



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

**Meeting of the Mashpee Planning Board**  
**Wednesday, August 19, 2020**  
**Waquoit Meeting Room**  
**Mashpee Town Hall**  
**16 Great Neck Road North**  
**Mashpee, MA 02649**  
**7:00 PM**

**\*Virtual / Remote Meeting\***

**\*Broadcast Live on Local Channel 18\***

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

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

### Call Meeting to Order

- Pledge of Allegiance

### Approval of Minutes

- Review of meeting minutes from August 5, 2020

### Approval Not Required

Applicant: Bayswater Cottages at New Seabury LLC

Location: 20 Red Brook Road, Mashpee

Request: Creation of a building lot (house #13) from 4.32 acres of undeveloped land in the south west corner of Phase III of The Cottages.

Assessors Map and Block: 116-180

### Special Permit

Applicant: Southworth Mashpee Properties LLC

Location: Willowbend Glen Condominium located on North Glen Drive, Unit #16

Request: Minor modification to permit the continuance of a 16 year old encroachment of the landscaping, fencing, and retaining wall into an area designated as open space on the relevant Special Permit Plans. Applicant proposes equal swap.

### New Business

- Request for Release of Covenant – 12 Cypress Circle, Assessors Map 21-33
- Sign signatory page for Barnstable County Registry of Deeds

### Old Business

- Discussion of process for hiring new Consulting Engineer

### Chairman Report

- Windchime tree removal site visit

**MASHPEE TOWN CLERK**

**AUG 14 2020**

RECEIVED BY: \_\_\_\_\_

*MS*



# *Town of Mashpee*

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16 Great Neck Road North  
Mashpee, Massachusetts 02649

## **Town Planner Report**

- Update on 950 Falmouth Road Affordable Housing Development

## **Consulting Engineer's Report**

## **Board Member Committee Reports**

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


## **Correspondence**

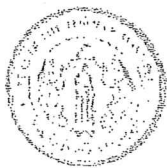
- Falmouth Board of Appeals Notices
- Sandwich Public Hearing Notices
- Notice of Yarmouth Affordable Housing Lottery

## **Adjournment**

MASHPEE TOWN CLERK

AUG 14 2020

RECEIVED BY: 



Town of Mashpee

Planning Board

25 Green Neck Road, South  
Mashpee, MA 02642-0000

**FORM A**

**APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL**

Date: 8-12-2020

To the Planning Board: The undersigned, believing that the accompanying plan of his or her property in the Town of Mashpee does not constitute a subdivision within the meaning of the Subdivision Control law, herewith submits said plan for a determination and endorsement that Planning board approval under the Subdivision Control Law is not required.

Name of Applicant Bayswater Cottages at New Seabury LLC Phone 774.238.9869

Address 20 RED BROOK RD, MASHPEE, MA 02649

Owner, if different \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

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

Engineer or Surveyor BSC Group Inc Phone 617 896 4451

Address 803 Summer Street Boston MA 02127

Deed of property recorded in Barnstable County Registry Book \_\_\_\_\_ Page \_\_\_\_\_

Or Land Court Certificate of Title No. 222707

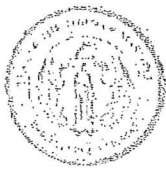
Location and description of property

Creation of a building lot (house #13) from 4.32 Acres of undeveloped land in south west corner of Phase III of the cottages

Mashpee Assessors map(s) and Block(s) 116-180

Signature of Owner or Quthorized Representative John M Palacci

*Attach written authorization signed by owner.*



*Town of Mashpee*

*Planning Board*

*60 Great Neck Road, North  
Mashpee, Massachusetts 01949*

**FORM N**

**NOTICE OF APPLICATION FILING WITH THE MASHPEE PLANNING BOARD**

To the Mashpee Town Clerk:

This is to notify you that on August 12, 2020, 202020 an application for

X endorsement of a plan believed not to require approval

       approval of preliminary plan

       approval of definitive plan

was submitted to the Mashpee Planning Board at its public meeting by

Bayswater Cottages at New Seabury LLC 20 RED BROOK RD, MASHPEE, MA 02649

Applicant name

Applicant address

The land to which the application relates appears on the current Mashpee Assessors Maps  
as 116-180

