



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Meeting of the Mashpee Planning Board

Wednesday, June 9, 2021

Waquoit Meeting Room

Mashpee Town Hall

16 Great Neck Road North

Mashpee, MA 02649

4:00 PM – 5:45 PM

Broadcast Live on Local Channel 18

Call in Conference Number: 508-539-1400 extension 8585

Streamed Live on the Town of Mashpee Website: <https://www.mashpeema.gov/channel-18>

Call Meeting to Order

- Pledge of Allegiance

Approval of Minutes

- Review of Meeting Minutes from June 2, 2021

Public Comment relative to Mashpee Commons Development Agreement - 4:00 PM – 4:20PM

Old Business

- Continued discussion and deliberation of proposed Community Activity Center Overlay District Proposal

Correspondence

Additional Topics (not reasonably anticipated by Chair)

Adjournment

MASHPEE TOWN CLERK

JUN 04 2021

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**Mashpee Planning Board
Minutes of Meeting
Wednesday, June 02, 2021 at 6:00PM
Mashpee Town Hall - Waquoit Meeting Room
16 Great Neck Road North
Mashpee, Ma 02649**

Broadcast live on Local Channel 18

Call in Conference Number: (508)-539-1400 x 8585

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Present: Chairman John Fulone, Mary Waygan, Joseph Callahan, John (Jack) Phelan, Dennis Balzarini, Robert (Rob) Hansen

Also Present: Evan Lehrer- Town Planner, Ed Pesce- Consulting Engineer, Eliza Cox- Nutter McClennen & Fish LLP, Arnold (Buff) Chace- Mashpee Commons, John Cotton – Selectman, Douglass Kallfelze- Mashpee Commons Architect, Paul Niedzwiecki- Mashpee Commons Contractor

CALL TO ORDER

The Town Hall is open, and meetings are now being held in person. Chairman Fulone called the meeting to order at 6:00PM. The Pledge of Allegiance was recited. All residents in attendance were invited to sign in if they wished to speak during the Public Comment period.

APPROVAL OF MINUTES – May 19, 2021

There were no comments regarding the minutes.

MOTION: Mr. Balzarini made a motion to accept the minutes for May 19, 2021. Mr. Callahan seconded. All voted unanimously.

NEW BUSINESS

Discussion relative to the purpose and intent of motion made and approved on October 07, 2020 relative to the expansion of the Mashpee Commons Development Agreement negotiating party to include one member of the Board of Selectman

Chairman Fulone would like clarification on the motion as the Board received a letter from the Town Manager.

Ms. Waygan read the motion from the minutes dated October 07, 2020.

Chairman Fulone noted the point of clarification rests on “no conflict of interest and no financial dealings with Mashpee Commons”. The position of the Town Manager, after talking with Counsel, “no financial dealings” is a very subjective statement.



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Ms. Waygan explained her intent and wanted to speak to the motion, as she wrote it. At first she did not want to expand the Development Agreement. She felt the negotiating team took away from the power of the Planning Board. She was convinced otherwise, but it was also a compromise between her and the Board. We [the Board] would have a higher standard of Code of Conduct for who would sit on the negotiating team, higher than that of the State Ethics Commission. She felt this would better serve the Town and it alleviates someone who could even have a perceived conflict of interest, for example she mentioned campaign contributions and people who worked for companies who got contributions from Mashpee Commons.

Mr. Phelan believes Massachusetts is more suited to determine conflict of interest, that's why Mass General Law 268A exists. He understands her confusion about how she thought by adding people to the conversation it added more voters, which is not the case. Only the five members of the Board can vote. Mr. Phelan went on to say the Town Planner had clarified that previously. Conflict of Interest can be determined by the Commonwealth of Massachusetts.

There was discrepancy about intent between members and some members speaking on behalf of one another through e-mail.

Ms. Waygan reiterated her intent of the motion was to the benefit and advantage of the Town with absolutely no perceived conflict of interest.

Mr. Balzarini understands we go by the State Ethics, but it will look bad if there is the slightest discrepancy, when this goes to vote at Town Meeting if residents aren't happy then it won't pass.

Mr. Callahan supported that the Law is the standard and if he was misunderstood before, he was incorrect, he thought they were voting on the Law being the standard.

Ms. Waygan feels it is not fair that her compromise is being taken away, feels divisive.

MOTION: Mr. Phelan would like to amend the prior motion made on October 07, 2020, by saying, any person that the Selectman selects, must be in compliance with Mass State Ethics Commission under 268A. Mr. Callahan seconded the motion.

Roll call vote: Mr. Phelan- yes; Chairman Fulone- yes; Mr. Callahan- yes; Mr. Balzarini- No; Ms. Waygan- No. Motion passed.

Chairman Fulone would like to move to Public Comment. He reiterated the guidelines: persons speaking have two minutes, no dialogue back and forth, Board will listen and respond at a further meeting date, and keep comments focused on zoning related to the Commons. Please do not read off of a sheet if an email was sent prior. Please share new discussion items, not repeating what has already been said. Lastly, address the Board when speaking, not the people in the audience.

Ms. Waygan pointed out according to the Agenda, Public Comment is relative to Mashpee Commons Development Agreement.

Chairman stated the Board is tasked with zoning at this time, and please abide by guidelines put forth. He will call the names one at a time as they appear on the sign-up sheet. He will take callers as well.



Town of Mashpee

Planning Board

16 Great Neck Road North
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PUBLIC COMMENT RELATIVE TO MASHPEE COMMONS DEVELOPMENT AGREEMENT

Jessie Little Doe Baird- She is 57yo, lived in Mashpee her whole life, as has her mother, and her great and great- great grandmother and so on for the last 12,000 years. She is a Mashpee Wampanoag citizen, it is her responsibility to provide land for her children and clean water and air. The Wampanoag's have struggled to keep Mashpee, Mashpee over the years. She expressed concern that the Town would change zoning for one property owner, and gave out an open ended permit. She is not convinced 1,700 new apartments, with at least 3,400 new toilets, with at least 10,000 flushes a day is going to be good for Mashpee. She is concerned they would permit a structure twice the size of Cape Cod Mall. She does not believe affordable housing will happen, it has been said before and nothing has been done, there are no affordable units there presently.

Barbara Lynn Barbie – Brought visual aid. This is our horse. This is our car. You've got the car before the horse. Stated things she liked about Mashpee Commons, the bookstore with easy parking and the Post Office. Dislikes lack of dedicated parking at the Post Office. She is concerned that the Development Plan will negatively impact accessibility to both places she frequents. The zoning is the carriage, it is being put before the Development Plan. The zoning represents the power that the corporation can imagine. What they said a couple years ago is what she says now, we want open space, affordable / workforce housing, and accessibility. There is no rush, the corporation wants a 25 year agreement which should constitute at least 25 weeks of review. Please let's make sure the Development Plan is in front of the zoning.

Chairman Fulone wanted to clarify the Town will not vote on a zoning amendment without a Development Agreement in place. That is the process.

Paul Rifkin- 79yo, he would love to see the community talk to one another in a more loving way. He lives in the Commons and it has become a home to him, neighbors are his neighbors that take care of each other, beautiful community that he loves. It's perfect, nothing like it, aesthetic (needs a Mexican Restaurant). If it's perfect, why does it have to get bigger? He would like to hear the answer, he would like to see if there's an expansion, and he trusts there will be, and he blesses it and looks forward to it, wishes he was younger to be able to enjoy it longer. For him, affordable/ workforce housing is a must and conservation land is a must. If we can integrate this stuff into what's going forward, he would hate for this to only have one side win, both sides can win.

Judith Conway- She was interested that the public was asked to comment before the presentation being offered. Concerned infrastructure will take a big hit if this happens. 1,700 Housing units within a square mile, this is not NY City, take careful consideration what it will do to water, sewage, school system, traffic, more police and fire. This is a group of people (sorry for offense) who do not have vested interest in this project, the residents do.

