



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Meeting of the Mashpee Planning Board
Wednesday, January 16, 2019
Waquoit Meeting Room, 6:00 P.M.

Call Meeting to Order: 6:00 p.m. – Waquoit Meeting Room – Mashpee Town Hall

- Pledge of Allegiance

Approval of Minutes

- Review and approval of meeting minutes from **December 19, 2018** and **January 2, 2019**.

Presentation

- Leslie Richardson, *Chief Economic Development Officer*, and Heather Harper, *Chief of Staff*- Cape Cod Commission

Public Hearing

7:10 PM – Bennett Environmental Associates for Windchime Condominium Trust (Continued from 12/19/2018)

Consider an application to modify a special permit issued February 4, 1987 and recorded at the Barnstable County Registry of Deeds in Book 5734, Pages 225-269. Such application was made for consideration of the release of the escrow funds held under the Special Permit to make improvements to the on-site wastewater treatment system through the BRP WP 68 "Treatment Works Plan Approval" permitting process; and to seek reduction in the Wastewater Treatment Monitoring Plan as commensurate to the environmental monitoring requirements specified under the Groundwater Discharge Permit 263-3M1

New Business

- Vote to set public hearing date for special permit application made by Cape & Islands Engineering on behalf of Steven and Joyce Hynds for a shared driveway AT 147 & 155 Old Barnstable Road.
- Submission of preliminary subdivision plan submitted by Cape & Islands Engineering on behalf of Mark and Donna Lopez at 103 Meetinghouse Road to create three (3) buildable lots and two (2) open space parcels in cluster configuration under Article IX, Section 174-47 of the Mashpee Zoning Bylaw.
- Consideration and possible action to accept a performance bond for remaining roadway construction to be completed at the cluster subdivision known as Ockway Highlands for lot releases.

Old Business

- Proposals from the Town Planner on zoning by-law amendments: Temporary/Seasonal Signs and Donation Bins.
- Submission of proposed modification to the Light Industrial Overlay District by Planning Board
- Request for release of funds held in escrow – 33 Trinity Place, Cotuit Solar
- Determination of Adequate Access to Blue Castle Drive (Brady;Barr)

Chairman's Report

Board Member Committee Reports

- Cape Cod Commission, Community Preservation Committee, Design Review, Plan Review, Environmental Oversight Committee, Greenways/Quashnet Footbridge, Historic District Commission, MMR Military Civilian Community Council.

Updates from Town Planner

- October 15, 2018 Special Town Meeting – Zoning bylaw approval from Attorney General.

Additional Topics (not reasonably anticipated by Chair)

Adjournment

MASHPEE TOWN CLERK

JAN 11 2019

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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
Minutes of Meeting
January 2, 2019 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 7:03 p.m. on Wednesday, January 2, 2019. The Chair stated that the meeting was being videographed and recorded and asked that speakers approach the podium and 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 Pledge of Allegiance was recited.

APPROVAL OF MINUTES—December 19, 2018

Mr. Lehrer offered a correction, on page 10 under Evergreen Energy, to read “4 acres” in place of “4 miles.” The change was made in the copy of the minutes received by the Board. Having just received the minutes, the Board would consider them for approval at the next meeting.

PUBLIC HEARING

7:10 p.m. Blue Sky Towers II, LLC Application for Special Permit to Erect a Personal Wireless Service Facility at 101 Red Book 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).

The appointed time having arrived, the Chair read for the record the Public Hearing Notice. The Chair directed meeting attendees to copies of a letter requesting a continuance. The Chair read the letter from Duval, Klasnick & Thompson, LLC, representing the project proponent, into the record. The continuance was requested to allow the ZBA to consider a height variance for the project, located outside of the Wireless Overlay District.

MOTION: Mr. Balzarini made a motion to continue the Public Hearing to April 1, 2019 at 7:10 p.m. Mr. Cummings seconded the motion. All voted unanimously.

During the February 6 Planning Board meeting, the Chair requested that the vote retaken on January 16, correcting the mistaken date of April 1 to the first Wednesday of April (April 3, 2019), be noted in these minutes. There was consensus from the Board.

The Chair announced that the Board could not receive public comment at this time. A link was located on the Planning Board's page of the Town's Website with guidelines to submit public comment and an email address, planningboard@mashpeema.gov.

Frustration was expressed by a meeting attendee. The Chair reiterated that the Public Hearing was not open, recommended a copy of the letter and Mr. Lehrer, who would be available to respond to questions.

Later in the meeting it was brought to the attention of the Chair that April 1 was a Monday. Mr. Lehrer pointed out that the motion should be rescinded and the Chair asked that it be added to the agenda for the next meeting to correct the motion with a date of April 3, 2019.

NEW BUSINESS

Charles Rowley Invoice, December 2018-Mr. Lehrer reported that he was in receipt of an invoice from Mr. Rowley for December services totaling \$390.

MOTION: Mr. Balzarini made a motion to approve \$390. Mr. Cummings seconded the motion. All voted unanimously.

Planning Board members signed the documentation.

Sign Escrow Release for Wastewater Treatment Upgrades, Windchime Condominium Trust-Mr. Lehrer reported that \$20,000 remained as security in the account to address landscaping issues. The Treasurer provided a spreadsheet outlining the remaining amount, the total of which was \$167,683.82. The value to be released to Windchime was \$145,829.65 for the upgrades to the Wastewater Treatment Plant. Mr. Cummings inquired about the \$21,854.17 remaining for the landscaping and Mr. Lehrer responded that he had not yet fully researched the performance guarantee and that there would be further discussion with Mr. Mooney about the amount. The release was signed by Board members.

