



# Town of Mashpee

# Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

Meeting of the Mashpee Planning Board  
Wednesday, March 6, 2019  
Waquoit Meeting Room, 7:00 PM

MASHPEE TOWN CLERK

FEB 28 2019

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

- Pledge of Allegiance

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## Approval of Minutes

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

## Public Hearing

### **7:10 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(I)(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.

## 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

- Request for release of funds held in escrow for landscaping at Windchime Condominiums – Windchime Condominium Trust

## Old Business

- Municipal Vulnerability Preparedness Program – Sign letter of support
- 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 the release of funds held in escrow – 33 Trinity Place, Cotuit Solar
- Determination of Adequate Access to Blue Castle Drive (Brady;Barr)

## 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
- Community Outreach Meeting for proposed marijuana establishment – OGCC, LLC

## Additional Topics (not reasonably anticipated by Chair)

## Adjournment

**Mashpee Planning Board  
Minutes of Meeting  
February 6, 2019 at 7:00 p.m.  
Mashpee Town Hall-Waquoit Meeting Room  
16 Great Neck Road North**

**Present:** Chairman Mary Waygan, Joe Cummings, Dennis Balzarini, David Weeden  
**Also:** Evan Lehrer-Town Planner; Charles Rowley-Consulting Engineer  
**Absent:** David Kooharian, Robert (Rob) Hansen (Alt.)

**CALL TO ORDER**

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

The Pledge of Allegiance was recited.

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

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

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

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

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

**PUBLIC HEARING**

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

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

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

Mr. Cummings had recused himself from the matter.

**7:20 p.m. Cape & Islands Engineering for the Stopped Bus LLC**

The Chair read for the record the request and Public Hearing Notice. The Chair recognized Raul Lizardi-Rivera, Cape & Islands Engineering, who was representing the project proponents. Mr. Lizardi-Rivera explained the request as two properties, 147 and 155 Old Barnstable Road, seeking a Special Permit for the accessory use of a shared driveway. Mr. Lizardi-Rivera clarified that the Zoning Bylaw section for the request should be 174 I (14) and not (4).

Mr. Lizardi-Rivera described the two-lot subdivision as being established in the 1980s. Lot #155 was isolated from Old Barnstable Road by an existing isolated wetland, fed by road drainage. Mr. Lizardi-Rivera indicated that lot #147 protected a 50 foot buffer on the wetland and the adjacent golf course. Rather than proposing a separate driveway over the wetland, the project proponent wished to utilize the existing driveway located at #147, extending it to reach #155 to create a shared driveway, instead of filling in a portion of the wetland. The project proponent was seeking approval for the accessory use of a shared driveway.

Mr. Balzarini inquired whether the project proponent had been in contact with the Fire Department about sharing a driveway and their ability to turn around their trucks. Mr. Lizardi-Rivera responded that they had not yet been in contact with the Fire Department, adding that the center line was 220 feet with another 50 feet to Old Barnstable. Mr. Balzarini suggested that the Fire Department be consulted.

Chairman Waygan stated that, due to the error in notification, the matter would need to be re-advertised with the correction, requiring a continuation. The Chair confirmed that the abutter's notice included the incorrect information. Mr. Lizardi-Rivera confirmed that the permit application included the correct section of the Bylaw and the Chair responded that it was an error made by the Town.

Mr. Rowley confirmed that he had sent an email regarding Fire Department access. Mr. Rowley inquired why it was not possible to cross the wetland for the second lot and create a replication, avoiding both the need for a shared driveway and relief for a shared driveway. Mr. Lizardi-Rivera confirmed that they obtained approval from the Conservation Commission for the project, further adding that crossing over an existing wetland would create an ecological disturbance. The replication process would require filling in part of the wetland and replicating the wetland 2:1 which the project proponent wished to avoid, and would also require addressing additional drainage issues. Mr. Rowley noted that a culvert could be added to address drainage issues. Mr. Lizardi-Rivera added that there would be a loss to the lot by having to enlarge the wetland. Mr. Rowley suggested that replication was a possibility and it would be up to the Board to determine whether it would be an appropriate alternative to permitting a shared driveway. Mr. Rowley read his email, including the citing of 174-32 in the Bylaw requiring an all-weather surface within 50 feet of the dwelling or meeting requirements set by 174-32, including Fire Department approval. Mr. Lizardi-Rivera responded that they would be addressing the ZBA to request relief or Fire Department review. Mr. Lizardi-Rivera further noted that their request to the Planning Board was only to request a permit for a shared driveway. Mr. Rowley noted that a previous shared driveway request required a cul-de-sac to serve as a turnaround, a 16 foot width surface and a 20 foot clearance, as required by the Zoning Bylaw. Mr. Lizardi-Rivera stated that the project proponent did not advocate crossing the wetlands. Mr. Cummings and Mr. Balzarini expressed their preference to review feedback from the Fire Department. Mr. Weeden stated that he

liked the idea of avoiding the wetland but expressed concern about Fire Department needs and whether the neighbors would be willing to share the driveway.

Mr. Lehrer apologized for the error in the Public Hearing Notice, noting that the matter could be reviewed with the Planning Board on March 6. Mr. Lehrer recommended consulting with the Building Commissioner and Fire Department in advance of that meeting, to better understand whether there would be a need for a variance. Mr. Lizardi-Rivera agreed to do so. Mr. Lehrer added that, in a previous similar request, a Special Permit was granted conditionally upon receipt of Fire Department access. Mr. Rowley suggested more information would be needed about the surface and that a curb cut would be needed from the DPW to make the connection to Old Barnstable Road, which should be added to the plan. Mr. Lizardi-Rivera will follow up with the DPW and add it to the plan.

The Chair opened for public comment. Teresa Sandinkowsky addressed the Board with a prepared statement.

*I have a verdict slip awarding me monetary damages and a jury verdict decision against a company once owned and operated by Matthew Costa, which is current owner and operator of Cape and Islands Engineering. My docket number is 2014 0359. The jury decision holds Matthew's company responsible not only for negligence, but also for violating Chapter 93-8 of the Consumer Protection Act. In other words, the actions of Matthew's and Christopher's company were willful and knowing, unfair and deceptive business practices. For over 15 years, Matthew Costa engaged in the practice of land surveying in East Falmouth and Mashpee without a license and without insurance. He was sued three times, the Company was sued three times. In 2013, he closed his business in East Falmouth and he destroyed 15 years of records, including mine. His father Christopher testified that he had no involvement in the new business here in Mashpee. In my opinion, Matthew engaged in the same fraudulent practices in Mashpee under the name, Cape and Islands Engineering, again, without having a license himself. As guardians of the people of Mashpee, I'm asking for you to investigate his past behaviors and the facts of my case, before engaging in Mr. Costa's services or accepting his work. Before you commit the hard earned tax money of the citizens of Mashpee, you need to know the person you are thinking of working with and the facts of the latest judgement against Mathew and his father, and their company.*

The Chair requested that Ms. Sandinkowsky's comments be written verbatim in order to share it with Town Counsel, along with the docket number. Ms. Sandinkowsky asked that the Board investigate the company with which the Board would be doing business. The Chair assured Ms. Sandinkowsky that the Board would want those working on this plan to be professionally qualified to provide their services and that Town Counsel could look into the matter.

