



**Meeting of the Mashpee Planning Board  
Wednesday, June, 6, 2018  
Waquoit Room, 7:00 p.m.**

**Call Meeting to Order:**

- Pledge of Allegiance

**Approval of Minutes**

- Review and approval of May 16, 2018 Minutes

**Public Hearings.**

- 7:05 PM      **Applicant:**                      Blue Sky Towers, LLC., Lessee (*Town of Mashpee, Property Owner*)  
                 **Subject Property:**            101 Red Brook Road, Mashpee, MA 02649 (Assessor's Map 104, Lot 2)  
   *Mashpee Fire Station #2*  
                 **Request:**                              Special Permit for a *Personal Wireless Service Facility* as allowed by **§174-25 (H)(9) and §174-45.3** of the Mashpee Zoning By-Law.
- 7:20 PM      **Applicant:**                                  Mr. William Lovely, *Property Owner*  
                 **Subject Property:**            2 Center St., Mashpee, MA 02649 (Assessor's Map 36, Lot 47)  
                 **Request:**                                  Special Permit Modification to list **§174-25(B10)**, "*Day nursery, nursery school, kindergarten or other agency giving day care to children, provided that any outdoor play area is screened by fence, wall or planting line from any neighboring residential structure and is not detrimental to the neighborhood by reasons of noise,*" of the Mashpee Zoning By-Law

**Presentation**

- Mr. Rui Almeida, architect and Westerly, RI Town Planner, presents on Form Based Code.

**New Business**

- Reorganization of Officers
- Naukabout Brewery: Site visit - grading and layout of proposed patio. *Mr. Charlie Rowley and Mr. David Weeden*
- Marketing of new Master Plan/Comprehensive Plan, *Mr. Evan Lehrer, Town Planner*
- Water Quality Monitoring Program Annual Report: Windchime Condominiums, *Mr. Evan Lehrer, Town Planner*
- Invoice for May 2018 Engineering Services- *Mr. Charlie Rowley, Consulting Engineer*

**Old Business**

- Report on meeting with Prime Homes regarding the intersection of Country Club Lane and Old Barnstable Road- *Mr. Charlie Rowley, Consulting Engineer*
- Ockway Highlands Site Visit- *Mr. Charlie Rowley, Consulting Engineer*

**Board Member Updates**

- Chairman's Report, Community Preservation Committee, Environmental Oversight Committee Historic District Commission, MMR Military Civilian Community Council, and Cape Cod Commission.
- Greenway Project and Quashnet Footbridge



# *Town of Mashpee*

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*16 Great Neck Road North  
Mashpee, Massachusetts 02649*

## **Correspondence**

- November 2017 Discharge Monitoring Report for South Cape Village N=6.40
- December 2017 Discharge Monitoring Report for South Cape Village N=5.10
- January 2018 Discharge Monitoring Report for South Cape Village N=5.60
- February 2018 Discharge Monitoring Report for 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

## **Waterways**

- Helen & Antonio Donato, 18 Cricket Way, Mashpee. Wanting to construct and maintain a fixed tee off the end of the existing pier at 18 Cricket Way, in and over flowed tidelands of Little River. The proposed project has been determined to be water-dependent.

## **Additional Topics (not reasonably anticipated by Chair)**

## **Adjournment**



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

Mashpee Planning Board Meeting  
Wednesday, May 16, 2018  
7:00 p.m.

MASHPEE TOWN CLERK

MAY 14 2018

RECEIVED BY                     

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

- Pledge of Allegiance

### **Approval of Minutes**

- Review and approval of May 2, 2018 Minutes

### **New Business**

- 2018 Spring Town Meeting Outcomes.
- Discussion regarding Mashpee Commons proposal to add a Form Based Code chapter in the Zoning By-law.

### **Old Business**

- Mashpee Commons By Design: Master Plan Week Pop-Up Design Studio – Community Feedback

### **Board Member Updates**

- Chairman's Report
- Reports from members of Design Review Committee, Community Preservation Committee,
- Environmental Oversight Committee, Historic District Commission, MMR Military Civilian Community Council and Cape Cod Commission
- Historic District Committee

### **Planning Staff Updates**

- Housing Choice Initiative Outcome and Implications
- OpenCounter Project with Cape Cod Commission.
- Update regarding invited experts to discuss long-term planning strategy.

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- October 2017 Discharge Monitoring Report for South Cape Village N=5.6
- November 2017 Discharge Monitoring Report for South Cape Village N=6.40
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### **Waterways**

- Gregory and Hillery Lee, 58 Norwich Road, Popponesset Creek, Mashpee. Removal of existing licensed pier, ramp and float system. Construct, maintain and license a new pier, ramp and float system. Also, project includes performing maintenance dredging under existing DEP Dredge Permit No. 12154.

### **Additional Topics**

(This space is reserved for topics that the Chair did not reasonably anticipate would be discussed)

### **Adjournment**

**Mashpee Planning Board  
Minutes of Meeting  
May 16, 2018 at 7:00 p.m.  
Waquoit Meeting Room, Mashpee Town Hall**

**Planning Board Members Present:** Chairman Mary Waygan, Dennis Balzarini, Joe Cummings, Robert (Rob) Hansen, David Kooharian, David Weeden  
**Also:** Evan Lehrer-Town Planner, Charles Rowley-Consulting Engineer

**CALL TO ORDER**

The Town of Mashpee Planning Board meeting was opened with a quorum in the Waquoit Meeting Room at Mashpee Town Hall by the Chair, at 7:00 p.m. on Wednesday, May 16, 2018. The Chair announced that the meeting was being recorded and videographed, and that people having the opportunity to address the Board, do so using the microphone. The Pledge of allegiance was recited.

**APPROVAL OF MINUTES— May 2, 2018**

**MOTION:** Mr. Balzarini made a motion to accept as presented. Mr. Cummings seconded the motion. 3 yes, 2 abstain

**NEW BUSINESS**

**2018 Spring Town Meeting Outcomes-**Mr. Lehrer provided an update to the Board reporting that the Raze and Replace Article and two Warrant Articles lifting the deed restriction for the Center Street property had been withdrawn. Chairman Waygan reported that the CPA Articles had all been approved. Regarding a question about whether there would be a Mashpee residential preference for the Habitat for Humanity homes, the Chair received confirmation that two of the three homes would have a local preference for Mashpee residents. The Chair added that the lottery would typically pull from the local population. Raze and Replace was expected to be added to the Fall Town Meeting so the Chair suggested coordinating a meeting with the Zoning Board of Appeals. Mr. Lehrer responded that he would be contacting the Building Inspector regarding their zoning articles. The Chair expressed her preference that proposed zoning articles come from the Planning Department and Mr. Lehrer responded that he would collaborate with the Building Department. The Chair expressed interest in being involved as soon as possible since good comments had been provided at the previous meeting.

**Mashpee Commons Proposal to Add Form Based Code Chapter in Zoning Bylaw-**Mr. Lehrer wished to maintain the momentum for discussion about Mashpee Commons, but noted that the Mashpee Commons team could not be present at tonight's meeting as they were out of town attending a conference. Buff Chace submitted a letter requesting that Mashpee Commons wished to be present for any discussion regarding their plans and proposed three dates when they would be available to join the Planning Board. Mr. Lehrer recommended continuing the discussion to the next meeting or during the dates proposed.

Mr. Balzarini inquired about the Cape Cod Commission coming to the Planning Board to discuss Mashpee Commons and Mr. Lehrer confirmed that Steven Tupper, Transportation Engineer, and Kristy Senatori, Acting Executive Director, would be joining the Planning Board on June 20. In addition, Rui Almeida, Architect and Town Planner for Westerly, RI, would address the Board



regarding form based code on June 6. The Chair noted that Mr. Chace requested June 20, July 18 or August 1. Mr. Balzarini requested that Mashpee Commons attend a meeting after the other speakers presented. There was agreement to invite Mashpee Commons to join the Planning Board on July 18. Mr. Balzarini inquired about Mr. Almeida's experience with form based code and Mr. Lehrer noted similarities between Westerly, RI and the Cape, and efforts to address similar coastal challenges. Mr. Lehrer stated that Mr. Almeida offered a wealth of knowledge with 30 years' experience working with the Under Secretary of the Economy in the Azores and up to 10 years working in planning in the United States. Mr. Almeida was well qualified to discuss with the Board how form based code worked.

Mr. Balzarini noted that Mashpee Commons promoted a traditional New England village, but their vision did not represent a traditional Cape Cod village. The Chair stated that Mashpee Commons' challenge would be translating a traditional Cape Cod village building into a larger scale building. Mr. Lehrer suggested that Nantucket was classically urban in its form, with 3-6 story buildings in classic colonial Cape Cod architecture. Mr. Lehrer noted that there was an organic way by which New England communities developed by building type, prior to vehicles. Main streets featured a tavern, houses, grocery shop, hat maker or shoemaker. Villages were developed based on the need, which was the basis of form based code. Mr. Kooharian stated that Mashpee Commons would be developing the land and there would be no traditional Cape Cod village like Mashpee Commons. When considering traditional Cape Cod, one could consider earlier communities such as the indigenous community or farming lifestyle. Mr. Kooharian pointed out that Route 151 no longer provided a quaint New England village with the existing setbacks. Mr. Kooharian inquired whether it was better to build a pretend old style or build something that was organic and new and interesting and possibly better.

Mr. Lehrer agreed that the parcel would be developed and that it was not common for a developer to invite such a participatory process. The cost of infrastructure was dire and Mashpee Commons offered an opportunity to develop wealth. Chairman Waygan referenced the fiscal analysis offered by Mashpee Commons, with tax generation versus tax burden, noting that new building may not necessarily generate more tax revenue. The Chair stated that she did not wish to erase the protective zoning established for the area and hoped that Mashpee Commons would consider an overlay district or citation to form based code for their area with a Special Permit from the Planning Board.

Mr. Balzarini noted that many of the public comments expressed interest in parks and housing. The Chair responded that Mashpee Commons promised to scan the comments pages from the visioning sessions, to place the information online. Mr. Lehrer will ensure Mr. Balzarini receives the information. Mr. Kooharian emphasized that Mashpee Commons would not build something that would lose money, so they had an interest in knowing what the public would support. It was Mr. Lehrer's opinion that the final plan from the visioning sessions was phenomenal, particularly the greenways component. The Chair found the river to river walk interesting but expressed concern about the building heights of 4-6 stories, adding that they would be asking for large buildings in some areas to make the project financially feasible. Mr. Lehrer emphasized that scale and context would be considerations, adding that the revenue growth with buildings above three stories was exponential.

Mr. Balzarini inquired about affordable rental units. Chairman Waygan stated that housing was primarily rental and they typically did not label it affordable. Mr. Balzarini and Mr. Cumming expressed concern about the lack of affordable housing. Mr. Cumming liked what Mashpee Commons had built, but would like to know what Mashpee would receive in return for allowing their continued development, such as 40B or land. Mr. Cumming felt that the development should stop at the assisted living facility and the land going down to Quinaquissett be put into Conservation.

Mr. Lehrer stated that Mashpee Commons requested that discussion be tabled but the Chair responded she would not table the discussion. Board members were in agreement that there was a lot to discuss and that it would be necessary to know the Town's needs. Mr. Lehrer pointed out that the Board needed to see their proposal.

Referencing Mr. Almeida's experience, Mr. Weeden suggested that Westerly was more urban with commercial development similar to Hyannis or Falmouth, rather than Mashpee. Mr. Weeden expressed concern that Mashpee Commons was bringing consultants from urban areas to encourage urban growth and building higher. New England towns had been built on mom and pop stores, more deeply invested in the community, while Mashpee Commons featured corporate chain stores, places where residents may not be able to shop. Mr. Weeden felt Mashpee Commons designed well, but that it was more suited for Falmouth or Hyannis, adding that Mashpee had experienced many changes over the last 20 years. Mr. Weeden expressed concern about developers influencing zoning in order to accommodate their desire to build, and questioned how it would change the character of the Town. Mr. Weeden expressed concern about traffic patterns in Mashpee should 1,500 units of housing be built, along with the redesign of the rotary, additional traffic lights and increased seasonal traffic. Mr. Weeden also expressed concern regarding the state of the rivers in Mashpee, already battling nitrogen loads and emphasizing that the rivers provided life to the Tribe long before development. The Chair inquired whether Tribal Natural Resources could assist the Planning Board with understanding protection of the rivers. Mr. Weeden suggested that Chuckie Green from Natural Resources could provide insight. Mr. Balzarini noted that the State would control plans at the rotary. Mr. Lehrer confirmed that Mashpee Commons would identify their best thoughts for the most functional plan and would be meeting with MassDOT during the summer.

Mr. Hansen stated that he had attended some of the public sessions. When Mr. Hansen inquired about 40B, what they would do for the Town and how they would fulfill their commitments, Mashpee Commons avoided answering Mr. Hansen's questions.

The Chair opened the meeting to public comment. Resident Margery Hecht attended planning sessions and expressed her opinion that their plans would drastically change the character of Mashpee, and asked that Mashpee Commons not be given carte blanche to do what they want. If projects were to be outside of 40B, it was Ms. Hecht's opinion that each project be evaluated on its own. Mashpee Commons may make money from the development but residents would suffer the consequences of the development. Ms. Hecht stated that she moved to Mashpee due to its small town feel, ocean, beautiful conservation areas and heritage. Ms. Hecht pointed out that the Cape was an island with a tipping point and inquired how much more development residents would want to see. Ms. Hecht reviewed a 1988 report that identified 6,000 new vehicle trips per day at Mashpee Commons and questioned its status at this time. What was the traffic count, what was the air quality? Ms. Hecht stated that she was currently unable to take a left turn onto Route 151 to get into town during the summer. Ms. Hecht also stated that affordable housing was needed and noted that the Planning Board had a responsibility to the residents of Mashpee, and not money for the Town. Board members encouraged Ms. Hecht to attend future meetings.

The Chair stated that the Mashpee Commons team was attending an urbanism conference. Mr. Lehrer clarified that urbanism was a technical term, not necessarily related to high density, but a pattern of development based on the way people interact with the built environment. The Chair stated that more education was needed regarding planning word usage.

Timothy Dorsey inquired about 3000 people being placed in Mashpee affordable housing and the Chair responded that the Board was unsure of the number of housing units being proposed by Mashpee Commons. It was believed that there would be at least 500 homes. If reviewed by the Cape Cod Commission as a DRI, at least 10% of the units would be affordable. Mr. Dorsey referenced the Health Department's charge for rentals, likely for the septic systems, and whether Mashpee Commons would be exempt. The Chair responded that Mashpee Commons had their own wastewater facility but it was likely that if the Health Department had to inspect the site, there would be a fee. Mr. Dorsey inquired whether the Town of Mashpee would be responsible for the infrastructure associated with Mashpee Commons. The Chair responded that the project would fall under the jurisdiction of the Cape Cod Commission so that, if there were impacts, the development would be required to mitigate those impacts. The Chair suggested the public consider attending the June 20 meeting with the Cape Cod Commission for more information. Mr. Weeden noted that Mashpee Commons would be responsible for all roadways within their layout. Mr. Lehrer added that the cost burden for housing was an outcome due to the lack of diversity and stock of housing, and due to the focus on single family detached homes. Mr. Lehrer stated that the Mashpee Commons proposal would develop a diversity of housing, providing units across the spectrum to accommodate a variety of incomes.

Yvonne Courtney referenced the issue of affordable housing and inquired about the Board's view on what would be considered an affordable rental. Mr. Lehrer responded that it was not yet known what the affordable rent would be at Mashpee Commons since it was not yet developed. Mr. Balzarini responded that he had heard that affordable rent was \$1,200. Mr. Lehrer stated that a two-bedroom apartment currently rented for \$2,000 per month. Ms. Courtney expressed concern that the price of the new units would be higher than existing. Mr. Lehrer suggested that supply and demand should allow for the cost of rent to go down. Chairman Waygan stated that, a two-bedroom unit renting for \$950+ utilities has been identified as a home affordable (low moderate income) to the work force here on Cape Cod. The Chair would be discussing with Mashpee Commons the need to serve low and extremely low income families and to fairly house residents year round. Ms. Courtney inquired whether the housing would be available to local residents or was it intended for residents outside of Mashpee and suggested that the Town should be focused on providing housing to the people who live in Mashpee. Mr. Lehrer suggested that the reason for the influx of seasonal homeowners was due to the lack of diversity in housing, adding that smaller units were less attractive to seasonal owners.

The Chair encouraged the public to attend future meetings.

## **OLD BUSINESS**

**Mashpee Commons by Design-As discussed above**

## **BOARD MEMBER UPDATES**

**Chairman's Report-Update on Ockway Highlands Subdivision**-Mr. Lehrer reported that Mr. Dorsey had contacted his office regarding roadway conditions, the lack of progress of work happening in the area and impacts to the neighborhood. Mr. Lehrer met with Mr. Dorsey on his property to review the vegetative buffer required between the lot lines, which Mr. Dorsey indicated had been removed. Mr. Lehrer confirmed that his tree line was extremely thin. Mr. Lehrer also met with the Town Manager, Assistant Town Manager and developer Jacques Morin for a better understanding about why development had stopped. At that time, Mr. Morin provided a three week window to initiate work, the end date being the end of this week. Mr. Lehrer planned to allow Mr. Morin the full three weeks before discussing the issue with him further. Chairman Waygan suggested inviting Mr. Morin to attend the meeting on June 6. Mr. Lehrer requested that he instead follow up

with the Chair on Monday once the three week window closed. The Chair asked, if there was still a need for further communication, to invite Mr. Morin to the meeting and add the item to the agenda.

Mr. Dorsey stated that there was supposed to be a 15 foot buffer between his property line and the property line of the proposed home. The surveyors placed the buffer at 5 feet and Mr. Morin confirmed with Mr. Dorsey that is what it would be. Mr. Dorsey stated that the plan showed 15 feet. In addition, the new road, Carriage, intersecting with Blue Castle, was 3 feet lower than the elevation of Blue Castle, presenting issues of the water line freezing. It was expected that the road would be scraped down to 2-3 feet. Mr. Dorsey was seeking help from the Planning Board to stop the work before it happened but the Chair noted that the Planning Board could perform inspections but did not have enforcement abilities. Mr. Dorsey inquired about who was overseeing the project, to which the Chair responded that it was different departments. The Chair stated that if a foundation was being placed too close to a buffer, the issue would be addressed by the Building Department. Mr. Dorsey clarified that there was a 15 foot wooded buffer plus a 10 foot setback, so that there was 25 feet from his property line to their foundation. Mr. Lehrer stated that the language in the Special Permit mandated "adequate buffer" between homes. Mr. Rowley agreed to review the plan. If the limit of clearing was pushed out to 5 feet and the plan stated 15 feet, it could be a violation of the Special Permit. Regarding the telephone line located 2 feet down, Verizon had been difficult to address the issue to allow for the relocation of the road. Regarding the cut of the road, Mr. Rowley believed the grades would protect the 5 foot separation between the top surface of the road and the top of the water main. However, 15-20 inches of material would need to be removed to back fill with the road base material followed by the asphalt. Everything on the road was temporary until the road was graded to proper grading. Mr. Rowley believed there was no reason to cut the grade down below the existing grade of Blue Castle. Mr. Rowley will review the site tomorrow.

Joanne Reid, resident of Blue Castle, referenced the cutting of trees at the beginning of the road and inquired why the second trees were left there, noting that it would limit emergency access. The Chair requested that the conversation be drafted verbatim.

Ms. Reid: "It looks asinine, right there, because the road's gonna curve and then the new road, they said, well I met Jacques the other day, ok, he said we're gonna clear you a path, you have to use that road because we're gonna block Blue Castle. I don't think they can block Blue Castle, anyway. And he says, I said, is it gonna be smoother than it is right now. It's not smooth."

Mr. Balzarini: "DPW, we don't have jurisdiction . . ."

Chairman Waygan: "We don't have jurisdiction over what, if they're doing . . . I'm going to listen to her, sir, and I don't . . . if the contractor is telling you they're going to block a road, they can't block a road, but somehow . . ."

Ms. Reid: "They can not block a road."

Chairman Waygan: "Right, so you need to call DPW, the Building Commissioner or the Town Manager's office to get that resolved."

Ms. Reid: "How about the new road that looks like heck?"

Chairman Waygan: "Well the builder"

Mr. Balzarini: "The builder"

Ms. Reid: "It's not even smooth, and I have a brand new car. If anything happens, I'm going after each and every one of you, Mashpee and the builder."

Chairman Waygan: "So, we don't . . ."

Mr. Balzarini: "God bless you"

Ms. Reid: "I mean we've been through this for almost 4 years and you guys do nothing."

Chairman Waygan: "Well, we're going to send our, we're going to send our engineer out."

Ms. Reid: "You're the Planning Board."

Mr. Balzarini: "We already did, we did our planning."

Chairman Waygan: "I know, we usually don't, usually it ends, usually it ends with those plans and it's the Building Commissioner that takes it over and the DPW. We don't do enforcement, Evan doesn't do enforcement. You can ask him to come to us, but he doesn't have a badge. It's the Building Commissioner and the DPW that can go out and do enforcement."

Ms. Reid: "And one more thing I'd like to add."

Chairman Waygan: "All we're going to be able to do is to tell them they're in violation of a Special Permit."

Ms. Reid: "The day that I met Jacques. He said, now I forgot, because you rudely interrupted me when I . . ."

Mr. Kooharian: "That's not really nice to say."

Mr. Balzarini: "Ok, I think you, we took your opinion."

Chairman Waygan: "I'm gonna, I'm done, I'm done."

Mr. Dorsey: "I have something very important to say."

Chairman Waygan: "It better be polite."

Mr. Dorsey: "I'm very polite."

Mr. Balzarini: "No you're not."

Mr. Dorsey: "What Joanne Reid is referring to is how you swerve the road from, into the 10 foot buffer around the second house on the right, the Burridges, to go around their bushes. So you're encroaching on the 10 foot buffer and you're not in the 20 foot easement, paved easement, as recorded with the Registry of Deeds. So you swerve around these problem houses into their, into people's 10 foot buffers and the trees, that she's speaking of, are in the road layout by a couple of feet. So they should be cut down, but she's, you know, she's gonna cause a problem."

Chairman Waygan: "Well, they can't install a road in the spot that we haven't approved."

Mr. Dorsey: "No you approved it. Mr. Costa, the engineer, to swerve into the 10 foot buffer."

Mr. Balzarini: "We have to see the Plan, we'll take it under advisement and have Charlie look at it."

Mr. Rowley clarified the area in discussion and the need to make a transition and the need to place it over the layout. It may be that the transition area had not yet been completed. Mr. Rowley agreed with the folks, it was up to the contractor to keep things moving, but noted that, while in transition, they were not looking at the final project. Mr. Rowley recommended giving the developer a chance to complete the work. It was advised that Mr. Lehrer could not work on the issue every day. Mr. Dorsey inquired about the other portions of the road swinging into the road. Mr. Rowley will review the site tomorrow and the item will be added to the agenda on June 6. Mr. Dorsey addressed Mr. Lehrer regarding the plan and the Chair reiterated that the Town Engineer would be looking at the site and would be giving a report to the Planning Board on June 6. The Chair wished to invite the contractor to attend the meeting as well. Mr. Lehrer addressed the public, stating that he was doing what he could to help, working within the regulations.

The Chair was in receipt of an email from Mr. Chace about his team attending the conference out of town and looked forward to scheduling a time to meet.

**Design Review Committee-No meeting**

**Community Preservation Committee-No meeting and no applications for the Fall Town Meeting.**

**Environmental Oversight Committee-No update**

**Historic District Commission-Meeting scheduled for Friday**

**MMR Military Civilian Community Council-Update of MMR Joint Land Use**

Study-No update

Cape Cod Commission-No update

## **PLANNING STAFF UPDATES**

**Housing Choice Initiative**-Mr. Lehrer announced that Massachusetts granted Mashpee a Housing Choice designation for housing development and based on meeting its production numbers. Mr. Lehrer stated that it would provide town departments the opportunity to pursue capital grant funding for a variety of programs and would receive priority for funding. Mr. Lehrer would be pursuing grants with Complete Streets and a \$½ million Housing Choice capital funding round.

**OpenCounter Project with Cape Cod Commission**-The project would be digitizing local zoning bylaw, allowing information usage by clicking parcel to parcel. Mashpee was invited to participate along with Barnstable and Yarmouth. The project would be worked on over the summer and Mr. Lehrer felt that it would be a valuable resource for the Town.

## **CORRESPONDENCE**

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## **ADDITIONAL TOPICS**

**Naukaboot Beer**-Mr. Rowley reported that he and Mr. Weeden had recently visited Naukaboot to review Mr. Murner's layout of the outside seating located on the bluff. Bean poles and strings identified the limits of grading, and they both expressed concern regarding heights of the elevations chosen. While there, they were able to reduce some of the height and grading. A number of trees were marked for removal but beech trees were saved. Mr. Rowley suggested that Mr. Murner create a plan of the location of those bean poles that controlled the limits of the grading and the height from the ground for when the material arrived. Mr. Rowley asked also that the plan be submitted to the Planning Board as reference. In addition, the retaining wall intended for behind the building offered a substantial grade so it was advised that they utilize a concrete block wall that would offer better longevity and work better with the grade. A plan will be submitted before they do anything. Mr. Weeden noted that there was also a missing grade on the plan. Mr. Rowley confirmed that it was negotiated on site.

Mr. Lehrer followed up with Mr. Murner regarding parking, noting that there had been no additional complaints. Mr. Murner's staff addressed issues of parking at the community gardens directly with customers. Mr. Balzarini cautioned about seasonal traffic beginning and Mr. Lehrer confirmed that he would stay in touch with Mr. Murner. Mr. Rowley confirmed that lighting at the intersection seemed to be sufficient at the entry road.

**ADJOURNMENT**

**MOTION:** Mr. Balzarini made a motion to adjourn. Mr. Kooharian seconded the motion. All voted unanimously. The meeting ended at 8:18 p.m.

Respectfully submitted,



Jennifer M. Clifford  
Board Secretary

**LIST OF DOCUMENTS**

- Arnold B. Chace 5/16/18 Letter Regarding Mashpee Commons Form Based Code
- Buff Chace 5/16/18 Email to Chairman Waygan
- Housing Choice Communities
- Housing Choice Community Press Release



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- Nomination and Election of Officers: *Chair, Vice-Chair, Clerk.*
- Naukabout Brewery: Report of site visit informing grading and layout of proposed patio. *Mr. Charlie Rowley and Mr. David Weeden*
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- Update on OpenCounter project in collaboration with the Cape Cod Commission, *Mr. Evan Lehrer, Town Planner*

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

**Waterways**

- Helen & Antonio Donato, 18 Cricket Way, Mashpee. Wanting to construct and maintain a fixed tee off the end of the existing pier at 18 Cricket Way, in and over flowed tidelands of Little River. The proposed project has been determined to be water-dependent.

**Additional Topics (not reasonably anticipated by Chair)**

**Adjournment**





# Town of Mashpee

16 Great Neck Road North  
Mashpee, Massachusetts 02649

## APPLICATION FOR MODIFICATION TO A SPECIAL PERMIT NOTICE TO ABUTTERS:

May 15, 2018

**Applicant:**

Mr. William Lovely (property owner).  
45 Frog Pond Close, Mashpee, MA 02649

**Subject Property Address:**

2 Center St.,  
Mashpee, MA 02649  
Map 36, Lot 47

Dear Mashpee Property Owner,

As the registered owner of a property located within 300' of the subject property named above, you are being notified that the Mashpee Planning Board is holding a public hearing on **Wednesday June 6, 2018 at 7:20 PM in the Waquoit Meeting Room, Mashpee Town Hall, 1<sup>st</sup> Floor, 16 Great Neck Road North, 02649** to solicit comments regarding the following case:

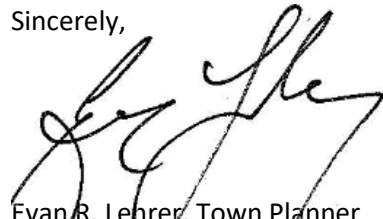
Mr. William Lovely, property owner, has filed an application to modify the subject property's Special Permit to identify "Day nursery, nursery school, kindergarten or other agency giving day care to children, provided that any outdoor play area is screened by fence, wall or planting line from any neighboring residential structure and is not detrimental to the neighborhood by reasons of noise," as a legal use of 2 Center St. **(Mashpee Zoning By-Law, §174-25(B10))**

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

If you require any accommodations please submit requests to me via email prior to the specified date and time of the public hearing indicated herein, in legal advertisements to run in the Mashpee Enterprise on Friday May 18, 2018 and Friday, May 25, 2018, and posted in Town Hall.

Please do not hesitate to contact me by phone, email, or in person should you have questions about why you are receiving this notification.\

Sincerely,



Evan R. Lehrer, Town Planner  
[elehrer@mashpeema.gov](mailto:elehrer@mashpeema.gov)  
(508) 539-1400 x. 8521



# *Town of Mashpee*

---

*16 Great Neck Road North  
Mashpee, Massachusetts 02649*



# Town of Mashpee

16 Great Neck Road North  
Mashpee, Massachusetts 02649

SPECIAL PERMIT APPLICATION NOTICE TO ABUTTERS:  
*Personal Wireless Service Facility*

May 8, 2018

Applicant:  
Blue Sky Towers, LLC.

Subject Property Address:  
101 Red Brook Road (Assessor's Map 104, Lot 2)  
Mashpee Fire Station #2

Dear Mashpee Property Owner,

As the registered owner of a property located within 300' of the subject property named above, you are being notified that the Mashpee Planning Board is holding a public hearing on **Wednesday June 6, 2018 at 7:05 PM in the Wauquoit Meeting Room, Mashpee Town Hall, 1<sup>st</sup> Floor, 16 Great Neck Road North, 02649** to solicit comments regarding the following case:

Blue Sky Towers, LLC., as lessee of property owned by the Town of Mashpee at 101 Red Brook Road, Mashpee, MA 02649, has filed an application seeking a Special Permit for a proposed **personal wireless service facility** as required by Section 174-25 (H)(9); 174-45.3 of the Mashpee Zoning By-Law in an R-3 Zone.

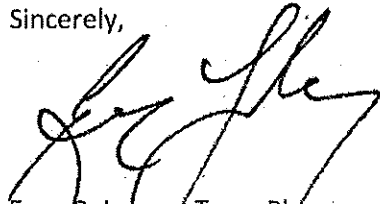
If you wish to provide comment but you are unable to appear before the Board you may submit comments to me in writing via the contact information provided below. Your comments will be entered into the public record for the Board's consideration. The complete application may be reviewed in the Town Clerks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

If you require any accommodations please submit requests to me via email prior to the specified date and time of the public hearing indicated herein, in legal advertisements to run in the Mashpee Enterprise on Friday May 18, 2018 and Friday, May 25, 2018, and posted notice in Town Hall.

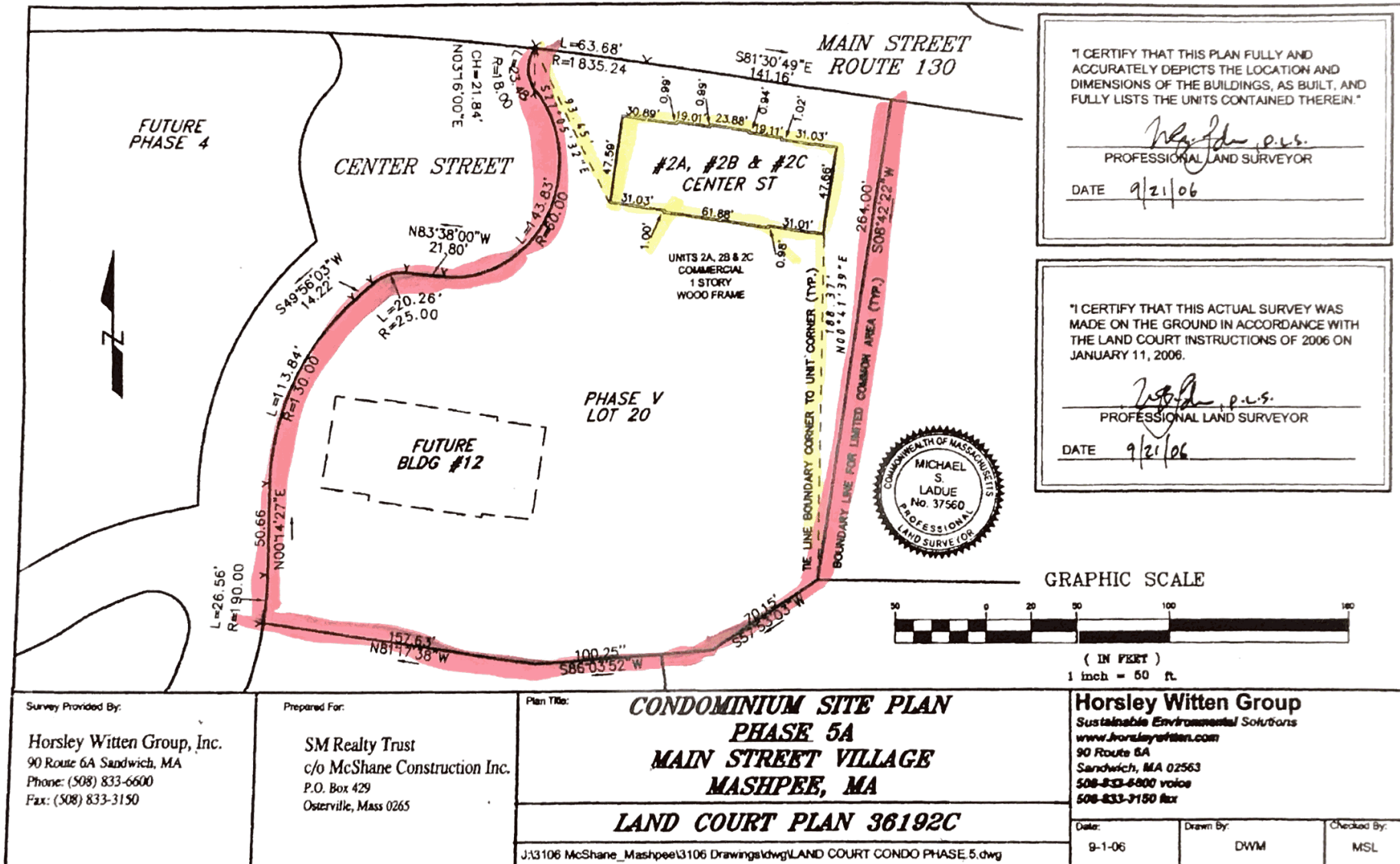
This proposal requires review under Cape Cod Commission policies and procedures before the Planning Board can take action regarding the proposed wireless facility.

Please do not hesitate to contact me by phone, email, or in person should you have questions about why you are receiving this notification.

Sincerely,



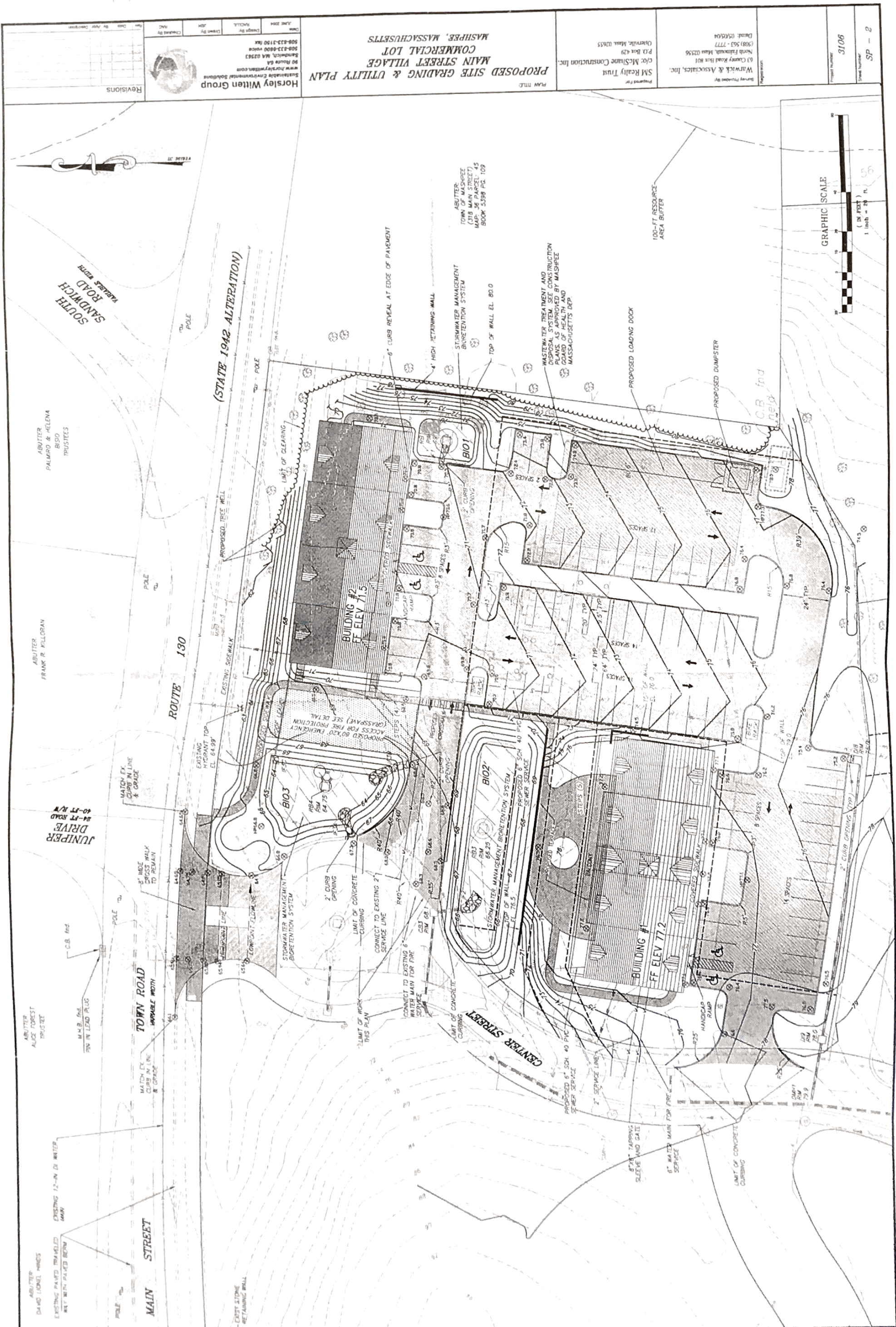
Evan R. Leherer, Town Planner  
[elehrer@mashpeema.gov](mailto:elehrer@mashpeema.gov)  
(508) 539-1400 x. 8521



C 357 w/Doc 1047.252

PHASE V SITE PLAN





SP - 2

3106

Survey Provided By:  
Warwick & Associates, Inc.  
63 County Road, Box 801  
North Falmouth, Mass 02556  
(508) 563-7777  
Date: 05/05/04

Prepared For:  
SM Realty Trust  
c/o: McShane Construction Inc.  
P.O. Box 429  
Olivette, Mass 02655

PLAN TITLE:  
**PROPOSED SITE GRADING & UTILITY PLAN**  
**MAIN STREET VILLAGE**  
**COMMERCIAL LOT**  
**MASHPEE, MASSACHUSETTS**

Date: June 2004  
Drawn By: RAC/CLL  
Checked By: JMK  
Horsley Witten Group  
Sustainable Environmental Solutions  
www.horsleywitten.com  
90 Route 6A  
Barnstable, MA 02583  
508-833-3190 fax  
508-833-3190 fax

| Revisions | Date | By | Appr | Description |
|-----------|------|----|------|-------------|
|           |      |    |      |             |





# MASHPEE PLANNING DEPARTMENT

Prepared for the meeting of June 6, 2018

Seeking Special Permit Modification to include the use listed in §174-25(B10) of the Mashpee Zoning By-Law, "Day nursery, nursery school, kindergarten or other agency giving day care to children, provided that any outdoor play area is screened by fence, wall or planting line from any neighboring residential structure and is not detrimental to the neighborhood by reasons of noise,"



**Applicant:** William Lovely., 45 Frog Pond Close., Suite 201 Mashpee, MA 02649  
**Subject Property:** 2 Center St, Unit C, Mashpee, MA 02649  
**Zoning:** C-1  
**Frontage Minimum:** 600 ft.

## Context

2C Center St. is a 3-unit commercial building situated in the Mashpee Historic District developed as part of Main St. Village and is subject to a Special Permit established at the time of its creation in 2005. There was a modification made in 2007 that enabled the addition of *A. Lovely Dance Studio's* operation in that building. Any use not indicated in condition 13 of the the original Special Permit must come before the Planning Board for approval per condition 14.

14. Based on the site uses represented in the Conley Associates traffic study, the Buildings may be occupied by up to 2800 sq. ft. of convenience Market, with the remainder in general specialty retail use. No space within the proposed development may be occupied by any of the other permitted uses until the proposed use has been reviewed under the Plan Review process described in Article VI, Section 174-24 B of the Zoning Bylaw in conformance with the requirements of Section 174-45.1.6. Occupancy by any other use other than those listed in condition 13 above, or occupancy by a restaurant having more than 12 seats, shall require modification of this Special Permit by the Planning Board.

# MASHPEE PLANNING DEPARTMENT

The building has had a few occupants over the years, most recently a nail salon. The buildings lack of visibility may contribute to this. Also, Main Street has little commercial traffic to drive business however the last unit was just recently occupied by The Tone Club, a fitness studio. These are complementary uses as the schools parents' that could help drive traffic for each other.

The initial proposal indicated a play area adjacent to the unit where there is a catch basin. They has met with Charlie Rowley who indicated what the Planning Board would need to approve the modification and unfortunately that did not happen before deadlines became imminent. I proposed Bill utilize another lot he controls to erect a temporary fence that will enable them to open doors in September. This is a temporary solution and they will require approval of a modification to the catch basin in a years' time.

## **Analysis and Recommendation**

This commercial building, given the façade faces away from the street really is ideal for service uses for the neighborhood. I firmly support the addition of a school at this location as it will act an anchor for a building that has been experiencing turnover. Meeting with the applicants, they would be a fine addition to the Mashpee Community.

I believe they have satisfied the conditions of Mashpee Special Permit regulations. A school of 20 students should have little or no impact on traffic at peak hours. There are no other impacts with regard to the Special Permit They will need to come back before the Board should they be approved when engineering design is finished to move the temporary playground alongside the building where a catch basin currently sits.

The school owners, Maureen Starr and Jane Haley have been working with the State of Massachusetts to satisfy their requirements to be open for the next school year.

I RECOMMEND APPROVAL OF THIS MODIFICATION TO THE 2 CENTER STREET SPECIAL PERMIT





Town of Mashpee

MASHPEE TOWN CLERK

MAY 09 2018 Planning Board

RECEIVED BY MC  
16 Great Neck Road North  
Mashpee, Massachusetts 02649

**APPLICATION FOR SPECIAL PERMIT MODIFICATION**

Date received by Town Clerk: \_\_\_\_\_ Town Clerk Signature / Seal: \_\_\_\_\_

The undersigned hereby applies for a Modification of the Special Permit approved by the Mashpee Planning Board on JUNE 6, 2018 for a project entitled

MONTESSORI SCHOOL

The original Special Permit and any Modifications have been recorded in the Barnstable County Registry of Deeds at the following Book(s) and Page(s):  
\_\_\_\_\_

Name of Applicant MAUREEN STARR Phone (508) 564-1284

Address 11 BUXUS SHORES CIRCLE, SANDWICH MA. 02563

Owner, if different Bill LOVELY Phone (919) 525-5316

Address 45 FROG POND CLOSE, MASHPEE, MA. 02649

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

Deed of property recorded in Barnstable County Registry Book \_\_\_\_\_ Page \_\_\_\_\_  
or Land Court Certificate of Title No. 1,161,207

Location and description of property: 2C CENTER STREET, MASHPEE, MA.

