

Mohamad Fahd
35 Ashumet Road, Unit 2C
Mashpee, MA

Mashpee Planning Board
16 Great Neck Road North
Mashpee, MA

April 17, 2024

RE: Proposed project at 474 Main Street/31 Ashumet Road, Mashpee

Dear Madam Chair Faulkner:

Thank you for accepting my neighborhood's testimony on this matter. At the last meeting, we handed you a petition signed by residents of Old Colony and Ashumet Road asking the Planning Board to deny the commercial entrance onto Ashumet Road as the heavy truck traffic will endanger pedestrian, endanger students waiting at the bus stop located directly across from the entrance way, cause noise, and damage a road which was built for pedestrian traffic only, and hurt our property values.

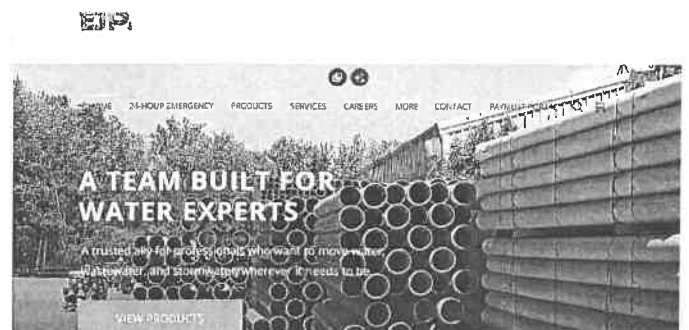
There are now thirty-nine (39) residents of Ashumet Road and Old Colony who have signed this petition against this proposal and we urge you not allow a commercial entrance way onto Ashumet Road. I present these signatures to you now.

There are additional matters I would like to testify to you about:

#1: THE PROPOSED USE NOT ALLOWED in COMMERCIAL C-3 ZONES AND IS ONLY ALLOWED IN INDUSTRIAL ZONE (I-1)

The use proposed at 474 Main Street/31 Ashumet Road is not allowed. The property is zoned C-3. Mashpee's Zoning Bylaw Section 174-25 lists all of the uses allowed in the C-3 zone.

The application lists the use as "commercial building for retail sales of water related products with indoor and outdoor storage". First of all, this description of a use as listed is misleading. This company is a waterworks supplier. From their website "A trusted ally for professionals who want to move water, wastewater, and stormwater, wherever it needs to be." These water related products include, but are not limited to: pipe, hydrants, fittings, connections, clamps, couplings, saddles, backflow preventors, valve and service boxes as per their website: <https://www.ejprescott.com/products> These items are large requiring outdoor storage and heavy equipment to move. This is not a retail store, but an industrial operation, a wholesale business and storage facility, and as such is not allowed in C-3.



The application states the proposed use is allowed by the Zoning Bylaw Sec 174-25-E-13 (the use table table) in the C-3 as with the retail sale of “water related” product. This is false.

Here is Section 174-25-E.13:

§ 174-25 Table of Use Regulations

Table of Use Regulations

§ 174-25 Following is the Table of Use Regulations:
History: Amended 10-7-2002 ATM, Article 22, approved by Attorney General 11-27-2002.

Type of Use		Residential		Commercial			Industrial
		R-3	R-5	C-1	C-2	C-3	I-1
E. Principle retail business and consumer service establishments.							
Type of Use		Residential		Commercial			Industrial
		R-3	R-5	C-1	C-2	C-3	I-1
(13)	Places for retail or wholesale sales of furniture, carpeting, stone and masonry supplies, plumbing supplies, doors and windows, lumber, glass and mirrors and electrical supplies (but not including televisions and similar electronic products, and not including "home improvement" centers or other large retail establishments with over 40,000 square feet of gross floor area). <u>History: Added 10-7-2002 ATM, Article 22, approved by Attorney General 11-17-2002.</u>	---	---	SP	SP	SP	---

The proposed business is NOT listed in the chart, and at the last meeting the applicant admitted the business is not plumbing supplies – in fact it is not any type of business allowed by Section 174-25-E.13:

Uses allowed in C-3 per Zoning Bylaw Sec 174-25-E.13. for retail or wholesale sales:	Is this the proposed use?
Furniture	No
Carpeting	No
Stone and masonry supplies	No
Plumbing supplies	No
Doors and windows	No
Lumber	No
Glass and mirrors and electrical supplies	No

This shows that the proposed use is not allowed in the Commercial Zone C-3 and the application must be denied.

The reason the development feels so intrusive to our neighborhood is because it is an industrial use, not a commercial use, and is only allowed in the town’s industrial zone (I-1).

The company currently functions from 89 Industrial Drive in Mashpee under a special permit from the Zoning Board of Appeals (Recorded in the Barnstable Registry of Deeds Bk 13014 Page 262 on May 17, 2000) to allow “outdoor storage of waterworks materials (hydrants, pipe, fittings).” This special permit is attached here. The use was approved under Zoning Bylaw Section 125-25. G.9 as a wholesale business and storage. It cannot be moved to the Commercial Zone C-3.

