



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

Meeting of the Mashpee Planning Board  
Wednesday, February 6, 2019  
Waquoit Meeting Room, 7:00 P.M.

MASHPEE TOWN CLERK

FEB - 4 2019

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**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 **December 19, 2018, January 2, 2019 and January 16, 2019.**

### Public Hearing

**7:10 PM – Bennett Environmental Associates for Windchime Condominium Trust** *(Continued from 01/16/2019)*

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

**7:20 PM – Cape and Islands Engineering for The Stopped Bus LLC**

Consider an application for a Special Permit for a shared driveway to access 147 and 155 Old Barnstable Road pursuant to Massachusetts General Laws Chapter 40A Section 9 and the Mashpee Zoning Bylaw §174-25(l)(4). These lots were created by the Quashnet Valley Country Club cluster subdivision approved April 16, 1980 and recorded at the Barnstable County Registry of Deeds in Plan Book 358 Page 23.

### Preliminary Subdivision Plan

- Submission of preliminary subdivision plan submitted by Cape & Islands Engineering on behalf of Mark and Donna Lopez at 103 Meetinghouse Road to create three (3) buildable lots and two (2) open space parcels in cluster configuration under Article IX, Section 174-47 of the Mashpee Zoning Bylaw.

### New Business

- C. Rowley Invoice – January 2019
- Discussion on zoning and housing development strategies.
- Endorse official copy of the Mashpee Zoning Map amended October 15, 2018.
- Municipal Vulnerability Preparedness program (MVP) discussion and update on application process.

### Old Business

- 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.
- Proposals from the Town Planner on zoning by-law amendments: Temporary/Seasonal Signs and Donation Bins.
- Submission of proposed modification to the Light Industrial Overlay District by Planning Board
- Request for release of funds held in escrow – 33 Trinity Place, Cotuit Solar
- Determination of Adequate Access to Blue Castle Drive (Brady;Barr)



# Town of Mashpee

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16 Great Neck Road North  
Mashpee, Massachusetts 02649

## Chairman's Report

- 2018 Annual 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

- Welcome Planning Department Administrative Secretary Patty Maguffin.

## Additional Topics (not reasonably anticipated by Chair)

## Adjournment

**Mashpee Planning Board**  
**Minutes of Meeting**  
**January 2, 2019 at 7:00 p.m.**  
Waquoit Meeting Room, Mashpee Town Hall  
Approved 2/6/19

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

**Also:** Evan Lehrer-Town Planner; Charles Rowley-Consulting 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 the Chair at 7:03 p.m. on Wednesday, January 2, 2019. The Chair stated that the meeting was being videographed and recorded and asked that speakers approach the podium and state their name, address and comment. The Chair stated that all comments should be addressed through the Chair and the Board and a determination would be made whether comments would be heard by the Board, or taken under advisement.

The Pledge of Allegiance was recited.

**APPROVAL OF MINUTES—December 19, 2018**

Mr. Lehrer offered a correction, on page 10 under Evergreen Energy, to read “4 acres” in place of “4 miles.” The change was made in the copy of the minutes received by the Board. Having just received the minutes, the Board would consider them for approval at the next meeting.

**PUBLIC HEARING**

**7:10 p.m. Blue Sky Towers II, LLC Application for Special Permit to Erect a Personal Wireless Service Facility at 101 Red Book Road, Mashpee Fire Station #2 (Assessors 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 appointed time having arrived, the Chair read for the record the Public Hearing Notice. The Chair directed meeting attendees to copies of a letter requesting a continuance. The Chair read the letter from Duval, Klasnick & Thompson, LLC, representing the project proponent, into the record. The continuance was requested to allow the ZBA to consider a height variance for the project, located outside of the Wireless Overlay District.

**MOTION: Mr. Balzarini made a motion to continue the Public Hearing to April 1, 2019 at 7:10 p.m. Mr. Cummings seconded the motion. All voted unanimously.**

*\*\*During the February 6 Planning Board meeting, the Chair requested that the vote retaken on January 16, correcting the mistaken date of April 1 to the first Wednesday of April (April 3, 2019), be noted in these minutes. There was consensus from the Board.\*\**

The Chair announced that the Board could not receive public comment at this time. A link was located on the Planning Board's page of the Town's Website with guidelines to submit public comment and an email address, [planningboard@mashpeema.gov](mailto:planningboard@mashpeema.gov).

Frustration was expressed by a meeting attendee. The Chair reiterated that the Public Hearing was not open, recommended a copy of the letter and Mr. Lehrer, who would be available to respond to questions.

Later in the meeting it was brought to the attention of the Chair that April 1 was a Monday. Mr. Lehrer pointed out that the motion should be rescinded and the Chair asked that it be added to the agenda for the next meeting to correct the motion with a date of April 3, 2019.

## **NEW BUSINESS**

**Charles Rowley Invoice, December 2018**-Mr. Lehrer reported that he was in receipt of an invoice from Mr. Rowley for December services totaling \$390.

**MOTION: Mr. Balzarini made a motion to approve \$390. Mr. Cummings seconded the motion. All voted unanimously.**

Planning Board members signed the documentation.

**Sign Escrow Release for Wastewater Treatment Upgrades, Windchime Condominium Trust**-Mr. Lehrer reported that \$20,000 remained as security in the account to address landscaping issues. The Treasurer provided a spreadsheet outlining the remaining amount, the total of which was \$167,683.82. The value to be released to Windchime was \$145,829.65 for the upgrades to the Wastewater Treatment Plant. Mr. Cummings inquired about the \$21,854.17 remaining for the landscaping and Mr. Lehrer responded that he had not yet fully researched the performance guarantee and that there would be further discussion with Mr. Mooney about the amount. The release was signed by Board members.

**Draft Special Permit Modification Decision, Windchime Condominium Trust**-The Chair noted that the draft Special Permit Modification had been distributed to Board members for review, but there could be no discussion until the public hearing at the next meeting. All comments should be directed to Mr. Lehrer.

**Determination of Adequate Access to Blue Castle Drive & Authorization to Speak with Consulting Engineer**-The Chair referenced two letters received from Attorney Jonathan Polloni on behalf of his clients, Ellen Brady and Henry Barr, property owners on Blue Castle Drive. Mr. Polloni was representing his clients regarding their unbuilt properties located on the unpaved portion of Blue Castle and emphasized their unique situation. The property owners were seeking to develop their lots with the road in its current condition. Mr. Rowley confirmed that work scheduled to be completed on Blue Castle for December, had been completed. Mr. Polloni indicated that his clients' properties were located at 20 and 28 Blue Castle Road, located nearest Great Neck Road South. The Chair confirmed that those properties were part of the designed road required for the Ockway Highlands development. Mr. Polloni reported that he had attempted to communicate with Mr. Morin regarding a resolution with some sort of contributions to maintenance of the road, but Mr. Morin was expressed interest only in

accepting costs related to paving the roadway. Mr. Polloni also inquired about membership in a Homeowners Association but Mr. Morin stopped communicating with Mr. Polloni. Mr. Polloni was seeking authorization from the Planning Board to determine adequacy of the road so that the homeowners could obtain a building permit.

Mr. Balzarini felt that the homeowners should not be responsible for the road or be part of the association. After reviewing the minutes, Mr. Polloni noted that the developer's attorney, although voluntary, stated that the property owners could join the Association at a prorated cost, in order to assist in the maintenance of the road. Mr. Polloni stated that the question about obtaining a building permit was related to the definition of a street and whether it met subdivision roads. Mr. Balzarini stated that the road had been improved adding that there were already existing homes on the road. Mr. Polloni added that the road would be maintained annually.

Mr. Rowley suggested that the Planning Board needed to review several aspects of the matter, not just the Bylaw. Mr. Rowley researched Blue Castle, noting that records stretched back to 1965, but was likely laid out prior to that time. The release of lots fronting on the street was different than the Subdivision Control Bylaw. Mr. Rowley referenced a similar situation during the 1990s in New Seabury, whereby the road was required to be upgraded and brought to current standards, before lots could be released. Conaunet Highlands (Fox Hill, Candlewood and other area roads), set a similar precedent, whereby project proponents seeking lot releases were required to complete their fair share of road work as a mechanism to ensure that roads were built to a better standard. Mr. Rowley indicated that the road improvements, infrastructure and Special Permit for Ockway Highlands was specific to that development. It was Mr. Rowley's opinion that there was still work necessary to upgrade the roadway between the two paved areas, including storm water management. Mr. Rowley confirmed that the travel area had been widened to 16 feet and cleared to 20 feet, and included placement of reclaimed asphalt materials, stone and drainage swales on each side. It was Mr. Rowley's opinion that the portion of the road should also be extended to 20 feet, adding that the section of the road was considered a subdivision street.

Mr. Polloni disagreed with Mr. Rowley, noting that the road was not paved due to issues of legal right of way. Instead of requiring pavement, the Town offered a compromise of not paving the entire length of the road way. Mr. Polloni suggested that it would be unfair to these homeowners to be required to pave their portion of the roadway, when it would now be more expensive to do so. Mr. Polloni stated that there were only 4 undeveloped lots, so little traffic would be added to the road. Additionally, it was Mr. Polloni's opinion that the lots were created before Subdivision Control Law, referencing a buildability report he had initially drafted explaining the title for the lots, originally owned by David Green and transferred in 1957 to another owner. Mr. Polloni suggested that the Planning Board had the authority to determine adequate access, adding that the non-conforming situation required a unique resolution.

Chairman Waygan referenced her understanding that the neighborhood did not want the roadway paved and Mr. Balzarini agreed. Mr. Polloni emphasized that cost was a factor. Mr. Rowley added that more research was necessary, and inquired about the property being non-conforming and whether it was part of David Green's development. Mr. Polloni stated that the lots did not meet the minimum lot requirement and that they were established in 1957 and he was unsure whether they were part of Mr. Green's development. Mr. Rowley expressed concern that there was a layout for Blue Castle Drive dated 1965, inquiring whether those lots were included with that layout, which would impact whether the lots had rights to Blue Castle and identify the frontage. The Chair wished to send the matter to Town Counsel for further review. Mr. Polloni inquired how the other homes were allowed to

be built and the Chair responded that they asked the same question when Ockway Highlands first came before the Board. Mr. Polloni confirmed that he had initially discussed the matter with the Building Inspector who recommended he approach the Planning Board. The Chair stated that she was ok with the access to the lots but Mr. Rowley recommended that, by not asking for a contribution, it could set a precedent for future locations with less than adequate road construction. The Chair asked for documentation showing that the lots were created in 1957 and Mr. Polloni responded that he would forward the information.

With recent improvements to the road, Mr. Hansen inquired whether new curb cuts could negatively impact the drainage on the road. Mr. Rowley responded that it would likely be minor impact to Blue Castle, but any paved driveway should not interrupt the stone in the swale already constructed. Mr. Rowley added that it was a private way so would not be addressed by the DPW. Mr. Balzarini would like the matter to also be considered by Town Counsel. The Chair asked that Mr. Polloni forward the necessary information to Mr. Lehrer.

**MOTION: Mr. Balzarini made a motion that Mr. Rowley speak with Mr. Polloni regarding Blue Castle. Mr. Weeden seconded the motion. All voted unanimously.**

Mr. Lehrer added that the Planning Board could determine if access was adequate, adding that the situation was unique and the lots were being held hostage to Subdivision Control Law, when not subject to the Subdivision. Paving would require an increase in the storm water management, which would be an additional detrimental cost. Mr. Weeden noted the importance of consistency of roadway width and Mr. Lehrer responded that the road was cleared to 20 feet with 16 feet of reclaimed asphalt and 2 feet of crushed stone for the drainage swale the drainage swale. Mr. Rowley added that he asked Mr. Morin to adjust the roadway and relocate the drainage swale so there would be a smoother transition and so that vehicles would not run into the drainage swale. There was consensus for the Chair to discuss the matter further with Mr. Lehrer and Town Counsel.

#### **Planning Board Comments on Draft Technical Bulletins to Draft Regional Policy Plan-**

The Chair announced that there would be a Public Hearing on January 10, at 3 p.m. at the Barnstable County Complex for review of the proposed Technical Bulletins. The Chair drafted a memo with comments regarding the Technical Bulletins for Housing and Open Space. The Chair did not see much change with Transportation and Nitrogen Loading. The Chair read her draft memo for the Board to suggest any changes. Regarding Open Space, the Chair expressed concern about pocket parks and streetscapes as not being part of true open space contributions, which was reflected in the memo. Board members were in agreement. In addition, the Chair expressed concern about point 3 in Affordable Housing that multi-unit rental housing would not be required to provide affordable housing, which she recommended be removed. Mr. Lehrer noted that the intent was to offer an incentive to increase the availability of rental units which could help shift the demand by increasing the supply of housing. There was discussion regarding the existing 10% requirement. The Chair expressed concern about the removal of affordable housing and suggested that Mashpee should adopt a bylaw with local inclusionary zoning since the market had not yet fixed the need for affordable housing. Mr. Lehrer did not recommend striking point #3.

**MOTION: Mr. Balzarini made a motion to send the letter Chairman Waygan drafted. Mr. Cummings seconded the motion. All voted unanimously.**

The Chair noted that there were additional bulletins to be considered and invited Board members to attend the January 10 meeting.

## **OLD BUSINESS**

**Process to Submit Comments & Materials to Planning Board Members for Residents & Local Organization**-It was confirmed that an email address had been created so that public comments could be directed to the Planning Board. Emailed comments may be sent to [planningboard@mashpee.ma.gov](mailto:planningboard@mashpee.ma.gov). Guidance on how best to submit comments was located on the Planning Board's page on the Town's website.

**Proposals from the Town Planner on Zoning Bylaw Amendments: Temporary/ Seasonal Signs and Donation Bins**-Mr. Lehrer reported that he would be discussing signage guidelines with Design Review on January 15. No language had been drafted for the donation bins but Mr. Lehrer reported that the bins on Great Neck Road North looked like dumpsters, and required regulation. Mr. Lehrer has taken photographs of the bins around Mashpee. Mr. Lehrer also reported that the bins on Main Street had signage indicating that the area was under surveillance, improving the conditions, but it was his opinion that the bins required regulation. Mr. Lehrer asked for guidance on how to pursue the matter and the Chair expressed her preference that the issue be addressed directly with the owners. Mr. Cummings brought up the issue of continual yards sales but Mr. Lehrer responded that they were not buildings so not under the purview of the Board. The Chair did not oppose regulation for new bins but preferred working with the owners of the existing, grandfathered bins. Mr. Lehrer indicated that he had been in contact with the Building Commissioner and would follow up. The concern expressed was that the bins were being used as dumping areas. Mr. Lehrer will provide the Board with images at the next meeting.

Regarding Temporary/Seasonal Signs, the Chair was unclear about the specifics of the proposed bylaw. Mr. Lehrer explained that sandwich board signs would have their own buildout section within the bylaw and temporary signs would be defined. It was the Chair's opinion that it should be within the Bylaw. Regarding pocket signs, it was Mr. Lehrer's opinion that they should be part of a wayfinding project, separate from the Bylaw and would be located on public land. The Chair inquired, while working with the EDIC, the type of signs they were seeking. Mr. Lehrer responded that they were seeking sandwich signs and free standing/roadway signs. Mr. Lehrer further noted that the specific signs allowed would be developed in a design guideline, approved by the Planning Board, including sign types that could be prohibited, or, provided each sign was defined, could be included with the Bylaw. Mr. Lehrer's recommendation was that they be included in a guideline so that a graphic image could be included. The Building Commissioner would then grant a permit based on the guidelines approved by the Planning Board. The Chair again stated her preference that signs be named in the Bylaw, and referred to in the design guidelines. Mr. Lehrer suggested that the Sign Bylaw was already cluttered. Mr. Lehrer will amend the Bylaw to specify the sign types and definitions of what would be prohibited. Mr. Weeden inquired whether all moving signs would be prohibited or if they could be used short term. Mr. Lehrer recommended that there was a need for further definition of signs, such as flashing, moving signs, adding that it was a major project to overhaul the entire sign bylaw, but best to start first with temporary signage. Mr. Weeden liked the idea of a table with graphics and Mr. Lehrer responded that a design guideline could regulate type, dimension, location and quantity. Mr. Lehrer will develop a new draft for the Board.