3-1500 SF UNITS COMMERCIAL BUILDING.

Mashpee Assessors Map(s) and Block(s): MAP 36, BLOCK 47

Zoning District(s) in which property is located: C-2

How long have you owned the property? PURCHASED 3/01/2011

Section(s) of the Zoning Bylaw which require(s) the permit you seek: 174-25(B)(10)

Present use of property: UNIT 2A - DANCE FITNESS, UNIT 2B - DANCE STUDIO  
UNIT 2C - CURRENTLY VACANT

Description of proposed modification (attach plans and documents as required by the Zoning By-law and Special Permit Regulations):

TWENTY STUDENT MONTESSORI SCHOOL is PROPOSED.

REQUEST THAT SECTION 174-25(B)(10) DAY NURSERY, NURSERY SCHOOL  
KINDERGARTEN OR OTHER AGENCY GIVEN CARE TO CHILDREN BE ADDED  
TO THE LIST OF PERMISSIBLE USES WITHIN THIS COMMERCIAL BUILDING.

Signature of Owner or Authorized Representative [Signature]

Attach written authorization signed by owner.



May 9, 2018

Mashpee Town Hall  
16 Great Neck Road North  
Mashpee, MA 02649

To Whom It May Concern:

North Star Montessori School is a privately owned school offering an educational program for students age 2.9 to 6 years old in a peaceful, caring environment. The teachers are AMS Certified and the school is a member school of the American Montessori Society and the teachers are members of National Association for the Education of Young Children. Full and part time schedules are available, as well as before and after care. Adhering to the Montessori philosophy, we offer a multi-age classroom, which contains a diverse array of work in the areas of Practical Life, Sensorial, Math, Language, Science and Geography. In addition to these areas, we offer Art, Music, Spanish, American Sign Language and Yoga.

In the 19 years that one of the teachers has been teaching at a local Montessori School, there have been no instances of need for the town fire or police. With a maximum of twenty students and two to three teachers daily, we believe there would be no negative impact on the ecology.

The school day would run from 9:00 AM to 3:00 PM. Before care would begin at 8:00 AM and after care would last until 4:00 PM. There may be a handful of students using this service. The majority of the daily traffic flow would consist of a drop-off time of 8:50 AM to 9:00 AM and a pick up time of 2:50 PM – 3:00 PM. As there is a window of time for both pick up and drop off, there is not a significant amount of traffic that would impact Route 130 at any one time.

Enclosed please find an Engineering Opinion from our engineer as well.

Thank you for your consideration in this matter.

Sincerely,

Maureen Starr

Jane Haley

**J.E. LANDERS-CAULEY, P.E.**  
**civil-environmental engineering**  
P.O. Box 364  
West Falmouth, MA 02574  
(508)-540-7733; 540-3344 (fax)

Ms. Maureen Starr  
Email: maureenstarr@msn.com  
Sandwich, MA 02563  
508-362-1800

May 9, 2018

**Re: Special Permit Modification  
of 2 Center Street  
Mashpee, MA  
Engineering Opinion**

Ms. Starr,

Upon your request I reviewed the site plans and Special Permit Decision for SM Realty Trust, Main Street Village as it pertains to the intended leasing of 1500+/-sf space for purpose of opening and operating a twenty student pre-school.

The assumptions utilized for making the following comments are:

- \*the maximum number of students on any given day will be twenty (20).
- \*the students are attending pre-school for the entire day (8-10hours).
- \*the school will be open during normal working hours and closed on holidays, weekends and public school vacations.
- \*students will be dropped off in the morning and picked up at the close of the day.
- \*some students will be attending with siblings-reducing the number of vehicle trips.
- \*a cafeteria will not be provided.
- \*disposable paper products will be used where possible-reducing water consumption.
- \*additional parking will be required.

Below I offer these comments and opinions:

**Title V.**

- \*The daily effluent flow expected for a school population without a cafeteria will be between 100-150gpd (5gpd-8gpd-per student).
  - \*The waste stream will consist of human waste and normal cleaning solutions for the cleansing of tables, toys and bathrooms.
  - \*Paper and or plastic products will be used.
- The use of 1500sf as a preschool for a maximum of 20 students will not over-burden the existing Title V design.**

**Traffic flow and vehicle trips.**

- \*Vehicle trips will occur typically in the morning between 7:30-9:00am and at the end of the day between 3:30-5:00.
- \*A pre-school does not require the delivery of goods and products by commercial trucks.
- \*Parking during the day will only be for teaching staff.

\*Temporary parking will be required for the delivery and picking up of students.

\*The staff will supervise the entry and departure of all students.

\*The staff will reserve spaces directly in front of the school for the dropping-off and picking up of students.

\*On the average day the staff will require 3 parking

**The pre-school will create less vehicle trips than many commercial or professional businesses as permitted by the special permit and as such will not increase the already calculated vehicle trips for the property.**

**Drainage:**

\*The drainage areas, runoff characteristics and impervious surfaces do not have to be altered or changed for the intended use.

\*The surface water runoff will not change.

\*The stormwater- water quality characteristics will not change.

\*The watershed areas are the same. The drainage coefficients are the same.

\*The drainage easements are the same.

\*The proposed surface water flow has not changed.

**The drainage system that is constructed as of this date is adequate for the intended use.**





# Town of Mashpee

MASHPEE TOWN CLERK

MAY 09 2018 Planning Board

RECEIVED BY WCS  
16 Great Neck Road North  
Mashpee, Massachusetts 02649

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Date received by Town Clerk: \_\_\_\_\_ Town Clerk Signature / Seal: \_\_\_\_\_

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KINDERGARTEN OR OTHER AGENCY GIVEN CARE TO CHILDREN BE ADDED  
TO THE LIST OF PERMISSIBLE USES WITHIN THIS COMMERCIAL BUILDING.

Signature of Owner or Authorized Representative Bill Lovely

Attach written authorization signed by owner.

May 9, 2018

Mashpee Town Hall  
16 Great Neck Road North  
Mashpee, MA 02649

To Whom It May Concern:

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Sincerely,

Maureen Starr

Jane Haley



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**civil-environmental engineering**  
P.O. Box 364  
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Ms. Maureen Starr  
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May 9, 2018

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**Mashpee, MA**  
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Upon your request I reviewed the site plans and Special Permit Decision for SM Realty Trust, Main Street Village as it pertains to the intended leasing of 1500+/-sf space for purpose of opening and operating a twenty student pre-school.

The assumptions utilized for making the following comments are:

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\*The watershed areas are the same. The drainage coefficients are the same.

\*The drainage easements are the same.

\*The proposed surface water flow has not changed.

**The drainage system that is constructed as of this date is adequate for the intended use.**

## FORECLOSURE DEED

TD BANK, N.A., f/k/a TD Banknorth, N.A., a national banking association, doing business in Massachusetts from offices at 10 Monument Square, Leominster, Massachusetts, holder of a Construction Mortgage dated May 2, 2006, from John J. McShane and Gaile McShane, Trustees of S.M. Realty Trust and filed with the Barnstable County Registry District of The Land Court as Document No. 1,032,669, by the power conferred by said mortgage and every other power, for **Four Hundred Seventy One Thousand Dollars (\$471,000.00)** paid, grants to **William Lovely** of 45 Frogg Pond Close, Mashpee, Massachusetts 02649, the premises conveyed by said mortgage, situated in Mashpee, Barnstable County, Massachusetts being known as The Main Street Village Condominium, Center Street, Mashpee, Massachusetts, more particularly described as follows:

Reserved Development Rights and Easements pursuant to Sections 3 and 16 of the Master Deed of The Main Street Village Condominium dated November 4, 2005 and recorded as Land Court Document No. 1020567 with Certificate of Title No. C-357 as amended from time to time, as necessary to construct buildings and Units on "Future Phase V" parcel also referenced as Lot 20, Land Court Plan 36192-C, described hereinafter, as shown on Site Plan recorded with said Master Deed, to be built in accordance with a set of plans to be submitted for approval to Declarant, John McShane, Trustee of Southside Realty Trust recorded as Land Court Document No. 986815, and the right upon completion of the Units to amend the Master Deed to incorporate such buildings and units into the Condominium by recording an Amendment of Master Deed, all as set forth in "Assignment of Development Rights and Deed of Easements" dated 4/24/06 recorded as Land Court Document No. 1031897, to which reference is made for title.

Future Phase V (Lot 20) is described as follows:

That certain parcel of land located in Mashpee, Barnstable County, Massachusetts described as "Future Phase V as shown on a plan entitled Condominium Site Plan Phase I, Main Street Village, Mashpee, MA prepared by Horsley Witten Group, 90





# Town of Mashpee

MASHPEE TOWN CLERK

MAY 09 2018 Planning Board

RECEIVED BY MC  
16 Great Neck Road North  
Mashpee, Massachusetts 02649

## APPLICATION FOR SPECIAL PERMIT MODIFICATION

Date received by Town Clerk: \_\_\_\_\_ Town Clerk Signature / Seal: \_\_\_\_\_

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Owner, if different Bill LOVELY Phone (919) 525-5316.

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3-1500 SF UNITS COMMERCIAL BUILDING.

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How long have you owned the property? PURCHASED 3/01/2011

Section(s) of the Zoning Bylaw which require(s) the permit you seek: 174-25(B)(10)

Present use of property: UNIT 2A - DANCE FITNESS, UNIT 2B - DANCE STUDIO  
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TO THE LIST OF PERMISSIBLE USES WITHIN THIS COMMERCIAL BUILDING.

Signature of Owner or Authorized Representative Bill Lovely

Attach written authorization signed by owner.

May 9, 2018

Mashpee Town Hall  
16 Great Neck Road North  
Mashpee, MA 02649

To Whom It May Concern:

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Thank you for your consideration in this matter.

Sincerely,

Maureen Starr

Jane Haley



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P.O. Box 364  
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Ms. Maureen Starr  
Email: maureenstarr@msn.com  
Sandwich, MA 02563  
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May 9, 2018

**Re: Special Permit Modification**  
**of 2 Center Street**  
**Mashpee, MA**  
**Engineering Opinion**

Ms. Starr,

Upon your request I reviewed the site plans and Special Permit Decision for SM Realty Trust, Main Street Village as it pertains to the intended leasing of 1500+/-sf space for purpose of opening and operating a twenty student pre-school.

The assumptions utilized for making the following comments are:

- \*the maximum number of students on any given day will be twenty (20).
- \*the students are attending pre-school for the entire day (8-10hours).
- \*the school will be open during normal working hours and closed on holidays, weekends and public school vacations.
- \*students will be dropped off in the morning and picked up at the close of the day.
- \*some students will be attending with siblings-reducing the number of vehicle trips.
- \*a cafeteria will not be provided.
- \*disposable paper products will be used where possible-reducing water consumption.
- \*additional parking will be required.

Below I offer these comments and opinions:

**Title V.**

- \*The daily effluent flow expected for a school population without a cafeteria will be between 100-150gpd (5gpd-8gpd-per student).
  - \*The waste stream will consist of human waste and normal cleaning solutions for the cleansing of tables, toys and bathrooms.
  - \*Paper and or plastic products will be used.
- The use of 1500sf as a preschool for a maximum of 20 students will not over-burden the existing Title V design.**

**Traffic flow and vehicle trips.**

- \*Vehicle trips will occur typically in the morning between 7:30-9:00am and at the end of the day between 3:30-5:00.
- \*A pre-school does not require the delivery of goods and products by commercial trucks.
- \*Parking during the day will only be for teaching staff.

\*Temporary parking will be required for the delivery and picking up of students.

\*The staff will supervise the entry and departure of all students.

\*The staff will reserve spaces directly in front of the school for the dropping-off and picking up of students.

\*On the average day the staff will require 3 parking

**The pre-school will create less vehicle trips than many commercial or professional businesses as permitted by the special permit and as such will not increase the already calculated vehicle trips for the property.**

**Drainage:**

\*The drainage areas, runoff characteristics and impervious surfaces do not have to be altered or changed for the intended use.

\*The surface water runoff will not change.

\*The stormwater- water quality characteristics will not change.

\*The watershed areas are the same. The drainage coefficients are the same.

\*The drainage easements are the same.

\*The proposed surface water flow has not changed.

**The drainage system that is constructed as of this date is adequate for the intended use.**

## FORECLOSURE DEED

TD BANK, N.A., f/k/a TD Banknorth, N.A., a national banking association, doing business in Massachusetts from offices at 10 Monument Square, Leominster, Massachusetts, holder of a Construction Mortgage dated May 2, 2006, from John J. McShane and Gaile McShane, Trustees of S.M. Realty Trust and filed with the Barnstable County Registry District of The Land Court as Document No. 1,032,669, by the power conferred by said mortgage and every other power, for **Four Hundred Seventy One Thousand Dollars (\$471,000.00)** paid, grants to **William Lovely** of 45 Frogg Pond Close, Mashpee, Massachusetts 02649, the premises conveyed by said mortgage, situated in Mashpee, Barnstable County, Massachusetts being known as The Main Street Village Condominium, Center Street, Mashpee, Massachusetts, more particularly described as follows:

Reserved Development Rights and Easements pursuant to Sections 3 and 16 of the Master Deed of The Main Street Village Condominium dated November 4, 2005 and recorded as Land Court Document No. 1020567 with Certificate of Title No. C-357 as amended from time to time, as necessary to construct buildings and Units on "Future Phase V" parcel also referenced as Lot 20, Land Court Plan 36192-C, described hereinafter, as shown on Site Plan recorded with said Master Deed, to be built in accordance with a set of plans to be submitted for approval to Declarant, John McShane, Trustee of Southside Realty Trust recorded as Land Court Document No. 986815, and the right upon completion of the Units to amend the Master Deed to incorporate such buildings and units into the Condominium by recording an Amendment of Master Deed, all as set forth in "Assignment of Development Rights and Deed of Easements" dated 4/24/06 recorded as Land Court Document No. 1031897, to which reference is made for title.

Future Phase V (Lot 20) is described as follows:

That certain parcel of land located in Mashpee, Barnstable County, Massachusetts described as "Future Phase V as shown on a plan entitled Condominium Site Plan Phase I, Main Street Village, Mashpee, MA prepared by Horsley Witten Group, 90



Route 6A, Sandwich, MA prepared for SM Realty Trust c/o McShane Construction, Inc., PO Box 429, Osterville, MA 02655 dated October 21, 2005" being recorded with Document No. 1020567 as noted on Certificate C-357.

Together with and subject to all easements and rights more fully set forth in Master Deed of The Main Street Village Condominium.

Subject to and with the benefit of all rights, reservations, easements and restrictions of record insofar as the same are in force and applicable.

For title see Certificate of Title C-357.

As affected by Partial Release of Unit 2B filed with the Barnstable County Registry District of the Land Court as Document No. 1051084.

Witness the execution and seal of said national association this 24<sup>th</sup> day of February, 2011.

TD BANK, N.A.

By:

Christopher D. Lippert  
Christopher Lippert, Sr. Vice President

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

Then personally appeared the above-named Christopher Lippert, as Sr. Vice President of TD Bank, N.A., proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License, to be the person whose name is signed on the preceding or attached document and acknowledged that he was authorized to execute the foregoing instrument on behalf of TD Bank, N.A.

Jeannine Terenzi  
Notary Public

Jeannine Terenzi  
Notary Public  
My Commission Expires November 17, 2011  
Commonwealth of Massachusetts



## AFFIDAVIT OF SALE

I, Christopher Lippert, Sr. Vice President, of TD Bank, N.A., named in the foregoing deed, make oath and say that the principal, interest and tax obligations mentioned in the mortgage above referred to were not paid or tendered or performed when due or prior to the sale, and that I caused to be published on November 24, 2010, December 1, 2010 and December 8, 2010 in the Cape Cod Times, a newspaper published or by its title page purporting to be published in Mashpee, Massachusetts and having a circulation therein, a notice of which the following is a true copy.

See Addendum "A" attached hereto and incorporated herein by reference.

I also complied with Chapter 244, Section 14 of the Massachusetts General Laws, as amended, by mailing the required notices certified mail, return receipt requested.

At the time and date therein appointed I <sup>was sold</sup> sold the mortgaged premises at public auction by JJ Manning Auctioneers, to William Lovely for Four Hundred Seventy One Thousand Dollars (\$471,000.00) bid by William Lovely, pursuant to the terms and conditions of the sale as advertised and announced at the sale.

Sworn to this 24<sup>th</sup> day of February, 2011.

\* *Joseph J. Manning*  
auctioneer

TD BANK, N.A.

By:

*Christopher Lippert*  
Christopher Lippert, Sr. Vice President

## COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

Then personally appeared the above-named Christopher Lippert, as ~~Sr.~~ Vice President of TD Bank, N.A., proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License, to be the person whose name is signed on the preceding or attached document and acknowledged that he was authorized to execute the foregoing instrument on behalf of TD Bank, N.A.

*Jeannine Terenzi*  
Notary Public

Exhibit "A"

Jeannine Terenzi  
Notary Public  
My Commission Expires November 17, 2011  
Commonwealth of Massachusetts



## Exhibit "A"

### MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain Construction Mortgage given by John J. McShane and Gail McShane, Trustees of S.M. Realty Trust to TD Banknorth, N.A. dated May 2, 2006 and filed with the Barnstable County Registry District of the Land Court as Document No. 1032669, of which Mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 11:00 a.m. on the 20th day of December, 2010, at the mortgaged premises described below, being known as The Main Street Village Condominium, Center Street, Mashpee, Massachusetts, all and singular the premises described in said mortgage, to-wit:

Reserved Development Rights and Easements pursuant to Sections 3 and 16 of the Master Deed of The Main Street Village Condominium dated November 4, 2005 and recorded as Land Court Document No. 1020567, with Certificate of Title No. C-357, as amended from time to time, as necessary to construct buildings and Units on Future Phase V, parcel also referenced as Lot 20, Land Court Plan 86192-C, described hereinafter, as shown on Site Plan recorded with said Master Deed, to be built in accordance with a set of plans to be submitted for approval to Declarant, John McShane, Trustee of Southside Realty Trust recorded as Land Court Document No. 986815, and the right upon completion of the Units to amend the Master Deed to incorporate such buildings and Units into the Condominium, by recording an Amendment of Master Deed, all as set forth in Assignment of Development Rights and Deed of Easements dated 4/24/06 recorded as Land Court Document No. 1031897, to which reference is made for title.

Future Phase V (Lot 20) is described as follows:

That certain parcel of land located in Mashpee, Barnstable County, Massachusetts described as Future Phase V as shown on a plan entitled Condominium Site Plan Phase V of Main Street Village, Mashpee, MA prepared by Horsley Witten Group, 90 Route 6A, Sandwich, MA prepared for S.M. Realty Trust c/o McShane Construction, Inc., P.O. Box 429, Osterville, MA 02655 dated October 21, 2005, being recorded with Document No. 1020567 as noted on Certificate C-357.

Together with and subject to all easements and rights more fully set forth in Master Deed of The Main Street Village Condominium.

Subject to and with the benefit of all rights, reservations, easements and restrictions of record insofar as the same are in force and applicable.

For title see Certificate of Title C-357.

As affected by Partial Release of Unit 2B filed with the Barnstable County Registry District of the Land Court as Document No. 1051084.

The Mortgagee is foreclosing upon rights of S.M. Realty Trust, as assignee of Southside Realty Trust, the Declarant of The Main Street Village Condominium Master Deed dated November 4, 2005, filed with Barnstable County District of the Land Court as Document No. 1020567, to develop Phase V of the Condominium pursuant to Sections 3 and 16 of the Master Deed and shown on Site Plan filed with Document No. 1020567. Said Phase V consists of two buildings, building 2 consisting of three Units and building 5; Building 2 (Units 2A, 2B and 2C) has been substantially and Unit 2B has been sold. Building 5 has yet to be constructed.

The Mortgagee reserves the right to postpone the sale to a later date by public proclamation at the time and date appointed for the sale and to further postpone at any adjourned sale date by public proclamation at the time and date appointed for the adjourned sale date.

Said premises will be sold subject to and with the benefit of all restrictions, easements, improvements, outstanding tax bills, mortgages, liens, rights of tenants and parties in possession, unpaid taxes, municipal liens and other public taxes, assessments or liens, having priority over the mortgage described herein, if any.

In the event that the successful bidder at the foreclosure sale shall default in purchasing the within described property according to the terms of this Notice of Sale and/or the terms of the Memorandum of Sale executed at the time of the foreclosure, the Mortgagee reserves the right to sell the property by Foreclosure Deed to the second highest bidder provided that the second highest bidder shall deposit with Mortgagee's attorneys the amount of the required deposit as set forth herein within three (3) business days after written notice of default of the previous highest bidder and title shall be conveyed to said second highest bidder within twenty (20) days of said written notice.

TERMS OF SALE: Twenty Five Thousand Dollars (\$25,000.00) will be required to bid at the auction, whether the rights are auctioned separately or as a package, and be paid in cash or by certified check at the time and place of sale as earnest money. An additional deposit necessary to bring the total deposit to ten percent (10%) of the winning bid shall be paid within five (5) business days of the sale. The balance is to be paid in cash or by certified check within forty five (45) days of the date of the sale at the offices of Grassie, Murphy & Lupan, P.A., 5 Commonwealth Road, Natick, Massachusetts 01760. The description of the premises contained in said mortgage shall control in the event of any typographical error in this publication.

11/24 12/1 12/8/2010



## QUITCLAIM DEED

We, William Lovely and Amanda Lovely, as Tenants by the Entirety, of 45 Frog Pond Close, Mashpee, Barnstable County, Massachusetts,

for consideration paid, and in full consideration of One (\$1.00) Dollar,

grants to Ryandrach, LLC, a duly organized Massachusetts Limited Liability Company with a principal business address of 45 Frog Pond Close, Mashpee, Barnstable County, Massachusetts,

with Quitclaim Covenants,

the land situated in Mashpee, Barnstable County and Commonwealth of Massachusetts described as follows:

Being Unit 2B, Phase V (5A), THE MAIN STREET VILLAGE CONDOMINIUM, a Condominium situated in Mashpee, Barnstable County, Massachusetts, established by Master Deed dated November 4, 2005, recorded as Land Court Documents 1,020,567, as amended, together with the applicable percent interest in the common areas and facilities for each of the above described units, as shown and set forth in said Master Deed pursuant to Sections 12 and 3 thereof, and the inclusion of additional phases in the Condominium and together with the right to use limited common areas reserved to said unit, if any, as set forth in said Master Deed and shown on Condominium Site Plan recorded with Certificate C357.

Said Condominium Unit is conveyed subject to and with the benefit of (a) the Master Deed and Declaration of Trust of the Main Street Village Condominium, which Declaration of Trust is recorded as Document No.: 1,020,568, and (b) all other rights, restrictions and easement of record.

The unit conveyed is laid out as shown on a plan filed with the original Unit Deed, which plan is a copy of a portion of the plan filed with said Master Deed and to which is affixed a verified statement in the form provided in G.L. c. 183A, § 9. It is subject to and with the benefit of the obligations, restrictions, rights and liabilities contained in G.L. c. 183A, as

Unit 2B, Main Street Village Condominium  
2 Center Street, Mashpee, MA

1.c.p/ 36192-C

may be amended from time to time the Master Deed and the By-Laws filed therewith.

The Condominium and its units are intended for residential or commercial purposes and other uses permitted by the applicable Zoning Ordinances and permits issued by the Town of Mashpee and as set forth in the Master Deed.

The Unit is conveyed subject to :

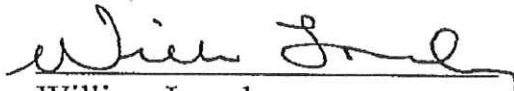
- (a) easements in favor of all other Units and in favor of the common areas and facilities for the continuance of all encroachments of such other Units or common areas and facilities on the Unit existing as a result of construction of the Buildings, or which may come into existence hereafter as a result of the reconstruction, repair, shifting, settlement or any other movement of any portion of the improvements compromising the Condominium.
- (b) the provisions of the Master Deed, the Declaration of the Trust, the By-Laws set forth in the Declaration of Trust and any rules and regulations promulgated thereunder, as the same may be amended from time to time by the recording of an instrument effectuating the same, which provisions, together with any amendments thereto, shall constitute covenants running with the Land and shall bind any person having at any time any interest or estate in the Unit, its family, servants, invitees or visitors, as though such provisions were recited and stipulated in their entirety herein;
- (c) the rights and the Grantor hereunder as Declarant (as defined in the Master Deed) to amend the Master Deed in accordance with the provisions thereof, including without limitation, the right to amend the Master Deed to include additional phases in the Condominium pursuant to Section 3, and any other rights and easements in favor of, and reserved by, the Declarant under the provisions of said Section 3 and as otherwise provided in the Master Deed;
- (d) easements, covenants, agreements and restrictions of record, as the same may now be in force and applicable;

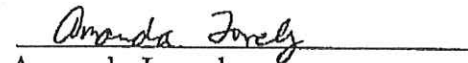
- (e) such taxes for the current fiscal year as are not now due and payable;
- (f) the Comprehensive Permit issued by the Mashpee Board of Appeals on May 5, 2004 and recorded as Land Court Document 986,675 and as modified by a Modification Decision dated October 8, 2004 and recorded with said Land Court as Document No.: 986,676; and as further modified by a Modification Decision dated October 26, 2005 and recorded with said Land Court as Document No.: 1,020,569.

The Grantee, by accepting this Unit Deed, and by executing this Unit Deed is the space provided below hereby consents, for the Grantee, the Grantee's heirs, administrators, executors, successors and assigns and all other persons claiming by, through or under Grantee, or any other party whatsoever, to (a) Declarant's right to amend the Master Deed as set forth in, and subject to the provisions of, Section 13 hereof, including, without limitation, the right to amend the Master Deed to include additional phases in the Condominium, and (b) the granting or exercise of any right or easement in favor of, and reserved by, Declarant as described in the Master Deed, and hereby expressly agrees to the alteration of the Unit's percentage interest in the commons areas and facilities of the Condominium upon the creation of additional phases to the Condominium and as otherwise provided in the Master Deed,

For title see Certificate of Title No.: C357-2B.

Executed as a sealed instrument this 28<sup>th</sup> day of February \_\_\_\_, 2011.

  
William Lovely

  
Amanda Lovely

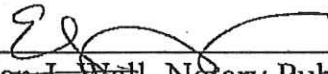
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 28<sup>th</sup> day of February, 2011, before me, the undersigned notary public, personally appeared William Lovely and Amanda Lovely proved to me through satisfactory evidence of identification, which were Massachusetts Driver's Licenses, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me they signed it voluntarily for its stated purpose.



Elizabeth A. McNichols  
NOTARY PUBLIC  
Commonwealth of Massachusetts  
My Commission Expires Jan. 20, 2017

  
Brian J. Wall, Notary Public  
My Commission Expires: 5/16/14

1/20/17



## QUITCLAIM DEED

William Lovely, of 45 Frog Pond Close, Mashpee, Barnstable County, Massachusetts,

for consideration paid, and in full consideration of One (\$1.00) Dollar,

grants to Ryandrach, LLC, a duly organized Massachusetts Limited Liability Company with a principal business address of 45 Frog Pond Close, Mashpee, Barnstable County, Massachusetts,

with Quitclaim Covenants,

the land situated in Mashpee, Barnstable County and Commonwealth of Massachusetts described as follows:

Being Unit 2A, and 2C, Phase V (5A), THE MAIN STREET VILLAGE CONDOMINIUM, a Condominium situated in Mashpee, Barnstable County, Massachusetts, established by Master Deed dated November 4, 2005, recorded as Land Court Documents 1,020,567, as amended, together with the applicable percent interest in the common areas and facilities for each of the above described units, as shown and set forth in said Master Deed pursuant to Sections 12 and 3 thereof, and the inclusion of additional phases in the Condominium and together with the right to use limited common areas reserved to said unit, if any, as set forth in said Master Deed and shown on Condominium Site Plan recorded with Certificate C357.

Said Condominium Unit is conveyed subject to and with the benefit of (a) the Master Deed and Declaration of Trust of the Main Street Village Condominium, which Declaration of Trust is recorded as Document No.: 1,020,568, and (b) all other rights, restrictions and easement of record.

The unit conveyed is laid out as shown on a plan filed with the original Unit Deed, which plan is a copy of a portion of the plan filed with said Master Deed and to which is affixed a verified statement in the form provided in G.L. c. 183A, § 9. It is subject to and with the benefit of the obligations, restrictions, rights and liabilities contained in G.L. c. 183A, as may be amended from time to time the Master Deed and the By-Laws filed therewith.

Unit 2B, Main Street Village Condominium

2 Center Street, Mashpee, MA

1.c.p.l. 36192-C

The Condominium and its units are intended for residential or commercial purposes and other uses permitted by the applicable Zoning Ordinances and permits issued by the Town of Mashpee and as set forth in the Master Deed.

The Unit is conveyed subject to :

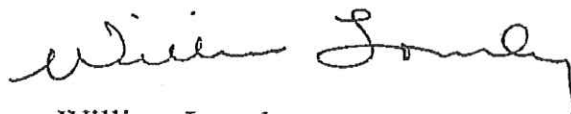
- (a) easements in favor of all other Units and in favor of the common areas and facilities for the continuance of all encroachments of such other Units or common areas and facilities on the Unit existing as a result of construction of the Buildings, or which may come into existence hereafter as a result of the reconstruction, repair, shifting, settlement or any other movement of any portion of the improvements compromising the Condominium.
- (b) the provisions of the Master Deed, the Declaration of the Trust, the By-Laws set forth in the Declaration of Trust and any rules and regulations promulgated thereunder, as the same may be amended from time to time by the recording of an instrument effectuating the same, which provisions, together with any amendments thereto, shall constitute covenants running with the Land and shall bind any person having at any time any interest or estate in the Unit, its family, servants, invitees or visitors, as though such provisions were recited and stipulated in their entirety herein;
- (c) the rights and the Grantor hereunder as Declarant (as defined in the Master Deed) to amend the Master Deed in accordance with the provisions thereof, including without limitation, the right to amend the Master Deed to include additional phases in the Condominium pursuant to Section 3, and any other rights and easements in favor of, and reserved by, the Declarant under the provisions of said Section 3 and as otherwise provided in the Master Deed;
- (d) easements, covenants, agreements and restrictions of record, as the same may now be in force and applicable;

- (e) such taxes for the current fiscal year as are not now due and payable;
- (f) the Comprehensive Permit issued by the Mashpee Board of Appeals on May 5, 2004 and recorded as Land Court Document 986,675 and as modified by a Modification Decision dated October 8, 2004 and recorded with said Land Court as Document No.: 986,676; and as further modified by a Modification Decision dated October 26, 2005 and recorded with said Land Court as Document No.: 1,020,569.

The Grantee, by accepting this Unit Deed, and by executing this Unit Deed is the space provided below hereby consents, for the Grantee, the Grantee's heirs, administrators, executors, successors and assigns and all other persons claiming by, through or under Grantee, or any other party whatsoever, to (a) Declarant's right to amend the Master Deed as set forth in, and subject to the provisions of, Section 13 hereof, including, without limitation, the right to amend the Master Deed to include additional phases in the Condominium, and (b) the granting or exercise of any right or easement in favor of, and reserved by, Declarant as described in the Master Deed, and hereby expressly agrees to the alteration of the Unit's percentage interest in the commons areas and facilities of the Condominium upon the creation of additional phases to the Condominium and as otherwise provided in the Master Deed,

For title see Certificate of Title No.: C357-2A and C357-2C.

Executed as a sealed instrument this 28<sup>th</sup> day of February, 2011.

A handwritten signature in cursive script, appearing to read "William Lovely", written in dark ink.

William Lovely

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 28<sup>th</sup> day of February, 2011, before me, the undersigned notary public, personally appeared William Lovely proved to me through satisfactory evidence of identification, which were Massachusetts Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me he signed it voluntarily for its stated purpose.



Elizabeth A. McNichols  
NOTARY PUBLIC  
Commonwealth of Massachusetts  
My Commission Expires Jan. 20, 2017

A handwritten signature in dark ink, appearing to read 'Brian J. Wall', written over a horizontal line.

Brian J. Wall, Notary Public

My Commission Expires: 5/16/14

1/20/17



Based on assessments as of January 1, 2017, your Real Estate Tax for the fiscal year beginning July 1, 2017 and ending June 30, 2018 on the parcel of real estate described below is as follows:

| PROPERTY DESCRIPTION        |                   |
|-----------------------------|-------------------|
| 2 CENTER ST C               |                   |
| State Class                 | 343               |
| Land Area                   | 0 AC              |
| Parcel ID                   | 036-0047-002C     |
| Book/Page                   | C357/2C           |
| Deed Date                   | 03/01/2011        |
| <b>Tax Rate per \$1,000</b> | <b>\$8.92/.10</b> |
| <b>Total Taxable Value</b>  | <b>\$287,100</b>  |

Assessed owner as of January 1, 2017:

RYANDRACH LLC  
% LOVELY WILLIAM & AMANDA  
45 FROG POND CLOSE  
MASHPEE, MA 02649-3645



**TOWN OF MASHPEE**  
Office of the Tax Collector  
16 Great Neck Road North  
Mashpee, MA 02649

### Fiscal Year 2018 Actual Real Estate Tax Bill

RYANDRACH LLC  
% LOVELY WILLIAM & AMANDA  
45 FROG POND CLOSE  
MASHPEE, MA 02649-3645

THE COMMONWEALTH OF MASSACHUSETTS  
SEE REVERSE SIDE FOR IMPORTANT INFORMATION

### TOWN OF MASHPEE FISCAL YEAR 2018 ACTUAL REAL ESTATE TAX BILL

|                                   |
|-----------------------------------|
| <b>Collector of Taxes</b>         |
| <b>Craig Mayen</b>                |
| <b>Office Hours</b>               |
| Monday - Friday 8:30 AM - 4:30 PM |
| <b>Telephone Numbers:</b>         |
| Tax Collector: (508) 539-1419     |
| Assessor: (508) 539-1404          |
| <b>To Pay Your Bill Online:</b>   |
| LOG ON TO: WWW.MASHPEEMA.GOV      |

| SPECIAL ASSESSMENTS |        |      |        |
|---------------------|--------|------|--------|
| DESC                | AMOUNT | DESC | AMOUNT |
|                     |        |      |        |

THIS FORM APPROVED BY COMMISSIONER OF REVENUE

### TAXPAYER'S COPY

| Bill No.                     | 10004           |
|------------------------------|-----------------|
| Real Estate Tax              | \$2,560.93      |
| Community Preservation Act   | \$76.83         |
| Water District Tax           | \$28.71         |
| Special Assessments          | \$0.00          |
| Exemptions/Abatements        | \$0.00          |
| Total Tax/Spec. Assess.      | \$2,666.47      |
| Preliminary Tax              | \$1,319.07      |
| Current Payments/Credits     | \$1,319.07      |
| Past Due                     | \$0.00          |
| Interest                     | \$0.00          |
| Fees                         | \$0.00          |
| <b>3rd Qtr. Due 2/1/2018</b> | <b>\$673.70</b> |
| <b>4th Qtr. Due 5/1/2018</b> | <b>\$673.70</b> |

### COLLECTOR'S COPY 4th Quarter Payment

Return This Portion With Your Payment

|                            |                 |          |       |
|----------------------------|-----------------|----------|-------|
| Bill Date                  | 4/1/2018        | Bill No. | 10004 |
| PROPERTY DESCRIPTION       | 2 CENTER ST C   |          |       |
| Parcel ID                  | 036-0047-002C   |          |       |
| <b>AMOUNT DUE 5/1/2018</b> | <b>\$673.70</b> |          |       |

Interest at the rate of 14% per annum will accrue on overdue payments from the due date until payment is made.

**To Pay Your Bill Online:**

LOG ON TO: WWW.MASHPEEMA.GOV

**Make Check Payable and Mail To:**

TOWN OF MASHPEE  
OFFICE OF TAX COLLECTOR LOCKBOX  
PO BOX 728  
MEDFORD, MA 02155-0008

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**TOWN OF MASHPEE**  
Office of the Tax Collector  
16 Great Neck Road North  
Mashpee, MA 02649

### Fiscal Year 2018 Actual Real Estate Tax Bill



5046 \*\*\*\*AUTO\*\*ALL FOR AADC 028  
RYANDRACH LLC  
% LOVELY WILLIAM & AMANDA  
45 FROG POND CLOSE  
MASHPEE MA 02649-3645

### COLLECTOR'S COPY 3rd Quarter Payment

Return This Portion With Your Payment

|                            |                 |          |       |
|----------------------------|-----------------|----------|-------|
| Bill Date                  | 12/29/2017      | Bill No. | 10004 |
| PROPERTY DESCRIPTION       | 2 CENTER ST C   |          |       |
| Parcel ID                  | 036-0047-002C   |          |       |
| <b>AMOUNT DUE 2/1/2018</b> | <b>\$673.70</b> |          |       |

Payments made after 12/7/2017 may not be reflected on this bill.

Abatement applications are due in the Assessor's office by 2/1/2018.

**To Pay Your Bill Online:**

LOG ON TO: WWW.MASHPEEMA.GOV

**Make Check Payable and Mail To:**

TOWN OF MASHPEE  
OFFICE OF TAX COLLECTOR LOCKBOX  
PO BOX 728  
MEDFORD, MA 02155-0008

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POSED TREE WELL

# 1942 ALTERATION

AN

EXISTING SIDEWALK

POLE

VINYL

LIMIT OF CLEARING

20'

6' TALL VINYL FENCE

PLAY GROUND PERIMETER

$$20 \times 75' = 1,500 \text{ SF}$$

47'-8" +/-

6" CURB REVEAL AT EDGE OF PAVEMENT

RELOCATED 4' HIGH RETAINING WALL

4' HIGH RETAINING WALL  
17'-4"

STORMWATER MANAGEMENT  
BICRETENTION SYSTEM

PROPOSED 2' HIGH RETAINING WALL

TOP OF WALL EL. 80.0

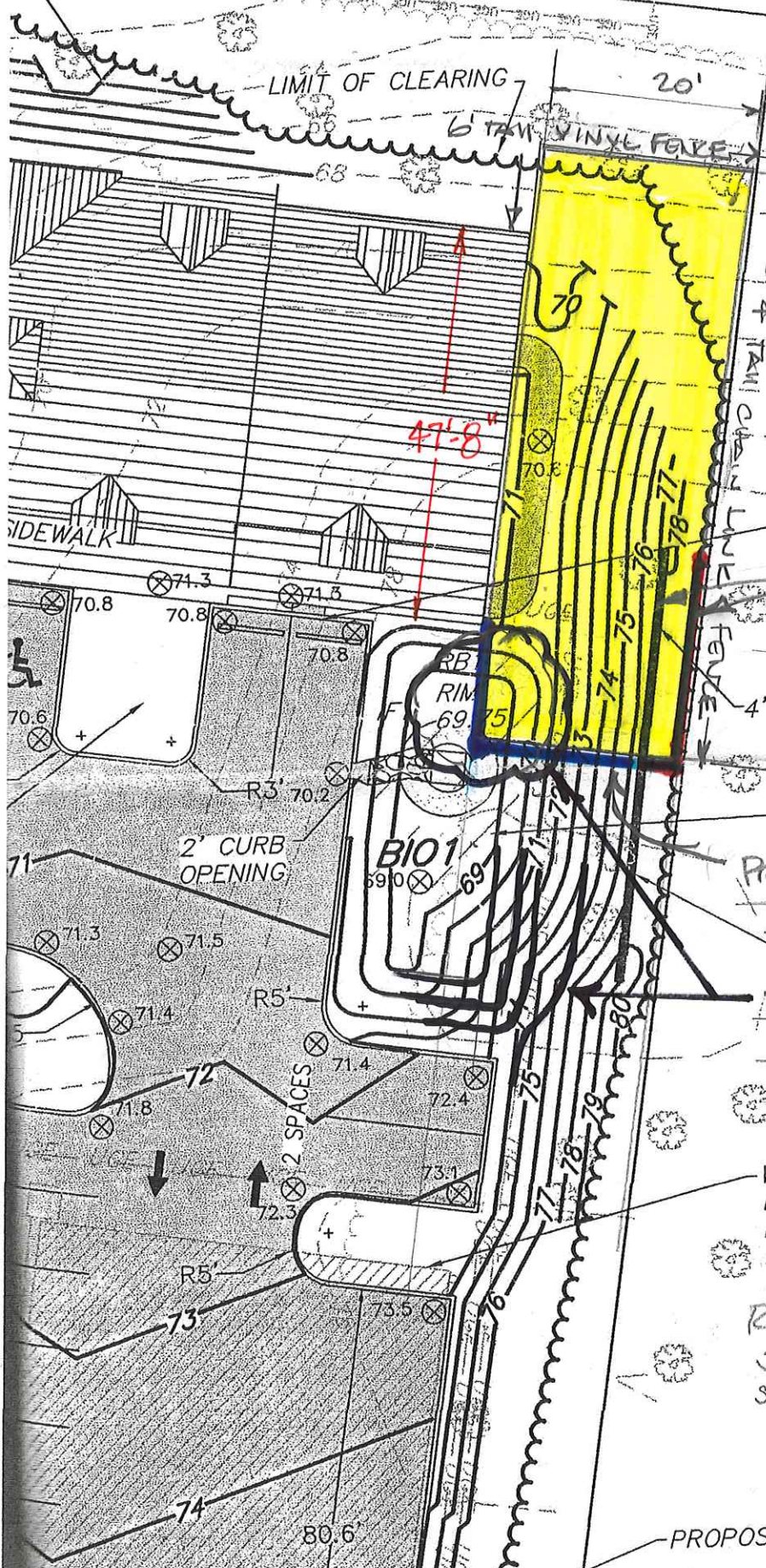
REGRADE BIO RETENTION  
BASIN TO REPLACE VOLUME  
TAKEN BY PLAY GROUND.

WASTEWATER TREATMENT AND  
DISPOSAL SYSTEM. SEE CONSTRUCTION  
PLANS. AS APPROVED BY MASHPEE  
BOARD OF HEALTH AND  
MASSACHUSETTS DEP.

REVIEWED - W/SAM + MAURICE STARR  
JANE HALEY, CHRIS BAILEY +  
STARR CONSTRUCTION.

3/18/18

PROPOSED LOADING DOCK







# Town of Mashpee

16 Great Neck Road North  
Mashpee, Massachusetts 02649

## **Special Permit Decision**

### **SM Realty Trust Main Street Village**

#### **I. Proposal.**

This decision concerns the application of SM Realty Trust, P.O. Box 753, Osterville, MA-02655 (the "Applicant") for approval of a commercial center consisting of two buildings totaling 9968 sq. ft. on 1.92 acres located at 334 Main St (corner of Route 130 and new "Center Street" under construction. The property is identified on the Mashpee Assessors Maps as Map 36, Block 47, however, the lot is actually a portion of that parcel which was created as a remainder as part of a residential subdivision for which a Comprehensive Permit was approved by the Mashpee Board of Appeals under MGL Chapter 40B. The Application indicated the owner of the property as Southside Realty Trust, at the same address as SM Realty Trust and specified that the application was made pursuant to Sections 174-24(C)(1) et seq., 174-25(D)(1) (Business, financial, professional or governmental offices, but no retail business, no manufacturing and no processing), 174-25(D)(2) (Offices and clinics for medical, psychiatric or other health services for the examination or treatment or persons as out-patients, including laboratories that are part of such offices or clinics), 174-25(E)(1) (Store for retail sale of merchandise, provided that all display, storage and sales of materials are conducted within a building and there is no manufacturing or assembly on the premises), 174-25(E)(2) (Eating places serving food and beverages to be consumed within the building), 174-25(E)(4) (Service business serving local needs, such as barbershops, beauty shops, shoe repair, self-service laundry or dry-cleaning or pickup agency), 174-25(E)(12) (Retail establishments which will not generate greater than 300 peak daily trips per acre of total site area, per day, (When considered in combination with all other uses on the property) bases on trip generation rates published by the Institute of Transportation Engineers or other evidence determined to be conclusive by the Planning Board) and 174-25(I)(10) (Outdoor dining shall be allowed in commercial districts as an accessory use to an allowed eating place serving food and beverage, provided that visual screening shall be required in any area abutting a residential zone. Such screening shall consist of a solid fence, wall or mature hedge or other screen type planting of such height as to screen any diners from view from the said residential zone).

