



PLANNING BOARD

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MINUTES
February 16, 2010

7:00 P.M.

Meeting Room

Town Office Building, 16 Jan Sebastian Drive

Present: Daniel Marsters, Chair; Amy Lipkind, Vice-Chair; Richard Claytor; Sarah Regan, & Ralph Vitacco

Absent: Joseph Vaudo & Nanette Perkins

Approval of Minutes of February 2, 2010

Ms. Lipkind moved the Board approve the minutes of January 5, 2010 as written. Ms. Regan seconded. The vote was unanimous.

7:01pm

Amendment to the Town of Sandwich 2008 Land Use Vision Map

Mr. Dan Marsters, Chair, read the Public Hearing Notice. Mr. Greg Smith, Director of Planning and Development, explained that the purpose of amending the Land Use Vision Map was for the proposed Forestdale Village. The Land Use Vision Map identifies areas of intensified development in town, areas of resource protection, and the remaining areas are "other". In regard to the Forestdale Village project the designation of BL1 for the commercial component and "other" for the housing component under LIP.

Ms. Lipkind asked what the designation had been previously; Mr. Smith replied that it had been a resource protection area. Mr. Claytor asked if Mr. Smith had thought about expanding the village component to include other properties in the area. He said he had not done that yet as he would like to see how Forestdale Village progresses. Mr. Marsters opened the meeting for public comment. There was no public comment.

Mr. Claytor moved the Board to adopt the Land Use Vision Map as recommended and shown on the exhibit. Ms. Lipkind seconded. The vote was unanimous.

7:16pm

Board Discussion

Norse Pines Form I

Mr. Smith notified the Board that at the time JCJ, Inc declared bankruptcy there was \$63,200 outstanding surety. In a previous memo JCJ directed the Town of Sandwich to release \$45,000 directly to Tricor and Earth Services Corp. Ms. Karen Patneau of ESC would like her firm to be able complete the work as laid out on Form I. Her company is ready to do all the work up front. The company is looking for permission or assurance that once the work is done and accepted the company will be paid. Ms. Lipkind said she is not sure what promises can be made because in the past there had been issues surrounding paying subcontractors directly. The direction had come from

the legal department. After further discussion it was decided that future consideration would be based on Town Counsel's recommendations. The Board will take no action tonight.

Mr. Marsters then opened the meeting to public comment.

Mr. Matthew O'Connell, 19 Quiet Street, a Norse Pines Homeowners Association member, wants the HOA to have control of neighborhood and to be able to enforce the covenants. Mr. Bob Bingle, 7 Norse Pines Drive, also a member of the HOA, added that the Association was incorporated. He, too, would like the HOA to be able to take over control of the neighborhood. Mr. Marsters reiterated that the HOA needs to seek legal counsel.

Mr. Claytor then stated that the Board needs to receive a directive from Town Counsel relating to the disbursement surety when the entity has declared bankruptcy. Mr. Don Bracken of Bracken Engineering is currently working on a current lot in Norse Pines and has first hand knowledge of the work that still has to be completed. In his opinion the \$63,000 still held in surety will cut it very close for completing all the work as outlined on the Form I for Norse Pines. This is also the opinion of Assistant Town Engineer Sam Jensen.

Mr. O'Connell requested a copy of the Bankruptcy proceedings be sent out to him as the Homeowners Association has no documentation relating to this issue. The Planning and Development office will mail it out this week.

7:40pm

Watts Farm

Mr. Marsters read a letter from Attorney Elizabeth O'Keefe, requesting a continuance until the next scheduled meeting of the Planning Board. The next meeting will be on March 2, 2010.

Mr. Claytor moved to continue the Board discussion until March 2, 2010. Ms. Regan seconded. The vote was unanimous.

7:41pm

Canvasback

Mr. David Ensko, 34 Pierre Vernier Drive, President to the Homeowner's Association, requested a continuance until March 16th because their attorney was unavailable until then.

Mr. Smith gave the Board background going back to a 1989 Conservation decision regarding paths in open space. Presently there are paths present that are not in compliance with this decision. On Thursday, February 11th, Ms. Wendy Kiedeisch asked the Board of Selectmen to expedite the matter. The Board of Selectmen directed Mr. Smith to put this discussion on the agenda for tonight's meeting. Mr. Smith stated that the Planning Board and the Conversation Commission were working closely together to reach a consensus.

Mr. Claytor pointed out that the Planning Board only has the power to establish that conditions have or have not been violated. Mr. Marsters said the Board would direct the Building Inspector to go out to enforce the conditions if it were established that conditions had been violated.

Ms. Kiedeisch asked the Board to hear her presentation. Mr. Marsters suggested that it would make sense to have everyone present on both sides to avoid repetition. He also asked Mr. Smith if the Board could schedule a meeting with the conservation Committee. Mr. Smith replied that the completion of the survey plan was the first step.

Ms. Lipkind asked if the Association had filed with the Conservation Committee and was told they had not yet filed anything with the ConCom. Mr. Smith told the Board that someone from Conservation Committee will be present on March 16th and that once the survey plan is in place a joint meeting can be scheduled.

Sarah Regan requested that Canvasback be placed on the agenda for March 16th.

Ms. Kiedeisch asked to make a short presentation of her information. Mr. Kiedeisch also stated that they have a survey that will show what is in the open space currently.

Mr. Claytor moved the Board adjourn. M. Lipkind seconded the motion. The vote was unanimous.

The meeting adjourned at 7:58 P.M.

Respectfully submitted,

Marilyn K. Bassett