**MOTION: Mr. Balzarini made a motion to continue the Public Hearing to March 6 at 7:10 p.m. Mr. Weeden seconded the motion. All voted unanimously.**

#### **PRELIMINARY SUBDIVISION PLAN**

**Submission of Preliminary Subdivision Plan by Cape & Islands Engineering for Mark & Donna Lopez at 103 Meetinghouse Road to Create Three Buildable Lots & Two Open Space Parcels in Cluster Configuration-**The Chair read the request. Mr. Lizardi-Rivera stated that the request was an informal application for review of a project to improve the existing ancient way. There was an existing 12-14 foot wide dirt road stretching from Meetinghouse Road to the Mashpee River.

The back lot would be subdivided as a cluster subdivision to create three buildable lots and two open space parcels. In order to create the parcels, the existing ancient way must be brought up to current road standards with the Town, creating a road layout that would include a T turnaround. The preliminary application was intended to seek review of the project with Mr. Rowley.

Chairman Waygan inquired about the abutting Town open space, which Mr. Lizardi-Rivera located on the map. Mr. Rowley confirmed that there were 45 days from submittal to approve the general concept of the design, deny it or make recommendations, and then an additional 90 days for the Definitive Plan. Mr. Rowley would provide comments after reviewing the plan and confirmed that this plan was different from what was previously submitted. Chief Rullo and Mr. Rowley inspected the entrance of Meetinghouse Road previously and expressed concern about the grade of the hill, as well as trees and utility poles. Rules and regulations required a turnaround up to 800 feet but a determination by the Board, and Fire Department, would be necessary to determine if the T turnaround would be sufficient. Likewise, consideration was necessary regarding the hardened surface and access.

Mr. Balzarini inquired about the width and Mr. Rowley confirmed that it was presently narrow. The plan did not accurately represent the existing conditions. The Chair inquired about the driveway crossing open space. Matt Costa, Cape and Islands Engineering, responded that there was plenty of open space available so there was no need to count to count the driveway portion toward open space, adding that the plan was to improve the ancient way. The Chair stated that there could be difficulty with deed restricting a portion with cars traveling over open space, but Mr. Costa agreed to address the issue. Mr. Rowley was authorized to review the plan and the matter would be addressed at the next meeting. The Chair recommended that the project proponent also consult with the Fire Department.

Since the matter was not a Public Hearing, the Chair could not accept public comment, but invited anyone interested to submit their comments by letter to Mr. Lehrer.

## **NEW BUSINESS**

**C. Rowley Invoice, January 2019**-Mr. Lehrer reported that an invoice in the amount of \$640 was received from Charles Rowley for services rendered for the month of January.

**MOTION: Mr. Balzarini made a motion to approve payment to Mr. Rowley for \$640. Mr. Cummings seconded the motion. All voted unanimously.**

**Endorse Official Copy of the Mashpee Zoning Map Amended October 15, 2018**-Mr. Lehrer explained that the change was the addition of the Light Industrial Overlay District. Planning Board members signed the maps.

**Discussion on Zoning and Housing Development Strategies**-Mr. Lehrer wished to discuss strategies to increase the housing supply in Mashpee. Mr. Lehrer referenced the Use Table and the 20 acre minimum required to develop housing. Mr. Lehrer wished to consider a lower threshold, which could incentivize the development of the housing supply.

The Chair referenced the joint meeting with the Board of Selectmen which suggested any additional development would need to be net zero. In order to offer net zero, developments would need to

upzone and downzone. Mr. Balzarini suggested that one acre lots should be allowed to build four homes, or require an affordable or apartments with a mix of market rate and affordable rate. Chairman Waygan pointed out that nitrogen levels would increase without downzoning.

Mr. Lehrer stated that zoning needed to be amended and wastewater could not be ignored. It was necessary to manage the output of nitrogen and shift the development pattern of housing by lowering the threshold for multi-family housing or connecting to advanced treatment facilities. The Chair stated that, if the developer did not address the costs of nitrogen, the taxpayers would incur increased costs associated with nitrogen.

Mr. Lehrer stated that there was a housing supply problem, but that market rate housing should be affordable for all people. In order for this to happen, the supply needed to be developed in order to make it more accessible to all and shift the supply/demand curve by shifting the building pattern away from single family homes. Additionally, there was not currently the wealth needed to address the wastewater issues. There was discussion about Mashpee Commons and Mr. Lehrer reported that the Mashpee Commons treatment facility treated nitrogen to 3 mg/L which was the equivalent nitrogen output of 10 single family homes. It was noted that 66 new homes were permitted for construction this year.

Mr. Balzarini inquired about the limited land available for development. Mr. Lehrer responded that density was needed to afford the treatment. The Chair stated that market rate supply required 25,000 units to shift the curve on Cape Cod, which is why inclusionary zoning was needed, allowing that every 10 units created required an affordable unit. Mr. Lehrer believed it could be required as a condition in the Special Permit but the Chair believed that it had to be placed in the Bylaw to require it as a condition. Mr. Rowley agreed that a developer could not be asked for more than what was required by Bylaw. Mr. Rowley inquired about the number of Subdivision Plan approvals that had been considered by the Board in the last 3-4 years, noting that there must be a reason why more plans had not been presented, which was likely due to increased costs. Mr. Rowley inquired what market of individuals would be occupying units, if changes were made to requirements. Mr. Rowley suggested including developers in the process to better understand what they would be facing. The Chair pointed out that if the housing market was going to correct itself, it would have done so by now. The Chair felt that inclusionary zoning would be a good first step and Mr. Lehrer agreed.

#### **Municipal Vulnerability Preparedness Program Discussion and Application Process**

**Update-**Mr. Lehrer stated that Mashpee was one of a few Cape towns not yet designated, adding that he was currently preparing to submit an application for designation, working with the Woods Hole Group. Once designated, the Town could request funds to host a workshop to discuss Mashpee's priorities with Town stakeholders, to address climate vulnerability and develop an action plan to address the priorities. Designation would also provide access to additional grants to address identified priority items. Mr. Lehrer asked the Planning Board to submit a letter of support for the designation, the application of which was expected to be submitted at the end of the month. Other Town departments were involved with the application process and documentation. The Chair stated that she wished to look at the application prior to drafting the Planning Board letter of support.

