

**Town of Mashpee  
Annual Town Meeting  
Monday, October 19, 2015**

**Town Meeting convened at 7:05 PM**

**Voters Present 146**

**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 19<sup>th</sup> day of October 2015 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 create the Historical Commission Revolving Account through the Finance Director and Accounting Department in accordance with Massachusetts General Law Chapter 44, Section 53E ½, to be expended under the direction of the Historical Commission; said account to be funded by anticipated revenues collected from the sale of books related to the history of the Town of Mashpee, which funds shall be used to further the operations of Historical Commission programs and services, and to establish the limit on expenditures from said account at \$10,000 for Fiscal Year 2016, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** This provides the Historical Commission with access to funds received from the publishing, sale, and distribution of a soft cover book detailing the history of Mashpee, instead of depositing such receipts into the Town's General Fund.

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 6-0 (1 absent)**

**Motion made by Selectman Thomas O'Hara**

**Motion:** I move the Town vote to create the Historical Commission Revolving Account through the Finance Director and Accounting Department in accordance with Massachusetts General Law Chapter 44, Section 53E ½, to be expended under the direction of the Historical Commission; said account to be funded by anticipated revenues collected from the sale of books related to the history of the Town of Mashpee, which funds shall be used to further the

operations of Historical Commission programs and services, and to establish the limit on expenditures from said account at \$10,000 for Fiscal Year 2016.

**Motion passes unanimously at 7:08 PM.**

## **Article 2**

To see if the Town will vote to appropriate and transfer \$350,000 from the Overlay Surplus account to the Town Hall Repairs and Maintenance account for the purpose of making improvements, including the purchase of various furnishings for the Archives building, the Department of Natural Resources and Town Hall, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** Approval of this article would provide for funding to complete the Archives renovation project through furnishings, the reorganization and improvements of a Natural Resource Department and furnishings thereto, and improvements to Town Hall, including the purchase of furnishings thereto.

**The Board of Selectmen recommends approval by a vote of 4-1**

**The Finance Committee recommends approval by a vote of 6-0 (1 absent)**

**Motion made by Selectman John Cotton**

**Motion:** I move the Town vote to appropriate and transfer \$350,000 from the Overlay Surplus account to the Town Hall Repairs and Maintenance account for the purpose of making improvements, including the purchase of various furnishings for the Archives Building, the former Human Services Building and Town Hall.

**Motion passes unanimously at 7:08 PM.**

## **Article 3**

To see if the Town will vote to create two full-time positions, Director of Natural Resources and Water Quality Control Monitoring Technician, within a newly reorganized Department of Natural Resources and to appropriate and transfer from available funds \$107,826.10 with said funds to be distributed as follows: \$70,664.48 to the Natural Resources Department for salaries/wages; \$36,090.90 to the Medical Insurance Account; \$46.08 to the Group Insurance Account; \$1,024.64 to the Medicare Account, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** This would create the position for Director of the Natural Resources Department and a Water Quality Control Monitoring Technician for the purpose of protecting, preserving, and enhancing a healthy ecological function of the Town's natural resources; to protect the safety of persons and vessels that use our waterways; to preserve, protect, and enhance shellfish and

finfish populations; to protect and restore water quality including, but not limited to, the implementation of the Shellfish and Water Quality Monitoring components of the Mashpee Comprehensive Wastewater and Nitrogen Management Plan.

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 5-0 (1 abstention, 1 absent)**

**Motion made by Selectman John Cahalane**

**Motion:** I move that the Town vote to create a new full-time position, Water Quality Control Monitoring Technician, to serve under the supervision of the Shellfish Constable; and, to fund said position, that the Town vote to appropriate and transfer from available funds the sum of \$46,747.35 with said funds to be distributed as follows: \$28,268.96 to the Police Department Salary/Wage Account, \$18,045.45 to the Medical Insurance Account, \$23.04 to the Group Insurance Account, and \$409.90 to the Medicare Account.

**Motion passes unanimously at 7:19 PM.**

#### **Article 4**

To see if the Town will vote to appropriate and transfer from available funds \$53,175.71 with said funds to be distributed as follows: \$34,605.44 to the Planning Department for salaries/wages; \$18,045.45 to the Medical Insurance Account; \$23.04 to the Group Insurance Account; \$501.78 to the Medicare Account, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** This would fund an already created position of Assistant Town Planner and provide for continuation of work on the Comprehensive Plan, and allow the Town Planner to perform work on the implementation of the Mashpee Comprehensive Wastewater and Nitrogen Management Plan.

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 6-0 (1 absent)**

**Motion made by Selectman Carol Sherman**

**Motion:** I move the Town vote to appropriate and transfer from available funds \$53,175.71 with said funds to be distributed as follows: \$34,605.44 to the Planning Department Salary/Wage Account; \$18,045.45 to the Medical Insurance Account; \$23.04 to the Group Insurance Account; \$501.78 to the Medicare Account.

**Motion passes unanimously at 7:21 PM.**

## **Article 5**

To see if the Town will vote to appropriate and transfer from available funds \$250,000 to the Shellfish Propagation Account to purchase quahog and oyster seed and cultch for initial phase of implementation of the shellfish component of the Mashpee Comprehensive Wastewater and Nitrogen Management Plan, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** These funds are for the purchase of 4,000,000 quahog seed (1 inch size), 4,000 bags of oyster seed set on shell, and shell cultch for the 2016 beginning of implementation of the shellfish component of the Mashpee Comprehensive Wastewater and Nitrogen Management Plan.

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 5-0 (1 abstention, 1 absent)**

**Motion made by Selectman Andrew Gottlieb.**

**Motion:** I move the Town vote to appropriate and transfer from available funds \$250,000 to the Shellfish Propagation Expense Account to purchase quahog and oyster seed and cultch for initial phase of implementation of the shellfish component of the Mashpee Comprehensive Wastewater and Nitrogen Management Plan.

**Motion passes unanimously at 7:22 PM.**

## **Article 6**

To see if the Town will vote to appropriate and transfer from available funds the amount of \$32,500 to the Department of Natural Resources to fund a monitoring contract with the University of Massachusetts Dartmouth for monitoring water quality associated with Shellfish Aquaculture in Popponesset Bay and Waquoit Bay and its effectiveness in reducing watercolumn nutrient concentrations, or take any other action thereto.

