
Planning Board Minutes 04-03-2013

Mashpee Planning Board

Minutes of Meeting

April 3, 2013 at 7:00 p.m.

Waquoit Meeting Room, Mashpee Town Hall

Approved 4/17/13

Planning Board Members Present: Chairman Mary Waygan, David Kooharian, Dennis Balzarini, Joe Cummings, 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 Waquoit Meeting Room at Mashpee Town Hall by Chairman Waygan at 7:00 p.m. on Wednesday, April 3, 2013 and the Pledge of Allegiance was recited.

APPROVAL OF MINUTES—March 20, 2013

It was requested that a comma separate the names of Dennis Balzarini and Joe Cummings and that “Board of Selectmen” replace “Finance Committee” at the bottom of page 3.

MOTION: Mr. Balzarini made a motion to accept the minutes of March 20 with the amendments as noted. Mr. Kooharian seconded the motion. All voted unanimously.

SUBDIVISION PLANS

Applicant: Bayswater Seaside II, LLC / Bayswater Development, LLC

Location: 108 - 116 Shore Drive West, Assessors’ Map 132, Blocks 7, 8, 10, 11 & 38

Request: Submission of Definitive Plan for 16 lot subdivision

Joe Colasuonno, Project Manager at New Seabury, was present to represent the applicant seeking approval for a Definitive Subdivision Plan. Mr. Fudala stated that a public hearing had been requested for May 1.

MOTION: Mr. Balzarini made a motion to schedule a public hearing for New Seabury for May 1 at 7:10 p.m. Mr. Mullin seconded the motion. All voted unanimously.

PUBLIC HEARINGS

7:10 Applicant: Southworth Mashpee Properties, LLC

Location: Simons Road / Fin’ Me Oot / Willowbend Drive

Request: Approval of definitive subdivision plan modification.

The appointed time having arrived, Chairman Waygan read for the record the request. Jack McElhinny of Southworth stated that they were seeking a continuance to April 17 in order to continue revising their plans. Mr. McElhinny confirmed that the plans received by the Board would be modified and summarized that Southworth was seeking a modification of a previously approved neighborhood in Willowbend. Mr. McElhinny stated that it would continue to be a 40 condominium unit located along Simons Road and Fin’ Me Oot Road. As part of the process, Southworth planned to seek a relocation of Simons Road at Town Meeting in order to move the housing closer to the golf course and away from the abutting Cranberry Ridge neighborhood. Minor adjustments would be made to the existing plans and the final plans were expected to be filed in the next day or two. Mr. Balzarini inquired whether Southworth had been in contact with the abutters and Mr. McElhinny responded that the abutters preferred moving the units closer to the golf course. Chairman Waygan invited public comment. Richard Aliberti, an abutter located on the Santuit River, expressed concern with the additional condominium units and regarding the use of water for irrigation. Mr. Aliberti described a report he funded in 1995 from Horsley Witten recommending that the existing well be relocated since it was taxing the river from 18%-20%. Mr. Aliberti also referenced a 1991 letter from Mr. Fudala to the DEP Division of Water Supply regarding permitted water withdrawal. Mr. Aliberti also shared a 2001 letter to the Secretary Officer of Environmental Affairs regarding 25 million gallons of water being diverted. Mr. Aliberti read aspects of the Massachusetts River Protection Act and noted that the Quaker Run

pump was a primary source and that irrigation wells were a supplementary water supply, but stated that it was incorrect information. Mr. Aliberti was also in possession of a letter to Mr. McElhinny from the Deputy Regional Director, Bureau of Resource Protection, regarding missing annual reports and Willowbend's special permit that did not allow exceeding .42 million gallons per day without prior approval. Mr. Aliberti expressed concern that Willowbend wished to expand and claimed that they would not impact the well, but Mr. Aliberti stated that he had seen evidence of the fish struggling to swim upstream and urged the Board to seriously consider and deny the project. Mr. Aliberti provided the documents to Mr. Fudala and the Chair requested that they be added to their packets for the next meeting.

Seeing the appointed time had arrived, the Chair opened the 7:20 Public Hearing for Southworth.

MOTION: Mr. Balzarini made a motion to continue the public hearing to April 17 at 7:20 p.m. Mr. Kooharian seconded the motion. All voted unanimously.

