



Town of Mashpee

Planning Board

16 Great Neck Road, North
Mashpee, Massachusetts 02649

FORM A

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

Date: November 15, 2019

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

Name of Applicant 16 Popponesset Island Road Realty Trust
Jonathan Bernstein, Trustee Phone 508-430-1900

Address 25 Northern Avenue, Boston MA 02210

and 24 Popponesset Island Road Realty Trust
Owner, if different Jonathan Bernstein, Trustee Phone 508-430-1900

Address 25 Northern Avenue, Boston MA 02210

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

Engineer or Surveyor Holmes and McGrath, Inc. Phone 508-548-3564

Address 205 Worcester Court, Suite A4, Falmouth MA 02540

Deed of property recorded in Barnstable County Registry Book _____ Page _____

Or Land Court Certificate of Title No. _____

Location and description of property

#16 and #24 Popponesset Island Road. R+Plan adjusts property lines between these two houses.

Mashpee Assessors map(s) and Block(s) 105-264, 105-265

Signature of Owner or Authorized Representative [Signature] as Trustee

Attach written authorization signed by owner.

MASHPEE TOWN CLERK

FEB 27 2020

RECEIVED BY: [Signature]



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

FORM N

NOTICE OF APPLICATION FILING WITH THE MASHPEE PLANNING BOARD

To the Mashpee Town Clerk:

This is to notify you that on March 4, 20~~19~~²⁰ an application for

X endorsement of a plan believed not to require approval

 approval of preliminary plan

 approval of definitive plan

was submitted to the Mashpee Planning Board at its public meeting by
16 Popponesset Island Road Realty Trust

Jonathan Bernstein, Trustee, 25 Northern Ave, Boston, MA 02210
Applicant name Applicant address

The land to which the application relates appears on the current Mashpee Assessors Maps
as 105-264 and 105-265

and is generally described as located

#16 and #24 Popponesset Island Road

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

Received by Planning Board on March 4, 2020.

Mary Elaine Weyon
for Mashpee Planning Board

FROM AN ACTUAL SURVEY MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 BETWEEN OCTOBER 26, 2018 AND OCTOBER 5, 2019

HOLMES AND McGRATH, INC.

Michael B. McGrath Dec 6 2019
Michael B. McGrath
Registered Professional Land Surveyor Date

ERROR OF CLOSURE: N25°17'31"E 0.05'
PRECISION: 1/27829
ACCURACY OF EDM: ±(5mm+3ppm*D) STANDARD DEVIATION
ALL MEASUREMENTS TAKEN WITH EDM UNLESS OTHERWISE NOTED.

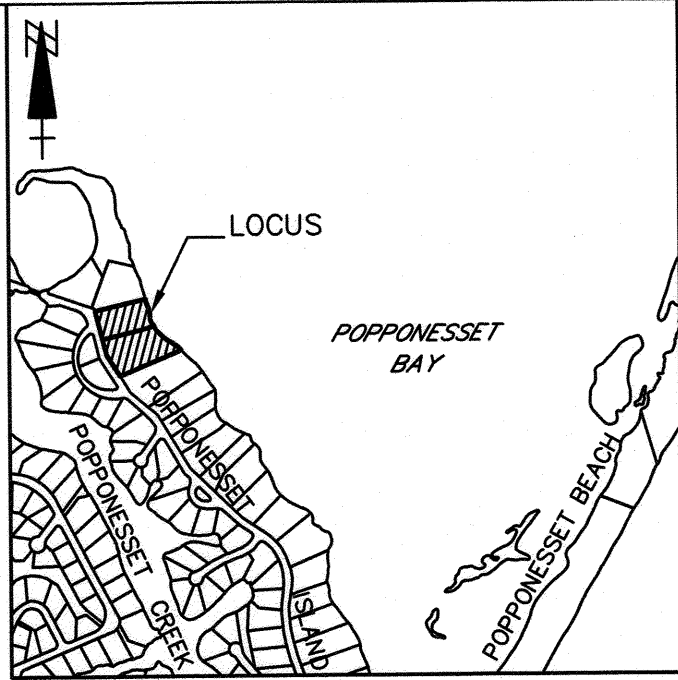
I certify that the conditions on the ground are the same now as at the time of the original survey. October 5, 2019.

HOLMES AND McGRATH, INC.

Michael B. McGrath Mar 4 2020
Michael B. McGrath
Registered Professional Land Surveyor Date



LAND COURT PLAN 11408-156



LOCUS MAP
NOT TO SCALE

LEGEND:

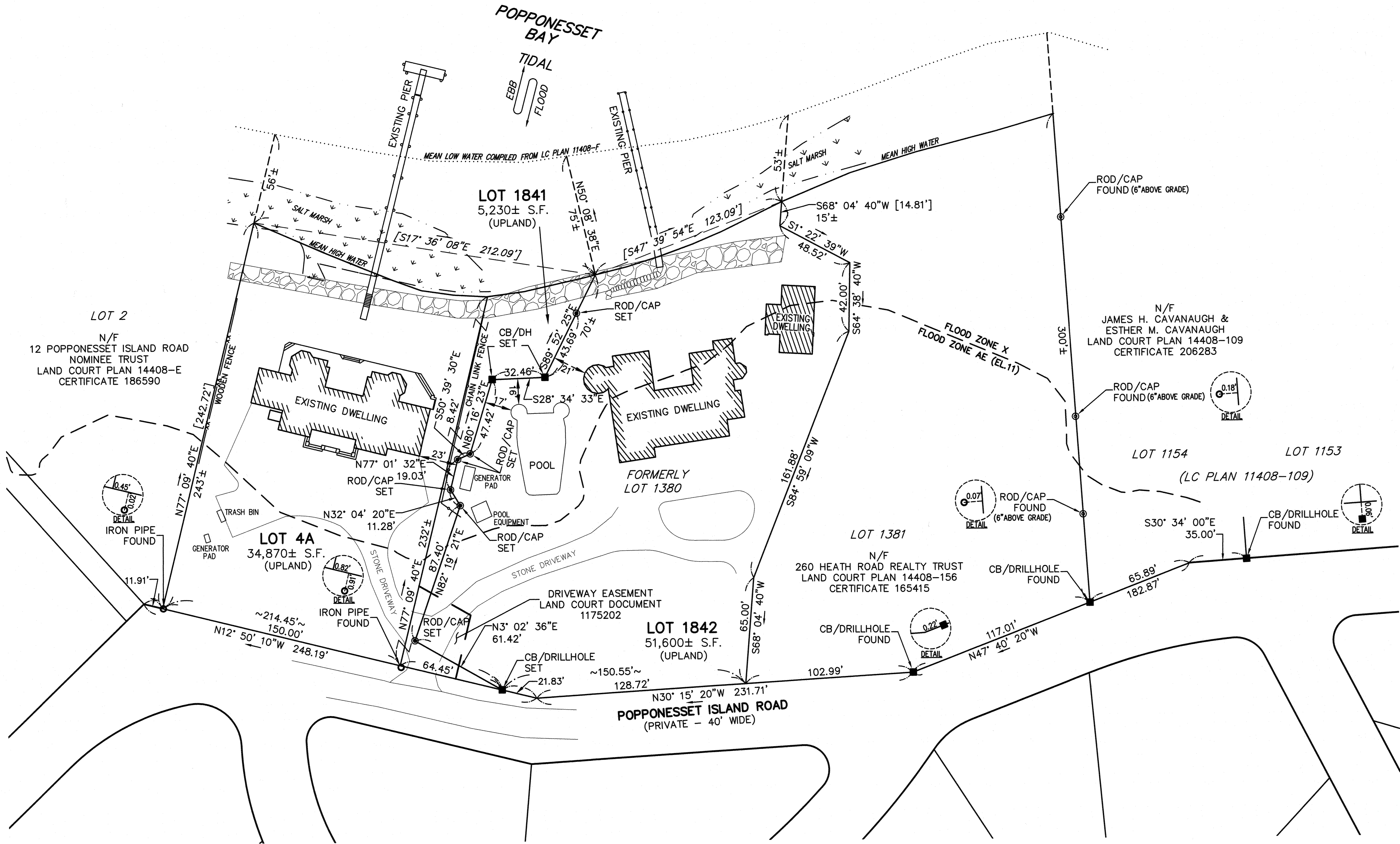
CB FND DENOTES CONCRETE BOUND FOUND
[S17°36'08"E 212.09'] DENOTES CALCULATION TIE LINE

NOTE:

LOT 1841 SHALL BE COMBINED WITH LOT 4A TO CREATE A CONTIGUOUS CONFORMING BUILDING LOT WITH AN AREA OF 40,100± S.F. OF UPLAND.

NOTES

- HOUSE NUMBER: 16 & 24
- ASSESSOR'S NUMBER: MAP 105 PARCEL 265
MAP 105 PARCEL 264
- ZONING DISTRICT: R3
- FLOOD HAZARD ZONES: ZONE X
- REFERENCE: LAND COURT PLAN 11408-156
LAND COURT PLAN 11408-F



OWNER/APPLICANT

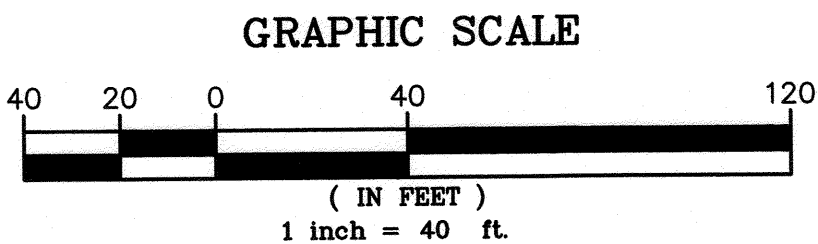
LOT 4A
JONATHAN BERNSTEIN, TRUSTEE
16 POPPONESSET ISLAND ROAD REALTY TRUST

LOT 1380
JONATHAN BERNSTEIN, TRUSTEE
24 POPPONESSET ISLAND ROAD REALTY TRUST

AT A MEETING OF THE MASHPEE PLANNING BOARD HELD _____
IT WAS VOTED:
"APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED."

"NO DETERMINATION AS TO COMPLIANCE WITH ZONING REQUIREMENTS HAS BEEN MADE OR INTENDED BY THIS ENDORSEMENT UNDER MGL CHAPTER 41, SECTION 81L."

03/04/20	REVISED PROPERTY LINE TO MEAN LOW WATER ADDED NOTE REGARDING ZONING COMPLIANCE	PJR	MBM
DATE	DESCRIPTION	Drawn	
REVISIONS			
PLAN OF LAND PREPARED FOR 16 POPPONESSET ISLAND ROAD REALTY TRUST IN POPPONNESSET ISLAND MASHPEE BEING A SUBDIVISION OF LOT LOT 1380 AS SHOWN ON LAND COURT PLANS 11408-156			
SCALE: 1" = 40'	DATE: DECEMBER 2, 2019		
holmes and mcgrath, inc. civil engineers and land surveyors 205 WORCESTER COURT SUITE A4 FAIRMOUTH, MA 02540 508-548-3564 www.holmesandmcgrath.com		MICHAEL B. McGRATH No. 28978 REGISTERED PROFESSIONAL LAND SURVEYOR	
DRAWN: PJR	CHECKED: <i>MBM</i>		
JOB NO: 218240	DWG. NO.: 88-8-75	SHEET 1 OF 1	



**TOWN OF MASHPEE PLANNING BOARD
PUBLIC HEARING NOTICE**

Pursuant to Massachusetts General Laws, Chapter 40A, the Mashpee Planning Board will hold a public hearing on Wednesday, April 15, 2020 at 7:10 p.m. at the Mashpee Town Hall, 16 Great Neck Road North, to review the following zoning articles proposed for action at the October 21, 2019 Town Meeting.

Warrant Article __:

To see if the Town will vote to amend §174-3 of the Mashpee Zoning Bylaw- Terms Defined to include definitions relative to solar energy systems.

This article will add definitions recommended by the Commonwealth of Massachusetts to the Zoning Bylaw for the regulation of solar energy systems as currently regulated in the zoning bylaw and as proposed in related warrant articles.

Warrant Article __:

To see if the Town will vote to add §174-25 (I)(16) of the Mashpee Zoning By Law “Table of Use Regulations”

This article would allow the development of small scale solar energy systems in the residential, commercial and industrial zoning districts of the Town as a by-right accessory use so long as the proposed system does not exceed fifteen (15) feet in height.

Warrant Article __:

To see if the Town will vote to add §174-25 (I)(17) of the Mashpee Zoning By Law “Table of Use Regulations”

This article memorializes in the zoning bylaw the ability to add roof-mounted solar energy systems on structures located in the residential, commercial and industrial zoning districts of the Town as a by-right accessory use. Massachusetts General Laws Chapter 40A Section 3 prevents the Town from prohibiting this use.

Warrant Article __:

To see if the Town will vote to amend §174-25 (H)(12) of the Mashpee Zoning By Law “Table of Use Regulations”

This article would not change what is already allowed under the current zoning bylaw with regard to solar energy systems in the Industrial Districts. This article only clarifies that medium and large scale systems are only allowed in the Industrial Districts and not allowed in the commercial or residential districts. This amendment is necessary for consistency with another

submitted zoning article proposing small-scale solar energy systems allowed by-right in all zoning districts.

The full text of these articles may be reviewed in the office of the Town Clerk or Town Planner at Mashpee Town Hall.

Submitted by:

Mary E. Waygan, *Chair*
Mashpee Planning Board

Publication dates: Friday, March 27, 2020
 Friday, April 3, 2020

DRAFT

Article ____:

To see if the Town will vote to amend §174-3 of the Mashpee Zoning Bylaw- Terms Defined as follows:

Photovoltaic System (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.

Solar Energy System, Ground-Mounted: An active solar energy system that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).

Solar Energy System, Large-Scale: An active solar energy system that occupies more than 40,000 square feet of surface area.

Solar Energy System, Medium-Scale: An active solar energy system that occupies more than 1,750 but less than 40,000 square feet of surface area.

Solar Energy System, Roof-Mounted: An active solar energy system that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).

Solar Energy System, Small-Scale: An active solar energy system that occupies 1,750 square feet of surface area or less.

Submitted by Planning Board

EXPLANATION

This article will add definitions recommended by the Commonwealth of Massachusetts to the Zoning Bylaw for the regulation of solar energy systems as currently regulated in the zoning bylaw and as proposed in related warrant articles.

