

**Town of Mashpee
Annual Town Meeting
Mashpee High School
Monday, October 16, 2017**

Town Meeting opened at 7:21 PM

Voters Present 320

Quorum 0

Barnstable, ss:

Greetings to the Constables of the Town,

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and summon the inhabitants of the Town of Mashpee who are qualified to vote in the elections to meet at the Mashpee High School on Monday, the 16th day of October 2017 at 7:00 p.m. for the following purposes:

To act on the articles contained in the following Warrant.

Article 1

To see if the Town will vote to appropriate and transfer the sum of \$27,145 from revenue available for appropriation to the Principal inside 2 ½ account, or take any other action relating thereto.

Submitted by the Town Treasurer

Explanation: This article is for the purpose of funding the debt associated with the CW-50-C loan from the state. The final debt schedule was received after the articles were submitted for May 2017 Annual Town Meeting.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0.

The Finance Committee recommends Town Meeting approval by a vote of 5-0.

Motion made by Selectman Thomas O'Hara.

Motion: I move the Town vote to appropriate and transfer the sum of \$27,145 from revenue available for appropriation to the Principal inside 2 ½ account.

Motion passes unanimously at 7:22 PM.

Article 2

To see if the Town will vote to amend and supplement each prior vote of the Town that authorized the borrowing of money to pay capital project costs to provide that, in accordance with Chapter 44, Section 20 of the General Laws, as amended by the Acts of 2016, c.218, § 67,

the premium received by the Town upon the sale of any bonds or notes thereunder, less the costs of preparing, issuing and marketing such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied, or take any other action relating thereto.

Submitted by the Town Treasurer

Explanation: This article is needed to amend bonding authorization articles that were approved prior to passage of the Municipal Modernization Act in August 2016, so the premiums received upon the sale of such bonds may be applied to the costs of the project being financed and to reduce the amounts authorized to be borrowed by the applied amount.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0.

The Finance Committee recommends Town Meeting approval by a vote of 5-0.

Motion made by Selectman John Cotton.

Motion: I move the Town vote to amend and supplement each prior vote of the Town that authorized the borrowing of money to pay capital project costs to provide that, in accordance with Chapter 44, Section 20 of the General Laws, as amended by the Acts of 2016, c.218, § 67, the premium received by the Town upon the sale of any bonds or notes thereunder, less the costs of preparing, issuing and marketing such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

Motion passes unanimously at 7:23 PM.

Article 3

To see if the Town will vote to transfer \$325,000 from the Assessors Overlay Surplus Account to the Assessors Revaluation Account, or take any other action relating thereto.

Submitted by the Town Assessor

Explanation: To transfer existing monies to fund the Assessor's Revaluation Account for costs related to meeting the Department of Revenue's annual and triennial certification requirements. All towns are required by the D.O.R. to maintain a revaluation account for costs relating to valuation consultants, Appellate Tax Board expenses, private appraisals, defense of values and various other requirements to ensure accurate assessments and timely issuance of tax bills.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0.

The Finance Committee recommends Town Meeting approval by a vote of 5-0.

Motion may by Selectman Carol Sherman.

Motion: I move the Town vote to appropriate and transfer \$325,000 from the Assessors Overlay Surplus Account to the Assessors Revaluation Account.

Motion passes unanimously at 7:24 PM.

Article 4

To see if the Town will vote to appropriate and transfer, pursuant to the provisions of M.G.L. Chapter 44B, §6 to reserve from the FY2018 estimated Community Preservation revenues, the following amounts:

\$150,906	10% for Open Space/Recreational Purposes
\$150,906	10% for Historic Preservation Purposes
\$150,906	10% for Affordable Housing Purposes
\$1,056,341	to the FY 2018 Community Preservation Fund Budget for Appropriation Reserve as recommended by the Community Preservation Committee,

or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: This article is required annually to set aside the 10% Reserves of the estimated Community Preservation Funds for Open Space/Recreation Purposes, Historic Preservation Purposes and Affordable Housing Purposes and to fund the Budget for Appropriation Reserve.

The Community Preservation Committee voted 5-0 to approve the article to set aside the 10% Reserves and Budget for Appropriation Reserve to be available for use in fiscal year 2018 as certified by the Town Finance Director and reflected in the FY2018 CP-1.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0.

The Finance Committee recommends Town Meeting approval by a vote of 5-0.

Motion made by Selectman John Cahalane.

