



**Meeting of the Mashpee Planning Board
Wednesday, January 2, 2019
Waquoit Meeting Room, 7:00 P.M.**

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 **December 19, 2018.**

Public Hearing

7:10 PM -

Blue Sky Towers II, LLC application for special permit to erect a Personal Wireless Service Facility at 101 Red Brook Road, Mashpee Fire Station #2 (Assessors Map 104, Lot 2) consisting of a 150' monopole. This public hearing is being reopened by the Planning Board following referral to The Cape Cod Commission as a Development of Regional Impact (DRI).

New Business

- Determination of adequate access to Blue Castle Drive (Brady;Barr). Authorization to speak with Consulting Engineer.
- Planning Board comments on draft Technical Bulletins to draft Regional Policy Plan (Public hearing on 1/10/2019, 3PM)
- C. Rowley Invoice, December 2018
- Sign escrow release for Wastewater Treatment upgrades, Windchime Condominium Trust
- Distribute draft special permit modification decision, Windchime Condominium Trust

Old Business

- Proposals from the Town Planner on zoning by-law amendments: Temporary/Seasonal Signs and Donation Bins.
- Process to submit comments and materials to Planning Board for residents and local organizations.
- Submission of proposed modification to the Light Industrial Overlay District by Planning Board

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

Additional Topics (not reasonably anticipated by Chair)

Adjournment

Mashpee Planning Board
Minutes of Meeting
December 19, 2018 at 7:00 p.m.
Waquoit Meeting Room, Mashpee Town Hall
Approved 2/6/19

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

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

Absent: David Kooharian

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 7:05 p.m. on Wednesday, December 19, 2018. The Chair stated that the meeting was being videographed and recorded and asked that speakers state their name, address and comment. The Chair stated that 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. The Planning Board encourages public participation.

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES—December 5, 2018

Mr. Rowley had offered a small clarification under Old Business at the top of page 6, regarding the additional stone being added to the shoulders of Blue Castle Drive.

MOTION: Mr. Balzarini made a motion to accept the minutes of December 5th as written, with the change for Blue Castle Drive under Old Business. Mr. Cummings seconded the motion. All approved unanimously.

PUBLIC HEARING

7:10 p.m. Road Renaming-Shields Road and Santuit Lane to Santuit Lane

The appointed time having arrived, the Chair read for the record the Public Hearing Notice. Mr. Lehrer reported that the interested parties met in November to discuss the matter further, and confirmed that an updated map reflected the road name change to Santuit Lane, around the peninsula, with an adjustment to the numbering. Due to the directional numbering, and meetings with the Town, many of the residents were able to maintain their same numbering.

Fire Chief Rullo confirmed that he had met with George Schmidt, representing the neighbors, regarding the re-numbering that had been identified by the 911 Coordinator. Chief Rullo stated that it was atypical for the numbering to start low, in the opposite direction of entering the subdivision. However, Chief Rullo indicated that they were sensitive to the concerns of the neighbors and that the renumbering would affect the least number of people. Chief Rullo stated that, for safety reasons, the Fire Department preferred that low numbers begin at the start of a

one way. Mr. Lehrer added that the numbering of the roadway did not fall under the jurisdiction of the Board and the Board could consider only the renaming of the road to Santuit Lane. Mr. Lehrer believed that the numbering scheme would be approved by the Board of Selectmen. Chief Rullo offered to walk the properties with Mr. Schmidt, prior to placing signage which would be the responsibility of the neighborhood. Mr. Lehrer confirmed that abutters would be noticed of the affirmed decision by the Planning Board and the 911 Coordinator would be contacting Town Departments about the change. Chief Rullo requested that, with the abutter mailing, residents be reminded to ensure that their house numbering was visible because the area was very dark at night. Mr. Lehrer responded that he would include the request. There was discussion regarding lot 76, and Chief Rullo confirmed that addressing was based on the location of the driveway, to allow emergency responder access.

George Schmidt, Santuit Lane, referenced a string of emails received regarding supporters of the re-naming and re-numbering, copies of which have been added to the file. Mr. Schmidt confirmed that signs had been ordered and would be paid for by the Ryan's Neck Association. Mr. Schmidt confirmed that he would consult with the Fire Department to place the signage. The Chair referenced the emails, noting each individual's support.

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

MOTION: Mr. Balzarini made a motion to rename the street from Shields Lane and Santuit Lane to Santuit Lane. Mr. Cummings seconded the motion. All approved unanimously.

7:20 p.m. Bennett Environmental Associates for Windchime Condominium Trust
The Chair read for the record the Public Hearing Notice. Mr. Cummings recused himself because he was a resident of Windchime Condominiums and the Chair seated Alternate member, Mr. Hansen, to consider the matter as a full acting member. The Chair further explained that Special Permit Modifications required a vote of 4 unanimous members and inquired whether the project proponent wished to move forward with the Board of 4 or request that Mr. Cummings sit on the matter. The project proponent wished to move forward with 4 members.

Joe Mooney, Gold Leaf Lane, was present to represent the homeowners of Windchime. In addition, David Bennett, Bennett Environmental Associates, was also present. Mr. Mooney requested that the Planning Board release escrow funds being held by the Town, in the amount of \$166,000, to Windchime, so that the funds may be used for planned improvements to their wastewater treatment facility. Mr. Mooney confirmed that funds in the amount of \$165,750 were already being held by DEP through a Financial Account Mechanism, which would be available to cover any future updates and was redundant to the funds being held by the Town.

Mr. Bennett referenced prior meetings whereby he explained their request for a modification to release the escrow funds and potentially adjust the monitoring program outlined by the Special

Permit. Mr. Bennett discussed the outdated treatment system that required an upgrade with modern improvements. Mr. Bennett noted that his company had completed a similar upgrade at Stratford Condominiums, adding that he was confident that it could meet the effluent limitations.

