



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Meeting of the Mashpee Planning Board
Wednesday, October 17, 2018
Waquoit Meeting Room, 7:00 P.M.

MASHPEE TOWN CLERK

OCT 15 2018

RECEIVED BY 3130

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

- Pledge of Allegiance

Approval of Minutes

- Review and approval of meeting minutes from **September 27, 2018 and October 3, 2018**

Public Hearing

7:10 PM - Ockway Highlands Subdivision, Discussion and possible action to modify or revoke approval. (Cont'd from 9/27)

Pursuant to the Town of Mashpee Subdivision Rules and Regulations and Chapter 41, Section 81W of Massachusetts General Laws the Mashpee Planning Board will hold a public hearing on September 19, 2018 to consider amending the approval of the subdivision known as Ockway Highlands in order for it to remain an approved subdivision. The original Ockway Highlands subdivision approval was granted by the Mashpee Planning Board on May 1, 2014 and was filed in the Barnstable County Registry of Deeds on June 11, 2014 in Plan Book 654, Page 21 by the original applicant, BCDM, LLC.

7:20 PM - Ockway Highlands Subdivision, Discussion and possible action to modify special permit. (Cont'd from 9/27)

Pursuant to Massachusetts General Laws, Chapter 40A, the Mashpee Planning Board will hold a public hearing to consider modification to an approved special permit originally issued to BCDM, LLC, of 66 Charles Street, Suite 215, Boston, MA 02114 for a 16 lot cluster subdivision located on and between Blue Castle Drive and Degross Road, identified on the Mashpee Assessors Maps as Map 104, Blocks 14, 20 and 48.

New Business

- Review of ANR Plan (Form A) submitted by applicant property owner's Neil A. Barney & Kathleen Garvey.
Equal land swap between 4 Ash St (Assessor's Map 77, Block 42). and 25 Devon St. (Assessor's Map 77, Block 44)
- October 15, 2018 Town Meeting Recap

Old Business

- Review and Sign Willowbend Special Permit Modification #34, approved 9/1/2018

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

- Administrative Secretary Round 1 Interviews

Additional Topics (not reasonably anticipated by Chair)

Adjournment

**Mashpee Planning Board
Minutes of Meeting
October 3, 2018 at 7:00 p.m.
Waquoit Meeting Room, Mashpee Town Hall**

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

Also: Evan Lehrer-Town Planner, Charles Rowley-Consulting Engineer

CALL TO ORDER

The Town of Mashpee Planning Board meeting was opened with a quorum in the Waquoit Meeting Room at Mashpee Town Hall by the Chair, at 7:02 p.m. on Wednesday, October 3, 2018. The Chair stated that the Planning Board encouraged public participation and that the meeting was being videographed and recorded. The Chair welcomed attendees and asked that anyone addressing the Board do so using the microphone, stating their name and their business. All comments should be addressed through the Chair and the Board and a determination would be made whether comments would be heard by the Board, or taken under advisement. Public comment would be allowed only during the Public Hearing. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES—July 18, 2018, August 1, 2018 and September 5, 2018

There were no amendments to the minutes.

MOTION: Mr. Balzarini made a motion to approve all minutes, July 18th, 2018, August 1st, 2018 and September 5th, 2018. Mr. Kooharian seconded the motion. All voted unanimously.

PUBLIC HEARING

**7:10 p.m. October 15, 2018 Town Meeting Warrant, Proposed Zoning Amendment
Warrant Article 14: Amendment to Wireless Facility Overlay District**

The appointed time having arrived, the Chair opened the Public Hearing and read for the record the Public Hearing Notice. The Chair invited public comment.

Deirdre Greelish, Pond Circle, requested a copy of the map showing the overlay district, inquiring why the Warrant Article did not include a copy of the map. Mr. Lehrer explained that the Wireless Overlay District was based on three criteria, to include land within the Otis Air Force Base/safety zone, R3 and R5 and the National Wildlife Refuge boundary and requiring that it be located 1,000 feet from a historic resource. Within the Overlay District, parcels of land were scattered throughout town that met the criteria. Mr. Lehrer stated that this land was included in the zoning but the proposed Zoning Amendment would firmly establish that 101 Red Brook Road, Mashpee Fire Station #2, was located within the Overlay. Mr. Lehrer stated that the language of the Article and the map, as noted in the Public Hearing Notice, was available in the Town Clerk's office and in his office, and he would be happy to schedule an appointment to discuss the items further. Ms. Greelish inquired whether there would be a presentation and the Chair responded that the Article was submitted by the Board of Selectmen, not the Planning Board. Ms. Greelish inquired about the Board of Selectmen seeking an Overlay District for planning maps and inquired about the intent of the Overlay. Mr. Lehrer responded that the Overlay District was already established for the Town and that a DRI was currently being considered by the Cape Cod Commission. The Planning Board was not yet able to discuss the

particular project, and was awaiting a response from the Cape Cod Commission. Mr. Lehrer stated that the Article would include the parcel of land at 101 Red Brook Road, in response to the RFP issued one year ago by the Board of Selectmen seeking to establish a wireless tower in the area, to clear up any misconceptions about whether or not it was included in the Overlay District. Ms. Greelish inquired about the difference between a District and an Overlay and inquired why a commercial use would be allowed. Mr. Lehrer pointed out the Zoning Districts and Commercial Districts on the meeting room map and described the Overlay as an algorithm to identify appropriate parcels. Mr. Lehrer explained that the proposed Article would confirm and clarify 101 Red Brook Road as falling within the Overlay District. Mr. Balzarini stated that there was a need for a cell tower in the area and Mr. Lehrer reminded the Board that the DRI was under consideration with the Cape Cod Commission, and therefore, discussion about the project would not be appropriate.

Terry Ronhock, 104 DeGrasse Road, was present, along with neighbors, to request that the Planning Board not recommend Article 14 at Town Meeting. As an abutter to the property, Ms. Ronhock expressed concern about the lack of transparency for the Article, reporting that she had received only one registered letter for the initial meeting in Mashpee, prior to the matter being forwarded to the Cape Cod Commission. No letters had been received from the Cape Cod Commission, despite being advised that they would receive notice. Additionally, no correspondence was received for tonight's meeting and they were unaware of the Article until they read about it in the Enterprise on September 14. They also found no communication or information regarding the Planning Board's meeting. Ms. Ronhock stated that she and her neighbors drafted a petition to request a meeting but as follow up, received a phone call from Mr. Lehrer that an October 3 meeting had in fact been planned. During the call, when Ms. Ronhock inquired why the meeting had not been posted in the Enterprise, Mr. Lehrer responded that it had been full and had instead been posted in the Cape Cod Times. Ms. Ronhock pointed out that all meetings were posted in the Enterprise, which was where residents looked to be informed about meetings. Ms. Ronhock added that they had been present at the previous meeting, where this meeting still had not been posted on the board, adding that the agenda had been stamped October 2. The Chair stated that, on the 27th, she announced that the meeting would occur on October 3. Ms. Ronhock asked again that the Planning Board not support the Article because the Cape Cod Commission would not be receiving their subcommittee report until October 18, which would be followed by a Public Hearing at the Cape Cod Commission before being reviewed by the Planning Board. Ms. Ronhock could not understand how the Planning Board could be able to approve a Zoning Bylaw change proposal, which could not be discussed. The Chair stated that she could not respond. It was Ms. Ronhock's opinion that the Planning Board had been elected to make decisions about Bylaw changes, noting that former Town Planner, Tom Fudala, had made it his goal to design a plan for the Town to protect the neighborhoods and natural wildlife areas. Ms. Ronhock expressed concern that the Selectmen proposed the Article, to contract a commercial space for Blue Sky Towers LLC. Ms. Ronhock stated that the location was in an R-3 Zone and within the boundaries of the Mashpee Wildlife Refuge and suggested that the proposed Article was an effort to spot re-zone the parcel into the Overlay District, which could set a precedent, and was as previously stated, already part of the Overlay. It was Ms. Ronhock's opinion that the Article was circumventing the power of the Planning Board and again asked that the Article not be recommended.

The Chair announced that she would need to open the next Public Hearing to be continued at a later time. The appointed time having arrived, Chairman Waygan asked for a motion to continue the Ockway Highlands Public Hearing.

MOTION: Mr. Balzarini made a motion to continue the Ockway Highlands Subdivision discussion to 7:45 p.m. Mr. Kooharian seconded the motion. All voted unanimously.

Returning to discussion about Article 14, the Chair recognized Joan Muse, 19 Captains Row, who stated that, as a real estate broker, she had no cell service when traveling and working in the southern portions of Mashpee. Ms. Muse stated that cell service was necessary for safety issues and accessibility.

Carl Obelzik, 56 Tracy Lane, stated that he had attended a prior meeting at the library and suggested that the maps provided by the company showed that, with the location of the proposed cell tower, South Mashpee and the coastline would still not receive a cell signal, and suggested relocating the cell tower to New Seabury or Popponesset.

Mr. Lehrer asked to make a point of order and the Chair responded that she was going to let the public speak.

Michael Ronhock, 104 DeGrasse Road, stated that his phone worked in New Seabury, adding that texting would always be accessible. Mr. Ronhock asked who authored Article 14 and the Chair responded that it was her understanding that it was the former Town Planner, Mr. Fudala, who authored the Article. Mr. Fudala stated that he had drafted the Article because the Board of Selectmen, had leased the property to the company involved in the permitting process. It had been Mr. Fudala's opinion that the site was not in the Overlay District and a tower of that height would not be allowed without a zoning change. Mr. Ronhock stated his opinion that the proposed Zoning Amendment would create spot zoning in a residential area, for commercial purposes, at the whim of the Board of Selectmen. The current wording indicated that the parcel was not in the Overlay District and the proposed change would serve as a band aid, filed at the last minute. Chairman Waygan stated that it was considered by the Board of Selectmen on September 11 but noted that it was not included on the August 28 draft Warrant. Mr. Lehrer confirmed that the Board of Selectmen executed the proposed Amendment on September 11. Mr. Balzarini inquired when the project was sent to the Cape Cod Commission and Mr. Lehrer responded that it was sent in May. Mr. Ronhock noted that it was sent to the Cape Cod Commission with the opinion of Mr. Lehrer that the parcel was located within the Overlay. Chairman Waygan suggested contacting the Town Manager's office for the specific date. Mr. Ronhock inquired whether there was any consultation with the Planning Board and the Chair responded that they had received a copy of Mr. Fudala's proposed Amendment and she inquired about it at the August 27th Selectmen's meeting where the Town Manager advised that it would be reviewed by Town Counsel. Mr. Ronhock suggested that it had not been open to public comment with the Board of Selectmen. The Chair recommended reviewing the meeting video. Mr. Ronhock inquired whether the Board of Selectmen could submit Zoning changes and the Chair responded that Chapter 40A allowed for certain parties to submit changes to Zoning, including the Board of Selectmen. Mr. Ronhock inquired about what was outdated, as listed in the explanation and Mr. Lehrer responded that he believed it was related to the location of the Groundwater Protection District. Acknowledged to

speaking, Mr. Fudala responded that it was in reference to the parcel not being located in the Overlay District and since the property had been leased, required a change to the Zoning. Additionally, reference had been made to other Districts in the Zoning that needed to be updated. Mr. Ronhock stated that he did not feel that the Planning Board could rule on the Article that directly impacted the ruling of the Cape Cod Commission that was currently in process.

Linda Lubelczyk, 56 Tracy Lane, suggested that the Town made a mistake, leasing a property that could not be zoned as needed. Ms. Lubelczyk stated that, when attending the Cape Cod Commission meeting, it was clear that the project would not solve the problem. The Chair reminded Ms. Lubelczyk that they could not share details from the meeting.

Paul Warren, 97 Surf Drive, inquired whether there were other more suitable sites located within the existing overlay. The Chair stated that there were no other for the certain situation. Mr. Lehrer responded that the existing overlay included other parcels of land, commercial, municipal and private. Mr. Warren requested that the Planning Board not support the Article until the matter was fully considered by the Cape Cod Commission.

The Chair acknowledged Mr. Lehrer, who stated that the published Zoning Bylaw included this parcel in the Wireless Overlay, an opinion confirmed by Town Counsel and the Cape Cod Commission. Mr. Fudala drafted the Article, which would not approve or disapprove a project, but better clarify ambiguity in the language. Mr. Lehrer stated that the Planning Board would remain the permitting authority for a wireless tower.

Jim Kelly, Popponesset, inquired whether a location at New Seabury would better address the needs.

Lisa Murphy, 21 Nohono Road, opposed the Article and inquired if it was already zoned on the map, it made no sense to consider another Article. In addition, Ms. Murphy inquired why the hearing was not published in the Mashpee Enterprise. The Chair responded that Town Staff was responsible for advertising. Mr. Lehrer responded that the Article was executed on September 11, but the first public hearing notice required two weeks' notice and the Enterprise's deadlines did not allow for posting so it was instead published in the Cape Cod Times, as allowed. Ms. Murphy inquired about the necessary notice of deadline for the Mashpee Enterprise and Mr. Lehrer indicated that the information would be available in the Board of Selectmen's packet. Ms. Murphy referenced emails beginning September 21 about Article 14 and Mr. Lehrer further explained the State requirements to publish Public Hearings in a local paper, initially published September 19th. Ms. Murphy expressed concern regarding the lack of transparency, further noting that she had cell service in New Seabury. Ms. Murphy suggested that, if there was a further need in that area, the tower should then be placed in New Seabury.

The Chair stated that both Public Hearings would now need to be pushed back.

MOTION: Mr. Balzarini made a motion to push both Ockway Highlands Public Hearings to 8:15 p.m. Mr. Kooharian seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to push the 7:45 p.m. Town Meeting Warrant Public Hearing to 8:30 p.m. Mr. Kooharian seconded the motion. All voted unanimously.

Eric LeBraun, Blue Castle Drive, inquired about who signed the lease. The Chair responded that she was unsure and it would be a question for the Town Manager. The Chair stated that there was also a website called COMBIES which managed municipal RFPs.

Jules Blake, 709 Great Neck South, stated her opposition to the Article, further noting that she had expressed her opposition to the Cape Cod Commission. Ms. Blake asked for clarification about Special Permits, spot zoning, ZBA and Planning Board. The Chair referenced Mass General Law, Chapter 40A, which determined who could propose Amendments to the Zoning Bylaw and what the law does. Ms. Blake inquired when abutters would be notified and the Chair responded that abutters would be notified about a zoning change only through a Public Hearing Notice published in a local newspaper, two times, two weeks before the Public Hearing. Zoning changes must be on Town Meeting Warrants, so would also be published in the Warrant. Ms. Blake inquired about Special Permit requests and Mr. Lehrer responded that abutters within 300 feet of the project would be notified by certified letter.

Rick Walden, Gia Lane, stated that the current request was due to complaints from residents of New Seabury who had complained for years that they did not have adequate cell phone service. The project had initially been considered for New Seabury but it was Mr. Walden's opinion that the neighbors resisted a potential cell tower project in New Seabury. Mr. Walden felt that the Article should not be considered while the project was under review with the Cape Cod Commission and stated that the Article created spot zoning for commercial in a residential area. Additionally, Mr. Walden reported that the cell companies indicated that coverage would not reach the New Seabury area using the proposed site, suggesting that the Article was an effort to correct an error made by the Town.

The Chair asked for any additional public comment, noting that, once the Public Hearing was closed, they would be unable to accept additional comment.

Sharon Muller, 693 Great Neck Road South, inquired about the research to identify the best location in the Town. Ms. Muller noted that she had heard that there was a prior consideration of a site in New Seabury but that now the site would be located in her backyard. Ms. Muller inquired whether other options had been considered, such as church steeples, and questioned potential health risks and costs. Ms. Muller suggested that due diligence was needed to ensure the best location while identifying and fixing mistakes, in order to move forward with a better decision.

The Chair stated that the Planning Board could not take action on a matter before the Cape Cod Commission as a Development of Regional Impact, but inquired of Mr. Lehrer the penalty to do so. Mr. Lehrer had no answer and Mr. Balzarini stated that it was illegal and Mr. Lehrer agreed. It was Mr. Balzarini's opinion that the Article was premature. Mr. Lehrer stated that Article 14 was an amendment to the Zoning Bylaw and had nothing to do with the project being considered by the Cape Cod Commission. The Chair responded that one could argue that the Article was related to the project being considered. The Chair stated that the Article was on the Town Meeting Warrant, requiring the Planning Board to hold a Public Hearing, but not requiring it to make a recommendation. Mr. Lehrer responded that the Board could vote to endorse, not endorse or take no action on the proposed Article.