and is generally described as located

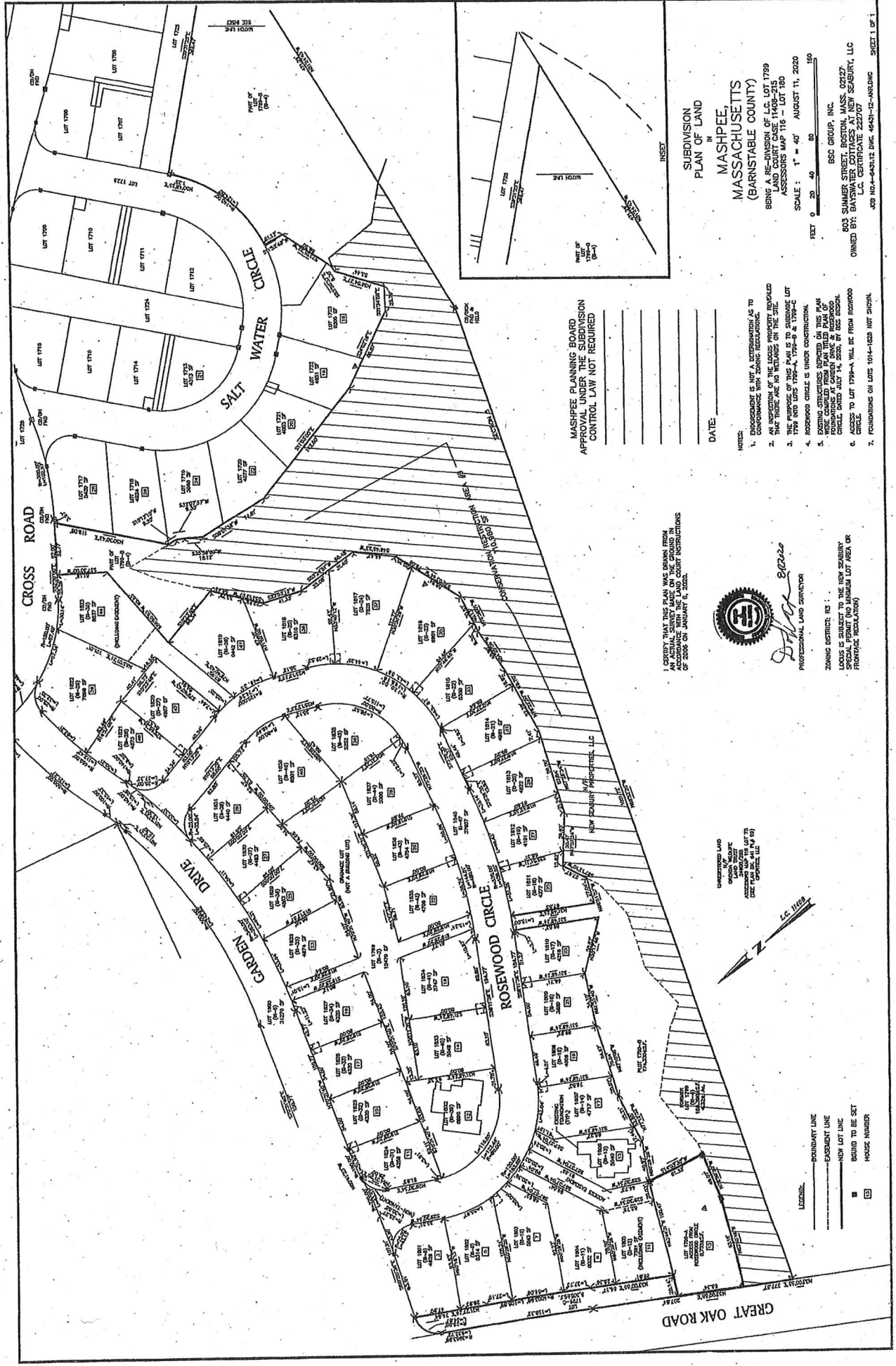
Creation of a building lot (house # 13) from Undeveloped land in south west corner of Phase III of the cottages

This notice must be submitted to the Town Clerk by delivery or by registered or certified mail, postage prepaid, along with a copy of the application and submitted plans.

Received by Planning Board on \_\_\_\_\_, 2020

\_\_\_\_\_  
for Mashpee Planning Board





I CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND IN ACCORDANCE WITH THE SUBDIVISION MAP ACT OF 2006 ON JANUARY 6, 2020.



David A. Brown  
PROFESSIONAL LAND SURVEYOR

ZONING DISTRICT: R3  
LOCALITY IS SUBJECT TO THE NEW SEABURY  
LOCALITY MAP (AN UNLAWFUL LOT AREA OR  
FRONTAGE VIOLATION)

MASHPEE PLANNING BOARD  
APPROVAL UNDER THE SUBDIVISION  
CONTROL LAW NOT REQUIRED

DATE: \_\_\_\_\_

- NOTES:
1. DISSEMINATION IS NOT A REQUIREMENT AS TO CONFORMANCE WITH ZONING REGULATIONS.
  2. THE SUBDIVISION OF THIS LAND SHALL BE SUBJECT TO THE REQUIREMENTS OF THE MASSACHUSETTS SUBDIVISION MAP ACT OF 2006.
  3. THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE LOT 1799 INTO LOTS 1799-A, 1799-B & 1799-C.
  4. ROSEWOOD CIRCLE IS UNDER CONSTRUCTION.
  5. EXISTING STRUCTURES DEPICTED ON THIS PLAN ARE NOT TO BE REMOVED OR ALTERED WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.
  6. ACCESS TO LOT 1799-A WILL BE FROM ROSEWOOD CIRCLE, DATED JULY 14, 2020, BY DEED RECORD.
  7. FOUNDATIONS ON LOTS 1014-1023 NOT SHOWN.

