



**Meeting of the Mashpee Planning Board
Wednesday, February 2, 2022
Waquoit Meeting Room
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649
7:00 PM**

*** Virtual/Remote Participation***

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 January 19, 2022

Public Discussion

Approval Not Required

Applicant: Garren C. Gould
Location: 36 Sunset Strip, Mashpee, MA 02649 (Map 37 Block 72A)
21 Emma Oakley Mills Way, Mashpee, MA 02649 (Map 37 Block 211)
Request: To divide a 28,400 s.f. parcel from 36 Sunset Strip (Map 37 Block 72A) to be conveyed to Robert and Rachel Mills and merged with 21 Emma Oakley Mills Way (Map 37 Block 211).

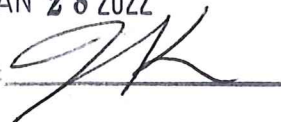
New Business

- Vote to set public hearing date for housekeeping zoning article related to the reclassification of the Board of Selectmen to Select Board
- Approval of Invoices submitted by Pesce Engineering for the following projects:
 - Sherwin Williams – 314 Nathan Ellis Highway
 - South Cape Village – Building G
 - 532 Main Street – Preliminary Subdivision Plan
 - Casper Circle Subdivision

Chairman's Report

MASHPEE TOWN CLERK

JAN 28 2022

RECEIVED BY: 



Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

Town Planner Report

- LCP Update
- Revival of the Open Space Committee
- Popponessett Overlay District
- District Local Technical Assistance Funding – First solicitation – Housing Production Plan

Board Member Committee Reports

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

Correspondence

- Town of Falmouth Notices
- Town of Sandwich Notices
- Waterways Application – 43 Little Neck Lane
- December 2021 Discharge Monitoring Report for South Cape Village – N=1.32
- November 2021 Discharge Monitoring Report for South Cape Village – N=.71
- October 2021 Discharge Monitoring Report for South Cape Village – N=2.7

Additional Topics (not reasonably anticipated by Chair)

Adjournment



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

**Mashpee Planning Board
Minutes of Meeting
Wednesday, January 19, 2022 at 7:00PM
Mashpee Town Hall - Waquoit Meeting Room
16 Great Neck Road North
Mashpee, Ma 02649**

**Hybrid Virtual Zoom / In-Person Meeting
Broadcast Live on Local Channel 18
Call-in Conference Number: (508)-539-1400 x 8585**

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

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

Also Present: Evan Lehrer – Town Planner, Ed Pesce – Consulting Engineer, Robert Mills – Princi Mills Law PC, Christopher Kirrane – Dunning, Kirrane, McNichols & Garner LLP, Chad Brubaker–Lisciotti Development, Sam Malafronte – Solli Engineering, Caroline Wells – Weston & Sampson, Ashley Sweet – Weston & Sampson

Virtual Participation: Jeffrey Maxtutis – BETA Group

CALL TO ORDER

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

APPROVAL OF MINUTES – January 05, 2022

There were no comments regarding the meeting minutes.

MOTION:

Mr. Balzarini moves to accept the meeting minutes for January 05, 2022. Seconded by Ms. Waygan. All in favor.

PUBLIC DISCUSSION

None at this time.

APPROVAL NOT REQUIRED

Applicant: Garren C. Gould
Location: 36 Sunset Strip, Mashpee, MA 02649 (Map 37 Block 72A)
21 Emma Oakley Mills Way, Mashpee, MA 02649 (Map 37 Block 211)
Request: To divide a 28,400 s.f. parcel from 36 Sunset Strip (Map 37 Block 72A) to be conveyed to Robert and Rachel Mills and merged with 21 Emma Oakley Mills Way (Map 37 Block 211).



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Robert Mills is present on behalf of the applicant. His neighbor owning a 2.5 acre parcel is seeking to sell Mr. Mills a 28,400 s.f. parcel to adjoin to his property for privacy purposes. As shown in the plan it does not leave his lot non-conforming, he is left with 82,000 s.f.

Ms. Waygan commented it looks as though he will be getting access to Sunset Strip. She asked why he would want that.

Mr. Mills expressed as another form of egress.

Mr. Phelan asked if there was going to be a driveway.

Mr. Mills is undecided on whether he will get that curb cut permit.

Mr. Lehrer wanted to note one thing, which he expressed to Mr. Mills prior, the plan is not clear on the intention to convey the 28,000 s.f. parcel to the Mills property. Complete technical compliance asks that any new lot lines or proposed lot lines be indicated on the plan. The Mills property Map 37 Parcel 211 lot lines would be changing and new lot lines inserted. He is suggesting the Board have that clearly noted on the plan, there are 21 days to endorse. He sees no other issues with the plan as submitted and thought that would be a prudent amendment to make prior to execution.

Mr. Balzarini asked why the Board was looking at this as an Approval Not Required, it's not giving a buildable lot.

Mr. Lehrer thinks that's why it's important to show that the parcel we are dividing from Map 37 Block 72A needs to be made clear of where it's going to be conveyed, because you need adequate frontage to the street. The parcel you are creating by way of the ANR only has 25 ft. access to Sunset Strip. The intention is to convey it to the Emma Oakley Mills Way property that has adequate frontage on the street. He suggests the plan be amended to make clear the intention to convey to the Mills property however the surveyor deems appropriate. A simple notation added to plan in the notes is fine. Just to be clear this new parcel to be divided isn't creating anything non-conforming, but conveyed to a lot with adequate frontage to the street. As previously stated there are 21 days to endorse. He suggests the Board keep this as an agenda item for next meeting and request an amendment be made prior to Mylar endorsement.

Ms. Waygan would like to ask the applicant if they are willing to make those changes.

Mr. Mills will have the engineer make a notation on the plan to be combined with adjacent lot not a separate buildable lot.

Mr. Lehrer stated this will appear again before the Board with opportunity to endorse. He gave Mr. Mills the Mylar to take.



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

PUBLIC HEARING – 7:10P.M. Continued from January 05, 2022

Applicant: Lisciotti Development Corporation
Location: 413 Nathan Ellis Highway (Map 72, Parcel 56A)
Request: The applicant requests a special permit to construct a 4,000 s.f. Commercial building for retail paint sales. This application is made pursuant to Sections 174-31 (N)(8), 174-25(E)(1), 174-24(C), 174-37, 174-82(1), 174-82(4), 174-41(M), 174-31(N)(14) of the Mashpee Zoning Bylaw. The property is located in the C-2 Zoning District and partially within Ground Water Protection Overlay District.

Christopher Kirrane is present tonight representing the applicant, Lisciotti Development. Also present with him are Chad Brubaker with Lisciotti as well as Sam Malafronte with Solli Engineering. The Board went through this project in detail and a couple minor modifications were made. These were submitted to both Mr. Lehrer and Mr. Pesce. Mr. Lehrer made a draft decision with minor modifications. No new information at this time.

Ms. Waygan wants to check with Mr. Pesce to make sure all modifications listed were fixed on the plan.

Mr. Pesce stated yes, he recommends endorsing the plan. The current plan is before the Board and all changes were remedied.

Mr. Lehrer is in agreement and his Department is satisfied and thanked everyone for being super responsive. He apologized for the numerous typos included in the first draft decision. All is rectified for signatures and filing.

No comments from the public.

MOTION:

Mr. Balzarini makes a motion to close the public hearing. Seconded by Ms. Waygan. All in favor.

Mr. Lehrer wanted to remind the Chair that the alternate Mr. Hansen was seated on this matter, so he will need to be seated again.

MOTION:

Mr. Balzarini makes a motion to approve the Special Permit decision for Lisciotti Development for a retail paint shop at 413 Nathan Ellis Highway, Mashpee. Seconded by Ms. Waygan. All in favor.

Mr. Lehrer shared with Mr. Kirrane it will be filed with the Clerk in the morning and he will be notified.

NEW BUSINESS

Presentation regarding status of the Local Comprehensive Plan Update from Consultant's Weston & Sampson – Caroline Wells, AICP and Ashley Sweet



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Present this evening are Caroline Wells, Senior Project Manager and Ashley Sweet, Assistant Project Manager on this project for Weston & Sampson. They are happy to finally meet everyone. There has been a lot of behind the scenes planning and she is excited to keep everyone abreast. Ms. Wells will go through what a Comprehensive Plan looks like through a slide presentation.

Meet the Team

- Weston & Sampson: Susan Mara, Project Planner and Aqsa Butt, Planner. This is the core team of who will be writing the plan. There is a large staff and design group that will be filling in technical expertise, design aspects, and community engagement during the process.
- BETA Group Inc.: Jeffrey Maxtutis, Transportation Planning Director (on the call) and Emily Slotnick, Community Engagement & Climate Resilience. They will be focusing on the transportation section also with resiliency and community engagement assistance.

Comprehensive Plan Overview

By law, every 10 years communities should be coming up with a Comprehensive/Master Plan. This is a policy document, a directive of rationale, for how municipalities should be working. It is supposed to unify all plans within that municipality and they should all conform to the Comprehensive Plan.

What is a Comprehensive Plan?

A statement through text, maps, illustrations, or other forms of communication, that is designed to provide a basis for decision making regarding the long term physical development of the municipality.

- Framework for future development
- Clear actions/steps for decision making.
- Protect and manage natural resources.
- Living document, reflecting current needs.

What does it do?

- Coordinates updated data on the town.
- Creates a forum to think about the future, to avoid reactive decision making, clarifies priorities for financial decisions, and promotes appropriate use of land.
- Identifies ways to improve coordination
- Serves as a resource for residents to understand government.
- Communicates town priorities to federal and state agencies, funders, private investors, etc.

Cape Cod Commission

They held a meeting with the Commission to go over their general approach, but also to conform to the Commission's slate for what they see as regional policy. They will allow a wide range of creativity with some elements that are necessary and consistent with their vision. They will be a great asset to this planning process.

Comprehensive Plan Process

- Refine public engagement plan
- Public kickoff with staff/team
- Gather and analyze data
- Launch public engagement activities: Looking into creating a standalone page with commenting capabilities and targeted feedback.



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

- Prepare plan: Summer time
- Implement plan
- Finalize plan

Chairman Fulone inquired about the online surveys and asked if there will be in person listening sessions available as well.

Ms. Wells took the Community Engagement Plan as part of the RFP, it's less of a narrative, more of a checklist. They are aware not everyone will be reached via internet and there are a number of constituencies that need to be reached. Every opportunity will be given to people virtually or in person. If there is an online survey there will be a paper survey located in key areas around town, places frequented, such as the library. They are also relying on Planning Board members to champion the project and using personal connections to drive people to the process.

Mr. Balzarini noticed the timeline deadline of summer, when there are 15,000 more people just getting here. Should we wait and have them be a part of this? They pay taxes, they should have input as a lot of them probably have opinions.

Ms. Wells is relying on the Planning Board to guide the process.

Mr. Balzarini commented the first plan sat on a shelf and gathered dust when they spent months working on it. They also set goals for 5 and 10 years.

Ms. Wells reiterated this will have their visions, goals, and actions. She is relying on the Board for the implementation plan. Actions should have time frames with short, medium, and long term benchmarks. It wouldn't be five years, short term is 1-2 years so we know what can be checked off quickly. That helps build public trust too, they know it's a plan you are acting on within the next year.

Mr. Fulone asked if they really have to wait for summer residents. If there is going to be online participation they can survey wherever they are.

Ms. Waygan thinks the Board will regret missing those peak summer events. There are some second homeowners that have influence here and vote here. She hears of one person being registered in their hometown and their spouse is registered here, so they can come to Town Meeting and vote. We should target some input time for the end of July.

Ms. Sweet acknowledged that Covid has changed the landscape in how things are operating, but if there is a longstanding event they could attend that event. She wants to go to places where people will be and they'll get the most bang for buck, bringing the project to them.

Mr. Fulone's reaction was towards waiting for the summer population to show up, he's unsure they need to wait that long.

Mr. Phelan agrees there definitely needs to be some community engagement events in the summer



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Chairman Fulone is curious how the surveys only allow one resident per survey and prevent someone from filling out one hundred surveys.

Ms. Wells stated it depends on how the survey runs. There are options where people register but that acts as a deterrent, if people have to sign up they may refrain from the process. Some surveys online have a key in the back end per IP or computer so you can see if there are multiple entries. She is unsure why anyone would do this, but somebody could also go on and say they are residents when they aren't, and they would have no way of knowing. It's not scientifically accurate.

Ms. Sweet makes sure to compare survey results if there are visible connections or differences from in person, she then would know not to put so much weight on certain survey results.

Mr. Callahan asked if it can be cross referenced though name and address.

Ms. Wells commented sometimes people want to write in anonymously and they should be allowed to do that. We are never going to say 60% of all our survey responders said "this". What we get is people's testimonials, what people are writing can be helpful, people observe a million different things in their everyday life. It helps build awareness and she tries to include fun. This is a basic civic engagement on how government works and what decisions Boards make.

Mr. Callahan inquired what the percentage of community engagement is typically.

Ms. Wells stated if you received 10% of participation, that's considered well, but that's the number.

Mr. Balzarini suggested putting an ad in The Enterprise telling people.

Ms. Waygan also noted Town Meeting coming up.

Ms. Wells would like to get the website done so there can be a place for people to learn more. A way to drive people to the site and build awareness through posters in stores, mailers, yard signs, or QR codes. Go to local networks, senior organizations, non-profits, etc. Get things on the calendar to prepare.

Mr. Fulone believes engaging the younger population will be a challenge.

Mr. Phelan asked if the website is third party provided.

Ms. Wells elaborated it is outside of their contract with the Town. Social Pinpoint and coUrbanize are a couple. There are a few out there that coordinate all community engagement activities in one platform. Not as snazzy as you may want, you are limited in graphics and templates.

Mr. Callahan asked if there was one she recommended more than another.

Ms. Wells explained they are currently developing their own site. They have a demo with coUrbanize, to show the latest of what their app can do. They do tend to be expensive and only in six month increments. The Board wants to make sure the project is captured and scoped out correctly.



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Mr. Phelan inquired about the budget for the site, to which Mr. Lehrer replied there was enough money in the budget specifically for this.

Community Engagement Work Plan

- Build awareness and participation (website, flyers, mailers, events, etc.)
- Public workshops:
 1. Kick off project where people are split into groups and discuss strengths, challenges, opportunities, and threats to the town.
 2. Second public meeting happens near completion where a drafted plan is brought to the public, and see if everything was captured correctly, and revisions come from that.
- Targeted public input (specific people of importance, housing advocates, department heads, etc.)

Mr. Callahan inquired about the robo-call program for storms or elections. He was curious if that had been used in this situation.

Ms. Wells noted there may be parameters in which those can be utilized.

Ms. Waygan stated as long as there is a budget for it, then it's possible. That would reach a large group of people.

Data and Analysis

- Begin outline of existing conditions, which becomes the foundation for the plan. You need to know what you have and where it is, so it can be built on, protected, or changed.
- Pulling of existing documents
- Mapping conditions. Example: land use data from MassGIS for historical, cultural resources, and transportation resources. This is a great foundation to build on and help inform future goals and actions.

Planning Systems

The Commission's Regional Policy Plan outlines a two tiered system. They would like to use that system as a foundation.

- Natural Systems (wetlands, habitat, open space)
- Community Systems (culture, people, economic activity)
- Built systems (infrastructure that supports the town like roadways, wastewater, drinking water)

Community Placetypes

Natural Areas, Rural Development Areas, Suburban Development Areas, Historic Areas, Maritime Areas, Community Activity Centers, Industrial Activity Centers, Military Transportation Areas.

Mr. Balzarini wanted to add the involvement of Tribal members, especially for historic areas, they would be a great resource.

Mr. Lehrer has a meeting with the Tribe in the next couple weeks to be entirely inclusive in this process.



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Ms. Waygan read the RPP and asked if this has ever been used in a community before? Sometimes it's presented as one area flowing into another. She finds that doesn't always happen on Cape Cod. She is fine with using this, as long as there is flexibility, and it doesn't have to flow from one to another but how things happen here on the Cape. You might have these intense natural areas in a place zoned commercial. It's important that even though it is zoned commercial, people think it will be an activity center, when there's actually a beautiful and natural site. This all comes about from the Green Way idea many years ago. When you look at the open space in the town and zoom out, you can see a lot of green open space that is disconnected. She is willing to give it a try and remain flexible.

Ms. Sweet noted they have not used the Regional Policy Plan from the Cape Cod Commission as a guide. There is no requirement to follow in any particular way and there is a lot of flexibility that we will adapt as we move forward. Certain pieces will not work, certain pieces will. This is why they look to the Planning Board for feedback.

Mr. Fulone stated that outreach is valuable and it will inform the entire process.

Mr. Balzarini commented the most important thing he heard was the Cape Cod Commission. In the first plan, he did not like some ideas. It was utilized a bit in the master plan but, this town does not belong to the Cape Cod Commission. We cannot get what we want if we have to follow their examples, this is the people's town.

Ms. Waygan stated the RPP is not statute. There's guidance, regulations, and statute. She would like Ms. Sweet and Ms. Wells to inform them if they see something is not working. She doesn't want to get stuck with a piece of an LCP that doesn't function.

Mr. Fulone commented that the current plan is 22 years old and a lot has changed since then.

Ms. Waygan noted the open space plan devised in 1998 is still partly used. There are sections of the plan that are valuable. The Historic Resource chapter has a lot of first person testimony that was codified. Historic should have an appendix, as it required a great deal of work. She would not like to throw it all out. Also, transportation is completely outdated.

Ms. Sweet elaborated that part of their job is understanding that sentiment and filling that gap. That is one chapter that often doesn't change, historic and cultural resources, even 22 years later. They want to identify things that do change, like the Economic Development Outlook probably significantly changed. It is important to know where we are starting from and adapt a new plan from where you started.

