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Executive Office of Energy and Environmental Affairs
Office of Coastal Zone Management

**Notice of Submission of a Request for a Notice to Proceed for the
Mashpee Municipal Harbor Plan pursuant to 301 CMR 23.00**

In accordance with the applicable regulations at 301 CMR 23.00, the Town of Mashpee has submitted a Request for a Notice to Proceed (RNTP) to the Director of the Office of Coastal Zone Management to initiate the state approval for a Municipal Harbor Plan.

Copies of the RNTP may be obtained by contacting Kristin Uiterwyk at Kristin.Uiterwyk@umb.edu.

Written comments on the proposed RNTP will be considered and should be e-mailed to stephen.mckenna@mass.gov. Comments must be received by 5:00 p.m. on Friday, March 10, 2023, but are welcomed any time during the comment period. Written comments can also be provided and should be addressed to:

Office of Coastal Zone Management
100 Cambridge Street, Suite 900
Boston, MA 02114
Attn: Stephen McKenna

Notification Date: February 8, 2023

"Preserving public trust and providing professional services"



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

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

January 19, 2023

Lisa Engler, Director
Massachusetts Office of Coastal Zone Management
Executive Office of Energy and Environmental Affairs
251 Causeway Street, Suite 800, Boston, MA 02114

Dear Director Engler:

The Town of Mashpee, Massachusetts is requesting the issuance of a Notice to Proceed with the preparation of a Municipal Harbor Plan (MHP) pursuant to 301 CMR 23.03.

The town's waterways and shoreline are among the primary features that attract people to Mashpee, yet they are in need of improved management due to issues such as user conflicts, impairment of natural resources, and threats from rising seas and increased flooding.

Recognizing the value that a harbor management plan might have for the town, we applied for and received a planning grant from the Massachusetts Seaport Economic Council. With this support, we are eager to engage our public in the planning process and will explore opportunities to incorporate and build upon other related planning initiatives such as our Municipal Vulnerability Preparedness Plan and our forthcoming updated Local Comprehensive Plan.

We look forward to working with you throughout the process to develop the Town's first state-approved harbor management plan.

Sincerely,

Rodney C. Collins
Town Manager

Request for Notice to Proceed – Town of Mashpee, MA

Harbor Planning Group

The Town has established a Harbor Management Committee to oversee the development of this municipal harbor plan. Members include:

- Harbormaster: Robert Tomaino
- Natural Resource Director: Ashley Fisher
- Waterways Commission Member: Stephen Mone
- Shellfish Commission Member: Jamie Pachico
- Shellfish Constable: (Position currently being filled)
- Town Planner: Even Lehrer
- Conservation Agent: Andrew McManus
- Mashpee Wampanoag Tribe Natural Resources Department Member: Dale Oakley
- Select Board Member: Michaela Colombo

The Town has contracted with the Urban Harbors Institute at UMass Boston and the Woods Hole Group as consultants to help us develop this plan. They will be responsible for leading the public engagement and overall plan development.

Urban Harbors Institute

University of Massachusetts Boston
100 Morrissey Blvd.
Boston, MA 02125
617-287-5570
Key staff: Shannon Hogan, Allison Novelly
(Project manager), Kimberly Starbuck, Kristin
Uiterwyk, Jack Wiggin

Woods Hole Group

107 Waterhouse Road
Bourne, MA 02532
508-540-808
Key staff: Leslie Fields, Tara Marden, Dack
Stuart

While the Towns of Falmouth and Barnstable will not formally be included in the Harbor Planning Group, representatives will be contacted to engage in planning as it pertains to shared waterbodies.

Harbor Planning Area

The Harbor planning area (Figure 1) includes the Town of Mashpee’s portions of Popponesset Bay and Waquoit Bay, which are waterbodies shared with the towns of Barnstable and Falmouth, respectively. In addition, the boundary includes coastal portions of the New Seabury development. Areas of ecological importance for the town’s coastal system, such as Mashpee National Wildlife Refuge and Mashpee River Woodlands, are also included. Major roadways are used to form the landward boundary.

