



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

**Meeting of the Mashpee Planning Board
Wednesday, September 5, 2018
Waquoit Meeting Room, 7:00 P.M.**

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

- Pledge of Allegiance

Approval of Minutes

- Review and approval of August 1, 2018 and August 15, 2018 meeting minutes

Public Hearing (Cont'd from 8/1/2018)

7:10 PM

Applicant:

Southworth Mashpee Properties, LLC, *Property Owner*

Subject Property:

Assessor's Map 63, Block 89

Request:

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

Proposed Amendments to the Mashpee Zoning By-law

- Warrant Article 10: Marijuana Establishments
- Warrant Article 11: Signs- Violations and Penalties
- Warrant Article 12: Seasonal Signs
- Warrant Article 13: Mixed-Use Planned Development
- Warrant Article 15: Light Industrial Overlay District
 - Minutes of EDIC Meeting(s)
- Warrant Article 16: Raze and Replace
 - Minutes of May 2, 2018 Planning Board Public Hearing on proposed Raze and Replace bylaw.
- Warrant Article 17: Mobile Food Truck
- Warrant Article 18: Continuance, Extension, or Alteration
- Warrant Article 19: Setbacks from Water or Wetlands
- Warrant Article 20: I-1 District Parking
- Warrant Article 21: Deletion of Section 174-25 I(9) in its entirety.
- Warrant Article 22: Swimming Pool Setbacks

New Business

- ✓ Request Release of Covenant, 12 Cypress Circle (Map 21 Parcel 33) – Mrs. Christine Marano, *Property Owner*
- Plans to Upgrade Wastewater Treatment Facility at South Cape Village – Ms. Karen Johnson or designee(s)
- C. Rowley Bill for services rendered in August 2018

Old Business

- DRI referral to Cape Cod Commission of Special Permit application to erect a personal wireless service facility at 101 Red Brook Road.

MASHPEE TOWN CLERK

AUG 30 2018

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MS



Town of Mashpee

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Board Member Committee Updates

- Chairman's Report - Correspondence with Mashpee Commons, Board of Selectmen, Board of Appeals, Town Managers Office.
- Community Preservation Committee, Design Review, Plan Review, Environmental Oversight Committee, Historic District Commission, MMR Military Civilian Community Council, Greenways/Quashnet Footbridge
- Cape Cod Commission, Community Preservation, Design Review, Environmental Oversight, Greenways/Quashnet Footbridge, Historic District, MMR Military Civilian Community Council, Plan Review

Planning Staff Updates

- Communications with Mashpee Commons regarding expectations and procedure moving forward.
- Communications and public hearing information regarding Ockway Highlands
- Naukabout Update
- Special Permit Regulations 2017 amendments
- Correspondence to Cape Cod Commission regarding DRI Referral of proposed personal wireless service facility.
- OneCape Summit Takeaways
- Affordable Housing Working Group Progress

Correspondence

- January 2018 Discharge Monitoring Report for South Cape Village N=5.60
- February 2018 Discharge Monitoring Report for South Cape Village N=39.50
- March 2018 Discharge Monitoring Report for South Cape Village N=4.50
- April 2018 Discharge Monitoring Report for South Cape Village N=8.90
- May 2018 Discharge Monitoring Report for South Cape Village N=5.20
- June 2018 Discharge Monitoring Report for South Cape Village N=5.80

Additional Topics (not reasonably anticipated by Chair)

Adjournment

MASHPEE TOWN CLERK

AUG 30 2018

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**Mashpee Planning Board
Minutes of Meeting
August 1, 2018 at 7:00 p.m.
Waquoit Meeting Room, Mashpee Town Hall**

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

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

CALL TO ORDER

The Town of Mashpee Planning Board meeting was opened with a quorum in the Waquoit Meeting Room at Mashpee Town Hall by the Chair, at 7:03 p.m. on Wednesday, August 1, 2018. The Chair stated that the meeting was being videographed and recorded. The Chair welcomed attendees and asked that anyone addressing the Board do so using the microphone, stating their name and their business. All comments should be addressed through the Chair and a determination will be made whether comments would be heard by the Board, or taken under advisement. The Planning Board encourages public participation. The Pledge of allegiance was recited.

APPROVAL OF MINUTES— June 20, 2018, June 28, 2018 & July 18, 2018

The Chair requested that consideration of the July 18 minutes be tabled, but she had no recommended changes for June 20 and June 28.

MOTION: Mr. Balzarini made a motion to accept the minutes of June 28th and June 20th as written. Mr. Kooharian seconded the motion. All voted unanimously.

PUBLIC HEARINGS

7:10 p.m. **Applicant:** Southworth Mashpee Properties, LLC
 Property: Assessor's Map 63, Block 89
 Request: Seeking modification of Special Permit to construct an
 additional

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

The appointed time having arrived, the Chair opened the public hearing and read for the record the public hearing notice. Attorney for Southport Mashpee Properties, Jack McElhinney and Baxter & Nye Project Engineer, Mathew Eddy, were present to discuss the proposal to build a new neighborhood consisting of 22 townhomes located in 11 buildings, north of Sampsons Mill Road. Mr. McElhinney noted that the homes would be similar to what was built for "The Village," a neighborhood that had been well received by customers. The new development would be located along the third hole of the bend 9-hole golf course. The site had been created with a ¾ acre land swap. All units would be tied into the existing treatment plant, which offered adequate capacity. The addition of the 22 units would bring the total unit count to 273 on the

Willowbend project of 327 acres, excluding the new 9 golf hole course, a 60 acre separate project. Deed restricted open space totaled approximately 188 acres, double what was required. The project would be adjacent to the Santuit River but would respect the 200 foot setback, with a small corner of grading within the 200 feet. Mr. McElhinney confirmed that they had been in receipt of Mr. Rowley's comments and would respond to them.

Mr. Eddy reiterated that the project site would be located off of Sampsons Mill Road, and would front on the golf course. Santuit River would be located to the east and some water drainage work would need to be completed in a corner of the site, within the 200 foot setback, which had been approved as an RDA by the Conservation Commission. The project area consisted of 9 acres, 7 ½ acres of which was upland, and would feature 11 structures consisting of 22 duplex units, 5 buildings in the "Willow" style, and 6 buildings in the "Fairway" style, identical to the structures in "The Villages." Proposed additional amenities included a small pool and changing area.

All setbacks would be met for the Willowbend Special Permit. Lot coverage totaled 13.1%, below what was required. Access to the development would be a 22 foot roadway access off of Sampsons Mill Road. Each unit would have its own garage, driveway and two parking spaces and Mr. Eddy confirmed that there would be handicapped parking available, as well as guest parking availability. Drainage and stormwater would meet all Town and DEP requirements and Mr. Eddy confirmed that he would be working with Mr. Rowley regarding his comments.

A proposed retaining wall would address the topography drop off on the east side and the building foundation would be considered by the Building Department for structural design. Mr. Balzarini inquired about the height and style of the wall, to which Mr. Eddy responded that it could be approximately 12 feet. Mr. Rowley referenced Plan C-4.0 and expressed concern about the length of the wall and height differences, describing the different types of walls that could be used. Mr. Rowley agreed that the Building Inspector would have the final say, due to the wall being considered a structure, but recommended considering special language for the wall in the Modification since the wall could move further out depending upon the type of wall being used, and could be an important consideration for the Planning Board due to its potential impact. Mr. Rowley recommended that preliminary designs be shared with the Board to know better what to expect regarding the wall's impacts. Mr. Balzarini expressed concern about the safety of the height and the need for fencing. Mr. Rowley added that some drainage areas could be difficult to access due to the wall. Mr. Rowley suggested the possibility of added wording to the Special Permit that, should the wall design require relocation of the wall, the project proponent would need to present changes to the Planning Board. Mr. Weeden inquired about impacts to the wall with increased stormwater but Mr. Rowley responded there would be a pervious barrier to remove the stormwater or a means to relieve the pressure of water. Mr. Weeden inquired whether increased nitrogen could be transported to the river and Mr. Rowley responded that it was some distance from the river, adding that he was unsure whether it was addressed in the Conservation Commission's RDA. Mr. Rowley noted that runoff from the wall would be taken away from the wall and roof drains would remove runoff away from the wall. Mr. Rowley stated

that, once approved by the Building Inspector, the Planning Board and he should receive a copy of the final plans for the wall.

Mr. Weeden stated that, due to its proximity to Santuit River and Shoestring Bay, the project sat in a designated high sensitivity map. Mr. Weeden stated that the entire area was archeologically sensitive and inquired about plans for archeological testing. Mr. McElhinney responded that there was an archeological preservation restriction located outside of the area, along sections of the western side of the river. Mr. McElhinney responded that he could provide a copy of a recorded preservation restriction, prohibiting any alteration within the easement area, noting that testing had occurred in the 1980s. Mr. Weeden expressed interest in reviewing the report and its findings. Mr. McElhinney responded that he could look into it, noting that he believed it was PAL who completed the work. Mr. Balzarini recommended also following up with Tom Fudala and Chuck Green, who may have additional information. Chairman Waygan requested that Mr. McElhinney forward the recorded preservation restriction to Mr. Lehrer, to then provide it to Mr. Weeden for his review, providing any of his comments to Mr. Lehrer for the draft Modification.

The Chair inquired if members of the public wished to view the plans, while the matter was being discussed.

Mr. Cummings referenced the land swap completed, stating that Design Review had expressed interest in adding trees for the last building. Mr. Eddy responded that existing vegetation would be maintained, as much as was possible, and augmented as necessary. Updated plans were submitted and noted as L-1, 3.0 and 3.1, with a revision date of 7/24. Mr. Lehrer stated that a separate landscape plan was provided and Mr. Eddy confirmed that the comment was addressed. Plans provided to the Planning Board in their packets did not include the comments but Mr. Lehrer responded that they had been sent by email.

Mr. Hansen referenced the lower buildings and the significant grade changes and impacts of heavy rain. Mr. Eddy responded that the buildings would feature a walkout basement, noting that the only flow would be from vegetated areas because all other flow would be picked up by the stormwater system.

Mr. Rowley provided comments in two letters. Among his comments, Mr. Rowley referenced monumentation of Sampsons Mill Road and the boundary of the property, drainage and location of paved waterways and alternate location for stormwater area #12. Mr. Rowley also referenced the driveway for Building #5 that pitched towards the building, recommending a berm to ensure runoff would be captured in the basin rather than traveling to the wall. Mr. Rowley inquired about adequate capacity with the existing sewer and adequate access for fire protection as well as a handicap parking spot, grading comments and the need for on-site soil test results for drainage calculations. Mr. Eddy responded that their Special Permit allowed for the soil to be witnessed at the time of excavation. In addition, Mr. Rowley indicated that more information was needed about the status of an irrigation well, location of vaults and the adequacy of the system running parallel to Sampsons Mill Road. Mr. Eddy confirmed that he would review and address Mr.

Rowley's comments. Mr. Eddy confirmed that the ANR was approved by the Planning Board on May 2 for the two parcels.

The Public was invited to comment but there were no additional comments.

The Chair summarized that there would likely be conditions listed on the Modification to include referral back to the Planning Board for changes to the retaining wall, a design plan approved by the Building Commissioner being forwarded to Mr. Rowley and the Planning Board, potential reference to archeological sensitivity and soil test witnessed at the time of excavation. There were no additional comments from the Town Planner, Town Engineer or Planning Board members. The project proponent will return to the first meeting of September.

MOTION: Mr. Balzarini made a motion to continue the Public Hearing to September 5 at 7:10 p.m. Mr. Kocharian seconded the motion. All voted unanimously.

SPECIAL PERMITS

Applicant: William Lovely, Property Owner
Property: 2 Center St. (Assessor's Map 36, Lot 47)
Request: Endorsement of Special Permit Modification #2 to list 174-25(B10)

The Chair read the request for the record. The Chair reported that the signature needed to be notarized and inquired whether Mr. Lehrer had the notary language. Mr. Lehrer responded that the Special Permit was as all other Special Permits in the file read, adding that the first signature was notarized, then signed and certified by the Town Clerk that no appeals had been received, before being endorsed by the Planning Board. Planning Board members endorsed Special Permit Modification #2 with their signatures.

PROPOSED AMENDMENTS TO MASHPEE ZONING BYLAW

Review of Draft Form-Based Code with Revisions, Mashpee Commons-Buff Chace, of Mashpee Commons, was recognized to address the Board. Mr. Chace summarized the Mashpee Commons by Design planning process that began in October of 2017, with the goal to hear from the community their wishes for the undeveloped portion of the areas adjacent to Mashpee Commons. Mr. Chace indicated that they wished to implement the visions of the community while also making the project feasible. Regarding affordable housing and open space as highlighted by the Planning Board, Mashpee Commons was not yet prepared to respond how best to address those needs, while also being considered as part of the new Regional Policy Plan being developed by the Cape Cod Commission. Mr. Chace emphasized that there were different stakeholders involved in the project expressing varying priorities, which required consideration. It was never Mashpee Commons' intent to make anyone feel rush or to appear non-transparent in the project and proposals. Mr. Chace proposed that the conversation continue to allow the appropriate amount of time to review and suggested that October Town Meeting may not be the appropriate amount of time to continue the dialogue and asked that Form Based Code be deferred until next year. Mr. Chace suggested that there may be another process to

consider the development proposal, which could benefit all stakeholders. Mr. Chace suggested that tonight's meeting focus on the Administration of the FBC.

The Chair inquired whether Mr. Chace intended reconsideration for the May Town Meeting and Mr. Chace agreed. The Chair inquired whether Mr. Chace had seen the new RPP and he responded that he had been advised that a draft would be available for the One Cape Conference. Regarding open space and affordable housing, Chairman Waygan indicated that it was not solely the priority of the Planning Board, but also referenced in the Town Meeting Approved Local Comprehensive Plan and surveys, making them the priorities of the Town. Mr. Chace responded that, with a number of stakeholders involved, they needed to make the project viable. The Chair responded that it would be helpful if Mashpee Commons could provide comments and maps shared by community members at the six visioning sessions and Ms. Wilbur responded that they would forward a link to Mr. Lehrer, to be forwarded to Board members.

Mr. Chace inquired whether there were additional questions and the Chair inquired whether the Board Secretary had received a hardcopy of the PowerPoint presentation from the last meeting, which she had not. Mr. Lehrer was in receipt of the presentation and would print out a copy. The Chair stated that the Open Meeting Law required that documents and presentations were considered public information and must be referred to in the minutes and kept on file. Mr. Balzarini stated that he wished to see copies of the surveys and people's comments. The Chair inquired whether the visioning sessions were videotaped, stating that she had been unable to locate it online. The Chair inquired whether Mr. Chace, as the property owner, planned to withdraw FBC from the October Town Meeting and Mr. Chace responded that he did. Tom Ferronti, of Mashpee Commons, responded that Mashpee Commons did not formally submit the document to the Board of Selectmen, only presented the information for their review, to be considered to be placed on the October Town Meeting Warrant as a Selectmen's item. Selectman John Cotton was recognized and confirmed that the Board of Selectmen had not submitted any placeholders, adding that his request to allow the Planning Board final approval was denied. Selectman Cotton confirmed that there was no other warrant or placeholder beyond what the Planning Board had submitted. Vanessa Farr and Cara Wilbur were present from Principle, on behalf of Mashpee Commons, to discuss Mashpee Commons' proposed Form-Based Code. Ms. Wilbur indicated that the survey responses and visioning summary could be found on the mashpeecommons.com website.

Ms. Farr indicated that she was present to address any questions or concerns regarding the Administration portion of their FBC and highlighting who currently had oversight of the Mashpee Commons Special Permit, issued in 1986. All projects were currently reviewed by the Zoning Board of Appeals, including 40B projects. The Planning Board and the Cape Cod Commission had limited review for commercial spaces only. The North Market Street project was a Special Permit project reviewed by the Planning Board and the Cape Cod Commission, as a Development of Regional Impact (DRI).

Regarding the FBC Administration, Ms. Wilbur stated that they reordered Article 7, Administration, and the Chair confirmed that the Planning Board was in receipt of a revised Article 7 to replace the section in the original FBC draft. Ms. Wilbur stated that the Master Planning Process was the first level of review that would consider the overall project, ensuring

that it met certain targets related to the layout of the neighborhood and would be reviewed by the Planning Board with a Public Hearing process. The Master Plan Process would apply to parcels under one single ownership involving the potential for significant or phased development or any proposed assignment or reassignment of character districts or special districts to land located within a pedestrian shed on the Mashpee Commons Regulating Plan. Ms. Wilbur described an example of a project that would be reviewed as part of the Master Plan Process. Ms. Farr noted that the Administration section would provide procedures for Master Plan, to include a time period for review, a Public Hearing, a decision, as well as revision procedures. Once the Master Plan was approved by the Planning Board, any applicant could move forward with a Subdivision Plan, a Large Project Plan or Small Project Plan application.

A Subdivision Plan was comparable to the existing process for Subdivision Plans, with language straight from MGL. Large Project Plans involved buildings greater than 10,000 square feet and would be reviewed by the Planning Board, against the standards of the ordinance, with consideration of on-site and off-site impacts. Small Projects would have less impact and could be addressed in a more streamlined way with staff approval because FBC removed much of the guess work out of the process. The Special Permit Process would remain as a special circumstance that the FBC would authorize with Planning Board discussion, which would then require a Public Hearing, typically related to use. Ms. Farr assured the Planning Board that they had looked very carefully at compliance with MGL 40A and 41, Sections 81K through E and G.

Mr. Balzarini referenced Small Project Plans and inquired why the Planning Board would not consider the projects, rather than the Building Inspector. Mr. Balzarini also wished to know more about Plan Revision and their purpose. Ms. Farr responded that the Building Inspector would serve as the staff to review Small Project Plans, noting that currently the Building Inspector served as that authority through enforcement in the current Bylaw. Mr. Balzarini stated that the Building Commissioner served in enforcement and not planning. It was confirmed that it was currently the Town Planner and Consultant Engineer who were the staff involved in the planning process.

The Chair recognized Mr. Rowley, who inquired how the Building Inspector would determine site improvements, and whether there was the authority and qualifications to determine any site improvements. Ms. Farr responded that the zoning code would define the site improvements, adding that the Building Inspector currently enforced the Bylaws and could withhold a permit. Mr. Rowley responded that the Building Inspector's role was completely different from approving site improvements under a Small Project Plan, with no Notice and no Public Hearing. Ms. Farr responded that the Building Inspector would review the application to the standards of the section, write the decision and then grant approval or denial. The Chair inquired if Mr. Rowley was seeking whether the Building Inspector would have legal authority and Mr. Rowley responded that it was not only legal, but also technical and professional authority. Ms. Farr responded that legal authority would fall under Chapter 40A, Section 7. The Chair distributed copies of Chapter 40A to the members of the Board. Mr. Balzarini stated his preference that Small Project Plan be removed. The Chair was in agreement with Mr. Balzarini that staff should not be determining approval of Small Project Plan. Mr. Balzarini added that the Planning Board currently determined whether or not a project required a Public Hearing, noting that the Building Inspector inspected work being completed. Ms. Farr responded that he was enforcing the zoning

ordinance and would determine whether it was a de minimis change, if not, he would return it to the original Board that approved it. The Chair recognized Mr. Lehrer, who stated that the FBC would define the building with clear standards for whoever would be responsible for making the decisions. Ms. Farr added that some Towns had decided to authorize a 3-4 member committee of staff, already involved with project reviews, to serve as the review for projects under 10,000 square feet. Ms. Farr further added that Small Project Plans should not have significant off-site impacts.

Mr. Balzarini stated that Mashpee was a small community and he could see how FBC could be better suited to a larger community like Barnstable or Plymouth. It was Mr. Balzarini's opinion that additional Boards were not necessary to check on Planning Board's projects. Mr. Balzarini continued that the Planning Board could handle review of the projects and likely give Mashpee Commons what they wanted, further adding that most of the projects would likely fall under 10,000 square feet. Mr. Balzarini felt as though there was an effort to remove the Planning Board from the process. Mr. Balzarini understood Mr. Lehrer's point but was unclear whether he supported the FBC, and also agreed with Mr. Rowley about the Building Inspector's authority to make decisions regarding the Small Project Plan. Ms. Farr suggested that there may be another alternative and Mr. Balzarini suggested that it should be the Planning Board. Ms. Farr responded that the Planning Board would have three additional projects to review, including Master Plans, Subdivision and Large Projects.

There was interest from the Public to speak about the role of the Building Inspector, but the Chair explained that they would not yet take Public Comment, but continue first with Board member comments.

Mr. Cummings expressed his agreement with Mr. Balzarini, suggesting that he would not want the Building Inspector responsible for changes up to 10 acres in a lot area, adding that it was a large area that should be the responsibility of the Planning Board. Ms. Farr suggested the possibility of adjusting the threshold by lowering the acreage, as well as identifying the correct staff person, and asked to hear more from the Board addressing those issues. The Chair noted that feedback had just been given. Ms. Farr inquired whether the Board would be comfortable for staff to review a smaller building, with lesser acreage and the Chair responded that they would need to take her proposal under advisement.

Mr. Weeden agreed with Mr. Cummings and Mr. Balzarini. Mr. Hansen also agreed with the other Board members and inquired about issues of enforcement or appeal should an issue arise following the approval of projects. Ms. Farr responded that the Building Inspector would continue to serve in an enforcement role. Mr. Balzarini pointed out that the Planning Board would not know if there was an infraction on a Small Project Plan because the Building Inspector would be responsible for the entire project. Chairman Waygan noted that it appeared to be a conflict of interest. There was discussion regarding whether Mashpee had a Building Inspector or Building Commissioner, but it was noted that it would not change the comments of members of the Planning Board regarding authority. Mr. Hansen inquired about the recourse of the Planning Board if development was not meeting the standards and Ms. Farr stated that the Building Inspector was appointed by the Selectmen. The Chair pointed out that the Building

Commissioner could not do what the Board of Selectmen would request, if it could be a violation of his license.

Ken Marsters was recognized to speak and he shared his experience as a builder working with the Building Inspector. Mr. Marsters stated that the role of the Building Inspector was to enforce the Zoning Bylaws, such as the sign bylaws or ensuring that the proper acreage was available for a home to be built, or examine the house after being built. Mr. Marsters stated that the Building Inspector was not involved with planning, and should not be due to time constraints and expertise. The Building Inspector was responsible for enforcement.

Mr. Kooharian stated his understanding that, with the FBC, standards would be laid out and the Building Inspector would offer approval based on the developer showing that the project conformed to the standards. Ms. Farr agreed. Mr. Kooharian suggested that the issue fluctuated based on the size of the project. Ms. Wilbur inquired whether the Board was amenable to single homes on lots and the Chair responded that single family homes on a conforming lot could be developed by right. Mr. Kooharian did not object to the idea of the Building Inspector being given plans that had been preapproved by the standards. Ms. Wilbur stated that FBC offered a simple straight forward option.

Mr. Balzarini inquired why the Building Commissioner would be involved if an effort was being made to make the process more streamlined. Ms. Wilbur stated that they were trying to utilize the current process. Ms. Farr added that the Master Plan level was not yet engineered, but it was the pre-blessing to development, before moving to the Small Project Plan. Ms. Farr added that not all projects would go to Master Plan. Mr. Balzarini stated that all 10,000 square foot buildings would be reviewed by the Cape Cod Commission, inquiring why they would not then make the projects under 10,000 square feet. The Chair stated that they needed to speak further with the Cape Cod Commission because projects could not be split up to avoid triggering review by the Commission. The Chair recognized Mr. Lehrer who stated that projects with greater impact were reviewed by the Commission. Mr. Lehrer further stated that the permitting timeline made projects more expensive, which is why it was recommended that projects under 10,000 square feet instead be reviewed by the Building Commissioner for efficiency sake, provided that outcomes remain positive within the vision of the Planning Board. By doing so, development would be significantly improved due to reduced costs and improved timelines. The Chair inquired about how much timelines factored in, adding that the greatest costs were engineering and professional work, which would still be required. Ms. Farr responded that attendance at meetings created a cumulative cost and the Chair noted that delays typically occurred when plans and applications were not complete for meetings.

Regarding Master Plans, Ms. Farr pointed out that the majority of streets in the Master Plan did not exist. Anyone wishing to build, it would be part of improvements including creating frontage, by means of the street, and would come to the Planning Board as part of a Subdivision Plan. Therefore if a Subdivision Plan was completed and architectural drawings were ready to be submitted, both plans could be forwarded at the same time, streamlining the process, as it is now.

The Chair recognized Mr. Rowley. Mr. Rowley stated that he would have no issue with the Building Inspector or Commissioner if the only thing he was reviewing were buildings meeting the code on properties that were developed with site improvements in place, but questioned the review of new buildings, accessory buildings, building renovations, additions and also site improvements, such as utilities, stormwater, paving and landscaping. Ms. Farr referenced the Subdivision Plan. Mr. Rowley responded that he was referring to a Small Project Plan. Ms. Farr asked for specificity, referencing grading, landscape installation, stormwater rain gardens, electrical within the bounds of the property. Mr. Rowley inquired about the qualifications of the Building Inspector to improve a stormwater drainage facility. Ms. Farr responded that if there was significant stormwater, there was a section that would set aside escrow funds for outside review. Mr. Rowley stated that, according to the FBC, it would be under the purview of the Building Inspector. Ms. Farr responded that, during the review of projects, a third party review could be acquired. The Chair stated that there was no threshold in place requiring the Building Inspector to seek third party review. Ms. Farr inquired whether the Planning Board was inferring that the Building Inspector would not follow the rules. Mr. Rowley responded that the Building Inspector was not a qualified professional to do what was outside of the code that he was responsible for administering. Ms. Farr responded that Mr. Rowley was saying the same thing as the Board members, which she was hearing. Mr. Rowley responded that he was emphasizing the fact that they were placing the responsibility of planning and code enforcement in the hands of the Building Inspector, which was another level of bureaucracy that could be addressed by the Planning Board. Mr. Rowley further inquired about the meaning of "changes to a lot." Ms. Farr responded with an example of 10 spaces, requesting a removal of 2 spaces or changing the grade to install landscaping or installation of a solar array, because it was changes not specified by the FBC.

Mr. Rowley suggested that there was a lot of vague language and inconsistency throughout the document, not consistent with the existing Zoning Bylaw, creating significant confusion. All of the details needed to be addressed so that it was workable for everyone. The Chair suggested the possibility of returning to the existing Planning Board's review process. Ms. Farr responded that they were discussing two separate issues, procedure and clarity. Mr. Rowley and the Chair responded that they were not different. Ms. Farr stated that they would like specific recommendations where clarity was lacking and the Chair responded that it was not the job of the Planning Board to point out what was missing. The Chair suggested that Mashpee Commons strike Article 7 and utilize their standing review process. Chairman Waygan referenced the Planning Board's Mixed-Use Planned Development proposed Bylaw submitted to the Board of Selectmen that would maintain the existing Special Permit review process, with an option for a Master Plan with Form-Based Code to develop by right. The Chair stated that they may not approve Article 7 and that the Bylaw under consideration for Town Meeting would maintain the current review process.

Mr. Rowley referenced the General Procedures in Article 7 showing conflicting requirements of Permit Authority versus Review Authority. Mr. Rowley referenced Table 7.1 which would create confusion for an applicant, inquiring about land conveyance by the Board of Selectmen. Ms. Farr responded that land disposal must be initiated by the Board of Selectmen. Mr. Rowley inquired about property owned by a private individual and Ms. Farr responded that the ordinance was written eventually for the entire area, adding that, if there was land with a desire to transfer

to the Town, it required a procedure. The Chair stated that the process was already in place. Ms. Farr responded that it was an ordinance to work for the entirety of the project area, land conveyance could be removed if they look at the existing language. Mr. Rowley recommended that they return to the existing language. Mr. Lehrer stated that he was listening to the Board and inquired whether they would be amenable to him going through line by line and coordinating with Mashpee Commons. The Chair asked that Mr. Lehrer support the Planning Board's proposed Bylaw, to which Mr. Lehrer responded that he could not. The Chair responded that she would not assign any work that would work against the Planning Board. Mr. Balzarini stated that they were at an impasse and the Chair stated that more time was needed.

The Chair invited the public to comment.

Mr. Marsters was again recognized and reiterated that the Building Inspector was not a planning person, but that he was an enforcement officer. Mr. Marsters added that he agreed that discussion regarding site improvement in reference to the FBC seemed ambiguous. Mr. Rowley noted that potential applicants would likely interpret documents their own way unless they were very specific. Ms. Wilbur inquired whether the Building Inspector approved individual buildings on lots and the Chair responded that some projects were by right but others were reviewed by Committee or Board. Mr. Balzarini stated that the Planning Board reviewed Subdivisions but the Building Inspector enforced them. Ms. Wilbur suggested they would like to identify the proper threshold to allow oversight by the Building Inspector and the Chair responded that they could review their Bylaw. The Chair added that the Planning Board had been fair to property owners who met with the Board and as citizen planners, allowed for public comment to weigh in on projects. Ms. Farr inquired whether she would need to meet with the Planning Board to add a 250 square foot addition to a commercial property and Mr. Lehrer responded that anything under a Special Permit would go to the Planning Board, likely requesting a modification.

Ms. Wilbur asked if anyone wished to share specific questions or comments. Mr. Balzarini responded that they should reconsider the Building Inspector. Ms. Farr suggested considering a different tier approval process so that not everything would be reviewed by the Planning Board. The Chair suggested sharing what was "by right" currently in the Zoning Bylaw. The Chair indicated that she had requested information from Mashpee Commons by email to Russell Preston. Mr. Balzarini stated that the Planning Board had expressed their thoughts and suggested Mashpee Commons return with their proposal. Ms. Farr responded that she recommended a three person staff review of projects which she had been involved with in her previous planning experience when they incorporated FBC in Yarmouth, Maine, comprised of a Town Engineer, Public Works, Building Inspector, Police and Fire Chief.

A break was taken at 9:13 p.m. and the meeting reconvened at 9:21 p.m.

Massachusetts General Law CH 40A, Mashpee Town Bylaw & Mashpee Town Charter-The Charter was distributed to Planning Board members. Chairman Waygan reported that she had drafted a memo to the Board of Selectmen requesting support for a consultant for the Planning Board, which also included a request to move Mashpee Commons' FBC to another meeting. The Chair will have the draft memo added to the meeting packet for next time to be considered by Planning Board members.

The Chair referenced the three additional bylaws listed on the agenda, noting that in years past, the Town Planner did not submit bylaws without the review of the Planning Board. Bylaws were typically submitted by the Planning Board in some form. According to Chapter 40A, the proposal for a bylaw could be initiated by City Council, Board of Selectmen, Zoning Board, individual landowner affected by the proposal, 10 or more or 100 or more voters, Planning Board, regional planning agency or method provided by a municipal charter. The Chair could find nothing in Mashpee's Charter that would allow the Town Planner to submit a bylaw to the Board of Selectmen. The Chair asked Mr. Lehrer how he came about the process.

Mr. Lehrer referenced the bylaw for ADU which came about in answer to the demand for units, and interest expressed by the community and members of the Board of Selectmen, who recommended he draft it for their consideration. Mr. Lehrer was never warned that his submission would be non-compliant or illegal. The Board of Selectmen could place the Article on the Warrant and, post submission, the Article would return to the Planning Board for review. The Chair stated that it was not illegal but it was not submitted in compliance with the Charter and Massachusetts General Law Chapter 40A. Mr. Lehrer will consult with Town Counsel but he believed the Board of Selectmen controlled the Warrant. Mr. Lehrer wished to clarify any issues. It was the Chair's opinion that Mr. Lehrer was usurping the Planning Board by submitting a zoning bylaw to the Town Meeting Warrant without first consulting with the Planning Board. Mr. Lehrer responded that he did not usurp the power of the Planning Board, that he wrote the language for consideration and that it would still return to the Planning Board. The Chair stated that Planning Board bylaws were typically considered 6 months in advance, with a vote to submit, adding that it was important that the Planning Board maintain its role as an elected body. Mr. Lehrer inquired how it would alter their role and the Chair responded that they had only until September 11 to review the proposed bylaws and expressed her discomfort with going against the Charter and Massachusetts General Law Chapter 40A. It was Mr. Lehrer's opinion that he was not stripping the Board of its authority because they could choose to endorse or not endorse the bylaws. The Chair asked Mr. Lehrer to withdraw his proposed bylaws and Mr. Lehrer responded that he would discuss it with the Town Manager and Town Counsel. The Chair stated that she emailed Rodney Collins about withdrawing the proposed bylaws. Mr. Balzarini explained that typically the Planning Board discussed proposed bylaws before sending it along to the Selectmen and Mr. Lehrer apologized stating that he did not intend to cause an issue. The Chair expressed frustration that recent actions with Mashpee Commons and Planning Board not being part of the process had been the main item on Planning Board agendas. Mr. Lehrer suggested that it was the Chair's narrative but the Chair responded that it was her responsibility as Chair to stand up for the Planning Board. Mr. Lehrer stated that he was standing up for the Town.

Mr. Kooharian stated that there had been an established order in which the Planning Board had done business, and changes with no communication, can cause frustration. Democracy has been based on established order. The Planning Board wished to keep with the established order. Mr. Lehrer stated that he had been seeking feedback from the Board that he was learning and needed help. It was never his intention to usurp the authority of the Board. The Chair again asked Mr. Lehrer to withdraw the bylaws and Mr. Lehrer responded that he would not comment further and take it under advisement. The Chair tabled discussion about the zoning.

A member of the public asked to speak but the Chair responded that the item was tabled. Stephanie Cox asked to be placed on the agenda but was denied, adding that she had been there three hours. The Chair again responded that she tabled the issue because it was an illegal procedure and they were not in compliance with the Charter or Chapter 40A. Ms. Cox stated that she tried to reach the Chair before the deadline. The Chair responded that Ms. Cox contacted her a week ago to speak to the Planning Board, which the Chair declined. Ms. Cox stated that the Chair said she could not attend because she was unwilling to make the changes requested. The Chair stated that Ms. Cox was advised that she could discuss the issue of affordable housing. Ms. Cox stated that she wished to discuss accessory dwellings and the housing situation that impacted Mashpee residents and a means to add to the supply of housing. The Chair apologized and stated that the item was tabled. Mr. Marsters asked to speak and the Chair declined.

Mixed-Use Planned Development –Tabled

Adding New Section, §174-17.1-Raze and Replace-Tabled

Replace §174-45.4-Accessory Apartments with §174-45.4-Accessory Dwelling Units-Tabled

Establishment of Light Industrial Overlay District-Tabled

NEW BUSINESS

Charles Rowley Invoice-Although the item appeared on the draft agenda, it was not included on the final copy so the Chair asked by roll call vote for the item to be added to the agenda.

MOTION: Mr. Balzarini made a motion, by roll call vote, to add Charles Rowley July 2018 payment on the agenda. Mr. Kooharian seconded the motion.

Mr. Hansen-yes; Mr. Cummings-yes; Mr. Balzarini-yes, Chairman Waygan-yes; Mr. Kooharian-yes

The Chair reported that the invoice was in the amount of \$995 and reflected work completed in July, including inspections of Blue Castle Drive.

MOTION: Mr. Balzarini made a motion to pay Charles Rowley for the July invoice of \$995 for various inspections and one regular meeting. Mr. Kooharian seconded the motion.

OLD BUSINESS

Ockway Highlands-Ernest Virgilio, resident of Blue Castle Drive, was present to discuss the contamination of the catch basins located at his property. Mr. Virgilio sent an email and photos and has approached the Board for two years and inquired whether the Board had enforcement to address the issue. Mr. Virgilio expressed frustration that other developers followed the letter of the law in Mashpee, while the Ockway Highlands development remained out of compliance. Mr. Virgilio expressed great frustration that he repeatedly attended meetings

with the Board requiring that the developer attend the next meeting, only to have the developer not attend. Mr. Virgilio invited Board members to look at the state of his front yard, to speak to his wife about their home, stating that it was unacceptable. Mr. Balzarini agreed that it was a mess. Mr. Virgilio stated that if the Planning Board could do nothing, to advise him and put it in writing because he would next be in front of the Town with legal representation. The Chair apologized that the situation had been going on for so long.

Mr. Rowley reviewed the minutes when the developer attended the last meeting, at which time Mr. Rowley requested that additional hay bales be added to area, and the developer agreed. Mr. Rowley reviewed the site and saw that no changes had been made. Mr. Rowley stated that Section 81W of Subdivision Control stated that, upon their own motion, the Planning Board could make a determination that the project was not in compliance and rescind or modify the approval of the Subdivision. A Public Hearing process was necessary, notifying the abutters and developer, which could help to address the issues. A finding that the developer was not in compliance with performance standards would need to be met, which would require further review by Mr. Rowley. Mr. Rowley stated that the drainage area was complete but required loam and seed and dressing, which should be completed. No additional work would be completed besides the top course of pavement and completing the unpaved portion of the road, adding that no abutter should be left with a mess.

The Chair inquired whether the Board wished to authorize Mr. Rowley to inspect the site for a violation and draft a report. Mr. Rowley stated he was unsure whether there was a violation because a time limit was not included in the permit, but the developer should offer due diligence to complete the project in a proper manner. Mr. Balzarini recommended that a letter be sent, to the developer with a time limit of 2-3 weeks, advising that Mr. Rowley would be conducting an inspection to start the process to rescind the Special Permit. Mr. Balzarini stated that the front of Mr. Virgilio's property was a mess. Mr. Rowley reported that the Subdivision could be modified with a time limit through the Public Hearing process.

Chairman Waygan asked Mr. Lehrer for time with Town Counsel to discuss how to proceed with the matter. Mr. Lehrer stated that he could.

MOTION: Mr. Balzarini made a motion to authorize Charles Rowley to do an inspection and write a report. Mr. Kooharian seconded the motion. All voted unanimously.

Mr. Virgilio inquired about the engineer on record and whether they were responsible for reviewing the work and ensuring that the contractor was completing the work properly. Mr. Rowley stated that it was rare for the engineer to be on site to confirm the work, with the exception of Laurentide. Mr. Rowley stated that it would be in the best interest of the developer to ensure that the work was compliant. Mr. Rowley stated that the work needed to be completed. Mr. Rowley added that a temporary solution would be acceptable, if the hay bales were added as agreed to, suggesting that it offered sufficient reason for enforcement with a time limit. The Chair stated that they would move forward with Town Counsel toward a Public Hearing. Mr. Rowley offered to draft language for a letter to the Developer that could be used by the Chair and Mr. Lehrer and for Town Counsel to review. A report, including photographs, would be completed separate to the letter.

Discussion Regarding Windchime Special Permit & WWTP Upgrade-David Bennett, Wastewater Treatment Plant Operator for Windchime, was present to discuss details regarding Windchime's wastewater treatment and Special Permit conditions. Mr. Bennett referenced a letter drafted by Joseph Mooney, Chair for the Windchime Board of Trustees, and contained in Planning Board packets, requesting the release of escrow funds to upgrade the wastewater treatment facility and eliminate the requirement to replenish the funds, due to a redundant requirement for the Financial Assurance Mechanism with the State and modify the Special Permit requirements for the extensive environmental monitoring program, reducing it from quarterly to annually and in its place donate funds to a regional program. Mr. Bennett described the contents of the packet Windchime provided to the Planning Board. It was Mr. Bennett's opinion that Windchime was towing a larger portion of the responsibility as compared to its environmental impact.

Chairman Waygan stated that they would need to look into the legality and proper process of what Mr. Bennett was requesting. Mr. Lehrer reported that he met with the Treasurer regarding the Performance Bond, stating that the Board could take a vote to release the funds in the account provided that they were used for the purpose of the stipulation with the Special Permit, \$166,000 for the purpose of maintaining the wastewater treatment facility. Mr. Bennett stated that he would like a Public Hearing to modify their Special Permit to request a waiver since they wished only to change the wording of the Special Permit. The Chair responded that tonight they could address the escrow funds and Mr. Bennett confirmed that escrow language appeared in Section 9, page 5 (recorded page 242) requiring \$125,000 to be set aside in escrow to be used for improving the level of sewage treatment. Reading the statement, the Chair suggested that, to release the funds, the Special Permit would require modification. Mr. Rowley agreed stating that funds could be released only if it would be used if the owner were to default on the liability to improve sewage treatment. Mr. Cummings referenced another statement about the bond on page 12. Mr. Bennett stated that there were three references to the bond in the Permit. Mr. Rowley suggested that a performance bond could be substituted for the funds. There was discussion about duplicative funds.

Mr. Lehrer was recognized by the Chair, who suggested that, as a resident of Windchime, Mr. Cummings should recuse himself from a modification decision regarding Windchime. The Chair agreed, stating that it was Mr. Cummings' responsibility to determine whether he should recuse himself. Mr. Cummings wished to stay and would abstain from voting, adding that he had declared his relationship to the Secretary of State. Mr. Lehrer recommended that Mr. Cummings would not want to be placed in a compromising position and should also abstain from the conversation.

Mr. Bennett inquired about the process. The Chair stated that the Planning Department would draft the Modification and would seek comment as necessary. Mr. Lehrer confirmed that he would write the decision based on history. The Chair suggested that Mr. Bennett submit an application to modify the Special Permit and also place on the agenda, the vote to release the funds. The Chair wished to review the State Statute that presented the redundancy. Mr. Rowley confirmed that it was a regulation for any plant, but was unsure why the redundancy occurred in the Special Permit, adding that the funds could be released, and without a modification, could be

exchanged for a performance bond that would be renewed annually. Mr. Bennett wished to thoroughly review the options. Mr. Lehrer stated that, if Mr. Bennett wished to pursue the modification through application, he could also request the waivers and the application would kick off the Public Hearing process. There was discussion whether the modification would be considered a major or minor modification. Mr. Bennett asked that everyone review the materials. The Chair requested that Mr. Bennett submit an application to modify the Special Permit as was discussed. Mr. Lehrer stated that he could notify the abutters and suggested that Mr. Bennett submit a letter to the Chair regarding his specific request. Mr. Bennett responded that Mr. Mooney's letter clearly stated what they were seeking, the release of escrow, decrease the environmental monitoring program, or making a donation to another fund and clarification of the 5 mg/L requirement. Mr. Bennett noted that Windchime would be open to the facility becoming Town-owned and was also in conversation with Mashpee Commons regarding excess capacity. There was also discussion about following up with Mr. Fudala regarding the history. Mr. Hansen suggested that Windchime share with the Board what they were bonded for with the State.

Intersection of Country Club Ln. & Old Barnstable Rd.-Mr. Marsters reported that he had been working closely with Fire, Police, Town Planner, Engineer, DPW and Town Manager for input to best develop the intersection. Mr. Marsters introduced his engineer, Dave Marquedant, and described the location of the hairpin turn on Old Barnstable Road. Signage has been improved and increased at the site. Mr. Marquedant reported that the old plan called for two islands, 8 and 10 feet wide. The curb cut has since been reduced to 80 feet, with travel lanes ranging 20 to 26 feet with guard rails added. An extra lane would be created to allow, with two spaces, for a left turn beside a through lane, at a small island. Mr. Balzarini inquired about the golf course and it was confirmed that they would be using their road for access, maintaining the curb cuts. A site distance of 200 feet had been established in both directions. Mr. Balzarini inquired about lighting and Mr. Marsters confirmed that there would be some lighting added at the site. There would also be selective trimming. Mr. Hansen expressed concern about the painted island and inquired about the use of reflective flexible barriers and Mr. Lehrer responded that he suggested the same, but Catherine Laurent indicated that they did not last. Mr. Marsters would mention it again to Ms. Laurent, but it was a town road. Mr. Rowley added that access for the fire truck was also a consideration, noting that the rumble strips should be helpful. The Chair expressed her support of the intersection as did other members of the Board.

20 Blue Castle Drive-There was no update but Mr. Lehrer will follow up to see if they wished to return.

PLANNING STAFF UPDATES

Vacancy Administrative Assistant-The Chair announced that Maria Silva, Administrative Assistant, would be leaving the Planning Board for a new job at County Human Services.

BOARD MEMBER UPDATES

Board Member Assignments-

MOTION: Chairman Waygan made a motion to nominate Joe Cummings for Design Review/Plan Review. Mr. Balzarini seconded the motion. All voted unanimously.

MOTION: Chairman Waygan made a motion to nominate Joe Cummings the Environmental Oversight Committee. Mr. Balzarini seconded the motion. All voted unanimously.

MOTION: Chairman Waygan made a motion to nominate Dennis Balzarini to the Historic District Commission. Mr. Kooharian seconded the motion. All voted unanimously.

MOTION: Chairman Waygan made a motion to nominate David Kooharian to the MMR Military Civilian Community Council. Mr. Balzarini seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to nominate Mary Waygan for the Community Preservation Representative. Mr. Weeden seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to nominate Mary Waygan for the Affordable Housing RFP Workgroup. Mr. Kooharian seconded the motion. All voted unanimously.

Chairman's Report-The Chair reported that she would attend the Affordable Housing Committee meeting tomorrow night where they would be discussing the RFP for potential affordable housing development on Town owned land. The Chair referenced the Planning Board Public Hearing and Meeting Procedures suggesting that it be added to the next agenda in order to make modifications as needed. Mr. Balzarini stated that Mr. Fudala was not present to help Mr. Lehrer, despite efforts by the Planning Board to encourage a transition time. Mr. Lehrer stated that it would not be the same, but that he would do his best to accommodate the Board.

Cape Cod Commission-The Chair reported that she had been in contact with John Idman, at the Cape Cod Commission, regarding a potential review of Mashpee Commons, who noted that it would likely be triggered based on square footage of commercial space, the number of housing units and the number of acres cleared, falling under a DRI, as the RPP was currently written.

Community Preservation Committee-A meeting was scheduled for next week.

Design Review Committee-No meeting

Environmental Oversight Committee-No meeting

Historic District Commission-No meeting

Greenway Project & Quashnet Footbridge- No meeting

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

Plan Review-No update

CORRESPONDENCE

- December 2017 Discharge Monitoring Report for South Cape Village N=5.10
- January 2018 Discharge Monitoring Report for South Cape Village N=5.60
- February 2018 Discharge Monitoring Report for Southport N=39.75
- March 2018 Discharge Monitoring Report for South Cape Village N=4.50

- April 2018 Discharge Monitoring Report for South Cape Village N=8.90
- May 2018 Discharge Monitoring Report for South Cape Village N=5.20

WATERWAYS LICENSES

ADDITIONAL TOPICS

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Kooharian seconded the motion. All voted unanimously. The meeting ended at 10:32 p.m.

Respectfully submitted,



Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

- 7/31/18 Charles Rowley Invoice for July Services
- Public Hearing Notice, Southworth Mashpee Properties, LLC
- 7/2/18 Notice to Abutters
- 7/18/18 Michael Mendoza Letter Re: Design Review for 0 Sampsons Mill Road
- 6/22/18 Southworth Mashpee Properties, LLC Application for Special Permit Modification
- 6/26/18 Southworth Application Payment
- Willow Park Townhomes, Site Construction Plans
- Southworth Mashpee Properties, Landscape Plans
- Willowbend Village Plans
- 7/27/18 Charles Rowley Letter Re: Plan Review of Willow Park
- 8/1/18 Charles Rowley Letter Re: Plan Review of Willow Park
- Mashpee Commons PowerPoint Presentation
- Mashpee Commons Form-Based Code, Article 7-Administration
- 8/1/18 Attorney Kevin Kirrane Letter Re: Raze and Replace
- Melinda Baker Letter Re: Accessory Dwelling Bylaw
- Raze and Replace Article
- Accessory Dwelling Unit (ADU) Article
- Light Industry Overlay District Article
- 7/27/18 Ernie Virgilio Email Re: 7 Blue Castle Drive
- Photos Drainage System at 7 Blue Castle Drive
- 7/20/18 Joseph Mooney Letter Re: Windchime Point Condominium Special Permit Modification
- Sandcastle Mashpee Special Permit Decision

**Mashpee Planning Board
Minutes of Meeting
August 15, 2018 at 7:00 p.m.
Waquoit Meeting Room, Mashpee Town Hall**

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

Also: Evan Lehrer-Town Planner, Charles Rowley-Consulting Engineer, Rodney Collins-Town Manager, Kathleen Connolly-Town Counsel

CALL TO ORDER

The Town of Mashpee Planning Board meeting was opened with a quorum in the Waquoit Meeting Room at Mashpee Town Hall by the Chair, at 7:00 p.m. on Wednesday, August 15, 2018. The Pledge of Allegiance was recited.

The Chair stated that the meeting was being videographed and recorded. The Chair welcomed attendees and asked that anyone addressing the Board do so using the microphone, stating their name and their business. All comments should be addressed through the Chair and a determination will be made whether comments would be heard by the Board, or taken under advisement. The Planning Board encourages public participation.

APPROVAL OF MINUTES— July 18, 2018 and August 1, 2018

The Chair requested that consideration of the July 18 and August 1 minutes be tabled.

PROPOSED AMENDMENTS TO MASHPEE ZONING BYLAW

Review of Draft Form-Based Code with Revisions, Mashpee Commons-Chairman Waygan read for the record an email addressed to Mr. Lehrer, from Tom Ferronti of Mashpee Commons, indicating their inability to attend tonight's meeting due to scheduling conflicts. Mashpee Commons wished that, should discussion continue, all questions be forwarded directly to Mashpee Commons, to be addressed at a future meeting.

The Chair noted that she had previously requested a list of items from Mashpee Commons, and therefore drafted a list for Planning Board consideration. The Chair asked that Board members forward additional requests to Mr. Lehrer, who confirmed that he would forward the master list to Mashpee Commons. The Chair read the list compiled from Planning Board members and there was discussion regarding additional items to add.

- Plans for vehicle parking lots for each of the Character Districts, including parking garages
- Master Regulatory Plan
- Visioning Plan showing Character Districts/Zones with existing constructed public roads
- List of parcels in the plan by Assessor's Map and Lot
- Fiscal Impact Analysis of Mashpee Common's CH 40B Proposal from 2005 (Mr. Lehrer will check with the Zoning Board of Appeals)
- Access to Special Permits and all modifications issued to Mashpee Commons to date (Mr. Lehrer has thousands of pages of documents, most of which were publicly accessible)
- Minimum and maximum building height in each Character District, including the roof design
- Minimum and maximum number of floors allowable in each Character District
- Minimum and maximum residential density in each Character District

- Minimum and maximum commercial square footage allowed in each Character District
- Estimate of wastewater effluent flow, capacity of wastewater facility, estimate of total nitrogen loading
- Tour of the wastewater facility
- Environmental analysis of the proposed density build-out
- Plan to protect Mashpee River, Quashnet River, Waquoit Bay
- Storm water management plan
- Archeological sensitivity study, incorporating study by PAL
- Blank visioning map with roads, but no character districts assigned
- Share more contemporary design ideas
- Traffic impacts and plans to mitigate
- Sustainability capacity of Mashpee, particularly in respect to drinking water

Mr. Rowley expressed concern about the draft as a zoning change, though understood incorporating FBC and its general intent, including issues suggested by the Board, as part of the requirements. Mr. Rowley felt that the project should be subject to a specific Special Permit so that the Board could deliberate on specifics requested by any applicant, not just Mashpee Commons. The Chair confirmed that she did not want spot zoning.

Mr. Kooharian suggested that, with FBC, the Planning Board could determine the location of Character Districts, rather than wait for Mashpee Commons to decide. Mr. Balzarini pointed out that it could not be done without a road layout. Mr. Kooharian did not wish to fight lot by lot. Mr. Lehrer noted that Mashpee Commons would need to be compliant with the Subdivision Control Law and Chapter 40A and supported Mr. Kooharian's idea of give and take with Mashpee Commons. Mr. Rowley noted that Mashpee Commons' Chapter 40B request incorporated a plan locating the streets with details of the roads, similar to what was included in this draft. Mr. Lehrer would scan the 40B request to be shared with the Board. Mr. Lehrer suggested that the final document from Mashpee Commons would likely include more detailed schematics. It was Mr. Rowley's opinion that the detail should not be in a Bylaw, but should be part of the application for review, adding that the goals of Mashpee Commons could change in 5 or 10 years. Changes to the Bylaw would need to be made at Town Meeting. Mr. Lehrer suggested that the benefit of FBC would establish a character and visual aesthetic that the Town would want to see in 100 years. Mr. Rowley suggested that, although fundamentals such as Cape Cod-style could be included, images should not be part of the Zoning Bylaw. Mr. Lehrer inquired why it could not include images. Mr. Rowley cautioned against including specifics. Mr. Kooharian suggested that it was unclear what image of the past would be used and suggested his preference to allow architects freedom to design something new and interesting, rather than a mythical past. Mr. Weeden stated that he was less concerned with design and more concerned with the density and how changes would impact Mashpee. Mr. Kooharian inquired how much more density the Town could sustain, as it would relate to density. Mr. Weeden pointed out that the Cape's aquifer was impacted by nitrogen loads, affected by population density. Mr. Rowley agreed that it would be a major consideration.