Mr. Fulone remarked that history cannot be changed, but it will be added to.

Mr. Lehrer wants to elaborate on why this approach with place types makes sense. We aren't talking about transect development. The RPP does recognize different types of places with variant characteristics. Mapping these placetypes while keeping community engagement and vision work specific, will better engage targeted conversations and questions. What does the town want to see in a CAC? This is a way to funnel and frame the conversation productively to keep the community engaged. We can see what placetypes people are happy with. How do we want to change the future, to



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

set policies, or deviate from that development pattern? There has only been one LCP on Cape Cod that is subject to regulations. The Cape Cod Commission is confident in our approach, but this is local decision making. This authority is delegated to the Town. While they made that statement about flexibility, and our goal is to adopt this, the Cape Cod Commission will certify with compliance with the RPP. There is a certain framework we do need to operate under. This is an engagement structure as a means to facilitate productive conversation.

Ms. Sweet stated they are doing this approach in a couple locations in RI and MA. There is a shift from voluminous documents that nobody wants to read towards that information being user friendly and graphically rich. The information is needed, but there is no reason why the average user has to go through all existing conditions to get to goals, policies, and actions embedded in the document. This way, information is easy to locate while taking existing conditions and analysis and sticking in the appendix. Someone who does need it can find it, but it's not the first thing you see. Average citizen oriented documents.

Mr. Lehrer also spoke to the Cape Cod Commission while working through the RFP process. One of the goals he suggested was the consolidation of chapters and removal of redundancies. There is a requirement for certain elements and elements for discretion that the Board should explore. He wanted to make sure consolidation was consistent with regulations. He would like to see redundancies removed and consolidated where possible. This will be an inclusive and accessible process resulting in a document that can be productively utilized until the next update.

Mr. Hansen echoes what has been said, especially regarding the Cape Cod Commissions long term development plans. They did a fantastic job of presenting their plan when they designated 12 areas on Cape Cod for future development that prescribes to their plan. One of the significant elements was stakeholders and private investors. One private investor, the elephant in the room. His greatest fear is when this "elephant" steps on the people. He would like to ensure this won't happen. People's inputs, involvements, and engagements have to be top shelf, and private investors, as large as they are, somewhere below.

Chairman Fulone does not think this is a unique scenario to Mashpee.

Ms. Waygan thanked Mr. Hansen for speaking up about that and being transparent. She refers to the comments that influenced the RPP, and the vast majority of Public Comment that was thrown out. There is a Citizens Petition to change the RPP, the first time ever since the adoption of the Commission. Investor's comments were more readily accepted. This is our plan, our Town. If someone is saying we can't do something, we need to hear that. We have political power.

Ms. Sweet noted every community has a lightning rod.

Mr. Fulone stated this is why we hired this team, they work with communities that have similar issues.

Mr. Lehrer reiterated that the Commission said there's nothing that can and cannot be done. They have made that clear, the Board has sovereignty to drive this process.

Ms. Waygan is glad to hear that. Hopefully they are taking Mashpee more seriously.



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Mr. Fulone restated that the community will drive the process.

Planning Board Roles

- Advise on what they need
- Review what's put out, unblemished opinions
- Recommendations, help with wording and omissions.

Mr. Fulone would like to know what the next steps are, 30/60 days out.

Ms. Wells said within the next 30 days all existing conditions and mapping will be complete. She will make sure to have an accepted engagement plan that was reviewed and good. It would be great to get dates on the calendar within a couple weeks to know what the next month's ahead look like in preparation. Then the process chugs along and does its own thing, as long as a calendar is set up it just keeps going until done.

Chairman Fulone inquired about data collection and if they are finding everything they need, or if there are any significant gaps.

Ms. Wells hasn't dug deep. Usually when collaborating with towns and sub consultants there is a communal web space to dump documents. There was an IT issue that was the only hang up.

Mr. Lehrer said it has since been resolved.

Mr. Callahan asked about MassGIS issues.

Ms. Wells sadly reports that MassGIS changed how it codifies land uses. While they would love to map Mashpee over time, they cannot because the codes were changed. When trying to make a 1:1 comparison you get numbers that don't make sense. What was contained in that first classification in 2005, is not being contained in 2016. Things shifted and numbers are not comparable. They are coming up with ways to address this but we can't say over time this is where things have happened.

Mr. Fulone asked if 2016 was the most recent data.

Ms. Wells acknowledged for MassGIS, unfortunately, it is the most recent.

Ms. Waygan spoke about helping during outreach. With the youth sports network they could go to local fields during games. She is volunteering herself so let her know what is needed. They are out and about in the community so if boots on the ground are needed, she can find people. They can carry business cards with information about the LCP.

Ms. Wells mentioned QR codes for younger folks. If there is an opportunity or fair where flyers could be handed out, they would like to know.

Ms. Sweet stated they will supply whatever resources are needed, but the Board will know the best ways to reach Mashpee residents.



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Mr. Lehrer would like to discuss engaging the younger population. He had two productive meetings with school officials and Superintendent on how to engage the student age population, specifically visioning work from kindergarten through graduating seniors. He figured it would be beneficial to communicate to parents at home but also to collect data, because kids aren't captured in data collection and they experience physical challenges differently. The senior architectural class can develop logos, a senior project can be those boots on the ground. Little kids drawing a headline of Mashpee with pictures of where they see Mashpee. Its data to help round out a comprehensive vision. The schools are excited, we are excited. Tapping this resource to remain inclusive and accessible in a way that is productive and beneficial for the Town moving forward.

The Board thanked Ms. Wells and Ms. Sweet for the introduction to the process and for coming this evening. Everyone is eager to get started.

TOWN PLANNER REPORT

108 Commercial Street Workforce Housing

The Town issued RFQ for site feasibility analysis at 108 Commercial St. The bids came in, it was sent to six firms, and five responses were recieved. The Town Manager has not extended an award as of yet but it will be awarded soon. Horsley Witten Group had the lowest bid. They worked on Falmouth Rd. and Redbrook Village. After about four months the Affordable Housing Trust will submit an RFP to select a developer. It is his hope to have a developer secured before October Town Meeting, hopefully September.

COMMITTEE REPORTS

Cape Cod Commission –	No Report
Community Preservation Committee-	Voted to recommend all 8 applications for funding. Those will go before the Select Board to be placed on the Warrant in May. They will meet on a more regular basis, hopefully every two months, currently they only meet for applications.
Design Review-	No Meeting
Plan Review-	No meeting
Environmental Oversight Committee–	No Meeting
Historic District Commission-	No Meeting
Military Civilian Advisory Council-	No Meeting

ADJOURNMENT

MOTION:

Mr. Balzarini makes a motion to adjourn the meeting at 8:13p.m. Seconded by Mr. Callahan. All in favor.

The meeting ended at 8:13p.m.

Next Meeting: Wednesday, February 02, 2022 at 7:00P.M. To be held remotely via Zoom



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Respectfully Submitted,

Christine M. MacDonald
Board Secretary

List of Documents

Additional documents may be available in the Planning Department.

- Town of Falmouth Notices
- Town of Sandwich Notices
- Town of Barnstable Notices
- Waterways Application – 11 Traffrail Way
- Waterways Application – 33 Monomoscoy Road
- Waterways Application – 27 Sand Dollar Lane
- November 2021 Discharge Monitoring Report for South Cape Village – N=.71
- October 2021 Discharge Monitoring Report for South Cape Village – N= 2.7
- September 2021 Discharge Monitoring Report for South Cape Village – N= 3.3



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

MASHPEE TOWN CLERK

January 27, 2022

JAN 28 2022

RECEIVED BY: _____

Deborah F. Dami, Town Clerk
Town of Mashpee
16 Great Neck Road North
Mashpee, MA 02649

**Re: Mashpee Fall Annual Town Meeting of October 18, 2021 -- Case # 10367
Warrant Articles # 1 and 5 (Zoning)
Warrant Articles # 1, 3, 14, 15, and 22 (General)**

Dear Ms. Dami:

Articles 3, 5, 14, 15, and 22 - We approve Articles 3, 5, ¹ 14, 15, and 22 from the Mashpee October 18, 2021 Fall Annual Town Meeting. Our comments on Article 15 are provided below.

Article 1 - We approve the portion of Article 1 changing the name of the Board of Selectmen to Select Board throughout the Town’s general by-laws. However, we disapprove the portion of Article 1 amending the Town’s zoning by-laws to change the name of the Board of Selectmen to Select Board throughout the Town’s zoning by-laws because the Town did not comply with G.L. c. 40A, § 5’s procedures for amending zoning by-laws, including holding a planning board and adopting Article 1 by a two-thirds vote. We explained this disapproval in more detail below.

Under Article 1 the Town voted to: (1) petition the General Court for a special act to amend the Town’s Home Rule Charter to delete the words “Board of Selectmen” and “Selectmen” and insert “Select Board” and to delete the definition of “Board of Selectmen” and insert a new definition for “Select Board;” (2) amend the general by-laws to reference a gender neutral “Select Board;” and (3) amend the zoning by-laws to reference a gender neutral “Select Board.” ²

¹ The posted and published planning board hearing notices for Article 5 did not include a statement where the text of the proposed zoning by-law amendment may be inspected. This statement is required pursuant to G.L. c. 40A, § 5. However, the notices included the exact text of Article; therefore, we approve it.

² We take no action on the portion of Article 1 that seeks to petition the General Court for a special act because it is not a by-law amendment and is therefore not subject to the Attorney General’s review and approval pursuant to G.L. c. 40, § 32. The Town should consult with Town Counsel with any questions on

We must disapprove and delete the portion of Article 1 that amends the zoning by-laws because the Town did not comply with G.L. c. 40A, § 5's procedures for amending zoning by-laws because the Town did not have a Planning Board hearing on the by-law nor did Article 1 pass by the required two-thirds vote.

General Law Chapter 40A, Section 5 establishes the specific procedure that the Town must follow when amending its zoning by-laws, as follows:

No zoning...by-law or amendment thereto shall be adopted until after the planning board in a...town has...held a public hearing thereon...at which interested persons shall be given an opportunity to be heard

* * *

Except as provided herein, no zoning . . . by-law or amendment thereto shall be adopted or changed except by a . . . two-thirds vote of a town meeting;

Here, the Planning Board did not hold a hearing on the proposed amendments to the zoning by-law nor did Town Meeting adopt Article 1 by a two-thirds vote as required by G.L. c. 40A, § 5. The failure to hold the Planning Board hearing required under G.L. c. 40A, § 5 and to adopt the zoning amendments by a two-thirds vote are fatal defects that render the adoption of the zoning by-law amendments inconsistent with state law. For this reason, we must disapprove and delete the portion of Article 1 that proposes to amend the Town's zoning by-laws. The Town should consult with Town Counsel with any questions on this matter.

Article 15 - Under Article 15 the Town voted to amend Chapter 170, Section 4.A.4, "Maximum Speed for watercraft is 'Slow, No Wake' (Headway Speed)" of the Town's general by-laws by adding new text to make it clear that all of Ockway Bay and Great River are "No Wake" zones. We approve Article 15. However, by-laws that regulate boating require the approval of the Director of the Office of Law Enforcement in the Executive Office of Energy and Environmental Affairs before they can take effect. G.L. c. 90B, §§ 11 and 15.³

General Laws Chapter 90B, Section 15 authorizes towns to adopt by-laws regulating the use of motorboats and other watercraft in the town. The by-law amendments adopted under Article 15 appear to be consistent with the Town's authority under G.L. c. 90B, § 15 to adopt and enforce by-laws relative to boating in the Town. However, Article 15 may also need approval from Director of the Office of Law Enforcement before it takes effect. We strongly suggest that the

this issue.

³ Sections 11 and 15 refer to the "director," defined in Section 1 as "the director of the division of law enforcement of the department of fisheries, wildlife and environmental law enforcement." However, the division of law enforcement is now the Office of Law Enforcement within the Executive Office of Energy and Environmental Affairs. See M.G.L. c. 21A, §§ 8, 10A, and Chapter 41 of the Acts of 2003, Section 1(a) (4).

Town discuss whether the Town must obtain the approval of Article 15 from the Director of the Office of Law Enforcement in more detail with Town Counsel. ⁴

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Kelli E. Gunagan

By: Kelli E. Gunagan
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600

cc: Town Counsel Patrick J. Costello

⁴ The Director of the Office of Law Enforcement's contact information is: Massachusetts Environmental Police Headquarters, 251 Causeway St., Suite 101, Boston, MA 02114.



Pesce Engineering & Associates, Inc.

43 Porter Lane
West Dennis, MA 02670

Phone: CELL: 508-333-7630 epesce@comcast.net

Invoice

Invoice #: 2022-1989

Invoice Date: 1/24/2022

Due Date: 2/24/2022

Bill To:

Mashpee Planning Board
ATTN: Evan Lehrer, Town Planner
Mashpee Town Hall
16 Great Neck Road N
Mashpee, MA 02649

Project & Location:

Casper Circle Subdiv.
- Construction Inspection Services

Description	Hrs./Qty.	Rate (\$)	Amount (\$)
ENGINEERING PROFESSIONAL SERVICES: 6 October - 19 November 2021 -----			
Review of Subdivision Plans, and call to Contractor (Bill Weber) - 6 Oct	1.00	160.00	160.00
Travel & initial site visit (and meeting with owner & contractor) to review existing conditions, erosion controls and construction progress - 11 Oct	3.50	160.00	560.00
Travel & Site Visit to review existing conditions & construction progress - 22 Oct	2.75	160.00	440.00
Travel & Site Visit to review existing conditions & construction progress - 19 Nov	2.50	160.00	400.00
REIMBURSABLES -----			
Mileage expense - 3 trips - 40 Miles Roundtrip for visit to Casper Circle - 11 Oct, 22 Oct & 19 Nov	120.00	0.57	68.40

Please make checks payable to "Pesce Engineering"

Thank You for Your Business!

Total	\$1,628.40
Payments/Credits	\$0.00
Balance Due	\$1,628.40



Pesce Engineering & Associates, Inc.

43 Porter Lane
West Dennis, MA 02670

Phone: CELL: 508-333-7630 epesce@comcast.net

Invoice

Invoice #: 2022-1987

Invoice Date: 1/24/2022

Due Date: 2/24/2022

Bill To:

Mashpee Planning Board
ATTN: Evan Lehrer, Town Planner
Mashpee Town Hall
16 Great Neck Road N
Mashpee, MA 02649

Project & Location:

Sori Drive (Prelim. Subdivision)
- Engineering Peer Review Services

Description	Hrs./Qty.	Rate (\$)	Amount (\$)
ENGINEERING PROFESSIONAL SERVICES: 22 November - 1 December 2021 -----			
Review of Preliminary Subdivision Plans - 22 Nov	1	160.00	160.00
Review of subdivision Rules & Regs. and Preparation of E-mail Report to Town - 29 Nov	1	160.00	160.00
Travel & attendance at Pl. Bd. Hearing - 1 Dec	3	160.00	480.00
REIMBURSABLES -----			
Mileage expense - 36 Miles Roundtrip for visit to Town Hall - 1 Dec	36	0.57	20.52

Please make checks payable to "Pesce Engineering"

Thank You for Your Business!

Total	\$820.52
Payments/Credits	\$0.00
Balance Due	\$820.52



Pesce Engineering & Associates, Inc.

43 Porter Lane
West Dennis, MA 02670

Phone: CELL: 508-333-7630 epesce@comcast.net

Invoice

Invoice #: 2022-1985

Invoice Date: 1/24/2022

Due Date: 2/24/2022

Bill To:

Mashpee Planning Board
ATTN: Evan Lehrer, Town Planner
Mashpee Town Hall
16 Great Neck Road N
Mashpee, MA 02649

Project & Location:

South Cape Village - Bldg. G
- Engineering Peer Review Svcs.

Description	Hrs./Qty.	Rate (\$)	Amount (\$)
ENGINEERING PROFESSIONAL SERVICES: 6 August - 14 December2021			

Travel & Site visit to review existing conditions, phone call to applicant's engineer to ask about drainage calculations - 6 Aug, and follow-up e-mail to Applicant's Engr. - 23 Aug	3.25	160.00	520.00
Review of Special Permit Application, Site Plans & Architectural Plans & Drainage Calculations, review of previous Decisions, and original drainage design plans, preparation of Engineering Review Report and submission to Town - 28-30 Aug	7.00	160.00	1,120.00
Travel & attendance at Pl. Bd. hearing - 14 Sep	3.00	160.00	480.00
Review of Revised Plans - 14 Dec	0.50	160.00	80.00
REIMBURSABLES			

Mileage expense - 40 Miles Roundtrip for site visit - 6 Aug	40.00	0.57	22.80
Mileage expense - 36 Miles Roundtrip for visit to Town Hall - 14 Sep	36.00	0.57	20.52

Please make checks payable to "Pesce Engineering"

Thank You for Your Business!

Total	\$2,243.32
Payments/Credits	\$0.00
Balance Due	\$2,243.32



Pesce Engineering & Associates, Inc.