Motion: I move the Town vote to appropriate and transfer, pursuant to the provisions of M.G.L. Chapter 44B, §6 to reserve from the FY2018 estimated Community Preservation revenues, the following amounts:

\$150,906	10% for Open Space/Recreational Purposes
\$150,906	10% for Historic Preservation Purposes
\$150,906	10% for Affordable Housing Purposes
\$1,056,341	to the FY 2018 Community Preservation Fund Budget for Appropriation Reserve as recommended by the Community Preservation Committee.

Motion passes unanimously at 7:26 PM.

Article 5

To see if the Town will vote to appropriate and transfer from the Community Preservation Budget for Appropriation Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, an amount not to exceed \$420,000 for the purpose of funding a Pickleball Court Construction project, with parking and related site amenities, at one of the two following locations: 400 Main Street/Route 130, or, 156 Ashumet Road, Mashpee, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The goal of this project is to provide funding for eight (8) dedicated Pickleball courts with parking and other site amenities. Pickleball is an emerging sport that can be played by all age groups. The sport is similar to tennis and badminton, played on a court with a net using a paddle and ball. Construction of the courts will provide an active recreational opportunity for adults, a generally underserved population. To move the project forward, members of the CPC agreed to consider two locations for the project.

Subject to permitting, the 400 Main Street/Route 130 location would incorporate a pedestrian connection to separate vehicular traffic and incorporate enhanced landscape and buffer type screening to soften the appearance of the multi-use courts and area fencing. With approval of this project, a landscape plan would be developed and the existing pollinator gardens would be retained. This is the preferred location of the applicant for the courts due to its proximity to Route 130 with overflow parking at the Community Park. Extensive site clearing is not required at this location. The total proposed budget for the Route 130 site is \$315,000.

If necessary permits are not secured for the Route 130 location, an alternate site has been considered on Ashumet Road located across from the rear fields of the Heritage Park Recreational facility and adjacent to the Mashpee Dog Park. Additional costs would be required for paving and the clearing of the wooded lot. The estimated cost to construct and equip the Pickleball courts on the 156 Ashumet Road site is \$418,670.

The vote of the Community Preservation Committee was unanimous 5-0 in support of this article.

The Board of Selectmen recommends Town Meeting approval of the 156 Ashumet Road site by a vote of 5-0

The Finance Committee recommends Town Meeting approval of the 156 Ashumet Road site by a vote of 5-0

Motion made by Selectman Andrew Gottlieb.

Motion: I move the Town vote to appropriate and transfer from the Community Preservation Budget for Appropriation Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of [PC1]\$420,000 for the purpose of funding a Pickleball Court Construction project, with parking and related site amenities, at 156 Ashumet Road, Mashpee, including

necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

Motion passes at 7:33 PM.

Article 6

To see if the Town will vote to appropriate and transfer from the Community Preservation 10% Open Space/Recreation Reserves in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$121,500 for the purpose of funding the Ockway Bay Boat Ramp Improvement Project – Phase II, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The purpose of this project is to develop a site plan for the property and to reconstruct the parking lot for the users of the facility. Parking is currently random and not specific on the existing unpaved lot. The reconfiguration and asphalt paving of the site will allow for the parking of 17 boats with trailers lined on an angle design with one way traffic circulation.

In May 2016, Town Meeting voted to recommend the \$75,000 Ockway Boat Ramp Improvement project, which involved the replacement of the wooden structure in disrepair with aluminum marine-grade material.

The vote of the Community Preservation Committee was unanimous 4-0 (1 abstention) in support of this article.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0.

The Finance Committee recommends Town Meeting approval by a vote of 5-0.

Motion made by Selectman Thomas O'Hara.

Motion: I move the Town vote to appropriate and transfer from the Community Preservation 10% Open Space/Recreation Reserves in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$121,500 for the purpose of funding the Ockway Bay Boat Ramp Improvement Project – Phase II, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee.

Motion passes at 7:34 PM.

Article 7

To see if the Town will vote to appropriate and transfer the sum of \$20,000 from the Waterways Improvement Fund to the Department of Natural Resources Equipment Expense Account for the purpose of purchasing equipment/hardware for maintenance of waterways by the Department of Natural Resources/Harbormaster, or take any other action relating thereto.

Submitted by the Waterways Commission

Explanation: This article will transfer funds from the Waterways Improvement Fund to cover the costs of purchasing channel markers, associated hardware, chains, anchors and miscellaneous equipment which is needed by the Harbormaster to properly identify channels for safe navigation.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0.