Submitted by the Board of Selectmen

**Explanation:** The Town's wastewater program relies heavily on aquaculture to reduce nitrogen in its bays. While the Town has an excellent understanding of the nitrogen reductions from each clam or oyster, it is less clear what nitrogen reductions occur in sediments beneath healthy shellfish populations. This study will quantify the additional nitrogen reductions that are a distinct benefit from the aquaculture program. The results of the study will enable the Town to understand the additional incremental reductions in nitrogen that it can take credit for with state and federal regulatory agencies and, therefore, offset and avoid additional and more expensive means of nitrogen management. This is the first year of a three year analysis.

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 6-0 (1 absent)**

**Motion made by Selectman Thomas O'Hara**

**Motion:** I move the Town vote to appropriate and transfer from available funds the amount of \$32,500 to the Shellfish Propagation Water Quality Monitoring Expense Account to fund a monitoring contract with the University of Massachusetts Dartmouth for monitoring water quality associated with Shellfish Aquaculture in Popponesset Bay and Waquoit Bay and its effectiveness in reducing water column nutrient concentrations.

**Motion passes unanimously at 7:26 PM.**

### **Article 7**

To see if the Town will vote to appropriate and transfer from available funds \$40,000 to the Accrued Benefits Account, or take any other action relating thereto.

Submitted by the Human Resources Department

**Explanation:** This article is necessary to cover costs relative to an employee retirement, and also to replenish the Accrued Benefits Account for possible future use.

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 6-0 (1 absent)**

**Motion made by Selectman John Cotton**

**Motion:** I move the Town vote to appropriate and transfer from available funds \$40,000 to the Accrued Benefits Account.

**Motion passes unanimously at 7:27 PM.**

### **Article 8**

To see if the Town will vote to appropriate and transfer from available funds \$35,000 to the Human Resources Consulting Account, or take any other action relating thereto.

Submitted by the Human Resources Department

**Explanation:** This funding would allow the Town to contract with a professional consultant to conduct a salary compensation and job description analysis.

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

**The Finance Committee recommends approval by a vote of 4-2 (1 absent)**

**Motion made by Selectman John Cahalane**

**Motion:** I move the Town vote to appropriate and transfer from available funds \$35,000 to the Human Resources Consulting Account.

**Motion passes at 7:31 PM.**

## **Article 9**

To see if the Town will vote to appropriate and transfer from available funds \$338,205 to the Information Technology Department Capital Account for the purpose of funding a Digital Records Management System, or take any other action relating thereto.

Submitted by the Information Technology Department

**Explanation:** This article seeks funding for the purchase and implementation of a Laserfiche Digital Records Management System to facilitate quicker access to files, reduce storage space costs, and improve information security. This project to digitize paper documents, records, and maps includes the purchase of the server hardware and Records Management Software, and the scanning and indexing of 1,731,989 existing paper documents for Mashpee Inspectional Services, which includes the Board of Health, as well as the Building, Conservation and Planning Departments. It is important to note that implementing Laserfiche server software with the Records Management Module receives certification with Department of Defense records management standard 5015.2 and receives endorsement by the United States National Archives and Records Administration. It is vital for the Town of Mashpee to scan important documents, certificates, and maps to a digital form for increased access, security, and disaster recovery, while eliminating the storage requirements for almost two million paper documents.

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 6-0 (1 absent)**

**Motion made by Selectman Carol Sherman**

**Motion:** I move the Town vote to appropriate and transfer from available funds \$338,205 to the Information Technology Department Capital Account for the purpose of funding a Digital Records Management System.

**Motion passes at 7:38 PM.**

## **Article 10**

To see if the Town will vote to appropriate \$60,000 to the Kids Klub Enterprise Fund Capital Expense Account for the purpose of capital improvement expenses associated with the enterprise, and to fund said appropriation from the retained earnings of the enterprise, or take any other action relating thereto.

Submitted by the Recreation Department

**Explanation:** This article will set aside funding for capital expenditures for the Kids Klub Enterprise.

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 5-0 (2 absent)**

**Motion made by Selectman Andrew Gottlieb**

**Motion:** I move the Town vote to appropriate \$60,000 to the Kids Klub Enterprise Fund Capital Expense Account for the purpose of capital improvement expenses associated with the enterprise, and to fund said appropriation by transfer from the retained earnings of the enterprise.

**Motion passes unanimously at 7:39 PM.**

## **Article 11**

To see if the Town will vote to appropriate and transfer from available funds \$100,000 to the Sewer Commission Facilities Study Account, and to re-authorize said account, to fund the hiring of a consultant to complete the necessary studies and analysis as well as preliminary design necessary for the connection of various properties, including Town Hall, the Quashnet School, the Coombs School, and neighboring properties to the existing Mashpee Commons and Wampanoag Village wastewater treatment plans, or take any other action relating thereto.

Submitted by the Sewer Commission

**Explanation:** This article would provide funding for an engineering consultant to prepare the necessary studies, analyses and preliminary designs regarding the connection of various properties, including Town Hall, the Quashnet School, the Coombs School, and neighboring properties to the existing Mashpee Commons and Wampanoag Village wastewater treatment plants. This project will be one of the initial steps in implementing the Town's Watershed Nitrogen Management Plan/CWMP.

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 6-0 (1 absent)**

**Motion made by Selectman Thomas O'Hara**

**Motion:** I move the Town vote to re-authorize the Sewer Commission Facilities Study Account, and to appropriate and transfer from available funds \$100,000 to said account to fund the hiring of a consultant to complete the necessary studies and analysis as well as preliminary design necessary for the connection of various properties, including Town Hall, the Quashnet School, the Coombs School, and neighboring properties to the existing Mashpee Commons and Wampanoag Village wastewater treatment plans.

**Motion passes unanimously at 7:48 PM.**

## **Article 12**

To see if the Town will vote to appropriate and transfer from available funds \$80,000 to the legal and engineering account to support the development of inter-municipal agreements with Falmouth, Sandwich and Barnstable, regarding shared responsibility for nutrient cleanup of Waquoit and Popponesset Bays in a manner consistent with the Town's plan, the negotiation and establishment of Memoranda of Understanding and/or contracts for use of, acquisition of, and connection of additional properties to existing private wastewater treatment plants, and to develop required and necessary monitoring plans and permit applications to protect the Town from being subject to Clean Water Act third party litigation and to further implement the towns wastewater management plan, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** This article would provide funding for engineering, mediation, legal and similar services to assist the Town in negotiation and establishment of inter-municipal agreements with Falmouth, Sandwich and Barnstable, regarding shared responsibility for clean-up of Waquoit and Popponesset Bays in a manner consistent with the County's "208" Plan and therefor ensuring the Town's eligibility for enhanced state financial assistance implementing the plan, and the negotiation and establishment of Memoranda of Understanding and or contracts for use of, acquisition of, and connection of additional properties to existing private wastewater treatment plants, as called for in the Town's Watershed Nitrogen Management Plan/CWMP, and to develop and obtain approval for necessary permits and monitoring plans that ensure the town is compliant with federal and state requirements and thereby protected from future litigation.

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 5-0 (2 absent)**

**Motion made by Selectman John Cotton**

**Motion:** I move the Town vote to appropriate and transfer from available funds \$80,000 to the legal and engineering account to support the development of inter-municipal agreements with Falmouth, Sandwich and Barnstable, regarding shared responsibility for nutrient cleanup of Waquoit and Popponesset Bays in a manner consistent with the Town's plan, the negotiation and establishment of Memoranda of Understanding and/or contracts for use of, acquisition of, and connection of additional properties to existing private wastewater treatment plants, and to develop required and necessary monitoring plans and permit applications to protect the Town from being subject to Clean Water Act third party litigation and to further implement the Town's wastewater management plan.

**Motion passes unanimously at 7:50 PM.**



### **Article13**

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

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 5-0 (2 absent)**

**Motion made by Selectman John Cahalane**

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

**Motion passes unanimously at 7:51 PM.**

### **Article 14**

To see if the Town will vote to appropriate and transfer \$23,400 from the Waterways Improvement Fund Account to the Waterways Dredging Account to cover costs associated with dredging 2,600 cubic yards of sediment from the Popponesset Inner 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 cover costs associated with dredging 2,600 cubic yards of sediment from the Popponesset Inner Channel.

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 6-0 (1 absent)**

**Motion made by Selectman Carol Sherman**

**Motion:** I move the Town vote to appropriate and transfer \$23,400 from the Waterways Improvement Fund Account to the Waterways Dredging Expense Account to cover costs associated with dredging 2,600 cubic yards of sediment from the Popponesset Inner Channel.

**Motion passes unanimously at 7:52 PM.**

## **Article 15**

To see if the Town will vote to appropriate and transfer \$20,000 from the Waterways Improvement Fund Account to the Waterways Equipment/Maintenance Account to cover the cost of channel markers, associated hardware, chains, anchors, and miscellaneous equipment which suffered damage as a result of severe winter weather, and which are needed by the Harbormaster to properly identify channels, 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 cost of channel markers, associated hardware, chains, anchors, and miscellaneous equipment which suffered damage as a result of severe winter weather, and which are needed by the Harbormaster to properly identify channels.

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 6-0 (1 absent)**

**Motion made by Selectman Andrew Gottlieb**

**Motion:** I move the Town vote to appropriate and transfer \$20,000 from the Waterways Improvement Fund Account to the Waterways Equipment/Maintenance Expense Account to cover the cost of channel markers, associated hardware, chains, anchors, and miscellaneous equipment which suffered damage as a result of severe winter weather, and which are needed by the Harbormaster to properly identify channels.

**Motion passes unanimously at 7:53 PM.**

## **Article 16**

To see if the Town will vote to appropriate and transfer \$20,500 from the Waterways Improvement Fund Account to the Channel Permit Account to cover estimated costs of Comprehensive Permit preparation, 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 estimated costs of Comprehensive Permit preparation.

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 6-0 (1 absent)**

**Motion made by Selectman Thomas O'Hara**

**Motion:** I move the Town vote to appropriate and transfer \$20,500 from the Waterways Improvement Fund Account to the Waterways Channel Permit Expense Account to cover estimated costs of Comprehensive Permit preparation.

**Motion passes unanimously at 7:54 PM.**

#### **Article 17**

To see if the Town will vote to appropriate and transfer the sum of \$754.89 from Riverside Road Account to the Waterways Fund, or take any other action relating thereto.

Submitted by the Waterways Commission

**Explanation:** This article will transfer funds from the Riverside Road Account to the Waterways Fund, as all work has been completed on this project.

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 6-0 (1 absent)**

**Motion made by Selectman John Cotton**

**Motion:** I move the Town vote to appropriate and transfer the sum of \$754.89 from Waterways Riverside Road Expense Account to the Waterways Improvement Fund.

**Motion passes unanimously at 7:56 PM.**

#### **Article 18**

To see if the Town will vote to appropriate and transfer \$14,000 from the Waterways Improvement Fund Account to the Channel Permit Account to cover legal and engineering expenses to include a new proposed Popponesset Approach Channel Design Permit to be added to the new Town Comprehensive Permit, 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 legal and engineering expenses to include a new proposed Popponesset Approach Channel Design Permit to be added to the new Town Comprehensive Permit.

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 6-0 (1 absent)**

**Motion made by Selectman John Cahalane**

**Motion:** I move the Town vote to appropriate and transfer \$14,000 from the Waterways Improvement Fund Account to the Waterways Channel Permit Expense Account to cover legal and engineering expenses to include a new proposed Popponesset Approach Channel Design Permit to be added to the new Town Comprehensive Permit.

**Motion passes unanimously at 7:57 PM.**

## **Article 19**

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 FY2016 estimated Community Preservation revenues, the following amounts:

\$143,211	10% for Open Space/Recreation Purposes
\$143,211	10% for Historic Preservation Purposes
\$143,211	10% for Affordable Housing Purposes
\$1,002,479	To the FY2016 Community Preservation Fund Budgeted Reserve, as recommended by the Community Preservation Committee

or take any other action relating thereto.

Submitted by the Community Preservation Committee

**Explanation:** This annual article would set aside 10% of the estimated Community Preservation Fund as required for Open Space/Recreation Purposes, Historic Preservation Purposes and Affordable Housing Purposes.

The Community Preservation Committee voted 7-0 to approve the 10% Reserves and Budgeted Reserve to be available for use in FY2016 as certified by the Town Accountant and reflected in the Fiscal Year 2016 CP-1.

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 6-0 (1 absent)**

**Motion made by Selectman Carol Sherman**

**Motion:** I move the Town vote, pursuant to the provisions of M.G.L. Chapter 44B, §6 to reserve from FY2016 estimated Community Preservation revenues, \$143,211 for Open Space/Recreation Purposes, \$143,211 for Historic Preservation Purposes, \$143,211 for Affordable Housing Purposes, and \$1,002,479 to the FY2016 Community Preservation Fund Budgeted Reserve.

**Motion passes unanimously at 7:59 PM.**

## **Article 20**

To see if the Town will vote to authorize the use of the Town-owned land identified by Town of Mashpee Assessor's Map designations 33-1, 33-2, 41-51, 42-17, 42-21, 34-2, 34-3, 33-3, 35-81, 35-82, 36-45, 47-26, 120-88, 45-68, 42-22, 28-88, 83-33A, 104-66 and 76-120 for the purposes of developing wastewater treatment facilities, and to authorize the Board of Selectmen to take such actions as they may deem necessary to implement this use, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** This article is the result of a 9-month effort to designate uses for public lands in the possession of the Town for which no specific use has previously been designated. Approval of this article will give the Board of Selectmen authority to use Town-owned land identified by Town of Mashpee Assessor's Map designations 33-1 (0 Back Road), 33-2 (0 Back Road), 41-51 (0 Back Road), 42-17 (0 Back Road), 42-21 (0 Back Road), 34-2 (0 Bearse Road), 34-3 (0 Bearse Road), 33-3 (0 Grafton Pocknett Road), 35-81 (15 Lovells Lane), 35-82 (7 Lovells Lane), 36-45 (318 Main Street), 47-26 (0 Main Street), 120-88 (318 Monomoscoy Road), 45-68 (0 Noisy Hole Road), 42-22 (0 Rear Back Road), 28-88 (0 Sandy Fox Drive), 83-33A (39 Spinnaker Drive), 104-66 (18 Tracy Lane), and 76-120 (29 Yardarm Drive) for the purpose of developing wastewater treatment facilities if needed in the future.

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 6-0 (1 absent)**

**Motion made by Selectman Andrew Gottlieb**

**Motion:** I move the Town vote to authorize the use of the Town-owned land identified by Town of Mashpee Assessor's Map designations 33-1, 33-2, 41-51, 42-17, 42-21, 34-2, 34-3, 33-3, 35-81, 35-82, 36-45, 47-26, 120-88, 45-68, 42-22, 28-88, 83-33A, 104-66 and 76-120 for the purposes of developing wastewater treatment facilities, and to authorize the Board of Selectmen to take such actions as they may deem necessary to implement this use.

**Motion passes by 2/3<sup>rd</sup> vote moderator declaration at 8:06 PM.**

## **Article 21**

To see if the Town will vote to amend the Zoning Bylaw as follows:

Amend Section 174-31, Land Space Requirements Table, footnote 14, by inserting the term "§174.45" before the term "§174.45.1" in the first sentence;

or take any other action relating thereto.

Submitted by the Planning Board

**Explanation:** This article is intended to remove a conflict between the provisions of footnote 14 of Section 174-31, Land Space Requirements Table and the provisions of Subsection 174-45.D. The latter allows the Planning Board to reduce the 50-foot front buffer requirement for certain uses in the C-1 Zoning District, whereas footnote 14 does not currently allow for such a reduction. The change would allow the Planning Board to approve a reduction by a four-fifths vote of the Board.

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 6-0 (1 absent)**

**At a public hearing held on October 7, 2015 the Planning Board voted 4-0 to recommend approval of Article 21.**

**Motion made by Selectman Thomas O'Hara**

**Motion:** I move the Town vote to approve Article 21 as printed in the Warrant, with the exception of the phrase "or take any other action relating thereto."

**Motion passes unanimously at 8:08 PM.**

## **Article 22**

To see if the Town will vote to amend the Zoning Bylaw as follows:

Amend Section 174-46 as follows:

In Subsection 174-46B.1(a), first sentence, replace the phrase "one and five-tenths (1.5) residential units" with the phrase "four (4) bedrooms" and add the following new sentence: "Lots may be created for a smaller number of bedrooms provided that said lots are restricted by the Special Permit and by a recorded deed restriction to residences with said fewer number of bedrooms.";

In Subsection 174-46B.1(b), first sentence, replace the phrase "two (2) residential units" with the phrase "six (6) bedrooms" and add the following new second sentence: "Lots may be created for a smaller number of bedrooms provided that said lots are restricted by the Special Permit and by a recorded deed restriction to residences with said fewer number of bedrooms.";

Replace Subsection 174-46B.1(c) with the following:

"(c) One-family dwellings may be constructed other than on individual lots. The number of bedrooms in such dwellings shall count against the total allowed for the project under Subsection D.";

Replace Subsection 174-46B.2(a) with the following:

“(a) Including lots and dwellings allowed by Subsection B.1., there shall be an overall limit within the OSID of not more than the number of bedrooms allowed for the development by Subsection D.”;

Delete Subsections 174-46B.2.(b), (e) and (f);

Renumber Subsections 174-46B.2.(c) and (d) to become (b) and (c);

Replace the phrase “forty (40) feet” in the new Subsection 174-46B.2.(b) with the phrase “forty five (45) feet”;

Delete Subsection 174-46B.5. and renumber Subsection 174-46B.6. to become Subsection 174-46B.5.;

Amend Subsection 174-46C.1. by adding the phrase “including parking areas of no more than ten (10) parking spaces intended for public access to said trails or recreation facilities,” in the first sentence after the word “picknicking,”, by deleting the word “parking,” in the second sentence and by replacing the term “bonus units” in the fourth sentence with the term “bedrooms”;

Amend Subsection 174-46C.2. by deleting the phrase “(except along a public way)” in the third sentence;

Amend Subsection 174-46C.4.(a) by replacing the text with the following: “**Public ownership:** The open space may be conveyed in fee to the Town of Mashpee, subject to a conservation restriction, approved by the Commonwealth of Massachusetts and enforceable by an appropriate party, which shall be recorded at the Barnstable County Registry of Deeds or Land Court Registry, as appropriate, providing that such land shall be kept in an open and natural state and shall not be built on for residential use or developed for accessory uses such as roadway or any other uses not allowed by this section in minimum open space areas, or alternately, may be conveyed to the Mashpee Conservation Commission and accepted by it for open space use.”;

Amend Subsection 174-46C.4.(b) by replacing the word “shall” with “may” in the first sentence and replacing the second and third sentences with the following: “The nonprofit organization shall execute a conservation restriction, approved by the Commonwealth of Massachusetts and enforceable by the Town of Mashpee, which shall be recorded at the Barnstable County Registry of Deeds or Land Court Registry, as appropriate, providing that such land shall be kept in an open and natural state and shall not be built on for residential use or developed for accessory uses such as roadway or any other uses not allowed by this section in minimum open space areas. The nonprofit organization shall own and maintain the common open space and shall not dispose of any of the common open space by sale or otherwise, except that said nonprofit organization may offer to convey such open space to the Mashpee Conservation Commission for acceptance by it for open space use.”;

Amend Subsection 174-46C.4.(c) by replacing the word “shall” with “may” in the first sentence, by replacing the third sentence with the following: “The corporation or trust shall execute a conservation restriction, approved by the Commonwealth of Massachusetts and enforceable by the Town of Mashpee or another appropriate party, which shall be recorded at the Barnstable

County Registry of Deeds or Land Court Registry, as appropriate.”, deleting the words “parking or” in the fourth sentence, and by replacing the fifth sentence with the following: “The corporation or trust shall own and maintain the common open space and shall not dispose of any of the common open space by sale or otherwise, except that said corporation or trust may offer to convey such open space to the Mashpee Conservation Commission for acceptance by it for open space use.”;

Amend Subsection 174-46C.5. by replacing the second sentence with the following: “Before the issuance of any occupancy permits for structures within the development, the developer shall also file with the Board a copy of the conservation restriction approved by the Commonwealth of Massachusetts and recorded in the appropriate Registry necessary to secure the permanent legal existence of the open space, if it is not to be owned by the Mashpee Conservation Commission, and a copy of any recorded deed for transfer in fee to the Town or to a nonprofit organization.”

Amend Subsection 174-46D. by replacing the term “residential units” in the first sentence with the term “dwellings”;

Amend Subsection 174-46D.1. by deleting the first sentence, adding the phrase “For the purposes of this section” at the beginning of the current second sentence, adding the following new sentence after the current second sentence: “Rooms with six (6) foot wide entranceways and / or rooms consisting of three (3) walls and a half-wall not exceeding 42 inches in height shall not be considered a bedroom.” and replacing the portion of the last sentence after the phrase “shall not exceed” with the following: “the maximum number of bedrooms allowed by this subsection.”;

Amend Subsection 174-46D.2. by replacing the term “residential units” in the first sentence with the term “bedrooms”;

Amend Subsection 174-46D.2.(a) by replacing the phrase “one and five-tenths (1.5) residential units” in the first sentence with the phrase “three (3) bedrooms” and by correcting the reference to “Subsection D(2)(c)” to read “Subsection D.2.(c)”;

Amend Subsection 174-46D.2.(b) by correcting the reference to “Subsection D(2)(a)” to read “Subsection D.2.(a)”, by replacing the portion of the last sentence after the phrase “shall count” with the following: “for the number of bedrooms allowed under said Special Permit, and shall not qualify for any bonus multipliers.”, and by removing the reference to “Section D(4)”;

Replace the language of Subsection 174-46D.2.(c) with the following: “For undeveloped unsubdivided land, the base number of bedrooms shall equal the area of land, excluding ninety percent (90%) of any wetlands as defined under MGL C. 131, §40, divided by ten thousand (10,000) square feet.”;

Amend Subsection 174-46D.3., first paragraph, by replacing the term “residential units”, where it occurs in the first and second sentences, with the term “bedrooms” and by replacing the phrase “Subsection D(2)” in the first sentence with the phrase “Subsection D.1.”;

Delete the two sentences following Subsection 174-46D.3.(c)(3);



Add a new Subsection 174-46D.4. reading as follows: “The bonus multipliers allowed by Subsection D.3.(a), (b) and (c) for any particular base number of bedrooms may be multiplied to determine the maximum number of bedrooms available for transfer from the portion of the preserved open space where that base number of bedrooms could otherwise have been built (a x b x c = total bedrooms allowed for transfer). That number is in lieu of the base number of bedrooms, not in addition to it.”;

Amend Subsection 174-46D(4) by renumbering it to Subsection 174-46D.5., by replacing the first sentence with the following: “Where bedrooms approved under a Special Permit as specified in Subsection D.2.(b) are to be transferred, a minimum of the total area of the site covered by the Special Permit, divided by the number of bedrooms approved under said Special Permit, shall be permanently preserved per each bedroom to be transferred.” and by replacing the word “units” in the second sentence with the word “bedrooms” and the phrase “Subsection C(1)” with the phrase “Subsection C.1.”;

Amend Subsection 174-46D(5) by renumbering it to Subsection 174-46D.6. and replacing its current text with the following: “No bedrooms may be credited for transfer from lands previously shown as open space on an approved definitive subdivision plan or Special Permit site plan, or from utility easements, except that where a previously-approved definitive subdivision plan or Special Permit project is legally abandoned in its entirety, it may be treated as undeveloped and unsubdivided land under Subsection D.2.(c). However, bedrooms may be transferred from lands subject to Otis Air Base easements if such lands are transferred in fee to the Town of Mashpee and such lands are shown as Primary or Secondary Conservation Areas on the Mashpee Open Space Incentive Plan, or lie within the authorized acquisition boundaries of the Mashpee National Wildlife Refuge, in which case the upland area of such land may be divided by 30,000 square feet to determine the number of bedrooms which may be transferred to a developable site or parcel within an OSID”. ;

Amend Subsection 174-46D(6) by renumbering it to Subsection 174-46D.7. and replacing its current text with the following: “Required Affordable Housing - Of the total bedrooms allowed and constructed in the project after application of the above bonus calculations, at least ten percent (10%) of such bedrooms shall be in permanently deed-restricted dwellings meeting the low-income affordability requirements of MGL C. 40B as it existed on October 21, 2013. For each of said bedrooms in dwellings so restricted, one (1) additional bonus bedroom may also be created, which will become available for construction upon completion of each deed-restricted dwelling, or upon the donation of, and recording of a deed to, each deed-restricted dwelling or building lot to the Town or to a public or non-profit affordable housing agency, organization or trust for the purpose of creating affordable housing. Such permanently deed-restricted affordable dwellings shall not be subject to the growth management provisions of Subsection 174-26 or the phasing requirements of Subsection 174-46F.”;

Amend Subsection 174-46E.7. by replacing the second sentence with the following: “Drainage shall be in conformance with the stormwater management provisions of §174-27.2.”;

Amend Subsection 174-46F. as follows: Replace the term “residential units” with the term “dwellings” in the third sentence, replace the term “units” with the term “bedrooms” in the sixth

sentence, replace the phrase “a one-(1) year extension on” with the phrase “extension of” in the eighth sentence, and delete the ninth sentence;

Amend Subsection 174-46G. by deleting all but the first sentence.

Amend Subsection 174-46G.1., first sentence, by adding the term “Plan Review Committee,” after “Design Review Committee” and deleting the terms “Mashpee Water District Commission, Sewer Commission”;

Amend Subsection 174-46G.1.(b) by replacing the term “Soil Conservation Service” with the term “Natural Resources Conservation Service”;

Amend Subsection 174-46G.2., fourth sentence, by correcting the phrase “Subsection G(2)(c)” to read “Subsection G.2.(c)”, by deleting the words Mashpee Water District Commission, Sewer Commission”, by adding after “Design Review Committee,” the term “Plan Review Committee,” and by replacing the phrase “Fire Chief, Police Chief and Parks and Recreation Director.” with the Phrase “Fire Chief and Police Chief.”;

Amend Subsection 174-46G.2.(c) by replacing the term “Subsection E(6)(b)” where it appears with the term “Subsection E.6.(b)”

Amend Subsection 174-46G.2.(d) by replacing the term “dwelling units” with the term “bedrooms”;

Amend Subsection 174-46G.2.(e) by replacing the term ”Subsection C(4)” with the term “Subsection C.4.” and by replacing the words “covenants and” with the term “conservation”;

Amend Subsection 174-46G.2.(h) by adding the term “Plan Review Committee,” after the term “Design Review Committee”;

Amend Subsection 174-46G.2.(i) by adding the phrase “, including two (2) sets of mailing labels,” after the term “mailing addresses”;

Amend Subsection 174-46G.3. first sentence by adding the term “Plan Review Committee,” after the term “Design Review Committee” and deleting the phrase “Mashpee Water District Commission, Sewer Commission,” and by replacing the phrase “Subsection G(2)” in the second sentence with the phrase “Subsection G.2.”;

Amend Subsection 174-46G.3.(d) by replacing the phrase “covenants, restrictions or” with the phrase ”conservation restrictions and/or”;

Amend Subsection 174-46G.3.(e) by adding the term “Plan Review Committee,” after the term “Design Review Committee” and deleting the phrase “Mashpee Water District Commission, Sewer Commission,”;

Amend Subsection 174-46G.3.(j) by correcting the word “Subsequent” to read “Subsection”;

Amend Subsection 174-46G.6.(a) by replacing the term “Subsection G(3)” with the term “Subsection G.3.”;

Amend Subsection 174-46G.6.(b) by replacing the terms “residential units” and “units” with the term “bedrooms”;

Amend Subsection 174-46G.6.(e) by replacing the phrase “approved covenants, restrictions” with the term “proposed conservation restrictions”;

Amend Subsection 174-46G.7. by replacing the term “shall” in the first sentence with the term “may” and by replacing the term “thirty (30)” in the last sentence with the term “ninety (90)”;

Amend Subsection 174-46G.8. first sentence by adding the word “freestanding” before “signs” and by replacing the phrase “approval by the Design Review Committee and concurrence by the Planning Board” with the phrase “comment by the Design Review Committee and Plan Review Committee and approval by the Planning Board”;

Amend Subsection 174-46G.8.(a) by adding the phrase “and Plan Review Committee” after the term “Design Review Committee”;

Amend Subsection 174-46G.8.(b) by replacing the word “Committee” with the word “Committees” and by replacing the phrase “an advertised” with the word “a”;

Replace the text of Subsection 174-46G.8.(c) with the following: “Within thirty (30) days of said meeting, unless an extension of time is requested in writing by the applicant, the Committees shall make written recommendations regarding the application and transmit them forthwith to the Planning Board along with copies of the plans required under Subsection G.8.(a) above, as recommended for approval, denial or modification.”

Amend Subsection 174-46G.8.(d) by replacing the phrase “decision and conditions” with the word “recommendations”, by replacing the term “Subsection G(8)(a)” with the term “Subsection G.8.(a)” and by adding after the term “Design Review Committee” the phrase “and Plan Review Committee”;

Replace the text of Subsection 174-46G.8.(e) with the following: “Within ninety (90) days of such meeting, the Board shall vote to approve or disapprove the proposal and plans, require amendments or add conditions. A notice of the Board’s action shall be delivered within twenty (20) days to the applicant, the Building Inspector and the Town Clerk.”;

Amend Subsection 174-46G.8.(f) by deleting the phrase “Design Review Committee and” in the two locations it appears before the term “Planning Board”;

Amend Subsection 174-46H.1. by replacing the term “residential units” in the first sentence with the word “dwellings”, by adding the word “bedroom” before the word “density” in the third sentence and replace the phrase “base residential density of one (1) unit per twenty thousand (20,000) square feet” with the phrase “base density of one (1) bedroom per five thousand (5,000) square feet” in the fourth sentence;

Delete Subsection 174-46H.3. and

Renumber Subsection 174-46H.4. to become Subsection 174-46H.3. and amend it by replacing the term “residential units” in the first sentence with the term “bedrooms”, by replacing the second sentence with the following: “The maximum number of bedrooms so transferred shall be determined by reference to the incentive bonus provisions contained in §174-46D. and shall include the requirement for permanently deed-restricted affordable dwellings and the resulting additional bonus bedrooms.” and by replacing the term “residential units” in the third sentence with the word “bedrooms”;

Also, amend Subsections 174-45.1.G and I. by replacing their references to “Subsection 174-46.H.(4)” with “Subsection 174-46H.3.” and by replacing their references to “residential units” with the term “bedrooms”, by replacing the term “units” where it appears elsewhere in Subsection G. with the term “bedrooms”;

or take any other action relating thereto.

