



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

**Meeting of the Mashpee Planning Board
Wednesday, February 20, 2019
Waquoit Meeting Room, 7:00 P.M.**

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

- Pledge of Allegiance

Approval of Minutes

- Review and approval of meeting minutes from February 6, 2019

Approval Not Required

- Submission of ANR subdivision plan submitted by Cape & Islands Engineering on behalf of Margaux S. Thurber, Thurber Trust to create four (4) buildable lots located at 264 Pimlico Pond Road

New Business - None

Old Business

- Municipal Vulnerability Preparedness Program - Discussion and update on application process
- Consideration and possible action to accept a performance bond for remaining roadway construction to be completed at the cluster subdivision known as Ockway Highlands for lot releases
- Request for release of funds held in escrow – 33 Trinity Place, Cotuit Solar

Chairman's Report

Joint Meeting with Board of Selectman – Affordable Housing on Monday, March 4, 2019

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

- 950 Falmouth Road Request for Proposal
- Proposals from the Town Planner on zoning by-law amendments

Additional Topics (not reasonably anticipated by Chair)

Adjournment

MASHPEE TOWN CLERK

FEB 15 2019

RECEIVED BY _____

**Mashpee Planning Board
Minutes of Meeting
February 6, 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
Also: Evan Lehrer-Town Planner; Charles Rowley-Consulting Engineer
Absent: David Kooharian, Robert (Rob) Hansen (Alt.)

CALL TO ORDER

The Town of Mashpee Planning Board meeting was opened with a quorum in the Waquoit Meeting Room at Mashpee Town Hall by Chairman Waygan at 7:00 p.m. on Wednesday, February 6, 2019. The Chair stated that the meeting was being videographed and recorded and asked that speakers approach the podium stating their name, address and comment. All comments would be directed to the Chair and a determination would be made whether the comment would be acted upon or taken under advisement. The Board appreciates the public for attending and encourages public participation.

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES—December 19, 2018, January 2, 2019 and January 16, 2019

Chairman Waygan requested an addition to the January 2, 2019 minutes. Regarding the vote to continue the Blue Sky Towers LLC meeting to April 1, a date error made by the Chair, the Chair asked that the minutes reflect that the vote was retaken January 16, to correct the date to the first Wednesday in April, April 3. There was consensus from the Board to make the addition.

MOTION: Mr. Balzarini made a motion to accept January 2nd meeting minutes as notated. Mr. Weeden seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to accept December 19, 2018 minutes as submitted. Mr. Cummings seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to accept January 16th as presented. Mr. Cummings seconded the motion. 3 yes, 1 abstained

PUBLIC HEARING

7:10 p.m. Bennett Environmental Associates for Windchime Condominium Trust

The appointed time having arrived, the Chair requested a motion to continue the public hearing due to the absence of one of the voting members on the matter. A deadline had been granted for an extension to May 4.

MOTION: Mr. Balzarini made a motion to continue the 7:10 public hearing because one of the voting members on the item would not be available until March 20, 2019 at 7:10p.m. Mr. Weeden seconded the motion. 3 voted yes, 1 abstained.

Mr. Cummings had recused himself from the matter.

OLD BUSINESS

Request for Release of Funds Held in Escrow, 33 Trinity Place, Cotuit Solar-Mr. Rowley confirmed that there was no new information to report. An email and photograph from Mr. Geysler were not in compliance with the plan, so Mr. Rowley communicated to him the necessary changes. The item will remain on the agenda.

Determination of Adequate Access to Blue Castle Drive-Mr. Polloni, attorney for Ellen Brady and Henry Barr, stated that he was present to request the Planning Board confirm that adequate access to the properties existed due to the Special Permit approved for Ockway Highlands, which required maintenance of Blue Castle Road. Mr. Polloni had comments in response to Mr. Rowley's letter. Mr. Lehrer confirmed that Town Counsel provided correspondence regarding the matter and the Chair made photocopies to share with the Board.