43 Porter Lane
West Dennis, MA 02670

Phone: CELL: 508-333-7630 epesce@comcast.net

Invoice

Invoice #: 2022-1984

Invoice Date: 1/24/2022

Due Date: 2/23/2022

Bill To:

Mashpee Planning Board
ATTN: Evan Lehrer, Town Planner
Mashpee Town Hall
16 Great Neck Road N
Mashpee, MA 02649

Project & Location:

Prop. Sherwin Williams - Rt. 151.
- Engineering Peer Review Services

Description	Hrs./Qty.	Rate (\$)	Amount (\$)
ENGINEERING PROFESSIONAL SERVICES: 4 December 2021 - 19 Jan 2022 -----			
Travel & Site visit to review existing conditions - 4 Dec	2.0	160.00	320.00
Review of Site Plans & Architectural Plans, review/response to e-mail & call to Applicant's Engineer (21 Dec), preparation of Engineering Review Report and submission to Town - 26-27 Dec	7.5	160.00	1,200.00
Review of revised plans (28 Dec 2021) and responses to Engineering Review Comments, e-mail response to Town confirm all revisions were satisfactory, and attendance at 5 Jan Pl. Bd. Hearing (Zoom)	2.0	160.00	320.00
Review of revised plans & letter describing changes (10 Jan 2022), and travel & attendance at Pl. Bd. hearing - 19 Jan	3.0	160.00	480.00
REIMBURSABLES -----			
Mileage expense - 41 Miles Roundtrip for site visit - 4 Dec	41.0	0.57	23.37
Mileage expense - 36 Miles Roundtrip for visit to Town Hall - 19 Jan	36.0	0.57	20.52

Please make checks payable to "Pesce Engineering"

Thank You for Your Business!

Total	\$2,363.89
Payments/Credits	\$0.00
Balance Due	\$2,363.89



I. Community Engagement Plan Purpose

An actionable Comprehensive Plan results from the considered thought of community members. This Community Engagement Plan provides a framework for the Mashpee Community to raise the level and quality of participation in visioning and planning for the Comprehensive Plan. The Town, the Planning Board, and Weston & Sampson (consultants for the planning process) will create a variety of communication methods, feedback loops, and participation opportunities so that individuals and groups who are often outside of government decision-making processes can learn about and discuss civic and planning issues, offer their observations and knowledge, articulate a community vision, and prioritize goals and actions.

II. Community Engagement Mission Statement

To capture the hopes, dreams, and goals for the future of the Mashpee Community in a renewed Vision Statement. This will be accomplished by analyzing both qualitative and quantitative data provided throughout the community engagement process to position the Planning Board in its efforts to draft an updated Local Comprehensive Plan that will guide the development and redevelopment in Town in a manner consistent with the wants and needs of current and future generations living in Mashpee.

III. Work Plan

Method	Description	Tasks	Status
Website	Create a digital hub for all project communications and the link address on all printed materials. Provide regular updates as "News Items" which are prominently displayed on the Town Website	Develop a project webpage located on the Planning Board and Planning Department webpage. Develop QR codes so that people can scan and find the website quickly. Promote the site through emails, mailers, signs, and other media.	
Email Contact List	An email sign-up form where people can sign up to receive the latest news	Generate an email contact list	
Social Media	Utilize existing Town and Police Department social media accounts (Facebook) to communicate important Comprehensive Plan news and events	Look at establishing accounts on Twitter, Instagram, Next Door, and other social media outlets to take advantage of their potential for data collection and storytelling via the use of hashtags. Develop a hashtag to track community responses to targeted	



		questions and polling via Facebook, Twitter, and others.	
Newspaper	Ensure that people who are not online actively can learn and understand opportunities for participation	Include the local newspaper in all developments regarding the action plan by both drafting press releases to disseminate information from the perspective of the Planning Board and also inviting journalists to participate in visioning events.	
School Flyers	Media distributed by schools to reach parents	Work with school officials to distribute flyers and information to children to bring home to their parents.	
Snail mail/ Posters	Reach people where they are most likely to see media – in their mail and on their routine trips	Create content and designs for posters that can be placed in municipal buildings, grocery stores, and other high-traffic places.	
Newsletters	Tap into existing communications distributed by Town groups, such as the Mashpee Recreation Department, Council on Aging, Chamber of Commerce, and various neighborhood associations.	Identify community newsletters and reach out to see how to submit updates.	
Street Stalls/Event Stand	If COVID guidelines permit, “catching people where they are” in parks, farmers markets, etc.	Provide content for publishing in these newsletters.	
Public and Private Organizations	Work with local organizations (public and private) to identify specific outreach strategies for different stakeholder groups and the general public	Identify community events where information regarding the visioning process can be shared and discussed.	
		Coordinate with organizers to get tables where possible at community events.	
		Identify potential opportunities to locate a table at sports/recreational and schooling events.	
		Student and Parent Organizations	
		Local Boards, Committees Commissions	
		Establish contacts in adjacent communities on common issues.	
		Community Organizations - Nonprofits, Religious Congregations, etc.	



		Mashpee Wampanoag Tribe	
		Business Owners	
		Local Boards, Committees Commissions	
		Create a logo for the plan.	
		Help to run workshops.	
		Develop survey questions for peers on key questions.	
		Schedule the Kickoff Workshop (determine if virtual or in-person).	
		Coordinate events with high-level surveys on the website and in print.	
		Advertise in public places with QR codes (posters, yard signs, etc.).	
		Contact newspapers and engage reporters.	
		Promote through social media, Town website, email contact lists, and local organizations.	
		Complete outreach as described for the Kickoff Workshop.	
		Prepare existing conditions report out and key issues.	
		Develop preliminary goals based on existing conditions, trends, and	
School-Age Children (k-12)	Work with school officials, teachers, and student groups to engage students of all levels to participate in the planning process and develop strategies to activate school-aged children through visioning work and engaging them as resources for data collection and communication to parents.		
Workshop: Kick-Off and Visioning	Provide the public with an overview of the planning process and master planning in general. Offer opportunities for questions and answers, and conduct a SWOT analysis (Strengths, Weaknesses, Opportunities, and Threats). These elements will be distilled into an overall vision for the Comprehensive Plan.		
Workshop: Establishing and Prioritizing Goals	Provide an overview of the analysis of existing conditions for built, natural, and community systems, and outline key issues and trends.		



<p>Workshop: Refining the Updated Comprehensive Plan</p>	<p>Bring all of the elements into one updated Comprehensive Plan for public review, comment, and revision</p>	<p>regional planning at the workshop.</p>	
		<p>Use workshop results to establish a preliminary slate of goals and actions (implementation plan) that align with the vision.</p>	
		<p>Complete outreach as described for the Kickoff Workshop.</p>	
		<p>Prepare a presentation that outlines all elements of the Comprehensive Plan and how they lead to the implementation plan.</p>	
		<p>Open a listening session to hear public comments and answer questions.</p>	
<p>Revise draft plan based on Workshop comments as necessary.</p>			

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



CAPE COD
COMMISSION

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

Date: January 19, 2022

To: Cape Cod Boards of Selectmen & Barnstable Town Council
Cape Cod Town Administrators and Managers
Cape Cod Town Planners and Planning Board Chairs

From: Kristy Senatori, Executive Director, Cape Cod Commission

Dear Municipal Official:

The Cape Cod Commission has recently been awarded Department of Housing and Community Development 2022 District Local Technical Assistance (DLTA) funds to provide technical assistance to member municipalities. DLTA funds must be expended by December 31, 2022. This letter is an invitation to Cape Cod municipalities to apply for funding consistent with state guidelines for technical assistance.

The State has identified the following priority areas for funding: 1) **Planning Ahead for Housing** (or to help reach the Statewide Housing Production Goal) and **Planning Ahead for Growth**; and 2) **Supporting Community Compact Cabinet Best Practices, including regionalization.**

Project Selection Criteria:

1. Responsiveness to priority uses, including:

- support for towns to achieve Community Compact best practices; and
- support for opportunities for collaboration and/or resource sharing; and
- support for communities seeking designation under the state Housing Choice Initiative (<https://www.mass.gov/housing-choice-initiative>); and
- promotion of planning to adapt to and mitigate climate change and encourage sustainable development; and
- promotion of wastewater and/or other infrastructure planning, financing, and/or development consistent with MA Sustainable Development Principles and capital planning best practices; and
- promotion of planning for housing and economic development consistent with the MA Smart Growth/Smart Energy Toolkit (http://www.mass.gov/envir/smart_growth_toolkit/); and
- promotion of technological improvements that enhance planning, implementation or the provision of municipal services.

2. Provision of a clear statement of expected products/deliverables (i.e. bylaw prepared for adoption, proposed or adopted regional agreement or memorandum of understanding, joint procurement solicitation prepared, proposed or adopted permitting procedures);

A description of eligible activities, and a list of Community Compact Cabinet Best Practices is enclosed for your information. (Appendix A).

Please submit your written funding request to me by **February 10, 2022**. Regardless of the topic of your funding request, please indicate which best practices are included in your town's Community Compact agreement with the State.

As required by the state contract, successful applicants shall enter into a Memorandum of Agreement or similar record with the Cape Cod Commission detailing a scope of work and budget for each project. Funds cannot be used for routine administration, nor may DLTA funds be used if other state resources are available.

Please keep in mind that a stated goal of the funds for 2022 is to **'direct these funds to projects/activities that result in change in the municipality(ies), whether in law, regulation, program management, or practice'**.

Requests for technical assistance must be made in writing. Please feel free to call me at 508-744-1216 if you have any questions regarding this opportunity to use DLTA funds to improve our communities and our region.

cc: Cape Cod Commission members

Appendix A

Community Compact Best Practice Areas

Note: DLTA funds shall not be used for any activities related to assertion of the General Land Area Minimum (GLAM) (1.5% of total land area) safe harbor under 760 CMR 56.03 (b) (Chapter 40B).

Age and Dementia Friendly Best Practices

Age-friendly communities are livable for residents of all ages, inclusive of older adults and those living with dementia. Age-friendly communities strive to be equitable and accessible with walkable streets, housing and transportation options, access to services, and opportunities for residents to participate in community activities.

Best Practice: Convene leaders of municipal departments, businesses, local citizen groups, regional planning agencies, and private and non-profit organizations to align interests with a goal of creating an ongoing process of community assessment, action planning and implementation, and prioritize age and dementia-friendly efforts. Create process to support, acknowledge and reward local businesses and non-profit entities that work to become age and/or dementia friendly.

Best Practice: Utilize data for a baseline assessment and recommendations, including Massachusetts Healthy Aging Collaborative (MHAC) Community Profiles or World Health Organization (WHO) Checklist of Essential Features.

Best Practice: Conduct a comprehensive baseline assessment utilizing an indicators analysis and community survey. The assessment will inform action planning and implementation phases.

Best Practice: Conduct a baseline assessment of dementia friendly practices using National Alzheimer's and Dementia Resource Center dementia-capability tool or similar nationally recognized assessment tool or process.

Best Practice: Create maps from the research conducted through the baseline analysis, illustrating the geographic properties of the indicators. These indicators may include, but are not limited to: housing, mobility, food distribution, dementia-friendly services; indicators unique to the community.

Best Practice: Review municipal policies and regulations with a goal of promoting "aging in all policies."

Best Practice: Engage in a community-wide conversation about attitudes toward aging and dementia and language related to aging to raise public awareness that aging is an asset and that individuals living with dementia can make meaningful contributions to community life.

Best Practice: Create an online database with local information and resources of programs, services, discount programs and benefits for older adults and their caregivers.

Best Practice: Develop policies and services to improve elder economic security and help people age in community, such as: property tax deferral program, property tax work-off program, handy man programs, energy assistance, transportation for non-drivers, designation of age-friendly employers, etc.

Education Best Practices

Best Practice: Focus on college and career planning, in collaboration with regional workforce organizations (e.g., MassHire Career Centers), beginning in middle school and continuing through high school.

Best Practice: Implement collaborative arrangements among regional vocational technical schools, comprehensive high schools, and community colleges to maximize opportunities for high school students and adults to access specialized vocational education programs.

Best Practice: Create opportunities for municipal governments to collaborate with high schools and colleges to provide students with internship experiences aligned to their courses of study, especially in STEM-related departments (i.e., IT, engineering department, accounting, etc.).

Best Practice: Improve the alignment and integration of YouthWorks and Connecting Activities programs for local high school students pursuing summer jobs and paid internships.

Best Practice: Strengthen partnerships between public safety, social services, healthcare providers, and local public and private schools to establish systems and protocols for assessing and identifying children and young adults who present risks to themselves or to others, in order to ensure effective and pro-active responses that can prevent violence and provide timely supports to individuals in need.

Energy and Environment Best Practices

Greenhouse Gas Reduction

Best Practice: Plan Ahead to mitigate climate change by establishing goals, creating an action plan, assigning responsibility, and tracking progress

Best Practice: Use Renewable Energy instead of fossil fuels by generating or purchasing clean power and by zoning for renewable power generation

Best Practice: Increase Energy Efficiency in order to reduce power consumption, fuel costs, and GHG emissions

Best Practice: Promote Zero or Low Carbon Transportation to reduce municipal transportation emissions & those from people living/working in the community

Best Practice: Encourage Sustainable Development to reduce, through higher density & mixed-use, the number distance of car trips & resulting GHG emissions

Best Practice: Protect and Manage Natural Resources to reduce carbon emissions from loss of natural land cover and to encourage carbon sequestration

Best Practice: Reduce Municipal Solid Waste and Increase Recycling in order to reduce GHG emissions associated with solid waste disposal

Climate Change Adaptation and Resilience

Best Practice: Complete a Climate Vulnerability Assessment and Adaptation Plan through the Municipal Vulnerability Preparedness (MVP) Program to assess local risks from climate change and identify potential actions to enhance community resiliency

Best Practice: Use Municipal Vulnerability Action Grant or Other Funding to Implement Adaptation Actions that utilize nature-based solutions & engage Environmental Justice communities.

Best Practice: Engage & Protect Vulnerable Populations in adaptation planning & action to decrease risk to those who are more susceptible to climate change effects

Best Practice: Mainstream Climate Resilience into Capital Planning & Budgeting to ensure investments decrease risk & enhance resilience to a changing climate

Best Practice: Integrate Climate Adaptation into Land Use and Environmental Regulation to minimize future risk & costs for new and redevelopment

Energy Efficiency and Renewable Energy

Best Practice: Become a Green Community pursuant to M.G.L. c. 25A §10 to realize the energy & environmental benefits

Best Practice: Construct Zero Energy Buildings (or communities) to eliminate GHG emissions, reduce cost, & enhance resiliency

Best Practice: Provide Electric Vehicle Infrastructure to facilitate the purchase & use of electric vehicles

Best Practice: Become a Solarize Mass or Solarize Mass Plus Community in order to help achieve renewable energy use & GHG reduction goals

Sustainable Development and Land Protection

Best Practice: Complete a Master or Open Space & Recreation Plan to guide land conservation & development decisions including zoning & land acquisition

Best Practice: Zone for Natural Resource Protection, Transfer of Development Rights, Traditional Neighborhood, or Transit Oriented Development

Best Practice: Invest in Land Conservation or Park Creation/Restoration via Community Preservation Act or other funds to protect land & provide outdoor recreation

Best Practice: Plant Trees or Adopt a Tree Retention Bylaw/Ordinance to preserve and enhance tree cover

Water Resource Management

Best Practice: Require Localized Flood Protection Best Practices, including Stormwater Management Measures to increase recharge, manage water movement, reduce pollution, and control flooding to protect lives, public safety, infrastructure, the environment, & critical assets.

Best Practice: Protect Public Water Sources in order to reduce potential threats to water quality and the public health of system customers; establish and maintain emergency connections with other municipal or regional systems.

Best Practice: Manage Water and Wastewater Assets for timely maintenance and rehabilitation, to lower energy use, and to reduce Infiltration and Inflow to minimize unintended storm and waste water in the system

Best Practice: Implement Water Conservation Measures to ensure long-term water resource sustainability, enable growth, & avoid new source development.

Best Practice: Utilize Advanced Financing Tools such as an enterprise fund, stormwater utility, full cost pricing, or water bank for water/waste/storm water systems

Waste Management

Best Practice: Enhance Waste Ban Compliance so that recyclable and hazardous materials are diverted from the waste stream and reused or recycled

Best Practice: Develop Waste Contracts that are fiscally, environmentally, and otherwise beneficial to the community

Best Practice: Adopt Pay-As-You-Throw so that residents have an incentive to reduce trash disposal and save money

Best Practice: Increase the Recycling Rate through regulatory improvements, service expansion, and other mean in order to reduce waste and disposal costs

Best Practice: Enhance Education via Recycle Smart MA, the Recycling IQ Kit, etc. so residents throw away less, recycle more, & follow smart waste practices

Site Cleanup

Best Practice: Complete a Brownfields Inventory so that the community is aware of all abandoned & underutilized properties & can develop plan of action

Best Practice: Conduct Site Assessments to determine the nature and extent of contamination and develop a plan of action

Best Practice: Clean Sites to prevent further releases or the spreading of contaminants and to bring sites back into productive use

Best Practice: Facilitate Site Cleanup and Reuse to encourage assessment, cleanup, & reuse of privately held sites offer tax incentives or update regulation

Agriculture

Best Practice: Adopt a Right to Farm By-law/Ordinance to clearly indicate that agriculture is a local priority and to minimize abutter conflicts

Best Practice: Establish an Agricultural Commission to advocate for local farms, administer a right to farm bylaw, & otherwise represent agricultural interests

Best Practice: Support Sustainable Forestry to help the forest economy in rural areas, improve forest habitats, and assist in the conservation of forest land

Best Practice: Support Local Agriculture including Urban Agriculture, Aquaculture, Floriculture, & Horticulture, via marketing, food sourcing, & Farmers Markets to help local businesses and increase awareness of and access to fresh agricultural products

Financial Management Best Practices

Best Practice: Establish a Budget document that details all revenues and expenditures, provides a narrative describing priorities and challenges, and offers clear and transparent communication of financial policies to residents and businesses.

Best Practice: Develop, document and implement Financial Policies and Practices including reserve levels, capital financing, and use of Free Cash. Such policies should identify the responsible parties and procedural steps necessary to carrying out the directed strategy or action.

Best Practice: Develop and utilize a Long-range Planning/Forecasting Model that assesses both short-term and long-term financial implications of current and proposed policies, programs and assumptions over a multi-year period.

