

**Mashpee Planning Board**  
**Minutes of Meeting**  
**September 16, 2015 at 6:00 p.m.**  
Ockway Meeting Room, Mashpee Town Hall  
Approved 11/4/15

**Planning Board Members Present:** Chairman Mary Waygan, Dennis Balzarini, Joe Cummings, David Kooharian, Robert (Rob) Hansen  
**Also Present:** Tom Fudala-Town Planner, Charles Rowley-Consultant Engineer  
**Absent:** George Petersen

**CALL TO ORDER**

The Town of Mashpee Planning Board meeting was opened with a quorum in the Ockway Meeting Room at Mashpee Town Hall by Chairman Waygan at 6:05 p.m. on Wednesday, September 16, 2015. The Pledge of Allegiance was not recited as there was no flag located in the room.

**APPROVAL OF MINUTES—September 2, 2015**

**MOTION: Mr. Kooharian made a motion to approve the minutes as presented. Mr. Cummings seconded the motion. All voted unanimously.**

**DISCUSSION OF GREENWAYS PROPOSAL**

Tom Ferronti represented Mashpee Commons. Chairman Waygan provided a background summary about the proposal, including an example found at a centralized green area located in a North Carolina town visited by Mr. Kooharian. The Chair stated the Planning Board's desire to connect Mashpee's protected open space and trails by linking them with a greenway. Mr. Kooharian described Blowing Rock, North Carolina, a resort town which created a memorial park in the center of town, surrounded by protected land. Mr. Kooharian further described the park's features to include a playground, recreational rental equipment, walking trails, climbing wall along with surrounding playing fields, man-made lake, waterpark, library, recreation center and Blue Ridge Mountains gorge. Mr. Kooharian emphasized the benefits of the centrally located recreation areas and their convenient access to food and shopping in the town. Mr. Kooharian noted its similarity to Mashpee Commons and the opportunity to create a similar destination for visitors. Mr. Kooharian shared photographs of the area. Reference was made to the brochure created in 2012.

Referencing the Mashpee Commons master plan, Mr. Ferronti indicated that it reflected some of the neighborhoods linking paths similar to the old ancient ways. Mr. Ferronti noted that Mashpee Commons had considered linking areas with green areas, including access to Trout Pond, but there had been no plan to add recreational facilities.

Mr. Fudala reported that he, Conservation Agent Drew McManus and Mr. Ferronti had walked through the woods to identify the trail between Mashpee Commons and the high school, as authorized by the Board of Selectmen. Maps were distributed to Board members highlighting the approximate location of the trail.

Mr. Ferronti noted the initial challenge of addressing insurance issues, but a meeting had resulted in the development of a strategy to address the liabilities. As a result, a path has been laid out in order to define the agreement with the Town. Mr. Ferronti noted that, ultimately, areas would be developed. In the meantime, existing footpaths would be utilized and the Town notified when it was time to develop

the area, shifting the paths and creating permanent sidewalks. There was conversation regarding the specifics of the paths. Mr. Balzarini inquired whether there was a loop and Mr. Fudala responded that the path traveled to the high school and would connect to other trails and was based on the directive from the Board of Selectmen. Mr. Fudala noted that the river crossing could provide a loop. The draft agreement, which would allow the Town to maintain the trail, was now being reviewed by the Mashpee Commons attorney and insurance agent.

It was suggested that the trail would likely be approximately 6 feet wide, cut by brush cutter, and would have no surface other than mulch. Americorps volunteers may assist with the clearing and a bridge would be needed to cross the river, possibly requiring CPA funds. Board members were supportive of the concept. The Chair noted that spring CPA applications would be due November 1, referencing permitting and plan design. Mr. Fudala noted that planning should be in consultation with Conservation Agent McManus regarding a wetlands permit. Mr. Rowley added that wetlands and river front regulations would need to be considered for planning purposes at both the Town and State level, but by way of the Conservation Commission. It was further noted that the request would also need to be filed with Natural Heritage. Mr. Fudala inquired whether a survey plan was needed but Mr. Ferronti cautioned that the pathways would be temporary, and a survey plan would make it difficult to shift paths for future permanent sidewalks. Mr. Balzarini suggested it may be necessary due to the need for insurance. Mr. Rowley suggested including concrete points or monuments to establish GPS points for safety reasons. There was discussion about the addition of language to the agreement that would reference the eventual relocation of paths. Mr. Ferronti was unsure of when construction would begin, emphasizing that it would be based on the market.