The Finance Committee recommends Town Meeting approval by a vote of 5-0.

Motion made by Selectman John Cotton.

Motion: I move the Town vote to appropriate and transfer the sum of \$20,000 from the Waterways Improvement Fund to the Department of Natural Resources Equipment Expense Account for the purpose of purchasing equipment/hardware for maintenance of waterways by the Department of Natural Resources/Harbormaster.

Motion passes unanimously at 7:35 PM.

Article 8

To see if the Town will vote to appropriate and transfer the sum of \$39,000 from the Waterways Improvement Fund to the Waterways Dredging Account to cover the costs associated with dredging 3,000 cubic yards of sediment from the Great River/Little River Channel, or take any other action relating thereto.

Submitted by the Waterways Commission

Explanation: This article will transfer funds from the Waterways Improvement Fund to the Waterways Dredging Account to cover the costs associated with dredging 3,000 cubic yards of sediment from the Great River/Little River Channel.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0.

The Finance Committee recommends Town Meeting approval by a vote of 5-0.

Motion made by Selectman Carol Sherman.

Motion: I move the Town vote to appropriate and transfer the sum of \$39,000 from the Waterways Improvement Fund to the Waterways Dredging Account to cover the costs associated with dredging 3,000 cubic yards of sediment from the Great River/Little River Channel.

Motion passes unanimously at 7:35 PM.

Article 9

To see if the Town will vote to appropriate and transfer the sum of \$65,000 from the Waterways Improvement Fund to the Waterways Dredging Account to cover the costs associated with dredging 5,000 cubic yards of sediment from the Popponesset Approach Channel, or take any other action relating thereto.

Submitted by the Waterways Commission

Explanation: This article will transfer funds from the Waterways Improvement Fund to the Waterways Dredging Account to cover the costs associated with dredging 5,000 cubic yards of sediment from the Popponesset Approach Channel.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0.

The Finance Committee recommends Town Meeting approval by a vote of 5-0.

Motion made by Selectman John Cahalane.

Motion: I move the Town vote to appropriate and transfer the sum of \$65,000 from the Waterways Improvement Fund to the Waterways Dredging Account to cover the costs associated with dredging 5,000 cubic yards of sediment from the Popponesset Approach Channel.

Motion passes unanimously at 7:36 PM.

Article 10

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift or otherwise, title to that certain parcel of land identified on Mashpee Assessor's Map 120 as Parcel 58 and located at 270 Monomoscoy Road in Mashpee, Barnstable County, Massachusetts, consisting of 0.377 acres, more or less, to be held for general municipal purposes, including use for the cultivation and collection of shellfish and other aquaculture activities conducted under the direction and control of the Mashpee Department of Natural Resources, and to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments on behalf of the Town as may be necessary to effect this transfer of title, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: The owner of the parcel of land located at 270 Monomoscoy Road has offered to donate the subject parcel of land to the Town for the purpose of cultivation and collection of shellfish and other aquaculture activities to be conducted under the direction and control of the Mashpee Department of Natural Resources. This article will authorize the Board of Selectmen to acquire title to the subject parcel for such purposes.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0.

The Finance Committee recommends Town Meeting approval by a vote of 5-0.

Motion made by Selectman Andrew Gottlieb.

Motion: I move the Town vote to authorize the Board of Selectmen to acquire, by gift or otherwise, title to that certain parcel of land identified on Mashpee Assessor's Map 120 as Parcel 58 and located at 270 Monomoscoy Road in Mashpee, Barnstable County, Massachusetts, consisting of 0.377 acres, more or less, to be held for general municipal purposes, including use for the cultivation and collection of shellfish and other aquaculture activities conducted under the direction and control of the Mashpee Department of Natural Resources, and to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments on behalf of the Town as may be necessary to effect this transfer of title.

Motion passes unanimously at 7:37 PM.

