



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

**Meeting of the Mashpee Planning Board
Wednesday, June 30, 2021
Waquoit Meeting Room
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649
6:00 PM**

Broadcast Live on Local Channel 18

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

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

Call Meeting to Order

- Pledge of Allegiance

Approval of Minutes

- Review of Meeting Minutes from June 16, 2021 and June 21, 2021

Public Comment relative to Mashpee Commons Development Agreement

Old Business

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

Correspondence

- Letter submitted by Cape Cod Chamber of Commerce 6-21-2021

Additional Topics (not reasonably anticipated by Chair)

Adjournment

MASHPEE TOWN CLERK

JUN 25 2021

RECEIVED BY: _____



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

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

**Broadcast live on Local Channel 18
Call in Conference Number: (508)-539-1400 x 8585
Streamed Live on the Town of Mashpee website <https://www.mashpeema.gov/channel-18>**

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

Also Present: Evan Lehrer- Town Planner, John Cotton – Selectman

CALL TO ORDER

Chairman Fulone called the meeting to order at 6:02PM. The Pledge of Allegiance was recited. All attendees were invited to sign in if they wished to speak during the Public Comment period.

APPROVAL OF MINUTES – June 09, 2021

There were no comments regarding the meeting minutes.

MOTION: Mr. Balzarini made a motion to accept the minutes as written for June 09, 2021. Mr. Callahan seconded the motion. All voted unanimously.

APPROVAL NOT REQUIRED

Applicant: Robert Allen and Michelle A. Wolpe

Location: 80 & 84 Punkhorn Point Road

Request: Propose to create and swap two parcels of land

Proposal to create two lots to be annexed to each other. Number 84 has significant frontage and number 80 has frontage of 98 ft., less than the 150 ft requirement. The plan record says a subdivision plan was approved and endorsed by Planning Board previously under subdivision control law.

MOTION: Mr. Balzarini made a motion to endorse the ANR. Mr. Phelan seconded the motion. All voted unanimously.

Everyone took a moment to sign the ANR and Mr. Balzarini asked for it to be dated.

PUBLIC COMMENT RELATIVE TO MASHPEE COMMONS DEVELOPMENT AGREEMENT



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Chairman Fulone took a moment to reiterate the rules of the Public Comment period. Everyone gets two minutes, and it is not a dialogue. Know your questions and do not repeat yourself or what someone else has stated previously.

Lynn Barbie- She was thinking a lot about Mr. Balzarini's comment about parking in the previous meeting. She heard on the radio that GM is moving to all electric cars. She hopes it goes in the notes that we will need parking, but also plug in parking. Hopes to see it in the plan.

Yvonne Courtney- She is concerned about the impact of the project on the Town. On the website there are 22 departments, she would love to see how this project will impact the different departments. You have to look at: fire and rescue, building inspector, natural resources officer, traffic (with more accidents), zoning, and planning department. Need to have a statement from each dept. to say how it will affect the budget. What are they going to need? More people equal more supplies, more help, it all costs money to the Town. Lastly, parking. Are the roads the same size or smaller than the ones presently at the Commons? On street parking as it is now, any delivery truck blocks traffic. A commercial building with someone living on the second floor will not be able to park in front of their apartment.

Elena Doyle- Picked up where she left off the last time she spoke. She did eventually purchase a house in 2017. After 2 years and 6 offers, finally accepted to buy a house that was virtually uninhabitable for six months due to the condition. She remodeled and if she bought that same house today with the same down payment, she would not be able to afford it. There is a ton of demand and no supply. If you look at what you paid for your house and the value today you cannot afford it. A whole generation who cannot remain to stay on Cape Cod. Mashpee Commons is putting a plan forward in a substantial way, Planning Board should seriously consider moving forward with them.

Meaghan Mort- Resident of Barnstable, here because with housing the way it is now, she is looking to buy in any town on Cape Cod. Housing matters, not location. She is native of Cape Cod, an adult, millennial, wife, student, and mother. She is inundated with "these people" are going to be moving here. These people are in their late 20's early 30's looking to buy. She is narrowly avoiding homelessness with her landlord. If he were not willing to rent to her family, she would have no place to go. It is her third year there, and she has no problem paying rent and is a great tenant. She has delayed adoption with DCF because of housing instability. Development has been in the plan for decades with the Commons, so it surprises her that people did not expect this. She is also appalled that people who live in a community surrounded by others would think they were not taking care of emergency services. (She referenced a comment a citizen previously made about not wanting to pay for extra resources). We have a social contract towards each other. [TWO MINS. WARNING]

Marjorie Hecht- We do not have a fiscal impact study, don't know how much it will cost, don't have an environmental impact study, wastewater, traffic study, or housing survey. What does Mashpee need, at what rents, and how do we satisfy people who are looking for homes? We do not know how Mashpee Commons will meet the need. We have a bottom line from Mashpee Commons, 1700 units, 1.2 million feet of commercial space, and some drawings. What will these impact studies find? They take time. Nobody in the business world would move forward without that information. Eventually at some Town



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Meeting it will be voted on. It is to the advantage to present the information fully and listen to what residents want or all these discussions are in vain. Twenty-five years for a development agreement for a project of this scope is too long, why not a staged project in phases and give us a way to measure progress.

OLD BUSINESS

Continue discussion and deliberation on proposed Community Activity Center Overlay District Proposal

Chairman wanted to go over the upcoming schedule of special meetings with specific topics:

- **Monday 21st** 6:30PM: Planning Board/ Selectmen meeting with Cape Cod Commission to discuss the 3-party Development Agreement process.
- **Wednesday 30th** 6:30PM: proposed CAC subzones and uses
- **Wednesday 7th** 6:30PM: Neighborhood design, CAC setbacks, lot coverage dimensional requirements
- **Wednesday 21st** 6:30PM: Proposed CAC max densities and building height
- **Wednesday 28th** 6:30PM: Proposed CAC parking and parking ratios

Chairman thinks this makes sense. He asked for comments.

Mr. Lehrer noted 28th of July is not a regular meeting date so the Board would need to consider that special meeting date, otherwise 7th and 21st are regular meetings.

Mr. Phelan asked if there were other focused areas we wanted to talk about, are they open to more meetings?

Mr. Lehrer said most questions presented to the Board are intensely focused on process which we will address on the 21st and impacts on the Town. We need to continue through with zoning. Conversation does not end on the 28th. This will be an opportunity to understand the process from the Cape Cod Commission perspective and what their requirements are for the impact assessments and technical analysis. The Cape Cod Commission can answer all these questions from a regional perspective, and Mashpee Commons can answer questions to local considerations as well.

Mr. Balzarini said it is hard to see. How can we look at the zoning change? He would like to see some plans now before he can talk about zoning. All they did was give a book of pictures; he wants to see a layout of the streets for traffic, specifically. The Cape Cod Commission works for the Town, isn't that their purpose? He does not understand while this process was going along, why did they not ask one or two Board members to meet with the Mashpee Commons? They have been doing this for three years. They start with the zoning then they give five weeks to decide before it goes to the Town for warrant. It seems like they are working for Mashpee Commons, and they should have been more with the Town and give more input. It seems like they are stepping over what they are doing. The Town needs to vote, if the town is not happy, it will not pass. The questions the public asked tonight are great questions and are impacts on the Town. He would like to see what affordable housing looks like, instead of 80% he wants to see costs. So many houses or units at X price. I want to see if we are helping the people looking for housing, and can they afford it? Not a \$400,000 home because the others are \$600,000.



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Mr. Phelan slightly disagrees as both go hand in hand. Zoning plays a role in how you plan. You must look at both at the same time. Proposed zoning changes will impact how the plan is going to look. On the 21st, the Cape Cod Commission will give us some clarity on the process. We will all have input and a better understanding. He does not expect to be handed blueprints. If zoning does not apply, then those plans will be moot. Some of that is predicated by zoning changes. We will get more in the next few days. The vote to support the changes will not go to the Town if it does not work. Next five weeks we will learn a lot. If we just pause and go through these meetings and do not have a preconceived notion until we see it.

Mr. Cotton clarified that Affordable Housing requirements are set forth by the State. We just dealt with this with wastewater. The brakes were put on for a whole year and then it unanimously passed at Town Meeting. Whatever it takes to get all the right answers is what you are here for. When you guys are ready to present in a way to be approved by the Town, you will.

Ms. Waygan hopes what she says will be passed on. She does agree with Mr. Balzarini, there needs to be more visuals and she asked repeatedly, and she will continue to ask. It may be we do not get them until the Development Agreement process, then we have to revisit the zoning bylaw line by line. She would rather push off looking at zoning until we start the Development Agreement process. The application is not complete yet. She has a lot of questions she is looking for answers to. She would like the design book for these buildings, better visuals, and the regulating plan showing lot blocks and major roads. Substantial amounts of this bylaw talk about what happens on a lot, so they need to be established. They must show us, and they can modify if need be. She asked Mr. Lehrer about the existing bylaw language pertaining to section E2, regarding the zoning officer. She would like that put in a packet to then be put on the website. She would like a list of preexisting non-conforming buildings in section J. Is it every building there already? Somebody needs to make a list of that. The figures in the back, a lot of them do not have dimensions. They should be big; we cannot read some of this writing. Peaks of buildings do not have maximum heights. Everything in here needs dimensions. Again, we may be back at these steps as we have the Development Agreement application and start meeting.

Mr. Hansen had a question on the proposed bylaw change. On page 6 Section H, the Overlay District dimensional standards, third column over in the table. The minimum lot area has no requirement in the core area, and transition is 1,700 sq. ft. The edge area is 980 sq. ft as minimum lot size. Footnote number 1- the minimum lot area of a single-family dwelling in the transition area shall be 2,560 sq. ft. What does that number mean relative to 1,760 sq. ft. in the table? Then the edge area minimum lot size of single-family dwelling is 3,600 sq. ft., those two numbers conflict with the table.

Mr. Lehrer said for a single-family dwelling, there is an exception. It requires the transition area lot area should be larger, a unique minimum lot size, for all other uses it should be shown in the table. There are 17 special footnotes in our current bylaw that provide exceptions, and on July 7th this will be elaborated on.

Ms. Waygan had a question about density. The density is a ratio of number of units per acre. They do not have the densities of different dwelling units per acre.



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Mr. Lehrer is asking for clarity relative to figures. He is interested in what the methodology was to determine maximum density, it seems arbitrary. How did you come up with that number? This will be responded to on July 21st.

Mr. Hansen asked about page 8 Section L parking requirements C and B. They talk about designated on street parking in the core area, undesignated on street parking allowed on all streets everywhere else. If I go drive down a road it is a street. They do not talk about alleys, and he would not expect parking to be allowed on the alley. Every alley he has ever been down in the city that can pass a vehicle is full of cars. He does not see anything here that says parking is prohibited in designated alleyways.

Mr. Phelan mentioned the alley would not allow for parking, it would be zoned that way, and must be enforced. They cannot stop someone from parking, but the car may be towed. It is something that could be part of the Agreement.

Mr. Hansen reiterated the word enforcement. He goes on to give a real-life example. Currently there is a post office with half a dozen spaces that say "15-minute parking for post office" at the Commons now. There are many cars parked, and one big SUV with a sun visor in the windshield that gave away their long-term parking. Security at the Commons says they do not control that signage. At the Police Department, the reception said the officers were busy, then eventually did not want to discuss the matter after waiting an hour. Who is going to enforce the parking?

Mr. Lehrer wanted to know what he is asking for in terms of better graphic representations. Is he asking for the design in the anticipated built form?

Ms. Waygan wants some basic lots; the Regulating Plan should have some major blocks and major roads. Those can have sublots per their design book. They (Mashpee Commons) want maximum flexibility and we do not have to accept that. Traffic thruways should be shown and on these major blocks we know what will be built, what height, and what type of design. Of all the pictures, which picture goes to which block? She has a feeling there is this one area where she thinks they want to put the picture from page 21. We will be able to see blocks pertaining to these setbacks. These blocks over here cannot have huge buildings that are connected all in a row. It must look more cottagey or Cape Cod-ish. We cannot have this discussion without the Regulating Plan noting major roads and major blocks that you can number and talk about. They have a lot of pictures at an angle, we need the plan view from the air with dimensions and labels. She likes the colorized pictures, but when you are having zoning discussions it is difficult. They love green, it means different things in different illustrations. She would like a black and white plan, full sized not 8x11. She would like to see thruways of traffic. The Planning Board engineer would move roads over to help with line of sight and line up with other roads. We should set major connector roads, where people will pass through, lines up so you are not zig zagging to the connecting road across.

Mr. Lehrer wants the Planning Board to consider, if they are asking for such a detailed Regulating Plan, the hesitation for a multiphase project to provide a highly detailed Regulating Plan without a mechanism



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to modify because it is over such a long period of time. They can modify as phases and conditions change.

