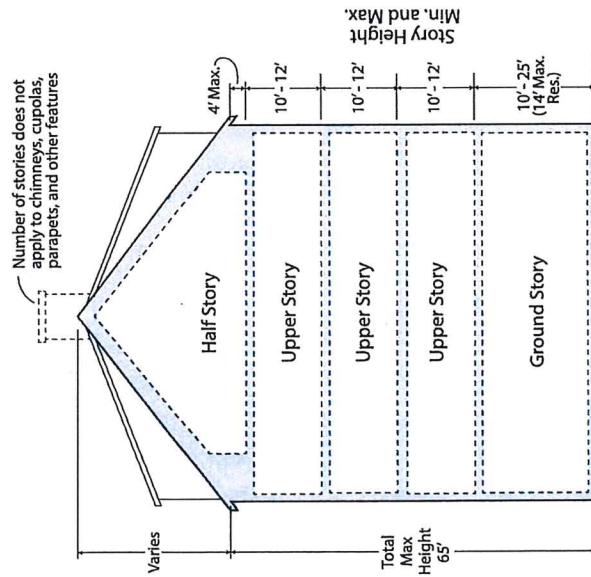
STREET-ACCESSED LOTS

For locations that require garages to be accessed from the street, it is important to minimize the impact of the garages from the sidewalk. The garages should be set back behind the front line of the building, and the driveways should be narrow where they cross the sidewalk to minimize pedestrian disruption. The perspective presented on Figure 1.1 shows a lot with a side drive accessed from the street, like the third lot from left in Figure 1.16. Since the driveway is narrow and the parking is set back, the sidewalk provides a pleasant walking experience.

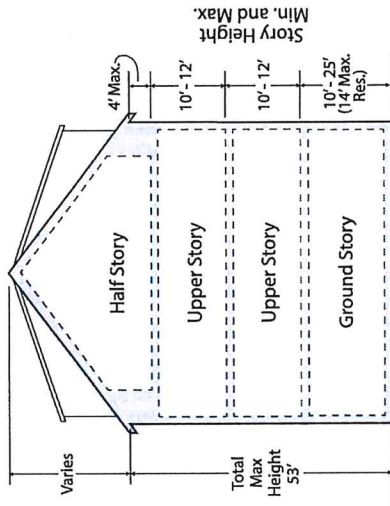
APPENDIX

Figure 1: Maximum Building Height Diagram

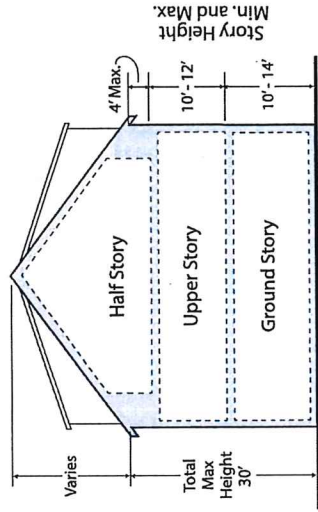
MAXIMUM BUILDING HEIGHT



CORE AREA
4.5 STORIES MAXIMUM



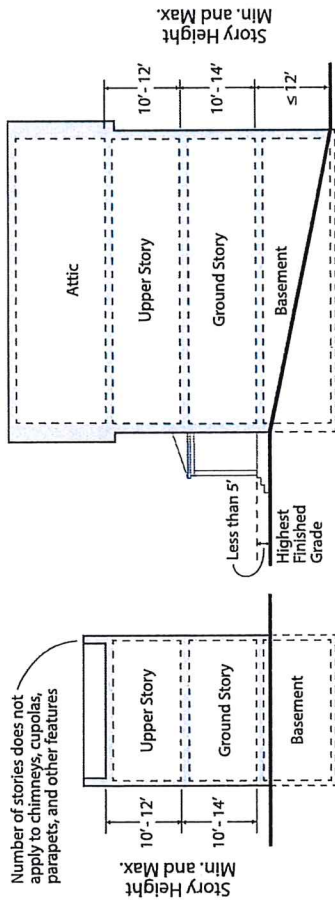
TRANSITION AREA
3.5 STORIES MAXIMUM



EDGE AREA
2.5 STORIES MAXIMUM

Figure 2: Story Height Diagram

RESIDENTIAL STORY HEIGHT



COMMERCIAL STORY HEIGHT

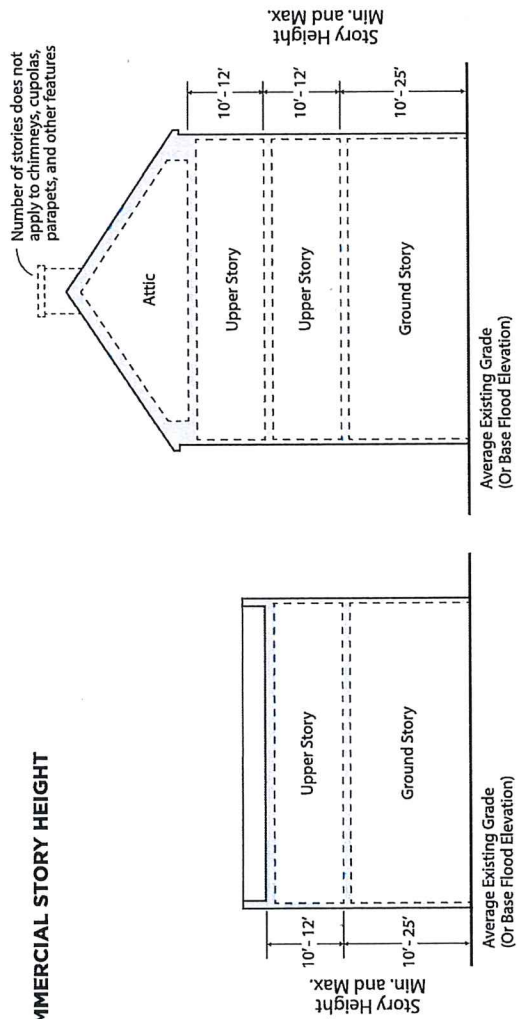
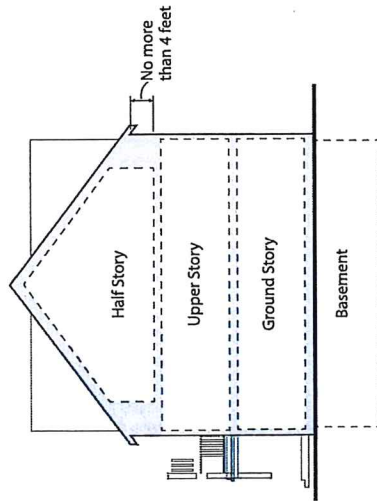
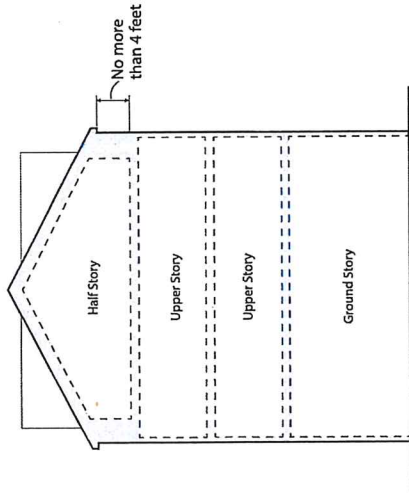


Figure 3: Half Story Diagram

TYPICAL HALF STORY: RESIDENTIAL EXAMPLE



TYPICAL HALF STORY: COMMERCIAL EXAMPLE



ALTERNATE HALF STORY EXAMPLES

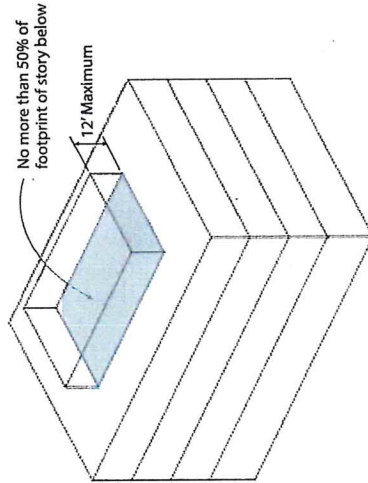
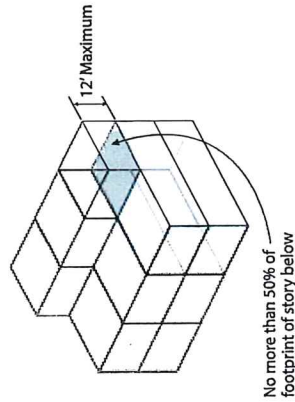
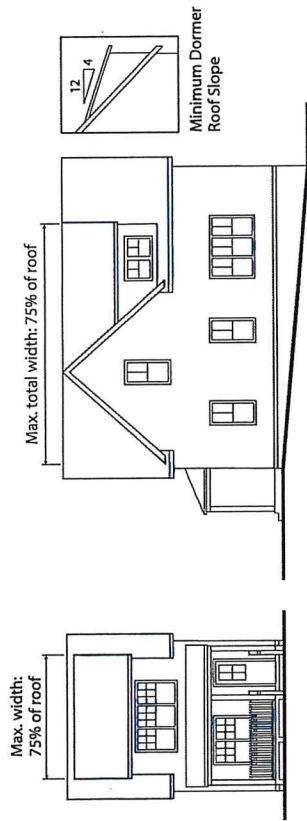


Figure 4: Dormer Diagram

RESIDENTIAL EXAMPLE



COMMERCIAL EXAMPLE

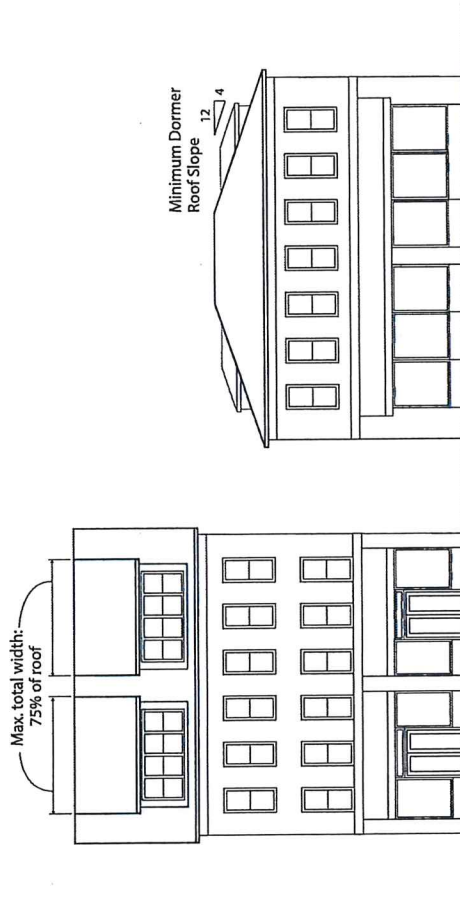


Figure 5: Lot Coverage Diagram – Single Family Detached

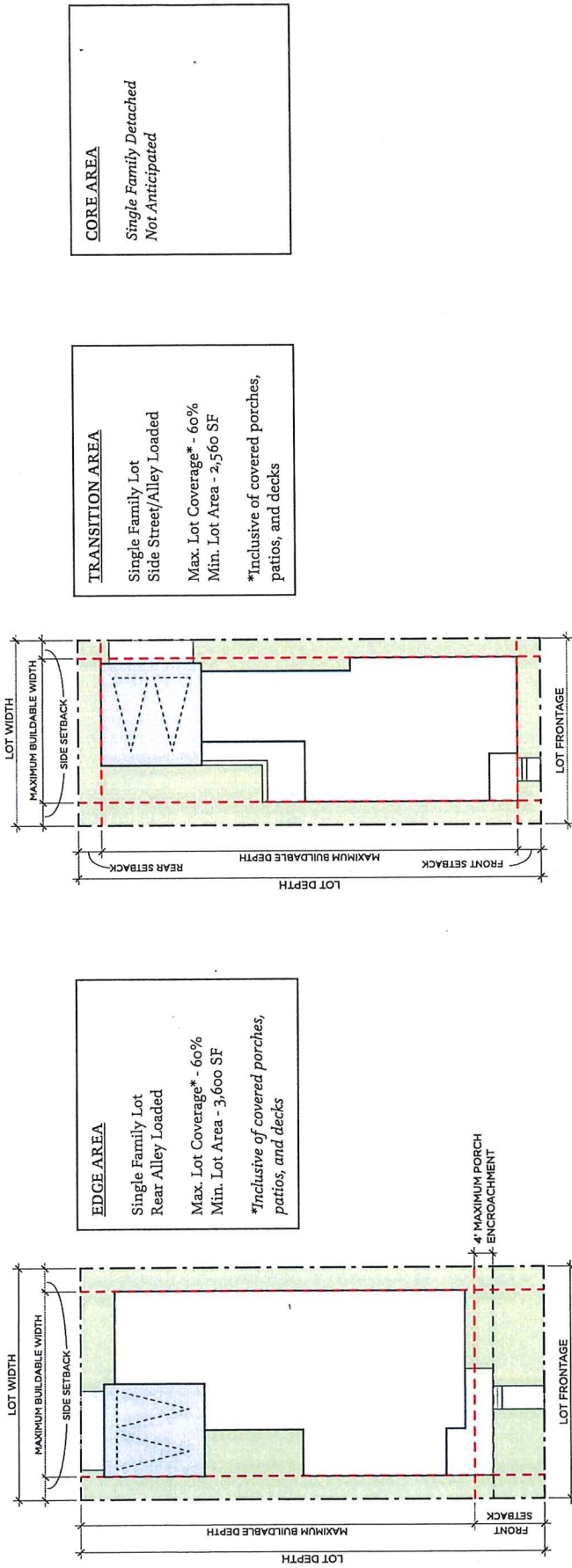


Figure 6: Lot Coverage Diagram – Townhouse Edge Area

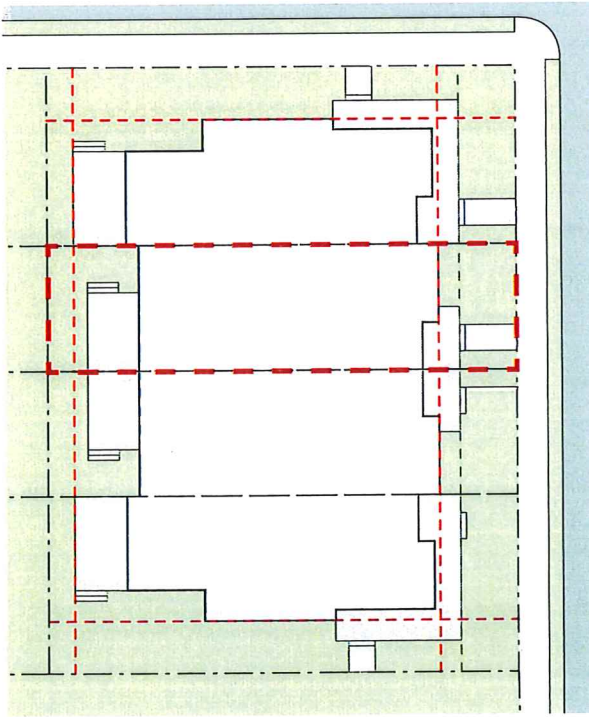
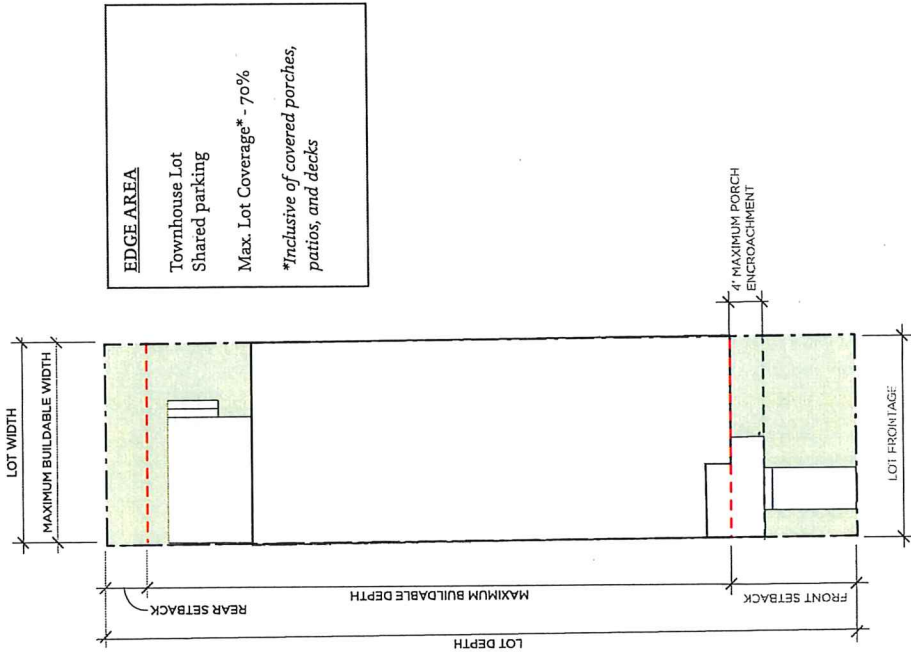


Figure 7: Lot Coverage Diagram – Townhouse Transition Area

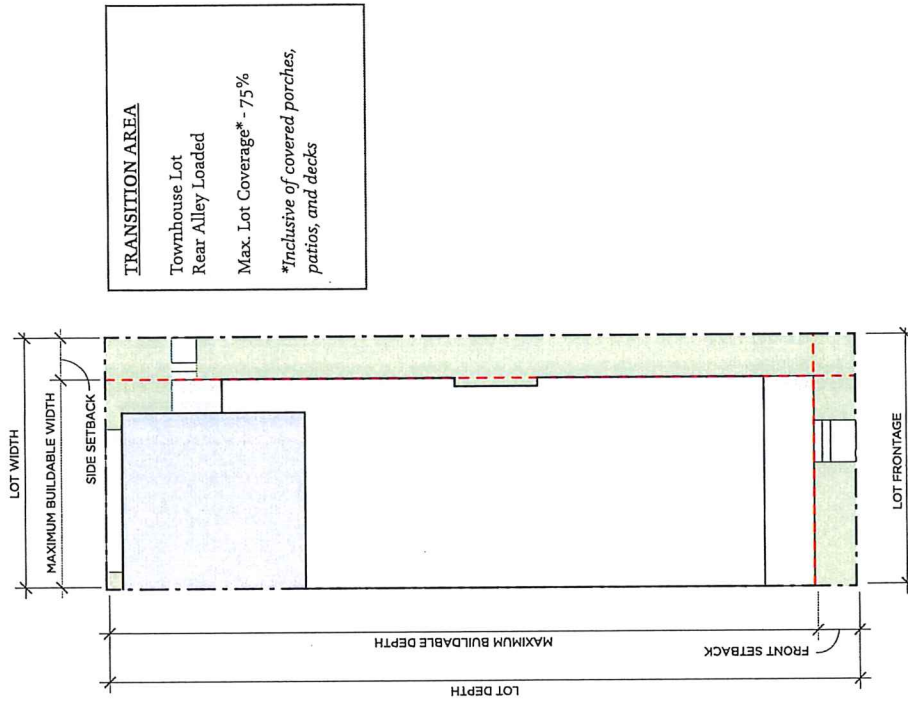


Figure 8: Lot Coverage Diagram – Townhouse Core Area

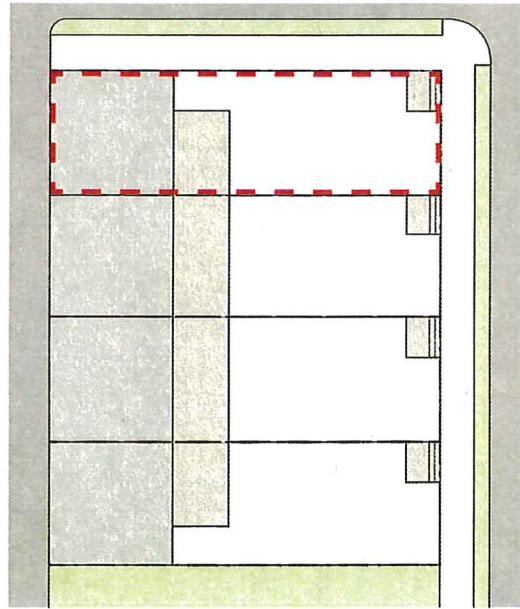
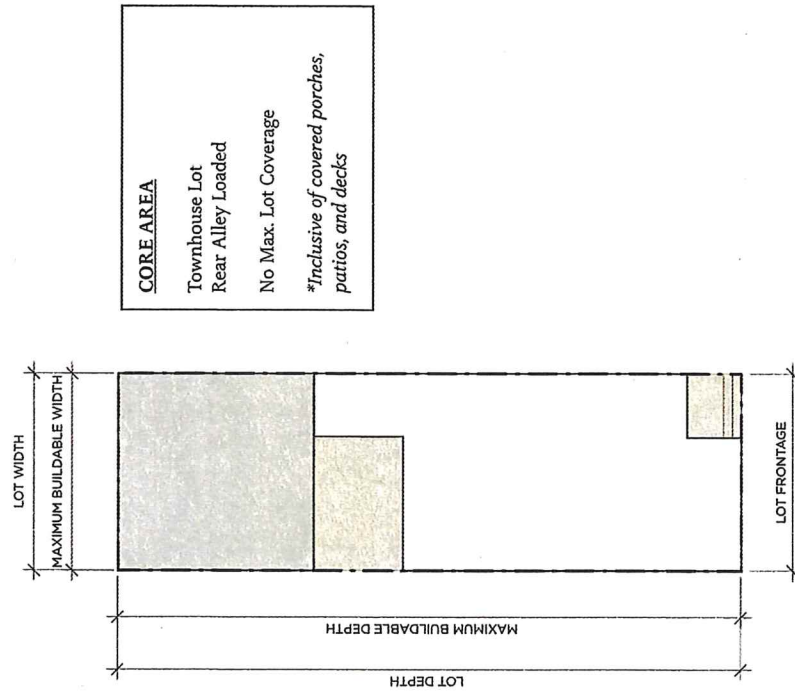
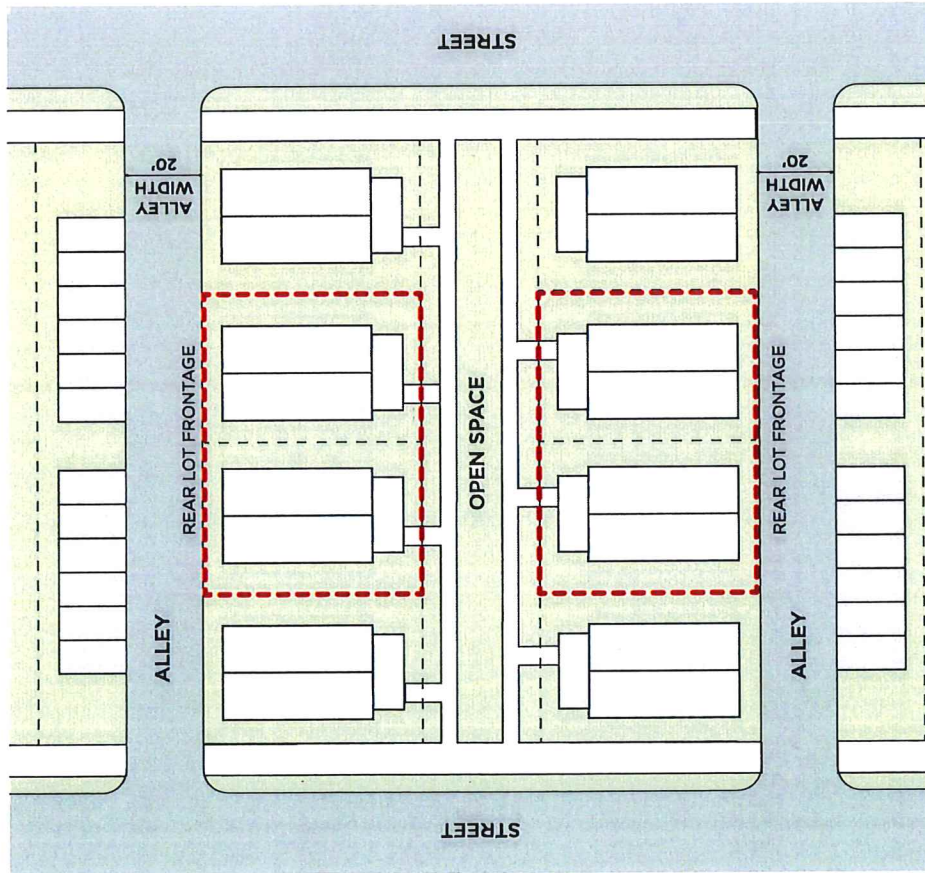


Figure 9: Alley as Lot Frontage Diagram



Sample cottage development where buildings front open space with alley access.