Article____:

To see if the Town will vote to add §174-25 (I)(16) of the Mashpee Zoning By Law “Table of Use Regulations” by adding the letter ‘Y’ located in the columns identified as R-3, R-5, C-1, C-2, C-3, and I-1 as follows:

Type of Use	Residential		Commercial			Industrial
	R-3	R-5	C-1	C-2	C-3	I-1
Small-scale Ground Mounted Solar Energy System provided that no such system exceeds 15 feet in height	Y	Y	Y	Y	Y	Y

Submitted by Planning Board

EXPLANATION:

This article would allow the development of small scale solar energy systems in the residential, commercial and industrial zoning districts of the Town as a by-right accessory use so long as the proposed system does not exceed fifteen (15) feet in height.

To see if the Town will vote to add §174-25 (I)(17) of the Mashpee Zoning By Law “Table of Use Regulations” by adding the letter ‘Y’ located in the columns identified as R-3, R-5, C-1, C-2, C-3, and I-1 as follows:

Type of Use	Residential		Commercial			Industrial
	R-3	R-5	C-1	C-2	C-3	I-1
Roof-mounted solar energy system	Y	Y	Y	Y	Y	Y

Submitted by Planning Board

Explanation

This article memorializes in the zoning bylaw the ability to add roof-mounted solar energy systems on structures located in the residential, commercial and industrial zoning districts of the Town as a by-right accessory use. Massachusetts General Laws Chapter 40A Section 3 prevents the Town from prohibiting this use

Article____:

To see if the Town will vote to amend §174-25 (H)(12) of the Mashpee Zoning By Law “Table of Use Regulations” by deleting “Ground-mounted Solar Photovoltaic systems, including, but not limited to, systems of two hundred fifty (250) kW or above” and replacing the deleted phrase with “Medium-scale and Large-scale ground mounted solar energy systems...”,as follows:

Type of Use	Residential		Commercial			Industrial
	R-3	R-5	C-1	C-2	C-3	I-1
Medium-scale and Large-scale ground mounted solar energy systems provided that neighboring properties are effectively protected from any significant adverse impacts from glare, that any such systems are properly fenced or otherwise secured, and that no hazardous materials are stored in quantities greater than permitted by other sections of this bylaw, subject to approval by the Plan Review Committee and Design Review Committee.	--	--	--	--	--	PR

Submitted by Planning Board

EXPLANATION:

This article would not change what is already allowed under the current zoning bylaw with regard to solar energy systems in the Industrial Districts. This article only clarifies that medium and large scale systems are only allowed in the Industrial Districts and not allowed in the commercial or residential districts. This amendment is necessary for consistency with another submitted zoning article proposing small-scale solar energy systems allowed by-right in all zoning districts.

"Preserving public trust, providing professional services"

Rodney C. Collins
Town Manager
508-539-1401
rccollins@mashpeeema.gov



Office of the Town Manager
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649

INFORMATION BULLETIN

To: Boards, Committees and Department Heads
From: Town Manager Rodney C. Collins
Reference: Corona Virus (COVID-19)
Date: March 12, 2020

Inquiries have been received relative to whether public bodies should be suspending meetings. As of this moment, I have no reported confirmed or presumptive cases of the COVID-19 virus in Mashpee. The Health Agent consulted with the Department of Public Health concerning access and operation of public buildings. The Health Agent recommended that public buildings should remain open for use and activities that can be carried out by individuals maintaining a six-foot buffer between them. Group activities can proceed if the safe distance can be maintained. If the room does not accommodate that safe distance for individuals, the activity should be canceled or moved to a facility that may accommodate such distance.

DPW shall ensure that common hand touch surfaces such as railings, door handles, etc. are cleaned with disinfectants and proper procedures. Sanitary wipes will be available in public facilities. All persons (employees and board/committee members) should ensure that they follow recommended protocols that have been publicly disseminated.

Individuals that are sick or have symptoms of COVID-19 should stay home and consult with their physician or staff at a medical facility. Department related non-essential meetings, conferences and professional development should be postponed or canceled until further notice. The Town encourages the rescheduling of any non-essential meetings, conferences and professional development through alternative strategies such as teleconferences whenever possible.

Regulatory public bodies and essential public meetings for the purpose of conducting necessary business as required by Massachusetts General Laws or Mashpee Bylaws should continue as planned at this time subject to these guidelines and future amendments, revisions or modifications as may be deemed necessary to ensure public health and welfare. However, the ultimate decision to have or to postpone such meeting is up to the respective board or committee, who should consult with their Chair. The lectern and table where agenda speakers or the public address the board will be adjusted. The perimeter shall be moved further back than usual. That buffer shall be maintained until further notice.

ALL ADVISORY BOARDS AND COMMITTEES SHOULD BE CANCELED UNTIL FURTHER NOTICE!

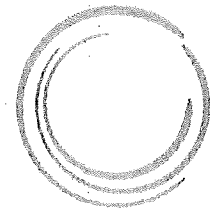
The public is encouraged to conduct all business telephonically or via e-mail with all town departments rather than in person at Town Hall or other Town facilities.

Public safety staff are working on a contingency action plan relative to essential operations and the Health Department will continue to monitor developments and update Town staff accordingly. For further information, review information being provided by the Center for Disease Control and Prevention (CDC) and the Massachusetts Department of Public Health. (DPH)

Board/committee members or personnel scheduled for public meetings should remain at home if they are experiencing a fever, cough, sore throat or are having breathing difficulties until medically cleared. Individuals at high risk with underlying conditions or a compromised immune system are strongly recommended to refrain from attending meetings of boards or committees. Individuals are encouraged to disclose any recent travel or social interactions that pose a concern for themselves or others.

The simple precautions include covering your mouth when coughing or sneezing and using a tissue or the inside of your elbow. Avoid touching your eyes, mouth and nose with your hands. Wash your hands with soap and warm water frequently. Use hand sanitizers too. Anyone with specific questions concerning health recommendations should contact Health Agent Glen Harrington at 508-539-1400, Extension 8553. Anyone with questions or concerns related to facility conditions or additional protocols should contact this office.

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



CAPE COD
COMMISSION

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

March 6, 2020

Mashpee Commons Limited Partnership
Arnold B. Chase, Jr.
Mashpee Commons II, LLC
GNRS-MA, LLC
c/o Eliza Cox Esq.
Nutter McClennen & Fish LLP
1471 Iyannough Rd
P.O. Box 1630
Hyannis, MA 02601

RE: Mashpee Commons Expansion - Notice of Intent
File: DA19035

Dear Ms. Cox,

Enclosed please find a copy of the Decision for the Mashpee Commons Expansion, Determination on Applicant's Notice of Intent to file a Development Agreement with the Cape Cod Commission, which was voted on at the March 5, 2020 meeting.

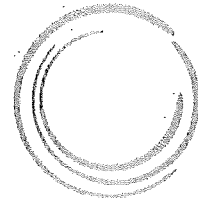
Should you have any questions, please do not hesitate to call.

Sincerely,

Lisa Dillon
Commission Clerk

Enclosure
CC: Evan Lehrer, Mashpee Town Planner

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



**CAPE COD
COMMISSION**

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

APPLICANT: MASHPEE COMMONS LIMITED PARTNERSHIP
ARNOLD B. CHACE, JR.
MASHPEE COMMONS II, LLC
GNRS-MA, LLC
C/O ELIZA COX, ESQ., NUTTER MCCLENNEN & FISH LLP
1471 IYANNOUGH RD./ P.O. BOX 1630, HYANNIS, MA 02601

**RE: DETERMINATION ON APPLICANT'S NOTICE OF INTENT TO FILE A
DEVELOPMENT AGREEMENT WITH THE CAPE COD COMMISSION**

PROJECT: MASHPEE COMMONS EXPANSION (CCC FILE #DA19035)

PROPERTY: 27 STEEPLE STREET, MASHPEE, MA 02649
ASSESSORS MAP 68 PARCELS 5 & 6; MAP 73 PARCELS 6, 10, 12 & 34;
MAP 74 PARCELS 6, 7, 12, 16, 17, 18, 20, 20A, 20B, 22, 24, 28, 29, 32, 34, 35, 37,
38, 39, 40 & 41; MAP 75 PARCELS 1 & 10

DATE: MARCH 5, 2020

FINDINGS

The Cape Cod Commission finds as follows:

1. Pursuant to Section 5 of Chapter D of the Code of Cape Cod Commission Regulations of General Application/ Development Agreement Regulations (November 2014), the Applicant submitted to the Cape Cod Commission (Commission) a Notice of Intent (NOI) to file a Development Agreement with the Commission dated December 12, 2019. In filing the NOI, the Applicant requests a determination from the Commission that its proposed development is eligible and suitable for consideration under a Development Agreement
2. Under its Development Agreement, the Applicant would propose mixed use development of the Property at various densities, along with supporting amenities, infrastructure and improvements such as parkland and open space (Project).
3. The Property consists of approximately 186.67 acres of contiguous land in Mashpee currently owned by the Applicant, which land includes the existing development known as Mashpee Commons. The Applicant owns approximately 250 acres total in Mashpee.
4. The Property is located in a Community Activity Center Placetype as mapped

Mashpee Commons Expansion
DA NOI Determination- March 2020

by the Commission pursuant to the 2018 Regional Policy Plan.

5. The Project would exceed one or more mandatory Development of Regional Impact (DRI) review thresholds set out in Chapter A of the Code of Cape Cod Commission Regulations of General Application, and thus would otherwise require DRI review by the Commission.
6. No municipal development permits are pending for the Project, and the Applicant is investigating what review might be required for the Project under the Massachusetts Environmental Policy Act.
7. The Mashpee Planning Board and Mashpee Selectboard have voted to support the Applicant's request for a Development Agreement with the Commission (See written correspondence from the Planning Board dated August 15, 2019 and from the Selectboard dated February 11, 2020).
8. At its February 6, 2020 meeting on the NOI, the Committee on Planning and Regulation (CPR) voted to recommend to the Commission that the proposed development is suitable for consideration under a Development Agreement.
9. The Commission held a hearing on the NOI March 5, 2020.
10. The Project meets the criteria for consideration as a Development Agreement with the Commission under Section 5 of the Development Agreement Regulations:
 - a. The Property includes a large land area of approximately 186 acres, consisting of multiple parcels under the common control of the Applicant;
 - b. The Project would involve multiple uses and structures; future phases not fully or definitively defined; and would likely be permitted and constructed over a period of time that would exceed seven years;
 - c. The Project would benefit from a comprehensive review of its foreseeable and planned elements to allow for efficient planning and implementation of infrastructure needs.

CONCLUSION/ DETERMINATION

The Commission hereby determines that the Project is eligible and suitable for consideration under a Development Agreement with the Commission, and the Applicant may proceed to file a Development Agreement Application with the Commission for the Project, in accordance with the Commission's Development Agreement Regulations, within one year of the date of this written determination.

(Signature page follows)

SIGNATURE PAGE

Executed this 5th day of March 2020.

For the Cape Cod Commission by:

Harold W Mitchell
Signature

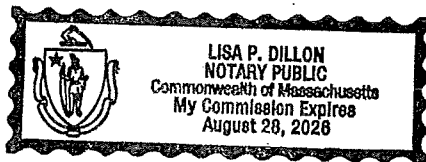
Harold W Mitchell Chair CC Commission
Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

March 5, 2020

Before me, the undersigned notary public, personally appeared Harold Mitchell, in his/her capacity as Chair, Cape Cod Commission of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was [] photographic identification with signature issued by a federal or state governmental agency, [] oath or affirmation of a credible witness, or [] personal knowledge of the undersigned.



SEAL

[Signature]
Notary Public
My Commission Expires: 8/28/26



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

MAR 8 2020

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

MAR 04 2020

Falmouth Rod & Gun Club, Inc.
c/o Nick Nelson, Inter-Fluve, Inc.
220 Concord Avenue, Second Floor
Cambridge, Massachusetts 02138

Re: Draft Waterways License/Permit - Waterways License/Permit Application No. W19-5642
Childs River Restoration Project; 0 Carriage Shop Road, Falmouth and 91 Milford Road,
Mashpee, Barnstable County

Dear Mr. Nelson:

The Department of Environmental Protection has tentatively approved the above-referenced referenced License/Permit Application. Pursuant to 310 CMR 9.14(2)(b), a Draft Waterways License/Permit is enclosed.

Final Mylar Project Site Plans will be required upon notice from the Department and prior to issuance of the Chapter 91 License/Permit.

A valid Waterways License/Permit may be issued after twenty-one (21) days from the date of the issuance of this Draft License/Permit if the Department has not received a written request, by certified mail, for an adjudicatory hearing pursuant to section 9.17(2).

NOTICE OF APPEAL RIGHTS

Who has the right to appeal?

The following persons shall have the right to an adjudicatory hearing concerning this decision by the Department to grant or deny a license or permit, in accordance with 310 CMR 9.17(1): (a) an Applicant who has demonstrated property rights in the lands in question, or which is a public agency; (b) any person aggrieved by the decision of the Department to grant a license or permit who has submitted written comments within the public comment period; (c) ten (10) residents of the Commonwealth who, pursuant to M.G.L. Chapter 30A, § 10A, have submitted comments within the public comment period with at least 5 of the 10 residents residing in the municipality(s) in which the license or permitted activity is located.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.
TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

The appeal shall clearly and specifically state the facts and grounds for the appeal and the relief sought, and each appealing resident shall file an affidavit stating the intent to be part of the group and to be represented by its authorized representative; (d) the municipal official in the affected municipality who has submitted written comments within the public comment period; and (e) CZM, for any project identified in 310 CMR 9.13(2) (a) for CZM participation or, in an Ocean Sanctuary, if it has filed a notice of participation within the public comment period.

How can I request an adjudicatory hearing?

A person requesting an adjudicatory hearing must submit a "Notice of Claim" to the Department, with a copy of the MassDEP Adjudicatory Hearing Fee Transmittal Form and include the details specified below, within twenty-one (21) days of the date of issuance of this decision. The MassDEP Adjudicatory Hearing Fee Transmittal Form is available at the following website: <http://www.mass.gov/eea/docs/dep/service/adr/adjherfm.doc> The Notice of Claim must be made in writing and sent by certified mail or hand delivery to:

MassDEP
Case Administrator
One Winter Street, 2nd Floor
Boston, MA 02108

A copy of the complete Notice of Claim must be sent at the same time by certified mail or hand delivery to: (1) the Applicant, (2) the municipal official of the city or town where the project is located, and (3) the issuing office of the MassDEP, which in this case is located at:

MassDEP
Waterways Regulation Program
One Winter Street, 5th Floor
Boston, MA 02108

The MassDEP Adjudicatory Hearing Fee Transmittal Form and a valid check payable to "The Commonwealth of Massachusetts" in the amount of one hundred dollars (\$100) must be mailed to:

MassDEP
Commonwealth Master Lockbox
P.O. Box 4062
Boston, MA 02211

What information must be included in the hearing request?