Mr. Balzarini stated that, in speaking with residents, they have emphasized their relocation to Mashpee due to its unique, green character, and expressed concern regarding the potential for 5-story buildings. Mr. Evans stated that not every building would be 5-stories, which would likely be mixed-use or civic buildings. Mr. Balzarini emphasized that it was more reason for needing a master plan. Mr. Kooharian suggested that the Planning Board could be more in control of the project by proposing what they would like to see. Mr. Weeden expressed concern about 4-5-story parking garages and build-out that would not allow for local parking. Mr. Lehrer pointed out that surface parking created

more sprawl and runoff issues. Mr. Weeden responded that he would like a better understanding of what to anticipate, adding that the developer would be maximizing their density to increase profit, which would be changing the character of the Town.

Mr. Rowley stated that public services would require increases and changes due to an increase in density. The Town's emergency services would be concerned about the density and the layout. Parking could become an issue for visitors if it was not accessible, and reference was made to the limited parking located at the Post Office, so that visitors would walk by the stores. Mr. Balzarini suggested leveled parking at the area nearest the Mobil station due to the depression in the grade. Mr. Balzarini expressed concern about the addition of more intersections to access Mashpee Commons. Mr. Weeden expressed interest in hearing feedback from the Fire and Police Departments about the potential density and size of alleyways. Mr. Rowley responded that the Fire Department offered their input to the 40B project, ensuring safe access to the property. Mr. Hansen suggested consideration of using pervious surfaces for parking purposes.

The Chair would draft a list to be sent to Mr. Ferronti at Mashpee Commons

Proposed Mixed-Use Planned Development Bylaw—The Chair inquired whether the Board wished to move forward with the proposed Bylaw, or to ask the Board of Selectmen to remove the item from the Warrant. The Chair reported that she had attended the most recent Board of Selectmen meeting where they had begun reviewing the Warrant, with continued review spanning the next two meetings. There was consensus from the Board to wait to pull the Article until the next meeting, while also continuing discussions with Mashpee Commons. Town Manager Rodney Collins stated that, regardless of whether or not the Planning Board withdrew their proposed Article, the Petition Article would remain on the Warrant unless it was withdrawn. Mr. Hansen suggested that an Article without support of other Boards may not pass.

Mr. Lehrer stated that thresholds would be established to determine large and small project review in the Mashpee Commons proposal, adding that the Planning Board could recommend those thresholds to allow for Planning Board review.

Mr. Rowley took a closer look at Article 7 of Mashpee Commons' FBC proposal. Mr. Rowley found that, the closer he looked, the more frustrating it became as it pulled out some aspects of 40A or Subdivision Control. Because it was not laid out for the typical approval process, it could cause confusion. Mr. Rowley expressed concern about technical details, such as the registering of deeds and documents, which did not belong in the document, and whether the Building Inspector would be able to make a determination whether a project should be reviewed by the Planning Board. It was Mr. Rowley's opinion that the issuing Board should be responsible for reviews. Mr. Rowley felt that it would be difficult to administer Article 7, as it was written, and that it would make sense to return to the existing procedures, and not give the authority to another entity. Mr. Rowley added that the Article allowed for an applicant to have the Board of Appeals overturn decisions made by the Planning Board, whereas now, the matter would be reviewed by Superior Court. There was consensus from the Board for Mr. Rowley to draft a summary detailing Article 7. Mr. Lehrer suggested that if Article 7 required a comprehensive report, it would be a legal review that should be addressed by Town Counsel. The Chair responded that Town Counsel could also review it. Mr. Weeden stated that there would be a difference between a legal review and a technical review. Mr. Rowley responded that he would be summarizing the administrative point of view and how the Planning Board would administer the document. Mr. Rowley added that there may be some aspects of the document that could warrant legal review. There was consensus from the Board to have Mr. Rowley draft a report about the document.

Schedule Public Hearing for Proposed Bylaws-The Chair stated that she wished to schedule a public hearing for consideration of the proposed Bylaws. Mr. Lehrer responded that a Public Hearing could not be scheduled until the Warrant had been closed by the Board of Selectmen, adding that the Selectmen had two weeks to notify the Planning Department. The Chair responded that the Selectmen had 14 days to submit anything that they received, but it was Mr. Lehrer's understanding from Tom Fudala that they had not met that deadline in 33 years. There was discussion whether it was legally allowable to schedule a Hearing in advance of the Warrant officially being closed. The Chair expressed her concern that it may leave just one night to schedule a Public Hearing, expressing specific concern about Raze and Replace. The Chair referenced Chapter 40A, Section 5, stating that the deadline commenced from receipt of the Zoning Bylaw by the Selectmen. Attorney Kathleen Connolly, serving as Town Counsel, confirmed that the Planning Board could schedule the Public Hearings, and not have a Public Hearing if the Warrant was not released. Hearings would be scheduled for the first and third meetings of September. Raze and Replace was submitted by the Board of Appeals. Mr. Lehrer indicated that, due to the constraints of paper deadlines, the Board would need to schedule the hearings for the second meeting of September and first meeting of October.

MOTION: Mr. Balzarini made a motion to schedule a Public Hearing for any Zoning Articles submitted to the Planning Board for the 19th of September at 7:10 p.m. Mr. Kooharian seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to schedule, on October 3rd, a Public Hearing at 7:10 p.m. for any Zoning Articles submitted. Mr. Kooharian seconded the motion. All voted unanimously.

The Chair inquired about the expected Zoning Articles and Mr. Lehrer responded that it would include the Mixed Use Planned Development Bylaw, Board of Appeals Raze and Replace and Light Industrial Overlay District. ADU would be withdrawn.

The Chair inquired how Light Industrial Overlay District was placed on the Warrant. Mr. Lehrer had deferred to the Town Manager and Town Counsel and read for the record a legal determination from Town Counsel, Pat Costello. The statement indicated that the Town Planner was supervised by the Town Manager, reporting to and with duties and responsibilities established by the Town Manager and would work with other offices, Boards and agencies. The Board of Selectmen had statutory authority under Section 5 of 40A to initiate Zoning Bylaw Amendments and the Town Planner would be acting within the scope of his office by submitting proposed Zoning Amendments to the Board of Selectmen, through the Town Manager or with the Town Manager's consent, without approval from the Planning Board, despite past practices.

The Chair responded that the Town Manager was not listed as someone who could submit Zoning Bylaw changes in Section 5 of Chapter 40A. The Town could set a different method in the Municipal Charter, but the Chair has not found where it authorized someone to initiate a Zoning Bylaw change. Ms. Connolly responded that towns could, through Home Rule Authority, adopt more stringent Zoning Bylaws. Section 2.7 of the Charter allowed all subjects to be acted on by Town Meeting and shall be placed on Warrants issued by the Board of Selectmen, with the exception of Petition Articles. The Chair read Section 2.7 and asked for further clarification. Ms. Connolly noted that custom and practices vary, and although it was common practice for the Planner or Planning Board to submit Zoning Articles, the Board of Selectmen determined which Articles would be added to the Warrant,

notifying the Planning Board within 14 days. The Chair responded that 40A provided a specific procedure, suggesting that any staff member could submit a zoning change, but that a taxpayer resident could not. The Chair requested that the Board receive a copy of the opinion, to which Ms. Connolly agreed. It was the Chair's opinion that a staff member should not have greater authority over the Zoning Bylaw than a voter/resident/taxpayer where Chapter 40A has protected the process. Ms. Connolly responded that the Planning Board would still review the Bylaw. The Chair understood if a need had been expressed in a public session and considered by the Board of Selectmen and then delegated to a staff member. The Chair expressed concern if there was no identified need or public process addressing the need. Mr. Lehrer wished to speak but was not recognized. Ms. Connolly stated that staff was appointed by and reported to the Town Manager. The Chair stated that the Zoning Article was submitted by the Town Planner, not parties authorized by 40A to submit Zoning Articles. Ms. Connolly responded that it was appropriate for the Town Planner to fulfill a request by the Town Manager.

Mr. Collins reported that the EDIC requested that he review the Light District Overlay, which he deferred to the Town Planner, in an effort to encourage new development. It was known that the Planning Board would have the opportunity to recommend or not recommend the proposed Article. Mr. Collins agreed that the Article should be reviewed by the Planning Board and the Town should consider the Board's recommendation and agreed that public input was necessary to determine whether it was a good or bad idea. The Chair requested the minutes of the EDIC meeting showing the request, adding that issues should be publicly discussed. The Chair stated that she did not wish for a staff person to be assigned work on Warrant Articles without the knowledge and participation of the Planning Board. The Chair stated that she was uncomfortable with the Planning Board being removed from basic amendments to the Zoning Bylaw. Mr. Collins responded that some Articles had been withdrawn prior to review by the Board of Selectmen, and the Chair expressed her appreciation.

The Chair inquired whether there was a retail marijuana Zoning Article under consideration and Mr. Collins responded that he would forward it to the Board. The Chair noted that, if it was a zoning issue, the Planning Board could be of assistance. Mr. Collins responded that an Article to prohibit retail marijuana would be introduced. Should voters opt not to prohibit retail marijuana, it would be necessary to offer an alternative.

Mr. Lehrer asked to speak, and he was recognized by the Chair. As stated at the last meeting, Mr. Lehrer indicated that he never intended to usurp the power of the Planning Board by submitting a proposed Article. Mr. Lehrer identified a need after attending an EDIC meeting and studying the issue with the Building Inspector and local businesses, the potential for the industrial district that was underutilized. In addition, Mr. Lehrer was seeking to expand opportunity in the Town while also enhancing the architectural integrity of an area that led into the Historic District of Mashpee. Given the need, Mr. Lehrer hoped that the Board would give it due consideration because he felt it was a well-written Bylaw that could have a great impact on the Town. Mr. Lehrer further stated that he wholeheartedly cared about the success of Mashpee and was well-trained in Planning. The Chair asked how she could encourage Mr. Lehrer to submit his Articles well in advance of deadlines to the Board of Selectmen. Mr. Lehrer responded that the discourse on Mashpee Commons had occupied much of his time and he felt the necessity to forward this particular Article to the Selectmen. Moving forward, Mr. Lehrer assured the Board that he would do everything in his power to foster strong lines of communication with them, and asked for the same. The Chair suggested establishing a deadline of three months before the deadline to submit Bylaws. Mr. Lehrer responded that, should there be a need identified that could be addressed with a zoning change, he would bring it to the next Planning Board meeting so that the Board could propose an appropriate timeline. The Chair suggested that a deadline

be set but Mr. Lehrer pointed out that he had many responsibilities so it would be best to address it as the need came up. The Chair suggested the first meeting in April to address potential zoning changes. Mr. Lehrer responded that he would work within any regulations defined by the Planning Board, within the Board's authority.

MOTION: Mr. Balzarini made a motion that the Planning Board requires the Town Planner, by April 1st, to report on any Bylaw Amendments that are in process. Mr. Kooharian seconded the motion. All voted unanimously.

It was clarified that the April 1 deadline was a review of proposed amendments to the Zoning Bylaw.

NEW BUSINESS

None at this time

OLD BUSINESS

DRI Referral to Cape Cod Commission, Wireless Service Facility Red Brook Road-Mr. Lehrer confirmed that the date had been set for the first substantive hearing for regulatory review for the wireless facility at 101 Red Brook Road on September 5th, 5:30 p.m., at the library. Additionally, a report had been submitted from the Cape Cod Commission's wireless consultant, which Mr. Lehrer would submit to the Planning Board tomorrow. Mr. Lehrer would be drafting a report from his department regarding its compliance with the Local Comprehensive Plan and Town Regulations. A pro forma meeting, with no decision making, was to occur on August 20th. Mr. Lehrer could send additional information regarding the pro forma meeting. Chairman Waygan requested that the information about September 5th be forwarded to the abutters and, although not legally required, Mr. Lehrer confirmed that he would do so, adding that the Cape Cod Commission would also be notifying abutters. Mr. Lehrer added that abutters were notified about the August 20th meeting and the Chair advised that Mr. Lehrer could let abutters know that the September 5th notification would be the last they would receive.

BOARD MEMBER COMMITTEE UPDATES

Planning Staff Update

Ockway Highlands-Mr. Lehrer read for the record a letter received from Ernest Virgilio, resident of Blue Castle Drive. A copy of the letter was provided to Ms. Connolly. In the letter, Mr. Virgilio again expressed his frustration regarding the roadwork at Blue Castle Drive and non-compliant drainage issues and asked that the Planning Board work toward making the necessary corrections. Mr. Virgilio also attached a drawing of the roadway and drainage structure, for which Mr. Lehrer was further reviewing for the source of the image. Mr. Lehrer also spoke with developer Jacques Morin regarding the intent of the Planning Board to study the issue further, pending the recommendations of Town Counsel and possible amendments to the Special Permit. Mr. Morin had stated that Bevilacqua, subcontractor for installation of drainage construction, was not appearing on site so Mr. Morin was seeking a new contractor to complete the work. Mr. Lehrer notified Mr. Morin that it was critical for the work to be completed and that the Board would be exploring the issue to their fullest authority.

The Chair referenced correspondence received from Town Counsel and Mr. Rowley. Mr. Rowley reported that the sketch provided by Mr. Virgilio was an early image completed by Cape & Islands, and not what was ultimately approved. Although not completed, the existing drainage was in compliance with what was approved by the Board. Mr. Lehrer confirmed that he would clarify with

Mr. Virgilio, adding that it was Mr. Virgilio's opinion that the design he provided would have mitigated the run off issues and questioned why that design was not utilized. Mr. Rowley responded that binder course only was currently on site and the grade on Great Neck Road South was such that it may be contributing to runoff issues. Mr. Rowley reported that the shoulders were not complete, no loam and seed was present, the top coat mix was not in place and the area had not been dressed. Mr. Rowley stated that the contractor indicated that the work completed was what he was instructed to do and Mr. Rowley had received no response to his requests regarding the timeline for the top coat. Mr. Rowley stated that the Board approved the Covenant that was recorded with the Subdivision Plan, but did not recall that a time limit had established for completion of work. Mr. Rowley suggested that Covenant time limit would be the consideration of the Board for a modification or amendment to the Special Permit, under Chapter 41, Section 81. Hay bales requested over one month ago had still not been placed on site. Mr. Lehrer confirmed that he discussed the hay bales with Mr. Morin who responded with his belief that there was limited contamination, but Mr. Rowley's report indicated otherwise. Mr. Balzarini agreed that there was erosion from rushing water, adding that silt and rocks had entered the drainage system and that a puddle still remained in Mr. Virgilio's yard.

The Chair summarized the issue for Ms. Connolly, the developer agreeing to install hay bales one month ago, in order to mitigate some of the drainage issues. The Chair added that neighbors had been actively involved at meetings expressing their concerns about the project. Ms. Connolly confirmed that she had reviewed the Special Permit Decision, and photographs submitted but had not yet seen the original Subdivision Approval. Ms. Connolly stated that, to amend the Special Permit, clerical changes could be addressed at tonight's meeting. To modify the Special Permit, the Board would need to schedule a Public Hearing, by motion, notifying the applicant and abutters. In the Public Hearing, the Board could amend the Special Permit with deadlines for compliance, with technical requirements to be identified by Mr. Rowley. The other authority the Planning Board could utilize would be Chapter 41, Section 81W, with amendments to the Subdivision Approval, but also through the Public Hearing process. Ms. Connolly discussed performance bonds and guarantees, suggesting that if they were in place, the Subdivision approval should still be amended with deadlines, suggesting the Board may wish to do both a Special Permit Modification and Subdivision Approval Public Hearing. The Chair agreed with conducting both Public Hearings.

VERBATIM

Ms. Connolly: I would do two separate Public Hearings because they're under two separate statutes and if there is an appeal, they've got to be handled separately. You can do the one after the other and incorporate the first hearing into the second one, so that you don't have to repeat everything, but definitely do one hearing, take a vote on the Special Permit, you start with that, and then do a separate hearing. And you can say, we're incorporating by reference all of the discussion that we just had so that it's part of it.

Ms. Connolly also recommended that Performance Guarantees tended to provide towns with a better position. Mr. Rowley inquired whether the Performance Guarantee or Covenant would be the decision of the applicant and not the Board. Ms. Connolly responded that the applicant could choose but that the Board would require one or the other. Mr. Rowley believed that there was a Covenant on record that required that the developer could not receive a lot release until the entire road was built according to what was approved. Ms. Connolly noted that the Subdivision Approval could not be amended without the approval of owners who purchased the lots. There was discussion regarding whether the deed had been turned over to Habitat for Humanity and Ms. Connolly recommended consulting with the Town Assessor prior to releasing the notice for the Public Hearing. The notice would be sent to the developer and holders of the mortgage, to consider an Amendment, Decision, Revocation of previously

issued Subdivision Approval and Special Permit, by date and recording information. Two separate notices would be needed. There was consensus from the Board to move forward with scheduling the Public Hearings. Mr. Lehrer confirmed that the earliest date to schedule a hearing would be during the second meeting of September.

MOTION: Mr. Balzarini made a motion to publish a notice of a Public Hearing to consider an amendment to the approval of the Ockway Highlands Subdivision at 7:20 on September 19th. Mr. Kooharian seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to publish a notice of a Public Hearing to consider an amendment to the approval of the Ockway Highlands Special Permit at 7:30 on September 19th. Mr. Kooharian seconded the motion. All voted unanimously.

Mr. Rowley confirmed that notice for the Special Permit would be to abutters within 300 feet and direct abutters for the Subdivision. The Chair inquired whether Ms. Connolly could consult with Mr. Lehrer on the issue, as needed. There was agreement from Ms. Connolly and Mr. Collins. Mr. Lehrer confirmed that he would inform the developer about the hearings and the Chair asked that he also notify Mr. Morin that she specifically requests that the hay bales be placed as previously required.

Discussion Regarding Windchime Special Permit & WWTP Upgrade-Mr. Lehrer reported that he spoke with David Bennett, representing Windchime, who indicated that they intended to submit an application to modify their Special Permit at the end of September.

The Chair requested that Planning Staff Updates remain as an item on the agenda, suggesting categories such as "Applications Received," so that Planning Board members are notified of activities of the Planning Department. Mr. Lehrer was in agreement.

Mr. Lehrer reported that there had been a clerical error regarding Mr. Rowley's May/June Southport services invoice payment, in the amount of \$250. Mr. Lehrer asked that the Board take another vote to approve release of the \$250 for Mr. Rowley's services rendered at Southport in May and June.

MOTION: Mr. Balzarini made a motion to pay Mr. Rowley \$250 for inspections at Southport for May and June. Mr. Kooharian seconded the motion. All voted unanimously.

It was clarified that payment from Southport had been received and deposited but the funds not released, possibly due to late receipt of the funds and/or staffing constraints in the Planning Department.

Chairman's Report-The Chair reported that she had drafted a memo to the Board of Selectmen identifying the Planning Board's need for an independent consultant to address issues related to Form-Based Code. The Chair read for the record the memo. There was consensus from the Board to submit the memo.

Cape Cod Commission- Mr. Weeden confirmed that a draft of the Regional Policy Plan

had been presented to the Subcommittee for comments and would also be presented at the One Cape Summit for public comment. Mr. Weeden will verify whether it would be available online for public comment. There was discussion regarding who would be attending One Cape Summit.

Community Preservation Committee-The Chair reported that there would be a meeting tomorrow.

Design Review Committee-No meeting

Environmental Oversight Committee-Mr. Cummings reported that a Community Gardens Advisory Committee had been established. The EOC would be considering a Bylaw regarding plastic straws, which were not recyclable. Mr. Cummings reported that only \$100,000 of the \$1 million grant had been spent on the shellfish project and it was believed that they had already accomplished 1/3 of the impact they had expected. Mr. Cumming further noted that Mashpee was leading the country in addressing nitrogen issues with shellfish, though it was noted that it would not solve the entire issue and sewerage would still be needed. Additionally, the Lawn Fertilizer Bylaw had been approved by the Attorney General. Santuit Pond was facing challenges with the increase in algae, boards had been removed at Johns Pond dam, pollinator gardens were doing well, the Santuit parking lot would be decorated and dumping was occurring at Holland Mills. The Chair referenced questions raised about the work being done to save the Mashpee River with the shellfish program, while also allowing the potential for increased effluent with development in the Mashpee Commons area.

Historic District Commission-No meeting

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

Plan Review-No meeting

Greenway Project & Quashnet Footbridge-A volunteer with an auger would be assisting with identifying a location on site. Mr. Lehrer recommended using a GPS since cell phones did not work well in the area. Mr. Weeden reported that the Tribe had equipment, but that he was still completing the training. Mr. Lehrer stated that if he was provided with the XYZ data, he could plot the location on GIS. Mr. Hansen volunteered to participate with his car's GPS unit. A date to meet will be coordinated.

CORRESPONDENCE

- January 2018 Discharge Monitoring Report for South Cape Village N=5.60
- February 2018 Discharge Monitoring Report for Southport N=39.75
- March 2018 Discharge Monitoring Report for South Cape Village N=4.50
- April 2018 Discharge Monitoring Report for South Cape Village N=8.90
- May 2018 Discharge Monitoring Report for South Cape Village N=5.20
- June 2018 Discharge Monitoring Report for South Cape Village N=5.80

WATERWAYS LICENSES

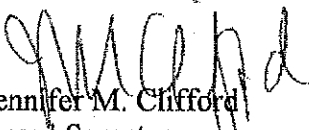
None at this time

ADDITIONAL TOPICS

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Kooharian seconded the motion. All voted unanimously. The meeting ended at 9:23 p.m.

Respectfully submitted,


Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

- 8/15/18 Tom Ferronti, Mashpee Commons, Email Regarding Scheduling Conflicts
- Request for Information on MD FBC
- 8/13/18 Ernie Virgilio, Resident, Letter to Evan Lehrer Regarding Blue Castle Drive
- 8/3/18 Charles Rowley Inspection Report of Blue Castle Drive
- 8/14/18 Town Counsel Legal Determination Regarding Blue Castle Drive
- 8/15/18 Planning Board Memo to Board of Selectmen Regarding the Need for Independent Consultant
- 11/15/17 Mashpee Planning Board Special Permit Regulations

September 5, 2018

Re: Willowbend Development Public Hearing

Members of the Mashpee Planning Board:

By way of background I have lived at 186 Dunrobin Road in the Willowbend community since 2002. This street parallels the proposed development, albeit being separated by the 3rd fairway. I am one of the 3 trustees of the 26 member Gardens Homeowners Association. While the association is not taking a position on the proposed development, several residents have approached me concerned with the narrowness of the roadway along that portion of Sampson's Mill Road where access to this development will occur.

By way of further background, some 5 years ago, the Mashpee DPW, using state Chapter 90 funds milled and resurfaced Sampson's Mill Road from Cape Drive to the driveway entrance to the Willowbend wastewater treatment facility. The department director, Catherine Laurent, had every intention to continue the project to the Mashpee-Barnstable boundary line which straddles the Santuit River. However, topographical issues between the treatment plant driveway, particularly between from the driveway to the tribal lands, which formerly was a stable, along with jurisdictional issues with Barnstable relative to sharing the cost of enlarging the culvert at the river, stopped the project in its tracks. I should add, that the pavement width of the reconstructed area of Sampson's Mill Road is about 18 feet.

Earlier this year, to her credit, Catherine retained a surveying company to begin taking the topo needed to correct the roadway from the driveway entrance to the river culvert. Immediately following the driveway, the roadway narrows to 15 to 16 feet and there are embankments on both sides of the road almost starting at the edge of the existing pavement. Traveling east, the embankment on the south side of the street is perhaps 6 feet high; on the north side of the street the embankment rises to some 8 feet high in places. The embankment returns to grade level in front of the tribal land and across the street where the access road to the new development will presumably be. However, because of a curve in the road, cars travelling in either direction cannot see if any on-coming cars, or pedestrians, for that matter, are coming because of the 10 foot embankment on the north side of the road. That is one of the issues the planning board must address as it reviews this project. From my past municipal and planning board experience, that embankment has to be completely removed to permit proper site distances in order to reduce the potential for accidents, either vehicular or pedestrian.

The culvert presents another set of issues, because it is less than 15 feet wide and with guardrails on both sides right at the edge of the existing pavement. In addition, often there are branches that overhang the guard rail, and when there is significant rain, there is often a puddle that collects at the culvert. There is barely enough room for two cars to pass on the culvert itself. Catherine has been able to obtain some agreement with her counter-parts in Barnstable to rectify this condition. However, it is my understanding that since the road on the Barnstable side is a private road, Barnstable is only willing to make roadway improvements to the first intersecting street.

I hope this background, along with Catherine's and your planner, Evans, input will be helpful as you review this project.

While I stated above that I am not coming before you as the trustee of my homeowner's association to take a position on the proposed development, as one who spent 30 years in municipal government, 25 years as the first manager of a small town in another state and since moving here was elected to the Mashpee Charter Study Commission as well as spending 12 years as an appointed member of the Mashpee Finance Committee, may I personally offer 2 important reasons in favor of approving this proposed development, assuming the other planning considerations are met. First, this development will be tied into the Willowbend wastewater tertiary treatment facility. This, combined with meeting the requirements to contain all surface water on-site, so as not to affect the water quality of the Santuit River and subsequently Shoestring Bay, is most significant.

But, secondly, approval of this project will add incrementally, if not significantly, to Mashpee's tax base. While some residents of Mashpee still want to think of it as a "small" town, I would submit, that a \$50 + million annual budget does not qualify as a small town budget. And, there is a major, major, major expense looming over all the Cape Cod towns, if Cape Cod is to remain viable – **waste water treatment and the elimination of residential septic systems.**

I'm 78, so it may not happen in my lifetime, but as a town, it needs to continue to grow its tax base to keep up with costs, but further it should be considering ways to set aside funds to offset those looming, but inevitable, costs. For example, in a couple of years I believe the town will have to consider renewal of the Community Preservation Act program. I have been a big advocate of that program, because Mashpee has been able to implement major improvement programs and purchase multiple acres of land for conservation purposes it never would have been able to do or acquire through the normal budgeting processes. It has been able to do that by a 3% surtax on property taxes. Perhaps when the Community Preservation Act expires, Mashpee should retain the 3% surtax and appropriate it for future wastewater treatment costs. Or, perhaps, the Planning Board should consider a bylaw creating a surcharge for all residential, commercial or industrial development, not hooked up to a treatment facility. That surcharge could be directed to an irrevocable wastewater treatment fund.

Thank you for your time.

Charles E. Gasior

Matthew Eddy

From: Jack Phelan <jphelan@mashpeeema.gov>
Sent: Wednesday, August 1, 2018 12:55 PM
To: John Lavelle
Cc: Matthew Eddy
Subject: Re: Willow Park Townhomes, Mashpee, MA
Attachments: Turning Radius Template.pdf

John,

Just a couple of notes:

Gate access - Access width and clearance similar to the North Glen entrance would be optimum. Preferable to have Knox key capabilities for entry but can be similar to North Glen access key pad. Must meet the requirements as outlined in 527 CMR 1.00 ch. 18.

Turning radius - Shall comply with 527 CMR 1.00 ch. 18.2.3.4.3, please see attached turning radius template.

The proposed hydrant locations are fine.

↳ Min Radius = 25'
→ we've confirmed Town Truck Turning

I do not see any obvious challenges with the project. Please feel free to contact me if you have any questions.

John F. Phelan
Deputy Fire Chief
Mashpee Fire & Rescue
20 Frank Hicks Drive
Mashpee, MA 02649

v 508-539-1457
f 508-539-1453
c 774-836-0691

From: John Lavelle <jlavelle@baxter-nye.com>
Sent: Wednesday, August 1, 2018 9:19:00 AM
To: Jack Phelan
Cc: Matthew Eddy
Subject: Willow Park Townhomes, Mashpee, MA

Hi Jack:

Our site layout plans, utility plan, and truck turning template sketch for the project are attached here.

Please review and approve for fire department requirements.

Thanks,

John K. Lavelle
Senior Engineer

BAXTER NYE ENGINEERING & SURVEYING • 78 North Street - 3rd Floor • Hyannis, MA 02601

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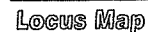
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Senior Engineer

Mashpee, Massachusetts



Scale 1" = 500'

Owner :

Southworth Cape Development, LLC
130 Willowbend Drive
Mashpee, MA 02649
(508)-539-5316

Applicant :

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

Engineer/Surveyor :

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

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

Job Number: 2014-009

PLAN SHEET INDEX

No.	DRAWING TITLE
-----	---------------

- C 0.0 Cover Sheet
- C 1.0 Legend and General Notes
- C 2.0 Existing Conditions Plan
- C 3.0 Master Layout Plan
- C 3.1 Layout and Dimension Plan
- C 3.2 Sight Distance Plan
- C 4.0 Grading and Drainage Plan
- C 4.1 Roadway Profile
- C 4.2 Stormwater Management Details and Notes
- C 4.3 Stormwater Management Details
- C 5.0 Utility Plan
- C 6.0 Detail Sheet
- C 6.1 Detail Sheet
- C 6.2 Cultec Recharger 902HD Heavy Duty Chamber Detail Sheet
- C 6.3 Cultec Recharger 330XL HD Chamber Detail Sheet
- C 6.4 Cultec Stormfilter 330 Detail Sheet
- L 1.0 Landscape Plan

FOR PERMIT ONLY NOT
FOR CONSTRUCTION

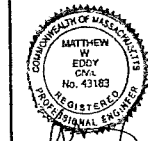
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www.baxter-nye.com

STAMP



CONSULTANT

CONSULTANT

PREPARED FOR:

SOUTHWORTH MASHPEE
PROPERTIES, LLC
130 Willowbend Drive
Mashpee MA 02549

PROJECT TITLE
Willow Park Townhomes
Sampsons Mill Road
Mashpee, MA

	SFR	6/29/18	PLANNING BOARD COMMENTS
	SFR	7/24/18	SFR COMMENTS

SHEET TITLE

Cover Sheet

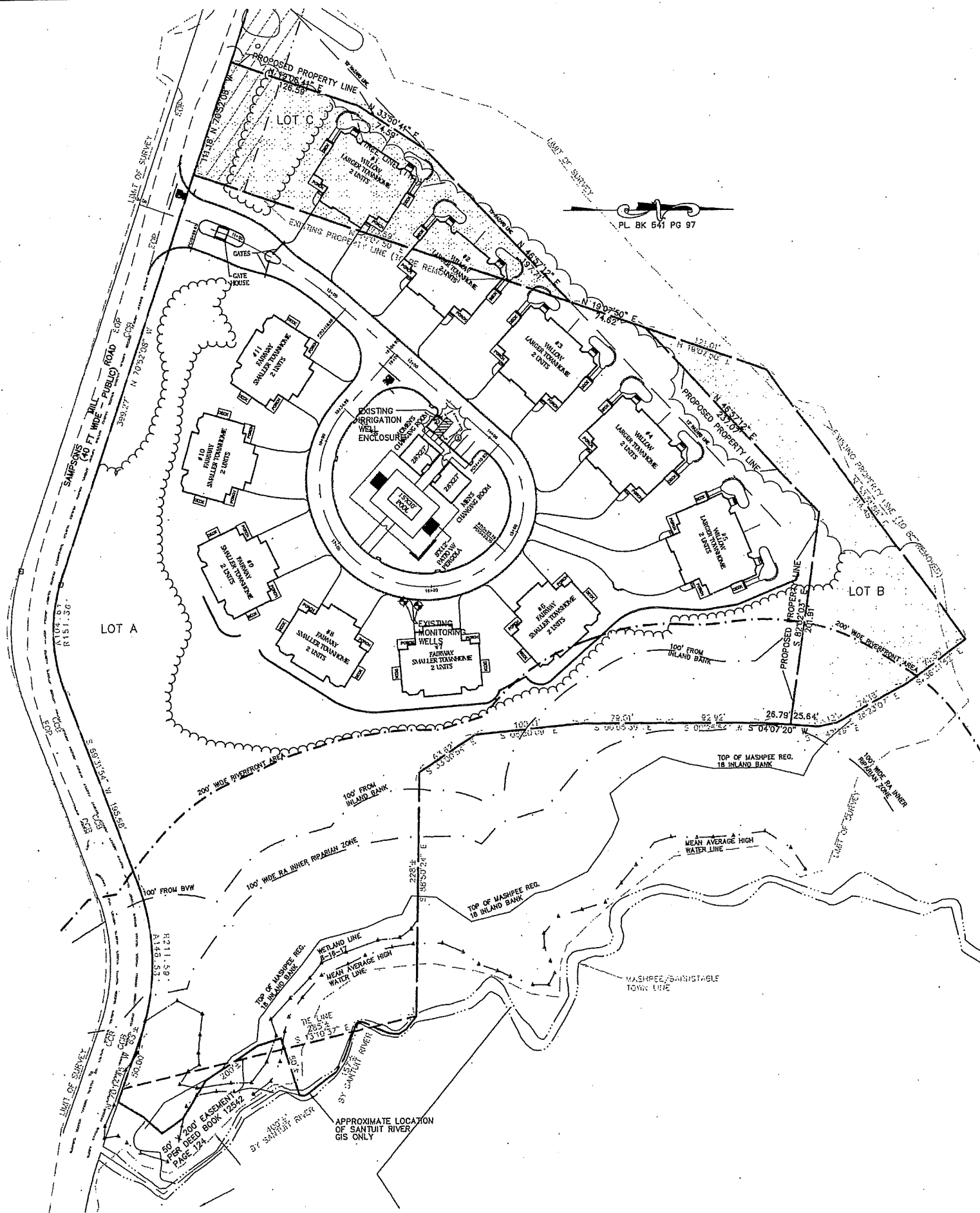
SHEET NO

SHEET NO **CO.0**

DATE: JUNE 01, 2018

SCALE: NTS

DRAWN/DESIGN BY: SOW CHECKED BY: MYE
JOB NO: 2014-009 CADD FILE: 2014-009-CV.dwg



ZONING TABLE		
ZONING DISTRICT: R-3 (Residential)		
OVERLAY DISTRICTS: None		
ALLOWED USE: RESIDENTIAL		
EXIST USE: RESIDENTIAL, VACANT		
PROPOSED USE: RESIDENTIAL MULTI-FAMILY		
2 UNIT (LARGE TOWNHOUSE UNITS x 5 BLDGS) = 10 UNITS		
2 UNIT (SM. TOWNHOUSE UNITS) x 6 BLDGS = 12 UNITS		
TOTAL NUMBER OF UNITS = 22 UNITS		
TOTAL PARCEL AREA: 394,208± SF, 9.05± AC (LOT A + LOT B + LOT C)		
MIN. LOT AREA	40,000	375,503 SF (UPLAND)
FRONTAGE	150 FT	1,022 FT ±
PERIMETER SETBACK	40 FT	40.5 FT
MAX. BLDG. HEIGHT (STORIES)	2 STORIES/35 FT.	2 STORIES - 31.83 FT
MAX. % LOT COVERAGE (STRUCTURES)	20%	13.1%
TOTAL PARCEL: 394,208± S.F.	(78,841± S.F.)	(51,827± SF)
PARKING TABLE		
RESIDENTIAL 2 PER UNIT (22 X 2 = 44)	44 SPACES	22 ATTACHED GARAGES 22 DRIVEWAYS 5 PRKG. SPACES
TOTAL PARKING		49 SPACES
DESIGN VEHICLE		AASHTO SU
*APPROVED BY VARIANCE		

- NOTES:**
1. ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH MHDSS, TOWN ORDINANCES, REQUIREMENTS, AND SPECIFICATIONS.
 2. THE CONTRACTOR SHALL CONTACT THE ENGINEER TO SCHEDULE A PRE-CONSTRUCTION MEETING AT LEAST TWO (2) WEEKS PRIOR TO COMMENCING CONSTRUCTION.
 3. THE CONTRACTOR SHALL MAKE SUBMITTALS TO THE ENGINEER FOR APPROVAL BEFORE ANY FABRICATION OR DELIVERY OF PRODUCTS OR MATERIALS.
 4. ALL PROPOSED WALKWAYS WILL BE HANDICAPPED ACCESSIBLE. ALL PROPOSED RUNNING SLOPES ON WALKWAYS SHALL BE LESS THAN 5% AND ALL CROSS SLOPES <2%. THESE ARE MAXIMUM SLOPES WITH NO TOLERANCE. ALL WORK WILL BE IN ACCORDANCE WITH THE MOST CURRENT REQUIREMENTS OF THE U.S. ACCESS BOARD, AMERICANS WITH DISABILITIES ACT & COMMONWEALTH OF MASSACHUSETTS, ARCHITECTURAL ACCESS BOARD.
 5. EXISTING PAVING EDGES SHALL BE SAWCUT TO CREATE A CLEAN EDGE WHERE IT IS TO BE TIED INTO NEW PAVING, OR WHERE ASPHALT IS REMOVED ADJACENT TO ASPHALT WHICH IS TO REMAIN. BROKEN OR UNSTABLE PAVEMENT SHALL BE REMOVED AND SUBBASE REPLACED WITH SUITABLE COMPACTED MATERIAL PER PAVEMENT SECTION DETAIL HEREIN. ANY SAWCUT LINES SHOWN ON THE PLANS ARE APPROXIMATE ONLY. THE EXACT EDGE OF SAWCUT SHALL BE DETERMINED BY THE CONTRACTOR IN THE FIELD TO PROPERLY BLEND TO THE SURROUNDING GRADES. PROPOSED ASPHALT SHALL BE PROPERLY BUTTED AND BLENDED TO SURROUNDING ASPHALT WHICH IS TO REMAIN. THE BLENDED TRANSITION BETWEEN PROPOSED AND EXISTING ASPHALT SHALL BE WITH AN APPROXIMATE 1.5% GRADE UNLESS OTHERWISE IDENTIFIED. THE JOINT SHALL NOT BE ABRUPT.
 6. DIMENSIONS SHOWN ARE TO OUTSIDE FACE OF FOUNDATION OR FACE OF CURB WHERE APPLICABLE.
 7. ALL PAVEMENT MARKINGS AND STRIPING SHALL FOLLOW MUTCD STANDARDS. TYPICAL LINE WIDTH FOR LANE AND PARKING STALL STRIPING SHALL BE 4 INCHES UNLESS OTHERWISE NOTED. PARKING STALL COLOR SHALL BE WHITE, TYPICAL, UNLESS OTHERWISE NOTED.
 8. BUILDING AND SITE SIGNAGE SHALL MEET REQUIREMENTS OF TOWN ZONING AND/OR SIGN ORDINANCES.
 9. SITE LIGHTING - SEE ELECTRICAL DRAWINGS IN ARCHITECTURAL PLAN PACKAGE FOR DETAILED INFORMATION.

TOTAL RIVERFRONT AREA ON SITE = 98,306 SF
ALLOWABLE ALTERATION (10%) = 98,306 X 0.10 = 9,831 SF
PROPOSED ALTERATION = 3,014 SF (3.07%)

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Hyannis, Massachusetts 02601
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CONSULTANT

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PREPARED FOR:

SOUTHWORTH MASHPEE PROPERTIES, LLC
130 Willowbend Drive
Mashpee MA 02549

PROJECT TITLE

Willow Park Townhomes
Sampsons Mill Road
Mashpee, MA

NO.	BY	DATE	DESCRIPTION
1	SPR	6/29/18	PLANNING BOARD COMMENTS
2	SPR	7/24/18	SPR COMMENTS

SHEET TITLE

Master Layout Plan

SHEET NO

C3.0

DATE: JUNE 01, 2018

50 0 50 100
SCALE IN FEET

SCALE: 1" = 50'

DRAWN/DESIGN BY: SMW CHECKED BY: MNC

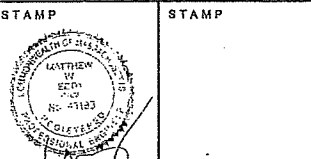
JOB NO: 2014-009 CADD FILE: 2014-009-MASTER.DWG

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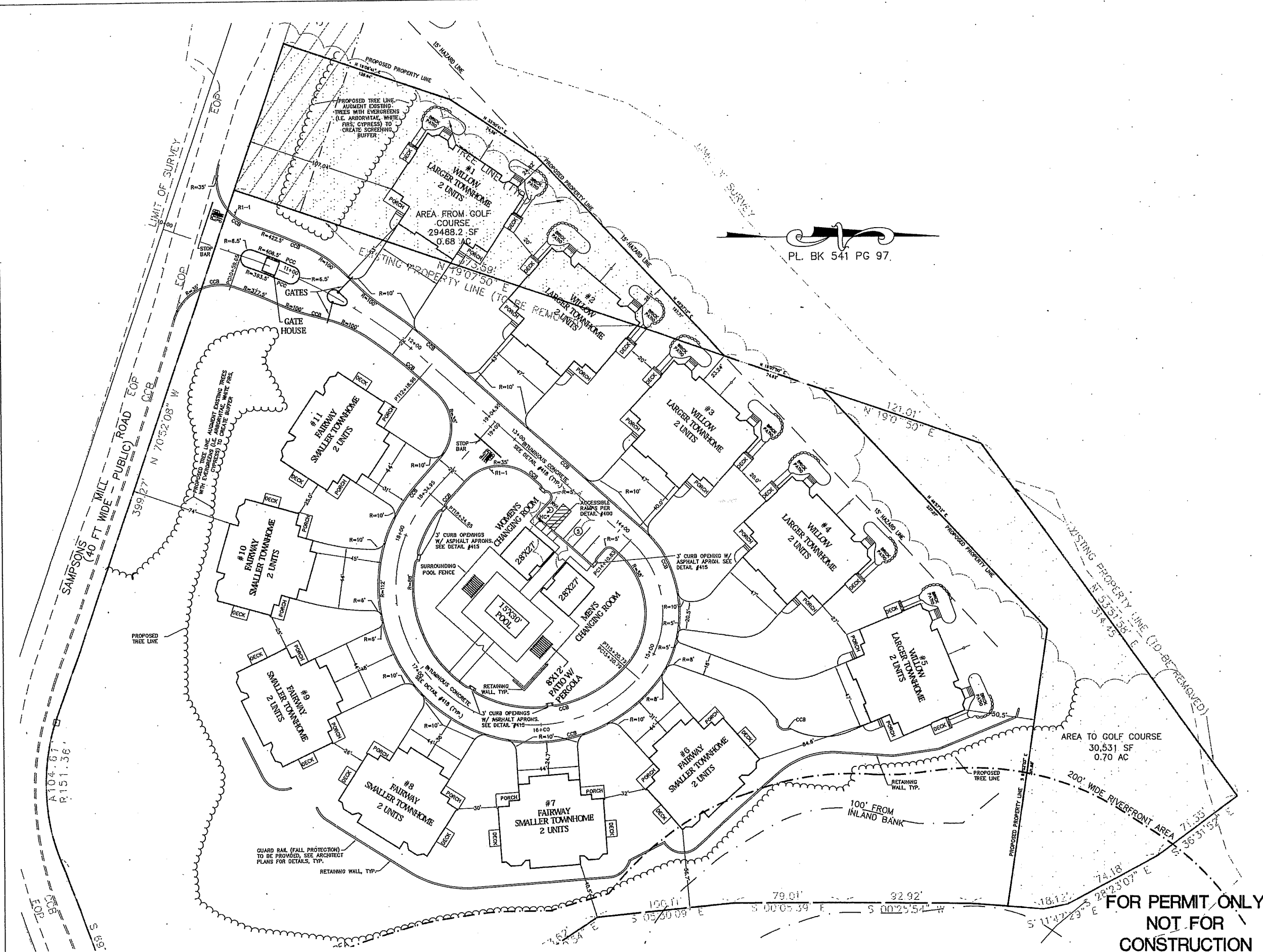
PROJECT TITLE
Willow Park Townhomes
Sampsons Mill Road
Mashpee, MA

NO	BY	DATE	DESCRIPTION
1	SPR	02/29/16	PLANNING BOARD COMMENTS
2	SPR	7/24/16	SPR COMMENTS

SHEET TITLE
**Layout and Dimension
Plan**

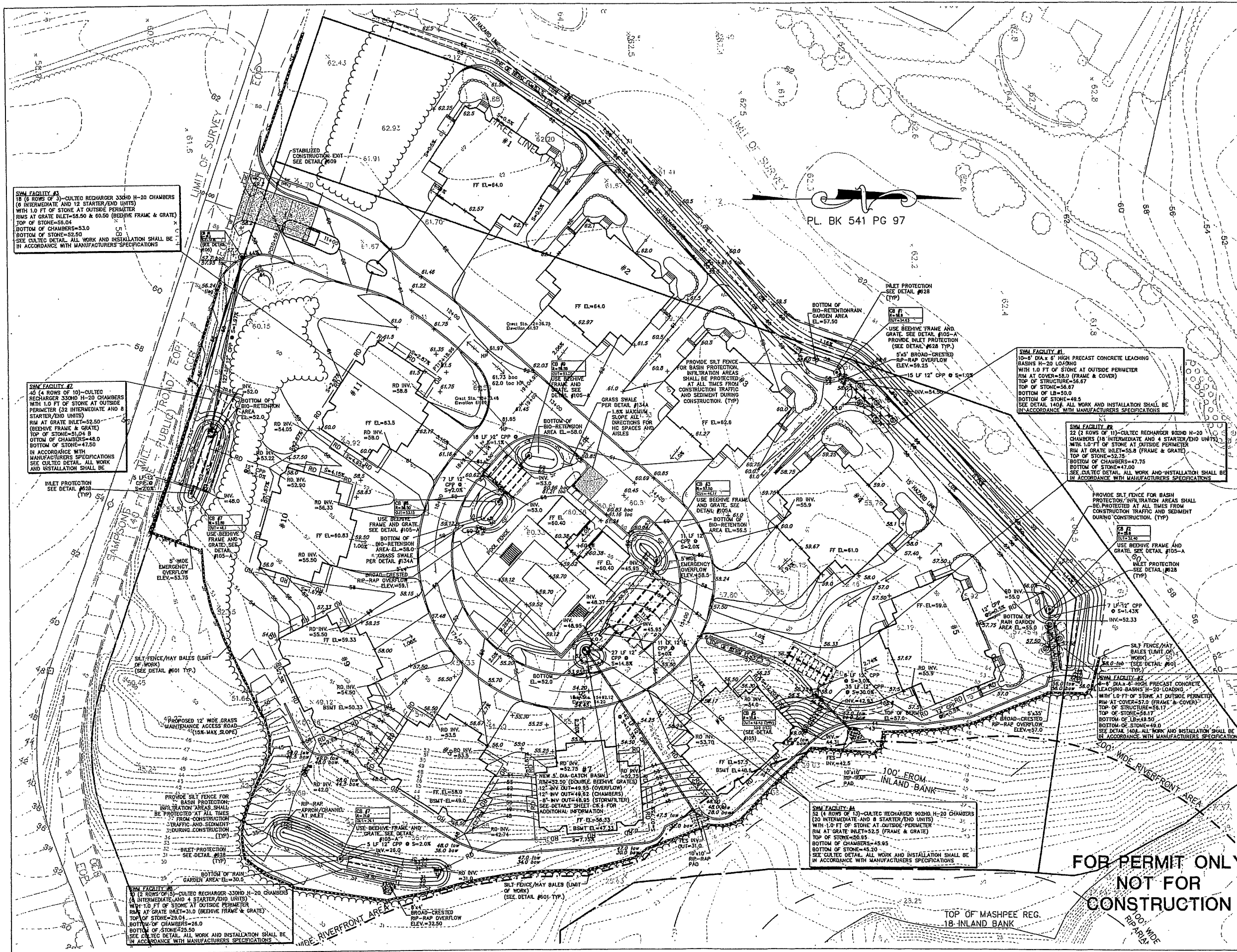
SHEET NO
C3.1

DATE: JUNE 01, 2018
SCALE: 1" = 30'
DRAWN/DESIGN BY: SDW CHECKED BY: WNE
JOB NO: 2014-009 CADD FILE: 2014-009-10-02.dwg



PL. BK 541 PG 97.

