



MINUTES
April 16, 2019

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MAY 22 2019

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7:00 p.m.
Sand Hill School Community Center
16 Dewey Avenue

Present: Robert King, Chair; Matthew Cubetus, Vice-Chair; Sarah Regan; Jeffrey Picard; and James Kalweit

Absent: Robert Prol

Also Present: Ralph Vitacco, Director of Planning & Development; Sam Jensen, Assistant Town Engineer; and Maureen McCabe, Sr. Administrative Assistant

Mr. King opens the meeting with the reading of the Opening Statement.

Approval of Minutes

Ms. Regan motions to accept the minutes of March 5, 2019, as written. Mr. Cubetus seconds. The vote is unanimous.

Submission of New Plans

No new plans are submitted.

Old Business

- Update: Monomoy Properties, LLC Cluster Subdivision (Atkins Road Definitive Subdivision) – For the purpose of Special Permit Extension for Good Cause

Mr. Kalweit recuses himself and sits in the audience.

Eliza Cox, Esq. introduces herself to the Board. Attorney Cox tells them a letter to the Board was filed on March 28, 2019 outlining what they believe to be good cause for the extension of the Special Permit decision which was issued on April 25, 2017. She recalls there were several hearings on this matter and two decisions were made by the Board. Attorney Cox goes on to say that in the definitive subdivision approval the Board included a condition that no site work commence until all approvals had been obtained to bring the water line which is proposed from the Service Road under Route 6 to the property. Since the granting of the definitive special permit approval they have been working diligently with the water district to obtain these approvals. The state has issued a copy of the easement and they anticipate receiving the access permit for the water line any day. Mass. case law cites seeking other required permits



constitutes good cause. Attorney Cox summarizes by saying she is before the Board tonight asking confirmation to grant an extension of the special permit. Mr. King says the Water Department has verbally confirmed that the work Attorney Cox has presented is being undertaken. There are no questions from the Board. Mr. King opens the matter up to the public. The following person spoke:

James Kalweit, 17 Atkins Road

Mr. Kalweit asks several questions regarding the subdivision and the reason for the expiration date and the progress of the subdivision. Attorney Cox responds to the questions and Mr. King and Mr. Vitacco provide further clarification regarding the Special Permit conditions.

There are no further questions. Mr. Cubetus motions to approve the Cluster Subdivision extension for the Atkins Road Definitive Subdivision for the purpose of special permit extension for good cause to April 25, 2020. Ms. Regan seconds. The vote is unanimous.

New Business

Mr. Kalweit rejoins the meeting.

- Coonamesset Ranch Subdivision Lot Releases

Mr. Vitacco explains to the Board that an individual expressed a desire to build on an empty lot at 7 Nauset Street. Before a building permit can be issued the lot has to be released. Staff determined that this lot, as well as several others, were never released and we don't know why. Nauset Street is now a Town-owned road. 7 Nauset Street does not have a house on it; the other six lots do. Mr. Jensen explains the Engineering Department has nothing in their records as it relates to this matter. There are no further questions from the Board. Mr. Cubetus motions to release 7 Nauset Street. Mr. Kalweit seconds. The vote is unanimous. Mr. Cubetus motions to release 3, 5, 11, 13, 15, 17 Nauset Street. Mr. Kalweit seconds. The vote is unanimous.

Board Discussion

There are no items to discuss.

Other Matters Not Reasonably Anticipated by the Chairman

- Mr. Vitacco references the Cape Cod Commission Notice which was distributed to Board members tonight. It regards the 30 acre ANR the Board recently approved.
- Mr. King explains that due to a lack of quorum at the Board's last meeting the Public Hearing for the proposed zoning amendments could not be opened.

Mr. Cubetus motions to adjourn. Ms. Regan seconds. The meeting adjourns at 7:22 p.m.

Respectfully submitted,



Maureen McCabe

Supporting Documents

1. Draft Planning Board Minutes dated March 5, 2019 (6 pages)
2. Letter to Robert King from Eliza Cox, Esq. re: Monomoy Properties, LLC – Cluster Subdivision, Extension for Good Cause, dated March 28, 2019 (2 pages)
3. Memorandum to Eliza Cox from Brian Yergatian re: Project Chronology (March 2017 – present) dated March 21, 2019 (2 pages)
4. Memo to Planning Board from Leanne Drake, Assistant Town Planner re: 7 Nauset Street, dated March 26, 2019 (1 page)
5. Email to Leanne Drake from William Yates re: Request for Release of Lot, dated March 12, 2019 (1 page)
6. Decision of the Cape Cod Commission re: Harriet Taylor Conservation Area dated April 4, 2019, including cover memo dated April 9, 2019 (6 pages)