



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Meeting of the Mashpee Planning Board
Wednesday, August 5, 2020
Waquoit Meeting Room
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649
7:00 PM

Virtual / Remote Meeting

Broadcast Live on Local Channel 18

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

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

Call Meeting to Order

- Pledge of Allegiance

Approval of Minutes

- Review of meeting minutes from July 15, 2020

Public Hearings

7:10 PM – Southworth Mashpee Properties LLC (*Continued from 7/1/2020*)

Pursuant to Massachusetts General Laws, Chapter 40A Section 11, the Mashpee Planning Board will hold a public hearing on Wednesday, July 1, 2020 at 7:10PM at the Mashpee Town Hall, 16 Great Neck Road North, to consider an application from Southworth Mashpee Properties LLC, property owner, to modify the Willowbend Country Club Special Permit. The applicant proposes to construct a 6-unit multifamily residential townhouse structure to be known as the Clubhouse Villas on a 40,009 square foot parcel located north of Quinquisset Avenue and found on Assessors Map 69 Block 117.

New Business

- C. Rowley Billing – July Invoice
- Discussion relative to in-person meeting protocols amid COVID-19 Public Health Emergency in anticipation of likely return to in-person meetings on 8/19/2020.

Town Planner Report

- Stormwater Task Force related zoning articles submitted for October 2020 Town Meeting
- Update to Subdivision Rules and Regulations and Special Permit Regulations
- Announcement and Discussion Relative to Consulting Engineer

Board Member Committee Reports

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

MASHPEE TOWN CLERK

JUL 29 2020

RECEIVED BY: 



Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

Correspondence

- Falmouth Board of Appeals Notices
- Sandwich Public Hearing Notice
- June 2020 Discharge Monitoring Report for South Cape Village – N = 5.9

Additional Topics (not reasonably anticipated by Chair)

Adjournment

MASHPEE TOWN CLERK

JUL 29 2020

RECEIVED BY: _____

**Mashpee Planning Board
Minutes of Meeting
July 15, 2020 at 7:00 p.m.
Mashpee Town Hall-16 Great Neck Road North
Virtual/Remote Meeting-Call In (508) 539-1400 x8585
Broadcast Live on Local Channel 18**

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

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

CALL TO ORDER

Chairman Phelan opened the meeting at 7:00 p.m. and read a statement regarding the order of Governor Baker suspending provisions of the Open Meeting Law, issued March 12, 2020. The meeting was being live streamed and could be viewed at www.mashpeema.gov/channel18, since Town Hall was currently closed to the public. Viewers wishing to provide comment could call (508) 539-1400, extension 8585, though there was nothing on the agenda at this time requiring public comment.

The Chair took attendance by roll call with Mr. Balzarini, Ms. Waygan, Mr. Callahan, Mr. Fulone and Mr. Hansen stating their presence. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES—July 1, 2020

Mr. Fulone had submitted amendments, which were reflected in the amended version of the minutes. There were no additional comments regarding the minutes.

MOTION: Mr. Balzarini made a motion to accept the minutes from the July 1 meeting. Mr. Callahan seconded the motion. Roll call vote: Mr. Balzarini-yes; Ms. Waygan-yes; Mr. Callahan-yes; Mr. Fulone-yes; Chairman Phelan-yes

NEW BUSINESS

Discussion of LCP Timeline-The Chair noted that, given the pandemic and addition of a new member to the Board, he wished to reassess the applicability of the survey and questions posed in the survey, and whether additional questions should be considered. Mr. Lehrer was seeking Board feedback regarding expectations to move forward with the update to the Local Comprehensive Plan, referencing progress made in March, which included survey distribution and data. Mr. Lehrer emphasized the importance of public outreach and interaction in person, and the challenges now associated with doing so now. Initially, the survey was planned to be released around the time of Town Meeting. Chairman Phelan noted his preference that Mr. Fulone have a chance to review the questions identified for the survey, and have additional open discussions. The Chair suggested taking the next few weeks to review the information and laying out the framework at a future meeting, in person, possibly the second meeting in August. Mr. Balzarini and Mr. Fulone agreed. Mr. Lehrer suggested the Board consider how best to engage with the community to encourage crucial feedback, considering strategies in order to clarify the timeline. The Chair agreed that it could be discussed further when the Board met in person as a group. Ms. Waygan suggested that there were some LCP Chapters requiring updates, such as Open Space achievements, which could be completed by staff and would not require public comment. The Chair agreed and suggested that it could be further considered once all Board members reviewed all of the information. Ms. Waygan recommended setting parameters, rather than continuing to analyze and the Chair suggested having the discussion in person. Ms. Waygan also referenced discussion from Mr. Callahan regarding assisted living and Mr. Lehrer agreed to work with Mr. Callahan on the issue. Mr. Lehrer confirmed that he had the latest version of

the survey. Mr. Lehrer reemphasized the importance of launching and reporting the survey to the community.

TOWN PLANNER REPORT

Update to Subdivision Rules and Regulations and Special Permit Regulations-Mr. Lehrer had nothing new to report, but wished to have the item remain on the agenda for future discussion.

Stormwater Task Force-Mr. Lehrer confirmed that two warrant articles had been submitted, as directed by the Board, to update the Bylaw to conform with the MS4 permitting. Mr. Lehrer recommended workshopping with the DPW to ensure modifications and compliance with State requirements. Mr. Rowley had recommended language to accomplish goals with phosphorus and stormwater through best management practices. Mr. Rowley had also provided wording for an Article regarding paving thickness. Mr. Rowley confirmed that he read through the guidelines and expressed concern regarding phosphorus because there was little information how best to measure and suggested identifying parameters to provide to applicants. Mr. Rowley has been researching the matter further. Ms. Waygan inquired about a handbook reference in Paragraph B and Mr. Lehrer confirmed that it referenced the State handbook.

CORRESPONDENCE

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

ADJOURNMENT

Ms. Waygan reported that there would be Public Hearing on July 23 through the Cape Cod Commission to amend the RPP to address climate change. More information was available on the website calendar with a Zoom link.

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

The meeting adjourned at 7:18 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

Documentation available online at Mashpee's Planning Board website page

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

X286454

Transmittal No.

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



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

A. Application Information (Check one)

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

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

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

X286454

Transmittal No.

B. Applicant Information Proposed Project/Use Information

1. Applicant:

Suzanne M. and Kevin G. McCartney

jean@capeeng.com

Name

E-mail Address

29 Melissa Avenue,

Mailing Address

Mashpee

MA

02649

City/Town

State

Zip Code

508-477-7272

508-477-9072

Telephone Number

Fax Number

Note: Please refer
to the "Instructions"

2. Authorized Agent (if any):

Cape & Islands Engineering, Inc.

jean@capeeng.com

Name

E-mail Address

800 Falmouth Road, Suite 301C

Mailing Address

Mashpee

MA

02649

City/Town

State

Zip Code

508-477-7272

508-477-9072

Telephone Number

Fax Number

C. Proposed Project/Use Information

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

Suzanne M. and Kevin G. McCartney

Owner Name (if different from applicant)

21 - 7B - 0

41°39' 28.404" N

70° 28' 54.120" W

Tax Assessor's Map and Parcel Numbers

Latitude

Longitude

0 Melissa Avenue, Mashpee

MA

02649

Street Address and City/Town

State

Zip Code

2. Registered Land ☐ Yes ☒ No

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

Mashpee Pond

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

Type

Nature

Designation

☐ Nontidal river/stream

☒ Natural

☐ Area of Critical Environmental Concern

☐ Flowed tidelands

☐ Enlarged/dammed

☐ Designated Port Area

☐ Filled tidelands

☐ Uncertain

☐ Ocean Sanctuary

☒ Great Pond

☐ Uncertain

☐ Uncertain

C. Proposed Project/Use Information (cont.)

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

Proposed Use/Activity description: Remove existing fixed and seasonal pier, float, cement block stairs and iron pipe rails. Construct, License, maintain and retain a 5' x 10' Fixed Pier with lateral stairs, 4' x 40' Seasonal pier with pipe support posts, public access stairs and kayak rack.

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

\$ 5,000.00

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

Name

Address

Name

Address

Name

Address

D. Project Plans

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

☒ Appendix A (License plan)

☐ Appendix B (Permit plan)

2. Other State and Local Approvals/Certifications

☐ 401 Water Quality Certificate

Date of Issuance

043-3066

File Number

☒ Wetlands

JD-

File Number

☐ Jurisdictional Determination

☐ MEPA

File Number

☐ EOEA Secretary Certificate

Date

☐ 21E Waste Site Cleanup

RTN Number

E. Certification

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

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

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

Applicant's signature

Date

Property Owner's signature (if different than applicant)

Date

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

Date

N/A

F. Waterways Dredging Addendum

1. Provide a description of the dredging project

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

N/A

Purpose of Dredging

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

N/A

3. What method will be used to dredge?

☐ Hydraulic

☐ Mechanical

☐ Other

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

N/A

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

G. Municipal Zoning Certificate

Suzanne M. and Kevin G. McCartney

Name of Applicant

0 Melissa Avenue,

Project street address

Mashpee Pond

Waterway

Mashpee

City/Town

Description of use or change in use:

Remove existing fixed and seasonal pier, float, cement block stairs and iron pipe rails. Construct, License, maintain and retain a 5' x 10' Fixed Pier with lateral stairs, 4' x 40' Seasonal pier with pipe support posts, public access stairs and kayak rack.

To be completed by municipal clerk or appropriate municipal official:

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

Charles Maintanis

Printed Name of Municipal Official

Date

Signature of Municipal Official

Acting Building Commissioner

Title

Mashpee

City/Town

H. Municipal Planning Board Notification

Notice to Applicant:

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

Suzanne M. and Kevin G. McCartney

Name of Applicant

0 Melissa Avenue,

Project street address

Mashpee Pond

Waterway

Mashpee

City/Town

Description of use or change in use: Remove existing fixed and seasonal pier, float, cement block stairs and iron pipe rails. Construct, License, maintain and retain a 5' x 10' Fixed Pier with lateral stairs, 4' x 40' Seasonal pier with pipe support posts, public access stairs and kayak rack.

To be completed by municipal clerk or appropriate municipal official:

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

Deborah Dami

Printed Name of Municipal Official

July 29, 2020
Date

Deborah Dami
Signature of Municipal Official

Town Clerk

Title

Mashpee

City/Town

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

Appendix A: License Plan Checklist

General View

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

Structures and Fill

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

* See 310 CMR 9.02, Waterways Regulations definitions of High Water Mark, Historic High Water

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

Appendix A: License Plan Checklist (cont.)

Boundaries

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

Water-Dependent Structures

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

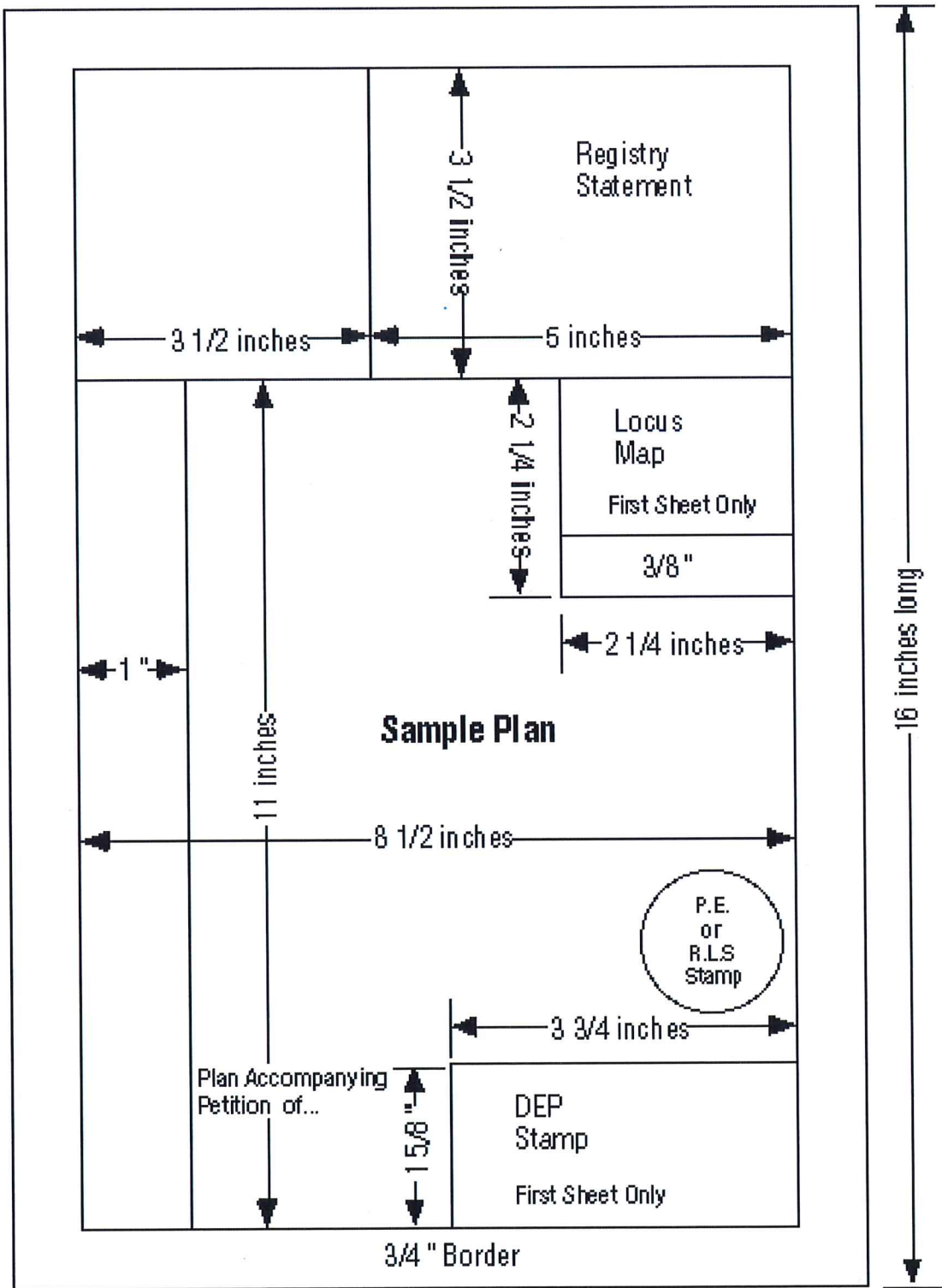
Non Water-Dependent Structures

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

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

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

Appendix A: License Plan Checklist Cont.



Appendix B: Dredging Permit Plan Checklist

N/A

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

N/A

General View

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

Plan View

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

Section Views

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

Appendix C: Application Completeness Checklist

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

N/A

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

N/A

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

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

Appendix C: Application Completeness Checklist (cont.)

N/A

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

N/A

Projects involving dredging:

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

Filing your Completed General Waterways Application:

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

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

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

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

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

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

OVERVIEW

Introduction

CAPE & ISLANDS ENGINEERING, INC. has submitted this application, on behalf of the applicants, Suzanne M. and Kevin G. McCartney, who propose to construct, license, maintain and retain a 5' x 10' Fixed Pier with lateral stairs, 4' x 40' Seasonal pier with pipe support posts, public access stairs and kayak rack in and over the waters of Mashpee Pond in Mashpee, MA.

BACKGROUND

Existing Conditions

The project site is located at 0 Melissa Avenue (Lot B), Mashpee, MA. a private vacant property with frontage on Mashpee Pond (a Great Pond) western shore. The lot has been previously legally altered, as shown on the project plan. The property includes an existing pier structure, ramp, floats, cement block stairs, iron pipe hand rails and existing paths.

PROPOSED PROJECT

Scope of Work

The project located at 0 Melissa Avenue (Lot B), Mashpee, MA, consists of removing the existing fixed and seasonal pier, float. Construct, license and maintain a 5' x 10' Fixed Pier with lateral stairs, 4' x 40' Seasonal pier with pipe support posts, public access stairs and kayak rack in and over the waters of Mashpee Pond Resource Areas.

The resource areas on or within 100 feet of the site include Inland Bank and Land Under Waterbodies and Waterways (under any Creek, River, Stream, Pond or Lake). As noted above, a portion of the residential property is within Natural Heritage Endangered Species (NHESP).

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

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

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

Definition:

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

The proposed work on or within Land Under Waterbodies and Waterways (under any Creek, River, Stream, Pond or Lake) is the installation of eight (8) pipe support posts for the seasonal pier portion and the seasonal placement for the foot rests for the posts that support the seasonal pier segments. Approximately 8 square feet in are of Land Under Water Bodies is proposed to be occupied in a seasonal basis with the placement of the seasonal pier.

Inland Bank

The resource area known as "Inland Bank" (IB) is located, as identified on the project plans as Mashpee Inland Bank and a second delineation identified as DEP Inland Bank.

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

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

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

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

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

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

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

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

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

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

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

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

- The maintenance of an already existing and lawful structure*
- The construction of an elevated walkway for access to a water body at the lower boundary of said bank (or to a lawful dock on said waterbody). Such walkway shall have no adverse effect other than blocking sunlight from the underlying vegetation for a*

portion of each day. Such structure shall be constructed in such a way that its surface area and design shall allow the maximum possible amount of sunlight to penetrate and reach the underlying vegetation.

- Vista pruning, which shall be shown on a plan acceptable to the Commission, and which has been certified as not being detrimental to the vegetative cover by a certified arborist of the Commission's choosing. (A \$50 charge will be assessed to the applicant for the review of the vista pruning plan).
- Any other activity (on a single lot) which alters up to 500 square feet of said bank shall be permitted only when it is demonstrated by the applicant that such alteration shall have no adverse effect on the wetland values as expressed in 172-9 of the Bylaw. Any proposed work permitted by the Commission on an inland bank or within 100 feet of such bank, other than as permitted above, shall not destroy any portions of that bank, nor shall the work impair the functional capacity or values of the bank as described in the foregoing (B).
- In the event that the proposed activity is the construction of a new house, and where there is no alternative positioning that will enable the house to be placed on a portion of the property where the slope ratio is less than 4:1, mitigation (to prevent erosion and/or any alteration of resource areas as described in Chapter 172 of the Mashpee Code) employing best available measures will be required.

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

The work proposed on or within the Buffer to the Inland Bank consists of the construction of the elevated stairs and landings, fixed pier platform and the first section of the seasonal pier covering an area of approximately 200 square feet. The proposed improvement will replace the existing block stairs and allow for new plantings and natural vegetation to restore disturbed areas of the stairs. Approximately 100 square feet of block steps will be removed that currently are in direct contact with the ground surface. The removal of the existing fixed pier platform eliminates approximately 60 square feet of footprint area. This inland bank area will be planted and allowed to naturally establish. In place of the existing block stairs a new elevated timber stair is proposed with support posts occupying an area of approximately 3.7 square feet. The proposed 8' x 12' storage shed and portion of the 4' wide foot path lies within the buffer to the inland bank. The proposed path is intended to meander through existing tree. The storage shed allows for the seasonal components of the proposed project to be stored and protected from the weather and avoid the current storage scenario on site where the seasonal components are being stacked along the shores of the pond within the inland bank. No other alterations are proposed on the bank.

Estimated Habitat and Protected Species

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

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

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

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

C. Performance: Upon acceptance of any area as Rare Species Wildlife Habitat by the Commission, the PERFORMANCE STANDARD shall be that no project or activity (except as noted in section 172-3 EXCEPTIONS of the Bylaw) shall have an adverse effect on the Rare Species Wildlife Habitat by altering its topography, soil structure, plant community composition, hydrologic regime

and/or water quality in such a way so as to result in any short-term, intermediate, and/or long-term adverse effect upon the capacity of said Rare Species Wildlife Habitat to provide the function as described in the CRITICAL CHARACTERISTICS AND PRESUMPTIONS OF SIGNIFICANCE (above). The diversion of any new (not pre-existing) stormwater run-off into Rare Species Wildlife Habitat shall not be permitted unless the applicant can prove that there will be no adverse effect upon the water quality and/or biological community of said vernal pool, and unless the applicant has obtained a 401 Water Quality Certificate. It shall be presumed, unless compelling evidence can be provided to the contrary, that the following activities within the area of Rare Species Wildlife Habitat would fail to meet the PERFORMANCE STANDARDS:

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

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

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

- 1. Disturbing the soil, humus layer and/or leaf litter.*
- 2. The placement of sediments, brush clippings.*
- 3. The changing of drainage patterns.*
- 4. Alterations to vegetation, including changing patterns of shade by alterations to the canopy and/or understory (shrub layer).*
- 5. The current of foreseeable threats to the population and/or habitat of any State listed species listed by the Natural Heritage program as "endangered", "threatened" or of "special concern.""*

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

NHESP Division of Fisheries and Wildlife determined the proposed project will not result in a prohibited Take of state-listed rare species. See attached letter dated July 20, 2020.

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

Area of Critical Environmental Concern (ACEC)

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

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

Bk 33036 Pg277 #32166
07-01-2020 @ 11:36a

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

Provided by MassDEP:
MassDEP File #:043-3066
cDEP Transaction #:1201132
City/Town:MASHPEE

A. General Information

1. Conservation Commission MASHPEE
2. Issuance a. ☒ OOC b. ☐ Amended OOC
3. Applicant Details
a. First Name KEVIN G. & SUZANNE M. b. Last Name MCCARTNEY
c. Organization
d. Mailing Address 29 MELISSA AVENUE
e. City/Town MASHPEE f. State MA g. Zip Code 02649
4. Property Owner
a. First Name b. Last Name
c. Organization
d. Mailing Address
e. City/Town f. State g. Zip Code
5. Project Location
a. Street Address 0 MELISSA AVENUE
b. City/Town MASHPEE c. Zip Code 02649
d. Assessors MAP 21A PARCEL 7B e. Parcel/Lot# LOT "B", PLAN BOOK 325, PAGE 34
f. Latitude 41.65643N g. Longitude 70.48088W
6. Property recorded at the Registry of Deed for:
a. County BARNSTABLE b. Certificate 30690 c. Book 47 d. Page
7. Dates
a. Date NOI Filed : 5/20/2020 b. Date Public Hearing Closed: 6/11/2020 c. Date Of Issuance: 6/24/2020
8. Final Approved Plans and Other Documents
a. Plan Title: b. Plan Prepared by: c. Plan Signed/Stamped by: d. Revised Final Date: e. Scale:
PROPOSED PIER CAPE & ISLANDS MATTHEW C. COSTA, PLS
PLAN ENGINEERING & RAUL LIZARDI- JANUARY 20, 2020 1" = 10'
RIVERA, P.E.

B. Findings**1. Findings pursuant to the Massachusetts Wetlands Protection Act**

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

Check all that apply:

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

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

Approved subject to:

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

Denied because:

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

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

a. linear feet

Inland Resource Area Impacts:(For Approvals Only):

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input checked="" type="checkbox"/> Bank	17 a. linear feet	17 b. linear feet	0 c. linear feet	0 d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input checked="" type="checkbox"/> Land under Waterbodies and Waterways	8 a. square feet 0 e. c/y dredged	8 b. square feet 0 f. c/y dredged	0 c. square feet	0 d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet

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9.F Riverfront Area

	a. total sq. feet	b. total sq. feet			
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet	
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet	

Coastal Resource Area Impacts:

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10.F Designated Port Areas	Indicate size under Land Under the Ocean, below			
11.F Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12.F Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13.F Coastal Beaches	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
14.F Coastal Dunes	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
15.F Coastal Banks	a. linear feet	b. linear feet		
16.F Rocky Intertidal Shores	a. square feet	b. square feet		
17.F Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18.F Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19.F Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20.F Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	c. c/y dredged	d. c/y dredged		
21.F Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		

22.

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☐ Restoration/Enhancement (For Approvals Only)

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

a. square feet of BVW

b. square feet of Salt Marsh

23.

☐ Streams Crossing(s)

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

a. number of new stream crossings

b. number of replacement stream
crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects

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

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**"Massachusetts Department of Environmental Protection"
[or "MassDEP"]**

File Number : "043-3066"

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

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

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

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

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

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- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions:

D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

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

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

1. Municipal Ordinance or Bylaw _____

2. Citation _____

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

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

1. Municipal Ordinance or Bylaw TOWN OF MASHPEE

2. Citation CHAPTER 172

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

The special conditions relating to municipal ordinance or bylaw are as follows:
SEE ATTACHED PAGES A THROUGH D.

FRESHWATER DOCK

TOWN OF MASHPEE CHAPTER 172 ORDER OF CONDITIONS FOR: 43-3066

0-Melissa Avenue

Work Description:

**Restoration and extension of footpath leading to Mashpee Pond. Construction of storage shed.
Removal and replacement of piers, stairs, landings and kayak rack with associated site grading and landscaping.**

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

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

2. This OOC is subject to amendment, revocation or a new application should the Commission deem:

- Incomplete work is causing damage to the interests of either the MA State Wetlands Protection Act (M.G.L. Ch. 131, Section 40) or the Town of Mashpee Wetland Ordinance (Chapter 172).
- New information, not available at the time this OOC was issued, has become available and indicates that the Order is not adequate to protect the interests of both the state and local wetland protection acts.

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

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

310 CMR 10.54- Bank (Naturally Occurring Banks and Beaches)
310 CMR 10.55- Bordering Vegetated Wetland
310 CMR 10.56- Land Under Waterbodies and Waterways
310 CMR 10.57- Land Subject to Flooding (Bordering and Isolated)
310 CMR 10.59- Estimated Habitats of Rare Wildlife (for Inland Wetlands)

Ch.172, Reg.21- Land Under Waterbodies and Waterways
Ch.172, Reg.27- Docks, Piers and Floats
Ch.172, Reg.29- Buffer Zones and Buffer Strips
Ch.172, Reg.32- Water Quality

A

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

Erosion/Sedimentation Control
Storm Damage Prevention

Water Pollution Control
Water Quality
Fisheries
Prevention of Pollution
Wildlife Habitat
Recreation

4. PREWORK CONDITIONS: *(The following conditions must be met PRIOR to any work proceeding or signing of any other town permits)*
 - Submission of a dated copy of the recording page of the Order of Conditions (OOC) to the Conservation Department. The OOC cannot be recorded until the end of the 10 day appeal period from the date of issue (date of issue is the date that the OOC is mailed out or picked up in person).
 - Submission of FORMS A & B, attached to this Order of Conditions (OOC) to the Conservation Department.
 - The applicant and/or project supervisor(s) are required to notify all contractors/subcontractors on site of the OOC requirements. A copy of the OOC must be kept onsite or be made readily available during inspection at all times. Both the applicant and project supervisor may be held jointly liable in the event of a violation of the OOC.
 - All required staking for structure corners, wetland resource areas and work limits must be clearly present on the lot and accurate with the plan of record.
 - All erosion control/work limit(s) must be in place as per the plan of record or as per staff direction (as applicable).
 - Scheduling of a site visit with Conservation Department staff at least one week prior to any commencement of work to confirm all of the prework conditions are met.
 - Any deviations made or intended to be made from the approved plan of record accompanying the OOC shall require, in advance, one of the following:
 - A new Notice of Intent or Amended Order Request.
 - A written Administrative Approval from the Conservation Department indicating the proposed changes are not substantial enough to require either of the above.
5. WORK LIMIT/EROSION CONTROL CONDITIONS:
 - Erosion controls must be put in place as needed for any work on the inland bank. All erosion controls must remain in place until such time as areas are stabilized upon completion of work
6. CONSTRUCTION ACTIVITY/MATERIAL STORAGE CONDITIONS:
 - Construction/reconstruction must be done in such a way that debris (sawdust, etc.) is not introduced into the water and/or any wetland resource area. Cutting, routing, shaping etc. should take place in an upland location away from wetlands. If this is not possible, then deployment of tarps to capture debris will be required.
 - Non-leaching wood preservative must be used for wood construction materials. CCA Treated piles/legs are acceptable.

B

- All trash and debris on site shall be cleaned up daily and contained by virtue of onsite disposal (e.g. trailer or dumpster).
- Records as to the destination of all waste materials removed from the construction site shall be kept and made available to the Conservation Department upon request. Said records shall describe the ultimate disposal site, contents, volume of debris and date of disposal (receipts).

ADDITIONAL CONDITIONS

7. Upon receipt of this Order of Conditions, the applicant is required to apply for a Chapter 91 License from the State of Massachusetts. Proof of application to Chapter 91 must be provided to the Mashpee Conservation Department. Upon receipt of a Chapter 91 Permit, a copy of said permit must be provided to the Mashpee Conservation Department. **No construction is to commence until the property owner submits a copy of an approved and recorded Commonwealth of Massachusetts Chapter 91 Waterways license to the Conservation Department.**
8. No part of the pier/access steps can be wider than four (4) feet.
9. Any pier components, if removed seasonally, cannot be dragged across any wetland resource area NOR can it be stored upon any portion of vegetated bank or bordering vegetated wetland at any time.
10. The DEP permit number AND street address are to be displayed in perpetuity on the pier. A minimum of three (3) inch lettering on contrasting color background must be used for displaying this information. Any signage that fades or falls apart must be replaced immediately. No certificate of compliance will be issued on any dock project without proof of this signage in place.
11. At no time shall boat washing (using chemical agents) occur while vessel(s) are docked at this pier/float.
12. Decking spacing for the fixed pier must constructed as per the Plan of Record submitted by Cape and Islands Engineering.
13. All Conservation and dock/pier notes on the Plan of Record submitted by Cape & Islands Engineering are to be incorporated into this OOC.
14. The Commission reserves the right to require modifications and/or limitations relative to authorized work/methodology of work to ensure compliance with this OOC. Any modifications/restrictions will be provided in writing to the applicant.
15. A Naturally Vegetated Buffer Strip (NVBS) delineated as all naturally vegetated areas on the inland bank and within 50 feet of the top of inland bank must be maintained in perpetuity. Within this Buffer Strip, no removal and/or pruning of vegetation is permitted with the exception of the approved pathway, steps and storage shed.
16. Vista pruning is not allowed under this permit.
17. The Conservation Department must be notified immediately of any proposed changes in plans or construction methodology.

C

18. In the event of any adverse impacts to wetland resource areas as a result of construction and/or maintenance of this project, the Commission reserves the right to require additional measures to protect resource areas and values as per M.G.L. Chapter 131 Section 40 and/or Mashpee's Chapter 172 Wetland Bylaw. The Conservation Agent, Assistant Agent and/or other designated representative of the Commission shall have the right to enter the premises to monitor ongoing work/maintenance.
19. The Plan of Record for this OOC does not constitute specific acceptance of the boundaries of resource areas under M.G.L. Chapter 131 Section 40 and Chapter 172 of the Mashpee Code for any work not described under Section 1 A of this Order. A new filing/application may be necessary if deemed so by the Commission and require new plans and/or new delineations of resource areas. The Commission may also require that said plans be prepared by a certified engineer, surveyor and/or landscape designer.
20. This OOC or any continuing conditions in perpetuity will apply to any successor in interest or control.
21. Violation of any conditions in this Order or any continuing conditions in perpetuity may result in the issuance of an enforcement order. Such enforcement order, if issued, will require the immediate cessation of all work until the mandates in the enforcement order are followed. In some instances, the violation may necessitate a hearing, in this case, such hearing will be held no more than 15 days from the issuance of an enforcement order.
22. In the event that a Superseding Order of Conditions is issued following an appeal to the MA State Department of Environmental Protection, this OOC issued pursuant to Chapter 172 of the Mashpee Code shall be considered amended to include all conditions of said Superseding Order. Notwithstanding the preceding, all special conditions protecting the wetland values of Chapter 172 shall remain in effect unless modified by an Order amending said conditions. The Commission reserves the right to require (in the event of the issuance of a Superseding Order by DEP) an Amended Order of Conditions if it deems such necessary for clarification and/or protection of the wetland values of Chapter 172.
23. Special conditions: 3, 8, 9, 10, 11, 15, 18, 20 & 21 extend beyond the Certificate of Compliance (in perpetuity) and shall be referenced in all future deeds of this property.
24. Upon completion of this project, the applicant must submit the following to the Commission to receive a Certificate of Compliance, closing out the permit/OOC with the Conservation Department:
 - a. A form requesting a Certificate of Compliance (WPA Form 8A).
 - b. A written statement from the registered professional engineer, surveyor, landscape designer, architect or wetland consultant associated with this project certifying that the work has been conducted as shown on the plan(s) of record and documents referenced, and as conditioned by the Commission
 - c. The Commission reserves the right, before issuing a Certificate of Compliance (should items "a" and "b" be deemed insufficient and/or in effort) to require an "as built" plan prepared and signed/stamped by a registered professional engineer or land surveyor of the Commonwealth.
25. This Order is valid for three years from the date of issuance but may be extended for more additional periods of up to three years per extension request. All extension requests are at the discretion of the Commission and may be subject to denial if deemed appropriate

D

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

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

Provided by MassDEP:

MassDEP File #: 043-3066

eDEP Transaction #: 1201132

City/Town: MASHPEE

E. Signatures

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

6/24/2020

1. Date of Original Order

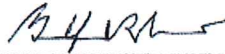
1

2. Number of Signers

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

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

Signatures:

☐ by hand delivery on☒ by certified mail, return receipt requested, on6/24/2020

Date

Date

F. Appeals

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

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

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

Page 8 of ¹⁰ * ELECTRONIC COPY

This instrument has been executed by and on behalf of the Conservation Commission by its duly authorized agent in accordance with the Certificate of Vote filed with the Barnstable Land Court District Registry as Document No. 1,395,500.

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

Provided by MassDEP:
MassDEP File #:043-3066
eDEP Transaction #:1201132
City/Town:MASHPEE

regulations, the Department has no appellate jurisdiction.

G. Recording Information

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

MASHPEE

Conservation Commission

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

To:

MASHPEE

Conservation Commission

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

0 MELISSA AVENUE

Project Location

043-3066

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

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

Document Number

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

Provided by MassDEP:
MassDEP File #:043-3066
eDEP Transaction #:1201132
City/Town:MASHPEE

Signature of Applicant

Rev. 4/3/2019

Page 10 of 10 * ELECTRONIC COPY

JOHN F. MEADE, REGISTER
BARNSTABLE COUNTY REGISTRY OF DEEDS
RECEIVED & RECORDED ELECTRONICALLY



**DIVISION OF
FISHERIES & WILDLIFE**

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

July 20, 2020

Suzanne & Kevin McCartney
29 Melissa Avenue
Mashpee MA 02649

RE: Project Location: 0 Melissa Drive, Mashpee
 Project Description: Stairs, fixed and seasonal piers, kayak racks, and storage shed
 NHESP File No.: 20-39387

Dear Applicant:

Thank you for submitting the MESA Project Review Checklist, site plans (dated 1/20/20) and other required materials to the Natural Heritage and Endangered Species Program of the MA Division of Fisheries & Wildlife (the "Division") for review pursuant to the Massachusetts Endangered Species Act (MESA) (MGL c.131A) and its implementing regulations (321 CMR 10.00).

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, will not result in a prohibited Take of state-listed rare species. This determination is a final decision of the Division of Fisheries & Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plans may require an additional filing with the Division pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter please contact Melany Cheeseman, Endangered Species Review Assistant, at (508) 389-6357.

Sincerely,

A handwritten signature in black ink, reading "Everose Schlüter".

Everose Schlüter, Ph.D.
Assistant Director

cc: Matthew Costa, Cape & Islands Engineering

MASSWILDLIFE

Bk 30690 Pg 47 #40479
08-10-2017 @ 11:59a

(WITHOUT TITLE EXAMINATION)
THIS INSTRUMENT PREPARED BY:
Cynthia M. Bourget, Esquire
194 Old Main Road
North Falmouth, MA 02556
508-548-1875

QUITCLAIM DEED

Property Address: 29 Melissa Avenue, Mashpee, Barnstable County
Massachusetts

I, **KEVIN G. MCCARTNEY**, a married individual, with a mailing address of P.O. Box 235 Mashpee, Barnstable County, Massachusetts 025649 for **NOMINAL, NON-MONETARY CONSIDERATION**,
grant to **SUZANNE M. MCCARTNEY**, and **KEVIN G. MCCARTNEY**, married to each other, both with a mailing address of P.O. Box 235, Mashpee, MA, 02649, as Husband and Wife, Tenants by the Entirety,

with **QUITCLAIM COVENANTS**, the certain parcels of land situated in Mashpee, Barnstable County, Massachusetts, together with any buildings thereon, bounded and described as follows:

PARCEL ONE

NORTHERLY	by land now or formerly of Eldred Besse as shown on hereinafter mentioned plan, a total distance of five hundred sixty-four and 89/100 (564.89) feet;
NORTHEASTERLY	by the center line of a private way as shown on said plan, a distance of an arc which measures twenty-four and 59/100 (24.59) feet;
SOUTHERLY	by parcel "C" as shown on said plan, a distance of five hundred thirty-five and 20/100 (535.20) feet, more or less;
SOUTHEASTERLY	by Parcel "C" as shown on said plan, a distance of ten (10.00) feet;
SOUTHERLY	by Parcel "C" as shown on said plan, a distance of forty-one (41.00) feet, more or less; and

WESTERLYT by Mashpee Pond (a great pond) as shown on said plan, a distance of thirty and 00/100 (30.00) feet, more or less

Being shown as Lot "B" on a plan of land entitled "Plan of Land in Mashpee, Mass. for Peter Nelson et ux, Scale 1"=40', June 6, 1978, Kingsbury Surveying Co., Inc. 10 Powderhor Way, Sandwich, Mass.", which plan is recorded with Barnstable County Registry of Deeds in Plan Book 325, Page 34.

Together with a right of way over Melissa Avenue and Jones Road to the public way in connection with all others.

Together with a right to use existing electric power and telephone lines in connection with all other entitled thereto.

For my title see deed of Marilyn Marcelli dated September 8, 2014 recorded at Book 28369 Page 207 for Parcel One.

PARCEL TWO

SOUTHWESTERLY	by Lot 3, as shown on hereinafter mentioned plan, four hundred eighty-seven and 53/100 (487.53) feet;
WESTERLY	by Lot 1, as shown on said plan, one hundred forty-six and 21/100 (146.21) feet;
NORTHEASTERLY	by Land of Lillian B. Nelson, as shown on said plan, four hundred ninety-two and 38/100 (492.38) feet; and
EASTERLY	by land of Edward L. Besse Jr., as shown on said plan one hundred six and 32/100 (106.32) feet.

Said premises are shown as Lot 2 on a plan of Land entitled "Plan of Land in Mashpee, Mass. as surveyed for the Melissa H. Besse Estate Scale 1"=50' Sept. 22, 1961. Nelson Bearse & Richard

Law Surveyors, Centerville, Mass." which said plan is duly filed with the Barnstable County Registry of Deeds in Plan Book 166, Page 101

Together with a right of way over Melissa Avenue and Jones Road to the public way in connection with all others.

Together with a right to use existing electric and power and telephone lines in connection with all others entitled thereto.

For my title see deed of Marilyn Marcelli dated September 8, 2014 recorded at Book 28369, Page 207 for Parcel Two.

WITNESS my hands and seal this 27 day of July, 2017.

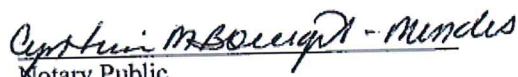


KEVIN G. MCCARTNEY

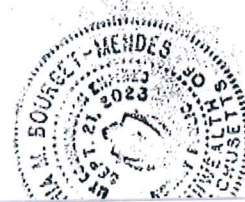
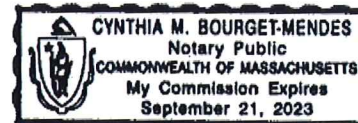
COMMONWEALTH OF MASSACHUSETTS

County of Barnstable

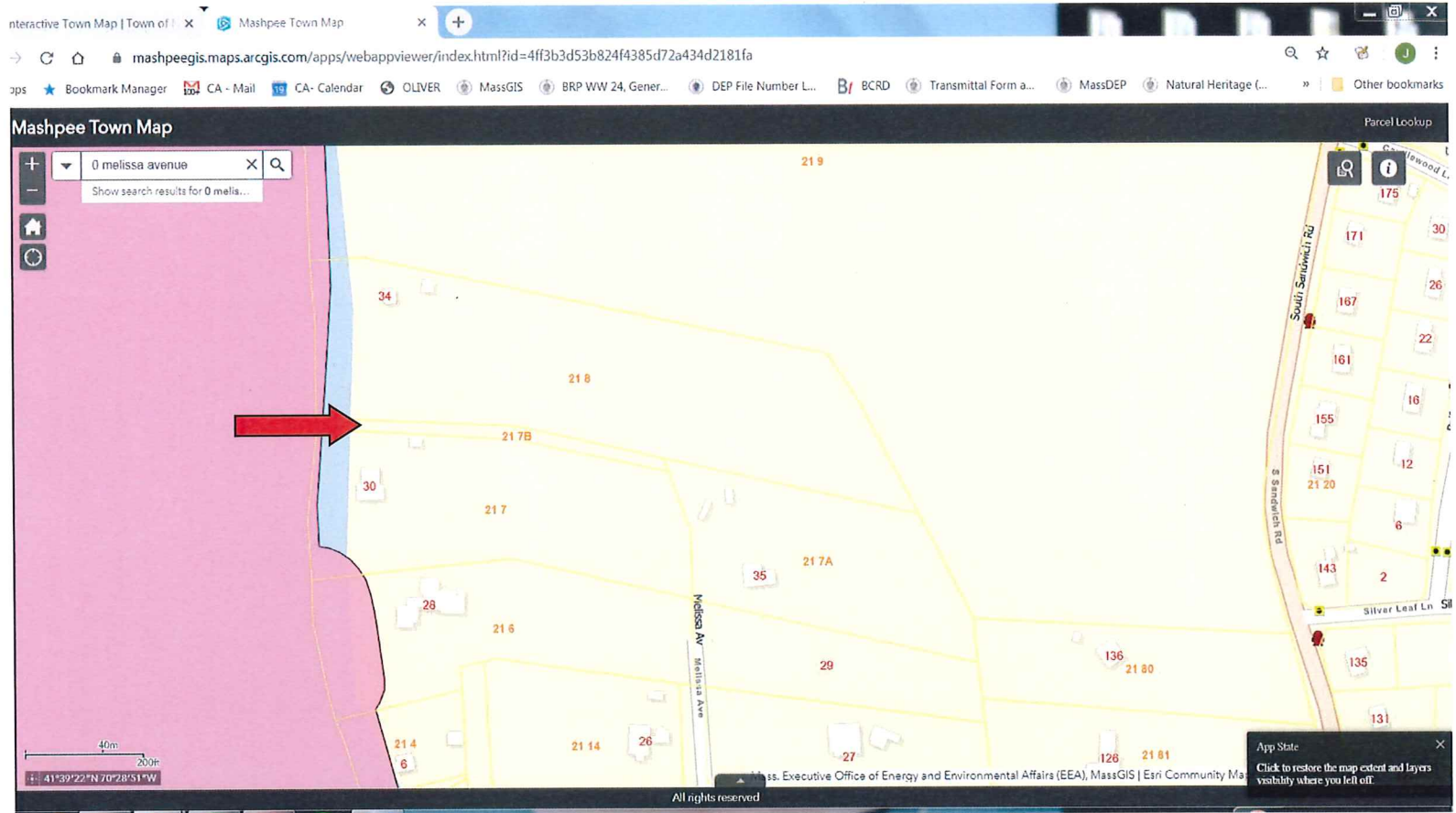
On this 27th day of July, 2017, before me, the undersigned notary public, personally appeared **KEVIN G. MCCARTNEY**, and, proved to me through satisfactory evidence of identification, which was his MADIVERS license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.



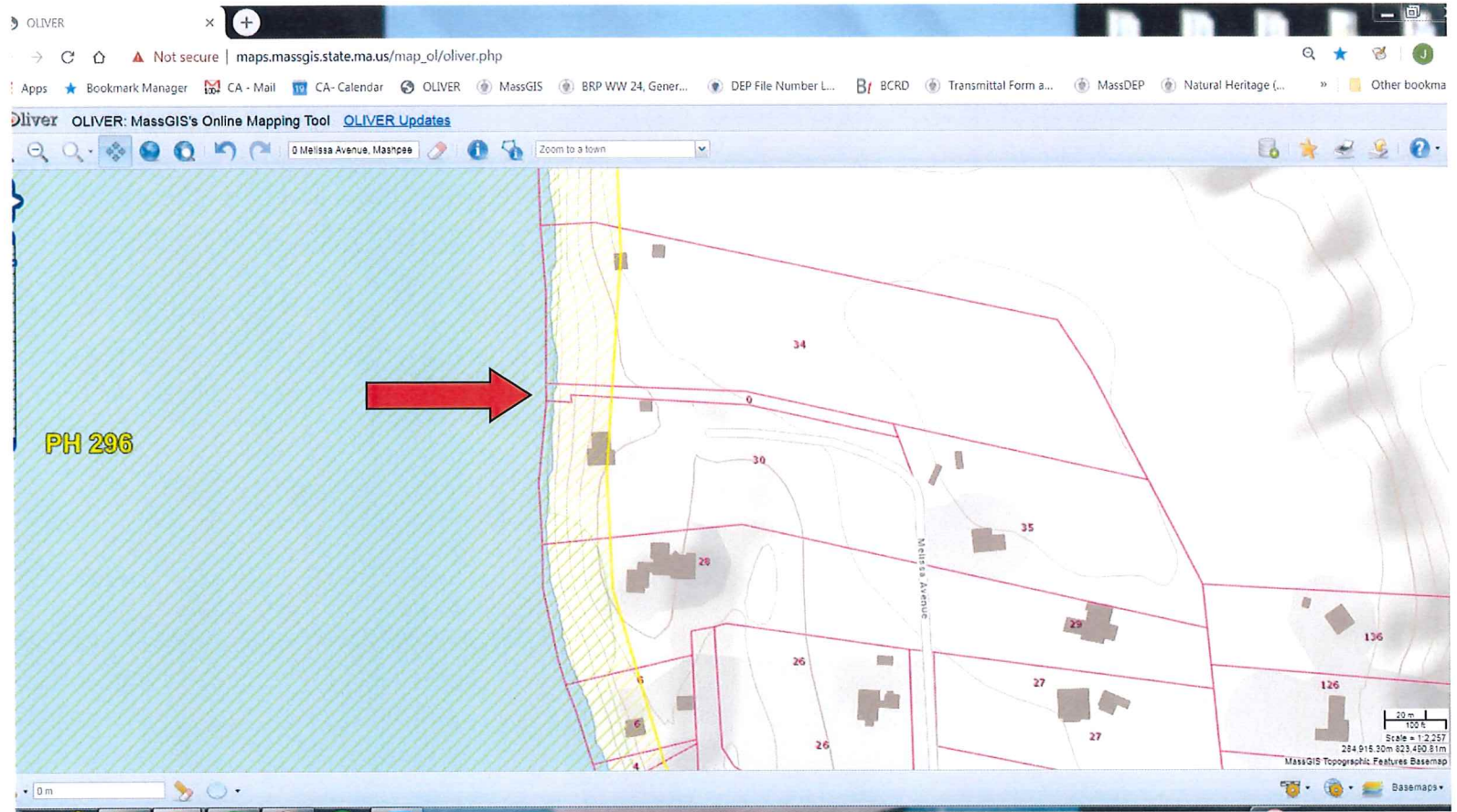
Notary Public
My Commission Expires:



Mashpee GIS Map



Mass GIS NHESP Map



Directions to Site

Suzanne M. and Kevin G. McCartney 0 Melissa Avenue Mashpee, MA

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

Head north on Great Neck Rd N
194 ft

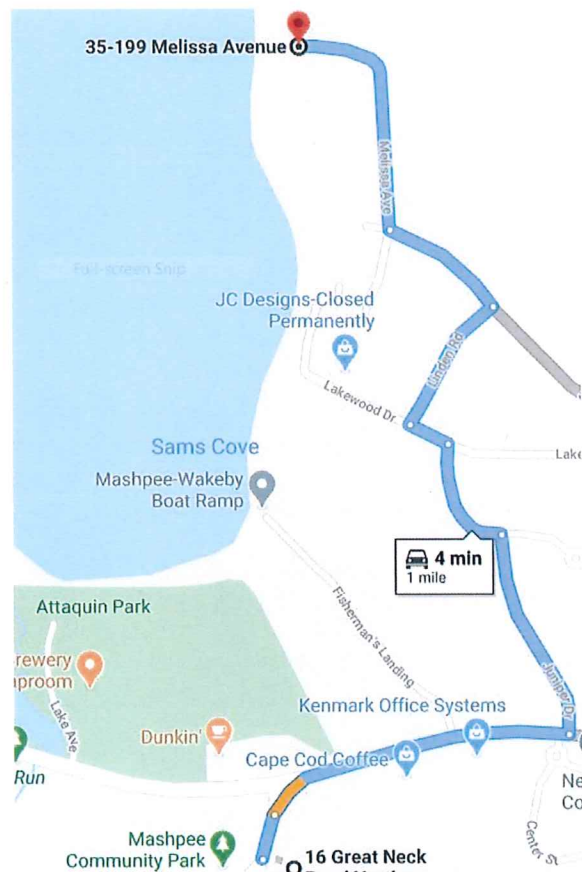
Turn right onto MA-130 S
0.3 mi

Turn left onto S Sandwich Rd
0.3 mi

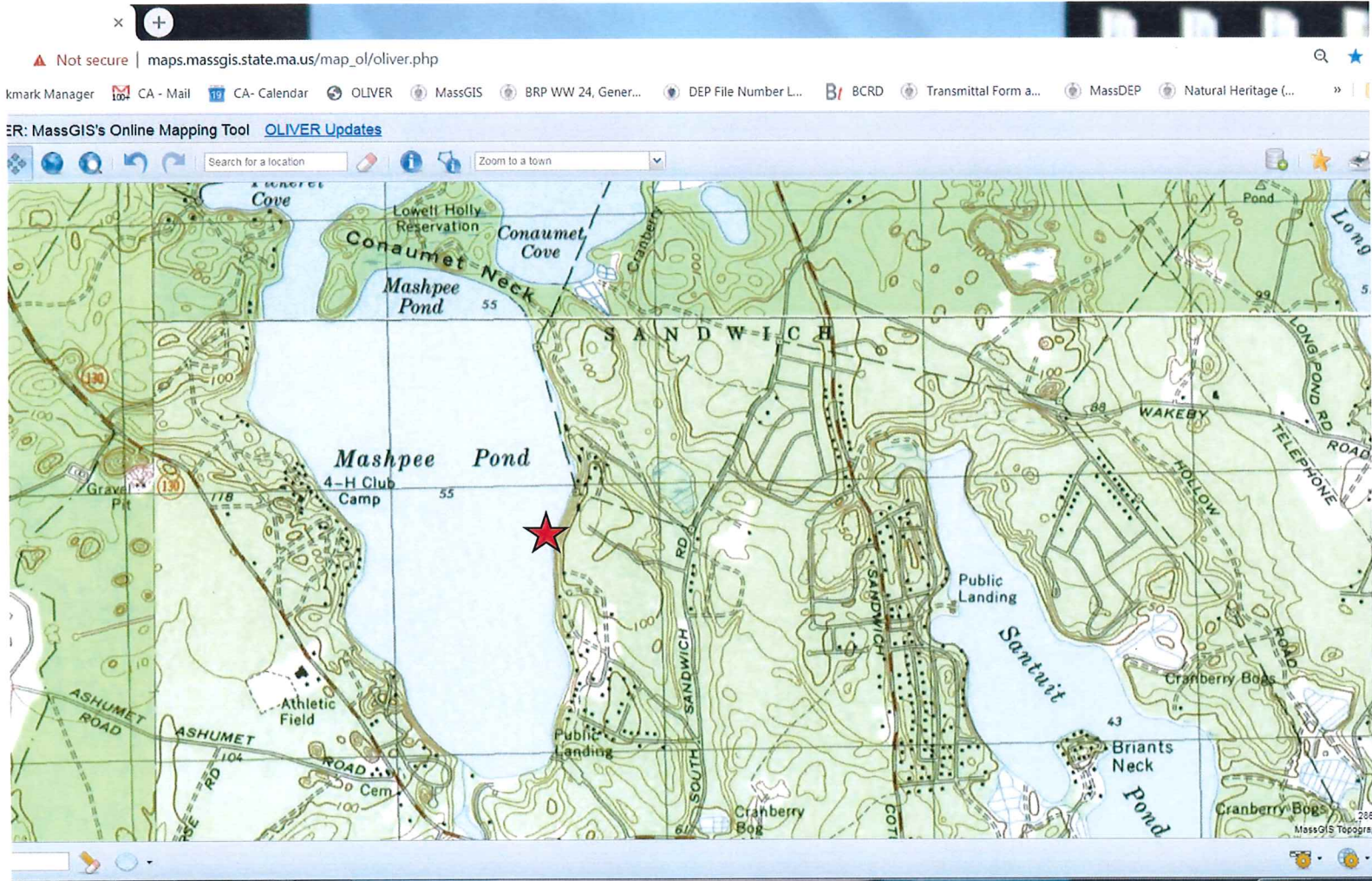
Turn left onto Jones Rd
0.3 mi

Turn right onto Melissa Ave
0.2 mi

0 Melissa Ave will be on the left just past
30 Melissa Ave

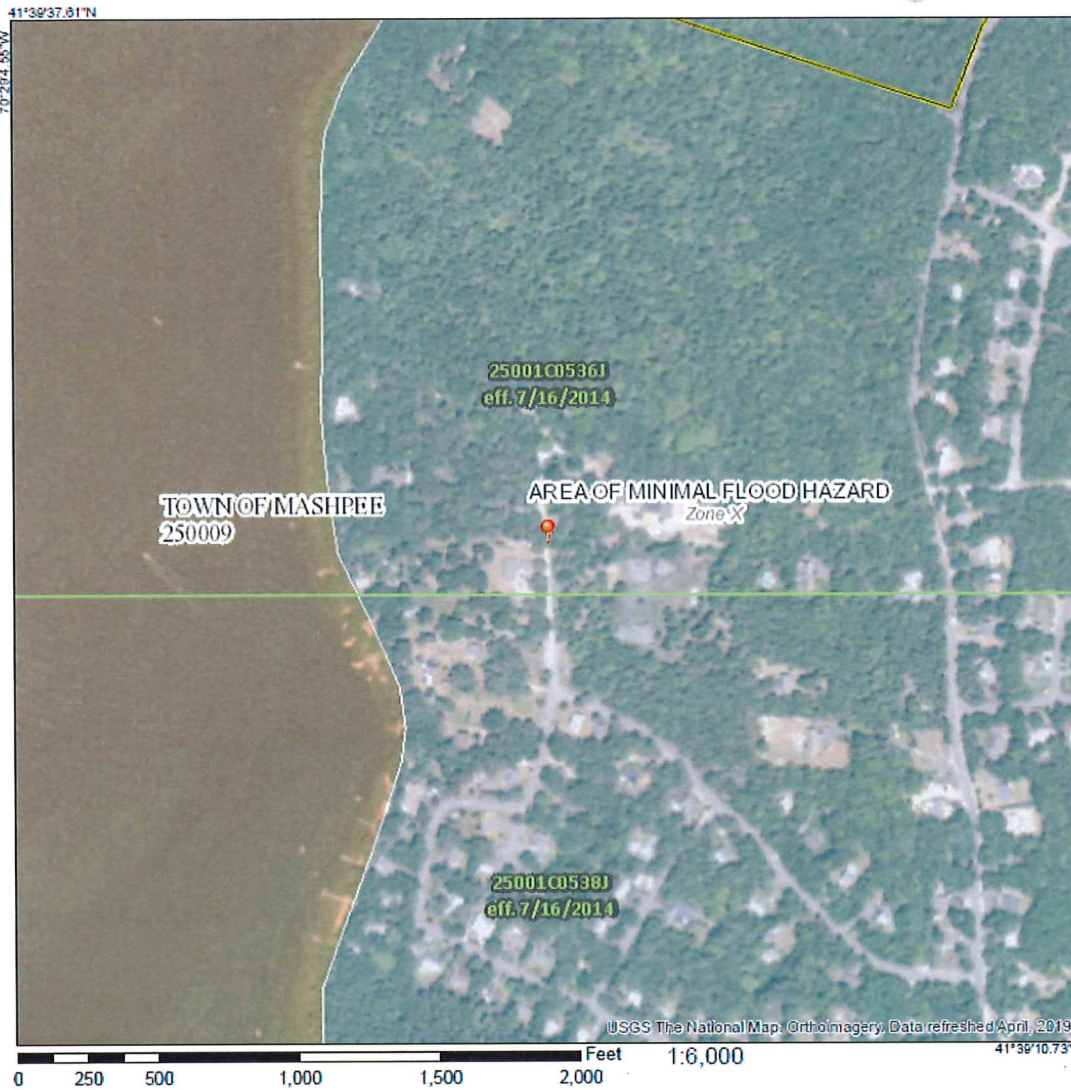


MASS GIS Topo Map



FEMA Flood Map

National Flood Hazard Layer FIRMette



Legend

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

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, V, AE99
	With BFE or Depth Zone AE, AO, AH, VE, AR
	Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee. See Notes, Zone X
	Area with Flood Risk due to Levee Zone D
OTHER AREAS	NO SCREEN Area of Minimal Flood Hazard Zone X
	Effective LOMRs
	Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall
OTHER FEATURES	29.2 Cross Sections with 1% Annual Chance Water Surface Elevation
	17.5 Coastal Transect
	Coastal Transect Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary
	Coastal Transect Baseline
MAP PANELS	Profile Baseline
	Hydrographic Feature
	Digital Data Available
	No Digital Data Available
	Unmapped

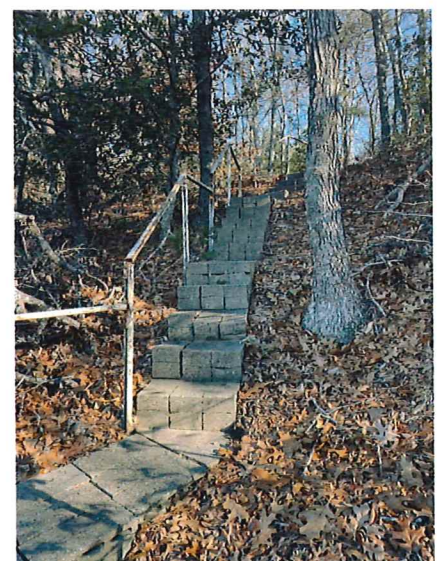
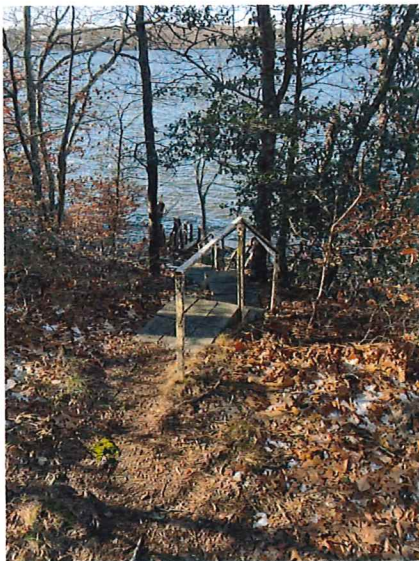
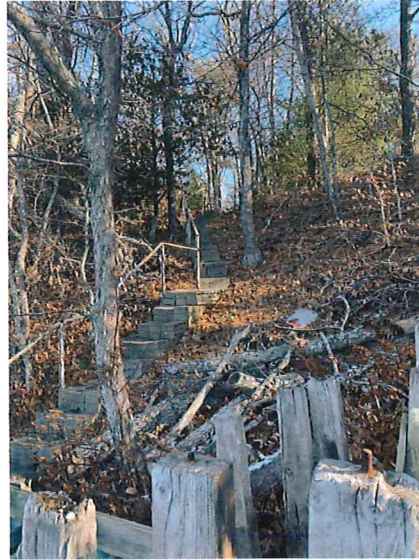
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 11/15/2019 at 9:40:31 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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

Photographs



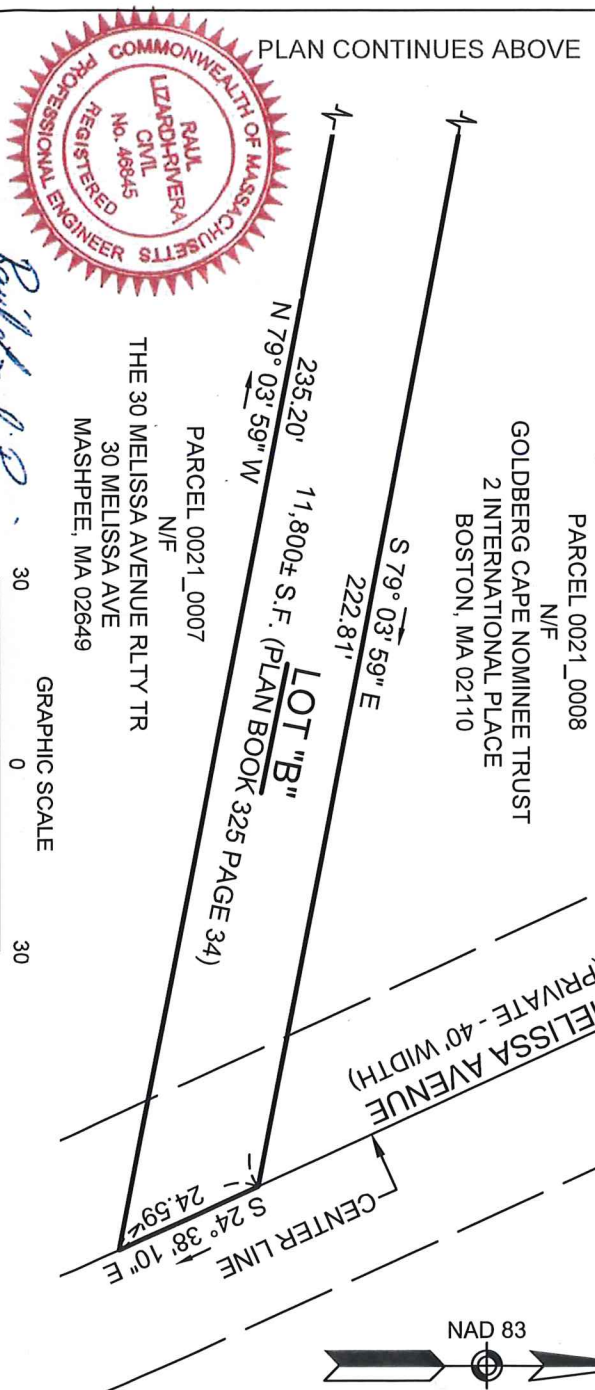
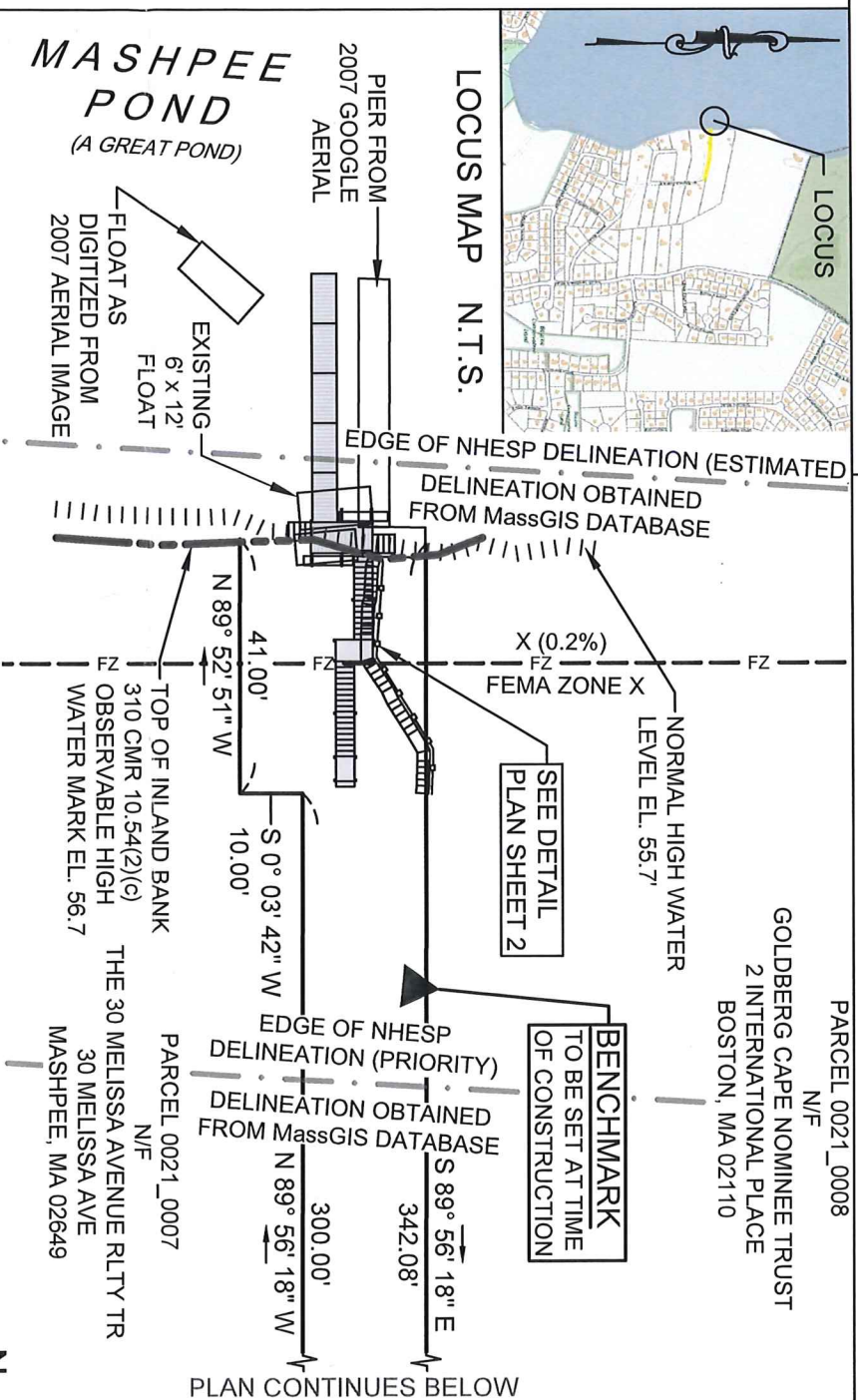


Plan of Reference

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

Raul Lizardi-Rivera

RAUL LIZARDI-RIVERA, P.E.