Article 11

To see if the Town will vote to authorize the Conservation Commission to enter into a 30 year lease, in consideration of nominal payment to the Town and other public/environmental benefits to be provided by a prospective lessee, with respect to that certain parcel of Town owned land identified on Mashpee Assessor's Map 85 as Parcel 1-0 and located at 91 Milford Road (Also known as Childs River Conservation Area) in Mashpee, Barnstable County, Massachusetts, consisting of 24.70 acres, more or less, for the purpose of facilitating implementation of the Childs River Restoration Project and improving the conservation, recreational and open space qualities of the subject land consistent with the permitted uses of said land under Article 97 of the Amendments to the Massachusetts Declaration of Rights, and to authorize the Conservation Commission to enter into all agreements and to execute any and all instruments on behalf of the Town as may be necessary to effect such a lease, or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article seeks to authorize the Conservation Commission to negotiate and enter into a long term (30 year) lease agreement whereby the property located at 91 Milford Road, which is held by the Town for conservation/open space purposes, would be leased to a private entity or entities for the purpose of facilitating implementation of the Childs River Restoration Project and improving the conservation, recreational and open space qualities of the subject land. The objective of the Town is to maintain ownership of the subject land while entering into a joint venture with other property owner(s) in the vicinity of the Childs River whereby public and private resources can be utilized to coordinate the Childs River restoration efforts and maximize public benefits, consistent with the permitted uses of said land under Article 97 of the Amendments to the Massachusetts Declaration of Rights.

The Board of Selectmen recommends Town Meeting approval by a vote of 4-0-1.

The Finance Committee recommends Town Meeting approval by a vote of 5-0.

Motion made by Selectman Thomas O'Hara.

Motion: I move the Town vote to authorize the Conservation Commission to enter into a 30 year lease, in consideration of nominal payment to the Town and other public/environmental

benefits to be provided by a prospective lessee, with respect to that certain parcel of Town owned land identified on Mashpee Assessor's Map 85 as Parcel 1-0 and located at 91 Milford Road (Also known as Childs River Conservation Area) in Mashpee, Barnstable County, Massachusetts, consisting of 24.70 acres, more or less, for the purpose of facilitating implementation of the Childs River Restoration Project and improving the conservation, recreational and open space qualities of the subject land consistent with the permitted uses of said land under Article 97 of the Amendments to the Massachusetts Declaration of Rights, and to authorize the Conservation Commission to enter into all agreements and to execute any and all instruments on behalf of the Town as may be necessary to effect such a lease.

Motion passes by a 2/3rds vote as declared by the moderator at 7:39 PM.

Article 12

To see if the Town will vote to adopt the following Bylaw to implement a temporary moratorium until December 31, 2018 on the local permitting and use of land or structures for recreational marijuana establishments and marijuana retailers in the Town in order for the Town to have sufficient time and opportunity to review yet to be promulgated Cannabis Control Commission regulations relative to said establishments/ retailers and to consider and develop appropriate local Bylaws pursuant to comprehensive planning studies and appropriate public planning processes, or take any other action relating thereto:

Add the following new General Bylaw Section: “_____ Marijuana Establishments”

A. Purpose

By vote approving Question 4 at the State election on November 8, 2016, the voters of the Commonwealth approved a law allowing the non-medical cultivation, distribution, possession and use of marijuana for recreational purposes (Chapter 334 of the Acts of 2016). Revised/amended law on the subject was enacted by the General Court and the Governor effective December 15, 2016 (Chapter 334 of the Acts of 2016) and, thereafter, on July 28, 2017 (Chapter 55 of the Acts of 2017). The new law is codified at G.L. c. 94G, and municipalities are authorized by Section 3 thereunder to adopt bylaws for the purpose of regulating said activities. The recently appointed Cannabis Control Commission is presently required to issue final State regulations regarding implementation of said law by March 15, 2018. Currently under the Mashpee Bylaws, Marijuana Establishments and Marijuana Retailers are not permitted uses in the Town and the regulations to be promulgated by the State Cannabis Control Commission are expected to provide significant guidance to the Town with respect to local regulation of Marijuana Establishments and Marijuana Retailers.

The regulation of Recreational Marijuana Establishments and Marijuana Retailers raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and Marijuana Retailers and address such novel and complex issues, as well as to address the potential impact of the prospective State regulations on local regulatory authority, and to undertake a planning process to consider amending the Town Bylaws regarding regulation of Recreational Marijuana Establishments and Marijuana Retailers and other uses related to the regulation of recreational marijuana. The Town intends to adopt a temporary moratorium on the local permitting and use of

land and structures in the Town for Recreational Marijuana Establishments and Marijuana Retailers to allow the Town sufficient time to engage in a planning process to address the effects of such establishments and uses in the Town and to adopt Bylaw provisions in a manner consistent with sound public policy planning goals and objectives.