Mr. Cotton wants to see major intersections or hubs of the development so they can have the knowledge of major areas.

Mr. Lehrer will ask for details of buildings and block lay out. Beyond zoning, how will this project be phased? Is it going to be by dwellings or neighborhood? As we understand the phases, we understand details laid out before the execution of the Development Agreement.

Mr. Phelan wants a bigger outline of the whole proposal, it will give a better conceptual focus of certain areas, then he can know where he is looking. If we only have bits of intersections, it does not give a good view. 8X11 does not give off a good understanding of lot size.

Mr. Callahan had a thought with regards to these topic meetings. When it comes to the Public Comment, should they be focused for that week's topic, so we are staying on point? If we can request this of the public, it would be helpful.

Chairman Fulone said they will be posted, and it would be ideal for that, but they cannot control that.

Ms. Waygan has not been getting her agenda the week prior. Also, if the Commons does not have the materials before the meeting, if they are presented at the meetings, it is not helpful to digest information and is a waste of time.

Mr. Lehrer asked for some flexibility as there have been a substantial number of meetings over the course of the last month and going into next month.

TOWN PLANNER REPORT

Two responses to the local RFP have been provided to Ms. Waygan and Mr. Fulone. They will evaluate the proposals on responsiveness to criteria, come back with recommendations to discuss with the whole Board, then their recommendations go to the Town Manager. He was hoping for 3, but only got two, and will follow up next week.

BOARD MEMBER COMMITTEE REPORTS

Cape Cod Commission-	No Report
Community Preservation Committee-	Meeting on June 24, agenda will be shared.
Design Review-	No Meeting
Plan Review-	No Meeting
Environmental Oversight Committee-	Missed due to special PB meeting, will review mins.
Historic District Commission-	No Meeting
Military Civilian Advisory Council-	No Meeting

ADDITIONAL TOPICS

[Not reasonably anticipated by Chair]



Town of Mashpee

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ADJOURNMENT

MOTION: Mr. Balzarini made a motion to end the meeting at 6:53PM. Mr. Phelan seconded the motion. All in favor.

The meeting ended at 6:53PM.

Next Meeting: June 21, 2021, 6:30PM

Respectfully Submitted,

Christine M. MacDonald
Board Secretary

LIST OF DOCUMENTS

Additional documents may be available in the Planning Department.

- Mashpee Commons Public Comment- Presented previously at June 2, 2021 Planning Board Meeting
 - o Anne Malone – 05-28-2021
 - o Mary LeClair – 05-29-2021
 - o Meaghan Mort – 06-01-2021
 - o Marjorie Clapprood – 06-02-2021
 - o Gretchen Wollerschied – 06-02-2021
 - o Beth Hennessey – 06-02-2021
 - o Glenn McCarthy – 06-02-2021
 - o Catherine Gallagher – 06-02-2021
 - o Mary Adams Oleksak – 06-02-2021
- Mashpee Commons Public Comment – Presented previously at June 09, 2021 Planning Board Meeting
 - o Sarah Johnson – 06-05-2021
 - o Mary Waygan – 06-09-2021
- Town of Sandwich Notices
- Town of Falmouth Notices
- Waterways Application – 174 Captains Row
- March 2021 Discharge Monitoring Report for South Cape Village – N=4.1
- February 2021 Discharge Monitoring Report for South Cape Village – N=5.0
- January 2021 Discharge Monitoring Report for South Cape Village – N=6.1



June 21, 2021

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

Dear Board Members:

The Cape Cod Chamber of Commerce strongly supports the proposed Mashpee Commons expansion project.

Mashpee Commons has been a regional destination and economic catalyst on Cape Cod for nearly 40 years and is recognized worldwide as a model of great design and using smart growth principles. It has also provided business opportunities for hundreds of local, independent retailers.

Cape Cod is now amid an unprecedented housing crisis that is threatening our livelihoods and the character of our communities.

The Mashpee Commons expansion project will deliver significant affordable and workforce housing stock for the region over a 25-year period. And it's being done the right way: in accordance with the Community Activity Center (CAC) place type identified by the Cape Cod Commission in its 2018 Regional Policy Plan. CACs allow for denser mixed-use residential and commercial development, creating walkable communities reminiscent of traditional Cape Cod village centers. This is exactly the type of development we want and need on Cape Cod.

Additionally, Mashpee Commons has always been at the forefront of environmental stewardship and sustainability, having owned and operated its own wastewater management facility since the community's inception and allowing the town to connect several buildings to the facility.

