



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Meeting of the Mashpee Planning Board
Wednesday, June 5, 2019
Waquoit Meeting Room, 7:00 PM

Call Meeting to Order 7:00PM – Waquoit Meeting Room – Mashpee Town Hall

- Pledge of Allegiance

Approval of Minutes

- Review and approval of meeting minutes from May 15, 2019

New Business

- Request for Release of Covenant dated May 3, 1972 recorded at Barnstable Registry of Deeds in Book 1644, page 87, regarding Conaumet Highlands subdivision – 6 Balfour Lane
- Naukabout Beer Co. 2018 Performance Bond status update
- Report from C. Rowley regarding Okway Highland complaint
- C. Rowley May 2019 Invoice

Old Business

- Release of Covenant Request for Evergreen Circle subdivision
- Evergreen Circle signage review
- Petition from Habitat for Humanity of Cape Cod to divide an existing single lot located at 341 Great Neck Road North into two separate lots to construct a single family home on each lot under MGL Chapter 40B §§20-23 and 760 CMR 56.00.
- Road Taking Policies and Procedures

Chairman's Report

Board Member Committee Reports

- Cape Cod Commission, Community Preservation Committee, Design Review, Plan Review, Environmental Oversight Committee, Greenways/Quashnet Footbridge, Historic District Commission, MMR Military Civilian Community Council.

Updates from Town Planner

Additional Topics (not reasonably anticipated by Chair)

Adjournment

MASHPEE TOWN CLERK

MAY 30 2019

RECEIVED BY _____

JS

**Mashpee Planning Board
Minutes of Meeting
May 15, 2019 at 7:00 p.m.
Mashpee Town Hall-Waquoit Meeting Room
16 Great Neck Road North
Approved 6/19/19**

Present: Chairman Mary Waygan, Joe Cummings, Dennis Balzarini, David Weeden

Also: Evan Lehrer-Town Planner, Charles Rowley-Consultant Engineer

Absent: David Kooharian, Robert (Rob) Hansen (Alt.)

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 Waygan at 7:02 p.m. on Wednesday, May 15, 2019. The Chair stated that the meeting was being videographed and recorded and asked that speakers approach the microphone stating their name and comment, addressing the Chair. Comments will be addressed by the Board or staff or taken under advisement if necessary. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES—May 1, 2019

MOTION: Mr. Balzarini made a motion to accept as presented May 1, 2019 minutes. Mr. Cummings seconded the motion. All voted unanimously.

PUBLIC HEARING

7:10 p.m. Blue Sky Towers II, LLC has made an Application for Special Permit to erect a Personal Wireless Service Facility as required by Section 174-25 (H)(9); 174-45.3 of the Mashpee Zoning Bylaw at 101 Red Brook Road, Mashpee Fire Station #2 (Assessor's Map 104, Lot 2) consisting of a 150' monopole. This Public Hearing is being reopened by the Planning Board following referral to The Cape Cod Commission as a Development of Regional Impact (DRI). The Public Hearing opened on June 6, 2018.

The appointed time having arrived, the Chair opened the Public Hearing and read the request. The Chair reported that, at a previous meeting, the applicant agreed to return to tonight's meeting to continue the Public Hearing, but had since requested a Continuance. The Chair wished for the Planning Board to proceed with the hiring of a consultant, discussed with Town Counsel and to which the applicant was amenable. The only matter the Planning Board would be discussing tonight would be the hiring of a Radio Frequency Engineer, to which the Public would be allowed to comment. The Public Hearing would be continued with the applicant to June 19.

Mr. Lehrer reported that he had contacted the Cape Cod Commission, other Town Planners and Mr. Rowley, and developed a short list of two Radio Frequency Engineers, one of whom had already been hired as a third party reviewer by the Commission to review the DRI review of the proposal. Mr. Lehrer confirmed with other planners noted the difficulty of identifying RF engineers since many worked privately, rather than contracting with municipalities. The Barnstable Planner recommended City State Consultants from Washington DC, who assisted with a cell tower review in Centerville and

expressed overall support of their work. Mr. Lehrer suggested that, if the Board wished for additional information, they vote on a scope of work in order to obtain a quote from the consultant.

MOTION: Mr. Balzarini made a motion to require that the applicant fund the services of an RF Engineer to review their application regarding the FCC Guidelines. Mr. Cummings seconded the motion. All voted unanimously.

The Chair suggested the need to acquire three written quotes. Mr. Balzarini suggested that it would be a conflict of interest to use the same engineer as the Cape Cod Commission. Mr. Lehrer stated that David Maxson, the engineer hired by the Cape Cod Commission, came highly regarded. Mr. Lehrer confirmed that Mr. Maxson's report showed that the applicant's RF data met with FCC guidelines. Two members of the Planning Board would work with Mr. Lehrer regarding the matter.

MOTION: Mr. Balzarini made a motion to authorize Joe Cummings and Rob Hansen to work with the Town Planner and Consultant Engineer to make a recommendation for the next Planning Board meeting. Mr. Weeden seconded the motion. All voted unanimously.

The Chair opened to public comment related to the Board's hiring of an RF engineer.

Sharon DeFrancisco, Red Brick Road, asked for clarification regarding third party review of the findings. Mr. Lehrer stated that the overall project had been reviewed as a DRI referral to the Cape Cod Commission, but that the Planning Board had not yet contracted a third party review. Ms. DeFrancisco inquired whether that report was on record and Mr. Lehrer confirmed that it was.

Michael Ronhock, Sunset Circle, inquired whether it would be the thresholds reviewed or the coverage charts. The Chair responded that the Bylaws allowed for an RF Engineer review related to the FCC Guidelines. Mr. Lehrer stated that they would likely be certifying that the radio frequency thresholds were not being exceeded. Mr. Ronhock inquired about the review of the coverage maps because the data differed between the presentation to the Cape Cod Commission and the Planning Board. The Chair read for the record the referenced statement from the Bylaw regarding review of the environmental effects of radio frequency radiation of the FCC Guidelines. Mr. Ronhock, who had read Mr. Maxson's report, suggested that it would be helpful for the Planning Board to have another perspective on the matter.

Teresa Ronhock, Sunset Circle, agreed that it would be to everyone's benefit to have another consultant offer a comparison to Mr. Maxson's report.

The Chair indicated that, as it stood, there would be no hiring of an engineer until the next public hearing and inquired whether the Board wished to authorize Mr. Cummings and Mr. Hansen to recommend the hiring of the consultant, to the Town. Mr. Lehrer suggested that Mr. Cummings and Mr. Hansen coordinate the matter within his office since the Town Manager served as Chief Procurement Officer. The Chair asked to change the motion.

MOTION: Mr. Balzarini made a motion to withdraw the last motion where it would be a recommendation to the Planning Board and modify it so that the Board was authorizing Joe Cummings and Rob Hansen, working with Town Staff and our Engineer, to make a

recommendation to the Town Manager, Chief Procurement Officer, to hire the consultant. Mr. Weeden seconded the motion. All voted unanimously.

The Chair asked Mr. Lehrer to notify the applicant.

MOTION: Mr. Balzarini made a motion that the Planning Board would require the applicant to fund the services of the chosen RF Engineer. Mr. Weeden seconded the motion. All voted unanimously.

Diane Scannell, Degross Road, expressed concern that one in ten cell towers were in violation of the FCC Guidelines, which were 100 times more than other countries and inquired whether the Bylaws would monitor the cell tower. The Chair responded that she would take the question under advisement, adding that the Planning Board could place conditions on the decision. Ms. Scannell inquired whether the Board had been in receipt of the packet she sent and the Chair inquired with Mr. Lehrer about new correspondence. Mr. Lehrer confirmed that new correspondence and exhibits had been provided, but could not be discussed. There were no additional comments so the Chair asked for a motion to continue the Public Hearing to June 19.

MOTION: Mr. Balzarini made a motion to continue the Public Hearing to June 19 at 7:10 p.m. Mr. Cummings seconded the motion. All voted unanimously.

The Chair made a copy of current exhibits. A recess was taken at 7:27 p.m. and the meeting reconvened at 7:30 p.m.

NEW BUSINESS

Sign Windchime Special Permit Modification Approved April 18, 2019-Mr. Lehrer reported that no appeals had been received. Planning Board members signed the Special Permit Modification.

Road Taking Procedures & Policies-The Chair referenced work with Town Counsel, Tom Fudala and Catherine Laurent, to develop a written Road Taking Procedure & Policy. Mr. Lehrer responded that he was aware of the policy, responding that it had been an oversight that the Board had not reviewed the Road Takings for the last Town Meeting. Mr. Lehrer assured the Board that, for future Road Takings, the Board would be able to make recommendations. The Chair stated that Town Counsel had asked that another look be taken at the policy. It was the Chair's belief that the policy had been sent to the Town Manager and was one step away from approval by the Board of Selectmen. Mr. Lehrer will look into the matter further and report back to the Board.

Release of Covenant Request for Evergreen Circle Subdivision-Mike Ford, attorney representing the applicant, was present with applicants Mark and Peter Govoni. Mr. Ford confirmed that the final coat had not yet been completed, but the applicant wished to determine whether their covenant could be released once the final coat had been completed, over the next couple of weeks.

Mr. Rowley reported that the final coat would need to be completed, or a security provided, before releasing the lots. Mr. Rowley stated that the loam piles had been spread but not completed and more dressing up was necessary in other areas. Mr. Rowley confirmed that some erosion had occurred in the

drainage areas around the circle. Mr. Rowley suggested that the lots should not be released until there was evidence of grass growing, to ensure stabilization. Mr. Govoni stated that once the paving was completed, the Cape Cod berm would be taken to the edge, then hydroseeded to the edge. Mr. Rowley agreed that the plan made sense and recommended that the contractor call him to again inspect the site, once the work was completed. The Chair recommended that the project proponent also contact Mr. Rowley with any questions.

Mr. Rowley and the Chair inquired about the restoration of the Open Space. Mr. Ford confirmed that they would be reviewing the matter with the Conservation Commission next week and that the applicant had been working on restoration with the Conservation Department. Mr. Ford confirmed that they would provide an update to the Planning Board. There was discussion regarding providing a bond to ensure the growth of grass. Mr. Govoni noted that he had buyers interested in closing and they wanted to keep the project moving. The matter would be added to the agenda for June 5. Mr. Rowley requested a letter from the contractors regarding the cost of incomplete items, including if the grass was not yet stabilizing the area. Mr. Rowley confirmed that he could be contacted directly to inspect the site prior to paving.

Mr. Ford asked to share the sign design for the subdivision for the Board's consideration at a future meeting. Mr. Lehrer recommended coordinating with Catherine Laurent if it were to be placed within the road layout. Mr. Lehrer confirmed that the Planning Board would be the approving authority since it was for a subdivision, however, it could initially be considered by the Design Review Committee to serve in an advisory role.

Petition from Habitat for Humanity of Cape Cod to Divide an Existing Single Lot Located at 341 Great Neck Road North into Two Separate Lots to Construct a Single Family Home on Each Lot Under MGL Chapter 40B Section 20-23 and 760 CMR 56.00-The Chair referenced the ZBA memo announcing Habitat for Humanity's Public Hearing on May 22 to consider the division of a single lot into two separate lots. The ZBA was seeking comment from other Boards. The Chair requested that Mr. Rowley review the plans in order to provide a report to the Planning Board. Mr. Balzarini inquired about the width of the driveway and whether 20 feet would be required and Mr. Rowley responded that the applicant could request a waiver on the width because they were not bound to the typical standards of a subdivision, as a 40B project. In his report, Mr. Rowley recommended that the applicant consult with the Fire Department regarding the width of 17 feet, 15 feet paved. Mr. Rowley suggested that there may be some small drainage issues and recommended changes to the layout of the lots, otherwise an easement may be required on one of the parcels to provide access. If the access was converted to a street, both property owners would be responsible for the maintenance. Changes were needed to the cross section plan. Mr. Balzarini inquired about access to Great Neck Road and Mr. Rowley responded that the site differences looked good, but there may be some sloping to consider. The Chair suggested the Board take an official vote to send the report to the ZBA.

Mr. Cummings inquired why the access was not 20 feet wide and Mr. Rowley responded that it was likely due to affordability and the fact that it was a driveway to access the second lot, adding that the Cape Cod berm would be adequate. The Chair noted that Town Meeting had voted in the fall to subsidize the land and building of the homes with \$117,000.

MOTION: Mr. Balzarini made a motion to send the report to the ZBA. Mr. Cummings seconded the motion. All voted unanimously.

The Chair noted that the packet included a provision to provide local preference to the maximum allowable by the law, which was 70%, for a Mashpee resident, or one of the two homes. The Chair suggested local preference as a condition.

MOTION: Mr. Balzarini made a motion that the Planning Board recommend that if the ZBA approved this that it's conditioned that one of the two units have Mashpee local preference. Mr. Weeden seconded the motion. All voted unanimously.

OLD BUSINESS

CHAIRMAN'S REPORT

The Chair announced that Mashpee's Election Day was Tuesday, May 21 with voting at Christ the King Church. Regarding Town Meeting results, Mr. Lehrer confirmed that Form 7 had been submitted for the Zoning Articles. Mr. Weeden thanked the Town for their support at Town Meeting for the Tribal initiatives. Mr. Lehrer expressed his willingness to assist with the Parsonage project.

BOARD MEMBER COMMITTEE UPDATES

Cape Cod Commission-Mr. Weeden reported that they had reviewed the Vineyard Wind project, which was approved. The Comprehensive Economic Development Strategy was open for comment until May 20. Additionally, the Regional Transportation Plan was open for public comment until May 13, with a public hearing on May 20.

Community Preservation Committee-A report will be provided at the next meeting.

Design Review Committee-Mr. Cummings reported that the Committee considered a sign for Cape Cod Coffee who had plans to move to 10 Evergreen Circle, and would be making changes to landscaping along the side of the building. The matter would eventually be reviewed by the Planning Board.

Plan Review-Mr. Lehrer confirmed that the Planning Board would be the permit authority for the Cape Cod Coffee structure, which would be the first for the Industrial Overlay District. The building would be multi-tenant and include a distillery. A natural depression on the site, as well as matters of discharge, would need to be discussed further with DPW.

Environmental Oversight Committee-Mr. Cummings stated that work was being completed on a helium balloon bylaw for October Town Meeting. Four other towns were considering the measure due to its impact to sea life. The Massachusetts Municipal Vulnerability Preparedness Program awarded \$15,000 to Mashpee to develop a workshop for stakeholders to identify priorities for the community. Upon completion of the workshop and identification of the priorities, additional funds may be acquired to address the priorities. Funds in the amount of \$45,000 had been granted by Town Meeting for the Community Gardens and applications were available for interested potential gardeners. The Estuary/Restoration Shellfish Program was seeking volunteers to plant shellfish in the estuaries. A computer program has been developed to address bio-valve propagation, a prototype of which would be used in Mashpee. The Quashnet River and Childs River restoration would be receiving a total of \$1.3 million.

Greenway Project & Quashnet Footbridge-The Chair would be following up on the matter and a possible grant.

Historic District Commission-No meeting

MMR Military Civilian Community Council-MMR Joint Land Use Study-Mr. Lehrer reached out to Selectman Cotton, who indicated that no meetings had been scheduled. Mr. Weeden stated that Paul Rendone served as a contact to help facilitate consultations. Mr. Weeden stated that MC3 was a program of engagement with the local towns.