**Proposed Revisions to the Light Industry Overlay District**-Mr. Lehrer reported that he provided a copy of the time-stamped version of the submitted Light Industry Overlay District proposed modification confirming its submittal to the Board of Selectmen, to be considered for spring or Fall Town Meeting. The Chair stated that an explanation should be included with the zoning change, to include the scope of what was being changed.

## **CHAIRMAN'S REPORT**

### **BOARD MEMBER COMMITTEE UPDATES**

**Cape Cod Commission**-No meeting

**Community Preservation Committee**- A meeting was scheduled for January 24

**Design Review Committee**-No meeting

**Plan Review**- No meeting

**Environmental Oversight Committee**- No meeting

**Greenway Project & Quashnet Footbridge**-No meeting

**Historic District Commission**-No meeting

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

### **UPDATES FROM TOWN PLANNER**

Mr. Lehrer was awaiting the arrival of Administrative Secretary, Patty McGuffin. Mr. Lehrer would be submitting an application for MVP along with other Town departments. Mr. Balzarini inquired about tree clearing at the boat landing and Mr. Weeden confirmed that it was significant. Mr. Lehrer was unsure, but would look into it and report further at the next meeting. The Chair asked to receive the agenda packet on Friday before the meeting.

### **ADDITIONAL TOPICS**

None at this time

### **ADJOURNMENT**

**MOTION: Mr. Balzarini made a motion to adjourn. Mr. Weeden seconded the motion. All voted unanimously. The meeting ended at 8:34 p.m.**

Respectfully submitted,

Jennifer M. Clifford  
Board Secretary

### **LIST OF DOCUMENTS PROVIDED**

- Charles Rowley 12/31/18 Invoice for December Services
- Windchime Condominium Special Permit Modification
- Public Hearing Notice to Consider Application by Blue Sky Towers II, LLC Special Permit to Erect a Personal Wireless Service Facility
- Public Hearing Notice to Abutters within 300' of Proposed Wireless Service Facility
- 12/28/18 Attorney Elizabeth Thompson Email Requesting Continuance for 101 Red Brook Rd.
- 12/31/18 Extension of Action Deadline for Blue Sky Towers II, LLC
- 6/4/18 Attorney Elizabeth Thompson Email Requesting Name Correction to Blue Sky Towers II, LLC
- 5/29/18 Letter RE: Personal Wireless Service Facility from Jerilyn Collier Davis & Freda Byron-Twyman
- 12/224/18 Packet RE: Personal Wireless Service Facility from Michael & Theresa Ronhock
- 11/21/18 Attorney Jonathan Polloni Letter Re: Ellen Brady, Blue Castle Drive
- 11/21/18 Attorney Jonathan Polloni Letter Re: Henry Barr, Blue Castle Drive
- Proposed Light Industrial Overlay District Amendment



-Cape Cod Commission Public Hearing Notice for January 10, 2019 Technical Bulletins to the Draft Regional Policy Plan  
-Chairman Waygan 1/2/19 Memo Regarding Draft Technical Bulletins to the Draft Regional Policy Plan

**Mashpee Planning Board**  
**Minutes of Meeting**  
**January 16, 2019 at 6:00 p.m.**  
Waquoit Meeting Room, Mashpee Town Hall  
Approved 2/6/19

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

**Also:** Evan Lehrer-Town Planner; Charles Rowley-Consulting Engineer

**Absent:** Chairman Mary Waygan, 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 Vice Chair Cummings at 6:04 p.m. on Wednesday, January 16, 2019. The Vice Chair stated that the meeting was being videographed and recorded and asked that speakers approach the podium and state their name, address and comment.

The Pledge of Allegiance was recited.

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

The minutes will be placed on hold until the return of Chairman Waygan.

**MOTION: Mr. Balzarini made a motion to move the minutes to the next meeting. Mr. Weeden seconded the motion. All voted unanimously.**

**PRESENTATION**

**Leslie Richardson, Chief Economic Development Officer & Heather Harper, Chief of Staff, Cape Cod Commission**-Hardcopies of the presentation were distributed to Board members. Ms. Harper referenced the Housing Institute program, created to address the challenges of developing a housing supply on Cape Cod. The Cape Cod Commission was invited to present the relationship between economic development and housing at this year's Housing Institute.

Ms. Richardson stated that the economy was a partnership between the public and private sector. The private sector provided the goods and services, employing workers, while the government established the framework. Economic development typically worked with specific businesses while the Commission developed economic foundations, ensuring that it had the appropriate infrastructure on the Cape and the appropriate regulatory scheme to encourage economic diversity and ensure that partners had the necessary information available and workforce training.

The Cape had 215,000 residents year round with 162,000 housing units and 96,000 people employed. Little land was available to be developed with 79% of parcels already developed. Mashpee year round residents numbered 14,054 with 10,033 housing units. Regional output has changed over the years, with some slowdowns during recession, but now heading back toward the peaks similar to 2003 and 2004. Value and output was generated in retail, tourism and healthcare. Emerging industries are increasing at a faster rate, such as in technology. Employment, jobs, wages and gross regional product

were increasing while housing costs were significantly higher. Households totaling 26,000 were cost burdened, spending 30% of their income on housing.

There were a number of economic factors causing the increase in housing costs, particularly supply, demand and externalities. The supply of housing was impacted by construction costs, turn-over of existing housing stock related to age and alternative housing and the availability of developable property, impacted by zoning, natural constraints and infrastructure. Primarily single family homes have been built on the Cape, creating a “mono culture” so that, when turn over occurs, there were limited opportunities for downsizing. Demand was influenced by what people want, need and can afford. Cape Cod was unique in that there were competing pockets of demand such as retirees versus workers, year round residents versus seasonal and long term versus short term rentals. The second home market continued to be strong with 38% of the housing stock considered seasonal homes, 36% in Mashpee. Externalities occurring on the Cape included traffic, wastewater and protections of drinking water, which also added to housing costs. Sprawl also increased impervious surface, which then increased stormwater runoff, impacting water quality, as well as habitat loss and reducing the ability to impact carbon.

The impact of high housing costs impacts the economy by making it more challenging to attract seasonal and year round workers, as well as limiting workforce diversity. The current economy relied on a large number of people earning lower wages, but it was also a concern for individuals earning higher wages. Statistics showed that earnings for more than one worker were needed to purchase a home on the Cape. The housing situation created economic ramifications for the competitive position of businesses as well as the region as a whole.

Ms. Harper stated that the Cape Cod Commission was working to identify ways to take action on a local and regional basis to increase the variety of housing and reduce costs. The economic goals of the Cape Cod Commission were to maintain and enhance balanced economic development to promote the expansion of employment opportunities and implement a balance for sustainable economic strategy, including the preservation of social diversity by promoting fair affordable housing for lower and median income individuals throughout Cape Cod. In order to impact the housing market, it was necessary to increase diversity of housing with multi-family housing and options other than a single family home on a ½ acre or acre lot. By looking at Cape-wide housing permits issued in 2017, the Cape Cod Commission discovered that there were 441 permits issued for single family homes and just 3 for multi-family homes. The land use practices in the market were not responding to the regional needs for housing diversity, perpetuating the challenge for housing affordability. Ms. Harper discussed the Barnstable County Housing Stress which showed that even those earning 120% of the median income on Cape Cod were unable to afford a median priced home. Looking ahead to 2025 and anticipating some growth and increases in population, employment and economic improvements, the gap between income and housing affordability would continue to grow, and would impact a higher income range.

Ms. Harper stated that the continued growth was unsustainable and a new approach was necessary. As a result, the Cape Cod Commission was focusing on growth in areas with existing centers of activity offering infrastructure and amenities and resources to support additional housing development, with

more compact development. Ms. Harper announced that the Regional Policy Plan was adopted tonight by the Assembly of Delegates, and would support the focus on growth in community activity areas. Nationwide, it has been seen that community activity centers and more compact development sustained population densities higher than on Cape Cod, and would sustain a more diverse population and offer more diversity in housing types and infrastructure such as transportation, broadband, potable water supply green space, open space, education and water quality.

Ms. Harper discussed the Cape Cod Commission's "RESET" program, a targeted planning effort in cooperation with communities, and provided the examples of Orleans Center, Buzzards Bay Center and Davis Straits/Falmouth Center. The program focused on infrastructure investments, such as wastewater planning, regulatory changes, such as increased density, and civic support. Ms. Harper discussed the resources available from the Cape Cod Commission to Cape towns to include the Local Comprehensive Plans, Regional Economic Strategy Executive Team (RESET), District of Critical Planning Concern, Growth Incentive Zone and Community Resiliency by Design.

Mr. Balzarini inquired about increasing the number of jobs that would offer increased pay, in order to afford housing on the Cape. Mr. Balzarini inquired the means by which Mashpee could ensure that Mashpee Commons would be required to offer a specific percentage of affordable housing. Mr. Balzarini inquired whether there were set prices for affordable housing. Ms. Harper responded that the Regional Policy Plan continued to provide affordable housing to those earning less than 80% of the median income, approximately \$180,000, but she will forward the specific information. Ms. Harper stated that it was necessary for the developers to work with the community in a partnership in order to determine what would work best for the community with public investments and the density and what would work best for the developer.

Mr. Lehrer inquired about the 3 multi-family building permits issued in 2017 and whether they represented 40B developments. Ms. Harper responded that there were 3 permits and not necessarily 3 units. Mr. Lehrer referenced the recent wastewater presentation with the Board of Selectmen and the need to meet net zero in nitrogen. Mr. Lehrer pointed out that the best case scenario for septic system treatment of nitrogen was 20 mg/L for a single family home, adding that increased density, with wastewater treatment serving multiple units, provided better treatment. It was Mr. Lehrer's opinion that development should be shifted from single family homes and to developments of a greater density where the infrastructure and nitrogen could be better managed. Mr. Lehrer referenced the use table in the Bylaw allowing 2-families, apartments and garden apartments, which required a 20 acre parcel, basically regulating that only single family homes could be built in Mashpee. Mr. Lehrer suggested identifying land use regulations that would allow more density than a single family property, since there was limited land available.

Mr. Weeden inquired whether Mr. Lehrer would suggest a moratorium on residential housing and Mr. Lehrer responded that there was no sub dividable land remaining in Mashpee. Mr. Lehrer recommended focusing on the commercial center where the infrastructure was already in place and so that there was not encroachment on the residential areas in Town. Redevelopment would continue to be an option. Mr. Weeden expressed concern about increased residential units which would compound problems with higher densities in the growth incentive zones. Mr. Lehrer again referenced the long term wastewater plan, and the need for housing supply, requiring changes to zoning and focusing on

areas that could support density and develop revenue to fund the infrastructure plan and better manage the nitrogen output.

There was discussion about sewerage and the need for good jobs. Ms. Richardson noted that the public sector provided more influence on infrastructure in a way that investments would increase density and provide housing options, which would then bring economic diversity. Mr. Balzarini inquired about surveying the public about whether they would prefer to maintain a one acre requirement. Ms. Harper responded that the Community Resiliency Program in the three towns did include a survey. They will send a link to the Hyannis survey to Mr. Lehrer. Ms. Harper stated that they had found greater tolerance in planning areas where communities desired increased growth and more compact development. Mr. Weeden noted his struggle with developments of higher density to achieve clean water. Mr. Lehrer referenced the collection of revenue and his recent conversation with Mashpee Commons regarding their wastewater treatment plant. The Mashpee Commons wastewater facility treated effluent at 3 or 4 mg/L, totaling hundreds of thousands of gallons each year, contributing the same amount of nitrogen to the system as a couple of single family homes. Mr. Balzarini inquired about previous flow issues and Mr. Ferronti, Mashpee Commons, confirmed that the flow was regulated, all of which was constantly equalized. Ms. Richardson stated that density would be allowed at the activity centers where the infrastructure was already in place and would provide a variety of types of housing that would be appealing to a variety of workers.

Mr. Lehrer stated that he could forward any additional Board questions to Ms. Richardson or Ms. Harper. There was discussion about other options to a traditional septic system. Interest was expressed in visiting the Base to review other wastewater systems and Mr. Lehrer agreed to look into the possibility.

## **PUBLIC HEARING**

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

The appointed time having arrived, the Vice Chair read for the record the Public Hearing Notice. Mr. Lehrer stated that due to the passing of her father, Chairman Waygan was not in attendance at tonight's meeting. As a resident of Windchime, Vice Chair Cummings had recused himself on this matter. As a result, there would be only three Board members to vote, with Mr. Hansen seated, so the applicant requested a continuance until the next meeting in February.

**MOTION: Mr. Balzarini made a motion to continue the Public Hearing to February 6, 2019 at 7:20 p.m. Mr. Weeden seconded the motion. All voted unanimously.**

## **NEW BUSINESS**

**Vote to Set Public Hearing Date for Special Permit Application, Cape & Islands Engineering for Steven Joyce Hynds for Shared Driveway at 147 & 155 Old Barnstable Road-** Mr. Lehrer stated that he was in receipt of a Special Permit application for a shared driveway.

**MOTION: Mr. Balzarini made a motion to schedule a Public Hearing to February 6, 2019 at 7:10 p.m. for a shared driveway at 147 & 155 Old Barnstable Road. Mr. Weeden seconded the motion. All voted unanimously.**

**Submission of Preliminary Subdivision Plan Submitted by Cape & Islands Engineering for Mark & Donna Lopez at 103 Meetinghouse Road to Create Three Buildable Lots & Two Open Space Parcels in Cluster Configuration-**Mr. Lehrer reported that he was in receipt of the preliminary plan submission, adding that the Board had reviewed the plan in 2018 for an ANR. Vice Chair Cummings signed the form that would kick off the timeline with the Town Clerk.

**MOTION: Mr. Balzarini made a motion to accept the submission of the preliminary plan. Mr. Weeden seconded the motion. All voted unanimously.**

Mr. Rowley noted that, with a prior similar project, he had met with Chief Rullo regarding access and concerns regarding access to Meetinghouse Road. Mr. Rowley stated that the road improvements would be going over the existing traveled way and suggested that it would likely require reconstruction. Mr. Lehrer added that Matt Costa, engineer for the plan, requested to discuss the matter further with Mr. Rowley, if authorized by the Board. There was consensus from the Board to do so.

**Consideration & Possible Action to Accept Performance Bond for Lot Releases, Ockway Highlands-**Developer Jacques Morin distributed a spreadsheet identifying the necessary work to be completed, and their costs. Mr. Rowley reported that he had visited the site at the end of the previous week and described work that would need to be completed, in the amount of \$59,710.89 and with the additional 50%, would require a bond totaling \$89,566.33. Mr. Rowley noted that the bond included a drainage contingency as well as signage and the traffic mitigation radar/speed sign. Mr. Lehrer stated that the draft agreement provided by Mr. Morin, which would include the value of the bond, would first be approved by Town Counsel before being voted on by the Planning Board. Mr. Rowley drafted some notes on the proposed agreement and asked for permission for it to be shared with Town Counsel. Among his comments, Mr. Rowley stated that a timeframe for the work needed to be established, which would need to be voted on by the Board, the agreement could not expire, the summary of items should be included and disbursement of funds should not be completed until inspected and approved by the Planning Board.

