
Planning Board Minutes 08-06-2014

**Mashpee Planning Board
Minutes of Meeting
August 6, 2014 at 7:00 p.m.**

Waquoit Meeting Room, Mashpee Town Hall
Approved 8/20/14

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, August 6, 2014 and the Pledge of Allegiance was recited.

APPROVAL OF MINUTES—July 2, 2014

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

SPECIAL PERMIT MODIFICATION

Applicant: Mashpee Commons LP

Location: Vicinity of Jobs Fishing Road and proposed Market Street extension

Request: Determination whether or not public hearing will be required for Special Permit Modification regarding revised site and building plans for certain previously-approved commercial development within the “Jobs-Whitings” 40B project

Chairman Petersen read for the record the request. John Connell of Mashpee Commons was present to discuss the request. Tom Ferronti was also present at the meeting. Mr. Connell requested that a public hearing was not needed for the modification. Mr. Fudala indicated that with plan changes, the bylaw allowed for the Planning Board to take a vote to determine if the request would rise to a level that would affect abutters, requiring a public hearing.

There was consensus among Board members that it did not require a public hearing. Mr. Cummings confirmed that Design Review accepted the plans for Phase 1A. Mr. Fudala confirmed that both committees accepted the plan for approval with no conditions.

MOTION: Mr. Balzarini made a motion that this modification did not require a public hearing. Mr. Kooharian seconded the motion. All voted unanimously.

Applicant: Mashpee Commons LP

Location: Vicinity of Jobs Fishing Road and proposed Market Street extension

Request: Special Permit Modification regarding revised site and building plans for certain previously-approved commercial development within the “Jobs-Whitings” 40B project

Mr. Connell summarized the project that had been mothballed since 2007, noting that economic changes had resulted in a return to the plan, but with a change to the sequence of the buildings. The only change to the original permit is the order in which the different types of buildings would be constructed due to the economic changes.

There was presently no financing available for condominiums, however, financing was available for rentals. Fifty-two rental units have been moved to the sub first phase of development. Mr. Connell described the original phasing, noting its expense, adding that the new, more orderly phasing would be contiguous and sequential. Mr. Connell indicated that the first phase was too large to finance so it had been broken down into four sub phases, which would be constructed as quickly as the market would accommodate.

Mr. Connell described the original live/work buildings, which Mashpee Commons determined to be unsuccessful for the area. As a result, in Phase 1A, 8 discreet buildings would be constructed along Market Street, featuring zero

entry commercial on the first floor with residential on the floors above. The building numbers include 40, 41, 42, 43, 44, 45, 46 and 47. Buildings 44 and 45 would be residential only. Mr. Fudala reminded the Board that their jurisdiction included only the commercial buildings, associated parking and square footage. The original square footage was permitted for 40,900 square feet, which would remain the same, but broken up in phasing. Mr. Balzarini inquired about residential access to the buildings. Mr. Connell responded that access would vary by building but some would have access from the rear parking area and some would have access from the street.

Plans were reviewed and discussed. Mr. Rowley stated that, in his preliminary review with Horsley Witten, he considered access points and turning movements, especially for emergency vehicles, noting that it was dense construction not unlike the existing structures of Mashpee Commons. Mr. Ferronti confirmed that an Auto-turn analysis was completed, and some parking spaces were relocated in Phase 1A to accommodate emergency vehicles. Mr. Balzarini inquired about access considering the steep grade and Mr. Connell responded that the grade was 6% or less and would be mediated with micro grading. Accessibility had been addressed. It was confirmed that each commercial unit would have entry access from a street, #43 on Benefit, #42 Benefit and Market, #46 and #47 on Market and Jobs Fishing. The Chair inquired about the direction of traffic around the island and Mr. Connell explained that the traffic had been designated as two-way on both sides and Planning Board members expressed concern. Mr. Connell stated that it would not be a major thoroughfare and that changes to the green may occur during the design/building process. Mr. Fudala noted that the ZBA would be addressing the issue and that the Planning Board's focus was on the 6 commercial buildings and parking. Ms. Waygan added that there were some confusing traffic areas located at Mashpee Commons, such as the lane shift located near Route 151 and cautioned adding other confusing traffic areas, particularly with summer visitors. Mr. Connell stated that final engineering with final buildout will address any concerns. Mr. Balzarini inquired about stairs and Mr. Connell confirmed that there would be no steps into the commercial properties. Mr. Connell added that 7 of the 8 buildings would be pre-fabricated, offering museum grade structures.

