

Evan Lehrer
Town Planner
(508) 539-1414
elehrer@mashpeema.gov



Planning Department
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649

To: Chair Colombo, Conservation Commission
From: Evan Lehrer, Town Planner
CC: Andrew McManus, Conservation Agent
Karen Faulkner, Planning Board Chair
Date: September 14, 2023
Re: Cranberry Point Process Outline

At its meeting of September 6, 2023, the Planning Board authorized me to prepare this letter and submit it to the Conservation Commission in reference to the Willowbend Project titled "Cranberry Point" at 275 Quinaquisset Avenue. At that meeting, it was brought to my attention by a Planning Board member that the Conservation Commission would not proceed with the review of the Cranberry Point Notice of Intent before the Planning Board's vote. I do believe that the member may not have had a complete picture of the Conservation Commission's discussions on the subject. Therefore, I would like to address this on behalf of the Planning Board. I'd like to propose what may be an advantageous order of operations for both the Planning Board and Conservation Commission within their respective jurisdictions in consideration of the dual applications currently under review by the Planning Board:

1. A request to modify the 1987 Willowbend Special Permit condition imposing a maximum bedroom cap of 853.
2. Cranberry Point – 14 unit single family cottage project (now reduced to 12 units).

As you are likely aware, there is a separate and distinct request from the Willowbend team to modify Willowbend's 1987 special permit by striking or amending the standing 853 bedroom maximum within the project area. In my opinion, it *would be* logical to wait for the Planning Board's review and action on the request to modify the bedroom cap prior to commencing with the peer review of the proposed mitigation package proposed for Cranberry Point, however it is not required. I believe the Planning Board member who raised this issue was under the impression that the Conservation Commission intends on withholding its review and vote on Cranberry Point until the Planning Board votes on the Cranberry Point application. Upon consultation with Conservation staff, it seems that may not be the case. My understanding now is that the Conservation Commission's intention is to withhold review of Cranberry Point while the bedroom condition is under consideration by the Planning Board at the request of the applicant's engineer. This makes sense and is acceptable to the Planning Department. If that is not accurate, and the Conservation Commission intends on withholding its review and vote on Cranberry Point prior to the Planning Board's vote on Cranberry Point, then I think we have a procedural issue that we need to resolve.

Any Special Permit Granting Authority in Mashpee is required to make a series of findings when issuing a decision on any project requiring a special permit pursuant to Section 174-24(C)(2) of the Mashpee Zoning Bylaw:

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**

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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.

Given the nature of the proposed development, as well as the mitigation package offered, which includes the restoration of more than one cranberry bog system along Quaker Run, the Planning Board feels strongly that they cannot make these findings (particularly those in bold) without an expert opinion regarding the benefits of the restoration measured against the development's impacts nor determine the proposed projects consistency with the Wetlands General Bylaw Chapter 172 without Conservation Commission input. The Planning Board Chair, Vice-chair, and I have spoken directly with Counsel on this matter who affirmed that this was an acceptable and logical order of operations. As such, the Planning Board recommends the following:

1. Wait to initiate the peer review of Cranberry Point until the separate and distinct request to modify the bedroom maximum is complete.
2. If the Board approves a modification that resolves the bedroom count issue, the Conservation Commission should commence with the peer review of Cranberry Point. The Planning Board will resume its hearings on Cranberry Point once the peer review is complete and report submitted into the record.
3. The Planning Board will be in a position to rely on that report to draft its decision relative to the required findings enumerated above and deliberate on the overall development scheme in consideration of that report.

I do not believe anything is preventing the Conservation Commission from reviewing the merits of the Cranberry Point application as proposed. If the Planning Board requires any changes to the site plan necessitating a modification by the Commission, then there is a process for that.

I look forward to resolving these outstanding procedural questions and conflicts with you, your Commissioners, and Conservation staff. Chair Faulkner and I would welcome the opportunity to discuss this outline and any other procedural matters pertaining to the application with you and Conservation staff should it be desirable.