



# *Town of Mashpee*

## *Planning Board*

*16 Great Neck Road North  
Mashpee, Massachusetts 02649*

### **Mashpee Planning Board Meeting Wednesday, May 16, 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 May 2, 2018 Minutes

#### **New Business**

- 2018 Spring Town Meeting Outcomes.
- Discussion regarding Mashpee Commons proposal to add a Form Based Code chapter in the Zoning By-law.

#### **Old Business**

- Mashpee Commons By Design: Master Plan Week Pop-Up Design Studio – Community Feedback

#### **Board Member Updates**

- Chairman's Report
- 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
- Historic District Committee

#### **Planning Staff Updates**

- Housing Choice Initiative Outcome and Implications
- OpenCounter Project with Cape Cod Commission.
- Update regarding invited experts to discuss long-term planning strategy.

#### **Correspondence**

- 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
- January 2018 Discharge Monitoring Report for South Cape Village N=5.60
- February 2018 Discharge Monitoring Report for South Cape Village N=39.50
- March 2018 Discharge Monitoring Report for South Cape Village N=4.50

#### **Waterways**

- Gregory and Hillery Lee, 58 Norwich Road, Popponesset Creek, Mashpee. Removal of existing licensed pier, ramp and float system. Construct, maintain and license a new pier, ramp and float system. Also, project includes performing maintenance dredging under existing DEP Dredge Permit No. 12154.

#### **Additional Topics**

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

#### **Adjournment**



# Town of Mashpee

## Planning Board

16 Great Neck Road North  
Mashpee, Massachusetts 02649

**Mashpee Planning Board Meeting**  
**Wednesday, May 2, 2018**  
**7:00 p.m.**

**MASHPEE TOWN CLERK**

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

- Pledge of Allegiance

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### Approval of Minutes

- Review and approval of April 18, 2018 Minutes

### Public Hearings

7:05 PM **Warrant Article 17:** Amendment to the Mashpee Zoning By-Law by adding a new section § 174-17.1: Raze and Replace. *Submitted by the Zoning Board of Appeals*

7:10 PM **Warrant Article 18:** To see if the Town will vote pursuant to M.G.L. ch. 40 to authorize the Board of Selectmen to purchase an 80 percent low income restriction on a real property identified as 37 Center Street, *Petitioner, Ms. Katherine McBrien*

**Warrant Article 19:** A citizen's petition to see if the Town will vote pursuant to M.G.L. ch. 40 to authorize the Board of Selectmen to release and extinguish a 120 percent moderate income restriction on a real property identified as 37 Center Street. *Petitioner, Ms. Katherine McBrien*

### New Business

- **Approval Not Required Plan (ANR)**  
**Applicant:** Shane M. Mallon, P.L. S., 78 North St., 3<sup>rd</sup> Floor, Hyannis, MA 02601  
**Location:** 0 Sampsons Mill Road-Southworth Cape Dev. LLC, & 100 Willowbend Drive-Trustees of Willowbend Community Trust  
**Request:** Signature of plan as "Approval Not Required"
- C. Rowley March 2018 Billing

### Old Business

- Mashpee Commons Update: The Mashpee Commons Master Plan Week from May 3 – May 9
- Update on Ockway Highlands Subdivision roadway construction (Blue Castle Drive)

### Board Member Updates

- Chairman's Report
- 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
- Historic District Committee

### Planning Staff Updates

- Seaport Economic Council, Supportive Coastal Infrastructure Project Grant Proposal
- Housing Choice Initiative, Submission for Designation

**Correspondence**

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**Waterways**

**Additional Topics**

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

**Adjournment**

MASHPEE TOWN CLERK

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**Mashpee Planning Board  
Minutes of Meeting  
May 2, 2018 at 7:00 p.m.  
Waquoit Meeting Room, Mashpee Town Hall**

**Planning Board Members Present:** Chairman Mary Waygan, Dennis Balzarini, Joe Cummings, Robert (Rob) Hansen

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

**Absent:** David Kooharian, David Weeden

**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 7:01 p.m. on Wednesday, May 2, 2018. The Pledge of allegiance was recited.

**APPROVAL OF MINUTES— April 18, 2018**

**MOTION:** Mr. Balzarini made a motion to accept as presented. Mr. Cummings seconded the motion. All voted unanimously.

**PUBLIC HEARINGS**

**7:05 p.m. Warrant Article 17: Amendment to the Mashpee Zoning By-Law by adding a new section § 174-17.1: Raze and Replace. Submitted by the Zoning Board of Appeals**

The Chair read the Public Hearing Notice for Article 17, submitted by the Zoning Board of Appeals, regarding Raze and Replace. Mr. Lehrer stated that he had previously submitted a report to the Planning Board outlining his comments as they related to the Article. Mr. Lehrer suggested that the amendment could offer flexibility to pre-existing, non-conforming lots in Mashpee.

John Furbush, Chair of the Zoning Board of Appeals, explained that the amendment was drafted because the current bylaw required that changes to the home could be made, provided part of the dwelling structure remained in place. Mr. Furbush noted that, if the dwelling were completely razed, the lot would lose its grandfathered status. Approximately 90% of the lots in Mashpee did not meet the current lot minimum size requirements. If the house was razed, according to the existing bylaw, the lot would become unbuildable. The ZBA proposed an amendment that would rebuild the lot as long as what was proposed was not more non-conforming than currently existed, basically remaining in the same footprint. Mr. Furbush noted that, should the amendment not pass, there could be negative impacts to tax revenue and job opportunities.

Mr. Balzarini inquired about the Special Permit process. Mr. Furbush responded that the only way to replace at this time was by receiving a variance due to issues with the shape of the lot, soil condition issues or characteristics of the land. Mr. Balzarini stated that the amendment would allow homeowners to accomplish their goals with greater ease and Mr. Furbush agreed that it would be easier to grant the Special Permit.

Mr. Cummings inquired about a list of conditions and Mr. Furbush stated that structures could be no closer to the sidelines which would be written on the Special Permit. Mr. Furbush stated that the intent was to allow property owners to rebuild their homes on their current footprint.

Mr. Hansen inquired about height restrictions and Mr. Furbush responded that existing restrictions would remain, no higher than 35 feet over the average topography, set back 40 feet from the road, 15 feet from the side and rear and 40,000 square feet.

Alexander Joyce, a land use planning attorney, complemented the ZBA's efforts to better clarify the bylaw, but suggested that it did not go far enough. Mr. Joyce felt that the amendment should be further reviewed, noting that the purpose of planning was to plan. Mr. Joyce felt that the amendment did not address the objective of zoning, which was to ameliorate or eradicate non-conforming uses and structures or make them less non-conforming. It was Mr. Joyce's opinion that it accomplished the opposite, suggesting an example of an older home built next to the property line, allowing a new home to be built on the property line, while also extending or elevating it. Mr. Joyce felt that a newly built home should be constructed based on existing set back requirements. Mr. Joyce also felt that the bylaw was unfair since the abutter may have met the requirements, but a neighbor could evade the bylaw by razing and elevating their home. It was Mr. Joyce's opinion that the Board should not approve the amendment.