Karen Faulkner- Former lawyer, her letter to the Planning Board, as cited on agenda this evening, is in the record and speaks for itself. The attempt to obtain an amended zoning bylaw for Oct. 2021 Town Meeting should stop right now. Mashpee Commons is in a rush to get zoning bylaw amendment as the deadline is July 12th. On March 24th the Selectman voted unanimously for the 25 Year three part Development Agreement regarding the Mashpee Commons expansion plan. Then on April 14th, one month later, Mashpee Commons lawyer Ms. Cox asked the Board to appoint two members to meet with



Town of Mashpee

Planning Board

16 Great Neck Road North
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Mashpee Commons to engage in detailed discussions to propose language for zoning amendment. It was voted that all five should be permitted to attend. What happened to the plan to work on the Development Agreement? The zoning bylaw is an element to the Development Agreement. Logic dictates we need the Development Agreement first before we consider a zoning bylaw. There have only been a few small details given about the expansion plan, we don't know anything they will do, is this a secret? If Mashpee Commons succeeds in getting approval of the zoning bylaw amendment, the Mashpee Commons will have free reign to do this massive development by right without any involvement of the Planning Board and any Development Agreement will be mute. There has to be a compromise, Development Agreement first and zoning bylaw later.

Anne Malone- She would like to urge the Board to defer decisions made about expansion until residents have the information they need. The development may or may not prove to be in the best interest of the people of the Town, we won't know answers until there is a full proposal. Its full impact can be assessed in light of the community vision. A call for due diligence and transparency is not opposition, it's an appeal to recognize residents as partners in any projects that purports to serve our interests. Mashpee residents have expressed openness to growth, and they cherish open space, clean water, and rural surroundings. The people can be trusted to value their own community. She asks they express respect by postponing consideration of a zoning change until the facts are in and shared with Mashpee residents.

Yvonne Courtney- Resident since 1974, she has seen many changes. Her concern is for the future. We all enjoy the Commons, but we don't know where it will be in the future and the impact it will have on taxpayers. First, impact of construction. Roads cannot maintain large trucks, supplies, road closures, impacts routes 151 and 28. What plan do you have to mitigate construction? People in this town will have to put up with the interruption. How will it not impact the fire truck, school bus, commuters? Secondly, affordable housing, and what is affordable? We must define what is affordable.

Merrill Bloom- Moved here in August, Impact of zoning change will allow construction within 50 feet of some of the units at deer crossing, 177 units. Another point is utilization of space. With the virus impact, brick and mortar sales have decreased and internet sales have increased. Last thing we want to see is underutilized space. It is his understanding Mashpee's affordable housing is at 4.6% and State mandate is 10%, he doesn't think building workforce housing will mitigate the situation, even though it is needed.

Richard Klein- Resident since 2013. What is starting now with the Development Agreement has to be put forth to the people, we have to know what we are getting. Are we getting 3,5,10 stories? Infrastructure, cost per fire truck/ems truck. Who will pay for this, the citizens or the people doing the development? Not him!

Beth Hennessey- She sent in a letter she won't read off. Referenced a song from her generation, by Joni Mitchell, "they paved paradise, and put up a parking lot." It is Incumbent upon Planning Board to represent the people of Mashpee and look out for the best interest of the Town. Look at infrastructure changes on schools, water, waterways, fire, police etc. Very concerned to have a bylaw amendment before you have the plan is going to give up any rights that we have. She does not want to give up her rights or voice.



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Seth – All for progress. People in this room and Town need to know what the Board is doing. A lot of the uproar has been nobody knows what is going on behind the scenes. The citizens want the information, can't trust without it. There is no rush on this, we have to worry about traffic, infrastructure, etc. Wild unnecessary progress will not work with this group or Town, we need teamwork between citizens and Board and Mashpee Commons. Citizens will fight if they need to.

Elena Doyle- Over 80% of the housing on Cape Cod was developed before she was born, 38% is rental or seasonal. When she had her daughter, happiest and most defeating week, tried desperately to find housing. Housing was sparse, not talking about affordable, she had the money, and there were just no homes/apartments available in their price range. This was 4 years ago, everyone here has not faced the housing crisis. Her generation is leaving, the younger population cannot afford to live here. There is a need to rush for the middle class.

Mary Adams Alexa- She was part of the amazing community that was in support of the water cleanliness project, the risks from Nitrogen and Phosphorus were not well understood, in this case there are a lot of risks we are aware of and need to be addressed. Water continues to be a big risk, all kinds of housing is a big problem, streets are regularly backing up, MA and investors are pushing for a net zero future, MA goal by 2050, halfway there by 2030. Energy efficiency is important and we need to understand how this will affect the Town. Planners do your homework, you were elected to represent the people and interest of Mashpee in the long term. This is a once in a lifetime opportunity if it is done in a smart way. Do your homework and share it.

Arden Russell- Four weeks to review a zoning proposal of this magnitude is insufficient. Speed and lack of community involvement breeds mistrust. Allowing a developer to write zoning for our community is inappropriate, the Planning Board is not advancing the project of a developer and approving a zoning change prior to executing the Development Agreement, which is incorrect. She had done zoning amendment for another town, much smaller bylaw, took 18 months to be sure it responds to input and desires of that community, and she expects the same effort here.

Marjorie Hecht- Very disappointed our elected members are rushing through this zoning bylaw in record time for Mashpee Commons, without considering the residents. Two minutes without discussion is ridiculous. This zoning will affect this Town forever, change the character of the Town, two minutes is silly. Would you let a contractor build a house without looking at the plan in detail? How many stories? How large? How many trees will come down? Where will the wastewater go? We haven't seen any details from Mashpee Commons, where are these 1.2 million sq. ft. of commercial space of two Hyannis malls going in Mashpee? Where is the traffic or environmental impact study? What's 1700 more houses? A Mashpee Commons spokesman in this room said years ago they couldn't afford to do affordable housing. We need a detailed blueprint of what's going where in the next 5, 10 years. You represent us, not Mashpee commons, get the plan, and negotiate Development Agreement before a zoning bylaw. I've been at these meetings for three/ four years, she is emotional and is worried for the future of Mashpee.

Ellie -How many of you go to Town Meeting where your vote counts? Tell your friends! I just want the people to know they have a choice, a hand, and a voice. USE IT!!



Town of Mashpee

Planning Board

16 Great Neck Road North
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Mr. Balzarini wanted to say he is kind of disappointed, this is like déjà vu. Two years ago Mashpee Commons came in with 180 page booklet of form based zoning. They came to the last meeting, threw the zoning change on the Planning Board, he hasn't seen what the zoning changes were, he asked to see a plan of the development. They showed up last meeting with zoning, saying there is a six week deadline. That makes the Planning Board look unprepared.

NEW BUSINESS CONTINUED

Mashpee Commons presentation of proposed Community Activity Center Overlay District

Arnold (Buff) Chace to present. The zoning component is an important part of the overall plan. He introduced his consultants who will be helping him present this evening. Tonight's focus is on housing, the plan identifies a need for the tremendous lack of housing, and Mashpee Commons has been identified as one of eight locations that have the infrastructure to be able to help solve this need.

Ms. Waygan asked for a copy of the bylaw, as would Mr. Balzarini. She has not seen the bylaw and is frustrated. There was some push back. Mr. Phelan then spoke up about wanting to follow along as it is being presented.

Some confusion about the disseminating of materials, Ms. Cox ultimately handed out packets comprising bylaw, blueprint map, and pattern book.

Mr. Paul Niedzwiecki was introduced to start the conversation. He is a consultant to Mashpee Commons, former Executive Director of the Cape Cod Commission. When zoning is changed, it can be confusing. They committed to a paralleled focus of zoning and Development Agreement, both need approval but local control is about local zoning. The Town can control form and function on private property. The Planning Board will examine existing zoning and proposed zoning and determine which realities are suitable for the Town. When that process ends is up to the Town.