Mr. Rowley reported that, at the request of the Board, he had been in contact with Mr. Polloni to discuss the matter and research the issue further. Mr. Rowley referenced a 2009 plot plan with two lots and questioned the plan, related to the deed that referenced a 1957 conveyance. Mr. Rowley questioned the 130 foot back boundary and the frontage. A Tom Fudala email referenced two sections of the Bylaw, 174-3 and 174-12. Mr. Rowley stated that 174-3 dealt with the definition of a street and had nothing to do with Chapter 41, the street defined as a public way (Selectman, State or County layout), open to the general public or a public/private way approved by the Planning Board under Subdivision Control Statute or approved as adequate access by Planning Board. Blue Castle Drive had not been approved under Subdivision Control. Lots conveyed in the 1950's were prior to Subdivision Control Law. Mr. Rowley stated that the Special Permit issued for Ockway Highlands made no adequacy of Blue Castle Drive for access to lots other than what was approved in the Special Permit. It was Mr. Rowley's opinion that the lot did not comply with 174-3 for adequate access. Regarding 174-12, no building could be erected on a building other than a street, and that section of Blue Castle had not been completed to the full requirements of the Subdivision Regulations. Additional lots on Blue Castle existed beyond the Ockway Highlands lots. As with prior scenarios, Mr. Rowley had inquired of Mr. Polloni whether the property owners could contribute to the full upgrade of Blue Castle.

Mr. Polloni referenced the last paragraph of the letter as a recommendation to meeting the Board and exploring options to compete the road, however, it seemed to be financially infeasible. Mr. Polloni wished to further discuss the question of adequate access, stating that 174-3 allowed the Planning Board to approve adequate access to 20 Blue Castle because the maintenance of Blue Castle was addressed in the Special Permit to Ockway Highlands. There was disagreement as to whether or not the Planning Board left it open to determine adequate access on Blue Castle.

Chairman Waygan stated that more time was needed to discuss the matter further with Town Counsel, who had not yet addressed the issue as described by Mr. Rowley and Mr. Polloni's response regarding 174-3 and 174-12, but Town Counsel confirmed that the Planning Board would be the Board to consider the matter. Mr. Polloni requested that his first two letters be sent to Town Counsel for consideration, which were specific to his argument of using 174-3. Mr. Rowley stated that the Planning Board could not set conditions for construction outside of a Public Hearing and Subdivision process. Chairman Waygan confirmed that Mr. Polloni had requested a Determination of Accessibility, which could be considered outside of a Public Hearing. However, the scope of work

may be beyond the Planning Board's jurisdiction because other parts of the Zoning Bylaw were of consideration. Mr. Polloni stated that no work was being proposed but Mr. Rowley responded that, should work be required by the Planning Board, it would have to be through the Public Hearing process.

The Chair confirmed that there had been past support to maintain the dirt road, so that matter would be discussed further with Town Counsel. Mr. Polloni inquired how the road could be paved in sections, with the need for changes to drainage, stating that it would be unfair to the homeowners. Mr. Balzarini stated that it had been required in other parts of Mashpee. Mr. Rowley stated that the cost for construction could be identified and the percentage that would be required from each potential home owner for the remaining lots to identify a fair share. The Chair stated that she would work with Mr. Lehrer and Mr. Rowley to develop the question for Town Counsel, adding that it would not be addressed at the next meeting, but likely the following meeting.

Consideration & Possible Action to Accept Performance Bond for Lot Releases, Ockway Highlands-Mr. Lehrer reported that Mr. Morin provided an agreement that was between two private entities and received correspondence from Town Counsel about the documentation. To release the lots, different documentation was needed to ensure completion of the work. Mr. Lehrer confirmed with Mr. Morin that the documentation was not correct and advised how best to address the issue. Mr. Rowley agreed, adding that it was necessary that there were stipulations allowing the Town to take the funds to complete the road construction if needed. Mr. Rowley stated that the Board typically received a check held by the Treasurer, rather than a performance bond.

Proposals from the Town Planner on Zoning Bylaw Amendments: Temporary/ Seasonal Signs and Donation Bins-Mr. Lehrer had nothing new to report on the donation bins. Mr. Lehrer incorporated recommended changes to the draft Temporary/Seasonal Signs proposed Bylaw. Mr. Balzarini suggested that the Town provide signage, to be borrowed by business owners. The Chair responded that Yarmouth used that means in order to better manage signage in the Town, although many were stolen because they were left out for too long. Mr. Lehrer suggested that businesses would like more specific and branded signage.