UPDATES FROM TOWN PLANNER

Mr. Lehrer stated that the Planning Department would be converting to e-permitting and would be loading all Planning forms into a usable platform. Mr. Lehrer was awaiting final approval to move forward. All the forms and procedures would remain the same, but the process would be streamlined internally. Paper applications would continue to be accepted for a couple of months. Mr. Rowley inquired about filing fees and Mr. Lehrer confirmed that the fees were calculated and an invoice sent, payments would be made by credit card. Mr. Balzarini asked about the information being backed up and Mr. Lehrer confirmed that the information was backed up on a server.

ADDITIONAL TOPICS

Mr. Rowley reported that he had been in contact with Jacques Morin of Ockway Highlands who had cleaned up the drainage areas, and would be loaming and seeding and laying down the jute netting on the slopes to provide protection. Mr. Rowley would inspect the site once Mr. Morin confirmed completion of the work. Mr. Balzarini confirmed that there was improvement to the site, but noticed water backed up after the rains. Mr. Rowley suggested that they may have placed a filter at his recommendation.

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Cummings seconded the motion. All voted unanimously. The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS PROVIDED

- 5/13/19 Elizabeth Thompson Letter Requesting Continuance for Blue Sky Towers
- Photographic Simulation Package
- 4/26/19 Elizabeth Thompson Letter Requesting Continuance for Blue Sky Towers
- 5/8/19 Mary Waygan Email Regarding Blue Sky Tower Continuance
- 5/8/19 Lela Letter of Opposition to Cell Tower Project
- 5/5/19 Jody Bergeron Letter of Opposition to Cell Tower Project
- 5/6/19 David Cofran Letter of Opposition to Cell Tower Project
- 5/6/19 Peter & Laraine Michaelson Letter of Opposition to Cell Tower Project
- 5/12/19 Robert Coleman Letter of Opposition to Cell Tower Project
- 5/12/19 Wendy & Daniel Pennini Letter of Opposition to Cell Tower Project
- 5/9/19 Diane Scannell Packet of Research Materials Supporting Opposition to Cell Tower Project
- Blue Sky Towers LLC, List of Exhibits
- 5/7/19 Jeffrey Ford Request for Release of Covenant for Evergreen Circle
- 3/2/19 Evergreen Signage Proof
- 5/15/19 Evergreen Circle Monument Certification

-5/2/19 ZBA Memo Regarding Habitat for Humanity, 341 Great Neck Road North
-5/7/19 Charles Rowley Report for Habitat for Humanity, 341 Great Neck Road North
-Exhibit A for Habitat for Humanity

FORD AND FORD ATTORNEYS AT LAW

72 MAIN STREET, P.O. BOX 485
WEST HARWICH, MA 02671
TEL. (508)430-1900 FAX (508)430-9979
office@fordandfordattorneys.com

MICHAEL D. FORD
JEFFREY M. FORD

Evan Lehrer, Town Planner
Town of Mashpee Planning Department
Town Hall, 16 Great Neck Road
Mashpee, MA 02649

May 7th, 2019

**RE: 588 Main Street / Route 130, Mashpee, MA
Evergreen Circle - Release of Covenant Request**

Dear Mr. Lehrer:

I hereby request a Release of Covenant for the above referenced subdivision.

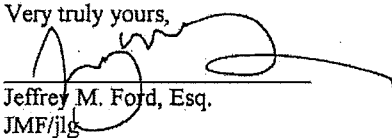
Please consider this letter as a formal request for a Release of Covenant for the above referenced subdivision (Evergreen Circle), located at 588 Main Street / Route 130, Mashpee, MA. I have been informed that construction has been completed at the site.

We would like to have this request placed on your next meeting agenda, currently scheduled for May 15th, 2019.

If you need any additional information or supporting documentation for your file just let us know.

Thanks for your time and consideration with this request.

Very truly yours,



Jeffrey M. Ford, Esq.

JMF/jlg
Enc.

DATE

3/29/2019

8:24:45 AM

PROOF

VERSION: 1 2 3 4 5

E-Mailed Called NO PROOF REQUIRED

CUSTOMER INFO

COMPANY:
CONTACT PERSON:
STREET:
CITY:
ZIP:
PHONE:
FAX:
EMAIL:

STATE:

DESCRIPTION

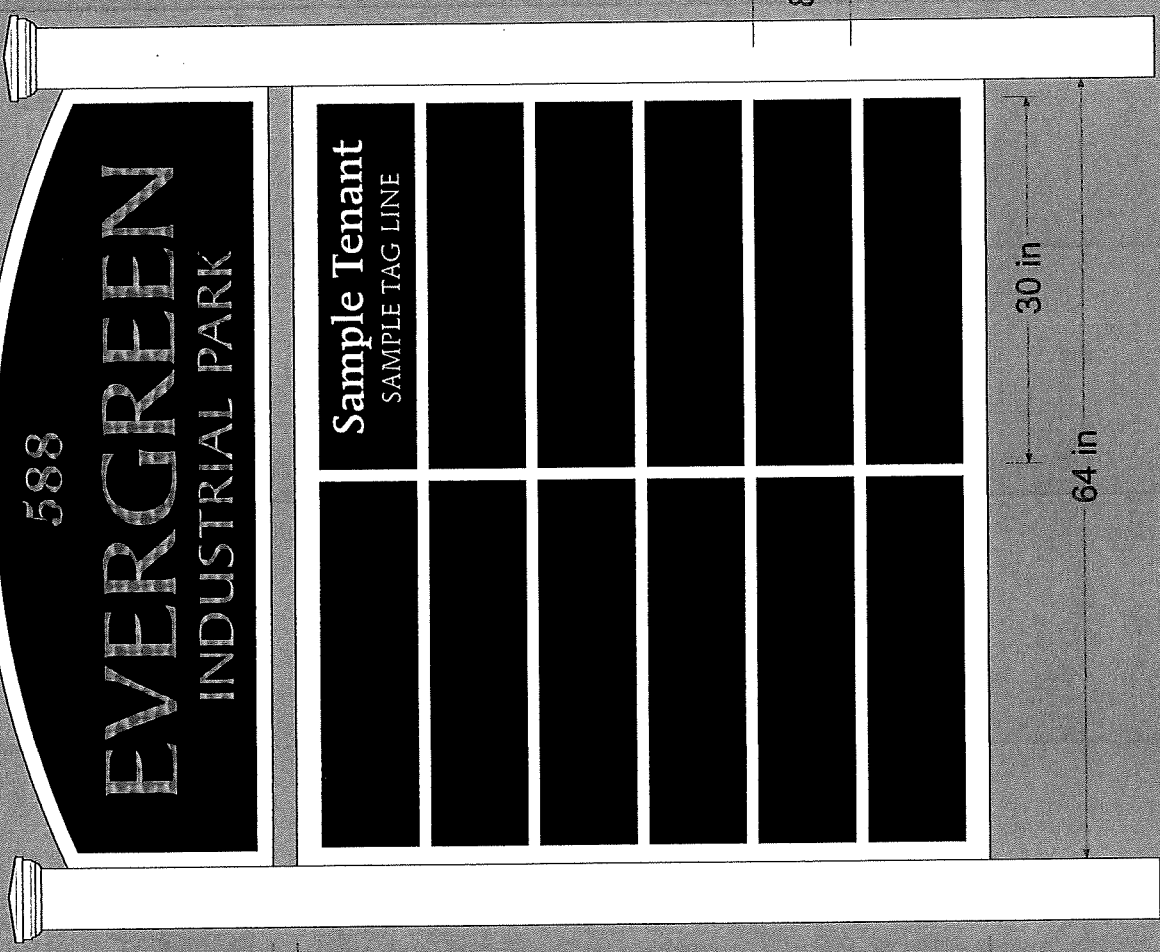
PVC Post & Panel Sign

File Name: 588_Main_St_EVERGREEN_directory_sign.fs
Folder Name: \\hp-backup\BACKUP\FLEXI_FILES\Commercial Realty Advisors

THIS RENDERING IS INTENDED AS A SAMPLE ONLY. COLOR, TEXTURE, MEASUREMENTS, AND ACTUAL APPEARANCE MAY VARY SLIGHTLY FROM COMPLETED WORK AND IS CONSIDERED NORMAL & USUAL. I HAVE REVIEWED THE ABOVE SPECIFICATIONS & HEREBY FULLY UNDERSTAND THE CONTENT OF WORK TO BE PERFORMED AND APPROVE THIS PROJECT TO BEGIN
CUSTOMER APPROVAL SIGNED BY: _____
PRINT: _____ **DATE:** _____

Signarama
the way to grow your business
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Email: ccsar@verizon.net
www.signarama-syarmouth.com

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RE: Estimate #30097 prepared for Commercial Realty Advisors

Peter Swiderski <peter@signarama-syarmouth.com>

Fri 3/29/2019 11:37 AM

To: 'Mark Govoni' <magovoni50@msn.com>

 2 attachments (702 KB)

EST-30097.pdf; 588_Main_St_EVERGREEN_directory_sign_green2.pdf;

Hi Mark,

Attached is a proof with the dimensions for the proposed sign

The material specs are 1" PVC material for the header & main sign backer board.

The individual tenant panels are 3mm aluminum composite material with vinyl lettering

The header is 3 colors of vinyl ; green, black & engine turn 23kt sign gold

Posts: 5x5 pt with pvc vinyl sleeves and caps

Line 1 of the estimate is for the main sign and installation.

Line # 2 is the per tenant cost to make & install 2 directory panels

This should be all you need

Let me know if you need anything else.

Thanks,

Peter

From: Mark Govoni [mailto:magovoni50@msn.com]

Sent: Monday, March 25, 2019 2:29 PM

To: peter@signarama-syarmouth.com

Subject: Re: Estimate #30097 prepared for Commercial Realty Advisors

Hi Peter,

Everybody is on board with the sign design all in green, gold and black with the individual sign boards also being in green. Send me a new price quote and whatever else we need to present this to the Town Planning Board.

Thanks!

Mark G

From: Peter Swiderski <peter@signarama-syarmouth.com>

Sent: Tuesday, March 19, 2019 3:58 PM

To: 'Mark Govoni'

Subject: RE: Estimate #30097 prepared for Commercial Realty Advisors

Mark,

Once you settle on the colors .

You will need to present the final sign draft to the planning board for their approval.