SUBDIVISION  
PLAN OF LAND  
IN  
MASHPEE  
MASSACHUSETTS  
(BARNSTABLE COUNTY)  
BEING A RE-DIVISION OF L.G. LOT 1799  
LAND COURT CASE 11408-215  
ASSESSORS MAP 116 - LOT 180  
SCALE: 1" = 40'  
AUGUST 11, 2020  
FOOT 0 20 40 80 160

BSC GROUP, INC.  
803 SUMNER STREET, BOSTON, MASS. 02127  
OWNED BY: BAYWATER COTTAGES AT NEW SEABURY, LLC  
L.C. CERTIFICATE 222707  
JOB NO. 4-45312 DMC 4508-02-ANALOG  
SHEET 1 OF 1

**JACK McELHINNEY**  
Attorney at Law

63 Shore Road, Suite 23  
Winchester, MA 01890  
jmcclhin@aol.com

Phone: 781.729.7299  
Fax: 781.721.3419  
Cell: 617.816.4092

August 11, 2020

By Email

Planning Board  
Town of Mashpee  
16 Great Neck Road North  
Mashpee, MA 02649  
Attn: Evan Lehrer, Town Planner

Re: Willowbend Country Club – Request for Minor Modification No. 36 of  
Special Permit

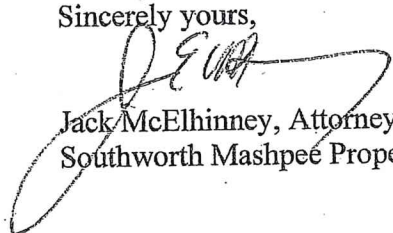
Dear Members of the Planning Board:

Enclosed please find an application for Modification No. 36 of the Special Permit made by Southworth Mashpee Properties LLC with respect to Unit No. 16 of the Willowbend Glen Condominium on North Glen Drive. The application seeks the Planning Board's approval to permit the continuance of a sixteen year old encroachment of the landscaping, fencing and retaining wall into an area designated as open space on the relevant special permit plans. The encroachment pre-dated the current owner's purchase and was only recently discovered during a survey of the property. The area of the encroachment is approximately 1200 s.f. and the property owner is proposing to swap a similarly sized parcels of his property as compensatory open space in order to allow him to continue to maintain and improve the area of the encroachment as a pool and related hardscape. The property abuts Mashpee Water District open space to the rear. A copy of the proposed swap plan is attached and additional copies will be provided ahead of any scheduled hearing.

I am enclosing an application check of \$500.00 payable to the Town of Mashpee. We are specifically requesting that this be application be treated as a minor modification.

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

Sincerely yours,

  
Jack McElhinney, Attorney for  
Southworth Mashpee Properties LLC

cc: Matthew Eddy, P.E.





# Town of Mashpee

## Planning Board

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 April 15, 1987 for a project entitled

Willowbend

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): Bk 5707, Page 290

Name of Applicant Southworth Mashpee Properties Phone 508-539-5200

Address 130 Willowbend Drive, Mashpee

Owner, if different Zvi and Carolyn Schwzman Phone 617-816-4090

Address 16 North Glen Drive

Attach copies of (a) most recent recorded deed and (b) tax bill or Assessors' certification.  
Deed of property recorded in Barnstable County Registry Book 25866 Page 318  
or Land Court Certificate of Title No. \_\_\_\_\_

Location and description of property: 16 North Glen Drive

Mashpee Assessors Map(s) and Block(s): 69, Parcel 192  
Zoning District(s) in which property is located: R-3M (1985 Zoning)

How long have you owned the property? Ten Years  
Section(s) of the Zoning Bylaw which require(s) the permit you seek: \_\_\_\_\_

Present use of property: Residential

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

The owner is seeking approval to permit the continuance of a sixteen year old encroachment of landscaping, fencing and retaining wall into an area designated open space on the special permit plans. An equal sized parcel will be designated open space and swapped for the area of encroachment

Signature of Owner or Authorized Representative

J E McElhinney Jack McElhinney  
Attorney for Owner and Applicant

Attach written authorization signed by owner.

**Registered Professional Engineers  
and Land Surveyors.**

**78 North Street - 3rd Floor  
Hyannis, Massachusetts 02601**

**Phone - (508) 771-7502  
Fax - (508) 771-7622  
[www.bartley-nye.com](http://www.bartley-nye.com)**

CONSULTANT

CONSULTANT

[illegible]