The Development Agreement, the Cape Cod Commission did a policy plan update in 2018, one size fits all approach across every square inch of the cape didn't work and ignored some realities. Over 85% of land is either developed or protected. Primary housing structures are single family houses. 35% of the housing is seasonal housing, which creates an affordability gap. The term used is Sprawl, one single family home at a time. Most homes are on Title V which don't manage nitrogen well. Mashpee River is the most polluted water body on the cape. The Activity Center has the ability to do that. This kind of development going forward should help deal with some major issues i.e. water quality, housing, and different housing typologies. Pre pandemic the average median cost was \$400,000k, in April it was \$600,000, what was already a problem has become worse. Property evaluations go up along with property taxes. The concept behind the Activities Center, development done right in the right place to improve water quality, allow economic growth, lessen fiscal impact on Town, and govern tax increases. We view this as the beginning. We start tonight and welcome the comments that are going to be made.

A slide representing consequences of sprawl. The amount of forest loss vs. increase in impervious surface / parking lots. Cape Cod Commission review does not look at residential developments unless they are thirty units or more. Referring to the graph, the third largest bar is Mashpee. We need to stop the expansion of impervious surface, stop forest loss, provide workforce and affordable housing, protect



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

our water quality, all of these concerns we are working on. The process begins here with these advantages to the Town.

Discussion and Deliberation of proposed zoning amendment and Mashpee Commons site tour
Ms. Cox introduced herself. She reiterated this is the beginning of the discussion with the Town and Cape Cod Commission. They have agreed to commence the Development Agreement, with that is zoning, a large component. There will be additional hearings for other aspects. The current zoning is not the right vision for this property, suggested is a smarter vision with mixed use type of zoning, 187 acres. Want to get feedback and begin conversation.

Presenting a slide that shows the components that make up the Development Agreement process. The Development Agreement is part of the Cape Cod Commission Act that now is part of the zoning bylaw with specific requirements with what need to be included. First component is identifying the parties: Mashpee commons, Town of Mashpee, and Cape Cod Commission. Cape Cod Commission voted this development was eligible.

Second component required is duration of Development Agreement, they proposed a 25 year phased out over time. Not all built at once, over span of 25 years.

Development Agreement Act and Regulations require you specify densities and uses. Cape Cod Commission perspective requires project be evaluated in terms of consistency with CCC regional policy, including offering of public benefits. Broken into three systems natural, built, and community systems. Thorough review will look at design of buildings, wastewater, infrastructure, transportation, A traffic engineering firm is already in the process of designing a traffic impact assessment. Finally, zoning. Look at existing zoning and find out if it is correct, propose more appropriate zoning, and vote at Town Meeting. Envision these go hand in hand, Town Meeting won't vote before the Development Agreement is in hand, and zoning is just a part of effectuating the vision of the Development Agreement.

Presenting a slide of current zoning of Mashpee map. Mashpee Commons is C1 predominantly with some residential. They've taken a conceptual look on what build out would look like at this existing zoning and what could be developed. Gray is existing buildings. Pink shows proposed build out in compliance with zoning. Very big boxes, a lot of parking, multiple curb cuts, a lot of generated traffic, not the vision that makes sense for the property or Mashpee.

Presenting a slide of proposed zoning of Mashpee map. There are three zones that are proposed as part of the overlay district. Pink area is the core area and is 58.38 acres with commercial center. Second area in yellow is the transition area and is 51.59 acres. The blue area is 76.66 acres and is proposed edge areas. This will be publicly available.

Presenting a slide of the Regulating Plan. This is a map that shows core, transition, and edge, with a green area. This is area that will remain green space, park land, restricted open spaces, as proposed vision and development. This has 18 pages of zoning with graphics. Ms. Cox wants to orient the Board, by giving a quick flip through to highlight some provisions and start the beginning of dialogue.



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Subsection A is the purpose. This land has been designated as a Community Activities Center under Cape Cod Commission Regional Policy Plan. The purpose focusing on growth in an area supported by infrastructure, range of housing types including affordable housing, efficiently using land, enhancing aesthetic character and livability of environment, reducing impact to areas water quality, permitting and exploring ways to expand up, providing opportunities to live work and shop in compact forms.

Subsection B sets forth description of the district. Overlay district with overlay existing zoning and allow for a mix of residential, commercial, civic, educational, and institutional uses, subject to dimensional requirements we will set forth.

Subsection D Describes three zones: Core, Transition, and Edge.

Core- densest, commercial center, mixed use, ground level floors, taller buildings up to streets.

Transition area- neighborhoods that are outside of core, mixed use development area.

Edge area- neighborhoods that do not have commercial development.

Subsection E- Permitted uses of zones

Core- allows all institutional, educational, residential, hotel/ motel, agricultural, commercial, industrial, parking, and specified accessory uses

Transition- residential, institutional (excludes hotel/motel, outdoor flea markets, and motor vehicle services), industrial, and some accessory uses

Edge- Allows residential with certain exceptions. Apartments, congregate care, and assisted living would be allowed only by special permit. Allows for institutional and education and agricultural. No commercial use.

C1 zoning as it currently stands allows for big box commercial uses.

Subsection F- residential density

Core- 130 dwelling units

Transition- 460 dwelling

Edge- max 220 dwelling units

This is in addition to what structures are currently there.

Subsection G- Nonresidential density

Core- 700,000 sq. ft. of nonresidential total gross floor area

Transition- 410,000 sq. ft. of nonresidential gross floor area

Edge- none



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Subsection H – dimensional requirements

Minimum frontage area and maximum single building footprint to prevent sprawl

Core- Max 45,000 sq. ft. of footprint, height 4.5 stories

Transition- Max 25,000 sq. ft. of a footprint, height 3.5 stories

Edge- Max 7,500 sq. ft. of a footprint, height 2.5 stories

Subsection I – minimum setback requirements

Subsection J- Provision there are existing structures that don't conform would be preexisting non-conforming to this zoning with provisions on how they may expand.

Subsection K- Clarifies that within the Community Activities Center Overlay, multiple structures and multiple uses are allowed on single lot.

Subsection L – Set forth parking requirements, several pages including location and design as well as parking demand table, some of which is reiterated in current zoning.

Provision pertaining to open space - Not less than 20% of Community Activity Overlay as a whole be maintained as open space.

Subsection N- requirement that 10% within center be restricted for affordable housing

Several pages with definitions for terms in bylaw.

Pages 15-21- There are appendices that show various diagrams how zoning would be interpreted in terms of height, regarding dormers, lot coverage, and setbacks relating to various frontages.

Ms. Cox would not like to turn it over to Mr. Kallfelze, as he has prepared the pattern book that helps visualize what this zoning would allow with images.

Mr. Kallfelze introduced himself as the Architect for the Mashpee Commons. Zoning is a technical document, useful to have an impression of what the achievement will be. There are a series of neighborhoods that vary in types of use.

Core- Built in part already. Commercial uses will expand, but greater emphasis on residential, as that area grows. A diagram suggests scale of buildings, 4.5 and 3 story throughout core area. Variety of town houses, mix used, multi family.

Transition area- Connective tissue between core and lower density on the edge. Still mixed use but lower intensity of commercial and higher intensity of residential. Small shops or office on first floor and apartments on upper floors. 3 and 3.5 story buildings. Scale and density begins to dissipate.

Edge- Single family neighborhoods we are familiar with. Small lots, no commercial opportunity. 2.5 story buildings, wider sidewalks, bike lane, on street parking, planting strips.

Lastly, idea of variety of recreation or free spaces. Parks, playgrounds, and formality transitions to the neighborhood. Green spaces become organic and open, ultimately connecting into the areas.



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Sections 3,4,5- overall suggestion on what our approach to details and materials, landscape patterns, supported framework, wastewater, sustainability, and solar investments,

Lastly, refers to a portion at the end about design review. There has to be a process where the vision is seen collectively as a community, which will ensure that we arrived where we anticipated. Vision equals reality.

Ms. Cox asked if there were any initial questions, comments, or feedback.