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Fox - (508) 771-7622
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PROJECT TITLE
Willow Park Townhomes
Sampsons Mill Road
Mashpee, MA

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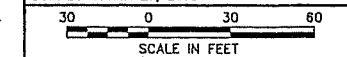
SHEET TITLE

Grading and Drainage Plan

SHEET NO

C4.0

DATE: MARCH 27, 2018



SCALE: 1" = 30'

DRAWN/DESIGN BY: SDW CHECKED BY: MWE

JOB NO: 2014-009 CADD FILE: 2014-009-RIVER DRAIN

JOB NO:2014-009 CADD FILE:2014-009-RHEB.DWG

UTILITY NOTES:

1. CAUTION: THE CONTRACTOR SHALL CONTACT DIO SAFE (AT 1-800-DIG-SAFE) AND UTILITY COMPANIES TO LOCATE ALL EXISTING UTILITIES, AT LEAST 72 HOURS PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION, BOTH HORIZONTALLY AND VERTICALLY, OF ALL EXISTING UTILITIES BEFORE THE START OF ANY WORK. THE LOCATION OF EXISTING UNDERGROUND SYSTEMS, INFRASTRUCTURE, UTILITIES, CONDUITS AND LINES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THEY MAY NOT BE LIMITED TO THOSE SHOWN HEREIN AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER, THE ENGINEER, OR ITS REPRESENTATIVE. THE CONTRACTOR AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO LOCATE SAID SYSTEMS, INFRASTRUCTURE AND UTILITIES EXACTLY. IF ELEVATION INFORMATION DIFFERS FROM PLAN INFORMATION, THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY FOR POSSIBLE REDISCOVER. AT UTILITY CROSSINGS, VERIFY IN FIELD THE LOCATION AND RIGIDITY OF WATER, ELECTRIC, GAS, TELEPHONE & DATA/COMM AND RELOCATE IF CONFLICTING WITH PROPOSED DIVERSITY PER THE ENGINEER'S DIRECTION. THE CONTRACTOR SHALL PRESERVE ALL UNDERGROUND SYSTEMS, INFRASTRUCTURE AND UTILITIES AS REQUIRED.
2. 12" MINIMUM VERTICAL CLEARANCE SHALL BE MAINTAINED BETWEEN ALL UTILITY CROSSINGS.
3. A MINIMUM 10' HORIZONTAL SEPARATION SHALL BE MAINTAINED BETWEEN WATER AND SEWER LINES, WHERE WATER LINES CROSS SEWER LINES. THE SEWER LINE SHALL BE LOCATED WITH A MINIMUM VERTICAL CLEARANCE OF 18" BELOW THE WATER LINE. THE SEWER LINE JOINTS SHALL BE LOCATED EQUIDISTANT AND AS FAR AWAY FROM THE WATER LINE AS POSSIBLE WHEN IT IS IMPOSSIBLE TO ACHIEVE HORIZONTAL AND/OR VERTICAL SEPARATION AS STIPULATED ABOVE, BOTH THE WATER LINE AND SEWER LINE AT THE CROSSING LOCATION SHALL BE CONSTRUCTED OF MECHANICAL JOINT CEMENT-LINED DUCTILE IRON PIPE FOR ONE FULL 20' PIPE LENGTH OR ANOTHER EQUIVALENT THAT IS WATERTIGHT AND STRUCTURALLY SOUND. THE JOINTS FOR BOTH PIPES SHALL BE LOCATED AS FAR AWAY FROM THE CROSSING AS POSSIBLE. BOTH PIPES SHOULD BE PRESSURE TESTED TO 150 PSI TO ENSURE THAT THEY ARE WATERTIGHT.
4. SEWER MAINS TO BE 8" MIN. SDR-35 PVC WITH A MIN. SLOPE OF 0.50% UNLESS OTHERWISE NOTED. SEWER MAINS AND SEWER FORCE MAINS TYPICAL COVER OVER SEWER LINE SHALL BE 4'. IF LESS THAN 4' OF COVER IS PROVIDED, INSULATE SEWER LINE AGAINST FREEZING IN ACCORDANCE WITH DETAIL #205 OR EQUAL.
5. SEWER BUILDING CONNECTIONS SHALL BE 4" MIN. SCHEDULE 40 PVC, U.O.N., AT A MIN. SLOPE OF 1.0% U.O.N. A CLEANOUT SHALL BE SET ON EACH SERVICE LINE AT A DISTANCE OF 10' +/- (U.O.N.) OFF THE FOUNDATION. ALL PIPING FOR COMMERCIAL BUILDINGS SHALL BE PER PLUMBING CODE WITHIN 10 FEET OF BUILDING.
6. WATER MAINS TO BE CEMENT LINED DUCTILE IRON PIPE CLASS 52, U.O.N., ALL CONSTRUCTION METHODS AND MATERIALS SHALL BE AS REQUIRED BY, AND IN ACCORDANCE WITH THE LOCAL WATER DEPARTMENT AND APPLICABLE ANWA SPECIFICATIONS.
7. TYPICAL COVER OVER WATER LINE SHALL BE 5'. IF LESS THAN 4' OF COVER IS PROVIDED, INSULATE WATER LINE AGAINST FREEZING IN ACCORDANCE WITH DETAIL #205 OR EQUAL.
8. WATERLINE INSTALLATION REQUIRES THRUST BLOCKS TO BE INSTALLED AT ALL BENDS, ENDS OF LINE, VALVES AND FIRE HYDRANTS IN ACCORDANCE DETAIL #301.
9. AUTOMATIC SPRINKLERS SHALL BE INSTALLED IN ACCORDANCE WITH MASSACHUSETTS BUILDING CODE AND APPLICABLE NFPA REGULATIONS, IF SO REQUIRED.
10. ELECTRIC, DATA/COM IS SHOWN SCHEMATICALLY HEREON. ALL LABOR, WORK, EQUIPMENT AND MATERIALS FOR INSTALLATION OF THESE UTILITIES SHALL BE OWNED AND PERFORMED BY THE CONTRACTOR. UTILITIES SHALL BE INSTALLED WITH A MINIMUM COVER OF 3 FEET U.O.N. OR OTHERWISE DIRECTED BY THE CONTROLLING UTILITY COMPANY. CONTRACTOR SHALL COORDINATE ALL FINAL LAYOUTS AND DETAILS WITH APPLICABLE UTILITY COMPANIES.
11. EXTERIOR RESIDENTIAL LIGHTING SHALL BE LOW WATTAGE TYPE AND DIRECTED SO AS TO KEEP ALL LIGHTING WITHIN SUBJECT LOT. ANY SITE LIGHTING USED SHALL BE LOW WATTAGE STREET LANTERNS ON 15' MAXIMUM POLE LOCATED ADJACENT TO SUBJECT LOT DRIVEWAY, PARKING OR WALKWAYS.
12. ALL UTILITY CUTS THROUGH EXISTING CONCRETE OR BITUMINOUS CONCRETE PAVED SURFACES SHALL BE SAW CUT, BACK FILLING OF TRENCH SHALL INCLUDE 12" IN DEPTH FLOWABLE FILL TO THE BASE COURSE OF THE SURFACE TREATMENT. THE SURFACE TREATMENT SHALL THEN BE REPLACED IN KIND. IF THE BITUMINOUS CONCRETE SURFACE IS WITHIN THE ROADWAY, THE BITUMINOUS CONCRETE TOP COURSE SHALL BE FINISHED WITH IMPROVED TREATMENT TO BLEND EXISTING AND NEWLY PAVED SURFACES, IF REQUIRED BY THE MUNICIPALITY.
13. SITE CONTRACTOR TO OWN ALL EXCAVATION, TRENCHING, & BACKFILLING FOR ALL UTILITIES AND MISCELLANEOUS WORK INCIDENTAL TO THE SCOPE OF THE PROJECT AND CONTRACT DOCUMENTS. CONTRACTOR SHALL REFER TO MEP AND LANDSCAPE PLANS BY OTHERS FOR ADDITIONAL INFORMATION AS APPLICABLE.
14. ALL WORK WITHIN THESE PLANS SHALL BE PERFORMED AND PROVIDED BY THE CONTRACTOR IN ACCORDANCE WITH THE CONSTRUCTION DETAILS PROVIDED IN THIS PLAN SET WHETHER OR NOT THE DETAIL NUMBER IS SPECIFICALLY REFERENCED.
15. ALL COVERS, CURB BOXES, GRATES, AND OTHER FINISH SURFACES SHALL BE RESET TO THE NEW FINISH GRADE.
16. THE FIRST 10 FEET FROM THE BUILDING FACE FOR STORM DRAIN, SEWER AND WATER PIPING SHALL FOLLOW THE PLUMBING CODE. THIS INCLUDES THE FIRST 10 FT OF STORM DRAIN AND SEWER PIPE TO BE CAST IRON MATERIAL. REFER TO PLUMBING PLANS BY OTHERS AS APPLICABLE.
17. WHERE UTILITIES CALLED OUT TO BE ABANDONED IN PLACE OR REMOVED AS NEEDED CONTRACTOR SHALL OWN REMOVAL PIPE AND APPURTENANCES AS NEEDED WHERE THEY CONFLICT WITH PROPOSED WORK.

SEWER TESTING NOTES:

GRAVITY AND FORCEMAIN PIPING

1. PIPING PREPARATION
 - A. LAUNCHING
 1. LAUNCH GRAVITY PIPING AFTER FLUSHING AND CLEANING.
 2. PERFORM LAUNCHING OPERATION BY SHINING LIGHT AT ONE END OF EACH PIPE SECTION BETWEEN MANHOLES. OBSERVE LIGHT AT OTHER END. REJECT PIPE NOT INSTALLED WITH UNIFORM LINE AND GRADE; REMOVE AND REINSTALL REJECTED PIPE SECTIONS; RE-CLEAN AND LAUNCH UNTIL PIPE SECTION ACHIEVES UNIFORM LINE AND GRADE.
 2. PERFORMANCE
 - A. GENERAL
 1. ALL SEWERS AND APPURTENANCE WORK, IN ORDER TO BE ELIGIBLE FOR ACCEPTANCE BY THE ENGINEER, SHALL BE SUBJECTED TO TESTS THAT WILL DETERMINE THE DEGREE OF WATER TIGHTNESS AND HORIZONTAL AND VERTICAL ALIGNMENT.
 2. THOROUGHLY CLEAN AND/OR FLUSH ALL SEWER LINES TO BE TESTED, IN A MANNER AND TO THE EXTENT ACCEPTABLE TO THE ENGINEER, PRIOR TO INITIATING TEST PROCEDURES.
 3. PERFORM ALL TESTS AND INSPECTIONS IN THE PRESENCE OF THE ENGINEER AND THE PLUMBING OR BUILDING INSPECTOR OR OTHER TOWN OFFICIAL IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL AND STATE CODES.
 4. PERFORM TESTING BY TEST PATTERNS DETERMINED BY OR ACCEPTABLE TO THE ENGINEER.
 5. REMEDIAL WORK
 - a. PERFORM ALL WORK NECESSARY TO CORRECT DEFICIENCIES DISCOVERED AS A RESULT OF TESTING AND/OR INSPECTIONS.
 - b. COMPLETELY RETEST ALL PORTIONS OF THE ORIGINAL CONSTRUCTION ON WHICH REMEDIAL WORK HAS BEEN PERFORMED.
 - c. PERFORM ALL REMEDIAL WORK AND RETESTING IN A MANNER AND AT A TIME ACCEPTABLE TO THE ENGINEER AT NO ADDITIONAL COST TO THE OWNER.
 - B. TESTING GRAVITY SEWER PIPING
 1. LOW-PRESSURE AIR TEST
 - a. TEST EACH SECTION OF GRAVITY SEWER PIPING.
 - b. INTRODUCE AIR PRESSURE SLOWLY TO APPROXIMATELY 4 PSIG.
 - c. DETERMINE GROUND WATER ELEVATION ABOVE SPRING LINE OF PIPE AND FOR EVERY FOOT OF GROUND WATER ABOVE SPRING LINE OF PIPE, INCREASE STARTING AIR TEST PRESSURE BY 0.43 PSIG; DO NOT INCREASE PRESSURE ABOVE 10 PSIG.
 - d. ALLOW PRESSURE TO STABILIZE FOR AT LEAST FIVE MINUTES. ADJUST PRESSURE TO 3.5 PSIG OR INCREASED TEST PRESSURE AS DETERMINED ABOVE WHEN GROUND WATER IS PRESENT. START TEST.
 - e. TEST
 - 1) DETERMINE TEST DURATION FOR SEWER SECTION WITH SINGLE PIPE SIZE FROM THE FOLLOWING TABLE. DO NOT MAKE ALLOWANCE FOR LATERALS.
 - 2) RECORD DROP IN PRESSURE DURING TEST PERIOD; WHEN AIR PRESSURE HAS DROPPED MORE THAN 1.0 PSIG DURING TEST PERIOD, PIPING HAS FAILED; WHEN 1.0 PSIG AIR PRESSURE DROP HAS NOT OCCURRED DURING TEST PERIOD, DISCONTINUE TEST AND PIPING IS ACCEPTED.
 - 3) WHEN PIPING FAILS, DETERMINE SOURCE OF AIR LEAKAGE, MAKE CORRECTIONS AND RETEST; TEST SECTION IN INCREMENTAL STAGES UNTIL LEAKS ARE LOCATED. AFTER LEAKS ARE REPAIRED, RETEST ENTIRE SECTION BETWEEN MANHOLES.
 2. TEST PIPE LARGER THAN 36 INCHES DIAMETER WITH EXPLORATION TEST NOT EXCEEDING 100 GALLONS FOR EACH INCH OF PIPE DIAMETER FOR EACH MILE PER DAY FOR EACH SECTION UNDER TEST. PERFORM TEST WITH MINIMUM POSITIVE HEAD OF 2 FEET.
 3. EXPLORATION TEST
 - a. USE ONLY WHEN GRAVITY PIPING IS SUBMERGED IN GROUND WATER MINIMUM OF 4 FEET ABOVE CROWN OF PIPE FOR ENTIRE LENGTH BEING TESTED.
 - b. MAXIMUM ALLOWABLE INFILTRATION: 100 GALLONS PER INCH OF PIPE DIAMETER FOR EACH MILE PER DAY FOR SECTION UNDER TEST. INCLUDE ALLOWANCES FOR LEAKAGE FROM MANHOLES. PERFORM TEST WITH MINIMUM POSITIVE HEAD OF 2 FEET.
- C. TESTING PRESSURE SEWER PIPING
 1. HYDROSTATIC LEAKAGE TEST
 - a. HYDROSTATICALLY TEST EACH PORTION OF PRESSURE PIPING, INCLUDING VALVED SECTIONS, AT 1.5 TIMES WORKING PRESSURE OF PIPING BASED ON ELEVATION OF LOWEST POINT IN PIPING CORRECTED TO ELEVATION OF TEST GAUGE.
 - b. FULL SECTION TO BE TESTED WITH WATER SLOWLY, EXPEL AIR FROM PIPING AT HIGH POINTS. INSTALL CORPORATION COCKS AT HIGH POINTS. CLOSE AIR VENTS AND CORPORATION COCKS AFTER AIR IS EXPELLED AND RAISE PRESSURE TO SPECIFIED TEST PRESSURE.
 - c. OBSERVE JOINTS, FITTINGS AND VALVES UNDER TEST. REMOVE AND REPAIR CRACKED PIPE, JOINTS, FITTINGS, AND VALVES SHOWING VISIBLE LEAKAGE. RETEST.
 - d. CORRECT VISIBLE DEFICIENCIES AND CONTINUE TESTING AT SAME TEST PRESSURE FOR ADDITIONAL 2 HOURS TO DETERMINE LEAKAGE RATE. MAINTAIN PRESSURE WITHIN PLUS OR MINUS 0.5 PSIG OF TEST PRESSURE. LEAKAGE IS DEFINED AS QUANTITY OF WATER SUPPLIED TO PIPING NECESSARY TO MAINTAIN TEST PRESSURE DURING PERIOD OF TEST.
 - e. COMPUTE MAXIMUM ALLOWABLE LEAKAGE BY THE FOLLOWING FORMULA:

$$L = (S \cdot D \cdot C \cdot P) + C$$

L = ALLOWABLE LEAKAGE, IN GALLONS PER HOUR
S = LENGTH OF PIPE TESTED, IN FEET
D = NOMINAL DIAMETER OF PIPE, IN INCHES
P = AVERAGE TEST PRESSURE DURING LEAKAGE TEST, IN PSIG
C = 133,200
 - 2) WHEN PIPE UNDER TEST CONTAINS SECTIONS OF VARIOUS DIAMETERS, CALCULATE ALLOWABLE LEAKAGE FROM SUM OF COMPUTED LEAKAGE FOR EACH SIZE.
 - 3) WHEN TEST OF PIPE INDICATES LEAKAGE GREATER THAN ALLOWED, LOCATE SOURCE OF LEAKAGE, MAKE CORRECTIONS AND RETEST UNTIL LEAKAGE IS WITHIN ALLOWABLE LIMITS. CORRECT VISIBLE LEAKS REGARDLESS OF QUANTITY OF LEAKAGE.

D. DEFLECTION TESTING OF PLASTIC SEWER PIPING

1. PERFORM VERTICAL RING DEFLECTION TESTING ON PVC AND ABS SEWER PIPING, AFTER BACKFILLING HAS BEEN IN PLACE FOR AT LEAST 30 DAYS BUT NOT LONGER THAN 12 MONTHS.
 2. ALLOWABLE MAXIMUM DEFLECTION FOR INSTALLED PLASTIC SEWER PIPE LIMITED TO 5 PERCENT OF ORIGINAL VERTICAL INTERNAL DIAMETER.
 3. PERFORM DEFLECTION TESTING USING PROPERLY SIZED RIGID BALL OR "OO, NO-OO" MANHOLE.
 4. FURNISH RIGID BALL OR MANHOLE WITH DIAMETER NOT LESS THAN 95 PERCENT OF AVERAGE INSIDE DIAMETER OF PIPE AS DETERMINED BY ASTM STANDARD TO WHICH PIPE IS MANUFACTURED. MEASURE PIPE IN COMPLIANCE WITH ASTM D1212.
 5. PERFORM TEST WITHOUT MECHANICAL PULLING DEVICES.
 6. LOCATE EXCAVATE, REPLACE AND RETEST PIPE EXCEEDING ALLOWABLE DEFLECTION.
- E. TELEVISION INSPECTION TESTS (GRAVITY SEWERS):
1. NO STANDING WATER SHALL BE ALLOWED. THE PRESENCE OF STANDING WATER MAY BE CAUSE FOR REJECTION OF THAT PIPE.
 2. ANY STANDING WATER, DETECTABLE LEAKS, IMPROPER JOINTS OR ANY OTHER UNACCEPTABLE FEATURE DETECTED BY THE TELEVISION INSPECTION WILL BE CORRECTED BY RE-EXCAVATION AND RETESTING PIPE AT NO ADDITIONAL COST TO THE OWNER.

FIELD TESTS AND INSPECTIONS FOR PUMPING STATIONS:

- A. THE CONTRACTOR SHALL PERFORM ALL FIELD TESTS, AND PROVIDE ALL LABOR, EQUIPMENT, AND INCIDENTALS REQUIRED FOR TESTING. PROVIDE EVIDENCE, WHEN REQUIRED, THAT ANY ITEM OF WORK HAS BEEN CONSTRUCTED IN ACCORDANCE WITH CONTRACT REQUIREMENTS. ALLOW CONCRETE TO CURE A MINIMUM OF 5 DAYS BEFORE TESTING ANY SECTION OF PIPING WHERE CONCRETE THRUST BLOCKS HAVE BEEN PROVIDED.
- B. DISPERSED AND TESTING PROCEDURES
 1. PERFORM ALL TESTING IN ACCORDANCE WITH THIS SECTION AND THE ABOVE NOTED SECTION.
 2. TEST OPERATION OF ALL EQUIPMENT TO DEMONSTRATE COMPLIANCE WITH THE CONTRACT REQUIREMENTS.
 3. AFTER THE CONSTRUCTION HAS BEEN COMPLETED ON THE SANITARY SEWER PUMP STATION(S), THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COMPLETE START UP AND INITIAL OPERATION OF THE STATION(S) AND DEMONSTRATION OF THE SATISFACTORY OPERATION AND CONTROL OF THE PUMP STATION INCLUDING THE STANDBY POWER EQUIPMENT, IF APPLICABLE, TO THE ENGINEER AND OWNER.
 - a. THE CONTRACTOR SHALL COORDINATE ALL TESTING AND VEHICLES TO BE ON SITE DURING THE REQUIRED PROCEDURES.
 - b. THE CONTRACTOR SHALL GIVE 5 BUSINESS DAYS' NOTICE TO THE ENGINEER, OWNER AND OFFICIALS FOR THE SCHEDULING OF THE TESTING.
- C. PUMPS AND CONTROLS
 1. TEST PUMPS AND CONTROLS, IN OPERATION, UNDER DESIGN CONDITIONS TO INSURE PROPER OPERATION OF ALL EQUIPMENT. THE CONTRACTOR SHALL PROVIDE ALL APPLIANCES, MATERIALS, WATER, AND EQUIPMENT FOR TESTING, AND REAR ALL EXPOSURES IN CONNECTION WITH THE TESTING. CONDUCT TESTING AFTER ALL EQUIPMENT IS PROPERLY INSTALLED, ELECTRICAL SERVICES AND PIPING ARE INSTALLED, LIQUID IS FLOWING, AND THE PUMP STATION IS READY FOR OPERATION. CORRECT ALL DEFECTS DISCOVERED TO THE SATISFACTION OF THE ENGINEER, OWNER AND OFFICIALS, AND ALL TESTS REPEATED WILL BE AT THE EXPENSE OF THE CONTRACTOR, UNTIL THE EQUIPMENT IS IN PROPER WORKING ORDER.
 2. ALL DOCUMENTATION SHALL BE PROVIDED.
- D. EXFILTRATION TESTS PRIOR TO BACKFILLING OF WET WELLS
 1. ALL TESTING MUST BE PERFORMED IN THE PRESENCE OF THE ENGINEER AND TOWN REPRESENTATIVES.
 2. SANITARY PLUG ALL PIPES ENTERING THE PUMP STATION AND BRACE PLUGS TO PREVENT BLOW OUT.
 3. FILL THE WET WELL WITH WATER TO 3- FEET BELOW THE TOP OF THE COVER.
 4. A PERIOD OF UP TO 2 HOURS MAY BE PERMITTED, IF THE CONTRACTOR SO WISHES, TO ALLOW FOR ABSORPTION.
 5. AT THE END OF THE ABSORPTION PERIOD, REFILL THE PUMP STATION WITH WATER TO 3- FEET BELOW THE TOP OF THE PUMP STATION COVER AND BEGIN THE 4-HOUR TEST PERIOD.
 6. AT THE END OF THE 4-HOUR TEST PERIOD, REFILL THE PUMP STATION TO 3- FEET BELOW THE TOP OF THE PUMP STATION COVER AND MEASURE THE VOLUME OF WATER ADDED. THE LEAKAGE FOR THE PUMP STATION SHALL NOT EXCEED TEN GALLONS PER 100 CUBIC FEET VOLUME PER 4-HOUR PERIOD.
 7. CORRECT LEAKAGE BY RECONSTRUCTION, REPLACEMENT OF GASKETS AND/OR OTHER METHODS AS APPROVED BY THE TOWN.
 8. THE USE OF LEAD-WOOL OR EXPANDING MORTAR WILL NOT BE PERMITTED.

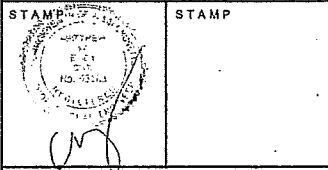
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PROPERTIES, LLC**
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Mashpee MA 02549

PROJECT TITLE
Willow Park Townhomes
Sampsons Mill Road
Mashpee, MA

NO	BY	DATE	DESCRIPTION
1	SW	6/29/18	PLUMBING BOARD COMMENTS
2	SW	7/24/18	SPW COMMENTS

SHEET TITLE
Utility Notes

SHEET NO
C5.1

DATE: JUNE 01, 2018

30 0 30 60
SCALE IN FEET

SCALE: 1" = 30'

DRAWN/DESIGN BY: SWW CHECKED BY: MWE

JOB NO: 2014-009 CAD FILE: 2014-009-0101.dwg

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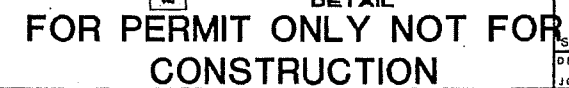
SOUTHWORTH MASHPEE
PROPERTIES, LLC
130 Willowbend Drive
Mashpee MA 02549

PROJECT TITLE
Willow Park Townhomes
Sampsons Mill Road
MAshpee, MA

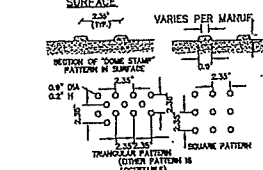
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JOB NO: 2014-009	CADD FILE: 2014-009-DT.dwg

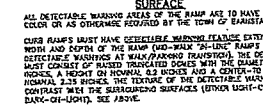


PLAN OF DETECTABLE WARNING SURFACE



NOTES: ACCESSIBLE RAMPS AND CURB RAMPS MUST BE CONSTRUCTED TO THE SURFACE OF THE DETECTABLE WARNING SURFACE. THE DETECTABLE WARNING SURFACE SHALL BE CONSTRUCTED TO THE SURFACE OF THE DETECTABLE WARNING SURFACE. THE DETECTABLE WARNING SURFACE SHALL BE CONSTRUCTED TO THE SURFACE OF THE DETECTABLE WARNING SURFACE.

PLAN OF "DOME STAMP" PATTERN IN SURFACE

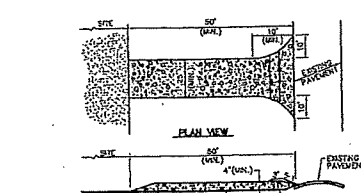


NOTES: ACCESSIBLE RAMPS AND CURB RAMPS MUST BE CONSTRUCTED TO THE SURFACE OF THE DETECTABLE WARNING SURFACE. THE DETECTABLE WARNING SURFACE SHALL BE CONSTRUCTED TO THE SURFACE OF THE DETECTABLE WARNING SURFACE. THE DETECTABLE WARNING SURFACE SHALL BE CONSTRUCTED TO THE SURFACE OF THE DETECTABLE WARNING SURFACE.

ACCEPTABLE COMPOSITE TACTILE WARNING SURFACES - ADA SOLUTIONS, INC. - RUBBER, WAX, OR EQUAL

DETAIL

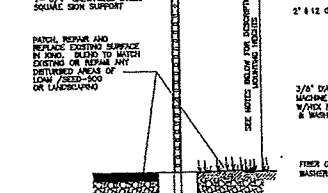
701



STABILIZED CONSTRUCTION EXIT

DETAIL

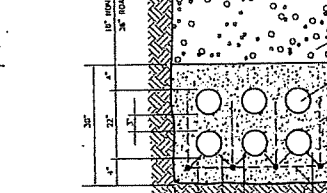
702



TRAFFIC SIGN POST

DETAIL

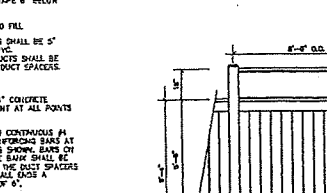
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UTILITY DUCT BANK

DETAIL

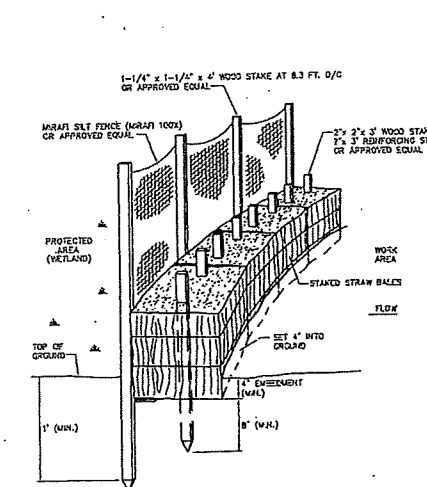
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WOOD PRIVACY FENCE WITH LATTICE

DETAIL

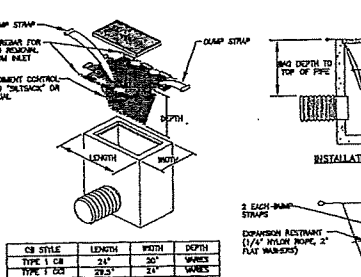
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SILT FENCE / STRAW BALE BARRIER

DETAIL

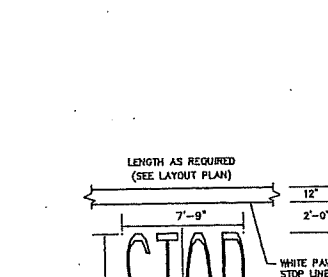
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SILT SACK

DETAIL

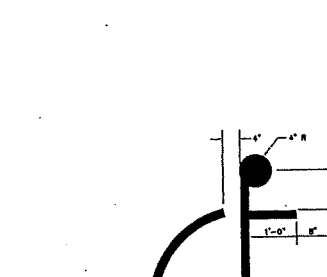
707



PAINTED PAVEMENT MARKING

DETAIL

708



HANDICAPPED PARKING STALL SYMBOL

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ACCESSIBLE PARKING SIGN

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DETAIL

CULTEC RECHARGER 902HD PRODUCT SPECIFICATIONS

GENERAL
CULTEC RECHARGER 902HD CHAMBERS ARE DESIGNED FOR UNDERGROUND STORMWATER MANAGEMENT. THE CHAMBERS MAY BE USED FOR RETENTION, RECHARGING, DETENTION OR CONTROLLED FLOW OF STORMWATER IN ANY SITUATION.

CHAMBER PARAMETERS
1. THE CHAMBERS SHALL BE MANUFACTURED IN THE U.S.A. BY CULTEC, INC. OF BROOKFIELD, CT. (203-775-4418 OR 1-800-425-5833)
2. THE CHAMBERS SHALL BE DESIGNED AND TESTED IN ACCORDANCE WITH ASTM F2787 "STANDARD PRACTICE FOR STRUCTURAL DESIGN OF THERMOPLASTIC CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".

3. THE CHAMBERS SHALL BE DESIGNED TO WITHSTAND THE ASHTO DESIGN TRUCK LOAD AND LIVE AND DEAD LOAD FACTORS AS DEFINED BY ASHTO LRFD BRIDGE DESIGN SPECIFICATION SECTION 12.12 WHEN INSTALLED ACCORDING TO CULTEC'S RECOMMENDED INSTALLATION INSTRUCTIONS.

4. THE CHAMBERS SHALL BE STRUCTURAL FROM AN INJECTION OF GLUE VITON HIGH MOLECULAR WEIGHT (HVM) POLYMER TO PREVENT LEAKAGE.

5. THE CHAMBERS SHALL BE ARCHED IN SHAPE.

6. THE CHAMBERS SHALL BE OPEN BOTTOMED.

7. THE CHAMBERS SHALL BE JOINED USING AN INTERLOCKING OVERLAPPING JOINT METHOD. CONNECTIONS MUST BE FULLY JOINTED OVERLAPPING JOINTS, HAVING NO SEPARATE COUPLERS.

8. THE NOMINAL CHAMBER DIMENSIONS OF THE CULTEC RECHARGER 902HD SHALL BE 48 INCHES (1219 mm) TALL, 78 INCHES (1981 mm) WIDE AND 48 INCHES (1219 mm) LONG. THE INSTALLED LENGTH OF A JOINED RECHARGER SHALL BE 3.57 FEET (1.12 m).

9. MULTIPLE CHAMBERS MAY BE CONNECTED TO FORM A FEEDER LENGTH. EACH ROW SHALL BEGIN AND END WITH A SEPARATELY FORGED CULTEC RECHARGER END CAP. MAXIMUM INLET OPENING ON THE END CAP IS 24 INCHES (609 mm).

10. THE CHAMBERS SHALL HAVE TWO SIDE PORTALS TO ACCEPT CULTEC HVLV FC-48 FEED CONNECTORS TO CREATE AN INTERNAL MANFOLD AND ALLOWABLE PIPE SIZE IN THE SIDE PORTAL IS 11.5 INCHES (292 mm).

11. THE NOMINAL CHAMBER DIMENSIONS OF THE CULTEC HVLV FC-48 FEED CONNECTOR SHALL BE 12 INCHES (305 mm) TALL, 18 INCHES (457 mm) WIDE AND 48 INCHES (1219 mm) LONG.

12. THE NOMINAL STORAGE VOLUME OF THE RECHARGER 902HD CHAMBER SHALL BE 11.66 FT³ (1.61 m³) WITHOUT STONE. THE NOMINAL STORAGE VOLUME OF A JOINED RECHARGER 902HD SHALL BE 78 FT³ (1.14 m³) WITHOUT STONE.

13. THE NOMINAL STORAGE VOLUME OF THE HVLV FC-48 FEED CONNECTOR SHALL BE 0.913 FT³ (0.025 m³) WITHOUT STONE.

14. THE RECHARGER 902HD CHAMBER SHALL HAVE TWENTY-FOUR DISCHARGE HOLES FORCED INTO THE SIDEWALLS OF THE CHAMBER TO REDUCE LATERAL CONVEYANCE OF WATER.

15. THE RECHARGER 902HD CHAMBER SHALL HAVE 7 CORRUGATIONS.

16. THE CHAMBERS SHALL HAVE A RAISED INTEGRAL CAP AT THE TOP OF THE ARCH NEAR THE CENTER OF EACH UNIT TO BE USED AS AN OPTIONAL INSPECTION PORT OR CLEANOUT.

17. THE UNITS MAY BE TRIMMED TO CUSTOM LENGTHS BY CUTTING BACK TO ANY CORRUGATION.

18. THE CHAMBERS SHALL BE MANUFACTURED IN A FACILITY EMPLOYING CULTEC'S QUALITY CONTROL AND ASSURANCE PROCEDURES.

19. THE CHAMBERS SHALL BE MANUFACTURED IN THE U.S.A. BY CULTEC, INC. OF BROOKFIELD, CT. (203-775-4418 OR 1-800-425-5833).

20. THE END CAP SHALL BE TWO-SHEET THERMOFORMED OF BLACK VIRGIN HIGH MOLECULAR WEIGHT POLYETHYLENE.

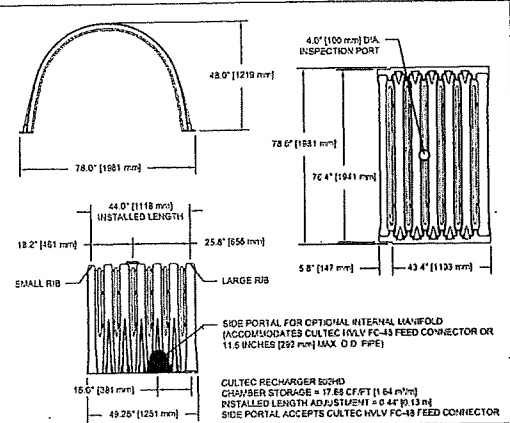
21. THE END CAP SHALL BE JOINED AT THE BEGINNING AND END OF EACH ROW OF CHAMBERS USING AN INTERLOCKING OVERLAPPING JOINT METHOD. CONNECTIONS MUST BE FULLY JOINTED OVERLAPPING JOINTS, HAVING NO SEPARATE COUPLERS.

22. THE NOMINAL DIMENSIONS OF THE END CAP SHALL BE 48 INCHES (1219 mm) TALL, 78 INCHES (1981 mm) WIDE AND 17 INCHES (430 mm) LONG. WHEN USED WITH A RECHARGER 902HD CHAMBER, THE INSTALLED LENGTH SHALL BE 2.58 FEET (0.78 m).

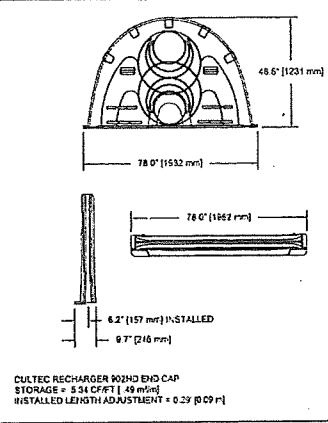
23. THE NOMINAL STORAGE VOLUME OF THE END CAP SHALL BE 0.34 FT³ (0.009 m³) WITHOUT STONE. THE NOMINAL STORAGE VOLUME OF AN INTERLOCKED END CAP SHALL BE 2.78 FT³ (0.078 m³) WITHOUT STONE.

24. THE END CAP SHALL PROVIDE RESISTANCE TO THE LOADS AND LOAD FACTORS AS DEFINED IN THE ASHTO LRFD BRIDGE DESIGN SPECIFICATION SECTION 12.12.

GENERAL NOTES



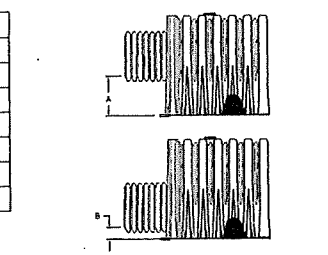
CULTEC RECHARGER 902HD HEAVY DUTY THREE VIEW



CULTEC RECHARGER 902HD HEAVY DUTY END CAP THREE VIEW

PIPE	A	B
6" (152 mm)	N/A	N/A
8" (203 mm)	N/A	N/A
10" (254 mm)	N/A	N/A
12" (305 mm)	23.00" (584 mm)	2.58" (65 mm)
15" (381 mm)	26.00" (660 mm)	2.58" (65 mm)
18" (457 mm)	23.00" (584 mm)	2.58" (65 mm)
24" (609 mm)	16.00" (406 mm)	3.00" (76 mm)

CULTEC RECHARGER 902HD TYPICAL PIPE INVERTS



CULTEC RECHARGER 902HD TYPICAL PIPE INVERTS

CULTEC HVLV FC-48 FEED CONNECTOR PRODUCT SPECIFICATIONS

GENERAL
CULTEC HVLV FC-48 FEED CONNECTORS ARE DESIGNED TO CREATE AN INTERNAL MANFOLD FOR CULTEC RECHARGER 902HD STORMWATER CHAMBERS.

FEED CONNECTOR PARAMETERS
1. THE FEED CONNECTOR SHALL BE MANUFACTURED BY CULTEC, INC. OF BROOKFIELD, CT. (203-775-4418 OR 1-800-425-5833)
2. THE FEED CONNECTOR SHALL BE THERMOFORMED OF BLACK VIRGIN HIGH MOLECULAR WEIGHT POLYETHYLENE (HVM) WITH A HIGH DENSITY POLYETHYLENE (HDPE) CORE.

3. THE FEED CONNECTOR SHALL BE ARCHED IN SHAPE.

4. THE FEED CONNECTOR SHALL BE OPEN BOTTOMED.

5. THE NOMINAL DIMENSIONS OF THE CULTEC HVLV FC-48 FEED CONNECTOR SHALL BE 12 INCHES (305 mm) TALL, 18 INCHES (457 mm) WIDE AND 48 INCHES (1219 mm) LONG.

6. THE NOMINAL STORAGE VOLUME OF THE HVLV FC-48 FEED CONNECTOR SHALL BE 0.913 FT³ (0.025 m³) WITHOUT STONE.

7. THE HVLV FC-48 FEED CONNECTOR SHALL HAVE 4 CORRUGATIONS.

8. THE HVLV FC-48 FEED CONNECTOR UNIT BE FORMED AS A INLET WITH TWO OPEN END WALLS AND HAVING NO SEPARATE END WALLS. THE UNIT SHALL FIT INTO THE SIDE PORTALS OF THE CULTEC RECHARGER STORMWATER CHAMBER AND ACT AS CROSS FEED CONNECTORS TO CREATE AN INTERNAL MANFOLD.

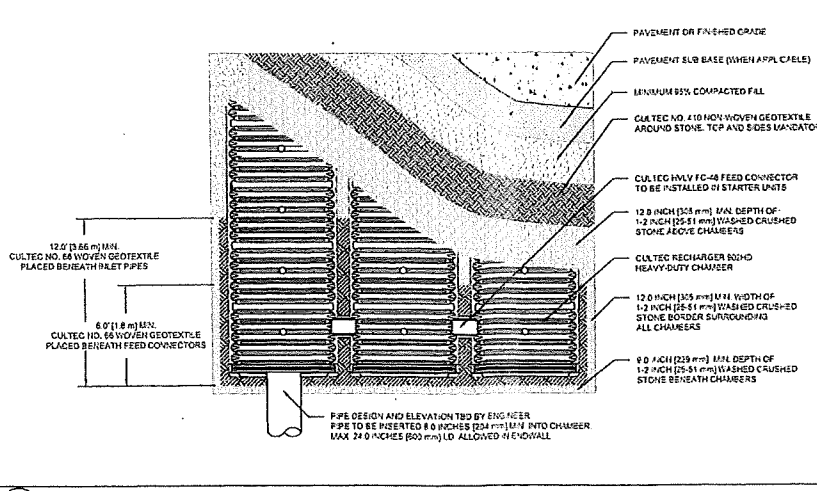
9. THE FEED CONNECTOR SHALL BE DESIGNED TO WITHSTAND ASHTO H-20 DESIGN LOADS WHEN INSTALLED ACCORDING TO CULTEC'S RECOMMENDED INSTALLATION INSTRUCTIONS.

10. THE FEED CONNECTOR SHALL BE MANUFACTURED IN AN ISO 9001:2015 CERTIFIED FACILITY.

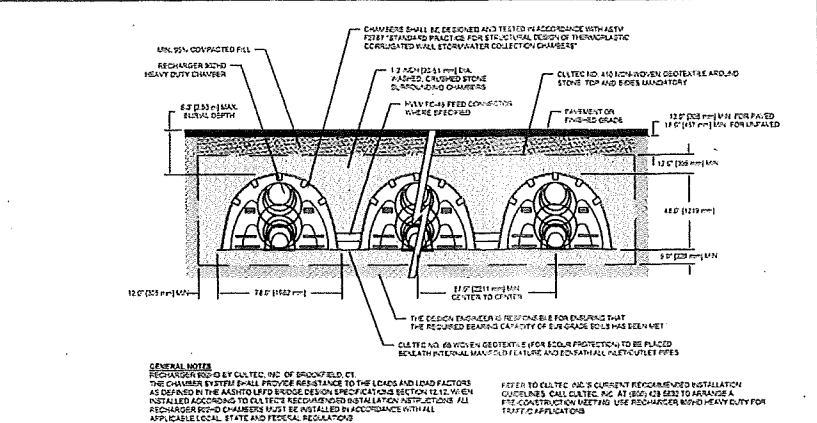
CULTEC NO. 66" WOVEN GEOTEXTILE

GENERAL
CULTEC NO. 66" WOVEN GEOTEXTILE IS UTILIZED AS AN UNDERLAYMENT TO PREVENT SCOURING CAUSED BY WATER MOVEMENT WITHIN THE CULTEC CHAMBERS AND FEED CONNECTORS UTILIZING THE CULTEC MANFOLD FEATURE.

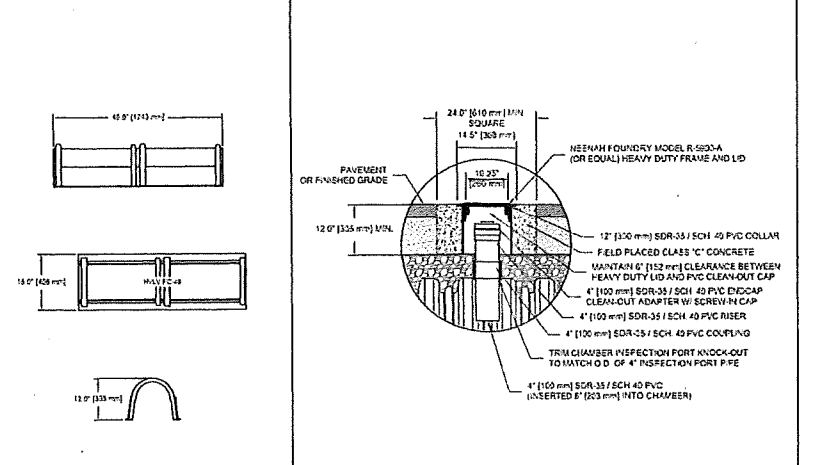
GEOTEXTILE PARAMETERS
1. THE GEOTEXTILE SHALL BE PROVIDED BY CULTEC, INC. OF BROOKFIELD, CT. (203-775-4418 OR 1-800-425-5833)
2. (203-775-4418 OR 1-800-425-5833)
3. THE GEOTEXTILE SHALL BE BLACK IN APPEARANCE.
4. THE GEOTEXTILE SHALL HAVE A TENSILE BROADNESS OF 315 LBS (1.40 kN) PER ASTM D4332 TESTING METHOD.
5. METHOD.
6. THE GEOTEXTILE SHALL HAVE A TENSILE ELONGATION RESISTANCE OF 15% PER ASTM D4332 TESTING METHOD.
7. METHOD.
8. THE GEOTEXTILE SHALL HAVE A PUNCTURE RESISTANCE OF 500 LBS (4.00 kN) PER ASTM D2241 TESTING METHOD.
9. METHOD.
10. THE GEOTEXTILE SHALL HAVE A UV RESISTANCE OF 70% PER ASTM D4332 TESTING METHOD.
11. THE GEOTEXTILE SHALL HAVE A PERMITTIVITY RATING OF 0.05 SEC-1 PER ASTM D4332 TESTING METHOD.
12. THE GEOTEXTILE SHALL HAVE A TEAR RESISTANCE OF 115 LBS (0.51 kN) PER ASTM D4332 TESTING METHOD.
13. THE GEOTEXTILE SHALL HAVE A PUNCTURE RESISTANCE OF 155 LBS (0.69 kN) PER ASTM D4332 TESTING METHOD.
14. METHOD.
15. THE GEOTEXTILE SHALL HAVE A UV RESISTANCE OF 70% PER ASTM D4332 TESTING METHOD.
16. THE GEOTEXTILE SHALL HAVE A PERMITTIVITY RATING OF 0.05 SEC-1 PER ASTM D4332 TESTING METHOD.
17. THE GEOTEXTILE SHALL HAVE A TEAR RESISTANCE OF 115 LBS (0.51 kN) PER ASTM D4332 TESTING METHOD.
18. METHOD.
19. THE GEOTEXTILE SHALL HAVE A PUNCTURE RESISTANCE OF 155 LBS (0.69 kN) PER ASTM D4332 TESTING METHOD.
20. THE GEOTEXTILE SHALL HAVE A PUNCTURE RESISTANCE OF 155 LBS (0.69 kN) PER ASTM D4332 TESTING METHOD.
21. TESTING METHOD.
22. THE GEOTEXTILE SHALL CONSIST OF A 100% HIGH-DENSITY, 5.17-G/LM POLYPROPYLENE YARN.



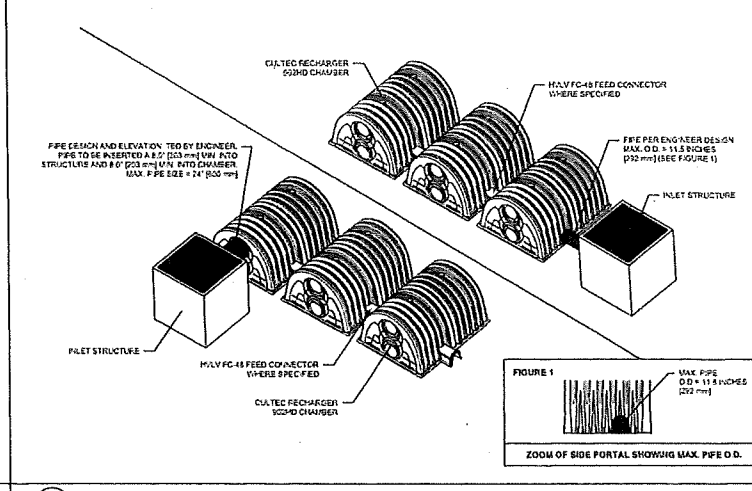
CULTEC RECHARGER 902HD HEAVY DUTY PLAN VIEW



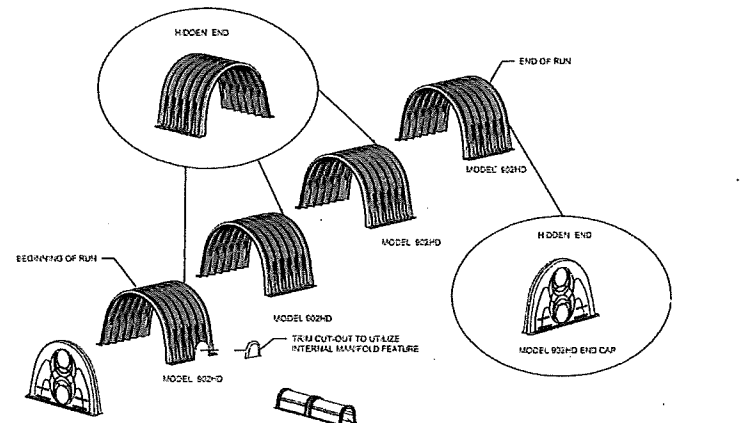
CULTEC RECHARGER 902HD HEAVY DUTY TYPICAL CROSS SECTION



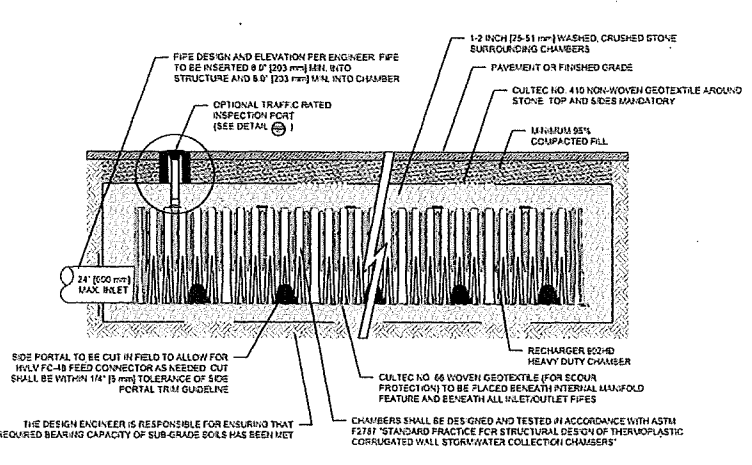
OPTIONAL INSPECTION PORT - ZOOM DETAIL



CULTEC TYPICAL INLET CONNECTION



CULTEC RECHARGER 902HD HEAVY DUTY TYPICAL INTERLOCK



CULTEC INTERNAL MANIFOLD DETAIL

BAXTER NYE ENGINEERING & SURVEYING

Registered Professional Engineers and Land Surveyors

78 North Street - 3rd Floor
Hyannis, Massachusetts 02601

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

STAMP



CONSULTANT

CONSULTANT

PREPARED FOR:

SOUTHWORTH MASHPEE PROPERTIES, LLC
130 Willowbend Drive
Mashpee MA 02549

PROJECT TITLE
Willow Park Townhomes
Sampsons Mill Road
Mashpee, MA

NO.	DATE	DESCRIPTION
1	8/27/18	PLANNING BOARD COMMENTS
2	7/7/18	SPE COMMENTS
3		
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SHEET TITLE
Cultec Recharger 902HD Heavy Duty Chamber Detail Sheet

SHEET NO
C6.2

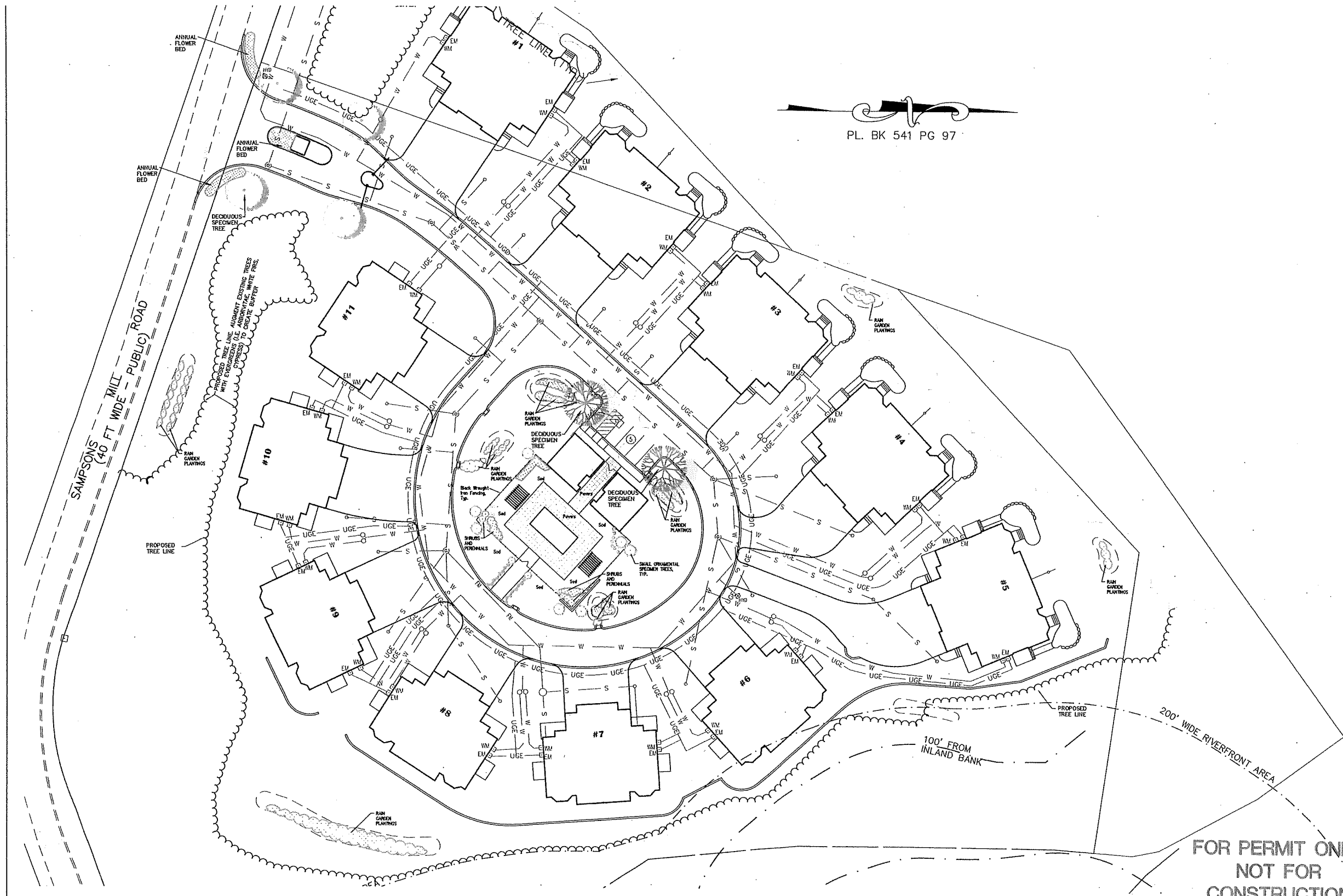
DATE: JUNE 01, 2018

SCALE: NTS

DRAWN/DESIGN BY: SDW CHECKED BY: WVE

JOB NO: 2014-009 CADD FILE: 2014-009CULTEC01.dwg

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PL. BK 541 PG 97

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STAMP

CONSULTANT

CONSULTANT

PREPARED FOR:

SOUTHWORTH MASHPEE
PROPERTIES, LLC
130 Willowbend Drive
Mashpee MA 02549

PROJECT TITLE
Willow Park Townhomes
Sampsons Mill Road
MASHPEE, MA

NO	BY	DATE	DESCRIPTION
1	SPR	6/29/18	PLANNING BOARD COMMENTS
2	SPR	7/24/18	SPR COMMENTS

SHEET TITLE
Landscape Plan

SHEET NO
L1.0

DATE: JUNE 01, 2018

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SCALE: 1" = 30'

DRAWN/DESIGN BY: MW CHECKED BY: MWE
JOB NO: 2018-009 CADD FILE: 2018-009-RMR (L1.dwg)

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FILING IS AN APPLICATION FORWARDED FOR REVIEW TO THE PLAN REVIEW AND DESIGN REVIEW COMMITTEES SO THAT THEY CAN MAKE RECOMMENDATIONS, RELATIVE TO THEIR AREAS OF EXPERTISE, TO THE SPGA AS INPUT AT THE SPGA'S PUBLIC HEARING.