Mr. Bennett stated that the monitoring requirements, as stated in the Special Permit, were unique to Windchime. It was Mr. Bennett's opinion that the required monitoring did not meet the intent of the Special Permit as it focused on just one facility and was adjacent to the larger Mashpee Commons' facility, sharing a plume. Mr. Bennett stated that there were 12 years of data provided and confirmed that there had been impact to the river due to development in the area, but not specific to Windchime, which contributed a fractional portion of less than 2%. Mr. Bennett would like consideration for a better way to expend funds to satisfy the Special Permit or reduce some of the surface water and piezometer monitoring from quarterly to annual testing. Mr. Bennett asked that the requests be considered separately due to the Board having only 4 voting members.

Mr. Balzarini agreed that the funds should be released to upgrade the plant but inquired about future improvements. Mr. Moody responded that the DEP's FAM would address future financial needs for the facility to improve or repair, and would require a 90-day repayment. Mr. Balzarini inquired whether the facility would be meeting 10 mg/L or 5 mg/L. Mr. Bennett responded that their objective would be to treat to 5 mg/L. There was discussion about the Stratford system, to which Mr. Bennett expected that it would reach 5 mg/L at least 60% of the time. Mr. Balzarini agreed that the system needed to be updated. Mr. Bennett confirmed that treatment technology had changed and improved greatly, noting that the work would not be initiated until they were approved by the State. Mr. Balzarini inquired about the ways in which Windchime wished to reduce their monitoring from monthly testing. Mr. Bennett responded that DMRs were submitted electronically to the State on a monthly basis. Mr. Lehrer confirmed that a report was received annually from Windchime, per the Special Permit. Mr. Balzarini stated his preference to review the numbers every 6 months to ensure that standards were being met.

The Chair opened comments to the public. Mr. Cummings reported that he remembered receiving a monthly report. Mr. Bennett stated that current reports had all information, as required by the Special Permit. Mr. Bennett confirmed that he could forward the DMRs at the Board's request. Mr. Bennett indicated that Windchime's data represented only 200 feet along the Mashpee River, a fraction of the amount of impact, and suggested if there was a larger study, their funds could be better used toward the larger study.

Mr. Hansen referenced the 12 years of data and inquired whether limits had been exceeded by the State or the Town and had there been enforcement or mitigation that occurred over that time. Mr. Bennett responded that if limits were not being met, the State would issue a Notice of Noncompliance, requiring measures to be taken to meet the limitations. Notices had been received prior to Bennett Environmental taking over and plans to upgrade the facility would allow them to meet the requirements going forward. Mr. Hansen inquired about the action plan to improve the facility. Mr. Bennett discussed their efforts to adjust the biological processes of

the plant to meet the permit on a daily basis. Mr. Bennett confirmed that sampling was conducted and provided to the State to show that they were addressing issues. Mr. Balzarini recommended that the Association receive reports and Mr. Mooney confirmed that they received the report electronically on a monthly basis.

The Chair referenced the Ground Water and Surface Water Quality Monitoring Plan and inquired about the number of Windchime's monitoring wells. Mr. Bennett confirmed that the Mashpee Commons' plant and monitoring wells appeared on the plan. Mr. Bennett added that the information needed to be considered because the Mashpee Commons plant was located up gradient of Windchime's plant, creating co-mingled plumes. It was confirmed that there were 5 MW wells for Windchime and 3 piezometers and 3 surface water monitoring areas. A schedule of sampling was located in the Annual Report. The Chair requested a chart of well testing, including dates and parameters. If the project proponent was requesting monitoring reductions, the Board would need to review exactly what was being conducted presently in each test site. Mr. Bennett confirmed that each location was tested. In the monitoring wells (5), static water level was tested monthly, civic conducts was tested monthly, pH was tested monthly, Total Nitrogen was tested quarterly, Phosphorus, ortho phosphorus and volatile organic compounds were tested annually. Surface water and piezometers tested nitrogen, Phosphorus and dissolved oxygen quarterly. Monthly testing was to confirm ground water plume direction.

Mr. Weeden inquired whether all monitoring wells were functioning, referencing B2R being destroyed. Mr. Bennett confirmed that B2 was up gradient and had been replaced, but was monitored by Windchime. Mr. Bennett stated that they were not requesting a reduction in what they monitored, but the number of times that they do so. The Chair suggested that Mr. Bennett make a recommendation as to how specifically they would reduce their monitoring. The Chair stated that the Planning Board would be interested in reviewing the monitoring to ensure that the upgrades to the system were effective. The Chair stated that she would consider relaxing the monitoring now, until the new system was installed, and then review the testing before identifying a new testing protocol.

Mr. Mooney inquired about the release of funds. The Chair responded that they could not provide a decision on just part of their application, until the Public Hearing was closed. Mr. Bennett inquired whether they could withdraw the request for a reduction in monitoring. The Chair responded that sufficient information had not been submitted for the Board to make a decision regarding the monitoring but that the request could be withdrawn without prejudice. Mr. Mooney expressed his preference to withdraw the request for monitoring reductions because it was most critical that they be in receipt of their funds, being held by Mashpee, to assist with the upgrade of the plant. Mr. Bennett stated that he wanted to provide testimony now in case the monitoring could be reconsidered at a later date, specifically that surface water and piezometer monitoring be changed from quarterly to annual. Mr. Balzarini expressed his preference to receive reports in July and December. The Chair stated that, beyond the raw data, nothing simplified had been provided in the plan to show the parameters of the monitoring. Mr. Mooney expressed his preference that the funds only be addressed at this time. Mr. Bennett retracted the

water quality monitoring modification request and asked only for the release of escrow funds for the purpose of upgrading the Windchime plant. The Chair confirmed that, under the description for proposed modification, Mr. Bennett would withdraw without prejudice, #2. Mr. Bennett confirmed that he was, but added that Mashpee's Special Permit, under Section 6, defined the required monitoring. Mr. Bennett confirmed that they would withdraw without prejudice.

MOTION: Mr. Balzarini made a motion to accept the withdrawal of Item #2 on the cover sheet, without prejudice. Mr. Weeden seconded the motion. All approved unanimously.