Mr. Lehrer read through and explained the proposed Bylaw. Changes were recommended, as reflected in the edits on the draft.

There was discussion about political signs and their sizing. The Chair requested definitions of temporary signs, sandwich board/a frame signs and temporary free standing signs and 1) should include "general provision." Signs would be allowed 7 days before a specific event and 7 days after the event. "Commercial" will be added to multi-tenant buildings. Restaurant would be added as a use to freestanding signs and Mr. Lehrer will add other examples. Also, "difficult for customers to find" would be added. There was discussion about the locations of free standing signs, to be located on the business property with a minimum setback of 10 feet from the property line and prohibited from parking areas. There was discussion regarding visibility but it was determined that the Building Commissioner would provide enforcement. Mr. Weeden recommended reviewing MassDOT sign regulations and Mr. Lehrer confirmed that he would review to confirm there was no conflict. Banners would be allowed for 30 days. Prohibited signs would include "flowing" and "Electrified signs, neon signs or internally lit signs." Changes would be incorporated and shared with the EDIC and Chair of the Board of Selectmen. Mr. Lehrer will also draft the explanation.

Submission of Proposed Revisions to the Light Industry Overlay District-Mr. Lehrer drafted the explanation and read it to the Board. The Chair recommended that he add the description of use to avoid reference to the Bylaw. The explanation would be due on Monday. Mr. Lehrer would forward the revised explanation to the Board.

CHAIRMAN'S REPORT

2018 Annual Report-Board members were in receipt of a draft and the Chair requested that any comments be forwarded to her. The report would be due on Monday.

March 4 Board of Selectmen Meeting-The next meeting would focus on Affordable Housing and would take place on March 4 at 6 p.m.

Mashpee Commons-An email was received from Tom Ferronti confirming that Mashpee Commons would not be submitting a bylaw for their expansion at the May Town Meeting.

BOARD MEMBER COMMITTEE UPDATES

Community Preservation Committee-The Chair reported that a bill, being sponsored by State Senator Julian Cyr, to guarantee a State match of 45% to local CPA funds, was expected to be signed by Governor Baker. The Chair distributed a list of Community Preservation projects to be considered at May Town Meeting. Projects included Acquisition of 9 Quashnet Road, Conservation Land Restoration of Upper Quashnet River, Garner Bogs/Upper Childs River Restoration Project, Mashpee Community Garden Reconstruction, Attaquin Park Improvements, Mashpee War Memorial, Town Clerk Historic Document Restoration, Restoration of the Parsonage, Transfer of Funds to Affordable Housing Trust, Three Year Funding to Housing Assistance Program, Home Purchase Program, FORWARD Affordable Housing Community and Acquisition of 646 Old Barnstable Road. Projects that required additional information included Middle/High School Running Track Reconstruction and Acquisition of 12 Cypress Circle. Projects that were withdrawn included Mashpee 150th Anniversary and Digitation of the Mashpee Enterprise Newspaper.

Cape Cod Commission-Mr. Weeden reported that the Technical Bulletins were passed by the Assembly of Delegates and had been amended to incorporate comments received. An approval was still needed for the overall Plan.

Design Review Committee-No update

Plan Review-Mr. Lehrer reported that the wireless cell tower would be going to the ZBA to seek a variance for height and was approved conditionally, provided the electric utility would be below ground. Mr. Balzarini inquired how the matter could be considered since the Town Meeting vote was denied. Mr. Lehrer pointed out that the Zoning Bylaw was not specific to the project. Since legal action had been suggested to the Chair, she recommended that Mr. Balzarini could address the matter with Town Counsel in Executive Session. Mr. Lehrer stated that the Public Hearing had been continued, and although the Town Manager had offered for the Planning Board to meet with Town Counsel, the Board could not discuss the application until the reopening of the Public Hearing.

Environmental Oversight Committee-No meeting

Greenway Project & Quashnet Footbridge-The Chair wished to have a quorum of three Planning Board members to call a meeting to work on the matter. Mr. Cummings and Mr. Balzarini agreed to work with the Chair along with other interested parties.

