



**Meeting of the Mashpee Planning Board
Wednesday, August 1st, 2018
Waquoit Meeting Room, 7:00 P.M.**

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

- Pledge of Allegiance

Approval of Minutes

- Review and approval of June 20, 2018, June 28, 2018 and July 18, 2018 Minutes

Public Hearing Notice

7:10 PM

Applicant:

Southworth Mashpee Properties, LLC, *Property Owner*

Subject Property:

Assessor's Map 63, Block 89

Request:

Seeking modification of Special Permit to construct an additional twenty-two units on a 9.3 acre parcel located north of Sampsons Mill Road. Total unit remains within the 287 units currently authorized under the Special Permit. Plan proposes new cul-de-sac with a central community center and will be tied into existing wastewater treatment plant.

Special Permits:

Applicant:

Mr. William Lovely, Property Owner

Subject Property:

2 Center Street (Assesspr's Map 36, Lot 47)

Request:

Endorsement of Special Permit Modification #2 to list §174-25 (B10).
No appeal filed

Proposed Amendments to the Mashpee Zoning By-law

- Massachusetts General Law CH 40A, Mashpee Town Bylaw, and Mashpee Town Charter
- Review of Draft Form-based Code with revisions, Mashpee Commons, *Mr. Russ Preston and staff*
- Mixed Use Planned DEvelopment
- Adding a new section § 174-17.1- Raze and Replace, *Submitted by the Town Planner*
- Replace §174-45.4- Accessory Apartments with §174-45.4 – Accessory Dwelling Units (ADU), *Submitted by the Town Planner*
- Establishment of the Light Industrial Overlay District, *Submitted by the Town Planner*

New Business

-NONE-

Old Business

- Ockway Highlands- testimony regarding contamination of catch basins after heavy rainfall, *Mr. Ernie Virgilio*
- Windchime Special Permit Review- Requesting access to security held for wastewater treatment, *Mr. David Bennett.*
- Country Club Lane- Presentation of final intersection design, *Mr. Ken Marsters, Prime Homes*
- Property Owner Update- roadway improvement, *20 Blue Castle Drive*

Planning Staff Updates

- Filling vacancy following resignation of Ms. Maria Silva, Administrative Assistant to Town Planner



Town of Mashpee

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

Board Member Committee Updates

- Chairman's Report
- Board member assignments to the Community Preservation Committee, Design Review/Plan Review, Environmental Oversight Committee, Historic District, MMR Military Civilian Community Council, Affordable Housing Committee RFP Work Group
- Cape Cod Commission, Community Preservation, Design Review, Environmental Oversight, Greenways/Quashnet Footbridge, Historic District, MMR Military Civilian Community Council, Plan Review

Correspondence

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

Waterways

Additional Topics (not reasonably anticipated by Chair)

Adjournment

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

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

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

CALL TO ORDER

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

PRESENTATION FROM CAPE COD COMMISSION

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

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

Among the purposes were:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVAL OF MINUTES— June 6, 2018

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

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

PUBLIC HEARINGS

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

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

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

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

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

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

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

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

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

NEW BUSINESS

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

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

Preliminary Subdivision Plan-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OLD BUSINESS

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

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

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

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

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

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

BOARD MEMBER UPDATES

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

Cape Cod Commission-As presented

Community Preservation Committee-No update

Design Review Committee-No meeting

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

Historic District Commission-No meeting

Greenway Project & Quashnet Footbridge-No meeting

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

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

CORRESPONDENCE

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

WATERWAYS LICENSES

None at this time

ADDITIONAL TOPICS

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

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

ADJOURNMENT

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

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

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

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

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

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

CALL TO ORDER

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

APPROVAL OF MINUTES

There were no minutes being approved at this meeting

NEW BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Chair described the changes to the Article to include:

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

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

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

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

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

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

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

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

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

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

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

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

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

(p. 1-4) Missing map and plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OLD BUSINESS

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

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

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

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

CORRESPONDENCE

ADDITIONAL TOPICS

ADJOURNMENT

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

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

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

**Mashpee Planning Board
Minutes of Meeting
July 18, 2018 at 7:00 p.m.
Waquoit Meeting Room, Mashpee Town Hall**

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

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

CALL TO ORDER

The Town of Mashpee Planning Board meeting was opened with a quorum in the Waquoit Meeting Room at Mashpee Town Hall by the Chair, at 7:00 p.m. on Wednesday, July 18, 2018. The Chair stated that the meeting was being videographed and recorded. The Chair welcomed attendees and asked that anyone addressing the Board do so using the microphone, stating their name and their business. All comments should be addressed through the Chair and a determination would be made whether the comments would be heard by the Board. The Planning Board encourages public participation and typically meets the first and third Wednesdays of the month. The Pledge of allegiance was recited.

APPROVAL OF MINUTES— June 20, 2018 & June 28, 2018

The Chair requested that consideration of the minute be placed on hold to allow a thorough review of the content of the minutes.

NEW BUSINESS

20 & 28 Blue Castle Drive Determination of Adequate Roadway-Chairman Waygan read the request for the record. Attorney Jonathan Polloni, represented the applicants, Ellen Brady and Henry Barr, owners of property located at 20 and 28 Blue Castle Drive. Mr. Polloni reported much of the paving had been completed, as permitted by the Special Permit for Ockway Highlands, but that a section of road remained unpaved, on which the parcels in question were located. Mr. Polloni stated that the applicants' lots were buildable once approval was received from the Planning Board that access was determined as adequate. Mr. Polloni reviewed regulations regarding lots fronting on a street, described as a Town-owned public way, constructed and approved Subdivision road or a way that pre-dated those regulations. It was Mr. Polloni's opinion that this area of Blue Castle Drive was created in the 1950s, allowing the Planning Board to determine its adequacy. Mr. Polloni read Paragraph 9 in the Special Permit for adequate access, adding that it also conditioned the new cluster subdivision to improve and maintain the road. Mr. Polloni referenced local residents' preference for a paved road versus an unpaved road and the Planning Board's conditions for the developer to regrade the road, widening to 16 feet, clearing to 20 feet and providing annual maintenance to allow emergency access. It was Mr. Polloni's opinion that the conditions were sufficient to allow for his clients to build on the parcels they believed, upon purchase, were buildable. Mr. Polloni suggested that it was a unique circumstance that would likely not create a precedence, and added that it would not create significant additional traffic. Mr. Polloni highlighted the parcels on the map for the Planning Board, noting that lot 20 was undersized and was a non-conforming lot, but met the frontage requirements. The parcels surrounding the land were developed.

The Chair was in agreement that residents in the area were reluctant to the idea of paving the road. Mr. Polloni clarified that, in previous conversations with Mr. Fudala, the lots would be buildable with a paved road and the Building Commissioner had deferred to the Planning Board. Mr. Balzarini noted that, in some areas in Mashpee, new construction required that homeowners contribute to the paving of the roads. Mr. Balzarini suggested that the grading should have continued into lot 20 and expressed concern about that section. Mr. Polloni responded that he was unsure whether the work was complete in that area, adding that a homeowners association would take on the responsibility of maintaining the road. The Chair inquired whether Mr. Polloni's clients would become members of the Association and he responded that there had been discussion about the possibility. The Chair stated that the Planning Board would be looking to the owners to contribute, if their request were approved.

Mr. Lehrer confirmed that he had reviewed prior correspondence with Mr. Fudala, adding that the Special Permit expanded the road to 16 feet, which was non-compliant with Subdivision Regulations, technically making the road inadequate. However, the Board did have some latitude to waive the requirements. Mr. Balzarini saw no issue, adding that other lots were developed in the area. Mr. Cummings agreed with Mr. Balzarini. Mr. Balzarini suggested that the property owners contribute to the pavement of the road, adding that he understood if neighbors preferred to maintain the road as unpaved, but that the transition needed additional work. Mr. Weeden agreed with a collective agreement to pave the area or additional work to better address the transition between the dirt and the asphalt, expressing concern about the long term stability of the transition. Mr. Hansen agreed that a solution should be determined regarding whether the road was paved or the transition be corrected. Mr. Lehrer suggested that the road base was not the correct material as defined by Subdivision Control.

Mr. Rowley responded that the section between the two paved areas had not yet been completed. Mr. Rowley confirmed that the section was required to be 16 feet wide, 20 feet cleared, with shallow swales on each side to address the runoff. Additionally, the end of the gravel area was not yet to grade, and reclaimed material would be added to bring the transition up to the level of the pavement. Mr. Rowley referenced projects, such as in New Seabury, where roads were not constructed to Subdivision Regulation, but were brought up to standards for construction purposes and also referenced parcels located on Fox Hill Road, suggesting that requiring an upgrade to the road would be consistent with prior situations.

The Chair asked for an update from the Ockway Highlands developer, Jacques Morin, who was present at the meeting. Mr. Morin provided plans to the Planning Board showing Ockway Highlands and the road in question. Mr. Morin stated his support for the owners' right to build on their lots but requested that a decision be held until he was able to meet with the abutters regarding the paving, to be considered as an approved street, reasonably meeting current zoning requirements. Mr. Morin suggested the Board consider a width waiver from 22 feet to 18 feet, with no sidewalks, reduced drainage requirements and a streamlined engineering process to allow a better financial arrangement for all involved, while providing something better than the

16 foot way. Mr. Morin had been in contact with owners of the two other undeveloped parcels (35 & 43) in the area.

Chairman Waygan inquired when Mr. Morin planned to improve the way for the Special Permit. Mr. Morin responded that they had just completed the asphalt on the road last week and anticipated they would work over the next 30 days to complete it. Mr. Rowley clarified that the binder course had been put down, but that the top surface had not yet been put down. The Chair stated that she was hesitant to make changes to the Special Permit regarding the unpaved road, referencing the neighbors' previous comments regarding the road. Mr. Balzarini expressed preference that Mr. Morin speak with the neighbors. Resident Ernie Virgilio confirmed that the paving was initiated at the correct location, but expressed concern about the drainage system located adjacent to his property, that was being built piecemeal, noting that it was not currently in compliance and was not adequately protected.

Ms. Brady, applicant, indicated that she had spoken with Mr. Morin in September 2017, adding that she loved the road when she first purchased her property. Ms. Brady expressed disappointment with the planning of the road, including the increased costs of paving the road that she would incur. Ms. Brady was disappointed to see the current condition of the road. Ms. Brady stated that she was advised that her lot was buildable prior to her purchasing the property and expressed frustration and concern about the road in front of the unbuilt parcels remaining in its current state. Ms. Brady felt that it was unfair for the homeowners to bear the burden of the cost, unless all neighbors were mandated to fix the road.

The Chair recommended complying with the Special Permit as it was written while considering to grant the waiver requested, provided an agreement was developed between the abutting neighbors for long term maintenance of the road. Mr. Polloni expressed concern about working with existing neighbors who may prefer an unpaved road. It was the Chair's belief that existing homeowners preferred not to have the road paved due to concerns about speed on the road. Mr. Balzarini stated that it was likely that the new homeowners would be traveling on Blue Castle to access their homes, adding that it would be hard to sell the new homes with the road in its current state. Mr. Polloni again stated that the parcels were created before the requirements of the Subdivision Controls.

Mr. Polloni inquired whether the improvements to the gravel road would allow for paving to be completed on the road, at a later date and Mr. Rowley responded that paving the surface would have a different impact to runoff and would require reconsideration.

Mr. Lehrer pointed out that traffic mitigation was included in the Special Permit with funds set aside to purchase the radar traffic signage.

Mr. Balzarini suggested that the property owners meet with the developer and return to the Planning Board with an agreement. The Chair stated that they were seeking approval from the neighbors to improve their portion of the road as outlined in the Special Permit. There was

discussion regarding homeowner association fees for maintenance of the road, to ensure that it was plowable for the Town. Mr. Virgilio stated that he would not be part of a homeowners association or any maintenance plan for the road. Mr. Morin requested that the Board consult with Town Counsel regarding the issue because he did not understand how a building permit could be issued without comporting with zoning, adding that it would be an opportunity for the Board to ensure that the road would be plowable and would increase the value of the properties.

Discussion Regarding Windchime Special Permit & WWTP Upgrade-David Bennett, Wastewater Treatment Plant Operator for Windchime, was present to discuss details regarding Windchime's wastewater treatment and Special Permit conditions. Anthony Colletti, Property Manager, was also present. Mr. Bennett summarized that the facility had a groundwater discharge permit issued for 40,000 gallons and his company took over operations after the DEP issued an NON on the plant for failure to meet performance standards. Mr. Bennett stated that they observed neglect, bad maintenance and issues with the system with antiquated technology. Improvements were made and operational in 2016, but it was evident that a major upgrade would be necessary. Their Board of Directors pointed out that \$160,000 had been placed in escrow with the Town, in order to upgrade the sewage treatment plant.

Mr. Bennett questioned a Special Permit condition specific to Windchime, regarding an extensive ground water monitoring program to include five monitoring wells, three piezometers by the shore of Mashpee River and surface water testing in three locations in the Mashpee River, quarterly, which has been completed for 19 years. Mr. Bennett stated that reports were provided annually but inquired whether the information was being utilized, adding that it was a snapshot of a very small area. Mr. Bennett stated that Windchime was looking to identify the technologies that would meet the requirements of the Special Permit and the need to treat 5 mg/L, noting that it was half of what the State required. Mr. Balzarini responded that the State superseded the Town's regulations, but that if readings were above the 10 mg/L, Windchime would be invited to attend a Planning Board meeting to discuss the issue and ways in which it would be corrected. Mr. Bennett responded that he had been there since 1999 and had never received correspondence from the Planning Board. The Chair stated that if the staff did not report the results on the agenda, the Planning Board would be unaware of a change in the numbers. Mr. Bennett responded that he wished to secure the funds from escrow to upgrade their system and asked for a review of the value of the costly monitoring program, suggesting in its place a contribution to a regional program. Mr. Bennett added that Mashpee Commons did not seem to be held to the same standard. The Chair stated that the new Bylaw identified treatment at 3 mg/L. Mr. Bennett disagreed that anyone could consistently meet 3 mg/L. Mr. Cummings and Mr. Bennett disagreed with Windchime's history of meeting below 5 or 10 mg/L.

There was discussion regarding whether the Special Permit required among its conditions the \$160,000 escrow to update the wastewater system. Mr. Lehrer confirmed that he had been in contact with the Treasurer, adding that if it was listed in the Special Permit, a vote would be necessary from the Board to release the funds. The Chair stated that she would need to review the Special Permit. There was discussion as to the reasons why the plant did not meet 5 mg/L. There was discussion regarding whether Mashpee would require treatment to 3 mg/L for new systems and it was suggested to follow up with Tom Fudala. Mr. Balzarini noted that Windchime was located near the Mashpee River. The Chair will follow up with Mr. Fudala and

look into identifying the way in which the escrow funds would be released to Windchime. Mr. Bennett anticipated the cost to be approximately a quarter million dollars and again requested relief from the costly water monitoring program, which he viewed as punitive, to three monitoring wells on a quarterly basis. It was noted that if the funds were released, the funds would need to be deposited back to the Town. Mr. Bennett pointed out there was an additional State fund, the Financial Assurance Mechanisms, which contained funds from Windchime.

Mr. Lehrer stated that the Special Permit indicated that the system should meet 5 mg/L, but 10 mg/L was considered technically compliant. Mr. Lehrer spoke with Mr. Fudala who confirmed that the increased monitoring was due to the development's location near the Mashpee River. Mr. Bennett stated that Mashpee Commons produced 180,000 gallons of flow compared to Windchime's 20,000 gallons. Mr. Bennett and Mr. Cummings again disagreed with the flows. Mr. Lehrer stated that most facilities were meeting 10 mg/L but that he would develop a spreadsheet showing each of the facilities. Mr. Bennett stated that he would design for 5 mg/L and meet 10 mg/L.

The Chair requested a letter from Windchime requesting the escrow funds and Mr. Lehrer will follow up with the Treasurer. The Chair would also like more information about Mashpee requiring treatment to 3 mg/L as well as the Financial Assurance Mechanism required by the State, and possible removal of the escrow requirement from the Special Permit Modification. Mr. Bennett stated his preference that the Planning Board reconsider Windchime's need to resubmit escrow to the Town and reducing the water quality monitoring program. The Chair suggested Mr. Bennett draft his recommendation regarding reductions to the monitoring program and Mr. Bennett suggested the possibility of providing it annually rather than quarterly. Mr. Hansen referenced his experience at Southport and the FAM responsibility and inquired when Windchime's license would be renewed. Mr. Bennett responded that the anticipated work was a proactive effort for anticipated non-compliance. Referencing data from the monitoring reports, Mr. Bennett noted that results showed Mashpee River was becoming more impacted, adding that the up gradient portion, which was not impacted by Windchime, was outpacing the down gradient portion. Mr. Bennett suggest that if there were four or five stations along the River, the Town would have a better sense of the location of the problems. Mr. Bennett expressed interest in knowing the Town's intent of the master plan regarding existing wastewater treatment facilities and the Chair suggested contacting the Sewer Commission. Mr. Bennett noted that there was consideration regarding various waste water treatment options.

OLD BUSINESS

Update on Ockway Highlands-Regarding the development, Mr. Morin confirmed that drainage, water system, electrical system and the base coat of the pavement were in place for the subdivision. Gas would be added next week and transformers would be added by National Grid. Road shoulders were being graded and seeded. Work was still needed at the entrance, along with the gravel way, which would begin in the next 30 days. Mr. Morin would have a conversation with the neighbors, regarding paving the road.

Mr. Rowley requested that Mr. Morin look more closely at the drainage area located at the front, opposite of Mr. Virgilio. Regarding the infiltration structure, Mr. Rowley stated that waddles, around the bee hive, required additional protection now that the entrance was paved, because

sediment could enter into the subsurface system, which could require rebuilding of the system. Mr. Rowley had already requested hay bales to be added to the area because they would create a better trap, but they had not yet been added. Mr. Morin agreed to have the hay bales installed.

Board Signature for 2 Center Street Special Permit Modification-The Chair stated that the signature would be added to the next agenda due to the Town Clerk being on vacation.

Approval of Correspondence to Rui Almeida-There was consensus from the Board to sign and send the letter drafted to thank Mr. Almeida.

Intersection of Country Club Ln. & Old Barnstable Rd.-Mr. Rowley reported that he attended a meeting regarding a final plan, which included a center turn lane, with some adjustments to the pavement coming out of Country Club Lane. The project proponent would attend the August 1 meeting with the plan for Planning Board action. Some concern was expressed by Ken Marsters regarding necessary additional paving on Old Barnstable Road.

Update on DRI Referral to Cape Cod Commission for Special Permit Application, Personal Wireless Facility at 101 Red Brook Road-Correspondence from the Cape Cod Commission confirmed that the public hearing would be held no later than August 20. Mr. Lehrer notified abutters of the correspondence, advising them that they would receive further correspondence from the Cape Cod Commission regarding the specific date of the meeting. The Chair asked that Mr. Lehrer email the Board once the public hearing was scheduled.

PROPOSED AMENDMENTS TO MASHPEE ZONING BYLAW & STATE ZONING STATUTE

Mixed-Use Planned Development Bylaw-The Chair read a statement to address comments reported recently in the newspaper. The Chair highlighted points from the MPD such as allowing mixed-use development for 20+ acre developments provided there was an approved master plan featuring neighborhood types, a form-based design code, 15% affordable housing and open space requirement, to be approved under a single Special Permit from the Planning Board. Once fully approved, the developer would be able to proceed by right. Among the statements that required clarification, the Chair stated that there was not a 50 bedroom per developed acre limit, because there was no maximum density or bedroom limit on any developed acre but instead, the number of bedrooms were linked to the open space, which could be located anywhere in town. Examples were provided breaking down the number of allowable bedrooms compared to Conservation Commission deeded open space. The Chair stated that any allowed use under 174-25 would still be allowed, such as the recently built assisted living facility, Laurentide.

Regarding Mashpee's tax base, the Chair noted that fiscal impact analysis would best identify net tax benefit by assessing the cost of necessary tax funded services, such as school, Fire or Police. Mashpee Commons pursued a similar study in 2005, determining that of the 382 proposed units and 41,000 square feet of commercial space, the 60 acre development would generate \$165,000 in tax revenue per year, which was less than 0.3% of the Town's annual budget. It would be advisable to request that another analysis be completed to determine how the development could impact the tax base. Mr. Balzarini agreed, noting that he previously requested the same

information, particularly considering the costs to the Town such as traffic issues and the need for increased emergency responder services. The Chair requested the full report from 2005 and Mr. Lehrer confirmed that he could provide it. Mr. Lehrer inquired about the density differences between the proposals and Chairman Waygan responded that previously it consisted of 382 housing units, on 60 acres, with 17 acres of open space. Mr. Lehrer inquired about potential revenue streams outside of property tax. There was consensus to assess the best uses to ensure increased revenue streams, such as the possibility of a hotel. The Chair recommended working with the EDIC.

Mr. Weeden inquired about the ability to conduct a study without a master plan to accurately assess the impacts. Mr. Lehrer pointed out that master plan development was part of the process for either the MPD or Mashpee Commons' Form-Based Code and suggested that the Board consider the bylaw, whether it was MPD or FBC, which would create the clearest path forward for the developer, so that there would be no question regarding the final outlay. The Chair stated that the MPD would include the master plan requirement as part of the Special Permit application. Mr. Balzarini inquired whether Mashpee Commons could work collaboratively with the Board to develop something. The Chair stated that, without a master plan identifying the number of units being requested, it was difficult to determine whether or not the open space requirement was reasonable.

Russell Preston, representing Mashpee Commons, stated that the fiscal impact study would be a costly endeavor and would require a master plan, but that there was currently no clear path for entitlement for development. Mr. Balzarini responded by inquiring how the development would be benefitting the Town. Mr. Preston responded that the current study was part of the 40B process, which they had since abandoned, adding that the proposed MPD would not work due to the additional costs and unclear path forward for their development. Mr. Balzarini emphasized the necessity for the Town to have a better idea whether to anticipate the need for additional teachers if there would be an increase in family homes, or emergency responder services for an increase in an older population. Mr. Preston responded that, for them to conduct such studies, they would need to know from the Town current information, such as, the cost to educate a child, per school, stating that it was an in depth analysis. Mr. Preston suggested that Mashpee Commons was seeking a density of 44-66 units per acre in order to pay for the necessary infrastructure and develop a high quality public space, which, under MPD, would require them to provide more than one acre of open space, creating an additional burden for development. Mr. Preston stated that the current 40B permit had no external open space requirement, with a higher affordability requirement, but was not feasible. The Chair responded that the Planning Board needed a master plan to determine whether the open space requirement was unreasonable. Mr. Balzarini responded that Mashpee Commons depicted different neighborhoods with different styles of buildings and inquired about them providing the cost and tax potential with the information. Mr. Preston responded that they had a 5-10 year plan, as well as the long term master plan that would include plans for the rotary. The Chair responded that the rotary was too far out as it would be dictated by the State and the Town.

Mr. Preston inquired about what it was the Board was seeking. The Chair responded that they were seeking a draft master plan with blocks coded to Mashpee Commons' form-based code. The Chair suggested that Mashpee Commons would likely have trouble at October Town

Meeting without questions answered and vetted by the Planning Board and their support of the MPD would allow time to assess the other questions during the Special Permit process. Cara Wilbur, of Mashpee Commons, stated that both the MPD and FBC required a master plan, so it was unclear why it would be required in advance of considering either proposed bylaw. The Chair inquired when the master plan would be approved by the Planning Board using their FBC bylaw. Ms. Wilbur responded that it would be the first stage of the process with the Planning Board in Article 7.

Regarding open space, the Chair stated that Mashpee had a long history of preserving open space including the codification of setting aside open space in the Local Comprehensive Plan and the Cape Cod Commission Regional Policy Plan. Mashpee surveys indicated that 57% of Mashpee residents wanted 50% of the remaining unbuilt land placed into open space while 30.4% wanted 76-100% preserved. The top four reasons residents moved to Mashpee were for air and water quality, beaches and ponds, tranquility and open space. Additionally, open space created water quality benefits with no wastewater generated, no nitrogen runoff created from impervious surfaces and existing vegetation taking up nitrogen. The Chair stated that open space provided a benefit to the wildlife habitat and protected a 12,000 year connection to the land for Wampanoag residents, emphasizing that open space was a core priority of Mashpee. If the Planning Board requested too much in the form of open space, then they would need to know how many bedrooms were being sought by Mashpee Commons.

Mr. Weeden referenced the recent Board of Selectmen meeting where Mashpee Commons presented, noting that they should have remained at the meeting to listen to the report about Mashpee's water quality. Mr. Weeden stated that Mashpee rivers were among the worst on the Cape and in dire need to reduce nitrogen loads, with Quashnet River being in the worst condition. Nitrogen issues were directly related to runoff and wastewater issues. Mr. Weeden suggested more time was needed to address the Town's nitrogen issues, while there appeared to be a rush to change zoning to accommodate additional development, which was the reason that the rivers were in their present state. Mr. Cummings agreed with Mr. Weeden regarding wastewater, adding that the Planning Board put their best foot forward and suggested that Mashpee Commons needed to put their best foot forward, adding that the Board of Selectmen encouraged collaboration between both parties.

Mr. Lehrer stated that the master planning process, whether through MPD or FBC, would enable the Board a conversation to determine what density would be permissible, the allowable uses and the appropriate open space set asides. Mr. Lehrer felt that it was unreasonable to require a master plan prior to the development of a bylaw. Mr. Lehrer stated that it was necessary to first identify the clearest path forward. Regarding nitrogen loading, Mr. Lehrer confirmed that development had been responsible, but that it was due to developing sprawl, whereas dense building would allow for the development of infrastructure to mitigate the issues. Mr. Preston stated that developers and builders focused on smart growth, and Mashpee Commons, identified by the Cape Cod Commission as an Activity Center, could support addressing water quality issues, such as using their water treatment facility to remove nitrogen from the watershed. Building compactly, and connecting to infrastructure could address issues and was the intent of form-based code. Mashpee Commons was invested in Mashpee and Cape Cod, and understood

that it was a place of special natural quality and heritage for which they wished to be good stewards.

Review of Draft Form-Based Code with Revisions, Mashpee Commons-Mr. Preston set up their presentation. Referencing the Mashpee Commons proposed FBC Bylaw, Mr. Preston stated that the document was designed to be user friendly and suggested picking up discussion where they last left off at Article 3, Section B. Mr. Preston stated that they pulled a few pages to work through a hypothetical project.

The Chair inquired whether Mashpee Commons had brought printed copies of the presentation for the Board Secretary. Mr. Preston responded that he had not and the Chair stated that it would be the last time that a presentation would be allowed without hard copies provided. Mr. Preston indicated that they would do their best to make the accommodation.

Mr. Preston stated that FBC were best practices, and tools that should be used in Mashpee. The goal of FBC was to create a predictable path forward so that the Town could anticipate what would be created, as well as its impacts and benefits, and to provide a platform for additional investments in Town by providing opportunities to other developers. Mr. Preston indicated that FBC also created open spaces, totaling 25-30 acres of civic spaces, parks and squares created within the project.

Mr. Preston described the form of a traditional neighborhood versus the suburban sprawl, which had created such issues as the nitrogen problem in Mashpee. FBC was being considered nationwide. Mr. Preston indicated that the degradation of character occurred over time and the goal of the Mashpee Commons expansion would be to build on small town character, through code, organized by building blocks. Mr. Preston compared Mashpee Commons' proposed form-based code with the Cape Cod Commission's transect, moving from rural to a more dense area. Mr. Preston agreed that Mashpee had done a great job preserving open space but smart growth would require a vibrant town center connected to wastewater treatment.

Regarding the contents of the FBC, Mr. Preston described them as nesting dolls, such as the districts and the buildings located within the districts. Mr. Preston discussed various sections of their FBC proposal and how the land would be subdivided into the neighborhoods, assembling all of the pieces, as well as the administration of FBC.

Mr. Preston walked through a scenario of developing a structure and the aspects of that building, while addressing issues like parking or back buildings. Mr. Preston stated that the page count of their FBC was not important, noting that it was an easier tool to determine predictability for a project by providing detail that could then be used to develop a master plan for the Town.

Regarding Article 3, Mr. Balzarini inquired about the location of each of the character districts. Mr. Balzarini also inquired about Mashpee Commons' open space and whether it would be open to the public. Mr. Balzarini also referenced Deer Crossing, residents who had previously expressed concern regarding a buffer zone being located along their property. Regarding parking, Mr. Balzarini inquired about the location of parking for the many anticipated cars, adding that he could not understand why Mashpee Commons could not provide a plan of what

they envisioned for their development. The Chair agreed that the Planning Board needed to see a master plan of the character districts. Mr. Balzarini also expressed concerns about traffic impacts to Routes 28 and 151. Mr. Preston responded that many of the questions had been discussed during their Mashpee Commons by Design week. The Chair inquired whether it had been developed into a conceptual plan, such as the location of the taller buildings, to better envision the final product of the form-based code. Mr. Preston noted that the regulating plan would identify the location of the character districts. The Chair responded that the regulating plan had not been added to the blank space in their draft FBC and requested that it include the existing rotary. Mr. Preston responded that the rotary was a long term effort that would require collaboration among many parties, so the design process focused on what could happen in 5-10 years. As a result, planning focused on the yellow area, Market Street Central, the most logical path to build off of the existing infrastructure. Development could entail the building of apartment buildings, apartment houses, duplexes, townhouses and carriage houses. Mr. Preston noted that they could possibly provide a version of the character district locations but inquired what it was the Board was seeking in a master plan.

Mr. Weeden stated that the Board was seeking information about spatial relationships, how things would work together, which appeared to be what Mashpee Commons considered their regulatory plan. The Chair read the requirements of what the Planning Board would be seeking in a master plan, adding that they could begin with a regulatory plan, but that it must include the rotary. Mr. Weeden stated that, based upon what he had read, a master plan was part of the consideration of form-based codes. Ms. Wilbur stated that communities typically developed form-based code to attract developers and the Chair responded that communities typically wrote the bylaw. Ms. Wilbur responded that they also wrote FBC for towns, clarifying that there was a master plan process as part of the administrative section for a larger project, which would identify the location of parks, buildings, civic spaces, etc. Ms. Wilbur emphasized that the master plan was not adopted prior to developing FBC. The Chair responded that most towns were developing their own FBC, over a period of years, not created by one developer. Mr. Preston stated that the underlying zoning for Mashpee Commons was not adequate and new zoning was needed. Mr. Preston added that things changed over time and that the 40B project was a response to the underlying zoning not working for Mashpee Commons. Mr. Preston stated that the Board was seeking a lot of detail that would require assumptions to be made.

Mr. Balzarini stated that he wanted to know what buildings would be located where, suggesting that they were wasting their time unless Mashpee Commons was willing to work on something collaboratively. Mr. Balzarini like the idea of form-based code, the designs, the flexibility and feasibility it offered. Regarding Article 7, Mr. Balzarini expressed his preference that the regulatory authority remain with the Planning Board, rather than the Building Department. Mr. Balzarini inquired whether they could work together on their Articles. Ms. Wilbur responded that the FBC created predictability for the developer and the community, understanding the range of possibilities, but the MPD left questions unanswered regarding the final outcome because there were no clear standards. The Chair responded that MPD opened the door to a process through a Special Permit with the elected Planning Board. Mr. Lehrer stated that Mashpee Commons was providing a mechanism that would allow the Planning Board to define their questions and rules in order to predict the outcome, like a rule book. The Chair responded that both processes would include the same rule book. Mr. Lehrer responded that the Special Permit

process would not allow the same clarity as Mashpee Commons' FBC. Mr. Balzarini suggested working out the differences. The Chair stated that she had asked for comment regarding that possibility, but no one opted to speak.

Resident Margery Hecht indicated that she supported the Bylaw and the elected Planning Board and stated her appreciation that the Board cared about the future of Mashpee. Ms. Hecht suggested that if there was a disconnect between Mashpee Commons and the Board, it was nothing compared to the public, who moved to Mashpee due to its green space, rural character and its history. Ms. Hecht suggested that, when Mashpee Commons referenced preserving the character of the Town in their draft, they were referring not to Mashpee, but to Mashpee Commons, which was a problem. Ms. Hecht felt that the Bylaw allowed Mashpee Commons to have their project approved with FBC. Ms. Hecht indicated that she recently drove through Mashpee Commons, on a hot day, and suggested that it would likely be hotter with the removal of the trees in the area. It was Ms. Hecht's opinion that the forested land in the center of Town contributed to the character of Mashpee.

Mr. Preston responded to Mr. Balzarini's comment regarding Deer Crossing, acknowledging that residents liked the idea of maintaining the character of living in the forest. Mr. Preston referenced the trees that had been nurtured in front of the library, noting that it was their intention to begin working on the edge of the property to create a better version of the forest. Mr. Preston emphasized their need for a predictable path forward. Mr. Balzarini confirmed that he liked the FBC but did not understand the difficulty with providing a master plan. The Chair stated that she would be requesting the minimum and maximum number of units per zone and the minimum and maximum of heights per zone. Mr. Preston responded that he could provide the information in very broad strokes. Mr. Kooharian stated that the FBC provided great detail. It was clarified that not every character zone would be represented in a plan. Mr. Kooharian stated that it was important for the Board to have a broad, working concept of what would go where, for better visualization and allow for better decision making, since the current document did not translate into a master plan.

Mr. Weeden referenced their regulatory plan detailing the character districts, suggesting that conceptual relationships fitting the areas together would be more helpful, noting that Mashpee Commons must have an idea about how it would be laid out long or short term. Mr. Preston referenced a vision plan, stating that they could look only at the area closest to the most recent construction for their 5-10 year plan. Beyond 10 years, Mashpee Commons could only make best guesses based on good urban design and planning practices. The Chair inquired how the vision plan would differ from the regulating plan. Mr. Preston responded that height would be included in a regulating plan. The Chair inquired whether any plans would include the current rotary, adding that decisions could not be made without consideration of traffic impacts. Mr. Weeden stated that Mashpee Commons was offering a vision and not the reality. Mr. Preston responded that, studies conducted during the master plan, considering the rotary redesign, indicated that it would perform better than it did today. The Chair again stated that the designs needed to include the existing rotary. Mr. Preston stated that they would work together to make the best solution work, with options for the rotary. There was clarification that the project would be phased and Mr. Weeden stated that an overall plan would provide better clarity.

Selectman John Cotton noted that two Articles would appear on the Warrant, one being a Petition Article and the other presented by the Planning Board, but with the same content, and not the Mashpee Commons FBC. The Chair stated that the deadline was such that she submitted a Petition Article, which could not be changed by the Board of Selectmen. The Chair noted that, should agreement be met, the Board of Selectmen could tweak the Article submitted by the Planning Board. Mr. Balzarini pointed out that the Chair could withdraw her Petition Article should agreement be met and suggested that Mashpee Commons work towards addressing the issues. Mr. Preston stated that Mashpee Commons was unaware that there was still room for discussion between the MPD and their FBC. The Chair stated that the Planning Board would continue to take comment even if it was not a public hearing.

Ms. Wilbur posted a slide of a vision plan, which would be submitted as a master plan with the FBC. A regulating plan would assign character districts and would be based on the street network that appeared in the vision plan. Ms. Wilbur added that a sample regulating plan would be included in the revised draft FBC.

Mr. Balzarini referenced his question about open space, parks and civic centers located in neighborhoods and inquired whether the public would be able to use the space. Mr. Preston confirmed that they would be open to the Town. Ms. Wilbur stated that it was spelled out in FBC Zoning that it was required to be open to the public. Mr. Balzarini inquired whether it was the responsibility of the Town to maintain the spaces and Mr. Preston responded that it was currently addressed by Mashpee Commons. Mr. Preston indicated that, once they knew the details of the master plan, they would have a better idea how they would be managed.

Mr. Preston stated that they would draft a more coherent vision plan for the Board. Ms. Wilbur thanked the Board for their comments at the last meeting. Mr. Balzarini apologized to the Town for his actions at the last meeting, stating that it was his opinion that Mashpee Commons should have met with the Planning Board following their visioning sessions. Mr. Preston stated that they set up a public process so that the Planning Board could be involved, but that they were now in front of the Planning Board.

Mr. Rowley indicated that, over the years as Mashpee's Consultant Engineer, he reviewed projects as allowable by the Town's Bylaws and in compliance with engineering practices. Mr. Rowley felt that the Board may be dealing more with minutia rather than the fundamentals of the proposed FBC Bylaw. Mr. Rowley reviewed the Mashpee Commons' draft proposal and stated that if he applied his typical method of review, providing a summary of potential flaws, allowing the Planning Board to address each of the issues, he was concerned about the language addressing Chapter 40A and Chapter 41. Mr. Rowley stated that it placed the responsibility of approval on the Building Inspector, who did not report to the Planning Board. In addition, the proposal allowed the Zoning Board of Appeals to serve as an Appeal Board to any decision made by the Planning Board. Currently, appeals were heard by the Supreme Court. The process would require the Planning Board to administer zoning in two entirely different ways, one method for Mashpee Commons and another for the rest of the Town. Contents in the FBC seemed to work in contrast to one another, some were repetitive and required further consideration. Mr. Rowley suggested that approval of the proposal right now, based on the pictures and drawings, could create challenges later on, adding that further scrutiny was needed.

in areas such as applications, whereby projects less than 10,000 square feet (small scale) would not require notice or public hearing and large scale projects over 10,000 square feet required notice, but not a public hearing. Mr. Rowley encouraged taking a closer look at the content, with consideration of its overall impact, suggesting that they were a long way from a final document. Mr. Rowley agreed that the master plan was unnecessary at this time because the application and methodology needed to first be determined. The Chair agreed that she did not wish to reinvent the wheel of the approval process, which is why she supported maintaining a Special Permit process. Mr. Rowley and the Chair agreed that Form-Based Code could work, but there was hesitation about how it would fit with Chapter 40A and Chapter 41. The Chair stated that there were set approval processes that had survived Court challenges. The Chair stated that she would need to again review Mashpee Commons' Article 7 because it was so different from their existing process. Ms. Wilbur stated that they would be happy to take comments regarding Article 7. Mr. Rowley suggested legal Counsel with Bylaw familiarity would be best suited to address the issues of impacts to procedural and statutory requirements that would need to be upheld.

Mr. Balzarini stated his preference that a consultant be hired to assist with the review of this process and Mr. Weeden agreed. Chairman Waygan stated that, when Mashpee Commons initially reached out to the Board of Selectmen many years ago, Mashpee Commons was required to pay for a consultant to work with the Planning Board. The Chair indicated that the Planning Board had no budget to hire a consultant. Mr. Rowley stated that there was legal counsel during the 40B process, though the Chair indicated that the ZBA could request funding or the project proponent could pay to hire a reviewing consultant. The Chair added that it was not typical for a developer to draft a bylaw. Mr. Lehrer agreed with Mr. Rowley to address questions coming out of the proposed draft. Mr. Rowley suggested that review was more than just tweaking Article 3 and moving on to Article 4. Mr. Balzarini inquired whether they could ask the Selectmen to hire a consultant for the Planning Board. The Chair expressed concern about serious legal questions with the document.

Mr. Preston stated that he had done this for other cities and towns and municipalities in Massachusetts. Mr. Preston stated that the methodology was referred to as place code. Mr. Preston stated that Article 7 was drafted and intended to be added as a new chapter in the Town's Bylaw. Mr. Preston added that Vanessa Farr, author of Article 7, had prior experience as a Town Planner and should be involved with further conversation and comments. Mr. Rowley responded that he would not recommend any portion of Article 7, the way it was written. Mr. Balzarini stated that he did not like Article 7 and the fact that the Building Inspector served as the regulating authority rather than the Planning Board.

Town Manager, Rodney Collins, stated that, if the Planning Board wished to have legal counsel, he would make arrangements with Town Counsel, with expertise in zoning issues, to have him available at a regularly scheduled meeting. Otherwise, Mr. Collins recommended developing a scope of work, specific to the Planning Board's thoughts and possibly beyond consultation with Town Counsel, which he would bring to the Board of Selectmen to add an Article for the October Town Meeting. However, the current plan could not then come to a practical vote in October. Mr. Collins did not wish to rush anything and felt that constructive dialogue was in the best interest of all parties. The Chair thanked Mr. Collins.

Mr. Weeden referenced Mr. Preston's comment about drafting FBC all the time, inquiring whether it was typically at the town's request, adding that it was Mashpee Commons presenting it to the Town. Mr. Preston responded that some of his colleagues worked for private developers where communities were not considering smart growth.

Mr. Hansen understood the specifications of form-based code and liked the idea of coordinated development and efforts to maintaining the character of small-town Cape Cod. However, Mr. Hansen expressed concern about side stepping the authority of the elected Planning Board and turning it over to the administrator or Building Inspector. Mr. Hansen also inquired about affordable housing, where they would be built, when they would be built, would they be first or last and whether the open space allotment or 15% affordable housing requirements were deal breakers. Mr. Preston inquired whether the Planning Board would allow them to build the small streets and density that they wanted, adding that there were a lot of questions. Mr. Preston stated that they could not move forward with the amount of mitigation requested by the Planning Board. Mr. Preston stated that they were at a standstill with the 40B and there was no outside open space set aside. Mr. Hansen responded that Mashpee Commons was creating pretty streets and parks but the needs expressed by the Town were not being addressed. As a result, Mr. Hansen suggested that he was wasting his time. Mr. Preston responded that he did not wish to waste anyone's time. Mr. Hansen stated that they were at an impasse, which he would prefer to address rather than the number of trees on the street.

Mr. Cummings stated that the Planning Board's Article had been put forward and that the ball was now in the court of Mashpee Commons. Mr. Cummings stated that they needed to get together better on open space and affordable housing. The Chair stated that it was a big ask to request 5-stories and 44+ units per acre, adding that a constituent referencing Mashpee Commons' drawings noted that it looked like Boston. In response, the Planning Board put forward a big ask for 15% affordable housing and 1:1 open space in order to encourage a yes vote from the public. Mr. Preston felt that other community benefits, such as civic spaces, should be considered as open space. Chairman Waygan stated that civic spaces were not identified as a crisis need on Cape Cod. Affordable housing and open space has been identified as a crisis need and have been highlighted in Mashpee's Local Comprehensive Plan. Mr. Preston showed an image of 46 units per acre and the Chair responded that they previously recommended discussing it with the Fire Chief.

Mr. Balzarini stated that it would all come down to Town Meeting if Mashpee Commons would not agree with the Planning Board and he was not going to agree to the proposed Mashpee Commons Article, particularly with Chapter 7, unless Mashpee Commons wished to work something out. Mr. Preston responded that they could return with what they would need to happen with the MPD bylaw, and the Special Permit process, but they did not know if they would receive a Special Permit. The Chair inquired about what Special Permit had been denied but Ms. Wilbur responded that it was based on project feasibility and if the outcome of the process would be up to the standard of Mashpee Commons. The Chair stated that Special Permit projects were better because citizens participated, adding that the Board had been very protective of property owner rights.

Mr. Lehrer did not understand the value of passing something that would not be utilized. Mr. Lehrer suggested that if 15% affordable and 1:1 open space was not reasonable, what would be the next conversation. Mr. Balzarini suggested that it was up to the developer to return with suggestions. Mr. Lehrer suggested that as progress was being made on the code, it would cycle back to the beginning. Mr. Balzarini disagreed stating that they were trying to get things moving and that the Planning Board liked the concept of the pictures, but nothing beyond that, and suggested that the developer communicate what they did not like. Mr. Lehrer stated that the Planning Board was pulling a lot from a developer who did not have a tool to offer much, particularly when they stated that 15% affordable housing was too much to request. The Chair responded that 15% was not unreasonable, developers often responded in that manner regarding affordable housing or open space, adding that requesting 5-story buildings or 100 units per acre may not be affordable for the Town.

Mr. Balzarini stated they were repeating themselves and recommended Mashpee Commons return to the next meeting. Chairman Waygan read emails she sent to Mr. Lehrer and Mr. Preston regarding items she was requesting to include: a list of parcels and their ownership under consideration for the proposal, summary table of zoning bylaws of Cape municipalities & FBC communities regarding height, density and affordable housing, visioning maps from initial meetings, fiscal impact analysis and Special Permits to date of the property. Mr. Lehrer would provide permits digitally.

Yvonne Courtney stated that very good points were made this evening, particularly points made by Mr. Rowley regarding the legal aspects of the proposal, as well as the issues of affordable housing and open space. Although she understood the financial constraints noted by Mashpee Commons, Ms. Courtney saw the impasse and agreed that it was a waste of time if it was not addressed. Ms. Courtney was in agreement that Mashpee residents would be looking for affordable housing when they attended Town Meeting and encouraged there to be a meeting of the minds to work it out. Mr. Preston responded that Mashpee Commons was committed to affordable housing, noting that they tried 40B, and stating that they were considering the whole spectrum of affordability, trying to determine how to make it work. Without knowing what they could build, it would be hard for Mashpee Commons to consider a 15% affordable housing and 1:1 open space requirement. The Chair suggested that the visioning map would be helpful for their consideration.

The next scheduled meeting is August 1. The Board took a break at 9:54 p.m. and reconvened at 10:03 p.m.

Review of Zoning Warrant Articles Submitted by Town Planner-Chairman Waygan suggested that the items be placed individually on the next agenda. Next year, the Chair would like the Planning Board to review Warrant Articles before they were submitted to the Board of Selectmen. The Chair suggested that October Town Meeting may be too soon to consider additional density with the Accessory Dwelling Unit (ADU) proposed Article with Mashpee Commons also on the Warrant.

State Housing & Zoning Reform Bills-The Chair reported that she and Mr. Lehrer attended an affordable housing roundtable regarding the Housing Choice Initiative as well as

bills regarding building reform. Many of the bills would have an opt out of 2/3 vote at Town Meeting for zoning bylaw change. The Chair expressed concern and inquired whether the Board would support her sending a letter expressing her concern and preference to maintain a 2/3 majority to Senator Cyr and Representative Vieira.

MOTION: Mr. Balzarini made a motion that the Chair write a letter to the State Representatives about the Article zoning change to keep the 2/3 vote for Town Meeting for a change to our local zoning. Mr. Kooharian seconded the motion.

Mr. Rowley noted that it would keep it more consistent with the Planning Board and Board of Appeals votes on Special Permits and Variances requiring 4/5 majority. The Chair indicated that that would be another aspect being considered. Mr. Lehrer indicated that Massachusetts was one of only eight states that required a super majority for zoning articles.

All voted unanimously.

BOARD MEMBER UPDATES

Chairman's Report-The Chair reported that she attended the Affordable Housing Committee and Environmental Oversight Committee, and distributed copies of the MPD Bylaw, noting that she would be added to their agendas for August 8 and August 9.

Committee Assignments-It was determined that the issue would be addressed at the next meeting.

Cape Cod Commission- No update

Community Preservation Committee-No update

Design Review Committee- No update

Environmental Oversight Committee-No update

Historic District Commission-No update

Greenway Project & Quashnet Footbridge- No update

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

Plan Review-No update

CORRESPONDENCE

-December 2017 Discharge Monitoring Report for South Cape Village N=5.10

-January 2018 Discharge Monitoring Report for South Cape Village N=5.60

-February 2018 Discharge Monitoring Report for Southport N=39.75

-March 2018 Discharge Monitoring Report for South Cape Village N=4.50

-April 2018 Discharge Monitoring Report for South Cape Village N=8.90

-May 2018 Discharge Monitoring Report for South Cape Village N=5.20

WATERWAYS LICENSES

-Bonnie Smith of 226 Monomoscoy Road, Mashpee has applied to the MA-DEP for a Simplified License to propose construction of a pier/dock, ramp, float(s), pile(s).

-Ashley Morgan of 196 Captains Row, Mashpee has applied to the MA-DEP for construction and maintenance of a pier, ramp and float in and over flowed tidelands of the Mashpee River. The proposed project has been determined to be water dependent.

-Mueller Family Trust of 130 Captains Row, Mashpee has applied to the MA-DEP for construction and maintenance of a pier, ramp and float in and over flowed tidelands of the Mashpee River. The proposed project has been determined to be water-dependent.

-Gregory & Hillery Lee of 11 Taffral Way, Mashpee have applied to the MA-DEP for construction and maintenance of an elevated walkway, ramp and float and to perform maintenance dredging in and over flowed tidelands of the Popponesset. The proposed project has been determined to be water dependent.

ADDITIONAL TOPICS

Laurentide-Mr. Rowley reported that he conducted a final inspection at Laurentide, including three items he had addressed in a letter back in June. In Mr. Rowley's opinion, the items had been addressed. Mr. Rowley reported that they would be seeking an Occupancy Permit and expected that Mike Mendoza would be looking for confirmation from the Planning Board that everything was all set. Mr. Rowley indicated that there was one item to be addressed, where a sidewalk was built in front of the handicap parking and extended the sidewalk too far. A section would be removed and replaced with loam and seed. Mr. Cummings referenced an area with a natural buffer and Mr. Rowley responded that the vegetation was not to be touched. Mr. Rowley will email his letter to Mr. Mendoza.

ADJOURNMENT

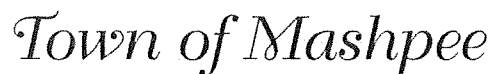
MOTION: Mr. Balzarini made a motion to adjourn. Mr. Kooharian seconded the motion. All voted unanimously. The meeting ended at 10:49 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

- 20 & 28 Blue Castle Drive Application for Waiver
- Planning Dept. Administrative Recommendation for Buildability: 20 & 28 Blue Castle Drive
- ArcGIS Web Map for Ockway Highlands
- Mashpee Commons Form-Based Code Change Log
- 7/18/18 Letter to Rui Almeida
- 5/11/18 Windchime Point Condominium Water Quality Monitoring Program Annual Report
- Accessory Dwelling Unit (ADU) Article
- Raze and Replace Article
- Light Industry Overlay District Article
- Summary of Key Housing/Zoning Bills
- Overview of Housing and Zoning Legislation
- 6/27/18 Letter from Cape Cod Commission Re: Blue Sky Towers Project



Mashpee Planning Board Public Hearing Notice

Submitted by:

Publication dates: Friday, July 13th, 2018
Friday, July 20th, 2018



Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

APPLICATION FOR MODIFICATION TO A SPECIAL PERMIT MOD. #35

NOTICE TO ABUTTERS:

2 July 2018

Applicant:

Southworth Mashpee Properties LLC (*property owner*)
130 Willowbend Drive, Mashpee, MA 02649

Subject Property Address:
Map 63 Block 89, R3 Zone

Dear Mashpee Property Owner,

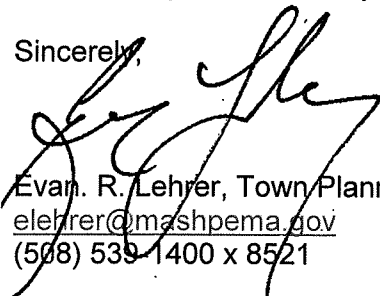
As the registered owner of a property located within 300' of the subject property named above, you are being notified that the Mashpee Planning Board is holding a public hearing on **Wednesday, August 1st, 2018 at 7:10PM in the Waquoit Meeting Room, Mashpee Town Hall, 1st Floor, 16 Great Neck Road North, 02649** to solicit comments regarding the following case:

Southworth Mashpee Properties, LLC, property owner, has filed an application requesting Modification of Special Permit for Willowbend Country Club. The modification for Special Permit seeks permission to construct an additional 22 units on a 9.3 acre parcel located north of Sampsons Mill Road. With these changes the total unit count for the Willowbend project will be increased from 251 units to 273 units, the 287 units currently authorized. A plan is also being submitted for approval simultaneously for the proposed new cul-de-sac off Sampsons Mill Road. All units will be connected to and served by the existing privately owned wastewater treatment plant.

If you wish to provide comment but you are unable to appear before the Board you may submit comments to me in writing via the contact information provided below. Your comments will be entered in to the public record for the Board's consideration. The complete application may be reviewed in the Town Clerk's Office or in the Planning Department.

If you require any accommodations please submit requests to me via email prior to the specified date and time of the public hearing indicated herein, in legal advertisement to run in the Mashpee Enterprise on Friday, July 13th 2018 and Friday, July 20th 2018 and posted in Town Hall. Please do not hesitate to contact me by phone, email, or in person should you have questions about why you are receiving this notification.

Sincerely,


Evan. R. Lehrer, Town Planner
elehrer@mashpema.gov
(508) 539-1400 x 8521



Town of Mashpee Inspections Department

Ensuring Safe Construction for the People of Mashpee

Michael Mendoza
Building Commissioner

July 18, 2018

To: Evan Lehrer
Town Planner

Re: Design Review
0 Sampsons Mill Road

Dear Mr. Lehrer:

As the current chair of the Design Review Committee, I am informing you that at the posted July 17, 2018 Design Review Committee hearing, the Committee had voted to Recommend the project at "0 Sampsons Mill Road".

I wish to note that a condition was made in our vote; that south of building one, that tree(s) and other types of buffering types of vegetation is placed as a buffer between the street and building one.

If you have any further questions, please feel free to contact me on this.

Sincerely,



Michael Mendoza
Building Commissioner



Willowbend

June 22, 2018

By Hand Delivery

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

MASHPEE TOWN CLERK

JUN 22 2018

RECEIVED BY WCS

Attn: Evan Lehrer, Town Planner

Re: Willowbend Country Club – Request for Modification No. 35 of Special Permit

Dear Members of the Planning Board:

Enclosed please find the application of Southworth Mashpee Properties LLC for a modification of the Special Permit for Willowbend Country Club. A check in the amounts of \$500 is included to cover application fees. The applications seek permission to construct an additional twenty-two units on a 9.3 acre parcel located north of Sampsons Mill Road. With these changes the total unit count for the Willowbend project will be increased from 251 units to 273 units, which is within the 287 units currently authorized under the Special Permit.

A ~~Definitive Subdivision~~ Plan is also being submitted for approval simultaneously for the proposed new cul-de-sac off Sampsons Mill Road to serve the units. All units will be connected to and served by the existing privately owned wastewater treatment plant which serves the entire Willowbend project.

Please feel free to contact me should you have any questions.

Sincerely yours,

Cathy Chauvin, V.P. and Controller

cc: Town Clerk
Board of Health
Jack McElhinney, Esq.
Matthew Eddy, P.E.



Town of Mashpee

Planning Board

100 Great Neck Road, North
Mashpee, Massachusetts 02649

APPLICATION FOR SPECIAL PERMIT

Date June 22, 2018

The undersigned hereby applies for a Special Permit from the Planning Board.

Name of Applicant Southworth Mashpee Properties LLC Phone 508-539-5000

Address 130 Willowbend Drive Mashpee Mass 02649

Owner, if different _____ Phone _____

Address _____

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

Deed of property recorded in Barnstable County Registry Book 26395 Page 247 or
Land Court Certificate of Title No. _____

Location and description of property 9.3 acres north of Sampson's Mill Road

Mashpee Assessors Map(s) and Block(s) Map 63 Block 89

Zoning District(s) in which property is located R-3

How long have you owned the property 2012

Section(s) of the Zoning Bylaw which require the permit you seek Sections 9.3/9.4 (1987 Zoning)

Present use of property Golf Course/ Vacant

Proposed use of property Residential

Check one: ☒ Applicant will send notice to abutters via certified mail, with return receipt to Mashpee Planning Board, and will provide certified abutters list.

☐ Applicant requests that Planning Department send notice to parties in interest via certified mail, and will provide labels and certified abutters list.


Signature of Owner or Authorized Representative

Attach written authorization signed by owner.

Charles L. Rowley, PE, PLS

Consulting Engineer and Land Surveyor

5 Carver Road
PO Box 9
West Wareham, MA 02576

Tel: 508-295-1881
Cell: 508-295-0545
E-mail: crsr63@verizon.net

July 27, 2018

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

Re: Plan Review of Willow Park
Sampson Mill Road

Attention: Mary Waygan, Chairman

Dear Ms. Waygan:

I am in receipt of a set of plans and drainage calculations prepared by Baxter Nye Engineering & Surveying dated June 1, 2018 and have reviewed the plans and calculations with the following comments:

Plans

1. The plan set consists of 14 sheets. Existing conditions and site layout for the developed area are shown. Details for construction are also shown. No information was included to show architectural details for the various buildings to be constructed. In all there are 11 buildings that contain 22 units, two to each building.
2. Each building has a substantial paved area in front that is intended for parking. It would be helpful to see the façade for each building to determine if there is any chance of reducing the amount of pavement for a more visual appeal. With the exception of one driveway and parking area all parking areas slope toward the cul-de-sac of the abutting street where runoff is collected.
3. Only two street monuments are shown on the plans but have no ties to the property lines. There is a note indicating a survey was done on January 23, 2017. The tie to the street lines of Sampson Mill Road should be shown.
4. The plans show a proposed exchange of land of approximately 0.7 acres in order to provide the space for the development. A plan will need to be filed as "Approval Not Required" for the exchange to take place.
5. There are two monitoring wells shown on the plan of existing conditions. Will it be required to maintain the wells in some other location? Were they part of the Willowbend Special Permit? What will happen to the existing irrigation well? Plans indicate that controls will be installed in a vault. Where will this be?
6. The grading plan shows that there will be extensive filling and changes in slopes in order to construct Buildings 5, 6, 7 and 8. In addition a very high retaining wall is proposed. Some foundations will be located within 10 feet of the proposed wall where the height approaches 20 feet.

7. There needs to be information presented to show that there will be no lateral pressure on the wall from the foundations that would impact wall stability. Wall construction details should be shown including materials and methods of maintaining wall stability. Difference in wall height (top to bottom of exposed face) ranges from 12 to 20 feet in the most extreme locations.
8. It is recommended that a Cape Cod berm should be included for the easterly side of the driveway leading to Building No. 5 to control runoff to CB #5.
9. Approximately 3000 square feet of area including Storm Water Facility #12 (SWM #12) are within the 200- foot riverfront area to the Santuit River. Has this been approved by the Mashpee Conservation Commission? If so are there any specific conditions attached?
10. Is there any possibility of finding an alternative location for SWM #12? Access to it for maintenance as shown is nearly impossible. Access to SWM #8 for maintenance purposes is also difficult.
11. It is recommended that the plans indicate how the various SWM facilities are to be protected during construction, especially those where access will be difficult once retaining walls and building foundations have been erected.
12. The plan should show a temporary construction site for the storage of topsoil and or excavated material from foundations. This temporary site may change as development proceeds.
13. The plan should show a temporary entrance onto Sampson Mill Road. A curb cut permit from Mashpee DPW is required.
14. Has any determination been made of the existing sanitary sewer line to establish that there is sufficient capacity for the flow that will be generated from the project?
15. Is there adequate fire flow water available and has the plan showing access and building locations been reviewed by Mashpee Fire and Rescue?
16. The grading plan shows a sidewalk to the pool area opposite Building #8. The Cape Cod berm should be cut to allow for handicap access in front of the walkway.
17. Can the grade of the cul-de-sac be adjusted between station 14+0 and Station 16+0 to spread out the grade change more evenly? The inside slope of the roadway in this area is approximately 7.5% in a relatively short length.

Detail Sheets

1. Show all castings as embedded in cement concrete 12" deep by 12" all around brought up to the level of the binder course of pavement. See Detail C-105 as example. Review all detail sheets where necessary.
2. Provide specification of gravel to be used under structures.
3. The Utility Plan C5.0 shows a grinder pump and force main for Building #7. How does Building #8 tie in? Does it need a lift pump as well? If not, how does it tie to the gravity main that appears to begin with SMH #8?

Re: Plan Review of Willow Park
Sampson Mill Road
Page three

4. Sheet C5.0 shows existing well controls to be relocated to underground vaults. Where will these vaults be located? What happens to the well?
5. Sheet C6.0 shows 8 inches of reclaimed pavement borrow for the Bituminous Concrete Pavement Detail (C-418) and a 12-inch compacted gravel base in the Cape Cod berm Detail (C-411). Details should be made consistent.

Drainage Calculations

1. Soil characteristics were noted as being derived from the Barnstable County Soil Survey. The soil classifications and types were not included.
2. No soil test pits or infiltration rates are shown on the plans.
3. In the calculation for the bio-retention areas was any consideration given to a slower rate in the engineered soils that are not part of the natural cover? The rate used in the calculations suggest that class A soils were used throughout for determination of runoff and infiltration capabilities.
4. In determining the total water quality volume required for infiltration the hooded catch basins should not be used in the calculation. Once filled, they are no longer available for storage. They can, however, be used as part of the calculation for TSS removal.
5. A full review of the storm water calculations will be completed upon receipt of a full-size plans showing the drainage areas.

Stormwater Operation and Maintenance Plan

The plan for construction and post construction conditions are noted within the plan set. All aspects of the O & M plan should be incorporated by reference in the Special Permit granted by the Board.

Very truly yours,

Charles L. Rowley

Charles L. Rowley, PE, PLS

CC Evan Lehrer, Mashpee Town Planner

Matt Eddy, PE, Baxter Nye Engineering and Surveying

Charles L. Rowley, PE, PLS

Consulting Engineer and Land Surveyor

5 Carver Road
PO Box 9
West Warcham, MA 02576

Tel: 508-295-1881
Cell: 508-295-0545
E-mail: crsr63@verizon.net

August 1, 2018

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

Re: Plan Review of Willow Park
Sampson Mill Road
Report Addendum

Attention: Mary Waygan, Chairman

Dear Ms. Waygan:

At my request I received a full-size version of the drainage area plan for Willow Park from Baxter Nye Engineering and Surveying. The plan shows extensive drainage areas that are broken down into the various sub-catchment areas and methods of capture and disposal of surface runoff.

Drainage Review:

1. The plans and drainage calculations show that up to and including the 25-year storm events will be handled without overflow using the designed rain gardens and subsurface infiltration systems.
2. For all but the one receiving area for surface runoff that is close to Sampson Mill Road, the drainage overflows discharge runoff for the 100-year event onto undisturbed land that can absorb the runoff as it currently does.
3. The drainage area shown as Pond 07 at Sampson Mill Road has a stone spillway that discharges to overland flow that is directed toward Sampson Mill Road. Overflow runoff from the 100-year event is approximately 1.05 cubic feet per second for a depth of approximately 5 inches.
4. It is recommended that either the surface area or the subsurface infiltration system for this facility be increased to contain the 100-year event to reduce the potential impact on Sampson Mill Road.
5. The receiving areas for surface runoff at the center of the development show paved waterways that discharge to rain gardens. There should be more definition between the paved waterways and the rain gardens that will direct the flow.
6. Each of the spillways shown on the plan have not been shown in detail as to dimension and stone size. These details should be incorporated into the plan set.

Re: Plan Review of Willow Park
Sampson Mill Road
Report Addendum
Page two

This completes the initial review of the documents as provided for Willow Park. Please feel free to contact me if you have any questions.

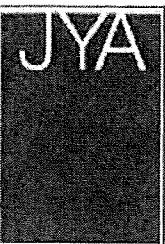
Very truly yours,

Charles L. Rowley

Charles L. Rowley, PE, PLS

Cc Evan Lehrer, Mashpee Town Planner

Matt Eddy, PE, Baxter Nye Engineering & Surveying

[illegible]

A-1

FIRST FLOOR PLAN

[illegible]

SECOND FLOOR PLAN

WILLOW

Willowbend
Village

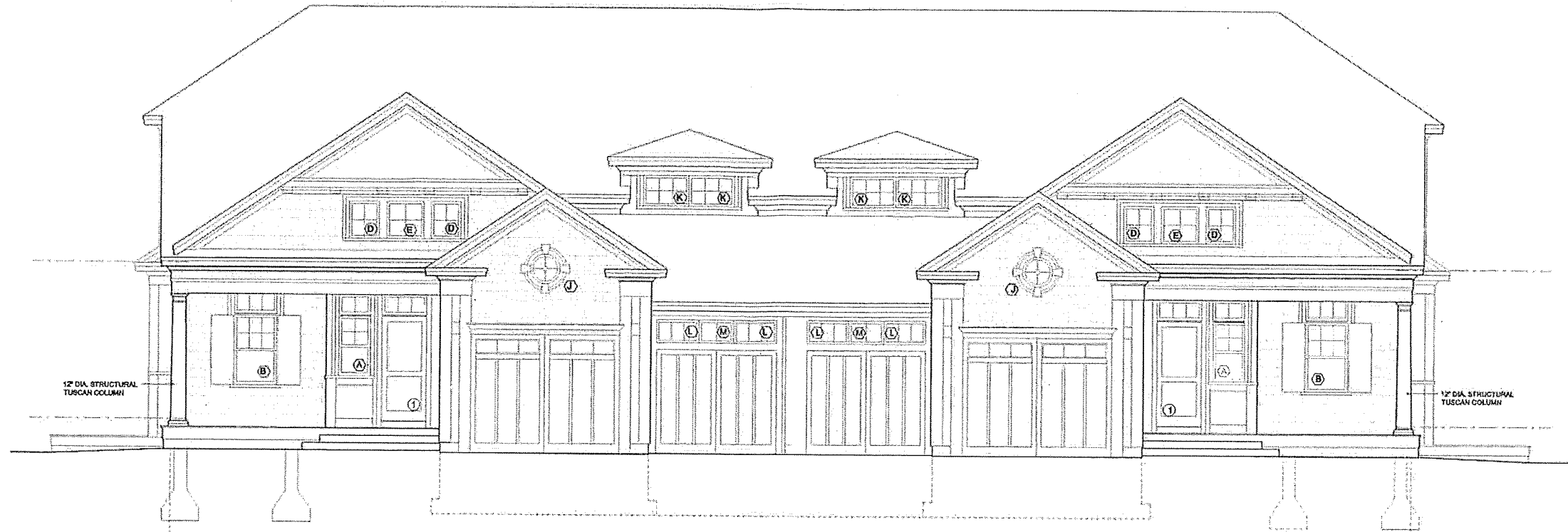
Marshpee, MA

SCALE: SHOWN

RAYN BY

SECOND FLOOR PLAN

A-2



FRONT ELEVATION
1/4"=1'-0"

PROPOSED WINDOW SCHEDULE - TO BE VERIFIED
WINDOWS ARE JELD-WEN SCHEDULE

TYPE	JELD-WEN NUMBER	ROUGH OPENING	REMARKS	QTY
A	DWTRAN ECD 2548 W/ECOT2518	26 1/8" X 66 3/4"		4
A3	DWTRAN ECD 2548 W/ECOT2518	61 1/2" X 76 7/8"		1
B	DWTRAN ECD 3358 W/ECOT3318	34 1/8" X 74 3/4"		3
C	DWTRAN ECD 3180 W/ECOT3118	32 1/8" X 78 3/4"	GROUPED W/3" STUD PKTS	2
C2	DWTRAN ECD 3180 W/ECOT3118	83 1/2" X 78 3/4"		1
D	CSMNT ECC 2430	24 3/4" X 30 3/4"	GROUPED W/3" STUD PKTS	2
E	CSMNT ECC 3030	30 3/4" X 30 3/4"	GROUPED W/3" STUD PKTS	1
F	DH ECC 2558	26 1/8" X 66 3/4"		2
G	DH ECC 3558 W/ECOT3518	34 1/8" X 74 3/4"		1
G2	DH ECC 3558 W/ECOT3518	34 1/8" X 74 3/4"		1
H	DH ECC 3552	34 1/8" X 62 3/4"	GROUPED W/3" STUD PKTS	3
J	RHD ECC4FRD8	24 3/4"		1
K	CSMNT ECC 3024-2	72 3/4" X 24 3/4"	FIXED	1
L	CSMNT ECC 3018	30 3/4" X 18 3/4"	FIXED	2
M	CSMNT ECC 2418	24 3/4" X 18 3/4"	FIXED	1

EXTERIOR DOORS

1	FRONT ENTRY	3'-0" X 7'-0"	TBD	1
2	8CHD-3073F W/8CHD-3018T-1	3'-0 3/4" X 8'-0 1/2"		
3	8CHD-3073F W/8CHD-3018T-1	3'-0 3/4" X 8'-0 1/2"	FIXED	6
4	8CHD-3073F W/8CHD-3018T-2	8'-0 3/4" X 8'-0 1/2"		2

CONTRACTOR TO VERIFY ALL SIZES AND QUANTITIES
AND GULL OPTIONS BEFORE PLACING ORDER.



REAR ELEVATION
1/4"=1'-0"

JYA

Jeffrey Yoles Architecture
80 Thoreau Street, Suite 112
Cranston, MA 01742
978-552-2525
www.jyolarch.com
Copyright Jeffrey Yoles Architecture 2009

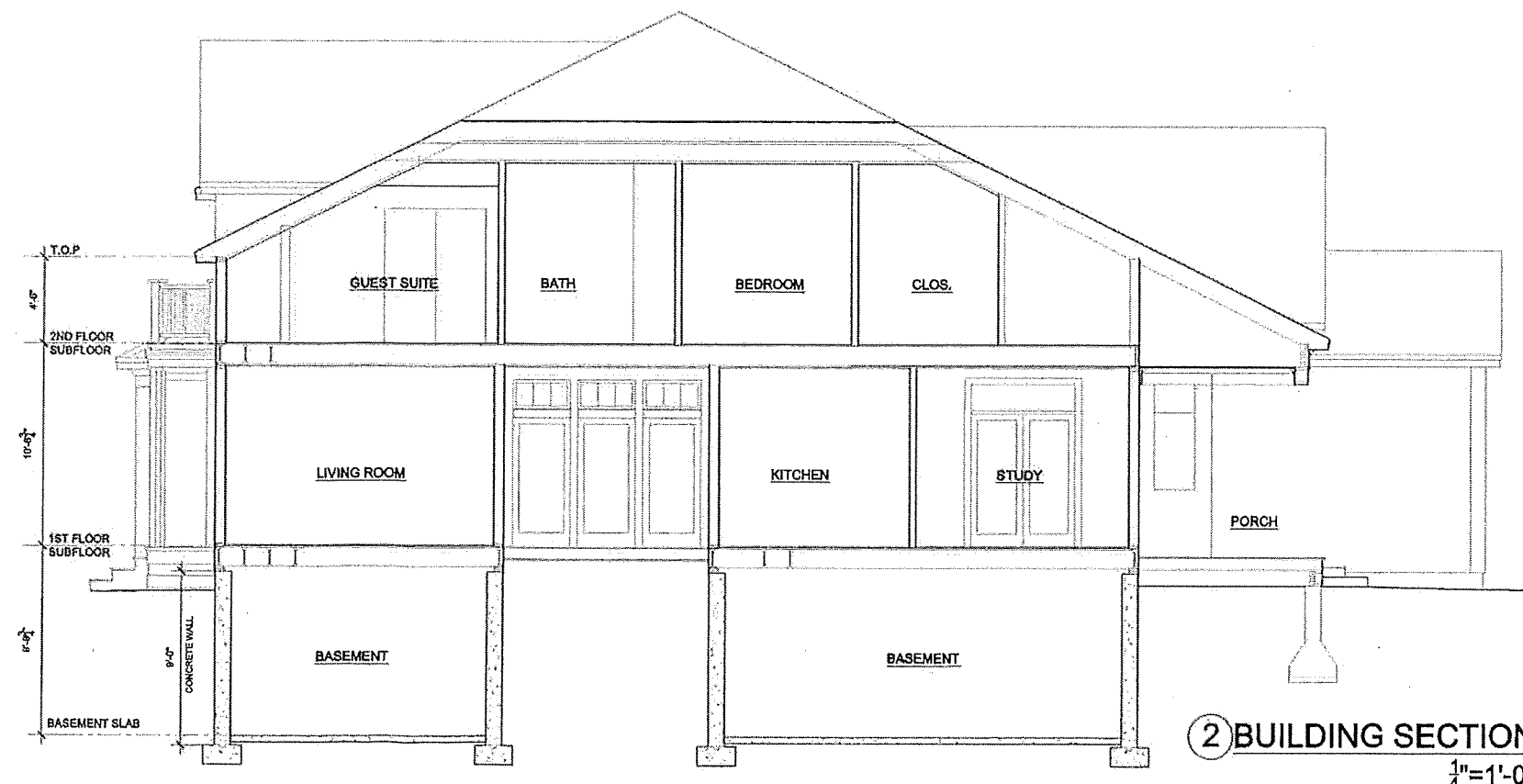
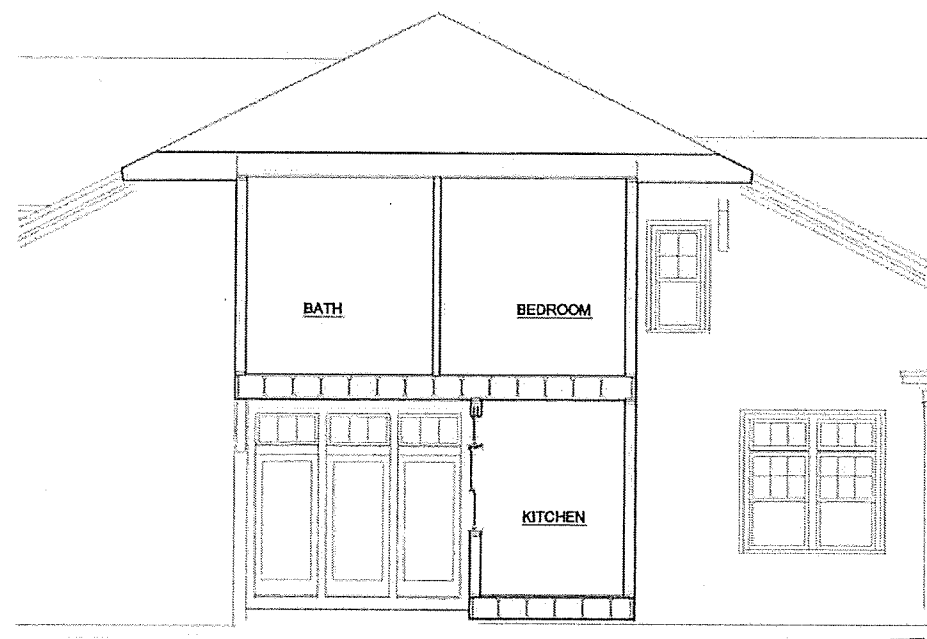
ISSUED DATE
PRICING SET 7-28-13

ELEVATIONS
WILLOW

Willowbend
Village
Mashpee, MA

SCALE: SHOWN
DRAWN BY

A-4

[illegible]

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Fax - (508) 771-7622
www.baxter-nye.com

STAMP

CONSULTANT

SOUTHWORTH MASHPEE
PROPERTIES, LLC
130 Willowbend Drive
Mashpee MA 02549

PROJECT TITLE
Willow Park Townhomes
Sampsons Mill Road
MAshpee, MA

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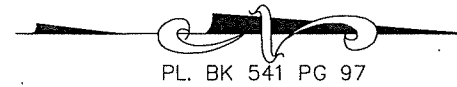
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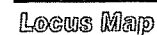
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DRAWN/DESIGN BY: MJ CHECKED BY: MWE

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CONSTRUCTION



Mashpee, Massachusetts



Scale 1" = 500'

Owner :

Southworth Mashpee Properties, LLC
130 Willowbend Drive
Mashpee, MA 02649 Phone
(508)-539-5316

Applicant :

Southworth Mashpee Properties, LLC
130 Willowbend Drive
Mashpee, MA 02649 Phone
(508)-539-5316

Engineer/Surveyor :

BAXTER NYE ENGINEERING & SURVEYING
Registered Professional Engineers and Land Surveyors
78 North Street - 3rd Floor
Hyannis, MA 02601 Phone
(508) 771-7502 Fax - (508) 771-7622
ATTN : Matthew Eddy, P.E.

Issued for: Planning Board Review (6/01/2018)

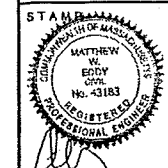
Job Number: 2014-009

PLAN SHEET INDEX

No.	DRAWING TITLE
C 0.0	Cover Sheet
C 1.0	Legend and General Notes
C 2.0	Existing Conditions Plan
C 3.0	Master Layout Plan
C 3.1	Layout and Dimension Plan
C 3.2	Sight Distance Plan
C 4.0	Grading and Drainage Plan
C 4.1	Roadway Profile
C 4.2	Stormwater Management Details and Notes
C 4.3	Stormwater Management Details
C 5.0	Utility Plan
C 6.0	Detail Sheet
C 6.1	Detail Sheet
C 6.2	Cultec Recharger 900HD Heavy Duty Chamber Detail Sheet
C 6.3	Cultec Recharger 330XL HD Chamber Detail Sheet
C 6.4	Cultec Stormfilter 330 Detail Sheet

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CONSULTANT

CONSULTANT

PREPARED FOR:

SOUTHWORTH MASHPEE
PROPERTIES, LLC
130 Willowbend Drive
Mashpee MA 02549

PROJECT TITLE
Willow Park Townhomes
Sampsons Mill Road
MAshpee, MA

[illegible]

SHEET TITLE	
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Cover Sheet

SHEET NO

CO.0

DATE: JUNE 01, 2018

SCALE: NTS

DRAWN/DESIGN BY: SWM CHECKED BY: LMC
JOB NO: 2014-009 CADD FILE: 2014-009-CY.dwg

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PROJECT TITLE
Willow Park Townhomes
Sampsons Mill Road
Mashpee, MA

[illegible]

Layout and Dimension Plan

C3.1

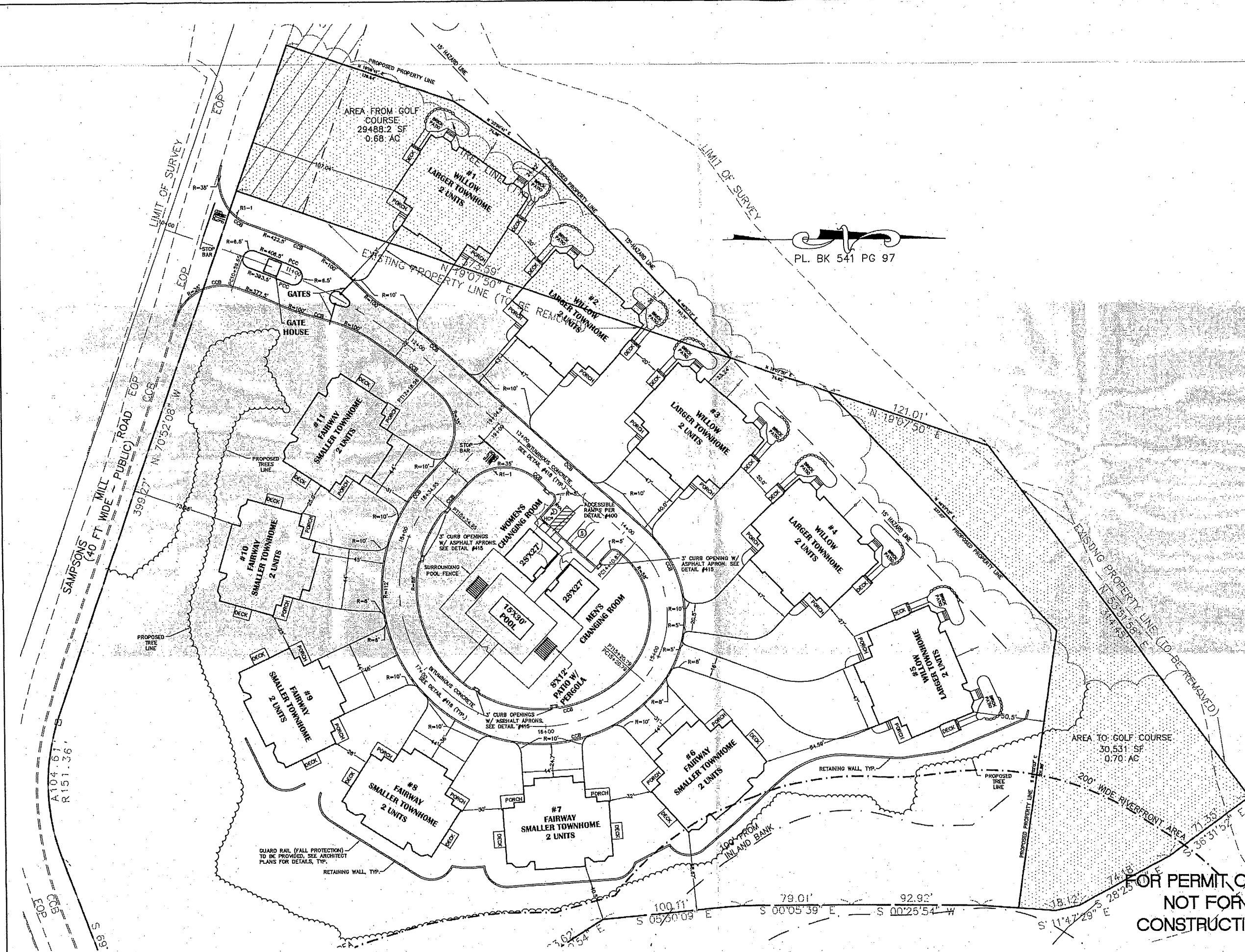
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SCALE IN FEET

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DRAWN/DESIGN BY: STM CHECKED BY: WME

JOB NO: 2014-009 GADD FILE: 2014-009-PMT ON



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130 Willowbend Drive
Mashpee MA 02549

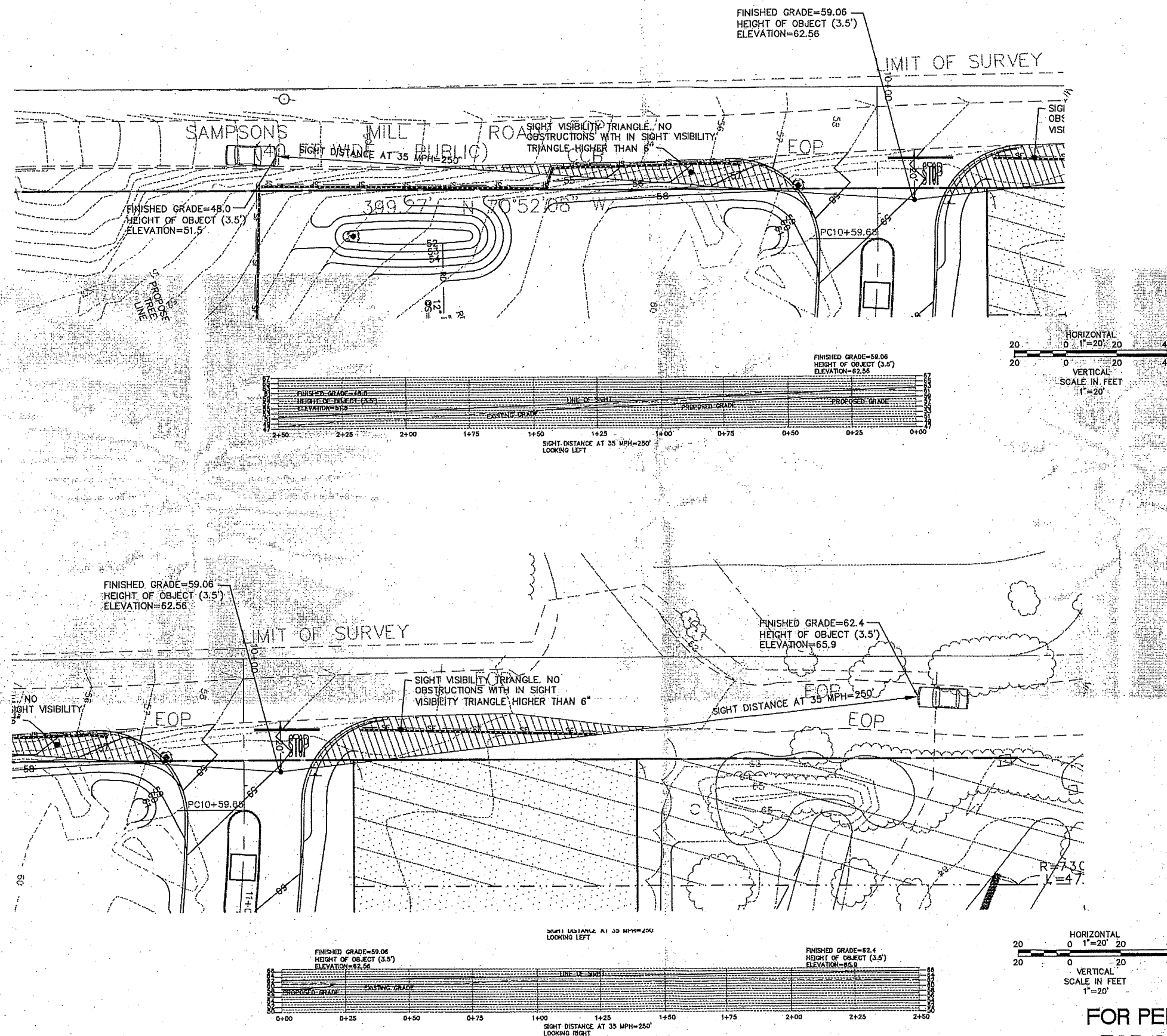
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Willow Park Townhomes
Sampsons Mill Road
Mashpee, MA

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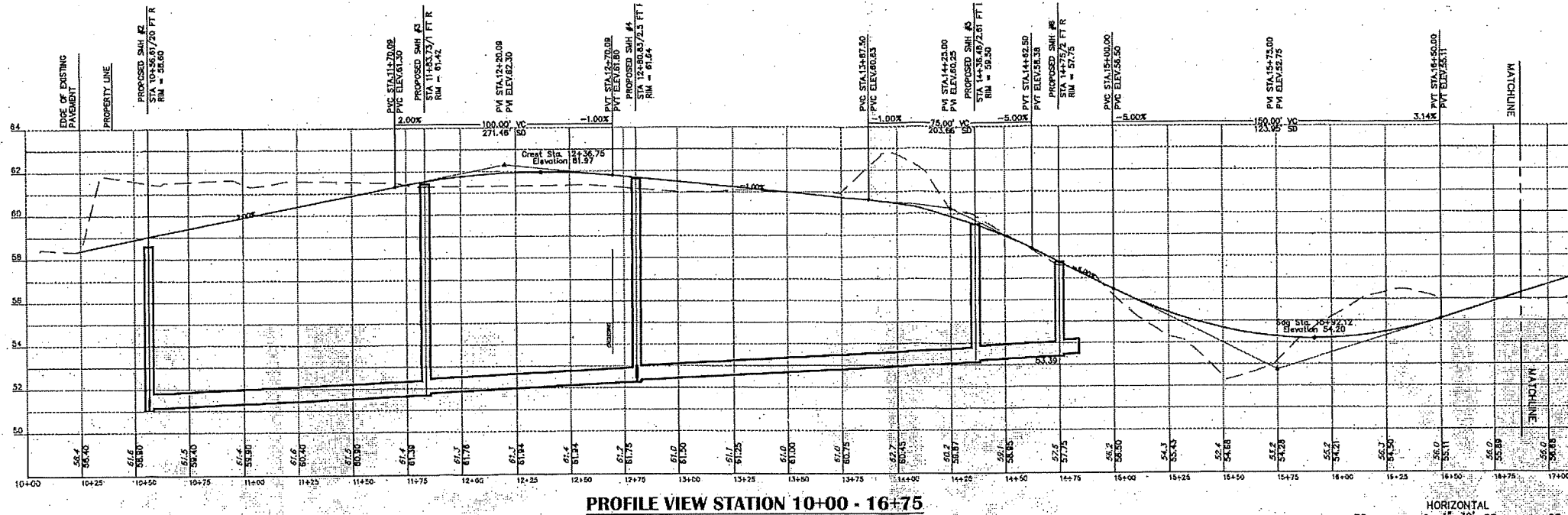
Sight Distance Plan

C3.2

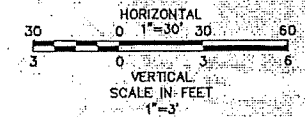
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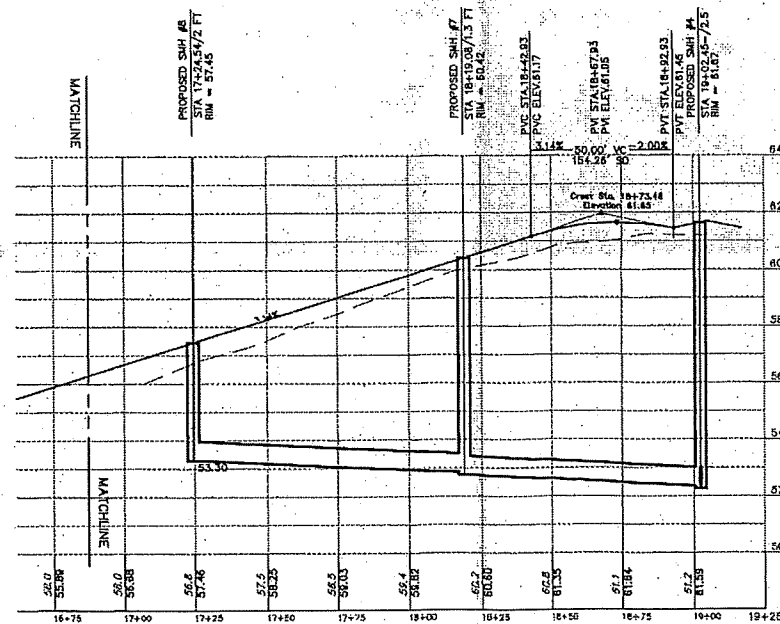


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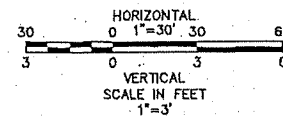


PROFILE LEGEND

EXISTING GRADE C/L
PROPOSED GRADE C/L



PROFILE VIEW STATION 16+75 - 19+04.95



PROFILE LEGEND

EXISTING GRADE C/L
PROPOSED GRADE C/L

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PREPARED FOR:

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PROPERTIES, LLC**
130 Willowbend Drive
Mashpee MA 02549

PROJECT TITLE
Willow Park Townhomes
Sampsons Mill Road
Mashpee, MA

NO	BY	DATE	DESCRIPTION

SHEET TITLE

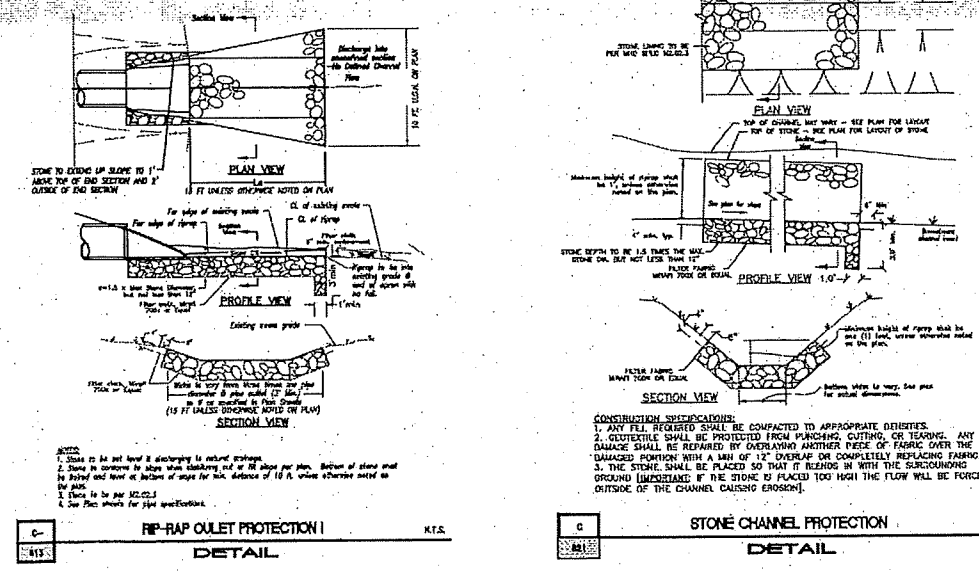
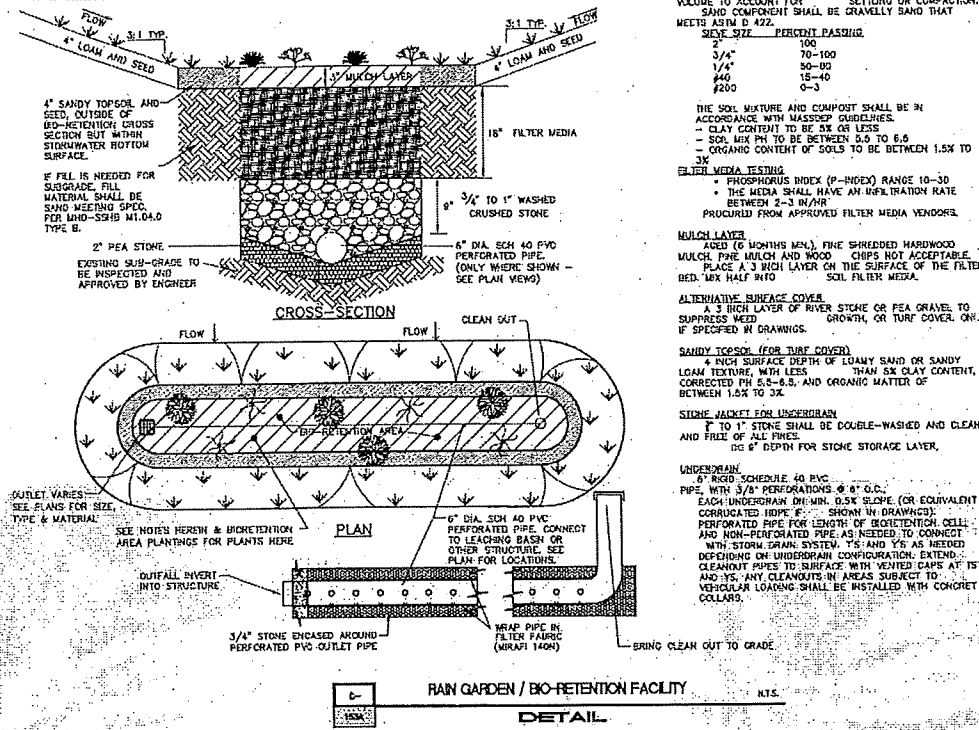
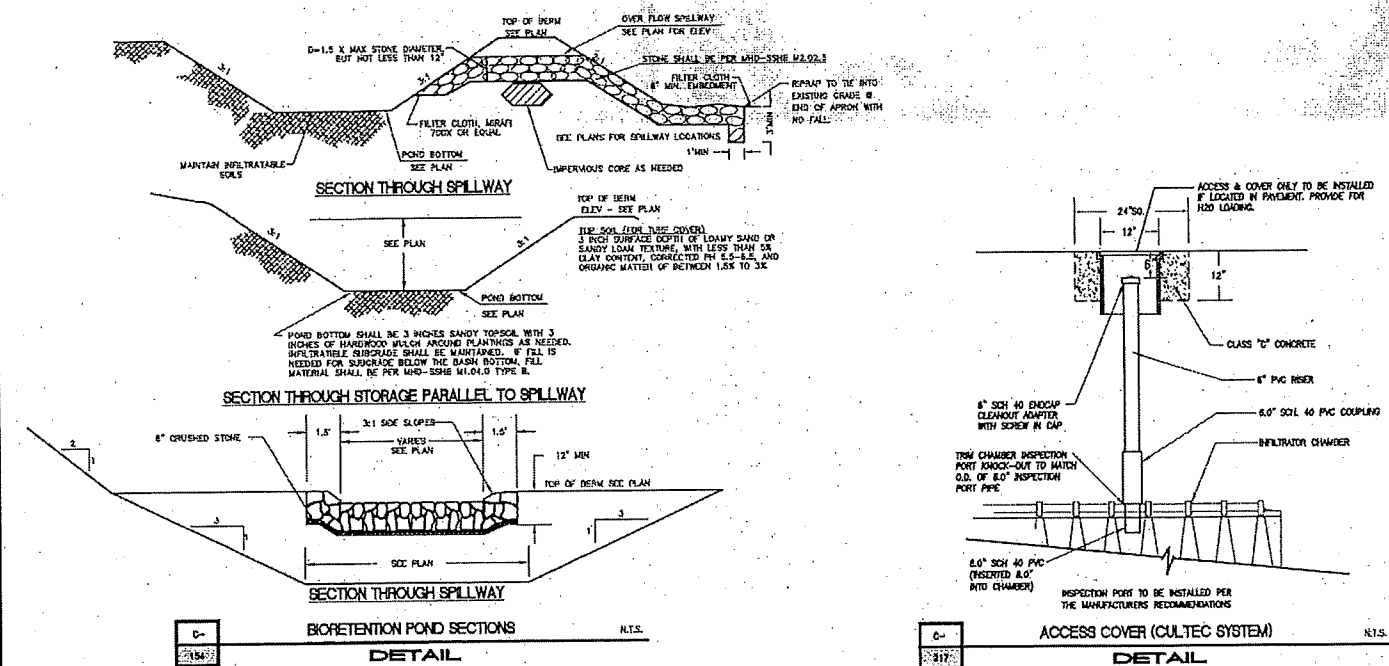
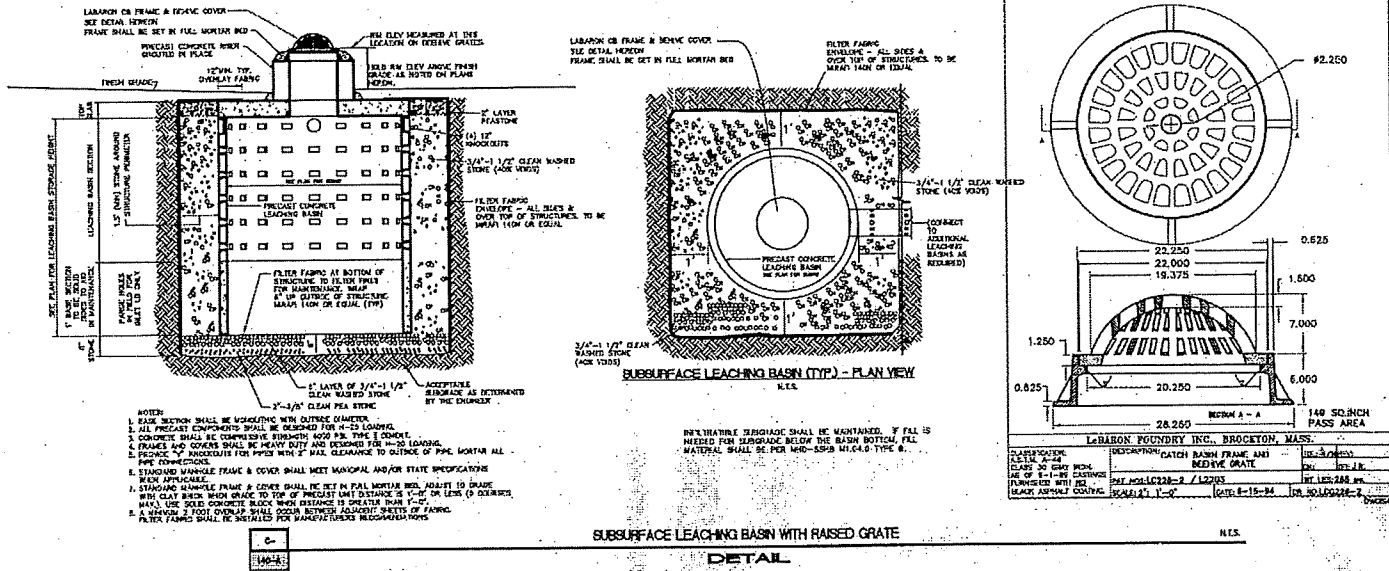
Roadway Profile

SHEET NO

C4.1

DATE: JUNE 01, 2018

SCALE: 1" = 30'
DRAWN/DESIGN BY: SDW CHECKED BY: JWE
JOB NO: 2014-009 CADD FILE: 2014-009-RDPR.DWG



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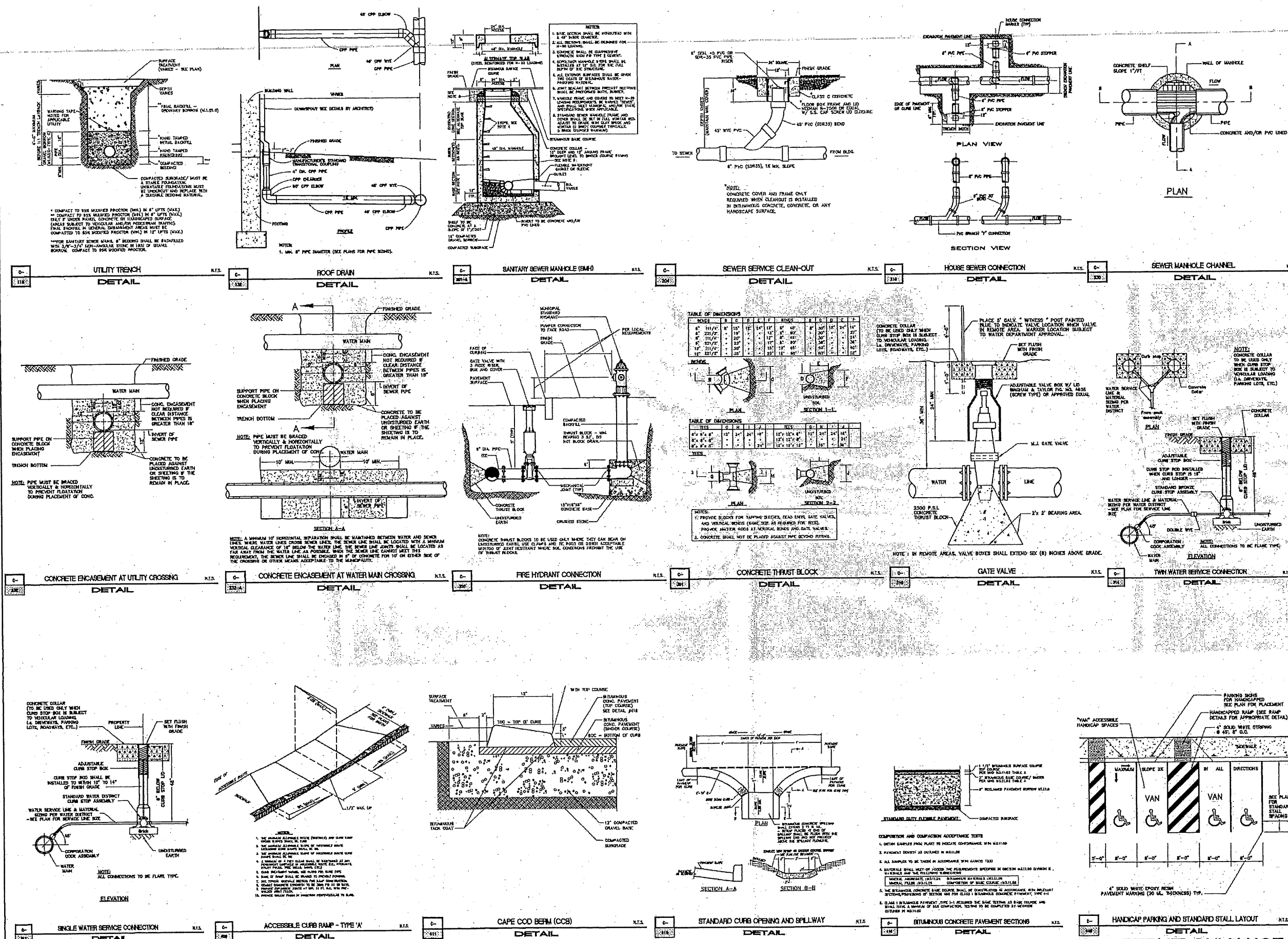
STAMP	STAMP
CONSULTANT	
CONSULTANT	
PREPARED FOR:	
<p>SOUTHWORTH MASHPEE PROPERTIES, LLC 130 Willowbend Drive Mashpee MA 02549</p>	
PROJECT TITLE	
<p>Willow Park Townhomes Sampsons Mill Road Mashpee, MA</p>	
SHEET TITLE	DESCRIPTION
<p>Stormwater Management Details</p>	
SHEET NO	
<p>C4.3</p>	
DATE: JUNE 01, 2018	
SCALE: NTS	
DRAWN/DESIGN BY: SDW CHECKED BY: JWE	
JOB NO: 2014-009 CADD FILE: 2014-009-CV.dwg	

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Detail Sheet

C6.0

DRAWN/DESIGN BY: SDW CHECKED BY: Mh
JOD NO: 2014-009 CADD FILE: 2014-009-CV.dwg



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CONSTRUCTION

CULTEC INTERNAL MANIFOLD DETAIL

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CULTEC STORMFILTER 330 WATER QUALITY UNIT SPECIFICATIONS

GENERAL
CULTEC STORMFILTER 330 DESIGNED AS A WATER QUALITY UNIT. THE UNIT MAY BE USED TO FILTER STORMWATER RUN-OFF VIA PASS-THRU FILTRATION BAGS.

STORMFILTER 330 PARAMETERS

1. THE CHAMBER SHALL BE MANUFACTURED BY CULTEC, INC. OF BROOKFIELD, CT (203-775-4416 OR 1-800-428-5833).
2. THE CHAMBER SHALL BE VACUUM-THERMOFORMED OF BLACK POLYETHYLENE.
3. THE CHAMBER SHALL BE ARCHED IN SHAPE.
4. THE CHAMBER SHALL HAVE A WELDED AND SECURED SOLID BOTTOM PLATE.
5. THE NOMINAL CHAMBER DIMENSIONS OF THE CULTEC STORMFILTER 330 SHALL BE 54 INCHES (1414 MM) TALL, 28 INCHES (711 MM) WIDE AND 8 FEET (2.44 M) LONG.
6. THE CHAMBER SHALL HAVE A 22.5 INCH (572 MM) DIAMETER ACCESS OPENING LOCATED AT THE TOP OF THE UNIT.
7. MAXIMUM INLET OPENING ON THE CHAMBER END WALL IS 24 INCHES (600 MM) WHEN UTILIZING BYPASS CAPABILITY.
8. THE RECOMMENDED INLET PIPE DIAMETER IS 18 INCHES (450 MM) FOR FULL FILTERING CAPACITY.
9. THE RECOMMENDED OUTLET PIPE DIAMETER IS 15 INCHES (375 MM) FOR FULL FILTERING CAPACITY.
10. THE CHAMBER SHALL HAVE TWO SIDE PORTALS TO ACCEPT CULTEC HVLV™ FC-24 FEED CONNECTORS. THE NOMINAL DIMENSIONS OF EACH SIDE PORTAL SHALL BE 12 INCHES (305 MM) HIGH BY 10.5 INCHES (267 MM) WIDE. MAXIMUM ALLOWABLE PIPE SIZE IN THE SIDE PORTAL IS 10 INCHES (250 MM).
11. THE NOMINAL STORAGE VOLUME OF THE STORMFILTER 330 SHALL BE 418.5 GAL / UNIT (1584 L/MIN).
12. THE STORMFILTER 330 CHAMBER SHALL HAVE 14 CORRUGATIONS.
13. THE STORMFILTER 330 SHALL BE DESIGNED TO WITHSTAND TRAFFIC LOADS WHEN INSTALLED ACCORDING TO CULTEC'S RECOMMENDED INSTALLATION INSTRUCTIONS.
14. THE STORMFILTER 330 HAS A MAXIMUM FILTERING CAPACITY OF 7400 GPM (2800 L/MIN).
15. THE MAXIMUM BURIAL DEPTH SHALL NOT EXCEED 4 FEET (1.22 M).
16. THE CHAMBER SHALL BE MANUFACTURED IN AN ISO 9001:2008 CERTIFIED FACILITY.

MAINTENANCE PROCEDURES

GENERAL
THE CULTEC STORMFILTER 330 SHOULD BE INSPECTED FOR THE FIRST TIME IMMEDIATELY AFTER THE FIRST RAINFALL OF THE STORMWATER SYSTEM OPERATION. FOLLOWING THE FIRST INSPECTION, IT IS RECOMMENDED TO BE INSPECTED QUARTERLY OR WHEN AN EXTREME STORM OCCURS. ALWAYS FOLLOW OSHA GUIDELINES DURING MAINTENANCE PROCEDURES ON THE STORMFILTER 330.

MAINTENANCE GUIDELINES

1. THE OWNER SHALL KEEP A MAINTENANCE LOG WHICH SHALL INCLUDE DETAILS OF ANY EVENTS WHICH WOULD HAVE AN EFFECT ON THE SYSTEM'S OPERATIONAL CAPACITY.
2. THE OPERATION AND MAINTENANCE PROCEDURE SHALL BE REVIEWED PERIODICALLY AND CHARGED TO MEET SITE CONDITIONS.
3. MAINTENANCE OF THE STORMWATER MANAGEMENT SYSTEM SHALL BE PERFORMED BY QUALIFIED WORKERS AND SHALL FOLLOW APPLICABLE OCCUPATIONAL HEALTH AND SAFETY REQUIREMENTS.
4. DEBRIS REMOVED FROM THE STORMWATER MANAGEMENT SYSTEM SHALL BE DISPOSED OF IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS.