MASHPEE COMMONS DESIGN GUIDELINES TABLE OF CONTENTS - DRAFT

INTRODUCTION

SITE CONFIGURATION AND SITE ELEMENTS

- A. Retail and Mixed Use
 - General Principles
 - Setbacks and Location
 - Relationship to Topography
 - Entries
 - Landscaping
 - Parking
 - Bicycle Accommodation
 - Outdoor Seating
 - Site Lighting

- B. Residential
 - General Principles
 - Setbacks and Location
 - Landscaping
 - Parking

STREETS AND STREETScape ELEMENTS

- A. Street types and relationship to districts
- B. Streetscape elements
 - a. Sidewalks
 - b. Planting Strips
 - c. Bike Lanes
 - d. Alley specific considerations
 - e. Lighting



MASHPEE COMMONS DESIGN GUIDELINES TABLE OF CONTENTS - DRAFT *(Continued)*

BUILDING CONFIGURATION

- A. Massing
 - Primary massing
 - Secondary Massing

- B. Roof Forms
 - Types
 - Hierarchy of Volumes
 - Pitch Range

- C. Façade Arrangement & Balance
 - Organization of Windows & Doors
 - Percentage Solid (Wall) to Void (Window / Door)

- D. Garages and Outbuildings
 - Siting
 - Access
 - Relationship to Main Structure
 - Scale
 - Detailing

GENERAL BUILDING ELEMENTS and MATERIALS

- A. Foundations
 - Foundation Walls
 - i. Design
 - ii. Material
 - Foundation Piers
 - i. Column Supports
 - ii. Detailing of Infill
 - iii. Finish Materials



MASHPEE COMMONS DESIGN GUIDELINES TABLE OF CONTENTS - **DRAFT**

(Continued)

B. Exterior Walls

- Wall Materials
 - i. Materiality in Relation to Structure
 - ii. Material Placement on Façade
 - iii. Transition Elements
 - iv. Wood Siding (Shingles, Clapboards, etc.)
 - 1. Types, use and treatment
 - v. Masonry and Stucco (including brick & stone)
 - 1. Types and critical detailing

C. Roofs

- Roofing Materials
 - i. Asphalt Shingles
 - ii. Metal Roofing
 - iii. Membrane Roofs
- Rooftop Equipment
 - i. Skylights, Equipment, Vents
 - ii. Screening requirements and sizes
 - iii. Placement
- Dormers
 - i. Spacing & Scale
 - ii. Relationship to Overall Roof
 - iii. Dormer Details
- Gutters & Downspouts
 - i. Appropriate types and details

D. Doors & Windows

- Residential Entry Doors
 - i. Design / Detailing
 - ii. Sidelights & Transoms
 - iii. Porches & Porticos
- Garage Doors
 - i. Proportions
 - ii. Relationship to Architectural Style of Primary Structure



MASHPEE COMMONS DESIGN GUIDELINES TABLE OF CONTENTS - DRAFT

(Continued)

- Windows
 - i. Proportions
 - ii. Materials
 - iii. Glazing
 - iv. Window Muntins
 - v. Casings
 - vi. Shutters

- E. Front Porches
 - Detailing
 - Columns & Beams
 - Column Bases
 - Railings

- F. Chimneys
 - Materials and detailing

- G. Trim
 - Material & detailing

MIXED USE AND RETAIL ELEMENTS

- A. Building Scale
 - Reflect Scale and Massing of Traditional Streetscapes
 - Smaller Buildings with Larger Connected Internal Spaces

- B. Scales of Use in Mixed-Use Buildings
 - Lower Floor / Storefront
 - Upper Floors / Office or Residential
 - Ceiling Heights
 - Scale of Openings
 - Detailing

- C. Colonnades
 - Shelter for Pedestrians
 - Unifying Elements
 - Structural Logic and Design
 - Visibility of Storefronts



MASHPEE COMMONS DESIGN GUIDELINES TABLE OF CONTENTS - DRAFT *(Continued)*

D. Entries

- Entrances to Public Entries (Retail) Separate from Residential
- Awnings and Canopies
- Retail Entrance Doors
- Residential Entries with Separate Address

E. Retail Doors

- Location
- Glazing

F. Retail Windows

- Proportions

G. Storefront Awnings

- Material
- Relationship to Signage
- Function
- Geometry

H. Storefronts General

- Percentage Glazing
- Durability

I. Storefronts - Signage

- Types
- Scale and Relationship to Pedestrians
- Material
- Lettering / Legibility
- Lighting
- Locations

J. Storefront - Lighting

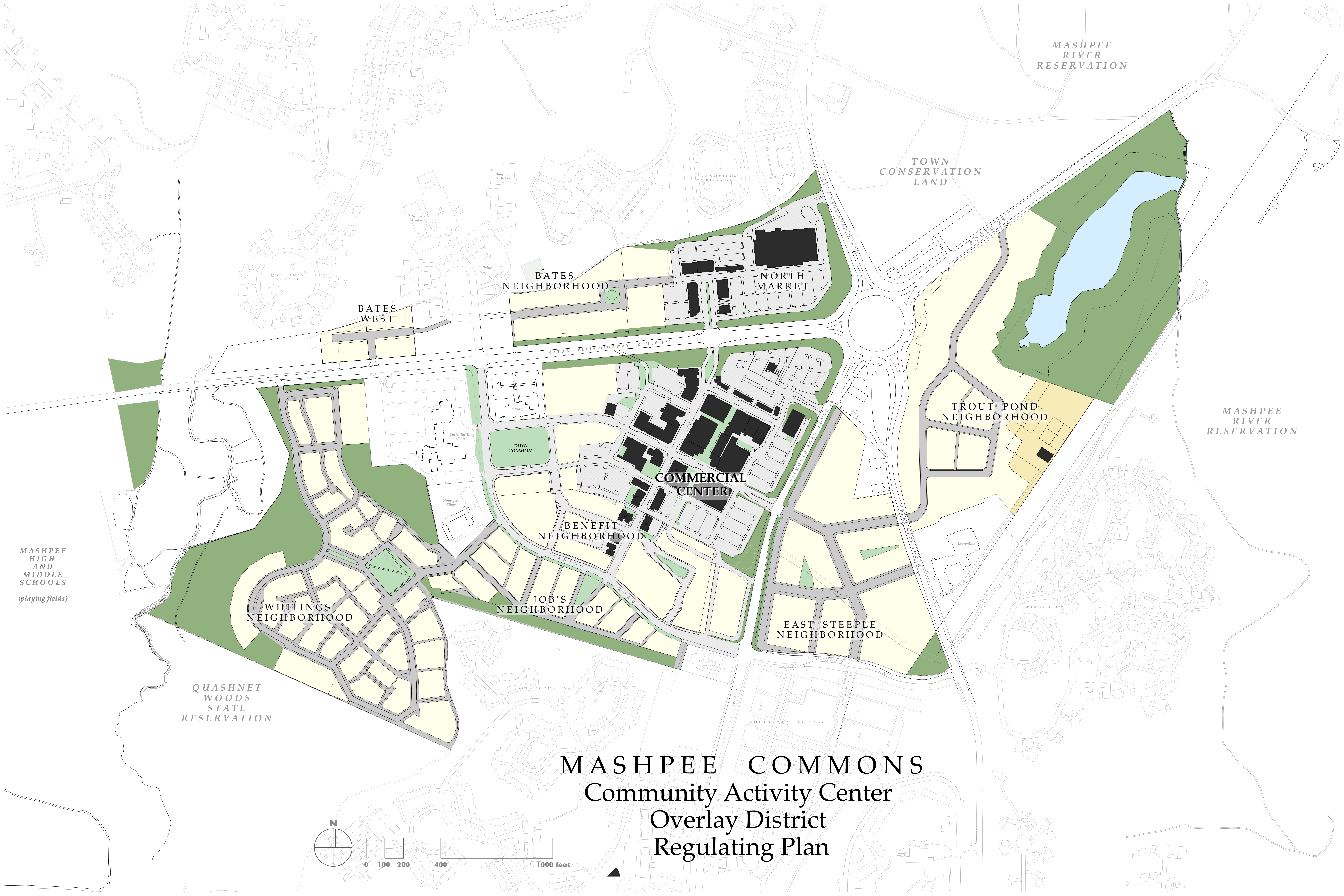
- Directional
- Experience
 - i. Pedestrians
 - ii. Surrounding 'residents'
 - iii. Within the greater streetscape



UNION STUDIO
ARCHITECTURE & COMMUNITY DESIGN

MASHPEE COMMONS DESIGN GUIDELINES TABLE OF CONTENTS - DRAFT
(Continued)

- K. Flat Roofs / Parapets
 - Common Building Type on Historic Main Streets
 - Decorative Elements
 - i. Proportion
 - ii. Relationship to Façade Below
 - iii. Character



MASHPEE
RIVER
RESERVATION

TOWN
CONSERVATION
LAND

BATES
NEIGHBORHOOD

NORTH
MARKET

BATES
WEST

NATHAN ELLIS HIGHWAY ROUTE 191

ROUTE 26

TROUT POND
NEIGHBORHOOD

MASHPEE
RIVER
RESERVATION

COMMERCIAL
CENTER

BENEFIT
NEIGHBORHOOD

JOB'S
NEIGHBORHOOD

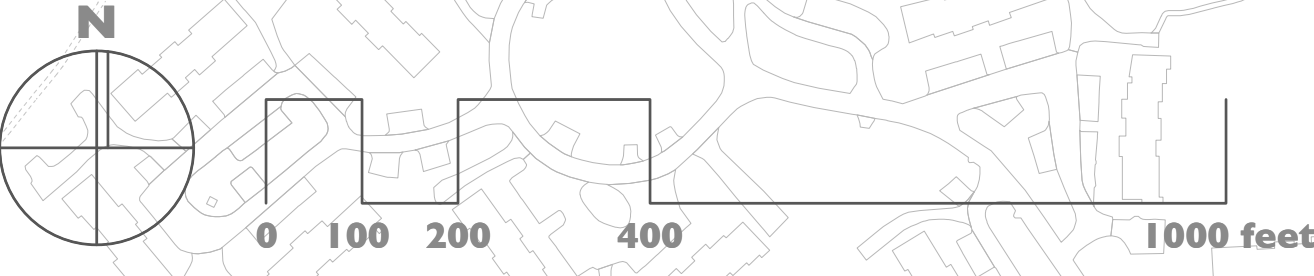
WHITINGS
NEIGHBORHOOD

EAST STEEPLE
NEIGHBORHOOD

MASHPEE
HIGH
AND
MIDDLE
SCHOOLS
(playing fields)

QUASHNET
WOODS
STATE
RESERVATION

MASHPEE COMMONS Community Activity Center Overlay District Regulating Plan



To: Mashpee Commons

From: Mary Waygan, Member, Mashpee Planning Board

Date: July 12, 2021

Re: Information Request Regarding the Proposed Expansion of Mashpee Commons, Mashpee, MA

Please provide the following regarding the above referenced project:

1. Regulating Plan of the proposed expansion project showing individual streets/roadways/alleys, blocks, lots, buildings, public and green spaces, and parking areas as currently estimated, and the associated standards for the disposition of each property or lot, and how each is related to its adjacent properties and streets/roadways/alleys etc.
2. Design Guidelines of the proposed expansion project
3. Maximum and minimum height in feet of all allowed buildings and structures, measured to the roof peak, mechanicals and elevator shafts, in each of the three sub-areas (Core Area, Transitional Area, Edge Area) of the proposed project.
4. List of uses currently allowed by the Mashpee Zoning Bylaw in this project area which are prohibited by the CAC Overlay District; and conversely, a list of uses allowed by the CAC Overlay District but prohibited by the Mashpee Zoning Bylaw.
5. The maximum permitted residential densities in each of the three sub-areas (Core Area, Transitional Area, Edge Area) of the proposed project expressed as a ratio (dwelling units per acre)
6. The maximum permitted non-residential densities in each of the three sub-areas (Core Area, Transitional Area, Edge Area) of the proposed project expressed as a ratio
7. The total acreage of each of the three sub-areas (Core Area, Transitional Area, Edge Area)
8. A list of all existing buildings and uses which would be considered pre-existing non-conforming buildings and uses per Section J of the CAC Overlay District
9. Dimensions in feet of all figures in the CAC Overlay District Appendix including dimensions of all sample buildings and height to the roof peak, mechanicals and elevator shafts. Number all figures in CAC Overlay District Appendix. Provide all figures to scale. Provide all writing as legible text.
10. Lot coverage diagrams for all allowed residential and commercial building types, for all parking garages, and for all parking areas; all diagrams should be to scale with dimension in feet, and all writing should be legible text.

**EXISTING MASHPEE ZONING RE: DEVELOPMENT PROPOSED BY MASHPEE
COMMONS FOR THE EAST STEEPLE / TROUT POND / NORTH MARKET WEST
NEIGHBORHOODS**

SUMMARY / DISCUSSION

Based on existing Mashpee zoning provisions, **the project proposed by Mashpee Commons for the East Steeple, Trout Pond and North Market West neighborhoods can be developed as envisioned with no significant amendment needed to Mashpee zoning.** The applicable zoning provisions noted below were virtually written, and amended on numerous occasions, with the Mashpee Commons development in mind.

The entire proposed project area is zoned C-1 Commercial, and given its size and proposed commercial and mixed uses, **the project would be permitted under Section 175-45.1, the Commercial Center zoning by-law, taking advantage of the residential unit transfer of development rights provided under Section 174-46.H. of the Open Space Incentive Development (OSID) by-law and Section 175-45.1.G of the Commercial Center by-law.**

Under the provisions of the Commercial Center zoning by-law, particularly Subsection I, **the Planning Board,** within any commercial center located on a parcel of land greater than 200,000 square feet in the C-1 district, **may approve subdivision lots of any size** pursuant to the provisions of the special permit issued for said center, "provided that each lot shall have at least 20 feet of frontage on a street approved by the Board under the subdivision control law or on a Town or State highway."

The creation of such "non-conforming" lots may be done only if the "lot is serviced by a public wastewater treatment plant approved by the Planning Board under the center's special permit and to which all such proposed lots may be legally connected after sale to multiple individual owners. No building permit may be issued for a building on said lots unless the required wastewater plant has been completed, with capacity specifically allocated to said lots, and has received all required state and local permits." It is possible, and has been seriously considered in the past, that the Mashpee Commons treatment plant may become part of a municipally owned / public system. However, as it is not now, this "public" treatment plant requirement is the only impediment to using the Commercial Center by-law "as-is" to create whatever lot configuration is proposed by Mashpee Commons and approved by the Planning Board. This issue can obviously be dealt with either through municipal acquisition of the plant prior to the creation of the proposed lots, or an amendment to the by-law. The "public" requirement in the by-law has two purposes: 1) To ensure that any lots sold off can legally be tied into the treatment plant and be legally required to pay the applicable costs for operation and maintenance of the plant. Traditionally, the only means acceptable to Mass DEP for tying separately owned properties into a private sewer system has been the inclusion of all properties into a condominium, which has the legal power to force owners to pay their condo fees toward the treatment plant costs. Municipal systems obviously have the power to enforce their charges for sewer costs. 2) The requirement was included to help avoid the "Balkanization" of sewer facilities in the Town through multiple private systems interspersed with other unsewered areas, making ultimate development of municipal facilities (as will clearly be required in Mashpee given EPE/DEP Nitrogen targets set for Popponesset and Waquoit Bays) extremely difficult and expensive if only the unsewered areas become the Town's responsibility.

In addition, also under Subsection I, within any commercial center located in the C-1 district, the Planning Board, as part of its approval of the special permit for said center, may approve a specific schedule of dimensional controls, including setbacks, required buffer areas, frontage and lot size, but not including height, except as provided below or specifically authorized elsewhere in the by-law, or overall commercial center lot coverage, which differs from that required in the underlying zoning district. This gives the Board total flexibility with setback, frontage and lot size issues.

With regard to lot coverage by buildings, **maximum lot coverage with buildings** is required to be as allowed for the applicable zoning district. This area **may be calculated in one of two ways: either on an individual lot basis for each lot created within the development, or as an overall average for the development.** In the latter case, total area of lot coverage by buildings shall be calculated for the project and specified in the special permit decision. The applicant shall devise a method by which building coverage area may be allocated to each lot and said method shall require the approval of the Planning Board as part of its special permit decision.

With regard to building height, where residential units are to be transferred into the commercial center under the provisions of Subsection 174-46.H.(4), the Planning Board, as part of its approval of the special permit for said center, may authorize an increase in building height to three (3) stories and up to forty-five (45) feet to accommodate said residential units only. Therefore, either purely residential, or mixed use buildings with commercial on the lower floors and residential on the third (or second) floor, are allowed to be up to 3 stories in height.

In addition, under the provisions of footnote 21 of the Land Space requirements table of the Zoning By-law, hotels and motels approved by the Planning Board under the provisions of Section 174-45 may be increased to 3 stories and 45 feet, if approved by the Board, provided that there is adequate access for Fire Department vehicles and equipment and that all Fire Protection Construction Documents required by 780 CMR Subsection 903.1.1 of the Massachusetts State Building Code, have been submitted to the Planning Board and Fire Department as part of the special permit application and the Board is satisfied that the standards of said Subsection will be met.

Other purely commercial buildings are limited to the 2 stories and 35 feet applicable in the C-1 zoning district.

As provided by the transfer of development rights allowed by Section 174-46.H. for mixed use developments, the proposed project could include any form of residential use, including apartments or multi-unit condos, as well as single family or townhouse lots with either one residence, or a residence and accessory residence.

Based on the applicable incentive bonus provisions applicable under Section 174-46.H. for mixed use in a Commercial Center project, and on a review of land controlled by Mashpee Commons with potential for such residential transfer, up to 404 residential units could be transferred into this proposed mixed-use development, depending on what properties Mashpee Commons chooses to set aside as open space, who owns the open space and what type and number of residential units they prefer in the project (see analysis of incentive bonus calculations below).

Under Section 174-45.1. H. the Commercial Center zoning by-law, **the project can be approved as a single-phase project or may be approved as a master plan involving multiple phases.** Under the same Section, unless specific building, signage and landscape designs are submitted for all portions of the project, the Planning Board can instead require that **a schedule of architectural, signage and/or landscaping controls be adopted for the development, enforceable by the Town's special permit authority as well as deed restrictions on the development and any lots to be sold.** Such controls are intended to promote design that is in keeping with the character of the Town and of Cape Cod. This is very similar to the approach that has been taken for the Jobs / Whitings project, except that the Town would have a larger role in implementing and enforcing the architectural etc. controls.

Parking may be on-street, off-street or in garages. Where a commercial center will be divided into lots under Section 174-45.1.I., parking requirements may be met in one of two ways. Either each lot will be required to provide off-street parking based on the requirements for individual uses, "or **an overall shared parking scheme may be developed** which conforms with parking space requirements for commercial centers specified by Section 174-43. In the latter case, the applicant shall specify how shared parking areas are to be owned, constructed, operated and maintained and provide the Board with proposed deeds, deed restrictions, association bylaws or other legal documents or mechanisms for ensuring the same. On-street parking spaces shall be at least twenty-three (23) feet in length. Parking structures may be permitted."

The Planning Board has considerable flexibility in determining parking requirements and how they can be met, using the best available information. Section 174-43 specifies the required number of parking spaces for commercial centers with over 50,000 square feet of leasable area (assumed for this project). That section provides a table of parking requirements for the five general categories of retail, food service, office, theatre and residential uses that are tied to the size of the project and requires that they be met "unless it can be demonstrated to the satisfaction of the permitting authority by means of data and studies from similar projects, that shared parking, staggered hours of operation or peak parking use and multi-purpose trips justify a reduced number of required spaces." Section 174-39 of the zoning by-law also provides that "parking in excess of these requirements shall be prohibited unless specific evidence justifying additional parking is provided and the permitting authority approves such excess parking. Where required spaces for any use are not specified here, they shall be determined by the permitting authority based on similarity of the proposed use to those listed here, on the most recent edition of *Parking Generation* by the Institute of Transportation Engineers, on studies and surveys done by qualified persons regarding parking usage for similar facilities, on parking requirements and use for similar facilities on Cape Cod or on other appropriate information."

With regard to road construction requirements, the Board's Rules and regulations regarding the Subdivision of Land apply to any proposed streets. However, the Board has the authority to waive any of its regulations upon a majority vote if appropriate or necessary.

In summary, based on the available provisions of the Mashpee zoning by-law, with the possible exception of the requirement that undersized lots in a commercial center be tied into a "public" wastewater treatment plant, and the Board's ability to waive its Subdivision Regulations as appropriate, the proposed East Steeple / Trout Pond / North Market Street West neighborhoods can be developed essentially as envisioned and presented by Mashpee Commons with no new zoning required.

**POTENTIAL RESIDENTIAL TDR UNITS FOR MASHPEE COMMONS
BASED ON COMMERCIAL CENTER BYLAW
WITH RESIDENTIAL UNITS TRANSFER UNDER OSID SECTION 174-46.H.**

OSID BONUS MULTIPLIERS PER SECTION 174-46.D.

LOCATION:

- 2.0 if on navigable salt water or on freshwater pond over 100 acres
- 1.5 if on unnavigable salt water, salt water wetlands or fresh water ponds over 10 acres
- 1.3 if within 300 feet of pond over 10 acres or of Mashpee, Quashnet, Santuit or Childs Rivers, Red Brook or Quaker Run and their adjacent wetlands
- 1.2 if on prime farmland soils as listed by county soil survey

CONSISTENCY WITH OPEN SPACE INCENTIVE PLAN (OSIP):

- 1.4 if Primary Conservation Area
- 1.2 if Secondary Conservation Area

PUBLIC ACCESS:

- 1.6 if transferred in fee to Town of Mashpee
- 1.2 if transferred to recognized non-profit conservation organization
- 1.0 if kept private or homeowners association

WASTEWATER TREATMENT:

- 1.5 if all units serviced by a public or private wastewater treatment plant

POTENTIAL MASHPEE COMMONS TRANSFER PROPERTIES

Great Neck Road South

50.1 ac. upland = 2,182,356 sf/40,000 sf R-3 zoning = 54.56 units

2.12 ac. wetland = 92,347 sf /10/40,000 sf R-3 zoning = 0.23 units

Total 54.79 "base" residential units

Location Multiplier is 1.0 (no bonus)

OSIP Multiplier is 1.4 (site is in Primary Conservation Area)

Access Multiplier would be 1.6 if transferred in fee to Town of Mashpee

Wastewater Multiplier is 1.5 assuming units serviced by MC WWTP

Available units for transfer: $54.79 \times 1.0 \times 1.4 \times 1.6 \times 1.5 = 184.46$ residential units

"Keeter" Property

8.67 ac. upland = 377,665 sf/40,000 sf R-3 zoning = 9.44 "base" residential units

Location Multiplier is 1.0 (no bonus)

OSIP Multiplier is 1.4 (site is in Primary Conservation Area)

Access Multiplier would be 1.6 if transferred in fee to Town of Mashpee

Wastewater Multiplier is 1.5 assuming units serviced by MC WWTP

Available units for transfer: $9.44 \times 1.0 \times 1.4 \times 1.6 \times 1.5 = 31.72$ residential units

Route 151 Map 73 Blocks 6 and 12

Each assumed to be one buildable lot = 2 "base" residential units

Location Multiplier is 1.3 (within 300 feet of Quashnet River)

OSIP Multiplier is 1.4 (site is in Primary Conservation Area)

Access Multiplier would be 1.6 if transferred in fee to Town of Mashpee

Wastewater Multiplier is 1.5 assuming units serviced by MC WWTP

Available units for transfer: $2 \times 1.3 \times 1.4 \times 1.6 \times 1.5 = 8.74$ residential units

Trout Pond Primary Conservation Area per OSIP Map

Total area per GIS 925,223 sf minus Pond 106,038 sf = 819,185 sf

Area of additional wetlands is unknown, so assumed as zero here

C-1 Commercially Zoned land credited at 1 base unit per 20,000 sf

$819,185 \text{ sf} / 20,000 \text{ sf} = 40.96$ "base" residential units

Location Multiplier is 1.3 (within 300 feet of pond under 10 acres)

OSIP Multiplier is 1.4 (site is in Primary Conservation Area)

Access Multiplier would be 1.6 if transferred in fee to Town of Mashpee

Wastewater Multiplier is 1.5 assuming units serviced by MC WWTP

Available units for transfer: $40.96 \times 1.3 \times 1.4 \times 1.6 \times 1.5 = 178.91$ residential units

Total potential residential unit transfer into Mashpee Commons commercial areas based on these properties is 403.83 residential units.

DEFINITION AND USE OF TRANSFERRED RESIDENTIAL UNITS

Under the incentive bonus provisions of section 174-46 D, a "residential unit" is defined as a dwelling unit for use by one (1) family or a group of up to five (5) unrelated individuals which contains only one (1) kitchen and two and two-tenths (2.2) bedrooms. Based on health codes, "bedroom" is defined as a room providing privacy, intended primarily for sleeping and having floor space of no less than seventy (70) square feet, a ceiling height of no less than seven feet three inches (7'3"), an electrical service, ventilation and at least one window which is other than a living room [one (1) allowed], dining room [one (1) allowed], kitchen [one (1) allowed], hall, utility (boiler, water heater, laundry, etc.) room or bathroom. Unfinished cellars and unheated storage areas over garages are not considered bedrooms. Actual dwelling units within the project (except any accessory dwelling units) may contain any number of bedrooms, but the aggregate total of bedrooms allowed in the project, excluding any lots created under the provisions of §174-46B(1)(a) or (b) of the OSID by-law, shall not exceed two and two-tenths (2.2) times the maximum number of residential units allowed by this subsection.

§174-46B(1)(a) or (b) of the OSID by-law, which, through the §174-46D reference in §174-46H, would be applicable to a Commercial Center project developed using the transfer provisions of §174-46H, provides that the TDR residential units may be used not only as apartments or in other multifamily arrangements, to which the 2.2 bedrooms per unit rule noted above applies, but may also be used to create individual residential lots with no bedroom limits. It allows one-family detached dwellings and detached accessory dwellings, or one-family townhouses located on individual lots, pursuant to the following provisions:

(a) One (1) lot for use by one (1) one-family detached dwelling only, or one (1) one-family townhouse only, may be created for each one and five-tenths (1.5) residential units allowed by Subsection D, provided that said lot shall be serviced by a public or private wastewater treatment plant. Once created, said lot shall have no limit on number of bedrooms.

(b) One (1) lot for use by one (1) one-family dwelling and one (1) accessory dwelling may be created for each two (2) residential units allowed by Subsection D, provided that said lot shall be serviced by a public or private wastewater treatment plant. Once created, said lot shall have no limit on number of bedrooms.

Applicable Zoning for a Commercial Center with Residential Mixed Use via OSID §H TDR

§174-45.1 Commercial centers.

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

- A. Any such use shall require the issuance of a special permit by the Planning Board. In issuing such special permit, the Board shall ensure that the design of approved projects is in keeping with the character of the town and of Cape Cod.

History: Added 10-5-1998 ATM, Article 29, approved by Attorney General on 1-4-1999.

- B. Unless an alternate schedule of dimensional requirements is approved by the Planning Board under subsection I. below, there shall be required front, rear, and side building setbacks at the perimeter of the site at least as great as those normally required within the zoning district, and at least ten feet greater than the depth of any open space buffer required under subsection C below, except that the front setback shall be seventy-five (75) feet along Routes 28 and 151.

History: Amended 5-3-2004 ATM, Article 12, approved by Attorney General on 8-18-2004.

No structure within a commercial center may be located, and no clearance of natural vegetation may occur, within three hundred (300) feet of any fresh or salt water body of more than ten (10) acres, or within three hundred (300) feet of the Mashpee, Santuit, Quashnet or Childs Rivers or Red Brook, or within one hundred (100) feet of any active or recently active (within 10 years) cranberry bog, pond under ten (10) acres, or any wetlands as defined by MGL Chapter 131, Section 40 or the Mashpee Wetlands Bylaw. The provisions of this section regarding building setbacks or clearance of vegetation shall not apply to any artificial water body or watercourse created (i.e. as an entirely new water body, not by dredging or enlargement of an existing water body, watercourse or wetland) in conformance with any applicable local, state or federal regulations.

History: Amended 10-5-1998 ATM, Article 29, approved by Attorney General on 1-4-1999.

