
Planning Board Minutes 06-05-2013

Mashpee Planning Board

Minutes of Meeting

June 5, 2013 at 7:00 p.m.

Waquoit Meeting Room, Mashpee Town Hall

Approved 8/7/13

Planning Board Members Present: Mary Waygan, David Kooharian, Joe Cummings, Dennis Balzarini

Also Present: Tom Fudala-Town Planner, Charles Rowley-Consultant Engineer, Selectman O'Hara

Absent: Chairman George Petersen, Joe Mullin

CALL TO ORDER

The Town of Mashpee Planning Board meeting was opened in the Waquoit Meeting Room at Mashpee Town Hall by Vice Chairman Waygan at 7:00 p.m. on Wednesday, June 5, 2013 and the Pledge of Allegiance was recited.

Ms. Waygan stated that she would be serving as Chair for the meeting in the absence of Chairman George Petersen and that Mr. Cummings would be sitting as a full member of the Planning Board.

APPROVAL OF MINUTES—May 15, 2013

Changes were recommended to the minutes reflecting the reorganization of the Board and the transition of Chairman from Mary Waygan to George Petersen.

MOTION: Mr. Kooharian made a motion to accept the minutes as amended. Mr. Balzarini seconded the motion. All voted unanimously.

SPECIAL PERMITS

Applicant: Mashpee Commons, LLC

Location: Mashpee Commons North Market Street neighborhood

Request: Signature of North Market Street Special Permit Modification approved 5/15/13

Mr. Fudala reported that the Town Clerk had signed off on the permit with no appeals, and the document was now awaiting Planning Board signatures. An email from Doug Storrs regarding the traffic count was included in Board members' packets, noting that only one count was available. Mr. Fudala stated that Mashpee Commons also followed up with the Highway Department with no success in acquiring additional information regarding the traffic counts. Planning Board members reviewed the documentation and inquired about Condition #6 regarding the #14 Violation. Ms. Waygan stated that the counts were not required in the future. Mr. Fudala stated that Mashpee Commons had provided the original report and would forward additional reports if they were found. The permit was signed by Planning Board members.

Applicant: Southworth Mashpee Properties, LLC

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

Request: Signature of Special Permit Modification #29 approved 5/15/13

Ms. Waygan noted that a fourth signature would be necessary before recording the permit as Mr. Cummings did not initially vote on the permit. Planning Board members signed the permit.

Applicant: Windchime Point Condominium

Request: Permission to remove three trees, located between 18 and 24 Blue Spruce, at 81 Blue Spruce and near clubhouse.

A site visit needed to be scheduled to grant permission for the removal of three trees. The site visit must include either the Chair or Vice Chair of the Planning Board and either Mr. Fudala or Mr. Rowley. June 15 at 11:45 a.m. was identified as the date of the site visit.

DEFINITIVE SUBDIVISION PLANS

Applicant: Southworth Mashpee Properties, LLC

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

Request: Signature of definitive subdivision plan modification approved 5/15/13

Planning Board members signed the 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: Signature of Definitive Plan for 17 lot "Oceanfront" subdivision approved 5/15/13 and approval of proposed cash performance guarantee amount

Mr. Fudala referenced the proposed amount recommended for the cash performance guarantee. Construction costs totaled \$281,849, multiplied by 150% for a bond amount of \$422,773.50. Mr. Rowley reviewed the contractor's list and noted that the binder thickness was 2 inches but the plan stated that it was 2 ¼ inches, requiring an adjustment, but Mr. Rowley did not feel it would make a significant difference. Mr. Rowley recommended following up with the contractor. Joe Colasuonno from Bayswater confirmed with the contractor that the binder was 2 ¼ inches and was a typographical error.

MOTION: Mr. Balzarini made a motion to accept the amount of \$422,773.50 for the bond amount for the 17 lot Oceanfront Subdivision. Mr. Kooharian seconded the motion. All voted unanimously.

Planning Board members signed the plans. Ms. Waygan inquired about the documentation regarding groundwater flow into Nantucket Sound. Mr. Colasuonno thought that the issue had been addressed at the last meeting. Ms. Waygan stated that the motion regarding nutrient reduction had been amended requiring that the project proponent show and support that the groundwater in the area would be discharging into Nantucket Sound. Mr. Fudala stated that he could provide a map showing that the flow would be entering Nantucket Sound.

Mr. Rowley recommended that a two year time frame be identified for construction in an additional vote. Mr. Colasuonno stated that two years had been identified to complete the work but that the bond could be extended.

MOTION: Mr. Balzarini made a motion to put a timeframe of two years to complete the work on the cash security of \$422,773.50. Mr. Kooharian seconded the motion. All voted unanimously.

