Town Of Sandwich
THE OLDEST TOWN ON CAPE COD

BOARD OF APPEALS
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Minutes
November 8, 2011

TOWN CLERK
TOWN OF SANDWICH
NOV 23 2011
12 15 P M
RECEIVED & RECORDED

7:00 P.M.
Present: Christopher Neeven, Chair, Harold Mitchell, Vice Chair, Fred Watt, Robert Jensen, and Erik Van Buskirk
Paul D. Spiro, Inspector of Buildings
Absent: James Killion

7:02pm
Approval of Minutes
Mr. Jensen moved the Board approve the minutes of October 11, 2011 as written. Mr. Watt seconded. The vote was unanimous

7:05pm
ADBI #11-09
8 Fox Trot Run
Romeiser
Mr. Neeven read an e-mail from the applicant's attorney, Jonathan Fitch, requesting that that the ADBI for 8 Fox Trot Run be continued to a later date. Mr. Watt moved to place 8 Fox Trot Run on the agenda for the meeting of November 22, 2011. Mr. Jensen seconded. The vote was unanimous.

7:10pm
Substantial Modification #11-13
Farmview Estates
Farmview Estates Affordable Housing, LLC
Attorney Jonathan Fitch was present with Mr. William Yetman, officer at Howland Development in charge of development. The purpose in coming before the Board was to request a substantial modification to the existing comprehensive permit. The applicant would like to reduce the number of house lots from 52 to 15 with four affordable and construct four (4) thirty unit apartment houses with 236 total bedrooms. This is about the same number of bedrooms approved in the comprehensive permit. These units would be 100% affordable up to 60% of median income. Mr. Fitch went on to say that in the Local Comprehensive Plan and the Housing Production Plan the need for rental properties in Sandwich was underscored. He emphasized that Howland Development has done this type of project elsewhere and been successful.

Mr. Yetman described a 72 unit, three building complex with 24 apartments that the company built in Tyngsboro. This is Phase I of the construction of the modular buildings. These were built with tax credits and supported by corporations. He said there has been positive community response with no problems from the tenants. Mr. Yetman showed a concept plan to the audience and the Board. The actual development in Sandwich would not have a pool or the other amenities shown/

Mr. Jensen wanted to make sure that the bedroom count was the same as in the original permit. Mr. Yetman said it's almost the same. The company would put in a large septic system instead of individual systems.

Mr. Yetman told the Board that Howland Development continues to own rental property that is managed for them by Wynn Management Company, which provides around the clock on site management as well as two people on during business hours and on Saturdays and Sundays to respond to any problems. The site would constantly be monitored. Mr. Watt asked for clarification of the bedroom count for each building. There will be eighteen 2 bedroom apartments, six 3 bedroom apartments, and six one bedroom apartments. This would not include the bedroom count for the single family homes.

Mr. Mitchell asked which modular company they used. Mr. Yetman said it was KBS in Maine. He praised the company for their energy efficiency and said he would gladly arrange a tour of the apartments in Tyngsboro.

Mr. Jensen asked Mr. Yetman the height of the proposed buildings to which he replied it would be 44' as currently shown on the concept plan. He also asked if Mr. Yetman had spoken to the commanders at Otis ANGB and could servicemen qualify for residency. The answer to both questions was yes. He also asked if the plans were for a total of 15 homes or 15 more homes. Mr. Yetman said that one was already built so there would be 15 more single family homes built.

Mr. Sam Jensen, Asst. Town Engineer, asked where the septic would be located. Mr. Yetman it would be behind the apartments in the sand pit area with adequate odor control provided. Mr. Spiro, Inspector of Buildings and Mr. Yetman discussed roof pitch and the height of the proposed buildings. Mr. Yetman pointed out the new by-law which allows for 35' in height with 5' of decorative work.

Mr. Neeven opened the meeting for public comment. The following is a list of the people who spoke:

- Denise Restino, 11 Linda Lane, expressed concern with the fact that this is a sensitive water resource area, serious consideration should be given to the denitrification system as this is expensive to maintain, traffic concerns with Snake Pond Road being one way in and one way out only, people would be coming from all over the Cape to live in these apartments which she feels will have no oversight for the property, the strain place on the resources of the Town, and the responsibility to increase the tax base of the Town, which will not be the case with this development. She later asked if the developers had reached out to the Base. She would like to make sure that representation from the Base is at the next meeting.
- Shauna Baacke, 17 Belmont Avenue, had a concern with overcrowding at the Forestdale School. Mr. VanBuskirk explained that the Board cannot consider the impact on the schools under 40B regulations. She also expressed safety concerns of the children walking on Snake Pond Road with the increase in traffic.
- Ed Kyttle, 8 West Crossfield Road, is not opposed to the subdivision itself, he just does not want to see apartment buildings in a neighborhood that is predominantly single family homes.
- Tom Phillips, 2 Knoll Top Road, had traffic concerns, wanted the number of units to be clarified, and more information on the height of the buildings. He later asked the Board to explain the 40B process and what he should follow and understand. Atty. Fitch referred him to 760CMR 56 as the best way to become educated. This can be found on line or in any law library. Mr. Phillips later asked if the Board can consider the impact on property values.

