
Planning Board Minutes 06-04-2014

Mashpee Planning Board

Minutes of Meeting

June 4, 2014 at 7:00 p.m.

Waquoit Meeting Room, Mashpee Town Hall

Approved 6/18/14

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

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, June 4, 2014 and the Pledge of Allegiance was recited.

APPROVAL OF MINUTES—May 21, 2014

MOTION: Ms. Waygan made a motion to accept as presented. Mr. Balzarini seconded the motion. All voted unanimously.

PUBLIC HEARING

Hearing under the provisions of Massachusetts General Laws Chapter 85, Sections 3A and 3B, to consider a proposed change in the name of “East Way” to either “Cottage Lane,” “Cobblestone Lane” or “Cardinal Lane” (Continued from May 7, 2014).

The appointed time having arrived, Chairman Petersen read for the record the public hearing notice. Mr. Fudala indicated that a meeting had occurred with the residents and referenced four documents, pertaining to the hearing, in Board Members’ packets. Assistant Town Manager Tom Mayo was present to address the issue, referencing the original request to rename East Way due to possible confusion with East Road. Mr. Mayo indicated that more discussion was needed with the residents and a well-attended meeting occurred on May 19th with minutes drafted by Mr. McStay of the Sandalwood Village Association provided to the Planning Board. Mr. Mayo indicated that the Address Working Group provided explanations for the concerns expressed by Sandalwood residents, as well as the importance and reason for changing the street name. Ms. Waygan inquired about the number of times that an emergency response confusion occurred between East Way and East Road. Mr. Mayo indicated that there had not been confusion between the two streets.

The Chair opened up public comment. John Clark, of East Way, read a letter submitted on behalf of the residents and signed by the residents of East Way. The letter expressed appreciation for the good intentions of the Address Working Group, although they did not agree with the intent or process of changing the street name. The letter indicated that much discussion had occurred with residents regarding their concerns and cited the name change being unnecessary because 1) the street names with potential issues could be flagged within the 911 system and 2) changing the name of the street would place residents at high risk due to the resulting confusion. Mr. Clark referenced issues and confusion he encountered when he changed his business address. The letter was submitted to the Planning Board, for the record, along with statements signed by 13 residents who requested that the street name not be changed. It was confirmed that there were 7 homes located on the street.

Mr. Balzarini suggested that it was a good idea to flag the streets in question with the 911 system and inquired about associated costs. Fire Chief Rullo indicated that research would be necessary to determine whether there was a capability to flag certain streets and any associated costs. Mr. Mayo recommended a continuance to the second Planning Board meeting in August, in order to further research the suggestion as well as to allow Sandalwood further discussion at their Annual Meeting. Mr. Mayo also suggested that the technology may not be available to flag the streets since it was a complex software package. Ms. Waygan suggested the possibility of attaching comments to the street name. Mr. Kooharian expressed interest in knowing the effectiveness if the technology was discovered to have been used elsewhere.

Chairman Petersen referenced question #6 regarding concerns about the name change transition time and suggested that a future date identified for the actual change would allow a smoother transition. Mr. Mayo responded that the issue had been discussed at the May 19th meeting and confirmed that research had been completed regarding the issue. Clay Nicholson, the 911 Coordinator, contacted Tom Tom to learn that a change could be confirmed within one day and would be available with the next map update, which would vary among companies. Mr. Mayo noted that 911 Coordinators were given priority for name changes as they were legitimate official requests, warranting an immediate change.

Regarding the possibility of flagging questionable streets in the software, Mr. Clark expressed disbelief that additional information could not be added to a street name. Additionally, Mr. Clark noted that the Fire Department used paper maps instead of GPS and expressed concern about updating the paper resources and the possibility of increased risk. Mr. Clark felt that a small problem was being made into a larger problem. Mr. Kooharian inquired about the time needed for emergency services to be aware of a street name change. Chief Rullo responded that it would be immediate and that the map books would be updated immediately. Chief Rullo added that surrounding towns were also notified of changes and that the system had proven to work better than any other process. The Chief added that the police utilized a computerized dispatch system. Sergeant Scott Carline assured the residents that they were seeking the best possible services in Mashpee, and expressed concern regarding the cell phone calls which were routed to the State. Mr. Kooharian inquired if weather could create an unavailable system and Chief Rullo referenced when hurricane Andrew knocked down street signs. Chief Rullo emphasized that the Fire Department utilized back-up systems including the paper maps, points of reference and GPS'd hydrants, in order to locate specific areas in town. Mr. Mayo responded that the hydrants were GPS'd by their location on paper maps. Additionally, Mr. Mayo stated that the Police Department was not using GPS to access their locations, but that they were digitally dispatched.