Mr. Balzarini stated that Windchime could return to modify the Special Permit specific to the monitoring. Mr. Bennett confirmed that he would like to have a further conversation regarding the required monitoring program because it was his opinion that it was heavy handed and not well-designed.

Regarding Item #1, Chairman Waygan turned to staff for comments. Mr. Lehrer confirmed that the request to release escrow to upgrade the plant was within the parameters of the Special Permit. Mr. Lehrer read Section 9 of the Permit. Mr. Lehrer stated that a clear default to meet Mashpee's level treatment had been noted and the release of funds would be placed toward improving the facility to treat to 5 mg/L, not to exceed 10 mg/L.

Mr. Rowley agreed with Mr. Lehrer's opinion regarding the Special Permit. Mr. Rowley inquired about the DEP permit and the amount of funds needed for the replacement of a more sophisticated plant. Mr. Bennett confirmed that the FAM represented 25% of the cost of total replacement of the plant, adding that comparables were included in the package. Mr. Bennett confirmed that a letter dated September 22, 2017 referenced a cost of \$663,000.

The Chair invited additional public comment. Ralph Laudly, Ivy Lane, stated that he supported the plan to request the funds to assist with upgrade costs. The Chair asked for a show of hands of support from the audience.

The Chair asked whether Mr. Lehrer had drafted a Special Permit Modification. Mr. Lehrer responded that escrow funds were part of the Special Permit, noting that the Board could vote to reduce the amount to zero without a modification to the Special Permit, since it was already held by the Treasurer and since the project proponent's request no longer included modification to the monitoring program. The Chair inquired why the release of funds was included on an application to modify the Special Permit. Mr. Lehrer responded that there had been discussion at meetings and after reviewing the minutes, it was determined that while seeking a modification to the monitoring, the project proponent could also request the release of funds through escrow. Mr. Lehrer stated that he had previously advised that a Special Permit Modification was not necessary to release the escrow funds. The Chair inquired whether, if the paragraph was not struck, it would require the applicant to re-fund the account. It was Mr. Lehrer's opinion that once the account was reduced to zero, the Special Permit would not require the funds be

replenished since the applicant has demonstrated that the FAM was in place to serve as a performance bond for the future.

Mr. Bennett stated that he had been to the Board, twice, regarding the escrow release and reduction to monitoring requirements and concurred with Mr. Lehrer that the minutes indicated that a minor modification was needed to release the funds. The Chair and Mr. Balzarini agreed that the Special Permit should be modified. Mr. Bennett proposed replacing “post a performance bond, in the form of a fund of \$125,000, payable to the Town of Mashpee” with “maintain a Financial Assurance Mechanism.” Also, Mr. Lehrer recommended replacing mention of “the Fund” with “FAM” where appropriate. There was consensus from the Board and agreement that they would vote on the matter after reviewing the draft Special Permit Modification.

Mr. Hansen inquired whether the FAM would be reestablished with the 25% value of the new value of the plant. Mr. Bennett responded that a report was completed annually regarding the accurate value, adding that the matter was updated due to the permit renewal every 5 years, and adjusted accordingly. Mr. Bennett agreed to the changes as discussed.

The Chair stated that the Public Hearing would not be closed at this time to allow for the Board to review the draft, but that the escrow could be released by vote tonight. Mr. Lehrer reported that he received the wrong form from the Treasurer but that the Board could vote to reduce the escrow funds to zero, sign the document and the applicant would sign the document and deliver it to the Treasurer. Mr. Lehrer will make the correct form available as soon as possible, to be signed by the Board.

MOTION: Mr. Balzarini made a motion to release the performance bond in the amount of \$125,000, plus interest, submitted by Mr. Bornstein, to the amount of \$0 to Windchime. Mr. Weeden seconded the motion. All approved unanimously.

Mr. Mooney stated that the amount was \$166,319 and Mr. Lehrer responded that, for the purposes of the motion, it was appropriate to state the initial amount required by the Special Permit, knowing that it was an interest accruing account.

MOTION: Mr. Balzarini made a motion to continue the Public Hearing to 7:10 p.m., January 16, 2019. Mr. Weeden seconded the motion. All approved unanimously.

Mr. Bennett inquired about the specificity the Board required regarding adjustments to the monitoring. The Chair responded that she would forward her request to Mr. Lehrer who would be in touch with Mr. Bennett. Mr. Rowley recommended developing a timeline to show any significant changes to the groundwater over the 12 year time frame. Mr. Bennett responded that each report contained a conclusion. Mr. Rowley inquired where information was gathered for the monthly reports and Mr. Bennett responded that it was gathered from raw sewerage to the plant, effluent testing (material after disinfection to leach field), monitoring sampling at wells, ground water at piezometers and surface water in the river. Mr. Rowley inquired about testing

for the ability of the plant to function as intended and Mr. Bennett responded that it was the effluent sampling before being discharged to the leaching fields. Mr. Rowley suggested the Planning Board was likely seeing those numbers but Mr. Bennett responded that it was not written as part of the Special Permit. Mr. Bennett stated that the ground water sampling was placed in a chart to show trending. There was discussion about the monitoring and treatment. Mr. Rowley recommended providing a simple explanation highlighting what was sampled and the number of times completed with no significant changes over the 12 years, in order to request modified monitoring.

Mr. Bennett will draft a specific request using the data to support his request. Mr. Bennett expressed concern that Windchime had no control over surface water samples above the plume, which was increasing due to other sources up gradient. It was Mr. Bennett's opinion that Windchime should not be required to conduct \$9,000 per year monitoring when the rest of the Town was not required to do the same. Mr. Bennett added that the data was not being used and suggested that they would prefer to use the money toward a study that would assess the bigger picture. Mr. Rowley stated that Mr. Bennett would need to show the Planning Board that a reduction in the monitoring would not compromise the level of information to the Town. Mr. Hansen felt that the UV treatment would be the appropriate place to assess the outflow.

