MINUTES
July 21, 2020

7:09 p.m.
Sand Hill School Community Center, 16 Dewey Avenue, Sandwich, MA & via Remote Participation Software

Present via ZOOM: Robert King, Chair; Matthew Cubetus, Vice Chair; Jeffrey Picard; David Darling; Jennifer Reisig; James Kalweit; and Mark Callahan
Also Present via ZOOM: Ralph Vitacco, Director, Planning & Development; Leanne Drake, Assistant Town Planner; and Sam Jensen, Assistant Town Engineer

Mr. Cubetus opens the meeting by reading the March 12, 2020 Executive Order from Governor Baker suspending certain provisions of the Open Meeting Law. There will be no in-person attendance for this Planning Board meeting, however, the meeting is being recorded and will be uploaded later to the Sandwich Community Television website. All Board members are participating via videoconference. Mr. Cubetus reads the Planning Board’s opening statement. He states that each vote taken this evening will be by roll call vote.

Mr. Darling experiences technical difficulties. Mr. Vitacco provides him with call in information and establishes a connection at 7:12 p.m. This allows Mr. Darling to hear and contribute to the meeting in real time. It also means that he is able to participate verbally in roll call votes.

Approval of Minutes

Mr. King motions to accept the minutes from the meeting held July 7, 2020, as written. Mr. Callahan seconds. Unanimously approved by roll call vote.

Submission of New Plans

There are no new plans submitted.

Old Business

- 16 & 16A Bayview Road – Definitive Plan – Cesar – Continued

Mr. Danny Gonsalves from Down Cape Engineering introduces himself to the Board. Mr. Picard points out that Marina Cesar is a participant on the videoconference and asks if she is a homeowner. Mr. Vitacco confirms that she is. Mr. Gonsalves states that revised plans were submitted. New drainage calculations have been submitted which show that this area can handle a one hundred year storm. The other major change
made concerns gravel entering Bayview Road. The paved apron has been extended ten feet. The high point has been moved to the end of the apron. The gravel area will now flow away from Bayview Road to help mitigate gravel from getting onto Bayview Road. The Subdivision Management Plan has been submitted. Mr. Picard asks if extending the apron ten feet now takes you to the highest point so everything beyond that would flow back onto the property. Mr. Gonsalves says that it does. The high point in the road has been adjusted from the previous plan a little bit; it was moved to the end of the paved apron. The end of the paved apron is the high point in the road. Mr. Gonsalves confirms that anything flowing from the gravel way would flow away from Bayview. Ms. Reisig comments that on the new definitive plan the notation for the driveway not to exceed 500 feet has been removed. Mr. Gonsalves explains that the notation was taken off and prefers that it not be on the plan. A conversation ensues as it relates to this matter. Mr. Vitacco explains that a condition can be made that if the driveway on lot 1 is to exceed 500 feet it requires the approval of the Fire Department. Ms. Reisig states this would make her more comfortable and Mr. Gonsalves says this is satisfactory and there is no issue with that. Mr. Picard recalls that at the previous meeting this matter was discussed and the decision was made if it was over 500 feet to include a general note, regardless of whether it was lot 1, 2 or 3. The meeting minutes capture this. Mr. Picard believes the general note, which was agreed to at the Board’s previous meeting, should be put back on. Mr. Gonsalves suggests rewording the notation and provides sample language that will satisfy the Board as well as his firm. Mr. Picard suggests keeping the notation general in nature and not specific to the Fire Department. Ms. Reisig discusses the maintenance agreement and believes it should contain some sort of remedy language. In addition, Ms. Reisig suggests the document be signed by all title holders. Mr. Gonsalves says he believes this is reasonable.

