



# *Town of Mashpee*

## *Planning Board*

*16 Great Neck Road North  
Mashpee, Massachusetts 02649*

**Mashpee Planning Board Meeting  
Wednesday, February 21, 2018  
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 February 7, 2017 Minutes

### **Definitive Subdivision Plan**

Applicant: Evergreen Energy, LLC

Location: 588 Main Street, Assessors' Map 19, Block 10

Request: Signature of Definitive Subdivision Plan for 12 lot industrial/commercial subdivision (approved November 15, 2017)

### **Special Permit**

Applicant: Naukabout Beer Company, LLC

Location: 13 Lake Avenue, Mashpee, Assessors' Map 27, Block 46

Request: Approval of performance bond for site work and landscaping

### **New Business**

Town of Mashpee Annual Report 2017 from the Planning Board – Draft written by Maria and submitted for approval. This report was due Monday, February 12<sup>th</sup>.

### **Old Business**

Mashpee Commons Update

Discussion of design of Country Club Lane intersection with Old Barnstable Road

Performance Bonds Needing Sign off: Peter Hopple and Amy Brown Road

Chairman's Report

Report on status of Greenway Project, Mashpee Commons Trail License and bridge project

Reports from members of Design Review Committee, Community Preservation Committee,

Environmental Oversight Committee, Historic District Commission, MMR Military Civilian Community Council and Cape Cod Commission

### **Correspondence**

Sandwich Public Hearing Notices

Falmouth Zoning Board of Appeals Notices

Cape Cod Commission Proposed Zoning Amendments

July 2017 Discharge Monitoring Report for South Cape Village N=10.7

August 2017 Discharge Monitoring Report for South Cape Village N=5.9

September 2017 Discharge Monitoring Report for South Cape Village N=7.8

October 2017 Discharge Monitoring Report for South Cape Village N=5.6

November 2017 Discharge Monitoring Report for South Cape Village N=6.40

December 2017 Discharge Monitoring Report for South Cape Village N=5.10

### **Waterways**

### **Additional Topics**

(This space is reserved for topics that the Chair did not reasonably anticipate would be discussed)

### **Adjournment**

**Mashpee Planning Board  
Minutes of Meeting  
February 7, 2018 at 7:00 p.m.  
Waquoit Meeting Room, Mashpee Town Hall  
Approved 2/21/18**

**Planning Board Members Present:** Chairman Mary Waygan, Dennis Balzarini, David Kooharian, Joe Cummings

**Also:** Charles Rowley-Consulting Engineer

**Absent:** David Weeden, Robert (Rob) Hansen

**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 7:30 p.m. on Wednesday, February 7, 2018. The meeting delay was due to being locked out of the building.

**APPROVAL OF MINUTES— December 20, 2017 & January 17, 2018**

**MOTION:** Mr. Balzarini made a motion to accept the minutes of January 17 as written. Mr. Kooharian seconded the motion. All voted unanimously.

**MOTION:** Mr. Balzarini made a motion to accept the minutes of December 20th as written. Mr. Kooharian seconded the motion. All voted unanimously.

**DEFINITIVE SUBDIVISION PLAN**

**Applicant:** Evergreen Energy, LLC

**Location** 588 Main Street, Assessors' Map 19, Block 10

**Request:** Signature of Definitive Subdivision Plan for 12 lot industrial/commercial subdivision (approved November 15, 2017)

Joel Kubick of Holmes & McGrath was present regarding the request. Mr. Rowley confirmed that the plans had been updated. The Town Clerk signed the plans. Mr. Rowley reported that the Covenant required updating, referring to the final date of the plan, November 20. Mr. Kubick was not in possession of the updated Covenant. Planning Board members agreed to sign the plans, except for the Chair who would hold off until the Town was in receipt of the Covenant. Mr. Kubick would follow up the project proponent's attorney.

**MOTION:** Mr. Balzarini made a motion to sign, but not release, until the Covenant is received. Mr. Kooharian seconded the motion. All voted unanimously.

The Chair would not sign the plans until the Covenant was received. The Chair stated that the original Covenant must be received by the end of the day on Thursday for her to finalize the plans on Friday. Three of the four Planning Board members signed the plans. The Chair would follow up with Ms. Silva and Mr. Kubick.

**SPECIAL PERMIT**

**Applicant:** Naukabout Beer Company, LLC

**Location: 13 Lake Avenue, Mashpee, Assessors' Map 27, Block 46**

**Request: Approval of Performance Bond for site work and landscaping**

The Chair contacted Peter Murner, of Naukabout Beer Company, by speaker phone. Mr. Murner reported that his insurance agent was working on the Performance Bond with the Town Manager's office. It was expected that details would be finalized by early next week, as all requirements set by Town Counsel had been met. The Chair requested that it be submitted to the Town Manager's office and indicated that the item would remain on the agenda. It was confirmed that the Occupancy Permit could not be acquired without the Performance Bond. Mr. Rowley confirmed that the bond document would be added to the project file and would serve as security for any incomplete work. An original or copy would be given to the Treasurer.