Mr. Balzarini noted that, according to the ZBA, the amendment allowed the building to be razed but would remain within the same footprint. Mr. Joyce responded that the language did not specify the home remaining in the footprint. Mr. Balzarini suggested that property value of the neighbors could increase with the improvement of a new home. Mr. Joyce agreed, but stated that they would prefer that new homes meet with current zoning. Mr. Balzarini stated that current zoning made it difficult to rebuild and Mr. Joyce responded that a new home could be built in the existing location. By that reasoning, Mr. Balzarini pointed out that a house sitting beside the lot line, would then be allowed to be rebuilt on the lot line. The Chair clarified that the new house could remain at that location on the lot, and expand but could not become any further non-conforming. Mr. Balzarini stated that the whole lot was likely non-conforming. Mr. Lehrer agreed that the majority of lots in South Mashpee were short of the required 40,000 feet because construction occurred before the current zoning was in place. Mr. Joyce stated that he was not trying to eradicate non-conforming lots. Mr. Lehrer pointed out that some lots would not even allow for the 40 foot setback due to its size. Mr. Joyce suggested that the bylaw be made less non-conforming.

Mr. Lehrer asked for further definition of "substantially more detrimental" and Mr. Joyce stated that he was struggling with "no new non-conformities." Mr. Lehrer expressed his concern that "substantially" lacked definition, particularly as it related to the interpretation for a Special Permit. Mr. Joyce inquired about the allowable size of non-conformity. Mr. Lehrer stated that an additional non-conformity could not be added to the existing non-conformity, according to the amendment. Mr. Joyce stated that the purpose should be to make things more conforming, adding that it was unfair for a neighbor to raze and build a larger home, violating the current bylaw.

John Lynch, a homeowner in Popponesset, supported addressing raze and replace but agreed with Mr. Lehrer that further definition was needed. Mr. Lynch liked the idea of remaining within the existing footprint, but did not see that statement identified in the amendment. Mr. Lynch suggested that the ambiguities could lead to difficulties down the road and asked that Mr. Furbush explain where it existed in the amendment. Mr. Balzarini suggested that the amendment could be amended on the floor. The Chair noted that it could become more restrictive. Mr. Lynch agreed that most lots were non-conforming and requested that the amendment reflect the protections described by Mr. Furbush. Mr. Lynch felt that the issue should not be rushed and that more time should be spent considering the bylaw. Mr. Lynch noted that there was a balance between homeowner rights and protection of the neighborhood.

The Chair opened the 7:10 p.m. Public Hearing for Articles 18 and 19.

**MOTION: Mr. Balzarini made a motion to extend Articles 18 and 19 to 7:45 p.m. Mr. Cummings seconded the motion. All voted unanimously.**

Mr. Furbush stated that the current bylaw allowed the homeowner to do whatever they wanted, provided a wall remained. If the wall did not remain, the lot would become unbuildable. Chairman Waygan inquired what would prevent a building from increasing its footprint. Mr. Furbush responded that the homeowner could not create any additional non-conformities detrimental to the neighborhood. It was confirmed that the footprint could be enlarged provided it did not create additional non-conformities. Mr. Lynch stated that the public would want more input and wished to have greater clarity about the bylaw. Mr. Balzarini stated that the existing bylaw allowed the homeowner to do what they wanted as long as a wall remained. It was Mr. Lynch's opinion that the Article should not be voted on Monday night as it needed more clarity to avoid additional confusion. Mr. Lynch stated that massive homes were being built in the neighborhood, adding that there would no objections if homeowners remained within their footprint.

Chairman Waygan stated that permission would be needed in advance of the meeting from the Town Moderator, to be allowed to speak at Town Meeting. Mr. Lehrer read the definition of raze and replace, which was exclusive of foundations. If it was excluded, it could be interpreted that the foundation would remain and therefore used for rebuilding. However, it was noted that new foundations could be added and homeowners would be allowed to extend as long as they stayed within the setbacks. Mr. Balzarini inquired whether there were public hearings about the amendment and the Chair noted that there should have been a vote in public session. Mr. Furbush stated that there was a public hearing with the Finance Committee. Mr. Lynch stated that there was no public input for the amendment, other than the last Zoning Board meeting. Mr. Lynch added that the Planning Board was the legislative body for zoning and asked that the issues be addressed prior to voting to support the amendment.

Jim Kelly, Popponesset resident, thanked the Board for the public hearing and expressed frustration that the public has had no input. Mr. Kelly stated his concern that the lots were small in Popponesset, with large mansions being constructed. Mr. Kelly referenced the meetings being held for Mashpee Commons and stated his opinion that he would like to be involved with meetings about this issue, making it a more inclusive process. Mr. Kelly agreed that the term "substantially" was ambiguous and recommended seeking comment from the citizens. Mr. Kelly wished for all neighbors to receive the same benefits and wants greater clarity on the definition of substantially for the Zoning Board. Mr. Balzarini stated that Town Meeting was the appropriate process for the amendment, to allow the taxpayers to vote on the amendment. Mr. Kelly felt that Town Meeting was too late to be making changes. It was noted that it would be by a 2/3 vote. Mr. Balzarini stated that if the amendment was not passed, there would be no change to the bylaw, large homes were already built under the existing bylaw. Mr. Balzarini indicated that the amendment would allow a homeowner to improve their home. There was question about seeking variances. Mr. Kelly stated that some new 3,000 square foot homes had been built, with the addition of a 7,000 square foot home, and questioned how that could be allowed.

Steve Onkowski also expressed his interest in a better definition for "neighborhood," pointing out that the Knoll had a smaller view of the neighborhood, and suggested wording that a home could not be seen from one street over. The Chair responded that abutters were informed, by letter, within 300 feet

of any corner of the property, which served as a definition of the neighborhood, but anyone could attend a public meeting to express their views.

Mr. Kelly stated that he never received notice regarding an abutting property. The Chair explained that if the building was "by right," leaving a wall standing, no one would be notified because they were compliant with current zoning. If the homeowner would be addressing the ZBA or Planning Board for a Special Permit, abutters would receive notification. Mr. Kelly stated that he approached three departments about not being notified and was told the rolls could not be changed until January. Mr. Lehrer confirmed that abutter letters were sent by certified mail and a record would be kept so Mr. Kelly could verify the address with the Town. The Chair stated that perhaps the Town was using an old tax record address that was on record. Mr. Kelly stated that Mr. Lynch did not receive a notice at his work address. Mr. Lehrer suggested checking the certified mail list, adding that it did not fall under the purview of the Planning Board. Mr. Kelly responded that he did and was bounced around. The Chair noted that, if it was her and she was concerned about compliance, she would follow up with the Town Manager's office.