## **OLD BUSINESS**

**Proposals from the Town Planner on Zoning Bylaw Amendments: Temporary/ Seasonal Signs and Donation Bins-**Mr. Lehrer provided Board members with images of the donation bins in Mashpee, with donations abandoned outside of the bins, collections of which occur just once per week. It was Mr. Lehrer's opinion that it would be prudent to regulate the donation bins, since they performed a service in Town, but could be placed in a better location. Despite some research, it was unclear to Mr. Lehrer the incentive to housing the bins. At the request of the Chair, Mr. Lehrer confirmed that business owners were being contacted, after which Mr. Lehrer would develop a proposed regulation.

**Submission of Proposed Revisions to the Light Industry Overlay District-**Mr. Lehrer reported that he would be drafting an explanation of the proposed bylaw, which he would email to Board members once completed.

**Request for Release of Funds Held in Escrow, 33 Trinity Place, Cotuit Solar-**Mr. Rowley reported that had been in contact with Conrad Geyser and had performed an inspection. Mr. Rowley stated that the plan showed a gravel return was shown beyond the end of their construction. Existing

conditions were not as shown on the plan. Mr. Rowley notified Mr. Geysler, indicating that he would complete the inspection for the remaining bounds once the return was completed. Mr. Rowley has not heard back from Mr. Geysler.

**Determination of Adequate Access to Blue Castle Drive**-Mr. Lehrer reported that Mr. Polloni provided the results of the title search for his client, as well as the property's deed. The information has been forwarded to Town Counsel for consideration. Mr. Rowley had additional questions about the matter and was anticipating a call from Mr. Polloni. Mr. Rowley stated that the plan showing their lot reflected dimensions that were different from the deed. Mr. Rowley believed the surveyor may have squared up the property line, which was not appropriate. Mr. Rowley also referenced a 2017 email from Mr. Fudala referencing two different bylaws. The Board authorized Mr. Rowley to follow up with Mr. Polloni.

## **CHAIRMAN'S REPORT**

Not at this time

## **BOARD MEMBER COMMITTEE UPDATES**

**Cape Cod Commission**-Mr. Weeden reported that there was another meeting regarding the RPP Technical Bulletins. At the time, public comments were still being received and a follow up meeting would be scheduled to consider the comments. Many of the comments were regarding the need for housing and that language in the bulletins seemed too passive, also concerns about wildlife areas and natural resources.

**Community Preservation Committee**- No update

**Design Review Committee**-Vice Chair Cummings reported that there was discussion about delineating the roles of Design and Plan Review. Mr. Lehrer stated that, based on the Bylaw, at one time the two committees met as one, so it was necessary to better define the roles and responsibilities of each in order to develop a more specific guideline that would reflect the values of Mashpee. The guidelines would provide better clarity and concrete recommendations for both the Committees and the applicants. The Planning Board would eventually approve the guidelines. Mr. Hansen expressed concern about lighting at Christ the King Church and Quashnet Country Club, which were blinding to drivers. There was discussion regarding lighting and illumination and the need to define the intensity of light. Mr. Rowley stated that lighting could be designed so that it did not extend beyond lot lines and plans should show the intensity of lighting.

**Plan Review**- No update

**Environmental Oversight Committee**-Vice Chair Cummings reported that the Community Gardens had been approved for a \$45,000 grant. Mr. Lehrer inquired whether funds were intended to be used for parking, adding that it was unnecessary but that he would follow up to inquire further. Vice Chair Cummings reported that some shellfish permits had been revoked due to theft or over fishing. A meeting would be held regarding the difficulties at Santuit Pond with the heavy rains as the state of the pond had gotten worse. Parking lots and trails would be improved in the conservation areas and work would begin on the restoration for Quashnet and Childs Rivers.

**Greenway Project & Quashnet Footbridge**-No meeting

**Historic District Commission**-No meeting

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

## **UPDATES FROM TOWN PLANNER**

Mr. Lehrer reported that the Attorney General had vetted and approved all Bylaws from the October Town Meeting. Zoning would be active, retroactively as of October 15. Mr. Lehrer also reported that he joined the Conservation Agent on a visit to Evergreen Energy, confirming the removal

of some of the stock piles. The Building Commissioner has issued a cease and desist. Mr. Lehrer viewed a general plan for restoration, but a meeting would be scheduled to discuss a five year plan and maintenance plan of the restoration. The Cape Cod Commission has been made aware of the clearing and illegal activity and has asked that the Mashpee Conservation Commission take the lead on managing the issue. It was confirmed that the DRI could be amended because 4 ½ acres had been cleared. The Conservation Restriction would not be signed due to the need for the development of the restoration plan, and lots would not be released until the matter was resolved.

#### **ADDITIONAL TOPICS**

A motion was requested by roll call vote, the matter to correct the date for the Wireless Tower Hearing was added to the agenda. Mr. Lehrer clarified that the hearing had been scheduled at the last meeting, but it was not scheduled on a meeting night.

**MOTION: Mr. Balzarini made a motion, by roll call vote, to add to the agenda to change the vote taken for the cell tower. Mr. Weeden seconded the motion. All voted unanimously. Mr. Weeden-yes; Mr. Balzarini-yes; Vice Chair Cummings-yes**

**MOTION: Mr. Balzarini made a motion to set the cell tower hearing to April 3 at 7:10 p.m. Mr. Weeden seconded the motion. Mr. Weeden-yes; Mr. Balzarini-yes; Vice Chair Cummings-yes**

#### **ADJOURNMENT**

**MOTION: Mr. Balzarini made a motion to adjourn. Mr. Weeden seconded the motion. All voted unanimously. The meeting ended at 8:00 p.m.**

Respectfully submitted,

Jennifer M. Clifford  
Board Secretary

#### **LIST OF DOCUMENTS PROVIDED**

- Cape Cod Commission, Economic Development and Housing
- Mark & Donna Lopez 1/6/19 Preliminary Plan Checklist
- Cape & Islands Engineering, Roadway Improvement 127 Meetinghouse Road
- Charles Rowley 1/16/19 Email Regarding Ockway, Balance of Work
- Jacques Morin Comments Regarding Charles Rowley Letter
- Ockway Highlands-Blue Castle Spread Sheet
- Ockway Performance Bond Text
- Catherine Laurent 1/15/19 Email Regarding Blue Castle Drive Hazards
- Ernie Virgilio 1/4/19 Email Regarding Existing Conditions at 7 Blue Castel Drive
- Windchime 1/16/19 Email Request for Continuance
- Windchime Condominium DEP Escrow Agreement
- Bennett Environmental Associates, Inc. 3/12/18 Engineering Report
- Documentation of Donation Bin Trash Accumulation
- 9/12/14 Ellen Brady, Blue Castle Drive Deed
- 20 Blue Castle Drive Title Search
- 1/9/19 Letter from Office of the Attorney General Approving Articles 6, 10, 11, 12, 16, 20 from 10/15/18 Town Meeting



**Mashpee Planning Board  
Minutes of Meeting  
December 19, 2018 at 7:00 p.m.**  
Waquoit Meeting Room, Mashpee Town Hall  
Approved 2/6/19

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

**Also:** Evan Lehrer-Town Planner; Charles Rowley-Consulting 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 the Chair at 7:05 p.m. on Wednesday, December 19, 2018. The Chair stated that the meeting was being videographed and recorded and asked that speakers state their name, address and comment. The Chair stated that all comments should be addressed through the Chair and the Board and a determination would be made whether comments would be heard by the Board, or taken under advisement. The Planning Board encourages public participation.

The Pledge of Allegiance was recited.

**APPROVAL OF MINUTES—December 5, 2018**

Mr. Rowley had offered a small clarification under Old Business at the top of page 6, regarding the additional stone being added to the shoulders of Blue Castle Drive.

**MOTION: Mr. Balzarini made a motion to accept the minutes of December 5<sup>th</sup> as written, with the change for Blue Castle Drive under Old Business. Mr. Cummings seconded the motion. All approved unanimously.**

**PUBLIC HEARING**

**7:10 p.m. Road Renaming-Shields Road and Santuit Lane to Santuit Lane**

The appointed time having arrived, the Chair read for the record the Public Hearing Notice. Mr. Lehrer reported that the interested parties met in November to discuss the matter further, and confirmed that an updated map reflected the road name change to Santuit Lane, around the peninsula, with an adjustment to the numbering. Due to the directional numbering, and meetings with the Town, many of the residents were able to maintain their same numbering.

Fire Chief Rullo confirmed that he had met with George Schmidt, representing the neighbors, regarding the re-numbering that had been identified by the 911 Coordinator. Chief Rullo stated that it was atypical for the numbering to start low, in the opposite direction of entering the subdivision. However, Chief Rullo indicated that they were sensitive to the concerns of the neighbors and that the renumbering would affect the least number of people. Chief Rullo stated that, for safety reasons, the Fire Department preferred that low numbers begin at the start of a

one way. Mr. Lehrer added that the numbering of the roadway did not fall under the jurisdiction of the Board and the Board could consider only the renaming of the road to Santuit Lane. Mr. Lehrer believed that the numbering scheme would be approved by the Board of Selectmen. Chief Rullo offered to walk the properties with Mr. Schmidt, prior to placing signage which would be the responsibility of the neighborhood. Mr. Lehrer confirmed that abutters would be noticed of the affirmed decision by the Planning Board and the 911 Coordinator would be contacting Town Departments about the change. Chief Rullo requested that, with the abutter mailing, residents be reminded to ensure that their house numbering was visible because the area was very dark at night. Mr. Lehrer responded that he would include the request. There was discussion regarding lot 76, and Chief Rullo confirmed that addressing was based on the location of the driveway, to allow emergency responder access.

George Schmidt, Santuit Lane, referenced a string of emails received regarding supporters of the re-naming and re-numbering, copies of which have been added to the file. Mr. Schmidt confirmed that signs had been ordered and would be paid for by the Ryan's Neck Association. Mr. Schmidt confirmed that he would consult with the Fire Department to place the signage. The Chair referenced the emails, noting each individual's support.

**MOTION: Mr. Balzarini made a motion to close the Public Hearing. Mr. Cummings seconded the motion. All approved unanimously.**

**MOTION: Mr. Balzarini made a motion to rename the street from Shields Lane and Santuit Lane to Santuit Lane. Mr. Cummings seconded the motion. All approved unanimously.**

**7:20 p.m. Bennett Environmental Associates for Windchime Condominium Trust**  
The Chair read for the record the Public Hearing Notice. Mr. Cummings recused himself because he was a resident of Windchime Condominiums and the Chair seated Alternate member, Mr. Hansen, to consider the matter as a full acting member. The Chair further explained that Special Permit Modifications required a vote of 4 unanimous members and inquired whether the project proponent wished to move forward with the Board of 4 or request that Mr. Cummings sit on the matter. The project proponent wished to move forward with 4 members.

Joe Mooney, Gold Leaf Lane, was present to represent the homeowners of Windchime. In addition, David Bennett, Bennett Environmental Associates, was also present. Mr. Mooney requested that the Planning Board release escrow funds being held by the Town, in the amount of \$166,000, to Windchime, so that the funds may be used for planned improvements to their wastewater treatment facility. Mr. Mooney confirmed that funds in the amount of \$165,750 were already being held by DEP through a Financial Account Mechanism, which would be available to cover any future updates and was redundant to the funds being held by the Town.

Mr. Bennett referenced prior meetings whereby he explained their request for a modification to release the escrow funds and potentially adjust the monitoring program outlined by the Special

Permit. Mr. Bennett discussed the outdated treatment system that required an upgrade with modern improvements. Mr. Bennett noted that his company had completed a similar upgrade at Stratford Condominiums, adding that he was confident that it could meet the effluent limitations.

Mr. Bennett stated that the monitoring requirements, as stated in the Special Permit, were unique to Windchime. It was Mr. Bennett's opinion that the required monitoring did not meet the intent of the Special Permit as it focused on just one facility and was adjacent to the larger Mashpee Commons' facility, sharing a plume. Mr. Bennett stated that there were 12 years of data provided and confirmed that there had been impact to the river due to development in the area, but not specific to Windchime, which contributed a fractional portion of less than 2%. Mr. Bennett would like consideration for a better way to expend funds to satisfy the Special Permit or reduce some of the surface water and piezometer monitoring from quarterly to annual testing. Mr. Bennett asked that the requests be considered separately due to the Board having only 4 voting members.

Mr. Balzarini agreed that the funds should be released to upgrade the plant but inquired about future improvements. Mr. Moody responded that the DEP's FAM would address future financial needs for the facility to improve or repair, and would require a 90-day repayment. Mr. Balzarini inquired whether the facility would be meeting 10 mg/L or 5 mg/L. Mr. Bennett responded that their objective would be to treat to 5 mg/L. There was discussion about the Stratford system, to which Mr. Bennett expected that it would reach 5 mg/L at least 60% of the time. Mr. Balzarini agreed that the system needed to be updated. Mr. Bennett confirmed that treatment technology had changed and improved greatly, noting that the work would not be initiated until they were approved by the State. Mr. Balzarini inquired about the ways in which Windchime wished to reduce their monitoring from monthly testing. Mr. Bennett responded that DMRs were submitted electronically to the State on a monthly basis. Mr. Lehrer confirmed that a report was received annually from Windchime, per the Special Permit. Mr. Balzarini stated his preference to review the numbers every 6 months to ensure that standards were being met.

The Chair opened comments to the public. Mr. Cummings reported that he remembered receiving a monthly report. Mr. Bennett stated that current reports had all information, as required by the Special Permit. Mr. Bennett confirmed that he could forward the DMRs at the Board's request. Mr. Bennett indicated that Windchime's data represented only 200 feet along the Mashpee River, a fraction of the amount of impact, and suggested if there was a larger study, their funds could be better used toward the larger study.

Mr. Hansen referenced the 12 years of data and inquired whether limits had been exceeded by the State or the Town and had there been enforcement or mitigation that occurred over that time. Mr. Bennett responded that if limits were not being met, the State would issue a Notice of Noncompliance, requiring measures to be taken to meet the limitations. Notices had been received prior to Bennett Environmental taking over and plans to upgrade the facility would allow them to meet the requirements going forward. Mr. Hansen inquired about the action plan to improve the facility. Mr. Bennett discussed their efforts to adjust the biological processes of

the plant to meet the permit on a daily basis. Mr. Bennett confirmed that sampling was conducted and provided to the State to show that they were addressing issues. Mr. Balzarini recommended that the Association receive reports and Mr. Mooney confirmed that they received the report electronically on a monthly basis.

The Chair referenced the Ground Water and Surface Water Quality Monitoring Plan and inquired about the number of Windchime's monitoring wells. Mr. Bennett confirmed that the Mashpee Commons' plant and monitoring wells appeared on the plan. Mr. Bennett added that the information needed to be considered because the Mashpee Commons plant was located up gradient of Windchime's plant, creating co-mingled plumes. It was confirmed that there were 5 MW wells for Windchime and 3 piezometers and 3 surface water monitoring areas. A schedule of sampling was located in the Annual Report. The Chair requested a chart of well testing, including dates and parameters. If the project proponent was requesting monitoring reductions, the Board would need to review exactly what was being conducted presently in each test site. Mr. Bennett confirmed that each location was tested. In the monitoring wells (5), static water level was tested monthly, civic conducts was tested monthly, pH was tested monthly, Total Nitrogen was tested quarterly, Phosphorus, ortho phosphorus and volatile organic compounds were tested annually. Surface water and piezometers tested nitrogen, Phosphorus and dissolved oxygen quarterly. Monthly testing was to confirm ground water plume direction.