THIRD SENTENCE ("SPECIAL PERMIT PROCEDURE/REQUIREMENTS") ALSO VIOLATES SECTION 174-24.C. MASHPEE'S SPECIAL PERMIT GRANTING AUTHORITY IS THE PLANNING BOARD, NOT THE ZONING BOARD OF APPEALS. THE ZBA IS ALLOWED SPECIAL PERMIT GRANTING AUTHORITY ONLY WITH REGARD TO NONRESIDENTIAL USES NOT INVOLVING NEW STRUCTURES CONTAINING MORE THAN 10,000 SQ. FT. GROSS FLOOR AREA, NOT LOCATED IN THE C-3 DISTRICT OR MASHPEE CENTER OVERLAY DISTRICT, EXPANSIONS OF NONRESIDENTIAL STRUCTURES WHICH DO NOT RESULT IN MORE THAN 10,000 SQ. FT OF GROSS FLOOR AREA ON A SITE OR RESIDENTIAL CONVERSIONS UNDER SECTION 174-25A.(8) (ACCESSORY APARTMENTS). TO SUMMARIZE, ANY SPECIAL PERMIT IN THE C-3 ZONE CAN ONLY BE ISSUED BY THE PLANNING BOARD. IN THE I-1 DISTRICT, THE PLANNING BOARD ISSUES SPECIAL PERMITS FOR ANY NEW OR EXPANSION PROJECTS RESULTING IN MORE THAN 10,000 SQ. FT. OF GROSS FLOOR AREA ON A SITE, WHILE THE ZBA ISSUES SPECIAL PERMITS FOR SMALLER PROJECTS.

EXPLANATION

AS PREVIOUSLY NOTED, VIRTUALLY ALL OF THE USES PROPOSED UNDER THIS ARTICLE ARE ALREADY PERMITTED UNDER SECTION 174-25, WHICH DOES, AS A RESULT "ADDRESS MODERN INDUSTRIAL USES THAT ARE IN DEMAND AND ARE CONSISTENT WITH THE TOWN'S CHARACTER" AND PROVIDE "FOR FLEXIBILITY IN THAT A RANGE OF INDUSTRIAL USES CAN BE PERMITTED" AND FOR "NEW OPPORTUNITIES FOR THE SMALL BUSINESS OWNER".

SUMMARY

THAT SAID, THERE ARE SOME GOOD IDEAS CONTAINED IN THE ARTICLE, PRIMARILY IN THE LISTING OF AND EMPHASIS ON SMALL-SCALE VERSIONS OF MOSTLY ALREADY-PERMITTED USES USING TERMINOLOGY AND SCALE-LIMITING FACTORS (I.E. REFERENCE TO HAND TOOLS, SMALL MACHINERY AND OTHER CONSTRAINTS THAT WOULD PROMOTE HAND-CRAFT AND OTHER ARTISINAL BUSINESSES AND CREATIVE ENTERPRISES THROUGH SPECIFIC REFERENCE IN THE BY-LAW) WHICH COULD ALLOW THEM TO FIT IN WITH THE INTENT OF THE C-3 DISTRICT, AS WELL AS TO SOME USES (E.G. THEATRE) NOT CURRENTLY ALLOWED IN I-1 WHICH COULD BENEFIT THE RESIDENTS OF THE TOWN AND STRENGTHEN THE BUSINESS COMMUNITY. THERE ARE GOOD CONCEPTS HERE, BUT A LARGE NUMBER OF LEGAL AND PROCEDURAL FLAWS.

I WOULD BE GLAD TO HELP REWORK THE ARTICLE TO SOMETHING THAT FITS IN PROPERLY WITH THE REST OF THE ZONING BY-LAW AND CONFORMS WITH THE LEGAL REQUIREMENTS OF CHAPTER 40A. I WOULD ALSO SUGGEST, AS WAS DONE BY SELECTMAN SHERMAN, THAT THE SCOPE OF THE ARTICLE BE INCREASED TO INCLUDE OTHER I-1 AND COMMERCIAL ZONING DISTRICTS, AS THE IDEAS NOTED ABOVE MIGHT HELP STIMULATE SMALL BUSINESS DEVELOPMENT INTEREST IN OTHER PARTS OF THE TOWN.

TM
p
Article_ (Zoning Bylaw limiting the number of Marijuana Retailers and the location of Marijuana Establishments)

To see if the Town will vote to adopt the following Zoning Bylaw amendment limiting the number of marijuana retailers in Town to fewer than 20% of the licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises under M.G.L. c. 138, §15 and restricting the location of Marijuana Establishments to the Commercial (C-1, C-2, C-3) or Industrial (I-1) Districts as a special permit use, or take any other action relating thereto.

Add the following new section:

"174-45.6 Marijuana Establishments"

A. Purpose and Intent

By vote approving Question 4 at the State election on November 8, 2016, the voters of the Commonwealth approved a law allowing the non-medical cultivation, distribution, possession and use of marijuana for recreational purposes (Chapter 334 of the Acts of 2016). Revised/amended law on the subject was enacted by the General Court and the Governor effective December 15, 2016 (Chapter 334 of the Acts of 2016) and, thereafter, on July 28, 2017 (Chapter 55 of the Acts of 2017). The Cannabis Control Commission, created and authorized thereby, issued its final regulations regarding implementation of said law in March, 2018. The new law is codified at G.L. c. 94G. Section 3 of Chapter 94G provides that municipalities may limit the number of marijuana retailers to fewer than twenty percent (20%) of the number of liquor licenses within Town for the retail sale of alcoholic beverages not to be drunk on the premises in accordance with G.L. C. 138 §15, and may govern the time, place and manner of marijuana establishment operations and of any business dealing in marijuana accessories in the Town.

B. Definitions

The terms of this Bylaw shall be construed and implemented in accordance with the definitions set forth in G.L. c. 94G, §1.

C. Limited Number of Marijuana Retailers

In accordance with the provisions of G.L. c.94G, § 3(a)(2)(ii), Mashpee shall limit the number of Marijuana retailers in the Town to the number fewer than twenty percent of the licenses issued within Town for the retail sale of alcoholic beverages not to be drunk on the premises under M.G.L. c. 138, §15.

And, further, to amend Section 174-25, Table of Use Regulations, to add a new Subsection E. (16) "Marijuana Establishment operations and any business dealing in marijuana accessories. (subject to the provisions of Section 174-45.6)", and indicating by the letters "SP" under the C-1, C-2, C-3 and I-1 columns of said Table that such uses may be only permitted by Special Permit in the I-1 Industrial zoning district.

Explanation: Mashpee currently has nine (9) retail off-premises alcoholic beverage licenses issued under G.L. c. 138. Twenty percent (20%) of the nine (9) licenses is 1.8. The number of retailers fewer than twenty percent (20%) presently equals one (1) for the Town of Mashpee; therefore, only one location would be currently allowed for the siting of a marijuana retailer. If the number of such licenses for the off-premises sale of alcoholic beverages should change, the number of allowed marijuana retailers could also change. Thus, this Bylaw does not establish a specific number of allowed retailers, but rather a formula for calculating the number of marijuana retailers that are to be allowed. Further, the proposed Bylaw amendment would restrict a Marijuana Establishment use (including a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business) to the Commercial (C-1, C-2, C-3) or Industrial (I-1) Districts upon issuance of a special permit.

Submitted by the Board of Selectmen

I SEE NO PROBLEMS WITH THIS ARTICLE

Zimbra

mlpalumbo@mashpeechamber.com

Re: Proposed 2018 October Town Meeting Warrant Article to address Seasonal Signs

From : Mark Lawrence <papabear@polarcave.com>

Wed, Sep 05, 2018 12:53 AM

Subject : Re: Proposed 2018 October Town Meeting Warrant
Article to address Seasonal Signs**To :** Mary Lou Palumbo
<mlpalumbo@mashpeechamber.com>

X
Regrettably I will be unable to attend the meeting as I have to operate my business, but would like to have my concerns addressed.

§174-57 A - Seasonal Signs Permitted

Clarification on "entire site"? Would all of Mashpee Commons be an "entire site"? If so, that would put many of their merchants (and merchants in all other shopping plazas) at a disadvantage I would think. Only 2 businesses would be allowed to have signs on or near roadways it would seem by the words of the bylaw. The placing of Sandwich Boards WITHIN an "entire site" would not be an issue I would think as they are not being placed on Town (or State) owned roadways. Would that be correct?

Perhaps having X number of signs per X number of businesses in an "entire site" would be more fair? 1 sign per 4 businesses in an "entire site" or a similar formula???

§174-57 B Location

To say 10' off a road way is pure nonsense. A Sandwich Board sign is typically placed on a sidewalk, or just off it. Many businesses front doors are less than 10' off a road way. 3' off a road way is far more realistic.

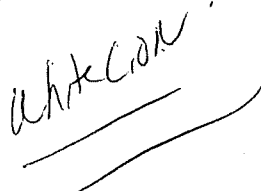
All good for thought and thank you for this opportunity.

Mark

Sent from my iPhone

On Sep 4, 2018, at 3:59 PM, Mary Lou Palumbo <mlpalumbo@mashpeechamber.com> wrote:

Here you go!



From: "Terrie Cook" <tmcook@mashpeema.gov>**To:** "Mary Lou Palumbo" <mlpalumbo@mashpeechamber.com>**Sent:** Wednesday, August 29, 2018 1:42:12 PM



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 28, 2018

RE: *2018 October Town Meeting Zoning and Road Petition/ Taking Articles*

As requested in your email on August 28, 2018, the 2018 October Town Meeting Zoning and Road Petition Warrant Articles that were presented and discussed by the Board of Selectmen on Monday, August 27, 2018 appear on the following pages for the Planning Board's review.

Thank you.

Article 10 (D#2)

To see if the Town will vote to adopt the following Zoning Bylaw amendment limiting the number of marijuana retailers in Town to fewer than 20% of the licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises under M.G.L. c. 138, §15 and restricting the location of Marijuana Establishments to the Commercial (C-1, C-2, C-3) or Industrial (I-1) Districts as a special permit use, or take any other action relating thereto.

Add the following new section:

"174-45.6 Marijuana Establishments"

A. Purpose and Intent

By vote approving Question 4 at the State election on November 8, 2016, the voters of the Commonwealth approved a law allowing the non-medical cultivation, distribution, possession and use of marijuana for recreational purposes (Chapter 334 of the Acts of 2016). Revised/amended law on the subject was enacted by the General Court and the Governor effective December 15, 2016 (Chapter 334 of the Acts of 2016) and, thereafter, on July 28, 2017 (Chapter 55 of the Acts of 2017). The Cannabis Control Commission, created and authorized thereby, issued its final regulations regarding implementation of said law in March, 2018. The new law is codified at G.L. c. 94G. Section 3 of Chapter 94G provides that municipalities may limit the number of marijuana retailers to fewer than twenty percent (20%) of the number of liquor licenses within Town for the retail sale of alcoholic beverages not to be drunk on the premises in accordance with G.L. C. 138 §15, and may govern the time, place and manner of marijuana establishment operations and of any business dealing in marijuana accessories in the Town.

B. Definitions

The terms of this Bylaw shall be construed and implemented in accordance with the definitions set forth in G.L. c. 94G, §1.

C. Limited Number of Marijuana Retailers

In accordance with the provisions of G.L. c.94G, § 3(a)(2)(ii), Mashpee shall limit the number of Marijuana retailers in the Town to the number fewer than twenty percent of the licenses issued within Town for the retail sale of alcoholic beverages not to be drunk on the premises under M.G.L. c. 138, §15.

And, further, to amend Section 174-25, Table of Use Regulations, to add a new Subsection E. (16) "Marijuana Establishment operations and any business dealing in marijuana accessories. (subject to the provisions of Section 174-45.6)", and indicating by the letters "SP" under the C-1, C-2, C-3 and I-1 columns of said Table that such uses may be only permitted by Special Permit in the I-1 Industrial zoning district.

Explanation: Mashpee currently has nine (9) retail off-premises alcoholic beverage licenses issued under G.L. c. 138. Twenty percent (20%) of the nine (9) licenses is 1.8. The number of retailers fewer than twenty percent (20%) presently equals one (1) for the Town of Mashpee; therefore, only one location would be currently allowed for the siting of a marijuana retailer. If the number of such licenses for the off-premises sale of alcoholic beverages should change, the number of allowed marijuana retailers could also change. Thus, this Bylaw does not establish a specific number of allowed retailers, but rather a formula for calculating the number of marijuana retailers that are to be allowed. Further, the proposed Bylaw amendment would restrict a Marijuana Establishment use (including a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business) to the Commercial (C-1, C-2, C-3) or Industrial (I-1) Districts upon issuance of a special permit.

Submitted by the Board of Selectmen

Article 11 (D#2)

To see if the Town will vote to add the following new section §174-57 to the Zoning Bylaws to read as follows:

ARTICLE X – Signs

§174-57.1 Violations and Penalties

The Building Inspector shall enforce this Article and may issue a fine, as set forth below, for violations of the within Zoning Bylaw regarding Signs. Such violations shall be subject to noncriminal disposition in accordance with MGL C. 40, §21D.

First offense	WARNING
Second offense	\$50
Third and subsequent offense	\$100

or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: Currently, there are no penalties for violating the Zoning Bylaws regarding signs. This Bylaw amendment will establish the penalties for violating the Sign Bylaw.

Article 12 (D#2)

To see if the Town will vote to amend §174-3 the Zoning Bylaws by adding the following new definition as follows:

§174-3

Seasonal Signs –Includes any sign(s) that are temporary in nature and have been permitted in accordance with section 174-57

And by adding the following sections:

§174-57 Seasonal Signs

Seasonal Signs shall be permitted by the Building Inspector after review and comment by the Design Review Committee. The Design Review Committee can base its finding on the appropriateness of the sign location from reports from both the Police Department and the DPW Director.

The number of Seasonal Signs permitted shall be limited to only one (1) per business in accordance with §174-57 A and not more than four (4) eight (8) square foot signs for the entire site.

Seasonal Signs are temporary signs and are only allowed on non-Town owned property during the following time period: March 1st through October 15th. All approved sign(s) are to be removed on or before October 15th. Failure to timely remove any such sign shall result in a fine of \$50 per day, for each sign.

A request for a Seasonal Sign shall consist of an application; a site plan to show where the Seasonal Sign shall be placed, the dimensions of proposed sign(s), a color drawing of the proposed Seasonal Sign. Upon Design Review Committee review, a permit from the Building department. *not sentence*

Seasonal Signs are to be reviewed, once a year, by the Design Review Committee and permits therefor are only valid through October 15th of each year.

Once approved, a Town supplied stamp is required to be placed upon each sign, prior to the sign being placed, to indicate that the sign has been approved by the Town.

Any Seasonal Sign to be placed upon Town owned property shall require approval from the Board of Selectmen.

§174-57 A - Seasonal Signs Permitted

1. **Free Standing Signs:** A Free Standing Seasonal Sign shall not be more than 8 square feet and only one sign per store and not more than four (4) signs for the entire site shall be allowed.
2. **Sandwich Board Signs:** Sandwich board is used in place of a free standing sign. All sandwich board signs are limited to not more than 24 inches by 36 inches. A single business is only permitted one (1) sandwich board. The entire site is limited to not more than two (2) for the entire site.
3. **Other Signs:** Other sign(s) as deemed appropriate by the Design Review Committee.

§174-57 B Location

Seasonal Signs may only be permitted on the property where the business occurs and cannot be placed closer than 10 feet from the edge of any street/road and shall not be placed in a manner which interferes with pedestrian/vehicular travel or public safety.

§174-57 C Prohibitions

Seasonal Signs cannot be illuminated, have moving/motion action, flashing, oscillating lights, pennant types or any similar type of action.

§174-57 D Violations and Penalties

Any person violating the provisions of this article shall be punished by the fines cited in §174-57.1. After the third offense, each day that a violation hereof exists shall constitute a separate offense in which the maximum fine is applied each day.

or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: To address the needs of the business community in attracting customers during the summer months, this proposal would allow certain types of temporary signage to be displayed within a specified time frame during the summer season.

Article 13 (D#2)

To see if the Town will vote to amend the Zoning By-law as follows:

Amend Section 174-3 by adding the following new definitions in their proper alphabetical locations:

“Mixed-use Planned Development (MPD) – A development project containing a mix of commercial, residential, public, entertainment or other land uses conceived and designed as a single environment in a compact form, a portion of which must lie within the C-1 zoning district.”

“Form-based Design Code – A set of land development regulations that fosters predictable built results and a high-quality public realm by using physical form as its organizing principle, rather than uses of buildings/lots as in traditional zoning. It addresses the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. It includes 1) a Regulating Plan designating locations where different building form standards apply; 2) Public Standards specifying elements in the public realm, including sidewalks, travel lanes, on-street parking, street trees and furniture etc.; 3) Building Standards controlling the features, configurations and functions of buildings that define and shape the public realm; 4) a streamlined administrative process for implementation of the Code and 5) a glossary of definitions to ensure the precise use of technical terms. The Code may also include architectural standards, landscaping standards, signage standards, environmental resource standards and illustrations explaining the intentions of specific Code provisions.”

Amend Section 174-25 Table of Use Regulations as follows:

Add a new subsection H. (14) “Mixed-use Planned Development, allowed by Special Permit pursuant to the provisions of §174-46.1” and add the notation “SP” under the C-1, R-3 and R-5 columns.

Add the following new Section:

“174-46.1 Mixed-use Planned Development (MPD)

- A. **Purpose and intent.** The purpose and intent of this Section is to promote an efficient pattern of land development and more efficient use of land and municipal infrastructure in Mashpee, to enhance the aesthetic character and livability of the Town’s built environment, to encourage the preservation of open space and natural areas, to reduce the impact of new development on the Town’s water quality and natural resources, to provide affordable housing and to protect and promote the health, safety and general welfare of the inhabitants of the Town.
- B. **Approval by Special Permit.** To achieve said purpose, the Planning Board may issue a Special Permit authorizing a Mixed-use Planned Development (MPD) pursuant to the following standards and procedures.
- C. **Land Area Permitted, Open Space Requirement.** A Mixed-use Planned Development shall encompass a minimum land area of twenty (20) acres, which may include one or more parcels, and shall consist of one acre of allowed developed area for each acre of upland (i.e. excluding water bodies or wetlands as defined under MGL C. 131, §40) permanently set aside as undeveloped open space and deeded to the Town of Mashpee in the care and custody of its Conservation Commission (provided that said land is not subject to any previous conservation restriction or other prohibition on its development), or one-half acre of allowed developed area for each acre of upland (i.e. excluding water bodies or wetlands as defined under MGL C. 131, §40) permanently set aside as undeveloped open space or as agricultural land and deeded to 1) a nonprofit organization, the principal purpose of which is the conservation of open space or agricultural land or 2) a corporation or trust owned, or to be owned, by the owners of lots

or commercial or residential units within the MPD, with ownership of the corporation or trust to pass proportionally with the conveyance of the lots or commercial or residential units, in either case subject to a formal conservation or agricultural restriction to be held by the Town of Mashpee. The developer's declaration of his choice of the three open space / agricultural land preservation methods described above, which may be different for individual parcels, shall be included in his application to the Planning Board for a Special Permit to develop an MPD, along with maps and plans describing the open space areas, except that, where the MPD is to be developed in phases, as provided below, said declaration, maps and plans shall be filed with the application for approval of each phase. Any water bodies or wetlands, as defined under MGL C. 131, §40, which lie within the boundaries of the MPD shall also be permanently set aside and deeded to one of the three entities identified above under the terms described. Before final approval of the MPD Special Permit, or of any phase approval within the MPD if it is to be developed in phases, the developer shall also file with the Board a copy of the conservation or agricultural restrictions necessary to secure the permanent legal existence of the open space or agricultural land and a copy of any proposed deed for transfer in fee to the Town or to a nonprofit organization. Approval of the MPD or phase shall require approval by the Planning Board of said conservation or agricultural restrictions after consultation with Town Counsel. As required by law, any such restrictions may also require approval by the Commonwealth of Massachusetts. Any open space required to meet the provisions of this Section shall be surveyed, properly bounded on the ground by concrete monuments and shown on a plan recorded at the Barnstable County Registry of Deeds or Land Court Registry. Said plan shall be recorded and said boundary monuments shall be set within six (6) months of the approval by the Planning Board of the MPD Special Permit, or of phase approval for phased projects. Any transfer of the fee title to property to the Town or a nonprofit organization shall be recorded, along with the required conservation or agricultural restrictions, within one (1) year of the approval of the MPD Special Permit, except that, should the MPD be proposed for development in phases, said transfer shall take place within one (1) year of the approval of the plan for said phase by the Planning Board. In either case, said transfer shall be completed before the issuance of any building permit for development within said phase. No land within the allowed development area of the MPD which is set aside for park, playground or similar uses, the majority of whose area consists of natural or landscape vegetation, and is open to use by the general public shall require any set-aside of open space or agricultural land outside the developed area. In addition, any land which is covered by buildings and directly-associated parking and other infrastructure in existence at the time of application for an MPD Special Permit, or has previously received a Special Permit for commercial or mixed-use development from the Planning Board or Zoning Board of Appeals under the provisions of the Mashpee Zoning By-law, may be incorporated into the developed area of the MPD without any set-aside of open space or agricultural land outside the developed area and retaining any development rights created under said previous Special Permits.

- D. **Allowed uses.** Within a Mixed-use Planned Development, for each acre of open space transferred to the Town under the provisions of Subsection C, 50 bedrooms shall be allowed, and for each acre otherwise set aside as open space or agricultural land under said Subsection, 25 bedrooms shall be allowed, which bedrooms may be incorporated into any form of residential or mixed-use building, notwithstanding any other provisions of this Chapter. In addition, any use allowed by Section 174-25, whether by right, Plan Review or Special Permit, shall be allowed by right upon approval by the Planning Board of the MPD Special Permit. Any use prohibited by Section 174-25 or other provisions of this Chapter shall be prohibited. For uses proposed within such MPD not specifically listed in the §174-25 Table of Use Regulations, said use may be allowed if the Planning Board determines that said use may be allowed on

the basis that it is substantially similar in its construction, operation, traffic and environmental impact to a specific use allowed in said Table and it is substantially dissimilar in those respects from any uses prohibited in the district. Where the Board cannot make a clear determination, such uses shall be considered prohibited.

- E. **Affordable housing requirement.** At least fifteen (15) percent of any dwellings or single-family lots allowed within a Mixed-Use Planned Development shall be made subject to a permanent deed restriction meeting the low-income affordability requirements of MGL C. 40B as it exists at the time of approval of the MPD Special Permit. The applicant shall specify and provide evidence regarding the recordation of the required deed restrictions, the method of selection of affordable housing residents and the party or parties who will manage the selection process and management of the affordable dwellings, and shall meet any other requirements to ensure that the affordable dwellings qualify for listing on the MGL C. 40B Subsidized Housing Inventory.
- F. **Land Space Requirements.** A Form-based Design Code may be substituted for the provisions of Article VII Land Space Requirements and any other dimensional requirements contained in this Chapter and be incorporated into the Planning Board's Special Permit decision regarding the MPD.
- G. **Setbacks from water bodies and wetlands.** The developed area within a Mixed-use Planned Development may not lie within three hundred (300) feet of any water body or stream or within one hundred (100) feet of any wetland as defined under MGL C. 131, §40.
- H. **Water quality requirements.** All development within the MPD shall be connected to a municipal sewer system, or to a private wastewater treatment facility designed to reduce total nitrogen in its effluent to less than 3 Mg/L. The applicant shall demonstrate the existing or future availability of wastewater treatment and discharge capacity to meet the needs of all proposed development, which requirement may be met by phases. In addition, all storm water shall be treated in accordance with the requirements of Section 174-27.2 of this by-law, with particular emphasis on reduction of nutrient flow to groundwater, wetlands or water bodies, with adjustments as approved by the Board based on the nature of proposed development.
- I. **Master Plan.** Any project developed under this Section shall be developed pursuant to a master plan approved by the Planning Board as part of its Special Permit decision for the MPD. Said master plan shall indicate, at a minimum, the approximate boundaries of each project phase (if the project is to be done in phases), the proposed location of any open space or agricultural area required for each phase, the general location of all roads projected to carry over two hundred (200) vehicles per day, the general location of any proposed parks, recreation facilities, civic spaces, improvements to existing roads, sewage treatment plants, commercial uses and similar major structures and amenities in a general manner, showing the areas of residential, commercial or mixed development and the approximate number and type of residential units proposed for development within each area.
- J. **Development in phases.** A Mixed-use Planned Development may be subdivided, developed and constructed in phases according to a phasing plan approved by the Planning Board as part of the MPD Special Permit. As part of the application for approval of each phase, which shall be considered a Special Permit Modification subject to approval after an advertised and noticed public hearing, the applicant shall submit, at a minimum, those items required under Section 174-24.C.3., as well as those required by the Town of Mashpee Planning Board Special Permit Regulations in effect on the date the Special Permit Modification application is made (except as may be waived by the Board). Any proposed

subdivision of lots and construction of roadways within each phase shall also conform to the Town of Mashpee Rules and Regulations Governing the Subdivision of Land in effect on the date the subdivision application is made (except as may be waived by the Planning Board in furtherance of the provisions of this Section). Should the MPD not be proposed for development in phases, the items required above shall be submitted for the entire project with the MPD Special Permit Application.

- K. **Expiration and extension.** Should the Special Permit expire under the provisions of the General Laws and this By-law, there shall be no effect on the ownership and location of any open space or agricultural areas for which title has passed and any conservation or agricultural restriction which has been recorded as of the date of expiration, nor on the allowed acreage of developed area and number of allowed bedrooms originally approved under the provisions of this Section related to said open space or agricultural areas. Both may be utilized in any re-application for a new Special Permit under this Section. Pursuant to the provisions of the General Laws, the Planning Board may also determine that the Special Permit may remain in effect past the statutory expiration date if it determines, after a properly advertised and noticed public hearing, that the required substantial use or construction has not begun by said date for good cause and determines that there is a reasonable justification for the extension, that the developer is acting in good faith regarding the provisions of the MPD Special Permit and that there will be no adverse impact on the public health, safety and welfare or on the town's environment and natural resources.
- L. **Development within phases.** After the approval of the MPD or any phase plan by the Planning Board, development may proceed within said MPD or phase in conformance with the approved plan and the Form-based Design Code referenced below, without further public hearings by the Board (except in the case that the applicant requests a modification of the text of the Special Permit or phase approval decision). Such development shall, however, be subject to approval by the Board at a regular meeting, after review and recommendations by the Plan Review Committee, to ensure conformance with the master plan, the provisions of this Section and the approved Special Permit, as well as other public safety, health, building code, handicapped accessibility and similar Town or state codes or regulations. In addition, all roadway, parking, drainage and utility designs and construction shall be subject to the normal review and inspection procedures and fees specified in the Planning Board's Special Permit Regulations (and Rules and Regulations for the Subdivision of Land, as applicable), said review and inspections to be conducted by the Planning Board Consulting Engineer or another party designated by the Board.
- M. **Form-based Design Code.** Any Mixed-use Planned Development may be made subject to a Form-based Design Code, which shall be incorporated as a condition and attachment to the Special Permit approved for the MPD. Where the MPD is proposed to be permitted in phases, such a Code may be incorporated into the Special Permit Modification approved for each phase which may differ from the Code which applies to other phases. The Code shall regulate, at a minimum, the following elements:
 1. Dimensional requirements for lots;
 2. Setbacks;
 3. Building heights;
 4. Architectural design standards;
 5. Site design and landscaping standards;

6. Street types and applicable standards, including pedestrian and bicycle facilities.

- N. **Signage.** In lieu of the provisions of Article X (Signs), the Planning Board is authorized to approve a sign code for the MPD, to be incorporated into the Special Permit, which is consistent with the intent and purposes of this Section.
- O. **Parking.** Parking shall generally conform to the provisions of Article VIII. However, the Planning Board is hereby authorized, as part of its Special Permit decision, to waive or adjust the parking requirements of Article VIII where the applicant has demonstrated to the satisfaction of the Board, by means of data and studies from similar projects done by qualified persons for similar developments, on parking requirements and use for similar facilities on Cape Cod or on other appropriate information, that proposed parking will be adequate, with regard to number of spaces and their design, for the proposed nearby uses and will further the purposes and intent of the approved Form-based Design Code.
- P. **Revisions to Code.** Any revisions to a Form-based Design Code approved under the MPD Special Permit shall require approval by the Planning Board. The Board shall determine, by the vote of four of five members, whether such revisions shall be considered a Special Permit Modification subject to approval after an advertised and noticed public hearing, or may be approved by the Board at a regular posted meeting, based on the scale and nature of the proposed revisions and the potential for impact on properties abutting the MPD boundaries."

or take any other action relating thereto.

Submitted by the Planning Board

Explanation: This article would amend the Zoning By-law to provide a simplified method for permitting the development of Mixed-use Planned Development, containing a mix of residential, commercial and other uses, subject to land use, architectural and public space regulations designed to foster predictable attractive built results and a high-quality public realm at the center of the Town, while protecting the town's environment, providing for affordable housing, providing increased employment opportunities and enhancing the Town's tax base.

Article 14 (D#2)

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain a portion of a certain parcel of land identified on Mashpee Assessor's Map 37 as Parcel 28 and located at 226 Cotuit Road consisting of 1,194 square feet more or less, as shown on a plan entitled Cotuit Road Road Taking Plan Map 37 and Lot 38 dated 7/6/18, prepared by Baxter Nye Engineering & Surveying, for road and utility purposes, to authorize the Board of Selectmen to raise and appropriate, borrow or transfer from available funds any sum that may be necessary for such purchase or taking, and further, to authorize the Board of Selectmen to execute any agreements, documents or instruments necessary to effect said acquisition upon such terms and conditions as they deem to be in the best interest of the Town, or take any other action relating thereto.

Submitted by the Department of Public Works

Explanation: This article authorizes the acquisition of a portion of the property at the intersection of Route 130 and Cotuit Road necessary for re-alignment of the intersection. Re-alignment will improve traffic flow and safety at the intersection. An existing water main is also located within the property proposed for acquisition.

Article 15 (D#2)

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

§174-5 (G) Light Industrial Overlay District

G.) The Light Industrial Overlay District shall include all parcels shown on the Zoning Map, updated as of October 16, 2017, to be in the I-1 and C-3 districts along Route 130, specifically, those parcels identified on Mashpee Tax Assessment Maps as:

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

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

Section A.) Purpose and Intent

- Elevate the Town's established Industrial and commercial districts by accommodating emerging light industrial uses with compatible commercial activities and create a sense of place by accommodating suitable accessory uses.
- Enable a district of creativity and innovation designed to drive community and economic development and contribute to the enhancement of Mashpee's evolving character.
- Enhance Main Street (Route 130) by placing greater value on the architectural integrity of the area and create a stronger sense of Main Street's Industrial/Commercial business community to create harmony with the adjacent Historic District.
- Bolster a vibrant creative/industrial economy and add to the list of Mashpee destinations.

Section B.) Definitions

'LIGHT INDUSTRIAL'- Production of smaller consumer goods generally sold directly to the end user not as products designed as intermediates for use by other industries, often in the form of food and beverage, or handicrafts.

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

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

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

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

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

'TRADEBINDING' - The binding of books.

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

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

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

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

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

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

'ARTIST STUDIOS' - Artist or worker's workroom used for the purpose of acting, architecture, painting, pottery (ceramics), sculpture, origami, woodworking, scrapbooking, photography, graphic design, filmmaking, animation, industrial design, radio or television production broadcasting or the making of music. *Also see 'MAKERSPACE'.*

'MECHANICS GARAGE' – See MAKERSPACE

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

Section C.) Allowed Uses:

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

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

Arts, Crafts, and Apparel Manufacturing	Wood, window, and door manufacturing Furniture Making Printing and related support activities (general) Commercial lithographic printing Commercial screen printing Trade binding and related work Pottery and ceramics manufacturing Vitreous china, fine earthenware, and other pottery products Blacksmithing & Metalworking Other pressed and blow glass and glassware manufacturing Jewelry Making Fashion/Garment Manufacturing
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Food & Beverage Production	Food manufacturing (general) Food Processing (general) Bakery Butcher Non-Alcoholic Beverage Manufacturing Breweries Wineries Distilleries Hydroponic Food Production
Coworking/Shared Office: Commercial & Industrial	Makerspace Commercial Kitchen/Food Incubator Office Co-Working Artist Studios: Pottery Blacksmithing Jewelry making Glass blowing, Mechanics Garage Musician Recording Studios Laboratory Space/Research Facility Theater/Performance Space
Science & Technology	LED Manufacturing A.I. Research and Development Robotics Laboratory Space
Miscellaneous Uses*	Food Truck Park Hotel/Motel

Section D.) General Requirements and Prohibitions

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

Section E.) Accessory Uses

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

- Retail sales and services clearly secondary to the principal business.
- Tasting Room/Bar for product sampling.
- Dog Park

- Playground/Skate park
- Family recreation activities (including miniature golf*)
- Community Garden
- Band shells/Stage/Amphitheatre as long as any musical performances are not amplified.
- Outdoor seating/eating area

Section F.) Dimensional Requirements

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

Section G.) Site Design:

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

Section H.) Architectural Design Standards

- Buildings shall be constructed according to designs consistent with the Cape Cod vernacular.
- Corrugated metal roofs and siding will not be allowable material choices for the façade of any building in the Light Industrial Overlay and will be constructed using only traditional and natural materials that weather naturally.
- It is preferable to avoid corrugated metal, vinyl and other non-traditional materials of the Cape Cod vernacular.
- Ground floor ceiling height will be a minimum of 15 feet. Additional stories shall have a minimum ceiling height of 10 feet.
- Buildings shall be designed with a series of attached and varied masses to reflect historical development patterns.
- Façade line shall be varied.

Note: If a lot has frontage on Route 130, but the lot's address is not, the section of the building fronting on Route 130 (Main Street) shall be considered the building's façade.

Section I.) Streetscape Requirements

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

- **Street Trees:** Trees shall be planted continuously along the street on both sides of the street utilizing either tree pits or continuous planters where mature trees were unable to be maintained
- **Crosswalks/Pedestrian Pathways:** The pedestrian experience between uses on a singular parcel and businesses on separate parcels shall be addressed to allow for maximum connectivity, safety and beauty by accommodating linkages via adequate crosswalks and pedestrian paths.

Section J.) Landscaping Requirements

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

Section K.) Procedural/Administrative Requirements

Pre-Application Procedure

A written letter, one (1) addressed to the Building Commissioner and one (1) the Town Planner, completed application forms and a written statement describing the proposed use or uses requesting a pre-application meeting.

If the proposal is generally consistent with the requirements of this section, the applicant, prior to any public hearing, must meet with the Plan Review Committee who will refer the applicant to the Zoning Board of Appeals so long as any and all conditions or issues have been addressed in the building, site and landscaping plans.

Special Permit Procedure/Requirements

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

Submitted by the Town Planner

Explanation: The legal uses currently specified in §174-25: Land Use Regulations of the Mashpee Zoning Bylaw, do not address modern industrial uses that are in demand and are consistent with the Town's character. This article provides for flexibility in that, a range of industrial uses can be permitted while enhancing the architectural integrity of the area and provides new opportunities for the small business owner.

Explanation: The legal uses currently specified in §174-25: Land Use Regulations of the Mashpee Zoning Bylaw, do not address modern industrial uses that are in demand and are consistent with the Town's character. This article provides for flexibility in that, a range of industrial uses can be permitted while enhancing the architectural integrity of the area and provides new opportunities for the small business owner.

The Board of Selectmen recommends Town Meeting approval by a vote of
The Finance Committee recommends Town Meeting approval by a vote of

Article 16 (D#2)

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

§174-17.1 Raze and Replace:

** CORRECT VERSION **

No pre-existing, non-conforming single or two family dwelling structures shall be torn down and rebuilt on any lot unless there is an issuance of a Special Permit from the Zoning Board of Appeals. Such a Special Permit may be granted only if the Zoning Board of Appeals finds that any changes, extensions, alterations or reconstruction of the pre-existing non-conformities are not substantially more detrimental than exists prior to removal of the existing structure and that there is adequate land area to provide sufficient parking. In no case shall new non-conformities be permitted without the issuance of a Variance or take any other action relating thereto.

ADD? to the neighborhood

Submitted by the Zoning Board of Appeals

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

The Board of Selectmen recommends Town Meeting approval by a vote of
The Finance Committee recommends Town Meeting approval by a vote of

Article 17 (D#2)

To see if the Town will vote to amend the Zoning Bylaws as follows:

Add the following new definition to §174-3 to read as follows:

Mobile Food—

A mobile food truck, trailer or other food/ ice cream dispensing unit is defined as "a food service establishment that is vehicle-mounted or wheeled and is capable of being readily moveable."

And to add the following new section to the Table of Use Regulations §174-25 to read as follows:

§174-25 I (16) Mobile Food

Article 16 (D#2)

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

~~INCORRECT VERSION~~ ~~at town hall~~

§174-17.1 Raze and Replace:

No pre-existing, non-conforming single or two family dwelling structures shall be torn down and rebuilt on any lot unless there is an issuance of a Special Permit from the Zoning Board of Appeals. Such a Special Permit may be granted only if the Zoning Board of Appeals finds that any changes, extensions, alterations or reconstruction of the pre-existing non-conformities are not substantially more detrimental ^{to the neighborhood} than exists prior to removal of the existing structure and that there is adequate land area to provide sufficient parking. In no case shall new non-conformities be permitted without the issuance of a Variance.

or take any other action relating thereto.

Submitted by the Zoning Board of Appeals

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

no Tm's * not correct voted on by *
ZBA

two words added "or reconstruct"

Article 17 (D#2)

To see if the Town will vote to amend the Zoning Bylaws as follows:

Add the following new definition to §174-3 to read as follows:

Mobile Food–

A mobile food truck, trailer or other food/ ice cream dispensing unit is defined as “a food service establishment that is vehicle-mounted or wheeled and is capable of being readily moveable.”

And to add the following new section to the Table of Use Regulations §174-25 to read as follows:

§174-25 I (16) Mobile Food

Type of Use		Residential		Commercial			Industrial
		R-3	R-5	C-1	C-2	C-3	I-1
(16)	Mobile food trucks/trailer and Ice Cream trucks looking to setup at either a permanent/temporary location require Board of Health review first. A plot plan as to where it will be located and a letter from the property owner is required. No abutter notices are required.	--	--	PR	PR	PR	PR

or take any other action relating thereto.

Submitted by the Zoning Board of Appeals

Explanation: Mobile food vehicles have grown in popularity and are not addressed in the current Zoning Bylaws. This article will clarify in the By Law where this sort of use can be permitted under the Table of Use Regulations.

Article 18 (D#2)

To see if the Town will vote to delete in its entirety §174-17 of the Zoning Bylaws and replacing it as follows:
§174-17 Continuance; Extensions; Alterations:

Lawfully created structures or uses may be continued, although not conforming with the provisions of this chapter. Non-conforming single and two family structures may be changed, extended or altered if it is determined by the Building Inspector that such changes, extensions or alterations are in compliance with current zoning and do not increase the nonconforming nature of said structure. Any changes, extensions or alterations which do not comply with the current zoning, require a written finding by the Zoning Board of Appeals that such changes, extensions or alterations shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use and that there is adequate land area to provide sufficient parking and setbacks as may be required. Although said finding shall not constitute a Special Permit as defined by the General Laws and this Bylaw, the Zoning Board of Appeals shall follow the procedures specified in the General Laws for Special Permits in processing such requests for findings. For the purposes hereof, compliance with dimensional requirements shall be determined by the Building Inspector, or take any other action relating thereto.

Submitted by the Zoning Board of Appeals

Explanation: Many times, projects that comply with the zoning setback requirements have to go before the Zoning Board of Appeals because the existing home does not comply with the zoning setbacks. This amended Bylaw will give the Building Inspector the ability to review and evaluate the need to go before the Zoning Board of Appeals. If the proposed work is in compliance with the setbacks for that zoning district, then there would be no need for the applicant to appear before the Zoning Board of Appeals and the project can proceed expeditiously.

Article 19 (D#2)

To see if the Town will vote to amend §174-33 of the Zoning Bylaws by deleting the language in its entirety and replacing it as follows:

§ 174-33 Setbacks from Water and Wetlands

Any building or structure, exclusive of fixed or floating piers, wharves, docks, bridges or boardwalks, shall be set back from water or wetlands as the Conservation Commission shall determine in accordance with Chapter 172 of the Town of Mashpee General Bylaws.
or take any other action relating thereto.

Submitted by the Zoning Board of Appeals

Explanation: Chapter 172 of the Town of Mashpee General Bylaws already addresses this with a review by the Conservation Commission. Applying to the Zoning Board of Appeals for relief, which has already been granted by the Conservation Commission is just a duplication of the approval process.

Article 20 (D#2)

To see if the Town will vote to amend §174-37 of the Zoning Bylaws by adding the following sentence to the end of the paragraph as follows:

§ 174-37

In the I-1 Zoning District, parking facilities shall be located on any side of the building.
or take any other action relating thereto.

Submitted by the Zoning Board of Appeals

Explanation: In accordance with the Town of Mashpee Zoning Bylaws, the Industrial District is utilized for Uses like automotive, laundry facilities, bottling plants, printing facilities and the like. Allowing them the autonomy to place the parking also assists them with the building orientation which has been an issue in the past. These lots are not on the main street but within a compound that is outside of the general view of the public. Limiting them on where to place the parking is more for aesthetics reasons than for practicality.

Article 21 (D#2)

To see if the Town will vote to amend the Zoning Bylaws Table of Use Regulations by deleting §174-25 I (9) in its entirety, *Use List*
or take any other action relating thereto.

Submitted by the Zoning Board of Appeals

Explanation: Currently under the Zoning Bylaw, a property owner is required to apply for an accessory use Special Permit from the Zoning Board of Appeals for proposed fixed and floating piers, wharves, docks and boardwalks, in addition to securing all other permits and approvals required for such structures from Town, State and federal agencies with jurisdiction over inland and/or coastal waterways and wetlands. Historically, the Zoning Board of Appeals has substantively relied on approvals from the Conservation Commission, Shellfish Commission, Waterways Commission, Harbormaster and other such governmental agencies as the basis for its decisions on such Special Permit applications, and it believes that requiring a separate review/approval of such structures by the Zoning Board of Appeals unnecessarily duplicates the permitting process. This amendment will eliminate the requirement of a Special Permit for such structures, thus, streamlining the approval process an applicant must pursue to erect a fixed and floating pier, wharf, dock or boardwalk.

Article 22 (D#2)

To see if the Town will vote to amend §174-31 note 23 of the Zoning Bylaws by adding the following line at the end of the last sentence:

All pools shall meet the minimum setbacks required in the zoning district within which they are proposed to be built. No swimming pool shall be placed in the front yard of any property.

or take any other action relating thereto.

Submitted by the Zoning Board of Appeals

Explanation: The proposed language will make it clearer as to where a swimming pool can be placed.

Article 23 (D#2)

To see if the Town will vote to amend the Zoning By-law as follows:

Amend Section 174-3 by adding the following new definitions in their proper alphabetical locations:

“Mixed-use Planned Development (MPD) – A development project containing a mix of commercial, residential, public, entertainment or other land uses conceived and designed as a single environment in a compact form, a portion of which must lie within the C-1 zoning district.”

“Form-based Design Code – A set of land development regulations that fosters predictable built results and a high-quality public realm by using physical form as its organizing principle. It addresses the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. It includes 1) a Regulating Plan designating locations where different building form standards apply; 2) Public Standards specifying elements in the public realm, including sidewalks, travel lanes, on-street parking, street trees and furniture etc.; 3) Building Standards controlling the features, configurations and functions of buildings that define and shape the public realm; 4) a streamlined administrative process for implementation of the Code and 5) a glossary of definitions to ensure the precise use of technical terms. The Code may also include architectural standards, landscaping standards, signage standards, environmental resource standards and illustrations explaining the intentions of specific Code provisions.”

Amend Section 174-25 Table of Use Regulations as follows:

Add a new subsection H. (14) “Mixed-use Planned Development, allowed by Special Permit pursuant to the provisions of §174-46.1” and add the notation “SP” under the C-1, R-3 and R-5 columns.

Add the following new Section:

174-46.1 Mixed-use Planned Development (MPD)

- A. **Purpose and intent.** The purposes and intent of this Section are to promote an efficient pattern of land development and the more efficient use of land and municipal infrastructure in Mashpee, to enhance the aesthetic character and livability of our built environment, to encourage the preservation of open space and natural areas, to reduce the impact of new development on the Town’s water quality and natural resources, to provide affordable housing and to protect and promote the health, safety and general welfare of the inhabitants of the town.
- B. **Approval by Special Permit.** To achieve said purposes, the Planning Board may issue a Special Permit authorizing a Mixed-use Planned Development (MPD) pursuant to the following standards and procedures.
- C. **Land Area Permitted, Open Space Requirement.** A Mixed-use Planned Development shall encompass a minimum land area of twenty (20) acres, which may be in one or more parcels, and shall consist of one acre of allowed developed area for each acre of upland (i.e. excluding water bodies or wetlands as defined under MGL C. 131, §40) permanently set aside as undeveloped open space and deeded to the Town of Mashpee in the care and custody of its Conservation Commission (provided that said land is not subject to any previous conservation restriction or other prohibition on its development), or one-half acre of allowed developed area for each acre of upland (i.e. excluding water bodies or wetlands as defined under MGL C. 131, §40) permanently set aside as undeveloped open space or as agricultural land and deeded to 1) a nonprofit organization, the principal purpose of which is the conservation of open space or agricultural land or 2) a corporation or trust owned, or to be owned, by the owners of lots or commercial or residential units within the MPD, with ownership of the corporation or trust to pass proportionally with the conveyance of the lots or commercial or residential units, in either case subject

to a formal conservation or agricultural restriction to be held by the Town of Mashpee. The developer's declaration of his choice of the three open space / agricultural land preservation methods described above, which may be different for individual such parcels, shall be included in his application to the Planning Board for a Special Permit to develop an MPD, along with maps and plans describing the open space areas, except that, where the MPD is to be developed in phases, as provided below, said declaration, maps and plans shall be filed with the application for approval of each phase. Any water bodies or wetlands, as defined under MGL C. 131, §40, which lie within the boundaries of the MPD shall also be permanently set aside and deeded to one of the three entities identified above under the terms described. Before final approval of the MPD Special Permit, or of any phase approval within the MPD if it is to be developed in phases, the developer shall also file with the Board a copy of the conservation or agricultural restrictions necessary to secure the permanent legal existence of the open space or agricultural land and a copy of any proposed deed for transfer in fee to the Town or to a nonprofit organization. Approval of the MPD or phase shall require approval by the Planning Board of said conservation or agricultural restrictions after consultation with Town Counsel. As required by law, any such restrictions may also require approval by the Commonwealth of Massachusetts. Any open space required to meet the provisions of this Section shall be surveyed, properly bounded on the ground by concrete monuments and shown on a plan recorded at the Barnstable County Registry of Deeds or Land Court Registry. Said plan shall be recorded and said boundary monuments shall be set within six (6) months of the approval by the Planning Board of the MPD Special Permit, or of phase approval for phased projects. Any transfer of the fee title to property to the Town or a nonprofit organization shall be recorded, along with the required conservation or agricultural restrictions, within one (1) year of the approval of the MPD Special Permit, except that, should the MPD be proposed for development in phases, said transfer shall take place within one (1) year of the approval of the plan for said phase by the Planning Board. In either case, said transfer shall be completed before the issuance of any building permit for development within said phase. No land within the allowed development area of the MPD which is set aside for park, playground or similar uses, the majority of whose area consists of natural or landscape vegetation, and is open to use by the general public shall require any set-aside of open space or agricultural land outside the developed area. In addition, any land which is covered by buildings and directly-associated parking and other infrastructure in existence at the time of application for an MPD Special Permit, or has previously received a Special Permit for commercial or mixed-use development from the Planning Board or Zoning Board of Appeals under the provisions of the Mashpee Zoning By-law, may be incorporated into the developed area of the MPD without any set-aside of open space or agricultural land outside the developed area and retaining any development rights created under said previous Special Permits.

D. Allowed uses. Within a Mixed-use Planned Development, for each acre of open space transferred to the Town under the provisions of Subsection C, 50 bedrooms shall be allowed, and for each acre otherwise set aside as open space or agricultural land under said Subsection, 25 bedrooms shall be allowed, which bedrooms may be incorporated into any form of residential or mixed-use building, notwithstanding any other provisions of this Chapter. In addition, any use allowed by Section 174-25, whether by right, Plan Review or Special Permit, shall be allowed by right upon approval by the Planning Board of the MPD Special Permit. Any use prohibited by Section 174-25 or other provisions of this Chapter shall be prohibited. For uses proposed within such MPD not specifically listed in the §174-25 Table of Use Regulations, said use may be allowed if the Planning Board determines that said use may be allowed on the basis that it is substantially similar in its construction, operation, traffic and environmental impact to a specific use allowed in said Table and it is substantially dissimilar in those respects from any uses

prohibited in the district. Where the Board cannot make a clear determination, such uses shall be considered prohibited.

- E. **Affordable housing requirement.** At least fifteen (15) percent of any dwellings or single-family lots allowed within a Mixed-Use Planned Development shall be made subject to a permanent deed restriction meeting the low-income affordability requirements of MGL C. 40B as it existed at the time of approval of the MPD Special Permit. The applicant shall specify and provide evidence regarding the recordation of the required deed restrictions, the method of selection of affordable housing residents and the party or parties who will manage the selection process and management of the affordable dwellings, and shall meet any other requirements to ensure that the affordable dwellings qualify for listing on the MGL C. 40B Subsidized Housing Inventory.
- F. **Land Space Requirements.** A Form-based Design Code may be substituted for the provisions of Article VII Land Space Requirements and any other dimensional requirements contained in this Chapter and be incorporated into the Planning Board's Special Permit decision regarding the MPD.
- G. **Setbacks from water bodies and wetlands.** The developed area within a Mixed-use Planned Development may not lie within three hundred (300) feet of any water body or stream or within one hundred (100) feet of any wetland as defined under MGL C. 131, §40.
- H. **Water quality requirements.** All development within the MPD shall be connected to a municipal sewer system, or to a private wastewater treatment facility designed to reduce total nitrogen in its effluent to less than 3 Mg/L. The applicant shall demonstrate the existing or future availability of wastewater treatment and discharge capacity to meet the needs of all proposed development, which requirement may be met by phases. In addition, all storm water shall be treated in accordance with the requirements of Section 174-27.2 of this by-law, with particular emphasis on reduction of nutrient flow to groundwater, wetlands or water bodies, with adjustments as approved by the Board based on the nature of proposed development.
- I. **Master Plan.** Any project developed under this Section shall be developed pursuant to a master plan approved by the Planning Board as part of its Special Permit decision for the MPD. Said master plan shall indicate, at a minimum, the approximate boundaries of each project phase (if the project is to be done in phases), the proposed location of any open space or agricultural area required for each phase, the general location of all roads projected to carry over two hundred (200) vehicles per day, the general location of any proposed parks, recreation facilities, civic spaces, improvements to existing roads, sewage treatment plants, commercial uses and similar major structures and amenities in a general manner, showing the areas of residential, commercial or mixed development and the approximate number and type of residential units proposed for development within each area.
- J. **Development in phases.** A Mixed-use Planned Development may be subdivided, developed and constructed in phases according to a phasing plan approved by the Planning Board as part of the MPD Special Permit. As part of the application for approval of each phase, which shall be considered a Special Permit Modification subject to approval after an advertised and noticed public hearing, the applicant shall submit, at a minimum, those items required under Section 174-24.C.3., as well as those required by the Town of Mashpee Planning Board Special Permit Regulations in effect on the date the Special Permit Modification application is made (except as may be waived by the Board). Any proposed subdivision of lots and construction of roadways within each phase shall also conform to the Town of Mashpee Rules and Regulations Governing the Subdivision of Land in effect on the date the subdivision

application is made (except as may be waived by the Planning Board in furtherance of the provisions of this Section). Should the MPD not be proposed for development in phases, the items required above shall be submitted for the entire project with the MPD Special Permit Application.