Bill Blaisdell, Vice Chair of the Zoning Board of Appeals, stated that the amendment used similar language to the existing bylaw. Mr. Blaisdell confirmed that no new non-conformities could be introduced to the site, but the homeowner could change, alter or extend any pre-existing non-conformities of the structure being replaced. Mr. Rowley noted that "substantially" was part of the State Statute and was likely the reason the ZBA had to review each application on its own merits. Mr. Rowley stated that the proposed amendment would be no different than State law. Mr. Blaisdell confirmed that the ZBA had been using the bylaw and using their discretion to confirm that new construction was not substantially more detrimental to what was existing and confirmed that proposals had indeed been rejected. The only difference to the existing bylaw and the proposed amendment was allowing the structure to be completely razed. Mr. Blaisdell added that, if a home was razed, without the amended bylaw, it would create an unbuildable lot. The ZBA was attempting to create more clarity with the amendment rather than trying to define, under the current bylaw, how much of a structure would need to remain.

Mr. Cummings inquired about adding "same footprint" to the amendment. The Chair inquired whether the other Board of Appeal members would embrace the wording. Mr. Blaisdell stated that it would be an alteration to the existing bylaw and that it may not satisfy the concerns of the residents. Mr. Balzarini recommended allowing the residents of Mashpee to voice their opinion with their vote at Town Meeting. There was consensus from the public to require building within the footprint. There was discussion noting that, with a wall remaining, the existing bylaw could allow a structure to build all the way up to the 15 foot setback. The bylaw did allow reconstruction to extend beyond the footprint. Mr. Hansen agreed that "footprint" should be added to the bylaw. Mr. Furbush inquired whether it was fair to tell a homeowner that they could not build up to their setback if they chose to do so.

Mr. Balzarini asked for a motion. Mr. Rowley referenced the small lot size of non-conforming lots and noted that some bylaws allowed expansion no more than a specified amount beyond current building size, such as 25%. Mr. Rowley explained that it could limit the situation whereby an oversized home could be built in a neighborhood of smaller homes. There was consensus from the public. Mr. Lehrer stated that the scope of the Article could not be changed. The Chair suggested asking Town Counsel about making the amendment. Mr. Lynch stated his preference for suggestions made by Mr. Hansen and Mr. Rowley, to build within the footprint and maintain an appropriate volume, and felt that it would address many of the concerns expressed. The suggested changes would create less ambiguity

and Mr. Lynch emphasized the importance of getting the amendment right and waiting for another Town Meeting if necessary. Mr. Furbush stated that he was unsure as to whether there would be support to limit the expansion to the footprint and 25%. Mr. Furbush was not sure whether it would be fair not to allow a homeowner to expand to the setbacks.

**MOTION: Mr. Balzarini made a motion to close the Public Hearing for Article 17. Mr. Cummings seconded the motion. All voted unanimously.**

**MOTION: Mr. Balzarini made a motion to extend the Public Hearing to 8:15 p.m. for Articles 18 and 19. Mr. Cummings seconded the motion. All voted unanimously.**

**MOTION: Mr. Balzarini made a motion to recommend approval of this Article with no amendments.**

The Chair stated that she felt that a better Article could be drafted. Mr. Balzarini stated that a motion had been made and needed a second.

**Mr. Cummings seconded the motion.**

The Chair stated that a vote of 2/3 of Town Meeting voters would be needed for the amendment to pass. Chairman Waygan noted that there was public disagreement regarding the amendment and that there would be speakers present at Town Meeting speaking against the amendment. The Chair recommended that the Board of Appeals work out the differences with the residents of the area that would be highly impacted. It was suggested that Raze and Replace be rewritten as one to avoid further confusion.

**1 yes, 2 no**

The Article was not recommended by the Planning Board for Town Meeting. The Planning Board wished to re-examine the prospect of both razing and replacing these homes, consider re-writing Section 174-17 and 174-17.1 and that there be further discussion regarding a possible limit to the increase in footprint. It was also recommended that the term "substantially" be more clearly defined. The Planning Board would be willing to host any effort to re-write the bylaw. The Chair appreciated the Board of Appeals bringing the issue forward. Mr. Lehrer suggested that the timing to reconsider the amendment should not greatly impact the construction timeline.

**7:10 p.m. Warrant Article 18: To see if the Town will vote pursuant to M.G.L. ch. 40 to authorize the Board of Selectmen to purchase an 80 percent low income restriction on a real property identified as 37 Center Street, Petitioner, Ms. Katherine McBrien**

**Warrant Article 19: A citizen's petition to see if the Town will vote pursuant to M.G.L. ch. 40 to authorize the Board of Selectmen to release and extinguish a 120 percent moderate income restriction on a real property identified as 37 Center Street. Petitioner, Ms. Katherine McBrien**

Chairman Waygan opened the next Public Hearing at 8:20 and read for the record the Public Hearing Notices regarding both Articles 18 and 19, regarding a petition article to remove an affordable housing deed restriction.

Mr. Lehrer was in contact with the Town Manager who reported that the citizen petitioner was expected to remove the Warrant Articles at Town Meeting because she had received a market offer on her property, with the deed restriction. The Articles would, however, remain on the Warrant. Mr. Lehrer expressed his concern regarding the implications of the Articles.

Mr. Lehrer indicated that the Chair of the Affordable Housing Committee, Allan Isbitz, was present to address the implications, should the issue come up again. Mr. Isbitz was in agreement with Mr. Lehrer and stated that the Article would have set a terrible precedent, possibly resulting in a loss of all moderate income units at Main Street Village. The sale of the property showed that the restriction was workable, although the homeowners went through a difficult time understanding how to carry out the sale process. There was perception that there was not a need for the moderate income program because the Housing Assistance Corporation had no active list, but it was questioned whether HAC needed help to better market available units and support the marketing effort. The Chair suggested developing a fund with CPC funding, to pay the MLS fee, which would quickly identify an affordable buyer and would assist in the development of a list. Mr. Isbitz noted that the formula was cumbersome and not workable in the current market, adding that there was no longer a moderate income formula at Mass Housing. Mr. Isbitz suggested reviewing the programs, addressing the problems and working to preserve the existing four units at Main Street Village.

**MOTION: Mr. Balzarini made a motion to approve Article 18 and 19, as written, to Town Meeting. Mr. Cummings seconded the motion.**

Mr. Lehrer clarified that to approve the Articles, would remove the deed restriction, not the preservation of it. The petitioner had been invited to attend tonight's meeting.

**MOTION: Mr. Balzarini made a motion to close the Public Hearing for Warrant Article 18 and Warrant Article 19 as written to Town Meeting. Mr. Cummings seconded the motion. All voted unanimously.**

**MOTION: Mr. Balzarini made a motion to recommend approval of Article 18 and approval of Article 19. Mr. Cummings seconded the motion. 2 yes, 1 no**

It was stated that the Board did not support the Articles.

