



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Mashpee Planning Board Meeting Wednesday, April 18, 2018 7:00 p.m.

Call Meeting to Order: 7:00 p.m. – Waquoit Meeting Room – Mashpee Town Hall
Pledge of Allegiance

Approval of Minutes
Review and approval of April 4, 2018 Minutes

New Business
Discuss adequacy of off-street parking at Naukabout Brewery & Taproom, 13 Lake Ave., Mashpee

Old Business
Mashpee Commons Update: Tuesday Talk - "Zoning for the Needs of the Future", "Infrastructure" and other updates.
Report on status of Quashnet River Footbridge Project - Site visit and footbridge location proposals.
Country Club Lane intersection with Old Barnstable Road Status Update

Board Member Updates
Chairman's Report
Reports from members of Design Review Committee, Community Preservation Committee,
Environmental Oversight Committee, Historic District Commission, MMR Military Civilian Community Council and Cape
Cod Commission
Historic District Committee

Planning Staff Updates
Signage Design Guidelines
1998 Comprehensive Plan Analysis and Existing Conditions Report
Recommendation of experts to invite to discuss zoning reform techniques.
April 14, 2018 Balloon Test Results, Wireless Communication Facility, 101 Red Brook Road, Fire Station #2.

Correspondence
September 2017 Discharge Monitoring Report for South Cape Village N=7.8
October 2017 Discharge Monitoring Report for South Cape Village N=5.6
November 2017 Discharge Monitoring Report for South Cape Village N=6.40
December 2017 Discharge Monitoring Report for South Cape Village N=5.10
January 2018 Discharge Monitoring Report for South Cape Village N=5.60
February 2018 Discharge Monitoring Report for South Cape Village N=39.75

Waterways
New Seabury condominium 1A to conduct beach nourishment at 94 Shore Drive West, Mashpee in and over flowed
tidelands of Nantucket Sound.
Antonio and Helen Donato, 18 Cricket Way, Little River, Mashpee

Additional Topics
(This space is reserved for topics that the Chair did not reasonably anticipate would be discussed)

Adjournment

**Mashpee Planning Board
Minutes of Meeting
April 4, 2018 at 7:00 p.m.
Waquoit Meeting Room, Mashpee Town Hall**

Planning Board Members Present: Chairman Mary Waygan, Dennis Balzarini, David Kooharian, David Weeden
Also: Evan Lehrer-Town Planner, Charles Rowley-Consulting Engineer
Absent: Joe Cummings, Robert (Rob) Hansen

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 the Chair, at 7:00 p.m. on Wednesday, April 4, 2018. The Chair noted that the previously scheduled meeting of March 21 had been canceled due to snow.

APPROVAL OF MINUTES— February 21, 2018

MOTION: Mr. Balzarini made a motion to accept the minutes of February 21st as written. Mr. Kooharian seconded the motion. All voted unanimously.

NEW BUSINESS

Amendment to ANR Plan, 46 Quail Run-Robb Sykes of Eastbound Land Surveying Inc. represented the project proponents; who were also in attendance at the meeting. Mr. Sykes reported that the Land Court engineer had requested changes to the plan, originally approved in May 2017, requiring an amendment approval by the Planning Board. The calculated lot areas were adjusted, at the request of the Land Court engineer who did not approve use of the water as a property line on the plan. As a result, lot lines on the decree plan were used, changing some of the areas. Distance of the house from the lot line was now 15.99 feet, compared to the original distance of 15.1 feet. In addition, the title of ownership had changed. There were no additional comments.

MOTION: Mr. Balzarini made a motion to approve the ANR plan dated May 15, 2017, revised March 19, 2018. Mr. Kooharian seconded the motion. All voted unanimously.

Board members asked Mr. Lehrer if larger, more easily read plans, be provided at future meetings. Board members signed the plans. There was discussion about the Planning Department keeping an additional hard copy plan, but Mr. Lehrer assured the Board that he was maintaining digital copies of all plans. Mr. Sykes expressed his appreciation to the Board for volunteering their time.