Dianne Scannel, 108 DeGrasse Road, stated that, sitting on her back deck, she would be looking directly at the tower and expressed her opposition. Ms. Scannel also stated that it made no sense to re-zone an area that was already zoned.

Deirdre Greelish, Pond Circle, stated her opinion that it was premature to consider the Article without a ruling from the Cape Cod Commission, and recommended that the Article be tabled.

Dean Berrin, 6 Overlook Drive, has installed towers, indicating that there had been no mention of a "fall zone," in case a tower crashed. Mr. Berrin provided the example of a recent fire and crash that occurred in Wellesley during regular maintenance activities. Mr. Berrin inquired whether a fall zone had been considered and the Chair responded that the project was before the Cape Cod Commission, but that it would be considered when it was before the Planning Board. Mr. Lehrer confirmed that the Zoning Bylaw contained fall zones. Mr. Berrin inquired whether there were homes located within the fall zone and Mr. Cummings responded that there was nothing within 150 feet. The Chair stated that the question was currently out of the purview of the Planning Board until it returned from the Cape Cod Commission. Mr. Berrin suggested that elevation would be far superior on the golf course at New Seabury, which could also be a safer location.

Brian Baumgaertel, DeGrasse Road and Chair of the Board of Health, referenced a draft decision from the Cape Cod Commission, made publicly available on line this afternoon, noting that one of the recommendations was to propose an amendment to the Overlay District.

Mr. Cummings stated that there were no buildings within the 300 feet of the proposed tower and Mr. Lehrer again stated that there should be no comment on the proposed project.

Peter Michaelson, 120 DeGrasse Road, stated that he was against the proposal, referencing a prior proposal to build a cell tower in New Seabury, which was voted down by residents. Mr. Michaelson also stated that a property line did not exist in the Land Court Recorded Plan. It was noted that their properties could be developed, placing structures within 300 feet of the cell tower.

The Chair asked to close the Public Hearing and inquired whether there was additional brief public comment.

MOTION: Mr. Balzarini made a motion to close the Public Hearing for the Wireless Overlay District. Mr. Kooharian seconded the motion. All voted unanimously.

There was discussion regarding the motion to be made due to the lack of information.

MOTION: Mr. Balzarini made a motion to make a recommendation to Town Meeting to not approve this proposed Bylaw. Mr. Kooharian seconded the motion. All voted unanimously.

Mr. Balzarini stated that he had cell service, but his wife and son did not. Mr. Balzarini suggested that perhaps using a site on the golf course at New Seabury would provide all with better service.

The Planning Board took a break at 8:24 p.m. and reconvened at 8:28 p.m.

8:15 p.m. Ockway Highlands Subdivision

Discussion and possible action to modify or revoke approval-Subdivision

(Continued from 9/27)

The appointed time having arrived, the Chair opened the Public Hearing for the Ockway Highlands Subdivision and she read for the record the Public Hearing Notice. The Chair referenced correspondence received from resident Ernest Virgilio and inquired whether the Board could allow him to speak first. The Chair acknowledged that correspondence was also received from the project proponent, Jacques Morin, who indicated that he would not be attending tonight's meeting. The Chair explained that, due to incidences that had occurred in the field, the Board was considering a modification or revocation of the approval for the Subdivision and/or Special Permit.

Mr. Virgilio, 7 Blue Castle Drive, was recognized to speak. Mr. Virgilio stated that he was in agreement with Mr. Rowley's letter and recommendations. Mr. Virgilio stated that, following the road construction, he had experienced serious water problems, adding that the system installed was not working in the manner that it should. Mr. Virgilio thanked and expressed his appreciation to the Planning Board and Mr. Rowley for their efforts to address the issues.

The Chair recognized Mr. Rowley and Mr. Lehrer because they had spoken with Town Counsel Pat Costello to determine the appropriate language to amend the Special Permit and Subdivision approval. Mr. Lehrer reported that Mr. Costello confirmed that adequate notice had been provided to the abutters and that written notification had also been provided to the developer, Mr. Morin of Bayberry Building, returned undeliverable. Mr. Costello saw no issues with the way in which Mr. Morin was notified. Mr. Lehrer had followed up by phone call to ensure that Mr. Morin was aware of the hearings. Mr. Costello confirmed that the Planning Board, based on last week's and tonight's deliberations, could consider modifications or additional conditions to the Subdivision Approval and Special Permit. Mr. Costello recommended to allow continued comment, close the Public Hearing, deliberate and then provide text of the modifications or conditions, to act upon at a future meeting.

Mr. Rowley clarified with Mr. Costello that the issues included two types of work to be completed, as well as two separate approvals, the Subdivision Approval and the Special Permit. Mr. Rowley stated that the Subdivision Approval would allow the Board to identify what the developer could do to address the drainage or complete the drainage and pavement on Blue Castle Drive near Great Neck Road South. The second area of work was located on Carriage Drive, as a connector, and created less impact to the neighborhood compared to Blue Castle. Mr. Rowley referenced Mr. Morin's letter which expressed his intent to complete drainage by the end of the month. Mr. Rowley stated that the drainage system at Blue Castle had been essentially completed but, the area surrounding the drainage, the paving of Blue Castle and the installation of the berm along Great Neck Road South were not completed, creating a critical issue. If the work was not completed, there was no guarantee that the infiltration system in front of Mr. Virgilio's house would properly function. It was Mr. Rowley's opinion that any modification should require that those issues be addressed within a certain amount of time. Mr. Rowley stated that development was under a Covenant, meaning that lots could not be released for development until the roads were completed to the satisfaction of the Board. In Mr. Morin's email, he anticipated bonding the topcoat to ensure the completion since it did not make sense

to install it prior to completion of the 14 homes. Mr. Rowley stated it was two separate areas and the work on Blue Castle had nothing to do with the 14 houses. Mr. Rowley discussed bonding and suggested that the Board consider requiring that the work be completed in front of Mr. Virgilio's home within a specific timeframe under a modification of the Special Permit. In addition, Mr. Rowley suggested that the drainage on Carriage could be addressed at a later date. Mr. Rowley suggested developing language to be reviewed by Town Counsel, so that it could be approved at the next meeting and initiate the 21-day appeal period with the Town Clerk.

Regarding Blue Castle drainage, the Chair summarized, that the drainage system was complete but work was not completed around the area, creating erosion and possible infiltration due to the lack of loam and seed and the rolled berm. Mr. Rowley confirmed that much had happened since the installation of the system, which impacted the original work, adding that leaving it unfinished would require additional costs to fix the system, including corrective work and further inspection. Reference was made to Mr. Rowley's letter detailing his recommendations.

Mr. Balzarini suggested that a deadline of November 5 be established to address the issues at Mr. Virgilio's home or have the Permit revoked and Mr. Rowley confirmed that a date of November 15 was often used as a deadline for when the plants closed. Carriage Drive could be addressed in the spring. Mr. Rowley stated that, Mr. Morin's letter referenced bonding the top coat and stated that it would not address the issues occurring at Mr. Virgilio's home. Mr. Rowley added that the Board could allow the bonding, but that if the developer did not act in the time required, the Town could use the money to complete the work, noting that it was the applicant's choice whether or not he would have a bond. Mr. Rowley recommended requiring that the portion of the drainage and final paving and all work surrounding Blue Castle and Great Neck Road South be completed by November 5, and not doing so, could result in a revocation of the Subdivision. Mr. Rowley indicated that the Board could take a vote to authorize Mr. Lehrer to draft the appropriate language, to be considered at the next meeting.

MOTION: Mr. Balzarini made a motion to have Mr. Lehrer draft a proposal, as discussed, for the next meeting, so that they could take action. Mr. Kooharian seconded the motion. All voted unanimously.

The Chair asked also for draft language for Carriage Drive for the spring deadline and suggested that the Public Hearing be continued to October 17th. Mr. Rowley suggested similar language be introduced into the Special Permit.

MOTION: Mr. Balzarini made a motion to continue the Public Hearing to October 17th at 7:10 p.m. Mr. Kooharian seconded the motion. All voted unanimously.

8:15 p.m. Ockway Highlands Subdivision

Discussion and possible action to modify or revoke approval-Special Permit

(Continued from 9/27)

The Chair opened the Public Hearing for Ockway Highlands Subdivision and possible modification of the Special Permit. The Chair inquired whether there was public comment regarding Ockway Highlands Subdivision. Mr. Ronhock asked for further clarification regarding revoking the Permit and

the Chair referenced Mashpee Subdivision Regulations and Chapter 41 of Massachusetts General Law which allowed the Planning Board to amend the Subdivision to include time constraints. Mr. Lehrer added that the law did allow for the revocation but that it was not the intent of the Board. Public comment was opened and the Chair asked for a motion to roll over all comments from the prior Public Hearing.

MOTION: Mr. Balzarini made a motion to take all comments and information received during the Public Hearing on the Subdivision, to be rolled into this portion of the Public Hearing. Mr. Kooharian seconded the motion. All voted unanimously.

Rick Walden, Gia Lane, questioned allowing the developer more time to complete the work, suggesting that the site looked like a bomb had exploded. Mr. Walden walked through the area daily, and noted that the developer did not care about the conditions in the area. Mr. Walden expressed concern about the retention ponds and the contractors who were moving piles of dirt from place to place. Mr. Walden expressed concern about waiting until the spring to address the issues at Carriage Lane. Mr. Rowley responded that approved Subdivisions and Special Permits allowed developers time to complete their projects, and with current zoning, totaled 8 years. Mr. Rowley stated that they were attempting to encourage Mr. Morin to complete the first portion on Blue Castle adding that Carriage Lane would need to be addressed before he could begin developing the homes. Additionally, Mr. Rowley stated that, the drainage areas needed to be fixed and was not intended to be retention ponds.

Chairman Waygan referenced the email received from Mr. Morin who indicated that he wished to meet with the Planning Board in early November, but the Planning Board would be moving forward with their plans. In addition, another email providing an update of the status of the project did not adequately address concerns raised by Mr. Rowley. The Chair also stated that correspondence had been received from the Law Office of John Pollini, representing Ellen Brady, in reference to establishing a Homeowners Association. The Chair inquired whether a timeline needed to be established to create the Homeowners Association, which was referenced in the Special Permit. Mr. Balzarini felt that it would be difficult to establish an Association without the new homes being built. Mr. Lehrer stated that there remained the question for the homeowners on Blue Castle Drive whether the roadway was sufficiently adequate to build on their properties, regardless of whether they joined an Association. The Chair provided Mr. Betts with a copy of Section 34 to share with his attorney.

Bob Betts, 56 Summer Sea Road and 20 Blue Castle Drive, indicated that the neighbors had been addressing the condition of the road for years, stating that he would be willing to contribute to maintaining the road with the other Blue Castle owners. The Chair stated that there was some mechanism for the road to be maintained within the Special Permit. Mr. Lehrer stated that the property owners had a right to improve the road to provide adequate access as approved by the Board. Building Commissioner Mike Mendoza would determine whether or not the roadway provided adequate access to a public way, which was Great Neck Road South. Mr. Betts expressed his preference to work with someone other than the developer and Mr. Lehrer agreed that he had options to work on other means to address the issue, due to the substantial cost to improve the roadway. Mr. Rowley stated that there were certain requirements to be met in Section A. The developer was responsible for establishing the Association as the primary owner. Mr. Betts was seeking a solution but the Planning Board could not provide the solution, other than communication with the developer. Mr. Rowley stated that the

improvements to the road would pertain only to the homes that would be built in the new subdivision and had nothing to do with outside landowners. Mr. Lehrer added that these residential lots were being held hostage by the new subdivision. The Chair authorized Mr. Betts or his attorney or Ms. Brady to speak with Mr. Rowley regarding the process and the situation. Mr. Lehrer confirmed that he had been in contact with Mr. Polloni.

Pete Michaelson, DeGrasse Road, inquired about a bond to begin building houses but Mr. Rowley responded that the bonding was for the topcoat only. It was Mr. Michaelson's opinion that the developer should be denied because the work should have already been completed. Mr. Rowley confirmed that, if the Planning Board placed a time limit with the bonding, and the work was not completed, it could be completed by the Town. Mr. Rowley confirmed that the lots would not yet be released.

There was a question whether Habitat for Humanity had received their lot and Mr. Lehrer confirmed that they were in receipt of the deed.

MOTION: Mr. Balzarini made a motion to continue this Public Hearing to 7:20 p.m. on October 17th. Mr. Kooharian seconded the motion. All voted unanimously.

**8:30 p.m. October 15, 2018 Town Meeting Warrant, Proposed Zoning Amendments
(Continued from 9/27)**

The appointed time having arrived, the Chair opened the Public Hearing and read for the record the Public Hearing notice. The Chair invited the public, who may have missed the last meeting, to first address the Board. The Chair acknowledged receiving correspondence on September 28 from resident Fred Naddaff regarding Article 16, October 3 email from Walter and Cheryl Wightman regarding Article 16 and 17, John Furbush, forwarding comments from Robert Fox on October 3 who supported Raze and Replace and Attorney Kevin Kirrane Letter supporting Articles 16, 17 and 18, sent today. Additionally, comments were received from Town Counsel, as requested by the Planning Board. It was determined that the Board would open each Article to public comment, close the Public Hearing, deliberate and then vote.

Warrant Article 10: Marijuana Retailer Cap-No public comment

Warrant Article 11: Sign Enforcement-No public comment

Warrant Article 12: Light Industrial Overlay-There was discussion as to whether or not the Article remained on the Warrant but Mr. Lehrer confirmed that it remained on the Warrant. The Chair noted that the newspaper Article listed it as Article 15. The Chair stated that there was concern that the Article, when it was published, had been modified following the public notice. Mr. Weeden inquired whether the changes were substantial and the Chair responded that it no longer read "architectural integrity in the area of incorporating the guidelines of the Cape Cod vernacular." Mr. Lehrer stated that Mr. Fudala had expressed concern about the noticing, which was then discussed with Town Counsel and it was determined that the Article would be before Town Meeting in its current form and it was up to the Planning Board how they wished to take action. The Chair stated that they could notice the change in their recommendation, adding that the AG may not approve the Article due to the noticing. There was no public comment.

Warrant Article 16: Raze and Replace-Dean Barron, 6 Overlook Road, suggested that this Article was in keeping with many of the other towns' practices. Mr. Barron suggested that opposition to the Article seemed to come from abutters who had already improved their homes. Mr. Barron applauded the patience of the Board but felt the process was elongated and wasting the Town's time. Legally, Mr. Barron felt that it had been effective for years until one person was targeted. The Chair asked that the speaker specifically address the Article rather than individuals. Mr. Barron felt that the process changed mid-stream and that it was unfair to existing applications. It was Mr. Barron's opinion that the Article was good in its current state. Mr. Barron also discussed changes with FEMA.

Mr. Balzarini recognized Jim Kelly, 30 Overlook Drive, to speak. Mr. Kelly felt that Mr. Barron mis-spoke and stated that everyone on the street was against it except him. Mr. Kelly also stated his opinion that Mr. Balzarini should recuse himself due to his support of the Article because it would have helped his daughter. Mr. Balzarini responded that his daughter's home had already been built.

The Chair again asked the speakers not to talk about their neighbors and to please keep the comments short.

Fred Naddaff, 29 Overlook Knoll, stated that this was the fourth Public Hearing about the Article and noted that it was evident that the opposition was directed at specific properties. Mr. Naddaff stated that many were in opposition to his proposal and detailed those who had previously spoken in opposition of the Article at the public hearings, totaling 11 people, 9 of whom were in opposition to his specific project. Mr. Naddaff stated that the intent of the Article was to give people their property rights, keeping the tax levels right, keeping property values where they needed to be, supporting local services and allowing the building of safe and efficient homes, to the benefit of the entire town.

Denise Benolli, architect for 29 Overlook Knoll, stated that the Naddaff home did conform to all current state and Town regulations. The Chair asked that the speaker address the Article being discussed. Ms. Benolli stated that the only existing nonconformity were the two setbacks. The Chair stated that she was discussing a property to which the Planning Board was not the Special Permit granting authority. Ms. Benolli stated that the house was designed similar to prior homes she designed, with similar setback issues, which had previously been approved by the ZBA. Ms. Benolli expressed concern that there was a change in the interpretation of the Bylaw which had stalled the decisions, despite there not being a change to the Bylaw. As a result, clients have now been held in limbo for over a year while the Bylaw was being debated. It was her opinion that the projects should be judged based on the decisions made historically, until the Bylaw was changed.