The Chair agreed to draft an application for CPA funds and requested that Mashpee Commons draft a letter of recommendation to support the request for funding. Mr. Balzarini inquired whether the path would need to be accessible and Mr. Fudala responded that none of the trails were accessible and was allowable as long as other locations in Town were accessible. Mr. Kooharian felt that the path should be somewhat accessible. Mr. Fudala emphasized that the trail not become so accessible that it would be used by ATVs. Mr. Hansen noted that bridges being replaced were available for purchase. In reference to the bridge, Mr. Rowley suggested making it wide enough to allow emergency transportation by installing removable posts. Other options, such as boulders, were mentioned with the intent to allow accessibility but to deter destructive motorized transportation.

Mr. Kooharian inquired about the green space located across from the library. Mr. Ferronti responded that Mashpee Commons has focused on the first piece, adding that their village common at that location was already utilized for Town events. Mr. Kooharian stated that they would be interested in doing more with the location as a mixed use space, particularly with its location near the library. Mr. Ferronti stated that their wish was to ensure that it continue with multiple uses, not exclusive. The Chair stated that a key goal of Cape Cod towns was to keep families on Cape Cod, with playgrounds, affordable housing and good paying jobs. Mr. Kooharian emphasized that the green was occasionally used but joint uses could be developed that would not interfere with events, creating a park that becomes a destination. Mr. Ferronti stated that once residential units were built in the area, the green would become more active. The Chair stated that additions to the green, such as a trail or benches would encourage people to stay in the area and travel down to the Commons and other commercial venues. Mr. Kooharian suggested an ice rink in the winter time. The Chair suggested that the Fire Department may be willing to partner on an ice rink.

## **SPECIAL PERMIT**

**Applicant: GNRS-MA LLC / Mashpee Commons LP**

**Location: Great Neck Road South, "Northbridge" Assisted Living site**

**Request: Authorization for Planning Board Engineer to review drainage cales and plans during Cape Cod Commission DRI permitting process**

Chairman Waygan read for the record a letter from Mashpee Commons requesting that Mr. Rowley be authorized to begin review of a stormwater management plan for the Northbridge Assisted Living facility.

**MOTION: Mr. Kooharian made a motion to authorize the Planning Board engineer to start working on this project. Mr. Balzarini seconded the motion. All voted unanimously.**

Mr. Rowley indicated the possibility that that the plan could be overruled by the Cape Cod Commission but Mr. Ferronti wanted to ensure that Planning Board concerns were addressed early in the process. Mr. Ferronti provided Mr. Rowley with a full set of landscape plans and a disk containing the drainage report. Mr. Rowley inquired about a timeline and Mr. Ferronti responded that the previous process with the ZBA seemed to work well. Mr. Ferronti referenced their involvement in the process, as the current landowner, but noted that it would eventually transfer to Northbridge. Mr. Rowley will provide a report to the Planning Board one month from this meeting.

The Board took a break at 7 p.m. and returned to the meeting at 7:05 p.m.

## **PUBLIC HEARINGS**

**7:10 Public hearing regarding 3 zoning articles submitted for approval at the October 19, 2015 Town Meeting:**

The Public Hearing will be continued to October 7 because the hearing notice was not forwarded to the adjacent towns, DHCD and appropriate Boards and Committees. There will be no vote tonight.

**1) Article providing for waiver of 50 ft. front buffer area for projects under Section 175-45**

Mr. Fudala reported that there was a conflict between footnote 14 regarding the 50 foot buffer in contrast to the hotel/motel section of the bylaw. Both are exempt from the 50 foot buffer and the Planning Board would have the right to waive the buffer. There were no comments from the Board or public. Mr. Fudala noted that the Finance Committee voted to support the Article.