Mr. Balzarini doesn't understand on page 7, the alleyway minimum setback of four feet, in the rear setback no feet, then page 21 it says 20 feet. What is the four feet on page 7 mean? Also on page 2, who is zoning enforcement officer? Could he make minor changes outside of the Planning Board?

Mr. Kallfelze described page 7 as being the setback for the building to the edge of the alley. Page 21 defines the size/width of the alley.

Mr. Lehrer commented that the Zoning Enforcement Officer is the Building Commissioner.

Ms. Cox called up the definitions in the zoning bylaw, that's where uses are described, definitions for all uses and examples of what may fall within those categories. Not unusual in zoning bylaws that the Building Commissioner is the Zoning Officer, has to allow the use being consistent with zoning. Zoning cannot vision every type of use looking 25 years ahead, but that it falls in the zoning bylaw categories. The bylaw sets the criteria for minor/major changes that would appear before the Town or not.

Mr. Lehrer wanted to clarify the existing condition. The use table cannot possibly capture every possible use, for example there are a variety of contractor trades and sub uses that we cannot specifically list, the purpose is allow the Zoning Officer to make a honest assessment of what is proposed and make a general assessment, does not have anything relative to minor or major changes, only regard to building permits as filed.

Mr. Balzarini also doesn't understand the 4.5 stories to 3.5, he doesn't understand what the half a story?

Mr. Kallfelze alluded to the definitions that are allotted for this. A half story could be a roof with dormers in it, or a building three stories with the rooftop is a half story, that half story could be occupied. He mentioned this being an important conversation, they have already considered that the peak of the roof was considered in measurements. It can be presented in detail down the road.

Mr. Chace elaborated that a roof deck provided and the half of story could be excess elevator or stairways for half footprint and is utilized in many places.

Mr. Callahan's most important issues are housing and wastewater. There is a proposed 1,700 units, of those, is there a commitment over and above the minimum standard already established? And would there be production over the minimum?

Ms. Cox referenced page 10 Subsection N, the requirement will be 10% restricted for affordable housing.



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Mr. Chase elaborated there has been some discussion around the cost of building housing, the commitment is to comply with Cape Cod Commission which is 10% for affordable housing. He describes it as large A (with subsidies associated) and small A (generic affordable) just by nature of apartments. He referenced Mr. Niedzwiecki mentioning workforce housing and missing middle, which applies to percentage of median income in the County. Missing middle could be 80-120% of median income. With the 10% affordable housing being 80% or below median income. Depending on the developer, it would be based on tax credits from the State. They are hoping to frontload that component of it.

Mr. Hansen referenced the diagram for the 4.5 story unit. Based on the sketch on page 21, he figures 25 feet first floor, 10-12 ft, 10-12ft, etc. comes out to 60-65 ft. based on scale. That shows the dormer type of building, noticed a number of buildings currently have the pitched roof and a large fenced area that hides air units. How many additional feet above what's currently showed will encompass AC units? It would be expected to add additional height structure? Numbers in his head show a ballpark structure of 70-75ft tall.

Mr. Kallfelze noted typical enclosures for equipment would add to the height. He noted 10 feet may be extreme.

Mr. Cotton is concerned with the location of those buildings in terms of typography. From a driving level there are a lot of elevation changes, if this 4.5 story is at an elevation dip, need to start 10 feet below standard elevation. With existing structures the gradient downwards toward outer edge, he would like to see that same thing. Lot of peaks and valleys. Lastly, he would like to know about the plan make up for affordable housing, second and third floor above commercial, an apartment building, or a mix?

Ms. Cox said that will be a conversation with the Town and Cape Cod Commission as part of Development Agreement. It is not specified in zoning, but as the Development Agreement advances we are in communication with a nonprofit who is looking to add some units. At the moment there are little details on what type of units that would be.

Mr. Phelan commented that the public was not present for the tour earlier. With regards to solar panels, is there a plan to continue with all new commercial portions? They also got a tour of the wastewater treatment plant as well. The current capacity is 180,000 gallons of water a day. What do we currently use? Will it be able to handle the increase?

Mr. Chace was very reliant of the solar that has been installed with the various programs from the State, currently we are in a dip where the incentives have gone away, and he is hoping there will be some further funding through President Biden. He is very committed to sustainability, as Mr. Feronti mentioned, 98% of electricity is being produced on site with solar.

Tom Feronti, Director of Planning and Construction for the Mashpee Commons, elaborated that the wastewater capacity currently is 180,000 gallons a day, and the use is about 90,000. This includes four municipal buildings and the property adjacent. In its current condition, no it cannot handle increase, the contemplated expansion will allow us to go from 180,000 to 280,000 gallons. The expansion can be done with a minimal addition of about a third to the building footprint for a third train in the process. The discussions with the Town have been looking at a holistic approach. We have ability to treat more on



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

the site, but it is constrained by sand beds and infiltration of the discharge. Offsite discharge needs to be explored. The State mandate of 180,000 gallons is based on Title V capacity. The Title V measures number of gallons based on use. We have the ability to expand another 100,000 gallons, we can use 180,000 gallons before we trigger the next expansion. With expansion to 280,000, we will be allowed to take it to 80% until you have threshold for further expansion. Likely the discussions around the wastewater treatment plant will involve expansion.

Mr. Phelan asked if there was a plan to demolish current buildings or leave them as is. With the construction, is the initial focus going to be on commercial and industrial or housing as part of initial phases?

Mr. Chace commented there are no plans to tear down or demo any existing properties. As part of the first phases, housing will be a primary focus.

Ms. Waygan reiterated there were no plans to demo of existing buildings, but will this zoning allow for demo or expansion of areas already built? Can that extra capacity be taken out of the bylaw?

Ms. Cox stated it would. If the existing building complies with the new zoning then it could be expanded in accordance with new zoning, or if building does not comply, subsection J... (she was cut off)

Ms. Waygan asked for slide review of existing zoning C1. Is there any way they can get the build out including the chapter 40b development and the OSID bylaw? We need to look at existing and new zoning, which would be helpful. Basic question about uses in the bylaw, this is an overlay district. Does it draw on the list of uses?

Ms. Cox said it has its own uses in definitions section. Page 11, commercial use, and then a list of what would constitute a commercial use.

Ms. Waygan asked if they are using form based code.

Ms. Cox said it is a hybrid because uses are less regulated in current zoning, so it is a combination of existing and form based. Regulatory plan as part of Development Agreement process, for the zoning there is no associated regulatory plan. Certain areas would be regulated in terms of open space where streets would be located, and those would be part of the Development Agreement process. Part of Development Agreement has to allow for flexibility as this spans over 25 years. Don't have specific plans or how it will lay out or even location of lots, street networks, and open areas.

Ms. Waygan is working off of a list from August of 2018. It was the Planning Boards previous time spent before conversation ended with Mashpee Commons, but not before there was a submission of questions. Is there a regulating plan, for example, previously we asked about parking? Is there a financial impact assessment? What are the minimum and maximum building heights? What are the minimum and maximum residential densities? What is the commercial square footage? What permits will be needed for waste water treatment to handle maximum build out? Will you be doing an environmental impact statement?

Ms. Cox stated the economic analysis has been submitted, it is part of the Development Agreement application, already prepared and packaging the materials to submit to Cape Cod Commission and



Town of Mashpee

Planning Board

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

Planning Board. Ms. Cox will not be planning to do an environmental impact statement. As part of the Development Agreement, we have mapped natural heritage and restricted areas as green space and sensitive environmental areas. Ms. Cox would like Ms. Waygan to elaborate more on what an environmental impact statement means.

Ms. Waygan states including but not limited to specific plans to protect and improve all rivers with special consideration to current degraded and impaired state to these water bodies.