Historic District Commission-No meeting

MMR Military Civilian Community Council-MMR Joint Land Use Study-No meeting

UPDATES FROM TOWN PLANNER

New Assistant Patty Maguffin was introduced and welcomed.

ADDITIONAL TOPICS

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Cummings seconded the motion. All voted unanimously. The meeting ended at 9:47 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS PROVIDED

- Charles Rowley January 2019 Invoice
- Bennett Environmental Associates, Inc. 3/12/18 Engineering Report
- Windchime 1/16/19 Special Permit Modification
- Bennett Environmental Associates, Inc., Plans for Stratford Ponds Condominiums
- CPC List of Proposed Projects
- Application Packet for The Stopped Bus LLC for 147 and 155 Old Barnstable Road
- Mark & Donna Lopez, Preliminary Plan Checklist for 103 Meetinghouse Road
- Cape & Islands Engineering, Ancient Way Improvement 127 Meetinghouse Road
- Charles Rowley 2/4/19 Letter Regarding Request for Determination of Access
- Charles Rowley 2/5/19 Email Regarding Correspondence with Attorney Jonathan Polloni
- Town Counsel Alexandra Graskemper 2/5/19 Letter Regarding 20 Blue Castle Drive/Ockway Highlands
- Table of Use Regulations 174-25
- Coastal Planning and Climate Change
- Woods Hole Group
- Preparing for the Rising Tide
- Town Counsel Alexandra Graskemper 2/6/19 Letter Regarding Agreement Between Planning Board and Developer
- Draft Temporary/Seasonal Sign Zoning Bylaw
- Planning Board Annual Report



FORM A

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

Date: February 7, 2019

To the Planning Board: The undersigned, believing that the accompanying plan of his or her property in the Town of Mashpee does not constitute a subdivision within the meaning of the Subdivision Control law, herewith submits said plan for a determination and endorsement that Planning board approval under the Subdivision Control Law is not required.

Name of Applicant Margaux S. Thurber, TRS., Thurber Trusts Phone 508-477-7272

Address 400 Clayton Road, Chapter Hill, NC 27514

Owner, if different Same as above Phone _____

Address _____

Attach copies of (a) most recent recorded deed and (b) tax bill or Assessor's certification.

Engineer or Surveyor Cape & Islands Engineering Inc. Phone 508-477-7272

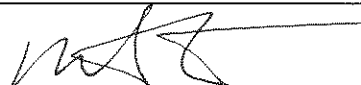
Address 800 Falmouth Road, Suite 301 C, Mashpee, MA 02649

Deed of property recorded in Barnstable County Registry Book 204060 Page 186
2245 2

Land Court Certificate of Title No. _____

Location and description of property 264 Pimlico Pond Road, Mashpee, MA consisting of 7.6 acres of land. Zone R-5. Propose to divide into four (4) lots. Lot 1 to contain 80,009 sq. ft., Lot 2 to contain 80,002 sq. ft., Lot 3 to contain 92,410 sq.ft and Lot 4 to contain 80,878 sq.ft.

Mashpee Assess map(s) and Block(s) 2-21-0

Signature of Owner or Authorized Representative 
Cape & Islands Engineering, Inc.

Attach written authorization signed by owner.

Planning Board
Form N

Notice of Filing
of Application with the Mashpee Planning Board

To the Mashpee Town Clerk:

This is to notify you that on February 7, _____, 20 19 an application for

- endorsement of a plan believed not to require approval
 approval of preliminary plan
 approval of definitive plan

was submitted to the Mashpee Planning Board at its public meeting by

Margaux S Thurber, Trs, Thurber Trusts , 400 Clayton Road, Chapel Hill, NC 27514
Applicant name Applicant address

The land to which the application relates appears on the current Mashpee Assessors Maps as
2-21-0

and is generally described as located

264 Pimlico Pond Road Mashpee, MA. consisting of 7.6 +/- acres currently with a single family dwelling
and shed. Zoning District, R-5. Propose to create four (4) residential lots.

This notice must be submitted to the Town Clerk by delivery or by registered or certified mail, postage
prepaid, along with a copy of the application and submitted plans.