## **OLD BUSINESS**

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

#### **BOARD MEMBER COMMITTEE UPDATES**

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

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

**Design Review Committee**-No update

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

**Environmental Oversight Committee**-No meeting

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

**Historic District Commission**-No meeting

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

## **UPDATES FROM TOWN PLANNER**

New Assistant Patty Maguffin was introduced and welcomed.

## **ADDITIONAL TOPICS**

### **ADJOURNMENT**

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

Respectfully submitted,

Jennifer M. Clifford  
Board Secretary

### **LIST OF DOCUMENTS PROVIDED**

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

**Mashpee Planning Board  
Public Hearing Notice**

The Mashpee Planning Board will hold a public hearing on Wednesday, March 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(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.

Per Order of

Mary E. Waygan, *Chair*  
Mashpee Planning Board

**Publication Dates**

Friday, February 15, 2019  
Friday, February 22, 2019

**MASHPEE TOWN CLERK**

FEB 11 2019

RECEIVED BY     *Q*



# Town of Mashpee

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16 Great Neck Road North  
Mashpee, Massachusetts 02649

February 11, 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, March 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)(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.*

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

Hi, Rodney,

As for the Planning Board Chair's question of what responsibility the Planning Board has to inquire into qualifications, generally the Planning Board has no role in or authority to review qualifications of consultants who are engaged by applicants, but they can condition proposed work on satisfactory completion and can require performance bonds if they suspect the applicant/consultant might default or fail to properly complete approved work. It appears from the agenda I found online that Cape and Islands is engaged by The Stopped Bus, LLC for a special permit for a shared driveway so I see no role for the Board in reviewing consultants' qualifications.

Kate

Kathleen Connolly, Esq.  
Louison, Costello, Condon & Pfaff LLP

Mary Waygan, Chairperson  
Mashpee Town Planning Board  
C/O Evan Lehrer, Mashpee Town Planner  
Town of Mashpee, Massachusetts  
16 Great Neck Road North  
Mashpee, MA 02649

January 29, 2019

Subject: Windchime Condominiums Landscaping Escrow Account


Dear Ms. Waygan,

The Windchime Board of Directors is requesting that the additional escrow account funds, set aside for landscaping improvements at Windchime, be released to the undersigned. It is my understanding that the remaining escrow amount was set aside as part of the Landscaping Plan dated November 9, 2005.

Please let me know what additional documentation is needed by the Planning Board for the homeowners of Windchime to receive the Landscaping Performance Bond with a balance of \$21,854.17.

Thank you for your guidance as we look forward to resolving this issue.

Sincerely,

  
Joseph J. Mooney, Chairperson  
Windchime Board of Trustees

## COVENANT

WHEREAS, Windchime Point Development Group, LP (the "Developer"), having a mailing address of 297 North Street, Hyannis, Massachusetts 02601, is the Owner/Developer of certain property known as Windchime Point Condominiums, located at 90 Great Neck Road South, Mashpee, Barnstable County, Massachusetts (hereinafter referred to as the "Development");

WHEREAS, the Planning Board of the Town of Mashpee issued a certain Special Permit Decision with respect to the Development dated April 22, 1987, recorded in Barnstable County Registry of Deeds in Book 5734, Page 225, as modified by Modifications of Special Permit Decision on 9/2/87, 12/2/87, 2/7/99, 5/21/97, 7/7/99, 11/3/99, 1/2/02, 4/2/03, 7/16/03, all of which Modifications are recorded with the Barnstable County Registry of Deeds (herein collectively referred to as the "Special Permit");

WHEREAS, the Windchime Condominium Trust, the organization of Unit Owners of the Windchime Condominium created pursuant to that certain Declaration of Trust dated July 20, 1989, and recorded with the Barnstable County Registry of Deeds in Book 6821, Page 193, as amended, owns an interest in the common areas of the Development;

WHEREAS, pursuant to Condition Number 8 of the Special Permit, as modified by Modification of Special Permit Decision dated April 2, 2003, the Developer is required to perform certain landscaping work in connection with the completion of Phase III of the development;

WHEREAS, the Developer has agreed to finalize the landscaping work in accordance with certain Landscaping Plans dated Nov. 9, 2005 (herein referred to as the "Plans"), as approved by the Planning Board on Nov. 16, 2005; and

WHEREAS, the Developer has guaranteed the performance of the landscaping work in accordance with the Plans by posting a **cash payment** in the amount of \$85,500.000 as a **performance guarantee** to the Town of Mashpee.

NOW, THEREFORE, it is understood and agreed as follows:

1. **Developer agrees that upon completion of the landscaping work, Developer shall provide written notice to the Planning Board that said work has been completed. The Planning Board shall then have the right, to be exercised within thirty (30) days following the date of receipt said completion notice from Developer, to inspect the work. If the Planning Board's inspection deems that the work has been satisfactorily completed in accordance with the Plans, then the Town shall forthwith return said performance guarantee to the Developer. In the event the Planning Board fails to inspect the work within the 30 day period set forth above, then the Town shall forthwith return said performance guarantee to the Developer upon the expiration of said 30-day period.**

2. In the event Developer fails to complete the landscaping work in accordance with said plans on or before July 4 2006, then the Town of Mashpee shall notify Developer in writing of said breach.

3. Developer shall have thirty (30) days following receipt of said notice of breach from the Town of Mashpee to complete the landscape work and to correct any such breach set forth in the notice received from the Town.

4. If, after the expiration of said 30-day grace period, Developer has failed to complete the landscaping work in accordance with the Plans and/or to correct the breach set forth in the Town's said notice, then the Town shall have the right to record the Notice of Breach with the Barnstable County Registry of Deeds, and, immediately following the recording of such notice, the Town may utilize the above-referenced performance guarantee sum of \$85,500.00 to complete said landscaping work and may enter upon the Development to complete said landscaping work in accordance with the Plans.

EXECUTED as a sealed instrument this 9th day of November, 2005.