INSPECTION

1. BARRICADE OFF THE SERVICE AREA ACCORDING TO LOCAL REGULATORY SAFETY PROCEDURES. TWO PERSONS SHOULD BE AVAILABLE FOR INSPECTION AND MAINTENANCE.
2. ALLOW THE STORMFILTER TO BE PROPERLY VENTED BY OPENING THE AT-GRADE GRATE AND THE STORMFILTER COVER. A FAN IS RECOMMENDED TO IMPROVE VENTILATION. IT MAY NOT BE NECESSARY TO ENTER THE STORMFILTER CHAMBER, IF IT IS CLOSER TO GRADE.
3. INSPECT THE CHAMBER FOR OIL AND SEDIMENT. IF IT IS FOUND THAT SEDIMENT HAS ACCUMULATED, MEASURE THE SEDIMENT DEPTH. THIS CAN BE DONE WITH A STADIA ROD. CHECK EACH OF THE FILTER BAGS AND RECORD THE DEPTH OF OIL IN EACH. WE RECOMMEND CLEANOUT WHEN THE DEPTH OF SEDIMENT IN THE THIRD BAG (BEFORE THE LAST FILTER) EXCEEDS 3 INCHES.

MAINTENANCE

1. USING A VACUUM, REMOVE WATER AND DIRT FROM THE STORMFILTER CHAMBER.
2. PRESSURE WASH THE FILTERS IN PLACE AND REPEAT DIRT REMOVAL.
3. IF NECESSARY, REMOVE AND REPLACE THE PARTICULATE FILTERS BY SEPARATING THE TOP VELCRO OR ZIPPER ON THE PARTICULATE FILTER BAG AND RELEASING THE TOP FRAME LOCK BY LOOSENING THE NUT AND BOLT AT THE TOP CENTER OF EACH FILTER FRAME. AFTER RELEASING THE BOLT, PULL UP ON THE CENTER FRAME RELEASE ARM AND THE FRAME AND FILTER BAG WILL COLLAPSE. REMOVE IT FROM THE STORMFILTER HOUSING RIBS. THE FILTER CAN THEN BE REMOVED FROM THE FRAME AND WASHED OR REPLACED.
4. IF IT MAY BE NECESSARY TO VACUUM THE STORMFILTER AGAIN IN ORDER TO PROPERLY RESEAT THE CLEAN FILTERS INTO THE RIBS THAT THE FRAME IS SET INTO. IF THE FRAMES DO NOT REINSTALL PROPERLY, IT MAY BE NECESSARY TO ADJUST THE WIDTH OF THE FRAME BY MOVING THE LOCKING PINS AT THE TOP OR BOTTOM CENTER OF THE STAINLESS STEEL ARMS TO RESET THEM.

FILTER FRAME BAG SPECIFICATIONS

GENERAL
CULTEC FILTER ENCLOSURES, MANUFACTURED FROM A GEOTEXTILE COMPOSED OF POLYPROPYLENE YARNS, WHICH ARE WOVEN INTO A STABLE NETWORK SUCH THAT THE YARNS RETAIN THEIR RELATIVE POSITION. THE GEOTEXTILE FILTERS ARE HEAT TO ECOLOGICAL DEGRADATION AND RESIST NATURALLY ENCOUNTERED CHEMICALS, ALKALIS, AND ACIDS AND ARE DESIGNED TO FIT COLLAPSIBLE METAL FRAMES.

FILTER FRAME BAG PARAMETERS

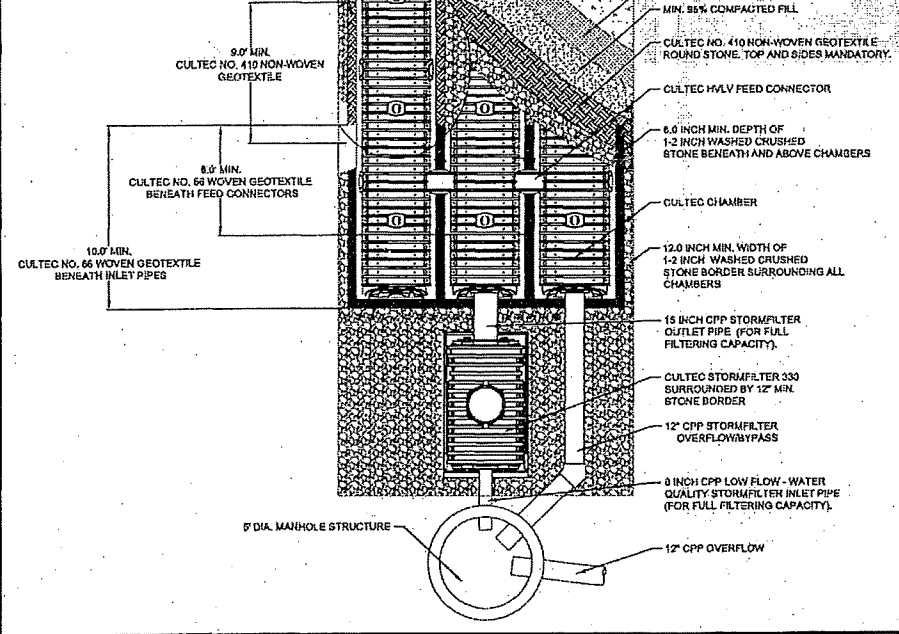
1. THE GEOTEXTILE SHALL BE PROVIDED BY CULTEC, INC. OF BROOKFIELD, CT (203-775-4416 OR 1-800-428-5833).
2. THE FILTER ENCLOSURES ARE CONSTRUCTED FROM GEOTEXTILE COMPOSED OF POLYPROPYLENE YARNS, WHICH ARE WOVEN INTO A STABLE NETWORK SUCH THAT THE YARNS RETAIN THEIR RELATIVE POSITION.
3. THE FILTER BAG SHALL HAVE A NOMINAL AREA OF 2.74 FT² (0.255 M²).
4. THE GEOTEXTILE SHALL BE BLACK IN APPEARANCE.
5. THE GEOTEXTILE SHALL HAVE A GRASS TENSILE STRENGTH VALUE OF 400 LBS (180 N) CD (110 N MD) PER ASTM D4533 TESTING METHOD.
6. THE GEOTEXTILE SHALL HAVE AN GRASS TENSILE ELONGATION VALUE OF 20% MD/15% CD PER ASTM D4533 TESTING METHOD.
7. THE GEOTEXTILE SHALL HAVE A TRAPEZOID TEAR VALUE OF 145 LBS MD/125 LBS CD (645 N MD/566 N CD) PER ASTM D4533 TESTING METHOD.
8. THE GEOTEXTILE SHALL HAVE A CAR PUNCTURE STRENGTH VALUE OF 1200 LBS (5445 N) PER ASTM D6241 TESTING METHOD.
9. THE GEOTEXTILE SHALL HAVE A PERCENT OPEN AREA VALUE OF 8% PER COC-0215 TESTING METHOD.
10. THE GEOTEXTILE SHALL HAVE A FLOW RATE VALUE OF 115 GPM/FT² (4485 LPM/M²) PER ASTM D4491 TESTING METHOD.
11. THE GEOTEXTILE SHALL HAVE AN APPARENT OPENING SIZE (AOS) VALUE OF 36 U.S. SIEVE (0.60 MM) PER ASTM D4751 TESTING METHOD.
12. THE GEOTEXTILE SHALL HAVE A UV RESISTANCE (AT 500 HOURS) VALUE OF 95% STRENGTH RETAINED PER ASTM D4255 TESTING METHOD.

FILTERING SPECIFICATIONS

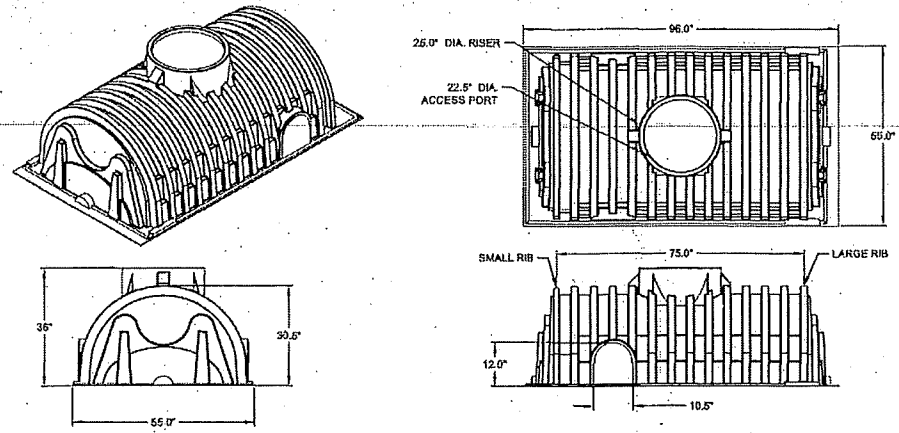
1. THE FILTER REMOVES MORE THAN 70% OF THE TOTAL SUSPENDED SOLIDS TYPICALLY PRESENT IN STORMWATER RUN OFF.
2. CONTINUOUS FILTRATION CAPABILITY FOR CLEAN FILTERS IS RATED AT 1.85 CFS (0.0487 M³/S).
3. TREATMENT CAPABILITY IS APPROXIMATELY 7400 GPM (2800 L/MIN).

GENERAL NOTES

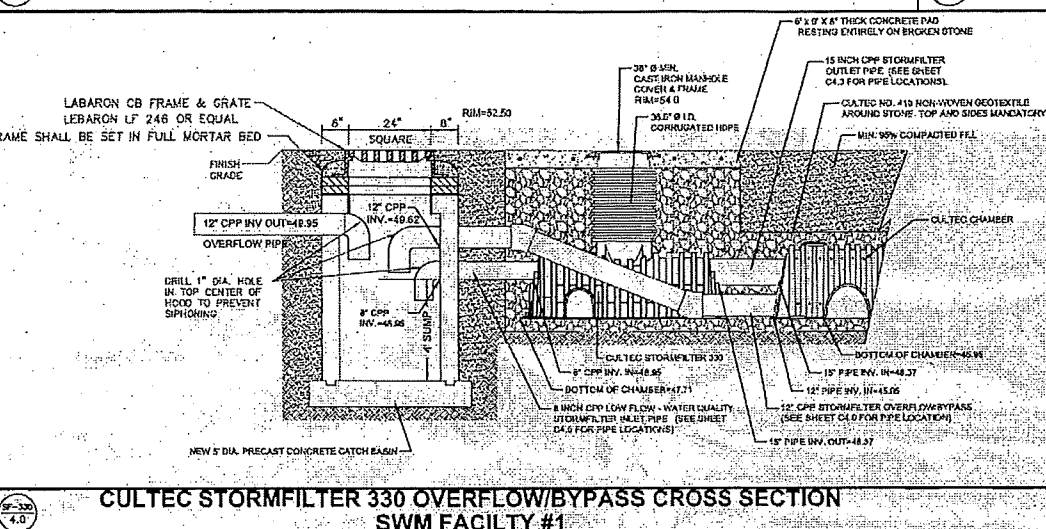
CULTEC NO. 410 NON-WOVEN GEOTEXTILE TO BE PLACED BENEATH ALL CHAMBERS ACCEPTING INLET PIPING CONNECTIONS GREATER THAN 18.0 INCHES DIA. GEOTEXTILES TO EXTEND A MIN. OF 8.0 FEET PAST NO. 66 WOVEN GEOTEXTILE AND OVERLAP A MIN. OF 1.0 FOOT BENEATH THE NO. 66 WOVEN GEOTEXTILE.



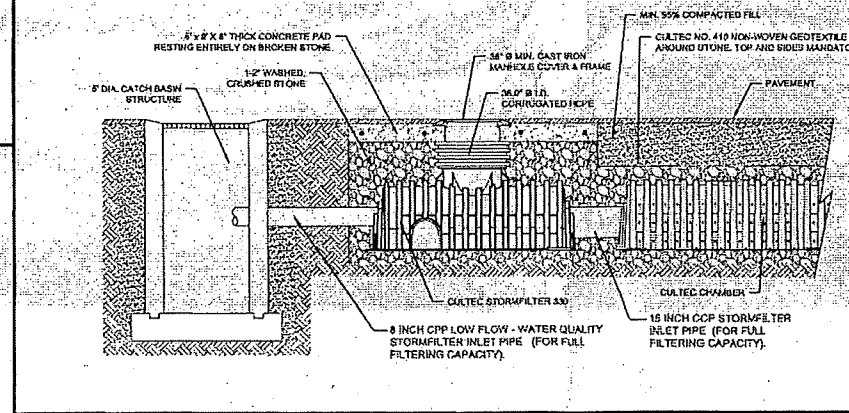
CULTEC STORMFILTER 330 OVERFLOW/BYPASS PLAN VIEW



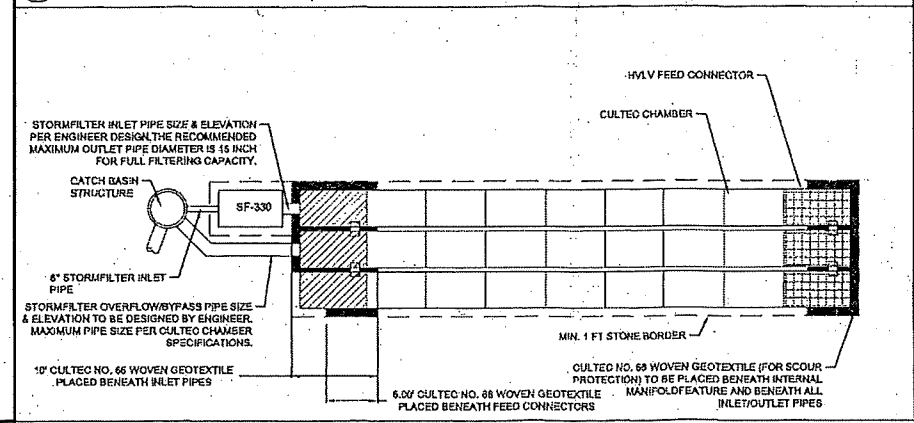
CULTEC STORMFILTER 330 THREE VIEW



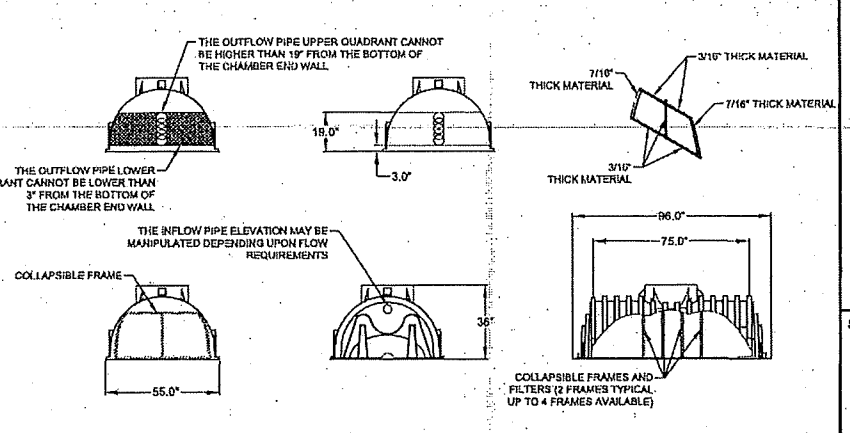
CULTEC STORMFILTER 330 OVERFLOW/BYPASS CROSS SECTION SWM FACILITY #1



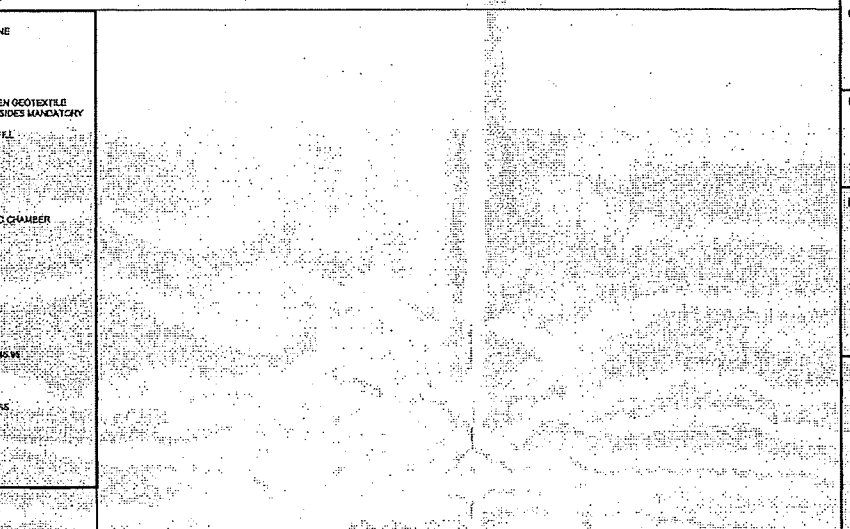
CULTEC STORMFILTER 330 TYPICAL INLET CONNECTION CROSS SECTION



CULTEC STORMFILTER 330 EXAMPLE LAYOUT



CULTEC FILTER FRAME DETAIL



CULTEC STORMFILTER 330 INSTALLATION CROSS SECTION

FOR PERMIT ONLY NOT FOR CONSTRUCTION

BAXTER NYE ENGINEERING & SURVEYING

Registered Professional Engineers
and Land Surveyors

78 North Street - 3rd Floor
Hyannis, Massachusetts 02601

Phone - (508) 771-7502
Fax - (508) 771-7622
www.baxter-nye.com

BAXTER NYE
ENGINEERING & SURVEYING

STAMP STAMP

CONSULTANT

CONSULTANT

PREPARED FOR:
**SOUTHWORTH MASHPEE
PROPERTIES, LLC**
130 Willowbend Drive
Mashpee MA 02549

PROJECT TITLE
Willow Park Townhomes
Sampsons Mill Road
Mashpee, MA

NO.	BY	DATE	DESCRIPTION

SHEET TITLE
**Cultec Stormfilter
330 Details**

SHEET NO
C6.4

DATE: MARCH 27, 2018

SCALE: NOT TO SCALE

DRAWN/DESIGN BY: SDW CHECKED BY: LMC

JOB NO: 2014-009 CADD FILE: 2014-CONSTRMFLTR330

Charles L. Rowley, PE, PLS

Consulting Engineer and Land Surveyor

5 Carver Road
PO Box 9
West Wareham, MA 02576

Tel: 508-295-1881
Cell: 508-295-0545
E-mail: csr63@verizon.net

July 31, 2018

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

Services for month of July, 2018

Attendance at one regular meeting \$ 195.00

Inspections:

July 2	Blue Castle Drive drainage inspection for area that was eroded during storm of previous week. Called contractor to protect inlet structure and checked structure to be sure sediment had not collected.	1.0 hr.	100.00
July 10	Site inspection of intersection of proposed Lopes subdivision road with Meetinghouse Road. Met with Fire Chief Tom Rullo and Matt Costa to review options for appropriate surfaces of proposed road.	1.0 hr.	100.00
July 12	Meeting with Ken Marsters and engineer, DPW, FD and Town Planner to review intersection plans for Old Barnstable Road and Country Club Lane.	1.0 hr.	100.00
July 17	Final inspection of Laurentide (Northbridge) and prepare letter for Planning Board and Inspections Dept.	0.5 hr.	50.00
July 31	Preliminary meeting for inspections at Evergreen Circle and with Pastore Construction	0.5 hr.	50.00

Plan Review

July 27	Review of Willow Park project off Sampsons Mill Road, prepare letter for submittal to Planning Board	4.0 hrs.	<u>400.00</u>
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Total Amount Due \$ 995.00

Mashpee Planning Board

To the Members of the Planning Board:

When I heard about the proposed change to the town's accessory dwelling bylaw, I hoped to attend the 8/1 meeting of the Planning Board, but an injury prevents me from being there in person.

As a young professional, resident and homeowner in Mashpee, I believe the town must take steps to create more housing opportunities for people who make too much to qualify for affordable housing programs yet still struggle to pay both rent and other expenses, such as student loans.

One thing most of my employees, friends, and co-workers have in common is the struggle to even find an apartment. The number of rentals on the market is miniscule compared with the number of people looking for an apartment or small house and that's what allows landlords to charge higher prices. We need to add to the supply.

I care about open space, which is why I think the bylaw standards created by the Cape Cod Commission, in their model bylaw, is a great way to achieve both new housing units and open space and community preservation. Individual homeowners can repurpose their existing 4 bedroom home into a 3 bedroom house and 1 bedroom accessory apartment without impacting the environment, traffic, or density.

This is even a program my husband and I would think about taking advantage of ourselves to help us afford to live here and put our kids through college. But under the existing bylaw, with all the hoops and restrictions homeowners have to go through, it's just not worth it. We wouldn't undergo the expense if we were told who we could rent to and what we had to charge and faced other restrictions.

I ask the Board to support the bylaw change submitted by the Town Planner.

Thank you,

Melinda Baker
73 South Sandwich Road
508-280-7462 melindaebaker@gmail.com

Article _____

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

§174-17.1 Raze and Replace:

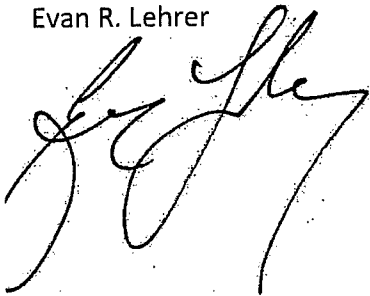
Single-and two family dwellings on pre-existing non-conforming lots may be torn down and replaced if the only pre-existing nonconformities are minimum lot area and minimum lot frontage so long as all other pertinent dimensional requirements defined in §174-31: Land Space Requirements meet the established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

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

or take any other action relating thereto.

Submitted by the Town Planner

Evan R. Lehrer

A handwritten signature in black ink, appearing to read 'Evan R. Lehrer', is written over the printed name.

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

"substantially more detrimental than the existing nonconforming structure or use to the neighborhood."¹⁰⁸

In *Bransford v. Zoning Board of Appeals of Edgartown*,¹⁰⁹ the Supreme Judicial Court reviewed a proposal to "reconstruct" a nonconforming single-family structure on an undersized lot containing 22,125 square feet in a district with a minimum area requirement of 60,000 square feet. At issue was whether the proposed changes altered the "nonconforming nature of the structure." The owner proposed to replace an existing home containing 1,250 square feet of living area with a new home containing 2,300 square feet. The proposed alterations complied in all respects — front yard, side yard, rear yard, and building height — with the district requirements, although its height exceeded that of the existing structure and the footprint was larger. The local board of appeals denied the application for a special permit. The Land Court affirmed.

Three justices of the Supreme Judicial Court took a global view of the nonconformity. The new house would be indisputably bigger. The statute disfavors nonconformities. Thus, the doubling of the size and the increased height were subject to discretionary review.

Three other justices of the Supreme Judicial Court took a narrow view of the proposed alterations. Because the structure was nonconforming only due to its location on an undersized lot, the dissent ruled that the proposed alterations, which created no new nonconformities, did not increase the nonconforming nature of the existing structure.

In *Bjorklund v. Zoning Board of Appeals of Norwell*,¹¹⁰ the Supreme Judicial Court accepted the result and reasoning of the concurring opinion in *Bransford*. The proposed alteration, which would quintuple the size of the existing residence, complied with all dimensional requirements of the local bylaw, with the exception of the one-acre minimum lot area requirement. The board of appeals denied the request for a finding and the Land Court affirmed. Thus, the sole issue before the Court was whether the proposed reconstruction "increases the nonconforming nature of the structure." The *Bransford* tie was resolved in favor of the town.

As a result of *Bjorklund*, all alterations to single- or two-family structures must obtain a special permit or a finding. Municipalities may change this result by specifying that certain alterations to nonconforming single or two-family structures do not increase the nonconforming nature of the structure. For example, Sudbury's zoning bylaw permits additions as of right to nonconforming structures on undersized lots when the alteration complies in all respects with the yard, setback, and height requirements of the bylaw. This is a matter for town meeting or the city council to decide by regulation.

¹⁰⁸ *Id.* at 460 (citations omitted). This holding is further support for the proposition that a variance is not necessary to authorize modifications. See § 6.05[A][1], *supra*.

¹⁰⁹ 444 Mass. 852 (2005).

¹¹⁰ 450 Mass. 357 (2008).

NONCONFORMIN

§ 6.07 OTHER

Most modern environmental, and sion of commercia requirement to scr visibility. Many lav standards.

There are no r Gen. L. ch. 40A, § utes like screens, b changed, the nonc standards. Howeve site attributes can l

§ 6.08 ABAND

Section 26 of the extinguishment may regulate non- unduly prolong th 1954 Mass. Acts 3 Acts 808, the mode of nonconformities

The decision cept of abandonm *Corp. v. City of Ly.* tion of nonconfor held that:

[Discontinuanc to abandon anc carries the imp and suspension no control do r is not the contr with facts shov

¹¹¹ In *Kahl v. Board* Court examined a prop traditional test to deter

¹¹² 331 Mass. 560 (

¹¹³ *Id.* at 565.



Michael A. Dunning, *of Counsel* Christopher J. Kirrane
Kevin M. Kirrane Nicole B. Norkevicius
Elizabeth A. McNichols Patricia McGauley, *of Counsel*
Brian F. Garner **Also admitted Illinois Bar*

August 1, 2018

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

Re: Raze and Replace

Dear Evan:

As you know, G.L.c 40A§6 affords a greater degree of protection to single and two family residential properties from changes in zoning.

That Statute specifically authorizes alteration, reconstruction and change, where the non-conforming nature of the structure is not being increased. The Statute also allows for the alteration and extension of such pre-existing structures provided there is a finding by the permit granting authority that the change, extension or alteration is NOT Substantially More Detrimental to the Neighborhood than what currently exists.

In requiring reconstruction to conform to present day zoning setback criteria, as I believe the draft of the new Zoning Article does, you will depriving Mashpee owners of single and two family homes rights they have had under this law and under the local by-law as written and interpreted by the Zoning Board for many years.

In effect this By-law as proposed would place single and two family homeowners on the same footing as a commercial property owner in having to apply for Variance Relief even to build within the same footprint, if that footprint included non-conformities. I don't think that was what the legislation intended in establishing this zoning scheme under G.L. c. 40A.


Page 2
Raze and Replace
August 1, 2018

I believe the Building Commissioner's stance is based primarily upon the fact that the local By-Law does not include the term reconstruction in addition to "alteration, change or extension", even though reconstruction is set out in the enabling Statute 40A§6. I could be wrong, but adding "reconstruction" to the existing By-Law would seem to put his concerns to rest.

I would hope that you would share these concerns with the Planning Board, as I am unable to attend this evening's meeting.

Thank you for your attention.

Very truly yours,



Kevin M. Kirrane

KMK:amb

Article _____

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

§174-45.4 Accessory Dwelling Unit (ADU)

Section A.) Purpose and Intent

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

Section B.) Definitions

Accessory Dwelling Unit (ADU):

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

Dwelling Unit

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

Section C.) Procedural/Administrative Requirements

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

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

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

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

Section D.) General Requirements

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

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

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

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

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

Section E.) Certification from the Board of Health

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

Section F.) Unit Size and Dimensional Requirements

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

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

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

Section G.) Exterior Design.

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

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

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

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

Section H.) Parking.

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

Section I.) Roadways/Accessways

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

Section J.) Applications to the Board of Appeals

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

Section K.) Certificate of Occupancy

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

Submitted by

Town Planner

Article _____

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

§174-5 (G) Light Industry Overlay District

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

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

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

Section A.) Purpose and Intent

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

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

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

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

Section B.) Definitions

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

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

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

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

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

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

'TRADEBINDING' – The binding of books.

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

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

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

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

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

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

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

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

'MECHANICS GARAGE' – See MAKERSPACE

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

Section C.) Allowed Uses:

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

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

TABLE 1

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

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

Section D.) General Requirements and Prohibitions

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

Section E.) Accessory Uses

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

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

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

Section F.) Dimensional Requirements

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

Section G.) Site Design:

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

Section H.) Architectural Design Standards

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

Section I.) Streetscape Requirements

Sidewalks:

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

Street Trees:

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

Crosswalks/Pedestrian Pathways.

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

Section J.) Landscaping Requirements

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

Section K.) Procedural/Administrative Requirements

Pre-Application Procedure

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

Special Permit Procedure/Requirements

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

Submitted by:

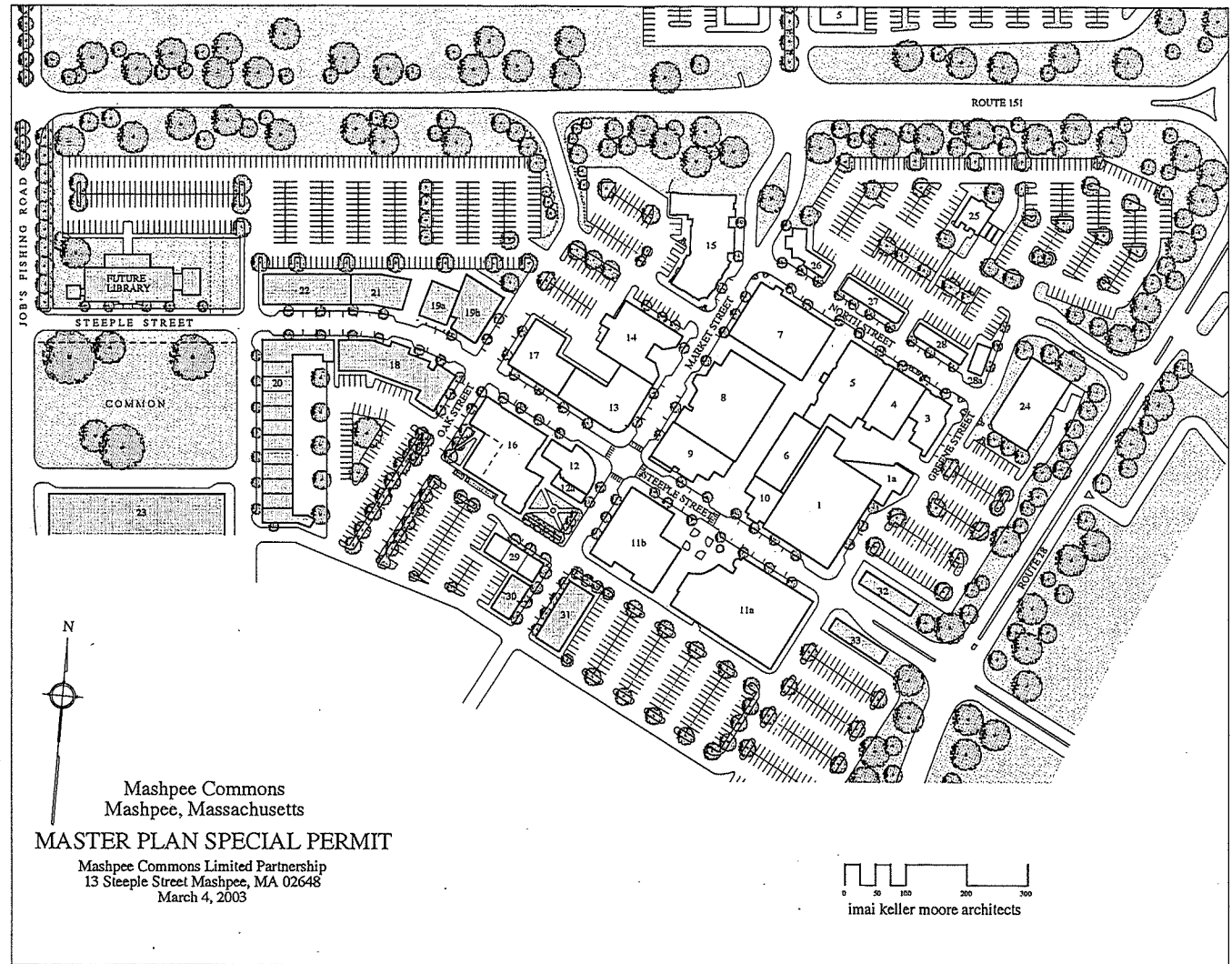
The Town Planner

Who currently has review authority?

- Not complete
- Ask Dan to pls. provide copies of presentation in my packet

- Farr
- Wilbur

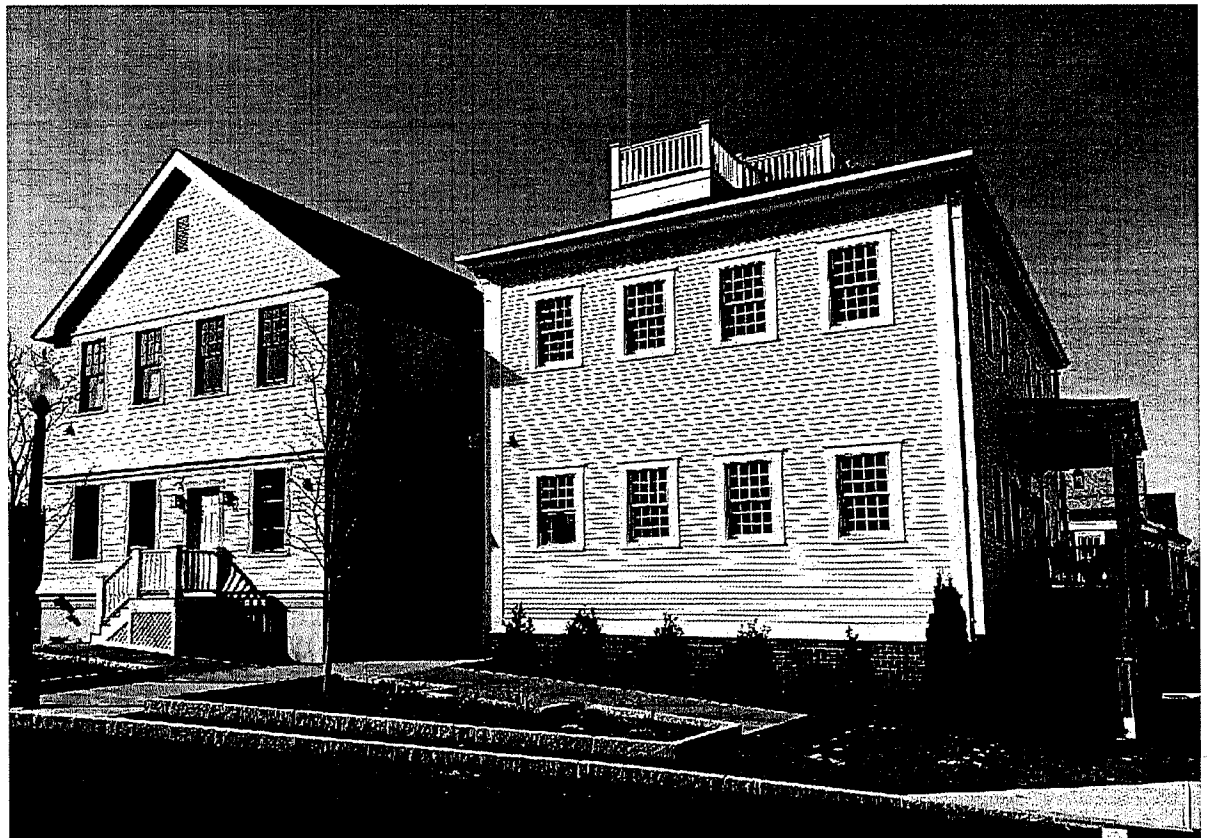
The majority of development by Mashpee Commons has been built under a special permit issued in 1986 that exempts the project from the Town's base zoning.



All projects on land within the 1986 Special Permit area is reviewed by the Zoning Board of Appeals.



**All 40B projects are reviewed by Zoning Board of Appeals
[Planning Board and Cape Cod Commission review of
commercial space only].**



North Market Street [located outside of the 1986 special permit area] was approved by Special Permit by the Planning Board and a DRI from the Cape Cod Commission.



**Who will have review
authority?**

TABLE 7.1 REVIEW AUTHORITY

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

TABLE 7.3 PUBLIC HEARINGS

	PUBLIC HEARING
MASTER PLAN	●
SUBDIVISION PLAN	●
LARGE PROJECT PLAN	●
SMALL PROJECT PLAN	
PLAN REVISION	◐
SPECIAL PERMIT	●
VARIANCE	●
LAND CONVEYANCE	
ZONING AMENDMENT	●

- Required
◐ May be required

Master Plan Process

REVIEW AUTHORITY: PLANNING BOARD

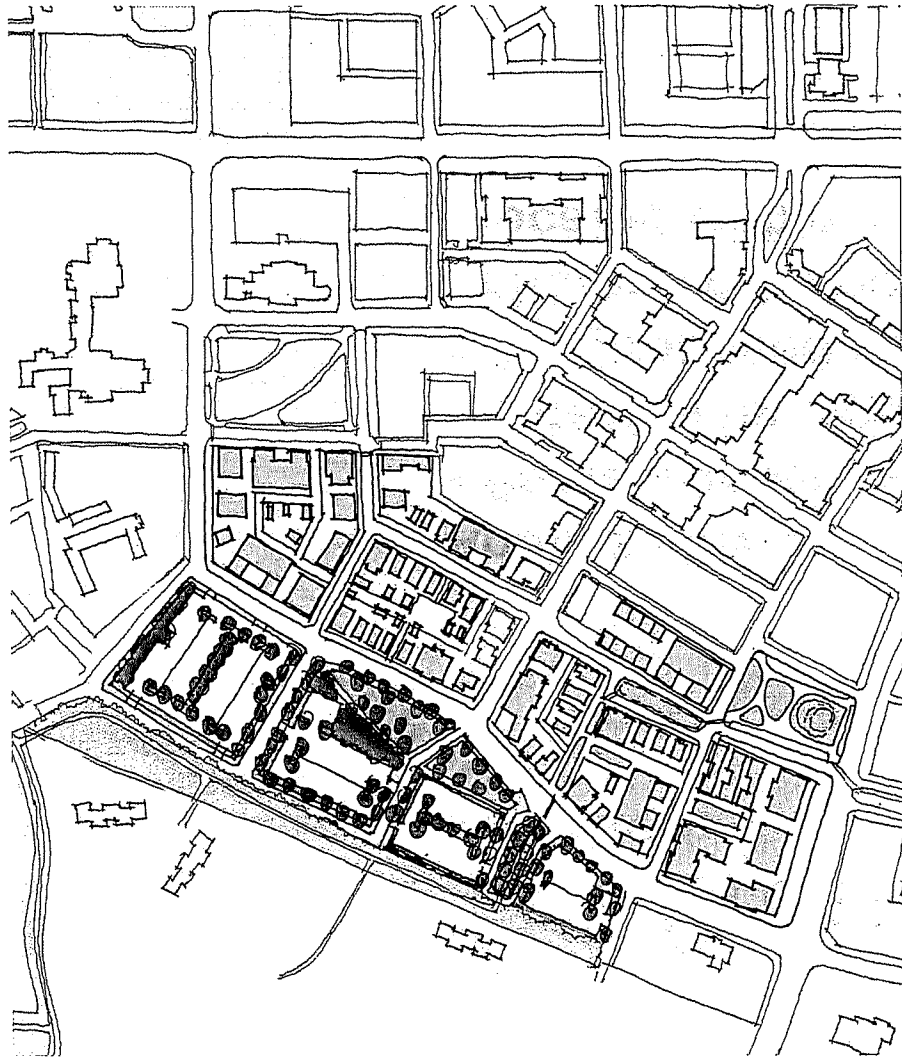
PUBLIC HEARING: YES

Page 7-235

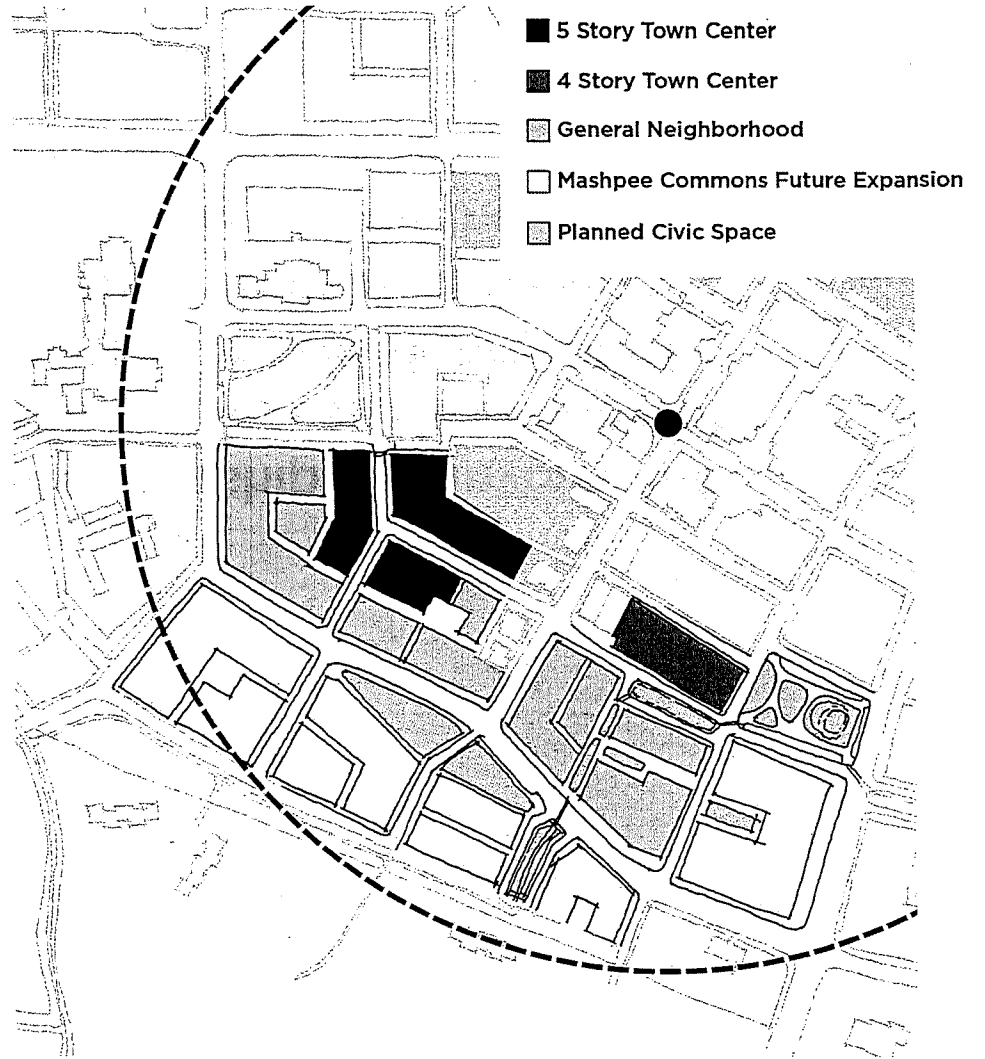
Applicability:

- **Parcels under single ownership that involve the potential for significant or phased development.**
- **Any proposed assignment or reassignment of character districts or special districts to land located within a pedestrian shed on the Mashpee Commons Regulating Plan.**

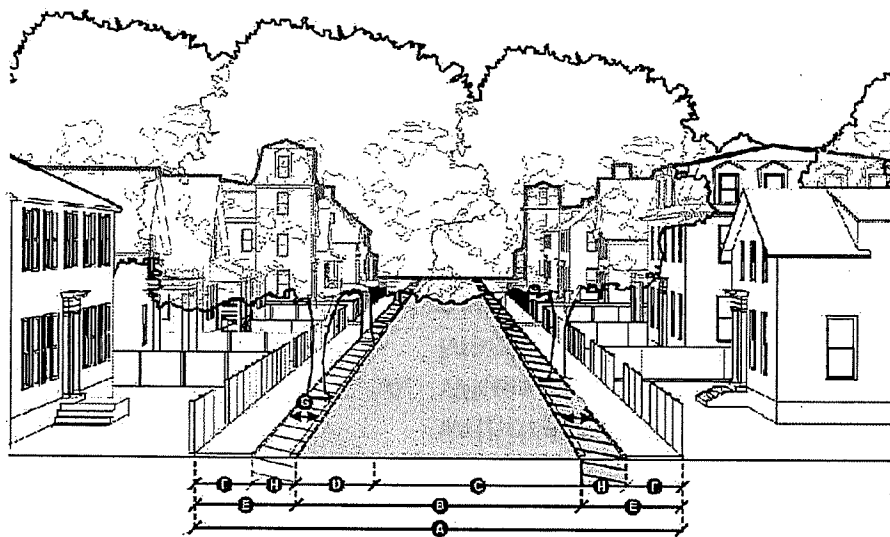
Example Master Plan



Example Regulating Plan



7. YIELD STREET



1. COMMON

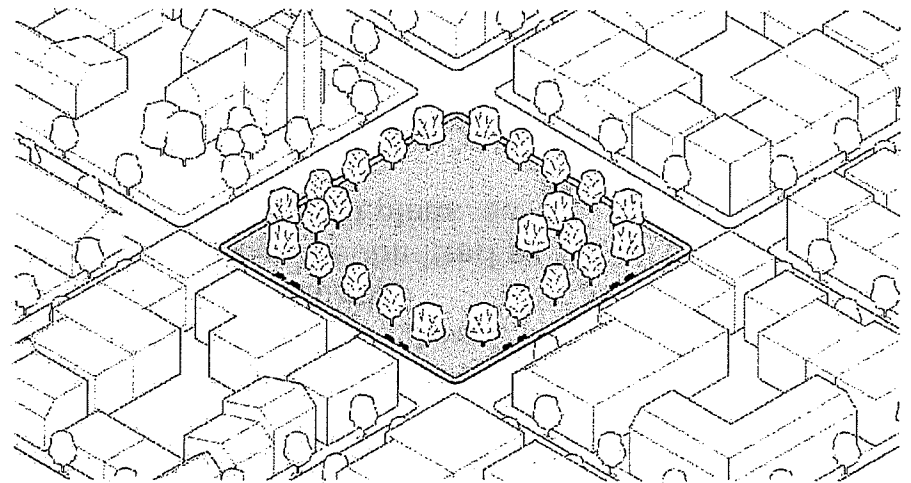


TABLE 6.1 BLOCK PERIMETER

CD3	2,640 ft max
CD4	1,760 ft max
CD5	1,320 ft max
SD-COM	1,320 ft max
SD-CE	1,760 ft max
SD-CIVIC	n/a

Procedure:

- 1. The review and approval of an application for Master Plan application is conducted at a public hearing.**
- 2. Within 30 days of receiving an application for Master Plan approval, the Planning Board must review the application for completeness and hold a public hearing.**
- 3. Within 30 days of the closing of the public hearing, the Planning Board must make a decision to approve, approve with conditions, deny, or grant withdrawal of the application.**
- 4. When considering a revision to a previously approved application for Master Plan approval, the Planning Board must limit its review to the proposed changes to the previously approved application.**
- 5. Plans for project phases under a Master Plan may be submitted as Subdivision Plans, Large Project Plans, or Small Project plans, as appropriate.**

Subdivision Process

REVIEW AUTHORITY: PLANNING BOARD

PUBLIC HEARING: YES

Page 7-237

Applicability:

- The division of a parcel of land into 2 or more lots or the resubdivision of land; except, if the lots have frontage on a public way or way that the Town Clerk certifies is maintained and used as a public way, or a way that is shown on an approved subdivision plan, or a way that was in existence when the Subdivision Control Law became effective and, according to the Planning Board, has sufficient width, grade and construction to provide for vehicular traffic; and said lots have sufficient frontage and lot size.
- The division of a parcel of land that requires construction of suitable access.
- Clearing of land or excavation in anticipation of subdivision.
- Construction of thoroughfares.
- Installation of utility services.

Large Project Process

REVIEW AUTHORITY: PLANNING BOARD

PUBLIC HEARING: YES

Page 7-239

Applicability:

- Any new building or accessory building that is individually over 10,000 sf in gross floor area.
- The construction of new thoroughfares, including new utilities, stormwater infrastructure.
- New stormwater infrastructure facilities.
- Development that results in significant on-site or off-site impacts.
- On-site significant impacts may include but are not limited to excavation, grading, or blasting; noise, glare, or smell; and,
- Off-site significant impacts may include but are not limited to existing utilities, stormwater infrastructure or alterations within the thoroughfare right-of-way.

Small Project Process

REVIEW AUTHORITY: BUILDING INSPECTOR

PUBLIC HEARING: NO

Page 7-240

Applicability:

- **All new buildings and accessory buildings up to 10,000 sf in gross floor area.**
- **Building renovations.**
- **Addition of building components.**
- **Site improvements.**
- **Changes to a lot, use, structure, site improvement, if the subject property is up to 10 acres in lot area.**

Special Permit Process

REVIEW AUTHORITY: PLANNING BOARD

PUBLIC HEARING: YES

Page 7-243

Reserved for special circumstances

Applicability:

- **Special permits may only be requested as specifically authorized by this Code.**
- **No Zoning Permit must be issued for development that requires or requests a special permit until the discretionary review process for a special permit has been completed in accordance with the standards of this Article.**
- **The approval or denial of an application for a special permit is in the reasonable discretion of the Planning Board.**

12
Missing pg 6 or renumber?



MASHPEE COMMONS

Form-Based Code

PLANNING BOARD DRAFT

06.20.2018

CONTENTS



ARTICLE 1 GENERAL STANDARDS

A. CODE INSTRUCTIONS	1-2
B. MAPS	1-2
C. AUTHORITY & COMPLIANCE	1-3
D. ADOPTION & EFFECT	1-3

ARTICLE 2 DISTRICT STANDARDS

A. GENERAL DISTRICT STANDARDS	2-9
B. CHARACTER DISTRICTS	2-15
C. SPECIAL DISTRICTS	2-29
D. BUILDING GROUPS	2-47

ARTICLE 3 BUILDING STANDARDS

A. GENERAL BUILDING STANDARDS	3-60
B. PRIMARY BUILDING TYPES	3-73
C. ACCESSORY BUILDING TYPES	3-111
D. COMPONENTS	3-125
E. ROOF TYPES	3-137

ARTICLE 4 USE STANDARDS

A. GENERAL USE STANDARDS	4-151
B. USE TABLE	4-152
C. NATURAL RESOURCES STANDARDS	4-154
D. RESIDENTIAL STANDARDS	4-155
E. LODGING STANDARDS	4-156
F. OFFICE STANDARDS	4-157
G. RETAIL STANDARDS	4-158
H. INDUSTRIAL STANDARDS	4-160
I. SERVICE STANDARDS	4-162
J. CIVIC STANDARDS	4-165
K. AUTO-ORIENTED STANDARDS	4-166

ARTICLE 5 SITE STANDARDS

A. GENERAL SITE STANDARDS	5-170
B. SIGNAGE STANDARDS	5-184

ARTICLE 6 NEIGHBORHOOD STANDARDS

A. GENERAL NEIGHBORHOOD STANDARDS	6-201
B. THOROUGHFARES	6-215
C. BIKEWAYS	6-224
D. CIVIC SPACES	6-227
E. ACCESSORY CIVIC SPACES	6-235

ARTICLE 7 ADMINISTRATION

F. PRE-APPLICATION PROCEDURES	7-243
G. DEVELOPMENT REVIEW	7-249
H. LEGISLATIVE PROCEDURES	7-263
I. APPEALS	7-265
J. NONCONFORMANCE	7-267
K. REVIEW BOARDS & OFFICIALS	7-269

ARTICLE 8 DEFINITIONS

A. GENERAL DEFINITIONS	8-274
------------------------------	-------

LIST OF TABLES & EXHIBITS

MAPS

1. Mashpee Commons Boundary Map1-4
2. Mashpee Commons Regulating Plan1-5

CHARACTER DISTRICTS

1. Summary Table2-15
2. Conservation (CD1)2-16
3. Rural (CD2)2-17
4. Town Edge (CD3)2-21
5. Neighborhood Residential (CD4.R)2-25
6. General Neighborhood (CD4)2-25
7. 4-Story Town Center (CD5.4)2-27
8. 5-Story Town Center (CD5.5)2-27

SPECIAL DISTRICTS

1. Summary Table2-29
2. Large Commercial (SD-COM)2-31
3. Creative Economic (SD-CE)2-37
4. Civic Space Special District (SD-Civic)2-39

BUILDING GROUPS

1. Summary Table2-47
2. Connected Farm2-49
3. Multi-Unit Court2-55

PRIMARY BUILDING TYPES

1. Summary Table3-73
1. Informal Building3-75
2. Cottage3-79
3. House3-81
4. Bungalow3-83
5. Duplex3-85
6. Apartment House3-87
7. Small Apartment Building3-89
8. Townhouse3-91
9. Shophouse3-93
10. Live-Work/Flex Building3-95
11. Shop3-97
12. Apartment Building3-99
13. Inn Building3-101
14. Fabrication Building3-105
15. Mixed-Use Building3-107
16. Lined Parking Garage3-111
17. Lined Bldg Box3-111
18. Civic Building3-113

ACCESSORY BUILDING TYPES

1. Summary Table3-111
1. Barn3-113
2. Farmstand3-115
3. Back cottage3-117
4. Garage3-119
5. Fabrication Shop3-121
6. Accessory Shop3-123

COMPONENTS

1. Porch3-125
2. Gallery3-125
3. Side Wing3-126
4. Rear Addition3-126
5. Stoop3-127
6. Connector3-127
7. Cross Gable3-128
8. Penthouse3-128
9. Shed Dormer3-129
10. Dormer Window3-129
11. Bay Window3-130
12. Balcony3-130
13. Extended Shopfront3-131
14. Turret3-131
15. Arcade3-132
16. Porte-Cochere3-132
17. Portico3-133
18. Canopy3-133
19. Deck3-134
20. Tower3-134
21. Roof Deck3-135
22. Cupola3-135

Article 1 General Standards

ROOF TYPES

1. Gable Roof	3-137
2. Hipped Roof	3-139
3. Mansard Roof	3-141
4. Gambrel Roof	3-143
5. Shed Roof	3-145
6. Flat Roof	3-147

SIGNAGE

1. Awning Sign	5-184
2. Band Sign	5-185
3. Banner Sign	5-186
4. Blade Sign	5-187
5. Curio Sign	5-188
6. Freestanding Sign	5-189
7. Icon Sign	5-190
8. Marquee Sign	5-191
9. Mural Sign	5-192
10. Plaque Sign	5-193
11. Roof Sign	5-194
12. Suspended Sign	5-195
13. Window Sign	5-196
14. Yard Sign	5-197
15. Pole Sign	5-198

THOROUGHFARES

1. Rural Road	6-215
2. Footpath	6-217
3. Natural Lane	6-218
4. Paved Lane	6-219
5. Curbed Lane	6-220
6. Crossweave	6-221
7. Yield Street	6-222
8. Neighborhood Street	6-223
9. Commercial Street	6-224

BIKEWAYS

1. Protected Bike Lane	6-226
2. Buffered Bike Lane	6-226
3. Shared Use Lane	6-227
4. Shared Use Path	6-227
5. Neighborhood Greenway	6-228
6. Paved Shoulder	6-228

CIVIC SPACES

1. Common	6-229
2. Park	6-231
3. Square	6-233
4. Plaza	6-235

ACCESSORY CIVIC SPACES

1. Recreation Fields	6-237
2. Landmark	6-237
3. Swimming Pool	6-238
4. Community Gardens	6-238
5. Skating Rink	6-239
6. Skate Park	6-239
7. Dog Park	6-240
8. Playground	6-240
9. Botanical Garden	6-241
10. Burial Ground	6-241
11. Band Shell / Amphitheater	6-242

ARTICLE 1

GENERAL STANDARDS

PURPOSE

- To coordinate development and redevelopment according to plans collaboratively developed with community members from the Town of Mashpee.
- To equitably balance the regulation of real property with the interests of the community as a whole.
- To preserve and enhance the existing character of Mashpee Commons's traditional walkable neighborhood, to continue to promote neighborly activity, respect the existing built form, and honor the pedestrian-scale development pattern.
- To protect unique ecological habitats, including the Mashpee River and Quashnet River.
- To require a strong connection and appropriate transition between the public realm (streets and sidewalks) and the private realm (yards and buildings).
- To permit redevelopment and infill construction that contributes to the character of Mashpee.
- To provide a range of housing types, unit sizes, and price points to accommodate diverse household sizes, income levels, and stages of life, paying attention to affordable housing for individuals and families with low and moderate incomes.
- To capture a fiscal return on investments made in transportation and public utilities infrastructure by locating higher intensity development within a walkable neighborhood.
- To preserve and promote a full range of thoroughfare types, including narrow, low-impact, and inexpensive streets that promote Mashpee's small town character.
- To resolve design conflicts between vehicular and pedestrian movement in favor of the pedestrian.
- To preserve and enhance the availability and design of Mashpee's public realm, including access to nature, parks, streets, and other civic space.
- To allow for a range of home-based and other business activity that supports the local interest in promoting Mashpee as a center for entrepreneurial activity.
- To preserve and enhance the availability and design of Mashpee's public realm, including access to nature, parks,

streets, and other civic space.

- To allow for a range of home-based and other business activity that supports the local interest in promoting Mashpee as a center for entrepreneurial activity.

APPLICABILITY

- Unless otherwise specified, this Ordinance is applicable to all real property within the area of the Town of Mashpee described in Exhibit 1.1 Boundary Map and on the Town of Mashpee Official Zoning Map.
- All departments, boards, and authorities of the Town of Mashpee must comply with the procedural requirements of this Ordinance.
- Real property owned, used or occupied by the Town of Mashpee is exempt from the provisions of this Ordinance.
- Real property owned, used or occupied by the Commonwealth of Massachusetts is exempt from the provisions of this Ordinance.

CONTENTS

1. Code Instructions.....	1-2
2. Maps	1-2
3. Authority & Compliance.....	1-3
4. Adoption & Effect.....	1-3

Article 1 General Standards

1. CODE INSTRUCTIONS

A. TITLE

- a. This Ordinance is known as the "Mashpee Commons Form-Based Code" and may also be cited and referred to as the "Code" within this section of the Ordinance.

B. MEANING & PURPOSE

1. Words, phrases, and terms used in this Ordinance are defined in Article 7: Definitions.
2. Words, phrases, or terms not defined in this Ordinance must be accorded their commonly accepted meanings as defined in the most recent edition of the Webster's Unabridged Dictionary.
3. The terms "standards," "regulations," and "requirements" are used to mandate a specific course of action or built outcome.
4. The words "must," "will", and "may not" are mandatory and when used require compliance with standards, regulations, and requirements of the Ordinance.
5. The words "may" and "should" are permissive.
6. The words "building", "building type", "land", "lot", "building lot", "parcel", "premises", "site", "structure", and "thoroughfare" also refer to any portion thereof.
7. The word "description" is synonymous with "definition" when used in this ordinance.

C. TEXT & GRAPHICS

1. Illustrations, graphics, pictures, and flowcharts are included in this Ordinance to help illustrate the purpose and requirements of the text. In the case of a conflict between the text of this Ordinance and any illustration, graphic, picture, or flowchart, the text must govern.
2. All metrics included in tables must be interpreted as text under this Ordinance and must govern.

D. ORGANIZATIONAL STRUCTURE

1. The burden is on the applicant for complying with all the terms of this Ordinance.
2. All of the terms of this ordinance are legally binding, whether or not they are numbered. Purpose and Applicability sections are binding regulations.
3. Descriptions provided within this Ordinance are considered to be definitions and are legally binding.

2. MAPS

1. This Ordinance applies to all land within the boundaries of Exhibit 1.1 Boundary Map and the Official Zoning Map of the Town of Mashpee.
2. An initial Regulating Plan, shown in Exhibit 1.2 Mashpee Commons Regulating Plan, has been prepared identifying districts permitted by this Ordinance to a portion of real property located within the boundaries of Exhibit 1.1 Boundary Map.
3. The future assignment of Districts to remaining land located within the boundaries of Exhibit 1.1 Boundary Map may be prepared and submitted to the Permitting Authority in accordance with this Ordinance as part of Master Plan review.
4. Any land within Exhibit 1.1 Boundary Map that is not assigned a character district or special district will maintain its current zoning designation established under Chapter XX until such time as an applicant brings forward an application for Master Plan review.
5. The future assignment of Districts within the area shown on Exhibit 1.1 Boundary Map or changes to Districts assigned on Exhibit 1.2 Mashpee Commons Regulating Plan are permitted through Master Plan review and do not constitute an amendment to zoning as long as Districts are explicitly authorized by this Ordinance and District assignment meets the standards of Article 5 Pedestrian Shed Mix.
6. District boundary lines are intended to follow lot lines or theoretical lot lines, be parallel or perpendicular to them, or follow centerlines of private rights-of-way or public thoroughfares.
7. Where the Regulating Plan indicates a District boundary line that approximately coincides with a lot line, the lot line is the official boundary between Districts.
8. Where the Regulating Plan indicates a district boundary line that divides a platted lot or undivided parcel of land, the boundary between districts must be determined using the scale of the Official Zoning Map.
9. Special Requirements are shown on the Regulating Plan as a line that applies to parcels that are intersected by the line, and are regulated according to the standards contained in this Ordinance.

Article 1 General Standards

3. AUTHORITY & COMPLIANCE

A. AUTHORITY

1. This Ordinance is adopted under the authority granted by Massachusetts General Law Chapter 40A and Chapter 41 Sections 81K - 81GG.

B. COMPLIANCE

1. No real property may be occupied or used, no use of an existing building or land may change, no building or structure may be constructed, altered, expanded, or enlarged in whole or in part for any purpose except as specifically authorized by this Ordinance.
2. This Ordinance allows waivers from the provisions of this Ordinance if the Permitting Authority determines that:
 - a. Allowance of the waiver is consistent with the purpose of this Ordinance; and
 - b. The waiver does not exceed the allowed metric variations or qualitative criteria described in the section where the waiver is authorized.
3. Allowance of a waiver under this Ordinance is considered an integral part of the application of this Ordinance and is not considered the granting of a variance, as that term is defined under Massachusetts law.

C. RELATIONSHIP TO OTHER PROVISIONS

1. This Ordinance does not abrogate, annul, or otherwise interfere with any easement, covenant, and/or other private agreements.
2. The standards of this Ordinance must take precedence over those of other codes, ordinances, regulations, and standards that may be in conflict with this Ordinance.
3. Where the standards of this Ordinance impose a greater restriction than required by other ordinances, regulations, resolutions, rules, easements, covenants, or agreements, the standards of this Ordinance must apply.
4. The following articles of Chapter 174 Zoning By-law shall remain applicable in full:
 - a. Article VI Section 174-27 Water Quality Report
 - b. Article VII Section 174-33 Setback from water and wetlands; Section 174-34 Setback from cranberry bogs or meadows;
 - c. Article XI Floodplain Zone Provisions;
 - d. Article XII Mashpee River and Quashnet River Protective District;
 - e. Article XIII Groundwater Protection District;
 - f. Article XIV Areas of Critical Environmental Concern (ACEC);
 - g. Article XVII Amendments; and,

h. Article XVIII Enforcement and Penalties.

5. All development activity must comply with relevant Federal and State law and regulations. Where there is a conflict between this Ordinance and a Federal or State Law, Federal or State law supersedes this Ordinance.
6. OTHER SPECIAL PROVISIONS SUCH AS WIRELESS WIND OR ADULT ENTERTAINMENT?

Article 1 **General Standards**

EXHIBIT 1.1 BOUNDARY MAP

Maps?

EXHIBIT 1.2 MASHPEE COMMONS REGULATING PLAN

ARTICLE 2

DISTRICT STANDARDS

PURPOSE

- To support the existing character of the Town of Mashpee.
- To provide for growth and investment within the Mashpee Commons area.
- To protect rural areas by concentrating development within a walkable, mixed-use center.
- To provide compact mixed-use development that is connected to waste water treatment in order to help address the regional nitrogen water quality issues.

APPLICABILITY

- Applies to the land, improvements, development, construction, subdivision, re-subdivision, structures, buildings, and lots within each character districts or special district.
- Character Districts and Special Districts are assigned on the Regulating Plan included as Exhibit 1.2 Mashpee Commons Regulating Plan; or, Character Districts and Special Districts are assigned as part of a modified regulating plan submitted as part of Master Plan review. Standards related to each district are located Article 2 District Standards, Article 3 Building Standards, Article 4 Use Standards, Article 5 Site Standards, and Article 6 Neighborhood Standards.
- Properties that are designated on Exhibit 1.2 Mashpee Commons Regulating Plan as having Special Requirements must comply with the Special Requirements standards found in this Article and in Article 6 Neighborhood Standards.
- Properties that are designated on Exhibit 1.2 Mashpee Commons Regulating Plan as having Pedestrian Sheds must comply with applicable standards found in Article 6 Neighborhood Standards.



CONTENTS

A. GENERAL DISTRICT STANDARDS

1. Lots 2-9
2. Setbacks 2-12
3. Building Groups 2-13
4. Special Map Requirements 2-13

B. CHARACTER DISTRICTS

1. Conservation (CD1) 2-16 14
2. Rural (CD2) 2-17
3. Town Edge (CD3) 2-21
4. Neighborhood Residential (CD4.R) 2-25
5. General Neighborhood (CD4) 2-25
6. 4-Story Town Center (CD5.4) 2-27
7. 5-Story Town Center (CD5.5) 2-27

C. SPECIAL DISTRICTS

1. Large Commercial (SD-COM) 2-31
2. Creative Economic (SD-CE) 2-37
3. Civic (SD-Civic) 2-39

D. BUILDING GROUPS

1. Connected Farm 2-49
2. Multi-Unit Court 2-55

1. LOTS



PURPOSE

- To provide a clear and flexible system for creating lots that will result in a traditional walkable neighborhood form in harmony with the patterns found in the region.


APPLICABILITY

- Applies to all projects that create new lots with actual or theoretical lot lines.

A. GENERAL

- 
1. All newly created lots must have a lot line or theoretical lot line abutting a thoroughfare, civic space, right-of-way, or easement. Driveways do not count as thoroughfare types and cannot be used to satisfy this provision.
 2. Lot lines and/or theoretical lot lines are the basis for measuring setbacks to ensure compliance with this Code.
 -  3. Land may be platted to create new corner lots, interior lots through lots, or waterfront lots.
 4. New flag lots and insular lots are prohibited, except by special permit.
 5. Any lot type that has not been described by this Code should not be considered buildable except by special permit.
 6. Lots must be platted as follows:
 - a. The front lot line must be located along the primary thoroughfare, civic space, or waterbody.
 - b. Side lot lines must be located perpendicular to the front lot line or to the tangent of a curved front lot line.
 - c. For corner lots or through lots that abut two thoroughfares, the primary lot line must be located along the primary thoroughfare.

B. NONCONFORMING LOTS

- 
1. Nonconforming lots may not be further subdivided.
 2. A lot of record that is nonconforming due to insufficient lot width or insufficient lot area may be developed as long as any applicable setback standards are met.

C. THEORETICAL LOTS

1. A lot of record may be divided by theoretical lot lines to create building lots that meet the standards of this code, without requiring legal subdivision of land.
2. A lot of record may be divided by theoretical lot lines to

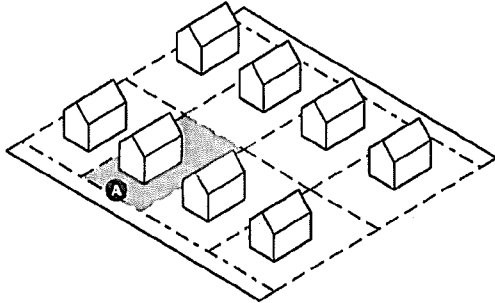
create multiple building lots within one lot of record.

3. A theoretical lot may not span multiple lots of record.
4. The use of theoretical lot lines are permitted in building groups, CD4, CD5, SD-COM, SD-CE, and SD-Civic.

D. FRONTAGE

1. Lots must meet the building setback, fenestration, parking placement, and all other standards of the code related to frontages.
2. The width of a lot at the frontage must meet the lot requirements of the district where it is located.
3. Every lot and/or building lot has a primary frontage along a primary thoroughfare, civic space, or waterbody.
4. Corner lots, through lots, waterfront lots, and flag lots have more than one frontage. In this case, each frontage must be evaluated to determine whether it qualifies as a primary or secondary frontage.
5. Shopfront streets and civic spaces must always be treated as a primary frontage.
6. No lot line that fronts onto a thoroughfare, except an alley, may be treated as a rear lot line.

1. INTERIOR LOT



a. DESCRIPTION

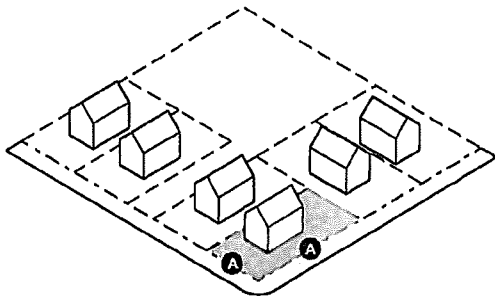
An interior lot is a building lot that has a frontage along a single thoroughfare.

b. DIMENSIONS

Frontages	1 max	(A)
-----------	-------	-----

c. STANDARDS

2. CORNER LOT



a. DESCRIPTION

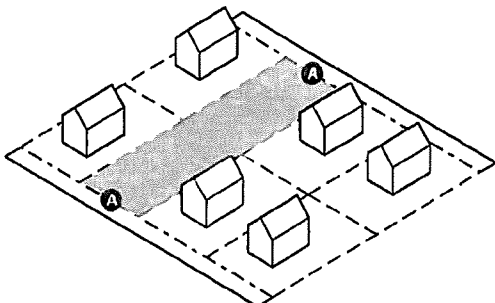
A lot that has frontage on 2 thoroughfares, where the thoroughfares intersect.

b. DIMENSIONS

Frontages	2 min	(A)
-----------	-------	-----

c. STANDARDS

3. THROUGH LOT



a. DESCRIPTION

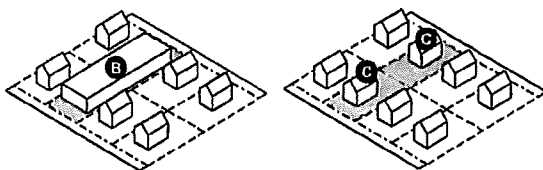
A through lot is a building lot that has two or more, non intersecting frontages along one or more, thoroughfares (not including alleys) (A).

b. DIMENSIONS

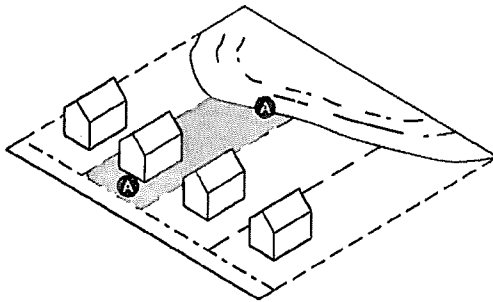
Frontages	2 min	(A)
-----------	-------	-----

c. STANDARDS

1. Buildings located on a through lot have two frontages and must front onto both thoroughfares (excluding alleys) (B).
2. If there is not a building type available that can span the entire distance between the two frontages and meet all setbacks, then the lot should be divided by hypothetical lot lines into two or more interior or corner building lots (C).



4. WATERFRONT LOT



a. DESCRIPTION

A waterfront lot has frontage on a body of water and/or on a thoroughfare.

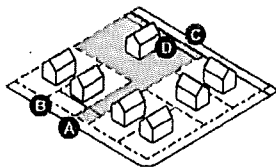
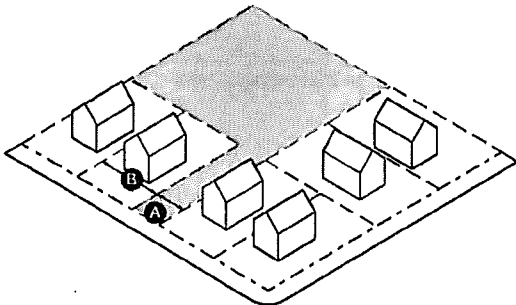
b. DIMENSIONS

Frontages	variable (1)	(A)
-----------	--------------	-----

c. STANDARDS

1. In CD2 and CD3, waterfront lots may ignore front setback requirements in order to locate the primary building near to the water.

5. FLAG LOT



a. DESCRIPTION

A flag lot, or pork chop lot, is a building lot connected to a thoroughfare by a thin strip of land (A), narrower than the minimum permitted lot width for the district in which it is located (B).

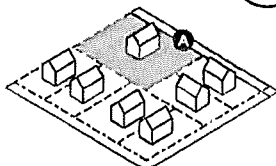
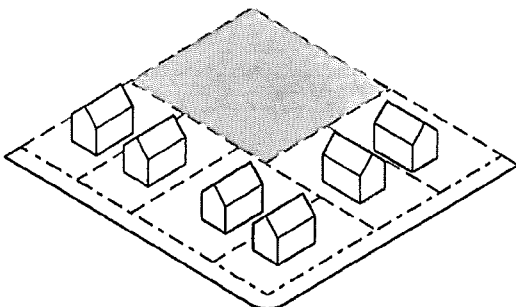
b. DIMENSIONS

Frontages	1 min (1)	(C)
-----------	-----------	-----

c. STANDARDS

1. Flag lots are unbuildable unless they have frontage on an alley (C) which may serve as the primary thoroughfare for that lot, provided the length of frontage on the alley (C) is consistent with the lot width requirements (B) for the district the lot is located in.
2. Existing Flag lots within districts CD2 and CD3 may be buildable without an alley by special permit.

6. INSULAR LOT



a. DESCRIPTION

An insular lot is a lot with no frontage on either a thoroughfare or on a body of water.

b. DIMENSIONS

Frontages	1 min (1)	(A)
-----------	-----------	-----

c. STANDARDS

1. An insular lot is unbuildable except by special permit or, when fronting on an alley, buildings permitted to front on alleys may be built.

2. SETBACKS

PURPOSE

- To enable and require building placement along a thoroughfare that supports and reinforces the desired character of each District.

APPLICABILITY

- Applies to primary buildings. Accessory buildings, components, and additional structures have unique setback requirements.

A. GENERAL

1. Primary building setbacks are provided in Article 2.B Character Districts.
2. Accessory building setbacks are provided in Article 3.C Accessory Building Types.
3. All primary buildings must be located within required front, side, and rear setback ranges.
4. Deviations to setbacks, including building articulation and encroachments are specified in Article 3 Building Standards.
5. Standards related to setbacks for components are specified in Article 3.D Components.
6. Where a lot has more than one side, front, or rear lot line, the setback must be observed in each instance.
7. When two lots that share a lot line are located within different Districts, the side setback standards from the more intense District may be used.
8. For corner lots, the front setback is measured from the primary thoroughfare and the secondary setback is measured from the secondary thoroughfare.

3. BUILDING GROUPS

PURPOSE

- To enable special combinations of buildings, including access to additional building types, that are otherwise not allowed within a District.
- To allow for special building arrangements without requiring zoning changes or additional Districts.

APPLICABILITY

- Applies to lots, primary buildings, and accessory buildings that intend to take advantage of the unique characteristics conferred by building groups.

A. GENERAL

1. Specific standards for building groups are provided in Article 2.E Building Groups.
2. Where allowed within a given character district, building groups may be used as an alternative development pattern, with unique lot standards and setback standards defined by the building group.
3. Where allowed within a given character district, a building group may permit additional building types, with standards related to form and placement.
4. All buildings that are incorporated into a building group must be located on a building lot.

4. SPECIAL MAP REQUIREMENTS

PURPOSE

- To provide opportunities for standards that help reinforce or yield a specific character or condition.

APPLICABILITY

- Shopfront street special requirements apply to all lots that abut thoroughfares designated as shopfront streets shown on the Mashpee Commons Regulating Plan.
- Pedestrian sheds special requirements apply to all lots that intersect with a pedestrian shed designation shown on the Mashpee Commons Regulating Plan.



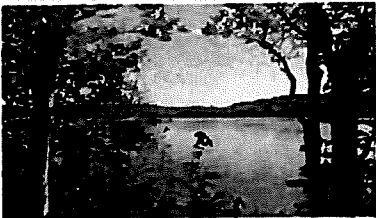

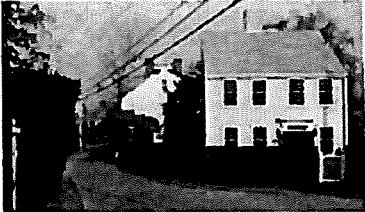



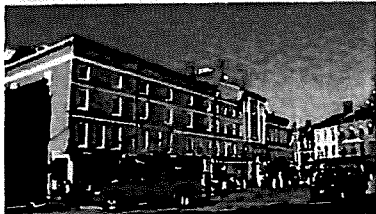
A. REQUIRED SHOPFRONT STREETS

1. Lots subject to required shopfronts as shown on the Mashpee Commons Regulating Plan must comply with shopfront standards in Article 3.A Shopfronts.

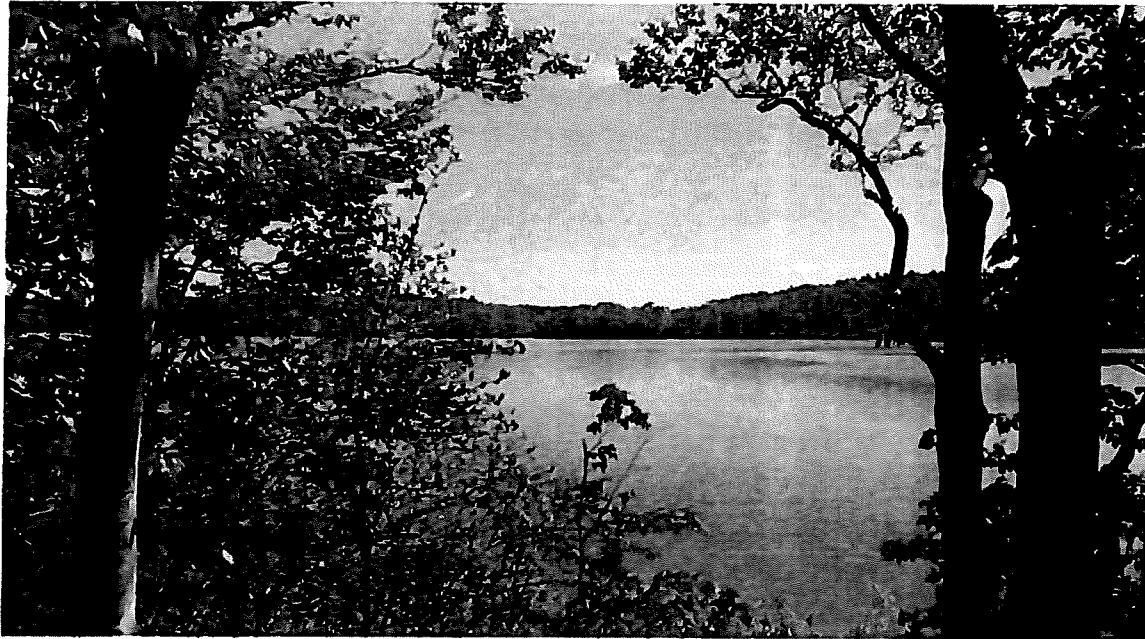
B. REQUIRED PEDESTRIAN SHEDS

1. Lots located within pedestrian sheds as shown on the Mashpee Commons Regulating Plan must comply with pedestrian shed standards as applicable in Article 6 A Pedestrian Sheds.

TABLE 2.1 CHARACTER DISTRICT SUMMARY TABLE *al*

1. CONSERVATION (CD1)	2. RURAL (CD2)	3. TOWN EDGE (CD3)
		
4. RESIDENTIAL NEIGHBORHOOD (CD4-R)	5. GENERAL NEIGHBORHOOD (CD4)	6. 4-STORY TOWN CENTER (CD5.4)
		
7. 5-STORY TOWN CENTER (CD5.5)		
		

1. CONSERVATION (CD1)



a. DESCRIPTION

The CD1 Conservation district consists of lands that are under conservation through purchase or by easement only.

b. PURPOSE

1. To identify areas permanently protected from development by law, conservation easement or fee, ownership by land trust, or other similar means.
2. To reinforce areas permanently protected for recreational use or resource protection.
3. In cases in which property is subject to a conservation easement prior to enactment of this ordinance, a land owner must be permitted to place those structures allowed as identified in the conservation easement. The building must conform to the building types permitted in CD2.

c. BUILDING TYPES

Informal Buildings	●
Civic Building	○

d. ACCESSORY BUILDING TYPES

none

e. BUILDING GROUPS

none

f. STANDARDS

- Permitted
- Permitted by special permit

2. RURAL (CD2)



a. DESCRIPTION

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

b. PURPOSE

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

c. LOT DIMENSIONS

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

d. PRIMARY BUILDING PLACEMENT

Primary Front Setback	20 ft min
Secondary Front Setback	20 ft min
Side Setback	50 ft min
Rear Setback	0 ft min

2. RURAL (CD2)

g. BUILDING TYPES

Cottage	●
House	●
Civic Building	●

i. ACCESSORY BUILDING TYPES

Barn	●
Farmstand	●
Back Cottage	●
Carriage House	●
Fabrication Shop	●
Accessory Shop	●

h. BUILDING GROUPS

Connected Farm	●
----------------	---

- Permitted
- ⦿ Permitted by special permit

i. STANDARDS

3. TOWN EDGE (CD3)



a. DESCRIPTION

The CD3 Town Edge district has narrow, interconnected streets with a mix of small and large residential houses with barns and carriage houses connected to the principal house and sometimes detached. Lots in this district are generally smaller, with shallower lot depths, narrower lot widths, and shallower setbacks, giving this district a more dense character than the adjacent neighborhood district.

b. PURPOSE

1. To accommodate areas of tight-knit detached and attached residential homes.
2. To promote a mix of housing options on small to medium sized lots within the villages of the Town of Mashpee.
3. To provide the community with a predictable outcome from development and redevelopment.
4. To enable home occupations.

c. LOT DIMENSIONS

Width	30 ft min, 100 ft max
Depth	n/a

d. PRIMARY BUILDING PLACEMENT

Primary Front Setback	15 ft min, 25 ft max
Secondary Front Setback	15 ft min
Side Setback	8 ft min
Rear Setback	10 ft min

e. STANDARDS

3. RESIDENTIAL NEIGHBORHOOD (CD3)

f. BUILDING TYPES

Cottage	●
House	●
Duplex	●
Civic Building	●

g. ACCESSORY BUILDING TYPES

Barn	●
Back Cottage	●
Carriage House	●

h. BUILDING GROUPS

Connected Farm	●
Multi-Unit Court	●

- Permitted
- ⓪ Permitted by special permit

4. RESIDENTIAL NEIGHBORHOOD (CD4-R)



a. DESCRIPTION

The CD4-R Residential Neighborhood district consists of a wide variety of residential building types, addressing the need for missing-middle housing. Building types include apartment buildings, stacked flats, single family homes, duplexes, and row houses. Setbacks and landscaping are variable. Streets may or may not have curbs and sidewalks, with medium-sized blocks.

b. PURPOSE

1. To accommodate fine-grained, diverse mixed-use areas that primarily occur in close proximity to Mashpee Commons.
2. To promote a mix of housing options within Mashpee Commons.
3. To provide the community with a predictable outcome from development and redevelopment.
4. To enable home occupation

c. LOT DIMENSIONS

Width	30 ft min, 70 ft max
Depth	n/a

d. PRIMARY BUILDING PLACEMENT

Primary Front Setback	20 ft max
Secondary Front Setback	15 ft min
Side Setback	15 ft min
Rear Setback	5 ft min

4. RESIDENTIAL NEIGHBORHOOD (CD4-R)

e. BUILDING TYPES

Cottage	●
House	●
Duplex	●
Apartment House	●
Civic Building	●

f. ACCESSORY BUILDING TYPES

Barn	●
Back Cottage	●
Carriage House	●

g. BUILDING GROUPS

Connected Farm	ⓘ
Multi-Unit Court	●

- Permitted
- ⓘ Permitted by special permit

h. STANDARDS

5. GENERAL NEIGHBORHOOD (CD4)



a. DESCRIPTION

The CD4 General Neighborhood district consists of a wide variety of building types within which a variety of uses and activities can occur. Building types include a range of housing types, addressing the need for missing-middle housing, including apartment buildings, stacked flats, single family homes, duplexes, live/works, and row houses. Setbacks and landscaping are variable. Streets may or may not have curbs and sidewalks, with medium-sized blocks.

b. PURPOSE

1. To accommodate fine-grained, mixed-use areas that primarily occur in close proximity to Mashpee Commons town center.
2. To promote a mix of housing options within Mashpee Commons.
3. To provide the community with a predictable outcome from development and redevelopment.

c. LOT DIMENSIONS

Width	20 ft min, 180 ft max
Depth	n/a

d. PRIMARY BUILDING PLACEMENT

Primary Front Setback	20 ft max
Secondary Front Setback	15 ft max
Side Setback	15 ft max
Rear Setback	5 ft min

5. GENERAL NEIGHBORHOOD (CD4)

e. BUILDING TYPES

House	●
Duplex	●
Small Apartment Building	●
Townhouse	●
Live/Work Flex	●
Shophouse	●
Shop	●
Inn	●
Civic Building	●

f. ACCESSORY BUILDING TYPES

Farmstand	(2)
Back Cottage	●
Carriage House	●
Fabrication Shop	●
Accessory Shop	●

g. BUILDING GROUPS

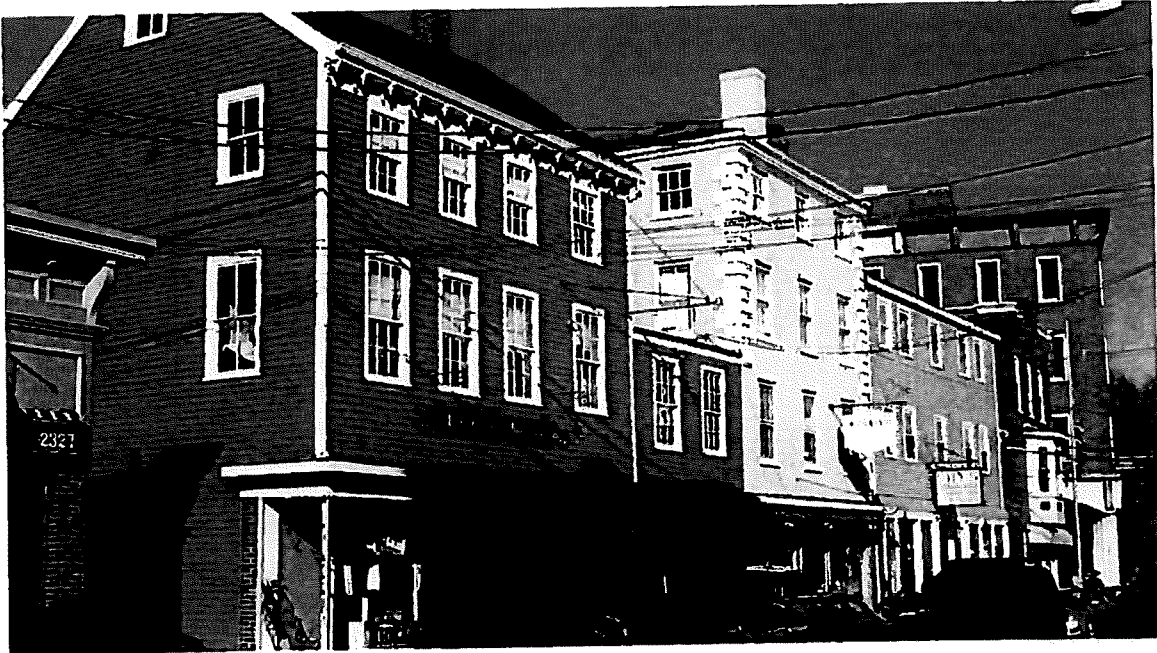
Connected Farm	⓪
Multi-Unit Court	●

- Permitted
- ⓪ Permitted by special permit

h. STANDARDS

1. A grouping of attached buildings may not exceed 180 feet in aggregate length and must be interrupted by a break of at least 3 ft in width. These breaks may accommodate pedestrian accessways, thoroughfares, or narrow side yards, and may be fenced or gated at the frontage if desired.
2. In this District the Farmstand may only be used as a liner building on vacant lots

6. 4-STORY TOWN CENTER (CD5.4)



a. DESCRIPTION

The CD5.4 4-Story Town Center district consists of higher density mixed-use buildings that accommodate retail, offices, and apartment buildings. It has a tight network of streets designed to accommodate all modes of travel, with wide sidewalks to encourage active ground-floor uses such as restaurants and cafes, steady street tree planting, on-street parking and buildings set close to the sidewalks. This district is the most dense of all character districts, with taller buildings and full build out of lots. Buildings may or may not have off-street parking located behind them.

b. PURPOSE

1. To accommodate attached, mixed use buildings within Mashpee Commons town center that provide local and regional access to commercial uses.
2. To promote housing on the upper floors of mixed-use buildings.
3. To provide the city with a predictable outcome from development and redevelopment.

c. LOT DIMENSIONS

Width	20 ft min, 100 ft max
Depth	n/a

d. PRIMARY BUILDING PLACEMENT

Primary Front Setback	0 ft max (3) (4)
Secondary Front Setback	0 ft max (3) (4)
Side Setback	5 ft max
Rear Setback	5 ft min

6. 4-STORY TOWN CENTER (CD5.4)

e. BUILDING TYPES

Small Apartment Building	●
Townhouse	●
Live/Work Flex	●
Shop	●
Shophouse	●
Mixed-Use Building	●
Inn	●
Lined Parking Garage	⓪
Civic Building	●

f. ACCESSORY BUILDING TYPES

Farmstand	(2)
Carriage House	●
Fabrication Shop	●
Accessory Shop	●

g. BUILDING GROUPS

Connected Farm	⓪
----------------	---

- Permitted
- ⓪ Permitted by special permit

h. STANDARDS

1. A grouping of attached buildings may not exceed 180 feet in aggregate length and must be interrupted by a break of at least 3 ft in width. These breaks may accommodate pedestrian accessways, thoroughfares, or narrow side yards, and may be fenced or gated at the frontage if desired.
2. In this District the farmstand may only be used as a liner building on vacant lots.
3. The traditional pattern of CD5 requires buildings to extend all the way to their front lot line(s) to form a consistent streetwall. When this is impractical for reasons of safety or construction feasibility, the building may set back up to 3 ft from the front lot line(s), provided a continuous streetwall is maintained.
4. Where the grade of the thoroughfare at the primary and secondary frontages is greater than or equal to a 10% slope, buildings in this district may set back up to 10 ft in order to provide a sidewalk terrace.

7. 5-STORY TOWN CENTER (CD5.5)



a. DESCRIPTION

The CD.5.5 5-Story Town Center district consists of high density mixed-use buildings that accommodate retail, offices, and apartment buildings. It has a tight network of streets designed to accommodate all modes of travel, with wide sidewalks to encourage active ground-floor uses such as restaurants and cafes, steady street tree planting, on-street parking and buildings set close to the sidewalks. This district is the most dense of all character districts, with taller buildings and full build out of lots. Buildings may or may not have off-street parking located behind them.

b. PURPOSE

1. To accommodate attached, mixed use buildings within the Mashpee Commons town center that provide local and regional access to commercial uses.
2. To promote housing on the upper floors of mixed-use buildings.
3. To provide the city with a predictable outcome from development and redevelopment.

c. LOT DIMENSIONS

Width	20 ft min, 300 ft max
Depth	n/a

d. PRIMARY BUILDING PLACEMENT

Primary Front Setback	0 ft max
Secondary Front Setback	0 ft max
Side Setback	5 ft max
Rear Setback	5 ft min

7. 5-STORY TOWN CENTER (CD5.5)

e. BUILDING TYPES

Shophouse	●
Apartment Building	●
Townhouse	●
Live/Work Flex	●
Shop	●
Mixed-Use Building	●
Inn	●
Lined Parking Garage	○
Civic Building	●

f. ACCESSORY BUILDING TYPES

Farmstand	(2)
Carriage House	●
Fabrication Shop	●
Accessory Shop	●

g. BUILDING GROUPS

Connected Farm	○
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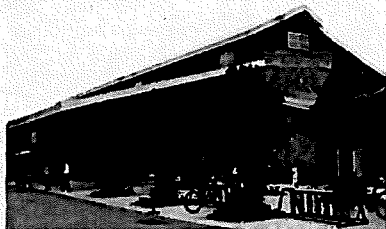
- Permitted
- Permitted by special permit

h. STANDARDS

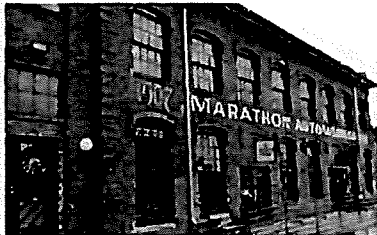
1. A grouping of attached buildings may not exceed 180 feet in aggregate length and must be interrupted by a break of at least 3 ft in width. These breaks may accommodate pedestrian accessways, thoroughfares, or narrow side yards, and may be fenced or gated at the frontage if desired.
2. In this District the farmstand may only be used as a liner building on vacant lots.
3. The traditional pattern of CD5 requires buildings to extend all the way to their front lot line(s) to form a consistent streetwall. When this is impractical for reasons of safety or construction feasibility, the building may set back up to 3 ft from the front lot line(s), provided a continuous streetwall is maintained.
4. Where the grade of the thoroughfare at the primary and secondary frontages is greater than or equal to a 10% slope, buildings in this district may set back up to 10 ft in order to provide a sidewalk terrace.

TABLE 2.2 SPECIAL DISTRICT SUMMARY TABLE

**1. LARGE COMMERCIAL SPECIAL DISTRICT
(SD-COM)**



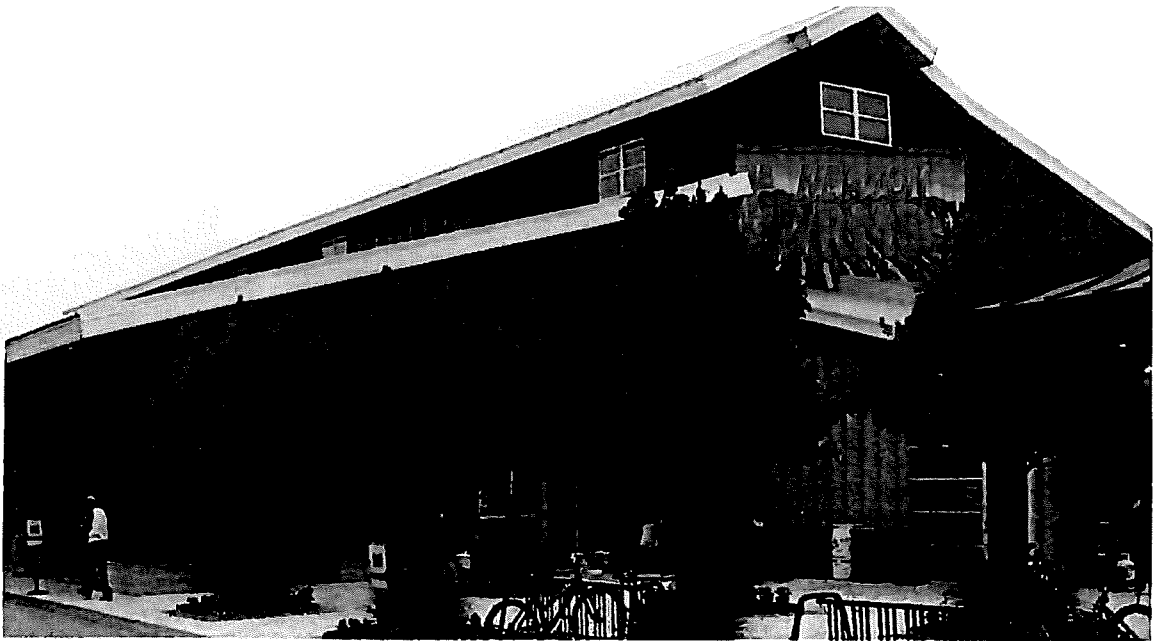
**2. CREATIVE ECONOMIC SPECIAL DISTRICT
(SD-CE)**



3. CIVIC SPECIAL DISTRICT (SD-C)



1. LARGE COMMERCIAL SPECIAL DISTRICT (SD-COM)



a. DESCRIPTION

The Large Commercial Special District accommodates areas developed in an auto-oriented suburban pattern and where there is a desire to change the pattern of development through infill and redevelopment of underutilized and vacant sites, and allow greater future commercial activity.

b. PURPOSE

1. To accommodate large highway oriented buildings in a predictable manner that reinforces a high-quality character.
2. To enable the continuation of existing highway commercial uses, while allowing new development that enables buildings to be closer together with opportunities for walking.

c. LOT DIMENSIONS

Width	20 ft min, 100 ft max (2)
Depth	n/a

d. PRIMARY BUILDING PLACEMENT

Primary Front Setback	3 ft min
Secondary Front Setback	3 ft max
Side Setback	5 ft max
Rear Setback	5 ft min

1. LARGE COMMERCIAL SPECIAL DISTRICT (SD-C)

e. BUILDING TYPES

Live/Work Flex	●
Shophouse	●
Shop	●
Inn Building	ⓘ
Mixed-Use Building	●
Fabrication Building	●
Lined Parking Garage	ⓘ
Lined Big Box	ⓘ
Civic Building	●

f. ACCESSORY BUILDING TYPES

Barn	●
Fabrication Shop	●
Accessory Shop	●

g. BUILDING GROUPS

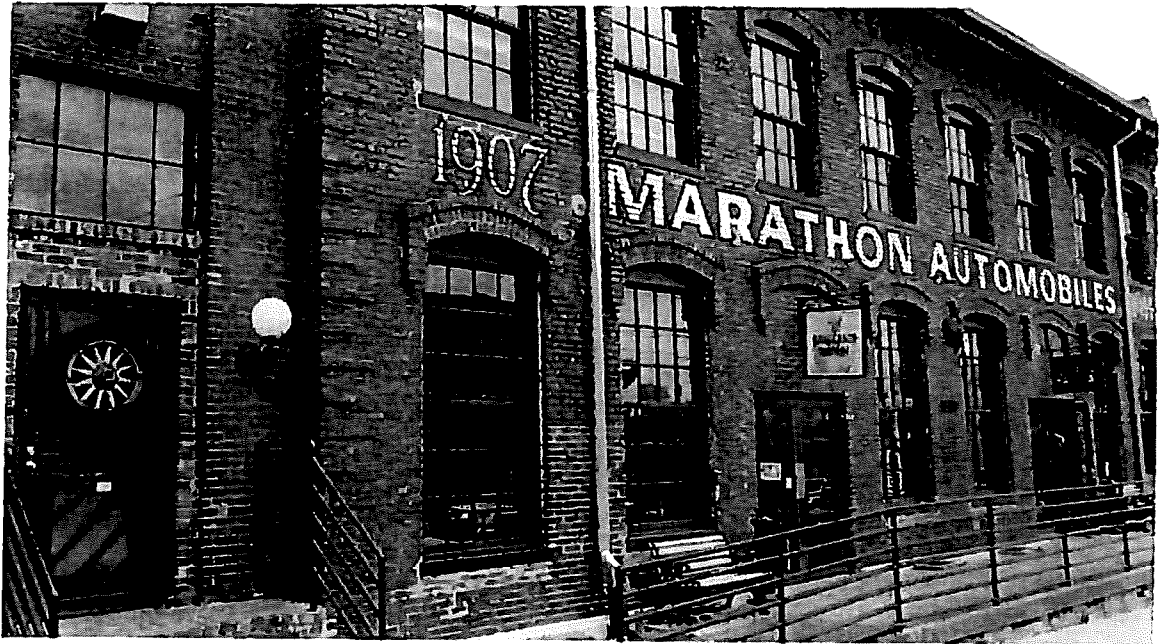
Connected Farm	ⓘ
Multi-Unit Court	(1)

- Permitted
- ⓘ Permitted by special permit

h. STANDARDS

1. A grouping of attached buildings may not exceed 180 feet in aggregate length and must be interrupted by a break of at least 3 ft in width. These breaks may accommodate pedestrian accessways, thoroughfares, or narrow side yards, and may be fenced or gated at the frontage if desired.
2. The maximum width of a building lot may be increased to 150 ft by special permit to accommodate a lined parking garage.
3. A multi-use court may only be comprised of shops, townhouses, or live/work flex buildings.

4. CREATIVE ECONOMIC SPECIAL DISTRICT (SD-CE)



a. DESCRIPTION

The Creative Economic Special District is envisioned as a self-sustaining fabrication village with a mix of industrial, office, retail, live-work flex spaces and other supporting development.

b. PURPOSE

1. To accommodate more intensive industrial uses in a way that is compatible with and in proximity to higher density residential areas.
2. To support existing industrial uses and provide an area for their expansion.
3. To allow for residential uses that are compatible with industrial activities.

c. LOT DIMENSIONS

Width	20 ft min, 100 ft max (1)
Depth	n/a

d. PRIMARY BUILDING PLACEMENT

Primary Front Setback	3 ft min
Secondary Front Setback	3 ft min
Side Setback	5 ft min
Rear Setback	5 ft min

4. CREATIVE ECONOMIC SPECIAL DISTRICT (SD-CE)

e. BUILDING TYPES

Townhouse	
Shop	●
Shophouse	●
Live/Work Flex	●
Inn	●
Fabrication Building	●
Lined Parking Garage	⓪

f. ACCESSORY BUILDING TYPES

Farmstand	(1)
Carriage House	●
Fabrication Shop	●
Accessory Shop	●

g. BUILDING GROUPS

Connected Farm	⓪
Multi-Unit Court	●

- Permitted
⓪ Permitted by special permit

h. STANDARDS

1. The maximum width of a building lot may be increased to 200 ft to accommodate a fabrication building.
2. Farmstands are only on vacant lots.
3. Connected farms are allowed by special permit on platted blocks that meet the standards of this District.

5. CIVIC SPECIAL DISTRICT (SD-C)



a. DESCRIPTION

The Civic Special District is for all land dedicated as civic space for public enjoyment.

b. PURPOSE

1. To identify lands permanently intended for public, civic use.
2. To ensure a predictable and flexible set of requirements for land set aside as civic spaces.

c. LOT DIMENSIONS

Width	0 ft min
Depth	0 ft min

d. PRIMARY BUILDING PLACEMENT

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

5. CIVIC SPECIAL DISTRICT (SD-CIVIC)

e. BUILDING TYPES

Civic Building	<input checked="" type="radio"/>
----------------	----------------------------------

f. ACCESSORY BUILDING TYPES

none	<input type="radio"/>
------	-----------------------

g. BUILDING GROUPS

none	<input type="radio"/>
------	-----------------------

- ☒ Permitted
- ☐ Permitted by special permit

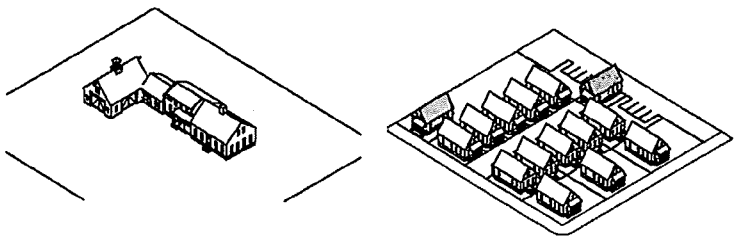
h. STANDARDS

1. This district must be comprised of civic spaces permitted in Article 6 Neighborhood Standards.
2. Informal and temporary structures are permitted in this District provided they directly service, support, or enable the civic activity.

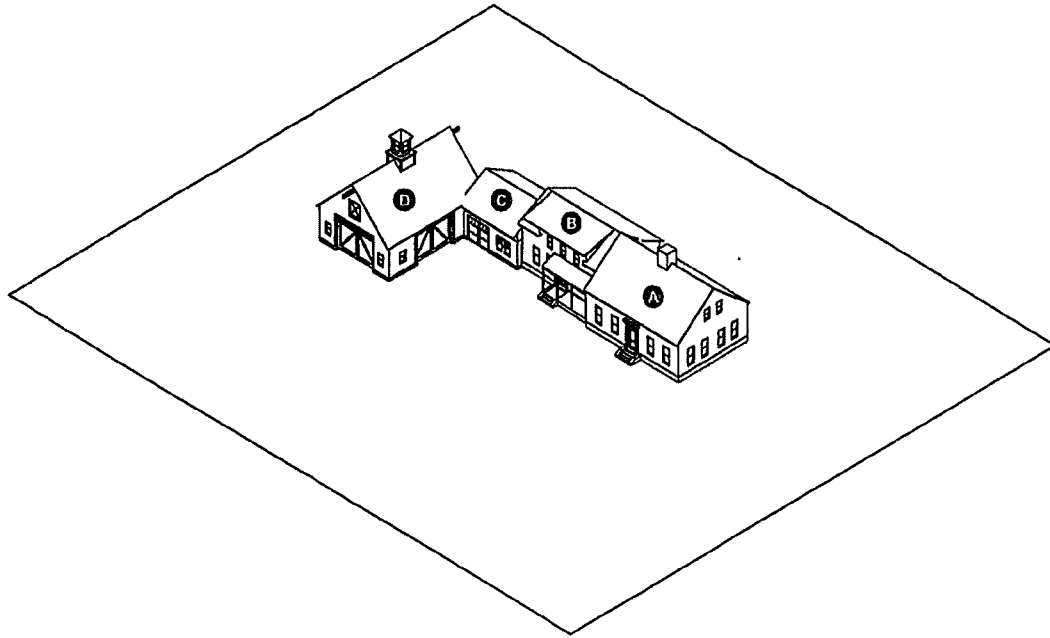
TABLE 2.4 BUILDING GROUP SUMMARY TABLE

1. CONNECTED FARM

2. MULTI-UNIT COURT



1. CONNECTED FARM



a. DESCRIPTION

A building comprised of multiple elements, based on the common building tradition of big house, little house, back house, and barn.

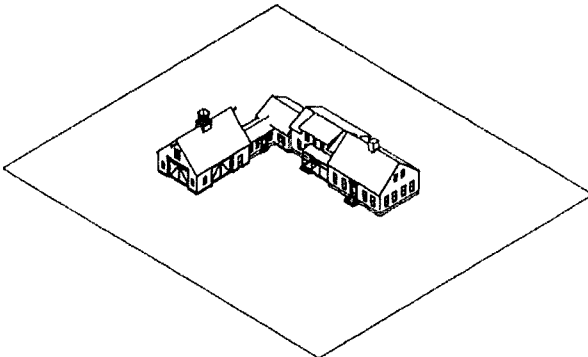
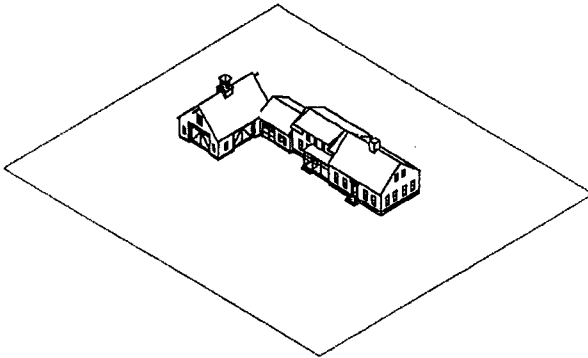
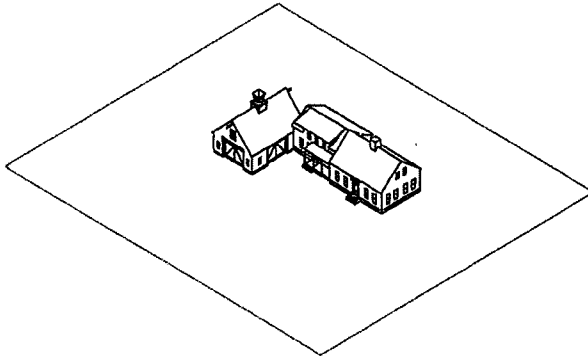
b. PURPOSE

1. To allow for a larger house through an optional series of attachments that might not otherwise be possible.
2. The connected farm is a traditional manner of deploying buildings with an agricultural character, so that they assume a predictable, sequenced series of forms.

c. BUILDING & COMPONENT TYPES

Primary Building (Big House)	House, Cottage, shophouse, apartment house, duplex, bungalow	A
Component (Little House)	Rear addition, side wing, porte- cochere	B
Accessory Building (Back House)	Carriage House, fabrication shop, back cottage, side shop, porte-cochere	C
Accessory Building (Barn)	Barn	D

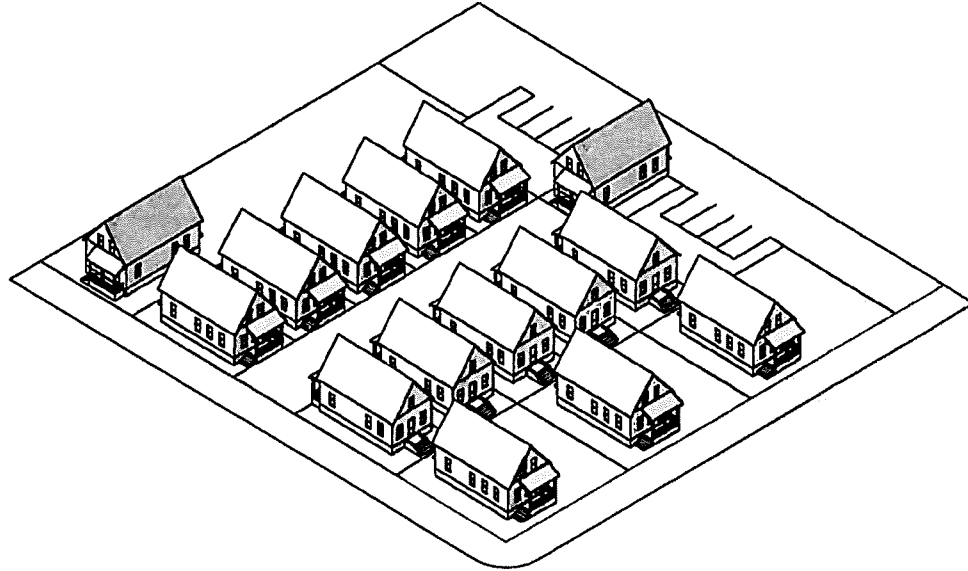
1. CONNECTED FARM



d. STANDARDS

1. A barn and house on the same lot separated from each other by no more than 100 feet may be linked together with a series of accessory buildings and components.
2. The link may be comprised of many as 3 components or accessory buildings, distinct from the house or barn.
3. Each massing component that forms part of the link, must attach to either the barn or the primary building.
4. Each accessory building that forms part of the link must attach directly to the primary building or barn; or to massing components or accessory buildings that are attached to the primary building or barn.
5. Architectural components may attach to any massing component or accessory building in the link subject to the standards for each respective component/ accessory building.
6. No building may be located closer to the primary frontage than the primary building, with the exception of a barn.
7. The primary entrance to the primary building may be located either on the buildings front, or on its side.

2. MULTI-UNIT COURT



a. DESCRIPTION

The arrangement of a single building type around a central common courtyard space to promote greater density than otherwise allowed with the base district and allow for an alternative lifestyle option.

b. PURPOSE

1. To allow increased density without altering the underlying zoning.
2. To allow the creation of fine-grained public urban courtyards surrounded by buildings of the same type.
3. To enable a close arrangement of buildings that would otherwise not be possible.

c. LOT DIMENSIONS

Width	20 ft min, 100 ft max
Depth	n/a

d. PRIMARY BUILDING PLACEMENT

Primary Front Setback	3 ft min
Secondary Front Setback	3 ft min
Side Setback	5 ft min
Rear Setback	5 ft min

e. PRIMARY BUILDING TYPES

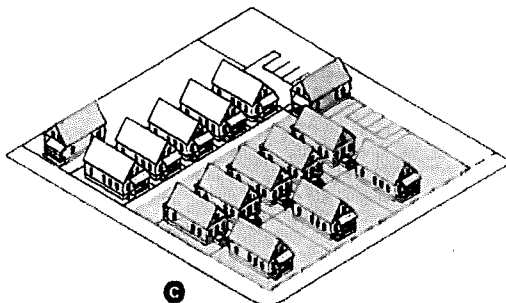
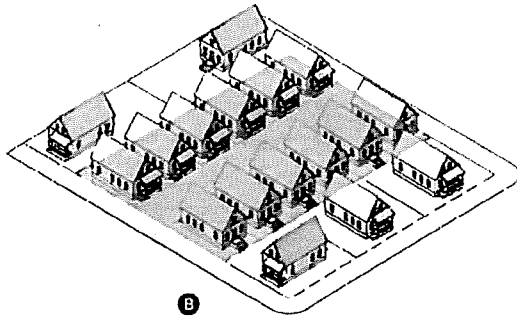
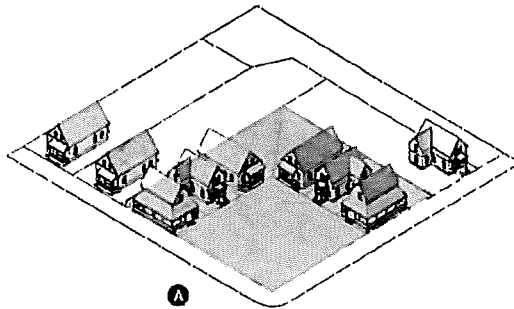
Cottage	●
Bungalow	●
Townhouse	●
Live-Work / Flex	●
Shop	●

f. ACCESSORY BUILDING TYPES

none	
------	--

- Permitted
- ⓘ Permitted by special permit

2. MULTI-UNIT COURT



g. STANDARDS

1. Multi-unit courts consist of three elements; the building lots on which buildings are placed, the courtyard around which the building lots are arranged, and access areas which may or may not include driveways, parking lots, and pedestrian walks.
2. The total frontage of a multi-unit court may not exceed 300 ft in aggregate length along any single thoroughfare.
3. Multi-unit courts may not contain public or private thoroughfares.
4. Multi-unit courts can be configured in one of three ways:
 - a. Corner-Courts are built entirely on a corner-lot or are assembled from lots with combined frontage on two intersecting thoroughfares. **A**
 - b. Through-Courts are built entirely on a through-lot or are assembled from lots with combined frontage on two non-intersecting thoroughfares. **B**
 - c. Interior-Courts are built entirely on an interior lot or are assembled from lots with combined frontage on only one thoroughfare. **C**
5. Parking lots within any multi-unit court may provide no more than one parking space per unit constructed within the multi-unit court.
6. Parking within a multi-use court must be set back from all abutting thoroughfares by no less than 30 ft with the exception of alleys.
7. The courtyard at the center of a multi-unit court must be at least 20 ft wide on its shortest side, and have an area not smaller than 1000 sf and not larger than 10,890 sf (1/4 acre).
8. The courtyard must be built to the standards of one of the following civic space types; common, park, or square.
9. A courtyard with 4 or more sides must directly enfront a thoroughfare or alley on at least one side and no more than 2 sides.
10. A courtyard with 3 sides must directly enfront a thoroughfare or alley on only one side.
11. A multi-unit court must consist of at least 4 and no more than 20 units of the same building type.
12. A multi-unit court may contain 1 additional structure no more than 900 sf in size that provides common recreational space for residents.
13. No building may orient a rear wall towards the courtyard or any thoroughfare, except alleys.
14. Building lots must meet the lot measurement and building setback standards for the multi-use court, rather than for the base character district.
15. Pedestrian walkways and sidewalks providing access within a multi-use court may not exceed a width of 10 ft.

ARTICLE 3

BUILDING STANDARDS

PURPOSE

- To provide buildings that reflect the scale and character of buildings within the community.
- To allow for flexible building expansion to increase floor area.
- To allow for attached or detached accessory buildings to provide additional usable space.
- To allow additional structures to be provided on a lot.

APPLICABILITY

- This Article applies to all new buildings, building additions, accessory buildings, and additional structures.

CONTENTS

A. GENERAL BUILDING STANDARDS

1. Number of Buildings	3-60
2. Nonconforming Buildings	3-60
3. Building Assembly	3-61
4. Roofs	3-62
5. Components	3-63
6. Height	3-64
7. Building Orientation	3-65
8. Building Elevation	3-65
9. Fenestration	3-66
10. Primary Entrances	3-67
11. Shopfronts	3-67
12. Building Articulation	3-68
13. Slopes & Terraces	3-69
14. Liner Buildings	3-69
15. Mezzanines	3-70
16. Additional Structures	3-70

B. PRIMARY BUILDING TYPES

1. Informal Building	3-75
2. Cottage	3-79
3. House	3-81
4. Bungalow	3-83
5. Duplex	3-85
6. Apartment House	3-87
7. Small Apartment Building	3-89
8. Townhouse	3-91
9. Shophouse	3-93
10. Live/Work Flex	3-95
11. Shop	3-97
12. Apartment Building	3-99
13. Inn	3-101
14. Fabrication Building	3-105
15. Mixed-Use Building	3-103
16. Lined Parking Garage	3-107
17. Lined Big Box	3-107
18. Civic Building	3-109

C. ACCESSORY BUILDING TYPES

1. Barn	3-113
2. Farmstand	3-115
3. Back Cottage	3-117
4. Carriage House	3-119
5. Fabrication Shop	3-121
6. Accessory Shop	3-123

D. COMPONENTS

1. Porch	3-125
2. Gallery	3-125
3. Side Wing	3-126
4. Rear Addition	3-126
5. Stoop	3-127
6. Connector	3-127
7. Cross Gable	3-128
8. Penthouse	3-128
9. Shed Dormer	3-129
10. Dormer Window	3-129
11. Bay Window	3-130
12. Balcony	3-130
13. Extended Shopfront	3-131
14. Turret	3-131
15. Arcade	3-132
16. Porte-Cochere	3-132
17. Portico	3-133
18. Canopy	3-133
19. Deck	3-134
20. Tower	3-134
21. Roof Deck	3-135
22. Cupola	3-135

E. ROOF TYPES

1. Gable Roof	3-137
2. Hipped Roof	3-139
3. Mansard Roof	3-141
4. Gambrel Roof	3-143
5. Shed Roof	3-145
6. Flat Roof	3-147

1. NUMBER OF BUILDINGS

PURPOSE

- To be able to effectively regulate the number of buildings allowed on a lot.

APPLICABILITY

- Applies to all buildings and accessory buildings.

//

A. GENERAL

1. Only one primary building may be built on each lot.
2. Only one accessory building may be built on each lot except:
 - a. Within permitted buildings groups.
 - b. On lots actively used for agricultural uses, additional non-residential accessory buildings that support agricultural activities are permitted.
3. An accessory building may not permanently occupy a lot without a primary building except:
 - a. On lots actively used for agricultural uses, the barn accessory building may occupy a lot without a primary building.
 - b. An accessory building may be built on a lot prior to a primary building only if both the primary and accessory buildings have been permitted according to the standards of this Code.

2. NONCONFORMING BUILDINGS

PURPOSE

- To allow for the flexible modification, adaption, reuse, and expansion of buildings that existed prior to and were made non-conforming by this Code.

APPLICABILITY

- Applies to all buildings, accessory buildings, and additional structures that existed prior to the adoption of this Code, and that do not meet all the standards of this Article.

//

A. GENERAL

1. Routine repair and maintenance of nonconforming buildings is permitted.
2. Nonconforming buildings may be altered to eliminate or reduce a nonconformity or to create a conforming building type that meets the standards of this Code.
3. The width and length of the main building mass of a nonconforming building may be expanded within the allowed setbacks of the district and to the extent permitted by the assigned building type.
4. A nonconforming building may be increased in height to the extent permitted by the assigned building type, except when the floor to ceiling heights of the nonconforming building are greater than those allowed for the assigned building type.
5. Nonconforming buildings may be expanded by adding components that meet the standards of this Code, except when the main building mass exceeds either of the maximum width and length dimensions permitted by the assigned building type. In this case, the total square footage of the building may not exceed the sum of the square footage that would be permitted for a main building mass, rear wing, and side wing of the same building type.
6. When nonconforming buildings are expanded with permitted massing components, floor height standards may be waived to allow floor heights to match.
7. When nonconforming buildings are expanded, windows, doors, and roof shape may take the form of the nonconforming building.
8. A nonconforming building may not be moved in whole or part to another location unless the building conforms to the standards of the district to which the building is moved.
9. When the main building mass of a nonconforming building is destroyed and requires total replacement, the building must be rebuilt to meet the standards of this Code.
10. When any portion of a nonconforming building is damaged and does not require a total reconstruction, it may be repaired and rebuilt to its previous condition.

11. Where a nonconforming building, including the main building mass or components, encroach into setbacks, the building may be expanded vertically so long as the additions and modifications otherwise meet the standards of this Code.
12. Abandoned buildings located within CD4, CD5, or any special district must meet the standards for primary entrances and shopfronts before any new permits or approvals may be issued.

3. BUILDING ASSEMBLY

PURPOSE

- To provide a clear and flexible system for enabling the construction of new buildings and the expansion and modification of existing buildings
- To allow for a broad range of building designs.

APPLICABILITY

- Applies to all buildings, including primary buildings (comprised of a main building mass and components) and accessory buildings (comprised of a main building mass and components).



A. GENERAL

1. All primary and accessory buildings must meet the standards for one of the building types provided within this Code.
2. Each primary building and accessory building must be comprised of a main building mass with a rectangular form and a single allowed roof type.
3. The following building types are not required to take a rectangular form but must meet standards for building dimensions, height, and setbacks: mixed-use building, apartment building, inn, civic building, parking garage, and fabrication building.
4. The outer wall of a main building mass must be located entirely in a single plane. Deviations to the wall plane are allowed only through permitted articulations.
5. For the purpose of measurement, building length and width standards apply only to the main building mass of primary and accessory buildings. Components have unique dimensions and standards.
6. Integral components may be used to cut away space within the boundaries of the roof or main building mass provided the eaves and ridge beam of the roof are not affected.

B. ATTACHMENTS

1. Primary buildings may only attach to other primary buildings (or to their components) the number of times indicated in Article 3.B Primary Building Types.
2. Accessory buildings may only attach to primary buildings or other accessory buildings (or to their components) the number of times indicated in Article 3.C Accessory Building Types.
3. Components may attach to primary and accessory buildings.
4. A building may not encroach on setbacks in order to attach to an adjacent building.

Article 3 Building Standards // Section A General Building Standards

5. Primary buildings may attach to other primary buildings or to the components of other primary buildings on no more than two sides.
6. Primary buildings that are allowed to attach to other primary buildings may do so on side or rear walls only.
7. Where a building is allowed to attach to other buildings (or to its component), only one building or component may attach to each building face.
8. Permitted attachments may occur across theoretical or legal lot lines.
9. Where two primary buildings attach, the division between buildings must be apparent on the building's exterior through seams in materials, downspouts, pilasters, buttresses, or other vertical structural elements that are less than 6 horizontal inches from the surface of a building's facade.
10. In CD5 groups of attached buildings must provide gaps or breaks in the street wall at intervals no greater than 180 ft and no closer than 80 ft (measured from the centerline of the break) along any frontage. These gaps may consist of on-site civic space, a pedestrian or service thoroughfare, an extension of the adjacent sidewalk, or narrow side yards.
11. Breaks must measure at least 3 ft and no more than 12 ft in width when separating two buildings that do not share internal circulation.
12. Where breaks are required between two attached buildings that share circulation, the hyphen component may be used to bridge the resulting gap between the two buildings provided that through-block access is maintained at ground level through a public lobby, passage, or archway and the hyphen is set back at least 10 ft from the frontage.
13. Breaks must measure at least 10 ft and no more than 12 ft in width when separating two buildings that share internal circulation.
14. A group of attached buildings, including their components, that share internal circulation are limited in aggregate length to no more than 200 ft along any frontage.
15. When a group of attached buildings that share internal circulation includes a corner building, the corner building is limited in width to 70 ft along the secondary frontage. Any additional gap between buildings may be closed using a side wing or rear addition that has a roof type that is distinct from the main building mass.

C. INTERNAL CIRCULATION

1. Buildings must maintain an independent structural system, with the exception of party walls, which are shared.
2. Breaks in a party wall between two attached buildings may only occur:
 - a. In order to share circulation, corridors, stairwells, and elevators.
 - b. First floor commercial units may share a unit between two or more attached buildings by special permit.
3. Party walls must be structural, load bearing, and extend

through the width of both buildings to form a continuous wall.

4. The soffit along the frontage of a building may not encroach on a neighboring building lot.

D. NUMBER OF UNITS

1. Buildings have a maximum number of units as regulated in Article 3.B Primary Building Types and Article 3.C Accessory Building Types.
2. If a permitted accessory building cannot be constructed due to site restrictions or other design related concerns, the accessory unit associated with the accessory building may be incorporated into the primary building, provided the total area of the accessory unit does not exceed either 30% the area devoted to the building's primary unit, or the maximum floor area of the permitted accessory building, whichever is smaller.

4. ROOFS

PURPOSE

- To provide for buildings that have identifiable roof shapes based on local character.

APPLICABILITY

- Roof standards apply to all primary and accessory building types and components, with the exception of the civic building, which may have more unique and complex assemblies.

A. GENERAL

1. Each primary building, accessory building, or component may only have a maximum of one roof.
2. Pitched roofs must converge, symmetrically, to a single ridge beam at their highest point.
3. Shed roofs are considered to be symmetrical provided the vertical separation between the base of the eaves and the top of the ridge beam is the same across the entire length of the roof.
4. Roof assemblies with multiple ridge beams are prohibited, except for mansard and gambrel roofs, which possess a secondary, lower beam (the chine) located between the ridge beam and the eaves at a consistent height.
5. The upper slope of mansard and gambrel roof profiles must always be less steep than the lower slope.
6. The highest point of the roof of any component must be lower than or equal to the highest point of the roof of the primary building, unless specifically allowed to be taller.
7. Gable ends must be located on the narrowest building face or component face, except for townhouses, live-work/ flex buildings, and bungalows, which must orient the ridge beam parallel with the frontage.

B. NONCONFORMING ROOFS

1. Routine repair and maintenance of nonconforming roofs is permitted.
2. Nonconforming roofs may be altered to eliminate or reduce a nonconformity or to create a conforming roof that meets the standards of this Code.
3. When a nonconforming roof is damaged or destroyed, it may be repaired or rebuilt to its previous condition.
4. Accessory buildings and components added to nonconforming buildings may use a roof that takes the form and pitch of the nonconforming primary building.

5. COMPONENTS

PURPOSE

- To provide a clear and flexible system for enabling the construction of new buildings and the expansion and modification of existing buildings.

APPLICABILITY

- Applies to all buildings, including primary buildings (comprised of a main building mass and components) and accessory buildings (comprised of a main building mass and components).

A. GENERAL

1. At least one component is required per primary building except on the mixed-use building and lined parking garage.

B. ATTACHMENTS

1. All components may attach to other components, unless otherwise indicated.
2. All components are allowed to stack on top of one another, unless otherwise indicated.
3. Multiple components of the same type may be used more than once, unless otherwise indicated.
4. Multiple components of the same type may not attach to each other, unless specifically allowed, and must be separated horizontally by a distance of no less than 1 ft.
5. Two components may not occupy the same space (overlap), unless specifically allowed in Article 3.D Components.
6. Any enclosed component, that is permitted to extend flush with a side or rear lot line, is permitted to attach to a neighboring structure also built flush to the same lot line.

C. ENCROACHMENTS

1. Components may encroach their entire width and/or depth into all setbacks, unless specifically disallowed in Article 3.D Components.
2. Components may be allowed to encroach into the public right-of-way by special permit

D. NONCONFORMING COMPONENTS

1. Routine repair and maintenance of nonconforming components is permitted.
2. Nonconforming components may be altered to eliminate

or reduce a nonconformity or to create a conforming component that meets the standards of this Code.

3. The dimensions of a nonconforming component may be expanded within the allowed setbacks of the district and to the extent permitted by the assigned component type.
4. When a nonconforming component is destroyed and requires total replacement, the component must be rebuilt to meet with the standards of this Code.
5. When any portion of a nonconforming component is damaged and does not require a total reconstruction, it may be repaired and rebuilt to its previous condition.

E. FIRE ESCAPES

1. Fire escapes may be added to existing buildings when no other means of providing egress is possible or practical.
2. Exterior fire escapes may encroach upon all setbacks.
3. A fire escape may encroach upon a public right-of-way by special permit
4. Sizing and location of fire escapes must be approved by the Fire Marshall.

6. HEIGHT

PURPOSE

- To create a predictable and clear approach to measuring and regulating height of buildings.

APPLICABILITY

- Applies to all new buildings or modifications to existing buildings that increase the overall height of the structure.



A. STORY HEIGHT

1. Building height in this Code is measured in stories.
2. Story height is measured from the surface of any floor to the surface of the floor above it or, if there is no floor above, from the surface of the floor to the top of the wall plate.
3. For buildings with pitched roofs, habitable space is allowed within the pitch and is not considered a story.
4. A building that has more than one floor contained within the structure of a pitched roof must count all but the top floor as a story.
5. A habitable floor within a pitched roof must be counted as a story if the roof rafters intersect the wall plate or top of the exterior wall frame at a height more than 2 feet above the finished floor of the space.
6. Basements are counted as a story when 5 feet or more of an exterior wall located within the frontage zone is exposed above the average ground level.
7. In the event that floor heights vary in different parts of the same building, such that multiple stories in one area equate in height to one story in another, the shorter floor-to-floor height should be used to determine number of stories, provided that none of the floors are mezzanines.

B. HEIGHT EXCEPTIONS

1. Maximum height standards do not apply to mechanical equipment; vents or exhausts; solar panels or skylights; flagpoles; chimneys; parapets; or other non-habitable architectural features.
2. The maximum heights of roof decks, towers, turrets, cupolas, and penthouses are regulated in Article 3.D Components.
3. Maximum height standards for Amateur (HAM) Radio Equipment are regulated in Article 3.A.17 Additional Structures.
4. Maximum height standards for all wireless telecommunications facilities are regulated in [REFERENCE]
5. Maximum heights for windmills are regulated in [REFERENCE]

7. BUILDING ORIENTATION

PURPOSE

- To ensure that buildings address the street in a way that reinforces or creates the character desired in a neighborhood.
- To enable people to access to fronts of buildings.
- To provide consistent placement of buildings within neighborhood centers.
- To provide flexible building arrangement in rural areas.

APPLICABILITY

- Applies to all new primary buildings, accessory buildings, and components.



A. GENERAL

1. All primary buildings must front on a primary thoroughfare, with the exception of cottages and townhouses, which may front on alleys.
2. The facade of all primary buildings and accessory buildings, and massing components must have the same orientation.
3. Buildings must be oriented parallel to the primary frontage line, with the following exceptions:
 - a. In the case where a thoroughfare bends, a building may take the orientation of adjacent buildings or orient toward the corner, at an angle determined by drawing an imaginary line between the endpoints of the two side lot lines along the frontage.
 - b. Buildings that are part of the multi-unit court building group must be oriented parallel to the civic space they face.
 - c. Building orientation may rotate by 22.5 degrees by waiver based on demonstrating that natural landscape features preclude meeting building orientation standards and that those features were not man-made, modified, or adjusted.

8. BUILDING ELEVATION

PURPOSE

- To ensure that buildings with first floor residential uses are raised above the level of the ground as a way to protect privacy in neighborhoods where buildings are located close to the street.
- To ensure that buildings with first floor commercial spaces are located at grade to the extent possible to provide accessible shopfronts.

APPLICABILITY

- Applies to all new primary buildings and accessory buildings with residential first floor units.



A. GENERAL

1. Buildings must be elevated along their primary frontage to meet first floor elevation requirements of each primary and accessory building type.
2. Buildings that are located within 10 ft of a frontage line must have the first floor at the same grade or higher than the abutting sidewalk.
3. Primary buildings that contain dwelling units on a first floor frontage must be elevated above grade a minimum of 2 ft along the frontage, except for the following, which may be built at grade:
 - a. Live/work flex buildings.
 - b. Accessory buildings.
4. First floor elevation is measured from the average ground level at the front of the building to the top of the finished floor of the first story of a building.

9. FENESTRATION

PURPOSE

- To ensure that buildings relate to the street by providing a rhythm of door and window openings.
- To minimize blank walls along thoroughfares to keep eyes on the street.

APPLICABILITY

- Applies to all new primary buildings, accessory buildings, and components, not including civic buildings.



A. GENERAL

1. Fenestration requirements apply to all building facades, except where installation of windows along side or rear property lines is infeasible due to separation requirements mandated by the fire code.
2. The required fenestration percentages apply to the total area of each story of each building facade as measured from the surface of the floor of that story, to the surface of the next floor above; or, if there is no floor above, to either the top of the wall plate, or the base of the buildings eaves, whichever is shorter.
3. Windows and doors must have clear, transparent glass that has a minimum VLT of 50% as indicated by the glass manufacturer.
4. All windows and doors on a building face must be square or vertical in proportion and must have center or edge alignment that is vertical and horizontal, except as follows:
 - a. Stairwell windows may be circular or take the shape of any regular polygon, other than a triangle, and may take the orientation of the roof pitch.
 - b. Shopfront windows are exempt.
5. Lifting, swinging, or sliding carriage house doors are not permitted within the frontage zone, except for:
 - a. On commercial building facades, where doors must be comprised of 50% transparent glass, with multiple vertically proportioned windows or window lights combined to create horizontal compositions.
 - b. On accessory buildings.
 - c. Within the following districts: CD2 and SD-CE.
6. Residential sliding doors and windows are prohibited along frontages.
7. Window and door openings may not vertically span more than one story, including floor structures or mechanical systems.
8. Entrances to basements may not be located within the frontage zone.

9. To the extent possible, window and door patterns and window configurations should be used that break the direct line of sight between neighboring properties to minimize privacy impacts.

B. NONCONFORMING FENESTRATION

1. Routine repair, maintenance, and replacement of nonconforming windows and doors is permitted.
2. Nonconforming windows and doors may be altered to eliminate or reduce a nonconformity or to create conforming windows and doors that meet the standards of this Code.
3. Accessory buildings and components added to nonconforming buildings may use window and door patterns that take the form and rhythm of the nonconforming primary building.

10. PRIMARY ENTRANCES

PURPOSE

- To ensure that buildings are accessible from thoroughfares as a way to encourage pedestrian activity.
- To prevent extended blank walls that can cause a street to feel uncomfortable for pedestrians.

APPLICABILITY

- All new primary buildings and accessory buildings.
- Modifications to existing buildings that include a change in use to a commercial use.



A. GENERAL

1. At least one primary entrance must be located along the primary frontage of a primary building's main building mass.
2. Cottages, houses, apartment houses, and duplexes may have their primary entrance on the side of a primary building's main building mass, provided the side door is located within the frontage zone.
3. Primary entrances must provide both ingress and egress and be operable and permanently clear at all times.
4. On buildings that contain commercial uses, entrance doors must be provided at intervals of no greater than every 30 linear feet along first floor facades.
5. Primary entrance spacing requirements must be met for each building individually, in that doors on adjacent buildings may not be used to meet the spacing requirement.
6. Primary entrance spacing is measured as the distance between the center line of doors along a facade.

11. SHOPFRONTS

PURPOSE

- To ensure that areas intended for commercial activity have shopfront treatment that supports business vitality.

APPLICABILITY

- The first floor facade of shophouses, mixed-use buildings, shops, accessory shops, and extended shopfronts.



A. GENERAL

1. Shopfronts, where required, must provide doors and windows with a minimum of 70% glazing.
2. Shopfronts may include carriage house doors that meet the glazing requirements.
3. Dwelling units are not permitted along shopfront streets or within units that have shopfront glazing or permitted carriage house doors. Dwelling units may be located in portions of a building not directly facing onto a shopfront street.
4. Buildings on corner lots that require shopfronts must extend shopfront fenestration a minimum of 12 feet along the secondary frontage.
5. On shopfront streets, entrance doors into publicly-accessible commercial units must be provided at intervals of no greater than every 25 linear feet along first floor facades.
6. Glazing percentage requirements are based on the surface area of the shopfront. Shopfront surface area is the first floor height multiplied by the total width of the first floor of a building, measured at the frontage.
7. Where a shopfront does not extend across a building's entire facade, the area of the shopfront must be determined by the first floor height multiplied by the total width of the commercial unit.
8. The area of a commercial unit is determined by the first floor height multiplied by horizontal distance between the interior walls of the unit, measured at the frontage.

B. NONCONFORMING SHOPFRONTS

1. Routine repair and maintenance of nonconforming shopfronts is permitted.
2. Nonconforming shopfronts may only expand along a frontage if primary entrance, door and window, and building type standards are met.

12. BUILDING ARTICULATION

PURPOSE

- To enable buildings that contribute to the overall character of a street.
- To minimize exaggerated building articulations that can interrupt pedestrian movement and result in a disorienting built environment.

APPLICABILITY

- Applies to new buildings.

A. GENERAL

1. Architectural features and small articulations less than 6 horizontal inches from the surface of a building's facade are permitted.
2. Forecourts are permitted on mixed-use buildings, apartment buildings, fabrication buildings, and civic buildings, provided they meet the following standards:
 - a. Only one building facade may have a forecourt.
 - b. Forecourts must provide access to the first floor of a building with the same frequency of windows and doors as the facade it is associated with.
 - c. The width of a forecourt must be no greater than 1/3 of the building face to which it is associated.
 - d. The maximum depth of a forecourt must maintain a ratio of 1:1 with the height of the associated building face, measured from the surface of the forecourt to the base of the eaves or top of the parapet.
 - e. The average elevation of the floor of a forecourt must not exceed 1 ft above the abutting sidewalk.
 - f. Courtyards located away from the frontage are allowed for mixed-use buildings, apartment buildings, fabrication buildings, and civic buildings, but their dimensions, shape, and size are not regulated by this Code.
 - g. Arcades, may extend across the gap created by a forecourt to create a peristyle, provided they are not enclosed by glass, railings, or other physical obstructions.
3. Corner buildings with first floor shopfronts may have a chamfered corner, provided the length of the resulting chamfer face is less than 12 feet and that both edges of the chamfer are equidistant from the corner.
 - a. Chamfered corners must provide an entrance. This entrance may not be counted toward the primary entrance spacing requirement.
 - b. Mixed use buildings may extend the chamfer to upper stories as desired. All other building types must limit the chamfer to the first floor only.

13. SLOPES & TERRACES

PURPOSE

- To ensure that buildings located in mixed-use areas meet the sidewalk.
- To allow terraces as a way to provide pedestrian circulation adjacent to shopfronts on streets with steep slopes.

APPLICABILITY

- Applies to new buildings or existing buildings that want to construct a terrace.

A. GENERAL

1. Buildings with a 0 ft front setback must provide entrances at grade to the abutting sidewalk.
2. Shopfronts in CD4 and CD5 must step down entrances to meet the grade of the adjacent sidewalk along the frontage.
3. If a building with a 0 ft setback is located on a sloped frontage, the first floor of each commercial unit must match the average elevation of the abutting sidewalk along the frontage of each commercial unit.
4. When the grade of a thoroughfare at a primary or secondary frontage has a slope of 10% or greater, the adjacent buildings may provide a level terrace in their front setback.
5. The following standards apply to all buildings in CD5 and to buildings in CD4 that are set back less than 12 ft from the street:
 - a. The terrace must be paved to match the adjacent sidewalk.
 - b. A railing or low wall must be provided wherever the terrace is elevated more than 1 ft above grade.
 - c. Stairs may be provided between abutting terraces to promote pedestrian circulation along shopfronts.
 - d. When applied, terraces must extend along the entire frontage of the building.
6. The following standards apply to all buildings in CD2 and CD3, plus all buildings in CD4 with a setback greater than 12 ft:
 - a. The terrace must be surfaced with grass or other vegetation with the exception of permitted patios, or driveways, sidewalks, or walkways that cross the terrace.
 - b. The lot may be terraced for all, or a portion, of its frontage.
 - c. The terrace may provide steps to the adjacent sidewalk anywhere along the frontage.

14. LINER BUILDINGS

PURPOSE

- Liner buildings are a tool to help maintain an active and safe street.

APPLICABILITY

- Liner building standards apply to any building, use, or lot where a liner building is used to meet parking lot screening requirements.

15. MEZZANINES

PURPOSE

- To allow additional flexibility within building envelopes.
- To enable additional partial floors to encourage tall stories.

APPLICABILITY

- Applies to new buildings or existing buildings that want to add a mezzanine.

A. GENERAL

1. Buildings that may be used as liner buildings include, the mixed use building, townhouse, and live/work flex, and the farmstand accessory building.
2. Liner buildings must be placed between the building, lot, or use being lined, and the abutting thoroughfare according to the following standards:
 - a. The total length of liner buildings along a facade being lined must be at least 50% the length of that facade.
 - b. Gaps in the liner may not exceed 20 ft in continuous length.
 - c. Liner buildings are only required along the ground floor frontage of the building, lot, or use being lined, but may extend taller.
3. Liner buildings may occupy the same lot as the building, lot, or use being lined, and may share internal circulation, structural system, and individual units between them in the manner of a single building.

A. GENERAL

1. Publicly accessible mezzanines may be provided within a building story with the following standards:
 - a. A building story must be at least 18 ft in height to accommodate a public mezzanine.
 - b. A public mezzanine must have a ceiling height of at least 8 ft measured from the finished floor of the mezzanine to the surface of the finished ceiling or underside of the structural members of an unfinished ceiling.
 - c. The area of a public mezzanine may be no greater than 50% the area of the main floor beneath it.
2. Utility or mechanical mezzanines, intended only for access by repair personnel, may be provided within a full building story with the following standards:
 - a. A building story must be at least 15 ft in height to accommodate a mechanical mezzanine.
 - b. Mechanical mezzanines may be designed as a crawlspace, and have a minimum ceiling height of 4 ft.
 - c. Mechanical mezzanines may be no greater than 75% the area of the main floor beneath them.
3. From the exterior of the building, mezzanines should appear like part of the story they are associated with. A mezzanine may not appear like a complete building story from the outside.

16. ADDITIONAL STRUCTURES

PURPOSE

- To allow for additional structures that support activities associated with primary and accessory buildings.
- To minimize visual impacts from private and public spaces.

APPLICABILITY

- Applies to any structure on a lot, not including primary or accessory buildings.

A. GENERAL

1. Additional structures are permitted in conjunction with permitted primary or accessory buildings.
2. A structure is additional if it is:
 - a. Clearly incidental and subordinate to a permitted primary or accessory building in terms of area, size, function, and location.
 - b. Operated and maintained under the same ownership and on the same lot as the primary or accessory building.
 - c. When in the form of a building, it solely provides storage space associated with a primary building or accessory building.
3. Additional structures not expressly permitted are prohibited, except where a specific additional structure is customarily found in association with an allowed primary or accessory building and meets the character intent of this Code, a additional structure may be allowed by special permit.
4. Additional structures may be permitted on undeveloped lots, as long as the screening and setback standards are met.
5. Any enclosed additional structure may not exceed 144 sf.

B. SCREENING

1. Additional structures must be screened as required in Table 3.1 Additional Structures.
2. Screening is required only when the additional structures are

visible from a thoroughfare (not including alleys).

3. Screening must be of a height equal to or greater than the height of the additional structure being screened.

C. SETBACKS

1. Additional structures must be setback if required in Table 3.1 Additional Structures.
2. Where an additional structure is required to have a setback, it may not be located within the frontage zone.
3. All permitted additional structures must be located at least 18 inches from lot lines.

D. SPECIFIC STANDARDS

1. Above-Ground Storage Tank
 - a. Above-ground storage tanks are permitted within the frontage zone by special permit.
 - b. If permitted within the frontage zone, above-ground storage tanks must be screened from view from all thoroughfares.
2. Antenna Equipment
 - a. Ground-mounted towers must be located a minimum of 10 feet from any lot line and any overhead electric distribution or transmission lines
 - b. Ground-mounted towers may not exceed 60 feet measured from the base of the supporting tower to its tallest point. A roof-mounted antenna when fully extended, is limited to a maximum height of 30 feet above the height of the structure to which it is mounted
 - c. Additional height may be approved by the [PERMITTING AUTHORITY] if the applicant can demonstrate that such height is necessary to effectively engage in radio communications
3. Alternative Energy
 - a. Solar panels may attach to the roofs of buildings and components and must be flush with the roof when visible from a thoroughfare (not including alleys).
 - b. Wind Turbines are regulated in [WHERE?].

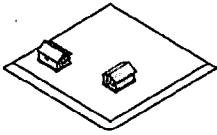
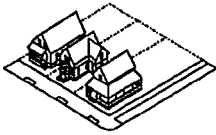
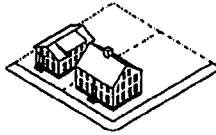
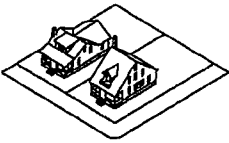
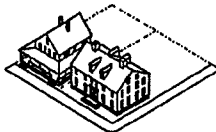
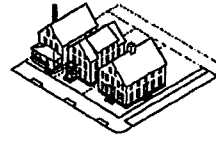
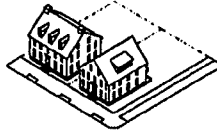
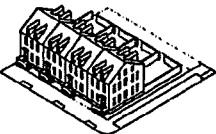
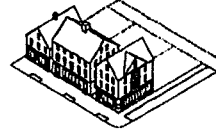
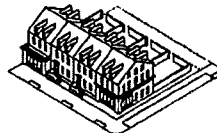
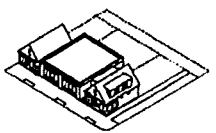
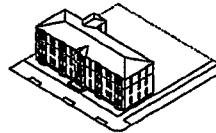
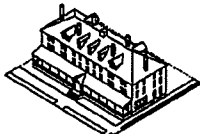
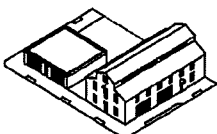
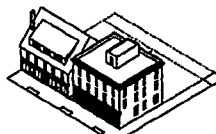
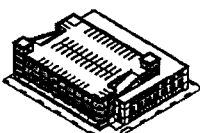
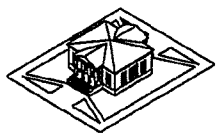
4. Agricultural Structure
 - a. Agricultural structures used for active agricultural uses are exempt from all dimensional standards but may not exceed a height of 35 feet except by waiver.

TABLE 3.1 ADDITIONAL STRUCTURES

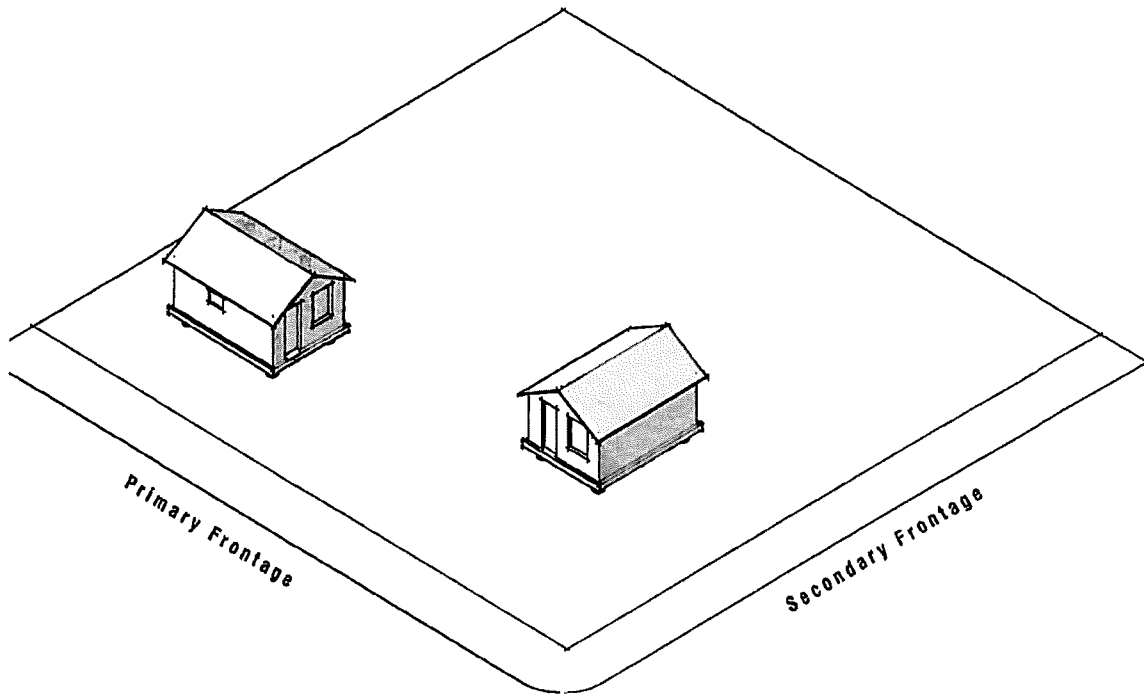
	SCREENING	SETBACK
Above-Ground Storage Tank	●	●
Agricultural Structures		
Antenna Equipment		●
Carport		●
Game Courts		●
Garden Structures		
Pools	●	●
Recreational Equipment		●
Sheds		●
Stationary Machines		●
Alternative Energy		●
Utility Equipment	●	●

● Permitted

TABLE 3.2 BUILDING TYPE SUMMARY

1. INFORMAL BUILDING	2. COTTAGE	3. HOUSE
		
4. BUNGALOW	5. DUPLEX	6. APARTMENT HOUSE
		
7. SMALL APARTMENT BUILDING	8. TOWNHOUSE	9. SHOPHOUSE
		
10. LIVE/WORK FLEX	11. SHOP	12. APARTMENT BUILDING
		
13. INN	14. FABRICATION BUILDING	15. MIXED-USE BUILDING
		
16. LINED PARKING GARAGE	17. LINED BIG BOX	18. CIVIC BUILDING
		

1. INFORMAL BUILDING



a. DESCRIPTION

A light Imprint, low Impact, temporary, and informal building that enables creative use of property, including shacks, yurts, cabins, lean-tos, a-frames.

b. BUILDING FORM

Building Floor Plate	(3)	(A)
Total Stories	1 max	(C)
First Floor Height	12 ft max	(D)
First Floor Elevation	n/a	
Roof	see Article 3.E Roof Types	
Attachments	none	

c. ALLOWABLE UNITS

1 unit max

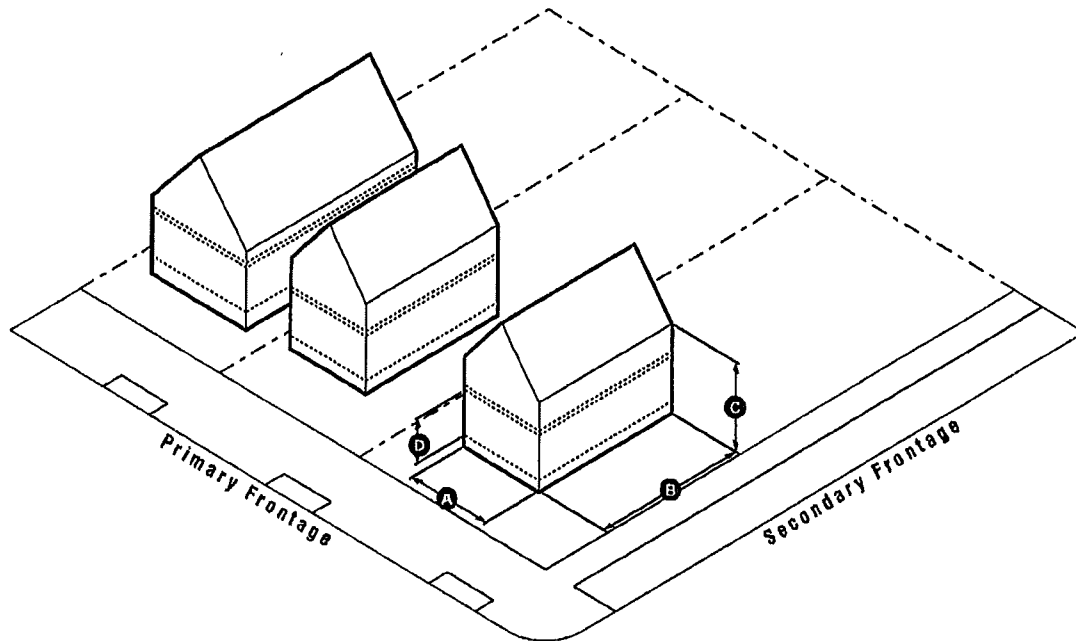
d. WINDOWS & DOORS

First Floor Fenestration	n/a
Upper Floor Fenestration	n/a

e. STANDARDS

1. Informal buildings may function as a primary or accessory building.
2. The total aggregate area of informal buildings on a single lot (or series of adjacent lots in common ownership) may not exceed 5,000 sf, except by special permit.
3. Informal buildings do not need to front onto a thoroughfare.
4. For a structure to be considered an informal building it must meet any three of the following four standards.
 - a. Building is less than 1,000 SF total.
 - b. Building has no permanent physical connection to off-site water, electrical, or sewage utilities.
 - c. Building has no insulation.
 - d. Building has no permanent foundation. Informal foundations may consist of:
 - i. Jacks, blocks, or piers that rest on the surface of the bare ground.
 - ii. A chassis with independent suspension and axles capable of free rotation.
 - iii. Any other type of foundation that may be de-constructed and removed with minimal site disturbance, and with little need for heavy machinery or invasive techniques.

2. COTTAGE



a. DESCRIPTION

A small detached building with one unit.

b. BUILDING FORM

Building Width	14 ft min, 20 ft max	A
Building Length	40 ft max	B
Total Stories	1 story max	C
First Floor Height	9 ft min, 10 ft max	D
Upper Floor Height	n/a	E
First Floor Elevation	2 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	none	

c. ALLOWABLE UNITS

1 unit max

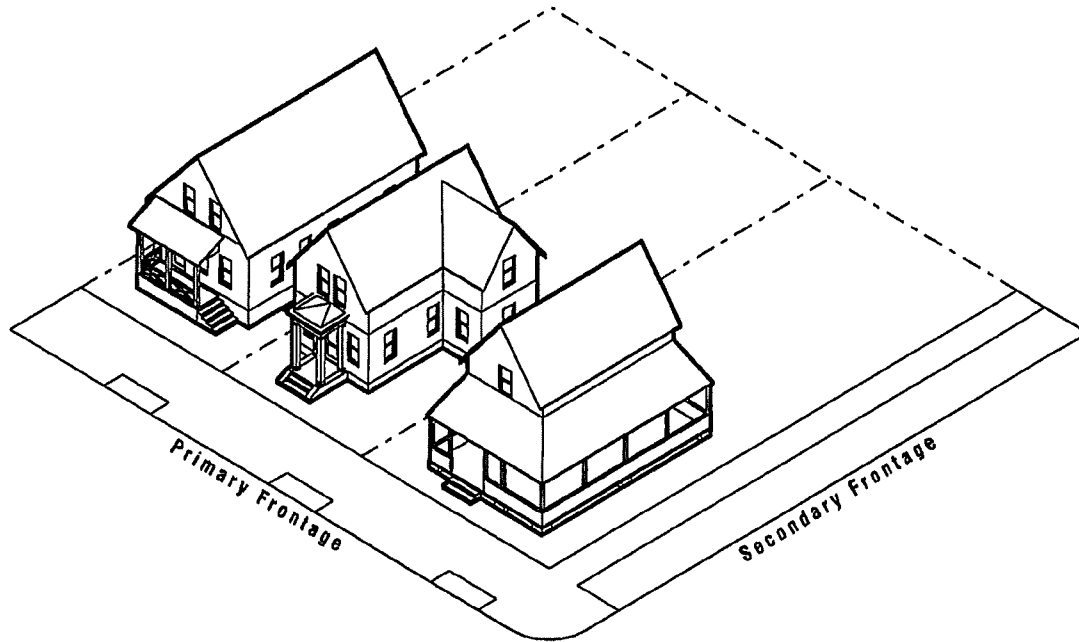
d. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

e. STANDARDS

1. A Cottage may possess a chassis with independent suspension and axles capable of free rotation, provided:
 - a. The back cottage has a permanent connection to water, sanitary, and power utilities.
 - b. The chassis is screened in such a way as to be indistinguishable from a traditional foundation.
 - c. The back cottage may not encroach on setbacks.
 - d. In CD2, a trailer with a maximum dimension of 15 ft by 72 ft may qualify as a Cottage and may take a flat roof.

2. COTTAGE



f. MASSING COMPONENTS

Rear Addition	●
Side Wing	●

g. ARCHITECTURAL COMPONENTS

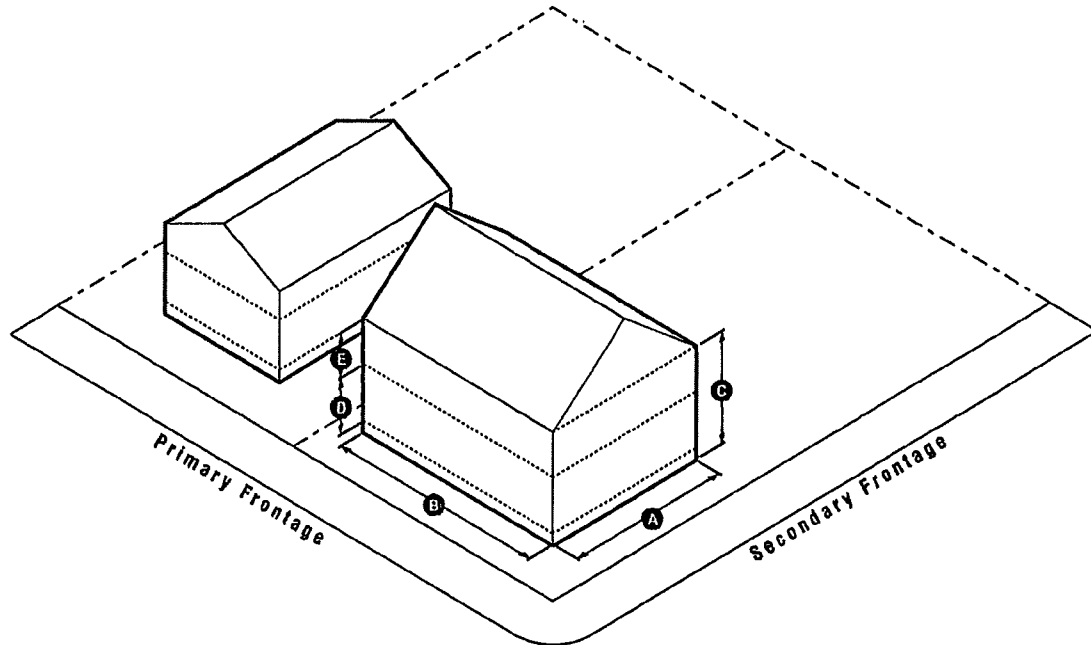
Porch	●
Gallery	●
Stoop	●
Cross Gable	●
Shed Dormer	●
Dormer Window	●
Bay Window	●
Balcony	●
Portico	●
Canopy	●
Deck	●
Roof Deck	●

h. ROOFS

Gable Roof	●
Hipped Roof	●
Mansard Roof	●
Gambrel Roof	●

- Permitted
- ⓘ Permitted by special permit

3. HOUSE



a. DESCRIPTION

A detached building with one unit.

b. BUILDING FORM

Building Width	21 ft min, 36 ft max	A
Building Length	48 ft max	B
Total Stories	2 stories max	C
First Floor Height	9 ft min, 12 ft max	D
Upper Floor Height	9 ft min, 10 ft max	E
First Floor Elevation	2 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	none	

c. ALLOWABLE UNITS

1 unit max

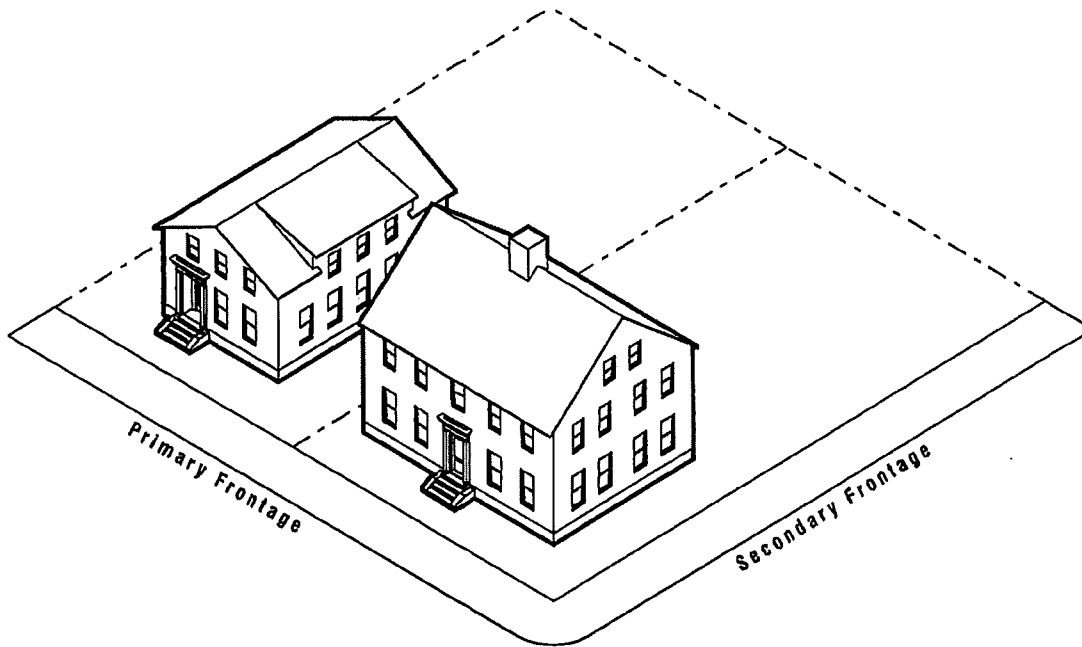
d. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

e. STANDARDS

1. A porch or gallery may be built on the third floor of a primary frontage provided that there is only one porch or galley below it on either the first or second floor.

3. HOUSE



f. MASSING COMPONENTS

Rear Addition	●
Side Wing	●
Connector	●
Porte-Cochere	●
Tower	●

g. ARCHITECTURAL COMPONENTS

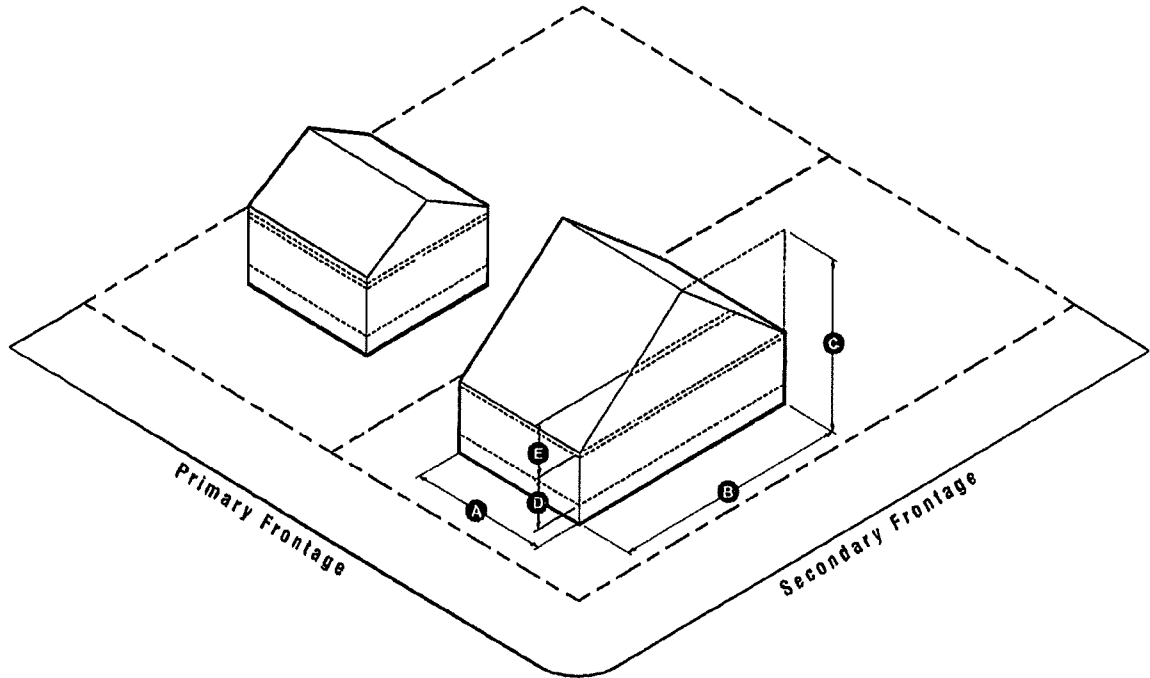
Porch	●
Gallery	●
Stoop	●
Cross Gable	●
Shed Dormer	●
Dormer Window	●
Bay Window	●
Balcony	●
Turret	●
Portico	●
Canopy	●
Deck	●
Roof Deck	●
Cupola	○

h. ROOFS

Gable Roof	●
Hipped Roof	●
Mansard Roof	●
Gambrel Roof	●

- Permitted
- Permitted by special permit

4. BUNGALOW



a. DESCRIPTION

A detached building with one unit and a front porch

b. BUILDING FORM

Building Width	36 ft max	A
Building Length	50 ft max	B
Total Stories	2 stories max (2)	C
First Floor Height	9 ft min, 12 ft max	D
Upper Floor Height	9 ft min, 10 ft max	E
First Floor Elevation	2 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	none	

c. ALLOWABLE UNITS

1 unit max

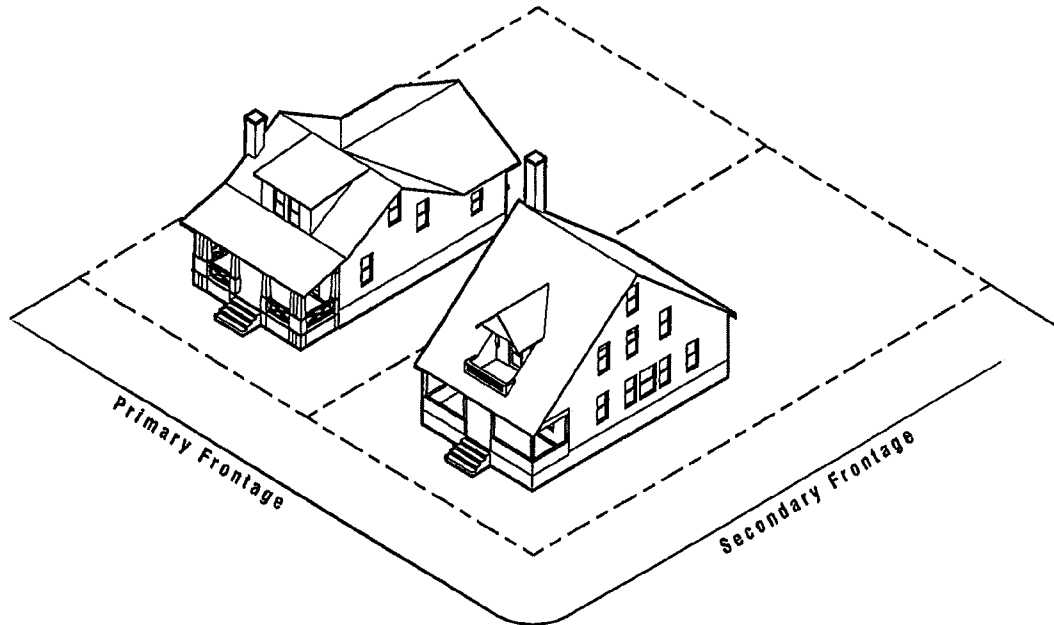
d. WINDOWS & DOORS

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

e. STANDARDS

1. The gable end of a bungalow must be oriented away from the primary frontage.
2. Upper stories must be contained within the roof structure.

4. BUNGALOW



f. MASSING COMPONENTS

Rear Addition	●
Side Wing	●
Connector	●
Porte-Cochere	●

h. ROOFS

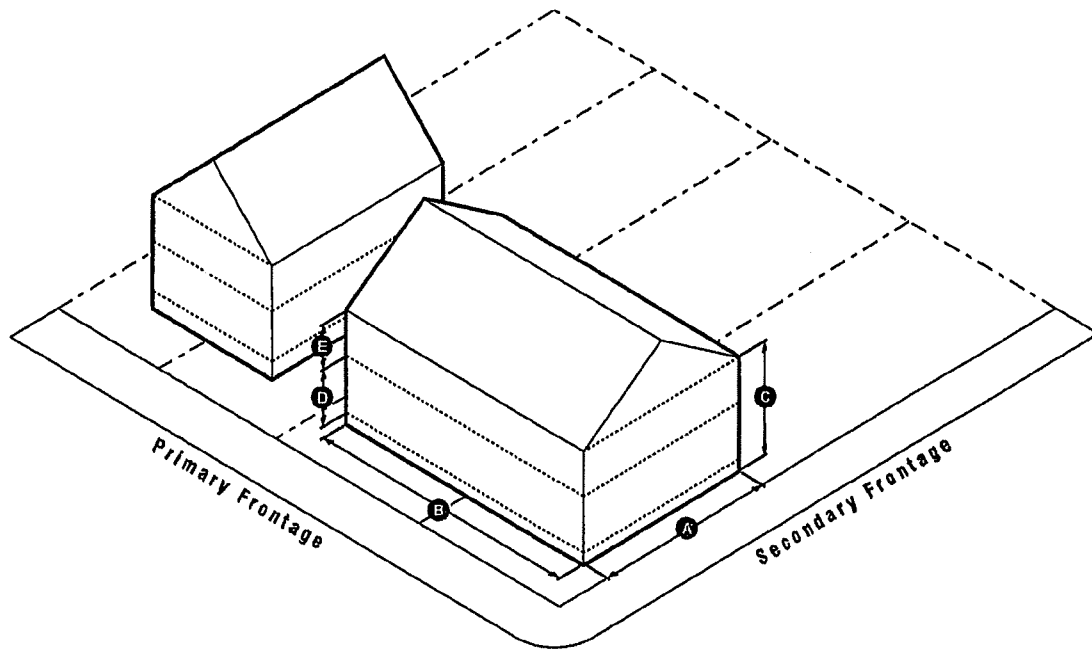
Gable Roof	●
Gambrel Roof	●

- Permitted
- Permitted by special permit

g. ARCHITECTURAL COMPONENTS

Porch	●
Gallery	●
Stoop	●
Cross Gable	●
Shed Dormer	●
Dormer Window	●
Bay Window	●
Balcony	●
Portico	●
Canopy	●
Deck	●
Roof Deck	●
Cupola	●

5. DUPLEX



a. DESCRIPTION

A moderately scaled building type comprised of 2 units arranged side by side, where the building spans two lots, with one unit on each lot.

b. BUILDING FORM

Building Width	36 ft max	A
Building Length	48 ft max	B
Total Stories	3 max	C
First Floor Height	9 ft min, 12 ft max	D
Upper Floor Height	9 ft min, 12 ft max	E
First Floor Elevation	2 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	none (3)	

c. ALLOWABLE UNITS

2 units max

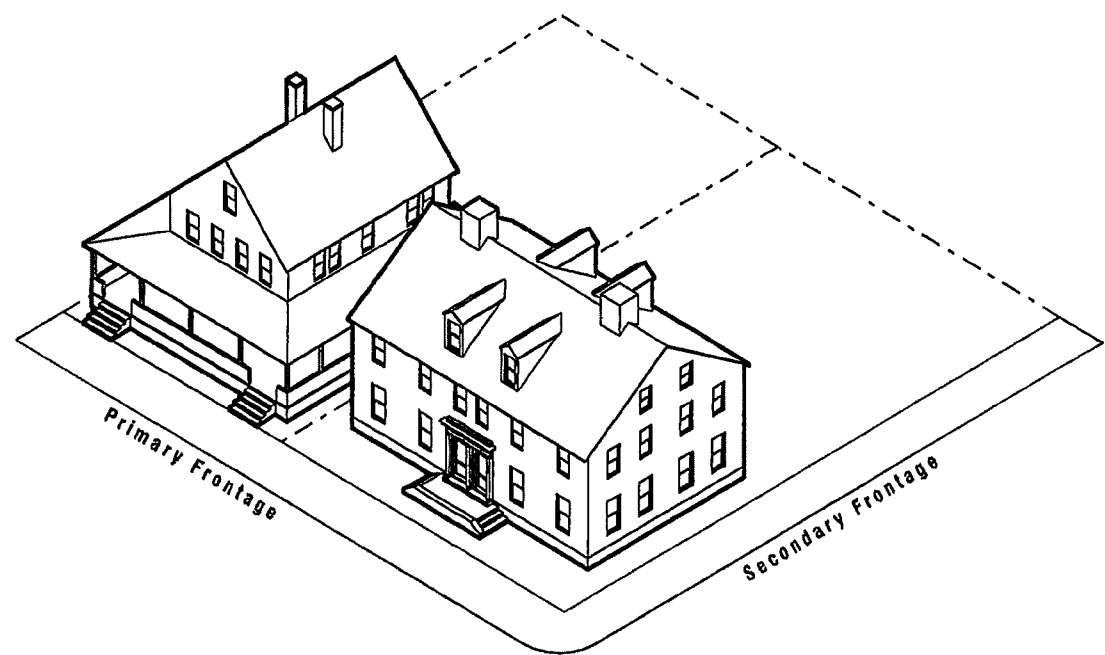
d. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

e. STANDARDS

1. A porch or gallery may be built on the third floor of a primary frontage provided that there is only one porch or gallery below it on either the first or second floor.
2. A duplex may not attach to adjacent buildings.
3. The duplex is a single building that extends across a lot line. The internal shared wall does not count as an attachment.

5. DUPLEX



f. MASSING COMPONENTS

Rear Addition	●
Side Wing	●
Connector	●
Porte-Cochere	●
Tower	●

g. ARCHITECTURAL COMPONENTS

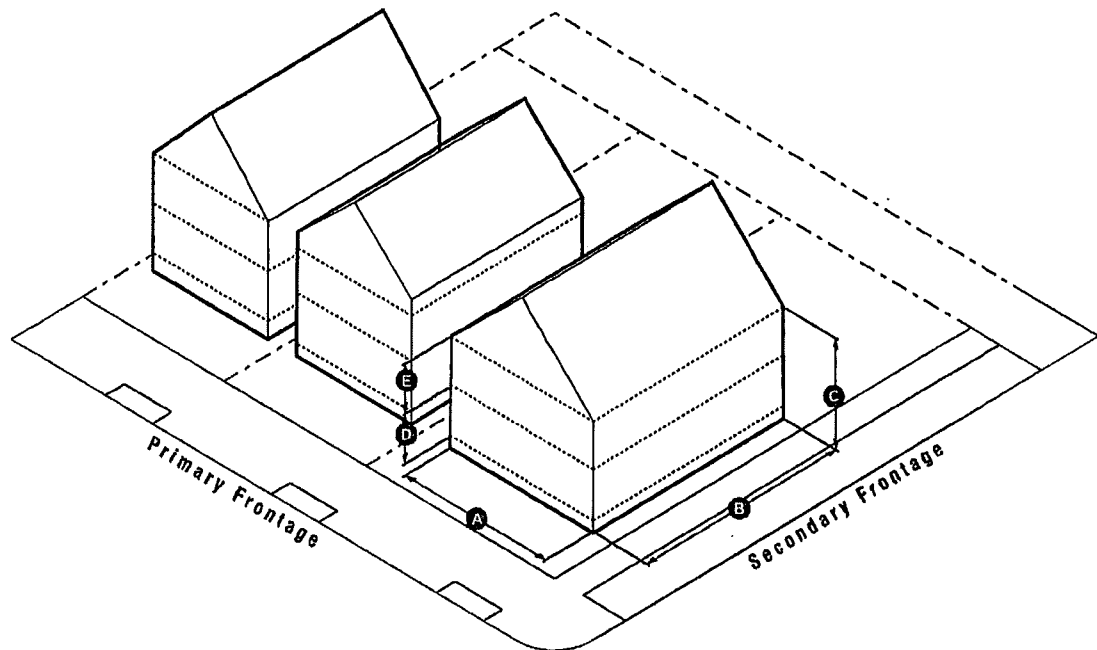
Porch	●
Gallery	●
Stoop	●
Cross Gable	●
Shed Dormer	●
Dormer Window	●
Bay Window	●
Balcony	●
Turret	●
Portico	●
Canopy	●
Deck	●
Roof Deck	●
Cupola	●

h. ROOFS

Gable Roof	●
Hipped Roof	●
Mansard Roof	●
Gambrel Roof	●

- Permitted
- ⦿ Permitted by special permit

7. APARTMENT HOUSE



a. DESCRIPTION

A moderately scaled building type comprised of up to 5 units arranged side by side or stacked one above the other, yet occupying a single lot.

b. BUILDING FORM

Building Width	36 ft max	(A)
Building Length	75 ft max	(B)
Total Stories	3 max	(C)
First Floor Height	9 ft min, 12 ft max	(D)
Upper Floor Height	9 ft min, 12 ft max	(E)
First Floor Elevation	2 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	none	

c. ALLOWABLE UNITS

5 units max

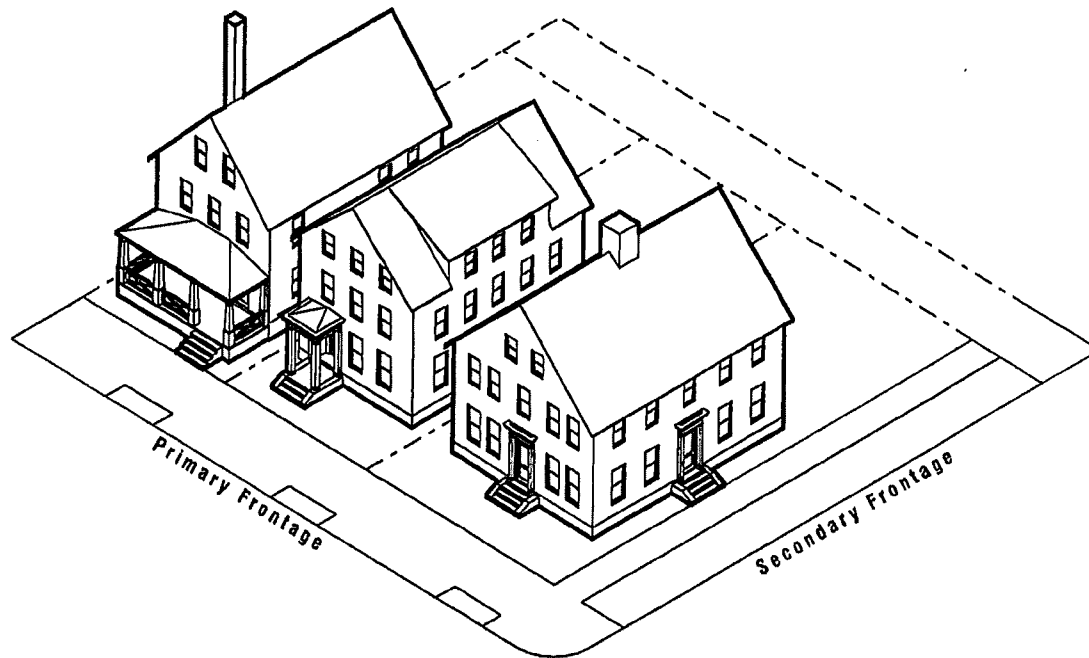
d. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Windows & Doors	20% min

e. STANDARDS

1. A porch or gallery may be built on the third floor of a primary frontage provided that there is only one porch or galley below it on either the first or second floor.

7. APARTMENT HOUSE



f. MASSING COMPONENTS

Rear Addition	●
Side Wing	●
Connector	●
Porte-Cochere	●
Tower	●

g. ARCHITECTURAL COMPONENTS

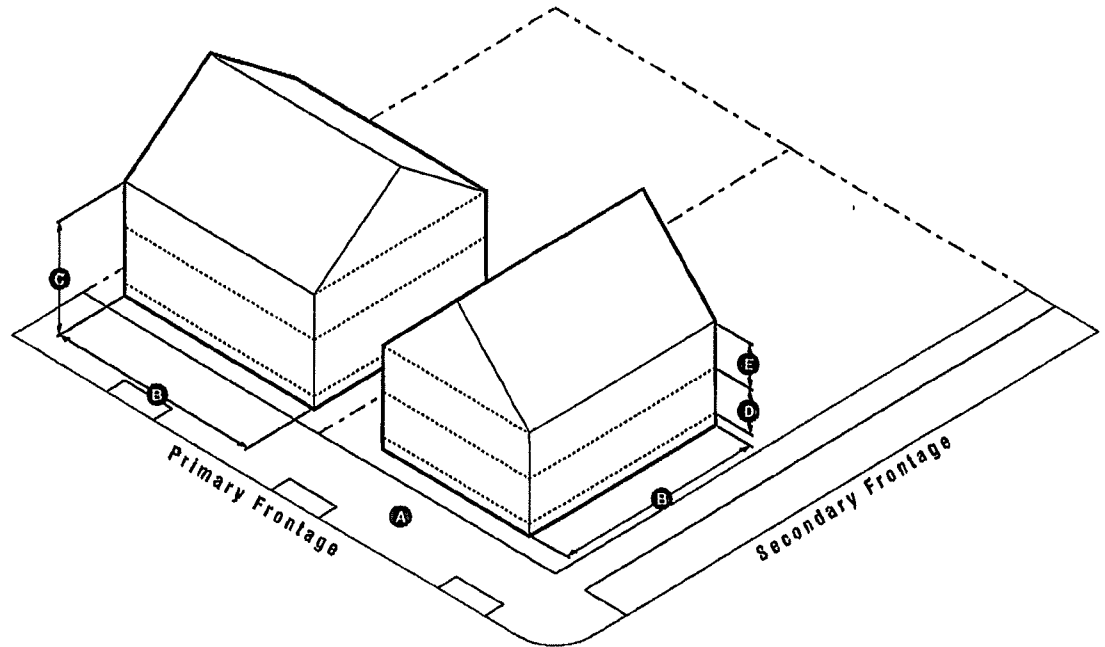
Porch	●
Gallery	●
Stoop	●
Cross Gable	●
Shed Dormer	●
Dormer Window	●
Bay Window	●
Balcony	●
Turret	●
Portico	●
Canopy	●
Deck	●
Roof Deck	●
Cupola	⦿

h. ROOFS

Gable Roof	●
Hipped Roof	●
Mansard Roof	●
Gambrel Roof	●

- Permitted
- ⦿ Permitted by special permit

8. SMALL APARTMENT BUILDING



a. DESCRIPTION

A moderately scaled building type comprised of up to 12 units.

b. BUILDING FORM

Building Width	60 ft max	A
Building Length	75 ft max	B
Total Stories	3 stories max	C
First Floor Height	9 ft min, 15 ft max	D
Upper Floor Height	9 ft min, 12 ft max	E
First Floor Elevation	2 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	none	

c. ALLOWABLE UNITS

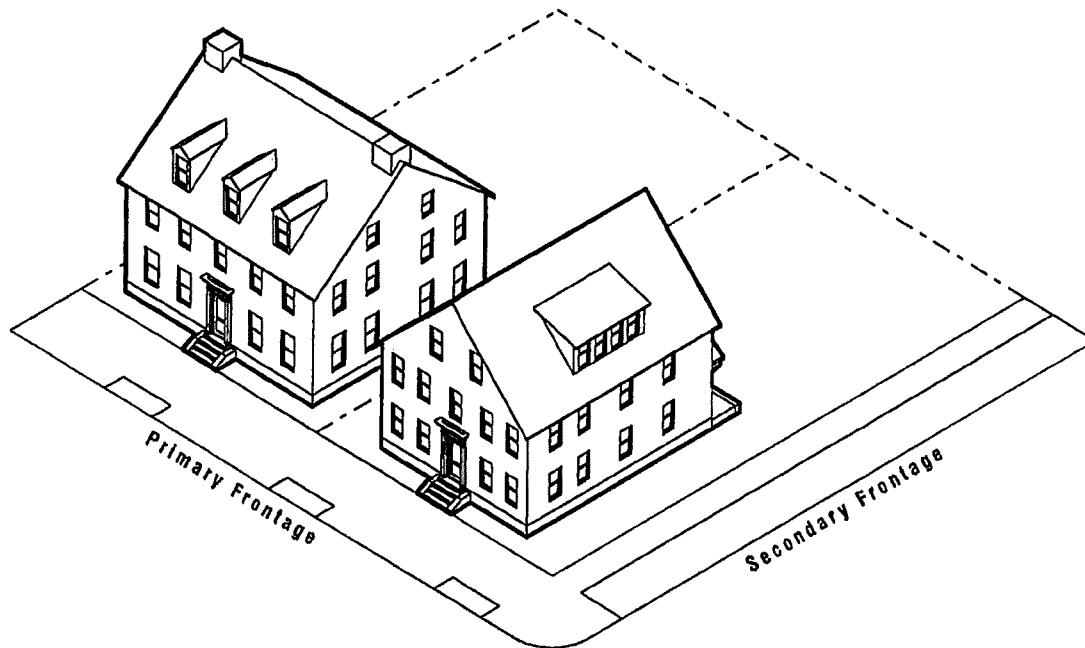
12 units max

d. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

e. STANDARDS

8. SMALL APARTMENT BUILDING



f. MASSING COMPONENTS

Rear Addition	●
Side Wing	●
Connector	●
Porte-Cochere	●
Tower	●

g. ARCHITECTURAL COMPONENTS

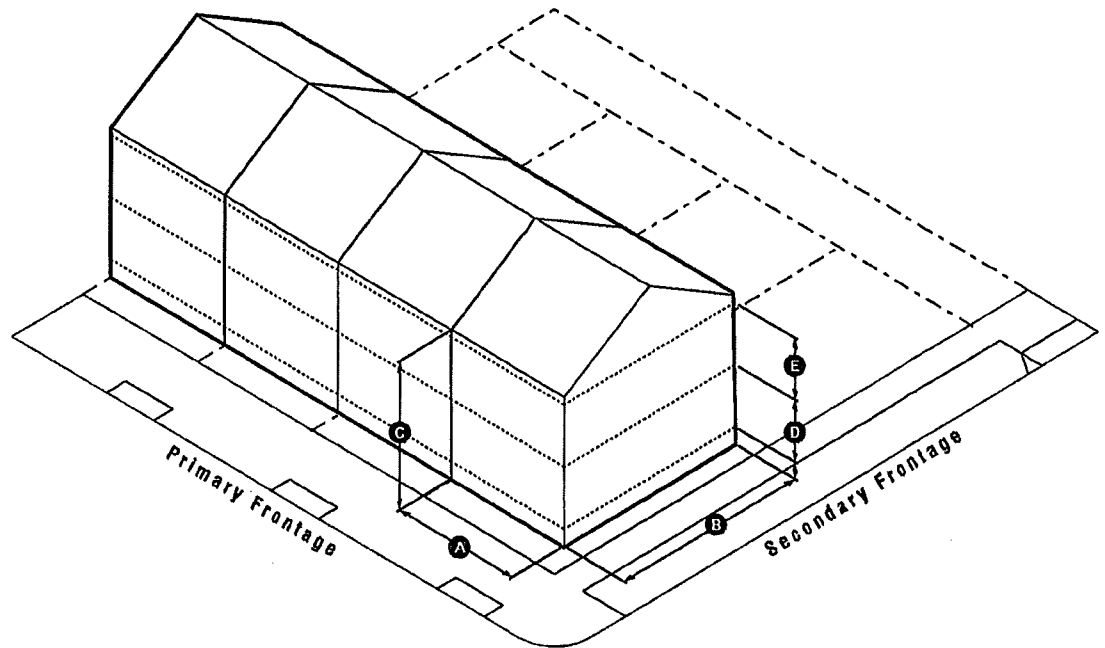
Porch	●
Gallery	●
Stoop	●
Cross Gable	●
Shed Dormer	●
Dormer Window	●
Bay Window	●
Balcony	●
Turret	●
Portico	●
Canopy	●
Deck	●
Roof Deck	●
Cupola	●

h. ROOFS

Gable Roof	●
Hipped Roof	●
Mansard Roof	●
Gambrel Roof	●

- Permitted
- ⦿ Permitted by special permit

9. TOWNHOUSE



a. DESCRIPTION

A small- to medium-sized attached building type comprised of up to 3 units.

b. BUILDING FORM

Building Width	18 ft min, 36 ft max	A
Building Length	50 ft max	B
Total Stories	2 min, 3 max	C
First Floor Height	9 ft min, 12 ft max	D
Upper Floor Height	9 ft min, 12 ft max	E
First Floor Elevation	2 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	1 side min	

c. ALLOWABLE UNITS

3 unit max

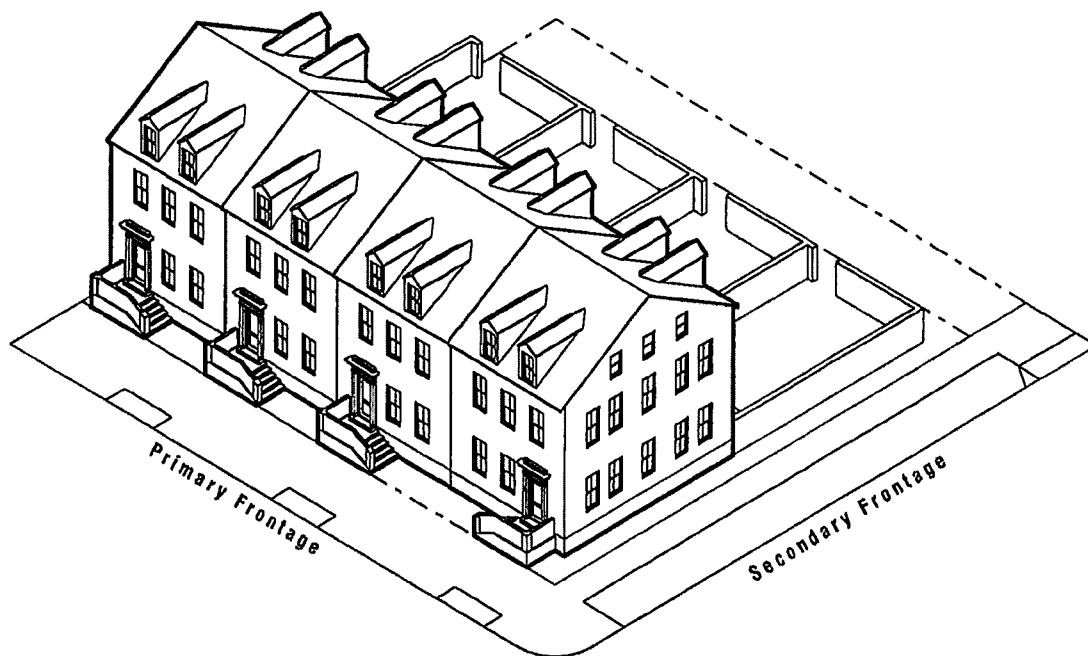
d. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

e. STANDARDS

1. A townhouse must attach to a townhouse or live/work flex on at least one side.
2. A maximum of 6 townhouses are allowed to attach.
3. All buildings in a single grouping of attached townhouses must maintain the same front setback.

9. TOWNHOUSE



i. MASSING COMPONENTS

Rear Addition	●
Side Wing	●
Connector	●
Penthouse	●
Porte-Cochere	●

g. ARCHITECTURAL COMPONENTS

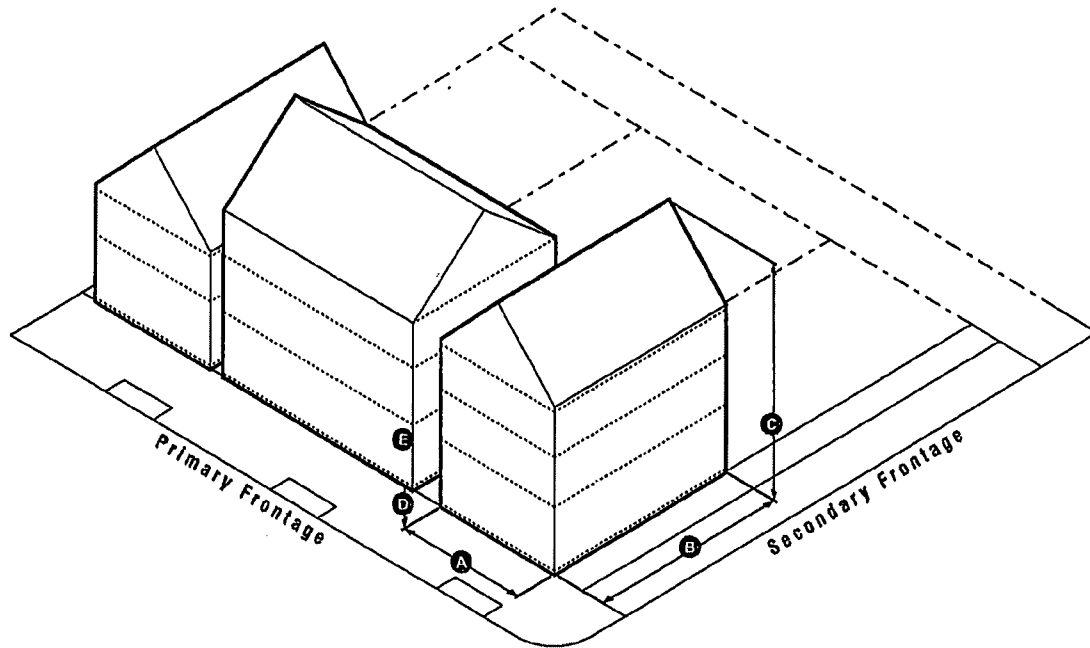
Porch	●
Gallery	●
Stoop	●
Cross Gable	●
Shed Dormer	●
Dormer Window	●
Bay Window	●
Balcony	●
Turret	●
Portico	●
Canopy	●
Deck	●
Roof Deck	●

h. ROOFS

Gable Roof	●
Hipped Roof	●
Shed Roof	●
Flat Roof	●

- Permitted
- ⦿ Permitted by special permit

10. SHOPHOUSE



a. DESCRIPTION

A small building with a shopfront and up to 5 units.

b. BUILDING FORM

Building Width	36 ft max	A
Building Length	60 ft max	B
Total Stories	3 max	C
First Floor Height	12 ft min, 18 ft max	D
Upper Floor Height	9 ft min, 12 ft max	E
First Floor Elevation	0 ft min	
Components	see Article 3.D Components	
Roof	see Article 3.E Roof Types	
Attachments	1 side max	

c. ALLOWABLE UNITS

5 units max

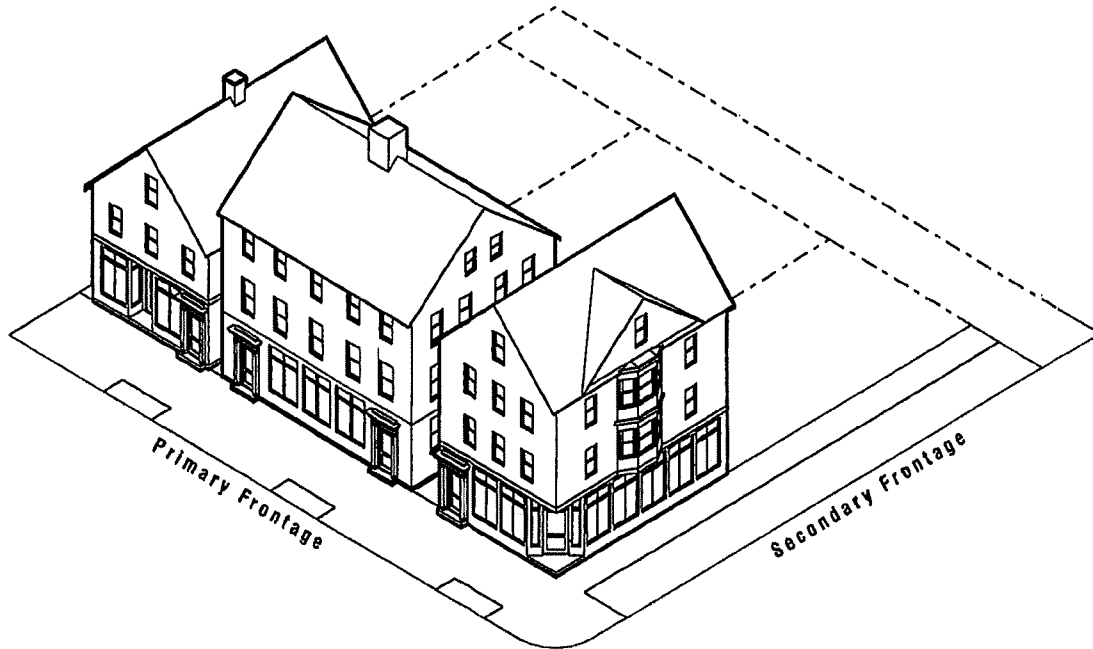
d. FENESTRATION

Shopfront	Required
First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

e. STANDARDS

1. Shopfront fenestration is required on the first floor facade of the primary frontage.
2. A porch or gallery may be built on the third floor of a primary frontage provided that there is only one porch or gallery below it on either the first or second floor.

10. SHOPHOUSE



f. MASSING COMPONENTS

Rear Addition	●
Side Wing	●
Connector	●
Tower	●

g. ARCHITECTURAL COMPONENTS

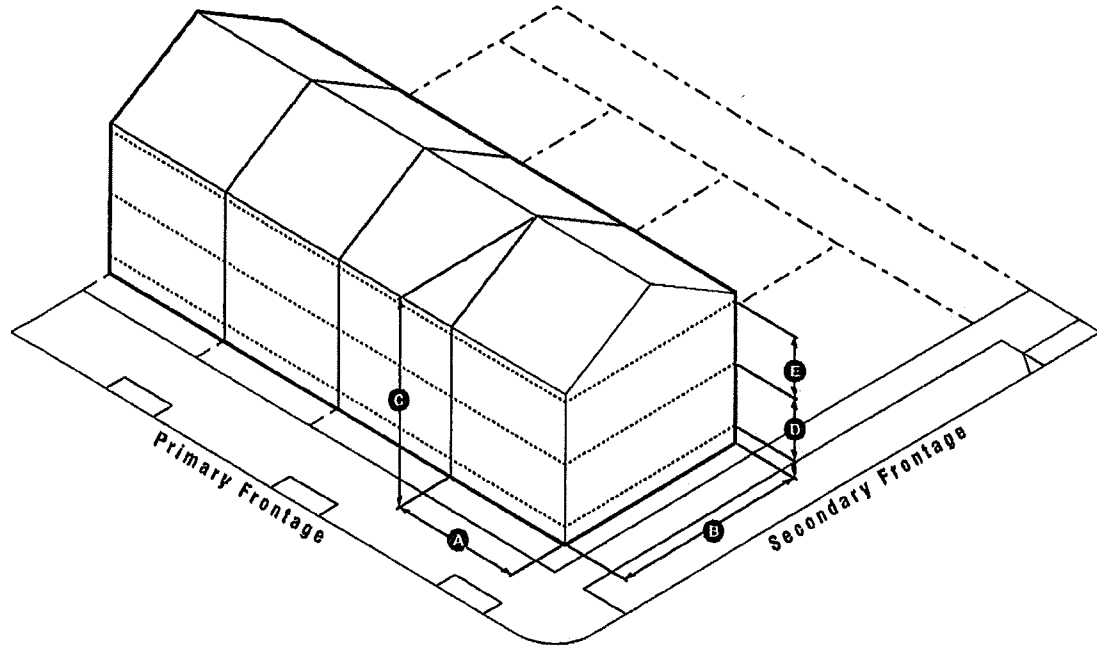
Porch	●
Gallery	●
Stoop	●
Cross Gable	●
Shed Dormer	●
Dormer Window	●
Bay Window	●
Balcony	●
Turret	●
Arcade	●
Portico	●
Canopy	●
Deck	●
Roof Deck	●
Cupola	●

h. ROOFS

Gable Roof	●
Hipped Roof	●
Mansard Roof	●
Gambrel Roof	●

- Permitted
- Permitted by special permit

11. LIVE/WORK FLEX



a. DESCRIPTION

A small attached building type with up to 3 units, including an optional shopfront.

b. BUILDING FORM

Building Width	18 ft min, 60 ft max	(A)
Building Length	60 ft max	(B)
Total Stories	2 min, 3 max	(C)
First Floor Height	9 ft min, 14 ft max	(D)
Upper Floor Height	9 ft min, 12 ft max	(E)
First Floor Elevation	0 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	1 side min	

c. ALLOWABLE UNITS

3 units max

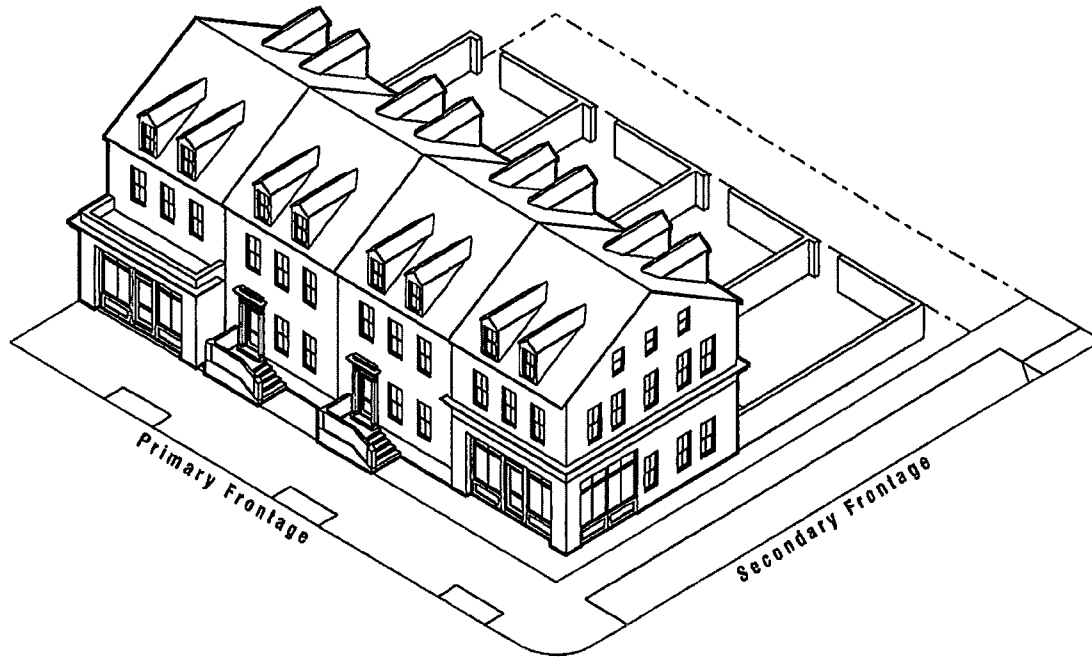
d. FENESTRATION

Shopfront	Optional
First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

e. STANDARDS

1. A live/work flex building must attach to a townhouse or live/work flex on at least one side.
2. A maximum of 6 live/work flex buildings are allowed to attach.
3. All buildings in a single grouping of attached live/work flex buildings must maintain the same front setback.

11. LIVE/WORK FLEX



i. MASSING COMPONENTS

Rear Addition	●
Side Wing	●
Connector	●
Extended Shopfront	●

g. ARCHITECTURAL COMPONENTS

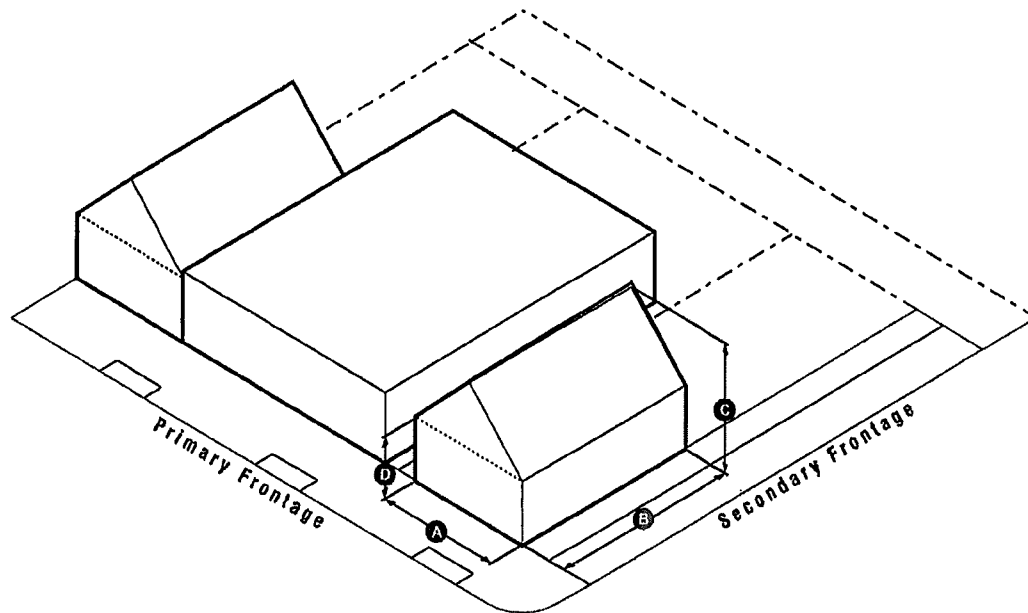
Porch	●
Gallery	●
Stoop	●
Cross Gable	●
Shed Dormer	●
Dormer Window	●
Bay Window	●
Balcony	●
Turret	●
Portico	●
Canopy	●
Deck	●
Roof Deck	●

h. ROOFS

Gable Roof	●
Hipped Roof	●
Shed Roof	●
Flat Roof	●

- Permitted
- ⓘ Permitted by special permit

12. SHOP



a. DESCRIPTION

A single story building with 1 unit and a required shopfront.

b. BUILDING FORM

Building Width	18 ft min, 90 ft max	(A)
Building Length	60 ft max	(B)
Total Stories	1 max	(C)
First Floor Height	20 ft max	(D)
Upper Floor Height	n/a	(E)
First Floor Elevation	0 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	1 slide max	

c. ALLOWABLE UNITS

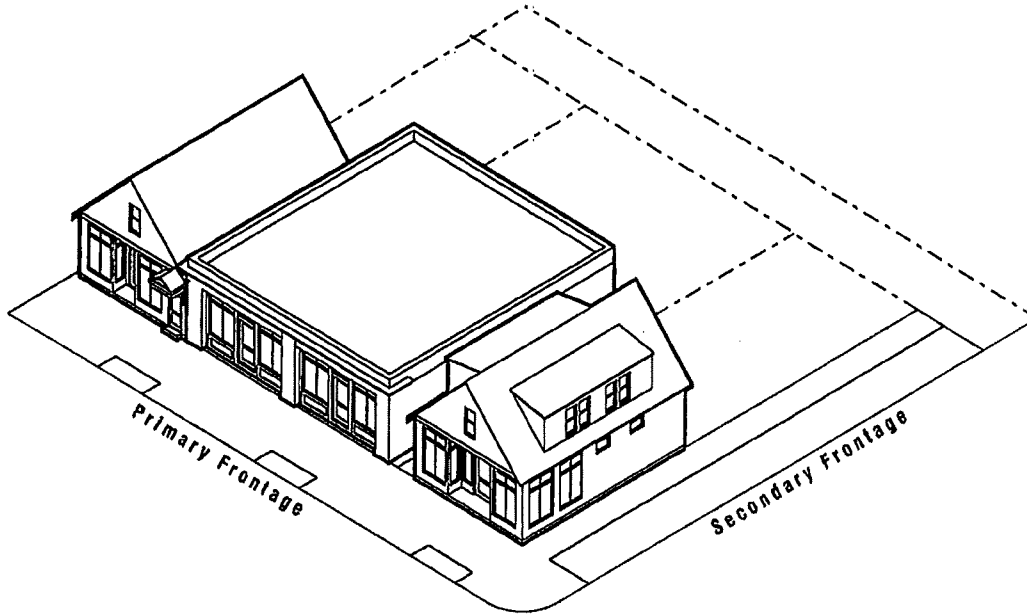
1 unit max

d. FENESTRATION

Shopfront	Required
First Floor Fenestration	20% min
Upper Floor Fenestration	n/a

e. STANDARDS

12. SHOP



i. MASSING COMPONENTS

Rear Addition	●
Side Wing	●

g. ARCHITECTURAL COMPONENTS

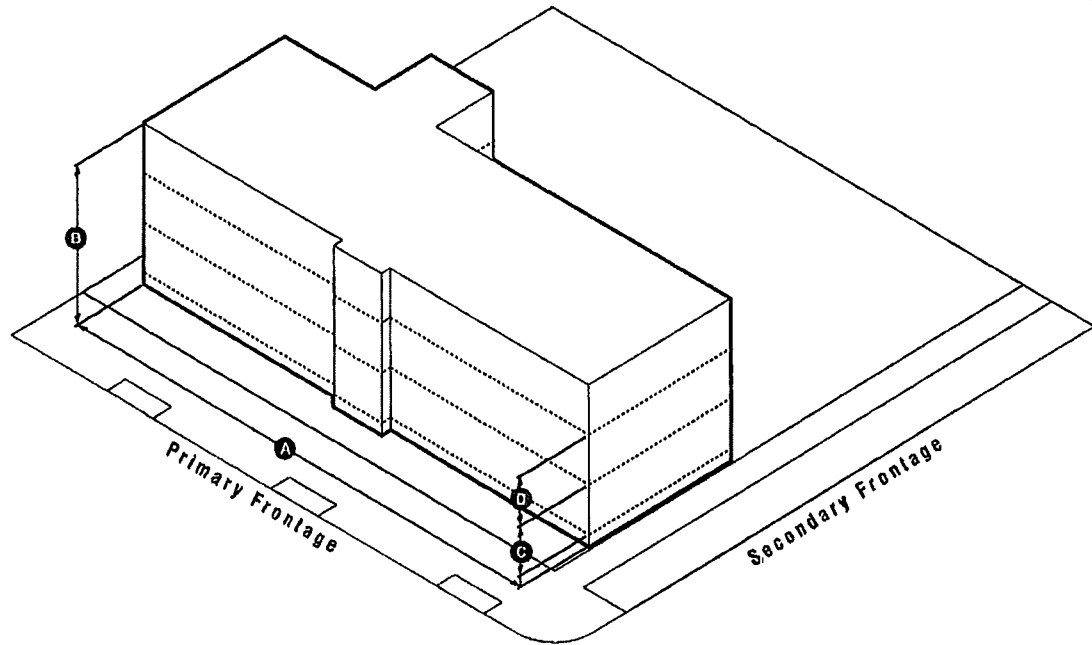
Porch	●
Stoop	●
Cross Gable	●
Shed Dormer	●
Dormer Window	●
Bay Window	●
Arcade	●
Portico	●
Canopy	●
Deck	●
Roof Deck	●
Cupola	●

h. ROOFS

Gable Roof	●
Hipped Roof	●
Gambrel Roof	●
Shed Roof	●
Flat Roof	●

- Permitted
- Permitted by special permit

13. APARTMENT BUILDING



a. DESCRIPTION

A large building providing multiple units.

b. BUILDING FORM

Frontage Length	(CD5-4) 100 ft max (CD5-5) 200 ft max	A
Floor Plate Area	15,000 sf max	
Total Stories	(CD5-4) 4 max (CD5-5) 5 max	B
First Floor Height	9 ft min, 15 ft max	C
Upper Floor Height	9 ft min, 12 ft max	D
First Floor Elevation	2 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	2 sides max	

c. ALLOWABLE UNITS

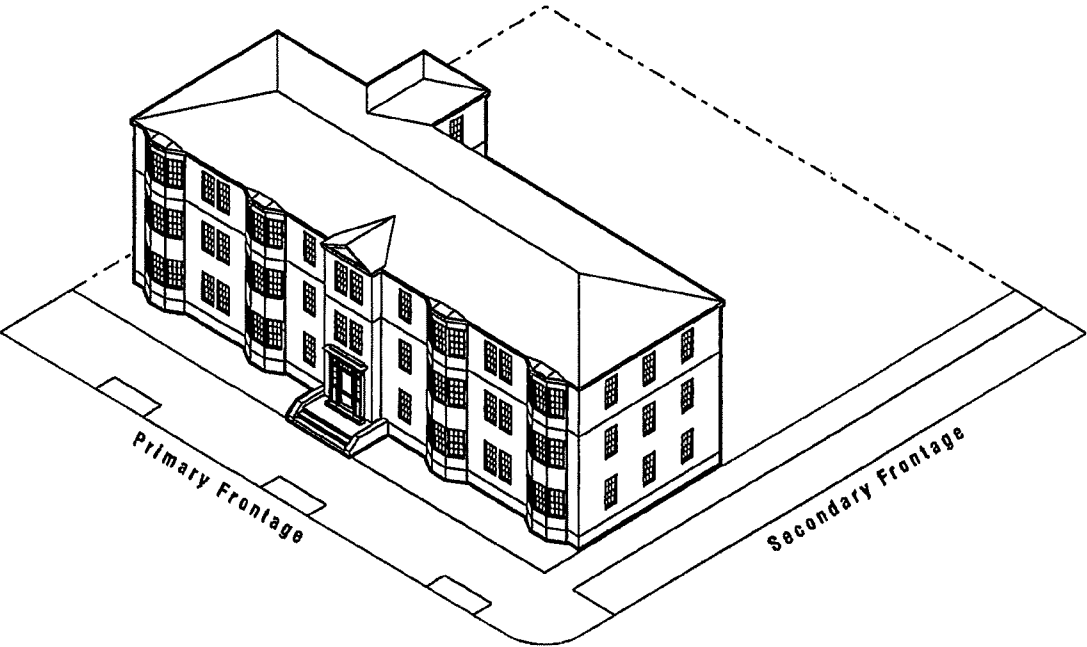
Units per floor	40 units max
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d. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

e. STANDARDS

13. APARTMENT BUILDING



f. MASSING COMPONENTS

Rear Addition	●
Side Wing	●
Connector	●
Porte-Cochere	●
Tower	●

g. ARCHITECTURAL COMPONENTS

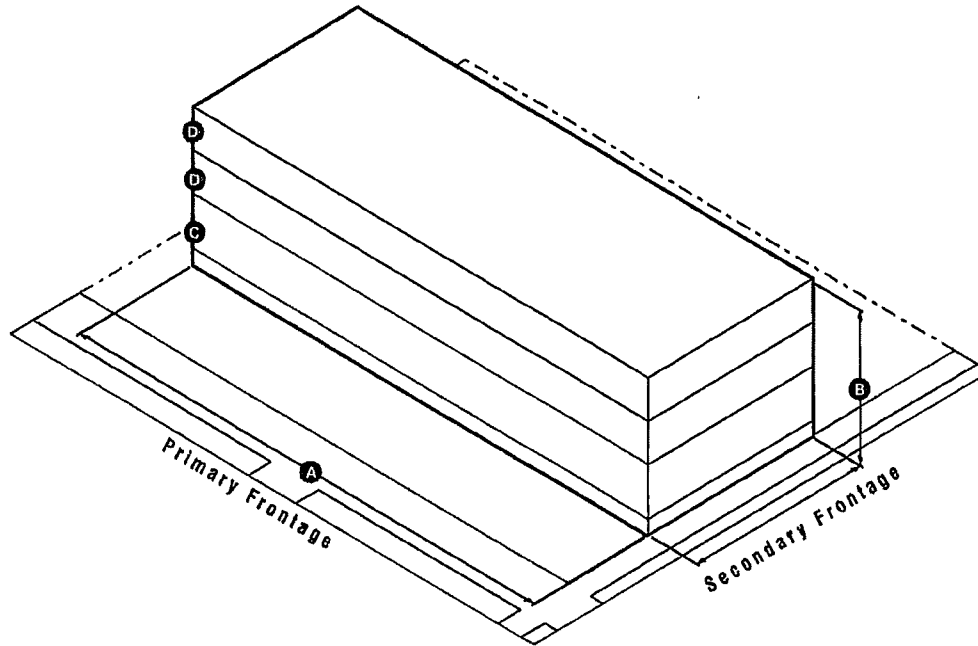
Porch	●
Gallery	●
Stoop	●
Cross Gable	●
Shed Dormer	●
Dormer Window	●
Bay Window	●
Balcony	●
Turret	●
Portico	●
Canopy	●
Deck	●
Roof Deck	●
Cupola	●

h. ROOFS

Gable Roof	●
Hipped Roof	●
Mansard Roof	●
Gambrel Roof	●
Flat Roof	●

- Permitted
- ⓘ Permitted by special permit

14. INN



a. DESCRIPTION

A large building with a continuous front porch providing multiple units.

b. BUILDING FORM

Building Length	120 ft max	(A)
Total Building Area	20,000 sf max	
Total Stories	3 max	(B)
First Floor Height	10 ft min, 15 ft max	(C)
Upper Floor Height	9 ft min, 12 ft max	(D)
First Floor Elevation	2 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	none	

c. ALLOWABLE UNITS

varies

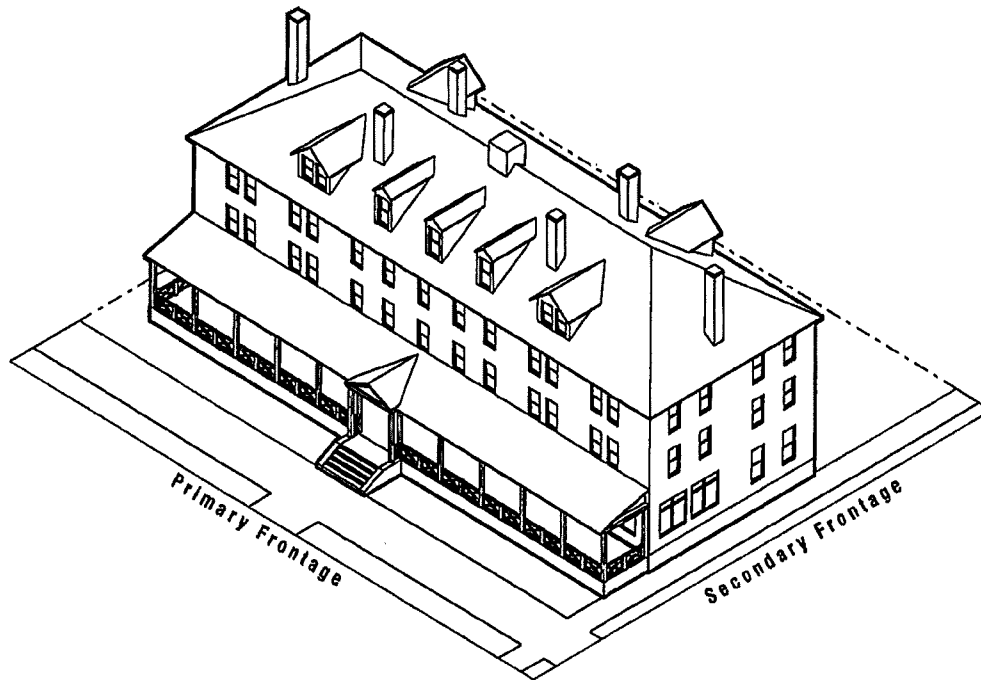
d. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

e. STANDARDS

1. The inn building floor plate may not exceed 15,000 sf.
2. The inn building may front a storefront street provided the front porch is continuous along the frontage and is not enclosed.

14. INN



f. MASSING COMPONENTS

Rear Addition	●
Side Wing	●
Connector	●
Penthouse	●
Extended Shopfront	●
Porte-Cochere	●
Tower	●

g. ARCHITECTURAL COMPONENTS

Porch	●
Gallery	●
Stoop	●
Cross Gable	●
Shed Dormer	●
Dormer Window	●
Bay Window	●
Balcony	●
Turret	●
Arcade	●
Portico	●
Canopy	●

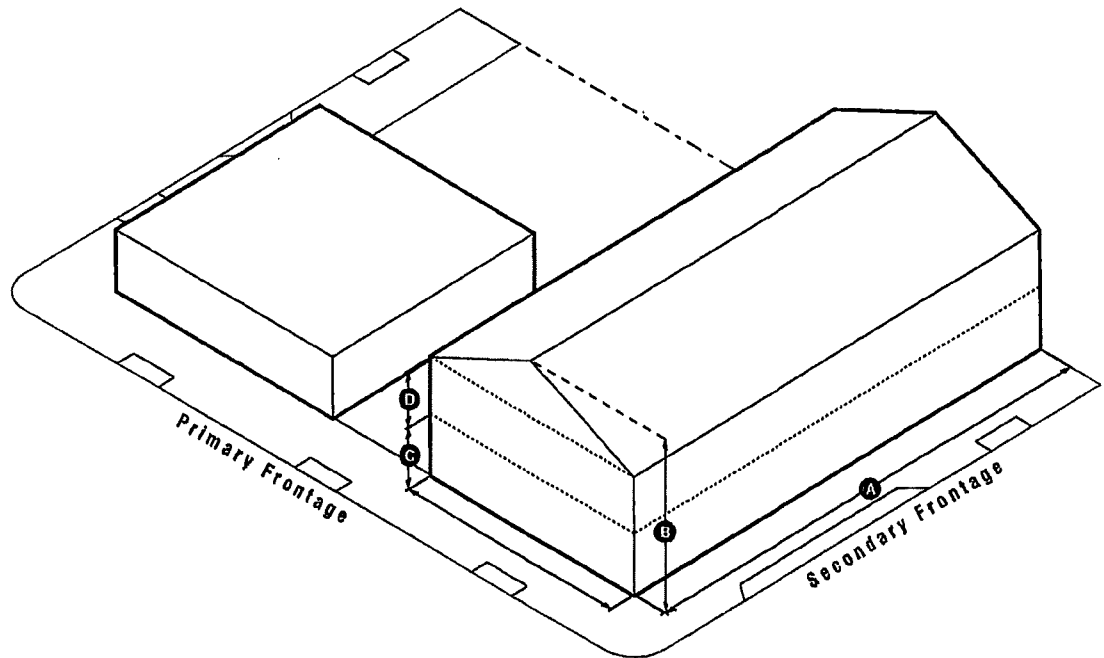
Deck	●
Roof Deck	●
Cupola	●

h. ROOFS

Gable Roof	●
Hipped Roof	●
Mansard Roof	●
Gambrel Roof	●
Flat Roof	●

- Permitted
- ⦿ Permitted by special permit

16. FABRICATION BUILDING



a. DESCRIPTION

A large floor plate, building type with large open floor plans, and optional shopfronts, providing multiple units.

b. BUILDING FORM

Building Length	200 ft max	(A)
Building Area	50,000 sf max	
Total Stories	2 max	(B)
First Floor Height	9 ft min	(C)
Upper Floor Height	9 ft min	(D)
First Floor Elevation	0 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	2 sides max	

c. ALLOWABLE UNITS

1 unit min

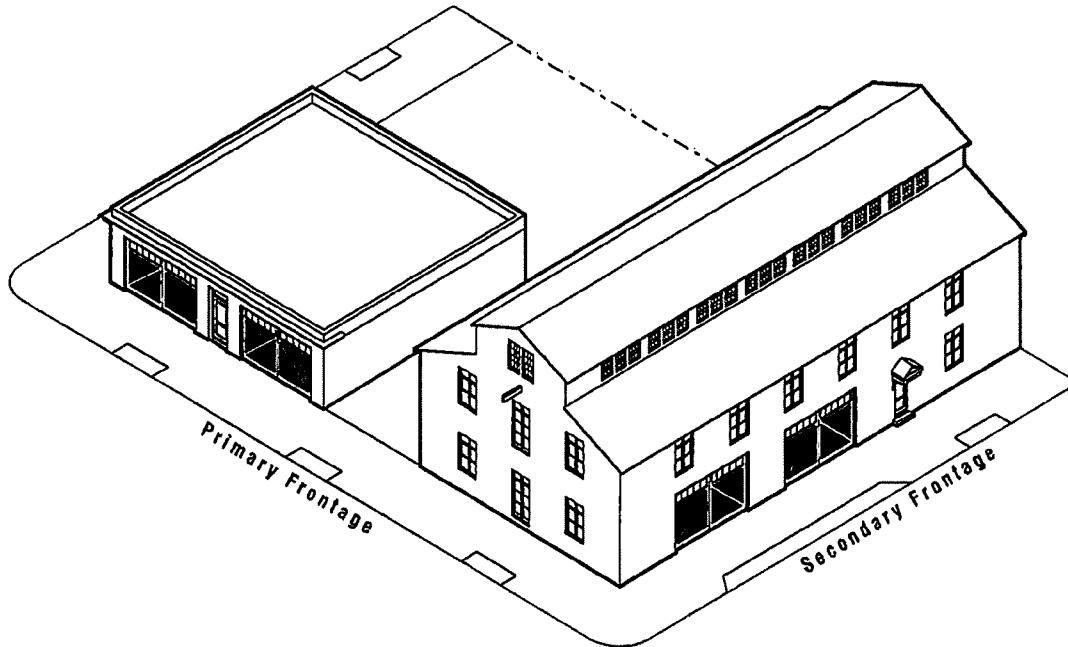
d. FENESTRATION

Shopfront	Optional
First Floor Fenestration	30%
Upper Floor Fenestration	30%

e. STANDARDS

1. Fabrication buildings must be oriented perpendicular to the primary thoroughfare (excluding alleys).
2. The fabrication building floor plate may not exceed 20,000 sf.
3. Shed dormers may ignore the gable end and ridge line setback in order to form a continuous monitor style roof along the entirety of the ridge beam.

16. FABRICATION BUILDING



f. MASSING COMPONENTS

Rear Addition	●
Side Wing	●
Connector	●
Penthouse	●
Extended Shopfront	●
Porte-Cochere	●
Tower	●

g. ARCHITECTURAL COMPONENTS

Porch	●
Gallery	●
Stoop	●
Cross Gable	●
Shed Dormer	●
Dormer Window	●
Bay Window	●
Balcony	●
Arcade	●
Portico	●
Canopy	●
Deck	●

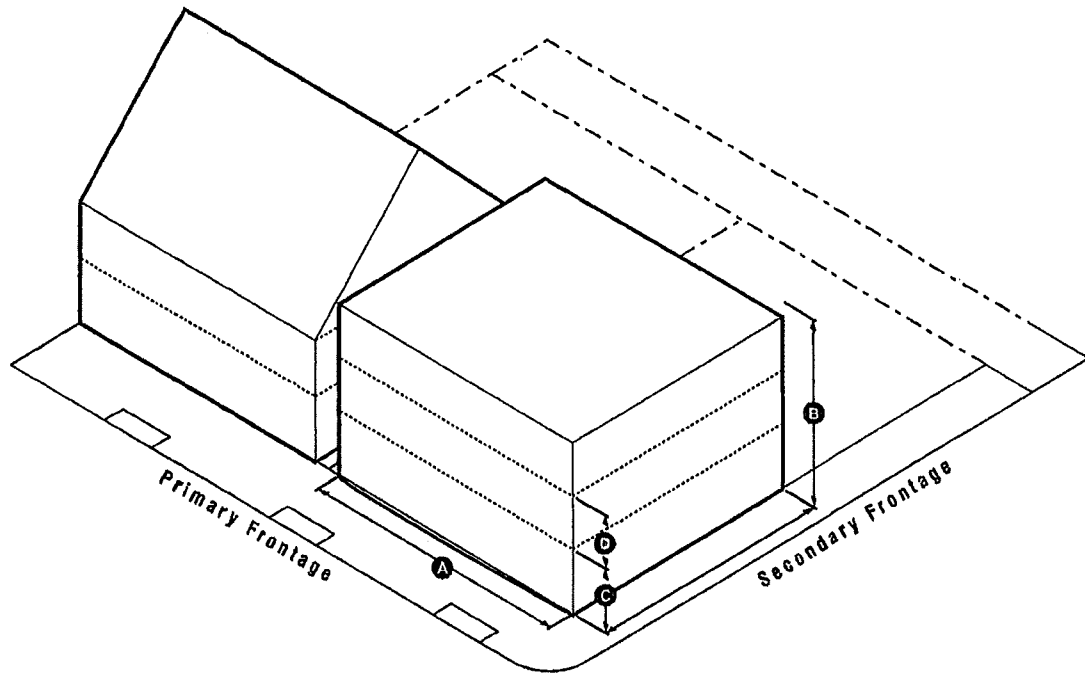
Cupola	●
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h. ROOFS

Gable Roof	●
Hipped Roof	●
Gambrel Roof	●
Shed Roof	●
Flat Roof	●

- Permitted
- ⦿ Permitted by special permit

15. MIXED-USE BUILDING



a. DESCRIPTION

A variably-sized building type with a required shopfront providing multiple units.

b. BUILDING FORM

Frontage Length	(CD5-4) 100 ft max (CD5-5) 200 ft max	A
Ground Floor Plate Area	20,000 sf max	
Upper Floor Plate Area	15,000 sf max	
Total Stories	(CD5-4) 4 max (CD5-5) 5 max	B
First Floor Height	12 ft min, 20 ft max	C
Upper Floor Height	9 ft min, 12 ft max	D
First Floor Elevation	0 ft max	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	2 sides max	

c. ALLOWABLE UNITS

Units per floor	40 units max
-----------------	--------------

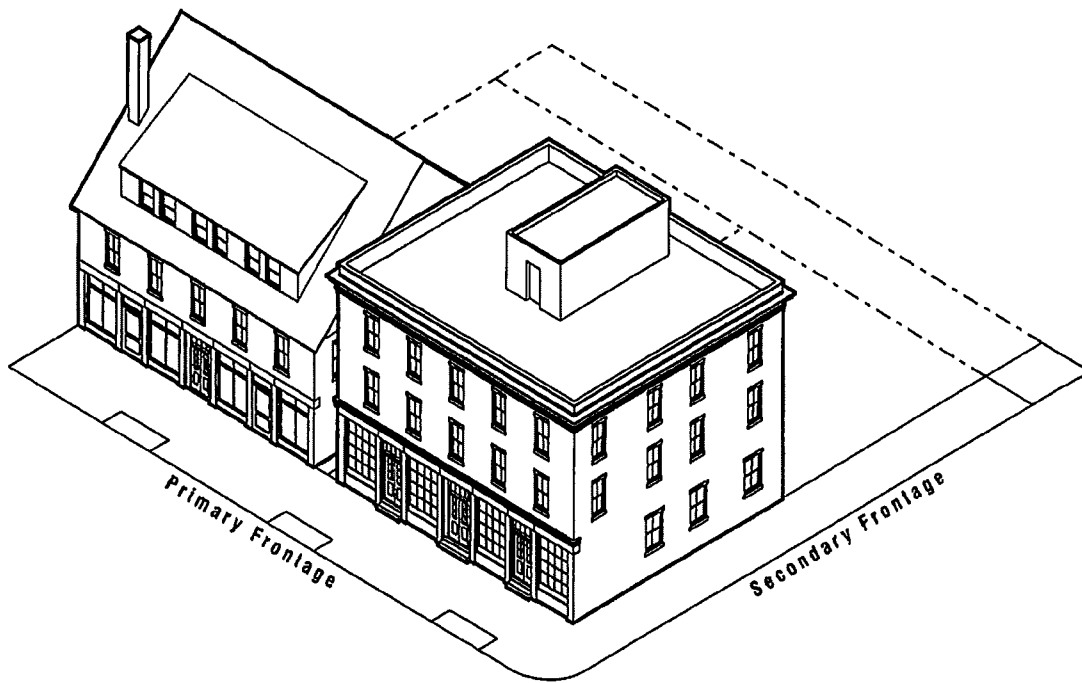
d. FENESTRATION

Shopfront	Required
First Floor Fenestration	30% min
Upper Floor Fenestration	20% min

e. STANDARDS

- Shopfronts are required on the first floor of the primary frontage.

15. MIXED-USE BUILDING



f. MASSING COMPONENTS

Rear Addition	●
Side Wing	●
Connector	●
Penthouse	●
Extended Shopfront	●

g. ARCHITECTURAL COMPONENTS

Porch	●
Gallery	●
Stoop	●
Cross Gable	●
Shed Dormer	●
Dormer Window	●
Bay Window	●
Balcony	●
Turret	●
Arcade	●
Portico	●
Canopy	●
Deck	●
Roof Deck	●

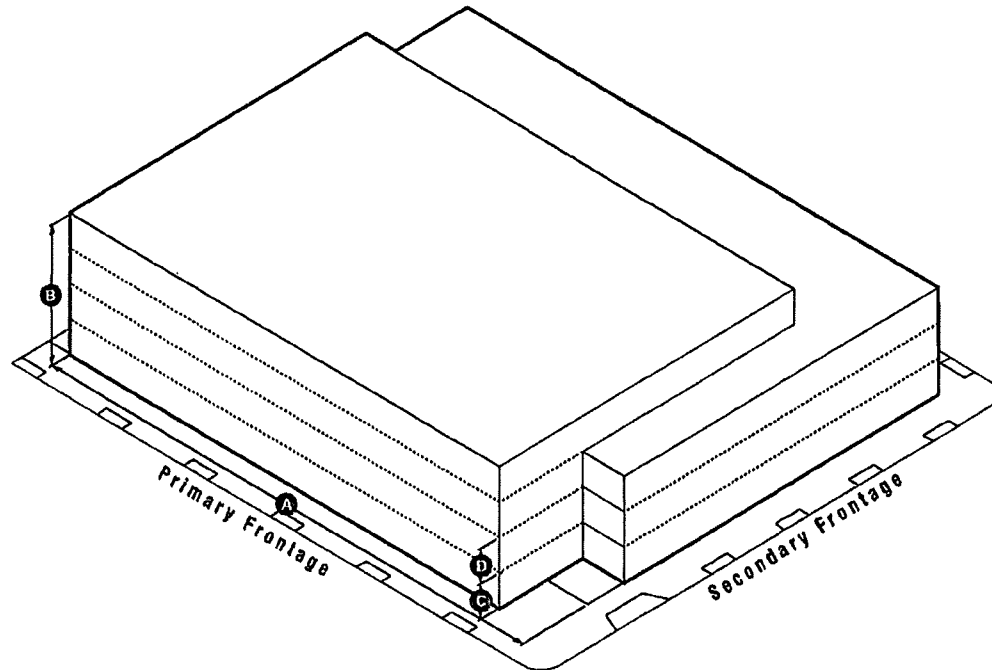
Cupola	●
--------	---

h. ROOFS

Gable Roof	●
Hipped Roof	●
Mansard Roof	●
Gambrel Roof	●
Shed Roof	●
Flat Roof	●

- Permitted
- ⦿ Permitted by special permit

16. LINED PARKING GARAGE

**a. DESCRIPTION**

A large building chiefly designed for the storage of cars, but providing multiple units of leasable space along its frontage.

b. BUILDING FORM

Building Length	250 ft max	(A)
Building Area	200,000 sf max	
Total Stories	3 max	(B)
First Floor Height	12 ft min, 24 ft max	(C)
Upper Floor Height	9 ft min	(D)
First Floor Elevation	0 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	2 sides max	

c. ALLOWABLE UNITS

2 units min

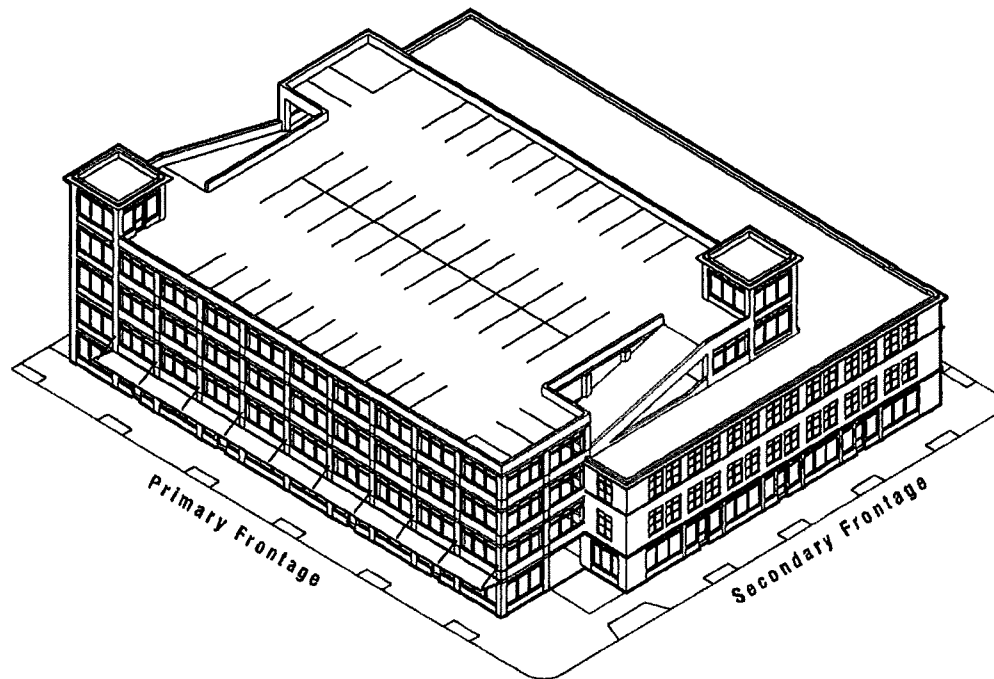
c. FENESTRATION

Shopfront	Required
First Floor Fenestration	50% min (2)
Upper Floor Fenestration	50% min (2)

d. STANDARDS

- In CD5, 50% of the length of all facades are subject to shopfront standards.
- Window and door percentages can be met with any of the following to simulate window patterns:
 - Recessed panels.
 - Louvered or paneled shutters in a "closed" position.
 - Painted windows.
 - A trellis, grille, grate, or fretwork.
- Liner buildings wrapping the exterior of a parking garage may use the less restrictive window and door requirements of the mixed use building.
- Parking garage floors should be flat to enable possible re-use.
- A parking garage floor plate may not exceed 50,000 sf.

16. LINED PARKING GARAGE



f. MASSING COMPONENTS

Penthouse	●
Extended Shopfront	●
Porte-Cochere	●

g. ARCHITECTURAL COMPONENTS

Gallery	●
Cross Gable	●
Bay Window	●
Balcony	●
Arcade	●
Portico	●
Deck	●

h. ROOFS

Gable Roof	●
Hipped Roof	●
Shed Roof	●
Flat Roof	●

- Permitted
- ⓘ Permitted by special permit

17. LINED BIG BOX

a. DESCRIPTION

b. BUILDING FORM

Building Length

Building Area

Total Stories

First Floor Height

Upper Floor Height

First Floor Elevation

Components

Roofs

Attachments

c. ALLOWABLE UNITS

1 unit min

d. FENESTRATION

First Floor Fenestration

Upper Floor Fenestration

e. STANDARDS

17. LINED BIG BOX

i. MASSING COMPONENTS

Penthouse
Extended Shopfront
Porte-Cochere

g. ARCHITECTURAL COMPONENTS

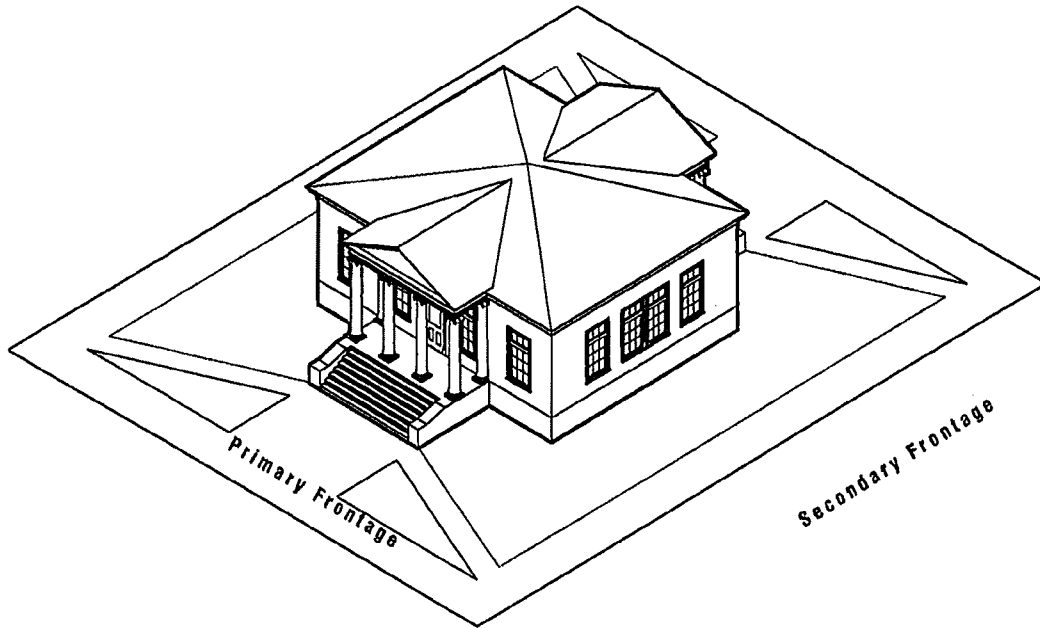
Gallery
Cross Gable
Bay Window
Balcony
Arcade
Portico
Deck

h. ROOFS

Gable Roof
Hipped Roof
Shed Roof
Flat Roof

- Permitted
- ⦿ Permitted by special permit

18. CIVIC BUILDING



a. DESCRIPTION

A public building of high design and construction quality, usually a landmark.

b. BUILDING FORM

Building Length	100 ft max	(A)
Building Area	50,000 sf max	(B)
Total Stories	5 max	(C)
First Floor Height	15 ft min	(D)
Upper Floor Height	12 ft min	(E)
First Floor Elevation	0 ft min	
Components	see Article 3.D Components	
Roofs	see Article 3.E Roof Types	
Attachments	2 sides max	

c. ALLOWABLE UNITS

1 unit min

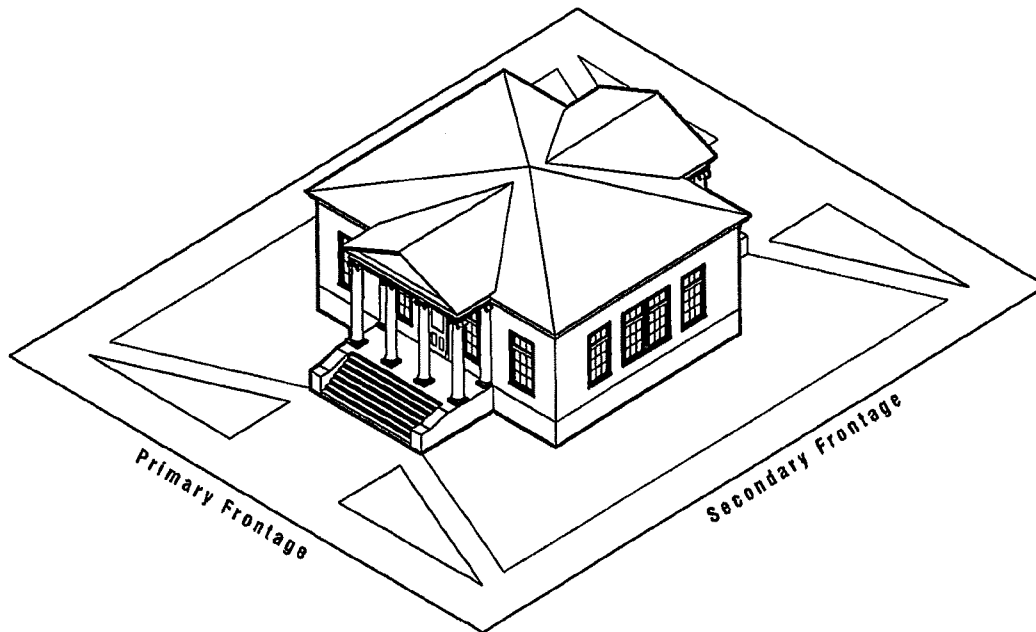
d. FENESTRATION

First Floor Fenestration	20% min (II)
Upper Floor Fenestration	20% min (II)

e. STANDARDS

- Uses in this building must be associated with tax-exempt organizations, such as museums, government, religious, educational institutions, etc. and provide a tangible civic benefit and be open to the public.
- The Permitting Authority may waive window and door requirements for civic uses that require no windows for much of their exterior (such as art museums).

18. CIVIC BUILDING



f. MASSING COMPONENTS

Rear Addition	●
Side Wing	●
Connector	●
Penthouse	●
Porte-Cochere	●
Tower	●

g. ARCHITECTURAL COMPONENTS

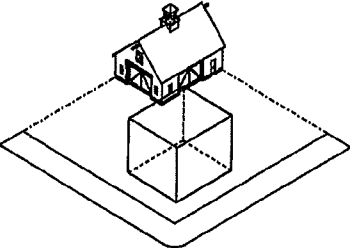
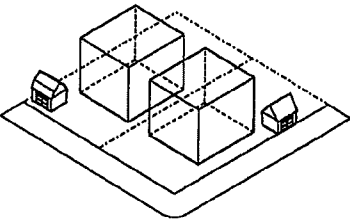
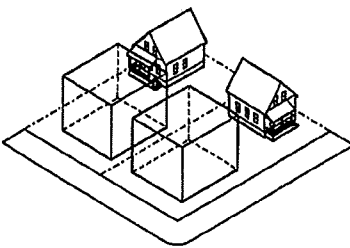
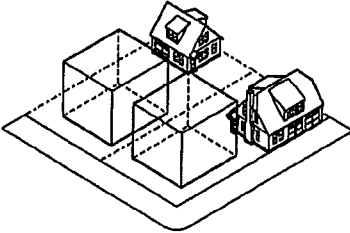
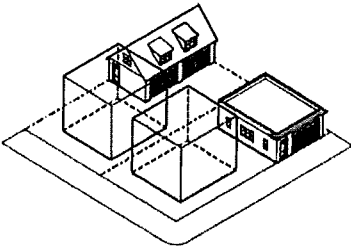
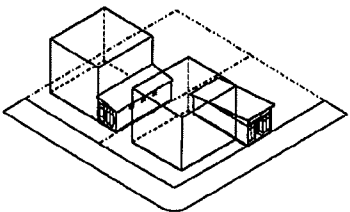
Porch	●
Gallery	●
Stoop	●
Cross Gable	●
Shed Dormer	●
Dormer Window	●
Bay Window	●
Balcony	●
Turret	●
Arcade	●
Portico	●
Canopy	●
Deck	●
Cupola	●

h. ROOFS

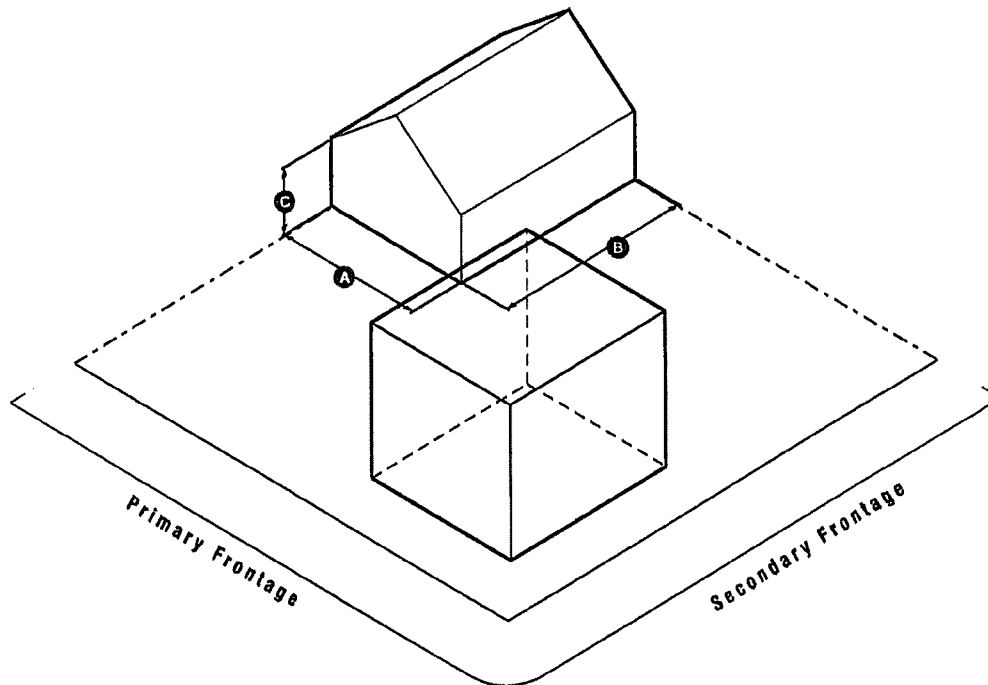
Gable Roof	●
Hipped Roof	●
Mansard Roof	●
Gambrel Roof	●
Shed Roof	●
Flat Roof	●

- Permitted
- ⦿ Permitted by special permit

TABLE 3.3 ACCESSORY BUILDING TYPE SUMMARY TABLE

1. BARN	2. FARMSTAND	3. BACK COTTAGE
		
4. CARRIAGE HOUSE	5. FABRICATION SHOP	6. ACCESSORY SHOP
		

1. BARN



a. DESCRIPTION

A large accessory building that provides space for agricultural, fabrication, storage, or other permitted non-residential uses.

b. ACCESSORY BUILDING PLACEMENT

Primary Front Setback	(1)
Secondary Front Setback	3 ft min
Side Setback	3 ft min
Rear Setback	3 ft min

c. BUILDING FORM

Building Width	30 ft max (2)	(A)
Building Length	40 ft max (2)	(B)
Building Floor Plate	10,000 sf max (2)	
Total Stories	2 stories max	(C)
First Floor Height	n/a	
Upper Floor Height	n/a	
First Floor Elevation	0 ft min	
Roofs	see Article 3.E Roof Types	
Attachments	none	

d. ALLOWABLE UNITS

1 unit max	varies
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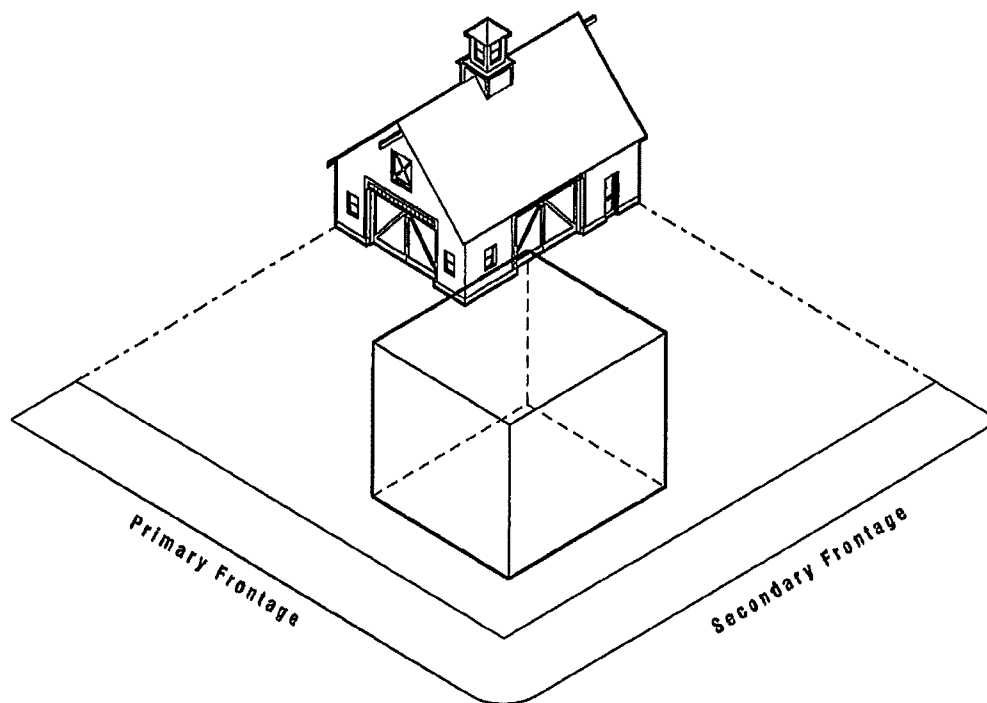
e. FENESTRATION

First Floor Fenestration	optional
Upper Floor Fenestration	optional

f. STANDARDS

- Barns must be set back at least 20 ft from the front facade of the primary building, except in CD2.
- Barns may exceed maximum measurements for length and width in CD2 when part of a working agricultural operation.
- Barn doors located within the frontage zone must be sliding or swinging doors.
- Shed dormers may ignore the gable end and ridge line setback in order to form a continuous monitor style roof along the entirety of the ridge beam.

1. BARN



g. MASSING COMPONENTS

Rear Addition	●
Side Wing	●
Connector	●
Shed Dormer	●
Cross Gable	●
Tower	●

h. ARCHITECTURAL COMPONENTS

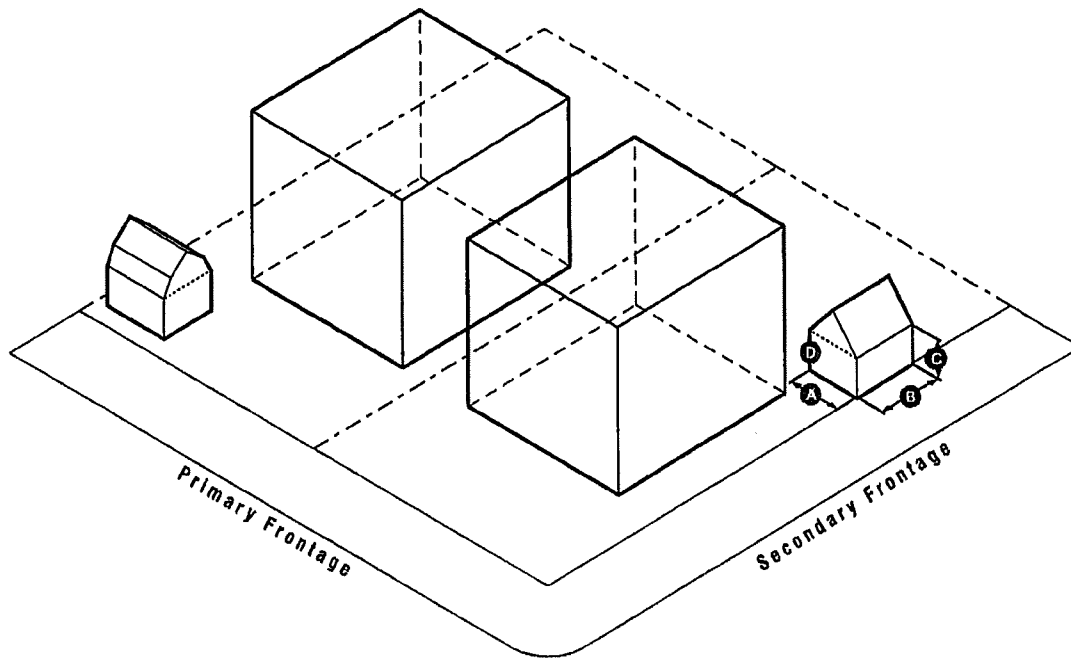
Stoop	●
Canopy	●
Dormer Window	●
Deck	●
Roof Deck	●
Cupola	●

i. ROOFS

Gable Roof	●
Gambrel Roof	●

- Permitted
- Permitted by special permit

2. FARMSTAND



a. DESCRIPTION

An accessory building that is temporary or modular that provides space to sell agricultural products, or that temporarily alleviates a gap in a streetwall with small commercial space.

b. ACCESSORY BUILDING PLACEMENT

Primary Front Setback	0 ft min
Secondary Front Setback	0 ft min
Side Setback	3 ft min
Rear Setback	3 ft min

c. BUILDING FORM

Building Width	12 ft max	(A)
Building Length	12 ft max	(B)
Total Stories	1 story max	(C)
First Floor Height	10 ft min, 15 ft max	(D)
Upper Floor Height	n/a	
First Floor Elevation	0 ft min	
Roofs	see Article 3.E Roof Types	
Attachments	none	

d. ALLOWABLE UNITS

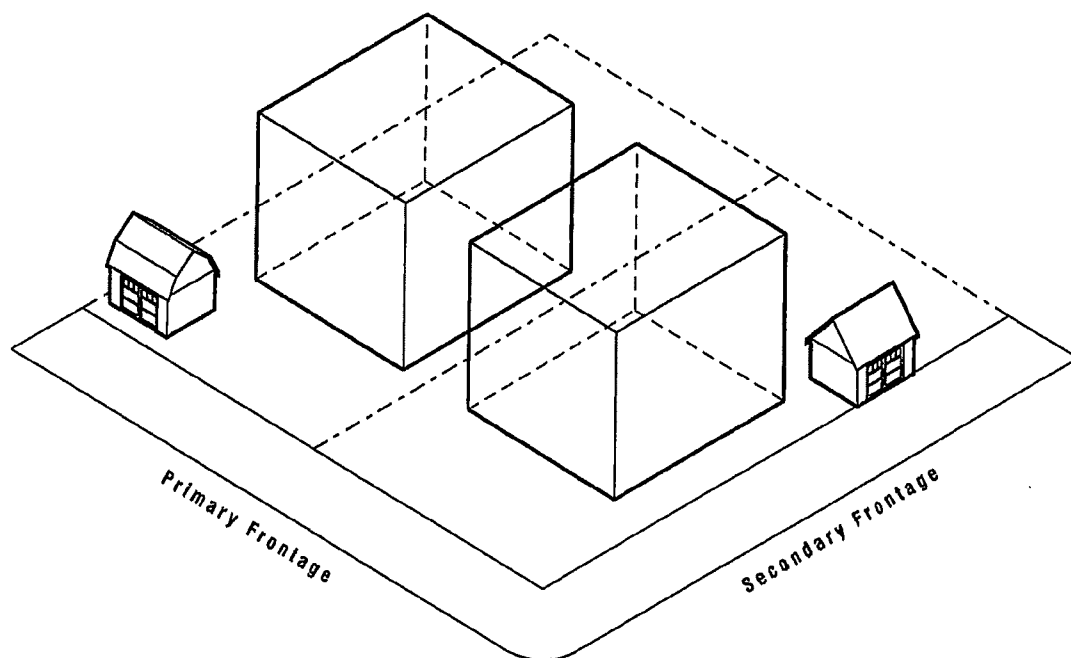
1 unit max	commercial
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e. FENESTRATION

First Floor Fenestration	0% min
Upper Floor Fenestration	0% min

f. STANDARDS

2. FARMSTAND



g. MASSING COMPONENTS

Porch	●
Shed Dormer	●
Cross Gable	●

h. ARCHITECTURAL COMPONENTS

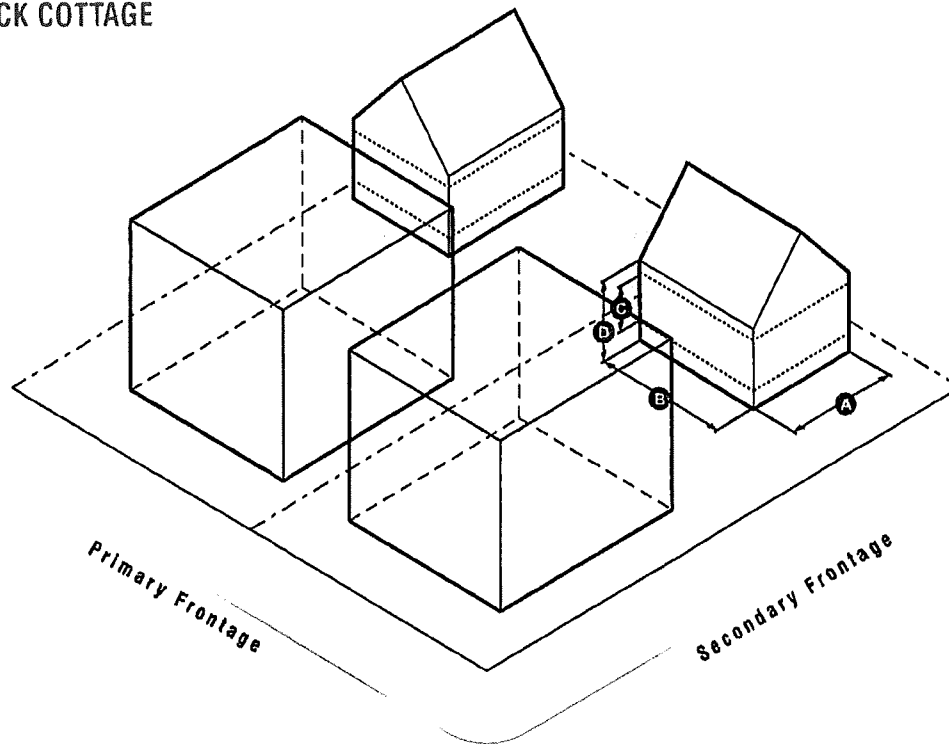
Dormer Window	●
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i. ROOFS

Gable Roof	●
Hipped Roof	●
Gambrel Roof	●
Shed Roof	●
Flat Roof	●

- Permitted
- Permitted by special permit

3. BACK COTTAGE



a. DESCRIPTION

An accessory building that provides space for an accessory dwelling unit.

b. ACCESSORY BUILDING PLACEMENT

Primary Front Setback	(1)
Secondary Front Setback	3 ft min
Side Setback	3 ft min
Rear Setback	3 ft min

c. BUILDING FORM

Building Width	24 ft max	A
Building Length	36 ft max	B
Total Stories	2 stories max	C
First Floor Height	9 ft min, 15 ft max	D
Upper Floor Height	9 ft min, 12 ft max	
First Floor Elevation	0 ft min	
Roofs	see Article 3.E Roof Types	
Attachments	none	

d. ALLOWABLE UNITS

1 unit max	residential
------------	-------------

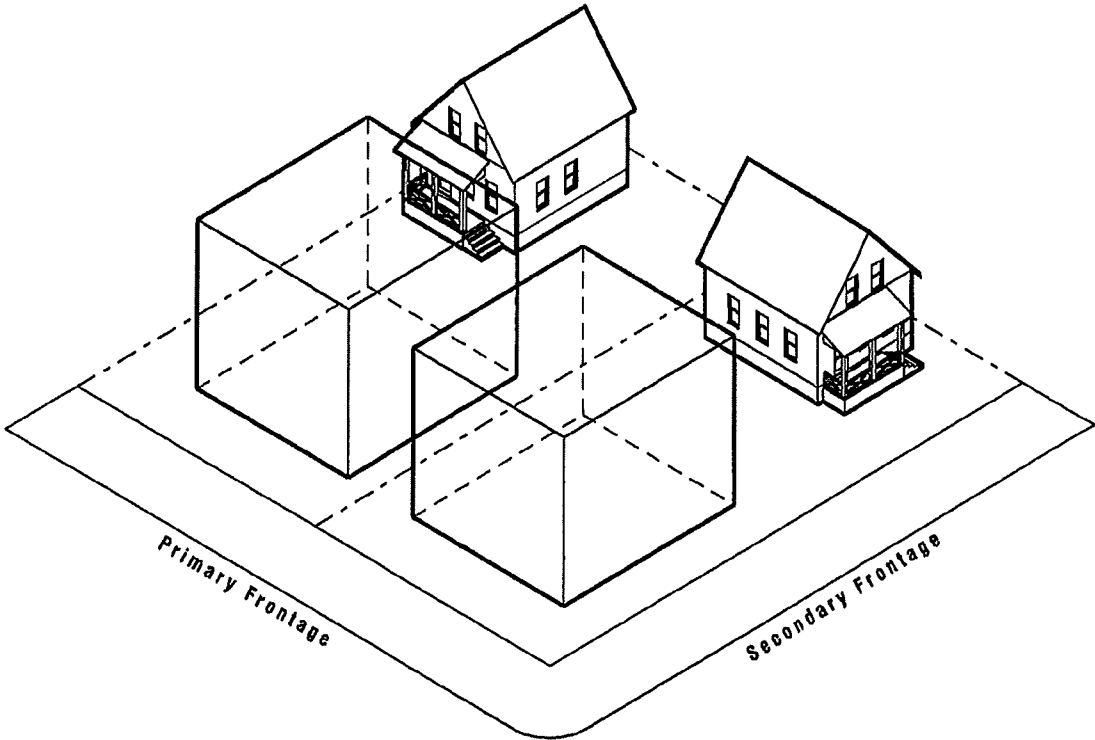
e. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

f. STANDARDS

- The back cottage must be set back at least 20 ft from the front facade of the primary building.
- A back cottage may possess a chassis with independent suspension and axles capable of free rotation, provided:
 - The back cottage has a permanent connection to water, sanitary, and power utilities.
 - The chassis is screened in such a way as to be indistinguishable from a traditional foundation.

3. BACK COTTAGE



g. MASSING COMPONENTS

Porch	●
Gallery	●
Connector	●
Shed Dormer	●
Cross Gable	●
Porte-Cochere	●

h. ARCHITECTURAL COMPONENTS

Stoop	●
Canopy	●
Portico	●
Balcony	●
Bay Window	●
Dormer Window	●
Deck	●
Roof deck	●

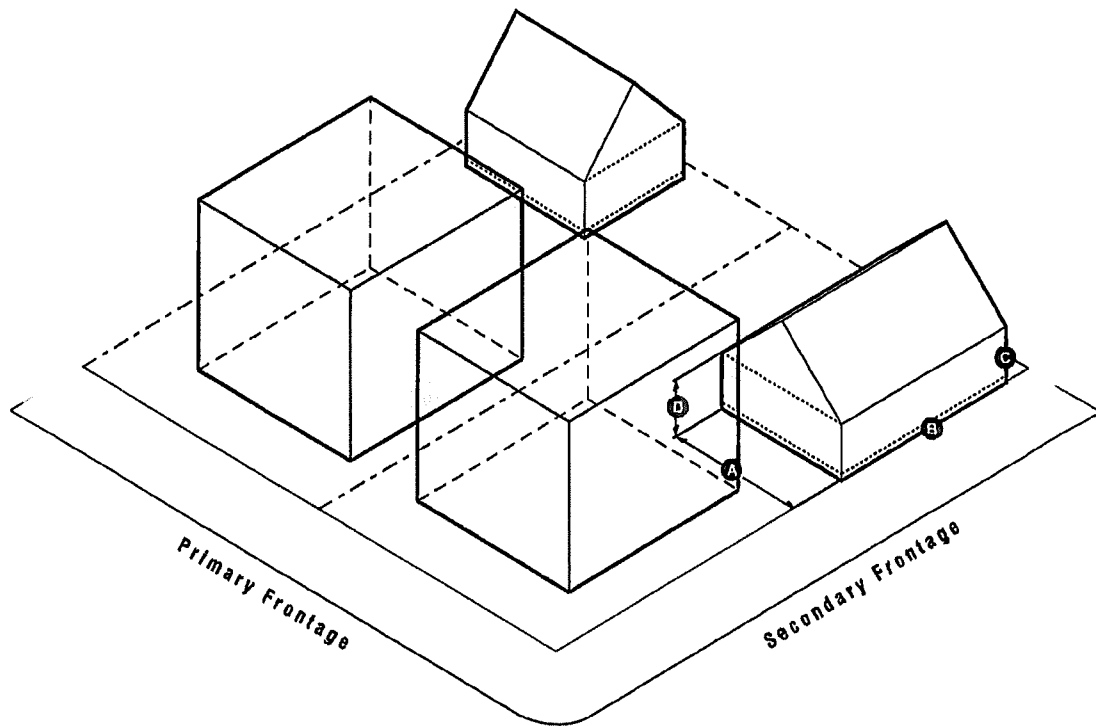
i. ROOFS

Gable Roof	●
Hipped Roof	●
Gambrel Roof	●
Shed Roof	●
Flat Roof	●

● Permitted

○ Permitted by special permit

4. CARRIAGE HOUSE



a. DESCRIPTION

An accessory building that provides space for parking, a workshop, an accessory unit, or a combination thereof.

b. ACCESSORY BUILDING PLACEMENT

Primary Front Setback	(1)
Secondary Front Setback	3 ft min
Side Setback	3 ft min
Rear Setback	3 ft min

c. BUILDING FORM

Building Width	24 ft max	(A)
Building Length	36 ft max	(B)
Total Stories	2 stories max	(C)
First Floor Height	9 ft min, 15 ft max	(D)
Upper Floor Height	9 ft min, 12 ft max	
First Floor Elevation	0 ft min	
Roofs	see Article 3.E Roof Types	
Attachments	1 max	

d. ALLOWABLE UNITS

1 unit max	varies
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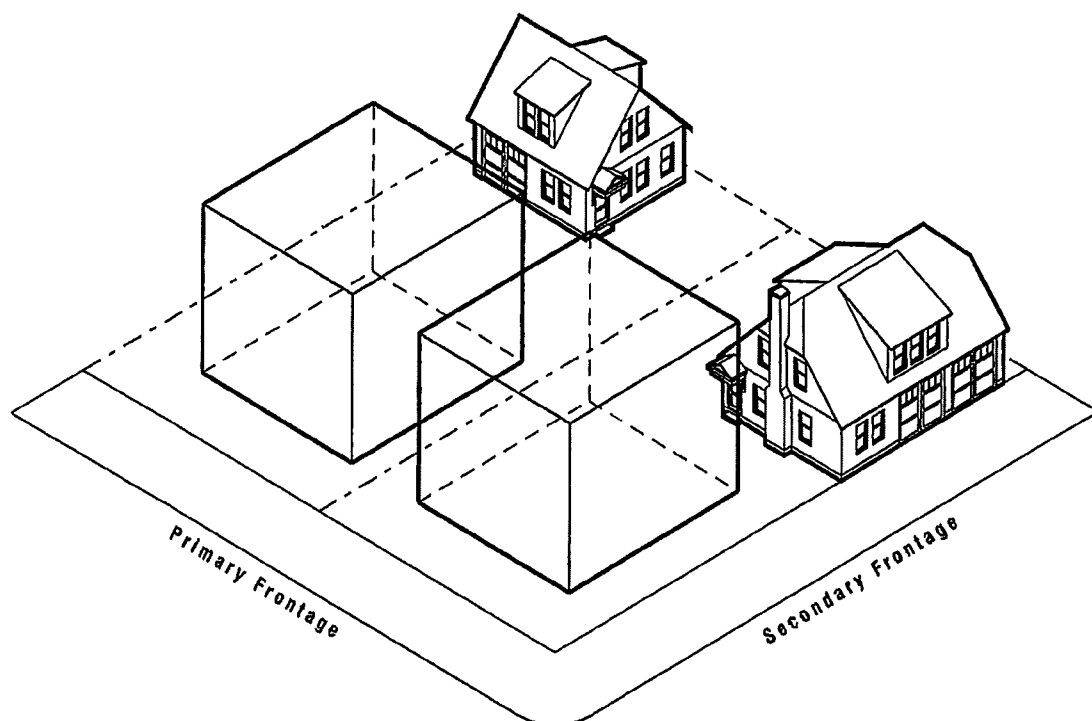
e. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

f. STANDARDS

- The carriage house must be set back at least 20 ft from the front facade of the primary building.

4. CARRIAGE HOUSE



g. MASSING COMPONENTS

Porch	●
Gallery	●
Connector	●
Shed Dormer	●
Cross Gable	●
Porte-Cochere	●

h. ARCHITECTURAL COMPONENTS

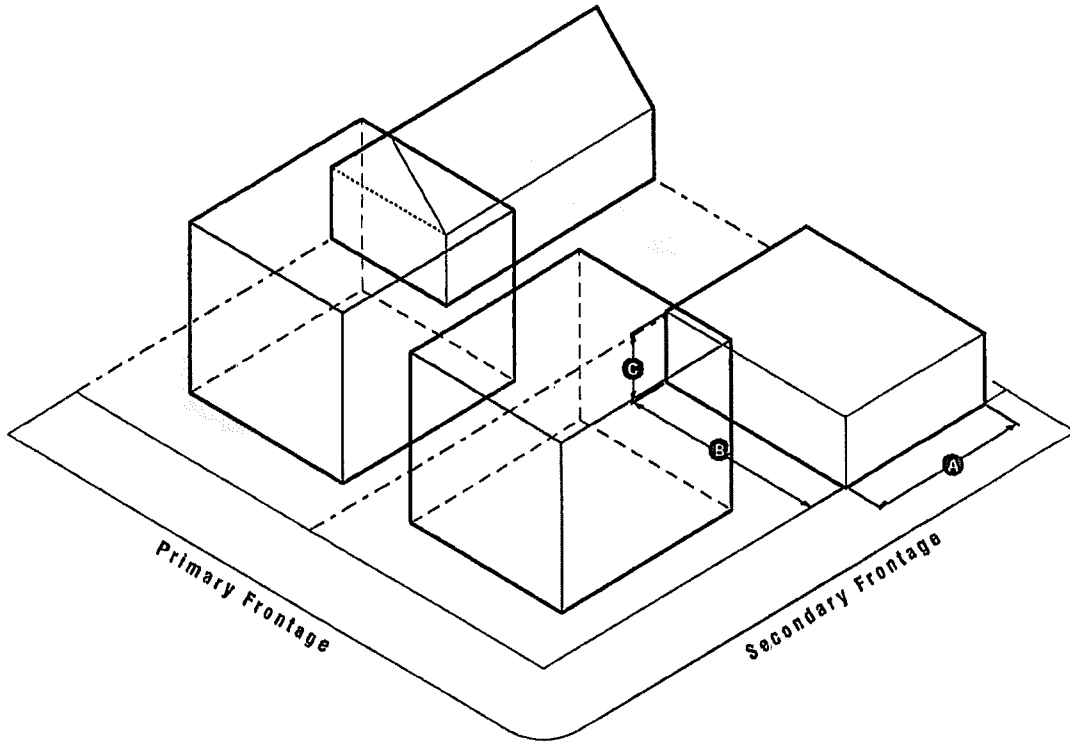
Sloop	●
Canopy	●
Portico	●
Balcony	●
Bay Window	●
Dormer window	●
Deck	●
Roof Deck	●
Cupola	●

i. ROOFS

Hipped Roof	●
Gambrel Roof	●
Shed Roof	●
Flat Roof	●

- Permitted
- ⓘ Permitted by special permit

5. FABRICATION SHOP



a. DESCRIPTION

An accessory building that provides space for fabrication uses.

b. ACCESSORY BUILDING PLACEMENT

Primary Front Setback	(1)
Secondary Front Setback	3 ft min
Side Setback	3 ft min
Rear Setback	3 ft min

c. BUILDING FORM

Building Width	30 ft max	(A)
Building Length	30 ft max	(B)
Total Stories	2 stories max	(C)
First Floor Height	9 ft min, 15 ft max	
Upper Floor Height	9 ft min, 12 ft max	
First Floor Elevation	0 ft min	
Roofs	see Article 3.E Roof Types	
Attachments	1 max	

d. ALLOWABLE UNITS

1 unit max	varies
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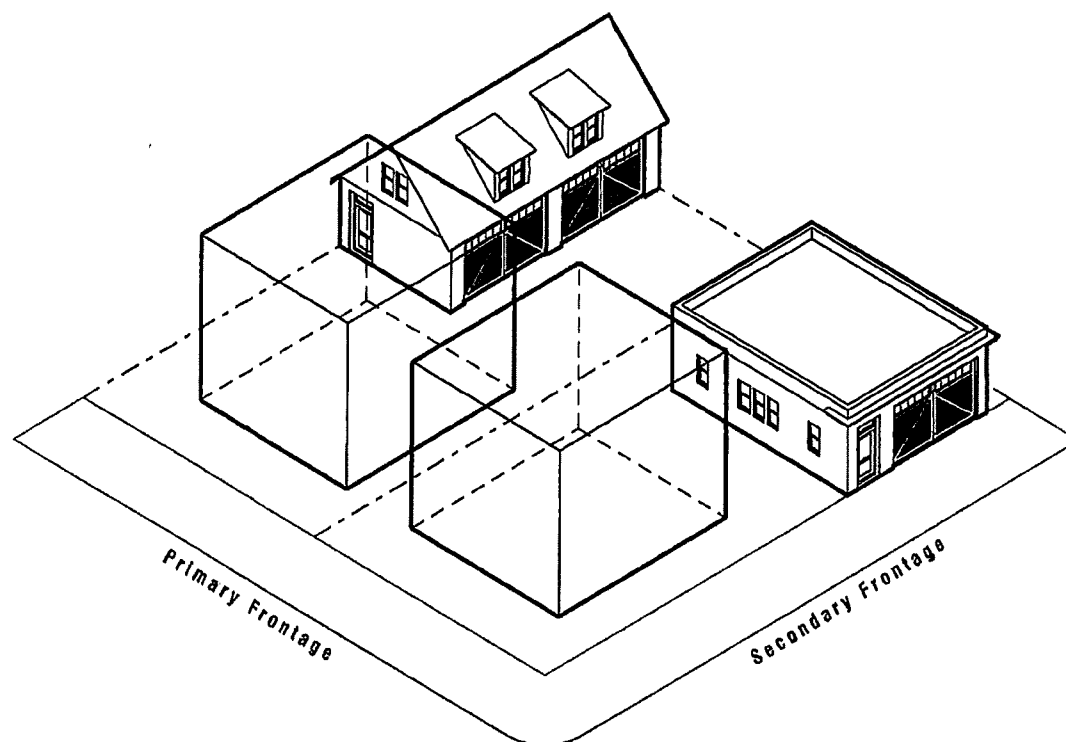
e. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

f. STANDARDS

1. The fabrication shop must be setback at least 20 ft from the front facade of the primary building.

5. FABRICATION SHOP



g. MASSING COMPONENTS

Porch	●
Gallery	●
Connector	●
Shed Dormer	●
Cross Gable	●
Porte-Cochere	●

h. ARCHITECTURAL COMPONENTS

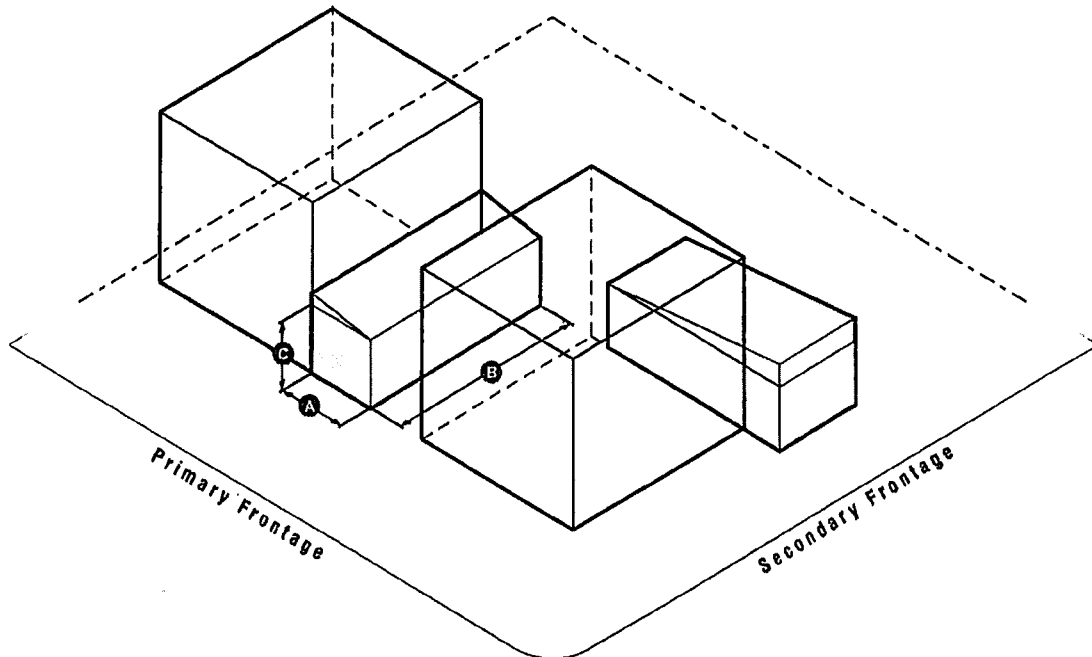
Stoop	●
Canopy	●
Portico	●
Balcony	●
Bay Window	●
Dormer Window	●
Deck	●
Roof Deck	●
Cupola	●

i. ROOFS

Gable Roof	●
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- Permitted
- ⓘ Permitted by special permit

6. ACCESSORY SHOP



a. DESCRIPTION

An accessory building that provides space for commercial uses.

b. ACCESSORY BUILDING PLACEMENT

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

c. BUILDING FORM

Building Width	16 ft max	A
Building Length	36 ft max	B
Total Stories	1 story max	C
First Floor Height	10 ft min, 15 ft max	
Upper Floor Height	n/a	
First Floor Elevation	0 ft min	
Roofs	see Article 3.E Roof Types	
Attachments	2 max	

d. ALLOWABLE UNITS

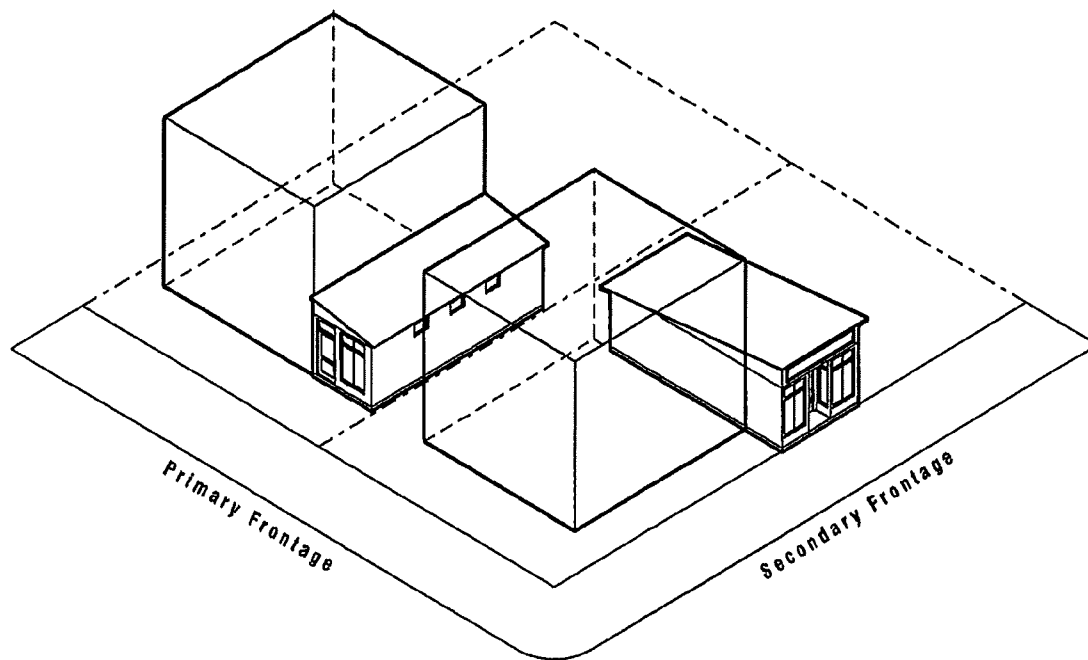
1 unit max	commercial
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e. FENESTRATION

Shopfront	required
First Floor Fenestration	70% min
Upper Floor Fenestration	n/a

f. STANDARDS

6. ACCESSORY SHOP



g. MASSING COMPONENTS

Porch	●
Gallery	●
Connector	●
Shed Dormer	●
Cross Gable	●
Arcade	●
Porte-Cochere	●
Extended Shopfront	●

h. ARCHITECTURAL COMPONENTS

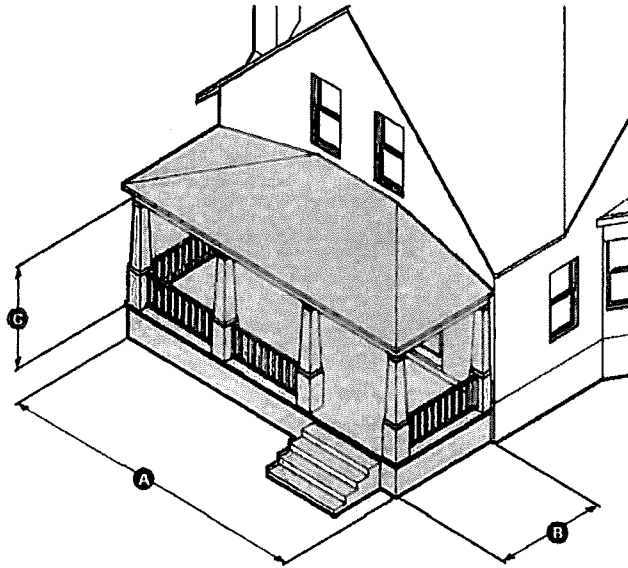
Stoop	●
Canopy	●
Portico	●
Bay Window	●
Dormer Window	●
Deck	●
Roof Deck	●

i. ROOFS

Gable Roof	●
Hipped Roof	●
Gambrel Roof	●
Shed Roof	●
Flat Roof	●

- Permitted
- Permitted by special permit

1. PORCH



a. DESCRIPTION

A raised platform with stairs that provides access to a building entrance.

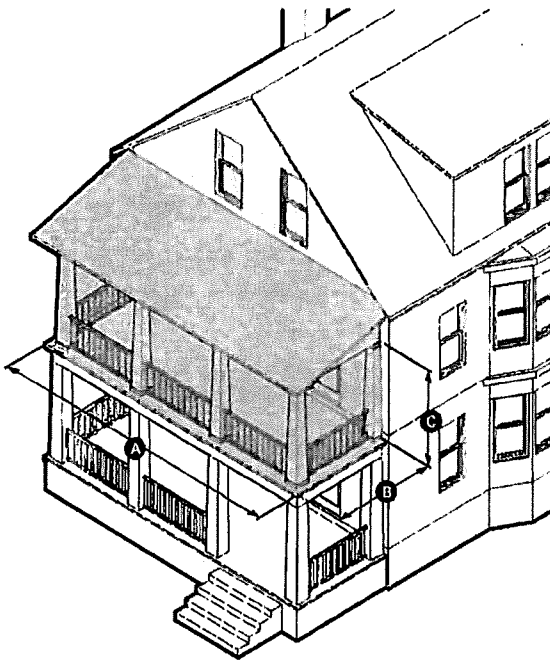
b. DIMENSIONS

Width	No more than the width of the adjoining building face	A
Projection	6 ft min, 12 ft max	B
Height	7 ft min	C
Fenestration	60% min when enclosed	

c. STANDARDS

1. Porches may be partially or fully enclosed.
2. Porches may be projecting, engaged, or integral.
3. Porches may wrap around corners to attach to porches, galleries, decks, or balconies on abutting building faces.
4. Stairs may extend off the front or side of the porch, except when a porch is located on an upper floor in which case the stairs cannot be located along the primary frontage.
5. When built on an upper floor, porches must be supported from below by a porch, arcade, or other supporting component; or visually supported by brackets, corbels, or beams along its full depth.
6. When built at the first floor, the space between piles or piers must be enclosed with latticework or similar material, or concealed visually by evergreen landscaping, on all sides.

2. GALLERY



a. DESCRIPTION

A raised, roofed platform that provides additional living space, with access solely from the interior of a building.

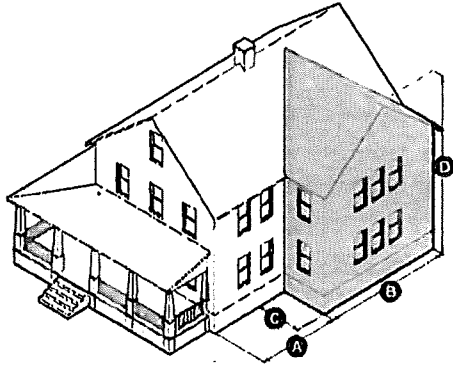
b. DIMENSIONS

Width	No more than the width of the building face to which it attaches	A
Projection	6 ft min, 12 ft max	B
Clear Height	7 ft min	C
Fenestration	60% min when enclosed	

c. STANDARDS

1. Galleries may be partially or fully enclosed.
2. Galleries may be projecting or integral.
3. Galleries may wrap around corners to attach to porches, decks, balconies, or other galleries on abutting building faces.
4. When built on an upper floor, galleries must be supported from below by a porch, arcade, or other supporting component; or visually supported by brackets, corbels, or beams along its full depth.
5. When built at the first floor, the platform must extend visually to the ground plane.

3. SIDE WING



a. DESCRIPTION

A multi-story extension from the side walls of a primary building or accessory building.

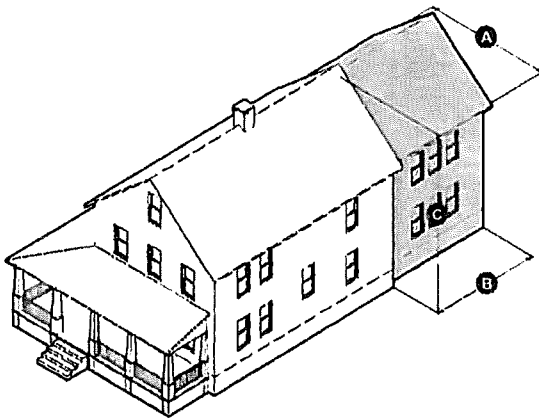
b. DIMENSIONS

Setback from Facade	8 ft min	A
Width	max 2/3 width of primary building	B
Projection	max 2/3 depth of primary building	C
Absolute Height	Equal to or less than height of primary building	D
Fenestration	20% min	

c. STANDARDS

1. Side wings may not encroach on setbacks.
2. The primary building may only have one side wing per side.
3. Side wings may be centered or offset at the side wall of the primary building, provided they share at least 6 ft with the common wall.
4. A side wing may only attach to a primary or accessory building, though other components may attach to it.
5. The side wing may be used for vehicular parking, provided the garage doors are not within the frontage zone.

4. REAR ADDITION



a. DESCRIPTION

An extension from the rear wall of a primary building or accessory building.

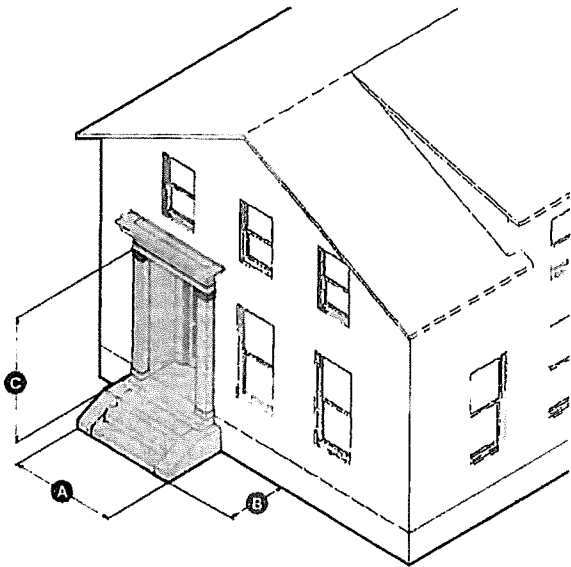
b. DIMENSIONS

Width	Max width of rear wall, less 2 ft	A
Projection	Less than or equal to the width of the main building mass	B
Height	Equal to or less than height of main building mass	C
Fenestration	20% min	

c. STANDARDS

1. Rear additions may not encroach on setbacks.
2. The primary building may only have one rear addition.
3. Rear additions may be centered or offset at the rear wall of the main building mass, provided they share at least 6 ft with the common wall.
4. The side wing may be used for vehicular parking, provided the garage doors are not within the frontage zone.

5. STOOP



a. DESCRIPTION

A component type featuring set of stairs with a landing leading to the entrance of a building.

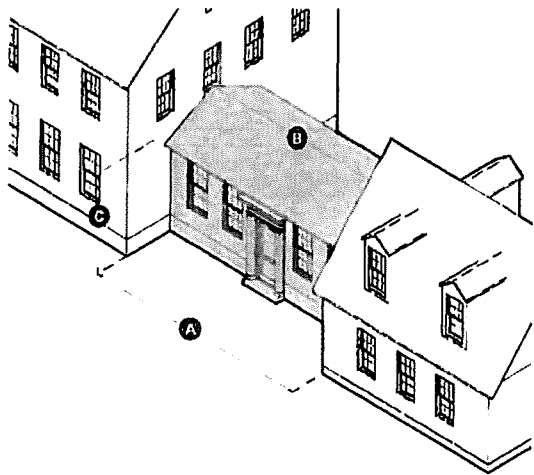
b. DIMENSIONS

Width	3 ft 6 in min	A
Projection	3 ft 6 in min	B
Height	7 ft min when recessed	C

c. STANDARDS

1. Stoops may be recessed into the building facade.
2. Stoop may be built perpendicular or parallel to the building face, but must lead directly to ground level or an abutting sidewalk from the building entrance.
3. A Recessed stoop may not be enclosed.
4. Stoops, when built as part of a townhouse or live/work flex building, may be configured as a split stair to access a below grade unit.
5. If a stoop is built encroaching onto a public sidewalk, it must provide at least 3 ft clear and unobstructed between its outermost face and the face of the curb.

6. CONNECTOR



a. DESCRIPTION

A narrow, roofed extension meant to link a main building mass to an accessory building or to a component of an accessory building.

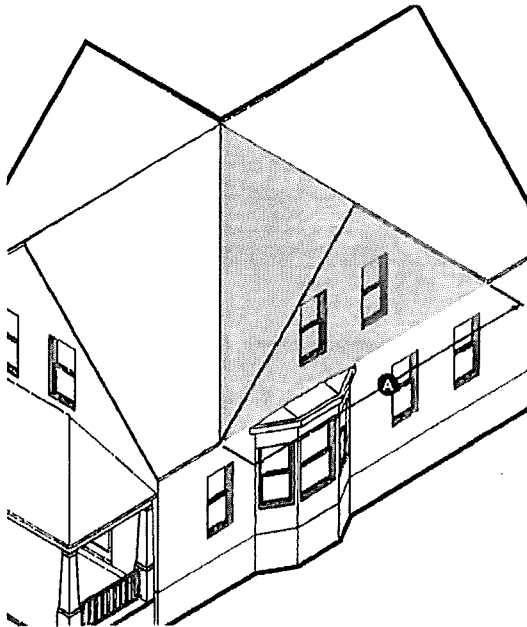
b. DIMENSIONS

Length	Equal to or less than the length of the primary building (1)	A
Width	8 ft min, max 2 feet less than the narrowest building face or component face to which it attaches.	B
Absolute Height	May be one or more stories in height, but may not exceed the eave height of the smallest building element to which it is linked.	C
Fenestration	10% min	

c. STANDARDS

1. In CD2, connector may be 50 ft max in length.
2. Must attach on at least one side to the primary building.
3. Connectors may not encroach on setbacks.

7. CROSS GABLE



a. DESCRIPTION

A gable or gambrel roof that projects perpendicular from the roof of the primary building to increase the habitable space within a roof.

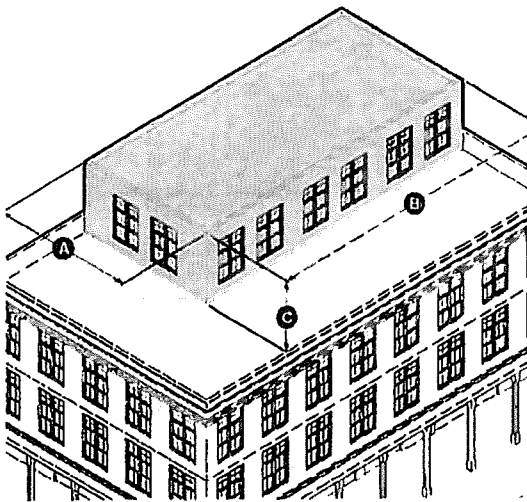
b. DIMENSIONS

Width	Equal to eave width of the narrowest face of the primary building.	A
Height	The ridge beam of the cross gable may not be higher than the ridge beam of the primary building.	B
Fenestration	20% min	

c. STANDARDS

1. Cross Gables may project outward from a building face (to a maximum of 12 ft) if supported from below by a component or visually supported by brackets, corbels, or a beam.
2. Two cross gables of equal size and roof pitch may be used together and may occupy the same space, with an overlap of no more than 1/2 the width of each.

8. PENTHOUSE



a. DESCRIPTION

A rooftop structure, constructed to provide recreational space, residential space of considerably smaller floor plate than that of the primary building.

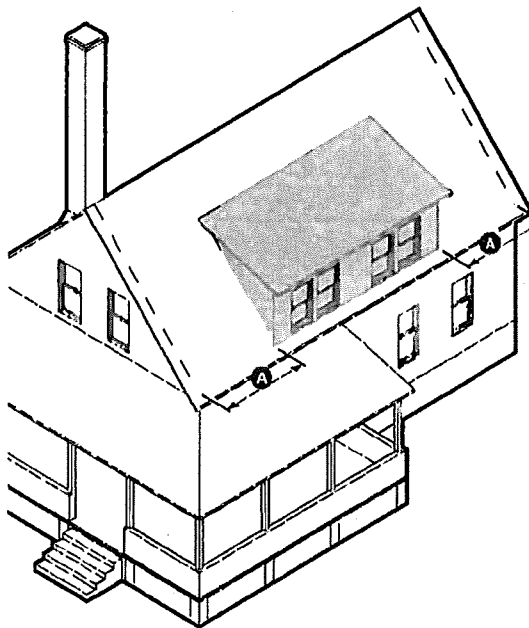
b. DIMENSIONS

Length	(3)	A
Width	(3)	B
Eave Height	12 ft max	C
Fenestration	20% min	

c. STANDARDS

1. Penthouses may only be attached to the mixed-use building, the apartment building, the Inn building and the fabrication building.
2. Penthouses should, wherever possible, be oriented away from frontage lines.
3. Penthouses must have a max floor area 40% less than the level below.
4. A penthouses may not extend beyond the face of the building to which it attaches.
5. Penthouses meant solely for the storage of mechanical equipment are exempt from window and door requirements.
6. The highest point of a penthouse may be higher than the highest point of the roof of the primary building.

9. SHED DORMER



a. DESCRIPTION

A room, or portion of a room with a shed roof that projects vertically from the roof a building element, designed to provide increased light and expand the habitable space under a roof.

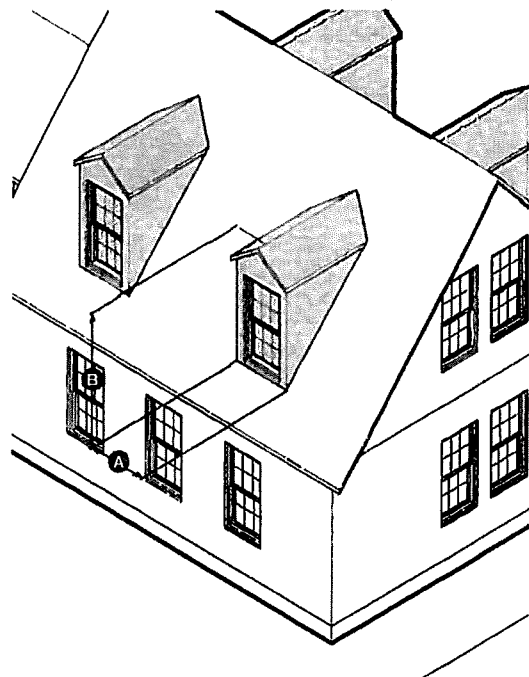
b. DIMENSIONS

Gable End Setback	1 ft min (3)	A
Fenestration	20% min	

c. STANDARDS

1. The windows in a shed dormer should be vertically proportioned and no more than 3 ft wide
2. The face of the shed dormer must not project beyond the building eaves.
3. Gable end setbacks may be 0 ft from the building face when not visible from a thoroughfare (not including alleys).

10. DORMER WINDOW



a. DESCRIPTION

A window or group of up to 3 windows with a gable, hip, or shed roof that projects vertically from the roof a building element, designed to provide increased light and expand the habitable space within a roof.

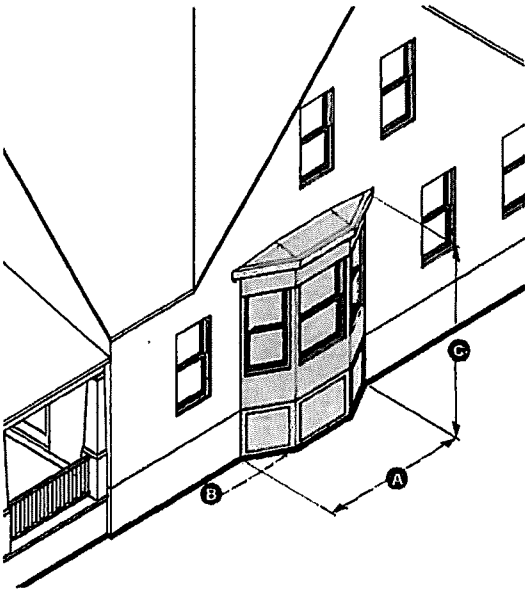
b. DIMENSIONS

Width	(2)	A
Height	(4)	B

c. STANDARDS

1. The window(s) in a dormer window should be vertically proportioned and no more than 3 ft wide
2. The total width of a dormer window must be no more than 18 inches wider than the rough opening required for its' windows.
3. The face of the dormer window must not project beyond the building eaves.
4. When attached to a mansard or gambrel roof, the eave of the dormer may not pass above the chline of the roof.

11. BAY WINDOW



a. DESCRIPTION

A enclosed window assembly extending from the face of a building element to permit increased light, multi-directional views, and articulate a building facade.

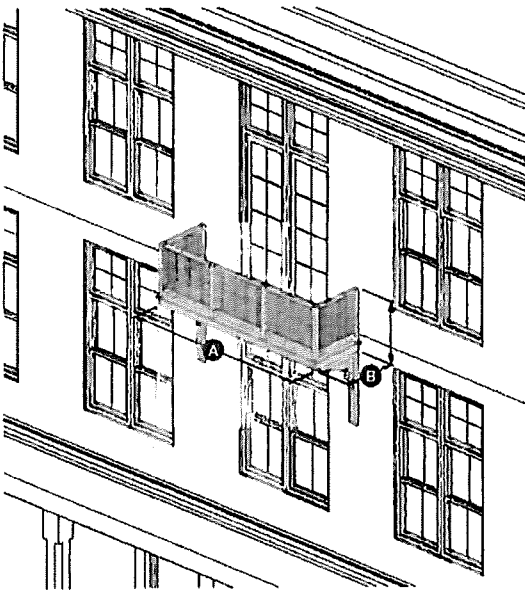
b. DIMENSIONS

Width	16 ft max	A
Projection	6 in min, 4 ft max	B
Top Plate Height	Max equal to total number of full building stories.	C
Fenestration	30% min	

c. STANDARDS

1. Bay windows must be visually supported by brackets, corbels, or a beam along their full depth or, when built at the first floor, may extend visually to the ground plane.
2. Bay windows may only attach to the main building mass, additions, accessory buildings, towers, porte-cocheres, connectors, cross-gables, extended shopfronts, and penhouses.
3. Bay windows may intersect with and occupy the same space as porches, balconies, galleries, arcades, and decks.
4. Bay windows must attach to a single building face and may not wrap around corners.
5. Bays windows may be two sided, multi-sided, or curved.
6. Bay windows may provide openings for doorways or windows.

12. BALCONY



a. DESCRIPTION

An unroofed platform attached to a building face with a railing that provides outdoor space above the first floor.

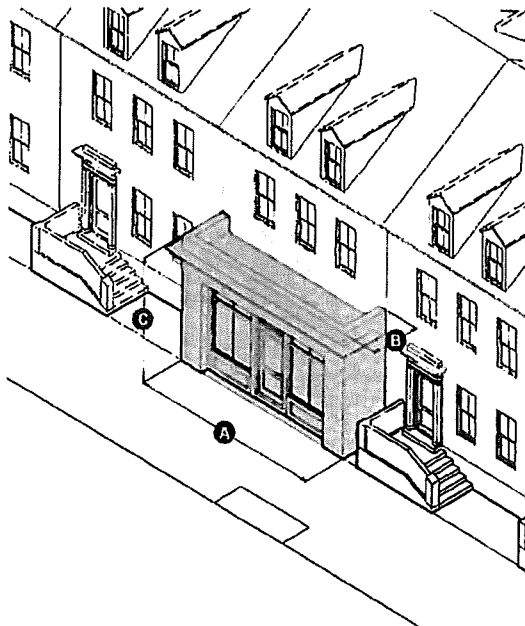
b. DIMENSIONS

Width	No more than the width of the adjoining building face.	A
Projection	8 ft max	B

c. STANDARDS

1. Balconies are only permitted on upper stories.
2. Balconies may not be enclosed and must be unroofed unless it is recessed into the envelope of the building or component to which it is attached.
3. Balconies may be projecting, integral, terraced, or a combination thereof.
4. Balconies may wrap around corners to attach to galleries, porches, decks, or balconies on abutting building faces.
5. A balcony must be visually supported by brackets, corbels, or beams along its full width, or physically supported by another component.
6. A projecting balcony must have a clear height above the ground of at least 10 ft.
7. The railing of any balcony oriented toward a frontage must have posts and railings with spacing, except when recessed into the envelope of the building to which it is attached.
8. When built on top of a porch, gallery, portico, or arcade, the balcony may extend to the boundaries of the component below.

13. EXTENDED SHOPFRONT



a. DESCRIPTION

An extension on the front of a building to provide new or expanded commercial space and a shopfront.

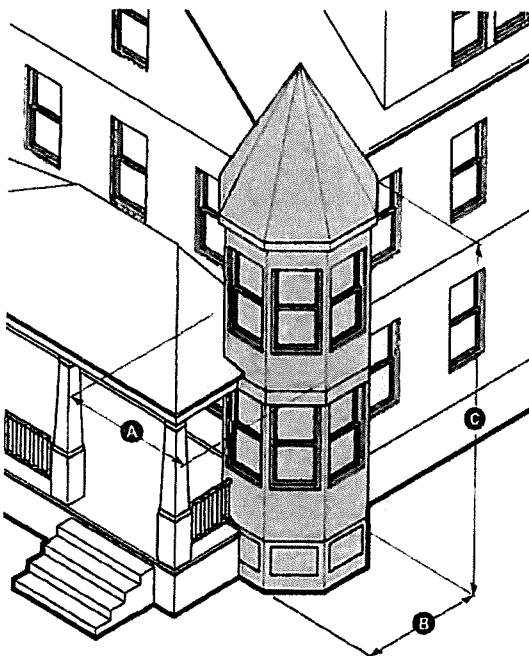
b. DIMENSIONS

Width	No more than the width of the building face to which it attaches.	(A)
Projection	0 ft min	(B)
Height	Max equal to total number of full building stories.	
Fenestration	70% min (Shopfront) 30% min (Upper Stories)	

c. STANDARDS

1. Extended shopfronts may wrap around corners to join with an accessory shop or another extended shopfront on another building face.
2. Only allowed in Districts CD4, CD5, and SD-COM.
3. Extended shopfronts may not attach to accessory buildings with the exception of an accessory shop.
4. Only 1 extended shopfront allowed per building face.

14. TURRET



a. DESCRIPTION

A small, decorative, tower-like extension from the wall or corner of a building, meant to provide distinctive living space or to terminate an important axis.

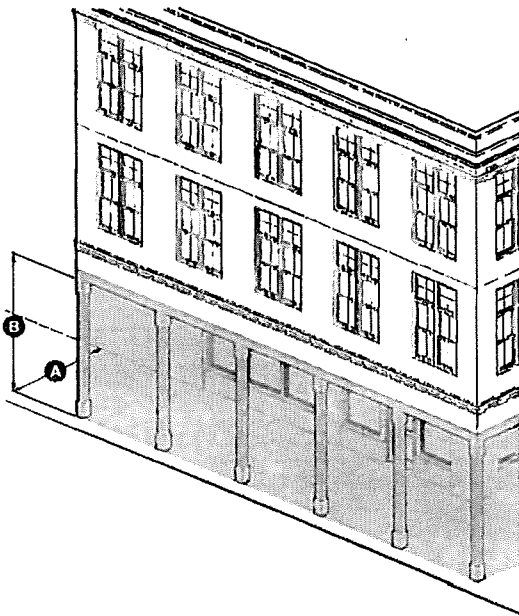
b. DIMENSIONS

Length	8 ft max	(A)
Width	Must be equal to length	(B)
Height	The top plate of a turret may not exceed the height of the top plate of the adjoining building.	(C)
Fenestration	30% min	

c. STANDARDS

1. Turrets must be visually supported by brackets, corbels, or a beam along their full width, or physically supported by another component.
2. Turrets may be square, multi-sided, or curved, and must possess radial symmetry.
3. Turrets may wrap around corners.
4. Turrets may intersect with and occupy the same space as porches, balconies, galleries, arcades, and decks.
5. Turrets must extend beyond the building face(s) to which they are attached.
6. The highest point of the roof of a turret may be higher than the highest point of the roof of the primary building.

15. ARCADE



a. DESCRIPTION

A ground-level roofed structure that provides cover and is supported on regularly spaced pillars, columns, or archways.

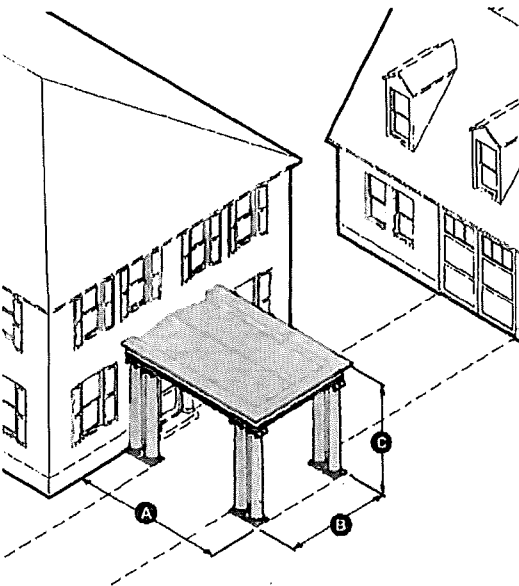
b. DIMENSIONS

Width	n/a	
Projection	8 ft min and no more than the height of the first floor of the main building mass.	A
Height	8 ft min	B
Fenestration	70% min when enclosed	

c. STANDARDS

1. Arcades may be projecting or integral.
2. Arcades may be partially or fully enclosed with windows, doors, or decorative ironwork provided they maintain at least 90% transparent openings.
3. When projecting over a sidewalk must extend the full width, less 2 ft.
4. Arcades located along a primary or secondary frontage, or within the town right-of-way may not be enclosed.
5. Arcades may wrap around corners to attach to other arcades on abutting building faces.

16. PORTE-COCHERE



a. DESCRIPTION

A roofed, building element through which a vehicle may pass, and that provides shelter from inclement weather.

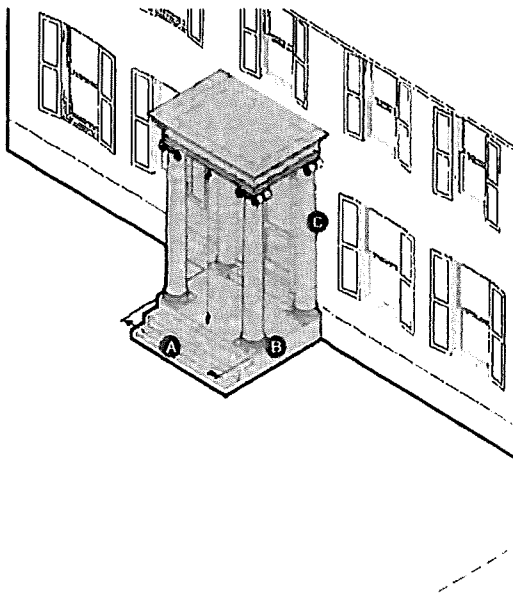
b. DIMENSIONS

Width	16 ft max (4)	A
Projection	9 ft min (4)	B
Height	1 Story (4)	C

c. STANDARDS

1. Porte-cocheres may link any two buildings or components.
2. Front and back faces of the porte-cochere must have openings of dimension sufficient to pass a vehicle through at the ground level.
3. Carriage House-style lifting doors are not permitted on a porte-cochere.
4. When associated with a commercial drive-through, the following standards apply, replacing any above standards as required:
 - a. When located on the side of a building, a porte-cochere must be attached to the primary building, must be shorter than the eave of the building or no more than 16 ft in absolute height (whichever is lesser), and may not project more than 12 ft.
 - b. When located on the side of a building, porte-cochere materials should match the materials used on the primary building.

17. PORTICO



a. DESCRIPTION

A roofed structure above a stoop or platform supported on columns or pillars, which shields occupants from inclement weather and provides access to a building entrance.

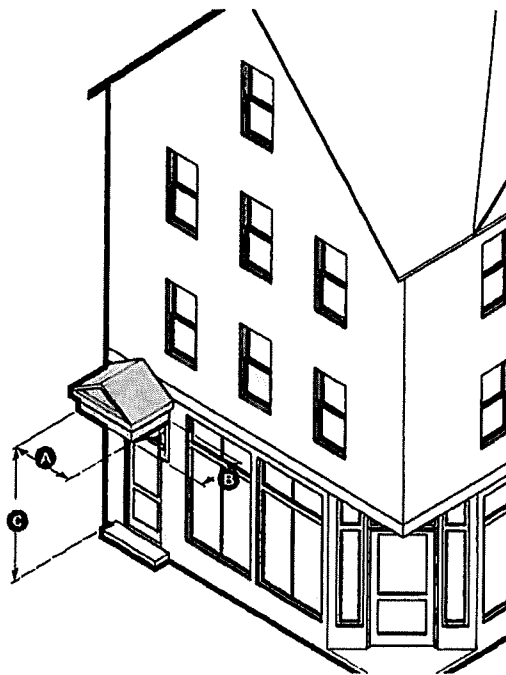
b. DIMENSIONS

Width	3 ft 6 in min	(A)
Projection	3 ft 6 in min, 8 ft max	(B)
Height	8 ft min	(C)
Fenestration	n/a	

c. STANDARDS

1. No span between columns or pillars may be larger than the height of adjacent columns or pillars.
2. A portico may not exceed the height of the primary ridge beam on the building element to which it attaches.
3. A portico must be elevated on a platform at least 1 foot from the surface of the ground.

18. CANOPY



a. DESCRIPTION

A fixed, wall mounted overhang extending from a building to provide shade and weather protection for pedestrians.

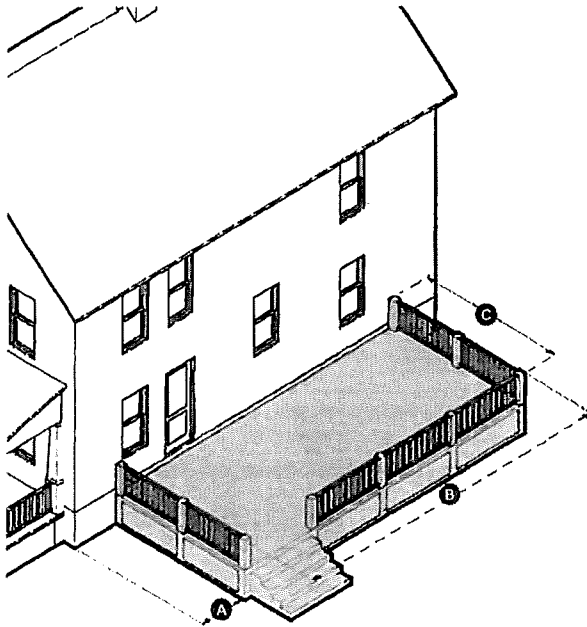
b. DIMENSIONS

Width	4 ft min	(A)
Projection	3 ft min	(B)
Height	8 ft min	(C)

c. STANDARDS

1. Canopies should be visually supported on wood or metal brackets, or suspended by cable or chain.
2. Canopies should be inset from the corners of the wall to which they are attached by at least 3 inches.

19. DECK



a. DESCRIPTION

A roofless, uncovered, raised platform accessible from a secondary entrance to a building that provides outdoor amenity space.

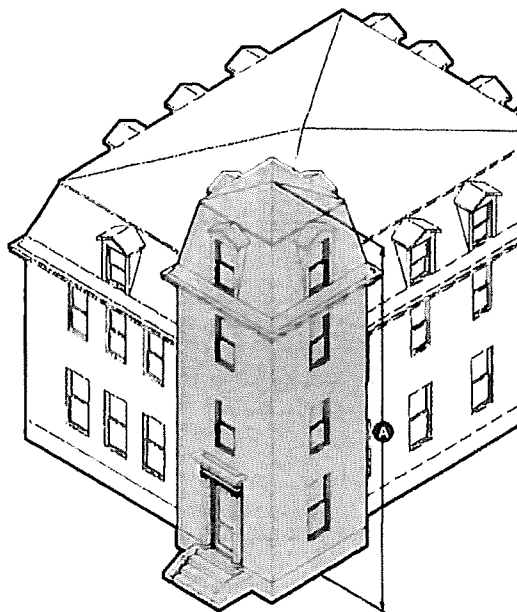
b. DIMENSIONS

Setback from Facade	2 ft min	A
Width	8 ft min	B
Projection	6 ft min	C
Height	none	
Fenestration	none	

c. STANDARDS

1. Decks are not permitted along frontages.
2. The space between piles or plers must be enclosed with latticework or similar material, or concealed visually by evergreen landscaping, on all sides, except for decks that are elevated more than 8 ft from the ground plane.
3. Decks may not be enclosed.

20. TOWER



a. DESCRIPTION

A building component that is significantly taller than it is wide as way to gain views and additional habitable space.

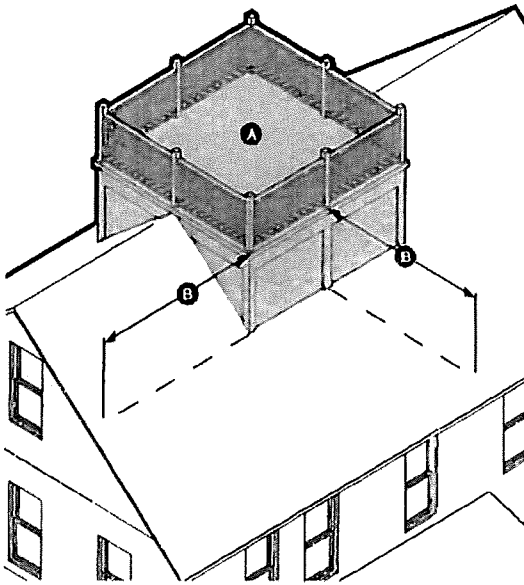
b. DIMENSIONS

Area	200 sf max	
Height	Maximum of one story above the highest story not contained within a roof.	A
Fenestration	30% min (8)	

c. STANDARDS

1. Towers must attach to the main building mass.
2. Towers must be constructed on a foundation that extends to the ground plane.
3. Towers may be square, multi-sided, or curved, but should posses radial symmetry.
4. Towers may intersect with and occupy the same space as porches, galleries, arcades, and decks.
5. Towers may extend horizontally beyond the building face(s) to which they are attached.
6. 1 tower per lot max.
7. The highest point of a tower may extend above the highest point of the roof of the primary building.
8. Towers built as silos on a barn may ignore widow and door requirements.

21. ROOF DECK



a. DESCRIPTION

A raised uncovered platform with a railing on the roof of a building that provides outdoor amenity space and access to views.

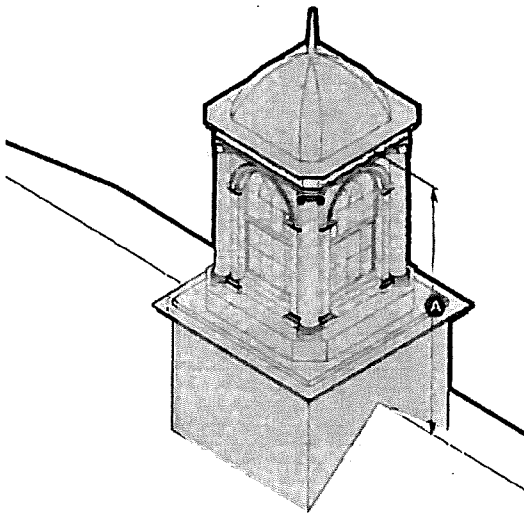
b. DIMENSIONS

Total Area	400 sq ft max	A
Setback from Building Faces	5 ft min from every building face (3)	B

c. STANDARDS

1. The width of roof decks may not exceed 50% of the building width, except on a flat roof they may extend to fill the entire roof.
2. The railing must be constructed with posts and rails with spacing such that it does not exceed 50% opacity, except when built on a flat roof.
3. Roof decks built on a flat roof may extend to the building parapet and use the parapet as a railing, provided it is of sufficient height.
4. Roof decks may only be built on the main roof of a primary, building accessory building, rear additions, side wings, connectors, galleries, and porches.
5. The highest point of a roof deck may be higher than the highest point of the roof of the primary building.

22. CUPOLA



a. DESCRIPTION

A small roof structure, possessing radial symmetry, used to provide light and ventilation to a building, or as a bellry, overlook, lantern, or additional habitable space.

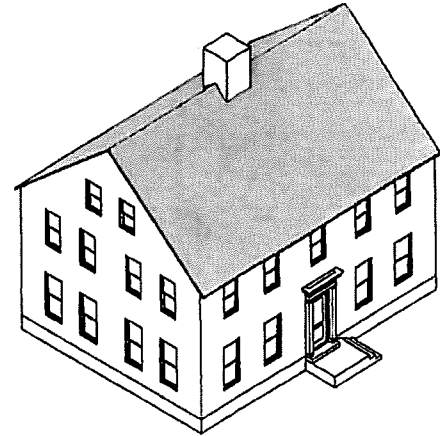
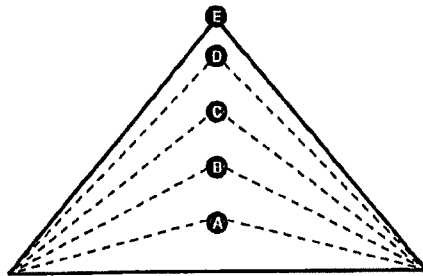
b. DIMENSIONS

Length		A
Width		B
Height	Less than or equal to the maximum upper floor height for the main building mass or accessory building to which it is attached, measured from the top of the primary ridge beam to the base of the cupola's eaves.	C
Fenestration	40% min	

c. STANDARDS

1. A cupola's maximum area must be no greater than 150 SF.
2. Cupolas may only attach to the main building mass, penthouses, roof decks, towers, porte-cocheres, and accessory buildings.
3. The highest point of a cupola may be higher than the highest point of the roof of the primary building.

1. GABLE ROOF



a. DESCRIPTION

A pitched roof with two sides of the same slope and length, meeting symmetrically at a single ridge-beam.

b. ROOF PITCH BY BUILDING TYPE

Cottage	6:12 Min, 14:12 Max	B E
House	8:12 Min, 14:12 Max	C E
Bungalow	6:12 Min, 14:12 Max	B E
Duplex	8:12 Min, 14:12 Max	C E
Apartment House	9:12 Min, 14:12 Max	C E
Small Apartment Building	9:12 Min, 14:12 Max	C E
Townhouse	6:12 Min, 12:12 Max	B D
Shophouse	9:12 Min, 14:12 Max	C E
Live-work/ Flex	6:12 Min, 12:12 Max	B D
Shop	9:12 Min, 14:12 Max	C E
Apartment building	6:12 Min, 12:12 Max	B D
Inn Building	6:12 Min, 12:12 Max	B D
Mixed-use Building	6:12 Min, 12:12 Max	B D
Fabrication Building	6:12 Min, 12:12 Max	B D
Lined Parking Garage	6:12 Min, 12:12 Max	B D
Civic Building	6:12 Min, 12:12 Max	B D

c. ROOF PITCH BY ACCESSORY BUILDING TYPE

Barn	9:12 Min, 14:12 Max	C E
Farmstand	9:12 Min, 14:12 Max	C E
Back Cottage	9:12 Min, 14:12 Max	C E
Carriage House	9:12 Min, 14:12 Max	C E
Fabrication Shop	9:12 Min, 14:12 Max	C E
Accessory Shop	9:12 Min, 14:12 Max	C E

d. ROOF PITCH BY COMPONENT TYPE

Porch	3:12 Min, 12:12 Max	A D
Gallery	3:12 Min, 12:12 Max	A D
Side Wing	9:12 Min, 14:12 Max	C E
Rear Addition	9:12 Min, 14:12 Max	C E
Stoop	-	
Connector	-	
Cross Gable	9:12 Min, 14:12 Max	C E
Penthouse	3:12 Min, 14:12 Max	A E
Shed Dormer	-	
Window Dormer	3:12 Min, 14:12 Max	A E
Bay Window	3:12 Min, 14:12 Max	A E
Balcony	-	
Extended Shopfront	-	C D
Turret	-	
Arcade	-	

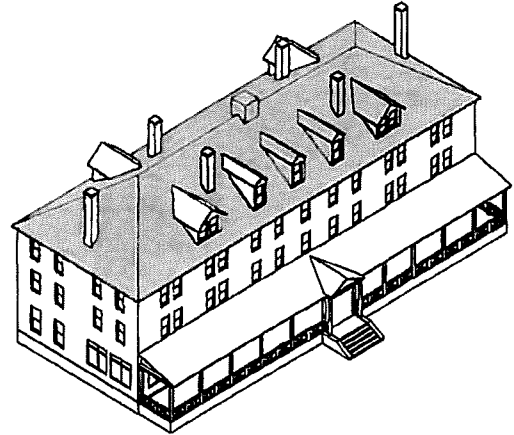
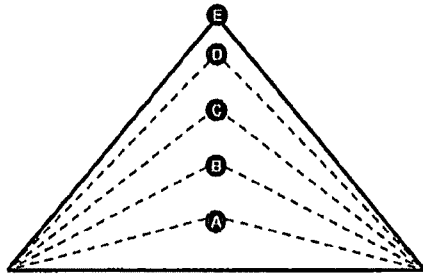
Article 3 **Building Standards** // Section E **Roof Types**

Porte-Cochere	3:12 Min, 9:12 Max	A C
Portico	3:12 Min, 9:12 Max	A C
Deck	-	
Tower	-	
Roof Deck	-	
Cupola	-	
Canopy	3:12 Min, 9:12 Max	A C

e. STANDARDS

1. Civic buildings are exempt from roof system regulation, the values presented in this table are guidelines only.
2. Rear additions may not exceed the roof pitch of the primary building to which they attach.

2. HIPPED ROOF



a. DESCRIPTION

A pitched roof with all sides inclined at the same slope, such that they meet symmetrically at a shared ridge beam or a point.

b. ROOF PITCH BY BUILDING TYPE

Cottage	6:12 Min, 12:12 Max	B D
House	6:12 Min, 12:12 Max	B D
Bungalow	-	
Duplex	6:12 Min, 12:12 Max	B D
Apartment House	6:12 Min, 12:12 Max	B D
Small Apartment Building	6:12 Min, 12:12 Max	B D
Townhouse	3:12 Min, 12:12 Max	A D
Shophouse	6:12 Min, 12:12 Max	B D
Live-work/ Flex	3:12 Min, 12:12 Max	A D
Shop	6:12 Min, 12:12 Max	B D
Apartment building	3:12 Min, 12:12 Max	A D
Inn Building	3:12 Min, 12:12 Max	A D
Mixed-use Building	3:12 Min, 12:12 Max	A D
Fabrication Building	3:12 Min, 12:12 Max	A D
Lined Parking Garage	3:12 Min, 12:12 Max	A D
Civic Building (a)	3:12 Min, 12:12 Max	A D

c. ROOF PITCH BY ACCESSORY BUILDING TYPE

Barn	-	
Farmstand	3:12 Min, 12:12 Max	A D
Back Cottage	6:12 Min, 12:12 Max	B D
Carriage House	3:12 Min, 12:12 Max	A D
Carriage House	3:12 Min, 12:12 Max	A D
Accessory Shop	3:12 Min, 12:12 Max	A D

d. ROOF PITCH BY COMPONENT TYPE

Porch	3:12 Min, 12:12 Max	A D
Gallery	3:12 Min, 12:12 Max	A D
Side Wing	3:12 Min, 12:12 Max	A D
Rear Addition	3:12 Min, 12:12 Max	A D
Sloop	-	
Connector	3:12 Min, 12:12 Max	A D
Cross Gable	-	
Penthouse	3:12 Min, 12:12 Max	A D
Shed Dormer	-	
Window Dormer	3:12 Min, 12:12 Max	A D
Bay Window	3:12 Min, 12:12 Max	A D
Balcony	-	
Extended Shopfront	-	A D
Turret	3:12 Min, 14:12 Max	A E
Arcade	3:12 Min, 12:12 Max	A D
Porte-Cochere	3:12 Min, 12:12 Max	A D

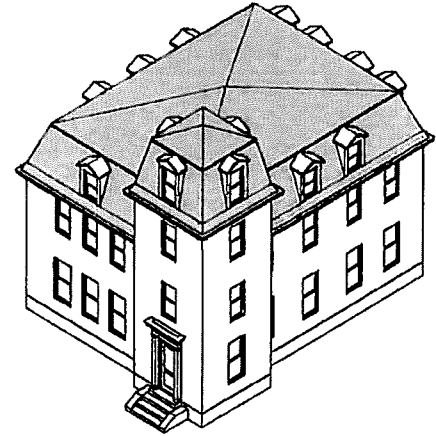
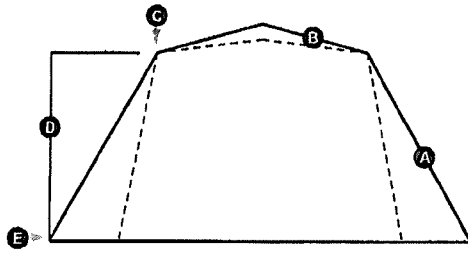
Article 3 **Building Standards** // Section E **Roof Types**

Portico	3:12 Min, 9:12 Max	A C
Deck	-	
Tower	3:12 Min, 12:12 Max	A D
Roof Deck	-	
Cupola	3:12 Min, 12:12 Max	A D
Canopy	3:12 Min, 12:12 Max	A D

e. STANDARDS

1. Civic buildings are exempt from roof system regulation, the values presented in this table are guidelines only.
2. Rear additions may not exceed the roof pitch of the primary building to which they attach.

3. MANSARD ROOF



a. DESCRIPTION

A complex roof type consisting of a shallow sloped upper portion, and a steeper sloped lower portion.

b. ROOF PITCH BY BUILDING TYPE

Cottage	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	A B
House	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	A B
Bungalow	-	
Duplex	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	A B
Apartment House	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	A B
Small Apartment Building	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	A B
Townhouse	-	
Shophouse	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	A B
Live-work/ Flex	-	
Shop	-	
Apartment building	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	A B
Inn Building	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	A B
Mixed-use Building	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	A B

Fabrication

Building

Lined Parking Garage

Civic Building (a) lower slope: 9:12 min, 60:12 max **A**
upper slope: 1.5:12 min, 3:12 max **B**

c. ROOF PITCH BY ACCESSORY BUILDING TYPE

Barn	-	
Farmstand	-	
Back Cottage	-	
Carriage House	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	A B
Carriage House	-	
Accessory Shop	-	

d. ROOF PITCH BY COMPONENT TYPE

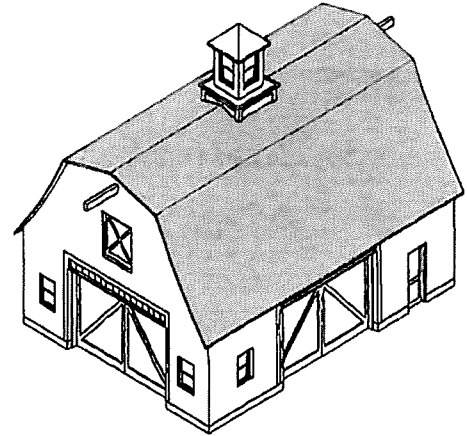
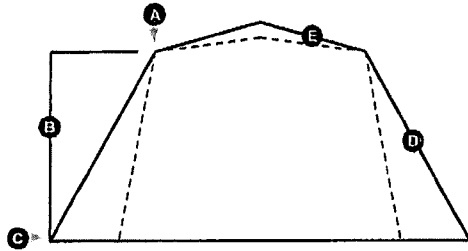
Porch	-	
Gallery	-	
Side Wing	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	A B
Rear Addition	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	A B
Sloop	-	
Hyphen	-	
Cross Gable	-	

Penthouse	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	A B
Shed Dormer	-	
Window Dormer	-	
Bay Window	-	
Balcony	-	
Extended Shopfront	-	
Turret	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	A B
Arcade	-	
Porte-Cochere	-	
Portico	-	
Deck	-	
Tower	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	A B
Roof Deck	-	
Cupola	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	A B
Canopy	-	

e. STANDARDS

1. Civic buildings are exempt from roof system regulation, the values presented in this table are guidelines only.
2. Rear additions may not exceed the roof pitch of the primary building to which they attach.
3. Mansard roofs must always set the chine **C** to be at least 8 ft but no more than 12 ft **D** higher than the eaves **E**.

4. GAMBREL ROOF



a. DESCRIPTION

A complex pitched roof with two sides, each of which has a shallower slope above the steeper one.

b. ROOF PITCH BY BUILDING TYPE

Cottage	-	
House	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	D E
Bungalow	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	D E
Duplex	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	D E
Apartment House	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	D E
Small Apartment Building	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	D E
Townhouse	-	
Shophouse	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	D E
Live-work/ Flex	-	
Shop	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	D E
Apartment building	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	D E
Inn Building	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	D E

Mixed-use Building	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	D E
Fabrication Building	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	D E
Lined Parking Garage	-	
Civic Building (a)	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	D E

c. ROOF PITCH BY ACCESSORY BUILDING TYPE

Barn	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	D E
Farmstand	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	D E
Back Cottage	-	
Carriage House	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	D E
Carriage House	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	D E
Accessory Shop	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	D E

d. ROOF PITCH BY COMPONENT TYPE

Porch	-	
Gallery	-	

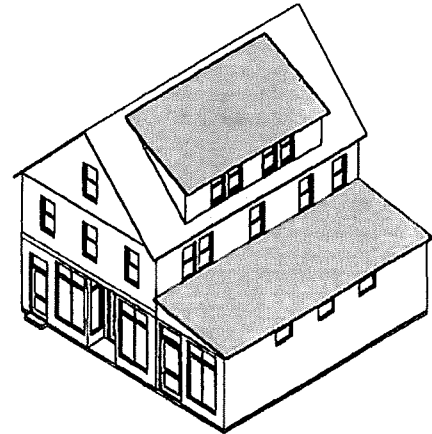
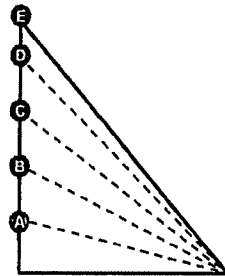
Article 3 Building Standards // Section E Roof Types

Side Wing	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	D E
Rear Addition	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	D E
Sloop	-	
Hyphen	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	D E
Cross Gable	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	D E
Penthouse	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	D E
Shed Dormer	-	
Window Dormer	-	
Bay Window	-	
Balcony	-	
Extended Shopfront	-	
Turret	-	
Arcade	-	
Porte-Cochere	lower slope: 9:12 min, 60:12 max upper slope: 1.5:12 min, 3:12 max	D E
Portico	-	
Deck	-	
Tower	-	
Roof Deck	-	
Cupola	-	
Canopy	-	

e. STANDARDS

1. Civic building are exempt from roof system regulation, the values presented in this table are guidelines only.
2. Rear additions may not exceed the roof pitch of the primary building to which they attach.
3. Gambrel roofs must always set the chine **A** to be at least 8 ft but no more than 12 ft **B** higher than the eaves **C**.

5. SHED ROOF



a. DESCRIPTION

A simple roof pitched in only one direction.

b. ROOF PITCH BY BUILDING TYPE

Cottage	-	
House	-	
Bungalow	-	
Duplex	-	
Apartment House	-	
Small Apartment Building	-	
Townhouse	3:12 Min, 6:12 Max	A B
Shophouse	-	
Live-work/ Flex	3:12 Min, 6:12 Max	A B
Shop	3:12 Min, 6:12 Max	A B
Apartment building	-	
Inn Building	-	
Mixed-use Building	3:12 Min, 6:12 Max	A B
Fabrication Building	3:12 Min, 6:12 Max	A B
Lined Parking Garage	3:12 Min, 6:12 Max	A B
Civic Building (a)	3:12 Min, 6:12 Max	A B

c. ROOF PITCH BY ACCESSORY BUILDING TYPE

Barn	-	
Farmstand	3:12 Min, 6:12 Max	A B
Back Cottage	-	
Carriage House	-	
Carriage House	3:12 Min, 6:12 Max	A B
Accessory Shop	3:12 Min, 6:12 Max	A B

d. ROOF PITCH BY COMPONENT TYPE

Porch	3:12 Min, 6:12 Max	A B
Gallery	3:12 Min, 6:12 Max	A B
Side Wing	3:12 Min, 6:12 Max	A B
Rear Addition	3:12 Min, 6:12 Max	A B
Stoop	3:12 Min, 6:12 Max	A B
Hyphen	3:12 Min, 6:12 Max	A B
Cross Gable	-	
Penthouse	3:12 Min, 6:12 Max	A B
Shed Dormer	3:12 Min, 6:12 Max	A B
Window Dormer	3:12 Min, 6:12 Max	A B
Bay Window	3:12 Min, 6:12 Max	A B
Balcony	-	
Extended Shopfront	3:12 Min, 6:12 Max	A B
Turret	-	
Arcade	3:12 Min, 6:12 Max	A B

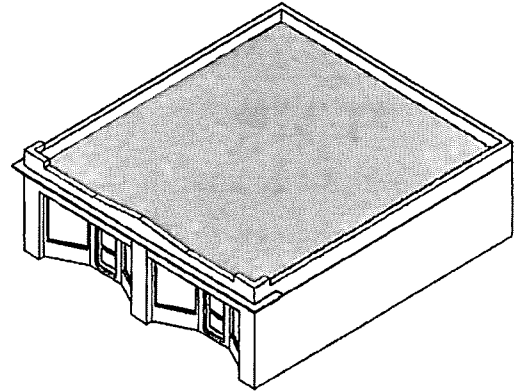
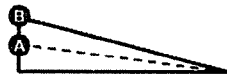
Article 3 **Building Standards** // Section E **Roof Types**

Porte-Cochere	3:12 Min, 6:12 Max	A B
Portico	3:12 Min, 6:12 Max	A B
Deck	-	
Tower	-	
Roof Deck	-	
Cupola	-	
Canopy	3:12 Min, 6:12 Max	A B

e. STANDARDS

1. Civic buildings are exempt from roof system regulation, the values presented in this table are guidelines only.
2. Rear additions may not exceed the roof pitch of the primary building to which they attach.
3. When used on a component that is attaching to a building, shed roofs must always orient the ridge beam to the wall or roof it is attaching to.

6. FLAT ROOF



a. DESCRIPTION

A simple roof pitched very slightly in one or more directions, approximating a flat surface.

b. ROOF PITCH BY BUILDING TYPE

Cottage	-	
House	-	
Bungalow	-	
Duplex	-	
Apartment House	-	
Small Apartment Building	-	
Townhouse	1.5:12 min, 3:12 max	A B
Shophouse	-	
Live-work/ Flex	1.5:12 min, 3:12 max	A B
Shop	1.5:12 min, 3:12 max	A B
Apartment building	1.5:12 min, 3:12 max	A B
Inn Building	1.5:12 min, 3:12 max	A B
Mixed-use Building	1.5:12 min, 3:12 max	A B
Fabrication Building	1.5:12 min, 3:12 max	A B
Lined Parking Garage	1.5:12 min, 3:12 max	A B
Civic Building (1)	1.5:12 min, 3:12 max	A B

c. ROOF PITCH BY ACCESSORY BUILDING TYPE

Barn	-	
Farmstand	1.5:12 min, 3:12 max	A B
Back Cottage	-	
Carriage House	-	
Carriage House	1.5:12 min, 3:12 max	A B
Accessory Shop	1.5:12 min, 3:12 max	A B

d. ROOF PITCH BY COMPONENT TYPE

Porch	1.5:12 min, 3:12 max	A B
Gallery	1.5:12 min, 3:12 max	A B
Side Wing	1.5:12 min, 3:12 max	A B
Rear Addition	1.5:12 min, 3:12 max	A B
Stoop	-	
Connector	1.5:12 min, 3:12 max	A B
Cross Gable	-	
Penthouse	1.5:12 min, 3:12 max	A B
Shed Dormer	-	
Window Dormer	-	
Bay Window	1.5:12 min, 3:12 max	A B
Balcony	-	
Extended Shopfront	1.5:12 min, 3:12 max	A B
Turret	1.5:12 min, 3:12 max	A B
Arcade	1.5:12 min, 3:12 max	A B

Article 3 Building Standards // Section E Roof Types

Porte-Cochere	1.5:12 min, 3:12 max	A B
Portico	1.5:12 min, 3:12 max	A B
Deck	-	
Tower	1.5:12 min, 3:12 max	A B
Roof Deck	-	
Cupola	1.5:12 min, 3:12 max	A B
Canopy	1.5:12 min, 3:12 max	A B

e. STANDARDS

1. Civic buildings are exempt from roof system regulation, the values presented in this table are guidelines only.
2. Rear additions may not exceed the roof pitch of the primary building to which they attach.
3. All slopes for flat roofs should defer to local building code regarding minimum slopes for a specified roofing system.

ARTICLE 4

USE STANDARDS

PURPOSE

- To provide for a flexible range of uses while preventing negative impacts on adjacent property.

APPLICABILITY

- This Article applies to all new buildings or existing buildings seeking a change in use.

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CONTENTS

A. GENERAL USE STANDARDS

1. Understanding the Use Table..... 4-151

B. USE TABLE

1. Natural Resources 4-152

2. Residential 4-152

3. Lodging 4-152

4. Office 4-152

5. Retail 4-152

6. Industrial 4-152

7. Service 4-153

8. Civic 4-153

9. Auto-Oriented 4-153

C. NATURAL RESOURCES STANDARDS 4-154

D. RESIDENTIAL STANDARDS 4-155

E. LODGING STANDARDS 4-156

F. OFFICE STANDARDS 4-157

G. RETAIL STANDARDS 4-158

H. INDUSTRIAL STANDARDS 4-160

I. SERVICES STANDARDS 4-162

J. CIVIC STANDARDS 4-165

K. AUTO-ORIENTED STANDARDS 4-166

Article 4 Use Standards

1. UNDERSTANDING THE USE TABLE

PURPOSE

- To ensure the health, safety, and the welfare of the people living and working in Town of Mashpee.
- To minimize conflicts between neighboring activities and uses.
- To allow greater flexibility of uses that supports economic development within the Town.

APPLICABILITY

- All activities and uses associated with buildings and lots.

A. GENERAL

1. Uses for character districts, special districts, and building groups are permitted according to this Article.
2. Uses in the tables are:
 - a. Permitted, indicated by ●;
 - b. Permitted by special permit, indicated by ①
 - c. Permitted home occupation, indicated by ★
 - d. Permitted in building group ■
 - e. Permitted home occupation and/or permitted in building group ■
 - f. Permitted use and/or permitted home occupation ☞
 - g. If a cell is blank, the use is not permitted in the district.
3. Lots, buildings, and units may contain more than one use, so long as each use is permitted.
4. Home occupations may only occur in any of the following cases:
 - a. When permitted uses are operated by either an owner or a renter of a dwelling unit, within the walls of their own unit.
 - b. When permitted uses are operated by the owner of a property who occupies a dwelling unit on the same lot. Uses may be operated by the owner within the primary building, accessory building, or elsewhere on the property.
 - c. When permitted uses are operated by someone who does not live on the lot but where the property owner occupies a dwelling unit within the primary building on the same lot.
5. Uses are defined within this Article.
6. Additional standards for each use are contained within this Article and must be met in order for a use to be permitted and to continue

B. UNLISTED USES

1. The Building Inspector must classify uses on the basis of the use category.
2. If a use is not listed but is similar in nature and impact to a use that is listed, the Building Inspector must issue a written interpretation indicating which use category will be used.

C. NONCONFORMING USES

1. Routine repair and maintenance of nonconforming uses is permitted.
2. A nonconforming use may be expanded in square footage within a permitted building.
3. When a nonconforming use has been changed, in whole or part, to a conforming use, the part that has come into conformance may not be changed back to the nonconforming use.
4. Whenever the active and continuous operation of a nonconforming use is discontinued for 6 months or more, it constitutes an abandonment of the nonconforming use and the use may not be re-established.
5. When a structure containing a nonconforming use is damaged or destroyed, the use may be reestablished.

D. CHANGE OF USE

1. Any change of use within a building, structure, or unit requires a Change of Use certificate from the Building Inspector

	CD1	CD2	CD3	CD4	CD5	SD-COM	SD-CE	SD-CIVIC	CONN. FARM	COURT	STANDARDS
NATURAL RESOURCES											
1. Agriculture	●	●	●	●	●	●	●	●	●	●	Article 4.C.1
2. Aquaculture	●					●	●				Article 4.C.2
3. District Energy System		○	○	○		○	○			○	Article 4.C.3
4. Resource Extraction	○	●	○						●		Article 4.C.4
5. Utilities & Services	○	○				○	○				Article 4.C.5
RESIDENTIAL											
1. Dormitory					●			○			Article 4.D.1
2. Mobile Home Park		●									Article 4.D.2
3. Residence		●	●	●	●	●	●		●	●	Article 4.D.3
4. Residential Care Facility			●					○	●		Article 4.D.4
LODGING											
1. Bed & Breakfast		★	★	★				○	★		Article 4.E.1
2. Hotel & Hostel				●	●	●	●	○			Article 4.E.2
3. Rooming House				●	●	●		○			Article 4.E.3
4. Tourist Rental		★	★	●	●	●	●		★		Article 4.E.4
OFFICE											
1. Office, Small		★	★	●	●	●	●	○	●	★	Article 4.F.1
2. Office, Medium				●	●	●	●	○			Article 4.F.2
3. Office, Large						●					Article 4.F.3
4. Research/Laboratory Facility				●	●	●	●				Article 4.F.4
RETAIL											
5. Bar or Tavern				●	●	●	●	○			Article 4.G.1
6. Farm/Vendor Market		●	★	●	●	●	●	○	●		Article 4.G.2
7. Packaged Liquor				●	●	●	●				Article 4.G.3
8. Restaurant & Café				●	●	●	●	○			Article 4.G.4
9. Retail & Service, General			○	●	●	●	●	○			Article 4.G.5
10. Retail & Service, Heavy				●	●	●	●				Article 4.G.6
INDUSTRIAL											
1. Industrial, Artisan		★	★	●	●	●	●	○	●	★	Article 4.H.1
2. Industrial, General						●	●				Article 4.H.2
3. Industrial, Heavy											Article 4.H.3
4. Junk/Salvage Yard							●				Article 4.H.4
5. Recycling Facility											Article 4.H.6
6. Self-Storage Facility						●					Article 4.H.7
7. Outdoor Storage	○	★	★	●	★	●	●		★	★	Article 4.H.8

Article 4 Use Standards // Section B Use Table

SERVICE	DISTRICTS								CONN. FARM	COURT	STANDARDS
	CD1	CD2	CD3	CD4	CD5	SD-COM	SD-CE	SD-CIVIC			
1. Amusement Facility, Indoor				●	●	●		○			Article 4.I.1
2. Amusement Facility, Outdoor											Article 4.I.2
3. Animal Care, Indoor		★	★	●	●	●	★		●		Article 4.I.3
4. Animal Care, Outdoor						●					Article 4.I.4
5. Banking Services				●	●	●		○			Article 4.I.5
6. Campground	●										Article 4.I.6
7. Commercial School				●	●	●	●	○			Article 4.I.7
8. Day Care Center		★	★	★	★	★	★		★		Article 4.I.8
9. Day Care Facility				●	●	●		○			Article 4.I.9
10. Funeral Services		○	○	●	●			○			Article 4.I.10
11. Food Center/Supply Pantry				●	●	●	●				Article 4.I.11
12. Health Care Provider		★	★	●	●	●	★	○	★		Article 4.I.12
13. Health & Wellness Studio		★	★	●	●	●	●	○	●		Article 4.I.13
14. Human Service Facility				●	●			○			Article 4.I.14
15. Live Entertainment				●	●	●	●	○			Article 4.I.15
16. Marina, Dry Storage						●					Article 4.I.16
17. Marina, Recreation		○		○	○						Article 4.I.17
18. Private Club or Lodge				●	●	●		○			Article 4.I.18
19. Stables/Riding Center		○	○								Article 4.I.19
CIVIC											
1. Assembly			○	●	●	●		●			Article 4.J.1
2. College/University				●	●	●		●			Article 4.J.2
3. Cultural Facility				●	●	●		●			Article 4.J.3
4. Hospital				●	●	●		○			Article 4.J.4
5. Primary/Secondary School			○	●	●			●			Article 4.J.5
AUTO-ORIENTED											
6. Car Wash						●					Article 4.K.1
7. Dispatch Service						●					Article 4.K.2
8. Drive-Through Facility						●					Article 4.K.3
9. Gas Station						●					Article 4.K.4
10. Parking Lot, Commercial				○	○	○	○				Article 4.K.5
11. Vehicle Rental or Sales				●		●					Article 4.K.6
12. Vehicle Repair		★							●		Article 4.K.7

● Permitted

○ Permitted by special permit

★ Permitted with home occupation only

Empty cell indicates not permitted

1. AGRICULTURE

A. DEFINITION

The planting, cultivating, producing, growing, and harvesting of agricultural or horticultural products, the raising of livestock and poultry, and any work performed in conjunction with the above farm operations, including the packing, drying, and storing of products produced on-premises.

B. STANDARDS

1. Roosters are not permitted in CD3.
2. Large animals are not permitted in CD5.
3. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare, or other cause.

2. AQUACULTURE

A. DEFINITION

The commercial production of cultured fish, shellfish, seaweed, or other marine plants for human and animal consumption, including all cultivating activities occurring at hatcheries or nurseries, from the egg, larval or spore stages to the transfer of the product to a growing site and all cultivating activities occurring on water, from the receipt of fish, shellfish, seaweed or other marine plants from onshore facilities to the delivery of harvested products to onshore facilities for processing.

B. STANDARDS

1. All onshore aquaculture facilities must be located within fully enclosed structures designed for holding and rearing fish, and containing adequate space and shade.

3. DISTRICT ENERGY SYSTEM

A community-based energy system shared by property owners for common use, or managed by a homeowners' association, institution, or similar organization.

A. STANDARDS

1. A district energy system facility must be screened from all thoroughfares by buildings.
2. A landscape buffer or fence is required along all sides of the district energy system facility.
3. In CD4 and CD5, systems must be located on the roof.

4. RESOURCE EXTRACTION

A. DEFINITION

1. Any use that involves the removal of raw materials taken from the earth, such as soil, rock, timber, or water.

B. STANDARDS

1. See [ENTER REFERENCE]
2. State-level environmental review is required.

5. UTILITIES & SERVICES

A. DEFINITION

Buildings and structures that provide or facilitate the transmission of services consumed by the public including electricity, Internet, natural gas, water, and sewage and including renewable energy production, such as solar or wind energy facility.

B. STANDARDS

1. Standards related to wind energy facilities are located in [ENTER REFERENCE].
2. Buildings required for the production and distribution of utility services must meet the following standards:
 - a. Utility buildings must be built to the standards of a permitted building type within the character district in which they are located.
 - b. Utility equipment that cannot be located indoors must utilize screening elements and walls to blend into the surrounding context.
3. Where real windows are impractical, a utility building may meet fenestration requirements with recessed panels and applying any of the following finishes to the panel to simulate window patterns:
 - a. Glass cladding.
 - b. Louvered or paneled shutters covering the panel in a "closed" position.
 - c. A trellis, grille, grate, or fretwork.
4. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare, or other cause.

6. DORMITORY

A. DEFINITION

Article 4 Use Standards // Section D Residential Standards

Residential housing exclusively occupied by full- or part-time students and/or educational staff and owned or operated by an educational institution.

B. STANDARDS

7. RESIDENCE

A. DEFINITION

A dwelling unit used, intended, or designed to be rented, leased, let, or hired out to be occupied for living purposes.

B. STANDARDS

1. Dwelling units are not permitted in first floor units that front shopfront streets identified on the Mashpee Commons Regulating Plan.

8. MOBILE HOME PARK

A. DEFINITION

See [STATE DEFINATION?]

B. STANDARDS

See [REFERENCE]

9. RESIDENTIAL CARE FACILITY

A. DEFINITION

A licensed care facility that provides 24-hour medical or non-medical care to persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. Residential care facilities include nursing homes, independent living, assisted living, continuum of care, and hospice facilities.

B. STANDARDS

1. Facilities for treatment of addiction, mental illness, or other similar conditions are not permitted in CD3.

1. BED & BREAKFAST

A. DEFINITION

When a permanent resident provides rooms within a house or Cottage for temporary, overnight lodging for compensation in guest rooms with no in-room cooking facilities. A bed and breakfast may include dining facilities and meeting rooms.

B. STANDARDS

1. No more than five guest rooms are permitted.
2. Hourly rate lodging is not permitted.
3. Guest stays are limited to a maximum of 30 consecutive days, with the exception of the winter months, when 3 month stays are permitted.

2. HOTEL & HOSTEL

A. DEFINITION

A commercial building(s) with guest rooms designed primarily for sleeping, and usually including a lobby, reception area, conference rooms, recreational amenities, and common kitchen cooking facilities providing meals for paying guests in a dining rooms or restaurants.

B. STANDARDS

1. Hourly rate lodging is not permitted.
2. Guest stays are limited to a maximum of 30 consecutive days.

3. ROOMING HOUSE

A. DEFINITION

A structure occupied, designed, or intended to be occupied by individuals who may share common areas and facilities, but do not form a single household, and do not provide compensation under a single lease for occupancy. A rooming unit provides sleeping accommodations, but no in-room cooking facilities.

B. STANDARDS

1. One on-site supervisor is required at all times for any rooming house with ten or more rooming units.
2. Hourly rate lodging is not permitted. Lodging must be arranged on a week-to-week or longer basis.

4. TOURIST RENTAL

A. DEFINITION

The rental of a dwelling unit, or a portion of a dwelling unit, on an overnight or short-term basis for less than 30 days at a time

B. STANDARDS

1. Tourist rentals must be occupied by the property owner for at least 6 months out of the year
2. Tourist rentals require an annual license from the Building Inspector and may be approved or denied based on enforcement history at the location, whether or not the rental is unduly taxing public infrastructure, public services, has demonstrated a hazard to public safety, or otherwise disturbs the peace of neighbors and the community

1. OFFICE, SMALL

A. DEFINITION

An small office use involves the conduct of business relating to administration, clerical work, and consulting activities, not including medical offices, retail, or service uses. May include single or multiple companies within one unit or building. A small office has up to 5 workers in a single building and 6 parking spaces per lot.

2. OFFICE, MEDIUM

A. DEFINITION

A medium office use involves the conduct of business relating to administration, clerical work, and consulting activities, not including medical offices, retail, or service uses. May include single or multiple companies within one unit or building. A medium office has up to 35 workers in a single building and no parking space limitations.

3. OFFICE, LARGE

A. DEFINITION

A medium office use involves the conduct of business relating to administration, clerical work, and consulting activities, not including medical offices, retail, or service uses. May include single or multiple companies within one unit or building. A large office has no maximum number of workers in a single building and no parking space limitations.

4. RESEARCH/LABORATORY FACILITY

A. DEFINITION

A facility for research and development that does not involve the use of human testing, animal husbandry, incinerators, heavy equipment, mass manufacturing, fabrication, processing, or sale of products.

B. STANDARDS

1. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause.

1. BAR OR TAVERN

A. DEFINITION

A business that serves food and alcoholic beverages for on-premises consumption.

B. STANDARDS

1. A bar or tavern may provide live entertainment under the following conditions:
 - a. No permanent space is dedicated for live entertainment;
 - b. No admission is charged for live entertainment;
 - c. When live entertainment is offered, is clear incidental and subordinate to the bar or tavern use.

2. FARM/VENDOR MARKET

A. DEFINITION

The direct sales of goods and/or products by multiple farmers or vendors from individual booths, tables, or stands, whether indoors or outdoors.

B. STANDARDS

1. Temporary markets may not operate more than three days per week for more than six hours per day.
2. If located on private property, must receive written permission from the property owner. If located on public property, must receive written permission from the governmental agency.
3. In CD3, farm / vendor markets may occur only in accessory buildings.

3. PACKAGED LIQUOR

A. DEFINITION

Any alcoholic beverage sales establishment primarily involving the sale of alcohol where beer, wine or distilled spirits are sold for off-sale consumption and where more than 5 percent of the floor area of the establishment is devoted to the sale display or storage of beer, wine or distilled spirits

B. STANDARDS

1. Where alcohol production is permitted, the sale of packaged liquor produced on-site is permitted.
2. Any material stored that exceed the height of the screening must be located a minimum of 25 feet from any lot line.

4. RESTAURANT & CAFE

A. DEFINITION

A business where food and beverages are prepared and served to patrons for consumption either on-premises or off-premises.

B. STANDARDS

1. The sale of alcohol for on-premises consumption requires separate approval as a Bar or Tavern. Sale of alcohol for off-premises consumption requires separate approval for a Packaged Liquor.
2. A restaurant may include live entertainment without a separate approval, under the following conditions:
 - a. No permanent space is dedicated for live entertainment;
 - b. No admission is charged for live entertainment;
 - c. When live entertainment is offered incidental and subordinate to the restaurant use.
3. Ventilation systems may not be installed on the facade of any primary or secondary frontage unless the applicant can prove that no other feasible alternative is available. To the maximum extent feasible, ventilation systems must be directed away from adjacent residential properties.

5. RETAIL & SERVICE, GENERAL

A. DEFINITION

A business that provides goods or services directly to the consumer, and where such goods or services are available for immediate purchase on the premises by the purchaser.

B. STANDARDS

6. RETAIL & SERVICE, HEAVY

A. DEFINITION

A retail and service business with permanent outdoor display, service, and storage areas, such as vendors of lumber and building supplies, landscaping supplies and equipment, industrial equipment, commercial and recreational vehicles, watercraft, and outdoor structures such as prefabricated sheds, decks and patios, swimming pools, and play equipment.

B. STANDARDS

1. A landscape buffer or fence is required along all side and rear lot lines that abut residential uses.

1. INDUSTRIAL, ARTISAN

A. DEFINITION

A manufacturing use involving small-scale production or assembly with no noxious by-products, and which may include a showroom as well as incidental storage, sales, and distribution of products.

B. STANDARDS

1. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause.
2. Deliveries or pick-ups in connection with the use are limited to parcel and small freight carriers, except in SD-CE.
3. Parking lots are not permitted within the frontage zone and must not be visible from any thoroughfare, excluding alleys.

2. INDUSTRIAL, GENERAL

A. DEFINITION

Uses that include trucking associated with movement of materials or wholesale distribution, general traffic associated with retail sales, outdoor storage, or light manufacturing of finished or semi-finished products in multiple structures.

B. STANDARDS

1. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare, or other cause.
2. A landscape buffer or fence is required along all side and rear lot lines that abut residential uses.

3. INDUSTRIAL, HEAVY

A. DEFINITION

The processing, manufacturing, compounding, or storage of materials, products, or energy, where the scale and method of operation regularly produce noise, heat, glare, dust, smoke, fumes, odors, vibration, and that may result in external impacts detectable beyond the lot lines of the property. May regularly employ hazardous material or produce hazardous by-products.

B. STANDARDS

1. A minimum lot size of 10 acres is required.
2. State-level environmental review is required.

4. JUNK/SALVAGE YARD

A. DEFINITION

Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. An area or building where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled for reclamation, disposal or other like purposes, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk or salvage yard or building includes an auto wrecking yard or building.

B. STANDARDS

1. Junk/salvage yards must be located at least 500 feet from any abutting residential use.
2. A fence and / or landscape buffer is required along the entire perimeter of any outdoor storage and/or operations of the junk/salvage yard. Outdoor storage or operations of any kind is prohibited outside the fenced or walled area.
3. Outside storage of motor vehicles, equipment, parts, junk, or other materials must not be visible from roadways or adjacent residential uses.
4. Burning of junk or vehicles in any junk or salvage yard is prohibited.

5. RECYCLING FACILITY

A. DEFINITION

A facility that accepts materials, such as dry paper, glass, cans, or plastics, for storage and processing by power-driven equipment for the subsequent reuse in the secondary materials market.

B. STANDARDS

1. Outdoor storage or operations of the recycling facility may not be located within the frontage zone and must be visually screened from any thoroughfare by a building, landscape buffer, fence, or wall. Outdoor storage or operations of any kind are prohibited outside the screened area.
2. Recycling drop-off facilities, manned or unmanned, must be located behind the frontage zone.

6. SELF-STORAGE FACILITY

A. DEFINITION

A facility where individual secured areas inside of a structure are rented for short-term storage of a variety of non-hazardous, non-perishable durable goods and where the lessee has direct access and responsibility for loading and unloading the storage.

B. STANDARDS

1. The individual storage units of a self-storage facility may be located in a fully-enclosed building, with access to individual storage units provided from common areas located indoors.
2. Where the individual storage units of a self-storage facility are accessed from outside a structure, a landscape buffer or fence is required along all side and rear lot lines that abut residential uses.
3. Carriage house doors serving individual storage units must be perpendicular to the primary thoroughfare.
4. Outdoor storage must be visually screened from any thoroughfare by a building, landscape buffer, fence, or wall. Outdoor storage of any kind are prohibited outside the screened area.

7. OUTDOOR STORAGE

A. DEFINITION

The outdoor keeping of equipment, vehicles, waste, and any materials associated with uses or activities occurring within buildings on the same lot for a period greater than 48 hours.

B. STANDARDS

1. The storage of refuse, recycling, or other materials is not permitted within the frontage zone.
2. Outdoor storage is not permitted within the frontage zone and must not be visible from any thoroughfare (excluding alleys).
3. Storage areas must be located at least 20 feet, or to the extent practicable, away from any structure used for dwelling purposes.
4. In CD5 and SD-COM, storage areas visible from a thoroughfare (not including alleys), must be fully enclosed by a wall or a fence at least 6 feet in height with self-closing doors constructed of natural materials.

1. AMUSEMENT FACILITY, INDOOR

A. DEFINITION

A commercial facility for spectator and participatory uses conducted within an enclosed building, such as movie theaters, sports arenas, bowling alleys, tumbling centers, skating centers, roller rinks, and pool halls.

2. AMUSEMENT FACILITY, OUTDOOR

A. DEFINITION

A commercial facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as fairgrounds, campgrounds, batting cages, drive-in movie theater, recreational vehicle parks, petting zoos, golf courses, miniature golf courses, and amusement parks.

B. STANDARDS

No activities may occur that create noise detectable off the property.

3. ANIMAL CARE, INDOOR

A. DEFINITION

A facility where animals not owned by the proprietor are sheltered and fed, and where all activities are located indoors. Includes veterinarian offices, grooming services, or training services for dogs, cats, and other household pets.

B. STANDARDS

1. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause.

4. ANIMAL CARE, OUTDOOR

A. DEFINITION

A facility where animals not owned by the proprietor are sheltered and fed. Includes animal rescue shelters, boarding facilities, pet resorts/hotels, or training services for dogs, cats, and other household pets.

B. STANDARDS

1. Exterior exercise areas may not be located within the frontage zone.
2. Any exterior exercise areas must be designed to provide shelter against weather.
3. Fencing is required for exterior exercise areas and animal boarding quarters.
4. Fencing must be between 6 and 7 feet in height to prevent escape, and must be buried a minimum of one foot to

prevent escape by digging beneath the fence.

5. Exterior exercise areas must be located 200 feet from any abutting residential use.
6. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause.

5. BANKING & FINANCIAL SERVICES

A. DEFINITION

Uses related to the exchange, lending, borrowing, and safe-keeping of money.

B. STANDARDS

1. A freestanding Automated Teller Machine is not permitted, unless as part of a bank or financial building that shares the same site. An ATM must be integrated into the building if it is not housed inside the building in a lobby or vestibule.

6. CAMPGROUND

A. DEFINITION

A site where one or more lots are used, or are intended to be used, by campers with tents or recreational vehicles.

7. COMMERCIAL SCHOOL

A. DEFINITION

A school that teaches industrial, clerical, managerial, commercial, artistic, or other select skills; conducts a commercial enterprise, such as a driving school; or a privately operated school that does not offer a complete educational curriculum.

8. DAY CARE CENTER

A. DEFINITION

A facility where a permanent resident provides licensed care in a protective setting for children or elderly or disabled adults for less than 24 hours per day.

B. STANDARDS

1. Adult day care and child day care facilities must comply with all relevant state requirements.
2. Outdoor play areas must be provided, and must be safely segregated from parking, loading, or service areas.
3. If an accessible civic space is within 500 feet of the use no on-site civic space is required.

9. DAY CARE FACILITY

A. DEFINITION

A facility where licensed care, protection, and supervision is provided in a protective setting for children or adults, with or without compensation, on a regular basis away from a primary residence and for less than sixteen (16) hours per day.

B. STANDARDS

1. Adult day care and child day care facilities must comply with all relevant state requirements.
2. Outdoor play areas must be provided and must be safely segregated from parking, loading, or service areas.
3. If an accessible civic space is within 500 feet of the use no on-site outdoor space is required.

10. FOOD CENTER/SUPPLY PANTRY

A. DEFINITION

A not-for-profit use that distributes or facilitates the giving of food, clothing, and/or other essential items at no charge or for less than fair market value to persons in need of assistance.

B. STANDARDS

1. A food center or supply pantry is allowed within any place of worship or emergency shelter, regardless of district.
2. A food center or supply pantry must provide indoor, fully enclosed waiting areas, which are adequate to accommodate the maximum number of persons to be served at any one time. The owner/operator must ensure that persons receiving assistance do not block public access to sidewalks, rights-of-way, or private property, and that emergency access points are clearly identified and maintained.

11. FUNERAL SERVICES

A. DEFINITION

A facility where the deceased are prepared for burial display and for rituals before burial or cremation. Such facilities may include chapels, crematoriums, and showrooms for the display and sale of caskets, vaults, urns, and other items related to burial services.

B. STANDARDS

A crematorium is considered a light industrial use.

12. HEALTH & WELLNESS STUDIO

A. DEFINITION

A facility that provides interactive classes, personal or small group instruction, or other activities related to the improvement of the body, mind, and soul.

B. STANDARDS

Dance or exercise studios that involve loud music or jumping may not occur within a duplex, apartment house, small apartment building, townhouse, or apartment building.

13. HEALTH CARE PROVIDER

A. DEFINITION

An office providing outpatient health services involving the diagnosis and treatment of physical or mental ailments and disorders, including doctors, dentists, mental health practitioners, physical therapists, and their substantial equivalents.

14. HUMAN SERVICE FACILITY

A. DEFINITION

An establishment that provides services to persons in need of assistance due to age, physical or mental disability, addiction, illness, or injury.

B. STANDARDS

1. A special permit application for a human services facility must document the communities need for the proposed facility and provide a detailed description of the uses, including an estimation of the number of individuals to be served at the facility over a stated time period, activities and programs anticipated at the facility, hours of operations, degree of supervision at the facility, and any other information as may be reasonably be necessary to ascertain the impact of the proposed facility on public safety, health, and welfare.
2. A special permit for a human services facility may be granted only where the use is found to be consistent with the following criteria: The proposed use will not alter the essential nature and character of the community; The proposed use will not result in a duplication of services, in relation to need, cost, and service efficiency, that would hinder the community integration goals of the facility and create service capacity in excess of the overall need in the community. Considerations relevant for this determination are the distance between the proposed facility and to other facilities which offer the same services, the capacity of the proposed facility and the total capacity of all similar human service facilities in the community, the access or failure of other such facilities operated by the individual or group

seeking approval, and the ability of the community to meet the special needs, if any, of the applicant facility.

1. A five foot high fence is required around all paddock areas.
2. Any structure housing horses must be located a minimum of 100 feet from any abutting residential use.

15. LIVE ENTERTAINMENT

A. DEFINITION

Any activity provided for pleasure, quiet enjoyment, recreation, relaxation, diversion or other similar purpose by a person or persons who are physically present when providing an activity to a patron or group of patrons who are physically present.

16. MARINA, DRY STORAGE

A. DEFINITION

A site used for the long-term dry storage of recreational watercraft in racks or other storage systems, and which may include ancillary repair facilities for watercraft.

17. MARINA, RECREATION

A. DEFINITION

A facility that has frontage on navigable water and allows for the short- or long-term docking and mooring of boats and that may provide supply, repair, and other services.

B. STANDARDS

1. State-level environmental review is required.

18. PRIVATE CLUB OR LODGE

A. DEFINITION

A facility operated for an organization, which is open to people upon invitation, nomination, or payment of fees or dues, for social, recreational, and/or entertainment activities.

B. STANDARDS

1. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause.

19. STABLES / RIDING CENTER

A. DEFINITION

A structure or land used, designed, and arranged for the care and shelter of equines, or for rentals, riding, shows, or training, which may include horses not boarded on-site.

B. STANDARDS

1. ASSEMBLY

A. DEFINITION

A facility that has organized services, meetings, events, or programs to benefit, educate, entertain, or promote discourse in a public or private setting. Examples include community centers, places of worship, meeting or lecture halls, exhibition rooms, or auditoria.

B. STANDARDS

1. Meeting facilities and places of worship may include functionally related internal facilities such as kitchens, multi-purpose rooms, and offices. Places of worship may establish schools, daycare centers, and on-site social programs such as health care clinics, and food banks.

2. COLLEGE/UNIVERSITY

A. DEFINITION

A post-secondary institution for higher learning that grants associate, bachelor, masters, or doctoral degrees, and theological schools. The institution often includes related ancillary facilities, such as cafeterias, restaurants, retail, indoor or outdoor recreational facilities, research facilities, and similar uses.

3. CULTURAL FACILITY

A. DEFINITION

A facility open to the public for cultural services and exhibitions including, but not limited to, museums, cultural centers, historical societies, and libraries operated by a government or non-profit establishment. A cultural facility may include ancillary assembly, retail, office, or restaurant uses.

4. HOSPITAL

A. DEFINITION

A facility that provides health, medical, or surgical care to the sick or injured. Hospitals include related ancillary facilities, such as laboratories, outpatient clinics, cafeterias, gift shops, training facilities, classrooms, central service facilities, and offices integral to function of the facility.

5. PRIMARY/SECONDARY SCHOOL

A. DEFINITION

A public, private, or parochial institution offering instruction at the elementary through high school levels with a full range of curricular programs.

1. CAR WASH

A. DEFINITION

An establishment for the washing of motor vehicles, which may employ production-line methods, mechanical devices, staffed hand wash facilities, or unstaffed self-wash facilities.

B. STANDARDS

1. For unstaffed self-wash facilities, a security system must be installed and maintained, including a security camera to monitor all areas of the car wash. The security camera must have a minimum recording capacity of 24 hours and must archive footage for a minimum of 30 days.

2. DISPATCH SERVICE

A. DEFINITION

The storage and dispatch of ambulances, taxis, limousines, armored cars, tow trucks, buses, and similar vehicles for specialized transportation, including where ambulance crews not located at a hospital or fire department stand by for emergency calls, ancillary professional offices, and/or minor vehicle service and maintenance repair.

B. STANDARDS

1. The storage of vehicles must be within a fully-enclosed structure.
2. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause.

3. DRIVE-THROUGH FACILITY

A. DEFINITION

A facility that dispenses goods through an attendant window or automated machine to persons remaining in vehicles in a designated drive aisle.

4. GAS STATION

A. DEFINITION

A facility engaged in the retail sales of personal or commercial vehicle fuels.

B. STANDARDS

1. Gas stations in CD2, CD3, and CD4 are limited to a maximum of six individual filling pumps.
2. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise,

vibrations, fumes, odor, dust, glare or other cause.

5. PARKING LOT

A. DEFINITION

A non-accessory parking lot made available to the general public in exchange for a fee.

B. STANDARDS

1. Parking lots must be screened from all thoroughfares, excluding alleys, by a fence, wall, or landscape buffer.

6. VEHICLE RENTAL OR SALES

A. DEFINITION

A business that sells, leases, or rents automobiles, vans, three-wheelers, motorcycles, scooters, or other powered personal transportation or conveyance, and which may include on-site facilities for the repair and service of vehicles sold, leased, or rented. This does not include the sale, lease, or rental of recreational vehicles, commercial vehicles, or watercraft, which is considered a heavy retail and service use.

B. STANDARDS

1. Outdoor storage of vehicles undergoing repair or service may not be located within the frontage zone and must be visually screened from any thoroughfare by a building, landscape buffer, fence, or wall. Outdoor storage or operations of any kind are prohibited outside the screened area.
2. Any repair and service operations must be performed within a fully enclosed building. Carriage House doors may be open during hours of operation.
3. No partially dismantled, wrecked, or unregistered vehicle may be stored outdoors on the premises.
4. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause.

7. VEHICLE REPAIR

A. DEFINITION

A business that repairs, installs, or maintains automobiles, small trucks or vans, motorcycles, motor homes, or recreational vehicles or that wash, clean, or otherwise protect the exterior or interior surfaces of these types of vehicles.

B. STANDARDS

1. Any repair and service operations must be performed within a fully enclosed building. Carriage House doors may be

Article 4 Use Standards // Section K Auto-Oriented Standards

open during hours of operation.

2. No partially dismantled, wrecked, or unregistered vehicle may be stored outdoors for more than 30 days.
3. Temporary storage of such vehicles may not be located within the frontage zone and must be visually screened from any thoroughfare by a building, landscape buffer, fence, or wall. Outdoor storage or operations of any kind are prohibited outside the screened area.
4. The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause.
5. In CD2, vehicle repair uses that are not part of a building group may occur only in accessory buildings.

ARTICLE 5

SITE STANDARDS

PURPOSE

- To provide clear standards for the development of a site.
- To ensure that private development contributes to the character along a public street or civic space.
- To minimize unnecessary regulations that don't directly impact the desired character along a street or civic space.
- To provide standards that relate to the operation of a business as related to elements that influence the character and function of a larger neighborhood.

APPLICABILITY

- This Article applies to alterations made to a site, including but not limited to parking, access to a site from a public thoroughfare, landscaping, buffers, loading, mechanical equipment, lighting, and signage.



CONTENTS

A. GENERAL SITE STANDARDS

1. Bicycle Parking	5-170
2. Vehicular Parking	5-170
3. Driveways	5-172
4. Landscaping	5-173
5. Landscape Buffers	5-175
6. Fences & Walls	5-175
7. Mechanical Equipment	5-176
8. Loading Docks	5-177
9. Outdoor Cafe Seating	5-177
10. Drive-Throughs	5-178
11. Lighting	5-179
12. Signage	5-181

B. SIGNAGE STANDARDS

1. Awning Sign	5-184
2. Band Sign	5-185
3. Banner Sign	5-186
4. Blade Sign	5-187
5. Curio Sign	5-188
6. Freestanding Sign	5-189
7. Icon Sign	5-190
8. Marquee Sign	5-191
9. Mural Sign	5-192
10. Plaque Sign	5-193
11. Roof Sign	5-194
12. Suspended Sign	5-195
13. Window Sign	5-196
14. Yard Sign	5-197
15. Pole Sign	5-198

1. BICYCLE PARKING

PURPOSE

- To provide secure space for bicycle parking in order to support active lifestyles.

APPLICABILITY

- Applies to projects that involve:
 - New construction, expansion, or substantial renovation of a primary building that results in a total of 4 or more dwelling units.
 - Creation of new shopfronts.
 - New construction of a civic building.

A. GENERAL

1. A single bicycle rack that is designed for parking two bicycles is counted as two bicycle parking spaces.

B. REQUIRED SPACES

1. A minimum of 2 bicycle parking spaces must be provided for each building type, except for mixed-use buildings, inns, and fabrication buildings, which require 4 spaces each.
2. A minimum of 2 bicycle parking spaces is required for every 24 ft of shopfront.

C. DESIGN

1. A bicycle rack may be erected on a public sidewalk in the furnishing zone.
2. All bicycle racks must be:
 - a. Securely anchored, able to support the bicycle frame in at least two places to prevent the bicycle from falling over.
 - b. Configured to allow locking of the frame and at least one wheel with a U-lock.
 - c. Constructed of materials that resist cutting, rusting, bending, or deformation.

2. VEHICULAR PARKING

PURPOSE

- To allow for parking that supports the function of abutting land uses while preserving the walkability and character of neighborhoods.
- To set standards that enable parking lots that have a natural and informal treatment and ensure that parking lots not only maintain but enhance land values.

APPLICABILITY

- Parking lot standards apply to:
 - New parking lot construction.
 - Reconstruction of an existing parking lot.
 - Expansion of an existing parking lot by 10 or more spaces.
 - Resealing or re-striping of a parking lot, which does not entail paving, resurfacing, or replacement of the asphalt, concrete, or other surface paving material, is not considered reconstruction.

A. REQUIRED SPACES

1. Off-street vehicle parking is not required. Where provided, off-street vehicle parking must comply with the standards of this section.

B. PARKING LOCATION

1. All off-street parking must be located behind the frontage zone, with the following exceptions:
 - a. Parking permitted within accessory buildings that are located within the frontage zone.
 - b. Parking within the driveway of a cottage, house, bungalow, duplex, apartment house, and shophouse.
 - c. On waterfront lots, where the water is the primary frontage and the street is the secondary frontage, parking may occur in accessory buildings permitted to front on the secondary thoroughfare.
2. Parking may not be located on a lot that does not contain a primary building, except:
 - a. A municipal lot that is authorized by special permit.
 - b. An existing insular, flag, or otherwise unbuildable lot.

C. SCREENING

1. Where any parking lot is visible or located within 50 feet of a civic space or a thoroughfare (other than an alley) the

parking lot must be screened along the frontage line, not including across the thoroughfare or driveway by any of the following:

- a. A dense evergreen hedge installed at the frontage line that is between two feet and three and one-half feet in height.
- b. A solid masonry wall installed at the frontage line that is between two feet and three and one-half feet in height.
- c. A liner building.

D. VEHICULAR ACCESS

1. Off-street parking must be accessed from an alley or secondary thoroughfare. When there is no abutting alley or secondary thoroughfare, parking may be accessed from the primary thoroughfare.
2. Parking lots should connect with existing abutting parking lots.
3. Shared parking agreements with neighboring properties are encouraged.

E. PEDESTRIAN ACCESS

1. Sidewalks, footpaths, or crossweaves must be provided to connect parking areas to on-site buildings, adjacent buildings, thoroughfares, existing sidewalks, and trails, or when appropriate, to amenities such as parks or open space on or adjacent to the site.
2. The location of sidewalks, footpaths, or crossweaves must follow pedestrian desire lines and the edges of buildings to the extent practical.

F. DESIGN

1. Surfacing materials for parking lots must be selected based upon the amount and type of use expected on the lot in order to maximize effectiveness of the materials and to minimize maintenance.
2. Parking lots may be surfaced using non-permeable materials, such as concrete, asphalt, bricks, pavers, stone, gravel, and crushed stone.
3. Parking lots may be surfaced with permeable materials such as permeable pavers, gravel- or crushed stone-filled grid pavers, vegetated grid pavers, and lawn.
4. Surfacing solutions may include any combination of permeable and non-permeable materials.
5. Parking lots surfaced in uniform, poured surfacing material, such as asphalt and concrete, are required to plant 1 shade tree of a minimum caliper of 2 inches for every 2 parking spaces. Each parking space must be located within 10 feet

of a tree.

6. Parking lots surfaced in unit-based material, such as pavers, bricks, and stone, are required to plant at least 1 shade tree of a minimum caliper of 2 inches for every 8 parking spaces. Each parking space must be located within 50 feet of a tree. Parking lots located within the interior of a lot intended for flexible use may be exempted from this tree planting requirement.
7. An existing shade tree may satisfy a tree planting requirement in instances where the existing tree meets the spacing requirements, so long as the existing shade tree is located on the same property, is a minimum of four inches diameter at breast height, possesses a healthy and full canopy, has an unmolested critical root zone, and has incurred no damage that would undermine its long-term vitality and quality.
8. Loose surfacing materials, such as gravel and crushed stone, must be stabilized and compacted, and an edge must be installed to minimize the scatter of surfacing materials.
9. Vegetated surfacing material, such as vegetated grid pavers and lawn, must have proper maintenance and management to maintain healthy vegetation and root structure and to reduce exposure of bare soil.
10. Parking lots should consider and anticipate alternative activities and be designed for flexible use.
11. Terminal islands, where provided, must be designed as follows:
 - a. Flush with the parking lot with no curbs and landscaped with evergreen hedges, other evergreen plantings, and trees to facilitate stormwater management.
 - b. Depressed beds or swales with no curbs, designed as rain gardens with plantings to facilitate stormwater management.
 - c. Raised, curbed beds designed as rain gardens with plantings to facilitate stormwater management.
- i. Parking lot landscaping must be integral, where possible, with on-site stormwater management facilities.

G. MAINTENANCE

1. All required plant materials must be maintained in a healthy growing condition over their lifetime and replaced as necessary.
2. All permeable surfacing materials should be maintained and tested periodically to ensure they are still functioning as intended.

H. NONCONFORMING VEHICULAR PARKING

1. Routine repair and maintenance of nonconforming parking lots is permitted, including grading, sealing, and repaving.

2. Nonconforming parking lots may be altered to eliminate or reduce a nonconformity or to create conforming parking lots that meet the standards of this Code.
3. If new parking lot area is added on a site that also contains nonconforming parking lots, the nonconforming parking lots must be removed.
4. New or modified entrance drives to access nonconforming parking lots must meet the standards of this Code.
5. Any nonconforming parking lot associated with a change of use or an abandoned building or business located within CD4, CD5, or any special district must remove parking from the frontage zone to the extent practical. If parking cannot be moved, it must be screened.

3. DRIVEWAYS

PURPOSE

- To provide vehicular access to lots.
- To support the rural and village character of the Town of Mashpee while minimizing impervious surfaces.

APPLICABILITY

- New driveways, driveway resurfacing, or driveway relocation.

A. GENERAL

1. Driveways are not thoroughfares and cannot be used to meet the frontage requirement for lots.
2. Driveways may only provide access to 1 primary building, with the exception of the following:
 - a. Driveways may be shared between two abutting primary buildings.
 - b. Shared driveways are permitted as part of farm compounds and multi-use courts.

B. LOCATION

1. Driveways may pass through required front, side, and rear setbacks to access permitted parking locations.
2. Driveways, or any portion of a driveway, may not be located between the front facade of a primary building and the primary thoroughfare, except in CD2.
3. On corner lots, driveways must access the parking lot or Carriage House from the secondary thoroughfare or along the side lot line.
4. One driveway is permitted per building lot.
5. Lots in CD2 and unpaved driveways in CD3 may have multiple driveways or driveways that connect at two points with the thoroughfare.

C. DESIGN

1. Within the frontage zone, driveways may not be wider than 10 ft when paved.
2. Driveways must have a curb radius of 1 ft max when crossing a sidewalk and 2 ft max otherwise.
3. In CD4 and CD5, a 12 ft max driveway is permitted by waiver to accommodate commercial vehicles. The driveway must have a curb radius of 12 ft maximum when crossing a sidewalk and 20 ft maximum otherwise.

4. A 24 ft maximum double lane driveway is permitted by waiver for commercial properties for exclusive use by employees and commercial vehicles accessing loading docks. Double lane driveways must have a curb radius of 12 ft maximum where they cross a sidewalk and 20 ft maximum where they do not cross a sidewalk.
5. When practical, driveways should be accessed off an alley or secondary thoroughfare.
6. A Carriage house apron may expand to the width of the Carriage house doors, plus 5 feet, for a depth of 25 from the face of the carriage house doors, after which point the pavement may be no wider than the maximum permitted driveway width.
7. Where driveways on abutting lots are located next to each other, an effort should be made to provide vertical landscaping between the driveways to break up the visual width of the paved areas.

D. SHARED DRIVEWAYS

1. Driveways may provide access in whole or in part on or across from an abutting lot or lots, provided that an access easement exists between all owners.

E. MATERIALS

1. When possible, driveways should be constructed of natural materials, including crushed shell, gravel, pavers, dirt, or double-track driveways, to maintain the Town of Mashpee's rural, small town character.
2. Asphalt and concrete driveways should be reserved for high traffic areas, such as access to parking lots in CD4, CD5, and special districts, as well as uses that involve trucking.

4. LANDSCAPING

PURPOSE

- To ensure that landscaping supports a clear transition between the street and adjacent buildings.
- To enable landscaping and hardscaping treatments that maintain the character of mixed-use neighborhoods.
- To minimize soil erosion and protect water quality.
- To minimize conflicts between landscaping and areas that require easy and safe human access.

APPLICABILITY

- Commercial properties.
- Frontage zones in CD3, CD4, and CD5.
- Parking lots.
- Civic spaces.



A. DESIGN & INSTALLATION

1. On commercial properties, landscaping must consist primarily of native species requiring minimal irrigation, fertilization, and maintenance. Planting must be cold hardy, drought tolerant, and able to survive on natural rainfall once established with no loss of health.
2. Plant materials must be installed in soil of sufficient volume, composition, and nutrient balance to sustain healthy growth.
3. Plant materials installed adjacent to thoroughfares that are plowed and typically receive seasonal salt treatment should be non-woody and salt-tolerant to ensure survival.
4. Slopes which currently or are in danger of erosion should receive an erosion-mitigating treatment such as planting of densely-rooted vegetation suitable for its site condition, terracing of the landscape with retaining structures and planting, or similar solution, especially when abutting natural water, located on municipal sewer, or where the slope of the land causes water to cross property boundaries.
5. Artificial plants and artificial turf are prohibited, excluding active recreation sports fields that are subject to intense use.
6. All portions of a lot not occupied by a building or permitted paved area must be planted with living vegetation, such as grass, groundcover, plants, shrubs, or trees.
7. Permitted paved areas include:
 - a. Pathways that lead to a building entrance.
 - b. Driveways and parking lots.
 - c. Pool decks and patios.
 - a. A pool deck may encompass a paved area extending from the lip of a pool 10 ft horizontally around

its perimeter.

- b. Patios may not exceed 625 sf of impervious paved area and in CD2, CD3, and CD4 may not be located closer than 3 ft to any lot line.
 8. Non-paved areas which do not require landscape improvements include:
 - a. Land area dedicated to agricultural activities.
 - b. Trails.
 - c. Naturally occurring stream beds, rock outcroppings, and similar natural features typically lacking in vegetation.
 - d. Recreation fields and facilities.
 - e. Water features.
 9. Permitted non-paved groundcovers excluding vegetation include: rock or gravel, wood chips, bark, or other non-living material typically used in landscaping.
 10. Ground vegetation or shrub plantings with spines, thorns, or needles that may present hazards to pedestrians or cyclists are prohibited within 2 feet of any front lot line within CD3, CD4, and CD5.
 11. Within 3 feet of any fire protection system or when underground or overhead utility or drainage easements are present, ground cover less than 6 inches in height must be planted, unless other plantings are expressly permitted by the utility provider, easement holder, and the municipality.
 12. Natural drainage areas must be preserved to the maximum extent. Development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.
3. When nonconforming landscaping is destroyed and requires replacement, in whole or in part, any new landscaping must meet the standards of this Code.
 4. Any nonconforming landscaping associated with an abandoned building or business located within CD4, CD5, or any special district must meet the landscaping standards before any new permits or approvals may be issued.

B. MAINTENANCE

1. Where installed, permanent irrigation systems must:
 - a. Utilize low-volume irrigation emitters such as bubbler, drip irrigation, and soaker hose emitters.
 - b. Be equipped with a meter, backflow preventer, and weather-based irrigation controller.
2. On commercial properties, any plant material that is significantly damaged, missing, disease-ridden, or dead must be abated by the property owner within one year or the next planting season, whichever occurs first.

C. NONCONFORMING LANDSCAPING

1. Routine repair and maintenance of nonconforming landscaping is permitted.
2. Nonconforming landscaping may be altered to eliminate or reduce a nonconformity or to create conforming landscaping that meets the standards of this Code.

5. LANDSCAPE BUFFERS

PURPOSE

- To provide clear standards for the use of buffers that mitigate visual, noise, and light conflicts between abutting properties.

APPLICABILITY

- Landscape buffers are required for specific uses in Article 4 Use Standards.



A. DESIGN

1. A required landscape buffer must provide a screen along 100% of the length of any shared lot lines.
2. A landscape buffer located within the frontage zone may be no more than 4 ft in height. A landscape buffer located behind the frontage zone must be a minimum of 6 ft in height.
3. The landscape buffer must be planted with dense evergreen hedges that will provide a solid visual barrier upon maturity.
4. A landscape buffer must be a minimum of 3 large canopy trees for every 100 feet of length along the lot line.
5. Preexisting vegetation that meets the spacing standards may substitute.
6. Accessory parking for motor vehicles is prohibited within a required landscape buffer.
7. Where a landscape buffer is required, it must be continuous, with the following exceptions:
 - a. Pedestrian and vehicle access, plus related signs, may cross a landscape buffer.
 - b. A building or other structure that better mitigates potential impacts between the proposed project and abutting properties may encroach upon the landscape buffer, as determined by the [PERMITTING AUTHORITY].
 - c. A natural, nonconforming grade separation may be conserved, in lieu of a fence or wall, to the extent that the height of the nonconforming grade separation meets the minimum required height of the fence or wall.

6. FENCES & WALLS

PURPOSE

- To ensure that fences allow for delineation of private yard space while allowing for a street that is visually transparent, safe, and interesting.
- To allow for rear yard fences that provide privacy.

APPLICABILITY

- The standards of this Article apply to any new fences or walls, including those required per use standards in Article 4 Use Standards, to minimize the trespass of undue sound and light between abutting properties.



A. FENCES & WALLS

1. Fences and walls installed directly onto a shared side or rear lot line require consent of the abutting property owner.
2. Fence posts or supporting rails must face inward toward the property being fenced and the finished face must be oriented towards the abutting property, thoroughfare, or civic space.
3. Fences and walls located within the frontage zone may be no more than 4 feet in height, and must be constructed of pickets or pickets set onto a low wall, where the pickets are no more than 50% opaque. Fence and gate posts may not be more than 4.5 feet in height.
4. Fences and walls located behind the frontage zone may be up to 8 feet in height. Fence and gate posts may not be more than 8.5 feet in height.
5. Fences within 4 feet of windows must be a minimum of 70% opaque.
6. Fences and walls should be constructed of durable natural materials, such as wood, brick, stone, or painted metal.
7. When required for screening, fences, and walls must be a minimum of 6 feet in height and must provide a solid visual barrier.
8. Fences and walls may not cross thoroughfares, driveways, or parking lots, except where lots on both sides of a thoroughfare or driveway are used for agricultural activities.
9. The following are exempt from the above standards:
 - a. An open fence enclosing a tennis, basketball, pickleball, or other recreational court may be erected to a maximum of 12 feet in height and may be constructed of chain link fencing.
 - b. Fences made of plastic mesh, electrified wire, galvanized steel mesh, chicken wire, metal rails, and PVC may be installed on lots used for agricultural activities.

- c. Split rail fences are permitted along any lot line in CD1 and CD2.

B. RETAINING WALLS

1. Projects should be designed in a way to reduce the need for retaining walls.
2. Retaining walls over 6 feet in height are prohibited, except in CD2 and by special permit.

C. NONCONFORMING FENCES & WALLS

1. Routine repair and maintenance of nonconforming fences and walls is permitted.
2. Nonconforming fences and walls may be altered to eliminate or reduce a nonconformity or to create conforming fences and walls that meet the standards of this Code.
3. When a nonconforming fence or wall is replaced in its entirety for any reason, the fence or wall may be rebuilt in the nonconforming location but must otherwise be rebuilt to meet the standards of this Code.
4. When any portion of a nonconforming fence or wall is damaged and does not require a total reconstruction, it may be repaired and rebuilt to its previous condition.

7. MECHANICAL EQUIPMENT

PURPOSE

- To allow for mechanical equipment while minimizing negative impacts of noise, blowing air, and smells on pedestrians and abutting properties.

APPLICABILITY

- Applies to all new buildings or substantial modifications to existing buildings.



A. ROOF-MOUNTED

1. Mechanical equipment must be screened from ground level view, thoroughfares (not including alleys), civic spaces, and abutting properties by a parapet or other screening structure at least one foot above the height of the mechanical equipment.
2. Screens must be of durable, permanent materials.

B. BUILDING OR GROUND MOUNTED

1. Mechanical equipment cannot be located within the frontage zone.
2. Mechanical equipment that is visible from a thoroughfare (not including alleys) or civic space must be screened by a fence, wall, or dense evergreen hedge.
3. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.
4. Screens must be of durable, permanent materials.

8. LOADING DOCKS

PURPOSE

- To provide design guidance for the design and orientation of loading docks.
- To ensure loading docks are properly screened when necessary.

APPLICABILITY

- The following standards apply to loading docks.

//

A. GENERAL

1. Loading docks are not permitted within the frontage zone.
2. Where any loading dock is located along, within 50 feet of, or visible from a thoroughfare (not including alleys), loading facilities, must be screened from view by a wall or fully closed fence between 6 and 12 feet in height.
3. Loading docks that are fully integrated into a building must be screened with a solid, opaque, self closing door or gate finished to coordinate with the materials and design of the building.
4. Loading dock doors are only permitted to be opened during loading and unloading activities.
5. Turning movements associated with loading docks may not impede the public right-of-way.

9. OUTDOOR CAFE SEATING

PURPOSE

- To allow outdoor cafe and seating areas in public spaces adjacent to shopfronts.
- To ensure that outdoor cafe areas do not hinder the free movement of pedestrians.

APPLICABILITY

- This Article is applicable to all outdoor cafe seating located on a primary or secondary frontage or on a public sidewalk.

//

A. GENERAL

1. The operator of the outdoor cafe seating is responsible for the proper maintenance of the cafe area at all times, including proper disposal of all trash generated.

B. CAFE AREA DIMENSIONS

1. Outdoor cafe seating areas may be located along the face of a building or freestanding within a sidewalk, civic space, or shared space provided a 42 inch clear walkway is maintained on any sidewalk, walkway, or thoroughfare.

C. FURNITURE

1. Furnishings may only consist of movable tables, movable chairs, movable umbrellas, required enclosures, and portable or mounted heaters.
2. All furnishing must be made of safe, sturdy, and durable materials, such as wood, steel, or wrought iron.
3. When not intended for use during the winter months, outdoor cafe furnishings must be removed and stored indoors.
4. Standing or stooled table ledges, if provided, must be at least 18 inches in depth.
5. Heaters are encouraged to extend the use of outdoor cafe seating during colder weather. The following standards apply:
 - a. Heating fixtures require approval by the Fire Department.
 - b. Heaters may be freestanding or mounted to the underside of an awning.
 - c. Portable heaters must be stored indoors when the business is closed.

D. ENCLOSURES

1. The perimeter of outdoor cafe seating areas must be defined and enclosed on all sides by any combination of metal fencing, bollards and chain, or planters.
2. Vertical wind breaks made from textile or other sheeting material may be provided on each end of a cafe area, provided that the wind break is attached to and fits completely under an awning.
3. Any necessary frames or supports for awnings or windbreaks are permitted.
4. Metal Fencing
 - a. Fencing must be 36 inches or less in height.
 - b. The maximum gap permitted between fence segments is 4 inches.
5. Bollards & Chain
 - a. Metal or wooden bollards must be 36 inches or less in height.
 - b. Bollards may be linked with rope or chain that hangs no less than 30 inches from the ground at its lowest point.
6. Planter Boxes
 - a. Planters or planter enclosures must be between 18 inches and 24 inches in height.
 - b. The combined height of planters and live plants must not exceed 4 feet from sidewalk grade.
 - c. Planters and flower boxes must be made of safe, durable materials.

10. DRIVE-THROUGHS

PURPOSE

- To permit auto-oriented drive-through services in a predictable manner.
- To reduce the negative impacts associated with drive-throughs on abutting properties, pedestrians, and bicycle traffic.

APPLICABILITY

- Applies to all new drive-throughs.
- Drive-through standards apply to all businesses that service customers directly from their vehicles through a window or electronic interface.
- Drive-through standards apply to all businesses where vehicles must queue in an on-site driveway while idling.
- Drive-through standards apply to all businesses where a vehicle must pass under a large illuminated porte-cochere in order to be serviced.



A. GENERAL

1. Drive-throughs, including their porte-cocheres, may not be located within the frontage zone.
2. Nonresidential projects that include drive-through services must be designed and have sufficient stacking capacity to avoid the queuing of vehicles on any public street.
3. Drive-throughs must be accessed from alleys or secondary thoroughfares, when available.
4. When necessary, drive-through porte-cocheres, vehicular access, and stacking may occur on driveways or private alleys.
5. The design of a drive-through porte-cochere must meet the porte-cochere standards in Article 3.D Components.

11. LIGHTING

PURPOSE

- To allow adequate night time lighting that provides safety, utility, and security while prohibiting excessive light trespass beyond property boundaries.
- To protect residential areas from the glare and ambient spillover of lighting in abutting commercial areas.
- To protect drivers from the glare caused by lighting on properties fronting onto thoroughfares (not including alleys).
- To reduce the consumption of electricity for lighting purposes.
- To require lighting fixtures and layout patterns that contribute to unified exterior lighting design of development.

APPLICABILITY

- Applies to all outdoor lighting fixtures except for the following:
 - Sign lighting (see Signage standards).
 - Holiday lighting.
 - Outdoor lighting used for emergency equipment and work conducted in the interest of law enforcement or for public health, safety, or welfare.
 - Ground mounted pedestrian lighting.



A. GENERAL

1. Lighting levels are regulated by District according to total permitted lumens per square foot, a unit of measurement related to light intensity.
2. The total lumens of all outdoor lighting may not exceed the total site lumen limit of Table 5.1 Total Site Lumens.
3. Light levels must be specified, calculated, and measured in lumens per square foot, as calculated by multiplying the square footage of the paved portion of the area to be lighted by the allowed lumens per district to determine a total maximum number of allowed lumens for that area.
4. Total allowed lighting for any given area should be evenly distributed across the paved portion of a site.
5. Lights may not have a color temperature in excess of 3,000 Kelvin.
6. All outdoor light fixtures must be energy efficient and produce at least 80 lumens per watt of energy consumed, as documented by manufacturer's specifications or the results of an independent testing laboratory.
7. The use of sensors, timers, or other means to activate outdoor light fixtures on demand and only when it is needed

is encouraged to conserve energy, provide safety, and promote compatibility between different land uses.

8. Motion sensor light fixtures must shut off after 10 minutes and must not be triggered by off-site activity.
9. Foot candles are measured at the lot line, with the light-reading sensor of a light meter held parallel to the ground and at ground level, facing up.
10. A special permit may be issued for lighting of sites with special requirements, such as hospitals and sports fields, which does not comply with the technical requirements of this Code, but is consistent with its intent. A special permit may be granted only where the lighting of such sites is found to be consistent with the general criteria of this Code, and the following additional criteria:
 - a. Every reasonable effort will be made to mitigate the effects of light on the environment and surrounding properties.
 - b. The proposed use or lighting will not create unnecessary glare, sky glow, or light trespass.

B. OFF-SITE IMPACTS

1. Light levels measured at the front lot line exceeding 1.0 foot candles are prohibited.
2. Light levels measured at any side or rear lot line of any property abutting a CD3 district exceeding 1.0 foot candles are prohibited.

C. NONCONFORMING LIGHTING

1. Routine repair and maintenance of nonconforming lighting is permitted so long as any changes to bulbs and lighting intensity are brought into compliance with this Code.
2. Nonconforming lighting may be altered to eliminate or reduce a nonconformity or to create conforming lighting that meets the standards of this Code.
3. When nonconforming light fixtures are destroyed and require total replacement, new light fixtures must meet the standards of this Code.
4. If a nonconforming light fixture is damaged and does not require a replacement of the fixture, it may be repaired to its previous condition.
5. Any nonconforming lighting associated with an abandoned building or business located within CD4, CD5, or any special district must meet the lighting standards before any new permits or approvals may be issued.

D. FIXTURE HEIGHT

1. Lighting intended to illuminate areas for pedestrian travel and/or seating must be mounted between 12 and 15 feet in height.
2. Lighting intended to illuminate areas for vehicular travel and

parking are not permitted to be taller than 30 feet in height.

3. Lighting intended to illuminate areas for pedestrians are not permitted to be taller than 15 feet in height.
4. Light fixtures located within 50 feet of the side or rear lot line abutting any residential neighborhood are not permitted above 15 feet in height.

E. SHIELDING

1. All outdoor lighting fixtures must be placed and directed to prevent light trespass or glare onto abutting thoroughfares or properties in a manner that may distract or interfere with the vision of drivers or create a nuisance for abutting residential uses.
2. All outdoor light fixtures must be full cutoff or fully shielded to prevent light at or above horizontal 90° (above nadir) and limited to a value not exceeding 10% of lamp lumens at or above 80°, as defined by the Illuminating Engineering Society of North America (IESNA, or IES).
3. All outdoor light fixtures must be fitted so that no portion of the light source or drop lens is visible below the fixture when viewed directly from the side.

F. PROHIBITED LIGHTING

1. The following is prohibited:
 - a. Lighting that unnecessarily illuminates and substantially interferes with the use or quiet enjoyment of any other property.
 - b. Lighting that emits light in excess of 45,000 lumens.
 - c. Low pressure sodium and all mercury vapor gas-discharge lamps.
 - d. Cobra-head fixtures having dished or drop lenses or refractors.
 - e. Searchlights and other high-intensity narrow-beam fixtures.
 - f. Strobe lights and rotating lights.

G. SPECIFIC LIGHTING REQUIREMENTS

1. Vehicular Canopies
 - a. Lighting for any canopy area over fuel sales, drive-through lanes, automated teller machines, or similar structures must use recessed luminaire fixtures and be designed and located so as to prevent glare onto abutting properties.
 - b. Highly reflective material installed on the underside of the canopy is prohibited.
 - c. An additional 8 lumens are allowed per square foot of total illuminated impervious and semi-pervious surface of a gas station, not including building footprints or areas under canopies.

- d. An additional 4,000 lumens are allowed per drive-through window within 20 feet of the window.

2. Security Lighting

- a. Building-mounted (wall pack) security light fixtures are not permitted to project above the fascia or roof line of a building.
- b. Building-mounted (wall pack) security light fixtures are only permitted for loading, storage, or service areas and/or rear entrances to buildings and are not permitted as substitutes for appropriate lighting fixtures for parking areas or pedestrian walkways.

3. Accent Lighting

- a. Only lighting used to accent architectural features, landscaping, or art may be directed upward, provided that light fixtures are located, aimed, or shielded to reflect the light off surfaces to emphasize form and texture and minimize light spill into the night sky.
- b. Architectural accent lighting may use multiple light sources to emphasize important architectural features.

4. Entrances and Exits

- a. All entrances and exits of non-residential buildings open to the general public and residential buildings with more than 6 dwelling units must be lit during nighttime hours to ensure the safety of persons and the security of the building.
- b. An additional 2,000 lumens are allowed per door for building entrances or exits so long as the luminaires are within 20 feet of the door.

5. Parking Area Lighting

- a. All commercial parking areas in CD5 and Special Districts are required to provide lighting during night time hours of operation.

TABLE 5.1 TOTAL SITE LUMENS

	TOTAL SITE LUMENS ALLOWED PER SF OF IMPERVIOUS/SEMI-PERVIOUS SURFACE AREA
CD1	0 max
CD2	0.5 max
CD3	0.5 max
CD4	0.5 max
CD5	2.5 max
SD-COM	7.5 max
SD-CE	2.5 max
SD-CIVIC	1.25 max

12. SIGNAGE

PURPOSE

- To provide reasonable and effective means for identifying street address, business name, goods sold or produced, and services provided to the public.
- To regulate the size, location, and physical design of temporary and permanent signs.
- To protect against the adverse impacts of sign clutter and excessive and/or confusing signs.
- To promote legibility within the Town.

APPLICABILITY

- All new, reconstructed, altered, or relocated signs must comply with the standards of this section.
- All sign types require Small Project review before they may be constructed, reconstructed, altered, or relocated, with the exception of the address sign, which requires no permit but must follow the applicable standards.
- Signs not expressly authorized are prohibited.



A. LOCATION

1. Permitted sign types are regulated by building type, as shown on Table 5.2 Permitted Signs.
2. No sign may be installed in a way that obstructs free and clear vision, or free use, of any public right-of-way, intersection, ingress or egress point, parking space, drive aisle, driveway, building entrance, fire escape, standpipe, or accessibility ramp.
3. No sign may be placed so as to obstruct any window or door, with the exception of window signs.
4. Signs must not be located so that they cover architectural features of the building, including, but not limited to, transoms, insignias, or any other architectural feature.
5. Any commercial sign must be located on the same site as the building, use, or service advertised by the sign.
6. Noncommercial signs are permitted under the same regulations as commercial signs.
7. The Board of Selectmen must designate Public Forum for the placement of signs by citizens. A sign placed in the a Public Forum must be removed after twenty four hours. No signs, other than signs placed by agencies of government with appropriate jurisdiction, or a sign whose placement is authorized by such agencies, may be erected or placed on public property not designated as a Public Forum.

B. NONCONFORMING SIGNS

1. Routine repair and maintenance of nonconforming signs is permitted.

2. Nonconforming signs may be altered to eliminate or reduce a nonconformity or to create a conforming sign type that meets the standards of this Code.
3. The sign face and sign message on nonconforming signs may be changed, so long as these alterations do not increase the size, height, or degree of illumination of the sign.
4. The size and shape of a nonconforming sign may be altered to the extent permitted by the assigned sign type.
5. A nonconforming sign may not be moved in whole or part to another location unless the sign meets the standards of the district to which it is moved.
6. When a nonconforming sign is destroyed and requires total replacement, the sign must be replaced with a sign that meets the standards of this Code.
7. When a nonconforming sign is damaged and does not require a total replacement, it may be repaired and rebuilt to its previous condition.
8. Any nonconforming sign associated with an abandoned building or business must be removed and replaced with a sign that meets the standards of this Code before any new permits or approvals may be issued.

C. ADDRESS SIGNS

1. A sign, individual numerals or letters, or a nonelectrical nameplate identifying the property address is required for all real property as follows:
 - a. Each first floor non-residential use must identify the street address either on the principal entrance door or above or beside the principal entrance of the use.
 - b. All residential building types must identify the street address either on the principal entrance door, above or beside the principal entrance, or on a mailbox.
2. Address signs must be made easily visible through the use of colors or materials that contrast with the background material they are attached to and must be conspicuously located to provide visibility from the thoroughfare that the building faces.
3. Address signs must be 12 inches in height or less and may include the name of the occupant.

D. EXEMPT SIGNS

1. The following signs are exempt from regulation under this Section:
 - a. A public notice or informational sign required by federal, state, or local law, regulation, or ordinance and any special event, directional, or other sign erected by a government agency or public utility in the performance of public duty.
 - b. Names of buildings, dates of erection, commemorative tablets and the like when carved into stone, made of cast metal, or other permanent type of material.
 - c. Credit card, trading stamp, or trade association signs

- not exceeding one-half square feet each and not exceeding 10 per establishment.
- d. The flag of any nation, state, or Town if displayed in a manner conforming to the Flag Code (4 USC §5 (2011) et seq.).
- e. Historic building identification.
- f. Holiday signs and/or decorations, yard sale & Carriage House sale signs.
- g. Elections signs.
- h. In CD5, any sculpture, statue, relief, mosaic, or mural that is a work of art or otherwise decorative and does not include a commercial message or symbol.

E. PROHIBITED SIGNS

1. The following signs are prohibited:
 - a. Any sign that flashes, moves, blinks, rotates, simulates motion, features electronic sign copy, or has illumination that changes intensity over time;
 - b. Signs that emit audible sounds, odors, or visible matter;
 - c. Signs attached to landscape elements, including trees, rocks, and fences;
 - d. The tacking, posting, or otherwise affixing of signs to the exterior of buildings and structures;
 - e. Billboards or signs advertising goods or services not provided on the premises;
 - f. Any sign and/or sign structure that imitates official traffic sign, signal, or device;
 - g. Inflatable signs, such as balloons and other gas inflated objects;
 - h. Sign structures that no longer contain signs;

F. TEMPORARY SIGNS

1. Unless otherwise specified, temporary signs are permitted for a maximum of 30 total days per year and do not require a Small Project permit, but are subject to the following standards:
 - a. Banner: A temporary sign that is printed or displayed upon flexible material with or without frames, that identifies a new business or advertises a special sale, event, or activity.
 - i. One banner sign no greater than 40 square feet is permitted per lot frontage.
 - ii. Banners must be secured to a building facade along all four sides at all times.
 - b. Construction Sign: A temporary sign intended to provide information about current construction on a site and the parties involved in the project.
 - i. One construction sign no greater than 32 square feet per side is permitted per development site.

- ii. One bank financing sign no greater than 32 sf per side is permitted per development site.
- iii. A construction sign may be erected only after issuance of a zoning permit, and must be removed within 2 days of building occupation
- c. Real Estate Sign:
 - i. One real estate sign no greater than 12 square feet is permitted per lot frontage.
 - ii. A real estate sign that advertises property for lease or sale may be posted only for the duration the property is offered for lease or sale, and must be removed within fourteen days of lease or closing.

G. SIGN MAINTENANCE & REMOVAL

1. All signs, including nonconforming signs, together with any supports, braces, anchors, and other supporting hardware, must be maintained in good condition. Any damage to or deterioration of a sign must be repaired within 30 days of receipt of notice from the Building Inspector.
2. Signs must be removed within 30 days of a user vacating a property.
3. When an existing sign is removed, replaced, or repaired, all supports, braces, anchors, and other supporting hardware that is no longer required must be removed, and any surfaces bearing evidence of attachment must be repaired.

H. SIGN ILLUMINATION

1. Conforming signs may be illuminated according to the following:
 - a. Internally illuminated signs are prohibited with the exception of exposed neon, which is only permitted for wall signs or windows signs. External light sources must be shielded so that they illuminate only the face of the sign and do not shine directly onto a public right-of-way or onto abutting properties.
 - b. When externally illuminated signs mounted to a building are lit by light fixtures that project from the facade of a building, the fixtures should be simple and unobtrusive and not obscure the sign content.
 - c. Externally illuminated signs must use warm white light not more than 3,000 Kelvin.
 - d. Illuminated signs indicating if a business is open must be turned off except during the hours of operation.
 - e. The intensity of the illumination to light a sign must meet the standards in Table 5.1 Total Site Lumens.

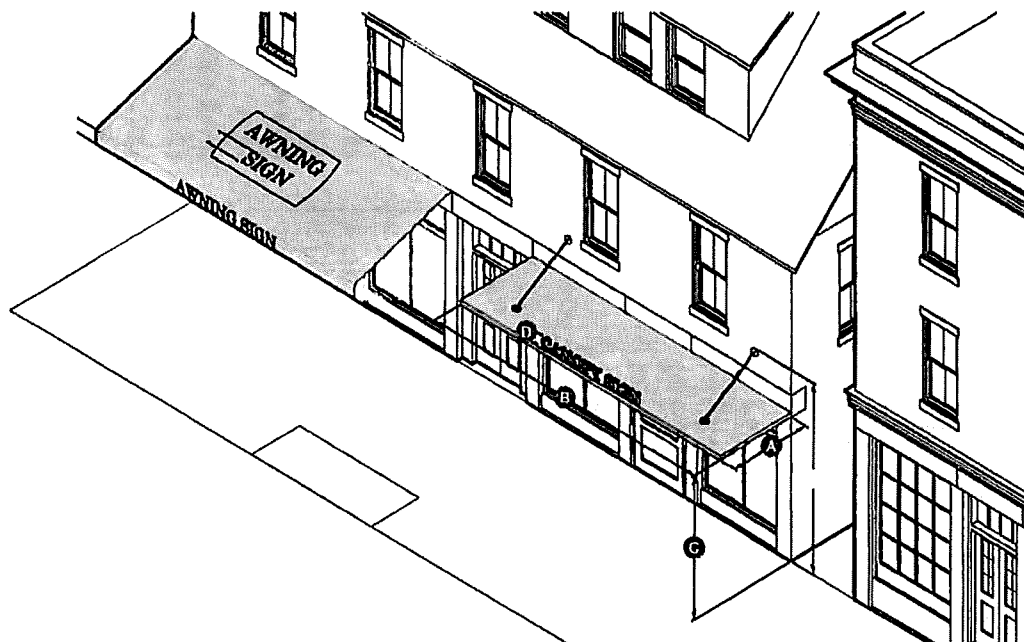
TABLE 5.2 PERMITTED SIGNS

	INFORMAL BUILDING	COTTAGE	HOUSE	BUNGALOW	DUPLEX	APARTMENT HOUSE	SMALL APT. BUILDING	TOWNHOUSE	SHOPHOUSE	LIVE/WORK FLEX	SHOP	APARTMENT BLD.	INN BUILDING	MIXED USE BUILDING	PARKING CARRIAGE	FABRICATION BLD.	CIVIC BUILDING	BARN	RETAIL STAND	BACK COTTAGE	CARRIAGE HOUSE	FABRICATION SHOP	ACCESSORY SHOP
AWNING									●	●	●	●	●	●	●	●	●		●			●	●
BAND		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
BANNER							●	●	●	●	●	●	●	●	●	●	●	●	●			●	●
BLADE	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
CURIO	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
FREESTANDING		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
ICON	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
MARQUEE							●				●	●	●	●	●	●	●						
MURAL	●						●	●	●		●	●	●	●	●	●	●	●	●			●	●
PLAQUE	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
ROOF											●	●	●	●	●	●	●	●					
SUSPENDED		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
WINDOW		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
YARD	●	●	●	●	●	●	●	●	●	●	●	●	●				●	●	●	●	●	●	●
POLE		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●

● Permitted

○ Permitted by special permit

1. AWNING SIGN



a. DESCRIPTION

A sign that is painted, screen printed, sewn, or adhered onto the surface of an awning or attached above, below, or to the top of an entry canopy that identifies a commercial establishment. Awning signs are intended to be viewed by pedestrians on the opposite side of street.

b. DIMENSIONS

Quantity	One sign is allowed per each canopy and two signs per each awning, provided one of the signs is located on the awning's valance
Area	No greater than 25% the area of the awning's face
Width	12 ft min (A)
Projection	6 ft min (B)
Clearance	8 ft min (C)
Letter Height	Awning face - 18 in. max Awning valance - 10 in. max Letters projecting upward from an canopy - 12 in. max Letters affixed or painted to the face of a canopy - 10 in. max (D)

c. STANDARDS

1. Signs are not permitted on canopies and awnings that do not meet the standards dimensional standards.
2. Information displayed should be limited to business name, address and logo, additional information is prohibited.

2. BAND SIGN



a. DESCRIPTION

A sign attached flat or mounted parallel to the facade of a building that identifies a commercial establishment. Band signs are intended to be viewed by pedestrians on the opposite side of street

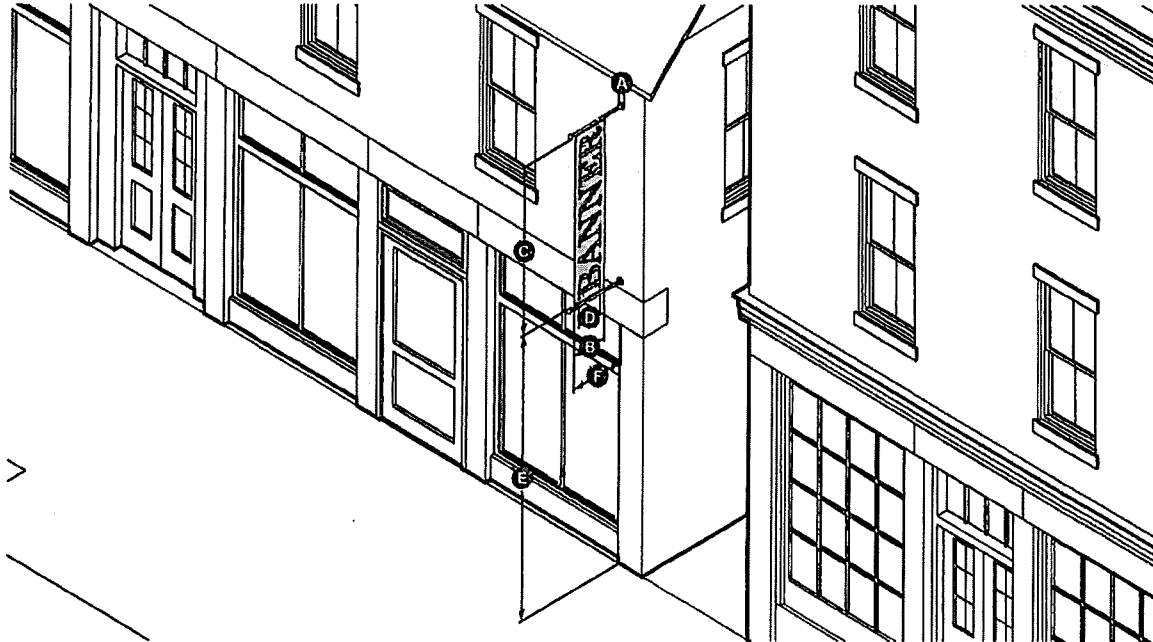
b. DIMENSIONS

Quantity	1 per facade	
Area	1.5 sf per linear foot of facade	
Length	90% facade length max	(A)
Width	3 ft max	(B)
Absolute Height	(2)	(C)
Letter Height	18 in	(D)
Clearance	8 ft min	(E)
Projection	7 in max	(F)

c. STANDARDS

1. Sign should align with a buildings entablature, and placed to fit harmoniously with horizontal molding, friezes, sills, or other ornament.
2. Band signs must generally be placed no higher than the window sills of the second floor.
3. Band signs may be placed under the window sills of upper stories by special permit.
4. Information displayed should be limited to business name, address and logo, additional information is prohibited.

3. BANNER SIGN



a. DESCRIPTION

A tall, narrow, two-sided sign that is attached to and projecting perpendicularly from the facade of a building that identifies a commercial establishment. Vertical blade/ banner signs are intended to be viewed by pedestrians and motorists from a distance.

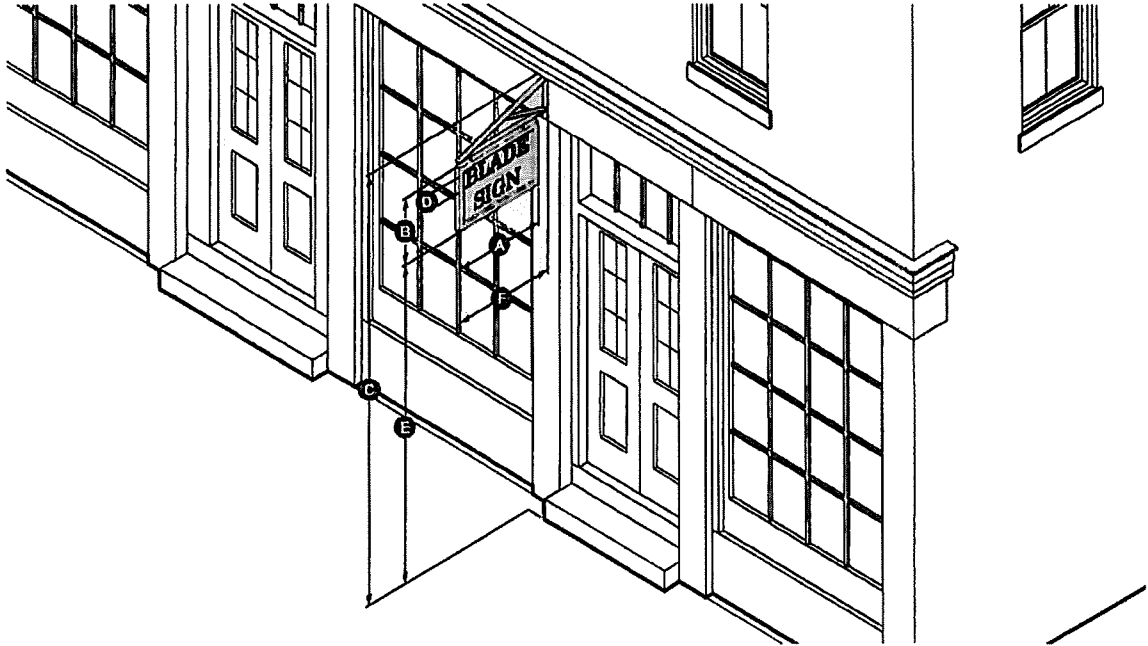
b. DIMENSIONS

Quantity	1 per commercial tenant	
Area	30 sf max (3)	
Thickness	10 in max	(A)
Width	3 ft max	(B)
Height	10 ft max (3)	(C)
Letter Height	75% width of sign	(D)
Clearance	8 ft min	(E)
Projection	5 ft max	(F)

c. STANDARDS

1. Sign may be oriented at a 45 degree angle from a building corner.
2. May be combined with the marquee sign by special permit.
3. When part of a marquee sign, this sign may exceed the height limit, provided it remains below the building's eaves or the highest part of a building's parapet.
4. Banner signs should occur above the first floor, above the line of the second floor window sills, except when part of a marquee sign.
5. Information displayed should be limited to business name, address and logo, additional information is prohibited.

4. BLADE SIGN



a. DESCRIPTION

A small, two-sided sign that is attached to and projecting perpendicularly from the facade of a building that identifies a commercial establishment. Blade signs are intended to be viewed by pedestrians on the same side of the street.

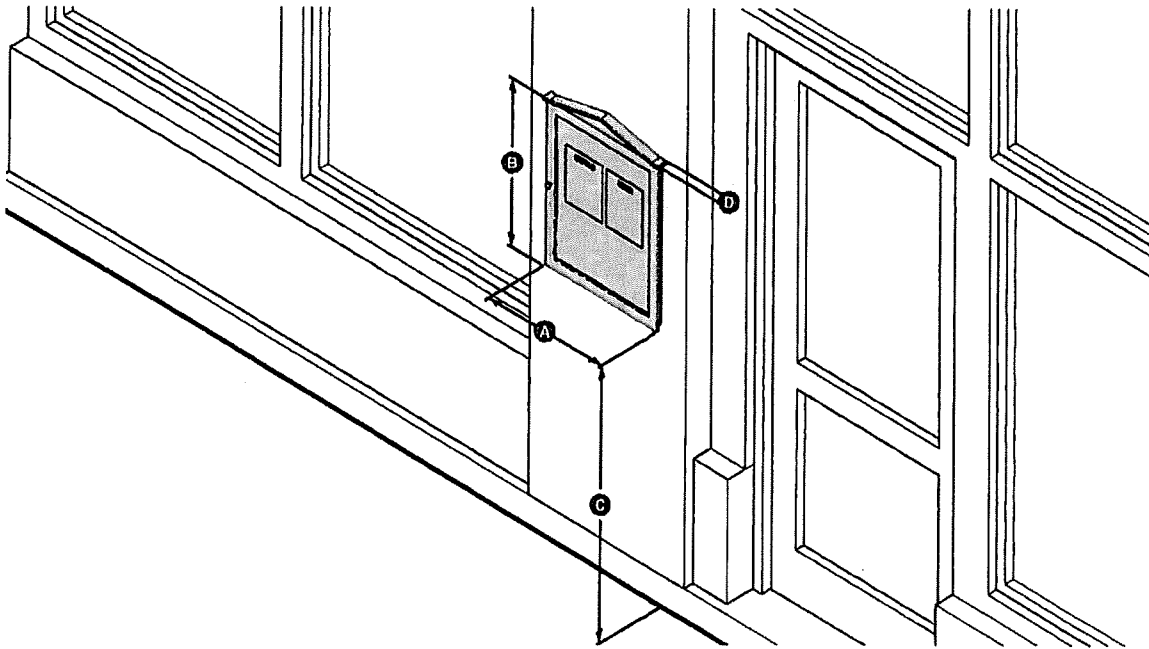
b. DIMENSIONS

Quantity	1 per commercial tenant	
Area	6 sf max	
Length	4 ft max	(A)
Width	4 ft max	(B)
Height	(2)	(C)
Letter Height	8 in max	(D)
Clearance	8 ft min	(E)
Projection	6 ft max	(F)

c. STANDARDS

1. Sign may be oriented at a 45 degree angle from a building corner.
2. Blade sign should be located no higher than the first building story.
3. Information displayed should be limited to business name, address and logo, additional information is prohibited.

5. CURIO SIGN



a. DESCRIPTION

A wall mounted, lockable, framed cabinet with a transparent window to display a changeable menu or list of event show times. Display cases are intended to be viewed at close range by pedestrians.

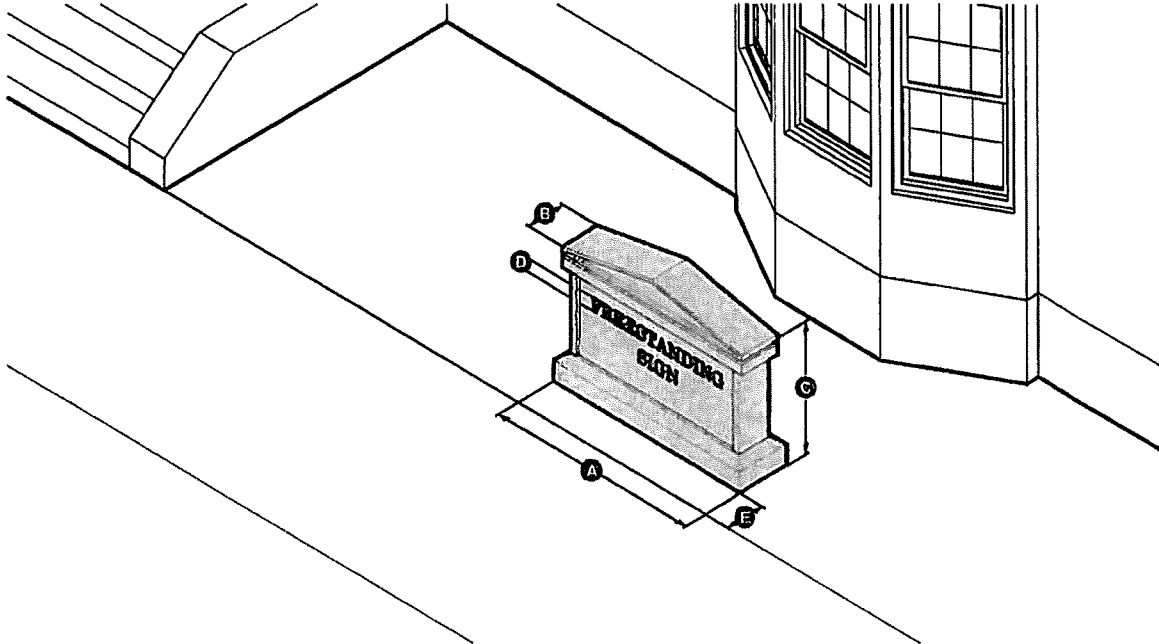
b. DIMENSIONS

Quantity	1 per facade	
Area	6 sf max	
Width	3 ft max	A
Height	3 ft max	B
Clearance	4 ft min (2)	C
Projection	8 in max	D

c. STANDARDS

1. Must be constructed of high quality durable materials.
2. The bottom edge of curio sign may be placed no higher than 6 ft from the ground, the sign is meant to be legible at close proximity by pedestrians and should not be significantly higher than eye-height.

6. FREESTANDING SIGN



a. DESCRIPTION

A sign attached to a pedestal or perimeter wall. Freestanding signs are intended to be viewed by motorists.

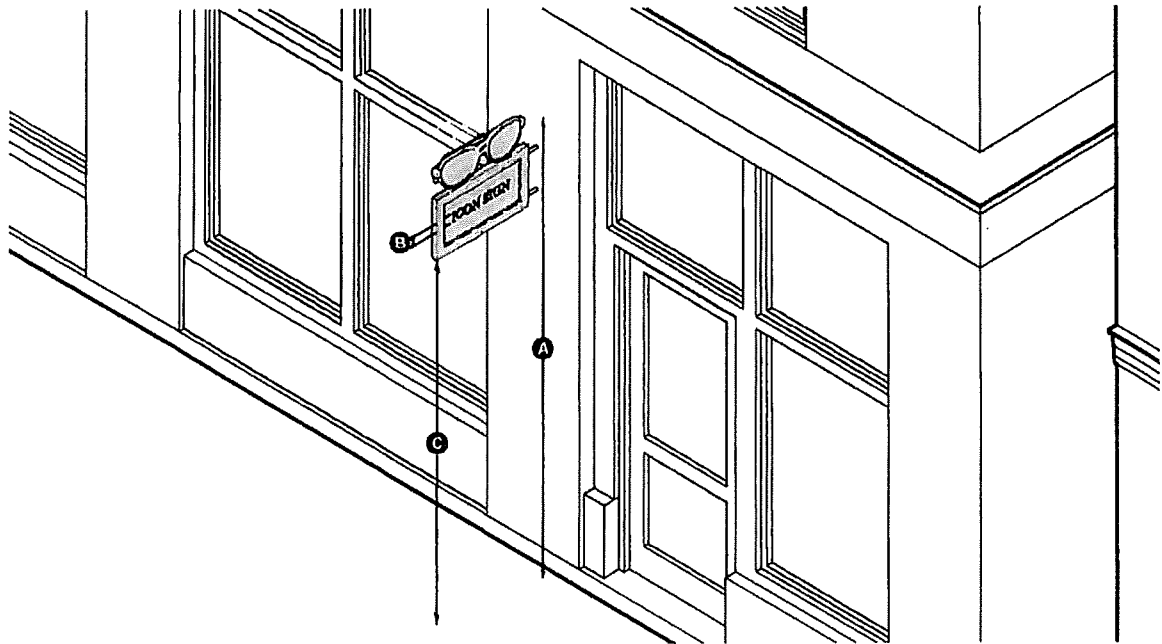
b. DIMENSIONS

Quantity	1 per facade	
Area	32 sf max	
Length	8 ft max	(A)
Thickness	8 in min, 2 ft max	(B)
Height	5 ft max	(C)
Letter Height	18 in max	(D)
Clearance	n/a	
Front Setback	1 ft min	(E)

c. STANDARDS

1. Sign may be oriented at a 90 degree angle from a building corner.
2. Freestanding sign may not encroach on side or rear building setbacks.
3. Information displayed should be limited to business name.
4. Address and logo, additional information is prohibited.

7. ICON SIGN



a. DESCRIPTION

A unique, three dimensional object representing the business or service provided within a building, and affixed to the building's exterior.

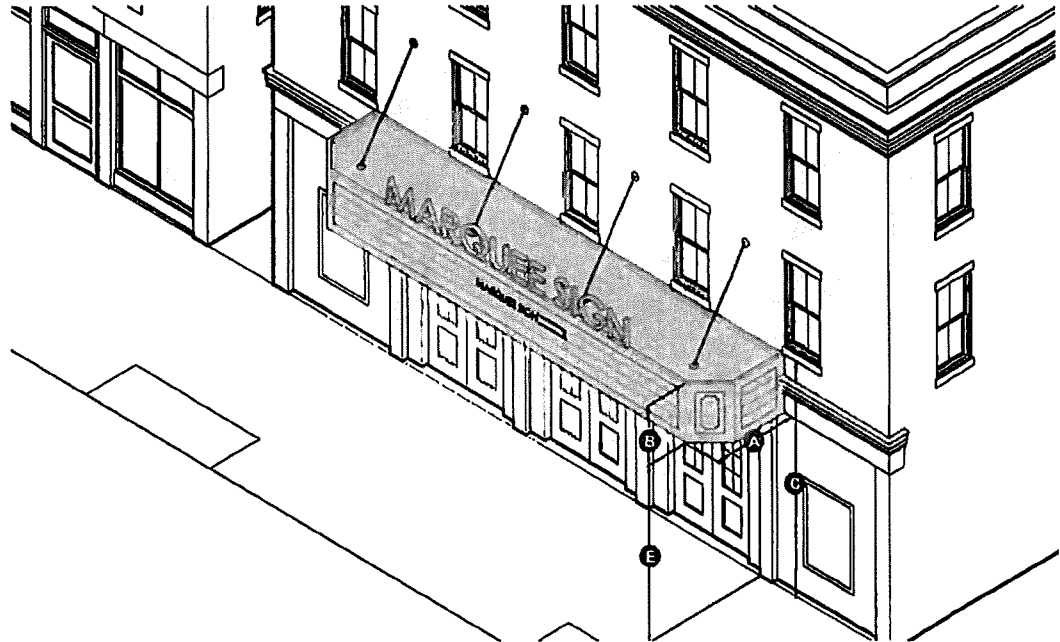
b. DIMENSIONS

Quantity	1 max per block face	
Area	12 sf max	
Projection	6 ft max	
Extrusion	3 ft max	
Absolute Height	(1)	A
Letter Height	n/a	B
Clearance	8 ft min	C
Distance from Curb	n/a	

c. STANDARDS

1. The apex of an icon sign may be no higher than the lower edge of a building's eaves or the highest part of a building's parapet.

8. MARQUEE SIGN



a. DESCRIPTION

A sign, taking the form of a large projecting canopy with tall faces on which show or event times are displayed.