Received by Planning Board on _____, 20 19.

for Mashpee Planning Board

January 30, 2019

Mr. Evan Lehrer, Town Planner
Town of Mashpee Planning
16 Great Neck Road North
Mashpee, MA 02649

**RE: Application for Approval Not Required for 264 Pimlico Pond Road,
Mashpee, MA**

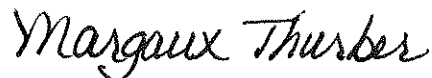
Dear Mr. Lehrer:

This letter is in regard the above referenced application.

Please accept this letter as my written authorization to allow Matthew C. Costa, P.L.S., R.S., President, Cape and Islands Engineering, Inc. and/or his Associates to represent this Approval Not Required Application on my behalf.

If you have any questions, please feel free to contact me at 919-967-2984.

Sincerely,



Margaux Thurber
400 Clayton Road
Chapel Hill, NC 27514
919-967-2984

Cc: Cape & Islands Engineering, Inc.

MARGAUX S. THURBER
400 CLAYTON RD. PH. 919-967-2984
CHAPEL HILL, NC 27514

6367

66-112/531

Jan 30 2019

PAY to the order of *Town of Mashpee*
One hundred and ⁰⁰/₁₀₀

\$ 100.⁰⁰

Dollars

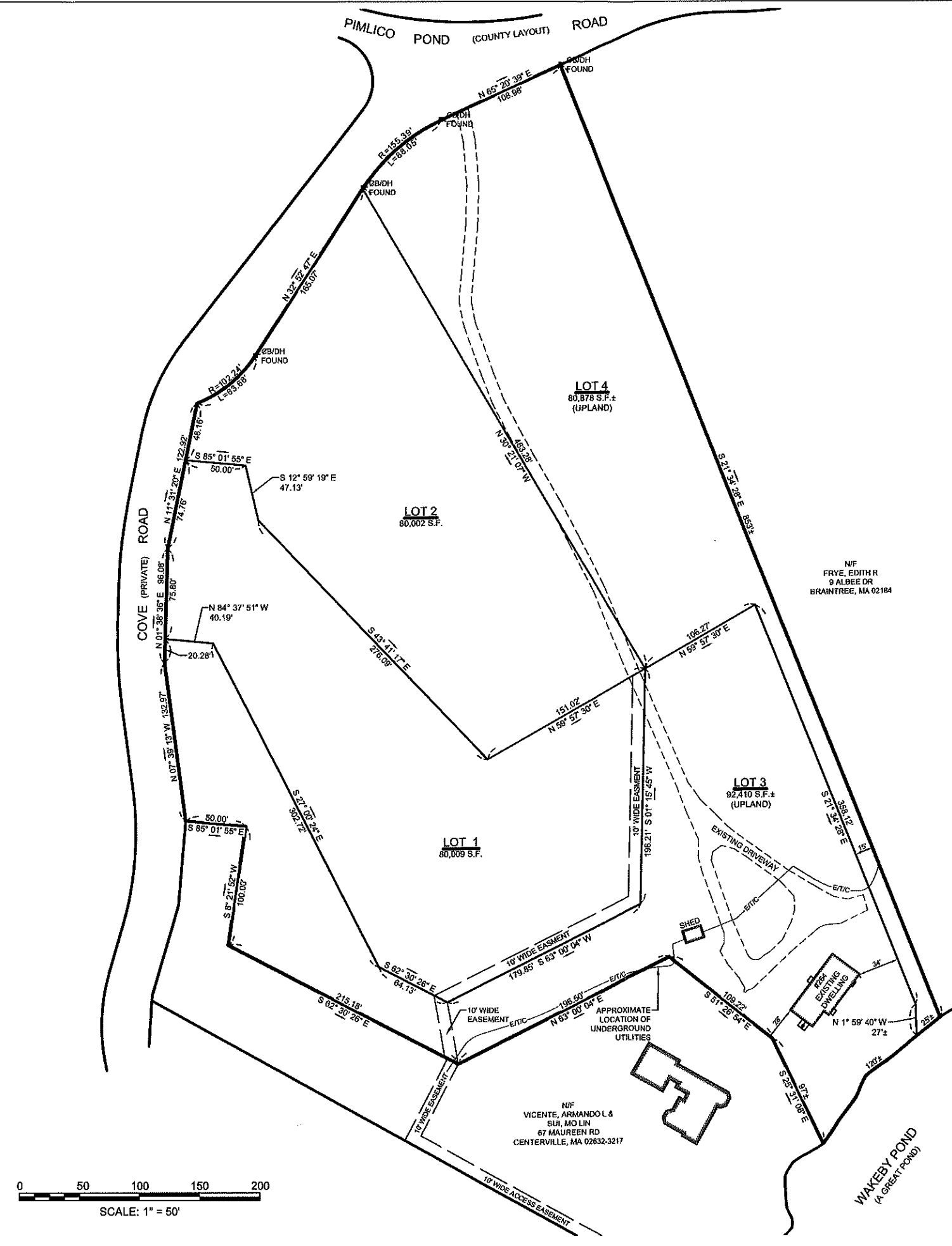
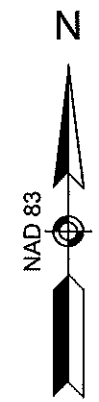
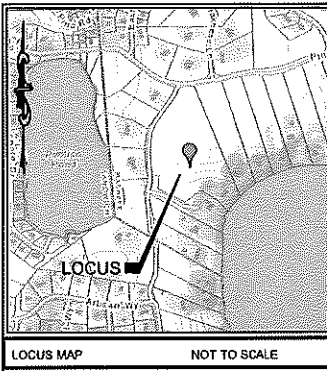


