



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

**Meeting of the Mashpee Planning Board
Wednesday, July 3, 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 April 17, 2019 and June 19, 2019

New Business

- Sign Certificate of Action accepting the withdrawal without prejudice of the application made by Blue Sky Towers LLC for a special permit to construct a 150' personal wireless service facility located at 101 Red Brook Road Assessors Map 104, Lot 2
- Sign signatory page for Barnstable County Registry of Deeds
- Vote to set Public Hearing date to consider approval of Mendes Way as the name of a private road for access to a parcel of land currently addressed as 341 Great Neck Road North.
- Consideration of Draft Accessory Apartment Warrant Article(s) for submission to the Board of Selectman
- Charles Rowley June Invoice

Old Business

- One Cape Registration

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
JUN 28 2019
RECEIVED BY



Date of Acceptance of Subdivision Control Law:

Names of Planning Board Members by Notice Dated:

At their meeting of July 3, 2019 the Mashpee Planning Board voted to have all Board members authorized to sign Definitive Subdivision Plans, and any member authorized to sign the Board's endorsement on "Approval Not Required Plans. Those who should be authorized to sign the same are as follows:

Mary E. Waygan, Chair

Joseph Cummings, Vice-Chair

Joseph Callahan, Clerk

Dennis H. Balzarini

John Phelan

Robert W. Hansen, Associate Member

**Mashpee Planning Board
Minutes of Meeting
April 17, 2019 at 7:00 p.m.
Mashpee Town Hall-Waquoit Meeting Room
16 Great Neck Road North**

Present: Chairman Mary Waygan, Joe Cummings, Dennis Balzarini, David Weeden, Robert (Rob) Hansen (Alt.)

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

Absent: David Kooharian

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 7:00 p.m. on Wednesday, April 17, 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—April 3, 2019

MOTION: Mr. Balzarini made a motion to approve as presented. Mr. Cummings seconded the motion. 3 yes, 2 abstain

PUBLIC HEARING

7:10 p.m. Bennett Environmental Associates for Windchime Condominium Trust- Consider an application to modify a Special Permit issued February 4, 1987 and recorded at the Barnstable County Registry of Deeds in Book 5734, Pages 225-269. Such application was made for consideration of the release of the escrow funds held under the Special Permit to make improvements to the on-site wastewater treatment system through the BRP WP 68 “Treatment Works Plan Approval” permitting process; and to seek reduction in the Wastewater Treatment Monitoring Plan as commensurate to the environmental monitoring requirements specified under the Groundwater Discharge Permit 263-3M1.

The appointed time having arrived, the Chair read for the record the request and the Public Hearing Notice. David Bennett, of Bennett Environmental, was representing the applicant and noted that the modification for ground water monitoring had been withdrawn. Mr. Bennett provided a copy of the draft report, to be filed in 10 days. Mr. Bennett confirmed that he had been in receipt of the draft Decision, which he shared with Mr. Mooney, Chair of the Windchime Condominiums Association.

Mr. Cummings stated that, were the matter a monetary issue, he would recuse himself. Mr. Lehrer noted that, when the matter was initially opened, Mr. Cummings had recused himself, which was reflected in the Decision. Mr. Cummings agreed to recuse himself from the vote but

indicated that he had comments about the proposal. Mr. Cummings noted inconsistencies referenced in the number of bedrooms listed in the proposal on page 3, adding that there was a total of 314 bedrooms. On page 4, Mr. Cummings noted that the average flows listing the lows and highs were also inaccurate, adding that he had researched older records showing June 17, 2010 low of 4,050 gallons (compared to 9,000) and high on December 4, 2009 of 34,463 gallons (compared to 18,000). Mr. Cummings provided documentation to Mr. Bennett, who made notes to incorporate the information into the report. Mr. Cummings wished to ensure that the plant was built as needed and Mr. Bennett stated that it would be built as approved, based on the groundwater discharge permit allowing 31,000 gallons, currently encompassing 314 bedrooms in 50 buildings, which is completely built out. There were no additional comments from the Board, the public or the staff.

MOTION: Mr. Balzarini made a motion to close the Public Hearing. Mr. Weeden seconded the motion. 4 yes, 1 recusal

MOTION: Mr. Balzarini made a motion to approve, as presented, the Planning Board decision for Windchime Condominiums Special Permit Modification dated April 17, 2019. Mr. Weeden seconded the motion. All voted unanimously.

Mr. Balzarini signed the Special Permit Modification.

7:15 p.m. May 6, 2019 Town Meeting Warrant, Proposed Zoning Amendments
-To amend Section E of 174-5 (G) Light Industrial Overlay District
-To amend 174-25 (I)(10) of the Zoning Bylaw “Accessory Uses” by adding the letters “SP” under the columns identified as C-3 and I-1 and further to amend 174-25 (E)(2), Principal retail business and consumer service establishments by adding the letters “SP” under the column identified as I-1

The appointed time having arrived, the Chair read the request for the record. There was consensus from Board members to postpone the matter to be considered later in the evening. There was no public comment for the proposed Zoning Amendments.

MOTION: Mr. Balzarini made a motion to continue the Public Hearing to 8:30 p.m. Mr. Weeden seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to move the Public Hearing to 9:30 p.m. Mr. Weeden seconded the motion. All voted unanimously.

The Chair reopened the Public Hearing but there was consensus to continue the hearing to May 1. There was no public comment on the matter.

MOTION: Mr. Balzarini made a motion to continue the Public Hearing to May 1 at 7:05 p.m. for the Zoning Articles. Mr. Weeden seconded the motion. All voted unanimously.

7:30 p.m. Blue Sky Towers II, LLC 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 read for the record the request and informed the public of the new set up and location of the shared microphone, to provide public comment. The Chair read the Public Hearing Notice. The Chair authorized Planning Board Alternate Member, Robert Hansen, to sit as a full member.

With the Public Hearing now in session, the Chair read a statement into the record to fully disclose communications between Mr. Lehrer, Blue Sky Towers, LLC attorney Elizabeth Thompson and Mashpee's Board of Selectmen and Town Manager, submitting the letters for the record. Ms. Thompson's letter suggested that Chair Waygan and Mr. Balzarini had engaged in improper ex parte communications in this matter and acted in a manner so as to deprive the applicant its due process of law. The Chair categorically denied the substance of the reported ex parte statements and questioned the source of the alleged statements or denying the applicant a fair and impartial tribunal on the merit of its application. Chair Waygan confirmed that she, unequivocally, would engage in the hearing in an impartial and unbiased manner, and would base her decision on the application according to applicable law and record of the proceedings and therefore saw no reason to recuse herself from the matter.

Mr. Balzarini also offered a statement for the record, in the interest of full disclosure and in reference to the same letters provided by the Chair. Mr. Balzarini stated that, despite any possible statements previously made regarding the proposed project or previously submitted zoning article, would, as a member of the Planning Board, engage in an impartial and unbiased manner and would make a decision based on law and the record of the proceedings. Additionally, Mr. Balzarini so no reason to recuse himself from the matter.

The Chair welcomed the public to tonight's Planning Board meeting and reminded attendees that the meeting was being videographed and recorded and that anyone providing public comment at the microphone should state their name and address, with all comments directed through the Chair. Comments may be addressed directly by the Board, or others, or taken under advisement. The Board appreciated public participation in matters that were being considered by the Planning Board, to assist with decisions being made. The Chair described the order of presenters, asking that Planning Board members wait to express opinion until substantial or all testimony had been made and the Public Hearing closed.

Attorney Elizabeth Thompson, representing applicant Blue Sky Towers, LLC, described the proposed 150 foot monopole communications tower to be located at 101 Red Brick Road/Fire Station #2. As part of the proposal, Verizon would locate their antenna at 146 feet above ground

level, TMobile would be located at 136 feet and Mashpee Fire and Police emergency safety equipment would be located at 100 feet. Two additional spaces would be available for potential future wireless service providers. The proposal was submitted in answer to an RFP issued by the Town of Mashpee in May, 2017. The Town of Mashpee would serve as a landlord and would maintain control over the facility, and, in 2017, recognized that a serious gap of service existed in the area. Consideration of the Special Permit application by the Planning Board was suspended while the matter was considered by the Cape Cod Commission, as a Development of Regional Impact. During proceedings, the applicant worked closely in all aspects of the project with Cape Cod Commission staff, including consultation with a wireless expert to review technical material. The project has since been approved by the subcommittee and the Cape Cod Commission because the benefits outweighed the detriments. In particular, it was noted that there was a gap in coverage for two carriers and the proposed location was suitable and the only feasible site. Once it was discovered that the site did not sit within the Wireless Overlay District, the applicant sought approval for a height variance from Mashpee's Zoning Board of Appeals, which was unanimously approved on February 13, 2019, with a height of 150 feet being the minimum height necessary to close the gap coverage.

Ms. Thompson referenced Mashpee's Bylaw and a provision that indicated that a decision by the Planning Board could not be contrary to the Federal Communications Act of 1996. Specifically, a decision by the Planning Board could not prohibit wireless services, and Ms. Thompson stated that case law in this jurisdiction showed that carriers with gaps in coverage, with only one proposed feasible location, was a special request that could not be denied by the Board. Ms. Thompson also referenced a January 2019 Federal Communications Commission issued order stating that prohibition standards were outdated due to the broad use of wireless services, beyond cellular data, and a decision could not materially prohibit provision of cellular service. Ms. Thompson stated that the technical review had been lengthy and extensive, and asked that the Special Permit be approved.

Jessie Moreno, Prepare Design Group, summarized the location of the facility, situated on a 30 acre parcel in the shape of a triangle, and featuring a 150 foot monopole tower that would utilize the existing paved driveway of Fire Station #2. There would be a 45 foot extension to a 100 foot by 100 foot lease area, inside which there would be a 70 foot by 70 foot compound, consisting of ¾ inch stone. The wireless compound would hold carrier ground equipment at the base. The monopole of 150 feet tall would carry antennae and radio equipment at various heights. The ground equipment would not need water or sewer, but would require telecommunications and electrical from the street. A chain link fence with gate would be located outside of the facility and would feature some stormwater management and only a few trips per month, per carrier. A propane generator would be located on site, in case of an electricity outage. Mr. Moreno confirmed that just 1% of the 30 acre lot would be disturbed and existing corridors would be utilized to limit clearing, consistent with the RFP. Existing vegetation would be in place on three sides, shielding the structure from the road, and there would be no trash generated on site.

Mr. Balzarini inquired about the fall zone and proximity to residences. Mr. Moreno responded that the fall zone was located on the property, with the Fire Station being the closest building, though not in the fall zone, even if there was a wind storm.

Mr. Hansen inquired about the hardship that allowed permitting. Ms. Thompson responded that the variance issue was addressed by the ZBA, and was not a matter before the Planning Board. Ms. Thompson explained that obtaining a variance under Massachusetts state law included a criteria showing proof of hardship and the necessity for a variance. Mr. Hansen inquired about the hardship and Ms. Thompson responded that the hardship was due to a significant gap in coverage, with the topography determining the necessary height of the facility.

The Chair asked that Board members hold their questions to allow the project proponent to complete their presentation. The Chair asked for clarification regarding images being shown in the presentation and its location in Board member application packets and Ms. Thompson responded that there were additional plans requested by the experts which appeared in the supplement.

Verizon Radio Frequency Engineer, Keith Vellante, referenced maps submitted with the application regarding existing cell sites located in Mashpee and depicting Verizon's needs. Areas in green represented regular coverage with existing Verizon facilities. Due to the topography, an additional cell site was necessary to extend the coverage. Mr. Vellante noted that many residents have removed their home phones, utilizing instead cell service, that was becoming a larger part of their daily lives and creating the need for additional capacity. Mr. Vellante discussed the sporadic coverage available in southern Mashpee, where there was also an increased number of users on the fringe of coverage, impacting usage closer to cell sites. Mr. Vellante showed how the new site would extend coverage and lessen the burden on other users, closer to other cell sites. Mr. Vellante noted that the height of the monopole was necessary due to the distance and topographical challenges.

TMobile Radio Frequency Engineer, Ricky Kareoke, showed TMobile's existing coverage and discussed their need to better cover the gap and showed how the new tower would improve their coverage. Referencing the map, Mr. Balzarini inquired about areas that showed there would continue to be no coverage with the new cell tower and Mr. Kareoke responded that in the future, there would likely be improved technologies which would be able to cover the area.

Mark Correnti, FairMarket Advisors, LLC, provided a report detailing the effects of cell towers to property values. Ms. Thompson indicated that the report had been provided in response to concerns expressed by abutters at the Cape Cod Commission hearing. Mr. Correnti explained the way in which he researched whether the project could reduce the value of a house, measured by researching sales in Mashpee, including similar homes within sight of existing towers. Mr. Correnti noted that buyers were the market makers and described specific sales located in Mashpee, as well as homes in Barnstable. Mr. Correnti found that sales of homes were not negatively impacted by the view of cell towers, and in fact, found that sale values were higher

compared to the median value during the same time period. It was Mr. Correnti's opinion that buyers were paying for residences, rather than consideration of a cell tower. Mr. Balzarini referenced the pictures shown, suggesting that the cell tower likely would not be seen on property due to tree screening, and inquired about the distance of the proposed tower from view, to which Mr. Correnti responded that the site would be approximately 400 feet from the closest home.

Mr. Balzarini inquired about the zoning of the cell tower in a residential area and Ms. Thompson responded that wireless facility service use was allowed in R-3, but the height required a variance from the ZBA. Mr. Balzarini inquired about the proximity to the wildlife sanctuary and Ms. Thompson responded that NEPA reviews had been completed in coordination with Federal authorities and since being located within a boundary acquisition zone, could approach the owner to purchase the land, but it has been concluded by Cape Cod Commission professionals that it was permissible. Mr. Balzarini inquired whether the Cape Cod Commission's consideration was based on the site being located in the Wireless Overlay District and Ms. Thompson responded that the decision was based on their analysis and noted that the use was allowed in R-3 Zoning by Special Permit from the Planning Board.

Mr. Balzarini inquired about hardship and the need for the project proponent to review the entire town for additional potential sites, inquiring about other sites considered. Ms. Thompson responded that an extensive alternative site analysis had been completed by the project proponent and carriers, within a search area, to review significant coverage gaps. Ms. Thompson reported that many properties had been examined, and a table submitted with the application, with more than 40 sites identified and ruled out. Ms. Thompson stated that there was not one feasible alternative to the proposed site that the applicant or carriers could identify. Mr. Balzarini referenced the coverage maps described previously and inquired whether it would be more effective to locate the tower closer, to improve cell coverage toward the beach. Planning Board members asked that the public not clap. Ms. Thompson responded that the radio frequency data from the carriers determined the area requiring coverage. One site would not cover 100% of an area, all sites worked together to close the gaps, and it was possible that an area by the beach may not be covered. Ms. Thompson stated that it was not the target to provide 100% coverage. Mr. Balzarini suggested that people had expressed concern to him about not having coverage by the beach, sharing a story from a resident about needing coverage. Ms. Thompson stated that the carriers utilized scientific data to close the gaps and individual Board members or audience members referencing their coverage and carriers was not scientific data. Mr. Balzarini agreed that there was a gap in coverage.

Mr. Cummings agreed that the cell tower should be located closer to the ocean. Mr. Cummings inquired about the number of back-up generators and Ms. Thompson responded that Verizon was the only carrier proposing a generator and that future carriers may wish to seek permitting separately to add a generator. Mr. Cummings expressed concern about multiple generators running at the same time for each carrier. Ms. Thompson reported that a sound study provided in packets indicated that four generators would be well below allowable noise levels, as determined

by the Bylaw. Mr. Cummings inquired whether the New Seabury site and driving range had been reviewed. Ms. Thompson confirmed they had, adding that Verizon initially had a lease with New Seabury, but the lease was mutually terminated by both parties before the issuance of this RFP. Ms. Thompson indicated that, prior to release of the RFP, Verizon Wireless again approached New Seabury, but there was no interest, making it a not feasible alternative.

Mr. Weeden referenced Verizon's coverage maps and inquired about the difference between Beta coverage and Gamma coverage, from the same tower. Mr. Vellante stated that the site on Industrial Drive featured three sectors which addressed different directions, north, southeast and southwest. The map showed the additional capacity burden of that site, which could be alleviated with the proposed cell tower.

Referencing New Seabury/Rock Landing at a 60 foot elevation, Mr. Weeden inquired about analytical data that would show why the site was not chosen. Mr. Vellante understood that Verizon had a proposed facility at the location, but he believed that the feasibility was an issue of other elements such as landlord, lease ability, constructability or other issue. Mr. Weeden asked again for data about the site to better clarify the hardship. Ms. Thompson stated that she wanted to keep the hardship issue separate. Regarding feasible alternatives, Ms. Thompson stated that the area in New Seabury was initially considered because it was central to the gap. However, as previously mentioned, without a willing landlord, it was not a feasible site. Ms. Thompson stated there was no feasible site in New Seabury of suitable size, with suitable topography, with a willing landlord. Mr. Weeden asked for the vetting of the site and Ms. Thompson stated that an Alternative Site Analysis, Exhibit 11, was included in member packets. Ms. Thompson stated that 111 Rock Landing Road was located on the last page, adding that the Country Club location was not included in the report because it was not feasible, due to an unwilling landlord. Mr. Weeden inquired about the three commercial properties that were not feasible and Ms. Thompson responded that they were not feasible due to radio frequency, but that there was no additional information. Mr. Weeden stated that it would seem that, with a higher elevation, there would be better coverage area for carriers, and closer to Popponesset where coverage was needed, and located on commercial property. Ms. Thompson responded that it was unfortunate that it did not work out between Verizon Wireless and New Seabury and no viable alternatives were identified to close the gaps.

Mr. Balzarini referenced Ms. Thompson's prior statement that the Federal government could step in regarding a Planning Board decision, but asked why the government then could not step in regarding the Rock Landing site. Ms. Thompson responded that the government expected due diligence showing there was a significant gap in coverage with no feasible proposals for what was being proposed. Ms. Thompson stated that the provided technical information showed the gap from two wireless service providers, which was reviewed by a wireless consultant.

Referencing elevation and the monopole, Mr. Weeden inquired about images noting a height of 150 feet, but other details in the packet noted a 200 foot monopole. Ms. Thompson responded that the 150 foot monopole was approved by the Cape Cod Commission. Mr. Weeden inquired

about the diminishing of coverage as carriers were located below a certain elevation. Ms. Thompson responded that there would be space for other carriers at 126 feet and 96 feet, but there were no firm commitments from other carriers at this time, noting that an existing tower created a viable option to cover a percentage of a gap. Mr. Weeden suggested Mashpee could be approached for a second tower in the near future and Ms. Thompson responded that an approved tower provided a viable solution for a carrier, and more cost effective than building and permitting a second tower. Mr. Weeden stated that the TMobile report showed that coverage was greatly diminished as it lowered, not covering the target area in New Seabury. Ms. Thompson stated that carriers used different technologies and licenses that could impact coverage. Mr. Weeden inquired whether back-up generators were required for carriers and Ms. Thompson responded that it was not a Federal mandate. TMobile would be providing back-up batteries.

Mr. Hansen inquired about the percentage of residents impacted by the coverage and the number of homes in the area. Mr. Vellante responded that, based on an analysis of 2010 census data, an additional 1,400 residents would receive coverage, and structures numbering 2,300, based on GIS data. Mr. Hansen inquired about the percentage of coverage for the area but Mr. Vellante did not have the information. Mr. Hansen suggested that the new green coverage area was predominantly undeveloped, except for the more dense area by the beach where there would not be coverage. Ms. Thompson stated that various cell sites worked together to close the gaps in coverage, adding that undeveloped areas still needed coverage due to potential emergencies.

A recess was taken at 8:40 p.m. and the meeting reconvened at 8:52 p.m.

Chairman Waygan referenced Mashpee's Personal Wireless Service Facilities Bylaw and the Radiation RFR Standards in Section H that applications required FCC Guidelines to be met and a copy of a letter of approval from Mass Department Public Health 105 CMR 122.000 submitted. The Chair has seen the FCC Guidelines letter but inquired whether the approval from Massachusetts Department of Public Health was included with the application. Ms. Thompson responded that it was not included because CMR 122.000 was no longer a good regulation of the Commonwealth of Massachusetts and no longer required. Ms. Thompson further stated that the Massachusetts Board of Health website had a document stating that it was no longer required and would print a copy to send to Mr. Lehrer. The Chair requested a document stating that 105 CMR 122.000 is no longer in effect and Ms. Thompson agreed.

The Chair stated that the Bylaw also allowed the Planning Board to require the applicant to fund the services of an RFN Engineer to review the documentation regarding the FCC Guidelines. Mr. Balzarini liked the idea. The Chair asked that Mr. Lehrer to look into the matter further.

The Chair referenced page 10 of the revised photographic simulation packet. Mr. Lehrer stated that he was unable to print out the simulations for the Board, but would provide them as a hard copy at a future meeting. The Chair inquired whether plans had been submitted for the monopines. Ms. Thompson stated that the original plans submitted were designs for a monopole

as a preferred design according to town bylaw and the Cape Cod Commission regulations. During Cape Cod Commission discussion, there was consideration of other design alternatives. If the monopine was preferred by the Board, they would submit plans. The Chair noted that the Cape Cod Commission deferred the decision to the Planning Board and their website included the plans, so requested that the engineered plans be submitted to the Board for consideration and Ms. Thompson agreed. Ms. Thompson noted that there were additional design alternatives to include coloring in light blue or grey, adding that the project proponent was open to those alternatives. The coloring was difficult to see in the projected photos, but would be included in packets.

Referencing the applicant's response to Mashpee's RFP in the Special Permit application, the Chair requested that a copy of the RFP also be submitted as part of the application. Ms. Thompson stated that she could not provide a copy of the RFP but that it could be acquired from the Board of Selectmen. The Chair asked Ms. Thompson to make arrangements to have it forwarded to the Planning Board but Ms. Thompson reiterated that it would need to come from the Selectmen and suggested that the Planning Board could ask Town Counsel if there was a question about the RFP. The Chair noted that the RFP was referenced in application materials and requested that the applicant provide a copy of the RFP. Ms. Thompson stated that she could request a letter from Town Counsel confirming that there was a signed lease document as a result of an RFP, which was a public document that could be requested from the Board of Selectmen. Ms. Thompson stated that she would be discussing with her counsel and Town Counsel whether the applicant would provide the RFP to the Planning Board. The Chair stated that requests for Town Counsel typically went through the Town.

The Chair referenced the Bylaw that did not properly identify the 1998 Town Meeting vote, noting its correction December 20, 2018. The correction defined the Wireless Overlay District shall include . . .all other land in the Town which is not located . . .within the R-3 or R-5 zone District. Ms. Thompson confirmed that the proposed site was located within the R-3 zone and not located within the Overlay District, which is why, as previously stated, the applicant sought a variance with the ZBA on February 12. The Chair stated that the application referenced the Wireless Overlay District in multiple places, particularly Section 5 regarding Satisfaction of the Standards for Wireless Communication Facilities. The Chair inquired whether the application would be updated and Ms. Thompson responded that she could but felt that she had provided sufficient testimony regarding the need for a variance for the height restriction, which has been properly obtained. Ms. Thompson will submit a letter in writing to update the application.

The correction of the Zoning Bylaw was referenced in Ms. Thompson's December 2018 letter to the Planning Board, submitted for the public record, along with the ZBA Decision and Notice of Complaint filed against the decision and appealed to Superior Court. Additionally submitted was the Town Meeting Warrant and confirmation from the Town Clerk that Article 14 did not pass at Town Meeting.

In June 2018, the Board referred the request to the Cape Cod Commission because the project was a DRI. The Cape Cod Commission provided a decision on October 18, 2018 but the review of the application by Isotrope stated that it was not clear why the applicant asserted that the site was located in the Wireless Overlay District, and suggested acquiring additional evidence for the Commission. The Cape Cod Commission made a finding that the project was located in the Wireless Overlay District. The Chair inquired whether the Cape Cod Commission had been informed that the site was not located in the Wireless Overlay District and Ms. Thompson confirmed that Jonathan Idman was made aware of the situation, adding that it continued to be an allowed use with the only meaningful impact being the need for a height variance, which has been granted. The Chair inquired about correspondence from the Cape Cod Commission regarding the Overlay District and Ms. Thompson responded that it was not necessary. The Chair stated that she had requested an opinion from Town Counsel weeks ago regarding the matter but had not yet received a response. Therefore, with consent from the Board, the Chair would submit a request in writing to the Cape Cod Commission to ensure that the matter did not require further review by the Cape Cod Commission.

Additional items being submitted to the record was the Cape Cod Commission DRI dated 10/18/19, Attorney Costello's 9/24/18 letter regarding the site's location within the Wireless Overlay District submitted to the Cape Cod Commission, Mr. Lehrer's 8/21/18 memo submitted to Cape Cod Commission regarding DRI referral and the Isotrope review dated 8/10/18.

Referencing page 9 of the application and camouflage, the Chair inquired about the height of the buffer and Ms. Thompson believed that the trees were 55 feet tall, but would submit the information in writing. The Chair inquired about lighting and signage as required in 3A and Ms. Thompson responded that there would be no lighting other than on the cabinets.

The Chair will draft a list of documents to ensure that all will be tracked and recorded. The Chair recognized the Town Planner.

Mr. Lehrer confirmed that personal wireless service was an allowed use in the R-3 district, with a height consideration requiring a variance. The variance was granted by the ZBA and can be reviewed on its merits. Regarding health impacts, 174-45.3, Section A, Paragraph 3 stated that decisions could not be made based on radio frequency thresholds when documentation that FCC thresholds had been met. Additionally, documentation was received showing the correction of significant coverage gaps.

Mr. Rowley inquired further about project compliance with FCC guidelines and the ability to override the Bylaw. Ms. Thompson stated that the applicant needed to comply with the Bylaw and that the municipality maintained some control, except if there is a significant gap in coverage with no feasible alternatives, the local control was preempted by Federal law and the decision must be approved. Ms. Thompson submitted the FCC order for the record. Mr. Rowley inquired about the details of the site and compliance with the regulations as written, and Ms. Thompson responded that they would work to comply with regulations.

Mr. Rowley inquired whether there had been changes to the site plans dated April 30, 2018 because he noticed an enclosure of 70x70 which appeared distorted and Ms. Thompson confirmed the enclosure was 70x70. It was noted that there was a newer plan dated January 8, 2019. Mr. Rowley stated that, according to zoning requirements, the metal cabinets would need to be located in a housing facility and inquired why the project did not include such a facility. Ms. Thompson responded that an equipment cabinet was less intrusive, and disturbed the land less, but Ms. Thompson stated she could look into it further but that the Planning Board could waive certain provisions of the Bylaw. Mr. Rowley questioned the statement that the Planning Board could waive the provisions, suggesting that it would be a matter of a variance. Ms. Thompson stated that personal wireless facilities could waive certain provisions. Mr. Rowley referenced 174 45.3 Subsection F2 which highlights the specifics of the equipment shelter. It was Ms. Thompson's opinion that the Bylaw did not mandate an equipment shelter and the applicant was proposing a concrete pad with an equipment cabinet, therefore rendering it not applicable. The Chair and Mr. Rowley requested that the matter be looked into further.

Mr. Rowley stated that there were additional details regarding the site specifically, but it was noted that the applicant had not received Mr. Rowley's report. The Chair provided a copy. Mr. Rowley stated that he was seeking additional information about a profile that extended out 309 feet, in the before and after photos in 174 3H 1-2/3. Ms. Thompson responded that she would review Mr. Rowley's report and get back to the Board.

MOTION: Mr. Balzarini made a motion to allow Mr. Rowley to work with the project proponent to address the items in his report. Mr. Weeden seconded the motion. All voted unanimously.

The Chair requested a copy of the most up to date plan because no one was in receipt of the 1/8/19 plan. The Chair opened for public comment, asking for kindness and consideration and respectfulness. Speakers will be limited to two minutes if necessary. Interested attendees could submit comments in writing to the Town Planner if they were uncomfortable speaking in public.

The Chair noted that she had been in receipt of 4-5 written comments in support of the proposal.

Shayne DeFrancisco, Scituate Road, found the presentation helpful and read for the record a letter she had drafted referencing California firefighters who declined the placement of a cell tower at their station. Ms. DeFrancisco suggested that the process, since 2017, was less than transparent and the proposal did not provide full coverage. Ms. DeFrancisco stated that a measured open approach was necessary in the most effective way possible.

Lynn Barbie, Surf Drive wanted improved cell service, noting that she tested cell service in Great Neck Road South and Red Brick Road, out of her concern about safety at the beach, finding that the beach was covered by the tower located in Falmouth.

Karl LeBelznik, Tracy Road, inquired about the depth into the ground the cell tower would travel and possible impacts to ground water and the aquifer. Additionally, being located on town owned land, Mr. LeBelznik inquired about the responsibility for removal once technology improved, making the tower obsolete. The Chair responded that it would likely be a Special Permit condition that the applicant provide regular updates. Mr. Cummings added that Mr. Rowley had referenced an abandonment and discontinuement of service. Ms. Thompson stated that the lease would require Blue Sky to remove the tower and the Town would be able to charge Blue Sky removal costs, in case of abandonment. Mr. Rowley added that the Planning Board could require a bond. Regarding ground water, Mr. Rowley stated that groundwater was likely deeper than the foundation and design consideration would likely be submitted to the Building Inspector at the appropriate time. Mr. Moreno stated that the foundation typically would be below grade, 20-25 feet square and 5-6 feet deep, adding that water resource findings were studied by the Cape Cod Commission on page 11 of their report.

Teresa Ronhock, Sunset Circle, expressed concern about financial hardship in the neighborhood, referencing a study completed by the Electromagnetic Health Organization, showing impacts to property values in a survey of 1,000 people. The study noted that 94% of those surveyed stated a cell tower would impact what they would pay for a property and 88% of those surveyed stated they would not purchase a property near a cell tower. The study further discussed reductions in value of 21%, after the installation of a cell tower. Ms. Ronhock stated that, while attending hearings at the Cape Cod Commission, they had requested abutter reports, deemed to be unnecessary. As a result, the homeowners acquired their own professional abutters report, noting that there would be an impact to 166 properties at this location. The study was based on the Appraisals Journal and reporting from the National Realtor's Association. Ms. Ronhock referenced another study produced in the New York Times. Ms. Ronhock added that in addition to the financial hardship, the cell tower site would also add undue stress to the families of the homeowners. Ms. Ronhock referenced the report from Isotope that noted the project proponent had not distinctly identified a coverage gap, it was identified as a coverage problem. The FCC required that a coverage gap be identified, rather than a coverage problem. In addition, the report noted that the proposed site was located at the edge of the intended service area and the author recommended a site closer to the south or closer in the service area to be more beneficial. Ms. Ronhock asked that the Planning Board not allow the Special Permit for the cell tower at this location due to the hardship it would present to neighbors and to uphold the 1996 vote to designate areas where cell towers could be placed in Mashpee. The Chair asked that the cited reports be submitted to the public record. Ms. Thompson asked to be recognized to address misstatements and the Chair did not, but recommended she read the written material.

Mike Ronhock, Sunset Circle, referenced the Isotope report which, on page 7, identified a suitable site on the southern edge of coverage at the Water Department land and did not state that the proposed site was the only site or the preferred site. In addition, it stated that Popponesset would not experience substantial improved service and would likely require future expansion to fill the coverage gap. Mr. Ronhock stated that the job should be figured out right, the first time. The report also indicated that Verizon had provided no data as to whether the proposed site was

necessary. In reference to Mr. Lehrer's quoting of 174-45-3 in the third paragraph, Mr. Ronhock pointed out that the first paragraph proposed minimizing the visual and environmental impact to the property value. Mr. Ronhock stated that the site was not chosen except by convenience rather than by engineer. Mr. Ronhock discussed potential impacts such as to the parking lot with heavy equipment and referenced research of available properties, exhibit 14, with a list of properties that were discounted as not viable alternatives. Mr. Ronhock stated that 90% of the properties were located to the north of the proposed site, further away from coverage area and only 3 properties south. Notes indicated only that sites were outside of the search area, but it was located within the coverage area and Mr. Ronhock suggested that there were additional parcels that could be considered as a site, such as Rock Landing Road. Mr. Ronhock also expressed concern about the photos of simulations not shown at tonight's meeting, with question about the scale of the balloon test and also questioned in the report. Mr. Ronhock also suggested that there were discrepancies regarding the size of the parcel and input from townspeople regarding the best location of the cell tower. Referencing the coverage maps, Mr. Ronhock inquired about changes and revisions to coverage areas and the differences between the technologies of the two carriers and the differences in coverage. Mr. Ronhock stated that much of Monomoscoy Island would continue to have no coverage while the Wildlife Refuge would have coverage. Mr. Ronhock expressed concern about the potential need for a second tower and questioned the reason why the tower would be located on the edge of the coverage area. Mr. Ronhock provided documentation to the Planning Board. Mr. Ronhock also referenced an allowable 15% extension of the tower or 20 more feet, which would impact the drop zone. The Chair suggested that Mr. Ronhock could submit additional information in writing. Mr. Lehrer pointed out that some of the documents provided were duplicates and already submitted to the public record, but the Chair responded that she would allow it.

Jen MacDonald, DeGrasse Road, stated that she would be in view of the cell tower, which she never anticipated when she purchased the house 25 years ago. Ms. MacDonald stated that there were laws in place and the cell tower was being proposed in an area outside of the approved Wireless Overlay District. Ms. MacDonald asked that the Planning Board respect the vote of the people who did not want cell towers placed outside of the Wireless Overlay District and requested hard evidence that alternative sites were fully considered.

Claudia Fernado stated that, as a customer of Verizon, she had never had an issue with coverage, stating that it was not right for the cell tower to be placed in a residential area and the people should be considered, not the money.

Linda LeBelznik, Tracey Lane, stated that she understood the need but questioned why the cell tower would need to be located at the proposed site. Ms. LeBelznik stated that the people of the Town had spoken and indicated that they did not want the cell tower in the residential area. Referencing the report that the New Seabury landlord was unwilling, Ms. LeBelznik suggested that New Seabury and Popponesset residents should get together to discuss their needs for the cell service. Ms. LeBelznik referenced a home within site of the proposed tower where a toddler

and a baby lived, expressing concern about potential health issues. The Chair noted that the Planning Board could not make a decision based on health issues.

Dianne Scannel, DeGrasse Road, located behind the site with small children, read a letter expressing her concerns about the project and the potential noise, vibration and flying debris. Although health concerns could not be considered, Ms. Scannel expressed concern about potential violation of radiation rules, indicating that the project should be placed closer to the area where it would serve the intended people or in a conservation area rather than in a residential area. It was Ms. Scannel's opinion that the Town Meeting process should not be ignored and it was the responsibility of the Planning Board to support the process. Ms. Scannel presented a letter to the Planning Board with 215 signatures, opposing the location of the tower in a residential area on Red Brick Road.

Elana Doyle, Sunset Strip, identified the home as the owner's primary asset and expressed concern about what the neighbors were experiencing with a threat to the value of their primary asset. Ms. Doyle referenced the unwilling landlords in New Seabury and pointed out that residents tonight were indicating that they were also unwilling landlords.

Peter Michaelson, Degrass Road and neighbor to the Mashpee Fire Department, stated that the property line referenced in the fall zone was not based on a certified plot line. Mr. Michaelson's land was developable and would be required to develop a property line with an engineer if he were to develop his parcel. Mr. Rowley responded that the Assessor's map and map of the area appeared to be consistent. The carved out property appeared to be well within the limit as seen on the plan and was not a certified plot plan provided it was well within the limits and did not appear to be an issue.

The Chair inquired about any additional public comment, and there was none. The Chair invited the project proponent to respond to additional comments but given the volume, Ms. Thompson preferred to address the comments in writing.

Mr. Rowley reviewed the design standards for the shelter and confirmed that although it was not a requirement, one of the three options must be selected and included underground facilities, enclosed within a shelter or visibly screened with appropriate vegetation.

The Chair referenced letters received regarding the project.

5/29/18 Jerilyn Collier Davis and Freda Byron-Twyman Letter in opposition

12/24/18 Michael & Teresa Ronhock Letter in opposition

1/2/19 Michael & Teresa Ronhock Packet in opposition

4/1/19 Philip McCahill Email in support

4/1/19 Emily Hughes Letter in support

4/2/19 Judy Kahalas Letter in support

The Chair encouraged any additional public comment to be sent to the Planning Board as soon as possible.

Mr. Hansen inquired further about the liberty to extend the tower by 20 feet as referenced by Mr. Ronhock, who agreed to send the information to Mr. Lehrer. Ms. Thompson will also address the matter in her written comments.

Mr. Weeden referenced the visual aspect of the project and looked more closely at the balloon tests in section 12 Visual Impact Assessment of the application, agreeing that, on page 8, the map and orientation showed inconsistencies. Ms. Thompson stated that it was a historical consultation and she would look into the matter further. Mr. Weeden stated that the Horatio Amos House, built in 1890, was located in the area and he expressed surprise that the balloon would not be viewed from the site. Another structure, the school, was surrounded by dense trees so it was likely the balloon could not be seen. Ms. Thompson stated that Photo 8 was requested by the Cape Cod Commission and it was confirmed that the balloon was not in view. The Chair suggested that the Board had not been in receipt of the updated photo and Ms. Thompson agreed to make the information available to the Board. Mr. Weeden stated that the Amos home was eligible for the National Historic Register.

The Chair inquired whether the project proponent was available to return for the first meeting in May but Ms. Thompson did not believe that she would be available on that date.

MOTION: Mr. Balzarini made a motion to continue the Public Hearing to May 15 at 7:10 p.m. Mr. Weeden seconded the motion. All voted unanimously.

NEW BUSINESS

Sign Special Permit Decision for shared driveway at 147 and 15 Old Barnstable Road-Mr. Lehrer confirmed that there had been no appeals filed. Planning Board members signed the Special Permit Decision, dated for today.

OLD BUSINESS

CHAIRMAN'S REPORT

The Chair reported that One Cape 2019 would take place on July 29 and 30 at Wequasset Resort in Harwich. Last year's event discussed such topics as housing and wastewater and was also an opportunity to meet Commission staff. A Cape Cod Commission listening session about the Mashpee Rotary, had taken place on April 11 at the library. There were fewer attendees than expected and comments were being sought by the Commission. Mr. Lehrer would be adding the information to the Planning Board's website.

BOARD MEMBER COMMITTEE UPDATES

Cape Cod Commission-Mr. Weeden confirmed that the RPP had been approved and gone in to effect February 2, 2019. More information could be found on the Cape Cod Commission website.

Community Preservation Committee-Several Articles regarding CPA funds would be considered at the May 6 Town Meeting for historic preservation, open space, recreation and affordable housing.

Design Review Committee- No meeting

Plan Review-No meeting

Environmental Oversight Committee-Mr. Cummings stated that the balloon bylaw was being reviewed and the FDA was reviewing marinas and their impact to shellfish. Community Garden applications were available at Town Hall for anyone interested in obtaining a plot. Assistance will be needed to help place shellfish and pond sampling would occur two times this year. The herring began running on March 29. Quashnet River restoration would be considered at Town Meeting and the Farley Restoration and Charles River Restoration were being funded.

Greenway Project & Quashnet Footbridge-No update

Historic District Commission-No meeting

MMR Military Civilian Community Council-MMR Joint Land Use Study- Mr. Lehrer will follow up for the next Planning Board meeting.

UPDATES FROM TOWN PLANNER

ADDITIONAL TOPICS

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Weeden seconded the motion. All voted unanimously. The meeting ended at 10:33 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS PROVIDED

Additional pertinent materials may be available in Mashpee's Planning Department

-3/12/19 Letter from Bennett Environmental Associates Regarding Continuance for Special Permit Modification

-4/11/19 Draft Windchime Point Report

-3/28/19 Windchime Point Wastewater Process Plans

-4/17/19 Windchime Condominiums Special Permit Modification

-5/18/19 Public Hearing Notice for Blue Sky Towers, LLC

-5/1/18 Application for Special Permit for Blue Sky Towers, LLC

-10/30/18 Evan Lehrer Letter to Attorney Elizabeth Thompson Regarding Timothy Dorsey Statements

-11/16/18 (date stamped) Attorney Elizabeth Thompson Letter to Mashpee Board of Selectmen Requesting Recusal of Chair Mary Waygan and Dennis Balzarini

-3/19/19 (date stamped) Notice of Complaint to Superior Court Regarding Blue Sky Towers, LLC

- 9/4/18 Town Counsel Patrick Costello Email to Town Manager Rodney Collins Regarding Cell Tower-Mashpee Fire Station
- 10/18/18 Cape Cod Commission Development of Regional Impact Decision Regarding Blue Sky Towers II, LLC
- 9/21/18 Evan Lehrer Memo to Cape Cod Commission's Jonathan Idman Regarding 101 Red Brook Road Wireless, Tower Development of Regional Impact: Consistency with Local Land Development Regulations and Comprehensive Plan
- Isotrope Review of Blue Sky Towers DRI Application for Cell Tower at Mashpee Fire Station 2
- 4/2/19 Charles Rowley Letter Regarding Review of Site Plan for Blue Sky Towers, LLC
- Wireless Facility Overlay District Map
- Lease Agreement between Town of Mashpee and Blue Sky Towers, LLC
- 5/29/18 Jerilyn Collier Davis and Freda Byron-Twyman Letter to Evan Lehrer Regarding Personal Wireless Service Facility
- 12/24/18 Michael and Teresa Ronhock Packet Regarding Blue Sky Tower Wireless Cell Tower Proposal
- 4/2/19 Judy Kahalas Letter to Evan Lehrer Regarding Cell Tower
- 4/1/19 Emily Hughes Letter to Evan Lehrer Regarding Proposed Cell Tower
- 4/1/19 Philip McCahill Email to Town Manager Rodney Collins Regarding Proposed Cell Tower
- Article 14 October 2018 Town Meeting
- 4/3/18 Verizon Cell Service Coverage Map Packet
- 5/1/18 TMobile Cell Service Coverage Map Packet
- 12/20/18 FairMarket Advisors, LLC Market Study

**Mashpee Planning Board
Minutes of Meeting
June 19, 2019 at 7:00 p.m.
Mashpee Town Hall-Waquoit Meeting Room
16 Great Neck Road North
Approved 7/3/19**

Present: Chairman Mary Waygan, Vice Chairman Joe Cummings, Dennis Balzarini, John (Jack) Phelan, Joseph Callahan, Robert (Rob) Hansen (Alt.)

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

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 7:00 p.m. on Wednesday, June 19, 2019. The Chair stated that the meeting was being videographed and recorded and asked that speakers approach the microphone stating their name, address and comments. The Pledge of Allegiance was recited.

The Chair asked for a moment of silence to remember Selectman John Cahalane and former Selectman, Judy Mills, who both passed away earlier this month.

APPROVAL OF MINUTES—May 15, 2019 and June 5, 2019

MOTION: Mr. Balzarini made a motion to accept the minutes of May 15th as written. Mr. Cummings seconded the motion. 4 yes, 2 abstain

MOTION: Mr. Balzarini made a motion to accept the minutes of June 5th as written. 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 and Public Hearing notice. The Chair consulted Town Counsel, who advised that Public Comment could be accepted regarding the letter requesting withdrawal without prejudice. A vote would not be taken by the Board until after Public Comment was complete. The Chair read into the record the 6/5/19 Elizabeth Thompson letter regarding Blue Sky Towers request to withdraw without prejudice their application, due to the recent election and their wish that the application be heard by a full Board.

Ms. Thompson, on behalf of the applicant, was acknowledged by the Chair to make any further statements. Ms. Thompson stated that, as a result of the recent elections, and in order for the applicant to receive a fair representation before the full Board, the applicant respectfully requested the withdrawal without prejudice, in order to refile the application and be considered by the full five

member board. Ms. Thompson added that the burden of the request sat with the applicant. Ms. Thompson stated that she saw no reasonable reason for the Board to grant the request. Should the Board not grant the request, the applicant would proceed with the four member Board, but would consider it an overt act of hostility by the Board.

The Chair invited comment or questions from Planning Board members for the applicant. Mr. Hansen stated his opinion that withdrawal without prejudice would be the right thing to do. Mr. Phelan inquired when the applicant would reapply and Ms. Thompson responded that they would re-file next week. The Chair invited anyone having difficulty hearing, to join the Board at the front table adjacent to Mr. Hansen.

The Chair recognized the Town Planner and Consultant Engineer, who had no questions for the applicant.

The Chair opened the Hearing to Public Comment, noting that it was a procedural matter and discussion was limited to the request to withdraw without prejudice and all comments were to be addressed to the Chair. Mr. Balzarini asked that the Chair explain “without prejudice.” The Chair explained that State statute allowed a Special Permit applicant to automatically withdraw an application without prejudice, before local notice was published. After Public Hearing Notice publication, a Special Permit application was required to request approval from the regulatory board to withdraw without prejudice. If the withdrawal was not approved, the application could not appear before the same regulatory board for two years, unless the Board voted to review the application or the application was substantially changed. Chairman Waygan read Zoning Act, Chapter 40A, Section 16.

Terry Ronhock, Sunset Circle, asked for clarification that if the Board voted against allowing the withdrawal, it would be considered a hostile action and the application could not be reviewed as is or not for an additional two years. The Chair responded that any negative act would not allow review of the application, unless it was substantially changed. Ms. Ronhock stated that abutters and other residents of the Town had experienced tremendous stress as a result of concerns regarding health and financing of legal fees, and the matter had created a long term strain on the residents. Ms. Ronhock asked that the Board take into consideration the concerns of the abutters, and residents who expressed their opinion by vote at Town Meeting, and who were seeking closure of the matter. The Chair offered copies of Chapter 40A to interested parties.

Michael Ronhock, Sunset Circle, inquired whether the decision with the Zoning Board would be impacted by the vote of the Planning Board. The Chair stated that the decision was out of her purview. The Chair recognized Mr. Lehrer who stated that the Zoning Board had granted the variance and, as an independent proceeding, the Planning Board’s decision would have no impact to the Zoning Board’s decision.

Diane Scannell, Degross Road, inquired about the two Board members the applicant originally requested be recused from the matter. The Chair responded that, should the application go forward without withdrawal, the matter would be reviewed by the Chair, Mr. Cummings, Mr. Balzarini and Mr. Hansen, who had been seated as a full member on April 17, 2019. It was Town Counsel’s opinion that the two new members had a right to vote on the request to withdraw without prejudice, along with Mr.

Hansen. The Chair stated that she would encourage all members to vote, unless they expressed a reason to abstain or recuse themselves from the vote. Members may recuse only themselves due to a particular reason and could not be forced to recuse themselves. The Chair stated that each member had the responsibility to be trained and to know what they were doing, and had been provided access to legal resources by the Town of Mashpee when there is a question. Ms. Scannell noted that the applicant seemed to be ok with the three member Board previously, but the Chair noted that Mr. Hansen was allowed to sit because he had fully reviewed and authenticated the May 15th meeting that he had missed, as allowed.

There were no additional comments and the Chair asked for a motion and a vote by roll call.

MOTION: Mr. Phelan made a motion that the Planning Board allow the applicant to withdraw the application without prejudice. Mr. Balzarini seconded the motion.

Mr. Balzarini asked for clarification regarding review of the new application and the Chair confirmed that the Special Permit would require four positive votes to vote and would be heard by five members of the Board. Mr. Balzarini stated that new members of the Planning Board should have a right to sit on the matter since their election was representative of the recent vote of Mashpee residents.

Mr. Hansen-yes; Mr. Balzarini-yes; Mr. Cummings- yes; Chairman Waygan- yes; Mr. Phelan-yes; Mr. Callahan- yes

The Chair requested that the Planning Board draft a decision regarding the vote, to be signed at the next meeting, to which the applicant would not need to attend. Ms. Thompson agreed.

MOTION: Mr. Balzarini made a motion to close the Public Hearing. Mr. Phelan seconded the motion.

NEW BUSINESS

Election of Board Officers-As the senior elected official of the Planning Board, the Chair stated that she would serve as Acting Chair to accept nominations for Planning Board Officers and opened nominations for the Chair of the Planning Board.

MOTION: Mr. Callahan made a motion to nominate John Phelan. Mr. Phelan seconded the motion.

MOTION: Mr. Balzarini made a motion to nominate Mary Waygan. Mr. Cummings seconded the motion.

The Acting Chair asked for any additional nominations and asked Mr. Phelan whether he would accept the nomination. Mr. Phelan accepted the nomination, as did Ms. Waygan.

Mr. Phelan asked for discussion regarding the motions. Seeing no further nominations, the Acting Chair closed the nominations and called for the vote. The Acting Chair indicated that there would typically be no further discussion but allowed Mr. Phelan to address the Board and read a statement.

Mr. Phelan's statement referenced an outdated Comprehensive Plan, the need for updating old Zoning Bylaws and the need to change Board Chairmanship.

Members of the public indicated that they were unable to hear the speaker. The Acting Chair responded that the Board was discussing Officer Elections and agreed to speak loudly.

The Acting Chair asked for the vote to elect the Chair, beginning from the right with Mr. Callahan.

Mr. Callahan-John Phelan; Mr. Phelan-John Phelan; Ms. Waygan-Mary Waygan; Mr. Cummings-Mary Waygan; Mr. Balzarini-Mary Waygan; Mr. Hansen-Mary Waygan

Mr. Balzarini stated that the Planning Board had been trying to work on the Local Comprehensive Plan for a long time, adding that it was a time consuming effort and additional help had been requested to assist the former Town Planner to complete it. The last plan took two years to complete and included Board meetings that stretched late into the night. The Planning Board has expressed willingness to work on the Plan but the Town Planner needed to develop each section to be considered by the Board. Chairman Waygan expressed agreement with Mr. Balzarini's statements.

The Chair opened nominations for the Vice-Chair of the Board.

MOTION: Ms. Waygan nominated Joe Cummings. Mr. Balzarini seconded the motion.

The Chair asked for additional nominations. Seeing none, the Chair closed the nominations for Vice Chair and asked for the vote, beginning from the left with Mr. Balzarini.

Mr. Balzarini-Joe Cummings; Mr. Cummings-Joe Cummings; Ms. Waygan-Joe Cummings; Mr. Phelan-Joe Cummings; Mr. Callahan-Joe Cummings

The Chair opened nominations for the Clerk of the Board.

MOTION: Mr. Callahan nominated himself, Joe Callahan. Mr. Balzarini seconded the motion.

The Chair asked for additional nominations. Seeing no further nominations, the Chair closed the nominations and asked for the vote to elect the Clerk, beginning from the right with Mr. Callahan.

Mr. Callahan-Joe Callahan; Mr. Phelan-Joe Callahan; Ms. Waygan-Joe Callahan; Mr. Cummings-Joe Callahan; Mr. Balzarini-Joe Callahan; Mr. Hansen-Joe Callahan

The Chair asked that the minutes of April 17, 2019 be added to the next agenda.

Regarding reorganization of the Board, the Chair indicated that Planning Board members served as liaisons on five Committees to include, Design Review, Historic District Commission, Community Preservation Committee, Environmental Oversight Committee and the MMR Military Civilian Council.

MOTION: Mr. Balzarini made a motion to appoint John Phelan as representative to the MMR Military Civilian Council. Mr. Cummings seconded the motion. All voted unanimously.

APPOINTMENT: Ms. Waygan appointed Joe Callahan the Planning Board's representative to Design Review.

MOTION: Mr. Phelan made a motion to appoint Dennis Balzarini the Board's representative to Historic District Commission. Mr. Callahan seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to nominate Mary Waygan to serve as the Board's representative to Community Preservation Committee. Mr. Callahan seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion for Joe Cummings to serve as the Board's representative to Environmental Oversight Committee. Mr. Callahan seconded the motion. All voted unanimously.

Cape Cod Commission had been added to Board Member Reports because David Weeden was a member. Mr. Callahan agreed to research and remain up to date on Cape Cod Commission activities. Mr. Hansen agreed to work on the Greenways/Quashnet River Footbridge.

Vote to Select Public Hearing Date for Definitive Subdivision of 103 Meeting House Road-

Mr. Lehrer stated that there were two Public Hearing Notices for 103 Meeting House Road, one for a Special Permit for Cluster Subdivision and the other for a Definitive Subdivision. Mr. Lehrer suggested that the hearings be scheduled for two separate times and that the comments from the first hearing be rolled in to the second hearing.

Mr. Phelan stated that he had filed a disclosure for the appearance of conflict of interest with the Town Clerk because the applicant was a firefighter who worked under Mr. Phelan's supervision. The Chair asked that Mr. Phelan make a similar announcement during the Public Hearing.

MOTION: Mr. Balzarini made a motion to set the time of the Public Hearing to consider approval of Definitive Subdivision located at 103 Meetinghouse Road for Wednesday, July 17 at 7:10 p.m. Mr. Callahan seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to set the Public Hearing start time for Wednesday, July 17, 2019 at 7:15 p.m. for the Special Permit application for Cluster Subdivision at 103 Meetinghouse Way. Mr. Callahan seconded the motion. All voted unanimously.

Vote to Select Public Hearing Date for Special Permit Application Made by Cape Cod Coffee-There was discussion about scheduling.

MOTION: Mr. Balzarini made a motion to schedule the Public Hearing of Cape Cod Coffee at 7:30 p.m. on July 17. Mr. Callahan seconded the motion. All voted unanimously.

Mr. Lehrer would be following up regarding the ANR and the potential canceling of the July 3 meeting.

MOTION: Mr. Balzarini made a motion to cancel the July 3rd meeting. Mr. Cummings seconded the motion. All voted unanimously.

The Chair confirmed that a quorum of members would attend if necessary.