**2) Article amending various portions of the Open Space Incentive Development and Commercial Center by-laws**

Mr. Fudala referenced the complicated calculation of residential units equaling 2.2 bedrooms, along with multipliers. The Article will remove the term "residential unit" and replace it with "bedrooms." Mr. Fudala explained the OSID bylaw. Wording would be updated throughout the bylaw. There were no additional comments from the Board or the public. The Finance Committee voted to support the Article.

**3) Article requiring single address and utility meters for residences with accessory apartments and amending sign regulations for multi-unit non-residential properties**

Mr. Fudala indicated that the Article had not been sponsored by the Planning Board. The first part of the Article would eliminate the need for Plan/Design Review of accessory apartments to streamline the process. The second part of the Article dealt with the percentage of signage on a building façade, addressing the issue of multiple unit signage needs within one building. There were no additional comments. The Finance Committee had a split vote on the Article.

**MOTION: Mr. Balzarini made a motion to close the Public Hearing. Mr. Kooharian seconded the motion. All voted unanimously.**

**7:30 Applicant: Cape Cod Custom Car Storage**  
**Location: 104 Falmouth Road, Assessors' Map 54, Block 5**  
**Request: Special Permit Modification to allow outdoor storage of Boats and RVs**  
**(continued from 9-2-15)**

The Chair read for the record the Public Hearing notice for Cape Cod Custom Car Storage. Mr. Fudala reported that Modification #5 would allow outdoor storage on the property. The latest plan distributed to Board members showed the recalculated parking spaces which more than meets the required number of parking spaces (249 needed, 260 depicted). Mr. Fudala added that there was no RV parking bylaw, but instead wholesale business and storage. Mr. Fudala reviewed the Decision. There was discussion regarding whether the washing of vehicles would be allowed inside or outside and the intent of Design/Review. The Chair agreed that it was her interpretation that there would be no washing inside or outside the building. Mr. Bornstein stated that sometimes cars traveling a long distance required a rinse to remove dirt and dust prior to being stored alongside clean cars. Mr. Ojala added that most towns allowed a water rinse. The Chair requested that a condition be added that no chemicals, soap or detailing occur at the site, water rinse only allowed.

There was no public comment.

**MOTION: Mr. Balzarini made a motion to close the Public Hearing. Mr. Kooharian seconded the motion. All voted unanimously.**

**MOTION: Mr. Kooharian made a motion to accept modification #5 of the Special Permit as modified. Mr. Balzarini seconded the motion. All voted unanimously.**

Planning Board members signed the signature page. Mr. Cummings was authorized by the Board to review the text change regarding the rinse only condition.

## **SPECIAL PERMITS**

**Applicant: Cape Cod Custom Car Storage**  
**Location: 104 Falmouth Road, Assessors' Map 54, Block 5**  
**Request: Special Permit Modification to allow modifications to Buildings 1 & 2 (Board voted 9-2-15 that no public hearing will be required for these modifications)**

Mr. Ojala stated that Building 2 would be similar to Building 1. Mr. Bornstein reported that the first floor would be utilized for car storage, including cages, while the second floor would be self-storage. The original design of the building had been for incubator space. Mr. Ojala noted that the septic was oversized for the site. Mr. Bornstein stated that the building would be secure with approximately 57 security cameras. Mr. Hansen inquired about lighting in the public storage area and Mr. Bornstein confirmed that it was motion triggered general lighting with receptacles online in the common areas.

Regarding the second floor of Building 1, Mr. Bornstein wished to convert an unfinished space to a wine storage facility with temperature controls and a back-up generator. There would be no wine tasting space, it would be for storage only. There is an existing elevator available.