BRANCH BANKING AND TRUST COMPANY
1-800-BANK BBT. BBT.com

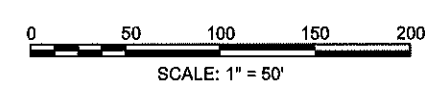
For *Filing Fee ARN 264 Dimes* *Margaux Thurber*
Dona

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Hard Copy



- LEGEND**
- CB CONCRETE BOUND
 - SB STONE BOUND
 - RC ROD CAP
 - IP IRON PIPE FOUND
 - H HYDRANT
 - W WATER SHUTOFF
 - C CATCH BASIN SQUARE
 - U UTILITY POLE
 - G GUY WIRE
 - L LIGHT POLE
 - S SIGN
 - CT CONIFEROUS TREE
 - DT DECIDUOUS TREE
 - TS TREE STUMP
 - SH SHRUB
 - CS CONIFEROUS SHRUB
 - TL TREE LINE
 - OHV OVERHEAD WIRES
 - SW STONE WALL
 - P&R POST & RAIL FENCE
 - SF STOCKADE FENCE
 - PR PICKET ROW
 - CL CHAINLINK FENCE



GENERAL NOTES

LOCATIONS ARE BASED ON AN "ON THE GROUND" INSTRUMENT SURVEY AND ELEVATIONS BASED ON THE NAVD 1988 DATUM. COORDINATE SYSTEM USED IS THE MA-MAINLAND COORDINATE SYSTEM, DATUM: NAD 83.
 UNITS: U.S. SURVEY FEET.
 ZONING DISTRICT: R-5
 PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF NON-HAZARDOUS ZONES X & X(0.2%) BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 25001C0536J, WITH A MAP EFFECTIVE DATE OF JULY 16, 2014.
 DEED REFERENCE: DB 24060 PG 166 & DB2245 PG 2
 PLAN REFERENCE: PB 95 PG 137

PLAN PURPOSE

THE PURPOSE OF THIS PLAN IS TO DIVIDE THE 7.84 ACRE LOT AS SHOWN ON A PLAN ENTITLED "PLAN OF LAND LOCATED IN MASHPEE, MASS. PREPARED FOR ARTHUR THURBER & MARGAUX SUI DATED SEPTEMBER 10, 2007 AND RECORDED IN PLAN BOOK 624 PAGE 16.

I HEREBY CERTIFY THAT THIS PLAN DOES CONFORM WITH THE REQUIREMENTS FOR RECORDING OF PLANS IN THE REGISTRY OF DEEDS.

 MATTHEW C. COSTA P.L.S. DATE

I CERTIFY THAT THIS PLAN AND SURVEY CONFORMS TO THE ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

 MATTHEW C. COSTA P.L.S. DATE

APPROVAL UNDER THE SUBDIVISION CONTROL LAW IS NOT REQUIRED

NO DETERMINATION AS TO COMPLIANCE WITH ZONING REQUIREMENTS HAS BEEN MADE OR INTENDED BY THIS ENDORSEMENT UNDER MGL CHAPTR 41, SECTION 81L.