A previous speaker who was also a contractor, Tom O'Neil, stated that Article 16 was needed due to budget issues. Homeowners may attempt to renovate home, but discover that they may need instead to Raze and Replace and Article 16 would allow for that mechanism.

There was no further Public Comment.

Warrant Article 17: Continuance, Extension or Alteration-Mr. Fudala stated that Article 17 would eliminate grandfathered rights, making half of the town non-conforming. Mr. Fudala stated that the explanation did not clarify that the grandfathering rights were being removed and he expressed his opposition to Article 18. There was no additional public comment.

Warrant Article 18: Setbacks from Water or Wetlands-Jim Kelly, 30 Overlook Drive, stated that he lived on the water and was against reducing the 50 foot buffer in zoning.

Warrant Article 19: I-1 District Parking-Mr. Fudala stated that he was opposed to allowing parking in the front of the building.

Warrant Article 20: Deletion of Section 174-25 I(9) in its entirety-Mr. Fudala stated that the Article would delete the use from the table of uses, however Town Counsel stated that it would not and docks over 70 feet had been previously added. Mr. Fudala stated that he had checked the Zoning and it had not been amended in 1985. Mr. Fudala stated that the explanation was not sufficient.

Warrant Article 21: Mixed-Use Planned Development (Citizen Petition)-Chairman Waygan passed chairing of Article 21 to Vice-Chair Cummings. Mr. Cummings read for the record a letter received from Arnold Chace, Mashpee Commons, asking that the Planning Board not endorse the MPD and provided details regarding reasons to not support the Article. Mr. Balzarini stated that he wished to continue talking to Mashpee Commons and if there was no agreement, to place this Article on the Spring Town Meeting Warrant. Mr. Balzarini stated that he had attended the visioning meetings and had repeatedly requested the gathered feedback from citizen comments. Mr. Kooharian agreed that now was not the time for this Article. Mr. Weeden agreed to table the Article. Mr. Hansen stated that, although Mashpee Commons had made a significant effort to involve residents of the Town, they never addressed questions of affordable housing and conservation lands, as expressed by residents. Mr. Hansen supported keeping the Article on the Warrant. Mr. Lehrer stated that the Planning Board should continue to engage with the Mashpee Commons, which would result in the best possible outcome. Issues not sufficiently resolved could be further addressed with amendments to the draft proposal received from Mashpee Commons. Mr. Lehrer recommended the Board vote to not recommend the Citizen Petition, adding that Mashpee Commons continued to show good faith to work with the Planning Board. Mr. Hansen responded that the Article did not prohibit continued discussions. Mr. Cummings stated that he was torn between both. Mr. Lehrer stated that he did not see the benefit if the Planning Board wished to maintain a good faith effort and positive communications with Mashpee Commons. Mr. Balzarini stated that the Planning Board could not remove a Citizen Petition.

Mr. Cummings recognized Tom Ferronti, Mashpee Commons, who thanked Mr. Cummings for reading his letter. Mr. Ferronti stated that he was encouraged to see that the majority of the Board wished to continue discussion with Mashpee Commons. Mr. Ferronti clarified that information from the visioning sessions was readily available on the Mashpee Commons by Design website. Mr. Ferronti stated that Mashpee Commons was interested in continuing the dialogue to work through the confusion created by the two separate Bylaws that were similar, but unrelated.

Dean Barron, 6 Overlook Knoll, pointed out that other towns dealing with projects of significant impact that could yield mitigation funds to establish affordable housing. Mashpee Commons would continue to grow, but likely would not want housing within their development. Mr. Barron recommended further in depth discussion.

Mr. Fudala stated that he had attended every visioning meeting and drafted the proposed Article which he felt more accurately reflected what he heard expressed by residents at each of the meetings. Mashpee Commons had stated that affordable housing and open space would kill the project but every other project in Town was required to meet 50% open space and 10% affordable housing. Mr. Fudala

stated that an Article of such significance should not be drafted by the developer who would benefit from the Article. Mr. Fudala recently had a discussion with a Massachusetts zoning expert who confirmed that the Town should be drafting the zoning, not the developer. Mr. Fudala agreed that there was more to be discussed and there was disagreement as to what Mashpee Commons proposed and the desires of the residents. Mr. Fudala noted that their proposal was not unlike what had been proposed in the last 30 years and expressed his willingness to talk further about the process. Mr. Fudala stated that his proposed Article had been developed prior to Mashpee's 280 page Article, not in response to it. Mr. Fudala stated that the discussion should be driven by the Planning Board and not the developer.

There was no additional public comment, and Chairman Waygan, the Citizen Petitioner, returned to the table to continue chairing the meeting.

MOTION: Mr. Balzarini made a motion to close the Public Hearing. Mr. Kooharian seconded the motion. All voted unanimously.

The Planning Board would now discuss the Articles.

Warrant Article 10: Marijuana Retailer Cap-No discussion

MOTION: Mr. Balzarini recommended approval of Article 10 Marijuana. Mr. Kooharian seconded the motion. All voted unanimously.

Warrant Article 11: Sign Enforcement-The Chair stated that there had been discussion that more work was needed for the Sign Code but was glad to see that the seasonal signage had been removed. It was noted that illustrations would be a helpful addition to the Sign Code.

MOTION: Mr. Balzarini made a motion to recommend approval of Article 11. Mr. Kooharian seconded the motion. All voted unanimously.

Warrant Article 12: Light Industrial Overlay-It was noted that there could be some pushback regarding whether the Article had been properly advertised. Mr. Lehrer stated that the advertisement for the second draft of the Article, submitted by the Town Planner with design guidelines, and that it would still appear before Town Meeting. The Chair added that a comment was received to remove the café/food service and outdoor seating/eating area from Section D, Accessory Uses, recommending that tweaks could be made. The Article could be recommended if the two uses were removed.

MOTION: Mr. Balzarini made a motion to recommend approval of this Article with the recommendation of removal of café/food services including restaurants that are not fully serviced and outdoor seating areas from Section D, accessory use. Mr. Kooharian seconded the motion. All voted unanimously.

Warrant Article 16: Raze and Replace-The Chair stated that many comments had been received. The Chair stated her opinion that this Article was not an improvement over the Article she voted against in May, with the greatest concern being that "detrimental to the neighborhood" was not added despite the Planning Board's request. The Chair noted that there continued not to be a consensus on the Article and she stated she would not support the Article as written. Mr. Balzarini

referenced the speaker who suggested Mr. Balzarini should recuse himself, and stated that his daughter went through the process three years ago.

MOTION: Mr. Balzarini recommended approval of Article 16 as written. Mr. Kooharian seconded the motion. 3-yes; 2-no

Warrant Article 17: Continuance, Extension or Alteration-The Chair expressed concern about the elimination of grandfathering and noted that comments from Town Counsel were unclear in response to the Planning Board's question.

MOTION: Mr. Balzarini made a motion that we do not recommend this Article. Mr. Kooharian seconded the motion. All voted unanimously.

Warrant Article 18: Setbacks from Water or Wetlands-The Chair referenced 2016 when the Planning Board voted no to remove the 50 foot setback in Zoning and Town Meeting voted no. Board members were in agreement.

MOTION: Mr. Balzarini made a motion that Town Meeting not approve this Article. Mr. Kooharian seconded the motion. All voted unanimously.

Warrant Article 19: I-1 District Parking-The Chair stated her preference that parking remain in the back of the building, adding that relief had been given by the ZBA. Planning trends now place parking in the back of buildings.

MOTION: Mr. Balzarini made a motion to recommend that Town Meeting does not approve this Article. Mr. Kooharian seconded the motion. All voted unanimously.

Warrant Article 20: Deletion of Section 174-25 I(9) in its entirety-Mr. Balzarini asked for clarification and the Chair stated that the Article would remove docks and piers out of the use table and would not require a Special Permit for a dock that was 70 feet long. It was the ZBA's opinion that a Special Permit was not necessary. Town Counsel determined that docks and piers removed from the Bylaw would still allow people to have those structures. Mr. Hansen stated his preference to maintain the Special Permit.

MOTION: Mr. Weeden made a motion to recommend to Town Meeting to oppose Article 20. Mr. Kooharian seconded the motion. All voted unanimously.

Warrant Article 21: Mixed-Use Planned Development (Citizen Petition)-The Chair recused herself and Mr. Cummings chaired the discussion. Mr. Hansen stated that he was in favor of proceeding.

MOTION: Mr. Balzarini made a motion to table this Article. Mr. Kooharian seconded the motion. 4-yes

Mr. Lehrer confirmed that he would prepare a memo regarding the votes on behalf of the Planning Board for the Board of Selectmen, Town Moderator and Town Clerk.

ROAD TAKING

Warrant Article 22 to Accept Layouts of Pierre Vernier Drive, Katian Way and Gunter's Lane in Pimlico Heights as Public Ways-Mr. Rowley confirmed that he had discussed with the DPW Director about a field survey to incorporate monuments that would identify the limits of layout.

MOTION: Mr. Balzarini made a motion that the Planning Board recommends Town Meeting approve and accept the layouts of the these three roads Pierre Vernier Drive, Katian Way and Gunter's Lane and encourage that the taking plans show concrete monuments to define the limits of the layout. Mr. Kooharian seconded the motion. All voted unanimously.

OLD BUSINESS

Review and Sign Willowbend Special Permit Modification #34 (Approved 9/1/18)-Mr. Lehrer recommended reviewing the draft to be considered at the next meeting.

CHAIRMAN'S REPORT

BOARD MEMBER COMMITTEE UPDATES

Community Preservation Committee-The Chair reported that there would be no meeting this month but, as new Chair, Selectman Gottlieb would be developing a new plan for the funds and the program. The Committee was seeking ideas from Boards and Committees regarding their ideas for using CPA funds and whether the funds were needed. Funds could be used for affordable housing, recreation and open space and historic preservation.

Cape Cod Commission-No update

Design Review Committee-No update

Environmental Oversight Committee-No update

Historic District Commission-No update

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

Plan Review-No update

Greenway Project & Quashnet Footbridge-No update

UPDATES FROM TOWN PLANNER

None at this time

ADDITIONAL TOPICS

A roll call vote was requested by the Chair to address payment to Mr. Rowley for the October 2 invoice, representing services for the month of September in 2018, and including attendance at two regular meeting, inspections at Ockway Estates and Cotuit Highlands and totaling \$695.

MOTION: Mr. Balzarini made a motion for a roll call vote to add to the agenda the September bill for Mr. Rowley, and the signature for Batch Cover #7344, Object 5200, Warrant date 8/17/18, in the amount of \$250 paid to Mr. Rowley. Mr. Kooharian seconded the motion.

Mr. Hansen-yes; Mr. Weeden-yes; Mr. Balzarini-yes; Mr. Cummings-yes; Chairman Waygan-yes; Mr. Kooharian-yes

MOTION: Mr. Balzarini made a motion to pay Mr. Rowley \$695. Mr. Kooharian seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to pay Mr. Rowley \$250 for the month of August. Mr. Kooharian seconded the motion. All voted unanimously.

It was noted that the amount of \$250 had been paid, but that signatures were needed. Board members signed the document.

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Kooharian seconded the motion. All voted unanimously. The meeting ended at 10:24 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS PROVIDED

- 10/3/18 Evan Lehrer Email Regarding Charles Rowley Billing
- 10/2/18 Charles Rowley Invoice for September 2018
- 9/19/18 & 9/26/18 Cape Cod Times Proof of Publication
- 10/2/18 Ernest Virgilio Email Regarding Ockway Highlands
- 10/3/18 Jacques Morin Email Regarding Ockway Highlands Status Update
- 10/3/18 Jacques Morin Email Requesting Continuation
- Town Meeting Warrant
- Packet of Town Meeting Warrant Communications as Requested by Chairman Waygan
- Town Counsel Comments on Town Meeting Articles
- 9/28/18 Fred Naddaff Email Regarding Article 16
- 10/3/18 Walter and Cheryl Wightman Email Regarding Article 16 and 17
- Mashpee Raze and Replace Needs a Real Plan
- 10/3/18 Attorney Kevin Kirrane Letter Regarding Articles 16, 17 and 18
- 10/2/18 Arnold Chace, Jr. Letter Regarding Article 21
- Road Taking Plans
- Willowbend Special Permit, Modification No. 35

Mashpee October 2018 Town Meeting

**Warrant Article 10 – Limitation of Marijuana Retail Establishments PASSED
(PB RECOMMENDED APPROVAL)**

**Warrant Article 11 – Sign Enforcement PASSED
(PB RECOMMENDED APPROVAL)**

**Warrant Article 12 – Light Industrial Overlay District PASSED
(PB RECOMMENDED APPROVAL)**

**Warrant Article 14 – Wireless Facility Overlay District FAILED
(PB DID NOT RECOMMEND)**

**Warrant Article 16– Raze and Replace PASSED
(PB RECOMMENDED APPROVAL)**

**Warrant Article 17 – Continuance, Extensions, Alterations FAILED
(PB DID NOT RECOMMEND APPROVAL)**

**Warrant Article 18– Setbacks from Water and Wetlands FAILED
(PB DID NOT RECOMMEND)**

**Warrant Article 19– Parking locations in I-1 Districts FAILED
(PB DID NOT RECOMMEND)**

**Warrant Article 20 – Fixed and floating piers, wharves, docks and boardwalks. PASSED
(PB DID NOT RECOMMEND)**

**Warrant Article 21 - Mixed Use Planned Development (MPD) TABLED
(PB RECOMMENDED ARTICLE WAS TABLED)**

Town Meeting voted with PB 90%

Town Meeting voted BOS 60%

Town Meeting voted with ZBA 40%

**MASHPEE PLANNING DEPARTMENT****MEMORANDUM**

To: Mashpee Board of Selectmen
From: Evan R. Lehrer, *Town Planner*
Date: October 9, 2018
Re: October 15, 2018 Town Meeting Proposed Zoning Amendments-
Planning Board Recommendations

At their meeting on October 3, 2018 the Mashpee Planning Board made the following recommendations regarding proposed amendments to the Mashpee Zoning Bylaw to Town Meeting scheduled for October 15, 2018:

WA #	Outcome
10	✓
11	✓
12	✓
14	X
16	✓
17	X
18	X
19	X
20	X
21	X

Warrant Article 10 – Limitation of Marijuana Retail Establishments
5-0-0

The Planning Board voted unanimously to recommend approval of Warrant Article 10 by Town Meeting.

Warrant Article 11 – Sign Enforcement
5-0-0

The Planning Board voted unanimously to recommend approval of Warrant Article 11 by Town Meeting.

Warrant Article 12 – Light Industrial Overlay District
5-0-0

The Planning Board voted unanimously to recommend approval of Warrant Article 12 by Town Meeting noting that the modifications to the by-law proposal by the Board of Selectmen may produce issues regarding adequate notice by the Attorney General's office.

Warrant Article 14 – Wireless Facility Overlay District
0-5-0

The Planning Board voted unanimously to not recommend approval of Warrant Article 14 by Town Meeting.

**MASHPEE PLANNING DEPARTMENT****Warrant Article 16– Raze and Replace****3-2-0**

The Planning Board voted to recommend approval of Warrant Article 16 by a vote of 3-2 by Town Meeting. Chair Waygan indicated that her vote to not recommend results from the article seeing little or no improvement from the proposal made on the May 2018 Town Meeting Warrant where she also issued a vote to not recommend. Noted that the phraseology “detrimental to the neighborhood” was not included following such a recommendation.

Board Member David Weeden didn’t substantiate his vote to not recommend Town Meeting approve Article 16.

Warrant Article 17 – Continuance, Extensions, Alterations**0-5-0**

The Planning Board voted unanimously to not recommend approval of Warrant Article 17 by Town Meeting.

Warrant Article 18– Setbacks from Water and Wetlands**0-5-0**

The Planning Board voted unanimously to not recommend approval of Warrant Article 18 to Town Meeting.

Warrant Article 19– Parking locations in I-1 Districts**0-5-0**

The Planning Board voted unanimously to not recommend approval of Warrant Article 19 to Town Meeting.

Warrant Article 20 – Fixed and floating piers, wharves, docks and boardwalks.**0-5-0**

The Planning Board voted unanimously to not recommend approval of Warrant Article 20 to Town Meeting.

Warrant Article 21 (Citizen Petition) – Mixed Use Planned Development (MPD)**0-4-0**

The Planning Board voted unanimously to not recommend approval of Warrant Article 20 to Town Meeting.