**MOTION: Mr. Balzarini made a motion to rescind his motion that he made for Article 18 and Article 19. Mr. Cummings seconded the motion. All voted unanimously.**

The Chair stated that Chapter 40B allowed for the developer to build with greater density to provide affordable units. In addition, it was the Chair's opinion that requests of funding from the Town should not be by petition article, but instead, should go through proper funding sources.

**MOTION: Mr. Balzarini made a motion to not recommend Article 18 and Article 19 to Town Meeting. Mr. Cummings seconded the motion. All voted unanimously.**

## **NEW BUSINESS**

**Approval Not Required Plan (ANR)**

**Applicant: Shane M. Mallon, P.L. S., 78 North St., 3<sup>rd</sup>. Floor, Hyannis, MA 02601**

**Location: 0 Sampsons Mill Road-Southworth Cape Dev. LLC,& 100 Willowbend Dr., Trustees of Willowbend Community Trust**

**Request: Signature of plan as "Approval Not Required"**

The Chair read for the record the ANR request. Shane Mallon, land surveyor, was present to outline a simple land swap request. Mr. Mallon stated that Lot B would be combined with Lot 3G and Lot C (a piece of 3G) would be combined with Lot A. Lots met all zoning and frontage requirements. Mr. Lehrer drafted a report, noting that the land swap was proposed to create better positioning on the golf course for the construction of new townhomes. Mr. Rowley requested that Sampson Mill Road be labeled as public or private on the plan. Mr. Mallon agreed to make the notation, confirming that it was a public way.

**MOTION: Mr. Balzarini made a motion to approve ANR, with the exception that Sampson Mill Road be labeled as public. Mr. Cummings seconded the motion. All voted unanimously.**

**C. Rowley March 2018 Billing-**A bill in the amount of \$540 had been received for two regular April meetings and inspections at SouthCape Village Home Goods. Planning Board members would sign off on the invoice at Town Meeting.

**MOTION: Mr. Balzarini made a motion to pay Charles Rowley \$540 for the work he did in the month of April. Mr. Cummings seconded the motion. All voted unanimously.**

## **OLD BUSINESS**

**Update on Ockway Highlands Subdivision-**Mr. Lehrer reported that the development had been taken over by Bayberry Building last spring, but had since been generating a number of complaints regarding drainage and paving of the road. Mr. Lehrer met with the developer and Town Manager to establish a timeline to address movement of the project. It was reported that Verizon had necessary infrastructure in the center of the road, which was slowing progress. Movement was expected in the coming weeks. There had been no permit violations.

Mr. Rowley stated that the Verizon line was just a few feet deep and that the grade may come close to it. Mr. Rowley reported that the contractor had done a good job at Blue Castle and the intersection of Degrasse, maintaining the road and addressing drainage issues by relocating the road through the creation of a bypass. Mr. Rowley would be inspecting the site further once base material was received for the connection.

**Mashpee Commons Update-**As noted in the Chairman's report.

## **BOARD MEMBER UPDATES**

**Chairman's Report-**The Chair wished to remind the public that Mashpee's Annual Town Meeting would be held Monday, May 7 at 7:00 p.m. at the High School. The Town Warrant was available online. Donations would be accepted for the local food pantry.

Mashpee Commons would be exploring a new master plan and expansion and was hosting a week long design studio with special topic sessions. The event would begin May 3 at 9:00 a.m. until May 9. The kick off cookout will be at 5:30 on May 3, at the library. The Chair was in attendance at the Board of Selectmen meeting to share Mashpee Commons' schedule of events.

The next meeting of the Quashnet River Footbridge will take place on Tuesday, May 22 at 5:30 in Town Hall.

**Community Preservation Committee**-The Chair stated that there were Community Preservation Committee Articles on the Warrant at Town Meeting. Among the projects were a housekeeping item to adjust the 10% revenue amount from last fiscal year, #14 to appropriate \$140,000 into the operating expense account, Special Town Meeting Article #6 appropriating \$167,000 for Habitat for Humanity to build three new homes, and #7 requesting \$32,500 for the Mashpee Revolutionary War memorial.

**Design Review Committee**-No meeting

**Environmental Oversight Committee**-No meeting

**Historic District Commission**-No meeting

**MMR Military Civilian Community Council**-Update of MMR Joint Land Use

**Study**-No update

**Cape Cod Commission**-Mr. Lehrer reported that he was still awaiting a response from the Cape Cod Commission about attending a Planning Board meeting. The Chair suggested that if May 16 would not work, they could attend one of the June meetings.

## **PLANNING STAFF UPDATES**

### **Seaport Economic Council, Supportive Coastal Infrastructure Project Grant Proposal-**

Mr. Lehrer reported that he had submitted a grant proposal, in conjunction with Save Popponesset Bay, seeking \$1 million for dune and beach nourishment at Popponesset Spit. Mr. Lehrer stated that the spit was a crucial piece of green infrastructure, protecting coastal assets such as shell fishing beds, recreation and the maintenance of water quality. A decision should be available in August. Letters of support were submitted from local legislators and Mashpee's Board of Selectmen voted to submit the grant. A 20% match would be provided by Save Popponesset Bay and Mashpee would offer an in kind donation through dredging. Natural Resources and the Conservation department were also involved with data collection. Mr. Lehrer stated that to ensure the long term viability of the spit, more substantial nourishment was needed. The funding would allow for the opportunity to truck in additional sand. There was discussion about the means by which the nourishment would be executed and Mr. Lehrer offered to share the coastal engineering plan. It was noted that work would be completed in compliance with Mass DEP.

**Housing Choice Initiative, Submission for Designation**-Mr. Lehrer stated that Massachusetts was designating Housing Choice Communities based on work already completed. The designation was based on identifying the number of units created since 2013. Designation could provide priority for available funding. Mashpee has beat the threshold by 1.1% so official designation was anticipated by the end of the spring.

## **CORRESPONDENCE**

- October 2017 Discharge Monitoring Report for South Cape Village N=5.6
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## **WATERWAYS LICENSES**

## **ADDITIONAL TOPICS**

**ADJOURNMENT**

**MOTION:** Mr. Balzarini made a motion to adjourn. Mr. Cummings seconded the motion. All voted unanimously. The meeting ended at 9:10 p.m.

Respectfully submitted,



Jennifer M. Clifford  
Board Secretary

**LIST OF DOCUMENTS**

- Public Hearing Notice, Raze and Replace, Article 17
- Public Hearing Notice, Citizen's Petition, Articles 18 & 19
- 3/30/18 Administrative Recommendation, Shane Mallon, Southworth Cape Development
- 3/20/18 Application for ANR, Shane Mallon, Southworth Cape Development
- ANR Plan of Land for Southworth Cape Development
- Housing Choice Initiative

MASHPEE COMMONS LIMITED PARTNERSHIP

May 16, 2018

Ms. Mary Waygan  
Chairman  
Town of Mashpee Planning Board  
16 Great Neck Road North  
Mashpee, MA 02649

RE: Mashpee Commons Form Based Code Discussion

Dear Chairman Waygan,

It was extraordinary to see the excitement around the Mashpee Commons Master Plan Week last week. The diverse perspectives of people who turned out for events and topic discussions were incredibly informative as we worked to incorporate the community's vision into our plan. We would especially like to thank you and the other members of the Planning Board for taking the time to participate in as many events as possible.