PROPOSED PIER & STAIRS PLAN

PARCEL ADDRESS: 0 MELISSA AVENUE,
MASHPEE, MA
PLAN ACCOMPANYING PETITION OF
SUZANNE M. & KEVIN G. MCCARTNEY TO
CONSTRUCT & MAINTAIN A 5' W x 10' L FIXED
PIER WITH SIDE ACCESS STAIRS & KAYAK RACK
AND A 4' W x 40' L SEASONAL PIER WITH PIPE
SUPPORT POSTS IN AND OVER THE WATERS OF
MASHPEE POND, MASHPEE, MASSACHUSETTS

PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
508.477.7272 DATE: JULY 7, 2020

PARCEL ID MAP 21 PARCEL 7B SHEET 1 OF 4

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



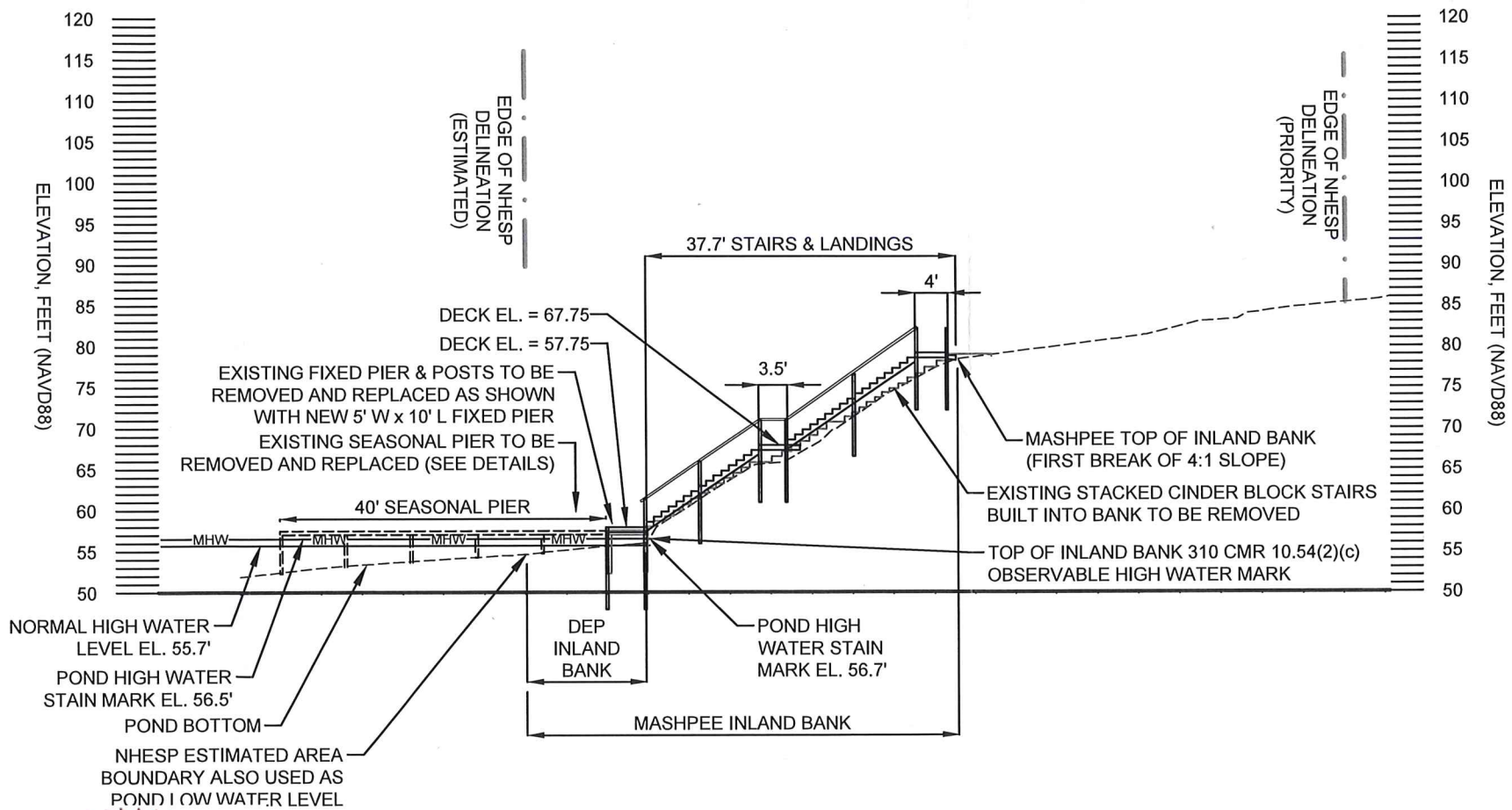
PARCEL ID MAP 21 PARCEL 7B

DATUM: NAVD88 = 0.00 FT.
ELEVATIONS IN FEET

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

Raul Lizardi-Rivera

RAUL LIZARDI-RIVERA, P.E.



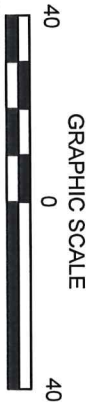
PIER & STAIRS PROFILE

SCALE: 1" = 20'



Raul Lizardi-Rivera

PIER PROFILE



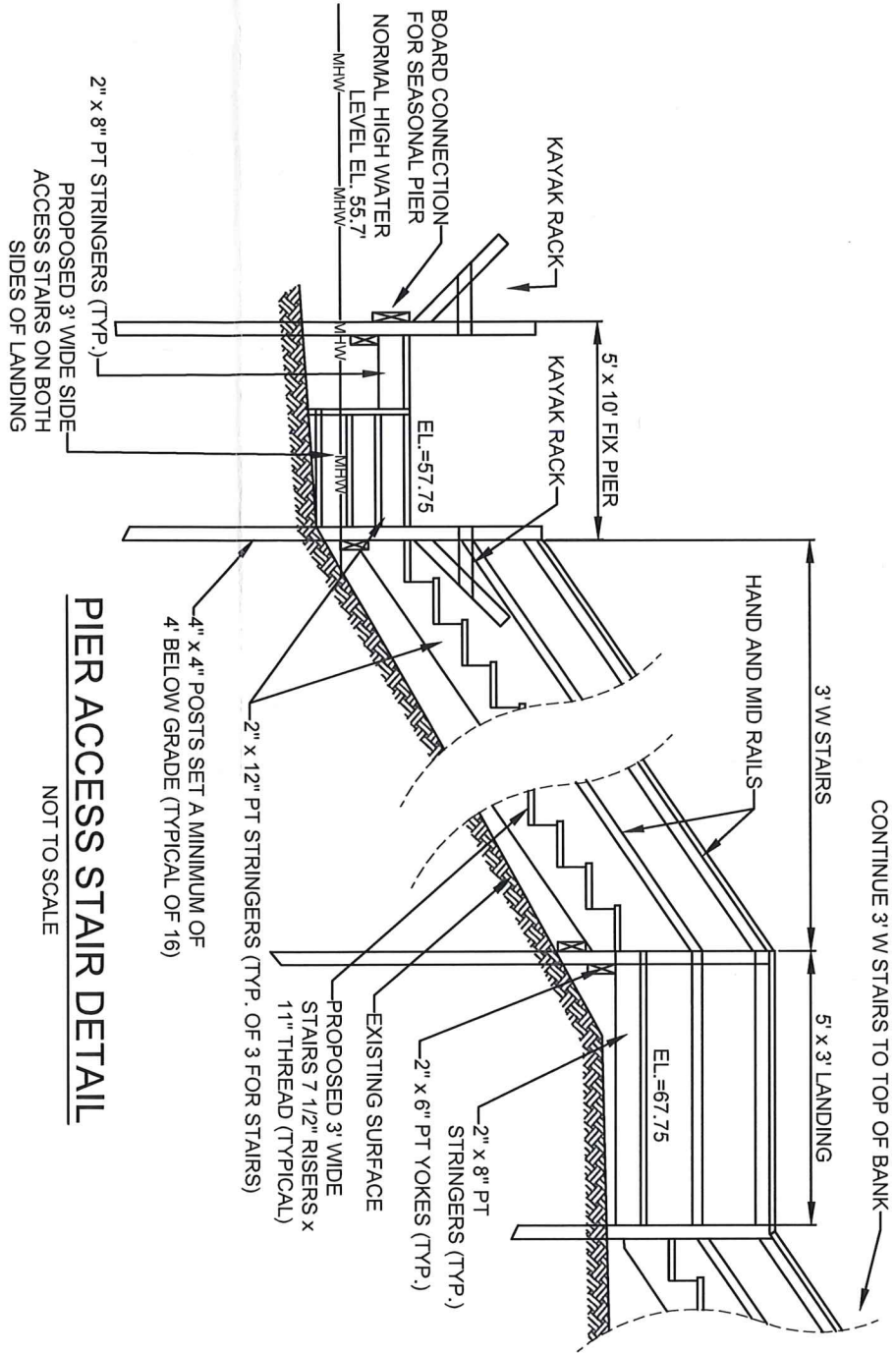
PARCEL ADDRESS: 0 MELISSA AVENUE, MASHPEE, MA
PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
508.477.7272 DATE: JULY 7, 2020

PARCEL ID MAP 21 PARCEL 7B SHEET 3 OF 4

DATUM: NAVD88 = 0.00 FT.
ELEVATIONS IN FEET

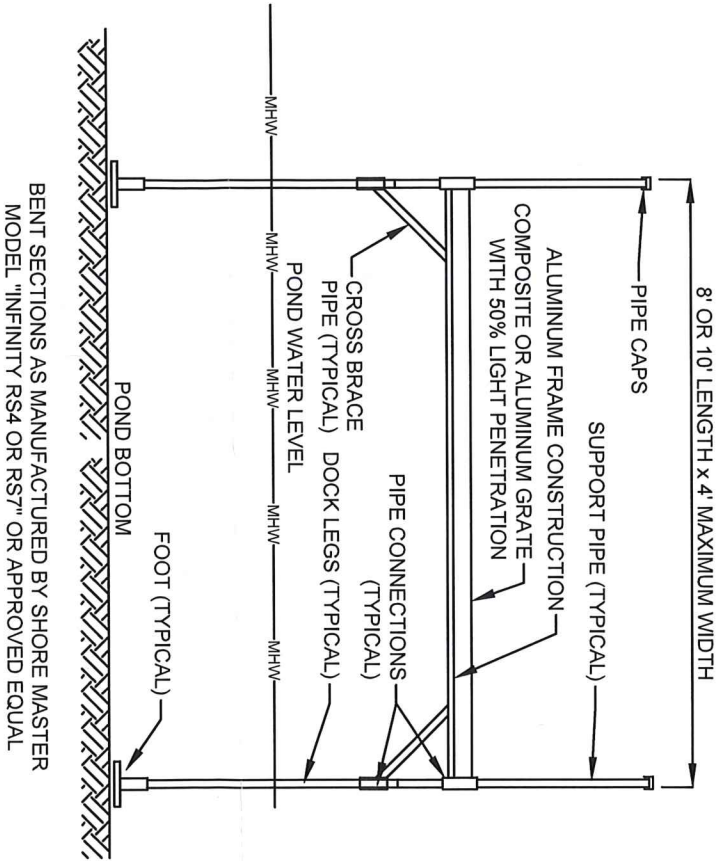
I HEREBY CERTIFY THAT THIS PLAN DOES
CONFORM WITH THE REQUIREMENTS FOR
RECORDING OF PLANS IN THE REGISTRY OF
DEEDS.

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



PIER ACCESS STAIR DETAIL

NOT TO SCALE



BENT SECTIONS AS MANUFACTURED BY SHORE MASTER
MODEL "INFINITY RS4 OR RS7" OR APPROVED EQUAL

SEASONAL PIER BENT SECTION

NOT TO SCALE



Raul Lizardi-Rivera

DETAILS

PARCEL ADDRESS: 0 MELISSA AVENUE, MASHPEE, MA
PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
508.477.7272 DATE: JULY 7, 2020

DATUM: NAVD88 = 0.00 FT.
ELEVATIONS IN FEET
PARCEL ID MAP 21 PARCEL 7B SHEET 4 OF 4



JUL 27 2020

TOWN OF FALMOUTH
MASSACHUSETTS

BOARD OF APPEALS

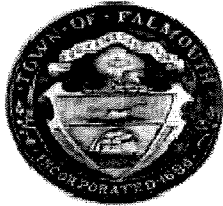
Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by Frank and Patricia E. Dundulis, 18 Tashmoo Drive, East Falmouth, Ma.

(Map 32, Lot 086) **under** 240-3 C. of the Zoning By-Law, as amended to **deny** the special permit requesting to modify preexisting nonconforming floats.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **July 22, 2020**, which is the date the Decision was filed in the office of the Town Clerk.

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



JUL 27 2020

**TOWN OF FALMOUTH
MASSACHUSETTS**

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by Steven M. Balas and Michael S. Kachadoorian, 18 Tashmoo Drive, East Falmouth, Ma.