NEW BUSINESS

APA Group Membership Dues Invoice-Mr. Lehrer reported that he was in receipt of an invoice and that American Planning Association membership dues for Mr. Balzarini, Chairman Waygan and Mr. Weeden would total \$310.

MOTION: Mr. Balzarini made a motion to pay the \$310. Mr. Cummings seconded the motion. All approved unanimously. Mr. Weeden recused himself.

Planning Board members signed the documentation.

Sign Release of Security Held for 35 Fox Hill Road, LRME LLC-Mr. Lehrer reported that Mr. Bevilacqua submitted documentation for a release of covenant, but had forwarded an already executed covenant release. The request should have been the release of funds held in escrow. The terms of the Special Permit have been met since the covenant had already been released. Mr. Rowley confirmed that the work necessary to allow for the covenant release, had been completed.

MOTION: Mr. Balzarini made a motion to reduce the performance bond to zero for the subdivision Cataumt Highlands 35 Fox Hill Road, Plan endorsed 3/1/12, Covenant date 5/3/12, cash deposit in the original amount of \$7,500. Mr. Cummings seconded the motion. All approved unanimously.

Release signed by Board members.

Report from Consulting Engineer for 33 Trinity Place-Mr. Rowley confirmed that the road construction to extend Trinity Place had been completed and the concrete bounds had been set. A gravel apron that would lead to the old tract of road had been grassed in, but Mr. Rowley notified Conrad Geyser that the approved plan required it to be gravel. Mr. Rowley would need to re-inspect to confirm the location of the concrete bounds and inspect that gravel had been added.

OLD BUSINESS

Proposed Clarification of Process to Submit Comments and Materials to Planning Board for Residents and Local Organizations-Mr. Lehrer confirmed that an email address, planningboard@mashpeema.gov, had been established for the public to directly address the Chair or Planning Board. Correspondence received would be directed to a folder in Mr. Lehrer's email. IT was working on adding the "Guidance" to the Planning Board web page. The Chair requested that it be added this week as she was anticipating comments regarding upcoming matters and Mr. Lehrer confirmed that he would discuss the matter further with IT. Mr. Rowley asked for clarification whether he should use that email and the Chair confirmed that she would like him to cc that email address so that the Town could maintain a record of correspondence.

Proposed Revisions to the Light Industry Overlay District-The Chair reported that comments had been incorporated into the draft by Mr. Lehrer. The Chair inquired about designing the Future, to Honor the Past and Mr. Lehrer responded that it was the title of the Design Guidelines and felt that it should be included. The Chair felt that it should be Contextual Design for Cape Cod, but Mr. Lehrer stated that it was an addendum only. The Chair had not yet read the Design Guidelines for Designing the Future and inquired whether it could hurt the project and Mr. Lehrer responded that it did not, stating that he had incorporated both documents. Mr. Lehrer recommended changing "building construction and site design" to "architecture and site design."

MOTION: Mr. Balzarini made a motion to submit this to the Board of Selectmen as a proposed modification to the Zoning Bylaw. Mr. Cummings seconded the motion. All approved unanimously.

There was discussion about the Public Hearing, with Mr. Lehrer recommending that it be held earlier and the Chair suggesting that she believed it had to be held within 21 days of Town Meeting. Mr. Lehrer stated that he would look into it but the Chair suggested that it be held closer to when the matter would be considered at Town Meeting.

Proposals from the Town Planner on Zoning Bylaw Amendments: Temporary/Seasonal Signs and Donation Bins-Mr. Lehrer reported that he had made no changes but had provided documentation to Board members regarding case studies for allowing donation bins. Existing donation bins would be grandfathered. In order to regulate the placement of bins, the Town would need to consider zoning and permits. Mr. Lehrer recommended that donation bins be regulated, like any other structure, in the use table so that it could be located in a certain area of Town. Bins could not be forced to be removed but licensing or fees might better control their location. There was discussion about how best to regulate the bins and whether the incentives outweighed the cost. Mr. Hansen agreed that fees could be effective and using a stepped fee

might encourage the siting of the bins in better locations. Framingham has passed regulations about donation bins and Mr. Lehrer suggested that further discussion occur about the location and value of bins.

Rescission of Vote of a Minor Modification to a Special Permit for a Shared Driveway at 659, 673 and 687 Main Street Originally Issued to Brett Field and Z&J Realty Trust on August 6, 2010 and Recorded in Book 24822 Page 220 at the Barnstable County Registry of Deeds-The Chair read the request. Mr. Lehrer stated that the request to modify the permit had no formal application, but since there was no application, the timeline never kicked in. Mr. Lehrer provided Mr. Rowley's report to the Building Commissioner, who issued the Building Permit. Because there was no application, and a vote was taken by the Board, it was Chairman Waygan's recommendation that the vote be rescinded. The project proponent was already in possession of the building permit. Mr. Lehrer confirmed that they had also received a variance and noted that the Building Commissioner had suggested the project proponent reach out to the Planning Board because he wanted Mr. Rowley's report and not a modification. The Chair suggested that, in the future, something should be acquired in writing. Mr. Rowley suggested that if a variance was granted, it should be added to the file and Mr. Lehrer confirmed that he had done so.

MOTION: Mr. Balzarini made a motion to rescind the minor modification for Special Permit for the shared driveway at 659, 673 and 687 Main Street, taken on December 5, 2018. Mr. Cummings seconded the motion. All approved unanimously.

The Chair was in contact with the project proponent.

CHAIRMAN'S REPORT

Selectmen's Discussion of Mashpee Commons-The Chair reported that meetings had been scheduled for January 14 and 15 at 6:30 at Town Hall. The first night would be a presentation of the Comprehensive Wastewater Plan and the second night would be discussion. The Chair asked that Mr. Lehrer draft an agenda since the Planning Board would be attending as a quorum. The Chair noted that she had another previously scheduled meeting so would be cutting it close to attend and suggested Mr. Cummings may need to sit in as Chair. The Chair emailed the Town Manager about inviting the Tribe to attend the meetings.

Guest Speakers-The Chair reported that speakers from the Cape Cod Commission would address the Board on Wednesday, January 16 at 6:00 p.m. Leslie Richardson, Economic Development and Heather Harper, Chief of Staff, would be the speakers.

1998 Vote Section 174-5C-The Chair reported that she had received correspondence from former Town Planner Tom Fudala, regarding a vote taken in 1998. At the Town Manager's request, the Chair sent an email to him asking that the Bylaw be changed to reflect the vote that was taken in 1998. The Town Manager would then be forwarding the matter to Town Counsel. The Chair stated that a vote taken was not correctly reflected in the Bylaw. The Chair requested that changes be made by Thursday, December 27 and that all petitioners and applicants approaching the Planning Board be given the correction.

BOARD MEMBER COMMITTEE UPDATES

Cape Cod Commission-Mr. Weeden stated that a vote was taken to extend the deadline for public comment until January 13. The Chair asked that the item be added to the agenda for discussion at the Board's first meeting of January. The Chair will send a link for Board members to review the performance measures and technical bulletins of the RPP. Mr. Weeden stated that it was the intent of this version to remove some of the minimum and maximums, to provide some flexibility to towns.

Community Preservation Committee-The Chair reported that 17 applications had been received and included requests for community gardens, playground/basketball net and bog restoration. The historic applications were complicated and were being considered by Town Counsel. The Affordable Housing Trust was funded and appraisals were being sought for the purchase of parcels.

Design Review Committee-There was no meeting.

Plan Review- There was no meeting.

Environmental Oversight Committee-Mr. Cummings reported that the Bylaw for the plastic straws and polystyrene ban were forwarded to the Board of Selectmen. Mr. Lehrer reported that Friday was the kickoff day for MVP designation and Mashpee would be applying for the design program for Coastal Resiliency, which would identify Town priorities coastal resiliency efforts. Upgrades were being completed at Ockway Landing and heavy rains had contributed to the bloom at Santuit Pond. An Emergency Dam Action Plan was being considered as there was threat of damage and the Quashnet River realignment project would receive funding from CPA funds.

Greenway Project & Quashnet Footbridge-No meeting

Historic District Commission-No meeting

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

PLANNING STAFF UPDATES

Administrative Secretary Hiring-Mr. Lehrer reported that Patty McGuffin would begin during the first or second week of January.

Evergreen Subdivision Conservation Restriction-Mr. Lehrer reported that there was no update but Conservation Agent Mr. McManus was continuing to work on the matter. The restriction had not been recorded and Mr. McManus would not sign the restriction until the restoration plan for the land cleared was put in place. To restore the 4 acre area to its natural habitat would take years, so it would likely be restored to a meadow habitat. There was no additional information about the lot releases. Mr. Rowley traced back the clearing beginning in 2006, and has grown since that time. Mr. Lehrer stated that neighbors noticed the extent of the activity and reported it to the Town.

ADDITIONAL TOPICS

None at this time

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Cummings seconded the motion. All voted unanimously. The meeting ended at 9:55 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS PROVIDED

- Public Hearing Notice Changing Shields Avenue and Santuit Lane to Santuit Lane
- Santuit Lane Letter to Abutters
- Santuit Lane List of Abutters
- Santuit Lane Proposed Addressing
- Santuit Lane Letters of Support from Neighborhood
- Public Hearing Notice for Windchime Condominium Trust
- Abutter List Request
- List of Abutters
- Bennett Environmental Associates Packet
- Windchime Special Permit Page 5/242
- Light Industrial Overlay District Amendment Proposal
- Packet Regarding Mashpee Zoning Bylaw Correction

Mashpee Planning Board
Public Hearing Notice

Pursuant to Massachusetts General Laws, Chapter 40A, the Mashpee Planning Board will hold a public hearing on Wednesday, January 2, 2019 at 7:10 P.M. at the Mashpee Town Hall, 16 Great Neck Road North, to consider an application by Blue Sky Towers II, LLC. for a Special Permit to erect a personal wireless service facility as required by Section 174-25 (H)(9); 174-45.3 of the Mashpee Zoning By-Law. The property is located at 101 Red Brook Road, Mashpee Fire Station #2, identified on the Mashpee Assessors Maps as Map 104, Lot 2. This public hearing was continued from the meeting of June 6, 2018 and is being re-opened following the Cape Cod Commission's decision to approve after its review as a Development of Regional Impact.

