
Planning Board Minutes 06-19-2013

**Mashpee Planning Board
Minutes of Meeting
June 19, 2013 at 7:00 p.m.**

Waquoit Meeting Room, Mashpee Town Hall
(transcribed from audio tape)
Approved 7/17/13

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

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

Absent: Mary Waygan, Joe Mullin

CALL TO ORDER

The Town of Mashpee Planning Board meeting was opened in the Waquoit Meeting Room at Mashpee Town Hall by Chairman Petersen at 7:19 p.m. on Wednesday, June 19, 2013 and the Pledge of Allegiance was recited. Chairman Petersen announced that Mr. Cummings would be serving as a full voting member of the Board.

APPROVAL OF MINUTES—June 5, 2013

The minutes were deferred as a quorum of attending members was needed to vote to approve.

DISCUSSION

Sharon Rooney of Cape Cod Commission – Update on MMR Joint Land Use Study and Community – Military Partnership Study

Ms. Rooney of the Cape Cod Commission was present to update the Board regarding the MMR Joint Land Use Study. Ms. Rooney summarized that the plan was a cooperative effort between the military and the Commission and Cape communities and an effort to reduce the impact of military training. In 2005, MMR was nominated by the army for a joint land use study due to an increase in training days and growth in the surrounding communities with a grant from the Department of Defense. In 2012, an update to the plan was requested due to changes in the mission and land uses from the BRAC process and concerns about encroachment. Additionally, projects such as renewable energy and joint partnerships with surrounding communities were to be considered. The Policy Committee has been made up of Selectmen, Town Managers, the DPCC and other managers consulting on plans for the southern portion of the base regarding changes and land use activity.

Ms. Rooney stated that the project was initiated in July 2012 and began with a review of protected open space area, renewable energy, Chapter 40B projects and land use of the base. A report was completed regarding shared service agreement and Board members were provided copies of the report. The report also included build-out which showed that commercial space continued to be available for Mashpee in the study area, as well as a low number of housing units. Another report summarized the capacity and operations of the treatment plant and towns' needs.

Ms. Rooney indicated a partnership was being considered as a means for the base to reduce costs. The National Authorization Act of 2013 would allow the Federal Government the authority to contract with municipalities for shared services. The public-public partnership would be a construct between two or more public agencies, combining resources to achieve common goals and objectives, creating mutual value, leveraging resources, addressing common issues and sharing risks. Ms. Rooney described other public-public partnerships throughout the country, such as with hospitals, emergency services and wastewater treatment. Cape Cod Commission officials visited a base demonstration project that combined firefighting, security and public works and resulted in reduced costs to the base totaling 41%.

Ms. Rooney noted that two workshops had taken place since February 2013. The first workshop featured a broad discussion of the range of possible partnerships, broken down into infrastructure, facilities and services. Six top priorities were identified from the first meeting to include public works, wastewater, renewable energy, solid waste, fire and emergency services and higher education training. More participants were invited to attend the second meeting and participants developed a concept outline for each area. As a result of the meetings, feasibility studies

are being developed, beginning with a regional wastewater facility. Other possible joint uses include a shared DPW, waste facility, regional fire training facility and/or regional sludge or food waste facility. The Commission will be working over the next few months toward developing the feasibility studies and future agreements.

Chairman Petersen inquired about the expense of maintaining the airfield and Ms. Rooney responded that the Coast Guard planned to maintain control of the air services. The Chair inquired whether there was consideration for connecting Sandwich to Falmouth and Ms. Rooney responded that it would be a costly undertaking. The Chair inquired whether the Coast Guard intended to share their facilities and Ms. Rooney responded that there was potential and that the Commission would be reviewing the legalities of sharing and that there was some interest in consolidating housing and reducing their footprint. Mr. Kooharian inquired about involvement with the evacuation route and Ms. Rooney stated that it was an issue to be addressed prior to the completion of the study. Ms. Rooney stated that housing facilities were currently available in case of an emergency. Mr. Kooharian referenced the challenges associated with sharing emergency resources and whether the military would have priority access to the resources. Ms. Rooney stated that the military presently provided emergency housing. Mr. Balzarini noted that the mission of the National Guard would be to provide emergency services to the community. There was discussion regarding the removal of buildings from the base. Ms. Rooney stated that Mass Department of Housing was also considering housing on the base. Mr. Rowley inquired whether a regional fire facility would take the place of the Barnstable County facility and Ms. Rooney confirmed that it would but that it was first being explored as an option.

