



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Meeting of the Mashpee Planning Board

Wednesday, August 18, 2021

Waquoit Meeting Room

Mashpee Town Hall

16 Great Neck Road North

Mashpee, MA 02649

7:00 PM

MASHPEE TOWN CLERK

AUG 12 2021

RECEIVED BY: SM

Broadcast Live on Local Channel 18

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

Call Meeting to Order

- Pledge of Allegiance

Approval of Minutes

- Review of Meeting Minutes from August 4, 2021

Public Hearing – 7:10 PM (Continued from 8/4/2021)

Applicant: Longfellow Design Build

Location: 9 Shellback Way / 647 Falmouth Road (Route 28)

Request: Requesting a special permit to construct a 12,500 s.f. commercial building to be used for retail grocery sales on a 4 acre +/- parcel located at property addressed as 9 Shellback Way, Mashpee, MA 02649. This application is made pursuant to Sections 174-24C (1) and under Section 174-25 E (1) and 174-25 E (2). This proposal triggers a mandatory referral to the Cape Cod Commission for review as a Development of Regional Impact.

New Business

- Vote to set public hearing date for zoning warrant articles for the October 2021 Town Meeting.

Chairman's Report

- Miscellaneous updates

Town Planner Report

- Correspondence to Cape Cod Commission relative to VHB memorandum and correspondence received regarding Development Agreement deadlines.

Board Member Committee Reports

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



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Correspondence

- Town of Falmouth Notices
- Town of Barnstable Notices
- June 2021 Discharge Monitoring Report for South Cape Village – N= 2.7
- May 2021 Discharge Monitoring Report for South Cape Village – N=3.6
- April 2021 Discharge Monitoring Report for South Cape Village – N=6.3

Additional Topics (not reasonably anticipated by Chair)

Adjournment



CAPE COD
COMMISSION

Development of Regional Impact (DRI) Referral Form

This form is to be completed by the referring municipal agency's authorized representative. Please attach a copy of the municipal development permit application pending before the municipal agency, showing the date on which it was received. Application materials should be transmitted to the Commission sufficient to describe the project and support the referral. Receipt of this information via the U.S. Mail or delivered in person to the Cape Cod Commission constitutes a referral for purposes of the Cape Cod Commission Act and Regulations. Form continues on the back.

Referred by (Municipal Agency): Mashpee Planning Board

Mandatory Referral Full Discretionary Referral Limited Discretionary Referral

Project Name: Falmouth Road Retail Grocery

Project Location: 647 Falmouth Road/9Shellback Way, Mashpee, MA 02649

Applicant Name: Longfellow Design Build

Contact Address: c/o Kevin Kirrane, Esq., P.O. Box 560, Mashpee, MA 02649

Email: kkirrane@dunningkirrane.com Telephone: 508-477-6500

Brief description of the project including, where applicable, gross floor area, lots, units, acres and uses (please use additional sheets as necessary): The project proposes a 12,992 s.f. commercial building to accomodate a retail grocery use. The special permit filing shows a 3.97 acre +/- parcel with frontage on Route 28 and Shellback Way. 138 Total onsite parkings spaces are proposed. This project triggers a mandatory referral pursuant to Chapter A Section 3(e)(i) of the Code of Cape Cod Commission Regulations of General Application as new construction with a proposed gross floor area exceeding 10,000 s.f..

List municipal agency(ies) before which a municipal development permit is pending or required for the project: (please use additional sheets as necessary): Mashpee Planning Board

<u>Evan R. Lehrer, Mashpee Town Planner</u>	_____	<u>8/18/2021</u>
Print Name of Authorized Referring Representative/Title	Signature	Date

Mail or Deliver to:
Cape Cod Commission Attention: Commission Clerk
3225 Main Street, PO Box 226
Barnstable, MA 02630




TOWN OF MASHPEE

OFFICE OF SELECTMEN

16 Great Neck Road North
Mashpee, Massachusetts 02649
Telephone - (508) 539-1401
bos@mashpeema.gov

MEMORANDUM

TO: Members of the Planning Board
CC: Town Manager, Town Planner

FROM: Terrie Cook – Administrative Assistant to the Town Manager 

DATE: August 11, 2021

RE: *2021 October Town Meeting Zoning Bylaw and Road Taking Warrant Articles*

The 2021 October Town Meeting Zoning Bylaw Warrant Articles are attached for your reference and discussion.

Thank you.

Article _

To see if the Town will vote to amend Section 174-48.1 Subsection B (Plan Review Committee) of the Mashpee Zoning Bylaws by adding "Town Engineer," as follows:

B. Membership of the Plan Review Committee shall consist of the Town Engineer, Building Inspector, Health Agent, Town Planner, Conservation Agent, Fire Chief, Police Chief, Director of Public Works and Town Manager or their designees. The Committee may organize itself in any way it deems appropriate and establish rules and procedures it deems necessary for the performance of its functions. The Committee may meet as a group to discuss projects, in which case it shall follow the requirements of the "Open Meeting Law", or it may establish procedures under which, for certain types of uses, the members may file individual recommendations regarding a project with the Building Inspector, who shall compile the Committee's decision or recommendation letter, provide it to the applicant and, if appropriate, to the Special Permit granting authority, and record it with the Town Clerk.

Submitted by the Board of Selectmen

Explanation: This warrant article would add the newly appointed Town Engineer and any successors to that position as a member of the Plan Review Committee whose duties are to advise the Building Inspector, Board of Selectmen, Planning Board and Board of Appeals on matters related to the areas of expertise of its members, and to provide informal advice and review to prospective applicants for permits.

The Board of Selectmen recommends approval of Article by a vote of 5-0

The Finance Committee recommends approval of Article by a vote of

Article_

To see if the Town will vote to authorize and empower the Board of Selectmen to prepare a plan laying out and defining Canonchet Avenue and to accomplish said purpose and for expenses related thereto, the Town vote to appropriate and transfer from revenue available for appropriation \$5,000* to the Canonchet Avenue Roadways Account, or take any other action relating thereto.

Submitted by Petition

Explanation: This article authorizes the Town to layout and define Canonchet Avenue and to appropriate funding for that purpose.

The Board of Selectmen recommends approval of Article by a vote of 5-0

The Finance Committee recommends approval of Article by a vote of

Article_

To see if the Town will vote to accept the layouts as public ways of Cedar Street, Chestnut Street, Devon Street, Ash Street, Hawthorne Street, and Gina’s Way as shown on plans entitled “Cedar Street, Devon Street, Ash Street, Road Taking Plan,” in Mashpee, MA (Barnstable County), dated January 28, 2021 and prepared by Cape & Islands Engineering, Inc., which layouts shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of vote hereunder, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain taking any land necessary for the purposes of such ways as so laid out, and to appropriate the sum of \$ 311,010.00 to the “Cedar Street, Chestnut Street, Devon Street, Ash Street, Hawthorne Street, and Gina’s Way” Roadways Account, and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8, or any other enabling authority for such purchase or taking and layout, including costs of constructing such ways, and legal financing, and other costs incidental and related thereto, and further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relating thereto.

Submitted by Petition

Explanation: This article authorizes the Town to complete the private to public road conversion process for Cedar Street, Chestnut Street, Devon Street, Ash Street, Hawthorne Street, and Gina’s Way.

The Board of Selectmen recommends approval of Article by a vote of 5-0
The Finance Committee recommends approval of Article by a vote of

Article_

To see if the Town will vote to accept the layouts as public ways of Oldham Circle, as shown on plans entitled “Oldham Circle, Road Taking Plan,” in Mashpee, MA (Barnstable County), dated December 20, 2020 and prepared by Cape & Islands Engineering, Inc., which layouts shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of vote hereunder, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain taking any land necessary for the purposes of such ways as so laid out, and to appropriate the sum of \$ 387,906.75 to the “Oldham Circle” Roadways Account, and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8, or any other enabling authority for such purchase or taking and layout, including costs of constructing such ways, and legal financing, and other costs incidental and related thereto, and further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relating thereto.

Submitted by Petition

Explanation: This article authorizes the Town to complete the private to public road conversion process for Oldham Circle.

The Board of Selectmen recommends approval of Article by a vote of 5-0

The Finance Committee recommends approval of Article by a vote of

Article_

To see if the Town will vote to amend Article VII Land Space Requirement, Section 174-31, Land Space Requirement Table by adding footnote "25" to "maximum of lot coverage (percent)." Footnote 25 would read as follows:

Structures erected solely for the purpose of roof-mounted solar energy systems in permitted parking lots/areas shall not contribute to a parcel's lot coverage maximum but shall comply with all setback criteria of the applicable zoning district. For medium and large scale solar energy systems requiring a special permit from the Planning Board, pursuant to Sec XXXX Solar Energy Systems Overlay District, the Planning Board may, at its sole discretion, approve in its decision a solar energy system whose lot coverage exceeds 20% in consideration of site specific conditions.