Submitted by

Mary Waygan

Mashpee Planning Board

Publication dates: Friday, December 14, 2018
 Friday, December 21, 2018

Abutters to: 104-2-0

Certified by: Susan L. Verwie

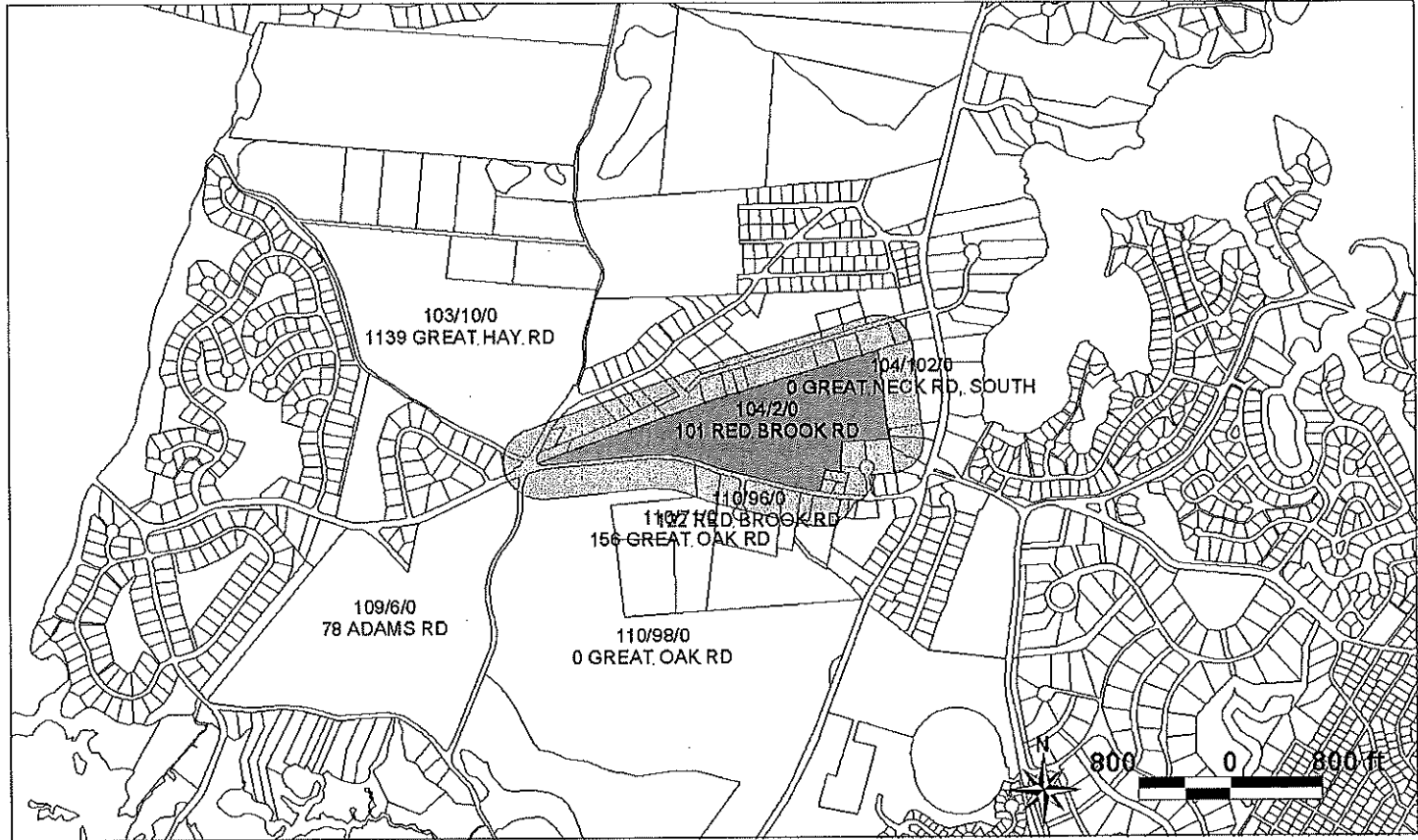
TOWN OF MASHPEE, MA
BOARD OF ASSESSORS
16 Great Neck Rd., North, Mashpee, MA 02649

Date: March 26, 2018

101 Red Brook Rd

Number of Abutters: 51

Abutters List Within 300 feet of Parcel 104/2/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
7467	103-3-0-R	RUO, JOSEPH S	1182 GREAT HAY RD	1182 GREAT HAY RD	MASHPEE	MA	02649
7468	103-4-0-R	MICHAELSON, LARAINÉ & PETER TR MICHAELSON TRUST	0-REAR DEGRASS RD	120 DEGRASS RD	MASHPEE	MA	02649
7469	103-5-0-R	SCANNELL, DENNIS A	108 DEGRASS RD	108 DEGRASS RD	MASHPEE	MA	02649
7470	103-6-0-R	MICHAELSON, LARAINÉ & PETER TR MICHAELSON TRUST	120 DEGRASS RD	120 DEGRASS RD	MASHPEE	MA	02649
7471	103-7-0-R	GREENUP, SUZAN HURD & POWER JAMES K	128 DEGRASS RD	128 DEGRASS RD	MASHPEE	MA	02649
7472	103-8-0-E	MASHPEE TOWN OF	136 DEGRASS RD	16 GREAT NECK RD NORTH	MASHPEE	MA	02649
7473	103-9-0-R	FRONIUS, SCOTT A & DENISE C	1178 GREAT HAY RD	1178 GREAT HAY RD	MASHPEE	MA	02649
7474	103-10-0-E	MASSACHUSETTS COMMONWEALTH OF DEPT FISH, WILDLIFE & ENV LAW	1139 GREAT HAY RD	251 CAUSEWAY ST - STE 400	BOSTON	MA	02114-2104
7571	103-6A-0-R	MICHAELSON, LARAINÉ & PETER TR MICHAELSON TRUST	110 DEGRASS RD	120 DEGRASS RD	MASHPEE	MA	02649
7540	103-84-0-E	MASHPEE TOWN OF CONSERVATION COMMISSION	225 RED BROOK RD	16 GREAT NECK ROAD NORTH	MASHPEE	MA	02649
7541	103-85-0-R	IRARRAGORRI, GLICERIA A	5 WINTERGREEN RD	5 BAYBERRY LN	WORCESTER	MA	01602
<i>object</i> 7572	104-2-0-E	MASHPEE TOWN OF	101 RED BROOK RD	16 GREAT NECK RD NORTH	MASHPEE	MA	02649
7573	104-3-0-R	ESTRELLA, FRANK M & MIRIAM R	85 RED BROOK RD	PO BOX 1293	MASHPEE	MA	02649
7574	104-4-0-R	LEE, STEPHANIE L	83 RED BROOK RD	4094 FRAGILE SAIL WAY	ELLCOTT CITY	MD	21042
7576	104-7-0-R	KELIINUI, PATRICIA	65 RED BROOK RD	63 RED BROOK RD	MASHPEE	MA	02649