Pursuant to 310 CMR 9.17(3), any Notice of Claim requesting an adjudicatory hearing must include the following information:

- (a) the MassDEP Waterways Application File Number;
- (b) the complete name, address, fax number and telephone number of the Applicant;
- (c) the address of the project;
- (d) the complete name, address, fax number, and telephone number of the party filing the request and, if represented by counsel, the name, address, fax number, and phone number of the attorney;
- (e) if claiming to be a person aggrieved, the specific facts that demonstrate that the party satisfies the definition of "aggrieved person" found in 310 CMR 9.02;
- (f) a clear statement that a formal adjudicatory hearing is being requested;

- (g) a clear statement of the facts which are the grounds for the proceedings, the specific objections to the MassDEP's written decision, and the relief sought through the adjudicatory hearing, including specifically the changes desired in the final written decision; and
- (h) a statement that a copy of the request has been sent to: the Applicant and the municipal official of the city or town where the project is located.

Dismissal of request

The request for appeal will be dismissed if the filing fee is not paid, unless the appellant is exempt or is granted a waiver.

Exemptions

The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

Waiver

The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.

Please contact Susan You of the Waterways Regulation Program at (617) 556-1198 or susan.you@mass.gov if you have any questions.

Sincerely,



Daniel Padien
Program Chief
Waterways Regulation Program

Ecc: Falmouth Town Manager
Falmouth Board of Selectmen
Falmouth Planning Board
Falmouth Conservation Commission (**DEP File #025-4494**)
Falmouth Harbormaster
Rodney C. Collins, Town Manager, Town of Mashpee (via mail)
Mashpee Board of Selectmen (via mail)
Mashpee Planning Board (via mail)
Mashpee Conservation Commission (**DEP File #043-3035**) (via mail)
Mashpee Harbormaster (via mail)
MEPA (**EEA # 15987**)
Stephen McKenna, Massachusetts Office of Coastal Zone Management
Gary Anderson, Treasurer, Falmouth Rod & Gun Club, Inc.

DRAFT WATERWAYS LICENSE / PERMIT
AND SPECIAL CONDITIONS

Falmouth Rod and Gun Club

of -- Falmouth -- in the County of -- Barnstable -- and Commonwealth aforesaid, has applied to the Department of Environmental Protection for license to -- conduct dam removal, culvert replacement, and additional dredging and filling activities in association with an ecological restoration project, as further detailed below -----

and has submitted plans of the same; and whereas due notice of said application, ~~and of the time and place fixed for a hearing thereon,~~ has been given, as required by law, to the -- Municipal Officials -- of the -- Town of Falmouth and Town of Mashpee; -----

~~Now,~~ said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, ~~subject to the approval of the Governor,~~ authorizes and licenses the said -----

Falmouth Rod and Gun Club -- subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to -- perform ecological restoration at Carriage Shop Road, Farley Bog, and Garner Bogs which includes the dredging of approximately 5,300-cubic yards of sediments and the placement of approximately 410-cubic yards of associated fill. Specifically, said project consists of the following activities at said locations, respectively: 1) removing the majority of an earthen dam located south of Carriage Shop Road, removing or burying the fish ladder and concrete spillway associated with said dam, dredging sediments from the impoundment on either side of Carriage Shop Road, replacing the culvert under Carriage Shop Road with a 9.6-foot wide culvert with a natural substrate bottom to form a riffle, dredging an 8-foot wide by 1.5-foot deep channel with 2:1 side slopes, dredging 3-foot deep pools at the outer bends of the channel, placing anchored logs to provide habitat, and installing fabric encapsulated soil lifts or native bank material to promote bank stability; 2) dredging a 5-foot wide by 1.5-foot deep sinuous channel with 1:1 side slopes along the western edge of the Farley Bog, dredging an irrigation pond to create a larger water feature with a depth of 1.5 to 6 feet, filling perimeter ditches with excavated material, placing anchored logs and overhanging vegetation along the channel to enhance habitat value, and planting vegetation along the stream bank to promote bank stability; 3) dredging a 2-foot wide by 1.5-foot deep channel with vertical banks along the western side of the Garner Bogs, dredging areas of open

water generally 1.5-foot or less with deeper areas up to 5-foot deep in the western bog, placing anchored logs along the channel to provide habitat and promote bank stability, removing the existing flow control structures and culverts in the eastern bog, removing the culvert at the outlet of the existing bog, and filling perimeter ditches with excavated material -----

in waters of -- the Childs River -- at 0 Carriage Shop Road -- in the -- Town of Falmouth -- and at -- 91 Milford Road -- in the Town of Mashpee -- in accordance with the locations shown and details indicated on the accompanying Draft License Plans No. W19-5642, (7 Sheets), dated February 28, 2020, prepared by the Tighe & Bond, Inc.

No specific Legislative Authorizations and/or Licenses have been previously issued for the project site.

The structures authorized hereby shall be limited to the following uses: shoreline stabilization, water quality improvement, and ecologic restoration.

This License is valid for a term of thirty (30) years from the date of issuance. By written request of the Licensee for an amendment, the Department may grant a renewal for the term of years not to exceed that authorized in this License.

The Dredge Permit incorporated within this License is valid for a term of five (5) years subsequent to the date of issuance.

This License/Permit is subject to the following Special Conditions and Standard Conditions. These Special Conditions will be included, in substantially the same form, along with the Standard Conditions, with the Chapter 91 Waterways License/Permit to be issued pursuant hereto.

SPECIAL WATERWAYS LICENSE CONDITIONS

1. Any structural alteration, change in use, or any other modification from that explicitly authorized herein and contained on said License Plans, shall require the prior review of the Department to determine whether additional licensing is required pursuant to M.G.L. Chapter 91 and the Waterways Regulations at 310 CMR 9.00.

2. All structures authorized under this License shall be constructed to meet the Engineering and Construction Standards pursuant to 310 CMR 9.37.
3. The Licensee shall allow agents of the Department to enter the project site to verify compliance with the conditions of this License.
4. All work authorized herein shall be completed within five (5) years of the date of license issuance. Said construction period may be extended by the Department for one or more one year periods without public notice, provided that the Applicant submits to the Department thirty (30) days prior to the end of the construction period, a written request to extend the period and provides adequate justification for said extension.
5. The Licensee shall request in writing that the Department issue a Certificate of Compliance within sixty (60) days of the completion of the licensed project, but in no event later than five (5) year from the date of license issuance, or any extension thereof, in accordance with 310 CMR 9.19(1). The request shall be accompanied by a certification by a registered professional engineer licensed to do business in the Commonwealth that the project was completed in accordance with the plans, specifications, and conditions of this License.

SPECIAL WATERWAYS DREDGE PERMIT CONDITIONS

1. The Permittee shall adhere strictly to the conditions, plans, and referenced documents in the 401 Water Quality Certification (WQC) No. X283514 issued by the Department on February 27, 2020, or as otherwise amended thereto.
2. The Permittee shall not perform any in-water sediment producing work during the time of year restriction, from March 15th to June 30th and September 1st to November 15th of any year, in order to facilitate upstream spawning and provide unobstructed migration passage to existing diadromous fish species in the Child's River system. Any work to be performed within the TOY restriction period shall be done in strictly accordance with WQC No. X283514, or as otherwise amended thereto.
3. The Permittee shall inform the Department in writing at least three (3) days before commencing any authorized dredging activities.
4. Within sixty (60) days of completion of the dredging authorized herein, and any subsequent authorized maintenance dredging events, the Permittee shall furnish, to the Department, a bathymetric survey signed and sealed by a Professional Land Surveyor that depicts the post-dredge depths within the dredge area, referenced to mean low water.

5. After completion of the dredging authorized herein, no maintenance dredging beyond the time authorized herein is permitted.

Please see Page 5 and 6 for additional conditions to this License/Permit

Duplicate of said plan, Number (to be assigned) is on file in the office of said Department, and original of said plan accompanies this License/Permit, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this License void.
4. This License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This License may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
6. Nothing in this License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
7. This License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, M.G.L. Chapter 131, §40.
8. This License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the MassDEP.
9. This License authorizes structure(s) and/or fill on:

_____ Private Tidelands - In accordance with the public easement that exists by law on Private Tidelands, the Licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.

_____ Commonwealth Tidelands - The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.

_____ Great Pond of the Commonwealth - The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.

☒ Navigable River or Stream - The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, in the waterway.

No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this License.

10. Unless otherwise expressly provided by this License, the Licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

STANDARD WATERWAYS DREDGE PERMIT CONDITIONS

1. This Waterways Permit is issued subject to all applicable Federal, State, County, and Municipal laws, ordinances, bylaws, and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, M. G. L. Chapter 131, §. 40. In particular, this issuance is subject to the provisions of Sections 52 to 56, inclusive, of Chapter 91 of the Federal Laws, which provides, in part, that the transportation and dumping of the dredge material shall be done under the supervision of the Department, and, when required, the permittee shall provide at his/her expense a dredge inspector approved by the Department. When said inspector is required, a report certified by the dredge inspector shall be submitted to the Department within 30-days after the completion of the dredging. The report shall include daily logs of the dredging operation indicating volume of dredge material, point of origin, point of destination and other appropriate information.
2. This Waterways Permit is issued upon the express condition that the dredging and transport and disposal of dredged material shall be in strict conformance with the 401 Water Quality Certificate №: X283514 issued by the MassDEP on February 27, 2020.
3. All subsequent maintenance dredging and transport and disposal of this dredged material during the term of this Permit shall conform to all standards and conditions applied to the original dredging operation performed under this Permit.
4. The dredging under this Permit shall be conducted so as to cause no unnecessary obstruction of the free passage of vessels. In doing the dredging authorized, care shall be taken to cause no shoaling. If, however, any shoaling is caused, the Permittee shall, at his/her expense, remove the shoal areas. The Permittee shall pay all costs of supervision, and if at any time the Department deems necessary a survey or surveys of the area dredged, the permittee shall pay all costs associated with such work.
5. Nothing in this Permit shall be construed to impair the legal rights of any person, or to authorize dredging on land not owned by the Permittee without consent of the owner (s) of such property.
6. The Permittee shall include in any contract with any person or other legal entity to perform dredging services, a provision requiring said person or legal entity to assume and pay all claims and demands arising in any manner from the work authorized herein, and shall save harmless and indemnify the Commonwealth of Massachusetts, its officers, employees, and agents from all claims, suits, damages, costs and expenses incurred by reason thereof.
7. Whosoever violates any provision of this Permit shall be subject to a fine of up to \$25,000 per day for each day such violation occurs or continues, or by imprisonment for not more than one year, or both such fine and imprisonment; or shall be subject to civil penalty not to exceed \$25,000 per day for each day such violation occurs or continues.
8. After completion of the work hereby authorized, the Permittee shall furnish to the Department a suitable plan showing the depths at mean low water over the area dredged.

~~The amount of tidewater displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- Falmouth Rod and Gun Club -- by paying into the treasury of the Commonwealth -- (N/A) -- for each cubic yard so displaced, being the amount hereby assessed by said Department (N/A).~~

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within sixty (60) days from the date hereof, at the Registry of Deeds for the -- County of -- Barnstable.

~~In witness whereas, said Department of Environmental Protection have hereunto set their~~

hands this _____ day of _____ in the year _____.

Program Chief _____

Department of
Environmental Protection

THE COMMONWEALTH OF MASSACHUSETTS

~~This License is approved in consideration of the payment into the treasury of the Commonwealth by the said -- Falmouth Rod and Gun Club -- the further sum of -- (N/A) -- the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.~~

BOSTON,

~~Approved by the Governor.~~

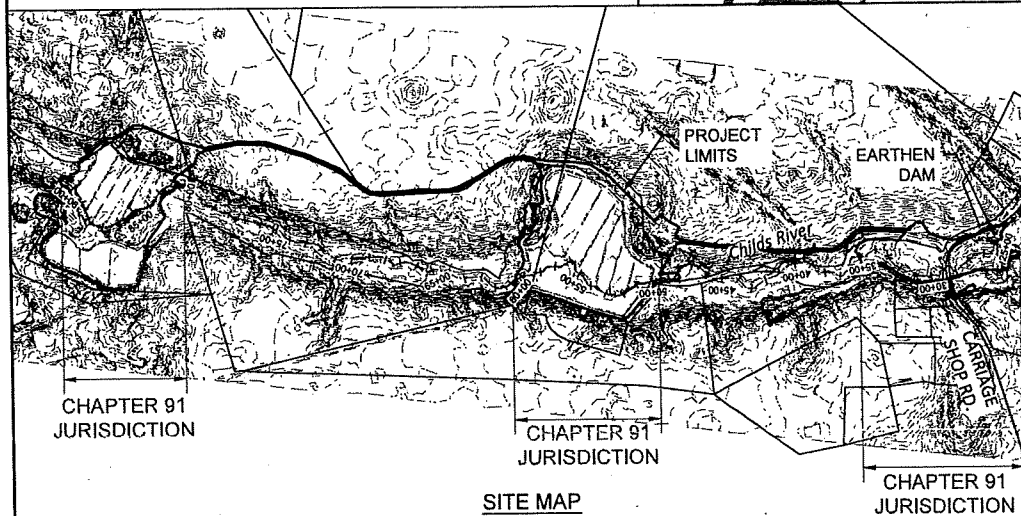
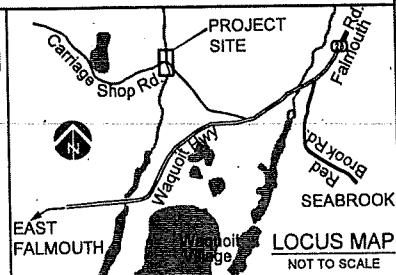
Governor

"I certify that this plan has been prepared in conformity with the rules and regulations of the registry of deeds of the Commonwealth of Massachusetts."

