



Town of Mashpee

Plannina Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

**Meeting of the Mashpee Planning Board
Wednesday, November 3, 2021
Waquoit Meeting Room
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649
7:00 PM**

Broadcast Live on Local Channel 18

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

Call Meeting to Order

- Pledge of Allegiance

MASHPEE TOWN CLERK

Approval of Minutes

- Review of Meeting Minutes from October 20, 2021

OCT 28 2021

Public Discussion

RECEIVED BY: JK

New Business

- Sign Road Taking Plan – Ash, Cedar and Devon Streets
- Sign South Cape Village Special Permit Modification Permit for Building G

Chairman's Report

- Miscellaneous updates

Town Planner Report

- LCP Update of Kickoff Meeting with consultant
- Focus areas for Joint Meeting with Affordable Housing Committee
 - Goals and Policies in the Housing Production Plan
 - Mashpee Commons
 - Workforce Housing
 - Inclusionary Zoning

Board Member Committee Reports

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

Correspondence

- Town of Falmouth Notices
- Town of Sandwich Notices
- Town of Barnstable Notices
- September 2021 Discharge Monitoring Report for South Cape Village – N=3.3
- August 2021 Discharge Monitoring Report for South Cape Village – N= 2.6
- July 2021 Discharge Monitoring Report for South Cape Village – N=5.8

Additional Topics (not reasonably anticipated by Chair)

Adjournment



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**Mashpee Planning Board
Minutes of Meeting
Wednesday, October 20, 2021 at 7:00PM
Mashpee Town Hall - Waquoit Meeting Room
16 Great Neck Road North
Mashpee, Ma 02649**

**Broadcast Live on Local Channel 18
Call-in Conference Number: (508)-539-1400 x 8585**

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

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

Also Present: Evan Lehrer – Town Planner

Absent: Joseph Callahan

CALL TO ORDER

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

APPROVAL OF MINUTES – October 06, 2021

Mr. Lehrer had a comment regarding a motion made relative to the Zoning Article recommendations for Town Meeting. Mr. Lehrer would like the record to reflect Mr. Callahan's vote be recognized as a "yes" vote. He recalls there being competing motions and the play back was inconclusive, but he recalls in the moment it being a "yes" as clarification had been given to Board member. It would be his suggestion the record reflect a "yes" vote from Mr. Callahan and not a "default/take no action" vote.

MOTION:

Ms. Waygan makes a motion to approve the minutes for October 06, 2021 as amended. Mr. Balzarini seconded. All in favor. Mr. Phelan abstained.

PUBLIC DISCUSSION

No comments this evening.

NEW BUSINESS

Request by Longfellow Design Build to withdraw without prejudice its Special Permit application for a retail grocery store at 647 Falmouth Road / 9 Shellback Way.

Mr. Lehrer received a request from the developer interested in building the retail grocery store. The Board will be seeing them back here. The applicants scoping memo relative to their traffic study was deemed inadequate. At the request of the Cape Cod Commission, they need to address this prior to submitting their application for DRI. They are unable to do this as a result of the traffic memo. The



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applicant is facing a regulatory denial without prejudice and is withdrawing for the purpose of reapplying. The Board needs to accept the withdrawal.

Mr. Lehrer will make sure abutters are notified.

MOTION:

Ms. Waygan makes a motion to allow the applicant to withdraw their application without prejudice. Mr. Phelan seconded. All in favor.

Vote to set Public Hearing date for an application made by Southworth Mashpee Properties LLC to modify its Special Permit and amend a definitive subdivision.

Mr. Lehrer put two Public Hearing notices in the packets. One is to amend the Willowbend Special Permit. The second is to amend the applicable definitive subdivision plan. Both need to be amended accordingly pursuant to their request. He suggests one begin at 7:10p.m. and one begin at 7:15p.m. You can roll one preceding into the second timeslot, both need to be advertised, and whichever goes first does not matter. Proceedings and comments get rolled together. November 17th is the suggested date.

Everyone agreed November 17th works.

Mr. Lehrer also brought up the potential joint meeting with the Affordable Housing Committee on the 17th. He wanted to note the deadlines won't be missed if the hearings get pushed off until December.

Ms. Waygan would like to have both on November 17th. She would like to prioritize the Public Hearings.

Mr. Phelan would like to do both, he does not see this taking long.

Mr. Lehrer provided some background, this is to modify an already approved subdivision. One lot was restricted as a box turtle habitat. The restriction has been removed by the State and is no longer mapped as a box turtle habitat. They plan on rolling that lot into the subdivision. A road has been laid out and drainage has been reviewed and approved by the Board. The Board will contemplate to allow the additional building lot.

MOTION:

Ms. Waygan makes a motion to schedule a Public Hearing on November 17, 2021 at 7:10p.m. to consider an application from the Southworth Mashpee Properties, to modify the Willowbend Country Club Special Permit, pursuant to Mass. General Laws c. 40A. Seconded by Mr. Balzarini. All in favor.

MOTION:

Ms. Waygan makes a motion to schedule a Public Hearing on November 17, 2021 at 7:15p.m. to consider modifying the definitive subdivision of land located at 178-184 Quinaquisset Ave., Mashpee. Seconded by Mr. Balzarini. All in favor.



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CHAIRMANS REPORT

Meeting Start Time

Mr. Fulone noticed most of the boards and committees start at 6:00p.m. or 6:30p.m. He thinks an earlier start time is more consistent with the rest of the committees and meetings tend to run long.

Ms. Waygan cannot do 6:30p.m.

Mr. Balzarini likes 7:00p.m.

Mr. Fulone wants to meet at 6:30p.m.

Ms. Waygan noted it's been 7:00p.m. for years and she cannot make a 6:30p.m. start time, she needs 7:00p.m.

Mr. Phelan likes 6:30p.m. because it gets out earlier, but he also wants a Board that's functioning. If it's going to affect member attendance and cause problems he will keep it at 7:00p.m. but he would like to keep it open for discussion at a later time.

Mr. Fulone said it will be kept at 7:00p.m.

LCP Update

Mr. Fulone wanted to impress that it has been 7 months since the Select Board voted unanimously to join the Cape Cod Commission and the Mashpee Commons in creating the regions first of its kind three party Development Agreement. The goal was for the Town, regional planning authority, and the Commons to work collaboratively to create a 25 year development plan for the 130 acres adjacent to the current Mashpee Commons site. With this being the first three party agreement, the process was going to be challenging and adjustments would need to be made along the way. Little progress has been made since early June, and in the absence of progress there has been lots of commentary, some constructive, lots of it unproductive.

Mr. Fulone is frustrated with no forward momentum and he thinks it is time to regroup. The Board has engaged a consultant to help update the Local Comprehensive Plan, which has not been updated since 1998. Chairman suggests this work be prioritized. He notes the Town Planner's buildout analysis confirmed Mashpee's current zoning is not capable to support the variety of residential development necessary to address the housing crisis, and is not capable in providing commercial development that will preserve and augment the Towns character and charm. We have a good view of what the future of the Commons could look like. Let's begin our vision work and hear from our neighbors, all of them, with what they want and need. The updated LCP will serve as a long term framework for development and add changes to archaic zoning and help inform the Commons expansion and other future development. He is not suggesting the work stops, but to reprioritize updating the LCP prior to negotiating any long term development projects.



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Mr. Phelan has wanted to focus on the LCP since he became a member on the Board. He thinks it needs updating and he would like to prioritize this.

Ms. Waygan asked if the Chair had any information from the Commons. Is their application complete?

Mr. Fulone has no idea if it is complete. Let's prioritize the LCP.

Ms. Waygan asked the Chair if he had been meeting with other boards in between the Planning Board meetings. She asked if he met with the Chair of the Affordable Housing Committee. She asked if he wrote a letter to the Editor and the Select Board, can he bring those letters here?

Mr. Fulone meant to send that as a citizen, he apologized. His intention was two fold, draw attention to the Town Planners analysis and also let residents know we need to concentrate on the LCP.

TOWN PLANNER REPORT

LCP Next Steps

Last meeting, Mr. Lehrer mentioned the executed contracts. He has a kickoff meeting with consultants on October 28th. His hope is to map out the beginnings of an engagements schedule and roll out workshops and how the Board will be involved along with community outreach. He is eager for the process, it's a great first step. He has been here for four years and he is happy to see this getting started. In the absence of a comprehensive plan for a long time, he hoped by now there would be a reasonable understanding of impacts and a full scope of what's being proposed and we don't. There is an opportunity now and lets engage the Town.

Ms. Waygan asked the name of the woman from Weston & Sampson.

Mr. Lehrer said her name is Caroline Wells. He will provide a calendar of events at the next meeting with how the Board can be involved and what's to come.

Mr. Fulone asked if they would help in constructing surveys for research.