**WINDCHIME POINT DEVELOPMENT  
GROUP LIMITED PARTNERSHIP**

By Windchime Point Development Corporation,  
its General Partner

By: [Signature]  
Stuart A. Bornstein, President & Treasurer

**TOWN OF MASHPEE**

By: Beverly A. Kane  
Printed Name: BEVERLY A. KANE  
Its: PLANNING BOARD CHAIR

**WINDCHIME CONDOMINIUM TRUST**

By: [Signatures]  
Trustee

Printed Name MARION BAKER

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

NOV. 10, 2005



Town of Mashpee  
Planning Board  
Minutes of Meeting

Windchime Point Condominium Site Visit  
July 24, 2006

The Town of Mashpee Planning Board Meeting was called to order at the Windchime Point Clubhouse, 43 Blue Spruce, at 3:00 p.m. on Monday, July 24, 2006.

Planning Board Members present: Dennis Balzarini, Vice Chairman; Lee Gurney, Clerk; John Halachis; and Harvey Cohen, Associate Member (3:05 p.m.).

Point of Information: The Chairman, Beverly Kane, has recused herself from sitting on any Windchime Point matters in order to avoid any possible conflict of interest. A family member is a resident of Windchime Point.

Absent: Myrna Nuey.

Also present: F. Thomas Fudala, Town Planner, Tom Mayo, Assistant Town Planner, and Charles Rowley, Consulting Engineer.

Windchime Point Representative: Tom Quinn.

Trustees: Don Curran, Marion Baker.

Approximately seven (7) Windchime Point residents were in attendance.

A quorum being present the Vice-Chairman called the meeting to order.

The Town Planner noted there is a Performance Guarantee in place requiring which requires the developer, upon completion of the landscaping to render notice to the Planning Board. The Town of Mashpee will return to developer the sum of \$85,500.00 upon a satisfactory inspection of the landscaping.

The Vice-Chairman recognized Don Curran, Trustee, and retired landscape contractor.

Mr. Curran stated that after the last site visit it was determined that the landscape plan has not been followed and that a new landscape plan should be provided.

Mr. Bornstein hired Mr. Curran to provide said landscape plan. Mr. Curran, representing the Trustees, brought the new plan to the Planning Board for approval. With approximately 18 lots to sell, the Performance Guarantee was to remain in place. Mr. Curran was to supervise all of the landscaping efforts.

Mr. Curran stated that he left for Florida in November and was notified by Mr. Bornstein's Office in January that his services were no longer wanted.

Mr. Curran stated that he had ordered all of the plants, in accordance with the approved plan, prior to leaving for Florida. Subsequently, the developer cancelled the planting list order.

Mr. Curran noted that the plan approved by the Planning Board was not followed. He agreed that the Planning Board Members would see that plants, trees, and shrubs have been planted, but that they are not in conformance with the approved plan.

References were made to a plan approved by the Planning Board on November 16, 2005; signed by Beverly Kane, Dennis Balzarini, Lee Gurney, John Halachis, and Myrna Nuey.

Mr. Curran then provided copies of a document dated July 19, 2006, Windchime Condominium Association, Subject: Phase 3 Landscaping Project; which document has been accepted by the Trustees.

1. Areas accepted.
2. Areas Not Accepted.
3. Estimate to Finish Plan to Original Plan.

Total: \$51,800-\$57,800

Note: (Request to pull the bond in the amount of \$57,800 in order to complete the landscaping. Mr. Curran volunteered his services to the Planning Board to insure that the plan is followed. Signed, Don Curran, Trustee for Windchime Condominium Association.

Mr. Curran also presented a letter from Holly Management & Supply Corporation, dated October 12, 2004, addressed to Ms. Judy Quinn, 38 Gold Leaf Lane #79, Mashpee, MA 92649, Re: Landscaping - "Dear Ms. Quinn: Please consider this letter confirmation that the landscaping to disguise the Waste Water Treatment Plant will be completed. Please keep in mind that this time of year is not a "growing" season. Sincerely, Stuart Bornstein, Enclosures(s) SB/ldc".

Mr. Curran stated he has spoken with Ms. Quinn regarding her property. He advised her that the view (of the wastewater treatment plant) could not be completely blocked. He did however suggest that if trees were planted now they would grow to 20-feet in approximately 3 to 5 years.

Mr. Curran stated that trees for this purpose had been included in his original order. He suggested Ms. Quinn's drainage issues have not been addressed, trees were to have been planted along the access road to the wastewater treatment plant, and that the water hydrant was to have been placed inside of the fence.

Mr. Curran further stated that the woodchips were to have been removed at the entranceway and at the catch basins and it had been agreed that they would be replaced with grass.

There was to have been landscaping at the dumpster, an ornamental tree, which has not been done. In lieu of the ornamental trees, five (5) dogwood trees were delivered.

Mr. Curran had ordered weeping cherry trees, and hydrangea; none of the plantings he ordered were delivered. The wisteria vines along the foundations and walls should have been removed due to their invasive growing habits.

There remain two (2) dumpsters in Phase III that have not been landscaped. Approximately one-third of what had been agreed to at the last site visit have been completed.

Mr. Curran feels there is no proper supervision for the workers who are expected to remove and relocate the plantings. He feels the developer should hire professional workers with a background in landscaping/horticulture. He is estimating the following, lawn and drainage areas

between \$10,000.00 and \$12,500.00; remove, order, and relocate missing plants (including labor) between \$22,800.00 and \$24,800.00; order missing trees (including labor to plant) between \$18,500.00 and \$20,500.00. The total figure, according to his calculations, is between \$51,800.00 and \$57,800.00.

Mr. Curran volunteered to act as Planning Board representative, as a horticulturist, to make certain that the work is done correctly. He would put the job out to bid and would consider the top three from qualified landscapers/contractors. Again, he volunteered to supervise the landscaping.

The Vice-Chairman then recognized Tom Quinn who spoke to the issue of road surfaces. He stated that all of the roads have been top coated. Some of the residents in Phase I have indicated that they would like to have everything resurfaced.

It is Mr. Quinn's position that the Town's Consulting Engineer, Charles Rowley, made a final inspection in this regard, and he approved and signed off on it.

The Vice-Chairman recognized Jean Brown, who stated the entrance to Windchime/Bob White has never been completed (paved).

When questioned, Mr. Rowley stated that this matter would have been addressed so long ago that he would have to check his records and report back to the Planning Board.

The Vice Chairman recognized Mary Scanlon who stated it is her understanding that Bob White Crescent and the entrance way have never had a finished coat. When this matter was brought to Mr. Bornstein's attention, he had agreed to finish Bob White Crescent. The only work that has been done is a patch in front of Unit #10.

The Town Planner noted that this might have been a private agreement between the developer and the residents. He stated that he was not prepared to address this issue at this time and that he did not have any paving information or the file with him. He did agree to look into the resurfacing issues.

The Vice Chairman then recognized Tom Quinn who stated that he feels the planting/landscaping looks good, he feels the landscaping in this phase looks better than in the previous phases, and that there are double the number of plantings in this phase.