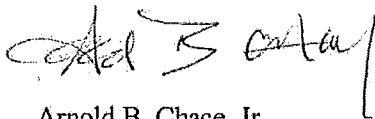
As we embark on next steps in the Mashpee Commons by Design community planning process, we look forward to working with the Planning Board, amongst other boards and committees, to advance the Form Based Code discussion. In keeping with that thought, we have seen the posted agenda for the hearing this Wednesday, May 16, at which a discussion item is listed under New Business regarding Mashpee Commons' proposal to add a Form Based Code chapter in the Zoning By-law. Unfortunately, we are not able to attend this Wednesday as all of the relevant principals involved with the Mashpee Commons by Design process will be out of town at a previously scheduled conference. It is our hope that the Planning Board would be willing to postpone the discussion related to the Mashpee Commons Form Based Code until such time when some or all of us are able to attend.

To that end, we would like to propose June 20, July 18, and August 1 as dates to attend the Planning Board meetings to engage in this very important and meaningful discussion. We are optimistic that three meetings would be sufficient to work through the details in preparation for the formal hearing and a possible recommendation for consideration at fall Town Meeting.

Please let me know if this process and the proposed dates will work for you and your board.

Please feel free to contact me if you have any questions. Thank you.

Sincerely,



Arnold B. Chace, Jr.

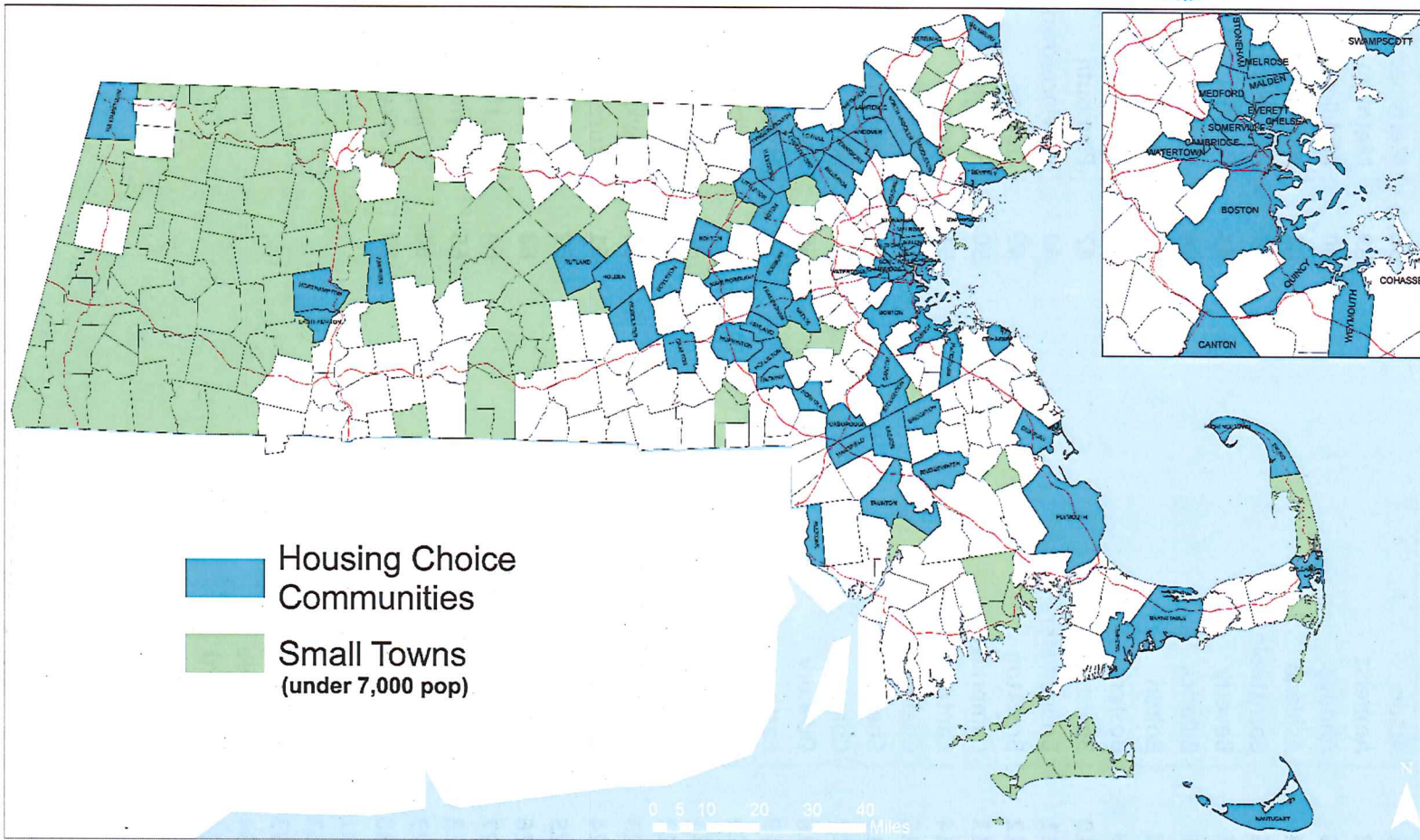


# Housing Choice Communities 2018

MUNICIPALITY			
1	Acton	37	Melrose
2	Amherst	38	Merrimac
3	Andover	39	Methuen
4	Ashland	40	Middleton
5	Barnstable	41	Nantucket
6	Beverly	42	Natick
7	Billerica	43	Norfolk
8	Bolton	44	North Andover
9	Boston	45	Northampton
10	Boylston	46	Orleans
11	Bridgewater	47	Plymouth
12	Brockton	48	Provincetown
13	Cambridge	49	Quincy
14	Canton	50	Reading
15	Chelmsford	51	Rutland
16	Chelsea	52	Salisbury
17	Cohasset	53	Seekonk
18	Duxbury	54	Somerville
19	Easthampton	55	Stoneham
20	Easton	56	Stoughton
21	Everett	57	Sudbury
22	Foxborough	58	Swampscott
23	Framingham	59	Taunton
24	Grafton	60	Tewksbury
25	Holden	61	Truro
26	Holliston	62	Tyngsborough
27	Hopkinton	63	Watertown
28	Lawrence	64	Westford
29	Littleton	65	Weymouth
30	Lowell	66	Williamstown
31	Malden	67	Worcester
32	Mansfield		
33	Marlborough		
34	Mashpee		
35	Medford		
36	Medway		
MUNICIPALITY			