#### **II. Jurisdiction.**

The application was made and this decision is issued by the Mashpee Planning Board pursuant to Article VI, Section 174-24.C. of the Mashpee Zoning Bylaws as they existed on April 20, 2005, the date on which the special permit application was approved by the Mashpee Planning Board. Where reference is made herein to the Mashpee Zoning Bylaw, it shall refer to the provisions thereof as they existed on said date. The project is located in the C-2 Commercial zoning district and within the Mashpee Center Overlay District and a Groundwater Protection District.



### **III. Chronology.**

The application for this Project was filed with the Town Clerk on January 10, 2005. A hearing was opened before the Mashpee Planning Board at the Mashpee Town Hall, 16 Great Neck Road, North, Mashpee, Massachusetts on March 2, 2005 at 7:20 p.m. Notice was duly given to abutters in accordance with Massachusetts General Law Chapter 40A. Notice was given by publication in the Mashpee Enterprise, a newspaper of general circulation in the town of Mashpee on February 11 and 18, 2005. The hearing was continued on April 6 and April 20, 2005.

### **IV. Decision and Findings.**

On April 20, 2005, the Planning Board closed the public hearing and voted to make the following findings and grant a special permit authorizing the project, with the conditions enumerated below. The members of the Planning Board were recorded as follows: Beverly Kane, Dennis H. Balzarini, Steven Dolan, Lee Gurney and John Halachis were recorded as voting in favor of the decision. No members were recorded as voting against.

1. The Property is located in the C-2 Commercial zoning district and within the Mashpee Center Overlay District. The proposed uses are allowed in those districts.
2. The property is also located in a Groundwater Protection District. Under the regulations applicable to that district, land uses which result in the rendering impervious of more than fifteen percent (15%) or two thousand five hundred (2,500) square feet of any lot, whichever is greater, are not permitted, except as provided under Section 174-82. This project proposes to render 65% of the property, or 54,525 sq. ft., impervious.

Subsection (4) of Section 174-82 provides that the Planning Board may authorize, as part of its special permit decision, the rendering impervious of greater than fifteen percent (15%) or two thousand five hundred (2,500) square feet of any lot, whichever is greater, provided that a system of stormwater management and artificial recharge of precipitation is developed which is designed to: prevent untreated discharges to wetlands and surface waters, preserve hydrologic conditions that closely resemble pre-development conditions, reduce or prevent flooding by managing the peak discharges and volumes of runoff, minimize erosion and sedimentation, not result in significant degradation of groundwater, reduce suspended solids and other pollutants to improve water quality and provide increased protection of sensitive natural resources. In addition, for lots occupied or proposed to be occupied by other than single or two-family residential uses, a stormwater management plan shall be developed which provides for the artificial recharge of precipitation to groundwater through site design that incorporates natural drainage patterns and vegetation and through the use of constructed (stormwater) wetlands, wet (retention) ponds, water quality swales, sand filters, organic filters or similar site-appropriate best management practices capable of removing nitrogen and other contaminants from stormwater and meeting the Stormwater Management Standards and technical guidance contained in the Massachusetts Department of Environmental Protection's Stormwater Management Handbook, Volumes 1 and 2, dated March 1997, for the type of use proposed and the soil types present on the site. Such runoff shall not be discharged directly to rivers, streams, other surface water bodies, wetlands or vernal pools.



Dry wells shall be prohibited. Except when used for roof runoff from non-galvanized roofs, all such wetlands, ponds, swales or other infiltration facilities shall be preceded by oil, grease and sediment traps or other best management practices to facilitate control of hazardous materials spills and removal of contamination and to avoid sedimentation of treatment and leaching facilities. All such artificial recharge systems shall be maintained in full working order by the owner(s) under the provisions of an operations and maintenance plan approved by the permitting authority to ensure that systems function as designed. Infiltration systems greater than three (3) feet deep shall be located at least one hundred (100) feet from drinking water wells. Any infiltration basins or trenches shall be constructed with a three (3) foot minimum separation between the bottom of the structure and maximum groundwater elevation.

The applicant provided a "Stormwater Management and Drainage Narrative for Main Street Village Commercial Lot Development Plan", revised date March 23, 2005, by Horsley Witten Group, which identified the stormwater management and mitigation measures to be undertaken as part of the project, including measures that appear to conform with the requirements for approval of increased impervious surfaces under Section 174-82.

3. The project satisfies the requirements of Massachusetts General Law Chapter 40A, in that it complies with the general purposes and intent of the Mashpee Zoning By-Law.
4. The proposed development complies with the lot area and dimensional requirements set forth in the Zoning By-Law.
5. The project does not lie within a Floodplain Zone, the Mashpee and Quashnet River Protective Districts, an Area of Critical Environmental Concern or the Otis A.N.G.B. Accident Prevention Zone.
6. A Water Quality Report was provided, as required by Article VI, Section 174-27 of the Zoning Bylaw. The report, prepared by the Horsley Witten Group on March 23, 2005, met the standards of the Mashpee Zoning By-law for the preparation of a Water Quality Report. No monitoring wells were required. The Water Quality Report indicated that the Nitrex wastewater treatment system proposed for the project is capable of producing effluent that "is generally less than 5 mg/L total nitrogen".
7. Based on the amount of wastewater flow projected to be generated by this project, the proposed systems of wastewater treatment identified in the document entitled "Wastewater Treatment System Narrative for Main Street Village (Route 130 Property) Proposed Commercial Site Plan" dated March 23, 2005 by Horsley Witten Group, and the stormwater management and mitigation measures identified in the document entitled "Stormwater Management and Drainage Narrative for Main Street Village Commercial Lot Development Plan", revised date March 23, 2005, by Horsley Witten Group, the Board has made the findings required by Article VI, Section 174-27.C. that 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. The Board has also imposed a number of conditions regarding stormwater management operations and maintenance to ensure that these findings will continue to be met in the future.



8. The Project plans were reviewed by the Board's Consulting Engineer Charles L. Rowley, whose reports to the Board were by letters dated March 2 and April 6, 2005. Mr. Rowley's letters included extensive comments and recommendations regarding the site layout, grading plans drainage calculations, drainage details and the adequacy of the storm drainage facilities in general, relation of the project to the adjacent public sidewalk along Main Street and paving and base materials. Numerous plan modifications were required in response to Mr. Rowley's comments, which also included recommended conditions on approval of the project.
9. The project plans were reviewed by Deputy Fire Chief Sheldon Hamblin, who submitted a memo to the Board dated April 6, 2005. The proposed fire lane located west of building 2 was found to be acceptable. The entrance circle (part of Center Street approved by the Board of Appeals), was found not to meet the necessary criteria for turning radius of the Department's tower truck if entering from Main Street. The memo indicated that Rich Claytor of Horsley Witten Group had said he would provide an additional 8-foot gravel driving surface that was acceptable to the Deputy Chief.
10. The project was presented to the Design Review Committee on March 3 and 17, 2005. Based on concerns expressed at the March 3 meeting, the applicant reduced the height of the buildings, revised the rooflines of building 2 and made other site changes. The revised plans were approved by the Committee on March 17.
11. The project was presented to Site Plan Committee on February 25, 2005. The Deputy Fire Chief expressed concerns about undermining of the proposed grass block paving of the fire lane located west of building 2 during pumper operations. This issue appears to have been addressed to his satisfaction. He was satisfied that that both buildings will have fire sprinklers and automatic fire alarms installed in accordance with state building code. The Health Agent was concerned that three-inch trees proposed as landscaping were in the vicinity of septic components. These have been moved. The possibility of restaurant type flows were discussed. If restaurant use is proposed then grease traps are required in the ground outside the building. A deck was also referenced to be a place of outside seating. If the outside seating is utilized in conjunction with a restaurant then the seating must be approved by the Board of Health. The seating will also eat up square footage of retail and office, so additional leaching capacity was discussed. There appeared to be some available design flow left per the nitrogen loading calculations but leaching trenches must be added for more septic capacity. All uses with food implications require prior Board of Health approval. DEP is still reviewing the condo docs prior to BOH sign-off on any permits. The grade of Center Street is still significantly higher than the adjacent public sidewalk. The DPW Director insists that this grade be flush with the sidewalk. The Applicant had not provided information on site lighting within the submitted plans. Applicant has now provided this information on a plan sheet. Applicant proposed to have recessed lighting on the covered porch and from each building. This type of lighting is used so it will be shining down. On the building facing Route 130 there is second means of egress to the Route 130 side which will have a small wall fixture. Also to have lighting fixtures on parking lot islands (4 post lamps). Discussion was also had regarding the location of proposed signage and its relation to the proposed clock tower.
12. The applicant presented a traffic study done by Conley Associates, dated March 22, 2005.



The Town Planner submitted a critique of the report dated April 1, 2005, identifying missing data and inappropriate assumptions. The extensive traffic data developed for the SouthCape Village, Mashpee Commons, Mashpee Place and other projects was not used, resulting in lower traffic projections at the South Sandwich Road and Great Neck Road intersections with Main Street than would have otherwise been indicated. No revision of the report was submitted, but Conley Associates submitted a response to the Town Planner's comments by letter dated April 5, 2005. The un-adjusted report indicates that the intersections of the site drive and of Juniper Drive with Main Street will operate at Level of Service (LOS) F (i.e. failure) during the weekday afternoon peak hour (4:15 to 5:15 PM) and at LOS D during the Saturday midday peak hour (11:45 AM to 12:45 PM). The report claims that the Great Neck Road (signalized) and South Sandwich Road intersections with Main Street will operate at LOS C. No analysis was done of peak summer month conditions, when both intersections appear to operate at LOS F during both morning and evening peak hours. Accident data from 2001 to 2003 indicate 19 accidents at the Great Neck Road intersection and 9 at the South Sandwich Road intersection. Conley Associates measured the stopping sight distance from the site driveway (actually Center Street) as greater than 500 feet to the east and 356 feet to the west, whereas the AASHTO standard at 40 MPH is 305 feet.

13. In conformance with the provisions of Article VI, Section 174-24.C.(2) of the Zoning Bylaw, the Planning Board finds that the proposal will not adversely affect public health or safety, will not cause excessive demand on community facilities, will not significantly decrease surface or ground water quality or air quality, will not have significant adverse impact on wildlife habitat, estuarine systems, traffic flow, traffic safety, waterways, fisheries, public lands or neighboring properties, will not cause excessive levels of noise, vibration, electrical disturbance, radioactivity or glare, will not destroy or disrupt any species listed as rare, endangered or threatened by the Massachusetts Natural Heritage program or any known historic or archaeological site, will not produce amounts of trash, refuse or debris in excess of the town's landfill and waste disposal capacities, will properly dispose of stumps, construction debris, hazardous materials and other wastes, will provide adequate off street parking, will not cause excessive erosion or cause increase runoff into neighboring properties or into any natural river, stream, pond or water body and will not otherwise be detrimental to the town or the area.

#### **V. Conditions:**

1. Construction of this Project shall be done only in conformance with the following plans which have been approved by the board and signed by the Board Chairman:

"Commercial Lot Site Plan, Main Street Village" by Horsley Witten Group, consisting of a Cover Sheet, Sheet C-1 "Natural Resource and Pre-Construction Plan", Sheet C-2 "Existing Conditions Plan", Sheet C-3 "Proposed Site Plan", Sheets C-4 to C-10 (being Detail Sheets 1-7), Sheet C-11 "Erosion and Sediment Control Plan" and Sheet C-12 "Bioretention Facility Planting Plan" with all sheets stamped by Richard A. Claytor, Civil Engineer, dated April 15, 2005.

Drawing AS-1 "Commercial Buildings 1 & 2 Architectural Site Plan" by Steven C. Hayes, Architect, revised date April 15, 2005.



Drawing L-1 "Commercial Buildings 1 & 2 Landscape Plan" by Phillip L. Cheney, revised date **April 15, 2005.**

Architectural Plans by Steven C. Hayes Architect, consisting of Sheets A-1 through A-7 revised date **April 15, 2005.**

Architectural Plan for Commercial Building #2, Proposed Alternate #1, Main Street Village, Mashpee, MA, prepared by Steven C. Hayes Architect, dated **April 14, 2005.**

Site Plan Detail showing Proposed Relocated Lighted Sign Flagpole and Clock Tower, Main Street Village, Mashpee, MA, prepared by Steven C. Hayes Architect, revised date **April 15, 2005.**

Proposed Sign Elevation, Main Street Village, Mashpee, MA, prepared by Steven C. Hayes Architect, dated **April 13, 2005.**

Clock Tower Elevation, Main Street Village, Mashpee, MA, prepared by Steven C. Hayes Architect, revised date **April 15, 2005.**

2. Site identification signage shall require review by the Design Review Committee and approval by the Board prior to installation.
3. Initial tenant signage shall require review and approval by the Design Review Committee, with a notice of any such approval forwarded to the Planning Board.
4. Detailed engineering designs of re-grading, drainage and other revisions to the intersection of Center Street and Main Street required to bring Center Street flush with the adjacent public sidewalk shall be submitted to the Board, to the Zoning Board of Appeals and to the Mashpee Director of Public Works for review and shall require approval by each prior to construction of said intersection and issuance of any building permit for the proposed Buildings 1 and 2.
5. As a contribution toward mitigation of the increases in traffic, traffic delays and potential traffic accidents associated with the project, the applicant shall post a \$25,000 bond with the Town of Mashpee to be held in an escrow account by the Town Treasurer, while the Applicant, using specifications provided and approved by the Mashpee Department of Public Works (DPW) Director, delivers traffic engineering designs and construction drawings for relocation of the South Sandwich Road / Main Street intersection eastward to create a right angle intersection. After acceptance and approval of said designs and construction drawings by the DPW, the bond, plus any accrued interest, shall be returned to the Applicant.
6. A safety fence shall be constructed and maintained at the top of the retaining wall located on the north side of Building #1. The design of said fence shall require approval by the Design Review Committee prior to installation and prior to the issuance of a building permit for Building #1.



7. Written certification to the Planning Board and Building Inspector by an experienced structural engineer regarding the adequacy of the design and construction of the retaining wall located on the north side of Building #1 shall be required prior to issuance of an occupancy permit for Building #1.
8. The proposed "loading dock" identified to provide access to the dumpster shall be appropriately marked with signs and pavement striping to discourage blockage by parked vehicles.
9. All project landscaping as shown on the approved plans shall be properly installed, as certified by the Town Planner or his designee after an inspection of the site, prior to issuance of any occupancy permit for Buildings 1 or 2.
10. Vegetation used in the constructed bioretention facilities shall conform with the vegetation list and installation specifications shown on Sheet C-12 of the above-referenced plans by Horsley Witten Group.
11. The applicant shall install temporary landscape materials or other means of preventing erosion on any areas disturbed for more than four months but not yet developed with structures. A plan for said landscape materials or other means shall be presented to the Board for approval prior to installation, and installation shall be completed within sixty days of said approval.
12. No signs and related structures or landscaping may be constructed in conjunction with this project on or over public property until said construction has been approved by the Mashpee Board of Selectmen and all of the provisions of Article X, Section 174-57 of the Zoning Bylaw regarding bonds and liability insurance for such signs, as well as any other applicable requirements of the Board of Selectmen or Department of Public Works, have been met.
13. The Board approves the list of proposed uses submitted by the applicant, including those listed in the Mashpee Zoning By-law under subsections 174-25(D)(1) (Business, financial, professional or governmental offices), 174-25(D)(2) (Offices and clinics for medical, psychiatric or other health services for the examination or treatment of persons as outpatients, including laboratories that are part of such offices or clinics), 174-25(E)(1) (Store for retail sale of merchandise, provided that all display, storage and sales of materials are conducted within a building and there is no manufacturing or assembly on the premises), 174-25(E)(2) (Eating places serving food and beverages to be consumed within the building), 174-25(E)(4) (Service business serving local needs, such as barbershops, beauty shops, shoe repair, self-service laundry or dry cleaning or pickup agency), 174-25(E)(12) (Retail establishments which will not generate greater than 300 peak daily trips per acre of total site area, per day and 174-25(I)(10) (Outdoor dining as an accessory use to an allowed eating place serving food and beverage, provided that visual screening shall be required in any area abutting a residential zone. Such screening shall consist of a solid fence, wall or mature hedge or other screen type planting of such height as to screen any diners from view from the said residential zone).



Given the project site being located in the Mashpee Center Overlay District, the following uses listed in the Mashpee Zoning By-law under Section 174-25 are explicitly prohibited: 174-25(D)(5) (Radio or television transmission facility, but not studios), 174-25(E)(7) (Veterinary establishment, kennel or similar establishment, provided that in a business zone, animals are kept indoors), 174-25(E)(8) (Store for retail sale of merchandise such as, but not limited to, lumberyards and building supply yards, wherein merchandise is stored in the open, provided that all merchandise so stored is screened from ground level view from any abutting street or abutting property line where such materials are stored), 174-25(F)(1) (Gasoline service stations), 174-25(F)(2) (Sale or rental of automobiles, boats and other motor vehicles and accessory storage), 174-25(F)(6) (Drive-in banks) and 174-25(F)(7) (Drive-in eating places and other consumer establishments where the motorist does not have to leave his car) or where food is normally consumed outside the building). In addition per Section 174-24(I)(3), the following is prohibited: Any drive-in or drive-through window or similar facility associated with a restaurant or any other business establishment.

14. Based on the site uses represented in the Conley Associates traffic study, the Buildings may be occupied by up to 2800 sq. ft. of convenience Market, with the remainder in general / specialty retail use. No space within the proposed development may be occupied by any of the other permitted uses until the proposed use has been reviewed under the Plan Review process described in Article VI, Section 174-24 B of the Zoning Bylaw in conformance with the requirements of Section 174-45.1.6. Occupancy by any other use other than those listed in condition 13 above, or occupancy by a restaurant having more than 12 seats, shall require modification of this Special Permit by the Planning Board.

15. Any restaurant use on the property shall require approval by the Board of Health.
16. The Applicant shall submit to the Board three copies of as-built plans of all underground utilities, including drainage structures, within 60 days of the issuance of the last occupancy permit for the project.
17. The proposed wastewater treatment facility shall be designed and operated to produce total nitrogen in effluent of not greater than 5 mg/l. The Water Quality Report submitted for the project by Horsley Witten Group indicates that the Nitrex system proposed for the project is capable of treating effluent to that level. Copies of any water quality testing results submitted to the Mass. Department of Environmental Protection or the Mashpee Board of Health shall be provided to the Planning Board.
18. The Applicant agrees to reasonably cooperate with the Mashpee Sewer Commission in planning and development of a municipal sewer system, including the feasibility and terms, based on mutual benefit, of including the project's wastewater treatment facilities and collection system as part of such municipal system.
19. All roof drains for buildings are to be connected to the parking area drainage system and are not to be directed to dry wells.
20. The applicant shall establish a stormwater operations and maintenance plan as specified in Attachment A to this decision.



21. The applicant, his heirs and assigns, including any condominium or other association to which the applicant transfers ownership of roadways or other common facilities within the project site, shall be responsible for all costs associated with the operation, maintenance, upgrade and other management activities related both to the wastewater collection, treatment and disposal facilities and the stormwater collection, treatment and disposal facilities, including maintenance of vegetation in the proposed bioretention facilities and all other activities called for under the stormwater operations and maintenance plan contained in Attachment A. Any deeds, declaration of covenants, conditions and restrictions, association bylaws, rules and regulations transmitted to buyers of property or units within the project site shall contain a notice of said responsibility and of the fact that failure to properly conduct said activities shall be considered a violation of this special permit enforceable by all means available to the Town.
22. The applicant shall install bike racks adjacent to Building 2, with the specific design and location of said racks to be reviewed and approved by the Town Planner prior to issuance of any occupancy permit for the project.
23. Curbing and berms around planting islands shall be of sufficient height above any areas covered with mulch or wood chips to contain them during heavy rains.
24. A permanent irrigation system shall be installed in all landscaped areas and landscaping shall be properly maintained. If maintenance is determined to be inadequate by the Planning Board, the applicant shall cooperate with the Board to amend the maintenance program.
25. Construction activities shall not customarily take place in connection with this project (i) between the hours of 6 p.m. and 7 a.m. on weekdays, (ii) before 7 a.m. and after 6 p.m. on Saturdays, or (iii) on Sundays or holidays. There shall be no substantial deliveries of materials or unloading of heavy construction equipment on Saturdays, Sundays or holidays.
26. The applicant and all contractors, subcontractors and employees engaged by the applicant shall properly dispose of stumps, construction debris, hazardous materials and other waste and shall provide a report to the Planning Board and Board of Health, at six-month intervals beginning with the issuance of the first building permit and ending upon completion of the project, describing the amount of, and means of disposal of, such materials resulting from the construction of the project, including the approximate date and specific location at which such materials were disposed.
27. No de-icing chemicals other than a mixture of sand and calcium chloride or sand alone shall be used on any roadways, driveways or other impervious surfaces of the project.
28. All fertilizers and pesticides used within the development shall be of a type approved by the Town of Mashpee Board of Health and applied by licensed applicators. Use of fertilizers and pesticides shall be minimized and the use of natural pest control methods should be encouraged. The applicant shall provide the local Board of Health with a complete list of any such fertilizers or pesticides used on the property and their method of storage on the site.
29. No underground storage tanks shall be installed on-site for any purpose, except as may be required as part of the wastewater treatment facilities.
30. Except in the case of foreclosure by a lender, or a transfer to a related entity controlled by



the Applicant, the holder of this special permit shall not transfer said permit without 90 days prior notice to the Planning Board. The Planning Board may notify the holder of any violations of the Special Permit and no transfer shall take place while any violations exist without the approval of four members of the Board.

31. Notwithstanding the provisions of condition 30 above, the owner / applicant and their heirs and assigns shall have the right to pledge and assign, as part of the mortgage collateral, its rights under this special permit to any institutional construction lender which has given written notice to the Planning Board of such assignment. Upon receipt of the written notice, said lending institution shall become a "recognized mortgagee." All such notices shall be sent to Mashpee Planning Board, Mashpee Town Hall, 16 Great Neck Road North, Mashpee, MA 02649, by certified mail, return receipt requested. In the event of a default by, the applicant under the terms and conditions of this special permit, the Planning Board shall give written notice of such default by certified mail to the applicant and each recognized mortgagee. Upon receipt of the Planning Board notice, any recognized mortgagee so notified shall have one hundred twenty (120) days from the date of receipt of such notice, to remedy any such default. The applicant's rights under this special permit may not be terminated prior to the expiration of any such 120 day cure period. Failure of the Planning Board to give such notice will only extend the cure period for the recognized mortgagee, pursuant to the provisions provided for above, and shall not constitute a waiver of any default. The Planning Board hereby approves the transfer of applicant's rights under this special permit to any recognized mortgagee that results from the default under a construction mortgage from the applicant to any recognized mortgagee. The Planning Board will not unreasonably withhold or delay its consent to a transfer of the rights under this special permit from any recognized mortgagee that has so acquired rights under this special permit, to a proposed transferee reasonably acceptable to the Planning Board. The proposed transferee must be able to demonstrate to the Planning Board a reasonable ability to complete the project in accordance with the terms of this special permit.
32. The applicant shall require that all construction personnel working on the project shall be familiar with, and comply with, the provisions of Massachusetts General Law Chapter 38, Section 6(b) regarding the discovery of human remains.
33. All conditions of this special permit shall be binding not only upon the applicant but also on all successors-in-interest and assigns of the applicant.
34. No occupancy or building permits shall be issued while there exists any substantial violation of the conditions of this special permit unless the Board, by a favorable vote of 4 members at a regular meeting, should allow such issuance.
35. Within 60 days of the approval of this decision, the applicant shall provide to the Board a copy of this decision as recorded with the Barnstable County Registry of Deeds, including an indication as to the book and page at which it was recorded.

#### **VI. Expiration, Extension or Modification.**

Pursuant to Massachusetts General Law, Chapter 40A, Section 9 and Article IX, Subsection 174-47.C.(5) of the Mashpee Zoning Bylaw, this special permit shall lapse within 2 years, which shall not include such time required to pursue or wait the determination of any appeal from the grant hereof; if a substantial use hereof is not sooner commenced except for good cause. Initiation of construction of at least one of the proposed buildings shall constitute "substantial use" for these purposes.



The applicant shall require a specific determination of good cause by a favorable vote of four members of the Planning Board if claiming an extension of the 2-year period, except to wait the determination of any appeal from the grant hereof.

Any modifications of this special permit decision and accompanying plans shall require approval by the Board pursuant to the provisions of Section 174-24.C.(9) of the Zoning Bylaw.

**VII. Signature and Filing.**

This special permit decision has been approved by the Mashpee Planning Board on this 20th day of April, 2005.

A true copy  
Attest

Lee Gurney  
Member, Mashpee Planning Board

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

April 22, 2005  
date

On this 22 day of April, 2005, before me, the undersigned notary public, personally appeared Lee Gurney, a member of the Mashpee Planning Board, proved to me through satisfactory evidence of identification, which were license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Katherine A. M...  
Notary Public

My Commission expires: October 1, 2007

date of expiration

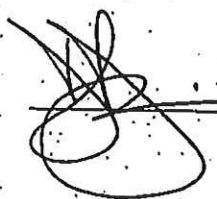
A copy of the decision has been duly filed on April 22, 2005 with the Town Clerk of Mashpee.

Deborah F. Dami  
Town Clerk

Notice of this decision was mailed on April 22, 2005 to the applicant, to the parties in interest designated in M.G.L. Chapter 40A, Section 11 and to all persons at the hearing who requested such notice. Any appeal shall be made pursuant to Section 17 of the Chapter 40A of the Massachusetts General Laws within twenty (20) days after the date of said filing.

I, Deborah F. Dami, Town Clerk of the Town of Mashpee, hereby certify that a copy of this decision was filed with the office of the Town Clerk on May 17, 2005 and that no appeal of that decision was filed within twenty (20) days thereafter.

May 17, 2005  
Date



Town Clerk

Upon expiration of the statutory appeal period with no appeal having been filed, this special permit decision has been signed by the Mashpee Planning Board on May 18, 2005 and may be recorded.

Doreen A. Kane

Dennis H. Bagard

Joe Gurney

John Nolasco







## Town of Mashpee Inspections Department

*Ensuring Safe Construction for the People of Mashpee*

Michael Mendoza  
Building Commissioner

May 8, 2018

To: Evan Lehrer  
Town Planner

Re: Special Permit Regulations Section V (E)

Dear Mr. Lehrer:

As the current chair of the Design Review Committee, it is my position that it would make sense that an applicant would first go before the Cape Cod Commission, prior to the Design Review Committee.

The Cape Cod Commission would have more detailed requirements which I feel that the Design Review Committee would most likely build upon. Also, it is my understanding that unlike the Design Review Committee, the Cape Cod Commission does not get into the look of the structure, like the Design Review Committee would.

Thus, it would make more sense to first go before the Cape Cod Commission prior to going before the Design Review Committee.

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

Michael Mendoza  
Building Commissioner

## Maria Silva

---

**From:** Waygan, Mary <MWaygan@yarmouth.ma.us>  
**Sent:** Thursday, February 22, 2018 11:42 AM  
**To:** Evan Lehrer; Maria Silva; Evan Lehrer  
**Cc:** Mary; Charles L. Rowley (crsr63@verizon.net) (crsr63@verizon.net); David Kooharian; DWeeden@mwtribe.com  
**Subject:** Follow Up to Feb 22 PB mtg

Hi!

Just to follow up on last night mtg. If you have any edits let me know ☺

**Annual report:**

David Kooharian is writing a paragraph about Tom Fudala's service to the Town. Evan is editing the rest of the report.

**Mashpee Commons:**

Evan is going to place the dates for the Mashpee Commons by Design Tuesday Talk on the Town's website.

**Cape Cod Commission:**

David Weeden will invite Kristy Senatori to come and speak to the PB on the RPP update and Mashpee Commons

**Evergreen Energy LLC:**

Covenants was submitted by Evergreen and was approved by Chair, and plans are now all signed by the Planning Board. The project proponent now needs to record mylar with the original covenant at the Barnstable County Registry of Deeds. A copy of the recorded covenant should be provided to the Planning Dept for the folder. Please distribute the paper plans in the following way: 1. Planning Dept 2. Project Proponent 3. Building Dept 4. Assessing 5. Town Clerk.

**Naukabout:**

Bond was approved by PB and the original now goes to the Town Treasurer (I think) and a copy into the PB folder. Place on the June 6<sup>th</sup> mtg agenda an update on this work

Thanks everyone!

Mary

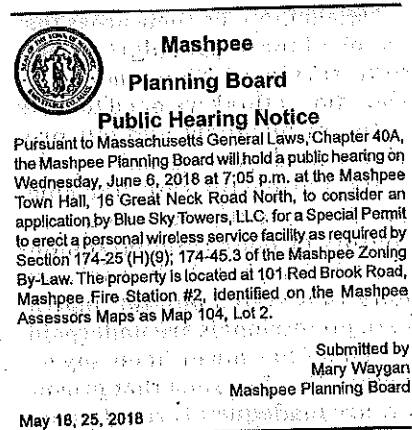
**Christine Willander**

**From:** ads@capenews.net  
**Sent:** Tuesday, May 8, 2018 11:44 AM  
**To:** Christine Willander  
**Subject:** RE: Planning Board PHN - Mashpee

Receive.

Thanks

Greg Smith  
Classified Adve  
Falmouth Publi  
508-548-4700  
ads@capenews.net



-----Original Message-----

**From:** "Christine Willander" <cwillander@mashpeema.gov>  
**Sent:** Tuesday, May 8, 2018 11:32am  
**To:** "ads@capenews.net" <ads@capenews.net>  
**Cc:** "Terrie Cook" <tmcook@mashpeema.gov>  
**Subject:** Planning Board PHN - Mashpee

Good Day,

Attached is a public hearing notice for publication in the Friday, May 18 and Friday May 25, 2018 edition of the Mashpee Enterprise with the Town Seal.

Please confirm receipt when convenient. Thank you.

**Christine A. Willander | Administrative Secretary**





# Town of Mashpee

16 Great Neck Road North  
Mashpee, Massachusetts 02649

## Mashpee Planning Board Public Hearing Notice

Pursuant to Massachusetts General Laws, Chapter 40A, the Mashpee Planning Board will hold a public hearing on Wednesday, June 6, 2018 at 7:20 p.m. at the Mashpee Town Hall, 16 Great Neck Road North, to consider an application from Bill Lovely, property owner of 2 Center Street, Mashpee, MA 02649 (Map 36, Lot 47), seeking a modification to the subject property's special permit to list **§174-25(B10)** of the Mashpee Zoning By-Law, "Day nursery, nursery school, kindergarten or other agency giving day care to children, provided that any outdoor play area is screened by fence, wall or planting line from any neighboring residential structure and is not detrimental to the neighborhood by reasons of noise," as a legal use. A Montessori School for children ages 3 to 6, total class size of 20, is proposed at the subject location.

Submitted by  
Mary Waygan  
Mashpee Planning Board

Publication dates: Friday, May 18, 2018  
Friday, May 25, 2018



### Mashpee Planning Board

#### Public Hearing Notice

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Submitted by  
Mary Waygan  
Mashpee Planning Board

May 18, 25, 2018



### Mashpee Planning Board

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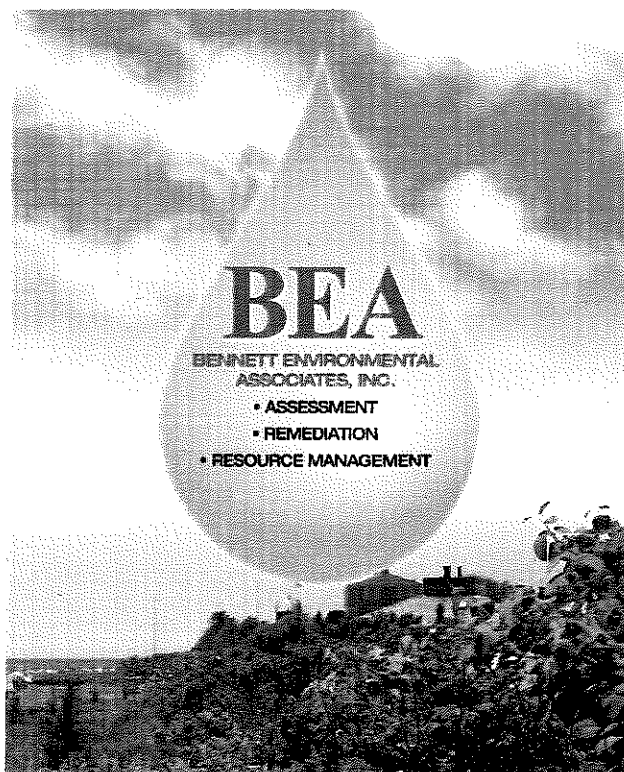
Submitted by  
Mary Waygan  
Mashpee Planning Board

May 18, 25, 2018

# **WATER QUALITY MONITORING PROGRAM ANNUAL REPORT WINDCHIME POINT CONDOMINIUMS**

90 Great Neck Road South  
Mashpee, MA

**MAY 11, 2018**



1573 Main Street - P.O. Box 1743, Brewster, MA 02631 • 508-896-1706 • Fax 508-896-5109  
[www.bennett-ea.com](http://www.bennett-ea.com)

# BENNETT ENVIRONMENTAL ASSOCIATES, INC.

LICENSED SITE PROFESSIONALS ♡ ENVIRONMENTAL SCIENTISTS ♡ GEOLOGISTS ♡ ENGINEERS

1573 Main Street - P.O. Box 1743, Brewster, MA 02631 ♡ 508-896-1706 ♡ Fax 508-896-5109 ♡ www.bennett-ea.com

BEA99-2252

May 11, 2018

TOWN OF MASHPEE PLANNING BOARD  
C/o Evan Lehrer, Town Planner  
Mashpee Town Offices  
16 Great Neck Road North  
Mashpee, MA 02649

**RE: WATER QUALITY MONITORING PROGRAM REPORT**  
Groundwater Discharge Permit #263-2: Windchime Condominium Trust  
Great Neck Road South - Mashpee, MA

Dear Mr. Lehrer,

On behalf of the Windchime Condominium Trust, BENNETT ENVIRONMENTAL ASSOCIATES, INC. (BEA) has prepared the following annual report on the water quality monitoring of surface water and groundwater at the above referenced property, consistent with Exhibit C, Sections V and VI of the Special Permit recorded at the Barnstable County Registry of Deeds [Book 5734, Page 239-240] as conditions established during the initial approval of site development. The following report has been prepared to summarize the results of the March/June/September/December 2017 quarterly water quality sampling conducted at the Windchime Condominium Trust property in Mashpee, MA (herein referred to as "Windchime" or the "site"). This report serves to compare the most recent annual sampling results to previous filings, relative to water quality parameters, to evaluate impact specific to the development of the Windchime Condominium complex and on-site discharge of treated sewage at the site as distinguished from other wastewater and storm water discharges in an area that has experienced significant growth over the past 20 years since this investigation started. The quarterly sampling and analysis of select monitoring wells is consistent with Section B of the Groundwater Discharge Permit # 263-3 I(B)(2) Special Conditions for "Monitoring and Reporting" as established in prior annual reporting.

## SITE DESCRIPTION

The subject Windchime Condominium Trust property is located some 3,000' southeast of the Mashpee Rotary, on Great Neck Road South [Refer to Figure 1]. The site contains some 70 acres of land area, the majority of which is upland. The Mashpee River defines the eastern boundary of the site, with associated fringe wetlands. The western boundary is defined by the road layout of Great Neck Road South, beyond which is a vacant property owned as part of Mashpee Commons with the Mashpee Commons complex further west off Falmouth Road.



Southwest of the property is another shopping plaza (Roche Bros) and south additional multi residential housing complexes (Sea Meadow Condominiums, New Seabury). Some 250' north of the site is the Mashpee Commons Wastewater Treatment Facility (MC WWTF) and leaching beds associated with the Mashpee Commons commercial development along the Mashpee Rotary (intersection of Routes 28 and 151). Further to the north and east are the large undeveloped tracks of conservation lands owned by the Trustees of the Reservations.

The Windchime Condominium Trust Wastewater Treatment Facility (WWTF) is located approximately 375' from the edge of the vegetated wetland associated with the Mashpee River. Further, the Mashpee Commons (MC) WWTF is located within 500' of the Windchime WWTF, complicating interpretation of individual groundwater impacts to both groundwater and the Mashpee River with intermingled plumes of treated sewage solute. The MC WWTF is presently permitted for 180,000 gallons per day (gpd) and receives sewage from the Mashpee Commons commercial development at the Mashpee Rotary [Refer to Appendix C]. The Windchime WWTF is permitted for 40,000 gpd, a fraction (1/5) of the total treated wastewater permitted for discharge between these abutting facilities, discounting other abutting sources of treated and untreated sewage and directed storm water discharge from Route 28. Based on the estimated discharges and proximity of the Mashpee Commons leaching facilities to the Windchime leaching galleries, potential groundwater impact is expected to be cumulative of those impacts, with the Windchime WWTF potentially contributing some 22% of the treated wastewater discharged in this discrete area to the aquifer, eventually received by the Mashpee River. The baseline monitoring of historic groundwater and surface water quality at the site since 1991 provides an opportunity to evaluate cumulative impacts and to extrapolate and approximate individual impacts.

Monitoring wells B-2R, MW-3R and MC MW-2 are clearly up-gradient of the Windchime sewage treatment plant, but down-gradient/cross-gradient of the Mashpee Commons facility. Based on historic water quality relative to the location of select monitoring wells, down-gradient groundwater impacts are clearly attributed to treated wastewater discharge at both the Windchime and Mashpee Commons WWTFs in the finite study area. Notwithstanding, any such focused interpretation of the data is clearly a stated limitation of this report in the understanding of other significant regional impacts to the Mashpee River and Popponesset Bay estuary beyond the study area. Efforts continue to work with the Town of Mashpee to revise the Special Permit and participate in a larger and more comprehensive study, shared with abutters, within the Comprehensive Wastewater Planning activities presently underway.

#### **SITE ENVIRONMENTAL/HYDROGEOLOGIC CONDITIONS**

Groundwater exists within 40-50' of ground surface in the area of the WWTF leaching gallery as subject to seasonal variation. Regional groundwater contours indicate an easterly groundwater flow as consistent with site-specific groundwater level measurements made at the existing monitoring wells, which have been benchmarked to a common vertical datum [Refer to Figure 2]. Groundwater flow in this area is strongly influenced by the Mashpee River, some 500'

to the east of the site. The Mashpee River represents a regional groundwater discharge area (gaining stream), and has been identified as the primary down-gradient environmental receptor.

A review of the MA DEP BWSC GIS mapping program [Figure 3] shows the site as mapped within the recharge area of the Mashpee River approximately 300-600' (+/-) east of the Windchime Condominium Trust and Mashpee Commons wastewater treatment facilities. The majority of the Windchime property is further mapped by NHESP as "Estimated Habitat of Rare Wetlands Wildlife", inclusive of the areas of the two WWTFs. A significant buffer of naturally wooded area is maintained between the Windchime Development, the wastewater plant, and the Mashpee River. The site is not within any defined Interim or Zone II Wellhead Protection Area for a public water supply (PWS). One non-community public water supply well is located within one-half mile southwest, and an additional community public water supply is located within one mile to the north-northeast in apparent cross-gradient positions to the site. As such, based on the hydrogeologic position of the public water supplies and proximity of groundwater, no impact to any existing water supply is expected, and no human receptors are considered, aside from the ecologic and recreational value of the Mashpee River.

#### GROUNDWATER ANALYSIS

As a requirement of the original Special Permit, four (4) supplemental monitoring wells and three (3) piezometers were installed by IEP, Inc., for the specified water quality-monitoring program (WQMP) in, or around, 1987. Since that time, several of these wells have been replaced due to damage or destruction. Monitoring wells MW-1, MW-2 and MW-4 are located along River Road some 150-300' down-gradient of the Windchime leaching galleries and intermediate to the Mashpee River. Monitoring well MW-3R is located some 200' (+/-) up-gradient of the Windchime leaching galleries, and 100' (+/-) cross-gradient of the Mashpee Commons leaching beds. An additional down-gradient monitoring well B-1 (formerly MW-5) exists on the Windchime Condominium property, also associated with the initial site development. Additional monitoring wells exist on the abutting property to the north, associated with the groundwater discharge permit monitoring program for the Mashpee Commons WWTF, including a well also identified as MW-2 (herein referred to as MC MW-2) [Refer to Site Plan - Appendix A].

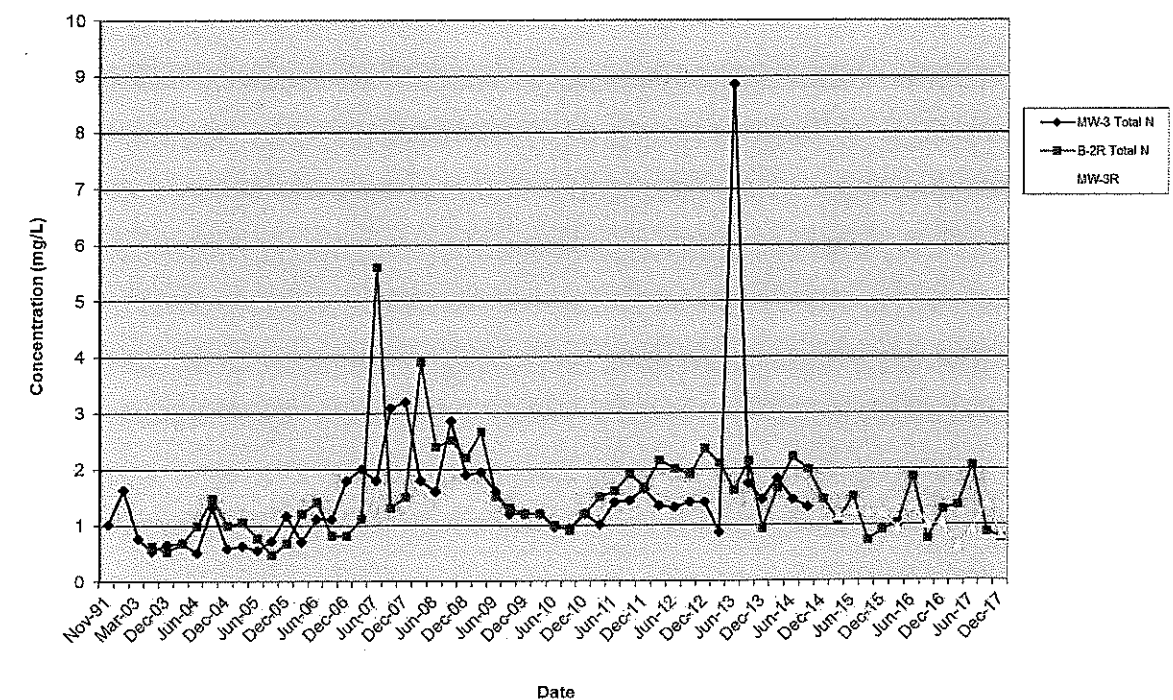
Static groundwater level measurements continue to demonstrate a general easterly groundwater flow direction. As such, monitoring wells MC MW-2, MW-3, and B-2R are representative of the specific contribution of wastewater impacts to groundwater from the MC WWTF [Refer to Site Sketch Plan - Appendix A]. Monitoring wells MW-1, MW-2 and MW-4, as well as piezometers PZ-2R and PZ-3R are down-gradient of both the Windchime Wastewater Treatment Facility (WWTF) and the Mashpee Commons Wastewater Treatment Facility (MC WWTF). The effects of treated wastewater effluent discharge at these monitoring locations are expected to be cumulative.