From: Mark Govoni [mailto:MAGOVONI50@msn.com]

Sent: Tuesday, March 19, 2019 2:08 PM

To: peter@signarama-syarmouth.com

Subject: Re: Estimate #30097 prepared for Commercial Realty Advisors

Town of Mashpee Board of Selectmen

Road Layout Policy

- 1) In order for a street, road or other travelled way (hereafter, collectively referred to as "way") to be laid out, altered, relocated or discontinued as a public way or private way by the Town Meeting, such way must be presented on a plan submitted for review and acceptance by the Board of Selectmen, acting as road commissioners in accordance with G.L. c. 82, §21, upon report and a recommendation by the Planning Board pursuant to G.L. c. 41, §81I. Such layout plans shall be prepared by a licensed engineer, and shall also be reviewed by the Public Works Director, or his/her designee, to assure compliance with applicable departmental requirements regarding Town ways.
- 2) Plans for acceptance of new subdivision ways shall be prepared by and at the expense of the subdivision developer and shall be reviewed for completeness/ accuracy by the Planning Board's consulting engineer during the subdivision approval process. Plans for the conversion of existing private ways to public ways shall be prepared by the Town in accordance with General Bylaw §150-7(C).
- 3) Town Meeting articles relating to the laying out, alteration, relocation or discontinuance of a way shall be sponsored by the Board of Selectmen unless otherwise legally petitioned by voters in accordance with applicable provisions of General Law. The plan depicting a laid out, altered relocated or discontinued way must be filed with the Town Clerk, and, not less than seven days thereafter, must be accepted by Town Meeting (G.L. Chapter 82, §23).
- 4) The Town may, in the discretion of the Board of Selectmen and as permitted by law, assess betterments to recover the costs of any improvements to a newly accepted, altered or relocated public way. The Town shall assume responsibility for the maintenance and repair of a public way accepted by the Town, including storm water control and drainage infrastructure appurtenant thereto, upon recording of a layout plan and Taking Order unless Town Meeting shall condition the layout acceptance vote otherwise.
- 5) All layout plans for proposed public ways in the Town will provide for a minimum roadway width of ____ feet, and otherwise comply with standards established by the Planning Board and the Department of Public Works.
- 6) All layout plans shall show all right of way lines and necessary storm water control, drainage and utility easements, all of which shall be identified by metes and bounds with sufficient detail to allow the Town to establish said rights of way and easements on the ground.
- 7) All layout plans shall include references to appropriate monumentation to allow the Town to establish the layout limits on the ground.

- 8) Road layout plans shall be submitted to the Board of Selectmen and Planning Board for review and comment a minimum of six weeks prior to the Selectmen's meeting at which approval of the layout will be addressed in order to allow sufficient time for review of the proposed layout by the Planning Board at a duly-noticed, regularly-scheduled public meeting.
- 9) The Planning Board shall, as soon as practicable, but at least one week prior to said Selectmen's meeting, make its written report/recommendation to the Board of Selectmen in accordance with G.L. c. 41, §81I with respect to the plan's conformity with the minimum requirements specified herein and such other requirements as the Planning Board may establish.
- 10) The Planning Board shall further make its report/ recommendation to the session of Town Meeting at which the layout warrant article is voted.



March 22, 2019

Dear Planning Board,

The landscape bond that was secured in 2018 to ensure the completion of our outdoor patio space is up for renewal. The patio work has been completed and we would like permission to move forward with releasing the bond. On the following page are some photos showing the completed project and we welcome a visit or any questions you may have. Please let me know what else we can provide on this topic.

Sincerely,

Peter Murner

Peter Murner
Co-Owner, Naukabout Beer Co.

Naukabout Patio Photo



CONNIE L. BAKER, ESQ.
LAW OFFICES OF CONNIE L. BAKER
6 Renee's Circle
Mashpee, MA 02649

(508) 477-4502

Fax (508) 477-3328

May 16, 2019

HAND DELIVERED

Mary Waygan, Chairperson
Mashpee Planning Board
16 Great Neck Road North
Mashpee, MA 02649

Re: Planning Board Covenant
6 Balfour Lane (Lot 9), Mashpee, MA

Dear Ms. Waygan:

Please be advised that I represent Joseph P. Rohrer and Carrie Rohrer, owners of the above property.

There is a 47-year-old Covenant, dated May 3, 1972, recorded at the Barnstable Registry of Deeds in Book 1644, Page 87, regarding the Conaunet Highlands subdivision, encompassing this property (see attached Covenant).

We are hereby requesting a Discharge of said Covenant as construction for this property is completed and, in fact, was completed at the time the Rohrer's purchased it on June 12, 2015 (see copy of Deed attached). This property is under agreement to be sold on May 29, 2019, as Mr. Rohrer is in the Coast Guard and will be transferred as of that date.

We respectfully request a Discharge of the Covenant for recording at the time of closing and would greatly appreciate your assistance in this regard.

Please contact me if I may provide you with further documentation to prepare the Discharge. If this matter is required to go before the planning board for approval, we request that it be done as expeditiously as possible.

Thank you.

