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## Planning Board Minutes 04-02-2014

**Mashpee Planning Board  
Minutes of Meeting  
April 2, 2014 at 7:00 p.m.  
Waquoit Meeting Room, Mashpee Town Hall  
Approved 4-0 on 4/16/14**

**Planning Board Members Present:** Chairman George Petersen, Mary Waygan, Dennis Balzarini, David Kooharian, Joe Cummings

**Also Present:** Tom Fudala-Town Planner, Charles Rowley-Consultant Engineer

**Absent:** Joe Mullin

### CALL TO ORDER

The Town of Mashpee Planning Board meeting was opened with a quorum in the Waquoit Meeting Room at Mashpee Town Hall by Chairman Petersen at 7:00 p.m. on Wednesday, April 2, 2014 and the Pledge of Allegiance was recited.

### APPROVAL OF MINUTES—February 19, 2014, March 5, 2014 & March 19, 2014

**MOTION:** Mr. Balzarini made a motion to accept the minutes as written for February 19<sup>th</sup>. Mr. Kooharian seconded the motion. All voted unanimously.

**MOTION:** Mr. Balzarini made a motion to accept the March 5<sup>th</sup> minutes as written. Mr. Kooharian seconded the motion. All voted unanimously.

Ms. Waygan recommended changes to page 6 in the March 19<sup>th</sup> meeting minutes but it was determined that she would edit the Word document and forward it to Mr. Fudala to be considered at the next meeting.

### SPECIAL PERMIT

**Applicant:** National Development

**Location:** Corner of Route 151 and Old Barnstable Road, Map 66, Lot 107 and Map 73, Lots 30, 31, 46 and 47

**Request:** Signature of a Special Permit for a 54-unit assisted living facility (Approved 3/5/14)

The Chair read the request. Mr. Fudala reported that no appeal had been received for the special permit decision, which had been signed by the Town Clerk. Additionally, the ANR had been approved but an error had been identified by the Assessors and a revised plan had been submitted for re-signature.

**MOTION:** Mr. Balzarini made a motion that Ms. Waygan sign the ANR plan. Mr. Kooharian seconded the motion. All voted unanimously.

Ms. Waygan signed the ANR plan.

### DEFINITIVE SUBDIVISION PLAN

**Applicant:** Bayswater Development, LLC

**Location:** Cross Road, New Seabury Section 5, Map 116, Lot 74

**Request:** Submission of Application for approval of 21-lot Definitive Subdivision Plan

Chairman Petersen read for the record the request. John Fallachi of Bayswater Development, LLC and Dave Crispin of BSC Engineering Survey Group were present to submit the plans and originals to the Board.

**MOTION:** Mr. Balzarini made a motion to schedule the public hearing for May 7 at 7:30 p.m. for Bayswater Development. Mr. Kooharian seconded the motion. All voted unanimously.

**PUBLIC HEARING**

**7:20 Applicant: BCDM, LLC**

**Location: On and between Blue Castle Drive and Degrass Road, identified on the Mashpee Assessors Maps as Map 104, Blocks 14, 20 and 48**

**Request: Approval of a Special Permit for a 15 lot cluster subdivision**

**7:20 Applicant: BCDM, LLC**

**Location: On and between Blue Castle Drive and Degrass Road, identified on the Mashpee Assessors Maps as Map 104, Blocks 14, 20 and 48**

**Request: Approve 15 lot cluster subdivision Definitive Subdivision Plan**

The appointed time having arrived, Chairman Petersen opened both public hearings and read for the record the applicant's request. Mr. Fudala reported that an email and letter had been received from Matt Costa requesting a continuance due to illness and a need to resolve plan details.

**MOTION: Ms. Waygan made a motion to continue the BCDM public hearings to 7:20 p.m. on April 16. Mr. Balzarini seconded the motion. All voted unanimously.**

**DEFINITIVE SUBDIVISION PLAN**

**Applicant: Prime Properties / J.D. Marquedant & Assoc. Land Surveying**

**Location: Country Club Lane, Quashnet Valley West subdivision off Old Barnstable Road**

**Request: Approval of changes to design of Country Club Lane**

Tim Neelon and David Marquedant were present to represent the applicant in their request. Mr. Neelon reported that high groundwater was discovered in the roadway during fall construction which would impact both the drainage and the road. As a result the road could not be constructed as designed and the applicant wished to seek approval to raise the road.

Mr. Marquedant indicated that the high groundwater was discovered while installing the catch basins. Five test pits were dug and it was determined that the groundwater was at an elevation of 29.5. Mr. Marquedant described the new plan, raising the road and revising the road grade, along with the elimination of the blue ponds and combining into the orange pond. Mr. Marquedant also discussed the drainage. Mr. Marquedant stated that the new plan would be a better design based on the conditions.

Mr. Balzarini inquired about runoff from Old Barnstable Road and Mr. Marquedant responded that it would not enter the first catch basin but would be directed to a swale. Mr. Rowley added that, due to pitching, it would go to the inside of the curve. Mr. Rowley suggested that the Board review the plan in order to determine whether it was a significant change that would require a modification to the approval of the subdivision plan. Mr. Rowley added that no lots or lot lines would be revised. The Chair and Mr. Balzarini indicated that they felt it was a minor change or reasonable adjustment to address the existing conditions. All members were in agreement.

Mr. Fudala inquired about whether the referred to ponds were retention ponds and it was confirmed that they were retention ponds with grass. Mr. Fudala inquired about overflow and it was confirmed that there was no emergency spillway, but the roadway would be higher. Mr. Fudala indicated that calculations needed to be reviewed by Mr. Rowley. Mr. Rowley recommended a pipe at the far end of the large basin to serve as an emergency spillway for runoff to travel to a safe location and Mr. Marquedant agreed.