Submitted by Petition

Explanation: Rationale and support for zoning change to enhance the density of solar projects in Mashpee: In 2018 the Commonwealth of Massachusetts put forth a new solar initiative called the Smart program. This groundbreaking concept will help Massachusetts be a leader in solar energy. Given the high cost of land in Mashpee, it is essential to achieve enough density to make a solar project meaningful. The proposed footnote to the By-Law will give the planning board sufficient tools and oversight to achieve an appropriate balance between solar project density and the needs of the community.

The Board of Selectmen recommends approval of Article by a vote of

The Finance Committee recommends approval of Article by a vote of

Article_

To see if the Town will vote to amend §174-3 of the Mashpee Zoning By-Law, Terms Defined as follows:

Photovoltaic System (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.

Rated Nameplate Capacity: The maximum rated output of electric power production of a photovoltaic system in watts of Direct Current (DC).

Solar Collector: A device, structure or a part of a device or structure for the primary purpose of harvesting solar energy for use in a solar energy system.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System: A device or structural design feather for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.

Solar Energy System, Active: A solar energy system that collects and transforms solar energy into another form of energy or transfers heat from a solar collector to another medium, via mechanical, electrical or chemical means.

Solar Energy System, Grid-Intertie: A photovoltaic system or other active solar energy system designed to generate electricity that is connected to an electric circuit served by an electric utility.

Solar Energy System, Ground-Mounted: An active solar energy system that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).

Solar Energy System, Large Scale: An active solar energy system that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

Solar Energy System, Medium Scale: An active solar energy system that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10-150 kW DC).

Solar Energy System, Off-Grid: A photovoltaic system or other active solar energy system designed to generate electricity in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.

Solar Energy System, Passive: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Solar Energy System, Roof-Mounted: An active solar energy system that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).

Solar Energy System, Small-Scale: An active solar energy system that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 15 kW DC or less).

Submitted by Petition

Explanation: This amendment serves to define terms that are used in the new proposed Solar Energy Systems Overlay District.

The Board of Selectmen recommends approval of Article by a vote of
The Finance Committee recommends approval of Article by a vote of

Article_

To see if the Town will vote to amend §174-4, Enumeration of Districts by adding
SOLAR ENERGY SYSTEMS OVERLAY DISTRICT

Submitted by Petition

Explanation: This article would create and establish a Solar Energy System Overlay District as enumerated in proposed Section 174-47.7.

The Board of Selectmen recommends approval of Article by a vote of
The Finance Committee recommends approval of Article by a vote of

Article_

To see if the Town will vote to amend §174-5, Establishment of Zoning Map by adding §174-5 (H) as follows:
The Solar Energy Systems Overlay District shall include all of the parcels of land described as follows:
All of the land as shown on Town of Mashpee Assessor Fiscal Year 2021 Tax Maps:72-117; 72-113; 72-112; 72-111; 72-110; 72-118; 79-80; 79-79; 79-71; 79-72; 79-73; 79-74; 79-75; 79-76; 79-77 and 79-78.
All are located in the R-5 and C-2 Zoning District.

Submitted by Petition

Explanation: This Article is intended to define by reference to the Mashpee Assessor Fiscal Year 2021 tax maps, the land within the Solar Energy Systems Overlay District that should be attached to this zoning map.

The Board of Selectmen recommends approval of Article by a vote of
The Finance Committee recommends approval of Article by a vote of

Article_

To see if the Town will vote to amend §174-25 (H)(12) of the Mashpee Zoning By Law "Table of Use Regulations by adding "SP" under Zoning Districts R-5 and C-2

TYPE OF USE	RESIDENTIAL		COMMERCIAL			INDUSTRIAL
	R-3	R-5	C-1	C-2	C-3	I-1
Medium-scale and Large-scale Ground mounted Solar Energy Systems, provided that neighboring properties are effectively protected from any significant adverse impacts from glare, that any such systems are properly fenced or otherwise secured, and that no hazardous materials are stored in quantities greater than permitted by other sections of this By-Law, subject to approval by the Plan Review Committee and Design Review Committee (Allowed by SP under 174-45.7 only in the Solar Energy System Overlay District).		SP		SP		PR

Submitted by Petition

Explanation: This article would allow the development of medium and large scale solar energy systems in the residential (R-5) and commercial (C-2) zoning districts with a Special Permit from the Planning Board provided they are within the Solar Energy Systems Overlay District.

The Board of Selectmen recommends approval of Article by a vote of
The Finance Committee recommends approval of Article by a vote of

Article_

To see if the Town will vote to establish within the Town of Mashpee a Solar Energy System Overlay District by adding a new Section 174-45.7as follows:

SOLAR ENERGY SYSTEMS OVERLAY DISTRICT

A. Purpose and Intent

1. This section promotes the creation of new small, medium and large-scale, ground-mounted solar energy systems overlay district, in the areas which are delineated on a map dated January 25, 2021 and entitled "Solar Energy Systems Overlay District, ROUTE 151, ALGONQUIN AVENUE AND OLD BARNSTABLE ROAD, Mashpee, Massachusetts," (attached hereto) and which shall be considered as superimposed over other districts established by the zoning by-laws of the Town. This map, as it may be amended from time to time, is on file with the office of the Town Clerk and with any explanatory material therein, is hereby made a part of this chapter, by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and for providing adequate financial assurance for the eventual decommissioning of such installations. This Overlay District Ordinance is adopted pursuant to the Commonwealth of Massachusetts Green Communities Act and Massachusetts General Laws Chapter 40A Section 3.

2. Uses, other than Solar Energy Systems, otherwise not permitted in the portions of a zoning district superimposed by this district shall not be permitted in this district.

3. The Solar Energy Systems Overlay District shall include all of the land within the lines described in subsection B, which are in the R-5 and C-2 zoning districts. Medium and large scale solar energy systems located in the industrial zoning district (I-1) are exempt from the requirements of this chapter and require approval only from the Plan Review Committee pursuant to the applicable dimensional criteria of the zoning district.

B. Bounds

1. Including all of the land within the following described lines:

Property Description: The land in the Town of Mashpee, Barnstable County, Massachusetts beginning at the Northeast corner of the premises at Route 151; thence South $05^{\circ}54'17''$ West, a distance of 203.10'; thence South $82^{\circ}22'02''$ East, a distance of 107.07'; thence South $08^{\circ}34'16''$ West, a distance of 154.18'; thence South $84^{\circ}05'40''$ East, a distance of 272.51'; thence South $09^{\circ}46'40''$ West, a distance of 1,026.79' by Algonquin Avenue; thence North $77^{\circ}51'29''$ West, a distance of 320.36' by Old Barnstable Road; thence South $89^{\circ}31'13''$ West, a distance of 731.65' by Old Barnstable Road; thence North $73^{\circ}24'07''$ West, a distance of 125.90' by Old Barnstable Road; thence North $66^{\circ}44'57''$ West, a distance of 568.90' by Old Barnstable Road; thence Northerly along centerline old brick yard road West, a distance of 1,080'+/-; thence North $83^{\circ}31'22''$ West, a distance of 27.59' +/- to ditch; thence Northerly along ditch West a distance of 175'+/-; thence North $85^{\circ}34'30''$ East a distance of 5'+/-; thence North $24^{\circ}26'35''$ West, a distance of 150.11' to Old Barnstable Road; thence With a curve turning to the left with an arc length of 76.29' by Route 151 with a radius of 4,189.42' to a concrete bound; thence South $09^{\circ}02'50''$ East, a distance of 159.61'; thence

South 10°46'40" East a distance of 42.72'; thence
South 04°15'30" East, a distance of 206.16'; thence
South 76°43'49" East, a distance of 300.57'; thence
North 09°46'40" East, a distance of 433.00' to Route 151; thence
South 84°05'40" East, a distance of 63.18' by Route 151; thence
With a curve turning to the left with an arc length of 37.30' with a radius of 25.00'; thence
South 09°46'40" West, a distance of 154.04'; thence
South 80°13'20' East, a distance of 199.99'; thence
North 09°46'36" East, a distance of 190.94' to Route 151; thence
South 84°05'40" East, a distance of 405.08' along Route 151, which is the point of beginning and
having an area of 39.674 acres.