Mr. Niedzwiecki said the design we are proposing is respectful of more sensitive areas of the site. The project will need to be updated with all MEPA (MA Environmental Policy Act) requirements. The existing status and environment quality and any potential impact would be quantified. Reports can be submitted and will comply to meet these requirements and MEPA, as it is part of their legal requirements. Cape Cod Commission will then review submission. The traffic patterns are underway. Once shared with Commission it will become a public document. It will be disseminated to the Town and all of this will be released through Development Agreement in June, over the next four weeks. Depending on the Commission's timing, they had turnover lately which has delayed some processes. Some other requirements of the Development Agreement process include storm water management plan, archeological sensitivity study of expansion area, and all of the green space will have to be defined for particular uses. There will be connections to other open space pieces in town as we want to get value in open space. There is a minimum required as part of zoning.

Ms. Waygan went back to affordable housing, she liked the work on that up front. She would like to see a schedule of affordable units and out of every four, one is affordable, do not place them on the end. It is always best when it is in the zoning bylaw because then it reads by permit and the Building Commissioner will read it. She needs to know about roads and parking. Year round use of housing can be done with a deed restriction. Not asking that all units coming will be deed, but affordable is deed restricted to 80%, you could deed restrict to people who make only up to 200% of median income. It wouldn't go on subsidized inventory or have a lottery, verification of taxes that people are making so much that would guarantee the year round housing. She would suggest 10% affordable A, and 10% as median income. Ms. Waygan would like answers regarding short term rentals and air bb weekly type rentals. She is not referring to hotels, but something that was built as residential or single family detached buildings. Hot button issue as people are concerned about impacts for what's best and impacts of infrastructure and how it's mitigated. Also a question about the market analysis, there is tons done for housing, she is concerned about commercial space. Is there any market analysis to show that the area needs that amount of commercial space and if something is approved for 25 years what are the triggers to allow for additional? She doesn't want to out compete and drain economic development of surrounding areas. How does this proposal fit into the nitrogen management plan? People are already saying why would we allow for new building with new water issues while we are still trying to make up for it from 30 years ago?

Mr. Niedzwiecki thinks this is one of the biggest bonuses of this development. Wastewater infrastructure financing means the longer the length of the pipe the higher the cost. The Development Agreement process looks at impacts. Wastewater is a big issue, wastewater treatment will treat at much higher level than septic systems now. One three bedroom home produces as much nitrogen as ten one bedroom apartments. As the Town builds out its own infrastructure, it may want rate payers



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

that offset impacts. The Cape Cod Commission will not allow development if the wastewater impacts are not offset. Many potential rate payers in small areas are beneficial. The Development Agreement process looks at the affordable housing commitment, and the commitment to build the affordable housing up front and not just have it be a percentage of existing.

Ms. Waygan appreciated the community center but in order for her to support the bylaw she need to see this within the boundaries of the project. Some people think if you can allow density in a center and keep open space down by the coast, If they aren't economically linked, the Town then has to down zone, she wants to see all this dealt with in this project boundary. She is confused whose idea it was to have this zoning complete by June.

Mr. Niedzwiecki thought it would be beneficial to get zoning to the Town and into local process and not have it follow the Development Agreement, hard to win the argument.

Ms. Waygan is stating this is a difficult position to be in. Town Counsel is saying we shouldn't vote on a bylaw unless the Development Agreement is executed. In order to do that we would have a vote at Town Meeting to postpone the bylaw. That is a vote you need to win at Town meeting. She is not going to put the Town at risk, asking to please back off of this aggressive have to have it done by June 30th schedule. You will win friends and start to build support in the community.

Chairman Fulone suggests if we aren't prepared to take it to Town meeting in October we won't, but we are going to work hard to be prepared.

All future questions the Board has for Mashpee Commons will be sent to Evan and given to Ms. Cox. This will also eliminate duplicate questions and allow for preparation of answers.

Mr. Balzarini asked if this was a permanent stamp, if before 25 years Mashpee Commons wants to change this permit, the developer can change at any time. He would like to see a review in five years, to see if this permit still wants to be pursued by the Town. He does not what to give a 25 year agreement and the developer can make changes any time he wants.

Ms. Cox said there is a modification process that is built in that requires approval of all parties. Gives vesting of regulations so there is predictability for the developer in the future as this is a large commitment.

Mr. Phelan interjected that the developer cannot just change it. No developer will want to commit to a five year agreement with this intensity of money they are investing.

Mr. Niedzwiecki stated the Development Agreement is a binding contract, all three parties, all changes, have to be agreed upon. There is a modification process. It is a contract. If the Town came to the Cape Cod Commission with a big issue, that would invoke a conversation between the three parties to entertain modifications.

Ms. Waygan mentioned he [Mr. Balzarini] is maybe referring to a sunset clause.

Mr. Hansen wants clarification outside of what was being discussed, someone mentioned this is a pedestrian centered community. What does that mean relative to the number of vehicles for 1,700 units, which is 2,800 people? For 2,800 people there are 2,800 cars or more. What is your perception of



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

a pedestrian centered community in ratio of cars to people and the impervious surfaces required for parking? Looking at this right now, fire trucks won't get by.

Mr. Niedzwiecki noted part of having density of a pedestrian centered environment should require fewer cars because of proximity / location. They have not necessarily looked at this ratio as some of these structures are single family homes, he will not dictate how many cars can be on the property of that structure. Conceptually it is something we should talk about, this model will result in less cars than the standard.

Ms. Waygan would like to see more of a visual. She is missing the visual steps with his bylaw.

Chairman Fulone wanted to reiterate this is just the beginning and there will be plenty of opportunity for further discussions. This is an agreement between the Town, the Commission, and the Commons. The residents of Mashpee get to decide if there will be changes to the zoning, not Mashpee Commons. There is a process, and this is the first time there has been a three-way collaboration. He went on to thank the presenters and the attendees as well as the residents who spoke this evening.

Ms. Waygan asked if this material could go up on the site. Mr. Fulone asked for an electronic copy.

Sign signatory page for Barnstable County Registry of Deeds

Completed and returned to Mr. Lehrer.

OLD BUSINESS

Nothing to report at this time.

CHAIRMANS REPORT

Nothing to report at this time.

TOWN PLANNER REPORT

Local Comprehensive Plan FRP Update

Mr. Lehrer met with four potential respondents to the RFP. Chairman Fulone and Ms. Waygan participated. The questions were general, more about content submission. Comments about intentions / desires relative to community engagement. With the role of the pandemic and going virtual there were discussions about what they would like to see from proposers. There was good diversity from firms, ranging from classic large multi-office engineering and planning to individual and urban design. Good cross section with people who have worked on Cape Cod. The proposals are due June 11th, they will be reviewed and a recommendation will be made to the Board.

Ms. Waygan is hoping to see three proposals.

Chairman Fulone thought the responses were good and he is anxious to see the turn out. There were not many questions to the Planning Board as the RFP was pretty clear.



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Update on ongoing projects from Consulting Engineer Ed Pesce

New Seabury

Mr. Pesce mentioned he has done several inspections in the past couple weeks. He got a call from Kevin Mahoney of New Seabury, they are preparing new road base for paving 25% of the road. The section facing rock landing, he is trying to reduce the dust because it is next to the main travel way. He wanted to do a quick base inspection. Mr. Pesce showed him areas he did not like.

Ockway Highlands

Mr. Pesce spoke to developer Jacques Morin, and Mr. Pesce told him about some things he needed to take action on. He noticed recently they had put down filter fabric in every catch basin but hadn't repaired anything else. Mr. Pesce took more photos, there are areas showing evidence of rain, but the good news he is also making sure there is erosion control in the catch basin.

Willowbend

Mr. Pesce went to Riverbend at Willowbend to re-inspect, Mr. Ring with dig it construction was not available the first visit, one of his staff from Willowbend met Mr. Pesce instead. He told Willowbend to put down loam and seed and take care of erosion control. There is a detention basin that will start eroding, Mr. Pesce didn't want the loam to wash away. He saw Dennis Ring yesterday and he told Mr. Ring of the piles of loam, nothing spread, nothing seeded. Mr. Ring is planning to put down sod in most of the areas and don't want to do that without the well and irrigation installed. Good excuse, but will have to repair damage done by rain storms. Following up with these three items

Mr. Pesce wanted to ask one more clarifying question from the presentation, what is the breakdown of apartments and home ownership? It will be a part of their economic analysis. When you mention EIS, a Federal term, it is done after a federal environment assessment, also NEPA process. If there is any impact, there is an EIS they have to with the Commission. There are 15 subject areas, including climate change. They will be providing a lot of information, Wastewater, storm water, and nitrogen. Understand balancing some stressors in the community. He would've recommended the presentation before Public Comment.