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country	
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	
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	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	98 DEGRASS RD	PO BOX 996	MASHPEE	MA	02649	
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	
7690	104-7A-0-R	KELIINUI, PATRICIA	63 RED BROOK RD	63 RED BROOK RD	MASHPEE	MA	02649	
7666	104-102-0-R	MASHPEE COMMONS L P	0 GREAT NECK RD, SOUTH	PO BOX 1530	MASHPEE	MA	02649-1530	
20107	104-10A-0-R	BRADY, ELLEN C	20 BLUE CASTLE DR	56 SUMMERSEA ROAD	MASHPEE	MA	02649	
7674	104-110-0-R	HYDE, BRIAN A & KRISTEN A	7 BRIANS LN	7 BRIANS LN	MASHPEE	MA	02649	
7675	104-111-0-R	HYDE, KRISTEN A TR BRIANS LANE REALTY TRUST	5 BRIANS LN	7 BRIANS LN	MASHPEE	MA	02649	
7676	104-112-0-R	HYDE, BRIAN A	4 BRIANS LN	7 BRIANS LN	MASHPEE	MA	02649	
16175	104-124-0-R	MULLER, SHARON K	693 GREAT NECK RD, SOUTH	693 GREAT NECK RD, SOUTH	MASHPEE	MA	02649	
16177	104-125-0-R	RRK REALTY HOLDINGS LLC	701 GREAT NECK RD, SOUTH	107 SUMMERSEA ROAD	MASHPEE	MA	02649	
16178	104-126-0-R	BLAKE, BARRY R & MARY J TR BLAKE FAMILY TRUSTS	709 GREAT NECK RD, SOUTH	709 GREAT NECK RD, SOUTH	MASHPEE	MA	02649	
16179	104-127-0-R	WALUS, ANNE	711 GREAT NECK RD, SOUTH	12 EAST BROOKLAWN DRIVE	MORRIS PLAINS	NJ	07950	
16180	000001040000000000	<i>P4 2019 Combined w/ 104-124 Becomes Inactive</i>						
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	
8124	109-6-0-E	UNITED STATES OF AMERICA	78 ADAMS RD	300 WESTGATE CENTER DR	HADLEY	MA	01035	
8187	110-58-0-R	NEW SEABURY PROPERTIES LLC	58 RED BROOK RD	20 RED BROOK RD	MASHPEE	MA	02649-3757	
8189	110-60-0-R	PASQUALI, LISA	74 RED BROOK RD	74 RED BROOK RD	MASHPEE	MA	02649	
8190	110-61-0-R	ORES, JOSEPH P & DENISE	79 RED BROOK RD	PO BOX 661	NORTH FALMOUTH	MA	02556	
8191	110-62-0-R	STARUCH, THOMAS & JEAN	86 RED BROOK RD	PO BOX 1274	MASHPEE	MA	02649	
8192	110-63-0-R	SLIWA, MICHAEL	94 RED BROOK RD	PO BOX 1461	MASHPEE	MA	02649	
8193	110-64-0-R	PHELPS, SUSAN R	100 RED BROOK RD	1200 MASS AVE #6	CAMBRIDGE	MA	02138	
8197	110-71-0-E	MASHPEE TOWN OF CONSERVATION COMMISSION	156 GREAT OAK RD	16 GREAT NECK ROAD NORTH	MASHPEE	MA	02649	
8211	110-96-0-R	RED HORSE LLC C/O SILVERCREST	122 RED BROOK RD	1330 AVENUE OF THE AMERICAS 38TH FLOOR	NEW YORK	NY	10019	
8213	110-98-0-E	UNITED STATES OF AMERICA	0 GREAT OAK RD	300 WESTGATE CENTER DR	HADLEY	MA	01035	
8214	110-58A-0-R	BARTOLOMEI, PAUL G & JACQUELIN	66 RED BROOK RD	66 RED BROOK RD	MASHPEE	MA	02649	
8215	110-62A-0-R	JEFFRIES, PAUL A & SANDRA J	80 RED BROOK RD	80 RED BROOK RD	MASHPEE	MA	02649	

Elizabeth R. Thompson
Licensed in Massachusetts
ethompson@dkl-legal.com

VIA EMAIL ONLY TO EVAN LEHRER AT: ELehrer@mashpeema.gov

December 28, 2018

Mashpee Planning Board
Evan Lehrer, Town Planner
16 Great Neck Road North
Mashpee, MA 02649

RE: Request for a Continuance - 101 Red Brook Road, Mashpee, MA

Dear Members of the Planning Board and Mr. Lehrer:

The law firm of Duval, Klasnick & Thompson, LLC represents Blue Sky Towers II, LLC (“Blue Sky” or the “Applicant”), the applicant for a special permit for a wireless telecommunications facility to be located at 101 Red Brook Road (Mashpee Fire Station #2) in the Town of Mashpee currently scheduled to appear before you on January 2, 2019 at 7:00 PM. This letter is to request a continuance of this scheduled public hearing until such time as the Zoning Board of Appeals can hear and decide upon a variance to be filed in connection with this matter.

On December 28, 2018, we learned from Mr. Lehrer of the existence of a request for approval of amendments to the Town of Mashpee Zoning By-laws dated October 7, 1998 and a letter dated January 4, 1999 and January 7, 1999 from the Office of the Attorney General approving the same. We have reviewed these documents and concur with the opinion of the Town Planner that these documents confirm that our proposed site for a 150 foot monopole-type personal wireless service facility located at 101 Red Brook Road, Mashpee, MA requires a variance for height from the Zoning Board of Appeals as it is outside of the Wireless Overlay District.

Where said variance could ultimately affect the nature of the proposal that will come before the Planning Board for a special permit, and where it will be difficult for the Planning Board to review the site in detail until the proposed height is reviewed and voted upon by the

Zoning Board of Appeals, the Applicant respectively requests a continuance of the special permit proceedings until the conclusion of the proceedings before the Zoning Board of Appeals.

Very truly yours,
Duval, Klasnick & Thompson LLC

/s/ Elizabeth R. Thompson
By: Elizabeth R. Thompson
Attorney at Law

Cc: Sean Gormley, Blue Sky Towers II, LLC



Town of Mashpee

16 Great Neck Road North
Mashpee, Massachusetts 02649

MASHPEE PLANNING BOARD EXTENSION OF ACTION DEADLINE

Date: December 31, 2018

Applicant: Blue Sky Towers II, LLC

Applicant Representative: Elizabeth Thompson, Esq.