B. Definitions

The following definitions shall apply to Marijuana Establishments regulated hereunder:

"Manufacture", to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

"Marijuana", all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C; provided, however, that "marijuana" shall not include: (i) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (ii) hemp; or (iii) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

"Marijuana accessories", equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

"Marijuana cultivator", an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

"Marijuana establishment", a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

"Marijuana product manufacturer", an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

"Marijuana products", products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

"Marijuana retailer", an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

C. Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Town Bylaws to the contrary, in accordance with the provisions of G.L. c. 94G, Section 3, the Town hereby adopts a temporary moratorium on the local permitting and use of land or structures for Recreational Marijuana Establishments and Marijuana Retailers. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a comprehensive planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, Marijuana Retailers and related uses, determine whether the Town shall restrict any, or all, licenses for Recreational Marijuana Establishments and Marijuana Retailers, determine whether the Town will prohibit on-site consumption at Recreational Marijuana Establishments and Marijuana Retailers and shall consider adopting new provisions of the General or Zoning Bylaws to address the impact and operation of Recreational Marijuana Establishments and Marijuana Retailers and related uses.

Submitted by the Board of Selectmen

Explanation: This article would adopt a Bylaw placing a temporary moratorium on recreational marijuana establishments and marijuana retailers to allow the Town adequate time and opportunity to consider and adopt appropriate local Bylaws and regulations relative to such uses. The moratorium would run until December 31, 2018. The Town will review (yet to be adopted) Cannabis Control Commission regulations regarding such uses and establishments, study the effects of such structures and uses, engage in a public planning process, and adopt appropriate regulatory provisions prior to the expiration of the moratorium.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0.

The Finance Committee voted 2-4 not to recommend Article 12.

Motion made by Selectman John Cotton.

Motion: I move the Town vote to approve Article 12 as printed in the Warrant with the exception of the phrase "or take any other action relating thereto", and to incorporate the Bylaw as Chapter 48 – Marijuana Establishments, §48-1 in the General Bylaws.

Motion passes 219 in favor 95 opposed, motion carries at 8:12 PM.

Article 13

To see if the Town will vote to amend the Zoning Bylaws by deleting §§ 174-48 (Design Review Committee) and 174-48.1 (Plan Review Committee and substituting a new §174-48 (Design and Plan Review Committee) to read as follows:

§174-48 Design and Plan Review Committee:

A. A Design and Plan Review Committee (the “Committee”) shall be established to 1) advise the Building Commissioner, Planning Board and Board of Zoning Appeals on matters of architectural and design concerns in the review of applications for Special Permits, including all functions described in §174-24, sign permits in the R-5, R-3, C-2, I-1, C-1, and C-3 Zoning Districts, and other permitting/approval processes requiring Committee action under the Zoning Bylaw, 2) to provide advice on matters related to the areas of expertise of its members, and 3) to provide review and informal advice to applicants for permits under applicable provisions of this Bylaw. For purposes of this Section, “architectural and design concern” shall include, but not be limited to site planning, building placement, building size, design compatibility, exterior appearance, construction materials and finishes, parking and roadways, landscaping and site grading, building entrance and exit placement and signs.

B. The Committee shall sit with the Planning Board and Board of Zoning Appeals in any public meetings dealing with development proposals in the R-5, R-3, C-2, I-1, C-1, C-1-SV Incentive and C-1-0 Incentive Zoning Districts. The Committee may also call special meetings of its own to review permit applications. Findings of the Committee shall be advisory to the Planning Board and Board of Zoning Appeals. Full power for granting or denial of applications for Special Permits shall remain with these Boards.

C. Membership of the Committee shall consist of eleven (11) persons, one (1) each from the Planning Board and Board of Zoning Appeals, one (1) member to be appointed by the Board of Selectmen, the Building Commissioner, Health Agent, Town Planner, Conservation Agent, Fire Chief, Police Chief, Director of Public Works and Town Manager, or their respective designees. [PC2]The Planning Board member shall be appointed by the Planning Board Chairman, and the Board of Zoning Appeals member shall be appointed by the Chairman of the Board of Zoning Appeals. In addition, the Chairman of the Planning Board and Board of Appeals, respectively, may appoint any number of alternate members from their Board, who may be designated by the Chairman to replace the regular member when the regular member is unable to attend a meeting of the committee. The member appointed by the Board of Selectmen shall be an architect, landscape architect or civil engineer. In the event that no such person is available, the Committee may retain, with prior approval of the Board of Selectmen, the services of an architect, landscape architect or civil engineer for consultation purposes.