Mr. Mayo requested that all residential concerns be shared so that the Address Working Group could address them prior to the August meeting and in order to identify an amicable solution. Mr. Mayo stated that they had proposed to the Association that they devise a naming scheme for the streets in their community. Mr. Mayo emphasized that Mashpee first responder professionals had deemed the current street name to be a greater risk than the potential confusion of the name change.

Jeff Tomchik, of East Way, noted that everyone was concerned about the issue but that the question seemed to go back to the issue of dispatch and suggested that East Way and East Road was just one of many anticipated changes. Mr. Tomchik suggested that it went back to training and dealing with communication issues, such as noting the cross roads. Mr. Tomchik indicated that the street had been in place for 40 years with no issues and expressed concern about changing the name and the end users who would not update their GPS system regularly. Mr. Mayo responded that the distance between East Way and East Road was approximately 10-15 minutes, which was enough time for someone to die, noting that confusion could easily occur, whether it had happened before or not. Ms. Waygan recommended returning to the Planning Board with a solution other than changing the street name, after meeting with Sandalwood residents. Ms. Waygan emphasized that every single resident on the road wished not to change the name and suggested that flagging the street name in the system would reduce the risk. Ms. Waygan expressed her belief in property owner rights and indicated her reluctance to support a name change for a privately owned road when no resident wished to have their street name changed. Mr. Mayo expressed concern about visitors to the homes. Ms. Waygan recommended an educational program to advise homeowners to maintain a landline with clear information identifying the address of the home. Mr. Mayo inquired whether Ms. Waygan wished the Town to mandate landlines for each Mashpee home. Ms. Waygan responded that, as part of the effort, residents should be educated about the benefits of landlines in order to reduce the risk. Mr. Kooharian pointed out that it had to be plugged into the wall and the reality that residents may not have landlines. Mr. Kooharian recognized the inconvenience of changing the street name but indicated it would be far worse to have a life at risk. Mr. Kooharian emphasized that it was not right for the current residents to speak for future residents regarding safety.

Mr. Balzarini inquired as to the reason for East Way being changed instead of East Road. Mr. Mayo responded that East Way had 7 homes whereas East Road had 20 homes. Ms. Waygan inquired whether East Road residents were invited to change their street name. Mr. Mayo also noted that East Road traveled into Sandwich and would require a second public hearing in that town. Mr. Mayo again asked Ms. Waygan if she was asking to include, as part of the conversation, a mandate that all Mashpee residents maintain a non-wireless landline and Ms. Waygan again responded that education was needed to let residents know that first responders would be unaware of the origin of a cell call, but that they would have a location with a landline. Mr. Mayo will make the suggestion to the Address Working Group, adding that it would not solve the problem of saving lives. Chief Rullo agreed with Ms. Waygan

but stated that he was seeking a stop gap measure for the Fire and Police Departments. Chief Rullo emphasized that street name confusion had been a problem nationwide and his wish to solve the problem.

Mr. Clark reported that 67% of 911 calls originated from a cell phone adding that the FCC was considering a proposal to mandate that all cell phones have 911 location information within 50 meters of the phone. Mr. Clark added that technology was continuing to improve. Regarding risk, Mr. Clark pointed out that the mission of the Fire Department was to minimize risk, not eliminate risk, noting that there were other risks which could not be entirely eliminated and part of life. Mr. Clark stated that they were adults who had chosen not to make the change and that future homeowners could request the change. Mr. Kooharian again stated that the residents did not have the right to decide for future generations and impact the safety of future generations. Mr. Kooharian added that the town appointed the address and that it was not owned by the residents and Mr. Mayo confirmed that the municipality had the authority to change or assign the address. Mr. Tomchik stated that no one had the intention of endangering future generations, but emphasized the need to correct the process and system so as to support and protect future generations.

Mr. Mayo summarized that he would 1) speak to the Address Working Group regarding the addition of an educational component, 2) reach out to dispatch regarding the possibility of flagging streets in the software and 3) identify any additional questions from Sandalwood prior to the August meeting. The Sandalwood Annual Meeting has been scheduled for July 24.