Ms. Waygan inquired about the housing units and Mr. Connell responded that there would be 52 rental units in Phase 1A with 13 affordable units. Mr. Connell expressed interest in further discussion about the Greenways proposal.

Mr. Fudala drafted the special permit modification and discussed the decision's content with Board members. Mr. Connell confirmed that the entire Phase 1 had been reviewed by the ZBA and engineering had been reviewed by Mr. Rowley. Mr. Fudala noted that 72 required commercial parking spaces would be fulfilled with 81 off street spaces, including handicap spaces. One condition stated approval of these plans in Phase 1A.

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

Chairman Petersen signed the plans.

Applicant: Southport on Cape Cod

Location: Building 46 Grey Hawk Dr. and corner of Grey Hawk and Twin Oaks, Southport

Request: Removal of trees at Building 46; additional planting & retaining wall at bio-retention area at corner of Grey Hawk and Twin Oaks Drives

Chairman Petersen read the request for the record. Ron Bonvie referenced a tree removal plan and highlighted Building 46 which was faced with a similar issue to the approved tree removal plan at Building 47. Mr. Bonvie confirmed that there were no trees that could be saved at Building 47 between the front of the building, the side of the building to the 100 foot setback to Route 151. Mr. Bonvie explained that no trees would be removed from the 100 foot buffer zone between the structures and Route 151. Due to leaching pits, roof drainage, electric lines, parking spaces, driveways, sewer and water lines, no trees could be saved at Building 46. However, Mr. Bonvie emphasized that trees would again be replanted as he has done at other sites on the property. There was discussion about concrete retaining walls, no higher than 4 feet, being used in place of wood which has rotted. Mr. Bonvie indicated that the situation at Building 46 was the same as the plans he submitted for Building 47 but Mr. Fudala suggested submitting a copy of the plan to show the trees. Mr. Rowley confirmed that the grade changes made it difficult to save the trees. Mr. Bonvie indicated that he would re-vegetate the site and noted that his first two streets in Phase 3 have had 50 additional trees added, with plans for an additional 30-40 trees.

MOTION: Ms. Waygan made a motion to approve tree removal from the face of Building 45 to the face of Building 47 and from the street line of Greyhawk to the 100 foot setback line from Route 151. Mr. Balzarini seconded the motion. All voted unanimously.

Mr. Bonvie referenced plans previously submitted for a rain garden at the corner of Twin Oaks Road and Greyhawk Drive that required improvements to its appearance. Mr. Bonvie submitted a new plan to Mr. Rowley who offered modifications. Mr. Bonvie described the plans which would limit the view of the garden for the abutting neighbor. A split rail fence would also be added due to the grading and a double gate to allow access. More trees would also be added to improve its appearance. The homeowner was happy with the plan and improvements could begin next week. There was question regarding the fence's appearance on the plans and Mr. Bonvie indicated that he would provide Mr. Fudala with revised plans connecting the lines of the fence on the plan. Mr. Rowley inquired about material to be added by the sidewalk of Greyhawk and Mr. Bonvie indicated that more was needed and would have Mr. Rowley take another look at the grading before adding the fence. Mr. Rowley recommended that the vote allow some flexibility to Mr. Bonvie for the location of the fence along Greyhawk, with a 4 foot flat section. There was agreement that Mr. Rowley would assist to field locate the fence.

MOTION: Mr. Balzarini made a motion to approve the rain garden improvements with the wall and fence around the rain garden and adjusting the grade abutting the sidewalk and the fence. Mr. Kooharian seconded the motion. All voted unanimously.

Southport plans were signed.

BOARD ITEMS

New Business

C. Rowley Expense Vouchers-Invoices were received in the amounts of \$385 and \$95.

MOTION: Ms. Waygan made a motion to approve the voucher for \$95 for a July 9th meeting with Ron Bonvie. Mr. Balzarini seconded the motion. All voted unanimously.

MOTION: Ms. Waygan made a motion to approve a voucher for \$385 for Charlie Rowley for inspections at New Seabury "The Cottages." Mr. Balzarini seconded the motion. All voted unanimously.

Vouchers were signed by Planning Board members.