Meaning and intending to include all of the land as shown on Town of Mashpee Assessor Fiscal
Year 2021 Tax Maps:72-117; 72-113; 72-112; 72-111; 72-110; 72-118; 79-80; 79-79; 79-71; 79-
72; 79-73; 79-74; 79-75; 79-76; 79-77 and 79-78.

C. Permitted Uses

Within the Solar Energy Systems Overlay District, the following uses are permitted provided all necessary permits, orders and approvals required by local, state and federal law are obtained.

1. Any medium or large scale solar energy system shall be allowed in the Solar Energy Overlay District only after the issuance of a Special Permit by the Planning Board. In issuing such Special Permit, the Board shall ensure that neighboring properties are effectively protected from any significant adverse impacts from glare that any such systems are properly fenced or otherwise secured and that no hazardous materials are stored in quantities greater than permitted by other sections of this by-law, subject to approval by the Plan Review Committee and Design Review Committee.
2. The Solar Energy System's owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Management Director. The owner or operator shall be responsible for the cost of maintaining the ground-mounted solar energy system and any access road(s).

D. Dimensional Criteria

Small, Medium and Large Scale Solar Energy Systems

1. Small, Medium and Large Scale Solar Energy Systems may be accessory to another principal structure or use provided that they satisfy the dimensional criteria and performance standards contained in this section.
2. Ground-mounted solar energy systems shall be set back a distance of at least 100 feet from a public or private way. The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations.
3. Ground-mounted solar energy systems shall be set back a distance of at least 125 feet from any inhabited residence, and 100 feet from any property in residential use. For the purposes of this section, a residence is defined as a primary living structure and not accessory structures. The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations.
4. Ground-mounted solar energy systems shall be set back a distance of at least 50 feet from any commercial property or use and 25 feet from any industrial property or use notwithstanding the provisions of paragraph 2 above (relative to medium and large scale solar energy systems). The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations.

5. Ground-mounted solar energy systems shall be set back a distance of at least 50 feet from abutting conservation land and any property not included in the Ground-mounted solar array application. The Planning Board may reduce the minimum setback distance as appropriate based on site specific considerations.
6. Fixed tilt Ground-mounted solar energy systems shall have a maximum height of 15 feet above grade. In the case of single or dual axis tracking Ground-mounted solar energy systems, the Planning Board may increase the maximum height as appropriate based on site-specific considerations.
7. Inverters, energy storage systems, and transmission system substations shall be set back a distance of at least 200 feet from any residence. The Planning Board may reduce the minimum setback distance as appropriate based on site-specific conditions.

E. Special Permits Rules and Application Requirements

A Solar Energy System Special Permit shall not be granted unless each of the following requirements, in addition to the requirements in §174-24 C Special Permit use, are satisfied:

1. A properly completed and executed application form and application fee.
2. Any requested waivers. To this end, as part of its Special Permit decision, the Planning Board may, at its sole discretion, establish a lot coverage maximum that exceeds 20% in consideration of site specific conditions.
3. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any.
4. Names, contact information and signatures of any agents representing the project proponent.
5. Name, address and contact information for proposed system installer.
6. Documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar energy system.
7. Proposed hours of operation and construction activity.
8. Blueprints or drawings of the solar energy system signed by a Massachusetts licensed Registered Professional Engineer showing the proposed layout of the system and any potential shading from nearby structures.
9. Utility Notification: Evidence that the utility company that operates the electrical grid where a grid-intertie solar energy system is to be located has been informed of the system owner or operator's intent to install an interconnected facility and acknowledges receipt of such notification, and a copy of an Interconnection Application filed with the utility including a one or three line electrical diagram detailing the solar electric installation, associated components, and electrical interconnection methods, with all Massachusetts Electrical Code (527 CMR§ 12.00) compliant disconnects and overcurrent devices. Off-grid solar energy systems shall be exempt from this requirement.
10. Documentation of the major system components to be used, including the electric generating components, battery or other electric storage systems, transmission systems, mounting system, inverter, etc.
11. Preliminary Operation and Maintenance Plan for the solar energy system, which shall include measures for maintaining safe access to the installation, storm water management, vegetation controls, and general procedures for operational maintenance of the installation.

12. Abandonment and Decommissioning Plan: Any ground-mounted solar energy system which has reached the end of its useful life or has been abandoned (i.e., when it fails to operate for more than one year without the written consent of the Planning Board) shall be removed. The owner or operator shall physically remove the installation within 150 days of abandonment or the proposed date of decommissioning. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. The Abandonment and Decommissioning Plan shall include a detailed description of how all of the following will be addressed:

- (a) Physical removal of all structures; equipment, building, security barriers and transmission lines from the site, including any materials used to limit vegetation.
- (b) Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow landscaping or below-grade foundations left *in situ* in order to minimize erosion and disturbance of the site.
- (d) Description of financial surety for decommissioning: Proponents of ground-mounted solar energy systems shall provide a form of surety, either through escrow account, bond or other form of surety approved by the Planning Board to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be commercially reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent and the Town. Such surety will not be required for municipal or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.
- (e) It shall be a condition of any special permit that all legal documents required to enable the Town to exercise its rights and responsibilities under the plan to decommission the site, enter the property and physically remove the installation shall be provided prior to the issuance of a building permit.

F. Required Performance Standards: Small, Medium and Large Scale Solar Energy Systems

1. Visual Impact Mitigation: The site plan for a ground-mounted solar energy system shall be designated to screen the array to the maximum extent practicable year round from adjacent properties in residential use and from all roadways.
2. All required setbacks shall be left in their undisturbed natural vegetated condition for the duration of the solar energy system's installation. In situations where the naturally vegetated condition within required setback is not wooded and does not provide adequate screening of the solar array, the Planning Board may require additional intervention including, but not limited to:
 - (a) A landscaping plan showing sufficient trees and understory vegetation, of a type common in natural areas of Mashpee, to replicate a naturally wooded area and to constitute a visual barrier between the proposed array and neighboring properties and roadways.
 - (b) Berms along property lines and roadways with suitable plantings to provide adequate screening to neighboring properties and roadways.

3. Lighting: Lighting of ground-mounted solar energy systems shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
4. Signage: Signs on ground-mounted solar energy systems shall comply with all applicable regulations of this by-law and/or any Town sign by-law. A sign shall be required to identify the owner, operator and interconnected utility and provide a 24-hour emergency contact phone number. Ground-mounted solar energy systems shall not be used for displaying any advertising signage.
5. Utility Connections: Within setback distances and except where soil conditions, location, property shape, and topography of the site or requirements of the utility provider prevent it, all utility connections from grid-intertie solar energy systems shall be placed underground. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
6. Vegetation Management: All land associated with the ground-mounted solar energy system shall be covered and grown in natural vegetation. The height of vegetation must be managed by regular mowing or grazing so as to minimize the amount and height of combustible material available in case of fire. Herbicides, pesticides, or chemical fertilizers shall not be used to manage vegetation. To the greatest extent practicable, a diversity of plant species shall be used, with preference give to species that are native to New England. Use of plants identified by the most recent copy of the "Massachusetts Prohibited Plant List" maintained by the Massachusetts department of Agricultural Resources is prohibited. Management of all vegetated areas shall be maintained throughout the duration of the solar energy system's installation through mechanical means without the use of chemical herbicides.
7. Noise Generation: Noise generated by ground-mounted solar energy systems and associated equipment and machinery shall conform to applicable state and local noise regulations, including the DEP's Division of Air Quality Noise Regulations, 310 CMR 7.10.
8. Fencing: Fencing around solar arrays shall provide a minimum 6" clearance between the fence bottom and the ground to allow passage of small wildlife. The Planning Board shall require resident style fencing where necessary to screen the solar energy systems year round from adjacent residences.
9. Land Clearing and Soil Erosion: Clearing of natural vegetation and topsoil shall be limited to what is necessary for the construction, operation and maintenance of the ground-mounted solar energy system. No topsoil removed during construction shall be exported from the site.
10. Erosion Control and Stormwater: Erosion Control and Stormwater Management notation shall be included to show that adequate provisions against erosion and adverse impacts of runoff are appropriately mitigated.
11. Emergency Services: The ground-mounted solar energy system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Mashpee Fire Department and any other neighboring Fire Department upon request. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

Explanation: This section promotes the creation of new Solar Energy Systems Overlay District for small, medium and large-scale, ground-mounted solar energy systems on land with the Overlay District currently zoned R-5 and C-2 by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and for providing adequate financial assurance for the eventual decommissioning of such installation.