Registered Professional Engineer
Responsible for Dam Removal
and Site Restoration

Date

CHILDS RIVER - DAM REMOVAL & RESTORATION CHAPTER 91 WATERWAYS LICENSE APPLICATION FALMOUTH, MA



SHEET INDEX

1. Cover Sheet - Site Map & Index
2. Plan View: Ordinary High Water - Impoundment
3. Section Views: Ordinary High Water & Typical Section Detail - Impoundment
4. Plan View: Ordinary High Water - Farley & Garner Bogs
5. Section Views: Ordinary High Water & Typical Section Detail - Farley & Garner Bogs

CULVERT SHEETS:

6. General View Plan
7. General Elevation View

HORIZONTAL DATUM: NAD83 MASSACHUSETTS STATE
PLANES, MAINLAND ZONE, US FOOT
VERTICAL DATUM: NAVD88

Responsible for Dam Removal and
Site Restoration

RESERVED FOR P.E. STAMP

NN/MB
CHECKED
2/28/20
DATE
MB
APPROVED

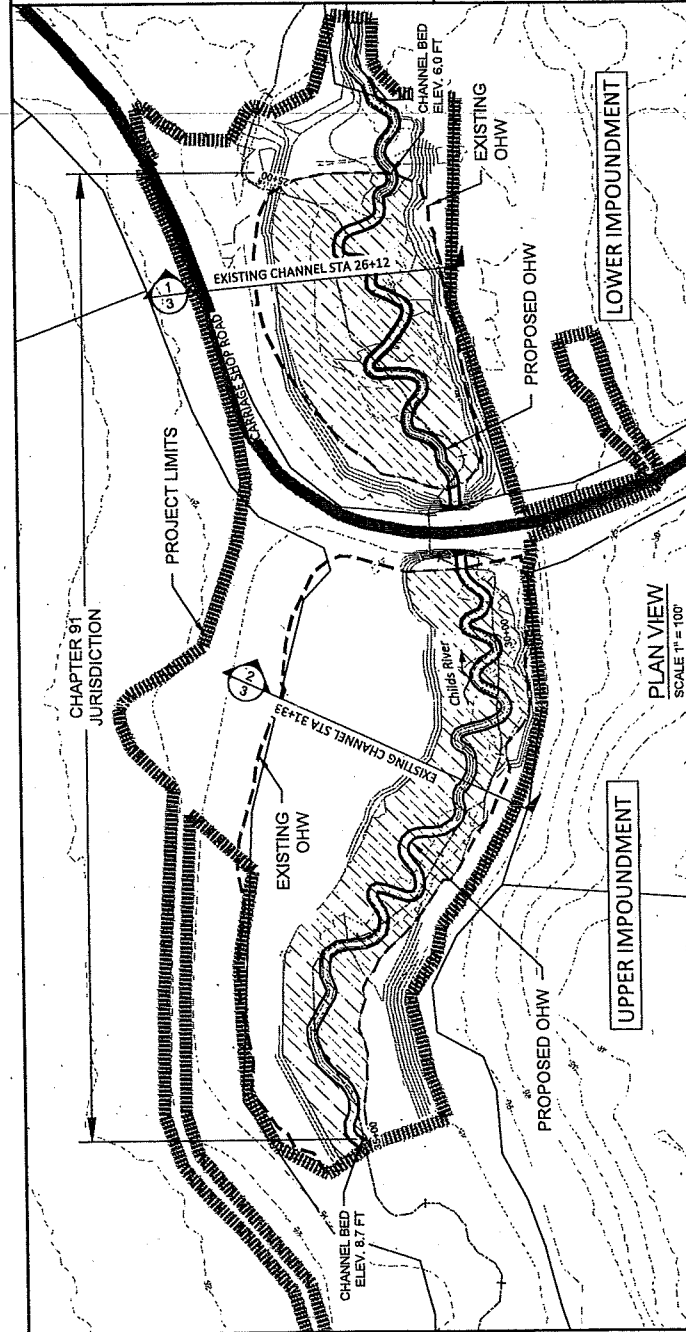

229 Concord Ave., Second Floor
Cambridge, Massachusetts 02138
(617) 716-6537
www.innovative.com

SHEET

1 OF 7

W19-5642

PLANS ACCOMPANYING PETITION OF: FALMOUTH ROD & GUN CLUB
CARRIAGE SHOP ROAD CULVERT REPLACEMENT, FILL OF EXISTING
CHANNEL THROUGH CRANBERRY BOGS WITH NEW CHANNEL
CONSTRUCTION. WATERWAY: CHILDS RIVER. FALMOUTH & MASHPEE



LEGEND

- PARCEL BOUNDARIES
- EXISTING 5 FT. CONTOURS
- PROPOSED 1 FT. CONTOURS
- EXISTING CHANNEL
- LIMIT OF ACTIVE CONSTRUCTION DISTURBANCE
- PROPOSED ORDINARY HIGH WATER (OHW)
- EXISTING OHW
- DREDGE AREA

THIS PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSES.

DREDGING NOTES

- BETWEEN EXISTING CHANNEL STA 25+00 AND STA 35+00:
75,280 SF OF DREDGING
5,140 CY OF DREDGE MATERIAL
- NEW CHANNEL BED ELEVATION RANGES FROM 6.0 FT AT STA 25+00 TO 8.7 FT AT STA 35+00



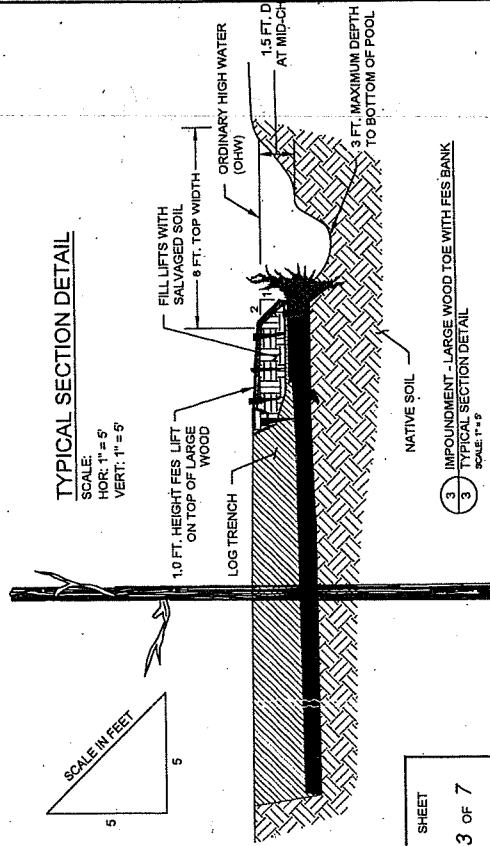
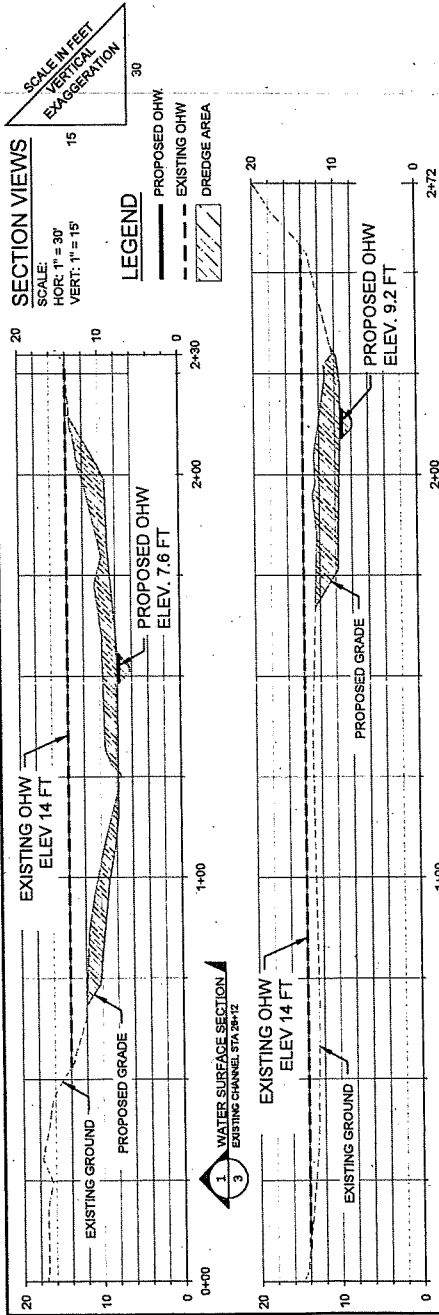
PLAN VIEW
SCALE 1" = 100'

NN, MB CHECKED 2/29/20 DATE MB APPROVED		PLAN VIEW: ORDINARY HIGH WATER IMPOUNDMENT	SHEET 2 of 7
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W19-5642

"I certify that this plan has been prepared in conformity with the rules and regulations of the registry of deeds of the Commonwealth of Massachusetts."

Registered Professional Engineer Date



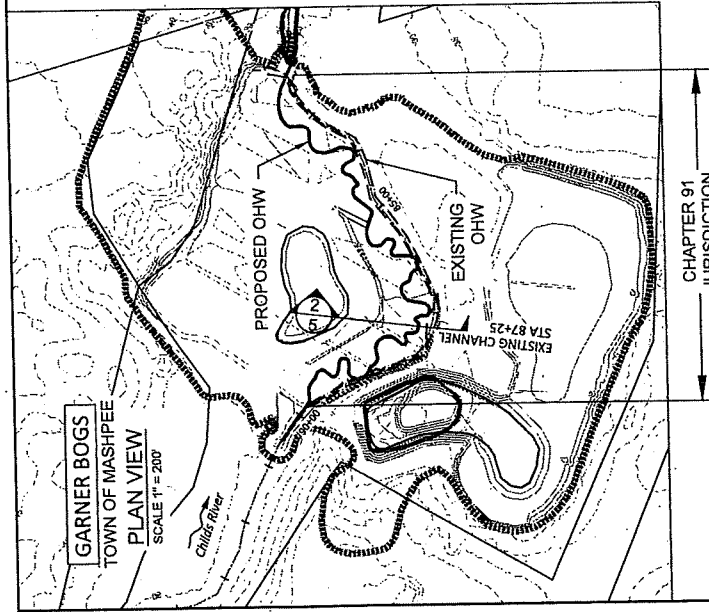
W19-5642

W19-5642
 W19-5642
 W19-5642

CHECKED DATE APPROVED	SECTION VIEWS: ORDINARY HIGH WATER & TYPICAL SECTION DETAIL	SHEET 3 OF 7	Registered Professional Engineer Date
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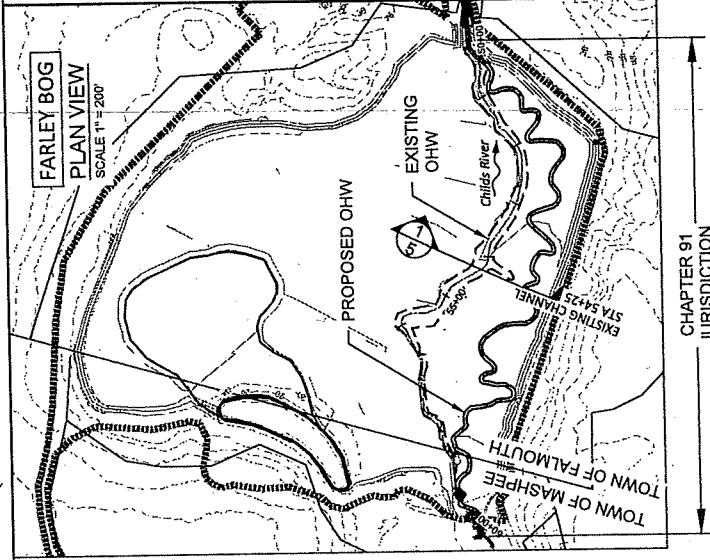
250 Concord Ave., Second Floor
 Concord, MA 01734
 (978) 744-3337
 www.janibone.com

I certify that this plan has been prepared in conformity with the rules and regulations of the registry of deeds of the Commonwealth of Massachusetts.



DREDGING NOTES

1. BETWEEN EXISTING CHANNEL STA 50+00 AND STA 88+00:
0 SF DREDGE AREA
0 CY OF DREDGE MATERIAL
20,493 SF FILL AREA
410 CY OF FILL MATERIAL



- LEGEND**
- PARCEL BOUNDARIES
 - - - EXISTING 5 FT. CONTOURS
 - - - PROPOSED 1 FT. CONTOURS
 - - - EXISTING CHANNEL
 - - - 30+00
 - - - LIMIT OF ACTIVE CONSTRUCTION DISTURBANCE
 - - - PROPOSED ORDINARY HIGH WATER (OHW)
 - - - EXISTING OHW

W19-5642

"I certify that this plan has been prepared in conformity with the rules and regulations of the registry of deeds of the Commonwealth of Massachusetts."

Registered Professional Engineer _____ Date _____

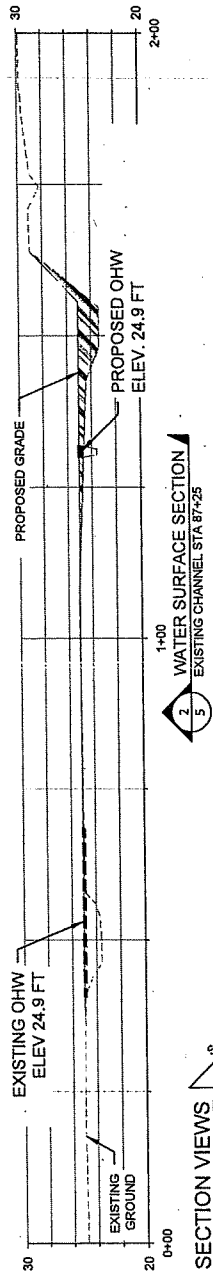
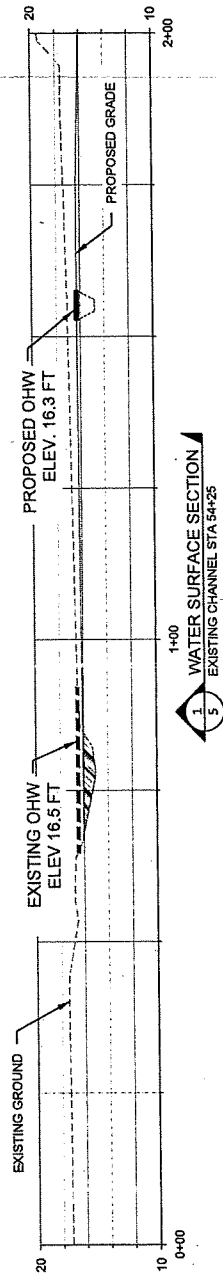
SHEET PROVIDED - CHARTERED
ENGINEER - MASSACHUSETTS
161 SOUTH ST. BOSTON, MA 02109

PLAN VIEW:
ORDINARY HIGH
WATER - FARLEY &
GARNER BOGS

SHEET
4 of 7

W&J
200 Concord Ave., Second Floor
Cambridge, Massachusetts 02138
www.wandj.com

NN MB
CHECKED
2/28/20
DATE
MB
APPROVED



SECTION VIEWS
SCALE:
HORIZ: 1" = 20'
VERT: 1" = 10'