Description of application: Special Permit for a Personal Wireless Service Facility
to be located at the Mashpee Fire Station #2 at 101
Red Brook Road in the Town of Mashpee.

Please consider this a voluntary extension of the Mashpee Planning Board's action deadline to file a decision with the Mashpee Town Clerk within 90 days of opening the public hearing regarding the above referenced application from April 2, 2019 to July 3, 2019. This voluntary extension is granted pursuant to Massachusetts General Laws Chapter 40A, Section 9.

Owner/Applicant or applicant's representative:

Elizabeth Thompson, Esq.
Elizabeth Thompson on behalf of Blue Sky Towers II, LLC

Mashpee Town Clerk



MASHPEE PLANNING BOARD
Reduction of Performance Guarantee

January 2, 2019

To the Mashpee Town Treasurer:

This is to certify that the Mashpee Planning Board at its meeting of December 19, 2018, has made its decision to reduce the balance of a performance bond of \$125,000 plus accrued interest to \$0.00 to make improvements to the onsite wastewater treatment system, under the provisions of Section IX (page 5) of a Special Permit issued to Windchime Condominums (formerly Sandcastle Mashpee, Inc.) authorizing construction of a multi-unit condominium consisting of 156 units over 38.6 acres of land in cluster configuration with surrounding open space issued by the Mashpee Planning Board on April 22, 1987 and recorded with the Barnstable County District Registry of Deeds at Book 5734, Pages 225-244, Book 5910, Pages 190-191, Book 6405, Pages 268-269, and Book 6047, Pages 003-004.

The Mashpee Planning Board

Mary E. Waygan

Dennis H. Balzarini

David Weeden

Robert Hansen

Certification of Town Clerk

Deborah Dami, Town Clerk

Guarantee Returned by Town Treasurer:

Craig Mayen, Treasurer

Date

Guarantee Returned to:

Joseph Mooney, Applicant/Guarantor

Date



PLANNING BOARD DECISION
WINDCHIME CONDOMINIUMS (Formerly Sandcastle Mashpee, Inc)
Bennett Environmental Associates on behalf of Windchime Condominium Trust
SPECIAL PERMIT MODIFICATION
January 16, 2018

I. Proposal.

Reference is made to a Special Permit Decision issued by the Mashpee Planning Board, dated April 22, 1987 and recorded with the Barnstable County District Registry of Deeds at Book 5734, Pages 225-244, Book 5910, Pages 190-191, Book 6405, Pages 268-269, and Book 6047, Pages 003-004, as amended from time to time (hereinafter the "Special Permit") originally titled Sandcastle Mashpee, Inc. The Special Permit authorizes construction of a multi-unit condominium consisting of 156 units over 38.6 acres of land in cluster configuration with surrounding open space.

The applicant proposes to modify the Special Permit to name a State regulated financial assurance mechanism (FAM) as long-term performance guarantee in place of a performance bond held in escrow by the Town of Mashpee Treasurer reserved for improvements to the onsite wastewater treatment system under BRP WP 68 Permit from the Massachusetts Department of Environmental Protection (DEP). The DEP permit requires that a FAM be held, duplicative of the \$125,000 performance bond held in escrow in an interest bearing account. The applicant also proposes to modify the Special Permit to reduce the Wastewater Treatment Monitoring Program as commensurate with the GWDP Permit 253-3M1 requirements.

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 January 16, 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 22, 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 November 1, 2018 along with accompanying plans.

The proposed application was reviewed at the Board's December 19, 2018 meeting. Associate Member Rob Hansen was seated by Chair Waygan to review and vote on this application in the absence of member David Kooharian, Clerk per the request of the applicant. The applicant withdrew the request to modify the Special Permit to reduce the Wastewater Treatment Monitoring Program as commensurate with the GWDP Permit 253-3M1 requirements and was continued to the January 16, 2019 meeting.

The Planning Board voted to reduce the balance of the performance bond held by the Treasurer specifically for improvements to the onsite Wastewater Treatment System (\$125,000 plus accrued interest) to \$0.00 and granted the proposed Special Permit Modification at its meeting on January 16, 2019, subject to the conditions enumerated below. The members of the Board were recorded voting as follows upon a motion made by BLANK and seconded by BLANK: Members BLANK, BLANK, BLANK 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 22, 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 references to the \$125,000 long-term performance guarantee in the form of a performance bond held in escrow by the Town of Mashpee Treasurer shall be replaced to identify the Financial Assurance Mechanism (FAM) held by the State of Massachusetts Department of Environmental Protection as a requirement of the BRP WP 68 Permit held by the applicant as long-term performance guarantee.

2. The applicant shall complete construction and work related to the upgrade of the onsite wastewater treatment system no later than December 19, 2023. If unforeseen delays hinder completion of the upgrades by that date the applicant shall be required to apply for an extension from the Planning Board and report on progress.

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.

DRAFT

VII. Signature and Filing.

This special permit modification decision has been approved by the Mashpee Planning Board on this 16th Day of January 2019.

A true copy
Attest

Member, Mashpee Planning Board

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 17th day of January 2019, 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 has been duly filed on _____, 2019 with the Town Clerk of Mashpee.

Town Clerk

Notice of this decision was mailed on _____, 2019 to the applicant, to the parties in interest designated in M.G.L. Chapter 40A, Section 11 and to all persons at the hearing who requested such notice. Any appeal shall be made pursuant to Section 17 of the Chapter 40A of the Massachusetts General Laws within twenty (20) days after the date of said filing.

I, _____, Town Clerk of the Town of Mashpee, hereby certify that a copy of this decision was filed with the office of the Town Clerk on _____, 2019 and that no appeal of that decision was filed within twenty (20) days thereafter.

Date

Town Clerk

Upon expiration of the statutory appeal period with no appeal having been filed, this special permit decision has been signed by the Mashpee Planning Board on _____, 2019 and may be recorded.



DRAFT