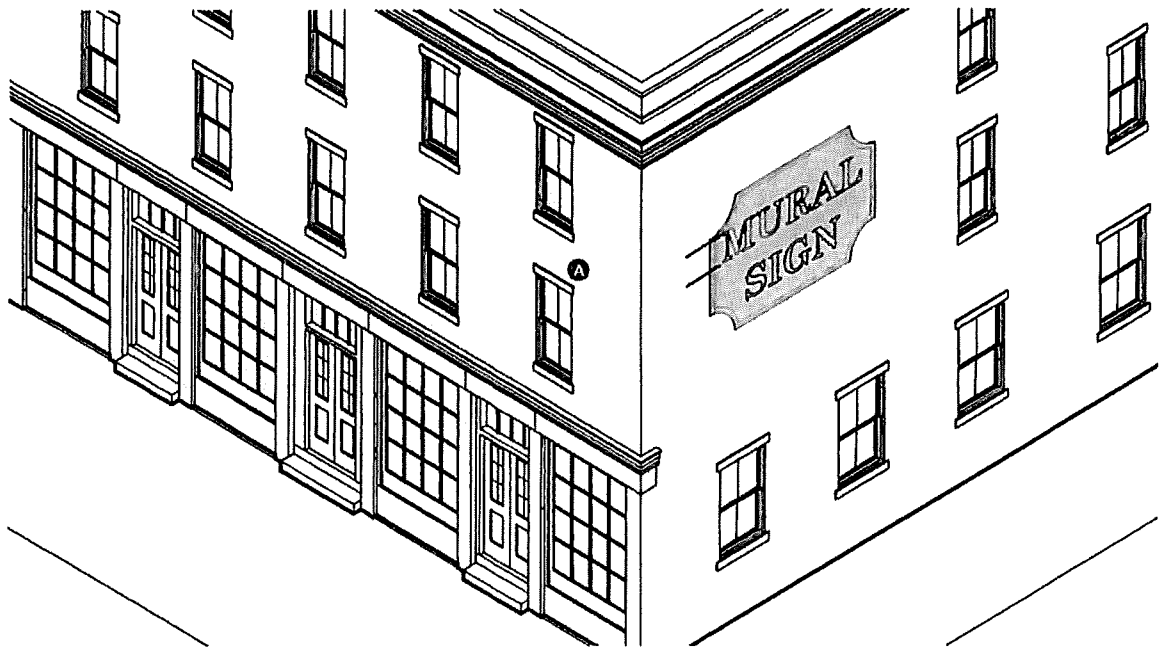
b. DIMENSIONS

Quantity	1 max per building	
Area	240 sf max	
Projection	12 ft max	(A)
Height	6 ft max	(B)
Absolute Height	(3)	(C)
Letter Height	24 in max (5)	(D)
Clearance	8 ft min	(E)
Distance from Curb	n/a	

c. STANDARDS

1. This sign is intended to be viewed by pedestrians from across the street or the end of a terminated vista
2. This sign can be combined with the vertical blade sign to produce a single ensemble that counts as a one sign.
3. A marquee sign should be located no higher than the first building story, except by special permit.
4. When a marquee sign is supported by cables, those cables may not be considered to contribute to the height of the sign.
5. A marquee sign may have projecting letters or decorative elements on top of its sign faces provided their letter height does not exceed 3 ft, these letters do not contribute to the measurement of the signs height.

9. MURAL SIGN



a. DESCRIPTION

A sign that is directly painted on to the exterior wall of a building or screen printed, sewn, or adhered onto a canvas-like material that is mounted flush with the facade of a building that identifies a commercial establishment. Wall murals are intended to be viewed by pedestrians and motor vehicles from a distance.

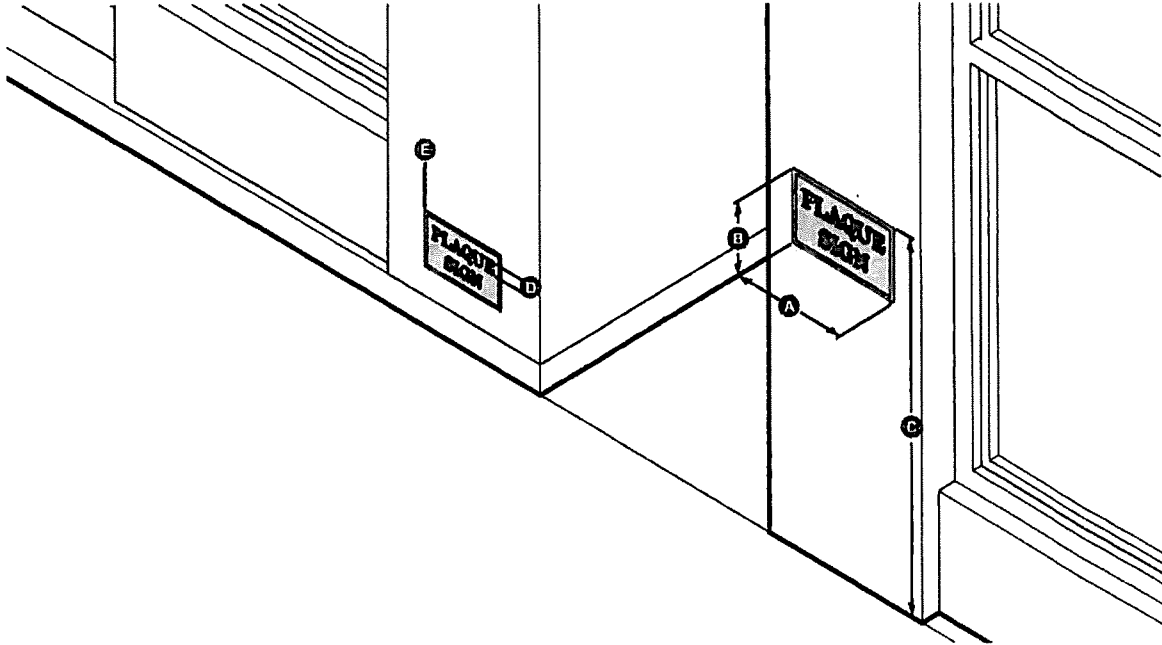
b. DIMENSIONS

Quantity	1 per business
Area	8 sf max (1)
Thickness	n/a
Width	n/a
Height	n/a
Letter Height	24 in max (2) ^(A)
Clearance	n/a
Projection	n/a

c. STANDARDS

1. When located more than 12 ft above the ground a mural sign may have a maximum area of 144 sf.
2. A mural sign may exceed the maximum letter height, and maximum area by special permit.

10. PLAQUE SIGN



a. DESCRIPTION

A sign that consists of either a panel, paint, metal plate, or individual letters applied to a Building wall.

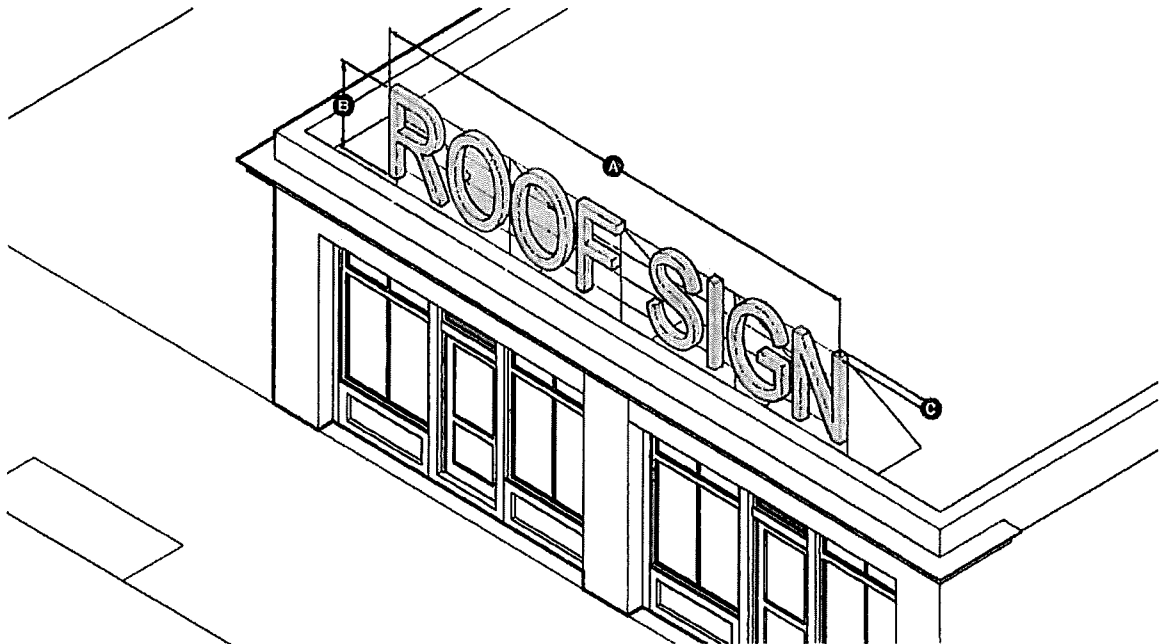
b. DIMENSIONS

Quantity	(1)	
Area	3 sq sf max	
Length	2 ft max	(A)
Width	18 inches max	(B)
Height	8 ft max	(C)
Letter Height	4 in min, 6 in max	(D)
Clearance	n/a	
Projection	1 in max	(E)

c. STANDARDS

1. A building may have one plaque sign for each individual tenant, unit, or postal number, in addition to 2 plaque signs per building corner that indicate the names of the abutting thoroughfares.
2. When associated with a specific tenant or unit, Plaque sign must be located within 12 feet of the associated primary entrance.
3. Must be constructed of high quality durable materials.
4. The bottom edge of plaque sign may be placed no higher than 8 ft from the ground, the sign is meant to be legible at close proximity by pedestrians and should not be significantly higher than eye-height.

11. ROOF SIGN



a. DESCRIPTION

A sign erected on the roof or mounted to the uppermost horizontal architectural band of a building to identify the name of the building or primary tenant. Roof signs are intended to be viewed by pedestrians and motorists from a distance and serve as an icon for the building.

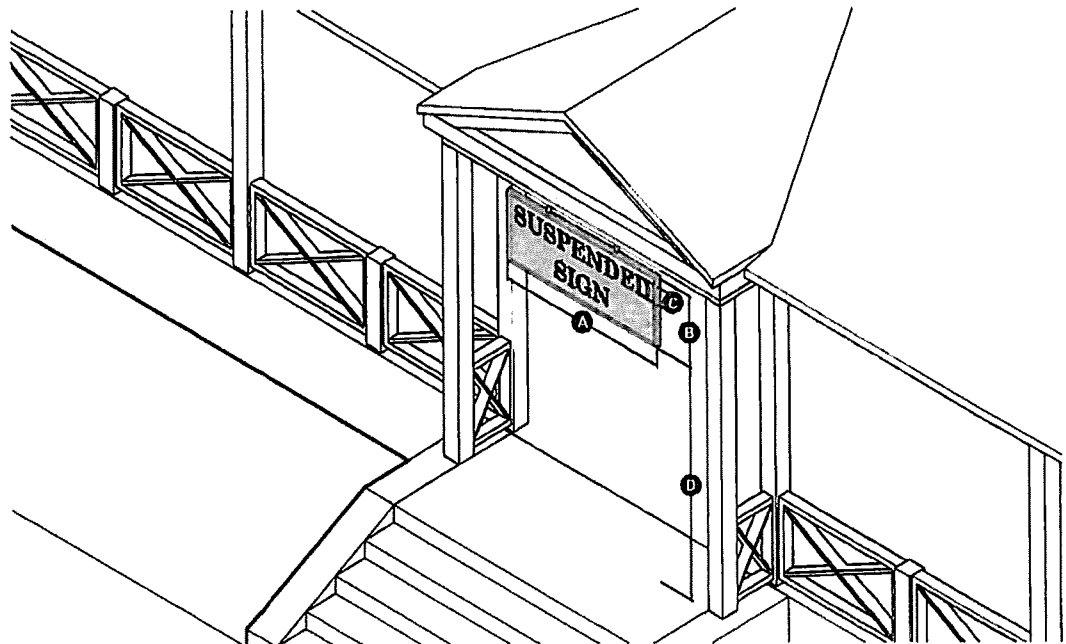
b. DIMENSIONS

Quantity	1 per building max	
Area	250 sf max	
Length	75% of facade	A
Thickness	n/a	
Height	15 ft max	B
Letter Height	n/a	
Clearance	n/a	
Projection	1 ft max	C
Distance from Curb	n/a	

c. STANDARDS

1. No portion of a roof sign is permitted to extend below the upper lintel of the windows on a building's topmost story, excluding penthouses.
2. Information is limited to building or primary tenant name, additional information prohibited.

12. SUSPENDED SIGN



a. DESCRIPTION

A small, two-sided sign mounted to the underside of a component, or from the roof of a porch, gallery, or arcade that identifies a commercial establishment. Suspended signs are intended to be viewed by pedestrians at close range on the same side of the street.

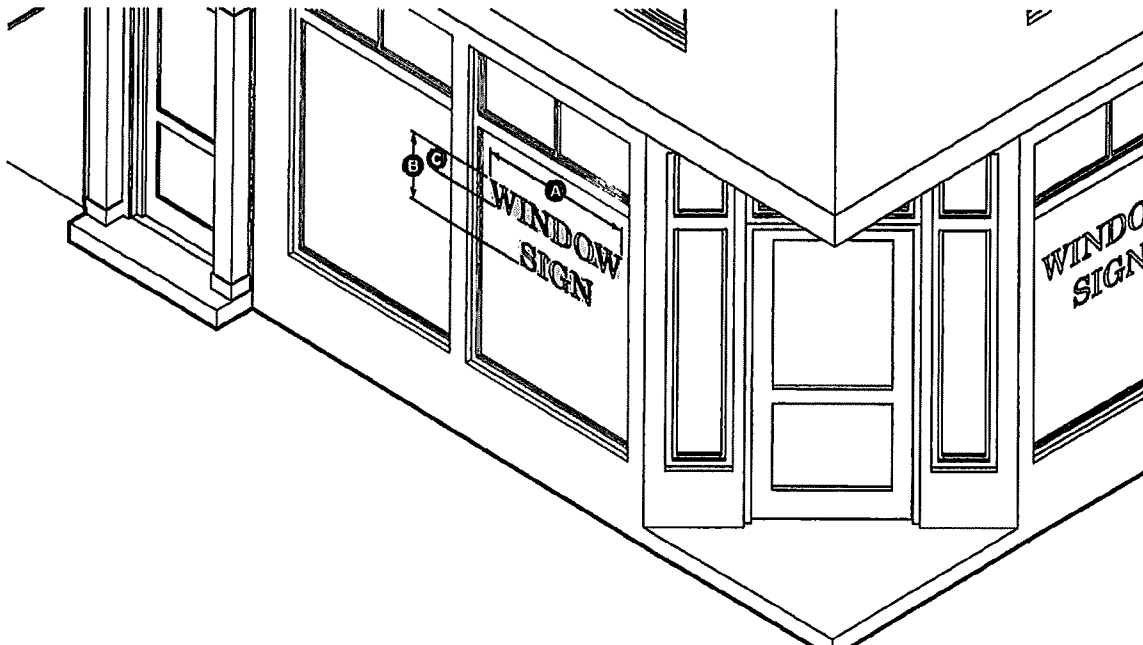
b. DIMENSIONS

Quantity	1 per building facade	
Area	6 sf max	
Length	5 ft max	A
Width	2 ft max	B
Height	n/a	
Letter Height	8 in max	C
Projection	n/a	
Clearance	8 ft min	D
Distance from Curb	n/a	

c. STANDARDS

1. May be hung above the entrance to a porch or elsewhere on the architrave (beam at top of columns).
2. Information displayed should be limited to business name, address and logo, additional information is prohibited.

13. WINDOW SIGN



a. DESCRIPTION

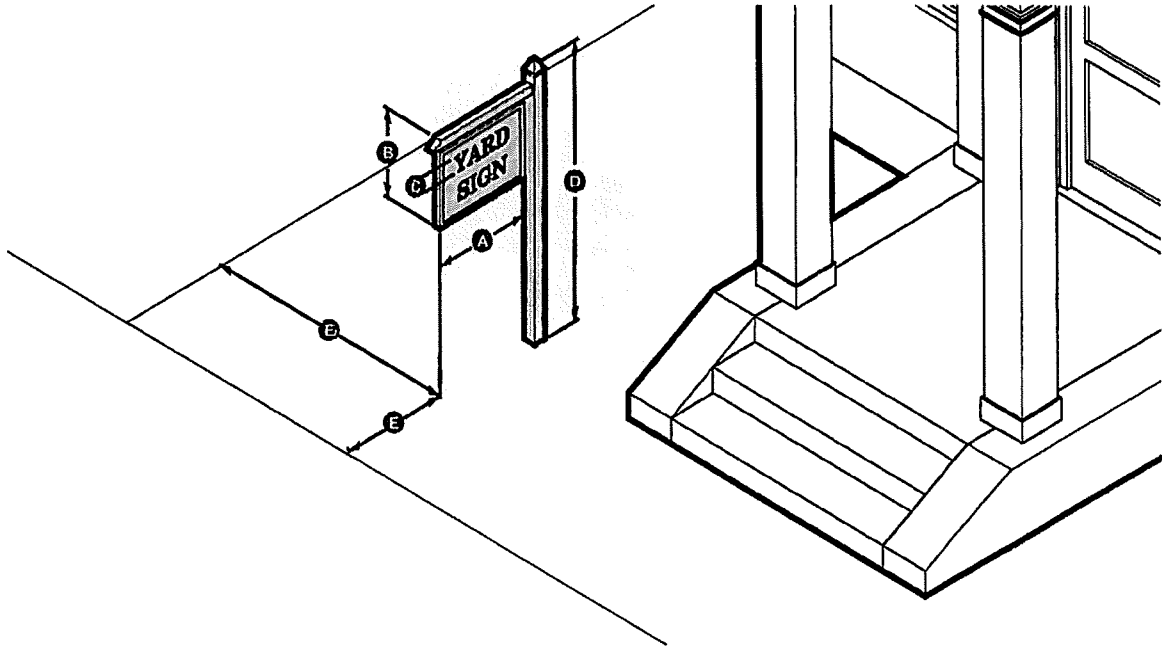
Individual letters, numerals, or a logo applied directly to the inside of a window or door to identify a commercial establishment. Window signs are intended to be viewed at close range by pedestrians.

c. STANDARDS

b. DIMENSIONS

Quantity	1 per building facade	
Area	6 sq ft max	
Length	5 ft max	(A)
Width	2 ft max	(B)
Letter Height	8 in max	(C)
Projection	n/a	
Clearance	n/a	
Distance from Curb	n/a	

14. YARD SIGN



a. DESCRIPTION

A two-sided sign suspended from support hardware and mounted in the area between the front lot line and the building facade. Yard signs are intended to be viewed at close range by pedestrians on the same side of the street and motorists.

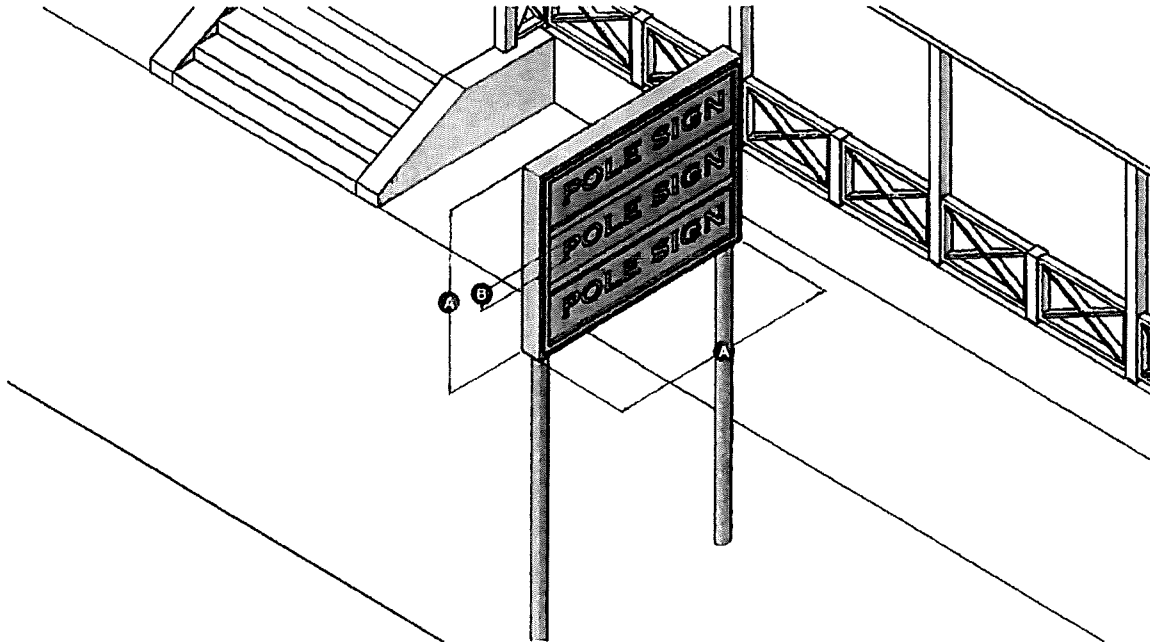
b. DIMENSIONS

Quantity	1 per lot	
Area	5 sf max	
Length of Panel	30 in max	A
Width of Panel	24 in max	B
Letter Height	12 in max	C
Projection	n/a	
Height	5.5 ft	D
Clearance	n/a	
Setbacks	min 2 ft	E

c. STANDARDS

- May be externally illuminated, with lights that must be shielded to reduce glare.
- Permitted only on lots where the primary building is setback at least 5 ft.
- Panels can be supported by one or two posts.
- May be set perpendicular or parallel to the frontage line.
- Yard Signs should display only the names and logos of each tenant.
- When providing signage for multiple building tenants, the following standards also apply:
 - This sign may add an additional 2 sf per listed tenant up to a maximum of 12 sf total.
 - Each tenant's sign should be located on its own panel.
 - Each tenant's sign should oriented horizontally and stacked vertically.
 - Each tenant's individual sign should not exceed 5 sf in total area.

15. POLE SIGN



a. DESCRIPTION

Pole signs are for buildings where multiple businesses are located in a location that is in the process of transitioning from a more auto-oriented to a more pedestrian-oriented environment.

b. DIMENSIONS

Quantity	1 per lot	
Sign Area	12 sq ft max (3)	(A)
Absolute Height	10 ft max	
Letter Height	10 in max	(B)
Projection	n/a	
Clearance	n/a	
Distance from Curb	2 ft min	

c. STANDARDS

1. Signs mounted in a yard must be placed parallel or perpendicular to the thoroughfare.
2. Pole signs are permitted only for lots with 4 or more businesses in a single building, where the primary building facade is located more than 35 ft away from the thoroughfare.
3. Signage for each business may not exceed 6 sq ft.
4. Pole signs may contain only the names of the businesses and logos.
5. Pole signs must be externally illuminated by lights shielded from direct view to reduce glare.

ARTICLE 6

NEIGHBORHOOD STANDARDS

PURPOSE

- To provide clear standards for private development that influences the function and character of a neighborhood.
- To provide for the creation of new civic spaces for use and enjoyment by the residents of the Town of Mashpee.
- To ensure street connectivity where feasible.

APPLICABILITY

- This Article applies to alterations made to a site or to public thoroughfares or civic space adjacent to a site that have a neighborhood-wide effect.
- The Article applies to projects that create new blocks, thoroughfares, or civic space.
- This Article applies to projects of a scale that a conceptual master plan makes sense as a first step before applications are filed for site development.



CONTENTS

A. GENERAL NEIGHBORHOOD STANDARDS

1. Blocks	6-201
2. Alleys	6-201
3. Thoroughfares	6-202
4. Bikeways	6-205
5. Street Trees	6-205
6. Street Lighting	6-209
7. Street Furniture	6-209
8. Civic Space	6-210
9. Accessory Civic Space	6-211
10. Pedestrian Sheds	6-212
11. Building Mix	6-213
12. Shopfront Streets	6-213

B. THOROUGHFARES

1. Rural Road	6-215
2. Footpath	6-217
3. Natural Lane	6-218
4. Paved Lane	6-219
5. Curbed Lane	6-220
6. Crossweave	6-221
7. Yield Street	6-222
8. Neighborhood Street	6-223
9. Commercial Street	6-224

C. BIKEWAYS

1. Protected Bike Lane	6-226
2. Buffered Bike Lane	6-226

3. Shared Use Lane	6-227
4. Shared Use Path	6-227
5. Neighborhood Greenway	6-228
6. Paved Shoulder	6-228

D. CIVIC SPACES

1. Common	6-229
2. Park	6-231
3. Square	6-233
4. Plaza	6-235

E. ACCESSORY CIVIC SPACES

1. Recreation Fields	6-237
2. Landmark	6-237
3. Swimming Pool	6-238
4. Community Garden	6-238
5. Skating Rink	6-239
6. Skate Park	6-239
7. Dog Park	6-240
8. Playground	6-240
9. Botanical Garden	6-241
10. Burial Ground	6-241
11. Band Shell / Amphitheater	6-242

1. BLOCKS

PURPOSE

- To encourage walkable neighborhoods that provide numerous route options and connectivity.
- To provide a flexible framework for the creation of buildable land in a form that supports the creation of complete neighborhoods.

APPLICABILITY

- Applies to development sites that create new or reconfigured blocks.
- Block standards do not apply in CD2.

A. GENERAL

1. Land must be subdivided with thoroughfares to create blocks that meet the standards in Table 6.1 Block Perimeter.
2. A block may be bounded by thoroughfares (not including alleys) or by civic spaces.
3. If a block contains multiple character districts, the most intense character district must be used to establish the requirements for block size.
4. Blocks should be generally rectangular in shape, but are expected to respond to natural features and the block pattern of the surrounding urban fabric.
5. Blocks should be a minimum width so as to provide two rows of developable lots.
6. Portions of development sites abutting areas of undeveloped land, areas unsuitable for development, nonconforming incomplete blocks, or rail rights-of-way may be granted a waiver from the block size requirements.
7. Block perimeter may be increased in special districts by waiver to accommodate special buildings, civic spaces, or unique arrangements of these elements.

TABLE 6.1 BLOCK PERIMETER

CD3	2,640 ft max
CD4	1,760 ft max
CD5	1,320 ft max
SD-COM	1,320 ft max
SD-CE	1,760 ft max
SD-CIVIC	n/a

2. ALLEYS

PURPOSE

- To provide shared access, loading, and service to lots and blocks.
- To enable alley-loaded blocks that concentrate “back-of-house” elements to the rear of buildings, including utility infrastructure, refuse collection, and access to parking & loading in the block interior.
- To enable use of alleys for creative, artisan industrial, retail, or service uses associated with abutting buildings.

APPLICABILITY

- Applies to all newly platted property in CD4 and CD5 that is 1 block or more in size.
- Applies to any project that creates an alley.

A. GENERAL

1. Alleys cannot be used to meet the frontage requirement for lots, with the following exceptions:
 - a. Cottages, townhouses, and fabrication buildings may front on alleys.
 - b. Flag or insular lots, which would not otherwise be buildable, may front on alleys.
 - c. Where primary buildings front on alleys, frontage zone requirements do not apply.
2. Accessory buildings may front on alleys and are not subject to rear setback requirements.
3. The following thoroughfare types may be used as alleys: natural lane, paved lane, curbed lane, yield street, footpath, or crossweave.
4. Within blocks serviced by alleys that are less than 30 ft in width, a service court may be provided to facilitate changes in vehicular direction. Service courts may not exceed 30 ft in length or 1,200 sf in total area.

3. THOROUGHFARES

PURPOSE

- To ensure the development of a well-connected thoroughfare network, composed of direct & convenient routes that reinforce the Town of Mashpee as a walkable, human-scaled environment.
- To accommodate multiple modes of transportation.
- To minimize the use of one-way thoroughfares and infrequent intersections that limit connectivity, discourage walking, induce traffic congestion, and increase vehicular air pollutant emissions by reducing the number of possible routes of travel and add unnecessary distance between destinations.
- To provide a safe pedestrian environment including safe street crossings by avoiding turning lanes, minimizing lane widths, and providing adequate pedestrian space.
- To promote streets that increase economic value and attract private sector investment.
- To ensure safety & convenience for all users and to enhance the travel experience and options for pedestrians and bicyclists.

APPLICABILITY

- Any project that provides a thoroughfare, regardless of whether it will be under public or private ownership.
- Any project that involves the installation of 3 or more utility poles.
- Sidewalks must be constructed or reconstructed according to sidewalk standards any time a project proposes new buildings or new uses within existing buildings in CD4, CD5, or SD-COM.

A. GENERAL

1. Thoroughfares must be permanently open and provide public access as part of an overall connected thoroughfare network.
2. All thoroughfares, both privately and publicly owned, must be open to the public, but may be maintained under either public or private ownership.
3. Gates or other obstacles may not temporarily or permanently impede public access along a thoroughfare, except for on lands actively used for large animal grazing.

B. DESIGN

1. All thoroughfares must intersect with other thoroughfares, forming a network.

2. To every extent practical, new thoroughfares must align with existing or anticipated thoroughfares on the opposite side of the street to allow for a continuous path of travel. Streets may also be permitted to end in "T" intersections to interrupt the direct flow of traffic and to create terminated vistas.
3. Where development is proposed abutting vacant land, or land that is planned to be redeveloped, new thoroughfares adjacent to the project perimeter must be extended to the abutting property boundaries and connect with any existing roadways, or provide a stub to enable future connection.
4. When required, stub thoroughfares must be provided at intervals no further apart than 1,500 ft.
5. Cul-de-sacs and other dead-end thoroughfares are prohibited unless granted a Waiver from the intersection requirement on a case-by-case basis to accommodate specific site conditions.
6. Rights-of-way narrower than 40 ft and verge assemblies narrower than 9 ft are exempt from all street planting and street furnishing requirements.

C. MOVEMENT

1. One-way streets are permitted by waiver and only when:
 - a. Available narrow thoroughfare types, including lanes or yield streets, cannot accommodate yield traffic, because of dimensional site constraints and on-street parking needs.
 - b. When other street types cannot be wide enough to accommodate two-way traffic, because of dimensional site constraints and on-street parking needs.
2. When one-way streets are authorized, the standards from the selected thoroughfare type must be met, with the exception of right-of-way and pavement width metrics, which may be adjusted to reflect the lane reduction.

D. SIDEWALKS

1. Sidewalks must be installed, widened, or modified according to Article 6.B Thoroughfares.
2. Sidewalks must be maintained in a state of good repair by the owner of the property fronting any thoroughfare.
3. Sidewalks must be paved with a fixed, non-slip material.
4. Sidewalks must be as straight and direct as possible, except to avoid established trees or unavoidable obstacles.
5. Where sidewalks cross driveways or alleys, the sidewalk must remain level, with no change in cross-slope. The appearance of the sidewalk where it crosses a driveway or alley, including sidewalk material, must be maintained.
6. In CD4 and CD5, where sidewalks do not exist within the public right-of-way, temporary sidewalks made from gravel or other bituminous materials laid on a stabilized base must be provided on private land to enable safe pedestrian travel.

E. CROSSWALKS

Article 6 Neighborhood Standards // Section A General Neighborhood Standards

1. In [NAME OF STATE], pedestrians must yield to motor vehicles except at marked crosswalks, where vehicles must yield to pedestrians. For this reason, marked crosswalks are preferred at all intersections and are required at high priority pedestrian street crossing locations, such as at school crossings, or where other significant pedestrian desire lines cross streets, including midblocks.
2. Shared spaces must be treated as marked crosswalks, requiring vehicles to yield to pedestrians.
3. A marked crosswalk must be at least six feet in width and may be signalized or unsignalized, but it must meet with the applicable standards of the Manual on Uniform Traffic Control Devices
4. At intersections, ADA-compliant curb ramps must be installed to enable persons with special mobility needs to safely enter, cross, and exit a roadway.
5. Curb ramps must align with the crosswalk, consistent with the direction of the user of the ramp.

F. ON-STREET PARKING

1. Parking stalls may be configured in one of five ways:
 - a. Parallel parking stalls located in a single-file line on pavement directly adjacent to the verge, parallel with the movement of the traffic lanes.
 - b. Perpendicular parking stalls located on pavement directly adjacent to the verge, perpendicular to the movement of the travel lanes.
 - c. Angled parking stalls located on pavement directly adjacent to the verge set at an angle relative to the direction of travel, usually 30, 45, or 60 degrees.
 - d. Opportunistic parking unmarked and located partially or entirely within the verge on a stabilized shoulder.
2. When marked, parking lanes may be distinguished from adjacent travel lanes by painted lines, changes in materials, or a combination thereof.
3. Thoroughfares with required parking may drop one or both parking lanes for portions of their length as long as the resulting space is given to the adjacent verge assembly.
4. If perpendicular or angled parking are accommodated, right of way and pavement width may be increased by the additional width required by these parking configurations.
5. When parking meters are proposed, they must be located in the furnishing zone of the adjacent verge assembly.

G. ROAD CONSTRUCTION

1. There are no construction standards for driveways or cart paths.
2. The following standards apply to natural and paved lanes:
 - a. Stumps, rocks and all unsuitable materials must be removed within the roadway area to a depth of 24

inches below the finished grade surface.

- b. The sub-grade must be prepared with Massachusetts Department of Transportation (MDOT) Type D gravel a minimum of 12 inches in depth and with 18 inches or more in depth over ledges
 - c. The road base must be prepared with MDOT Type A gravel with a minimum of 6 inches in depth
 - d. The natural / non paved road surface must be prepared with MDOT Type A gravel with a minimum of 4 inches in depth topped with 2 inches of stone dust
 - e. The paved road surface must be accomplished with a minimum 4" depth of pavement, placed in 2 courses: a 2" binder course of 19mm hot mix asphalt (HMA) and a 2" wearing course of 12.5 mm or 9.5mm HMA
3. The following standards apply to all thoroughfare types, excluding those listed above:
 - a. Stumps, rocks and all unsuitable materials shall be removed within the roadway area to a depth of 24 inches below the finished grade surface.
 - b. The sub-grade must be prepared with MDOT Type D gravel a minimum of 12 inches in depth and with 18 inches or more in depth over ledges
 - c. The road base must be prepared with MDOT Type A gravel with a minimum of 6 inches in depth
 - d. Paved road surfaces must be accomplished with a minimum 4" depth of pavement, placed in 2 courses: a 2" binder course of 19mm hot mix asphalt (HMA) and a 2" wearing course of 12.5 mm or 9.5mm HMA or other surface
 - e. Roads may also be surfaced with non-asphalt surfaces including concrete, bricks, pavers, or other durable materials.
 - f. When ditches are provided, the elevation of flow line must be a minimum of 18" below the sub-grade elevation. Ditches and embankments shall be stabilized by seeding with conservation grass mix.
 - g. When culverts are provided, they must be a minimum of 12 inches in diameter and placed over a compacted prepared base and at grades to ensure positive flow of all storm water runoff away from the road infrastructure. All storm water shall be directed away from the roadway and not be allowed to pond or create any post development adverse detrimental impacts to abutting properties.
 - h. Owner road maintenance responsibilities must be included in the subdivision organizational charter.

H. UTILITY POLES

1. Utility poles must be located along alleys or mid-block when feasible.

TABLE 6.2 THOROUGHFARES

	FOOTPATH	NATURAL LANE	PAVED LANE	CURBED LANE	CROSSWEAVE	YIELD STREET	NEIGHBORHOOD ST.	COMMERCIAL ST.	RURAL ROAD
CD1	●	●	●	●		○			●
CD2	●	●	●	●	○	●	○	○	●
CD3	●	●	●	○	○	●	●	○	○
CD4	●	●	●	●	●	●	●	●	
CD5	○	○	●	●	●	●	●	●	
SD-COM	○	○	●	●	●	●	●	○	
SD-CE	○	○	●	●	●	●	●	○	
SD-CIVIC	●	●	●	●	●	●	●		

- Permitted
- Permitted by special permit

TABLE 6.3 BIKEWAYS

	FOOTPATH	NATURAL LANE	PAVED LANE	CURBED LANE	CROSSWEAVE	YIELD STREET	NEIGHBORHOOD ST.	COMMERCIAL ST.	RURAL ROAD
PROTECTED BIKE LANE			○	●	○	●	●	●	○
BUFFERED BIKE LANE			●	●	○	●	●	●	○
SHARED-USE LANE	●	●	●	●	○	●	●	●	
SHARED-USE PATH	●	○	○	○	○	○	○	○	●
GREENWAY			○	●	○	●	●	○	
PAVED SHOULDER						○			●

- Permitted
- Permitted by special permit

4. BIKEWAYS

PURPOSE

- To accommodate bicycle traffic on thoroughfares that don't otherwise allow vehicles and bicycles to safely share the road because of high vehicular speeds.
- To ensure safety & convenience for all users and to enhance the travel experience and options for pedestrians and bicyclists.

APPLICABILITY

- Applies to any project that provides a bikeway for use by the general public.
- Applies to any thoroughfare that contains a bikeway.



1. Bikeways must meet the standards in Article 6.C Bikeways.
2. A 6 to 8 inch solid white lane line must be used to visually separate motor vehicle travel lanes from any abutting bike lane.
3. A 4 inch solid white lane line must be used to visually separate any bike lane from an abutting motor vehicle parking lane, as applicable.
4. Word, symbol, and arrow pavement markings must be used to define any bike lane as the portion of a thoroughfare dedicated for specific use by bicyclists.
5. Through bike lanes must be located to the left of any dedicated motor vehicle right-turn only lane.
6. Lane striping must be dashed through areas of merging and crossing vehicles.
7. Colored paint is required to enhance the visibility of bike lanes in locations determined to be necessary by the [PERMITTING AUTHORITY].
8. Bikeways should be connected to existing or proposed regional networks wherever possible.

5. STREET TREES

PURPOSE

- To provide thoroughfares types that are shaded with street trees as a way to increase property values and slow vehicular traffic within existing and proposed neighborhoods and villages.

APPLICABILITY

- Street tree standards apply to any project that creates a thoroughfare longer than 300 ft (not including alleys).



A. STANDARDS

1. Street trees must be planted according to the standards of Article 6.B Thoroughfares.
2. The required shape of street trees must be determined by the District as indicated in Table 6.4 Tree Planting.
3. The [PERMITTING AUTHORITY] may exempt applicants from the street tree requirement when:
 - a. The minimum number of required street trees already exist in the furnishing zone of the abutting thoroughfare.
 - b. One or more mature, healthy trees planted on-site in close proximity to the front lot line, with canopy reaching over the abutting thoroughfare, would cause overcrowding of new street trees.
 - c. The specific location of an existing curb cut, utility line, or other feature conflicts with the proper placement of a street tree.
 - d. When the abutting street has a right-of-way of less than 40 ft.
4. The [PERMITTING AUTHORITY] may require an in-lieu fee or street tree installation in alternative locations when installation cannot be accommodated within the furnishing zone of the abutting thoroughfare.
5. When tree pits are required, they must consist of a rectangle, no smaller than 36 sf in size, with a minimum width of 48 inches, and be spaced along the length of a thoroughfare by at least 35 feet.
6. Thoroughfares with a right-of-way of less than 40 ft, or a verge less than 9 ft, are not required to provide street trees.
7. Columnar and ornamental varieties of trees may not be used as street trees except by special permit.

TABLE 6.4 TREE PLANTINGS

	COLUMNAR	CONICAL	SPREADING	VASE	OVAL	BALL
DISTRICTS	CD1	●	●	●	●	●
	CD2	●	●	●	●	●
	CD3	●	●	●	●	●
	CD4	⦿	⦿	⦿	●	●
	CD5				●	●
	SD-COM				●	●
	SD-CE	●	●		●	●
	SD-CIVIC	●	●	●	●	●
CIVIC SPACES	COMMON	●	●	●	●	●
	PARK	●	●	●	●	●
	SQUARE	●	●	⦿	●	●
	PLAZA	●	●	⦿	●	●

- Permitted
- ⦿ Permitted by special permit

COLUMNAR



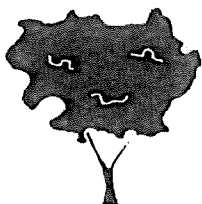
CONICAL



SPREADING



VASE



OVAL



BALL



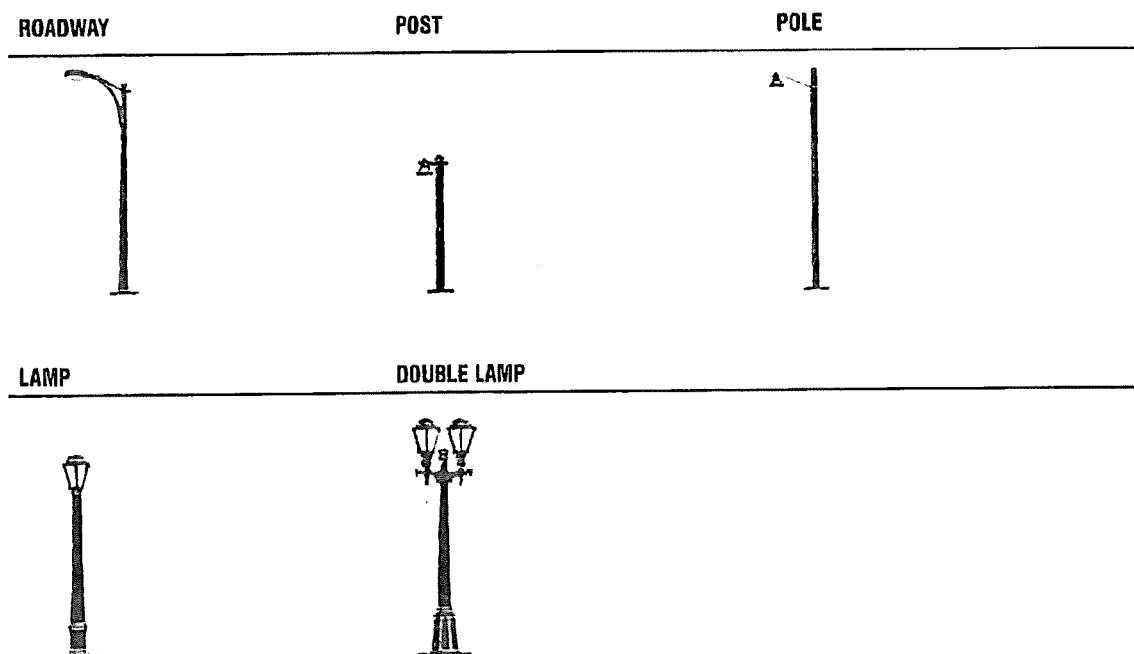
Article 6 Neighborhood Standards // Section A General Neighborhood Standards

TREE SPECIES	
COLUMNAR	American arbutus Atlantic white cedar Eastern red cedar Thuja occidentalis MN Chamaecyparis Thyoides N Juniperus Virginiana N
OVAL	Red Maple - Red Spruce Red Norway Pine Sugar Maple - Green Mountain Swamp White Oak White Oak Witch Hazel Tree Alder Roburum x MN Pinus resinosa NB Acer saccharum x MN Quercus bicolor MN Quercus alba N Carya alba (white) quercus oak Green Ash - Fraxinus pennsylvanica Paperbark Birch - Betula papyrifera
BALL	Cucumber Magnolia Red Oak River Birch - Norway Shingle Oak Washington Hawthorn Hawthorne Amur Mandarin - Bengard Magnolia acuminata N Quercus alba MN Betula nigra x N Quercus rubra N Crataegus phaeopyrus N Corydophylus japonicum Rosa rugosa x
CONICAL	American Larch Canadian Fir Fraser Fir Pin Oak Larch laricina MN (L) Abies balsamea N (B) Abies balsamea N (B) Quercus palustris N Eastern White Pine - Pinus strobus
SPREADING	Apple Serviceberry Eastern White Pine Scarlet Oak Shadblow Serviceberry Kousa Dogwood Astragalus grandiflorus x N Pinus strobus MN (L) Quercus coccinea N Astragalus canadensis MN Cornus kousa
VASE	American Elm - Fraxinus Ulmus americana x N Eastern Redbud - Cercis canadensis

TABLE 6.5 LIGHTING POSTS

	ROADWAY	POST	POLE	LAMP	DOUBLE LAMP
CD1	●	●	●		
CD2		●	●		
CD3		●	●		
CD4		●	●	●	
CD5		●		●	●
SD-COM		●		●	●
SD-CE		●	○	●	
SD-CIVIC		●	●	●	
COMMON		●	○		
PARK		●	○		
SQUARE		●			
PLAZA		●			

- Permitted
- Permitted by special permit



6. STREET LIGHTING

PURPOSE

- To provide streets that have appropriate lighting for their context.
- To maintain dark skies by limiting light pollution.

APPLICABILITY

- Any project that creates a new thoroughfare longer than 300 ft (not including alleys).



A. STANDARDS

1. Lighting post types are permitted in accordance with Table 6.5 Street Light Posts.
2. Street lighting must provide ambient illumination that meet the standards found in Article 5 Site Standards.
3. Street lighting should be controlled on a block by block basis.
4. Lighting included within thoroughfares must not exceed the ambient light level permitted within abutting character districts and civic spaces.
5. When a segment of a thoroughfare is fronted by multiple districts, the lowest ambient illumination level should be used.
6. Thoroughfares may provide higher illumination than their abutting context in high hazard areas at the discretion of the Permitting Authority
7. Where a pole light is permitted, lights mounted onto utility poles is permitted.
8. Lighting for pedestrian areas may not be taller than 15 ft and lighting for vehicular areas may not be taller than 30 ft.

7. STREET FURNITURE

PURPOSE

- To provide public accommodations for seating, bicycle parking, and waste collection through the use of permanent outdoor fixtures.

APPLICABILITY

- Any project that creates a thoroughfare longer than 300 ft (not including alleys).



A. STANDARDS

1. Thoroughfares must provide street furniture in the furnishing zone accordance with Table 6.6 Required Street Furniture.
2. Thoroughfares with a right-of-way less than 40 ft or a verge less than 9 ft are not required to provide street furniture, except bicycle parking is still required.
3. Bicycle parking may be provided in the form of single posts or racks that can accommodate up to 6 bicycles.
4. Seating should consist of benches with room for no fewer than 3 people.
5. Benches should be constructed of long lasting durable materials such as stone, wood, concrete, and metal.
6. Benches designed in a manner that prevent people from lying down are prohibited.
7. Dustbins should be constructed of steel or cast concrete.

TABLE 6.6 STREET FURNITURE

	RURAL ROAD	FOOTPATH	NATURAL LANE	PAVED LANE	CURBED LANE	CROSSWEAVE	YIELD STREET	NEIGHBORHOOD ST	COMMERCIAL ST
BICYCLE PARKING		6/1200 ft			6/1200 ft	6/900 ft	6/900 ft	6/900 ft	6/600 ft
BENCHES		1/300 ft			1/300 ft	1/300 ft	1/300 ft	1/300 ft	1/300 ft
DUSTBINS		1/1200 ft			1/1200 ft	1/300 ft	1/900 ft	1/900 ft	1/300 ft

8. CIVIC SPACE

PURPOSE

- To ensure a variety of functional, well-designed civic and recreation spaces that complement the character of abutting properties, contribute to a range of civic spaces, and add vibrancy to the community.
- To provide opportunities for community gathering, access to nature, and public life through the provision of a variety of civic space types.
- To provide a range of civic space types within proximity to homes and business.
- To contribute to a finely grained network of publicly accessible civic spaces and address deficiencies in the public space network.

APPLICABILITY

- The standards in this section apply to:
 - Projects that create 24 or more new units.
 - Any project that elects to provide civic space.

A. GENERAL

1. Projects may be required to provide small, medium, or large civic spaces based on the district, the size of the project, and proximity to existing civic spaces.
2. Civic space types are grouped into 4 categories that range from more landscaped to more hardscaped, including common, park, square, and plaza. These 4 categories share common characteristics such as paving, landscaping, seating, and lighting.
3. All 4 civic space categories include 3 sizes - small, medium, and large - each with their own unique size requirements.
4. Each of the 3 civic space sizes has a unique geographic catchment area, which reflects the distance people are typically willing to walk to each park size. See Table 6.8 Parkshed Radius.
5. Each of the civic space types are permitted according to character district shown in Table 5.8 Permitted Civic Spaces.

B. CIVIC SPACE SELECTION

1. All building lots within a project area must be located in whole or in part within the parkshed of required civic space, or additional civic spaces must be provided to meet this requirement.
2. Projects with 24 or more new units must provide a small civic space. If all lots within a project are located in whole or in part within the parkshed of an existing small civic

space, the project is exempt from providing a small civic space.

3. Projects with 96 or more new units must provide a small and medium civic space. If all lots within a project are located in whole or in part within the parkshed of an existing small or medium civic space, then the project is exempt from providing whichever civic space size currently exists.
4. Projects with 192 or more new units must provide a small, medium, and large civic space. If all lots within a project are located in whole or in part within the parkshed of an existing small, medium, or large civic space, then the project is exempt from providing whichever civic space size currently exists.
5. A project in CD5 may opt to satisfy the small civic space requirement by designating 10% of the building lot as on-site civic space instead.
6. When calculating on-site civic space, percentages must be calculated after street rights-of-way are subtracted from the project area.

C. OWNERSHIP

1. Civic spaces may be managed privately or publicly, but must be open to the public.
2. Civic spaces, even when maintained in privately ownership, must be placed into the Civic District.

D. DESIGN & CONSTRUCTION

1. Civic spaces must be engineered and constructed as required by the [PERMITTING AUTHORITY].
2. All landscaping within civic spaces must comply with Landscaping Standards found in Article 5 Site Standards.

E. LINEAR CIVIC SPACES

1. Any of the medium and large civic spaces in this section may be deployed in a linear fashion to follow a natural landform or thoroughfare, having a regular width and an undefined length, provided:
 - a. Any linear civic space over 10,000 sf in size must have a minimum width of 20 ft.
 - b. If a linear civic space incorporates an accessory civic space, its width must be greater than or equal to the smallest dimension required by that accessory civic space, if applicable.

F. ON-SITE CIVIC SPACE

1. On-site civic space provides site design flexibility by allowing additional paved areas and deeper building setbacks.
2. On site civic spaces must be publicly accessible during

daytime hours.

3. On-site civic space may not satisfy the need for a required civic space, except where otherwise explicitly allowed.
4. A project providing on-site civic space must select and comply with all the standards of a permitted civic space type, except that the on-site civic space may be smaller in size.
5. On-site civic space must remain in private ownership, administered or maintained by the owner of the associated development.
6. On-site civic spaces remain private property and may be developed.
7. On-site civic spaces are only allowed by special permit.

TABLE 6.8 PARKSHED RADIUS

SMALL CIVIC SPACE	1,320 ft max
MEDIUM CIVIC SPACE	2,640 ft max
LARGE CIVIC SPACE	5,280 ft max

TABLE 6.7 PERMITTED CIVIC SPACES

	GREEN	TOWN COMMON	TOWN FARM	POCKET PARK	TOWN PARK	REGIONAL PARK	POCKET SQUARE	NEIGHBORHOOD SQ.	CENTRAL SQUARE	PIAZZETTA	PIAZZA	CENTRAL PLAZA
CD1	●	●	●	●	●	●	●	●	●			
CD2	●	●	●	●	●	●	●	●	●	●	●	●
CD3	●	●	●	●	●	●	●	●	●	●		
CD4	●	●	●	●	●	●	●	●	●	●	●	●
CD5	●	●	●	●	●	●	●	●	●	●	●	●
SD-COM	●	●	●	●	●	●	●	●	●	●	●	●
SD-CE	●	●	●	●	●	●	●	●	●	●	●	●
SD-CIVIC	●	●	●	●	●	●	●	●	●	●	●	●
	COMMON			PARK			SQUARE			PLAZA		

- Permitted
- Permitted by special permit

9. ACCESSORY CIVIC SPACES

PURPOSE

- To ensure a variety of functional and beautiful civic spaces that complement local character, contribute to a range of civic spaces, and add vibrancy to the community.
- To provide opportunities for community gathering, access to nature, and public life through the provision of a variety of civic space types.

APPLICABILITY

- The standards in this section apply to:
 - Projects that contain 24 units or more.
 - Any project that elects to provide civic space.

A. GENERAL

1. Landscaping, lighting, and furnishing standards for the portion of a civic space occupied by an accessory civic space must be determined by the standards in this section.
2. The portion of a civic space occupied by an accessory civic space may not be counted as part of the total area of the civic space for the purposes of determining plantings, seating, and lighting.
3. All accessory civic spaces that do not possess a minimum dimension specified in their standards must be at least 50 ft in their narrowest dimension.

10. PEDESTRIAN SHEDS

PURPOSE

- To create pedestrian-scaled, walkable mixed-use neighborhoods that result in authentic places.
- To enable a process for property within pedestrian sheds to be reassigned a new character district.

APPLICABILITY

- Any project that involves a district reassignment within a pedestrian shed.



A. GENERAL

1. Each pedestrian shed is assigned a place type as delineated on the Regulating Plan.
2. The assignment of districts to lots should be contiguous, either by sharing lot lines or across a street or civic space, such that no individual lot is separated entirely from other lots in the same district.
3. A pedestrian shed defines a neighborhood located within a 1/4 mile radius from a point, centered on an important place central to a new or existing neighborhood. **A**
4. In order to control the quality and type of development in different areas of a pedestrian shed, each pedestrian shed will be comprised of three zones:
 - a. The Inner Zone: comprises the inner third of a pedestrian shed centered on the node. **B**
 - b. The Middle Zone: comprises the middle third of a pedestrian shed outside of the Inner zone. **C**
 - c. The Outer Zone: comprises the outer third of a pedestrian shed extending to the edge and includes parcels that extend over the boundary, as long as part of the parcel is within the boundary of the pedestrian shed. **D**

5. When a project is located within two or more pedestrian sheds of the same size, the pedestrian shed with the highest required intensity must be used.

B. DISTRICT MIX

1. In order to control the allocation and density of development within a pedestrian shed, new projects must allocate character districts in accordance with Table 6.8 District Mix by Pedestrian Shed, and allocate lots and blocks consistent with district standards.
2. Table 6.8 District Mix by Pedestrian Shed provides target ranges for the assignment of character districts to land, which should be reviewed as part of a master plan application.
3. When lots are reassigned to a new district, district boundaries should be contiguous, such that no individual lot is separated entirely from other lots in the same district, not including separations caused by thoroughfares or civic spaces.
4. Transitions between character districts are encouraged to occur within the center of a block or along an alley when present, but may occur along a thoroughfare.
5. Districts of higher intensity should always be clustered around important intersections, civic spaces, and thoroughfares.
6. Districts that do not allow building types with shopfronts may not be designated along shopfront streets.
7. Percentage values in Table 6.8 District Mix by Pedestrian Shed only apply to the portion of a project that occurs within the pedestrian shed boundary. All lots or portions of lots that fall outside the pedestrian shed boundary do not count towards the required percentage totals.

TABLE 6.8 DISTRICT MIX BY PEDESTRIAN SHED

	TOWN CENTER			VILLAGE CENTER		
	INNER	MIDDLE	OUTER	INNER	MIDDLE	OUTER
CD2	0-10%	0-15%	0-50%	0-10%	0-25%	0-75%
CD3	0-15%	10-75%	0-95%	0-50%	0-75%	0-100%
CD4	0-75%	10-100%	10-90%	20-100%	10-95%	0-100%
CD5	70-100%	0-70%	0-15%	0-25%	-	-

11. BUILDING MIX

PURPOSE

- To ensure a variety of building types along a street to reinforce neighborhood character.
- To provide neighborhoods with a variety of housing types to serve the needs of the population.
- To provide neighborhoods with a variety of commercial spaces, where permitted.

APPLICABILITY

- The addition of more than 6 new primary buildings or building lots within 5 years.
- The creation of 300 feet or more of new public or private thoroughfare within 5 years.
- Projects that result in extensive modification to any lot or combination of lots by a single property owner or agent with an aggregate area of 3 acres or more within 5 years.



A. GENERAL

1. Projects must provide at least 3 building types throughout the project area.

12. SHOPFRONT STREETS

PURPOSE

- To promote intensity of business and pedestrian activity by providing mandatory shopfront windows along certain important thoroughfares, or civic spaces.

APPLICABILITY

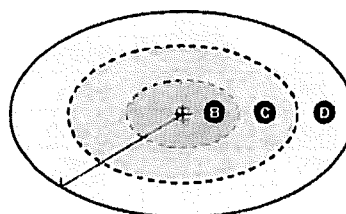
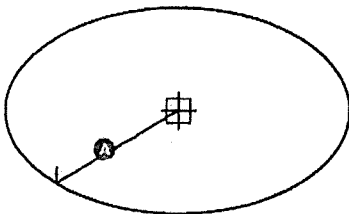
- Projects located in the center zone of a pedestrian shed.



A. GENERAL

1. The inner zone of every pedestrian shed is required to provide an aggregate length of shopfront street as determined in Table 5.10, Shopfront Street Length.
2. Any project may be required by the Planning Board to designate a thoroughfare or a portion thereof as a shopfront street.
3. Any project providing more than 1,200 feet of CD5 frontage within a pedestrian shed must designate at least 300 ft of continuous shopfront street within the project.
4. Shopfront streets can be applied to any thoroughfare type (not including alleys).
5. Shopfront streets should be located along portions of thoroughfares that are envisioned as "main streets" and should take the following into account:
 - a. The thoroughfare must see sufficient traffic to make commercial uses viable.
 - b. The thoroughfare must be centrally located with regard to new and existing development.
 - c. The thoroughfare must be easily accessible to new

PEDESTRIAN SHED EXPLANATORY DIAGRAMS



Article 6 Neighborhood Standards // Section B Thoroughfares

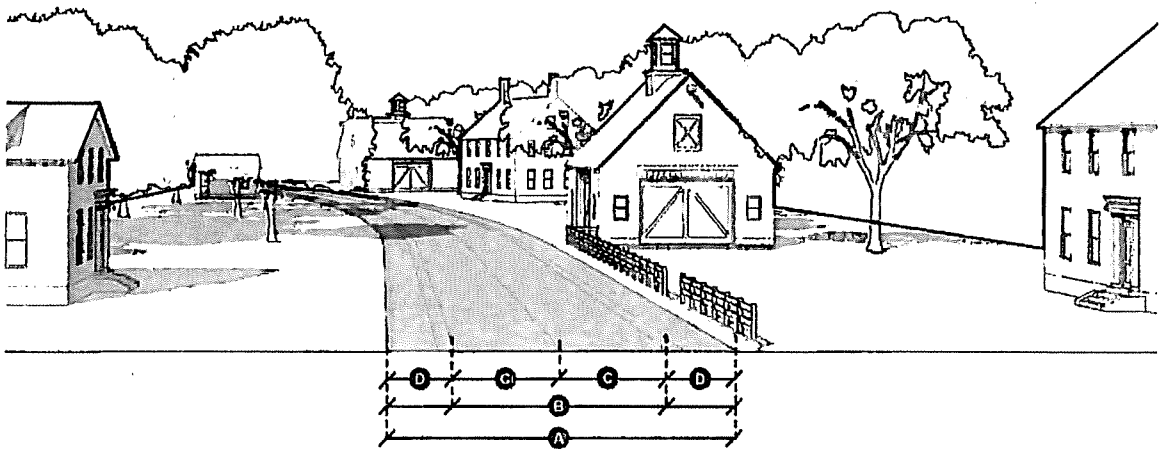
and/or existing residents.

- d. The thoroughfare must be designed in a manner that ensures pedestrian friendliness and safety.
6. Shopfront streets are required to be continuous for at least 100 ft.

TABLE 5.9 SHOPFRONT STREET LENGTH

	FRONTAGE LENGTH	
	5 MINUTE WALK	10 MINUTE WALK
TOWN CENTER	300 FT	400 FT
COMMERCIAL CENTER	900 FT	1,200 FT

1. RURAL ROAD



a. DESCRIPTION

A higher speed road that occurs predominantly within rural areas.

b. ROADWAY

Right of Way Width	50 ft max	(A)
Pavement Width	26 ft max	(B)
Movement	Two-way	
No. of Traffic Lanes	2 lanes, marked or unmarked	
Traffic Lane Width	10 ft max (1)	(C)
Shoulder Width	3 ft min (1)	(D)
Parking Lanes	none	
Parking Lane Width	n/a	
Parking Stall Type	n/a	

c. CURB & DRAINAGE

Curb Type	none
Drainage Type	pervious or swale
Curb Radius	n/a

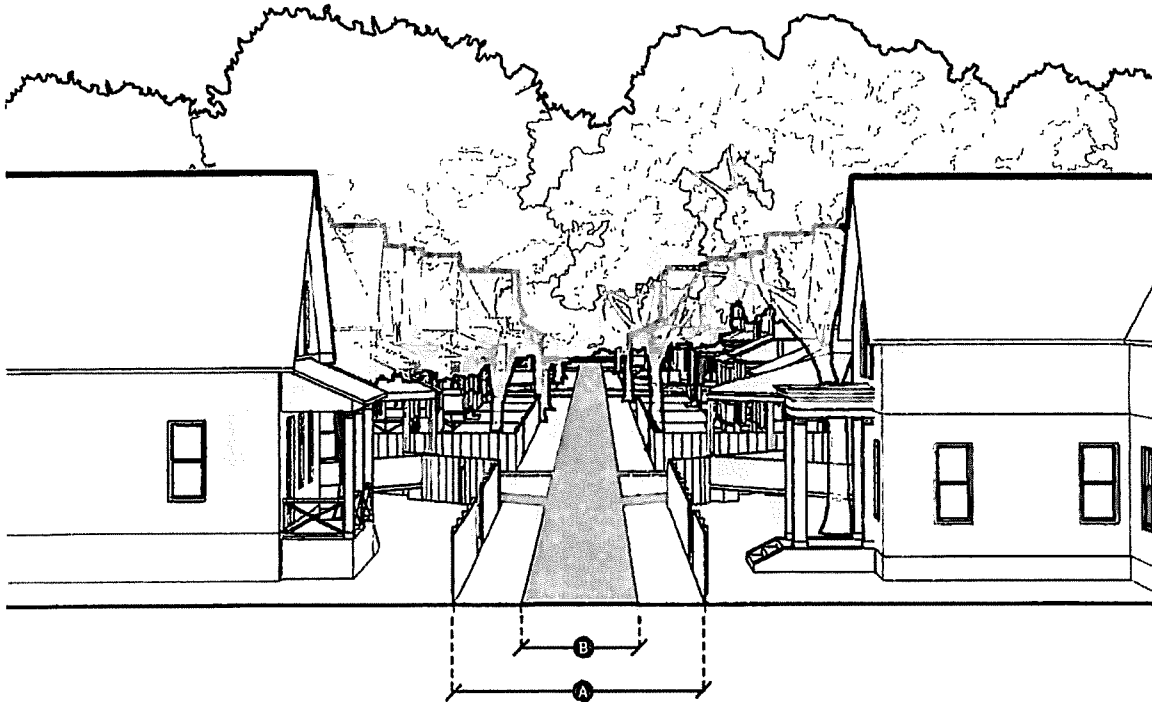
d. VERGE

Verge Width	n/a
Walkway Type	none
Walkway Width	n/a
Planter Type	none
Planter Width	n/a
Furnishing Zone	none

e. STANDARDS

- Where rural roads have 12 ft lanes, they should be restriped to allow sufficient space for a 1 ft min hatched buffer and a 3 ft min shoulder for walking and biking.

2. FOOTPATH



a. DESCRIPTION

An unpaved thoroughfare that provides pedestrian access through blocks.

b. ROADWAY

Right of Way Width	6 ft min, 15 ft max	(A)
Pavement Width	n/a (1)	
Movement	Pedestrian	
No. of Traffic Lanes	none	
Traffic Lane Width	n/a	
Parking Lanes	none	
Parking Lane Width	n/a	
Parking Stall Type	No parking	

c. CURB & DRAINAGE

Curb Type	None
Drainage Type	Center drain or gutter
Curb Radius	n/a

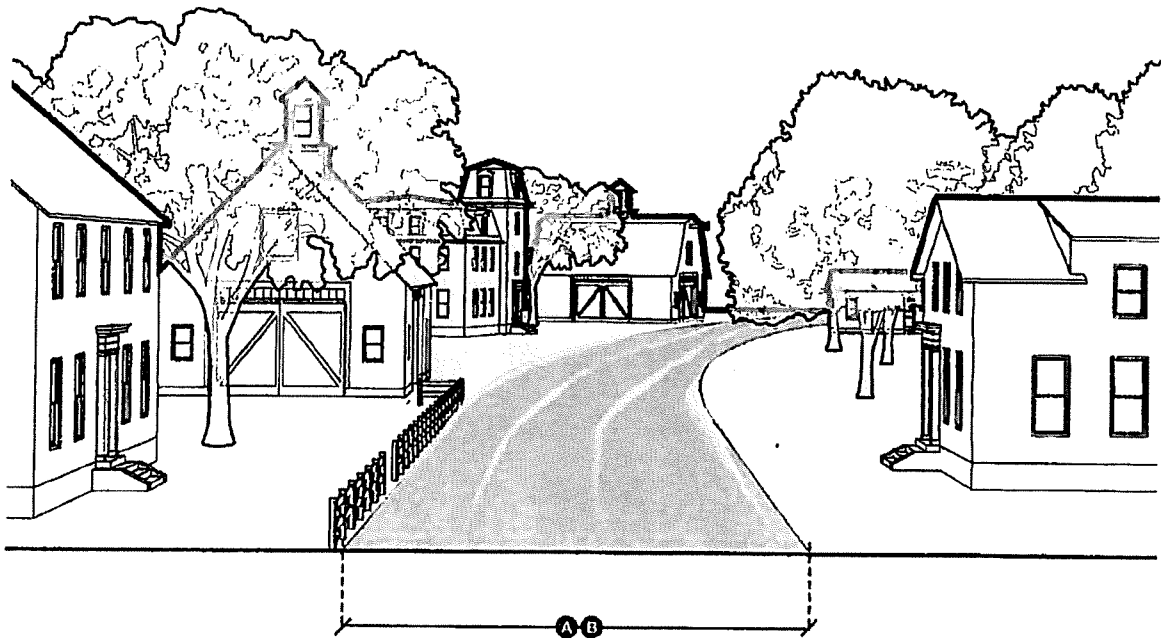
d. VERGE

Verge Width	n/a	
Walkway Type	6 ft min, 15 ft max	(B)
Walkway Width	n/a	
Planter Type	n/a	
Planter Width	n/a	
Furnishing Zone	n/a	

e. STANDARDS

1. Surface of the thoroughfare may consist of, grass, dirt, gravel, crushed shell, or other unconsolidated material.
2. Pedestrian thoroughfares without a furnishing zone may accommodate required street furnishings anywhere in the right-of-way.

3. NATURAL LANE



a. DESCRIPTION

An unpaved thoroughfare that provides access through blocks and to the front, sides, or backs of residential building types.

b. ROADWAY

Right of Way Width	8 ft min, 14 ft max	A
Pavement Width	n/a (1)	
Movement	Yielding	
No. of Traffic Lanes	1 lane, unmarked	
Traffic Lane Width	12 ft max with no shoulder 10 ft max with 2 ft shoulder	B
Parking Lanes	none	
Parking Lane Width	n/a	
Parking Stall Type	Opportunistic	

c. CURB & DRAINAGE

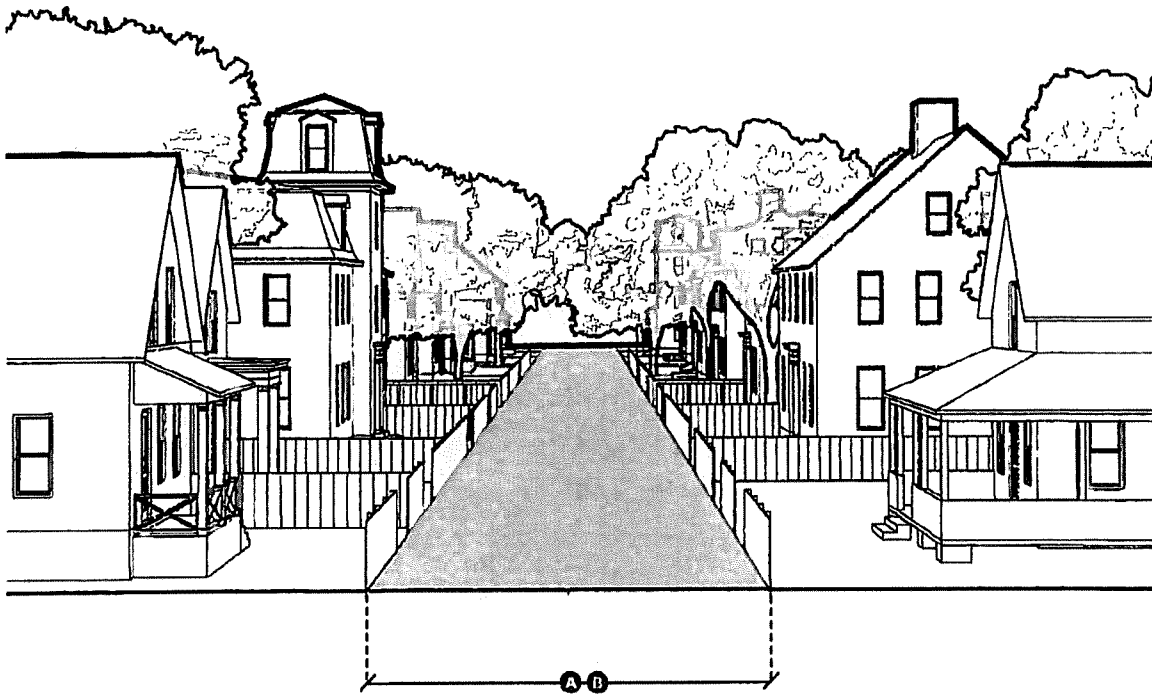
Curb Type	none
Drainage Type	pervious or swale
Curb Radius	n/a

d. VERGE

Verge Width	n/a
Walkway Type	none
Walkway Width	n/a
Planter Type	none
Planter Width	n/a
Furnishing Zone	none

e. STANDARDS

4. PAVED LANE



a. DESCRIPTION

A paved thoroughfare that provides access through blocks and to the front, sides, or backs of residential building types.

b. ROADWAY

Right of Way Width	14 ft min, 24 ft max	A
Pavement Width	24 ft max	B
Movement	Yielding or two-way	
No. of Traffic Lanes	2 lanes unmarked	
Traffic Lane Width	9 ft min, 18 ft max, unmarked	
Parking Lanes	1 side or none	
Parking Lane Width	unmarked	
Parking Stall Type	Parallel, Opportunistic	

c. CURB & DRAINAGE

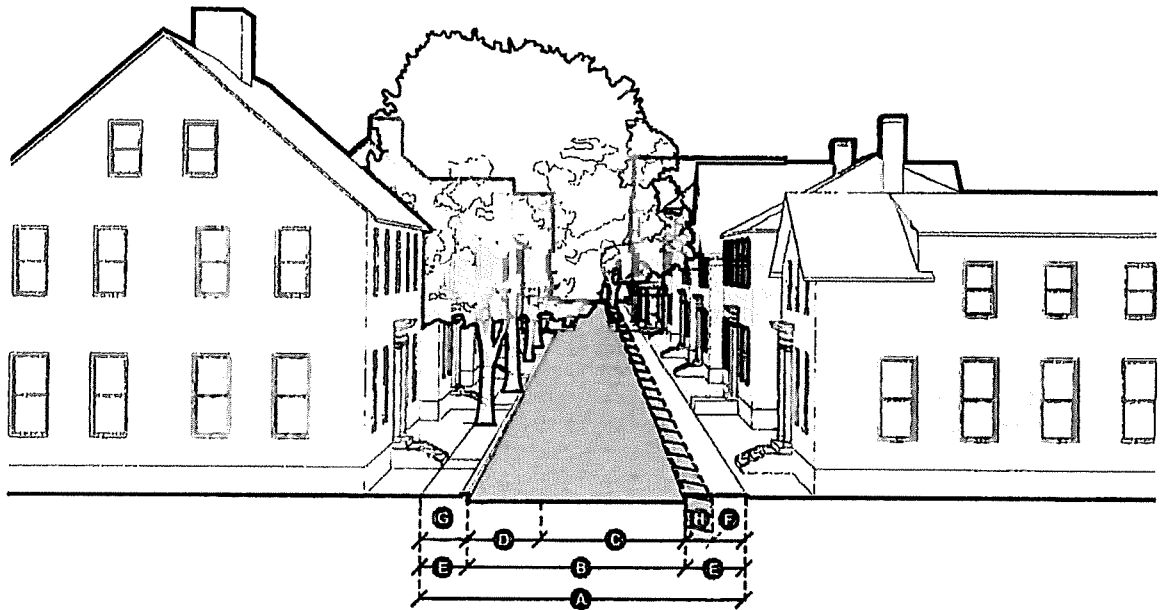
Curb Type	None
Drainage Type	Center Drain or Gutter
Curb Radius	n/a

d. VERGE

Verge Width	none
Walkway Type	shared
Walkway Width	n/a
Planter Type	n/a
Planter Width	n/a
Furnishing Zone	n/a

e. STANDARDS

5. CURBED LANE



a. DESCRIPTION

A paved thoroughfare that provides access through blocks and to the front, sides, or backs of residential or mixed-use building types.

b. ROADWAY

Right of Way Width	18 ft min, 24 ft max	A
Pavement Width	24 ft max	B
Movement	Yielding	
No. of Traffic Lanes	1 lane	
Traffic Lane Width	9 ft min, 18 ft max, unmarked	C
Parking Lanes	1 side or none, unmarked	
Parking Lane Width	7 ft max	D
Parking Stall Type	Parallel	

c. CURB & DRAINAGE

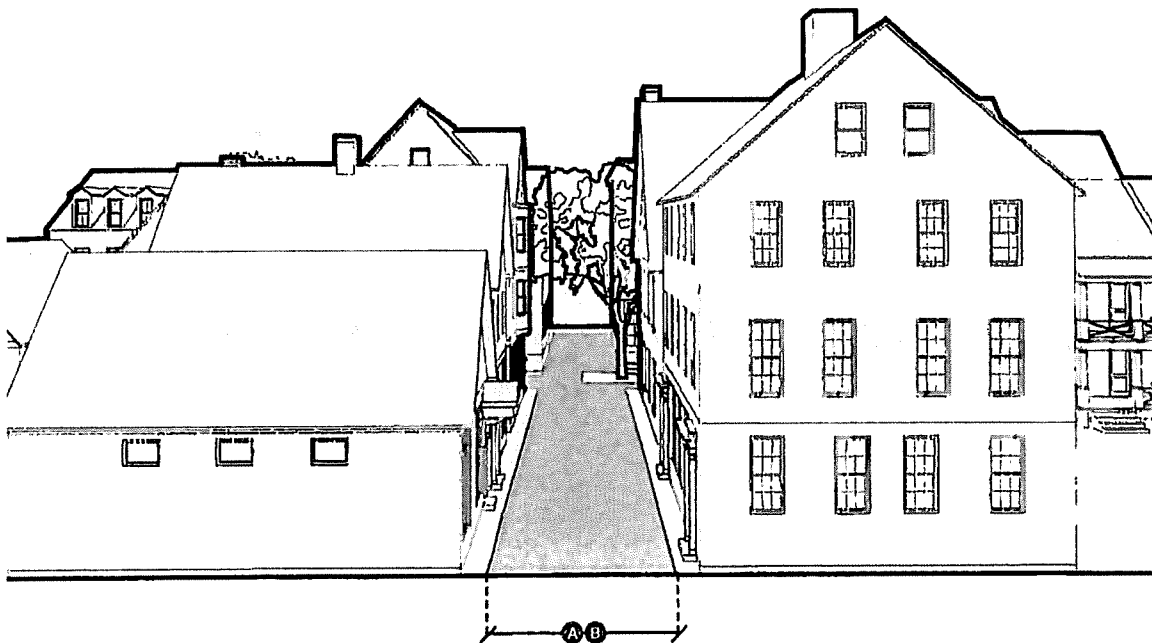
Curb Type	Granite
Drainage Type	Center Drain or Gutter
Curb Radius	4 ft max

d. VERGE

Verge Width	4 ft min on 1 or 2 sides	E
Walkway Type	none, or sidewalk on 1 or 2 sides	
Walkway Width	4 ft min	F
Planter Type	Tree Pits or continuous planter (2)	
Planter Width	3 ft min (2)	G
Furnishing Zone	0 ft min, 6 ft max	H

e. STANDARDS

6. CROSSWEAVE



a. DESCRIPTION

A paved thoroughfare that provides pedestrian access through blocks.

b. ROADWAY

Right of Way Width	12 ft min, 30 ft max	A
Pavement Width	n/a	
Movement	Pedestrian	
No. of Traffic Lanes	none	
Traffic Lane Width	n/a	
Parking Lanes	none	
Parking Lane Width	n/a	
Parking Stall Type	No parking	

c. CURB & DRAINAGE

Curb Type	None
Drainage Type	Center Drain or Gutter
Curb Radius	n/a

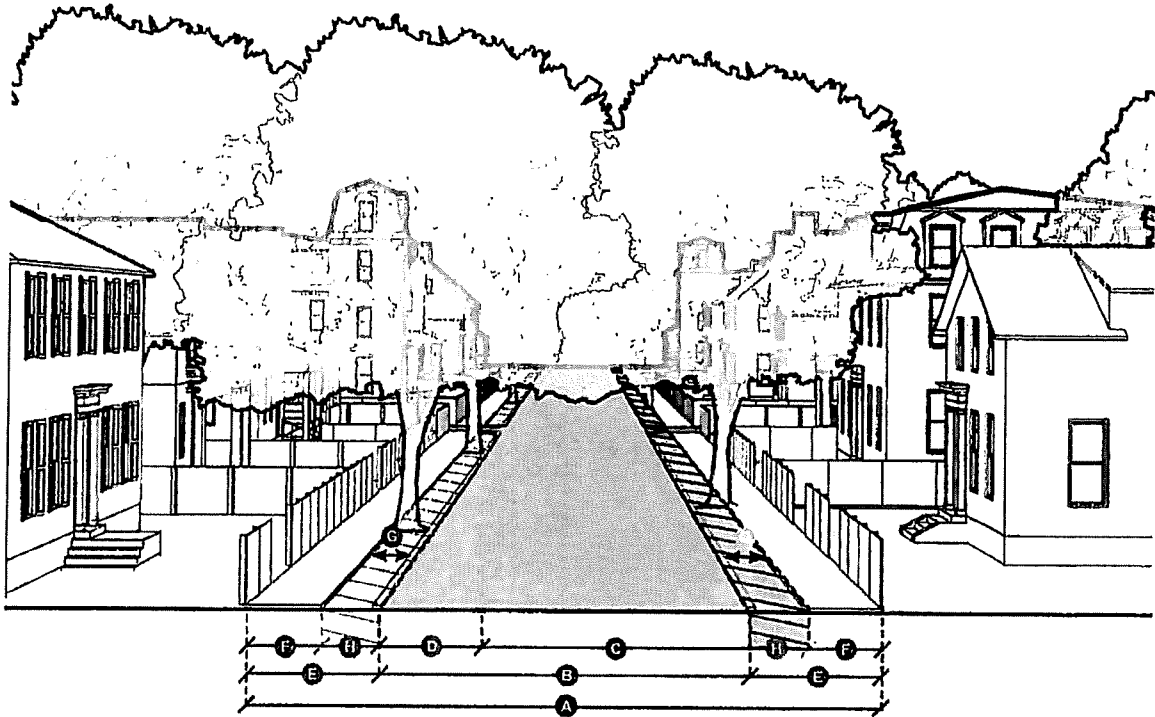
d. VERGE

Verge Width	none	
Walkway Type	shared	
Walkway Width	12 ft min, 30 ft max	B
Planter Type	none	
Planter Width	none	
Furnishing Zone	none	

e. STANDARDS

1. Pedestrian thoroughfares without a furnishing zone may accommodate required street furnishings anywhere in the right-of-way.

7. YIELD STREET



a. DESCRIPTION

A paved thoroughfare that accommodates slow flow traffic for all modes through residential neighborhoods.

b. ROADWAY

Right of Way Width	21 ft min, 36 ft max	(A)
Pavement Width	14 ft min, 22 ft max	(B)
Movement	Yielding	
No. of Traffic Lanes	1 yield lane, unmarked	
Traffic Lane Width	18 ft max	(C)
Parking Lanes	1 or 2 sides, opportunistic	
Parking Lane Width	8 ft max unmarked	(D)
Parking Stall Type	Parallel, Opportunistic	

c. CURB & DRAINAGE

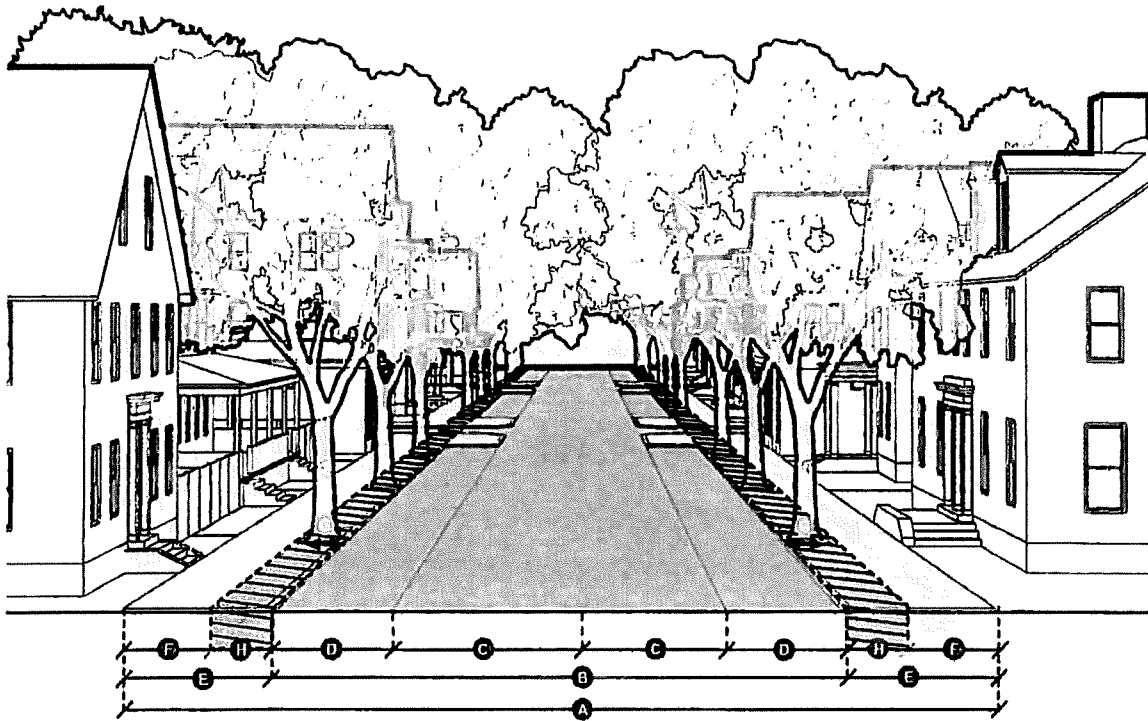
Curb Type	Granite or none
Drainage Type	Gutter or Swale
Curb Radius	6 ft max

d. VERGE

Verge Width	3 ft min, 1 or 2 sides, or none	(E)
Walkway Type	none, or Sidewalk on 1 or 2 sides	
Walkway Width	4 ft min	(F)
Planter Type	none or continuous planter or tree pits (II)	
Planter Width	3 ft min (II)	(G)
Furnishing Zone	1.5 ft min	(H)

e. STANDARDS

8. NEIGHBORHOOD STREET

**a. DESCRIPTION**

A paved thoroughfare that accommodates slow flow traffic for all modes through mixed-use neighborhoods.

b. ROADWAY

Right of Way Width	44 ft min, 52 ft max	A
Pavement Width	24 ft min, 36 ft max	B
Movement	Two-way	
No. of Traffic Lanes	1 or 2 lanes unmarked	
Traffic Lane Width	10 ft max	C
Parking Lanes	1 or 2 sides	
Parking Lane Width	7 ft min, 8 ft max	D
Parking Stall Type	Parallel	

c. CURB & DRAINAGE

Curb Type	Granite
Drainage Type	Gutter
Curb Radius	12 ft max

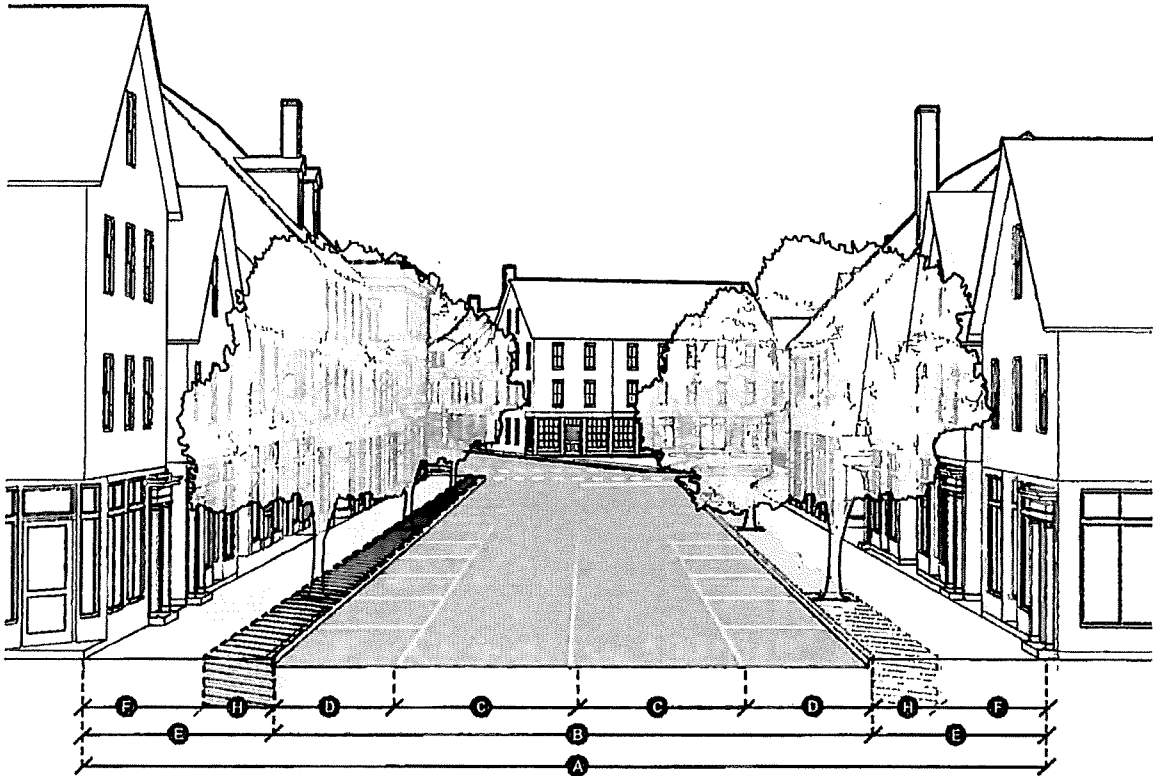
d. VERGE

Verge Width	8 ft min, 2 sides	E
Walkway Type	sidewalk, 2 sides	
Walkway Width	4 ft min	F
Planter Type	continuous planter or tree pits (2)	
Planter Width	3 ft min (2)	G
Furnishing Zone	1.5 ft min	H

e. STANDARDS

1. The thoroughfare may drop one or both parking lanes for portions of its length as long as the resulting space is given to the adjacent verge assembly.
2. Planters are optional on verges less than 9 ft wide, and on thoroughfares with a total ROW width narrower than 40 feet.

9. COMMERCIAL STREET



a. DESCRIPTION

A paved thoroughfare that accommodates slow flow traffic for all modes through commercial centers.

b. ROADWAY

Right of Way Width	50 min, 74 ft max	(A)
Pavement Width	38 ft max	(B)
Movement	Two-way	
No. of Traffic Lanes	2 lanes	
Traffic Lane Width	10 ft min, 11 ft max	(C)
Parking Lanes	2 Sides (1)	
Parking Lane Width	7 ft min, 8 ft max	(D)
Parking Stall Type	Parallel, Angled (1)	

c. CURB & DRAINAGE

Curb Type	Granite
Drainage Type	Gutter
Curb Radius	12 ft max

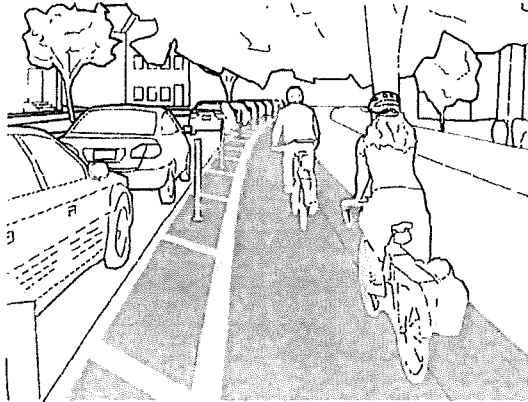
d. VERGE

Verge Width	8 ft min, 2 sides	(E)
Walkway Type	Sidewalk, 2 sides	
Walkway Width	4 ft min	(F)
Planter Type	Tree Pits (2)	
Planter Width	3 ft min (2)	(G)
Furnishing Zone	1.5 ft min, 6 ft max	(H)

e. STANDARDS

1. Angled parking permitted by special permit only.

1. PROTECTED BIKE LANE



a. DESCRIPTION

A designated bicycle lane that is physically separated from adjacent motor vehicle travel lanes and parking lanes, and that is distinct from the sidewalk.

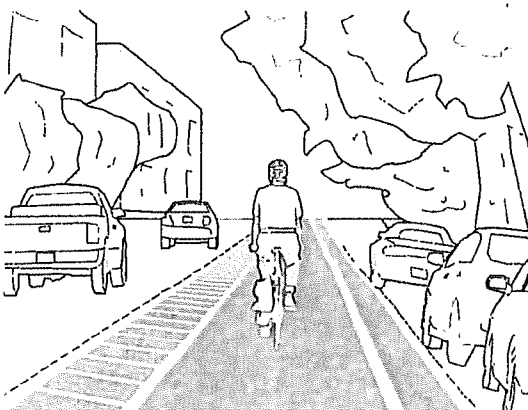
b. DIMENSIONS

Riding Surface Width	5 ft min
Lane Markings	Bicycle stencil
Buffer Width	2 ft min
Movement	One-way with traffic or two-way
Intersection Detailing	Signalized, Peg-a-Track, Bicycle Box

c. STANDARDS

1. Buffers may consist of parked cars, curb, bollards, planters, or other elements that create some physical separation.
2. Vehicular travel lanes should be marked with shared use lane stencils to indicate that cyclists may choose to ride in the travel lane.

2. BUFFERED BIKE LANE



a. DESCRIPTION

A designated bicycle lane separated from the adjacent motor vehicle travel lane and/or parking lane with a painted buffer space.

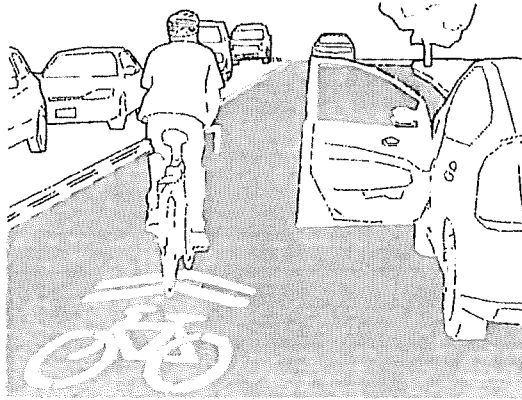
b. DIMENSIONS

Riding Surface Width	5 ft min
Lane Markings	Bicycle stencil
Buffer Width	2 ft min (2)
Movement	With traffic
Intersection Detailing	Signed

c. STANDARDS

1. Vehicular travel lanes should be marked with shared use lane stencils to indicate that cyclists may choose to ride in the travel lane.
2. Buffer should be hatched to clearly demarcate the space.

3. SHARED USE LANE



a. DESCRIPTION

A shared lane environment for bicycles and automobiles, identified as such by the use of shared lane markings, reinforcing the legitimacy of bicycle traffic on the street.

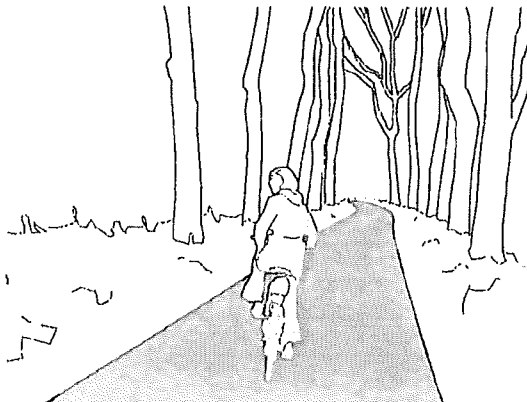
b. DIMENSIONS

Riding Surface Width	Same as vehicular lane
Lane Markings	Shared use lane stencil
Buffer Width	none
Movement	With traffic
Intersection Detailing	Signed

c. STANDARDS

1. Shared lane markings recommend proper bicyclist positioning on the street and may be configured to offer directional and wayfinding guidance.

4. SHARED USE PATH



a. DESCRIPTION

A shared, off-road surface that supports multiple non-motorized users.

b. DIMENSIONS

Riding Surface Width	8 ft min
Lane Markings	(1) (2)
Movement	Two-way
Intersection Detailing	Signed, Signalized, Peg-a-Track

c. STANDARDS

1. Apply dashed white lines on approach to street crossings for a length of approximately 50 to 100 ft.
2. Bicycle and pedestrian stencils may be applied.

5. NEIGHBORHOOD GREENWAY



a. DESCRIPTION

A signed and demarcated network of bicycle facilities that supports bicyclists of varying abilities.

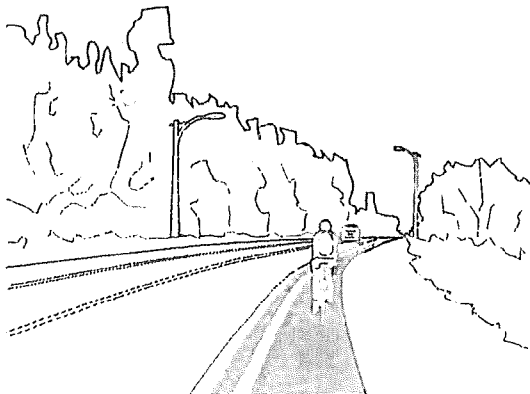
b. DIMENSIONS

Riding Surface Width	Same as vehicular lane
Lane Markings	Shared use lane stencil (1)
Buffer Width	none
Movement	With traffic
Intersection Detailing	Signed, chicane, roundabout

c. STANDARDS

1. Bicycle route signs should be present.

6. PAVED SHOULDER



a. DESCRIPTION

An area adjacent to the vehicular travel lane, often demarcated by a fog line and buffer, supporting multiple non-motorized users.

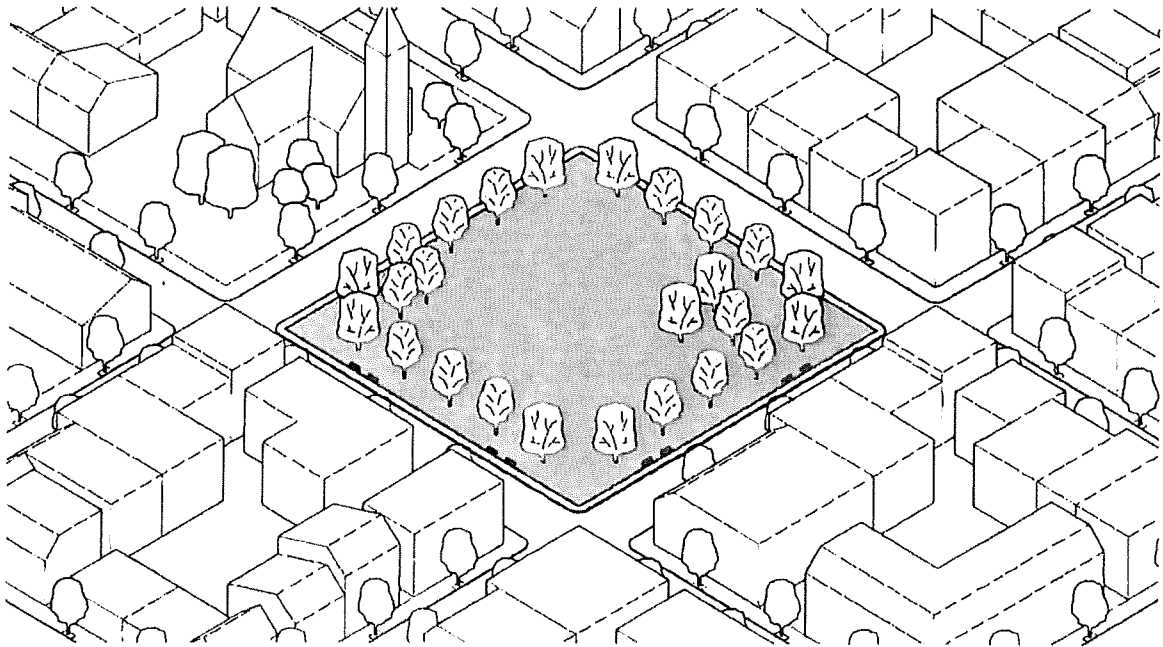
b. DIMENSIONS

Riding Surface Width	1 - 2 ft or 5 - 8 ft
Lane Markings	Optional bike stencil
Buffer Width	1 ft min
Movement	One-way with traffic
Intersection Detailing	Signed, Peg-a-Track

c. STANDARDS

1. Bicycle lane should be demarcated by double white fog lines with hatching.

1. COMMON



a. DESCRIPTION

An informal civic open space of a pastoral character, meant to provide unstructured public recreation space or public grazing land.

b. GROUND COVER

Hardscape	15% max
Landscape	85% min, 100% max
Permeable Surface	90% min

c. SIZE CLASSIFICATION

Green	500 sf min	S
Town Common	1/2 acre min	M
Town Farm	3 acres min	L

d. STANDARDS

1. A common should provide a substantially sized and uninterrupted open space that is landscaped with smooth ground covers, large trees, and little to no understory plants. Large canopy trees should be used in an informal manner to spatially define the perimeter while also framing views of neighboring buildings from within the green.
2. A common may be surrounded in a low wall or split rail fence in keeping with its rural character.

1. COMMON

e. PLANTING

Tree Shape	see Table 6.4 Tree Plantings
Tree Plantings	1 tree per 2,500 sf min

f. FURNISHINGS

Seating	1 resting bench per 300 linear feet of walkway
---------	--

g. LIGHTING

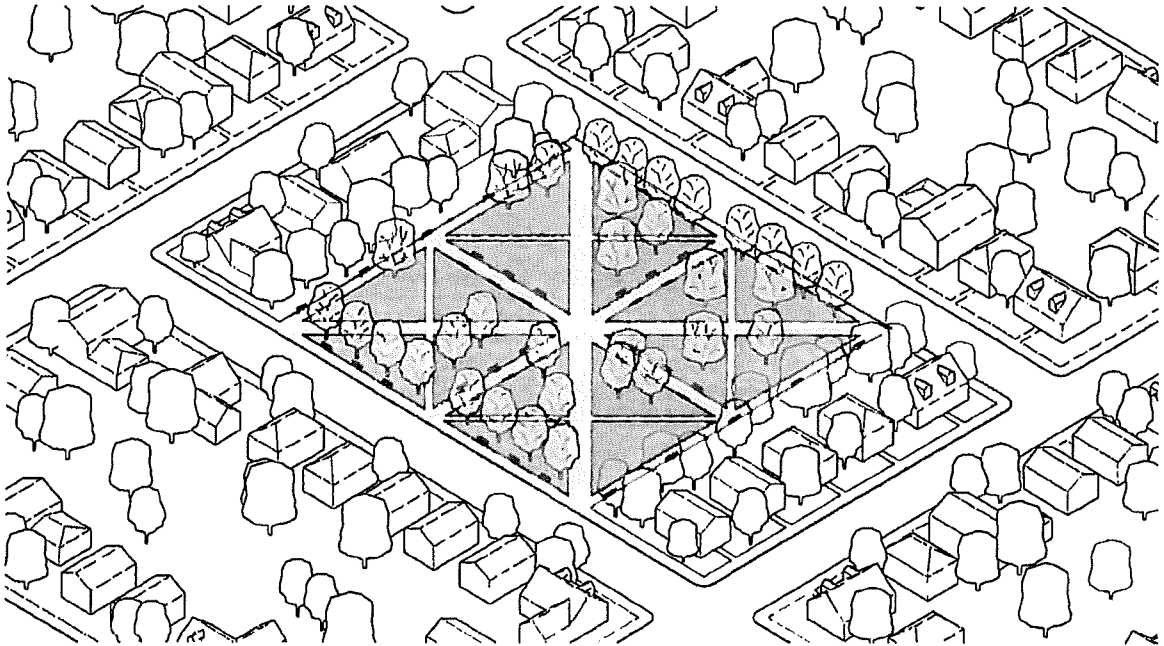
Illumination	see Table 5.1 Illumination Levels
Post Type	see Table 6.5 Lighting Post Shape

h. ACCESSORY CIVIC SPACES

Recreation Fields	⓪
Landmark	●
Swimming Pool	⓪
Community Gardens	●
Skating Rink	⓪
Skate Park	⓪
Dog Park	●
Playground	⓪
Botanical Garden	⓪
Burial Ground	●
Band Shell	⓪

- Permitted
- ⓪ Permitted by special permit

2. PARK



a. DESCRIPTION

A civic space comprised of mostly planted area, but with a significant portion given over to areas outfitted and programmed for specific activities.

b. GROUND COVER

Hardscape	15% min, 50% max
Landscape	50% min, 85% max
Permeable Surface	85% min

c. SIZE CLASSIFICATION

Pocket Park	500 sf min	S
Town Park	1 acre min	M
Regional park	6 acres min	L

d. STANDARDS

1. Pocket parks must share at least one property line with an abutting lot unless occupied by a landmark.
2. Town parks must provide no fewer than 2 accessory civic spaces.
3. Regional parks must provide no fewer than 3 accessory civic spaces.
4. All permanent outbuildings greater in area than 144 square feet must meet the requirements set forth in Article 2 District Standards and Article 3 Building Standards for buildings within the civic district.

2. PARK

e. PLANTING

Tree Shape	see Table 6.4 Tree Plantings
Tree Plantings	1 tree per 2,000 sf min

f. LIGHTING

Illumination	see Table 5.1 Illumination Levels
Post Type	see Table 6.5 Lighting Post Shape

g. FURNISHINGS

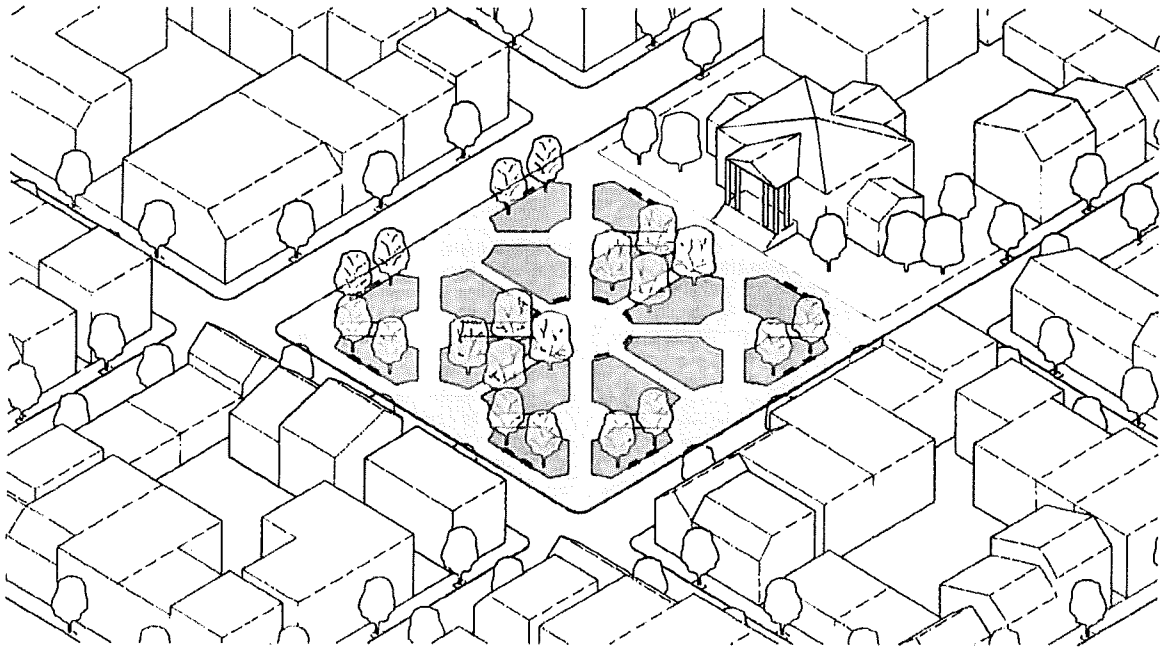
Seating	1 resting bench per 300 linear feet of walkway
---------	--

h. ACCESSORY CIVIC SPACES

Recreation Fields	●
Landmark	●
Swimming Pool	●
Community Gardens	●
Skating Rink	●
Skate Park	●
Dog Park	●
Playground	●
Botanical Garden	●
Burial Ground	●
Band Shell	●

- Permitted
- ⓪ Permitted by special permit

3. SQUARE



a. DESCRIPTION

A formal civic space comprised of paved and unpaved areas providing room for unstructured activities, and public gatherings.

b. GROUND COVER

Hardscape	36% min, 85% max
Landscape	15% min, 64% max
Permeable Surface	85% min

c. SIZE CLASSIFICATION

Pocket Square	500 sf min	S
Neighborhood Square	1/2 acre min	M
Central Square	3 acres min, 6 acres max	L

d. STANDARDS

1. Pocket squares must provide 1 linear foot of seating for every 50 sf of area, and 1 table for every 3 movable chairs.
2. Pocket squares must share at least one property line with an abutting lot unless occupied by a landmark.

3. SQUARE

e. PLANTING

Tree Shape	see Table 6.4 Tree Plantings
Tree Plantings	1 tree per 2,000 sf min

f. LIGHTING

Illumination	see Table 5.1 Illumination Levels
Post Type	see Table 6.5 Lighting Post Shape

g. FURNISHINGS

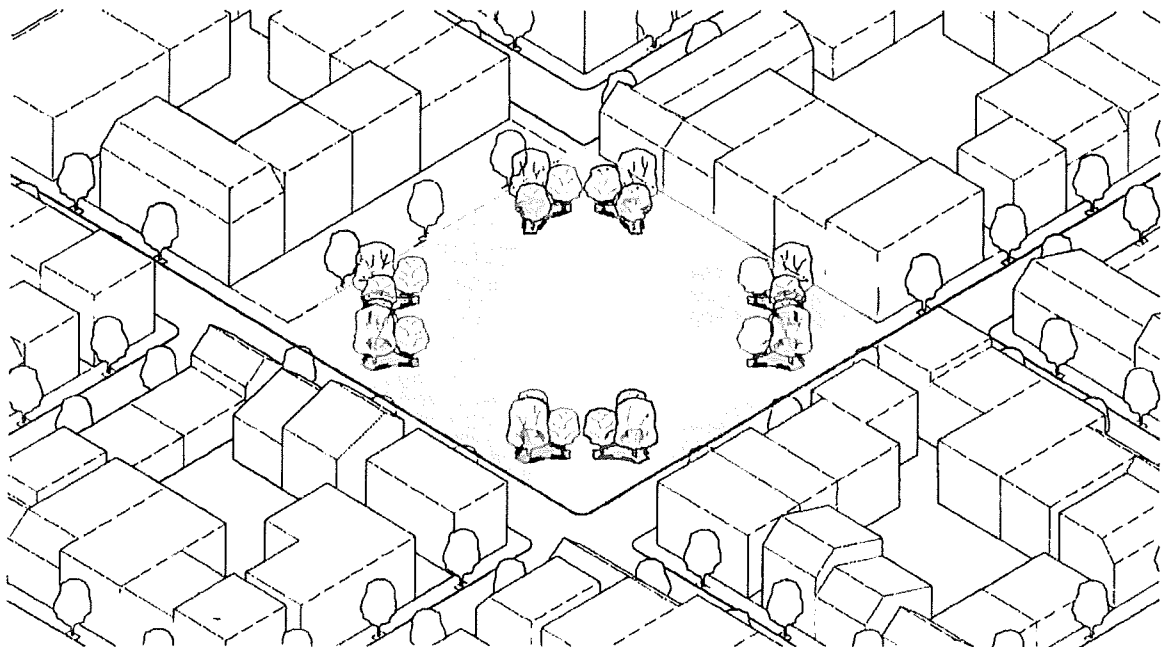
Seating	1 resting bench per 300 linear feet of walkway
---------	--

h. ACCESSORY CIVIC SPACES

Recreation Fields	⓪
Landmark	●
Swimming Pool	⓪
Community Gardens	⓪
Skating Rink	⓪
Skate Park	⓪
Dog Park	⓪
Playground	⓪
Botanical Garden	●
Burial Ground	⓪
Band Shell	●

- Permitted
- ⓪ Permitted by special permit

4. PLAZA



a. DESCRIPTION

A civic space comprised mostly of pavement and open formal areas.

b. GROUND COVER

Hardscape	85% min, 100% max
Landscape	15% max
Permeable Surface	70% min

c. SIZE CLASSIFICATION

Piazzetta	500 sf min	S
Plaza	1/4 acre min	M
Central Plaza	1 acre min, 4 acres max	L

d. STANDARDS

1. The perimeter of a plaza should be well integrated into its surroundings and free from fences, hedges, and other barriers that would impede movement into the space and obscure visibility from abutting street or building frontages.
2. Piazzas and piazzettas must share at least one property line with an abutting lot unless occupied by a landmark.

