
Planning Board Minutes 08-07-2013

**Mashpee Planning Board
Minutes of Meeting
August 7, 2013 at 7:00 p.m.**
Waquoit Meeting Room, Mashpee Town Hall
Approved 3-0 on 8-21-2013

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

Absent: Joe Mullin

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 7, 2013 and the Pledge of Allegiance was recited.

APPROVAL OF MINUTES—June 5, 2013, July 3, 2013 & July 17, 2013

MOTION: Mr. Balzarini made a motion to accept the minutes of June 5th as written. Mr. Kooharian seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to accept the minutes of July 3rd as written. Ms. Waygan seconded the motion. 4 yes, 1 abstain

MOTION: Mr. Kooharian made a motion to accept the minutes of July 17th. Mr. Balzarini seconded the motion. 4 yes, 1 abstain

DEFINITIVE SUBDIVISION PLAN

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

Location: 36 Savanna's Path / Trinity Place

Request: Submission of 1-lot definitive subdivision plan and road designs

MOTION: Mr. Balzarini made a motion to schedule a public hearing for Federal National Mortgage Association for Wednesday, September 4th at 7:10 p.m. Mr. Kooharian seconded the motion. All voted unanimously.

SPECIAL PERMITS

Applicant: Windchime Point Condominium

Request: Permission to remove certain trees. Review of arborist reports. Report on June 15 site visit, decisions taken and additional Board action required. (Continuation from July 17)

It was confirmed that the additional information requested had not been received. Ms. Waygan had initially notified Windchime that additional information was needed. More detailed information was needed for Items 2 and 6 from the arborist.

MOTION: Mr. Balzarini made a motion to continue the Special Permit for Windchime Condominiums to 7:10 on August 21st. Ms. Waygan seconded the motion. All voted unanimously.

There was discussion regarding scheduling conflicts for the next meeting.

Applicant: Southport on Cape Cod

Location: Southport Phase III, Martha's Pond walking trail

Request: Waiver of “tree walk” requirement noted on approved site plan, for walking trail not requiring removal of trees. ConsCom has approved location and construction.

Ron Bonvie reported that he and Conservation Agent Drew McManus had located the walking trail, who requested that no trees be removed, allowing the rail to meander around the existing trees. A condition of the plan required that Mr. Bonvie address the Planning Board even though he would not be removing any trees. Members of the Planning Board were in agreement to waive the tree walk requirement.

MOTION: Ms. Waygan made a motion to waive the tree walk requirement noted on the approved site plan for walking trail not requiring removal of trees. Mr. Balzarini seconded the motion. All voted unanimously.

Applicant: Southworth Mashpee Properties LLC

Location: Willowbend Development / Willowbend Drive

Request: Modification of Special permit to modify site plan and architectural elevations for The Village at Willowbend Condos

Jack McElhinny, attorney for Willowbend Country Club, was present to discuss Modification #29 for the Village at Willowbend for which approval had been based on a preliminary concept of the architectural plans. The updated site and architectural plans had been submitted and were virtually identical to what had been approved by the Planning Board. The only slight change involved jogs requiring an adjustment of 10 feet for two buildings, but outside of the vegetated buffer. There was no significant change to the footprint of the buildings. Mr. McElhinny noted that the 6-unit buildings were still being designed and that he would return to the Planning Board for their review. Mr. Rowley indicated that there would be no change to drainage as long as the footprint remained the same. Mr. Fudala indicated that some utilities may be relocated, which had been referenced in the conditions of the draft decision. Mr. Rowley received approval from the Planning Board to review plans from Matt Eddy confirming that conditions would be met and would then submit a report. Mr. McElhinny also requested a waiver from the review fee and application fee to the minimum. Mr. Fudala confirmed that, based on the number of units, the amount would be \$1400 and that the minimum of \$500 would cover Mr. Rowley’s expenses. There was agreement from members of the Board.

MOTION: Mr. Balzarini made a motion to reduce the fees to \$500. Ms. Waygan seconded the motion. All voted unanimously.

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

The decision was signed by Board members.

COVENANT RELEASE

MOTION: Mr. Balzarini made a motion to add the covenant release for lot 27 in Windsor Heights by roll call vote. Ms. Waygan seconded the motion. Mr. Balzarini-yes; Ms. Waygan-yes; Chairman Petersen-yes; Mr. Kooharian-yes

Mr. Fudala summarized the Windsor Heights Subdivision approval, with the majority of lots receiving a covenant release in exchange for a letter of credit. However, the credit union went under, resulting in the letter of credit being rescinded. In 1996, a number of lots were acquired and the buyer agreed to apply the finish coat of subdivision streets in exchange for a release of covenant. Eight lots remained without a covenant release. Mr. Bartolemy’s home was built on lot 27 without the covenant released, which was discovered by the attorney of his potential buyer of the property. Mr. Bartolemy was not at fault and it has been requested that the covenant be released to allow for the sale of the property. Planning Board members were in agreement to release the covenant.