7:20 Applicant: Southworth Mashpee Properties, LLC

Location: Simons Road / Fin' Me Oot / Willowbend Drive

Request: Approval of Special Permit Modification of site plan for 40 condominium units

Mr. McElhinny stated that the request was the second part of their filing for a Modification of the Definitive Plan and a Modification of the existing Special Permit and requested a continuance to April 17.

MOTION: Mr. Balzarini made a motion to continue the public hearing to April 17 at 7:30 p.m. Mr. Mullin seconded the motion. All voted unanimously.

The Chair requested that all materials related to the modification be included in the next packet, as well as information regarding the previous Special Permit and requested that the applicant provide any additional materials in advance of their next meeting. Mr. Rowley inquired about a map showing the location of the well in question and its proximity to Mr. Aliberti's property. Mr. McElhinny stated that he would bring the latest reports on water filing. Mr. Aliberti expressed concern that the well had been constructed prior to permits being issued. Chairman Waygan recommended that Mr. Aliberti return for the public hearing on April 17.

SPECIAL PERMIT

Applicant: Southport on Cape Cod Condominium Association, Inc.

Location: Southport retirement condos

Request: Modification of special permit site plans regarding community center parking lot expansion

Mr. Bonvie was away and requested a continuation.

MOTION: Mr. Balzarini made a motion to continue Southport to April 17th. Mr. Mullin seconded the motion. All voted unanimously.

TOWN MEETING ARTICLE

-Review of Article 19- Mr. McElhinny stated that the relocation was a slight modification and that he had been in contact with Town Counsel regarding adjustments on the floor at Town Meeting. Mr. McElhinny added that the Board of Selectmen would also be voting on the relocation on April 22, prior to Town Meeting. Mr. McElhinny indicated that he hoped to provide a full view to the Planning Board on April 17th. Mr. McElhinny stated that Simons Road was an ancient way with public rights, but to move the road would require the Town Meeting. The new location on the property would still provide public rights and would be paved. Mr. Fudala referenced the confusion regarding the wording of the Article that was to be submitted by the Board of Selectmen, but instead listed the Planning Board as submitting the Article. Mr. McElhinny indicated that the confusion was on the part of Southworth.

Mr. Mullin referenced what he thought was an error on Article 18 regarding the Medical Marijuana Moratorium and Mr. Fudala responded that the Board of Selectmen voted to change the date to October 21, 2013 and that the Planning Board voted to agree to the change at the last meeting. Mr. Mullin disagreed with the change and expressed concern about the change.

COMPREHENSIVE PLAN

Nothing scheduled. There was agreement to pursue work on the Greenway. Mr. Fudala indicated that work was needed on the Action Plans.

BOARD ITEMS

Old Business

Discussion of Greenways Proposal and Surrounding Commercial Property-Chairman Waygan invited the public to attend the Greenways meeting on Saturday, April 6, beginning at 11:30 in the events room of the Mashpee Library. The presentation will be followed by a walk for a potential trail that would lead from the library to the high school.

MMR Military Civilian Community Council/MMR Joint Land Use Study (JLUS)-

There was no new update.

Design Review Committee-Mr. Cummings reported that the meeting had been canceled.

Community Preservation Committee-Chairman Waygan reported that Town Meeting will take place on Monday, May 6 at 7 p.m. and would include funding articles from the CPC. Additionally, 5 or 6 applications for funding have already been received for October.

Environmental Oversight Committee-There was no update.

Historic District Commission-Mr. Fudala was still awaiting the request for the schoolhouse.

New Business

C. Rowley Expense Vouchers-An invoice in the amount of \$285 had been received from Mr. Rowley for services in March, as well as attendance at two regular meetings.

MOTION: Mr. Balzarini made a motion to approve the invoice for \$285 for Mr. Rowley. Mr. Mullin seconded the motion. All voted unanimously.

The voucher was signed by Board members.

WATERWAYS LICENSES

CORRESPONDENCE

- Cape Cod Commission 4-11-13 hearing notice, amendment to DRI Regulations
- Whitewater, Inc., February 2013 SouthCape Village WWTP monitoring report, N=6.4

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Mullin seconded the motion. All voted unanimously. The meeting adjourned at 7:44 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

- Southworth Mashpee Properties, LLC-Portion of Simons Road Roadway Discontinuance & Relocation Plan
- Southworth Mashpee Properties, LLC-Master Layout Plan
- Town Meeting Articles
- Plan Wireless
- Planning for an Aging America