The proposed Mashpee Commons expansion project must move forward.

We at the Cape Cod Chamber of Commerce urge swift approval of the expansion project by all local and regional regulatory boards, and, ultimately, the town's voters.

Sincerely,

Wendy Northcross
Chief Executive Officer

Patricia Maguffin


From: Mary Waygan <marywayganmashpeegovernment@gmail.com>
Sent: Thursday, June 24, 2021 11:45 PM
To: Evan Lehrer; Patricia Maguffin
Subject: Fwd: Bourne and Sagamore Bridge Replacement meeting

WARNING! EXTERNAL EMAIL: : This message originated outside the Town of Mashpee mail system and could be **harmful** ☠. PLEASE DO NOT CLICK ON LINKS OR ATTACHMENTS unless you are absolutely certain the content is safe.

Hi!

Kindly include information on this meeting in the Planning Board meeting packet - thanks!

Mary




The Cape Cod Canal Area Transportation Improvement Program will include the replacement of the Bourne and Sagamore bridges, as well as improvements to the approach roadway networks to address the multimodal deficiencies within the Cape Cod Canal area.

Mass DOT is holding Virtual Public Information Meetings for the public to learn about the Program scope, status, schedule and ask the Program team questions.

Meetings will be held on June 29 and 30 at 7:00 PM.

Learn more and sign up to attend a meeting:
www.capecodcommission.org/canal



COMMUNITY PRESERVATION COMMITTEE
THURSDAY, JUNE 24, 2021
AGENDA

**Convene Meeting: 7:00 p.m. – Mashpee Town Hall, Ockway Bay Meeting Room
16 Great Neck Road North, Mashpee**

PUBLIC COMMENT

MINUTES

Wednesday, February 10, 2021

APPOINTMENTS & HEARINGS

- 1) Catherine Laurent
Application: Ockway Bay Boat Ramp Improvement Project Phase III

COMMUNICATION & CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

- 1) Reorganization; Election of Chair, Vice-Chair and Clerk for FY22
- 2) Consideration of Application of Arden Cadrin for membership to fill At-Large Vacancy
- 3) Discussion and Vote of Articles proposed for October 2021 Town Meeting Warrant;
Annual Article to set aside 10% Reserves & Budgeted for Appropriation Reserve,
Application: Ockway Bay Boat Ramp Improvement Project Phase III

ADDITIONAL TOPICS *(Reserved for topics the Chairman did not reasonable anticipate would be discussed)*

NEXT MEETING

ADJOURNMENT

**COMMUNITY PRESERVATION FUNDING APPLICATION
Town of Mashpee**

Submit (11) copies to:

Town of Mashpee
Community Preservation Committee
c/o Office of Selectmen & Town Manager
16 Great Neck Road North, Mashpee MA 02649
508-539-1401
www.mashpeema.gov

Category (check all that apply)			
Open Space	Recreation <input checked="" type="checkbox"/>	Historic Preservation	Affordable Housing

Name of Applicant: Mashpee DPW

Co-Applicants: Mashpee Department of Natural Resources

Contact Person: Catherine Laurent, DPW Director

Daytime Phone: 508-539-1420 Email: claurent@mashpeema.gov

Mailing Address: 350 Meetinghouse Road

Town/State/Zip Code: Mashpee, MA 02649

Proposal Title: Ockway Bay Boat Ramp Improvement Project Phase III

Proposal Address (or assessor's parcel ID): Great Neck Road South (Map 104, Parcel 79)

Amount of CPA Funding request: \$425,000

Total Cost of Proposed Project: \$450,000

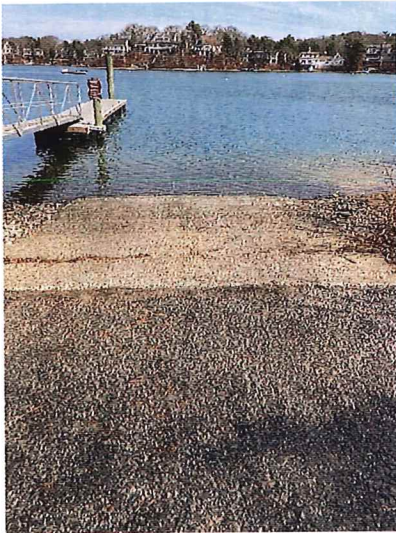
Date: April 1, 2021

**COMMUNITY PRESERVATION FUNDING APPLICATION
Town of Mashpee**

Project Description:

Answer the following questions in the order listed. Be brief, but complete and include any supporting materials.

1. **Goals:** This is Phase III of the improvement project for the Ockway Bay Boat Ramp. Phases I and II which included replacement of the dock/float system and expansion of the parking lot were completed with monies appropriated from the Community Preservation Act.



Phase III is for replacement of the concrete boat ramp as well as installation of a concrete scour pad at the end of the ramp. The scour pad is needed because of the erosion caused by boats power loading at the ramp. The power loading creates a large hole at the end of the ramp and the eroded sediment is deposited further offshore, creating a mound. Trailers can get stuck in the hole and/or boats can run aground on the mound. As Ockway Bay already has shallow depth, particularly at low tide, this creates an even greater impediment to boating at this location.

With installation of the scour pad, the decision was made to replace the existing concrete ramp at the same time. This ramp is over 35 years old. The concrete itself is deteriorated due to corrosion from the salt water. The size of the ramp would not change.

2. **Community Need:** Ockway Bay Boat Ramp is one of the Town's three public launch facilities for boating access to Nantucket Sound and the Atlantic Ocean. It is used year round by recreational boaters as well as fishermen. The boat ramp is used also by DNR for boating access as well as for the Town's shellfish propagation program.



3. **Community Support:** Ockway Bay Boat Ramp is used by residents or property owners who may moor their boats in the bay or who use the ramp to launch. Use includes not only motorized boats but also non-motorized boats (canoes, kayaks).

As mentioned above, the Town approved funding for the earlier phases of the project in 2016, 2017, and 2019. A special article at the May Annual Town Meeting also appropriated

additional funding for shellfish propagation. The total investment in the property to date is over \$355,000.

4. **Timeline:** If funding is received, the project would be completed in Winter/Spring 2022 (depending on time of year restrictions). Design and permitting of the project would be completed Spring/Summer 2021 in anticipation of the funding being appropriated at the October Town Meeting.
5. **Success Factors:** Success will be measured by continued use of the facility by boaters and DNR.
6. **Experience/Credentials:** Construction of the boat ramp will be completed by a qualified contractor procured through the bid process.
7. **Budget:** The total project budget is \$425,000. The construction estimate includes the provision of a coffer dam which will be required for dewatering. The estimate is based on a similar project completed by the MA Department of Fish and Game Fishing and Boating Access (adjusted for inflation) as well as a contingency for the increase in material costs currently being experienced. Any unused funds will be returned.
8. **Other Funding:** No other sources of construction funding have been identified at this time. The design and permitting will be funded through DPW, DNR, and/or Waterways Commission budgets.
9. **Maintenance:** DPW will continue to maintain the property through its annual Building & Grounds Expense Budget.

**RECEIPT OF APPLICATION
(For Applicant's Records)**

**COMMUNITY PRESERVATION COMMITTEE
Town of Mashpee**

Received from Catherine Laurent, Mashpee DPW, an application entitled

Ockway Bay Boat Ramp Improvement

on the 1st day of April 2021.

Received by: _____
(signature)

Draft

COMMUNITY PRESERVATION COMMITTEE
WEDNESDAY, FEBRUARY 10, 2021
AGENDA

Convene Meeting: 7:00 p.m. – Mashpee Town Hall, 16 Great Neck Road North, Mashpee
Virtual / Non-Televised Remote Meeting

***Public Call in Number: 646-*558-8656 for;**
Public Comment*

Meeting ID: 827 7586 2097 – Passcode: 563689

PUBLIC COMMENT *Call in Number 646-558-8656*

***Meeting ID: 827 7586 2097 - Passcode: 563689**

MINUTES

Thursday, January 14, 2021

APPOINTMENTS & HEARINGS

COMMUNICATION & CORRESPONDENCE

- 1) Acknowledgement of receipt of request from Conservation Department to consider Gooseberry Island acquisition for October 2021 Town Meeting and not for May 2021
- 2) Review and discussion of opinion from Town Counsel regarding Gooseberry Island

OLD BUSINESS

NEW BUSINESS

- 1) Recognition of passing of CPC member Richard Halpern
- 2) Welcome and introduction of new Housing Authority member Kevin Shackett
- 3) Acceptance of Annual Report
- 4) Discussion and orientation for new members on the mechanics of the CPC fund and reserves

ADDITIONAL TOPICS *(Reserved for topics the Chairman did not reasonable anticipate would be discussed)*

NEXT MEETING

ADJOURNMENT

Community Preservation Committee
 Minutes
 February 10, 2021

Present: Andrew Gottlieb, Dawn Thayer, Brian Hyde, Ed Larkin, Mary Waygan,
 David Harsch, Lynne Barbee. Kevin Shackett

Absent: Chad Smith

Meeting Called to Order by Chairman Gottlieb at 7:00 p.m.