- C. Unless an alternate schedule of dimensional requirements is approved by the Planning Board under subsection I. below, space not less than fifty (50) feet in depth along Routes 28 and 151 and twenty (20) feet in depth along other streets and property lines shall be maintained as an open space buffer with natural vegetation or landscaping along each side, rear and front lot line, except for entrance and exit driveways, and such open space buffer shall not be built on, paved or used for parking. Additional area, plantings, fencing or other items may also be required by the Planning Board to protect adjacent property owners from adverse impacts of the project or to protect the character of the neighborhood. The Planning Board may waive or reduce the requirement for an open space buffer (except along a public way outside the C-1 district) where the legal owners of the abutting property have certified, in writing, that they have no objection to the elimination or reduction of said buffer strip.

History: Amended 10-5-1998 ATM, Article 29, approved by Attorney General on 1-4-1999.

History: Amended 5-3-2004 ATM, Article 12, approved by Attorney General on 8-18-2004.

- D. No space within the required front setback area may be used for parking unless approved by the Planning Board. Where a commercial center will be divided into lots under section I. below, parking requirements may be met in one of two ways. Either each lot will be required to provide off-street parking based on the requirements for individual uses contained in Article VIII, or an overall shared parking scheme may be developed which conforms with parking space requirements for commercial centers specified by Section 174-43. In the latter case, the applicant shall specify how shared parking areas

are to be owned, constructed, operated and maintained and provide the Board with proposed deeds, deed restrictions, association bylaws or other legal documents or mechanisms for ensuring the same. On-street parking spaces shall be at least twenty-three (23) feet in length. Parking structures may be permitted provided that the Planning Board determines that their design, placement and operation will not adversely impact public health or safety or the character of the area and that their design will be compatible with the existing and proposed architectural character of the area. Said structures will not be counted toward maximum developable area and may not exceed thirty (30) feet in height.

History: Added 10-1998 ATM, Article 29, approved by Attorney General on 1-4-1999.

History: Amended 5-3-2004 ATM, Article 12, approved by Attorney General on 8-18-2004.

- E. Any commercial center shall provide for appropriate bicycle racks or similar facilities unless waived by the Planning Board.

- F. No site for such use may have more than one (1) direct vehicle access way to Routes 28 or 151 or more than two (2) direct vehicle accesses to any other abutting street not created as part of the commercial center, and such access ways shall intersect the abutting street at a ninety (90) degree angle, unless the Planning Board approves a different intersection angle. Additional access ways may be approved by the Planning Board, where they are found to be necessary for reasons of safety or proper traffic flow. Where the commercial center will be subdivided into multiple lots, there shall be no separate vehicle access from any individual lot within the development onto Route 28, Route 151 or Great Neck Road North.

A traffic impact report, indicating projected traffic flows from the project at its buildout, projected traffic flows and levels of service on nearby roadways in 5 years and at buildout of the development, current traffic flows, levels of service and accident records for said roadways, projected capacity, service level and safety problems anticipated in 5 years and at project buildout, proposed mitigation measures and approximate costs in current dollars and other relevant information shall be submitted as part of the application and explained to the Board at a public meeting by a competent professional traffic engineer or transportation planner. The Planning Board may require traffic signals, traffic or turn lanes, sidewalks, bikeways or any other mitigation measures that it believes necessary to protect public safety and maintain proper traffic flow on roadways within or impacted by the development.

Streets and drives within the development shall be constructed in accordance with the Planning Board's subdivision and special permit regulations, except that the Board may require additional sidewalks, traffic lanes, turn lanes, traffic signals or other items as necessary. Projected traffic may be calculated on the basis of firm projections of uses and floor areas when available, on the basis of 166 average weekday trip ends per 1000 square feet of gross leasable floor area, or on shopping center vehicle trip generation rates contained in the latest edition of *Trip Generation* by the Institute of Transportation Engineers. In performing such calculations where there is no firm estimate of gross leasable floor area, estimated area shall be calculated based on twice the maximum lot coverage allowed for the project.

History: Amended 10-5-1998 ATM, Article 29, approved by Attorney General on 1-4-1999.

History: Amended 5-3-2004 ATM, Article 12, approved by Attorney General on 8-18-2004.

- G. The applicant shall submit a list of proposed uses within the commercial center as part of his application. These may include any uses allowed within the zoning district, *as well as any residential units transferred under the provisions of Subsection 174-46.H(4)*. However, only those uses will be permitted which are approved by the Planning Board as part of its special permit decision. Once said list of uses has been approved, no further special permit shall be required to occupy any space within the commercial center, but each such occupancy shall require review under the plan review process described in §174-24B, to ensure compliance with the special permit and other bylaws and regulations.

History: Amended 5-3-2004 ATM, Article 12, approved by Attorney General on 8-18-2004.

- H. A commercial center may be approved as a single-phase project or may be approved as a master plan involving multiple phases. Prior to construction or installation of structures, signage and landscaping plans shall be submitted to the Design Review Committee for its review at a public meeting. Upon receiving the recommendations of the Design Review Committee, the Planning Board may approve said plans, approve with modifications or deny approval and require resubmission to the Design Review Committee. Until the Planning Board has finally approved said plans, no building permits may be issued nor shall any of the proposed work be begun. The Planning Board shall require that a schedule of architectural, signage and/or landscaping controls be adopted for the development, enforceable by the Town's special permit authority as well as deed restrictions on the development and any lots to be sold, unless specific building, signage and landscape designs are submitted for all portions of the project. Such controls shall have the effect of promoting design that is in keeping with the character of the Town and of Cape Cod.

Any proposed schedule of architectural, signage and landscaping controls shall require review by the Design Review Committee and its report to the Planning Board prior to approval of the special permit application for the development. If such a schedule of architectural, signage and / or landscaping controls is required, it shall be recorded as a deed restriction on the property at the same time as the special permit is recorded and the Planning Board shall be provided forthwith a copy of the recorded documents indicating the registry book and page at which each is recorded.

History: Amended 10-5-1998 ATM, Article 29, approved by Attorney General on 1-4-1999.

- I. Within any commercial center located on a parcel of land greater than 200,000 square feet in the C-1 district, the Planning Board may approve subdivision lots of any size pursuant to the provisions of the special permit issued for said center, provided that each lot shall have at least 20 feet of frontage on a street approved by the Board under the subdivision control law or on a Town or State highway. However, no lot may be created which does not meet the minimum lot area and frontage requirements of the zoning district unless said lot is serviced by a public wastewater treatment plant approved by the Planning Board under the center's special permit and to which all such proposed lots may be legally connected after sale to multiple individual owners. No building permit may be issued for a building on said lots unless the required wastewater plant has been completed, with capacity specifically allocated to said lots, and has received all required state and local permits.

Within any commercial center located in the C-1 district, the Planning Board, as part of its approval of the special permit for said center, may approve a specific schedule of dimensional controls, including setbacks, required buffer areas, frontage and lot size, but

not including height, except as provided below or specifically authorized elsewhere in the by-law or overall commercial center lot coverage, which differs from that required in the underlying zoning district. Unless such a schedule is adopted, no structure within a commercial center may be built closer to the street line, side line or rear line of a lot than the minimum requirements of the underlying zoning district. However, in no case may one or two-story primary structures be located less than twenty (20) feet from each other or may structures containing more than two (2) stories be located less than thirty (30) feet from any other habitable structure except in conformance with any applicable state and local building and fire codes or regulations. As part of its project review, the Planning Board will request a written recommendation from the Fire Department and Building Inspector regarding structures proposed to be set back from each other by less than the above required distances.

History: Amended 5-3-2004 ATM, Article 12, approved by Attorney General on 8-18-2004.

Maximum lot coverage with buildings shall be as allowed for the applicable zoning district. This area may be calculated in one of two ways: either on an individual lot basis for each lot created within the development, or as an overall average for the development. In the latter case, total area of lot coverage by buildings shall be calculated for the project and specified in the special permit decision. The applicant shall devise a method by which building coverage area may be allocated to each lot and said method shall require the approval of the Planning Board as part of its special permit decision. In addition, the provisions of Section 174-80.H. regarding impervious surface coverage within Groundwater Protection Districts shall apply.

In addition to the provisions of its special permit, the Planning Board shall require that the applicant establish deed restrictions or other legal mechanisms to ensure that the dimensional or other provisions of the special permit are adhered to by subsequent lot owners within the development.

History: Added 10-5-1998 ATM, Article 29, approved by Attorney General on 1-4-1999.

Where residential units are to be transferred into the commercial center under the provisions of Subsection 174-46.H.(4), the Planning Board, as part of its approval of the special permit for said center, may authorize an increase in building height to three (3) stories and up to forty-five (45) feet to accommodate said residential units only.

History: Added 5-3-2004 ATM, Article 12, approved by Attorney General on 8-18-2004.

No increase in height above that which is allowed in the underlying zoning district may be approved unless there is adequate access for Fire Department vehicles and equipment and all Fire Protection Construction Documents required by 780 CMR Subsection 903.1.1 of the Massachusetts State Building Code, as it existed on May 3, 2004, have been submitted to the Planning Board and Fire Department as part of the special permit application and the Board is satisfied that the fire protection standards of said Subsection will be met.

History: Added 5-3-2004 ATM, Article 12, approved by Attorney General on 8-18-2004.

- J. In addition to any other application materials required for special permits, applications for Commercial Centers shall include:
1. A calculation of maximum allowed lot coverage with buildings, in square feet, and a discussion of the proposed method of allocating building coverage area to any proposed or future lots. If the development lies wholly or partly in a

groundwater protection district, the requirements of Article XIII shall also be addressed.

2. A plan of the proposed parking facilities, including proposed parking space layout, drainage, lighting, landscaping and bicycle racks or similar facilities and a description of the proposed means of ownership, construction, operation and maintenance of such facilities, including copies of any proposed deeds, deed restrictions, association bylaws or other legal documents or mechanisms required. In addition, the applicant shall provide his calculations of the number of required off-street parking spaces and a description of any additional on-street parking proposed.
3. Any proposed schedule of architectural, signage and landscaping controls, along with a written record of any review and comments by the Design Review Committee. Where such a schedule is not proposed, the applicant shall submit architectural elevations and other architectural plans, along with samples or descriptions of exterior materials proposed to be used, and landscaping plans for all structures, for entrance ways and for major signs, along with a written record of any review and comments by the Design Review Committee. Where development is to be done in phases, these items shall be submitted for at least the first phase, along with typical plans for later phases. All of the above-required plans shall be submitted at the time approval is sought to construct such later phases.

History: Added 10-5-1998 ATM, Article 29, approved by Attorney General on 1-4-1999.

§174-46. Open space incentive development (OSID).

H. Mixed-use developments.

- (1) As part of an open space incentive development, the Planning Board may allow the development of residential units within a commercial or industrial zone, as part of a residential development or in conjunction with the uses otherwise allowed in that district as part of a coordinated mixed-use development. Such mixed-use development shall comply with the requirements of this section except with regard to permitted uses (Subsection B) and except that there shall be at least a one-hundred-foot buffer strip providing a vegetated visual buffer between any residential development in an industrial zone and any other industrially zoned land. There shall be no base residential density credited for developed sites within the commercial or industrial zone. Where land in a commercial or industrial zone is shown on the Mashpee Open Space Incentive Plan within a Primary or Secondary Conservation District, it may not be included in the developed area of an OSID developed under this subsection, but it may be included in preserved open space, for which a base residential density of one (1) unit per twenty thousand (20,000) square feet of land so preserved [excluding ninety percent (90%) of any wetlands as defined by MGL C. 131, §40] shall be credited in calculating incentive bonuses under Subsection D. For those portions of such OSID within residential zones, the requirements of Subsections A through G shall apply.

History: Amended 10-5-1998 ATM, Article 32, Approved by Attorney General on 1-4-1999.

- (2) Where residential uses are proposed to be combined with nonresidential uses in the same structure, any such structure shall require the approval of the Mashpee Fire Chief and Board of Health in addition to any other required permits and approvals.
- (3) For any OSID developed under this subsection, copies of all application materials required by Subsection G to be submitted to the Conservation Commission, Design Review Committee and Board of Health shall also be submitted to the Board of Appeals and the preapplication conference [Subsection G(1)], special permit review [Subsection G93]] and other items related to review of the OSID by those agencies shall also be required for the Board of Appeals.
- (4) *As an alternative to the above provisions, residential units may be transferred from other parcels that will be preserved as open space to land within a commercial or industrial zone as part of a mixed-use commercial center development permitted under the provisions of Section 174-45.1. The maximum number of units so transferred shall be determined by reference to the incentive bonus provisions contained in Subsection 174-46.D. Any land set aside as open space as part of a transfer of residential units under this subsection shall also be subject to the bounding requirements described in Subsection 174-46.C.(3), the permanent dedication requirements of Subsection 174-46.C.(4), the declaration of choice and filing requirements of Subsection 174-46.C.(5) and the maintenance requirements of Subsection 174-46.C.(6).*
History: Added 5-3-2004 ATM, Article 12, approved by Attorney General on 8-18-2004.

§174-46.D.

Incentive bonus provisions. In order to encourage the preservation of critical open space and natural resource areas within the Town of Mashpee for the benefit of the inhabitants of the town, certain increases in density of residential units within an open space incentive development may be allowed in accordance with MGL C. 40A, §9. Such increase in density, in the form of bonuses allocated for transfer of development rights from portions of parcels within an OSID, which will be preserved as open space, to those portions of parcels of the OSID which will be developed, shall require approval by the Planning Board as part of its approval of a special permit for the OSID in conformance with the following guidelines:

- (1) For the purposes of this section, a “residential unit” shall be defined as a dwelling unit for use by one (1) family or a group of up to five (5) unrelated individuals which contains only one (1) kitchen and two and two-tenths (2.2) bedrooms. A “bedroom” shall be defined as a room providing privacy, intended primarily for sleeping and having floor space of no less than seventy (70) square feet, a ceiling height of no less than seven feet three inches (7’3”), an electrical service, ventilation and at least one window which is other than a living room [one (1) allowed], dining room [one (1) allowed], kitchen [one (1) allowed], hall, utility (boiler, water heater, laundry, etc.) room or bathroom. Unfinished cellars and unheated storage areas over garages are not considered bedrooms. Actual dwelling units within the OSID (except any accessory dwelling units) may contain any number of bedrooms, but the aggregate total of bedrooms allowed in the OSID, excluding any lots created under the provisions of §174-46B(1)(a) or

(b), shall not exceed two and two-tenths (2.2) times the maximum number of residential units allowed by this subsection.

History: Amended 10-5-1998, Article 31, approved by Attorney General on 1-4-1999.

(2) The base number of residential units allowed within an open space incentive development shall be calculated as follows:

(a) Any previously approved and recorded subdivision lot which meets current zoning and health requirements and regulations or which would otherwise be buildable if developed, due to protection from current zoning and health regulations by reason of statute of local bylaw or regulations shall count as one and five-tenths (1.5) residential units [such lot shall not qualify for any bonus multiplier unless it contains at least ten thousand (10,000) square feet of upland area]; otherwise it shall be treated as unsubdivided and undeveloped land as in Subsection D(2)(c) below.

History: Amended 5-8-1989 STM, Article 8, approved by Attorney General on 8-10-1989.

(b) Any dwelling unit previously approved under a current valid (unexpired) special permit, except cluster subdivision lots covered in Subsection D(2)(a) above and motel units (which shall not qualify as dwelling units under this bylaw for any purpose), shall count as one (1) residential unit, and such units shall not qualify for any bonus multipliers. [Also see Subsection D(4).

History: Amended 5-8-1989 STM, Article 8, approved by Attorney General on 8-10-1989.

(c) For undeveloped unsubdivided land, the base number or residential unit shall equal the area of the land, excluding ninety percent (90%) of any wetlands as defined under MGL C. 131, §40, divided by the minimum lot size within the applicable zoning district(s) at the time of the OSID special permit application, except that if all dwellings and other uses in the proposed OSID are to be serviced by a public or private wastewater treatment plant, said base number may be multiplied by one and five-tenths (1.5).

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

(3) Where land is permanently dedicated as open space in conformance with the requirements of Subsection C, the residential units [as defined in Subsection D(2) above] which would otherwise have been allowed on such specific area of land may be transferred to another portion or parcel of the OSID (subject to the conditions listed in Subsection C). Depending on the level of environmental, scenic and public value and on the ultimate level of public access to or ownership of the land so dedicated, the residential units transferred may be subject to the following bonus multipliers:

(a) On the basis of location, one (1) of the following multipliers may be applied:

History: Amended 5-8-1989 STM, Article II, approved by Attorney General on 8-10-1989.

[1] Two and zero-tenths (2.0) for lands or existing subdivision lots fronting on navigable saltwater or on fresh water ponds over one hundred (110) acres, where the entire lot or all the unsubdivided land within three hundred (300) feet from the mean high-water mark is preserved as open space [for the purposes of this section, "navigable water" shall be defined as water having a minimum depth of one (1) foot at mean low tide within seventy (70) feet of the mean high-water mark on the lot or unsubdivided land to be preserved.]

[2] One and five-tenths (1.5) for lands or existing subdivision lots fronting on unnavigable salt-water, saltwater or tidal wetlands or freshwater pond over ten (10) acres or for subdivision lots not fronting on a water body but having over fifty percent (50%) of their area lying within three hundred (300) feet of the high-water mark of any saltwater body, saltwater wetland or freshwater pond over ten (10) acres, where the entire lot (including the adjacent portion of a paper street) or all of the unsubdivided land with three hundred (300) feet from the mean high-water mark or the edge of the wetland is preserved as open space.

[3] One and three-tenths (1.3) for lands or existing subdivision lots lying within three hundred (300) feet of freshwater ponds under ten (10) acres, nontidal portion of the Mashpee, Quashnet, Santuit or Childs Rivers, Rd Brook or Quaker Run and their adjacent wetlands or other cranberry bogs or wetlands greater than one (1) acre in area, where the entire lot (including the adjacent portion of any paper street) or all of the unsubdivided land within three hundred (300) feet from the mean high-water mark or the edge of the wetland is preserved as open space.

[4] One and two-tenths (1.2) for lands having prime farmland soils as listed by the United States Department of Agriculture Soil Conservation Service and as mapped in its *Soil Survey of Barnstable County, Massachusetts*, issued March 1993.

History: Amended 10-5-1998, Article 31, approved by Attorney General on 1-4-1999.

(b) On the basis of consistency with the Mashpee Open Space Incentive Plan, one (1) of the following multipliers may be applied:

[1] One and four-tenths (1.4) for lands located in Primary Conservation Areas as defined by the plan.

[2] One and two-tenths (1.2) for lands located in Secondary Conservation Areas or within the authorized acquisition boundaries of the Mashpee National Wildlife Refuge as defined by the Plan.

History: Amended 10-7-1996, Article 30, approved by Attorney General on 12-9-1996.

(c) On the basis of public access and benefit to the inhabitants of the town, one (1) of the following multipliers may be applied:

[1] One and six-tenths (1.6) for lands transferred in fee to the town in conformance with Subsection C(4)(a).

[2] One and two-tenths (1.2) for lands transferred in fee to a recognized nonprofit conservation organization, not to include an association of landowners within the development, in conformance with Subsection C(4)(b).

[3] One and zero-tenths (1.0) for lands dedicated in conformance with Subsection C(4)(c). The bonus multipliers allowed by Subsection D(3)(a), (b) and (c) for any particular residential unit may be multiplied to determine the maximum number of units available for transfer from the portion of the preserved open space where that unit could otherwise have been built ($a \times b \times c =$ total units allowed for transfer of each unit). That number is in lieu of the base unit, not in addition to it.

(4) Where residential units approved under a special permit as specified in Subsection D(2)(b) are to be transferred, a minimum of fifteen thousand (15,000) square feet of land or the total area of the site covered by the special permit divided by the number of units so approved, whichever is larger, shall be permanently preserved per each residential unit to be transferred. Such units shall not qualify for any bonus multiplier, but the land from which they are transferred shall be counted toward the minimum open space requirements of Subsection C(1), provided that it otherwise meets the criteria of Subsection C.

(5) No units may be credited for transfer from lands previously shown as open space on an approved definitive subdivision plan or special permit or lands subject to Otis Air Base easements or utility easements unless the ownership of such land is transferred in fee to the Town of Mashpee and unless such lands are shown as Primary or Secondary Conservation Areas on the Mashpee Open Space Incentive Plan, or lie within the authorized acquisition boundaries of the Mashpee National Wildlife Refuge in which case the upland area of such land may be divided by the minimum lot size applicable at the time and multiplied by a factor of five-tenths (0.5) to determine the number of residential units which may be transferred to a developable site or parcel within an OSID, except that where a previously approved definitive subdivision plan or special permit is legally abandoned in its entirety, it may be treated as undeveloped and unsubdivided land under Subsection D(2)(c). Such previously dedicated open space shall not be counted

toward the minimum requirements of Subsection A or C, buy any residential unit calculated under this subsection shall be subject to the bonus multipliers or Subsection D(3)(a) and (b).

History: Amended 5-8-1989 STM, Article 8, approved by Attorney General on 8-10-1989.

History: Amended 10-7-1996, Article 30, approved by Attorney General on 12-9-1996.

§174-46.C. Open space requirements.

- (3) Any open space required to meet the minimum provisions of Subsection C shall be surveyed, properly bounded on the ground by concrete monuments and shown on a plan recorded at the Barnstable County Registry of Deeds or Land Court Registry. Said plan shall be recorded and said boundary monuments shall be set within six (6) months of the approval of the OSID special permit by the Planning Board, along with the covenants and restrictions required by Subsection C(4) below. Any transfer of the fee title to property to the town or a nonprofit organization shall be completed within one (1) year of the approval of the OSID special permit.

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

- (4) Any open space required to meet the minimum provisions of Subsection C shall be permanently dedicated in one of the following ways.

(a) **Public ownership.** The open space shall be conveyed in fee to the Town of Mashpee and accepted by it for park or open space use.

(b) **Ownership by a nonprofit organization.** The open space shall be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space. The nonprofit organization shall execute a restriction, enforceable by the Town of Mashpee, which shall be recorded at the Barnstable County Registry of Deeds, providing that such land shall be kept in an open and natural state and shall not be built on for residential use or developed for accessory uses such as parking or roadway or any other uses not allowed by this section in minimum open space areas. The nonprofit organization shall own and shall maintain the common open space and shall not dispose of any of the common open space by sale or otherwise, except that said nonprofit organization may offer to convey such open space to the Town of Mashpee for acceptance by it for park or open space use.

(c) **Ownership by a corporation or trust.** The open space shall be conveyed to a corporation or trust owned or to be owned by the owners of the lots or residential units within the development. Ownership of the corporation or trust shall pass with conveyance of the lots or residential units. The corporation or trust shall execute a restriction enforceable by the Town of Mashpee, which shall be recorded at the Barnstable County Registry of Deeds. Said restriction shall provide that such land shall be kept in an open and natural state and not be built on for residential use or developed for accessory uses such as parking or roadway or any other uses not allowed by this section in minimum open space areas. The

corporation or trust shall own and maintain the open space and shall not dispose of any of the open space by sale or otherwise except that said corporation or trust may offer to convey such open space to the Town of Mashpee for acceptance by it for park or open space use.

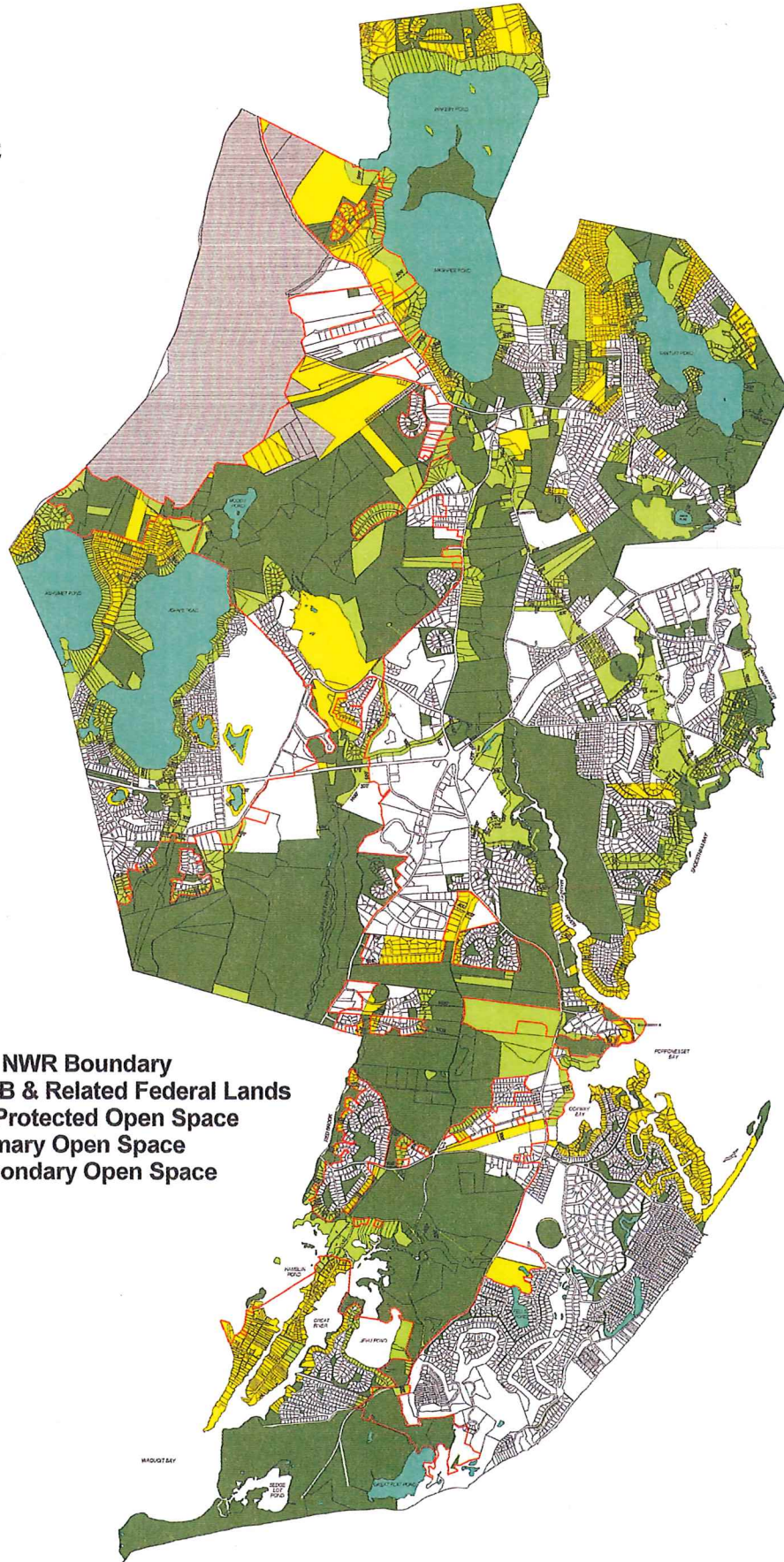
- (5) The developer's declaration of his choice of the three (3) methods described in Subsection C(4) above shall be included in his application to the Planning Board for a special permit to develop an OSID, along with the required maps and plans describing the open space areas and the proposed uses within said areas. Before final approval of the OSID or of any definitive subdivision of land within the OSID by the Planning Board, the developer shall also file with the Board a copy of the covenants and restrictions necessary to secure the permanent legal existence of the common open space and a copy of any proposed deed for transfer in fee to the town or to a nonprofit organization. Approval of the OSID shall require approval by the Planning Board of said covenants and restrictions after consultation with the Town Attorney.