As the petitioner, Chair Waygan recused herself from discussion and voting on Warrant Article 21. The Planning Board voted unanimously to recommend the petitioner ‘table’ (withdraw) her proposal on the Town Meeting floor to continue negotiations with Mashpee Commons.

Associate Member Rob Hansen was the only Board Member who vocalized a desire to recommend the petitioner pursue a vote on the Town Meeting floor.

TRANSMITTAL LETTER

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

Date: October 9, 2018
Job Number: 15187
Drawing #: 24-6
Project Name: Garvey

☐ Sent via US Mail ☐ Sent via Overnight ☐ Sent via FAX ☐ Client Pick-Up
☒ Hand Delivered

Copies	Date	Title or Description
3	10/1/18	Plan of Land at Ash and Devon Streets prepared for Kathleen Garvey
1	10/9/18	Form A
1	10/9/18	Form N
1	10/9/18	\$100.00 Application Fee check #18159
1		Approval signatures on plan from 4 Ash St. & 25 Devon St. Owners

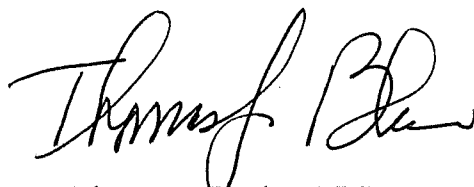
x Drawings
o Specifications
o Cost Estimate
o Shop Drawings
x Correspondence
o Catalog Cuts
x Permit Application
o Application Fee

x As Requested
o Approved
o Progress
x For Approval
o For Revision
o For Information
o Bid/Quotation

COMMENTS:

Please place on the agenda for the next Planning Board hearing on October 17, 2018.
After reviewing the attached plan, please contact me if you require any plan changes or have any questions. I will bring the mylar to the meeting.

Thank you.



From: Thomas J. Bunker, PLS
BSS Design, Inc.

cc: Kathleen Garvey

BSS Design, Inc
164 Katharine Lee Bates Rd.
Falmouth, MA 02540
508-540-8805
Fax: 548-8313



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

FORM A

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

Date: Oct. 9, 2018

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

Name of Applicant Neil A. Barney & Kathleen M. Garvey Phone 508-477-4505

Address 4 Ash Street, Mashpee, MA 02649

Owner, if different Neil A. Barney & Kathleen M. Garvey Phone _____
Mark Harding & Paula Peters

Address 4 Ash Street, Mashpee, MA 02649
25 Devon Street, Mashpee, MA 02649

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

Engineer or Surveyor Thomas J. Bunker, PLS Phone 508-540-8805

Address 164 Katharine Lee Bates Road, Falmouth, MA 02540

Deed of property recorded in Barnstable County Registry Book 13125 Page 89
20734

Or Land Court Certificate of Title No. _____

Location and description of property

4 Ash St. and 25 Devon St. - To swap equal areas from both
properties.

Mashpee Assessors map(s) and Block(s) 77-42 & 77-44

Signature of Owner or Authorized Representative Thomas J. Bunker

Attach written authorization signed by owner.



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

FORM N

NOTICE OF APPLICATION FILING WITH THE MASHPEE PLANNING BOARD

To the Mashpee Town Clerk:

This is to notify you that on October 17, 20 18 an application for

☒ endorsement of a plan believed not to require approval

☐ approval of preliminary plan

☐ approval of definitive plan

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

Neil Barney & Kathleen Garvey, 4 Ash Street, Mashpee, MA 02649
Applicant name Applicant address

The land to which the application relates appears on the current Mashpee Assessors Maps

as 77-42 & 77-44

and is generally described as located

At 4 Ash St. & 25 Devon St.

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

Received by Planning Board on October 17, 20 18.

for Mashpee Planning Board

Terrie Cook

From: Terrie Cook
Sent: Wednesday, August 29, 2018 4:11 PM
To: ads (ads@capenews.net)
Cc: Stephanie Coleman
Subject: Mashpee Planning Board Public Hearing Notice (PHN)
Attachments: Planning 2018 Ockway Highlands_PHN_81W.DOC; Planning 2018 SP_OckwayHighlands_PHN.DOCX

Good Afternoon:

Attached are **two (2)** Public Hearing Notices (PHN) for the Mashpee Planning Board for publication in the **Friday, August 31, 2018 and Friday, September 7, 2018** editions of the **Mashpee Enterprise** with the **Town Seal**.

Please confirm receipt when convenient.

Thank you.

Terrie M. Cook | Administrative Assistant
Office of the Town Manager
16 Great Neck Road North, Mashpee, MA 02649
Office: 508.539.1401 | Fax: 508.539.1142
Email: tmcook@mashpeema.gov



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Town of Mashpee

Planning Board

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

**TOWN OF MASHPEE
PLANNING BOARD
PUBLIC HEARING NOTICE**

The Mashpee Planning Board will hold public hearing on Wednesday, September 19, 2018 at 7:20 PM in the Waquoit Meeting Room, Mashpee Town Hall 16 Great Neck Road North, Mashpee, MA, 02649, to consider the following:

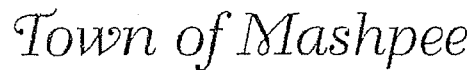
**NOTICE OF PUBLIC HEARING TO CONSIDER MODIFICATION TO APPROVAL OF OCKWAY
HIGHLANDS SUBDIVISION:**

Pursuant to the Town of Mashpee Subdivision Rules and Regulations and Chapter 41, Section 81 W of Massachusetts General Laws the Mashpee Planning Board will hold a public hearing on September 19, 2018 to consider amending the approval of the subdivision known as Ockway Highlands in order for it to remain an approved subdivision. The original Ockway Highlands subdivision approval was granted by the Mashpee Planning Board on May 1, 2014 and was filed in the Barnstable County Registry of Deeds on June 11, 2014 in Plan Book 654, Page 21 by the original applicant, BCDM, LLC.

Per order of:

*Mary Waygan, Chairman
Mashpee Planning Board*

Publication Dates: Friday, August 31, 2018
 Friday, September 7, 2018



**TOWN OF MASHPEE
PLANNING BOARD
PUBLIC HEARING NOTICE**

Publication Dates: Friday, August 31, 2018
Friday, September 7, 2018

Terrie Cook

From: ads@capenews.net
Sent: Wednesday, August 29, 2018 4:31 PM
To: Terrie Cook
Subject: RE: Mashpee Planning Board Public Hearing Notice (PHN)

Received..

-----Original Message-----

From: "Terrie Cook" <tmcook@mashpeema.gov>
Sent: Wednesday, August 29, 2018 4:11pm
To: "ads (ads@capenews.net)" <ads@capenews.net>
Cc: "Stephanie Coleman" <SColeman@mashpeema.gov>
Subject: Mashpee Planning Board Public Hearing Notice (PHN)

Good Afternoon:

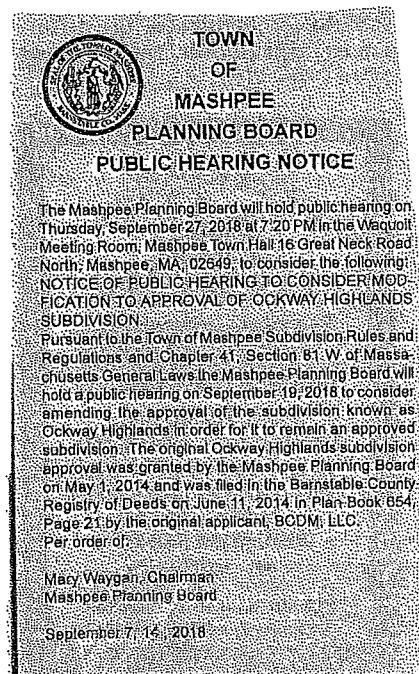
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Please confirm receipt when convenient.

Thank you.

Terrie M. Cook | Administrative Assistant
Office of the Town Manager
16 Great Neck Road North, Mashpee, MA 02649
Office: 508.539.1401 | Fax: 508.539.1142
Email: tmcook@mashpeema.gov<mailto:tmcook@mashpeema.gov>

[File:MashpeeMA-sealcolor.png]<<https://upload.wikimedia.org/wikipedia/en/4/48/MashpeeMA-sealcolor.png>>

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**TOWN
OF
MASHPEE
PLANNING BOARD
PUBLIC HEARING NOTICE**

The Mashpee Planning Board will hold public hearing on Wednesday, September 19, 2018 at 7:20 PM in the Waquoit Meeting Room, Mashpee Town Hall 16 Great Neck Road North, Mashpee, MA, 02649, to consider the following:

NOTICE OF PUBLIC HEARING TO CONSIDER MODIFICATION TO APPROVAL OF OCKWAY HIGHLANDS SUBDIVISION

Pursuant to the Town of Mashpee Subdivision Rules and Regulations and Chapter 41, Section 81 W of Massachusetts General Laws the Mashpee Planning Board will hold a public hearing on September 19, 2018 to consider amending the approval of the subdivision known as Ockway Highlands in order for it to remain an approved subdivision. The original Ockway Highlands subdivision approval was granted by the Mashpee Planning Board on May 1, 2014 and was filed in the Barnstable County Registry of Deeds on June 11, 2014 in Plan Book 654, Page 21 by the original applicant, BCDM, LLC.

Per order of:
Mary Waygan, Chairman
Mashpee Planning Board

August 31, 2018
September 7, 2018



**TOWN
OF
MASHPEE
PLANNING BOARD
PUBLIC HEARING NOTICE**

The Mashpee Planning Board will hold public hearing on Wednesday, September 19, 2018 at 7:30 PM in the

Waquoit Meeting Room, Mashpee Town Hall 16 Great Neck Road North, Mashpee, MA, 02649, to consider the following:

NOTICE OF PUBLIC HEARING TO CONSIDER MODIFICATION TO THE SPECIAL PERMIT OF THE OCKWAY HIGHLANDS

Pursuant to Massachusetts General Laws, Chapter 40A, the Mashpee Planning Board will hold a public hearing to consider modification to an approved special permit originally issued to BCDM, LLC, of 66 Charles Street, Suite 215, Boston, MA 02114 for a 16 lot cluster subdivision located on and between Blue Castle Drive and Degress Road, identified on the Mashpee Assessors Maps as Map 104, Blocks 14, 20 and 48.

Per order of:

Mary Waygan, Chairman
Mashpee Planning Board

August 31, 2018
August 31, 2018
September 7, 2018



**TOWN
OF
MASHPEE
PLANNING BOARD
PUBLIC HEARING NOTICE**

The Mashpee Planning Board will hold public hearing on Thursday, September 27, 2018 at 7:20 PM in the Waquoit Meeting Room, Mashpee Town Hall 16 Great Neck Road North, Mashpee, MA, 02649, to consider the following:

NOTICE OF PUBLIC HEARING TO CONSIDER MODIFICATION TO APPROVAL OF OCKWAY HIGHLANDS SUBDIVISION
Pursuant to the Town of Mashpee Subdivision Rules and Regulations and Chapter 41, Section 81 W of Massachusetts General Laws the Mashpee Planning Board will hold a public hearing on September 19, 2018 to consider amending the approval of the subdivision known as Ockway Highlands in order for it to remain an approved subdivision. The original Ockway Highlands subdivision approval was granted by the Mashpee Planning Board on May 1, 2014 and was filed in the Barnstable County Registry of Deeds on June 11, 2014 in Plan Book 654, Page 21 by the original applicant, BCDM, LLC.

Per order of:
Mary Waygan, Chairman
Mashpee Planning Board

September 7, 14, 2018



**TOWN
OF
MASHPEE
PLANNING BOARD
PUBLIC HEARING NOTICE**

The Mashpee Planning Board will hold public hearing on Thursday, September 27, 2018 at 7:30 PM in the Waquoit Meeting Room, Mashpee Town Hall 16 Great Neck Road North, Mashpee, MA, 02649, to consider the following:

NOTICE OF PUBLIC HEARING TO CONSIDER MODIFICATION TO THE SPECIAL PERMIT OF THE OCKWAY HIGHLANDS

Pursuant to Massachusetts General Laws, Chapter 40A, the Mashpee Planning Board will hold a public hearing to consider modification to an approved special permit originally issued to BCDM, LLC, of 66 Charles Street, Suite 215, Boston, MA 02114 for a 16 lot cluster subdivision located on and between Blue Castle Drive and Degress Road, identified on the Mashpee Assessors Maps as Map 104, Blocks 14, 20 and 48.

Per order of:

Mary Waygan, Chairman
Mashpee Planning Board

September 7, 14, 2018



**TOWN
OF
MASHPEE
PLANNING BOARD
PUBLIC HEARING NOTICE**

The Mashpee Planning Board will hold public hearing on Thursday, September 27, 2018 at 7:30 PM in the Waquoit Meeting Room, Mashpee Town Hall 16 Great Neck Road North, Mashpee, MA, 02649, to consider the following:

NOTICE OF PUBLIC HEARING TO CONSIDER MODIFICATION TO THE SPECIAL PERMIT OF THE OCKWAY HIGHLANDS

Pursuant to Massachusetts General Laws, Chapter 40A, the Mashpee Planning Board will hold a public hearing to consider modification to an approved special permit originally issued to BCDM, LLC, of 66 Charles Street, Suite 215, Boston, MA 02114 for a 16 lot cluster subdivision located on and between Blue Castle Drive and Degress Road, identified on the Mashpee Assessors Maps as Map 104, Blocks 14, 20 and 48.

Per order of:

Mary Waygan, Chairman
Mashpee Planning Board

Received by BOA:



**TOWN OF MASHPEE BOARD
OF ASSESSORS**

16 Great Neck Rd North, Mashpee, MA 02649
Phone # (508) 539-1404
Fax # (508) 539-1142
e-mail: assessing@mashpeema.gov

RECEIVED
SEP - 4 2018

BOARD OF ASSESSORS
OF MASHPEE
Updated: 3/7/2013

REQUEST FOR ABUTTERS LIST

Please note that the Assessing Dept. will respond to this request within ten (10) business days.

ABUTTERS TO: MAP 104 PARCEL 20 EXT H 56 FY 2018 Database
ADDRESS OF SUBJECT PARCEL: [REDACTED] Blue Castle Dr

PLEASE CHECK THE TYPE OF ABUTTERS LIST THAT YOU ARE REQUESTING:
(Refer to requirements of the regulating authority requiring abutters list.)