Mr. Weeden inquired whether all monitoring wells were functioning, referencing B2R being destroyed. Mr. Bennett confirmed that B2 was up gradient and had been replaced, but was monitored by Windchime. Mr. Bennett stated that they were not requesting a reduction in what they monitored, but the number of times that they do so. The Chair suggested that Mr. Bennett make a recommendation as to how specifically they would reduce their monitoring. The Chair stated that the Planning Board would be interested in reviewing the monitoring to ensure that the upgrades to the system were effective. The Chair stated that she would consider relaxing the monitoring now, until the new system was installed, and then review the testing before identifying a new testing protocol.

Mr. Mooney inquired about the release of funds. The Chair responded that they could not provide a decision on just part of their application, until the Public Hearing was closed. Mr. Bennett inquired whether they could withdraw the request for a reduction in monitoring. The Chair responded that sufficient information had not been submitted for the Board to make a decision regarding the monitoring but that the request could be withdrawn without prejudice. Mr. Mooney expressed his preference to withdraw the request for monitoring reductions because it was most critical that they be in receipt of their funds, being held by Mashpee, to assist with the upgrade of the plant. Mr. Bennett stated that he wanted to provide testimony now in case the monitoring could be reconsidered at a later date, specifically that surface water and piezometer monitoring be changed from quarterly to annual. Mr. Balzarini expressed his preference to receive reports in July and December. The Chair stated that, beyond the raw data, nothing simplified had been provided in the plan to show the parameters of the monitoring. Mr. Mooney expressed his preference that the funds only be addressed at this time. Mr. Bennett retracted the

water quality monitoring modification request and asked only for the release of escrow funds for the purpose of upgrading the Windchime plant. The Chair confirmed that, under the description for proposed modification, Mr. Bennett would withdraw without prejudice, #2. Mr. Bennett confirmed that he was, but added that Mashpee's Special Permit, under Section 6, defined the required monitoring. Mr. Bennett confirmed that they would withdraw without prejudice.

**MOTION: Mr. Balzarini made a motion to accept the withdrawal of Item #2 on the cover sheet, without prejudice. Mr. Weeden seconded the motion. All approved unanimously.**

Mr. Balzarini stated that Windchime could return to modify the Special Permit specific to the monitoring. Mr. Bennett confirmed that he would like to have a further conversation regarding the required monitoring program because it was his opinion that it was heavy handed and not well-designed.

Regarding Item #1, Chairman Waygan turned to staff for comments. Mr. Lehrer confirmed that the request to release escrow to upgrade the plant was within the parameters of the Special Permit. Mr. Lehrer read Section 9 of the Permit. Mr. Lehrer stated that a clear default to meet Mashpee's level treatment had been noted and the release of funds would be placed toward improving the facility to treat to 5 mg/L, not to exceed 10 mg/L.

Mr. Rowley agreed with Mr. Lehrer's opinion regarding the Special Permit. Mr. Rowley inquired about the DEP permit and the amount of funds needed for the replacement of a more sophisticated plant. Mr. Bennett confirmed that the FAM represented 25% of the cost of total replacement of the plant, adding that comparables were included in the package. Mr. Bennett confirmed that a letter dated September 22, 2017 referenced a cost of \$663,000.

The Chair invited additional public comment. Ralph Laudly, Ivy Lane, stated that he supported the plan to request the funds to assist with upgrade costs. The Chair asked for a show of hands of support from the audience.

The Chair asked whether Mr. Lehrer had drafted a Special Permit Modification. Mr. Lehrer responded that escrow funds were part of the Special Permit, noting that the Board could vote to reduce the amount to zero without a modification to the Special Permit, since it was already held by the Treasurer and since the project proponent's request no longer included modification to the monitoring program. The Chair inquired why the release of funds was included on an application to modify the Special Permit. Mr. Lehrer responded that there had been discussion at meetings and after reviewing the minutes, it was determined that while seeking a modification to the monitoring, the project proponent could also request the release of funds through escrow. Mr. Lehrer stated that he had previously advised that a Special Permit Modification was not necessary to release the escrow funds. The Chair inquired whether, if the paragraph was not struck, it would require the applicant to re-fund the account. It was Mr. Lehrer's opinion that once the account was reduced to zero, the Special Permit would not require the funds be

replenished since the applicant has demonstrated that the FAM was in place to serve as a performance bond for the future.

Mr. Bennett stated that he had been to the Board, twice, regarding the escrow release and reduction to monitoring requirements and concurred with Mr. Lehrer that the minutes indicated that a minor modification was needed to release the funds. The Chair and Mr. Balzarini agreed that the Special Permit should be modified. Mr. Bennett proposed replacing “post a performance bond, in the form of a fund of \$125,000, payable to the Town of Mashpee” with “maintain a Financial Assurance Mechanism.” Also, Mr. Lehrer recommended replacing mention of “the Fund” with “FAM” where appropriate. There was consensus from the Board and agreement that they would vote on the matter after reviewing the draft Special Permit Modification.

Mr. Hansen inquired whether the FAM would be reestablished with the 25% value of the new value of the plant. Mr. Bennett responded that a report was completed annually regarding the accurate value, adding that the matter was updated due to the permit renewal every 5 years, and adjusted accordingly. Mr. Bennett agreed to the changes as discussed.

The Chair stated that the Public Hearing would not be closed at this time to allow for the Board to review the draft, but that the escrow could be released by vote tonight. Mr. Lehrer reported that he received the wrong form from the Treasurer but that the Board could vote to reduce the escrow funds to zero, sign the document and the applicant would sign the document and deliver it to the Treasurer. Mr. Lehrer will make the correct form available as soon as possible, to be signed by the Board.

**MOTION: Mr. Balzarini made a motion to release the performance bond in the amount of \$125,000, plus interest, submitted by Mr. Bornstein, to the amount of \$0 to Windchime. Mr. Weeden seconded the motion. All approved unanimously.**

Mr. Mooney stated that the amount was \$166,319 and Mr. Lehrer responded that, for the purposes of the motion, it was appropriate to state the initial amount required by the Special Permit, knowing that it was an interest accruing account.

**MOTION: Mr. Balzarini made a motion to continue the Public Hearing to 7:10 p.m., January 16, 2019. Mr. Weeden seconded the motion. All approved unanimously.**

Mr. Bennett inquired about the specificity the Board required regarding adjustments to the monitoring. The Chair responded that she would forward her request to Mr. Lehrer who would be in touch with Mr. Bennett. Mr. Rowley recommended developing a timeline to show any significant changes to the groundwater over the 12 year time frame. Mr. Bennett responded that each report contained a conclusion. Mr. Rowley inquired where information was gathered for the monthly reports and Mr. Bennett responded that it was gathered from raw sewerage to the plant, effluent testing (material after disinfection to leach field), monitoring sampling at wells, ground water at piezometers and surface water in the river. Mr. Rowley inquired about testing

for the ability of the plant to function as intended and Mr. Bennett responded that it was the effluent sampling before being discharged to the leaching fields. Mr. Rowley suggested the Planning Board was likely seeing those numbers but Mr. Bennett responded that it was not written as part of the Special Permit. Mr. Bennett stated that the ground water sampling was placed in a chart to show trending. There was discussion about the monitoring and treatment. Mr. Rowley recommended providing a simple explanation highlighting what was sampled and the number of times completed with no significant changes over the 12 years, in order to request modified monitoring.

Mr. Bennett will draft a specific request using the data to support his request. Mr. Bennett expressed concern that Windchime had no control over surface water samples above the plume, which was increasing due to other sources up gradient. It was Mr. Bennett's opinion that Windchime should not be required to conduct \$9,000 per year monitoring when the rest of the Town was not required to do the same. Mr. Bennett added that the data was not being used and suggested that they would prefer to use the money toward a study that would assess the bigger picture. Mr. Rowley stated that Mr. Bennett would need to show the Planning Board that a reduction in the monitoring would not compromise the level of information to the Town. Mr. Hansen felt that the UV treatment would be the appropriate place to assess the outflow.

## **NEW BUSINESS**

**APA Group Membership Dues Invoice**-Mr. Lehrer reported that he was in receipt of an invoice and that American Planning Association membership dues for Mr. Balzarini, Chairman Waygan and Mr. Weeden would total \$310.

**MOTION: Mr. Balzarini made a motion to pay the \$310. Mr. Cummings seconded the motion. All approved unanimously. Mr. Weeden recused himself.**

Planning Board members signed the documentation.

**Sign Release of Security Held for 35 Fox Hill Road, LRME LLC**-Mr. Lehrer reported that Mr. Bevilacqua submitted documentation for a release of covenant, but had forwarded an already executed covenant release. The request should have been the release of funds held in escrow. The terms of the Special Permit have been met since the covenant had already been released. Mr. Rowley confirmed that the work necessary to allow for the covenant release, had been completed.

**MOTION: Mr. Balzarini made a motion to reduce the performance bond to zero for the subdivision Cataumt Highlands 35 Fox Hill Road, Plan endorsed 3/1/12, Covenant date 5/3/12, cash deposit in the original amount of \$7,500. Mr. Cummings seconded the motion. All approved unanimously.**

Release signed by Board members.

**Report from Consulting Engineer for 33 Trinity Place-**Mr. Rowley confirmed that the road construction to extend Trinity Place had been completed and the concrete bounds had been set. A gravel apron that would lead to the old tract of road had been grassed in, but Mr. Rowley notified Conrad Geyser that the approved plan required it to be gravel. Mr. Rowley would need to re-inspect to confirm the location of the concrete bounds and inspect that gravel had been added.

## **OLD BUSINESS**

**Proposed Clarification of Process to Submit Comments and Materials to Planning Board for Residents and Local Organizations-**Mr. Lehrer confirmed that an email address, [planningboard@mashpeema.gov](mailto:planningboard@mashpeema.gov), had been established for the public to directly address the Chair or Planning Board. Correspondence received would be directed to a folder in Mr. Lehrer's email. IT was working on adding the "Guidance" to the Planning Board web page. The Chair requested that it be added this week as she was anticipating comments regarding upcoming matters and Mr. Lehrer confirmed that he would discuss the matter further with IT. Mr. Rowley asked for clarification whether he should use that email and the Chair confirmed that she would like him to cc that email address so that the Town could maintain a record of correspondence.

**Proposed Revisions to the Light Industry Overlay District-**The Chair reported that comments had been incorporated into the draft by Mr. Lehrer. The Chair inquired about designing the Future, to Honor the Past and Mr. Lehrer responded that it was the title of the Design Guidelines and felt that it should be included. The Chair felt that it should be Contextual Design for Cape Cod, but Mr. Lehrer stated that it was an addendum only. The Chair had not yet read the Design Guidelines for Designing the Future and inquired whether it could hurt the project and Mr. Lehrer responded that it did not, stating that he had incorporated both documents. Mr. Lehrer recommended changing "building construction and site design" to "architecture and site design."

**MOTION: Mr. Balzarini made a motion to submit this to the Board of Selectmen as a proposed modification to the Zoning Bylaw. Mr. Cummings seconded the motion. All approved unanimously.**

There was discussion about the Public Hearing, with Mr. Lehrer recommending that it be held earlier and the Chair suggesting that she believed it had to be held within 21 days of Town Meeting. Mr. Lehrer stated that he would look into it but the Chair suggested that it be held closer to when the matter would be considered at Town Meeting.

**Proposals from the Town Planner on Zoning Bylaw Amendments: Temporary/Seasonal Signs and Donation Bins-**Mr. Lehrer reported that he had made no changes but had provided documentation to Board members regarding case studies for allowing donation bins. Existing donation bins would be grandfathered. In order to regulate the placement of bins, the Town would need to consider zoning and permits. Mr. Lehrer recommended that donation bins be regulated, like any other structure, in the use table so that it could be located in a certain area of Town. Bins could not be forced to be removed but licensing or fees might better control their location. There was discussion about how best to regulate the bins and whether the incentives outweighed the cost. Mr. Hansen agreed that fees could be effective and using a stepped fee



might encourage the siting of the bins in better locations. Framingham has passed regulations about donation bins and Mr. Lehrer suggested that further discussion occur about the location and value of bins.

**Rescission of Vote of a Minor Modification to a Special Permit for a Shared Driveway at 659, 673 and 687 Main Street Originally Issued to Brett Field and Z&J Realty Trust on August 6, 2010 and Recorded in Book 24822 Page 220 at the Barnstable County Registry of Deeds-**The Chair read the request. Mr. Lehrer stated that the request to modify the permit had no formal application, but since there was no application, the timeline never kicked in. Mr. Lehrer provided Mr. Rowley's report to the Building Commissioner, who issued the Building Permit. Because there was no application, and a vote was taken by the Board, it was Chairman Waygan's recommendation that the vote be rescinded. The project proponent was already in possession of the building permit. Mr. Lehrer confirmed that they had also received a variance and noted that the Building Commissioner had suggested the project proponent reach out to the Planning Board because he wanted Mr. Rowley's report and not a modification. The Chair suggested that, in the future, something should be acquired in writing. Mr. Rowley suggested that if a variance was granted, it should be added to the file and Mr. Lehrer confirmed that he had done so.

**MOTION: Mr. Balzarini made a motion to rescind the minor modification for Special Permit for the shared driveway at 659, 673 and 687 Main Street, taken on December 5, 2018. Mr. Cummings seconded the motion. All approved unanimously.**

The Chair was in contact with the project proponent.

#### **CHAIRMAN'S REPORT**

**Selectmen's Discussion of Mashpee Commons-**The Chair reported that meetings had been scheduled for January 14 and 15 at 6:30 at Town Hall. The first night would be a presentation of the Comprehensive Wastewater Plan and the second night would be discussion. The Chair asked that Mr. Lehrer draft an agenda since the Planning Board would be attending as a quorum. The Chair noted that she had another previously scheduled meeting so would be cutting it close to attend and suggested Mr. Cummings may need to sit in as Chair. The Chair emailed the Town Manager about inviting the Tribe to attend the meetings.

**Guest Speakers-**The Chair reported that speakers from the Cape Cod Commission would address the Board on Wednesday, January 16 at 6:00 p.m. Leslie Richardson, Economic Development and Heather Harper, Chief of Staff, would be the speakers.

**1998 Vote Section 174-5C-**The Chair reported that she had received correspondence from former Town Planner Tom Fudala, regarding a vote taken in 1998. At the Town Manager's request, the Chair sent an email to him asking that the Bylaw be changed to reflect the vote that was taken in 1998. The Town Manager would then be forwarding the matter to Town Counsel. The Chair stated that a vote taken was not correctly reflected in the Bylaw. The Chair requested that changes be made by Thursday, December 27 and that all petitioners and applicants approaching the Planning Board be given the correction.

## **BOARD MEMBER COMMITTEE UPDATES**

**Cape Cod Commission**-Mr. Weeden stated that a vote was taken to extend the deadline for public comment until January 13. The Chair asked that the item be added to the agenda for discussion at the Board's first meeting of January. The Chair will send a link for Board members to review the performance measures and technical bulletins of the RPP. Mr. Weeden stated that it was the intent of this version to remove some of the minimum and maximums, to provide some flexibility to towns.

**Community Preservation Committee**-The Chair reported that 17 applications had been received and included requests for community gardens, playground/basketball net and bog restoration. The historic applications were complicated and were being considered by Town Counsel. The Affordable Housing Trust was funded and appraisals were being sought for the purchase of parcels.

**Design Review Committee**-There was no meeting.

**Plan Review**- There was no meeting.

**Environmental Oversight Committee**-Mr. Cummings reported that the Bylaw for the plastic straws and polystyrene ban were forwarded to the Board of Selectmen. Mr. Lehrer reported that Friday was the kickoff day for MVP designation and Mashpee would be applying for the design program for Coastal Resiliency, which would identify Town priorities coastal resiliency efforts. Upgrades were being completed at Ockway Landing and heavy rains had contributed to the bloom at Santuit Pond. An Emergency Dam Action Plan was being considered as there was threat of damage and the Quashnet River realignment project would receive funding from CPA funds.

**Greenway Project & Quashnet Footbridge**-No meeting

**Historic District Commission**-No meeting

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

## **PLANNING STAFF UPDATES**

**Administrative Secretary Hiring**-Mr. Lehrer reported that Patty McGuffin would begin during the first or second week of January.

**Evergreen Subdivision Conservation Restriction**-Mr. Lehrer reported that there was no update but Conservation Agent Mr. McManus was continuing to work on the matter. The restriction had not been recorded and Mr. McManus would not sign the restriction until the restoration plan for the land cleared was put in place. To restore the 4 acre area to its natural habitat would take years, so it would likely be restored to a meadow habitat. There was no additional information about the lot releases. Mr. Rowley traced back the clearing beginning in 2006, and has grown since that time. Mr. Lehrer stated that neighbors noticed the extent of the activity and reported it to the Town.

## **ADDITIONAL TOPICS**

None at this time

## **ADJOURNMENT**

**MOTION: Mr. Balzarini made a motion to adjourn. Mr. Cummings seconded the motion. All voted unanimously. The meeting ended at 9:55 p.m.**

Respectfully submitted,

Jennifer M. Clifford  
Board Secretary

**LIST OF DOCUMENTS PROVIDED**

- Public Hearing Notice Changing Shields Avenue and Santuit Lane to Santuit Lane
- Santuit Lane Letter to Abutters
- Santuit Lane List of Abutters
- Santuit Lane Proposed Addressing
- Santuit Lane Letters of Support from Neighborhood
- Public Hearing Notice for Windchime Condominium Trust
- Abutter List Request
- List of Abutters
- Bennett Environmental Associates Packet
- Windchime Special Permit Page 5/242
- Light Industrial Overlay District Amendment Proposal
- Packet Regarding Mashpee Zoning Bylaw Correction

**Mashpee Planning Board  
Public Hearing Notice**

Pursuant to Massachusetts General Laws Chapter 40A Section 9 the Mashpee Planning Board will hold a public hearing on Wednesday, February 6, 2019 at 7:10 PM to consider an application made by Cape and Island's Engineering (applicant), on behalf of the Stopped Bus, LLC. (property owner) for a Special Permit for a shared driveway to access 147 and 155 Old Barnstable Road pursuant to Massachusetts General Laws Chapter 40A Section 9 and the Mashpee Zoning Bylaw §174-25(I)(4). These lots were created by the Quashnet Valley Country Club cluster subdivision approved April 16, 1980 and recorded at the Barnstable County Registry of Deeds in Plan Book 358 Page 23.

Per Order of

Mary E. Waygan, *Chair*  
Mashpee Planning Board

Publication Dates

Friday, January 25, 2019

Friday, February 1, 2019



# Town of Mashpee

16 Great Neck Road North  
Mashpee, Massachusetts 02649

January 23, 2019

**Original Applicant:**

*Cape and Islands Engineering*

**Property Owner:**

*The Stopped Bus, LLC.*

**Subject Property:**

*147 & 155 Old Barnstable Road (Map 67, Parcels 22 and 23)*

Dear Mashpee Property Owner,

As the registered owner of a property located within 300' of the subject property named above, you are being notified that the Mashpee Planning Board is holding a public hearing on **Wednesday, February 6, 2019 at 7:10 PM in the Waquoit Meeting Room, Mashpee Town Hall, 1<sup>st</sup> Floor, 16 Great Neck Road North, 02649** to solicit comments regarding the following case:

*Cape and Island's Engineering (applicant), on behalf of the Stopped Bus, LLC. (property owner) has submitted an application for Special Permit for a shared driveway to access 147 and 155 Old Barnstable Road pursuant to Massachusetts General Laws Chapter 40A Section 9 and the Mashpee Zoning Bylaw §174-25(I)(4). These lots were created by the Quashnet Valley Country Club cluster subdivision approved April 16, 1980 and recorded at the Barnstable County Registry of Deeds in Plan Book 358 Page 23.*

If you wish to provide comment but you are unable to appear before the Board you may submit comments to me in writing via the contact information provided below or by emailing the Planning Board at [PlanningBoard@mashpeema.gov](mailto:PlanningBoard@mashpeema.gov). Your comments will be entered into the public record for the Board's consideration.

If you require any accommodations please submit requests to me via email prior to the specified date and time of the public hearing indicated herein, in legal advertisements in the Mashpee Enterprise, and posted in Town Hall.

Please do not hesitate to contact me by phone, email, or in person should you have questions about why you are receiving this notification.

Sincerely,

Evan R. Lehrer, Town Planner  
[elehrer@mashpeema.gov](mailto:elehrer@mashpeema.gov)  
(508) 539-1400 x. 8521



Town of Mashpee

Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

APPLICATION FOR SPECIAL PERMIT

Date January 9, 2019

The undersigned hereby applies for a Special Permit from the Planning Board.

Name of Applicant The Stopped Bus, LLC. Phone 508-477-7272

Address 53 Chaske Avenue, Auburndale, MA 02466

Owner, if different Same Phone \_\_\_\_\_

Address \_\_\_\_\_

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

Deed of property recorded in Barnstable County Registry Book 31496 Page 105 or  
Land Court Certificate of Title No. \_\_\_\_\_

Location and description of property 147 and 155 Old Barnstable Road, Mashpee. R-5 Zoning. Vacant

Residential Lots. 147 Old Barnstable Road consists of 43,485 sq.ft. and 155 Old Barnstable Road consists of 37, 205 sq. ft.

Mashpee Assessors Map(s) and Block(s) Map 67 Parcel 23 and Map 67 Parcel 22

Zoning District(s) in which property is located R-5

How long have you owned the property August 29, 2018

Section(s) of the Zoning Bylaw which require the permit you seek 174 I (14)

Present use of property Vacant Residential Lots

Proposed use of property Construct and Maintain Single Family Dwellings with Shared driveway

Check one:  Applicant will send notice to abutters via certified mail, with return receipt to Mashpee Planning Board, and will provide certified abutters list.

Applicant requests that Planning Department send notice to parties in interest via certified mail, and will provide labels and certified abutters list.

Signature of Owner or Authorized Representative  
[Signature]

MASHPEE TOWN CLERK

JAN - 9 2019

Attach written authorization signed by owner.

RECEIVED BY \_\_\_\_\_



Town of Mashpee

Planning Board

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JAN - 9 2019

RECEIVED BY \_\_\_\_\_



## CAPE & ISLANDS ENGINEERING

CIVIL ENGINEERING - LAND SURVEYING - ENVIRONMENTAL PERMITTING

INCORPORATED

SUMMERFIELD PARK  
800 FALMOUTH ROAD, SUITE 301C  
MASHPEE, MA 02649  
(508) 477-7272 FAX (508) 477-9072  
email: info@CapeEng.com

January 9, 2019

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

**RE ~ 147 and 155 Old Barnstable Road, Mashpee, MA – Map 67 ~ Parcel 23 and 22**

Dear Mr. Lehrer and Mashpee Planning Board:

On behalf of our clients, The Stopped Bus, LLC., a request of waivers are being sought after for the above referenced properties.

The purpose of this request is to approve the proposed shared driveway for access to 147 and 155 Old Barnstable Road, Mashpee, MA. Under the Town of Mashpee Zoning Bylaws section §174-25 - Table of Use Regulations I. (14) Common Driveways are allowed if the Planning Board issues a Special Permit for such use.

The common driveway will be located on 147 Old Barnstable Road (Lot 20A) to access two properties, the residences on 147 and 155 Old Barnstable Road (Lot 17A). These two properties are lots of the Quashnet Valley Country Club Cluster Subdivision approved 4-16-80 by Mashpee Planning Board and recorded at the Barnstable Registry of Deeds under Plan Book 358 Page23. A common driveway allows for the development of Lot 17A without the need of filling portion of the isolated land subject to flooding that exist between Old Barnstable Road and the upland area of Lot 17A for construction of a private driveway. The general single-family residence uses of these two properties remain the same as intended under the cluster subdivision. As such there will be the same intended utility services (electric, tele-communications, domestic water, etc.) and community services (i.e. school) impacts to the Town. The common driveway is a viable alternative in an effort to minimize impacts to this wetland resource area.

Based on a drawing by our firm, dated January 9, 2019 and entitled, "Access Easement Plan" waivers will be needed in order to proceed.

Under Town of Mashpee Special Permit Regulation Section IV B, the following Waivers will be needed.



## CAPE & ISLANDS ENGINEERING

CIVIL ENGINEERING - LAND SURVEYING - ENVIRONMENTAL PERMITTING

INCORPORATED

SUMMERFIELD PARK  
800 PALMOUTH ROAD, SUITE 301C  
MASHPEE, MA 02649  
(508) 477-7272 FAX (508) 477-9072  
email: info@CapeEng.com

The waivers required are as follows:

- | NO. | DESCRIPTION   |
|-----|---|
| 4.  | A plan of the site and all land within 300 feet of the site.                                |
| 5.  | Natural Resource Map indicating general vegetation type, soil types and groundwater levels. |
| 6.  | Impact statement of Town Services and Welfare of the Community.                             |
| 7.  | Cluster Subdivision – <u>Not Applicable</u>   |
| 8.  | Phased project – <u>Not Applicable</u>  |
| 10. | Detailed Roadway Plans – <u>Not Applicable</u>  |
| 11. | Detailed Landscape Plan   |
| 13. | Detail wastewater treatment removal rate analysis   |
| 14. | Detail stormwater treatment design  |
| 15. | Proposed Building Elevations  |
| 16. | Proposed Signage Design – <u>Not Applicable</u>   |
| 17. | Site Lighting Plans and Documents – <u>Not Applicable</u>                                   |
| 19. | Water Quality Report, Section 174-27  |

If you have any questions please feel free to call.

Sincerely,

Raúl Lizardi-Rivera, P.E.  
Director of Engineering

- Encl. Application for Special Permit  
Full size plans  
Reduced size plans  
Owner authorization for representation  
Certified Abutters List  
Deed



Town of Mashpee

Planning Board

16 Great Neck Road North  
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Owner, if different Same Phone \_\_\_\_\_

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Signature of Owner or Authorized Representative

*Attach written authorization signed by owner.*

December 14, 2018

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

**RE: Application for Special Permit, 147 and 155 Old Barnstable Road,  
Mashpee, MA**

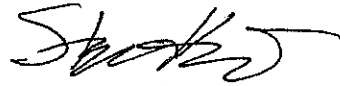
Dear Mr. Lehrer:

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. of Cape & Islands Engineering, Inc. and/or his Associates to represent  
this request on my behalf.

If you have any questions, please feel free to contact me.

Sincerely,



The Stopped Bus, LLC.  
53 Chaske Avenue  
Auburndale, MA 02466  
617-775-4274

Bk 31496 Pg 105 #42475  
08-29-2018 @ 12:29p

MASSACHUSETTS STATE EXCISE TAX  
BARNSTABLE COUNTY REGISTRY OF DEEDS  
Date: 08-29-2018 @ 12:29pm  
Ct1#: 780 Doc#: 42475  
Fee: \$410.40 Cons: \$120,000.00

QUITCLAIM DEED

BARNSTABLE COUNTY EXCISE TAX  
BARNSTABLE COUNTY REGISTRY OF DEEDS  
Date: 08-29-2018 @ 12:29pm  
Ct1#: 780 Doc#: 42475  
Fee: \$367.20 Cons: \$120,000.00

I, **Anthony J. LaCava, Jr., Trustee of the A.J.L. LaCava Realty Trust II** under Declaration of Trust dated July 1, 1985 and registered with the Barnstable Registry of Deeds Land Court as Document No. 540,737 and recorded with the Barnstable County Registry of Deeds in Book 4826, Page 44, having an address of 391 Totten Pond Road, Suite 403, Waltham, MA 02451

For consideration paid of One Hundred Twenty Thousand and 00/100 (\$120,000.00) Dollars

Grant to

**THE STOPPED BUS, LLC**, a Massachusetts Limited Liability Company with its principal office located at 53 Chaske Avenue, Auburndale, Massachusetts

With Quitclaim Covenants

The vacant parcels of land situated in Mashpee, Barnstable County Massachusetts being shown as **Lots 16A, 17A and 20A** on Plan of Land entitled "Quashnet Valley County Club Area 'B' Plan of Land in Mashpee, Mass. for Anthony J. LaCava Trust" dated April 19, 1983 and recorded in **Plan Book 372, Page 43**

**PROPERTY ADDRESSES:**

**147, 155 and 161 Old Barnstable Road, Mashpee, MA 02649**



Subject to, and with the benefit of, all rights restrictions, reservations, easements, appurtenances and rights of way of record, insofar as the same are still in force and applicable.

This conveyance is also made subject to the rights of the Grantor, its successors and assigns in title to maintain a 20' wide Golf Course Easement across and parallel to the Northerly property line of each of the above referenced lots, as shown on a Plan of Land entitled "Quashnet Valley Country Club Area B" dated April 19, 1983 prepared for Anthony J. LaCava Trust by Baxter & Nye, Inc., which plan is recorded at the Barnstable County Registry of Deeds in Plan Book 372, Page 43 and a Golf Course Easement of varying widths running parallel to the Easterly property line and Northeasterly property line of Lot 20A as shown on the sketch plan entitled "Sketch Plan #147 Old Barnstable Road Mashpee prepared for LaCava Company by Warner Surveying dated April 17, 2018.

Said Easement shall be appurtenant to the adjacent land owned by said Grantor and is to be used in conjunction with the operation, maintenance and use of the eighteen (18) hole regulation golf course commonly referred to as Quashnet Valley Country Club.

Said Easement is to be used primarily as an area for the construction, maintenance and use by the Grantor and its Country Club Patrons, as a golf cart path and will be used by pedestrian golfers, golf carts and golf course maintenance vehicles and for all uses commonly made of golf cart paths in the Town of Mashpee.

The Grantor shall bear full responsibility for the construction (including relocation) upkeep and maintenance of said golf cart paths within the easement areas and shall maintain liability insurance naming the Grantee and its successors and assigns as additional insureds on said policies.

The Grantor also reserves the right to construct a fence within said easement areas separating the easement from the remaining portion of the lots conveyed hereby.

Said easement rights shall burden the land of the Grantee described herein and shall run with the land hereby conveyed and be binding upon the heirs, successors and assigns of the within named Grantor and Grantees.


I hereby certify that:

1. Said Trust is in full force and effect.
2. I am the sole beneficiary of said Trust.
3. None of the beneficiaries are minors, incompetent or a corporation selling all or substantially all of its assets.
4. The Trust has not been revoked or terminated, and any party may rely on the continuing existence of this Trust, until another certificate or document is recorded establishing an expiration date or terminating the trust.
5. All of the beneficiaries of said Trust have consented to the transfer of the property known as 147, 155 and 161 Old Barnstable Road, Mashpee, MA 02649 for consideration paid of One Hundred Twenty Thousand and 00/100 (\$120,000.00) Dollars to The Stopped Bus, LLC.
6. The trustee has the authority to act with respect to real estate owned by the Trust, and has full and absolute power under said Trust to convey any interest in real estate and improvements thereon held in said Trust and no purchaser or third party shall be bound to inquire whether the trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the trustee for a conveyance thereof; and,
7. There are no facts which constitute conditions precedent to acts by the trustees or which are in any other manner germane to affairs of the Trust.