PUBLIC COMMENT – None at this time.

MINUTES

Thursday, January 14, 2021:

Motion made by Mr. Larkin to approve the minutes of Thursday, January 14, 2021 as presented.

Motion seconded by Ms. Waygan.

VOTE: Unanimous. 6-0-1.

Roll Call Vote:

Mr. Gottlieb, yes	Mrs. Thayer, absent for vote	Mr. Hyde, yes
Mr. Larkin, yes	Ms. Waygan, yes	Mr. Harsch, yes
Ms. Barbee, yes	Mr. Shackett, abstained	Opposed, none

COMMUNICATION & CORRESPONDENCE

Acknowledgement of receipt of request from Conservation Department to consider Gooseberry Island acquisition for October 2021 Town Meeting and not for May 2021:

Correspondence was received from Andrew McManus, Conservation Agent dated February 4, 2021 requesting the Town Meeting article on the matter of acquiring Gooseberry Island be tabled to the October 2021 Town Meeting warrant to allow for additional time for an appraisal to be assessed and evaluated properly.

The request to withdraw the application for the Acquisition of Gooseberry Island from the May 2021 Town Meeting warrant was supported, and deferred to October.

There are no CPC applications pending for the May 2021 Town Meeting.

Community Preservation Committee
Minutes
February 10, 2021

Review and discussion of opinion from Town Counsel regarding Gooseberry Island:

Correspondence was received from Town Counsel Patrick J. Costello dated February 3, 2021 responding to questions that arose at the last meeting regarding process.

It was affirmed the Community Preservation Committee must make a recommendation to Town Meeting before Town Meeting can take action and approve the use of CPA funding. In considering the acquisition of land for community preservation purposes, as recommended by the CPC, the CPC is exempt from procurement requirements, and real property cannot be acquired for a price in excess of the appraised value.

With regards to an eminent domain taking for the purposes of community preservation and upon the recommendation of the CPC, a city or town may take by eminent domain under Chapter 79, the fee or any lesser interest in real property or waters located in such city or town if such taking has first been approved by a two-thirds vote of the legislative body. Upon a like recommendation and vote, the town may expend monies in the Community Preservation Fund, if any, for the purpose of paying in whole or in part, any damages for which a city or town may be liable by reason of a taking for the purposes of community preservation.

The recommendation of the CPC is a prerequisite to Town Meeting taking action which is for the purpose of community preservation as noted above.

In the aspect of liability and potential litigation to expend CPA funds for monetary damages associated with the reason for taking it was disclosed CPC funds would be legally encumbered or obligated to satisfy monetary damages resulting from a taking only to the extent that such CPA funds have been duly appropriated for this purpose.

Taking damages are generally determined by a professional appraisal of the acquired property. The Town will typically award "pro tanto" damages to parties with an interest in the subject real property upon executing a taking order based upon such an independent appraisal. Damages would obligate the Town, not the CPC, to fund such legal costs and additional damage award. It would not legally require CPA funds to be appropriated for this purpose, however, there may be an expectation that CPA funds be utilized for these supplemental costs.

It was noted the appraisal of Gooseberry Island when received would be shared and discussed with Community Preservation Committee members.

It is the responsibility of the applicant, the Conservation Commission to provide a more detailed application to include the total cost of the project for funding consideration at the October 2021 Town Meeting.

Mrs. Thayer present.

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Recognition of passing of CPC member Richard Halpern:

Members of the Community Preservation Committee acknowledged the recent passing of long-standing member Richard Halpern. His leadership and accomplishments on the CPC are incalculable, and he will be greatly missed.

Welcome and introduction of new Housing Authority member Kevin Shackett:

Kevin Shackett, the newly appointed At-Large member to the CPC was duly recognized.

Acceptance of Annual Report:

A draft of the Annual Report was presented to the CPC for approval. It was recommended the residents of the Town of Mashpee be acknowledged for their support.