Mr. Fudala shared the groundwater flows with Planning Board members, identifying the area in question and showing the flow entering Nantucket Sound. Ms. Waygan recommended that a copy be forwarded to Chairman Petersen. Mr. Fudala indicated that he would confirm whether a check or wire transfer would be preferred by the Town.

PRELIMINARY SUBDIVISION PLAN

Applicant: Federal National Mortgage Association c/o Cotuit Solar LLC

Location: 36 Savanna's Path

Request: Submission of 1-lot preliminary plan and road designs

Mr. Fudala stated that a date was needed to schedule the review of the plan.

MOTION: Mr. Balzarini made a motion to schedule a review on June 19 for Federal National Mortgage Association, Cotuit Solar LLC. Mr. Kooharian seconded the motion. All voted unanimously.

Plans were requested to be sent by PDF in advance of the meeting. Mr. Rowley reviewed the initial plan and identified possible needed improvements. Joe Hackett of Cotuit Solar stated that roadway work would be needed in order to establish frontage for the C-2 usage, but did not wish to extend the road layout to the end of Savannah's Path because of abutters and possible increased traffic. Mr. Fudala responded that the roadway did not need to be paved but that there was currently no recorded layout for the roads. Mr. Hackett confirmed that he would forward the plan ahead of the next meeting.

DISCUSSION

-Ted Tye of National Development regarding potential assisted living facility at Route 151 / Old Barnstable Road- Ted Tye of National Development, and part time Mashpee resident, was present to discuss the possible development of an assisted living facility. Mr. Tye referenced his previous visit to the Planning Board when considering a Mashpee Commons site.

Mr. Tye stated that National Development had been ranked in the last four years as the largest development firm in eastern Massachusetts, with projects of all sizes. National Development has developed senior housing for over 20

years, developing 23 different senior housing and assisted living projects. A community in Westford was recently opened. The proposed project would be a 56-unit assisted living residence that would specialize in memory care. Mr. Tye stated that there was a strong need in the area to include seniors in the population as well as adult children with parents with needs. The site being considered features 24 acres at Route 151 and Old Barnstable Road, with the entrance being located across from Southport. Less than 6 acres would be developed for the project with the remainder of the parcel being dedicated to permanent open space. The building would be one-story with 56 units and divided into 3 households featuring apartments and a common area. Mr. Tye invited Board members to visit National Development's other communities, noting that they have been welcomed in other towns.

Mr. Tye noted that the facilities are low impact, with little traffic other than visitors and employees with 9 vehicles estimated during peak hour traffic between 3-5 p.m. during shift changes. Typically 45 parking spaces are developed for a facility and a natural buffer was intended for the area. Mr. Tye reported that he had been in contact with Ron Bonvie at Southport and discussions would continue. Mr. Fudala stated that the previous project, which was rejected by residents, consumed most of the parcel and was a 3-story project. Mr. Balzarini inquired whether Mr. Tye would have plans for expansion and he responded that they would not expand beyond the proposed plan. Mr. Tye shared the design of the Hingham facility, noting that a local facility would appear more Cape-like, with screening by existing mature trees.

Mr. Tye referenced the C-3 zone and the need to be prepared for fall Town Meeting. Although Mr. Tye pointed out that the parcel could be subdivided into a number of lots, each featuring a 20,000 square foot structure, National Development could not construct a footprint larger than 20,000 square feet on the whole parcel with current zoning, and relief was necessary. The other issue was concerning the definition of sewer plant versus sewer system, and due to the performance standard of nitrogen removal required by the Town. Mr. Tye was asking that the Board make a determination about the definition or bring it to Town Meeting. Ms. Waygan recommended deferring the issue to Chairman Petersen in conjunction with Mr. Fudala and Mr. Tye and the Board supported the concept. Mr. Cummings expressed interest in also being involved. There was discussion regarding the nitrogen removal requirement. Mr. Tye suggested that the Board would need to interpret the word "plant" as a system that would achieve the nitrogen removal that is required or the Board could sponsor a zoning article that would add "system." Ms. Waygan recommended that a conference call take place over the next two weeks among the four individuals. Mr. Rowley inquired about the amount of gallons produced daily at the facility and Mr. Tye responded that it was approximately 8,400 gallons per day which did not require a groundwater discharge permit. Ms. Waygan will inquire with Chairman Petersen about including Mr. Rowley in the phone call. Mr. Tye stated that he wished to approach Town Meeting in the fall and be ground ready in 2014.

Mr. Tye expected the facility would be 56 units totaling 45,000-48,000 square feet. Ms. Waygan recommended a user friendly entrance and meeting with abutting neighbors. Ms. Waygan also noted that the parcel was currently 5 lots and that build-out scenarios may be useful in comparing it to the benefits of National Development's proposed facility. Ms. Waygan recommended a presentation at Town Meeting. Mr. Kooharian inquired whether trails would be available for residential use and Mr. Tye confirmed that the land would have an open space restriction with the Cape Cod Commission. Mr. Fudala suggested a subdivision plan may be needed to wipe out the paper street and possibly create a separate open space parcel.