**Pool Plan**  
16 North Glen Drive  
Mashpee, MA 02649

NO		BY	DATE	DESCRIPTION
SHEET TITLE				

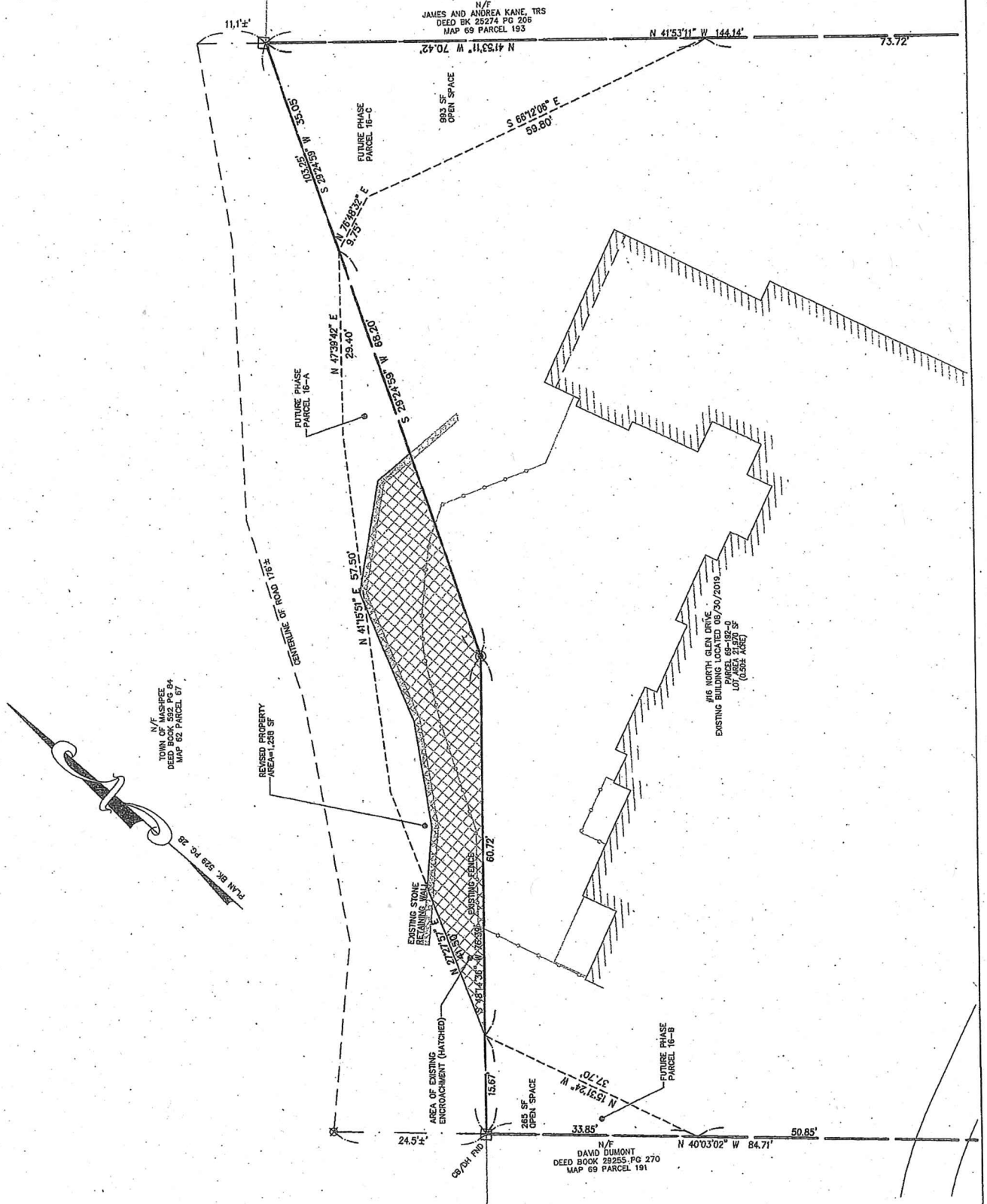
**SHEET NO**

EX 10.

DATE: AUGUST 7, 2020		
	IN	20

SCALE: 1" = 10'  
DRAWN BY: JAL CHECKED BY: JAL  
JOB NO: 2012-111 FILE: 2012-111.Dwg

1. THE INTENT OF THIS PLAN IS TO DEPICT A CONCEPTUAL LAND STAMP AND PLAN.





AUG 10 2020

Dear Mr. Phelan,

August 5, 2020

I am writing to request the Planning Board release my property known as 12 Cypress Circle (Assessor's Map 21 Block 33 from a covenant dated March 1, 1972 recorded with the Conaumet Highland's subdivision. I appeared before the Board in October 2018 with the same request. Mr. Charles Rowley, the Consulting Engineer, provided a report to the Board outlining what items needed to be addressed in order for the lot to be released. Since that time, I have sought quotes from Cape and Islands Engineering and from Clover paving for completion of that work. My husband and I are unable to complete the work as described in Mr. Rowley's report at this time. Also, since, Mashpee Town Meeting authorized the acquisition of our property for affordable housing purposes. We have not been able to close because the covenant has not yet been released. In consultation with the Town Planner, we write to request the Board release the lot from the covenant. The Town as the purchaser is in the unique position to ensure that the roadway is completed appropriately. Mr. Lehrer suggested that the Board has broad discretion to determine the adequacy of security for a covenant release. As such, it is our hope you will look favorably upon this request and vote to release the lot.

Thank you,

Christine Marano

Evan Lehrer

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**From:** Patrick Costello ~~XXXXXXXXXXXX~~  
**Sent:** Thursday, July 30, 2020 5:48 PM  
**To:** Evan Lehrer  
**Cc:** Rodney C. Collins; Wayne E. Taylor; Terrie Cook  
**Subject:** RE: \*REQUEST FOR LEGAL SERVICES\* 12 Cypress Circle Town Planner 7-16-2020

**WARNING! EXTERNAL EMAIL:** This message originated outside the Town of Mashpee mail system. DO NOT CLICK on links or attachments unless you are absolutely certain the content is safe.