D. The Committee may organize itself in the manner it deems appropriate and may establish rules and procedures as it deems necessary for the performance of its functions. The Committee may meet as a group to discuss projects, in which case it shall follow the requirements of the “Open Meeting Law”, or it may establish procedures under which, for certain types of uses, the members may file individual recommendations regarding a project with the Building Commissioner, who shall compile the Committee members’ recommendation, provide it to the applicant and, if he deems it appropriate, to the relevant Special Permit granting authority, and he shall file it with the Town Clerk.

And, further, to substitute the term “Design and Plan Review Committee” for “Design Review Committee” and “Plan Review Committee” as they presently appear in the Zoning Bylaw Table of Contents; §174-24.B.2&3; §174-24.C.4&5; §174-24.J; §174-25.D(6); §174-25.H(12); §174-25.1.4; §174-31.f.n.14; §174-45.1.H; §174-45.1.J.3; §174-46.G; G.1,2,2(h); G.3, G.3(e); G.8,

G.8(a, d, e, f &h); §174-46.H.3; §174-47.C.1; and §174-51.A., or take any other action relating thereto.

Submitted by Board of Selectmen

Explanation: This article will eliminate the present Design Review Committee and Plan Review Committee and combine the functions of those two Committees into a single Design and Plan Review Committee. The objective of this Bylaw amendment is to streamline the project/application review process for both applicants and Town regulatory Boards, avoid redundancy in preliminary application/plan review functions, and minimize the potential for vacancies and quorum issues on voluntary Town committees.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0.

The Finance Committee recommends Town Meeting approval by a vote of 5-0.

After a public hearing held on October 4, 2017 the Planning Board made no recommendation on Article 13, as it was to be indefinitely postponed.

Motion made by Selectman Carol Sherman.

Motion: I move to indefinitely postpone Article 13.

Motion to indefinitely postpone Article 13 passes at 8:13 PM.

Article 14

To see if the Town will vote to amend the Zoning Bylaw by amending Section 174-15 by replacing the phrase “six (6) months” with the phrase “twelve (12) months” and by amending Subsection 174-24.C.8. by replacing the phrase “within two (2) years” with the phrase “within three (3) years”, or take any other action relating thereto.

Submitted by Planning Board

Explanation: This article would amend the Zoning Bylaw in response to the enactment by the legislature of Sections 29 and 30 of Chapter 219 of the Acts of 2016, St. 2016, Ch. 219, which amended Ch. 40A, §6 to double the time within which a permittee can commence construction or operations under a Building or Special Permit from six (6) to twelve (12) months without fear of a zoning change that might otherwise nullify the project, and amended Ch. 40A, §9 governing Special Permits by lengthening the time from two (2) years to three (3) years to commence construction or substantial use without lapse of the Special permit or having to seek an extension from the Special Permit granting authority.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0.

The Finance Committee recommends Town Meeting approval by a vote of 5-0.

After a public hearing held on October 4, 2017, the Planning Board voted 5-0 to recommend approval of Article 14 as printed in the warrant.

Motion made by Selectman John Cahalane.

Motion: I move the Town vote to approve Article 14 as printed in the Warrant with the exception of the phrase “or take any other action relating thereto.”

Motion passes by 2/3rds vote at 8:14 PM.

Article 15

To see if the Town will vote to amend the Zoning Bylaw by amending the Section 174-25 Table of Use Regulations Subsection 174-25.A. (9) by amending the text to read as follows: The storage of one (1) travel trailer, camping trailer or motorhome, provided that it not be used for human habitation while so stored, and provided that the location of such storage shall not be within ten (10) feet of any abutting property. For such trailer or motorhome up to 30 feet in length, storage is by right. Storage of larger trailers and motorhomes shall be subject to approval by the Plan Review Committee”; and by replacing the letters “PR” in the R-3 and R-5 columns with the letters “Y/PR”, or take any other action relating thereto.

Submitted by Planning Board

Explanation: This article would amend the Zoning Bylaw to allow the storage of one travel trailer, camping trailer or motorhome on a residential lot by right, provided that they are not inhabited and are stored at least 10 feet from neighboring properties. It would allow such storage by right for trailers or motorhomes less than 30 feet in length, while requiring Plan Review Committee approval for those greater than 30 feet. The current bylaw requires that all such storage receive a permit from the Plan Review Committee and that the applicable building setbacks (usually 40 feet front, 15 feet side and rear) apply. It has been submitted at the request of the Building Commissioner, who questioned the need for a Plan Review permit, of which only one has been requested in recent memory despite the existence of the bylaw since 1983, and despite the numerous examples of such storage in the town.

