



PLANNING BOARD

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MINUTES  
PUBLIC HEARING  
August 31, 2011

FINAL COPY

7:01 P.M.

Meeting Room

Town Office Building, 16 Jan Sebastian Drive

**Present:** Sarah Regan, Chair; Dan Marsters, Vice-Chair; Nanette Perkins, Amy Lipkind, and Henry Rakov

**Absent:** Joseph Vaudo

Ms. Regan read the Public Hearing Notice into the record.

**Recommendation Vote – Proposed Zoning Bylaw Amendments**

Ms. Regan read proposed amendment, Article 1. There was no Board discussion and no public comment.

Ms. Perkins moved the Board recommend that town meeting approve the following proposed by-law amendment:

Item #1:

**Amend Section 3110** "Adequate off-street parking" shall be provided on all-weather surfaces within a reasonable distance to service all parking demands created by new construction, whether through new structures or additions to old ones, or by change of use of existing structures. Such parking shall be either on the same premises as the activity it services, or within three hundred (300') on a separate parcel, which may be jointly used with other premises for this purpose. The following minimums must be met unless, after application and hearing, the Board of Appeals grants a special permit upon a showing and determination that the construction of fewer spaces will adequately serve anticipated parking needs. ***Analysis used to demonstrate that a reduction of spaces is acceptable may include, but shall not be limited to, a peak demand analysis consistent with the Institute of Traffic Engineers (ITE) guidance and the use of on-street parking where allowed.*** For uses allowed on special permit under Section 2300, the Board of Appeals may require that these minimums be exceeded to meet anticipated demand".

Mr. Rakov seconded.

Voted:

Sarah Regan           yes  
Daniel Marsters      yes

TOWN CLERK  
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12-25 M.P. M.R.  
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Amy Lipkind           yes  
Nanette Perkins       yes  
Henry Rakov           yes

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The vote was unanimous.

Ms. Regan read proposed amendment, Article 2. There was no Board discussion and no public comment.

Mr. Rakov moved the Board recommend that town meeting approve the following proposed by-law amendment:

Item #2:

**Amend Section 3102 “Table of Requirements” by adding “*The following Table of Requirements shall be used to determine the required number of spaces for individual uses. Where more than one primary use is located on a site, the sum of the required spaces for each individual use shall apply*”.**

Ms. Perkins seconded.

Voted:

Sarah Regan           yes  
Daniel Marsters       yes  
Amy Lipkind           yes  
Nanette Perkins       yes  
Henry Rakov           yes

The vote was unanimous.

Ms. Regan read proposed amendment, Article 3. There was no Board discussion and no public comment.

Mr. Rakov moved the Board recommend that town meeting approve the following proposed by-law amendment:

Item #3:

**Amend Section 3130 “No off-street parking shall be maintained closer to the street line than twenty feet (20’) *unless approved as part of a Mixed Use Cluster Development special permit*. In the B-2 and Industrial District, no off-street parking shall be located between the principal building and the street line of an arterial street unless completely screened from view from the arterial street by vegetation and topography. Off-street parking servicing a use not allowed in an R-1 or R-2 District shall not be maintained within thirty feet (30’) of said district bounds”.**

Ms. Perkins seconded.

Voted:

Sarah Regan           yes

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Daniel Marsters    yes  
Amy Lipkind        yes  
Nanette Perkins    yes  
Henry Rakov        yes

The vote was unanimous.

Ms. Regan read proposed amendment, Article 4. There was no Board discussion and no public comment.

Mr. Rakov moved the Board recommend that town meeting approve the following proposed by-law amendment:

Item #4

**Add Sections 4500-4505 “Mixed Use Cluster Development Regulations”** as a new use allowed by special permit in the B-2 zoning district.

Ms. Perkins seconded.

Voted:

Sarah Regan        yes  
Daniel Marsters    yes  
Amy Lipkind        yes  
Nanette Perkins    yes  
Henry Rakov        yes

The vote was unanimous.

Ms. Regan read proposed amendment, Article 5. The Board discussed the need to change “Industrial District” to “Solar Photovoltaic Overlay District” in this article and to include RD2 zoning district.

Mr. Marsters moved the Board recommend that town meeting approve the following proposed by-law amendment:

Item #5:

**Add Section 6200-6215 “Ground-mounted Solar Photovoltaic Installations”** as a new use allowed by right in the Solar Photovoltaic Overlay District and including the RD2 district.