☒ **DIRECT ABUTTERS**

Check box if this abutters list is for the Cape Cod Commission: ☐

☐ **ALL PARCELS WITHIN A 100 FOOT RADIUS OF SUBJECT** (usual for Conservation Commission & Historical Commission)

☒ **ALL PARCELS WITHIN A 300 FOOT RADIUS OF SUBJECT**

☐ **ABUTTERS TO THE ABUTTERS WITHIN A 300 FOOT RADIUS OF SUBJECT**

☐ **OTHER (SPECIFY)** _____

◀ **ALL ABUTTERS LISTS ARE PRINTED WITH A MAP ON 8 1/2 x 11 PAPER** ▶

• Standard mailing labels of abutters are available for an extra charge of \$1.00 per page. (full or partial)

LABELS yes (YES or NO)

NUMBER OF SETS OF LABELS 3

REQUESTED BY:
(PLEASE PRINT)

NAME:

Town Planner

ADDRESS:

TOWN OF MASHPEE
PLANNING DEPARTMENT
16 GREAT NECK ROAD NO.
MASHPEE MA 02649

PHONE:

DATE:

9/4/2018

SIGNATURE:

[Signature]

FEES: BASIC ABUTTERS LIST (one subject parcel)

QUANTITY

1 \$5.00

MAILING LABELS

3 \$1.00 PER PAGE

COMPLEX ABUTTERS LIST (multiple subject parcels)

0 \$10.00 - \$50.00 (varies by processing time)

TOTAL AMOUNT DUE: \$ 0

Fee structure based on state guidelines for record production and copy costs.

no charge

Abutters to: 104-14-0

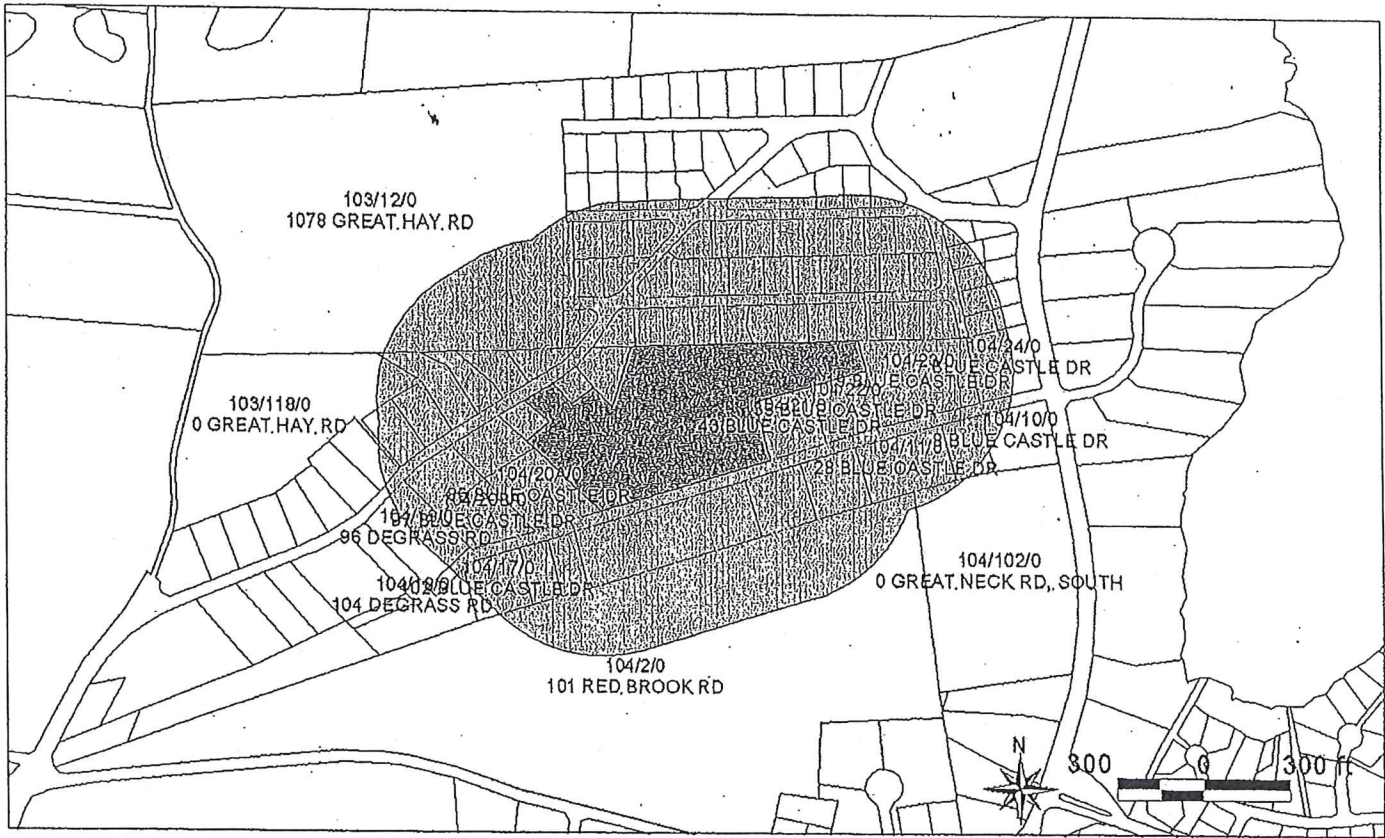
Certified by: Susan L. Devine

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

Date: September 5, 2018

56 Blue Castle Dr.
Abutters List Within 500 feet of Parcel

Number of Abutters: 85



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
7324	99-22-0-R	SKENE, ALEXANDER J	69 TRACY LN	17 BUCKINGHAM RD	NORWOOD	MA	02062
7325	99-23-0-R	SKENE, ALEXANDER J	65 TRACY LN	17 BUCKINGHAM RD	NORWOOD	MA	02062
7326	99-24-0-R	DERVISHIAN, EDWARD B & NARINE	59 TRACY LN	211 FOUNTAIN STREET	FRAMINGHAM	MA	01702
7327	99-25-0-R	KUPFERMAN, DANIEL W MURPHY MARYANN	53 TRACY LN	53 TRACY LN	MASHPEE	MA	02649
7328	99-26-0-R	WHITE, KEVIN F	51 TRACY LN	51 TRACY LN	MASHPEE	MA	02649
7329	99-27-0-R	TURLICK, DONALD A	17 DEGRASS RD	PO BOX 143	MASHPEE	MA	02649
7331	99-29-0-E	MASHPEE TOWN OF	33 TRACY LN	16 GREAT NECK ROAD NORTH	MASHPEE	MA	02649
7332	99-30-0-E	MASHPEE TOWN OF	29 TRACY LN	16 GREAT NECK ROAD NORTH	MASHPEE	MA	02649
7333	99-31-0-R	COLEMAN, C ROBERT	87 OLD GREAT NECK RD	87 OLD GREAT NECK RD	MASHPEE	MA	02649
7475	103-12-0-E	MASSACHUSETTS COMMONWEALTH OF DEPT FISH, WILDLIFE & ENV LAW	1078 GREAT HAY RD	251 CAUSEWAY ST - STE 400	BOSTON	MA	02114-2104
7570	103-118-0-E	MASHPEE TOWN OF CONSERVATION COMMISSION	0 GREAT HAY RD	16 GREAT NECK RD NORTH	MASHPEE	MA	02649
7572	104-2-0-E	MASHPEE TOWN OF	101 RED BROOK RD	16 GREAT NECK RD NORTH	MASHPEE	MA	02649
7578	104-10-0-R	BARNES, MARGAUX THOMANN ETAL T BARNES TRUST	8 BLUE CASTLE DR	25 BROOKSIDE AVENUE	WINCHESTER	MA	01890
7579	104-11-0-R	DUCO ASSOCIATES INC	28 BLUE CASTLE DR	1172 BEACON ST - SUITE 202	NEWTON	MA	02461
7580	104-12-0-R	HARRIOTT, VICTOR & CHRISTIAN P	38 BLUE CASTLE DR	3 FOTTLER RD	MATTAPAN	MA	02126-3101

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
7581	104-13-0-R	BYNOE, LOUISE V	48 BLUE CASTLE DR	PO BOX 387	MASHPEE	MA	02649
7583	104-15-0-R	DORSEY, TIMOTHY M & JOANNE C/O DORSEY, JOANNE & TIMOTHY M	86 BLUE CASTLE DR	86 BLUE CASTLE DR	MASHPEE	MA	02649
7584	104-16-0-R	REED, WAYNE S	92 BLUE CASTLE DR	92 BLUE CASTLE DR	MASHPEE	MA	02649
7585	104-17-0-R	COLLIER, JERILYN O & BYRON, F KAY	102 BLUE CASTLE DR	129 N HILLCREST BLVD - U# 4	INGLEWOOD	CA	90301-5451
7586	104-18-0-R	STURTEVANT & HOOK INC C/O RONHOCK, MICHAEL J & TERES	104 DEGRASS RD	82 SUNSET CIRCLE	MASHPEE	MA	02649
7587	104-19-0-R	LANGLEY, RUPERT %PANSY E LANGLEY EXECUTOR	96 DEGRASS RD	11 MICHIGAN AVE	DORCHESTER	MA	02121
7589	104-21-0-R	STURTEVANT & HOOK INC	43 BLUE CASTLE DR	236 CONNELL HIGHWAY	NEWPORT	RI	02840
7590	104-22-0-R	STURTEVANT & HOOK INC	35 BLUE CASTLE DR	236 CONNELL HIGHWAY	NEWPORT	RI	02840
7591	104-23-0-R	BURRIDGE, MICHAEL & JENNIFER	19 BLUE CASTLE DR	19 BLUE CASTLE DR	MASHPEE	MA	02649
7592	104-24-0-R	VIRGILIO, ERNEST S & GLORIA J	7 BLUE CASTLE DR	PO BOX 1107	MASHPEE	MA	02649-1107
7593	104-25-0-R	GRAY, TODD N & LEAH M	623 GREAT NECK RD, SOUTH	623 GREAT NECK RD, SOUTH	MASHPEE	MA	02649
7594	104-26-0-R	LEBLANC, JAMES A & ROBIN	617 GREAT NECK RD, SOUTH	617 GREAT NECK RD, SOUTH	MASHPEE	MA	02649
7595	104-27-0-R	GALLIGAN, RYAN P & BAKER, JACLYN	615 GREAT NECK RD, SOUTH	615 GREAT NECK ROAD SOUTH	MASHPEE	MA	02649
7598	104-30-0-R	HURLEY, PATRICK G	10 TRACY LN	PO BOX 1054	EASTON	MA	02334
7599	104-31-0-R	DICKSON, CLIVE A & CAROL J	102 OLD GREAT NECK RD	102 OLD GREAT NECK RD	MASHPEE	MA	02649
7600	104-32-0-R	MARCHAND, EDWARD A & CLAUDETTE LIFE ESTATE	106 OLD GREAT NECK RD	54 VALLEY VIEW DR	CUMBERLAND	RI	02864
7601	104-33-0-R	ARSENTYEVA, INESSA	110 OLD GREAT NECK RD	55 BROOK ROAD	QUINCY	MA	02169
7602	104-34-0-R	HIGGINS, DAVID TR THE 114 OLD GREAT NECK RD RL T	114 OLD GREAT NECK RD	33 ESSEX ROAD	MASHPEE	MA	02649
7603	104-35-0-E	MASHPEE TOWN OF	2 GIA LN	16 GREAT NECK ROAD NORTH	MASHPEE	MA	02649
7604	104-36-0-E	MASHPEE TOWN OF	6 GIA LN	16 GREAT NECK ROAD NORTH	MASHPEE	MA	02649
7605	104-37-0-R	SKENE, ALEXANDER J	12 GIA LN	17 BUCKINGHAM RD	NORWOOD	MA	02062
7606	104-38-0-R	SKENE, ALEXANDER J	16 GIA LN	17 BUCKINGHAM RD	NORWOOD	MA	02062
7607	104-39-0-R	SKENE, ALEXANDER J	20 GIA LN	17 BUCKINGHAM RD	NORWOOD	MA	02062
7608	104-40-0-R	SKENE, ALEXANDER J	26 GIA LN	17 BUCKINGHAM RD	NORWOOD	MA	02062
7609	104-41-0-R	FLOOD, MICHAEL G & CATHERINE A	32 GIA LN	32 GIA LN	MASHPEE	MA	02649
7610	104-42-0-R	ZAMIRA, JOSHUA J	36 GIA LN	36 GIA LN	MASHPEE	MA	02649
7611	104-43-0-R	KACHANOV, MARK	40 GIA LN	47 IROQUOIS ROAD	ARLINGTON	MA	02476
7612	104-44-0-R	WALDEN, RICHARD W & KAREN V TR RICHARD W & KAREN V WALDEN	46 GIA LN	REVOCABLE LIVING TRUST 46 GIA LANE	MASHPEE	MA	02649
7613	104-45-0-R	MOONEY, RICHARD & JUDITH L	52 GIA LN	52 GIA LN	MASHPEE	MA	02649
7614	104-46-0-R	LEBLANC, JEFFREY A & KRISTINA	48 DEGRASS RD	48 DEGRASS RD	MASHPEE	MA	02649
7615	104-47-0-R	BRANN, DANIEL & MARIA	54 DEGRASS RD	PO BOX 914	MASHPEE	MA	02649
7616	104-48-0-E	HABITAT FOR HUMANITY OF CC INC	58 DEGRASS RD	411 MAIN STREET SUITE 6	YARMOUTHPORT	MA	02675
7617	104-49-0-R	GLEAVES, HAROLD TR MASHPEE GLEAVES RE TRUST	68 DEGRASS RD	72 GEORGIA STREET	BOSTON	MA	02121
7618	104-50-0-R	HAYWARD, WILLIAM G JR	74 DEGRASS RD	27 TEMPLE ST	BOSTON	MA	02114
7619	104-52-0-R	SLAVIN, ALEXANDER & BELLA	86 DEGRASS RD	40 CRESCENT ROAD	NEEDHAM	MA	02494
7620	104-53-0-R	KORZENIECKY, DULCIE M	64 GIA LN	64 GIA LN	MASHPEE	MA	02649
7621	104-54-0-R	LORD, MICHAEL & THOMAS, JENNIFER	63 GIA LN	30 OSPREY LANE	EAST SANDWICH	MA	02537
7622	104-55-0-R	NOZAWA, DIANE	39 DEGRASS RD	45 DIGHTON STREET	BRIGHTON	MA	02135
7623	104-56-0-R	L J RONDEAU & F J MCGANN TRS C/O SHEEHAN, DENNIS ET AL TRS	34 DEGRASS RD	BENEFIT FUNDING TRUST 66 BROOKS DRIVE	BRAINTREE	MA	02104
7624	104-57-0-R	ODRISCOLL, DONALD & MAUREEN TR ODRISCOLL LIVING TRUST	43 GIA LN	5321 SADDLEBACK COURT	LADY LAKE	FL	32159
7625	104-58-0-R	SEXTON, MARY G	37 GIA LN	PO BOX 336	MASHPEE	MA	02649

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
7626	104-59-0-R	ELDREDGE, ROBERT	33 GIA LN	33 GIA LN	MASHPEE	MA	02649
7627	104-60-0-E	MASHPEE TOWN OF	27 GIA LN	16 GREAT NECK ROAD NORTH	MASHPEE	MA	02649
7628	104-61-0-E	MASHPEE TOWN OF	23 GIA LN	16 GREAT NECK RD NORTH	MASHPEE	MA	02649
7629	104-62-0-E	MASHPEE TOWN OF	17 GIA LN	16 GREAT NECK ROAD NORTH	MASHPEE	MA	02649
7630	104-63-0-E	MASHPEE TOWN OF	13 GIA LN	16 GREAT NECK ROAD NORTH	MASHPEE	MA	02649
7631	104-64-0-E	MASHPEE TOWN OF	7 GIA LN	16 GREAT NECK ROAD NORTH	MASHPEE	MA	02649
7632	104-65-0-E	MASHPEE TOWN OF	3 GIA LN	16 GREAT NECK ROAD NORTH	MASHPEE	MA	02649
7633	104-66-0-E	MASHPEE TOWN OF	18 TRACY LN	16 GREAT NECK ROAD NORTH	MASHPEE	MA	02649
7634	104-67-0-E	MASHPEE TOWN OF	24 TRACY LN	16 GREAT NECK ROAD NORTH	MASHPEE	MA	02649
7635	104-68-0-E	MASHPEE TOWN OF	28 TRACY LN	16 GREAT NECK ROAD NORTH	MASHPEE	MA	02649
7636	104-69-0-E	MASHPEE TOWN OF	34 TRACY LN	16 GREAT NECK RD NORTH	MASHPEE	MA	02649
7637	104-70-0-E	MASHPEE TOWN OF	40 TRACY LN	16 GREAT NECK RD NORTH	MASHPEE	MA	02649
7638	104-71-0-E	MASHPEE TOWN OF	44 TRACY LN	16 GREAT NECK RD NORTH	MASHPEE	MA	02649
7639	104-72-0-E	MASHPEE TOWN OF	50 TRACY LN	16 GREAT NECK RD NORTH	MASHPEE	MA	02649
7640	104-73-0-R	BURKE, MARC J & JUDITH M	24 DEGRASS RD	13 SLAVIN DR	PELHAM	NH	03076
7641	104-74-0-R	LUBELCZYK, CARL T & LINDA G	56 TRACY LN	56 TRACY LN	MASHPEE	MA	02649
7642	104-75-0-R	CATALDO, LOUIS G & NANCY L	62 TRACY LN	62 TRACY LN	MASHPEE	MA	02649
7643	104-76-0-R	EVANS, DAVID R & MARTHA L	68 TRACY LN	66 TRACY LN	MASHPEE	MA	02649
7666	104-102-0-R	MASHPEE COMMONS L P	0 GREAT NECK RD, SOUTH	PO BOX 1530	MASHPEE	MA	02649-1530
7667	104-103-0-R	GROEHL, FRED E JR C/O BURNHAM, PETER T	85 DEGRASS RD	PO BOX 898	POTSDAM	NY	13676
7668	104-104-0-R	AVANT, MICHAEL ELLIOT & ADAMS, TRACI DENISE	81 DEGRASS RD	81 DEGRASS RD	MASHPEE	MA	02649
7669	104-105-0-R	ROBERT, DANA J & BELAND, LAUREN	75 DEGRASS RD	75 DEGRASS RD	MASHPEE	MA	02649
7670	104-106-0-R	JONES, NATHAN A & DENISE A	71 DEGRASS RD	71 DEGRASS RD	MASHPEE	MA	02649
7671	104-107-0-R	MANNING, MARLA M	67 DEGRASS RD	67 DEGRASS RD	MASHPEE	MA	02649
7672	104-108-0-R	TRIPP, MICHAEL R & AMELIA L	63 DEGRASS RD	63 DEGRASS RD	MASHPEE	MA	02649
7673	104-109-0-R	ANNICELLI, ANTHONY T & ANNICELLI PATRICIA A	57 DEGRASS RD	57 DEGRASS ROAD	MASHPEE	MA	02649
20107	104-10A-0-R	BRADY, ELLEN C	20 BLUE CASTLE DR	56 SUMMERSEA ROAD	MASHPEE	MA	02649
7688	104-20A-0-R	LUBRANO, FLORIA TR THE 85 BLUE CASTLE NOM TRUST	85 BLUE CASTLE DR	85 BLUE CASTLE DR	MASHPEE	MA	02649
7689	104-20B-0-R	HUBARAU, NGAWANG D LAMA	97 BLUE CASTLE DR	97 BLUE CASTLE DR	MASHPEE	MA	02649