#### **NEW BUSINESS**

**C. Rowley January 2018 Billings**-An invoice was received in the amount of \$195 for January services.

**MOTION: Mr. Kooharian made a motion to pay Mr. Rowley \$195 for the month of January. Mr. Balzarini seconded the motion. All voted unanimously.**

#### **OLD BUSINESS**

**Mashpee Commons Update**-The Chair announced that an invitation had been received from Buff Chace and the Mashpee Commons team to celebrate the new year and the sharing of 2018 initiatives tonight, at Sienna Restaurant. Members of the Planning Board were not in attendance as they were at the Planning Board meeting. The Chair noted that the invitation presented a potential conflict of interest.

**Country Club Lane Intersection with Old Barnstable Road**-Mr. Rowley reported that he was still awaiting a plan from Ken Marster's engineer, Dave Marquedant. Mr. Rowley will follow up with Mr. Marsters and Mr. Marquedant. There was discussion regarding potential issues such as vegetation removal and the addition of signage. Mr. Balzarini agreed to work with Mr. Rowley, should a site meeting be coordinated.

**Bonds Requiring Sign-Off: Peter Hopple and Amy Brown Road**-Mr. Rowley confirmed that Amy Brown Road had \$2,200 remaining, and the project stretched back to 2001. Mr. Rowley recalled an upgrade to Amy Brown Road from Monomoscoy Road, but was unsure of the status. Mr. Rowley would leave a note recommending that Ms. Silva locate a file on Amy Brown Road. In addition, approximately \$2,000 dollars remained on the Peter Hopple/Balfour Lane project with the intersection of Silver Leaf. In 2008, Mr. Rowley reviewed the construction and the pavement had been installed prior to inspection and shoulders were not completed. Mr. Rowley recommended that he be authorized to conduct an inspection of the site.

**MOTION: Mr. Balzarini made a motion to authorize Mr. Rowley to look at the road to see the condition of it. Mr. Kooharian seconded the motion. All voted unanimously.**

**Chairman's Report**-No report at this time

**Report on Status of Greenway Project**-No update at this time. An editorial about the footbridge was expected in the Enterprise.

**Design Review Committee**-No update

**Community Preservation Committee**-No meeting, the Articles for Habitat and the Historic Commission Articles would be going to Town Meeting.

**Environmental Oversight Committee**-There would be a meeting next Wednesday and the Chair reported that she would attempt to schedule a Footbridge Meeting one hour prior to the meeting.

**Historic District Commission**-Mr. Balzarini reported that there had been discussion with the owner of Cape Cod Coffee who was seeking the possibility of expanding his operation, including the addition of a mini golf course. The Historic District Commission did not support the use of the site for mini golf, but did not oppose the addition of a restaurant or expansion of his coffee operation. Mr. Balzarini recommended a garden to offer farm-to-table in the restaurant. The Chair recommended putting the owner in touch with those organizing the war memorial and historic tours in the area. Mr. Balzarini added that the owner did not intend to update the existing building.

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

**Cape Cod Commission**-It was noted that Executive Director Paul Niedzwiecki had resigned from his position.

## **CORRESPONDENCE**

- July 2017 Discharge Monitoring Report for South Cape Village N=10.7
- August 2017 Discharge Monitoring Report for South Cape Village N=5.9
- September 2017 Discharge Monitoring Report for South Cape Village N=7.8
- October 2017 Discharge Monitoring Report for South Cape Village N=5.6
- November 2017 Discharge Monitoring Report for South Cape Village N=6.40
- December 2017 Discharge Monitoring Report for South Cape Village N=5.10

## **WATERWAYS LICENSES**

## **ADDITIONAL TOPICS**

None at this time

## **ADJOURNMENT**

**MOTION:** Mr. Balzarini made a motion to adjourn at 8:05 p.m. Mr. Kooharian seconded the motion. All voted unanimously.

Respectfully submitted,

Jennifer M. Clifford  
Board Secretary

## **LIST OF DOCUMENTS**

- 1/29/18 Mashpee Commons Invitation to Sienna Restaurant



**Mashpee Planning Board  
Minutes of Meeting  
February 21, 2018 at 7:00 p.m.  
Waquoit Meeting Room, Mashpee Town Hall  
Approved 2/21/18**

**Planning Board Members Present:** Chairman Mary Waygan, Dennis Balzarini, David Kooharian, Joe Cummings, David Weeden  
**Also:** Evan Lehrer-Town Planner, Charles Rowley-Consulting Engineer  
**Absent:** Robert (Rob) Hansen

**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 7:00 p.m. on Wednesday, February 21, 2018. The Chair introduced newly hired Town Planner, Evan Lehrer. Mr. Lehrer introduced himself, noting that he had grown up in Sandwich and had received an undergraduate degree in Political Science and French and graduate degree in Public Affairs. Mr. Lehrer has had a number of professional experiences working in Planning, including projects in Quito, Ecuador, and Planning Department positions in Pawtucket, RI, Central Falls and Brookline, MA. Mr. Lehrer expressed his pleasure about the opportunity to work with the Mashpee community.