There was agreement that a modification would not be needed.

**MOTION: Ms. Waygan made a motion to approve the proposed changes in design to Country Club Lane with respect to the drainage and vertical alignment changes of the road, subject to final approval by Charles Rowley of the drainage calculations and to accept it as a minor modification. Mr. Balzarini seconded the motion. All voted unanimously.**

**Ms. Waygan made a motion to strike the word "modification" from the motion. Mr. Balzarini seconded the motion. All voted unanimously.**

**BOARD ITEMS**

**Old Business**

**Discussion of Greenways Proposal and Surrounding Commercial Property**-Mr. Fudala reported that Mashpee Commons had spoken with their insurance company, who expressed concern regarding the trails. Mr. Fudala noted that Buff Chase requested that the insurance company figure out how to get it done, though confirmation had not yet been received.

**MMR Military Civilian Community Council-Update of MMR Joint Land Use Study**-No update

**Design Review Committee**-Mr. Cummings referenced the March 18 meeting and review of Building 33 of Mashpee Commons which would feature a Cape Cod barn look. Mr. Fudala indicated that the plan may be modified as it was an “L” shaped building that was stretching into the parking lot. Other issues included setbacks, handicap parking and plans to consolidate vendor carts into one building. On April 1, Cotuit Solar’s plans were reviewed with handicap parking and Conservation Commission issues. Mr. Fudala added that he was still awaiting the covenant for Cotuit Solar and that there was also a question regarding the ownership of the easement. Mr. Fudala also noted that a Dennis permitted medical marijuana facility had considered relocation to Mashpee, but canceled at the last minute.

**Environmental Oversight Committee**-The Chair reported that Shellfish Constable Rick York described usage for the Degross Road mitigation funding. Additionally, Mike Talbot was finalizing the draft of the nitrogen bylaw, which would be introduced at Fall Town Meeting and in the meantime, stakeholders would be contacted. Mr. Fudala recommended that language would need to be completed by the beginning of July to be considered for the Fall Town Meeting.

**Historic District Commission**-No update

**Charter Review**-The Committee had met with Town Counsel and votes were soon expected, with a public meeting in May. Ms. Waygan reported that there was no consensus regarding membership on multiple committees, stating a preference that ex officio membership could be allowed but there was reluctance to allow multiple memberships. Preference was also expressed that the Board of Selectmen could reduce the size of a Board should quorum challenges occur.

**Community Preservation Committee**-Ms. Waygan reported that the fall deadline for applications was yesterday. Ms. Waygan added that the state match for CPA would be 23% next year.

#### **New Business**

**C. Rowley Expense Vouchers**-Invoices have been received from Mr. Rowley in the amounts of \$95 for Southport and \$870 for regular March expenses to include reviews, inspections and meeting attendance.

**MOTION: Mr. Balzarini made a motion to pay Charles Rowley \$95 for work with Southport. Ms. Waygan seconded the motion. All voted unanimously.**

**MOTION: Ms. Waygan made a motion to pay Charles Rowley \$870 for fees associated with attending Planning Board meetings, reviews and inspections. Mr. Balzarini seconded the motion. All voted unanimously.**

**Report Regarding Willowbend**-Mr. Fudala referenced a resident reported issue regarding Bryant’s Cove Road, required to be maintained as a public way as a special permit condition, but has since been planted and loamed. Mr. Balzarini recommended inviting Jack McElhinny to a future Planning Board meeting for clarification.

**Status of Brush & Tree Clearing at Southport**-Mr. Fudala reported that members of the Southport Landscape Committee have expressed concern regarding the means to address tree removal, the process of which had not been amended by the Planning Board. Additionally, issues were expressed regarding brush between buildings. Mr. Fudala pointed out that the association would be taking over the management of the condos as of January 1. There was discussion regarding a draft of a process that had been placed on hold. Mr. Rowley suggested that Ron Bonvie would be in contact with the Planning Board regarding the next section of Phase 3.

#### **DISCUSSION**

Mr. Fudala referenced a request from the Town Manager regarding plans by Mashpee and Massachusetts Department of Transportation to rebuild Route 151 from the Mashpee Rotary to Falmouth. The Planning Board expressed interest in identifying challenges or issues such as improvements to 151 and Old Barnstable incorporating a longer signal phase or left turn; suggest a right turning lane for westbound Old Barnstable and Jobs Fishing; add a dedicated bike path with a safe separation and the need to calm the road, particularly with the various curb cuts. Mr. Fudala recommended that additional ideas be forwarded to him by email.

Mr. Rowley referenced a New Seabury road at Ocean Front, that was not up to standard, and would require an

additional layer, to be completed when the weather warms. Mr. Rowley added that drainage was also installed without an inspection.

**CORRESPONDENCE**

-Waterways License Application, Larry & Suzanne Croes, 125 Pickerel Cove Circle, transfer of ownership of existing dock in Mashpee Pond

**ADJOURNMENT**

**MOTION: Mr. Balzarini made a motion to adjourn. Mr. Kooharian seconded the motion. All voted unanimously. The meeting adjourned at 8:20 p.m.**

Respectfully submitted,

Jennifer M. Clifford  
Board Secretary

**LIST OF DOCUMENTS**

- David Marquedant Land Survey Letter Regarding Country Club Lane
- Cape Cod Commission Services
- Public Hearing Notice for Zoning Article