For title see Deed recorded in Book 9929, Page 170.

Executed this 28<sup>th</sup> day of August, 2018 under the pains and penalties of perjury.


A.J.L. LaCava Realty Trust II

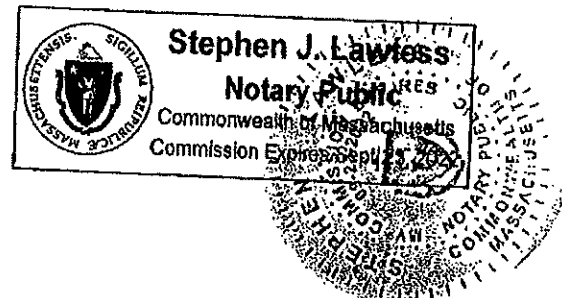
  
Anthony J. LaCava, Jr., Trustee

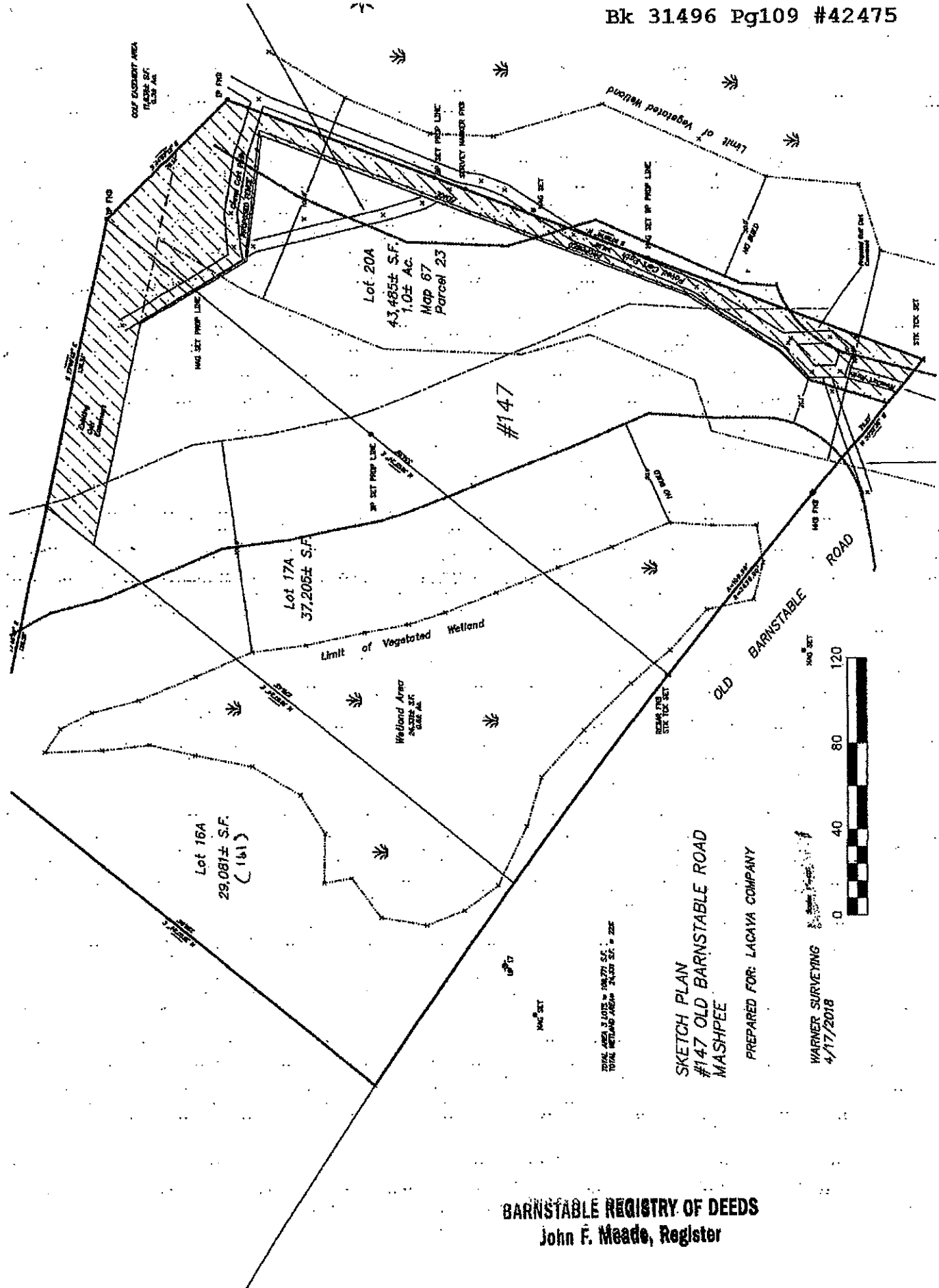
COMMONWEALTH OF MASSACHUSETTS

County of MIDDLESEX

On this 28 day of August, 2018, before me, the undersigned notary public, personally appeared Anthony J. LaCava, Jr., as Trustee of the A.J.L. LaCava Realty Trust II, proved to me through satisfactory evidence of identification which was  MA Driver's License [ ] personally known to me [ ] Other: to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose and who swore or affirmed to me that the contents of this document are truthful and accurate to the best of his knowledge and belief of the A.J.L. LaCava Realty Trust, II.

  
Notary Public  
My commission expires:





TOTAL AREA OF LOTS = 110,771 S.F.  
TOTAL ACRES = 2.52

SKETCH PLAN  
#147 OLD BARNSTABLE ROAD  
MASHPEE

PREPARED FOR: LACAYA COMPANY

WARNER SURVEYING  
4/17/2018

Custom Abutters List Combining:

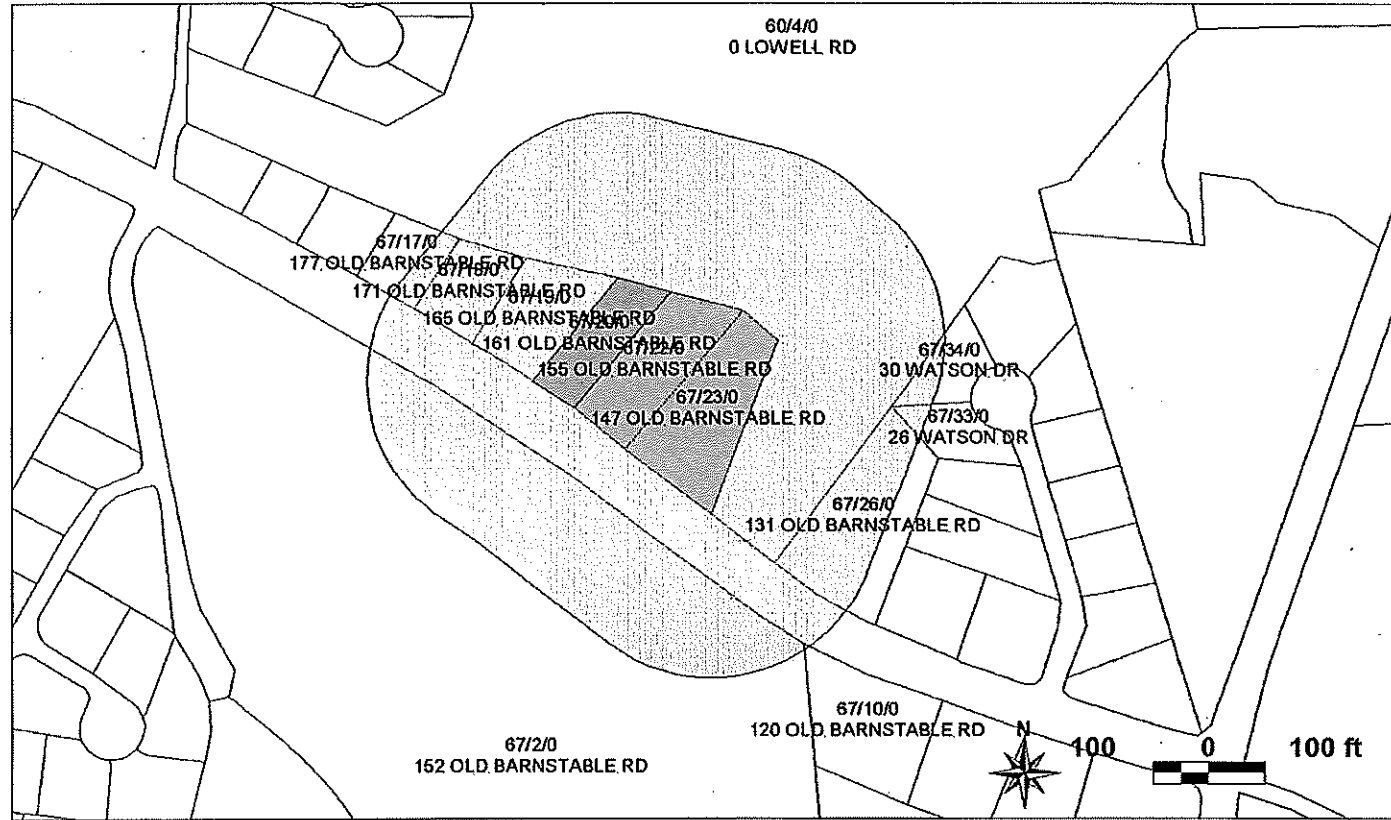
67-20-0 161 Old Barnstable Rd  
 67-22-0 155 Old Barnstable Rd  
 67-23-0 147 Old Barnstable Rd

TOWN OF MASHPEE, MA  
 BOARD OF ASSESSORS  
 16 Great Neck Rd., North, Mashpee, MA 02649

Abutters to: Special/Combined  
 Certified by: Suzanne L. Devine  
 Date: December 12, 2018

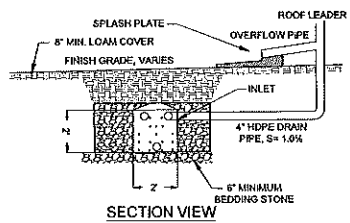
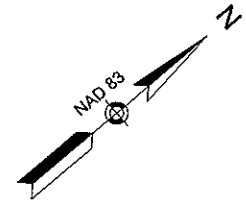
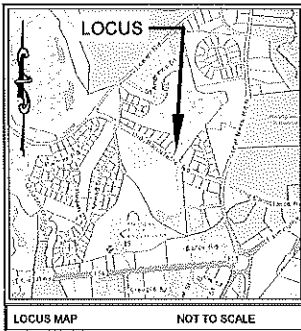
Number of Abutters: 12

Abutters List Within 300 feet of Abutters to Parcel 67/20/0

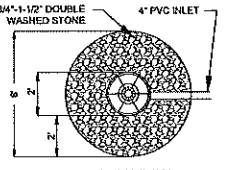


Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
3659	60-4-0-R	LACAVA, ANTHONY J JR TR AJL LACAVA REALTY TRUST II	0 LOWELL RD	391 TOTTEN POND RD-STE 403	WALTHAM	MA	02451
4494	67-2-0-E	MASHPEE TOWN OF MIDDLE SCHOOL	152 OLD BARNSTABLE RD	16 GREAT NECK ROAD NORTH	MASHPEE	MA	02649
4498	67-10-0-R	RING, DENNIS P & BRENDA J	120 OLD BARNSTABLE RD	120 OLD BARNSTABLE RD	MASHPEE	MA	02649
4503	67-17-0-R	WILKINS, CARRIE B	177 OLD BARNSTABLE RD	177 OLD BARNSTABLE RD	MASHPEE	MA	02649
4504	67-18-0-R	THOMAS, DANIEL A & KATHERINE I	171 OLD BARNSTABLE RD	28 FOREST PARK DRIVE	VERO BEACH	FL	34482
4505	67-19-0-R	TAMMARO, CARMEN & KELLY	165 OLD BARNSTABLE RD	165 OLD BARNSTABLE RD	MASHPEE	MA	02649
4506	67-20-0-R	THE STOPPED BUS LLC	161 OLD BARNSTABLE RD	53 CHASKE AVENUE	AUBURNDALE	MA	02466
4507	67-22-0-R	THE STOPPED BUS LLC	155 OLD BARNSTABLE RD	53 CHASKE AVENUE	AUBURNDALE	MA	02466
4508	67-23-0-R	THE STOPPED BUS LLC	147 OLD BARNSTABLE RD	53 CHASKE AVENUE	AUBURNDALE	MA	02466
4509	67-25-0-R	THE STOPPED BUS LLC	131 OLD BARNSTABLE RD	53 CHASKE AVENUE	AUBURNDALE	MA	02466
4514	67-33-0-R	OLSON, GENE E	26 WATSON DR	26 WATSON DR	MASHPEE	MA	02649
4515	67-34-0-R	MCDONALD, STEPHEN R MCDONALD LINDA K	30 WATSON DR	30 WATSON DR	MASHPEE	MA	02649