Draft Special Permit Modification Decision, Windchime Condominium Trust-The Chair noted that the draft Special Permit Modification had been distributed to Board members for review, but there could be no discussion until the public hearing at the next meeting. All comments should be directed to Mr. Lehrer.

Determination of Adequate Access to Blue Castle Drive & Authorization to Speak with Consulting Engineer-The Chair referenced two letters received from Attorney Jonathan Polloni on behalf of his clients, Ellen Brady and Henry Barr, property owners on Blue Castle Drive. Mr. Polloni was representing his clients regarding their unbuilt properties located on the unpaved portion of Blue Castle and emphasized their unique situation. The property owners were seeking to develop their lots with the road in its current condition. Mr. Rowley confirmed that work scheduled to be completed on Blue Castle for December, had been completed. Mr. Polloni indicated that his clients' properties were located at 20 and 28 Blue Castle Road, located nearest Great Neck Road South. The Chair confirmed that those properties were part of the designed road required for the Ockway Highlands development. Mr. Polloni reported that he had attempted to communicate with Mr. Morin regarding a resolution with some sort of contributions to maintenance of the road, but Mr. Morin was expressed interest only in

accepting costs related to paving the roadway. Mr. Polloni also inquired about membership in a Homeowners Association but Mr. Morin stopped communicating with Mr. Polloni. Mr. Polloni was seeking authorization from the Planning Board to determine adequacy of the road so that the homeowners could obtain a building permit.

Mr. Balzarini felt that the homeowners should not be responsible for the road or be part of the association. After reviewing the minutes, Mr. Polloni noted that the developer's attorney, although voluntary, stated that the property owners could join the Association at a prorated cost, in order to assist in the maintenance of the road. Mr. Polloni stated that the question about obtaining a building permit was related to the definition of a street and whether it met subdivision roads. Mr. Balzarini stated that the road had been improved adding that there were already existing homes on the road. Mr. Polloni added that the road would be maintained annually.

Mr. Rowley suggested that the Planning Board needed to review several aspects of the matter, not just the Bylaw. Mr. Rowley researched Blue Castle, noting that records stretched back to 1965, but was likely laid out prior to that time. The release of lots fronting on the street was different than the Subdivision Control Bylaw. Mr. Rowley referenced a similar situation during the 1990s in New Seabury, whereby the road was required to be upgraded and brought to current standards, before lots could be released. Conaumat Highlands (Fox Hill, Candlewood and other area roads), set a similar precedent, whereby project proponents seeking lot releases were required to complete their fair share of road work as a mechanism to ensure that roads were built to a better standard. Mr. Rowley indicated that the road improvements, infrastructure and Special Permit for Ockway Highlands was specific to that development. It was Mr. Rowley's opinion that there was still work necessary to upgrade the roadway between the two paved areas, including storm water management. Mr. Rowley confirmed that the travel area had been widened to 16 feet and cleared to 20 feet, and included placement of reclaimed asphalt materials, stone and drainage swales on each side. It was Mr. Rowley's opinion that the portion of the road should also be extended to 20 feet, adding that the section of the road was considered a subdivision street.

Mr. Polloni disagreed with Mr. Rowley, noting that the road was not paved due to issues of legal right of way. Instead of requiring pavement, the Town offered a compromise of not paving the entire length of the road way. Mr. Polloni suggested that it would be unfair to these homeowners to be required to pave their portion of the roadway, when it would now be more expensive to do so. Mr. Polloni stated that there were only 4 undeveloped lots, so little traffic would be added to the road. Additionally, it was Mr. Polloni's opinion that the lots were created before Subdivision Control Law, referencing a buildability report he had initially drafted explaining the title for the lots, originally owned by David Green and transferred in 1957 to another owner. Mr. Polloni suggested that the Planning Board had the authority to determine adequate access, adding that the non-conforming situation required a unique resolution.

Chairman Waygan referenced her understanding that the neighborhood did not want the roadway paved and Mr. Balzarini agreed. Mr. Polloni emphasized that cost was a factor. Mr. Rowley added that more research was necessary, and inquired about the property being non-conforming and whether it was part of David Green's development. Mr. Polloni stated that the lots did not meet the minimum lot requirement and that they were established in 1957 and he was unsure whether they were part of Mr. Green's development. Mr. Rowley expressed concern that there was a layout for Blue Castle Drive dated 1965, inquiring whether those lots were included with that layout, which would impact whether the lots had rights to Blue Castle and identify the frontage. The Chair wished to send the matter to Town Counsel for further review. Mr. Polloni inquired how the other homes were allowed to

be built and the Chair responded that they asked the same question when Ockway Highlands first came before the Board. Mr. Polloni confirmed that he had initially discussed the matter with the Building Inspector who recommended he approach the Planning Board. The Chair stated that she was ok with the access to the lots but Mr. Rowley recommended that, by not asking for a contribution, it could set a precedent for future locations with less than adequate road construction. The Chair asked for documentation showing that the lots were created in 1957 and Mr. Polloni responded that he would forward the information.

With recent improvements to the road, Mr. Hansen inquired whether new curb cuts could negatively impact the drainage on the road. Mr. Rowley responded that it would likely be minor impact to Blue Castle, but any paved driveway should not interrupt the stone in the swale already constructed. Mr. Rowley added that it was a private way so would not be addressed by the DPW. Mr. Balzarini would like the matter to also be considered by Town Counsel. The Chair asked that Mr. Polloni forward the necessary information to Mr. Lehrer.