99-22-0-R

SKENE, ALEXANDER J
17 BUCKINGHAM RD
NORWOOD, MA 02062

99-23-0-R

SKENE, ALEXANDER J
17 BUCKINGHAM RD
NORWOOD, MA 02062

99-24-0-R

DERVISHIAN, EDWARD B & NARINE
211 FOUNTAIN STREET
FRAMINGHAM, MA 01702

99-25-0-R

KUPFERMAN, DANIEL W
MURPHY MARYANN
53 TRACY LN
MASHPEE, MA 02649

99-26-0-R

WHITE, KEVIN F
51 TRACY LN
MASHPEE, MA 02649

99-27-0-R

TURLICK, DONALD A
PO BOX 143
MASHPEE, MA 02649

99-29-0-E

MASHPEE TOWN OF
16 GREAT NECK ROAD NORTH
MASHPEE, MA 02649

99-30-0-E

MASHPEE TOWN OF
16 GREAT NECK ROAD NORTH
MASHPEE, MA 02649

99-31-0-R

COLEMAN, C ROBERT
87 OLD GREAT NECK RD
MASHPEE, MA 02649

103-12-0-E

MASSACHUSETTS COMMONWEALTH OF
DEPT FISH, WILDLIFE & ENV LAW
251 CAUSEWAY ST - STE 400
BOSTON, MA 02114-2104

103-118-0-E

MASHPEE TOWN OF
CONSERVATION COMMISSION
16 GREAT NECK RD NORTH
MASHPEE, MA 02649

104-2-0-E

MASHPEE TOWN OF
16 GREAT NECK RD NORTH
MASHPEE, MA 02649

104-10-0-R

BARNES, MARGAUX THOMANN ETAL T
BARNES TRUST
25 BROOKSIDE AVENUE
WINCHESTER, MA 01890

104-11-0-R

DUCO ASSOCIATES INC
1172 BEACON ST - SUITE 202
NEWTON, MA 02461

104-12-0-R

HARRIOTT, VICTOR & CHRISTIAN P
3 FOTTLER RD
MATTAPAN, MA 02126-3101

104-13-0-R

BYNOE, LOUISE V
PO BOX 387
MASHPEE, MA 02649

104-15-0-R

DORSEY, TIMOTHY M & JOANNE
C/O DORSEY, JOANNE & TIMOTHY M
86 BLUE CASTLE DR
MASHPEE, MA 02649

104-16-0-R

REED, WAYNE S
92 BLUE CASTLE DR
MASHPEE, MA 02649

104-17-0-R

COLLIER, JERILYN O &
BYRON, F KAY
129 N HILLCREST BLVD - U# 4
INGLEWOOD, CA 90301-5451

104-18-0-R

STURTEVANT & HOOK INC
C/O RONHOCK, MICHAEL J & TERES
82 SUNSET CIRCLE
MASHPEE, MA 02649

104-19-0-R

LANGLEY, RUPERT
%PANSY E LANGLEY EXECUTOR
11 MICHIGAN AVE
DORCHESTER, MA 02121

104-21-0-R

STURTEVANT & HOOK INC
236 CONNELL HIGHWAY
NEWPORT, RI 02840

104-22-0-R

STURTEVANT & HOOK INC
236 CONNELL HIGHWAY
NEWPORT, RI 02840

104-23-0-R

BURRIDGE, MICHAEL & JENNIFER
19 BLUE CASTLE DR
MASHPEE, MA 02649

104-24-0-R

VIRILIO, ERNEST S & GLORIA J
PO BOX 1107
MASHPEE, MA 02649-1107

104-25-0-R

GRAY, TODD N & LEAH M
623 GREAT NECK RD, SOUTH
MASHPEE, MA 02649

104-26-0-R

LEBLANC, JAMES A & ROBIN
617 GREAT NECK RD, SOUTH
MASHPEE, MA 02649

104-27-0-R

GALLIGAN, RYAN P &
BAKER, JACLYN
615 GREAT NECK ROAD SOUTH
MASHPEE, MA 02649

104-30-0-R

HURLEY, PATRICK G
PO BOX 1054
EASTON, MA 02334

104-31-0-R

DICKSON, CLIVE A & CAROL J
102 OLD GREAT NECK RD
MASHPEE, MA 02649

Received by BOA:



**TOWN OF MASHPEE BOARD
OF ASSESSORS**

16 Great Neck Rd North, Mashpee, MA 02649
Phone # (508) 539-1404
Fax # (508) 539-1142
e-mail: assessing@marshpeema.gov

RECEIVED
SEP - 4 2018

BOARD OF ASSESSORS
OF MASHPEE
Updated: 3/7/2013

REQUEST FOR ABUTTERS LIST

Please note that the Assessing Dept. will respond to this request within ten (10) business days.

ABUTTERS TO: MAP 104 PARCEL 20 EXT 48

FY 2019 Owner's no changes to property

ADDRESS OF SUBJECT PARCEL: 69 Blue Castle Dr

PLEASE CHECK THE TYPE OF ABUTTERS LIST THAT YOU ARE REQUESTING:

(Refer to requirements of the regulating authority requiring abutters list.)

☒

DIRECT ABUTTERS

Check box if this abutters list is for the Cape Cod Commission: ☐

☐ ALL PARCELS WITHIN A 100 FOOT RADIUS OF SUBJECT (usual for Conservation Commission & Historical Commission)

☒

ALL PARCELS WITHIN A 300 FOOT RADIUS OF SUBJECT

☐ ABUTTERS TO THE ABUTTERS WITHIN A 300 FOOT RADIUS OF SUBJECT

☐ OTHER (SPECIFY) _____

◀ ALL ABUTTERS LISTS ARE PRINTED WITH A MAP ON 8 1/2 x 11 PAPER ▶

• Standard mailing labels of abutters are available for an extra charge of \$1.00 per page. (full or partial)

LABELS yes (YES or NO)

NUMBER OF SETS OF LABELS 3

REQUESTED BY:
(PLEASE PRINT)

NAME:

Town Planner

ADDRESS:

PLANNING DEPARTMENT
16 GREAT NECK ROAD NO.
MASHPEE MA 02649

PHONE:

DATE:

9/4/2018

SIGNATURE:

[Signature]

FEES: BASIC ABUTTERS LIST (one subject parcel)

QUANTITY

1 \$5.00

MAILING LABELS

3 \$1.00 PER PAGE

COMPLEX ABUTTERS LIST (multiple subject parcels)

1 \$10.00 - \$50.00 (varies by processing time)

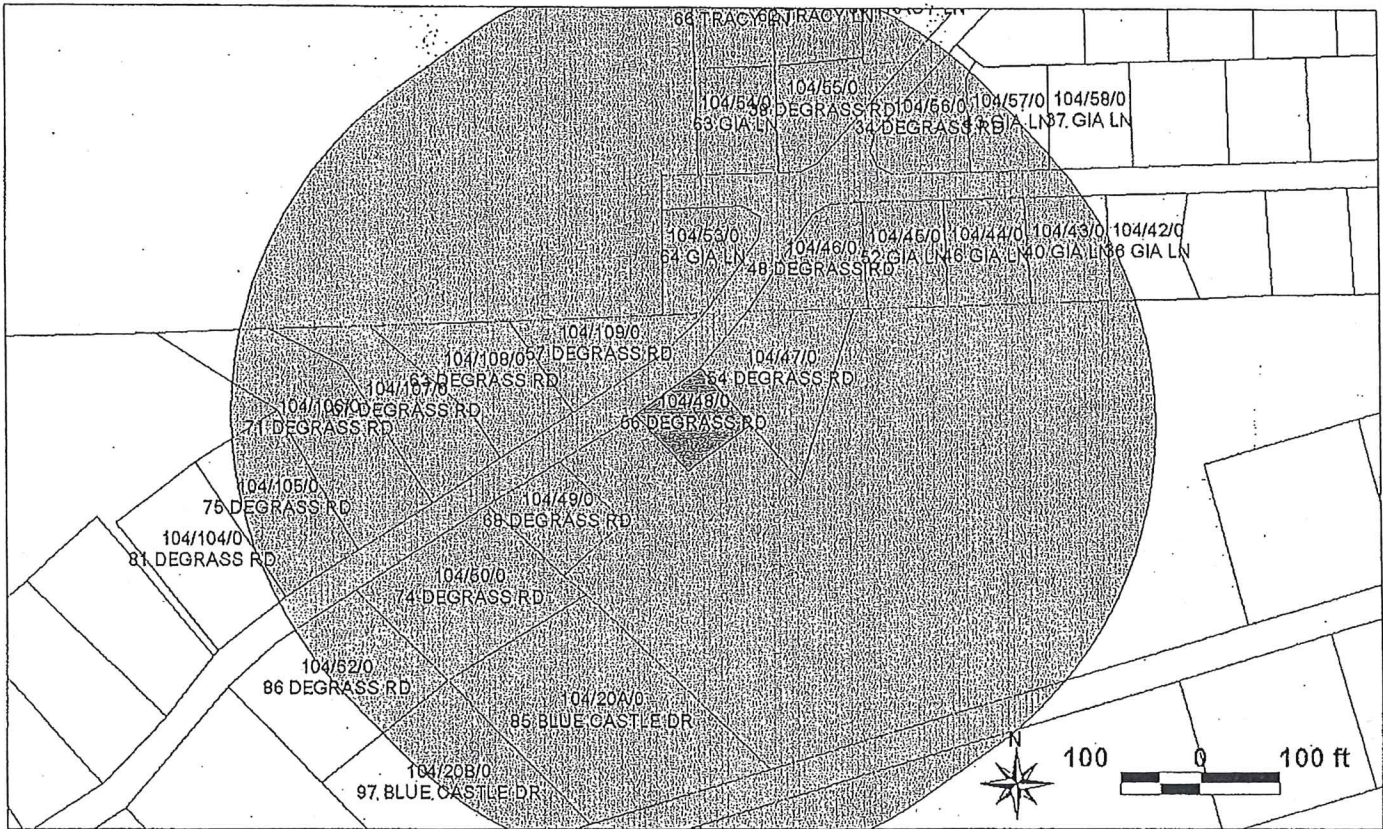
TOTAL AMOUNT DUE: \$ _____

Fee structure based on state guidelines for record production and copy costs.

Abutters to: 104-48-0
 Certified by: Steve L. Davis

TOWN OF MASHPEE, MA
 BOARD OF ASSESSORS
 16 Great Neck Rd., North, Mashpee, MA 02649
 Date: September 5, 2018

56 Degross Rd Number of Abutters: 31
 Abutters List Within 500 feet of Parcel 104/48/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
7475	103-12-0-E	MASSACHUSETTS COMMONWEALTH OF DEPT FISH, WILDLIFE & ENV LAW	1078 GREAT HAY RD	251 CAUSEWAY ST - STE 400	BOSTON	MA	02114-2104
7570	103-118-0-E	MASHPEE TOWN OF CONSERVATION COMMISSION	0 GREAT HAY RD	16 GREAT NECK RD NORTH	MASHPEE	MA	02649
7583	104-15-0-R	DORSEY, TIMOTHY M & JOANNE C/O DORSEY, JOANNE & TIMOTHY M	86 BLUE CASTLE DR	86 BLUE CASTLE DR	MASHPEE	MA	02649
7584	104-16-0-R	REED, WAYNE S	92 BLUE CASTLE DR	92 BLUE CASTLE DR	MASHPEE	MA	02649
7610	104-42-0-R	ZAMIRA, JOSHUA J	36 GIA LN	36 GIA LN	MASHPEE	MA	02649
7611	104-43-0-R	KACHANOV, MARK	40 GIA LN	47 IROQUOIS ROAD	ARLINGTON	MA	02476
7612	104-44-0-R	WALDEN, RICHARD W & KAREN V TR RICHARD W & KAREN V WALDEN	46 GIA LN	REVOCABLE LIVING TRUST 46 GIA LANE	MASHPEE	MA	02649
7613	104-45-0-R	MOONEY, RICHARD & JUDITH L	52 GIA LN	52 GIA LN	MASHPEE	MA	02649
7614	104-46-0-R	LEBLANC, JEFFREY A & KRISTINA	48 DEGRASS RD	48 DEGRASS RD	MASHPEE	MA	02649
7615	104-47-0-R	BRANN, DANIEL & MARIA	54 DEGRASS RD	PO BOX 914	MASHPEE	MA	02649
7616	104-48-0-E	HABITAT FOR HUMANITY OF CC INC	56 DEGRASS RD	411 MAIN STREET SUITE 6	YARMOUTHPORT	MA	02675
7617	104-49-0-R	GLEAVES, HAROLD TR MASHPEE GLEAVES RE TRUST	68 DEGRASS RD	72 GEORGIA STREET	BOSTON	MA	02121
7618	104-50-0-R	HAYWARD, WILLIAM G JR	74 DEGRASS RD	27 TEMPLE ST	BOSTON	MA	02114
7619	104-52-0-R	SLAVIN, ALEXANDER & BELLA	86 DEGRASS RD	40 CRESCENT ROAD	NEEDHAM	MA	02494
7620	104-53-0-R	KORZENIECKY, DULCIE M	64 GIA LN	64 GIA LN	MASHPEE	MA	02649

key: 7588

2019

Editable Fiscal Year

User Log Help

Print Quit

Previous Next Search Edit

Search Related

GIS

Bldg Sketch

Billing Insp/Pmt

Parcel: 104

Ext: 0

Type: E

Dist: 1

Loc: 69

Location: BLUE CASTLE DR

Loc: 69

Loc: 69

Loc: 69

Loc: 69

Loc: 69

Loc: 69

Loc: 69

Loc: 69

Loc: 69

Loc: 69

Loc: 69

Loc: 69

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Loc: 69

Loc: 69

Inspections and Permits Details									
Type	Desc	Insp Date	Insp by	Permit Number	Date	Amount	% Comp on Ist	% Comp to D	Note
6	SPLIT/SL	05/08/2009	TW/M	SS2018	12/31/2016	0	100	100	Incr SF/Correction
7	CYC/ICAI					0	100	100	0 Vacant
5	SPLIT/SL					0	0	0	2019 parent 104-20-1 thru 104-20-10

Pmt/Insp Memo (Saved to Fiscal Year Selected)

FY18- ACERAGE ERROR CORRECTED: FY19-SPLIT/SUBDIV; OPEN SPACE 'A' ON PLAN 654-21

GIS ID: F_934921_2676195

Parcel Notes

NOTE: DEED FINALLY ENTERED 12/18/2017 @ MULTI PARCEL DEED
FY18- FY17 ACERAGE ERROR CORRECTED//SECONDARY LOTS ADDED
FY18- JRS-WATER BETT PD 4/26/17; NEW ADDRESS FOR 104-20 IS [69
BLUE CASTLE, PER GIS/911 CO-ORD; FKA 57 BLUE CASTLE]
SPLIT/SUBDIV- BECOMES CLASS CODE 1320 FOR UNBUILDABLE; R.04 LPI;
[SEE LAND PLAN 671-85 FOR NITROGEN CREDIT ALLOCATION]

Print Screen

View Mode



Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

MASHPEE PLANNING BOARD
Special Permit Modification #1
BCDM, LLC (Original Applicant)
Ockway Highland's, LLC (owner)
"Ockway Highlands" Cluster Subdivision
Blue Castle Drive / Degress Road

I. Proposal

This decision concerns an application by BCDM, LLC, 66 Charles Street, Suite 215, Boston, MA 02114 (the Applicant) to allow for the development of a cluster subdivision (hereafter, the "Project") located on an approximately 12.09 acre undeveloped parcel of land situated on Blue Castle Drive (an unpaved private road), with additional frontage on Degress Road (a paved Town road) (hereafter, the "Property"). The Property is shown on Mashpee Assessor's Map 104 as Lots 14, 20 and 28.