Mr. Lehrer stated the RFP was very detailed. The scope of services is inclusive of intensive community engagement, survey work, and workshops, working with the consultant to be comprehensive and reach a wide number of stakeholders while being conducted thoroughly and technically sound. It is up to the Board to define what engagements will be beneficial, it is all to be defined.

Potential joint meeting with Affordable Housing Committee

He had been thinking about this for some time as one of his recommendations was to seek assistance from the Affordable Housing Committee. The Chair of the Affordable Housing Committee has done a lot of data crunching in regards to where Mashpee is in relation to what the actual need is. It would be great to have that conversation within the Town context in terms of goals and policies in the HPP and updates with 108 Commercial St. In regards to Mashpee Commons, is 10% adequate? How can we be confident they deliver the housing we need? Why haven't they completed c. 40B? There is opportunity



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for productive dialogue that could provide a chance where the Commons could answer questions as well. It would be in the Board and Community's interest to have open dialogue with the AHC on all those topics. There is a housing element of the LCP, the HPP needs updates as well. There are a variety of strategies. We can focus on issues around HPP, Mashpee Commons, what has been presented and what are some inadequacies, and affordable housing in general. Consideration for the joint meeting will be November 17th.

Ms. Waygan asked that the workforce housing definition be embraced, the Affordable Housing Committee has already embraced this, and she is not referring to seasonal workers, these are year round resident's that are part of the work force.

Open Meeting Law complaints

Town Counsel responded to the complaints, and in addition, Mr. Lehrer sent an email to the Board with the Open Meeting Law training dates upcoming. It does not hurt to stay on best practice. He is suggesting everyone sign up for it.

Mr. Lehrer wants to point out the complainant responded to Town Counsel's response and she felt her corrective action was inadequate and she will file an additional formal complaint.

Ms. Waygan said everything was delegated to Town Counsel.

Mr. Lehrer stated this will be a supplemental complaint we can anticipate, her response is in the packet, but it may be dealt with on a further agenda.

Mr. Phelan noted once she files her complaint with the attorney general it gets sent to the Board then it will be forward to Town Counsel.

Ms. Waygan asked it not be discussed as it's been delegated to Town Counsel. She asked if Mr. Lehrer will keep them up to date if they need to provide anything for Town Counsel.

Ms. Waygan asked if Mr. Lehrer put the HPP on the Planning Board website. She also asked if he saw the Town of Falmouth Affordable Housing bylaw that is under discussion right now. She will send a link.

Mr. Lehrer said yes it is on the site, and he will look forward to seeing the bylaw.

BOARD MEMBER COMMITTEE REPORTS

Cape Cod Commission –

No Report

Community Preservation Committee –

Applications for funding are due Nov. 1, 2021.- used for Affordable Housing, open space acquisition, recreational use, and historic preservation.(Mr. Lehrer said his office is intending submitting for HPP update).

Design Review –

Follow up next meeting



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**Plan Review –
Environmental Oversight Committee –**

No Meeting
Mr. Fulone couldn't attend last week. He will get the meeting minutes and follow up next meeting.

**Historic District Commission –
Military Civilian Advisory Council –**

No Meeting
No Meeting

ADJOURNMENT

MOTION:

Mr. Balzarini makes a motion to adjourn the meeting at 7:34p.m. Seconded by Ms. Waygan. All in favor.

The meeting ended at 7:34p.m.

Next Meeting: Wednesday, November 03, 2021 at 7:00p.m.

Respectfully Submitted,

Christine M. MacDonald
Board Secretary



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LIST OF DOCUMENTS

Additional documents may be available in the Planning Department.

- Town of Falmouth Notices
- Town of Sandwich Notices
- August 2021 Discharge Monitoring Report for South Cape Village – N=2.6
- July 2021 Discharge Monitoring Report for South Cape Village – N=5.8
- June 2021 Discharge Monitoring Report for South Cape Village – N=2.7

DRAFT

From: Andrew <andrew.c.reed88@gmail.com>

Sent: Tuesday, November 2, 2021 5:42 PM

To: Evan Lehrer <ELehrer@mashpeema.gov>

Cc: Evan Lehrer <ELehrer@mashpeema.gov>

Subject: Mashpee Commons Expansion

WARNING! EXTERNAL EMAIL: : This message originated outside the Town of Mashpee mail system and could be harmful ☠. PLEASE DO NOT CLICK ON LINKS OR ATTACHMENTS unless you are absolutely certain the content is safe.

To the Planning Board and the Affordable Housing Committee,
I wanted to take the time to weigh in on the discussion surrounding the expansion plans for Mashpee Commons, particularly following the extremely disappointing decision by the Select Board on Monday, November 1st to withdraw support from the three-party agreement in the face of a few loud anti-housing advocates. This decision torpedoed a project that would have created thousands of homes, hundreds of permanent jobs, and generated millions in new property taxes for the town.

Mashpee is facing a crisis of supply of housing. There are three outcomes. First, we either continue the status quo of hyper-restrictive zoning and no building. The inevitable outcome will be a town of wealthy retirees, with all families and workers pushed out due to unobtainable housing.

The second option is sprawl. This involves building new single-unit housing on large lots on greenfield development. The consequence of this is loss of habitat, continued degradation of waters, worsening traffic, and skyrocketing infrastructure costs as new property taxes fail to cover new obligations due to the high service and maintenance costs. It also precludes those whom don't want or seek a large single unit with its significant time and expense commitments. This, however, is a better outcome than number 1.

The third option is what the Mashpee Commons Expansion plans offered. A mixture of housing types, from apartments to detached homes, at modestly higher-densities, that were interspersed with commercial building. This type of development co-locates jobs and amenities, allowing those who seek a less car-dependent lifestyle an option to live and work in our town. Additionally, it is much more land-efficient, preserving significantly more open-space and natural habitat for the amount of housing and new commercial development proposed. Additionally, the costs to the public are significantly lower than traditional large-lot sprawl: each mile of road, mile of sewer, mile of electric wire serves significantly more people.

Finally, we have to add housing in Mashpee, and it can't be solely Chpt. 40B "affordable" housing. The best available evidence (see Mast (2021). The effect of new-market rate housing construction on the low-income housing market. *Journal of Urban Economics* or Bratu et al. (2021) City-wide effects of new housing supply: Evidence from moving chains. Working Papers, VATT Institute for Economic Research) show that new market rate housing creates housing for both the median household and low-income households. In fact, for

every 100 new market rate houses constructed, 60 new units become available to the bottom half of households, and 29 units to the bottom quintile of households. Consequently, the formerly proposed Mashpee Commons Expansion plans was the right thing to do for the environment, the economy, jobs, and for families and households struggling to find affordable housing in Mashpee. I ask you to, again, throw your weight behind a revamped Mashpee Commons Expansion which seeks to build thousands of new homes, as well as to look at zoning reforms which can help generate new development on already disturbed land plots.

Furthermore, if you are seeking for new affordable housing options, I would suggest an affordable housing fee which includes detached single-unit buildings which undergo significant expansion (say, increase of 10% or 150 sqft in size).

Thank you for taking the time to read my comments.

Sincerely,
Andrew Reed
Mashpee, MA

Meredith L. M. Kilpatrick

978-621-1489 | P.O. Box 1481; Mashpee, MA 02649 | mmlkilpatrick@gmail.com

02NOV2021 – electronically

Patrick J. Costello, Esq.
Louison, Costello, Condon & Pfaff, LLP
101 Summer Street
Boston, MA 02110

RE: Town of Mashpee, Planning Board, Open Meeting Law Complaints 24SEP21 and 21JUL21

Dear Atty. Costello,

Thank You in advance for your attention to the Open Meeting Law Complaints I have submitted to the town of Mashpee Planning Board this July and September 2021. The process of submitting my request for a more formal investigation by the Attorney General's required my 24SEP21 complaint to become "ripe" for AGO review after 30 days have elapsed from my submission to the board.

As we have been recently notified, the OML complaints have been assigned to Assistant Attorney General Elizabeth Carnes-Flynn and we await a decision as to whether these complaints will be subject to their official review. The most obvious issue with any OML Complaint is intent. Is there an intent to avoid the parameters of the OML?

In the meantime, I have been advised and encouraged to create opportunities for situational correction locally and directly, simultaneous to seeking assistance from the AGO's office. As the Planning Board delegate, I respectfully ask you to provide a more "comprehensive consequential resolution" to these complaints during this time of consideration for further review with the AGO's office.

I had the opportunity last week to speak directly and constructively with Planning Board Chair John Fulone. While he was gracious in his explanation of his word choices in his 27SEP21 correspondence, he made clear it was not his intent to be insulting or dismissive either personally or as reference to the OML complaints. He assured me of his serious consideration of the Open Meeting Law issues and regrets his word choice. His reference was intended for the incorrect statements which have been circulating in our small community.

More importantly, our conversation centered on the core of my complaints, the avoidance and elimination of Public Comment from Planning Board meetings for over what we agree is closer to almost 6 years. He agreed that this direction of the board was unchecked and unquestioned and he could not offer an explanation as to why.