MOTION: Mr. Balzarini made a motion to continue the public hearing to August 20 at 7:10 p.m. Ms. Waygan seconded the motion. All voted unanimously.

DETERMINATION OF ADEQUACY OF STREET

Applicant: Marilyn Marcelli

Location: 29 Melissa Avenue (Assessors' Map 21, Block 12)

Request: Determination under Zoning By-law Sections 174-3 and 12 regarding adequate access for building on vacant lot, not a Town road or previously-approved subdivision street

The Chair read for the record the request. Marilyn Marcelli was present to describe the lot at 29 Melissa Avenue, which was short on frontage by just over 1 yard with a question as to whether municipal vehicles would have adequate access. Ms. Marcelli reported that her home was built in 1989, just up from the lot in question. Ms. Marcelli confirmed that she never had trouble with ambulance, fire truck or oil truck access. Ms. Marcelli's late husband acquired a variance for the lot in 2009, which was extended by their lawyer to August 2014. Ms. Marcelli indicated that there had been some interest in purchasing the lot to build a home, and referenced her interest in selling the property. Ms. Marcelli noted that the land was purchased as a buildable lot in 1978 and had since been paying taxes on the property as a buildable lot. The abutting owner was also present at the meeting.

Mr. Rowley reported that the issue was not simple, adding that the lot was created in 1978 as an Approval-Not-Required Plan, with a determination made at that time that the road was adequate to service the lots, setting a precedent. Additionally, two sections of the bylaw would be considered, dealing with roads of a slightly different nature, and if not in compliance with 174.3 or 174.12, that the proper procedure may be to seek a variance for the Board of Appeals for those sections of the Zoning Bylaw since the Planning Board may not have the authority to waive any of those regulations. Mr. Rowley referenced a previous issue and letter from May 2011 with no changes since being considered at that time. Mr. Rowley indicated that from the subdivision point of view, the Planning Board would need to determine if the road was adequate and the building inspector would also need to make the same determination prior to issuing a permit. Mr. Fudala disagreed and quoted 174.12, suggesting that it was the bylaw to be considered and referenced the definition, with the three possibilities of a public way, a public/private way duly approved by the Planning Board under the Subdivision Control Statute or a way on record with the Registry of Deeds which was approved by the Planning Board as a principal means of access to abutting property.

The Chair inquired whether the parcel was a grandfathered property and Mr. Rowley referenced the last sentence of 174.3, noting that the Planning Board in 1978 somehow determined that the road was adequate to service the houses. Ms. Marcelli pointed out that the property had already been divided into two lots in 1978. Ms. Marcelli also noted that a home was located further down the road where it was narrower. Mr. Rowley indicated that he had provided photographs of the road and noted that if a building was constructed, it would require that it be cut into the bank. Mr. Rowley indicated that the concern requiring deliberation from the Planning Board was determining whether the road would provide reasonable use for the property, from Jones Road to the lot in question. Mr. Fudala stated that the only issue that the Board could consider was the frontage.

Mr. Balzarini suggested that the road was adequate for the lot regarding access. Mr. Cummings reported that he visited the road last week and noted that, prior to the property, he had to stop because a truck larger than a fire truck needed to pass his car. Mr. Cummings stated his belief that the road was adequate. Ms. Waygan inquired whether the Fire Department had reviewed the issue. Chief Rullo was asked to deliver a letter to provide a variance on the bylaw, which he stated he would not do. Chief Rullo indicated that Ms. Marcelli's property was within 500 feet of a fire hydrant, though he did express concern regarding the width of the road. Mr. Fudala pointed out that a variance would be sought from the ZBA from the Fire Access Bylaw. Mr. Kooharian suggested that large trucks had accessed the properties and indicated that he was comfortable with approving the road. Mr. Fudala confirmed that there were 4 homes beyond the property. Mr. Rowley confirmed that it was a passable gravel surface that appeared not to get rutted and featuring sufficient drainage with no steep grade.

MOTION: Ms. Waygan stated that, given when the lot was created, it was a buildable lot and that it does not have a lot of traffic as a dead end dirt road, then she would make a motion that it has adequate access. Mr. Balzarini seconded the motion. All voted unanimously.