Best Practice: Prepare a Capital Improvement Plan that reflects a community's needs, is reviewed and updated annually, and fits within a financing plan that reflects the community's ability to pay.

Best Practice: Review and evaluate Financial Management Structure to ensure that the structure and reporting relationships of the community's finance offices support accountability and a cohesive financial team process.

Best Practice: Utilize Financial Trend Monitoring, modeled after the ICMA's Financial Trend Monitoring System (FTMS).

Housing and Economic Development Best Practices

Preparing for Success

Best Practice: Create an Economic Development Plan that engages diverse stakeholders, leverages local and regional economic strengths and assets, encourages innovation and entrepreneurship, and/or promotes workforce development planning and implementation.

Best Practice: Align Land Use Regulations, especially zoning, capital investments, and other municipal actions with Housing Development, Economic Development, Master, Land Use Priority or other plans for future growth. Promote development and reuse of previously developed sites.

Best Practice: Create and Distribute an Economic Development Guide/Manual to not only promote development goals and priorities, but also specifically and clearly outlines the community's policies and procedures related to zoning and permitting.

Best Practice: Create Opportunities for Engaging Diverse Stakeholders in economic development efforts, such as to assist with identification of priority development projects, improve local permitting processes, and proactively address obstacles to housing accessibility and affordability as well as job creation.

Best Practice: Create Cross-Sector Partnerships to help carry out community-driven responses to community-defined issues and opportunities for economic development.

Best Practice: Create a District Management Entity that engages public/private stakeholders to develop and support downtown revitalization efforts.

Best Practice: Adopt as-of-Right Zoning and/or Streamlined Permitting to promote development in priority districts.

Best Practice: Adopt Zoning for Mixed-Use Development, including Transit Oriented Development, where appropriate.

Best Practice: Adopt Chapter 40R Smart Growth zoning to facilitate the creation of dense residential or mixed-use smart growth zoning districts, including a high percentage of affordable housing units, to be located near transit stations, in areas of concentrated development such as existing city and town centers, and in other highly suitable locations.

Competitiveness

Best Practice: Engage in an Economic Development Self-Assessment exercise to identify strengths, weaknesses, and areas of opportunity.

Best Practice: Establish and Utilize Performance Data to evaluate the competitiveness of the community, conduct year to year comparisons, and measure performance against comparable communities.

Best Practice: Create a Public Dashboard to benchmark, monitor, and communicate to the public regarding various housing and economic development performance measures.

Housing

Best Practice: Create a Housing Production Plan (HPP) that accounts for changing demographics, including young families, changing workforce, and an aging population.

Best Practice: Amend Zoning By-Laws to allow for increased density and housing opportunities in a manner that is consistent with neighborhood character and supportive of aging in community.

Best Practice: Develop Sector Strategies and Plans in collaboration with various providers and stakeholders to address homelessness for specific high need population groups, such as homeless youth, veterans, older adults, and/or families.

Best Practice: Complete an Assessment of Fair Housing Report, including strategic goals in alignment with HUD's new rules to affirmatively further fair housing. Using HUD data, local data and knowledge, a significant community participation process, and the assessment tool provided by HUD, the community will prepare, complete, and submit its AFH to HUD.

Urban Renewal Planning

Best Practice: Determine need and appropriateness of establishing an Urban Renewal Entity in accordance with MGL chapter 121B. If prepared to proceed, develop action plan and timeline for the creation of the urban renewal entity.

Best Practice: Prepare an Urban Renewal Plan Application in accordance with MGL chapter 121B in partnership with the urban renewal entity.

Human Resources Best Practices

Best Practice: Cost-Out Collective Bargaining proposals so that the impact of the total package is known. This provides the municipality with a clear understanding of both short-term and long-term budgetary impacts.

Best Practice: Develop a Workplace Safety program so that the risk of on-the-job injuries is minimized.

Best Practice: Develop a formal Wage and Classification Plan that details, at a minimum, job descriptions, employee grades, and salary ranges, thereby providing the municipality with a tool to make pay decisions that are reasonable in comparison to similar work being carried out in all areas of city/town government.

Best Practice: Develop Employee Policies and Procedures for things such as discrimination, sexual harassment, information technology use, drug and alcohol, use of social media, and town-owned vehicles.

Best Practice: Manage employee benefit costs such as health insurance, dental insurance, unemployment insurance, and worker's compensation/IIIF; includes eligibility review and evaluation of insurance choices.

Best Practice: Prepare a Succession Plan to help address the pending wave of retirements that will challenge a municipality's ability to maintain service levels and utilize expertise and experience of mature workers through consulting or mentorship programs.

Best Practice: Explore Centralized Human Resources/Personnel Operations to improve service delivery and build efficiencies.

Information Technology Best Practices

Best Practice: Perform a general IT assessment that results in a written evaluation and best practice recommendations. At a minimum, the assessment should include a review of hardware infrastructure, networking, backup, email and user account management.

Best Practice: Perform a cyber security assessment to identify human and technology risks within the environment, analyze and identify gaps in existing cyber security processes, assess vulnerability to external attack and identify steps to remediate identified issues.

Best Practice: Review technology organizational structure, spending and business goals across the community and develop a strategy to prioritize technology investments.

Best Practice: Design a regional shared IT services program to maximize technology resources across communities and/or school districts.

Best Practice: Develop IT resiliency, recovery and contingency plans that are aligned with community realities and position the community to effectively manage unforeseen events.

Best Practice: Develop a plan to improve digital communications with the public, including content structure on the website, practices around content creation and ownership and social media.

Best Practice: Evaluate open checkbook and/or open budget technologies that are easily consumed by the public, promote transparency, and allow data to be downloaded in a machine-readable format.

Best Practice: Identify a business process that is inefficient and not meeting the expectations of key stakeholders, perform an analysis, and develop a plan to better meet the needs of stakeholders and more effectively leverage technology.

Best Practice: Develop a document and/or records management strategy that results in operational efficiencies and improved responsiveness to the public.

Public Accessibility Best Practices

Best Practice: Undertake an Americans with Disabilities Act (ADA) Self-Evaluation and Develop a Transition Plan to comply with Federal civil rights laws that require public buildings to be accessible to persons with disabilities.

Best Practice: Strive for the Universal Participation (UP) designation from the Mass Cultural Council by encouraging and supporting arts and cultural facilities and events in the community.

Public Health Best Practices

Best Practice: Community Coalitions are a way to become a Prevention Prepared Community. Utilize SAMHSA's Strategic Prevention Framework (SPF) Model as a comprehensive guide to plan, implement, and evaluate prevention practices and programs to address substance use and other community issues. There are multiple SPF strategies communities can implement, which can be reviewed with staff from the Bureau of Substance Addiction Services.

Best Practice: Assess where in the municipality overdoses occur and develop environmental solutions and improve monitoring of hotspots. Place signage in areas where overdoses occur (such as public bathrooms) to promote carrying naloxone and calling for help.

Best Practice: Equip all first responders with naloxone and appropriate medical supplies and ensure all first responder personnel are trained to recognize and respond to an overdose.

Best Practice: Use SAMHSA's Strategic Prevention Framework (SPF) to ensure a consistent data-driven planning process across the community focused on implementing culturally competent and sustainable strategies and interventions that will have a measurable effect on preventing and reducing opioid abuse and opioid overdoses.

Best Practice: Assess opportunities with other municipalities for shared public health services. Examples include infectious disease surveillance and follow-up, retail food establishment inspections, and recreational camp inspections.

Best Practice: Convene local and state health and enforcement officials to develop a standardized response protocol, by region, for animal hoarding. Establish a single point of contact for case responders to report concerns about an individual hoarder or their family. The contact will then seek follow-up by the appropriate service agency, including but not limited to the: Department of Mental Health, Department of Children and Families, Executive Office of Elder Affairs, Disabled Persons Protection Commission, and the Department of Veteran's Services.

Best Practice: Healthy Community Design focuses on changing policies and practices to create conditions for people to eat better and move more where they live, learn, work, and play. Conduct a Built Environment Regulatory Review (BERR), a point-in-time evaluation of existing municipal policies/plans/regulations. The review will provide a baseline from which to prioritize strategies to promote walking and biking. This best practice can be combined with several other best practices that relate to municipal zoning and land-use.

Best Practice: Conduct a Community Food Assessment (CFAs), an evaluation of the food system within a single neighborhood/municipality/region that defines needs and assets to improve access to healthy foods. The evaluation may lead to a Community Food Plan that identifies priority actions (i.e., addition of food retail into a town's economic development plan). This best practice can be combined with several other best practices that relate to municipal zoning and land-use.

Best Practice: Implement and enforce evidence-based tobacco control strategies at the point of sale to reduce youth initiation of tobacco use.

Best Practice: Climate Change Adaptability Planning. Data collection, strategy development and planning at the local level are critical to the overall preparedness and long-term resilience to the effects of climate change. Develop a report that identifies: the range of climate impacts, associated potential health outcomes, vulnerable populations, the additional burden of health outcomes due to Climate Change, and the most suitable health interventions. Use the CDC's BRACE framework to develop and implement a plan that introduces health system program changes.

Best Practice: Develop foodborne illness outbreak protocols and assess capacity to enforce regulations that evaluate food systems.

Best Practice: Identify risk areas for housing sanitation inspection and enforcement and assess capacity to enforce minimum housing standards.

Best Practice: Assess capacity to ensure all housing inspections include lead hazard identification and that lead inspections are conducted when requested by families with small children.

Best Practice: Local boards of health (LBOH) can take a leadership role to advance health equity by: 1) building internal infrastructure, 2) working across government; 3) fostering community partnerships, and 4) championing transformative change. LBOH should adapt strategic practices to advance health equity in local health both internally within their departments and externally with communities and other government agencies. DPH Office of Local and Regional Health and Office of Health Equity staff are available to answer questions and connect LBOH with resources.

Best Practice: Implement the National CLAS Standards within local public health *to help advance and sustain culturally and linguistically appropriate services* by establishing a framework to serve the increasingly diverse communities.

Best Practice: Conduct assessments to ensure people with disabilities have access to facilities, goods, and services.

Best Practice: Disaggregate data by race/ethnicity, income status, sexual orientation/gender identity and expression, and other key demographic factors to identify and address health inequities.

Public Safety Best Practices

Best Practice: Conduct Active Shooter Preparedness and Response Training in collaboration with the Massachusetts State Police Tactical Operations (STOP) Team, onsite with local law enforcement.

Best Practice: Establish an Emergency Preparedness Plan in partnership with the Massachusetts Emergency Management Agency (MEMA) to develop and enhance a community's disaster and emergency response capabilities.

Best Practice: Establish Hazardous Material Response Protocols in conjunction with Regional Hazardous Materials Response Teams under the Department of Fire Services, to enable cities and towns to protect their citizens, the environment, and property during incidents involving a release or potential release of hazardous materials.

Best Practice: Hold In-service Training Programs for Municipal Police to better prepare local police officers and first responders for incidents involving domestic violence, mental health disorders, and substance abuse.

Best Practice: Convene an opioid task force, consisting of key stakeholders, to identify, implement, coordinate and improve strategies around the prevention, intervention, treatment and recovery of substance use disorders.

Best Practice: Adopt Standardized Tools for Domestic Violence Cases by partnering law enforcement with local domestic violence organizations to adopt a best practice policy on training and implementation of standardized, evidence informed danger and strangulation tools. Municipalities are encouraged to apply individually or as a collective.

Best Practice: Establish a Triad program (a partnership of three organizations—law enforcement, older adults, and community groups). This group maintains an ongoing schedule of community education to combat fraud and elder abuse involving the Attorney General’s Office, Office of Consumer Affairs and Business Regulation, District Attorneys, and other state agencies, as appropriate.

Best Practice: Collaborate with the Executive Office of Public Safety and Security and Municipal Police Training Council in specialized training to establish best practices and methods for combatting hate crimes and supporting those of our citizens who have fallen victim to a hate crime.”

Regionalization/Shared Services Best Practices

Best Practice: Regionalize services and share resources among municipalities for efficient and effective service delivery to residents and taxpayers in this era of shrinking budgets, loss of seasoned employees to retirement, and increased need for service improvements.

Transportation / Public Works Best Practices

Citizen Safety

Best Practice: Develop a Safe and Mobile Older Drivers plan for the aging of the population by proactively addressing older driver issues, including education for older road users, infrastructure improvements, and transportation options.

Best Practice: Enhance citizen safety by establishing community-based programs to increase pedestrian, automobile and motorcycle safety. The community will demonstrate participation in the Commonwealth’s Office of Public Safety and Security’s trainings and conferences as well as the dissemination of public safety information to citizens.

Best Practice: Ensure Safe Infrastructure so as to provide a safer environment for all users and modes by implementing traffic engineering enhancements. The municipality will demonstrate regular and routine improvements on locally-funded roads, such as cutting back vegetation at intersections where it is known to interfere with sight distance, clearing brush that obscures traffic signage, renewing or installing

pavement markings, conducting nighttime surveys to check visibility and retro reflectivity, implementing traffic calming measures at known high crash locations.

Best Practice: Establish a sidewalk snow-and-ice removal program for locally-owned sidewalks, with an emphasis on areas serving the most vulnerable users (childcare centers, schools, senior centers, libraries, hospitals, parks).

Active Transportation

Best Practice: Implement the Complete Streets Program by becoming certified through MassDOT and demonstrate the regular and routine inclusion of complete streets design elements and infrastructure on locally-funded roads.

Best Practice: Utilize Transit-Oriented Development (TOD) fundamentals to create zoning around transit centers that maximizes bike, pedestrian, and transit use and which allows for lower levels of required parking and mixed use to put needed amenities near population centers.

Best Practice: Develop a Safe Routes to School program that also includes student education on pedestrian safety.

Best Practice: Use the MassDOT-issued Municipal Resources Guides for bicycling and walking to plan for and implement better facilities for bicyclists and pedestrians, with an emphasis on creating networks and connections among key destinations (job centers, retail centers, public transit, schools, major residential areas).

Best Practice: Collaborate with Regional Transit Authorities, local employers, and other institutions to support sustainable commuting by providing incentives for bicycling and walking and transit use; facilities to support safe travel without a private automobile; shuttles and other similar transportation services where appropriate.

Best Practice: Collaborate with Regional Transit Authorities to improve local transit outcomes by measuring and managing to outcomes for riders, including overall ridership, ridership among low-income and transit-dependent customers, met and un-met demand for transit service, and connections made to major activity centers.

Best Practice: Establish a program for piloting new forms of micromobility (scooters, bike share, etc.), including collaborating with micromobility providers, measuring performance and usage, developing lessons learned, surveying users, and assessing contributions to overall local mobility.

Training

Best Practice: Participate in the Bay State Roads, which provides on-going training and helps municipalities share ideas and information with other communities about state of the art planning, design, and operational information for city and town public works managers.

Asset and Infrastructure Management

Best Practice: Inventory and Geo-Code all public works assets so that a database of every public works asset is created, geocoded and condition rated, which is used to inform capital planning, as well as emergency repair.

Best Practice: Develop a Pavement Condition Index that rates street condition for the municipality.

Best Practice: Develop a Multi-Year Vehicle Maintenance and Replacement Plan for their municipal vehicle fleet.

Best Practice: Develop a Bridge / Culvert Preventative Maintenance plan to help prolong the life of these critical transportation assets.

Housing Choice Best Practices

Note: DLTA funds shall not be used for any activities related to assertion of the General Land Area Minimum (GLAM) (1.5% of total land area) safe harbor under 760 CMR 56.03 (b) (Chapter 40B).

Best Practices that support affordable housing are shown in *italics* below

1. Have at least one zoning district that allows multifamily by right (in addition to 40R districts) where there is capacity to add units and that allows for family housing that is not age restricted and does not restrict units with more than 2 bedrooms (or have a pattern of approving such developments over the last 5 years)
2. *Have Inclusionary Zoning that provides for reasonable density increases so that housing is not unreasonable precluded*
3. *Have an approved 40R Smart Growth or Starter Homes district. Please note, that if your community repealed its only 40R district, it no longer qualifies for this best practice.*
4. Have zoning that allows mixed use or cluster / Open Space Residential development by right that is not part of a 40R district (or have a pattern of approving such developments over the last 5 years)
5. Have zoning that allows for accessory dwelling units by right (or have a pattern of approving ADUs over the last 5 years)
6. *Designated local resources for housing such as established an Affordable Housing Trust, donated land, or spent substantial Community Preservation Act (CPA) funds for community housing over the last 5 years.*
7. Reduced parking requirement for Multi-Family units within the last 5 years or require no more than 1 parking space per unit for multifamily units.
8. Provide evidence of education and training for a majority of members on a land use board (Planning Board, Board of Appeals, Select Board and/or City Council) from **Citizen Planner Training Collaborative**, Massachusetts Housing Partnership's **Housing Institute**, Community Development Partnership's **Lower Cape Housing Institute**, or Urban Land Institute's (ULI's) **Urban Plan Public Leadership Institute** over the last 5 years.
9. *Have units currently eligible for inclusion in the Subsidized Housing Inventory (SHI) that equal or exceed 10% of total year round housing stock according to the DHCD subsidized housing inventory, where such 10% was not reached after local comprehensive permit(s) were denied or conditioned and had the denial or condition overturned by the Housing Appeals Court (HAC).*
10. *Have increased your community's SHI by at least 2.5% points in the last 5 years where such increase was not reached after local comprehensive permit(s) were denied or conditioned and had the denial or conditions overturned by HAC.*

11. Selected a housing best practice as part of a Community Compact
12. *Participate in the Housing Development Incentive Program (HDIP), have adopted an Urban Center Housing Tax Increment Financing district, approved District Improvement Financing (DIF) related to housing, have adopted an Urban Renewal Plan that includes a significant Housing element.*
13. *Have adopted local option property tax relief programs for income eligible seniors either as provided for by statute (MGL c. 59 section 5) or through a home rule petition; OR have adopted a Community Impact Fee for short term rentals (MGL c. 64G, section 3D) where your community has committed in writing to using a portion of such revenues for affordable housing.*
14. *Have a CERTIFIED Housing Production Plan which means that you have an DHCD approved Housing Production Plan and have subsequently seen an increase of 0.5% or 1% in your year round housing units (see <https://www.mass.gov/service-details/chapter-40-b-housing-production-plan> for more information)*

www.mass.gov/housingchoice

Shabby strip malls are a goldmine of opportunity, report says

Planning council: Areas can be repurposed

Chris Van Buskirk

STATE HOUSE NEWS SERVICE

Outdated and decaying strip malls can be found in most Massachusetts towns — ghosts of once-thriving spots for local businesses and restaurants.