- (6) In the event that the organization established to own and maintain the open space, or any successor organization, shall, at any time after establishment of the open space residential development, fail to maintain the open space in reasonable order and condition in accordance with the plan, the Town of Mashpee will serve written notice upon such organization or upon the residents of the open space residential development setting forth the manner in which the organization has failed to maintain the open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof and shall state the date and place of hearing hereon which shall be held within fourteen (14) days of the notice. At such hearing the Town of Mashpee may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof are not cured within said thirty (30) days, the Town of Mashpee, in order to preserve the taxable values of the properties within the open space residential development and to prevent the open space from becoming a public nuisance, may enter upon said open space and maintain the same for a period of one (1) year. Said entry and maintenance shall not vest in the public any right to use the open space except when the same is voluntarily dedicated to the public by the owners. Before the expiration of said year, the Town of Mashpee shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the open space, call a public hearing upon notice to such an organization or to the residents of the open space residential development, to be held by the Town of Mashpee Planning Board, at which hearing such organization or the residents of the open space residential development shall show cause why such maintenance by the Town of Mashpee shall not, at the election of the Town of Mashpee, continue for a succeeding year. If the Planning Board of the Town of Mashpee shall determine that such organization is ready and able to maintain said open space in reasonable condition, the Town of Mashpee shall cease to maintain said open space at the end of said year. If the Planning Board of the Town of Mashpee shall determine such organization is not ready and able to maintain said open space in reasonable condition, the Town of Mashpee may, in its discretion, continue to maintain said open space during the next succeeding year and, subject to a similar hearing and determination, in each

year thereafter. The decision of the Planning Board of the Town of Mashpee in any such case shall constitute a final administrative decision subject to review in accordance with any applicable statute of the Commonwealth of Massachusetts. The cost of such maintenance by the Town of Mashpee shall be assessed pro rata against the properties within the open space residential development that have a right to enjoyment of the open space. Such assessment shall become a lien on the properties. The Town of Mashpee, at the time of entering upon the open space for a purpose of maintenance, shall file a notice of such entry with the Town Clerk and at the principle office of the corporation, trust or association owning the open space, which notice shall contain a statement that the individual owners within the open space residential development may become subject to an assessment and lien for their pro rata share of the total cost of the maintenance.

MASHPEE OPEN SPACE INCENTIVE PLAN

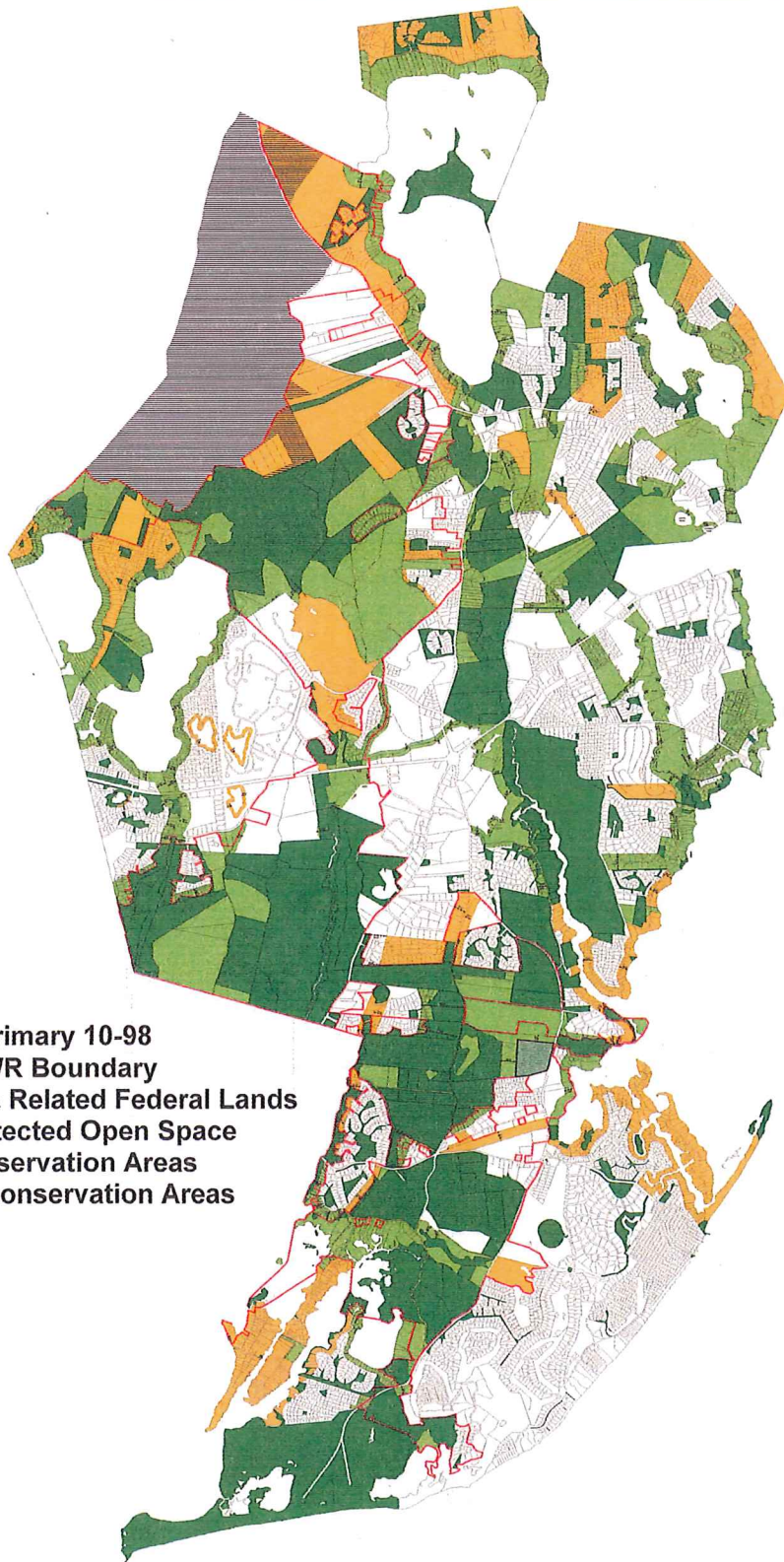
OCTOBER, 1998









-  Mashpee NWR Boundary
-  Otis ANGB & Related Federal Lands
-  Existing Protected Open Space
-  OSID Primary Open Space
-  OSID Secondary Open Space

MASHPEE OPEN SPACE INCENTIVE PLAN

OCTOBER, 1998



-  Change to Primary 10-98
-  Mashpee NWR Boundary
-  Otis ANGB & Related Federal Lands
-  Existing Protected Open Space
-  Primary Conservation Areas
-  Secondary Conservation Areas

Mashpee Commons Expansion-A Responsible Plan

At present we are at a turning point regarding Mashpee and its very nature. We need to work together in a responsible and respectful way. As it is now proposed, the Commons project is blatantly in opposition to good environmental planning and is unconscionable in terms of climate change. We need to find a way together to create a sensible and creative plan that serves the people of Mashpee and the environment. People come to Cape Cod for its beautiful beaches, marshes and pine barrens. On a summer day walking through the woods along the Mashpee River the spicy fragrance of pine sap fills the air, the pine covered pathways are dappled with sunlight and the soft breezes whisper through the trees. Woodlands like these surround the existing Commons and roadways in our area. As a visitor to the Cape I would come here to enjoy these things, escape the city, not to find more concrete, asphalt and clustered “cottages”, or the commercial sprawl that has sadly taken over other parts of the Cape. Further, the rampant destruction known as “clear-cutting” would wipe out thousands of trees so vital to the environmental health of our town. These trees that provide us with the air we breathe, that capture carbon, that cool us, that prevent erosion and create habitats for birds and animals to live in, need to be preserved in a responsible, constructive plan. We also need to consider wastewater, traffic congestion and air pollution and who will be responsible for these increased costs. We need to work this out in a respectful, considerate manner. We need to respect the environment and combat climate change in any way possible. We don’t get second chances here. It is imperative that we create a plan that honors our environment and works to stem the climate change that is upon us. We, and future generations in Mashpee will suffer if we lack the courage and foresight to form a better future today. The owners of the Commons live in a spacious, private area that is very restricted, with its own security, lots of green places, and “an abundance of trees”. The people of Mashpee deserve to have open spaces and enjoy our beautiful pine barrens. We also have a right to enjoy “an abundance of trees”.

“But man is a part of nature, and his war against nature is a war against himself.” Rachel Carson

**Terri Bilodeau
Mashpee**

**TOWN OF BARNSTABLE PLANNING BOARD
NOTICE OF PUBLIC HEARING
MONDAY, JULY 26, 2021, AT 7:00 P.M.**

JUL 9 2021

MODIFICATION TO SUBDIVISION NO. 646A – WENDY WAY, MARSTONS MILLS MA

To all persons deemed interested in the Planning Board acting under the General Laws of the Commonwealth of Massachusetts, Chapter 41, Sections 81A, through 81GG, Subdivision Control and all amendments thereto and Chapter 801, Subdivision Regulations of the Town of Barnstable you are hereby notified of a Public Hearing to consider modifications to Subdivision No. 646A. The plan for this subdivision modification is entitled "Subdivision #646A Road Profile Plan of Wendy Way Marstons Mills, MA Prepared for Samuel Traywick" prepared by Down Cape Engineering, Inc., dated June 4, 2021.

The application is submitted by Samuel Traywick. The request is to amend the approved subdivision plan to modify the roadway construction including the width and profile of Wendy Way; request a waiver to allow for a gravel surface and to approve the revised configuration of the way proposed to incorporate a turning tee. The subject properties are shown on Assessors Map 124 Parcel 016-001.

Members of the public may participate in the Public Hearing through remote access via the Zoom link or telephone number and Meeting ID provided below.

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

1. The meeting will be televised via Channel 18 and may be viewed via the Channel 18 website at <http://streaming85.townofbarnstable.us/CablecastPublicSite/>
2. Real-time access to the Planning Board meeting is available utilizing the Zoom link or telephone number and Meeting ID provided below. Public comment can be addressed to the Planning Board by utilizing the Zoom link or telephone number and Meeting ID provided below:

Link: <https://zoom.us/j/99019535880>

Phone: 888 475 4499 US Toll-free

Meeting ID: 990 1953 5880

3. Applicants, their representatives and individuals required or entitled to appear before the Planning Board may participate through accessing the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to Kaitlyn.maldonado@town.barnstable.ma.us, so that they may be displayed for remote public access viewing.

Copies of the proposed modification are available for review by calling 508-862-4791 or emailing Kaitlyn.maldonado@town.barnstable.ma.us.

Barnstable Patriot
July 9 & July 16, 2021

Steven Costello, Chair
Barnstable Planning Board

TOWN OF BARNSTABLE PLANNING BOARD
NOTICE OF PUBLIC HEARING
MONDAY, JULY 26, 2021, AT 7:00 P.M.

JUL 9 2021

MODIFICATION TO SPECIAL PERMIT NO. 2020-03
STANDARD HOLDINGS, LLC – 850 FALMOUTH ROAD & 3 WHITEHALL WAY, HYANNIS, MA

To all persons deemed interested in the Planning Board acting under the General Laws of the Commonwealth of Massachusetts, Chapter 40A, Section 9, and all amendments thereto and the Town of Barnstable Zoning Ordinances you are hereby notified of a Public Hearing to consider a modification to Special Permit Application No. 2020-03.

Standard Holdings, LLC, seeks to amend Special Permit No. 2020-03, issued pursuant to Section 240-16.1 C(1), to modify condition 6(a)(iii) to require that the affordable housing Regulatory Agreement be recorded at the Barnstable County Registry of Deeds prior to the issuance of an occupancy permit, instead of prior to the issuance of a building permit.

Members of the public may participate in the Public Hearing through remote access via the Zoom link or telephone number and Meeting ID provided below.

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

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

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

Link: <https://zoom.us/j/99019535880>

Phone: 888 475 4499 US Toll-free

Meeting ID: 990 1953 5880

3. Applicants, their representatives and individuals required or entitled to appear before the Planning Board may participate through accessing the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to Kaitlyn.maldonado@town.barnstable.ma.us, so that they may be displayed for remote public access viewing.

Copies of the proposed modification are available for review by calling 508-862-4791 or emailing Kaitlyn.maldonado@town.barnstable.ma.us.

Barnstable Patriot
July 9 & July 16, 2021

Steven Costello, Chair
Barnstable Planning Board

RECEIVED

JUN 24, 2021 PM 1:29

TOWN CLERK

JUL 9 2021

TOWN OF FALMOUTH
PLANNING BOARD
PUBLIC MEETING NOTICE

APPLICANT: Sandwich Road Development, LLC

Location: 0 Sandwich Rd
Map# 17 01 032 000

PROPOSAL: Request to modify a Special Permit and Site Plan Review for a contractor's yard to increase the height of the metal building 3'4" and correct a small survey error

DATE & TIME: Tuesday, July 13, 2021 at 6:30pm

PLACE: Falmouth Town Hall
59 Town Hall Sq
Falmouth, MA 02540

Plans may be viewed online at <http://www.falmouthmass.us/933/Plans-Under-Review-By-The-Planning-Board>

By Order of the Planning Board
Paul Dreyer
Clerk/Secretary

Publishing Date:

6.25.21

7.2.21



JUL 9 2021

TOWN OF FALMOUTH
MASSACHUSETTS

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by **Frank J. and Joanne DiPilato**, 9 Crescent Avenue, Falmouth, MA.

(Map 46B Lot 004) **under** 240-3 C. and 240-69 E. of the Zoning By-Law, as amended to **grant** the special permit to raze and rebuild the dwelling.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **July 2, 2021** which is the date the Decision was filed in the office of the Town Clerk.

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



JUL 9 2021

TOWN OF FALMOUTH
MASSACHUSETTS

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by **Joseph P. and Dorothy M. Zampitella, 19 Coatuit Road, North Falmouth** (Map 13 Lot 028) **under 240-3 C.** of the Zoning By-Law, as amended to **grant** the special permit to raze and reconstruct the single family dwelling.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **June 28, 2021** which is the date the Decision was filed in the office of the Town Clerk.

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



TOWN OF FALMOUTH
MASSACHUSETTS

BOARD OF APPEALS

Notice of Decision

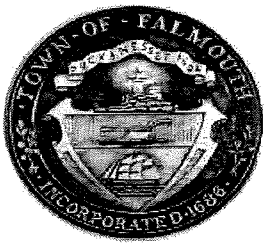
JUL 12 2021

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by **James F. Mooney, III, Trustee**, 188 Gansett Road, Woods Hole, Ma.

(Map 49 Lot 089) **under** 240-3 C. and 240-68 A. (8) of the Zoning By-Law, as amended to **grant** the special permit to reconstruct the existing non-conforming boathouse and a 2-car garage with living space above.

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

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

02540
JUL 19 2021

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

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

Application #048-21 William C. Shouldice IV and Susan A. Shouldice, 183 Old Schoolhouse Road, South Burlington, VT.: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. and 240-69 E. of the Code of Falmouth to construct a front porch, dormers to the second floor and a screened porch at the rear of the dwelling; increasing lot coverage by structures on subject property known as 53 Silver Beach Avenue, North Falmouth, Ma.

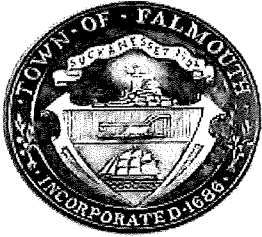
Map 04A Section 39 Parcel 000 Lot(s) 347

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, July 29, 2021 at 6:30PM –** MEETING WILL BE HELD IN-PERSON****

You are invited to be present.

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

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

JUL 12 2021

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

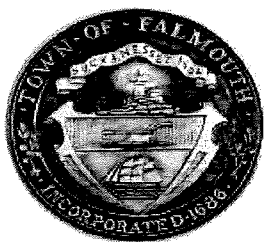
Application #050-21 James R. Fucigna, 6 Kimball Road, Hopkinton, Ma.: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-69 E. of the Code of Falmouth to allow a pool, exceeding 20% lot coverage by structures on subject property known as 92 Bridge Street, East Falmouth, Ma.

Map 45 Section 07 Parcel 000 Lot(s) 021

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, July 29, 2021 at 6:30PM *MEETING WILL BE HELD IN -PERSON***
You are invited to be present.

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

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

JUL 19 2021

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

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

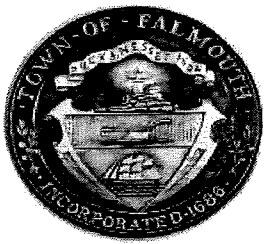
Application#052-21 Michael H. and Allison R. North, 15 Sunset Point Road, North Falmouth, Ma.:
Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. of the Code of Falmouth to remove existing deck at the rear of the garage, remodel and construct a second floor addition to the garage on subject property 15 Sunset Point Road, North Falmouth, Ma.

Map 04 Section 02B Parcel 000 Lot(s) 020

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, July 29, 2021 at 6:30PM *MEETING WILL BE HELD IN -PERSON***
You are invited to be present.

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

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

JUL 19 2021

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

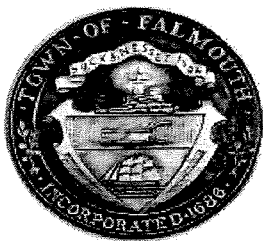
Application #049-21 Steven J. Mallett, 19 Colonial Drive, Mansfield, Ma.: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. and 240-69 E. of the Code of Falmouth to raze and rebuild a portion of the existing non-conforming dwelling on subject property known as 83 Chestnut Street, Teaticket, MA.

Map 39A Section 16 Parcel 000 Lot(s) 088

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, July 29, 2021 at 6:30PM *MEETING WILL BE HELD IN-PERSON***
You are invited to be present.

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

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

JUL 19 2021

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

Application #051-21 Abbies Realty LLC, 21 Wachusett Road, Wellesley, Ma.: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. and 240-69 E. of the Code of Falmouth to raze and reconstruct the pre-existing, non-conforming single family dwelling on subject property known as 13 Abbies Lane, North Falmouth, Ma.

Map 02A Section 10 Parcel 002 Lot(s) 053

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, July 29, 2021 at 6:30PM *MEETING WILL BE HELD IN -PERSON***
You are invited to be present.

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

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

JUL 9 2021

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM**

**Notice of License Application Pursuant to M. G. L. Chapter 91
Waterways License Application Number W21-6000
Leslie A. Wagner Caffyn**

NOTIFICATION DATE: July 16, 2021

Public notice is hereby given of the waterways application by Leslie A. Wagner Caffyn to modify, expand, and maintain an existing pier, ramp, float, and piles at 10 Popponeset Island Road in the municipality of Mashpee, in and over flowed tidelands of Popponeset Bay. The proposed project has been determined to be water-dependent.

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

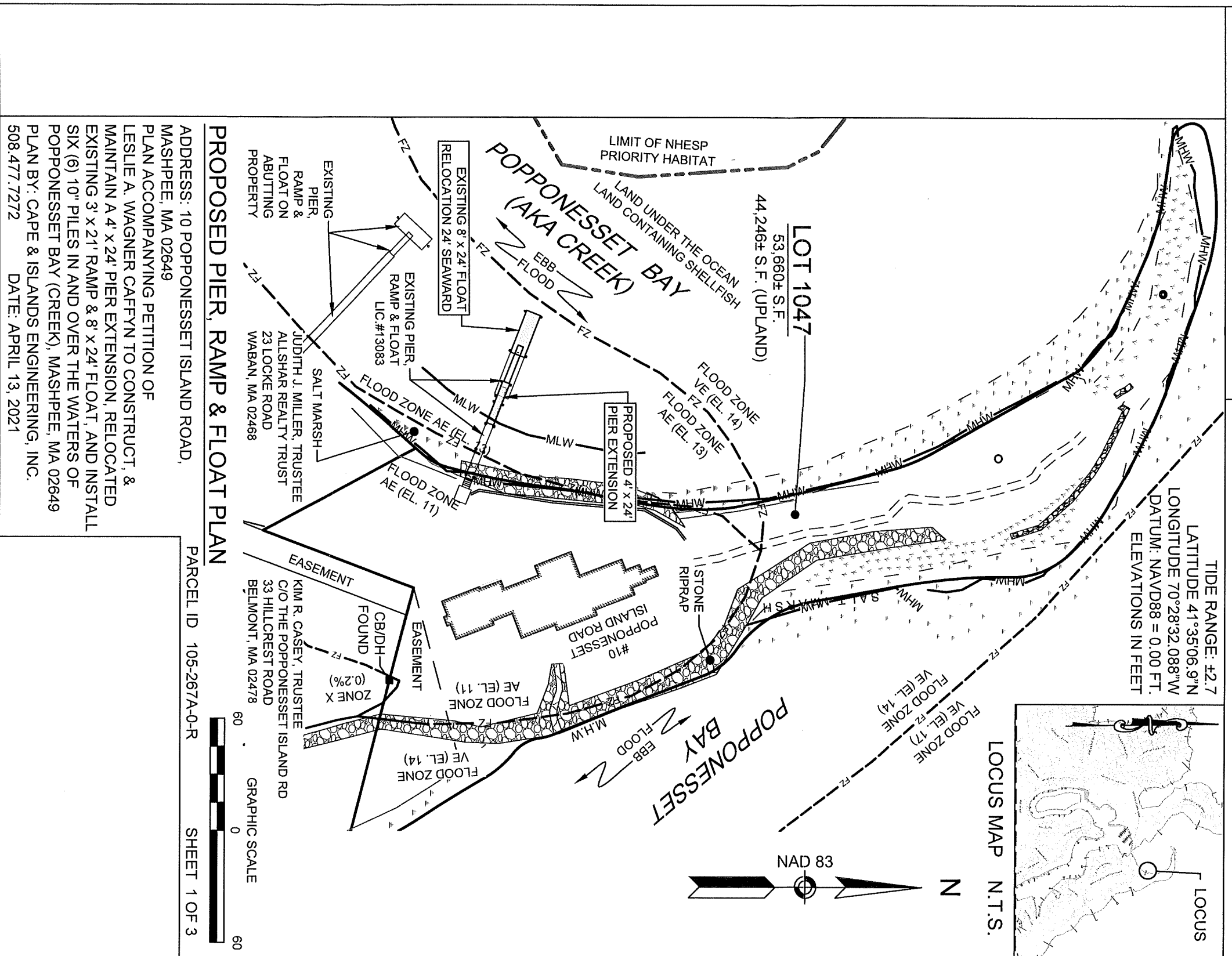
Additional information regarding this application, including plans and associated documents, may be obtained by contacting the Waterways Regulation Program at (508) 946-2707 or brendan.mullaney@mass.gov.

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

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

Raul Lizardi Rivera

RAUL LIZARDI RIVERA, P.E.