Ms. Perkins seconded.

Voted:

Sarah Regan        yes  
Daniel Marsters    yes  
Amy Lipkind        yes  
Nanette Perkins    yes  
Henry Rakov        yes

The vote was unanimous.

The Board also discussed the addition of two parcels to the Solar Photovoltaic Overlay District. The Board was in favor of these additions.

Mr. Marsters moved the Board amend the zoning map as was voted on August 30, 2011 to include two parcels in the Solar Photovoltaic Overlay District to include one parcel in RD2 and one parcel in R2 zoning districts.

Ms. Perkins seconded.  
The vote was unanimous.

Ms. Regan read proposed amendment, Article 6. There was no Board discussion and no public comment.

Mr. Rakov moved the Board recommend that town meeting approve this proposed by-law amendment:

Item #6:

**Amend Definitions, eliminate duplication, make editorial changes and add new definitions,**

Ms. Perkins seconded.

Voted:

Sarah Regan	yes
Daniel Marsters	yes
Amy Lipkind	yes
Nanette Perkins	yes
Henry Rakov	yes

The vote was unanimous.

Ms. Regan read proposed amendment, Article 7. There was no Board discussion and no public comment.

Mr. Rakov moved the Board recommend that town meeting approve the following proposed by-law amendment:

Item #7

**Change all** references for BL-1 and BL-2 to B1 and B2, respectively.

Ms. Perkins seconded.

Voted:

Sarah Regan	yes
Daniel Marsters	yes
Amy Lipkind	yes
Henry Rakov	yes
Nanette Perkins	yes

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The vote was unanimous.

Ms. Regan read proposed amendment, Article 8. The Board discussed changing the zoning designation of this parcel and was not in favor of it. There was no public comment.

Mr. Rakov moved the Board **not** recommend that town meeting approve the following proposed by-law amendment:

Item #8

**Amend** the Zoning Map, Sandwich, Massachusetts referenced in Article II, Section 2100 of the Sandwich Zoning Bylaw to delete a portion of the RD2 District for parcel 28-060 and replace it with an Industrial Zoning designation. Total area proposed for change is approximately 38.80 acres.

Ms. Perkins seconded.

Voted:

Sarah Regan	yes
Daniel Marsters	yes
Amy Lipkind	yes
Nanette Perkins	yes
Henry Rakov	yes

The vote was unanimous.

Ms. Regan read proposed amendment, Article 9. There was no Board discussion and no public comment.

Mr. Marsters moved the Board recommend that town meeting approve the following proposed by-law amendment:

Item #9

**Delete** Section 3510 (a) ***“Not more than sixty percent of lot area shall be covered by structures, paving, driveways, walkways and parking areas”***, and re-letter Section 3510 from ‘b and c’ to ‘a and b’.

Ms. Perkins seconded.

Voted:

Sarah Regan	yes
Daniel Marsters	yes
Amy Lipkind	yes
Nanette Perkins	yes
Henry Rakov	yes

The vote was unanimous.

Ms. Regan read proposed amendment, Article 10. Ms. Lipkind was not in favor of the wording “unless for a Mixed Use Cluster Development special permit”. Mr. Nate Kelly, also of Horsley Witten Group,

said that this article was important for design flexibility that would occur when a multi-phase project was being considered since one phase might not meet the 30% requirement, but overall the completed project would. Mr. Horsley stated that that this is consistent with the Cape Cod Commission guidelines. The Board also discussed the word "vegetated". Mr. Michael Karl, 82 Roos Road, also commented on the vegetation.

Ms. Lipkind moved the Board recommend that town meeting approve the following proposed by-law amendment:

Item #10

Amendment to revised Section 3510 (a) "Not less than 30 percent of lot area shall be retained in a ***vegetated condition unless by special permit***".

Mr. Rakov seconded.

Voted:

- Sarah Regan        yes
- Daniel Marsters    yes
- Amy Lipkind        yes
- Nanette Perkins    yes
- Henry Rakov        yes

The vote was unanimous.

Mr. Rakov moved the Board adjourn. Ms. Perkins seconded. The vote was unanimous. The meeting adjourned at 7:35 P.M.

Respectfully submitted,

Marilyn K. Bassett