Some may think all hope is lost for reinvigorating those shopping plazas, but a new report from the Metropolitan Area Planning Council argues the sites can be repurposed into mixed-use developments, boosting tax revenues and providing needed housing for lower-income residents.

“If even a fraction of these underutilized commercial sites were redeveloped as part of walkable, mixed-use neighborhoods, it could help to meet the region’s housing needs, bolster municipal tax revenues, provide

See STRIP MALLS, Page 8A

Strip malls

Continued from Page 1A

improved conditions and opportunities for existing businesses and local entrepreneurs, improve community character, expand access to otherwise exclusionary communities, and enhance sustainability," the MAPC said in the report.

MAPC's Chris Kuschel, Tim Reardon and Jessie Partridge Guerrero wrote the study and point to a commercial strip mall in Woburn — mostly vacant in 2017, drawing in fewer patrons for the businesses that remained and struggling to survive.

Several years later, the site has been transformed into an example of how municipalities can reuse strip malls, the authors wrote. The redevelopment in Woburn may not be perfect, according to the report, as it still features large amounts of surface parking.

"But the positives far outweigh the negatives, and by replacing a shabby retail plaza, the new development, now known as Woburn Village, is setting the stage for the creation of a new neighborhood in the city," the MAPC said.

The Metropolitan Area Planning Council found that if just 10 percent of the smaller commercial sites, like the one in Woburn, were redeveloped into mixed-use projects, about 124,000 homes could be created, increasing building values and generating \$479 million in extra tax revenue for host



An example of a strip mall included in the Metropolitan Area Planning Council's new report "Rethinking the Retail Strip: Transforming Old Uses to Meet New Needs." PROVIDED BY MAPC

communities.

If municipalities took advantage of the state's 40R Smart Growth Zoning bylaw, host municipalities of that 10 percent sample cited by the report's authors could be eligible for incentive payments totaling \$1.2 billion upon rezoning and \$373 million when sites are redeveloped.

Kuschel said that because strip malls are already developed, municipalities and developers are presented with an opportunity to re-envision a site rather than build one from scratch.

"They tend to provide a more near-term opportunity for change, and the reason I say that is many of the sites are on the smaller side," Kuschel said. "They're often somewhere in the neighborhood of, let's say, an acre, and that can be redeveloped in a much quicker time frame in terms of the planning that goes into it than something like, let's

say, a Burlington Mall."

With thousands of strip malls across the state, deciding which ones to develop into mixed-use developments can be difficult. As part of the MAPC report, the authors identified several priorities that can be used to decide whether to retrofit a commercial shopping area.

Among the considerations: whether they are near high-quality transit and walkable destinations that can provide "the greatest benefit for congestion relief and [greenhouse gas] reduction," according to the report.

"Our analysis shows that 29 percent of the sites we identified are within a half mile of transit, meaning that their rezoning could help host communities meet the obligations of the Section 3A MBTA multifamily mandate," the authors wrote. "Those that are large, or in clusters of properties, can have the greatest impact on housing supply and

affordability."

Kuschel said MAPC has seen a "fair amount" of interest in mixed-use development, but there are some concerns municipalities have raised about retrofitting strip malls.

"So sometimes the concerns relate to traffic, sometimes it's the impacts on schools, sometimes it's on however you want to define concerns about community character," he said, adding that impacts on school budgets have often topped the list.

The MAPC said in the report that concerns about the impacts of a new development on school budgets have resulted in demands for housing unsuitable for families, "perpetuating regional segregation and diluting potential benefits for housing affordability."

"Concerns about 'community character' often veil discriminatory interests in maintaining the existing racial and socio-economic make-up of the municipality, depriving others of opportunities to live there," the MAPC said.

For Kuschel, the positives of retrofitting strip malls into mixed-use developments far outweigh the negatives.

"MAPC has done a lot of research as it relates to schools that really, I think, makes effectively the case that the impacts on schools are very small, and where there are situations where they are valid, there are essentially programs to help provide that kind of gap funding to make up any issues as it relates to the fiscal impacts," he said.

WILL THE NEW LOCAL COMPREHENSIVE PLAN TURN MASHPEE INTO A SMALL CITY?

When you cross the Bourne bridge on your way home to Mashpee and you see the big letters spelling out “CAPE COD” on the berm, do you feel a rush of happiness? Do you take a deep breath and say “I’m almost home”? This peaceful paradise has been home to our Wampanoag tribe for thousands of years. The rest of us came here, in large measure, for the abundance of open space, the ocean, the natural beauty. Bostonians come here to get away from the everyday hustle and bustle of the city and to commune with nature. Saying the words, “I’m going to Cape Cod” has a magical quality, a mystique that touches people throughout the United States and abroad.

Now, an engineering consulting firm named Weston and Sampson has been hired by the Town of Mashpee to redraft/update the current Mashpee Local Comprehensive Plan (LCP). The LCP is a policy document that serves as a guide to a town’s growth and future direction. Our current LCP contains fourteen chapters, dealing with specific planning issues the town faces, to include but not limited to: affordable housing, land use and growth management, water and wastewater facilities, economic development, heritage preservation and community character. Each chapter lists goals and objectives. Under the Land Use and Growth Management chapter there are four (4) goals, to wit:

1. TO MAINTAIN MASHPEE’S SMALL TOWN RURAL/RESORT CHARACTER.
2. TO MAINTAIN OR IMPROVE MASHPEE’S AIR AND WATER QUALITY.
3. TO MINIMIZE THE IMPACT OF GROWTH ON PROPERTY TAXES.

4. TO ENSURE THAT THE AMOUNT OF DEVELOPMENT IN MASHPEE IS CONSISTENT WITH THE CARRYING CAPACITY OF ITS NATURAL ENVIRONMENT AND THE MAINTENANCE OF ITS QUALITY OF LIFE.

At a recent Mashpee Planning Board meeting, Caroline Wells, senior project manager at Weston & Sampson, indicated that they may use a website, www.courbanize.com, to assist them with community engagement.

The website advertises itself as a consultant to the real estate industry- in other words, developers who want to build projects. The developer hires Courbanize, (pronounced co-urbanize), describes the project he wants to build, and then Courbanize devises a plan for community engagement to assist the developer in getting his project done. As the website states: it works to “help build support for your project and gather feedback online via text and voicemail.” The website also can provide written information for the developer entitled, “The New Community Outreach Playbook”, “a playbook for real estate developers- how to get development projects approved faster by building community trust and support.” Further, the site adds: “Get the people who welcome change in their community to voice support for your project.” It appears that the business of the website is to try to convince us, the residents of Mashpee, and other stakeholders that “urbanization”, or building a small city/COMMERCIAL ACTIVITY CENTER in our case, is something positive for Mashpee. It follows then that the goal of maintaining Mashpee’s small town rural/resort character is out of date. While we cannot call our town “rural” anymore, we are still a small town.

I believe the majority of our residents do not want Mashpee to turn into a small city. Last year, the owner of Mashpee Commons tried to convince the residents that urbanization would be good for Mashpee

by offering to build 1.2 million square feet of commercial space and 1710 residential units in a COMMERCIAL ACTIVITY CENTER. Their efforts failed because the majority of our residents said “NO.”

At the above-referenced planning board meeting, Caroline Wells said that Weston & Sampson would build awareness by the public (as to the new LCP) by having two (2) public workshops, one perhaps in March and one after the draft of the LCP is completed. Two public workshops are wholly insufficient. We should have monthly live (if Covid safe) workshops called “charrettes” where Mashpee residents and Weston & Sampson share their ideas for the vision of the town. (A charrette is an intensive planning session where residents and the designer (Weston & Sampson) collaborate as to their vision for the town. It provides a forum for ideas and offers the advantage of giving immediate feedback to the designer. It allows everyone who participates to be a mutual author of the plan.)

If, as in goal #2 above, we want to improve Mashpee’s water quality we should not support urbanization. Our drinking water quality is good now, but will it continue to be good if we build a small city? Urbanization will exacerbate our wastewater problem.

As to improving Mashpee’s air, turning Mashpee into a small city will reduce our forest coverage, thus adding more carbon dioxide to our atmosphere.

Goal #3 above should be a goal in the new LCP.

In Goal #4, if we want to ensure that the amount of development in Mashpee is consistent with the carrying capacity of its natural environment and the maintenance of its quality of life we do not want a new LCP that supports urbanization, i.e. a COMMUNITY ACTIVITY CENTER. Urbanization will mean a much greater population, high levels

of traffic congestion, more air pollution, an increase in wastewater pollution, and many other negative consequences. One objective of our current LCP is the maintenance of a buildout population target of approximately 15,000. We are at buildout now with 15,060 year-round residents. Our carrying capacity of our natural environment has failed as evidenced by our polluted ponds and embayments. For all of the above reasons, building a small city is wrong for Mashpee.

In conclusion we should:

Ask Weston & Sampson not to contract with www.coubanize.com or any other similar website that promotes urbanization.

Tell Weston & Sampson and the Planning Board to host monthly charrettes for the benefit of the residents.

Remind Weston & Sampson that Mashpee is the peoples' home and any reasonable observation from the last six (6) months clearly indicates that we do not want an urbanized Mashpee consisting of a small city/COMMUNITY ACTIVITY CENTER.

Fwd: Letter to the Editor of the Mashpee Enterprise

Evan Lehrer <ELehrer@mashpeema.gov>

Mon 1/31/2022 8:47 AM

To: Patricia Maguffin <PMaguffin@mashpeema.gov>

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Evan Lehrer <ELehrer@mashpeema.gov>

Sent: Sunday, January 30, 2022 11:40:28 AM

To: Karen Faulkner <kdfaulknerlaw@gmail.com>

Subject: Re: Letter to the Editor of the Mashpee Enterprise

Karen,

I'd like to speak with you at your convenience if you are interested regarding the contents of your attached correspondence. The comprehensive plan is a community-led process. It is a process that is still being designed according to best practice and that needs Planning Board adoption. The assumptions you've made in this letter are generally concerning to me. The approach to the plan development makes no assumptions about public opinion or future development. It seeks to establish a framework to have conversations about future development and redevelopment objectively and among as broad of a cross section of the community as feasible.

While we haven't selected an engagement platform yet, I find the narrative being woven about one such tool, CoUrbanize, to be interesting. These are digital tools for providing information and collecting feedback. They facilitate a public forum in digital space moderated by Town staff and consultants and are interactive for the community in real time. They are not tools we utilize to manipulate a community. That in and of itself would be a gross deviation from best practice and not be a strategy that I would allow in my department. Further, CoUrbanize is just one of many tools that we are considering. Let me be clear that the decision making with regard to the engagement platforms will be based solely on the platform's tools and function, the price and contract terms.

This is an exciting time. There is no agenda here. The goal of my department is to assist the Planning Board establish a framework for participation that yields results. So in the interest of staying focused on that goal, I would like to understand your viewpoints here a bit better because the best process will be a functional process.

The engagement plan is still being refined and I will be discussing this with the Board on Wednesday. If sometime thereafter you would like to discuss the approach in some detail with me I'd be happy to do so.

Hope you are safe and warm after the storm.

Thank you,
Evan

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Karen Faulkner <kdfaulknerlaw@gmail.com>

Sent: Sunday, January 30, 2022 9:31:51 AM

To: Evan Lehrer <ELehrer@mashpeema.gov>; jfulone@comcast.net <jfulone@comcast.net>; Evan Lehrer <ELehrer@mashpeema.gov>; Andrew Gottlieb <AGottlieb@mashpeema.gov>; Thomas F. OHara <TOHara@mashpeema.gov>; Carol A. Sherman <cs Sherman@mashpeema.gov>; David Weeden <dweeden72@gmail.com>; Rodney C. Collins <rccollins@mashpeema.gov>; Glen E. Harrington <gharrington@mashpeema.gov>; John J. Cotton <JCotton@mashpeema.gov>

Subject: Letter to the Editor of the Mashpee Enterprise

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

Fw: comments for February 2 meeting

Evan Lehrer <ELehrer@mashpeema.gov>

Tue 2/1/2022 10:36 AM

To: Patricia Maguffin <PMaguffin@mashpeema.gov>

For the packet.

Evan Lehrer, MPA

Town Planner

Town of Mashpee

16 Great Neck Road North

Mashpee, MA 02649

elehrer@mashpeema.gov

(508) 539-1400 x 8521

From: Evan Lehrer <ELehrer@mashpeema.gov>

Sent: Tuesday, February 1, 2022 10:36 AM

To: Arden Cadrin <arden.cadrin@gmail.com>

Subject: Re: comments for February 2 meeting

Hi Arden,

Thank you. This is constructive feedback. We are continuing to round out the engagement plan and I will recommend additional workshops/charrettes to the Board and discuss with our consultants. I will outline my thoughts to the Board tomorrow but my recommendation would include five (5) workshops in addition to all of the other engagement and data collection activities we will be undertaking. Lastly, we are nearly prepared to recommend a platform to the Planning Board and it seems CitizenLab is at the top of our list after considering its functionality, cost, and contract terms.

<https://www.citizenlab.co/>



Community Engagement Platform: Online Software |
CitizenLab

CitizenLab is an online community engagement platform for local governments. Engage more people, manage input easily and drive better decisions. Discover it now!

www.citizenlab.co

Thanks,
Evan

Evan Lehrer, MPA

Town Planner

Town of Mashpee

16 Great Neck Road North

Mashpee, MA 02649

elehrer@mashpeema.gov

(508) 539-1400 x 8521

Sent: Tuesday, February 1, 2022 9:01 AM

To: Evan Lehrer <ELehrer@mashpeeema.gov>

Cc: Evan Lehrer <ELehrer@mashpeeema.gov>

Subject: comments for February 2 meeting

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

Unfortunately I am not able to attend the Planning Board meeting tonight to express my comments in person, therefore please accept these written comments.

I watched the Planning Board meeting where LCP Consultant Weston and Sampson discussed their proposed outreach plans and I have read the plan, as provided to me by the Town Planner.

I believe the amount of public meetings is woefully insufficient!

There must be many more one on one meetings with residents; meetings allow for dialogue, exchange, synergy and most importantly education on issues. The communication and presentation around issue areas very well could influence residents' thoughts and responses.

Surveys are a useful tool, however they should be just one tool for communication around this process not the primary tool. Surveys have limitations as they lead the response via the question. This outreach plan puts too much emphasis on surveys and not enough emphasis on one on one dialogue.

Additionally, I strongly object to the use of the proposed website host Courbanize to host Mashpee's LCP process. As stated on their own website, their mission is to "improve the real estate development process". That is absolutely not aligned with the mission of our Local Comprehensive Plan process. Use of this website will cause confusion and be misleading to residents following and participating in the LCP process.

Thank you for considering my comments.

Regards,

*Arden Russell
Sturgis Lane
Mashpee*

Fw: Jan 26 ZBA Meeting

Evan Lehrer <ELehrer@mashpeema.gov>

Mon 1/31/2022 11:50 AM

To: Patricia Maguffin <PMaguffin@mashpeema.gov>

For the packet.

Evan Lehrer, MPA

Town Planner

Town of Mashpee

16 Great Neck Road North

Mashpee, MA 02649

elehrer@mashpeema.gov

(508) 539-1400 x 8521

From: Glenn McCarthy <glenn@infopower.net>

Sent: Monday, January 31, 2022 11:40 AM

To: Evan Lehrer <ELehrer@mashpeema.gov>

Subject: Re: Jan 26 ZBA Meeting

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

Hi Evan, Thank you and I am sure we can find a pragmatic long term solution to this issue if we work together. I would be happy to call in or write to the planning board's Feb 2nd meeting and certainly welcome the inclusion of my emails in the PB package.

Our local homeowners association, The PBA, has a zoning committee led by myself and Barb Reilly, former PBA president. In addition to living in the area for over 50 years I have spent the last 5 years studying the Mashpee zoning rules and thinking about the local development challenges in my neighborhood.

As you may appreciate **the topics of Height and Lot Coverage are potentially explosive issues for Popponeset neighborhood.**

Height in our extremely dense neighborhood is going to be a complex topic, especially on a street like Wilson Grove, where the houses are sometimes as little as 3 feet apart. The entire neighborhood actually has a complex topography and numerous bodies of both fresh and salt water. BTW, It is not 100% in the floodplain as the ZBA implied, not flat, and not all square lots.

Lot coverage was increased from 20 to 25% in a fraudulent manner in 2017, when a new owner with a specific project + a builder told the Planning Board that they had unanimous consent from the PBA board then quietly had a warrant passed at town meeting. The PBA only found out about this after

the fact. Excessive building on and the filling in of floodplain is a HUGE issue for us. We spend approximately \$100,000 / year now to deal with drainage issues. Nearly every new house built results in the flooding of the street in front of it and the neighboring lots. Our water table is rising and in some areas only 2 feet below the surface. Our beaches also have large algae blooms caused by nutrient rich water from septic waste.

The neighborhood has been discussing zoning issues and we welcome engaging together on this topic. Much better that we work together, otherwise the lawyers just make big fees and we all lose.

