



Eliza Cox

Direct Line: 508-790-5431

Fax: 617-310-9191

E-mail: ecox@nutter.com

April 14, 2021
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By Electronic Mail

Chair John Phelan
Town of Mashpee Planning Board
16 Great Neck Road North
Mashpee, MA 02649
Attn: Evan Lehrer, Town Planner
elehrer@mashpeema.gov

Re: Mashpee Commons – Development Agreement

Dear Chair Phelan and Members of the Planning Board:

We write on behalf of our clients, Mashpee Commons Limited Partnership, Arnold Chace, Jr., Mashpee Commons II, LLC, and GNRS-MA LLC, (collectively, the “Applicants”) to request to appear before the Board at its April 21, 2021 meeting to discuss a proposed zoning amendment in connection with the three-party development agreement between the Applicants, Cape Cod Commission, and the Town of Mashpee.¹ Pursuant to the Mashpee Zoning Bylaw, § 174-27.1(D), the Planning Board, or its designee, leads the municipal review of the elements of a development agreement.

One of the proposed elements of the development agreement is an amendment to the Mashpee Zoning Bylaw through the creation of a zoning overlay district, referred to as the “Community Activity Center” overlay district. We have enclosed a document titled “Overview of Proposed Community Activity Center Zoning Overlay District,” which gives a brief summary of the Applicants’ vision for the proposed zoning. At the Board’s April 21st hearing, we will be asking that the Board appoint two Board members who would be available to meet with the Applicants, their representatives, and members of the Planning Board staff to engage in detailed discussions regarding the proposed language of the zoning amendment and then report back to the full Board.

We look forward to commencing this process and working with the Mashpee Planning Board and its designated Board members to discuss a proposed zoning amendment.

¹ At its March 22, 2021 meeting, the Mashpee Board of Selectmen voted to accept the Applicants’ request for the Town to participate in the three-party development agreement with the Applicants and the Cape Cod Commission.



Please do not hesitate to contact us with any questions.

Very truly yours,

A handwritten signature in blue ink that reads "Eliza Cox".

Eliza Cox

Enclosure

cc: Mashpee Commons Limited Partnership (with enclosure)
Rodney Collins, Town Manager (by email, with enclosure)
Jon Idman, Esq., Cape Cod Commission

A handwritten mark in blue ink, possibly initials or a signature, located to the left of the enclosure list.

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OVERVIEW OF PROPOSED COMMUNITY ACTIVITY CENTER ZONING OVERLAY DISTRICT

As part of the proposed development agreement to expand the existing Mashpee Commons, the Applicants propose to amend the Mashpee Zoning Bylaw through the creation of a zoning overlay district, referred to as the Community Activity Center (“CAC”) overlay district. It is envisioned that the zoning amendment would become an exhibit to, and incorporated by reference, into the development agreement.

As its name suggests, the CAC overlay district has been designated by the Cape Cod Commission (“Commission”) as a Community Activity Center in its 2018 Regional Policy Plan, described as an area “with a concentration of business activity, community activity, and a compact built environment.” The vision for these areas is to accommodate mixed-use development (e.g., a variety of shops, stores, restaurants, office spaces and residential), and a wide range of housing types including single family, attached townhouses, and multifamily residential “in a walkable, vibrant area, to preserve historic buildings, and to provide diverse services, shopping, recreation, civic spaces, housing, and job opportunities at a scale of growth and development desired by the community, with adequate infrastructure and pedestrian amenities to support development.”

The proposed CAC overlay district is consistent with the Commission’s vision for these types of centers. The CAC is a hybrid between conventional zoning and form-based code, more specifically it creates a mixed-use zone, and would allow for a broad range of residential, commercial, civic, educational, and institutional uses subject to certain dimensional and other requirements. It would be superimposed over the underlying zoning and shown on the Official Zoning Map of the Town of Mashpee.

In particular, the CAC seeks to focus growth in existing centers of activity and areas supported by adequate infrastructure. The overlay district will accommodate a variety of housing types, including mixed-use, single-family, multi-family, senior, workforce, and affordable housing. By promoting the efficient use of land and encouraging multi-modal transportation, the CAC overlay district will provide opportunities to live, work and shop in a manner that minimizes dependence on private vehicle trips. It will also enhance and extend the aesthetic character and livability of the currently built environment and reduce the impact of new development on the Town of Mashpee’s water quality and natural resources. To that end, by locating development within the CAC, where there is infrastructure to support the smart-growth envisioned by the draft zoning, the CAC overlay district will further the vision and planning goals articulated by the Regional Policy Plan which, in turn, will reduce the likelihood of sprawl, disruption of undisturbed properties, and the impacts of uncoordinated growth.

To accomplish these objectives, the CAC overlay district consists of three sub-areas: the “Core,” “Transition” and “Edge” areas, which will authorize different uses, densities, and scales. The Core area is characterized by denser development, a variety of mixed-uses (including residential uses primarily on upper floors), more commercial development, and taller buildings.

The Transition area is comprised of neighborhoods that connect the Core and Edge areas and is the middle and more variable portion of the overall zone. It consists of a variety of building types, with more residential uses than the Core area, as well as mixed use and civic buildings.

The proposed Edge area generally includes the perimeter of the CAC overlay district and is the lowest, less variable density portion of the district. It has a smaller variety and scale of building types, with dominantly residential uses, including single family dwellings and attached townhouses. Commercial uses are not authorized in the Edge area.

The CAC overlay district authorizes by right development, subject to certain densities and dimensional requirements. However, the draft also provides that the Zoning Board of Appeals may grant special permit relief from the density and dimensional requirements if it finds that the proposed increase is in keeping with the purpose of the CAC overlay district and the social, economic, or other benefits of the proposal for the neighborhood or town outweigh any adverse effects such as hazard, congestion, or environmental degradation.

Finally, the CAC overlay district also contemplates continuing and expanding on the existing multi-modal transportation methods. Presently, the Commons already has two bus stops, a school bus stop, electric vehicle chargers, and traditional parking. It also authorizes a variety of parking solutions, including on-street parking, shared parking lots, and common driveways.