The Board of Selectmen recommends approval of Article by a vote of
The Finance Committee recommends approval of Article by a vote of



MASHPEE PLANNING BOARD PUBLIC HEARING NOTICE

Broadcast Live on Local Cable Channel 18

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

Pursuant to Massachusetts General Laws, Chapter 40A, Section 5 the Mashpee Planning Board will hold a public hearing on Wednesday, October 6, 2021 at 7:10 p.m. from the Mashpee Town Hall, 16 Great Neck Road North in the Waquoit Meeting Room to review the following zoning articles proposed for action at the October , 2021 Town Meeting.

Warrant Article ___:

To see if the Town will vote to amend Section 174-48.1 Subsection B (Plan Review Committee)

This warrant article would add the newly appointed Town Engineer and any successors to that position as a member of the Plan Review Committee whose duties are to advise the Building Inspector, Board of Selectmen, Planning Board and Board of Appeals on matters related to the areas of expertise of its members, and to provide informal advice and review to prospective applicants for permits.

Warrant Article ___:

To amend §174-31 Land Space Requirements Table by adding new special footnote

This article would create a special exemption in the land space requirements table specifically for solar carports. This exemption would allow lot coverage to exceed 20% solely for this use in approved parking areas. Currently the Town is limited in its ability to utilize approved or proposed parking lots for solar energy systems (roof mounted panels on a carport structure) primarily due to the manner in which the Zoning Bylaw defines structures and lot coverage. This article was submitted by petition.

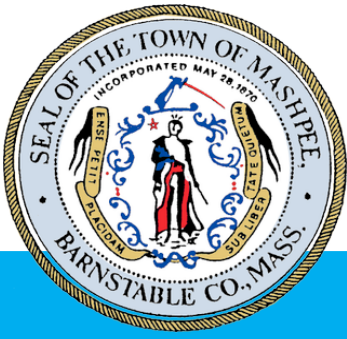
Warrant Article ___:

To amend §174-3 Terms Defined

This article would define terms that are used in the new proposed Solar Energy Systems Overlay District. The proposed definitions are consistent with the definitions recommended by the Commonwealth of Massachusetts for solar energy systems. This article was submitted by petition.

Warrant Article ___:

To amend §174-4, Enumeration of Districts



Evan R. Lehrer

Town Planner

(508) 539-1400 x. 8521
elehrer@mashpeema.gov
www.mashpeema.gov/Planning

“There is no logic that can be superimposed on the city; people make it, and it is to them, not buildings, that we must fit our plans.”
-Jane Jacobs

MEMORANDUM

To: Ms. Carol Sherman, Chair and the Honorable Board of Selectmen
From: Evan R. Lehrer, *Town Planner*
Date: August 4, 2021
Re: Petition Articles relative to the creation of a Solar Energy Systems Overlay District

Attached are written summaries of the submitted petition articles relative to the creation of a Solar Energy Systems Overlay District as well as a petition article that would amend the Land Space Requirements Table of the Zoning Bylaw to allow more than 20% lot coverage for roof mounted solar panels on carport structures in approved parking lots/areas.

I will be attending the Board of Selectmen's meeting on Monday August 9, 2021 to review and discuss them.

Thank you.

To see if the Town will vote to amend Article VII Land Space requirement to add special footnote 25:

This article would create a special exemption in the land space requirements table specifically for solar carports. This exemption would allow lot coverage to exceed 20% solely for this use in approved parking areas.

Currently the Town is limited in its ability to utilize approved or proposed parking lots for solar energy systems (roof mounted panels on a carport structure) primarily due to the manner in which the Zoning Bylaw defines a structure.

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

The definition of structure impacts the ability to utilize parking lots for carport solar energy systems due to the Zoning Bylaw's definition of lot coverage.

Lot Coverage: The amount of area on a lot covered by the horizontal cross section of a structure.

In consideration of carports supporting solar panels in a parking lot, the area of the panel itself would contribute to the lots maximum coverage.

For example, if an approved commercial or industrial project shows that 15% of the lot is already covered by structures, only 5% of the remaining area could be covered by other structures. Because the structure is defined as the horizontal cross section (thus meaning a solar panel itself) that leaves very little room to roll out a solar 'carport' program in approved parking lots/areas.

Additionally, this article reflects language built into the Solar Overlay special provision article defining the performance standards of medium and large scale solar energy systems by giving the Planning Board as Special Permit granting authority the ability to, in its written decision, approve a special lot coverage maximum in consideration of site specific conditions. Without this language any lot is limited to 20% lot coverage by solar panels. This language gives some discretion to the Board to maximize energy production by the panels while being cognizant of lot area that isn't suited for clearing or intense disturbance such as areas within wetlands buffers, heavily wooded areas, protected habitat etc.

Suggestions:

My only suggestion for this article is that the explanation could be clearer with regard to what it is actually designed to accomplish.

To see if the Town will vote to amend Section 174-3 of the Mashpee Zoning Bylaws:

This is a straightforward article that is identical to an article submitted by the Planning Board two years ago. It merely adds to the definitions section of the zoning bylaw the nomenclature recommended by the Commonwealth of Massachusetts.

To see if the Town will vote to amend Section 174-4 of the Mashpee Zoning Bylaws:

Another straightforward article that begins to establish the overlay district itself within the zoning bylaw as a district whose base zoning remains in place but benefits from special provisions defined for the specific use of medium and large scale solar energy systems.

To see if the Town will vote to amend Section 174-5 Establishment of Zoning Map:

This article would define the boundaries of the Overlay District. As proposed it includes only those parcels indicated therein. This section could be modified over time to either increase the amount of land area/parcels included or reduce the amount of land area or parcels contained. This section only establishes on what parcels the special provision for medium and large scale solar would apply.

If approved, the Official Zoning Map of the Town would require a modification also an would need to be submitted to the Attorney General subsequent to a Town Meeting approval if the Town decides to adopt the new zoning.

To see if the Town will vote to amend Section 174-25 (H)(12) of the Mashpee Zoning Bylaw:

Currently the zoning bylaw authorizes medium and large scale systems only in the Industrial Districts by Plan Review. As the proposed Solar Overlay encompasses land area in districts outside of the I-1 Zoning District this section of the zoning bylaw, the use table itself requires modification to enable the special provision to function. This article adds 'SP' under the columns R5 and C2, the zoning districts where the overlay is proposed. This is consistent with the Special Provision as proposed. If the Town were to approve the Overlay, and wish to expand it to include additional parcels in other zoning districts, R3 for example, the table would require modification once more.

No medium and large scale solar energy system would be permissible outside of those parcels identified in the 'Establishment of Zoning Map article' unless in the I-1 district. So if there are parcels in the R5 or C2 not specifically identified in that article and shown on the zoning map, solar at this scale would not be permissible.

Solar Energy Systems Overlay District Special Provision Article proposed 174-45.7

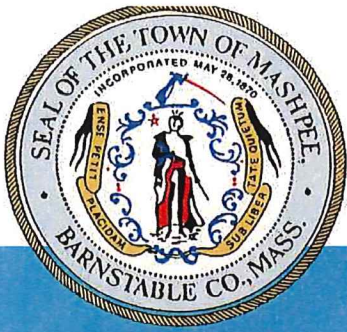
This article is generally consistent with articles submitted to the Selectmen by the Planning Board a few years ago. It requires sufficient setbacks, 100' from public and private ways, and 125' from inhabited residences, requires adequate screening, and is also limited by the 20% lot coverage requirement unless waived by the Board. The Planning Board did not include such waiver language in its original submission but also did not strongly indicate the limitations the lot coverage definition imposes on such a use.

Beyond dimensional requirements and application requirements for submission to the Planning Board, it also enumerates the required performance standards of the user. Those proposed are consistent with the articles vetted a few years ago by the Planning Board.

I have only two recommendations on this article.

1.) **Subsection A: Purpose and Intent** – I do not believe this section would require to state Route 151, Algonquin Ave, and Old Barnstable Road here. The previous article relative to the establishment of district and the zoning map itself defines the boundaries of the overlay. So in my opinion, this is duplicative and complicates future amendments. Unless counsel disagrees, I would recommend any motion made at Town Meeting eliminate this language.

2.) **Subsection B: Bounds** – Similar comment to above, the bounds of the overlay district are defined in 174-4 of which the petitioner proposes amending appropriately. This is again duplicative and should be removed from this section as it should be adequately dealt with in a different section. The motion, unless counsel disagrees, should strike this section from this particular article. Its inclusion unnecessarily complicates future amendments of the overlay if the Town were to opt to do so.