Mr. Quinn informed the Board that Mr. Bornstein had agreed to pay Mr. Curran to prepare an "as built" plan, working with the existing trees and adding to what was already planted. He stated that 90% of the plan was "as built", and that there was never any intent to draw an entirely new plan.

The suggestion to draw a new plan was Mr. Curran's notion. There was a cap of 250-pieces placed on the number of plantings to be brought in, and there was never an agreement with respect to gallonage.

Mr. Quinn reiterated there was never a new plan, that notes had been made onto the existing plan. The main issue of disagreement was the level of compensation Mr. Curran wanted to be paid.

Mr. Bornstein never agreed to pay Mr. Curran, a compensation schedule was never agreed to or prepared. Compensation was the only issue of contention.

Mr. Quinn stated that Mr. Bornstein adjusted the size of the plantings to match the other plantings in previous phases throughout the project. The proper number of plants were purchased, some substitutions were made.

Mr. Quinn agreed to fix, replace, and relocate some of the existing plantings. He stated there was no punch list to refer to, twelve (12) cherry trees have been planted.

With reference to the issue raised by Mr. Curran regarding Ms. Judy Quinn's property/letter, Mr. Quinn stated it is indicated on the plan to "provide some screening"...it was never agreed to block out the view of the wastewater treatment plant. He noted that the Mashpee Commons wastewater treatment plant is also in this property owner's view.

(Mr. Quinn made it clear that the property owner with reference to this matter is no relation.)

Said letter dated October 12, 2004 states the landscaping will "disguise" the wastewater treatment plant. The developer preserved as many of the existing trees as possible on this property, constructed retaining walls and planting mounds.

Mr. Quinn feels this property owner would like to have a wall of trees, which is not possible, 20-30 40 ft. planting would have to be planted within the leaching field. The first attempt to plant vines along the fence failed.

Mr. Quinn agreed that the dumpsters do need additional screening. He also agreed to correct some of the small concerns such as removing the wood chips, etc. He stated he feels the dollar amount quoted earlier of \$57,800.00 is "beyond belief".

Mr. Quinn reiterated the developer never agreed to negate the first landscape plan and provide an entirely new plan. The approved plan is the "as built" plan as modified by Don Curran. There is no replacement landscape plan.

The Vice-Chairman recognized Mr. Curran who stated the approved plan had not been followed to specification. He questioned why the plan that everyone had agreed to and that had been approved was not followed.

Mr. Curran stated, "The original plan was not followed, the planting list had been confirmed, yet not followed".

The Vice Chairman recognized Mr. Quinn who suggested that if the Board found anything objectionable during the site walk, that it would be rectified.

The Town Planner stated the Planning Board are not landscape experts, that they were depending on Mr. Curran to make sure things were done correctly. Mr. Curran was to have been a representative of both the Planning Board and the Association.

Mr. Quinn responded that Mr. Bornstein was unaware that he was expected to pay Mr. Curran for his services.

The Town Planner stated the Planning Board had been comfortable knowing that Mr. Curran would be

overseeing/fulfilling the landscaping matters, as Mr. Bornstein does not employ him.

At this point the Vice Chairman appointed the Planning Board Associate Member, Harvey Cohen, to participate fully and completely and to vote on this matter.

(This portion of the Meeting concluded at 3:35 p.m.)

Site Walk  
Phase III Landscaping

Gold Leaf Lane

Mr. Curran, on behalf of the Condominium Association, requested the wood chips be removed from around the dumpster, that this area be landscaped, that grass seed be planted, and that ornamental and rhododendrons be planted.

References were made to the plan dated November 16, 2006. Mr. Quinn agreed to the removal of the wood chips, to plant grass seed (in the fall), five (5) dogwood trees (or to compensate for that amount).

Mr. Rowley agreed that the berm in this area is fine.

Mr. Curran stated eleven (11) rhododendrons had been ordered to soften the corner area. Mr. Quinn agreed to eight (8) rhododendrons (18-20 inch). These plantings do not show on the plan.

Dumpster Area - Corner of Red Cedar

Mr. Quinn agreed to provide the same plantings as in Phase II, six- (6) juniper, three- (3) p.j.m., two (2) taxodesaforus, six (6) wedilia (red), and five dog woods, all standard size.

Building #45 - Along Unit #18

Mr. Curran stated there were to have been ornamental cherry trees along the front.

Mr. Quinn asked if it would be acceptable to transplant the weeping cherry trees.

Mr. Curran objected, stating the plan calls for autumn cherry trees. The wisteria vines should be removed from this area as well:

At the back of Building #45, Mr. Quinn pointed out the sixteen (16) pink rhododendrons that have been planted along the back wall. He also pointed out the line of responsibility, indicating the area of conservation land.

Mr. Quinn agreed to remove the existing plants and wisteria, and transplant them to the treatment plant area.

Mr. Quinn made reference to the riprap all that was constructed for drainage purposes, explaining the wall has taken up some of the planting area. He questioned whether there is room to plant all of the planting materials requested by the Association.

The Vice-Chairman agreed the spacing might be tight.

It was agreed that all of the wisteria would be removed due to its invasive growing habits, with the exception of the guardrail area.

Mr. Quinn agreed to the sixteen (16) pink rhododendron plants, 18-24 inches in size.

#### Building #44

Mr. Curran stated dwarf ornamentals were to have been planted. Mr. Quinn pointed out the stone/cement structure that had been constructed for drainage purposes, located in the area Mr. Curran was requesting plantings. It was agreed that if this location proved to be unsatisfactory, the plantings would be made at the corner of the property instead.

Mr. Quinn agreed to purchase one (1) autumn cherry tree for this area.

(Mr. Fudala left the site visit at this point, 4:00 p.m.).

Mr. Curran objected to the ornamental cherry trees that have been planted along the front of Units 70-72-74. Mr. Quinn agreed to one (1) dog wood tree, six (6) pgm rhododendrons, and two (2) autumn cherry trees. He also



agreed to improve the condition of the lawn, to be agreed through discussion with the Association.

It was agreed that the wisteria located in the back of the building was okay.

Mr. Curran requested additional shrubs and ornamentals be planted in the back of Buildings #43 and #44.

Mr. Quinn pointed out the Office Building, noting the plantings have been completed.

Mr. Curran responded the plantings to not follow the approved plan.

#### Rear of Building #43-#42

Mr. Curran requested the ornamentals and wisteria be relocated to the treatment plant area as indicated on the plan which calls for five (5) red maples and twenty-five (25) PJM rhododendrons.

