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## Planning Board Minutes 08-05-2015

### Mashpee Planning Board

#### Minutes of Meeting

August 5, 2015 at 7:00 p.m.

Waquoit Meeting Room, Mashpee Town Hall

Approved 9/2/15

**Planning Board Members Present:** Chairman Mary Waygan, Dennis Balzarini, Joe Cummings, David Kooharian, Robert (Rob) Hansen

**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 7:05 p.m. on Wednesday, August 5, 2015 and the Pledge of Allegiance was recited.

### APPROVAL OF MINUTES—July 1, 2015

**MOTION:** Mr. Balzarini made a motion to accept the minutes for July 1<sup>st</sup> as written. Mr. Cummings seconded the motion. All voted unanimously.

### PUBLIC HEARINGS

**7:10 Applicant: Cape Cod Custom Car Storage**

**Location: 104 Falmouth Road, Assessors' Map 54, Block 5**

**Request: Special Permit Modification to allow outdoor storage of Boats and RVs**

The appointed time having arrived, the Chair read for the record the public hearing notice. Applicant Stu Bornstein was present to describe his request involving two buildings permitted in 2008 or 2009. One building has been constructed, which has been utilized as classic car storage with self-storage on the second floor. Mr. Bornstein pointed out that the property was originally permitted to house 15-20 businesses. Mr. Bornstein provided a description of his amenities to include gates, video, heat, alarms and other special services he offers. Mr. Bornstein reported that he had been receiving calls regarding the possible storage of RVs, noting that 3,500 RVs and boats were registered in Mashpee and being stored inside yards throughout Town. Mr. Bornstein had his engineer draft a layout to accommodate the outside storage of boats and RVs. Mr. Bornstein distributed the layout and then discussed the second building to be constructed, similar to the first building, but with a different door configuration.

Mr. Bornstein emphasized that there was little generation of traffic as there was just 1½ employees working at the site. Providing the storage would remove RVs and boats from the neighborhoods. Mr. Bornstein referenced the elevations of the new building and began to describe the facility, but the Chair pointed out that tonight's public hearing was exclusively to determine the outside storage request. Mr. Bornstein responded that he was seeking a minor modification, but he was advised to return at a later date to discuss that request. Mr. Fudala will schedule the modification for September 2. Mr. Fudala reported that Jonathan Idman at the Cape Cod Commission was awaiting Mashpee's decision regarding outside storage. Mr. Bornstein continued with his explanation, noting that the RVs were typically used just 2-3 weeks out of the year and emphasized that it would be a high end operation.

Mr. Balzarini inquired about the number of boats and RVs he planned to store to which Mr. Bornstein responded that he wanted to request as many as 50 but that his layout showed 35. Mr. Bornstein indicated that if he could stay within the footprint he would like to have the option to fit in as many as possible since RVs came in a variety of sizes. Mr. Fudala stated that the spaces shown were 30 feet long.

There was reference to the minutes of the Plan/Design Review meeting and Mr. Cummings reported that the Fire Department had the following issues: handicap parking blocks the fire alarm panel room which requires a 20 foot access, outside building parking requires lining and distance marked. Mr. Cummings understood that the new building was to be constructed soon. It was noted that parking spots had been removed from the prior approved plan. Mr. Bornstein would be providing the Fire Department with a final plan before he started construction on the

new building. Mr. Cummings shared the conditions requested by Plan/Design Review to include: no blockage of fire connectors, no blockage of fire alarm panel or doors, provide a 24 foot Fire Department access for tower truck, line parallel to building to mark limit of parking, measurement of line width building 2, confirmation from Cape Cod Commission regarding permission to allow outdoor storage, parking provision for new building, new elevations for Planning Board for Building 2. Mr. Cummings pointed out that the PB had provided a permit to sell cars. Mr. Bornstein responded that once he resolved the outdoor storage, he would return to the Board of Selectmen to pursue his license to sell cars. Mr. Bornstein emphasized that it would be internet sales which would not be advertised and would only be offered as a courtesy to existing customers.

Mr. Fudala pointed out that the original permit provided that the building was intended for contractor storage, self-storage and incubator office space, which was what the parking spaces were based on. Mr. Fudala pointed out that the new building will require a new parking calculation.

Mr. Kooharian referenced the existing spaces and inquired whether there was a regulation prohibiting Mr. Bornstein from utilizing the excess parking spaces for storage. Mr. Fudala responded that the Planning Board was responsible for the control, adding that the original special permit issued allowed only for two vehicles to be stored outside. The Chair stated that outdoor storage was not allowed by right, adding that the previous Planning Board added it as a condition for a reason. The Chair was not supportive of the request as the project was incomplete, there was unresolved action from Plan/Design and plans were not available to move forward. The Chair added that people are concerned about the appearance of the area if used for exterior storage. The Chair stated she would not support storage that could be seen from the road and requested engineered plans. Mr. Bornstein stated that he would provide engineered plans if needed. The Chair recommended that Plan/Design issues be resolved for the Planning Board to consider the request. Mr. Bornstein requested a continuance to September 2.

Mr. Rowley reported that he did not have enough information to offer an opinion without the building plans for the #2 building. Mr. Rowley expressed concern about doors being blocked by the RVs. Mr. Rowley recommended combining the hearings for greater clarity of the project. Mr. Rowley will provide a short list of what needed to be addressed. There was further discussion regarding blocked doors and Mr. Bornstein reported that certain doors would have EXIT signs and would never be blocked. Mr. Fudala suggested placing RV parking in the middle of the two buildings and the Chair concurred. Mr. Bornstein indicated that he would consult with his engineer, which would then be forwarded to Mr. Rowley for his feedback.

**MOTION: Mr. Balzarini made a motion to continue the public hearing to September 2 at 7:10 p.m. Mr. Kooharian seconded the motion. All voted unanimously.**

**7:20 Applicant: SGFS Realty Trust / John Slavinsky et. al. Trustees  
Location: 424 Whittings Road (845 Falmouth Road), Assessors' Map 87, Block 7  
Request: Definitive Plan approval for 3-lot cluster subdivision (continued from 7-1-15)  
ALSO: Request for waiver of Review and Inspection fees.**

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Request: Definitive Plan approval for 3-lot cluster subdivision (continued from 7-1-15)  
ALSO: Request for waiver of Review and Inspection fees.**

The appointed time having arrived, the Chair read for the record the request and opened up the public hearing.

**MOTION: Mr. Balzarini made a motion to continue SGFS Realty Trust to 7:45 p.m. Mr. Kooharian seconded the motion. All voted unanimously.**

The public hearing was reopened. Matt Costa of Cape & Islands Engineering was present to discuss the request. Mr. Costa reported that a common driveway and turnaround area had been added by way of an easement, which has been reviewed by Mr. Rowley and the Fire Department.

Chairman Waygan inquired about the Open Space, to which Mr. Costa responded that it would be owned and maintained by an Association according to the Cluster Subdivision guidelines. Mr. Cummings inquired about the number of owners to which Mr. Costa confirmed that it would be two owners through the Association. Chairman Waygan requested that a condition be added that the Association be responsible for the maintenance of the shared driveway. Mr. Fudala requested that the language be forwarded to him. Mr. Rowley inquired about the topography and Mr. Costa responded that it was flat toward the back and the front was flat out to the street. Mr. Rowley

suggested that runoff from the driveway needed control to prevent it from traveling to the highway. Mr. Fudala noted that the property would require a conservation restriction to be approved by the State and would require a Land Trust to hold and enforce the restriction. The Planning Board would need to see evidence of the arrangement in place. Mr. Fudala confirmed that the Special Permit would be conditioned as such and a letter would be required from the agency agreeing to hold the restriction. Mr. Fudala inquired about the construction standard for the driveway for the Fire Department trucks and Mr. Costa responded that he would submit draft language.