Ms. Waygan noted Mashpee Commons submission of documents, can the Planning Board have a proposed schedule of meet times (for CCC), and was wondering if there is feedback that can be given from Cape Cod Commission. She wants to sit in, she thinks they are minimizing their potential on the design and that is their strongest point.

Mr. Lehrer has weekly meetings with CCC and Mashpee Commons. The design guideline is much more detailed and specific with materials and projections into street etc. It will be presented to CCC for the Development Agreement. Deputy Director at CCC is standing in place for the interim, they will establish a subcommittee and will set a schedule of public hearings. Mr. Lehrer will keep everyone apprised. He will also get a better understanding for mutual conversations involving the Planning Board.

Mr. Lehrer read the Development Agreement regulations for clarifications. When the Development Agreement is being negotiated by the applicant with both CCC and Municipality, applicant should meet separately with Municipality and subcommittee in a public meeting to identify areas of compliance and



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

noncompliance with regulatory standards. Participating parties shall review proposed development for consistency with local zoning. The identified proposed agreement would not be consistent with local bylaw at this time. Municipalities may recommend approval if it is inconsistent with bylaws, provided such recommendation shall be subject to amendment of Town development bylaws or grant of appropriate relief to eliminate or excuse such inconsistency. This is why we wouldn't have the Town Meeting vote on articles prior to ratification of the Development Agreement.

Mr. Phelan noted nothing where all three parties meet. It's a three party agreement don't you think the three parties should meet at one point? He would like times of their meetings as well and would love to get a taste of how their conversations go.

Mr. Lehrer said members of Cape Cod Commission would agree, their enabling regulations and subchapters are imperfect, and if the process that he just laid out is not captured within these regulations, we can open a dialogue. He will get the meeting times.

Ms. Waygan said you can make the bylaw part of the Development Agreement and it all goes to Town Meeting as one packet. Then the residents are looking at it all together so judgement can be made. She would have asked for the Board to write a letter as that that was the pathway she would have used.

Mr. Lehrer acknowledged he was a proponent of that process and suggested it at the beginning, but it is up to the applicant. The applicant has two options to propose, opted for this pathway, and doesn't think the Board is out of its bounds to modify this schedule. From a staff perspective, Mr. Lehrer thinks the goal will be not when to submit or why to submit, but should be to produce a technically functional document that achieves desired effect in the built environment, and if we are not there then the Board will make that decision. We need to thoughtfully consider what's been proposed with the effort of complying with everything the Board has discussed.

Mr. Phelan wants to continue with these meetings, he needs to digest this and has more questions and wants to review zoning.

BOARD MEMBER COMMITTEE REPORT

Cape Cod Commission

Ended its comment period on climate action plan, should get published soon.

Community Preservation Committee

Meeting will be held third or fourth Thursday of the month, only meet if there is an agenda item or proposal, will share.

Design Review

No meeting

Plan Review

Nothing since last report.

Environmental Oversight Committee

No meeting

Historic District Commission

No meeting

Military Civilian Advisory Council

No meeting



Town of Mashpee

Planning Board

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

Chairman Fulone is not holding residents to the deadline for submitting comment 7 days prior, he wants to keep information and dialogue flowing. There will be a substantial amount of correspondence.

Mr. Lehrer wants to avoid people saying they did not know or could not access information. Materials were put on the Planning Department page, and there is a link with exhibits and meeting dates. It is live and under construction, at least for the opening of this meeting.

ADDITIONAL TOPICS

[Not reasonably anticipated by Chair]

ADJOURNMENT

MOTION: Mr. Balzarini made a Motion to adjourn the meeting at 9:00PM. Seconded by Mr. Phelan. All in favor.

The meeting ended at 9:00PM

Next Meeting: June 09, 2021 4:00PM

Respectfully Submitted,

Christine M. MacDonald
Board Secretary

LIST OF DOCUMENTS

Additional documents may be available in the Planning Department.

- Karen Faulkner correspondence- Mashpee Commons Expansion
- Town of Sandwich Notices
- Town of Falmouth Notices
- Waterways Application – 45 Popponesset Island Road – Lisa and Christopher Conti
- March 2021 Discharge Monitoring Report for South Cape Village – N=4.1
- February 2021 Discharge Monitoring Report for South Cape Village – N=5.0
- January 2021 Discharge Monitoring Report for South Cape Village – N=6.1

Robert's Rules of Order – the Basics

The purpose of "Robert's Rules of Order" includes the following:

- Ensure majority rule.
- Protect the rights of the minority, the absentees and individual members.
- Provide order, fairness and decorum.
- Facilitate the transaction of business and expedite meetings.

Basic Principles

- All members have equal rights, privileges and obligations.
- Full and free discussion of every motion is a basic right.
- Only one question at a time may be considered, and only one person may have the floor at any one time.
- Members have a right to know what the immediately pending question is and to have it restated before a vote is taken.
- No person can speak until recognized by the chair.
- Personal remarks are always out of order.
- A majority decides a question except when basic rights of members are involved.
- A two-thirds vote is required for any motion that deprives a member of rights in any way (e.g., cutting off debate).
- The chair should always remain impartial.

General Procedure for Handling a Motion

- A member must obtain the floor by being recognized by the chair.
- Member makes a main motion.
- A motion must be seconded by another member before it can be considered.
- If the motion is in order, the chair will restate the motion and open debate (if the motion is debatable).
- The maker of a motion has the right to speak first in debate.
- The main motion is debated along with any:
 - Subsidiary motions (e.g. "I move to amend the motion by ...").
 - Privileged motions (e.g. "I move to postpone the motion to ...").
 - Incidental motions (e.g. "I move to divide the question.").
- Debate on Subsidiary, Privileged and Incidental motions (if debatable) takes precedence over debate on the main motion and must be decided before debate on the main motion can continue.
- Debate is closed when:
 - Discussion has ended, or
 - A two-thirds vote closes debate ("Call the question").
- The chair restates the motion, and if necessary clarifies the consequences of affirmative and negative votes.
- The chair calls for a vote by asking:
 - "All in favor?"
 - Those in favor say "Aye".
 - Then asking "All opposed?"
 - Those opposed will say "No".

- And finally asking "All abstained?"
 - Those abstaining will say "Aye".
- The chair announces the result.

General Rules of Debate

- No members may speak until recognized by the chair.
- All discussion must be relevant to the immediately pending question.
- No member may speak more than twice to each debatable motion.
 - The second time takes place after each member wishing to debate the motion has had an opportunity to speak once.
- No member can speak more than three minutes.
- It is not permissible to speak against one's own motion (but one can vote against one's own motion).
- Debate must address issues not personalities – no one is permitted to make personal attacks or question the motives of other speakers.
- When possible, the chair should let the floor alternate between those speaking in support and those speaking in opposition to the motion.
- Members may not disrupt the assembly.
- Rules of debate can be changed by a two-thirds vote.

Robert's Rules Help Get Things Done!

- Make Motions – that are in order.
- Obtain the Floor – properly.
- Speak – clearly and concisely.
- Obey – the rules of debate.
- And most of all, be courteous! That's always in order.

To: Mashpee Planning Board
From: Evan Lehrer, Town Planner
Date: June 9, 2021
Re: Parking Ratios of proposed CAC Overlay

Summary

With some nuances differences between existing parking ratios and the proposed ratios contained in the draft CAC, there is general consistency between current requirements and the proposed overlay for the highest intensity and most prevalent uses of the proposed CAC: residential, retail and office.