Evan R. Lehrer

Town Planner

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*"There is no logic that can be superimposed on the city; people make it, and it is to them, not buildings, that we must fit our plans."
-Jane Jacobs*

Kristy Senatori, Executive Director
Cape Cod Commission
3225 Main Street
Barnstable, MA 02630

August 9, 2021


Dear Ms. Senatori,

At its meeting on August 4, 2021 the Mashpee Planning Board had some questions relative to the VHB pre-development agreement submittal memorandum dated January 19, 2021 submitted on behalf of Mashpee Commons. The Planning Board noted discrepancies between the memorandum provided to the Cape Cod Commission and the figures presented to the Planning Board in the opening meetings relative to the proposed Community Activity Center Overlay District.

Notably the VHB memorandum considers a proposed expansion of 1,100 dwelling units and 180,500 s.f. of commercial space while the figures presented to the Board contemplate 1,700 additional dwelling units and 1,110,000 s.f. of commercial space between the core and transition sub-zones. While the Board understands that the maximums proposed in the zoning language are inclusive of the residential and commercial densities currently built on site (77 dwelling units and 361,272 s.f. of commercial space) there still remains a notable discrepancy between the scope of the VHB traffic study contemplated in that January 19th submission.

The Planning Board is interested in understanding Commission Staff's comments with regard to this pre-proposal memorandum and whether or not Commission Staff were satisfied with the scope of the traffic study itself in consideration of the proposed increases in residential dwelling units and commercial space. The Planning Board is also interested in understanding what additional information Commission staff may have requested following their review and comment on the VHB pre-submittal memorandum. The Board's concern at this time is that the scope of the traffic study is consistent with the scope of the proposed Mashpee Commons expansion.

Thank you,



Evan Lehrer

CC: John Fulone
Steven Tupper
Rodney Collins
Eliza Cox

Patricia Maguffin

From: Evan Lehrer
Sent: Wednesday, August 11, 2021 11:26 AM
To: Patricia Maguffin
Subject: FW: Planning Board inquiry relative to the Scope of Mashpee Commons Traffic Study
Attachments: 2021-05-04 Mashpee Commons DA - TIA Scope CCC Response.pdf

From: Kristy Senatori [mailto:ksempatori@capecodcommission.org]
Sent: Wednesday, August 11, 2021 8:44 AM
To: Evan Lehrer <ELehrer@mashpeema.gov>
Cc: Steven Tupper <stupper@capecodcommission.org>; Rodney C. Collins <rccollins@mashpeema.gov>; JOHN FULONE (jfulone@comcast.net) <jfulone@comcast.net>; Eliza Cox <ECox@nutter.com>; Jordan Velozo <jordan.velozo@capecodcommission.org>
Subject: RE: Planning Board inquiry relative to the Scope of Mashpee Commons Traffic Study

Attention!: : Links contained herein may not be what they appear to be. Please verify the link before clicking! Ask IT if you're not sure.

Good morning Evan,

In response to your inquiry, attached please find Commission staff's Scope of Work Response to the Transportation Impact and Access Study proposed on behalf of Mashpee Commons.

As to the application deadline, Section 17 (b)(iii) of Chapter 53 of the Acts of 2020, provides, in pertinent part: A permit in effect or existence as of March 10, 2020, including any deadlines or conditions of the permit, shall not lapse or otherwise expire and the expiration of the permit, or the time period for meeting a deadline or for performance of a condition of the permit, shall toll during the state of emergency.

Therefore, the time period set out in the approved NOI was tolled from March 10, 2020 through the end of the state of emergency, which occurred on June 15, 2021. That time is added to the end of the one-year timeframe, which as tolled, now expires on June 10, 2022.

Please let me know if there is any other information that I can provide.

Best regards,
Kristy

Kristy Senatori



Executive Director
Cape Cod Commission
3225 Main Street | P.O. Box 226
Barnstable, MA 02630
Direct 508-744-1216

CAPE COD
COMMISSION

From: Evan Lehrer <ELehrer@mashpeema.gov>

Sent: Monday, August 9, 2021 10:27 AM

To: Kristy Senatori <ksenatori@capecodcommission.org>

Cc: Steven Tupper <stupper@capecodcommission.org>; rccollins@mashpeema.gov; JOHN FULONE (jfulone@comcast.net) <jfulone@comcast.net>; Eliza Cox <ECox@nutter.com>

Subject: Planning Board inquiry relative to the Scope of Mashpee Commons Traffic Study

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kristy,

I am writing to request Commission staff review and respond to the attached correspondence I am submitting on behalf of the Mashpee Planning Board at their request following its meeting on August 4, 2021. Of particular concern to some members of the Planning Board and some members of the Mashpee Community is the scope of work identified in a VHB pre-submission memo relative to the scope of any traffic study required for the Mashpee Commons Development Agreement. We would welcome comments and clarity from Commission transportation staff in this regard.

Thank you,
Evan Lehrer

Evan R. Lehrer, MPA

Town Planner

Town of Mashpee
16 Great Neck Road, North
Mashpee, MA 02649
(508) 539-1400 ext. 8521

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



CAPE COD
COMMISSION

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

Via Email

May 4, 2021
Randall C. Hart, Principal
VHB
PO Box 9151
Watertown, MA 02472-4026

Re: Development Agreement Review- Mashpee Commons Expansion
Transportation Impact and Access Study- Scope of Work Response

Dear Mr. Hart,

Thank you for submitting the memorandum dated January 19, 2021, in which you've suggested a scope for the Transportation Impact and Access Study (TIAS) relative to the Proposed Mashpee Commons Expansion, Mashpee (hereafter referred to as the "Project"). This letter responds to your memorandum and assumes that the Project will be reviewed under a Development Agreement process with the Cape Cod Commission (hereafter referred to as the "Commission"). The Town of Mashpee has also been invited by the applicant to participate as a party to the Agreement and has accepted this invitation.

In March 2020, under a Notice of Intent, the Commission determined that the Project is suitable and eligible for a Development Agreement with the Cape Cod Commission. In March 2021, the applicant filed a preliminary Development Agreement application for the Project with the Commission, which is incomplete and pending further information, plans and studies to be provided by the applicant, including the above-referenced TIAS.

Pursuant to its regulations, the Commission must find that any development proposed and approved under a Development Agreement is consistent with the Regional Policy Plan. Thus, the Development Agreement review process will consider and be informed and guided by, among other things, the transportation-related provisions of the 2018 Regional Policy Plan (as amended), including the transportation goals and objectives appearing in Section 6 therein, as well as the Commission's Transportation Technical Bulletin, which elucidates the RPPs transportation policies with greater specificity and detail.

A principal purpose of the TIAS in the Development Agreement process, part and parcel of evidencing consistency with the RPP, is to establish for review the transportation issues, concerns and impacts of regional significance as a basis to negotiate transportation mitigation, protocols or

further analysis to be provided by the applicant under the terms and conditions of the Agreement. This letter highlights Commission transportation staff's preliminary observations and opinions about transportation matters of regional significance associated with the Project, and the applicant's potential responses to those identified matters, that should be addressed in the Development Agreement application and review process. This letter also recognizes the unique review and administration opportunities available under a Development Agreement process, such as apportioning or determining mitigation for or deferring further analysis to particular phases of the Project as it is implemented over the proposed 25-year duration of the Agreement.

PROJECT DESCRIPTION

As described in the memorandum, the Project proposes approximately 180,500 square feet (sf) of new commercial space and 1,100 new residential units. Separate from the foregoing, the memorandum also identifies approximately 135,000 sf of commercial space and 405 residential units yet to be constructed which the applicant maintains are entitled under current permits and should not be considered as "project-generated" vehicle trips for purposes of a TIAS.

Citing that the Project will be built out over the next 25-30 years, the memorandum suggests that an appropriate approach for the TIAS would be that an *"initial traffic evaluation focus on the key locations in close proximity to the Site"* with future analyses to be conducted as and when Project phases proceed.

While the foregoing considerations concerning current entitlements and phasing will need to be further discussed and agreed upon during negotiation and review, it is Commission staff's opinion that the primary role of the initial TIAS should be to establish the general framework for more detailed transportation analyses. These detailed analyses could then be provided over time, as and when Project phases proceed, rather than analyzing, under the TIAS, the entire Project now assuming full build-out. Accordingly, Commission staff agrees in principle that it is appropriate for the TIAS to contain a focused analysis of key locations anticipated to be impacted by phases of the Project to be built-out initially, and to detail an approach to analysis to be provided later for future Project phases. There are practical and other benefits associated with this general approach, given the inchoate, long term, and phased nature of the Project, including the ability to re-assess assumptions over time and conduct analysis under known conditions based on actual Project data collected, which will result in more effective, realistic, and fair mitigation requirements.