Mr. Rowley inquired about the 45-space parking lot and Mr. Tye responded that it was based on past experience and operation of similar facilities, noting that the Town bylaw would require a greater number of spaces. In the past, Mr. Tye had provided to towns a staffing plan, hours and visitor use. During special events, the facility would be able to offer valet service to park cars off-site at the high school. Mr. Tye offered to provide tours of other facilities to any interested Board members. Selectman O'Hara offered positive feedback about the project.

BOARD ITEMS

Old Business

Charter Review Committee-Ms. Waygan noted that she would be representing Planning Board members on the Charter Review Committee and requested that any comments about the Charter be forwarded to her to share with the Committee.

Design Review Committee-Mr. Cummings stated that three items were discussed to include Fitness Training, which had some issues; NStar who would be submitting a final plan to triple the size of their substation on Orchard Road with plans to bypass local zoning and to provide screening to two homes. Mr. Fudala stated that the two homes were within their easement.

MOTION: Mr. Balzarini made a motion to support Mr. Cummings on the recommendation regarding

shielding of the two houses. Mr. Kooharian seconded the motion. All voted unanimously.

There was also discussion at Design Review regarding the Wampanoag trailers being relocated and the Fire Department had some issues regarding access to the hydrant, paving and improved turning radius. There was question as to whether the trailers were temporary and Mr. Fudala stated that they were owned by the federal government. Mr. Rowley requested a copy of the plan and expressed concern about paving possibly impacting stormwater runoff. Mr. Cummings stated that the location of the trailer would be paved and had been pre-approved for 25 parking spots. Mr. Fudala will provide a plan to Mr. Rowley.

Community Preservation Committee-Ms. Waygan reported that the CPC approved funding for the addition of public bathrooms to the Archives for events that may take place in the area.

Historic District Commission-There has been a filing for additions to the Historic Archives so a meeting is being planned.

Discussion of Zoning By-law Section 174-45.B. regarding definition of “private wastewater treatment plant” and potential amendment of Section 174-25.1.2. regarding maximum building footprint in C-3 zoning district-Discussed during Mr. Tye’s presentation.

New Business

C. Rowley Expense Vouchers-Invoices were received reflecting May regular services for \$807.50 and Southport services in the amount of \$475.

MOTION: Mr. Balzarini made a motion to pay the first voucher for \$807.50 for Mr. Rowley’s services for the month of May 2013. Mr. Kooharian seconded the motion. All voted unanimously.

MOTION: Mr. Kooharian made a motion to pay Mr. Rowley for the month of May Southport services in the amount of \$475. Mr. Balzarini seconded the motion. All voted unanimously.

Planning Board members signed the vouchers.

Expense voucher for Mass. Land Court Reporter 1993-2012 Annotated Index-

MOTION: Mr. Kooharian made a motion to purchase the Massachusetts Land Court Reporter Index for \$165. Mr. Balzarini seconded the motion. All voted unanimously.

Planning Board members signed the vouchers.

Town Owned Land & Proposed Uses-Ms. Waygan referenced the Town Owned land memo from Affordable Housing adding that the Affordable Housing Committee was open to having a joint meeting. Ms. Waygan suggested that all interested parties were interested in developing a consensus for the parcels in question. Selectman O’Hara confirmed that it was also a consideration for the Board of Selectmen and agreed that it was important to reach a compromise to determine what parcels would be appropriate for conservation and parcels that would be appropriate for affordable housing and to develop tax revenue for the Town. Ms. Waygan recommended starting with the 14 lots discussed at Town Meeting.

WATERWAYS LICENSES

- Diana Leccesse & William Ferner, license existing private dock at 44 Barbary Circle, in Mashpee River

CORRESPONDENCE

- Copy of FEMA letter regarding updated Preliminary Flood Insurance Rate Maps and updated Preliminary Flood Insurance Study for Barnstable County. Ms. Waygan reported that there would be a meeting on June 17 at Barnstable Town Hall. Flood maps were available in the Building Department or on the town website through GIS.
- WhiteWater Inc. - SouthCape Village WWTP April 2013 report N= 10.7

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Kooharian seconded the motion. All voted unanimously. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

- Doug Storrs Email Regarding Mashpee Commons Traffic Count
- New Seabury Construction Costs for Oceanfront
- Aerial View of Proposed Assisted Living Facility
- Conceptual Site Plan of Village at Mashpee
- Berkeley Johnson Letter to Town Manager Regarding Parcels for Affordable Housing
- Town of Mashpee Street Naming Policy
- Saratoga Springs City Council Talks Transportation