Evan:

Per your request, it is my opinion that the Planning Board may exercise substantial discretion with respect to the nature and terms of the performance guarantee required under G.L. c. 41, §81U and the Board's Subdivision Regulations under the circumstances relating to the 12 Cypress Circle parcel. Massachusetts courts have noted a legislative intent within §81U that matters relating to subdivision security (its enforcement and the release of the town's interest in it) "were to be in the centralized hands of the city or town. See *Stoneham v. Savello*, 341 Mass. 456"; *Gordon v. Robinson Homes, Inc.*, 342 Mass. 529, 532 (1961). Further, The Planning Board's Subdivision Regulations (Section XI) do specifically permit the Board to waive or vary requirements of the Regulations (including the Performance Guarantee requirements of Section X) when, in the opinion of the Board, "topography or other considerations necessitate such variance or waiver". I would consider the prospective conveyance of the subject lot to the Town for affordable housing development purposes to be a consideration warranting a variation in application of the roadway/ infrastructure construction performance guarantee requirements of §81U and the Regulations.

This discretion would permit the Board to consider a release of the subject covenant pursuant to the terms you have proposed upon conveyance of the subject lot to the Town or upon such other terms as the Board may deem necessary and appropriate to permit the proposed conveyance of title to proceed, while securing completion of the road and other infrastructure appurtenant to the subject lot. Since such improvements will ultimately inure to the benefit of the Town and the Town will control the eventual disposition of the subject parcel for development purposes, the ability to determine an effective mechanism for securing performance of the road/ infrastructure improvements would certainly be "centralized" in the Town.

Let me know if you have any further questions in this regard.

Pat

Patrick J. Costello  
**Louison, Costello, Condon & Pfaff, LLP**

~~XXXXXXXXXXXX~~  
~~XXXXXXXXXXXX~~  
~~XXXXXXXXXXXX~~  
~~XXXXXXXXXXXX~~  
~~(617) 909-0605~~



# *Town of Mashpee*

## *Planning Board*

16 Great Neck Road North  
Mashpee, Massachusetts 02649

DATE OF ACCEPTANCE OF SUBDIVISION CONTROL LAW:

\_\_\_\_\_

NAMES OF PLANNING BOARD MEMBERS BY NOTICE DATED:

\_\_\_\_\_

At their regular meeting on August 19, 2020, 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:

\_\_\_\_\_  
John Phelan, Chair

\_\_\_\_\_  
Dennis H. Balzarini

\_\_\_\_\_  
Joseph Callahan, Vice Chair

\_\_\_\_\_  
Mary E. Waygan

\_\_\_\_\_  
John Fulone, Clerk

\_\_\_\_\_  
Robert W. Hansen, Associate Member

## **Patricia Maguffin**

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**From:** Evan Lehrer  
**Sent:** Monday, August 17, 2020 4:31 PM  
**To:** Jack Phelan; Joe Callahan (josephcallahanplanningboard@gmail.com); John Fulon; dhbalz@yahoo.com; Rob Hansen; Mary Waygan  
**Cc:** Charles Rowley; Patricia Maguffin  
**Subject:** Images from Windchime Site Visit  
**Attachments:** August2020\_Windchime\_treeremoval.pdf

Please see the attached images of the site visit I made with the Chair to Windchime upon request from the President of the Windchime Board of Trustees. The Windchime Board was requesting the removal of the two shown dead trees. The Chair will update you on Wednesday of the details.

Thanks,  
Evan

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



89 Blue Spruce





35/37 Red Cedar







## **TOWN OF FALMOUTH**

### **ZONING BOARD OF APPEALS**

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

AUG 4 2020

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, public meetings of the Falmouth Zoning Board of Appeals shall be physically closed to the public to avoid group congregation. Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Falmouth Community Television.
2. Real-time public comment can be addressed to the Zoning Board of Appeals utilizing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting and send a comment or question to the Chair via the Chat function. Submitted text comments will be read into the record at the appropriate points in the meeting.
  - a. Zoom Login instructions:
    - i. Browse to the following web address: [www.falmouthmass.us/ZBA](http://www.falmouthmass.us/ZBA)
    - ii. For mobile devices (tablets and phones), please go to either 'Google Play' [Android] or the iOS 'App Store' [iPhones and iPads] and download the free program 'ZOOM'. Then click the 'join a meeting' link and type in '655 502 768'. If you have not registered with Zoom you will be asked for your name and an e-mail address.
3. Applicants, their representatives and individuals required to appear before the Zoning Board of Appeals may appear remotely and are not required to be physically present. Applicants, their representatives and individuals required to appear before the Zoning Board of Appeals may contact the IT Department to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to [FALZBA@FALMOUTHMA.GOV](mailto:FALZBA@FALMOUTHMA.GOV), so that they may be displayed for remote public access viewing.
4. You may also send any comments regarding an application in advance of the meeting to [FALZBA@FALMOUTHMA.GOV](mailto:FALZBA@FALMOUTHMA.GOV).



# **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: 039-20

August 20, 2020

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:

David Porter and Catherine F. Samaha

of

Brookline, MA

applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. and 240-69 E. of the Code of Falmouth to raze and reconstruct the detached garage adding living space above on subject property known as 19 Clinton Avenue, Falmouth, Ma.