He affirmed that he was committed to a consistent Public Comment, "Public Dialog" at Mashpee Planning Board meetings. His intent is to follow the guidelines of Open Meeting law, and to meet or exceed the spirit of the Public Comment portion of the Open Meeting law by encouraging ALL in the community to voice their questions and concerns. He understands the parameters and reference where the "Attorney General encourages public bodies to allow as much public participation as time permits."

I have a confidence in his intent to proceed cautiously and correctly. He has already registered for the formal Open Meeting Law training and remains committed to creating and encouraging positive, forward movement on the board and in the community.

It has become evident through mutual continued research, that current member, previous Planning Board Chair Mary Waygan is directly responsible for eliminating Public Comment at Planning Board meetings. This gross and intentional mismanagement of a municipal board with ignorance of the obligations of the Open Meeting Law or the needs of the community require your corrective action.

Meredith L. M. Kilpatrick

978-621-1489 | P.O. Box 1481; Mashpee, MA 02649 | mlmkilpatrick@gmail.com

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While previously affirmed by Chair Fulone, on **04AUG21** “**Prior to June 2, 2021, the Planning Board held 73 meetings where Public Comment was not included.**” Further research indicates the number of potentially “fineable” offenses for the intentional exclusion of Public Comment from the Mashpee Planning Board meetings began by previous Chair Mary Waygan at 100-110 meetings. She began serving as Chair of the Planning Board on or around July 2015 and provided false guidance to subsequent Planning Board members.

Additionally, Mary Waygan continues to show an unusual propensity for encouraging a false narrative against one developer. Her creation and management of a small, misguided citizen group, “Envision Mashpee,” has produced several misinformed individuals including some who serve on other Mashpee municipal boards, including Sewer and Planning. Their collaboration, deliberation, and public presentations outside of any municipal, formal meeting, especially as it relates to their communications on matters before the board and town are equally inappropriate and unacceptable.

OPEN MEETING relevant DATES:

21JUL21 – Open Meeting Complaint submitted electronically to Mashpee Planning Board Chair, John Fulone; Town Planner, Evan Lehrer and Town Clerk; Deborah Dami. Hard copy packets of the complaint were provided at the Mashpee Planning Board meeting.

25AUG21 – Coffee meeting with Chair John Fulone. Chair Fulone was polite, respectful, and appeared interested in making positive change in the productivity of the Planning Board Meetings.

01SEP21 Youtube at 1:26-1:39 Chair Fulone announced new Mashpee Planning Board, Public Dialog guidelines. Planning Board Member Mary Waygan, offered remarks, interruptions, and suggestion instead for “town hall” public participation. Her comments show a lack of understanding of the Public Comment portion of the Open Meeting Law. Her attempt to be obstructionist prevailed.

05SEP21 Mashpee Envision group Sunday Zoom unrecorded meeting, Mary Waygan stated to the group her dislike of John Fulone’s new Public Dialog proposal “Oh he’s just so wrong, he’s so mean to me, he doesn’t know what he is in for, he is in for a sh\$t show.

24SEP21 – Due to the lack of any formal response to OML complaint 1, OML Complaint #2 submitted electronically to Mashpee Planning Board Chair, John Fulone; Town Planner, Evan Lehrer and Town Clerk; Deborah Dami.

27SEP21 – Planning Chair Fulone response to OML complaints.

06OCT21 Youtube at 1:16 Chair Fulone initiates agenda item on OML complaint filed 24SEP21. Mary Waygan dominates conversation, requests the Chair to “in order to review can you just summarize”.. “I feel like we reviewed them” she proceeded with unusual rereading of the instructions and made a motion to delegate the responsibility of a response to Town Counsel.

06OCT21 – Mashpee Planning Board AGENDA includes OML complaints submitted. As told to me, Mary Waygan instructed members of the “Envision Mashpee’ group to NOT speak during Public Comment and especially not to speak during any opportunity for public discussion on the OML item.

20OCT21 – Mashpee Planning Board AGENDA includes Town Planner update OML status. Again, Mary Waygan interrupts conversation, suggests that it be handled outside of the meeting and with Town counsel. Mary Waygan’s intentional, obstructionist behavior is unacceptable.

Meredith L. M. Kilpatrick

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The following outline of additional, questionable behaviors are NOT within the purview of the OML complaints however are relevant to the evaluation of solutions to these complaints and the scenario overall. A formal complaint is being sent today to the Massachusetts State Ethics Commission for their review and action.

MA STATE ETHICS COMMISSION OUTLINE:

JUNE 2021 – NOVEMBER 2021 – current and ongoing. Mashpee Planning Board member and previous chair, Mary Waygan hosts, manages a weekly, Sunday 7:00pm Zoom meeting to members of the community, the “Envision Mashpee” group. The Zoom account being used is unknown, who pays for the Zoom account is unknown. The link to each meeting is sent out from various email aliases used by Mary Waygan, including: mohamedf@hotmail.com; mashpeevision@gmail.com; mashpeevision2021@gmail.com; waygan@hotmail.com. Through their uneducated use of technology, they have provided/published the full email list which I have and can provide upon request.

Mary Waygan allows for and encourages anonymous participation in these weekly Zoom discussions, as she stated to me in August 2021, “I need these anonymous participants so I can keep getting the money when needed.” Along with “We will need their money for the upcoming elections.” “People don’t know how much control I have...” “You do know, I’m the one sending out the links, so I know who it is and isn’t going to each week. You don’t need to worry, I have it all under control.”

MAP/DOCUMENTS/DATA – While unlicensed and untrained in any building or architectural or design trade, Mary Waygan has repeatedly manipulated a developer’s documents, maps and drawings and then redistributes them as “fact.” She did it again yesterday, providing packets of information including maps to members attending the Select Board meeting 01NOV21. These documents have been widely distributed in the Mashpee Community, a local citizens group “Envision Mashpee,” a regional environmental community “Cape Cod Sierra Club” and used in presentations to various condominium boards and groups, typically with the intent to defame a local developer who is/was in negotiations with the Town of Mashpee, with development plans before the Planning and Select Board.

ONLINE MEETINGS WITH LOCAL NEWSPAPER - The “Envision Mashpee” group scheduled two meetings with the Publisher, Bill Hough: Editor, Steve Withrow and local reporter Ryan Spencer in August 2021. These 11:00am morning meetings were secured through my professional Zoom account. Mary Waygan participated via her telephone from her work desk at the Town of Yarmouth in her roles as Mashpee Planning Board member and Town of Yarmouth Affordable Housing/CDBG Program Coordinator. The agenda for the 03AUG21 meeting is noted here:

On Mon, Aug 2, 2021 at 5:51 PM Marjorie Hecht <marjehecht@gmail.com> wrote:

Mashpee Vision is inviting you to a scheduled Zoom meeting.

Topic: Mashpee Vision Conversation with the Enterprise

Time: Aug 3, 2021 11:00 AM Eastern Time (US and Canada)

Join Zoom Meeting <https://us06web.zoom.us/j/81320609645?pwd=MjFpZGhGYnlBQ1VyQzNnYnRXdnN3Zz09>

Meeting ID: 813 2060 9645 **Passcode: Vision2021**

Notes from our Aug. 1 meeting (as a rough guide). Meredith to start Zoom 10 min. early so we can reconnoiter.

I would guess they’ll give us 1/2 hour.

1. Marje will thank them for recent coverage, say we're concerned citizens, not opponents, pro-housing, not able to publicly comment at PB meetings
2. Mary will talk about scary graphics that show Mashpee as a city, transparency in process nonexistent, no answers to questions from MC
3. Lynne will talk about the inconsistent, shifting maps, lack of info, parking, ADA etc.
4. Karen will raise the problems with the traffic study, environmental review needed, what’s the advantage of CCC involvement
5. Meredith will talk about the need for consultants, the colossal size of the project, equal to 170 DRIs
6. Marje to mention the disconnect between new urbanism and the actual history of Mashpee and what’s unique about it

Meredith L. M. Kilpatrick

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LETTER TO THE EDITOR – Mary Waygan created weekly “form letters to the Editor” and provided them to individuals in the “Envision Mashpee” group. These letters intentionally provided misleading or inaccurate information for them to send under their name, a pseudonym for Mary Waygan. In September 2021 the editor of the local paper, Steve Withrow, refused to publish the letters as two letters with the same content were sent by two different people in the Envision Mashpee group.

MASHPEE COMMONS PUBLIC TOUR – Mary Waygan, without any advanced degree in or any current building, inspection, architectural, design or real estate license in the State of Massachusetts coordinated and provided an “expert tour” of Mashpee Commons. On or around 19SEP21 Mary Waygan gathered a small group of citizens and conducted a tour of the Mashpee Commons complex. Presenting herself as an expert, and as told to me, she reported on and provided a negative evaluation of the quality and grade of construction and property management.