On March 16, June 30, September 13 and December 7, 2017, the depth to groundwater was measured in each monitoring well and piezometer prior to sampling, to determine standing water and well volume, and to qualify any seasonal variations in site-specific groundwater flow

direction. Field measurements of temperature, conductivity, dissolved oxygen and pH were recorded in all quarters [Refer to Monitor Well Sampling Logs - Appendix B]. BEA subsequently collected groundwater samples from five groundwater monitoring wells and three piezometers. Groundwater samples were preserved on ice in a cooler, and sent to Alpha Analytical in Westborough, MA for certified analyses of wet chemistry. In addition, on September 13, 2017 groundwater samples were collected from monitoring wells MW-1, MW-2, MW-3R and MW-4 and properly preserved in appropriate containers for volatile organic compounds (VOCs) analyses by specified EPA 624 method, required annually by the GWDP. Laboratory analytical results of historic analyses and quarterly groundwater samples collected in March through December 2017 are enclosed as part of the water quality tracking charts in Appendix D.

The concentrations of sewage indicators, such as nitrate and sodium, with associated field measurements of low dissolved oxygen and elevated conductivity, are used to evaluate the influence of treated wastewater effluent discharge on groundwater quality, and to identify and define the solute plume of influence. In general, the concentrations of sodium, nitrate and conductivity will be highest immediately down-gradient of wastewater discharge points in the treated effluent plume, and may be expected to decrease away from the point source, associated with dispersion, dilution and natural attenuation. Likewise, decreased dissolved oxygen is expected closest to the point of subsurface discharge as an indicator of groundwater impact inside the plume associated with chemical and biological oxygen demand relative to organic compounds in treated wastewater.

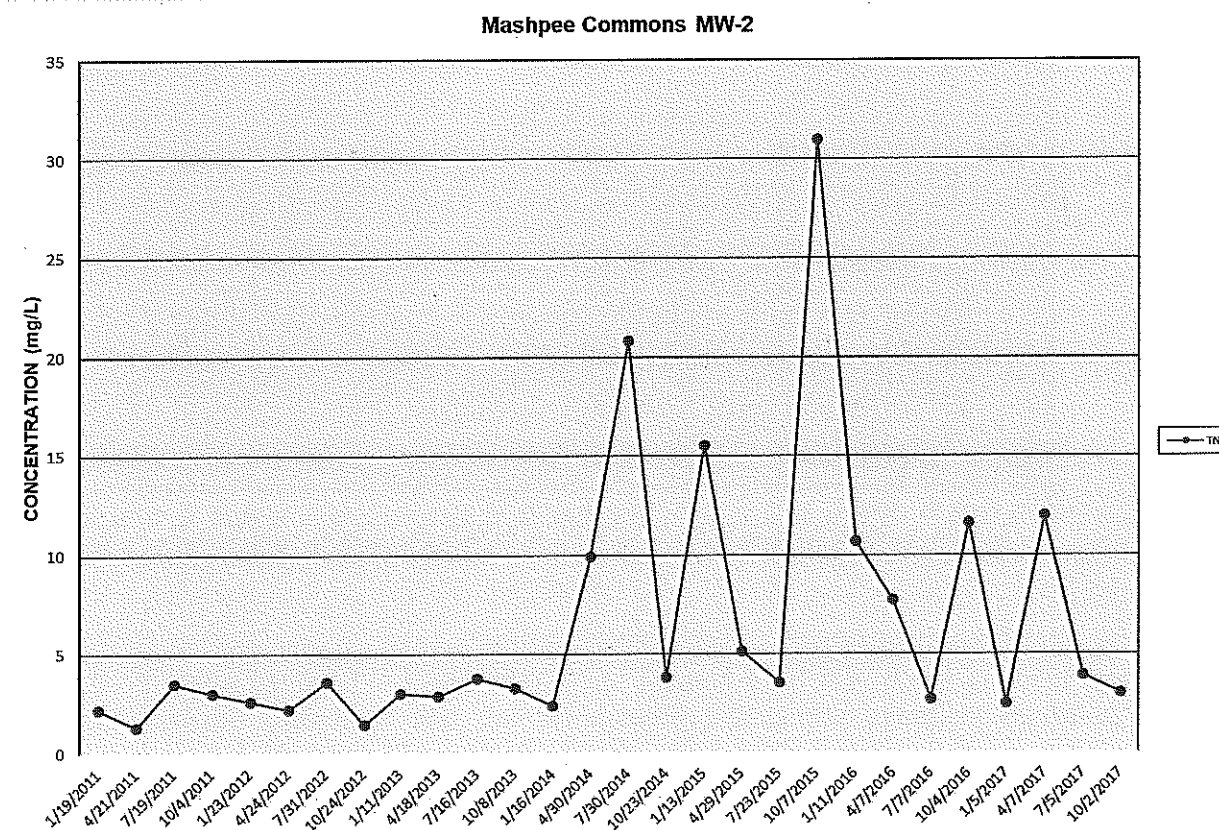
Upgradient Total Nitrogen Monitoring





In the majority of groundwater sampling events conducted from 1991 through the present, up-gradient monitoring wells B-2R and MW-3/MW-3R report total nitrogen between 1-3 mg/L. Periodic fluctuation is noted, and clear spikes in total nitrogen concentrations are observed in B-2R in June 2007 and MW-3 in June 2013, as outliers to observed trends. No total nitrogen concentrations exceeding 10 mg/L have been reported in testing conducted since 1991 although a general increasing trend in background conditions shows that total nitrogen has increased from 0.5 +/- mg/L to 1.5 +/- mg/L from the 2003 baseline.

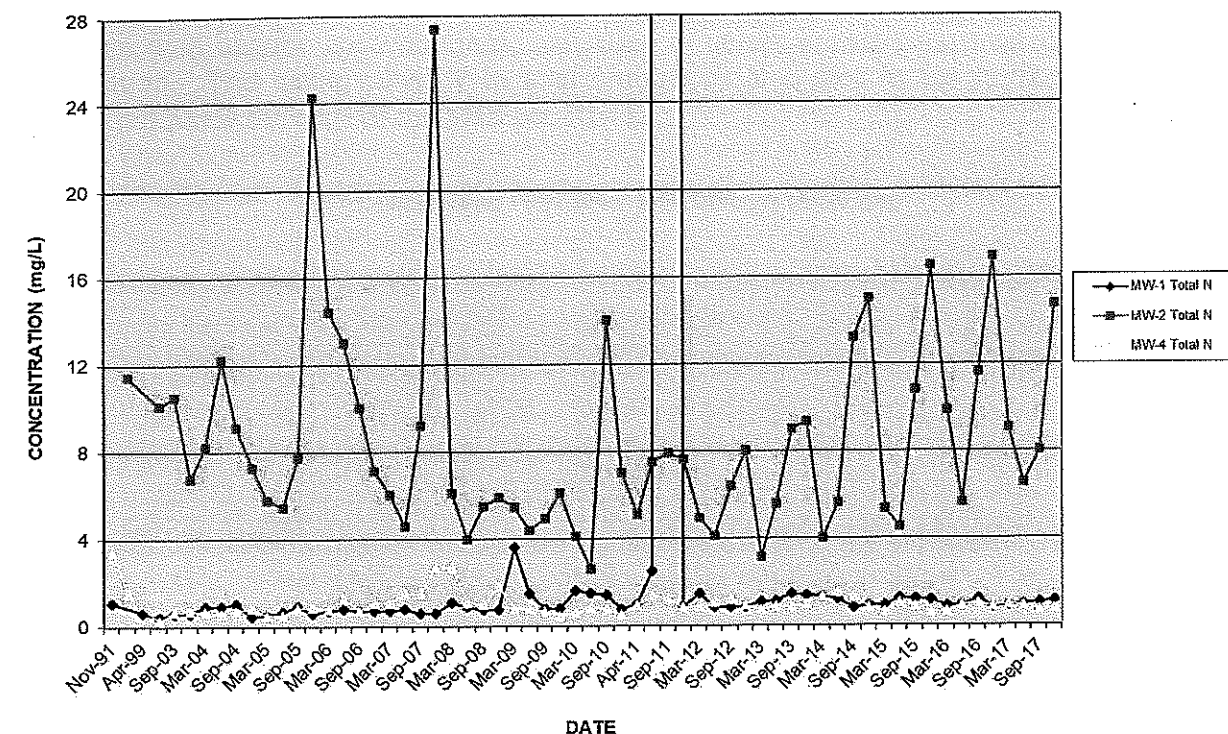
Moderate concentrations of sodium, and low to moderate concentrations of dissolved oxygen and conductivity were recorded during the reporting period. These results are consistent with the ambient groundwater quality conditions documented in previous groundwater sampling events, including the original sampling results reported in November 1991. Throughout the project history, the overall increasing trend of nutrient concentrations and site-specific groundwater flow computations indicate that these up-gradient monitoring wells are influenced by up-gradient development.



The monitoring well referred to as MC MW-2 is associated with the Mashpee Commons WWTF and prescribed for quarterly sampling as part of that facility's groundwater discharge permit as a location specifically down-gradient of the MC WWTF leaching field, and not under

influence of discharge from the WC WWTF. MC MW-2 is a location of particular interest in review of groundwater quality in this area as it is up-gradient of the Windchime WWTF leaching field and is located in the area where the greatest nutrient impact has routinely been identified since testing began in 1991. This area of greatest impact also includes monitoring wells MW-2 and PZ-2. MC MW-2 has shown elevated nutrient concentrations with a distinctive increasing trend following the MC WWTF 2014 plant expansion. Historic data from MC MW-2 was only available as part of this study intermittently, but elevated concentrations were identified at this well location in November 1991 prior to the development of the Windchime WWTF (nitrate 21.7 mg/L), in October 2005 (nitrate 8.31 mg/L and total nitrogen 9.15 mg/L), and in the fourth quarter of 2008 (total nitrogen 8.8 mg/L).

Downgradient Monitoring Well Total Nitrogen Monitoring

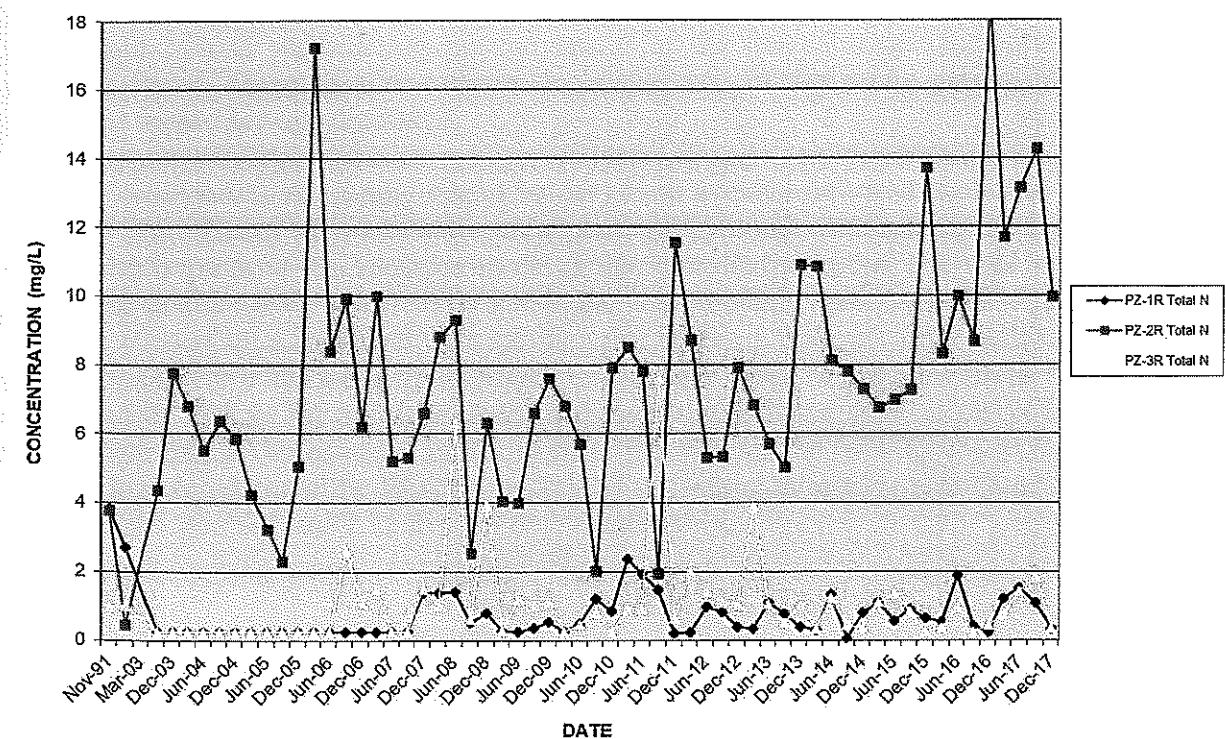


Monitoring wells MW-1 and MW-4 are located in clearly down-gradient positions to both the Mashpee Commons and the Windchime wastewater treatment facilities, directly intermediate to the Mashpee River [Refer to Site Sketch Plan – Appendix A]. Groundwater samples at these locations have generally reported nitrate and total nitrogen concentrations as less than background concentrations identified in the B-2R and MW-3 up-gradient wells. Concentrations of total nitrogen in down-gradient MW-1 and MW-4 monitoring wells remain consistent with those established as baseline in November 1991. These test results indicate low-level nutrient impact from on-site wastewater discharge to down-gradient groundwater quality at these locations. Although these wells are clearly in the mapped solute plume, it appears that

there is likely preferential travel of the solute within the stratified sands that make up the shallow unconfined aquifer.

Groundwater sampled from down-gradient monitoring well MW-2, located within the area where greatest groundwater impacts have been observed, has demonstrated significant nutrient impact dating back to baseline testing conducted in 1991, pre-dating WWTF construction and treated effluent discharge at the subject property. From a 1991 baseline of approximately 12 mg/L, nitrate and total nitrogen concentrations in MW-2 have fluctuated to below 10 mg/L generally from March 2008 through June 2014, then demonstrated an increasing trend with concentrations periodically above 10 mg/L through December 2017. The volatility of these measurements with periodic spikes typically in December sampling, some three (3) months beyond peak seasonal flow, is likely an effect of seasonal increased flow as a function of groundwater flow velocity and the travel time from the leaching fields to the down-gradient monitoring wells. Conductivity, sodium, and chloride concentrations in 2017 were reported as consistent with historic concentrations, indicative of solute impact from treated wastewater at this location. This same volatility in total nitrogen is also seen in the further downgradient piezometers along the edge of the Mashpee River.

Downgradient Piezometer Total Nitrogen Monitoring

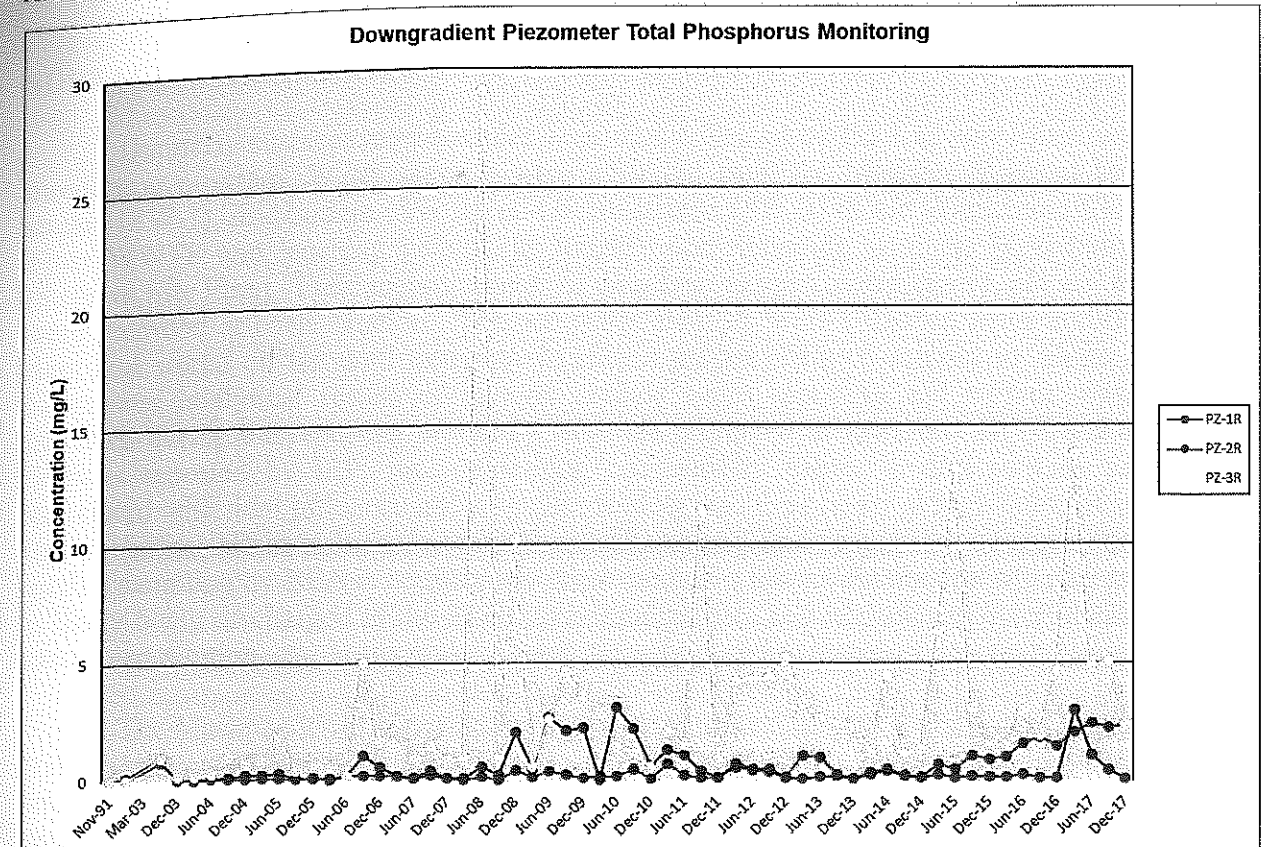




Since the Mashpee River empties into Popponesset Bay, the concentrations of nitrate/total nitrogen at the piezometers along the Mashpee River provide information about the quality of groundwater being discharged into the river. Nitrate and total nitrogen concentrations at piezometers PZ-1R and PZ-3R were reported at concentrations less than the Water Quality Based Effluent Limitations standard of 10 mg/L, as represented in 314 CMR 5.00, throughout 2017. Nitrate/total nitrogen concentrations at the PZ-1R and PZ-3R piezometers are generally consistent with concentrations reported in the November 1991 baseline and subsequent testing. Furthermore, all nitrate and total nitrogen concentrations at the PZ-1R and PZ-3R locations during the 2017 reporting period were below the most stringent 5 mg/L Special Permit guidelines.

Baseline testing in 1991 identified total nitrogen concentrations of 4 mg/L at the PZ-2R location. Since that time, an increasing trend is observed with concentrations periodically exceeding 10 mg/L. During the reporting period, PZ-2R reported nitrate and total nitrogen concentrations as greater than the 5 mg/L Special Permit guideline in all quarters, and concentrations were reported as greater than 10 mg/L in all but the December 2017 quarter (9.97 mg/L). Sodium and chloride concentrations have increased since initial testing but have been relatively consistent since 2003, though a spike concentration of 110 mg/L sodium was reported in March 2017. Conductivity concentrations during the reporting period remained generally consistent, with periodic spikes. PZ-2R is located within the area of greatest identified groundwater impact, and concentrations are generally consistent with those observed in MC MW-2 and MW-2, representing the movement of the treated wastewater plume toward the Mashpee River. These locations appear to be the axis of the solute plume influence by the combined treated sewage discharge.

Consideration of loading rates (lbs/day) from average flow and analytical results is used to show the effects of wastewater treatment and natural attenuation, in consideration of cumulative impacts to the Mashpee River as the identified receptor. The total nitrogen loading rates were calculated for select wells within the central plume area; MC MW-2, MW-2 and PZ-2R as a conservative, positively biased measure wherein "worse case" wells are considered. Calculations were made using the average annual water usage in million gallons per day (MGD) from the MC WWTF for MC MW-2, located up-gradient of the Windchime WWTF, and using the average annual water usage in MGD from the Windchime WWTF for MW-2 and PZ-2R, located down-gradient of the Windchime WWTF. Loading rates were calculated as 1.89 lbs. per day, 0.95 lbs. per day, and 1.21 lbs. per day, respectively.



Monitoring of total phosphorus at the PZ-1R and PZ-2R locations has shown concentrations below 5 mg/L since testing began in 1991. From December 2008 through September 2010, as well as in March 2017, PZ-1R total phosphorus concentrations increased to between approximately 2-3 mg/L. PZ-2R also showed increased total phosphorus concentrations in the 2-3 mg/L range throughout the 2017 reporting period. This trend may indicate an increase in total phosphorus impact from upstream sources. PZ-3R is located in the southern-most, downstream position at the base of the Mashpee River. PZ-3R has consistently demonstrated the greatest total phosphorus concentrations, with an increasing trend greater than the other two piezometers observed since June 2004. These increasing trends likely represent breakthrough of phosphorus, which is naturally adsorbed in sands with high iron content as typical of the glacial outwash sands that are predominant in the area. Presently under the MA DEP GWDP, phosphorus is not a parameter for which treatment is required.

The down-gradient monitoring wells MW-1, MW-2 and MW-4, as well as the up-gradient MW-3R, were sampled for volatile organic compounds (VOCs, Method 624) in September 2017, as required by the Groundwater Discharge Permit for the Windchime WWTF. Laboratory analysis of groundwater samples reported all VOCs tested as Non-Detect (ND) in each of the four monitoring wells. As such, no volatile organic impact to groundwater is apparent, associated with either the Windchime or Mashpee Commons WWTF treated effluent discharges. The laboratory report for VOCs analysis is included in Appendix D.

## SURFACE WATER ANALYSIS

Quarterly surface water samples were also collected by BEA as part of the water quality monitoring program. Water samples were collected from the Mashpee River at locations up-stream (SW-1), mid-stream (SW-2), and down-stream (SW-3) of the Windchime Condominium Trust WWTF and leaching gallery, as roughly corresponding with the piezometer locations [Refer to Site Plan]. Field measurements of dissolved oxygen, conductivity, pH and temperature were recorded at each location. Surface water samples were collected from mid-depth in the river and stored on ice until transferred under a proper chain-of-custody to Alpha Analytical. Laboratory analytical results of historic surface water sampling and surface water samples collected during the reporting period by BEA are presented in Appendix D. Based on baseline findings reported by IEP, Inc., increasing conductivity values in down-stream samples are associated with tidal influence and saltwater feeding into the estuary at high tides. It is suspected that such tidal effect influences other chemical and physical properties. As such, surface water quality sampling by BEA is consistently conducted on a low or ebbing tide wherein groundwater is likely being discharged to the River, to normalize data and exclude saltwater interference and associated dilution.

The Mashpee River is considered a coastal/marine Class SA Outstanding Resource Water (ORW), in accordance with the provisions of 314 CMR 4.00. These waters are designated an excellent habitat for fish, other aquatic life and wildlife, and for primary and secondary contact recreation, and are generally suitable for shellfish harvesting without depuration. Nutrient thresholds vary from basin to basin, largely dependent on size, bathymetry and flushing capacity. Nitrogen is generally identified as the limiting factor in saltwater eutrophication associated with coastal waters. Elevated nitrogen concentrations serve as nutrients for potential congestive plant and algae growth. Elevated temperatures increase the rate of plant and algae decomposition. High decomposition rates demand increased dissolved oxygen, thereby limiting the oxygen available to aquatic life and bacteria necessary for maintaining ecological balance. Per 314 CMR 4.05(4), dissolved oxygen shall not be less than 6.0 mg/L, temperature shall not exceed 85° F, and pH shall be in the range of 6.5 - 8.5 for Class SA - ORW coastal waters.

Dissolved oxygen was recorded at or above the 6 mg/L limitation in all surface water measurements throughout 2017, meeting the Class SA - ORW standard. Temperature was reported within the standard at all locations as well. The temperature and dissolved oxygen measurements reported limit the rate of potential decomposition, which indicates that the Mashpee River is not presently eutrophic. Observations made during sampling events relative to the clarity of water and a lack of congestive plant and algae growth support this conclusion. Further, based on this particular fluvial environment wherein tidal influence is exhibited, the continuous surface water flow and marine flushing effect may limit the potential for eutrophication.

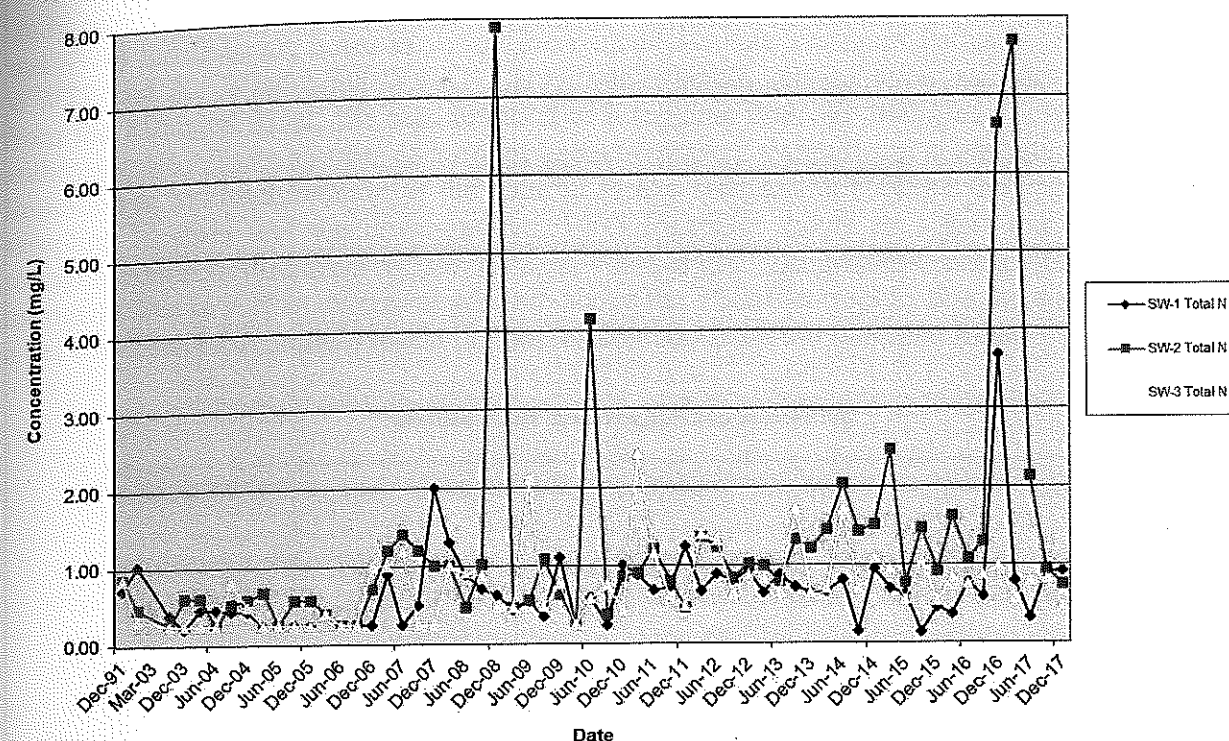
Measurements of pH were reported below the 6.5 threshold periodically throughout 2017 at the three monitoring locations. Wherein the elevation of the Mashpee River is similar to the



elevation of groundwater, and groundwater is discharged as a gaining stream at the time of testing on an outgoing tide, the low pH is attributed to naturally acidic groundwater conditions, rather than as a function of wastewater influence as would tend to be a buffer, and increase pH. Surface water sampling throughout 2017 was conducted around ebb-to-low tides. Conductivity values at the SW-1 up-stream and SW-3 down-stream locations were consistent with baseline and historic testing. It is noted that SW-3 has reported moderate to high conductivity values since baseline testing conducted in 1991 and 1999. At the SW-2 mid-stream location, conductivity values were higher than baseline testing but generally consistent with testing conducted since 2003. The Mashpee River is tidal by nature and the highest conductivity readings generally are found at the SW-3 location, as furthest down-stream and closest to the mouth of the river.

Nitrogen is generally identified as the limiting factor in saltwater eutrophication associated with coastal waters. As such, review of nitrate/total nitrogen in the surface water within the Mashpee River is also critical in the review of surface water impairment and the potential for environmental impact. The Mashpee River is subject to the promulgated standards for Class SA Outstanding Resource Water (ORW) for coastal marine waters, in accordance with the provisions of 314 CMR 4.00. According to the Massachusetts Estuaries Project, "Linked Watershed-Embayment Model to Determine Critical Nitrogen Loading Thresholds for Popponesset Bay, Mashpee and Barnstable, Massachusetts", a total nitrogen threshold of 0.38 mg/L has been established for the Popponesset Bay system as a target, wherein achieving this concentration at a sentinel station within Popponesset Bay would be supportive of a high-quality infauna habitat. Based on the "Linked Watershed-Embayment Model..." the 0.38 mg/L target concentration in Popponesset Bay corresponds to a total nitrogen range of 0.525 - 0.422 mg/L along the mid to lower Mashpee River, respectively. As such, based on the relative position along the Mashpee River, the 0.525 ppm (mg/L) background is considered as a threshold in review of a potential eutrophication impacts associated with total nitrogen measured at the Windchime surface water stations.

# Surface Water Total Nitrogen Monitoring

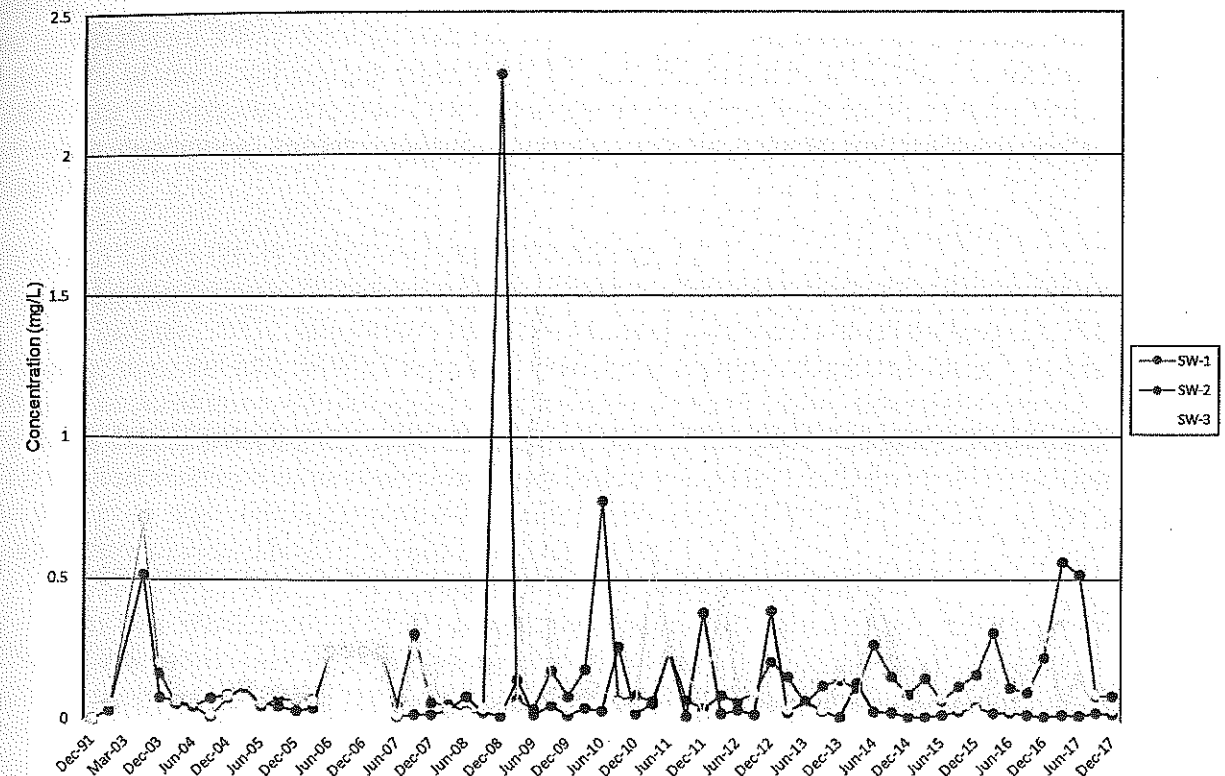


Surface water tests have shown a general increasing trend at all locations, with the increasing trend being somewhat more significant at the SW-2 and SW-3 mid-stream and downstream locations. Since 2010, a marked change has been observed in the component of total nitrogen concentrations, wherein TKN (organic nitrogen and ammonia N) began to routinely be reported as a significant component of total nitrogen. In baseline testing and testing up to 2010, nitrate had typically been the primary component of total nitrogen concentrations. Based on the increase in total nitrogen, as well as the increased incidence of reportable concentrations of TKN, it appears that observed spikes of total nitrogen may be associated with an outside influence of organic nitrogen and ammonia N as not typical of treated sewage. The most likely alternative source of organic nitrogen and ammonia N is fertilizer associated with storm water run-off. A storm water culvert was previously reported to the north of PZ-1, SW-1 and an inventory of direct and indirect storm water discharges is being investigated by BEA through the Mashpee Department of Public Works.

Total nitrogen was reported as greater than the 0.525 ppm threshold in all quarterly testing conducted at the three surface water monitoring locations. At the upstream SW-1 location, total nitrogen was reported below the 0.525 ppm threshold in June 2017, and total nitrogen was reported below 0.525 ppm at the downstream SW-3 location in December 2017. The remaining testing at these locations, as well as all testing at the SW-2 location during 2017, were reported as greater than the threshold.

The SW-1 location is considered reflective of background conditions up-stream of the study area, outside the influence of the MC and WC treated wastewater discharges. The SW-2 and SW-3 locations are noted as within the Projected Solute Transport Pathway of both the MC WWTF and the Windchime WWTF. However, wherein surface water samples are collected from the Mashpee River, the marine outlet of a regional drainage basin, additional natural and anthropogenic off-site sources of nutrient impact represent a significant contribution and a noted limitation to the interpretation of the data. In fact, a comparison between the upgradient SW-1 sampling location and the downgradient SW-3 locations shows an actual reduction in total nitrogen concentration from 0.729 mg/L to 0.648 mg/L. Regardless, concentrations of total nitrogen taken in surface water samples are above the TMDL eutrophication threshold indicating a net contribution to nutrient levels in Popponesset Bay from the Mashpee River.

Surface Water Total Phosphorus Monitoring



Phosphorus is generally identified as the limiting factor in freshwater eutrophication. Preliminary research indicates that no critical phosphorous load has been established for the Mashpee River. Phosphorous concentrations typically vary from season to season, and total phosphorous measurements are directly proportional to turbidity and suspended solids. Phosphorus concentrations in surface water result from various sources, such as surface runoff of rainwater and stormwater direct discharge from roadway conveyance systems, as well as discharge of treatment wastewater to groundwater. Historic, elevated phosphorus concentrations



reported in the Mashpee River were generally associated with high antecedent groundwater levels and greater precipitation, contributing to increased surface water runoff. The most effective control against increasing phosphorous loads is to provide subsurface discharge of stormwater from roadway runoff in order to reduce runoff discharge to the river, as well as to locate sewage leaching galleries outside a 200' buffer from the river, as established by the Rivers Act. Further evaluation of phosphorus data developed would be facilitated by a TMDL for critical phosphorus nutrient loads for the estuary wherein only nitrogen is considered the limiting factor is saltwater estuaries.

Phosphorus concentrations in samples collected from the Mashpee River were considered as an indicator of potential eutrophication to the Mashpee River as a tidal estuary and subject to periodic brackish conditions. Total phosphorus concentrations spiked at the SW-2 and SW-3 locations between December 2008 and June 2009, and concentrations since that time have been declining to concentrations generally consistent with baseline and testing conducted through September 2008. In the 2017 reporting period, the difference between average concentrations at the down-stream SW-3 location and the up-stream SW-1 location was nominal (0.064 mg/L), indicative of the contributions from the MC and Windchime WWTFs. In the absence of a TMDL for phosphorus and based on observations other readings made in the river contrary to eutrophic conditions, further evaluation of this data is beyond the scope of the monitoring program.

#### EVALUATION OF WASTEWATER TREATMENT

Through 2017, laboratory analysis of total nitrogen concentrations in the effluent discharge from the MC WWTF remained below the 10 mg/L discharge limit. A spike in total nitrogen concentration (47.06 mg/L) was reported in April 2014, potentially related to loss of treatment capacity during the up-grade of the treatment facility. That spike likely influenced the elevated concentration of total nitrogen identified in MC MW-2 in October 2015 (31 mg/L), with the effects of that discharge probable to be observed in MW-2 and PZ-2R, as the plume of groundwater moves eastward toward Mashpee River.

At the Windchime WWTF, laboratory analysis of total nitrogen concentrations in the effluent discharge was reported as greater than 10 mg/L throughout 2017. The greatest concentration reported over the year was 44.29 mg/L in November 2017. These concentrations will also contribute to elevated nutrient concentration in MW-2 and PZ-2R over the 1-2-year time of solute travel from the point of treated effluent discharge to the MW-2 monitoring well and eastward toward Mashpee River. BEA is presently conducting a comprehensive review of treatment plant function and recommendations for upgrades in consideration of facility age, outdated design and obsolescence of software on half of the Windchime Board of Directors. This work is intended as a proactive measure ahead of the Groundwater Discharge Permit regulatory requirements. BEA has considered reconfigured of the Amphidrome plant as a "continuous feed" from the earlier "side stream" configuration which would enhance treatment capacity as operations control adjustments have been exhausted. Such conversions are cost effective and have been found to be reliable in meeting GWDP requirements. Notwithstanding,

the actual technology employed and design will be based on a review of alternatives in the context of both state and local requirements.

## SUMMARY AND CONCLUSIONS

Based on more than a decade of quarterly environmental testing of groundwater and surface water conditions at the Windchime Condominium property, sufficient data exists to document impacts associated with wastewater discharge from area development, inclusive of the Windchime Condominiums as a fractional contributor. Since the 1991 baseline testing, substantial development has resulted in additional wastewater generation and stormwater runoff being discharged into the Mashpee River. Evaluation of groundwater and surface water quality under this investigation has shown a clear area of most significant impact identified at the up-gradient MC MW-2 location and traveling towards the Mashpee River, with elevated total nitrogen concentrations subsequently seen in down-gradient wells MW-2 and PZ-2R. Elevated nutrient concentrations have been documented in these areas since baseline testing, and while concentrations have fluctuated, they have generally remained elevated. The presence of the impact up-gradient of the Windchime WWTF clearly demonstrates the contribution of off-site sources to nutrient concentrations in the area, while the fluctuation and continued elevated nutrient concentrations support the conclusion that concentrations of nutrients in groundwater and impact to surface water is the results of co-mingling wastewater plumes, as well as off-site point and non-point sources.

In general, concentrations of nutrients in the piezometers and within surface water have demonstrated an increasing trend since historic testing. It is noted that the measured total nitrogen and phosphorus concentrations would indicate nutrient loads within and along the Mashpee River are sufficient to cause eutrophication in a freshwater environment. However, based on measured pH, temperature and dissolved oxygen concentrations, and observed clarity of water and lack of congestive plant/algae growth, the Mashpee River appears to be relatively healthy and not presently eutrophic in nature. Impact is attributed to area development and the cumulative effect of co-mingling wastewater plumes, as well as off-site point and non-point sources. Based on the respective Groundwater Discharge Permit approved daily flows for the facilities, Windchime would contribute to the nutrient load from these named sources, as a fraction of the total load.

Based on the complexity in the interpretation of the targeted data under this investigation relative to regional issues of nutrient loading in the Mashpee River watershed it is the recommendation of BEA that future water quality monitoring by the Windchime Condominium Trust be reconsidered by the Mashpee Planning Board, and coordinated with municipal wastewater management efforts.

BENNETT ENVIRONMENTAL ASSOCIATES, INC. (BEA) as successor operator of the Windchime WWTF has made process control adjustments and targeted repairs and maintenance to better review the treatment capacities of the system over the past two years. It is recognized that the WC WWTF, as designed and configured, is reaching an age of planned


MAY 11, 2018  
PAGE 16 OF 16

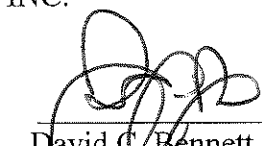
WINDCHIME CONDOMINIUM TRUST/BEA99-2252  
WATER QUALITY MONITORING PROGRAM

obsolescence and that from a regulatory standpoint, is unable to consistently meet nitrogen/nitrate requirements. Presently BEA is conducting a comprehensive review of the treatment plant towards upgrade to consistently meet nitrogen/nitrate requirements in the backdrop of the Town of Mashpee Watershed Nitrogen Management Plan and unique Special Permit requirements.

Should you have any questions regarding this work, or the findings of the annual report, please contact our office.

Sincerely yours,  
BENNETT ENVIRONMENTAL ASSOCIATES, INC.

  
Samantha Farrenkopf, Environmental Scientist  
Project Manager

  
David C. Bennett, LPG., CGWP., LSP  
Hydrogeologist - President

Encl. Supporting Documentation [Appendices A-E]

CC (via electronic copy): Anthony Colletti – American Properties Team  
Glen Harrington - Mashpee Board of Health  
Andrew McManus - Mashpee Conservation Commission



WATER QUALITY MONITORING PROGRAM  
WINDCHIME POINT CONDOMINIUMS  
90 Great Neck Road South - Mashpee, MA

MAY 11, 2018

Prepared For:

MASHPEE PLANNING BOARD  
c/o Evan Lehrer, Town Planner  
Mashpee Town Offices  
16 Great Neck Road North - Mashpee, MA 02649

On Behalf Of:

Windchime Condominium Trust  
c/o Anthony Coletti, Property Manager  
American Properties Team  
500 West Cummings Park - Woburn, MA 01801

Prepared By:

BENNETT ENVIRONMENTAL ASSOCIATES, INC.  
1573 Main Street - P.O. Box 1743  
Brewster, MA 02631

**APPENDIX A: Reference Plans**

- Figure 1: Site Locus Plan [USGS Topographic Quad., Cotuit, MA. 1999] (Excerpt)
- Figure 2: Ground-Water Resources of Cape Cod, Massachusetts [LeBlanc et al, 1986] (Excerpt)
- Figure 3: MA DEP BWSC GIS MAP [Sandwich Quad., 1999] (Excerpt)
- Site Sketch Plan entitled, "Groundwater and Surface Water Quality Program", prepared by BENNETT ENVIRONMENTAL ASSOCIATES, INC., dated 6/02/99 [Revised 4/10/18]

**APPENDIX B: Field Reports**

- Monitor Well/Surface Water Sample Logs [3/16/17, 6/30/17, 9/13/17, 12/07/17]

**APPENDIX C: Reference Literature**

- MA DEP Permitted Treated Effluent Discharge Limits
- "Linked Watershed-Embayment Model to Determine Critical Nitrogen Loading Thresholds for Popponesset Bay, Mashpee and Barnstable, Massachusetts" - Executive Summary

**APPENDIX D: Laboratory Analysis**

- Effluent Discharge Monitoring [Windchime Point WWTF, Mashpee Commons WWTF]
- Historic Laboratory Analytical Spreadsheets
- Laboratory Analysis: Groundwater, Surface Water [Alpha Analytical, 3/23/17 ID L1708191]
- Laboratory Analysis: Groundwater, Surface Water [Alpha Analytical, 7/10/17 ID L1722512]
- Laboratory Analysis: Groundwater, Surface Water [Alpha Analytical, 9/21/17 ID L1732637]
- Laboratory Analysis: Groundwater, Surface Water [Alpha Analytical, 12/15/17 ID L1745363]

**APPENDIX E: Quality Assurance/Quality Control**

129 North Hillcrest Boulevard Unit 4  
Inglewood, California 90301-5451  
May 29, 2018

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

Via e-mail to elehrer@mashpeema.gov


Dear Sir:

It has come to our attention by post and through conversation with our neighbors about the application to build a personal wireless service facility at 101 Red Brook Road, Mashpee, MA 02649. As we will be unable to attend the meeting scheduled for June 6, 2018, we submit this letter to lodge our objection.