TRIP GENERATION

Commission transportation staff has reviewed the estimated trip generation calculations as outlined in the memorandum. The memorandum states that the trip generation estimates are based on trip generation data in Institute of Transportation Engineers' (ITE) Trip Generation, 10th Edition, for ITE Land Use Code (LUC) 220 (Multifamily Housing Low-Rise), LUC 560 (Church), LUC 580 (Museum), LUC 710 (General Office Building) and LUC 820 (Shopping Center).

Commission staff understands this development program presented in the memorandum is illustrative of the type of development that is currently anticipated but that the actual development program may evolve and would become more detailed through the Development Agreement review process and as the Project is implemented. Commission staff agrees that this approach is appropriate for the initial Development Agreement review process, with the caveat that further trip

generation analyses will be required as the Project is implemented. That is, as a specific phase of development is planned, detailed, and proposed to be pursued, trip generation estimates will need to be reevaluated relative to the general information considered and provided in the initial TIAS.

Commission staff offer the following specific comments on the trip generation analysis included in the memorandum:

- The trip generation calculations appear to be done correctly and the approach to the shared trips analysis seems appropriate for the Site.
- Please justify the internal capture rates for the Church and Museum uses. Using the same rates as for proposed retail uses may not be appropriate during all analysis periods.
- While the Museum land use may be illustrative at this point, if such as specific development is actually proposed and pursued, more specific trip generation data would be appropriate. The data in the ITE Trip Generation manual is sparse (one site) and is probably not representative of the type of Museum development that would be pursued as part of the Project.
- An additional 20 percent trip reduction was suggested in the TIAS to reflect bike/pedestrian connectivity. This percentage is realistic and warranted if robust transit amenities and Travel Demand Management measures are proposed and implemented throughout the Project area.

TRIP DISTRIBUTION

Commission staff agrees with the suggested trip distribution approach which reflects US Journey to Work Data for the residential and office use components of the proposed building program as well as the recognized travel patterns for the proposed commercial, Museum and Church uses.

BACKGROUND TRAFFIC CONDITIONS

The memorandum did not specify what future analysis year will be considered as part of the TIAS. Appropriate future analysis years should be considered and utilized in analysis provided for proposed future phases.

Historic Growth

Commission staff agrees with the approach to apply a historic background growth rate to future traffic volumes which should be based on data from the most current Traffic Counting Report. The most current Traffic Counting Report is from 2018; the 2019 Traffic Counting Report should be released in the very near future. Staff expects that the Upper Cape region background growth rate has slightly increased to 0.59%, and that this increase will be reflected in the 2019 Traffic Counting Report. Staff suggests that the applicant reflect this slightly higher background growth rate in its analysis.

Site Specific Growth

Commission staff are not aware of any currently permitted projects in or around the Project area that would substantially affect future traffic volumes.

Future Roadway Conditions

Staff notes that the Mashpee Rotary Retrofit and Route 28 Corridor Improvement project (MassDOT Project Number 610928) is in the early stages of preparing a preliminary design, is not currently funded for design or construction including as part of the Regional or State Transportation Improvement Program (TIP), and was initiated by approval of MassDOT's Project Review Committee in January 2021 after the conclusion of the Commission's Mashpee Rotary Corridor Study in June 2020.

Additionally, at the request of the Town of Mashpee, MassDOT's Route 151 Corridor Improvement Project has recently been phased into two separate projects. Phase 1 begins at the Old Barnstable Road intersection and terminates in the vicinity of the Mashpee Rotary. Phase 2 begins at the Falmouth town line and terminates at the Old Barnstable Road intersection. Phase 1 is and will remain on the 2021-2015 TIP; Phase 2 is not currently included on the TIP. Phase 2 is currently being re-designed to accommodate installation of municipal sewer pipe.

STUDY AREA

As described in the Transportation Technical Bulletin: *"Study Area locations should include, at a minimum, all regional road links, all intersections of regional roads, and all local road intersections with regional roads that are used by a project for access to the regional road network, where the project is expected to increase traffic by 25 or more trips during the project's peak hour."*

The memorandum did not identify the regional roadway links that will be included in the TIAS. Staff recommends the applicant consult with Commission staff to finalize what roadway links should be analyzed as part of the TIAS.

The memorandum identifies an initial study area to be analyzed under the TIAS, which *"focus[es] on key locations in close proximity to the Site that have undergone recent study, locations that will be most impacted by the initial phase of the Project, and locations that are high priority for the Town of Mashpee/CCC to implement improvements in the near future"*. The identified initial study area includes the following intersections:

Intersections

1. Route 28 at Charles Street/Shellback Way
2. Route 28 at Donna's Lane/Job's Fishing Road
3. Route 28 at Steeple Street
4. Route 28 at Bank Street (Mashpee Commons N. Driveway)
5. Route 28 at Quinaquisset Avenue
6. Route 28 at Meetinghouse Road
7. Route 28 at Orchard Road/Asher's Path East
8. Route 151 at Old Barnstable Road
9. Route 151 at Job's Fishing Road/Frank E. Hicks Drive
10. Route 151 at Mashpee Commons Right-In Driveway
11. Route 151 at Market Street
12. Great Neck Road North at Old Barnstable Road
13. Great Neck Road North at Bates Road
14. Great Neck Road South at Donna's Lane
15. Job's Fishing Road at Steeple Street

- 16. Job's Fishing Road at Market Street
- 17. Mashpee Rotary

Commission staff agree with this proposed initial study area intersections, however, there is one additional intersection that was omitted that Staff requests be included: the intersection of Donna's Lane at Commercial Street/proposed site driveway. Further, staff suggests that the applicant consider updating the initial study area intersection list to include all proposed driveways along the adjacent roadway network.

As suggested in the memorandum's appendices, the applicant appears to understand that a broader study area (and discussions with Commission and town staff) will eventually be required to address future Project phasing, implementation and build-out beyond that which will be presented in the initial TIAS.

ANALYSIS PARAMETERS

The memorandum states that the TIAS' traffic analysis will include the time periods of weekday evening peak hour (4-6PM) and Saturday midday peak period (11-2PM) for both the peak summer and average month conditions. Commission staff agrees that inclusion of these analysis periods is appropriate, however, due to the proposed office and residential land uses, and existing traffic flows in the area that vary by time-of-day, staff requests that the weekday morning peak period (7-9AM) be included as well.

As the traffic analysis is proposing to utilize both historic and new traffic count data, staff suggests that historic counts be adjusted to a current year scenario based on an appropriate background growth rate. Additionally, details will need to be provided on any traffic data collected in 2020 and 2021 to determine whether the data appears to be accurate and appropriate in light of normal historic patterns, given the effects of COVID-19 on traffic volumes, or should be adjusted.

SAFETY

In addition to the memorandum's list of previous safety studies performed in the immediate Project area, staff notes that there was a Road Safety Audit conducted in 2009 for the intersection of Great Neck Road North at Old Barnstable Road.

Commission staff agrees with the initial approach to safety analysis outlined in the memorandum. Staff recommends that a safety analysis will be required for all identified high crash locations as defined by the Transportation Technical Bulletin: *"A Study Area location is considered a high crash location if, over the most recent five (5) years on record, the location averaged of three (3) or more crashes per year or exhibited a crash rate higher than regional average crash rate. The regional average crash rate should be based on Massachusetts Department of Transportation District 5 average crash rates for signalized intersections, unsignalized intersections, and roadway segments (by functional classification)."*

Consideration of the appropriate level of safety analysis for initial and expanded future study area intersections will be discussed during the Development Agreement review and negotiation process.

Mashpee Commons Expansion, Mashpee
Transportation Impact and Access Study Scope of Work Response
May 4, 2021

Please feel free to contact me with any questions regarding this letter or related matters.

Sincerely,

Steven Tupper

Steven Tupper, P.E.
Cape Cod Commission Transportation Program Manager

Cc: Colleen Medeiros, P.E., Cape Cod Commission Transportation Engineer
Erin Perry, Cape Cod Commission Deputy Director, Acting Chief Regulatory Officer
Matt Kealey, VHB, Inc. Senior Project Manager

AUG 9 2021



**TOWN OF FALMOUTH
MASSACHUSETTS**

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by **Todd Sage, 130 Sam Turner Road, Hatchville, MA.**

(Map 11 Lot 116) **under 240-66 C.(3)** of the Zoning By-Law, as amended to **grant** the special permit to construct a single-family dwelling.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **August 5, 2021** which is the date the Decision was filed in the office of the Town Clerk.

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



AUG 9 2021

**TOWN OF FALMOUTH
MASSACHUSETTS**

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by **Fenton and Melody Brown**, 159 Upalong Road, East Falmouth, Ma.

(Map 40 Lot 000A) **under** 240-68A.(8) and 240-70 D. of the Zoning By-Law, as amended to **grant** the special permit to construct a pool house in the front yard.

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 **August 6, 2021** which is the date the Decision was filed in the office of the Town Clerk.

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



AUG 9 2021

TOWN OF FALMOUTH
MASSACHUSETTS

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by **Susan E. Hassett**, 22 Royal Circle, East Falmouth, Ma.

(Map 29 Lot 009) **under** 240-162 of the Zoning By-Law, as amended to **grant** the special permit to allow for dog daycare and boarding.

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 **August 5, 2021** which is the date the Decision was filed in the office of the Town Clerk.

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

AUG 9 2021



TOWN OF FALMOUTH
MASSACHUSETTS

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by **RLBE, LLC**, Rebecca Ann Lane (lot #2), East Falmouth, Ma.

(Map 32 Lot 002) **under** chapter 40B to construct five (5) duplex residential buildings (ten total units), three (3) of which will be affordable.

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 **August 4, 2021** which is the date the Decision was filed in the office of the Town Clerk.

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

Town of Sandwich
THE OLDEST TOWN ON CAPE COD



Planning Board

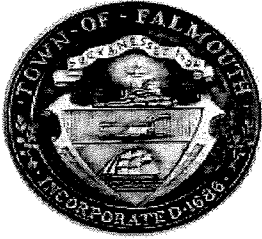
16 Jan Sebastian Drive
Sandwich, MA 02563
Phone: 508-833-8001
Fax: 508-833-8006
Email: planning@townofsandwich.net

**TOWN OF SANDWICH
PUBLIC HEARING NOTICE
PLANNING BOARD**

AUG 9 2021

The Sandwich Planning Board will hold a Public Hearing on the application of Morgan A. and Sarah Reed, applicants and property owners, for a Special Permit for property located at 21/25 Pauls Way, Map #13 Parcel #154-021 and Map #13-154-025, Sandwich, MA, for the purpose of creating a cluster development. The Public Hearing will be held on August 17, 2021, at the Human Services Building, 270 Quaker Meetinghouse Road, East Sandwich, MA at 7:00 p.m. The public record information can be viewed at the Planning & Development office, 16 Jan Sebastian Drive, Sandwich, MA, Monday – Friday, 8:30 a.m. to 4:30 p.m.

Jeffrey R. Picard, Chair
Sandwich Planning Board
Publication: Sandwich Enterprise
Publication Dates: July 30 and August 6, 2021



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

AUG 3 2021

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

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

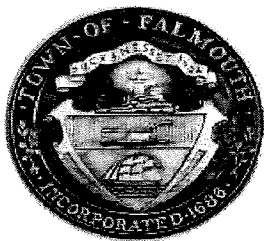
Application#057-17 M Northstar Place LLC, 286 Teaticket Highway Unit B, East Falmouth, Ma.:
Applied to the Zoning Board of Appeals for a modification of Comprehensive Permit #057-17 pursuant to MGL Chapter 40B to allow modifications to previously approved plans. The subject property is 123 Brick Kiln Road, East Falmouth, Ma.

Map 34 Section 05 Parcel 003 Lot(s) 002

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, August 19, 2021 at 6:30PM**
You are invited to be present.

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

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

AUG 3 2021

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

BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

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

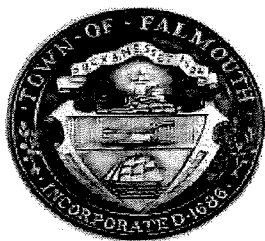
Application #058-21 David F. and Jacqueline B. Nolan, 140 Elm Road, Falmouth, Ma.: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. of the Code of Falmouth to raze and rebuild the pre-existing non-conforming barn structure on subject property known as 140 Elm Road, Falmouth, Ma.

Map 47 Section 01 Parcel 007 Lot(s) 000E

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, August 19, 2021 at 6:30PM**
You are invited to be present.

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

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



TOWN OF FALMOUTH AUG 3 2021

ZONING BOARD OF APPEALS

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

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

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

Application #056-21 Brent D. and Sally R. Harwood, 9 Olde Hickory Path, Westborough, Ma.:

Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. of the Code of Falmouth to raze the existing detached garage and rebuild with living space above on subject property known as 4 Spinnaker Lane, Falmouth, Ma.

Map 47C Section 08 Parcel 015 Lot(s) 003

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, August 19, 2021 at 6:30PM**
You are invited to be present.

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

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

**Town of Barnstable
Planning Board
Notice of Public Hearing
Modification to Regulatory Agreement No. 2019-03 – Airview, LLC
451 and 467 Iyannough Road/Route 28, Hyannis
August 23, 2021, 7:00 P.M.
Zoom Meeting ID 928 3415 2852**

AUG 9 2021

To all persons deemed interested in the Planning Board acting under Chapter 168 of the Code of the Town of Barnstable, Regulatory Agreements and the General Laws of the Commonwealth of Massachusetts, and the Zoning Ordinances of the Town of Barnstable, specifically Section 240-24.1 Hyannis Village Zoning Districts, you are hereby notified of a Public Hearing for a modification to Regulatory Agreement No. 2019-03.

Per the approved Regulatory Agreement 2019-03, two buildings have been built; Building A, a 10,000 square foot structure built for Walgreens, and Building B, a 6,000 square foot structure with two separate tenant spaces. Airview, LLC seeks to modify Regulatory Agreement No. 2019-03 to allow for a food and beverage service business (Starbucks) with a drive through window within one of the tenant spaces of Building B.

The Regulatory Agreement seeks the following waiver from the Zoning Ordinance, specifically: §240-24.1.11(A)(3) Drive-through windows, to allow the development to incorporate a drive-through window where drive-throughs are prohibited.

The subject property is 451 and 467 Iyannough Road/Route 28, Hyannis, Massachusetts, shown on Assessor's Map 311 as Parcels 027, 081 and 082. It is zoned HG – Hyannis Gateway District; Groundwater Protection Overlay District; and Well Protection Overlay District.

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

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

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

Link: <https://zoom.us/j/92834152852>

Phone: 888 475 4499 US Toll-free Meeting ID: 928 3415 2852

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

Copies of the proposed modification to Regulatory Agreement 2019-03 are available for review by calling 508-862-4064 or emailing Karen.herrand@town.barnstable.ma.us.

Barnstable Patriot
August 6 & 13, 2021

Steven Costello, Chair
Barnstable Planning Board



Town of Barnstable
AUG 9 2021

Town of Barnstable
Planning Board
367 Main Street
Hyannis, MA 02601

You are hereby notified that the Planning Board has filed its Decision and Notice with the Town Clerk at the Town Hall located at 367 Main Street, Hyannis, MA for the petition of:

Date:
8/6/2021 Any
appeal to this
decision must
be made pur-
suant to MGL,
Chapter 40A,
Section 17 and
filed within 20
days from the
date hereon
with the mu-
nicipal clerk.

Standard Holdings, LLC—has been granted a Modification to Special Permit No. 2020-03 for 850 Falmouth Rd./3 Whitehall Way, Hyannis, MA.

Public files are available for viewing by contacting Karen.herrand@town.barnstable.ma.us or by calling 508-862-4064.

www.town.barnstable.ma.us



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

**Mashpee Planning Board
Minutes of Meeting
Wednesday, August 04, 2021 at 7:00PM
Mashpee Town Hall - Waquoit Meeting Room
16 Great Neck Road North
Mashpee, Ma 02649**

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

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

Also Present: Evan Lehrer – Town Planner

CALL TO ORDER

Chairman Fulone called the meeting of the Planning Board to order at 7:00PM. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES – July 21, 2021

There were no comments regarding the meeting minutes.

MOTION

Mr. Balzarini made a motion to accept the minutes for July 21, 2021. Seconded by Mr. Callahan. All in favor.

PUBLIC HEARING

Applicant: Longfellow Design Build
Location: 9 Shellback Way/ 647 Falmouth Road (Route 28)
Request: Requesting a special permit to construct a 12,500 s.f. commercial building to be used for ritual grocery sales on a 4 acre +/- parcel located at property addressed as 9 Shellback Way, Mashpee, Ma 02649. This application is made pursuant to Sections 174-24C (1) and under Section 174-25 E (1) and 174-25 E (2). This proposal triggers a mandatory referral to the Cape Cod Commission for review as a Development of Regional Impact.

Mr. Lehrer wanted to clarify the parcel is 4 acres +/-.

Chairman Fulone mentioned there was a letter in the packet requesting a continuance to hold Public Hearing for the following meeting on August 18th.



Town of Mashpee

Planning Board

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Mashpee, Massachusetts 02649

Mr. Lehrer explained the reason for the continuance is the applicant is not ready to submit the application. They would like to delay referring to the Commission until next meeting. This will provide adequate time to sufficiently prepare materials to submit to the Commission.