As a summary, there is overwhelming information as to the intentional and inappropriate behaviors of Mashpee Planning Board member Mary Waygan. Her repeated, intentional obfuscation of fact, manipulation of data and provocative comments are creating a divisive community, are ignorant of state law and ethical obligations.

I respectfully request that Town Council take action to confirm the training/retraining of current Planning Board members and to secure the resignation of Mary Waygan. Simultaneously, I respectfully request that measures which may be offered in the Town Charter allow the Town Manager to appoint new Planning Board member(s). I ask for the Select Board and Town Manager along with Town Counsel consider recreating a Planning Board comprised of appointed, qualified individuals with set terms for performance evaluation and ethical conduct.

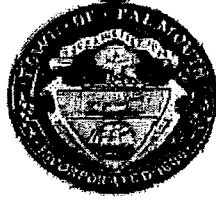
Kind Regards,

Meredith L. M. Kilpatrick signed electronically 02NOV21

Meredith L. M. Kilpatrick

N.B. Individuals receiving this communication are:

- Mashpee Select Board Chair, Carol Sherman
- Mashpee Town Manager, Rodney Collins
- Mashpee Town Clerk, Deborah Dami
- Massachusetts Attorney General's Office – Division of Open Government
- MA State Senator Julian Cyr, &-Office of MA
- Office of MA State Senator Cyr – Legislative Aide, Ashley Benson & Legal Counsel, Elizabeth Ganz



TOWN OF FALMOUTH
MASSACHUSETTS

OCT 20 2021

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by Adelle F. McDermott, Trustee, 30 Harrington Street, Teaticket, Ma.

(Map 39A Lot 082) **under 240-3 C.** of the Zoning By-Law, as amended to **grant** the special permit to construct a dormer to the 2nd floor, remove existing deck and construct a screened porch.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **October 15, 2021** which is the date the Decision was filed in the office of the Town Clerk.

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

OCT 18 2021

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

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

Application # 081-21 Frank J. and Kathleen M. Rizzotti, 48 Russell Road, Falmouth, Ma.; Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. and 240-69 E. of the Code of Falmouth to construct an addition to the existing nonconforming single family dwelling; exceeding 20% lot coverage by structures on subject property known as 48 Russell Road, Falmouth, Ma.

Map 39 Section 16 Parcel 047 Lot(s) 003

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, November 4, 2021 at 6:30PM**
You are invited to be present.

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

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



TOWN OF FALMOUTH
MASSACHUSETTS

OCT 18 2021

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by Susan C. and Peter J. Boni, Trustees, 50 Loop Road, West Falmouth, Ma. (Map 36 Lot 000C) **under 240-3 C.** of the Zoning By-Law, as amended to **grant** the special permit to construct an addition to the 2nd floor of the dwelling.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **October 13, 2021** which is the date the Decision was filed in the office of the Town Clerk.

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

OCT 18 2021

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

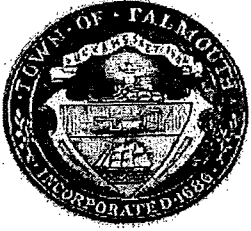
Application # 082-21 Douglas B. and Valeri Ann Gage, Trustees, 808 Commonwealth Avenue, Newton, Ma.: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. and 240-69 E. of the Code of Falmouth to raze and rebuild the existing dwelling and garage, cottage will be razed and not rebuilt; exceeding 20% lot coverage by structures on subject property known as 216 King Street, Falmouth, Ma.

Map 47C Section 02 Parcel 032 Lot(s) 000B

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, November 4, 2021 at 6:30PM**
You are invited to be present.

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

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

OCT 18 2021

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

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

Application # 084-21 Leroy Enos, Jr. and Passang Enos, 39 Bonnie Lane, East Falmouth, Ma.:

Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-38G (1)(b) of the Code of Falmouth to construct an attached 3-car garage exceeding 900s/f in size with living space above on subject property known as 21 Highwood Lane, Hatchville, Ma.

Map 12 Section 08 Parcel 029 Lot(s) 356

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, November 4, 2021 at 6:30PM**

You are invited to be present.

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

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



OCT 18 2021

TOWN OF FALMOUTH
MASSACHUSETTS

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by Richard R. Mello, Jr. and Sharon Mello, 19 John Parker Road, East Falmouth, Ma.

(Map 33 Lot 000) **under 240-38 G (1)(b)** of the Zoning By-Law, as amended to **grant** the special permit to allow a detached garage exceeding 900s/f in size.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **October 13, 2021** which is the date the Decision was filed in the office of the Town Clerk.

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



TOWN OF FALMOUTH
MASSACHUSETTS

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by Jon and Linda Modelevsky, 82 Hudson Street, Falmouth, Ma.

(Map 39 Lot 041) **under 240-69 E.** of the Zoning By-Law, as amended to **grant** the special permit to allow a pool; exceeding 20% lot coverage by structures.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **October 22,2021** which is the date the Decision was filed in the office of the Town Clerk.

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

Town of Sandwich
THE OLDEST TOWN ON CAPE COD



BOARD of APPEALS
16 Jan Sebastian Drive
Sandwich, MA 02563
Phone: 508 833 8001
Fax: 508 833 8006
E-mail: planning@sandwichmass.org

OCT 27 2021

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

The Sandwich Board of Appeals will hold a Public Hearing on the application of ASD Cotuit MA Solar, LLC, applicant and property owner, for a Special Permit under Section 1340 of the Sandwich Protective Zoning By-Law for property located at 180 Cotuit Road, Sandwich, MA Assessor's Map #13, Parcel #44, for the purpose of constructing an 8.5 foot fence. The Public Hearing will be held on November 9, 2021, in the upper meeting room of the Human Services Building, 270 Quaker Meetinghouse Road, East Sandwich, MA at 6:00 p.m. The public record information can be viewed at the Planning & Development office, 16 Jan Sebastian Drive, Sandwich, MA, Monday-Friday 8:30 a.m. to 4:30 p.m.

Erik Van Buskirk, Chair
Sandwich Board of Appeals
Publication: Sandwich Enterprise
Publication Dates: October 22 and October 29, 2021

Town of Sandwich
THE OLDEST TOWN ON CAPE COD



BOARD of APPEALS
16 Jan Sebastian Drive
Sandwich, MA 02563
Phone: 508 833 8001
Fax: 508 833 8006
E-mail: planning@sandwichmass.org

OCT 27 2021

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

The Sandwich Board of Appeals will hold a Public Hearing on the application of Richardson Realty Trust, Property Owner and William Richardson, Richardson Realty Trust, Applicant, for a Special Permit under Section 242G of the Sandwich Protective Zoning By-Law for property located at 3 Almy Avenue, Sandwich, MA, Assessor's Map #93 Parcel #29, for the purpose of enlarging a pre-existing nonconforming structure. The Public Hearing will be held on November 9, 2021, in the upper meeting room of the Human Services Building, 270 Quaker Meetinghouse Road, East Sandwich, MA at 6:00 p.m. The public record information can be viewed at the Planning & Development office, 16 Jan Sebastian Drive, Sandwich, MA, Monday-Friday 8:30 a.m. to 4:30 p.m.

Erik Van Buskirk, Chair
Sandwich Board of Appeals
Publication: Sandwich Enterprise
Publication Dates: October 22 and October 29, 2021

Town of Sandwich
THE OLDEST TOWN ON CAPE COD



Board of Appeals

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

OCT 18 2021

VARIANCE DECISION
Certificate of Approval

TOWN CLERK
TOWN OF SANDWICH

OCT 13 2021

2H 15M P My
RECEIVED & RECORDED

Petition # 21-22
Name of Applicant: Artur Domka
Address: 42 Meadow Spring Drive

On October 12, 2021 the Board of Appeals voted to approve a variance from Section 1321 of the Sandwich Zoning By-law for property located at 42 Meadow Spring Drive, as shown on Assessor's Map 50, Parcel 24, for the purpose of obtaining a 5-inch variance from the front yard setback and a 4-inch variance from the side yard setback.

The Board of Appeals certifies that the decision attached hereto is a true and correct copy of its decision to approve a variance and that copies of said decision, and of all plans referred to in the decision, have been filed with the Board of Appeals and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 provides that no variance, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town clerk that twenty days have elapsed after the decision has been filed in the office of the town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The owner or applicant shall pay the fee for such recording or registering. A copy of that registered decision shall be returned to the Planning & Development office as proof of filing.

Any person aggrieved by this decision may appeal to the Superior Court or Land Court as in Section 17 of Chapter 40A, M.G.L. by filing a NOTICE OF ACTION AND COMPLAINT with the Town Clerk within twenty (20) days of the date of filing of this decision.