I found it rather odd that the Town Engineer, a private lawyer, and the zoning board of appeals want to rewrite the zoning bylaws for Popponesset. I would think that job is the responsibility of the Town Planner and the Planning Board. I would agree that the ZBA should stay focused on their job of applying the bylaws and certainly at this time not be suggesting solutions. Based on their Jan 26th meeting, they seem ill informed about the area and our issues and apparently their main source of input and direction is from a private lawyer who's clients have significant economic interest in these bylaw changes. That does not seem right. In fact it appears that the private lawyer is trying to solve a pending litigation issue for his client at 228 Wading Place Road in Popponesset by lobbying for a bylaw change.

Regards,

Glenn McCarthy
16 Jeep Place

On Mon, Jan 31, 2022 at 12:52 AM Evan Lehrer <ELehrer@mashpeema.gov> wrote:

Hi Glenn,

Yes I understand the concern. I am bringing up this issue with the Planning Board on Wednesday and would like to include your email in the package. I'd like to approach this with the neighborhood as you've suggested is critical. I agree. After all, it's you all who have the strongest sense of the issues at hand. At the very least, I think the Planning Board should discuss an appropriate approach to defining and understanding the issues prior to recommending solutions. I may ask the Board to vote on submitting correspondence to the ZBA relative to review of raze and replace applications moving forward under existing conditions and withhold suggesting zoning solutions prior to holding conversations with Poppy neighbors via proper engagement. I'm sure the chair would welcome your comment if you are available. It will be via Zoom.

Thank you,
Evan

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Glenn McCarthy <glenn@infopower.net>

Sent: Saturday, January 29, 2022 4:56:14 AM

Fwd: Jan 26 ZBA Meeting

From: Glenn McCarthy <glenn@infopower.net>
Sent: Saturday, January 29, 2022 4:56:14 AM
To: Evan Lehrer <ELehrer@mashpeeema.gov>
Subject: Jan 26 ZBA Meeting

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

Hi Evan, I just watched the Jan 26th ZBA meeting and learned that they plan to vote on a bylaw amendment change on Feb 9th so that it can get onto the May town meeting warrant.

It appears that there has been no discussion with the residents of the neighborhood that this change would affect and seems to have come out of nowhere.

It does, however, look to have been tailored and timed exactly to accommodate one very specific project currently in land court in Boston.

I hope you engage with the community in Popponesset before taking a position on this change and I would be happy to organize the neighborhood people who are interested in zoning. The president of the PBA for example, is a land use lawyer and a number of other people are quite knowledgeable and pragmatic about zoning.

We have a number of serious planning issues in our area and as you may recall you and I spoke in 2020 about possible approaches to a long term solution for Popponesset. Rushing through a quick change to satisfy one specific person and his project's narrow interest is not the way to go about this. This narrow interest approach is what got the town into our current pollution and development quandary. And in this age of transparency and digital communications something like this is not going to go undiscussed nor unnoticed.

I like to remind people that aside from the many issues excess building and size causes in a dense cottage community with very narrow roads that No matter what you do with the building the septic tank is still in the ground. While the house may go up on stilts the undersized septic tank will still sit in sand and be in a high risk flood zone. Whatever comes out of that tank will be in the bay or near coastal water in days if not hours and every once in a while the entire septic tank will be underwater. Therefore, removing restrictions to building in the floodplain is not so straightforward as the ZBA is implying, I might feel differently if a structure in the floodplain was being expanded 653% AND a sewer pipe was being run to the house. However, that is not the case.

What this change the ZBA is contemplating will do is to enable the continuation of very small footprint and wastewater flow structures in the floodplain being replaced with very large structures and waste flows - discharging into 2 bedroom septic tanks that literally sit in AE and VE zones.

It would also have the immediate effect of enriching one very specific person and his project to the tune of a few million dollars. I suspect that anyone who looks carefully at what is going on here will realize the true driver of this proposed change. That this is not being proposed for the benefit of Mashpee but is rather being done to enrich 1 specific project.

Regards,

Glenn McCarthy

JAN 19 2022

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM**

**Notice of License Application Pursuant to M. G. L. Chapter 91
Waterways License Application Number 21-WW01-0020APP
Leonardo and Maria Elisa Caruso, Trustees, The Little Neck Lane Nominee Trust**

NOTIFICATION DATE: January 28, 2022

Public notice is hereby given of the waterways application by Leonardo and Maria Elisa Caruso, Trustees, The Little Neck Lane Nominee Trust to construct and maintain a pier, ramp and float at 43 Little Neck Lane, in the municipality of Mashpee, in and over the waters of Ockway Bay. 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).

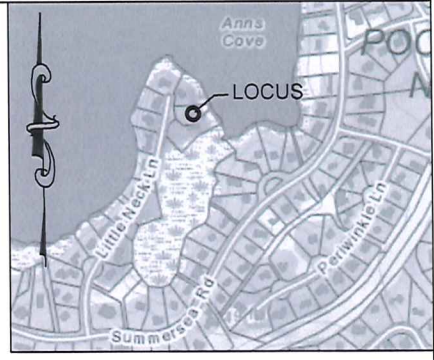
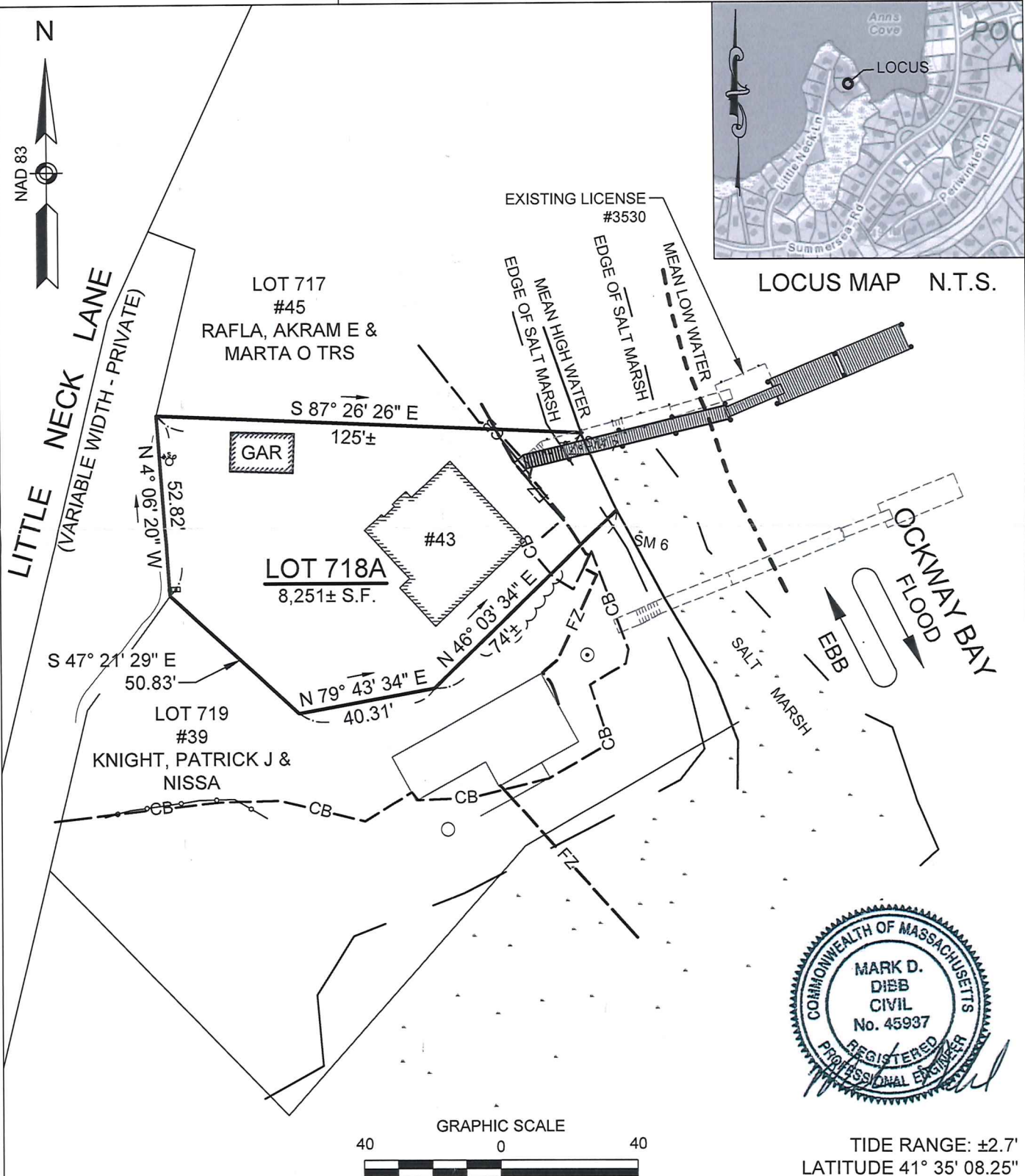
Additional information regarding this application may be obtained by contacting the Waterways Regulation Program at (508) 946-2730. Project plans and documents for this application are on file with the Waterways Regulation Program for public viewing, by appointment only, at the address below.

Written comments must be addressed to: Cally Harper, Environmental Analyst, DEP Waterways Regulation Program, 20 Riverside Drive, Lakeville, MA 02347.

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



MARK DIBB, P.E.



TIDE RANGE: ±2.7'
 LATITUDE 41° 35' 08.25"
 LONGITUDE 70° 28' 16.45"
 DATUM: NAVD88 = 0.00 FT.
 ELEVATIONS IN FEET

PROPOSED PIER, RAMP & FLOAT PLAN

PARCEL ADDRESS: 43 LITTLE NECK LANE , MASHPEE, MA
 PLAN ACCOMPANYING PETITION OF
 THE 43 LITTLE NECK LANE NOM TRUST TO
 CONSTRUCT, & MAINTAIN A PIER RAMP AND FLOAT
 IN AND OVER THE WATERS OF
 OCKWAY BAY, MASHPEE, MASSACHUSETTS

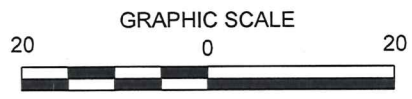
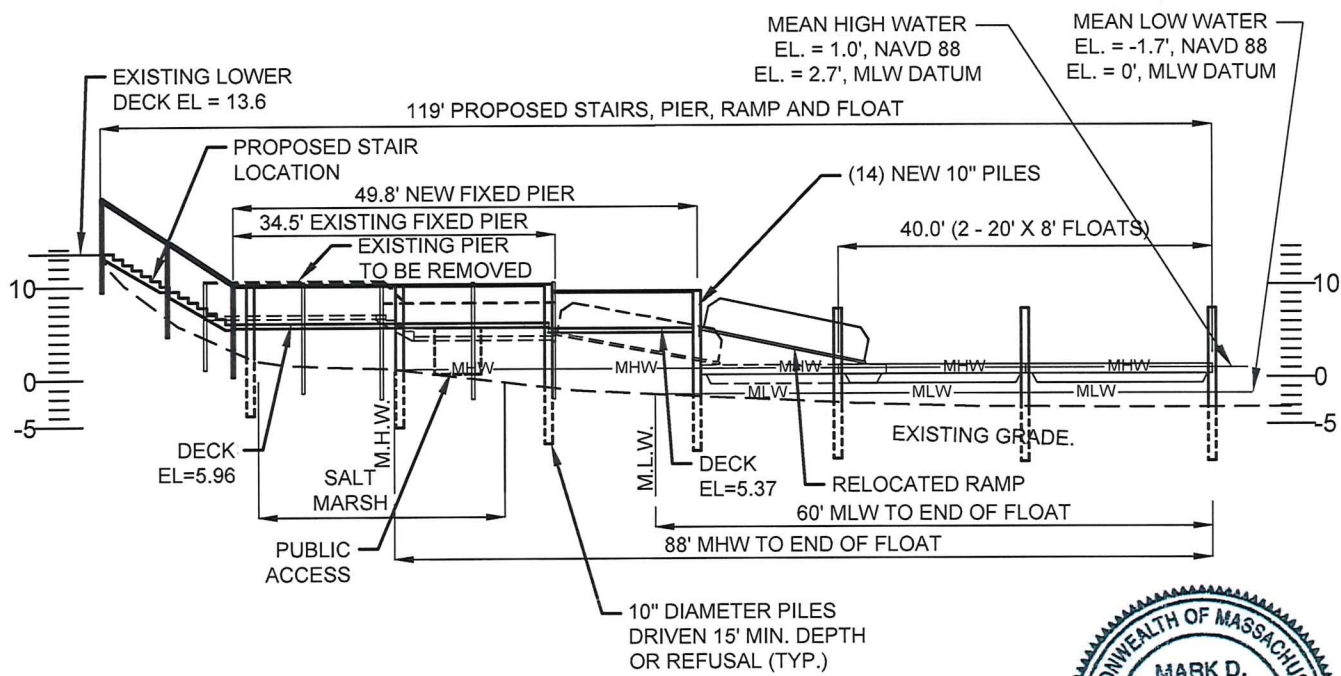
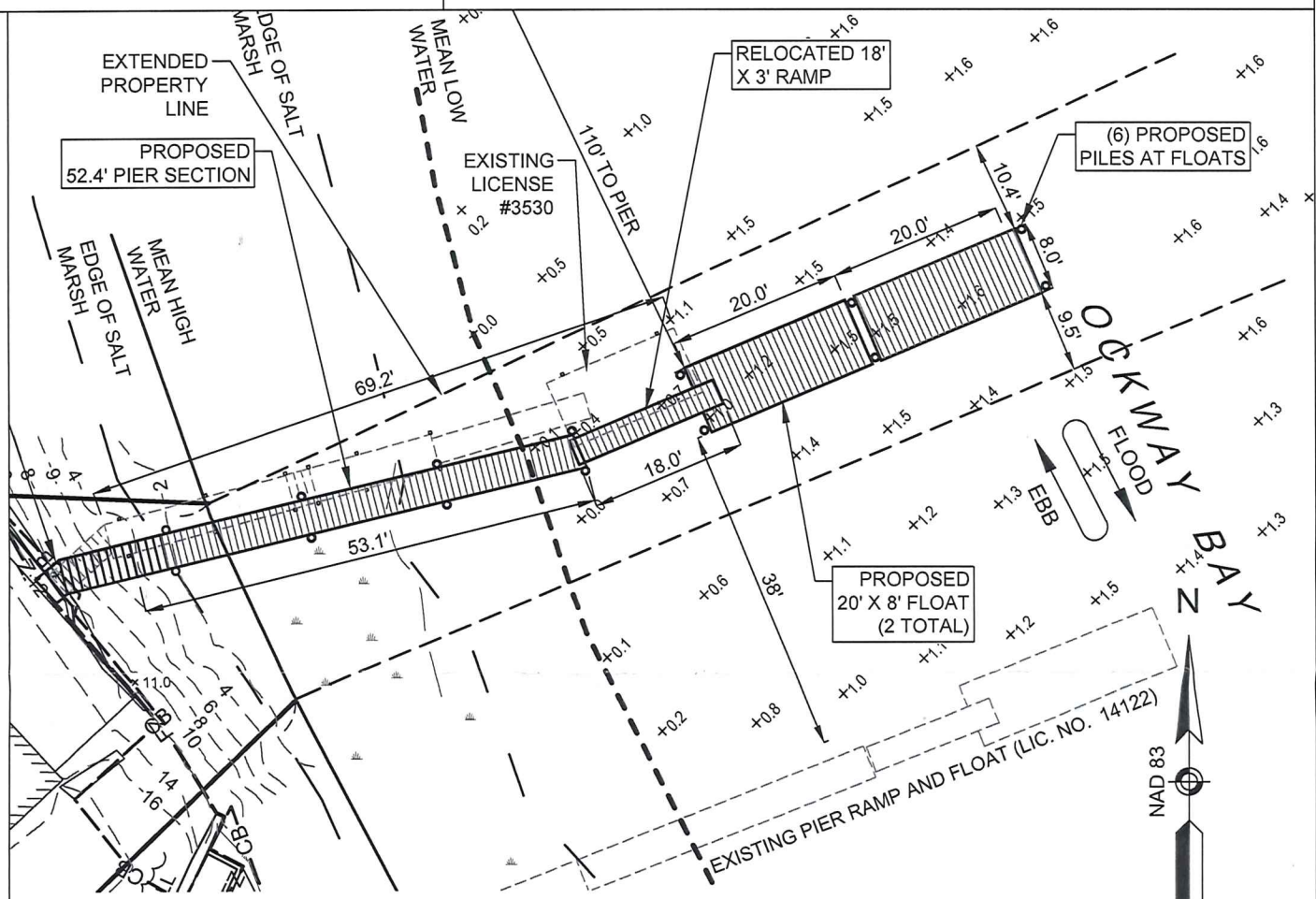
PARCEL ID 105-15A SHEET 1 OF 4

PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
 508.477.7272 DATE: OCTOBER 27, 2021
 REV 1: JANUARY 13, 2022

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

Mark Dibb

MARK DIBB, P.E.