Mr. Quinn pointed out the location of the stakes marking out the Mashpee River Woodlands property, and noting the rip rap wall that has been constructed, suggesting there is not sufficient space for additional plantings.

Mr. Curran requested the weeping cherry tree in the front of the property be removed.

Mr. Quinn pointed out that berms had been constructed in this area, as well as a buffer area between Units #56 and #58.

#### Corner of Green Ivy and Gold Leaf Building #41

Mr. Curran suggested this site visit be considered a "rough walk", stating the inspection was being made too quickly for him to calculate the exact number of plants that would be needed in all of these areas being visited today.

Mr. Quinn stated that in fairness, a credit to the developer might be in order in order to balance out the

requests being made for plants in addition to those already provided.

(This is an issue that the developer and the Association can negotiate.)

Mr. Quinn again expressed concern regarding the number of plants being proposed in this area. He feels there would be too many plantings, that they would not all fit.

The Board suggested a compromise be reached between the developer and the Association.

Mr. Curran stated his concern to follow the approved plan as closely as possible.

Mr. Curran expressed concern with the lilac and weeping cherry plantings at Unit #50. Mr. Quinn agreed to replant the grass seed in the fall.

Building #26 - Ms. Quinn's Property  
Access Road - Wastewater Treatment Plant

Mr. Curran requested more plantings and some type of drainage to correct the problem of water retention at this area.

The Vice-Chairman recognized Ms. Quinn who provided some background information regarding the purchase of her property, stating she had been promised a different landscaping, and that the only thing the developer had ever provided in writing was the letter submitted to the Board earlier dated October 12, 2004.

Mr. Quinn informed the Board that the gate had been installed per Mr. Rowley's comment/request, seven (7) red maple trees had been planted along the access road, and he agreed to plant something at the corner of the dumpster in an attempt to soften that particular area.

Mr. Quinn agreed to one (1) red maple and a surface drain system.

Mr. Rowley suggested an area drain, to first determine the low point, and to be constructed below the hard layer of soil.

(Having made this suggestion Mr. Rowley left the site walk at this point, 4:50 p.m.)

Building #25 - Rear  
Last Building in Phase III

Mr. Quinn pointed out that a total of twelve (12) trees have been planted here, as well as a wall of aboravitae, and an irrigation system.

Building #50 - Landscaping

Mr. Quinn wanted to show this area to the Board. He pointed out the landscaping efforts located at the rear of Buildings 47, 48, and 49.

Upon conclusion of the site walk the Vice-Chairman and Lee Gurney both encouraged the developer and Association to cooperate with each other, to work together in agreeing on a reasonable and fair resolution to both parties in addressing issues of maintenance and plant adjustments before addressing the Planning Board.

Adjournment

There being no further Planning Board business to address at this point, the Vice-Chairman entertained a motion to adjourn.

MOTION: Lee Gurney made a Motion to adjourn the Meeting; which Motion was duly seconded by John Halachis and so voted unanimously.

(The July 24, 2006 Planning Board Meeting - Windchime Point Site Visit was thereupon dissolved at 5:05 p.m.)

Respectfully submitted,

Henrietta DeArcangelis  
Board Secretary

changes to signage); which Motion was duly seconded by Dennis Balzarini and so voted unanimously.

Performance Guarantee  
Windchime Point Development Group LP  
Windchime Point Condominium-Status of Phase III  
Performance Guarantee

The Chairman called this matter to order. She then stepped down from this matter and left the meeting room in order to avoid any possible conflict of interest. She appointed the Vice-Chairman to preside.

The Vice-Chairman recognized Tom Quinn, Windchime Point and Marion Baker, Windchime Condominium Trustee.

Mr. Quinn made reference to "Agreement for Completion of Work at Windchime Condominiums" dated August 12, 2006.

Mr. Quinn requested a bond reduction to Fifteen Thousand (\$15,000.00) Dollars to be held until such time as all work has been completed.

Ms. Baker informed the Board that everything is in order and that the Trustees are satisfied with the agreement.

The Vice-Chairman addressed the matter of pavement Phase I of the development.

Mr. Quinn stated he has been unsuccessful in trying to locate the records in this matter.

The Chairman recognized Ann Bull, 5 Bob White Crescent, who informed the Board that she and a number of the neighbors have a concern regarding the final coat of pavement. She made reference to an agreement dated November 30, 1998 between Mr. Bornstein and the fourteen-(14) homeowners at that time. In part, she read, "...Upon the completion of construction of 142-condominium units as shown on the revised site plan place and complete a finished coat of pavement on all roadways located within the condominium property." Said agreement was signed by all fourteen homeowners and Mr. Bornstein.

In response, Mr. Quinn stated he is aware of the agreement document signed at that time. He made a claim

that upon inspection of the roadway in Phase IA he found there is a topcoat of pavement.

Mr. Quinn stated that at the time Mr. Rowley required all the topcoat to be installed on all of the roadways at the completion of each phase sign off. He stated the topcoat had been applied at the time, acknowledging however, it was quite some time ago and that the developer no longer has receipts of the work. He suggested the Consulting Engineer made a further inspection, stating he would defer to his finding.

Mr. Quinn believes the roadways have been topcoated and lined and that Mr. Rowley has signed off on the roads. He does agree that there has been wear on the roads and that perhaps a sealcoating would be helpful at this point.

The Town Planner clarified that the Planning Board was not a party to the agreement between the developer and the homeowners. These are two separate issues, the roadways may meet Planning Board standards, yet may not satisfy the signed agreement.

Mr. Quinn noted that this matter is not an issue with the Windchime Board of Trustees.

The Vice-Chairman indicated his preference for an inspection by the Consulting Engineer prior to approval of this request to reduce the amount of the performance guarantee. (However, this matter is not secured under the Performance Guarantee under discussion.)

It was the consensus of the Board to inflate the requested money amount to Twenty Thousand (\$20,000.00) Dollars due to the fact that there is no actual bid from a landscape contractor.