As submitted, the Project was depicted on a 10-sheet plan set entitled "Proposed Subdivision of Land, "Ockway Highlands" in Mashpee, Massachusetts" prepared by Costa Associates, Inc., issued on June 1, 2013. The original proposal was for 16 lots, which was later reduced to 15 lots, including one lot to be donated for affordable housing.

II. Jurisdiction

This application was made and this Decision has been issued by the Mashpee Planning Board pursuant to Sections 174-24.C, 174-47, and other provisions of the Mashpee Zoning By-Laws (the "By-Laws") as they existed on May 7, 2014, the date on which this Special Permit decision was approved. Where reference is made to the By-Laws, it shall refer to the provisions thereof as they existed on May 7, 2014. This project is also subject to the applicable provisions of M.G.L. Chapter 40A, Section 9.

This proposal is not subject to review as a mandatory Development of Regional Impact by the Cape Cod Commission.

III. Chronology

Application for this Special Permit was made with the Town Clerk on June 17, 2013. A public hearing was opened by the Planning Board on August 21, 2013 at 7:10 p.m. Notice of this hearing was duly given to abutters, the Planning Boards of adjoining towns and the Cape Cod Commission (mailed on July 19, 2013) in accordance with Massachusetts General Laws Chapter

40A and the Planning Board's Special Permit Regulations. Notice was also given by publication in The Mashpee Enterprise, a newspaper of general circulation in the Town of Mashpee on August 2 and 9, 2013. The hearing was continued on September 18, October 2, November 20, December 4 and December 20, 2013 and February 5 and 19 and March 5 and 19, and April 2 and 16 and May 5, 2014. Planning Board member Waygan was not present for the October 2 meeting, but has filed a Certification pursuant to MGL c. 39, Section 23D that she reviewed all the evidence introduced at that hearing session, including a review of the video recording of the session.

On August 6 and December 13, 2013 the project plans were reviewed by the Design Review Committee and the Plan Review Committee. On December 13 the Committees voted to recommend approval of the proposal with conditions.

On May 7, 2014, the Planning Board closed the public hearing and voted to make the following findings and grant a Special Permit authorizing the project, with the conditions enumerated below. The members of the Planning Board were recorded as follows: Members George W. Petersen Jr., Mary E. Waygan, Dennis H. Balzarini, David Kooharian and Associate Member Joseph P. Cummings were recorded as voting in favor of the decision. No members were recorded as voting against.

On September 27, 2018, the Planning Board opened a public hearing to consider modification to the Special Permit after continuous testimony regarding construction issues and noncompliance, particularly with regard to the construction of the stormwater drainage as designed in the approved subdivision plans and original special permit approval.

The Planning Board continued the public hearing until its meeting of October 3, 2018 to hear further testimony and to obtain a report from Charlie Rowley, Consulting Engineer, and Evan Lehrer Town Planner regarding discussion of the modification with Town Counsel. The public hearing was continued until the Planning Board's October 17th, 2018 meeting.

The proposed modification was reviewed at the October 17, 2018 meeting and the Planning Board voted to make the following findings and approve the modification to the Special Permit subject to the conditions enumerated below. The members of the Board were recorded as voting as follows upon a motion made by _____ and seconded by _____: Members Waygan, Balzarini, Cummings, Kooharian, and Weeden were recorded as voting in favor of the modification, no members were recorded as voting against.

IV. Findings

1. The proposed modification involves less than 10% increase in the area of any use and is therefore, under the provisions of Section 174-24.C.(9)(d) of the Zoning By-law, subject to the dimensional and other relevant provisions of the Zoning By-law as it existed on November 6, 1985, the date on which a preliminary subdivision plan was filed on the property, freezing the zoning in effect at the time that this special permit was originally issued on April 15, 1987. At that time the property was in an R-3M zoning district.

2. The project satisfies the requirements of Massachusetts General Law Chapter 40A, in that it complies with the general purposes and intent of the Mashpee Zoning By-Law on the applicable dates.
3. In conformance with the provisions of Article VI, Section 174-24.C.(2) of the Zoning Bylaw, the Planning Board finds that the proposal will not adversely affect public health or safety, will not cause excessive demand on community facilities, will not significantly decrease surface or ground water quality or air quality, will not have significant adverse impact on wildlife habitat, estuarine systems, traffic flow, traffic safety, waterways, fisheries, public lands or neighboring properties, will not cause excessive levels of noise, vibration, electrical disturbance, radioactivity or glare, will not destroy or disrupt any species listed as rare, endangered or threatened by the Massachusetts Natural Heritage program or any known historic or archaeological site, will not produce amounts of trash, refuse or debris in excess of the town's landfill and waste disposal capacities, will properly dispose of stumps, construction debris, hazardous materials and other wastes, will provide adequate off street parking, will not cause excessive erosion or cause increase runoff into neighboring properties or into any natural river, stream, pond or water body and will not otherwise be detrimental to the town or the area.

V. Conditions

1. All road construction of Blue Castle Drive beginning at the intersection of Great Neck Road South and extending through the end of the first paving section shall be completed no later than November 15, 2018. This includes the installation of all upgrades within the drainage area, inspection of the existing infiltration system, the berm across the entrance, final wearing surface, and Cape Cod berms, dressing of road shoulders and general overall cleanup within this area.
2. The gravel surface of Blue Castle Drive shall be upgraded as shown on the approved plans to include the installation of reclaimed asphalt material, shaping of the final surface and the construction of drainage swales and connecting pipe. This work shall be completed no later than December 15, 2018.
3. Inspection and reconstruction of the two drainage areas along Carriage Drive and the protection of drainage areas from further erosion shall be completed no later than May 1, 2019.
4. All work noted above shall be in conformance with the recommendations made to the Mashpee Planning Board by letter dated September 25, 2018 from Charles L. Rowley, PE, PLS, which letter is incorporated herein by reference.

Expiration, Extension or Modification

This Special Permit Modification shall lapse only as part of any lapse of the original Special Permit as previously approved. It may be further modified under the terms of Section 174-24.C(9) of the Mashpee Zoning By-Law.

Signature and Filing

This Special Permit decision document, which incorporates by reference herein all attachments and plans, has been approved on this ____th day of _____, 2018. A copy of same shall be filed with the Town Clerk in accordance with applicable law.

Mashpee Planning Board - Duly Authorized Member

Commonwealth of Massachusetts

Barnstable, ss

On this ____th day of October, 2018 before me, the undersigned notary public, personally appeared _____, a member of the Mashpee Planning Board, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he/she) signed it voluntarily for its stated purpose.

Notary Public

My Commission Expires: _____

A copy of this decision and the accompanying plans endorsed by the Planning Board has been duly filed on _____ with the Town Clerk of Mashpee.

Town Clerk

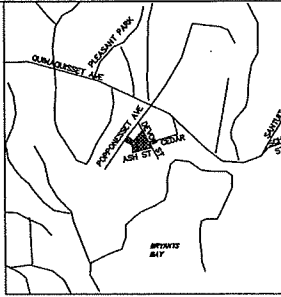
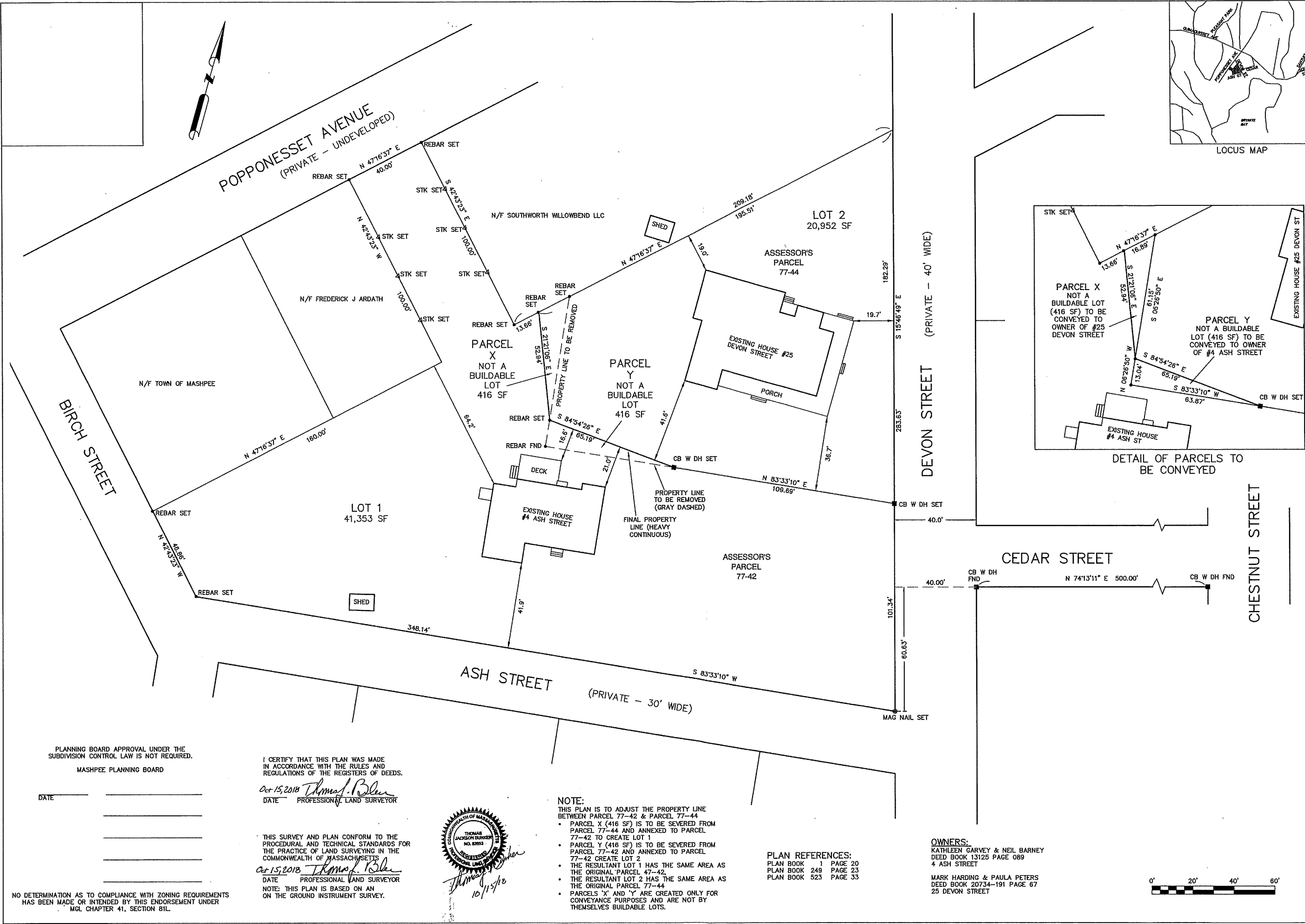
Notice of this decision was mailed on _____ to the applicant, to the parties in interest designated in Massachusetts General Law, Chapter 40A, Section 11 and all persons at the hearing who requested such notice. Any appeal should be made pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws 20 days after the date of such filing.

I, Debra Dami, Town Clerk of the Town of Mashpee, hereby certify that a copy of this decision and the accompanying plans endorsed by the Planning Board were filed with the office of the Town Clerk on _____ and that no appeal of that decision was filed within 20 days thereafter.

Town Clerk

Date: _____

Upon expiration of the statutory appeal period with no appeal having been filed, this Special Permit decision has been endorsed by the undersigned members of the Mashpee Planning Board on _____ and may be recorded.



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Falmouth Massachusetts 02540
508.540.8805 FAX 508.648.8333

PLAN OF LAND
AT
ASH AND DEVON STREETS
MASHPEE, MASSACHUSETTS
PREPARED FOR
KATHLEEN GARVEY

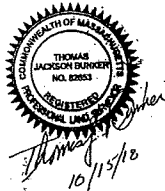
scale
1" = 20'
date
OCT 1, 2018
drawn
TJB/EJP
checked
TJB
job number
15187
revisions

PLANNING BOARD APPROVAL UNDER THE
SUBDIVISION CONTROL LAW IS NOT REQUIRED.
MASHPEE PLANNING BOARD

DATE _____

I CERTIFY THAT THIS PLAN WAS MADE
IN ACCORDANCE WITH THE RULES AND
REGULATIONS OF THE REGISTERS OF DEEDS.
OCT 15, 2018 *Thomas J. Blum*
DATE PROFESSIONAL LAND SURVEYOR

THIS SURVEY AND PLAN CONFORM TO THE
PROCEDURAL AND TECHNICAL STANDARDS FOR
THE PRACTICE OF LAND SURVEYING IN THE
COMMONWEALTH OF MASSACHUSETTS
OCT 15, 2018 *Thomas J. Blum*
DATE PROFESSIONAL LAND SURVEYOR
NOTE: THIS PLAN IS BASED ON AN
ON THE GROUND INSTRUMENT SURVEY.



NOTE:
THIS PLAN IS TO ADJUST THE PROPERTY LINE
BETWEEN PARCEL 77-42 & PARCEL 77-44
• PARCEL X (416 SF) IS TO BE SEVERED FROM
PARCEL 77-44 AND ANNEXED TO PARCEL
77-42 TO CREATE LOT 1
• PARCEL Y (416 SF) IS TO BE SEVERED FROM
PARCEL 77-42 AND ANNEXED TO PARCEL
77-44 TO CREATE LOT 2
• THE RESULTANT LOT 1 HAS THE SAME AREA AS
THE ORIGINAL PARCEL 77-42
• THE RESULTANT LOT 2 HAS THE SAME AREA AS
THE ORIGINAL PARCEL 77-44
• PARCELS 'X' AND 'Y' ARE CREATED ONLY FOR
CONVEYANCE PURPOSES AND ARE NOT BY
THEMSELVES BUILDABLE LOTS.

PLAN REFERENCES:
PLAN BOOK 1 PAGE 20
PLAN BOOK 249 PAGE 23
PLAN BOOK 523 PAGE 33

OWNERS:
KATHLEEN GARVEY & NEIL BARNEY
DEED BOOK 13125 PAGE 089
4 ASH STREET

MARK HARDING & PAULA PETERS
DEED BOOK 20734-191 PAGE 67
25 DEVON STREET



drawing number
B24-6

Best regards,
Jacques N. Morin, Trustee
Ockway Highlands L.L.C.

Get [Outlook for Android](#)

On Tue, Oct 16, 2018 at 1:50 PM -0400, "Evan Lehrer" <ELehrer@mashpee.ma.gov> wrote:

Jacques,

Understanding you have had conversations with Charlie Rowley regarding work at Great Neck S and Blue Castle Drive, and you are aware of the open public hearing with regard to the Ockway Highland's subdivision following conversations with me, I wanted to provide you a copy of the draft special permit modification that will be before the Board tomorrow evening. You should note the conditions being considered by the Board. Looking forward to hearing from you tomorrow.

Thank you,
Evan

Evan R. Lehrer, MPA
Town Planner
Town of Mashpee
16 Great Neck Road, North
Mashpee, MA 02649
(508) 539-1400 ext. 8521



Blue Castle Drive looking toward Great Neck Road South Oct. 15, 2018

The existing binder course of pavement has been prepared for the top wearing surface by sweeping and notching the end at Great Neck Road South.

As you can see in the photo the grass within the drainage area has begun to grow. Little if any erosion was observed at the time the photo was taken. Final work needs to be done on the paved swale leading to the drainage area and the 8" pipe needs to be trimmed to fit the shape of the slope.

Lawrence Lynch has this project in its schedule to do but the date is uncertain at this time due to anticipated bad weather this weekend and into next week. They are to notify for an inspection when they know of the exact date for the work to be done.

Work needs to be done on the ditch and gravel road surface shown in the photo.

1. The ditch needs to be relocated to the left in the photo,
2. It needs to be reshaped and completed according to the approved plan,
3. A similar swale needs to be constructed on the other side of Blue Castle Drive where the road surface is in a cut.
4. The gravel surface needs to be completed and regraded according to the approved plan.