- K. **Expiration and extension.** Should the Special Permit expire under the provisions of the General Laws and this By-law, there shall be no effect on the ownership and location of any open space or agricultural areas for which title has passed and any conservation or agricultural restriction which has been recorded as of the date of expiration, nor on the allowed acreage of developed area and number of allowed bedrooms originally approved under the provisions of this Section related to said open space or agricultural areas. Both may be utilized in any re-application for a new Special Permit under this Section. Pursuant to the provisions of the General Laws, the Planning Board may also determine that the Special Permit may remain in effect past the statutory expiration date if it determines, after a properly advertised and noticed public hearing, that the required substantial use or construction has not begun by said date for good cause and determines that there is a reasonable justification for the extension, that the developer is acting in good faith regarding the provisions of the MPD Special Permit and that there will be no adverse impact on the public health, safety and welfare or on the town's environment and natural resources.
- L. **Development within phases.** After the approval of the MPD or any phase plan by the Planning Board, development may proceed within said MPD or phase in conformance with the approved plan and the Form-based Design Code referenced below, without further public hearings by the Board (except in the case that the applicant requests a modification of the text of the Special Permit or phase approval decision). Such development shall, however, be subject to approval by the Board at a regular meeting, after review and recommendations by the Plan Review Committee, to ensure conformance with the master plan, the provisions of this Section and the approved Special Permit, as well as other public safety, health, building code, handicapped accessibility and similar Town or state codes or regulations. In addition, all roadway, parking, drainage and utility designs and construction shall be subject to the normal review and inspection procedures and fees specified in the Planning Board's Special Permit Regulations (and Rules and Regulations for the Subdivision of Land, as applicable), said review and inspections to be conducted by the Planning Board Consulting Engineer or another party designated by the Board.
- M. **Form-based Design Code.** Any Mixed-use Planned Development may be made subject to a Form-based Design Code, which shall be incorporated as a condition and attachment to the Special Permit approved for the MPD. Where the MPD is proposed to be permitted in phases, such a Code may be incorporated into the Special Permit Modification approved for each phase which may differ from the Code which applies to other phases. The Code shall regulate, at a minimum, the following elements:
1. Dimensional requirements for lots;
 2. Setbacks;
 3. Building heights;
 4. Architectural design standards;
 5. Site design and landscaping standards;
 6. Street types and applicable standards, including pedestrian and bicycle facilities.

- N. **Signage.** In lieu of the provisions of Article X, the Planning Board is authorized to approve a sign code for the MPD, to be incorporated into the Special Permit, which is consistent with the intent and purposes of this Section.
- O. **Parking.** Parking shall generally conform to the provisions of Article VIII. However, the Planning Board is hereby authorized, as part of its Special Permit decision, to waive or adjust the parking requirements of Article VIII where the applicant has demonstrated to the satisfaction of the Board, by means of data and studies from similar projects done by qualified persons for similar developments, on parking requirements and use for similar facilities on Cape Cod or on other appropriate information, that proposed parking will be adequate, with regard to number of spaces and their design, for the proposed nearby uses and will further the purposes and intent of the approved Form-based Design Code.
- P. **Revisions to Code.** Any revisions to a Form-based Design Code approved under the MPD Special Permit shall require approval by the Planning Board. The Board shall determine, by the vote of four of five members, whether such revisions shall be considered a Special Permit Modification subject to approval after an advertised and noticed public hearing, or may be approved by the Board at a regular posted meeting, based on the scale and nature of the proposed revisions and the potential for impact on properties abutting the MPD boundaries."

or take any other action relating thereto.

Submitted by Petition

Explanation: This article would amend the Zoning By-law to provide a simplified method for permitting the development of Mixed-use Planned Development, containing a mix of residential, commercial and other uses, subject to land use, architectural and public space regulations designed to foster predictable attractive built results and a high-quality public realm at the center of the Town, while protecting the town's environment, providing for affordable housing, providing increased employment opportunities and enhancing the Town's tax base.

Article 24 (D#2)

To see if the Town will accept the layouts as public ways of Pierre Vernier Drive, Katian Way and Gunter's Lane (Pimlico Heights) as shown on plans entitled "Road Taking Plan Pimlico Heights – Pierre Vernier Drive" , "Road Taking Plan Pimlico Heights – Gunter's Lane" and "Road Taking Plan Pimlico Heights – Katian Way" in Mashpee, MA, dated January 31, 2018, and prepared by Cape & Islands Engineering, which layouts shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of the 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 \$490,953.75 to the Pimlico Heights Roadway 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 the purchase or taking and layout, including costs of construction such ways, 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

JDM

~~part of signs~~

§174-106 Revocation of Permits or Variances upon Violation:

In addition to any other remedy of punishment provided for in this chapter, any type of permit or variance may be revoked by the body which originally approved it, if the same is not inconsistent with any provisions of the General Laws, upon a determination and finding that any of the provisions of this chapter or any condition of approval has been violated. Hearing procedures for revocation shall be as prescribed for issuance of the permit or variance, including any written or published notice before a hearing.

MGL Chapter 40A, Section 7: Enforcement of zoning regulations; violations; penalties; jurisdiction of superior court

Section 7. *The inspector of buildings*, building commissioner or local inspector, or if there are none, in a town, the board of selectmen, or person or board designated by local ordinance or by-law, ***shall be charged with the enforcement of the zoning ordinance or by-law*** and shall withhold a permit for the construction, alteration or moving of any building or structure if the building or structure as constructed, altered or moved would be in violation of any zoning ordinance or by-law; and no permit or license shall be granted for a new use of a building, structure or land which use would be in violation of any zoning ordinance or by-law. If the officer or board charged with enforcement of zoning ordinances or by-laws is requested in writing to enforce such ordinances or by-laws against any person allegedly in violation of the same and such officer or board declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefor, within fourteen days of receipt of such request.

No local zoning by-law or ordinance shall assess a penalty of more than \$300 per violation; provided, however, that nothing in this section shall be construed to prohibit local zoning by-laws or ordinances from providing that each day the violation continues shall constitute a separate offense. No action, suit or proceeding shall be maintained in a court, nor an administrative action or other action taken to recover a fine or damages or to compel the removal, alteration or relocation of a structure or part of a structure because of a violation of a zoning by-law or ordinance except in accordance with this section and sections 8 and 17. If real property has been improved and used in accordance with the terms of the original building permit, no criminal or civil action intended to compel the abandonment, limitation or modification of the use allowed by the permit or the removal, alteration or relocation of a structure erected in reliance upon the permit by reason of an alleged violation of this chapter or of an ordinance or by-law adopted under this chapter shall be maintained unless the action, suit or proceeding is commenced and notice of the action, suit or proceeding is recorded in the registry of deeds for each county or district in which the land lies or, in the case of registered land, the notice is filed in the registry district in which the land lies within 6 years of the commencement of the alleged violation. No criminal or civil action intended to compel the removal, alteration, or relocation of a structure by reason of an alleged violation of this chapter or of an ordinance or by-law adopted under this chapter or the conditions of a variance or special permit shall be maintained unless the action, suit or proceeding is commenced and notice of the action, suit or proceeding is recorded in the registry of deeds for each county or district in which the land lies or, in the case of registered land, the notice is filed in the registry district in which the land lies within 10 years of the commencement of the alleged violation.

This Zoning Bylaw shall be enforced by the Building Inspector who, upon being informed in writing of a possible violation of this chapter, or on his own initiative, shall make a cause to be made an investigation of facts and an inspection of the premises where such violation is alleged to exist. The Building Inspector, after review and inspection as aforesaid, shall make a determination as to whether or not a violation exists. If the Building Inspector determines that a violation exists, he shall give written notice of such violation to the owner and to the occupant of such premises and shall demand that such violation be abated within a reasonable time as designated in the written notice. Such notice and demand may be given either in person or by mail addressed to the owner at the address appearing on the most recent assessing records of the town and to the occupant at the address of the premises where the violation has occurred.

§174-103 Failure to Enforce; Appeals:

If the Building Inspector, after being requested in writing to enforce the Zoning Bylaw against any violation thereof, declines to act, he shall notify, in writing, the party requesting such enforcement of any action of refusal to act and the reasons therefor within fourteen (14) days of receipt of such written request for enforcement. Any person aggrieved by reason of inability to obtain enforcement action from the Building Inspector may appeal the decision not to act to the Board of Appeals. The Board of Appeals shall, at a public meeting, review the allegation of violation of the Zoning Bylaw, the Building Inspector's reasons for refusal to act and any other information it deems necessary and relevant, and it may, by majority vote, decide to issue a notice of violation and demand for abatement in the same manner as prescribed for the Building Inspector in §174-102.

§174-104 Institution of Proceedings:

If the Building Inspector or the Board of Appeals issues a notice of violation and demand for abatement and if such alleged violation has not been abated within the time specified in the written notice, the Building Inspector or the Board of Appeals, as appropriate, shall institute legal action or proceeding on behalf of the town to prevent, correct, restrain, abate or punish any violation of this chapter. The provisions of this chapter shall be enforceable by injunctive action as provided for in the General Laws, in addition to all other remedies available at law or in equity. All officials, departments, boards, commissions or employees of the town vested with the authority or duty to issue permits, certificate, licenses or approvals shall comply with the provisions of this chapter and shall not issue any such permit, certificate, license or approval regarding any such structure, use, development or site which is not in conformance with the provisions of this chapter or which is the subject of any violation enforcement proceeding initiated by the Building Inspector or other agent to the town. Any person, owner, agent or other legal entity, against whom such violation enforcement procedure has commenced, shall not be permitted to apply for a permit to construct or for a variance for any matter related to the alleged violation until the violation enforcement proceedings have been finally determined by the proper authority.

§174-105 Violations and Penalties:

Any person found guilty by a court of violating any of the provisions of this chapter shall be punished by a fine of not more than three hundred dollars (\$300) per violation. Each day that any violation continues after the issuance of a notice of violation and demand for abatement shall constitute a separate offense.

#15
Tom Light Industrial

Article_

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

§174-5 (G) Light Industrial Overlay District

G.) The Light Industrial Overlay District shall include all parcels shown on the Zoning Map, updated as of October 16, 2017, to be in the I-1 and C-3 districts along Route 130, specifically, those parcels identified on Mashpee Tax Assessment Maps as:

Map: 13 Lots: 46, 47

Map: 19 Lots: 1, 3, 3-1, 3-2, 3-3, 3-4, 3-5, 3-6, 3-7, 3-8, 3-9, 4, 5, 10, 11, 14, 15, **16, 17, 18, 19**

Map: 20 Lots: 24, 25, 26, 47, 50, 56, 57, 58

Map: 26 Lots: 6, 19, 20, 21

Map: 27 Lots: 21, 21A, 21B, 25, 122, 123, 135, 136, 137, 157, 159, 160

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

Section A.) Purpose and Intent

- a) Elevate the Town's established Industrial and commercial districts by accommodating emerging light industrial uses with compatible commercial activities and create a sense of place by accommodating suitable accessory uses.
- b) Enable a district of creativity and innovation designed to drive community and economic development and contribute to the enhancement of Mashpee's evolving character.
- c) Enhance Main Street (Route 130) by placing greater value on the architectural integrity of the area and create a stronger sense of Main Street's Industrial/Commercial business community to create harmony with the adjacent Historic District.
- d) Bolster a vibrant creative/industrial economy and add to the list of Mashpee destinations.

Section B.) Definitions

'LIGHT INDUSTRIAL'- Production of smaller consumer goods generally sold directly to the end user not as products designed as intermediates for use by other industries, often in the form of food and beverage, or handicrafts.

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

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

'PRINTING ACTIVITIES' – The production of books, magazines, pamphlets, posters and similar materials. 13

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

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

'TRADEBINDING' – The binding of books.

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

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

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

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

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

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

'ARTIST STUDIOS' - an artist or worker's workroom used for the purpose of acting, architecture, painting, pottery (ceramics), sculpture, origami, woodworking, scrapbooking, photography, graphic design, filmmaking, animation, industrial design, radio or television production broadcasting or the making of music. *Also see 'MAKERSPACE'.*

'MECHANICS GARAGE' – See **MAKERSPACE**

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

Section C.) Allowed Uses:

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

Ideal uses permitted under the requirements defined herein are identified in Table 1: 14

TABLE 1 Arts, Crafts, and Apparel Manufacturing

**Wood, window, and door manufacturing
Furniture Making
Printing and related support activities
(general)
Commercial lithographic printing
Commercial screen printing**

Food & Beverage Production

**Coworking/Shared Office:
Commercial & Industrial**

**Science & Technology
A.I. Research and Development
Robotics
Laboratory Space
Miscellaneous Uses***

Tradebinding and related work
Pottery and ceramics manufacturing
Vitreous china, fine earthenware, and
other pottery products
Blacksmithing & Metalworking
Other pressed and blow glass and
glassware manufacturing
Jewelry Making
Fashion/Garment Manufacturing
Food manufacturing (general)
Food Processing (general)
Bakery
Butcher
Non-Alcoholic Beverage Manufacturing
Breweries
Wineries
Distilleries
Hydroponic Food Production
Makerspace
Commercial Kitchen/Food Incubator
Office Co-Working
Artist Studios: *Pottery*
Blacksmithing
Jewelry making
Glass blowing,
Mechanics Garage
Musician Recording Studios
Laboratory Space/Research Facility
Theater/Performance Space
LED Manufacturing

**Food Truck Park
Hotel/Motel**

Section D.) General Requirements and Prohibitions

- ☐ Allowed uses in this district may extend beyond those listed so long as the alternative use conforms with the definition of 'Light-Industrial' provided in Section B
- ☐ Any process that may produce dangerous or noxious compounds that may impact surrounding parcels and districts is prohibited.
- ☐ No food truck vendor who wishes to conduct business in a Food Truck Park shall do so without acquiring all required licenses and permits from the Board of Health, Board of Selectmen and any relevant state and/or federal permitting/licensing authority.

☐ District-wide events such as farmers markets, arts and crafts sales, and open studios shall be allowed after the Plan Review Committee has reviewed and approved a planned event proposal that indicates the dates, times, locations, events scheduled, vendors, and a statement of expected neighborhood impact .

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

- ☐ Retail sales and services clearly secondary to the principal business.
- ☐ Tasting Room/Bar for product sampling.
- ☐ Dog Park
- ☐ Playground/Skatepark
- ☐ Family recreation activities (including miniature golf*)
- ☐ Community Garden
- ☐ Bandshells/Stage/Amphitheatre as long as any musical performances are not amplified.
- ☐ Outdoor seating/eating area

Section F.) Dimensional Requirements

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

Section G.) Site Design:

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

Section H.) Architectural Design Standards

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

Section I.) Streetscape Requirements

- ☐ **Sidewalks:** Sidewalks shall be developed or improved on both sides of the street and must be at least 4 feet wide.
- ☐ **Street Trees:** Trees shall be planted continuously along the street on both sides of the street utilizing either tree pits or continuous planters where mature trees were unable to be maintained
- ☐ **Crosswalks/Pedestrian Pathways:** The pedestrian experience between uses on a singular parcel and businesses on separate parcels shall be addressed to allow for maximum connectivity, safety and beauty by accommodating linkages via adequate crosswalks and pedestrian paths.

Section J.) Landscaping Requirements

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

Section K.) Procedural/Administrative Requirements

Pre-Application Procedure

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

Special Permit Procedure/Requirements

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

Submitted by the Town Planner

Explanation: The legal uses currently specified in §174-25: Land Use Regulations of the Mashpee Zoning Bylaw, do not address modern industrial uses that are in demand and are consistent with the Town's character. This article provides for flexibility in that, a range of industrial uses can be permitted while enhancing the architectural integrity of the area and provides new opportunities for the small business owner.

COMMENTARY

174-5(G):

LOTS LISTED AS 19-16, 17, 18, 19 DO NOT EXIST ON THE ON-LINE POSTED ASSESSORS' MAP 19 (HAS THE ASSESSORS' MAP BEEN CHANGED VS. THE ON-LINE VERSION?). THIS SECTION ALSO INEXPLICABLY EXCLUDES I-1 LOTS 19-6, 7, 8, 9, 12 (has cell tower) AND 13, WHICH LIE WITHIN THE STATED "all parcels shown on the Zoning Map, updated as of October 16, 2017, to be in the I-1 and C-3 districts along Route 130". IT SHOULD ALSO BE NOTED THAT PORTIONS OF ASSESSORS' MAP LOTS 26-6, 26-19 AND 27-25 (HERITAGE MEMORIAL PARK) LIE IN THE R-5 RESIDENTIAL ZONE. I WOULD ALSO NOTE THAT THERE ARE ONLY 5 UNDEVELOPED PARCELS FRONTING ON MAIN STREET IN THE PROPOSED OVERLAY DISTRICT, SO ITS POTENTIAL "GATEWAY" IMPACT IS MINIMAL.

174-45.6

SUBSECTION A CONSISTS OF QUITE A BIT OF SELF-CONGRATULATION BUT NO SUBSTANTIVE MATTER. A MUCH BRIEFER PURPOSE STATEMENT WOULD BE MORE APPROPRIATE.

SUBSECTION B DEFINITIONS – SOME WOULD BE MORE APPROPRIATE IN SECTION 174-3, ALONG WITH THE REST OF THE BY-LAW'S DEFINITIONS, OTHERS ARE ACTUALLY "USES" THAT SHOULD BE LISTED IN THE SECTION 174-25 TABLE OF USE REGULATIONS.

MANY OF THE LISTED USES / "DEFINITIONS" ARE SUBSETS OF USES ALREADY PERMITTED IN THE I-1 ZONING DISTRICT BUT NOT PERMITTED IN THE C-3 DISTRICT, WHICH IS LOCATED DIRECTLY OPPOSITE A RESIDENTIAL AREA AND WAS CREATED TO MINIMIZE TRAFFIC GENERATION AND DISRUPTION OF THAT NEIGHBORHOOD. CARE SHOULD BE TAKEN WITH REGARD TO USES ALLOWED IN THAT C-3 STRIP, AND THE PROPOSAL SHOULD BE AMENDED TO INCLUDE THE C-3 300 TRIPS/ DAY /ACRE TRAFFIC GENERATION LIMITS AND REFERENCE TO THE PROVISIONS OF SECTION 174.25.1 RELATIVE TO STANDARDS FOR DEVELOPMENT IN THE C-3 DISTRICT.

'LIGHT INDUSTRIAL', 'ART, HANDICRAFT, AND APPAREL MANUFACTURING', 'FURNITURE MAKING', 'TRADEBINDING', 'FOOD MANUFACTURING', 'FOOD PROCESSING', 'CO-WORKING', 'MAKERSPACE' AND 'FOOD INCUBATOR' ARE ALL SUBSETS OF THE MANUFACTURING AND OFFICE USES CURRENTLY PERMITTED IN THE I-1 DISTRICT UNDER THE PROVISIONS OF SECTIONS 174-25.D. (1) AND (3) RELATIVE TO OFFICE-TYPE USES AND 174-25.G.(5) REGARDING MANUFACTURING, ASSEMBLY AND PACKAGING OF GOODS. IT SHOULD BE NOTED THAT ANY COMBINATION OF OFFICE AND MANUFACTURING USE CAN BE COMBINED IN A

BUILDING UNDER A SPECIAL PERMIT APPROVAL AND THAT ALL THESE SUPPOSED "NEW" USES COULD EASILY BE PERMITTED IN I-1 UNDER CURRENT ZONING.

'PRINTING ACTIVITIES' AND "TRADEBINDING" DUPLICATES THE USES ALLOWED UNDER SECTION 174-25.G.(2) "Printing, binding, publishing and related arts and trade", CURRENTLY ALLOWED ONLY IN THE I-1 DISTRICT. THIS, ALONG WITH SOME OF THE ABOVE MANUFACTURING-TYPE USES, COULD EASILY BE PROPOSED ON A LARGE SCALE INAPPROPRIATE IN THE C-3 DISTRICT UNLESS THE SECTION 174-25.1 "STANDARDS FOR DEVELOPMENT IN C-3 DISTRICTS", WHICH INCLUDES A BUILDING SIZE LIMIT OF 20,000 SQ. FT, IS CLEARLY AND SPECIFICALLY REFERENCED IN THIS PROPOSED BY-LAW.

DEFINITIONS FOR 'VITREOUS CHINA' AND 'EARTHENWARE' WOULD APPEAR TO BE UNNECESSARY AND NOT DIRECTLY RELATED TO ZONING. THEY ARE EASILY FOUND IN ANY DICTIONARY, ALONG WITH THOSE FOR MANY OTHER TERMS AND WORDS USED IN THIS PROPOSAL AND THE REST OF THE ZONING BY-LAW.

'HYDROPONIC FOOD PRODUCTION' AND 'AQUAPONIC FOOD PRODUCTION' WOULD GENERALLY BE CONSIDERED AGRICULTURAL ACTIVITIES, WHICH ARE PERMITTED BY RIGHT IN ALL MASHPEE ZONING DISTRICTS UNDER 174-25.C.(4).

'ARTIST STUDIOS' - an artist or worker's workroom used for the purpose of acting, architecture, painting, pottery (ceramics), sculpture, origami, woodworking, scrapbooking, photography, graphic design, filmmaking, animation, industrial design, radio or television production broadcasting or the making of music. *Also see 'MAKERSPACE'.* THE MAJORITY OF ACTIVITIES LISTED IN THIS DEFINITION ARE ALREADY PERMITTED IN THE I-1 DISTRICT. RADIO OR TELEVISION PRODUCTION BROADCASTING IS SPECIFICALLY PERMITTED UNDER SECTION 174-25.D.(4). "RADIO OR TELEVISION STUDIO". THE ONLY USE NOT PERMITTED IN I-1 RELATES TO THE MENTION OF "ACTING" AND POSSIBLY THE "MAKING OF MUSIC". "Live theatre or concert hall and related facilities" ARE PERMITTED IN THE C-3 DISTRICT BUT NOT IN THE I-1 DISTRICT UNDER SECTION 174-25.B.(19). "Theater/Performance Space" IS SPECIFICALLY CALLED OUT AS AN "IDEAL USE" IN THIS OVERLAY DISTRICT, IN CONFLICT WITH SECTION 174-25.B.(19) RELATIVE TO I-1 DISTRICTS (THOUGH IT SEEMS LIKE A PERFECTLY WONDERFUL USE FOR THE AREA TO ME).

'MECHANICS GARAGE - See MAKERSPACE' - THIS ITEM APPEARS TO DUPLICATE "AUTOMOBILE REPAIR SHOPS", ALLOWED IN THE I-1 ZONE UNDER 174-25.F.3. IF THERE IS SOME REDUCED LEVEL OF BUSINESS ACTIVITY INTENDED OR SOME CLEAR DISTINGUISHING FEATURES VS. "AUTOMOBILE REPAIR SHOPS", IT NEEDS TO BE MORE CLEARLY SPELLED OUT IN THIS DEFINITION.

SUBSECTION C. "Allowed Uses"

THIS SECTION BEGINS BY STATING THAT A LIST OF USES THAT FOLLOWS WILL BE PERMITTED IN ADDITION TO THOSE ALLOWED BY SECTION 174-25. AS NOTED ABOVE, MOST OF THE USES ARE SUBSETS OF USES ALREADY ALLOWED IN THE I-1 ZONE, EXCEPT FOR THEATRES, AND GENERALLY NOT ALLOWED IN THE C-3 ZONE. (THE EFFECT OF THE PROPOSAL WOULD PRIMARILY BE TO ALLOW A SERIES OF USES ALLOWED IN I-1 BUT NOT IN C-3 TO NOW BE PERMITTED IN C-3.) CREATING A

SEPARATE LIST OF "USES", DESCRIBED LATER IN THE SECTION AS "IDEAL" (?) USES, ALONG WITH A STATEMENT IN SECTION D. THAT "Allowed uses in this district may extend beyond those listed so long as the alternative use conforms with the definition of 'Light-Industrial' provided in Section B" NOT ONLY COMPLICATES THE USE OF THE BY-LAW WITH REGARD TO DUPLICATE, SOMETIMES CONFLICTING LISTS OF ALLOWED USES (THE NEW ONE LISTED AS "IDEAL" AS OPPOSED TO MORE SPECIFIC LANGUAGE THAT THE USES ARE ALLOWED, PERIOD), BUT ALSO INTRODUCES A PROBABLY ILLEGALLY VAGUE ALLOWANCE FOR USES THAT "MAY EXTEND BEYOND THOSE LISTED", WITH NO CLEAR PROCESS OR BOARD AUTHORIZED TO MAKE THE NECESSARY INTERPRETATION OF WHAT ADDITIONAL USES WOULD, OR WOULD NOT, BE ALLOWED. IN CONTRAST, DETERMINATION OF SIMILAR USES TO THOSE ALLOWED UNDER SECTION 174-25 IS SPECIFICALLY PROVIDED FOR UNDER SECTION 174-24.K.

THE REMAINDER OF THE FIRST PARAGRAPH OF SUBSECTION C. IS ESSENTIALLY SELF-CONGRATULATORY PUFFERY SIMILAR TO THAT PREVIOUSLY NOTED IN SUBSECTION A. AND HAS NO VALUE IN THE TEXT OF A ZONING BY-LAW.

AS NOTED ABOVE, THERE FOLLOWS A LIST OF USES THAT ARE CALLED "IDEAL". AS BASICALLY A DESCRIPTION OF A SUBSET OF THE BY-LAW'S SECTION 174-25 ALLOWED USES THAT THE TOWN WOULD LIKE TO SEE HAPPEN IN THE AREA, THE TERM RESULTS IN WHAT BECOMES A "WISH LIST" RATHER THAN A "USE LIST". AS A STATEMENT OF THE TYPE OF DEVELOPMENT THAT THE TOWN WOULD LOVE TO SEE HAPPEN IN THE AREA (I PERSONALLY LOVE ALL THE USES THAT ARE LISTED) IT IS ASPIRATIONAL RATHER THAN REGULATORY AND MORE APPROPRIATE IF DESCRIBED WITHIN A "PURPOSE" STATEMENT REGARDING THE PROPOSED OVERLAY DISTRICT RATHER THAN A DUPLICATIVE "USE LIST".

ASIDE FROM THAT GENERAL STATEMENT, ONE PARTICULAR USE ON THE LIST STANDS OUT: "FOOD TRUCK COURT". NOWHERE IN THIS PROPOSED ARTICLE OR ELSEWHERE IN THE BY-LAW IS SUCH A USE DEFINED, AND THERE ARE NO PARTICULAR DIMENSIONAL OR SITE PLAN REGULATIONS FOR THE USE. IT SOUNDS LIKE A GREAT IDEA, BUT NEEDS TO BE FLESHED OUT REGULATORILY. IN DOING SO, IT SHOULD BE KEPT IN MIND THAT FOOD TRUCKS ARE VEHICLES, NOT STRUCTURES, SO CAN'T BE REGULATED IN THE SAME WAY UNDER ZONING. ANY REGULATIONS WOULD RELATE TO THE "USE" OF A SITE, ALONG WITH THE DESIGN OF THE SITE WHERE THE TRUCKS WOULD BE PARKED.

SUBSECTION D. - GENERAL REQUIREMENTS AND PROHIBITIONS

AS NOTED PREVIOUSLY, THE FIRST SENTENCE OF THIS SECTION CREATED A PROBABLY ILLEGALLY VAGUE ALLOWANCE FOR USES THAT "MAY EXTEND BEYOND THOSE LISTED", WITH NO CLEAR PROCESS OR BOARD AUTHORIZED TO MAKE THE NECESSARY INTERPRETATION OF WHAT ADDITIONAL USES WOULD, OR WOULD NOT, BE ALLOWED.

THE THIRD SENTENCE REFERENCES AN UNDEFINED "FOOD TRUCK PARK" (CALLED "COURT" IN THE "IDEAL" USE LIST).

THE FOURTH SENTENCE RELATES TO FARMERS MARKETS, ARTS AND CRAFT SALES ETC. AND REQUIRES THEM TO BE REVIEWED AND APPROVED BY THE PLAN REVIEW COMMITTEE. SUCH EVENTS ARE CURRENTLY ALLOWED ELSEWHERE IN TOWN

THROUGH APPROVALS BY THE SELECTMEN AND OTHER RELEVANT LICENSING BOARDS WITHOUT THE ADDED BURDEN OF MANDATORY PLAN REVIEW COMMITTEE REVIEW AND APPROVAL, WHICH COULD DISCOURAGE THEM (WHICH I ASSUME IS NOT THE AUTHOR'S INTENT).

SECTION E. ACCESSORY USES

THIS LIST OF ACCESSORY USES LOCATED OUTSIDE OF SECTION 174-25.I. ACCESSORY USES OF THE MAIN TABLE OF USE REGULATIONS PRESENTS PROBLEMS SIMILAR TO THOSE MENTIONED PREVIOUSLY REGARDING USE LISTS. THREE ARE ALREADY SPECIFICALLY LISTED IN 174-25. THREE ARE NORMALLY MUNICIPAL FACILITIES WHICH, INDEED, ALREADY EXIST AS SUCH IN THE ROUTE 130 AREA

IN ADDITION, A MANDATE IS INCLUDED THAT A LANDSCAPING PLAN RECEIVE "APPROVAL" FROM THE DESIGN REVIEW COMMITTEE. THAT COMMITTEE HAS NO POWER TO "APPROVE" SUCH PLANS, PARTICULARLY SINCE ANY PROJECT TO WHICH A USE IS ACCESSORY WILL HAVE REQUIRED A SPECIAL PERMIT FROM EITHER THE PLANNING BOARD OR ZBA, WHO ARE THE ONLY BOARDS WITH APPROVAL AUTHORITY ON SUCH MATTERS. PURSUANT TO SECTION 174-48 UNDER WHICH THE DESIGN REVIEW COMMITTEE EXISTS, IT HAS NO "APPROVAL" POWERS AND ONLY SERVES IN AN ADVISORY CAPACITY TO THE PLANNING BOARD AND ZBA ON SPECIAL PERMITS, AND TO THE BUILDING INSPECTOR ON SIGN PERMITS.

SECTION F. DIMENSIONAL REQUIREMENTS

THIS SECTION REFERS TO THE WRONG SECTION OF THE ZONING BY-LAW WITH REGARD TO DIMENSIONAL REQUIREMENTS. THE LAND SPACE REQUIREMENTS TABLE IS SECTION 174-31, NOT 174-25.

THE SECTION STATES "THE DISTRICT... SHALL NOT SET A MAXIMUM DENSITY". THERE IS NO "MAXIMUM DENSITY" REQUIREMENT, PER SE, IN THE LAND SPACE REQUIREMENTS TABLE, UNLESS THE AUTHOR IS SUGGESTING THAT THE LOT SIZE AND FRONTAGE REQUIREMENTS SET OUT IN THE TABLE FOR CREATION OF NEW SUBDIVISION LOTS ARE TO BE IGNORED IN THIS DISTRICT. THAT IS A BIG DEAL IF IT IS SO.

THE SECTION FURTHER STATES THAT "THERE MAY BE MULTIPLE TENANTS ON A SINGLE PARCEL AND/OR IN THE SAME BUILDING" AND SETS OUT CERTAIN REQUIREMENTS FOR SUCH. MULTIPLE BUILDINGS ON SITES AND TENANTS IN BUILDINGS ARE ALREADY ALLOWED IN ALL COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS.

SECTION G. SITE DESIGN

FIRST SENTENCE STATING "BUILDINGS SHALL HAVE THEIR NARROW SIDE DISPLAYED IN THE STREET WHEN APPROPRIATE" PROVIDES NO EXPLANATION OF WHEN IT IS "APPROPRIATE". NARROW SIDE IS A GOOD IDEA. THIS PROVISION SHOULD LEAVE OUT THE "WHEN APPROPRIATE" AND INSTEAD ADD LANGUAGE AUTHORIZING THE SPECIAL PERMIT GRANTING AUTHORITY TO WAIVE THE

REQUIREMENT UNDER CERTAIN UNUSUAL CIRCUMSTANCES WHICH SHOULD BE SPELLED OUT.

SECTION H. ARCHITECTURAL DESIGN STANDARDS

FIRST AND SECOND SENTENCES "Buildings shall be constructed with a material palette consistent with the Cape Cod vernacular and using only traditional and natural materials that weather naturally." **AND** "Corrugated metal roofs and siding are prohibited if permitted within the Light Industrial Overlay." **MAY VIOLATE THE PROHIBITION CONTAINED IN MGL CHAPTER 40A, SECTION 3 ON ZONING BY-LAWS REGULATING BUILDING MATERIALS. (WHILE THE PROPOSAL TO BE CONSISTENT WITH THE MASHPEE HISTORIC DISTRICT IS ADMIRABLE, THAT DISTRICT OPERATES UNDER SEPARATE STATUTORY AUTHORITY THAT DOES ALLOW IT TO REGULATE THE MATERIALS USED FOR ROOFS AND SIDING.) IN ADDITION, THE SECOND SENTENCE MAKES NO LOGICAL SENSE, AS IT CONFLICT WITH ITSELF.**

SECTION I. STREETScape REQUIREMENTS

ALTHOUGH THE IDEAS PRESENTED ARE NICE, THEY EITHER ARE INAPPLICABLE, AS THEY INVOLVE LAND OUTSIDE THE LOTS (I.E. IN STREET RIGHTS-OF-WAY) CITED AS THE CONSTITUENT PARTS OF THE OVERLAY DISTRICT, OR, IF INTENDED TO APPLY TO NEW SUBDIVISION STREETS, STEP SOMEWHAT ON THE TOES OF THE PLANNING BOARD'S RULES AND REGULATIONS REGARDING THE SUBDIVISION OF LAND.

SECTION J. LANDSCAPING REQUIREMENTS

NO ISSUES WITH THE CONCEPTS, BUT IN ORDER TO BE LEGAL, THE PROVISIONS OF THE SECOND SENTENCE MUST REFER TO A SPECIFIC DOCUMENT ON A SPECIFIC DATE, AS REFERENCE IN A ZONING BY-LAW TO A DOCUMENT THAT CAN BE CHANGED BY OTHER PARTIES WITHOUT THE APPROVAL OF TOWN MEETING IS ILLEGAL. THE SIMPLE SOLUTION WOULD BE TO REFER TO THE COMMISSION'S NATIVE PLANT LIST AS IT EXISTED ON A DATE CERTAIN, SUCH AS THE DATE ON WHICH THIS ARTICLE IS PROPOSED TO BE ACTED ON BY TOWN MEETING.

SECTION K. PROCEDURAL/ADMINISTRATIVE REQUIREMENTS

FIRST AND SECOND SENTENCES ("PRE-APPLICATION PROCEDURE") ARE NOT LEGAL AND CONFLICT WITH THE PROVISIONS OF BOTH MGL CHAPTER 40A, SECTION 9 AND THE PROVISIONS OF MASHPEE ZONING SECTION 174-24.C. – A SPECIAL PERMIT APPLICANT CANNOT BE REQUIRED TO ATTEND A PRE-APPLICATION MEETING (ALTHOUGH THE APPLICANT CAN BE ENCOURAGED TO DO SO VOLUNTARILY, OFTEN TO EVERYONE'S BENEFIT). AN APPLICATION FOR A SPECIAL PERMIT IS FILED DIRECTLY WITH THE TOWN CLERK, WITH A COPY INCLUDING THE DATE AND TIME OF SUCH FILING CERTIFIED BY THE TOWN CLERK THEN FILED FORTHWITH BY THE APPLICANT WITH THE APPROPRIATE SPECIAL PERMIT GRANTING AUTHORITY. NEITHER THE BUILDING COMMISSIONER, TOWN PLANNER OR PLAN REVIEW COMMITTEE HAS ANY AUTHORITY TO REVIEW OR "REFER" A SPECIAL PERMIT APPLICATION TO THE SPGA. UNDER SECTION 174-24.C., ONLY AFTER SAID

Article_16

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

§174-17.1 Raze and Replace:

No pre-existing, non-conforming single or two family dwelling shall be torn down and rebuilt on any lot unless there is an issuance of a Special Permit from the Zoning Board of Appeals. Such a Special Permit may be granted only if the Zoning Board of Appeals finds that any changes, extensions or alterations of the pre-existing non-conformities are not substantially more detrimental than those existing prior to removal of the existing structure and that there is adequate land area to provide sufficient parking. In no case shall new non-conformities be permitted without the issuance of a Variance.

or take any other action relating thereto.

Submitted by the Zoning Board of Appeals

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

THIS PROPOSAL IS AN ENTIRELY NEW SUBSECTION WHICH GIVES THE ZBA NEW POWER TO ALLOW TOTAL DEMOLITION AND REPLACEMENT OF PRE-EXISTING NON-CONFORMING DWELLINGS. AS SUCH, I SEE NO LEGAL OR TECHNICAL PROBLEMS WITH THE PROPOSAL.

§174-17 Continuance; Extensions; Alterations:

Lawfully created structures or uses may be continued, although not conforming with the provisions of this chapter. Nonconforming single- or two-family dwelling structures may be changed, extended or altered if such change, extension or alteration complies with the dimensional requirements applicable to the lot under current provisions of §174-31 or, for lots which have been developed pursuant to §174-21, complies with such requirements as were applicable to initial construction of the dwelling under provisions of §174-21. Changes, extensions or alterations of nonconforming single- or two-family dwelling structures which do not meet the applicable dimensional requirements as set forth above, and changes, extensions or alterations of all other nonconforming structures, or nonconforming uses, may not be made unless there is a written finding by the Board of Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood and that there is adequate land area to provide sufficient parking and setbacks as may be required. Although said finding shall not constitute a Special Permit as defined by the general laws and this by-law, the Board of Appeals shall follow the procedures specified in the general laws for Special Permits in processing requests for such findings. For the purposes hereof, compliance with dimensional requirements shall be determined by the Inspector of Buildings.

Article_ 17 Food Truck - Tom

To see if the Town will vote to amend the Zoning Bylaws as follows:

Add the following new definition to §174-3 to read as follows:

Mobile Food—

A mobile food truck, trailer or other food/ ice cream dispensing unit is defined as "a food service establishment that is vehicle-mounted or wheeled and is capable of being readily moveable."

And to add the following new section to the Table of Use Regulations §174-25 to read as follows:

§174-25 I (16) Mobile Food

Type of Use		Residential		Commercial			Industrial
		R-3	R-5	C-1	C-2	C-3	I-1
(16)	Mobile food trucks/trailer and Ice Cream trucks looking to setup at either a permanent/temporary location require Board of Health review first. A plot plan as to where it will be located and a letter from the property owner is required. No abutter notices are required.	--	--	PR	PR	PR	PR

or take any other action relating thereto.

Submitted by the Zoning Board of Appeals

Explanation: Mobile food vehicles have grown in popularity and are not addressed in the current Zoning Bylaws. This article will clarify in the By Law where this sort of use can be permitted under the Table of Use Regulations.

THIS ARTICLE REQUIRES PLAN REVIEW APPROVAL FOR FOOD TRUCKS (INCLUDING ICE CREAM TRUCKS) AND LIMITS THEM TO COMMERCIAL AND INDUSTRIAL DISTRICTS.

AS FOOD AND ICE CREAM TRUCKS ARE VEHICLES, NOT STRUCTURES, THERE IS SERIOUS QUESTION AS TO WHETHER OR NOT THEY CAN BE REGULATED UNDER ZONING, IN ADDITION TO THE BOARD OF HEALTH AND OTHER LICENSES REQUIRED. TOWN COUNSEL SHOULD BE CONSULTED AS TO THE LEGALITY OF THIS ARTICLE.

IN ADDITION, MANY FOOD TRUCKS TRAVEL TO MULTIPLE LOCATIONS, IN MULTIPLE TOWNS, PARTICULARLY CONSTRUCTION SITES, IN A DAY, AND REQUIRING PLAN REVIEW APPROVAL / RESTRICTIONS ON THEIR ACTIVITIES WOULD SEEM TO BE AN

EXCESSIVE BURDEN ON THEIR OPERATORS. FOOD TRUCKS ALSO OFTEN SET UP ON STREETS, WHICH HAVE NO "PROPERTY OWNER" OTHER THAN THE TOWN OR STATE, MAKING THE LETTER AND PLOT PLAN REQUIREMENTS PROBLEMATIC. WITH REGARD TO ICE CREAM TRUCKS, WHICH ARE CONSTANTLY ON THE MOVE, PARTICULARLY THROUGH RESIDENTIAL NEIGHBORHOODS WHERE THEY WOULD BE PROHIBITED BY THIS ARTICLE, THE RIDICULOUSNESS OF PLAN REVIEW AND SITE PLANS SHOULD BE EVEN MORE OBVIOUS.

A MORE APPROPRIATE ARTICLE WOULD BE ONE WHICH DEFINES AND PROVIDES A PERMITTING PROCESS AND STANDARDS FOR THE "FOOD TRUCK COURTS / PARKS" REFERRED TO IN EVAN'S LIGHT INDUSTRIAL OVERLAY ARTICLE.

17 TOM
Article _

To see if the Town will vote to amend §174-3 the Zoning Bylaws by adding the following new definition as follows:

§174-3

Seasonal Signs - Includes any sign(s) that are temporary in nature and have been permitted in accordance with section 174-57

And by adding the following sections:

§174-57 Seasonal Signs

Seasonal Signs shall be permitted by the Building Inspector after review and comment by the Design Review Committee. The Design Review Committee can base its finding on the appropriateness of the sign location from reports from both the Police Department and the DPW Director.

The number of Seasonal Signs permitted shall be limited to only one (1) per business in accordance with §174-57 A and not more than four (4) eight (8) square foot signs for the entire site.

Seasonal Signs are temporary signs and are only allowed on non-Town owned property during the following time period: March 1st through October 15th. All approved sign(s) are to be removed on or before October 15th. Failure to timely remove any such sign shall result in a fine of \$50 per day, for each sign.

A request for a Seasonal Sign shall consist of an application; a site plan to show where the Seasonal Sign shall be placed, the dimensions of proposed sign(s), a color drawing of the proposed Seasonal Sign. Upon Design Review Committee review, a permit from the Building department.

Seasonal Signs are to be reviewed, once a year, by the Design Review Committee and permits therefor are only valid through October 15th of each year.

Once approved, a Town supplied stamp is required to be placed upon each sign, prior to the sign being placed, to indicate that the sign has been approved by the Town.

Any Seasonal Sign to be placed upon Town owned property shall require approval from the Board of Selectmen.

§174-57 A - Seasonal Signs Permitted

1. **Free Standing Signs:** A Free Standing Seasonal Sign shall not be more than *8 square feet* and only one sign per store and not more than four (4) signs for the entire site shall be allowed.
2. **Sandwich Board Signs:** Sandwich board is used in place of a free standing sign. All sandwich board signs are limited to not more than 24 inches by 36 inches. A single business is only permitted one (1) sandwich board. The entire site is limited to not more than two (2) for the entire site.
3. **Other Signs:** Other sign(s) as deemed appropriate by the Design Review Committee.

§174-57 B - Location

Seasonal Signs may only be permitted on the property where the business occurs and cannot be placed closer than 10 feet from the edge of any street/road and shall not be placed in a manner which interferes with pedestrian/vehicular travel or public safety.

§174-57 C Prohibitions

Seasonal Signs cannot be illuminated, have moving/motion action, flashing, oscillating lights, pennant types or any similar type of action.

§174-57 D Violations and Penalties

Any person violating the provisions of this article shall be punished by the fines cited in §174-57.1. After the third offense, each day that a violation hereof exists shall constitute a separate offense in which the maximum fine is applied each day.
or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: To address the needs of the business community in attracting customers during the summer months, this proposal would allow certain types of temporary signage to be displayed within a specified time frame during the summer season.

ASIDE FROM THE BASIC QUESTION OF WHETHER OR NOT THE PROPOSED ADDITIONAL SIGNS ARE APPROPRIATE OR WILL LEAD TO EXCESSIVE UNSIGHTLY VISUAL CLUTTER, THERE IS ONLY ONE TECHNICAL PROBLEM WITH THIS ARTICLE, I.E. CONTRARY TO THE PROVISIONS OF THE PREVIOUS ARTICLE REGARDING SIGN VIOLATION ENFORCEMENT AND PENALTIES, IT SPECIFIES ITS OWN DIFFERENT FINES OF \$50 PER DAY VS. THE FINES SPECIFIED IN THAT ARTICLE:

“First offense WARNING

Second offense \$50

Third and subsequent offense \$100”

AND THE FINES OF UP TO \$300 PER DAY SPECIFIED IN ARTICLE XVIII OF THE BY-LAW.

I WOULD RECOMMEND THAT THIS INCONSISTENCY BE ELIMINATED BY REMOVING THE \$50 FINE LANGUAGE INCLUDED IN THIS ARTICLE.

I WOULD ALSO NOTE THAT THE LIMITATION ON THE NUMBER OF SIGNS PER “SITE” (SEE SECTION 174-3 Definitions) WILL DO NOTHING RELATIVE TO ALLOWING EVEN THE CURRENT AMOUNT OF SUCH SIGNAGE IN MASHPEE COMMONS, THE MAJORITY OF WHICH CONSTITUTES ONE “SITE’.

FILING IS AN APPLICATION FORWARDED FOR REVIEW TO THE PLAN REVIEW AND DESIGN REVIEW COMMITTEES SO THAT THEY CAN MAKE RECOMMENDATIONS, RELATIVE TO THEIR AREAS OF EXPERTISE, TO THE SPGA AS INPUT AT THE SPGA'S PUBLIC HEARING.

THIRD SENTENCE ("SPECIAL PERMIT PROCEDURE/REQUIREMENTS") ALSO VIOLATES SECTION 174-24.C. MASHPEE'S SPECIAL PERMIT GRANTING AUTHORITY IS THE PLANNING BOARD, NOT THE ZONING BOARD OF APPEALS. THE ZBA IS ALLOWED SPECIAL PERMIT GRANTING AUTHORITY ONLY WITH REGARD TO NONRESIDENTIAL USES NOT INVOLVING NEW STRUCTURES CONTAINING MORE THAN 10,000 SQ. FT. GROSS FLOOR AREA, NOT LOCATED IN THE C-3 DISTRICT OR MASHPEE CENTER OVERLAY DISTRICT, EXPANSIONS OF NONRESIDENTIAL STRUCTURES WHICH DO NOT RESULT IN MORE THAN 10,000 SQ. FT OF GROSS FLOOR AREA ON A SITE OR RESIDENTIAL CONVERSIONS UNDER SECTION 174-25A.(8) (ACCESSORY APARTMENTS). TO SUMMARIZE, ANY SPECIAL PERMIT IN THE C-3 ZONE CAN ONLY BE ISSUED BY THE PLANNING BOARD. IN THE I-1 DISTRICT, THE PLANNING BOARD ISSUES SPECIAL PERMITS FOR ANY NEW OR EXPANSION PROJECTS RESULTING IN MORE THAN 10,000 SQ. FT. OF GROSS FLOOR AREA ON A SITE, WHILE THE ZBA ISSUES SPECIAL PERMITS FOR SMALLER PROJECTS.

EXPLANATION

AS PREVIOUSLY NOTED, VIRTUALLY ALL OF THE USES PROPOSED UNDER THIS ARTICLE ARE ALREADY PERMITTED UNDER SECTION 174-25, WHICH DOES, AS A RESULT "ADDRESS MODERN INDUSTRIAL USES THAT ARE IN DEMAND AND ARE CONSISTENT WITH THE TOWN'S CHARACTER" AND PROVIDE "FOR FLEXIBILITY IN THAT A RANGE OF INDUSTRIAL USES CAN BE PERMITTED" AND FOR "NEW OPPORTUNITIES FOR THE SMALL BUSINESS OWNER".

SUMMARY

THAT SAID, THERE ARE SOME GOOD IDEAS CONTAINED IN THE ARTICLE, PRIMARILY IN THE LISTING OF AND EMPHASIS ON SMALL-SCALE VERSIONS OF MOSTLY ALREADY-PERMITTED USES USING TERMINOLOGY AND SCALE-LIMITING FACTORS (I.E. REFERENCE TO HAND TOOLS, SMALL MACHINERY AND OTHER CONSTRAINTS THAT WOULD PROMOTE HAND-CRAFT AND OTHER ARTISINAL BUSINESSES AND CREATIVE ENTERPRISES THROUGH SPECIFIC REFERENCE IN THE BY-LAW) WHICH COULD ALLOW THEM TO FIT IN WITH THE INTENT OF THE C-3 DISTRICT, AS WELL AS TO SOME USES (E.G. THEATRE) NOT CURRENTLY ALLOWED IN I-1 WHICH COULD BENEFIT THE RESIDENTS OF THE TOWN AND STRENGTHEN THE BUSINESS COMMUNITY. THERE ARE GOOD CONCEPTS HERE, BUT A LARGE NUMBER OF LEGAL AND PROCEDURAL FLAWS.

I WOULD BE GLAD TO HELP REWORK THE ARTICLE TO SOMETHING THAT FITS IN PROPERLY WITH THE REST OF THE ZONING BY-LAW AND CONFORMS WITH THE LEGAL REQUIREMENTS OF CHAPTER 40A. I WOULD ALSO SUGGEST, AS WAS DONE BY SELECTMAN SHERMAN, THAT THE SCOPE OF THE ARTICLE BE INCREASED TO INCLUDE OTHER I-1 AND COMMERCIAL ZONING DISTRICTS, AS THE IDEAS NOTED ABOVE MIGHT HELP STIMULATE SMALL BUSINESS DEVELOPMENT INTEREST IN OTHER PARTS OF THE TOWN.

TOM

Article_

To see if the Town will vote to amend §174-33 of the Zoning Bylaws by deleting the language in its entirety and replacing it as follows:

§ 174-33 Setbacks from Water and Wetlands

In accordance with Chapter 172 of the Town of Mashpee General Bylaws.
or take any other action relating thereto.

Submitted by the Zoning Board of Appeals

Explanation: Chapter 172 of the Town of Mashpee General Bylaws already addresses this with a review by the Conservation Commission. Applying to the Zoning Board of Appeals for relief, which has already been granted by the Conservation Commission is just a duplication of the approval process.

THIS ARTICLE ELIMINATES THE CURRENTLY-REQUIRED 50 FOOT ZONING SETBACK FROM WATER BODIES AND WETLANDS. THE CURRENT REQUIREMENTS WERE ADOPTED IN THE 1980S TO PROTECT THOSE RESOURCES FROM THE THEN-COMMON PRACTICE OF CLEARCUTTING RIGHT DOWN TO THE WATER OR WETLAND, AND TO MAINTAIN A STORMWATER BUFFER TO REDUCE NUTRIENT POLLUTION TO OUR WATER BODIES. CHAPTER 172 AND CONS COM REGULATION WITHIN THEIR 100 FOOT STATE WETLANDS ACT JURISDICTIONAL AREA WAS IN EXISTENCE THEN AS WELL, BUT WAS CONSIDERED INADEQUATE TO PROVIDE THE DESIRED BUFFERS, PARTICULARLY AS THE COMMISSION'S DETERMINATIONS UNDER THE WETLANDS ACT CAN BE OVERRULED BY MASS. DEP.