Mr. Vitacco references the following public comment:

➢ Email to Ralph Vitacco from William Reardon re: Bayview Subdivision, dated July 20, 2020

Mr. Vitacco reminds Board members that he has forwarded this communication to them. It concerns the abutter’s clearing. Mr. Gonsalves senses that the abutter would like to have some sort of shielding or privacy between the lots and he doesn’t believe he can dictate what happens on someone’s property. Mr. Vitacco explains that if an applicant is asking for waivers a reasonable condition can be placed to address the abutter’s grievances. It is not unreasonable to do this but you have to keep in mind that the waivers being asked for aren’t too significant. Any conditions put on should match that. Mr. King asks where the abutters are in relation to the lot. Is the concern that because one lot has already been clear cut will the other two lots be clear cut as well? Mr. Vitacco says the direct abutters are to lot 3. Mr. King states he has no problem with asking for a buffer in return for the waivers if it is not considered a hardship on lot owner number 3. The understanding that lot 2 was clear cut was for the intent to farm which was never followed through on. Board members and Mr. Gonsalves further discuss land which was clear cut and the reasons behind why it was done. Mr. Picard asks, from the lot line inward, how much buffer is being
suggested. Mr. King responds it's from the driveway to the other side of the swale. The discussion continues. Mr. Vitacco discusses what a reasonable buffer is; somewhere between ten and six feet may be considered reasonable. He goes on to explain that in a cluster subdivision all the lots benefit from the cluster but those lots which abut a normal residential property have to have the setback of that zone. For the Board's consideration Mr. Vitacco provides sample buffer language to be incorporated into their decision. Mr. Ojala says buffers usually take care of themselves and the plans can stand on their own. He believes it is in everyone's best interest to have a vegetated buffer. It is a civil matter between neighbors. Mr. Darling would like to know if the properties will stay in the families or are they going to diverse parties. Ms. Reisig explains that no one can say who they can or cannot sell to. She agrees that the proposed structures are a significant distance apart.

Mr. Cubetus asks Mr. Ojala about their proposed form of surety. Mr. Ojala will speak with the owner but generally they ask to hold a lot until the road is built.

There are no further questions from the Board. Mr. Vitacco says there has been no other written public comment submitted. Mr. Cubetus asks if there are any members of the public on the videoconference who would like to say something. The following person spoke:

- **Claire Corbiere, 14 Bayview Road**

  Ms. Corbiere says she is grateful that her concerns regarding the gravel getting out onto Bayview Road were heard. She appreciates the changes which have been made. Ms. Corbiere clarifies that it wasn't the previous owners who cleared out lot 1 it was the Cesars. She tells the Board she has already planted eight rhododendrons.

There are no further comments from the public. Mr. King motions to close the Public Hearing on the application for 16 & 16A Bayview Road. Ms. Reisig seconds. Unanimously approved by roll call vote.

**Deliberations**

- **16 & 16A Bayview Road – Definitive Plan – Cesar**

  The Board reviews and discusses the 16 & 16A Bayview Road Definitive Plan application. The Board votes to approve the Definitive Plan with conditions. The Decision, findings and conditions are on file in the Planning & Development office.

Mr. Kalweit disconnects from the videoconference at 8:05 p.m.

**Board Discussion**

- **Authorized Agent Appointment**

  Mr. Vitacco explains that the Authorized Agent authorizes one member of the Board to sign endorsements and plans. In the past it has been the Chair and
Vice-Chair. Staff is seeking consensus that Matt Cubetus and Jeffrey Picard will be the Authorized Agents. Board members are in agreement.

Other Matters Not Reasonably Anticipated

There are no matters to discuss.

Adjournment

Mr. King motions to adjourn. Mr. Callahan seconds. Unanimously approved by roll call vote. The meeting adjourns at 8:09 p.m.

Respectfully submitted,

[Signature]

Maureen McCabe

Supporting Documents:

1. Draft Minutes dated July 7, 2020 (7 pages)
2. Memo to Taylor White, Town Clerk from William Burbank, Chair, Planning Board re: Preliminary Plan for 16 Bay View Road dated October 14, 2014 (1 page)
3. #16 Bay View Road, Preliminary Subdivision Plan of Land prepared by Down Cape Engineering, Inc., dated September 30, 2014.
4. Supplemental Drainage Calculations prepared by Down Cape Engineering, Inc., dated July 16, 2020 (11 pages)
5. Bay View Road Subdivision Maintenance Plan dated July 16, 2020 (2 pages)
6. Definitive Subdivision Plan of Land drawings prepared by Down Cape Engineering, Inc., dated July 16, 2020 (3 drawings)
7. Email to Ralph Vitacco from William Reardon re: Bayview Subdivision, dated July 20, 2020 (2 pages + 4 pictures)