The Board of Selectmen recommends Town Meeting approval by a vote of 4-1.

The Finance Committee recommends Town Meeting approval by a vote of 5-0.

After a public hearing held on October 4, 2017, the Planning Board voted 5-0 to recommend approval of Article 15 as printed in the warrant.

Motion made by Selectman Andrew Gottlieb.

Motion: I move the Town vote to approve Article 15 as printed in the Warrant with the exception of the phrase “or take any other action relating thereto.”

Motion passes by 2/3rds vote at 8:15 PM.

Article 16

To see if the Town will vote to amend the Zoning Bylaw by amending the Section 174-31 Land Space Requirements Table by adding reference to a footnote 24 in the “(stories)” and “(feet)” columns in the C-1 row and by adding the following new footnote 24:

“(24) Except that hotels and motels may be 4 stories and 50 feet if approved by the Planning Board as part of a Special Permit for a project and that said building shall be consistent with the Cape Cod Commission design guidelines entitled “Contextual Design on Cape Cod” dated October 1, 2009.”, or take any other action relating thereto.

Submitted by Planning Board

Explanation: This article would amend the Zoning Bylaw to allow the issuance of Special Permits for hotels and motels, only in the C-1 Commercial (Rotary area) zoning district, with up to 4 stories and 50 feet in height, consistent with design guidelines published by the Cape Cod Commission for large-scale development.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0.

The Finance Committee recommends Town Meeting approval by a vote of 5-0.

After a public hearing held on October 4, 2017, the Planning Board voted 5-0 to recommend approval of Article 16 as printed in the warrant.

Motion made by Selectman Thomas O’Hara.

Motion: I move the Town vote to approve Article 16 as printed in the Warrant with the exception of the phrase “or take any other action relating thereto.”

Motion passes by 2/3rds vote at 8:16 PM.

Article 17

To see if the Town will vote to amend the Zoning Bylaw by amending the Section 174-25 Table of Use Regulations Subsection 174-25.F. (4) to add after the wording “Car washing establishments” the phrase “(not permitted in the Mashpee Center Overlay or Groundwater Protection Overlay Districts)” and to add the letters “SP” in the C-2 and I-1 columns, or take any other action relating thereto.

Submitted by Planning Board

Explanation: This article would amend the Zoning Bylaw to allow the issuance of Special Permits for car washes in the C-2 Commercial and I-1 Industrial zoning districts, except in the Mashpee Center Overlay or Groundwater Protection Overlay Districts. They are currently allowed only in the C-1 Commercial (Rotary area) zoning district.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0.

The Finance Committee recommends Town Meeting approval by a vote of 5-0.

After a public hearing held on October 4, 2017, the Planning Board voted 5-0 to recommend approval of Article 17 as printed in the warrant.

Motion made by Selectman John Cotton.

Motion: I move the Town vote to approve Article 17 as printed in the Warrant with the exception of the phrase “or take any other action relating thereto.”

Motion passes by 2/3rds vote at 8:18 PM.

Article 18

To see if the Town will vote to amend the Zoning Bylaw by amending footnote 16 to the Section 174-31 Land Space Requirements table by adding the following additional sentence:

“For single-family residential lots not in a cluster subdivision, but having 10,000 square feet or less of lot size, maximum lot coverage shall be twenty five percent (25%).”

And by amending footnote 18 to said table by replacing the phrase “maximum of lot coverage is twenty (20%) percent.” with the phrase “maximum lot coverage twenty five percent (25%).” or take any other action relating thereto.

Submitted by Planning Board

Explanation: This article would amend the Zoning Bylaw to increase allowed lot coverage by structures from twenty percent (20%) to twenty five percent (25%) on lots that are 10,000 square feet or less in size or are in the Popponesset Overlay District. (Cluster subdivision lots remain at 30% lot coverage, while all other residential lots are allowed 20% lot coverage.) It is intended to allow construction of reasonably-sized houses on old small lots while reducing the number of variances requested.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0.

The Finance Committee recommends Town Meeting approval by a vote of 4-1.

After a public hearing held on October 4, 2017, the Planning Board voted 5-0 to recommend approval of Article 18 as printed in the warrant.