- Greg Scott, 9 Linda Lane, also has traffic concerns and wanted to know how the septic would be treated. Mr. Jensen explained that that must go through the engineering department and the plans had not been submitted yet. He also asked if the crash area of the base addressed. It was in the original permit process.
- Paul Higgins, 2 Uphill Road, stated his is a police officer in another town and said that this is a "project" with an absentee landlord at best. He stated that in the town where he works he cannot express his opinions, but can as a taxpayer in Sandwich – "Not in my backyard".
- Chris Beikes, 13 Linda Lane, has traffic concerns and wondered if a wildlife study had been done.
- Walter Morris, 14 Friendly Road, is concerned that property values will drop in the area if this proposed modification is approved; he also expressed concern about the septic system. Mr. Jensen assured him that all the requirements will be looked at as they must be met before approval can be given. He later asked if the Board could be petitioned to have certain studies done.
- Michael Ryan, 1 Uphill Road, feels this should be an entirely new permit since it is so dramatically different from the original permit. He also sees an increased burden on the infrastructure.
- Jim Gallagher, 3 West Crossfield Road, expressed his concern with the traffic. He later asked when a modification becomes a new permit.
- Barbara Terrasi, 8 Linda Lane, said that the Town shouldn't have to pay for a bad investment.
- Ralph Restino, 11 Linda Lane, questioned if the Board's hands were basically tied with the 40B guidelines.
- Gail Sutton, 2 Jody Lane, is opposed to the project
- Tara Kilduff, 6 Nerak Way, agreed with the previous comments and added her concern for the amount of trash that will need to be picked up because of the apartments.
- Margaret Ahern, 122 Snake Pond Road, agreed with everyone and questioned how this will affect property values.

Mr. Watt told the audience that public commentary was always welcome. He then explained that safety concerns, traffic impact, and wildlife can be considered; however, the Board cannot consider the "NIMBY" comments or the impact on the schools.

Mr. Fitch said that he had made notes on the concerns expressed by the neighbors. The neighbors said that even more people would show up for the next meeting. The Board asked to have Oakridge School auditorium reserved for the next meeting.

Mr. Mitchell moved to continue the Public Hearing on the substantial modification for Farmview Estates, #11-13, to 7:05pm on December 13, 2011. Mr. Jensen seconded. The vote was unanimous.

8:45pm
Special Permit # 11-12
2 Jan Sebastian Drive
Falmouth Hospital Association, Inc.
Attorney Eliza Cox, Ed Browne, Director of Facilities and Support Services, Cape Cod Healthcare, and Dan Ojala, civil engineer with Down Cape Engineering, were present. Ms. Cox reviewed the project for the Board. She had a request for conditioning the permit which would not change the footprint at all. She would like the Board to consider allowing Cape Cod

Healthcare to modify the interior to make it as user friendly as possible without requiring them to come in for a modification request. The Board will look at that proposal during deliberations. Mr. Jensen said that there had been concerns with an abutter regarding the noise associated with the mobile MRI truck. Mr. Brown said that he has a commitment from the transport company to move nothing after 10:30pm. This was conveyed to the abutter and she was happy with that decision. The need for the mobile MRI will fade about 50% over time according to Mr. Browne. There will be a PET truck in use, but since it does not utilize air conditioning, it is very quiet. The hours of operation will be from 7am to 8pm with a ½ day on Saturday.

Mr. Neeven wanted to clarify that there would be no increase in the number of personnel. Ms. Cox explained that the number on site at any time would stay the same even though more doctors would be added to the staff. They would not all be present at the same time.

The Board reviewed the draft decision. Mr. Spiro asked for Condition #6 to be changed to 12 months. Brian Fragassi, 5 Dukes Drive, was concerned with the parking situation that the increase of services would bring to the parking lot. Ms. Cox assured him that the number of doctors on site at any one time will stay the same.

Mr. Jensen motioned to close the Public Hearing for Special Permit #11-12, 2 Jan Sebastian Drive, Falmouth Hospital Association, Inc. Mr. Watt seconded. The vote was unanimous.

Board Discussion

The Board had received copies of the 40B Guidelines for local review as well as a copy of the Town of Bellingham regulations. Mr. Jensen had his copy of the Town of Sandwich rules and regulations as well. The Board decided it would be helpful to compile a handout sheet with an overview of 40B projects to be available to the public.

Executive Session

Mr. Jensen moved the Board go into Executive Session to discuss a pending settlement and to reconvene for the purpose of adjourning. Mr. Watt seconded. The roll call vote was as follows:

Mr. Neeven	Yes
Mr. Mitchell	Yes
Mr. Jensen	Yes
Mr. Watt	Yes
Mr. Van Buskirk	Yes

Deliberation

When the Board reconvened, it was decided to deliberate on Special Permit #11-12. The Board reviewed and discussed 2 Jan Sebastian Drive, Falmouth Hospital, Association, Inc. The Board voted to grant the Special Permit application with conditions. The decision, findings, and conditions are on file in the Board of Appeals public records at the Planning and Development office.

Mr. Jensen motioned to adjourn. Mr. Mitchell seconded. The vote was unanimous.
The meeting adjourned at 9:12pm.

Respectfully submitted,
Marilyn K. Bassett