PROPOSED PIER, RAMP & FLOAT PLAN

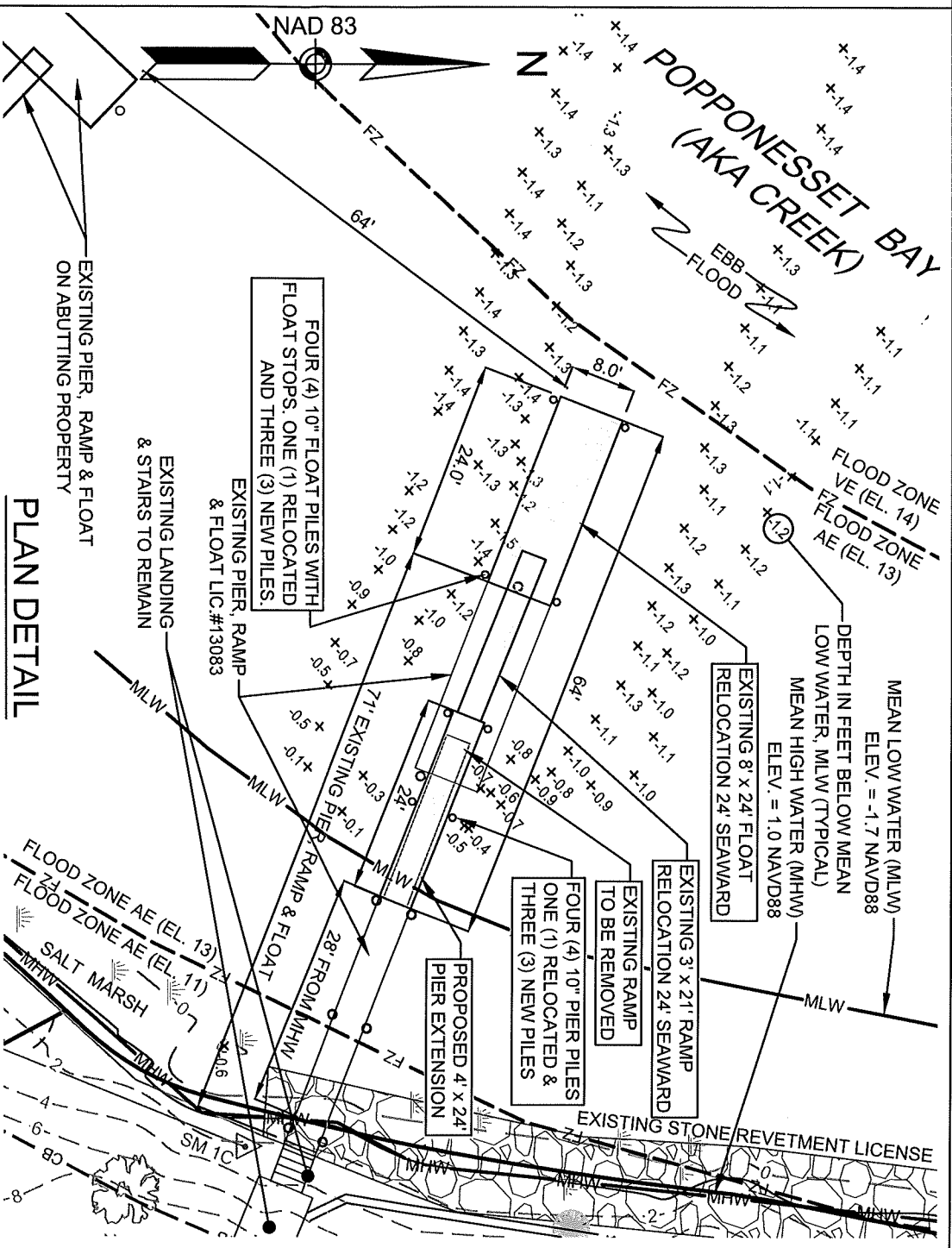
ADDRESS: 10 POPPONESSET ISLAND ROAD,
 MASHPEE, MA 02649
 PLAN ACCOMPANYING PETITION OF
 LESLIE A. WAGNER CAFFYN TO CONSTRUCT, &
 MAINTAIN A 4' X 24' PIER EXTENSION, RELOCATED
 EXISTING 3' X 21' RAMP & 8' X 24' FLOAT, AND INSTALL
 SIX (6) 10" PILES IN AND OVER THE WATERS OF
 POPPONESSET BAY (CREEK), MASHPEE,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

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

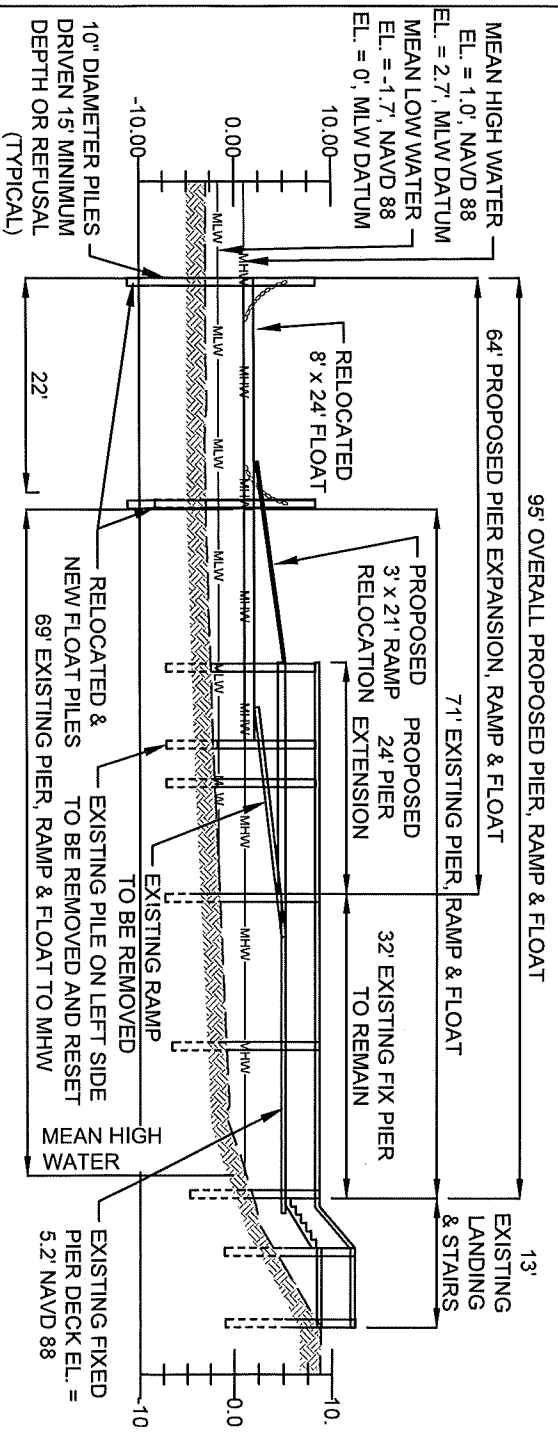
I HEREBY CERTIFY THAT THIS PLAN DOES CONFORM WITH THE REQUIREMENTS FOR RECORDING OF PLANS IN THE REGISTRY OF DEEDS.

Raul Lizardi-Rivera

RAUL LIZARDI RIVERA, P.E.

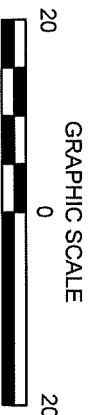


PLAN DETAIL



PROFILE

DATUM: NAVD88 = 0.00 FT.
ELEVATIONS IN FEET



PLAN & PROFILE

ADDRESS: 10 POPPONNESSET ISLAND ROAD, WASHPEE, MA 02649
PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
508.477.7272 DATE: APRIL 13, 2021

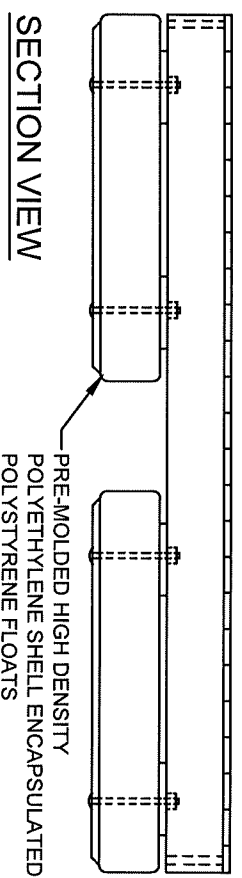
PARCEL ID 105-267A-0-R

SHEET 2 OF 3

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

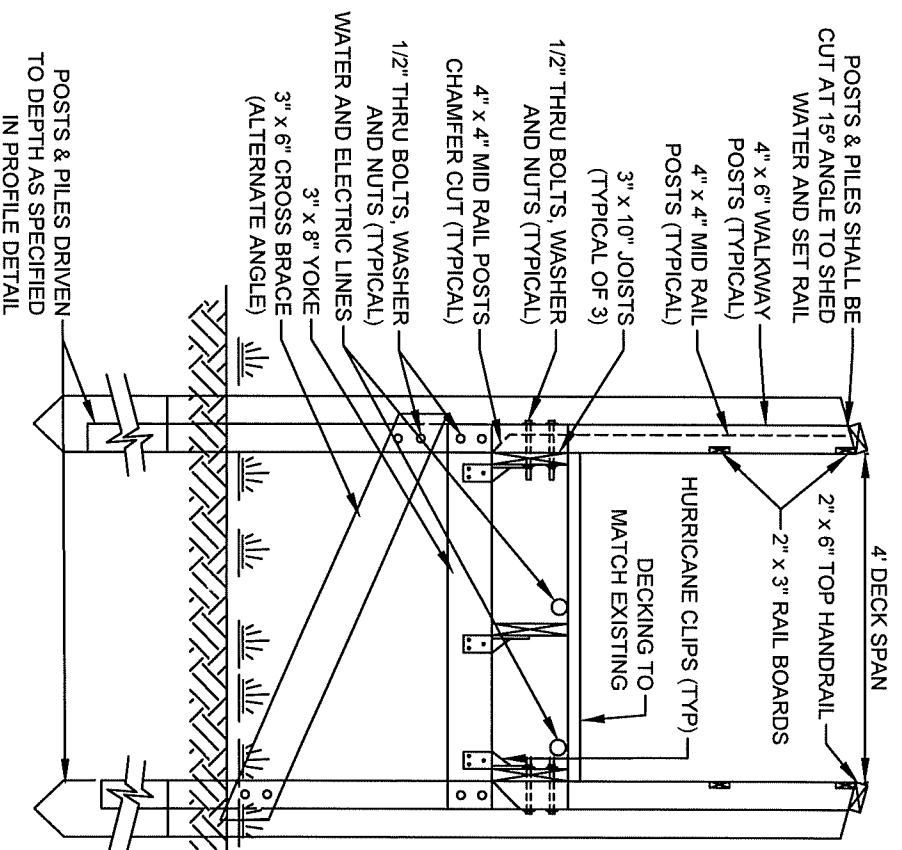
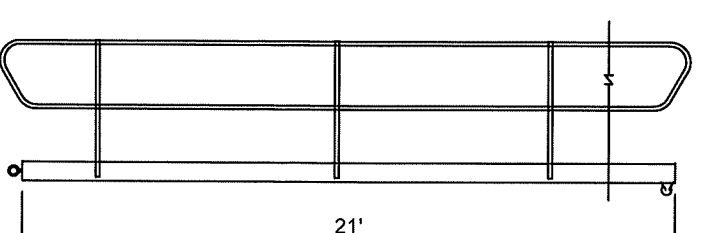
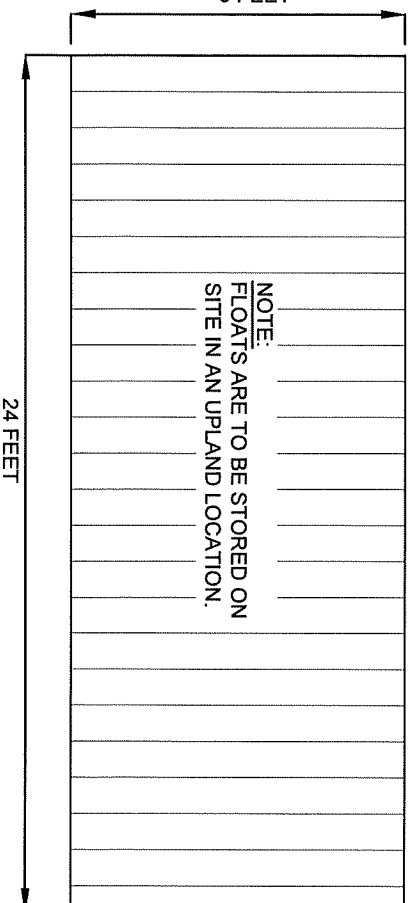
Raul Lizardi Rivera

RAUL LIZARDI RIVERA, P.E.



8 FEET

NOTE:
FLOATS ARE TO BE STORED ON
SITE IN AN UPLAND LOCATION.



ADDRESS: 10 POPPONNESSET ISLAND ROAD, WASHPEE, MA 02649
PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
508.477.7272 DATE: APRIL 13, 2021

PARCEL ID 105-267A-0-R

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

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

X288020
 Transmittal No.

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



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

A. Application Information (Check one)

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

| Name (Complete Application Sections) | Check One | Fee | Application # |
|--------------------------------------|--|-----------------|---------------|
| WATER-DEPENDENT - | | | |
| General (A-H) | <input checked="" type="checkbox"/> Residential with ≤ 4 units | \$215.00 | BRP WW01a |
| | <input type="checkbox"/> Other | \$330.00 | BRP WW01b |
| | <input type="checkbox"/> Extended Term | \$3,350.00 0 | BRP WW01c |
| Amendment (A-H) | <input type="checkbox"/> Residential with ≤ 4 units | \$100.00 | BRP WW03a |
| | <input type="checkbox"/> Other | \$125.00 | BRP WW03b |
| NONWATER-DEPENDENT - | | | |
| Full (A-H) | <input type="checkbox"/> Residential with ≤ 4 units | \$665.00 | BRP WW15a |
| | <input type="checkbox"/> Other | \$2,005.00 0 | BRP WW15b |
| | <input type="checkbox"/> Extended Term | \$3,350.00 0 | BRP WW15c |
| Partial (A-H) | <input type="checkbox"/> Residential with ≤ 4 units | \$665.00 | BRP WW14a |
| | <input type="checkbox"/> Other | \$2,005.00 0 | BRP WW14b |
| | <input type="checkbox"/> Extended Term | \$3,350.00 0 | BRP WW14c |
| Municipal Harbor Plan (A-H) | <input type="checkbox"/> Residential with ≤ 4 units | \$665.00 | BRP WW16a |
| | <input type="checkbox"/> Other | \$2,005.00 0 | BRP WW16b |
| | <input type="checkbox"/> Extended Term | \$3,350.00 0 | BRP WW16c |
| Joint MEPA/EIR (A-H) | <input type="checkbox"/> Residential with ≤ 4 units | \$665.00 | BRP WW17a |
| | <input type="checkbox"/> Other | \$2,005.00 0 | BRP WW17b |
| | <input type="checkbox"/> Extended Term | \$3,350.00 0 | BRP WW17c |
| Amendment (A-H) | <input type="checkbox"/> Residential with ≤ 4 units | \$530.00 | BRP WW03c |
| | <input type="checkbox"/> Other | \$1,000.00 0 | BRP WW03d |
| | <input type="checkbox"/> Extended Term | \$1,335.00 0 | BRP WW03e |

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

X288020
 Transmittal No.

B. Applicant Information Proposed Project/Use Information

1. Applicant:

Daniel Marie and Karen Joyce
 Name jean@capeeng.com
 E-mail Address
 419 Hendricks Isle
 Mailing Address
 Fort Lauderdale FL 33301
 City/Town State Zip Code
 477-7272 508-477-9072
 Telephone Number Fax Number

Note: Please refer to the "Instructions"

2. Authorized Agent (if any):

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

C. Proposed Project/Use Information

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

Same as above
 Owner Name (if different from applicant)
 106-30-0 41°35' 00.996" N 70° 27' 30.492" W
 Tax Assessor's Map and Parcel Numbers Latitude Longitude
 78 Popponeset Island Road, Mashpee MA 02649
 Street Address and City/Town State Zip Code

2. Registered Land Yes No

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

Popponeset Bay

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

| <u>Type</u> | <u>Nature</u> | <u>Designation</u> |
|--|---|---|
| <input type="checkbox"/> Nontidal river/stream | <input checked="" type="checkbox"/> Natural | <input type="checkbox"/> Area of Critical Environmental Concern |
| <input checked="" type="checkbox"/> Flowed tidelands | <input type="checkbox"/> Enlarged/dammed | <input type="checkbox"/> Designated Port Area |
| <input type="checkbox"/> Filled tidelands | <input type="checkbox"/> Uncertain | <input type="checkbox"/> Ocean Sanctuary |
| <input type="checkbox"/> Great Pond | | <input type="checkbox"/> Uncertain |
| <input type="checkbox"/> Uncertain | | |

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

X288020
 Transmittal No.

C. Proposed Project/Use Information (cont.)

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

5. Proposed Use/Activity description

The proposed work is to extend the existing licensed (License #3504) fixed pier by 33' seaward, install one new (1) ten-inch (10") pier pile, four (4) new twelve-inch (12") piles, remove existing ramp and relocate the existing 3' x 16' ramp to end of existing float. Also relocate the two (2) existing 6' x 18' and 6' x 20' licensed floats seaward, relocate the existing four (4) float piles. Remove and replace the existing rails and decking.

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

\$10,000.00

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

| | |
|---|------------------------------------|
| Lauren Marino, Popponesset Island, LLC. | 145 Center Street, Dover, MA 02030 |
| Name | Address |
| Donald R. Shapiro | 39 Sylvan Lane, Weston, MA 02193 |
| Name | Address |
| _____ | _____ |
| Name | Address |

D. Project Plans

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

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

2. Other State and Local Approvals/Certifications

- | | |
|--|------------------|
| <input type="checkbox"/> 401 Water Quality Certificate | _____ |
| | Date of Issuance |
| <input type="checkbox"/> Wetlands | 43-3127 |
| | File Number |
| <input type="checkbox"/> Jurisdictional Determination | JD- |
| | File Number |
| <input type="checkbox"/> MEPA | _____ |
| | File Number |
| <input type="checkbox"/> EOEA Secretary Certificate | _____ |
| | Date |
| <input type="checkbox"/> 21E Waste Site Cleanup | _____ |
| | RTN Number |

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E. Certification

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

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

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

 Applicant's signature

 Date

 Property Owner's signature (if different than applicant)

 Date

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

 Date

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N/A F. Waterways Dredging Addendum

1. Provide a description of the dredging project

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

N/A

Purpose of Dredging

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

N/A

3. What method will be used to dredge?

Hydraulic

Mechanical

Other

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

N/A

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

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G. Municipal Zoning Certificate

Daniel Marie and Karen Joyce

Name of Applicant

78 Popponesset Island Road

Project street address

Popponesset Bay

Waterway

Mashpee

City/Town

Description of use or change in use:

The proposed work is to extend the existing licensed (License #3504) fixed pier by 33' seaward, install one new (1) ten-inch (10") pier pile, four (4) new twelve-inch (12") piles, remove existing ramp and relocate the existing 3' x 16' ramp to end of existing float. Also relocate the two (2) existing 6' x 18' and 6' x 20' licensed floats seaward, relocate the existing four (4) float piles. Remove and replace the existing rails and decking.

To be completed by municipal clerk or appropriate municipal official:

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

David Morris

Printed Name of Municipal Official

Date

Signature of Municipal Official

Building Commissioner

Title

Mashpee

City/Town

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H. Municipal Planning Board Notification

Notice to Applicant:

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

Daniel Marie and Karen Joyce

Name of Applicant

78 Popponeset Island Road, Mashpee

Project street address

Popponeset Bay

Waterway

Mashpee

City/Town

Description of use or change in use:

The proposed work is to extend the existing licensed (License #3504) fixed pier by 33' seaward, install one new (1) ten-inch (10") pier pile, four (4) new twelve-inch (12") piles, remove existing ramp and relocate the existing 3' x 16' ramp to end of existing float. Also relocate the two (2) existing 6' x 18' and 6' x 20' licensed floats seaward, relocate the existing four (4) float piles. Remove and replace the existing rails and decking.

To be completed by municipal clerk or appropriate municipal official:

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

Deborah Dami

Printed Name of Municipal Official

July 2, 2021
Date

Deborah Dami

Signature of Municipal Official

Town Clerk

Title

Mashpee

City/Town

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

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H. Municipal Planning Board Notification

Notice to Applicant:

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

Daniel Marie and Karen Joyce
Name of Applicant
78 Popponeset Island Road, Mashpee
Project street address
Popponeset Bay
Waterway
Mashpee
City/Town

Description of use or change in use:

The proposed work is to extend the existing licensed (License #3504) fixed pier by 33' seaward, install one new (1) ten-inch (10") pier pile, four (4) new twelve-inch (12") piles, remove existing ramp and relocate the existing 3' x 16' ramp to end of existing float. Also relocate the two (2) existing 6' x 18' and 6' x 20' licensed floats seaward, relocate the existing four (4) float piles. Remove and replace the existing rails and decking.

To be completed by municipal clerk or appropriate municipal official:

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

Deborah Dami
Printed Name of Municipal Official
Date

Signature of Municipal Official
Town Clerk
Title
Mashpee
City/Town

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

Appendix A: License Plan Checklist

General View

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

Structures and Fill

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

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

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submitting them with their application.

Appendix A: License Plan Checklist (cont.)

Boundaries

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

Water-Dependent Structures

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

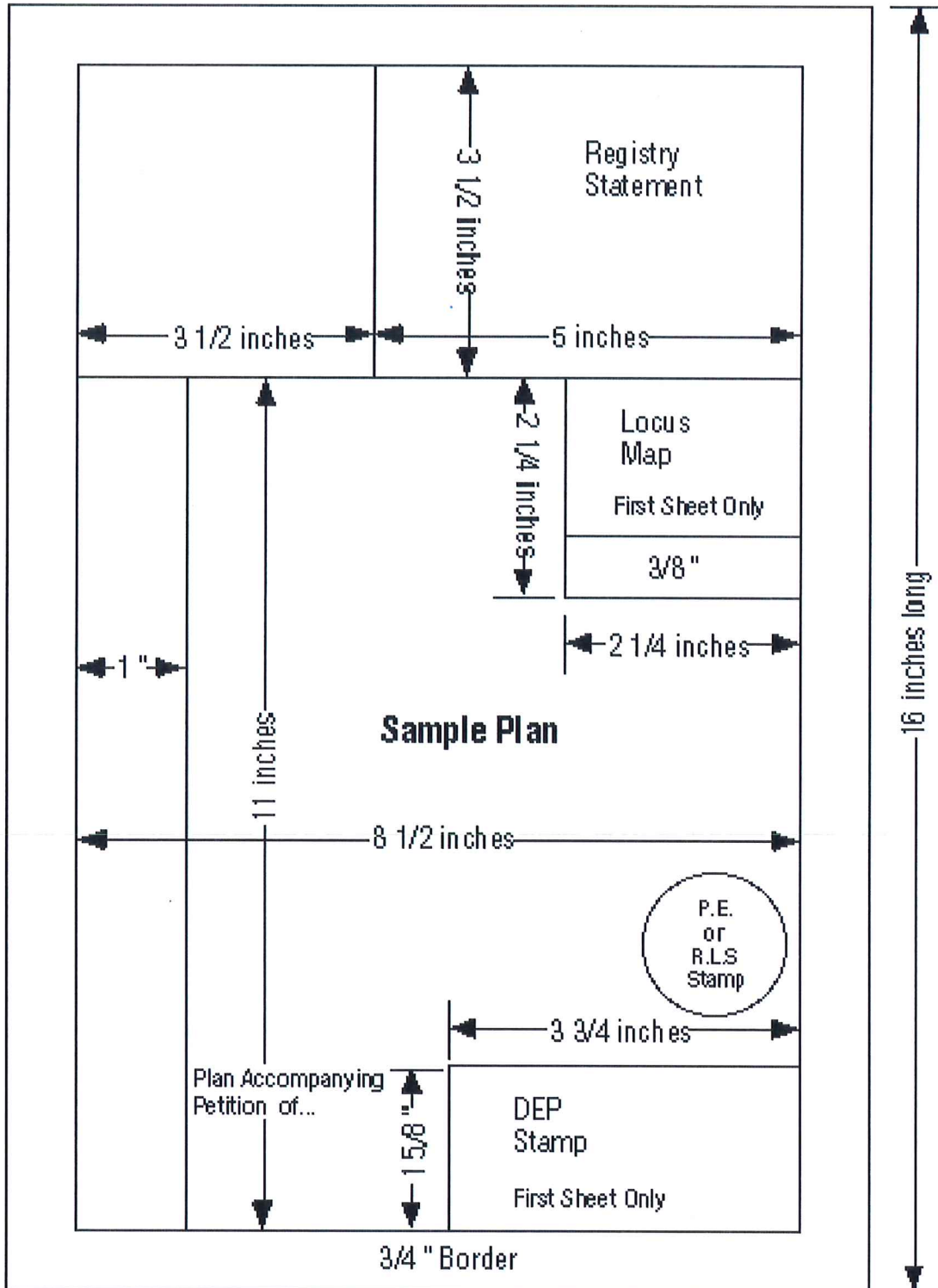
Non Water-Dependent Structures

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

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

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

Appendix A: License Plan Checklist Cont.



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N/A Appendix B: Dredging Permit Plan Checklist

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

N/A

General View

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

Plan View

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

Section Views

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

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

Appendix C: Application Completeness Checklist

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

- N/A**
- Proper Public Purpose:** For nonwater-dependent projects, a statement must be included that explains how the project serves a proper public purpose that provides greater benefit than detriment to public rights in tidelands or great ponds and the manner in which the project meets the applicable standards. If the project is a nonwater-dependent project located in the coastal zone, the statement should explain how the project complies with the standard governing consistency of the policies of the Massachusetts Coastal Zone Management Program, according to 310 CMR 9.54. If the project is located in an area covered by a Municipal Harbor Plan, the statement should describe how the project conforms to any applicable provisions of such plan pursuant to 310 CMR 9.34(2).
- Plans:** Prepared in accordance with the applicable instructions contained in Appendix A-B of this application. For initial filing, meet the requirements of 310 CMR 9.11(3)(b)(3).
- Applicant Certification:** All applications must be signed by "the landowner if other than the applicant. In lieu of the landowner's signature, the applicant may provide other evidence of legal authority to submit an application for the project site." If the project is entirely on land owned by the Commonwealth (e.g. most areas below the current low water mark in tidelands and below the historic high water mark of Great Ponds), you may simply state this in lieu of the "landowner's signature".
- Municipal Zoning Certification:** If required, applicants must submit a completed and signed Section E of this application by the municipal clerk or appropriate municipal official or, for the initial filing, an explanation of why the form is not included with the initial application. If the project is a public service project subject to zoning but will not require any municipal approvals, submit a certification to that effect pursuant to 310 CMR 9.34(1).
- Municipal Planning Board Notification:** Applicants must submit a copy of this application to the municipal planning board for the municipality where the project is located. Submittal of the complete application to DEP must include Section H signed by the municipal clerk, or appropriate municipal official for the town where the work is to be performed, except in the case of a proposed bridge, dam, or similar structure across a river, cove, or inlet, in which case it must be certified by every municipality into which the tidewater of said river, cove, or inlet extends.
- Final Order of Conditions:** A copy of one of the following three documents is required with the filing of a General Waterways Application: (1) the Final Order of Conditions (with accompanying plan) under the Wetlands Protection Act; (2) a final Determination of Applicability under that Act stating that an Order of Conditions is not required for the project; or (3) the Notice of Intent for the initial filing (if the project does not trigger review under MEPA).
- N/A**
- Massachusetts Environmental Protection Act (MEPA):** MGL 30, subsections 61-61A and 301 CMR 11.00, submit as appropriate: a copy of the Environmental Notification Form (ENF) and a Certificate of the Secretary of Environmental Affairs thereon, or a copy of the final Environmental Impact Report (EIR) and Certificate of the Secretary stating that it adequately and properly complies with MEPA; and any subsequent Notice of Project change and any determination issued thereon in accordance with MEPA. For the initial filing, only a copy of the ENF and the Certificate of the Secretary thereon must be submitted.

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

Appendix C: Application Completeness Checklist (cont.)

N/A

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

N/A

Projects involving dredging:

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

Filing your Completed General Waterways Application:

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

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

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

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

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

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

OVERVIEW

Introduction

CAPE & ISLANDS ENGINEERING, INC. has submitted this Chapter 91 – Waterways License application, on behalf of the Applicants, Daniel Marie and Karen Joyce, for property located at 78 Popponesset Island Road, Mashpee, MA. The proposed activities are listed below (please reference attached project plans).

The proposed work is to extend the existing licensed (License #3504) fixed pier structure by 47' seaward (total including ramp and floats), install one new (1) ten inch (10") pier pile, four (4) new twelve (12") piles, remove and relocate existing 3' x 16' ramp. Also remove and replace decking on the pier and ramps, relocate four (4) 10" piles and relocate two existing floats, a 6'x20' and a 6'x18' float.

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

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

BACKGROUND

Existing Conditions

The project site is located at 78 Popponesset Island Road, Mashpee, MA, a private residential waterfront property located adjacent to the waters of Popponesset Bay. The lot is occupied by an existing single-family dwelling; detached two-car garage, decks with stairs, rinse station; a/c and generator units, pool mechanics area, stone drive; walkways; licensed pier, ramp and float system (License #3504). The property also includes an existing in-ground swimming pool, spa, open pavilion, existing septic system; stockade fencing, planted bank; mulched areas; manicured lawn and plantings.