object  
object  
object

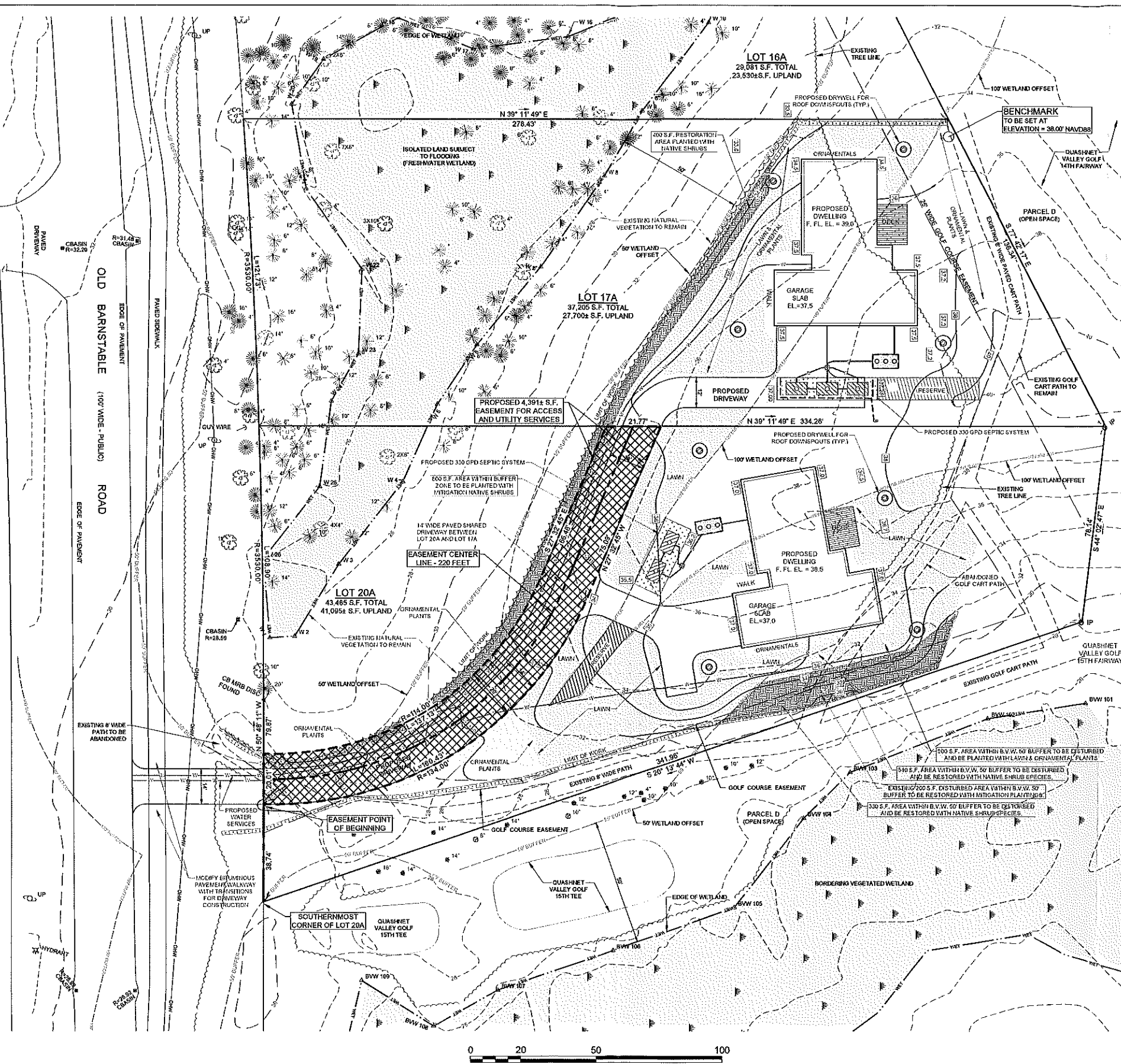


**DRY WELL NOTE**  
A SYSTEM OF GUTTERS, DOWNSPOUTS AND DRY WELLS SHALL BE USED FOR ROOF STORMWATER RUNOFF.



**NDS PRO FLOW-WELL DRY WELL DETAIL**  
-NOT TO SCALE-

- LEGEND**
- ▬ CB — CONCRETE BOUND
  - ▬ HYDRANT
  - ▬ CATCH BASIN SQUARE
  - ▬ UTILITY POLE
  - GUY POLE
  - GUY WIRE
  - CONIFEROUS TREE
  - DECIDUOUS TREE
  - TEST PIT
  - ▬ PROPOSED GRADE
  - ▬ AREA OF PROPOSED STRUCTURE INCLUDED IN LOT COVERAGE
  - ▬ AREA OF PROPOSED LAWN/GRASS
  - ▬ AREA OF PROPOSED ORNAMENTAL PLANTINGS
  - ▬ AREA OF PROPOSED NATIVE PLANTINGS
  - ▬ TREE LINE
  - ▬ SANITARY SEWER LINE
  - ▬ WATER LINE
  - ▬ WETLAND LINE
  - ▬ 50' BUFFER ZONE
  - ▬ 100' BUFFER ZONE
  - ▬ LIMIT OF WORK
  - ▬ EXISTING GRADE
  - ▬ PROPOSED GRADE



**GENERAL NOTES**

LOCATIONS ARE BASED ON AN "ON THE GROUND" INSTRUMENT SURVEY AND ELEVATIONS BASED ON THE NAVD 83 DATUM. COORDINATE SYSTEM USED IS THE MASSACHUSETTS COORDINATE SYSTEM, DATUM: NAD 83, UNITS: U.S. SURVEY FEET.

ZONING DISTRICT: R-6

PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF NON-HAZARDOUS BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 25001C0751J, WITH A MAP EFFECTIVE DATE OF JULY 16, 2014.

THIS LOT IS NOT LOCATED WITHIN A DEF APPROVED ZONE II WELLHEAD PROTECTION AREA. THIS LOT IS NOT MAPPED WITHIN A MESA NATURAL HERITAGE AND ENDANGERED SPECIES AREA. WIND EXPOSURE CATEGORY: ZONE B

LOT COVERAGE:  
LOT AREA: LOT 17A = 37,205 S.F., (UPLAND = 27,700 S.F.), LOT 20A = 43,465 (UPLAND = 41,095 S.F.)  
PROPOSED STRUCTURES: LOT 17A = 2,802 S.F., (10%), LOT 20A = 2,802 S.F., (7%)

DEED REFERENCE: BOOK 31496-105  
PLAN REFERENCE: BOOK 372 PAGE 43

OWNER: THE STOPPED BUS LLC  
252 WESTERN AVENUE  
ALLSTON, MA 02134

**PLANTING NOTES**

- PRIOR TO ANY WORK COMMENCING, ADVANCE WRITTEN NOTIFICATION WILL BE PROVIDED TO THE LOCAL CONSERVATION COMMISSION.
- APPLICANT OR APPLICANTS REPRESENTATIVE SHALL HAVE AN ONSITE MEETING WITH CONSERVATION AGENT PRIOR TO INSTALLING PLANTS TO REVIEW LOCATION OF SPECIFIC PLANT SPECIES. ANY CHANGES IN PLANT SPECIES TO BE APPROVED BY CONSERVATION AGENT PRIOR TO INSTALLATION.
- SHRUBS TO BE PLANTED WITHIN BUFFER ZONE AREA SHALL BE ANY COMBINATION OF THREE OF THE FOLLOWING: BAYBERRY (Myrica pensylvanica), SWEET PEEPERUSH (Sambucus racemosa), HORSBERRY (Ilex glabra compacta), WINTERBERRY (Ilex verticillata) AND WILD RASPBERRY (Rubus odoratus).
- PROPOSED SHRUB PLANTINGS TO BE 2 GALLON CONTAINERS OR LARGER, STAGGERED IN FORMATION AND PLANTED 3 FEET ON CENTER OR AS NECESSARY TO ADEQUATELY RE-VEGETATE 35' BUFFER ZONE AREA.
- PLANTS TO BE MAINTAINED IN GOOD HEALTH AND REPLACED AS NEEDED FOR 3 GROWING SEASONS.
- PLANTINGS SHALL BE INSTALLED PRIOR TO COMPLETION OF CONSTRUCTION ACTIVITIES. OWNER SHALL NOTIFY CONSERVATION AGENT FOR FINAL INSPECTION WITHIN 30 DAYS AFTER ALL PLANTINGS HAVE BEEN INSTALLED.
- ANY NEW LAWN AREAS WITHIN LOCAL CONSERVATION JURISDICTION SHALL BE PLANTED WITH GRASS SPECIES CONSISTING OF FESCUE AND RYES WITH BLUEGRASS VARIETIES COMPRISING NO MORE THAN 10% OF THE SEED MIX.
- IF APPLICABLE, FERTILIZER APPLICATION AND LAWN MAINTENANCE TO BE PERFORMED IN ACCORDANCE WITH LOCAL REGULATION NITROGEN LOADING/LAWN STANDARDS.

**CONSTRUCTION NOTES**

THE LIMIT OF WORK WILL BE INSTALLED PRIOR TO ANY WORK, EXCAVATION CONSTRUCTION OR CLEARING OF VEGETATION IN ORDER TO PREVENT DAMAGE TO THE INTERESTS OF THE ADJACENT ESTATE. THE LIMIT OF WORK WILL CONSIST OF A ROW OF STAKED SEDIMENT STOP OR COMPOST ROLL WITH SILTATION FENCE BACKING. THE SEDIMENT STOP ROLL WILL BE REPLACED AS NECESSARY TO BE MAINTAINED IN GOOD CONDITION THROUGHOUT THE ENTIRE CONSTRUCTION PERIOD. NO FILL WILL BE ALLOWED TO BE PLACED AGAINST THE LIMIT OF WORK AT ANY TIME. UPON COMPLETION OF ALL CONSTRUCTION AND STABILIZATION OF THE SITE, SEDIMENT STOP ROLL WILL BE REMOVED AND PROPERLY DISPOSED OF.

NO DEBRIS, EQUIPMENT OR MATERIALS WILL BE STORED, EVEN TEMPORARILY, OUTSIDE THE DESIGNATED LIMIT OF WORK AREA WITH THE EXCEPTION OF EQUIPMENT AND MATERIALS RELATED TO THE PLANTINGS FOR THE REQUIRED MITIGATION.

THE CONSTRUCTION SITE WILL BE CLEANED DAILY TO REMOVE ANY LOOSE DEBRIS.

ALL DISTURBED AREAS WITHIN THE LIMIT OF WORK REQUIRING RESTORATION WILL BE STABILIZED TO PREVENT EROSION. STABILIZATION SHALL BE DONE IMMEDIATELY FOLLOWING COMPLETION OF CONSTRUCTION.

**EASEMENT DESCRIPTION**

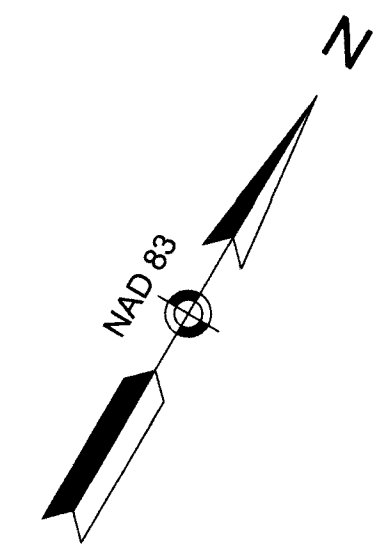
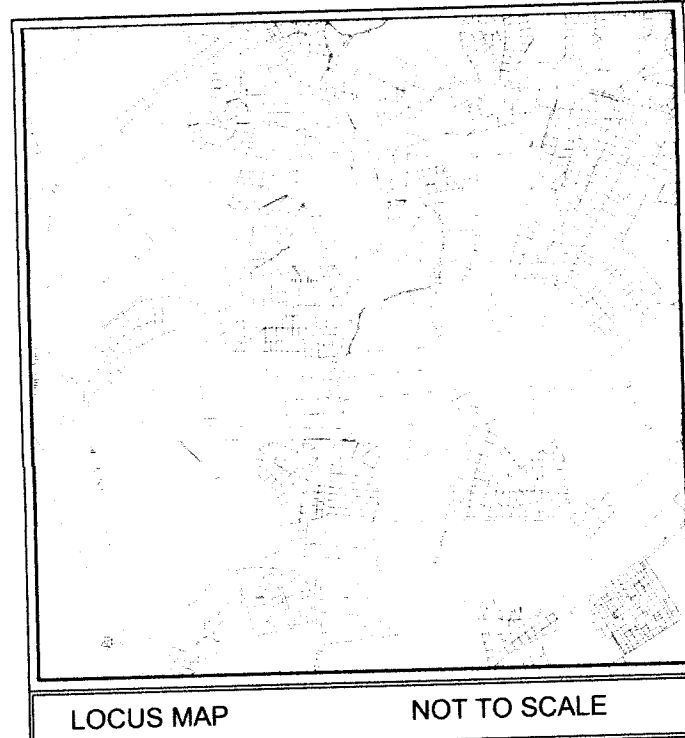
20 FEET BY 220 FEET ACCESS AND UTILITY EASEMENT OVER LOT 20A FOR THE BENEFIT OF LOT 17A.

EASEMENT TO SERVE FOR UTILITY SERVICES AND A 14' PAVED DRIVEWAY TO LOT 17A AND LOT 20A.

EASEMENT CENTERLINE DESCRIPTION: STARTING AT THE SOUTHERN MOST CORNER OF LOT 20A, NORTHWEST 50'40"11", 30.74 FEET TO POINT OF BEGINNING, 160.43 FEET ARC WITH 134.00 FEET RADIUS (NON-PERPENDICULAR TO OLD BARNSTABLE ROAD), NORTHWEST 27'32'45", 75.09 FEET, SOUTHWEST 39'11'49", 21.77 FEET, SOUTHEAST 27'32'45", 66.48 FEET, 137.13 FEET ARC WITH 114.00 FEET RADIUS (NON-PERPENDICULAR TO OLD BARNSTABLE ROAD), SOUTHEAST 50'40"11", 20.01 FEET TO POINT OF BEGINNING, CONTAINING AN AREA OF APPROXIMATELY 4,391 SQUARE FEET

**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 EACH TIME AN ORIGINAL FIELD STAMP APPEARS ON THIS PLAN NO PERSON OR FIRM, INDIVIDUAL OR PUBLIC OFFICIAL MAY RELY UPON THE INFORMATION CONTAINED HEREIN AND THIS PLAN BECOMES THE PROPERTY OF CAPE & ISLANDS ENGINEERING, INC.  
COPYRIGHT (C) BY CAPE & ISLANDS ENGINEERING, INC. ALL RIGHTS RESERVED

DATE	DESCRIPTION	BY	CHK
PREPARED FOR:			
THE STOPPED BUS LLC 252 WESTERN AVENUE ALLSTON, MA 02134			
PROJECT:			
147 & 155 OLD BARNSTABLE ROAD MASHPEE, MASSACHUSETTS			
SHEET NO.: 1 OF 1		DATE: JANUARY 9, 2019	
DRAWN BY: RLR		CHECKED BY: MC	
PREPARED BY:			
<b>CAPE &amp; ISLANDS ENGINEERING</b> CIVIL ENGINEERING - LAND SURVEYING - ENVIRONMENTAL PERMITTING			
SLUMBERFIELD PARK 800 FALMOUTH ROAD SUITE 301C MASHPEE, MA 02649			
508.477.7272 PHONE info@CapeEng.com 508.477.5072 FAX www.CapeEng.com			
DRAWING TITLE:			
ACCESS EASEMENT PLAN (COMMON DRIVEWAY)			
ASSESSORS INFORMATION: MAP 67 PARCELS 22 & 23			

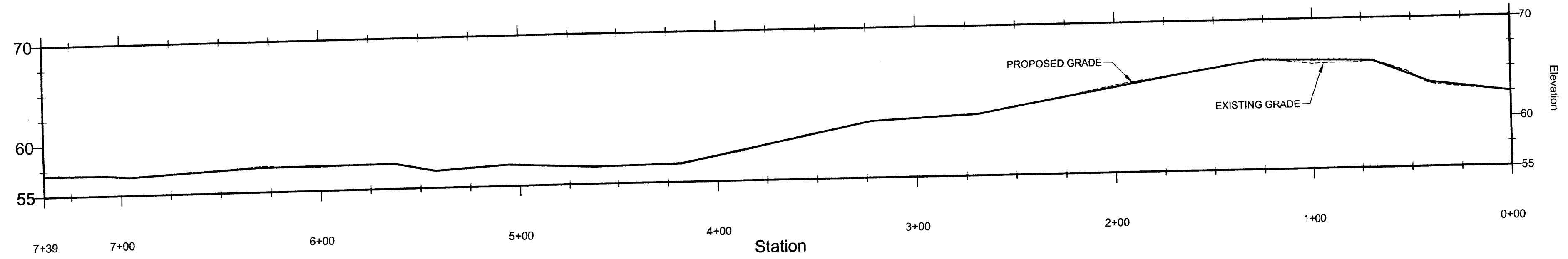
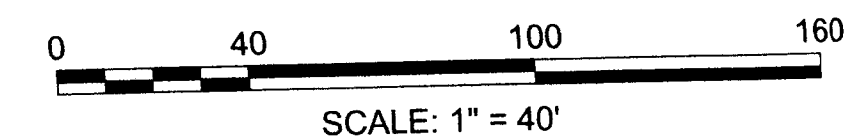
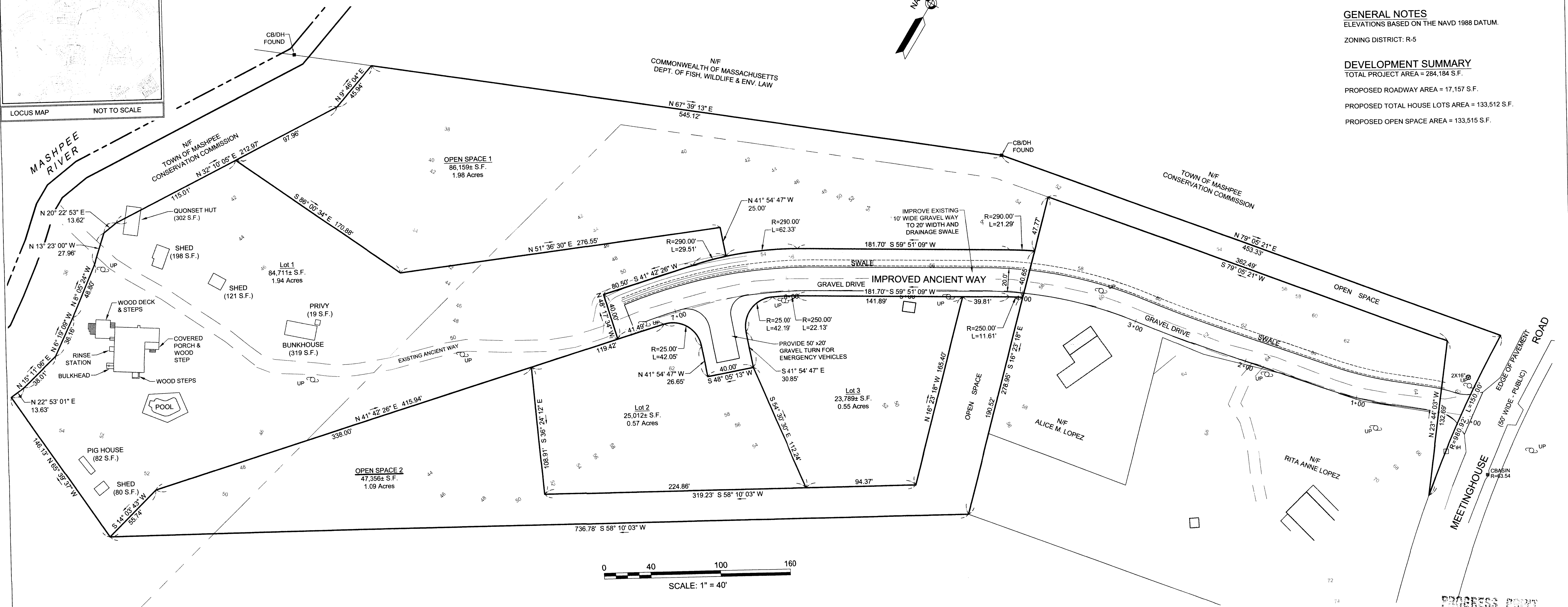