More specifically, beginning at its westernmost point, the harbor plan boundary encompasses the town’s waters in the channel between Washburn Island State Park and Dead Neck and continues through Waquoit Bay following the municipal boundary between Falmouth and Mashpee, connecting to

Red Brook Road. The boundary continues on Red Brook Road extending eastward, and then follows Great Oak Road south. The boundary passes through a wooded area to connect with Mid-Iron Way, which it follows until intersecting with Fairway Lane. Following Fairway Lane south, the boundary joins Flat Pond Circle down to Shore Drive West, which it follows until the intersection with Rock Landing Road. The boundary extends north on Rock Landing Road, east on Uncle Percy's Road, south on Kim Path, and east on Shore Drive. At the intersection of Shore Drive and Wading Place Road, the boundary extends north along Wading Place Road, then north on Great Neck Road South. At the rotary, the boundary follows Rt. 28 east to Quinaquisset Avenue to approximately River View Ave. From there, the boundary extends south, along the municipal boundary with Barnstable, through Popponesset Bay.

The harbor planning boundary extends to the offshore extent of municipal jurisdiction. Any planning within the jurisdiction of the state's Ocean Management Planning area will be consistent with that plan and the related regulations at 310 CMR 28.00.

The harbor planning boundary is sub-divided into three segments (see Figures 2-4) to reflect the different needs and opportunities within different parts of the planning area.

- The Waquoit Bay segment of the planning area (Figure 2) includes waters important for recreational uses such as boating, shellfishing, and swimming. The upland area includes residential developments as well as conservation land. Within this planning segment are the Mashpee National Wildlife Refuge, South Cape Beach, the harbormaster's office, the town's shellfish propagation facility, and part of the Waquoit Bay Area of Critical Environmental Concern.
- The Beach segment of the planning area (Figure 3) captures privately-owned coastal property in the areas of New Seabury and the Popponesset Beach Association. Much of the upland area consists of private homes. Nearshore waters are very shallow within parts of this planning segment.
- Similar to the Waquoit Bay segment of the planning area, the Popponesset Bay segment (Figure 4) is important for recreational boating, swimming, and shellfishing. This segment includes residential neighborhoods such as those on Popponesset Island and the southern tip of Mashpee Neck. In addition, this segment includes Ockway Bay Landing, the municipal shellfish seeding area, and aquaculture operations managed by the Mashpee Wampanoag Tribe.