MOTION: Mr. Balzarini made a motion that Mr. Rowley speak with Mr. Polloni regarding Blue Castle. Mr. Weeden seconded the motion. All voted unanimously.

Mr. Lehrer added that the Planning Board could determine if access was adequate, adding that the situation was unique and the lots were being held hostage to Subdivision Control Law, when not subject to the Subdivision. Paving would require an increase in the storm water management, which would be an additional detrimental cost. Mr. Weeden noted the importance of consistency of roadway width and Mr. Lehrer responded that the road was cleared to 20 feet with 16 feet of reclaimed asphalt and 2 feet of crushed stone for the drainage swale the drainage swale. Mr. Rowley added that he asked Mr. Morin to adjust the roadway and relocate the drainage swale so there would be a smoother transition and so that vehicles would not run into the drainage swale. There was consensus for the Chair to discuss the matter further with Mr. Lehrer and Town Counsel.

Planning Board Comments on Draft Technical Bulletins to Draft Regional Policy Plan-

The Chair announced that there would be a Public Hearing on January 10, at 3 p.m. at the Barnstable County Complex for review of the proposed Technical Bulletins. The Chair drafted a memo with comments regarding the Technical Bulletins for Housing and Open Space. The Chair did not see much change with Transportation and Nitrogen Loading. The Chair read her draft memo for the Board to suggest any changes. Regarding Open Space, the Chair expressed concern about pocket parks and streetscapes as not being part of true open space contributions, which was reflected in the memo. Board members were in agreement. In addition, the Chair expressed concern about point 3 in Affordable Housing that multi-unit rental housing would not be required to provide affordable housing, which she recommended be removed. Mr. Lehrer noted that the intent was to offer an incentive to increase the availability of rental units which could help shift the demand by increasing the supply of housing. There was discussion regarding the existing 10% requirement. The Chair expressed concern about the removal of affordable housing and suggested that Mashpee should adopt a bylaw with local inclusionary zoning since the market had not yet fixed the need for affordable housing. Mr. Lehrer did not recommend striking point #3.

MOTION: Mr. Balzarini made a motion to send the letter Chairman Waygan drafted. Mr. Cummings seconded the motion. All voted unanimously.

The Chair noted that there were additional bulletins to be considered and invited Board members to attend the January 10 meeting.

OLD BUSINESS

Process to Submit Comments & Materials to Planning Board Members for Residents & Local Organization-It was confirmed that an email address had been created so that public comments could be directed to the Planning Board. Emailed comments may be sent to planningboard@mashpee.ma.gov. Guidance on how best to submit comments was located on the Planning Board's page on the Town's website.

Proposals from the Town Planner on Zoning Bylaw Amendments: Temporary/ Seasonal Signs and Donation Bins-Mr. Lehrer reported that he would be discussing signage guidelines with Design Review on January 15. No language had been drafted for the donation bins but Mr. Lehrer reported that the bins on Great Neck Road North looked like dumpsters, and required regulation. Mr. Lehrer has taken photographs of the bins around Mashpee. Mr. Lehrer also reported that the bins on Main Street had signage indicating that the area was under surveillance, improving the conditions, but it was his opinion that the bins required regulation. Mr. Lehrer asked for guidance on how to pursue the matter and the Chair expressed her preference that the issue be addressed directly with the owners. Mr. Cummings brought up the issue of continual yards sales but Mr. Lehrer responded that they were not buildings so not under the purview of the Board. The Chair did not oppose regulation for new bins but preferred working with the owners of the existing, grandfathered bins. Mr. Lehrer indicated that he had been in contact with the Building Commissioner and would follow up. The concern expressed was that the bins were being used as dumping areas. Mr. Lehrer will provide the Board with images at the next meeting.

Regarding Temporary/Seasonal Signs, the Chair was unclear about the specifics of the proposed bylaw. Mr. Lehrer explained that sandwich board signs would have their own buildout section within the bylaw and temporary signs would be defined. It was the Chair's opinion that it should be within the Bylaw. Regarding pocket signs, it was Mr. Lehrer's opinion that they should be part of a wayfinding project, separate from the Bylaw and would be located on public land. The Chair inquired, while working with the EDIC, the type of signs they were seeking. Mr. Lehrer responded that they were seeking sandwich signs and free standing/roadway signs. Mr. Lehrer further noted that the specific signs allowed would be developed in a design guideline, approved by the Planning Board, including sign types that could be prohibited, or, provided each sign was defined, could be included with the Bylaw. Mr. Lehrer's recommendation was that they be included in a guideline so that a graphic image could be included. The Building Commissioner would then grant a permit based on the guidelines approved by the Planning Board. The Chair again stated her preference that signs be named in the Bylaw, and referred to in the design guidelines. Mr. Lehrer suggested that the Sign Bylaw was already cluttered. Mr. Lehrer will amend the Bylaw to specify the sign types and definitions of what would be prohibited. Mr. Weeden inquired whether all moving signs would be prohibited or if they could be used short term. Mr. Lehrer recommended that there was a need for further definition of signs, such as flashing, moving signs, adding that it was a major project to overhaul the entire sign bylaw, but best to start first with temporary signage. Mr. Weeden liked the idea of a table with graphics and Mr. Lehrer responded that a design guideline could regulate type, dimension, location and quantity. Mr. Lehrer will develop a new draft for the Board.

Proposed Revisions to the Light Industry Overlay District-Mr. Lehrer reported that he provided a copy of the time-stamped version of the submitted Light Industry Overlay District proposed modification confirming its submittal to the Board of Selectmen, to be considered for spring or Fall Town Meeting. The Chair stated that an explanation should be included with the zoning change, to include the scope of what was being changed.