Sincerely,



Conni L. Baker

CLB/ms
Enclosures
Cc: Evan Lehrer, Town Planner

BOOK 1644 P. 087
TOWN OF MASHPEE
Planning Board
MASHPEE, MASSACHUSETTS
11863

COVENANT

See Plan Book 256 Page 71

The undersigned William G. Nye & Charles E. Dow
of Barnstable & Suffolk County, Massachusetts,
hereinafter called the "Covenantor", having submitted to the Planning Board of the Town of
Mashpee, a definitive plan of a subdivision entitled "Conquest Highlands" Subdivision-Plan
of land in Mashpee, Mass., scale 1" = 60 ft. Dated March 1, 1972
made by William G. Nye does hereby covenant and
agree with said Planning Board and the successors in office of said Board pursuant to G.L. (Ter.
Ed.) Chapter 41, Section 81A as amended, that:

1. The Covenantor is the owner of record of the premises.
 2. This covenant shall run with the land and be binding upon the covenantor and the executor, administrators, heirs and assigns of the covenantor and their successors in title to the premises shown on said plan.
 3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the rules and regulations of said Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell any such lot, subject to that portion of this covenant which provides that no lot shall be built upon until such ways and services have been provided to serve such lot.
 4. Nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, of either the entire parcel of land shown on said subdivision plan or of all lots not previously released by the Planning Board.
 5. This covenant shall take effect upon the approval of said plan by the Planning Board.
 6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is recorded.
 7. This Covenant shall not apply to lots numbered 1, 2, 3, 4, 5, 6, 7.
- The undersigned, wife, husband of the
covenantor hereby agrees that such interest as I may have in said premises shall be subject to
the provisions of this covenant and insofar as is necessary I, we, release all rights of tenancy
by the curtesy, dower, homestead and other interests therein.

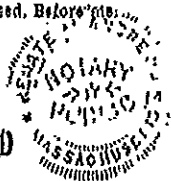
WITNESS our hands and seals this 11th DAY of MAY 1972

[Handwritten signatures]

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

Then personally appeared the above named and acknowledged the foregoing instrument to be their free act and deed. Before me, May 3, 1972



[Handwritten signature: Renate M. Andrews]
Notary Public
My commission expires 1973

RECORDED MAY 4 1972 & RECORDED

RENATE M. ANDREWS - NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires November 23, 1973

MASSACHUSETTS STATE EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 06-12-2015 @ 03:42pm
Ct1#: 1377 Doc#: 27210
Fee: \$1,197.00 Cons: \$350,000.00

BARNSTABLE COUNTY EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 06-12-2015 @ 03:42pm
Ct1#: 1377 Doc#: 27210
Fee: \$945.00 Cons: \$350,000.00

Quitclaim Deed

We, Scott Haven and Marisa C Haven, a married couple, of 6 Balfour Lane, Mashpee, MA 02649,

in consideration of Three Hundred Fifty Thousand and 00/100 (\$350,000.00) paid
GRANT TO Joseph P. Rohrer and Carrie Rohrer, Husband and Wife as Tenants by the
Entirety, hereinafter of 6 Balfour Lane, Mashpee, MA 02649,

With **QUITCLAIM COVENANTS**

The land together with the buildings thereon, situated in Mashpee, Barnstable County,
Massachusetts, described as follows:

LOT 9, being shown on a plan of land entitled "Conaunet Highlands, Subdivision Plan of
Land in Mashpee, Massachusetts, March 1, 1972, Scale 1" = 80'" by William C. Rye, which
plan is recorded with the Barnstable County Registry of Deeds in Plan Book 256, page 71.

**For Grantor's Title, see deed recorded with the Barnstable County Registry of Deeds
at Book 24645, Page 295.**

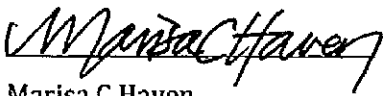
Grantors release any and all homestead rights to the within premises, whether created by
declaration or operation of law, and further states under the pains and penalties of perjury
that there are no other individuals entitled homestead rights to the property being
conveyed herein.

PROPERTY ADDRESS: 6 Balfour Lane, Mashpee, MA 02649

Executed as a sealed instrument this 29th day of May, 2015.



Scott Haven

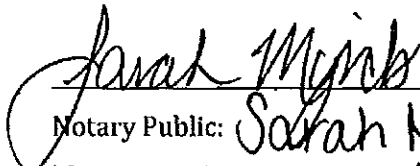


Marisa C Haven

STATE OF TEXAS

Midland County, SS.

On this 12 day of May, 2015 before me, the undersigned notary public, personally appeared Scott Haven and Marisa C Haven, proved to me through satisfactory evidence of identification, which were Texas drivers license to be the person(s) who signed the preceding or attached document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her/their knowledge and belief, and that this was his/her/their free act and deed.


Notary Public: Sarah Myrick
My commission expires: 6/4/2017



BARNSTABLE REGISTRY OF DEEDS
John F. Meade, Register

minutes 9/5/2007

MOTION: Dennis Balzarini made a Motion to close the Public Hearing in this matter; which Motion was duly seconded by Thomas O'Hara and so voted unanimously..

Thomas Mayo informed the Board of the existence of an Addressing Committee, whose function it is to review all street names and make recommendations to the proper Board (Zoning Board of Appeals or Planning Board). Also, this Committee would like to adopt a "no abbreviation system" and is requesting specific votes spelling out the exact street names as they have been approved.

MOTION: Dennis Balzarini made a Motion to accept/approve the following street names: Dogleg Drive, Rolling Green Lane, Windward Street, Putting Green Path, and Ironwood Path; which Motion was duly seconded by Myrna Nuey and so voted unanimously.