## Housing Choice Communities and Small Towns



Housing Choice Communities  
2018

## Maria Silva

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**From:** Evan Lehrer  
**Sent:** Wednesday, May 16, 2018 11:03 AM  
**To:** Maria Silva  
**Subject:** FW: Housing Choice Communities!  
**Attachments:** REV\_2018 Housing Choice Communities and map.pdf

[Include the email from Chris Kluchman](#)

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**From:** Kluchman, Chris (OCD) [mailto:chris.kluchman@state.ma.us]  
**Sent:** Tuesday, May 15, 2018 3:20 PM  
**To:** Josh Chase (jchase@ashlandmass.com) <jchase@ashlandmass.com>; mark.ells@town.barnstable.ma.us; Rob Anderson (randerson@town.billerica.ma.us) <randerson@town.billerica.ma.us>; Richard Baker (rbaker@boylston-ma.gov) <rbaker@boylston-ma.gov>; Pamela Hardin (pharding@holdenma.gov) <pharding@holdenma.gov>; Karen Sherman (shermank@holliston.k.12.ma.us) <shermank@holliston.k.12.ma.us>; Dbbie Burke (dburke@maldenredevelopment.com) <dburke@maldenredevelopment.com>; Evan Lehrer <ELehrer@mashpeema.gov>; Clodagh Stoker Long (cstokerlong@medford-ma.gov) <cstokerlong@medford-ma.gov>; Lisa Pearson (lpearson@salisburyma.gov) <lpearson@salisburyma.gov>; Alyssa Mades (amades@townofmerrimac.com) <amades@townofmerrimac.com>; Katrina O'Leary (katrina.oleary@middletonma.gov) <katrina.oleary@middletonma.gov>; Wayne Feiden (wfeiden@northamptonma.gov) <wfeiden@northamptonma.gov>; George Meserve (gmeserve@town.orleans.ma.us) <gmeserve@town.orleans.ma.us>; Melissa Arrighi (marrighi@townhall.plymouth.ma.us) <marrighi@townhall.plymouth.ma.us>; Mercier, Julie <jmercier@ci.reading.ma.us>; Margaret Nartowicz (mnartowicz@townofrutland.org) <mnartowicz@townofrutland.org>; Murphy Rodrigues (rodriguesm@sudbury.ma.us) <rodriguesm@sudbury.ma.us>; Matt Hanson (mhanson@tyngsboroughma.gov) <mhanson@tyngsboroughma.gov>; jmorrisette@westfordma.gov; Andrew Groff (agroff@williamstownma.gov) <agroff@williamstownma.gov>  
**Subject:** Housing Choice Communities!

Congratulations on your community's designation as a **Housing Choice Community**. Below is a press release describing yesterday's event where 67 communities were recognized for their achievements with housing production and best practices. Because you were not able to pick up the official Housing Choice Designation certificate, it will be mailed to you by the Governor's office. I have attached the full list and map of designated Housing Choice Communities.

I will be communicating with all the Housing Choice Communities about the Housing Choice grant program in the next several weeks. In the meantime, if you have any questions, please do not hesitate to contact me. Congratulations!

Chris

**Chris Kluchman, FAICP**  
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FOR IMMEDIATE RELEASE:

May 14, 2018

CONTACT

Brendan Moss, Governor's Office

[brendan.c.moss@state.ma.us](mailto:brendan.c.moss@state.ma.us)



## **Baker-Polito Administration Celebrates Municipal Housing Efforts Across Commonwealth**

*Today's announcements highlight communities committed to increasing housing production, and provides technical assistance to municipalities*

**BOSTON** – Today, as part of Municipal Month, the Baker-Polito Administration announced two milestones for communities in Massachusetts under the Administration's Housing Choice Initiative, a comprehensive new effort to create 135,000 new housing units by 2025. [The initiative, announced in December 2017](#), includes a new set of incentives and rewards for municipalities committed to sustainable housing growth in their communities. Lt. Governor Karyn Polito announced the designation of 67 communities as Housing Choice Communities, and, in partnership with MassHousing, awarded Planning for Housing Production technical assistance grants to 15 municipalities. Both announcements will support communities in their efforts to substantially increase housing production across the Commonwealth.

"Our Administration's Housing Choice Initiative aims to maximize collaboration between state agencies, support innovation and data-driven policies, and provide cities and towns across the Commonwealth with tools to drive housing production in their communities," **said Governor Charlie Baker**. "We are pleased to celebrate the first municipalities participating in the program and look forward to working with the Legislature to pass the Housing Choice Initiative to create more housing opportunities across Massachusetts."

"The communities recognized today are already working hard to help create more housing opportunities across Massachusetts," **said Lt. Governor Karyn Polito**. "We are proud to support our Housing Choice Communities in their efforts to build new housing and create vibrant, welcoming communities for our families, workforce and residents."

The Housing Choice Initiative is a multi-pronged effort, which includes today's Housing Choice Designation, new technical assistance through MassHousing, and proposes legislative changes, through *An Act to Promote Housing Choices*, to deliver smart, effective zoning at the local level.

Communities who received the Housing Choice Designation have produced a total of nearly 60,000 new housing units over the last five years. These 67 communities each have proven track records of pursuing substantial housing production, and are committed to continuing that trend. The Housing Choice Designation is designed to be simple, flexible and achievable for municipalities, and in the program's first year, 67 communities will be able to take

advantage of new financial resources, including exclusive access to new Housing Choice Capital Grants, and preferential treatment for many state grant and capital funding programs, including MassWorks, Complete Streets, MassDOT capital projects, and PARC and LAND grants.

"Our economy continues to create new jobs and attract top talent in life sciences, healthcare, academia, advanced manufacturing, and in our thriving innovation eco-system from across the country, and the world," said **Housing and Economic Development Secretary Jay Ash**. "We must accelerate housing production, for all of our residents, to keep pace with our growing economy, and keep Massachusetts an attractive place to live, work, and thrive."

"We are thrilled to see so many communities eager to seek the Housing Choice Designation, and we applaud their work in pursuing smart, effective housing policies that lay the groundwork for long-term success," said **Housing and Community Development Undersecretary Janelle Chan**. "Today's announcements mark important milestones for the Housing Choice Initiative, and we are excited to move forward on this critical issue in partnership with cities and towns across the Commonwealth."

In addition to announcing the first Housing Choice Communities, MassHousing announced Planning for Housing Production awards for 15 communities to help municipalities achieve their affordable housing goals and deliver new mixed-income housing in a manner that is consistent with local priorities. These awards are part of MassHousing's commitment to the Housing Choice Initiative, by making available \$2 million in new technical assistance funding.