LEGEND

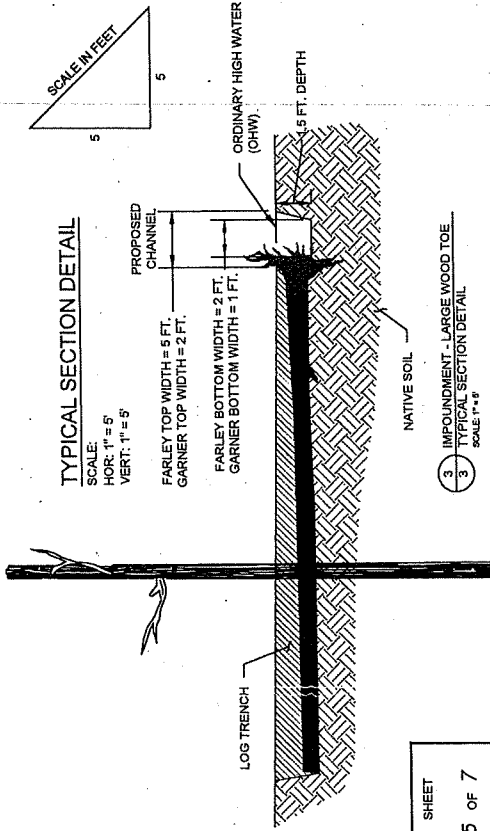
- PROPOSED OHW
- - - EXISTING OHW
- /// FILL AREA

SCALE IN FEET
VERTICAL
EXAGGERATION
20
15

TYPICAL SECTION DETAIL

SCALE:
HOR: 1" = 5'
VERT: 1" = 5'

- PROPOSED CHANNEL
- FARLEY TOP WIDTH = 5 FT.
- GARNER TOP WIDTH = 2 FT.
- FARLEY BOTTOM WIDTH = 2 FT.
- GARNER BOTTOM WIDTH = 1 FT.
- ORDINARY HIGH WATER (OHW)
- 1.5 FT. DEPTH
- NATIVE SOIL
- IMPOUNDMENT - LARGE WOOD TOE



SHEET
5 OF 7

SECTION VIEWS:
ORDINARY HIGH
WATER & TYPICAL
SECTION DETAIL



220 Court Ave., Second Floor
Cambridge, Massachusetts 02138
(617) 714-6527
www.mass.gov

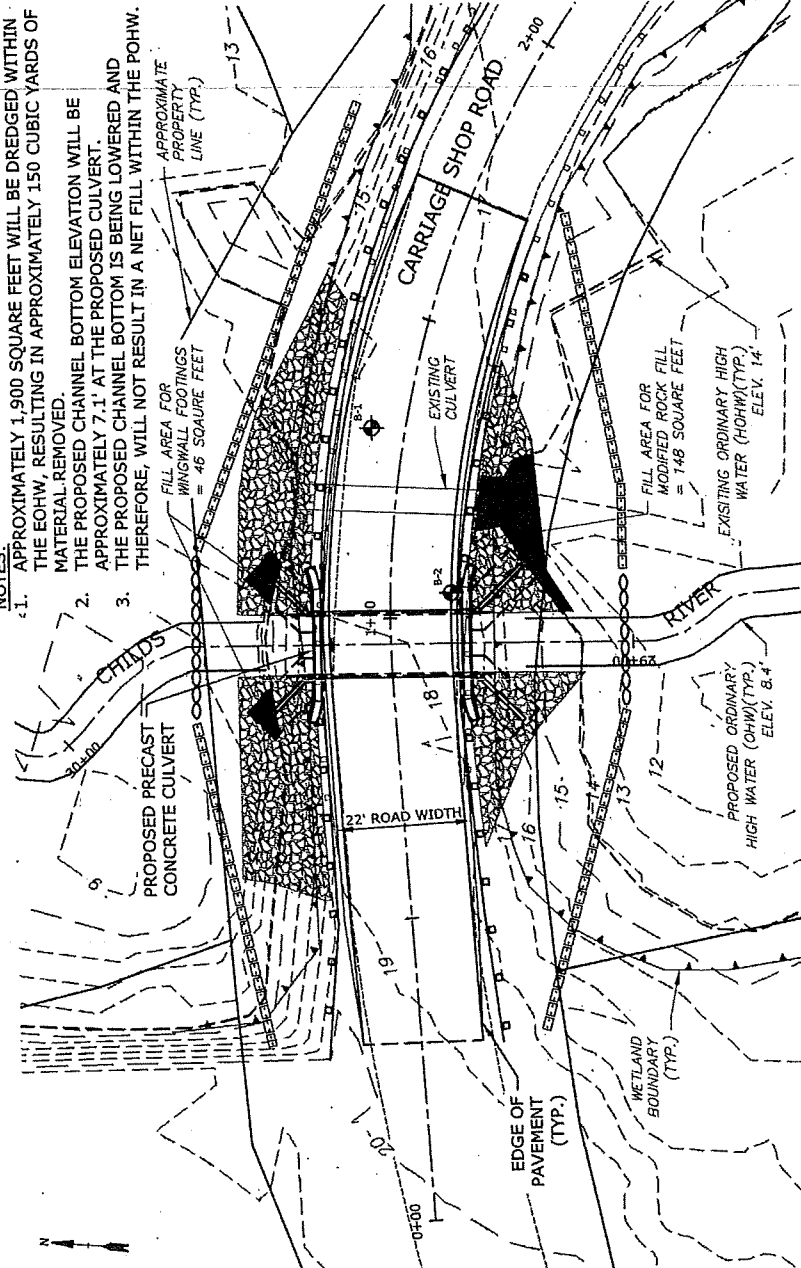
APPROVED
DATE
2/28/20
MB
MB

"I certify that this plan has been prepared in conformity with the rules and regulations of the registry of deeds of the Commonwealth of Massachusetts."

Registered Professional Engineer Date

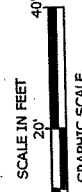
W19-5642

- NOTES:
1. APPROXIMATELY 1,900 SQUARE FEET WILL BE DREDGED WITHIN THE EOH, RESULTING IN APPROXIMATELY 150 CUBIC YARDS OF MATERIAL REMOVED.
 2. THE PROPOSED CHANNEL BOTTOM ELEVATION WILL BE APPROXIMATELY 7.1' AT THE PROPOSED CULVERT.
 3. THE PROPOSED CHANNEL BOTTOM IS BEING LOWERED AND THEREFORE, WILL NOT RESULT IN A NET FILL WITHIN THE POHW.



- NOTE:
1. ENTIRE BRIDGE REPLACEMENT PROJECT AREA LOCATED WITHIN THE 100-FT BUFFER ZONE AND 200-FT RIVERFRONT AREA.
 2. PLAN VIEW SHOULD SCALE TO THE ANNOTATED DIMENSIONS SHOWN.

PROJECT DATUM:
HORIZONTAL = NAD83
VERTICAL = NAVD88



SHEET PREPARED FOR PROJECT
PERMITTING ONLY. NOT FOR USE
IN PROJECT CONSTRUCTION.

SHEET
6 OF 7

General Plan
View

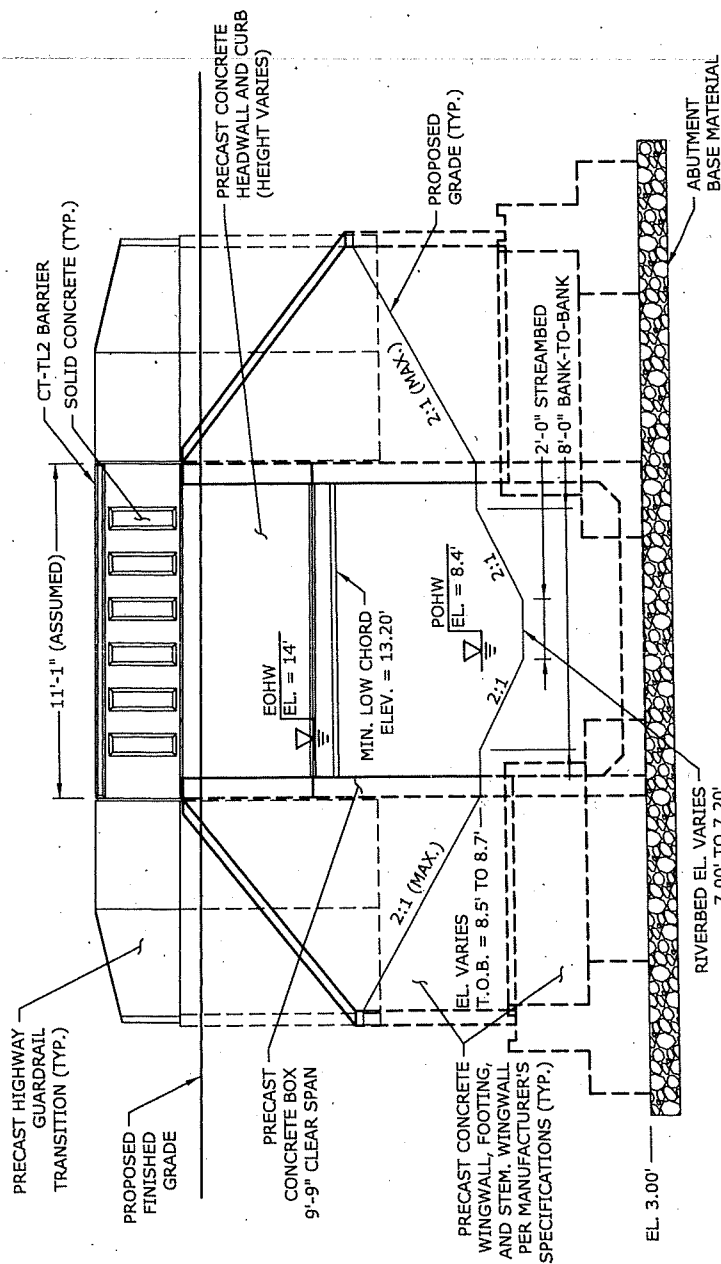
Tighe & Bond
www.tigheandbond.com
53 Southwington Road
Worcester, MA 01605
(508) 560-1500

AGB
CHECKED
10/8/19
DATE
D.L.L.
APPROVED

"I certify that this plan has been prepared in conformity with the rules and regulations of the registry of deeds of the Commonwealth of Massachusetts."

Registered Professional Engineer Date

W19-5642



ELEVATION SCALE: 1" = 4'

NOTE:
1. PLAN VIEW SHOULD SCALE TO THE ANNOTATED DIMENSIONS SHOWN.

PROJECT DATUM:
HORIZONTAL = NAD83
VERTICAL = NAVD88

SCALE IN FEET
0 4' 8'

GRAPHIC SCALE

SKETCH PROVIDED FOR PROJECT
PERMITTING ONLY. NOT FOR USE
IN PROJECT CONTRACT DOCUMENTS.

W19-5642

AGB CHECKED 10/8/19 DATE DILL APPROVED	Tighe & Bond www.tigheandbond.com 32 Southwestern Road Needham, MA 01955 (617) 262-1000	General Elevation View	SHEET 7 OF 7
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"I certify that this plan has been prepared in conformity with the rules and regulations of the registry of deeds of the Commonwealth of Massachusetts."

Registered Professional Engineer Date

MAR 8 2020

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM**

**Notice of License Application Pursuant to M. G. L. Chapter 91
Waterways License Application Number W19-5682
Patricia Cowhig**

NOTIFICATION DATE: February 7, 2020

Public notice is hereby given of the waterways application by Patricia Cowhig to maintain a pier, ramp, float, and bulkhead at 3 Bight Circle, in the municipality of Mashpee, in and over the waters of Popponessett Creek. 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) 946-2707. 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: Brendan Mullaney, Environmental Analyst, DEP Waterways Regulation Program, 20 Riverside Drive, Lakeville, MA 02347.

A circular seal with a serrated outer edge. The text "COMMONWEALTH OF MASSACHUSETTS" is curved along the top inner border, and "REGISTERED PROFESSIONAL LAND SURVEYOR" is curved along the bottom inner border. In the center, the text "CRAIG A. FIELD" and "No. 38039" are printed in a bold, sans-serif font.

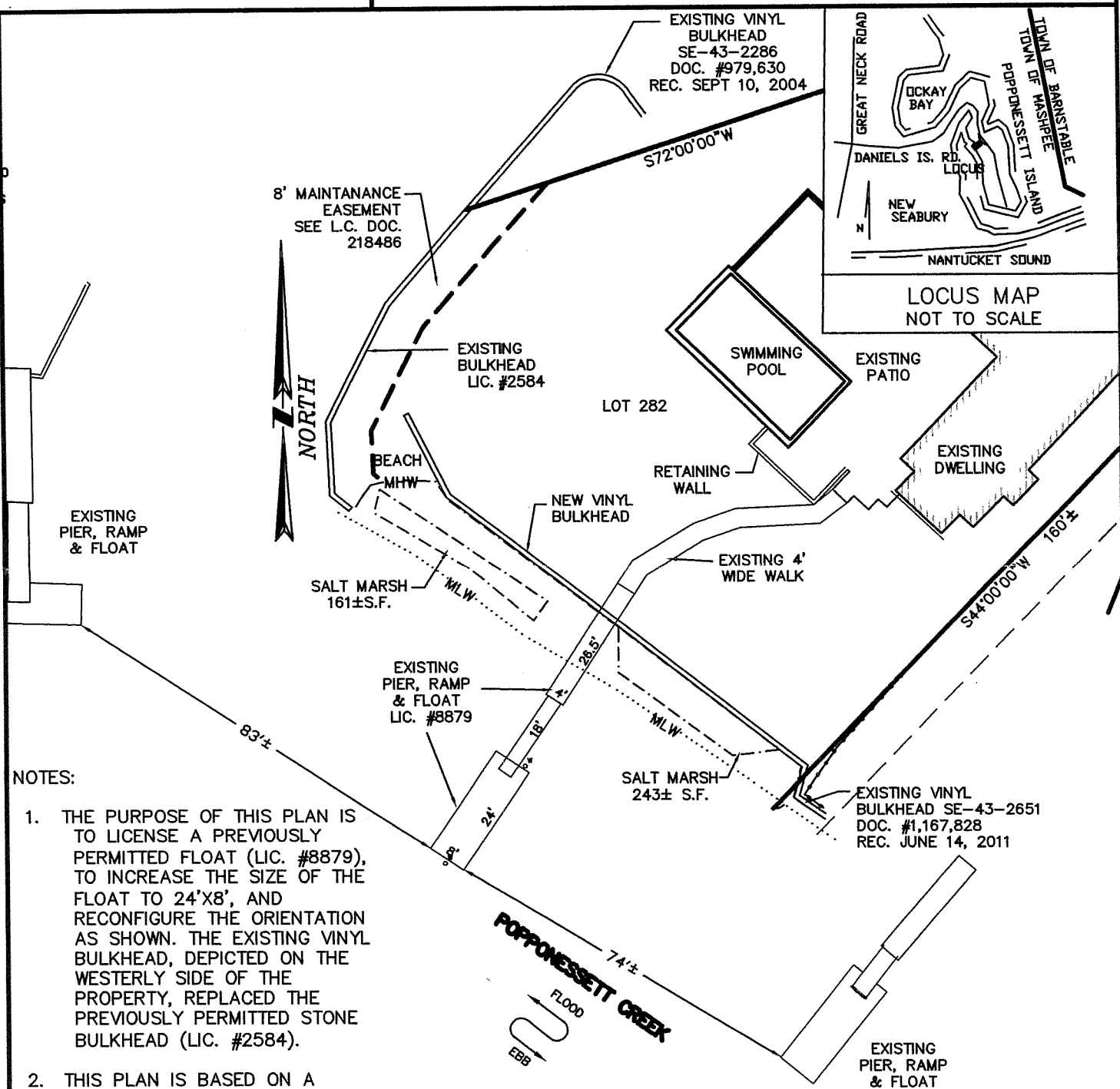
Ch. E. Zeno

11/11/19

FOR REGISTRY USE ONLY

PLS

DATE



- NOTES:
1. THE PURPOSE OF THIS PLAN IS TO LICENSE A PREVIOUSLY PERMITTED FLOAT (LIC. #8879), TO INCREASE THE SIZE OF THE FLOAT TO 24'X8', AND RECONFIGURE THE ORIENTATION AS SHOWN. THE EXISTING VINYL BULKHEAD, DEPICTED ON THE WESTERLY SIDE OF THE PROPERTY, REPLACED THE PREVIOUSLY PERMITTED STONE BULKHEAD (LIC. #2584).
 2. THIS PLAN IS BASED ON A LIMITED SITE SURVEY. OTHER SITE FEATURES EXIST THAT ARE NOT SHOWN ON THIS PLAN.
 3. THIS PLAN IS AN AS-BUILT OF EXISTING BULKHEADS, PIER, RAMP, AND FLOAT AND IS TO BE CONSIDERED FOR AN AFTER THE FACT LICENSE.