Submitted by the Planning Board

**Explanation:** This article is intended to simplify and update the Town’s “transfer of development rights” bylaws, wherein residential development rights can be transferred to a project done under either the “Open Space Incentive Development” (OSID) or “Commercial Center” zoning bylaws from other lands permanently set aside as open space. The primary change involves eliminating a complicated process by which “residential units” are calculated (defined as having 2.2 bedrooms each) and transferred, and replacing it with a simpler calculation and transfer of allowed bedrooms, which may then be used to create any type of residential dwelling (from one bedroom apartments to large single-family homes or lots). The article also updates certain references to outdated terms and makes the bylaw consistent with amendments to the Special Permit approval process, including review by the Plan Review Committee, and stormwater management bylaw, which were adopted after the OSID bylaw was originally approved in 1987.

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 6-0 (1 absent)**

**At a public hearing held on October 7, 2015 the Planning Board voted 4-0 to recommend approval of Article 22.**

**Motion made by Selectman John Cotton**

**Motion:** I move the Town vote to approve Article 22 as printed in the Warrant, with the exception of the phrase “or take any other action relating thereto.”

**Motion made and passed to dispense with reading of Article 22 at 8:10 PM.**

**Motion passes by 2/3rds vote by moderator at 8:11 PM**

## Article 23

To see if the Town will vote to amend the Zoning Bylaws as follows:

Replace Section 174.45.4H with the following:

H. Any application for a Special Permit under this Section shall require the submission of three (3) original copies of the application, plans, and documentation required under §174-24C.3 for Special Permit application to the Board of Appeals.

Add the following Subsection to Section 174.45.4:

K. A single accessory apartment per existing principal structure is exempt from the Plan Review requirement of §174-24B.

Amend Section 174.55B, with additional language as shown in italics and underlined:

B. Building signs are allowed up to ten percent (10%) of the aggregate square footage of the front wall area *of the building*, with wall area measured as total width times average height *of the wall elevation being measured*. Determination of which wall area shall be considered the front shall be by the Special Permit and by the Building Inspector where no Special Permit is required, with that wall facing the nearest street line normally considered the front. The square footage allowed may be applied to a single-sign, a series of signs representing individual businesses or any combination thereof. Such signs can be placed on or attached to any wall, but in no case shall the total of all building signs exceed ten percent (10%) of the front wall square footage, nor shall any wall have signage exceeding five percent (5%) of that wall's aggregate square footage (with said limit including any projecting window or awning signage). Where a building is divided into multiple units intended for occupancy by different owners or tenants, each unit shall be entitled to a share of the total building signage, as calculated above, equal to the proportion its total outside wall area comprises of the total outside wall area of the building of which it is a part, provided that signage on its front wall may not exceed five percent (5%) of that wall's aggregate square footage. These signs can be any of the following: wall, window (per requirements in subsection E), projecting, and awning. The top edge of each such sign shall be not higher than the top edge of the wall and no higher than the plate of a flat roof.

or take any other action relating thereto.

Submitted by the Zoning Board of Appeals

**Explanation:** If approved, this article would streamline the process for applicants to the Zoning Board of Appeals; require an applicant for an accessory apartment to go before the Zoning Board of Appeals only; and standardize the sign space allowed per tenant in commercial buildings.

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee makes no recommendation by a vote of 3-3 (1 absent)**

**At a public hearing held on October 7, 2015 the Planning Board voted 4-0 to recommend approval of Article 23.**

### **Motion made by Selectman John Cahalane**

**Motion:** I move the Town vote to approve Article 23 as printed in the Warrant, with the exception of the phrase “or take any other action relating thereto.”

**Motion made and passed to dispense with reading of Article 23 at 8:12 PM**

**Motion passes by 2/3rds vote by moderator at 8:12 PM.**

### **Article 24**

To see if the Town will vote to amend Article 1, Section 2-1F of the General Bylaws to read:

“The regular annual Town Election of Town Officers will be held on the third (3<sup>rd</sup>) Tuesday in May at such place(s) as determined by the Selectmen.”

or take any other action relating thereto.

Submitted by the Town Clerk

**Explanation:** Prior to 1976, elections were held on Wednesdays. In 1975, voters changed the bylaw to hold elections on Saturdays beginning in May 1976. Turnout for Wednesday elections was between 45-59 percent. In 2008, 713 of 9,490 (6.7%) voters cast a ballot at the Annual Town Election.

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee does not recommend approval by a vote of 6-0 (1 abstention)**

### **Motion made by Selectman Carol Sherman**

**Motion:** I move the Town vote to approve Article 24 as printed in the Warrant, with the exception of the phrase “or take any other action relating thereto.”

**Motion passes 72 for 50 against at 8:33 PM.**

### **Article 25**

To see if the Town will vote to amend Chapter 170 (Use of Waterways) of the General Bylaws by adding a new section §170-15, and re-numbering the two succeeding sections of Chapter 170 as follows:

Add the following section:

§170-15 Prohibition of Power Loading at Mashpee Public Access Ramps

There shall be no power loading allowed at any public access ramp under the ownership and/or control of the Town of Mashpee. For purposes of this section, “power loading” shall be defined as any use of a watercraft’s motor to facilitate the loading or unloading of a watercraft on to or off of a trailer. The operator of any watercraft who violates this section shall be subject to a fine in the amount of \$100.00 for each offense hereof, which violation shall be enforced pursuant to §170-3 of this Bylaw.

Renumber current Sections 170-15 and 170-16 to read 170-16 and 170-17, respectively.  
or take any other action relating thereto.

Submitted by the Waterways Commission

**Explanation:** Power loading damages ramps at our public access sites. This bylaw would help to alleviate the situation.

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 6-0 (1 absent)**

**Motion made be Selectman Andrew Gottlieb**

**Motion:** I move the Town vote to approve Article 25 as printed in the Warrant, with the exception of the phrase “or take any other action relating thereto.”

**Motion passes unanimously at 8:34 PM.**

## **Article 26**

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain taking, or otherwise, easements over land located on Tobisset Street, more particularly identified as 53 Tobisset Street (Assessors’ Parcel 38-23-0-R) and 45 Tobisset Street (Assessors’ Parcel 38-24-0-R), as shown on a plan entitled “Access Easement Taking Plan” prepared by Baxter Nye Engineering & Surveying, dated June 3, 2015, which is on file in the Office of the Town Clerk, for the purpose of establishing, constructing, maintaining, and repairing an access way from Tobisset Street to the Santuit Pond Preserve, or take any other action relating thereto.