Board of Appeals Member

OCTOBER 13, 2021
Date

PROCEDURAL HISTORY

1. Variance application from Section 1321 of the Zoning By-Law for property located at 42 Meadow Spring Drive was filed by Artur Domka on September 20, 2021.
2. After proper notice was given the public hearing was opened on October 12, 2021 and closed on October 12, 2021.
3. The application was accompanied by a plan entitled:
FOUNDATION PLOT PLAN
#42 Meadow Spring Drive
Dated: Aug. 16, 2021
4. The Board reviewed the application and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:

James Killion
Christopher Neeven
Robert Jensen
Chase Terrio
Gerry Nye

FINDINGS

The Zoning Board of Appeals finds that:

1. Subject property is located within the R-2 Zoning District.
2. Subject lot was created in 1971.
3. The lot area consists of 21,780 square feet with 145 feet of frontage,
4. A 30 ft. front yard setback and 20 ft. side yard setback is required.
5. The foundation encroaches into the front yard setback by a minimum of 5 inches and the side yard setback by a minimum of 4 inches.
6. The Board of Appeals finds that:
 - a) A literal enforcement of the provisions of this bylaw involves a substantial hardship, financial or otherwise,
 - b) The hardship is owing to circumstances relating to the soil conditions, shape, or topography of such land or structures but not affecting generally the zoning district in which it is located.
 - c) Desirable relief may be granted without substantial detriment to the public good, or nullifying or substantially derogating from the intent or purpose of this by-law.

7. Applicant states that the front step will not be attached to the structure and will consist of a stone substance.

Motion: I, Christopher Neeven, move to adopt these findings as the findings of the Board of Appeals.

Second: Chase Terrio

Vote:	James Killion	Yes
	Christopher Neeven	Yes
	Robert Jensen	Yes
	Chase Terrio	Yes
	Gerry Nye	Yes

CONDITIONS:

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

1. Failure to comply with all the conditions set forth in this decision shall terminate the grant of this variance.
2. The variance shall not take effect until it is recorded at the Barnstable County Registry of Deeds and a copy of the recorded Variance is provided to the Board of Appeals.
3. Applicant shall provide and install substantial vegetative screening on the westerly elevation between the structure and the property line. The screening plan shall be approved by the Building Inspector prior to installation.

Motion: I, Christopher Neeven, move to impose the above conditions of approval upon any approval of the variance.

Second: Chase Terrio

Vote:	James Killion	Yes
	Christopher Neeven	Yes
	Robert Jensen	Yes
	Chase Terrio	Yes
	Gerry Nye	Yes

DECISION:

Motion: I, Christopher Neeven, move to approve the variance application.

Second: Chase Terrio

Vote:	James Killion	Yes
	Christopher Neeven	Yes
	Robert Jensen	Yes
	Chase Terrio	Yes
	Gerry Nye	Yes

OCT 27 2021



Town of Barnstable
Planning & Development Department
www.townofbarnstable.us/planninganddevelopment



Elizabeth Jenkins
Director

October 22, 2021

Department of Housing and Community Development
100 Cambridge Street, Suite 300 - Boston, MA 02114

Cape Cod Commission
P.O. Box 226 - 3225 Main Street (Route 6A) - Barnstable, MA 02630

Town of Sandwich, Planning Board
16 Jan Sebastien Drive - Sandwich, MA 02563

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

Town of Yarmouth, Planning Board
1146 Route 28 - Yarmouth, MA 02664

Town of Barnstable, Zoning Board of Appeals
200 Main Street- Hyannis, MA 02601

**Reference: Town of Barnstable Planning Board
Proposed Zoning Amendment**

AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I, GENERAL ORDINANCES, CHAPTER 240 ZONING BY EXPANDING THE GROUND-MOUNTED SOLAR PHOTOVOLTAIC OVERLAY DISTRICT TO INCLUDE THE PROPERTY LOCATED AT 810 WAKEBY ROAD, MARSTONS MILLS (ASSESSORS' MAP 013 PARCELS 004, 005, 052) AND BY REQUIRING A SPECIAL PERMIT FOR LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS LOCATED WITHIN ANY RESIDENTIAL DISTRICT LOCATED WITHIN THE OVERLAY DISTRICT

The Barnstable Planning Board, acting under Chapter 40A, Section 5 of the General Laws of the Commonwealth of Massachusetts, will hold a public hearing on Monday, November 8, 2021, at 7:00 p.m. The purpose of this public hearing is to take comment on a proposal to amend the Town of Barnstable Zoning Ordinance by amending the code of the Town of Barnstable, Part I, General Ordinances, Chapter 240 Zoning by expanding the Ground-Mounted Solar Photovoltaic Overlay District to include the property located at 810 Wakeby Road, Marstons Mills (Assessors' Map 013 Parcels 004, 005, 052) and by requiring a Special Permit for large-scale ground-mounted solar photovoltaic installations located within any residential district located within the overlay district.

SECTION I

That Chapter 240, Article II, Section 6, The Zoning Map of the Town of Barnstable Massachusetts is hereby amended to expand the Ground-Mounted Solar Photovoltaic Overlay District to include the parcels shown on Assessors' Map 013 as Parcels 004, 005, and 052 as shown on the maps entitled;

"Proposed Amendment to the Town Zoning Map Expanding the Ground Mounted Solar Photovoltaic Overlay District In Marstons Mills"

"Proposed Amendment to the Marstons Mills Zoning Map expanding the Ground Mounted Solar Photovoltaic Overlay District In Marstons Mills"

Each dated October 1, 2021, as prepared by the Town of Barnstable Geographical Information System (GIS) Unit.

SECTION 2

(1) By amending the definition of AS-OF-RIGHT-SITING in Section D of Article V, Section 240-44.2, Ground-Mounted Solar Photovoltaic Overlay District, by deleting the first sentence and inserting the following new sentence in place thereof:

"The ground-mounted solar photovoltaic installation may proceed without the need for a special permit, variance, amendment, waiver or other local discretionary approval, except that a special permit shall be required when located in a residential zoning district."

(2) By inserting the following definition of HAZARDOUS PRODUCT in said Section D immediately after the definition of GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION:

"HAZARDOUS PRODUCT

Any chemical or combination of chemicals which, in any form, is listed by trade name, chemical name, formula or otherwise as a product which is a hazard to public drinking water supplies if concentrations beyond a certain level are achieved therein. 'Hazardous product' shall also include any product for which there is any listing, declaration, or announcement in any form issued by the United States Environmental Agency, the Massachusetts Department of Environmental Protection, or by any other government agency having direct or indirect jurisdiction over public water supplies that such product is such a hazard or is a product known as an "emerging contaminant" suspected as being capable of being a carcinogen."

SECTION 3

By amending Subsection (1) of Section E of Article V, Section 240-44.2 by adding the following sentence to the end of such subsection:

"Any ground-mounted, large-scale solar photovoltaic installation with 250 kw or larger of rated nameplate capacity located in a residential zoning district shall also be required to obtain a special permit from the Planning Board in accordance with Subsection (3)."

SECTION 4

By further amending Section E of Article V, Section 240-44.2 by adding the following new Subsection (3):

"(3) Special Permit Provisions.

A Special Permit shall be granted by the Planning Board if the Planning Board determines the following criteria have been met.

(a) Site Plan Approval in accordance with subsections (1) and (2).

(b) Adequate measures to contain and suppress noise and sound as deemed appropriate by the Planning Board, including, but not limited to, minimum 75-foot setback from all residential abutter property lines to the Ground-Mounted Solar Photovoltaic Installation.

(c) Vegetative and/or hardscape screening with coniferous planting and earth berms of sufficient height, as determined by the Building Commissioner, to screen adjoining residential properties from the Ground-Mounted Solar Photovoltaic Installation.

(d) Federal Aviation Administration (FAA) approval of Solar Glare Study, if such a study is deemed necessary by the FAA.

- (e) Cape Cod Commission approval as required.
- (f) Full disclosure of all hazardous products proposed to be used at any time at a project site shall be provided in writing to the Planning Board with the Special Permit application; no application for a special permit shall be considered complete until such disclosure is submitted to the Planning Board. No such hazardous materials shall be deployed or used at any time at a project site without approval of the Special Permit by the Planning Board.
- (g) Use, storage and containment of hazardous materials shall comply with all Federal, State, Regional, and local codes and regulations, including building, fire, and health codes.
- (h) Compliance with any other criteria found by the Planning Board as necessary to protect the public health, safety or welfare, which may include, without limitation, the revocation of any prior permits and previous uses that benefit the project site.”

SECTION 5

By amending Section I of Article V, Section 240-44.2 by deleting Section I in its entirety and inserting the following new Section I in its place:

“I. Dimensional requirements. Ground-mounted solar photovoltaic installations are subject to the front, side and rear yard setbacks as set forth in the underlying zoning district(s), except that any ground-mounted, large-scale solar photovoltaic installation with 250 kw or larger of rated nameplate capacity located in a residential zoning district shall maintain a minimum 75-foot setback from all abutting residential property lines to contain noise as sound, as required by Subsection (3) (b).”