Since receiving this news we have done some research regarding the proximity of such a facility to our property and to the inhabitants in close proximity and find for health reasons, including electromagnetic health issues, it is not suitable. Above all, we try to live in an environment that is hazard free, pollution free and as aesthetically natural as possible. This proposal, we believe, would have a negative effect on all of these and more, including a decrease in property value.

Surely the Town of Mashpee can find a more suitable location for the cell phone tower. There are commercial areas where such a facility can be installed, such as the two industrial parks in Mashpee or near the town dump. We respectfully ask that you seek out a different location.

Should a vote be taken at the Mashpee Planning Board meeting regarding this said proposal - we vote No!

Sincerely,  
  
Jerilyn O. Collier Davis  
and

Freda K. Byron-Twyman  
Property owners of 102 Blue Castle Drive, Mashpee

Letter also mailed to above addressee  
Certified Mail Receipt No. 7014 2120 0000 8312 4081



# Town of Mashpee

16 Great Neck Road North  
Mashpee, Massachusetts 02649

## Mashpee Planning Board Public Hearing Notice

Pursuant to Massachusetts General Laws, Chapter 40A, the Mashpee Planning Board will hold a public hearing on Wednesday, June 6, 2018 at 7:20 p.m. at the Mashpee Town Hall, 16 Great Neck Road North, to consider an application from Bill Lovely, property owner of 2 Center Street, Mashpee, MA 02649 (Map 36, Lot 47), seeking a modification to the subject property's special permit to list §174-25(B10) of the Mashpee Zoning By-Law, "Day nursery, nursery school, kindergarten or other agency giving day care to children, provided that any outdoor play area is screened by fence, wall or planting line from any neighboring residential structure and is not detrimental to the neighborhood by reasons of noise," as a legal use. A Montessori School for children ages 3 to 6, total class size of 20, is proposed at the subject location.

Submitted by

Mary Waygan

Mashpee Planning Board

Publication dates: Friday, May 18, 2018  
Friday, May 25, 2018



### Mashpee Planning Board

#### Public Hearing Notice

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Submitted by  
Mary Waygan  
Mashpee Planning Board

May 18, 25, 2018



### Mashpee Planning Board

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Submitted by  
Mary Waygan  
Mashpee Planning Board  
May 18, 25, 2018



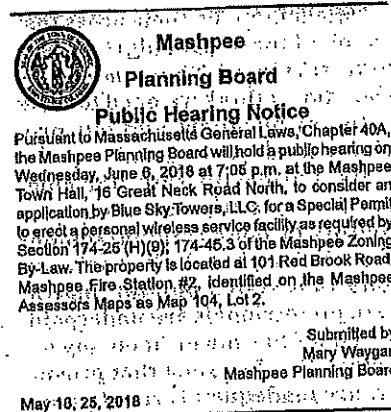
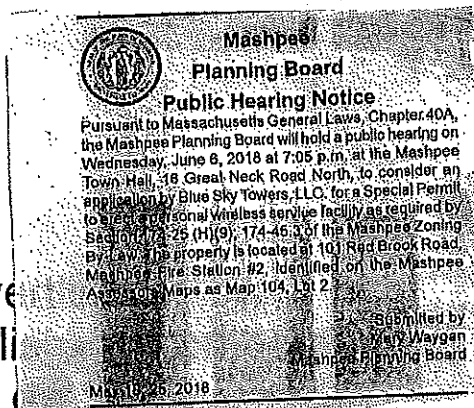
Christine Willander

From: ads@capenews.net  
Sent: Tuesday, May 8, 2018 11:44 AM  
To: Christine Willander  
Subject: RE: Planning Board PHN - Mashpee

Receive.

Thanks

Greg Smith  
Classified Adve  
Falmouth Publi  
508-548-4700  
ads@capenews.net



-----Original Message-----

From: "Christine Willander" <cwillander@mashpeema.gov>  
Sent: Tuesday, May 8, 2018 11:32am  
To: "ads@capenews.net" <ads@capenews.net>  
Cc: "Terrie Cook" <tmcook@mashpeema.gov>  
Subject: Planning Board PHN - Mashpee

Good Day,

Attached is a public hearing notice for publication in the Friday, May 18 and Friday May 25, 2018 edition of the Mashpee Enterprise with the Town Seal.

Please confirm receipt when convenient. Thank you.

Christine A. Willander | Administrative Secretary



# Town of Mashpee

Planning Board

16 Great Neck Road North, Mashpee, MA 02649  
Telephone (508) 539-1400 ext. 520 • Fax (508) 539-0954  
Email: [planning@ci.mashpee.ma.us](mailto:planning@ci.mashpee.ma.us)

## **SPECIAL PERMIT MODIFICATION**

SM REALTY TRUST  
MAIN STREET VILLAGE  
MODIFICATION NO. 1

### **I. Proposal.**

This decision concerns the application of SM Realty Trust, P.O. Box 753, Osterville, MA 02655 (the "Applicant") for approval of a Modification of a special permit approved on April 20, 2005 to construct a commercial center consisting of two buildings totaling 9968 sq. ft. on 1.92 acres located at 334 Main St (corner of Route 130 and Center Street. The property is identified on the Mashpee Assessors Maps as Map 36, Block 47. The Application indicated the owner of the property as Southside Realty Trust, at the same address as SM Realty Trust and specified that the application was made pursuant to Sections 174-24(C)(1) et seq. and 174-25(B)(11) (Trade, professional or other school conducted as a private business for gain). The requested modification is to add the aforesaid use to the list of uses allowed within this commercial center in order to allow a dance studio.

### **II. Jurisdiction.**

The application was made and this decision is issued by the Mashpee Planning Board pursuant to Article VI, Section 174-24.C.(9)(c) of the Mashpee Zoning Bylaws as they existed on August 2, 2006, the date on which this special permit modification was approved by the Mashpee Planning Board. Where reference is made herein to the Mashpee Zoning Bylaw, it shall refer to the provisions thereof as they existed on said date. The project is located in the C-2 Commercial zoning district and within the Mashpee Center Overlay District and a Groundwater Protection District.

### **III. Chronology.**

The application for this modification was filed with the Town Clerk on June 21, 2006. A hearing was opened before the Mashpee Planning Board at the Mashpee Town Hall, 16 Great Neck Road, North, Mashpee, Massachusetts on August 2, 2006 at 7:10 p.m. Notice was duly given to abutters in accordance with Massachusetts General Law Chapter 40A. Notice was given by publication in the Mashpee Enterprise, a newspaper of general circulation in the town of Mashpee on July 14 and 21, 2006.

### **IV. Decision and Findings.**

On August 2, 2006, the Planning Board closed the public hearing and voted to make the following findings and grant a special permit modification as described below. The members of

the Planning Board were recorded as follows: Beverly Kane, Dennis H. Balzarini, Lee Gurney, John Halachis and Associate Member Harvey Cohen were recorded as voting in favor of the decision. No members were recorded as voting against.

1. The Property is located in the C-2 Commercial zoning district and within the Mashpee Center Overlay District. The proposed uses are allowed in those districts.
2. The proposed modification satisfies the requirements of Massachusetts General Law Chapter 40A, in that it complies with the general purposes and intent of the Mashpee Zoning-By-Law.
3. There are no site plan or external architectural changes proposed.
4. In conformance with the provisions of Article VI, Section 174-24.C.(2) of the Zoning Bylaw, the Planning Board finds that the proposal will not adversely affect public health or safety, will not cause excessive demand on community facilities, will not significantly decrease surface or ground water quality or air quality, will not have significant adverse impact on wildlife habitat, estuarine systems, traffic flow, traffic safety, waterways, fisheries, public lands or neighboring properties, will not cause excessive levels of noise, vibration, electrical disturbance, radioactivity or glare, will not destroy or disrupt any species listed as rare, endangered or threatened by the Massachusetts Natural Heritage program or any known historic or archaeologic site, will not produce amounts of trash, refuse or debris in excess of the town's landfill and waste disposal capacities, will properly dispose of stumps, construction debris, hazardous materials and other wastes, will provide adequate off street parking, will not cause excessive erosion or cause increase runoff into neighboring properties or into any natural river, stream, pond or water body and will not otherwise be detrimental to the town or the area.

#### **V. Conditions.**

Condition #13 of the original special permit is hereby modified to add, as an allowed use, those uses allowed under Section 174-25(B)(11) of the Mashpee Zoning By-law (Trade, professional or other school conducted as a private business for gain), specifically including a dance studio.

All other conditions of the special permit shall remain in full force and effect and be binding not only upon the applicant but also on all successors-in-interest and assigns of the applicant.

Within 60 days of the approval of this decision, the applicant shall provide to the Board a copy of this decision as recorded with the Barnstable County Registry of Deeds, including an indication as to the book and page at which it was recorded.



**VI. Signature and Filing.**

This special permit modification decision has been approved by the Mashpee Planning Board on this 2<sup>nd</sup> day of August 2006.

A true copy  
Attest

Brendy A. Kane  
Member, Mashpee Planning Board

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Aug. 2, 2006  
date

On this 2<sup>nd</sup> day of Aug. 2006 before me, the undersigned notary public, personally appeared Brendy Kane a member of the Mashpee Planning Board, proved to me through satisfactory evidence of identification, which were known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he/she) signed it voluntarily for its stated purpose.

Henriette J. Arcangelo  
Notary Public

My Commission expires: December 31, 2010

date of expiration

A copy of this decision has been duly filed on Aug 3, 2006 with the Town Clerk of Mashpee.

Deborah F. Danis  
Town Clerk

Notice of this decision was mailed on August 7, 2006 to the applicant, to the parties in interest designated in M.G.L. Chapter 40A, Section 11 and to all persons at the hearing who requested such notice. Any appeal shall be made pursuant to Section 17 of the Chapter 40A of the Massachusetts General Laws within twenty (20) days after the date of said filing.

I, Deborah F. Danis, Town Clerk of the Town of Mashpee, hereby certify that a copy of this decision was filed with the office of the Town Clerk on Aug 3, 2006 and that no appeal of that decision was filed within twenty (20) days thereafter. ✓

September 6, 2006  
Date

Deborah F. Danis  
Town Clerk

Upon expiration of the statutory appeal period with no appeal having been filed, this special permit decision has been signed by the Mashpee Planning Board on 9/1/06, 2006 and may be recorded.

*[Faint handwritten text]*

Beverly A. Kane

Dennis H. Bejarani

Jeffery

John H. Hickey

W. B. Cole



## Town of Mashpee Inspections Department

*Ensuring Safe Construction for the People of Mashpee*

Michael Mendoza  
Building Commissioner

May 8, 2018

To: Evan Lehrer  
Town Planner

Re: Special Permit Regulations Section V (E)

Dear Mr. Lehrer:

As the current chair of the Design Review Committee, it is my position that it would make sense that an applicant would first go before the Cape Cod Commission, prior to the Design Review Committee.

The Cape Cod Commission would have more detailed requirements which I feel that the Design Review Committee would most likely build upon. Also, it is my understanding that unlike the Design Review Committee, the Cape Cod Commission does not get into the look of the structure, like the Design Review Committee would.

Thus, it would make more sense to first go before the Cape Cod Commission prior to going before the Design Review Committee.

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

Michael Mendoza  
Building Commissioner



POSED TREE WELL

# 1942 ALTERATION

AN

EXISTING SIDEWALK

POLE

VINYL

LIMIT OF CLEARING

20'

PLAY GROUND PERIMETER

$$20 \times 75' = 1,500 SF$$

47'-8" +/-

6" C/JRB REVEAL AT EDGE OF PAVEMENT

RELOCATED 4' HIGH RETAINING WALL

4' HIGH RETAINING WALL  
17'-4"

STORMWATER MANAGEMENT  
BICRETENTION SYSTEM

PROPOSED 2' HIGH RETAINING WALL

TOP OF WALL EL. 80.0

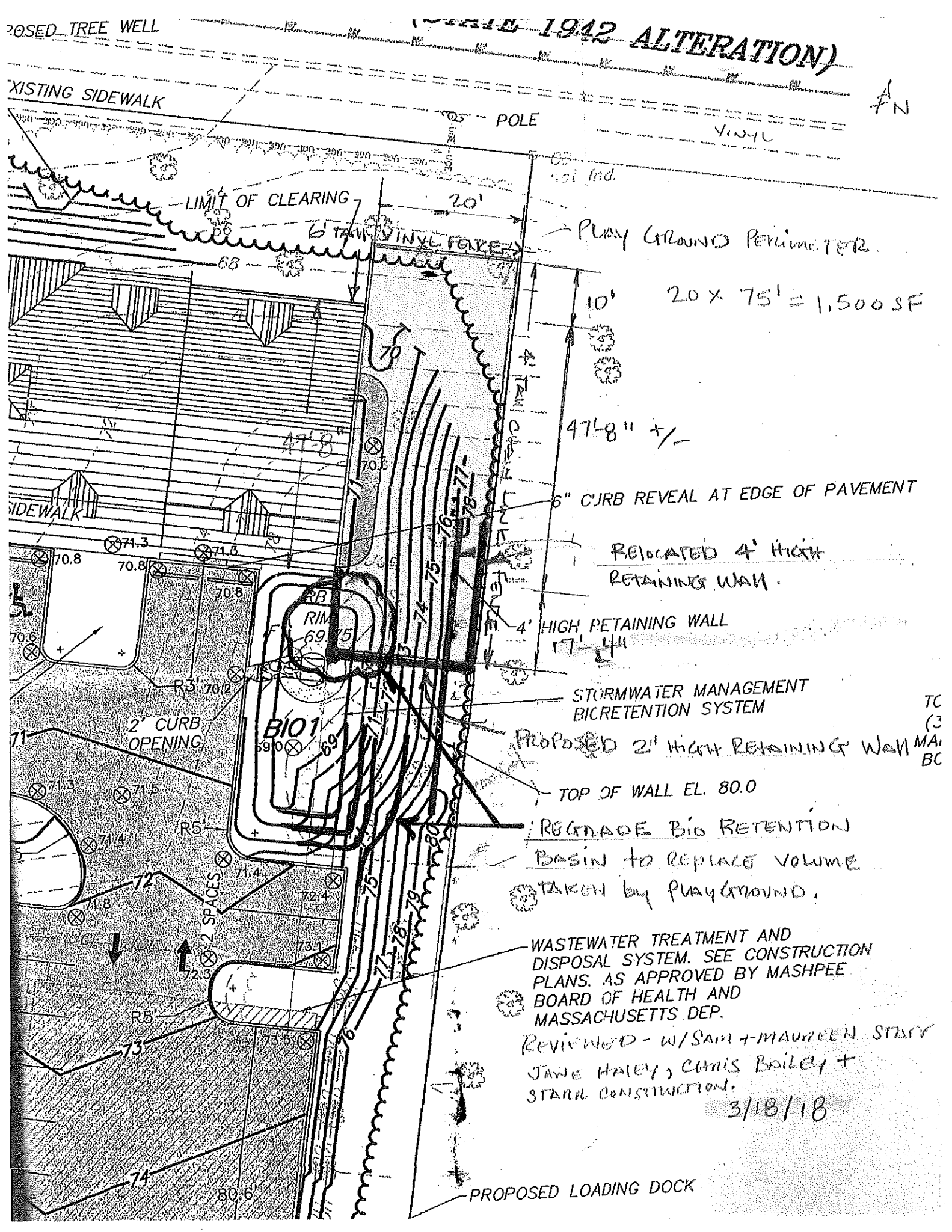
REGRADE BIO RETENTION  
BASIN TO REPLACE VOLUME  
TAKEN BY PLAYGROUND.

WASTEWATER TREATMENT AND  
DISPOSAL SYSTEM. SEE CONSTRUCTION  
PLANS. AS APPROVED BY MASHPEE  
BOARD OF HEALTH AND  
MASSACHUSETTS DEP.

REVIEWED - W/SAM + MAUREEN STARR  
JANE HALEY, CARIS BAILEY +  
STARR CONSTRUCTION.

3/18/18

PROPOSED LOADING DOCK





# Town of Mashpee

16 Great Neck Road North  
Mashpee, Massachusetts 02649

## APPLICATION FOR MODIFICATION TO A SPECIAL PERMIT NOTICE TO ABUTTERS:

May 15, 2018

**Applicant:**

Mr. William Lovely (property owner).  
45 Frog Pond Close, Mashpee, MA 02649

**Subject Property Address:**

2 Center St.,  
Mashpee, MA 02649  
Map 36, Lot 47

Dear Mashpee Property Owner,

As the registered owner of a property located within 300' of the subject property named above, you are being notified that the Mashpee Planning Board is holding a public hearing on **Wednesday June 6, 2018 at 7:20 PM in the Waquoit Meeting Room, Mashpee Town Hall, 1<sup>st</sup> Floor, 16 Great Neck Road North, 02649** to solicit comments regarding the following case:

Mr. William Lovely, property owner, has filed an application to modify the subject property's Special Permit to identify "Day nursery, nursery school, kindergarten or other agency giving day care to children, provided that any outdoor play area is screened by fence, wall or planting line from any neighboring residential structure and is not detrimental to the neighborhood by reasons of noise," as a legal use of 2 Center St. **(Mashpee Zoning By-Law, §174-25(B10))**

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

If you require any accommodations please submit requests to me via email prior to the specified date and time of the public hearing indicated herein, in legal advertisements to run in the Mashpee Enterprise on **Friday May 18, 2018** and **Friday, May 25, 2018**, and posted in Town Hall.

Please do not hesitate to contact me by phone, email, or in person should you have questions about why you are receiving this notification.\

Sincerely,

A handwritten signature in black ink, appearing to read "Evan R. Lehrer", is written over the typed name and contact information.

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



# Town of Mashpee

16 Great Neck Road North  
Mashpee, Massachusetts 02649

SPECIAL PERMIT APPLICATION NOTICE TO ABUTTERS:  
*Personal Wireless Service Facility*

May 8, 2018

Applicant:  
Blue Sky Towers, LLC.

Subject Property Address:  
101 Red Brook Road (Assessor's Map 104, Lot 2)  
Mashpee Fire Station #2

Dear Mashpee Property Owner,

As the registered owner of a property located within 300' of the subject property named above, you are being notified that the Mashpee Planning Board is holding a public hearing on **Wednesday June 6, 2018 at 7:05 PM in the Waguolt Meeting Room, Mashpee Town Hall, 1<sup>st</sup> Floor, 16 Great Neck Road North, 02649** to solicit comments regarding the following case:

Blue Sky Towers, LLC., as lessee of property owned by the Town of Mashpee at 101 Red Brook Road, Mashpee, MA 02649, has filed an application seeking a Special Permit for a proposed **personal wireless service facility** as required by Section 174-25 (H)(9); 174-45.3 of the Mashpee Zoning By-Law in an R-3 Zone.

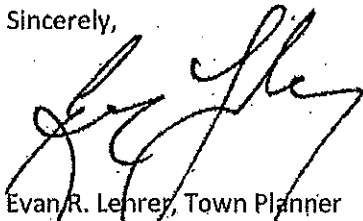
If you wish to provide comment but you are unable to appear before the Board you may submit comments to me in writing via the contact information provided below. Your comments will be entered into the public record for the Board's consideration. The complete application may be reviewed in the Town Clerks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

If you require any accommodations please submit requests to me via email prior to the specified date and time of the public hearing indicated herein, in legal advertisements to run in the Mashpee Enterprise on **Friday May 18, 2018** and **Friday, May 25, 2018**, and posted notice in Town Hall.

This proposal requires review under Cape Cod Commission policies and procedures before the Planning Board can take action regarding the proposed wireless facility.

Please do not hesitate to contact me by phone, email, or in person should you have questions about why you are receiving this notification.

Sincerely,

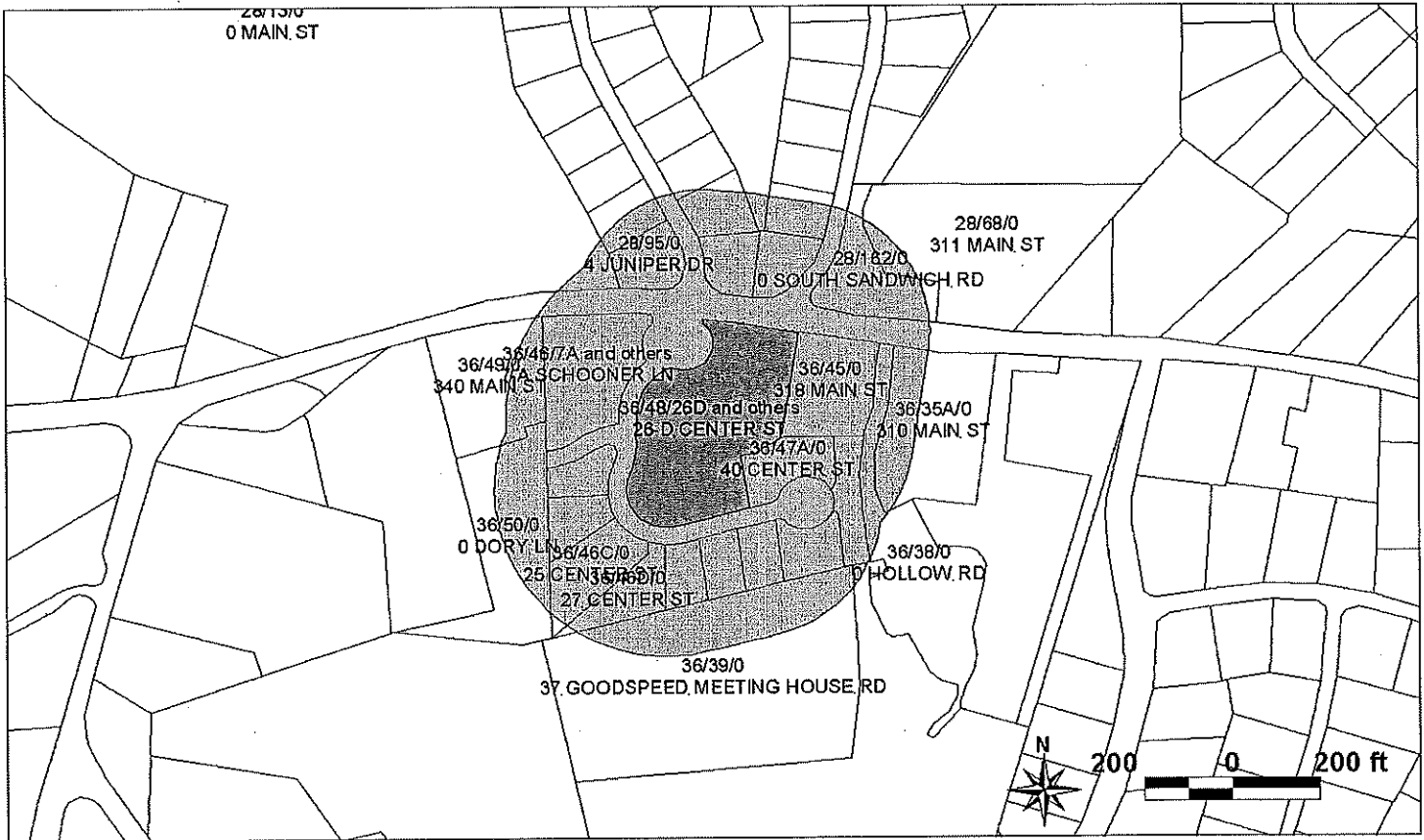


Evan R. Lehrer, Town Planner  
[elehrer@mashpeema.gov](mailto:elehrer@mashpeema.gov)  
(508) 539-1400 x. 8521



Abutters to: 36-47-0Certified by: Susan L. DavidTOWN OF MASHPEE, MA  
BOARD OF ASSESSORS  
16 Great Neck Rd., North, Mashpee, MA 02649Date: May 14, 20182 Center StNumber of Abutters: 49

Abutters List Within 300 feet of Parcel 36/48/26D and others



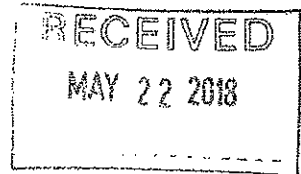
| Key  | Parcel ID  | Owner   | Location                       | Mailing Street            | Mailing City | ST | ZipCd/Country |
|------|------------|---|--------------------------------|---------------------------|--------------|----|---------------|
| 1240 | 28-13-0-E  | MASSACHUSETTS COMMONWEALTH OF DEPT FISH, WILDLIFE & ENV LAW | 0 MAIN ST                      | 251 CAUSEWAY ST - STE 400 | BOSTON       | MA | 02114-2104    |
| 1282 | 28-68-0-E  | MASHPEE, TOWN OF CONSERVATION COMMISSION                    | 311 MAIN ST                    | 16 GREAT NECK RD NO       | MASHPEE      | MA | 02649         |
| 1304 | 28-95-0-R  | COPELL, KATHRYN   | 4 JUNIPER DR                   | 4 JUNIPER DR              | MASHPEE      | MA | 02649         |
| 1305 | 28-96-0-R  | LAWRENCE, MARK L  | 12 JUNIPER DR                  | 12 JUNIPER DR             | MASHPEE      | MA | 02649         |
| 1335 | 28-126-0-E | MASHPEE, TOWN OF  | 1 MAPLE ST                     | 16 GREAT NECK RD NORTH    | MASHPEE      | MA | 02649         |
| 1344 | 28-135-0-R | HILL, GAIL A  | 11 JUNIPER DR                  | 11 JUNIPER DR             | MASHPEE      | MA | 02649         |
| 1345 | 28-136-0-R | BERLIN, RAYMOND E   | 7 JUNIPER DR                   | PO BOX 684                | MASHPEE      | MA | 02649         |
| 1346 | 28-137-0-R | DESMARAIS, KEVIN & KETI                                     | 1 JUNIPER DR                   | 1 JUNIPER DR              | MASHPEE      | MA | 02649         |
| 1347 | 28-138-0-R | LAROCQUE, MARY ANN TRUSTEE BISIO FAMILY IRREVOCABLE TRUST   | 4 SOUTH SANDWICH RD            | 9 HAVANA STREET           | ROSLINDALE   | MA | 02794         |
| 1348 | 28-139-0-R | JOYCE, SHARON MARIE   | 10 SOUTH SANDWICH RD           | 89 WYMAN RD               | BRAINTREE    | MA | 02184         |
| 1371 | 28-162-0-E | MASHPEE, TOWN OF CONSERVATION COMMISSION                    | 0 SOUTH SANDWICH RD            | 16 GREAT NECK ROAD NORTH  | MASHPEE      | MA | 02649         |
| 1833 | 36-35-0-E  | MASHPEE, TOWN OF CONSERVATION COMMISSION                    | 122 GOODSPEED MEETING HOUSE RD | 16 GREAT NECK RD N        | MASHPEE      | MA | 02649         |
| 1835 | 36-38-0-E  | MASHPEE, TOWN OF CONSERVATION COMMISSION                    | 0 HOLLOW RD                    | 16 GREAT NECK RD NO       | MASHPEE      | MA | 02649         |
| 1836 | 36-39-0-E  | MASHPEE, TOWN OF  | 37 GOODSPEED MEETING HOUSE RD  | 16 GREAT NECK ROAD NORTH  | MASHPEE      | MA | 02649         |
| 1841 | 36-45-0-E  | MASHPEE TOWN OF   | 318 MAIN ST                    | 16 GREAT NECK ROAD NORTH  | MASHPEE      | MA | 02649         |

| Key   | Parcel ID          | Owner  | Location        | Mailing Street                           | Mailing City   | ST | ZipCd/Country |
|-------|--------------------|--|-----------------|--|----------------|----|---------------|
| 18300 | 36-46-0-E          | MAIN ST VILLAGE CONDO ASSOC                                | 0 SCHOONER LN   | 9-11 CENTER ST                           | MASHPEE        | MA | 02649         |
| 18301 | 000000360000000000 |  |                 |  |                |    |               |
| 18302 | 000000360000000000 |  |                 |  |                |    |               |
| 18303 | 000000360000000000 |  |                 |  |                |    |               |
| 18304 | 000000360000000000 |  |                 |  |                |    |               |
| 19490 | 36-46-2A-R         | BRYAN, ROSS DILLON   | 2-A SCHOONER LN | 2-A SCHOONER LN                          | MASHPEE        | MA | 02649         |
| 19491 | 36-46-2B-R         | MACRAE, ZACHARY M  | 2-B SCHOONER LN | 2-B SCHOONER LN                          | MASHPEE        | MA | 02649         |
| 19492 | 36-46-4A-R         | DOMURAT, CATHERINE A                                       | 4-A SCHOONER LN | 4-A SCHOONER LN                          | MASHPEE        | MA | 02649         |
| 19493 | 36-46-4B-R         | GIOSTRI, GILMAR J  | 4-B SCHOONER LN | 4-B SCHOONER LN                          | MASHPEE        | MA | 02649         |
| 19494 | 36-46-6A-R         | NETTO, BRENDA  | 6-A SCHOONER LN | 6-A SCHOONER LN                          | MASHPEE        | MA | 02649         |
| 19495 | 36-46-6B-R         | HENDRICKS, MARTIN E  | 6-B SCHOONER LN | 6-B SCHOONER LN                          | MASHPEE        | MA | 02649         |
| 19496 | 36-46-7A-R         | BLAIKIE, CHERYL A  | 7-A SCHOONER LN | 7-A SCHOONER LN                          | MASHPEE        | MA | 02649         |
| 19497 | 36-46-7B-R         | SATTTLER, CAROL L  | 7-B SCHOONER LN | 7-B SCHOONER LN                          | MASHPEE        | MA | 02649         |
| 1842  | 36-47-0-E          | MAIN ST VILLAGE CONDO ASSOC                                | 2 CENTER ST     | 2 CENTER ST                              | MASHPEE        | MA | 02649         |
| 18305 | 000000360000000000 |  |                 |  |                |    |               |
| 19389 | 36-47-2A-R         | RYANDRACH LLC<br>% WILLIAM & AMANDA LOVELY                 | 2-A CENTER ST   | 45 FROG POND CLOSE                       | MASHPEE        | MA | 02649         |
| 19390 | 36-47-2B-R         | LOVELY, WILLIAM & AMANDA                                   | 2-B CENTER ST   | 45 FROG POND CLOSE                       | MASHPEE        | MA | 02649         |
| 19391 | 36-47-2C-R         | RYANDRACH LLC<br>% LOVELY WILLIAM & AMANDA                 | 2-C CENTER ST   | 45 FROG POND CLOSE                       | MASHPEE        | MA | 02649         |
| 18772 | 36-48-24A-R        | ROMAN, JAMES E & KIMBERLY M                                | 24-A CENTER ST  | 37 THE HUNT CIRCLE                       | MASHPEE        | MA | 02649         |
| 18769 | 36-48-24B-R        | ROLLINS, MICHAEL C   | 24-B CENTER ST  | 24-B CENTER ST                           | MASHPEE        | MA | 02649         |
| 18770 | 36-48-24C-R        | SABARENSE, FEBER   | 24-C CENTER ST  | 24-C CENTER ST                           | MASHPEE        | MA | 02649         |
| 18771 | 36-48-24D-R        | OSULLIVAN, SUSAN J   | 24-D CENTER ST  | 81 KILSYTH ROAD                          | SOUTH EASTON   | MA | 02375         |
| 18773 | 36-48-26A-R        | SILER, MARY C  | 26-A CENTER ST  | 26-A CENTER ST                           | MASHPEE        | MA | 02649         |
| 18774 | 36-48-26B-R        | APOTHEKER, JEFFREY & PAULA J<br>C/O JONES, MARY ANN        | 26-B CENTER ST  | 26-B CENTER ST                           | MASHPEE        | MA | 02649         |
| 18775 | 36-48-26C-R        | MACGREGOR, J BRUCE ET AL TRS<br>OIKOS NOMINEE REALTY TRUST | 26-C CENTER ST  | 436B STATION AVENUE                      | SOUTH YARMOUTH | MA | 02664         |
| 18776 | 36-48-26D-R        | STANLEY, DENISE M<br>C/O MCCARTNEY, SUZANNE M TR           | 26-D CENTER ST  | % MARC M AUDETTE<br>26 CENTER ST- UNIT D | MASHPEE        | MA | 02649         |
| 1843  | 36-49-0-R          | K & M MASHPEE LLC  | 340 MAIN ST     | 340 MAIN ST                              | MASHPEE        | MA | 02649         |
| 1844  | 36-50-0-R          | MACGREGOR, J BRUCE TRUSTEE<br>SUNRISE NOMINEE TRUST        | 0 DORY LN       | DRAWER W                                 | HYANNIS        | MA | 02601         |
| 1872  | 36-35A-0-R         | HARDING, DONALD L & NATALIE                                | 310 MAIN ST     | 310 MAIN ST                              | MASHPEE        | MA | 02649         |
| 18306 | 36-46A-0-R         | SANTOLUCITO, ROY A & BARBARA A                             | 15 CENTER ST    | 15 CENTER ST                             | MASHPEE        | MA | 02649         |
| 18307 | 36-46B-0-R         | EVANS, SUSAN M TR<br>EVANS FAMILY REALTY TRUST             | 19 CENTER ST    | 19 CENTER ST                             | MASHPEE        | MA | 02649         |
| 18308 | 36-46C-0-R         | NICKERSON, SCOTT J & ROBIN P                               | 25 CENTER ST    | 25 CENTER ST                             | MASHPEE        | MA | 02649         |
| 18309 | 36-46D-0-E         | MAIN ST VILLAGE CONDO ASSOC                                | 27 CENTER ST    | 27 CENTER ST                             | MASHPEE        | MA | 02649         |
| 1873  | 36-47A-0-R         | CULLINANE, DANIEL J TRUSTEE<br>CAPE DENNIS REALTY TRUST    | 40 CENTER ST    | 40 CENTER ST                             | MASHPEE        | MA | 02649         |
| 1874  | 36-47B-0-E         | MAIN ST VILLAGE CONDO ASSOC                                | 0-END CENTER ST | 0-END CENTER ST                          | MASHPEE        | MA | 02649         |
| 1875  | 36-47C-0-R         | DAVENA, JOSEPH L   | 43 CENTER ST    | PO BOX 36                                | COTUIT         | MA | 02635         |
| 1876  | 36-47D-0-R         | DONOHUE, KATHERINE M                                       | 37 CENTER ST    | 37 CENTER ST                             | MASHPEE        | MA | 02649         |
| 1877  | 36-47E-0-R         | CASSIDY, JOSEPH F JR & CLAIRE W                            | 35 CENTER ST    | 21521 WATERS DISCOVERY TERRACE           | GERMANTOWN     | MD | 20876         |
| 1878  | 36-47F-0-R         | MARCOU, RICHARD W & CHERYL D &<br>MARCOU, SHANNON M        | 31 CENTER ST    | 37 ELM AVE                               | WOBURN         | MA | 01801         |



# TOWN OF MASHPEE

## Design Review Application



Tuesday,  
Date of Review: June 5, 2018

Print  
Project Address: 2A-2B-2C CENTER STREET, MASHPEE MA.

Business Name: 2A - THE TONE CLUB ; 2B - A LOVELY DANCE STUDIO  
2C - NORTH STAR MONTESSORI

Owner/Agent: Bill LOVELY Tel No. (919) 525-5316

Email: WLOVELY@COMCAST.NET Fax: N/A.

Architect/Engineer: MIKE DAY - DAY SIGN CO. Tel No. (508) 477-8824

Email: DAYSIGNS@VERIZON.NET Fax: \_\_\_\_\_

Zone: C2 Number of Building(s): Existing: 1 Proposed: \_\_\_\_\_

Project would be described as: ☒ Sign(s) ☐ Cluster development ☐ Office ☐ Automotive  
☐ Commercial ☐ Wholesale ☐ Industrial ☐ Institutional ☐ Medical Office ☐ Auto Body Shop  
☐ Change of USE ☐ Other: \_\_\_\_\_

Describe Proposed Use(s) or changes\*\*: ERECT TWO BUILDING SIGNS ON  
EXISTING COMMERCIAL BUILDING. REMOVE EXISTING "PAINTED RED NAIL  
SIGN" + REPLACE W/NEW DIRECTORY SIGN.

Sq. Footage for proposed new building N/A.

Sq. Footage for proposed Sign TONE CLUB - 20 SF  
NORTH STAR MONTESSORI - 20 SF  
DIRECTORY SIGN - 20 SF.

Cape Cod Commission Approval required YES ☐ NO ☐ If YES, date of Approval: \_\_\_\_\_

**\*\*If necessary, you can attach a separate sheet which describes the project in more detail.**

## DECISION

☐ Recommend

☐ Not Recommend



**Mary Ann Romero**

---

**From:** Evan Lehrer  
**Sent:** Tuesday, May 22, 2018 9:57 AM  
**To:** Mary Ann Romero  
**Subject:** Historic District Commission-Center St. Signs

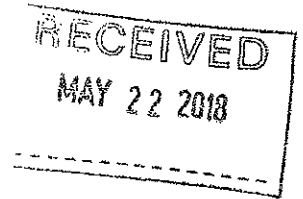
Mary Ann,

The Historic District Commission approved a Certificate of Appropriateness for signage updates at the 2 Center St commercial property with conditions on Friday, May 18 2018. I am waiting on the exact language of the conditions to include with the certificate prior to submitting to the Town Clerk for signature. I expect to have this processed by end of business tomorrow. I would like to submit a memo to the design review committee prior to their meeting. When would you need this?

Thank you,  
Evan

**Evan R. Lehrer, MPA**  
***Town Planner***  
Town of Mashpee  
16 Great Neck Road, North  
Mashpee, MA 02649  
(508) 539-1400 ext. 8521

2 Center Street, Mashpee Sign Application



Existing "Painted Red Nails" free standing sign to be removed

Proposed "Directory" Sign: 12" x 60" panels, Total sign area = 20 SF

Existing "A. Lovely Dance Studio" building sign: 1.25' x 12' = 15 SF

Proposed "The Tone Club" building sign: 2.5' x 8' = 20 SF

Proposed "North Star Montessori" building sign: 2.5' x 8' = 20 SF

**Area of front of building:** 11' x 124' = 1,364 SF

1. Total sign area limited to 10% of the aggregate square footage of the front wall area:  $10\% \times 1,364 = 136.4$  SF

Directory sign = 20 SF

"The Tone Club" sign = 20 SF

"A. Lovely Dance Studio" sign = 15 SF

"North Star Montessori" sign = 20 SF

Total = 75 SF < 136.4 SF allowable

2. Façade sign area limited to 5% per wall

5% of single aggregate wall area:  $5\% \times 1,364$  SF = 68.2 SF

2a. The Tone Club = 20 SF

2B. A. Lovely Dance Studio = 15 SF

2C. North Star Montessori = 20 SF

Total = 55 SF < 68.2 SF allowable

PROPOSED  
SIGN



PROPOSED  
SIGN

RECEIVED

MAY 22 2018

Size 30'HT. X 96"WIDE X .75"thick  
using PVC plastic with vinyl graphics



DAY SIGN COMPANY

Cape Cod Signmakers since 1974

Email: [daysigns@verizon.net](mailto:daysigns@verizon.net)  
[www.daysigns.net](http://www.daysigns.net)

4 Cogganwick Rd., Mashpee, MA 02649  
Tel & Fax: (508) 477-8824



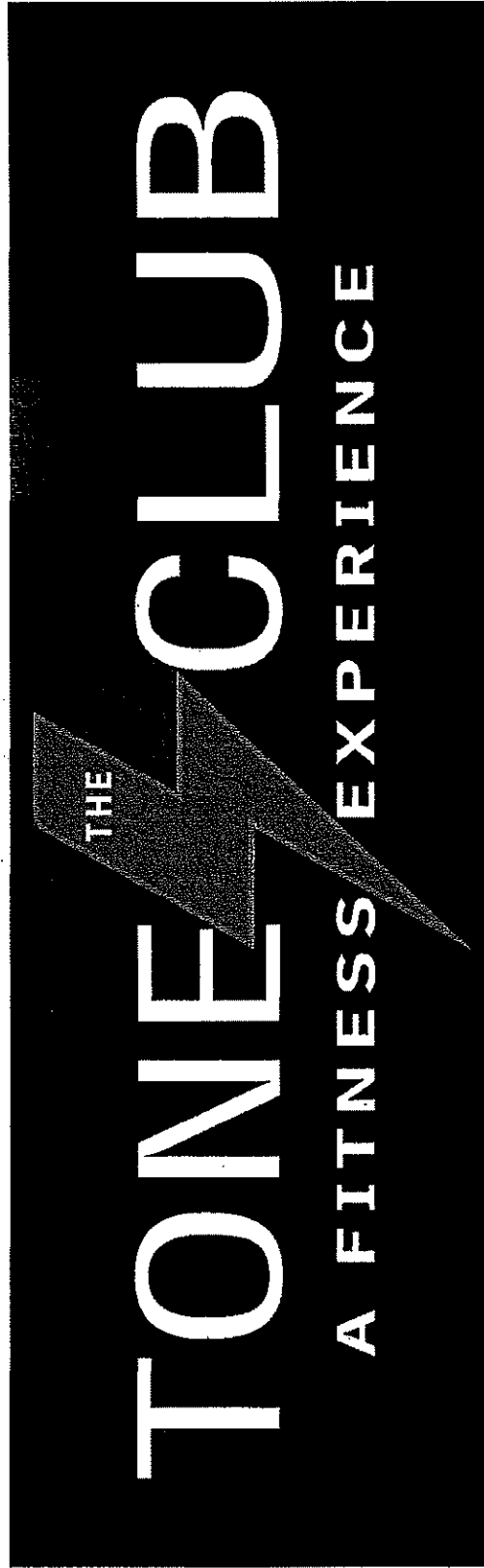


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4 Cappawack Rd., Mashpee, MA 02649  
Tel & Fax: (508) 477-8824



Size 30'HT. X 96"WIDE X .75"thick  
using PVC plastic with vinyl graphics

RECEIVED  
MAY 22 2018

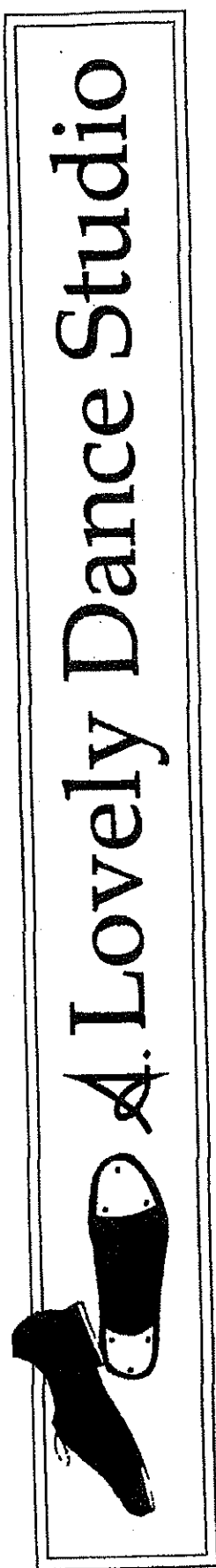
2A.

(2B)

\$1,800 ea.

EXISTING SIGN

12'



15'

| APPROVED                          |         |
|-----------------------------------|---------|
| Signature                         | Date    |
| DESIGN REVIEW <i>R. G. Nelson</i> | 7/12/88 |
| PLAN REVIEW                       |         |
| PLANNING BOARD                    |         |
| ZONING BRD. OF APPEALS            |         |
| CONSERVATION                      |         |

15' T x 12' W = 15 SF.