**PUBLICATION DATES: July 24, 2020 and July 31, 2020**

Map 47C Section 07 Parcel 014A Lot 000

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, August 20, 2020 at 6:30 pm.**

You are invited to be present.

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

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





## **TOWN OF FALMOUTH**

### **ZONING BOARD OF APPEALS**

AUG 4 2020

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

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# **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: 041-20

August 20, 2020

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:

Carolyn A. and Thomas C. Fanning, Trustees

of

Needham, MA

applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 and 240-216 of the Code of Falmouth to raze and reconstruct the pre-existing non-conforming single family dwelling; increasing lot coverage by structures on subject property known as 33 Chester Street, North Falmouth, Ma.

**PUBLICATION DATES: July 24, 2020 and July 31, 2020**

Map 02A Section 08 Parcel 004 Lot 005

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, August 20, 2020 at 6:30 pm.**

You are invited to be present.

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

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



# **TOWN OF FALMOUTH**

## **ZONING BOARD OF APPEALS**

AUG 4, 2020

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

### **BOARD OF APPEALS NOTICE OF PUBLIC HEARING**

APPLICATION NO: 043-20

August 20, 2020

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:

Fenton Brown

of

Westborough, MA

applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-68 A(8) of the Code of Falmouth to relocate existing garage and construct a pool within the front yard, more than 50' from the front property line on subject property known as 159 Upalong Road, East Falmouth, Ma.

**PUBLICATION DATES: July 24, 2020 and July 31, 2020**

Map 40 Section 12 Parcel 033A Lot 000A

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday,**

**August 20, 2020 at 6:30 pm.**

You are invited to be present.

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

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





# **TOWN OF FALMOUTH**

## **ZONING BOARD OF APPEALS**

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

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TOWN OF FALMOUTH  
MASSACHUSETTS

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by Francis X. Ahern and Christina M. Ahern, 27 Fresh River Lane, Falmouth, Ma. (Map 47, Lot 010) **under** 240-69 E. of the Zoning By-Law, as amended to **grant** the special permit to raze and reconstruct the dwelling.

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

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

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



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

**AUG 12 2020**

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

In accordance with M.G.L. Ch. 138, and Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus" and the Board of Appeals Open Meeting Law Declaration providing explanatory language on the use of Virtual Meetings, the Sandwich Board of Appeals will hold a public hearing on Tuesday, August 25, 2020 at 6:00 p.m. which shall be convened remotely via a ZOOM videoconference and broadcast live on SCTV to consider the application of Erik Tarvin, applicant and Christopher Court, property owner, for a Special Permit under Section 2200 of the Sandwich Protective Zoning By-Law for property located at 376 Route 130, Sandwich, MA, Assessor's Map #32, Parcel #60, for the purpose of operating a pet disposition service. The public record information can be viewed at the Planning & Development office, 16 Jan Sebastian Drive, Sandwich, MA, Monday-Friday 8:30 a.m. to 4:30 p.m.

Anyone wishing to be heard on the subject will be afforded an opportunity to comment by email to [planning@sandwichmass.org](mailto:planning@sandwichmass.org). This comment line will be monitored during the meeting.

Christopher Neeven, Chair  
Sandwich Board of Appeals

Publication: Sandwich Enterprise  
Publication Dates: August 7 and August 14, 2020

Town of Sandwich  
THE OLDEST TOWN ON CAPE COD



## Planning Board

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

AUG 5 2020

### TOWN OF SANDWICH PUBLIC HEARING NOTICE PLANNING BOARD

In accordance with M.G.L. Ch. 138, and Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus" and the Planning Board's Open Meeting Law Declaration providing explanatory language on the use of Virtual Meetings, the Sandwich Planning Board will hold a public hearing on August 18, 2020 at 7:00 p.m. which shall be convened remotely via ZOOM videoconference to consider the application of Andrew E. Degraw Jr. & Ann Degraw Swaim, Trustees and Property Owners, and ASD Cotuit MA Solar, LLC, Applicant, for a Special Permit for property located at 180 Cotuit Road, Map #13, Parcel #44, Sandwich, MA, for the purpose of a large scale ground mounted solar photovoltaic installation. The public record information can be viewed at the Planning & Development office, 16 Jan Sebastian Drive, Sandwich, MA, Monday-Friday 8:30 a.m. to 4:30 p.m.

Anyone wishing to be heard on the subject will be afforded an opportunity to comment by email to [planning@sandwichmass.org](mailto:planning@sandwichmass.org). This comment line will be monitored during the meeting. Anyone wishing to participate via ZOOM can contact the Planning office for the log-in credentials.