CHAIRMAN'S REPORT

BOARD MEMBER COMMITTEE UPDATES

Cape Cod Commission-No meeting

Community Preservation Committee- A meeting was scheduled for January 24

Design Review Committee-No meeting

Plan Review- No meeting

Environmental Oversight Committee- No meeting

Greenway Project & Quashnet Footbridge-No meeting

Historic District Commission-No meeting

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

UPDATES FROM TOWN PLANNER

Mr. Lehrer was awaiting the arrival of Administrative Secretary, Patty McGuffin. Mr. Lehrer would be submitting an application for MVP along with other Town departments. Mr. Balzarini inquired about tree clearing at the boat landing and Mr. Weeden confirmed that it was significant. Mr. Lehrer was unsure, but would look into it and report further at the next meeting. The Chair asked to receive the agenda packet on Friday before the meeting.

ADDITIONAL TOPICS

None at this time

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Weeden seconded the motion. All voted unanimously. The meeting ended at 8:34 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS PROVIDED

- Charles Rowley 12/31/18 Invoice for December Services
- Windchime Condominium Special Permit Modification
- Public Hearing Notice to Consider Application by Blue Sky Towers II, LLC Special Permit to Erect a Personal Wireless Service Facility
- Public Hearing Notice to Abutters within 300' of Proposed Wireless Service Facility
- 12/28/18 Attorney Elizabeth Thompson Email Requesting Continuance for 101 Red Brook Rd.
- 12/31/18 Extension of Action Deadline for Blue Sky Towers II, LLC
- 6/4/18 Attorney Elizabeth Thompson Email Requesting Name Correction to Blue Sky Towers II, LLC
- 5/29/18 Letter RE: Personal Wireless Service Facility from Jerilyn Collier Davis & Freda Byron-Twyman
- 12/224/18 Packet RE: Personal Wireless Service Facility from Michael & Theresa Ronhock
- 11/21/18 Attorney Jonathan Polloni Letter Re: Ellen Brady, Blue Castle Drive
- 11/21/18 Attorney Jonathan Polloni Letter Re: Henry Barr, Blue Castle Drive
- Proposed Light Industrial Overlay District Amendment

-Cape Cod Commission Public Hearing Notice for January 10, 2019 Technical Bulletins to the Draft Regional Policy Plan
-Chairman Waygan 1/2/19 Memo Regarding Draft Technical Bulletins to the Draft Regional Policy Plan

BENNETT ENVIRONMENTAL ASSOCIATES, INC.

LICENSED SITE PROFESSIONALS ♪ ENVIRONMENTAL SCIENTISTS ♪ GEOLOGISTS ♪ ENGINEERS

1573 Main Street - P.O. Box 1743, Brewster, MA 02631 ♪ 508-896-1706 ♪ Fax 508-896-5109 ♪ www.bennett-ea.com

BEA99-2252

March 12, 2018

Windchime Condominiums Trust
c/o Mr. Anthony Colletti – American Properties Team
500 West Cummings Park
Woburn, MA 01801

RE: ENGINEERING REPORT & BRP WP 68 Upgrade Approval
Groundwater Discharge Permit # SE 263-3
Windchime Condominiums Trust – Mashpee, MA

Dear Mr. Colletti,

Pursuant to your request during the Board of Directors meeting attended by BENNETT ENVIRONMENTAL ASSOCIATES, INC. (BEA) personnel, the following Scope of Work has been prepared for completion and submittal of an Engineering Report to review treatment plant performance in consideration of potential upgrades to the facility. The completion of an Engineering Report ahead of the required submittal deadline is being pursued to address issues of treatment plant performance in consideration of the Groundwater Discharge Permit and Special Permit requirements. The following outlines the anticipated Scope of Work and associated fees to complete the prescribed work.

ENGINEERING REPORT

Submit to the MA DEP an Engineering Report with Certification Statement pursuant to the requirements set forth in the GWDP renewal (9/23/09 Section I.D.10.a.). Report to include elevation survey of the treatment works, description of facility, number of employees/residents, raw materials used, source of water supply, all sanitary and waste streams, by-product recovery systems, wastewater treatment studies performed, liquid waste flow control measures, existing treatment system, reclaimed water opportunities, anticipated new processes, proposed effluent quality, a listing and evaluation of wastewater treatment alternatives, narrative description of recommended plan for a wastewater treatment system, redundancy requirements, odor control and safety/spill containment provisions, implementation schedule, treatability and pilot study data, and an examination of the potential impact of any proposed discharge on municipal and private water supply wells. Preliminary engineering design plans to include a hydraulic profile and a flow schematic.

Professional Services [PE 30hrs, Survey Crew 12.5hrs, WWTO PM 20hrs, WWTO P 8hrs] \$ 8,500

It is anticipated that the Engineering Report will recommend upgrades to the treatment facility to improve treatment performance. As such, the preparation and submittal of engineered plans for the upgrade and a BRP WP 68 application will be completed and submitted. The following outlines the anticipated Scope of Work and associated fees to complete the prescribed work.

BRP WP 68 TREATMENT WORK PLAN APPROVAL W/O PERMIT MODIFICATION

Prepare and file BRP WP 68 Treatment Work Plan Approval without Permit Modification with final design plans for upgrade of existing wastewater treatment plant (WWTP) without permit renewal. Pending approval of upgrade plans, prepare Request for Proposal documents for qualified contractors, host a pre-bid meeting, and review construction bids for advisement of the Board of Directors.

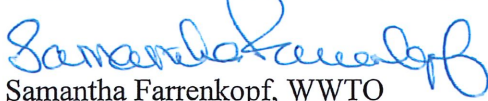
Professional Services [PE 58hrs, WWTO PM 48hrs, Admin 4hrs]	\$ 12,500.00
Commonwealth of MA Permit Fee	\$ 970.00

TOTAL BUDGET ESTIMATE \$ 21,970.00

Please note that this proposal does not include associated materials and installation fees from subcontractors for construction of the treatment facility upgrades. BEA recommends you reserve \$300,000 in anticipation of construction activities; however, such costs will be dependent upon the findings of the Engineering Report and contractor proposals. The above noted fees are based on time and expense for the Scope of Work outlined in accordance with our Standard Terms and Conditions and Fee Schedule provided. You will be advised of any changes in the scope of work resulting in significant deviation from the estimated budget for authorization prior to proceeding.

If you are in agreement and wish to proceed with the work as outlined, please sign the authorization below indicating acknowledgement and acceptance of our Terms & Conditions and return one copy of this proposal to our office. Should you have any questions or need additional information, please contact me directly at our office.

Sincerely
BENNETT ENVIRONMENTAL ASSOCIATES, INC.



Samantha Farrenkopf, WWTO
Wastewater Program Manager

Encl. Terms & Conditions (2009)/Fee Schedule (Rev 2016)

AUTHORIZATION: JJ Mooney for BOT DATE: 4-30-2018

*Limited authorization
to do only Eng. Study*



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

Applicant: Mark and Donna Lopez
Subdivision Name: N/A
Location: 103 Meetinghouse Road, Mashpee, MA
Date: January 9, 2019

PRELIMINARY PLAN CHECKLIST

- Application Form B (in triplicate).
- Copies of a) most recent recorded deed and b) tax bill or Assessor's certification.
- Submission of Required Fees: Filing fee: \$20 per lot, minimum \$200
Review fee: \$150
- Completed Form N: Notice of Filing of Plan to Town Clerk.
- Four copies of Preliminary Plan, dark line on white background with perimeter dimensions of 24' x 36'.
- Minimum frontage (non-conforming lots require a variance from the Zoning Board of Appeals)
- Minimum lot area (non-conforming lots require a variance from the Zoning Board of Appeals).
- North point, date, scale, legend.
- Name of owner, applicant (if different from owner), and engineer or surveyor.
- Names of all abutters as determined from the most recent tax list.
- Existing boundary line and lines of streets, ways, easements, and any public areas within the subdivision in a general manner.
- The approximate boundary lines of proposed lots with approximate areas dimensions.
- The names, approximate location and widths of adjacent streets.
- The proposed system of drainage including adjacent existing waterways and marshes in a general manner.
- Topography of the land based on 2' contour intervals. The topographic survey shall be certified as follows:

"I certify that this topographic survey was made (on the ground) (by aerial survey) on _____ (date)".

Signed by a Registered Land Surveyor.

- Any site features such as buildings, ponds, streams, marshes, and areas subject to seasonal flooding.
- Title block in the lower right hand corner with subdivision name, if any, and title "Preliminary Plan".

COMMENTS



Town of Mashpee

Planning Board

16 Great Neck Road North
Mashpee, Massachusetts 02649

FORM B

APPLICATION FOR APPROVAL OF PRELIMINARY PLAN

Date January 9, 2019

To the Planning Board: The undersigned herewith submits the accompanying Preliminary Plan of property located in Mashpee, Massachusetts, for approval as a subdivision as allowed under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Mashpee Planning Board.

Name of Subdivider Mark and Donna Lopez Phone 508-477-7272

Address 103 Meetinghouse Road, Mashpee, MA 02649

Owner, if different Same and Mashpee Conservation Commission Phone 508-477-7272

Address Same and 16 Great Neck Road North, Mashpee, MA 02649

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

Engineer or Surveyor Cape & Islands Engineering, Inc. Phone 508-477-7272

Address 800 Falmouth Road, Suite 301C, Mashpee, MA 02649

Deed of property recorded in Barnstable County Registry Book 3183 Page 272
or Land Court Certificate of Title No. _____

Location and description of property 103 Meetinghouse Road, Mashpee, MA consisting of 284,184 +/- sq. ft. area. Located to the west side of Meetinghouse Road and to the east of Mashpee River. R-5 Zoned. Cluster Subdivision under Town of Mashpee Zoning Bylaw, ARTICLE IX, §174-47 to create three (3) buildable lots and two (2) open space parcels.

Mashpee Assessors Map(s) and Block(s) 45-50-0

Signature of Owner or Authorized Representative _____

(Handwritten Signature)
Cape and Islands Engineering, Inc.

Attach written authorization signed by owner

MASHPEE TOWN CLERK

JAN - 9 2019

RECEIVED BY _____

**Town of Mashpee
Planning Board**

I hereby attest that _____
OWNER OF RECORD
Assess map 45 parcel 50, 103 Meetinghouse Road, Mashpee, MA 02649
_____ ADDRESS

is (are) the owner(s) of the above-referenced property.

I hereby further attest that the owner of the above-cited property is not, to the best of my knowledge, in arrears of payment of any local taxes as may be applicable under Section 1 of Chapter 112 of the Mashpee Code.

Treasurer/Collector

Date

VINCENT C. LOPEZ and CAROL A. LOPEZ, husband and wife, both

of Mashpee, Barnstable County, Massachusetts
~~xxxxxxxxxxxxxx~~ for nominal non-monetary consideration paid

grant to MARK V. LOPEZ and DONNA JEAN LOPEZ, husband and wife, as joint tenants,

of 497 Hatchville Road, Hatchville, Massachusetts 02536
~~xxxxxxxx~~ with quitclaim reversion
A certain parcel or lot of land in the Town of Mashpee, Barnstable County, Massachusetts on the westerly side of Meetinghouse Road and the easterly side of the Mashpee River, shown as Parcel "B" on a plan entitled, "Division Plan of Land in Mashpee, Mass. showing Parcel B, which is to be conveyed to Donna J. Lopez from Vincent C. Lopez, Scale: 1" = 60', August 13, 1980, Doyle Associates, Falmouth, Mass." to be recorded herewith to which plan reference is made for a more particular description, Reference PLAN BOOK 347, PAGE 39.

There is conveyed appurtenant to said Parcel "B" the right to pass and repass along the Ancient Way shown over both of Parcel "A" shown on said plan to the Meetinghouse Road.

For title see deed of Violet E. Salmon to us dated September 10, 1959 and recorded at the Barnstable County Registry of Deeds Book 1056, Page 462.

Executed as a sealed instrument this 16th day of October 19 80

Vincent C. Lopez
Vincent C. Lopez

Carol A. Lopez
Carol A. Lopez

The Commonwealth of Massachusetts

Barnstable ss. October 16, 19 80

Then personally appeared the above named CAROL A. LOPEZ

and acknowledged the foregoing instrument to be HER free act and deed
Before me, Arthur H. Rapoza
ARTHUR H. RAPOZA Notary Public
My commission expires October 1, 19 82

RECORDED OCT 31 80

May 18, 2018

Mr. Evan Lehrer, Town Planner
Town of Mashpee
16 Great Neck Road North
Mashpee, MA 02649

**RE: Application for Approval of Preliminary Plan for 103 Meetinghouse Road,
Mashpee, MA**

Dear Mr. Lehrer:

This letter is in regard the above referenced application.

Please accept this letter as my written authorization to allow Matthew C. Costa, P.L.S.,
President, Cape and Islands Engineering, Inc. and/or his Associates to represent this
Approval of Preliminary Application on my behalf.

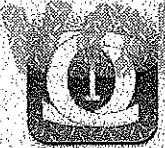
If you have any questions, please feel free to contact me at 774-521-7026.

Sincerely,



Mark and Donna Lopez
103 Meetinghouse Road
Mashpee, MA 02649
774-521-7026

FOR SECURITY PURPOSES, THE FACE OF THIS DOCUMENT CONTAINS A COLORED BACKGROUND AND MICROPRINTING IN THE BORDER



CAPE & ISLANDS ENGINEERING, INC

800 FALMOUTH ROAD, SUITE 301C

MASHPEE, MA 02649

508-477-7272

info@CapeEng.com

BANK OF AMERICA, NA

1893

1/9/2019

PAY TO THE ORDER OF

Town of Mashpee

\$**350.00

Three Hundred Fifty and 00/100

DOLLARS

Town of Mashpee

16 Great Neck Road North

Mashpee, MA 02649

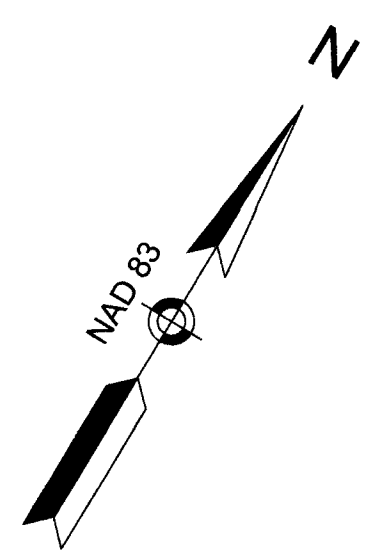
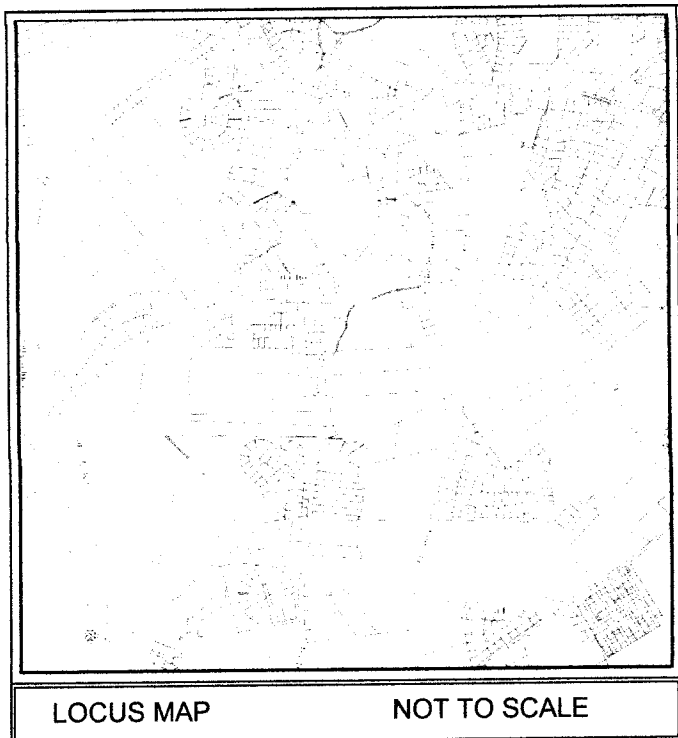
MEMO