Process for Expenditure Authorization-The Chair confirmed that, when working with former Town Planner, Tom Fudala, plans were typically provided directly to Mr. Rowley for his review so that his report would be available at the first public hearing. More recently, Mr. Lehrer has been asking the Chair about forwarding the plans to Mr. Rowley. The Chair suggested voting on a policy authorizing the staff to provide plans to Mr. Rowley for his review and to develop a report. Should the Board wait to vote on each plan review, the Board would need to wait for the opening of the Public Hearing, requiring the project proponent to return to the Board at another time. Mr. Phelan referenced his concern regarding the project being reviewed by the ZBA, but the Chair asked that the two matters be discussed separately. The Board was in consensus that plans directed to the Planning Board automatically be forwarded to Mr. Rowley.

Regarding Chapter 40B, the Chair stated that all comments from all local town Boards go to the ZBA for processing, as a Comprehensive Permit required by law and in place of the applicant filing with each Board. Mr. Phelan stated that his concern was that the Chair authorized Mr. Rowley's review of the matter, to be paid for by the Planning Board, but without the authorization of the Planning Board. Additionally, it was Mr. Phelan's opinion that, because comment was provided by the Planning Board's Consultant Engineer, the Planning Board created undue influence on the Zoning Board, resulting in the naming of the driveway that could cause issues from a public safety point of view. The Chair responded that comments were requested and provided to the Chair of the ZBA, who had the opportunity to accept or disregard the comments. Mr. Phelan stated that payment to Mr. Rowley was without consultation of the Board. The Chair stated that the Board voted to approve and forward Mr. Rowley's report to the ZBA. Mr. Phelan stated that the minutes did not show that the Board authorized Mr. Rowley. Mr. Phelan wanted to better understand the process and ensure that there was equal partnership on the Planning Board. Mr. Balzarini stated that the ZBA developed their opinion and the Planning Board provided their comments. Mr. Rowley described the details of access to the second lot and the need for an easement unless a layout was created for both lot owners to share responsibility. Mr. Phelan and Mr. Rowley discussed the specifics of the project further.

Mr. Rowley noted that new Planning Board members may be required to provide signatures to the Barnstable Registry of Deeds. Mr. Lehrer stated that he would add the matter to the next agenda. Mr. Rowley also inquired whether an individual had been authorized to sign ANR plans, rather than all Board members, and there was consensus among the members to do so. Mr. Lehrer noted that a Certificate of Action could be drafted and signed by a designee of the Planning Board, which could be a staff member, adding that Mr. Fudala had been a previous designee. The Chair suggested it should remain with the Board and Mr. Lehrer stated that it would expedite the process and allow him to legally notice the applicant and parties of interest about the decision.

There was discussion about signing the decision related to Blue Sky Towers, and the Chair asked Mr. Lehrer to find out whether the applicant could wait for the signed decision until July 17, otherwise the Board would meet on July 3. Mr. Lehrer inquired whether the Blue Sky Towers withdrawal needed to

be signed and recorded and the Chair confirmed that it did since it was a decision by the Board, but Mr. Lehrer could confirm with Town Counsel.

Process for Hiring Consultants for Review of Special Permit Applications-The Chair confirmed that the Planning Board was authorized by their guidelines to hire any necessary consultants applicable to Special Permit applications. The Chair noted that the Board was experiencing pushback and inquired whether they wanted to have staff or the Chair work on the matter. Mr. Lehrer suggested establishing a general policy to engage consultants and the Chair referenced a letter received from Ms. Thompson on behalf of Blue Sky Towers. Mr. Balzarini noted that consultants had been hired in the past to review Mashpee Commons. There was discussion about a 53G account. It was determined that Mr. Lehrer consult Town Counsel regarding next steps if an applicant refused to fund a consultant. In reference to the letter received, Mr. Phelan stated that it identified the report as redundant. The Chair stated that the consultant would review the report available and Mr. Rowley confirmed that it was similar to his review of plans provided by an applicant's engineer. Mr. Rowley confirmed that the authorization was in place. Mr. Lehrer will follow up with Town Counsel.

One Cape Registration-Mr. Lehrer confirmed that the Chair, Mr. Phelan and Mr. Hansen were signed up for the event taking place on July 29 and 30 in Harwich. If additional Board members wished to register, they could choose to pay by check so that the Planning Board could fund their attendance.

OLD BUSINESS

Charles Rowley Report Regarding Ockway Highlands Complaint-Ernie Virgilio, Blue Castle Drive, was recognized to provide public comment. Mr. Rowley reported that he had met with developer Jacques Morin to review the Carriage Drive area, with drainage areas requiring additional work. Mr. Rowley and Mr. Morin also reviewed the drainage area in front of Mr. Virgilio's home. Mr. Morin agreed to remove the small stone at the base of the paved waterway, adding filter fabric under the stone and add loam and hydro seed to the thinner areas.

Mr. Virgilio emphasized that the work needed to be completed properly in order for the system to function effectively and expressed concern that the developer was not in compliance with the plans for the project. Mr. Virgilio inquired about installing appropriate water absorbing plantings to improve the appearance of the area and Mr. Rowley responded that it could be determined by the Planning Board. Mr. Balzarini felt it would be acceptable. Mr. Phelan reported that he had driven by the site yesterday and agreed that the grass was limited and Mr. Rowley confirmed that some areas were worse than others, confirming that the developer agreed to add loam and re-seed. Mr. Rowley confirmed that, if placed on the side slopes, it would not be a problem, but did not recommend plants that would require a lot of water. There was consensus from the Board to allow the plantings and Mr. Rowley would convey the information to Mr. Morin. Mr. Virgilio also referenced the abutting aprons at the street and his driveway, and the disappearance of the stone, creating a lip. Mr. Rowley will look into the matter further. Mr. Rowley added that he requested Mr. Morin to cut the pipe to the slope and add larger chip stone.

Road Taking Procedures & Policies-Mr. Lehrer revised the draft to reflect changes recommended by Mr. Rowley.

MOTION: Mr. Balzarini made a motion to recommend the Road Taking Procedures & Policies to the Board of Selectmen for their review and adoption with a carbon copy to the Director of Department of Public Works. Mr. Callahan seconded the motion. All voted unanimously.

Mr. Lehrer will draft a memo.

CHAIRMAN'S REPORT

Not at this time.

BOARD MEMBER COMMITTEE UPDATES

Cape Cod Commission-No update

Community Preservation Committee-The Chair reported that there would be a meeting tomorrow to discuss land acquisitions, affordable housing and the annual plan, as well as funds requested for a boat ramp.

Design Review Committee-No meeting

Plan Review-No meeting

Environmental Oversight Committee-Mr. Cummings reported that the helium balloon bylaw would be reviewed at the next meeting, in preparation for October Town Meeting. MVP planning was in process and 10 community garden plots were currently available. The Estuary Restoration Shellfish Program has hired three workers for the summer to assist with propagation and 40 volunteers assisted with the placement of oyster bags. The herring program was complete and the Quashnet River realignment was in process.

Greenway Project & Quashnet Footbridge-The Chair and Mr. Hansen would meet to discuss the matter further

Historic District Commission-Mr. Balzarini reported that he had attended a dedication ceremony for Earle Mills and Frank Lloyd.

MMR Military Civilian Community Council-MMR Joint Land Use Study-Mr. Lehrer will provide contact information for Mr. Phelan.

UPDATES FROM TOWN PLANNER

Zoning Amendment Discussion-Mr. Lehrer reported that he wished to discuss three items, the first two of which were relevant to the upcoming deadline to submit Warrant Articles to the Board of Selectmen by July 8, for October Town Meeting.

Regarding Accessory Dwelling Units, Mr. Lehrer reported that the Chair had previously provided a table showing the similarities and differences between the Commission model and Mashpee's Accessory Dwelling bylaw. Mr. Lehrer wished to propose an Article that would amend the existing Bylaw to match the Cape Cod Commission's model bylaw. The Chair stated that she had provided a summary and suggested that the Board review the chart to determine the content to be incorporated, prior to Mr. Lehrer drafting the Article. Mr. Lehrer suggested that time was limited, but he could prepare a draft if the Board were to meet July 3.

In addition, Mr. Lehrer had been invited to discuss with EDIC, a Zoning proposal specific to the development of housing and eliminating or amending the thresholds to create new types of housing to be built in appropriate parts of Mashpee. Mr. Lehrer would be meeting with EDIC next week and wished to also work with the Planning Board. The Chair suggested there may not be sufficient time to address the matter, adding that it was the responsibility of the Planning Board to consider multi-family

housing and land use matters. Mr. Lehrer stated that he would be working on a draft with the Chair of the EDIC because he felt it was best for the future of Mashpee.

The Chair inquired why Mr. Lehrer would not work with the Planning Board, who responded that he wished for the matter to appear on the Warrant for October Town Meeting. Mr. Lehrer stated that he had discussed the matter with the Board. The Chair and Mr. Balzarini responded that it was not a matter that had been before the Board, though there had been some editing to a document. Mr. Phelan stated that a threshold of 28 was not reasonable and Mr. Callahan inquired about the harm in having the matter considered by the Board. The Chair agreed that the matter should be considered by the Planning Board, the land use planner for the Town, rather than being reviewed at the EDIC. Mr. Lehrer stated that he wished to produce something. The Chair indicated that she had reached out to the EDIC Chair to learn more about the item on the agenda for June 25, but was not advised on the type of zoning that was being considered.

The Chair stated that the suggested change would be huge for the Town and should not be done in such a short time frame. Mr. Lehrer stated that it had been considered previously and time needed to be taken to consider the matter, and suggested that the matter be worked on cooperatively and debated, in order for it to be considered by residents of Mashpee at October Town Meeting. Mr. Balzarini stated that one meeting was not sufficient time to discuss the significant change, and the matter should have been brought to the attention of the Board in May. Mr. Callahan inquired why the EDIC would not provide information to the Chair. The Chair stated that the same situation occurred last year, when 11 Bylaws needed to be reviewed by the Board, none of which had input from the Planning Board. The Chair has been in contact with all Chairs and Departments to learn about any potential Bylaw changes. The Chair and Mr. Balzarini again stated that Bylaw changes should have been discussed sooner. The Chair stated that "Updates from Town Planner" had been added to the agenda to specifically allow for updates to the Board and changes to zoning. Mr. Lehrer responded that the EDIC had invited him to their meeting and the proposed Bylaw change was his pitch to them. Mr. Lehrer stated that he had a number of suggestions in pursuit of a better Mashpee that he wanted considered at Town Meeting, adding that the time was now to begin discussion. Mr. Phelan inquired how best to move forward, stating that there was a need for workforce housing. Mr. Lehrer stated that, at a minimum, thresholds needed to be reduced.