CHAPTER 172 HAS BEEN SIGNIFICANTLY REWRITTEN SINCE THEN UNDER THE TOWN'S HOME-RULE POWERS (NOT SUBJECT TO BEING OVERRULED BY DEP), AND PROVIDES A WAIVABLE REQUIREMENT FOR A 50 FOOT BUFFER. SECTION 172-7.A.1., CONTAINING THAT REQUIREMENT, IS ATTACHED BELOW. ALSO ATTACHED IS THE CURRENT SECTION 174-33 OF THE ZONING BY-LAW.

MY ONLY CONCERN LEGALLY IS WHETHER OR NOT A ZONING BY-LAW CAN BE ADOPTED / AMENDED TO REFER ONLY TO ANOTHER NON-ZONING BY-LAW WHICH IS NOT SUBJECT TO THE 2/3 VOTE APPROVAL OF TOWN MEETING. THIS SHOULD BE REVIEWED WITH TOWN COUNSEL, BUT I SUSPECT THE MORE APPROPRIATE AMENDMENT TO ACCOMPLISH THE STATED PURPOSE OF THE EXPLANATION WOULD BE ONE WHICH ELIMINATED THE PROVISIONS OF SECTION 174-33 ENTIRELY.

CURRENT §174-33 Setback from water and wetlands:

Any building or structure, exclusive of fixed or floating piers, wharves, docks, bridges or boardwalks, shall be set back at least fifty (50') feet from any water or wetland as defined by MGL C. 131, §40.

CONSERVATION BY-LAW SECTION 172-7.A.1.:

1. Lands within one hundred (100') feet of specific resource areas, and lands within two hundred (200') feet of rivers, are presumed important to the protection of these resources because

activities undertaken in close proximity to wetlands, rivers, streams, lakes, ponds, creeks, estuaries, the ocean and/or other resource areas have a high likelihood of adverse impact upon them, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission therefore may require that the applicant maintain a continuous naturally vegetated buffer strip (NVBS) within the aforesaid one hundred (100') foot (or two hundred (200') feet for rivers) area with the aim of minimizing adverse impacts to resource areas and the wetland values of Chapter 172. (This requirement will not preclude access pathways through said NVBS, as determined by regulations for this Chapter.) Said NVBS shall be a minimum of fifty (50') feet in width unless the applicant convinces the Commission (as per the provisions of Section 12 of this Chapter) that:

- (a) The NVBS (or part of it) may be disturbed and/or diminished without harm to the values protected by this Chapter, or
- (b) That reducing the scope of work/alteration is not possible.

TDM
Article_ 21

To see if the Town will vote to amend the Zoning Bylaws by deleting §174-25 I (9) in its entirety and to replace it as follows:

§ 174-25 I (9)

Fixed and floating piers, wharves, docks, boardwalks, both seasonal and year-round, shall be subject to the securing of all necessary permits from the Town, state and federal government agencies having jurisdiction over inland and /or coastal waterways and wetlands. Any applicant proposing fixed and floating piers, wharves, docks, boardwalks, both seasonal and year-round proposed to extend across the coastal beach, coastal bank, salt marsh or bordering wetlands, swamps or marshes, as defined in MGL Chapter 131 §40 shall submit copies of said plan to the Conservation Commission. The Conservation Commission will review any proposed fixed and floating piers, wharves, docks, boardwalks, both seasonal and year-round, after holding a hearing which will consider comments from the Shellfish Commission, the Waterways Commission and the Harbormaster, to determine whether any fixed and floating piers, wharves, docks, boardwalks, both seasonal and year-round, will unduly interfere with free passage of travel by water or land. The said proposed structure(s) shall not cause or contribute to the substantial disruption or degradation, through direct or indirect impacts, including uses allowed by said structure, on the marine or coastal environment. The applicant shall bear the burden of proof when questions exist about the proposal's contribution to environmental damage.
or take any other action relating thereto.

Submitted by the Zoning Board of Appeals

Explanation: Currently under the Bylaw, the Zoning Board of Appeals relies on the approvals from the Conservation Commission, Shellfish Commission, the Waterways Commission and the Harbormaster. Going to the Zoning Board of Appeals only duplicates the process. This will eliminate the duplication of the approval process.

THIS ARTICLE ELIMINATES THE CURRENT REQUIREMENT THAT ANY DOCK PROPOSED TO EXCEED 70 FEET IN LENGTH OVER WATER AND WETLANDS AS DEFINED IN MGL CHAPTER 131, SECTION 40 MUST RECEIVE A SPECIAL PERMIT FROM THE ZBA, TO BE ISSUED ONLY AFTER A LIST OF SPECIFIC FINDINGS ARE MADE. THE CURRENT BY-LAW WAS ADOPTED IN 1987 IN RESPONSE TO A PROLIFERATION OF EXTREMELY LONG DOCKS ACROSS WETLANDS, PARTICULARLY IN JEHU POND. THE BOARD OF SELECTMEN, SHELLFISH CONSTABLE AND CONSERVATION COMMISSION FELT THAT SUCH DOCKS CAUSED TOO MUCH DAMAGE TO WETLANDS AND SERVED ONLY THE PURPOSE OF MAKING MARSH-FRONT PROPERTIES SALEABLE AS WATER-FRONT PROPERTIES.

THE ZBA'S PROPOSAL, SIMILAR TO THAT REGARDING WETLAND SETBACKS, CONTAINS THE LEGAL FLAW OF SETTING THE CONSERVATION COMMISSION AND ITS BY-LAW AND REGULATIONS (WHICH DO NOT REQUIRE 2/3 TOWN MEETING APPROVAL TO CHANGE, AS REQUIRED FOR ZONING REGULATIONS) UP AS A ZONING ENFORCEMENT AUTHORITY, WHILE AT THE SAME TIME PURPORTING TO TELL THE CONSERVATION COMMISSION HOW TO REVIEW PROJECTS UNDER ITS PURVIEW. TOWN COUNSEL SHOULD CERTAINLY BE CONSULTED REGARDING THIS ARTICLE AS WELL.

CURRENT TEXT OF § 174-25 I (9)

Fixed and floating piers, wharves, docks, boardwalk, both seasonal and year-round, subject to the securing of all necessary permits from the town, state and federal government agencies having jurisdiction over inland and /or coastal waterways and wetlands. *Any dock proposed to extend across a total of more than seventy (70) feet of coastal beach, coastal bank, salt marsh or bordering vegetated wetlands, all as defined in 310 CMR, and/or coastal wetlands, freshwater wetlands, swamps or marshes, all as defined in MGL Chapter 131, §40, shall require a Special Permit from the Zoning Board of Appeals. All other docks will be permitted as of right. When a Special Permit is required, the applicant shall, at the time of filing a plan with the Board of Appeals, submit copies of said plan to the Conservation Commission, the Shellfish Commission, the Waterways Commission and the Harbormaster. Prior to the granting of any such Special Permit, the Board of Appeals shall consider comments and recommendations from the Conservation Commission, the Shellfish Commission, the Waterways Commission and the Harbormaster. Failure by any of the aforementioned to comment may be interpreted as approval of the proposal. The Board shall not grant the Special Permit if the structure will unduly interfere with free passage of travel by water or land or cause or contribute to the substantial disruption or degradation, through direct or indirect impacts, including uses allowed by said structure, on the marine or coastal environment. The applicant shall bear the burden of proof when questions exist about the proposal's contribution to environmental damage.*

UNDER THE CURRENT BY-LAW, SUCH DOCKS OVER 70 FEET IN LENGTH ACROSS WETLANDS REQUIRE A SPECIAL PERMIT. ALL OTHER SHORTER DOCKS ARE ALLOWED BY RIGHT.

Article_

To see if the Town will vote to amend §174-31 note 23 of the Zoning Bylaws by adding the following line at the end of the last sentence:

All pools shall meet the minimum setbacks required in the zoning district within which they are proposed to be built. No swimming pool shall be placed in the front yard of any property, or take any other action relating thereto.

Submitted by the Zoning Board of Appeals

Explanation: The proposed language will make it clearer as to where a swimming pool can be placed.

THIS ARTICLE WOULD REQUIRE POOLS TO MEET THE SAME SETBACK REQUIREMENTS AS BUILDINGS, PER THE CURRENT SETBACK REGULATIONS, AND PROHIBIT THEM IN FRONT YARDS. THOSE SETBACKS ARE 15 FEET SIDE AND REAR IN BOTH THE R-3 AND R-5 ZONING DISTRICTS. (IT IS NOT 100% CLEAR WHAT SETBACKS WOULD APPLY IN CLUSTER SUBDIVISIONS THAT WERE DEVELOPED UNDER SPECIAL PERMITS/ ZONING THAT REQUIRED 20 FT. REAR SETBACKS, AS THE SPECIAL PERMITS ARE CONSIDERED THE APPLICABLE ZONING FOR SUCH LOTS. I ASSUME THE 15 FEET WOULD BE USED, ALTHOUGH THE BUILDING INSPECTOR WOULD HAVE TO INTERPRET THE ZONING EFFECT OF THE SPECIAL PERMIT CLUSTER SUBDIVISION SETBACK REQUIREMENTS.)

THE REQUIREMENT WOULD BE ATTACHED TO FOOTNOTE 23 OF THE LAND SPACE REQUIREMENTS TABLE, WHICH CURRENTLY DEALS ONLY WITH SHEDS AND SIMILAR STRUCTURES (SEE BELOW). THE 15 FEET MIGHT BE HARD TO MEET ON OUR NUMEROUS SMALL OLDER LOTS, WHOSE OWNERS WILL LIKELY END UP SEEKING VARIANCES. AN ALTERNATIVE MIGHT HAVE BEEN TO REQUIRE A SPECIFIC SETBACK, SUCH AS 10 FEET, IF THAT, OR SOME OTHER DISTANCE, WAS CONSIDERED BY THE BUILDING INSPECTOR AND PUBLIC SAFETY OFFICIALS TO BE ADEQUATE.

CURRENT FOOTNOTE 23:

Minimum required setback from rear or side property lines shall be five (5) feet for sheds or similarly noninhabitable structures not exceeding 120 square feet in floor area or twelve (12) feet in height.

Article_

To see if the Town will vote to amend §174-37 of the Zoning By Laws by adding the following sentence to the end of the paragraph as follows:

§ 174-37

In the I-1 Zoning District, parking facilities shall be located on any side of the building.
or take any other action relating thereto.

Submitted by the Zoning Board of Appeals

Explanation: In accordance with the Town of Mashpee Zoning Bylaws, the Industrial District is utilized for Uses like automotive, laundry facilities, bottling plants, printing facilities and the like. Allowing them the autonomy to place the parking also assists them with the building orientation which has been an issue in the past. These lots are not on the main street but within a compound that is outside of the general view of the public. Limiting them on where to place the parking is more for aesthetics reasons than for practicality.

THIS ARTICLE WOULD ELIMINATE THE CURRENT REQUIREMENT THAT PARKING FACILITIES BE LOCATED TO THE SIDE OR REAR OF BUILDINGS, UNLESS THE PERMITTING AUTHORITY DETERMINES THAT AN ALTERNATIVE LOCATION WILL IMPROVE THE PROJECT AESTHETICALLY, SUBSTANTIALLY REDUCE IMPACTS ON NATURAL OR HISTORIC RESOURCES OR IMPROVE PUBLIC SAFETY. IT WAS SPECIFICALLY ADOPTED TO IMPROVE THE APPEARANCE OF COMMERCIAL AND INDUSTRIAL PROPERTIES "AESTHETICALLY" BECAUSE OF UGLY DEVELOPMENT PREVIOUSLY PERMITTED, AND IS CONSISTENT WITH THE DESIGN GUIDELINES OF THE CAPE COD COMMISSION, AS WELL AS THE INTENT OF EVAN'S LIGHT INDUSTRIAL OVERLAY DISTRICT AND THE TOWN'S DESIRE TO ATTRACT A "HIGHER CLASS" OF OCCUPANTS TO OUR INDUSTRIAL AREAS.

THE ZBA HAS DECIDED THAT IT DOES NOT LIKE TOWN MEETING'S DECISION TO APPROVE THIS REQUIREMENT, AND HAS CONSISTENTLY GRANTED VARIANCES TO THE REQUIREMENT WITHOUT MAKING THE NECESSARY DETERMINATIONS REQUIRED BY THE CURRENT BY-LAW, RESULTING IN EVEN MORE UGLY DEVELOPMENT ON WELL-TRAVLED STREETS SUCH AS COMMERCIAL STREET, INDUSTRIAL DRIVE AND MERCANTILE WAY, AND APPLICATIONS FILED FROM THE START WITH PARKING LOTS AT THE FRONT IN ANTICIPATION OF ZBA WAIVERS, RATHER THAN IN CONFORMANCE WITH THE BY-LAW.

THIS IS ESPECIALLY IRONIC, AS ARTICLE 12 OF THE OCTOBER 20, 2003 TOWN MEETING WARRANT, WHICH CREATED THIS REQUIREMENT, WAS SUBMITTED TO TOWN MEETING JOINTLY BY THE PLANNING BOARD, BOARD OF SELECTMEN AND THE ZBA ITSELF!

CURRENT §174-37 Location of Facilities:

Required parking facilities shall be provided on the same lot or parcel as the principal use they are designed to serve, unless otherwise permitted by a Special Permit issued by the Planning Board. Parking facilities shall be located to the side or rear of the principal structure(s) on a lot or parcel, unless the permitting authority determines that an alternative location will improve the project aesthetically, substantially reduce impacts on natural or historic resources or improve public safety.

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

Article_ 17 Food Truck - Tom

To see if the Town will vote to amend the Zoning Bylaws as follows:

Add the following new definition to §174-3 to read as follows:

Mobile Food—

A mobile food truck, trailer or other food/ ice cream dispensing unit is defined as "a food service establishment that is vehicle-mounted or wheeled and is capable of being readily moveable."

And to add the following new section to the Table of Use Regulations §174-25 to read as follows:

§174-25 I (16) Mobile Food

Type of Use		Residential		Commercial			Industrial
		R-3	R-5	C-1	C-2	C-3	I-1
(16)	Mobile food trucks/trailer and Ice Cream trucks looking to setup at either a permanent/temporary location require Board of Health review first. A plot plan as to where it will be located and a letter from the property owner is required. No abutter notices are required.	--	--	PR	PR	PR	PR

or take any other action relating thereto.

Submitted by the Zoning Board of Appeals

Explanation: Mobile food vehicles have grown in popularity and are not addressed in the current Zoning Bylaws. This article will clarify in the By Law where this sort of use can be permitted under the Table of Use Regulations.

THIS ARTICLE REQUIRES PLAN REVIEW APPROVAL FOR FOOD TRUCKS (INCLUDING ICE CREAM TRUCKS) AND LIMITS THEM TO COMMERCIAL AND INDUSTRIAL DISTRICTS.

AS FOOD AND ICE CREAM TRUCKS ARE VEHICLES, NOT STRUCTURES, THERE IS SERIOUS QUESTION AS TO WHETHER OR NOT THEY CAN BE REGULATED UNDER ZONING, IN ADDITION TO THE BOARD OF HEALTH AND OTHER LICENSES REQUIRED. TOWN COUNSEL SHOULD BE CONSULTED AS TO THE LEGALITY OF THIS ARTICLE.

IN ADDITION, MANY FOOD TRUCKS TRAVEL TO MULTIPLE LOCATIONS, IN MULTIPLE TOWNS, PARTICULARLY CONSTRUCTION SITES, IN A DAY, AND REQUIRING PLAN REVIEW APPROVAL / RESTRICTIONS ON THEIR ACTIVITIES WOULD SEEM TO BE AN

EXCESSIVE BURDEN ON THEIR OPERATORS. FOOD TRUCKS ALSO OFTEN SET UP ON STREETS, WHICH HAVE NO "PROPERTY OWNER" OTHER THAN THE TOWN OR STATE, MAKING THE LETTER AND PLOT PLAN REQUIREMENTS PROBLEMATIC. WITH REGARD TO ICE CREAM TRUCKS, WHICH ARE CONSTANTLY ON THE MOVE, PARTICULARLY THROUGH RESIDENTIAL NEIGHBORHOODS WHERE THEY WOULD BE PROHIBITED BY THIS ARTICLE, THE RIDICULOUSNESS OF PLAN REVIEW AND SITE PLANS SHOULD BE EVEN MORE OBVIOUS.

A MORE APPROPRIATE ARTICLE WOULD BE ONE WHICH DEFINES AND PROVIDES A PERMITTING PROCESS AND STANDARDS FOR THE "FOOD TRUCK COURTS / PARKS" REFERRED TO IN EVAN'S LIGHT INDUSTRIAL OVERLAY ARTICLE.

17 TOM
Article _

To see if the Town will vote to amend §174-3 the Zoning Bylaws by adding the following new definition as follows:

§174-3

Seasonal Signs - Includes any sign(s) that are temporary in nature and have been permitted in accordance with section 174-57

And by adding the following sections:

§174-57 Seasonal Signs

Seasonal Signs shall be permitted by the Building Inspector after review and comment by the Design Review Committee. The Design Review Committee can base its finding on the appropriateness of the sign location from reports from both the Police Department and the DPW Director.

The number of Seasonal Signs permitted shall be limited to only one (1) per business in accordance with §174-57 A and not more than four (4) eight (8) square foot signs for the entire site.

Seasonal Signs are temporary signs and are only allowed on non-Town owned property during the following time period: March 1st through October 15th. All approved sign(s) are to be removed on or before October 15th. Failure to timely remove any such sign shall result in a fine of \$50 per day, for each sign.

A request for a Seasonal Sign shall consist of an application; a site plan to show where the Seasonal Sign shall be placed, the dimensions of proposed sign(s), a color drawing of the proposed Seasonal Sign. Upon Design Review Committee review, a permit from the Building department.

Seasonal Signs are to be reviewed, once a year, by the Design Review Committee and permits therefor are only valid through October 15th of each year.

Once approved, a Town supplied stamp is required to be placed upon each sign, prior to the sign being placed, to indicate that the sign has been approved by the Town.

Any Seasonal Sign to be placed upon Town owned property shall require approval from the Board of Selectmen.

§174-57 A - Seasonal Signs Permitted

1. **Free Standing Signs:** A Free Standing Seasonal Sign shall not be more than *8 square feet* and only one sign per store and not more than four (4) signs for the entire site shall be allowed.
2. **Sandwich Board Signs:** Sandwich board is used in place of a free standing sign. All sandwich board signs are limited to not more than 24 inches by 36 inches. A single business is only permitted one (1) sandwich board. The entire site is limited to not more than two (2) for the entire site.
3. **Other Signs:** Other sign(s) as deemed appropriate by the Design Review Committee.

§174-57 B - Location

Seasonal Signs may only be permitted on the property where the business occurs and cannot be placed closer than 10 feet from the edge of any street/road and shall not be placed in a manner which interferes with pedestrian/vehicular travel or public safety.

§174-57 C Prohibitions

Seasonal Signs cannot be illuminated, have moving/motion action, flashing, oscillating lights, pennant types or any similar type of action.

§174-57 D Violations and Penalties

Any person violating the provisions of this article shall be punished by the fines cited in §174-57.1. After the third offense, each day that a violation hereof exists shall constitute a separate offense in which the maximum fine is applied each day.
or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: To address the needs of the business community in attracting customers during the summer months, this proposal would allow certain types of temporary signage to be displayed within a specified time frame during the summer season.

ASIDE FROM THE BASIC QUESTION OF WHETHER OR NOT THE PROPOSED ADDITIONAL SIGNS ARE APPROPRIATE OR WILL LEAD TO EXCESSIVE UNSIGHTLY VISUAL CLUTTER, THERE IS ONLY ONE TECHNICAL PROBLEM WITH THIS ARTICLE, I.E. CONTRARY TO THE PROVISIONS OF THE PREVIOUS ARTICLE REGARDING SIGN VIOLATION ENFORCEMENT AND PENALTIES, IT SPECIFIES ITS OWN DIFFERENT FINES OF \$50 PER DAY VS. THE FINES SPECIFIED IN THAT ARTICLE:

“First offense WARNING

Second offense \$50

Third and subsequent offense \$100”

AND THE FINES OF UP TO \$300 PER DAY SPECIFIED IN ARTICLE XVIII OF THE BY-LAW.

I WOULD RECOMMEND THAT THIS INCONSISTENCY BE ELIMINATED BY REMOVING THE \$50 FINE LANGUAGE INCLUDED IN THIS ARTICLE.

I WOULD ALSO NOTE THAT THE LIMITATION ON THE NUMBER OF SIGNS PER “SITE” (SEE SECTION 174-3 Definitions) WILL DO NOTHING RELATIVE TO ALLOWING EVEN THE CURRENT AMOUNT OF SUCH SIGNAGE IN MASHPEE COMMONS, THE MAJORITY OF WHICH CONSTITUTES ONE “SITE’.

FILING IS AN APPLICATION FORWARDED FOR REVIEW TO THE PLAN REVIEW AND DESIGN REVIEW COMMITTEES SO THAT THEY CAN MAKE RECOMMENDATIONS, RELATIVE TO THEIR AREAS OF EXPERTISE, TO THE SPGA AS INPUT AT THE SPGA'S PUBLIC HEARING.

THIRD SENTENCE ("SPECIAL PERMIT PROCEDURE/REQUIREMENTS") ALSO VIOLATES SECTION 174-24.C. MASHPEE'S SPECIAL PERMIT GRANTING AUTHORITY IS THE PLANNING BOARD, NOT THE ZONING BOARD OF APPEALS. THE ZBA IS ALLOWED SPECIAL PERMIT GRANTING AUTHORITY ONLY WITH REGARD TO NONRESIDENTIAL USES NOT INVOLVING NEW STRUCTURES CONTAINING MORE THAN 10,000 SQ. FT. GROSS FLOOR AREA, NOT LOCATED IN THE C-3 DISTRICT OR MASHPEE CENTER OVERLAY DISTRICT, EXPANSIONS OF NONRESIDENTIAL STRUCTURES WHICH DO NOT RESULT IN MORE THAN 10,000 SQ. FT OF GROSS FLOOR AREA ON A SITE OR RESIDENTIAL CONVERSIONS UNDER SECTION 174-25A.(8) (ACCESSORY APARTMENTS). TO SUMMARIZE, ANY SPECIAL PERMIT IN THE C-3 ZONE CAN ONLY BE ISSUED BY THE PLANNING BOARD. IN THE I-1 DISTRICT, THE PLANNING BOARD ISSUES SPECIAL PERMITS FOR ANY NEW OR EXPANSION PROJECTS RESULTING IN MORE THAN 10,000 SQ. FT. OF GROSS FLOOR AREA ON A SITE, WHILE THE ZBA ISSUES SPECIAL PERMITS FOR SMALLER PROJECTS.

EXPLANATION

AS PREVIOUSLY NOTED, VIRTUALLY ALL OF THE USES PROPOSED UNDER THIS ARTICLE ARE ALREADY PERMITTED UNDER SECTION 174-25, WHICH DOES, AS A RESULT "ADDRESS MODERN INDUSTRIAL USES THAT ARE IN DEMAND AND ARE CONSISTENT WITH THE TOWN'S CHARACTER" AND PROVIDE "FOR FLEXIBILITY IN THAT A RANGE OF INDUSTRIAL USES CAN BE PERMITTED" AND FOR "NEW OPPORTUNITIES FOR THE SMALL BUSINESS OWNER".

SUMMARY

THAT SAID, THERE ARE SOME GOOD IDEAS CONTAINED IN THE ARTICLE, PRIMARILY IN THE LISTING OF AND EMPHASIS ON SMALL-SCALE VERSIONS OF MOSTLY ALREADY-PERMITTED USES USING TERMINOLOGY AND SCALE-LIMITING FACTORS (I.E. REFERENCE TO HAND TOOLS, SMALL MACHINERY AND OTHER CONSTRAINTS THAT WOULD PROMOTE HAND-CRAFT AND OTHER ARTISINAL BUSINESSES AND CREATIVE ENTERPRISES THROUGH SPECIFIC REFERENCE IN THE BY-LAW) WHICH COULD ALLOW THEM TO FIT IN WITH THE INTENT OF THE C-3 DISTRICT, AS WELL AS TO SOME USES (E.G. THEATRE) NOT CURRENTLY ALLOWED IN I-1 WHICH COULD BENEFIT THE RESIDENTS OF THE TOWN AND STRENGTHEN THE BUSINESS COMMUNITY. THERE ARE GOOD CONCEPTS HERE, BUT A LARGE NUMBER OF LEGAL AND PROCEDURAL FLAWS.

I WOULD BE GLAD TO HELP REWORK THE ARTICLE TO SOMETHING THAT FITS IN PROPERLY WITH THE REST OF THE ZONING BY-LAW AND CONFORMS WITH THE LEGAL REQUIREMENTS OF CHAPTER 40A. I WOULD ALSO SUGGEST, AS WAS DONE BY SELECTMAN SHERMAN, THAT THE SCOPE OF THE ARTICLE BE INCREASED TO INCLUDE OTHER I-1 AND COMMERCIAL ZONING DISTRICTS, AS THE IDEAS NOTED ABOVE MIGHT HELP STIMULATE SMALL BUSINESS DEVELOPMENT INTEREST IN OTHER PARTS OF THE TOWN.

TOM

Article_

To see if the Town will vote to amend §174-33 of the Zoning Bylaws by deleting the language in its entirety and replacing it as follows:

§ 174-33 Setbacks from Water and Wetlands

In accordance with Chapter 172 of the Town of Mashpee General Bylaws.
or take any other action relating thereto.

Submitted by the Zoning Board of Appeals

Explanation: Chapter 172 of the Town of Mashpee General Bylaws already addresses this with a review by the Conservation Commission. Applying to the Zoning Board of Appeals for relief, which has already been granted by the Conservation Commission is just a duplication of the approval process.

THIS ARTICLE ELIMINATES THE CURRENTLY-REQUIRED 50 FOOT ZONING SETBACK FROM WATER BODIES AND WETLANDS. THE CURRENT REQUIREMENTS WERE ADOPTED IN THE 1980S TO PROTECT THOSE RESOURCES FROM THE THEN-COMMON PRACTICE OF CLEARCUTTING RIGHT DOWN TO THE WATER OR WETLAND, AND TO MAINTAIN A STORMWATER BUFFER TO REDUCE NUTRIENT POLLUTION TO OUR WATER BODIES. CHAPTER 172 AND CONS COM REGULATION WITHIN THEIR 100 FOOT STATE WETLANDS ACT JURISDICTIONAL AREA WAS IN EXISTENCE THEN AS WELL, BUT WAS CONSIDERED INADEQUATE TO PROVIDE THE DESIRED BUFFERS, PARTICULARLY AS THE COMMISSION'S DETERMINATIONS UNDER THE WETLANDS ACT CAN BE OVERRULED BY MASS. DEP.

CHAPTER 172 HAS BEEN SIGNIFICANTLY REWRITTEN SINCE THEN UNDER THE TOWN'S HOME-RULE POWERS (NOT SUBJECT TO BEING OVERRULED BY DEP), AND PROVIDES A WAIVABLE REQUIREMENT FOR A 50 FOOT BUFFER. SECTION 172-7.A.1., CONTAINING THAT REQUIREMENT, IS ATTACHED BELOW. ALSO ATTACHED IS THE CURRENT SECTION 174-33 OF THE ZONING BY-LAW.

MY ONLY CONCERN LEGALLY IS WHETHER OR NOT A ZONING BY-LAW CAN BE ADOPTED / AMENDED TO REFER ONLY TO ANOTHER NON-ZONING BY-LAW WHICH IS NOT SUBJECT TO THE 2/3 VOTE APPROVAL OF TOWN MEETING. THIS SHOULD BE REVIEWED WITH TOWN COUNSEL, BUT I SUSPECT THE MORE APPROPRIATE AMENDMENT TO ACCOMPLISH THE STATED PURPOSE OF THE EXPLANATION WOULD BE ONE WHICH ELIMINATED THE PROVISIONS OF SECTION 174-33 ENTIRELY.

CURRENT §174-33 Setback from water and wetlands:

Any building or structure, exclusive of fixed or floating piers, wharves, docks, bridges or boardwalks, shall be set back at least fifty (50') feet from any water or wetland as defined by MGL C. 131, §40.

CONSERVATION BY-LAW SECTION 172-7.A.1.:

1. Lands within one hundred (100') feet of specific resource areas, and lands within two hundred (200') feet of rivers, are presumed important to the protection of these resources because

activities undertaken in close proximity to wetlands, rivers, streams, lakes, ponds, creeks, estuaries, the ocean and/or other resource areas have a high likelihood of adverse impact upon them, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission therefore may require that the applicant maintain a continuous naturally vegetated buffer strip (NVBS) within the aforesaid one hundred (100') foot (or two hundred (200') feet for rivers) area with the aim of minimizing adverse impacts to resource areas and the wetland values of Chapter 172. (This requirement will not preclude access pathways through said NVBS, as determined by regulations for this Chapter.) Said NVBS shall be a minimum of fifty (50') feet in width unless the applicant convinces the Commission (as per the provisions of Section 12 of this Chapter) that:

- (a) The NVBS (or part of it) may be disturbed and/or diminished without harm to the values protected by this Chapter, or
- (b) That reducing the scope of work/alteration is not possible.

TDM
Article_ 21

To see if the Town will vote to amend the Zoning Bylaws by deleting §174-25 I (9) in its entirety and to replace it as follows:

§ 174-25 I (9)

Fixed and floating piers, wharves, docks, boardwalks, both seasonal and year-round, shall be subject to the securing of all necessary permits from the Town, state and federal government agencies having jurisdiction over inland and /or coastal waterways and wetlands. Any applicant proposing fixed and floating piers, wharves, docks, boardwalks, both seasonal and year-round proposed to extend across the coastal beach, coastal bank, salt marsh or bordering wetlands, swamps or marshes, as defined in MGL Chapter 131 §40 shall submit copies of said plan to the Conservation Commission. The Conservation Commission will review any proposed fixed and floating piers, wharves, docks, boardwalks, both seasonal and year-round, after holding a hearing which will consider comments from the Shellfish Commission, the Waterways Commission and the Harbormaster, to determine whether any fixed and floating piers, wharves, docks, boardwalks, both seasonal and year-round, will unduly interfere with free passage of travel by water or land. The said proposed structure(s) shall not cause or contribute to the substantial disruption or degradation, through direct or indirect impacts, including uses allowed by said structure, on the marine or coastal environment. The applicant shall bear the burden of proof when questions exist about the proposal's contribution to environmental damage.
or take any other action relating thereto.

Submitted by the Zoning Board of Appeals

Explanation: Currently under the Bylaw, the Zoning Board of Appeals relies on the approvals from the Conservation Commission, Shellfish Commission, the Waterways Commission and the Harbormaster. Going to the Zoning Board of Appeals only duplicates the process. This will eliminate the duplication of the approval process.

THIS ARTICLE ELIMINATES THE CURRENT REQUIREMENT THAT ANY DOCK PROPOSED TO EXCEED 70 FEET IN LENGTH OVER WATER AND WETLANDS AS DEFINED IN MGL CHAPTER 131, SECTION 40 MUST RECEIVE A SPECIAL PERMIT FROM THE ZBA, TO BE ISSUED ONLY AFTER A LIST OF SPECIFIC FINDINGS ARE MADE. THE CURRENT BY-LAW WAS ADOPTED IN 1987 IN RESPONSE TO A PROLIFERATION OF EXTREMELY LONG DOCKS ACROSS WETLANDS, PARTICULARLY IN JEHU POND. THE BOARD OF SELECTMEN, SHELLFISH CONSTABLE AND CONSERVATION COMMISSION FELT THAT SUCH DOCKS CAUSED TOO MUCH DAMAGE TO WETLANDS AND SERVED ONLY THE PURPOSE OF MAKING MARSH-FRONT PROPERTIES SALEABLE AS WATER-FRONT PROPERTIES.

THE ZBA'S PROPOSAL, SIMILAR TO THAT REGARDING WETLAND SETBACKS, CONTAINS THE LEGAL FLAW OF SETTING THE CONSERVATION COMMISSION AND ITS BY-LAW AND REGULATIONS (WHICH DO NOT REQUIRE 2/3 TOWN MEETING APPROVAL TO CHANGE, AS REQUIRED FOR ZONING REGULATIONS) UP AS A ZONING ENFORCEMENT AUTHORITY, WHILE AT THE SAME TIME PURPORTING TO TELL THE CONSERVATION COMMISSION HOW TO REVIEW PROJECTS UNDER ITS PURVIEW. TOWN COUNSEL SHOULD CERTAINLY BE CONSULTED REGARDING THIS ARTICLE AS WELL.

CURRENT TEXT OF § 174-25 I (9)

Fixed and floating piers, wharves, docks, boardwalk, both seasonal and year-round, subject to the securing of all necessary permits from the town, state and federal government agencies having jurisdiction over inland and /or coastal waterways and wetlands. *Any dock proposed to extend across a total of more than seventy (70) feet of coastal beach, coastal bank, salt marsh or bordering vegetated wetlands, all as defined in 310 CMR, and/or coastal wetlands, freshwater wetlands, swamps or marshes, all as defined in MGL Chapter 131, §40, shall require a Special Permit from the Zoning Board of Appeals. All other docks will be permitted as of right. When a Special Permit is required, the applicant shall, at the time of filing a plan with the Board of Appeals, submit copies of said plan to the Conservation Commission, the Shellfish Commission, the Waterways Commission and the Harbormaster. Prior to the granting of any such Special Permit, the Board of Appeals shall consider comments and recommendations from the Conservation Commission, the Shellfish Commission, the Waterways Commission and the Harbormaster. Failure by any of the aforementioned to comment may be interpreted as approval of the proposal. The Board shall not grant the Special Permit if the structure will unduly interfere with free passage of travel by water or land or cause or contribute to the substantial disruption or degradation, through direct or indirect impacts, including uses allowed by said structure, on the marine or coastal environment. The applicant shall bear the burden of proof when questions exist about the proposal's contribution to environmental damage.*

UNDER THE CURRENT BY-LAW, SUCH DOCKS OVER 70 FEET IN LENGTH ACROSS WETLANDS REQUIRE A SPECIAL PERMIT. ALL OTHER SHORTER DOCKS ARE ALLOWED BY RIGHT.

Article_

To see if the Town will vote to amend §174-31 note 23 of the Zoning Bylaws by adding the following line at the end of the last sentence:

All pools shall meet the minimum setbacks required in the zoning district within which they are proposed to be built. No swimming pool shall be placed in the front yard of any property, or take any other action relating thereto.

Submitted by the Zoning Board of Appeals

Explanation: The proposed language will make it clearer as to where a swimming pool can be placed.

THIS ARTICLE WOULD REQUIRE POOLS TO MEET THE SAME SETBACK REQUIREMENTS AS BUILDINGS, PER THE CURRENT SETBACK REGULATIONS, AND PROHIBIT THEM IN FRONT YARDS. THOSE SETBACKS ARE 15 FEET SIDE AND REAR IN BOTH THE R-3 AND R-5 ZONING DISTRICTS. (IT IS NOT 100% CLEAR WHAT SETBACKS WOULD APPLY IN CLUSTER SUBDIVISIONS THAT WERE DEVELOPED UNDER SPECIAL PERMITS/ ZONING THAT REQUIRED 20 FT. REAR SETBACKS, AS THE SPECIAL PERMITS ARE CONSIDERED THE APPLICABLE ZONING FOR SUCH LOTS. I ASSUME THE 15 FEET WOULD BE USED, ALTHOUGH THE BUILDING INSPECTOR WOULD HAVE TO INTERPRET THE ZONING EFFECT OF THE SPECIAL PERMIT CLUSTER SUBDIVISION SETBACK REQUIREMENTS.)

THE REQUIREMENT WOULD BE ATTACHED TO FOOTNOTE 23 OF THE LAND SPACE REQUIREMENTS TABLE, WHICH CURRENTLY DEALS ONLY WITH SHEDS AND SIMILAR STRUCTURES (SEE BELOW). THE 15 FEET MIGHT BE HARD TO MEET ON OUR NUMEROUS SMALL OLDER LOTS, WHOSE OWNERS WILL LIKELY END UP SEEKING VARIANCES. AN ALTERNATIVE MIGHT HAVE BEEN TO REQUIRE A SPECIFIC SETBACK, SUCH AS 10 FEET, IF THAT, OR SOME OTHER DISTANCE, WAS CONSIDERED BY THE BUILDING INSPECTOR AND PUBLIC SAFETY OFFICIALS TO BE ADEQUATE.

CURRENT FOOTNOTE 23:

Minimum required setback from rear or side property lines shall be five (5) feet for sheds or similarly noninhabitable structures not exceeding 120 square feet in floor area or twelve (12) feet in height.

Article_

To see if the Town will vote to amend §174-37 of the Zoning By Laws by adding the following sentence to the end of the paragraph as follows:

§ 174-37

In the I-1 Zoning District, parking facilities shall be located on any side of the building.
or take any other action relating thereto.

Submitted by the Zoning Board of Appeals

Explanation: In accordance with the Town of Mashpee Zoning Bylaws, the Industrial District is utilized for Uses like automotive, laundry facilities, bottling plants, printing facilities and the like. Allowing them the autonomy to place the parking also assists them with the building orientation which has been an issue in the past. These lots are not on the main street but within a compound that is outside of the general view of the public. Limiting them on where to place the parking is more for aesthetics reasons than for practicality.

THIS ARTICLE WOULD ELIMINATE THE CURRENT REQUIREMENT THAT PARKING FACILITIES BE LOCATED TO THE SIDE OR REAR OF BUILDINGS, UNLESS THE PERMITTING AUTHORITY DETERMINES THAT AN ALTERNATIVE LOCATION WILL IMPROVE THE PROJECT AESTHETICALLY, SUBSTANTIALLY REDUCE IMPACTS ON NATURAL OR HISTORIC RESOURCES OR IMPROVE PUBLIC SAFETY. IT WAS SPECIFICALLY ADOPTED TO IMPROVE THE APPEARANCE OF COMMERCIAL AND INDUSTRIAL PROPERTIES "AESTHETICALLY" BECAUSE OF UGLY DEVELOPMENT PREVIOUSLY PERMITTED, AND IS CONSISTENT WITH THE DESIGN GUIDELINES OF THE CAPE COD COMMISSION, AS WELL AS THE INTENT OF EVAN'S LIGHT INDUSTRIAL OVERLAY DISTRICT AND THE TOWN'S DESIRE TO ATTRACT A "HIGHER CLASS" OF OCCUPANTS TO OUR INDUSTRIAL AREAS.

THE ZBA HAS DECIDED THAT IT DOES NOT LIKE TOWN MEETING'S DECISION TO APPROVE THIS REQUIREMENT, AND HAS CONSISTENTLY GRANTED VARIANCES TO THE REQUIREMENT WITHOUT MAKING THE NECESSARY DETERMINATIONS REQUIRED BY THE CURRENT BY-LAW, RESULTING IN EVEN MORE UGLY DEVELOPMENT ON WELL-TRAVLED STREETS SUCH AS COMMERCIAL STREET, INDUSTRIAL DRIVE AND MERCANTILE WAY, AND APPLICATIONS FILED FROM THE START WITH PARKING LOTS AT THE FRONT IN ANTICIPATION OF ZBA WAIVERS, RATHER THAN IN CONFORMANCE WITH THE BY-LAW.

THIS IS ESPECIALLY IRONIC, AS ARTICLE 12 OF THE OCTOBER 20, 2003 TOWN MEETING WARRANT, WHICH CREATED THIS REQUIREMENT, WAS SUBMITTED TO TOWN MEETING JOINTLY BY THE PLANNING BOARD, BOARD OF SELECTMEN AND THE ZBA ITSELF!

CURRENT §174-37 Location of Facilities:

Required parking facilities shall be provided on the same lot or parcel as the principal use they are designed to serve, unless otherwise permitted by a Special Permit issued by the Planning Board. Parking facilities shall be located to the side or rear of the principal structure(s) on a lot or parcel, unless the permitting authority determines that an alternative location will improve the project aesthetically, substantially reduce impacts on natural or historic resources or improve public safety.

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



Eliza Cox
Direct Line: (508) 790-5431
Fax: (508) 771-8079
E-mail: ecox@nutter.com

September 4, 2018
115991-3

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

Re: Wastewater Treatment Facility Upgrade at South Cape Village
650 Falmouth Road, Mashpee, MA

Dear Ms. Waygan,

We are writing on behalf of DPF Mashpee, LLC ("DPF Mashpee"), the owner of property known as South Cape Village shopping center located off Falmouth Road (Route 28) (the "Property"), in connection with DPF Mashpee's upgrade of the existing wastewater treatment facility at the Property. While we are pleased to update the Board regarding this upgrade, we do not believe any formal Board action is required.

By way of background, on May 2, 2001, the Mashpee Planning Board (the "Board") approved a Special Permit for a 160,000 square foot Commercial Center on the Property, which is recorded in the Barnstable County Registry of Deeds in Book 16641, Page 122. The original Special Permit was subsequently modified on several occasions, and various site plan changes were also approved.

As part of the original Special Permit, the Board found: "Based on the amount of wastewater flow projected to be generated by this project, the proposed systems of wastewater treatment and stormwater management and the mitigating measures required by the Cape Cod Commission for this Project... the Project will not have a significant adverse effect on public health or safety, aquatic vegetative resources, any fisheries or shellfish beds or other wildlife due to hazardous or toxic materials, roadway drainage or sedimentation or excessive nutrient levels." Through Condition 19 of the original Special Permit, the Board also ensured that these findings would continue to be met in the future:

The proposed Waste Water Treatment Facility ("WWTF") shall be designed and operated to produce total nitrogen in plant effluent of 5 mg/l. Copies of any monthly water quality testing results submitted to the Mass. Department of Environmental Protection shall be provided to the Planning Board and Sewer Commission.

Recently, DPF Mashpee decided to upgrade the existing system to include additional denitrification and to modernize existing components. Accordingly, on March 29, 2018, the Massachusetts Department of Environmental Protection issued an individual Groundwater

Ms. Mary Waygan, Chair
September 4, 2018
Page Two

Discharge Permit for the Property. The Permit authorizes the discharge of 24,000 gallons per day of treated sanitary wastewater from the mixed use retail facility.

The upgrade does not increase the maximum capacity approved by the Board in connection with the original Special Permit, as the proposed 24,000 gallons per day remains the same. In addition, the upgrade includes an odor control system, which will be located adjacent to the existing control building, and will be placed on a 6' by 8' concrete pad with fencing surrounding it. Significantly, all other components of the upgraded system will be located underground, or within the existing control building onsite.

We have reviewed the proposed changes to the wastewater treatment facility, the original Special Permit and its subsequent modifications, and the Mashpee Zoning Bylaw. Based on our review, we do not believe any formal modification is required, either as a minor modification or otherwise, pursuant to Section 174-24(c)(9) of the Bylaw, as the proposed changes fully comply with the conditions set forth in the original Special Permit and subsequent modifications, and result in minimal change to the existing site.

Please feel free to contact me should you have any questions or if you'd like to further discuss the foregoing. Thank you, and I remain,

Very truly yours,


Eliza Cox

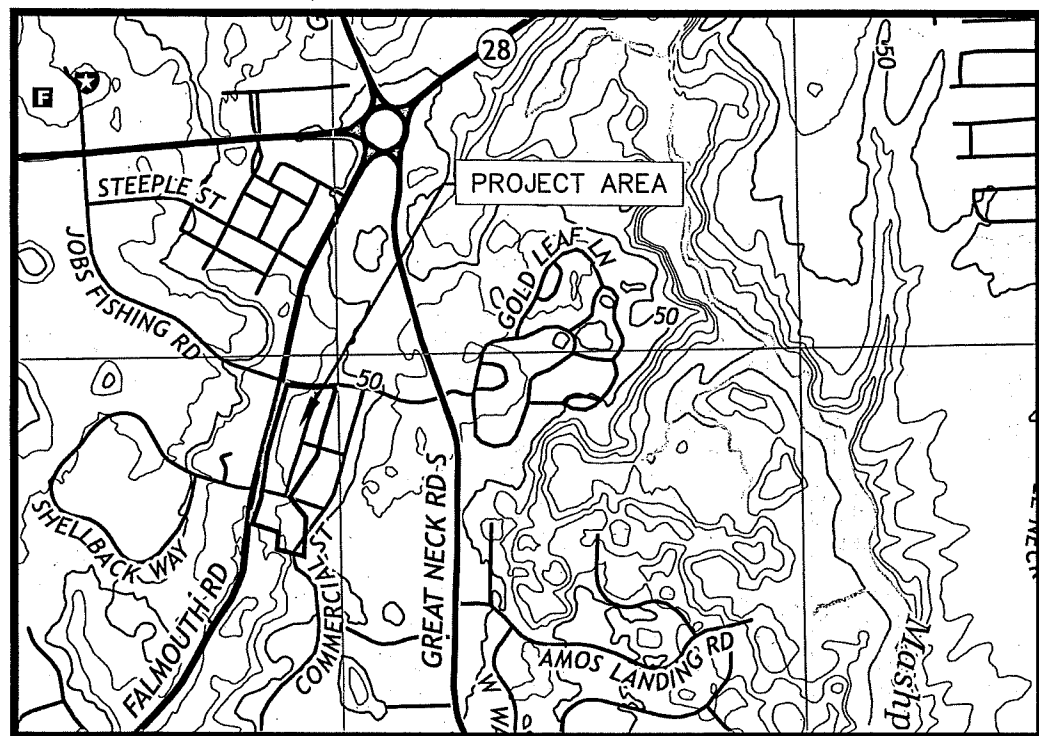
cc: Karen Johnson, Charter Realty & Development
DPF Mashpee, LLC

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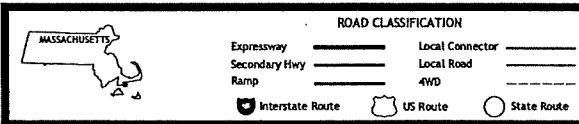
DPF MASHPEE, LLC

SOUTH CAPE VILLAGE WASTEWATER TREATMENT FACILITY UPGRADE

650 FALMOUTH ROAD
MASHPEE, MASSACHUSETTS



LOCUS MAP
NOT TO SCALE



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\\weston\local\Weston\Projects\Projects\001 - South Cape Village WWTF Upgrade - Submittal - RFP - Permit and Final Design\100 - Drawings - RFP\Design\Working Drawings\CD-1.dwg

LEGEND		
DESCRIPTION	EXISTING	PROPOSED
SANITARY SEWER	S	8" S PVC
FORCE MAIN	FM	8" FM DI
WATER MAIN	W	6" W DI
TEMPORARY WATER		4" W
STORM DRAIN	D	18" D RCP
GAS	G	4" G
ELECTRIC	E	E
METHANOL	M	M
VENTILATION	V	V
AIR	A	A
CHEMICAL (ALKALINITY)	CH	CH
HOUSE CONNECTION		6" HOUSE CONN (TYP)
GRINDER PUMP	GP	GP
SANITARY SEWER MANHOLE	SMH	SMH
STORM DRAIN MANHOLE	SDMH	SDMH
ELECTRICAL MANHOLE	EMH	EMH
TELEPHONE MANHOLE	TMH	TMH
AIR RELEASE VALVE MANHOLE	ARMH	ARMH
FORCE MAIN CLEANOUT MANHOLE	FMCO	FMCO
CLEANOUT	CO	CO
CATCH BASIN	CB	CB
CATCH BASIN (CURB INLET)		
HYDRANT		
TEMPORARY HYDRANT		
GATE VALVE		
CHECK VALVE		
CURB STOP		
BUTTERFLY VALVE		
BALL VALVE		
REDUCER		
CAP OR PLUG		
UTILITY POLE		
GUY POLE		
LIGHT POST		
EDGE OF PAVEMENT		
EDGE OF UNPAVED ROAD		
CURB		
SIDEWALK		
STONE WALL		
RETAINING WALL	RET WALL	RET WALL
FENCE	X-X	X-X
INDIVIDUAL DECIDUOUS TREE		
INDIVIDUAL EVERGREEN TREE		
TREE LINE		
SURVEY MARKER		
PROPERTY LINE		
EASEMENT LINE		
LIMIT OF WORK		
APPROX. LIMIT OF REFUSE		
SPOT ELEVATIONS	x 141.5	x 141.5
CONTOUR LINES	56	56
DEPRESSION CONTOUR LINES		
HOUSE NUMBER		
FLOOR ELEVATION	FL=56.7	
SILL ELEVATION	S=56.7	
WETLAND		
RIP RAP		
SURFACE MOUNTED DELINEATOR		
GUARD POST		
BOLLARD		
SIGN		
BENCH MARK		
AUGER	A-1	A-1
PERCOLATION TEST		PT-1
TEST PIT		TP-1
BORING	B-10	B-11
PROBE	P-10	P-11
GROUNDWATER MONITORING WELL	WS-1	WS-1
GAS MONITORING WELL	GMW-10	GMW-10
GAS VENT	GV	GV
HAY BALES		
ROCK OUTCROP		
DRAINAGE DITCH / SWALE		

NOTE: ITEMS SHOWN IN THE LEGEND MAY NOT BE PRESENT IN THESE PLANS

CONSTRUCTION NOTES

1. THE CONTRACTOR SHALL CALL DIGSAFE AT 1-888-344-7233 AT LEAST 72 HOURS, SATURDAYS, SUNDAYS, AND HOLIDAYS EXCLUDED, PRIOR TO EXCAVATING AT ANY LOCATION. A COPY OF THE DIGSAFE PROJECT REFERENCE NUMBER(S) SHALL BE GIVEN TO THE OWNER PRIOR TO EXCAVATION.
2. LOCATIONS OF EXISTING PIPES, CONDUITS, UTILITIES, FOUNDATIONS AND OTHER UNDERGROUND OBJECTS ARE NOT WARRANTED TO BE CORRECT AND THE CONTRACTOR SHALL HAVE NO CLAIM ON THAT ACCOUNT SHOULD THEY BE OTHER THAN SHOWN.
3. TEST PITS SHALL BE PERFORMED TO LOCATE EXISTING UTILITIES AND PROCESS PIPE.
4. STONE WALLS, FENCES, MAIL BOXES, SIGNS, CURBS, LIGHT POLES, ETC. SHALL BE REMOVED AND REPLACED AS NECESSARY TO PERFORM THE WORK. UNLESS OTHERWISE INDICATED, ALL SUCH WORK SHALL BE INCIDENTAL TO CONSTRUCTION OF THE PROJECT.
5. ALL PAVEMENT, CURBING, AND PAVEMENT MARKINGS DISTURBED BY THE CONTRACTOR'S OPERATIONS SHALL BE REPLACED IN ACCORDANCE WITH THE SPECIFICATIONS AND AS SHOWN ON THE DRAWINGS.
6. ALL AREAS DISTURBED BY THE CONTRACTOR SHALL BE RESTORED AT NO ADDITIONAL COST TO THE OWNER.
7. APPROVED JOINT RESTRAINT METHODS SHALL BE PROVIDED FOR FORCE MAINS WHERE ANY BENDS, TEES, PLUGS, OR WYES ARE INSTALLED. CONCRETE THRUST BLOCKS, ANCHOR BLOCKS AND TIE RODS MAY BE USED FOR 6-INCH AND 8-INCH PIPE WHERE JOINT RESTRAINT IS NOT FEASIBLE. FOR THRUST BLOCK DETAILS AND MINIMUM BLOCK BEARING AREAS, SEE DETAILS AND SPECIFICATIONS.

DEMOLITION AND EQUIPMENT REMOVAL NOTES

1. REFER TO THE INDEX SHEET FOR THE LOCATION OF EXISTING CONDITION AND DEMOLITION DRAWINGS FOR ADDITIONAL INFORMATION REGARDING EXISTING FACILITIES.
2. REFER TO SPECIFICATION SECTION 01014, WHICH CONTAINS INFORMATION ON CONSTRAINTS OF CONSTRUCTION SEQUENCING.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING AND DISPOSING OF ALL DEMOLISHED MATERIALS AND EQUIPMENT TO BE REMOVED, UNLESS OTHERWISE NOTED ON DRAWINGS OR IN THE SPECIFICATIONS. DISPOSAL SHALL BE IN ACCORDANCE WITH ALL STATE AND LOCAL REGULATIONS.
4. THE CONTRACTOR SHALL KEEP A RECORD OF MATERIALS AND EQUIPMENT REMOVED AS PART OF THE PROJECT RECORD DOCUMENTS.