Mr. Fudala read through the Special Permit decision. Mr. Fudala referenced changes to the original plan to include the addition of an exterior stairwell as well as the elimination of a brick façade on the lower level. Mr. Fudala inquired about the plastics procedural document that had been requested by

the Fire Chief, and requested a copy of the document. Mr. Bornstein will follow up to confirm that it had been completed. There were no additional comments.

**MOTION: Mr. Kooharian made a motion to approve Modification #6 as presented. Mr. Balzarini seconded the motion. All voted unanimously.**

Mr. Kooharian signed the modification.

## **RELEASE OF ROAD COVENANTS**

**Applicant: Bill Roberts, Repurpose Properties LLC**

**Location: Assessors' Map 21, Blocks 33 & 60 (12 Cypress Circle & 35 Fox Hill Road)**

**Request: Release of Road Covenants, decision on road construction to be required for release**

Mr. Rowley reported that he met with Bill Roberts to discuss the extension of Fox Hill near the Habitat for Humanity home. No construction estimate was prepared. Mr. Rowley recommended clearing away the heavy vegetation to identify existing drainage. There has been no further word from the applicant since their meeting. Grades of existing pavement were needed to identify the direction of the run off. Mr. Roberts was also interested in Lot 35. Mr. Rowley agreed to speak with the engineer.

## **PLANNING BOARD RECOMMENDATIONS REGARDING TOWN ROAD TAKING ARTICLES ON OCTOBER TOWN MEETING WARRANT**

### **1) Sunset Strip, Noisy Hole Road (part), Claulise Lane & Wilann Road**

Mr. Fudala self-disclosed that he lived on Wilann Road and signed the petition for the road taking. Board members reviewed the taking plans. Mr. Fudala confirmed that it had been some time since first requesting the road taking due to the expense of the betterments, now \$12,000 per home.

**MOTION: Mr. Kooharian made a motion to recommend to Town Meeting the taking of these roads. Mr. Balzarini seconded the motion. All voted unanimously.**

### **2) Anthony's Way**

Mr. Fudala stated they were a cul-de-sac located off of Route 28 and their betterment would be \$4,500 per home. Drainage was not included in the language.

**MOTION: Mr. Kooharian made a motion that the Planning Board recommend this taking. Mr. Balzarini seconded the motion. All voted unanimously.**

## **BOARD ITEMS**

### **Old Business**

**Design Review Committee**-There was no meeting

**Community Preservation Committee**-There was no meeting

**Environmental Oversight Committee**-Mr. Cummings reported that the shellfish propagation project was performing better than expected. There was discussion regarding the need for increased CPA funds to widen a boat ramp. The Chair expressed her concern about tying up funds for two boat ramps in Town and recommended reviewing the timeline of projects and/or looking into bonding. Mr. Cummings also reported that the Solar Bee circulators were performing two times better than expected.

**Historic District Commission**- There was no meeting

**MMR Military Civilian Community Council-Update of MMR Joint Land Use Study**- There was no meeting

### **New Business**

**2017 Budget**-There was discussion regarding whether or not the budget would be level funded. Mr. Fudala confirmed that there were adequate funds available for the engineer last year. Mr. Fudala reported that there would be an article on the Town Meeting Warrant to add an Assistant Town Planner to the department. The Chair recommended supporting the addition of the Assistant Town Planner by maintaining level funding.

### **ADJOURNMENT**

**MOTION: Mr. Balzarini made a motion to adjourn. Mr. Kooharian seconded the motion. All voted unanimously. The meeting adjourned at 8:40 p.m.**

Respectfully submitted,

Jennifer M. Clifford  
Board Secretary

### **LIST OF DOCUMENTS**

- Mashpee Map of Open Space Incentive Plan
- License to Enter and Use Real Property
- Mashpee Public Hearing Notice for Zoning Articles
- Zoning Articles 21, 22, 23
- Plan of Land, Holly Management & Supply, Inc.
- Modification #5 of Special Permit for Duck Pond Limited Partnership/ Holly Management & Supply, Inc.
- Modification #6 of Special Permit for Duck Pond Limited Partnership/ Holly Management & Supply, Inc.
- Articles 8 & 9