(Map 32, Lot 086) **under** 240-202 of the Zoning By-Law, as amended to **uphold** the appeal and direct the Building Commissioner to commence enforcement pm the zoning violation of unpermitted floats .

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **July 22, 2020**, which is the date the Decision was filed in the office of the Town Clerk.

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



JUL 23 2020

TOWN OF FALMOUTH
MASSACHUSETTS

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by Thomas William Mahoney and Heather Schirmer Mahoney, Trustees, 2 Elysian Avenue, Falmouth, MA.

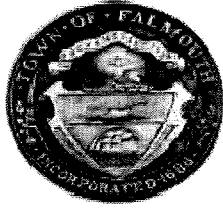
(Map 46B, Lot 002) **under** 240-3 C., 240-68 B. and 240-69 E. of the Zoning By-Law, as amended to **grant** the special permit to remove covered entry and construct a porch addition.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **July 14, 2020**, which is the date the Decision was filed in the office of the Town Clerk.

Please contact Noreen Stockman at 508-495-7460
or Noreen.stockman@falmouthma.gov if you have any questions or comments

full text of decision available at <http://www.falmouthmass.us>

JUL 28 2020



**TOWN OF FALMOUTH
MASSACHUSETTS**

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by **Terence H. Hunt and Mary T. Hunt**, 16 Clinton Ave., Falmouth, Ma.

(Map 47C, Lot 000) **under** 240-3 C. the Zoning By-Law, as amended to **grant** the special permit to construct an addition to the rear of the dwelling.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **July 10, 2020**, which is the date the Decision was filed in the office of the Town Clerk.

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

JUL 23 2020



TOWN OF FALMOUTH
MASSACHUSETTS

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by **Terence H. Hunt and Mary T. Hunt**, 16 Clinton Ave., Falmouth, Ma.

(Map 47C, Lot 000) **under** 240-3 C. the Zoning By-Law, as amended to **grant** the special permit to construct an addition to the rear of the dwelling.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **July 10, 2020**, which is the date the Decision was filed in the office of the Town Clerk.

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



JUL 15 2020

**TOWN OF FALMOUTH
MASSACHUSETTS**

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by CMM Ventures, LLC, 335 Shore Street, Falmouth, MA.

(Map 47, Lot 000F) under 240-3 C. and 240-69 E. of the Zoning By-Law, as amended to **grant** the special permit to raze and reconstruct the existing dwelling; exceeding 20% lot coverage by structures.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **July 13, 2020** which is the date the Decision was filed in the office of the Town Clerk.

Please contact Noreen Stockman at 508-495-7460
or Noreen.stockman@falmouthma.gov if you have any questions or comments

full text of decision available at <http://www.falmouthmass.us>



JUL 15 2020

**TOWN OF FALMOUTH
MASSACHUSETTS**

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by **Martha's Vineyard Savings Bank**, 78 Main Street, Falmouth, Ma.

(Map 38A, Lot 001) **under** 240-28 E. the Zoning By-Law, as amended to **grant** the special permit to amend application #94-88 to allow for general office use for a bank and convert one (1) residential unit on the 2nd floor to office space.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **July 10, 2020**, which is the date the Decision was filed in the office of the Town Clerk.

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



RECEIVED

JUL 21, 2020 PM 4:07

TOWN CLERK

Falmouth Planning Board

59 Town Hall Square, Falmouth, MA 02540

Telephone: 508-495-7440 Fax: 508.495.7443 email: planning@falmouthma.gov

July 21, 2020

JUL 27 2020

Michael Palmer, Town Clerk
Falmouth Town Hall
59 Town Hall Square
Falmouth, Massachusetts 02540

Re: Special Permit Decision and Site Plan Review Decision
350 Old Meeting House Road – 21 02 018A 003

Dear Michael,

At its meeting of June 30, 2020, the Planning Board voted to approve the application of Joseph Bucciano, under Article XXXIX (39) – Site Plan Review and GRANT a Special Permit pursuant to section 240-38 (K) of the Zoning Bylaw to a Site Plan Review construct one 40'x80'x 24' high prefab storage building for equipment and materials located at 350 Old Meeting House Road, East Falmouth, also shown on Assessor's Map 21, Section 8, Parcel 018A, lots 003 as depicted on the plan entitled

- a. "Proposed Building Plan" prepared by Cape & Islands Engineering, dated October 23, 2019, Scale of 1"=40"
- b. Architectural Drawings (4 sheets) prepared by Graber Buildings "J. Bucclanio 3500 Old Meeting House Rd. East Falmouth, MA 02536 agricultural storage" dated 10/15/2019
- c. Runoff calculations and Drainage Area Worksheet Plan prepared by Falmouth Engineering
- d. Exterior finishes submitted by RESCOM via applicant agent Ament Klauer LLP December 10, 2018
- e. Proposed Floor Drain New Agricultural Building 350 Old Meeting House Road, E. Falmouth MA 02536 Drawing SK-1 prepared by Michele Cudilo, P.E. Consulting Structural Engineer, dated November 20, 2019
- f. Rendering of building JB Landscape 350 Old Meeting House Rd. for the proposed storage building with the following:

FINDINGS:

The applicant, Joseph Bucciano, is applying to the Planning Board for Site Plan Review under Section 240-191 and a Special Permit under Section 240-38(K) for the construction of one proposed storage building. The proposed building will be a 40'x80'x 24'high prefab storage

building for equipment and materials. The parcel is located in the Agricultural A (AGA) zone. Currently on the site are three greenhouse structures as well as two paved areas and two storage containers located to either side of the rear paved area. Additionally, there is one more storage unit to the northeast side of the property located near a landscape island. The existing lot coverage by structures is currently 1.5% and the applicant is proposing to increase that to 3.3%, the allowed lot coverage by structures in AGA is 20%. Existing structure/parking/paving is 5.2% the applicant is proposing to expand that to 6.9%. The allowed coverage in AGA is 40%. The proposed structure is 37.5' from the side property line and 173.8' from the rear property line. In addition the structure is 210.7' from the nearest front property line. The property is surrounded by AGA on all sides with the nearest surrounding districts being AGB and RA over 700 feet behind the property. The applicant is requesting the height of the building be 24' which is allowed per the Falmouth Zoning Bylaws section 240-70.A, which states for agricultural uses only, structures within Agricultural Districts may have a maximum height of 50 feet as measured from the base of the structure to the highest point.

A special permit granting authority shall grant a special permit only upon its written determination that the proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site.

FINDINGS Specific to § 240-38K of the Zoning Bylaw:

- (1) The locus resides in an Agricultural A (AGA) zoning district having 4.1 total acres, which satisfies the three acre minimum for this
- (2) The above referenced plan shows the proposed structure is 37.5' from the side property line and 173.8' from the rear property line. In addition the structure is 210.7' from the nearest front property line which satisfied the minimum setbacks. The Planning Board finds these setbacks adequate to provide sufficient screening and buffer from the street or adjacent properties.
- (3) No contractor's yard shall be permitted in a Water Resource Protection District and the locus is not within said resource district.
- (4) The area set aside for contractor's yard cannot be located within 300 feet of a Single Residence District nor within 300 feet of a dwelling existing or for which construction had commenced as of April 1, 2000. The above referenced plan shows compliance with these requirements.
- (5) No contractor's yard shall be permitted unless the Planning Board shall determine that operation of the contractor's yard, including traffic between the contractor's yard and arterial roadways such as Route 28 or Route 151 Thomas B. Landers Road, Sandwich Road, Old Barnstable Road or Blacksmith Shop Road, will have no adverse impact on a neighborhood predominantly residential in character, and that the construction, width and grades of the adjacent street and any other street providing access between the contractor's yard and any arterial roadway shall be sufficient for safe travel to and from the site by the vehicles to be stored. The Planning Board finds Old Meeting House Road fulfills these requirements and that

the Contractor's yard is already in existence and will be adding one storage building with minimal to no traffic added and as such will not have an adverse impact on neighborhoods residential in character given the conditions imposed below.

(6) The Planning Board shall specify hours of operation, the type and number or amount of vehicles, equipment or supplies to be stored, what fabrication of subassemblies shall be allowed, if any, and what accessory activities, such as ordinary maintenance and minor repairs, shall be allowed. No activity such as major repair work, painting or engine cleaning shall be allowed. The Planning Board will condition this Special Permit accordingly.

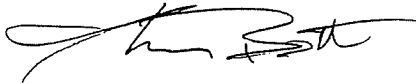
THEREFORE, given the above and the conditions to be imposed below, the Planning Board finds the application for Site Plan and Special Permit proposal to construct one 40'x80'x 24' prefab building for agricultural storage will be in harmony with the general purpose and intent of this chapter and that the proposal will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town.

CONDITIONS:

1. The plan shall be constructed as approved. Any changes shall be reviewed by the Planning board to determine if a modification of this decision is necessary. Pursuant to 240-183.B. of the Zoning Bylaw, no permit for occupancy of the new construction shall be issued until the Planning board is satisfied that the conditions of this approval have been met.
2. The previous decision of the Planning Board for a Special Permit under Section 240-38(K) dated September 13, 2017 for Joseph E. Bucchiano, is hereby adopted and made part of this decision in its entirety, including but not limited the conditions imposed therein.
3. Pursuant to section 240-221 of the Zoning Bylaw, this special permit shall lapse three years from the date it is granted if a substantial use thereof has not sooner commenced except for good cause.
4. The purpose of the building shall be for storage of farm, agricultural and landscape equipment to include but not limited to Backhoe, Tractors, Tillers Mowers Hedge trimmers etc.
 - 1.1 No storage of any combustible materials will be allowed including fertilizer
 - 1.2 No activities related to typical mechanical work/maintenance of power equipment such as welding, tune up, oil changes etc. are allowed
5. The proposed building will include a slab on grade per the plan by Michele Cudilo dated Nov. 20, 2019

6. The exterior of the building color scheme will be a two (2) tone from the following combinations:
 - a. Skirt (just below window sill): Ash
 - b. Trim: White
 - c. Main body (including gable ends): Evergreen
 - d. Roof: Charcoal Gray
 - e. Appropriate landscape shall be provided at the discretion of JB Landscape
7. The applicant will provide a sign with the address (#350) near the driveway intersection with Old Meeting House Road.
8. The Applicant shall obtain an approved Driveway Permit or Street Opening Permit and post any required bond with the Engineering Division prior to start of construction. The Applicant shall complete the work as approved by the Engineering Division in the approved permit.
9. The project must not direct any stormwater runoff to public property, abutters, or public right of ways

Sincerely,



Thomas Bott
Town Planner
cc: Applicant
Building Dept.

Town of Sandwich
THE OLDEST TOWN ON CAPE COD



Planning Board

16 Jan Sebastian Drive
Sandwich, MA 02563
Phone: 508-833-8001
Fax: 508-833-8006
Email: planning@sandwichmass.org

JUL 27 2020

**CERTIFICATE OF
DEFINITIVE PLAN APPROVAL**

TOWN CLERK
TOWN OF SANDWICH

JUL 24 2020

11 H 02 M A MEG
RECEIVED & RECORDED

To: Taylor White, Town Clerk
From: Matthew Cubetus, Chair
Re: Definitive Subdivision at 16 & 16A Bayview Road
Date: July 22, 2020
Owner: Joaquim Cesar

It is hereby certified by the Planning Board of the Town of Sandwich, MA that the Planning Board duly noticed, advertised and held a public hearing opening on July 7, 2020 and closed on July 21, 2020 for a definitive approval of a subdivision plan, entitled DEFINITIVE SUBDIVISION PLAN OF LAND OF 16 & 16A BAYVIEW ROAD EAST SANDWICH, MA dated June 11, 2020, revised July 7, 2020 and further revised July 16 2020, prepared by Down Cape Engineering, Inc. for applicant Joaquim Cesar. The property consists of 11.13 +/- acres of land in the RDG Zoning District, as shown of assessor's Map 25 Parcels 39 & 40. Deed to said property is recorded in the Barnstable Registry of Deeds in Book 31695 Page 314 and Book 29541 Page 242. The Planning Board voted to approve the definitive subdivision plan.

Pursuant to Massachusetts General Law c.41 §81BB, any person, whether or not previously a party to the proceedings, or any municipal officer or board, aggrieved by the planning board's decision on a definitive plan or the board's failure to take timely action may appeal to the court. Any appeal must be entered with the court within twenty days after the decision was filed with the municipal clerk or within twenty days after the final action date if the planning board failed to act on the definitive plan. The notice of appeal must also be filed with the municipal clerk within the twenty-day period.

CERTIFICATE

I, *Matthew Cubetus*, certify that this document is a true and accurate record of the motions made and votes taken by the Planning Board on July 21, 2020, following the close of the public hearing on the applicant, Joaquim Cesar's application for definitive subdivision approval.