Finally, Mr. Lehrer reported that he recently attended a conference where others in attendance stated that a third party audit of existing regulations was a best practice, prior to a substantive overhaul of land use regulations. Mr. Lehrer recommended pursuit of an independent audit. The Chair felt that the Comprehensive Plan should be completed first, adding that the Cape Cod Commission was also working on their Comprehensive Plan Guidelines. Mr. Lehrer had connected with the Executive Director of the Cape Cod Commission, who was in agreement that this would be the perfect time to conduct an audit of Mashpee's land use regulations, while pursuing an update to the LCP. There was continued discussion about differences among members who supported the existing Bylaws and members who wished to see the Bylaws changed.

The Chair suggested reviewing the Accessory Dwelling Bylaw on July 3.

MOTION: Mr. Balzarini made a motion to place Accessory Apartment Bylaw on July 3.

The Chair inquired whether the chart had been incorporated and Mr. Lehrer confirmed that it had been. The Chair stated that the chart was intended for comparison purposes and asked that Mr. Lehrer highlight the items. Mr. Lehrer stated that any Bylaw changes needed to be reviewed at Town

Meeting, but could be withdrawn or the Planning Board could vote not to recommend it. Mr. Balzarini responded that Bylaws should be brought to the Board ahead of time for discussion or to be edited.

MOTION: Mr. Balzarini made a motion that any Zoning Articles has to be submitted at least one month ahead of the July date so the Board can have time with the Town Planner to see what is liked and what is not liked.

There was consensus that one month likely was not enough time. There was further discussion regarding the limited time for Planning Board consideration, as well as previous situations when the Planning Board was not informed of changes. Mr. Phelan suggested that the discussion begin at the next meeting. Mr. Balzarini agreed that more housing and zoning changes were needed. Mr. Lehrer stated that he wanted to work and Board members reiterated that they needed to be given more time to discuss proposed changes.

The Chair summarized the three items requiring discussion on July 3 to include Accessory Dwelling Unit Bylaw changes, the signature page and the possible paperwork for the Blue Sky Towers decision.

Mr. Balzarini made a motion to rescind his motion and vote to cancel the July 3 meeting. Mr. Phelan seconded the motion. All voted unanimously.

ADDITIONAL TOPICS

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Phelan seconded the motion. All voted unanimously. The meeting adjourned at 8:53 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS PROVIDED

Additional documentation may be available in the Planning Department

- 6/5/19 Elizabeth Thompson Letter Regarding Blue Sky Towers Withdrawal Without Prejudice
- 6/18/19 Blue Sky Towers, LLC List of Exhibits
- 4/29/19 Elizabeth Thompson Letter Regarding Review of Site Plan for Blue Sky Towers II LLC
- 9/27/17 Site Plan for Blue Sky Towers II LLC
- Photographic Simulation Package
- Verizon Coverage Maps
- 5/1/18 TMobile Coverage Maps
- 6/12/19 Elizabeth Thompson Email Regarding Supplemental ASA Mashpee
- Mashpee Fire Station #2 Supplemental and Revised Alternative Site Analysis
- 6/11/19 Elizabeth Thompson Email Regarding 101 Red Brook Road Building and Tree Height
- 6/11/19 Elizabeth Thompson Email Regarding RF Compliance
- 6/11/19 Mary Waygan Email Referencing 6/11/19 Jack Phelan Email Referencing 6/10/19 Evan Lehrer Email Regarding Application Withdrawal Without Prejudice

- 6/12/19 Elizabeth Thompson Email Referencing 6/11/19 Charles Rowley Email Referencing 6/11/19 Email Regarding Updated Plan Set
- 6/13/19 Fair Market Report from Mark Correnti
- 6/17/19 Memo from Mashpee Residents Referencing Recusal of John Phelan and Joseph Callahan
- 6/18/19 Charles Rowley Report Regarding Blue Sky Towers II, LLC
- Section VIII Employment of Outside Consultants
- 6/13/19 City Scape Consultants Radio Frequency Report Quote
- 6/17/19 IDK Communications Radio Frequency Report Quote
- 6/17/19 Troit Communications Radio Frequency Report Quote
- 6/18/19 Keith Vellante Letter Regarding Feasibility of Alternative Technologies
- 6/7/19 103 Meetinghouse Road Application for Approval of Definitive Plan
- Public Hearing Notice, 103 Meetinghouse Road Application for Approval of Definitive Plan
- Public Hearing Notice, 103 Meetinghouse Road Application for Special Permit for Cluster Subdivision
- 6/17/19 Modi, LLC (Cape Cod Coffee) Application for Special Permit
- Public Hearing Notice, Modi, LLC Application for Approval of Special Permit
- Road Layout Policy
- Mashpee Planning Board, New Board Member Orientation Guide
- Mashpee Planning Board, Public Hearing and Meeting Procedures



Mashpee Planning Board
Public Hearing Notice

Under the provisions of Massachusetts General Laws Chapter 85, Sections 3A and 3B, the Mashpee Planning Board will hold a public hearing on Wednesday, August 7, 2019 at 7:10 p.m. at the Mashpee Town Hall, 16 Great Neck Road North, to consider approval of proposed names for the private way proposed at the parcel of land currently addressed as 341 Great Neck Road North. The proposed street name is Mendes Way.

Submitted by
Mary E. Waygan, Chair

Mashpee Planning Board

Publication dates: Friday, July 19, 2019
 Friday, July 26, 2019



Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

To: Mashpee Planning Board

From: Clayson L. Nicholson
NG911 Coordinator

Date: June 17, 2019

Re: MENDES WAY

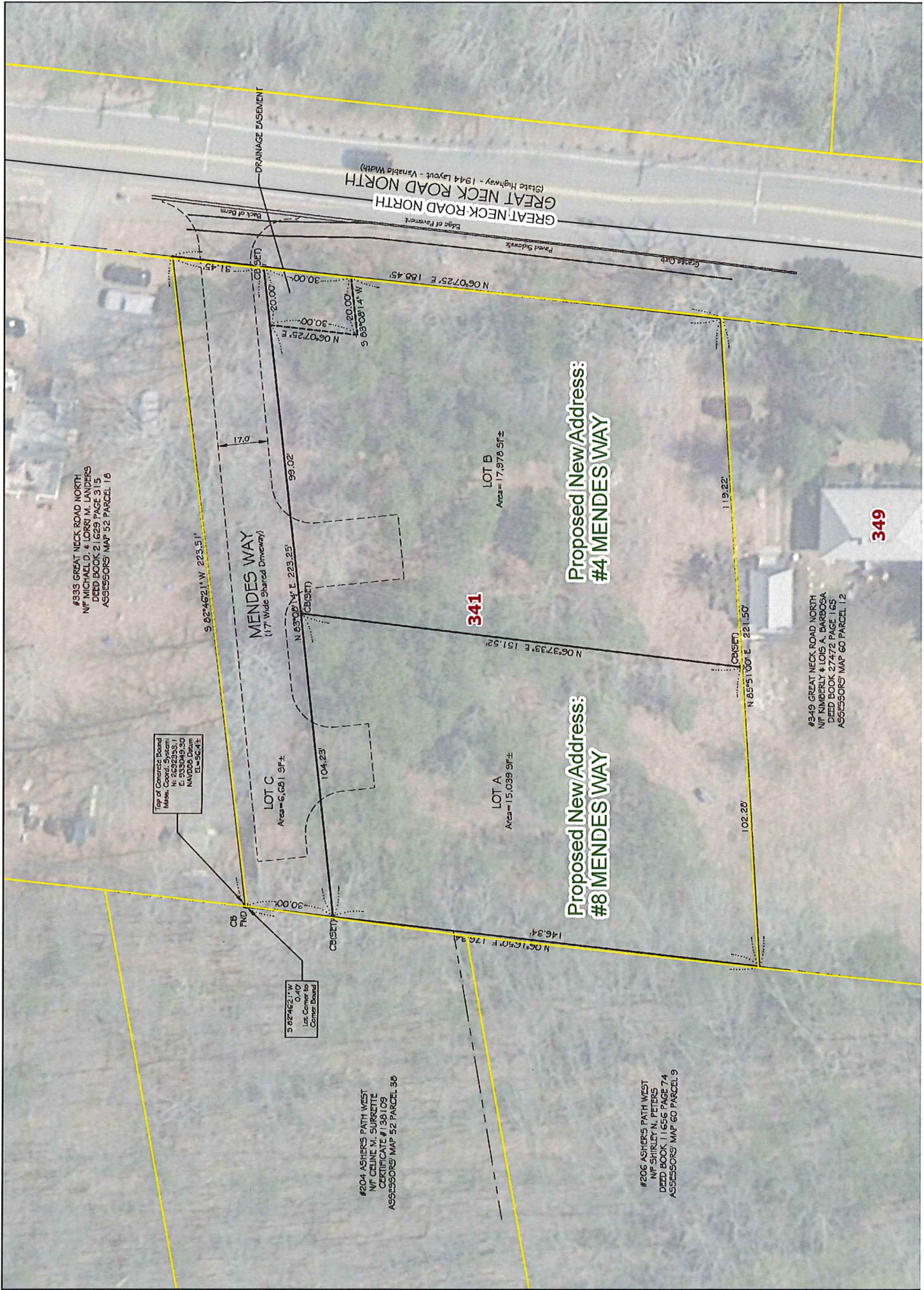
The parcel currently addressed as 341 Great Neck Road North is proposed to be split into two new parcels for Habitat for Humanity of Cape Cod. Habitat has requested the access road be given the name of MENDES WAY. They would like to honor Lois Mendes and memorialize her late husband through this naming.

The Address Working Group has reviewed the name MENDES WAY using the Assessing Database and known neighborhood names and there are no known conflicts with any other street in Mashpee.

The proposed new addresses are #4 and #8 MENDES WAY. This is keeping with the policy of assigning numbers in 20 foot intervals and corresponding where the driveway meets the thoroughfare.

I request that the Planning Board schedule a public hearing to approve the name of MENDES WAY, as depicted on the enclosed map.