There are some noted differences in the proposed requirements for Restaurant and Food Service as well as Hotel/Motel, particularly those with function spaces/restaurants.

Lastly, the defined ratios provided for Theaters in the proposed CAC needs to be made clear. I am not saying that what is proposed is inadequate, only that I am hoping to gain some additional clarity around ratios for that particular use.

Residential

The Zoning Bylaw currently requires two parking spaces per dwelling unit whether that unit is a detached single family home or multifamily.

The CAC proposes 1 parking space per dwelling unit that has 1 or 2 bedrooms.

The CAC proposes 2 parking spaces (consistent with current zoning) for any dwelling unit that has 3+ bedrooms.

The difference of 1 parking space for those units of 2 or less bedrooms really speaks to building type. Other than the condominium projects approved under the Open Space Multifamily bylaw that was replaced by the Open Space Incentive Development (OSID) in 1986, all of Mashpee's housing stock are detached single family homes.

Retail

The zoning bylaw has different applicable parking ratios for different types of retail uses. For Discount/Department Store, hardware store/paint/home improvement store the current bylaw requires 1 parking space per 300 s.f. of gross floor area.

Additionally, it separates supermarkets, convenience stores, furniture/carpet stores, and other. Those ratios are broken down as follows:

Supermarket - 1 space per 250 s.f. of gross floor area

Convenience - 1 space per 150 s.f. of gross floor area

Furniture/Carpet- **1 space per 800 s.f. of gross floor area**

Other - **1 per 150 s.f. of gross floor area**

The CAC treats retail collectively and proposes to provide 4 parking spaces per 1,000 s.f. or 1 per 250 s.f.

Restaurant and Food Service

The existing bylaw manages parking ratios for restaurants differently if the restaurant use includes a drive-through window. Assuming that the design guidelines and dimensional criteria contemplated in the CAC as proposed will likely prohibit drive through eating places we can look at only the parking ratios for restaurants without.

The current bylaw requires 1 parking space per 2 seats or 12 per 1000 sq. ft. of gross leasable area, whichever is greater.

The CAC proposes 6 parking spaces per 1000 s.f. of gross floor area of restaurant and food establishments. This is a 50% reduction of the current requirement. A discussion as to the adequacy of the proposed ratio is warranted.

Office

The current bylaw and the proposed CAC Overlay are generally consistent with minor differences. The current bylaw requires 1 space per 300 s.f. The CAC proposes 1 space per 333 s.f.

The difference between the two for a building of 10,000 s.f. would be 3 parking spaces.

Theater

1 for each 4 seats or 1 for each 4 persons as shown on the certificate of occupancy issued by the Building Inspector for the premises at the time of maximum use, whichever is greater

Proposes 3 spaces per every 100 seats over 450 seats

What does this mean for theaters less than 450 seats? No parking requirement?

Need clarity

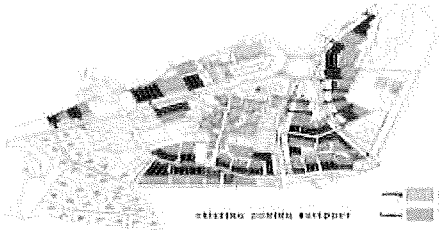
Hotel/Motel

Without Restaurant/ Function Space: The current bylaw requires 1.5 spaces per hotel room.
The proposed CAC provides 1.2 spaces per hotel room.

With Restaurant/Function Space: The current bylaw requires 2.5 spaces per hotel room
The proposed CAC provides 1.5 spaces per hotel room.

In addition to the questions I asked during the June 2nd meeting, I submit the following:

BUILD OUTS: On June 2nd, Mr. Paul Niedzwieki representing Mashpee Commons noted we should compare the proposed zoning to the existing zoning in order to identify the benefits of the proposed zoning. The Mashpee Commons team provided a map showing the area built out under C1:



Please provide build outs of the entire 187 project area under all of the current zoning plus the Ch40B Comp Permit (from 2007):

1. A build out under C1 zoning
2. A build out under the current Open Space Incentive Development Bylaw
3. A build out under the current Ch40B Comprehensive Permit (issued 2007) where the land outside of the Ch40B Comp Permit is built out under the Open Space Incentive Development bylaw
4. A build out under the current Ch40B Comprehensive Permit (issued 2007) where the land outside of the Ch40B Comp Permit is built out under CI zoning

For each of these scenarios, please provide a plan/map, maximum allowed number of housing units, the estimated number of bedrooms, the maximum allowed square footage of commercial space, the total number acres of required Open Space, the total number of capital "A" Affordable Housing units, and the percent of the total housing units required to be capital "A" Affordable Housing.

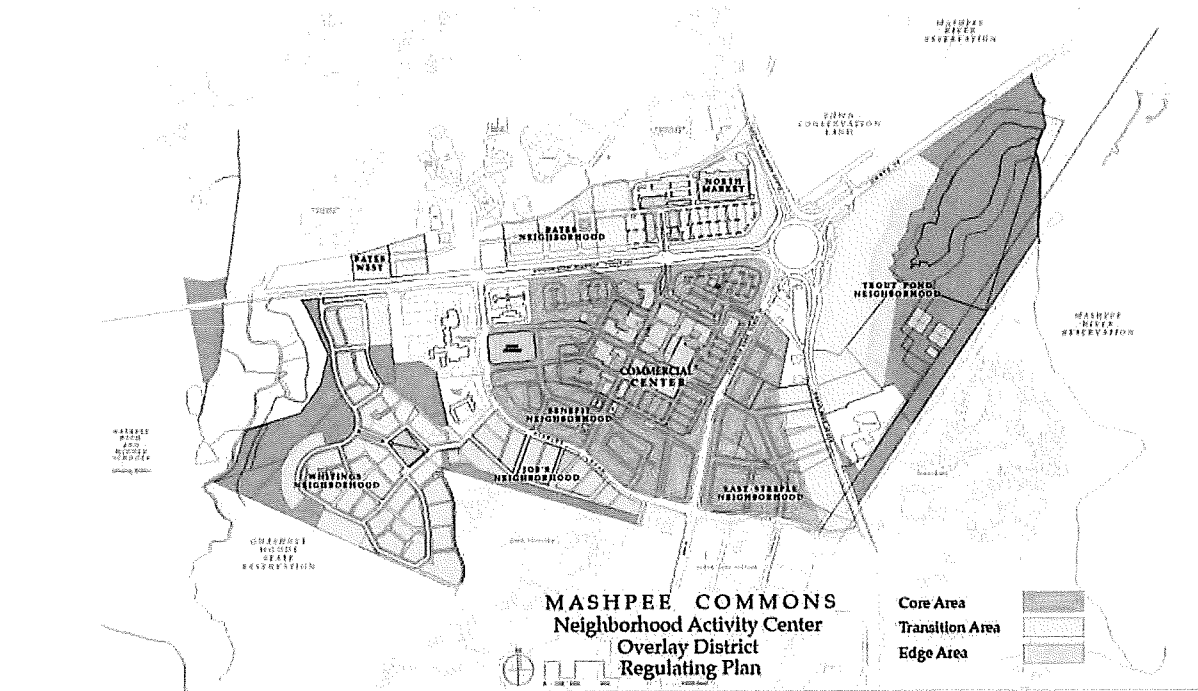
DEER CROSSING: Under the proposed zoning, what are the dimensions of the set-back and vegetated buffer to the Deer Crossing property and buildings

LOCAL COMPREHENSIVE PLAN: In what ways is this zoning bylaw in line with our current Local Comprehensive Plan, and in what ways is it not?

OPEN SPACE: If I am reading the Mashpee Commons Overlay Regulating Plan correctly, there are areas shaded green that would not qualify as Open Space (the Waste Water Treatment facility including the discharge beds, the land easement for the overhead electric transmission lines). Can you provide a plan showing the 20% (37 acres) of Open Space. Of the 37 acres set aside for Open Space, how many acres are already protected by the Mass Wetlands Act, the Massachusetts Rivers Protection Act, the Town of Mashpee Town of Mashpee Wetland Bylaw, and the Town of Mashpee Conservation Land Bylaw? Of the 37 acres of Open Space, is the surface area of any pond, stream or river included?