Proposed Amendment to Subdivision Regulations, Plate #2-Mr. Fudala referenced the construction of The Cottages at New Seabury and water lines intended to be constructed beneath the pavement, which was not allowed by the Water District. Mr. Fudala and Mr. Rowley discussed amending the regulations so that the water main location be as required by the Mashpee Water District. New language would also be added to Subsection VII.F.22.s that the water main would be located within the shoulder of the proposed street and meet the guidelines of the Water District. A public hearing would be needed to make the change.

Al Mora-Mr. Fudala stated that Al Mora would be looking to change his special permit to allow the sale of cars outdoors.

There was discussion regarding the meeting schedule and it was determined that the meeting on August 20th would be maintained since a quorum of members would be present, but that there would be no meeting on September 3 and the above mentioned requests would be addressed during the second meeting of September. Mr. Balzarini indicated that he had been in contact with Tom Mayo regarding issues that resulted from street re-naming requests initiated by the Town. Mr. Mayo responded that the Working Group believed that all issues had already been addressed.

MOTION: Mr. Balzarini made a motion to cancel the September 3rd meeting. Mr. Kooharian seconded the motion. All voted unanimously.

Mr. Fudala will schedule the public hearing for September 17 for Al Mora and the proposed amendment to the subdivision regulations.

MOTION: Ms. Waygan made a motion to have a public hearing for Proposed Amendment to Subdivision Regulations, Plate #2 and text change to schedule for September 17th at 7:10 p.m. Mr. Balzarini seconded the motion. All voted unanimously.

MOTION: Ms. Waygan made a motion to have a public hearing for September 17th at 7:20 p.m. for Al Mora. Mr. Balzarini seconded the motion. All voted unanimously.

Old Business

Discussion of Greenways Proposal and Surrounding Commercial Property-A meeting will soon be scheduled with Mashpee Commons for further discussion.

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

Study-Mr. Kooharian reported that a meeting was expected.

Design Review Committee-Mr. Cummings reported that there was a July 15 meeting which included a request for a kennel license and expansion of a home at 17 Cape Drive. At the August 5 meeting, the Committee approved an accessory apartment at 51 Pimlico Pond Road, 78 Industrial Drive/Al Mora and the Mashpee Commons Special Permit.

Community Preservation Committee-Ms. Waygan reported that no new applications had been received for funding but funds previously awarded were being spent on projects such as the splash pad, the Archives and the new parking lot and playground located at Johns Pond. Ms. Waygan also referenced a Board of Selectmen possible request of an audit of the Mashpee Housing Authority's use of CPC funds.

Environmental Oversight Committee-The Chair reported that the final draft of the Nitrogen Control Bylaw had been presented to the Board of Selectmen, the idea of which the Selectmen approved. Town Counsel reviewed the document on July 25 to prepare for the October Town Meeting Warrant.

Historic District Commission-No update

Charter Review-Ms. Waygan reported that Charter Review was working on a report about recommended changes.

Associate Member-Mr. Fudala noted that the Planning Board now lacked an Associate Member, which had been advertised by the Board of Selectmen.

CORRESPONDENCE

- Environmental Notification Form, Mashpee Neck Marina Facility Improvement Project
- Project Narrative Addendum #1, Mashpee Neck Marina Facility Improvement Project
- Waterways License Application – Joe & Shelly Lee Watson, 415 Monomoscoy Rd., add float, improve existing dock in Little River
- Cape Cod Commission – Notice of amendment to DRI Regulations regarding fees
- Cape Cod Commission – Notice of Minor Modification to DRI for ICE Telecommunications Tower
- Mass DEP – Notice of Waterways License – George Travis, 66 Pimlico Pond Rd., Wakeby Pond
- Notice of Waterways License Application – Robert & Heather Shanahan, 72 Spoondrift Way, modifications to existing floating dock in Popponesset Creek
- WhiteWater, Inc. - SouthCape Village June 2014 WWTP monitoring report – N=6.6

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Kooharian seconded the motion. All voted unanimously. The meeting adjourned at 8:48 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

- Mashpee Commons Application for Special Permit Modification
- Mashpee Commons Commercial Space & Phase Analysis
- Mashpee Commons Packet of Plans
- Mashpee Commons Special Permit Modification
- Charles Rowley Road Cross Section
- Al Mora/Classics First Application for Special Permit Modification
- Permaculture Article

-CPTC Courses