New Road Name - MENDES WAY



#333 GREAT NECK ROAD NORTH
 N/F MICHAEL D. & LORETTA M. LANDERS
 DEED BOOK 211629 PAGE 315
 ASSESSORS' MAP 52 PARCEL 16

Top of Concrete Bound
 Marker
 N: 2652295.11
 E: 933048.30
 NAVD83 Datum
 ELEV: 56.42'

S 82°46'21" W
 0.14' W
 Lot Center to
 Corner Bound

#204 ASHERS PATH WEST
 N/F CELINE M. SURRETTE
 CERTIFICATE # 138109
 ASSESSORS' MAP 52 PARCEL 36

341

LOT A
 Area = 15,039 SF±

LOT B
 Area = 17,976 SF±

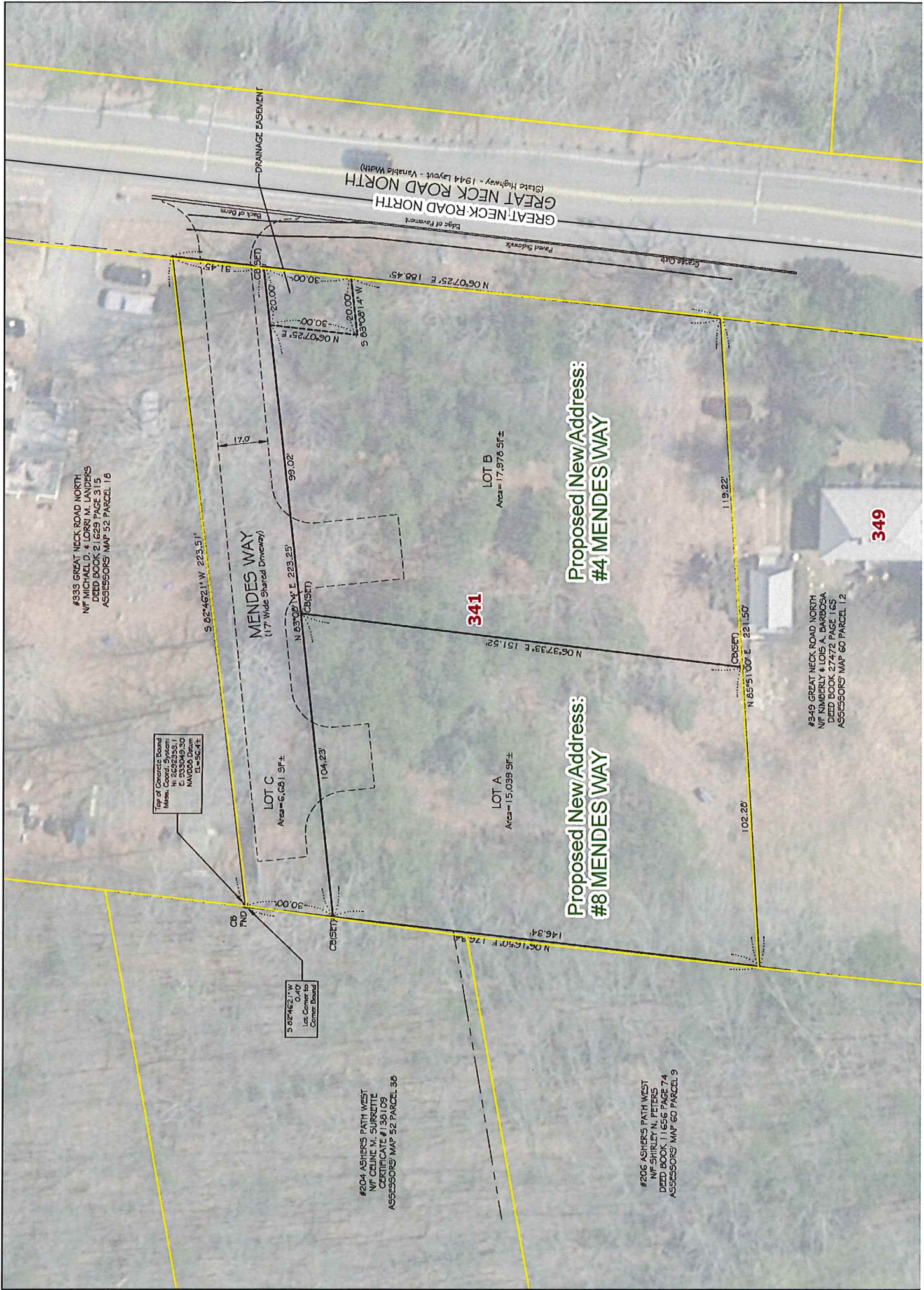
Proposed New Address:
#8 MENDES WAY

Proposed New Address:
#4 MENDES WAY

#349 GREAT NECK ROAD NORTH
 N/F KIMBERLY & LOIS A. BARBOSA
 DEED BOOK 27472 PAGE 165
 ASSESSORS' MAP 60 PARCEL 12

349

#206 ASHERS PATH WEST
 N/F SHIRLEY N. PETERS
 DEED BOOK 11656 PAGE 74
 ASSESSORS' MAP 60 PARCEL 9





**Mashpee Planning Board
Certificate of Action**

To the Mashpee Town Clerk:

This is to certify that the Mashpee Planning Board, at its meeting of June 19, 2019 made its decision under applicable Massachusetts statutes and Mashpee by-laws and regulations on the application of Blue Sky Towers II LLC for approval of a Special Permit for the construction of a 150' foot personal wireless service facility, on land identified on the Mashpee Assessors' Maps as Map 104, Lot 2 which was filed with the Town Clerk on May 4, 2019.

The application has been withdrawn (copy of withdrawal letter attached). Planning Board members Ms. Mary E. Waygan, Mr. Joseph Cummings, Mr. Dennis H. Balzarini, Mr. John Phelan, Mr. Joseph Callahan and Mr. Robert W. Hansen voted 6-0 to accept the withdrawal "without prejudice" on a motion made by Mr. Phelan and seconded by Mr. Balzarini.

You are hereby requested to retain this certificate and attachments pursuant to Massachusetts General Laws.

Mashpee Planning Board:

Received by the Town Clerk on _____
Date

Town Clerk

Mashpee ADU Bylaw Review By Planning Board Chair
 March 2019

	Model	Mashpee
One ADU per Lot	Y	Y
Special Permit	By Right	SP ZBA
Owner Occupied	N	Y
Separate Housekeeping	Y	Y
Maintain SFH Entrance	Y	N
ADU Subordinate	Y	Y
Size restrictions	Y	Y
ADU cannot be sold	Y	N
No boarding; not rented for less than one month	Y	N
One parking space	Y	Y
No New Driveway	N	Y
Annual Monitoring	N	Y

To see if the Town will vote to amend §174-45.4 of the Mashpee Zoning Bylaw as follows:

§174-45.4 Accessory Apartment:

A ~~Special Permit~~ **Building Permit** authorizing one (1) accessory apartment per lot may be granted ~~by the Board of Appeals~~ if consistent with the following:

- A. In order for an accessory apartment to be permitted, in addition to meeting all of the requirements under subsections B-I, the principal dwelling unit shall not be occupied by anyone other than the property owner as listed on the latest recorded deed. On an annual basis coinciding with the initial date of issuance of the **Building Permit** ~~Special Permit~~, the property owner shall submit to the Building Inspector sufficient evidence to demonstrate occupancy of the principal dwelling unit.
- B. The Applicant must provide documentation, endorsed by the Board of Health or its agent, that the proposed accessory apartment conforms ~~to with~~ all state and town health and sewage disposal regulations.
- C. **Unit Size.** The design, installation, **and** use of an accessory apartment shall be secondary and incidental to the principal use of the structure as the owner's home. An accessory apartment **may** be located within the same structure as said home **or constructed within a new or pre-existing detached structure**. The gross floor area of the accessory apartment shall be not less than three hundred (300') square feet nor more than forty percent (40%) of the gross floor area of said structure on the date the **Building Permit** ~~Special Permit~~ application is filed.
- D. **Interior Design.** The accessory apartment shall be self-contained, with separate sleeping, cooking and sanitary facilities for the exclusive use of the occupant(s). Provided that the requirements of subsection B are met, there shall be a maximum of two (2) bedrooms in an accessory apartment. Rooms which might be converted at some future time to a bedroom, such as studies, studios, libraries and the like, shall be counted as bedrooms for the purposes of this Section.
- E. **Exterior Design.** Modifications to the exterior of an existing principal structure resulting from the installation of an accessory apartment **located within the same structure as the applicant's home** shall be consistent with the principal structure's predominant character as a single-family home.

Detached accessory apartments shall be consistent with the principal structure's dominant design character, will contribute to the subject property's lot coverage maximum and shall comply with the dimensional criteria established in § 174-31.

Appropriate landscaping may be required in order to provide a buffer between the applicant's lot and abutting properties.

- F. **Parking.** Notwithstanding the provision of § 174-39, at least one (1) off-street parking space shall be provided for the accessory apartment in addition to any other off-street parking requirement.

- G. No new driveway or curb cut shall be created to service the accessory apartment, unless the **Building Commissioner Board** determines that, due to severe topographic or other constraints on the lot, the required parking cannot be provided without relief from this provision and unless any necessary town or state curb cut permit is approved.
- ~~H. Any application for a Special Permit under this Section shall require the submission of three (3) original copies of the application, plans and documentation required under §174-24C.3 for Special Permit application to the Board of Appeals.~~
- ~~I. The Special Permit granted under this section shall run with the property owner and shall lapse upon sale and/or transfer to another property owner.~~
- H. The accessory apartment shall not be rented or occupied until a Certificate of Occupancy has been issued by the Building Inspector.
- ~~I. A single accessory apartment per existing principal structure is exempt from the Plan Review requirement of §174-24.B.~~
- I. **An accessory apartment shall not be used for boarding and lodging, or other commercial use. An accessory apartment and principal dwelling to which it is accessory may be rented for periods not shorter than one month at a time, and are prohibited from any use as rental units on a weekly or daily basis.**
- J. **An accessory apartment is not intended for sale. The principal dwelling and accessory apartment and lot on which they are located shall remain in common or single ownership, and shall not be severed in ownership, including that the lot or buildings thereon shall not be placed in a condominium form of ownership.**

To see if the Town will vote to amend §174-25 (A)(8) Accessory Apartments by replacing the letters 'SP' located in the columns identified as R-3 and R-5 with a 'Y' as follows:

Type of Use	Residential		Commercial			Industrial
	R-3	R-5	C-1	C-2	C-3	I-1
Accessory apartment subject to the provisions of §174-45.4	SP Y	SP Y	--	--	--	--

To see if the Town will vote to amend §174-31: Land Space Requirements Table of the Mashpee Zoning bylaw as follows:

Add footnote #25 under Land Space Requirements Table Footnotes and modify the table accordingly to read ,

- ²⁵ Minimum required setbacks from rear and side property lines shall be five (5) feet for detached accessory apartments permitted under §174-45.4.

To see if the Town will vote to amend §174-3 Terms Defined as follows:

Accessory Apartment - An apartment created within **or detached from** a single-family residential structure under the provisions of §174-45.4.

Dwelling Accessory - A residence created under the provisions of Section 174- 46B(1), containing no more than ~~one (1)~~ **two (2)** bedrooms, which may have kitchen and bathroom facilities and other rooms which are not bedrooms, either attached to or detached from a principle residence on the same lot and not owned separately from the lot or principle residence. ~~Such dwellings may not be occupied by more than two (2) persons.~~

Charles L. Rowley, PE, PLS

Consulting Engineer and Land Surveyor

5 Carver Road
PO Box 9
West Wareham, MA 02576

Tel: 508-295-1881
Cell: 508-295-0545
E-mail: csr63@verizon.net

June 27, 2019

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

Re: Services for month of June, 2019

Attendance at two regular meetings	\$ 390.00
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Inspections

June 18 2019 Meeting at Blue Castle Drive to go over details of finishing the drainage area at Great Neck Road South and other drainage details on Carriage Drive. Met with Jacque Morin.

	1.0 hr.	<u>100.00</u>
Total Amount Due		\$ 490.00