



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

Meeting of the Mashpee Planning Board  
Wednesday, March 20, 2019  
Waquoit Meeting Room, 7:00 PM

### Call Meeting to Order

- 7:00 PM – Waquoit Meeting Room – Mashpee Town Hall
- Pledge of Allegiance

### Approval of Minutes

- Review and approval of meeting minutes from **February 20 and March 6, 2019**

### Public Hearing

#### **7:10PM - Bennett Environmental Associates for Windchime Condominium Trust**

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

#### **7:20PM - 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)(14). 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.

### New Business

### Old Business

- Request for release of funds held in escrow for landscaping at Windchime Condominiums – Windchime Condominium Trust
- Consideration and possible action to accept a performance bond for remaining roadway construction to be completed at the cluster subdivision known as Ockway Highlands for lot releases.
- Request for release of funds held in escrow – 33 Trinity Place, Cotuit Solar

### Chairman's Report

### 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

- Proposals from the Town Planner on zoning by-law amendments

### Additional Topics (not reasonably anticipated by Chair)

### Adjournment

MASHPEE TOWN CLERK

MAR 13 2019

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# BENNETT ENVIRONMENTAL ASSOCIATES, INC.

LICENSED SITE PROFESSIONALS ♪ ENVIRONMENTAL SCIENTISTS ♪ GEOLOGISTS ♪ ENGINEERS

1573 Main Street - P.O. Box 1743, Brewster, MA 02631 ♪ 508-896-1706 ♪ Fax 508-896-5109 ♪ www.bennett-ea.com

BEA99-2252

March 12, 2019

Mary Waygan, Chairman  
C/o Evan Lehrer, Town Planner  
TOWN OF MASHPEE – PLANNING BOARD  
16 Great Neck Road  
Mashpee, MA 02649

via email: [ELehrer@mashpee.gov](mailto:ELehrer@mashpee.gov)

RE: Windchime Condominiums  
Special Permit and Modification  
Sandcastle Mashpee, Inc. (5/21/87) and Windchime Point Development Group, LP (10/30/1998)  
90 Great Neck Road South [Parcel ID 75-11-0]  
Mashpee, MA

Dear Chairman Waygan and Honorable Planning Board Members,

As requested, BENNETT ENVIRONMENTAL ASSOCIATES, LLC (BEA) on behalf of the Windchime Board of Directors and Homeowners Association, would like to request a continuance of the hearing regarding Special Permit Modification, from March 20<sup>th</sup> to April 17<sup>th</sup>. Thank you for your consideration.

Sincerely,



Samantha Farrenkopf  
Operations and Compliance Coordinator

cc. Joe Mooney – Windchime Board of Directors [via email]  
David Bennett [internal]

MASHPEE TOWN CLERK

MAR 12 2019

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## AGREEMENT

Agreement made this day of March, 2019 by OCKWAY HIGHLANDS, LLC (the “Applicant”), a Massachusetts limited liability company with an address of 1436 Iyannough Road-Suite 4, Hyannis, MA 02601 and ROCKLAND TRUST COMPANY, a Massachusetts banking corporation with an office at 288 Union Street, Rockland, Massachusetts (the “Lender”), with the PLANNING BOARD of the TOWN OF MASHPEE (the “Board”).

The Applicant is the owner of a subdivision of land known as Ockway Highlands, as shown on a plan entitled : “Proposed Subdivision of Land in Mashpee, Barnstable County, Mass. for BCDM LLC, July 15, 2013, Costa Associates, Inc.”, which said plan is duly filed with the Barnstable County Registry of Deeds in Plan Book 654, Page 21(the “Subdivision Plan”);

Applicant’s predecessor in title, BCDM, LLC, executed and recorded with said Deeds a Covenant with the Board to construct ways and install services within said subdivision dated June 4, 2014 and recorded on June 11, 2014 with said Deeds in Book 28196, Page 306(the “Covenant”);

The Applicant has granted a first mortgage to the Lender covering all of the lots in said subdivision in order to finance the cost of said construction and installation which said mortgage is dated September 28, 2017 and recorded with said Deeds in Book 30795, Page 250;

The Applicant wishes to obtain a release of all of said lots from the Covenant without posting a bond or depositing money with the Board and is desirous of having the Lender retain sufficient funds otherwise due the Applicant to secure the full performance of its obligation to construct the ways and install the services to the mortgaged premises, all as provided in M.G.L.c.41, s.81U and the Mashpee Subdivision Regulations;

The Lender does agree to retain sufficient funds otherwise due the Applicant to secure said construction and installation all in accordance with the construction disbursement schedule attached hereto (the “Disbursement Schedule”); and

The Board is agreeable to an arrangement whereby the Lender is to retain sufficient funds to secure the said construction and installation in accordance with the Disbursement Schedule.

**NOW, THEREFORE,** the Applicant, Lender and Board hereby agree as follows:

1. In order to secure the construction of ways and installation of municipal services in said subdivision in accordance with the Covenant, the Lender agrees to retain in its possession first mortgage proceeds in the amount of \$\_\_\_\_\_, and to disburse said money to the Applicant in accordance with the Disbursement Schedule only after the Board has notified the Lender in the form of a letter that the work has been satisfactorily completed in accordance with the terms and conditions of the Disbursement Schedule, the Covenant and the Mashpee Subdivision Regulations.
2. The Applicant agrees to complete the said construction and installation as provided in the Covenant and said Regulations and the Applicant and Lender agree that if the work is not satisfactorily completed by\_\_\_\_\_, then, upon notice to the Lender and the Applicant in writing of such non-completion, said funds shall forthwith be available to the Town of Mashpee for the completion of said construction and installation.
3. The MASHPEE PLANNING BOARD hereby releases all of the lots shown on the Subdivision Plan from the Covenant.

In witness whereof, the parties hereto have caused this instrument to be executed in their behalf as of the day and year first above written.

OCKWAY HIGHLANDS, LLC

MASHPEE PLANNING BOARD

BY:\_\_\_\_\_

\_\_\_\_\_

JACQUES N. MORING, Manager

ROCKLAND TRUST COMPANY

\_\_\_\_\_

BY: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

March , 2019

Then personally appeared the above named Jacques N. Morin, Manager as aforesaid and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the Company, before me

\_\_\_\_\_  
Notary Public  
My Comm. Exp:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

March , 2019

Then personally appeared the above named \_\_\_\_\_ as aforesaid and acknowledged the foregoing instrument to be his free act and deed as an authorized officer of the Rockland Trust Company and the free act and deed of the Company, before me

\_\_\_\_\_  
Notary Public  
My Comm. Exp: