
Planning Board Minutes 02-06-2013

Mashpee Planning Board
Minutes of Meeting
February 6, 2013 at 7:00 p.m.
Selectmen's Meeting Room, Mashpee Town Hall
Approved 3/6/13

Planning Board Members Present: Chairman Mary Waygan, David Kooharian, Dennis Balzarini, Joe Mullin
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 Selectmen's Meeting Room at Mashpee Town Hall by Chairman Waygan at 7:04 p.m. on Wednesday, February 6, 2013 and the Pledge of Allegiance was recited.

APPROVAL OF MINUTES—January 16, 2013

MOTION: Mr. Balzarini made a motion to accept the minutes as written. Mr. Kooharian seconded the motion. 3 voted yes, 1 abstained

SPECIAL PERMIT

Applicant: Mashpee Industrial Realty, LLC

Location: 168 Industrial Drive, Assessors' Map 88, Parcel 35

Request: Modification of special permit to allow additional uses, modified interior layout

APPLICATION FILED 1/30/13, NEED TO SCHEDULE PUBLIC HEARING. ALSO, APPLICANT REQUESTS WAIVER OF INSPECTION AND REVIEW FEES.

The Chair read the request for the record. Mr. Fudala indicated that the request involved an antique store which was a use not currently allowable by the existing permit at the site. Mr. Fudala referenced the application and letter requesting a waiver from the inspection and review fee. Mr. Fudala added that a letter had also been submitted by the DPW Director regarding a lack of street signs in the area.

MOTION: Mr. Balzarini made a motion to schedule a public hearing for Mashpee Industrial Realty, LLC for March 6 at 7:10pm. Mr. Mullin seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to waiver the special fee. Mr. Mullin seconded the motion. All voted unanimously.

PUBLIC HEARING—ROAD NAMES

Request to consider approval of proposed names for existing unnamed private ways located in the Otis Trailer Village / Johns Pond Campground, on the parcels shown on the Mashpee Assessors' Maps as Map 42, Parcels 15, 16, 27, 29 and 32 and Map 50,

Parcel 25. The proposed names are "Ruxton Circle, Vees Way, Rider Road, Odee Court, MacDees Drive, Carles Court, MacMurphy Drive, Alanella Avenue, Campers Drive, Swima Way, Arvee Circle, Pop Up Lane, Tenters Way and Raft Road", all as shown on a plan entitled "Otis Trailer Village Road Network As of 1/4/2013" which is on file in the office of the Mashpee Town Clerk.

Chairman Waygan read for the record the public hearing notice. Mr. Fudala reported that the final version of the map was dated January 4, 2013. Mr. Kooharian disclosed that he was an abutter to the Otis Trailer Village but stated that he felt no conflict of interest in reviewing the matter. Mr. Fudala stated that the owners of the park submitted the names for consideration. The Town has requested names for road ways for public safety purposes. There was no public comment or additional comments from Board members.

MOTION: Mr. Mullin made a motion to close the public hearing. Mr. Balzarini seconded the motion. All voted unanimously.

MOTION: Mr. Mullin made a motion to approve the proposed names of the existing unnamed ways located in Otis Trailer Village as shown on the "Otis Trailer Village Road Network Map" current as of 1/4/2013. Mr. Balzarini seconded the motion. All voted unanimously.

COMPREHENSIVE PLAN

Land Use & Growth Management-The Chair inquired about the particulars of Goal 8. Mr. Fudala noted that Goals 5, 6 and 7 came from the RPP Goals and Goals 8, 9 and 10 were added. The Chair referenced possible higher buildout population figures and it was determined that it would be increased to 18,000 year-round residents and 33,000 summer residents after reviewing the Comprehensive Plan Public Opinion Survey. There was discussion regarding a decrease in housing construction, number of children and an increase in occupancy by seniors and year-round residents. There was discussion regarding the RPP Vision Map, considered four years ago, and maps provided by Mr. Fudala and whether there would be additional consideration of an RPP Vision Map.

Under Recommended Policies, the Chair inquired about #2 and the number of building permits but Mr. Fudala pointed out that 2 ½% was more than what had been requested. It was determined that a vote would be held until Mr. Petersen was present, though there was consensus among the Board to support the changes and recommendations. Mr. Fudala will forward the change to Mr. Petersen and request any additional comments.

BOARD ITEMS

Old Business

MMR Military Civilian Community Council/MMR Joint Land Use Study (JLUS)-Mr. Fudala indicated that he would be attending an upcoming Technical meeting.

Design Review Committee-Mr. Kooharian has been unable to attend the meetings due to his work schedule. Mr. Fudala had inquired about scheduling the meeting at a different time and noted that there had been two resignations on the Committee. The Chair will follow up with Pat White regarding scheduling the meeting at a time when she would be able to attend.

Environmental Oversight Committee-No report

Community Preservation Committee-Chairman Waygan reported that two applications had been reviewed that will result in three Town Meeting Warrant Articles. All Articles will be DPW projects to include improvements at Memorial Park, as well as a splash park and new playground at Heritage Park. Additionally, the CPC will be reviewing an application from the Shellfish Constable.

Historic District Commission-Mr. Fudala reported that an application was expected regarding an addition to the historic school house.

Discussion of Greenways Proposal-Mr. Fudala utilized the initial Greenways map and converted it into phases. The Chair reported that Mr. Kooharian would be contacting a group that creates trails and that she would be contacting Americorps and Barnstable County Resource for possible grant funding. Mashpee Commons would also be contacted regarding the issue of liability. Mr. Mullin agreed to also look into liabilities. There was discussion regarding existing trails as well as a fitness trail and trail around Trout Pond, and the need for permitting to cross the river. Mr. Rowley suggested that trails be created wide enough to allow access for public safety officials. Mr. Fudala will look into restrictions. It was suggested that previous meeting attendees be invited to walk the trails on Saturday, Feb. 23 at 10 a.m. and that Mashpee Commons be contacted for permission.