PRELIMINARY SUBDIVISION PLAN

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

Location: 36 Savanna's Path / Trinity Place

Request: Review and approval of 1-lot preliminary subdivision plan and road designs

The applicant has requested a continuance until July 3.

SPECIAL PERMITS

Applicant: Windchime Point Condominium

Request: permission to remove three trees, located between 18 and 24 Blue Spruce, at 81 Blue Spruce and near clubhouse. Report on June 15 site visit and decisions taken.

Mr. Fudala reported that he and Ms. Waygan conducted a site visit and found that there were more trees requiring removal. Ms. Waygan requested a report from Windchime's arborist regarding the trees and possible replacements.

Applicant: Southport on Cape Cod

Location: Southport Phase III

Request: Review and approval of site plans for Southport Phase III, Section 3

Mr. Fudala stated that Board members had site plans in their packets. Ron Bonvie was present to address the site plans and indicated that he had consulted with Mr. Rowley on the plans. Mr. Bonvie stated that they had sold out Chadwick and Sea Spray Avenue for a total of 50 houses. Southport was now selling Twin Oaks, which was almost sold out, and now beginning on Grey Hawk Drive, with 3 buildings already partially sold with waiting lists. Mr. Bonvie summarized the improvements approved by the Board that had recently been completed.

Mr. Bonvie was seeking approval for the Grey Hawk Drive site plan and a tree removal site visit. Mr. Bonvie also stated that he had recently planted 50 trees in the Chadwick/Sea Spray Avenue area which were not required. Mr. Cummings inquired about the text regarding 2-unit and 5-unit buildings and Mr. Bonvie responded that the 5-unit building was already sold and occupied and required special landscaping plans. Mr. Bonvie stated that the duplex was to be completed in the future. Mr. Bonvie referenced the flexibility of some of his designs. Mr. Bonvie also noted that he had won an award for best design and had been invited to be a member of the National Senior Housing Council as a result of Southport Development.

Mr. Rowley provided a letter indicating that issues had been worked out in the plans. Mr. Rowley referenced a 100 foot buffer between Greyhawk and Algonquin that could not be touched, with the upper units located close to the buffer, requiring that equipment not encroach into the area. The unit decks may be within 5 or 6 feet of the line and may involve trees within the buffer area which could require negotiation and consideration. Mr. Rowley referenced Algonquin and additional email correspondence with the contractor that could be included with the file. Mr. Fudala confirmed that the buffer was required by the ZBA for their Special Permit. Mr. Bonvie stated that he would do everything in his power to not remove trees from the buffer zone and Mr. Fudala added that the Planning Board did not have the authority to authorize tree removal in the buffer zone. Mr. Bonvie will put up a fence during construction to remain outside of the buffer zone. There was discussion regarding reference to the buffer zone and the ZBA's authority in the conditions of the decision. Mr. Balzarini inquired about construction access and Mr. Bonvie confirmed that he has had few complaints from homeowners, but that he was proactive about making

improvements and accommodations. Mr. Bonvie also referenced changes to the entrance and the widening of an existing lane, and the addition of another lane, approved by the Planning Board and Department of Public Works. However, the Fire Department requested that construction be stopped out of concern that a fire truck may be unable to access the area. A large fire truck was sent over with no issues accessing the area. Mr. Bonvie questioned why the Fire Department would require an additional review if the roadway was being enlarged. **MOTION: Mr. Balzarini made a motion to approve the site plan for Southport Phase III with the conditions that were stated with #2 noting that ZBA would be referenced and #3 notifying the DPW and ensuring that the snow fence was put up. Mr. Kooharian seconded the motion. All voted unanimously.**

There was discussion regarding the timing to plan a tree walk. Mr. Bonvie will follow up with Mr. Fudala regarding scheduling a date. Chairman Petersen requested that it take place during the week, early in the morning before work.

BOARD ITEMS

Old Business

Discussion of Greenways Proposal and Surrounding Commercial Property-There was no update
MMR Military Civilian Community Council-Update of MMR Joint Land Use Study

Discussed previously.

Design Review Committee-Mr. Cummings stated that Mashpee Commons requested changing the location of their movie screen to Market Street in order to generate increased business, but safety concerns were discussed. Additionally, plans for 36 Savannah's Path were not complete.

Community Preservation Committee-There was no update

Environmental Oversight Committee-There had been discussion regarding a nitrogen fertilizer limitation, similar to Falmouth, but a recent ruling from the Attorney General has led the Committee to consider other options, such as an educational program in conjunction with town stickers. Mr. Fudala will provide additional information to the Chair.

Historic District Commission-A public hearing was scheduled for July 2 and Mr. Fudala was awaiting confirmation that all members would be able to attend. The hearing would be in regard to the addition of public restroom facilities to the Archives building.

14 Parcels of Town-owned Land and Proposed Uses-Mr. Fudala was reviewing the information.

New Business

C. Rowley Expense Vouchers-No vouchers at this time.

Discussion of Zoning By-law Proposed October TM Amendment Articles regarding Section 174-45.B, regarding definition of "private wastewater treatment plant" (including report on June 10 conference call), amendment of Section 174-25.1.2. regarding maximum building footprint in C-3 zoning district and new zoning by-law regarding Medical Marijuana Treatment Centers

Mr. Fudala reported that he had received comments regarding language from the Chair and Mr. Rowley for the definition of "private wastewater treatment plant." Chairman Petersen read the Article, explanation and recommended changes. There was discussion regarding the changes, and Mr. Fudala clarified Mr. Rowley's recommended change. There was discussion as to what the definition of "permitted." Mr. Fudala indicated that "some other wastewater system" would be inclusive. Mr. Rowley suggested that "public" would be necessary. It was determined that the only change would be to remove the typo "a" from Mr. Fudala's drafted Article. Mr. Fudala indicated that he would share the Articles with the Board of Selectmen in the event that they may wish to co-sponsor any of the Articles.

Chairman Petersen read changes to the Article regarding Subsection 2 of Section 174-25.1. Mr. Fudala recommended the change because there may be some parts of the building that could be treated as a second story. Mr. Rowley pointed out that the total square footage could potentially be 100,000 with a second story. Mr. Fudala recommended eliminating the word "gross."

There was also some discussion regarding Open Space Incentive Development and Affordable Housing Provisions. There was consensus regarding Mr. Fudala's additions and it was noted that it had been discussed previously.

The Medical Marijuana Treatment Center Bylaw will be discussed on July 3. Mr. Fudala confirmed that he forwarded the text to all pertinent Town departments and committees requesting any changes.

WATERWAYS LICENSES

CORRESPONDENCE

- National Grid – Project description and June 18 Open House announcement regarding “Sagamore Line Reinforcement Project” in Sandwich (new gas line)
- Mass. Energy Facilities Siting Board – Notice of 6/26/16 Public Comment Hearing on above project

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Kooharian seconded the motion. All voted unanimously. The meeting adjourned.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary
Transcribed from audio tape

LIST OF DOCUMENTS

- MMR Joint Land Use Study
- Creating Community-Military Partnerships on Cape Cod
- Phase III Southport Plans
- Draft October Town Meeting Articles