ANR Plan, 39 Nathan Ellis Highway-Tom Feronti, of Mashpee Commons LLC, was present to discuss the North Market Street proposal, initially permitted in 1994. Mr. Feronti stated that the ANR plan would not change the acreage but would correct the location of the property line in relation to the edge of the Special Permit line. The undeveloped area became one parcel, combining Lot 11 and 12 to create Lot 18 and 19. Mr. Rowley inquired about the

location of the drainage and Mr. Feronti responded that drainage was located on the southern boundary. Mr. Lehrer provided a report regarding the request and had no additional recommendations. The Chair read Mr. Lehrer's report. Mr. Balzarini inquired about the eligible number of curb cuts, but Mr. Feronti was unsure. Mr. Balzarini expressed concern about additional entrances being created and Mr. Feronti responded that Mashpee Commons' intent in the past had been to limit curb cuts, but that, any need to do so, would be addressed with the Planning Board.

MOTION: Mr. Balzarini made a motion to endorse the ANR plan for Mashpee Commons dated March 27, 2018. Mr. Kooharian seconded the motion. All voted unanimously.

The plans were signed by Planning Board members.

Discussion of proposed amendment to the Mashpee Zoning By-Law to add §174-17.1, Raze and Replace, at May Town Meeting-The Chair read for the record proposed Article 17 D3. Mr. Lehrer stated that the proposed zoning article would allow a property owner to update their property, as long as the nonconformity remained consistent with the original structure. Mr. Lehrer expressed concern about language that could allow the removal of two-family homes, which would hurt the diversity of housing available in Mashpee. Two-family homes provided increased tax revenues compared to single family homes. Additionally, Mr. Lehrer expressed concern about increasing impervious surface area to address parking issues, in light of the water quality issues faced by the Town. There was agreement that there were few two-family homes located in the area. Mr. Balzarini supported the Article. Mr. Lehrer confirmed that the Article would help homeowners to modify their homes without major obstacles, such as re-building the home on stilts. Mr. Weeden inquired whether the Article was specific to South Mashpee and Mr. Lehrer responded that the Article would cover the entire Town, but that the issue was most prevalent in the southern portion of Mashpee. Mr. Rowley confirmed that the Article was standard and that flood zone regulations would still remain. Mr. Rowley added that it made sense to provide sufficient parking.

MOTION: Mr. Balzarini made a motion to have a public hearing for Article 17 D3 on May 2 at 7:10 p.m. Mr. Kooharian seconded the motion. All voted unanimously.

Discussion of citizen petition article to release and extinguish a 120% moderate income restriction placed at 37 Center St. (Map36, Parcel 47D)-Article 18 D3 involved the potential sale of a deed restricted moderate unit affordable home located at 37 Center Street. The Chair believed that there had been some difficulty selling the home with the deed restriction and the owner wished to sell it at market rate without the restriction. Mr. Lehrer stated that a list of eligible buyers was typically maintained by a subsidizing state agency. However, there was no one on the list at 120% moderate income restricted eligible list so the owner was seeking deed restriction relief from the Board of Selectmen. Mr. Lehrer expressed his concern about preserving the existing SHI in Mashpee. Although the 120% moderate income home did not contribute to the list, there would be negative implications to Mashpee's affordable housing stock if homeowners were allowed to be released from deed restrictions at will. Mr. Lehrer stated that it was to the integrity of the affordable housing stock in Mashpee to be preserved. The Chair suggested that a public hearing be scheduled. The Chair would review the deed rider

prior to the hearing to confirm whether the home could be sold to a non-income eligible buyer, but with the restriction in place. It was noted that affordable home owners would likely not see a return of investment with capital improvements, particularly as deed restricted affordable homes were intended to remain affordable.

Discussion of citizen petition article to authorize the Board of Selectmen to purchase an 80% low-income restriction placed at 37 Center Street (Map36, Parcel 47D- Article 19 D3 was another means by the petitioner to seek relief from the deed restriction by requesting that the Board of Selectmen purchase an 80% low income restriction at the property. The Chair noted that the Board of Selectmen represented five of the nine members of the Affordable Housing Trust, so the Trust could choose to do so without a vote specifically from the Board of Selectmen.

MOTION: Mr. Balzarini made a motion that the three Articles be added to the public hearing on May 2 at 7:10 p.m. Mr. Kooharian seconded the motion. All voted unanimously.

Mr. Lehrer recommended that the Planning Board provide a recommendation to the Board of Selectmen. The Chair asked that Mr. Lehrer invite the Affordable Housing Committee to attend the Public Hearing on May 2.

