



PLANNING BOARD

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MINUTES
August 18, 2009

7:15 P.M.

Meeting Room
Town Office Building, 16 Jan Sebastian Drive

Present: Daniel Marsters, Chair; Amy Lipkind; Ralph Vitacco; Sarah Regan; Elizabeth Lane of Kopelman & Paige

Absent: Richard Claytor & Joseph Vaudo

Approval of Minutes of June 2, 2009 & June 16, 2009

Ms. Lipkind moved the Board approve the minutes of June 2, 2009 & June 16, 2009 as written. Mr. Vitacco seconded. The vote was unanimous.

Lot Release Request

11 Captain Greaves Road

Mr. Marsters read a letter received from Attorney Rebecca Richardson regarding property located at 11 Captain Greaves Road, East Sandwich. Mrs. Regan moved the Board release from Form E Covenant property located at 11 Captain Greaves Road, Map 64, Parcel 142. Ms. Lipkind seconded. The vote was unanimous.

7:20 P.M.

Public Hearing Continued

Scenic Road Hearing

157 & 159 Great Hill Road

George Regan

Mr. Marsters read a letter received from Donald Bracken, Bracken Engineering, requesting a continuance of the public hearing to September 15, 2009. Ms. Lipkind moved the Board to continue the Scenic Road Hearing, 157 & 159 Great Hill Road, to September 15, 2009 at 7:15 P.M. Mr. Vitacco seconded. The vote was unanimous.

7:25 P.M.

Public Hearing Continued

Proposed Amendments to the Sandwich Protective Zoning By Laws

Mr. Marsters read the public hearing notice into the record.

Attorney Jonathan Fitch representing the proponent was present. Mr. Fitch said the three proposed amendments were discussed at a prior meeting and that this is a required step to placing zoning amendments on a Town Meeting Warrant. After the close of this hearing, Mr. Fitch said that the Planning Board will be requested to make a recommendation. Mr. Fitch further stated that the reason this hearing had been continued was because some issues had been raised regarding traffic and community outreach.

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Mr. Fitch said the same team was present along with Randy Hart of VHB, Inc. who is the applicant's traffic consultant and can answer traffic questions. He has taken a preliminary look at the site with respect to the changes.

Mr. Hart said his firm does do a lot of work on the Cape as well as all around Massachusetts. He further explained the process required for a traffic study for the proposed project.

Mr. Marsters asked if the fact that this is a scenic road would cause any limitations. Mr. Hart said the two things that limit the scenic road are trees and walls. He said his goal was to minimize any changes to the scenic road.

Mr. Vitacco asked about a timetable. Mr. Hart explained that Mr. Powers did not want to spend too much money until the proposed zoning amendments have been approved. The first process will be the Cape Cod Commission, which is the most rigorous.

Mr. Marsters opened the hearing for public comment:

Mr. Robb Sykes, 66 Route 130, stated he had traffic concerns.

Mr. Frank Cogliano, 18 Jeannes Way, stated he had traffic issues and buffer area concerns.

Ms. Lipkind wanted the public to know that this project is conceptual and that there is no application before the Board. The Planning Board was only discussing changes to the Zoning Bylaw this evening.

Mr. David Gibbons, 20 Jeannes Way, had lot size and wastewater questions and concerns.

Mr. Robb Sykes, 66 Route 130, stated he was against the proposed zoning changes.

Mr. Christopher Bailey, 5 Webster Avenue, who is a consultant to Mr. Powers on this project, spoke in favor of the project.

Mr. John Stinson, 39 Discovery Hill Road, spoke in favor of the project.

Mr. Sykes, 66 Route 130, spoke again in response to Mr. Bailey's comments and the Golden Triangle.

Mr. David Gibbons, 20 Jeannes Way, spoke again about Town character, the Golden Triangle and also Forestdale.

Mr. Christopher Bailey, 5 Webster Avenue, spoke again about the process for the LCP.

Ms. Lipkind moved the Board close the public hearing regarding the Proposed Amendments to the Sandwich Protective Zoning Bylaws. Mr. Vitacco seconded. The vote was unanimous.

7:55 P.M.

Public Hearing Continued

Proposed Amendments to the Local Comprehensive Plan

Mr. Marsters read the public hearing notice into the record.

Mr. Fitch was present representing the proponent.

The Board reviewed the proposed amendments to the Local Comprehensive Plan.

There was no comment from the public present.

Ms. Lipkind moved the Board close the public hearing regarding the Proposed Amendments to the Local Comprehensive Plan. Mr. Vitacco seconded. The vote was unanimous.

8:00 P.M.

Public Hearing

Special Permit Amendment

23 Falmouth-Sandwich Road

Watts Farm L.L.C.

Mr. Marsters read the Public Hearing notice into the record. Mr. Marsters read the following letters into the record:

- Sandwich Conservation Commission, David DeConto, Natural Resources Officer, letter dated 8/5/09.
- Sandwich Fire Dept., J. J. Burke, Fire Prevention Officer, letter dated 8/3/09.

Ms. O'Keefe, representing the applicant was present. Ms. O'Keefe said that the Cape Cod Commission had approved this application in 2003. The approval was for a 150' tower. After the Commission decision, the applicant came before the Planning Board and the tower was approved at 143'. Since then, the FAA has determined that the structure would not be a hazard to air navigation provided the structure was painted and lighted. Ms. O'Keefe described the lighting and painting required. The Commission voted to modify the original decision.

The question of removal of the tower when it is no longer useful was addressed. Ms. O'Keefe said that in the CCC decision, one of the conditions was that the applicant needed to submit some form of surety to the Town for the removal should the applicant abandon the tower. Ms. O'Keefe said she believed the bond was in the amount of \$27,000. This is the usual amount of surety for this type of project.

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Mr. Smith asked for an explanation of the methodology and also he reiterated that it would be a one time payment to the Town for \$27,000 in surety which would be held in escrow until or unless the money was required.

Mr. Rech of Global Tower Partners explained the monetary breakdown of removing the tower.

Mr. Vitacco asked if this surety should be included in the decision. Mr. Smith said the CCC requires the Town to receive surety. The Board discussed cash surety vs. a bond. Mr. Smith stated the Town Treasurer prefers surety in the form of cash.

Ms. Lipkind moved the Board close the Public Hearing regarding the Special Permit Amendment, 23 Falmouth-Sandwich Road, Watts Farm LLC. Mr. Vitacco seconded. The vote was unanimous.

Board Discussion

Mr. Smith said he wanted the Board to go through the Bylaw and get the Board prepared to have a public hearing on a Sandwich Development Bylaw.

Ms. Lane commented on 43 Chase Road and said she spoke with Mr. Devin and that there should be two applications - one for a frontage Variance and one for a Common Driveway. Mr. Smith said he believed Attorney Devin was of a different opinion.

Mr. Vitacco moved the Board adjourn. Ms. Lipkind seconded. The vote was unanimous.

The meeting adjourned at 9:34 P.M.

Respectfully submitted,

Maureen Carty