Performance Guarantee
Peter Hopple - 6 Balfour Lane
Release of Performance Guarantee

The Chairman called this matter to order and recognized the Applicant, Peter Hopple.

Mr. Hopple informed the Board that the road has been paved and he is requesting a release of funds.

Mr. Rowley reported that he has made an inspection of the property. The paving has been completed, four (4) bounds have been set at the intersection, and the street sign has been installed. He is satisfied with the distance of paving, however he cannot report upon the base coat prior to paving, as he was not contacted to make this inspection.

Mr. Rowley did state that the pavement is in place, he cannot report as to the thickness of it, there are Cape Cod berms on the sides and does extend to the line of Silverleaf.

The Chairman asked the Applicant why Mr. Rowley had not been contacted in order to make an inspection.

Mr. Hopple replied he was not aware of the need for an inspection with regard to the work that was done initially, and that he was in a rush to have the subsequent work.

**MASHPEE PLANNING BOARD
 RECORD OF SUBDIVISION PERFORMANCE GUARANTEE
 SUBMITTED IN EXCHANGE FOR RELEASE OF ROAD COVENANT**

Subdivision COMAQUET HIGHLANDS File/Plan Number _____

Date plan endorsed _____ Covenant date _____ Recorded at Book _____ Page _____ Covenant Release date _____

Form of guarantee: Cash Deposit Bond Other (explain) _____
 Attach copy of check or other documents

Amount of guarantee \$ 8,074.00 Name of guarantor (if not cash) 508 241 65432

Submitted by PETER HAPPE Address 98 CARHAM RD HARWICHPORT MA Phone 508-775-8693 x11

Guarantee received by: CHECK FROM DUNNING & KIRKANE, PO BOX 560, MASHPEE, MA 02649 Date: 02646

For Mashpee Planning Board
Bethany B. Pe Date: 3/12/07
 Town Treasurer

Cash deposited to: Bank _____ Account type _____ Account # _____

Other Security held by _____ in _____

Construction to be completed by MA Performance guarantee to expire on MA
 Date (if any) Date (if any)

MAIL TO ABOVE ADDRESS

REDUCTION OF PERFORMANCE GUARANTEE

At its meeting of 9/5/07 the Planning Board voted to reduce the above guarantee amount to \$ 2,000.00

Beverly A. Kane Stephanie Wa B. Cook

Dennis H. Balarini Thomas Must be signed by a majority of the Planning Board

Released funds returned to: (\$6266.71 RETURNED) Jennifer M. Stum 9/14/07
 Signature of Owner/Applicant/Guarantor Date

At its meeting of _____ the Planning Board voted to further reduce the above guarantee amount to \$ _____

 _____ Must be signed by a majority of the Planning Board

Released funds returned to: _____
 Signature of Owner/Applicant/Guarantor Date

At its meeting of _____ the Planning Board voted to further reduce the above guarantee amount to \$ _____

 _____ Must be signed by a majority of the Planning Board

Released funds returned to: _____
 Signature of Owner/Applicant/Guarantor Date

Note: Attach copy of expense vouchers for released funds

PLANNING BOARD
TOWN OF MASHPEE

RELEASE OF COVENANT AGREEMENT

The undersigned, being a majority of the Planning Board of the Town of Mashpee, Barnstable County, Massachusetts, hereby releases

Lot(s) 9 (6 Balfour Lane) shown on a plan
entitled Conaumet Highlands Subdivision Plan of Land in Mashpee, Mass .
dated March 1, 1972, from the provisions of a covenant agreement dated
May 3, 1972. Record owner as of June 12, 2015
date

Joseph P. Rohrer and Carrie Rohrer
name of owner

Executed as a sealed instrument this 5th day of June, 2019.

COMMONWEALTH OF MASSACHUSETTS

County of Barnstable

On this 6th day of June, 2019, before me, the undersigned notary public,
personally appeared _____, proved to me through satisfactory
evidence of identification, which were _____, to be the
person whose name is signed on the preceding or attached document, and acknowledged to me that
he/she signed it voluntarily for its stated purpose.

Notary Public
Commonwealth of Massachusetts

My Commission expires _____, 20_____.



Charles L. Rowley & Associates
Civil Engineers & Surveyors

**Site Evaluation
Site Design
Construction Layout**

2229 Cranberry Highway
Post Office Box 9
West Wareham, MA 02576

**Land Surveying
Environmental
Title 5 Design**

Tel: (508) 295-0545
Fax: (508) 295-1192
e-mail: rowleyassoc@verizon.net

May 21, 2008

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

Re: Balfour Lane at Silverleaf lane

Attention: Beverly A. Kane, Chairman

Dear Ms. Kane:

I have reviewed the construction at the intersection of Balfour Lane and Silverleaf Lane based on my letter to the Board of February 27, 2008 and have the following comments;

1. No inspection was called for prior to the installation of the asphalt so no comment can be made as the adequacy of the base material.
2. The pavement was put down in two sections, however the thickness is not known.
3. Four street bounds have been set.
4. The street sign has been erected.
5. The shoulders have not been completed with loam and seed behind the berm.

I recommend the completion of the shoulder work before final release of security and a coring of the mix to determine thickness prior to the release of security. Please feel free to contact me if you have any questions.

Very truly yours,

Charles L. Rowley, PE, RLS
Engineering Consultant to Mashpee Planning Board



