
Planning Board Minutes 07-02-2014

Mashpee Planning Board

Minutes of Meeting

July 2, 2014 at 7:00 p.m.

Waquoit Meeting Room, Mashpee Town Hall

Approved 8/6/14

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, July 2, 2014 and the Pledge of Allegiance was recited.

APPROVAL OF MINUTES—June 4, 2014

MOTION: Ms. Waygan made a motion to approve as presented. Mr. Balzarini seconded the motion. 4 voted yes, 1 abstained

SPECIAL PERMIT MODIFICATION

Applicant: Industrial Tower & Wireless, LLC

Location: 54 Echo Road

Request: Special Permit Modification regarding addition of 12 ft. antenna to existing cell tower, per Zoning By-law Section 174-24.C.(9)

Chairman Petersen read for the record the request. Mr. Fudala referenced the plans and proposed Special Permit Modification located in Board members' packets. John Garabedian represented the applicant and described to the Board the reasons for the addition of the 12 foot by 4 inch pole and FM antenna. Mr. Garabedian explained that the equipment would extend radio station coverage for Nassau Broadcasting and a 93.9 booster station. Mr. Garabedian indicated that there would be no radiation and that the pole would be obscured by trees and a platform and anticipated no visual impact.

MOTION: Ms. Waygan made a motion to approve this modification to the Special Permit as presented. Mr. Balzarini seconded the motion. All voted unanimously.

Mr. Balzarini will sign the modification with the Town Clerk.

PERFORMANCE GUARANTEE

Applicant: Bayswater Development, LLC

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

Request: Submission / Approval of Performance Guarantee for 21-lot Definitive Subdivision Plan

Chairman Petersen read for the record the request. John Falacci was representing the applicant and noted a property sale and the need to establish the performance bond amount. Mr. Rowley inquired whether the total amount was \$499,710 and Mr. Falacci noted that there were additional survey costs with BSC. Mr. Rowley inquired about the funds for street signs and loam and seed for the rain gardens. Mr. Falacci responded that the bids totaled approximately \$35,000 for the three retention areas. Mr. Rowley indicated that some of the work had been completed as stated in a May 1 letter, in the amount of \$25,000. Mr. Rowley suggested adding to the \$499,710 identified in the May 1 letter an additional \$18,000 for bounding and \$10,000 for landscaping, totaling \$527,710. With the 1.5 multiplier and \$25,000 for site preparation, the security for the project totals \$791,565. Mr. Falacci noted that it was a conservative number but they were anxious to move forward and would likely request reductions.

MOTION: Ms. Waygan made a motion that the performance guarantee for the 21-lot definitive subdivision by Bayswater Development, LLC at Crossroads New Seabury, Section 5 be set at \$791,565. Mr. Balzarini seconded the motion. All voted unanimously.

MOTION: Ms. Waygan made a motion that upon receipt of the performance guarantee that the Planning Board release the covenants, lots A to U. Mr. Balzarini seconded the motion. All voted unanimously.

The document was signed by members of the Board.

BOARD ITEMS

Old Business

Discussion of Greenways Proposal and Surrounding Commercial Property-No update

MMR Military Civilian Community Council-Update of MMR Joint Land Use

Study-Mr. Kooharian reported that a meeting was anticipated for July 9

Design Review Committee-Mr. Cummings reported that the meeting was regarding changes to the cell tower.

Community Preservation Committee-Ms. Waygan reported that the CPC would be meeting on Monday.

Environmental Oversight Committee-The Chair reported that the final draft of the Nitrogen Control Bylaw had been presented to the Board of Selectmen. The Chair noted that the bylaw was based on Falmouth's bylaw and had been reviewed by the Cape Cod Commission, Board of Health and the Conservation Commission. Chairman Petersen indicated that Selectman Gottlieb recommended some changes to the document and Town Counsel would next be looking at the document. A meeting had been scheduled for July 25 to be presented to Town Counsel. The Board of Selectman voted to approve the idea of the bylaw.

Historic District Commission-No update

Charter Review-Ms. Waygan reported that Charter Review met at the Public Hearing on June 23rd to discuss the proposed changes. The Committee voted to withdraw the amendment that would change the Town Clerk's position from elected to appointed.