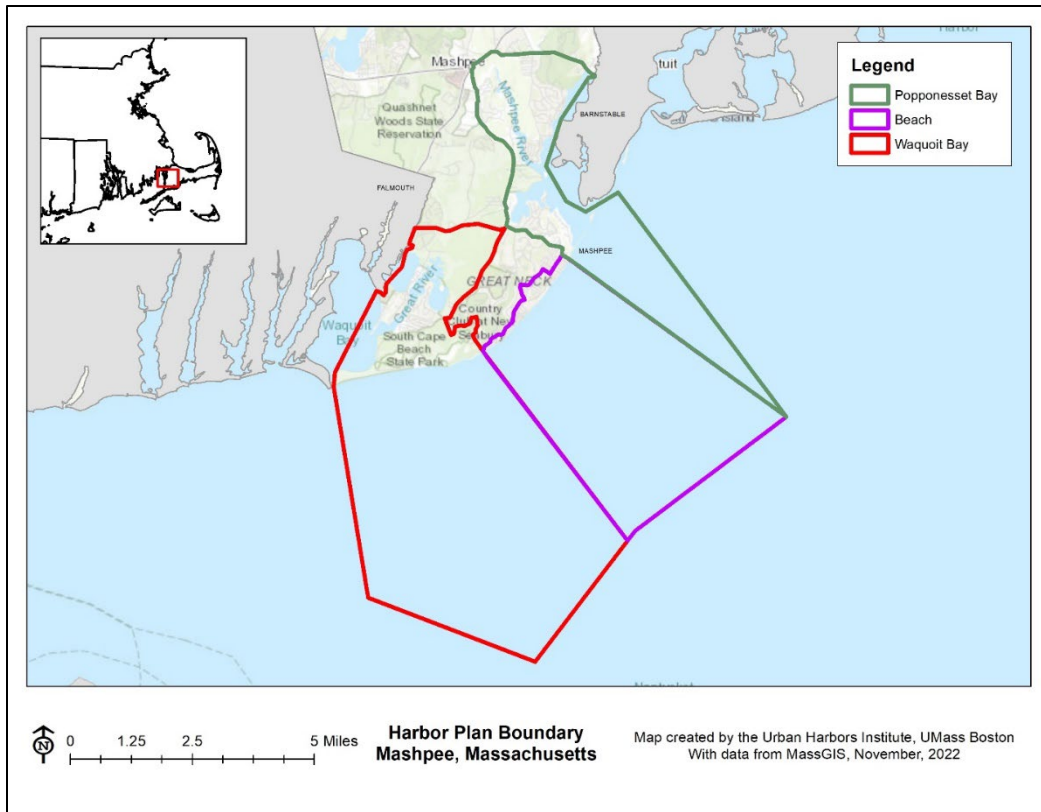


Figure 1: Map of the full harbor planning area

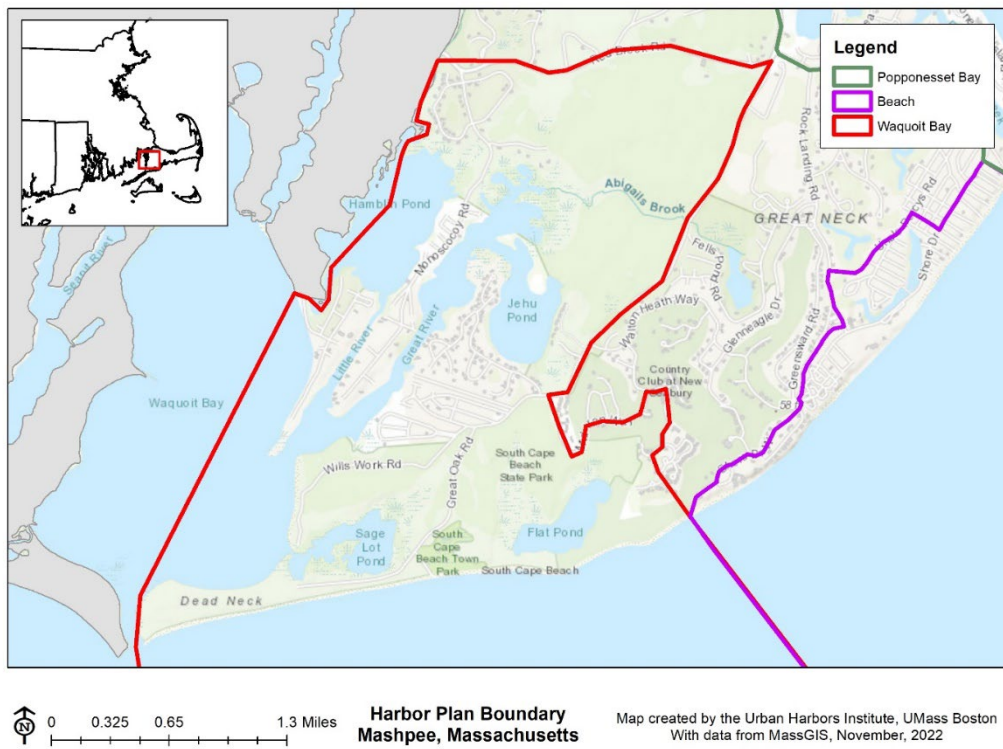


Figure 2: Map of the Waquoit Bay planning segment

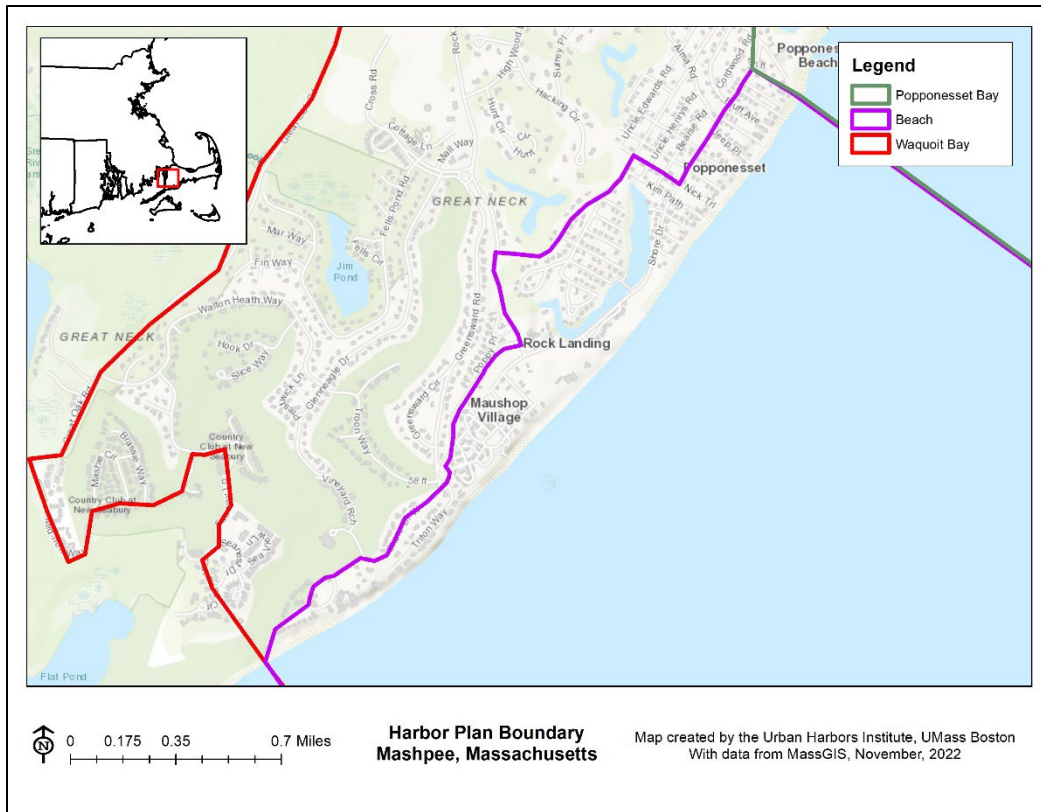


Figure 3: Map of the Beach planning segment

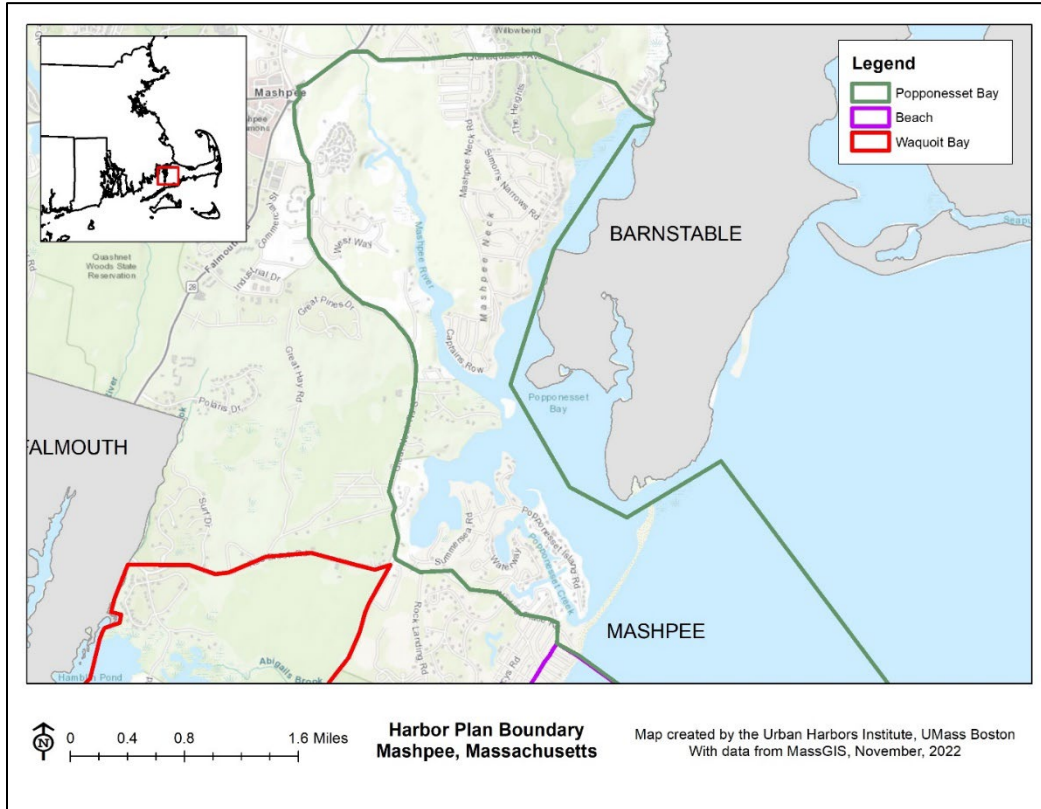


Figure 4: Map of the Popponeset Bay planning segment

Historical Narrative

With a coastline that stretches 5.5 miles along Nantucket Sound, the town of Mashpee is one of fifteen municipalities in Barnstable County. Mashpee's western boundary lies within Waquoit Bay, which is a National Estuarine Research Reserve and is shared with the Town of Falmouth. Mashpee's eastern boundary lies within Popponesset Bay, which it manages along with the Town of Barnstable.

In 2007, the Mashpee Wampanoag, who have lived in the area for thousands of years, were acknowledged as a federally recognized tribe. Within Town of Mashpee's municipal boundaries, the Mashpee Wampanoag Tribe now owns 150 acres of land and the Tribe is highly engaged in management and protection of the area's resources, including management of aquaculture operations near Gooseberry Island in Popponesset Bay.

The waters and shorelines of Waquoit and Popponesset Bays have long been important habitat for wildlife such as oysters and clams, deer, and the now-endangered piping plovers and least terns. Over the years, the land and water within the Town have been impacted by an increase in population.