76



**DAY SIGN COMPANY** Cape Cod Signmakers since 1974

Email: [daysigns@verizon.net](mailto:daysigns@verizon.net)  
4 Cuppawack Rd., Mashpee, MA 02649  
Tel & Fax: (508) 477-8824



# NORTH STAR MONTESSORI

RECEIVED  
MAY 22 2018

30'HT. X 96"wide x .75"thick = 20'SQ. FT.  
using PVC Plastic with Vinyl Graphics

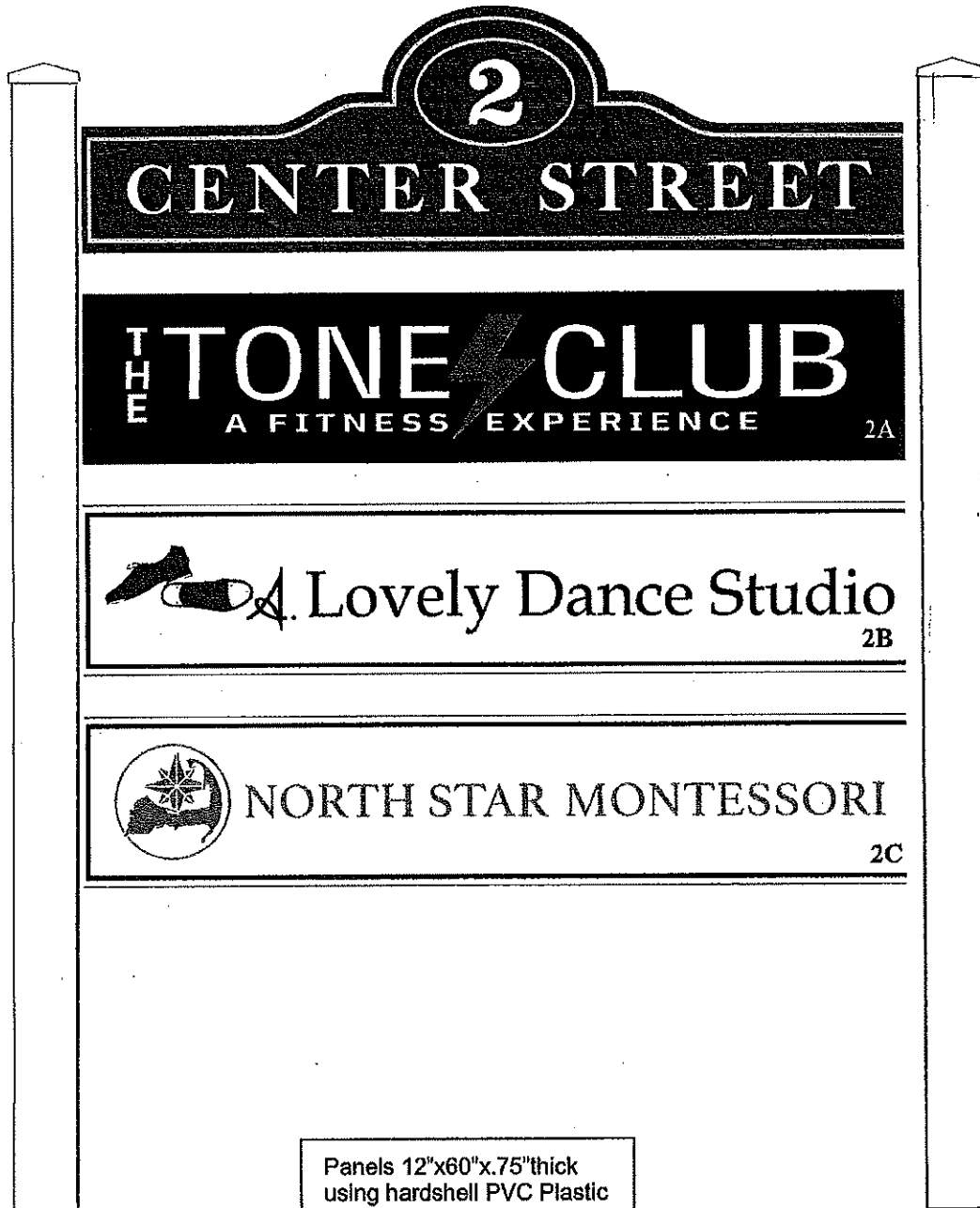


**DAY SIGN COMPANY**

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[www.daysigns.net](http://www.daysigns.net)

4 Cappawack Rd., Mashpee, MA 02649  
Tel & Fax: (508) 477-8824



Panels 12"x60"x.75" thick  
using hardshell PVC Plastic  
Vinyl Graphics

Overall Ht. 76"  
Post using 4" PT Wood  
wrapped with PVC.  
Total size of sign system 20"

RECEIVED  
MAY 22 2018





**DAY SIGN COMPANY**

Cape Cod Signmakers since 1974

Email: [daysigns@verizon.net](mailto:daysigns@verizon.net)  
[www.daysigns.net](http://www.daysigns.net)

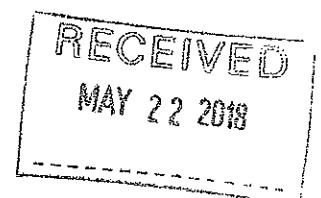
4 Cappawack Rd., Mashpee, MA 02649  
Tel & Fax: (508) 477-8824

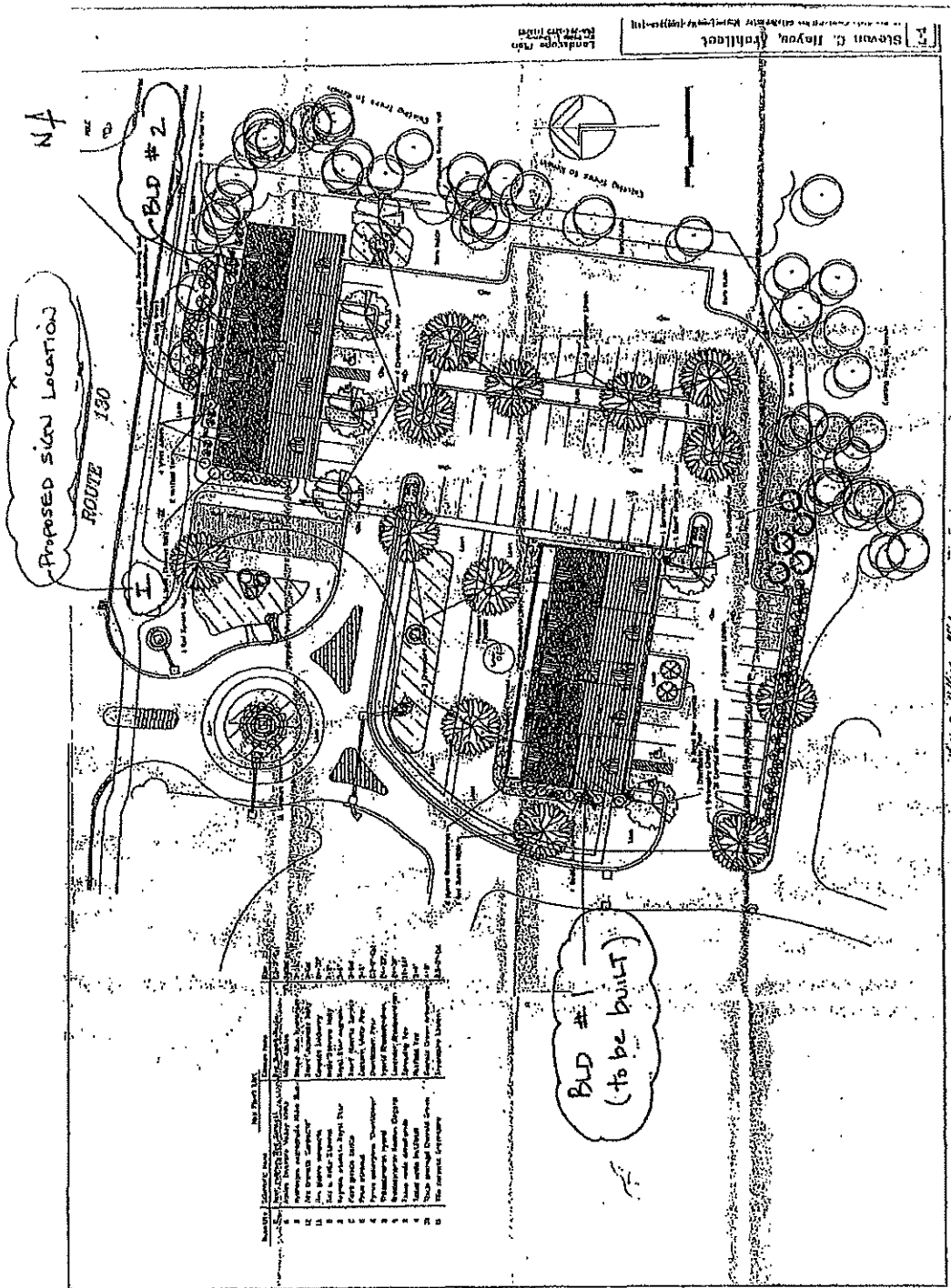
## Location of sign 2 Main Street



Panels 12"x60"x.75"thick  
using hardshell PVC Plastic  
Vinyl Graphics

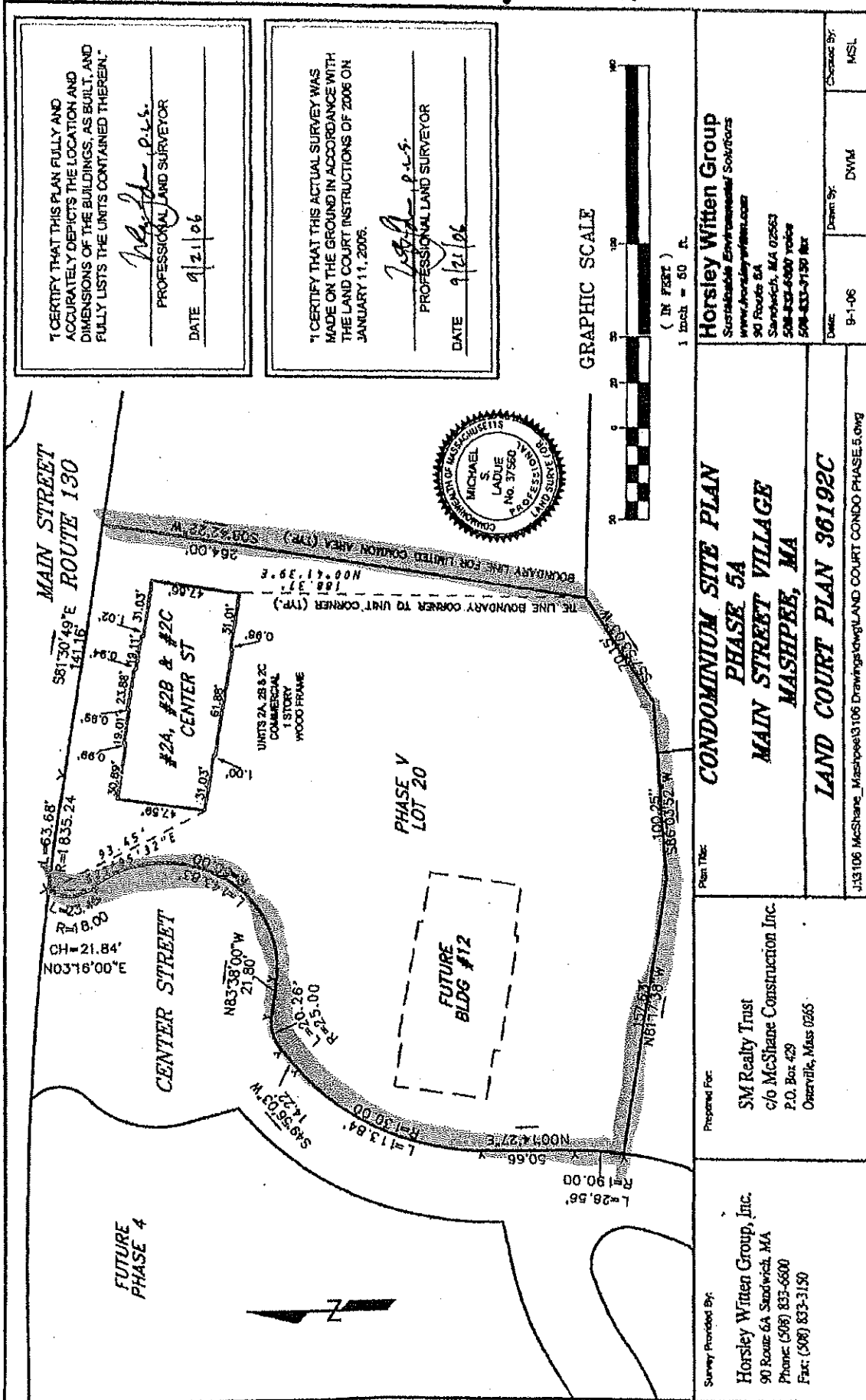
Overall Ht. 76"  
Post using 4" PT Wood  
wrapped with PVC.  
Total size of sign system 20"  
From outside boundaries of sandwalk  
to sign 8'





RECEIVED  
MAY 22 2018

C 357 w/Doc 1.047.252

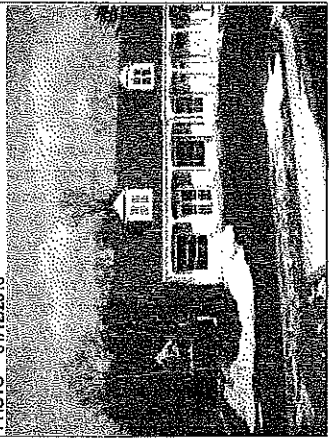


PHASE V SITE PLAN

RECEIVED  
MAY 22 2018

# Town of Mashpee - Fiscal Year 2018

6:13 pm SEQ #: 12,125

| CURRENT OWNER             |       |                 |                   | PARCEL ID            |                 | LOCATION       |           | CLASS  |           | DESCRIPTION |            | BN ID           |          | CARD   |  |
|---------------------------|-------|-----------------|-------------------|----------------------|-----------------|----------------|-----------|--|-----------|-------------|------------|-----------------|----------|--------|--|
| RYANDRACH LLC             |       |                 |                   | 36-47-3A             |                 | 2-A CENTER ST  |           | 3430   |           | CI CONDO    |            | 1               |          | 1 of 1 |  |
| % WILLIAM & AMANDA LOVELY |       |                 |                   | TRANSFER HISTORY     |                 | DOS            |           | T  |           | SALE PRICE  |            | BIC-PG (Cet)    |          |        |  |
| 45 FROG POND CLOSE        |       |                 |                   | RYANDRACH LLC        |                 | 03/01/2011     |           | V  |           | 471,000     |            | 1 (DOC #161207) |          |        |  |
| MASHPEE, MA 02649         |       |                 |                   | LOVELY, WILLIAM      |                 | 03/01/2011     |           | V  |           | 471,000     |            | 1 (DOC #161205) |          |        |  |
|                           |       |                 |                   | MCSHANE JOHN TRUSTEE |                 | 11/24/2004     |           | G  |           | 420,000     |            | 1 (75165)       |          |        |  |
| CD                        | T     | AC/SPUN         | Area              | Inf-1                | Inf-2           | ADJ BASE       | SAF       | Topo   | Lpl       | VC          | CREDIT AMT | ADJ VALUE       |          |        |  |
|                           |       |                 |                   |                      |                 |                |           |  |           |             |            |                 |          |        |  |
| TOTAL                     |       | SF              | ZONING            |                      | C2              | FRNT           | 0         |  |           | ASSESSED    |            | CURRENT         | PREVIOUS |        |  |
| Area                      |       | N LEFT END UNIT |                   |                      |                 | LAND           |           | 0  |           | 283,400     |            | 275,200         |          | 0      |  |
| Inf-1                     |       | O               |                   |                      |                 | BUILDING       |           | 0  |           | 0           |            | 0               |          | 0      |  |
| Inf-2                     |       | E               |                   |                      |                 | DETACHED       |           | 0  |           | 0           |            | 0               |          | 0      |  |
|                           |       |                 |                   |                      |                 | TOTAL          |           | 283,400  |           | 275,200     |            |                 |          |        |  |
| TY                        | QUAL  | COND            | DIM/NOTE          | YB                   | UNITS           | ADJ PRICE      | RCNLD     | PHOTO 01/12/2010   |           |             |            |                 |          |        |  |
|                           |       |                 |                   |                      |                 |                |           |  |           |             |            |                 |          |        |  |
|                           |       |                 |                   |                      |                 |                |           | BLDG COMMENTS  |           |             |            |                 |          |        |  |
| BUILDING                  | CD    | ADJ             | DESC              |                      | MEASURE         |                | 5/25/2010 | MRB  |           |             |            |                 |          |        |  |
| MODEL                     | 11    |                 | CI CONDOS         |                      | LIST            |                | 5/25/2010 | EST  |           |             |            |                 |          |        |  |
| STYLE                     | 7     | 1.14            | CONDO-OFC (100%)  |                      | REVIEW          |                | 4/25/2007 | JRS  |           |             |            |                 |          |        |  |
| QUALITY                   | B-    | 1.15            | GOOD (-1100%)     |                      |                 |                |           |  |           |             |            |                 |          |        |  |
| FRAME                     | 1     | 1.00            | WOOD FRAME (100%) |                      |                 |                |           |  |           |             |            |                 |          |        |  |
| YEAR BLT                  | 2006  | SIZE ADJ        | 1,200             |                      |                 |                |           |  |           |             |            |                 |          |        |  |
| NET AREA                  | 1,760 | DETAIL ADJ      | 1,480             |                      |                 |                |           |  |           |             |            |                 |          |        |  |
| \$NLA(RCN)                | \$166 | OVERALL         | 1,000             |                      |                 |                |           |  |           |             |            |                 |          |        |  |
| CAPACITY                  |       |                 |                   | UNITS                | ADJ             |                |           |  |           |             |            |                 |          |        |  |
| STORIES                   |       |                 |                   | 1                    | 1.00            |                |           |  |           |             |            |                 |          |        |  |
| ROOMS                     |       |                 |                   | 0                    | 1.00            |                |           |  |           |             |            |                 |          |        |  |
| BEDROOMS                  |       |                 |                   | 0                    | 1.00            |                |           |  |           |             |            |                 |          |        |  |
| BATHROOMS                 |       |                 |                   | 0                    | 1.00            |                |           |  |           |             |            |                 |          |        |  |
| HALFBATHS                 |       |                 |                   | 0                    | 1.00            |                |           |  |           |             |            |                 |          |        |  |
| FIXTURES                  |       |                 |                   | 0                    | 1.00            |                |           |  |           |             |            |                 |          |        |  |
| % OWN                     |       |                 |                   | 0                    | 1.00            |                |           |  |           |             |            |                 |          |        |  |
| NET ADJ CODE              |       |                 |                   | 0                    | 1.00            |                |           |  |           |             |            |                 |          |        |  |
| STYLE                     |       |                 |                   | 0                    | 1.00            |                |           |  |           |             |            |                 |          |        |  |
| FOUNDATION                |       |                 |                   | 5                    | OTHER           |                |           |  |           |             |            |                 |          |        |  |
| EXT. COVER                |       |                 |                   | 1                    | WOOD SHINGLES   |                |           |  |           |             |            |                 |          |        |  |
| ROOF SHAPE                |       |                 |                   | 1                    | GABLE           |                |           |  |           |             |            |                 |          |        |  |
| ROOF COVER                |       |                 |                   | 1                    | ASPHALT SHINGLE |                |           |  |           |             |            |                 |          |        |  |
| FLOOR COVER               |       |                 |                   | 10                   | CONCRETE        |                |           |  |           |             |            |                 |          |        |  |
| INT. FINISH               |       |                 |                   | 8                    | MINIMUM         |                |           |  |           |             |            |                 |          |        |  |
| HEATING/COOLING           |       |                 |                   | 9                    | WARM/COOL AIR   |                |           |  |           |             |            |                 |          |        |  |
| FUEL SOURCE               |       |                 |                   | 2                    | GAS             |                |           |  |           |             |            |                 |          |        |  |
| COMPLEX                   |       |                 |                   | 47                   | MAIN ST VIL COM |                |           |  |           |             |            |                 |          |        |  |
| LOCATION                  |       |                 |                   | 1                    | END UNIT        |                |           |  |           |             |            |                 |          |        |  |
| FLOOR                     |       |                 |                   | 1                    | 1ST FLOOR       |                |           |  |           |             |            |                 |          |        |  |
| VIEW                      |       |                 |                   | 4                    | AVERAGE         |                |           |  |           |             |            |                 |          |        |  |
| NET ADJ CODE              |       |                 |                   | 0                    | 1.00            |                |           |  |           |             |            |                 |          |        |  |
| STYLE                     |       |                 |                   | 0                    | 1.00            |                |           |  |           |             |            |                 |          |        |  |
| S                         |       |                 |                   | BAT                  | T               |                |           |  |           |             |            |                 |          |        |  |
| A                         |       |                 |                   | BMJ                  | N               |                |           |  |           |             |            |                 |          |        |  |
| A                         |       |                 |                   | BAS                  | L               |                |           |  |           |             |            |                 |          |        |  |
| S                         |       |                 |                   | DESCRIPTION          |                 | UNITS          |           | YB   | ADJ PRICE | RCN         |            |                 |          |        |  |
| TOTAL RCN                 |       |                 |                   | 292,194              |                 | CONDITION ELEM |           | CD   |           |             |            |                 |          |        |  |
| COND                      |       |                 |                   | 03 03 %              |                 | FUNC           |           | 0  |           |             |            |                 |          |        |  |
| ECON                      |       |                 |                   | 0                    |                 | DEPR           |           | 3 % GD   | 97        |             |            |                 |          |        |  |
| RCNLD                     |       |                 |                   | 283,400              |                 | RCNLD          |           |  |           |             |            |                 |          |        |  |

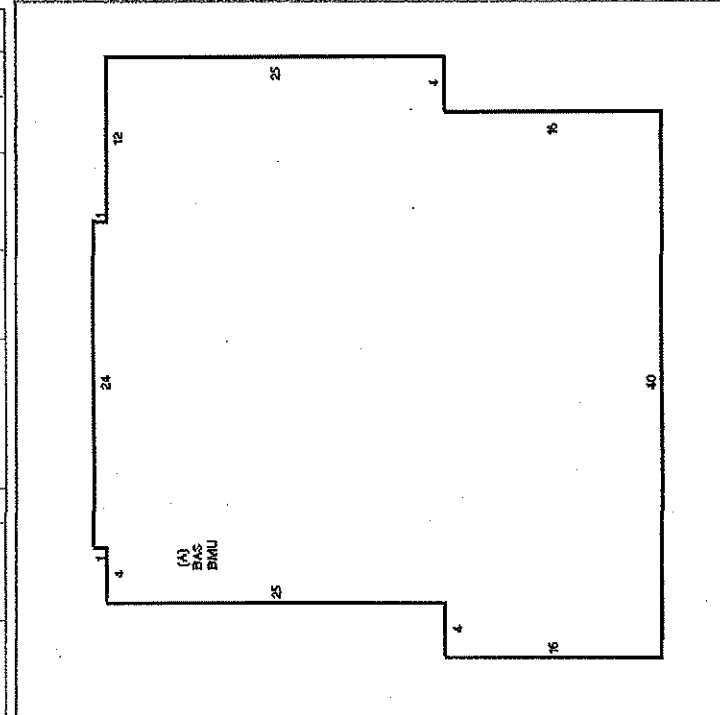


Key: 19390

Town of Mashpee - Fiscal Year 2018

9/29/2017 6:13 pm SEQ #: 12,126

| CURRENT OWNER            |  |  |  | PARCEL ID                 |  |  |  | LOCATION      |  |  |  | CLASS  |  |  |  | DESCRIPTION  |  |  |  | BN ID      |  |  |  | CARD   |  |  |  |
|--------------------------|--|--|--|---------------------------|--|--|--|---------------|--|--|--|--------|--|--|--|--------------|--|--|--|------------|--|--|--|--------|--|--|--|
| LOVELY, WILLIAM & AMANDA |  |  |  | 38-47-2B                  |  |  |  | 2-B CENTER ST |  |  |  | 3430   |  |  |  | 100          |  |  |  | 1          |  |  |  | 1 of 1 |  |  |  |
| 45 FROG POND CLOSE       |  |  |  | TRANSFER HISTORY          |  |  |  | DOS           |  |  |  | PMT NO |  |  |  | PMT DT       |  |  |  | INSP       |  |  |  | BY     |  |  |  |
| MASHPEE, MA 02648        |  |  |  | LOVELY, WILLIAM & AMANDA  |  |  |  | 10/20/2006 QS |  |  |  | 45     |  |  |  | I & E FORMS  |  |  |  | 05/01/2017 |  |  |  | CJS    |  |  |  |
|                          |  |  |  | MCSHANE JOHN TRUSTEE      |  |  |  | 11/24/2004 G  |  |  |  | 45     |  |  |  | I & E FORMS  |  |  |  | 06/23/2016 |  |  |  | CJS    |  |  |  |
|                          |  |  |  | MCSHANE JOHN J & GAILE TR |  |  |  | 07/10/2003 G  |  |  |  | 45     |  |  |  | I & E FORMS  |  |  |  | 09/08/2015 |  |  |  | CJS    |  |  |  |
|                          |  |  |  | ADJ BASE                  |  |  |  | ADJ AMT       |  |  |  | 7      |  |  |  | CYCLICAL REV |  |  |  | 08/05/2013 |  |  |  | MRB    |  |  |  |
|                          |  |  |  | ADJ VALUE                 |  |  |  | CREDIT AMT    |  |  |  | 7      |  |  |  | CYCLICAL REV |  |  |  | 10/22/2008 |  |  |  | TMM    |  |  |  |



| TOTAL |  |  |  | ZONING |  |  |  | FRNT                              |  |  |  | ASSESSED |  |  |  | CURRENT |  |  |  | PREVIOUS |  |  |  |
|-------|--|--|--|--------|--|--|--|-----------------------------------|--|--|--|----------|--|--|--|---------|--|--|--|----------|--|--|--|
| Area  |  |  |  | N      |  |  |  | MIDDLE UNIT - Lovely Dance Studio |  |  |  | LAND     |  |  |  | 0       |  |  |  | 0        |  |  |  |
| Inf-1 |  |  |  | O      |  |  |  |                                   |  |  |  | BUILDING |  |  |  | 309,000 |  |  |  | 300,100  |  |  |  |
| Inf-2 |  |  |  | E      |  |  |  |                                   |  |  |  | DETACHED |  |  |  | 0       |  |  |  | 0        |  |  |  |
|       |  |  |  |        |  |  |  |                                   |  |  |  | OTHER    |  |  |  | 0       |  |  |  | 0        |  |  |  |
|       |  |  |  |        |  |  |  |                                   |  |  |  | TOTAL    |  |  |  | 309,000 |  |  |  | 300,100  |  |  |  |

| BUILDING |  |  |  | CD |  |  |  | DESC               |  |  |  | MEASURE   |  |  |  | LIST |  |  |  | REVIEW |  |  |  |
|----------|--|--|--|----|--|--|--|--------------------|--|--|--|-----------|--|--|--|------|--|--|--|--------|--|--|--|
| MODEL    |  |  |  | 11 |  |  |  | CI CONDOS          |  |  |  | 8/5/2013  |  |  |  | MRB  |  |  |  |        |  |  |  |
| STYLE    |  |  |  | 7  |  |  |  | CONDO-OFD (100%)   |  |  |  | 8/5/2013  |  |  |  | MRB  |  |  |  |        |  |  |  |
| QUALITY  |  |  |  | B- |  |  |  | 1.15 GOOD (+) 100% |  |  |  | 4/26/2007 |  |  |  | JRS  |  |  |  |        |  |  |  |
| FRAME    |  |  |  | 1  |  |  |  | WOOD FRAME (100%)  |  |  |  |           |  |  |  |      |  |  |  |        |  |  |  |

| YEAR BLT  |  |  |  | SIZE ADJ |  |  |  | DETAIL ADJ |  |  |  | OVERALL |  |  |  |
|-----------|--|--|--|----------|--|--|--|------------|--|--|--|---------|--|--|--|
| NET AREA  |  |  |  | 2006     |  |  |  | 1,664      |  |  |  | 1,670   |  |  |  |
| \$NLA/RCN |  |  |  |          |  |  |  | \$181      |  |  |  |         |  |  |  |

| CAPACITY  |  |  |  | UNITS |  |  |  | ADJ     |  |  |  |
|-----------|--|--|--|-------|--|--|--|---------|--|--|--|
| STORIES   |  |  |  | 1     |  |  |  | 1.00    |  |  |  |
| ROOMS     |  |  |  | 3     |  |  |  | 1.00    |  |  |  |
| BEDROOMS  |  |  |  | 0     |  |  |  | 1.00    |  |  |  |
| BATHROOMS |  |  |  | 0     |  |  |  | 1.00    |  |  |  |
| UNITS     |  |  |  | 1     |  |  |  | 1.00    |  |  |  |
| HALFBATHS |  |  |  | 1     |  |  |  | 1.00    |  |  |  |
| FIXTURES  |  |  |  | 2     |  |  |  | \$2,385 |  |  |  |
| % OWN     |  |  |  | 0     |  |  |  | 1.00    |  |  |  |

| ELEMENT         |  |  |  | CD |  |  |  | DESCRIPTION     |  |  |  | ADJ  |  |  |  |
|-----------------|--|--|--|----|--|--|--|-----------------|--|--|--|------|--|--|--|
| FOUNDATION      |  |  |  | 5  |  |  |  | OTHER           |  |  |  | 1.00 |  |  |  |
| EXT. COVER      |  |  |  | 1  |  |  |  | WOOD SHINGLES   |  |  |  | 1.00 |  |  |  |
| ROOF SHAPE      |  |  |  | 1  |  |  |  | GABLE           |  |  |  | 1.00 |  |  |  |
| ROOF COVER      |  |  |  | 1  |  |  |  | ASPHALT SHINGLE |  |  |  | 1.00 |  |  |  |
| FLOOR COVER     |  |  |  | 1  |  |  |  | HARDWOOD        |  |  |  | 1.01 |  |  |  |
| INT. FINISH     |  |  |  | 2  |  |  |  | DRYWALL         |  |  |  | 1.00 |  |  |  |
| HEATING/COOLING |  |  |  | 9  |  |  |  | WARM/COOL AIR   |  |  |  | 1.03 |  |  |  |
| FUEL SOURCE     |  |  |  | 2  |  |  |  | GAS             |  |  |  | 1.00 |  |  |  |
| COMPLEX         |  |  |  | 47 |  |  |  | MAIN ST VIL COM |  |  |  | 1.41 |  |  |  |
| LOCATION        |  |  |  | 2  |  |  |  | INTERIOR UNIT   |  |  |  | 1.00 |  |  |  |
| FLOOR           |  |  |  | 1  |  |  |  | 1ST FLOOR       |  |  |  | 1.00 |  |  |  |
| VIEW            |  |  |  | 4  |  |  |  | AVERAGE         |  |  |  | 1.00 |  |  |  |
| NET ADJ CODE    |  |  |  | 0  |  |  |  |                 |  |  |  | 1.00 |  |  |  |
| STYLE           |  |  |  | 0  |  |  |  |                 |  |  |  | 1.00 |  |  |  |

| S |  |  |  | BAT |  |  |  | T |  |  |  | DESCRIPTION     |  |  |  | UNITS |  |  |  | YB   |  |  |  | ADJ PRICE |  |  |  | RCN     |  |  |  |
|---|--|--|--|-----|--|--|--|---|--|--|--|-----------------|--|--|--|-------|--|--|--|------|--|--|--|-----------|--|--|--|---------|--|--|--|
| A |  |  |  | BMU |  |  |  | N |  |  |  | BSMT TOTAL AREA |  |  |  | 1,664 |  |  |  | 2006 |  |  |  | 40.35     |  |  |  | 67,150  |  |  |  |
| A |  |  |  | BAS |  |  |  | L |  |  |  | BAS AREA        |  |  |  | 1,664 |  |  |  |      |  |  |  | 149.66    |  |  |  | 248,031 |  |  |  |

| TOTAL RCN      |  |  |  | 318,566 |  |  |  |
|----------------|--|--|--|---------|--|--|--|
| CONDITION ELEM |  |  |  | CD      |  |  |  |

| EFF. YRAGE |  |  |  | 2006 / 10 |  |  |  |
|------------|--|--|--|-----------|--|--|--|
| COND       |  |  |  | 03 03 %   |  |  |  |
| FUNC       |  |  |  | 0         |  |  |  |
| ECON       |  |  |  | 0         |  |  |  |
| DEPR       |  |  |  | 3 % GD    |  |  |  |
| RCNLD      |  |  |  | \$309,000 |  |  |  |

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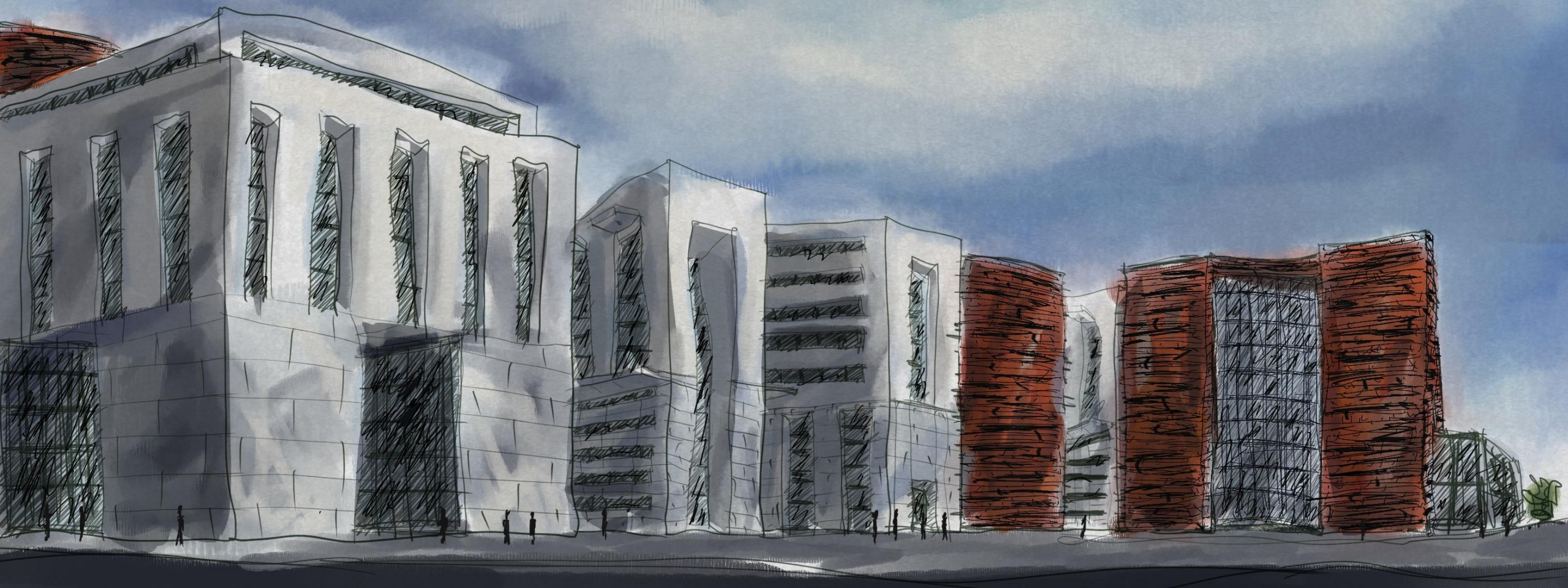






# FORM-BASED CODE

ruí goulart de almeida





# IS FORM-BASED CODE FOR YOU?



**Do you want your Mashpee to  
be**

**BEAUTIFUL,  
MEANINGFUL,  
MEMORABLE,  
FUNCTIONAL,  
SAFE?**

**Do you want**

**PREDICTABILITY  
AROUND THE QUALITY  
OF LIFE IN MASHPEE?**

**Do you think**

**MASHPEE'S CHARACTER  
(IDENTITY) IS WORTH  
PRESERVING?**



**Do you want**

**MASHPEE'S DESTINY TO  
BE DECIDED BY  
MASHPEE?**

**Do you want**

**MORE EFFICIENT AND  
COMPATIBLE ECONOMIC  
DEVELOPMENT?**

AND

**Do you want**

**LESS CONFLICT, MORE  
CLARITY AND  
GREATER DEFINITION  
OF THE LAND  
DEVELOPMENT  
PROCESS?**

# **Traditional Zoning, “EUCLIDIAN ZONING”**

**Product of the Industrial era.**

**Separate uses.**

**Separate densities.**

**Separate incompatibilities of all kinds**

**The evolution of town/city conditions, made  
conventional zoning an agent of disorderly  
town/city growth**

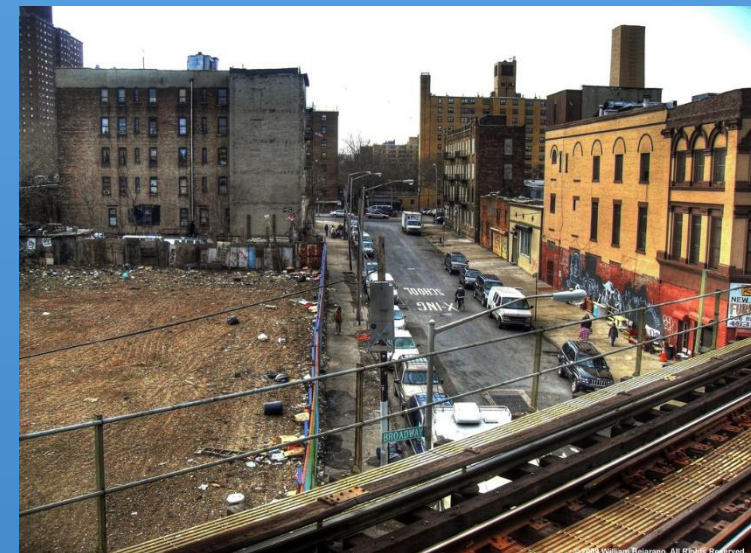
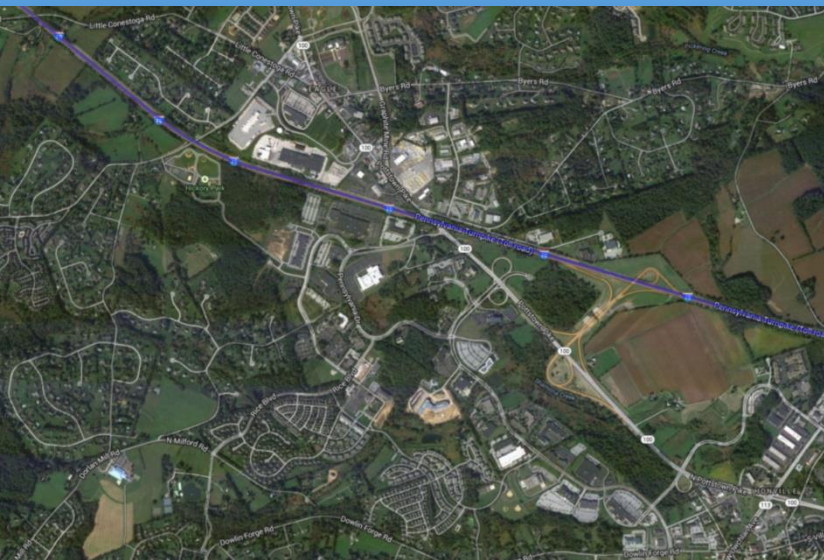


# What does it look like?





# What does it look like?





# Definition

**A method of regulating development to achieve a specific form. Create a predictable public realm primarily by controlling physical form. With lesser focus on land use, through town regulations. A method of regulating & coding that promotes place-based planning and development in order for communities to become once again livable, prosperous, socially enabling, and beautiful.**

**Using traditional town/village forms as the visioning element. Sustainable town/village design (disciplined, varied and permanent town/village growth: forming walkable, type-diverse, and use-flexible buildings and town places.**

**Town design that creates immersive environments in which buildings, open spaces, landscape, and infrastructure are combined to produce memorable, permanent places. Disciplines and validates existing settings, promotes the design of new ones as integrated and connected physical places.**

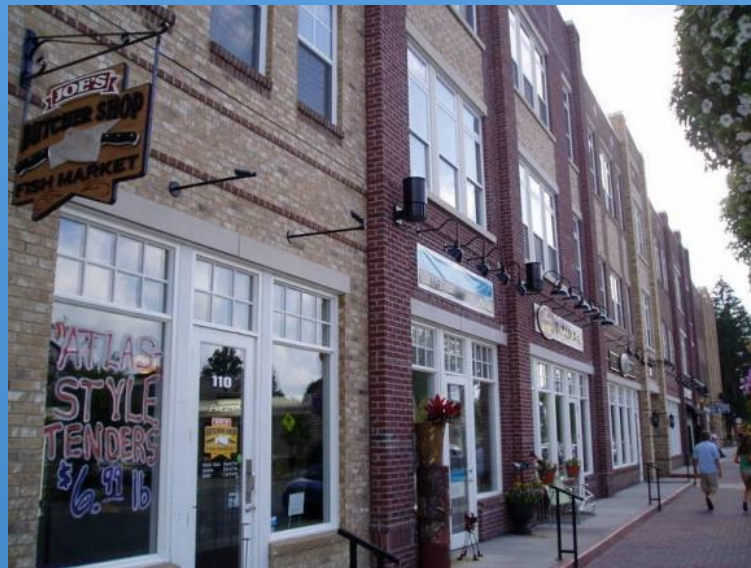


# What does it look like?





# What does it look like?





## **Understanding PLACE – traditional town design**

**“American Vitruvius (1922)**

**“New Civic Art (1998)**

**Congress for New Urbanism/New England**

**SmartGrowth America (GrowSmartRI)**

**Form-Based Code Institute (2004)**

**Main Street Now**

**Reurbanize (demolition as a last resort)**

# Building/rebuilding **COMMUNITY**

## Definition of community as place:

**The combination of the public and private realm creates the true town – a reflection of that variable balance of private rights and public responsibility that defines community.**



# PUBLIC realm

Consists of thoroughfares, open spaces, and civic buildings, that may be expressive, idiosyncratic and unique.

## Categories

**Public Spaces:** Those that invite the ad-hoc public activity of mobility & informal gathering – usually publicly owned – squares, parks, plazas, green systems, closes, inner gardens, playgrounds.

**Civic Spaces:** Spaces & buildings related to intentional & formal gathering of government, religion and other institutions that may be publicly or privately owned.

**Commercial Spaces:** Centers that host the public activities of commerce in a place organized by public or private initiative. Main Street America.



# PRIVATE realm

**Consists primarily of buildings that define the edges of public space – should be essentially normative and recessive.**

**Civic art – affected by the:**

**Disposition of the private building on its site**

**The configuration of the building**

**The function of the building**

**Disposition and configuration determines TYPE**

**Building TYPOLOGY is an essential element of town/village design (civic art)**

**Civic art = combination of building type & town space type & their respective detailing**

# Configuration of BUILDINGS

## Single and mixed-use buildings

**Typology:** the general function, disposition and configuration of a building

**Syntax:** the detailing of the architecture

**Coding for visual harmony** instead of coding for uses and the separation of uses.

# Coding the Form-Based Code WAY

Key Principles for guiding code-writing toward sustainable urban development:

**VISION-CENTERED** - FBC are always written as part of a master plan - the outcome of a planning process binding private and public interest onto a common vision for a desirable future.

**PURPOSEFUL:** FBC's are priority-driven, concentrating on regulating with emphasis on those places that are prone to change.

**PLACE-BASED:** Code prescriptions are carefully calibrated to be specific to the setting to which they apply. Analysis of existing natural, physical, and social conditions within a project. Physical diversity is favored and guaranteed by providing for a wide variety of potential development and conservation intensities.