WASTEWATER MANAGEMENT: Does the current Mashpee Commons Waste Water facility, as permitted today, have the capacity to treat the increased waste water generated by the additional commercial and residential space allowed by the proposed bylaw? What permits are needed, and from what regulating body, to expand Mashpee Commons Waste Water Treatment Facility to treat the waste water generated by the additional commercial and residential space allowed by the proposed bylaw?

BUILD OUT: What areas in the 187 acres are already development? And of these, how many would be allowed to redevelop under this proposed bylaw?



VIA EMAIL

June 8, 2021

Mashpee Planning Board
16 Great Neck Road North
Mashpee, MA 02649

Members of the Planning Board:

Mashpee Commons is the Chace family business. We love this community and have strived to be good and philanthropic neighbors for nearly four decades.

To date, much of the public commentary – written and verbal – regarding the proposed Mashpee Commons expansion has been personal opinion presented as fact.

Based on comments made and feedback received at the Planning Board meeting on June 2, we thought it would be helpful to present the facts about the existing Mashpee Commons development and the proposed expansion plan, including the Community Activity Center (CAC) Overlay District.

- Mashpee Commons is seeking a zoning amendment to create a CAC overlay district. CACs have been defined by the Cape Cod Commission in its 2018 Regional Policy Plan as areas “with a concentration of business activity, community activity, and a compact built environment.” This designation would allow for mixed-use development including residential, commercial, civic, educational and institutional uses subject to certain dimensional and other requirements.

The property is currently zoned C-1 commercial, allowing for typical big-box type of development. C-1 zoning *COULD* allow the acreage to become 1.7 million square-feet of super centers, dollar stores and fast-food chains with many curb cuts along roadways. Nobody wants that – it is the opposite of what Mashpee Commons has already built and is proposing for its expansion.

- Cape Cod is amid an affordable and workforce housing crisis. Affordable housing is a top priority for the expansion project, and a minimum of 10% of the units at Mashpee Commons will be affordable. In fact, we recently informed the town that we had entered a development partnership with Preservation of Affordable Housing Inc.

(POAH), which currently owns and operates 550 affordable apartments on Cape Cod.

The project will create a diversity of housing styles at various price points for sale and rental, including single-family homes, townhomes, cottage-style homes, mixed-income housing and apartments.

- Since 1988, Mashpee Commons has owned and operated its own state-of-the-art wastewater management facility and has allowed town municipal buildings to utilize the plant. These buildings include a fire station, police station, senior center and library. All proposed future development would also connect to the plant.
- Maintaining open, green space is a major priority and objective of the expansion project. Areas near the rivers and wetlands, beyond those protected by zoning bylaws, will be protected as parkland space. The development of a trail system will increase accessibility to these natural resources by bike or foot.

Environmental stewardship and sustainability have always been a hallmark of Mashpee Commons. It has implemented storm water systems designed to absorb nitrogen before it enters our sole-source aquifer; placed solar rooftop panels on most buildings; installed electric vehicle charging stations; and developed strategies to reduce dependence on automobiles through mixed-use neighborhoods, walking trails, green space and additional public transit (bus) stops.

Mashpee Commons is committed to mitigating traffic flow issues that could ordinarily be a byproduct of expansion. Plans call for a purpose-built network of roads that would direct traffic away from identified high-congestion areas on local roadways.

- Keeping with the Mashpee Commons tradition, the expansion will be constructed in familiar New England style architecture. Most importantly, the project will protect the area from becoming a sprawling landscape of vehicle-dependent development. The expansion project will preserve the town's charm, providing a traditional "look and feel" with green spaces, civic spaces and recreation opportunities.

Mashpee Commons appreciates the feedback it has received during a multi-year community engagement process focused on the expansion project.

Now, we look forward to continuing a productive dialogue and collaborating with the residents of Mashpee and the Cape Cod Commission to design a zoning amendment

and development agreement that we can all be proud of and comfortable with as we move forward.

Sincerely,

Buff and Sarah Chace

Mashpee Commons, LP

Via email



June 7, 2021

Mashpee Planning Board

Re: Mashpee Commons Development

To whom it may concern:

Housing Assistance is writing to commend the Town of Mashpee on entering into a development agreement with the Cape Cod Commission and Mashpee Commons for the development of 187 contiguous acres, which includes the existing mixed-use development as well as land stretching east of the rotary and west of Job's Fishing Road.

With the town having a seat at the table with the developer from the beginning, residents and stakeholders will have many opportunities for input as the development plan takes shape. Further, the Cape Cod Commission has an excellent track record of fostering broad community input to ensure that larger housing developments are pursued in a way that balances our region's critical need for housing and protecting our environment.

Given the Commission's strong track record, and the increasing severity of our regional housing crisis, Housing Assistance encourages the town to consider as much housing as possible on this property within the guidelines of the Commission.

Housing Assistance agrees with the Cape Cod Commission that the approach of creating denser housing developments in appropriate activity areas is better for the environment than traditional single-family homes on large lots, because the more clustered housing is together, the less land it disturbs, and the more cost-effective wastewater treatment becomes, among other benefits.

As noted in a recent Cape Cod Times article, the lack of housing for our workforce and young professionals is the number one obstacle to economic recovery and sustainability in our region. (See *Cape Cod Times*, May 15th, 2021, "Affordable housing crisis tops agenda at annual State of the Cape.") We encourage the Planning Board to move forward quickly and enthusiastically with adding more housing.

Sincerely,

A handwritten signature in black ink, appearing to read "Alisa Magnotta", with a long horizontal line extending to the right.

Alisa Magnotta
Chief Executive Officer



From: Sarah Johnson [mailto:sarahsjohnson108@hotmail.com]

Sent: Saturday, June 5, 2021 1:25 PM

To: Evan Lehrer <ELehrer@mashpeema.gov>; Evan Lehrer <ELehrer@mashpeema.gov>;

jphelan.planningboard@comcast.net

Cc: John J. Cotton <JCotton@mashpeema.gov>; Andrew Gottlieb <AGottlieb@mashpeema.gov>; Thomas F. OHara <TOHara@mashpeema.gov>; Carol A. Sherman <csherman@mashpeema.gov>; dwheeden@mashpeema.gov; Rodney Collins <rcollins@mashpeema.gov>

Subject: Rushed zoning is not "smart development"

WARNING: EXTERNAL EMAIL: This message originated outside the Town of Mashpee mail system. DO NOT CLICK on links or attachments, unless you are absolutely certain the content is safe.

Dear Chairman Phelan and the Town of Mashpee Planning Board,

Mashpee's leaders and community members need an independently reviewed Environmental Impact Study of the proposed Mashpee Commons development project before moving forward with a zoning bylaw change.

Two goals from Mashpee's Local Comprehensive Plan include:

- Maintain or Improve Mashpee's Air and Water Quality
- To ensure that the amount of development in Mashpee is consistent with the carrying capacity of its natural environment

In order for community members to understand what the impact of Mashpee Commons' proposed development would have on the Mashpee River Reservation, Quashnet Woods State Reservation, Trout Pond, and Waquoit Bay, we need to see and have time to review and understand an environmental impact analysis. Rushed zoning changes deprive the community of a thoughtful planning process and the information it needs to support Mashpee's shared goals.

We need to understand what the nitrogen load would be on these currently degraded and impaired water bodies, including where the additional wastewater will flow, the allowed concentration of total nitrogen, and the remaining capacity of the current wastewater treatment facility. It is important to understand how this proposed development project is compatible with Mashpee's Clean Water Plan.

I urge you to work on the Development Agreement first and take a measured pace that includes full transparency and community participation before changing zoning bylaws. We need more information about the development's significant impacts on the local environment, wildlife, our community quality of life and human health now and for future generations.

Sincerely,
Sarah Johnson