CAPE COD
COMMISSION

Falmouth Rd Market, Mashpee (CCC File No. 21015)
Development of Regional Impact Review
Subcommittee Meeting

Minutes | November 9, 2022 at 5:00 p.m.

Virtual via Zoom

APPROVED 02/02/2023

The Chair, Ernest Virgilio, opened the Subcommittee meeting by reading the meeting announcement and instructions for making public comments during the hearing. He said that the subcommittee members will discuss the proposed specialty grocery store development at 647 Falmouth Rd (Route 28) in Mashpee.

The Chair took attendance by roll call.

Roll Call:

- Ernest Virgilio, *Chair*, Present
- Harold Mitchell, Present
- Dennis Prebensen, Present
- Peter Okun, Present
- Tom Wilson, Present

Applicant Presentation:

The Chair recognized Attorney Kim Bielan, representing the Applicant, Shellback Development LLC. She introduced other members of the Project team. She said the project site is located on Route 28 adjacent to the Rockland Trust Bank. She explained that the project is consistent with Mashpee zoning and requires site plan approval and a special permit.

Ms. Bielan noted that the site is designated as Community Activity Center and Natural Area. She said the area was previously cleared for sand mining and that it is appropriate to treat the site as community activity center except where the goal or objective is relevant to BioMap2 Core Habitat. She explained that the proposal is for a specialty grocery store with associated parking and landscaping. She said the design includes maintaining vegetated buffers and traditional Cape Cod style architecture. She said the project will include appropriate traffic mitigation, bike path access, and close to CCRTA bus routes.

Ms. Bielan said the Applicant previously engaged a broker to secure an access easement on the north side of the side to Job's Fishing Road and was unsuccessful. She said the Applicant will continue to explore securing an easement and provide updates at the subsequent hearing. She said the Applicant is proposing a cash payment as open space mitigation for the

equivalent of 10.2 acres. She said the intended end user is not the DRI review Applicant, but a different specialty grocery store tenant.

Ms. Bielan introduced Mark Dibb, the project engineer. Mr. Dibb showed the existing conditions plan for the site. He said the property was cleared in the 1990s except for a vegetative buffer along Route 28. He showed the proposed site plan including the grocery store, two driveway access points, and parking lot. He explained that the stormwater drainage plan will include vegetated bioretention and infiltration areas and treat all stormwater on site. He said an innovative/alternative nitrogen reducing septic system will be installed behind the building.

Mr. Dibb introduced Stephen Egan, project architect. Mr. Egan showed the proposed building facades and floor plans. He explained that the grocery store front doors are oriented away from Route 28, the facades include variation, and the flat portion of the roof is shielded by traditional gables and dormers. He said the roof will be solar ready. He said the exterior materials include brick, shingle, and clapboard siding.

Staff Presentation:

The Chair recognized Alex Peterson, Regulatory Planner, for the Cape Cod Commission staff's presentation. Mr. Peterson introduced other members of commission staff available to answer questions from the subcommittee. He explained that the staff presentation will address the goals and objectives of the Regional Policy Plan (RPP) with respect to the proposed project. He laid out the relevant thresholds for mandatory DRI review and the necessary findings the commission must make to approve the project.

He said the RPP categorizes areas on Cape Cod by Placetypes, based on similar built and natural characteristics. For this Project, the site is considered a Community Activity Center (CAC) and Natural Area. He explained that those two placetypes have different development strategies where dense mixed-use development is generally encouraged in CACs and discouraged in Natural areas. He said the Natural Area designation for this site was due to Massachusetts NHESP BioMap2 Core Habitat GIS map. He said that because the two placetypes have conflicting goals, staff suggest the subcommittee follow the CAC strategies, except when the RPP goals relate to the natural resources contributing to the Natural Area mapping.

Mr. Peterson noted that the following goals and objectives of the RPP were deemed material and applicable to the Project: Water Resources, Wildlife & Plant Habitat, Open Space, Community Design, Transportation, Energy, Waste Management, Climate Mitigation, Cultural Heritage, and Economy. He briefly addressed each objective, explaining which features of the project design were consistent with the RPP standards, and commission staff's suggestions to address any inconsistencies. A more detailed explanation of RPP consistency is available in the staff report dated 11/07/2022. He said that a letter from the Town of Mashpee Planning department indicated the Project is likely consistent with relevant zoning by-laws and that the Applicant should pursue a second driveway to Job's Fishing Road as well as solar canopies over parking areas.

Subcommittee Discussion:

The Chair asked for questions or comments from members of the subcommittee, to be addressed by the Applicant and/or Commission staff. No subcommittee members spoke at this time. The Chair moved on to public comments

Public Comment:

Federal, Local, and State Officials

The Chair asked for comments from any federal, local, or state officials.

The Chair recognized Tom Fudala. Mr. Fudala said the subdivision plan for the project site does not allow access to Rt. 28, requires a 50-foot buffer along Rt. 28., a 75-foot building setback, and provides for a shared driveway with Rockland Trust on Shellback Way. He said the second driveway on Shellback Way is unnecessary. He said the Job's Fishing driveway is show on the subdivision plan and LCP. He said there should be no additional access point on Rt. 28. He said pervious paving surfaces are not allowed in Mashpee and all runoff needs to be directed to bio infiltration areas. He said the Mashpee planning board will have to assess the proposed septic system performance during permitting.

General Public

The Chair opened the hearing for comments from members of the general public. He asked those wishing to speak to raise their hands and unmute when recognized by name.

The Chair recognized Rebecca Weinrobe. Ms. Weinrobe said she is a resident of the Deer Crossing townhomes on Shellback Way. She said Shellback Way has over 125 homes in the neighborhood and three existing grocery stores within walking distance. She said the road becomes privately-owned behind the Rockland Trust and Ace Hardware driveways. She said the private road was just repaved by her condo association last year. She said she is very concerned about traffic impacts on the road used by Deer Crossing residents. She said the project will probably not bring full-time jobs to Mashpee. She said the project is adjacent to the polluted Quashnet River and the parking lot will bring more pollution. She said she is devastated by the proposal.

The Chair recognized David Egel. Mr. Egel is also a Deer Crossing resident. He is primarily concerned with traffic and safety issues. He said there are 166 units in Deer Crossing. He said the proposed Shellback Way entrance will be the only access if the Rt 28 curb cut is not allowed and will result in dangerous left hand turns from Rt. 28. He said the distance to the traffic light at the intersection is not enough. He said the Rt. 28 access does not address the left hand turns onto Shellback Way and will create backups from drivers taking a left turn onto Charles Street to turn North. He said the traffic studies were insufficient and did not address the traffic and safety impacts at all the relevant intersections. He suggested the subcommittee not approve the project.

The Chair recognized Mike Quesnel. Mr. Quesnel is also a resident of Deer Crossing. He echoed Mr. Egel's concerns about traffic impacts. He asked whether there would be a sidewalk

from Rt. 28 along Shellback Way. He said many residents walk in the are and need a sidewalk to get in and out of their neighborhood safely. He asked why the Applicant is proposing a new driveway on Shellback rather than sharing the existing driveway with Rockland Trust.

The Chair recognized Brett Mitchell. Mr. Mitchell is also a Deer Crossing resident. He said he regularly gets cut off by people pulling in or out of the Ace Hardware and Rockland Trust driveways. He said that a national grocery store chain will have nonstop traffic throughout the day and is not feasible on Shellback Way.

The Chair recognized John Miller. Mr. Miller said many would welcome the proposed tenant, but he has similar concerns to his neighbors at Deer Crossing. He said he also owns a small business in the Deer Crossing commercial plaza. He said there is a lot of commercial traffic entering and exiting both plaza entrances on Shellback Way. He was surprised to see that an additional curb cut on Shellback was proposed. He asked why the negotiations to get a second access point on Job's Fishing Road have not made any progress. He suggested this driveway would be preferable to Shellback. He asked about traffic counts and projected trips on Shellback Way, and how large trucks or firetrucks would maneuver in and out of the driveway to Shellback Way. He also said that portions of Shellback Way do not have a clear owner and asked who would be responsible for maintenance.

The Chair recognized Merrill Blum. Mr. Blum said he and his neighbors live in the buildings at Deer Crossing closest to the proposed grocery store. He asked what the lighting in the parking lot would look like at night. He said he is concerned about the volume of large delivery vehicles. He said the Ace Hardware store trucks park on Shellback Way. He asked what the term Community Activity Center means. He said some of the habitat in the buffer zone will be destroyed and not replaced.

The Chair recognized Vera Cirrincione. Ms. Cirrincione said she is concerned about the traffic. She said the road already backs up when the light turns red with current traffic volumes. She said the road is too small and cannot handle the traffic.

Further Subcommittee Discussion:

The Chair asked for additional comments, questions, and requests from members of the subcommittee.

The Chair recognized Harold Mitchell. Mr. Mitchell said it is difficult to move forward at this time without more information about the traffic studies and mitigation from the Applicant. He said he would like to hear from the traffic engineer at the next hearing. He said he would like to hear more about the possibility of putting solar canopies over the parking lot. He said the proposal does not look ready yet.

The Chair recognized Peter Okun. Mr. Okun echoed Mr. Mitchell's comments about traffic information. He said he is confused about the feasibility of the Rt. 28 curb cut and asked for clarification on whether this is allowed. He said Shellback Way looks very narrow and might not be big enough to use as a primary entrance. He said he would like to hear more about EV

charging stations and solar panels, but the driveway access points are the most significant issue with the project.

The Chair recognized Tom Wilson. Mr. Wilson said he shares the same concerns as Mr. Mitchell and Mr. Okun. He asked for clarification about using the shared driveway on Shellback Way with Rockland Trust, and for the Applicant to explain why they are not proposing to use it. He asked for more information about whether the curb cut to Rt. 28 is allowed. He asked for more explanation about what the Community Activity Center placetype means. He said the plans should indicate whether there will be a sidewalk along Shellback Way and said this is imperative for pedestrian safety.

The Chair said he agrees with the other subcommittee members concerns. He said he would like to understand what the proposed intersection improvements are for the Project.

The Chair invited the Applicant to respond and recognized Kim Bielan. Ms. Bielan said she understands the traffic information is important and the traffic engineer will be available at the next hearing. She said she will address the sidewalk to Shellback Way and increase the number of EV spaces in the proposal. She thanked the subcommittee members for their time.

The Chair recognized Mr. Mitchell. Mr. Mitchell said he would like clarification about how many EV spaces are proposed, how many bike racks will be included, and other information before assessing whether the proposal is adequate. Ms. Bielan replied that the current proposal includes two EV spaces.

The Chair recognized Alex Peterson. Mr. Peterson asked what the subcommittee is looking to hear about regarding the Community Activity Center Placetype at the next hearing. Mr. Wilson said he thinks the project site looks more like CAC than natural area to him. He asked if the staff presentation could provide more detail about the CAC definition for members of the public at the next hearing.

The Chair asked for a motion to continue the subcommittee hearing to Monday December 12, 2022 to be held virtually via zoom. Mr. Mitchell made a motion to continue. Mr. Wilson seconded the motion. The Chair took a vote by roll call

- Ernest Virgilio, *Chair*, Yes
- Harold Mitchell, Yes
- Dennis Prebensen, Yes
- Peter Okun, Yes
- Tom Wilson, Yes

The motion carried and the hearing was continued.