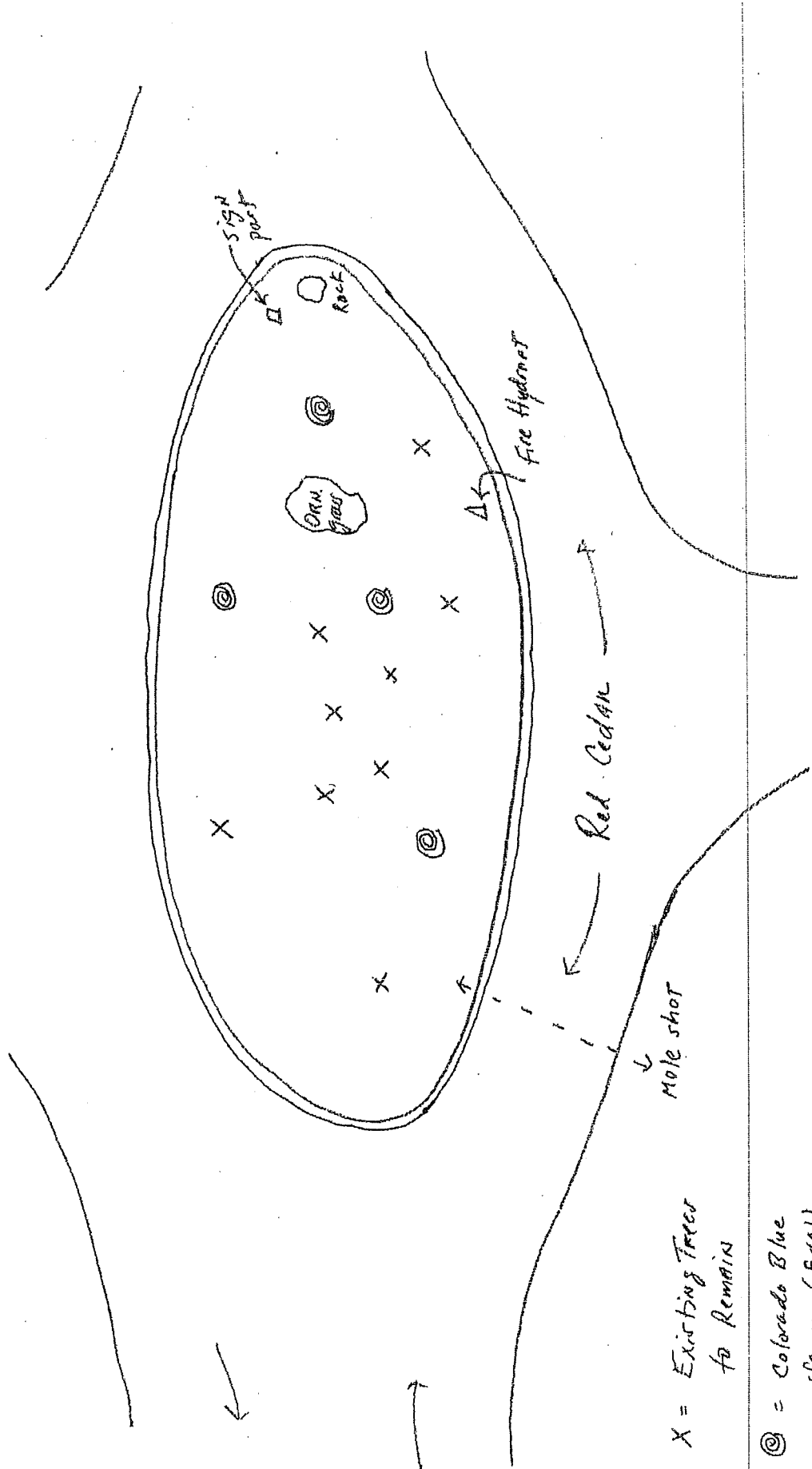
There being no further Board or Public comment the Vice-Chairman entertained a motion.

MOTION: Lee Gurney made a Motion to reduce the Performance Guarantee in this matter for landscaping work at Windchime Point Condominiums to Twenty Thousand (\$20,000.00) Dollars; which Motion was duly seconded by John Halachis and so voted unanimously.

Common Area on Red Cedar

Whitaker Landscaping INC

- Not to scale -



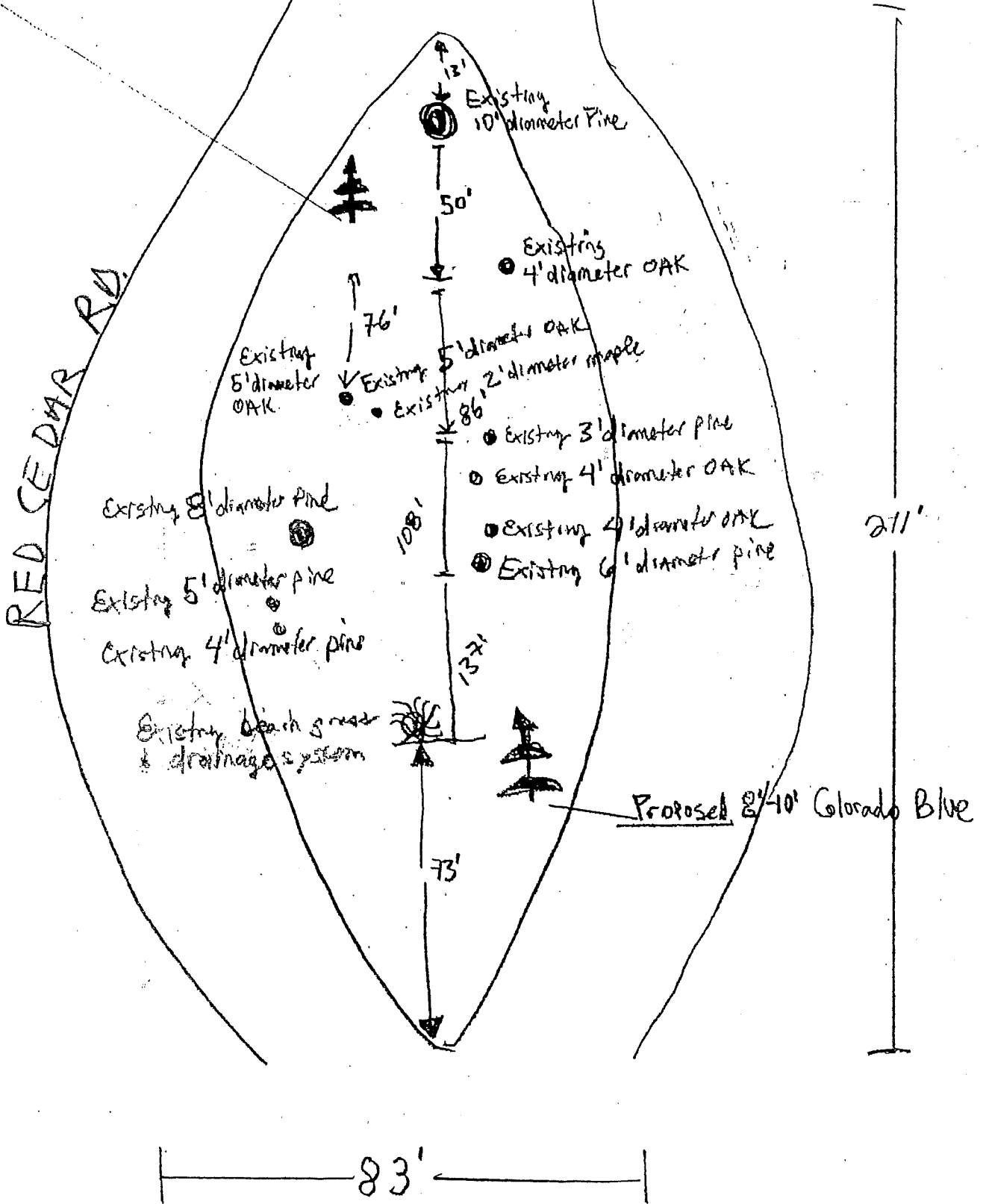
X = Existing Trees to Remain

© = Colorado Blue Spruce (F101)