New Business

C. Rowley Expense Vouchers-A June invoice in the amount of \$95 was received for Southport and \$680 for June services regarding New Seabury.

MOTION: Ms. Waygan made a motion to approve the pay requisition for Mr. Rowley for Southport engineering expense in the amount of \$95. Mr. Balzarini seconded the motion. All voted unanimously.

MOTION: Ms. Waygan made a motion for another pay requisition for Planning Board expenses for the month of June 2014 in the amount of \$680. Mr. Balzarini seconded the motion. All voted unanimously.

Vouchers were signed by Planning Board members.

Discussion of Proposed Zoning Amendments for October Town Meeting

-174-46 **Open Space Incentive Development**-Board members reviewed and discussed the mark-up and recommended changes. Clarification was provided regarding the conservation restriction as well as clarification for the residential unit/4 bedroom calculation. There was discussion regarding the need to re-number and update certain name changes. There was question regarding the elimination of Section 5 and Mr. Fudala responded that at one time, a certain amount of commercial area, based on per unit calculations, could be built within a development, but there were no longer large tracts of land to do so. Regarding the question about 10 parking areas for public access, Mr. Rowley inquired about how the spaces were defined in the zoning bylaw. Mr. Fudala responded that the parking bylaw defined them as a space of 9.5x20 feet. It was recommended that the change be clarified by adding "(10) parking spaces." Most proposed amendments had consensus from the members of the Board and Mr. Fudala provided explanation as needed. Regarding affordable housing (174-46D.7.), Ms. Waygan recommended adding "for the purpose of creating affordable housing" to "recording of a deed to each deed-restricted dwelling or building lot to the Town or to a public or non-profit affordable housing agency, organization or trust." Mr. Cummings recommended elimination of "and sale." In 174-46G.8(c) there was agreement to remove "a" and make recommendation plural.

MOTION: Ms. Waygan made a motion to submit the changes to the OSID Bylaw and corresponding Commercial Center Bylaw as presented and amended here. Mr. Balzarini seconded the motion. All voted unanimously.

-**Section 174-47B.10.**-Ms. Waygan liked the recommended changes but expressed concern suggesting that the limit be changed from 3 years to 10 years. Mr. Fudala explained that there was a separate sentence indicating that

the additional market rate lot would disappear after 3 years, with the developer unable to acquire permitting for more than half of their units until their affordable housing requirement was met. There was agreement to eliminate “and sale” in the text.

MOTION: Ms. Waygan made a motion to accept the proposed amendment with the suggested change to remove “and sale.” Mr. Balzarini seconded the motion. All voted unanimously.

There was discussion regarding the public hearing for the Warrant Articles. Ms. Waygan recommended forwarding the amendment to the Affordable Housing Committee.

-Section 174-24C.3. Archeology Article-Mr. Fudala indicated that the maps were already located on the Town’s website, so the information was readily accessible. Mr. Rowley referenced the State process in case a finding was made at the site and the requirement to report the finding and further investigation. Mr. Fudala indicated that it could be referenced in the Special Permit decision. “Public” should be capitalized.

MOTION: Ms. Waygan made a motion to recommend the Article to the Board of Selectmen for the Town Warrant. Mr. Balzarini seconded the motion. All voted unanimously.

CORRESPONDENCE

- Waterways License Application, Ann M. Dumais, 327 Monomoscoy Road – to construct and maintain a pier, ramp and float in Great River
- WhiteWater, Inc. – May, 2014 SouthCape Village WWTP discharge monitoring report N=7.6

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Ms. Waygan seconded the motion. All voted unanimously. The meeting adjourned at 8:57 p.m.

MOTION: Mr. Balzarini made a motion to cancel the next meeting. Ms. Waygan seconded the motion. All voted unanimously.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

- Special Permit Modification for Industrial Communications & Electronics, Inc.
- Pole Elevation, Rendering & Detail for DODCOMM, Inc.
- Chapter 9 Department of the State Secretary, Section 27C
- 174-46 Open Space Incentive Development
- Proposed Article for Zoning Amendment of Section 174-46
- Proposed Article for Zoning Amendment of Section 174-47B.10
- Proposed Article for Zoning Amendment of Section 174-24C.3.
- Chapter 9 Department of State Secretary, Section 23C Project