SITE PLAN

SCALE: 1" = 30'

0 15' 30' 60'

Prepared by:
THE BSC GROUP, INC.
349 ROUTE 28 UNIT D
W. YARMOUTH, MA 02673
NOVEMBER 11, 2019

FILE: JOB NO. 4-9769.00 DWG. NO. 5206-09 SHEET 1 OF 2

PLAN ACCOMPANYING PETITION
OF PATRICIA COWHIG
TO MAINTAIN AN EXISTING PIER,
RAMP, FLOAT AND WALLS AT
#3 BIGHT CIRCLE
MASHPEE, MA

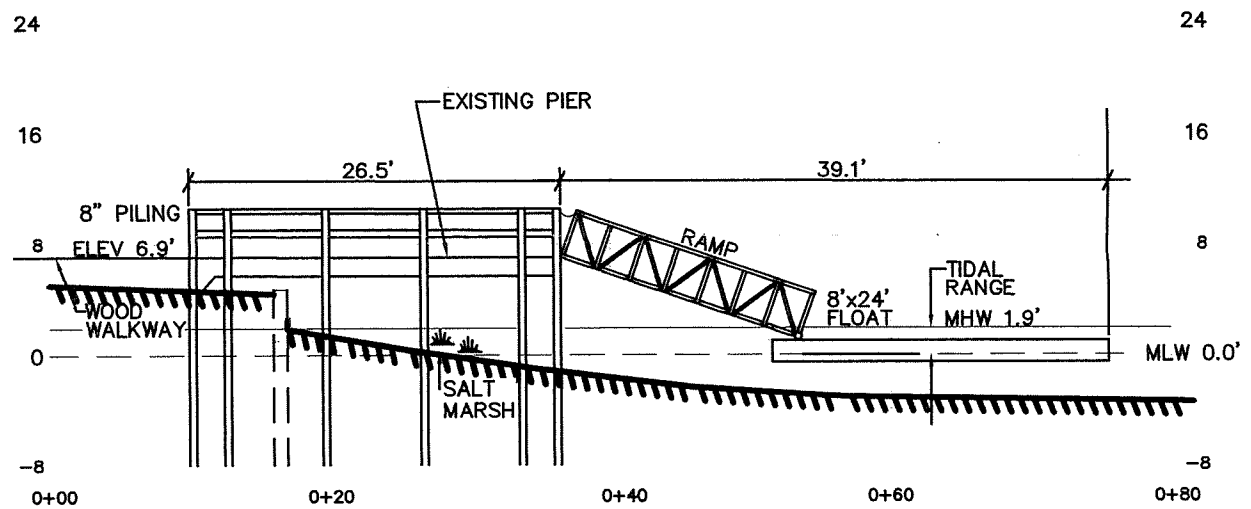
FILE NAME: 4976902--CH-91.DWG

I CERTIFY THAT THIS PLAN CONFORMS
TO THE RULES AND REGULATIONS OF
THE REGISTERS OF DEEDS



Craig A. Field 11-11-19
PLS DATE

FOR REGISTRY USE ONLY



PROFILE
NOT TO SCALE:

Prepared by:
THE BSC GROUP, INC.
349 ROUTE 28 UNIT D
W. YARMOUTH, MA 02673
NOVEMBER 11, 2019

FILE:
JOB NO. 4-9769.00 DWG. NO. 5206-09 SHEET 2 OF 2

PLAN ACCOMPANYING PETITION
OF PATRICIA COWHIG
TO MAINTAIN AN EXISTING PIER,
RAMP, FLOAT AND WALLS AT
#3 BIGHT CIRCLE
MASHPEE, MA

Michael D Crowe
16 Santuit Pond Rd
Mashpee, MA 02649
Boscarpenter@gmail.com

March 5, 2020

Re: Zoning changes

Dear members of the board,

Thank you for sacrificing your valuable time by serving on the Board.

Cape Cod has most definitely changed in the past 30+ years. In fact, the very reason my family moved here in 1985 was because housing (and home rentals) were much more affordable than the surrounding Boston suburbs.

However, the situation has drastically changed since then. A number of zoning changes were made over the years to slow growth and maintain Cape Cod as we knew it. Unfortunately, while the motives were good & pure at the time, some of these very changes have had a detrimental effect on the Cape housing market. For example, large lot zoning (e.g., 1 or 2 acre lot sizes) while resulting in less overall density, has actually caused more undeveloped forested land to be used for development (see Cape Cod Regional Policy Plan 2/22/2019 page 33, Paragraph 3).

I would like to applaud the efforts of the Town Planner and the Board for giving their blessing to ADU's as of right. I believe this is a step in the right direction to help with the housing/rental affordability crisis on our beautiful land known as the Cape. I would recommend that consideration be given once again to a 5' setback instead of 15'.

Based on a study from the Cape Cod Commission, the housing crisis will only get WORSE. 'By 2025 the greatest increase in burdened households is with those earning 100%-120% of the projected median income.' (Cape Cod Commission Regional Policy Plan 2/22/2019, page 62, paragraph 3)

Therefore, I would like to propose a change to Zoning by law section 174-25 Table of Use Regulations, section H (7) which reads:

"Private one or two car garage, greenhouse, or dock as a principal use where the lot cannot be developed with a principal residential use, provided that there be no commercial use or storage, no sanitary facilities, no storage outside of buildings, that no structure exceed 15 feet in height and that all applicable setbacks and lot coverage requirements are met and approved, that a Special Permit for such use is approved by the board of appeals."

I believe this would be a good opportunity to allow a 1 or 2 bedroom apartment/residential unit above the garage. I believe this would be a great opportunity for young people to find an affordable place to live (being on the 2nd floor, older ones may find it difficult to climb the stairs.)

Here are the changes I suggest:

Private one or two car garage, greenhouse, or dock as a principal use where the lot cannot be developed with a principal residential use, provided that there be no commercial use or storage, ~~no sanitary facilities, no storage outside of buildings, that no structure exceed 15 feet in height and that all applicable setbacks and lot coverage requirements are met and approved, that a Special Permit for such use is approved by the board of appeals."~~

Lot setbacks: side setbacks- 5 ft but no closer than 10' to the nearest structure

Front setback: see note 6 under Land Space Requirement Tables

Rear setback: 15'

Min lot frontage: 40'

Max lot coverage: 25%

R-3 & R-5 as of right (no Special Permit)

Max height: 35'

The Cape Cod Regional Policy Plan 2/2/2019 page 60, item 3, states: all solutions are considered.

Everything has to be on the table.

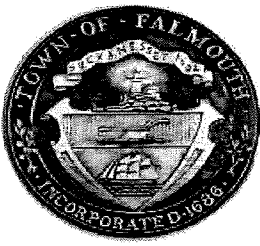
On page 63 of the Cape Cod Regional Plan, dated 2/22/2019, paragraph 4, it speaks of new housing being created by infill development. I believe using these small undersize lots fits the bill for infill development.

I understand zoning changes can be difficult to accept. Generally speaking, humans don't really like change. And to see the Cape change in ways we don't like can be quite upsetting. But we cannot stop growth or prevent change. We must embrace it for ourselves & our future generations. I have 4 children. Two are of age and it won't be long before the other 2 leave the nest. But the Cape housing market is not affordable to them and to many others.

On a side note: if the Town Planner & Board find my recommendations distasteful, I would recommend at least ONE change to 174-25 (H) 7: remove the wording **no sanitary facilities**. I don't think any of us want to see our neighbor urinating behind their garage or having a Port-o-John permanently placed on the property.

Sincerely,

Michael D Crowe



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

MAR 2 2020

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

APPLICATION NO: 006-20

March 19, 2020

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

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

Arlene Schubert, Trustee

of

Waquoit, Ma

applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-69 E. of the Code of Falmouth to expand existing deck and living space and construct a front porch addition; exceeding 20% lot coverage by structures on subject property known as 23 Ormond Drive, East Falmouth, Ma.

Map 41 Section 06 Parcel 000 Lot(s) 082

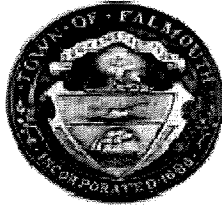
PUBLICATION DATES: February 21, 2020 and February 28, 2020

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, March 19, 2020 at 6:30 pm.**

You are invited to be present.

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

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:00 AM to 4:00 PM.



MAR 2 2020

**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 Adam F. Chase and Dean F. Chase, 118 Bywater Court, Falmouth, Ma. (Map 47, Lot 031) under 240-3 C. of the Zoning by-Law, as amended to **grant** the special permit to add habitable space to the 2nd floor.

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 **February 24, 2020**, which is the date the Decision was filed in the office of the Town Clerk.

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



MAR 8 2020

**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 Ronald J. and Lori A Hanney, 13 Ironwood Lane, North Falmouth, Ma. (Map 04 , Lot 040) under 240-69 E. of the Zoning by-Law, as amended to **grant** the special permit to construct a screened porch to proposed 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 **March 3, 2020**, which is the date the Decision was filed in the office of the Town Clerk.

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



MAR 3 2020

**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 Margaret J. Duncan, 18 Bell Tower Lane, Woods Hole, Ma.

(Map 49A, Lot 002) under 240-3 C. and 240-68 D. of the Zoning by-Law, as amended to **grant** the special permit to remove shed, construct deck and attached garage addition above.

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 29, 2020 which is the date the Decision was filed in the office of the Town Clerk.

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



MAR 8 2020

**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 Kristian P. Andrade and Kevin P. Andrade, 8 Anders Lane, East Falmouth, Ma. (Map 27, Lot 003) under 240-38 (G) of the Zoning by-Law, as amended to **grant** the special permit to allow a third garage bay.

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 **March 3, 2020**, which is the date the Decision was filed in the office of the Town Clerk.

Please contact Noreen Stockman at 508-495-7460
or Noreen.stockman@falmouthma.gov 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

MAR 2 2020

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

APPLICATION NO: 005-20

March 19, 2020

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

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

Joseph and Mary Noonan

of

Norfolk, Ma

applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C., 240-68 D. and 240-69 E. of the Code of Falmouth to raze and reconstruct the pre-existing non-conforming single family dwelling; exceeding 20% lot coverage by structures on subject property known as 183 Surf Drive, Falmouth, Ma.

Map 47 Section 03 Parcel 081A Lot(s) 000D

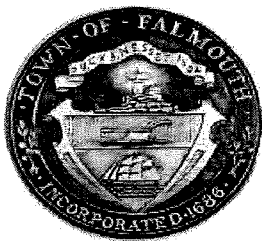
PUBLICATION DATES: February 21, 2020 and February 28, 2020

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, March 19, 2020 at 6:30 pm.**

You are invited to be present.

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

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:00 AM to 4:00 PM.



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

MAR 2 2020

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

APPLICATION NO: 007-20

March 19, 2020

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

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

Thomas L., Marysia F. Messer and Joanna Bennett

of

Hatchville, Ma

applied to the Zoning Board of Appeals for a modification of special permit #004-18 pursuant to section(s) 240-38 I (5)(b) of the Code of Falmouth to allow changes from previously approved plans which include a retaining wall and addition of a landing and steps on subject property known as 190 Goeletta Drive, Hatchville, Ma.

Map 11 Section 02 Parcel 007 Lot(s) 171

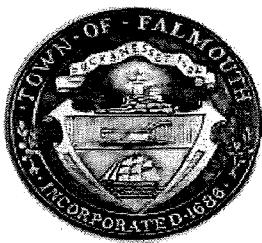
PUBLICATION DATES: February 21, 2020 and February 28, 2020

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, March 19, 2020 at 6:30 pm.**

You are invited to be present.

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

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:00 AM to 4:00 PM.



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

MAR 3 2020

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

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

APPLICATION NO: 090-19

February 20, 2020

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

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

Paul J. Reppucci

of

Littleton, 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 an addition to the 2nd floor of the dwelling and allow office space on the 2nd floor of the detached garage with a new deck / stairway on subject property known as 24 Prospect Street, Falmouth, Ma.

Map 47A Section 13 Parcel 067 Lot(s) 033B

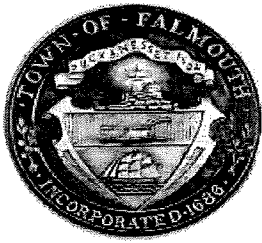
PUBLICATION DATES: January 24, 2020 and January, 31 2020

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

You are invited to be present.

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

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:00 AM to 4:00 PM.



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

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

MAR 2 2020

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

APPLICATION NO: 008-20

March 19, 2020

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

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

Kelly North Arthur

of

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 replace existing deck with a covered patio and construct an addition to the 2nd floor on subject property known as 40 Loren Road, North Falmouth, Ma.