Submitted by the Board of Selectmen

**Explanation:** This article authorizes the acquisition of easements over private property abutting Tobisset Street and the Santuit Pond Preserve for the establishment, construction, maintenance, and repair of an access way from Tobisset Street to the Santuit Pond Preserve.

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 6-0 (1 absent)**

### **Motion made by Selectman Thomas O'Hara**

**Motion:** I move the Town vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain taking, or otherwise, easements over land located on Tobisset Street, more particularly identified as 53 Tobisset Street (Assessors' Parcel 38-23-0-R) and 45 Tobisset Street (Assessors' Parcel 38-24-0-R), as shown on a plan entitled "Access Easement Taking Plan" prepared by Baxter Nye Engineering & Surveying, dated June 3, 2015, which is on file in the Office of the Town Clerk, for the purpose of establishing, constructing, maintaining, and repairing an access way from Tobisset Street to the Santuit Pond Preserve.

**Motion passes at 8:37 PM.**

### **Article 27**

To see if the Town will vote to authorize and empower the Board of Selectmen to prepare a plan laying out and defining Emma Oakley Mills Way, and to accomplish said purpose and for expenses related thereto, the Town vote to appropriate and transfer from revenue available for appropriation \$5,000 to the Emma Oakley Mills Way Roadways Account, or take any other action relating thereto.

Submitted by Petition

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 6-0 (1 absent)**

### **Motion made by petitioner Robert Mills**

**Motion:** I move the Town vote to authorize and empower the Board of Selectmen to prepare a plan laying out and defining Emma Oakley Mills Way, and to accomplish said purpose and for expenses related thereto, the Town vote to appropriate and transfer from revenue available for appropriation \$5,000 to the Emma Oakley Mills Way Roadways Account.

**Motion passes unanimously at 8:39 PM.**

### **Article 28**

To see if the Town will vote to accept the layouts as public ways of Sunset Strip, Noisy Hole Road, Claulise Lane and Wilann Road as shown on plans entitled "Easement Taking and Layout Plan of Sunset Strip" dated January 8, 2010, "Easement Taking and Layout Plan of Noisy Hole Road" dated January 13, 2010, "Easement Taking and Layout Plan of Claulise Lane" dated January 14, 2010, and "Easement Taking and Layout Plan of Wilann Road" dated January 14, 2010, in Mashpee, MA (Barnstable County), prepared by Eagle Surveying, Inc. which layouts shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of vote hereunder, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain taking any land necessary for the purposes of such ways as so laid out, and to appropriate and transfer from available funds \$844,487.70 to the Sunset Strip Roadways Account, and to



raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8, or any other enabling authority for such purchase or taking and layout including costs of constructing such ways, and legal financing, and other costs incidental and related thereto, and further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways, or take any other action relating thereto.

Submitted by Petition

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 6-0 (1 absent)**

**At a public hearing held on September 16, 2015 the Planning Board voted 4-0 to recommend approval of Article 28 to accept the layouts of Sunset Strip, Wilann Road, Claulise Land and a portion of Noisy Hole Road as Town Ways.**

**Motion made and passed to dispense with reading of Article at 8:40 PM.**

**Motion made by petitioner Julie Mauro**

**Motion:** I move the Town vote to accept the layouts as public ways of Sunset Strip, Noisy Hole Road, Claulise Lane and Wilann Road as shown on plans entitled “Easement Taking and Layout Plan of Sunset Strip” dated January 8, 2010, “Easement Taking and Layout Plan of Noisy Hole Road” dated January 13, 2010, “Easement Taking and Layout Plan of Claulise Lane” dated January 14, 2010, and “Easement Taking and Layout Plan of Wilann Road” dated January 14, 2010, in Mashpee, MA (Barnstable County), prepared by Eagle Surveying, Inc. which layouts shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of vote hereunder, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain taking any land necessary for the purposes of such ways as so laid out, and to appropriate the sum of \$844,487.70 to the Sunset Strip Roadways Account, and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8, or any other enabling authority for such purchase or taking and layout including costs of constructing such ways, and legal financing, and other costs incidental and related thereto, and further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways.

**Motion passes unanimously at 8:47 PM.**

## **Article 29**

To see if the Town will vote to accept the layouts as public ways of Anthony's Way as shown on plans entitled "Anthony's Way Easement Taking Plan", in Mashpee, MA (Barnstable County) dated January 29, 2015 and prepared by Baxter NYE Engineering & Surveying, which layouts shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of vote hereunder, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain taking any land necessary for the purposes of such ways as so laid out, and to appropriate and transfer from available funds \$45,121.65 to the Anthony's Way Roadways Account, and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8, or any other enabling authority for such purchase or taking and layout including costs of constructing such ways, and legal financing, and other costs incidental and related thereto, and further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways, or take any other action relating thereto.

Submitted by Petition

**The Board of Selectmen recommends approval by a vote of 5-0**

**The Finance Committee recommends approval by a vote of 6-0 (1 absent)**

**At a public hearing held on September 16, 2015 the Planning Board voted 4-0 to recommend approval of Article 29 to accept the layout of Anthonys Way as a Town Way.**

**Motion made and passed to dispense with reading of Article 29 at 8:48 PM.**

**Motion made by petitioner Warren Mekjian**

**Motion:** I move the Town vote to accept the layouts as public ways of Anthony's Way as shown on plans entitled "Anthony's Way Easement Taking Plan", in Mashpee, MA (Barnstable County) dated January 29, 2015 and prepared by Baxter NYE Engineering & Surveying, which layouts shall have been filed in the Office of the Town Clerk not later than seven days prior to the date of vote hereunder, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain taking any land necessary for the purposes of such ways as so laid out, and to appropriate the sum of \$45,121.65 to the Anthony's Way Roadways Account, and to raise said appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow at one time, or from time to time, under and pursuant to Chapter 44 Section 7 or 8, or any other enabling authority for such purchase or taking and layout including costs of constructing such ways, and legal financing, and other costs incidental and related thereto, and further authorize the Board of Selectmen to assess betterments to the owners of the land abutting the ways.

**Motion passes unanimously at 8:50 PM**

**Town Meeting adjourned at 8:50 PM.**