Lopez - 103 Old Meetinghouse Road

SECURITY FEATURES INCLUDED, DETAILS ON BACK

AUTHORIZED SIGNATURE

⑈001893⑈ ⑆011000138⑆ 004660716484⑈

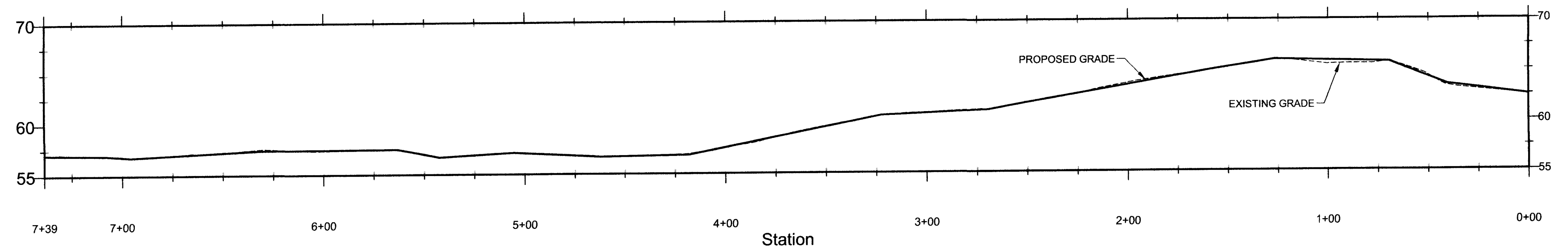
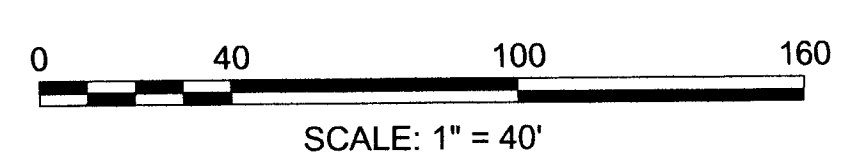
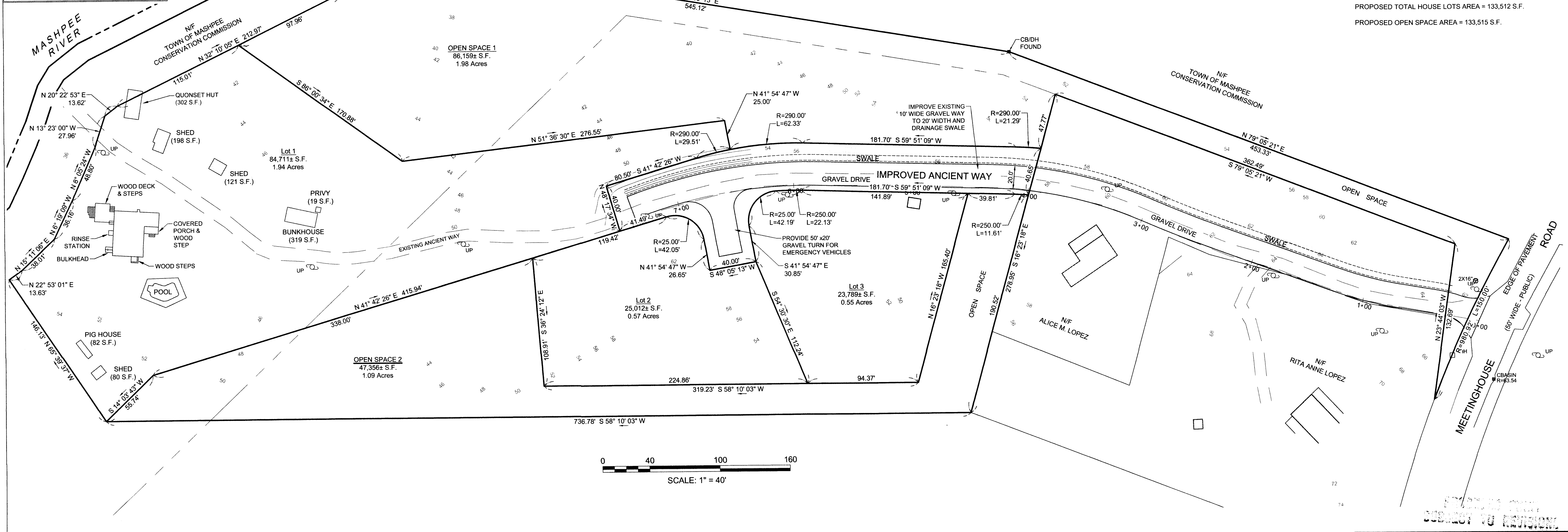


OWNERS OF RECORD
 ASSESSORS PARCEL: 45 9 0
 PARCEL ADDRESS: 127 MEETINGHOUSE ROAD
 OWNER: TOWN OF MASHPEE CONSERVATION COMMISSION