Motion made by Selectman Carol Sherman.

Motion: I move the Town vote to approve Article 18 as printed in the Warrant with the exception of the phrase “or take any other action relating thereto.”

Motion passes by a 2/3rds vote at 8:18 PM.

Article 19

To see if the Town will vote to amend the Zoning Bylaw by amending the Section 174-25 Table of Use Regulations Subsection 174-25.F. (7) by amending the text to add the following: (not allowed in Mashpee Center Overlay District); and by adding the letters “SP” in the C-2 column, or take any other action relating thereto.

Submitted by Planning Board

Explanation: This article would amend the Zoning Bylaw to allow the issuance of Special Permits for drive-in eating places and similar consumer service establishments in the C-2 Commercial zoning district, except in the Mashpee Center Overlay District. They are currently allowed only in the C-1 Commercial (Rotary area) zoning district.

The Board of Selectmen recommends Town Meeting approval by a vote of 4-1.

The Finance Committee recommends Town Meeting approval by a vote of 4-1.

After a public hearing held on October 4, 2017, the Planning Board voted 4-1 to recommend approval of Article 19 as printed in the warrant.

Motion made by Selectman John Cahalane.

Motion: I move the Town vote to approve Article 19 as printed in the Warrant with the exception of the phrase “or take any other action relating thereto.”

Motion is defeated by 57 for 175 against.

Article 20

To see if the Town will vote to amend the Zoning Bylaw by amending the zoning map to include those parcels shown on the 2017 Mashpee Assessor’s Maps as Map 13, Blocks 41, 43 and 45, within the C-3 Commercial zoning district, as shown on a plan filed with the Town Clerk entitled “C-3 Zoning map Change – October 2017”, or take any other action relating thereto.

Submitted by Petition

Explanation: This article would amend the zoning to C-3 Commercial from R-5 Residential, on three lots on Main Street (Route 130) opposite the building formerly occupied by “Cheapo Depot” and the “Gateway Christian Center”

The Board of Selectmen does not recommend Town Meeting approval by a vote of 4-0-1.

The Finance Committee voted to take no action on this article.

After a public hearing held on October 4, 2017, the Planning Board voted 5-0 to recommend approval of Article 20 as printed in the warrant.

Motion made by Lisa McAdams.

Motion: To see if the Town will vote to amend the Zoning Bylaw by amending the zoning map to include those parcels shown on the 2017 Mashpee Assessor's Maps as Map 13, Blocks 41, 43 and 45, within the C-3 Commercial zoning district, as shown on a plan filed with the Town Clerk entitled "C-3 Zoning map Change – October 2017", or take any other action relating thereto.

Motion defeated at 8:29 PM.

Article 21

To see if the Town will vote to authorize and empower the Board of Selectmen to prepare a plan laying out and defining Leather Leaf Lane, Bog River Bend, Fern Gully Pass and Miller Farm Road and to accomplish said purpose and for expenses related thereto, the Town vote to appropriate and transfer from revenue available for appropriation the sum of \$8,000 to the Leather Leaf Lane, Bog River Bend, Fern Gully Pass and Miller Farm Road Roadways Account, or take any other action relating thereto.

Submitted by Petition

Explanation: This article authorizes the Town to layout and define Leather Leaf Lane, Bog River Bend, Fern Gully Pass and Miller Farm Road and to appropriate funding for this purpose

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0.

The Finance Committee recommends Town Meeting approval by a vote of 5-0.

Motion made by Charles H. Hunter (Petitioner)

Motion: I move the Town vote to authorize and empower the Board of Selectmen to prepare a plan laying out and defining Leather Leaf Lane, Bog River Bend, Fern Gully Pass and Miller Farm Road and to accomplish said purpose and for expenses related thereto, the Town vote to appropriate and transfer from revenue available for appropriation the sum of \$8,000 to the Leather Leaf Lane, Bog River Bend, Fern Gully Pass and Miller Farm Road Roadways Account.

Motion passes at 8:31 PM.

And you are hereby directed to serve this Warrant by posting up attested copies thereof, one at the Town Hall, one at the Post Office, and one each on the bulletin boards, thirty days at least before said meeting.

Hereof fail not and make return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 11th day of September in the year two thousand and seventeen.

Per Order of,

Board of Selectmen

Thomas F. O'Hara, Chairman
John J. Cotton, Vice-Chairman
Carol A. Sherman, Clerk
John J. Cahalane

Andrew R. Gottlieb