PROPOSED PROJECT

Scope of Work

The project site located at 78 Popponesset Island Road, Mashpee, MA adjacent to Popponesset Bay, a tidal coastal embayment that flows into Nantucket Sound. The proposed work is to extend the existing licensed (License #3504) fixed pier by 33' seaward, install one new (1) ten-inch (10") pier pile, four (4) new twelve-inch (12") piles, remove existing ramp and relocate the existing 3' x 16' ramp to end of existing float. Also relocate the two (2) existing 6' x 18' and 6' x 20' licensed floats seaward, relocate the existing four (4) float piles. Remove and replace the existing rails and decking.

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

Resource Areas

The resource areas on or within 100 feet of the site have been identified. Adjacent resource areas include Land under the Ocean (Popponesset Bay), Land Containing Shellfish; Coastal Bank; Land Subject Coastal Storm Flowage (LSCSF); Coastal Beach (CB); Coastal Dune (CD) and Salt Marsh (SM).

The resources areas were marked and located by an on the ground survey. The resource area boundaries are marked onsite and are shown as Salt Marsh. Coastal Dune flags D-1 to D-5, Top of Coastal Bank and Coastal Beach are marked onsite and is shown on the plan of reference.

APPLICABLE PERFORMANCE STANDARDS

Land Subject to Coastal Storm Flowage (LSCSF)

Land Subject to Coastal Storm Flowage is low lying land which lies in a flood hazard zone, as delineated by FEMA maps. A flood zone delineates the land area which will be inundated by a 100-year storm event. The property is surrounded by water on three sides. A portion of the property is in FEMA Flood Zone Velocity Zone, VE (EL. 14), also within AE (EL.11) and a portion within the minimal hazard Zone X (0.2%) as shown on the FEMA Flood Insurance Rate Map No. 25001C0754J dated July 16, 2014. Flood Zone Elevations shown are based on NAVD 1988. The property is located within Land Subject to Coastal Storm Flowage.

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

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

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

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

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

The proposed project is in and over the waters of Popponesset Bay. No work is proposed within Land Subject to Coastal Storm Flowage.

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

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

Coastal Bank

The resource area known as "Coastal Bank" (CB) is located, as identified on the project plans and has been flagged in the field. The Coastal Bank is vegetated and non-eroding and are not a sediment supply source.

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

"A. Definition: A Coastal Bank means the seaward face or side of any elevated landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to tidal action or storm flooding, or other wetland. Any minor discontinuity of the slope notwithstanding, the top (uppermost boundary) of the coastal bank shall be defined as per descriptions/definitions/illustrations as appear in **Wetlands Protection Program Policy**

92-1 (Definition and Delineation Criteria for Coastal Bank, issued on March 3, 1992 by DEP's Division of Wetlands and Waterways), but with the following exceptions:

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

The Coastal Bank at this location is a combination of man-made revetment and retaining structures and naturally sloping land. The slope above the top of the bank does not continue at grades greater than 10%; therefore, the 1 foot higher for top of bank designation does not apply in these areas. The bank has been delineated and shown in accordance with the above standard.

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

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

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

No work is proposed on or within the Coastal Bank.

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

Salt Marsh

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

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

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

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

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

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

The proposed project meets or exceeds these performance standards. The proposed project activities will not induce any impairment of the Salt Marsh's functional characteristics.

Land Under the Ocean

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

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

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

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

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

The proposed work that will occur within Land Under the Ocean will be the relocation of four (4) licensed pilings and installation of one new (1) ten inch (10") pier pile and four (4) new twelve inch (12") piles. All piles will be driven into the substrate of Popponesset Bay by a small crane from a barge. The barge will only operate during periods of two (2) hours before and two (2) hours after high tide for the set of piles located closest to shore.

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

Land Containing Shellfish

The resource area referred to as "Land Containing Shellfish" is the area of land under the body of water known as Popponesset Bay, as shown on attached site plan.

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

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

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

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

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

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

- (a) alterations of water circulation;
- (b) alterations in relief elevation;
- (c) the compacting of sediment by vehicular traffic;
- (d) alterations in the distribution of sediment grain size;
- (e) alterations in natural drainage from adjacent land; or

(f) changes in water quality, including, but not limited to, other than natural fluctuations in the levels of salinity, dissolved oxygen, nutrients, temperature or turbidity, or the addition of pollutants.

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

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

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

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

The proposed work is within an area presumed to be significant to Land Containing Shellfish and Shellfish habitat. The proposed work that will occur within Land Under the Ocean will be the relocation of four (4) licensed 10" piles and installation of one new (1) ten inch (10") pier pile, four (4) new twelve inch (12") piles. All piles will be driven into the substrate of Popponesset Bay by a small crane from a barge. The barge will only operate during periods of two (2) hours before and two (2) hours after high tide for the set of piles located closest to shore. The proposed relocated float will be in water with approximately 2.0 +/- feet to 2.2 +/- feet of depth at Mean Low Water (current float location only provides 1.4 +/- feet to 1.6 +/- feet of water depth).

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

Estimated Habitat and Protected Species

The Massachusetts Natural Heritage Atlas of Estimated Habitats of Rare Wetland Wildlife, Certified Vernal Pools and High Priority Sites of Rare Species dated, August 1, 2017, indicates that there are protected species or rare communities on a portion of the property.

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

There is two (2) 10" (1.09 sq. ft. total) float piles being relocated within area mapped as Estimated Habitat and Protected Species. A MESA Project Review Checklist has been submitted to NHESP.

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

Area of Critical Environmental Concern (ACEC)

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

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

Order of Conditions

DEP File #043-3127

LOT 940 PLAN 11468-77 DEED # 116723

The Commonwealth of Massachusetts

No. 3504



Whereas, Mindy and Stanley Wachtenheim

of Mashpee, in the County of Barnstable and Commonwealth aforesaid, has applied to the Department of Environmental Protection for license to construct and maintain a pier, ramp and floats-----

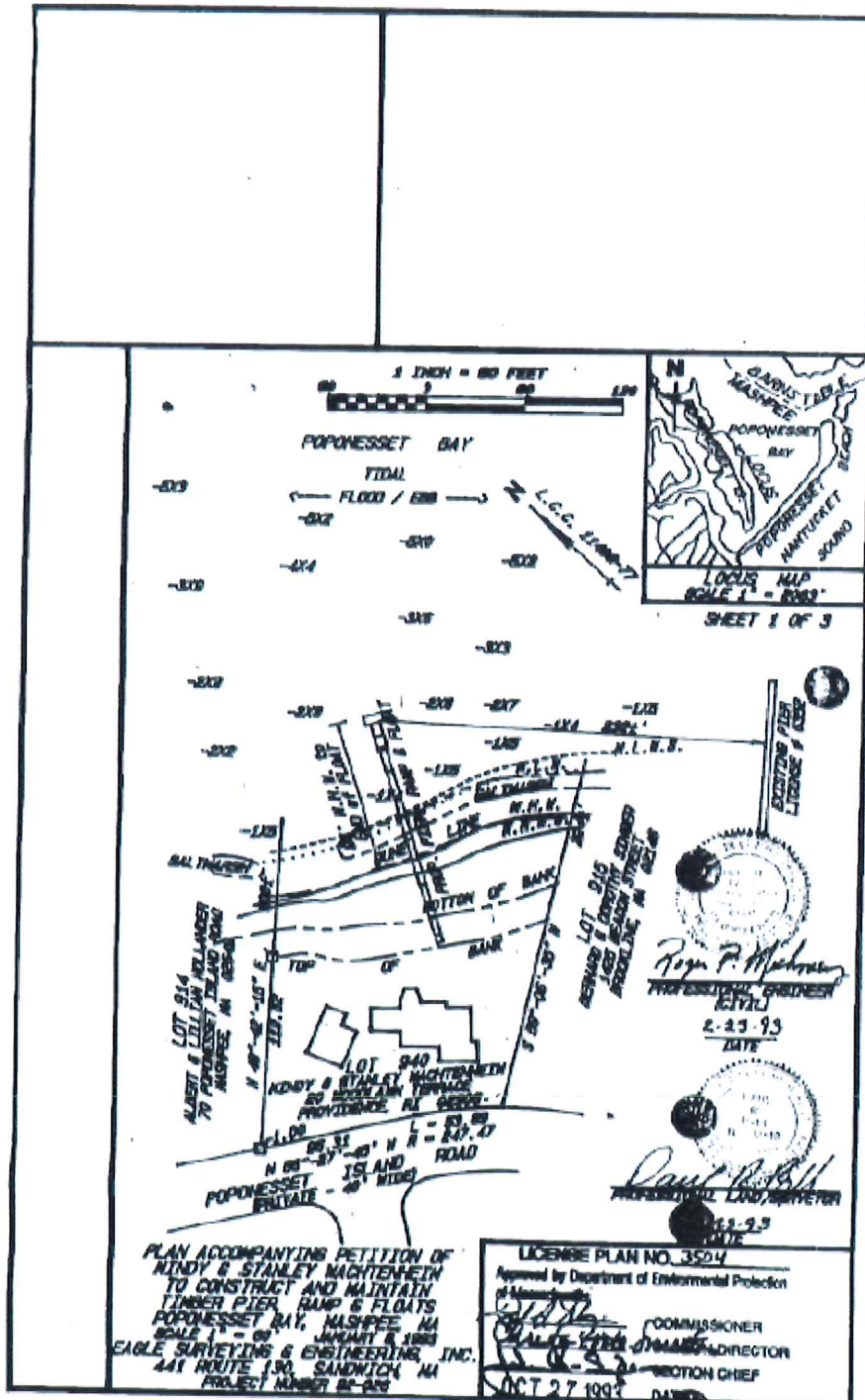
and has submitted plans of the same; and whereas due notice of said application, ~~and of the time and place fixed for a hearing thereon,~~ has been given, as required by law, to the Board of Selectmen of the Town of Mashpee.-----

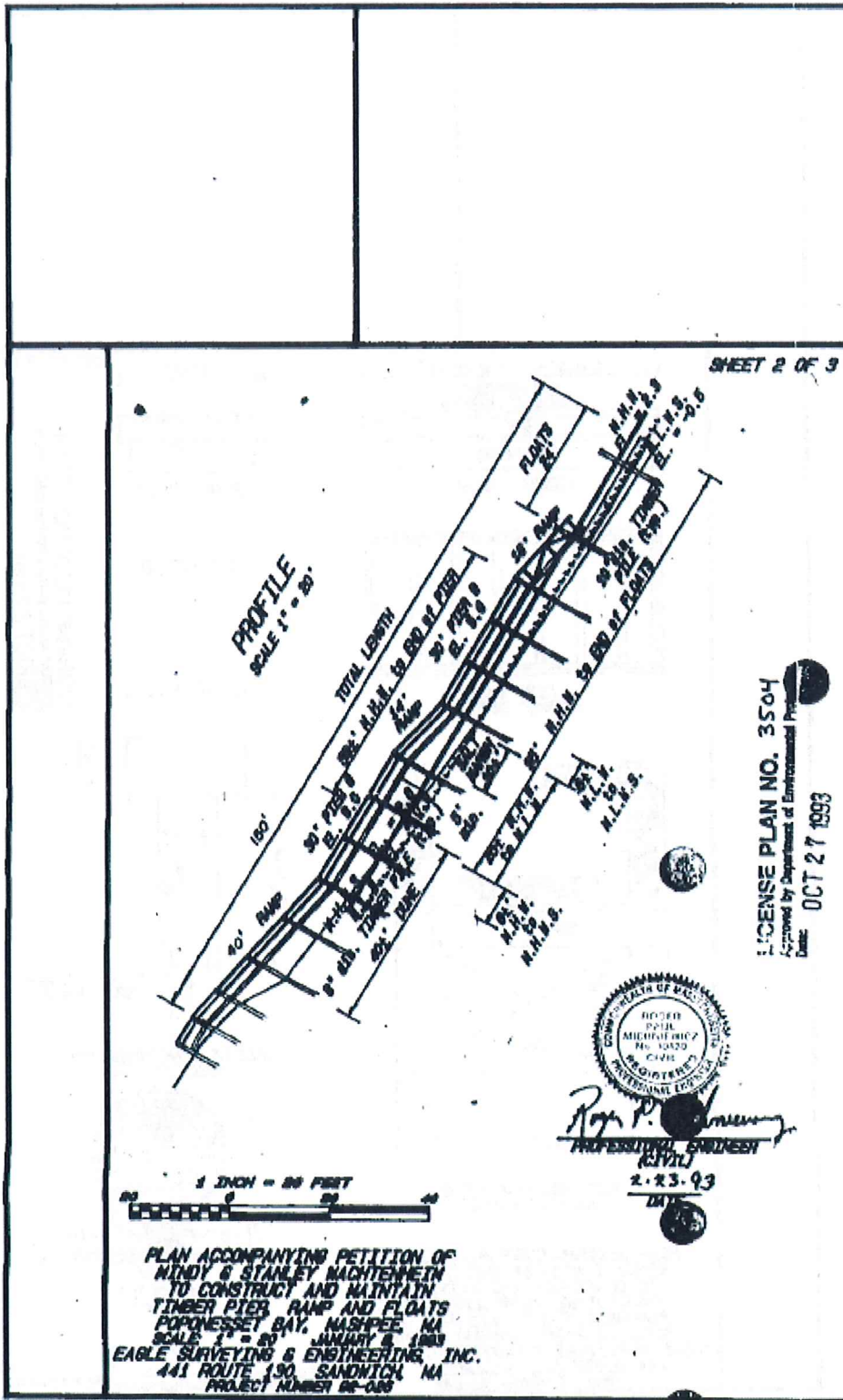
NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said-----

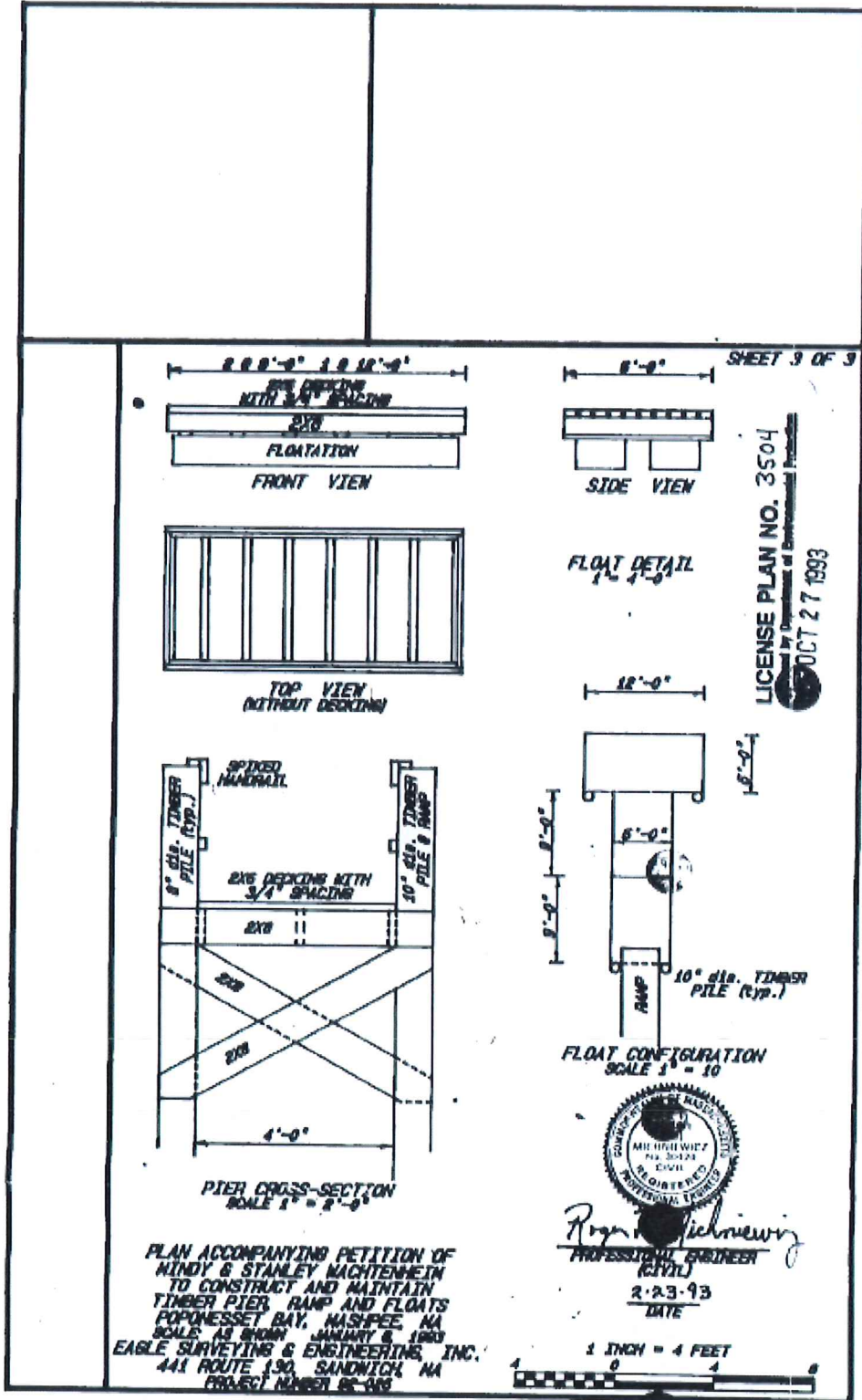
Mindy and Stanley Wachtenheim, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to construct and maintain a pier, ramp and floats-----

in and over the waters of Popponesset Bay in the Town of Mashpee and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 3504, (3 sheets).

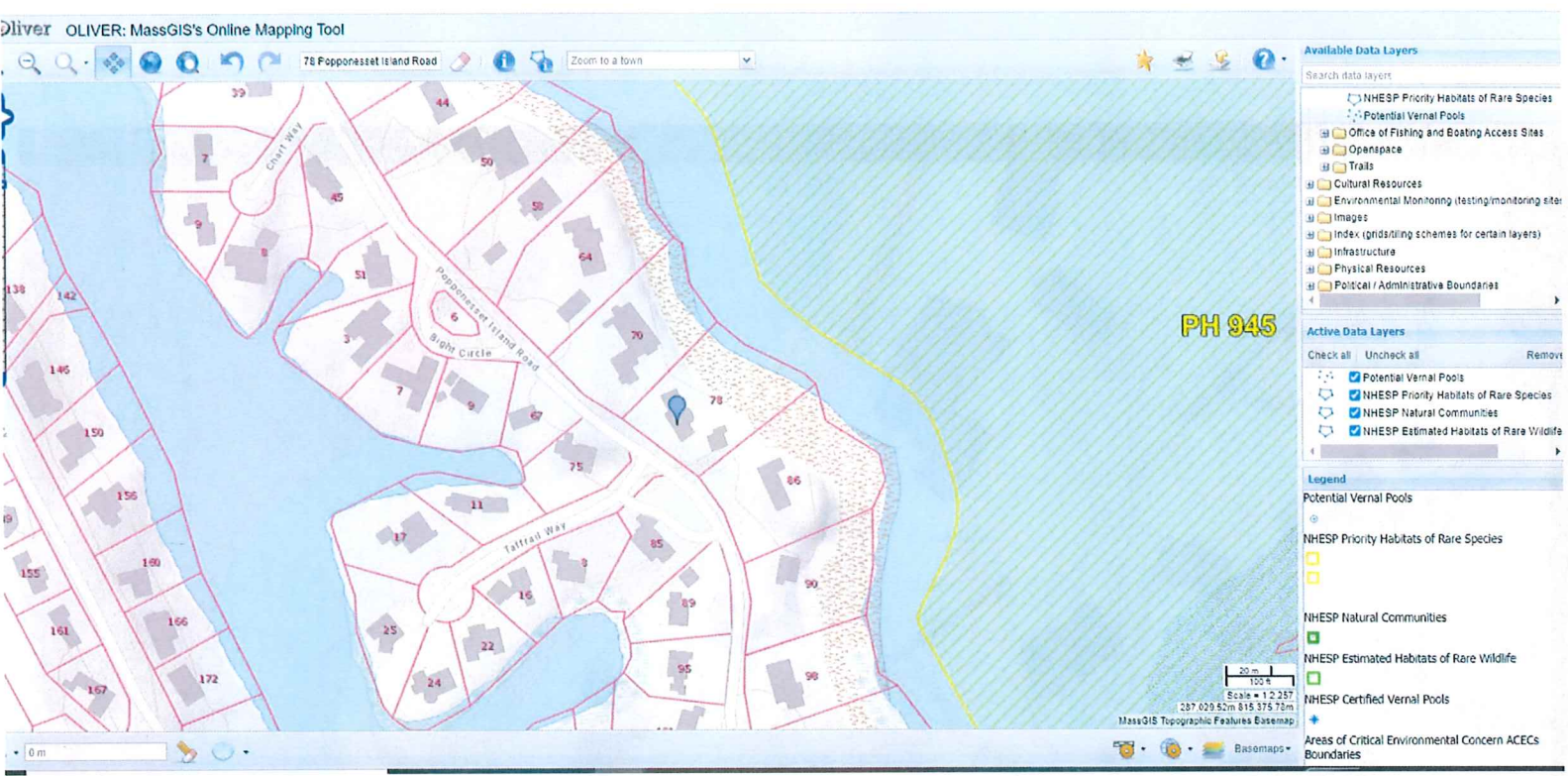
Mindy and Stanley Wachtenheim PRINTED ON RECYCLED PAPER



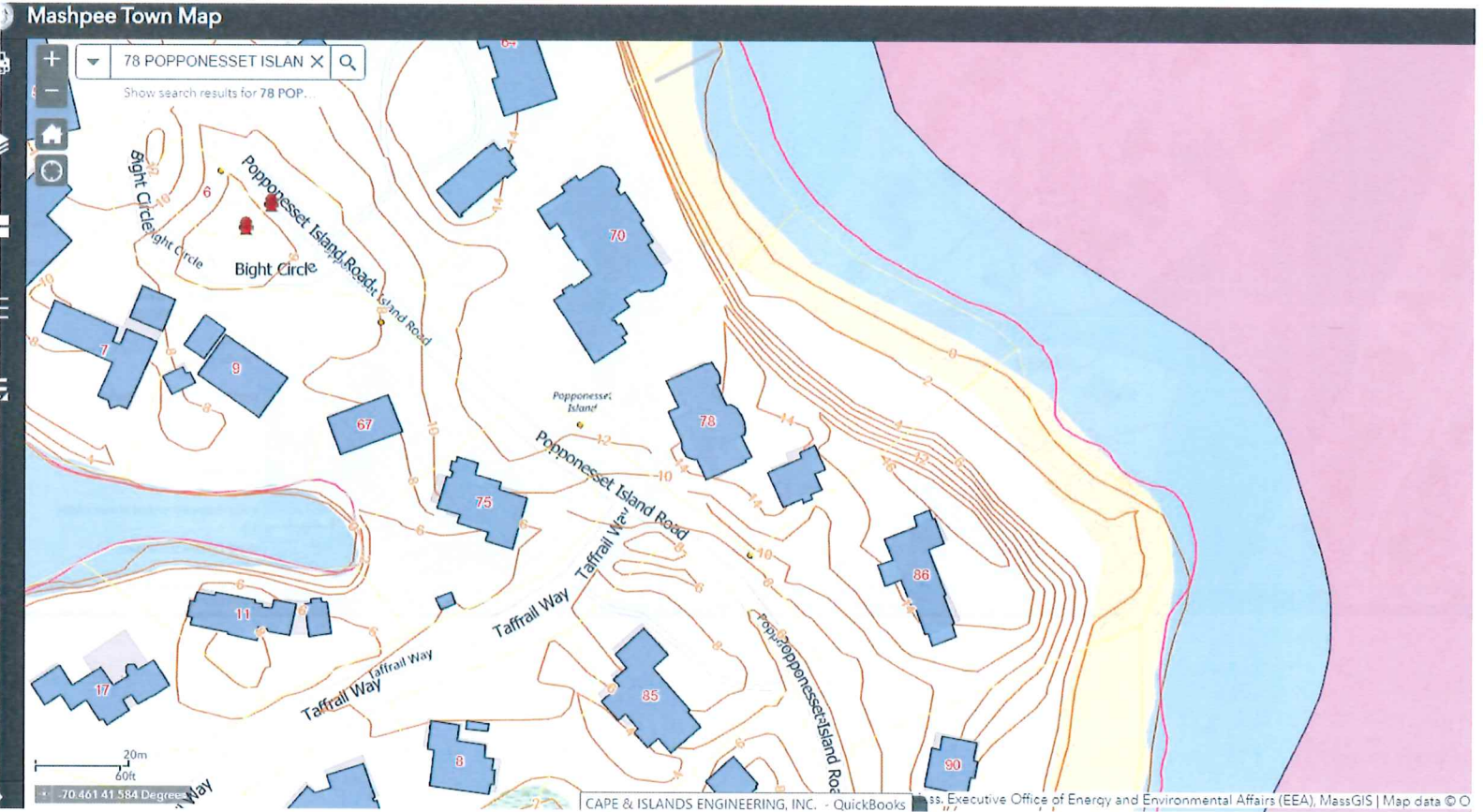




ACEC / Natural Heritage Endangered Species Map



Mashpee GIS Map



Google Earth



Directions to Site

Daniel Marie and Karen Joyce
78 Popponeset Island Road
Mashpee, MA

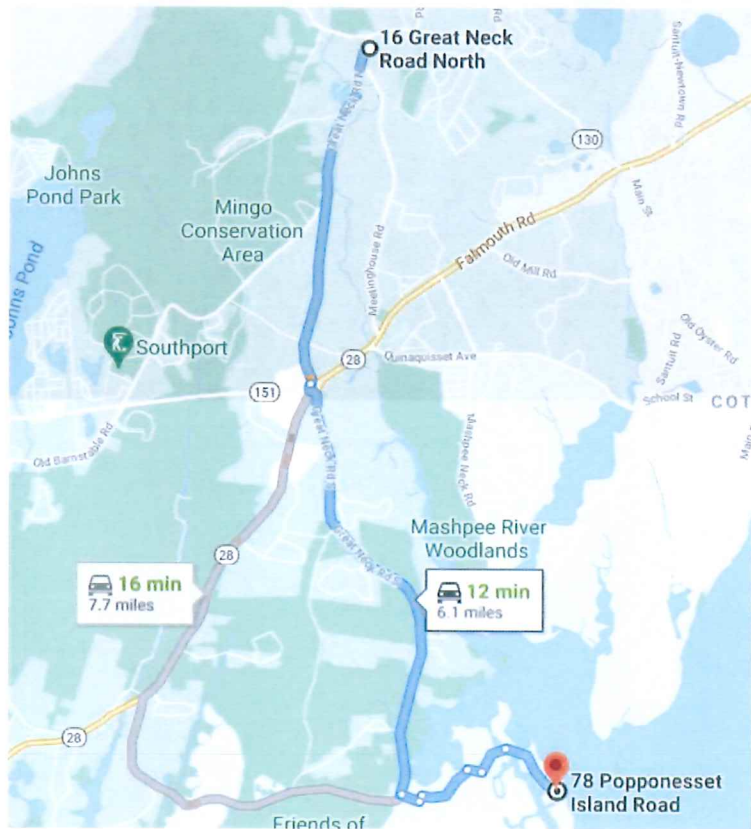
(4.7 miles)