PROPOSED DETAIL PLAN AND PROFILE

PARCEL ADDRESS: 43 LITTLE NECK LANE, MASHPEE, MA
 PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
 508.477.7272 DATE: OCTOBER 27, 2021
 REV 1: JANUARY 13, 2022

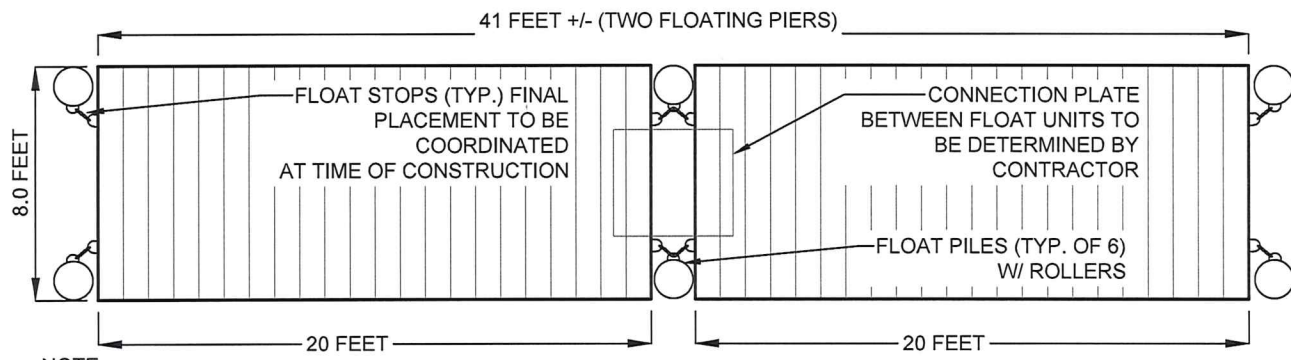
PARCEL ID 105-15A

DATUM: M.L.W. = 0.00 FT.
 ELEVATIONS IN FEET
 SHEET 2 OF 4

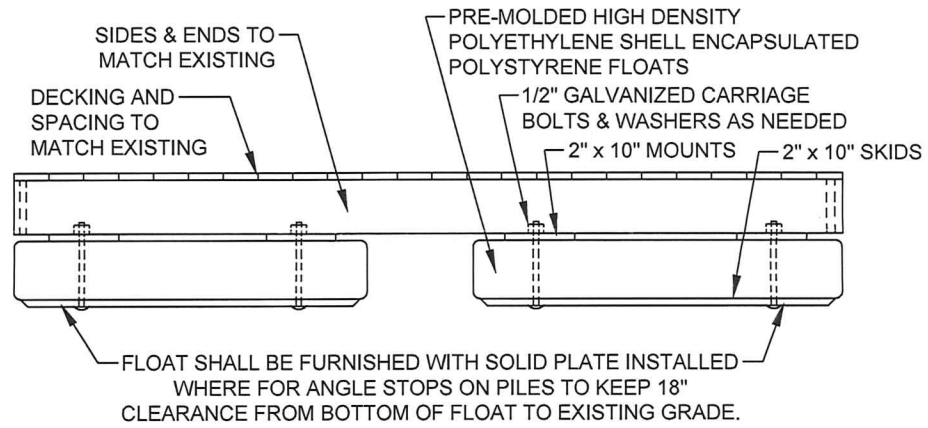
I HEREBY CERTIFY THAT THIS PLAN DOES CONFORM WITH THE REQUIREMENTS FOR RECORDING OF PLANS IN THE REGISTRY OF DEEDS.



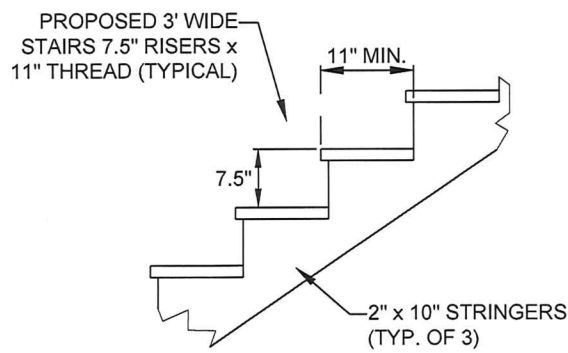
MARK DIBB, P.E.



NOTE:
FLOATS ARE TO BE STORED ON SITE IN AN UPLAND LOCATION

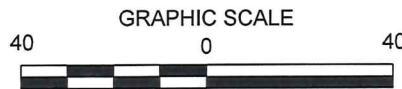


SECTION VIEW



STAIR DETAIL

NOT TO SCALE



FLOAT AND STAIR DETAILS

PARCEL ADDRESS: 43 LITTLE NECK LANE, MASHPEE, MA
 PLAN BY: CAPE & ISLANDS ENGINEERING, INC.
 508.477.7272 DATE: OCTOBER 27, 2021
 REV 1: JANUARY 13, 2022

PARCEL ID 105-15A

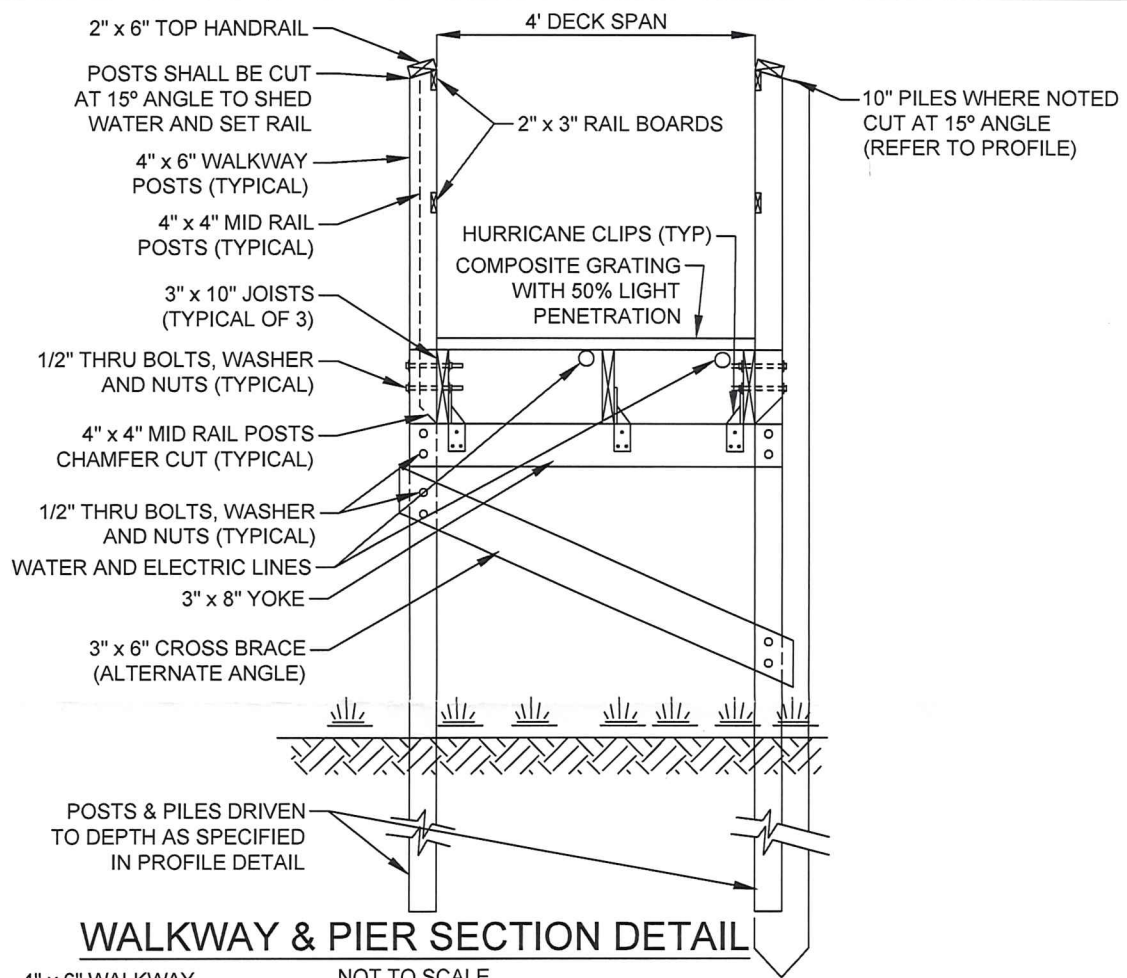
DATUM: M.L.W. = 0.00 FT.
 ELEVATIONS IN FEET

SHEET 3 OF 4

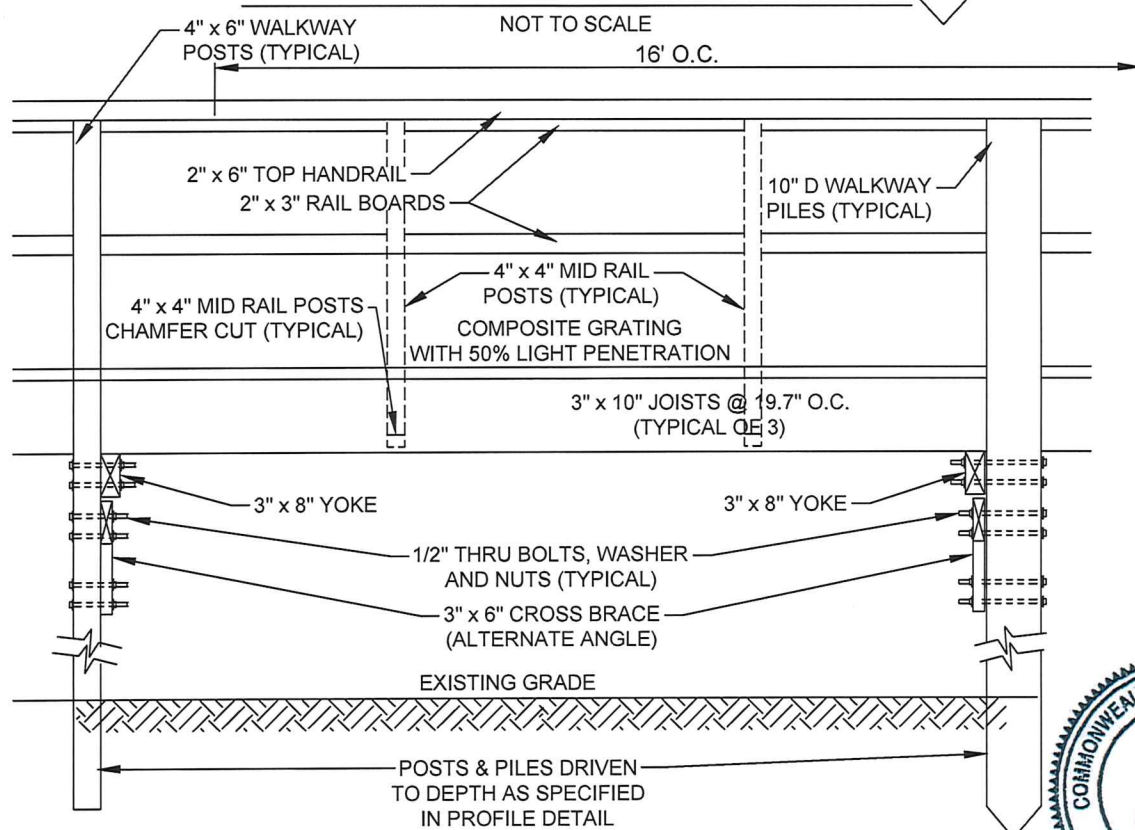
I HEREBY CERTIFY THAT THIS PLAN DOES CONFORM WITH THE REQUIREMENTS FOR RECORDING OF PLANS IN THE REGISTRY OF DEEDS.

Mark Dibb

MARK DIBB, P.E.



WALKWAY & PIER SECTION DETAIL



WALKWAY & PIER SIDE VIEW DETAIL



PARCEL ADDRESS: 43 LITTLE NECK LANE, MASHPEE, MA

PLAN BY: CAPE & ISLANDS ENGINEERING, INC.

508.477.7272

DATE: OCTOBER 27, 2021

REV 1: JANUARY 13, 2022

PARCEL ID 105-15A

DATUM: M.L.W. = 0.00 FT.
ELEVATIONS IN FEET

SHEET 4 OF 4



JAN 18 2022

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 William N. and Kristan D. Chalkley, 404 Hayway Road, East Falmouth, Ma. (Map 17 Lot 014) of the Zoning By-Law, as amended to **grant** the special permit to allow a detached accessory apartment.

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 **January 11, 2022** which is the date the Decision was filed in the office of the Town Clerk.

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

JAN 18 2022



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 William L. and Mary F. Trifero, 330 Edgewater Drive East, East Falmouth, Ma. (Map 41 Lot 006) of the Zoning By-Law, as amended to **grant** the special permit to construct an addition on the southerly side of the dwelling exceeding 20% lot coverage by structures.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after **January 11, 2022** which is the date the Decision was filed in the office of the Town Clerk.

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

JAN 24 2022

BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

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

Application #115-21 Paul T. Gelep and Ellen Dray Gelep, 3 Hunt Street, North Falmouth, Ma.:

Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. and 240-69 E. of the Code of Falmouth to remove and replace the covered front porch increasing lot coverage by structures on subject property known as 3 Hunt Street, North Falmouth, Ma.

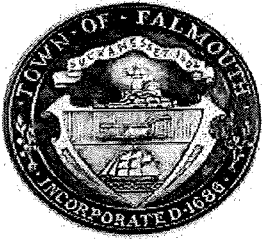
Map 04A Section 44 Parcel 000 Lot 001K

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, February 10, 2022 at 6:30PM**

You are invited to be present.

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

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

JAN 24 2022

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

BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

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

Application #112-21 Christopher J. Hall and Erin T. Lynch, P.O. Box 382, North Falmouth, Ma.:

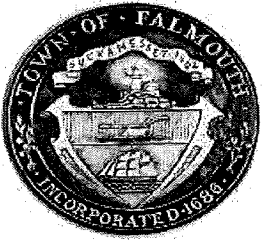
Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. and 240-69 E. of the Code of Falmouth to remove the existing garage and construct an addition with an attached garage; exceeding 20% lot coverage by structures on subject property known as 8 Coatuit Road, North Falmouth, Ma.

Map 13 Section 11 Parcel 000 Lot 039

A public hearing will be given on this application, in the Select Board's Meeting Room, Town Hall, on **Thursday, February 10, 2022 at 6:30PM**
You are invited to be present.

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

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

JAN 24 2022

BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

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

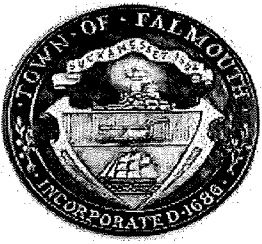
Application #113-21 Sandra Miranda, 105 Redlands Road, East Falmouth, Ma.: Applied to the Zoning Board of Appeals for a special permit/variance pursuant to section(s) 240-162 and 240-203 of the Code of Falmouth to allow a home occupation for indoor swimming lessons / aqua classes on subject property known as 105 Redlands Road, East Falmouth, Ma.

Map 09 Section 01 Parcel 004 Lot 289

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, February 10, 2022 at 6:30PM**
You are invited to be present.

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

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



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

JAN 24 2022

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

BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

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

Application #114-21 Honglei Dai, 59 Belle Avenue, West Roxbury, 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 construct a dormer and a new deck/stairs to the second floor of the non-conforming dwelling on subject property known as 53 East Falmouth Highway, East Falmouth, Ma.

Map 33 Section 04 Parcel 004 Lot 004C

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, February 10, 2022 at 6:30PM**
You are invited to be present.

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

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

JAN 19 2022



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 Carole S. Hill, Trustee, 490 Central Avenue, East Falmouth, Ma.

(Map 40A Lot 108) **under** 240-3 C. and 240-69 E. of the Zoning By-Law, as amended to **grant** the special permit to construct a second floor addition.

Appeals, if any, shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days January 18, 2022 which is the date the Decision was filed in the office of the Town Clerk.

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



TOWN OF FALMOUTH
MASSACHUSETTS

JAN 10 2022

BOARD OF APPEALS

Notice of Decision

Notice is hereby given that the Board of Appeals of the Town of Falmouth has made a decision on a petition by RLBE, LLC, 10 Rebecca Ann Lane, East Falmouth, Ma.

(Map 32 Lot 002) **under** MGL chapter 40B of the Zoning By-Law, as amended to grant the modifications of comprehensive permit no.055-20.

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 **January 14, 2022** which is the date the Decision was filed in the office of the Town Clerk.

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



BOARD of APPEALS

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

JAN 28 2022

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

On June 16, 2021, Governor Baker signed into law an Act Extending Certain COVID-19 Measures Adopted During the State of Emergency. This Act includes an extension, until April 1, 2022, of the remote meeting provisions of his March 12, 2020, Executive Order Suspending Certain Provisions of the Open Meeting Law. The Sandwich Zoning Board of Appeals will hold a Public Hearing on Tuesday, February 8, 2022 at 6:00 p.m. which shall be convened remotely via a ZOOM videoconference and broadcast live on SCTV to consider the application of Laurie Mooney Kozaryn and Sigmund R. Kozaryn, applicants and property owners, for a Special Permit under Section 2200 of the Sandwich Protective Zoning By-Law for property located at 20 Liberty Street, Sandwich, MA Assessor's Map #73, Parcel #74, for the purpose of a personal animal kennel. 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. This comment line will be monitored during the meeting.

Erik Van Buskirk, Chair
Sandwich Zoning Board of Appeals

Publication: Sandwich Enterprise
Publication Dates: January 21 and January 28, 2022



JAN 27 2022

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

On June 16, 2021, Governor Baker signed into law an Act Extending Certain COVID-19 Measures Adopted During the State of Emergency. This Act includes an extension, until April 1, 2022, of the remote meeting provisions of his March 12, 2020, Executive Order Suspending Certain Provisions of the Open Meeting Law. The Sandwich Zoning Board of Appeals will hold a Public Hearing on Tuesday, February 8, 2022 at 6:00 p.m. which shall be convened remotely via a ZOOM videoconference and broadcast live on SCTV to consider the application of Adam E. Winkler, applicant and property owner, for a Special Permit under Section 2420 of the Sandwich Protective Zoning By-Law for property located at 26 Tupper Ave, Sandwich, MA Assessor's Map #88, Parcel #195, for the purpose of building an attached garage. 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. This comment line will be monitored during the meeting.