The proposed project of this type is for an Industrial Use, not a Commercial Use, and allowed only in the Industrial Zone I-1. The proposed use is allowed under Zoning Bylaw Section 125-25. G.9 (the use table) in the Industrial Zone only. This use is not allowed in C-3 and not allowed at 474 Main Street/31 Ashmet Road

G. Principle industrial, wholesale and transportation uses						
Type of Use	Residential		Commercial			Industrial
	R-3	R-5	C-1	C-2	C-3	I-1
(9) Wholesale business and storage	--	--	--	--	--	SP

PROPOSED PROJECT IS WHOLESALE BUSINESS AND STORAGE, NOT RETAIL: It should also be noted that the site plan describes the proposed building as having 1248 sq. ft. of retail area and 4752 sq. ft. of warehouse area, plus extensive outdoor storage on a gravel and a large non-defined asphalt area that is not designated for parking, which is probably also going to be used for storage. This is more evidence that this is NOT a retail operation but a wholesale business and storage, and again, this is only allowed in the Industrial Zone I-1 and not allowed in Commercial C-3.

THE SPECIAL PERMIT CANNOT BE APPROVED. The Special Permit must be denied per Zoning Bylaw Sec 174-24-C.2. "A Special Permit...may be approved only if it is determined that the proposed use or development is consistent with applicable state and town regulations, statutes, bylaws and plans,..." The proposed use is not consistent with town bylaws and therefore cannot be approved. Furthermore the entrance way will have a significant adverse impact on neighboring properties and be detrimental to our area and neighborhood.

§174-24 Explanation of symbols used in Table of Use Regulations

C. Special Permit use

- 2) A Special Permit may be issued only following the procedures specified by the General Laws and may be approved only if it is determined that the proposed use or development is consistent with applicable state and town regulations, statutes, bylaws and plans, will not adversely affect public health or safety, will not cause excessive demand on community facilities, will not significantly decrease surface or groundwater quality or air quality, will not have a significant adverse impact on wildlife habitat, estuarine systems, traffic flow, traffic safety, waterways, fisheries, public lands or neighboring properties, will not cause excessive levels of noise, vibrations, electrical disturbance, radioactivity or glare, will not destroy or disrupt any species listed as rare, endangered or threatened by the Massachusetts Natural Heritage Program or any known historic or archaeologic site, will not produce amounts of trash, refuse or debris in excess of the town's landfill and waste disposal capacities, will properly dispose of stumps, construction debris, hazardous materials and other waste, will provide adequate off-street parking, will not cause excessive erosion or cause increased runoff onto neighboring properties or into any natural river, stream, pond or water body and will not otherwise be detrimental to the town or the area.

PROJECT DOES NOT COMPLY WITH THE REQUIREMENTS OF THE GROUNDWATER PROTECTION DISTRICT AND CANNOT BE APPROVED AS THE PROJECT CANNOT BE FOUND TO BE IN COMPLIANCE WITH TOWN REGULATIONS AND CANNOT BE FOUND TO NOT HAVE AN ADVERSE IMPACT ON GROUNDWATER QUALITY:

The amount of proposed impervious surface (the sum of the building, the asphalt areas, and the gravel storage area) does not comply with the zoning requirements for the Groundwater Protection District:

Zoning Bylaw Section 174-80. (Allowed uses in the Groundwater Protection District) F. Land uses which result in the rendering impervious of no more than fifteen percent (15%) or two thousand five hundred (2,500') square feet of any lot, whichever is greater, except as permitted under §174-82.

Zoning Bylaw Section 174-81 (Prohibited uses in the Groundwater Protection District) N. Land uses which result in the rendering impervious of no more than fifteen percent (15%) or two thousand five hundred (2,500') square feet of any lot, whichever is greater, except as permitted under §174-82. X.

The project does not comply with the requirements of the Groundwater Protection District and should not be approved.

APPLICATION MUST HAVE A WATER QUALITY REPORT, A STORM WATER PLAN, AND PLANTING PLAN:

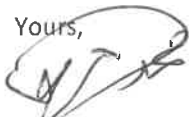
Per the Zoning Bylaw, other items which are required for this application are:

1. Water Quality Report per §174-27 **Water Quality Report**
2. The Stormwater **Management Plan** and design which conforms with the requirements of Subsection 174-27.2.B.3).
3. A Planting Plan in compliance with Section 174-31 Footnote 14 which states: "Where such area (the required buffer area from roads and side lines) is not naturally wooded, it shall be suitably planted with sufficient trees and under story vegetation, of a type common in natural areas of Mashpee, to replicate a naturally wooded area and to constitute a visual barrier between the proposed development and the roadway." The proposed "undisturbed area" is not sufficiently vegetated to constitute a visual barrier between the proposed development and the roadway" and therefore requires a **planting plan** which meets this requirement.

ACCESS IS ALLOWED FROM ROUTE 130: When the Special Permit for the corner lot (470 Main Street, Assessor's Map 27 Parcel 21) was approved by the Planning Board, the three lots (470 Main Street, 474 Main Street, and 31 Ashumet Road) were considered all together, and 470 Main Street was required to build a driveway from the corner lot (470 Main Street) from its parking lot onto this project's property (474 Main Street) to provide access, through the existing parking lot to Main Street/ Route 130 so as to not violate the distance requirement between driveways entering onto Route 130 and the provisions that apply in the C-3 district (Section 174-25.1) requiring access to a street other than Main Street/Route 130. The intent was, in effect, to create a shared parking lot with shared access from Main Street/Route 130. This entrance way should be used to access any proposed development at 474 Main Street/31 Ashumet Road.

I would like to thank the Planning Board for their diligence in reviewing this application, and for protecting the Old Colony and Ashumet Road neighborhood.

Yours,



Mohamad Fahd