START: 16 Great Neck Rd N
16 Great Neck Rd N
Mashpee, MA 02649

Follow Great Neck Rd N to Red Brook Rd
8 min (4.9 mi)

Take Summersea Rd and Daniels Island
Popponeset Island Rd
4 min (1.3 mi)

78 Popponeset Island Rd
Mashpee, MA 02649



Rd to

MASS GIS Topo Map

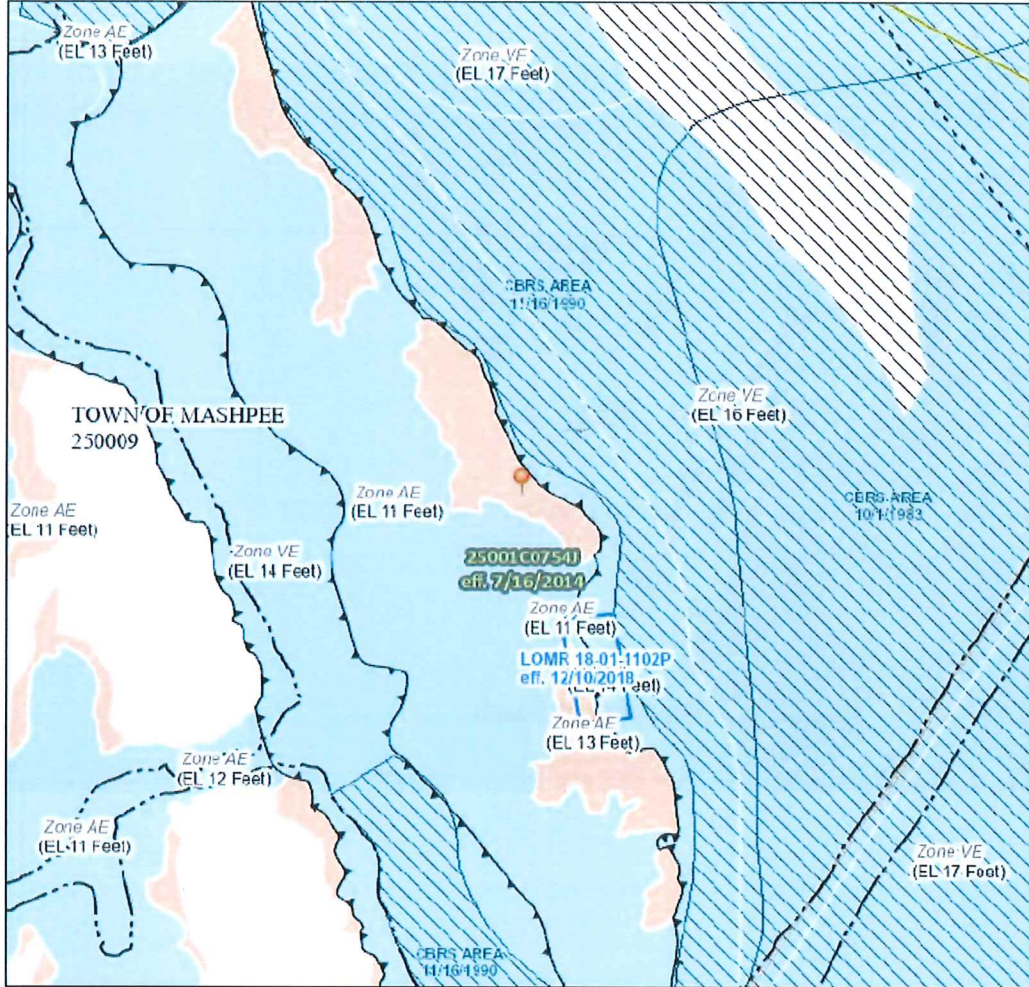


FEMA Flood Map

National Flood Hazard Layer FIRMette



70°27'50"W 41°35'14"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000
 Basemap: USGS National Map: Orthoimagery; Data refreshed October, 2020

Legend

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

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future conditions 1% Annual chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes, Zone X
- Area with Flood Risk due to Levee Zone G

OTHER AREAS

- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone I

GENERAL STRUCTURES

- Channel, culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

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

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

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

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/17/2022 at 7:43 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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

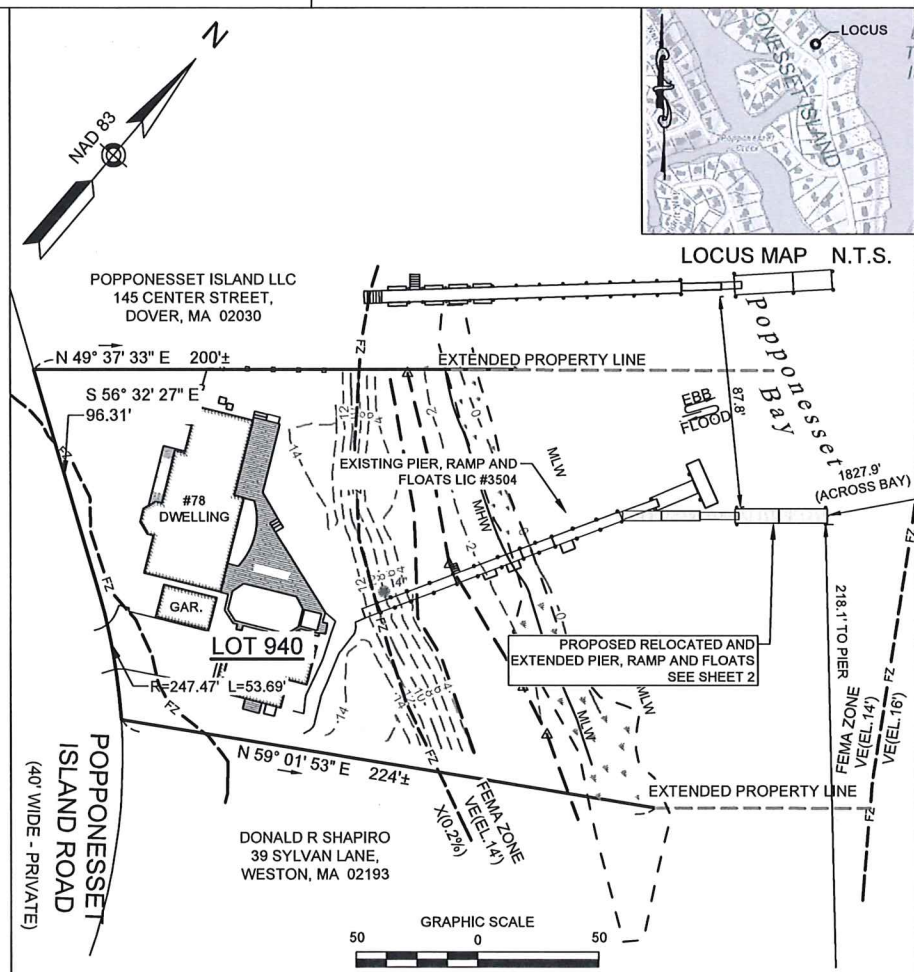
Photographs



Plan of Reference

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

MARK DIBB, P.E.



PROPOSED PIER EXTENSION AND RAMP & FLOAT RELOCATION PLAN

PARCEL ADDRESS: 78 POPPONNESSET ISLAND ROAD, MASHPEE, MA PLAN ACCOMPANYING PETITION OF

DANIEL R. MARIE & KAREN S. JOYCE

TO CONSTRUCT, & MAINTAIN A PIER, PILES, RAMP AND FLOATS IN AND OVER THE WATERS OF POPPONNESSET BAY, MASHPEE, MASSACHUSETTS

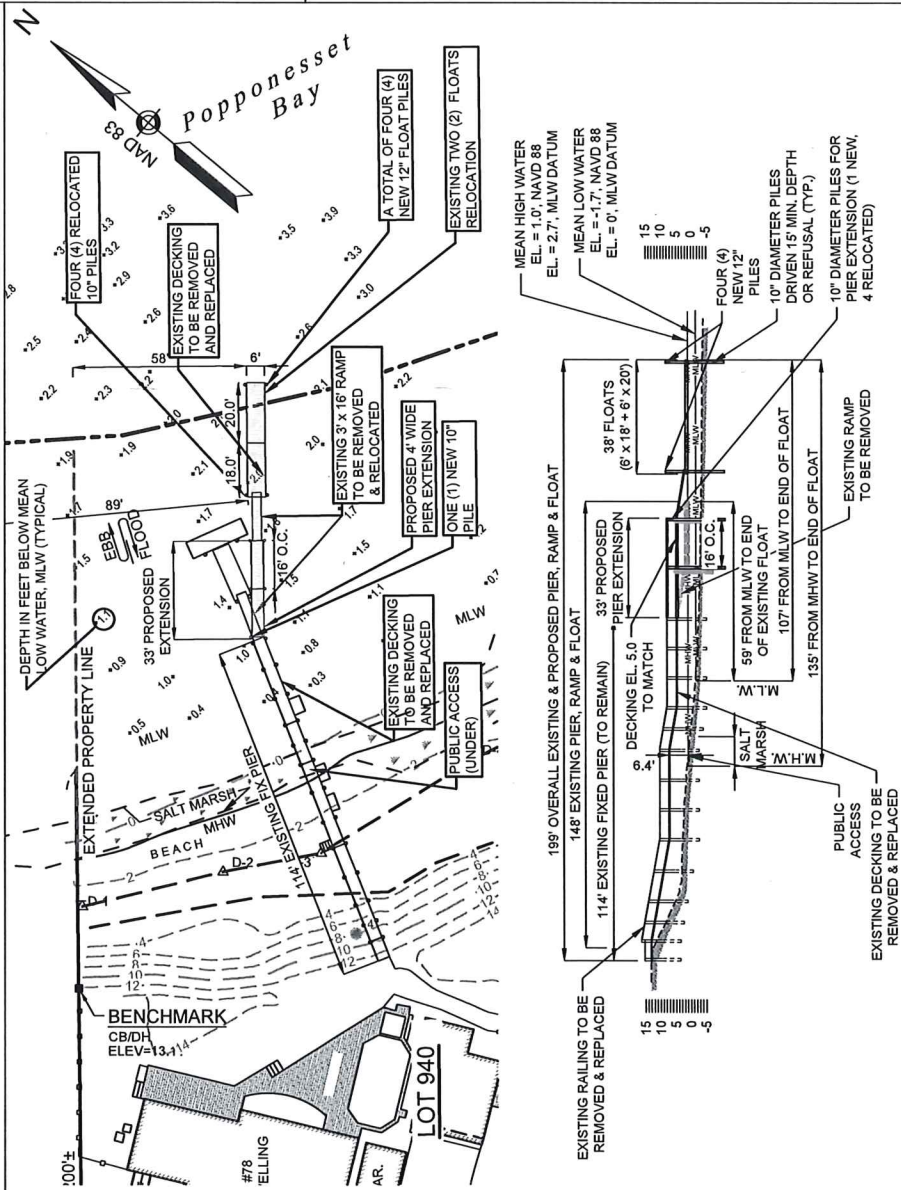
PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
508.477.7272 DATE: JUNE 16, 2021

TIDE RANGE: ±2.7
LATITUDE: 41°45'00.52"
LONGITUDE: 70°27'31.37"
DATUM: NAVD = 0.00 FT.
ELEVATIONS IN FEET

PARCEL ID MAP 106 PARCEL 30 SHEET 1 OF 4

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

MARK DIBB, P.E.



PROPOSED PROFILE



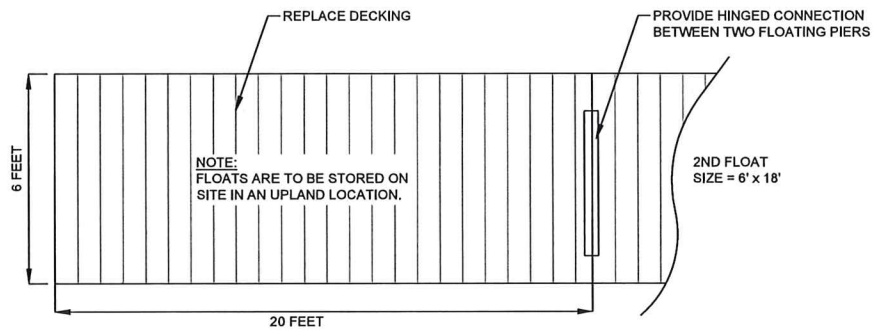
PARCEL ADDRESS: 78 POPPONNESSET ISLAND ROAD, MASHPEE, MA
 PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
 508.477.7272 DATE: JUNE 16, 2021

DATUM: NAVD = 0.00 FT.
 ELEVATIONS IN FEET

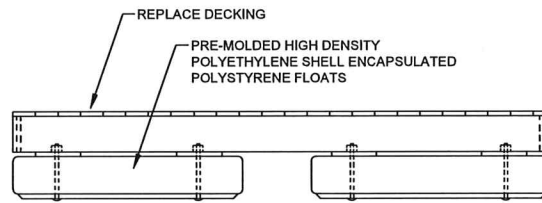
PARCEL ID MAP 106 PARCEL 30 SHEET 2 OF 4

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

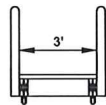
MARK DIBB, P.E.



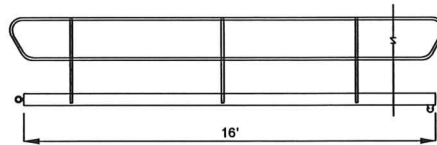
PLAN VIEW



SECTION VIEW



SECTION VIEW

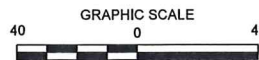


PROFILE VIEW

EXISTING RAMP DETAIL

NOT TO SCALE

FLOAT DETAILS



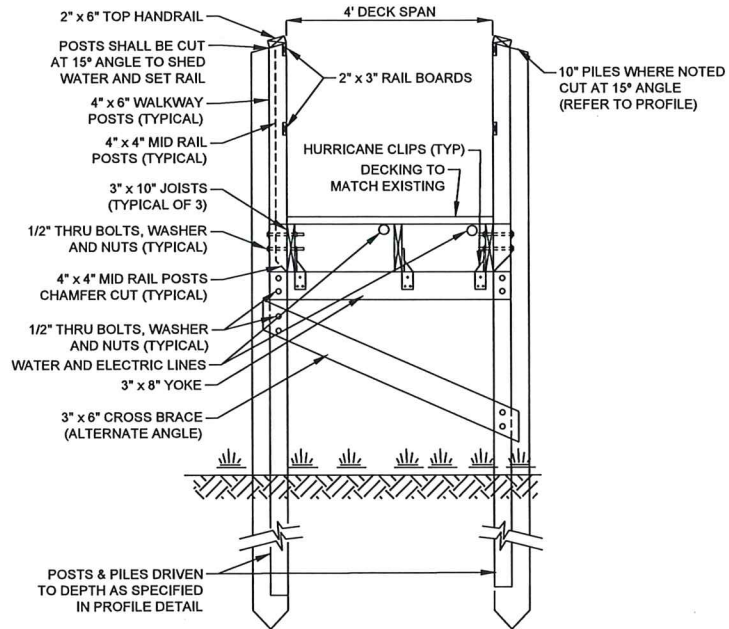
PARCEL ADDRESS: 78 POPPONSETT ISLAND ROAD, MASHPEE, MA
PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
508.477.7272 DATE: JUNE 16, 2021

DATUM: NAVD = 0.00 FT.
ELEVATIONS IN FEET

PARCEL ID MAP 106 PARCEL 30 SHEET 3 OF 4

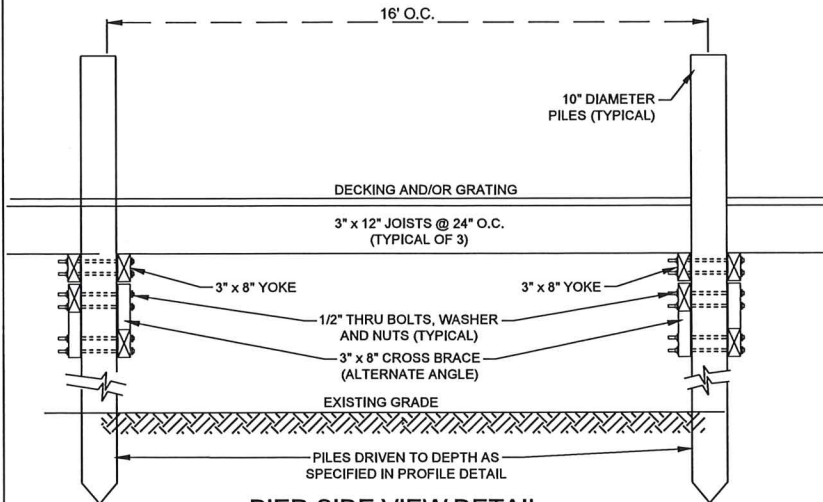
I HEREBY CERTIFY THAT THIS PLAN DOES CONFORM WITH THE REQUIREMENTS FOR RECORDING OF PLANS IN THE REGISTRY OF DEEDS.

MARK DIBB, P.E.



PIER SECTION DETAIL

NOT TO SCALE



PIER SIDE VIEW DETAIL

NOT TO SCALE

BENT SECTION

PARCEL ADDRESS: 78 POPPONSETT ISLAND ROAD, MASHPEE, MA
 PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
 508.477.7272 DATE: JUNE 16, 2021

DATUM: NAVD = 0.00 FT.
 ELEVATIONS IN FEET

PARCEL ID MAP 106 PARCEL 30 SHEET 4 OF 4

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM**

JUL 12 2021

**Notice of License Application Pursuant to M. G. L. Chapter 91
Waterways License Application Number W21-5998
The 134 Popponeset Island Realty Trust**

NOTIFICATION DATE: July 16, 2021

Public notice is hereby given of the waterways application by The 134 Popponeset Island Realty Trust to expand and maintain a float and install a jet ski float at 134 Popponeset Island Road in the municipality of Mashpee, in and over flowed tidelands of Popponeset Bay. The proposed project has been determined to be water-dependent.

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

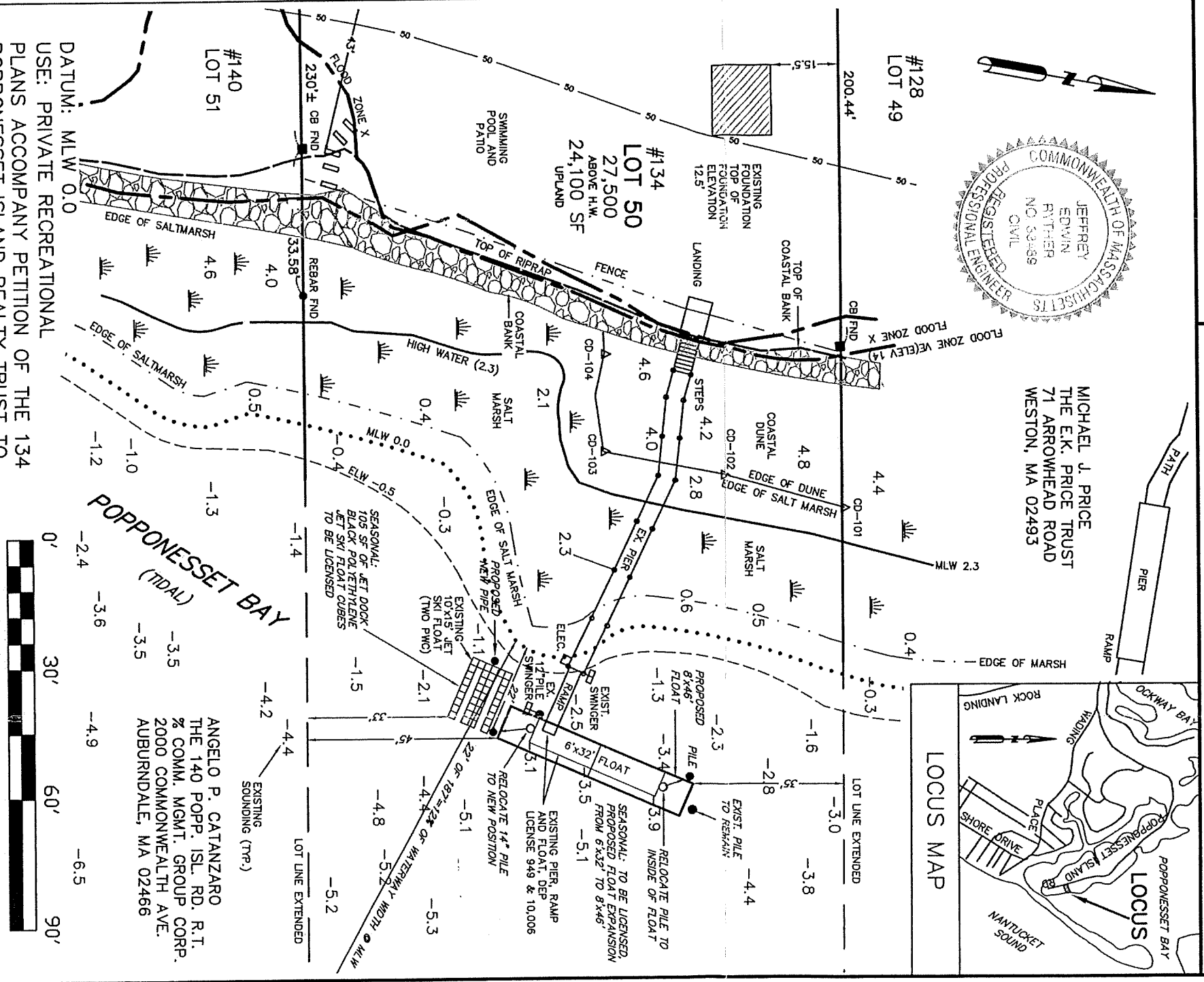
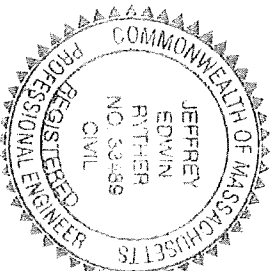
Additional information regarding this application, including plans and associated documents, may be obtained by contacting the Waterways Regulation Program at (508) 946-2707 or brendan.mullaney@mass.gov.

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

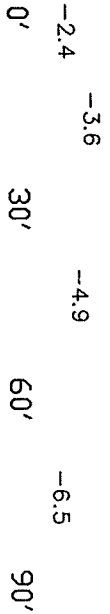
I CERTIFY THAT THIS PLAN WAS MADE
IN ACCORDANCE WITH THE RULES AND
REGULATIONS OF THE REGISTERS OF DEEDS.

3/2/21
Michael J. Price
REGISTERED PROFESSIONAL
CIVIL ENGINEER

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



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



DATUM: MLW 0.0
USE: PRIVATE RECREATIONAL
PLANS ACCOMPANY PETITION OF THE 134
POPPONESSET ISLAND REALTY TRUST TO
LICENSE & MAINTAIN A NEW 8'x46' FLOAT
AND AN EXIST. 10'x15' JET SKI FLOAT AT
134 POPPONESSET ISLAND ROAD IN THE
WATERS OF POPPONESSET BAY, MASHPEE,
BARNSTABLE COUNTY, MASSACHUSETTS

PLAN BY: BSS DESIGN
164 KATH, LEE BATES RD. SHEET 1 OF 1
FALMOUTH, MA 02540 MAR. 2, 2021

12-62d

DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM

JUL 19 2021

Notice of License Application Pursuant to M. G. L. Chapter 91
Waterways License Application Number W21-5999
Frederic W. Blythe

NOTIFICATION DATE: July 16, 2021

Public notice is hereby given of the waterways application by Frederic W. Blythe to maintain a pier, ramp, float, and stairs at 228 Wading Place Road in the municipality of Mashpee, in and over flowed tidelands of Popponesset Creek. The proposed project has been determined to be water-dependent.