4. PLAZA

e. PLANTING

Tree Shape	see Table 6.4 Tree Plantings
Tree Plantings	1 tree per 8,000 sf min

f. LIGHTING

Ambient Illumination	see Table 5.1 Illumination Levels
Post Type	see Table 6.5 Lighting Post Shape

g. FURNISHINGS

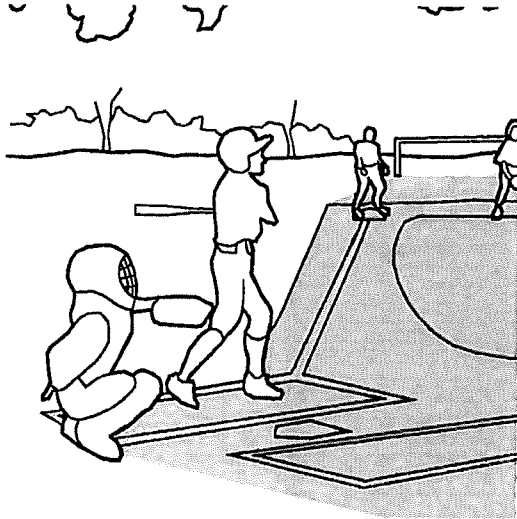
Seating	1 resting bench per 300 linear feet of walkway
---------	--

h. ACCESSORY CIVIC SPACES

Recreation Fields	⓪
Landmark	●
Swimming Pool	⓪
Community Gardens	⓪
Skating Rink	⓪
Skate Park	⓪
Dog Park	⓪
Playground	⓪
Botanical Garden	⓪
Burial Ground	⓪
Band Shell	⓪

- Permitted
- ⓪ Permitted by special permit

1. RECREATION FIELDS



a. DESCRIPTION

An accessory civic space designed for active recreation, athletic activity, and competitive sports.

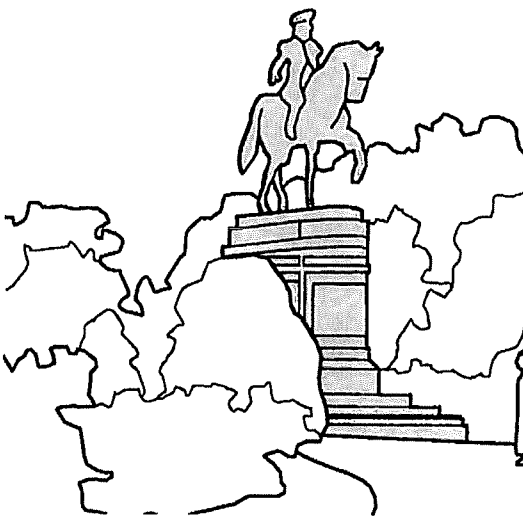
b. DIMENSIONS

Contiguous Size	7,500 sf min, 20 acres max
-----------------	----------------------------

c. STANDARDS

1. Recreation fields must provide regulation field and courts sizes tailored to the needs of the specific user groups the space is intended to serve.
2. The materials and construction methods of any recreation field including the choice of natural turf or synthetic fields must be designed to accommodate the projected carrying capacity of the field. Particular attention must be paid to permeability of subsurface materials, soil compaction, and drainage.
3. Playing fields ambient lighting may exceed illuminations limits if night time use is anticipated.

2. LANDMARK



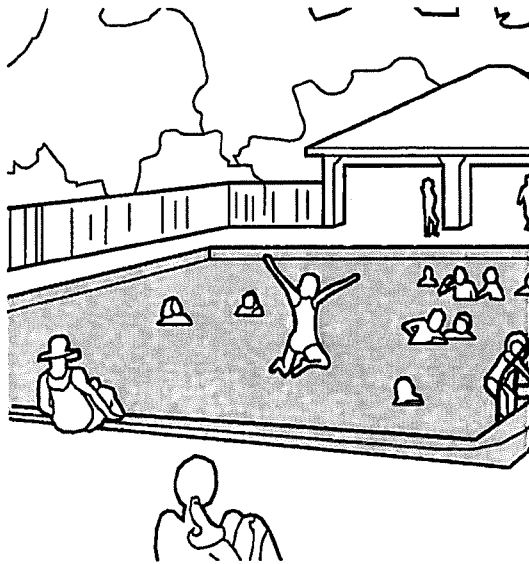
a. DESCRIPTION

An accessory civic space designed to commemorate an important event or important person.

b. STANDARDS

1. Landmarks can take many forms including stone or metal memorials and monuments, statues, plaques, signage, or landscape designs.
2. Landmarks must be designed as permanent fixtures and made of materials that will withstand all weather conditions and the test of time.
3. Landmark design, size, and placement should be appropriate for the site.
4. Maintenance of landmarks, including any associated lighting should be considered in the design.

3. SWIMMING POOL



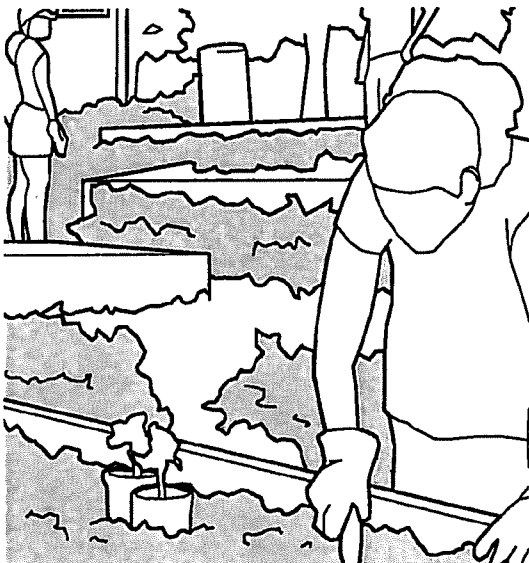
a. DESCRIPTION

An accessory civic space to accommodate facilities for swimming.

b. STANDARDS

1. The design of public swimming facilities is required to meet the standards set forth in state statute.
2. Swimming pools must provide facilities tailored to the needs of the specific user groups the space is intended to serve.
3. Swimming pools must always be encircled by a fence or wall of at least 3 ft in height.
4. Swimming pool ambient lighting may exceed illumination limits if night time swimming is anticipated.

4. COMMUNITY GARDEN



a. DESCRIPTION

An accessory civic space designed as a collection of individual garden plots available to residents for agriculture purposes, including storage facilities for necessary equipment.

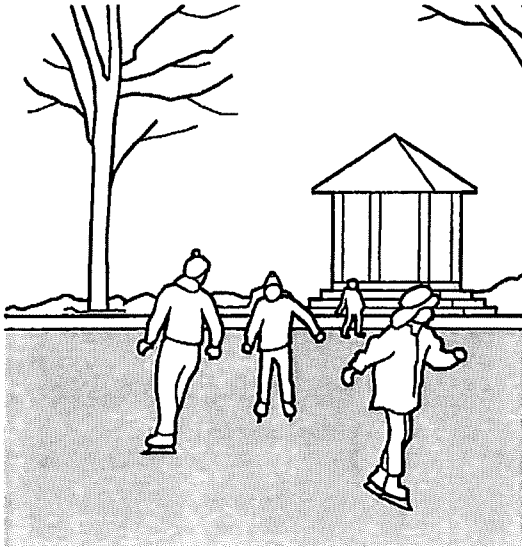
b. GROUND COVER

Permeable Surface	90% min
-------------------	---------

c. STANDARDS

1. At least 12 individual garden plots should be provided.
2. A minimum of one accessible plot should be provided for every 12 plots.
3. The minimum size of individual garden plots should be 25 square feet.
4. Informal buildings, water hook-ups, compost bins, and other related structures are allowed.

5. SKATING RINK



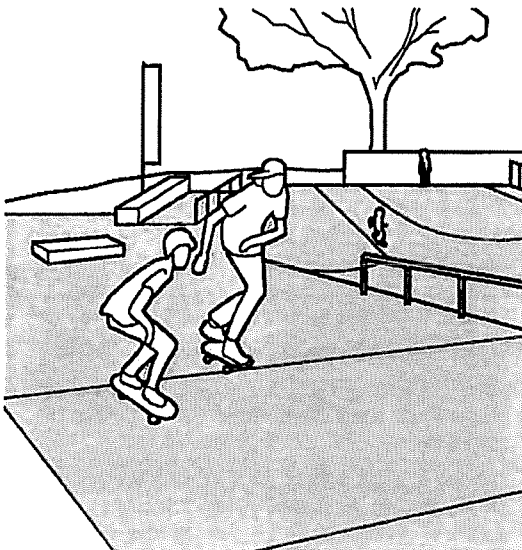
a. DESCRIPTION

An accessory civic space characterized by a large smooth level paved area intended for use with ice or roller skates.

b. STANDARDS

1. Skating Rink ambient lighting may exceed illumination limits if night time skating is anticipated.

6. SKATE PARK



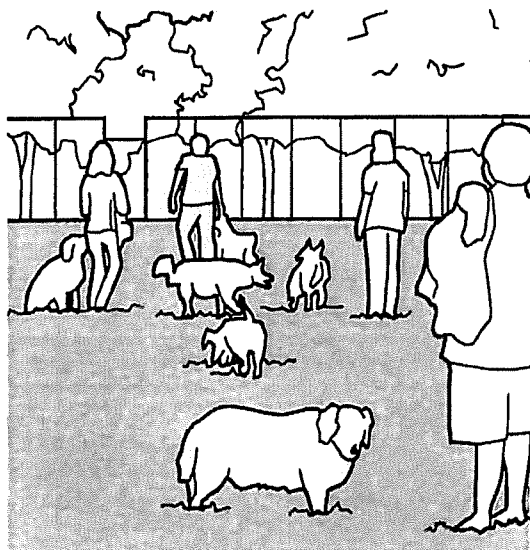
a. DESCRIPTION

An accessory civic space characterized by a collection of ramps and other obstacles intended for use by skateboarders.

b. STANDARDS

1. Skate park ambient lighting may exceed illumination limits if night time skating is anticipated.
2. Each Skate Park must have a permanent sign, stating the hours of operation, rules, and regulations for the skate park.

7. DOG PARK



a. DESCRIPTION

An accessory civic space designed for the active recreation of dogs and their owners.

b. GROUND COVER

Permeable Surface	100% min
-------------------	----------

c. STANDARDS

1. A dog park is not permitted to be less than 15 feet in any dimension, with contiguous area being no less than 10,000 sf.
2. Dog parks may be fenced to a minimum height of 60 inches. Fence footings must be buried to a depth of 1 foot and fence panels must be buried to a depth of 6 inches at all locations except at entrances/exits.
3. One litter receptacle and 1 dog valet must be provided near each entrance/exit.
4. One tree must be planted every 30 feet along the perimeter of a dog park, outside of the fence.
5. Each dog park must have a permanent sign, stating the hours of operation, rules, and regulations for the dog park.
6. One linear foot of seating must be provided, per 275 sf.
7. No person may bring more than 3 dogs.

8. PLAYGROUND



a. DESCRIPTION

An accessory civic space primarily designed as a play area for children.

b. GROUND COVER

Permeable Surface	85% min
-------------------	---------

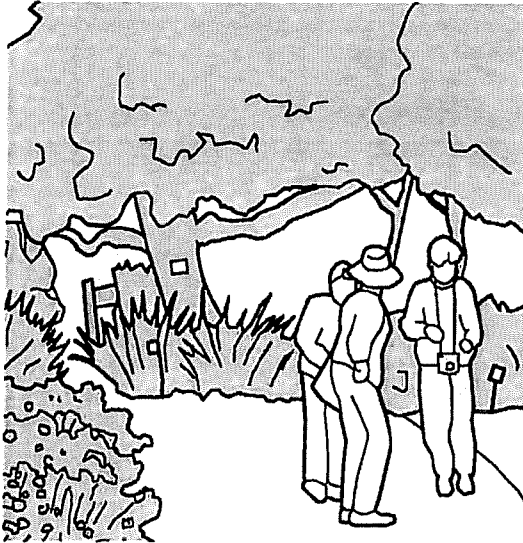
c. DIMENSIONS

Contiguous Size	2,500 sf min; 25,000 sf max
-----------------	-----------------------------

d. STANDARDS

1. One tree must be planted every for every 500 sf.
2. One linear foot of seating must be provided, per 300 sf.

9. BOTANICAL GARDEN



a. DESCRIPTION

An accessory civic space designed specifically for the cultivation of specimen plants

b. GROUND COVER

Hardscape	50% max
Landscape	50% min
Permeable Surface	85% min

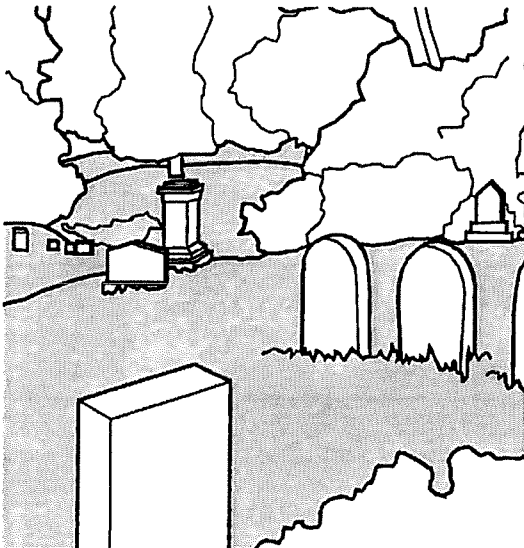
c. DIMENSIONS

Contiguous Size	2 ac min
-----------------	----------

d. STANDARDS

1. Botanical gardens should be curated by an institution with experience managing collections of plants, or associated with a school, public committee, or private club.
2. One linear foot of seating must be provided, per 275 sf.

10. BURIAL GROUND



a. DESCRIPTION

An accessory civic space primarily designed for the interring and memorialization of the deceased.

b. GROUND COVER

Permeable Surface	85% min
-------------------	---------

c. STANDARDS

1. Burial grounds may be independently separated by gates, walls, fences, hedges, or other barriers from abutting uses.
2. One tree must be planted for every 500 sf.

11. BAND SHELL / AMPHITHEATER



a. DESCRIPTION

An accessory civic space designed to provide an outdoor venue for musical recitals and plays.

b. STANDARDS

1. Deciduous tree canopy recommended to provide shade for viewers of the band shell or amphitheater, as long as trees do not obstruct the view.

ARTICLE 7 ADMINISTRATION

PURPOSE

- To describes the powers and duties of the review bodies and ordinance administrator, and the different kinds of applications required to be submitted to the Town prior to subdivision of land or construction of buildings or site improvements.
- To describe detailed procedures for each application type, including what information an applicant is required to submit, how long a permitting process may take, how a project might be noticed, and the standards a review body or administrator will consider when granting approval.
- To describe procedures for seeking zoning relief, appeals, and for seeking Regulating Plan or text amendments.

APPLICABILITY

- This Article applies to all projects within the Mashpee Commons District Map in the Town of Mashpee.

CONTENTS

A. PRE-APPLICATION PROCEDURES	F. REVIEW BOARDS & OFFICIALS
1. General Procedures 7-245	1. Building Inspector 7-274
2. Pre-Submittal Meeting 7-246	2. Development Administrator 7-274
3. Optional Neighborhood Meeting 7-246	3. Planning Board 7-274
4. Public Notice 7-247	4. Board of Appeals 7-275
5. Public Hearings 7-248	
6. Written Interpretation 7-248	
7. Misc Procedures 7-249	
B. DEVELOPMENT REVIEW	
1. Application Types 7-251	
2. Small Project Plan 7-251	
3. Large Project Plan 7-253	
4. Subdivision Plan 7-255	
5. Master Plan 7-259	
6. Plan Revision 7-261	
7. Special Permit 7-263	
8. Variance 7-265	
C. LEGISLATIVE PROCEDURES	
1. Land Conveyance 7-267	
2. Zoning Amendment 7-268	
D. APPEALS	
1. Administrative Appeal 7-269	
2. Judicial Appeal 7-270	
E. NONCONFORMANCE	
1. Nonconformity 7-271	

ARTICLE 7

ADMINISTRATION

PURPOSE

- To describes the powers and duties of the review bodies and code administrator, and the different kinds of applications required to be submitted to the Town prior to subdivision of land or construction of buildings or site improvements.
- To describe detailed procedures for each application type, including what information an applicant is required to submit, how long a permitting process may take, how a project might be noticed, and the standards a review body or administrator will consider when granting approval.
- To describe procedures for seeking zoning relief, appeals, and for seeking Regulating Plan or text amendments.

APPLICABILITY

- This Article applies to all projects within the Mashpee Commons District Map in the Town of Mashpee.



CONTENTS

A. PRE-APPLICATION PROCEDURES

1. General Procedures	7-245
2. Pre-Submittal Meeting	7-246
3. Optional Neighborhood Meeting	7-246
4. Public Notice	7-247
5. Public Hearings	7-248
6. Written Interpretation	7-248
7. Misc Procedures	7-249

B. DEVELOPMENT REVIEW

1. Application Types	7-251
2. Master Plan	7-259
3. Subdivision Plan	7-255
4. Large Project Plan	7-253
5. Small Project Plan	7-251
6. Plan Revision	7-261
7. Special Permit	7-263
8. Variance	7-265

C. LEGISLATIVE PROCEDURES

1. Land Conveyance	7-267
2. Zoning Amendment	7-268

D. APPEALS

1. Administrative Appeal	7-269
2. Judicial Appeal	7-270

E. NONCONFORMANCE

1. Nonconformity	7-271
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F. REVIEW BOARDS & OFFICIALS

1. Building Inspector	
2. Town Planner	7-274
3. Planning Board	7-274
4. Board of Appeals	7-275

1. GENERAL PROCEDURES

A. GENERAL

1. Applications must be approved by the Permitting Authority, following the procedures outlined in this Code and as summarized in Table 7.1 Review Authority.
2. Applications must include all necessary information and plan contents for the Permitting Authority to determine compliance with this Code.
3. The applicant can obtain an application packet including all submission requirements from the Town Office.
4. When a project requires multiple types of permit review, those applications may, at the discretion of the Permitting Authority, be processed simultaneously.

B. COMPLETENESS

1. An application for development review is not considered complete until all necessary information has been supplied by the applicant, all fees have been paid, required pre-submittal meetings have been held, and until such time as the Permitting Authority determines completeness.
2. Upon written request by an applicant, the Permitting Authority may waive any of the application requirements required for submission, provided the requirement is not needed to determine full compliance with this Code.
3. For any application requiring a public hearing, the Town Planner or Building Inspector may make initial determination of completeness and schedule the application for a public hearing.
4. At the public hearing, the Permitting Authority may vote to determine if an application is complete and may do one of the following:
 - a. Determine the application is complete and ready for review.
 - b. Determine the application is incomplete and deny the application.
 - c. Determine the application is incomplete and allow the applicant to withdraw the application without prejudice according to Article 7.A.9.B Withdrawal.
 - d. Table the application to a date and time specific according to Article 7.A.7.C, Continuance.

C. FEES

1. Upon formal submission of an application, any applicable fees must be paid in accordance with the fee schedule established by the Board of Selectmen and posted at the Town Office.

D. TECHNICAL REVIEW

1. Where a Permitting Authority finds that the scale or complexity of a project necessitates third party professional or technical services to assist with project review and determination of compliance with this Code and any modules, the applicant may be required to escrow funds prior to the commencement of project review.
2. Funds will be held by the Town Treasurer and any balance of funds remaining at the conclusion of project review will be returned to the applicant.
3. In the instance where an applicant disagrees with the amount of funds to be escrowed, an applicant may appeal a decision of the Permitting Authority in accordance with Article 7.F.1 Administrative Appeals.

E. RECORDING

1. Plans containing lots, theoretical lot lines, or building groups must be recorded in the Barnstable County Registry of Deeds within 90 days of the granting of an approval, variance, or a permit.
2. Permits for uses or massing components must be recorded in the Barnstable County Registry of Deeds within 90 day of the granting of an approval.

TABLE 7.1 REVIEW AUTHORITY

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

2. PRE-SUBMITTAL MEETING

PURPOSE

- To provide an opportunity to inform an applicant of relevant development review application criteria, standards, and procedure.
- To examine previous development review applications and permits for the site.
- To identify potential concerns by the applicant and the Permitting Authority at the earliest opportunity in the development process.

APPLICABILITY

- At the discretion of the Permitting Authority, an applicant may be required to have a pre-submittal meeting with the Permitting Authority. Conversely, an applicant may request a pre-submittal meeting with the Permitting Authority.

A. APPLICABILITY

1. A pre-submittal meeting is mandatory for the following applications: Large Project Plan, Subdivision Plan, Master Plan, Special Permit, and Variance.
2. A pre-submittal meeting is optional, but recommended for a Small Project Plan application.
3. The Town Planner conducts pre-submittal meetings.
4. Pre-submittal meetings are advisory only, and not intended as an exhaustive review of all potential issues. Participation in a pre-submittal meeting does not absolve an applicant of any responsibility for legal or technical due diligence investigation.

A. PROCEDURE

1. A pre-submittal meeting with the Town Planner should occur at least 3 days prior to formal submission of an application for development review.
2. A pre-submittal meeting with the Planning Board must be requested in writing to the Office of the Town Planner, and the Office of the Town Planner must schedule the meeting for the next regular meeting of the Planning Board.
3. Applicants or their representatives are required to attend a pre-submittal meeting.

3. OPTIONAL NEIGHBORHOOD MEETING

PURPOSE

- To facilitate appropriate community participation in the development review process; to provide an applicant with an opportunity to present a development proposal to the public during the conceptual design phase; and to allow the public to identify and discuss issues and potential impacts of the development proposal with the applicant.
- To promote submittal of applications for development review that are more responsive to neighborhood concerns and to expedite and lessen the expense of the review process by reducing continuances and appeals.

APPLICABILITY

- Neighborhood meetings are optional.

A. PROCEDURE

1. A neighborhood meeting should occur at least 10 days before formal submittal of an application for development review.
2. Neighborhood meetings should be held at a location in close proximity to the subject property on a weekday evening after 6:00 p.m. or on weekends at any reasonable time and should not occur on a local, state, or national holiday.
3. Applicants or their representatives must attend a neighborhood meeting.
4. The Applicant is responsible for coordinating a neighborhood meeting.
5. The format and agenda of the neighborhood meeting is at the discretion of the applicant and may consist of:
 - a. Formal presentation
 - b. On-site walk through
 - c. A drop-in, open house style informational session
6. Opportunity must be provided for attendees to ask questions regarding the development review application.
7. The Applicant is encouraged to submit a report and minutes of the neighborhood meeting to the Town Planner at the time of application submittal, including the following:
 - a. A list of those persons and organizations contacted about the meeting, and manner and date of contact;
 - b. The date, time, and location of the meeting;
 - c. A roster or signature sheet of attendees at the meeting;
 - d. A summary of issues discussed at the meeting;
 - e. Copies of all materials provided by the applicant at the meeting; and
 - f. A description of any changes to the application made as a result of the meeting.

4. PUBLIC NOTICE

PURPOSE

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

APPLICABILITY

- All projects.

////////////////////////////////////

A. MAILED NOTICE

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

B. PUBLISHED NOTICE

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

C. POSTED NOTICE

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

D. NOTICE DEFECTS

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

TABLE 7.2 NOTICES

	NOTICE
MASTER PLAN	●
SUBDIVISION PLAN	●
LARGE PROJECT PLAN	●
SMALL PROJECT PLAN	
PLAN REVISION	①
SPECIAL PERMIT	●
VARIANCE	●
LAND CONVEYANCE	
ZONING AMENDMENT	●

- Required
- ① May be required

5. PUBLIC HEARINGS

PURPOSE

- To provide an opportunity for the public to review and comment on project applications, revisions, appeals, and/or proposed zoning text or map amendments.

APPLICABILITY

- Table 7.3 Public Hearing summarizes which types of applications require a public hearing. If an application is not listed, no public hearing is required.



A. ACCESS TO DOCUMENTS

- Physical copies of application information, plans, and other related correspondence are available to inspect during normal Town of Mashpee office business hours. Copies of materials may be requested by any party, subject to payment of a reasonable fee to cover the cost of such copies.

B. CONDUCT OF THE PUBLIC HEARING

- The public hearing will be conducted in accordance with any and all applicable requirements of this Code and any adopted rules and regulations of the Permitting Authority conducting the hearing.

C. CONTINUANCE

- Upon mutual agreement by the applicant and the Permitting Authority, the following procedural requirements may be extended:
 - The time limit required for commencement of a public hearing;
 - The time limit required to make a decision.
- Mutual agreement of extended time limits will be recorded in writing.

TABLE 7.3 PUBLIC HEARINGS

	PUBLIC HEARING
MASTER PLAN	●
SUBDIVISION PLAN	●
LARGE PROJECT PLAN	
SMALL PROJECT PLAN	
PLAN REVISION	◐
SPECIAL PERMIT	●
VARIANCE	●
LAND CONVEYANCE	
ZONING AMENDMENT	●

- Required
- ◐ May be required

1. APPLICATION TYPES

PURPOSE

- To provide a clear and effective set of rules for gaining approvals for development within the Town of Mashpee.

APPLICABILITY

- All projects.



A. DEVELOPMENT REVIEW

1. Applications are required for the following types of projects:
 - a. Master Plan
 - b. Subdivision Plan
 - c. Large Project Plan
 - d. Small Project Plan
 - e. Plan Revision
 - f. Special Permit
 - g. Variance

B. ADDITIONAL PERMIT APPLICATIONS

1. Additional permit applications may be required as outlined in Article 9 Modules, based on conditions of subject property and/or the proposed project, including:
 - a. Shoreland Zoning
 - b. Resource Protection
 - c. Floodplain
 - d. Demolition Delay
 - e. Wireless Communications
 - f. Timber Harvesting
 - g. Earth Filling, Grading, Excavation
 - h. Erosion Sedimentation Control
 - i. Seasonal Conversion
 - j. Mobile Home Park

2. MASTER PLAN

PURPOSE

- To provide a development review process that applies to a conceptual plan coordinating the development of blocks, thoroughfares, civic space, and other neighborhood level design.
- To show mandatory compliance standards for blocks, shopfront streets, alleys, thoroughfares, pedestrian sheds, and district mix, as applicable.
- To allow an applicant to gain conceptual-level approval for a project without preparing detailed site plans or architectural and engineering drawings for thoroughfares, civic spaces, lots, or buildings.
- To authorize the Review Authority to accept applications for subsequent development review in accordance with this Code, as project phases and individual lots are built out.

APPLICABILITY

- Parcels under single ownership that involve the potential for significant or phased development.
- Any proposed assignment or reassignment of character districts or special districts to land located within a pedestrian shed on the Mashpee Commons Regulating Plan.

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A. AUTHORITY

1. The Planning Board reviews and approves all applications for Master Plan approval.

B. PROCEDURE

1. The review and approval of an application for Master Plan application is conducted at a public hearing.
2. Within 30 days of receiving an application for Master Plan approval, the Planning Board must review the application for completeness and hold a public hearing.
3. Within 30 days of the closing of the public hearing, the Planning Board must make a decision to approve, approve with conditions, deny, or grant withdrawal of the application.
4. When considering a revision to a previously approved application for Master Plan approval, the Planning Board must limit its review to the proposed changes to the previously approved application.

5. Plans for project phases under a Master Plan may be submitted as Subdivision Plans, Large Project Plans, or Small Project plans, as appropriate.

C. APPROVAL STANDARDS

1. The Planning Board must approve a Master Plan application and issue findings of fact upon verifying consistency to the following:
 - a. The purpose and intent of this Code.
 - b. The purpose of the District(s) where the property is located.
 - c. The applicable neighborhood-level standards, including Blocks, Alleys, Thoroughfares, Civic Space, Pedestrian Sheds, District Mix, and Shopfront Streets.
 - d. Considerations indicated elsewhere in this Code for the required Master Plan approval.

3. SUBDIVISION PLAN

PURPOSE

- To allow for the orderly development of a parcel of land into new dwelling units and lots, and thoroughfares that provide access to them.
- To comply with MGL Chapter 41, Section 81L.

APPLICABILITY

- The division of a parcel of land into 2 or more lots or the resubdivision of land; except, if the lots have frontage on a public way or way that the Town Clerk certifies is maintained and used as a public way, or a way that is shown on an approved subdivision plan, or a way that was in existence when the Subdivision Control Law became effective and, according to the Planning Board, has sufficient width, grade and construction to provide for vehicular traffic; and said lots have sufficient frontage and lot size.
- The division of a parcel of land that requires construction of suitable access.
- Clearing of land or excavation in anticipation of subdivision.
- Construction of thoroughfares.
- Installation of utility services.

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A. AUTHORITY

1. The Planning Board reviews and approves all applications for Subdivision Plan approval and enforces this Article.
2. The Office of the Town Planner administers the Subdivision Plan approval review process.
3. The Road Commissioner and Building Inspector oversees the subdivision construction phase.
4. When a Subdivision Plan application requires review and approval of the Massachusetts Department of Environmental Protection, each review may be conducted simultaneously.
5. Upon approval of a Subdivision Plan, the Building Inspector issues a Zoning Permit for the installation of all required site improvements.
6. Upon approval of a Subdivision Plan, the Office of the Town Planner may accept applications for development, including but not limited to Small and Large Project Plans for new buildings.

B. APPROVAL STANDARDS

1. The Planning Board must approve a Subdivision Plan application and issue findings of fact upon verifying consistency to the following:

- a. The intent of this Code in general.
- b. The intent of the District where the property is located.

C. AMENDMENTS AND MODIFICATION

1. The Building Inspector may determine that the following modifications to an approved plat are de minimus in nature, and do not constitute an amendment to the approved final plat:
 - a. Moving of lot lines and thoroughfares, and rearrangement of easements, provided that the lots and thoroughfares meet the minimum requirements of this Code and all other applicable regulations, and the number of lots remains the same; and,
 - b. Modification of design of improvements as result of unforeseen conditions or field adjustments during construction.
2. All other modifications to an approved plat will constitute a new application to the Planning Board, subject to the procedures of Article 7.B.4.C Procedure.
3. Where a revision causes need for a new plan mylar to be signed by the Planning Board for recording at the Barnstable County Registry of Deeds, the Planning Board must make itself available as a board or as individuals to sign mylars in a timely manner. After obtaining necessary signatures, the applicant must file the signed mylar with the Barnstable County Registry of Deeds in accordance with the standards of this Code.

D. RECORDING OF PLAT

1. The applicant will file a copy of the approved subdivision plat at the Barnstable County Registry of Deeds within 6 months of approval by the Planning Board.

E. CIVIC SPACE

1. Prior to approval of the final plat containing dwelling units, the subdivision plat must also show location of civic spaces as required by Article 6.D Civic Spaces.

F. REQUIRED IMPROVEMENTS

1. Installation of Improvements must be made in accordance with the final plat within 2 years from the date of approval of the final plat. Improvements may include, but are not limited to: site grading, streets (including any street trees, sidewalks, curb and gutter), sanitary sewers, water mains and services, stormwater management facilities, fire services, street lighting, and signage.
2. Prior to start of construction of any required improvements, the applicant must provide the Road Commissioner with a copy of specifications included in any contract entered into

by the applicant for construction. The applicant must notify the Town at least five days prior to the start of construction or installation of any improvements and at least 24 hours prior to the completion of these improvements.

G. CONVEYANCE OF IMPROVEMENTS

1. If any plat contains public rights-of-way, parks, or easements which are to be dedicated as such, the approval of the plat does not constitute an acceptance by the Town of Mashpee of the improvements constructed or installed in the subdivision, irrespective of any acts by an officer, agent, or employee of the Town of Mashpee with respect to these improvements.
2. Every right-of-way, park, or easement shown on a plat filed or recorded in the Barnstable County Registry of Deeds will be deemed to be a private improvement until it has been formally dedicated and accepted by the Town of Mashpee. Until such dedication and acceptance, the Town of Mashpee is not responsible for maintenance.
3. The acceptance of improvements may be made only by the adoption of a Board of Selectmen resolution after the Department of Public Works files a certificate with the Office of the Building Inspector certifying that all improvements have been constructed or installed as required. All accepted easements must be filed with the plat and copies forwarded to the Commissioner of Public Works, Parks, and Streets.

H. ISSUANCE OF ZONING PERMITS FOR NEW BUILDINGS

1. No Zoning Permit will be issued for a new building until the final plat is recorded with the Barnstable County Registry of Deeds, and a copy provided to the Office of the Building Inspector.
2. If any declarations, covenants and restrictions are associated with any land in the subdivision, no Zoning Permit will be issued until all declarations, covenants and restrictions have been executed and filed with the Barnstable County Registry of Deeds, and a copy provided to the Office of the Building Inspector.

4. LARGE PROJECT PLAN

PURPOSE

- To provide a review process for the development of individual buildings, modifications to buildings, changes made to a site, or other projects that have significant off-site impacts.

APPLICABILITY

- Any new building or accessory building that is individually over 10,000 sf in gross floor area.
- The construction of new thoroughfares, including new utilities, stormwater infrastructure.
- New stormwater infrastructure facilities.
- Development that results in significant on-site or off-site impacts.
 - On-site significant impacts may include but are not limited to excavation, grading, or blasting; noise, glare, or smell; and,
 - Off-site significant impacts may include but are not limited to existing utilities, stormwater infrastructure or alterations within the thoroughfare right-of-way.

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A. AUTHORITY

1. The Planning Board reviews and approves applications that require Large Project Plan approval.
2. Upon approval of a Large Project Plan, the Building Inspector issues a Zoning Permit to the applicant.

B. PROCEDURE

1. A Large Project Plan application must be filed, including payment of the applicable fee, with the Office of the Town Planner, in accordance with Article 7.A.1 General Procedures:
 - a. Within 30 days after receiving an application for Large Project Plan approval, the Planning Board must review the application for completeness and hold a public hearing.
 - b. Within thirty 30 days of the closing of the public hearing, the Planning Board must make a decision to approve, approve with conditions, deny, or grant withdrawal of the application in accordance with this section.
 - c. Zoning permits for large project plans will not be issued for applications that require any additional development review until that review has been completed in accordance with the standards of this Article.

C. APPROVAL STANDARDS

1. The Planning Board must approve a Large Project Plan application and issue findings of fact upon verifying consistency to the following:
 - a. The standards of this Code.
 - b. Any/all prior approvals for the subject property.
 - c. Any additional type of development review required by this Code has been completed in accordance with the standards of this Article.
 - d. Considerations indicated elsewhere in this Code for the required Large Project Plan approval.

D. CONDITIONS

1. The Planning Board may grant Large Project Plan approval with conditions only to the extent that conditions specify the actions necessary to bring the application into complete compliance with applicable standards of this Code or where additional conditions have been agreed to by the applicant.

E. AMENDMENTS

1. Amendments to approved Large Project Plan applications may be approved as follows:
 - a. Amendments must be submitted to the Office of the Town Planner, including a written description of the proposed change, the reason for such change, and a revised plan with notation of changes to the approved plan.
 - b. When considering a revision to a previously approved application for a Large Project Plan, the Planning Board must limit their review to the proposed changes to the previously approved application.
 - c. Within 30 days of submission, the Planning Board must issue revised findings and the Building Inspector must issue a Zoning Permit or transmit in writing the reasons for failure to issue such permit.

5. SMALL PROJECT PLAN

PURPOSE

- To provide a review process for the development of individual buildings, modifications to buildings, changes made to a site, or other projects that do not have significant off-site impacts.

APPLICABILITY

- All new buildings and accessory buildings up to 10,000 sf in gross floor area.
- Building renovations.
- Addition of building components.
- Site improvements.
- Changes to a lot, use, structure, site improvement, if the subject property is up to 10 acres in lot area.



F. AUTHORITY

1. The Building Inspector administratively reviews applications for all Small Project Plan applications.
2. Upon approval of a Small Project Plan, the Building Inspector issues a Zoning Permit to the applicant.

G. PROCEDURE

1. A Small Project Plan application must be filed, including payment of the applicable fee, with the Office of the Town Planner, in accordance with Article 7.A.1 General Procedures.
2. The Town Planner must forward applications for a Small Project Plan that require any additional type of development review to the appropriate Permitting Authority, subject to the applicable procedural requirements of this Article.
3. Within 10 days after receiving a completed application for a Small Project Plan that does not require any further type of development review, the Building Inspector must issue a Zoning Permit or transmit in writing to the Applicant the reasons for failure to issue such permit.
4. Zoning Permits for Small Project Plans will not be issued for applications that require any additional development review until that review has been completed in accordance with the standards of this Article.

H. APPROVAL STANDARDS

1. The Building Inspector must approve a Small Project Plan application and issue findings of fact upon verifying consistency to the following:
 - a. The standards of this Code;
 - b. Any/all prior approvals for the subject property;
 - c. Any additional type of development review required by this Code has been completed in accordance with the standards of this Article; and,
 - d. Considerations indicated elsewhere in this Code for the required Small Project Plan approval.

I. CONDITIONS

1. The Building Inspector may grant Small Project Plan approval with conditions only to the extent that conditions specify the actions necessary to bring the application into complete compliance with applicable standards of this Code or where additional conditions have been agreed to by the applicant.

J. AMENDMENTS

1. Amendments to approved Small Project Plan applications may be approved as follows:
 - a. Amendments must be submitted to the Office of the Town Planner including a written description of the proposed change, the reason for such change, and a revised plan with notation of changes to the approved plan.
 - b. When considering a revision to a previously approved application for a Small Project Plan, the Town Planner must limit their review to the proposed changes to the previously approved application.
 - c. Within 10 days of determination of completeness, the Building Inspector must issue a Zoning Permit or transmit in writing the reasons for failure to issue such permit.

MASHPEE COMMONS FORM-BASED CODE

Change Log
Updated 2018.07.30

Change	Article/Page	Comment Source	Draft reviewed	Type of change	Noted
1 Correct reference to definitions article.	1-2	2018.06.28 Planning Board Meeting	2018.07.09	Reference correction	
2 Search and replace for Ordinance, replace with Code.	Global	Internal following 2018.06.28 Planning Board Meeting	2018.07.09	Clarity	
3 Replace the term platted with the term divided.	Global	2018.06.28 Planning Board Meeting	2018.07.09	Clarity	
4 Replace the term flag lot with the term pork chop lot.	Global	2018.06.28 Planning Board Meeting	2018.07.09	Clarity	
5 In CD2, reduce side setback.	2-17	2018.06.28 Planning Board Meeting	2018.07.09	Substantive	Yes, in pink.
6 Update Table 7.1 to include review authority.	7-229	2018.06.28 Planning Board Meeting	2018.07.09	Clarity	Yes, in pink.
7 Replace the term development administrator with the term town planner	Global	Internal following 2018.06.28 Planning Board Meeting	2018.07.09	Clarity	Yes, in pink.
8 Reorganize Administrative section to reduce confusion related to sequence of review.	7-225 to 7-240	Change made in response to 2018.07.18 Planning Board Meeting and confusion related to administrative process.	2018.07.09	Clarity	Yes, in pink.

Explanation

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

4. SUBDIVISION PLAN

PURPOSE

- To allow for the orderly development of a parcel of land into new dwelling units and lots, and thoroughfares that provide access to them.
- To comply with MGL Chapter 41, Section 81L.

APPLICABILITY

- The division of a parcel of land into 2 or more lots or the resubdivision of land; except, if the lots have frontage on a public way or way that the Town Clerk certifies is maintained and used as a public way, or a way that is shown on an approved subdivision plan, or a way that was in existence when the Subdivision Control Law became effective and, according to the Planning Board, has sufficient width, grade and construction to provide for vehicular traffic; and said lots have sufficient frontage and lot size.
- The division of a parcel of land that requires construction of suitable access.
- Clearing of land or excavation in anticipation of subdivision.
- Construction of thoroughfares.
- Installation of utility services.

A. AUTHORITY

1. The Planning Board reviews and approves all applications for Subdivision Plan approval and enforces this Article.
2. The Office of the Development Administrator administers the Subdivision Plan approval review process.
3. The Road Commissioner and Building Inspector oversees the subdivision construction phase.
4. When a Subdivision Plan application requires review and approval of the Massachusetts Department of Environmental Protection, each review may be conducted simultaneously.
5. Upon approval of a Subdivision Plan, the Building Inspector issues a Zoning Permit for the installation of all required site improvements.
6. Upon approval of a Subdivision Plan, the Office of the Development Administrator may accept applications for development, including but not limited to Small and Large Project Plans for new buildings.

B. APPROVAL STANDARDS

1. The Planning Board must approve a Subdivision Plan application and issue findings of fact upon verifying consistency to the following:

- a. The intent of this Code in general.
- b. The intent of the District where the property is located.

C. AMENDMENTS AND MODIFICATION

1. The Building Inspector may determine that the following modifications to an approved plat are de minimus in nature, and do not constitute an amendment to the approved final plat:
 - a. Moving of lot lines and thoroughfares, and rearrangement of easements, provided that the lots and thoroughfares meet the minimum requirements of this Code and all other applicable regulations, and the number of lots remains the same; and,
 - b. Modification of design of improvements as result of unforeseen conditions or field adjustments during construction.
2. All other modifications to an approved plat will constitute a new application to the Planning Board, subject to the procedures of Article 7.B.4.C Procedure.
3. Where a revision causes need for a new plan mylar to be signed by the Planning Board for recording at the Barnstable County Registry of Deeds, the Planning Board must make itself available as a board or as individuals to sign mylars in a timely manner. After obtaining necessary signatures, the applicant must file the signed mylar with the Barnstable County Registry of Deeds in accordance with the standards of this Code.

D. RECORDING OF PLAT

1. The applicant will file a copy of the approved subdivision plat at the Barnstable County Registry of Deeds within 6 months of approval by the Planning Board.

E. CIVIC SPACE

1. Prior to approval of the final plat containing dwelling units, the subdivision plat must also show location of civic spaces as required by Article 6.D Civic Spaces.

F. REQUIRED IMPROVEMENTS

1. Installation of Improvements must be made in accordance with the final plat within 2 years from the date of approval of the final plat. Improvements may include, but are not limited to: site grading, streets (including any street trees, sidewalks, curb and gutter), sanitary sewers, water mains and services, stormwater management facilities, fire services, street lighting, and signage.
2. Prior to start of construction of any required improvements, the applicant must provide the Road Commissioner with a copy of specifications included in any contract entered into

by the applicant for construction. The applicant must notify the Town at least five days prior to the start of construction or installation of any improvements and at least 24 hours prior to the completion of these improvements.

G. CONVEYANCE OF IMPROVEMENTS

1. If any plat contains public rights-of-way, parks, or easements which are to be dedicated as such, the approval of the plat does not constitute an acceptance by the Town of Mashpee of the improvements constructed or installed in the subdivision, irrespective of any acts by an officer, agent, or employee of the Town of Mashpee with respect to these improvements.
2. Every right-of-way, park, or easement shown on a plat filed or recorded in the Barnstable County Registry of Deeds will be deemed to be a private improvement until it has been formally dedicated and accepted by the Town of Mashpee. Until such dedication and acceptance, the Town of Mashpee is not responsible for maintenance.
3. The acceptance of improvements may be made only by the adoption of a Board of Selectmen resolution after the Department of Public Works files a certificate with the Office of the Building Inspector certifying that all improvements have been constructed or installed as required. All accepted easements must be filed with the plat and copies forwarded to the Commissioner of Public Works, Parks, and Streets.

H. ISSUANCE OF ZONING PERMITS FOR NEW BUILDINGS

1. No Zoning Permit will be issued for a new building until the final plat is recorded with the Barnstable County Registry of Deeds, and a copy provided to the Office of the Building Inspector.
2. If any declarations, covenants and restrictions are associated with any land in the subdivision, no Zoning Permit will be issued until all declarations, covenants and restrictions have been executed and filed with the Barnstable County Registry of Deeds, and a copy provided to the Office of the Building Inspector.

5. MASTER PLAN

PURPOSE

- To provide a development review process that applies to a conceptual plan coordinating the development of blocks, thoroughfares, civic space, and other neighborhood level design.
- To show mandatory compliance standards for blocks, shopfront streets, alleys, thoroughfares, pedestrian sheds, and district mix, as applicable.
- To allow an applicant to gain conceptual-level approval for a project without preparing detailed site plans or architectural and engineering drawings for thoroughfares, civic spaces, lots, or buildings.
- To authorize the Building Inspector to accept applications for subsequent development review in accordance with this Code, as project phases and individual lots are built out.

APPLICABILITY

- Parcels under single ownership that involve the potential for significant or phased development.
- Any proposed assignment or reassignment of character districts or special districts to land located within a pedestrian shed on the Mashpee Commons Regulating Plan.

5. Plans for project phases under a Master Plan may be submitted as Large Project Plans, Small Project plans, or Subdivision Plans, as appropriate.

C. APPROVAL STANDARDS

1. The Planning Board must approve a Master Plan application and issue findings of fact upon verifying consistency to the following:
 - a. The purpose and intent of this Code.
 - b. The purpose of the District(s) where the property is located.
 - c. The applicable neighborhood-level standards, including Blocks, Alleys, Thoroughfares, Civic Space, Pedestrian Sheds, District Mix, and Shopfront Streets.
 - d. Considerations indicated elsewhere in this Code for the required Master Plan approval.



A. AUTHORITY

1. The Planning Board reviews and approves all applications for Master Plan approval.

B. PROCEDURE

1. The review and approval of an application for Master Plan application is conducted at a public hearing.
2. Within 30 days of receiving an application for Master Plan approval, the Planning Board must review the application for completeness and hold a public hearing.
3. Within 30 days of the closing of the public hearing, the Planning Board must make a decision to approve, approve with conditions, deny, or grant withdrawal of the application.
4. When considering a revision to a previously approved application for Master Plan approval, the Planning Board must limit its review to the proposed changes to the previously approved application.

6. PLAN REVISION

PURPOSE

- To request to make changes to a previously approved application for development review.

APPLICABILITY

- Plan amendments that are not de minimis in nature are subject to review by the Permitting Authority.

the review must be limited to the proposed changes to the previously approved plan.

6. Where an approved revision causes need for a new plan mylar to be signed by the Planning Board and recorded at the Barnstable County Registry of Deeds, the Planning Board must make itself available as a board or as individuals to sign mylars within 14 days. After obtaining signatures, the applicant must file said mylars in accordance with the standards of this Code.

A. AUTHORITY

1. The Building Inspector must determine whether a plan revision is de minimis in nature and therefore review said revision administratively or determine if the Permitting Authority should review the petition based on the nature of the request and initial plan approval.
2. In accordance with Article 7.B.4.F Amendments and Modifications, the Building Inspector may determine whether a Subdivision Plan revision is de minimis or requires action by the Planning Board.

B. PROCEDURES

1. Within 14 days after receiving a completed application for a plan revision, the Building Inspector must review the application and determine if the proposed revision is de minimis or significant enough to be considered a major amendment to the plan.
2. The Building Inspector may determine the proposed revision is de minimis upon finding that the revised plan:
 - a. Does not contravene the previously published public notice, any finding, or attached condition made by the Permitting Authority for the original application;
 - b. Does not detrimentally impact matters of substance identified in the meeting minutes of the original public meetings or public hearings;
 - c. Insignificant changes to the original application that do not constitute a substantial change in operational or built outcome, in that persons familiar with the plan would not notice the change.
3. Upon a determination that the proposed revision is de minimis, the Building Inspector will approve or deny the proposed revision in writing.
4. Upon a determination that the proposed revision is not de minimis, the Building Inspector must notify, in writing, the applicant and the designated Permitting Authority of the determination and the applicant must submit the proposed revisions to the designated Permitting Authority as a revision to a previously approved plan in accordance with this Code.
5. When considering a revision to a previously approved plan,

7. SPECIAL PERMIT

PURPOSE

- To authorize a predetermined type of exception from the standards in this Code, within specific limitations and subject to performance measures.

APPLICABILITY

- Special permits may only be requested as specifically authorized by this Code.
- No Zoning Permit must be issued for development that requires or requests a special permit until the discretionary review process for a special permit has been completed in accordance with the standards of this Article.
- The approval or denial of an application for a special permit is in the reasonable discretion of the Planning Board.

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A. AUTHORITY

1. The Planning Board reviews and decides all applications that require a Special Permit.
2. The granting of a special permit authorizes the Building Inspector to issue a Zoning Permit.

B. PROCEDURE

1. Within 30 days after receiving a completed application for development review that requires a special permit, the Planning Board must review the application and hold a public hearing.
2. Within 45 days after closing of the public hearing, the Planning Board must make a decision to approve, approve with modifications, deny, or grant withdrawal the application for a special permit, and file said decision with the Town Clerk.
3. When considering a revision to a previously approved application for a special permit, the Planning Board must limit its review to the proposed changes to the previously approved application.

C. APPROVAL STANDARDS

1. When determining whether to approve or deny an application, the Planning Board must consider the following:
 - a. The purpose and intent of this Code;
 - b. The purpose of the District(s) where the property is located;
 - c. The proposed use or activity will be established, maintained, and operated so as to be harmonious

with the surrounding area and will not impede the development, use, and quiet enjoyment of abutting property in any foreseeable manner;

- d. The proposed use or activity will be of a character that does not produce excessive noise, heat, glare, dust, smoke, fumes, odors, or vibration detectable off the property or that adversely affects the surrounding area;
- e. The proposed use or activity will not result in the destruction, loss, or damage of any feature determined to be of significant natural, scenic or historic importance; and,
- f. Considerations indicated elsewhere in this Code for special permit approval.

D. CONDITIONS

1. Failure to comply with any condition or restriction constitutes a violation of this Code and, in addition to any civil or criminal remedy or enforcement procedure, is grounds for modification, suspension, or revocation of the special permit.

E. VALIDITY

1. Special permit approvals must be acted upon by the onset of site construction within 2 years from the date the decision is filed with the Town Clerk, excluding any time required awaiting the decision of an appeal. If a special permit is not acted upon with 2 years, the approval expires.
2. The Planning Board may extend the duration of validity for a special permit upon making a finding that a demonstrated hardship has prevented utilization of the rights authorized by the special permit.
3. Requests for extension of the duration of validity must be submitted to the Office of the Building Inspector in a timely manner so as to be scheduled and heard by the Planning Board prior to expiration of the special permit.

8. VARIANCE

PURPOSE

- To allow a deviation from certain dimensional standards in this Code only when strict application of the Code to the applicant or applicant's property would cause undue hardship.

APPLICABILITY

- In accordance with MGL Chapter 40A Section 10, a Hardship Variance may not be granted for uses.
- A variance is required for development that is not compliant with the provisions of this Code.
- The granting of a variance authorizes the Building Official to issue a certificate of zoning compliance for development that is otherwise compliant with the provisions and procedures of this Code.

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F. GENERAL

1. No Zoning Permit may be issued for development that requests a variance until the review process for a variance has been completed in accordance with the standards of this Article.

G. AUTHORITY

1. The Board of Appeals reviews and decides all applications for a zoning variance.

H. PROCEDURE

1. Within 30 days after receiving a completed application for a Zoning Permit that requires a variance, the Board of Appeals must review the application and hold a public hearing.
2. Within 45 days of the closing of the public hearing, the Board of Appeals must make a decision to approve, approve with conditions, deny, or grant withdrawal of the application for a variance and issue a certificate to the applicant stating the following:
 - a. Current property owner and identifying the property by reference to the last recorded deed in its chain of title.
 - b. What the variance has been granted for, including any conditions on the variance.
 - c. Date of decision.
3. Within 90 days of issuance of a certificate, the applicant must file a copy of the decision with the Barnstable County Registry of Deeds.

I. APPROVAL STANDARDS

1. The granting of a Hardship variance is based upon demonstrated need, not convenience, and when no other feasible alternative is available.
2. The Board may grant an Hardship Variance when it finds that all of the following conditions exist:
 - a. Literal enforcement of this Code for the district where the subject land or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant due to said special circumstances;
 - b. Desirable relief could be granted without causing substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in this Code or the Code in general;
 - c. The hardship is not the result of action taken by the applicant or a prior owner.

J. DURATION AND EXTENSION

1. Projects benefiting from a variance must be completed within one year of the granting of the variance.
2. For projects not completed within one year, the variance will lapse.
3. Upon written request by an applicant submitted prior to the date of expiration, the Board of Appeals may, in its discretion, extend the time period that a variance remains valid for up to 6 months.

1. LAND CONVEYANCE

PURPOSE

- To request the Town to accept a voluntary offering of a building, thoroughfare, property easement, or civic space for public dedication.

APPLICABILITY

- Any project that contains a building, thoroughfare, property easement, or civic space.

A. AUTHORITY

1. The Board of Selectmen review all land conveyance petitions on behalf of the Town. The Board of Selectmen may elect to place a land conveyance petition on the warrant of an Annual or Special Town Meeting, where by acceptance would be determined by a majority vote at Town Meeting.
2. The approval or denial of a land conveyance petition is a discretionary legislative act, subject to a majority vote of the Board of Selectmen.

B. PROCEDURE

1. Within 60 days after receiving a land conveyance petition, the Board of Selectmen must review the petition at a regular scheduled meeting, and take action to accept the conveyance, deny the conveyance, or place it on the warrant of the next occurring Town Meeting.
2. The Board of Selectmen may elect to hold a public hearing.
3. The Board of Selectmen may decide to consult the Building Inspector or the Planning Board prior to taking action.
4. A majority vote of the Board of Selectmen is required to accept a voluntary offering of land for public dedication.

C. RECOMMENDATION

1. In developing its recommendation to the Board of Selectmen, the Building Inspector or Planning Board may consider the following:
 - a. The purpose of the District where the property is located.
 - b. Any demonstrated public interest in ownership and the assumption of maintenance responsibility for the land in question.

D. CONDITIONS

1. The Building Inspector or Planning Board may make recommendations to the Board of Selectmen when it deems that accepting a petition to convey land to the Town of Mashpee is within the public interest.

2. ZONING AMENDMENT

hearing, and vote to place it on the warrant of the next occurring Town Meeting or Special Town Meeting.

PURPOSE

- To provide an applicant a way to change zoning regulations in response to changes in Mashpee policy or factors or conditions that may be affecting real property.

APPLICABILITY

- Any project within the Town of Mashpee.

A. AUTHORITY

1. The Board of Selectmen process all requests for zoning text or map amendments and place requests for amendments on the Annual or Special Town Meeting.
2. The approval or denial of a zoning text or map amendment is a discretionary legislative act, by 2/3 majority vote at an Annual or Special Town Meeting.

B. PROCEDURE

1. Petitions may be submitted by any of the following:
 - a. An individual who owns land which would be affected by a proposal.
 - b. Any member(s) of the Board of Selectmen.
 - c. The Building Inspector.
 - d. The Board of Appeals.
 - e. The Planning Board.
 - f. Ten or more registered voters for an annual town meeting, or one hundred registered voters or ten percent of the total number of registered voters, whichever is less, for a special town meeting.
2. Within 14 days of receiving a petition to amend the zoning text or map, the Board of Selectmen must submit the petition and the proposed changes, additions, or repeal of language to the Planning Board for review.
3. Within 30 days after receiving a petition to amend the zoning text or map, the Planning Board must review the petition and accompanying documentation at a regular meeting of the Planning Board. The Planning Board will consider the petition and must provide a written recommendation to the Board of Selectmen, considering the following:
 - a. The adopted Comprehensive Plan of the Town of Mashpee.
 - b. The purpose of this Code, in general.
 - c. The purpose of the district(s) that would be applied to the properties in question.
4. Within 45 days after submittal to the Board of Selectmen, the Board of Selectmen must review the petition and any recommendations of the Planning Board, hold a public

1. ADMINISTRATIVE APPEAL

PURPOSE

- To provide an applicant a way to petition the Town to rectify a failure to act, denial of a permit, decision made, or enforcement action taken by the Building Inspector or Planning Board when an alleged error or misinterpretation has been made in the enforcement or application of the standards of this Code.

APPLICABILITY

- Any aggrieved party may appeal an interpretation, order, requirement, direction, or failure to act by a Building Inspector within 30 days of such action or failure to act.
- An appeal of a Variance constitutes a judicial appeal.
- An appeal of written interpretations, development plans, special permits, plan revisions constitute an administrative appeal.

conduct additional hearings, and receive additional evidence and testimony before taking action.

4. If the Board of Appeals reconsiders its original decision, the Board must conclude its deliberations and vote within 45 days of the original decision.

A. AUTHORITY

1. The Board of Appeals holds a "de novo" hearing to review and decide appeals of decisions of the Building Inspector as applicable in this Code.
2. The Board of Appeals holds an appellate hearing to review and decides appeals of decisions of the Planning Board as applicable in this Code.

B. PROCEDURE

1. Within 30 days of an action or failure to act, any aggrieved party may file an appeal with the Appellate Authority.
2. Within 30 days of receiving an appeal, the Appellate Authority must review the application and hold a public hearing.
3. Within 45 days after the closing of the public hearing, the Appellate Authority must make a decision to uphold or reverse the decision of the Building Inspector, and file said decision with the Town Clerk.

C. RECONSIDERATION

1. In accordance with MGL Chapter 40A Section 17, an applicant may file a request to the Board of Appeals to reconsider its decision within 10 days of the decision.
2. The Board of Appeals will hold a public hearing, and vote to reconsider its decision.
3. If a majority of Board members who originally voted on the decision vote to reconsider, the Board of Appeals may

2. JUDICIAL APPEAL

PURPOSE

- To provide an applicant a way to petition the Town to rectify the failure to act, denial of a permit, decision made, or enforcement action taken by a Building Inspector or the Planning Board when an alleged error or misinterpretation has been made in the enforcement or application of the standards of this Code.

APPLICABILITY

- Any aggrieved party may appeal a decision or action of the Board of Appeals to the Massachusetts Superior Court.
- An appeal of a Variance constitutes a judicial appeal.

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A. PROCEDURE

1. An aggrieved party may file an appeal at the Massachusetts Superior Court pursuant to the Massachusetts Rules of Civil Procedure.

1. NONCONFORMITY

PURPOSE

- To provide for the continuation of uses, structures, building lots, site characteristics, or signs that were established prior to the adoption of this Code and were made nonconforming in result of the adoption of this Code.
- To provide clear and fair rules for when pre-existing conditions should come into conformance with the standards contained within this Code.

APPLICABILITY

- All building lots, uses, buildings, components, roofs, site characteristics, signs, thoroughfares or other items that were established prior to the adoption of this Code.

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A. CONTINUATION

1. Pre-existing conditions may continue to operate until such a time as the owner of the property, building, or features makes an alteration that requires conformity, as described in related sections of this Code.

B. PROOF OF PRE-EXISTING CONDITIONS

1. The applicant has the burden of establishing the existence of a pre-existing condition that was in effect prior to the adoption of this Code.
2. When applying for any permit or approval related to a pre-existing condition, the applicant may be required to submit evidence of a prior permit or other documentation showing that the nonconformity existed prior to the adoption of this Code.

C. DETERMINATIONS

1. The Building Inspector will determine all questions as to whether a pre-existing condition exists, and prepare a written interpretation in accordance with Article 7.A.6 Written Interpretation.
1. The written interpretation must assign a building type, components, roof type, and any other features to the pre-existing building, to set the baseline for modifications that can be legally made to the pre-existing building.

D. RESTORATION OF PRE-EXISTING CONDITIONS

- a. A Zoning Permit is required for the rebuilding, restoration, repair, or reconstruction of a pre-existing condition within one year of the date of damage or destruction.
- b. The Building Inspector may grant a one-year extension of this period.
- c. In the event that a Zoning Permit is not obtained within one year of the date of damage or destruction, and no extension is requested, then the pre-existing condition may not be reestablished unless it conforms to all regulations of this Code.

1. BUILDING INSPECTOR

A. RESPONSIBILITIES

1. The Building Inspector is appointed by the Board of Selectmen.
2. The Building Inspector is the enforcement authority for this Code. The Building Inspector may seek the advice of the Development Administrator on an as needed basis
3. The Building Inspector may issue any enforcement order, violation notice, request for compliance, or other correspondence as necessary and institute any appropriate inspection, action, or proceeding in the name of the Town of Mashpee to:
 - a. Prevent the unlawful erection, relocation, extension, enlargement, or alteration of any structure or sign;
 - b. Prevent the unlawful use or occupancy of real property;
 - c. Prevent any illegal act, business, or use in or about any premises; and
 - d. Prevent, correct, restrain, or abate violations of this Code.
4. The Building Inspector establishes application forms and requirements for application review in collaboration with the Development Administrator.
5. The Building Inspector reviews and approves applications for:
 - a. Small Project Plan
 - b. De minimis changes to previously approved plans
6. The Building Inspector may delegate his/her authority to the Development Administrator to review and approve applications for
 - a. Small Project Plan
 - b. De minimis changes to previously approved plans
7. The Building Inspector may grant waivers of standards as explicitly permitted by this Code.
8. The Building Inspector prepares recommendations for Master Plan and Special Permit and Subdivision applications reviewed by the Planning Board.
9. The Building Inspector performs site inspections as needed.
10. The Building Inspector, from time to time, provides written reports and recommendations to other Permitting Authorities and to the Board of Selectmen.

B. ENFORCEMENT ACTIONS

1. The Building Inspector must not issue any written interpretation or Zoning Permit in violation of this Code.
2. Any written interpretation or Zoning Permit may be revoked upon finding any material misstatement of fact or misrepresentation in plans or specifications by the applicant.
3. The Building Inspector, upon finding evidence of violation of this Code will give written notice to the property owner

and/or occupant of said property demanding such violation be corrected or abated within such time as the Building Inspector deems appropriate.

4. Nothing in this Code will restrict the Town from seeking Immediate equitable relief for a violation of this Code from a court of competent jurisdiction without prior notice.

C. FINES AND PENALTIES

1. Any person who violates the standards of this Code will be fined in accordance to a schedule of fines established by the Board of Selectmen and posted in the Town Office.

2. DEVELOPMENT ADMINISTRATOR

A. RESPONSIBILITIES

1. The Development Administrator is appointed by the Board of Selectmen, and serves in an advisory capacity to the Building Inspector.
2. The Development Administrator provides assistance coordinating public notice as required by the standards of this Code.
3. The Development Administrator provides assistance establishing application forms for development review.
4. The Development Administrator provides assistance to the Building Inspector in the review and approval of projects
5. The Development Administrator, from time to time, provides written reports and recommendations to other Permitting Authorities and to the Board of Selectmen.

3. PLANNING BOARD

A. RESPONSIBILITIES

1. The Planning Board must consist of a minimum 5 members, all legal residents of the Town of Mashpee, elected by the Town of Mashpee to serve staggered terms of 3 years.
2. The Planning Board reviews and approves all applications for:
 - a. Large Project Plan
 - b. Master Plan
 - c. Subdivision Plan
 - d. Special Permit
3. The Planning Board may grant waivers of standards as explicitly permitted by this Code.
4. The Planning Board hears Administrative Appeals of decisions of the Building Inspector.
5. The Planning Board provides advice and recommendations to the Board of Selectmen concerning the following:
 - a. Proposed amendments to zoning text or maps of this Code.
 - b. The laying out, alteration, relocation, or discontinuance of public ways and statutory private ways.
 - c. The proposed conveyance of land to the Town.
6. The Planning Board, or its designee, is responsible for the authoring and periodical update of the Comprehensive Plan for the Town of Mashpee, and its subsequent adoption.
7. The Planning Board, or its designee, drafts the official map of the Town of Mashpee.

B. BOARD RULES

1. The Planning Board may adopt rules of procedure and policy as it may deem necessary to conduct its affairs including but not limited to the following subjects
 - a. Rules and procedures governing applications including required written and graphical information
 - b. Rules and procedures pertaining to the development review process
 - c. Rules and procedures governing the administrative compliance of zoning requirements
 - d. Rules and procedures for subdivision
 - e. The adoption or amendment of rules of procedure and policy is conducted administratively at a public meeting

4. BOARD OF APPEALS

A. RESPONSIBILITIES

1. The Board of Appeals will consist of 5 members, all legal residents of the Town of Mashpee, appointed by the Board of Selectmen to serve staggering terms of 3 years.
 - a. The Board of Selectmen may appoint alternate members as deemed appropriate, which members may vote in the absence of a regular member.
2. The Board of Appeals reviews and decides:
 - a. Applications for a Variance; and,
 - b. Administrative Appeals of decisions of the Building Inspector and the Planning Board.
 - c. Waivers of standards as explicitly permitted by this Code.

B. BOARD RULES

1. The Board of Appeals may adopt rules of procedure and policy as it may deem necessary to conduct its affairs, including but not limited to the following subjects:
 - a. Rules and procedures governing applications, including required written and graphical information; and,
 - b. Rules and procedures governing the administrative compliance of zoning requirements.
2. The adoption or amendment of rules of procedure and policy is conducted administratively at a public meeting.

ARTICLE 8

DEFINITIONS

PURPOSE

- To provide a set of clear definitions to clarify the standards contained within this Code.

APPLICABILITY

- This Article applies all defined terms included within this Code.

Article 8 Definitions

Abandoned:

When a building, commercial unit, or property becomes vacant and unoccupied for a period of one year or more is deemed abandoned.

Above-Ground Storage Tank:

The storage of flammable liquids or gases in a container at or above ground level.

Absolute Height:

Height as measured from the surface of the ground to the highest point on a building.

Abutting:

Having any segment of a real property boundary in common, or separated by a right-of-way, alley, or easement.

Abutter, Direct:

An owner of property located within a certain distance of a subject property considered for development.

Access:

The way or means to enter and leave property or structure.

Accessory Building:

See Building, Accessory.

Accessory Dwelling Unit:

An additional permitted dwelling unit located in a component of a primary building or in an accessory building.

Accessory Unit:

An additional permitted residential or commercial unit located in a component of a primary building or in an accessory building.

Additional Structure:

Any item constructed or erected, not including a primary or accessory buildings, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.

Adjacent:

To be located in close proximity, or the closest instance of a referenced element, but not directly touching.

Agent:

A person who acts on behalf of another person or group.

Agricultural Buildings:

Buildings associated with the planting, cultivating, producing, growing, and harvesting of agricultural or horticultural products, the raising of livestock and poultry, and any work performed in conjunction with the above farm operations, including the packing, drying, and storing of products produced on-premises. Includes buildings for equine, or horse-related activities, including boarding, lessons, rides, breeding, veterinary care, races, events, and shows.

Agricultural Structures:

Includes storage sheds, apiaries, hoop houses, chicken coops, cold frames, compost bin, greenhouses, silos, rain barrels.

Agricultural Use:

The planting, cultivating, producing, growing, and harvesting of agricultural or horticultural products, the raising of livestock and poultry, and any work performed in conjunction with the above farm operations, including the packing, drying, and storing of products produced on-premises. Agriculture also includes all equine, or horse-related activities, including boarding, lessons, rides, breeding, veterinary care, races, events, and shows.

Alley:

A thoroughfare typically located internal to a block that provides access to the side or rear of lots and onto which no lot directly fronts. Alleys typically provide access to service areas, parking, and accessory buildings and may contain utility easements.

Alteration:

As applied to a building or structure, a change or rearrangement in the exterior structural parts or in the exit facilities; also an enlargement or addition where new construction is connected to an existing structure, whether by extending on a side or by increasing in height, or the moving from 1 location or position to another.

Antenna Equipment:

Equipment for wireless communication, including but not limited to panel antennas, whip antennas, and satellite dish antennas, which may be located on ground-mounted towers and roof-mounted support structures used to broadcast an amateur (HAM) radio station licensed by the Federal Communication Commission.

Applicant:

A person or entity who has submitted an application for review under applicable standards of this Code.

Assigned:

The process of determining the closest reasonable district, building type, component, roof type, use category or other feature of this Code to a nonconforming condition.

Attached:

An object may be said to be attached to another when their outer surfaces are permanently in direct contact, or when they share part of their structural system.

Attic:

The non-habitable interior space located directly under a pitched roof of a building.

Auto-Oriented:

Businesses that relate to vehicular sales and service. All auto-oriented uses, definitions, and standards may be found in Article 4 Use Standards.

Average Ground Level:

The mean (average) ground level at the corners of the main body of a building type.

Article 8 Definitions

Awning:

A wall mounted, pitched, fabric covering extending from a building to provide shade and weather protection for pedestrians.

Basement:

A story of a building that is, in whole or in part, below the first story.

Bay:

An area of a facade between two buttresses, pilasters, columns, piers, or other equivalent architectural features.

Beam:

A large structural framing member.

Bedroom:

A private room for sleeping, however named, planned, intended or used, which is separated and can be closed off from other parts of the dwelling by walls and a door.

Bench:

A long seat for more than one person, typically made of wood, metal, or stone.

Bench (Resting):

Resting benches are used primarily to rest from walking a distance and are provided throughout a city or residential area. Benches should be comfortable to sit on for a period of time.

Blank Wall:

A portion of any facade of a building that does not include windows, doors, columns, pilasters, or other architectural features.

Block:

The aggregate land area, including alleys, crossweaves, and footpaths, circumscribed by thoroughfares.

Block Face:

The aggregate length of one side of a Block, including all lots and alleys.

Block Perimeter:

The aggregate of all Block Face lengths of an individual block.

Bracket:

A visual and/or structural support, typically made of metal or wood, projecting from a building face to bear the weight or visually support a building element.

Building:

Man-made construction completely enclosed by a roof, window, doors and solid exterior walls, and designed, built, or occupied as a shelter or enclosure for persons, animals, or property, and for the legal occupancy of which a Certificate of Occupancy approved is required, or has been issued prior to the effective date of hereof. Not synonymous with Structure.

Building, Accessory:

A second, and typically smaller building, typically located on a lot with a primary building, often times toward the rear of the lot, and sometimes connected to the primary building.

Building, Primary:

A permitted building capable of occupying a lot as the sole structure, as distinct from accessory buildings and additional structures which are dependent on a primary building.

Building Element:

Any part of a building, including the main building mass, components, and accessory buildings.

Building Face:

Any exterior wall of a Building.

Building Height:

The measurement of building height by stories, where each full story above average ground level is counted as 1 story. For buildings with a pitched roofs, habitable space is allowed within the pitch and is not considered a full story.

Building Mass:

See Main Building Mass.

Building Type:

A classification or kind of structure characterized and differentiated by its massing, composition, use, features, and placement on a lot.

Caliper:

A measurement of the diameter of a tree trunk. For trees less than 4 inches in diameter, caliper is measured 6 inches from the ground. For trees between 4 inches and 12 inches in diameter, caliper is measured 12 inches from the ground.

Carport:

A roofed structure covered on 2 or more sides with fabric, vinyl, plastic, or other similar sheeting material that provides protection from the elements for vehicles or other items.

Cart Path:

An informal farm road distinct from a driveway that provides access across fields, pastureland, and forest, and generally takes the form a rutted trackway. A cart path does not qualify as a thoroughfare and is not required to meet road construction standards.

Cellar:

See Basement.

Center Drain:

A street that is designed to slope toward the middle as opposed to sloping toward the edge, to keep water away from buildings in areas where there are shallow or no front setbacks.

Syn: Reverse Crowns

Change of Use:

Article 8 Definitions

The act of changing the categorization of activity within a building, structure, or portion thereof from one primary use to another.

Chicane:

An artificial turn or narrowing of a roadway created by use of planters or extensions of the sidewalk, meant to slow traffic.

Chine:

The break-point or horizontal plane formed where two differently sloped portions of a complex roof system meet.

Civic Space:

An outdoor open space designed to support social and recreational activities.

Civic Use, Accessory:

The portion of a larger civic space given over to a particular function or activity with its own standards for construction.

Civic Space Types:

Categories of civic space defined by the combination of certain characteristics, including the interrelationship between intended use, size, landscaping, and abutting uses.

Civic District:

An area protected from development and designated for use as civic space on the Regulating Plan.

Character District:

An area that shares common characteristics with other land in the same zoning designation, or is an area that is intended to transition toward a character that has been determined by the community. Character Districts span a range of development intensity from most rural, CD1, to most urban, CD5.

Civic Use:

Activities, uses, purposes, and organizations which are dedicated to arts, culture, education, religion, recreation, government, transit, municipal parking, gardening, horticulture, public gathering, assembly, or meeting. All civic and institutional uses must serve and be open to the public and operate as a non-profit or otherwise be tax exempt. All civic and institutional uses, definitions, and standards may be found in Article 4 Use Standards.

Clearance:

The height above the sidewalk or other surface, to the bottom edge of an object or building component.

Clear Height:

The vertical distance between the underside of an overhanging building element and the horizontal surface below, free from obstruction.

Close:

A thoroughfare that permits free passage of pedestrians and bicycles but is open to vehicles at only one end, distinct from a cul-de-sac which permits no through passage.

Commercial:

Any retail, service, or auto-oriented use that deals with transactions with the public either directly or through remote communication.

Component:

One of the elements that make up a building, the other being the main building mass. Components are comprised of smaller attachments to the main building mass and provide architectural articulation and additional usable space.

Context:

The condition and qualities of the surrounding spaces and structures.

Corbel:

Any bracket, especially one of brick or stone, that typically protrudes only slightly from the face of a building.

Crosswalk:

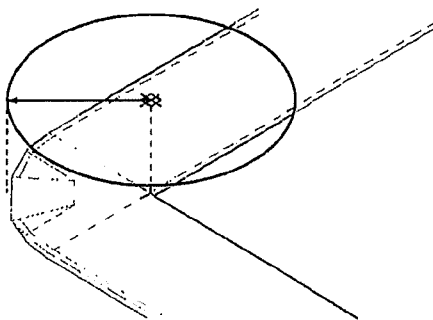
A lateral extension of a sidewalk through an intersection.

Curb:

The edge of the vehicular pavement that may be raised or flush to a swale. It usually directs the flow of water to the drainage system.

Curb Radius:

The distance between the edge and center point of a curved section of curbing at the corner of two intersecting thoroughfares. This distance is determined by measuring the radius of a circle that approximates the size of the arc formed by the outside face of the curb.



Depth:

The perpendicular, horizontal distance from the primary facade of a building into the lot.

Depth, Lot:

See Lot Depth.

Desire Line:

An instinctual trajectory one prefers to walk from origin to destination.

Article 8 Definitions

Detached:

A dwelling that is physically separated from any other structure or structures except accessory buildings.

Development:

The construction, reconstruction, alteration, expansion, extension, or relocation of any building or structure; excavation, earth filling, grading, or mining; any use or change in use of any building or structure or land; any change in building type; or, any expansion in the use of land.

Development Site:

The land area encompassed in a development proposal irrespective of the number or configuration of lots, land ownership, and/or municipal boundaries.

Dooryard:

The outside area abutting the door of a primary building, barns, and other accessory buildings, and which may include the driveway, lawn, and informal work area.

Double-Track Driveway:

Driveways that have two wheel strips of at least 18 inches in width made from gravel, crushed rocks, or other similar material and landscaped with living groundcover between the wheel strips.
Syn: Wheel Strip Driveway

Driveway:

An unimproved vehicular way providing access from a thoroughfare to the interior of a lot, including homes, parking lots, or loading docks. Driveways are not subject to construction specifications required for thoroughfares. Driveways include farm roads and cart paths.

Dwelling Unit:

A single unit providing complete, independent, living facilities containing 1 or more rooms arranged for use by no more than 4 unrelated individuals living together as a single housekeeping unit with cooking, living, sanitary, and sleeping facilities.

Dwelling Unit, Accessory:

See Accessory Dwelling Unit.

Easement:

A liberty, privilege, or advantage without profit, which a person(s) may have in the lands of another person(s).

Eave:

The soffit resulting from the junction of a building wall and an overhanging roof.

Elevation:

The vertical distance between the average ground plane and the top of the finished first floor of a building.

Enclose(d):

To fill in the spaces between structural supports with latticework,

walls, windows, or other non-structural wall covering to increase the usability of an outdoor space.

Energy Structures:

Include wind turbines and solar panels installed to generate energy in association with and for use by a primary building.

Farm:

The land, plants, animals, buildings, structures, ponds and machinery used in the commercial production of agricultural products.

First Floor Elevation:

The height from the average ground level to the surface of the first full floor, measured at the primary front facade of the building.

Fully Enclose(d):

To fill the space between structural supports with walls or windows.

Element:

See Building Element.

Encroach:

To break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a Setback, above a height limit, or over the sidewalk of a public right-of-way.

Encroachment:

Any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, above a height limit, or the breaking of such limit by a structural element.

Engage:

To incorporate within a larger volume; in whole or in part.

Erect:

To construct, reconstruct, excavate, fill, drain, or conduct physical operations of any kind in preparation for or in pursuance of construction or reconstruction, or to move a building or structure upon a lot.

Externally Illuminated:

When an element is lighted by a light source as opposed to being lighted from within.

Façade:

The exterior wall of a building oriented in whole or in part toward a thoroughfare, civic space, or on-site civic space (not including alleys).

Face:

The surface of a structure or element, especially one that is presented to the view.

First Floor:

The lowest floor of a building that is not considered a basement.

Article 8 Definitions

First Floor Elevation

The height from the average ground level to the surface of the first full floor, measured at the primary front facade of the building.

Flat Roof:

see Roof, Flat.

Floor Area, Gross:

The sum area of all floors or accessible levels of a building as measured to the perimeter of the exterior faces of the walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features.

Floor Area, Net:

The sum area of all floors or accessible levels of a building as measured to the perimeter of the exterior faces of the walls, including enclosed porches, but excluding areas used for accessory Carriage House purposes, basement and cellar areas devoted exclusively to storage and mechanical uses accessory to the operation of the building, off-street loading facilities, malls, plazas, elevator shafts, escalators, stairways and stair landings, and those areas used for the storage, operation, or maintenance of mechanical equipment such as air conditioning and heating apparatus.

Floor Plate:

The total gross floor area of a single story of a building, excluding all unenclosed components of a building.

Forecourt:

A landscaped, semi-public area, open to the sky, formed by a recess in a portion of a building facade.

Front (noun):

A condition in which a building is required to be parallel or perpendicular with a frontage line.

Front (verb):

A condition in which a building is required to be parallel or perpendicular with a frontage line.

Front Setback:

The distance from the front lot line to the point where any structure may be constructed.

Frontage:

The land that lies adjacent to a thoroughfare, right-of-way, easement, civic space, or waterbody, or the space between a building. Building facades that face onto primary and secondary frontages define the public realm and are therefore more regulated than the buildings oriented toward side and rear lot lines.

Frontage Line:

A lot line bordering a thoroughfare, right-of-way, easement, civic space, or waterbody.

Frontage Line, Primary:

The property line along the primary thoroughfare.

Frontage, Primary:

The primary frontage is the frontage that abuts the primary thoroughfare or, if there is no thoroughfare, it is the frontage that abuts a civic space, right-of-way, or easement.

Frontage, Secondary:

On corner lots, the frontage that is oriented toward the thoroughfare that is not the primary thoroughfare.

Front Setback, Primary:

The setback required along a primary frontage.

Front Setback, Secondary:

The setback required along a secondary frontage.

Frontage Zone:

The area between the front lot line of a property and the first 20 ft of a primary building. The frontage zone applies along both the primary and secondary frontages, and does not apply to alleys. In the case that a lot is undeveloped, the frontage zone is the area between the front lot line of a property and 30 ft into the site.

Furnishing Zone:

An area of space that allows for the placement of furniture without impeding the 4 ft of clear width required for pedestrian movement.

Game Courts:

Includes tennis, pickleball, and basketball courts.

Carriage House:

An enclosed area integral to a primary building or accessory building that provides space for parking or storage of vehicles. Not synonymous with the parking garage building type.

Carriage House Doors:

Lifting, sliding, or swinging doors that open into an interior space used for vehicular parking, storage, retail sales, fabrication, or other uses.

Garden Structures:

Includes arbors, gazebos, pergolas, trellis.

Grade:

The natural finished ground level of land ground level, or the elevation, at any given point.

Green Roof:

A vegetated roof design that is explicitly designed to absorb rainfall or snowmelt, typically to help manage stormwater, mitigate the heat island effect, provide habitat for urban wildlife, or offer leisure and recreational space for building occupants.

Ground Plane:

Article 8 Definitions

The surface of the ground.

Gutter:

A channel at the side or in the middle of street, for leading off surface water.

Hardscape:

Ground that has been altered with pavers, crushed materials, or compacted earth, with the intention to be used for pedestrian or vehicular travel.

Height:

The distance between two points along a vertical plane.

Height, Absolute:

See Absolute Height.

Improvements:

Any man-made alteration of land, a lot, a building or a structure.

Industrial:

The processing or manufacturing of materials, and activities associated with this work. All Industrial uses, definitions, and standards may be found in Article 4 Use Standards.

Informal Building:

Informal buildings are light-impact, temporary, or small buildings, that are typically not connected to utilities and oftentimes don't have a permanent foundation.

Intersect:

A condition where one element touches and/or overlaps with another element.

Integral:

A condition that refers to one element being located within another.

Integrated:

See Integral.

Lamp:

The source of illumination in a lighting fixture.

Landscaping:

Landscaping includes areas of arranged plant materials.

Large Animals:

Large domestic animals including cows, sheep, pigs, and horses raised for home use or for profit.

Length:

In a three-dimensional measurement system, length is a horizontal measurement, distinct and longer than width.

Light Source:

The lamp and all refractive, reflective, and translucent light transmitting parts of an outdoor light fixture.

Liner Building:

A standalone building or a portion of a building located along a frontage that is meant to shield a storage, parking, or utility area from view and create an active, habitable space to make a street or public space feel more safe and inviting.

Loading Dock:

An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, which abuts a street, alley, or other means of access.

Lodging:

Premises available for daily and weekly renting of bedrooms. All lodging uses, definitions, and standards may be found in Article 4 Use Standards.

Lot:

A designated parcel, tract, or area of land established by a deed or plat, or as otherwise permitted by law. A building lot created by a theoretical lot line is also synonymous with lot. A lot of record specifically refers to lots that have legally been subdivided. Syn: Parcel or Lot of Record.

Lot, Building:

A lot created using theoretical lot lines for the purpose of meeting the dimensional requirements of the code, necessary in situations where the overall lot size is larger than that permitted within a district, and where legal subdivision is impractical or undesirable.

Lot, Theoretical:

A potential lot created by theoretical lot lines demarcated on a plan to show and determine conformance with this Code, without the act of legal subdivision. Syn: Potential Lot Lines

Article 8 Definitions

Lot Area:

The total area contained within the boundary lines of a lot, excluding publicly dedicated and accepted rights-of-way.

Lot Depth:

Lot depth is defined as ❸ the perpendicular distance from the front lot line to the rear lot line; or, if the front and rear lot lines are not parallel, ❹ the distance from the midpoint of the front lot line to the mid point of the rear lot line.

see Diagram 2 Lot Width & Depth

Lot Line

The boundary that legally and geometrically demarcates a lot.
see Diagram 1 Lot Lines

Lot Lines, Multiple:

The condition where the boundaries of a lot take an irregular form and more than one front, side, or rear lot line may exist for a single lot.

see Diagram 1 Lot Lines

Lot Line, Theoretical:

Potential lot lines demarcated on a plan to show and determine conformance with this Code. Theoretical lot lines do not require an act of legal subdivision.

Syn: Potential Lot Lines

Lot Line, Primary Front:

The lot line(s) that abuts the primary thoroughfare(s). ❶
see Diagram 2 Lot Width & Depth

Lot Line, Secondary Front:

The lot line(s) that abuts the secondary thoroughfare(s). ❷
see Diagram 2 Lot Width & Depth

Lot Line, Rear:

Rear lot line(s) are located opposite the front lot line, do not abut a primary or secondary thoroughfare, and do not intersect with a front lot line. Where side lot lines meet at a point, the rear lot line is measured from the point and no building may be closer to a lot line than the minimum rear setback. A lot may have multiple rear lot lines depending on its shape. ❺

see Diagram 2 Lot Width & Depth

Lot Line, Side:

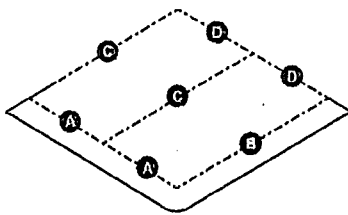
Any lot line(s) that connect, or connect to, front and rear lot lines. A lot may have multiple side lot lines depending on its shape. ❸
see Diagram 2 Lot Width & Depth

Lot Width:

Lot width is defined the total length of the front lot line ❶ or the distance between side lot lines at the maximum front setback ❷, whichever is greater.

DIAGRAM 1 LOT LINES

LOT LINES



MULTIPLE LOT LINES

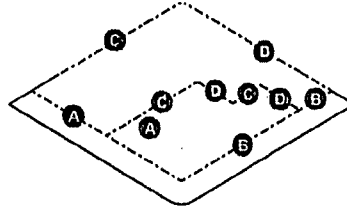
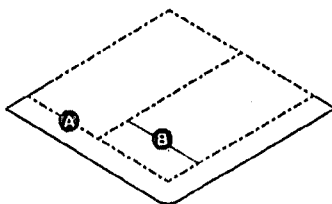
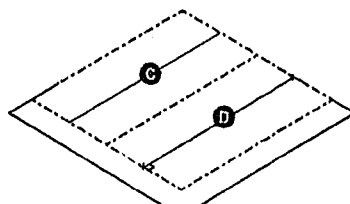


DIAGRAM 2 LOT WIDTH & DEPTH

LOT WIDTH



LOT DEPTH



Article 8 Definitions

see Diagram 2 Lot Width & Depth

Lumens:

The amount of light energy generated by a light source.

Main Building Mass:

The volume of a primary or accessory building as defined by the dimensional standards for building type and onto which components and roofs may attach.

Master Plan:

A development plan and supporting illustrations and documents providing a framework for future development of a site. A Master Plan provides guidance to the applicant and Town regarding applicable permitting and decision making processes.

Mechanical Equipment:

Equipment, devices, and accessories used for water supply, drainage, heating, ventilating, air conditioning, including elevator shafts, heating and cooling units, utility cabinets, and other visible structures that are located on or near a building or structure.

Natural Materials:

Includes wood, metal, brick, stone, or composites from any of the aforementioned materials.

Natural Resources:

The processing or manufacturing of materials, and activities associated with this work. All natural resources uses, definitions, and standards may be found in Article 4 Use Standards.

Neighborhood Type:

A neighborhood that has certain characteristics in terms of District arrangement and intensity.

Nonconformity:

An existing use, structure, lot, site characteristics or sign that, at the time of its legal establishment, was in compliance with the zoning regulations, but after the adoption date of this Code has been made wholly or partially nonconforming.

Office:

The transaction of general business, including administrative, professional, and clerical activities, but excluding retail. All office uses, definitions, and standards may be found in Article 4 Use Standards.

On-Site Civic Space:

Civic space owned, maintained, and administered by a private entity, provided on the same lot as a building or on a lot associated with a building group, for the purpose of adding publicly accessible amenity space to a development project.

Opening:

A void space in between the expanse of two solid structures or piers.

Outbuilding:

See Accessory Building.

Outdoor Cafe Seating:

Outdoor seating, with or without table service, located in a frontage or on a public sidewalk.

Outdoor Display:

The outdoor exhibition or presentation of products and merchandise available for sale.

Outdoor Storage:

The storage of merchandise or material in boxes, crates, on pallets or other kinds of shipping containers; and, garden supplies, building supplies, materials, plants, vehicles and other similar equipment, inventory, merchandise, or supplies not normally brought indoors overnight.

Parcel:

See lot.

Parking Lot:

An uncovered area used or designed for the off-street parking of 2 or more motor vehicles, excluding a driveway.

Parkshed:

The pedestrian catchment area associated with a particular civic space type.

Patio:

A hard-surfaced, landscaped space constructed at ground level, usually directly adjacent to a building. A patio is constructed with a finished walking surface laid or poured directly on finished grade. A patio has no permanent roof coverings.

Pedestrian Shed, 5-Minute:

A neighborhood area that has a discernible center and is used as a way to think about the structure of communities and neighborhoods. A 5-minute pedestrian shed is an average 1/4 mile radius or 1,320 feet, approximately the distance of a five-minute walk at a leisurely pace.

Pedestrian Shed, 10-Minute:

A pedestrian shed that is an average 1/2 mile radius or 2,640 feet. A long pedestrian shed represents approximately a ten-minute walk at a leisurely pace.

Pedestrian Shed, Linear:

A pedestrian shed that is elongated along an important corridor. A linear pedestrian shed extends approximately 1/4 mile or 1,320 feet from each side of the corridor. Syn: elongated pedestrian shed.

Permeable:

A condition in which the ground is covered by previous or porous surfaces or materials, such as through soil, mulch, vegetation, and pavers that allow for the movement or passage of water back into the ground.

Article 8 Definitions

Permitting Authority:

A person or board granted the authority to conduct project review and approval, in accordance with this Code.

Pier:

A solid support designed to sustain vertical pressure, such as used in a section of a wall between windows or other adjacent openings or as structural member used in the construction of building foundations.

Planter:

A soil bed bordering on a pathway, sidewalk, civic space, or thoroughfare, kept open to air and water flow.

Platform:

An elevated flat structure meant to support the weight of people at or above the plane of the ground.

Podium:

The lower portion(s) of certain high-rise buildings, limited in height and designed to minimize the impact of wind flows redirected by adjoining towers and to spatially define the public realm of nearby thoroughfares, private-owned public spaces, and civic spaces.

Pork Chop Return:

A condition on the eave of a roof, where the rake extends horizontally downward to form a triangular box on the gable end.

Nonconforming Conditions:

Any use, structure, building lot, site characteristics, or sign that was lawfully established prior to the adoption of this Ordinance and has been made nonconforming in result of the adoption of this Ordinance or subsequent amendments, may continue so long as the nonconformity remains otherwise lawful and complies with this section.

Primary Building:

See Building, Primary.

Primary Entrance:

The main point of access for pedestrians into a building, upper story use, or first floor tenant space.

Primary Frontage:

See Frontage, Primary

Primary Front Lot Line:

See Lot Line, Primary Front.

Primary Front Setback:

See Setback, Primary Front.

Primary Ridge Beam:

The highest framing member of a pitched roof to which all rafters attach.

Primary Thoroughfare:

See Thoroughfare, Primary.

Project(ed):

When a building element extends perpendicular and away from the building face to which it is attached.

Property:

Any land, building, or other structure, or part thereof.

Radial Symmetry:

Rafter:

One of several internal beams extending from the eaves to the peak of the roof and constituting its frame.

Rear Lot Line:

See Lot Line, Rear.

Rear Setback:

The horizontal distance from a rear lot line to the location of structures or use on a lot, measured perpendicularly from the lot line. This area must be maintained clear of permanent structures with the exception of permitted encroachments. See Setback, Rear.

Recreational Equipment:

Includes swing sets and slides, sandboxes, picnic tables.

Regional:

Uses catering to patrons originating from locations both within the local municipality and elsewhere in the broader area.

Regulating Plan:

The map or set of maps that shows all land areas subject to, or potentially subject to, regulation by this Code and including Character Districts, Special Districts, Civic Districts, and any special requirements.

Residential:

Use characterizing premises available for long-term human dwelling. All residential uses, definitions, and standards may be found in Article 4 Use Standards.

Retail:

Use characterizing premises available for the sale of merchandise and food service. All retail uses, definitions, and standards may be found in Article 4 Use Standards.

Retaining Wall:

A wall that holds the earth at one side at a higher elevation than the earth on the other side.

Rezoning:

An amendment to the Official Zoning Map of the Town of Mashpee.

Right-of-Way:

The total width of any land reserved or dedicated as a thoroughfare,

Article 8 Definitions

alley, pedestrian or bicycle way, railway, waterway, or utility line.

Ridge Beam:

See Primary Ridge Beam.

Roll Curbs:

See Mountable Curb.

Roof Line:

The highest point on any building or structure where an exterior wall or parapet wall encloses roof or floor area, including floor area provided for housing mechanical equipment.

ROW:

See Right-of-Way

Screen:

A physical barrier that can be comprised of vegetation, a structure, or other space-filling element that obscures a view between two adjacent lots, buildings, or other features.

Shed:

An enclosed, non-insulated building intended for storage.

Seating (Primary):

Primary Seating includes very formal fixtures, such as benches and chairs. These fixtures are provided for demanding users and for situations where the need for seating is limited.

Seating (Recreational):

Recreational Seating is provided for people to participate in a space. Recreational Seating is used for activities such as: observation of activities in the space, refuge, eating, reading, sleeping, knitting, playing chess, sunbathing, watching people, talking, etc. It can take two forms: Primary Seating and Secondary Seating.

Seating (Secondary):

Secondary Seating includes less formal objects such as stairways, pedestals, steps, low walls, boxes, etc. which are used casually and out of necessity. Secondary Seating elements are needed for times when demand for seating is particularly great.

Secondary Frontage:

See Frontage, Secondary.

Secondary Front Lot Line:

See Lot Line, Secondary Front.

Secondary Front Setback:

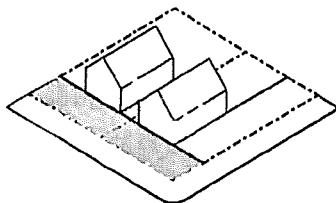
See Setback, Secondary Front.

Service:

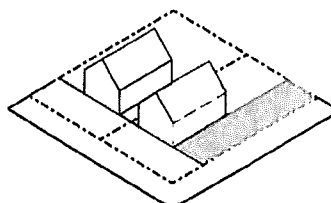
Service uses include any enterprise that provides work performed in an expert manner by an individual or team for the benefit of its customers. The typical service business provides intangible products. Auto-oriented service uses are listed under a separate use category. All service uses, definitions, and standards may be

DIAGRAM 3 SETBACKS

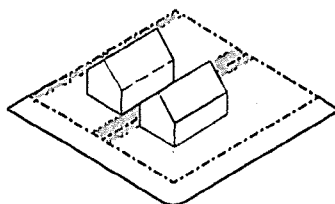
PRIMARY FRONT SETBACK



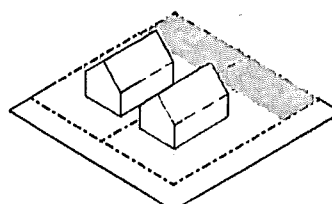
SECONDARY FRONT SETBACK



SIDE SETBACK



REAR SETBACK



Article 8 Definitions

found in Article 4 Use Standards.

Setback:

The horizontal distance required between the closest exterior wall of a building or parking and a specified element, such as a lot line, easement, or waterbody, measured perpendicularly. This area must be maintained clear of permanent structures with the exception of allowed encroachments.

Setback, Primary Front:

The distance from a primary lot line bordering a primary thoroughfare maintained clear from buildings with the exception of encroachments.

see Diagram 3 Setbacks

Setback, Secondary Front:

The distance from a secondary lot line, bordering a secondary thoroughfare, maintained clear from buildings with the exception of encroachments.

see Diagram 3 Setbacks

Setback, Side:

The distance from a side lot line, maintained clear from buildings with the exception of encroachments.

see Diagram 3 Setbacks

Setback, Rear:

The distance from a rear lot line, maintained clear from buildings with the exception of encroachments.

see Diagram 3 Setbacks

Shade Tree:

Any tree grown specifically for its shade, specifically large trees with spreading canopies. Species can include oaks, maples, ashes, lindens, sycamores, and elms.

Shopfront:

A first floor building facade, where substantial glazing is required, and the building entrance is located at the grade of the sidewalk or adjacent walkway.

Side Lot Line:

See Lot Line, Side.

Side Setback:

See Setback, Side.

Sidewalk:

The paved section of the public right-of-way dedicated exclusively to pedestrian activity.

Sign:

Any permanent or temporary name, identification, description, emblem, logo, structure, or device, that is illuminated or non-illuminated; visible or intended to be visible from any public place; and directs attention to a person, product, place, activity, institution, business, organization, activity, or service including any letter, numeral, character, figure, emblem, painting, illustration, banner, pennant, placard, or temporary sign designed to advertise,

identify, solicit, or convey information. Signs include devices designed to attract the eye by intermittent or repeated motion and any permanently installed or situated merchandise, including any banner, pennant, placard, or temporary sign, with the exception of window displays.

Sign Band:

A wall area of a building built along the entire width of a principal or secondary frontage allocated for the placement of a sign above a shopfront.

Site:

A lot or parcel occupied or planned for occupation by a use, including structures and other improvements to the land.

Slope:

The ratio of vertical to horizontal distance.

Small Animals:

Small domestic animals including rabbits, chickens, goats, ducks, alpaca, emu, and other similarly sized animals raised for home use or for profit.

Solar Farm:

A site at which photovoltaic modules are used to generate and produce electric power for distribution to consumers, typically managed by a single entity.

Soffit:

The flat underside of an overhanging building element such as eaves or cornices.

Special District:

An area that due to its intrinsic size, arrangement of buildings, or other unique characteristics cannot meet the standards of an existing character district and is therefore established as a discrete district with a customized set of standards, building standards, site standards, and civic space standards.

Special Requirements:

Designations on the Mashpee Commons Regulating Plan that indicate the additional standards.

Stallriser:

A section of wall below a storefront display window.

Stationary Machines:

Includes ATM machines, automobile charging stations.

Step-back:

A condition where an upper story facade is recessed a set distance behind the facade of the story below.

Story:

An occupiable floor of a building as distinct from the area contained under the pitch of a roof or a basement.

Street Tree:

Article 8 Definitions

A tree planted within the furnishing zone as an element of a thoroughfare.

Streetwall:

A condition where buildings, through their consistent arrangement along a street, create the impression of forming a wall. While the buildings can be separated, a streetwall is predicated on the buildings all having a similar front setback that is in close proximity to the street or civic space.

Streetwall, Continuous:

A streetwall condition comprised by buildings that are predominantly attached on the sides and that all have a consistent front setback directly on the property line.

Structure:

Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.

Substantial Modification:

Alteration of a primary building in such a way as to cause an expansion in the floor plate of the main building mass.

Swale:

A low or slightly depressed natural area for drainage.

Swimming Pool:

Any structure that is intended for recreational bathing or swimming that contains water deeper than 24 inches. This includes in-ground swimming pools, above-ground or on-ground pools, hot tub, spa, and inflatable pools.

Terraced:

An area of sloped land that has been made into a series of level areas, resembling steps.

Thoroughfare:

A public or private way for use by vehicular and pedestrian traffic and providing access to a lot, access to abutting properties, and which may also be used to provide space for bicycle facilities, stormwater management facilities, shade trees, and utilities. Driveways are not thoroughfares.

Thoroughfare, Primary:

For corner lots or through lots that abut two thoroughfares, the primary thoroughfare is designated by one or more of the following conditions:

- The thoroughfare that existed first.
- The widest thoroughfare.
- The thoroughfare that carries the greatest amount of traffic.

When a lot fronts on more than one thoroughfare, and multiple thoroughfares meet the above criteria, all such thoroughfares must be treated as primary thoroughfares.

Thoroughfare, Secondary:

For corner lots or through lots that abut two thoroughfares, the secondary thoroughfare is the thoroughfare determined not to be the primary thoroughfare.

Top Plate:

The topmost horizontal, load-bearing member in a framed wall system.

Tree Pit:

A hole filled with soil for the planting and growth of a street tree. Tree pits have surface area open to air and water flow.

Tree, Shade:

See Shade Tree.

Tree Shape:

Refers to 6 unique categories of trees, defined by a unique shape and used as a way to regulate trees along thoroughfares or within or civic space.

Tree Plantings:

The required numbers of trees that must be planted per square foot of ground.

Unit:

A single, internally connected space that comprises a building or a part of a building that can be occupied by any one of the use categories included in this Code.

Upper Story:

Syn: Upper Floor

Use:

Any actual or intended occupation, business, operation, function, or activity carried out on a lot, within a structure, or within part of a structure.

Use, Temporary:

A use established for a fixed period of time with the intent to discontinue such use upon expiration of the time period.

Use Category:

A group of uses collapsed into a category of similar types for the purpose of simplifying the regulation of uses.

Utility Equipment:

Utility equipment includes vents, exhaust, and utility boxes.

Variance:

A departure from the strict terms or expressed standards of this Code, where such departure is authorized in accordance with Section 10 of Chapter 40A of the [NAME OF STATE] General Laws.

Verge:

The strip of grass or plants and sometimes also street trees located between a thoroughfare and a sidewalk.

Article 8 Definitions

Vertical Plane:

A flat surface perpendicular to the ground or horizontal plane.

Waiver:

A predetermined type of deviation, within specific limitations, from the block, lot, and/or thoroughfare standards for of a specific district in this Code.

Wall:

A low structure typically built of masonry that defines an area or a boundary.

Width:

In a three-dimensional measurement system, width is a horizontal measurement, distinct and shorter than length.

Wind Farm:

A group of wind turbines in the same location used to produce electricity.

Fenestration:

The arrangement, proportioning, and design of openings on every exterior wall of a building, including windows and doors but

excluding entrances and doors for parking, loading, and service facilities. If a Carriage House door is more than 50% glass, it is counted as a window and door.

see Diagram 4 Fenestration

Fenestration, Ground Story

The percentage of openings present on a building's ground floor. see Diagram 4 Fenestration

Fenestration, Upper Story

The percentage of openings on the upper stories, each considered independently.

see Diagram 4 Fenestration

Worker:

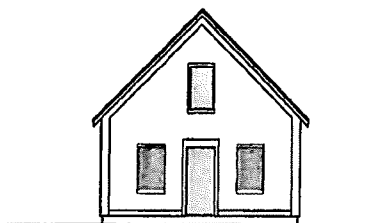
Workers include all people engaged in labor and who are either full-time, part-time, temporary, contract, or self-employed.

Yard:

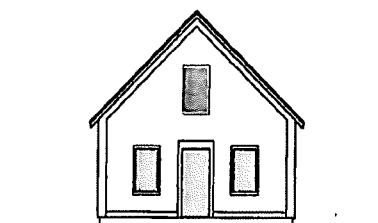
A privately-owned area that is adjacent to a building and often times described in relation to the building, such as front yard, side yard, or rear yard.

DIAGRAM 4 FENESTRATION

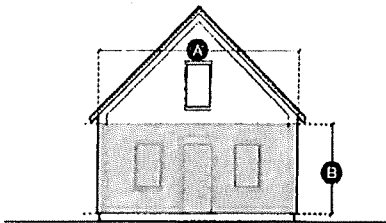
GROUND STORY FENESTRATION



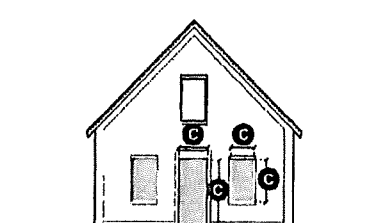
UPPER STORY FENESTRATION



AREA OF FACADE AT GROUND STORY



WINDOW & DOOR AREA AT GROUND STORY



1. The area of a facade is determined by multiplying the facade's width and height.
2. The width of a facade **A** is taken to be the outer distance from corner to corner across the buildings face.
3. The height of a facade **B** for a particular story is measured from the surface of the floor, to the surface of the next floor above; or, if there is no floor above, to either the top of the wall plate, or the base of the buildings eaves, whichever is shorter.
4. The area occupied by fenestration **C**, or windows and doors, must be measured as the area within the jambs of the window or door being measured, not including casing, molding, or the jambs themselves; and including all moving parts of the window or door, (sashes) and all parts of a fixed window joining the glass to the casing (sills).

Mary Waygan, Chairman
C/o Evan Lehrer, Town Planner
TOWN OF MASHPEE - PLANNING BOARD
16 Great Neck Road
Mashpee, MA 02649

RE: Windchime Condominiums
Special Permit and Modification
Sandcastle Mashpee, Inc. (5/21/87) and Windchime Point Development Group, LP (10/30/1998)
90 Great Neck Road South [Parcel ID 75-11-0]
Mashpee, MA.

Dear Chairman Waygan and Honorable Planning Board Members,

The Windchime Board of Directors and Homeowners Association (herein referred to as "Windchime") would like to thank you for the opportunity to speak to you about wastewater treatment and planned improvements at the facility in the context of the Special Permit and Modification. Windchime is seeking the release of funds escrowed for such improvements as framed in the Special Permit and a Modification or otherwise understanding, that such funds do not need to be reimbursed to the Town of Mashpee as based on the state requirement to have a Financial Assurance Mechanism (FAM) as a similar dedicated account for these purposes [Refer to Attached]. Windchime seeks relief from this provision within the Special Permit as based on redundancy and financial hardship to the homeowners.

Windchime also seeks a reduction in the groundwater, surface water and botanical monitoring programs framed in the Special Permit wherein the groundwater and effluent monitoring is redundant to state requirements under the Groundwater Discharge Permit (GWDP) and the surface water and botanical monitoring as unique and prejudicial as only assigned to Windchime as a minority contributor of nutrient to the Mashpee River Water Shed. This program is costly, and poorly designed to evaluate impacts to the environmental receptors as a narrowly focused on a single area within watershed as complicated by comingled wastewater plumes from the Mashpee Commons wastewater plant abutting the Windchime property as having four (4) times the permitted flow as Windchime with no contribution or similar requirement. Windchime seeks to have the groundwater monitoring provision of the Special Permit modified to coincide with the requirements for effluent testing and groundwater testing specified in the seek relieve to this program as redundant to the monitoring requirements framed in the GWDP [Refer to Attached]. Additionally, Windchime seeks to reduce the quarterly sampling requirements for the surface water testing to annually or otherwise eliminate and donate such funds towards a larger and more comprehensive investigation of the Mashpee River and Popponesset Bay watershed. Additionally, Windchime seeks to eliminate the Botanical Sampling Program entirely for the same reasons as noted as costly, prejudicial and poorly designed to meet stated objectives in watershed evaluation and discreet contributions.

Lastly, in consideration of wastewater improvements for wastewater treatment plant upgrade or consideration of connection to the abutting Mashpee Commons facility as having had preliminary discussions with the developer, Windchime seeks clarification on the reference to the 5mg/L nitrate ^③ parameter framed in the Special Permit. The language "total nitrogen loading factor" and "at point of discharge" is unclear and needs to be defined. This is further confused by statements from the Board that 10 mg/L may actually be the enforceable standard or that in consideration of upgrade, 3 ug/L may be considered the new standard. This is critical in the consideration of wastewater improvements and costs.

In closing, Windchime as a collective of resident and taxpayers, appreciates the cooperation of the Mashpee Planning Board in assisting them in making improvements to wastewater treatment in the area as environmental quality is a shared concern. These changes will eliminate redundant and unnecessary programs while redirecting dollars spend to contribute to watershed based studies and critical CWMP planning/implementation on a regional scale and free monies for Windchime to make critical infrastructure improvements.

Sincerely

*Joseph J. Mooney - Chair
for the Board of Trustees
Windchime*

July 20, 2018

MASHPEE PLANNING BOARD
SPECIAL PERMIT DECISION
APPLICANT: SANDCASTLE MASHPEE, INC.

I. JURISDICTION

This decision is issued by the Planning Board of the Town of Mashpee (the "Board") pursuant to Section 9.383(d) of the Zoning By-Laws of the Town of Mashpee (the "By-Laws"), the Rules and Regulations of the Planning Board of the Town of Mashpee (the "Regulations") and the applicable provisions of Massachusetts General Laws, Chapter 40A, Section 9 (the "Statute").

II. CHRONOLOGICAL BACKGROUND

On January 8, 1986, the applicant submitted a preliminary conceptual plan for an open space multi-family development. Pre-application conferences, pursuant to Section 9.37 of the By-Laws were held, and consisted of formal appearances by the applicant and its engineers, architects, attorneys and advisors before the Board on February 5, March 5 and June 19, 1986. In addition, the applicant met with the Design Review Committee pursuant to Section 9.6 (February 7 and July 23, 1986), the Conservation Commission (February 6, 1986), as well as numerous conferences and meetings with members of the Town Planning Department and other interested boards, committees and commissions with the Town. The pre-application conference also included site visits by the Town Planning Department Staff and members of the Board in October of 1985.