Map 04 Section 00A Parcel 000 Lot(s) 026

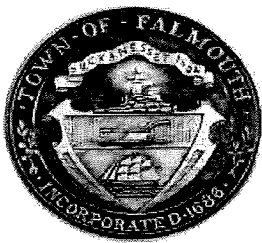
PUBLICATION DATES: February 21, 2020 and February 28, 2020

A public hearing will be given on this application, in the Selectmen's Meeting Room, Town Hall, on **Thursday, March 19, 2020 at 6:30 pm.**

You are invited to be present.

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

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:00 AM to 4:00 PM.



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

MAR 3 2020

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

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

APPLICATION NO: 091-19

February 20, 2020

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

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

Cumberland Farms, Inc.

of

Westborough, Ma

applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C., 240-212 and 240-18.1 of the Code of Falmouth to remove buildings on both properties and rebuild the motor vehicle service station and convenience store on subject properties known as 400 East Falmouth Highway and 8 Old Meeting House Road, East Falmouth, Ma.

Map 33 Section 12 Parcel 008 Lot 000 - #400

Map 33 Section 12 Parcel 007 Lot 000 - #8

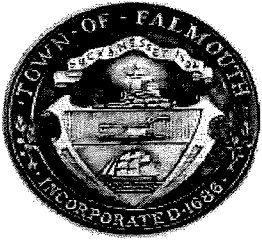
PUBLICATION DATES: January 24, 2020 and January, 31 2020

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

You are invited to be present.

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

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:00 AM to 4:00 PM.



TOWN OF FALMOUTH

ZONING BOARD OF APPEALS

MAR 3 2020

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

BOARD OF APPEALS NOTICE OF PUBLIC HEARING

APPLICATION NO: 096-19

February 20, 2020

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

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

David March

of

Watertown, Ma

applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. and 240-68 A. of the Code of Falmouth to renovate existing dwelling and construct a 2nd floor addition on subject property known as 94 Nantucket Avenue, Falmouth, Ma.

Map 46B Section 29 Parcel 007 Lot 130

PUBLICATION DATES: January 24, 2020 and January, 31 2020

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

You are invited to be present.

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

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:00 AM to 4:00 PM.

Town of Sandwich
THE OLDEST TOWN ON CAPE COD



MAR 3 2020

Planning Board

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

The Planning Board of the Town of Sandwich hereby gives notice that it will hold a Public Hearing on proposed amendments to the Sandwich Protective Zoning By-Law.

Date and Time : March 17, 2020 at 7:00 p.m.
Location : Sand Hill School Community Center, 16 Dewey Avenue

Proposed Amendments:

- **Proposed amendments to the Table of Contents to add missing sections and update new sections:**
 - 4130. Accessory Dwelling Units (ADU)
 - 4132. Lot Requirements
 - 4133. Square Footage Requirements
 - 4134. Site Requirements
 - 4135. Applicable By-laws and Regulations
 - 4136. Principal Owner Requirements
 - 4137. Ownership Requirements
 - 4138. Occupant Requirements
 - 4139. Application Requirements and Procedures
 - 4131. Purpose and Intent
 - 4132. Requirements
 - 4133. Use and Dimensional Requirements
 - 4134. Monitoring
 - 4135. Enforcement
 - 4136. Amnesty
 - 3490. Compliance with State and Federal Regulations.
 - 4360. Requirements
 - 4370. Other
 - 4457. Subdivision Affordability Requirements
 - 4500 ~~DELETED~~ ATM 4/98 MIXED USE CLUSTER DEVELOPMENT REGULATIONS
 - 4501. Objective
 - 4502. Applicability
 - 4503. Mixed Use Cluster Provisions
 - 4504. Residential Restrictions
 - 4505. Affordability Restrictions/Regulatory Agreement
- **Proposed amendment to Article I Section 1260 for the purpose of clarifying that a bond may not always be required as follows:**
 - 1260. A performance bond or deposit of not less than \$12.00 per foot of lot frontage plus \$0.05 per cubic foot of foundation volume shall may be required prior to authorization of any new structure or addition if, in either case, involving more than 200 square feet of floor area, as security against possible costs due to erosion or damage within street

TOWN CLERK
TOWN OF SANDWICH
FEB 28 2020
12 H 05 M P MR
RECEIVED & RECORDED

rights - of-way, or failure to enclose and backfill the foundation within the time period covered by the building permit, or failure to carry out any or all conditions mandated in a special permit granted by the Board of Appeals. Such bonds may also be required by the Building Inspector for site alterations not involving new structures but potentially incurring damage within street rights-of-way. These bonds shall be held by the Town Treasurer until he is notified by the Building Inspector that all on-site work, as required under the building code and conditions of a special permit granted, and all movement of heavy equipment has been completed and any damage repaired.

- **Proposed amendment to Article I Section 1330 for the purpose of lengthening special permit approval pursuant to M.G.L. Ch. 40A as follows:**

1330. Special Permits shall normally be granted unless, because of conditions peculiar to the particular case but not generally true for similar permitted uses on other sites in the same district, it appears that nuisance, hazard or congestion will be created, or for other reasons there will be substantial harm to the neighborhood or derogation from the intent of the by-law, so that the stated district objectives will not be satisfied. The Special Permit Granting Authority shall place upon each special permit the condition that failure to comply with the conditions set forth in the special permit will result in termination thereof and that it shall expire upon transfer of ownership, prior to initiation of substantial construction on or occupancy of the site, unless such transfer is authorized in the permit, or if no substantial construction or occupancy takes place within the ~~twelve (12) months~~ three (3) years of special permit approval, excluding such time required to pursue or await the determination of an appeal referred to in Section 17 of Chapter 40A.

Extenuating circumstances may be a basis for a six (6) month extension to be granted by the Special Permit Granting Authority. Construction or operations under a building or special permit shall conform to any subsequent amendment of the ordinance or by-law unless the use or construction is commenced within a period of not more than ~~twelve (12) months~~ three (3) years after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

- **Proposed amendment to Article II Section 2210 for the purpose of removing an un-regulated use as follows:**

Section 2210.

~~Guest House~~

- **Proposed amendment to Article II Section 2420 for the purpose of clarifying non-conforming regulations as follows:**

2420. Change, Extension Or Alteration. No change, extension or alteration of a pre-existing non-conforming use and no change, extension or alteration of a pre-existing nonconforming structure may be made except upon the issuance special permit from the Zoning Board of Appeals. Such a special permit may be granted only if the special permit granting authority finds that the proposed change, extension or alteration of a pre-existing non- conforming use, or change, extension or alteration of a pre-existing non-

conforming structure is not substantially more detrimental to the neighborhood than the existing nonconforming use or non-conforming structure.

~~Provided, however, that~~ The Zoning Enforcement Officer may provide a written finding that any alteration, reconstruction, extension or structural change to a lawfully existing single or two-family residential structure shall not be subject to the special permit requirements of this Section 2420 if the alteration, reconstruction, extension or structural change does not increase the nonconforming nature of the structure. (Amended 1/14/08)

- **Proposed amendment to Article II Section 2540 for the purpose of clarifying the monitoring agent as follows:**

2540. Multiple Principal Buildings on the Same Lot.

c. Affordable Housing. In the BL-1 and B-2 Districts, one dwelling unit may be located within a structure which has a principal non-residential use, but only upon issuance of a special permit by the Zoning Board of Appeals. Additional dwelling units may thereafter be authorized by special permit; however, to be eligible for a special permit for additional dwelling units, a 1:1 ratio of market rate units to affordable units shall be established and maintained. ~~The Board of Appeals shall condition any special permit allowing the affordable units according to the affordability criteria in Section 4138.~~ Upon issuance of a special permit, the applicant shall enter into a monitoring services agreement with the Sandwich Housing Authority (SHA) and shall abide by the rules and regulations of the SHA. In addition, no special permit for more than one such unit shall be issued unless adequate parking is provided; appropriate site provisions have been made for both the residential and non-residential uses; and all of the criteria of Section 1330 have been shown to be satisfied.

- **Proposed amendment to Article III Section 3490 for the purpose of referencing additional environmental controls as follows:**

3490. Compliance With State and Federal Regulations.

All development activities shall comply with the requirements of section 2.3.6 of the General Permit for Stormwater Discharges from Small Municipal Storm Sewer Systems issued jointly by the U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection.

- **Proposed amendment to Article IV Section 4114 for the purpose of clarifying driveway regulations as follows:**

4410. Right Accessory Apartment

An accessory apartment is allowed as an accessory use to an owner occupied single-family dwelling in residential zoning districts in accordance with the following requirements. These requirements regulate the use and are not subject to relief through a variance.

- a) The accessory apartment shall contain a maximum floor area of 800 square feet and shall not contain more than one bedroom. Common entries and open decks shall not be included in the 800 square feet calculation.
- b) Accessory apartments are permitted only on lots with an area 10,000 SF or more or on lots of any size created by a cluster special permit where the overall density of the cluster development is 10,000 SF or more per dwelling unit.

- c) In consideration of the overall density of development, accessory apartments are not allowed in single-family dwellings subject to a Comprehensive Permit, an Affordable Housing Conditional Density Special Permit or an Accessory Dwelling Unit Special Permit.
- d) A deed rider in a form acceptable to the Inspector of Buildings and Town Counsel limiting the accessory apartment to one-bedroom and as a non-rental unit in perpetuity shall be recorded at the Barnstable County Registry of Deeds and proof of such recording provided to the Building Inspector before the Building Permit or Occupancy Permit is issued.
- e) The accessory apartment may be located in an accessory structure no more than 80 feet from the primary dwelling or attached and within the single-family dwelling.
- f) Any structural addition made to the single-family dwelling to accommodate an accessory apartment must meet all applicable front, side and rear setbacks, height and lot coverage requirements.
- g) A minimum of one additional off-street parking space shall be provided, however, the construction of a new separate driveway is prohibited unless authorized by the Director of Public Works or the Town Engineer.
- h) Only one accessory apartment shall be constructed in any single-family dwelling. Accessory apartments are prohibited on lots where there are more than one single-family, one or more two-family or one or more multi-family dwelling units.
- i) The owner of the single-family dwelling must occupy the single-family dwelling or the accessory apartment, except for bona fide temporary absences.

Accessory apartments are prohibited from any use as rental units on a yearly, monthly, weekly or daily basis.

- **Proposed amendment to Article IV Section 4130 for the purpose of deleting and updating accessory dwelling unit bylaw as follows:**

~~4130. Accessory Dwelling Units. For the purpose of promoting the development of affordable rental housing in Sandwich for year-round residents, one accessory dwelling unit per lot may be allowed by special permit from the Planning Board subject to the standards and conditions listed below:~~

~~4131. Reserved (deleted STM 9/91).~~

~~4132. Accessory dwellings shall not be allowed on lots of less than 40,000 square feet.~~

~~4133. Accessory dwellings shall not be larger than 1,000 square feet or thirty (30) percent of the gross square footage of the principal dwelling, whichever is larger. Gross square footage shall be defined as the total floor area of the dwelling, excluding basement, attic, or garage.~~

~~4134. Site Requirements:~~

- ~~a) Accessory dwellings shall be within or attached to a principal dwelling or garage.~~
- ~~b) Accessory units shall be designed so as to be as compatible as possible with existing site and neighborhood conditions.~~
- ~~c) No accessory unit shall be located within any minimum front or side yard required by Section 2600.~~

~~d) Two off-street parking spaces shall be provided for each accessory unit. Parking shall be screened from view as determined appropriate by the Planning Board.~~

~~e) Use of an existing on-site septic system to service accessory units shall be permitted only upon approval of the Board of Health.~~

~~4135. All appropriate by-laws and regulations shall apply, except those inconsistent with the purpose and provisions of Section 4130.~~

~~4136. The principal owner of the property must occupy a minimum of eight (8) months as a primary residence, either the principal or accessory dwelling unit.~~

~~4137. No accessory unit shall be separated by ownership from the principal dwelling.~~

~~4138. All occupants of the accessory rental dwelling unit shall be approved by the Sandwich Housing Authority to assure compliance with the purpose of this by-law and the Affordable Housing Program as described in the 2009 Local Comprehensive Plan. Specifically, accessory dwelling units must be rented to those meeting the guidelines for a low or moderate income family. For the purpose of this section, low income families shall have an income less than eighty (80) percent of the Town of Sandwich median family income, and moderate income families shall have an income between eighty (80) and one hundred and twenty (120) percent of the Town of Sandwich median family income, as determined by the Federal and/or State Census.~~

~~4139. Application Requirements and Procedures~~

~~a) Applicants are encouraged to submit preliminary materials for informal review by the Planning Board prior to the application for special permit.~~

~~b) applicants for a special permit for an Accessory Dwelling Unit shall submit to the Planning Board for (4) copies of the following:~~

~~1. a completed application form~~

~~2. a plot plan conforming to the requirements of Section 1220~~

~~3. principal elevation of the exterior of the proposed unit, at a minimum scale of 1/8" = 1'.~~

~~c) One copy of a certified abutters list shall be submitted with the application. The applicant is responsible for the cost of legal notices. Postage stamps sufficient for the mailing of notices must be submitted with the abutters list.~~

~~d) Procedures described in Sections 1330, 1331, 1332 and 1360 shall be followed.~~

4130. Accessory Dwelling Unit (ADU)

4131. Purpose and Intent of the Accessory Dwelling Unit is to:

a) Broaden the range of housing opportunities for households of all incomes, ages and sizes in order to support a strong, stable and diverse year-round community, a viable healthy local workforce and to prevent the displacement of Sandwich residents.

b) Promote a more economic and energy efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single family neighborhoods.

c) Encourage greater diversity of population with particular attention to young adult citizens and to allow for "aging in place" for our senior citizens.

4132. Requirements

a) An ADU constructed within a single family dwelling, attached to a single family dwelling or as a detached structure on a lot conforming to Section 2600 of the Zoning

By-Law shall be permitted as a "By Right" use, provided it meets all requirements of the Town of Sandwich Protective Zoning By-Law. No more than twenty four (24) By Right building Permits for new ADUs shall be granted within a twelve (12) month period, January 1st to December 31st and the number of permits shall be counted according to projects approved.

b) An ADU constructed within a single family dwelling shall be permitted as a by-right use and shall meet all the requirements of the Town of Sandwich Protective Zoning By-Law.

c) A Special Permit from the Planning Board is required in the following instances and no more than twenty four (24) Special Permits shall be granted by the Special Permit Granting Authority (SPGA) for the construction of an ADU within a twelve (12) month period January 1st to December 31st and the number of permits shall be counted according to projects approved.