ASSESSORS PARCEL: 45 50 0
 PARCEL ADDRESS: 103 MEETINGHOUSE ROAD
 OWNER: MARK V. & DONNA JEAN LOPEZ

GENERAL NOTES
 ELEVATIONS BASED ON THE NAVD 1988 DATUM.
 ZONING DISTRICT: R-5

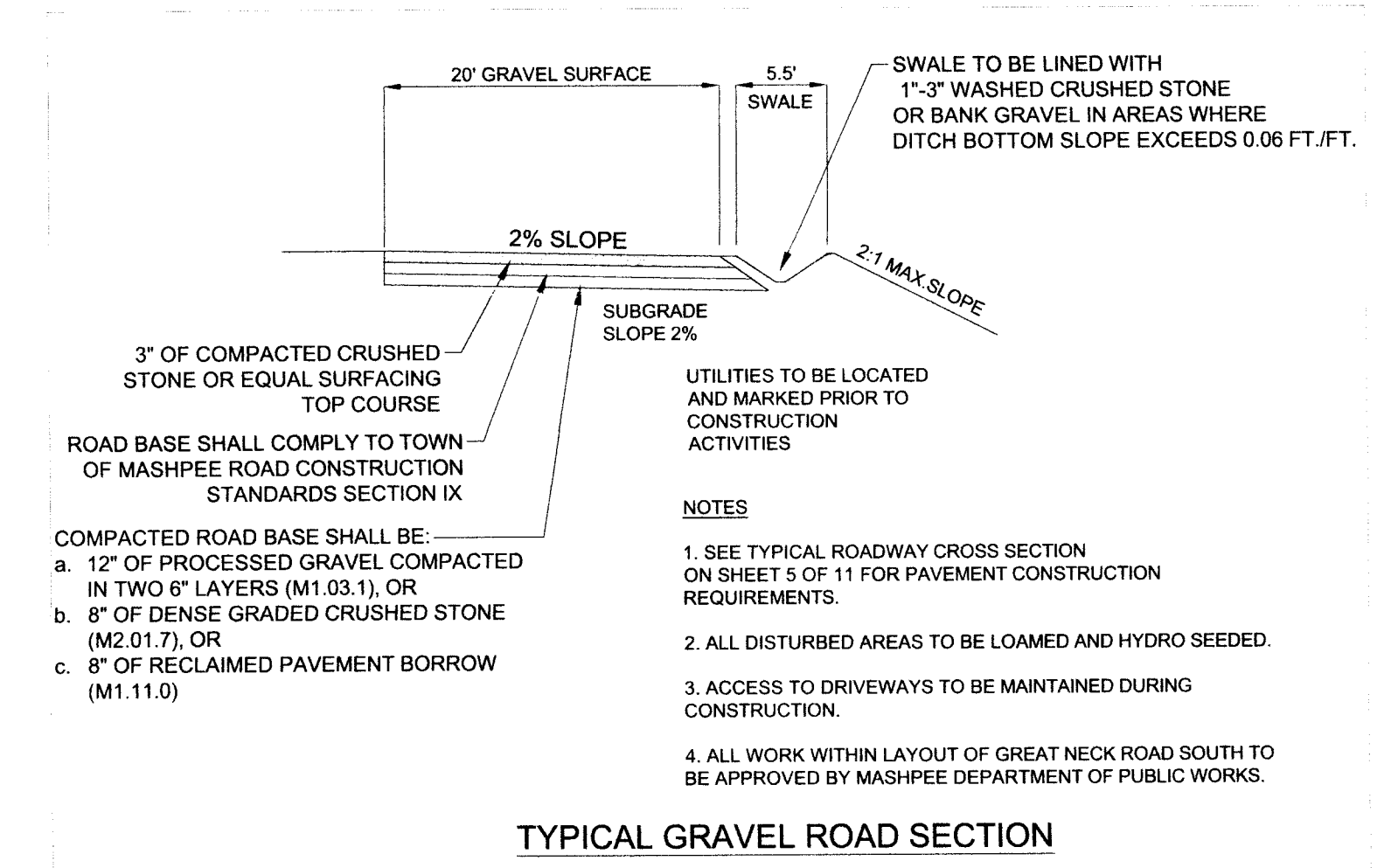
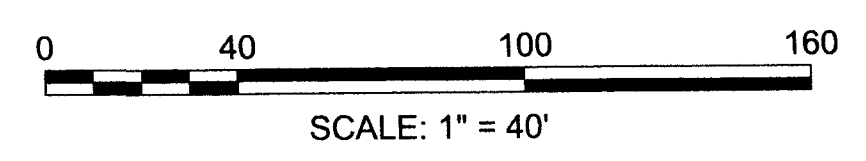
DEVELOPMENT SUMMARY
 TOTAL PROJECT AREA = 284,184 S.F.
 PROPOSED ROADWAY AREA = 17,157 S.F.
 PROPOSED TOTAL HOUSE LOTS AREA = 133,512 S.F.
 PROPOSED OPEN SPACE AREA = 133,515 S.F.



LEGEND

—	CONCRETE BOUND
—	UTILITY POLE
—	GUY POLE
—	GUY WIRE
—	SIGN
—	OVERHEAD WIRES

ROADWAY IMPROVEMENT



REV.	DATE	DESCRIPTION	BY	APPR
OWNER OF RECORD: MARK & DONNA LOPEZ 103 MEETINGHOUSE ROAD MASHPEE, MA				
APPLICANT: MARK & DONNA LOPEZ 103 MEETINGHOUSE ROAD MASHPEE, MA				
PROJECT: ANCIENT WAY IMPROVEMENT IN MASHPEE, MASSACHUSETTS				
SHEET NO.: 1 OF 1		DATE: JANUARY 10, 2019		
DRAWING FILE NAME: MEETINGHOUSE_103_LOPEZ_ROAD_IMPROVE				
DRAWN BY: JB			CHECKED BY: MC	
PREPARED BY: CAPE & ISLANDS ENGINEERING CIVIL ENGINEERING - LAND SURVEYING - ENVIRONMENTAL PERMITTING INCORPORATED				
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