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

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

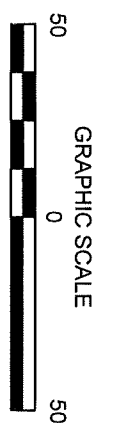
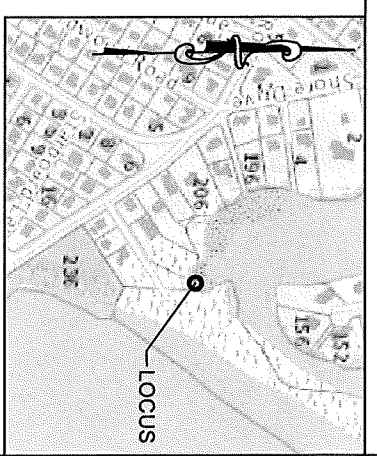
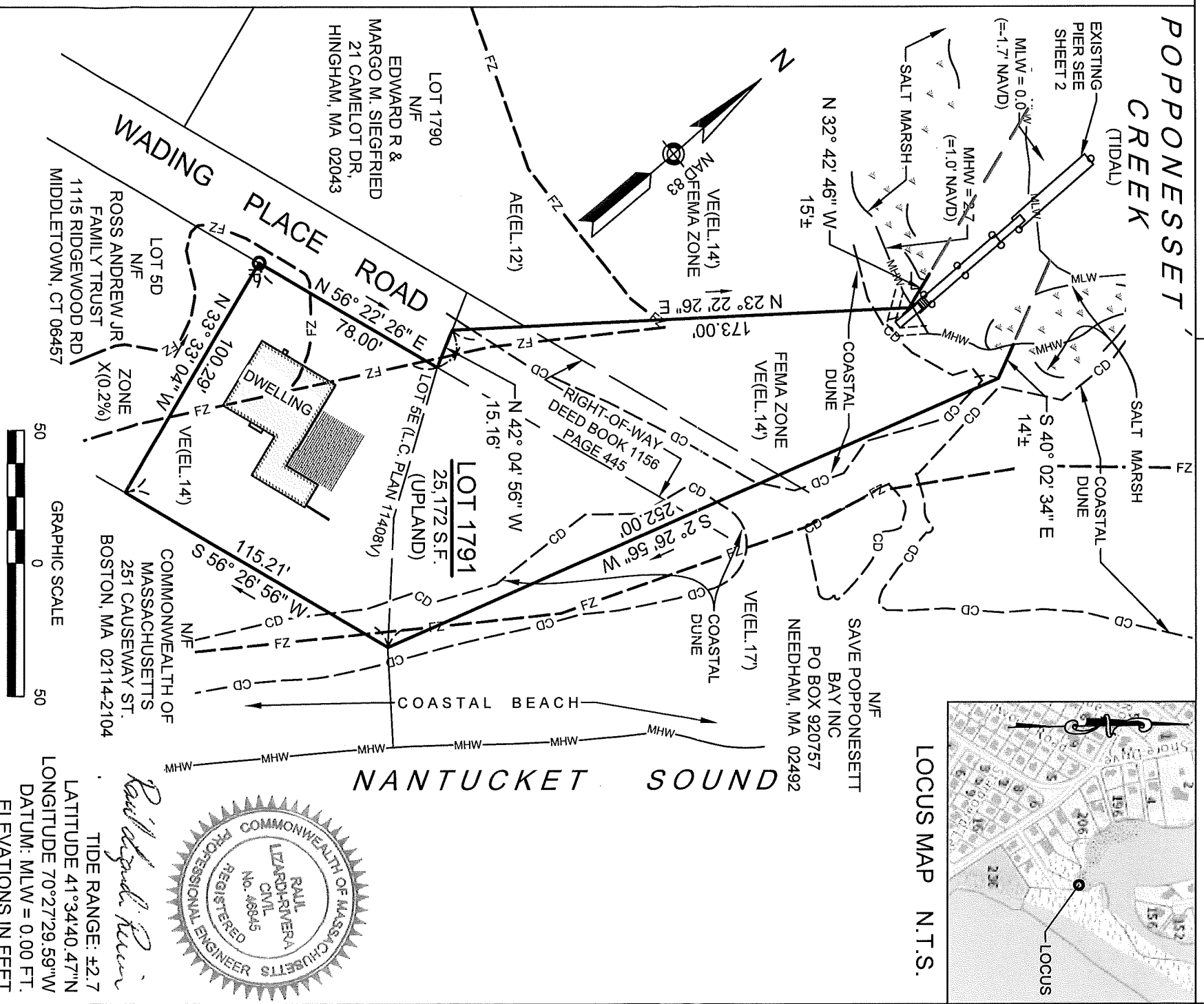
Written comments must be addressed to: Brendan Mullaney, Environmental Analyst, DEP Waterways Regulation Program, 20 Riverside Drive, Lakeville, MA 02347 or brendan.mullaney@mass.gov.

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

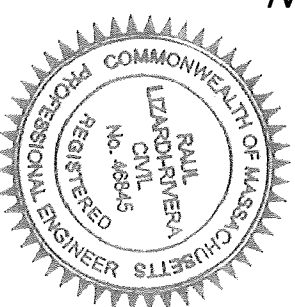
Raul Lizardi-Rivera

RAUL LIZARDI-RIVERA, P.E.

POPPONESSET CREEK
(TIDAL)

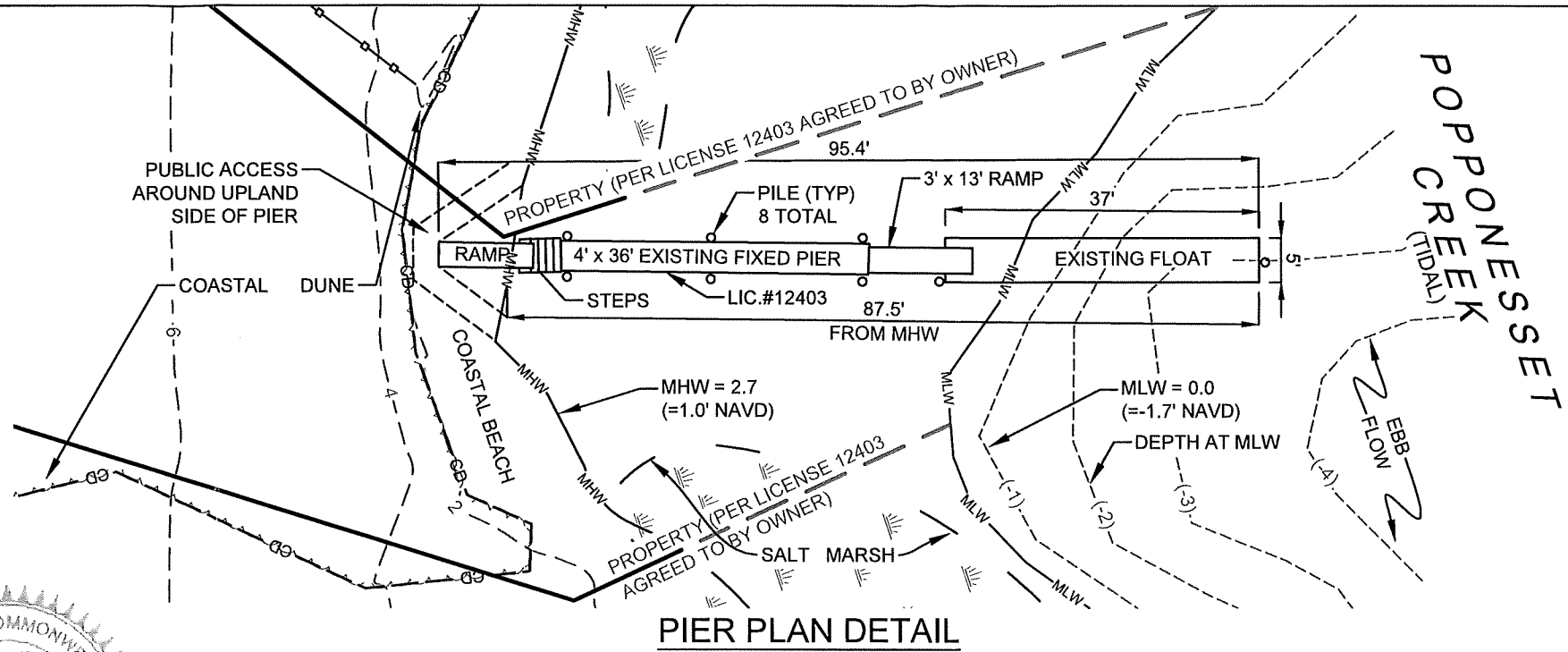


TIDE RANGE: ±2.7
 LATITUDE 41°34'40.47"N
 LONGITUDE 70°27'29.59"W
 DATUM: MLW = 0.00 FT.
 ELEVATIONS IN FEET

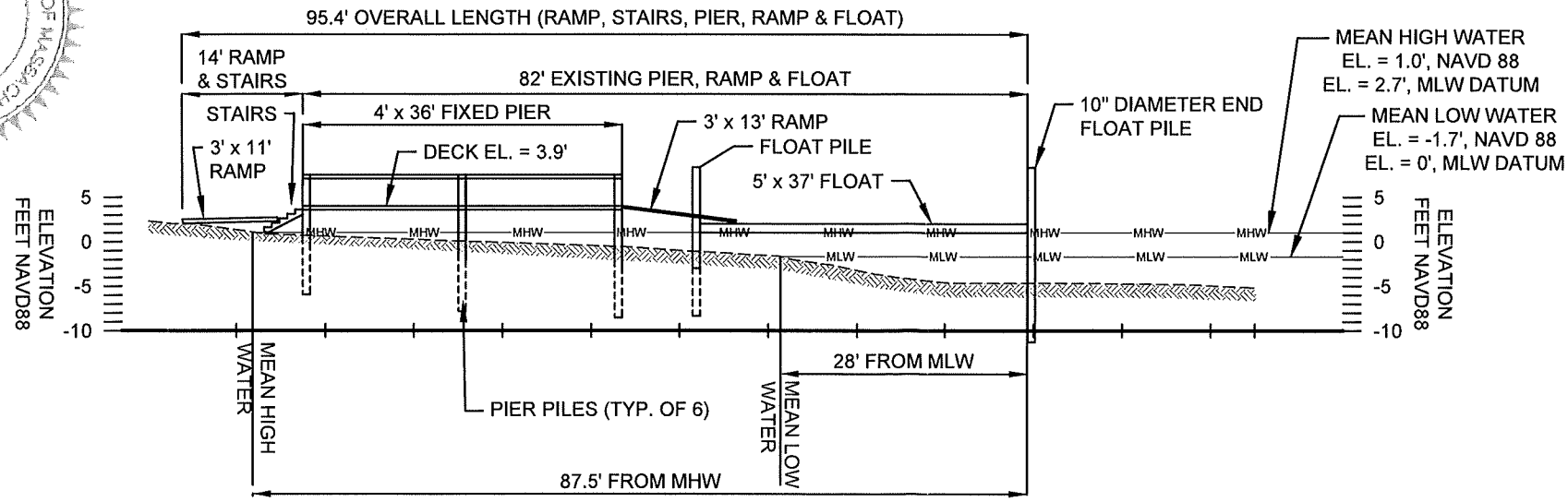


EXISTING PIER, RAMP & FLOAT PLAN PARCEL ID MAP 112 PARCEL 59 SHEET 1 OF 3

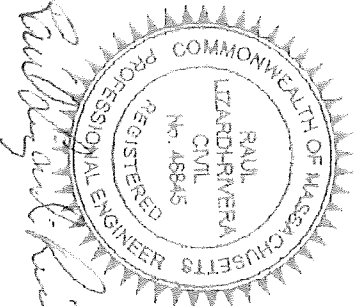
PARCEL ADDRESS: 228 WADING PLACE ROAD, MASHPEE, MASSACHUSETTS
 PLAN ACCOMPANYING PETITION OF FREDERIC W. BLYTHE TO MAINTAIN A RAMP & STAIRS, 4' x 36' PIER, 3' x 13' RAMP & A 5' x 37' FLOAT IN AND OVER THE WATERS OF POPPONESSET CREEK, MASHPEE, MA.
 PLAN BY: CAPE & ISLANDS ENGINEERING, INC. 508.477.7272 DATE: MARCH 10, 2021



PIER PLAN DETAIL

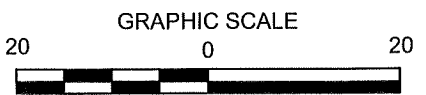


PIER PROFILE



EXISTING PLAN & PROFILE

PARCEL ADDRESS: 228 WADING PLACE ROAD, WASHPEE, MASSACHUSETTS
 PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
 508.477.7272 DATE: MARCH 10, 2021
 PARCEL ID MAP 112 PARCEL 59 SHEET 2 OF 3
 DATUM: MLW = 0.00 FT.
 ELEVATIONS IN FEET



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

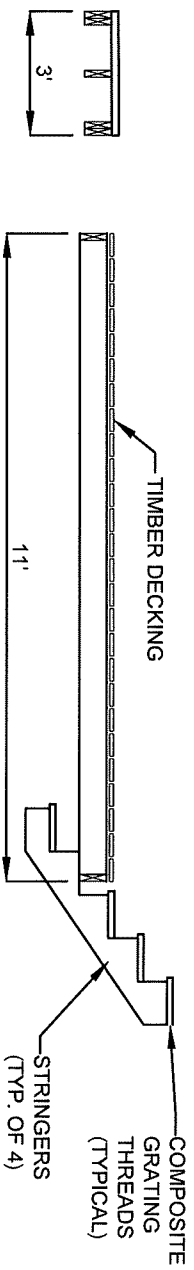
Raul Lizardi-Rivera

RAUL LIZARDI-RIVERA, P.E.

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

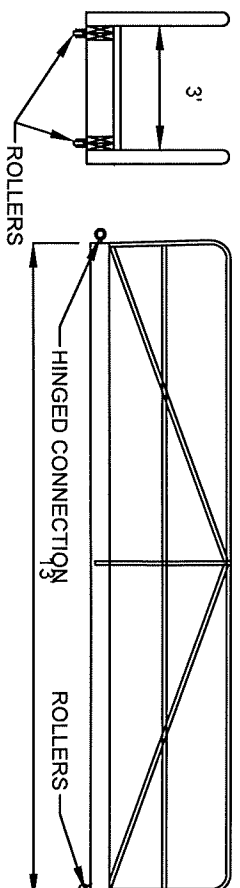
Raul Lizardi-Rivera

RAUL LIZARDI-RIVERA, P.E.



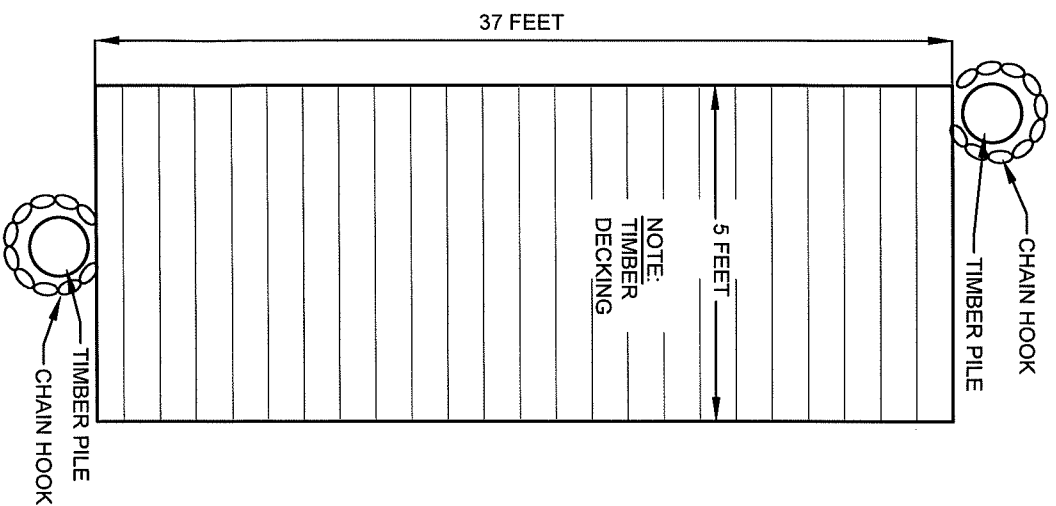
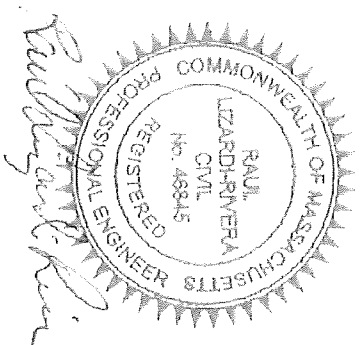
WOODEN RAMP & STAIR DETAIL

NOT TO SCALE



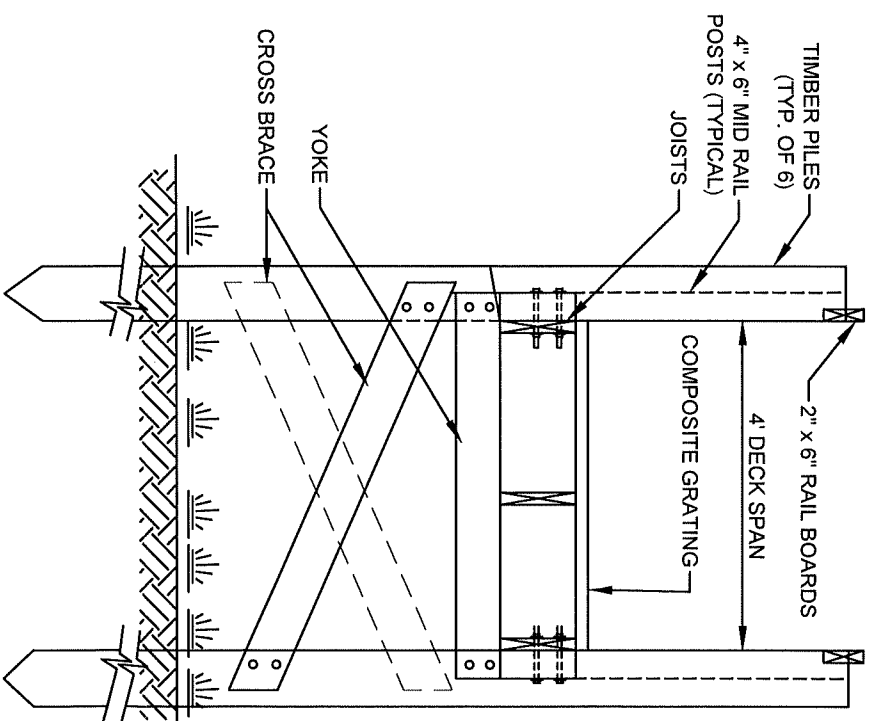
ALUMINUM RAMP DETAIL

NOT TO SCALE



EXISTING FLOAT DETAIL

NOT TO SCALE



PIER SECTION DETAIL

NOT TO SCALE

FLOAT DETAILS

PARCEL ADDRESS: 228 WADING PLACE ROAD, MASHPEE, MASSACHUSETTS
 PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
 508.477.7272 DATE: MARCH 10, 2021

DATUM: MLW = 0.00 FT.
 ELEVATIONS IN FEET
 PARCEL ID MAP 112 PARCEL 59 SHEET 3 OF 3

DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM

JUL 15 2021

Notice of License Application Pursuant to M. G. L. Chapter 91
Waterways License Application Number W21-5997
Richard N. Sahl, Sonya Lynn Lachance, Barry A. Sahl and Lois S. Sahl

NOTIFICATION DATE: July 16, 2021

Public notice is hereby given of the waterways application by Richard N. Sahl, Sonya Lynn Lachance, Barry A. Sahl and Lois S. Sahl to construct and maintain a ramp and float at 351 Monomoscoy Road in the municipality of Mashpee, in and over flowed tidelands of Little River. The proposed project has been determined to be water-dependent.

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

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

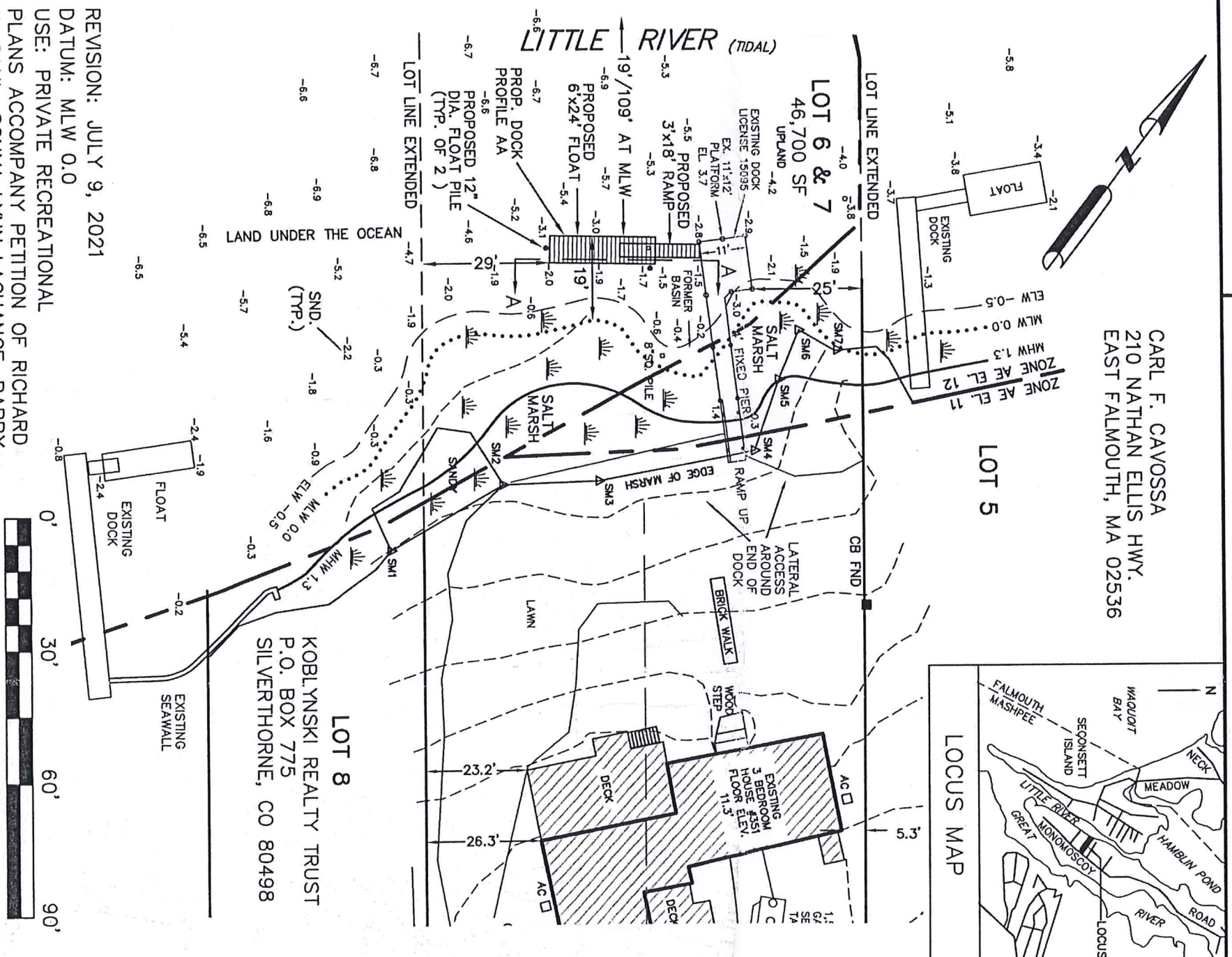
Written comments must be addressed to: Brendan Mullaney, Environmental Analyst, DEP Waterways Regulation Program, 20 Riverside Drive, Lakeville, MA 02347 or brendan.mullaney@mass.gov.

DRAFT
 JULY 9, 2021

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

DATE _____ REGISTERED PROFESSIONAL
 CIVIL ENGINEER

CARL F. CAVOSSA
 210 NATHAN ELLIS HWY.
 EAST FALMOUTH, MA 02536



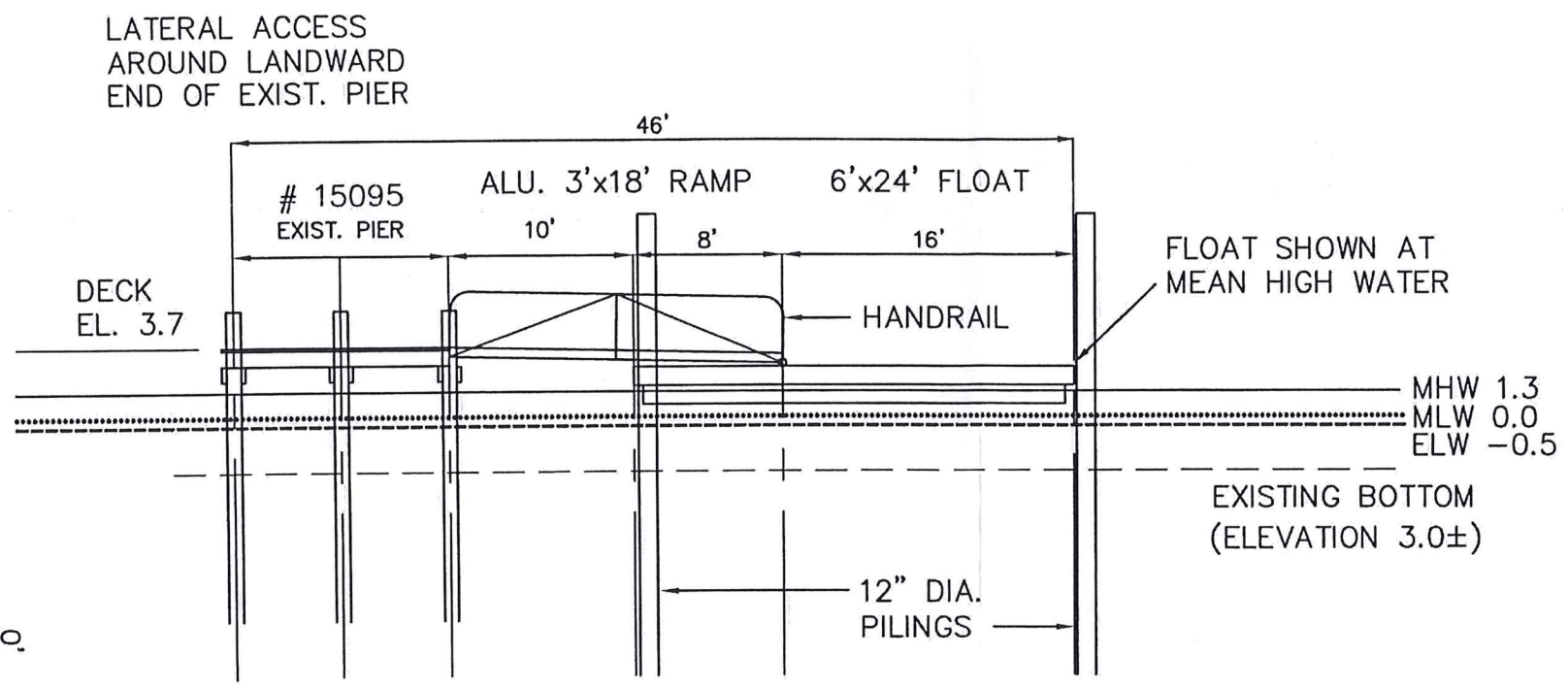
LOT 8
 KOBYNSKI REALTY TRUST
 P.O. BOX 775
 SILVERTHORNE, CO 80498

REVISION: JULY 9, 2021
 DATUM: MLW 0.0
 USE: PRIVATE RECREATIONAL
 PLANS ACCOMPANY PETITION OF RICHARD
 N. SAHL, SONYA LYNN LACHANCE, BARRY
 A. SAHL AND LOIS S. SAHL TO LICENSE
 AND MAINTAIN A RAMP AND FLOAT AT
 351 MONOMOSCOY RD. IN THE WATERS
 OF LITTLE RIVER, MASHPEE, BARNSTABLE
 COUNTY, MASSACHUSETTS
 PLAN BY: BSS DESIGN
 164 KATH. LEE BATES RD. MAR. 4, 2021
 FALMOUTH, MA 02540 SHEET 1 OF 2

DRAFT
JULY 9, 2021

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

DATE _____ REGISTERED PROFESSIONAL
CIVIL ENGINEER



PROPOSED DOCK PROFILE AA
SCALE: 1" = 10'



DATUM: MLW 0.0

APPLICANTS: RICHARD N. SAHL, SONYA
LYNN LACHANCE, BARRY A. SAHL AND
LOIS S. SAHL

PLAN BY: BSS DESIGN
164 KATH. LEE BATES RD.
FALMOUTH, MA 02540

JULY 9, 2021
SHEET 2 OF 2