SECTION 6

By amending Section L of Article V, Section 240-44.2 by adding the following subsections after subsection 2(c):

“(3) Federal Aviation Administration (FAA) approval of Solar Glare Study is required, if such a Study is deemed necessary by the FAA.

(4) The project proponent shall provide full disclosure of all hazardous products proposed to be used at any time at a project site shall be provided in writing to the Building Commissioner with the Site Plan Review application; no application for Site Plan Review shall be considered complete until such disclosure is submitted to the Building Commissioner. No such hazardous materials shall be deployed or used at any time at a project site without Site Plan approval.

(5) Use, storage and containment of hazardous materials shall comply with all Federal, State, Regional, and local codes and regulations, including building, fire, and health codes.

(6) The project shall demonstrate compliance with any other criteria found by the Building Commissioner as necessary to protect the public health, safety or welfare, which may include, without limitation, the revocation of any prior permits and previous uses that benefit the project site.”

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

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

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

Link: <https://zoom.us/j/99923429617>

Phone: 888 475 4499 US Toll-free Meeting ID: 999 2342 9617

3. Applicants, their representatives and individuals required or entitled to appear before the Barnstable Planning Board may appear remotely and are not permitted to be physically present at the meeting, and may participate through accessing the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to James.Kupfer@town.barnstable.ma.us, so that they may be displayed for remote public access viewing.

Copies of the proposed amendment are available for review by calling 508-862-4784 or emailing James.Kupfer@town.barnstable.ma.us.

Attach: Notice Amendment, Summary and copy of map illustration
Copy: Planning Board File Zoning Amendment
 Planning Board Chair

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-034
INTRO: 10/07/2021**

2022-034 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I, GENERAL ORDINANCES, CHAPTER 240 ZONING BY EXPANDING THE GROUND-MOUNTED SOLAR PHOTOVOLTAIC OVERLAY DISTRICT TO INCLUDE THE PROPERTY LOCATED AT 810 WAKEBY ROAD, MARSTONS MILLS (ASSESSORS' MAP 013 PARCELS 004, 005, 052) AND BY REQUIRING A SPECIAL PERMIT FOR LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS LOCATED WITHIN ANY RESIDENTIAL DISTRICT LOCATED WITHIN THE OVERLAY DISTRICT

ORDERED: That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

SECTION 1

That Chapter 240, Article II, Section 6, The Zoning Map of the Town of Barnstable Massachusetts is hereby amended to expand the Ground-Mounted Solar Photovoltaic Overlay District to include the parcels shown on Assessors' Map 013 as Parcels 004, 005, and 052 as shown on the maps entitled;

- "Proposed Amendment to the Town Zoning Map Expanding the Ground Mounted Solar Photovoltaic Overlay District In Marstons Mills"
- "Proposed Amendment to the Marstons Mills Zoning Map expanding the Ground Mounted Solar Photovoltaic Overlay District In Marstons Mills"

Each dated October 1, 2021, as prepared by the Town of Barnstable Geographical Information System (GIS) Unit.

SECTION 2

(1) By amending the definition of **AS-OF-RIGHT-SITING** in Section D of Article V, Section 240-44.2, Ground-Mounted Solar Photovoltaic Overlay District, by deleting the first sentence and inserting the following new sentence in place thereof:

"The ground-mounted solar photovoltaic installation may proceed without the need for a special permit, variance, amendment, waiver or other local discretionary approval, except that a special permit shall be required when located in a residential zoning district."

- (2) By inserting the following definition of **HAZARDOUS PRODUCT** in said Section D immediately after the definition of **GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION**:
“HAZARDOUS PRODUCT

Any chemical or combination of chemicals which, in any form, is listed by trade name, chemical name, formula or otherwise as a product which is a hazard to public drinking water supplies if concentrations beyond a certain level are achieved therein. ‘Hazardous product’ shall also include any product for which there is any listing, declaration, or announcement in any form issued by the United States Environmental Agency, the Massachusetts Department of Environmental Protection, or by any other government agency having direct or indirect jurisdiction over public water supplies that such product is such a hazard or is a product known as an “emerging contaminant” suspected as being capable of being a carcinogen.”

SECTION 3

By amending Subsection (1) of Section E of Article V, Section 240-44.2 by adding the following sentence to the end of such subsection:

“Any ground-mounted, large-scale solar photovoltaic installation with 250 kw or larger of rated nameplate capacity located in a residential zoning district shall also be required to obtain a special permit from the Planning Board in accordance with Subsection (3).”

SECTION 4

By further amending Section E of Article V, Section 240-44.2 by adding the following new Subsection (3):

“(3) Special Permit Provisions.

A Special Permit shall be granted by the Planning Board if the Planning Board determines the following criteria have been met.

- (a) Site Plan Approval in accordance with subsections (1) and (2).
- (b) Adequate measures to contain and suppress noise and sound as deemed appropriate by the Planning Board, including, but not limited to, minimum 75-foot setback from all residential abutter property lines to the Ground-Mounted Solar Photovoltaic Installation.
- (c) Vegetative and/or hardscape screening with coniferous planting and earth berms of sufficient height, as determined by the Building Commissioner, to screen adjoining residential properties from the Ground-Mounted Solar Photovoltaic Installation.
- (d) Federal Aviation Administration (FAA) approval of Solar Glare Study, if such a study is deemed necessary by the FAA.
- (e) Cape Cod Commission approval as required.
- (f) Full disclosure of all hazardous products proposed to be used at any time at a project site shall be provided in writing to the Planning Board with the Special Permit application; no application for a special permit shall be considered complete until such disclosure is submitted to the Planning Board. No such hazardous materials shall be deployed or used at any time at a project site without approval of the Special Permit by the Planning Board.
- (g) Use, storage and containment of hazardous materials shall comply with all Federal, State, Regional, and local codes and regulations, including building, fire, and health codes.
- (h) Compliance with any other criteria found by the Planning Board as necessary to protect the public health, safety or welfare, which may include, without limitation, the revocation of any prior permits and previous uses that benefit the project site.”

SECTION 5

By amending Section I of Article V, Section 240-44.2 by deleting Section I in its entirety and inserting the following new Section I in its place:

"I. Dimensional requirements. Ground-mounted solar photovoltaic installations are subject to the front, side and rear yard setbacks as set forth in the underlying zoning district(s), except that any ground-mounted, large-scale solar photovoltaic installation with 250 kw or larger of rated nameplate capacity located in a residential zoning district shall maintain a minimum 75-foot setback from all abutting residential property lines to contain noise as sound, as required by Subsection (3) (b)."

SECTION 6

By amending Section L of Article V, Section 240-44.2 by adding the following subsections after subsection 2(c):

- "(3) Federal Aviation Administration (FAA) approval of Solar Glare Study is required, if such a Study is deemed necessary by the FAA.
- (4) The project proponent shall provide full disclosure of all hazardous products proposed to be used at any time at a project site shall be provided in writing to the Building Commissioner with the Site Plan Review application; no application for Site Plan Review shall be considered complete until such disclosure is submitted to the Building Commissioner. No such hazardous materials shall be deployed or used at any time at a project site without Site Plan approval.
- (5) Use, storage and containment of hazardous materials shall comply with all Federal, State, Regional, and local codes and regulations, including building, fire, and health codes.
- (6) The project shall demonstrate compliance with any other criteria found by the Building Commissioner as necessary to protect the public health, safety or welfare, which may include, without limitation, the revocation of any prior permits and previous uses that benefit the project site."

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2022-034
INTRO: 10/07/2021

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth Jenkins, Director, Planning & Development Department;
Charles S. McLaughlin, Jr., Senior Town Attorney
DATE: October 7, 2021
SUBJECT: Amending the Code of the Town of Barnstable, Part I, General Ordinances, Chapter 240 Zoning by expanding the Ground-Mounted Solar Photovoltaic Overlay District to include the property located at 810 Wakeby Road, Marstons Mills (Assessors' Map 013 Parcels 004, 005, 052) and by requiring a special permit for large-scale Ground-Mounted Solar Photovoltaic installations located within any residential district located within the overlay district

BACKGROUND: Since 1975, Section 3 of Massachusetts General Laws, Chapter 40A, the state Zoning Act, has allowed solar projects as of right in all zoning districts, subject only to regulations to protect public health, safety, and welfare. It reads:

No zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare.

In 2010, pursuant to the state Green Communities Act, the Town created a Ground-Mounted Solar Photovoltaic Overlay District (Section 240-44.2 of the Town Code), which governs where large-scale solar projects may be constructed in the Town.

PROPOSED ZONING AMENDMENT: TJA Clean Energy is now seeking to construct a solar energy project at 810 Wakeby Road in a residential district that is not within the Ground-Mounted Solar Photovoltaic Overlay District. TJA claims that the Town's Overlay District is unduly restrictive and not in compliance with M.G.L Chapter 40A and has filed a lawsuit seeking a permanent injunction ordering the Town to issue a building permit to TJA for the project. A similar lawsuit involving the Town of Waltham resulted in a decision by the Land Court that the Town of Waltham was not in compliance with M.G.L Chapter 40A, and that case is now pending in the Appeals Court.