Participating grantees have already engaged in local housing planning, but have identified obstacles that prevent the realization of their planning vision; MassHousing's grants will provide grantees with the technical expertise to implement housing planning, and deliver new housing. By assisting municipalities in progressing toward, achieving and exceeding Chapter 40B's ten percent affordable housing goal, MassHousing's Planning for Housing Production Program will help reset the way cities and towns interact with Chapter 40B, and forge new partnerships between MassHousing and participating municipalities to meet the Commonwealth's housing challenges.

The planning services MassHousing will offer communities will vary, depending on local needs, to spur housing development, but may include assistance in crafting new zoning, planning public infrastructure improvements, capacity-building in planning and community development, and public education and data transparency initiatives to increase community support.

"MassHousing is excited to support the Baker-Polito Administration's Housing Choice Initiative, by giving cities and towns the additional capacity needed to achieve housing growth," said **MassHousing Executive Director Chrystal Kornegay**. "By engaging with cities and towns on site feasibility, public infrastructure design, data transparency and rezoning, MassHousing's Planning for Housing Production program will remove barriers to the realization of local planning priorities. We congratulate these fifteen cities and towns for advancing such compelling projects, and look forward to continuing to drive new housing production across Massachusetts."

"The Massachusetts Housing Partnership is excited to be providing staff support to the Baker-Polito Administration's Housing Choice Initiative," said **Clark Ziegler, Massachusetts Housing Partnership executive director**. "Not only does Housing Choice provide communities with tools and incentives to increase housing production, but it also sets a long-term vision in that it's tied to a meaningful production goal, is built on consensus about what communities need to do, and proposes to eliminate the two-thirds vote hurdle that stymies local leadership on housing."

"We applaud the Baker-Polito Administration for launching the Housing Choice Initiative," said **Massachusetts Municipal Association Executive Director Geoff Beckwith**. "This program demonstrates that cities and towns are doing great work producing more housing units locally, and we know that passage of the Governor's Housing Choice legislation will boost this momentum and provide communities with the tools and flexibility to build even more

housing. The partnership approach in the Governor's housing bill is exactly what Massachusetts needs to address our housing challenge while ensuring sustainable growth in our communities."

"Littleton is proud to be among the 67 cities and towns recognized for their efforts to expand housing choices for those who live and work in our communities. Littleton has a strong housing market and its total housing stock has increased by over 10% since 2010. Littleton's subsidized housing inventory of 12.9% surpasses the 10% goal for affordability under Chapter 40B," **said Littleton Town Administrator Keith Bergman**. "The Town is committed to remaining above that goal by being proactive. With the leadership of its Board of Selectmen and Planning Board, town meeting voters have approved a package of housing strategies contained in the Town's updated Master Plan, including many best practices of the Housing Choice program."

"We are excited to be named a Housing Choice city by the Baker-Polito Administration. From our new 40R district which will provide 75 new family housing units for homeless (12 units) and workforce (63 units at under 60% area median income) families, to our new transit oriented development mixed housing and commercial/retail buildings downtown near our Beverly Depot commuter rail station, to our senior affordable housing and our supported housing units downtown which include homes for adults with autism and for formerly homeless individuals, everything we do in Beverly is made possible in significant part due to our active and productive partnerships throughout the Baker-Polito Administration," **said Beverly Mayor Michael Cahill**. "Governor Baker and his team understand the needs of local communities, and they are making real progress in providing needed high quality housing for the people of Massachusetts."

"I am encouraged by the strong response by so many cities and towns to the Housing Choice Initiative. When municipal officials work collaboratively with builders, real progress can be made towards addressing the needs of recent graduates searching for an apartment, young couples looking for their first home, and downsizing seniors seeking to stay near family and friends," **said Gary Campbell, chief executive officer at Gilbert Campbell Real Estate and president of the Home Builders and Remodelers Association of Massachusetts**.

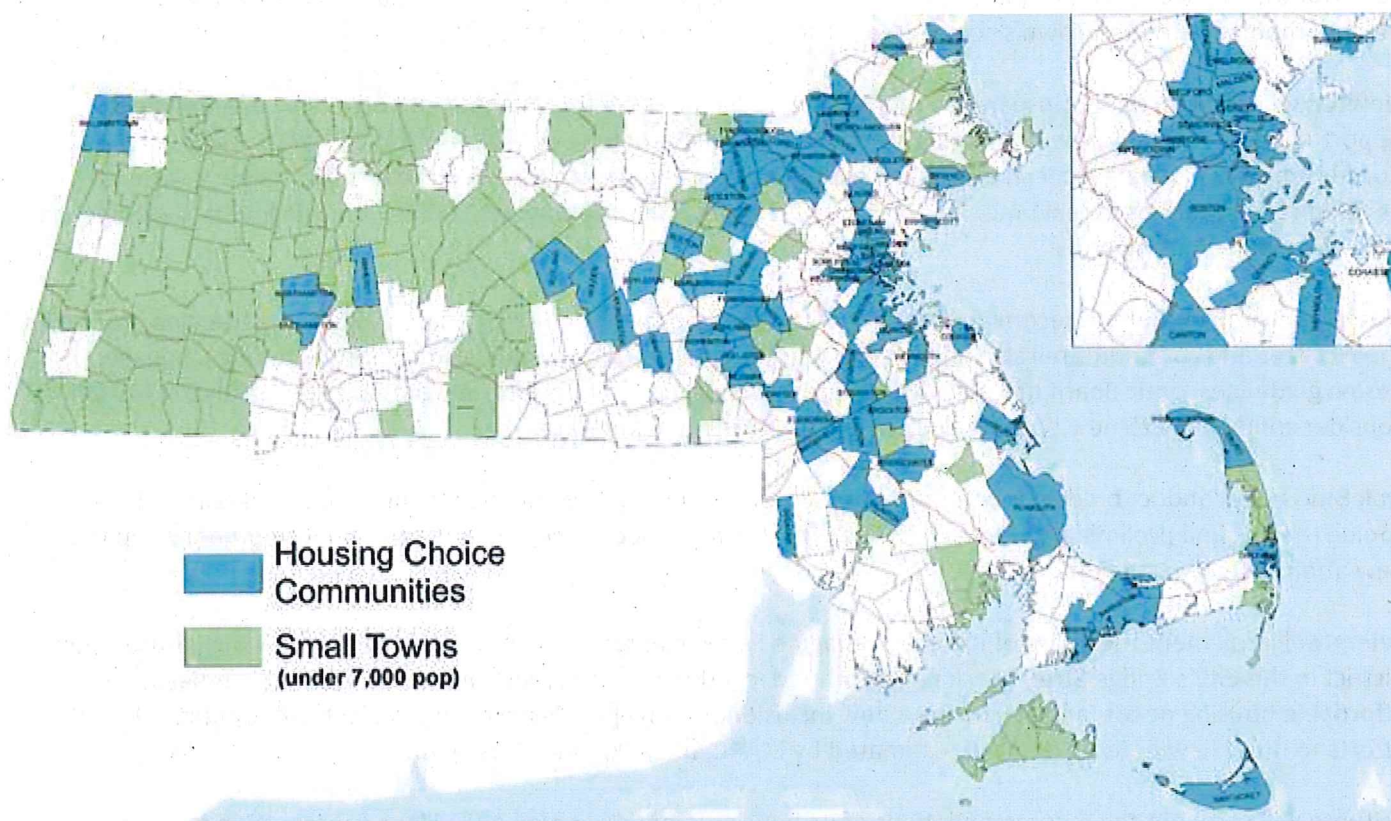
The Baker-Polito Administration is deeply committed to meeting this housing challenge, through key investments, new initiatives and program reforms. [Last year, Governor Baker filed a housing bond bill seeking \\$1.287 billion](#) in additional capital authorization to advance the administration's commitment to affordable housing and we have increased funding for affordable housing by 19% and is on course to invest \$1.1 billion over five years in affordable housing. The highly effective MassWorks Infrastructure Program continues to be a key catalyst for housing production, supporting the creation of more than 3,000 housing units. The Open for Business Initiative will drive the production of more than 2,200 units of housing on state land. MassHousing's \$100 million Workforce Housing Initiative has advanced the development of 2,309 housing units across a range of incomes, including 616 workforce housing units. And, through *An Act Relative to Job Creation and Workforce Development*, the administration reformed the Housing Development Incentive Program, which is on track to facilitate more than 900 new units in Gateway Cities.