**OWNERS OF RECORD**  
 ASSESSORS PARCEL: 45 9 0  
 PARCEL ADDRESS: 127 MEETINGHOUSE ROAD  
 OWNER: TOWN OF MASHPEE CONSERVATION COMMISSION

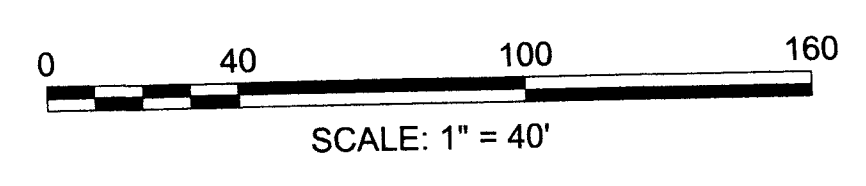
ASSESSORS PARCEL: 45 50 0  
 PARCEL ADDRESS: 103 MEETINGHOUSE ROAD  
 OWNER: MARK V. & DONNA JEAN LOPEZ

**GENERAL NOTES**  
 ELEVATIONS BASED ON THE NAVD 1988 DATUM.  
 ZONING DISTRICT: R-5

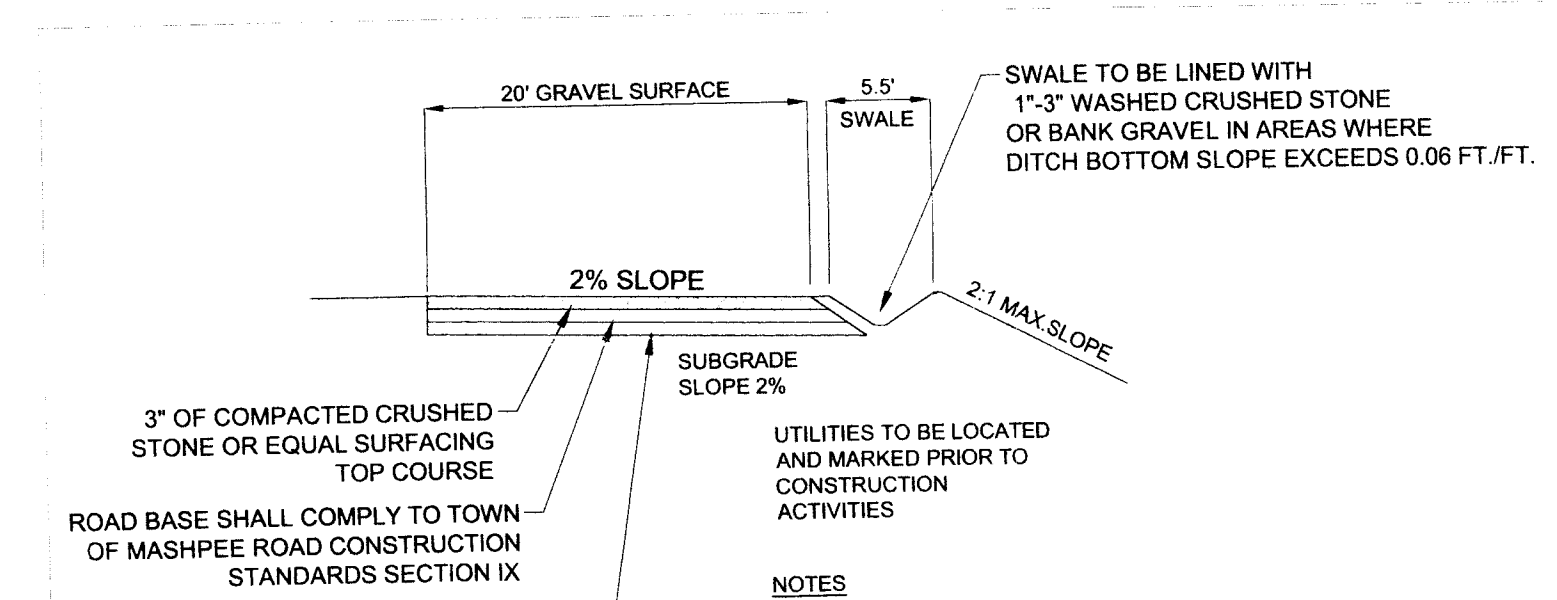
**DEVELOPMENT SUMMARY**  
 TOTAL PROJECT AREA = 284,184 S.F.  
 PROPOSED ROADWAY AREA = 17,157 S.F.  
 PROPOSED TOTAL HOUSE LOTS AREA = 133,512 S.F.  
 PROPOSED OPEN SPACE AREA = 133,515 S.F.



**ROADWAY IMPROVEMENT**



- LEGEND**
- CB CONCRETE BOUND
  - UTILITY POLE
  - GUY POLE
  - GUY WIRE
  - SIGN
  - OVERHEAD WIRES



- NOTES**
- SEE TYPICAL ROADWAY CROSS SECTION ON SHEET 5 OF 11 FOR PAVEMENT CONSTRUCTION REQUIREMENTS.
  - ALL DISTURBED AREAS TO BE LOAMED AND HYDRO SEEDED.
  - ACCESS TO DRIVEWAYS TO BE MAINTAINED DURING CONSTRUCTION.
  - ALL WORK WITHIN LAYOUT OF GREAT NECK ROAD SOUTH TO BE APPROVED BY MASHPEE DEPARTMENT OF PUBLIC WORKS.

REV.	DATE	DESCRIPTION	BY	APPR.
OWNER OF RECORD: <b>MARK &amp; DONNA LOPEZ</b> 103 MEETINGHOUSE ROAD MASHPEE, MA				
APPLICANT: <b>MARK &amp; DONNA LOPEZ</b> 103 MEETINGHOUSE ROAD MASHPEE, MA				
PROJECT: <b>ANCIENT WAY IMPROVEMENT</b> IN MASHPEE, MASSACHUSETTS				
SHEET NO.: 1 OF 1		DATE: JANUARY 10, 2019		
DRAWING FILE NAME: MEETINGHOUSE_103_LOPEZ_ROAD_IMPROVE				
DRAWN BY: JB		CHECKED BY: MC		
PREPARED BY: <b>CAPE &amp; ISLANDS ENGINEERING</b> CIVIL ENGINEERING - LAND SURVEYING - ENVIRONMENTAL PERMITTING				
SUMMERFIELD PARK 800 PALM MOUTH ROAD SUITE 301C MASHPEE, MA 02649				
508.477.7272 PHONE info@CapeEng.com 508.477.9072 FAX www.CapeEng.com				
DRAWING TITLE: <b>ROADWAY IMPROVEMENT</b>				
ASSESSORS INFORMATION: 45-50-0				





# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

Applicant: Mark and Donna Lopez  
Subdivision Name: N/A  
Location: 103 Meetinghouse Road, Mashpee, MA  
Date: January 9, 2019

### PRELIMINARY PLAN CHECKLIST

- Application Form B (in triplicate).
- Copies of a) most recent recorded deed and b) tax bill or Assessor's certification.
- Submission of Required Fees: Filing fee: \$20 per lot, minimum \$200  
Review fee: \$150
- Completed Form N: Notice of Filing of Plan to Town Clerk.
- Four copies of Preliminary Plan, dark line on white background with perimeter dimensions of 24' x 36'.
- Minimum frontage (non-conforming lots require a variance from the Zoning Board of Appeals)
- Minimum lot area (non-conforming lots require a variance from the Zoning Board of Appeals).
- North point, date, scale, legend.
- Name of owner, applicant (if different from owner), and engineer or surveyor.
- Names of all abutters as determined from the most recent tax list.
- Existing boundary line and lines of streets, ways, easements, and any public areas within the subdivision in a general manner.
- The approximate boundary lines of proposed lots with approximate areas dimensions.
- The names, approximate location and widths of adjacent streets.
- The proposed system of drainage including adjacent existing waterways and marshes in a general manner.
- Topography of the land based on 2' contour intervals. The topographic survey shall be certified as follows:

"I certify that this topographic survey was made (on the ground) (by aerial survey) on \_\_\_\_\_ (date)".

Signed by a Registered Land Surveyor.

- Any site features such as buildings, ponds, streams, marshes, and areas subject to seasonal flooding.
- Title block in the lower right hand corner with subdivision name, if any, and title "Preliminary Plan".

### COMMENTS





# Town of Mashpee

# Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

## FORM B

### APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

Date January 9, 2019

To the Planning Board: The undersigned herewith submits the accompanying Preliminary Plan of property located in Mashpee, Massachusetts, for approval as a subdivision as allowed under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Mashpee Planning Board.

Name of Subdivider Mark and Donna Lopez Phone 508-477-7272

Address 103 Meetinghouse Road, Mashpee, MA 02649

Owner, if different Same and Mashpee Conservation Commission Phone 508-477-7272

Address Same and 16 Great Neck Road North, Mashpee, MA 02649

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

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

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

Deed of property recorded in Barnstable County Registry Book 3183 Page 272  
or Land Court Certificate of Title No. \_\_\_\_\_

Location and description of property 103 Meetinghouse Road, Mashpee, MA consisting of 284,184 +/- sq. ft. area. Located to the west side of Meetinghouse Road and to the east of Mashpee River. R-5 Zoned. Cluster Subdivision under Town of Mashpee Zoning Bylaw, ARTICLE IX, §174-47 to create three (3) buildable lots and two (2) open space parcels.

Mashpee Assessors Map(s) and Block(s) 45-50-0

Signature of Owner or Authorized Representative \_\_\_\_\_

*(Handwritten Signature)*  
Cape and Islands Engineering, Inc.

*Attach written authorization signed by owner*

MASHPEE TOWN CLERK

JAN - 9 2019

RECEIVED BY \_\_\_\_\_

**Town of Mashpee  
Planning Board**

I hereby attest that \_\_\_\_\_  
OWNER OF RECORD  
Assess map 45 parcel 50, 103 Meetinghouse Road, Mashpee, MA 02649  
\_\_\_\_\_ ADDRESS

is (are) the owner(s) of the above-referenced property.

I hereby further attest that the owner of the above-cited property is not, to the best of my knowledge, in arrears of payment of any local taxes as may be applicable under Section 1 of Chapter 112 of the Mashpee Code.

\_\_\_\_\_  
Treasurer/Collector

\_\_\_\_\_  
Date

VINCENT C. LOPEZ and CAROL A. LOPEZ, husband and wife, both

of Mashpee, Barnstable County, Massachusetts  
~~xxxxxxxxxxxx~~ for nominal non-monetary consideration paid

grant to MARK V. LOPEZ and DONNA JEAN LOPEZ, husband and wife, as joint tenants,

of 497 Hatchville Road, Hatchville, Massachusetts 02536  
~~xxxxxxxx~~ with quitclaim reverts  
A certain parcel or lot of land in the Town of Mashpee, Barnstable County, Massachusetts on the westerly side of Meetinghouse Road and the easterly side of the Mashpee River, shown as Parcel "B" on a plan entitled, "Division Plan of Land in Mashpee, Mass. showing Parcel B, which is to be conveyed to Donna J. Lopez from Vincent C. Lopez, Scale: 1" = 60', August 13, 1980, Doyle Associates, Falmouth, Mass." to be recorded herewith to which plan reference is made for a more particular description, Reference PLAN BOOK 347, PAGE 39.

There is conveyed appurtenant to said Parcel "B" the right to pass and repass along the Ancient Way shown over both of Parcel "A" shown on said plan to the Meetinghouse Road.

For title see deed of Violet E. Salmon to us dated September 10, 1959 and recorded at the Barnstable County Registry of Deeds Book 1056, Page 462.

Executed as a sealed instrument this 16<sup>th</sup> day of October 19 80

Vincent C. Lopez  
Vincent C. Lopez

Carol A. Lopez  
Carol A. Lopez

The Commonwealth of Massachusetts

Barnstable ss. October 16, 19 80

Then personally appeared the above named CAROL A. LOPEZ

and acknowledged the foregoing instrument to be HER free act and deed  
Before me, Arthur H. Rapoza  
ARTHUR H. RAPOZA Notary Public  
My commission expires October 1, 19 82

RECORDED OCT 31 80

May 18, 2018

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

**RE: Application for Approval of Preliminary Plan for 103 Meetinghouse 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.,  
President, Cape and Islands Engineering, Inc. and/or his Associates to represent this  
Approval of Preliminary Application on my behalf.

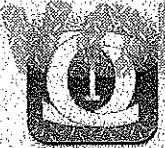
If you have any questions, please feel free to contact me at 774-521-7026.

Sincerely,



Mark and Donna Lopez  
103 Meetinghouse Road  
Mashpee, MA 02649  
774-521-7026

FOR SECURITY PURPOSES, THE FACE OF THIS DOCUMENT CONTAINS A COLORED BACKGROUND AND MICROPRINTING IN THE BORDER



CAPE & ISLANDS ENGINEERING, INC

800 FALMOUTH ROAD, SUITE 301C

MASHPEE, MA 02649

508-477-7272

info@CapeEng.com

BANK OF AMERICA, NA

1893

1/9/2019

PAY TO THE ORDER OF

Town of Mashpee

\$\*\*350.00

Three Hundred Fifty and 00/100

DOLLARS

Town of Mashpee

16 Great Neck Road North

Mashpee, MA 02649

MEMO

Lopez - 103 Old Meetinghouse Road

SECURITY FEATURES INCLUDED, DETAILS ON BACK

*[Handwritten Signature]*

AUTHORIZED SIGNATURE

⑈001893⑈ ⑆011000138⑆ 004660716484⑈