In the early 1800s the region saw an expansion in human activities including farming, fishing, tourism, and trading. During the 1980s Mashpee was the fastest growing town in Cape Cod and in the Commonwealth. The year-round population grew from 3,700 in the 1980s to 15,000 in 2020. The summer population has increased since the 1980s from 27,000 to over 60,000 in 2020. The Town is in the process of updating its 1998 Local Comprehensive Plan to address the changes to the community and natural resources.

Reasons for Initiating the Harbor Planning Process

The Town of Mashpee is interested in developing a harbor management plan to guide efforts related to key needs and opportunities for the town's harbors and waterways. Anticipated topic areas are described below.

To Understand and Resolve User Conflicts

The town's growing population and related development have resulted in an increase in the number of boaters, dock and mooring permit holders, and people interested in using the waterways for activities such as swimming and fishing. As more people look to enjoy and use the waterways, new conflicts arise around water safety, congestion, and balancing the needs and impacts of different uses and priorities. The town will use the planning process to identify tools and strategies—such as expanding sites for ramp access and parking, re-configuring mooring fields, developing dredging plans, expanding public safety and monitoring activities, and enforcing existing permit and license conditions (*e.g.*, Chapter 91 license conditions and orders of conditions issued under the Wetland Protection Act) for coastal development—to reduce conflicts while allowing for enhanced use of the waterways.

To Protect and Enhance Natural Resources

Protecting natural resources in Mashpee is a priority, but it can be challenging to balance the interests and impacts of the growing population with the actions needed to protect open space, water quality, and other features of Mashpee's natural environment. The planning process will explore ways to reduce the impacts of coastal and waterway uses on natural resources and will document strategies to enhance existing resources. Fishing, shellfishing, and water quality will be among the key issues and opportunities explored in the plan's efforts to address natural resource goals.

To Document and Plan for Climate Change Impacts

Like all coastal communities in Massachusetts, Mashpee is experiencing and planning for the impacts of climate change such as increased flooding and movement of sediment. Building on existing work such as the Municipal Vulnerability Preparedness Plan, the harbor plan will document existing and anticipated vulnerable areas—including both natural and built assets—and work to identify priorities and strategies to address the impacts, *e.g.*, regulatory changes for docks and piers, relocation and/or elevation of vulnerable infrastructure, and nature-based interventions to address flooding and erosion.