MOTION: Mr. Balzarini made a motion to release the covenant to lot 27 of Windsor Heights. Mr. Kooharian seconded the motion. All voted unanimously.

Planning Board members signed the document.

BOARD ITEMS

New Business

Town Meeting Warrant-There was discussion regarding Planning Board attendance at the August 19th Board of Selectmen meeting, at 6:30, regarding the 10% affordable housing/commercial center Warrant

Article. Ms. Waygan and Mr. Balzarini will attend the Board of Selectmen meeting.

C. Rowley Expense Vouchers-Invoices were received for Southport in the amount of \$95 and \$290 for regular services for July.

MOTION: Mr. Balzarini made a motion to pay the invoices for Charles Rowley for \$95 and \$290. Ms. Waygan seconded the motion. All voted unanimously.

The vouchers were signed by the Planning Board members.

Old Business

Discussion of Greenways Proposal and Surrounding Commercial Property-Mr. Kooharian and Ms. Waygan plan to meet to discuss developing a contact list. It was suggested that brochures be distributed and a petition be circulated, possibly at the library, in order to gain support from residents. Planning Board members supported the idea of outreach to the community.

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

Mr. Kooharian reported that there would be an upcoming meeting.

Design Review Committee-Mr. Cummings reported that 26 Valley Road was seeking approval for an accessory apartment but that no site plan was submitted and more accurate documentation was necessary. There was also some confusion regarding the allowable size of the accessory apartment. Mr. Cummings also reported that there was an issue regarding the pavement of Blue Castle Drive in Ockway Highlands where the developer wished to pave only in front of the units he planned to build, located in the middle of the road. The issue has been referred to Town Counsel as nine homeowners were located on the street to Great Neck Road. Mr. Fudala confirmed that the road was not within the road layout.

Community Preservation Committee-Ms. Waygan referenced the draft Town Meeting Warrant reporting that Articles 8-15 were supported by the Community Preservation Committee and included the following:

#8--Set aside 10%

#9--\$115,000 to complete Phase II of Community Park re-development

#10--\$650,000 to re-develop Great River Boat Ramp and parking spaces

#11--\$326,000 for Johns Pond beach improvements; there was discussion regarding the need for increased security measures to prevent vandalism which Ms. Waygan will share with the DPW Director

#12--\$200,000 to increase the Housing Assistance Program at the Mashpee Housing Authority

#13--\$17,800 to rehabilitate the basketball court at the Boys & Girls Club

#14--\$21,000 to rehabilitate the HVAC system at the Boys & Girls Club

#15--\$114,490 to fund the Shellfish Propagation and Nitrogen Removal Program

Town meeting will take place at 7:00 p.m. on October 21. Mr. Fudala reported that the Town Manager has requested that no departments submit requests for CPA funds without Town Manager review in order to conserve CPA funds.

Environmental Oversight Committee-The Chair reported that discussion had revolved around nitrogen reduction and working cooperatively with the Cape Cod Commission regarding a possible regional plan. A public hearing will be conducted on August 21 at 6:30 regarding the proposed Capewide DCPC. Written comments are being accepted until August 21. The Chair stated that the EOC was drafting a letter of support. Chairman Petersen also recommended inviting Michael Talbot to address the Planning Board regarding nitrogen use in fertilizers.

Historic District Commission- No update

Charter Review-Ms. Waygan requested that a report from Charter Review be added to the next agenda.

Ms. Waygan will re-send by email the link to provide comments about the Charter Review.

DISCUSSION

WATERWAYS LICENSES

None at this time

CORRESPONDENCE

- Cape Cod Commission- Notice, Agenda and letter regarding proposed Cape-wide Fertilizer Management District of Critical Planning Concern

- Whitewater, Inc. – SouthCape Village June 3013 WWTP monitoring report – N=6.3

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Kooharian seconded the motion. All voted

unanimously. The meeting adjourned at 8:05 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

- Cape Cod Commission Hearing Notice
- Charles Rowley Letter Re: BCDM LLC Cluster Subdivision
- Annual Town Meeting Warrant
- Cape Cod Commission Agenda