To resolve the lawsuit involving TJA's proposed project, a zoning amendment is proposed, narrowly tailored to apply only to the three parcels at 810 Wakeby Road. The proposed zoning amendment creates a special permit process that would allow the TJA project to proceed after ensuring that public health, safety and welfare issues are addressed. Under the proposed zoning amendment, the Planning Board would be designated as the body to administer the special permit process in order to provide for public notice and input on these issues. For TJA to receive a special permit, it would have to meet specified criteria, including the revocation of all other existing permits for the property. The proposed zoning amendment identifies a number of issues that TJA must address in public before the Planning Board and standards that it must meet. If TJA is able to meet all of those standards, as determined by the Planning Board, it would be entitled to receive a special permit.

FISCAL IMPACT: The proposed zoning amendment, if adopted, would avoid protracted litigation and expense.

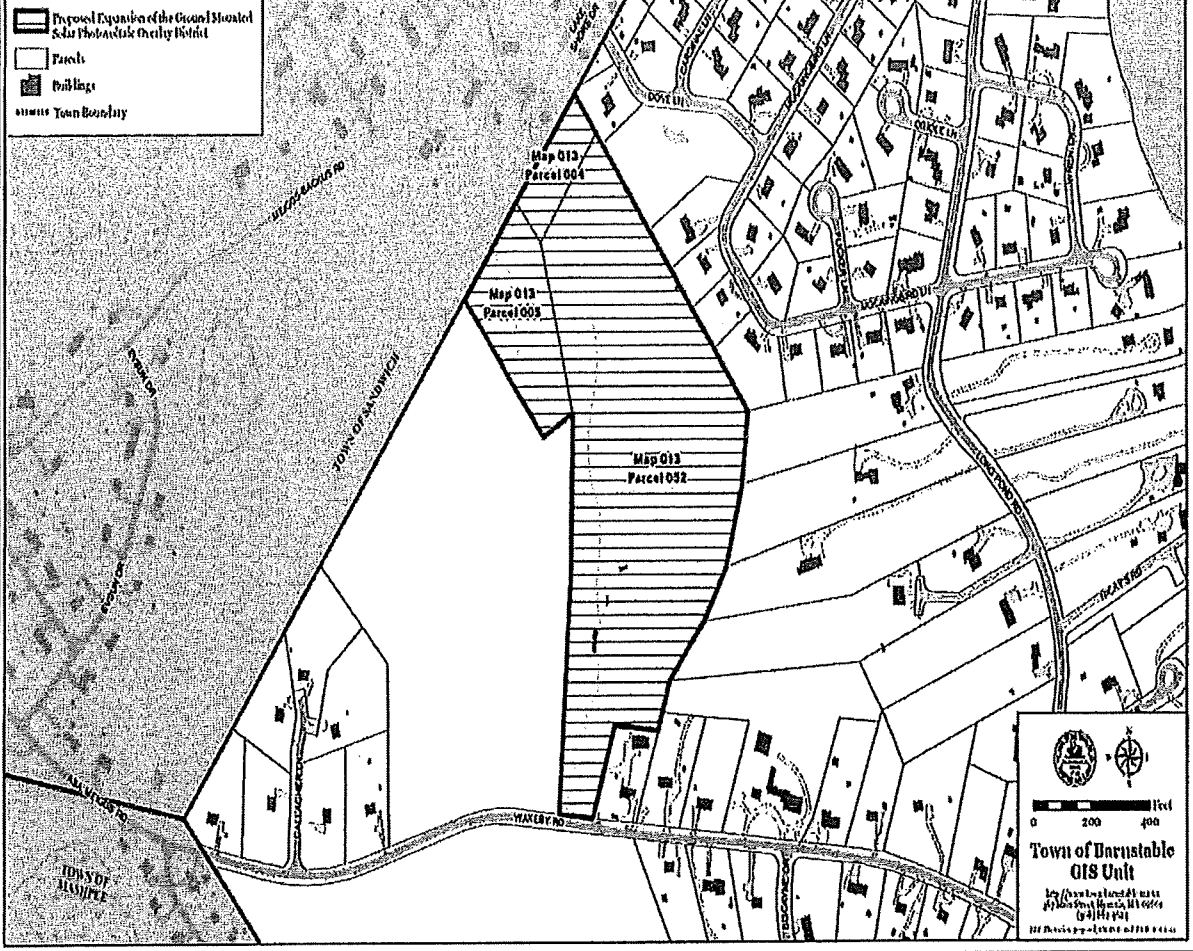
TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, supports this item.

STAFF SUPPORT: Planning & Development Department; Legal Department



PROPOSED AMENDMENT to the TOWN ZONING MAP
Expanding the GROUND MOUNTED SOLAR PHOTOVOLTAIC OVERLAY DISTRICT in Marston Mills

October 1, 2021

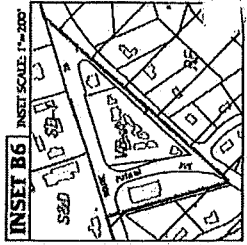
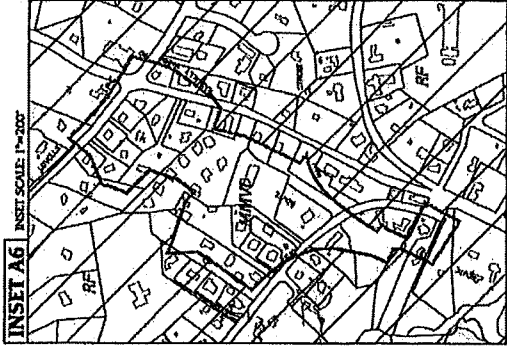
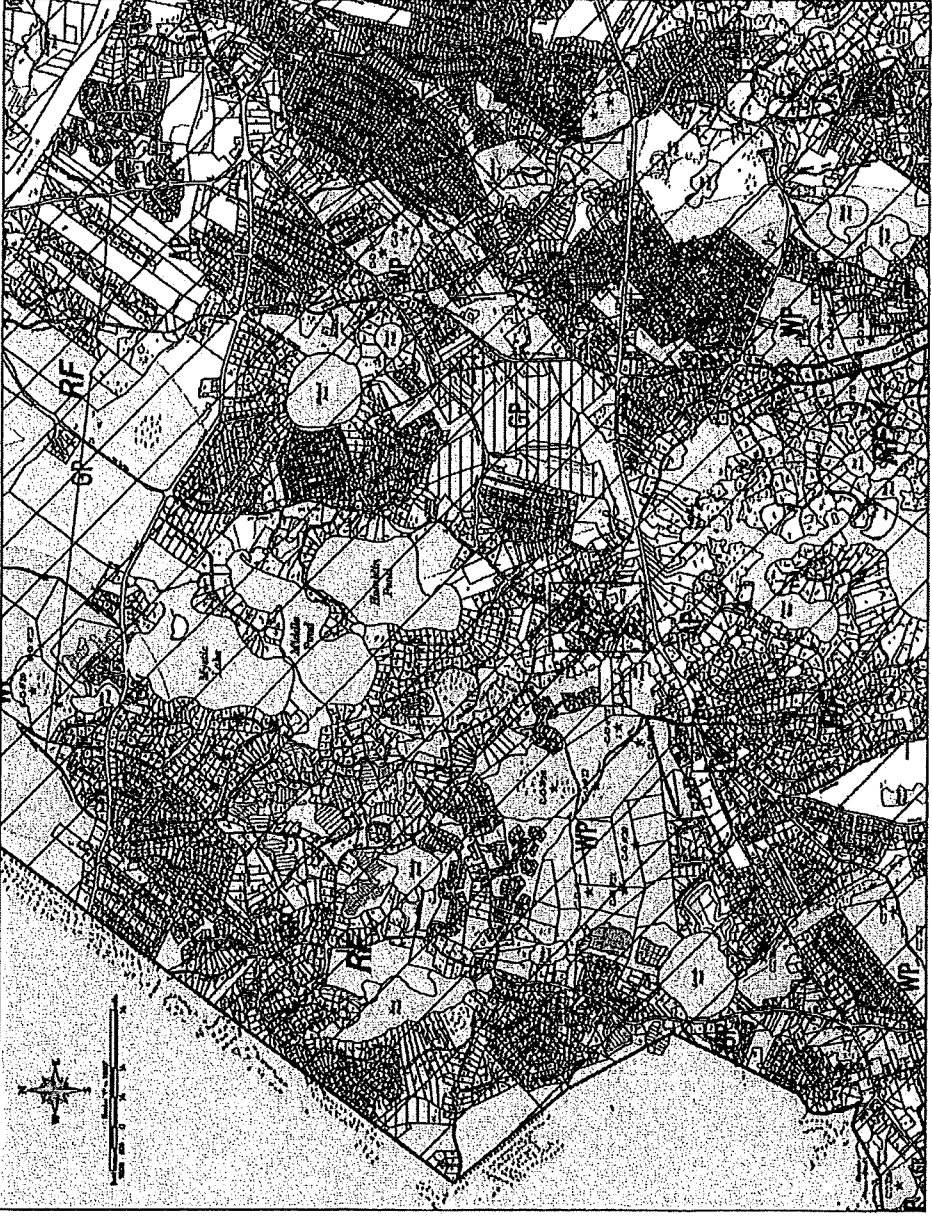