**MOTION: Mr. Balzarini made a motion to continue both public hearings to September 2 at 7:20 p.m. Mr. Kooharian seconded the motion. All voted unanimously.**

Mr. Fudala stated that a letter of extension was needed for the subdivision.

#### **APPROVAL-NOT-REQUIRED**

**Applicant: GNRS-MA LLC / Mashpee Commons LP**

**Location: Great Neck Road South, Assessors' Map 74, Blocks 17 and 27 & Map 75, Block 10**

**Request: Signature of 5-lot ANR plan**

The Chair read the notice for the record. Tom Ferronti was present on behalf of GNRS-MA LLC and described the request for a signature of the 5-lot ANR plan. Mr. Ferronti explained that there were 2 lots in 2012 that were divided in to 4 lots. Earlier this year, the electric easement was separated from the 4 lots. Since the development of the engineering and site plan, it was discovered that further modifications to the ANR were needed to achieve stormwater management and access to the wastewater treatment facility. The new plan revises two lots, 2B and 3A, adds a non-building lot and lot 4A, the electric easement. The BSS stamp and signature was missing so the plan would be held by Mr. Fudala until Tom Bunker could stamp and sign the plan. Mr. Cummings was identified as an abutter.

**MOTION: Mr. Balzarini made a motion that Approval-Not-Required for this plan. Mr. Cummings seconded the motion. All voted unanimously.**

Chairman Waygan signed the plans.

#### **SPECIAL PERMITS**

**Request for release of performance guarantee, Bridges at Mashpee-**Mr. Rowley submitted a letter indicating the need for tree and plant replacement and the retention of funds in the amount of \$2,500, allowing \$40,850 to be returned to the applicant. Mr. Rowley recommended a time limit for the work to be completed. Mr. Rowley reported that Bridges has a one year contract guarantee with a landscaper, noting that there was an additional three trees and other plantings needing replacement. Mr. Rowley inquired whether the Board wished for him to continue to inspect the plantings. Mr. Fudala noted that Bridges would pay \$100 fee for each inspection. Mr. Hansen recommended that the plantings be inspected at the end of the annual contract. Mr. Balzarini pointed out that there would be no leverage if all of the money was returned. Mr. Hansen felt that they working to complete the work quickly and in good faith. There was agreement that one more inspection would be completed by Mr. Rowley. Mr. Rowley indicated that trees had been ordered to replant as soon as possible.

**MOTION: Mr. Balzarini made a motion to keep the sum of \$2,500 with the option to have trees replanted within 30 days, by September 2, and the remaining amount to be returned. Mr. Cummings seconded the motion. All voted unanimously.**

Planning Board members signed the Release.

**Discussion of parking plan and Special Permit site plan violations at 168 Industrial Drive-**Mr. Fudala referenced Special Permit Modification #4 Condition that required an engineered as-built parking, but had not yet been submitted. The Building Department has since been in receipt of the plan, but it shows that a gravel parking area has been added in landscaped areas. Mr. Fudala stated that gravel was added because people were parking on the grass, creating a muddy area, and intended to protect the rolled berm. Mr. Kooharian indicated there were times when there was no parking available and cars were parked on the street. Mr. Kooharian further stated that the spaces did not obstruct traffic. The Chair requested that edging be added to maintain the existing green areas. The Chair also recommended that signage be added to direct drivers to additional parking, though the parking was further away and out of sight. There was discussion about adding fencing, guard rail or a hedgerow to prevent parking. There was discussion about removing two of the gravel areas and adding a no parking sign. Mr. Kooharian suggested people may be parking in those areas for convenience and because they were unaware of the

additional available parking.