SPECIAL PERMITS

Applicant: Southport on Cape Cod

Location: Southport Phase III buildings 13, 14, 15, 16 and 47

Request: Approval of proposed tree clearing

Mr. Fudala described the tree clearing guidelines for Southport and the identification process for selecting trees to be saved. Mr. Fudala indicated that the tree walk for Buildings 13, 14, 15, 16 and 47 yielded no trees to be saved.

The Chair inquired whether replacement trees would be planted and Mr. Fudala confirmed that they would, noting that Mr. Bonvie had just planted 47 trees at the development. Mr. Fudala had recommended that Mr. Bonvie submit the replanting process by letter for future reference. Jay Zarella, representing Southport on behalf of Mr. Bonvie, noted that a 100 foot buffer would be located behind the homes.

Board members reviewed the plan. Mr. Rowley pointed out the steep slope and depth of foundations and necessary regrading that would require the removal of trees. Ms. Waygan suggested adding more trees to the buffer and the Chair agreed. Mr. Zarella indicated that he would pass along their comment to Mr. Bonvie. Mr. Rowley pointed out the depression.

MOTION: Ms. Waygan made a motion to approve removal of all trees in the vicinity of Buildings 13, 14, 15, 16 and 47. Mr. Balzarini seconded the motion. All voted unanimously.

Applicant: BCDM, LLC

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

Request: Signature of a Special Permit for a 15 lot cluster subdivision (Approved 5/7/14)

Mr. Fudala confirmed that the Town Clerk had signed off on the special permit and that there had been no appeal. The permit was signed by the members of the Board.

DEFINITIVE SUBDIVISION PLAN

Applicant: BCDM, LLC

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

Request: Signature of 15 lot cluster subdivision Definitive Subdivision Plan (Approved 5/7/14)

Mr. Fudala confirmed that he was in receipt of the revised version of the road off of Great Neck Road South. The Definitive Subdivision Plan was signed by Planning Board members. Developer Matt Haney was present to express his appreciation for the Board's efforts. Mr. Fudala confirmed that the Police Chief had identified an appropriate speed radar to purchase on behalf of the Town.

Applicant: Bayswater Development, LLC

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

Request: Signature of 21 lot Definitive Subdivision Plan (Approved 5/7/14)

Planning Board members signed the Definitive Subdivision Plan. There was discussion regarding the block needed for the date of the covenant so Mr. Rowley wrote it in by hand.

BOARD ITEMS

Old Business

Discussion of Greenways Proposal and Surrounding Commercial Property-No update at this time.
MMR Military Civilian Community Council-Update of MMR Joint Land Use Study-No update

Design Review Committee-Mr. Cummings reported that there was no meeting.

Community Preservation Committee-Ms. Waygan reported that the new round of funding had not yet been opened and no applications had been submitted

Environmental Oversight Committee-The Chair reported that there was no quorum but that the meeting night may change.

Historic District Commission-No update

Charter Review-Ms. Waygan reported that they would be meeting on June 16th at 5 p.m. and that the Public Hearing for Charter amendments would take place at Town Hall on June 23rd at 6:30 p.m.

New Business

Reorganization-The memo received from Town Clerk regarding reorganization was read for the record.

C. Rowley Expense Vouchers-Invoices were received in the amounts of \$765 for regular expenses for New Seabury and Melissa Avenue and \$475 for Southport. Mr. Fudala confirmed that the funds had not yet been transferred and the vouchers would be signed pending the transfer of the money into the Board's account from the Finance Committee.

MOTION: Ms. Waygan made a motion to pay Mr. Rowley \$765 for his work at New Seabury and Melissa Avenue. Mr. Balzarini seconded the motion. All voted unanimously.

MOTION: Ms. Waygan made a motion to pay Mr. Rowley \$475 for his work at Southport. Mr. Balzarini seconded the motion. All voted unanimously.

The vouchers were signed by Board members.

CORRESPONDENCE

- Alfred S. DeFazio – Waterways License Application for construction and maintenance of a pier, ramp and float in the Mashpee River at 204 Captains Row

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Kooharian seconded the motion. All voted unanimously. The meeting adjourned at 8:58 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

- 4/15/14 Sandalwood Village Questions for Address Working Group
- 5/19/14 Sandalwood Village Association Meeting Minutes
- Town of Mashpee Street Naming Policy
- State Law Regarding Street Names
- Marilyn Marcelli Letter Regarding Zoning Board Provision 174-12
- Melissa Avenue Map
- Charles Rowley Photographs of Melissa Avenue
- Articles Regarding Modern Roundabouts