PROPOSED AMENDMENT to the MARSTONS MILLS ZONING MAP
expanding the GROUND MOUNTED SOLAR PHOTOVOLTAIC OVERLAY DISTRICT



OCTOBER 1, 2021

MARSTONS MILLS - SHEET 6 OF 7



Map Legend

	Zoning District		Existing Public Well Site
	Wetland Transition Overlay District		Proposed Future Public Well Site
	Conservation / Preservation Overlay District		Proposed Future Public Well Site
	Agricultural Preservation Overlay District		Fenced Area (R2021)
	Adult Use Overlay District		Railings
	Docks & Piers Overlay District		Railroad Track
	Former Grade 5 School Proposed Dike Development Overlay District		Town Boundary Line
	Medical Services Overlay District		Mobile Area
	Resource Protection Overlay District		Street / Edge of Water
	Shopping Center / Redevelopment Overlay District		
	Social Confinement Class Enhancement Overlay District - 2021/2022/2023/2024/2025/2026/2027		
	Waterways / Canals / Ponds and Swamps Overlay District		
	Central National State Transportation Overlay District		

DATE OF AMENDMENT: OCT. 1, 2021



Town of Barnstable

OCT 18 2021

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

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

Date:
10/14/2021 Any
appeal to this
decision must
be made pur-
suant to MGL,
Chapter 40A,
Section 17 and
filed within 20
days from the
date hereon
with the mu-
nicipal clerk.

Samuel Traywick—has been granted a Notification of Approval of Roadway Modification to Definitive Subdivision Plan Sub. No. 646A—Wendy Way, Marston Mills MA.

Public files are available for viewing by contacting karen.herrand@town.barnstable.ma.us or by calling 508-882-4064.

www.town.barnstable.ma.us

OCT 26 2021

TOWN OF BARNSTABLE PLANNING BOARD
NOTICE OF PUBLIC HEARING
MONDAY, NOVEMBER 8, 2021, AT 7:00 P.M.

MODIFICATION TO SUBDIVISION NO. 826 – LOOMIS LANE, CENTERVILLE MA

To all persons deemed interested in the Planning Board acting under the General Laws of the Commonwealth of Massachusetts, Chapter 41, Sections 81A, through 81GG, Subdivision Control and all amendments thereto and Chapter 801, Subdivision Regulations of the Town of Barnstable you are hereby notified of a Public Hearing to consider modifications to Subdivision No. 826. The plan for this subdivision modification is entitled "Loomis Lane Centerville, MA, Revision to a Section of Loomis Lane Layout", prepared for Albert Schulz, Esq." prepared by Baxter Nye Engineering and Surveying dated October 7, 2021.

The application is submitted by the following property owners, Eric J. Fischer, Simone S. Fischer, Dean C. Swartz, Maureen F. Swartz, and Herbert K. Bodensiek. The request is to modify the roadway layout of a section of Loomis Lane. The subject properties are shown on Assessors Map 230 Parcel 104, Map 230 Parcel 105 and Map 230 Parcel 111.

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

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

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

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

Link: <https://zoom.us/j/99923429617>

Phone: 888 475 4499 US Toll-free

Meeting ID: 999 2342 9617

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

Copies of the proposed modification are available for review by calling 508-862-4784 or emailing james.kupfer@town.barnstable.ma.us.

Barnstable Patriot
October 22 and October 29, 2021

Steven Costello, Chair
Barnstable Planning Board



Massachusetts Department of Environmental Protection

eDEP Transaction Copy

Here is the file you requested for your records.

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

Username: **EBELAIR**

Transaction ID: **1314844**

Document: **Groundwater Discharge Monitoring Report Forms**

Size of File: **1028.13K**

Status of Transaction: **Submitted**

Date and Time Created: **10/20/2021:9:43:03 AM**

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



Groundwater Permit

DAILY LOG SHEET

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2021 SEP DAILY
3. Sampling Month & Frequency

A. Facility Information

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



1. Facility name, address:

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

MYLES OSTROFF

a. Name of Facility Contact Person

6174311097

b. Telephone Number

myles@chartweb.com

c. e-mail address

3. Sampling information:

9/30/2021

a. Date Sampled (mm/dd/yyyy)

WHITEWATER

b. Laboratory Name

JAIME STEWART

c. Analysis Performed By (Name)

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Daily Log Sheet - 2021 Sep Daily

All forms for submittal have been completed.

2. This is the last selection.

3. Delete the selected form.



Groundwater Permit
DAILY LOG SHEET

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2021 SEP DAILY
3. Sampling Month & Frequency

C. Daily Readings/Analysis Information

Date	Effluent Flow GPD	Reuse Flow GPD	Irrigation Flow GPD	Turbidity	Influent pH	Effluent pH	Chlorine Residual (mg/l)	UV Intensity (%)
1	11377					7		
2	8803					7		
3	9834					7.1		
4	9834							
5	9834							
6	9834							
7	11201					7.2		
8	8442					7		
9	11410					7		
10	8609					7.1		
11	8609							
12	8609							
13	11795					7.4		
14	8289					7.4		
15	9031					7.2		
16	9911					7.3		
17	10156					7.4		
18	10156							
19	10156							
20	11663					7.6		
21	4138					7.5		
22	10408					7.6		
23	7914					7.8		
24	10034					7.6		
25	10034							
26	10034							
27	7925					7.4		
28	10322					7.5		
29	11641					7.6		
30	8675					7.5		
31								



Groundwater Permit
MONITORING WELL DATA REPORT

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2021 SEP MONTHLY
3. Sampling Month & Frequency

A. Facility Information

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



- Facility name, address:

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

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

9/27/2021	WHITEWATER
a. Date Sampled (mm/dd/yyyy)	b. Laboratory Name
JAIME STEWART	
c. Analysis Performed By (Name)	

B. Form Selection

- Please select Form Type and Sampling Month & Frequency

Monitoring Well Data Report - 2021 Sep Monthly
--

 - All forms for submittal have been completed.
- This is the last selection.
- Delete the selected form.



Groundwater Permit
 MONITORING WELL DATA REPORT

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2021 SEP MONTHLY
3. Sampling Month & Frequency

C. Contaminant Analysis Information

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

<

Parameter/Contaminant	P-1	P-2	P-4	P-6	Well #: 5	Well #: 6
Units	Well #: 1	Well #: 2	Well #: 3	Well #: 4		
PH	5.6	DRY	6.2	5.8		
S.U.						
STATIC WATER LEVEL	19	DRY	46.7	50.2		
FEET						
SPECIFIC CONDUCTANCE	1055	DRY	495	815		
UMHOS/C						



Groundwater Permit

DISCHARGE MONITORING REPORT

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2021 SEP MONTHLY
3. Sampling Month & Frequency

A. Facility Information

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



1. Facility name, address:

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

MYLES OSTROFF

a. Name of Facility Contact Person

6174311097

b. Telephone Number

myles@chartweb.com

c. e-mail address

3. Sampling information:

9/29/2021

a. Date Sampled (mm/dd/yyyy)

RI ANALYTICAL

b. Laboratory Name

NICOLE SKYLESON

c. Analysis Performed By (Name)

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Discharge Monitoring Report - 2021 Sep Monthly

All forms for submittal have been completed.

2. This is the last selection.

3. Delete the selected form.



Groundwater Permit
DISCHARGE MONITORING REPORT

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2021 SEP MONTHLY
3. Sampling Month & Frequency

D. Contaminant Analysis Information

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

1. Parameter/Contaminant	2. Influent	3. Effluent	4. Effluent Method Detection limit
Units			
BOD	170	ND	3.0
MG/L			
TSS	480	18	2.0
MG/L			
TOTAL SOLIDS	630		
MG/L			
AMMONIA-N	24		
MG/L			
NITRATE-N		ND	0.050
MG/L			
TOTAL NITROGEN(NO3+NO2+TKN)		3.3	0.50
MG/L			
OIL & GREASE		0.8	0.50
MG/L			



Groundwater Permit

668

1. Permit Number

2. Tax identification Number

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



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

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



Facility Information

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

Certification

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

ELIZABETH BELAIR

a. Signature

10/19/2021

b. Date (mm/dd/yyyy)

Reporting Package Comments

PLANT MET ALL DISCHARGE PERMIT REQUIREMENTS FOR SEPTEMBER 2021.