MOTION

Mr. Balzarini made a motion to continue the Public Hearing until August 18, 2021 at 7:10p.m. Seconded by Mr. Phelan. All in favor.

NEW BUSINESS

Vote to set public hearing date for an application made by DPF Mashpee LLC to modify an approved Special Permit dated May 2, 2001 to construct a 4,860 s.f. commercial building for retail sales in the development known as South Cape Village.

Mr. Lehrer put a draft public hearing notice in the packet. Suggesting Wednesday, September 1, 2021. Also, meeting times need to be discussed going forward for the Clerk's office.

Mr. Fulone noted due to recent meetings being earlier, is there a preference for a later meeting or keeping them early?

Ms. Waygan and Mr. Balzarini would prefer 7:00p.m. start time. Ms. Waygan noted it is okay to have early start times for special projects.

Chairman noted they will return to 7:00p.m.

MOTION

Mr. Balzarini made a motion to set a public hearing date for September 1, 2021 at 7:10PM for DPF Mashpee LLC. Seconded by Ms. Waygan. All in favor.

CHAIRMANS REPORT

Miscellaneous updates

Chairman Fulone wanted to clarify the history of Public Comment at Planning Board meetings. Since the first presentation on June 2nd, this Board has provided opportunity for Public Comment at every meeting Mashpee Commons has presented at, except the last meeting on July 21st. Prior to June 2nd the Planning Board had not provided a Public Comment beyond what's required of a public hearing in three years. That totals 73 meetings without general Public Comment. At the meeting on July 7th the Board decided the meeting on the 21st was exclusively an educational presentation regarding broad concepts related to the overlay district. Consensus was there would be no discussion related to proposed zoning bylaw. To reiterate, there has been Public Comment at every meeting Mashpee Commons has presented at, except the one meeting that was solely for educational purposes. He wants to apologize to those present last week, regarding the interruptions and the disappointing behavior exhibited last meeting. He is hoping guidelines will be adhered to going forward. These include speaking within the two minute time frame, not repeating what has already been said, and stay on the topics being discussed. The Board has been



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liberal about guidelines, and will continue to be as this is a high interest topic. Maintain respect, courtesy, and kindness. Disruptive and disrespectful behavior will not be tolerated and you will be asked to leave, as well as those who encourage outbursts. He is reminding folks check into the facts, and steer clear of misinformation. Go to the Town website and Planning Department, as everything has been posted and every presentation is available. There is a lot of information on the Cape Cod Commission and Mashpee Commons websites as well. That is where real facts can be obtained. The Planning Board has been tasked to be fair and unbiased representatives that respectively debate facts and ultimately propose the best plan for the community. The entire community deserves nothing less.

Ms. Waygan was not in consensus to not hold Public Comment on June 21st.

Ms. Waygan went to the Board of Selectman because of the request she had made of the Commission on June 20th at the joint meeting. There had been a request to the Commission, a public records request, by the Chair of the Select Board. She forwarded materials to Ms. Waygan and was supposed to forward them to the Planning Board and to add to the website. The traffic study is here, she is noting it is a memorandum. There are more documents that are not included.

Mr. Lehrer said the traffic study was only in the packet, and the additional documents were sent via e-mail and that's why just the traffic study is in there.

Ms. Waygan noted it's a memo regarding parameters for the traffic study. The numbers don't add up right.

Mr. Lehrer is perceiving the inconsistency, which is the purpose of the Development Agreement. We don't have a site plan with specific buildings, by way of the DA process, and we need to set various thresholds, where additional studies will be performed. Eventually we will begin to build thresholds for neighborhoods, at this stage there needs to be a starting point for the purposes of study, so they had to start somewhere. He will invite the Commons to elaborate on this as well. It is his understanding why the figures are what they are based on his professional knowledge.

Ms. Waygan wants to know if the Commission accepted this memo? The numbers are way off.

Mr. Lehrer said he does not know, his hope would be the Commission will respond in time.

Ms. Waygan wants to ask the Commission now, as there are equipment's around Town now. This memo was written at a time when the square footages were different. She doesn't want the applicant to pay for a traffic study that they will have to redo. This is dated January 2021. We should find out if the CCC accepted the parameters.

Mr. Balzarini says these numbers are small, then it makes it seem like it won't be bad with traffic.

Ms. Waygan needs to contact the Cape Cod Commission and find out if this parameter was accepted and ask why the number is so different than ours. If we are going to have a bylaw we need to make sure the traffic study is done for that number of units and square footage.



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Mr. Phelan doesn't see a problem with Mr. Lehrer submitting a letter.

Mr. Lehrer will inquire if the Commission accepted this, and what else have they asked the Commons to provide to substantiate the numbers in that filling? He is happy to submit a letter. He is also unsure what those markers are around the rotary.

Ms. Waygan would like to also know if the traffic study is happening now.

Mr. Balzarini mentioned MA is redoing the rotary layout.

TOWN PLANNER REPORT

Solar Energy Systems Overlay Petition zoning articles.

Property owner submitted petition articles for the deployment of medium and large scale energy systems. This is based on the draft proposed to the Board that then goes to Selectmen and to warrant for Town Meeting. Petition articles have been resubmitted as they were inaccurate previously. Selectmen have asked Mr. Lehrer to be present at their meeting on the 9th. He has prepared a memo relative to petition articles. Next meeting he will ask Chairman to add to the agenda to set a Public Hearing for the submitted articles. They are seemingly accurate as to form this time, and will be on the warrant. The Board will hold its mandatory Public Hearing relative to solar zoning articles in September.

Ms. Waygan asked if that was the only zoning article on the warrant. The answer was yes.

Mr. Phelan asked if there were any changes they need to be aware of.

Mr. Lehrer mentioned some changes not relative to creation of solar energy systems overlay district, but in recognition of some limitations that are defined in structure and lot coverage, limitations of deployment car port solar. Roof mounted panels are allowed in all districts. What the petitioner proposes, lot coverage in Mashpee is measured by the cross section of structures on a lot. If you had a building that covered 15% of the lot, there is 5% lot coverage remaining with a massive approved parking area. Panels cannot be deployed across the entire parking area because of the lot coverage limitations. They proposed to exempt roof mounted panels for car ports from that lot coverage maximum. Proposed giving Planning Board authority to set a site specific lot coverage maximum for solar panels. Same lot coverage maximum applies on all lots, on a massive parcel you can only have 20% coverage with structures. The language includes the ability for the Board to consider site specific issues to maximize energy production of the panels while not being detrimental to sensitive areas.

Mr. Hansen mentions 20% of the lot is buildable, impervious to underlying land. Solar farm that he has seen at the landfill basically allows rain to hit the ground, to him it's a different classification of a building.

Mr. Lehrer explained the way the language is written, the whole area of the panel contributes to the structure not just the pieces in the ground. That is a limitation to deploy certain types of solar. If you don't have any available lot coverage or additional areas to place structures you can't deploy a use, unless



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you change the structure, definition of structure, or create a bylaw. It may or may not be beneficial, but it can be discussed in the Public Hearing.

BOARD MEMBER COMMITTEE REPORTS

Cape Cod Commission-

Next meeting is Thursday, Aug. 12th 3p.m. CC Climate Action Plan was approved by CCC on July 22, the plan targets highest sectors of energy. Strategies to implement successful energy.

Community Preservation Committee-

Arden Cadron was appointed by Board of Selectman.

Design Review-

No Meeting

Plan Review-

No Meeting

Environmental Oversight Committee-

Meeting next week

Historic District Commission-

Upcoming meeting

Military Civilian Advisory Council-

No Meeting

ADJOURNMENT

MOTION

Mr. Balzarini made a motion to adjourn the meeting at 7:25p.m. Seconded by Ms. Waygan. All in favor.

The meeting ended at 7:25p.m.

Next Meeting: Wednesday, August 18, 2021 7:00PM

Respectfully Submitted,

Christine M. MacDonald
Board Secretary



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

LIST OF DOCUMENTS

Additional documents may be available in the Planning Department.

- *Town of Falmouth Notices*
- *Town of Barnstable Notices*
- *Anne Malone- Written Correspondence dated 7-27-2021*
- *Terri Bilodeau- Written Correspondence dated 7-20-2021 – Presented at 7-21-2021 meeting*
- *June 2021 Discharge Monitoring Report for South Cape Village – N=2.7*
- *May 2021 Discharge Monitoring Report for South Cape Village – N=3.6*
- *April 2021 Discharge Monitoring Report for South Cape Village – N=6.3*

DRAFT