**APPROVAL OF MINUTES— February 7, 2018**

**MOTION:** Mr. Balzarini made a motion to accept the minutes of February 7<sup>th</sup> as written. Mr. Kooharian seconded the motion. 4 yes, 1 abstain

**DEFINITIVE SUBDIVISION PLAN**

**Applicant:** Evergreen Energy, LLC

**Location:** 588 Main Street, Assessors' Map 19, Block 10

**Request:** Signature of Definitive Subdivision Plan for 12 lot industrial/commercial subdivision (approved November 15, 2017)

The Chair read the request. Chairman Waygan confirmed that the Covenant had been revised and submitted and was awaiting her signature. Other Board members had previously signed the plans.

**SPECIAL PERMIT**

**Applicant:** Naukabout Beer Company, LLC

**Location:** 13 Lake Avenue, Mashpee, Assessors' Map 27, Block 46

**Request:** Approval of Performance Bond for site work and landscaping

The Chair read the request. Mr. Rowley reviewed the Performance Bond for landscaping. Peter Murner, of Naukabout Beer Company, confirmed that the amount for the bond was \$45,000, which totaled 150% of the amount approved by the Planning Board. The details of the bond were coordinated with the Terrie Cook in the Town Manager's office, Town Counsel and the insurance company. Mr. Rowley stated that the bond was being held by the Town of Mashpee. Mr. Rowley confirmed that it was good until February 15, 2019, allowing a year for the work to be completed. However, the document stated that the Power of Attorney would then expire and

terminate, so someone would need to monitor the situation, ensuring that the work was completed. Mr. Murner stated his intent that the work be completed within the year, preferably before the summer, but if needed, would renew the bond. Mr. Lehrer confirmed that he would follow up with Mr. Murner and at Mr. Rowley's recommendation, Mr. Murner agreed to return to the first Planning Board meeting in June to provide an update.

**MOTION: Mr. Balzarini made a motion to have Mr. Murner back at the first meeting, June 6<sup>th</sup> at 7:10 p.m.**

Mr. Murner reported that the building had a smoldering fire, related to the installation of piping. The Mashpee Fire Department removed a two foot section from the roof and Mr. Murner has been working with both the Building Department and the Fire Department regarding proper rebuilding of the damaged section. Mr. Murner credited the Fire Department for a job well done. Inspectors have been on site to review reconstruction.

**MOTION: Mr. Balzarini made a motion to approve the Performance Bond as approved by Town Counsel. Mr. Kooharian seconded the motion. All voted unanimously.**

Mr. Murner submitted as-built plans to the Town and Mr. Rowley. Mr. Lehrer confirmed that he would be maintaining digital files of all appropriate paperwork.

#### **NEW BUSINESS**

**Planning Board 2017 Annual Report-**The Chair stated that the draft report was being reviewed and that Mr. Kooharian was drafting text regarding Mr. Fudala's work with the Town. Mr. Lehrer will edit the report.

#### **Pimlico Pond Road Issue-**

**MOTION: Mr. Balzarini made a motion to add to the agenda, by roll call vote, Pimlico Pond Road and Cotuit. Mr. Kooharian seconded the motion. Mr. Weeden-yes; Mr. Balzarini-yes; Mr. Cummings-yes; Chairman Waygan-yes; Mr. Kooharian-yes**

Mr. Balzarini referenced a prior meeting where a project proponent planned to trade a small piece of land to meet the required frontage for his parcel, located at the corner of Pimlico Pond and Cotuit Road. Last week, the project proponent received a building permit, but the owner of the small piece of land reported that she had never authorized giving him the piece of land, inquiring how he could have gotten the permit. Mr. Balzarini confirmed that the Planning Board was informed that he had received permission for the land, stamped by an engineer, and the Planning Board signed off that it was not a buildable lot, but that it met the requirement once the land was switched.

Mr. Rowley had been in discussion with Mr. Mendoza in the Building Department. Mr. Rowley confirmed that the Planning Board endorsed an Approval Not Required. Mr. Rowley explained that the Planning Board declared that the request was not a sub-division requiring a public hearing, and, as an ANR plan, made a determination about the frontage, and included a statement that combined lot 14A with 14, which in no way transferred the property from one owner to another. A deed would need to be transferred from the previous owner to the owner holding the

building permit. Mr. Rowley has advised that Mr. Mendoza contact the permit holder requesting a copy of the deed. If the deed transfer and recording did not occur, then there would be a violation. The May 17, 2017 minutes included the vote and a note added to the plans that 14A and 14 would be combined to be considered as a single lot.