Erik Van Buskirk, Chair
Sandwich Zoning Board of Appeals

Publication: Sandwich Enterprise
Publication Dates: January 21 and January 28, 2022



JAN 19 2022

**Special Permit
Certificate of Approval**

Petition # 21-34
Current Property Owner(s): Joseph S. and Sheila B. Savini
Applicant: Joseph S. and Sheila B. Savini
Property Address: 114 Salt Marsh Road
Map, Parcel 85-02

TOWN CLERK
TOWN OF SANDWICH

JAN 13 2022

L H 3 0 M P M
RECEIVED & RECORDED

On January 11, 2022 the Board of Appeals voted to approve a special permit from Sections 1330, 2420, 4350 & 4390 of the Sandwich Zoning By-law for property located at 114 Salt Marsh Road, as shown on Assessor's Map 85, Parcel 02, for the purpose of rebuilding and enlarging a non-conforming structure in the flood zone and place fill below base flood elevation.

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

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

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

Board of Appeals Member

Date

1/13/22

PROCEDURAL HISTORY

1. An application was submitted on December 2, 2021 for a Special Permit under sections 1330, 2420, 4350 & 4390 of the Zoning By-Law for property located at 114 Salt Marsh Road.
2. After proper notice was given the public hearing was opened on January 11, 2022 and closed on January 11, 2022.
3. The application was accompanied by a Site Plan entitled:
Plan Showing Proposed Site Improvements
Dated: December 15, 2021
4. The Board reviewed the application and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:

Erik Van Buskirk
James Killion
Christopher Neeven
Robert Jensen
Chase Terrio
Gerry Nye

FINDINGS

The Zoning Board of Appeals finds that:

1. The Board of Appeals finds that this application meets the requirements of Section 9, M.G.L. Chapter 40A.
2. Subject property is located within the R2 Zoning District and the Flood Plain Overlay District.
3. Applicant proposes to rebuild a structure on a non-conforming lot and place fill below base flood elevation.
4. The proposed structure will be located in the FEMA Zone VE elevation 15.
5. The proposed construction increases the non-conforming nature of the structure's footprint by over 30%.
6. The extension and alteration of the pre-existing non-conforming structure is not substantially more detrimental to the neighborhood than the previously existing nonconforming structure.
7. Section 1330 requirements:
 - a) The Board of Appeals does not find that there are conditions peculiar to this case but not generally true for similar permitted uses on other sites in the same district;
 - b) The Board of Appeals finds that nuisance, hazard or congestion will not be created;

- c) The Board of Appeals finds that there will not be substantial harm to the neighborhood;
- d) The Board of Appeals finds that there is no derogation from the intent of the bylaw such that the districts' objectives will be satisfied.

8. Section 4350 (2) requirements:

- a) The Board of Appeals finds that susceptibility of the proposed facility and the contents to flood damage and the effect of such damage upon the site and surrounding property is minimal.
- b) The Board of Appeals does not find that there are alternative locations for the proposed use which are not subject to flooding or erosion.
- c) The Board of Appeals finds necessity to the facility of a waterfront location.
- d) Board of Appeals finds that the relief requested is the minimum necessary.

9. The applicant is bringing 283 cubic yards of fill on site.

Motion: I, James Killion, move to adopt these findings as the findings of the Board of Appeals.

Second: Christopher Neeven

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

CONDITIONS:

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

1. Failure to comply with all the conditions set forth in this decision shall terminate the grant of this special permit.
2. Pursuant to the requirements of Sandwich Protective Zoning By-law Section 1330, the grant of special permit shall expire upon:
 - a) Transfer of ownership, prior to initiation of substantial construction on or occupancy of the site unless such transfer is authorized in this permit, or
 - b) If no substantial construction or occupancy takes place within (3) three years of special permit approval, excluding such time required to pursue

or await the determination of an appeal referred to in MGL C 40A, Section 17.

3. The special permit shall not take effect until it is recorded at the Barnstable County Registry of Deeds and a copy of the recorded special permit is provided to the Board of Appeals.
4. Erosion controls must be in place prior to construction and maintained throughout.

Motion: I, James Killion, move to impose the above conditions of approval upon any approval of the special permit.

Second: Robert Jensen

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

DECISION:

After reviewing the application, the plan and other materials submitted and after giving due consideration to testimony given at the public hearing, the Board hereby approves the special permit application for property located at 114 Salt Marsh Road, as shown on Assessor's Map 85, Parcel 02, for the purpose of rebuilding and enlarging a non-conforming structure in the flood zone and place fill below base flood elevation.

Motion: I, James Killion, move to approve the special permit application.

Second: Robert Jensen

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



JAN 19 2022

**Special Permit
Certificate of Approval**

Petition # 21-33
Current Property Owner(s): Sandwich House LLC
Applicant: Sandwich House LLC
Property Address: 112 Salt Marsh Road
Map, Parcel 85-03

TOWN CLERK
TOWN OF SANDWICH
JAN 13 2022
1 H 30 M 11 M
RECEIVED & RECORDED

On January 11, 2022 the Board of Appeals voted to approve a special permit from Sections 1330, 2420, 4350 & 4390 of the Sandwich Zoning By-law for property located at 112 Salt Marsh Road, as shown on Assessor's Map 85, Parcel 03, for the purpose of rebuilding and enlarging a non-conforming structure in the flood zone and place fill below base flood elevation.

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

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

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


Board of Appeals Member

1/13/22
Date

PROCEDURAL HISTORY

1. An application was submitted on December 2, 2021 for a Special Permit under sections 1330, 2420, 4350 & 4390 of the Zoning By-Law for property located at 112 Salt Marsh Road.
2. After proper notice was given the public hearing was opened on January 11, 2022 and closed on January 11, 2022.
3. The application was accompanied by a Site Plan entitled:
Plan Showing Proposed Site Improvements
Dated: December 15, 2021
4. The Board reviewed the application and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:

Erik Van Buskirk
James Killion
Christopher Neeven
Robert Jensen
Chase Terrio
Gerry Nye

FINDINGS

The Zoning Board of Appeals finds that:

1. The Board of Appeals finds that this application meets the requirements of Section 9, M.G.L. Chapter 40A.
2. Subject property is located within the R2 Zoning District and the Flood Plain Overlay District.
3. Applicant proposes to rebuild a structure on a non-conforming lot and place fill below base flood elevation.
4. The proposed structure will be located in the FEMA Zone VE elevation 15.
5. The proposed addition increases the non-conforming nature of the structure's footprint by over 30%.
6. The extension and alteration of the pre-existing non-conforming structure is not substantially more detrimental to the neighborhood than the previously existing nonconforming structure.
7. Section 1330 requirements:
 - a) The Board of Appeals does not find that there are conditions peculiar to this case but not generally true for similar permitted uses on other sites in the same district;
 - b) The Board of Appeals finds that nuisance, hazard or congestion will not be created;

- c) The Board of Appeals finds that there will not be substantial harm to the neighborhood;
 - d) The Board of Appeals finds that there is no derogation from the intent of the bylaw such that the districts' objectives will be satisfied.
8. Section 4350 (2) requirements:
- a) The Board of Appeals finds that susceptibility of the proposed facility and the contents to flood damage and the effect of such damage upon the site and surrounding property is minimal.
 - b) The Board of Appeals does not find that there are alternative locations for the proposed use which are not subject to flooding or erosion.
 - c) The Board of Appeals finds necessity to the facility of a waterfront location.
 - d) Board of Appeals finds that the relief requested is the minimum necessary.
9. The applicant is bringing 493 cubic yards of fill on site.

Motion: I, James Killion, move to adopt these findings as the findings of the Board of Appeals.

Second: Robert Jensen

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

CONDITIONS:

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

1. Failure to comply with all the conditions set forth in this decision shall terminate the grant of this special permit.
2. Pursuant to the requirements of Sandwich Protective Zoning By-law Section 1330, the grant of special permit shall expire upon:
 - a) Transfer of ownership, prior to initiation of substantial construction on or occupancy of the site unless such transfer is authorized in this permit, or
 - b) If no substantial construction or occupancy takes place within (3) three years of special permit approval, excluding such time required to pursue

or await the determination of an appeal referred to in MGL C 40A, Section 17.

3. The special permit shall not take effect until it is recorded at the Barnstable County Registry of Deeds and a copy of the recorded special permit is provided to the Board of Appeals.
4. Erosion controls must be in place prior to construction and maintained throughout.

Motion: I, James Killion, move to impose the above conditions of approval upon any approval of the special permit.

Second: Christopher Neeven

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

DECISION:

After reviewing the application, the plan and other materials submitted and after giving due consideration to testimony given at the public hearing, the Board hereby approves the special permit application for property located at 112 Salt Marsh Road, as shown on Assessor's Map 85, Parcel 03, for the purpose of rebuilding and enlarging a non-conforming structure in the flood zone and place fill below base flood elevation.

Motion: I, James Killion, move to approve the special permit application.

Second: Robert Jensen

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



JAN 19 2022

**Special Permit
Certificate of Approval**

Petition # 21-32
Current Property Owner(s): Matthew E. & April W. Forbes
Applicant: Matthew E. & April W. Forbes
Property Address: 95 North Shore Boulevard
Map, Parcel 70-93

TOWN CLERK
TOWN OF SANDWICH

JAN 13 2022

1 H 30 M P M
RECEIVED & RECORDED

On January 11, 2022 the Board of Appeals voted to approve a special permit from Sections 1330, 2420, 4350 & 4390 of the Sandwich Zoning By-law for property located at 95 North Shore Boulevard, as shown on Assessor's Map 70, Parcel 93, for the purpose of demolishing, rebuilding and enlarging a non-conforming structure in the flood zone and place fill below base flood elevation.

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

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

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


Board of Appeals Member

1/13/22
Date

PROCEDURAL HISTORY

1. An application was submitted on December 2, 2021 for a Special Permit under sections 1330, 2420, 4350 & 4390 of the Zoning By-Law for property located at 95 North Shore Boulevard.
2. After proper notice was given the public hearing was opened on January 11, 2022 and closed on January 11, 2022.
3. The application was accompanied by a Site Plan entitled:
Site Plan
95 North Shore Boulevard
East Sandwich, MA
Dated: August 18, 2021
4. The Board reviewed the application and all other materials submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing.
5. The following members attended the public hearing:

Erik Van Buskirk
James Killion
Christopher Neeven
Robert Jensen
Chase Terrio
Gerry Nye

FINDINGS

The Zoning Board of Appeals finds that:

1. The Board of Appeals finds that this application meets the requirements of Section 9, M.G.L. Chapter 40A.
2. Subject property is located within the Shore Zoning District and the Flood Plain Overlay District.
3. Applicant proposes to rebuild a structure on a non-conforming lot and place fill below base flood elevation.
4. The lot is located in the FEMA Zone VE elevation 16.
5. The proposed addition increases the non-conforming nature of the structure's footprint by over 30%.
6. The extension and alteration of the pre-existing non-conforming structure is not substantially more detrimental to the neighborhood than the existing nonconforming structure.
7. Section 1330 requirements:
 - a) The Board of Appeals does not find that there are conditions peculiar to this case but not generally true for similar permitted uses on other sites in the same district;

- b) The Board of Appeals finds that nuisance, hazard or congestion will not be created;
- c) The Board of Appeals finds that there will not be substantial harm to the neighborhood;
- d) The Board of Appeals finds that there is no derogation from the intent of the bylaw such that the districts' objectives will be satisfied.

8. Section 4350 (2) requirements:

- a) The Board of Appeals finds that susceptibility of the proposed facility and the contents to flood damage and the effect of such damage upon the site and surrounding property is minimal.
- b) The Board of Appeals does not find that there are alternative locations for the proposed use which are not subject to flooding or erosion.
- c) The Board of Appeals finds necessity to the facility of a waterfront location.
- d) Board of Appeals finds that the relief requested is the minimum necessary.

9. The applicant is bringing 178 cubic yards of fill on site.

Motion: I, James Killion, move to adopt these findings as the findings of the Board of Appeals.

Second: Robert Jensen

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

CONDITIONS:

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

1. Failure to comply with all the conditions set forth in this decision shall terminate the grant of this special permit.
2. Pursuant to the requirements of Sandwich Protective Zoning By-law Section 1330, the grant of special permit shall expire upon:
 - a) Transfer of ownership, prior to initiation of substantial construction on or occupancy of the site unless such transfer is authorized in this permit, or

- b) If no substantial construction or occupancy takes place within (3) three years of special permit approval, excluding such time required to pursue or await the determination of an appeal referred to in MGL C 40A, Section 17.
- 3. The special permit shall not take effect until it is recorded at the Barnstable County Registry of Deeds and a copy of the recorded special permit is provided to the Board of Appeals.
- 4. Erosion controls must be in place prior to construction and maintained throughout.

Motion: I, James Killion, move to impose the above conditions of approval upon any approval of the special permit.

Second: Robert Jensen

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

DECISION:

After reviewing the application, the plan and other materials submitted and after giving due consideration to testimony given at the public hearing, the Board hereby approves the special permit application for property located at 95 North Shore Boulevard, as shown on Assessor's Map 70, Parcel 93, for the purpose of demolishing, rebuilding and enlarging a non-conforming structure in the flood zone and place fill below base flood elevation.

Motion: I, James Killion, move to approve the special permit application.

Second: Robert Jensen

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



Massachusetts Department of Environmental Protection

eDEP Transaction Copy

Here is the file you requested for your records.

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

Username: **EBELAIR**

Transaction ID: **1331330**

Document: **Groundwater Discharge Monitoring Report Forms**

Size of File: **1029.91K**

Status of Transaction: **Submitted**

Date and Time Created: **1/25/2022:2:13:09 PM**

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



Groundwater Permit
DISCHARGE MONITORING REPORT

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

A. Facility Information

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



1. Facility name, address:

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

MYLES OSTROFF

a. Name of Facility Contact Person

6174311097

b. Telephone Number

myles@chartweb.com

c. e-mail address

3. Sampling information:

12/1/2021

a. Date Sampled (mm/dd/yyyy)

RI ANALYTICAL

b. Laboratory Name

NICOLE SKYLESON

c. Analysis Performed By (Name)

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Discharge Monitoring Report - 2021 Dec Monthly

All forms for submittal have been completed.

2. This is the last selection.

3. Delete the selected form.



Groundwater Permit
 DISCHARGE MONITORING REPORT

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

D. Contaminant Analysis Information

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

1. Parameter/Contaminant	2. Influent	3. Effluent	4. Effluent Method Detection limit
Units			
BOD	ND	ND	3.0
MG/L			
TSS	180	ND	2.0
MG/L			
TOTAL SOLIDS	480		
MG/L			
AMMONIA-N	24		
MG/L			
NITRATE-N		0.52	0.050
MG/L			
TOTAL NITROGEN(NO3+NO2+TKN)		1.32	0.50
MG/L			
OIL & GREASE		ND	0.50
MG/L			



Groundwater Permit

DAILY LOG SHEET

668
1. Permit Number
[REDACTED]
2. Tax identification Number
2021 DEC 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:

12/31/2021

a. Date Sampled (mm/dd/yyyy)

WHITEWATER

b. Laboratory Name

JAIME STEWART

c. Analysis Performed By (Name)

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Daily Log Sheet - 2021 Dec Daily

All forms for submittal have been completed.

2. This is the last selection.

3. Delete the selected form.



Groundwater Permit
DAILY LOG SHEET

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

C. Daily Readings/Analysis Information

Date	Effluent Flow GPD	Reuse Flow GPD	Irrigation Flow GPD	Turbidity	Influent pH	Effluent pH	Chlorine Residual (mg/l)	UV Intensity (%)
1	7533					7.2		
2	8738					7.3		
3	8738							
4	8738							
5	8738					7		
6	11319					7.1		
7	7851					7.1		
8	7412					7.1		
9	11390					7		
10	8539							
11	8539							
12	8539					7		
13	7727					7.1		
14	8036					7.1		
15	10807					7		
16	8392					7		
17	6681							
18	6681							
19	6681					7.1		
20	10043					7		
21	16050					7.1		
22	16050					7		
23	4033							
24	10471							
25	3757							
26	3757					7		
27	7945					6.7		
28	7430					6.6		
29	11292					6.7		
30	3726							
31	3726							



Groundwater Permit

MONITORING WELL DATA REPORT

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

A. Facility Information

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



1. Facility name, address:

SOUTH CAPE VILLAGE

a. Name

672 FALMOUTH ROAD/RTE. 28

b. Street Address

MASHPEE

c. City

MA

d. State

02649

e. Zip Code

2. Contact information:

MYLES OSTROFF

a. Name of Facility Contact Person

6174311097

b. Telephone Number

myles@chartweb.com

c. e-mail address

3. Sampling information:

12/21/2021

a. Date Sampled (mm/dd/yyyy)

WHITEWATER

b. Laboratory Name

JAIME STEWART

c. Analysis Performed By (Name)

B. Form Selection

1. Please select Form Type and Sampling Month & Frequency

Monitoring Well Data Report - 2021 Dec 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
[REDACTED]
2. Tax identification Number
2021 DEC MONTHLY
3. Sampling Month & Frequency

C. Contaminant Analysis Information

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

<

Parameter/Contaminant	P-1	P-2	P-4	P-6	Well #: 5	Well #: 6
Units	Well #: 1	Well #: 2	Well #: 3	Well #: 4		
PH	6.1	DRY	6.2	6		
S.U.						
STATIC WATER LEVEL	18.5	DRY	46.2	50		
FEET						
SPECIFIC CONDUCTANCE	975	DRY	525	1025		
UMHOS/C						



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

1/25/2022

b. Date (mm/dd/yyyy)

Reporting Package Comments

PLANT MET ALL DISCHARGE PERMIT REQUIREMENTS FOR DECEMBER 2021.PUMPED 5,000 GALLONS FROM PRE-TREAT.