On June 18, 1986, preliminary approval was granted by the Planning Board by a vote of 5-0.

III. SUBMISSIONS AND HEARINGS

On September 17, 1986, a Special Permit Application was filed in conformance with Section 9.383, including the following:

1. Site plan showing topography, project locations, building locations, roads, parking locations, grading, pedestrian circulation and related pertinent information;
2. Building engineering diagram showing floor plans and elevations of proposed structures;
3. Open space plan showing location of open space and proposed topography and landscaping thereof;
4. Landscape plan showing details of plantings, entrance ways, signage and other related matters;
5. Road profile engineering plan showing utilities, including sewerage treatment plant, sewerage disposal systems, electrical service, storm drainage and other related information.

In addition, the applicant submitted an extensive traffic study with reference to traffic flow patterns and curb cut location, which had previously been requested by the Board during the pre-application hearing. The applicant also submitted ten (10) copies of the Application for Special Permit and accompanying plans to the Town Clerk, and, pursuant to Section 9.383, copies of same were transmitted by the clerk to the Superintendent of Streets, the Board of Health, Fire Department, Police Department, Conservation Commission, Recreation Commission, and the Board of Appeals.

Appropriate and timely notice of a public hearing was given to abutters and interested parties as defined therein pursuant to Massachusetts General Law, Chapter 40A, Section 11 and Section 9.383 of the By-Laws, said notice having been approved by the Board and confirmed by affidavit. No adverse written recommendations regarding the application were received by the Planning Board from any town agency pursuant to Section 9.383(b). An initial public hearing was held by the Board on November 12, 1986, and at the applicant's request, the public hearing was continued due to the presence of only four members of the Board. On December 3, 1986 and January 7, 1987 and continued public hearings were held, at which time the Board received public comments on the application, as well as oral remarks from the Town engineer and the Town Planning Department staff. The applicant presented additional engineering data and plans with respect to those comments. The applicant also provided the Board with specific information concerning water quality issues at those hearings.

A final public hearing was held on February 4, 1987, at which time the applicant submitted a revised site plan to address concerns voiced by the Board at prior public hearings. On February 4, 1987, after due deliberation and discussion, the Board voted 5-0 to issue a Special Permit for the project under the terms and conditions set forth herein.

IV. THE PROPERTY

The subject property consists of the following four parcels situated on Great Neck Road and adjacent to the Mashpee River:

(1) 4 acres shown as Parcel 1B on a plan dated May 29, 1985, and recorded with Barnstable Registry of Deeds and recorded in Plan Book 400, Page 40.

(2) 18.31 acres shown as Parcel 2B on a plan dated May 29, 1985 and recorded in Barnstable County Registry of Deeds in Plan Book 400, Page 40;

(3) 15.3 acres shown as Parcel 3 on a Plan dated May 29, 1985 and recorded in Plan Book 400, Page 40; and

(4) 32.15 acres and shown as Parcel 4 on a plan of land dated May 29, 1985, and recorded at the Barnstable County Registry of Deeds in Plan Book 400, Page 40.

The properties are also shown as Parcel No. 1 on Assessor's Sheet 02, Parcel No. 2 on Assessor's Sheet No. 75, Parcel 3 on Assessor's Sheet 75, and Parcel 19 on Assessor's Sheet No. 74. Applicant's title was confirmed by a deed recorded with the Barnstable County Registry of Deeds in Book 4790, Page 041, an attested copy of which was submitted to the Board by applicant's counsel. The property is located in the R-4 Zoning District, except for a 5 acre portion, which is located in an R-5 Zoning District.

V. DECISION AND FINDINGS

Based upon the Board's review of the applicant's Special Permit Application and supporting materials, the Board issues the following findings:

1. The Board has reviewed the development plans for an open space project submitted by the applicant, including site plans, building plans, open space plans, landscaping plans, road profile plans and proposed covenants and agreements

related to the development of the parcel, including water quality testing agreements, phasing of developments and related agreements.

2. During the past 14 months, public hearings and meetings have been held, at which time input from the public and interested parties has been considered by the Board and the applicant.

3. In response to public comment and suggestions by the Boards, the applicant has revised the site plan and the building plans to decrease the size and number of units, increase the open space and increase the buffer zone.

4. The applicant has submitted conservation restrictions with reference to the use and protection of the open space, including the vegetated buffer, and further, have agreed to include prohibitions on the construction of docks, piers and other appurtenances.

5. The applicant has submitted documentation in conformance with Section 9.362 to provide adequate covenants and restrictions to secure the permanent legal existence of the common open space, including conservation restrictions agreed upon by abutting property owners, and attached hereto as Exhibit "A".

6. A specific phasing construction schedule was submitted to the Board pursuant to Section 9.34, a copy of which is attached hereto as Exhibit "B".

7. The buffer strip area surrounding the subject property as shown on the approved plans comports with the requirements of Section 9.352 and shall be retained in its natural state in that the buffer is necessary to protect the privacy of the adjoining land owners.

8. The Board finds that the importance of the buffer zone and the protection of the Mashpee River require the waiver of parking requirements set forth in Section 8.6 of the Zoning By-Law, and therefore, the parking of vehicles as shown on the site plan approved on February 4, 1987, shall be specifically allowed.

9. All water service to the project will be provided by the Highwood Water Company, which water system will comport with the requirements of the Town's Engineer and water supply consultants.

10. The Board finds further that the visual impact of the development on adjoining properties and the Mashpee River corridor is an important and relevant factor in the Board's review of the project; and the required associated buffer zone on the project. The applicant has represented that any visual impact from the Mashpee River Corridor and Park would be negligible.

11. Based on the foregoing, the Board specifically finds that:

(A) the open space multi-family development plan as submitted by the applicant does not substantially derogate from the intent of the Mashpee Zoning By-Laws;

(B) the proposed use of the land, as shown on the site plan and the applicant's supporting documents will not be substantially detrimental to the adjoining property; and

(C) the open space multi-family development shown on the site plan and associated documents as approved by the Planning Board at its hearing on February 4, 1987, is superior to a conventional subdivision plan in preserving open space for conservation and for recreation, utilization of natural features of the land, and allows for more efficient provision for public services.

CONDITIONS

The provisions of this decision and the issuance of the Building Permits by the Building Inspector for the Town of Mashpee shall be conditioned upon the following:

1. Execution by Sandcastle Mashpee, Inc. of a wastewater monitoring agreement for a monitoring program in the form substantially as exists in a draft entitled "Waste Water Treatment Monitoring Plan" dated April 15, 1987 and attached as Exhibit C to this decision. *No construction will be commenced prior to execution of said agreement.*
2. That the applicant will participate in the funding of a Special program to be established by the Town to supplement present and/or future water quality studies of the Mashpee River and its estuarine area at Popponesset Bay.
3. The issuance of a groundwater discharge permit by the Massachusetts Department of Environmental Quality Engineering, and that the effects of the wastewater treatment plant

effluent on ground water and surface water quality will be monitored in accordance with all applicable state requirements. the monitoring program referred to in condition 1 above, and such additional requirements as may reasonably be imposed by the Board of Health of the Town of Mashpee.

4. That the applicant will, upon written request of the Town of Mashpee and after the establishment of a municipal waste water treatment commission (or equivalent governmental entity within the Town of Mashpee) transfer ownership of the waste water sewage treatment plant to the Town of Mashpee, pursuant to M.G.L., Chapter 79, or by agreement with the Town.

5. That the applicant execute appropriate documents to convey the open space areas to an entity within the meaning of Section 9.362 shown within the applicant's site plans.

6. That all physical structures or elements of the project integral to construction, including foundations, buildings, roadways, paved areas, utilities and recreational facilities be constructed and the Buffer area maintained in such a manner as to protect the privacy of the adjoining land owners and to not be substantially detrimental to adjoining Property, pursuant to the requirements of Sections 9.352 and 9.372 of the Zoning By-law, especially Timber Landing Road, River Road, The Mashpee River Corridor, and Mashpee River Park. Specifically, this condition requires that no clearing, trimming or alteration of land and/or vegetation take place outward (toward the property perimeters) beyond twenty (20') feet of any foundation wall, ten (10') feet of any roadway or walkway pavement, and five (5') from the center line of site utilities, without the express written permission of the Planning Board of the Town of Mashpee.

7. That the project be completed in 4 phases, as depicted on a map entitled "Wind Chime Point - Phasing Plan" and be constructed according to the phasing schedule attached as Appendix B hereto. In addition, that no clearing, construction or building shall take place in any phase unless necessary to the development of that phase. Thirty (30) days prior to the anticipated completion of any phase, the applicant shall

notify the Planning Board. During said Thirty (30) day period, the Planning Board shall have the opportunity to review the construction and improvements in the phase then completed, and the Building Inspector, the Planning Board, or the Planning Department of the Town of Mashpee may seek appropriate remedies, including injunctive relief or an equitable action pursuant to Section 9.39 of the Zoning By-Laws for any violation of any term, condition or provision of this Special Permit Decision. The Board may require, prior to the commencement of any subsequent phase, the revegetation of disturbed areas.

8. Construction of the project shall be subject to review and approval of final engineering plans by the Planning Board prior to the issuance of building permits in accordance with Section 9.39 of the By-law.

9. The number of units to be constructed shall total no more than one hundred and seventy (170), as shown on the final approved open space, multi-family site plan signed on April 4, 1987 by the Planning Board Chairman. *February*

10. That the waiver of the parking requirements of Section 8.5 of the Zoning By-law in finding 8 hereof shall be contingent upon an opinion of Town Counsel allowing said waiver, or, in the alternative, that a variance from said requirement be obtained from the Mashpee Zoning Board of Appeals.

CONCLUSION

The Board finds that the issuance of Special Permit will further the intent of the Zoning By-Law and will enhance the public safety and public good. In addition, this permit may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the By-Law, and comports fully with all requirements of Section 9.3 of the Zoning By-Law. This Special

Permit shall be binding upon and inure to the benefit of the applicant and its heirs, successors, assigns and grantees.

This Decision has been duly filed pursuant to M.G.L. Chapter 40A, Section 11, on April 24, 1987, with the Town Clerk of Mashpee. Any appeal to this Special Permit Decision shall be made within twenty (20) days of said filing pursuant to M.G.L. Chapter 40A, Section 17.

Pursuant to M.G.L. Chapter 40A, Section 9, this Special Permit shall lapse if, within two (2) years from the date said decision is recorded construction has not commenced, or, for good cause shown an extension of said two (2) year limitation is granted by the Planning Board.

Signed this 22nd day of April, 1987.

PLANNING BOARD OF THE TOWN
OF MASHPEE

Richard A. [Signature], Chairman
[Signature]
[Signature]
[Signature]
[Signature]

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RECEIVED

APR 24 1987

MASHPEE TOWN CLERK

EXHIBIT A

CONSERVATION RESTRICTION

The following conservation restriction shall apply to the grantee and its assigns. The Town of Mashpee shall have the right to enforce the provisions of this conservation restriction should the agents or officers of the grantee fail to comply for whatever reason with these provisions. If the Town of Mashpee shall fail to enforce these provisions then the Trustees of Reservations, a Massachusetts charitable corporation under Chapter 852 of 1891 with an address of 572 Essex Street, Beverly, Massachusetts shall have the right to enforce these provisions against the Grantee.

The terms of the Conservation Restriction are as follows:

A. Except as set forth in paragraph B below, neither the Grantor nor the heirs, devisees, successors or assigns of the Grantor will perform or give permission to others to perform the following acts or uses on the Premises:

- (1) The construction or placement of any building, tennis court, artificial swimming pool, asphalt driveway, asphalt road, sign, billboard or other advertising display, mobile home, utility pole, tower, conduit or line or other temporary or permanent structure on or above the Premises;
- (2) The excavation, dredging or removal from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit in such manner as to affect the surface thereof, and the placement, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material whatsoever;
- (3) Cutting, removing or otherwise destroying trees, grasses or other vegetation, except as allowed under the Terms of Special Permit issued by the Mashpee Planning Board, ~~and carrying on of woodland, agricultural and farming operations, including the planting and harvesting of crops, cutting of trees and shrubs, provided such woodland, agricultural and farming operations do not, in the reasonable opinion of the Trustees, substantially alter the present condition of the Premises or harm wildlife or the natural environmental system;~~
- (4) Any use of the Premises and activity thereon, except for ~~agricultural, forestry,~~ education or passive outdoor recreational purposes, or purposes permitting the Premises to remain, in the reasonable opinion of the Trustees, predominantly in their natural condition.

- (5) The construction or placement of docks, piers, duckwalks or any other structures over waterways and/or wetlands.

B. The provisions of paragraph A notwithstanding, the following uses and activities by the Grantor and the heirs, devisees, successors and assigns of the Grantor shall not be prohibited by this Conservation Restriction or considered inconsistent with the intent of this grant:

- (1) Fishing, clamming, hunting, canoeing;
- (2) The use of the Premises for walking and other recreational activities conducted on foot and the use of trails and wood roads on the Premises for horseback riding, in conformity with the restrictions herein above set forth;
- (3) The placement of signs of a size not exceeding three feet by two feet on the Premises for the purpose of indicating the ownership of the Premises, for restrictions on the use of the Premises, and for the marking of nature trails; and
- (4) The emplacement and utilization of monitoring wells and stations for the purpose of ground water, surface water and botanical sampling as outlined in the Special Permit decision.

C. The foregoing Conservation Restriction is authorized by Massachusetts General Laws Chapter 184, Sections 31 through 33, and otherwise by law, and is intended to ensure that the Premises will be retained predominantly in their natural, scenic and open condition for conservation purposes and for the protection of wildlife and natural environmental systems.

D. This Conservation Restriction shall be enforced by the Trustees of Reservations as they in their sole discretion may decide. Nothing herein shall impose upon the Trustees any duty to maintain or require that the Premises be maintained in any particular state or condition, notwithstanding the Trustees' acceptance hereof.

E. The Conservation Restriction hereby conveyed does not grant to the inhabitants of the Town of Mashpee, to the public generally, or to any other person any right to enter upon the Premises except as follows: There is hereby granted to the representatives of the Trustees of Reservations the right to enter the Premises at reasonable times and in a reasonable manner for the purpose of inspecting the same to determine compliance herewith, or enforcing this Conservation Restriction, or of taking any and all actions with respect to the Premises as may be necessary or appropriate with or

without order of court, to remedy or abate any violations hereof. Also it is hereby granted that a representative of the Town of Mashpee shall have the right to enter the Premises for the purpose of taking independent monitoring ~~actions~~ as outlined in the Special Permit conditions.

F. The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Trustees for enforcement of this Conservation Restriction.

G. The Conservation Restriction hereby granted may not be transferred by the Trustees except to an organization described in Section 170(b)(1)(A) of the Internal Revenue Code, as amended from time, whose purposes are similar to those of the Trustees.

This Conservation Restriction being a gift, no documentary stamps are required.

WINDCHIME POINT
PHASING PLAN

PHASE	UNITS	COMMENTS
I	41	WWTP FIELDS, AMENITIES
II	44	WWTP AT 68 UNITS
III	44	
IV	41	

TO ANNUALIZE THIS PHASING PLAN ASSUME EACH PHASE TO BE NINE
MONTHS IN DURATION

EXHIBIT C

WASTEWATER TREATMENT MONITORING PLAN

MARCH 28, 1987

- I. Authority
- II. Definitions
- III. Purpose
- IV. Effluent Monitoring Program
- V. Groundwater Monitoring Program
- VI. Surface Water Monitoring Program
- VII. Botanical Sampling Program
- VIII. Responsibility
- IX. Standards and Enforcement
- X. Other Provisions
- XI. Approval

I. Authority

Authority for the Planning Board to require water quality monitoring and provisions for the protection of the Mashpee River is found in Massachusetts Chapter 40A, Section 9. . . . "Special permits may be issued only for uses which are in harmony with the general purpose and intent of the (local) ordinance or by-law, and shall be subject to general or specific provisions set forth therein; (See Mashpee Zoning By-Law, Section 1.1 Zoning Purposes; Section 11A: Mashpee River and Quashnet River Protective Districts) and such permits may also impose conditions, safeguards, and limitations on time or use."

All provisions enclosed herein exist beyond and independent of the authority for any groundwater discharge permit issued to Sandcastle-Mashpee Inc. by the Department of Environmental Quality Engineering, Commonwealth of Massachusetts.

II. Definitions

Whenever used in this text "applicant" shall mean Sandcastle-Mashpee Inc. and its successors in interest, heirs and/or assigns, as owners of the "Windchime Point" sewage treatment plant.

III. Purpose

The purpose of this special permit agreement is to describe a water quality monitoring program for the SandCastle-Mashpee Inc. project in Mashpee, Massachusetts, known as "Windchime Point", along the Mashpee River. The program will include monitoring of: 1. effluent water quality at point of discharge; 2. groundwater within the discharge plume stemming from the plant; 3. surfacewater quality of receiving water bodies; and 4. botanical communities proximate to the project. In addition, the program will include mapping of the wastewater plume stemming from the treatment plant.

The project will include a waste treatment system and associated infiltration beds which will accept only domestic waste from the project. Effluent discharge from the filter beds will ultimately reach the Mashpee River. The goal of the proposed monitoring program is to provide monthly data on effluent water quality, seasonal data on ground-water and surfacewater quality (adjacent to the project and farther downstream) and to provide summer data on the botanical community proximate to the proposed project. Furthermore, this agreement outlines the responsibility for monitoring programs, and provides for measures of corrective action to be taken should the water quality conditions of the Mashpee River, including its estuarine areas at Popponesset Bay, so dictate.

IV. Effluent Monitoring Program

Effluent discharged from the "Windchime Point" sewage treatment plant will be evaluated on a monthly basis and will include measurements of total nitrogen, Kjeldahl nitrogen, nitrate-nitrogen, ammonia nitrogen, total phosphorus, dissolved phosphorus, total chlorine, and other water quality parameters as reasonably requested by the Planning Board. Monthly monitoring of effluent shall begin no more than three months after the plant has been on line or reached 40% of its permitted discharge capacity, whichever is sooner. Composite, or time-averaged samples will be collected according to accepted practice and delivered to an EPA certified laboratory for evaluation.

V. Groundwater Monitoring Program

The groundwater monitoring program is designed to provide baseline and post operational data on the parameters of concern in domestic wastewaters, including nutrient levels. Figure 1 (from GZA Report File P-5473) shows the well locations. Two upgradient wells and five downgradient wells will be installed. The two upgradient wells will be established in a north-south transect approximately one hundred feet upgradient of the proposed infiltration beds. Two of the downgradient wells will be installed along either side of the plume axis and at the same water table contour approximately 200 feet apart and 200 to 300 feet from the edge of the Mashpee River. The data from these wells will provide some perspective on the effects of dispersion within the plume. Three well points will be installed in the freshwater marsh within the projected boundaries of the discharge plume.

Wells will be advanced with hollow stem auger techniques or wash and drive techniques, if necessary. All well screen and riser will be 1.5 inch inside diameter PVC. Ten foot PVC screening will be installed at the intersection of the water table. Prior to installation of well points, hand augered borings will be examined to determine the depth of the vegetative root zone. Well points will be hand driven to this depth. Two foot screening will be used to sample at or just below the zone of active root growth. All wells and well points will be surveyed for location and elevation of the top of PVC. The upland wells will be

sealed at the top and locked boxes will be installed in all the wells and well points.

Groundwater parameters on all five wells will be measured on a quarterly basis. These will include: total nitrogen, Kjeldahl nitrogen, nitrate-nitrogen, ammonia nitrogen, dissolved phosphorous, total chlorine, conductivity and other parameters as reasonably requested by the Planning Board. Samples will be filtered in the field, held at approximately 4°C, and sent to an EPA certified laboratory for analysis of nutrient content and water chemistry. During each sampling round the depth of the water table will be determined and referenced to the wellhead elevations to calculate water table elevations.

VI. Surface Water Monitoring Program

Surface water monitoring stations will be established in the Mashpee River at locations upstream, downstream, and opposite the projected area of groundwater discharge. If there is a clear drainage channel(s) from the wetland areas on the west side of the river, the site adjacent to discharge will be established at that point. Otherwise, it will be located approximately between the upstream and downstream point, along the axis of the discharge. Grab samples will be taken with a Niskin sampler from mid-depth in the river (the river is well mixed throughout the segment under study). Samples will be analyzed for total nitrogen, Kjeldahl nitrogen, nitrate nitrogen, ammonia nitrogen, total phosphorous, dissolved phosphorous, dissolved oxygen, (mid-depth and bottom water), pH, temperature, conductivity and other parameters as necessary. Nutrients will be held at approximately 4°C in the field and analyzed at an EPA certified laboratory. Sampling will occur on a quarterly basis.

VII. Botanical Sampling Program

Species composition and wet weight biomass of the macrophytic plant community in the river and marsh will be conducted. For both river and marsh areas, one half to one meter quadrants will be sampled at the height of the growing season. A random hierarchical sampling design will be employed. Upstream, downstream, and discharge areas will be sampled separately for a random quadrant in each wetland (well point) and river area. All botanical surveys will be conducted as per accepted practice.

VIII. Responsibility

The agent responsible for all costs associated with the emplacement, relocation, collection, and evaluation (including distribution of results) of monitoring stations and samples (point of discharge, groundwater, surfacewater, botanical) will be the applicant. All water samples must be taken in accordance with standard procedures (Standard Methods for the Collection of Water and Wastewater: American Society of Testing Materials). All water samples will be delivered to an E.P.A.

certified laboratory for evaluation on a quarterly basis, except effluent samples, which will be evaluated on a monthly basis. Written results, including measurement of water quality parameters, will be presented to the Mashpee Planning Board, the Mashpee Planning Department, the Mashpee Board of Health, the Mashpee River Woodlands Committee, the State D.E.Q.E., the State Division of Fisheries and Wildlife, Cape Cod Planning and Economic Development Commission, and other appropriate agencies, every three months. Reports to agencies other than the Town will be supplied by the applicant and distributed by the Mashpee Planning Department. To the extent possible, this evaluation will be written in language understandable to generally educated citizens and shall include an executive summary.

The applicant will also be responsible for annual mapping of the location and extent of the wastewater plume emanating from the "Windchime Point" sewage treatment plant. This mapping will be at an appropriate scale, showing groundwater contours, location of all monitoring wells (7), surfacewater monitoring stations (5), botanical sampling stations (river and marsh), edges of plume, and points of discharge to the Mashpee River, and is to be completed by a qualified hydrogeologic firm. Should the location of the plume change or fluctuate significantly, monitoring wells and location (groundwater, surfacewater, and botanical) will be added and/or relocated as necessary to reflect the accurate location of the plume.

For the botanical sampling program, the applicant will retain a qualified, independent botanist to perform annual sampling, the written results of which are distributed as above. All sampling stations (groundwater, surfacewater, botanical) will be in place and first samples taken within three months of the start of the project, or initial groundbreaking, whichever is first. Quarterly sampling will resume on a seasonal basis (winter, spring, summer, fall), except for effluent at point discharge, which will be monitored on a monthly basis. Monitoring will be continued regularly on a long term basis and can be terminated or reinstituted by a 4/5 vote of the Planning Board.

IX. Standards and Enforcement

For purposes of protecting the natural resources of the Mashpee River, its waters have been assigned a Class B status (1976) under Massachusetts Surface Water Quality Standards (314 CMR 4.00). Under this classification, water quality is to be maintained for the protection and propagation of fish, other aquatic life, and wildlife, and for primary and secondary contact recreation. Popponesset Bay is recognized for similar purposes. Criteria for nutrients in both of these classes state that nutrients "shall not exceed the site-specific limits necessary to control accelerated or cultural eutrophication".

Should the subject monitoring program, or other valid environmental studies, indicate excessive levels of nutrient concentrations in any of the effluent discharge, groundwater, or surfacewater samples and/or that affected areas of the Mashpee River and its associated estuarine area at Popponesset Bay is experiencing accelerated (cultural) eutrophication

or other negative water quality conditions as outlined by the applicable criteria in Massachusetts Surface Water Quality Standards for Class SA or Class B waters (see 314 CMR 4.00) the applicant will be required to improve, within a reasonable time period, (unless the Windchime Point sewage treatment plant is proven a non-contributor) to the best management practice and/or best available technology (whichever combination will provide the highest level of sewage treatment) the level of sewage treatment at the "Windchime Point" plant. All responsibility to prove any lack of contribution to applicable water quality problems shall be on the applicant. Definition of water quality problems, discussion of best management practices, best available technology, and proposed solutions, will be determined at a Planning Board public hearing, to be held at its request. Liability incurred by the applicant stemming from this agreement does not force payment or action upon other responsible parties, heretofore not restricted by similar agreements.

To secure the provisions of this special permit agreement, the applicant agrees to post a performance bond, in the form of a fund of \$125,000, payable to the Town of Mashpee, to be used expressly for purposes of improving the level of sewage treatment at the "Windchime Point" plant. This fund shall be established by the applicant within six months of the start of construction of the project, and shall be set aside to accrue interest. The fund shall remain as long term performance guarantee, and is to be used only if the applicant defaults on the liability to improve the level of sewage treatment at the "Windchime Point" plant. Nothing in this agreement limits the applicant's liability to \$125,000 plus interest accrued in the fund. It is understood that the total liability of the applicant is limited to the best management practices and/or best available technology improvements (at time of identified water quality problems) which might include, but are not limited to, denitrification, spray irrigation, or phosphorus removal.

X. Other Provisions

The Town of Mashpee, acting through its offices, reserves the right to enter the applicant's property to take independent samples from all monitoring points and stations. It is further understood that the applicant reserves the right to enter upon and construct well stations on the adjacent property owned by the Trustees of Reservation, for the purposes of fulfilling this agreement. This permission is expressly granted by the provisions of the conservation restriction between Sandcastle-Mashpee Inc. and the Trustees of Reservation. Should the Town of Mashpee form a municipal wastewater treatment commission (or equivalent governmental entity) and request in writing that ownership of the Windchime Point plant be transferred to the Town, all requirements of this monitoring plan placed upon the applicant shall become null and void. Should any portion of this agreement be held void, other portions shall remain unaffected.

XI. Approval

Under authority granted by M.G.L. Chapter 40A and Section 9.3 of the Mashpee Zoning By-law, the Planning Board hereby endorses this Wastewater Treatment Monitoring Plan as condition 1 of the Special Permit decision for Sandcastle-Mashpee Inc., signed on April 22, 1987.

Hereby signed by the Mashpee Planning Board on this 21 day of May
_____, 1987.

Richard S. Dubin
Richard S. Dubin, Chair

Anthony E. Ferragamo
Anthony E. Ferragamo

Richardson H. Jones
Richardson H. Jones

Judy M. Morris
Judy M. Morris

Michele S. Stone
Michele S. Stone

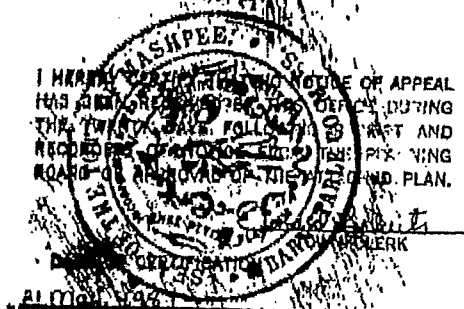
Hereby agreed to by applicant, Paul Townsend, President of Sandcastle-Mashpee Inc., pursuant to condition one (1) of the special permit decision for Sandcastle-Mashpee Inc. on this 21st day of May, 1987.

69
Paul Townsend
Paul Townsend



BOOK 5734 PAGE 244

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RECORDED MAY 21 87

Mc Patrick Butler
26.22

SANDCASTLE MASHPEE, INC. - SPECIAL PERMIT

61144

The undersigned members of the Mashpee Planning Board hereby adopt the following modifications to the Special Permit decision issued on April 22, 1987 and recorded with the Barnstable County Registry of Deeds in Book 5734, Page 233.

FINDING 8 - PAGE 5 is modified by inserting in place thereof the following:

"8. The parking of vehicles as shown on the site plan approved on April 22, 1987, shall be specifically allowed. The Board finds that because of the importance of the buffer zone and the protection of the Mashpee River a waiver of parking requirements set forth in Section 8.6 of the Zoning By-Law may be required and, if so, the Board is in favor of such a waiver."

CONDITION 10 - PAGE 8 is modified by inserting in place thereof the following:

"10. That the waiver of the parking requirements of Section 8.6 of the Zoning By-law in finding 8 hereof shall be contingent upon an opinion of Town Counsel allowing said waiver, or, in the alternative, that a variance from said requirement be obtained from the Mashpee Zoning Board of Appeals. However, if the Building Inspector determines that the entire Open Space Plan dated April 22, 1987 meets the requirements of Section 8.6 (as evidenced by the initial issuance of building permits for the first phase of construction), then no opinion of Town Counsel or variance will be required since no waiver is necessary."

A copy of this modification shall be filed with the office of the Town Clerk.

Dated: September 2, 1987

PLANNING BOARD OF THE TOWN OF
OF MASHPEE

[Signature] Chairman
[Signature]
[Signature]
[Signature]
[Signature]

BOOK 5734
PAGE 233
R.R.

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SEP 8 11 38 AM '87
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Return to
Hutter Mr. Cluman
297 North St
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RECORDED SEP 8 87

MODIFICATION OF SPECIAL PERMIT

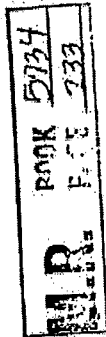
The undersigned members of the Mashpee Planning Board hereby adopt the modifications to Condition 7, Page 7 and Exhibit B of the Special Permit Decision issued on April 22, 1987, and recorded with the Barnstable County Registry of Deeds in Book 5734, Page 233, as amended by a modification dated September 2, 1987, and recorded with the Barnstable County Registry of Deeds in Book 5910, Page 190, as amended by a modification dated December 2, 1987, and recorded with the Barnstable County Registry of Deeds in Book 6047, Page 003; such modifications are:

1. To change the location of Windchime Drive in two locations to facilitate the preservation of existing vegetation; and
2. To remove three garages in front of Buildings 2 and 3 and substitute surface parking.

Accordingly:

Condition 7 - Page 7 is modified by inserting in place of the first sentence thereof the following:

"7. That the Project be completed in four phases, as depicted on a map entitled 'plan of land showing Windchime Point Condominium' in Mashpee, Massachusetts prepared for Sandcastle Mashpee, Inc., scale 1" equals 100', June 15, 1987, Dana F. Perkins & Associates, Inc. - proposed Phasing Plan, 6 July 1987, revised 16 July 1987 - proposed change Building 7, 8, 9, 10, 31, 32, 39 and 40, revised 24 November 1987 - clubhouse & location Loop Road [a/k/a "Windchime Drive"], tennis courts - proposed change to Windchime Drive and revision to parking on Bob White Crescent, revised 16 February 1988.



Page 2

A copy of this modification shall be filed with the Office of the Town Clerk.

PLANNING BOARD OF TOWN OF MASHPEE

By: Anthony E. Ferragamo
Anthony E. Ferragamo, Chairman

Judy H. Mills
Louise Behrman
Richardson H. Jonas

Date: February 17, 1988

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

February 17, 1988

Then personally appeared the above-named Anthony E. Ferragamo, Scott R. Henshall, Judy Mills, Louise Behrman and Richardson H. Jonas, and acknowledged the foregoing instrument to be their free act and deed, before me.

Maria C. Scallan
Notary Public MARIA C. SCALLAN
My commission expires: 9.9.94

I HEREBY CERTIFY THAT NO NOTICE OF JUDICIAL
HIS WITH RECEIVED BY THIS OFFICE ON JAN
THE TOWN OF MASHPEE FOR THE PLANNING BOARD
RECORDED IN THE TOWN OF MASHPEE
BOARD OF MASHPEE TO THE ATTACHED PLAN.

Donald Schute
TOWN CLERK

DATE OF CERTIFICATION

Aug 22, 1988



RECORDED AUG 22 88

MODIFICATION OF SPECIAL PERMIT

The undersigned members of the Mashpee Planning Board hereby adopt the modifications to Condition 7, Page 7 and Exhibit B of the Special Permit Decision issued on April 22, 1987, and recorded with the Barnstable County Registry of Deeds in Book 5734, Page 233, as amended by a Modification dated September 2, 1987, and recorded with the Barnstable County Registry of Deeds in Book 5910, Page 190; such modifications are:

1. To allow the construction of four tennis courts instead of two, as presently depicted, and to change the location of the clubhouse and Windchime Drive to facilitate the two additional tennis courts; and
2. To substitute Buildings 31, 32, 39 and 40 (containing 16 units) in Phase IV of the Project for Buildings 7, 8, 9 and 10 (containing 17 units) in Phase I of the Project, and vice-versa.

Accordingly:

CONDITION 7 - PAGE 7 is modified by inserting in place of the first sentence thereof the following:

"7. That the Project be completed in four phases, as depicted on a map entitled 'plan of land showing 'Windchime Point Condominium' in Mashpee, Mass. prepared for Sandcastle Mashpee, Inc., scale 1" equals 100'. June 15, 1987. Dana F. Perkins & Associates, Inc. - proposed Phasing Plan, 6 July 1987, revised 16 July 1987 - proposed change Building 7, 8, 9, 10, 31, 32, 39 and 40, revised 24 November 1987 - club house & location Loop Road (a/k/a "Windchime Drive"), tennis courts."

EXHIBIT B is modified by striking in the first line under the heading "Units" the number "41" and inserting in place thereof the number "40".

MR.	BOOK 5734
	PAGE 233

A copy of this Modification shall be filed with the office of the Town Clerk.

PLANNING BOARD OF TOWN OF
MASHPEE

By: [Signature]
Anthony E. Ferragamo, Chairman

[Signature]
[Signature]
[Signature]
[Signature]

Date: December 2, 1987

2931B

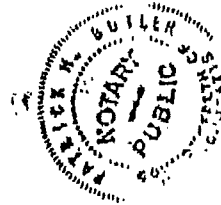
COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

December 2, 1987

Then personally appeared the above-named Anthony E. Ferragamo, Scott R. McAskill, Judy Mills, Louise Behrman and Richardson Jonas, and acknowledged the foregoing instrument to be their free act and deed, before me.

[Signature]
Notary Public
My commission expires: 10-24-91



RECORDED DEC 387



Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

Town of Mashpee Planning Board

Modification Of Special Permit Decision

Windchime Point Condominiums
Windchime Point Development Group, L.P.

The undersigned, being the duly authorized members of the Planning Board of the Town of Mashpee, hereby adopt the following modification of special permit.

I. INTRODUCTION

On April 22, 1987, the Planning Board of the Town of Mashpee (the "Planning Board") issued a special permit decision (the "Special Permit Decision"), pursuant to Section 9.383(d) of the Zoning By-Laws of the Town of Mashpee as they existed on September 17, 1986, the date of filing of the original Special Permit application, (the "By-Laws") for an Open Space Multi-family development allowing for the construction of 170 units (the "Project"). The Project is shown on a plan recorded with the Barnstable County Registry of Deeds in Plan Book 437, Page 19 (the "Site Plan"). The Project is located on 69.84 acres of land located off Great Neck Road in Mashpee, Massachusetts (the "Property"). A copy of the Special Permit Decision was recorded with the Barnstable County Registry of Deeds on May 21, 1987 in Book 5734, Page 225 (the "Special Permit").

Modifications of the Special Permit were adopted by the Planning Board on September 2, 1987, December 2, 1987 and February 7, 1988, said modifications being recorded with the Barnstable County Registry of Deeds in Book 5910, Page 190, Book 6047, Page 003 and Book 6405, Page 268, respectively.

The Property was conveyed from the original developer, Sandcastle Mashpee, Inc. to Windchime Point, Inc. by deed recorded with the Barnstable County Registry of Deeds in Book 6016, Page 306, with authorization for the transfer of Special Permit being granted by the Planning Board on August 5, 1987, said authorization being recorded with the Barnstable County Registry of Deeds in Book 5928, Page 325.

The present owner, Windchime Point, Inc. (the "Owner") commenced construction of fourteen (14) units on "Bobwhite Crescent Road", which construction was completed on or about July 1, 1989. The Owner executed and recorded a Master Deed of Windchime Condominium, pursuant to Massachusetts General Law, Chapter 183A, which was recorded with the

Barnstable County Registry of Deeds on July 27, 1989 in Book 6821, Page 154 (the "Master Deed"). In addition, the Owner executed a Declaration of Trust of Windchime Condominium Trust (the "Declaration of Trust") which was recorded on the same date in Book 6821, Page 193 of said Registry of Deeds. Floor plans of the Condominium are recorded with the Barnstable County Registry of Deeds in Plan Book 461, Page 85 through 88.

The Owner now wishes and desires to sell and transfer the property, the Project and all rights and obligations of the Owner in and to the Special Permit, as previously modified, together with all development rights described in the Special Permit to Windchime Point Development Group, L.P. (the "Applicant").

The Owner, through its consultant, IEP, Inc., previously presented to the Planning Board certain environmental, geohydrological and related data concerning groundwater flow and the monitoring of groundwater and surface water samples. Additional monitoring wells were installed at the request of the Planning Board by the Owners' consultant, a biomonitoring program focusing on macroinvertebrates was initiated and those results were previously submitted to the Board.

The Applicant has submitted to the Planning Board confirmation of the issuance by the Massachusetts Department of Environmental Protection ("DEP") of a draft Ground Water Discharge Permit and confirmed prior funding by the Owner for water quality studies of the Mashpee River in conformance with the Special Permit.

The Applicant has prepared and submitted to the Board a modification of the Site Plan, depicting relocation of phasing lines, elimination of one building, location of temporary construction and permanent emergency entrances, and renumbering of buildings (the "Phasing Plan"). Said Plan is entitled "Windchime Point, Phased Site Plan", by Eldredge Surveying & Engineering of 1038 Main Street, Chatham, MA 02633, dated March 5, 1997 and signed by a member of the Board.

II. PROCEDURAL BACKGROUND

On August 28, 1996 the Applicant submitted an Application for Modification. Pre-application conferences and informal appearances of the Applicant occurred during the summer of 1996. On September 18, 1996 a public hearing was opened and the Applicant presented proposed modifications to the Site Plan. Between September, 1996 and May, 1997 the Applicant and its engineers, architects, attorneys and advisors met before the Board in continuations of the public hearing and on February 22, 1997, a site visit was conducted by the Board.

Appropriate and timely notice of the public hearing was given to abutters and interested parties as defined therein pursuant to the Massachusetts General Laws Chapter 48, Section 11 and the Zoning By Laws of the Town of Mashpee, said notice having been approved by the Board and

confirmed by affidavit. The Applicant presented additional engineering data and plans and subsequently made further modifications to the plans resulting in the submission of the Phasing Plan. The Applicant also provided the Board with specific information regarding water quality issues and the draft waste water discharge permit.

On May 21, 1997 after due deliberation and discussion, the Board voted 4 to 0, with members Coffey, Meijering, Balzarini and Kuchinski voting in the affirmative, to adopt the following modification of special permit for the project under the terms and conditions set forth below.

III. FINDINGS

Based upon the Board's review of the Applicant's application and supporting materials, the Board hereby makes the following findings regarding this request for modification:

1. In response to public comment and suggestions by the Boards, the Applicant has prepared the revised Phasing Plan, which relocates the phasing lines.
2. A specific revised construction phasing schedule was submitted to the Board, a copy of which is attached hereto as Exhibit "B", which shall substitute for "Exhibit B" as attached to the original Special Permit decision.
3. The buffer strip area surrounding the subject property as shown on the approved plans complies with the requirements of Section 9.352 of the By-Laws.
4. All water service to the project will be provided by the Mashpee Water District, which purchased the High Wood Water Company, the water supplier referenced in finding #9 of the original Special Permit decision.
5. The Board reiterates and emphasizes its finding #10 of the original Special Permit decision that the visual impact of the development on adjoining properties and the Mashpee River corridor is an important and relevant factor in the Board's review of the project, and the required associated buffer zone on the project.
6. The Applicant has agreed not to rent or lease the units within the Project for any purpose without the consent of the unit owners association.
7. The Applicant has agreed to transfer the fee interest to the area within the Conservation Restriction to the Town, with the balance of the open space to be deeded to the Condominium Association.
8. The Applicant has agreed not to construct or seek to construct building 31 as shown on the revised Phasing Plan.

9. Based on the foregoing, on its review of the application and supporting materials and on the input received at the public hearing, the Board specifically finds that:

- (A) the open space multi-family development plan as originally submitted by the predecessor of the Owner and as further proposed by the Applicant does not substantially derogate from the intent of the Mashpee Zoning By-Laws;
- (B) the proposed use of the land, as shown on the Site Plan, the Phasing Plan and the Applicant's supporting documents will not be substantially detrimental to the adjoining property; and
- (C) the open space multi-family development shown on the Site Plan and associated documents as approved by the Planning Board at its hearing on February 4, 1987, and as depicted in the Phasing Plan is superior to a conventional subdivision plan in preserving space for conservation and for recreation, utilization of natural features for more efficient provision for public services,
- (D) the current owner has construction of 14 condo units and substantial infrastructure. Special Permit by the me, the construction of

NOE

IV. CONDITIONS

The Planning Board hereby modifies and amends the conditions numbers 1 through 10 set forth in the Special Permit Decision by deleting same in their entirety and substituting in place thereof the following:

1. The Applicant and/or its successors and assigns shall be responsible for maintaining the wastewater monitoring program set forth in the Wastewater Treatment Monitoring Plan dated March 28, 1987 attached to the Special Permit as Exhibit C (the "WTMP"). Section VII of the WTMP shall be amended by striking that section in its entirety and inserting in place thereof the following:

"VII. A biomonitoring program focusing on macro-invertebrates in the Mashpee River will be conducted on a semi-annual basis (Spring and Fall), in accordance with the U.S. Environmental Protection Agency (1989) Rapid Bioassessment Protocol for Use In Streams and Rivers (EPA 44/4-89-001), Assessment and Watershed Protection Division, Washington, D.C., and in accordance with such reasonable additional criteria and parameters as may be required by the Mashpee Planning Board" based upon the

(2)

results of such monitoring.

2. ~~The Applicant will participate in the funding of a sewer monitoring program to be established by the Town of Mashpee to monitor the quality of the Mashpee River and its estuarine area at Pollock's Bay.~~ (2)
3. The Applicant shall obtain a groundwater discharge permit from the Massachusetts Department of Environmental Protection (DEP), and shall insure that the affects of the wastewater treatment plant effluent on ground water and surface water quality will be monitored in accordance with all applicable state requirements, in addition to the provisions of the monitoring program referred to in condition 1 above, and such additional requirements as may reasonably be imposed by the Board of Health of the Town of Mashpee. A copy of the groundwater discharge permit and any other approval documents from DEP shall be forwarded to the Planning Board upon receipt.
4. The Applicant shall, upon written request of the Town of Mashpee Sewer Commission, transfer for consideration of One (\$1.00) Dollar ownership of the Waste Water Treatment Facility ("WWTF") and any associated wastewater collection and disposal facilities outside of individual residential buildings to the Town of Mashpee, subject to any necessary approvals by Town Meeting or other Town or state agencies.
5. The Applicant shall execute and deliver appropriate documents to convey the open space areas within the Conservation Restriction area shown on the Phasing Plan to the Town of Mashpee, in the care and custody of its Conservation Commission, and the balance of the open space to the Condominium Association.
6. All physical structures or elements of the project integral to construction, including foundations, buildings, roadways, paved areas, utilities and recreational facilities shall be constructed and the Buffer area maintained in such a manner as to protect the privacy of the adjoining land owners and to not be substantially detrimental to adjoining Property, especially Timber Landing Road, River Road, the Sandalwood subdivision, The Trustees of Reservations' Mashpee River Reservation, and the Town's Mashpee River Woodlands Conservation Area. Specifically, this condition requires that no clearing, trimming or alteration of land and/or vegetation take place outward (toward the property perimeters) beyond twenty (20) feet of any foundation wall, fifteen (15) feet of any roadway or walkway pavement, and ten (10) from the center line of site utilities, without the express written permission of the Planning Board of the Town of Mashpee.
7. Construction of the project shall be in accordance with the final engineering plans previously approved by the Planning Board and marked "Approved". Any deviations from or modifications to the engineering and architectural plans shall be governed by condition number 8 herein.

8. The Applicant shall construct the condominium units in three (3) phases, as more specifically described on Exhibit B and the Phasing Plan. The Applicant shall, prior to the commencement of construction within any phase, submit to the Building Inspector and the Planning Board [site plans, engineering drawings, specifications, architectural renderings and building plans] and shall specifically describe any proposed revisions to building footprints, roadways, garages, architectural design, building profiles or common areas within said phase for prior review and approval by the Building Inspector and the Planning Board. The Applicant shall provide notice by certified mail to abutters of the meeting of the Planning Board scheduled to review and discuss any such revisions at least ten days in advance of such meeting, and shall provide copies of any such proposed revisions to the association of condominium unit owners. The Planning Board may, in its sole and absolute discretion, deem that the revisions require a formal modification of the Special Permit, and the Applicant agrees to file the requisite application and follow the required procedures for formal modification, in such event. In particular, the Applicant shall calculate and have certified by a Registered Engineer the total square footage of each building footprint, the areas required for clearing, the number of units, the size of the units and any deviation from the building footprint as proposed from the locations as shown on the Phasing Plan, and any change in size, scale, texture, roof pitch, color of buildings and the development plans on record with the Planning Department. It is understood that the Planning Board's review of such revisions shall take into account the compatibility and appropriateness of the proposed revisions with the general architectural design and style of the existing condominium units and the Project as originally approved.
9. The Applicant shall not, under any circumstances, change the exterior of the buildings as depicted on the Phasing Plan as buildings 14, 15, 23, 24, 25, 27, 30, 35, 36, and 37, as noted on the plan. The Applicant shall record the Phasing Plan at the time of recording of this Modification and shall deliver a copy of said Plan and Modification to the Planning Board within fourteen (14) days of recording. The Applicant agrees that the exterior materials and colors of that portion of these buildings facing the perimeter of the project shall consist of natural earth tones as may be approved by the Planning Board.
10. As agreed by the Applicant, upon the completion of each phase, the Applicant shall submit as-built plans, certified by a Registered Engineer, showing the location of all site development, buildings, condominium units, utilities, garages, roadways, walkways, and common areas for approval by the Planning Board. Copies of same shall be delivered to the condominium unit owner association. No building permits shall issue for any subsequent phase until the Planning Board approves by a majority vote and issues a signed Certificate of Compliance with reference to each phase indicating that all items shown on the as-built plans are in compliance with the terms of this Special Permit and modification.

The Planning Board shall have up to thirty (30) days to review the construction and improvements in the phase then completed. In addition to all other remedies, the Building Inspector of the Town of Mashpee may seek appropriate remedies, including injunctive relief or an equitable action pursuant to the Zoning By-Laws for any violation of any term, condition or provision of this Special Permit Decision. The Board may require, prior to the commencement of any subsequent phase, the revegetation of disturbed areas. The Applicant shall complete all roadways, landscaping, revegetation and common facilities prior to the issuance of occupancy certificates for the last 15 units in Phase III. In the event of a violation of any condition hereof, the Planning Board may request withholding and/or the Building Inspector may withhold the issuance of building permits or occupancy certificates within any phase.

11. The total number of the units to be built within the project by the Applicant in addition to the 14 existing condominium units shall be 142 units. The units shall be constructed in annual phases as follows: 45 units to be constructed in Phase IB, 48 units to be constructed in Phase II, and 49 units to be constructed in Phase III. In no event shall any phase be begun less than twelve (12) months after commencement of the previous phase. The units within each Phase are shown on the Phasing Plan recorded herewith. Any changes or deviation in buildings or building footprint approved by the Planning Board pursuant to this provision shall not result in the total amount of building coverage exceeding that provided for at the time of the original approval of the special permit, which amount was calculated to be 178,100 square feet.
12. Building number 31 as shown on the revised Phasing Plan and the units contained therein shall be deleted from the site plan as the Applicant has agreed not to construct or seek to construct said condominium units.
13. Except as noted below, all condominium units shall contain only two bedrooms (with the exception of those previously constructed prior to the date of this modification), and no area other than the two bedrooms delineated in any unit shall be used or converted for bedroom or sleeping facilities. The Applicant may construct six (6) of the condominium units containing three (3) bedrooms, so long as the total number of bedrooms within the project constructed by the Applicant does not exceed 284 bedrooms.
14. Other than Phase IB, no more than twenty (20) building permits shall be issued at any time for the construction of units within a phase, unless the Applicant has provided evidence of the sale, transfer or conveyance of units within the phase or the existence of bona fide purchase and sale agreements for the sale of such units.
15. The Applicant may propose the construction of additional garages on impervious surface areas (impervious surface being defined as any paved area other than buildings

and walkways shown on the Phasing Plan) shown on the Phasing Plan and the engineering plans approved by the Planning Board in 1987. Such additional garages shall be subject to the express prior approval of the Planning Board during its pre-phase review pursuant to Paragraph 1 hereof, and upon the specific condition that the entire garage is located within impervious areas shown on the Phasing Plan. In no event shall the total number of garages within the Project result in an increase in excess of 50% of the total number of garages shown on the Phasing Plan.

16. The Applicant shall, prior to the completion of Phase IB, construct the clubhouse, tennis courts and swimming pool and loam and seed and landscape the area surrounding the pool, clubhouse and tennis court. The Applicant shall also construct two outdoor barbecue picnic areas in the general area of the swimming pool. The Applicant shall construct a post office to be located off of the main entrance, at such a location as may be subsequently approved by the Planning Board. The Applicant shall irrigate all landscaped areas, utilizing on-site well water whenever practicable.
17. The Applicant shall construct a temporary construction entrance at a location and in such a fashion as shall be approved by the Planning Board, prior to commencement of construction within Phase IB of the Project. The Applicant shall be responsible for the immediate repair and maintenance of such entrance, and, upon completion of Phase III or the cessation of construction for more than six (6) months, whichever occurs earlier, shall promptly landscape the entrance area to the satisfaction of the Planning Board, which shall be maintained as a common area within the condominium thereafter. The Applicant shall post a bond, prior to the issuance of any building permits for construction of units in phase III, in such reasonable amount as the Planning Board determines may be required to insure compliance with this condition.
18. The Applicant shall, prior to the completion of Phase I-B, revegetate all areas adjacent to Timber Landing Road and Great Neck Road South which were previously disturbed as the result of construction activities within the Project. The Applicant shall submit a revegetation plan for the prior approval of the Planning Board.
19. The Applicant shall, prior to the completion of Phase I-B, construct a gated emergency entrance along the Commonwealth Electric Easement, which entrance shall be approved by the Mashpee Fire Department.
20. The Phasing Schedule attached as Exhibit B to the Special Permit shall be modified and replaced in its entirety by the Phasing Schedule attached hereto as Exhibit B.
21. The Applicant shall be allowed to utilize one (1) condominium unit as a sales facility for the marketing of this Project. After the Project has been completed and the last original sale of the units has been consummated, the right to carry on such sales activity shall terminate.

22. The Master Deed, Declaration of Trust and Condominium Floor Plans shall be amended to provide the following, each of which shall be considered a specific condition of the special Permit enforceable by the Town of Mashpee:
- (A) Floor plans and deeds for the condominium units shall contain a notation stating that no area other than that delineated as a "bedroom" shall be used or converted for bedroom or sleeping facilities and that the residents of the Condominium and any other persons on the premises shall be expressly prohibited from using their kitchen and bathroom facilities for the disposal of hazardous wastes.
 - (B) No household hazardous waste shall be introduced into the wastewater treatment system. The residents of the Condominium and any other persons on the premises shall be expressly prohibited from using their kitchen and bathroom facilities for the disposal of hazardous wastes. To encourage compliance with this condition, the Applicant shall devise a labeling system for the kitchen and bathroom areas that informs the residents of the condominium units of the adverse impact that hazardous materials will have on the Condominium's water supply and sewerage treatment facility. The Applicant shall deliver to each unit owner upon sale of a unit a copy of the Cape Cod Extension Brochure entitled: "Safer Alternatives to Household Cleaning Products". Each unit deed shall make reference to the requirements of this modification of Special Permit.
23. The Master Deed shall provide that, unless and until transferred to the Town of Mashpee pursuant to Condition #4 of this Special Permit modification, the wastewater treatment facility will be a common element of the Condominium, and will be maintained and operated by the Trustees (the "Trustees") of the Condominium in a fiduciary capacity for the beneficiaries of the Condominium Trust, which trust shall be limited to the owners of the Condominium Units within the project. The Applicant agrees to reasonably cooperate with the Town of Mashpee in the determination of the feasibility of utilization of the WWTF in a fashion that allows for discharge of WWTF effluent outside of the Mashpee River Recharge Area, and, in the event that a facility or mechanism to allow for same should become available to pay for the cost of piping to be installed to allow for connection at the Project boundary a proportional share of the cost of constructing and operating those facilities necessary to allow discharge of the WWTF effluent outside said Recharge Area. That proportional share shall be determined by the amount of flow from the project in relation to the total flow from all properties connected to the said facilities.
24. The Declaration of Trust of the Condominium shall include the following provisions:
- (A) That the Trustees and officers of the Condominium Trust be required to obtain a bond or other underlying insurance so as to protect the unit owners against any

malfeasance on the part of any Trustee or officer of the Condominium Association or Trust.

- (B) Specific authority for the Owner and/or the Trustees, their successors and/or assigns to establish and operate the wastewater treatment plant and system (unless transferred to the Town) and the water quality monitoring program in a fiduciary capacity for the beneficiaries of the Condominium Trust, which shall be limited to the owners of the Condominium Units within the Project.
- (C) A specific requirement that the property upon which the WWTF plant is located shall always be held by the trustees in a fiduciary capacity for the beneficiaries of the Condominium Trust, which shall be limited to the owners of condominium units within the project, except in the event of transfer of the WWTF to the Town of Mashpee or its designee.
- (D) That the Trustees shall maintain a specific trust fund to be drawn upon from time to time by the Condominium Association to perform needed maintenance, repair, reconstruction, replacement or other work on the on-site wastewater treatment plant and to provide for the reserve referenced in Condition #31 against which the Town of Mashpee or its duly appointed successor or assigns can draw upon for the implementation of the monitoring Program described in Exhibit C of the Special Permit. Said funds shall be established by assessments on each unit owner and shall be replenished as necessary to maintain an adequate fund for the repair and replacement of the on-site facility and collection system and shall provide for access for the monies by the Town of Mashpee for the repair and maintenance of said facilities and the implementation and conduct of the WWTF, pursuant to Exhibit C of the Special permit. (2)
- (E) The Condominium By-Laws shall indicate that each unit is solely for residential use, and that each unit owner shall be obligated to pay his/her pro-rated share of the common expenses, including those for sewage treatment costs, water, drainage system, the water quality monitoring program, maintenance of any community buildings or property, any taxes or maintenance fees and liens imposed by the Town. These fees shall include, but not be limited to, expenses or charges related to the maintenance, repair or replacement of any of the foregoing. The terms and conditions of the Special Permit, as modified, shall be specifically incorporated into and become part of the by-laws, rules and regulations of the Condominium Unit Owners Association.

25. No de-icing chemicals, other than a mixture of sand and calcium chloride or sand alone shall be used on any roads or driveways or other impervious surfaces of the project, except that such other materials or methods may be used if they are deemed less harmful to the environment.

26. Oil/gas separators (commonly known as "MDC-type Drains") shall be used in catch basins in all phases and catch basins shall be cleaned on an annual basis. The Condominium Association shall annually transmit to the Planning Board, on or about the anniversary of the issuance of this Modification of Special Permit, a written statement from the party completing that work. Should said cleaning not be completed, the Town of Mashpee may clean said catch basins or cause them to be cleaned, at the expense of the owners of the land, and such costs shall become a lien against the property and the Condominium Association and the individual condominium owners.
27. All pesticides used within the development shall be of a type approved by the Town of Mashpee Board of Health and applied by licensed applicators only. Use of fertilizers and pesticides shall be minimized and the use of natural pest control shall be encouraged.
28. The areas shown on the Phasing Plan not occupied by buildings, roads, driveways, walking paths or other facilities shall be reserved for the benefit of all owners as applicable for Open Space purposes, and shall not be further subdivided or used for living or any other purposes.
29. No underground storage tanks shall be installed on-site for any purpose, except for those used in conjunction with the on-site wastewater treatment facility and the on-site drainage and water systems, if any.
30. In conformance with the spirit and intent of the granting of the special Permit, the Applicant shall deliver and execute the Amended Conservation Restriction. Said Conservation Restriction shall run in favor of The Trustees of Reservations and shall be in accordance with Massachusetts General Law Chapter 184, Sections 31-33. The Applicant shall, as he has agreed, shall transfer and convey the Open Space described within the Conservation Restriction in fee to the Town of Mashpee on or before the first anniversary of this modification as recorded with the Barnstable County Registry of Deeds.
31. Section "(ix)" of Exhibit C to the Special Permit shall be amended by deleting the third paragraph of said section in its entirety and substituting therefor the following:

"The Owner, its heirs and assigns, including any Condominium Association, Homeowners Association or similar organization to which the applicant transfers ownership of the wastewater treatment facility or other common facilities within the project site, shall be responsible for all costs associated with the emplacement, construction, relation, collection analysis, evaluation (including distribution of results) of monitoring stations, wells, samples and other items required under this Agreement. Where no association or other body is to be established, own or maintain facilities, in

lieu of the Owner, upon completion of the project, the Owner shall establish an endowment account with the Town to pay for the costs associated with the monitoring program. If an endowment is to be established, the Owner shall obtain a certified estimate, by firm or firms established in the field of geohydrological studies and water quality monitoring, of the annual costs required to conduct the required monitoring program upon which the amount of the endowment required to produce the necessary income to the Town to fund the monitoring program shall be based. Upon the establishment of a Condominium Association, a capital reserve or waste water treatment trust fund shall be established and required within the Condominium documents, which shall include in its specific purposes this monitoring program and provide an amount sufficient to fund the monitoring program for a period of one (1) year. Said amount shall be established following the procedures specified above for an endowment account. Deeds to any unit, along with any condominium documents, by-laws, rules and regulations transmitted to buyers of property or units within the project site, shall contain a notice of responsibility for the conduct and funding of this monitoring program and of the fact that failure to conduct the required monitoring or to correct any conditions resulting in reduced water quality identified by the monitoring program shall be considered a violation of the Special Permit enforceable by the Town generally and that the cost of any work conducted or contracted by the Town to carry out the monitoring program or to correct identified conditions on the site shall become a lien against all owners property within this project site. The Town of Mashpee may, in its sole discretion, require the monitoring program reserves to be held in escrow by the Town of Mashpee. The Applicant shall, prior to the commencement of construction pursuant to this modification, deliver to the Town of Mashpee a performance bond in the amount of \$125,000.00, which bond shall secure Applicant's ability to upgrade or improve the WWTF (or in the alternative, implement additional innovative wastewater treatment methods) in the event of either:

- (i) a violation of Condition 32 of this modification; or
- (ii) a determination by the Planning Board that the operation of the WWTF has resulted in the presence of excessive levels of nutrient concentrations in groundwater or surface water samples as measured by the biomonitoring program described herein, which excessive levels can be ameliorated by application of additional or upgraded technologies or processes reasonably available for this project.

In the alternative, the Applicant, his successors or assigns may at any time propose to the Planning Board for its consideration a program for funding of off-site disposal and discharge of the WWTF effluent, which if approved by the Planning Board and any other applicable Town or state agencies, may be implemented in lieu of the monitoring and bond requirements contained herein. Under this alternative, said bond shall be returned upon commencement of operations of said off-site disposal system and the

issuance of any necessary approvals for operation from Town or state agencies.

32. Exhibit B to the Special permit shall be further modified to provide that the proposed WWTF shall be completely constructed and operational upon the completion of the 60th unit, and shall, at all times, not result in a total nitrogen loading factor in excess of five (5) parts per million (PPM) at the point of discharge from the WWTF to the on-site discharge area or to any off-site discharge system. (3)
33. The applicant shall require that all construction personnel working on the project be familiar with the provisions of Massachusetts General Law, Chapter 38, Section 6B regarding the discovery of human remains.
34. The applicant shall mark and maintain the boundaries of all open space areas during construction by a highly visible, continuous marking system such as a snow fence or other similar continuous device. The applicant shall require that all construction personnel working on the project be familiar with all applicable provisions of the Special Permit. Notwithstanding the aforesaid, the applicant shall be solely responsible for all violations of the special permit by construction personnel. Hours of construction within the Project shall be limited to between 7:00 A.M. and 6:00 P.M., Monday through Saturday.
35. The buffer strip area surrounding the subject property as shown on the approved plans shall be retained in its natural state in that the buffer is necessary to protect the privacy of the adjoining land owners.
36. All conditions of the Special Permit, as revised, modified and extended hereby shall be binding not only upon the Applicant, but also on all successors in interest and assigns to the Applicant, the Condominium Association, and owners of condominium units within the Project. With the exception of the foregoing modifications, the terms and conditions of the Special Permit issued by the Mashpee Planning Board dated April 22, 1987, as subsequently modified, shall remain in full force and effect.
37. The Applicant shall deliver an attested copy of this decision as recorded, with book and page or other evidence of recording, to the Planning Board

SIGNATURE AND FILING:

This modification of Special Permit, which includes all referenced exhibits, appendices and plans, has been approved by the Mashpee Planning Board this 21 day of May, 1997.

A true copy
Attest

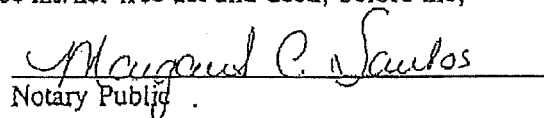

Member, Mashpee Planning Board

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

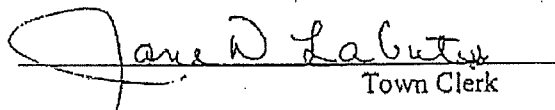
May 23, 1997
date

Then personally appeared the above-named member of the Mashpee Planning Board, and acknowledged the foregoing instrument to be his/her free act and deed, before me,


Notary Public

My commission expires Sept 05, 2003
date of expiration

A copy of this decision and the accompanying plans endorsed by the Planning Board have been duly filed on May 23, 1997 with the Town Clerk of Mashpee.


Town Clerk

Notice of this decision was mailed on _____ to the applicant, to the parties in interest designated in M.G.L. c. 40A, Section 11 and to all persons at the hearing who requested such notice. Any appeal shall be made pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws within twenty days after the date of said filing.

I, Deborah F. Darni, Town Clerk of the Town of Mashpee, hereby certify that a copy of this decision and the accompanying plans endorsed by the Planning Board were filed with the office of the Town Clerk on May 23, 1997, and that no appeal of that decision was filed within twenty (20) days thereafter.

October 30, 1998
Date

Deborah F. Darni
Town Clerk

Upon expiration of the statutory appeal period with no appeal having been filed, this special permit modification decision has hereby been signed by the Mashpee Planning Board on 6 JAN, ~~1998~~ and may be recorded.

1999

MASHPEE PLANNING BOARD

By: [Signature]

By: [Signature]

By: Dennis H. Darni

By: _____

EXHIBIT B

REVISED ANNUALIZED PHASING SCHEDULE

PHASE IB

No more than 45 Units - shall be completed during a period of not more than 12 months.

PHASE II

No more than 48 Units - shall be completed during a period of not more than 12 months from date of commencement of Phase II.

PHASE III

No more than 49 Units - shall be completed during a period of not more than 12 months from the date of commencement of Phase III.

In no event shall any phase be begun less than 12 months after commencement of the previous phase.

The buildings within which units may be built during each phase are shown on the Phasing Plan.

279312_1.WP61

COVENANT

WHEREAS, Windchime Point Development Group, LP (the "Developer"), having a mailing address of 297 North Street, Hyannis, Massachusetts 02601, is the Owner/Developer of certain property known as Windchime Point Condominiums, located at 90 Great Neck Road South, Mashpee, Barnstable County, Massachusetts (hereinafter referred to as the "Development");

WHEREAS, the Planning Board of the Town of Mashpee issued a certain Special Permit Decision with respect to the Development dated April 22, 1987, recorded in Barnstable County Registry of Deeds in Book 5734, Page 225, as modified by Modifications of Special Permit Decision on 9/2/87, 12/2/87, 2/7/99, 5/21/97, 7/7/99, 11/3/99, 1/2/02, 4/2/03, 7/16/03, all of which Modifications are recorded with the Barnstable County Registry of Deeds (herein collectively referred to as the "Special Permit");

WHEREAS, the Windchime Condominium Trust, the organization of Unit Owners of the Windchime Condominium created pursuant to that certain Declaration of Trust dated July 20, 1989, and recorded with the Barnstable County Registry of Deeds in Book 6821, Page 193, as amended, owns an interest in the common areas of the Development;

WHEREAS, pursuant to Condition Number 8 of the Special Permit, as modified by Modification of Special Permit Decision dated April 2, 2003, the Developer is required to perform certain landscaping work in connection with the completion of Phase III of the development;

WHEREAS, the Developer has agreed to finalize the landscaping work in accordance with certain Landscaping Plans dated Nov. 9, 2005 (herein referred to as the "Plans"), as approved by the Planning Board on Nov. 16, 2005; and

WHEREAS, the Developer has guaranteed the performance of the landscaping work in accordance with the Plans by posting a cash payment in the amount of \$85,500.000 as a performance guarantee to the Town of Mashpee.

NOW, THEREFORE, it is understood and agreed as follows:

1. Developer agrees that upon completion of the landscaping work, Developer shall provide written notice to the Planning Board that said work has been completed. The Planning Board shall then have the right, to be exercised within thirty (30) days following the date of receipt said completion notice from Developer, to inspect the work. If the Planning Board's inspection deems that the work has been satisfactorily completed in accordance with the Plans, then the Town shall forthwith return said performance guarantee to the Developer. In the event the Planning Board fails to inspect the work within the 30 day period set forth above, then the Town shall forthwith return said performance guarantee to the Developer upon the expiration of said 30-day period.

2. In the event Developer fails to complete the landscaping work in accordance with said plans on or before July 4 2006, then the Town of Mashpee shall notify Developer in writing of said breach.

3. Developer shall have thirty (30) days following receipt of said notice of breach from the Town of Mashpee to complete the landscape work and to correct any such breach set forth in the notice received from the Town.

4. If, after the expiration of said 30-day grace period, Developer has failed to complete the landscaping work in accordance with the Plans and/or to correct the breach set forth in the Town's said notice, then the Town shall have the right to record the Notice of Breach with the Barnstable County Registry of Deeds, and, immediately following the recording of such notice, the Town may utilize the above-referenced performance guarantee sum of \$85,500.00 to complete said landscaping work and may enter upon the Development to complete said landscaping work in accordance with the Plans.

EXECUTED as a sealed instrument this 9th day of November, 2005.

**WINDCHIME POINT DEVELOPMENT
GROUP LIMITED PARTNERSHIP**

By Windchime Point Development Corporation,
its General Partner

By: [Signature]

Stuart A. Bornstein, President & Treasurer

TOWN OF MASHPEE

By: Beverly A. Kane

Printed Name: BEVERLY A. KANE

Its: Planning Board Chair

Donald B. Curyan

WINDCHIME CONDOMINIUM TRUST

By: [Signature] JOHN D. BULLIOTT
[Signature] Marion Baker

Trustee

Printed Name MARION BAKER

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

NOV.
October 10, 2005

The above named person, Stuart A. Bornstein, before me, proved through satisfactory evidence of identification, being (check one): driver's license or other federal government document bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatory, or X my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him voluntarily for its stated purpose, as President and Treasurer of WINDCHIME POINT DEVELOPMENT CORPORATION, before me,

Tracy Dale Buckley-Scott

Notary Public:

My Commission Expires Tracy Dale Buckley-Scott

Notary Public

My Commission Expires May 19, 2011
Commonwealth of Massachusetts



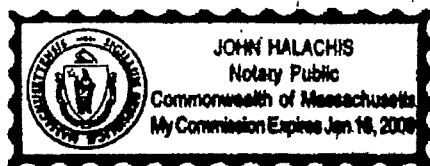
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

NOVEMBER
October 16, 2005

The above named person, Beverly Kane, before me, proved through satisfactory evidence of identification, being (check one): driver's license or other federal government document bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatory; or X my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him voluntarily for its stated purpose, as Planning Board Chairman of THE TOWN OF BARNSTABLE, before me,

MASHPEE



John Halachis

Notary Public:

My Commission Expires:

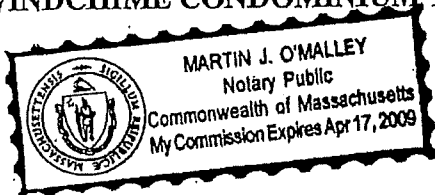
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

ROBERT A. RYAN
DONALD B. CURRAN
JOHN D. GUGLIOTTA
MARION DAKOR

November 15
October, 2005

The above named person, JOHN D. GUGLIOTTA, before me, proved through satisfactory evidence of identification, being (check one): ☐ driver's license or other federal government document bearing a photographic image, ☐ oath or affirmation of a credible witness known to me who knows the above signatory, or X my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him voluntarily for its stated purpose, as Trustee of the WINDCHIME CONDOMINIUM TRUST, before me



Martin J. O'Malley

Notary Public: MARTIN J. O'MALLEY

My Commission Expires: 4/17/2009

MASHPEE PLANNING BOARD
RECORD OF SUBDIVISION PERFORMANCE GUARANTEE
SUBMITTED IN EXCHANGE FOR RELEASE OF ROAD COVENANT

Subdivision WINDCHIME POINT CONDOMINIUM File/Plan Number _____

Date plan endorsed _____ Covenant date _____ Recorded at Book _____ Page _____ Covenant Release date _____

Form of guarantee: Cash Deposit Bond Other (explain) _____
Attach copy of check or other documents

Amount of guarantee \$ 85,500.00 Name of guarantor (if not cash) _____

Submitted by _____ Address _____ Phone _____

Guarantee received by: Beverly A. Kane Date: 11/16/05
Thomas J. Kelly Date: _____
For Mashpee Planning Board
Town Treasurer

Cash deposited to: Bank WEBSTER BANK Account type Perf Bond Account # 70705389 SUB ACCT # 229

Other Security held by _____ in _____

Construction to be completed by 7-4-2006 Performance guarantee to expire on _____
Date (if any) Date(if any)

REDUCTION OF PERFORMANCE GUARANTEE

At its meeting of _____ the Planning Board voted to reduce the above guarantee amount to \$ _____

Must be signed by a majority of the Planning Board

Released funds returned to: _____
Signature of Owner/Applicant/Guarantor Date

At its meeting of _____ the Planning Board voted to further reduce the above guarantee amount to \$ _____

Must be signed by a majority of the Planning Board

Released funds returned to: _____
Signature of Owner/Applicant/Guarantor Date

At its meeting of _____ the Planning Board voted to further reduce the above guarantee amount to \$ _____

Must be signed by a majority of the Planning Board

Released funds returned to: _____
Signature of Owner/Applicant/Guarantor Date

Note: Attach copy of expense vouchers for released funds

①

STANDARD FORM TO CONFIRM ACCOUNT BALANCE INFORMATION WITH FINANCIAL INSTITUTIONS

ORIGINAL
To be mailed to accountant

DUPLICATE
To be mailed by the bank

Financial
Institution's
Name and
Address

[Government Banking
Support
Century Bank
400 Mystic Avenue
Medford, MA 02155]

Windchime Condominium
CUSTOMER NAME

We have provided to our accountants the following information as of

the close of business on December 31, 2017,
regarding our deposit and loan balances. Please confirm the accuracy
of the information, noting any exceptions to the information provided.
If the balances have been left blank, please complete this form by
furnishing the balance in the appropriate space below. Although we do
not request nor expect you to conduct a comprehensive, detailed search
of your records, if during the process of completing this confirmation
additional information about other deposit and loan accounts we may
have with you comes to your attention, please include such information
below. Please use the enclosed envelope to return the form directly to
our accountants.

1. At the close of business on the date listed above, our records indicated the following deposit balance(s):

ACCOUNT NAME	ACCOUNT NO.	INTEREST RATE	BALANCE*
Town of Marshpee (Windchime Condo)	79924336	3.5%	\$166,903.01

2. We were directly liable to the financial institution for loans at the close of business on the date listed above as follows:

ACCOUNT NO./ DESCRIPTION	BALANCE*	DATE DUE	INTEREST RATE	DATE THROUGH WHICH INTEREST IS PAID	DESCRIPTION OF COLLATERAL

[Signature]
(Customer's Authorized Signature)

4-23-18
(Date)

The information presented above by the customer is in agreement with our records. Although we have not conducted a comprehensive, detailed search of our records, no other deposit or loan accounts have come to our attention except as noted.

[Signature]
(Financial Institution Authorized Signature)

4/26/18
(Date)

Account Administrator
(Title)

EXCEPTIONS AND/OR COMMENTS

Please return this form directly to our accountants

* Ordinarily, balances are intentionally left blank if they are not available at the time the form is prepared.

Bonnie Whittemore
CPA
Keane & Company
40 Salem Street, Bldg
1, Ste 13
Lynnfield, MA 01940

FAM Worksheet to calculate 314 CMR 5.15 (5)(b) - draft

For the purpose of providing an immediate repair and replacement account in accordance with 314 CMR 5.15(5)(a), "the estimated construction cost of the wastewater treatment facility shall include the cost of constructing the wastewater treatment plant, the collection system and all mechanical equipment associated with the wastewater treatment plant and collection system, but shall not include the cost of the land or disposal area." -- 314 CMR 5.15 (5)(b)

The "Guidelines for the Design, Construction, Operation and Maintenance of Small Sewage Treatment Facilities with Land Disposal – Revised November 2014" may also be used to estimate construction cost of the wastewater treatment facility .

If this draft worksheet is helpful to estimate the above referenced cost of the wwtf, and any subsequent major modification, at the time it was placed into operation, please use multiple copies of this form, as needed, and include it with a cover letter discussing the basis of the estimates and cost details.

ESTIMATED COST OF CONSTRUCTION:

GWDP # _____

Name of Facility _____

Wastewater Treatment Facility (WWTF) (including Building Cost-see above Guidance)

Component List

Cost Subtotal (\$)

\$ _____

WWTF Mechanical Equipment

\$ _____

Collection System

\$ _____

Collection System Mechanical Equipment

\$ _____

\$ _____

Name of Person Preparing Form

Date

ESTIMATED COST OF CONSTRUCTION

Email _____

Tel. No(s). _____

The process leading to final execution of the FAM agreement is as follows:

- a. Submit detailed original construction costs of the WWTF/PWTF in accordance with 314 CMR 5.15 (5)(b). If such is not available, provide a reliable estimate. Please use the worksheet, or a similar document, to summarize the PWTF cost and enclose it with the draft FAM form. Include detailed costs of the items and components. Once approved, the total cost and 25% of this cost must be entered on page 1 of the FAM form and the latter will be required to be placed in a FAM account. The link to the current Escrow Agreement FAM form is:
<http://www.mass.gov/eea/agencies/massdep/water/wastewater/groundwater-discharge-permitting.html#3>
- b. Complete the FAM form as a draft including all information required. Insure the bank account is interest bearing and the escrow agent is an independent third party acting in a fiduciary capacity [314 CMR 5.10(8)(1)1.a]. Since other programs of MassDEP require a bank to be that independent 3rd party, we agree and request a bank, regulated and examined by the Massachusetts Commissioner of Banking, fulfill that role as a GWDP Escrow Agent. A link to search for a bank is: <https://services.oca.state.ma.us/LicenseeLookup/in-choose.asp> Also, please note #5, page 2, on the FAM form and include a document from the bank supporting this.
- c. The account must be fully funded thirty (30) days prior to the clear water test. Please note that 314CMR5.15 (5) (a) allows for additional time to fully fund the FAM account, if needed. Any request for additional time must be included when submitting the draft FAM form. If a request is proposed, more information will be provided upon request. For new construction, it is unlikely it can be demonstrated there is sufficient justification for an extension. The date(s) of funding is required information on the FAM form and is entered at #1, page 2.
- d. Once MassDEP has reviewed the draft FAM form, FAM account and Escrow Agent, the three parties will execute the agreement to insure the FAM is in full force and effect thirty (30) days prior to the clear water test. Also, thirty (30) days prior to the clear water test, the FAM account must be fully funded.

If a facility is submitting a BRP WP 11 or BRP WP 68 and modifying the WWTF/PWTF such that the cost of the components or collection system has increased, then this process must be followed to revise the existing FAM agreement.

If a facility is submitting a BRP WP 12 to renew the GWDP, the FAM agreement must be current with the requirements of 314 CMR 5.00 and this process must be completed at the time of submitting the renewal application.

314 CMR: DIVISION OF WATER POLLUTION CONTROL

5.15: Requirements for Privately Owned Wastewater Treatment Facilities

(1) A person owning, operating, or proposing to own or operate, a Privately Owned Wastewater Treatment Facility (PWTF) who applies for an individual permit or general permit coverage under 314 CMR 5.00 to construct, install, modify, operate or maintain a PWTF shall demonstrate to the Department's satisfaction compliance with the requirements of 314 CMR 5.15(1)(a) through (c) by signing and submitting with the permit application a Certification for PWTFs, and a Supplemental Certification for PWTFs (when applicable), in accordance with 314 CMR 5.15(7), in addition to the Certification required by 314 CMR 5.14(3).

(a) A single entity (the "single responsible entity") shall be the permittee responsible for the operation of the facility, including reporting, monitoring, maintenance, repair and replacement of the PWTF.

(b) Except as otherwise provided in 314 CMR 5.12(5), the single responsible entity shall not change its organizational arrangements, nor sell, assign, or transfer the PWTF without the prior written approval of the Department.

(c) The single responsible entity shall own or control the land on which the PWTF is located, and shall own or control land, or obtain easements that provide access to:

1. the land on which the PWTF is located;
2. the wastewater collection system and any associated appurtenances;
3. all land within ten feet of any component of the collection system; and
4. the land area surrounding the disposal system that is essential to system operation and maintenance.

(2) If the privately owned wastewater treatment facility treats wastewater generated by activities that are owned or controlled by persons other than the single responsible entity, the applicant shall also demonstrate to the Department's satisfaction compliance with the requirements of 314 CMR 5.15(2)(a) and (b) by signing and submitting with the permit application a Certification for PWTFs, and a Supplemental Certification for PWTFs (when applicable), in accordance with 314 CMR 5.15(7), in addition to the Certification required by 314 CMR 5.14(3).

(a) All stakeholders shall share the financial and operational responsibilities for the PWTF required by 314 CMR 5.00.

(b) The single responsible entity shall have the authority to institute a user charge system sufficient to generate adequate revenue, and to enforce such assessments against users in a manner equivalent to a municipal fee, tax or betterment assessment.

(c) For purpose of 314 CMR 5.15(2), stakeholders shall include the persons who own or control or will own or control any activities that result in the discharge of pollutants. If the PWTF treats sewage so that it may be used as reclaimed water in accordance with 314 CMR 20.00: *Reclaimed Water Permit Program and Standards*, stakeholder may also include any persons who own or control the activities that are involved in the use, sale, distribution, or offering for use, sale or distribution of the effluent from the PWTF as reclaimed water in accordance with 314 CMR 20.00.

(d) If the PWTF treats at least some sewage from residential uses, hospitals, nursing or personal care facilities, residential care facilities, or assisted living facilities, the obligation of all stakeholders to share in the financial and operational responsibilities for the PWTF shall include, without limitation, the obligation to establish, fund and maintain a financial assurance mechanism that provides for an immediate repair and replacement account. Notwithstanding the foregoing, persons who agree to have their wastewater treated at a PWTF instead of an on-site subsurface sewage disposal system permitted by 310 CMR 15.000: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage* as part of a plan to mitigate the environmental impacts of the PWTF or ensure that effluent from the PWTF will not cause or contribute to a violation of 314 CMR 4.00: *Massachusetts Surface Water Quality Standards* are not stakeholders as defined in 314 CMR 5.15(2). Such persons are not

314 CMR: DIVISION OF WATER POLLUTION CONTROL

5.15: continued

(3) If the PWTF does not treat any sewage from residential uses, hospitals, nursing or personal care facilities, residential care facilities, or assisted living facilities, and is not required to establish a financial assurance mechanism pursuant to 314 CMR 5.15(6), the applicant may, in lieu of making the demonstration required by 314 CMR 5.15(1), submit to the Department, together with the Certification for PWTFs and, when applicable, the Supplementary Certification for PWTFs, a signed statement identifying all persons who own, control or have a substantial interest in the treatment works, an activity resulting in the discharge of pollutants, and the land on which the treatment works is located. In that event, the Department may require that any party who owns or controls the treatment works, an activity resulting in the discharge of pollutants, or the land on which the treatment works is located, shall be a permittee who is jointly and severally responsible for the operation of the treatment works in compliance with the permit, if the Department determines that including said person as a permittee is a necessary or appropriate means of protecting the public health, safety, welfare, or the environment, or to ensure that the treatment works and the discharge complies with the permit or 314 CMR 5.00.

(4) A permittee responsible for the operation of a PWTF that treats at least some sewage from residential uses, hospitals, nursing or personal care facilities, residential care facilities, or assisted living facilities shall establish, fund and maintain financial assurance mechanisms to insure the Department that the permittee is capable of operating the facility in accordance with 314 CMR 5.00 and the permit. The permittee shall meet this obligation by completing the appropriate Department-approved form documents to establish the financial assurance mechanisms and shall file with the Department and maintain the current Department-approved form documents constituting or evidencing compliance with this obligation. The Department shall not authorize the permittee to operate a PWTF that treats at least some sewage from residential uses, hospitals, nursing or personal care facilities, residential care facilities, or assisted living facilities, and the permittee shall not operate said facility, unless and until: the Department has approved all required financial assurance mechanisms; the required financial assurance mechanisms are in full force and effect; and the permittee has made all financial contributions required by the financial assurance mechanisms. The permittee shall perform all its obligations under the required financial assurance mechanisms approved by the Department.

(5) A permittee responsible for the operation of a PWTF that treats at least some sewage from residential uses, hospitals, nursing or personal care facilities, residential care facilities, or assisted living facilities shall establish, fund and maintain a financial assurance mechanism in the form of an escrow agreement developed by the Department for such purpose that provides for an immediate repair and replacement account in accordance with 314 CMR 5.15(5)(a).

(a) Immediate Repair and Replacement Account. The immediate repair and replacement account shall contain adequate funds to correct any unanticipated problem immediately so that any disruption of operation is minimized, and a violation of the terms and conditions contained in the permit does not occur. Prior to conducting the clear water test for a new PWTF that treats at least some sewage from residential uses, hospitals, nursing or personal care facilities, residential care facilities, or assisted living facilities, the permittee shall place in the immediate repair and replacement account an amount equal to at least 25% of the estimated construction cost of the PWTF. At least 30 days prior to renewal or transfer of a permit for an existing PWTF that treats at least some sewage from residential uses, hospitals, nursing or personal care facilities, residential care facilities, or assisted living facilities, sufficient funds shall be placed in the immediate repair and replacement account so that the total amount in the account equals at least 25% of the estimated construction cost of the PWTF. All permittees responsible for the operation of a PWTF that treats at least some sewage from residential uses, hospitals, nursing or personal care facilities, residential care facilities, or assisted living facilities shall keep an amount equal to at least 25% of the

314 CMR: DIVISION OF WATER POLLUTION CONTROL

5.15: continued

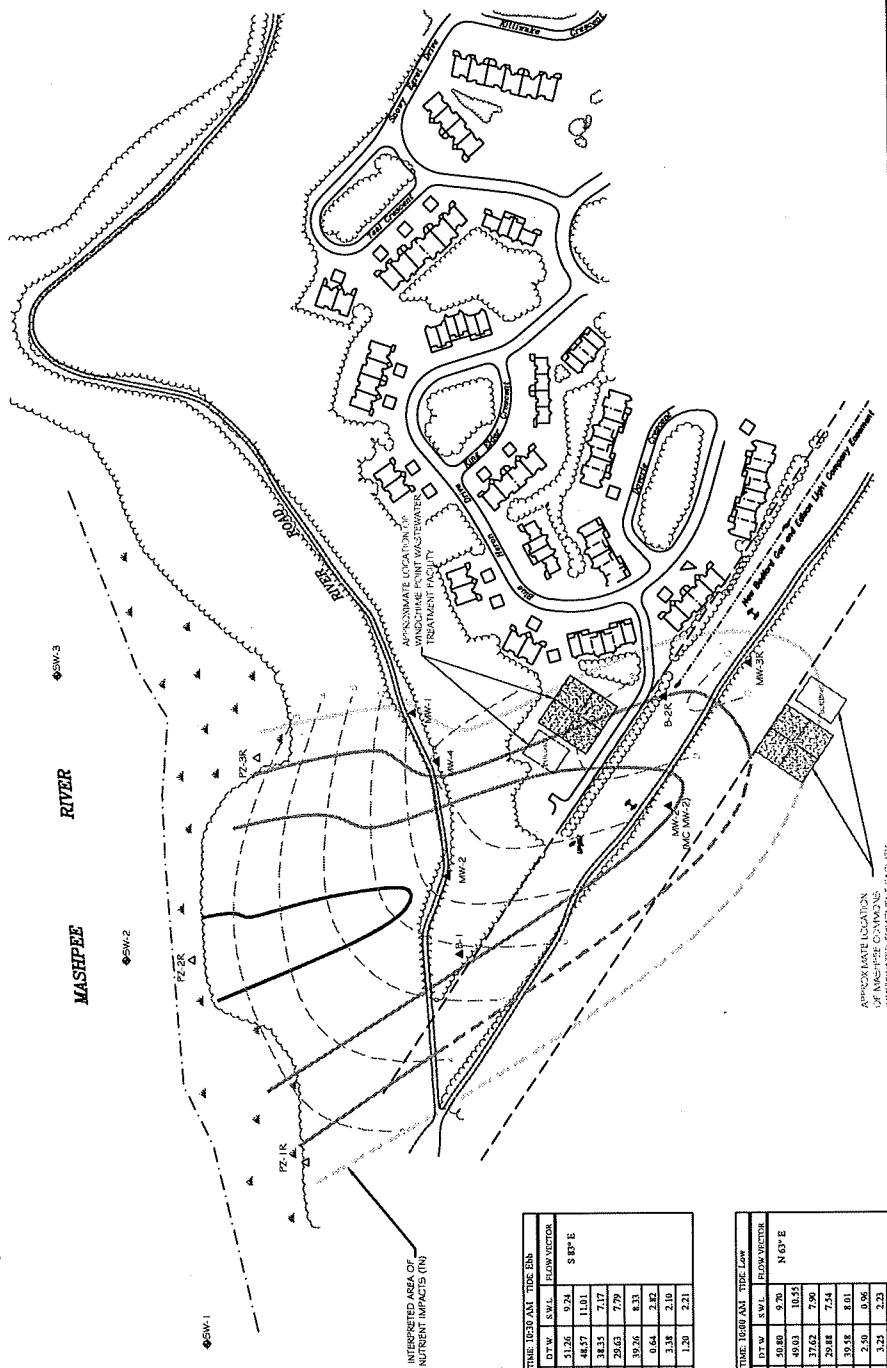
(6) The Department may require a PWTF that does not treat any sewage from residential uses, hospitals, nursing or personal care facilities, residential care facilities, or assisted living facilities to establish, fund and maintain a financial assurance mechanism that provides for an immediate repair and replacement account in accordance with 314 CMR 5.15(4) and (5) if, at the time of permit renewal or any other time, the Department determines that establishment, funding and maintenance of a financial assurance mechanism is necessary to ensure that the PWTF operates in compliance with its permit, or 314 CMR 5.00, or to protect the public health, safety, welfare or the environment. In making this determination, the Department shall consider the compliance history of the PWTF, the risk the PWTF poses to the public health, safety, welfare, or the environment including without limitation actual and potential sources of potable water for public water systems, private water supply wells, and downgradient hydrologically connected surface waters.

(7) A Certification for PWTFs and, if applicable, a Supplemental Certification for PWTFs, as described in 314 CMR 5.15(1) and (2), shall be submitted on forms provided by the Department with the appropriate permit applications. If applicable, a signed statement as described in 314 CMR 5.15(3) shall also be submitted with the appropriate permit applications. These documents shall be signed and dated by the applicant in accordance with 314 CMR 5.14(1).

- (a) By signing these documents, the applicant acknowledges it is their responsibility to:
 - 1. understand and comply with the requirements for PWTFs set forth in 314 CMR 5.15(1) through (3), and in related provisions of 314 CMR 5.00;
 - 2. ensure that all pertinent documents, instruments, records, and information have been compiled, evaluated, and or established in order to provide the certifications; and
 - 3. consult with legal, technical and other qualified professionals, as needed, to understand and comply with the requirements of 314 CMR 5.15, and to provide the certifications.
- (b) At the time of completing the Certification for PWTFs, the applicant shall certify that they have fully and completely satisfied and complied with all requirements set forth in 314 CMR 5.15(1) through (3), as applicable, or that they will be able to satisfy those requirements in the future. If the applicant chooses future certification, they shall also submit a Supplemental Certification for PWTFs no later than 60 days from the date of the application, unless they request in writing and the Department agrees to a later date that precedes the issuance of a notice of a draft permit under 314 CMR 2.06: *Public Notice and Comment*.
- (c) The Department, in its sole discretion, may require the applicant to submit additional information in support of the Certification required by 314 CMR 5.14(3), the Certification for PWTFs, or the Supplemental Certification for PWTFs, in order to demonstrate to the Department's satisfaction that the applicant has complied with the requirements of 314 CMR 5.15(1) through (3).
- (d) The applicant shall maintain a copy of all records, regardless of form (e.g., printed, electronic) upon which they rely in making the certification(s) that the applicable requirements of 314 CMR 5.15(1) through (3) have been met. Such records shall include without limitation all documents, instruments, records and information necessary, and any supporting documentation provided to the applicant by, or relied upon by, such qualified legal, technical or other professionals the applicant consults with to certify compliance with 314 CMR 5.15(1) through (3).

5.16: General Conditions


The following conditions apply to all individual and general permits:

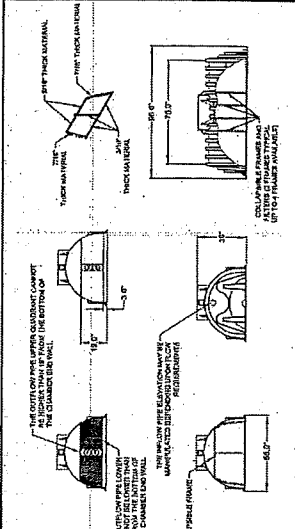
[illegible][illegible]

DATE		TIME	WAVE	TIME	LOW
WHL	12/17/71	17:57	SWL	12/17/71	18:55
WHL	12/18/71	16:50	SWL	12/18/71	17:51
WHL	12/19/71	16:50	SWL	12/19/71	17:48
WHL	12/20/71	16:50	SWL	12/20/71	17:48
WHL	12/21/71	16:50	SWL	12/21/71	17:48
WHL	12/22/71	16:50	SWL	12/22/71	17:48
WHL	12/23/71	16:50	SWL	12/23/71	17:48
WHL	12/24/71	16:50	SWL	12/24/71	17:48
WHL	12/25/71	16:50	SWL	12/25/71	17:48
WHL	12/26/71	16:50	SWL	12/26/71	17:48
WHL	12/27/71	16:50	SWL	12/27/71	17:48
WHL	12/28/71	16:50	SWL	12/28/71	17:48
WHL	12/29/71	16:50	SWL	12/29/71	17:48
WHL	12/30/71	16:50	SWL	12/30/71	17:48
WHL	12/31/71	16:50	SWL	12/31/71	17:48

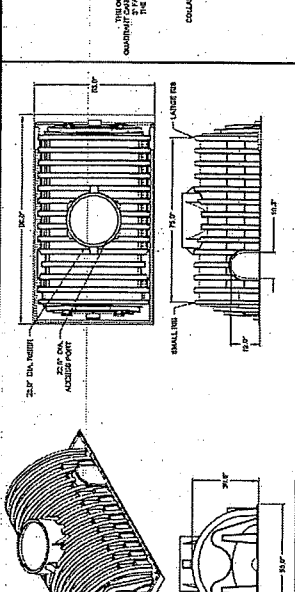
1.) This Site Sketch Plan was not prepared from any instrument survey and under no circumstances should the data on this plan and/or site features shown be used to establish priority rights. This plan was supplied from the IEP Ground Water Contour Plot Director dated January 1, 1992, and the Eldredge, Quigley, & Clark Site Plan dated January 19, 1993.

2.) Quarterly Groundwater Flow Vectors based on static water level measurements at MW-1, MW-2, and MW-3R. Groundwater contours based on measured static water level measurements from March 2017 through December 2017.

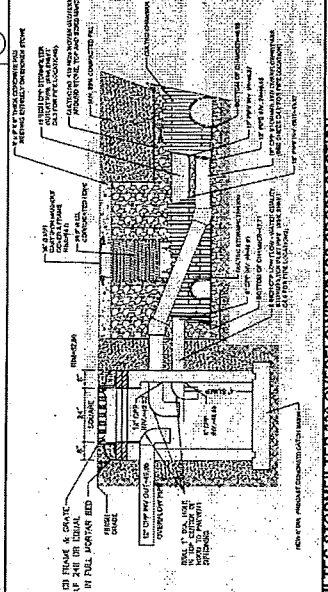
REVISED 4/10/18:	Add March, June, September and December 2017 Groundwater Flow measurements. Revise Groundwater Contours. Revise Interpretated Area of Nutrient Impact (IN).	DATE	2017
PREVIOUS REVISION DATES:	11/7/03, 11/15/04, 3/28/06, 3/10/07, 3/5/08, 11/7/13, 4/11/14, 3/5/15, 3/25/16, 5/24/17	DATE	3/5/08,
Project:	WINDCHIME POINT CONDOMINIUM	DATE	5/24/17
	SITE SKETCH PLAN	DATE	
	MALDEN, MA	DATE	
Title:	GROUNDWATER AND SURFACE WATER QUALITY SURVEY	DATE	
 BENNETT ENVIRONMENTAL ASSOCIATES, INC. LICENSED SITE PROFESSIONALS, ENVIRONMENTAL SCIENTISTS, GEOLOGISTS, ENGINEERS 1373 MAIN STREET, P.O. BOX 1743, BREWSTER, MA 02631 PHONE 978/656-1100 FAX 978/656-1101 E-MAIL info@bennettenv.com WWW www.bennettenv.com			
DATE	4/26/2018	BY	CHUCK
DATE	4/26/2018	IN STATE	MA
DATE	4/26/2018	FOR (1 year(s))	RENEWED 2/5/20



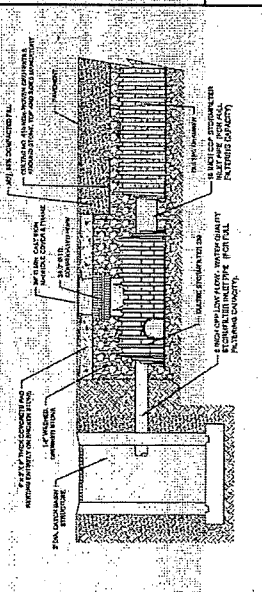
CULTEC FILTER FRAME DETAIL



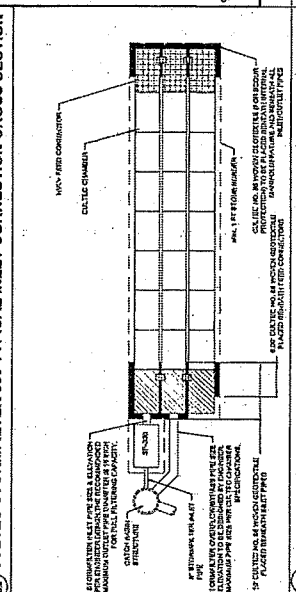
CULTEC STORMFILTER 330 THREE VIEW



CULTEC STORMFILTER 330 OVERFLOW/BYPASS CROSS SECTION



CULTEC STORMFILTER 330 TYPICAL INLET CONNECTION CROSS SECTION



CULTEC STORMFILTER 330 OVERFLOW/BYPASS PLAN VIEW

MAINTENANCE PROCEDURE

1. THE CULTEC STORMFILTER 330 SHOULD BE MAINTAINED ON THE FIRST 15 MINUTES OF THE RAINFALL EVENT. THE MAINTENANCE PERSONNEL SHOULD BE AVAILABLE TO MAINTAIN THE STORMFILTER 330 AT ALL TIMES DURING THE RAINFALL EVENT.

2. THE CULTEC STORMFILTER 330 SHOULD BE MAINTAINED ON THE FIRST 15 MINUTES OF THE RAINFALL EVENT. THE MAINTENANCE PERSONNEL SHOULD BE AVAILABLE TO MAINTAIN THE STORMFILTER 330 AT ALL TIMES DURING THE RAINFALL EVENT.

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GENERAL NOTES

1. THE CULTEC STORMFILTER 330 IS A MAINTENANCE-FREE DEVICE. IT DOES NOT REQUIRE ANY MAINTENANCE OR REPAIRS.

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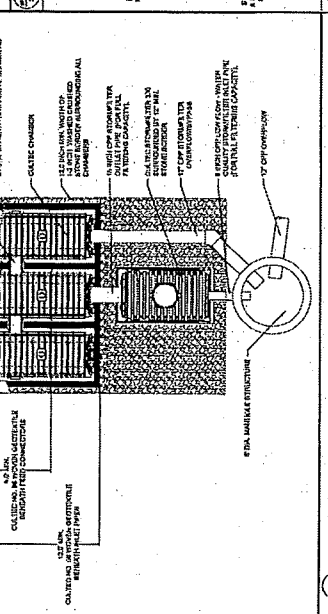
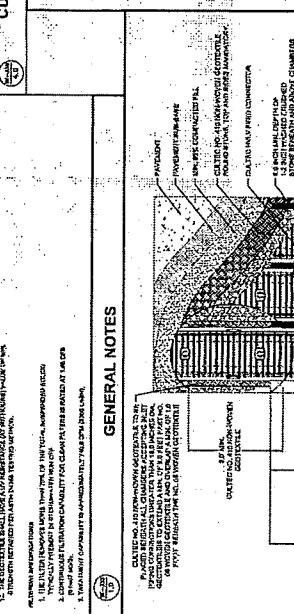
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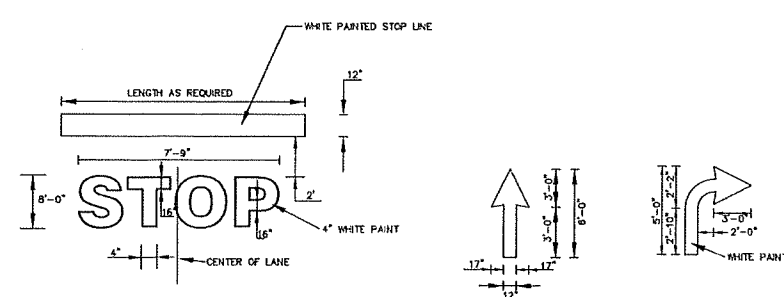
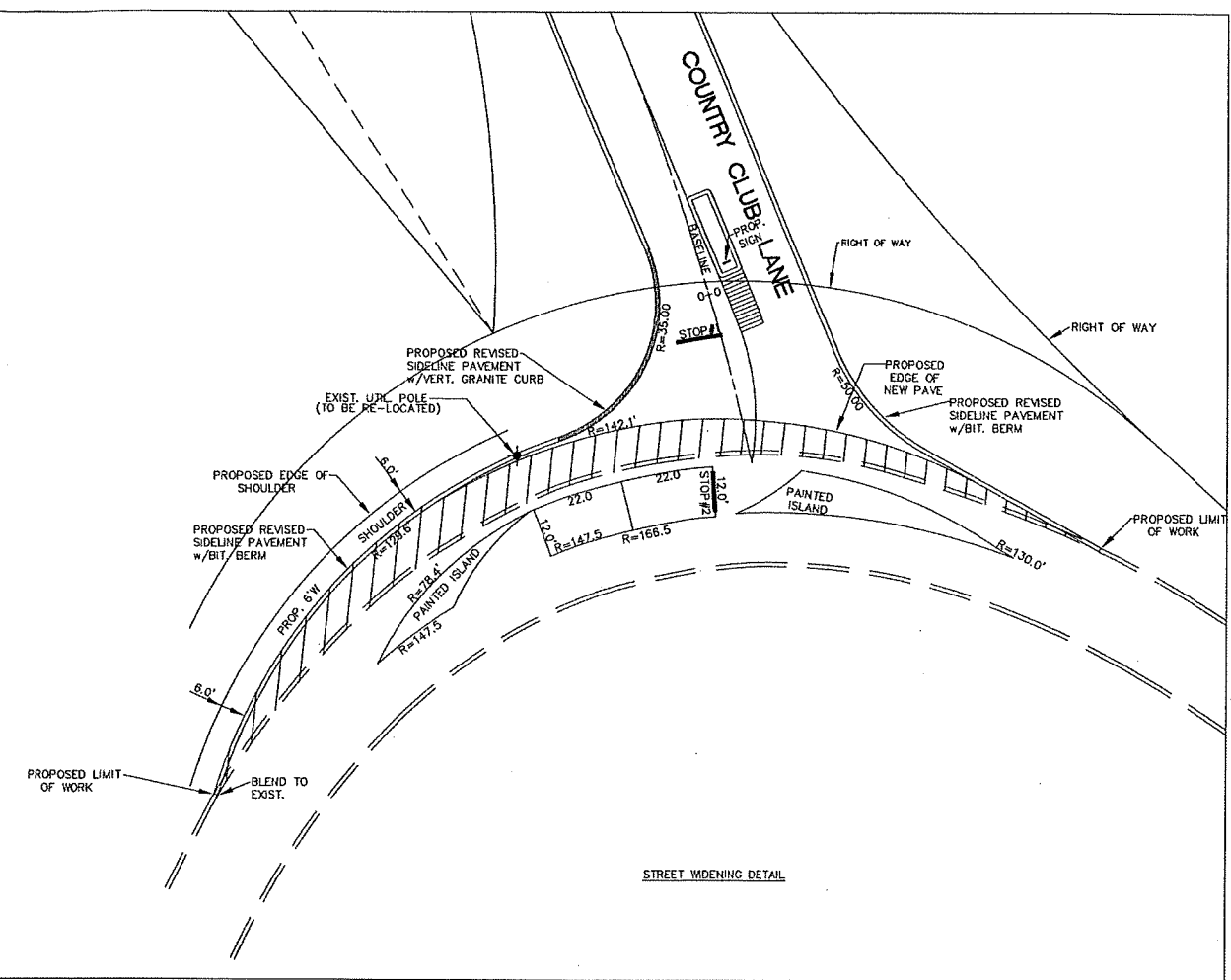
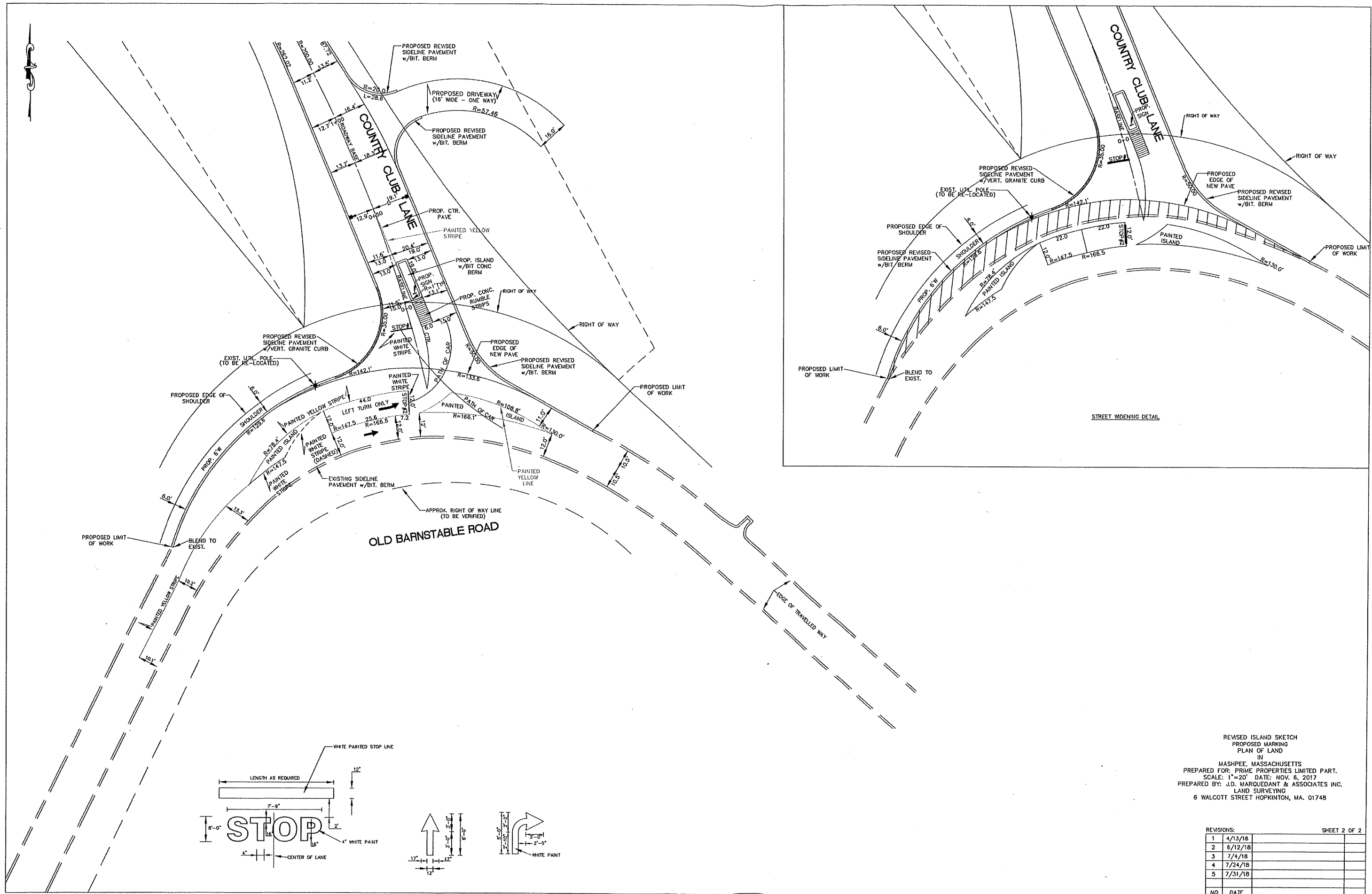
CULTEC STORMFILTER 330 OVERFLOW/BYPASS PLAN VIEW

CULTEC STORMFILTER 330 INSTALLATION CROSS SECTION
FOR PERMIT ONLY NOT FOR CONSTRUCTION

CULTEC STORMFILTER 330 TYPICAL INLET CONNECTION CROSS SECTION
FOR PERMIT ONLY NOT FOR CONSTRUCTION

CULTEC STORMFILTER 330 OVERFLOW/BYPASS PLAN VIEW
FOR PERMIT ONLY NOT FOR CONSTRUCTION





REVISED ISLAND SKETCH
PROPOSED MARKING
PLAN OF LAND
IN
MASHPEE, MASSACHUSETTS
PREPARED FOR: PRIME PROPERTIES LIMITED PART.
SCALE: 1"=20' DATE: NOV. 6, 2017
PREPARED BY: J.D. MARQUEDANT & ASSOCIATES INC.
LAND SURVEYING
6 WALCOTT STREET HOPKINTON, MA. 01748

REVISIONS:		SHEET 2 OF 2	
1	4/13/18		
2	6/12/18		
3	7/4/18		
4	7/24/18		
5	7/31/18		
NO.	DATE		

Evan Lehrer

From: eclerk@capecod.net
Sent: Friday, July 27, 2018 4:25 PM
To: Evan Lehrer
Cc: Rodney C. Collins; Michael Mendoza; Ernest
Subject: Fw: 7 Blue Castle Drive
Attachments: 7 Blue Castle Drive

Evan,

As I stated at the last Planning Board Meeting. If proper steps are not taken before heavy rains the drainage system constructed in front of 7 Blue Castle Drive would become totally contaminated.

Please review the attached pictures. I would like to request to be on the agenda at the next Planning Board Meeting.

These on going problems have caused my wife and I a great deal of stress. The value of our property is also a concern for us at our age.

I have stated many times when building a drainage system of this size there is no down time only start construction to finish construction.

Not construction that was built in "non compliance" with the design and build required.

Ernie Virgilio