#### **About MassHousing**

MassHousing (The Massachusetts Housing Finance Agency) is an independent, quasi-public agency created in 1966 and charged with providing financing for affordable housing in Massachusetts. The Agency raises capital by selling bonds and lends the proceeds to low- and moderate-income homebuyers and homeowners, and to developers who build or preserve affordable and/or mixed-income rental housing. MassHousing does not use taxpayer dollars to sustain its operations, although it administers some publicly funded programs on behalf of the Commonwealth. Since its inception, MassHousing has provided more than \$22 billion for affordable housing. For more information, visit the MassHousing website at [www.masshousing.com](http://www.masshousing.com), follow us on Twitter [@MassHousing](https://twitter.com/MassHousing), subscribe to our [blog](#) and like us on [Facebook](#).

#### **2018 Housing Choice Designations:**

Acton	Amherst	Andover	Ashland	Barnstable
Beverly	Billerica	Bolton	Boston	Boylston
Bridgewater	Brockton	Cambridge	Canton	Chelmsford
Chelsea	Cohasset	Duxbury	Easthampton	Easton
Everett	Foxborough	Framingham	Grafton	Holden
Holliston	Hopkinton	Lawrence	Littleton	Lowell
Malden	Mansfield	Marlborough	Mashpee	Medford
Medway	Melrose	Merrimac	Methuen	Middleton
Nantucket	Natick	Norfolk	North Andover	Northampton
Orleans	Plymouth	Provincetown	Quincy	Reading
Rutland	Salisbury	Seekonk	Somerville	Stoneham
Stoughton	Sudbury	Swampscott	Taunton	Tewksbury
Truro	Tyngsborough	Watertown	Westford	Weymouth
Williamstown	Worcester			



#### Planning for Housing Production Grant Recipients:

**Abington and Rockland** will design water treatment plant upgrades to the towns' Joint Water Works, enabling the plant to deliver drinking water to new housing developments that are currently stalled by a lack of available potable water. The improvements will serve Rockland's 40R smart growth overlay district, and unlock a total of 183 new housing units, including 153 affordable units, in the two towns. The municipality plans to apply for MassWorks construction funding. \$150,000

**Amherst** will identify publicly owned parcels suitable for affordable housing development, and will reduce regulatory barriers to mixed-income housing by creating a 40R smart growth overlay district.

**Beverly** will create a data transparency toolbox that will model the impact of current and future downtown housing development on school enrollment, private automobile usage, public safety costs, and the adequacy of water and sewer infrastructure. Beverly's development impact toolbox will advance the build out of the City's recently adopted 40R and downtown mixed-use zoning districts, and will assist the exploration of additional upzoning efforts, including along the Bass River district. This project supports the immediate development of 75 mixed-income housing units.

**Gloucester** will advance a comprehensive reworking of its zoning ordinance, by modernizing dimensional and use tables, density standards, permitting thresholds, and exploring a transit-oriented development district, in order to unlock new mixed-income housing development in the City's downtown.

**Hudson** will conduct predevelopment studies and drive public engagement that will enable the redevelopment of two Town-owned parcels for as many as 50 new units of affordable housing.

**Littleton** will engage residents and other stakeholders in a public visioning process that will rezone the neighborhood around the Town's commuter rail station for new housing growth.

**Newton** will create a data transparency toolbox that will model the fiscal impact and economic development opportunities created by new housing development. The data toolbox will support the City's Washington Street Corridor master planning project, allowing the City to engage residents and stakeholders by modeling various development scenarios in real time. This project will support the creation of 2,500 new housing units, including 325 new affordable housing units.

**Norfolk** will implement the recommendations of its recent housing production plan, by rezoning the area around its town center and commuter rail station for new housing growth. This project will deliver new zoning language, design guidelines, draft Board of Health regulations, and wastewater and storm water analyses, allowing Norfolk to consider zoning for 125 new housing units at its Fall 2018 Town Meeting.

**Oak Bluffs** will conduct predevelopment feasibility work, including wastewater planning, financial feasibility, a zoning review, and preliminary site engineering, on a Town-owned parcel, advancing the development of up to 60 new affordable housing units.

**Salem** will implement the vision of its recent Imagine Salem planning process, by pursuing a new mixed-use zoning district in the City's Bridge Street Neck neighborhood, conducting a citywide public engagement campaign around affordable housing needs, and advancing a new inclusionary zoning ordinance. This project will support Salem's efforts to meet new housing demand, estimated by MAPC, of 2,700 new housing units by the year 2030.

**Scituate** will carry out the recommendations of its housing production plan and village center vision plans, by creating new Town-wide affordable housing guidelines, advancing the creation of a new 40R district around the Greenbush commuter rail station, implementing a Town-wide inclusionary zoning ordinance, and exploring the creation of affordable starter homes on nonconforming lots.

**Swampscott** will implement the recommendations of a recent master plan and housing production plan, by creating a new 40R zoning overlay district around its commuter rail station.

**Tisbury** will advance a public-private partnership between the Town, the Island Housing Trust, and the Island Food Products Corp., to transform a 4-acre industrial site near downtown Vineyard Haven to as many as 80 new affordable homes. The MassHousing award will support extensive predevelopment work at the site, including financial feasibility, site planning, infrastructure planning, and rezoning.

**Truro** will design a water line extension that will support the redevelopment of a Town-owned parcel into 32 new housing units. The property, which was acquired by the Town from MassDOT, is being developed under the Baker-Polito Administration's Open for Business initiative. The municipality plans to apply for MassWorks construction funding. \$150,000

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