Motion made by Mr. Larkin to ratify the submission of the Annual Report of the Community Preservation Committee as amended.

Motion seconded by Ms. Barbee.

VOTE: Unanimous. 8-0.

Roll Call Vote:

Mr. Gottlieb, yes	Mrs. Thayer, yes	Mr. Hyde, yes
Mr. Larkin, yes	Ms. Waygan, yes	Mr. Harsch, yes
Ms. Barbee, yes	Mr. Shackett, yes	Opposed, none

Discussion and orientation for new members on the mechanics of the CPC fund and reserves Orientation, refresher, and for the new members:

CPC member Dawn Thayer gave an update on the CPC as an orientation for the new members and as a refresher course of review.

The CPC was created in 2005 replacing the former Land Bank acquisition program for open space. A property tax surcharge of 3% was assessed through fiscal year 2020 along with state matching funds which may be appropriated and expended for certain open space, historic resources and affordable housing purposes. Since the inception of the CPC, recreation has been added as a new reserve category.

The 3% surcharge has also been reduced to 2% to allow for the Wastewater Infrastructure Investment Fund. With the reduction of the CPA tax to 2% there is less CPA taxes to commit to the Community Preservation Committee. State matching funds which derive from the recordings of deeds was initially 100%. The percentage has changed over the years to as little as 11%. For a community to receive state fund distributions, a town must file a CP-1 form each year to identify tax commitments, abatements and project funding.

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Discussion and orientation for new members on the mechanics of the CPC fund and reserves
Orientation, refresher, and for the new members: (continued)

With abatements, the calculation of the percentage rate is 98%. Each October, the CPC must state its reserves of which 10% of annual fund revenues are required to be placed in the reserve categories; open space/recreation purposes, historic purposes, and affordable housing purposes. The remaining balance, the budgeted for appropriation reserve is also made known.

With the voting of additional reserves in May of 2021, the following appropriations are available;

Open Space/Recreation 10% Reserve:	\$310,090
Historic Purposes 10% Reserve:	\$492,230
Affordable Housing 10% Reserve:	\$520,170
Budgeted for Appropriation Reserve:	\$1,089,748

The Community Preservation Fund, Undesignated Fund Balance is \$6,794,435 less;
 Outstanding debt associated to prior Land Bank purchases is \$1,431,225, and
 Purchase Orders that are committed amount to \$130,484.
 Remaining Project budgets \$1,587,164.

With regards to outstanding debt associated to the Land Bank it was agreed bond counsel would be consulted regarding the potential to pay off this debt prior to its expiration in 2026.

ADDITIONAL TOPICS (Reserved for topics the Chairman did not reasonable anticipate would be discussed)

Reorganization:

Reorganization is required to be held on July 1st of each year.

Public Comment:

Matthew Haney, Trustee of Gooseberry Island Trust indicated in his opinion, the Town of Mashpee will never purchase Gooseberry Island or take the island by eminent domain noting the CPA has expended \$3,000 for an appraisal when funds could have been used for other purposes.

Gooseberry Island is one of the largest waterfront properties in the Town of Mashpee. At the last meeting there was a comment stating the island is unbuildable. Mr. Haney commented on the revenue benefits of developing residential property versus having this land for the benefit of bird migration.

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Public Comment: (continued)

Mr. Haney also indicated the acquisition of the island for open space purposes is not a recommendation of the Open Space Plan, and the property does not lie within the National Wildlife Refuge. The Refuge was created with a stipulation that properties would be acquired only on agreed upon sites.

Mr. Haney indicated there is ongoing litigation on this matter, and there would be pending litigation on this matter. Due to the nature of the conversation on the topic of litigation, the matter of public comment was closed as Mr. Haney has been advised to speak with Town Counsel on matters relative to litigation.

NEXT MEETING – To be determined.

Motion made by Mr. Larkin to adjourn at 7:42 p.m.

Motion seconded by Mr. Harsch.

VOTE: Unanimous. 7-0.

Roll Call Vote:

Mr. Gottlieb, yes	Mrs. Thayer, yes	Mr. Hyde, yes	Mr. Larkin, yes
Ms. Waygan, yes	Mr. Harsch, yes	Ms. Barbee, yes	Mr. Shackett, yes
Opposed, none			

Respectfully submitted,

Kathleen M. Soares
 CPC Secretary