Charles Rowley Billings-Invoices in the amounts of*** \$527.50***** for services rendered in February for Ockway Highlands and \$450 for services rendered in March for Quashnet River, Home Goods and Blue Castle Drive were received from Mr. Rowley.**

MOTION: Mr. Balzarini made a motion to pay Charles Rowley for services for the month of February for*** \$574.50*****. Mr. Kooharian seconded the motion. All voted unanimously.**

MOTION: Mr. Balzarini made a motion to pay \$450 for the services of March for Charles Rowley. Mr. Kooharian seconded the motion. All voted unanimously.

OLD BUSINESS

Mashpee Commons Update-Russell Preston, of Mashpee Commons, was present to update the Board on results from their Tuesday Talks and to share upcoming activities for Mashpee Commons by Design. Their second talk was rescheduled due to snow. Mr. Preston emphasized the value of the talks, adding that all videos of the talks were available online. Next Tuesday's talk would cover the topic of Zoning Needs for the Future on April 10th at the library. April 17th would be the rescheduled Systems Planning talk. May 3-May 9 would feature a Design Studio, located at 17 Market Street, and would involve a series of workshops and focus groups open to the public, 9 a.m. to 10 p.m. The schedule was being finalized but would conclude with a critique of all ideas and final presentation.

Mr. Preston inquired whether there were topics the Board wished to add for the focus groups. Mr. Balzarini expressed his interest in learning more about form based code, but expressed concern that a Somerville representative would be discussing the topic and Mashpee was more

residential based. Mr. Preston responded that form based code could be used in all types of communities. Mr. Balzarini inquired why Mashpee Commons could not utilize the OSID zoning, with transfer of development rights, previously established. Mr. Preston responded that their master plan for the future of Mashpee Commons required an adjustment to zoning. Mr. Lehrer stated that he would be identifying speakers to share newer ideas with the Board, such as form based code, and how new ideas could help Mashpee. The Chair spoke with Kristy Senatori, of the Cape Cod Commission, who would be addressing the Board regarding the Cape Cod Commission, the Regional Policy Plan and the Local Comprehensive Plan. Mr. Preston noted that the April 10 Tuesday Talk would discuss form based code. Mr. Preston added that there was a need for Mashpee Commons to continue its expansion, and attract others to help build out Mashpee Commons, but at a level of quality and character expected with Mashpee Commons. Regarding potential topics of discussion, Chairman Waygan recommended using "traffic" in place of "mobility" as traffic and parking had been common concerns expressed by the public. The Chair also noted that height and density were other issues expressed by the concern and suggested that a definition or descriptions be added to the website. In addition, the Chair recommended use of "open space" as the more familiar term, in place of "parks, squares, etc." There was discussion about access to open space in separate neighborhoods, in the event that another developer purchased a parcel of land. Mr. Weeden referenced Mashpee's preservation of river corridors with the Mashpee River and inquired about the preservation of the Quashnet River corridor. Mr. Preston agreed to move discussion about open space and zoning to a Saturday schedule.

In response to an inquiry, the Chair requested that the executive summary of the LCP be added to the Planning website. Mr. Lehrer announced that the website was being updated. Mr. Lehrer would invite Ms. Senatori to present at the May 16th Planning Board meeting to discuss the RPP and LCP. The Chair expressed interest in having Glenn Cannon, the traffic consultant, also attend. The Chair recommended that she wanted Mashpee residents to be familiar with the RPP and LCP.

Country Club Lane Intersection with Old Barnstable Road-Mr. Rowley reported that he had not received an update from Ken Marsters. Mr. Rowley had been keeping Ms. Laurent up-to-date. Mr. Rowley would follow up with Mr. Marsters.

Performance Bonds Requiring Sign-Off: Peter Hopple and Amy Brown Road-Mr. Rowley confirmed that the road off of Cotuit Road was in good shape, but it was unknown whether the bounds had been set. Mr. Rowley would look into whether the bounds had been set during his visit to Home Goods.

Report on Quashnet River Footbridge-The Chair wished to further review notes she had received about the meeting and wished to discuss the matter at the next Planning Board Meeting. Another meeting would be scheduled for the subcommittee.

BOARD MEMBER UPDATES

Chairman's Report-Town Meeting would be held May 7 at the High School. It was expected that the Warrant Articles would be sent to residents.