New Business

C. Rowley Expense Vouchers-Attendance at the January meeting totaled \$195.

MOTION: Mr. Balzarini made a motion to pay \$195 for the month of January. Mr. Mullin seconded the motion. All voted unanimously.

The vouchers were signed by members of the Planning Board.

Associate Member Application-The Board of Selectmen are seeking a recommendation from the Planning Board regarding Joseph Cummings who has submitted a letter of interest to serve as an Associate Member of the Planning Board. Mr. Cummings introduced himself as a 9 year resident of Mashpee and former managing manufacturing engineer. Mr. Cummings has also served as a Trustee at Windchime for the past 5 years and expressed interest in volunteering for the Town. It was noted that the Associate Member would participate in Planning Board discussions, but would vote only in the absence of a Planning Board member. Mr. Fudala stated that the appointment would be valid until the next election in May, when Mr. Cummings would need to then run.

MOTION: Mr. Mullin made a motion to recommend to the Board of Selectmen that Joseph P. Cummings be appointed as an Associate Member of the Planning Board. Mr. Balzarini seconded the motion. All voted

unanimously.

Medical Marijuana Moratorium Zoning Article-Mr. Fudala stated that Barnstable intended to establish a moratorium on Medical Marijuana Treatment Centers until January 1 of 2014. Falmouth would also be establishing a moratorium until spring 2014. The Mashpee Board of Health was considering other issues such as food and liquid products and smoking regulations. Mr. Fudala suggested that a special set of regulations would likely be located in a particular location of the Zoning Bylaws. The Department of Public Health anticipated releasing their rules and regulations in April or May of this year, which would allow Mashpee time to consider a document before the July deadline for October Town meeting. It was noted that at least one facility would be allowed in each county and no sales tax would be collected. Mr. Mullin recommended that the moratorium run for 10 years, though the Chair cautioned that it could then allow for home grown marijuana in place of a dispensary. It was believed that a moratorium could not exceed two years and it was recommended that Town Counsel be contacted to confirm the allowable length of a moratorium. Mr. Fudala stated that the Article was due at the Board of Selectmen's office on Monday for May and recommended that further discussion regarding a possible extension occur for October. Mr. Mullin indicated that he would not support the Article since he felt that it was weak in its ability to keep treatment centers out of Mashpee but Mr. Fudala stated that the Article was intended to allow time to establish rules to address the issue. Mr. Fudala stated that Town Counsel had already approved the wording of the Article and the Chair agreed that there would be a further opportunity to discuss the issue in October while the moratorium was in place for one year. Mr. Fudala noted that a Massachusetts town had prohibited the facilities, which would be considered by the Attorney General's office. There was discussion regarding the ramifications of not zoning for the facilities. Mr. Kooharian recommended gathering additional information and the Chair noted that the moratorium would allow time to gather more information.

MOTION: Mr. Mullin made a motion to recommend for May 2013 Annual Town Meeting an Article regarding Medical Marijuana Treatment Centers, a moratorium until January 1, 2015. Mr. Balzarini seconded the motion. All voted unanimously.

Town Manager Recommended FY14 Budget-Mr. Fudala stated that the budget had been level funded.

WATERWAYS LICENSES

- Marlin Family Trust, maintain existing pier, ramp & float in Little River
- John & Loren Kovalcik, construct and maintain pier, ramp & float in Mashpee River
- Neil & Kathleen Rubado, maintain pier, ramp, float and stone riprap at Spoon-drift Cove
- Martin & Kathleen Clark, construct and maintain seasonal dock in Johns Pond

CORRESPONDENCE

- Joseph P. Cummings – Letter of interest re: Associate Planning Board Member position
- Cape Cod Commission – Notice of District Local Technical Assistance funds availability
- Outline, Summary and full text of proposed Zoning Reform Bill-it was recommended that it be reviewed
- CPTC 2013 Conference notice and brochure
- UMass Amherst – Keystone Project training application and cover letter
- The Trustees of Reservations – 2013 Land Conservation Conference brochure / invitation
- Whitewater, Inc. – December 2012 SouthCape Village WWTP monitoring report N=5.1

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to cancel the February 20 meeting unless something pressing comes up. Mr. Mullin seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Mullin seconded the motion. All voted unanimously. The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

- Public Hearing Notice, Otis Trailer Village
- Map of Otis Trailer Village Dated 1/4/13
- Mashpee Industrial Realty, LLC Application & Waiver Letter
- Catherine Laurent Letter Regarding Mashpee Industrial Realty, LLC
- LU & GM Element 1/11/13
- Mashpee Comprehensive Plan Public Opinion Survey
- 1998 LCP Growth/Activity Centers
- Potential LCP Vision Map
- Joseph Cummings Letter of Interest
- Town Meeting Warrant Article—Medical Marijuana Treatment Centers
- Barnstable Planning Board Public Hearing Notice
- Billerica Zoning Bylaw Amendment
- Cambridge Zoning/Ordinance Changes
- Mashpee Planning Board Expenses
- Cape Cod Commission, District Local Technical Assistance
- Zoning Reform Bill
- 2013 CPTC Spring Conference
- CPTC Advanced Tools and Techniques for Planning and Zoning, March 16, 2013
- Town Meeting Article-Simons Road
- Osborne Organics
- Community's John Hancock?
- The Place Making Dividend
- Where You Live
- Fat City
- Atlantic Cities Place Matters
- Affordable Artist Housing Leads Smart Growth