Charles L. Rowley, PE, PLS
Engineering Consultant to Mashpee Planning Board



OFFICE OF THE TOWN PLANNER

MASHPEE PLANNING DEPARTMENT

MEMORANDUM

To: Mr. Jacques Morin, *Bayberry Building*
From: Evan R. Lehrer, *Town Planner*
Date: September 13, 2018
Re: Ockway Highlands Public Hearings on September 27, 2018

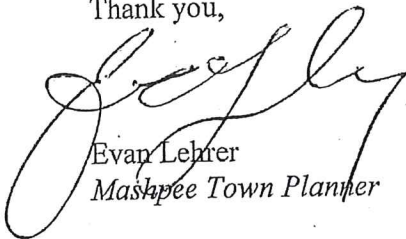
Dear Mr. Morin,

Included with this correspondence are the notifications of the public hearings that have run in the Enterprise concerning your development known as Ockway Highlands. The Planning Board voted to consider a potential modification to the Ockway Highlands Special Permit and/or reconsider approval of the subject subdivision.

You and I have discussed the reasons for these concerns in my office and it is my hope that solutions to the ongoing issues with construction will be resolved pending discussion with the Planning Board in these hearings.

If you have questions prior to the advertised dates please call my office to discuss them in detail. We look forward to hearing from you on September 27th.

Thank you,



Evan Lehrer
Mashpee Town Planner



Town of Mashpee

Planning Board

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

**TOWN OF MASHPEE
PLANNING BOARD
PUBLIC HEARING NOTICE**

The Mashpee Planning Board will hold public hearing on Wednesday, September 27, 2018 at 7:20 PM in the Waquoit Meeting Room, Mashpee Town Hall, 1st Floor, 16 Great Neck Road North, Mashpee, MA, 02649, to consider the following:

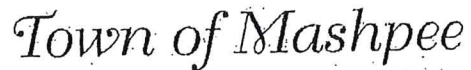
**NOTICE OF PUBLIC HEARING TO CONSIDER MODIFICATION TO APPROVAL OF
OCKWAY HIGHLANDS SUBDIVISION.**

Pursuant to the Town of Mashpee Subdivision Rules and Regulations and Chapter 41, Section 81 W of Massachusetts General Laws the Mashpee Planning Board will hold a public hearing on September 19, 2018 to consider amending the approval of the subdivision known as Ockway Highlands in order for it to remain an approved subdivision. The original Ockway Highlands subdivision approval was granted by the Mashpee Planning Board on May 1, 2014 and was filed in the Barnstable County Registry of Deeds on June 11, 2014 in Plan Book 654, Page 21 by the original applicant, BCDM, LLC.

Per order of:

Mary Waygan, *Chairman*
Mashpee Planning Board

Publication Dates: Friday, September 7, 2018
Friday, September 14, 2018

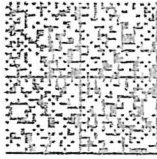


**TOWN OF MASHPEE
PLANNING BOARD
PUBLIC HEARING NOTICE**

Publication Dates: Friday, September 7, 2018
Friday, September 14, 2018



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



U.S. POSTAGE



ZIP 02649 \$
02 4W
0000348235 S

ANK Mr. Jacques Florin, President
Bayberry Building Co.
1397 Fe
Centerville

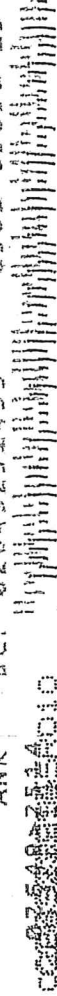
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RETURN TO SENDER
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UNABLE TO FORWARD

ANK BC: 02649251499 *0369-03830-13-



Evan Lehrer

From: Evan Lehrer
Sent: Wednesday, October 3, 2018 6:39 PM
To: 'bayberrybuilding'
Subject: RE: Ockway Highlands

Received. Your request will be passed to Chair Waygan

From: bayberrybuilding [mailto:bayberrybuilding@comcast.net]
Sent: Wednesday, October 3, 2018 6:32 PM
To: Evan Lehrer <ELehrer@mashpeema.gov>
Cc: Jacques Morin, Bayberry Building <bayberrybuilding@comcast.net>
Subject: Ockway Highlands

Hello Evan,

Hope you received the email sent as a follow-up to our phone conversation this afternoon. Following sending that email I went online and noticed that tonight's item was posted not simply as an informal discussion but a posted item to consider action on with respect to the special permit. You properly pointed out that I did not receive notification of this agenda item or have I received any prior request to attend the meeting or alternatively have counsel attend the meeting. And, as I mentioned, I am off Cape until tomorrow afternoon.

I would anticipating being able to attend an early meeting in November to update the board with the anticipated progress occurring this month of October. I would therefore respectfully request the board to hold over decision making until I can provide them with that further update

Regards,
Jacques N. Morin, Trustee

Sent from my Verizon, Samsung Galaxy smartphone

Evan Lehrer

From: Evan Lehrer
Sent: Thursday, October 4, 2018 8:28 AM
To: 'bayberrybuilding'
Cc: Mary Waygan; 'Charles Rowley'
Subject: RE: Ockway entrance drainage.

Jacques,

Happy you were able to watch the meeting. As was stated in the meeting, Chair Waygan accepted a motion to continue the public hearing until the Planning Board's next meeting on October 17th. I strongly encourage your participation. I am available in my office should you wish to set up a time to discuss the issues before the Board and the testimony heard to date. Thank you for your emails, Jacques.

Best,
Evan

Evan R. Lehrer, MPA
Town Planner
Town of Mashpee
16 Great Neck Road, North
Mashpee, MA 02649
(508) 539-1400 ext. 8521

From: bayberrybuilding [mailto:bayberrybuilding@comcast.net]
Sent: Wednesday, October 3, 2018 7:01 PM
To: Evan Lehrer <ELeherer@mashpeema.gov>
Subject: Ockway entrance drainage.

Evan, as Ernie Vigilio likes to typically appear before the board....please note that the drainage in front of his home was fully completed and inspected. After completion, which was before seeding, it rain the following two days. That was shortly thereafter degraded and was fully seeded. I am keenly aware of some rain having washed some seed since as it had not yet taken. Seed fabric was delivered to the site earlier this week. Seeding will be touched up and affected areas will receive that fabric.

The 8 inch drain that is currently to the traveled graveled edge will be tied into the traveled way side trench per the plan.

We also are aware that the top coat will require germs. Of note, and I pointed out to Mr. Vigilio., that Blue Castle Road receives a fair amount of water discharge from the southerly side of the Blue Castle paved entrance from the public way Great Neck Road South. Although the the first few feet of Blue Cattle Drive should and will be pitched to the public road, that in no way will control that water entering from the south. This is something the town will need to look at as it will invariably end up into our drainage scale. I look forward to providing additional comment.

Jacques Morin

Sent from my Verizon, Samsung Galaxy smartphone

eg 10/4/2018

10/02/2018

Re: Ockway Highlands Subdivision [Blue Castle Drive]

Road Improvement Blue Castle Drive.

Concerns and questions:

1. Grading as designed: question was a crown in grading preparation constructed. Is there a crown in the paving of the 1st coat of

asphalt? (Testimony E.V. - no existing crown)

2. Stone lined drainage ditch: question why was this work not completed before 1st coat of asphalt?

3. Concern: 3 Foot wide rolled berm pitched toward Great Neck → Not gonna work if Road South not provided. Water flows from Great Neck Road South down Blue Castle Drive causing flooding and washouts. Part of a much larger flooding problem. Hasn't built the runoffs.

4. Question: Flared ends at 8 inch pipe why was this work not completed. → installed presently - plastic pipe - not cut at 45°

5. Questions: I Request a discussion regarding other issues. Drainage system, runoffs, was a curb cut permit issued at Great Neck Road South, loam applications, hydro seed applications, inspections of work in progress going forward.

Ernie Virgilio

→ *No "stone lined drainage swales" on east or west side of BCD as designed. Indicated on plan sheet 11 of 11.

→ *No concrete "flared" ends indicated by plan. DOESN'T IF THE DRAINAGE TRENCH NOT CONSTRUCTED.



**PLANNING BOARD DECISION
WILLOWBEND SPECIAL PERMIT
MODIFICATION NO. 35
September 5, 2018**

I. Proposal.

Reference is made to a Special Permit Decision issued by the Mashpee Planning Board, dated April 15, 1987 and recorded with the Barnstable County District Registry of Deeds at Book 5707, Page 290, as amended from time to time (hereinafter the "Special Permit"). By decision dated August 7, 1991, the Special Permit was transferred to Bent Twig Limited Partnership whose interest was subsequently assigned to Willowbend Development Corporation, then to Willowbend Country Club, Inc., and more recently to Southworth Mashpee Properties, LLC, 130 Willowbend Drive, Mashpee, MA 02649. Southworth Mashpee Properties, LLC is hereinafter referred to as the "applicant". The Special Permit authorizes construction of a residential / golf course community known as Willowbend south of Route 28 in east Mashpee ("the project").

The applicant proposes to modify the Special Permit site plans to construct an additional twenty-two (22) units on a 9.3 acre parcel located north of Sampsons Mill Road. With this modification, the total unit count will be increased from 251 to 273, which remains within the 287 units authorized. The Planning Board endorsed an ANR Plan at the May 2, 2018 that showed a land swap between 0 Sampsons Mill Road (63-89-0) and 100 Willowbend Drive (69-117-0) creating the subject parcel . The land is currently listed on the Mashpee Assessors' Maps as Map 63, Lot 89.

II. Jurisdiction.

The application was made and this decision has been issued by the Mashpee Planning Board pursuant to Section 174-24.C. of the Mashpee Zoning By-Law as it existed on September 5, 2018, the date on which this Special Permit Modification was approved by the Mashpee Planning Board. As the proposal does not increase square footage of any use by more than ten percent (10%), the provisions of Section 174-24.C.(9)(d) of said by-law provide that the land involved in this application is subject to the dimensional and other relevant provisions of the Zoning By-law as it existed on November 6, 1985, the date on which a preliminary subdivision plan was filed on the property, freezing the zoning in effect at the time that this special permit was originally issued on April 15, 1987. The project is also subject to the applicable provisions of M.G.L. Chapter 40A, Section 9.

The proposal is not subject to review as a mandatory Development of Regional Impact by the Cape Cod Commission.

III. Chronology.

Application for this Special Permit Modification was filed with the Town Clerk on June 22, 2018, along with accompanying plans.

The plans were reviewed at the July 17, 2018 meeting of the Design Review Committee. The Design Review Committee recommended approval conditional upon the inclusion of a landscaped buffer area

along Sampsons Mill Road. That condition was satisfied and is indicated on modified plan sheets C3.0, C3.1 and L1.0 with a note indicating such condition. Correspondence with Deputy Fire Chief Jack Phelan dated August 1, 2018 requested that turning radii comply with 527 CMR 1.00 ch. 18.2.3.4.3 and gate access meet the requirements of 527 CMR 1.00 ch. 18. Deputy Chief Phelan indicated that the hydrant locations were adequate. The site layout plans, utility plan, and truck turning template sketch provided by the applicant satisfy the conditions outlined by the Fire Department.

The proposed application was reviewed at the Board's August 1, 2018 meeting and was continued to the September 5, 2018 meeting. The Planning Board voted to make the following findings and grant the proposed Special Permit Modification, subject to the conditions enumerated below. The members of the Board were recorded voting as follows upon a motion made by Dennis Balzarini and seconded By David Kooharian: Members Waygan, Balzarini, Cummings, Kooharian, and Weeden were recorded as voting in favor of approval of the proposed modification; no members were recorded as voting against.

IV. Findings.

1. The proposed modification involves less than 10% increase in the area of any use and is therefore, under the provisions of Section 174-24.C.(9)(d) of the Zoning By-law, subject to the dimensional and other relevant provisions of the Zoning By-law as it existed on November 6, 1985, the date on which a preliminary subdivision plan was filed on the property, freezing the zoning in effect at the time that this special permit was originally issued on April 15, 1987. At that time the property was in an R-3M zoning district.
2. The project satisfies the requirements of Massachusetts General Law Chapter 40A, in that it complies with the general purposes and intent of the Mashpee Zoning By-Law on the applicable dates.
3. In conformance with the provisions of Article VI, Section 174-24.C.(2) of the Zoning Bylaw, the Planning Board finds that the proposal will not adversely affect public health or safety, will not cause excessive demand on community facilities, will not significantly decrease surface or ground water quality or air quality, will not have significant adverse impact on wildlife habitat, estuarine systems, traffic flow, traffic safety, waterways, fisheries, public lands or neighboring properties, will not cause excessive levels of noise, vibration, electrical disturbance, radioactivity or glare, will not destroy or disrupt any species listed as rare, endangered or threatened by the Massachusetts Natural Heritage program or any known historic or archaeological site, will not produce amounts of trash, refuse or debris in excess of the town's landfill and waste disposal capacities, will properly dispose of stumps, construction debris, hazardous materials and other wastes, will provide adequate off street parking, will not cause excessive erosion or cause increase runoff into neighboring properties or into any natural river, stream, pond or water body and will not otherwise be detrimental to the town or the area.

V. Conditions.

1. The project shall be constructed in conformance with the following plans:

"Master Layout Plan, Sheet C-3.0" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date July 24, 2018.

"Layout and Dimension Plan, Sheet C-3.1" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date July 24, 2018.

"Grading and Drainage Plan Sheet C4.0" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date August 29, 2018.

"Roadway Profile, Sheet C4.1" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date August 29, 2018.

"Stormwater Management Details and Notes (1 of 2 Sheets), Sheet C4.2" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date August 29, 2018.

"Stormwater Management Details and Notes (2 of 2 Sheets), Sheet C4.3" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date August 29, 2018.

"Utility Plan, Sheet C5.0" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date August 29, 2018.

"Landscape Plan, Sheet L1.0" by Baxter Nye Engineering & Surveying, Hyannis, MA, revision date July 24, 2018.

2. Any future modifications or changes to the positions of the retaining wall indicated in the plan set shall require approval from the Planning Board.

3. Any information submitted to the Building Department with regard to the aforementioned retaining walls shall also be submitted in writing to the Planning Board.

4. The grass swale access for stormwater system #8 should be stabilized during construction to prevent erosion of the proposed 15% slope

5. The plans will indicate notation referencing the archaeological sensitivity study.

VI. Expiration, Extension or Modification.

This Special Permit Modification shall lapse only as part of any lapse of the original Special Permit as previously modified. It may be further modified under the terms of Section 174-24.C.(9) of the Mashpee Zoning By-law.

VII. Signature and Filing.

This Special Permit Modification Decision document, which incorporates all plans and documents referred to herein, has been approved on this 5th day of September 2018. A copy of same shall be filed with the Town Clerk in accordance with applicable law and may be recorded at the Registry of Deeds.

MASHPEE PLANNING BOARD

Mashpee Planning Board - Duly Authorized Member

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Date

On this ____ day of _____ 2018, before me, the undersigned notary public, personally appeared _____, a member of the Mashpee Planning Board, who proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed above on this document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public

My Commission Expires: _____

A copy of this decision and the accompanying plans endorsed by the Planning Board have been duly filed on _____, 2018 with the Town Clerk of Mashpee.

Town Clerk

INTEROFFICE MEMORANDUM

TO: ALL TOWN DEPARTMENTS, BOARDS, COMMITTEES

FROM: ANDREW R. GOTTLIEB, CHAIRMAN
COMMUNITY PRESERVATION COMMITTEE

SUBJECT: COMMUNITY PRESERVATION FUND

DATE: SEPTEMBER 25, 2018

CC: RODNEY C. COLLINS, TOWN MANAGER
COMMUNITY PRESERVATION COMMITTEE
LEILA BOTSFORD MASHPEE HOUSING AUTHORITY

The Community Preservation Committee is seeking your input on needs you may have or see for future Community Preservation Act funding. The CPC is looking to gain an understanding of potential uses and demands for Community Preservation Funds (CPF) over the next 3, 5 and 10 years. We are asking for your best assessment of CPF needs by November 1, 2018.

Please return your best estimates of project cost along with a sentence or two of project description to the Community Preservation Committee via Kathy Soares at ksoa712@aol.com.

The CPC will compile the data we receive and will use it as a factor in the development of a CPF spending plan and also to inform the discussion about the future of the CPF assessment after 2020.

As a reminder, the deadline for the submission of CPC Applications for the May 2019 Town Meeting is November 1, 2018.

Thank you in advance for your assistance.

Andrew R. Gottlieb
Chairman, Community Preservation Committee