ABBREVIATIONS

AC	ASBESTOS CEMENT PIPE	IP	IRON PIPE
ACOMP	ASPHALT COATED CORRUGATED METAL PIPE	LF	LINEAR FEET
ARV	AIR RELEASE VALVE	MAX	MAXIMUM
ASTM	AMERICAN SOCIETY FOR TESTING AND MATERIALS	MDFW	MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS
BC	BITUMINOUS CONCRETE	MECH	MECHANICAL
BIT	BITUMINOUS	MH	MANHOLE
BLDG	BUILDING	MIN	MINIMUM
BM	BENCH MARK	MISC	MISCELLANEOUS
BO	BLOW OFF	MJ	MECHANICAL JOINT
BV	BUTTERFLY VALVE	MJ	MASSACHUSETTS WATER RESOURCES AUTHORITY
CATV	CABLE TELEVISION	N	NORTH
CB	CATCH BASIN	NF	NOT FOUND
CC	CONCRETE CURB	OD	OUTSIDE DIAMETER
CH	CHEMICAL (ALKALINITY)	PCCP	PRESTRESSED CONCRETE CYLINDER PIPE
CI	CAST IRON	PE	POLYETHYLENE
CL	CENTERLINE	PL	PROPERTY LINE
CMP	CEMENT LINED	PVC	POLYVINYL CHLORIDE
CONC	CORRUGATED METAL PIPE	PVMT	PAVEMENT
CJ FT	CONCRETE	RCP	REINFORCED CONCRETE PIPE
CY	CUBIC FEET	ROW	RIGHT-OF-WAY
DEP	CUBIC YARD	R.R.	RAILROAD
DI	DEPARTMENT OF ENVIRONMENTAL PROTECTION	S	SEWER
DIA	DUCTILE IRON	SECT	SECTION
DMH	DIAMETER	SHT	SHEET
DWG	DRAIN MANHOLE	SPEC	SPECIFICATIONS
E	DRAWING	SQ FT	SQUARE FEET
EA	ELECTRIC	SRF	STATE REVOLVING LOAN FUND
ELEV	EACH	SS	STAINLESS STEEL
EOP	ELEVATION	STA	STATION
EXIST	EDGE OF PAVEMENT	STL	STEEL
FLG	EXISTING	T	TELEPHONE
FM	FLANGE	TBM	TEMPORARY BENCH MARK
FT	FORCE MAIN	THK	THICK (NESS)
G	FEET, FOOT	TYP	TYPICAL
GALV	NATURAL GAS	UP	UTILITY POLE
GC	GALVANIZED	VC	VITRIFIED CLAY
GR	GRANITE CURB	VERT	VERTICAL
HC	GRANITE	W	WATER
HORIZ	HOUSE CONNECTION	W/O	WITHOUT
HWL	HORIZONTAL		
HYD	HIGH WATER LEVEL		
INV	FIRE HYDRANT		
ID	INVERT		
	INSIDE DIAMETER		

PROCESS GENERAL NOTES

1. NEW PENETRATIONS THROUGH EXISTING STRUCTURE WALLS SHALL BE BY CORING MACHINE AND "LINK SEAL" TYPE SEALS, UNLESS OTHERWISE INDICATED. OPENINGS TO BE COMPATIBLE WITH REQUIRED PIPING AND STANDARD LINK SEAL SIZES.
2. FOR PIPING MATERIAL, REFER TO THE SPECIFICATIONS.
3. WHERE APPLICABLE PRIOR TO OPERATION OF ANY PUMPING EQUIPMENT, ALL SUCTION PIPING MUST BE FILLED AND PURGED OF AIR. CONTRACTOR IS RESPONSIBLE FOR DAMAGE TO EQUIPMENT DUE TO AIR IN THE PIPING.
4. PIPES 3-INCH IN DIAMETER AND UNDER SHALL HAVE UNIONS INSTALLED ADJACENT TO EQUIPMENT AND TANKS, UNLESS OTHERWISE NOTED ON DRAWINGS. FLANGES ARE ACCEPTABLE ON 3-INCH DIAMETER PIPING.
5. ALL PIPES SHALL BE ADEQUATELY RESTRAINED AND SUPPORTED
6. AFTER INSTALLATION, ALL PRESSURE PIPELINES SHALL BE PRESSURE TESTED FOR TIGHTNESS IN ACCORDANCE WITH SPECIFICATION SECTIONS 15140 AT 100 PSIG. PROCESS GRAVITY LINES AND AIR LINES SHALL BE PRESSURE TESTED WITH AIR AT 15 PSIG, UNLESS OTHERWISE INDICATED THE AIR LINES SHALL BE ACCEPTABLE IF THE PRESSURE DECREASE IS NOT GREATER THAN 1/2 PSIG IN 30 MINUTES. ALL LEAKS SHALL BE CORRECTED AND RETESTED UNTIL PRESSURE TEST IS SATISFACTORILY COMPLETED.
7. ALL PIPING SHALL BE CLEANED, TO THE SATISFACTION OF THE ENGINEER, BEFORE TESTING.
8. PROVIDE REINFORCED CONCRETE PAD UNDER ALL EQUIPMENT, CONTROL PANELS, PIPE AND EQUIPMENT SUPPORTS, TANKS ETC. UNLESS OTHERWISE INDICATED. PAD SHALL BE 3-INCH HIGH (MIN.) UNLESS SHOWN OTHERWISE ON THE DRAWINGS OR INDICATED IN THE SPECIFICATION.
9. ALL EQUIPMENT AND PIPING LAYOUT DIMENSIONS SHALL BE FIELD VERIFIED AND COORDINATED WITH EQUIPMENT SUPPLIED, AND/OR EXISTING CONDITIONS.
10. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING FORWARD FLOW AND TREATMENT OF WASTEWATER THROUGHOUT CONSTRUCTION.

PROCESS ABBREVIATIONS

BF	BLIND FLANGE
DCW	DOMESTIC COLD WATER
DET	DETAIL
DR	DRAIN
F	FIRE PROTECTION
FD	FLOOR DRAIN
FIT	FLOW INDICATING TRANSMITTER
GA	GAUGE
H	HEAT
HP	HIGH POINT
ID	INSIDE DIAMETER
INF	INFLUENT
JT	JOINT
LE	LEVEL ELEMENT
LIT	LEVEL INDICATING TRANSMITTER
MJ	MECHANICAL JOINT
OC	ON CENTER
P	PUMP
PT	PRESSURE TRANSMITTER
RED	REDUCER
REQ'D	REQUIRED
SAN	SANITARY DRAIN PIPING
SCH	SCHEDULE
SG	SLUICE GATE
SI	SPEED INDICATOR
SP	SUMP PUMP
STG	STOP GATE
SW	SEAL WATER
VFD	VARIABLE FREQUENCY DRIVE
W	POTABLE WATER
YH	YARD HYDRANT
V	VENT
A	AIR
CH	CHEMICAL
M	METHANOL

Weston & Sampson

100 International Drive,
Suite 152, Portsmouth, NH 03801
603.431.3937
www.westonandsampson.com

DATE

8/23/2018

REGISTERED PROFESSIONAL ENGINEER



APP BY

CMP

CHK BY

DMW

DES BY

BAS

DR BY

BAS

JOB NO.

2170685

CONTRACT

N.T.S.

SCALE

CAUD NO.

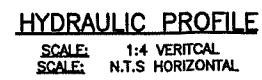
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SOUTH CAPE VILLAGE WWTF UPGRADE

ABBREVIATIONS, NOTES AND LEGEND

G-7

SHEET 2 OF 16












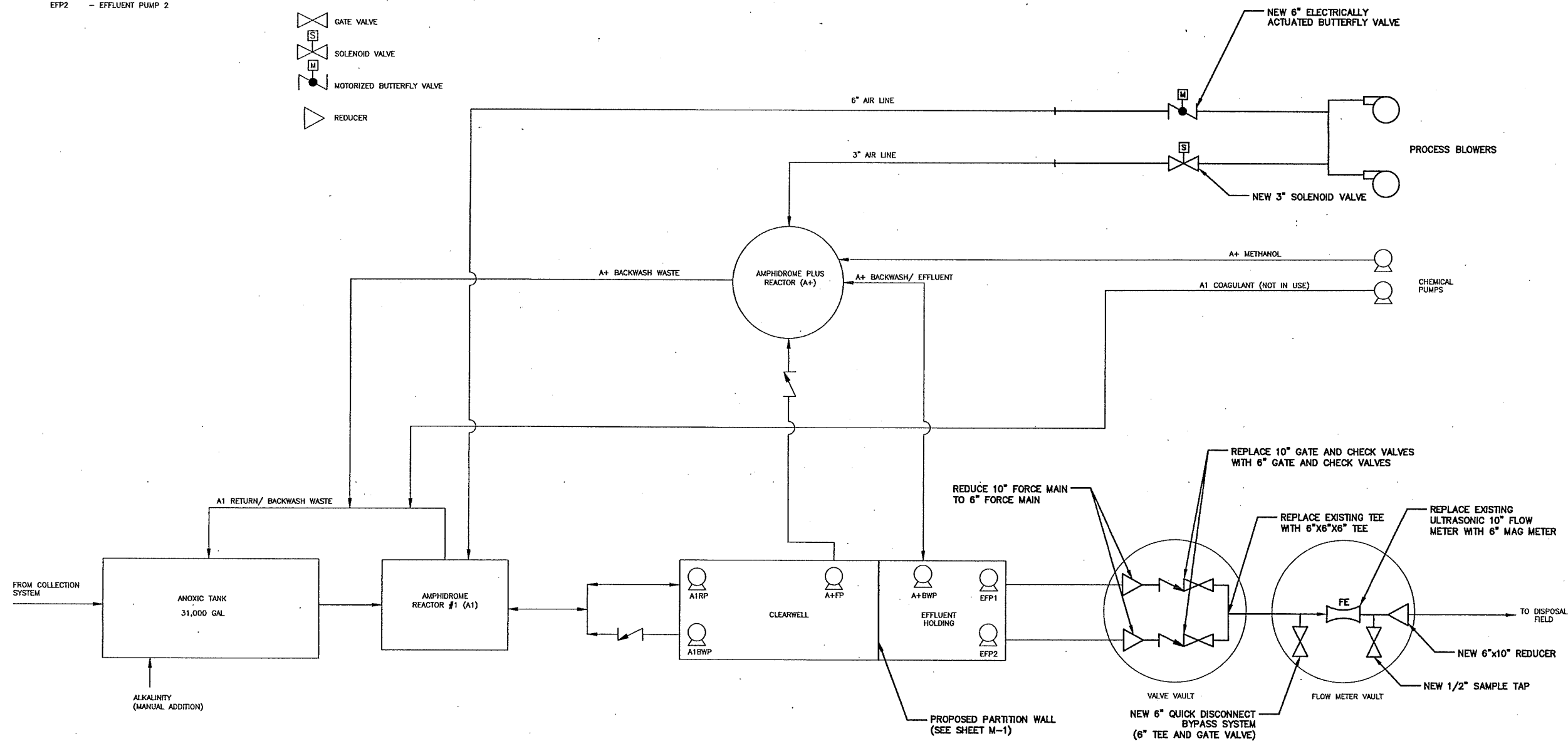
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ABBREVIATION KEY

A1RP	— AMPHIDROME 1 RETURN PUMP
A1BWP	— AMPHIDROME 1 BACKWASH PUMP
A+FP	— AMPHIDROME PLUS FEED PUMP
A+BWP	— AMPHIDROME PLUS BACKWASH PUMP
A+RP	— AMPHIDROME PLUS RETURN PUMP
EF1	— EFFLUENT PUMP 1
EF2	— EFFLUENT PUMP 2

LEGEND

	PUMP
	CHECK VALVE
	
	FLOW METER
	GATE VALVE
	
	
	MOTORIZED BUTTERFLY VALVE
	REDUCER



PROCESS FLOW MODIFICATIONS
N.T.S.

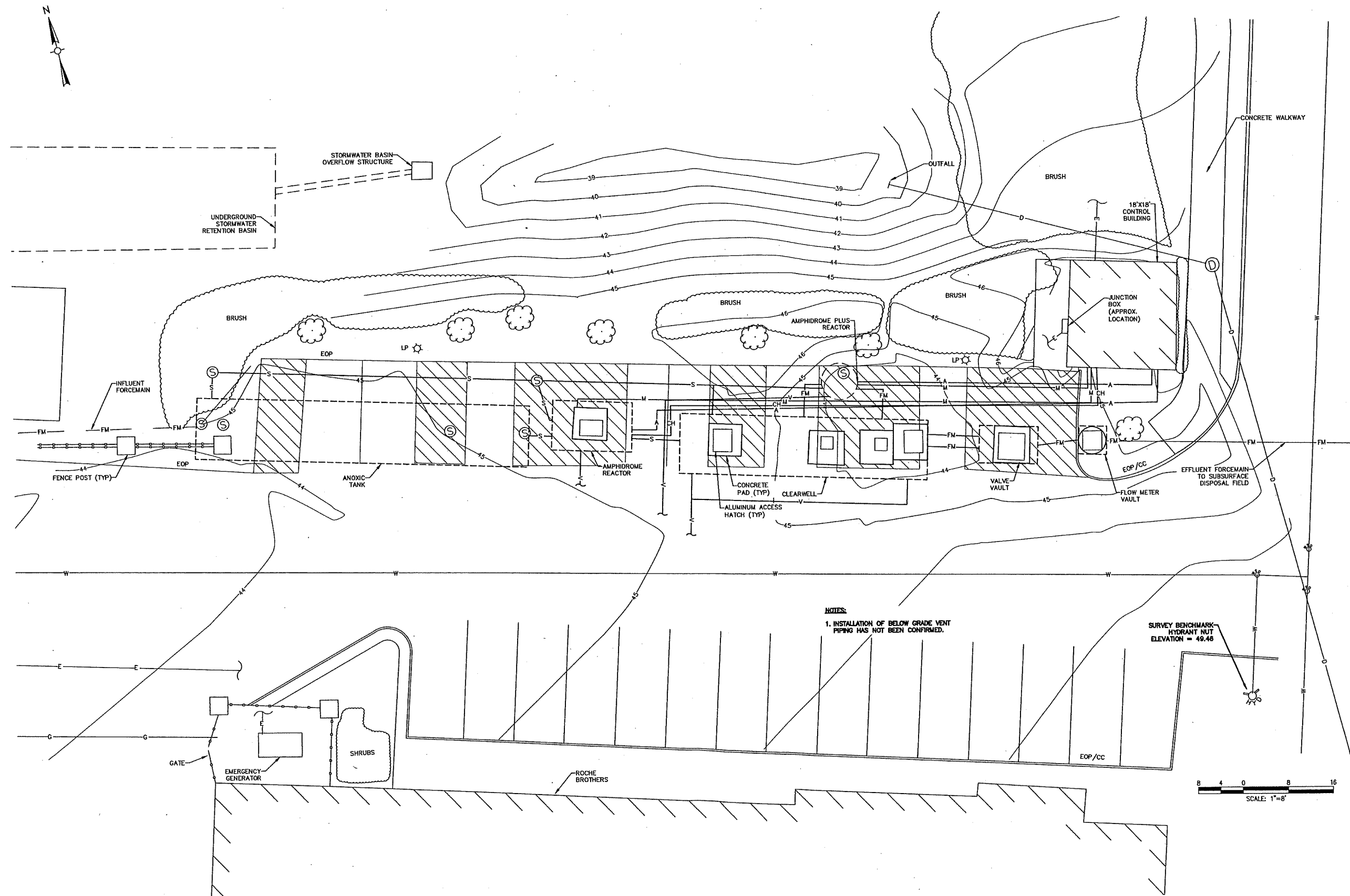
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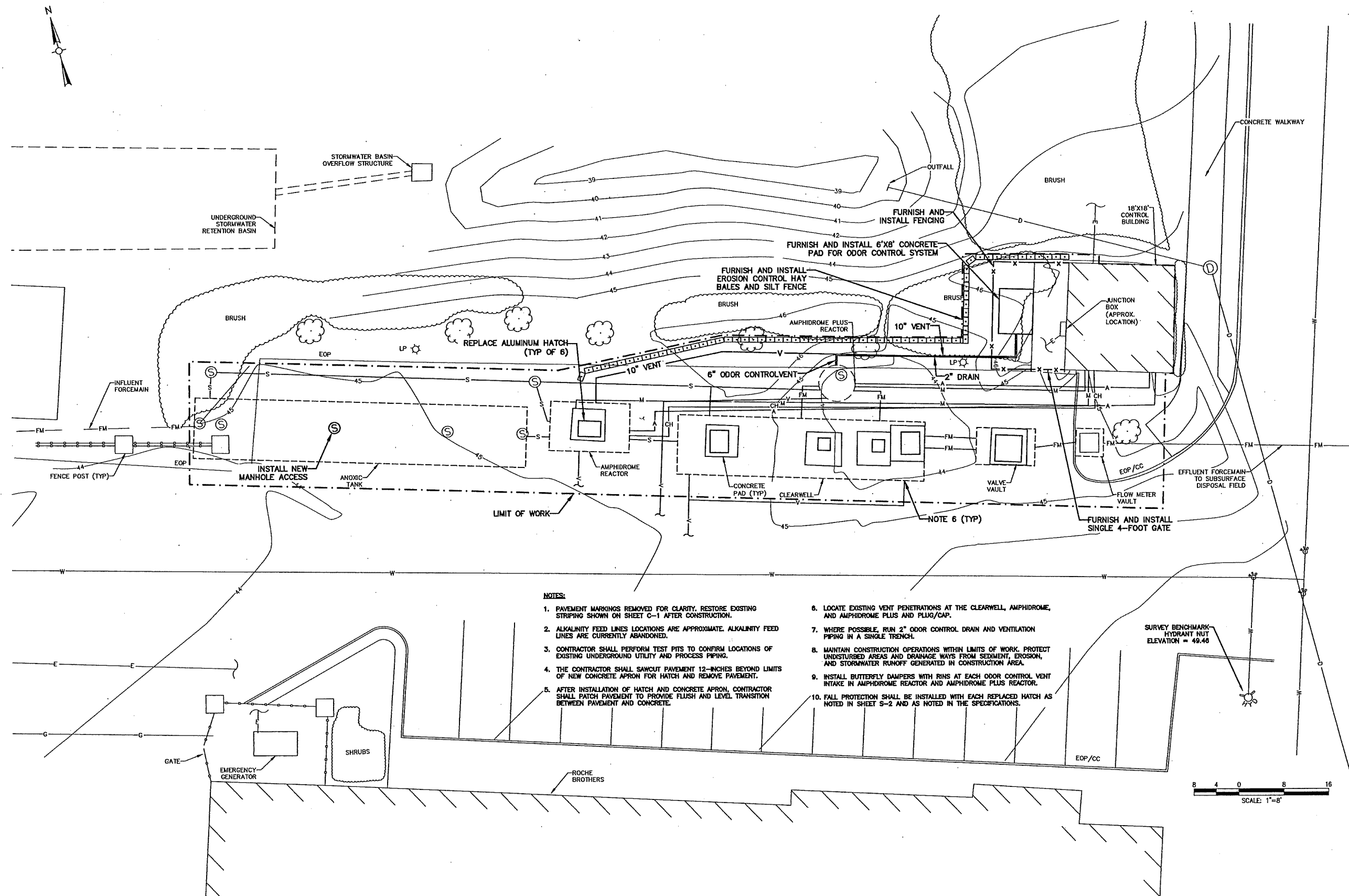
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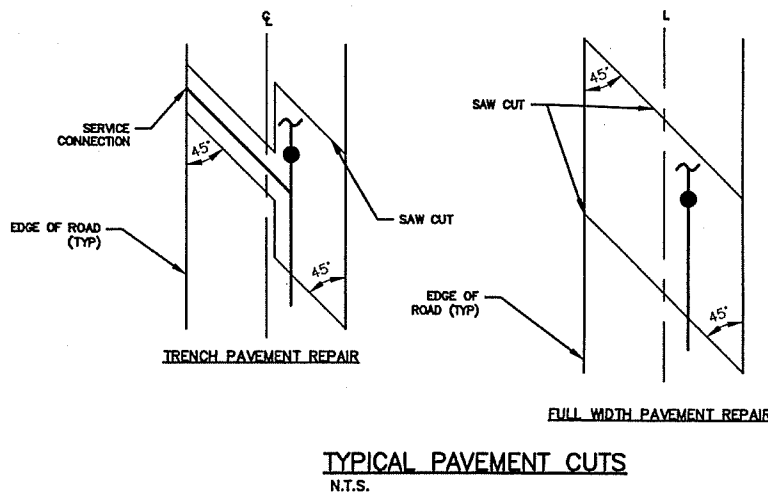
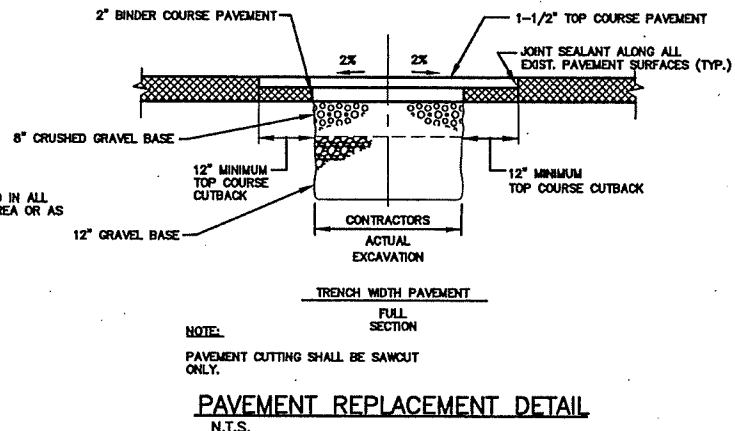
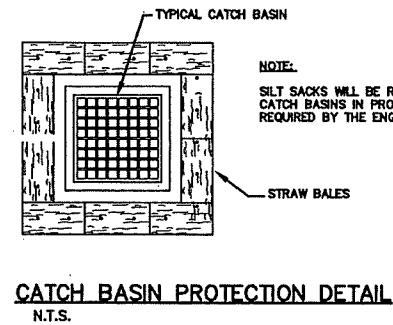
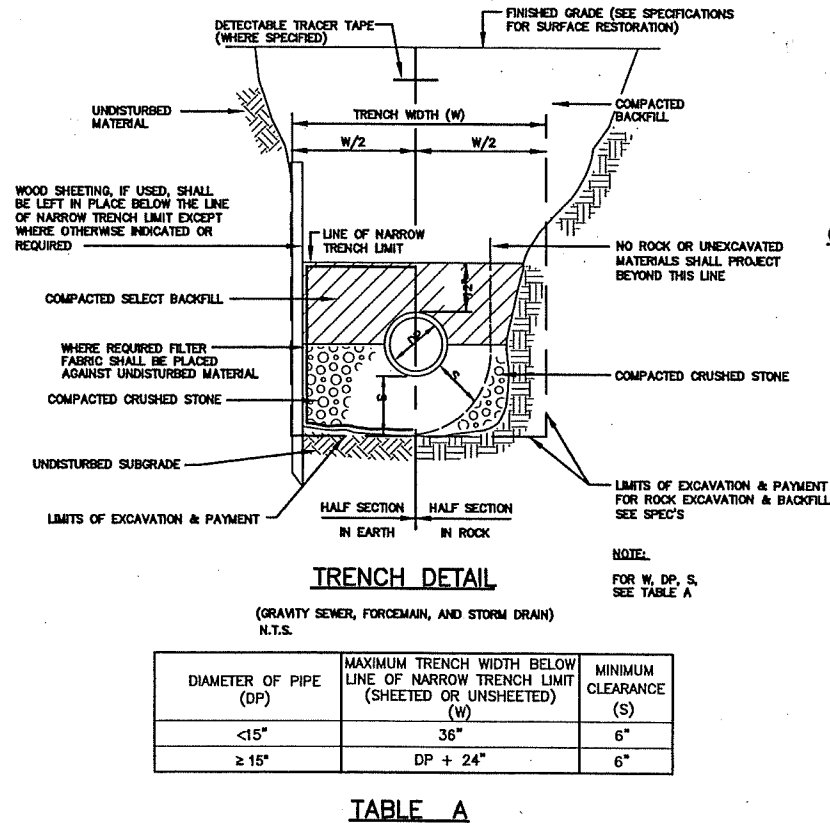
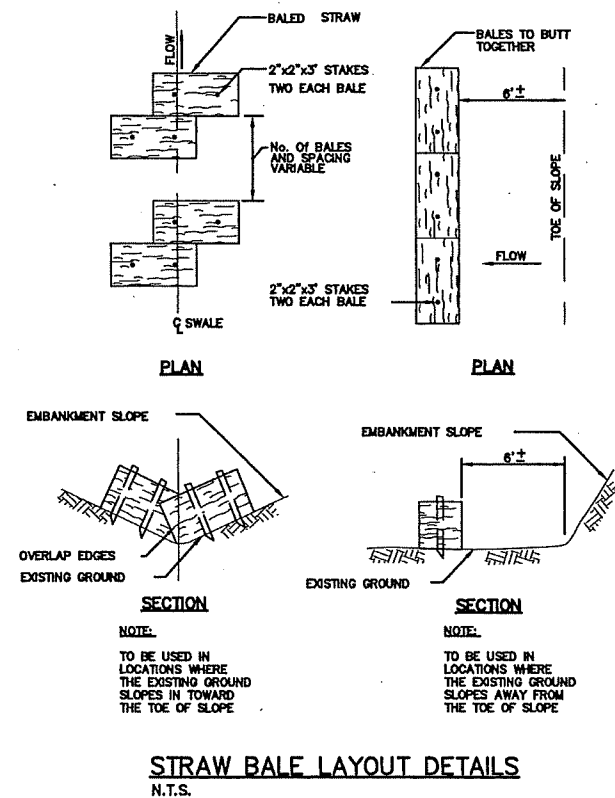
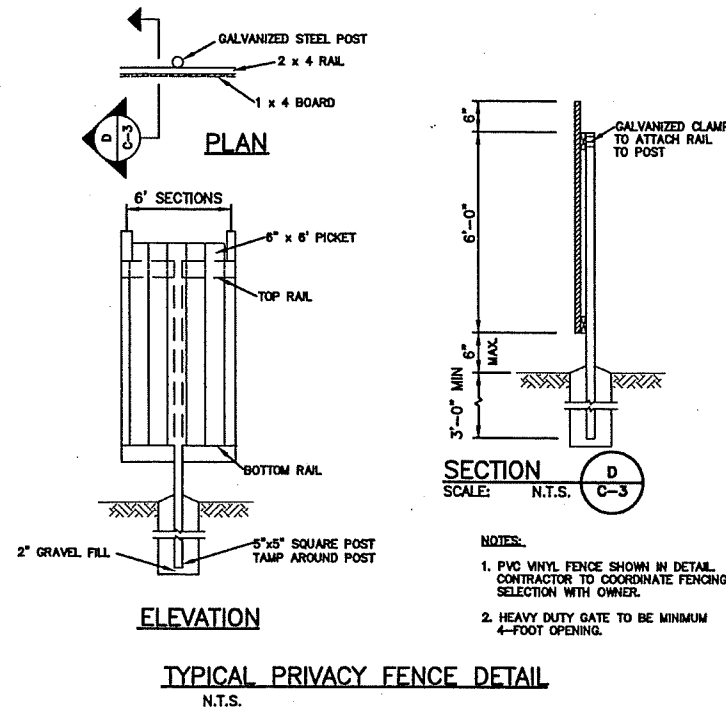
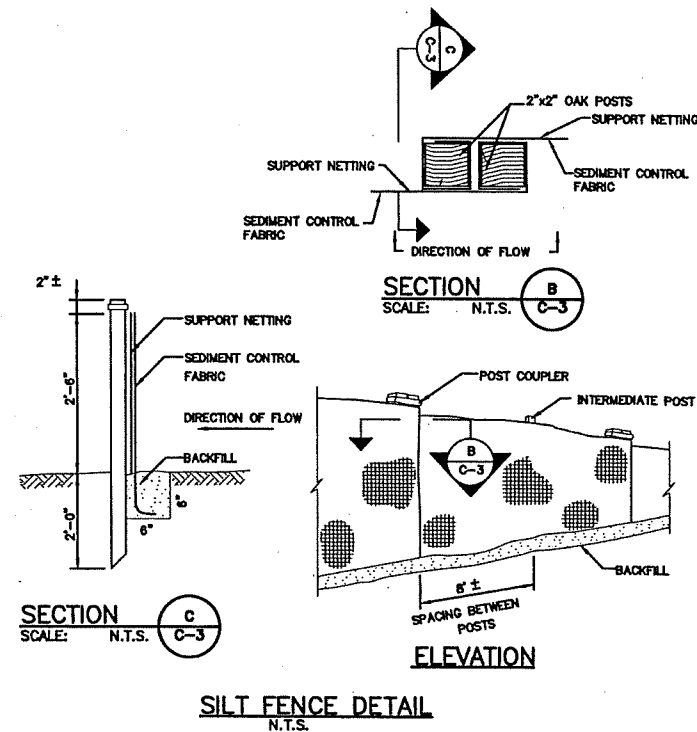
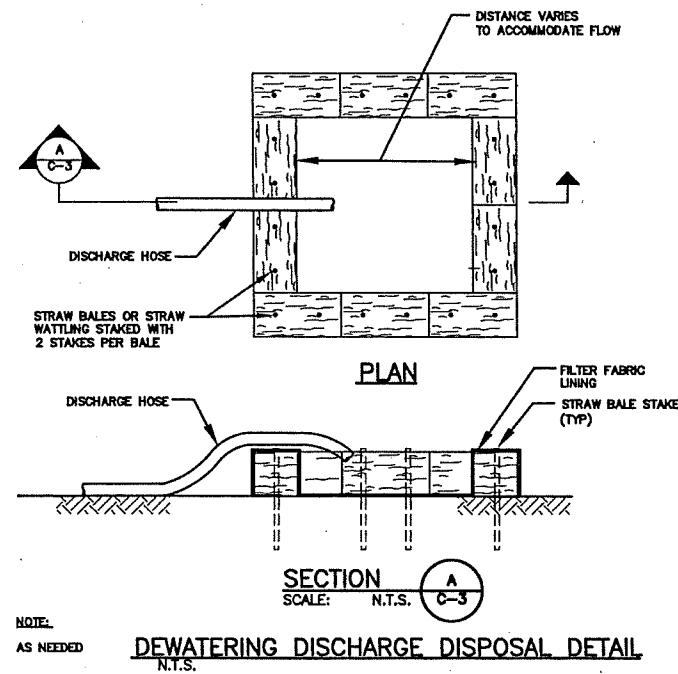
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DPF MASHPEE, LLC																		

SHEET 4 OF 16

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C-7	DPF MASH-PEE, LLC								
	SOUTH CAPE VILLAGE WWTF UPGRADE								
	EXISTING SITE PLAN								
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- 1.01 THE STRUCTURAL DRAWINGS SHALL BE USED IN CONJUNCTION WITH ALL OTHER CONTRACT DRAWINGS AND SPECIFICATIONS, REFER TO CIVIL, MECHANICAL, AND ELECTRICAL DRAWINGS FOR LOCATION, DIMENSIONS, AND DETAILS OF OPENINGS, SLEEVES, EMBEDMENTS, INSERTS, PADS, CURBS, DEPRESSIONS, ANCHOR BOLTS, AND OTHER PROJECT REQUIREMENTS NOT SHOWN ON STRUCTURAL DRAWINGS.
- 1.02 THE CONTRACTOR IS RESPONSIBLE FOR CHECKING, COORDINATING AND VERIFYING ALL DIMENSIONS IN THE FIELD PRIOR TO COMMENCING WORK. THE CONTRACTOR SHALL IMMEDIATELY REPORT ANY DISCREPANCY TO THE ENGINEER AS A REQUEST FOR INFORMATION (RFI) BEFORE PROCEEDING WITH WORK.
- 1.03 THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING IN THE FIELD THE EXISTENCE AND LOCATION OF OVERHEAD, BURIED AND/OR EMBEDDED UTILITIES, AND DETERMINING LOCATIONS OF ALL EMBEDDED MECHANICAL, ELECTRICAL AND PLUMBING SYSTEMS AFFECTED BY THE WORK OF THIS CONTRACT.
- 1.04 ALL WORK IS TO CONFORM WITH THE FOLLOWING CODES AND STANDARDS:
 - (A) "780 CMR, MASSACHUSETTS AMENDMENTS" - 8TH EDITION (MSBC)
 - (B) INTERNATIONAL BUILDING CODE (IBC 2015)
 - (C) "BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE" - AMERICAN CONCRETE INSTITUTE (ACI 318-14)
 - (D) "MANUAL OF STEEL CONSTRUCTION" - AMERICAN INSTITUTE OF STEEL CONSTRUCTION (AISC 360)
 - (E) CODE REQUIREMENTS FOR ENVIRONMENTAL ENGINEERING CONCRETE STRUCTURES (ACI 308-0R)
 - (F) "MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES" - AMERICAN SOCIETY OF CIVIL ENGINEERS, (ASCE 7-05)

FOR ADDITIONAL CODES AND STANDARDS REFER TO SPECIFICATIONS.

- 1.05 THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF UNFORESEEN CONDITIONS THAT MAY BE UNCOVERED DURING CONSTRUCTION AS A REQUEST FOR INFORMATION (RFI) BEFORE PROCEEDING WITH WORK.
- 1.06 DETAILS AND NOTES SHOWN ON STRUCTURAL DRAWINGS SHALL BE APPLICABLE TO ALL PARTS OF THE STRUCTURE, UNLESS OTHERWISE SPECIFICALLY REQUIRED OTHERWISE BY CONTRACT DOCUMENTS. CONDITIONS NOT SPECIFICALLY SHOWN SHALL BE SIMILAR TO THOSE SHOWN FOR LIKE CONDITIONS AS DETERMINED BY THE ENGINEER.
- 1.07 TESTING AND INSPECTION OF STRUCTURAL WORK SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE COSTS FOR TESTING AND INSPECTION WILL BE PAID BY THE CONTRACTOR. FOR ADDITIONAL INFORMATION CONCERNING TESTING AND INSPECTION, REFER TO SECTION 01450 OF THE TECHNICAL SPECIFICATIONS.
- 1.08 THE CONTRACTOR SHALL DESIGN AND PROVIDE ALL REQUIRED SHORING AND TEMPORARY BRACING TO RESIST FORCES ON THE STRUCTURE THROUGHOUT THE CONSTRUCTION PERIOD.
- 1.09 SUBMIT SHOP DRAWINGS, WITH AMPLE TIME FOR ENGINEER'S REVIEW AND APPROVAL, FOR STRUCTURAL ELEMENTS, INCLUDING STRUCTURAL STEEL AND PRECAST CONCRETE.
- 1.10 ALL HATCHES AND MANHOLES TO BE MANUFACTURED WITH FALL THROUGH PREVENTION SYSTEM WEBBING PER SPECIFICATION 05500 - MISCELLANEOUS METALS

- 2.01 CONCRETE WORK SHALL CONFORM TO "BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE" (ACI 318-14), "SPECIFICATIONS FOR STRUCTURAL CONCRETE FOR BUILDINGS" (ACI 301-16), AND "CODE REQUIREMENT FOR ENVIRONMENTAL ENGINEERING CONCRETE STRUCTURES" (ACI 350-06).
- 2.02 CONCRETE SHALL BE CONTROLLED CONCRETE, PROPORTIONED, MIXED AND PLACED IN THE PRESENCE OF A REPRESENTATIVE OF AN APPROVED TESTING AGENCY.
- 2.03 UNLESS NOTED OTHERWISE, CONCRETE SHALL BE NORMAL WEIGHT AND HAVE A MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 5000 PSI
- 2.04 ALL PERMANENTLY EXPOSED VERTICAL AND HORIZONTAL CONCRETE SURFACES SHALL BE TREATED OR SEALED IN ACCORDANCE WITH PROJECT SPECIFICATIONS.
- 2.05 CONCRETE WORK SHALL BE COORDINATED WITH ALL MECHANICAL, ELECTRICAL WORK, AND ALL EQUIPMENT. THE CONTRACTOR SHALL VERIFY INSTALLATION AND LOCATIONS OF ALL EMBEDDED ITEMS INCLUDING BUT NOT LIMITED TO INSERTS, ANCHOR BOLTS, DOWELS, BLOCKOUTS, SLEEVES, EMBEDDED PIPING, AND EMBEDDED CONDUIT PRIOR TO CONCRETE PLACEMENT.
- 2.06 CONCRETE EXPOSED TO WEATHER IN THE FINISHED PROJECT SHALL BE AIR ENTRAINED PER SPECIFICATIONS REQUIREMENTS.
- 2.07 A MINIMUM OF 72 HOURS SHALL ELAPSE BETWEEN ADJACENT CONCRETE PLACEMENTS.
- 2.08 CONCRETE SLABS SHALL BE PLACED SO THAT THE SLAB THICKNESS IS AT NO POINT LESS THAN THAT INDICATED ON THE DRAWINGS.
- 2.09 PROVIDE A 3/4" CHAMFER ON ALL VERTICAL AND HORIZONTAL CORNERS EXPOSED TO VIEW UNLESS NOTED OTHERWISE.
- 2.10 CONCRETE FLOOR SURFACES SHALL BE FINISHED AS FOLLOWS:
 - (A) SLABS-ON-GRADE: STEEL TROWEL FINISH
 - (B) SURFACES AROUND HATCHES: STEEL TROWEL OR BROOM FINISH (AS REQUIRED BY OWNER)
- 2.11 ALL CONCRETE SHALL BE WATER CURED UNLESS OTHERWISE AUTHORIZED BY THE ENGINEER.

3.01 REINFORCEMENT DETAILING, FABRICATION, AND ERECTION SHALL CONFORM TO "ACI DETAILING MANUAL" - SP-68, "CRSI MANUAL OF STANDARD PRACTICE".

3.02 STEEL REINFORCEMENT, UNLESS NOTED OTHERWISE, SHALL CONFORM TO THE FOLLOWING:

(A) BARS _____ ASTM A615 GRADE 60

3.03 REINFORCING STEEL SHALL BE UNCOATED AND DEFORMED.

3.04 MINIMUM CONCRETE PROTECTIVE COVERING FOR REINFORCEMENT, UNLESS REQUIRED FOR FIRE PROTECTION OR NOTED OTHERWISE, SHALL BE AS FOLLOWS:

(A) CONCRETE CAST AGAINST AND PERMANENTLY EXPOSED TO EARTH: _____" 3"
(B) SURFACES NOT EXPOSED TO WEATHER OR IN CONTACT WITH GROUND: _____" 2"

3.05 REINFORCING STEEL SHALL BE CONTINUOUS THROUGH ALL CONSTRUCTION JOINTS, CORNERS, AND INTERSECTIONS UNLESS OTHERWISE NOTED. REINFORCING SHALL BE LAPPED AT NECESSARY SPLICES OR HOOKED AT DISCONTINUOUS ENDS, UNLESS OTHERWISE NOTED.

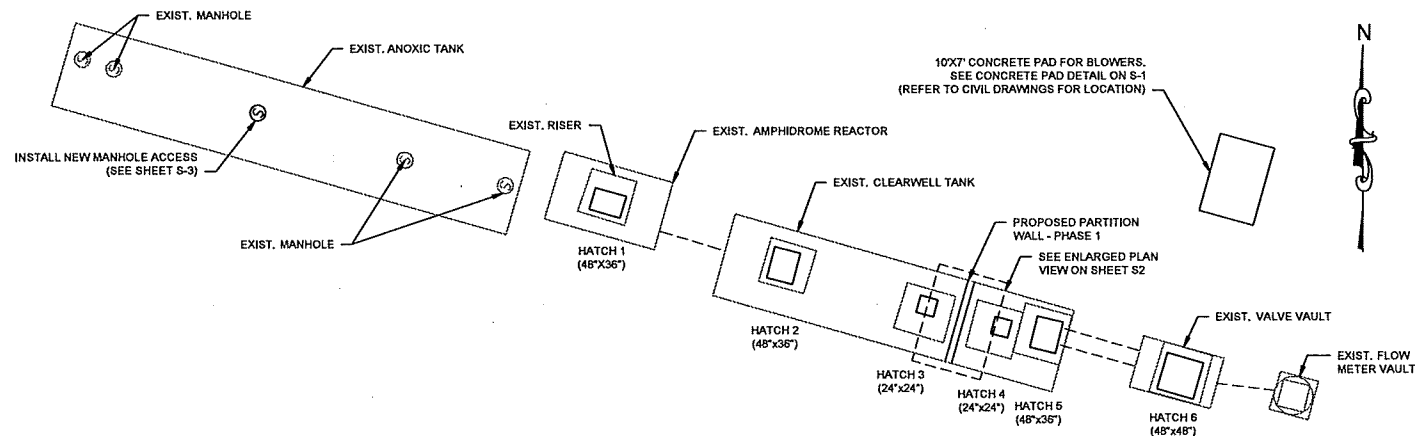
3.06 MECHANICAL SPLICES SHALL BE PERMITTED SUBJECT TO APPROVAL BY THE ENGINEER. MECHANICAL SPLICES SHALL DEVELOP AT LEAST 125 PERCENT OF THE SPECIFIED YIELD STRENGTH OF THE BAR. NO WELDED CONNECTIONS ARE PERMITTED.

3.07 REINFORCEMENT SHALL NOT BE TACK WELDED.

3.08 NOTIFY THE TESTING LAB AND ENGINEER A MINIMUM OF 48 HOURS PRIOR TO SCHEDULED CONCRETE PLACEMENT IN ORDER TO ACCOMMODATE INSPECTION OF REINFORCEMENT AND CONCRETE TESTING. NO CONCRETE SHALL BE PLACED WITHIN 48 HOURS OF SUCH NOTIFICATION.

3.09 WHERE REINFORCEMENT IS REQUIRED IN SECTION, REINFORCEMENT IS CONSIDERED TYPICAL WHEREVER THE SECTIONS APPLIES.

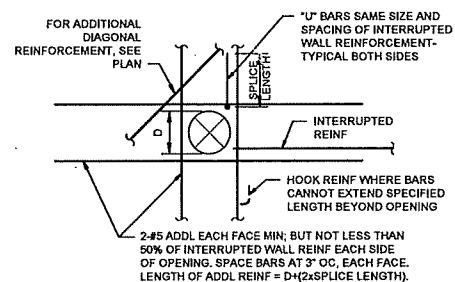
3.10 DOWELS SHALL MATCH BAR SIZE, NUMBER AND SPACING, UNLESS NOTED OTHERWISE.



NOTE:

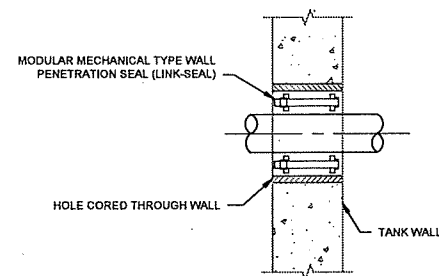
1. COORDINATE WITH MECHANICAL AND CIVIL DRAWINGS FOR LOCATION AND ORIENTATION OF TANKS.
2. CONTRACTOR SHALL FIELD MEASURE HATCH REPLACEMENT DIMENSIONS.
3. ALL HATCHES TO BE REPLACED IN PHASE 1.

KEY PLAN
SCALE: 3/32"=1'-0"



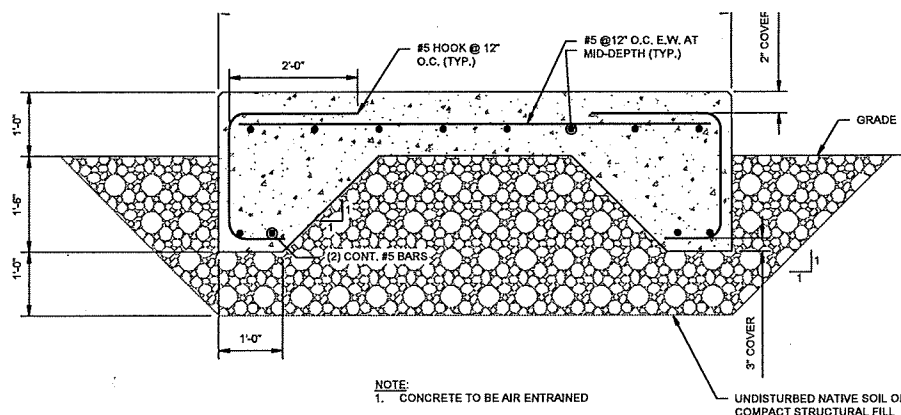
NOTE:
1. WALL OPENINGS SHALL BE COORDINATED AND DETAILED ON THE REINFORCEMENT SHOP DRAWINGS

REINFORCEMENT AT OPENINGS IN CONCRETE WALLS AND PADS



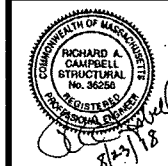
NOTE:
1. CONTRACTOR SHALL CORE WALL PENETRATION WITH DIAMETER RECOMMENDED BY LINK SEAL FOR O.D. BEING INSTALLED.

PIPE THROUGH TANK WALL



NOTE:
1. CONCRETE TO BE AIR ENTRAINED

CONCRETE PAD DETAIL

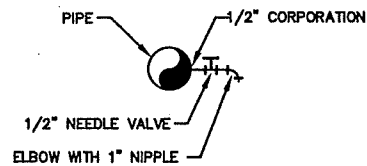
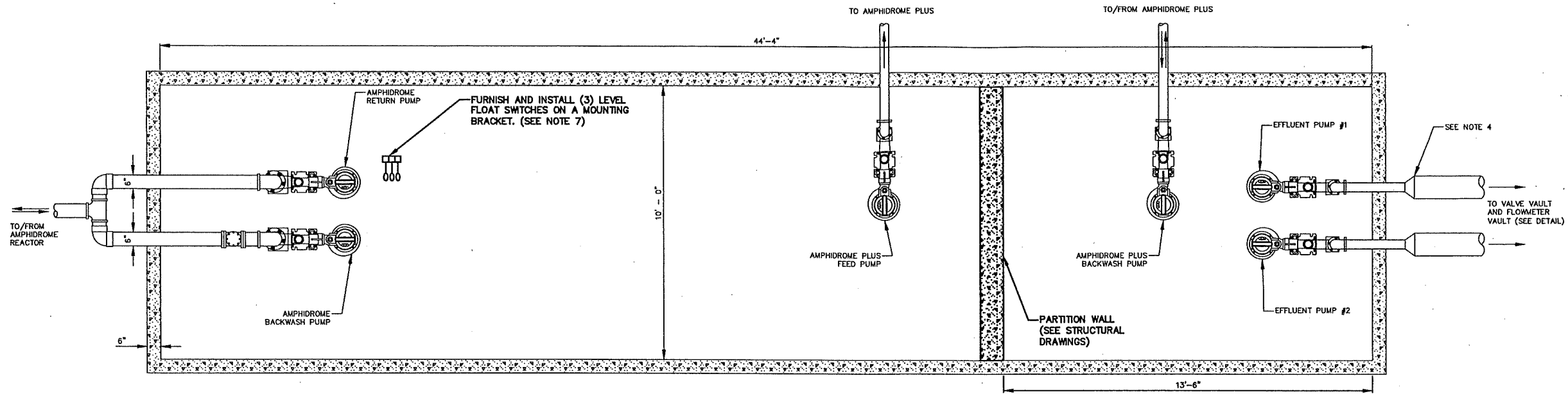
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GENERAL NOTES, TYPICAL DETAILS AND KEY PLAN

ADD NO.	SCALE:	CONTRACT:	JOB NO.	DR BY	DSN BY	CHK BY	APP BY

DPF MASHPEE, LLC
TOWN OF MASHPEE, MA
SOUTH CAPE VILLAGE WWTF UPGRADE

S-1

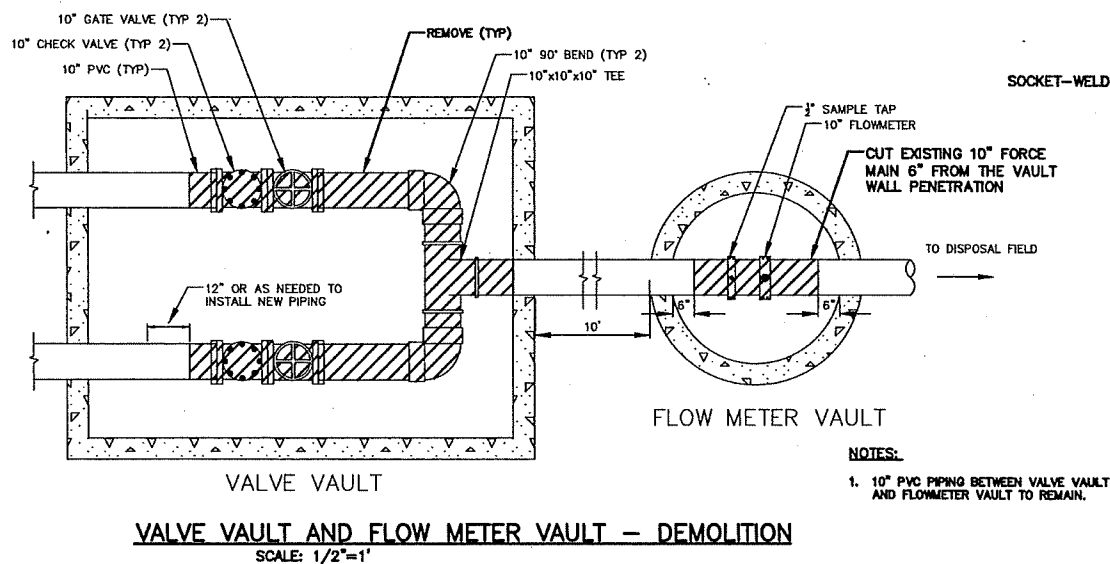


SAMPLE TAP DETAIL
N.T.S.