**MOTION: Mr. Balzarini made a motion to accept the plan as amended with the following conditions: two “additional parking” signs to be added, approve six spaces with solid edging, four gravel spaces removed, vegetation restored and “no parking signs” installed. Mr. Kooharian seconded the motion. All voted unanimously.**

## **BOARD ITEMS**

### **Old Business**

**Community Preservation Committee**-There will be a meeting on August 28.

**Environmental Oversight Committee**-There was no quorum for the last meeting.

**Historic District Commission**-No meeting

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

**Study**-No update

**Discussion of Greenways Proposal and Surrounding Commercial Property**-There was discussion about hosting a meeting prior to the regularly scheduled Planning Board meeting. It was suggested that a 6 p.m. workshop meeting be coordinated for September 2. There was discussion regarding insurance issues.

**Design Review Committee**-Mr. Cummings reported that a marijuana facility had been considered for Echo Road. Mr. Cummings pointed out that advertising was not allowed by State Regulations, but that “marijuana” was included in the company’s name. Mr. Cummings also indicated that the company would have a security guard at the entrance and there appeared to be a tight turnaround. There will be no storage of marijuana at the facility overnight and no dumpster due to the security risk. Also, there will be no landscaping within 50 feet of the building so as not to provide a hiding place.

### **New Business**

#### **August 19 Board Meeting-**

**MOTION: Mr. Balzarini made a motion to cancel the August 19<sup>th</sup> meeting. Mr. Kooharian seconded the motion. All voted unanimously.**

**C Rowley July 2015 invoices**-July Board Services \$432.50/Southport Inspections \$332.50

**MOTION: Mr. Balzarini made a motion to pay Mr. Rowley \$32.50 for the services for the month of July. Mr. Cummings seconded the motion. All voted unanimously.**

**MOTION: Mr. Balzarini made a motion to pay Mr. Rowley for his services to Southport for \$332.50. Mr. Kooharian seconded the motion. All voted unanimously.**

Board members signed the vouchers.

**Town Tax-Taking Land Disposition Project**-The next public hearing will take place August 25 at 6 p.m.

**Affordable Housing Planned Production Plan Update Review & Approval**-Mr. Fudala reported that the Board had thoroughly reviewed the Plan in 2012 and that he had recently revised and updated it to the present with new data. The Action Plans and Targets have changed. The Chair summarized that the current total of affordable housing was 4.6% with a target of 32 units to be added each year. Mr. Fudala pointed out that the Tribe and the Mashpee Commons projects would add the greatest number of units to affordable housing. There was consensus that it was a good plan.

**MOTION: Mr. Balzarini made a motion to approve the Affordable Housing Planned Production Plan as presented. Mr. Kooharian seconded the motion. All voted unanimously.**

The Plan will next be forwarded to the Board of Selectmen for their approval prior to being forwarded to DHCD.

## **CORRESPONDENCE**

-SouthCape Village December 2014 WWTP discharge monitoring report N=8.1

-SouthCape Village January 2015 WWTP discharge monitoring report N=10.7

-SouthCape Village February 2015 WWTP discharge monitoring report N=5.8

-SouthCape Village March 2015 WWTP discharge monitoring report N=7.8

-SouthCape Village April 2015 WWTP discharge monitoring report N=5.7

-SouthCape Village June 2015 WWTP discharge monitoring report N=5.4

**ADJOURNMENT**

**MOTION: Mr. Balzarini made a motion to adjourn. Mr. Cummings seconded the motion. All voted unanimously. The meeting adjourned at 9:00 p.m.**

Respectfully submitted,

Jennifer M. Clifford  
Board Secretary

**LIST OF DOCUMENTS**

- Cape Cod Commission Email Regarding Cape Cod Custom Car Storage
- Minutes Design/Plan Review for Cape Cod Custom Car Storage
- SGFS Realty Trust Definitive Subdivision Plans
- Fire Department Email Regarding SGFS Realty Trust Definitive Subdivision Plans
- GNRS-MA LLC Plan of Land
- 8/4/15 Charles Rowley Letter Regarding Bridges at Mashpee
- Mashpee Affordable Housing Committee Memo Regarding MAHPP
- Affordable Housing Planned Production Plan