**CONSEQUENTIAL:** Urbanism is not an exercise in beautification, it is an economic-development engine. FBC delivers a strategy for improvement calibrated to the local economic opportunities that the market can deliver. Operates in the interest of bolstering the physical health of the community.

# Coding the Form-Based Code WAY

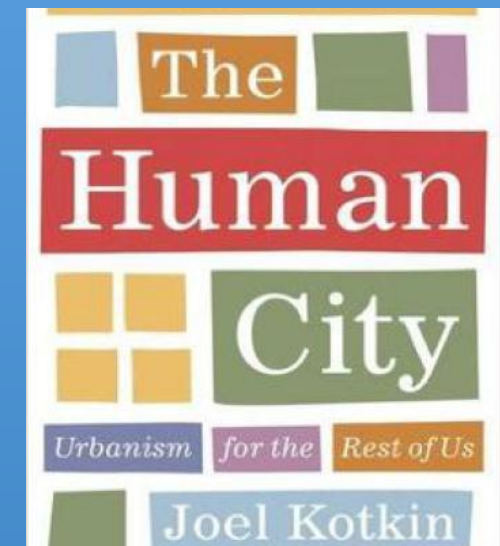
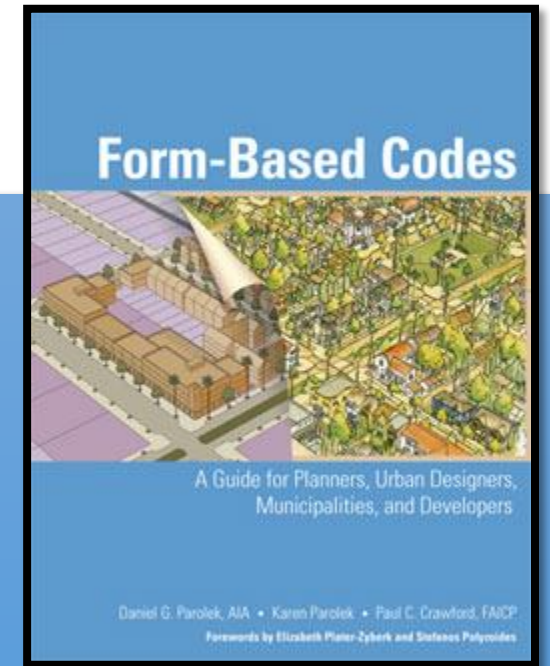
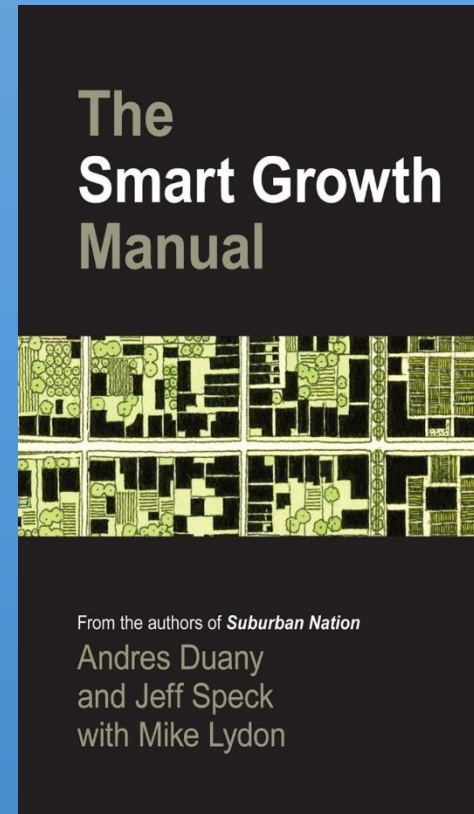
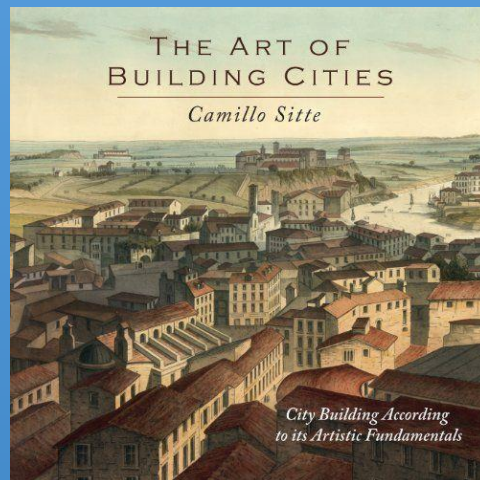
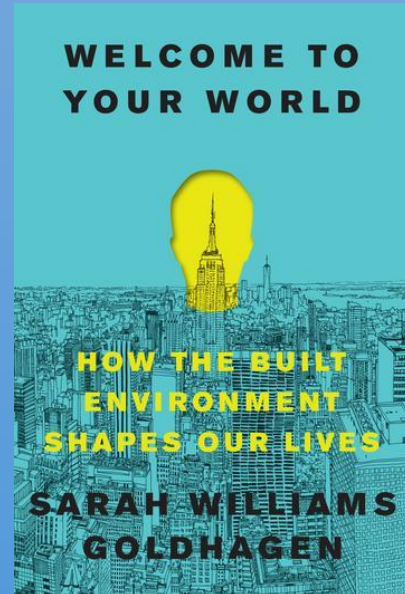
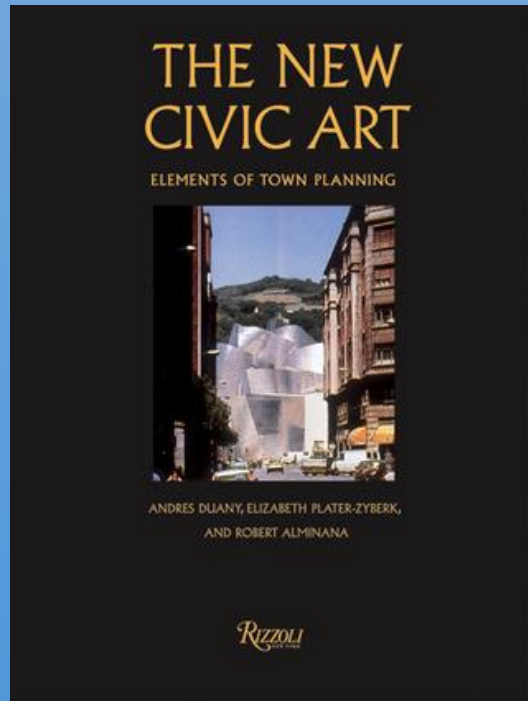
**PRECISE:** Typological in nature. Concrete, experience-derived metrics replace abstract gauges of future development (such as floor-area ratios).

**INTEGRATED:** Current planning and development practice result in a process in which individuals end up working at odds with community interests. Building projects dominate, and often are as big as possible and deny the public realm.

**BINDING:** FBC's are cast in terms of standards that are obligatory, not guidelines that are optional. Standards provide development direction proactively and reward adherence to the community vision that they represent. Following the standards appropriate to a project speeds up the process of getting it entitled. Uncertainty about neighbor's intentions is minimized. A community can come to control its destiny with confidence.



# Suggested READINGS



**Rui Goulart de Almeida**

**ruigalmeida3@gmail.com**

**THANK YOU**



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

DATE OF ACCEPTANCE OF SUBDIVISION CONTROL LAW:

June 6, 2018

NAMES OF PLANNING BOARD MEMBERS BY NOTICE DATED:

See below

At their regular meeting on June 6<sup>th</sup>, 2018, the Mashpee Planning Board voted to have all Board Members authorized to sign Definitive Subdivision Plans, and any member authorized to sign the Board's endorsement on "Approval-Not-Required" Plans.

Those who should be authorized to sign the same are as follows:

Mary E. Waygan

Mary E. Waygan, Chair

Dennis H. Balzarini

Dennis H. Balzarini

Joseph P. Cummings

Joseph P. Cummings, Vice Chair

David W. Weed

David Weedon

David A. Kooharian

David A. Kooharian, Clerk

Robert W. Hansen

Robert W. Hansen, Associate Member

THE SIGNATURES OF A MAJORITY OF THE ABOVE MEMBERS ARE SUFFICIENT FOR APPROVAL OR ENDORSEMENT. IN ADDITION, THE FOLLOWING PERSONS ARE AUTHORIZED TO SIGN FOR THE BOARD AS INDICATED BY THE NOTICE DATED:



## Town of Mashpee Inspections Department

*Ensuring Safe Construction for the People of Mashpee*

Michael Mendoza  
Building Commissioner

May 8, 2018

To: Evan Lehrer  
Town Planner

Re: Special Permit Regulations Section V (E)

Dear Mr. Lehrer:

As the current chair of the Design Review Committee, it is my position that it would make sense that an applicant would first go before the Cape Cod Commission, prior to the Design Review Committee.

The Cape Cod Commission would have more detailed requirements which I feel that the Design Review Committee would most likely build upon. Also, it is my understanding that unlike the Design Review Committee, the Cape Cod Commission does not get into the look of the structure, like the Design Review Committee would.

Thus, it would make more sense to first go before the Cape Cod Commission prior to going before the Design Review Committee.

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

Michael Mendoza  
Building Commissioner



## Maria Silva

---

**From:** Waygan, Mary <MWaygan@yarmouth.ma.us>  
**Sent:** Thursday, February 22, 2018 11:42 AM  
**To:** Evan Lehrer; Maria Silva; Evan Lehrer  
**Cc:** Mary; Charles L. Rowley (crsr63@verizon.net) (crsr63@verizon.net); David Koocharian; DWeeden@mwtribe.com  
**Subject:** Follow Up to Feb 22 PB mtg

Hi!

Just to follow up on last night mtg. If you have any edits let me know ☺

Annual report:

David Koocharian is writing a paragraph about Tom Fudala's service to the Town. Evan is editing the rest of the report.

Mashpee Commons:

Evan is going to place the dates for the Mashpee Commons by Design Tuesday Talk on the Town's website.

Cape Cod Commission:

David Weeden will invite Kristy Senatori to come and speak to the PB on the RPP update and Mashpee Commons

Evergreen Energy LLC:

Covenants was submitted by Evergreen and was approved by Chair, and plans are now all signed by the Planning Board. The project proponent now needs to record mylar with the original covenant at the Barnstable County Registry of Deeds. A copy of the recorded covenant should be provided to the Planning Dept for the folder. Please distribute the paper plans in the following way: 1. Planning Dept Folder 2. Project Proponent 3. Building Dept 4. Assessing 5. Town Clerk.

Naukabout:

Bond was approved by PB and the original now goes to the Town Treasurer (I think) and a copy into the PB folder. Place on the June 6<sup>th</sup> mtg agenda an update on this work

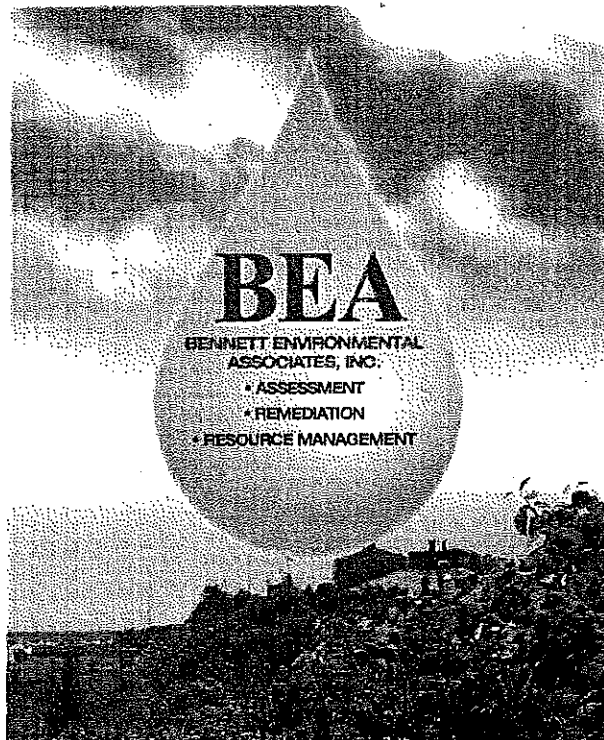
Thanks everyone!

Mary

**WATER QUALITY MONITORING PROGRAM ANNUAL REPORT  
WINDCHIME POINT CONDOMINIUMS**

90 Great Neck Road South  
Mashpee, MA

**MAY 11, 2018**



1573 Main Street - P.O. Box 1743, Brewster, MA 02631 • 508-896-1706 • Fax 508-896-5109  
[www.bennett-ea.com](http://www.bennett-ea.com)

# BENNETT ENVIRONMENTAL ASSOCIATES, INC.

LICENSED SITE PROFESSIONALS ♡ ENVIRONMENTAL SCIENTISTS ♡ GEOLOGISTS ♡ ENGINEERS

1573 Main Street - P.O. Box 1743, Brewster, MA 02631 ♡ 508-896-1706 ♡ Fax 508-896-5109 ♡ www.bennett-ea.com

BEA99-2252

May 11, 2018

TOWN OF MASHPEE PLANNING BOARD

C/o Evan Lehrer, Town Planner

Mashpee Town Offices

16 Great Neck Road North

Mashpee, MA 02649

**RE: WATER QUALITY MONITORING PROGRAM REPORT**

Groundwater Discharge Permit #263-2: Windchime Condominium Trust

Great Neck Road South - Mashpee, MA

Dear Mr. Lehrer,

On behalf of the Windchime Condominium Trust, BENNETT ENVIRONMENTAL ASSOCIATES, INC. (BEA) has prepared the following annual report on the water quality monitoring of surface water and groundwater at the above referenced property, consistent with Exhibit C, Sections V and VI of the Special Permit recorded at the Barnstable County Registry of Deeds [Book 5734, Page 239-240] as conditions established during the initial approval of site development. The following report has been prepared to summarize the results of the March/June/September/December 2017 quarterly water quality sampling conducted at the Windchime Condominium Trust property in Mashpee, MA (herein referred to as "Windchime" or the "site"). This report serves to compare the most recent annual sampling results to previous filings, relative to water quality parameters, to evaluate impact specific to the development of the Windchime Condominium complex and on-site discharge of treated sewage at the site as distinguished from other wastewater and storm water discharges in an area that has experienced significant growth over the past 20 years since this investigation started. The quarterly sampling and analysis of select monitoring wells is consistent with Section B of the Groundwater Discharge Permit # 263-3 I(B)(2) Special Conditions for "Monitoring and Reporting" as established in prior annual reporting.

## SITE DESCRIPTION

The subject Windchime Condominium Trust property is located some 3,000' southeast of the Mashpee Rotary, on Great Neck Road South [Refer to Figure 1]. The site contains some 70 acres of land area, the majority of which is upland. The Mashpee River defines the eastern boundary of the site, with associated fringe wetlands. The western boundary is defined by the road layout of Great Neck Road South, beyond which is a vacant property owned as part of Mashpee Commons with the Mashpee Commons complex further west off Falmouth Road.

Southwest of the property is another shopping plaza (Roche Bros) and south additional multi residential housing complexes (Sea Meadow Condominiums, New Seabury). Some 250' north of the site is the Mashpee Commons Wastewater Treatment Facility (MC WWTF) and leaching beds associated with the Mashpee Commons commercial development along the Mashpee Rotary (intersection of Routes 28 and 151). Further to the north and east are the large undeveloped tracks of conservation lands owned by the Trustees of the Reservations.

The Windchime Condominium Trust Wastewater Treatment Facility (WWTF) is located approximately 375' from the edge of the vegetated wetland associated with the Mashpee River. Further, the Mashpee Commons (MC) WWTF is located within 500' of the Windchime WWTF, complicating interpretation of individual groundwater impacts to both groundwater and the Mashpee River with intermingled plumes of treated sewage solute. The MC WWTF is presently permitted for 180,000 gallons per day (gpd) and receives sewage from the Mashpee Commons commercial development at the Mashpee Rotary [Refer to Appendix C]. The Windchime WWTF is permitted for 40,000 gpd, a fraction (1/5) of the total treated wastewater permitted for discharge between these abutting facilities, discounting other abutting sources of treated and untreated sewage and directed storm water discharge from Route 28. Based on the estimated discharges and proximity of the Mashpee Commons leaching facilities to the Windchime leaching galleries, potential groundwater impact is expected to be cumulative of those impacts, with the Windchime WWTF potentially contributing some 22% of the treated wastewater discharged in this discrete area to the aquifer, eventually received by the Mashpee River. The baseline monitoring of historic groundwater and surface water quality at the site since 1991 provides an opportunity to evaluate cumulative impacts and to extrapolate and approximate individual impacts.

Monitoring wells B-2R, MW-3R and MC MW-2 are clearly up-gradient of the Windchime sewage treatment plant, but down-gradient/cross-gradient of the Mashpee Commons facility. Based on historic water quality relative to the location of select monitoring wells, down-gradient groundwater impacts are clearly attributed to treated wastewater discharge at both the Windchime and Mashpee Commons WWTFs in the finite study area. Notwithstanding, any such focused interpretation of the data is clearly a stated limitation of this report in the understanding of other significant regional impacts to the Mashpee River and Popponesset Bay estuary beyond the study area. Efforts continue to work with the Town of Mashpee to revise the Special Permit and participate in a larger and more comprehensive study, shared with abutters, within the Comprehensive Wastewater Planning activities presently underway.

#### **SITE ENVIRONMENTAL/HYDROGEOLOGIC CONDITIONS**

Groundwater exists within 40-50' of ground surface in the area of the WWTF leaching gallery as subject to seasonal variation. Regional groundwater contours indicate an easterly groundwater flow as consistent with site-specific groundwater level measurements made at the existing monitoring wells, which have been benchmarked to a common vertical datum [Refer to Figure 2]. Groundwater flow in this area is strongly influenced by the Mashpee River, some 500'



to the east of the site. The Mashpee River represents a regional groundwater discharge area (gaining stream), and has been identified as the primary down-gradient environmental receptor.

A review of the MA DEP BWSC GIS mapping program [Figure 3] shows the site as mapped within the recharge area of the Mashpee River approximately 300-600' (+/-) east of the Windchime Condominium Trust and Mashpee Commons wastewater treatment facilities. The majority of the Windchime property is further mapped by NHESP as "Estimated Habitat of Rare Wetlands Wildlife", inclusive of the areas of the two WWTFs. A significant buffer of naturally wooded area is maintained between the Windchime Development, the wastewater plant, and the Mashpee River. The site is not within any defined Interim or Zone II Wellhead Protection Area for a public water supply (PWS). One non-community public water supply well is located within one-half mile southwest, and an additional community public water supply is located within one mile to the north-northeast in apparent cross-gradient positions to the site. As such, based on the hydrogeologic position of the public water supplies and proximity of groundwater, no impact to any existing water supply is expected, and no human receptors are considered, aside from the ecologic and recreational value of the Mashpee River.

## GROUNDWATER ANALYSIS

As a requirement of the original Special Permit, four (4) supplemental monitoring wells and three (3) piezometers were installed by IEP, Inc., for the specified water quality-monitoring program (WQMP) in, or around, 1987. Since that time, several of these wells have been replaced due to damage or destruction. Monitoring wells MW-1, MW-2 and MW-4 are located along River Road some 150-300' down-gradient of the Windchime leaching galleries and intermediate to the Mashpee River. Monitoring well MW-3R is located some 200' (+/-) up-gradient of the Windchime leaching galleries, and 100' (+/-) cross-gradient of the Mashpee Commons leaching beds. An additional down-gradient monitoring well B-1 (formerly MW-5) exists on the Windchime Condominium property, also associated with the initial site development. Additional monitoring wells exist on the abutting property to the north, associated with the groundwater discharge permit monitoring program for the Mashpee Commons WWTF, including a well also identified as MW-2 (herein referred to as MC MW-2) [Refer to Site Plan - Appendix A].

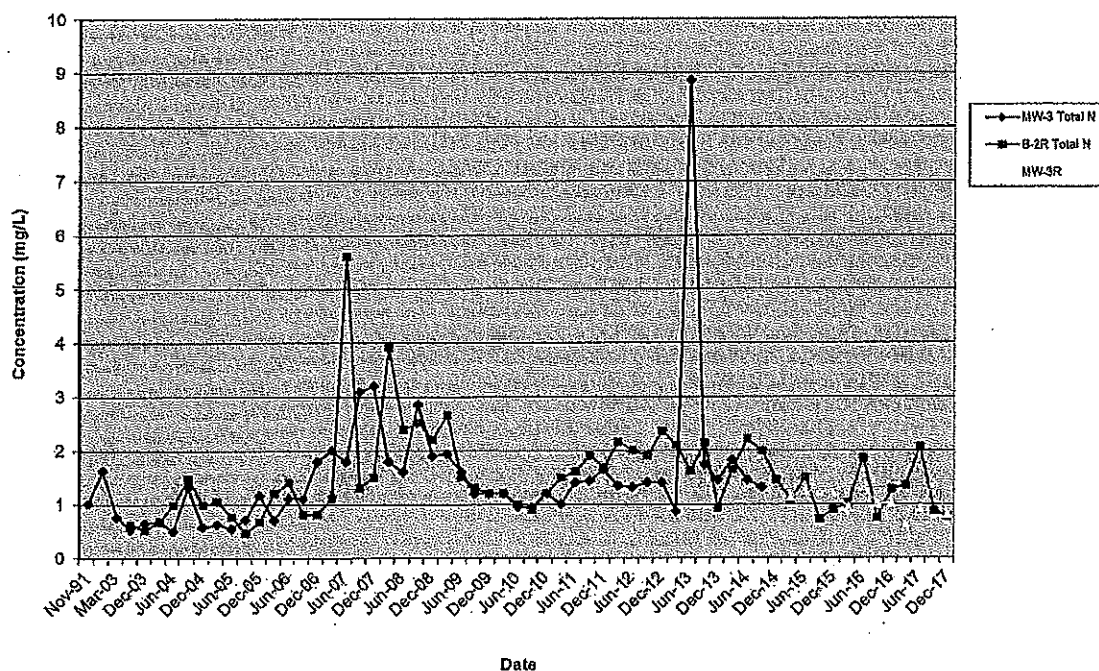
Static groundwater level measurements continue to demonstrate a general easterly groundwater flow direction. As such, monitoring wells MC MW-2, MW-3, and B-2R are representative of the specific contribution of wastewater impacts to groundwater from the MC WWTF [Refer to Site Sketch Plan - Appendix A]. Monitoring wells MW-1, MW-2 and MW-4, as well as piezometers PZ-2R and PZ-3R are down-gradient of both the Windchime Wastewater Treatment Facility (WWTF) and the Mashpee Commons Wastewater Treatment Facility (MC WWTF). The effects of treated wastewater effluent discharge at these monitoring locations are expected to be cumulative.

On March 16, June 30, September 13 and December 7, 2017, the depth to groundwater was measured in each monitoring well and piezometer prior to sampling, to determine standing water and well volume, and to qualify any seasonal variations in site-specific groundwater flow

direction. Field measurements of temperature, conductivity, dissolved oxygen and pH were recorded in all quarters [Refer to Monitor Well Sampling Logs - Appendix B]. BEA subsequently collected groundwater samples from five groundwater monitoring wells and three piezometers. Groundwater samples were preserved on ice in a cooler, and sent to Alpha Analytical in Westborough, MA for certified analyses of wet chemistry. In addition, on September 13, 2017 groundwater samples were collected from monitoring wells MW-1, MW-2, MW-3R and MW-4 and properly preserved in appropriate containers for volatile organic compounds (VOCs) analyses by specified EPA 624 method, required annually by the GWDP. Laboratory analytical results of historic analyses and quarterly groundwater samples collected in March through December 2017 are enclosed as part of the water quality tracking charts in Appendix D.

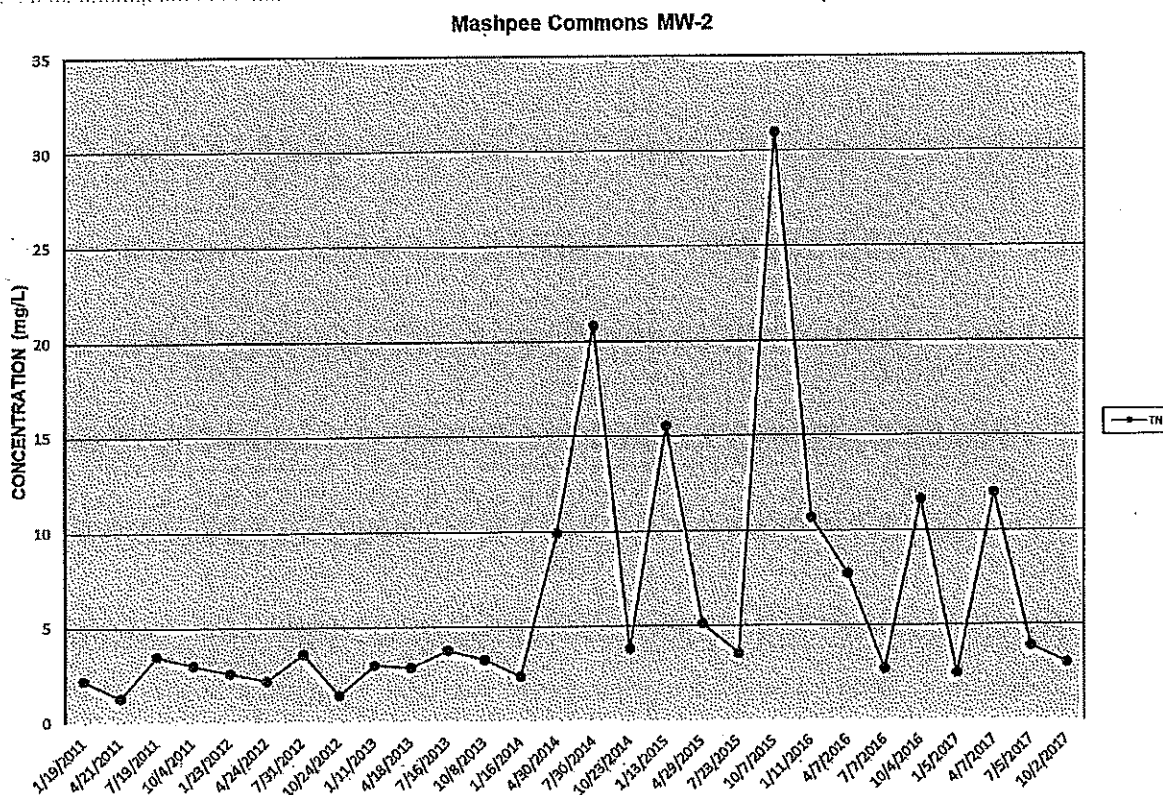
The concentrations of sewage indicators, such as nitrate and sodium, with associated field measurements of low dissolved oxygen and elevated conductivity, are used to evaluate the influence of treated wastewater effluent discharge on groundwater quality, and to identify and define the solute plume of influence. In general, the concentrations of sodium, nitrate and conductivity will be highest immediately down-gradient of wastewater discharge points in the treated effluent plume, and may be expected to decrease away from the point source, associated with dispersion, dilution and natural attenuation. Likewise, decreased dissolved oxygen is expected closest to the point of subsurface discharge as an indicator of groundwater impact inside the plume associated with chemical and biological oxygen demand relative to organic compounds in treated wastewater.

Upgradient Total Nitrogen Monitoring



In the majority of groundwater sampling events conducted from 1991 through the present, up-gradient monitoring wells B-2R and MW-3/MW-3R report total nitrogen between 1-3 mg/L. Periodic fluctuation is noted, and clear spikes in total nitrogen concentrations are observed in B-2R in June 2007 and MW-3 in June 2013, as outliers to observed trends. No total nitrogen concentrations exceeding 10 mg/L have been reported in testing conducted since 1991 although a general increasing trend in background conditions shows that total nitrogen has increased from 0.5 +/- mg/L to 1.5 +/- mg/L from the 2003 baseline.

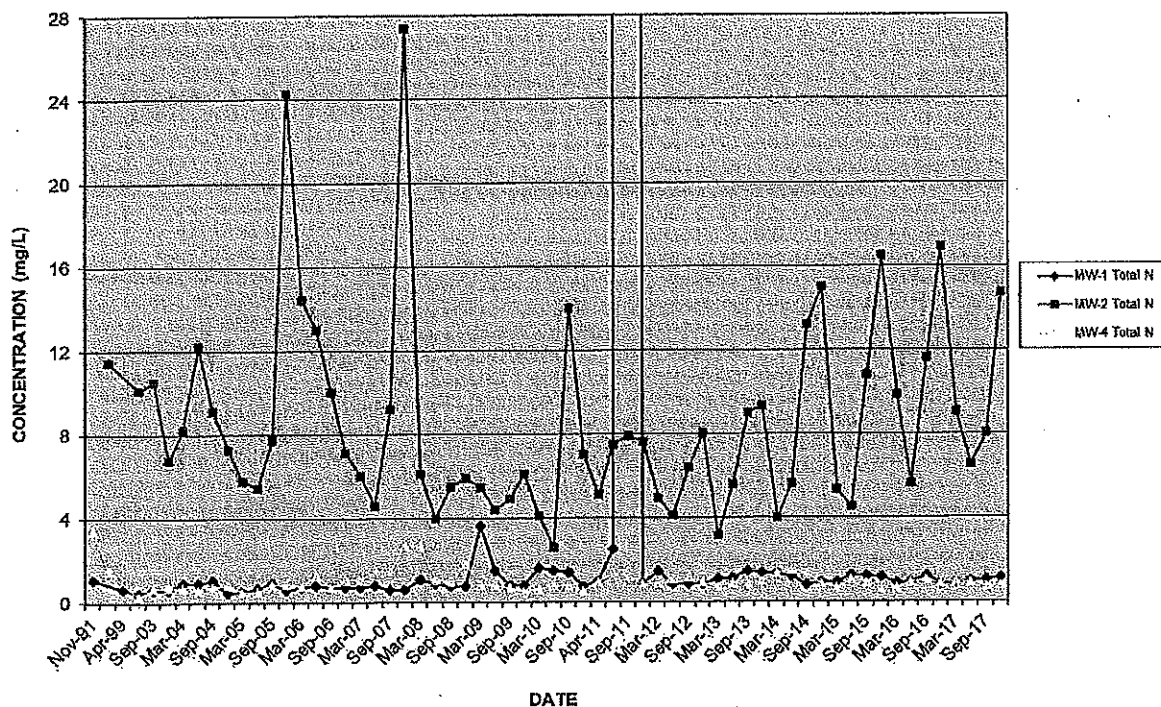
Moderate concentrations of sodium, and low to moderate concentrations of dissolved oxygen and conductivity were recorded during the reporting period. These results are consistent with the ambient groundwater quality conditions documented in previous groundwater sampling events, including the original sampling results reported in November 1991. Throughout the project history, the overall increasing trend of nutrient concentrations and site-specific groundwater flow computations indicate that these up-gradient monitoring wells are influenced by up-gradient development.



The monitoring well referred to as MC MW-2 is associated with the Mashpee Commons WWTF and prescribed for quarterly sampling as part of that facility's groundwater discharge permit as a location specifically down-gradient of the MC WWTF leaching field, and not under

influence of discharge from the WC WWTF. MC MW-2 is a location of particular interest in review of groundwater quality in this area as it is up-gradient of the Windchime WWTF leaching field and is located in the area where the greatest nutrient impact has routinely been identified since testing began in 1991. This area of greatest impact also includes monitoring wells MW-2 and PZ-2. MC MW-2 has shown elevated nutrient concentrations with a distinctive increasing trend following the MC WWTF 2014 plant expansion. Historic data from MC MW-2 was only available as part of this study intermittently, but elevated concentrations were identified at this well location in November 1991 (nitrate 21.7 mg/L), in October 2005 (nitrate 8.31 mg/L and total nitrogen 9.15 mg/L), and in the fourth quarter of 2008 (total nitrogen 8.8 mg/L).

Downgradient Monitoring Well Total Nitrogen Monitoring



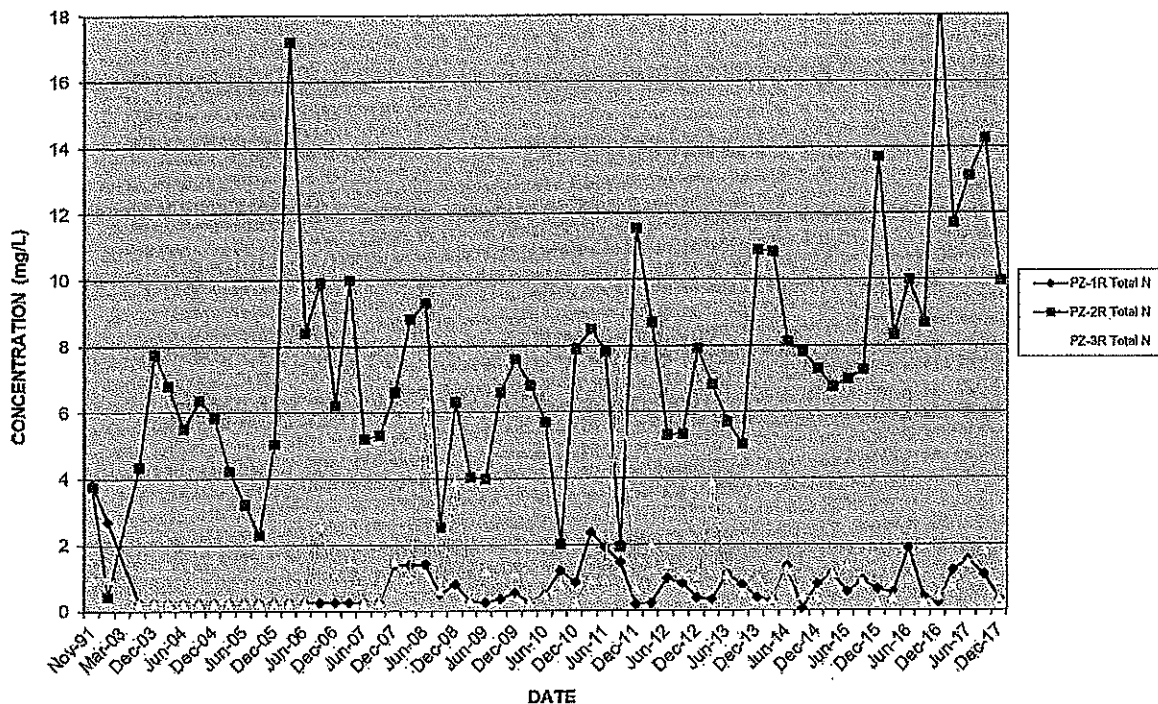
Monitoring wells MW-1 and MW-4 are located in clearly down-gradient positions to both the Mashpee Commons and the Windchime wastewater treatment facilities, directly intermediate to the Mashpee River [Refer to Site Sketch Plan – Appendix A]. Groundwater samples at these locations have generally reported nitrate and total nitrogen concentrations as less than background concentrations identified in the B-2R and MW-3 up-gradient wells. Concentrations of total nitrogen in down-gradient MW-1 and MW-4 monitoring wells remain consistent with those established as baseline in November 1991. These test results indicate low-level nutrient impact from on-site wastewater discharge to down-gradient groundwater quality at these locations. Although these wells are clearly in the mapped solute plume, it appears that



there is likely preferential travel of the solute within the stratified sands that make up the shallow unconfined aquifer.

Groundwater sampled from down-gradient monitoring well MW-2, located within the area where greatest groundwater impacts have been observed, has demonstrated significant nutrient impact dating back to baseline testing conducted in 1991, pre-dating WWTF construction and treated effluent discharge at the subject property. From a 1991 baseline of approximately 12 mg/L, nitrate and total nitrogen concentrations in MW-2 have fluctuated to below 10 mg/L generally from March 2008 through June 2014, then demonstrated an increasing trend with concentrations periodically above 10 mg/L through December 2017. The volatility of these measurements with periodic spikes typically in December sampling, some three (3) months beyond peak seasonal flow, is likely an effect of seasonal increased flow as a function of groundwater flow velocity and the travel time from the leaching fields to the down-gradient monitoring wells. Conductivity, sodium, and chloride concentrations in 2017 were reported as consistent with historic concentrations, indicative of solute impact from treated wastewater at this location. This same volatility in total nitrogen is also seen in the further downgradient piezometers along the edge of the Mashpee River.

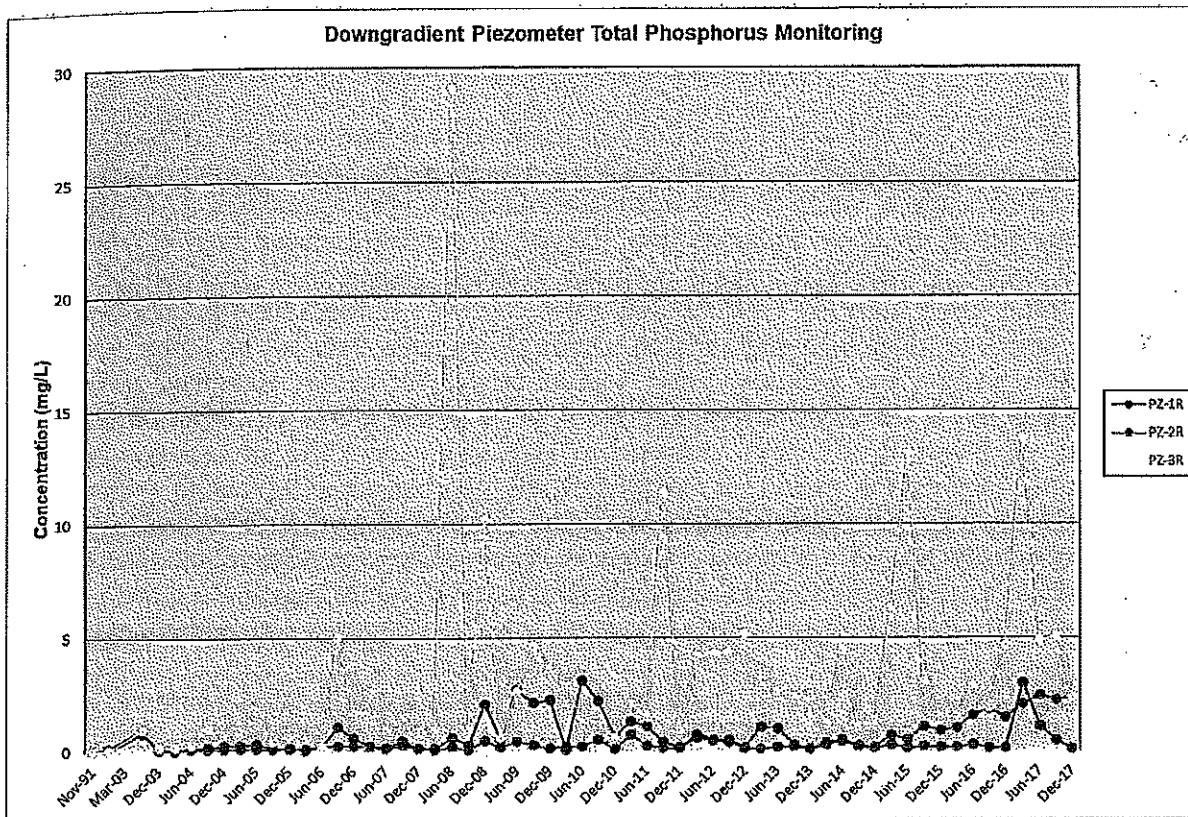
Downgradient Piezometer Total Nitrogen Monitoring



Since the Mashpee River empties into Popponesset Bay, the concentrations of nitrate/total nitrogen at the piezometers along the Mashpee River provide information about the quality of groundwater being discharged into the river. Nitrate and total nitrogen concentrations at piezometers PZ-1R and PZ-3R were reported at concentrations less than the Water Quality Based Effluent Limitations standard of 10 mg/L, as represented in 314 CMR 5.00, throughout 2017. Nitrate/total nitrogen concentrations at the PZ-1R and PZ-3R piezometers are generally consistent with concentrations reported in the November 1991 baseline and subsequent testing. Furthermore, all nitrate and total nitrogen concentrations at the PZ-1R and PZ-3R locations during the 2017 reporting period were below the most stringent 5 mg/L Special Permit guidelines.

Baseline testing in 1991 identified total nitrogen concentrations of 4 mg/L at the PZ-2R location. Since that time, an increasing trend is observed with concentrations periodically exceeding 10 mg/L. During the reporting period, PZ-2R reported nitrate and total nitrogen concentrations as greater than the 5 mg/L Special Permit guideline in all quarters, and concentrations were reported as greater than 10 mg/L in all but the December 2017 quarter (9.97 mg/L). Sodium and chloride concentrations have increased since initial testing but have been relatively consistent since 2003, though a spike concentration of 110 mg/L sodium was reported in March 2017. Conductivity concentrations during the reporting period remained generally consistent, with periodic spikes. PZ-2R is located within the area of greatest identified groundwater impact, and concentrations are generally consistent with those observed in MC MW-2 and MW-2, representing the movement of the treated wastewater plume toward the Mashpee River. These locations appear to be the axis of the solute plume influence by the combined treated sewage discharge.

Consideration of loading rates (lbs/day) from average flow and analytical results is used to show the effects of wastewater treatment and natural attenuation, in consideration of cumulative impacts to the Mashpee River as the identified receptor. The total nitrogen loading rates were calculated for select wells within the central plume area; MC MW-2, MW-2 and PZ-2R as a conservative, positively biased measure wherein "worse case" wells are considered. Calculations were made using the average annual water usage in million gallons per day (MGD) from the MC WWTF for MC MW-2, located up-gradient of the Windchime WWTF, and using the average annual water usage in MGD from the Windchime WWTF for MW-2 and PZ-2R, located down-gradient of the Windchime WWTF. Loading rates were calculated as 1.89 lbs. per day, 0.95 lbs. per day, and 1.21 lbs. per day, respectively.



Monitoring of total phosphorus at the PZ-1R and PZ-2R locations has shown concentrations below 5 mg/L since testing began in 1991. From December 2008 through September 2010, as well as in March 2017, PZ-1R total phosphorus concentrations increased to between approximately 2-3 mg/L. PZ-2R also showed increased total phosphorus concentrations in the 2-3 mg/L range throughout the 2017 reporting period. This trend may indicate an increase in total phosphorus impact from upstream sources. PZ-3R is located in the southern-most, down-stream position at the base of the Mashpee River. PZ-3R has consistently demonstrated the greatest total phosphorus concentrations, with an increasing trend greater than the other two piezometers observed since June 2004. These increasing trends likely represent breakthrough of phosphorus, which is naturally adsorbed in sands with high iron content as typical of the glacial outwash sands that are predominant in the area. Presently under the MA DEP GWDP, phosphorus is not a parameter for which treatment is required.

The down-gradient monitoring wells MW-1, MW-2 and MW-4, as well as the up-gradient MW-3R, were sampled for volatile organic compounds (VOCs, Method 624) in September 2017, as required by the Groundwater Discharge Permit for the Windchime WWTF. Laboratory analysis of groundwater samples reported all VOCs tested as Non-Detect (ND) in each of the four monitoring wells. As such, no volatile organic impact to groundwater is apparent, associated with either the Windchime or Mashpee Commons WWTF treated effluent discharges. The laboratory report for VOCs analysis is included in Appendix D.

## SURFACE WATER ANALYSIS

Quarterly surface water samples were also collected by BEA as part of the water quality monitoring program. Water samples were collected from the Mashpee River at locations upstream (SW-1), mid-stream (SW-2), and down-stream (SW-3) of the Windchime Condominium Trust WWTF and leaching gallery, as roughly corresponding with the piezometer locations [Refer to Site Plan]. Field measurements of dissolved oxygen, conductivity, pH and temperature were recorded at each location. Surface water samples were collected from mid-depth in the river and stored on ice until transferred under a proper chain-of-custody to Alpha Analytical. Laboratory analytical results of historic surface water sampling and surface water samples collected during the reporting period by BEA are presented in Appendix D. Based on baseline findings reported by IEP, Inc., increasing conductivity values in down-stream samples are associated with tidal influence and saltwater feeding into the estuary at high tides. It is suspected that such tidal effect influences other chemical and physical properties. As such, surface water quality sampling by BEA is consistently conducted on a low or ebbing tide wherein groundwater is likely being discharged to the River, to normalize data and exclude saltwater interference and associated dilution.