DATE APPROVED _____ DATE SIGNED _____

 MASHPEE PLANNING BOARD

NOTICE
 THIS PLAN MAY NOT BE ADDED TO, DELETED FROM, OR ALTERED IN ANY WAY BY ANYONE OTHER THAN CAPE & ISLANDS ENGINEERING, INC.
 UNLESS AND UNTIL SUCH TIME AS AN ORIGINAL (RED) STAMP APPEARS ON THIS PLAN NO PERSON OR PERSONS, MUNICIPAL OR PUBLIC OFFICIAL MAY RELY UPON THE INFORMATION CONTAINED HEREIN, AND THIS PLAN REMAINS THE PROPERTY OF CAPE AND ISLANDS ENGINEERING, INC.

REV.	DATE	DESCRIPTION	BY	APPR
OWNER OF RECORD: ARTHUR F. THURBER & MARGAUX S. THURBER TRS. THURBER TRUSTS 400 CLAYTON ROAD CHAPEL HILL, NC 27514				
APPLICANT: ARTHUR F. THURBER & MARGAUX S. THURBER TRS. THURBER TRUSTS 400 CLAYTON ROAD CHAPEL HILL, NC 27514				
PROJECT: APPROVAL NOT REQUIRED 264 PIMLICO POND ROAD MASHPEE, MA 02648				
SHEET NO: 1 OF 1		DATE: FEBRUARY 7, 2019		
DRAWING FILE NAME: PIMLICO_POND_264_THURBER_ANR				
DRAWN BY: JVB		CHECKED BY: MC		
PREPARED BY: CAPE & ISLANDS ENGINEERING CIVIL ENGINEERING - LAND SURVEYING - ENVIRONMENTAL PERMITTING INCORPORATED				
SUMMERFIELD PARK 800 FALMOUTH ROAD SUITE 301C MASHPEE, MA 02649 508.477.7272 PHONE 508.477.9072 FAX info@CapeEng.com www.CapeEng.com				
DRAWING TITLE: PLAN OF LAND				
ASSESSORS INFORMATION: 2-21-0				

Article _

To see if the Town will vote add the following sections to the Mashpee Zoning Bylaw:

§174-57 Temporary/Seasonal Signs

1.) Definitions

Temporary free standing sign: A sign intended to communicate with motorists attached to a pedestal or fixture designed to be placed into the ground and portable. Temporary freestanding signs are not attached to a building or any other permanent structure and are constructed of lightweight materials and used for only limited periods and not for permanent display.

Sandwich Board/A-Frame Sign: also known as a sandwich board, blackboard, A board, or footway signage, means any portable, self-supporting sign intended to communicate with pedestrians.

Banner sign: Any sign printed or displayed upon cloth, plastic or other flexible material with or without frames that is affixed to a building or other permanent structure.

2.) General Provisions

In all districts, no temporary on-premises sign or other temporary on-premises advertising device shall be permitted except as follows:

- a.) The design and location of all temporary/seasonal signs attached to or associated with a commercial property or use shall be subject to approval of the Building Commissioner following design guidelines approved by the Planning Board.
- c.) Temporary signs associated with a non-commercial property, dwelling or use not exceeding 12 square feet may be placed in all districts.
- e.) Signs related to a specific event on a specific date or dates **may be erected 14 days prior to the advertised event** and shall be removed within 7 days after the event **except for temporary banner signs that be displayed for a total of 30 days.**
- f.) A commercial establishment may only be permitted for one (1) temporary sign at a time. Never shall a commercial establishment who may be eligible for a sandwich board and a temporary free standing be permitted for both.
- e.) For multi-tenant **commercial/industrial** buildings, only two (2) temporary free standing signs shall be permitted at any one time.
- f.) **No temporary sign shall be permitted in any designated parking area.**

3.) Sandwich Board/A-Frame

Sandwich board signs are intended for special sales, the advertisement of unique menus or offerings at restaurant establishments, and for businesses that are difficult to locate. Sandwich boards are specifically intended for messaging to pedestrian traffic and shall be regulated independently of other temporary free standing signs.