# Common Area on Red Cedar Road

# Not to Scale

Proposed 8'-10' Colorado Blue Spruce





# Town of Mashpee Zoning Board of Appeals

*Providing Zoning Determinations for the People of Mashpee*

Jonathan Furbush  
Chairman

Date: February 13, 2019

Re: Municipal Vulnerability Preparedness  
Grant Program

To Whom It May Concern:

Please accept this letter of support, by the Town of Mashpee Zoning Board of Appeals, for the town's participation in the Municipal Vulnerability Preparedness (MVP) program.

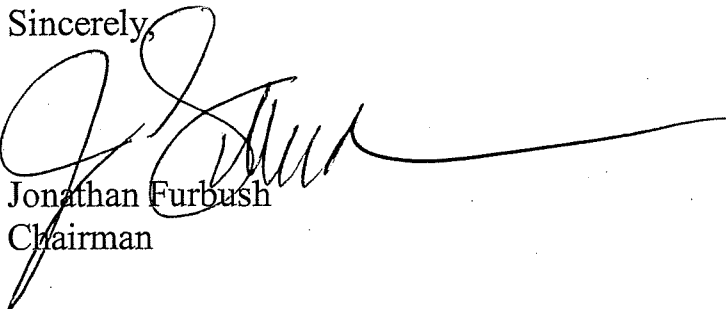
The Zoning Board of Appeals recognizes the need to take into consideration the various issues in which extreme weather and climate hazards would have in our decision making process.

We are reviewing various upgrades to properties, which are being built along both our coast line and within the flood zone(s). With the issues of coastal erosion and other environmental concerns, we fully support the Town's pursuit of this designation.

We do understand the value of participating in the MVP program and how it would be of benefit to the Town of Mashpee.

Please accept this letter of support and for consideration into the MVP program.

Sincerely,



Jonathan Furbush  
Chairman





# Town of Mashpee

16 Great Neck Road North  
Mashpee, Massachusetts 02649

## Conservation Commission

Mashpee Conservation Commission  
Mashpee Town Hall  
16 Great Neck Road North  
Mashpee, MA 02649

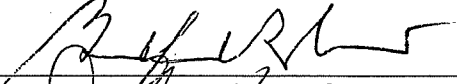
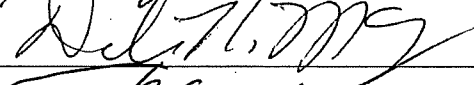
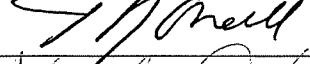

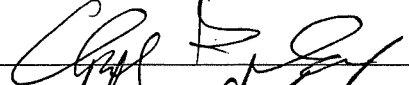
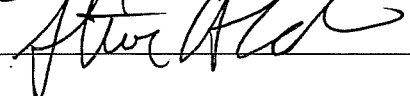
February 14, 2019

To Whom It May Concern:

The Mashpee Conservation Commission wholeheartedly endorses the town's entry into the Municipality Vulnerability Preparedness Program. We support staff and community members to undertake a Community Resilience Building Workshop to identify the Town's goals and priorities to address climate change vulnerability. As a coastal community, Mashpee has already experienced many of the impacts climate change and increased storm events have on our natural and built environment. We are confident in Mashpee's ability to effectively execute the demands of this grant program and are thankful for this most important opportunity. As the Conservation Commission, we will lend our expertise and assistance through this process.

Sincerely,

THE MASHPEE CONSERVATION COMMISSION

  
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# TOWN OF MASHPEE

# OFFICE OF SELECTMEN

16 Great Neck Road North  
Mashpee, Massachusetts 02649  
Telephone - (508) 539-1401  
[bos@mashpeema.gov](mailto:bos@mashpeema.gov)

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

February 12, 2019

At their February 11, 2019 meeting, the Mashpee Board of Selectmen voted to support the Town of Mashpee's application to participate in the Municipal Vulnerability Preparedness (MVP) Grant Program.

As a coastal community, Mashpee has already experienced many of the impacts climate change and increased storm events have on our natural and built environment. The Mashpee Board of Selectmen is eager for Town staff and community members to undertake a Community Resilience Building Workshop to identify the Town's goals and priorities to address climate change vulnerability. We are confident in our core team's ability to effectively execute the demands of this grant program and believe the outcome of this process as an MVP designated community will enhance the Town of Mashpee's ability to protect its many assets. We are thankful for this most important opportunity.

Sincerely,

MASHPEE BOARD OF SELECTMEN

Carol A. Sherman, Chair

John J. Cahalane, Vice-Chair

  
Andrew R. Gottlieb, Clerk  
John J. Cotton  
Thomas F. O'Hara



# Town of Mashpee

# Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

February 28, 2019

To Whom It May Concern:

Please accept this letter of support by the Town of Mashpee Planning Board to participate in the Municipal Vulnerability Preparedness (MVP) program.

The Planning Board recognizes the need to plan for resiliency and to address climate change vulnerability in our Town of Mashpee. We believe the benefits of our participation in the MVP Program will be invaluable to both our coastline and to our community. We are confident in the Town's ability to effectively execute the demands of the program and are thankful for this important opportunity.

Please accept this letter of support and consideration to participate in the MVP program.

Sincerely,

MASHPEE PLANNING BOARD

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Dear Resident,

Notice is hereby given that a Community Outreach Meeting for a proposed Marijuana Establishment is scheduled for March 4, 2019 at 6:00 pm at 57 Industrial Drive in Mashpee. A marijuana cultivation and product manufacturing facility are anticipated to be located at 57 Industrial Drive, Mashpee, Ma 02649. The general public, our neighbors, and Mashpee officials are warmly invited to attend, ask questions, and meet our team.

Kind Regards,

Justin Bigwood



OGCC, LLC