



MINUTES
August 2, 2011

FINAL COPY

7:04pm
Meeting Room
Town Office Building,
16 Jan Sebastian Drive

Present: Sarah Regan, Chair, Henry Rakov, Joseph Vaudo, and Nanette Perkins

Absent: Amy Lipkind & Dan Marsters

Approval of Minutes

Mr. Rakov moved the Board approve the minutes of July 19, 2011 as written. Ms. Perkins seconded. The vote was unanimous.

TOWN CLERK
TOWN OF SANDWICH

OCT 19 2011

ANR

24 Teaberry Lane

William Cotter

Mr. Cotter, Mr. Jensen and Mr. Fitch, attorney for P.A. Landers were present.

12:25 M. P.M. 02
RECEIVED & RECORDED

Ms. Regan read a letter dated July 28, 2011 from Sam Jensen, Assistant Town Engineer, into the record. Ms. Regan asked Mr. Jensen if the last three items in his memo are atypical. Mr. Jensen said they are and can be waived. Ms. Regan said this was the only new item to this application. Ms. Regan distributed a plan of land from Mr. Cotter to the Board. Ms. Regan said what could be seen was the establishing of the way but she indicated that there is controversy concerning the placement of that way from P. A. Landers.

Mr. Cotter said he has a way—it is attached. Mr. Fitch, representing P.A. Landers, continued to object to the ANR. He said a plan like this shows a subdivision into two or more separate lots. Mr. Cotter's property was granted an easement of way to pass over the property to Rte 130. Mr. Fitch said this is an attempt to create frontage so it can be used as a buildable lot where none exists. This is the position he has taken from the beginning. In addition, you divide this property into two separate lots. Mr. Fitch said this plan calls for a subdivision. You have someone taking an easement and elevating it to status of a lot. This property is not a separate lot until you approve an ANR.

Further discussion was held on the history of the lots that were created in the 1940' before zoning. Mr. Jensen and Mr. Fitch discussed easement of way.

Ms. Regan discussed the fact that two lots would be created with frontage and it is not on the deed. Mr. Cotter said he is only creating one lot.

A turnaround at the end of the easement was discussed for access to fire dept., etc.

Mr. Fitch said it is an easement not a way. It does not have status for an ANR treatment.

Ms. Regan said this plan is creating a street and three lots and splitting P.A. Landers property. It is not an ANR.

Mr. Fitch said if the plan shows it as an easement his clients have no objection but a road will subdivide his client's property.

The question was asked, does an easement allow access to a lot. Does it create frontage to a lot?

Ms. Regan asked for comment from the public.

Mr. P. A. Landers of Hanover, MA spoke and said after legal advice from several sources he was told that it was not a buildable lot and that the 50 foot wide lot was originally going to be used as a boat ramp.

Ms. Regan called for a motion. Mr. Vaudo made a motion to deny request for an ANR dated July 27, 2011 for 24 Teaberry Lane under Chapter 41, Section 81-P, M.G.L. Ms. Perkins seconded. The vote was unanimous.

Board Discussion

South Sandwich Village Center

Horsley Witten Group

Present for the Horsley Witten group were Scott Horsley and Nate Kelly. Mr. Tsakalos was also present along with his Attorney, Kevin Kirrane.

Ms. Regan addressed Mr. Horsley and said at last week's meeting Mr. Horsley asked if there was an outreach meeting to the community with this concept. Ms. Regan said that the Board felt the concept may get in the way of zoning. Ms. Regan said that certain zoning articles will allow for parts of this concept.

Mr. Vaudo said that in the past there have been problems when buildings exceeded the thirty-five foot limit.

Discussion continued over the benefits of providing the town residents with visual concepts of the project.

Mr. Kelly provided a power point presentation based on a project in Rhode Island. He talked about the value of zoning concepts and talked about compact development. He discussed talking to other Planning Boards and dealing with village centers over the past twenty years. Mr. Kelly said the centers benefit everyone from the environment to walking. He addressed the loss of space with set backs along with parking and driving in a well designed center. He further discussed the history of parking.

Mr. Kelly said there are inconsistencies in our Zoning Bylaw Section 2600 along with Section #3510. All of these proposals are done through special permit. Fifteen percent of the housing will be affordable.

Ms. Regan asked if anyone had any questions. Mr. Vaudo addressed the thirty-five foot size limit. Mr. Kelly said it could be done but it would change the architectural design.

Ms. Perkins said there may be a small number of people opposed but she thought the majority would be in favor of the project.

It was asked if the public safety officers had been informed and it was said they supported the forty foot height.

Mr. Horsley said where the building height of forty feet occurs, will be far from the road.

Mr. Smith talked about the LCP.

Mr. Rakov said there are two questions when Horsley Witten returns. One is the stipulation of total number of bedrooms for the 24 acres. Mr. Kelly said there would be 200 to 250 units....the average is 1.5 bedrooms. Mr. Rakov also asked about phase 2-- what are the demands on water quality.

The water flow was discussed and Mr. Horsley said there will be no Title 5 discharge.

Mr. Rakov asked if there would be reconsideration of setbacks on Cotuit Road from 60' to 30'.

Mr. Smith said the issue has not changed the buffer. There was discussion on the arterial road and not changing from 60' to 30'.

Height regulations were discussed in detail.

* * * * *

Mr. Smith handed out the Use Regulation Schedule. He suggested that the Board read it and compare it with what currently exists. Mr. Smith said the Public Hearings for the proposed zoning by-laws is scheduled for August 23, 2011 and August 24, 2011 at 7:00 P.M.

Mr. Vaudo moved the Board to adjourn. Mr. Rakov seconded. The vote was unanimous. The meeting adjourned at 8:55 P.M.

Respectfully submitted,

Maureen Carty