I. An ADU is constructed as a detached accessory structure- not attached to a single family dwelling.

II. The subject property must be 20,000 s.f. or more.

d) When a Special Permit is required the SPGA shall address at a minimum the Special Permit Criteria outlined in Section 1330 of the Protective Zoning Bylaw.

e) The Building Commissioner shall administer and enforce the provisions of this section unless a Special Permit is required then the Planning Board will be the SPGA.

f) ADUs shall not be eligible for zoning variances. In addition, no variance may be granted which would allow more than one (1) ADU on a lot.

g) The construction of an accessory dwelling unit must be in conformity with the State Building Code, Title V of the State Sanitary Code and lawful under all other provisions of applicable town health, building, zoning and other local laws and regulations.

h) Prior to the issuance of a building permit or Special Permit for an ADU, site plans, floor plans and elevations shall be submitted showing the proposed interior and exterior changes to existing buildings or new building and improvements on a lot associated with a proposed ADU.

4133. Use and Dimensional Requirements:

The following requirements shall apply to all ADUs, whether permitted by right or by special permit from the Planning Board:

a) Only one ADU is permitted for each lot.

b) The ADU shall be a complete, separate housing keeping unit containing both a kitchen and a bath.

c) An ADU shall be clearly subordinate in use, size and design to the principal single family dwelling. An ADU shall be designed so that, to the maximum extent practicable, the appearance of the property on which it is to be located remains that of a single-family residential property and the privacy of abutting properties is maintained, considering the following: building architectural details, roof design, building spacing and orientation, building screening, door and window location, and building materials.

d) The ADU shall contain no more than two bedrooms and contain no more than 900 square feet of habitable space. Once an ADU has been added to a single family dwelling or lot, the accessory dwelling unit shall not be enlarged.

- e) At least one (1) off street parking space in addition to that required for the principal single family dwelling is required for each ADU. All parking for ADUs shall be off street. New parking spaces created shall be pervious.
- f) An ADU may not be sold or transferred separate and apart from the principal dwelling to which it is an accessory use. The principal dwelling, the ADU and the lot on which they are located shall remain in common or single ownership and shall not be severed in ownership.
- g) The principal dwelling or the accessory dwelling unit must be the primary residence of the owner, and the remaining dwelling must be leased for a minimum of a twelve (12) consecutive months and a maximum of three (3) consecutive years, with no subletting to occur, and is prohibited from any use as rental units on a monthly, weekly or daily basis including, but not limited to, seasonal rental and rental through vacation rental services and websites. An ADU shall not be used for boarding and lodging, or other commercial use. No occupancy of the ADU is permitted other than as the primary residence of the owner or by lease for a minimum of twelve (12) consecutive months and other conditions as stated.
- h) A detached ADU requires a minimum lot size of 20,000 s.f.
- i) An ADU and principal dwelling shall share common septic/ wastewater and water facilities.
- j) An ADU shall have an occupancy of not more than two (2) persons per bedroom.

4134. Monitoring:

Prior to the issuance of a building permit or a Special Permit, a certificate in the form of a notarized affidavit to verify that the owner is or shall be in residence in one of the units shall be submitted in the case of a By Right unit to the Building Commissioner or in the case of a Special Permit to the SPGA. Any change or transfer in ownership will require an updated certificate.

4135. Enforcement:

Failure to comply with the provisions of this Bylaw shall be punishable by fine. Any person, firm or corporation violating any section or provision of this Bylaw shall be fined one hundred (100) dollars for each offense. Each day that such offense continues shall constitute a separate offense. If the Building Commissioner determines that the owner has repeatedly failed to comply with this bylaw, he/she may revoke the occupancy permit for the ADU. In such an event, the Building Commissioner may require that the elements that make the accessory dwelling unit a separate dwelling unit be removed from the property within 90 days of said determination, with the owner to comply with all requirements of the State Building Code and Sandwich Protective Zoning By-Law. Any such determination may be appealed to the Zoning Board of Appeals.

4136. Amnesty:

In an effort to meet local housing needs, the owner of real property containing an accessory dwelling unit, as described in this Section may apply for a Special Permit to legally continue the use as an accessory dwelling unit, provided that the unit is no larger than 900 s.f. or thirty percent of the gross square footage of the principle dwelling, whichever is larger.

The amnesty provisions of this bylaw shall apply to unlawful accessory dwelling units in existence prior to December 31, 2020.

2200 Accessory Uses

	R-1	R-2	VIL (2,3)	BL-1 (2,3)	B-2	FLEX	IND	MAR (2,3)	RD	S	GD
Accessory Dwelling Unit (ADU)	Y(26)	Y(26)	Y(26)	Y(26)	Y(26)	N	N	N	Y(26)	Y(26)	N

26. A detached ADU on a non-conforming lot requires a minimum lot size of 20,000 s.f. and a special permit from the Planning Board. All units shall satisfy the requirements of Section 4130.

Definitions:

~~ACCESSORY DWELLING UNIT (ADU) – A dwelling unit with the purpose of promoting affordable housing in the Town for year-round residents that is no larger than 1,000 square feet in size or thirty percent of the gross square footage of a principal dwelling, whichever is larger incorporated into a lawful principal single-family dwelling or attached to a single-family dwelling or within a detached building accessory to and on the same lot as a lawful principal single-family dwelling.~~

- **Proposed amendment to Article IV Section 4320 for the purpose of defining lowest floor as follows:**

4320. Definitions. For the purpose of this section of the Zoning By-Law, terms shall be defined as follows:

LOWEST FLOOR – For structures within the Special Flood Hazard Area designated as Zone AE, the reference level is the top of the lowest floor. For structures within the Special Flood Hazard Area designated as Zone VE, the reference level is the bottom of the lowest horizontal structural member.

- **Proposed amendment to Article IV Section 4360 for the purpose of updating flood plain regulations as follows:**

~~4360. No fill may be placed on any lot, any portion of which is at or below the base flood elevation, without a special permit.~~ Required certifications and/or technical analyses prepared or conducted by a licensed professional engineer, licensed professional survey or licensed architect, as appropriate, including:

- Elevation Certificate from the Federal Emergency Management Agency used to document the Lowest Floor for all finished new construction and substantial improvements in the Special Flood Hazard Area
- V-Zone Design and Construction Certificate from the Federal Emergency Management Agency used to document V-Zone anchoring and breakaway wall requirements for all new construction and substantial improvements in the Special Flood Hazard Area
- ICC-ES Report or an original engineered certification used to verify that the engineered flood openings are designed to meet the minimum requirements of Section

R322.2.2.1 of the 9th Edition Massachusetts Residential Code to automatically equalize hydrostatic flood forces. An original engineered certification shall include:

- The design professional's name and title, address, type of license, license number and the state in which the license was issued along with the signature of the design professional and an applied seal of the certifying registered design professional
- A statement certifying that the openings are designed to automatically equalize hydrostatic flood loads on exterior walls by allowing the automatic entry and exit of floodwaters
- Description of the range of flood characteristics tested or computed for which the certification is valid, such as rates of rise and fall of floodwaters
- Description of the installation requirements or limitations that, if not followed, will void the certification

Requirements for non-engineered flood openings shall include: a statement from the manufacturer including the model number and the amount of free area each vent covers

d) Floodproofing Certificate for non-residential structures from the Federal Emergency Management Agency used to certify floodproofing design for non-residential buildings in the Special Flood Hazard Area

e) Non- Conversion Agreement shall be recorded at the Barnstable Registry of Deeds prior to issuance of the certificate of occupancy for the following structures in the Special Flood Hazard Area:

1. All new, substantially damaged or improved structures in the V-Zone
2. Structures with crawl/underfoot spaces that are more than 5 ft. in height
3. Detached accessory structures that are larger than 120 sq. ft.

f) Such other material and information as may be requested by the Floodplain Administrator and necessary to determine conformance with these regulations

4370. No fill may be placed on any lot, any portion of which is at or below the base flood elevation, without a special permit.

- **Proposed amendment to Article IV Section 4710 for the purpose of adding a rental option as follows:**

4710. Cottage Colonies. Any existing cottage colony may not be converted to single-family dwelling use under separate ownership unless the lots upon which each building is located comply with the minimum requirements for a cluster subdivision and are created as a cluster subdivision under Section 4400. However, a non- conforming cottage colony may be converted to a residential or mixed-use, rental property, condominium, cooperative or time sharing condominium that is more intensive or frequent than seasonal or intermittent use upon issuance of a Special Permit from the Planning Board and compliance with Section 4740.

- **Proposed amendment to Article IV Section 4740 for the purpose of adding a rental option, clarify inspection regulations, and add an affordable housing provision as follows:**

4740. Procedures. The Planning Board shall act upon conversion of any existing cottage colony into a residential or mixed-use, rental property, condominium, cooperative or time sharing condominium application as an application for special permit as set forth in

Section 1330 through 1360 and, where applicable, Section 2400. The conversion of any existing cottage colony into a residential or mixed-use condominium, cooperative or time sharing condominium shall comply with the following additional requirements:

1. The establishment of a condominium association or homeowner's association with documents and covenants reviewed and approved by the Planning Board as part of the Special Permit; the Planning Board may require that said documents and covenants be reviewed by its legal counsel at the applicant's expense.
 2. A full operations and management plan for the property reviewed and approved by the Planning Board as part of the Special Permit; the Planning Board may require that said plan be reviewed by its consulting engineer or other appropriate consultant(s) at the applicant's expense.
 3. The review and approval from the Sandwich Board of Health to ensure compliance with all on-site wastewater treatment requirements prior to Special Permit approval.
 4. Review and approval from the Sandwich Engineering Department for any new or enhanced driveways or curb cuts, as well as on-site parking mitigation prior to Special Permit approval.
 5. Review and approval by the Sandwich Historic Committee (if applicable) for compliance with Old King's Highway Historic District requirements prior to Special Permit approval.
 6. ~~Completion of a full inspection and building code compliance checklist to be conducted by the Town Building Inspector prior to Special Permit approval and issuance of final occupancy certificates.~~ Review and approval by the Sandwich Building Department to ensure compliance with all applicable regulations, as determined by the Building Commissioner.
 7. Review and approval by the Planning Board of a site plan prepared by a registered landscape architect for any clearing of pre-existing on site trees in order to protect the vegetative integrity of the lot.
 8. Ten (10) percent of total cottages converted must be made affordable and meet the guidelines for a low or moderate income family. For the purpose of this section low income shall be defined as an income less than eighty (80) percent of the area median income, and moderate income shall be defined as an income between eighty (80) and one hundred and twenty (120) percent of the area median income, as determined by the Federal and/or State Census. The affordable units shall meet the requirements necessary to be added to the Subsidized Housing Inventory. All occupants of the affordable units shall be approved by the Sandwich Housing Authority to assure compliance with this by-law.
- **Proposed amendment to Article IV to add Section 4457 for the purpose of adding an affordable housing provision as follows:**
4457. This section of the By-law applies to any residential subdivision or division of land resulting in ten (10) or more buildable lots.
- In any development that is subject to the regulations hereunder, ten (10) percent of all dwelling units shall be made affordable and meet the guidelines for a low or moderate

income family. For the purpose of this section low income shall be defined as an income less than eighty (80) percent of the area median income, and moderate income shall be defined as an income between eighty (80) and one hundred and twenty (120) percent of the area median income, as determined by the Federal and/or State Census. The affordable units shall meet the requirements necessary to be added to the Subsidized Housing Inventory. The affordable units may be constructed on the locus of the development and sold or rented, or the Planning Board may, in its discretion, approve one (1) or more of the following methods, or any combination thereof, for the provision of affordable units.

1. Off-Site Units: An equivalent number of affordable housing units may be constructed on another site in the Town of Sandwich. All requirements that apply to on-site provision of affordable units shall apply to off-site affordable units. In addition, the location of the off-site units shall be approved by the Planning Board as a part of the Definitive Subdivision approval process.
2. Land Donation: An applicant may offer a donation of land that is equal to the value of an affordable unit within the proposed subdivision. The Planning Board determines suitability for the construction of an equivalent number of affordable housing units. An affordable housing restriction shall be placed on land donated assuring its use for affordable housing. This is subject to the approval of the Board of Selectmen.

The applicant shall submit to the Building Commissioner documentation ensuring the requirements of this section will be met, prior to the issuance of a building permit for any dwelling unit. Specific requirements relative to the location, appearance, and phasing of construction of the affordable units may be imposed as a condition by the Planning Board during the Definitive Subdivision approval process.

Full text of the proposed Zoning Amendments, along with the current Protective Zoning By-Law and current Zoning Map may be viewed in the following ways:

1. Request a PDF from the Office of Planning & Development at planning@sandwichmass.org
2. Visit the Office of Planning & Development at 16 Jan Sebastian Drive, Sandwich, MA.
3. Call (508) 833-8001 if other accommodations are needed.

Robert E. King, Chair
Sandwich Planning Board
Publication: Sandwich Enterprise
Publication Dates: February 28, 2020 and March 6, 2020

Town of Barnstable Planning Board
Notice of Public Hearing

Monday, March 23, 2020 at 7:00 PM

BARNSTABLE
TOWN CLERK

MAR -4 P2:15

MAR 19 2020

Modification of Subdivision No. 367
Hi-River Road, Marstons Mills

To all persons deemed interested in the Planning Board acting under the General Laws of the Commonwealth of Massachusetts, Chapter 41, Sections 81A, through 81GG, Subdivision Control and all amendments thereto and Chapter 801, Subdivision Regulations of the Town of Barnstable you are hereby notified of a Public Hearing to consider modifications to Subdivision No. 367, approved by the Planning Board on February 9, 1976 and endorsed on April 5, 1976.

The application has been submitted by Attorney Mark Boudreau, representing applicant Arnold O. Johnson. The request is to modify the road covenant required by the 1976 subdivision approval in order to allow the release of Lot 8 subject to the installation of a road conforming to applicable Subdivision Rules & Regulations along the length of frontage of Lot 8. The existing covenant is recorded in Book 2365, Page 339 at the Barnstable County Registry of Deeds. The application states the release of Lot 8 would allow the applicant to operate a tree farm on Lots 8, 7, 6, and 5, but would not allow residential construction on any of the said four lots.

This Public Hearing will be held at the Barnstable Town Hall, 367 Main Street, Hyannis, MA, Hearing Room, 2nd Floor, Monday, March 23, 2020, at 7:00 PM. Copies of the application and proposed modification plan are available for review at the Planning & Development Department, 200 Main Street, Hyannis, MA between the hours of 8:30 AM to 4:30 PM, Monday through Friday.

Barnstable Patriot
March 6 & 13, 2020

Steven Costello, Chair
Barnstable Planning Board