Matthew T. Cubetus, Chair  
Sandwich Planning Board

Publication: Sandwich Enterprise  
Publication Dates: July 31, 2020 and August 7, 2020





**Town of Barnstable**  
**Planning & Development Department**  
[www.townofbarnstable.us/planninganddevelopment](http://www.townofbarnstable.us/planninganddevelopment)



August 3, 2020

AUG 7 2020

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

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

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

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

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

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

**Reference: Town of Barnstable Town Council**  
**Proposed Zoning Amendment – TC Item No. 2020-193**

**AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES,  
CHAPTER 240 ZONING, ARTICLE II, SECTION 7, ADDING CERTAIN PROVISIONS  
PERTAINING TO SHORT TERM RENTALS**

The Barnstable Town Council, acting under Chapter 40A, Section 5 of the General Laws of the Commonwealth of Massachusetts, will hold a public hearing on Thursday, August 20, 2020, at 7:00 p.m. The purpose of this public hearing is to take comment on a proposal to amend the Town of Barnstable Zoning Ordinance by revising the Zoning Code, Chapter 240, Article II, Section 7 by adding certain provisions pertaining to short term rentals. The proposal would amend Section 240-7 Application of District Regulations by adding the following subparagraph (J):

"J. Short term rentals. Notwithstanding any provisions to the contrary in this Chapter 240, short term rentals shall be permitted within lawful dwelling units in all zoning districts. A short term rental shall be defined as a residential dwelling or any portion of a dwelling rented out through the use of advance reservations, for a fee, for a period of not more than 31 consecutive calendar days, excluding: Cottage Colonies, as defined herein; hotels licensed under M.G.L. Chapter 140, Section 6; motels licensed under M.G.L. Chapter 140, Section 32B; lodging establishments licensed under M.G.L. Chapter 140, Section 23 or under Chapter 506 of the Code of the Town of Barnstable; bed & breakfast establishments or bed & breakfast homes licensed under said Chapter 506. Cottage Colony shall be defined as a group of three

or more detached dwellings, legally in existence at the time of adoption of this ordinance, located on a single lot, which are customarily occupied on a seasonal basis. When a property is in use as a short term rental, on-site parking shall not be in any cultivated or landscaped area between a roadway and the part of the principal structure nearest to the roadway."

Members of the public may participate in the Public Hearing through remote access via the Zoom link or telephone number and Meeting ID provided below as a result of the COVID-19 state of emergency in the Commonwealth of Massachusetts.

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

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

Join Zoom Meeting: <https://zoom.us/j/93192946119>  
Meeting ID: 931 9294 6119

888 475 4499 US Toll-free  
Meeting ID: 931 9294 6119

3. Applicants, their representatives and individuals required or entitled to appear before the Town Council may appear remotely and are not permitted to be physically present at the meeting, and may participate through accessing the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to [cindy.lovell@town.barnstable.ma.us](mailto:cindy.lovell@town.barnstable.ma.us), so that they may be displayed for remote public access viewing.

Copies of the proposed amendment are available for review by calling 508-862-4738 or emailing [cindy.lovell@town.barnstable.ma.us](mailto:cindy.lovell@town.barnstable.ma.us).

Attach: Notice Amendment and Summary  
Copy: Town Council File TC Item No. 2020-193  
Town Council Chair

**B. NEW BUSINESS (Refer to Planning Board)**

BARNSTABLE  
TOWN CLERK

**BARNSTABLE TOWN COUNCIL**

20 JUN 24 P4:27  
ITEM# 2020-193  
INTRO: 06/18/2020

**2020-193 ORDER AMENDING CHAPTER 240 ZONING, ARTICLE II, SECTION 7  
ADDING CERTAIN PROVISIONS PERTAINING TO SHORT TERM RENTALS**

**ORDERED** that the Code of the Town of Barnstable, Chapter 240 Zoning, Article II, Section 7, be amended by adding the following subparagraph (J) to Section 240-7:

"J. Short term rentals. Notwithstanding any provisions to the contrary in this Chapter 240, short term rentals shall be permitted within lawful dwelling units in all zoning districts. A short term rental shall be defined as a residential dwelling or any portion of a dwelling rented out through the use of advance reservations, for a fee, for a period of not more than 31 consecutive calendar days, excluding: Cottage Colonies, as defined herein; hotels licensed under M.G.L. Chapter 140, Section 6; motels licensed under M.G.L. Chapter 140, Section 32B; lodging establishments licensed under M.G.L. Chapter 140, Section 23 or under Chapter 506 of the Code of the Town of Barnstable; bed & breakfast establishments or bed & breakfast homes licensed under said Chapter 506. Cottage Colony shall be defined as a group of three or more detached dwellings, legally in existence at the time of adoption of this ordinance, located on a single lot, which are customarily occupied on a seasonal basis. When a property is in use as a short term rental, on-site parking shall not be in any cultivated or landscaped area between a roadway and the part of the principal structure nearest to the roadway."

**SPONSOR:** Town Council Committee to Review Zoning & Permitting Regulations: Paula K. Schnepf, Chair, Councilor Precinct 12, Britt Beedenbender, Councilor Precinct 4, Kristine Clark, Councilor Precinct 11, Jennifer Cullum, Councilor Precinct 13, Gordon Starr, Councilor Precinct 1

DATE	ACTION TAKEN
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_____	_____
_____	_____

_____	Read Item
_____	Motion to Open Public Hearing
_____	Rationale
_____	Public Hearing
_____	Close Public Hearing
_____	Council Discussion
_____	Move/Vote



## BARNSTABLE TOWN COUNCIL

ITEM# 2020-193  
INTRO: 06/18/2020

### SUMMARY

**TO:** Town Council  
**FROM:** Town Council Committee to Review Zoning & Permitting Regulations  
**DATE:** June 12, 2020  
**SUBJECT:** Order amending Chapter 240 Zoning, Article II, Section 7 adding certain provisions pertaining to Short Term Rentals

**RATIONALE:** This proposed amendment to Chapter 240, Zoning, aims to provide a clear understanding of what is permitted in terms of renting a residential dwelling as a Short Term Rental in the Town of Barnstable. Currently, Short Term Rentals are neither expressly permitted nor prohibited in the Town of Barnstable; the use is not addressed in any municipal ordinance. Short Term Rentals are being, and historically have been, operated in all villages in Barnstable. According to the latest data set provided by the Massachusetts Department of Revenue, there are 663 short term rentals currently registered in the Town of Barnstable.