PROCEDURAL HISTORY

1. On June 16, 2020 a plan was filed with the Town Clerk as an application for approval of a definitive subdivision plan for 16 & 16A Bayview Road, prepared by Down Cape Engineering, Inc. and dated June 11, 2020, as shown on the assessors map as Map 25 Parcels 39 & 40, consisting of 11.13 +/- acres located in the RDG Zoning District.
2. After proper notice, the public hearing was opened on July 7, 2020 and closed on July 21, 2020.
3. The application was accompanied by a plan entitled:
DEFINITIVE SUBDIVISION PLAN OF LAND OF 16 & 16A BAYVIEW ROAD
EAST SANDWICH, MA dated June 11, 2020, revised July 7, 2020 and further revised July 16 2020, prepared by Down Cape Engineering, Inc. for applicant Joaquim Cesar
4. The Board reviewed the application, the plan and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to testimony given at the public hearing.
5. The following members attended the public hearings and were eligible to vote on the original application in this matter:

Robert King
Matthew Cubetus
Jeffery Picard
James Kalweit
Jennifer Reisig
David Darling
Mark Callahan

FINDINGS

The Planning Board finds that:

1. The proposed subdivision consists of approximately 11.13 acres.
2. The proposed subdivision is named Legacy Way
3. The roadway created by this definitive plan shall be named Legacy Way
4. The applicant is proposing 3 lots for single family homes.
5. The proposed lot sizes meets the requirements set forth in the Zoning Bylaw for the RDG district.
6. The proposed frontage meets the requirements set forth in the lot frontage definition of the Zoning Bylaw.
7. The proposed subdivision is completely within the RDG Zoning District.
8. The Plan proposes a gravel turning tee.
9. The proposed subdivision shall be serviced by well water.

10. The Plan substantially conforms to the Town of Sandwich Subdivision Rules and Regulations.

Motion: I, Robert King, move to adopt these findings as the findings of the Planning Board

Second: Mark Callahan

Vote:	Robert King	Yes
	Matthew Cubetus	Yes
	Jeffrey Picard	Yes
	James Kalweit	Yes
	Jennifer Reisig	Yes
	David Darling	Yes
	Mark Callahan	Yes

CONDITIONS

At the public hearing, the Planning Board considered potential conditions of approval for the definitive subdivision plan. The Planning Board voted that the following conditions of approval shall be imposed upon any approval of the definitive plan and that these conditions are reasonable and that the applicant and its successor-in-interest shall be bound by these conditions:

1. This definitive subdivision plan creates three buildable lots. No lot depicted on this definitive plan shall be further subdivided to create additional buildable lots.
2. Changes to road construction that may be desired as a result of conditions arising in the field shall not be implemented without prior approval of the Town Engineer. In no case shall any changes to the road construction plans change the definitive plan without a duly advertised public hearing and subsequent Planning Board approval before implementation of desired changes.
3. Construction of the subdivision roadway shall comply in every respect to the Sandwich Planning Board Subdivision Rules & Regulations in its entirety unless a waiver has been expressly given within this decision.
4. Prior to the commencement of any activity relating to the construction of the roadway the Town Engineer shall be notified. In accordance with Section 5.B of the Rules & Regulations, prior to construction the property owner shall submit a letter to the Planning Board from a Registered Professional Land Surveyor certifying that all pertinent way, lot and drain lines and municipal services are laid out on the ground as shown on the approved definitive plan.
5. The property owner shall request an inspection by the Town Engineer when the actions required by condition #4 have been completed. No construction shall commence prior to the Town Engineer's inspection and subsequent certification

- to the Planning Board and the property owner that Condition #4 has been met and that the road construction is ready to proceed.
6. Prior to endorsement of the plan, a fully executed Form E Covenant or other form of surety in accordance with the Rules & Regulations shall be submitted to and approved by the Planning Board.
 7. Prior to endorsement of the definitive plan, the property owner shall submit to the Planning Board a written schedule for construction and completion of the roadway. In no case shall the time of completion of this way exceed a 12-month period from the date on which the road construction commences.
 8. Prior to endorsement, the applicant shall establish a home owner's association that will assume maintenance responsibilities of all new subdivision roads, sidewalks, lights, and stormwater infrastructure that are constructed in connection with the project.
 9. Prior to endorsement applicant shall include a road maintenance plan specifying that the roadway will be cleared of snow and ice, and that the Homeowner's Association will be responsible for road maintenance.
 10. No driveway shall exceed 500 feet unless authorized by the Building Department and all other applicable town departments.

Motion: I, Robert King, move to impose the above conditions of approval upon any approval of the Definitive Subdivision Plan

Second: Jennifer Reisig

Vote:	Robert King	Yes
	Matthew Cubetus	Yes
	Jeffrey Picard	Yes
	James Kalweit	Yes
	Jennifer Reisig	Yes
	David Darling	Yes
	Mark Callahan	Yes

WAIVERS REQUESTED

1. Section 4.B.3.c: Turning tee in lieu of cul-de-sac
2. Section 4.F & 4.G: No bituminous concrete berms, sidewalks
3. Section 5.G: Gravel surface in lieu of pavement
4. No landscape plan provided.

Motion: I, Robert King, move that the Planning Board grant the above listed waivers from strict compliance with the Board's Subdivision Rules &

Regulations as to do so is in the public interest and not inconsistent with the intent and purposes of the Subdivision Control Law.

Second: Jennifer Reisig

Vote:	Robert King	Yes
	Matthew Cubetus	Yes
	Jeffrey Picard	Yes
	James Kalweit	Yes
	Jennifer Reisig	Yes
	David Darling	Yes
	Mark Callahan	Yes

APPROVAL OF DEFINITIVE PLAN

Motion: I, Robert King, move that the Planning Board approve the definitive plan for Joaquim Cesar at 16 & 16A Bayview Road, based upon all of the facts and testimony presented at the public hearing and based upon the conditions of approval referenced herein.

Second: Jennifer Reisig

Vote:	Robert King	Yes
	Matthew Cubetus	Yes
	Jeffrey Picard	Yes
	James Kalweit	Yes
	Jennifer Reisig	Yes
	David Darling	Yes
	Mark Callahan	Yes



Massachusetts Department of Environmental Protection

eDEP Transaction Copy

Here is the file you requested for your records.

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

Username: **EBELAIR**

Transaction ID: **1206988**

Document: **Groundwater Discharge Monitoring Report Forms**

Size of File: **1032.77K**

Status of Transaction: **Submitted**

Date and Time Created: **7/21/2020:10:03:18 AM**

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



Groundwater Permit

DAILY LOG SHEET

668
1. Permit Number
2. Tax identification Number
2020 JUN DAILY
3. Sampling Month & Frequency

A. Facility Information

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



1. Facility name, address:

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

MYLES OSTROFF

a. Name of Facility Contact Person

6174311097

b. Telephone Number

myles@chartweb.com

c. e-mail address

3. Sampling information:

6/30/2020

a. Date Sampled (mm/dd/yyyy)

WHITEWATER

b. Laboratory Name

LAURA JOHNSON

c. Analysis Performed By (Name)

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Daily Log Sheet - 2020 Jun Daily

☐

All forms for submittal have been completed.

☐

2. This is the last selection.

☐

3. Delete the selected form.



Groundwater Permit

DAILY LOG SHEET

668

1. Permit Number

2. Tax identification Number

2020 JUN DAILY

3. Sampling Month & Frequency

C. Daily Readings/Analysis Information

Date	Effluent Flow GPD	Reuse Flow GPD	Irrigation Flow GPD	Turbidity	Influent pH	Effluent pH	Chlorine Residual (mg/l)	UV Intensity (%)
1	7617					7.3		
2	7555					7.4		
3	7558					7.3		
4	7441					7.3		
5	8860					7.3		
6	8860							
7	8860							
8	7446					7.3		
9	7621					7.4		
10	11616					7.3		
11	7621					7.3		
12	11616					7.3		
13	11616							
14	11615							
15	7682					7.4		
16	11666					7.4		
17	7543					7.3		
18	11561					7.3		
19	8931					7.2		
20	8932							
21	8931							
22	7651					7.2		
23	11430					7.3		
24	7522					7.3		
25	10244					7.1		
26	10245					7.2		
27	10245							
28	10244							
29	7757					7.2		
30	11672					7.1		
31								



Groundwater Permit

MONITORING WELL DATA REPORT

668
1. Permit Number
2. Tax identification Number
2020 JUN MONTHLY
3. Sampling Month & Frequency

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



A. Facility Information

1. Facility name, address:

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

2. Contact information:

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

3. Sampling information:

6/4/2020	WHITEWATER
a. Date Sampled (mm/dd/yyyy)	b. Laboratory Name
LAURA JOHNSON	
c. Analysis Performed By (Name)	

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Monitoring Well Data Report - 2020 Jun Monthly	▼
--	---

☐ All forms for submittal have been completed.

2. ☐ This is the last selection.

3. ☐ Delete the selected form.



Groundwater Permit
MONITORING WELL DATA REPORT

668
1. Permit Number
2. Tax identification Number
2020 JUN MONTHLY
3. Sampling Month & Frequency

C. Contaminant Analysis Information

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

<

Parameter/Contaminant	P-1	P-2	P-4	P-6		
Units	Well #: 1	Well #: 2	Well #: 3	Well #: 4	Well #: 5	Well #: 6
PH	6.3	5.57	5.86	6.49		
S.U.						
STATIC WATER LEVEL	17.3	51.01	46.38	49.52		
FEET						
SPECIFIC CONDUCTANCE	425	99.4	231	1198		
UMHOS/C						



Groundwater Permit

DISCHARGE MONITORING REPORT

668
1. Permit Number
2. Tax identification Number
2020 JUN MONTHLY
3. Sampling Month & Frequency

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



A. Facility Information

1. Facility name, address:

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

2. Contact information:

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

3. Sampling information:

6/25/2020	RI ANALYTICAL
a. Date Sampled (mm/dd/yyyy)	b. Laboratory Name
DARLENE CAPUANO	
c. Analysis Performed By (Name)	

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Discharge Monitoring Report - 2020 Jun Monthly	▼
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☐ All forms for submittal have been completed.

2. ☐ This is the last selection.

3. ☐ Delete the selected form.



Groundwater Permit
DISCHARGE MONITORING REPORT

668
1. Permit Number
2. Tax identification Number
2020 JUN MONTHLY
3. Sampling Month & Frequency

D. Contaminant Analysis Information

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

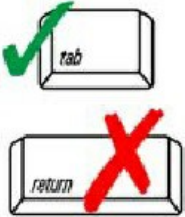
1. Parameter/Contaminant	2. Influent	3. Effluent	4. Effluent Method
Units			Detection limit
BOD	86	24	8.0
MG/L			
TSS	140	27	2.0
MG/L			
TOTAL SOLIDS	530		
MG/L			
AMMONIA-N	15		
MG/L			
NITRATE-N		2.0	0.25
MG/L			
TOTAL NITROGEN(NO3+NO2+TKN)		5.9	0.25
MG/L			
OIL & GREASE		ND	0.5
MG/L			



Groundwater Permit

668
1. Permit Number
2. Tax identification Number

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



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

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



Facility Information

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

Certification

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

ELIZABETH BELAIR 7/21/2020
a. Signature b. Date (mm/dd/yyyy)

Reporting Package Comments

PLANT MET ALL DISCHARGE PERMIT REQUIREMENTS FOR JUNE 2020.

Mashpee Complete Streets Prioritization Plan

The Department of Public Works requests your participation in the development of a Complete Streets Prioritization Plan for the Town of Mashpee. The purpose of a Complete Street is to provide safe mobility and accessibility for all users of a road including pedestrians, bicyclists, and transit riders, not just motorists.

DPW is currently working on a Prioritization Plan with Stantec Consulting. This plan, which will be updated annually, will help the Town select projects for future funding, either from state or local sources.

The Town would like your input in identifying areas of concerns and potential projects for inclusion in the plan. For example, you might note need for a crosswalk, identify a roadway section where a new sidewalk should be constructed or request “Share the Road” signage for bicyclists on a specific road.

Comments can be submitted by using the below link -

<https://wikimapping.com/Mashpee-Complete-Streets-Prioritization-Plan-.html>

Or by emailing dpw@mashpeema.gov.

Please submit comments by August 13, 2020 for consideration in the Prioritization Plan.

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

August 3, 2020

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

Re: Services for Month of July, 2020

Attendance at two virtual meetings	\$ 50.00
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Inspections

Cape Cod Coffee

June 30	Inspection of paving being done on site. No tack coat as requested of owner and site contractor. Pavement notching at driveway entrances not done as requested.	0.5 hrs.	\$ 50.00
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Total Amount Due	\$ 100.00
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JACK McELHINNEY
Attorney at Law

63 Shore Road, Suite 23
Winchester, MA 01890

Phone 781-729-7299
Fax 781-729-3506
E-mail- jmcclhin@aol.com

July 24, 2020

By Email

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

Attn: Evan Lehrer, Town Planner

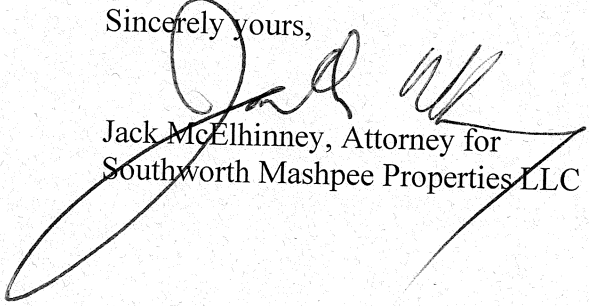
Re: Willowbend Country Club – Request for Modification No. 35 of Special Permit

Dear Members of the Planning Board:

On behalf of the applicant, I would like to request that the public hearing on this matter currently scheduled for August 5, 2020 be continued to the meeting on September 2, 2020.

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

Sincerely yours,


Jack McElhinney, Attorney for
Southworth Mashpee Properties LLC

cc: Matthew Eddy, P.E.