The Mashpee River is considered a coastal/marine Class SA Outstanding Resource Water (ORW), in accordance with the provisions of 314 CMR 4.00. These waters are designated an excellent habitat for fish, other aquatic life and wildlife, and for primary and secondary contact recreation, and are generally suitable for shellfish harvesting without depuration. Nutrient thresholds vary from basin to basin, largely dependent on size, bathymetry and flushing capacity. Nitrogen is generally identified as the limiting factor in saltwater eutrophication associated with coastal waters. Elevated nitrogen concentrations serve as nutrients for potential congestive plant and algae growth. Elevated temperatures increase the rate of plant and algae decomposition. High decomposition rates demand increased dissolved oxygen, thereby limiting the oxygen available to aquatic life and bacteria necessary for maintaining ecological balance. Per 314 CMR 4.05(4), dissolved oxygen shall not be less than 6.0 mg/L, temperature shall not exceed 85° F, and pH shall be in the range of 6.5 - 8.5 for Class SA - ORW coastal waters.

Dissolved oxygen was recorded at or above the 6 mg/L limitation in all surface water measurements throughout 2017, meeting the Class SA - ORW standard. Temperature was reported within the standard at all locations as well. The temperature and dissolved oxygen measurements reported limit the rate of potential decomposition, which indicates that the Mashpee River is not presently eutrophic. Observations made during sampling events relative to the clarity of water and a lack of congestive plant and algae growth support this conclusion. Further, based on this particular fluvial environment wherein tidal influence is exhibited, the continuous surface water flow and marine flushing effect may limit the potential for eutrophication.

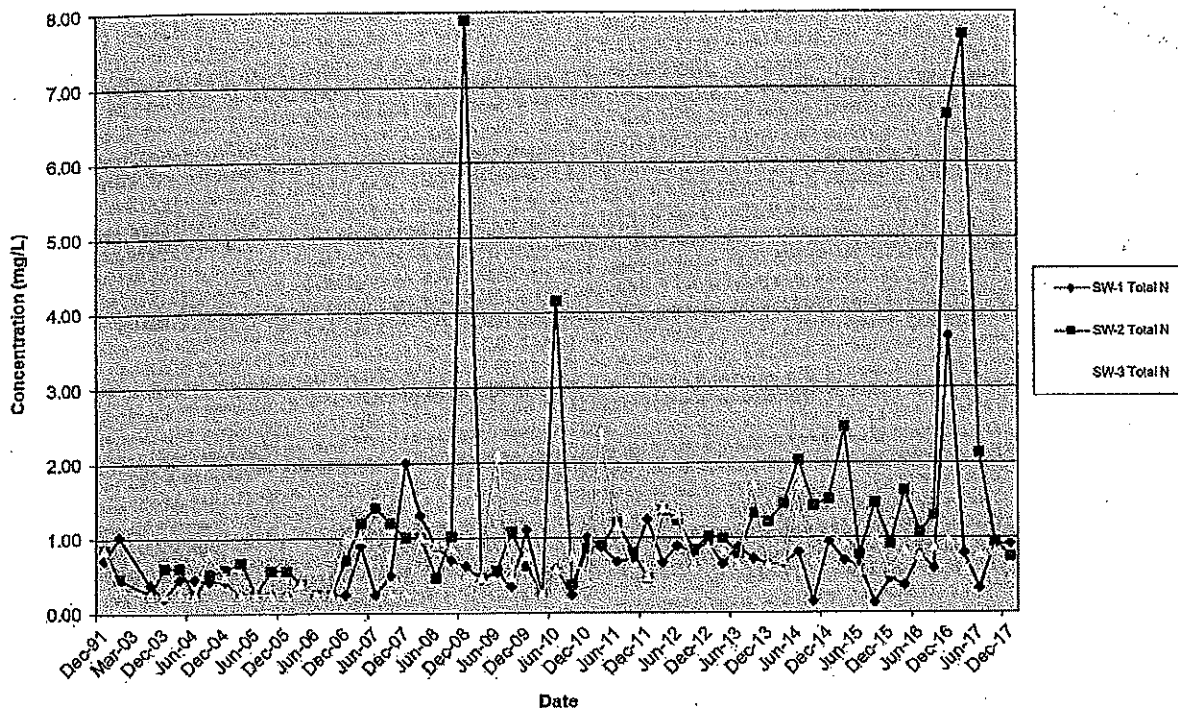
Measurements of pH were reported below the 6.5 threshold periodically throughout 2017 at the three monitoring locations. Wherein the elevation of the Mashpee River is similar to the



elevation of groundwater, and groundwater is discharged as a gaining stream at the time of testing on an outgoing tide, the low pH is attributed to naturally acidic groundwater conditions, rather than as a function of wastewater influence as would tend to be a buffer, and increase pH. Surface water sampling throughout 2017 was conducted around ebb-to-low tides. Conductivity values at the SW-1 up-stream and SW-3 down-stream locations were consistent with baseline and historic testing. It is noted that SW-3 has reported moderate to high conductivity values since baseline testing conducted in 1991 and 1999. At the SW-2 mid-stream location, conductivity values were higher than baseline testing but generally consistent with testing conducted since 2003. The Mashpee River is tidal by nature and the highest conductivity readings generally are found at the SW-3 location, as furthest down-stream and closest to the mouth of the river.

Nitrogen is generally identified as the limiting factor in saltwater eutrophication associated with coastal waters. As such, review of nitrate/total nitrogen in the surface water within the Mashpee River is also critical in the review of surface water impairment and the potential for environmental impact. The Mashpee River is subject to the promulgated standards for Class SA Outstanding Resource Water (ORW) for coastal marine waters, in accordance with the provisions of 314 CMR 4.00. According to the Massachusetts Estuaries Project, "Linked Watershed-Embayment Model to Determine Critical Nitrogen Loading Thresholds for Popponesset Bay, Mashpee and Barnstable, Massachusetts", a total nitrogen threshold of 0.38 mg/L has been established for the Popponesset Bay system as a target, wherein achieving this concentration at a sentinel station within Popponesset Bay would be supportive of a high-quality infauna habitat. Based on the "Linked Watershed-Embayment Model..." the 0.38 mg/L target concentration in Popponesset Bay corresponds to a total nitrogen range of 0.525 - 0.422 mg/L along the mid to lower Mashpee River, respectively. As such, based on the relative position along the Mashpee River, the 0.525 ppm (mg/L) background is considered as a threshold in review of a potential eutrophication impacts associated with total nitrogen measured at the Windchime surface water stations.

### Surface Water Total Nitrogen Monitoring

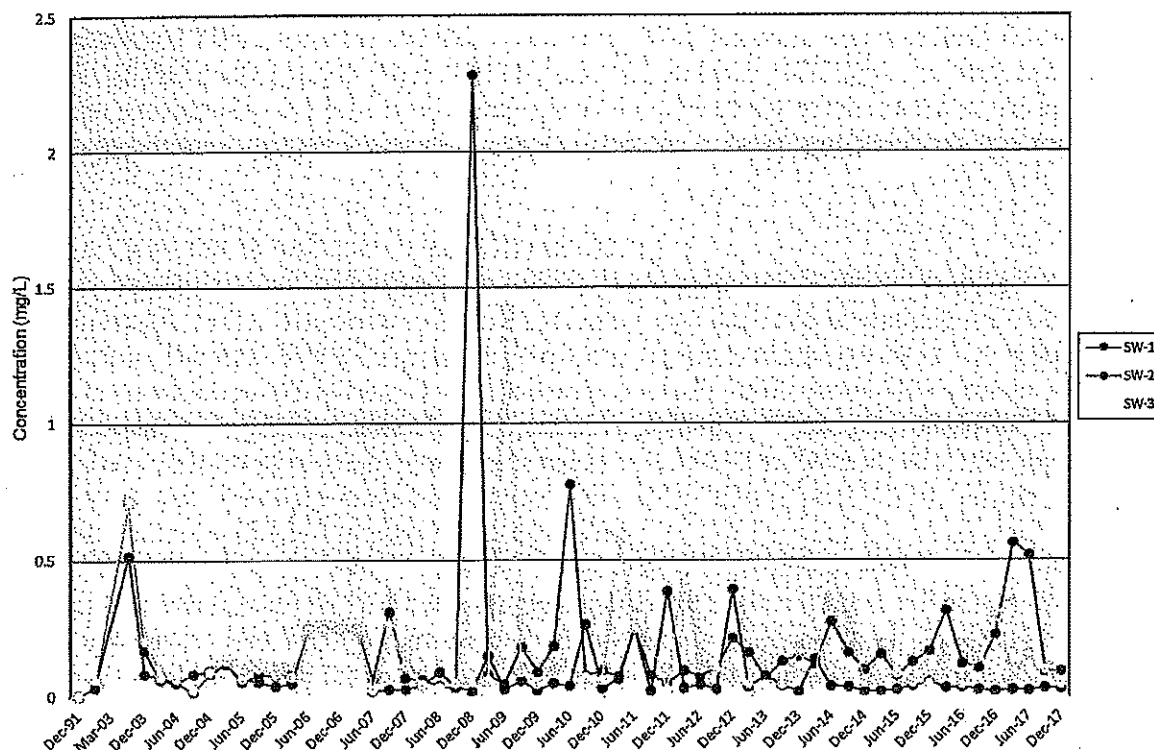


Surface water tests have shown a general increasing trend at all locations, with the increasing trend being somewhat more significant at the SW-2 and SW-3 mid-stream and downstream locations. Since 2010, a marked change has been observed in the component of total nitrogen concentrations, wherein TKN (organic nitrogen and ammonia N) began to routinely be reported as a significant component of total nitrogen. In baseline testing and testing up to 2010, nitrate had typically been the primary component of total nitrogen concentrations. Based on the increase in total nitrogen, as well as the increased incidence of reportable concentrations of TKN, it appears that observed spikes of total nitrogen may be associated with an outside influence of organic nitrogen and ammonia N as not typical of treated sewage. The most likely alternative source of organic nitrogen and ammonia N is fertilizer associated with storm water run-off. A storm water culvert was previously reported to the north of PZ-1, SW-1 and an inventory of direct and indirect storm water discharges is being investigated by BEA through the Mashpee Department of Public Works.

Total nitrogen was reported as greater than the 0.525 ppm threshold in all quarterly testing conducted at the three surface water monitoring locations. At the upstream SW-1 location, total nitrogen was reported below the 0.525 ppm threshold in June 2017, and total nitrogen was reported below 0.525 ppm at the downstream SW-3 location in December 2017. The remaining testing at these locations, as well as all testing at the SW-2 location during 2017, were reported as greater than the threshold.

The SW-1 location is considered reflective of background conditions up-stream of the study area, outside the influence of the MC and WC treated wastewater discharges. The SW-2 and SW-3 locations are noted as within the Projected Solute Transport Pathway of both the MC WWTF and the Windchime WWTF. However, wherein surface water samples are collected from the Mashpee River, the marine outlet of a regional drainage basin, additional natural and anthropogenic off-site sources of nutrient impact represent a significant contribution and a noted limitation to the interpretation of the data. In fact, a comparison between the upgradient SW-1 sampling location and the downgradient SW-3 locations shows an actual reduction in total nitrogen concentration from 0.729 mg/L to 0.648 mg/L. Regardless, concentrations of total nitrogen taken in surface water samples are above the TMDL eutrophication threshold indicating a net contribution to nutrient levels in Popponesset Bay from the Mashpee River.

#### Surface Water Total Phosphorus Monitoring



Phosphorus is generally identified as the limiting factor in freshwater eutrophication. Preliminary research indicates that no critical phosphorous load has been established for the Mashpee River. Phosphorous concentrations typically vary from season to season, and total phosphorous measurements are directly proportional to turbidity and suspended solids. Phosphorus concentrations in surface water result from various sources, such as surface runoff of rainwater and stormwater direct discharge from roadway conveyance systems, as well as discharge of treatment wastewater to groundwater. Historic, elevated phosphorus concentrations

reported in the Mashpee River were generally associated with high antecedent groundwater levels and greater precipitation, contributing to increased surface water runoff. The most effective control against increasing phosphorous loads is to provide subsurface discharge of stormwater from roadway runoff in order to reduce runoff discharge to the river, as well as to locate sewage leaching galleries outside a 200' buffer from the river, as established by the Rivers Act. Further evaluation of phosphorus data developed would be facilitated by a TMDL for critical phosphorus nutrient loads for the estuary wherein only nitrogen is considered the limiting factor in saltwater estuaries.

Phosphorus concentrations in samples collected from the Mashpee River were considered as an indicator of potential eutrophication to the Mashpee River as a tidal estuary and subject to periodic brackish conditions. Total phosphorus concentrations spiked at the SW-2 and SW-3 locations between December 2008 and June 2009, and concentrations since that time have been declining to concentrations generally consistent with baseline and testing conducted through September 2008. In the 2017 reporting period, the difference between average concentrations at the down-stream SW-3 location and the up-stream SW-1 location was nominal (0.064 mg/L), indicative of the contributions from the MC and Windchime WWTFs. In the absence of a TMDL for phosphorus and based on observations other readings made in the river contrary to eutrophic conditions, further evaluation of this data is beyond the scope of the monitoring program.

## **EVALUATION OF WASTEWATER TREATMENT**

Through 2017, laboratory analysis of total nitrogen concentrations in the effluent discharge from the MC WWTF remained below the 10 mg/L discharge limit. A spike in total nitrogen concentration (47.06 mg/L) was reported in April 2014, potentially related to loss of treatment capacity during the up-grade of the treatment facility. That spike likely influenced the elevated concentration of total nitrogen identified in MC MW-2 in October 2015 (31 mg/L), with the effects of that discharge probable to be observed in MW-2 and PZ-2R, as the plume of groundwater moves eastward toward Mashpee River.

At the Windchime WWTF, laboratory analysis of total nitrogen concentrations in the effluent discharge was reported as greater than 10 mg/L throughout 2017. The greatest concentration reported over the year was 44.29 mg/L in November 2017. These concentrations will also contribute to elevated nutrient concentration in MW-2 and PZ-2R over the 1-2-year time of solute travel from the point of treated effluent discharge to the MW-2 monitoring well and eastward toward Mashpee River. BEA is presently conducting a comprehensive review of treatment plant function and recommendations for upgrades in consideration of facility age, outdated design and obsolescence of software on half of the Windchime Board of Directors. This work is intended as a proactive measure ahead of the Groundwater Discharge Permit regulatory requirements. BEA has considered reconfigured of the Amphidrome plant as a "continuous feed" from the earlier "side stream" configuration which would enhance treatment capacity as operations control adjustments have been exhausted. Such conversions are cost effective and have been found to be reliable in meeting GWDP requirements. Notwithstanding,



the actual technology employed and design will be based on a review of alternatives in the context of both state and local requirements.

## SUMMARY AND CONCLUSIONS

Based on more than a decade of quarterly environmental testing of groundwater and surface water conditions at the Windchime Condominium property, sufficient data exists to document impacts associated with wastewater discharge from area development, inclusive of the Windchime Condominiums as a fractional contributor. Since the 1991 baseline testing, substantial development has resulted in additional wastewater generation and stormwater runoff being discharged into the Mashpee River. Evaluation of groundwater and surface water quality under this investigation has shown a clear area of most significant impact identified at the up-gradient MC MW-2 location and traveling towards the Mashpee River, with elevated total nitrogen concentrations subsequently seen in down-gradient wells MW-2 and PZ-2R. Elevated nutrient concentrations have been documented in these areas since baseline testing, and while concentrations have fluctuated, they have generally remained elevated. The presence of the impact up-gradient of the Windchime WWTF clearly demonstrates the contribution of off-site sources to nutrient concentrations in the area, while the fluctuation and continued elevated nutrient concentrations support the conclusion that concentrations of nutrients in groundwater and impact to surface water is the results of co-mingling wastewater plumes, as well as off-site point and non-point sources.

In general, concentrations of nutrients in the piezometers and within surface water have demonstrated an increasing trend since historic testing. It is noted that the measured total nitrogen and phosphorus concentrations would indicate nutrient loads within and along the Mashpee River are sufficient to cause eutrophication in a freshwater environment. However, based on measured pH, temperature and dissolved oxygen concentrations, and observed clarity of water and lack of congestive plant/algae growth, the Mashpee River appears to be relatively healthy and not presently eutrophic in nature. Impact is attributed to area development and the cumulative effect of co-mingling wastewater plumes, as well as off-site point and non-point sources. Based on the respective Groundwater Discharge Permit approved daily flows for the facilities, Windchime would contribute to the nutrient load from these named sources, as a fraction of the total load.

Based on the complexity in the interpretation of the targeted data under this investigation relative to regional issues of nutrient loading in the Mashpee River watershed it is the recommendation of BEA that future water quality monitoring by the Windchime Condominium Trust be reconsidered by the Mashpee Planning Board, and coordinated with municipal wastewater management efforts.

BENNETT ENVIRONMENTAL ASSOCIATES, INC. (BEA) as successor operator of the Windchime WWTF has made process control adjustments and targeted repairs and maintenance to better review the treatment capacities of the system over the past two years. It is recognized that the WC WWTF, as designed and configured, is reaching an age of planned

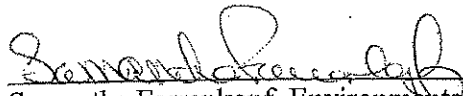
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WINDCHIME CONDOMINIUM TRUST/BEA99-2252  
WATER QUALITY MONITORING PROGRAM

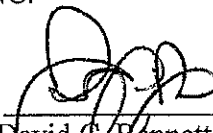
obsolescence and that from a regulatory standpoint, is unable to consistently meet nitrogen/nitrate requirements. Presently BEA is conducting a comprehensive review of the treatment plant towards upgrade to consistently meet nitrogen/nitrate requirements in the backdrop of the Town of Mashpee Watershed Nitrogen Management Plan and unique Special Permit requirements.

Should you have any questions regarding this work, or the findings of the annual report, please contact our office.

Sincerely yours,  
BENNETT ENVIRONMENTAL ASSOCIATES, INC.



Samantha Farrenkopf, Environmental Scientist  
Project Manager



David C. Bennett, LPG., CGWP., LSP  
Hydrogeologist - President

Encl. Supporting Documentation [Appendices A-E]

CC (via electronic copy):     Anthony Colletti – American Properties Team  
   Glen Harrington - Mashpee Board of Health  
   Andrew McManus - Mashpee Conservation Commission



# *Charles L. Rowley, PE, PLS*

*Consulting Engineer and Land Surveyor*

5 Carver Road  
PO Box 9  
West Wareham, MA 02576

Tel: 508-295-1881  
Cell: 508-295-0545  
E-mail: [csr63@verizon.net](mailto:csr63@verizon.net)

June 6, 2018

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

Re: Services for month of May, 2018

|                                    |           |
|------------------------------------|-----------|
| Attendance at two regular meetings | \$ 390.00 |
|------------------------------------|-----------|

Inspections:

May 3 Home Goods, inspection of base course of pavement in preparation of placement of wearing surface. Castings required cement collars. Done in afternoon.

|         |        |
|---------|--------|
| 1.0 hr. | 100.00 |
|---------|--------|

May 11 Naukabout Beer Co. Site inspection with owner and with Planning Board member, David Weeden. Checked grading of outside seating areas and recommended plan to show final grading. David Weeden and/or Tribal rep. to inspect stump removal. Trees to be taken out were flagged.

|          |               |
|----------|---------------|
| 1.5 hrs. | <u>150.00</u> |
|----------|---------------|

|                  |           |
|------------------|-----------|
| Total amount Due | \$ 640.00 |
|------------------|-----------|



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*Consulting Engineer and Land Surveyor*

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PO Box 9  
West Wareham, MA 02576

Tel: 508-295-1881  
Cell: 508-295-0545  
E-mail: [crsr63@verizon.net](mailto:crsr63@verizon.net)

June 6, 2018

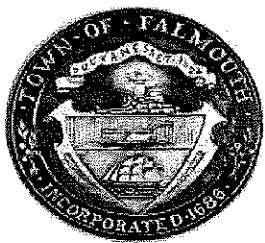
Town of Mashpee Planning Board  
Town Hall  
16 Great Neck Road North  
Mashpee, MA 02649

Re: Southport Services for month of May, 2018

May 31:        Inspection of driveway subgrade and base material for units 12-14, Grey Hawk Drive. Discussed turn around area for Unit 12 with contractor and with Ron Bonvie. Material satisfactory. Turn around area to be inspected next day.

1.0 hr.

\$ 100.00



# ***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**

APPLICATION NO: 031-18

June 7, 2018

A list of abutters is on file in the office of the Board of Appeals, Town Hall Falmouth, Massachusetts.

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:

Jane C. and Brian L. Crowley, Trustees

of

Wellesley, MA

applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. of the Code of Falmouth to raze and reconstruct the preexisting nonconforming single family dwelling on subject property known as 29 Abbies Lane, North Falmouth, MA.

Map 02A Section 10 Parcel 012 Lot(s) 042

**PUBLICATION DATES: May 11, 2018 and May 18, 2018**

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday June 7, 2018 at 6:00 pm.**

You are invited to be present.

By Order of the Board of Appeals,  
Clerk Kimberly Bielan

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.

**Town of Sandwich**  
THE OLDEST TOWN ON CAPE COD



## **Planning Board**

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

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

The Sandwich Planning Board will hold a Public Hearing on the application of Wayne Sullivan, Owner, for a Special Permit for property located at 4 Samba Circle, Map #24, Parcel #176, Sandwich, MA, for the purpose of constructing an addition with deck and retaining walls. The Public Hearing will be held on June 5, 2018, in the upper meeting room of the Human Services Building, 270 Quaker Meetinghouse Road, East Sandwich, MA at 7:00 p.m. The public record information can be viewed at the Planning & Development office, 16 Jan Sebastian Drive, Sandwich, MA during normal business hours, Monday – Friday, 8:30 a.m. to 4:30 p.m.

Robert E. King, Chair  
Sandwich Planning Board  
Publication: Sandwich Enterprise  
Publication Dates: May 18, and May 25, 2018

**Town of Barnstable Planning Board  
Notice of Public Hearing  
Monday, June 11, 2018 at 7:00 p.m.**

**Modification Permit Application No. 2018-06  
William Sturgis Friends of Education Foundation, Inc. –  
529 Main Street, Hyannis, MA**

To all persons deemed interested in the Planning Board acting under the General Laws of the Commonwealth of Massachusetts, Chapter 40A, Section 3, and all amendments thereto and the Town of Barnstable Zoning Ordinances you are hereby notified of a Public Hearing to consider Modification Permit Application No. 2018-06.

William Sturgis Friends of Education Foundation, Inc. seeks a Modification Permit pursuant to Zoning Ordinance Section 240-8.A.(3)(b) Exempt Uses and Section 240-56 Schedule of Off Street Parking Requirements to address parking requirements associated with the accessory use of the property for assembly and to address the conditions of Special Permit Nos. 2007-13, -14, -15, that limit food service and entertainment.

The subject property is addressed as 529 Main Street, Hyannis, MA and is shown on Assessor's Map 308 as Parcel 269. It is in the Hyannis Village Business (HVB) and Single Family (SF) Zoning District.

The Public Hearing will be held at the Barnstable Town Hall, 367 Main Street, Hyannis, MA, Hearing Room, 2<sup>nd</sup> Floor, Monday, June 11, 2018, at 7:00 PM. Copies of the application are available for review in the Planning & Development Department, 200 Main Street, Hyannis, MA between the hours of 8:30 AM to 4:30 PM, Monday through Friday.

Barnstable Patriot  
May 25 and June 1, 2018

Mary Barry, Chair  
Barnstable Planning Board



TOWN OF FALMOUTH  
PLANNING BOARD  
PUBLIC MEETING NOTICE

APPLICANT: Paul R. Dupee, Jr.

LOCATION: Lots 31, 32, 33 Atamanssit Road  
Map# 17 01 016 031, 032, 033

PROPOSAL: Special Permit application to adjust the boundaries of Lots 31, 32, and 33, Land Court Plan 23937G, located at Atamanssit Road, so that each existing dwelling is on a separate lot.

DATE & TIME: Tuesday, June 12, 2018 at 6:30pm

PLACE: Falmouth Town Hall  
59 Town Hall Square  
Falmouth, MA 02540

Plans may be viewed at the Planning Office from 8-4 Monday – Friday. (508-495-7440)

By Order of the Planning Board

Paul Dreyer  
Clerk/Secretary

Publishing Date:

5.25.18

6.1.18

6.8.18



**BOARD of APPEALS**

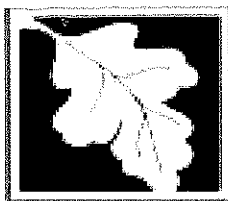
16 Jan Sebastian Drive  
Sandwich, MA 02563  
Phone: 508 833 8001  
Fax: 508 833 8006  
E-mail: [planning@townofsandwich.net](mailto:planning@townofsandwich.net)

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

The Sandwich Board of Appeals will hold a Public Hearing on the application of Gary Giampietro, Applicant, and Brian and Lynn Curran, Property Owners, for a Special Permit under Section 1330 of the Sandwich Protective Zoning By-Law for property located at 8 Jan Sebastian Drive, Unit #2, Sandwich, MA Assessor's Map #27, Parcel #44-002, for the purpose of operating a swimming pool and spa service company. The Public Hearing will be held on June 12, 2018, in the upper meeting room of the Human Services Building, 270 Quaker Meetinghouse Road, East Sandwich, MA at 7:00 p.m. The public record information can be viewed at the Planning & Development Office, 16 Jan Sebastian Drive, Sandwich, MA, during normal business hours, Monday-Friday 8:30 a.m. to 4:30 p.m.

Robert Jensen, Chair  
Sandwich Board of Appeals

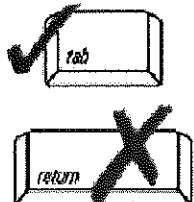
Publication: Sandwich Enterprise  
Publication Dates: May 25 and June 1, 2018



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Groundwater Discharge Program  
**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

5/22/2018

b. Date (mm/dd/yyyy)

### Reporting Package Comments

PLANT PASSED PERMIT REQUIREMENTS FOR APRIL 2018.



# Groundwater Permit

DAILY LOG SHEET

668

1. Permit Number

2. Tax identification Number

2018 APR DAILY

3. Sampling Month & Frequency

## C. Daily Readings/Analysis Information

| Date | Effluent<br>Flow GPD | Reuse<br>Flow GPD | Irrigation<br>Flow GPD | Turbidity | Influent pH | Effluent<br>pH | Chlorine<br>Residual<br>(mg/l) | UV<br>Intensity<br>(%) |
|------|----------------------|-------------------|------------------------|-----------|-------------|----------------|--------------------------------|------------------------|
| 1    | 14900                |                   |                        |           |             |                |                                |                        |
| 2    | 12700                |                   |                        |           |             | 7.2            |                                |                        |
| 3    | 13300                |                   |                        |           |             | 7.1            |                                |                        |
| 4    | 15100                |                   |                        |           |             | 7.1            |                                |                        |
| 5    | 15900                |                   |                        |           |             | 7.1            |                                |                        |
| 6    | 16734                |                   |                        |           |             | 7.1            |                                |                        |
| 7    | 16733                |                   |                        |           |             |                |                                |                        |
| 8    | 116733               |                   |                        |           |             |                |                                |                        |
| 9    | 14800                |                   |                        |           |             | 7.1            |                                |                        |
| 10   | 15300                |                   |                        |           |             | 7.1            |                                |                        |
| 11   | 14700                |                   |                        |           |             | 7.2            |                                |                        |
| 12   | 12300                |                   |                        |           |             | 7.2            |                                |                        |
| 13   | 11233                |                   |                        |           |             | 7.1            |                                |                        |
| 14   | 11233                |                   |                        |           |             |                |                                |                        |
| 15   | 11233                |                   |                        |           |             |                |                                |                        |
| 16   | 10400                |                   |                        |           |             | 7.1            |                                |                        |
| 17   | 11100                |                   |                        |           |             | 7.2            |                                |                        |
| 18   | 8900                 |                   |                        |           |             | 7.1            |                                |                        |
| 19   | 11600                |                   |                        |           |             | 7.1            |                                |                        |
| 20   | 11000                |                   |                        |           |             | 7.1            |                                |                        |
| 21   | 11000                |                   |                        |           |             |                |                                |                        |
| 22   | 11000                |                   |                        |           |             |                |                                |                        |
| 23   | 9600                 |                   |                        |           |             | 7.4            |                                |                        |
| 24   | 10400                |                   |                        |           |             | 7.4            |                                |                        |
| 25   | 10900                |                   |                        |           |             | 7.4            |                                |                        |
| 26   | 3400                 |                   |                        |           |             | 7.4            |                                |                        |
| 27   | 11067                |                   |                        |           |             | 7.2            |                                |                        |
| 28   | 11067                |                   |                        |           |             |                |                                |                        |
| 29   | 11066                |                   |                        |           |             |                |                                |                        |
| 30   | 10000                |                   |                        |           |             | 7.4            |                                |                        |
| 31   |                      |                   |                        |           |             |                |                                |                        |





## Groundwater Permit

DAILY LOG SHEET

668  
1. Permit Number  
[REDACTED]  
2. Tax Identification Number  
2018 APR 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:

4/30/2018

a. Date Sampled (mm/dd/yyyy)

WHITEWATER

b. Laboratory Name

LAURA JOHNSON

c. Analysis Performed By (Name)

### B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Daily Log Sheet - 2018 Apr Daily

☐ All forms for submittal have been completed.

2. ☐ This is the last selection.

3. ☐ Delete the selected form.



**Groundwater Permit**  
MONITORING WELL DATA REPORT

|                               |
|-------------------------------|
| 668                           |
| 1. Permit Number              |
|                               |
| 2. Tax Identification Number  |
| 2018 APR MONTHLY              |
| 3. Sampling Month & Frequency |

### C. Contaminant Analysis Information

- For "0", below detection limit, or not detected, enter "ND"
- For greater than (>) or less than (<) value, enter number only and note greater than (>) or less than (<) in the Comments section.
- TNTC = too numerous to count.
- NS = Not Sampled
- DRY = Not enough water in well to sample.

| Parameter/Contaminant | P-1   | P-2       | P-4       | P-6       |           |           |
|-----------------------|-------|-----------|-----------|-----------|-----------|-----------|
|                       | Units | Well #: 1 | Well #: 2 | Well #: 3 | Well #: 4 | Well #: 5 |
|                       |       |           |           |           |           | Well #: 6 |
| PH                    | 6.12  | 6         | 5.5       | 6.51      |           |           |
| S.U.                  |       |           |           |           |           |           |
| STATIC WATER LEVEL    | 15.75 | 49.45     | 44.88     | 47.98     |           |           |
| FEET                  |       |           |           |           |           |           |
| SPECIFIC CONDUCTANCE  | 428   | 187.9     | 106.4     | 812       |           |           |
| UMHOS/C               |       |           |           |           |           |           |



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Groundwater Discharge Program  
**Groundwater Permit**  
MONITORING WELL DATA REPORT

668  
1. Permit Number  
2. Tax identification Number  
2018 APR MONTHLY  
3. Sampling Month & Frequency

## A. Facility Information

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1. Facility name, address:

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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:

4/3/2018

a. Date Sampled (mm/dd/yyyy)

WHITEWATER

b. Laboratory Name

LAURA JOHNSON

c. Analysis Performed By (Name)

## B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Monitoring Well Data Report - 2018 Apr 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

2. Tax Identification Number

2018 APR MONTHLY

3. Sampling Month &amp; Frequency

**D. Contaminant Analysis Information**

- For "0", below detection limit, or not detected, enter "ND"
- For greater than (>) or less than (<) value, enter number only and note greater than (>) or less than (<) in the Comments section.
- TNTC = too numerous to count.
- NS = Not Sampled

| 1. Parameter/Contaminant    | 2. Influent | 3. Effluent | 4. Effluent Method |
|-----------------------------|-------------|-------------|--------------------|
| Units                       |             |             | Detection limit    |
| BOD                         | 93          | 4.8         | 3.0                |
| MG/L                        |             |             |                    |
| TSS                         | 140         | 9.0         | 2.0                |
| MG/L                        |             |             |                    |
| TOTAL SOLIDS                | 420         |             |                    |
| MG/L                        |             |             |                    |
| AMMONIA-N                   | 12          |             |                    |
| MG/L                        |             |             |                    |
| NITRATE-N                   |             | 6.3         | 0.25               |
| MG/L                        |             |             |                    |
| TOTAL NITROGEN(NO3+NO2+TKN) |             | 8.90        | 0.50               |
| MG/L                        |             |             |                    |
| OIL & GREASE                |             | 0.8         | 0.5                |
| MG/L                        |             |             |                    |



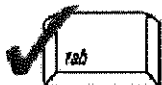


Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Groundwater Discharge Program  
**Groundwater Permit**  
DISCHARGE MONITORING REPORT

668  
1. Permit Number  
2. Tax identification Number  
2018 APR MONTHLY  
3. Sampling Month & Frequency

## A. Facility Information

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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:

4/5/2018

a. Date Sampled (mm/dd/yyyy)

RI ANALYTICAL

b. Laboratory Name

DAWNE SMART

c. Analysis Performed By (Name)

## B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Discharge Monitoring Report - 2018 Apr Monthly

☐ All forms for submittal have been completed.

2. ☐ This is the last selection.

3. ☐ Delete the selected form.

**Groundwater Permit****MONITORING WELL DATA REPORT**

668

1. Permit Number

2. Tax identification Number

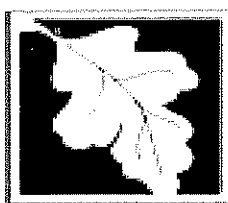
2018 QUARTERLY 2

3. Sampling Month &amp; Frequency

**C. Contaminant Analysis Information**

- For "0", below detection limit, or not detected, enter "ND"
- For greater than (>) or less than (<) value, enter number only and note greater than (>) or less than (<) in the Comments section.
- TNTC = too numerous to count.
- NS = Not Sampled
- DRY = Not enough water in well to sample.

| Parameter/Contaminant      | P-1       | P-2       | P-4       | P-6       |           |           |
|----------------------------|-----------|-----------|-----------|-----------|-----------|-----------|
| Units                      | Well #: 1 | Well #: 2 | Well #: 3 | Well #: 4 | Well #: 5 | Well #: 6 |
| NITRATE-N                  | 2.5       | 0.35      | ND        | 5.3       |           |           |
| MG/L                       |           |           |           |           |           |           |
| TOTAL NITROGEN(NO3+NO2+TK) | 10.30     | 0.35      | 2.10      | 5.30      |           |           |
| MG/L                       |           |           |           |           |           |           |
| TOTAL PHOSPHORUS AS P      | 1.7       | 1.3       | 0.50      | 3.6       |           |           |
| MG/L                       |           |           |           |           |           |           |
| ORTHO PHOSPHATE            | ND        | 0.16      | ND        | 2.5       |           |           |
| MG/L                       |           |           |           |           |           |           |



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Groundwater Discharge Program  
**Groundwater Permit**  
MONITORING WELL DATA REPORT

668  
1. Permit Number  
2. Tax Identification Number  
2018 QUARTERLY 2  
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

MA

02649

c. City

d. State

e. Zip Code

2. Contact information:

MYLES OSTROFF

a. Name of Facility Contact Person

6174311097

myles@chartweb.com

b. Telephone Number

c. e-mail address

3. Sampling information:

4/3/2018

a. Date Sampled (mm/dd/yyyy)

RI ANALYTICAL

b. Laboratory Name

KELLY PEREIRA

c. Analysis Performed By (Name)

## B. Form Selection

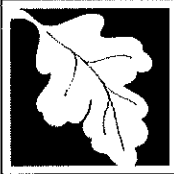
1. Please select Form Type and Sampling Month & Frequency

Monitoring Well Data Report - 2018 Quarterly 2

☐ All forms for submittal have been completed.

2. ☐ This is the last selection.

3. ☐ Delete the selected form.



Massachusetts Department of Environmental Protection

## **eDEP Transaction Copy**

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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: **1008093**

Document: **Groundwater Discharge Monitoring Report Forms**

Size of File: **1320.36K**

Status of Transaction: **Submitted**

Date and Time Created: **5/22/2018:10:16:21 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.



**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATERWAYS REGULATION PROGRAM**

**Notice of License Application Pursuant to M. G. L. Chapter 91  
Waterways License Application Number W18-5248  
Helen & Antonio Donato**

**NOTIFICATION DATE: May 25, 2018**

Public notice is hereby given of the waterways application by Helen & Antonio Donato to construct and maintain a fixed tee off the end of the existing pier at 18 Cricket Way, in the municipality of Mashpee, in and over flowed tidelands of Little River. The proposed project has been determined to be water-dependent.

The Department will consider all written comments on this Waterways application received within 30 days subsequent to the "Notification Date". Failure of any aggrieved person or group of ten citizens or more, with at least five of the ten residents residing in the municipality(s) in which the license or permitted activity is located, to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c).

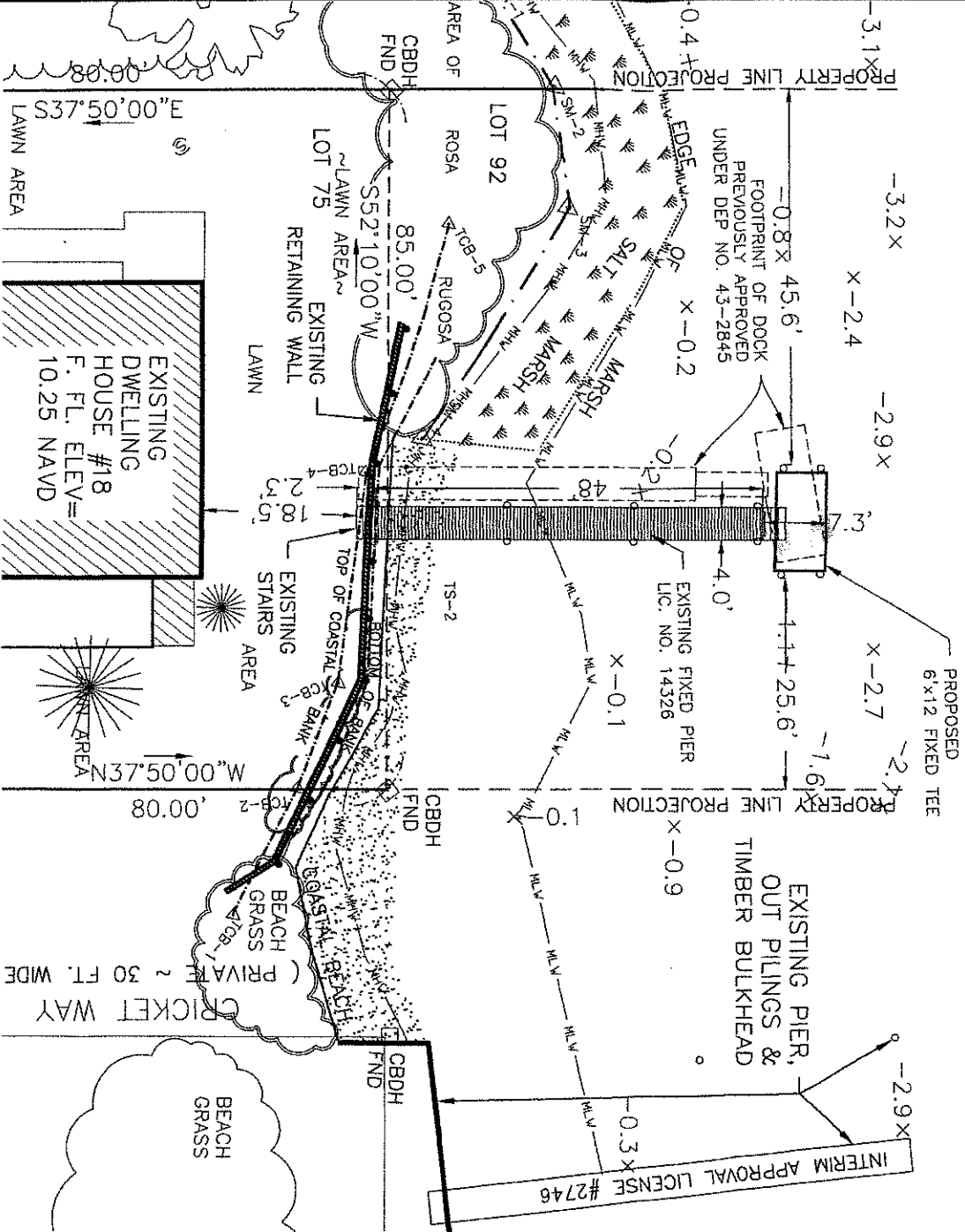
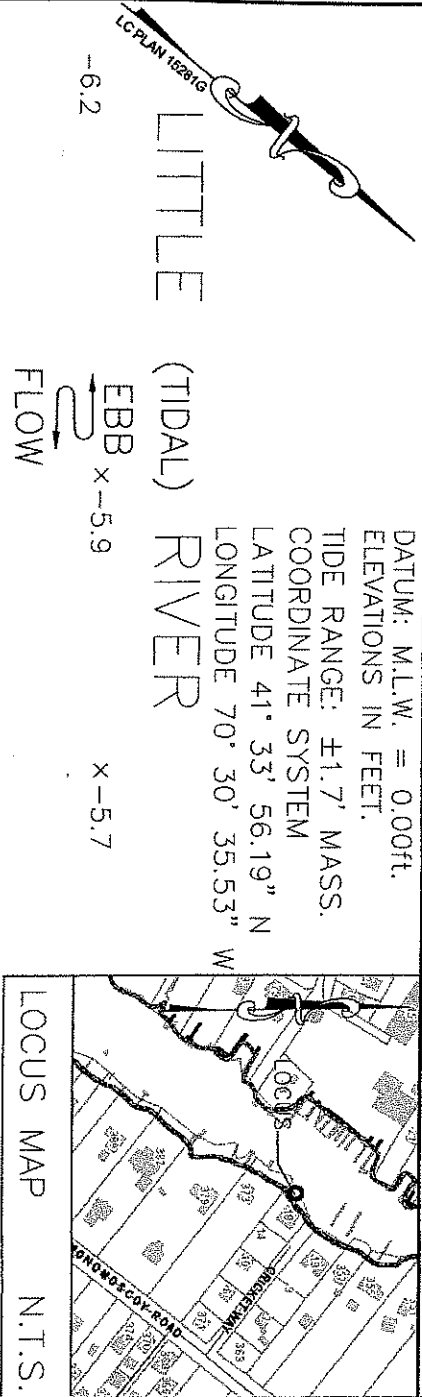
Additional information regarding this application may be obtained by contacting the Waterways Regulation Program at (508) 946-2730. Project plans and documents for this application are on file with the Waterways Regulation Program for public viewing, by appointment only, at the address below.

Written comments must be addressed to: David E. Hill, Environmental Engineer, DEP Waterways Regulation Program, 20 Riverside Drive, Lakeville, MA 02347.



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

MATTHEW C. COSTA P.L.S.



PROPERTY ADDRESS:  
18 CRICKET WAY, MASHPEE, MA

PLAN ACCOMPANYING PETITION OF  
HELEN & ANTONIO DONATO  
TO CONSTRUCT, RETAIN & MAINTAIN A 4'x48'  
PILE SUPPORTED PIER AND A 6'x12' FIXED  
TEE WITH ASSOCIATED ACCESS STAIRS IN AND  
OVER THE WATERS OF LITTLE RIVER,  
MASHPEE, MA.

PLAN BY: CAPE & ISLANDS ENGINEERING, INC.  
508.477.7272 DATE: FEBRUARY 22, 2018

PARCEL ID 120-13-0 SHEET 1 OF 3