CLEARWELL MODIFICATIONS
SCALE: 1/2"=1'

NOTES:

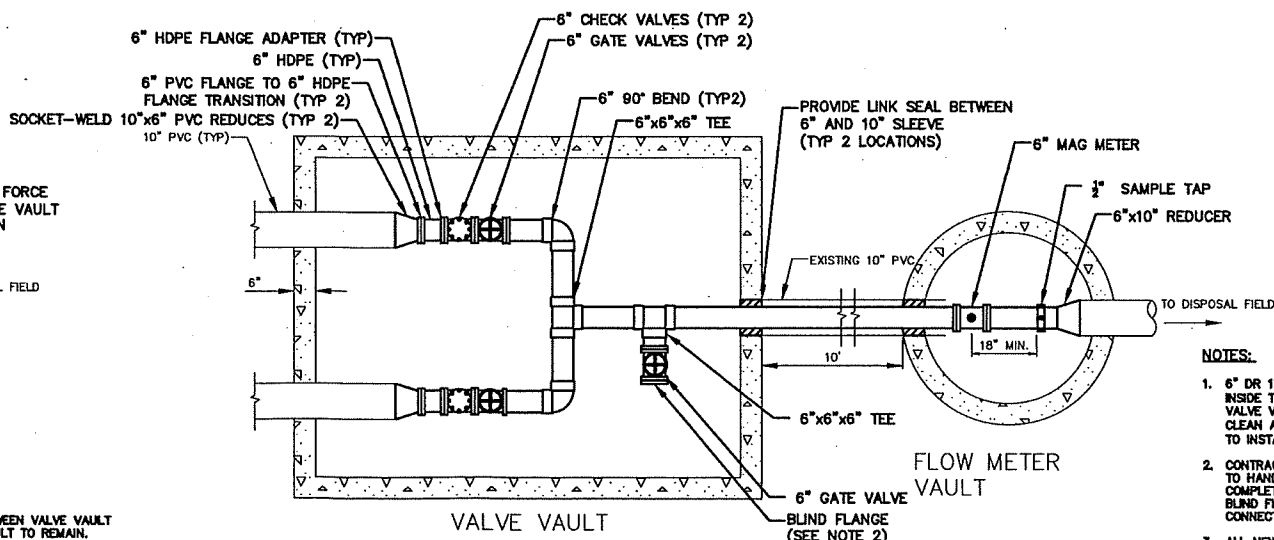
1. THE PARTITION WALL SHALL BE LOCATED 13'-6" FROM THE EFFLUENT END OF THE CLEARWELL. ANY ADJUSTMENT BY THE CONTRACTOR MUST BE SUBMITTED TO THE ENGINEER FOR APPROVAL.
2. LOCATION OF PUMPS AND HATCHES WITHIN TANKS ARE APPROXIMATE AND SHALL BE CONFIRMED BY THE CONTRACTOR DURING CONSTRUCTION.
3. RECORD DRAWINGS INDICATE DEPTH FROM FLOOR TO CEILING OF CLEARWELL IS 6'.
4. FIELD NOTES AND INSPECTION INDICATE (2) 4" PVC FORCE MAINS LEAVING THE CLEARWELL, AND 10" PVC IN VALVE VAULT. THERE ARE NO RECORD DRAWINGS DETAILING THE UNDERGROUND CONDITIONS OR THE INCREASE IN PIPE DIAMETER.
5. CONTRACTOR SHALL SUBMIT PLAN TO ENGINEER FOR HANDLING FLOWS DURING CONSTRUCTION. ALL SYSTEMS SHALL BE RESTORED AFTER CONSTRUCTION.
6. CLEARWELL SHALL BE DRAINED, POWERWASHED, CLEANED, AND PREPARED IN ACCORDANCE WITH STRUCTURAL REQUIREMENTS BY CONTRACTOR PRIOR TO CONSTRUCTION OF PARTITION WALL.
7. CONTRACTOR SHALL FURNISH AND INSTALL (3) LEVEL FLOAT SWITCHES (LSL, LSH, AND LSH-H) ON A MOUNTING BRACKET INSIDE THE CONCRETE RISER SERVICING THE AMPHIDROME REACTOR BACKWASH AND RETURN PUMPS. CONTRACTOR SHALL COORDINATE WITH AMPHIDROME MANUFACTURER TO FIELD SET LEVEL FLOAT SWITCHES.



VALVE VAULT AND FLOW METER VAULT - DEMOLITION
SCALE: 1/2"=1'

NOTES:

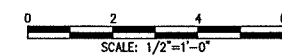
1. 10" PVC PIPING BETWEEN VALVE VAULT AND FLOWMETER VAULT TO REMAIN.



VALVE VAULT AND FLOWMETER VAULT - MODIFICATIONS
SCALE: 1/2"=1'

NOTES:

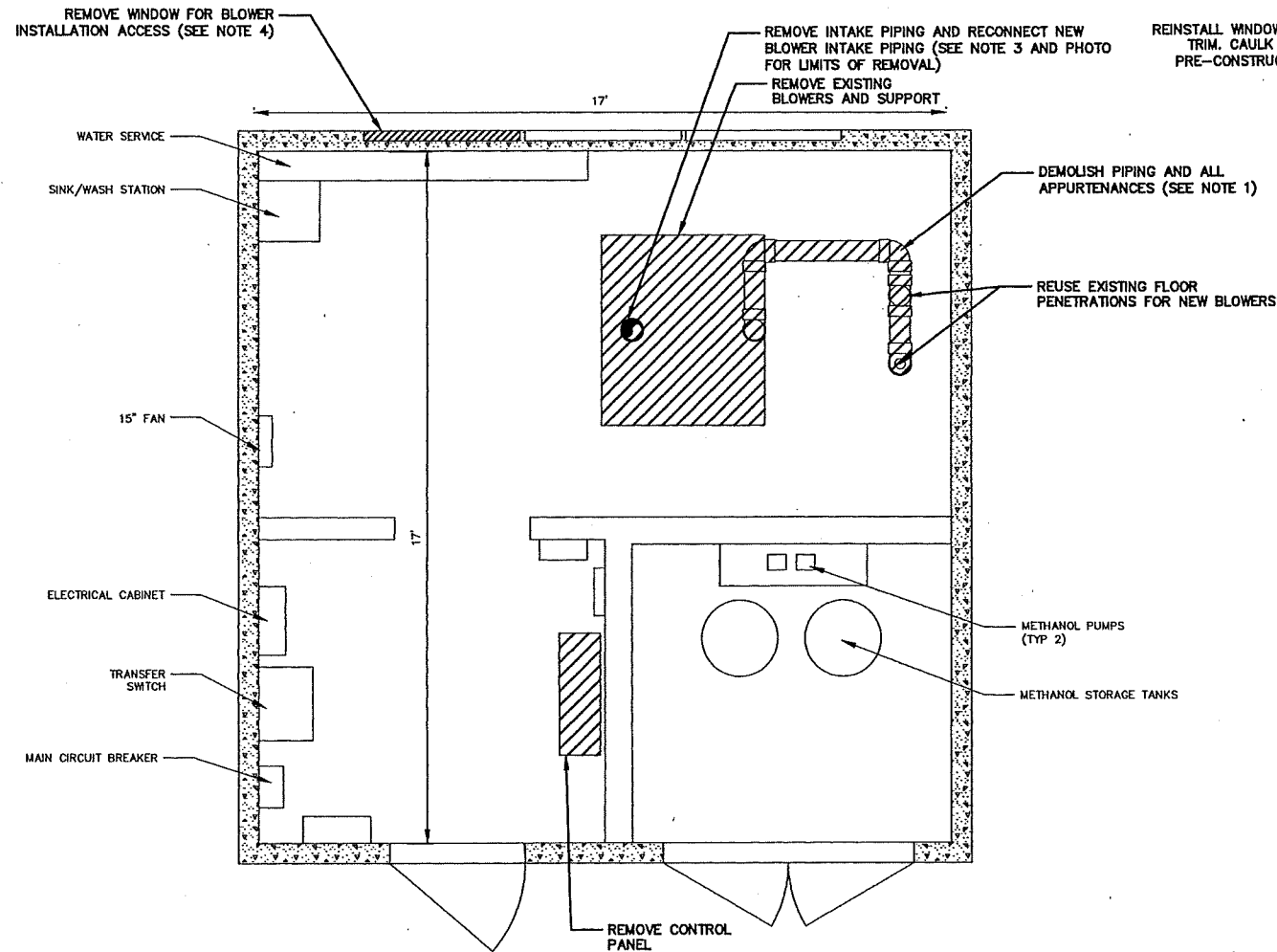
1. 6" DR 17 HDPE PIPING TO BE INSERTED INSIDE THE EXISTING 10" PVC BETWEEN THE VALVE VAULT AND THE FLOWMETER VAULT. CLEAN AND FLUSH EXISTING 10" PVC PRIOR TO INSTALLATION OF 6" PIPING.
2. CONTRACTOR MAY USE BYPASS CONNECTION TO HANDLE EXISTING FLOWS. AFTER COMPLETION OF BYPASS SEQUENCE, INSTALL BLIND FLANGE TO CAP THE BYPASS CONNECTION FOR FUTURE USE.
3. ALL NEW PIPING TO BE DR 17 HDPE. CONTRACTOR SHALL FURNISH AND INSTALL ALL APPURTENANCES AND ADAPTORS NECESSARY FOR A COMPLETE PIPING SYSTEM.



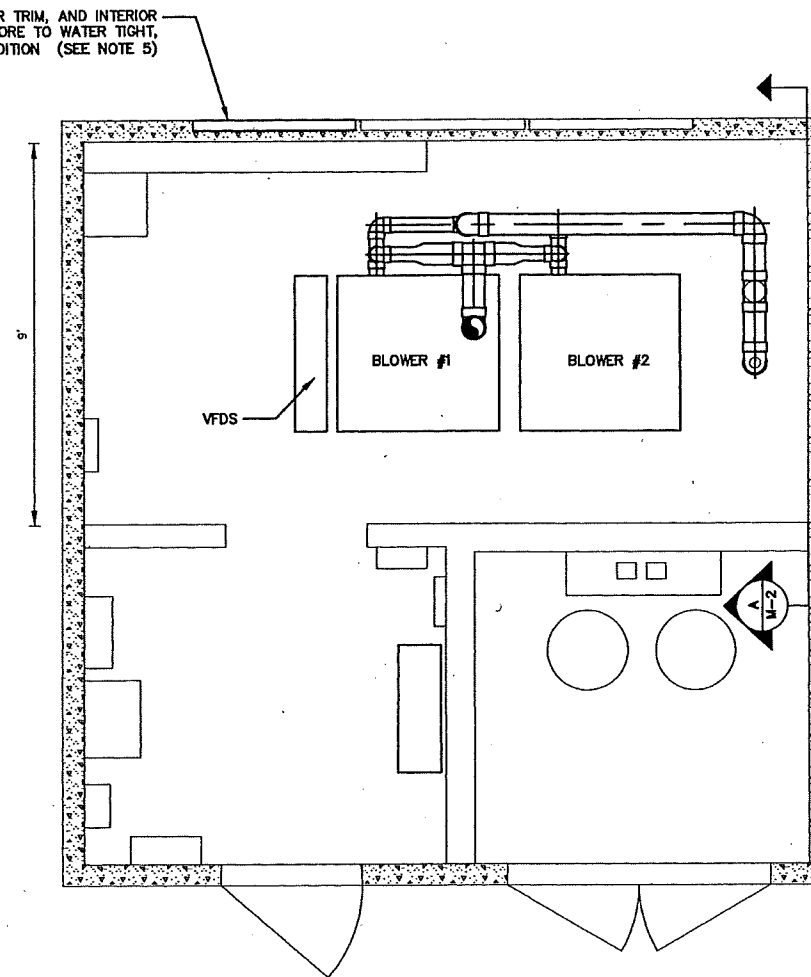
No.	Date	By	App. By	Description
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DPF MASHPEE LLC	SOUTH CAPE VILLAGE WWTF UPGRADE	SCALE	AS NOTED	CONTRACT	2170685	JOB NO.	DR BY	ISSUED BY	CHKD BY	APP. BY	CMP
CLEARWELL AND VAULT MODIFICATIONS											



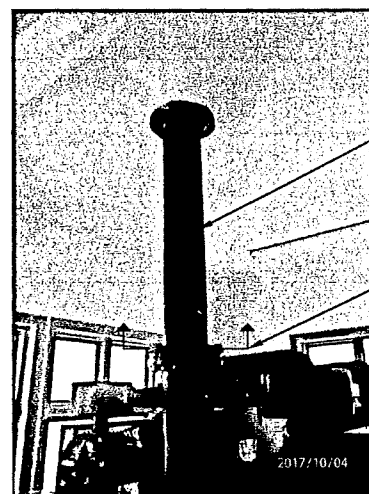
CONTROL BUILDING - DEMOLITION
SCALE: 1/2"=1'



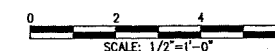
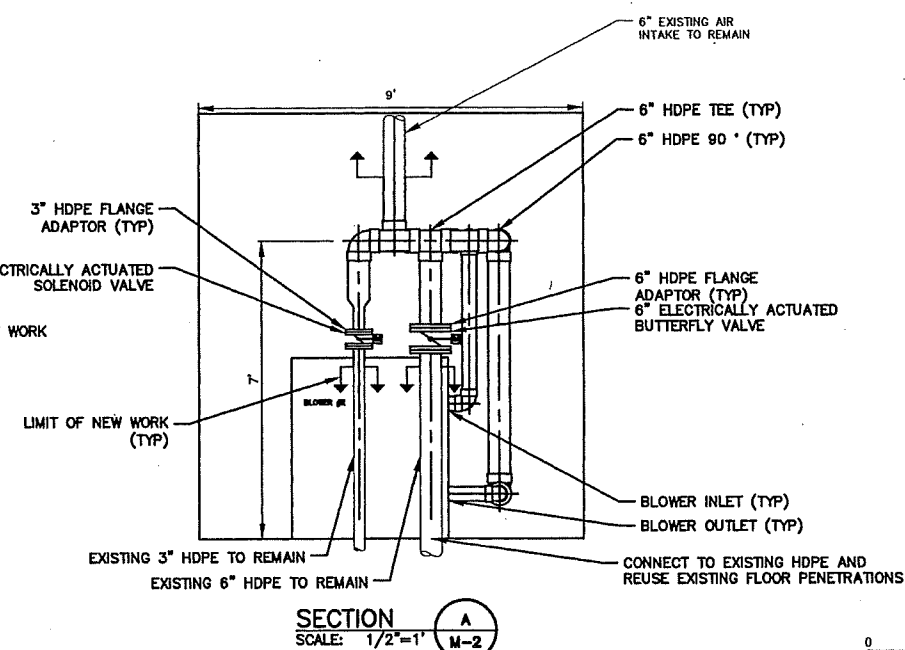
CONTROL BUILDING - MODIFICATIONS
SCALE: 1/2"=1'

NOTES:

1. ELECTRICALLY ACTUATED BUTTERFLY VALVE AND OTHER VALVES SHALL BE REMOVED, PROTECTED, AND PROVIDED TO OWNER FOR SPARE PARTS.
2. CONTRACTOR SHALL MAINTAIN OPERATION OF INSTRUMENTATION, CONTROLS AND EQUIPMENT DURING CONTROL PANEL REPLACEMENT. TEMPORARILY RELOCATE EXISTING PANEL OR PROVIDE TEMPORARY CONTROLS AS REQUIRED. SUBMIT CUTOVER PLAN TO ENGINEER FOR REVIEW AND APPROVAL.
3. THE CEILING PENETRATION SHALL BE REUSED IN KIND AS THE INTAKE FOR THE NEW BLOWERS. EXISTING EXTERIOR INTAKE PIPING ABOVE THE COUPLING JOINING THE EXISTING PUMP SKID TO THE INTAKE PIPING SHALL REMAIN. CONTRACTOR SHALL CUT THE EXISTING INTERIOR INTAKE PIPING AND MAKE AN AIRTIGHT CONNECTION TO NEW PIPING (SEE PHOTO ON THIS SHEET).
4. CONTRACTOR SHALL FIELD MEASURE AND VERIFY THAT ONLY ONE WINDOW NEED BE REMOVED FOR ACCESS FOR INSTALLATION OF NEW EQUIPMENT. CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY IF TWO WINDOWS MUST BE REMOVED FOR ACCESS.
5. CONTRACTOR TO FIELD VERIFY DIMENSIONS OF WINDOW OPENING FOR SELECTED BLOWER EQUIPMENT DIMENSIONS.
6. LAYOUT IS BASED ON KAESER MODEL DB166C BLOWER PACKAGE. CONTRACTOR IS RESPONSIBLE FOR ADJUSTMENT OF MATERIAL QUANTITIES, DIMENSIONS, AND LAYOUT IF ALTERNATE MANUFACTURER IS SELECTED AND APPROVED. ADJUSTMENTS MUST BE SUBMITTED TO THE ENGINEER FOR APPROVAL.
7. BLOWER PACKAGE SHALL INCLUDE ALL APPURTENANCES INDICATED IN SPEC SECTION 11376 AND SHALL BE INSTALLED PER MANUFACTURER'S RECOMMENDATIONS.
8. ALL AIR PIPING SHALL BE DR 17 HDPE. FURNISH AND INSTALL PIPE SUPPORTS, HANGERS, AND RESTRAINTS PER HDPE MANUFACTURER RECOMMENDATIONS.
9. CONTRACTOR SHALL INSTALL BLOWERS TO PROVIDE REQUIRED CLEARANCES PER MANUFACTURER REQUIREMENTS.



CONTROL BUILDING - INTAKE PHOTO
SCALE: 1/2"=1'



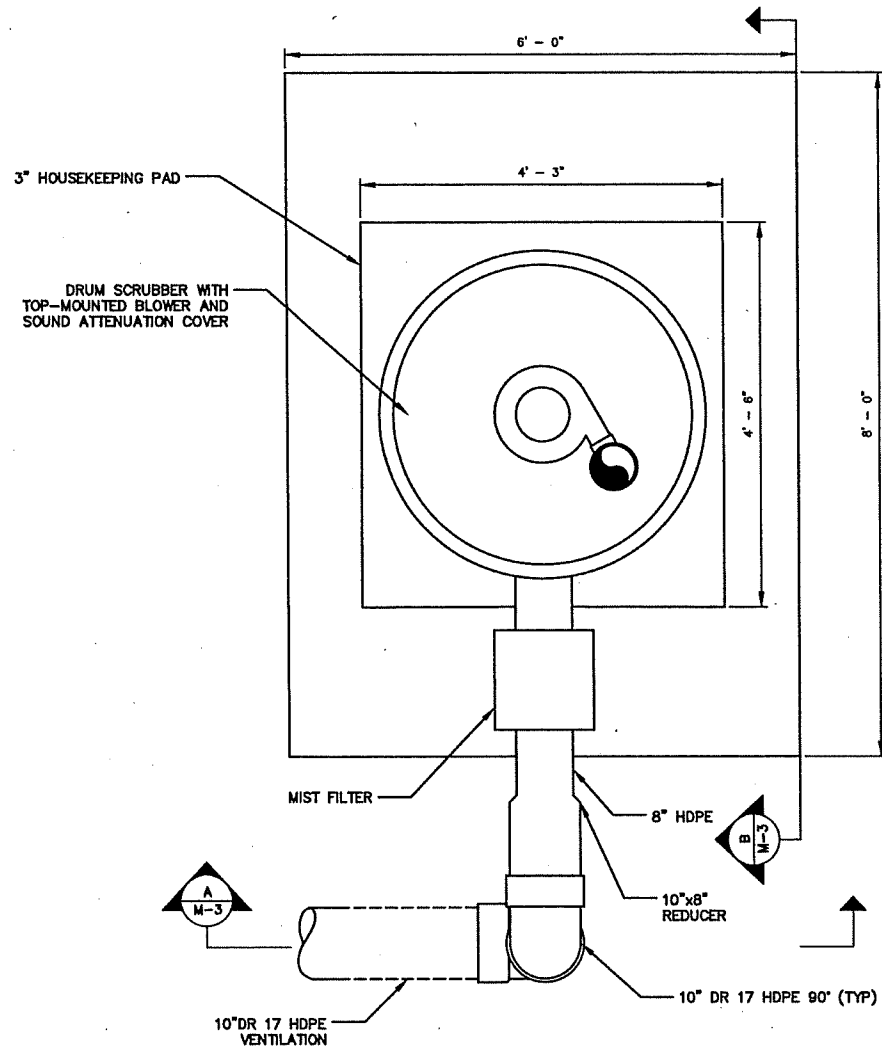
No.	Date	Dr. By	Ch. By	App. By	Description
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DATE: 8/23/2018

REGISTERED PROFESSIONAL ENGINEER



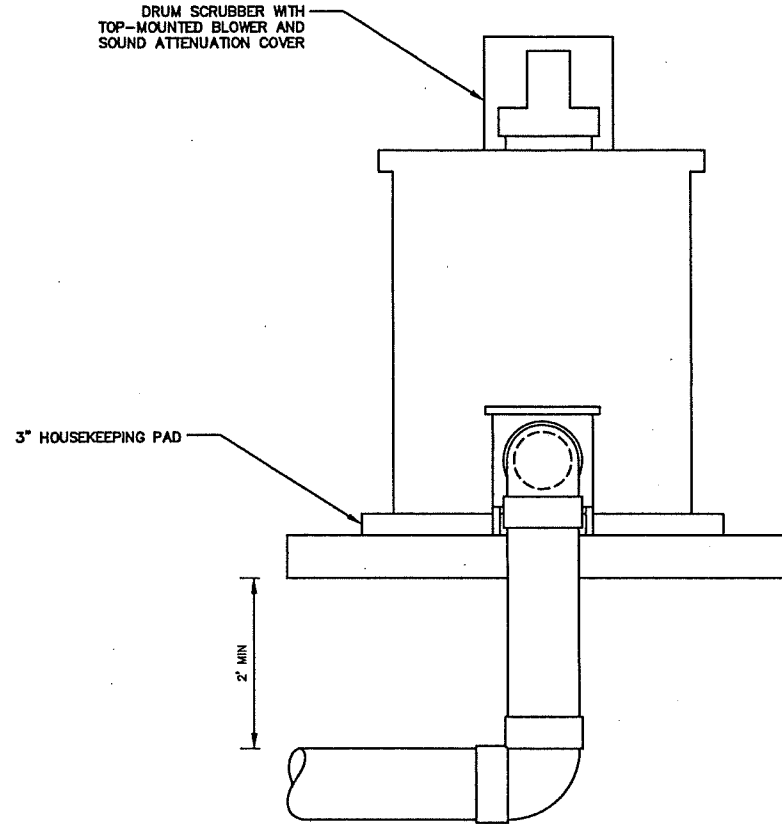
DPF MASHPEE LLC		SOUTH CAPE VILLAGE WWTF UPGRADE		CONTROL BUILDING MODIFICATIONS	
FILE NO.		CADD NO.		CONTRACT	
SCALE	AS NOTED	JOB NO.	2170685	DRY	BAS
		DESIGN	BAS	CHK BY	DMW
				APP BY	CMP



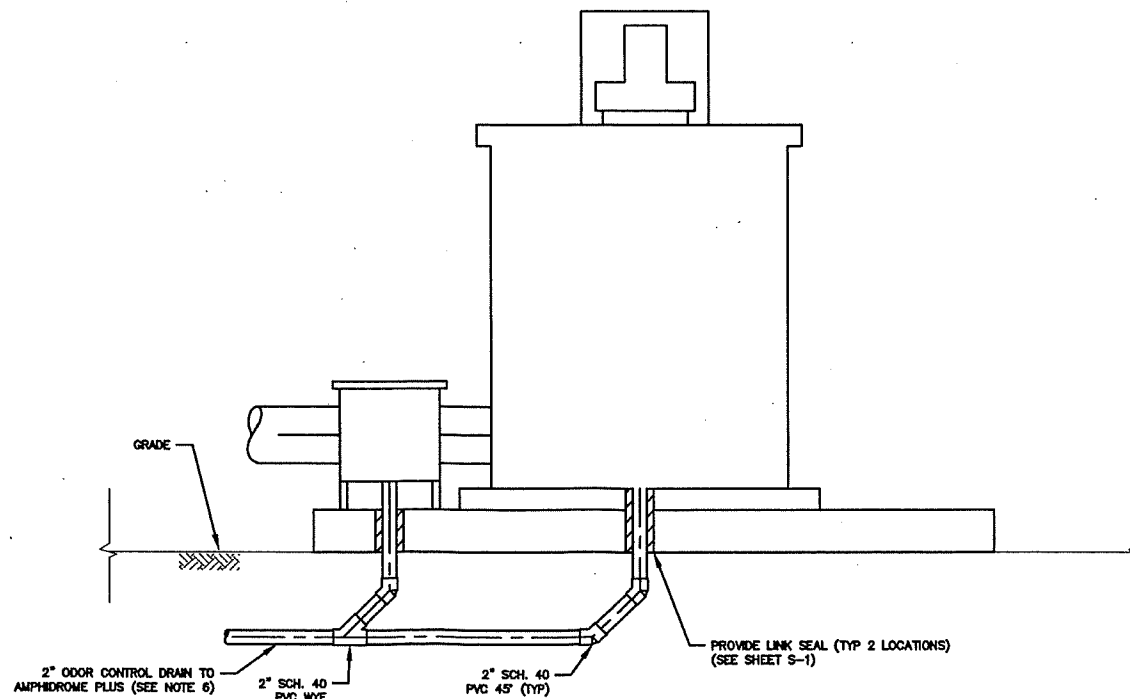
OUTDOOR ODOR CONTROL PAD - PLAN
SCALE: 1/2"=1'

NOTES:

1. LAYOUT IS BASED ON PURE AIR DS-500 DRUM SCRUBBER ODOR CONTROL UNIT. CONTRACTOR IS RESPONSIBLE FOR ADJUSTMENT OF MATERIAL QUANTITIES, DIMENSIONS, AND LAYOUT. IF ALTERNATE MANUFACTURER IS SELECTED AND APPROVED, ADJUSTMENTS MUST BE SUBMITTED TO THE ENGINEER FOR APPROVAL.
2. ODOR CONTROL PACKAGE SHALL INCLUDE ALL APPURTENANCES INDICATED IN SPEC SECTION 11223 AND SHALL BE INSTALLED PER MANUFACTURER'S RECOMMENDATIONS.
3. CONTRACTOR SHALL OPTIMIZE GRADE PENETRATION LOCATION AND CENTERLINE ELEVATION BASED ON ODOR CONTROL EQUIPMENT SELECTION.
4. ALL ODOR CONTROL PIPING SHALL BE DR 17 HDPE. SUPPORT PER HDPE MANUFACTURER RECOMMENDATIONS. ODOR CONTROL DRAINAGE PIPING SHALL BE SCH. 40 PVC, AND SUPPORTED PER PVC MANUFACTURER RECOMMENDATIONS.
5. CONTRACTOR SHALL ENSURE THAT PIPING THROUGH GRADE IS STABILIZED PROPERLY, AND ORIENTED CORRECTLY IN THE VERTICAL.
6. CONTRACTOR SHALL ENSURE AT LEAST A 1/4" PER LINEAR FOOT SLOPE FOR ODOR CONTROL DRAIN TO THE AMPHIDROME PLUS REACTOR.
7. INSTALL BUTTERFLY DAMPERS WITH RINGS AS STATED IN SHEET C-2 NOTES.











SECTION A-M-3
SCALE: 1"=1'



SECTION B-M-3
SCALE: 1"=1'

0 1 2 3
SCALE: 1"=1'-0"

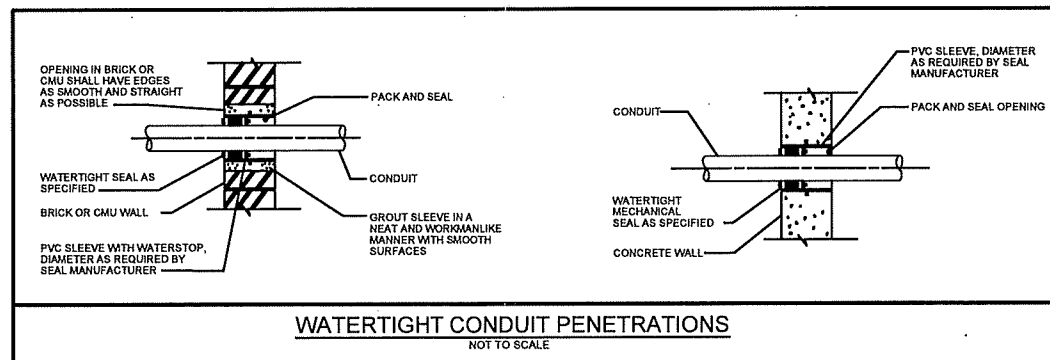
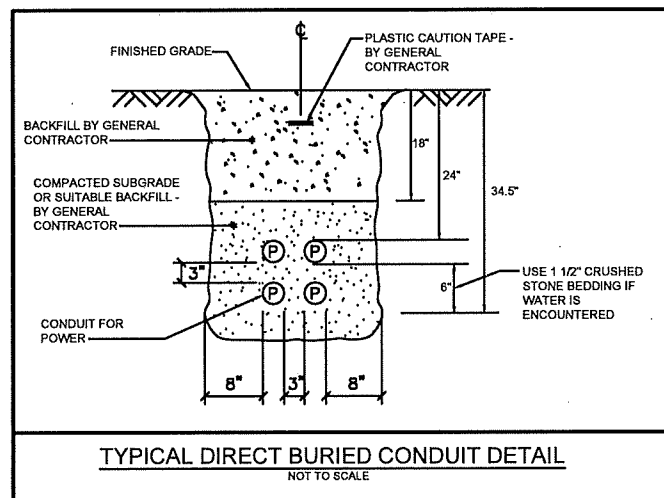
Weston & Sampson 100 International Drive, Suite 152, Portsmouth, NH 03801 603.431.3937 www.westonandsampson.com		DATE: 8/23/2018 REGISTERED PROFESSIONAL ENGINEER: [Signature]		
No.	Date	Dr. By	App. By	Description
		A	P	R O V E D
SOUTH CAPE VILLAGE WWTF UPGRADE ODOR CONTROL PAD PLAN AND SECTIONS				
FILE NO.	CAAD NO.	CONTRACT:	SCALE:	AS NOTED
DPF MASHPEE, LLC SOUTH CAPE VILLAGE WWTF UPGRADE JOB NO.: 2170885 CONTRACT: AS NOTED SCALE: 1"=1'-0"				
CHECKED BY: BAS DRAWN BY: BAS APP. BY: CMP				
M-3				
SHEET 13 OF 16				

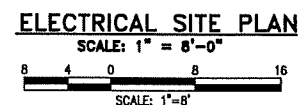
	HOMERUN TO PANELBOARD, NUMBER OF TICKS INDICATES NUMBER OF #12 AWG CONDUCTORS CONTAINED IN RACEWAY. TWO (2) #12 AWG SHALL NOT BE INDICATED BY TICKS, NUMERALS 1 AND 3 INDICATE CIRCUITS IN PANELBOARD. RACEWAYS LARGER THAN 1/2" AND CONDUCTORS LARGER THAN #12 AWG SHALL BE INDICATED ON THE DRAWINGS. PROVIDE AN INSULATED GREEN GROUND WIRE IN ALL RACEWAYS MINIMUM SIZE TO BE #12AWG.
	PANELBOARD-SURFACE MOUNTED
	DRY-TYPE TRANSFORMER
	SAFETY SWITCH - RATING AND TYPE AS NOTED ON THE DRAWING.
	FUSIBLE SAFETY SWITCH - RATING AND TYPE AS NOTED ON THE DRAWING. (30 AMP, 20 AMP FUSE, 3 POLE)
	PULL BOX
	THERMAL MOTOR SWITCH
	JUNCTION BOX WITH BLANK COVERPLATE, SIZE AS REQUIRED BY N.E.C.

1. DRAWINGS ARE DIAGNOSTIC ONLY. THE EXACT LOCATION, MOUNTING HEIGHTS, SIZE OF EQUIPMENT AND ROUTING OF RACEWAYS SHALL BE COORDINATED AND DETERMINED IN THE FIELD.
2. ALL STRAIGHT FEEDER, BRANCH CIRCUIT AND AUXILIARY SYSTEM CONDUIT RUNS SHALL BE PROVIDED WITH SUFFICIENT PULL BOXES TO LIMIT THE MAXIMUM LENGTH OF ANY SINGLE CABLE PULL TO 150 FEET. EXACT SIZES OF PULL BOXES AND LOCATIONS TO BE DETERMINED IN THE FIELD BY THE ELECTRICAL CONTRACTOR.
3. THE ELECTRICAL CONTRACTOR SHALL COORDINATE WITH THE MECHANICAL CONTRACTOR AS APPLICABLE AS TO THE EXACT LOCATION OF THEIR RESPECTIVE EQUIPMENT; THE POWER WIRING, CONTROL WIRING AND ALL ELECTRICAL CONNECTIONS AND CONDUIT TURN-UPS SHALL BE COORDINATED WITH THE RESPECTIVE CONTRACTORS BEFORE THE START OF CONSTRUCTION IN THE FIELD.
4. SLEEVES ARE TO BE UTILIZED FOR PASSAGE OF CONDUITS THROUGH FLOORS OR WALLS. CONDUITS AND BOXES ARE TO BE SUPPORTED BY THE USE OF PRESET FASTENERS INSTALLED IN FLOORS, WALLS OR COLUMNS. CONDUITS AND BOXES ARE TO BE INSTALLED CONCEALED IN MASONRY WALLS AND ABOVE HUNG CEILINGS. ALL SLEEVES ARE TO BE SEALED WITH APPROVED FIRE STOPPING SEALANT.
5. WORK SHALL CONFORM TO THE MASSACHUSETTS ELECTRICAL CODE, MASSACHUSETTS BUILDING CODE, NFPA AND REQUIREMENTS OF LOCAL AUTHORITIES HAVING JURISDICTION.
6. THE WORD "CONTRACTOR" AS USED IN THE "ELECTRICAL WORK" SHALL MEAN THE ELECTRICAL SUBCONTRACTOR.
7. CONTRACTOR SHALL PAY FOR ALL PERMITS, INSURANCE AND TESTS, AND SHALL PROVIDE LABOR AND MATERIAL TO COMPLETE THE ELECTRICAL WORK SHOWN.
8. EXCEPT AS OTHERWISE NOTED, THE ELECTRICAL WORK SHALL INCLUDE CIRCUIT BREAKERS, FEEDERS, WIRING, RACEWAYS, LIGHTING FIXTURES, DEVICES, SAFETY SWITCHES AND CONNECTION NECESSARY TO OPERATE MOTORS AND OTHER EQUIPMENT.
9. DURING CONSTRUCTION, THE ELECTRICAL CONTRACTOR SHALL KEEP HIS PORTION OF THE WORK NEAT, CLEAN AND ORDERLY.
10. ALL SYSTEMS SHALL BE TESTED FOR SHORT CIRCUIT AND GROUNDS PRIOR TO ENERGIZING AND ANY DEFECTS SHALL BE CORRECTED.
11. ALL CUTTING AND PATCHING REQUIRED FOR ELECTRICAL WORK SHALL BE INCLUDED AS PART OF THIS SECTION.
12. COMPLETE SHOP DRAWINGS SHALL BE SUBMITTED FOR ELECTRICAL EQUIPMENT, WHERE SPECIFIED ELECTRICAL EQUIPMENT IS SUBSTITUTED, THE ELECTRICAL CONTRACTOR SHALL SUBMIT COMPLETE SPECIFICATIONS ON THE SUBSTITUTE AS WELL AS THE ITEM ORIGINALLY SPECIFIED.
13. MATERIALS SHALL BE SPECIFICATION GRADE AND UL LISTED.
14. WHERE MATERIAL IS CALLED OUT IN THE LEGEND BY MANUFACTURER, TYPE OR CATALOG NUMBER, SUCH DESIGNATIONS ARE TO ESTABLISH STANDARDS OR DESIRED QUALITY. ACCEPTANCE OR REJECTIONS OF PROPOSED SUBSTITUTIONS SHALL BE SUBJECT TO THE APPROVAL OF THE OWNER.
15. WORK SHALL BE COORDINATED WITH THAT OF OTHER TRADES TO ELIMINATE INTERFERENCES.
16. ELECTRICAL CONTRACTOR SHALL OBTAIN SHOP DRAWINGS/SPECIFICATIONS OF ALL EQUIPMENT FROM THE GENERAL CONTRACTOR PRIOR TO PURCHASING AND INSTALLING ELECTRICAL EQUIPMENT FOR SAME. NOTIFY ENGINEER OF ANY DISCREPANCIES BETWEEN ACTUAL EQUIPMENT INSTALLED AND CONTRACT DOCUMENTS.
17. ELECTRICAL WORK SHALL BE GUARANTEED FOR A PERIOD OF ONE YEAR FROM DATE OF WHICH SYSTEM IS PUT INTO SERVICE.

19. WORK SHALL BE GROUNDED IN ACCORDANCE WITH CODE REQUIREMENTS. COMPLETE EQUIPMENT (INSULATED GREEN WIRE) GROUNDING SYSTEM SHALL BE INSTALLED.
19. WIRE SHALL BE TYPE "THHN-THWN" INSULATED FOR 600 VOLTS, MINIMUM SIZE #12 AWG COPPER UNLESS SPECIFICALLY NOTED OTHERWISE.
20. WIRING METHODS:
 - A. INTERIOR FEEDERS SHALL BE RIGID STEEL CONDUIT.
 - B. BELOW GRADE EXTERIOR CONDUITS SHALL BE PVC SCHEDULE 80 CONDUIT.
 - C. ABOVE GRADE EXTERIOR CONDUIT SHALL BE RIGID STEEL CONDUIT.
 - D. HAZARDOUS LOCATION SHALL BE PVC COATED RIGID STEEL CONDUIT.
 - E. EQUIPMENT CONNECTIONS SHALL BE LIQUID TIGHT FLEXIBLE METAL CONDUIT.

CONNECTORS FOR RIGID CONDUIT SHALL BE MADE WITH THREADED COUPLINGS. CONNECTORS FOR ELECTRIC METALLIC TUBING AND FLEXIBLE LIQUID TIGHT CONDUIT SHALL BE COMPRESSION TYPE WITH INSULATED THROATS. CONDUIT AND TUBING SHALL BE SUPPORTED ON GALVANIZED WALL BRACKETS, TRAPEZE HANGERS OR PIPE STRAPS SECURED BY MEANS OF TOGGLE BOLTS OR INSERTS IN WOOD CONSTRUCTION. FEEDERS SHALL BE ROUTED TIGHT TO THE UNDERSIDE OF THE BUILDING STRUCTURE. CONDUIT SHALL BE INSTALLED PARALLEL AND PERPENDICULAR TO MAIN BUILDING SUPPORTS.
21. BOXES SHALL BE GALVANIZED STEEL AND SHALL BE SIZED TO ACCOMMODATE THE EQUIPMENT OR APPARATUS TO BE INSTALLED. WHERE BOXES OF A STANDARD MAKE ARE NOT AVAILABLE, SPECIAL BOXES SHALL BE MANUFACTURED, FIXTURES SUPPORTED ON THE CEILING OR ON THE WALL SHALL HAVE SUITABLE FIXTURE SUPPORT FOR THE SPECIFIC FIXTURE.
22. DISCONNECT SWITCHES, AND CONTROLLERS SHALL HAVE NAMEPLATES OF BLACK LAMINATED PLASTIC WITH ENGRAVED WHITE LETTERS, SECURED WITH SELF-TAPPING SCREWS.
23. CONNECTIONS AT MOTORS SHALL BE MADE WITH 1/8" LENGTH OF 1/2 INCH FLEXIBLE LIQUID TIGHT CONDUIT.
24. FUSED OR UNFUSED SAFETY SWITCHES SHALL BE TOTALLY ENCLOSED, HEAVY DUTY TYPE. SWITCHES SHALL HAVE A RATED VOLTAGE, POWER AND AMPERATING SUITABLE FOR THE APPLICATION. PROVIDE NUMBER OF POLES AS REQUIRED. SWITCHES LOCATED EXTERIOR TO THE BUILDING OR IN DAMP/WET LOCATIONS SHALL BE IN A NEMA 3R ENCLOSURE.
25. FUSES SHALL BE DUAL ELEMENT, TIME DELAY TYPE, AS MANUFACTURED BY BUSSMAN, RELIANCE OR APPROVED EQUAL.
26. CONDUIT RUNS AS SHOWN ON THE PLANS ARE DIAGRAMMATIC ONLY; EXACT LOCATION AND METHOD OF SUPPORT SHALL BE DETERMINED IN THE FIELD.
27. CONTRACTOR SHALL CHECK EXISTING CONDITIONS TO DETERMINE EXACT EXTENT OF WORK TO BE PERFORMED PRIOR TO BIDDING. DIMENSIONS RELEVANT TO EXISTING WORK SHALL BE VERIFIED IN THE FIELD.
28. THE CONTRACTOR SHALL PROVIDE ALL REQUIRED POWER SUPPLIES, APPURTENANCES, FINAL CONNECTIONS, TESTING AND WORK REQUIRED FOR ADDITIONS TO THE EXISTING FIRE ALARM SYSTEM. PAY ALL COSTS ARISING THERE FROM, FOR A COMPLETE AND OPERATIONAL SYSTEM.
29. ELECTRICAL SHUTDOWN SHALL BE AT A TIME AND DATE APPROVED BY THE OWNER.
30. PROVIDE AS-BUILT "CADD" DRAWINGS AT THE COMPLETION OF THE PROJECT.





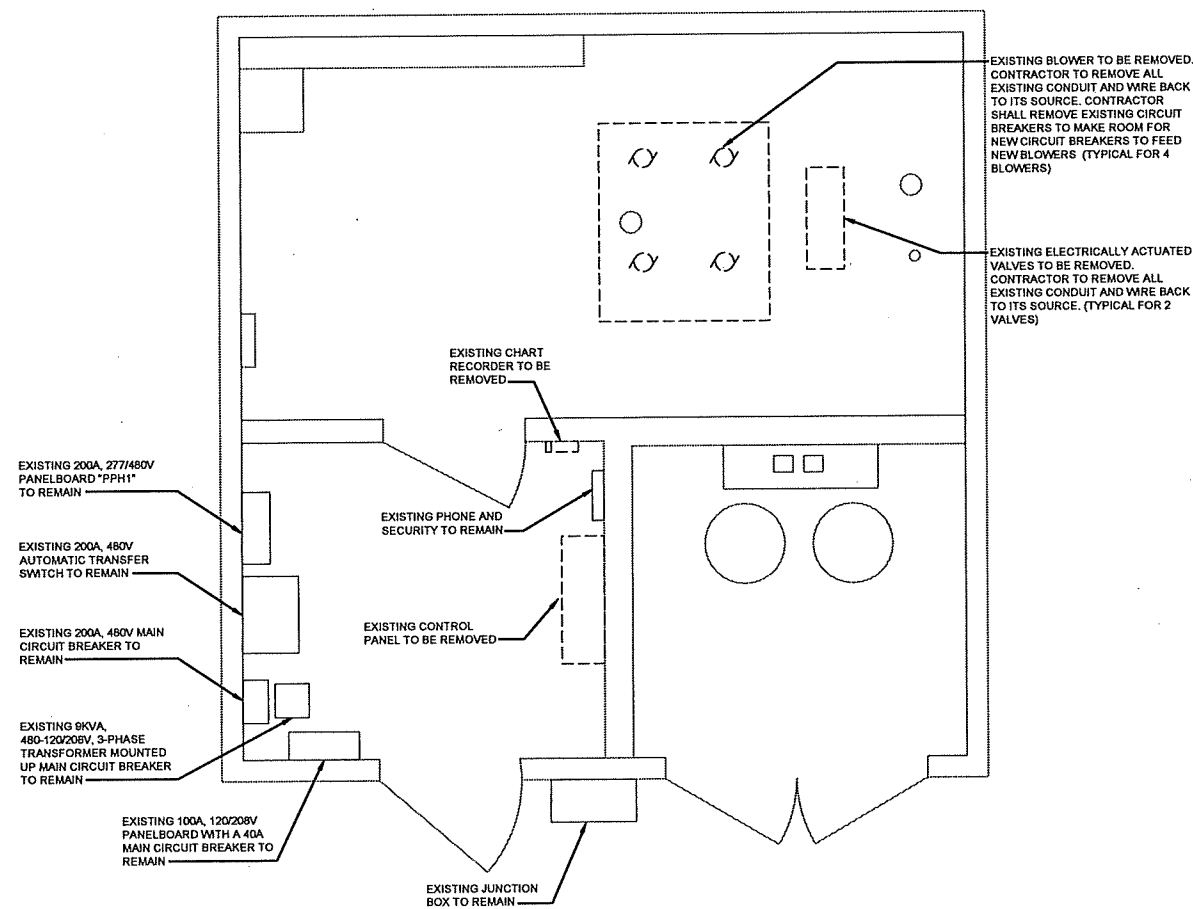
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Suite 152, Portsmouth, NH 03801
603.431.3937 800.SAMPSON
www.westonandsampson.com

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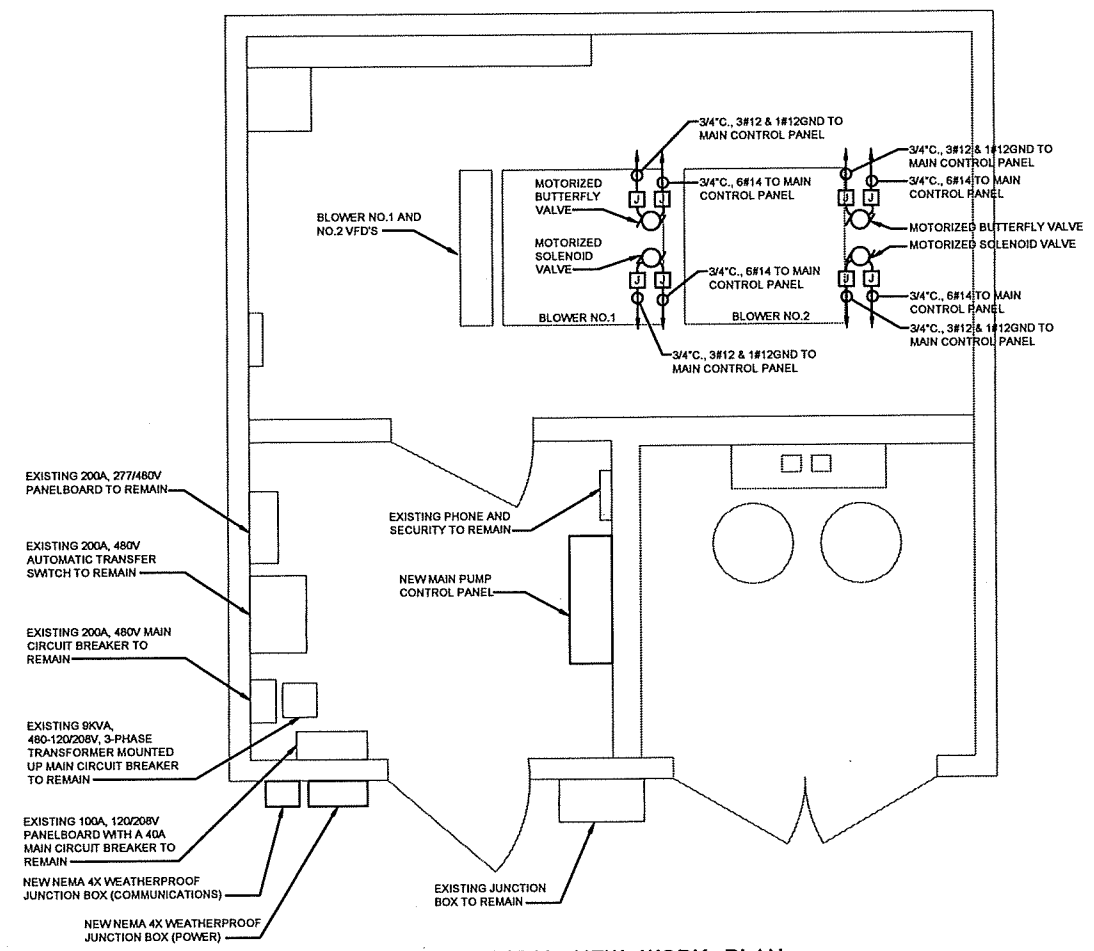
DPF MASHPEE, LLC	SOUTH CAPE VILLAGE WWTF UPGRADE				ELECTRICAL SITE PLAN			
CONTRACT:	JOB NO	DATE	DR BY	DSLBY	CHK BY	APP BY		
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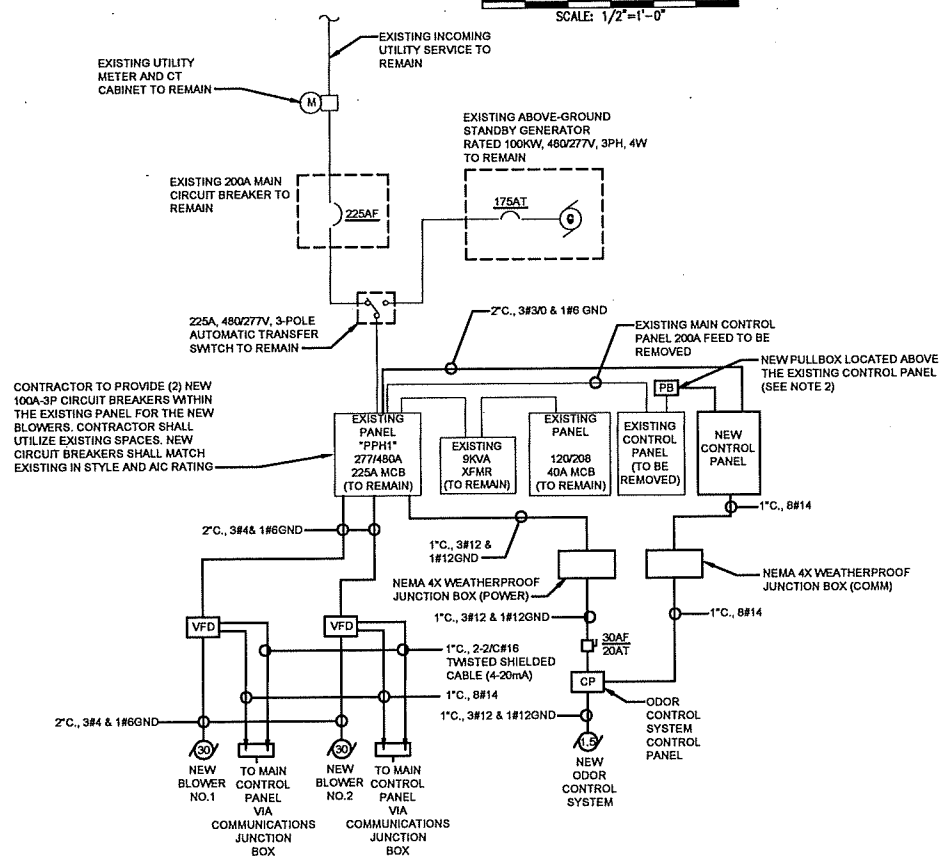
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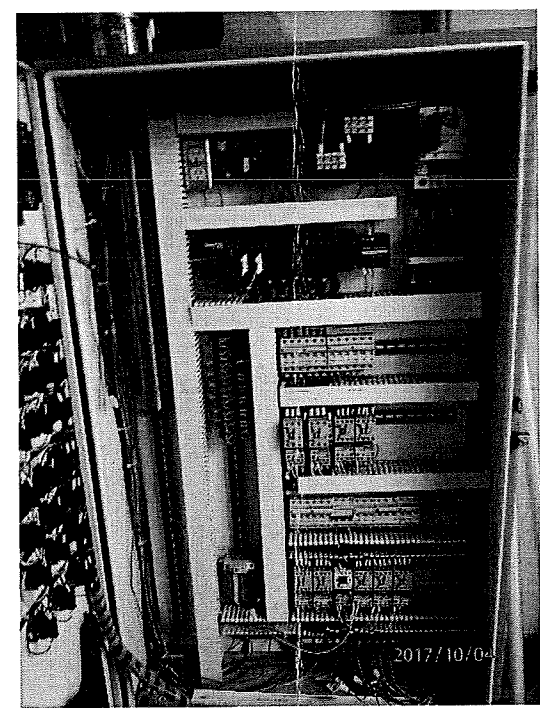
ELECTRICAL DEMOLITION PLAN
SCALE: 1/2" = 1'-0"



ELECTRICAL NEW WORK PLAN
SCALE: 1/2" = 1'-0"



ELECTRICAL POWER RISER DIAGRAM
NOT TO SCALE



EXISTING CONTROL PANEL PHOTO

- DRAWING NOTES:**
1. REFER TO DRAWING E1 FOR LEGEND, ABBREVIATIONS AND GENERAL NOTES.
 2. CONTRACTOR SHALL INTERCEPT ALL EXISTING POWER, CONTROL AND SIGNAL WIRING FROM THE EXISTING TANKS AND PUMPS AND EXTEND THEM TO THE NEW PUMP CONTROL PANEL. ALL NEW WIRING SHALL MATCH EXISTING IN STYLE AND SIZE. REFER TO EXISTING CONTROL PANEL PHOTO ON THIS DRAWING.

Weston & Sampson
100 International Drive,
Suite 152, Portsmouth, NH 03801
603.431.9837
www.westonandsampson.com

DATE: AUGUST 21, 2018

REGISTERED PROFESSIONAL ENGINEER

No.	Date	Dr. By	App. By	Description

DPF MASHREE, LLC

SOUTH CAPE VILLAGE WWTF UPGRADE

ELECTRICAL PLANS

CONTRACT: N.T.S.

SCALE: -

CAED NO. -

FILE NO. -

E-3

SHEET 16 OF 16