Planning Context

This is the town's first effort to develop a state-approved harbor management plan. In 1990, the Town completed a coastal resources and harbor management plan, but the plan was not a state-approved plan, has not been utilized, and no longer reflects the needs of the community.

Though the 1990 harbor plan is no longer relevant, the Town has several plans that address issues relative to the harbors and waterways. The harbor planning process will take into consideration these existing plans, including the following:

- **Local Comprehensive Plan Update** -- The Town is currently updating its 1998 Local Comprehensive Plan. The update is scheduled to be complete by early 2023. Topics include natural resources and community character.
- **Municipal Vulnerability Preparedness (MVP) Plan** – In 2020 the Town completed its MVP plan, which identifies its top hazards of concern, strengths and vulnerabilities, prioritized actions, and immediate opportunities to increase resilience.
- **Open Space Conservation and Recreation Plan** – Completed in 2009, the plan includes chapters on water resources, fisheries and wildlife, recreation, vegetation, and lands of conservation interest.
- **Final Recommended Plan / Final Environmental Impact Report – Town of Mashpee Sewer Commission** – This 2015 report outlines approaches to address Total Maximum Daily Loads for nitrogen in Popponesset Bay and Waquoit Bay.

In addition to the municipal plans identified above, other planning documents will also be considered during the development of the harbor plan, including the Waquoit Bay National Estuarine Research Reserve Management Plan (2014-2019). Developed for Waquoit Bay, this plan lays out a strategy for promoting science-based decision-making for a healthy ecosystem. Monitoring, outreach and education, land management, and restoration are among the topics addressed by this plan.

By clarifying the town's vision and goals for its waterways and shorelines, the harbor plan will serve as a resource for future projects and planning efforts in the Town and region.

Engagement Program

Ensuring this plan reflects the many voices with interests in the harbor plan's topics is critical to the overall success of the plan. As such, the planning process will involve a robust engagement strategy that incorporates multiple different mechanisms for engagement, as follows:

- Public meetings – The team will hold at least two public meetings during plan development. The meetings will be designed to be informative and collaborative, and measures will be taken to ensure broad participation.
 - The first meeting will set the stage for what a harbor plan is and why it is important. Attendees will be asked to provide comments on the topics and issues they would like to see the plan address and provide input on the planning process.
 - The second public meeting will serve as an opportunity to share an early draft of the plan and gather feedback.
 - Additional public meetings may be held as needed, including participating in appropriate events not directly related to harbor planning.
- Survey – The team will develop and implement an online survey (with a paper version distributed at key sites in Town) to obtain information from those who may not be able to attend the public meetings or provide input through other means.
- Interest group meetings – The team will hold meetings with different interest groups (*e.g.*, the shellfishing community, coastal property owners, recreational boating community, Mashpee Wampanoag Tribe, neighboring municipalities) to gather information specific to their interests.
- Interviews – The team will conduct interviews with municipal staff, property owners, resource managers, and others with connections to the harbor planning area.
- Public hearing – The team will participate in public hearings required for municipal and state approval of the harbor plan.

The planning team will communicate with the MA Office of Coastal Zone Management and MA Department of Environmental Protection, along with other state and regional entities, in order to ensure a transparent and efficient planning process.

Study Program

The planning team will identify key topic areas, issues, and opportunities through document reviews, analyses of bylaws and regulations, and engagement (as described above). In addition, the team will generate new data including:

1. GIS shapefiles, maps and analyses of existing docks, floats, moorings, shellfish areas, natural resources, areas vulnerable to flooding, and other resources and uses
2. Field assessment of surface sediment characteristics in Ockway Bay to gain a better understanding of sediment that may be dredged
3. Field assessment of the Seconsett Island Causeway to document the existing conditions of the structure

The plan will describe each topic area in order to set the context for goals, objectives, and recommendations.

The type of recommendations presented in the plan will vary and may include new projects and studies, enforcement of existing rules and regulations, education and outreach programming, strategies to enhance coordination and management, and potential substitutions and/or amplifications to 310 CMR 9.00.

The planning team will also outline an implementation process for the plan, identifying long-term and short-term priorities, potential funding sources where relevant, and lead entities for each recommendation.