Design Review Committee-Mr. Lehrer reported that the electronic messaging sign at the High School would likely be reviewed by the ZBA because the sign bylaw did not adequately address the changing technology of signage. Design Review had issues regarding the size and impacts to lighting. The Planning Board could discuss improving the sign bylaw to make more sound decisions. Mr. Balzarini inquired about the sign's location on school property and Mr. Lehrer responded that the intent of line items in the bylaw were not clearly outlined in the definitions. For example, government agencies were allowed to add signs, but its intent allowed signage for MassDOT, not local town or school. Mr. Lehrer would move forward with developing design guidelines, based on the characteristics of different areas in the town, to allow identity and authenticity of the particular area.

Community Preservation Committee-No meeting

Environmental Oversight Committee-No update

Historic District Commission-No meeting

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

Study-No update

Cape Cod Commission-No update

STAFF UPDATES

Planning Board Meeting Communications from Staff-Mr. Lehrer noted that he had been changing the way in which he was delivering materials to the Board, but that he was open to suggestions from members. Mr. Balzarini expressed his preference that they receive larger maps and that the Planning Department maintain an extra hard copy of plans. Chairman Waygan suggested posting the agenda and meeting materials online.

Southport had submitted a report for February levels of N=39.75. Mr. Rowley reported that the plant had been under construction with updates and suggested that the level could be representative of incomplete treatment. Mr. Rowley would follow up. Mr. Balzarini recommended requesting the March reading. Mr. Weeden inquired about mandating a timeframe for Southport to return the numbers to normal. Mr. Rowley recommended requesting regular reports.

CORRESPONDENCE

- September 2017 Discharge Monitoring Report for South Cape Village N=7.8
- October 2017 Discharge Monitoring Report for South Cape Village N=5.6
- November 2017 Discharge Monitoring Report for South Cape Village N=6.40
- December 2017 Discharge Monitoring Report for South Cape Village N=5.10
- January 2018 Discharge Monitoring Report for South Cape Village N=5.60
- February 2018 Discharge Monitoring Report for South Cape Village N=8.00

WATERWAYS LICENSES

9 Tulip Shell Way-Templar Holdings, LLC

ADDITIONAL TOPICS

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Kooharian seconded the motion. All voted unanimously. The meeting ended at 8:22 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

- Application for ANR, Michael Cusack
- Planning Department Administrative Recommendation for Michael Cusack
- Application for ANR, Mashpee Commons
- Planning Department Administrative Recommendation for Mashpee Commons
- 4/3/18 Planning Department Administrative Recommendation for May 2018 Zoning Articles
- May Town Meeting Zoning and Petition Articles



The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

April 6, 2018

Ava Marie Costello
58 Santuit Pond Rd
Mashpee MA 02649

RE: SHRAB Preservation Grants for Veterans Collections, Monuments and Memorials Project - Revolutionary War Memorial, Veterans' Garden, Mashpee Community Park, Mashpee, MA, MHC# RC.64193

Dear Ms. Costello:

The Massachusetts Historical Commission (MHC) has reviewed the information you submitted, received April 5, 2018, regarding the proposed project referenced above. The proposed project area, known as The Veterans' Memorial Garden (MAS.914), is listed in the State Register of Historic Places within the Mashpee Historic District. After a review of the information submitted, MHC staff have the following comments.

The proposed project involves the design and placement of a Revolutionary War Monument memorializing Wampanoags who served in the war, located within the Veterans' Garden in the recently created Mashpee Community Park.

After a review of MHC files and the information submitted, I have determined that the proposed project will have "no adverse effect" (950 CMR 71.07(2)(b)(2)) on the Mashpee Historic District.

These comments are offered to assist in compliance with M.G.L. Chapter 9, Section 26-27C, as amended by Chapter 254 of the Acts of 1988 (950 CMR 71.00). Please feel free to contact Michael Steinitz, Deputy State Historic Preservation Officer, at this office should you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "Brona Simon".

Brona Simon
State Historic Preservation Officer
Executive Director
Massachusetts Historical Commission

xc: John Warner, State Archivist, Massachusetts Archives;
Veronica Martzahl, SHRAB, Massachusetts Archives; Mashpee Historical Commission; Mashpee
Historic District Commission; Mashpee Town Manager