Only one (1) sandwich board sign is permitted per business and a permit must be obtained from the Building Commissioner to be renewed annually. Sandwich boards will not exceed six (6) square feet per side. These signs are only permitted for retail, **personal service**, and restaurant businesses within the C-1 zoning district and shall be prohibited in the C-2, C-3, I-1, R-3, and R-5 zoning districts. Sandwich board signs are prohibited along primary thoroughfares of Route 28, Route 151, and Route 130 (Main Street) and must be located within 12 feet of the primary business and shall not interfere with pedestrian access. Sandwich Board signs will only be displayed during the commercial storefront's displayed hours of operation and shall be brought inside when not open for business.

4.) Temporary freestanding signs

Temporary free standing signs are intended for special sales for retail and service establishments, the advertisement of unique menus or offerings at restaurant establishments, and for businesses that are difficult **for customers to find**. Temporary freestanding signs are specifically intended for messaging along roadways to pedestrian and vehicular traffic.

The Building Commissioner may approve temporary free standing signs attached to or associated with a commercial property or use for no more than a four month period in any calendar year. **A permit may only be issued for a temporary freestanding sign if it is located on the same property as the business identified on the permit application.**

Only one (1) temporary freestanding sign is permitted per business and a permit must be obtained from the Building Commissioner. Temporary free standing signs will not exceed (12) square feet per side. Temporary free standing signs shall be permitted for all commercial/industrial establishments in the C-1, C-2, C-3, and I-1 zoning districts. **Temporary free standing signs shall not restrict the visibility from ongoing traffic within the abutting way.**

5.) Temporary Banner Sign

Temporary banner signs shall be prohibited except as follows:

- The content of the banner sign is advertising a grand opening event.
- The banner sign does not exceed 32 square feet in area.

MICHAEL J. MARKOFF
ATTORNEY AT LAW
POST OFFICE BOX 212
FALMOUTH, MA 02541-0212

TEL: (508) 548-5500

mmarkoff@verizon.net

February 15, 2019

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

BY HAND DELIVERY

Re: Public Hearing on Cape and Islands Engineering for the Stopped Bus,
LLC for shared driveway

Dear Ms. Waygan:

At the request of Matthew Costa, I listed to a portion of the video of the session of the Town of Mashpee Planning Board held on Feb. 6, 2019, pertaining to the above-referenced public hearing and in particular, to the statement made by Ms. Theresa Synakowski.

Ms. Synakowski's statement referenced a civil action which she identified as "2014 0359." Her statement referred to a "judgment against Matthew [Costa] and his company."

This office represents Mr. Christopher Costa and a company known as Christopher Costa & Associates, Inc., in a case currently pending in the Barnstable Superior Court known as *Theresa Synakowski v. Christopher Costa & Associates, et al*, Civil Action No. 1472CV00359. This is clearly the case to which Ms. Synakowski referred in her statement to you.

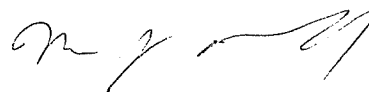
Matthew Costa is **not** a party in this case. Cape and Islands Engineering is also **not a party**. The Complaint filed by Ms. Synakowski and her attorneys, which commenced this action, did not raise any claims against Matthew Costa or Cape and Islands Engineering.

A trial was held in this case in October, 2018 and the jury returned a verdict. On Jan. 3, 2019, the Superior Court held a hearing on the defendants' post-trial motion for judgment notwithstanding the verdict. At the close of the hearing, the Court (Gildea, J.) took the motion under advisement and as of today, has not yet issued a ruling. No judgment has entered in this case.

Because Matthew Costa is not a party in the case, no judgment can possibly be entered against him in this case. Similarly, no judgment can possibly be entered in this case against Cape & Island Engineering, Inc.

If you have any questions or seek any further information about this case or would like copies of any of the pleadings filed in this case, please let me know. My mailing address, email address and telephone number are listed above in the letterhead.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael J. Markoff". The signature is fluid and cursive, with a prominent initial "M" and "J".

Michael J. Markoff

enc.

cc: Mr. Matthew Costa