## **OLD BUSINESS**

**Mashpee Commons Update**-The Chair announced that Mashpee Commons would be hosting a series of four Tuesday Talks and distributed a schedule of the events, beginning on Tuesday, March 6. The Chair requested that the dates be added to the Planning Board website and encouraged all members to attend. Mr. Lehrer will have it added to the website and also encouraged Planning Board members to attend because the talks would offer important visioning sessions to determine the future development of the site.

**Country Club Lane Intersection with Old Barnstable Road**-Mr. Rowley reported that he had spoken with Ken Marsters, who had not yet heard anything from his engineer. Mr. Rowley asked that he follow up with the engineer to find out about their progress on the areas that had been previously discussed. Mr. Rowley stated that he wanted to receive the working plan from the engineer, prior to scheduling the site visit with Mr. Balzarini and Mr. Lehrer.

**Performance Bonds Requiring Sign-Off: Peter Hopple and Amy Brown Road**-Mr. Rowley confirmed that he visited the Peter Hopple/Balfour Lane site, noting that the road appeared to be in good shape. Mr. Rowley reported that the shoulders were stable, there was no evidence of buildup on the pavement and he needed only to verify the required bounds, which Mr. Rowley would review tomorrow morning after his inspection at Ockway Highlands. Amy Brown Road was closed and could be removed from the agenda.

**Chairman's Report**-As discussed previously

**Report on Status of Greenway Project**-There would be a meeting of the Quashnet River Footbridge Subcommittee at 6 p.m. next Wednesday, February 28. Board members were invited to attend.

**Design Review Committee**-Mr. Cummings reported that the Mobil gas station had presented a request to change their sign to a digital sign. More information was needed to determine lumens of the sign but a rheostat would be added to dim the lighting as necessary. Colors at the station would be red, white and blue. Mr. Lehrer added that Plan Review had considered Mashpee Commons' addition of a 10-unit residential building. The Fire Department had expressed concern regarding the modular design of the building, but there was no recourse to deny the proposal so it was approved unanimously. This would be Mashpee Commons' final building under the Chapter 40B project, due to cost.

**Community Preservation Committee**-No meeting

**Environmental Oversight Committee**-Mr. Cummings was unable to attend.

**Historic District Commission**-No meeting

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

**Cape Cod Commission**-Mr. Weeden announced that there would be a public hearing tomorrow regarding the Growth Incentive Zone, with minimal changes. Christine Sanatori has been named the interim Executive Director, and would be delivering the annual report at the meeting. The Chair recommended encouraging Ms. Sanatori to tour the towns to provide updates and Mr. Weeden responded that he would invite her to Mashpee.



## **CORRESPONDENCE**

- Sandwich Public Hearing Notices
- Falmouth Zoning Board of Appeals Notices
- Cape Cod Commission Proposed Zoning Amendments
- July 2017 Discharge Monitoring Report for South Cape Village N=10.7
- August 2017 Discharge Monitoring Report for South Cape Village N=5.9
- September 2017 Discharge Monitoring Report for South Cape Village N=7.8
- October 2017 Discharge Monitoring Report for South Cape Village N=5.6
- November 2017 Discharge Monitoring Report for South Cape Village N=6.40
- December 2017 Discharge Monitoring Report for South Cape Village N=5.10-Mr. Balzarini inquired about reports from Mashpee Commons and there was consensus that reports should be reviewed from all eight treatment plants in Mashpee. The Chair will follow up with Mr. Fudala regarding the reason why South Cape Village was specifically being monitored by the Planning Board and whether he had been monitoring the other plants. Mr. Cummings felt that the Board should be periodically reviewing all of the sites.

## **WATERWAYS LICENSES**

### **ADDITIONAL TOPICS**

**Blue Castle**-Mr. Rowley reported that he had conducted three drainage inspections at Blue Castle and the Ockway Highlands project, reviewing additional basins tomorrow. Mr. Morin has hired someone else to install the structures. Mr. Balzarini inquired about the grade near Degrasse but Mr. Rowley confirmed that they had not yet set the grade for the road.

### **ADJOURNMENT**

**MOTION:** Mr. Balzarini made a motion to adjourn at 7:43 p.m. Mr. Kooharian seconded the motion. All voted unanimously.

Respectfully submitted,

Jennifer M. Clifford  
Board Secretary

### **LIST OF DOCUMENTS**

- Evergreen Energy Form D Covenant
- Mashpee Commons by Design Series, Tuesday Talks
- Annual Report of the Planning Board

# MASHPEE PLANNING BOARD

## Sign-In Sheet for the Meeting of February 21, 2018

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