This proposed amendment to the Town's zoning ordinance defines Short Term Rentals in a manner consistent with the Commonwealth in the Short-Term Rental Law (Chapter 337 of the Acts of 2018, revising G.L. c. 64G, Section 3A), which includes Short Term Rentals among the list of establishments subject to the local excise tax. Short Term Rentals are broadly defined as residential dwellings, or portions or dwellings, that are rented out in advance for less than 31 days (including weekly rentals).

The proposed approach to Short Term Rentals is two-fold: a general ordinance to register Short Term Rentals with the Inspectional Services Department and require that certain standards, including life safety standards, are met; and an amendment to the zoning ordinance to recognize Short Term Rentals as an allowed use of a residential dwelling.

This item is a proposed amendment to the Zoning Ordinance to recognize and define Short Term Rentals. Short Term Rentals are defined consistent with the Short-Term Rental Law, as noted above; the definition also includes exclusions, including historical cottage colonies. The amendment also establishes parking standards for the use. Parking is appropriately addressed through zoning, as opposed to a general ordinance.

This proposed amendment to the zoning ordinance was developed with the assistance of consultant groups who provided background research on short term rental operations in Barnstable; meetings with the Centerville, Osterville, West Barnstable, Barnstable, Marston Mills, and Greater Hyannis Civic Associations; and public input at multiple Town Council and Zoning & Regulatory Subcommittee meetings.

A proposed zoning amendment requires referral by the Council to the Planning Board, and a recommendation by the Planning Board to the Town Council. The amendment then must be considered by the Town Council at an advertised public hearing, and requires a two-thirds majority vote for passage.

**STAFF ASSISTANCE:** M. Andrew Clyburn, Assistant Town Manager, Karen Nober, Town Attorney, Charles McLaughlin, Assistant Town Attorney, Brian Florence, Building Commissioner, Elizabeth Jenkins, Planning & Development Director, Paul Wackrow, Senior Planner, Gloria McPherson, Planning & Economic Development Coordinator

# **APPLY NOW! READY RENTER AFFORDABLE HOUSING LOTTERY**

**9 CIRCUIT ROAD NORTH  
SO. YARMOUTH, MA**

**AUG 12 2020**

**AFFORDABLE RENTAL HOME - AVAILABLE FALL of 2020**

**9 Circuit Road North, South Yarmouth, MA**

**4 BEDROOM: \$1,350 a month utilities not included**

**EQUAL HOUSING OPPORTUNITY**

This unit is the tenth Town-wide Rental Home in Yarmouth. The other nine units consist of one 1-bedroom unit (\$808 a month rent utilities not included); six 2-bedroom units (\$950 - \$1,050 a month rent utilities not included); one 3-bedroom unit (\$1,294 a month rent utilities not included); and one other 4-bedroom units (\$1,350 a month utilities not included). The Ready Renter Program maintains the wait list for all ten Town-wide Rental Homes.

**APPLY NOW!** To qualify, household income must not exceed \$102,050 for a household of 8, \$95,900 for a household of 7, \$89,700 for a household of 6, \$83,500 for a household of 5; \$77,300 for a household of 4, \$69,600 for a household of 3, \$61,850 for a household of 2, \$54,150 for a household of 1. Other requirements apply. Households with rental vouchers are encouraged to apply.

## **INFORMATIONAL SESSION:**

**August 20, 2020 at 6 PM**

**By Interactive Webinar:**

**By computer: <https://us02web.zoom.us/j/82524701141>**

**By telephone: US: +1 312 626 6799 or +1 929 205 6099**

## **TO REQUEST AN APPLICATION CONTACT:**

**Plymouth Redevelopment Authority**

**(508)747-1620 Ext 10147**

**[reddevelopmentDir@townhall.plymouth.ma.us](mailto:reddevelopmentDir@townhall.plymouth.ma.us)**

## **ALL APPLICATIONS MUST BE RECEIVED BY:**

**Plymouth Redevelopment Authority**

**26 Court St, Plymouth 02360**

**By 4 PM October 5, 2020.**

Successful applicants shall be ranked by lottery; this list shall be used to select a tenant for 9 Circuit Road North. The lottery will consist of all qualified applications received plus all qualified applications already on the Ready Renter waitlist at the time of the lottery. After the lottery, all newly qualified applicants shall be placed on the Ready Renters waitlist, at the end of the list, in the order from the lottery, and will be considered for other Ready Renters units in Yarmouth, Dennis, Orleans, Barnstable and Falmouth.