



MINUTES
January 4, 2011

7:05pm
Meeting Room
Town Office Building
16 Jan Sebastian Drive

Present: Daniel Marsters, Chair, Rich Claytor, Sarah Regan, and Nanette Perkins
Absent: Amy Lipkind, Vice Chair, and Joe Vaudo

Approval of Minutes

Ms. Regan moved the Board approve the minutes of December 7, 2010 as written. Ms. Perkins seconded. The vote was unanimous.

7:06pm
Submission of New Plans

Mr. William Burbank, representing the Kristins Way subdivision, presented the mylar for the Board to endorse.

7:09pm
Preliminary Plan
Off Barnard Road
Przemysl-Lvov Realty Trust

Mr. Marsters read the following comment letters into the record:

J.J. Burke, Sandwich Fire Department Fire Inspector, dated January 4, 2011
(submitted via e-mail)

David Mason, RS, CHO, Health Agent, Board of Health, dated December 14, 2010

Samuel Jensen, P.E., Assistant Town Engineer, dated January 3, 2011

Atty. Jonathan Fitch and Tim Bennett, Project Engineer, represented the applicant. Mr. Fitch recapped the history of this property for the Board. The Board had approved the creation of two lots as shown on a demonstration plan. By filing a preliminary plan, the applicant is looking for comments prior to the approval or denial of the plan. The zoning is also frozen for six months providing the applicant files a definitive plan within that time.

Lots 1 and 2 are proposed building lots with each having 40,000 sq ft, which complies with cluster development in the zoning by-laws. The other lots shown on the plan will be Open Space. Atty. Fitch told the Board that the Sandwich Water District welcomes the opportunity to have connection between Ocean and Beach Roads for enhanced fire protection and water quality.

Mr. Marsters asked if there had been any contact with the fee holders regarding upgrades to the roads. Atty. Fitch responded that the applicant is waiting until he has something definite in hand to present to them that indicates Board approval.

There was some discussion regarding road width and turnaround width for access by the fire department. Ms. Regan reminded the Board that access is not an issue at the preliminary stage and that the applicant is aware of the Board concerns regarding road width. Mr. Claytor would like to have further input from the Engineering Department on the road conditions and widths.

Mr. Claytor asked if it matters that more lots are shown on the Preliminary plan than were shown on the demonstration plan. Mr. Bennett stated that it is making the lots less non-conforming; Atty Fitch assured the Board that only two lots are intended to be building lots.

Mr. Fitch requested that this preliminary plan be placed on the agenda for the January 18, 2011 meeting. The Board agreed.

Board Discussion

Bayview Farm Estates

Brewster Lane LLC

Richard Anderson

Mr. Marsters read a letter from Atty. John Holmgren dated January 4, 2011 into the record. Atty. Holmgren asked the Board to consider an alternative to the performance surety bond required for the remaining items for compliance with Sections 3, 4, and 5 of the subdivision rules and regulations. The applicant requested that the Board waive the requirement for any remaining surety bond; he requested that instead, the Planning Board could hold any certificate of occupancy issued by the Building Department until the roadways are completed. Ms. Regan would like to see a new Form I indicating the cost for completion of the project. The Board is not comfortable holding occupancy permits in lieu of surety.

Appointment of Planning Board Member

The Board interviewed Mr. Henry Rakov for the Alternate position vacated by Ralph Vitacco. At the conclusion of the interview, Ms. Regan moved to recommend that the Board of Selectmen appoint Henry Rakov to the Planning Board. Mr. Claytor seconded. The vote was unanimous.

Canvasback

Town Counsel Elizabeth Lane met with the Board at their request to clarify what their authority is and what rights the Board has to do, impose and enforce. Atty. Lane explained to the Board that they have a duty to interpret and act on only the terms of the special permit. The Board does not have authority to enforce, per se, as that is the responsibility of the Building Inspector. In the case of the Canvasback subdivision, the Board the Board has jurisdiction over the cutting and clearing of vegetation in the area designated as Open Space.

Atty. Adam Avratin, representing the Canvasback Home Owners Association, asked the Board to table any discussion as the issue of the docks is still before the DEP. He stated that the HOA will file the appropriate application after the DEP ruling.

Mr. David Bennett, Bennett Environmental Associates, asked to address the Board as a representative of several concerned homeowners. Mr. Marsters explained to him that the purpose of tonight's meeting was to have Town Counsel clarify the Board's role regarding the Canvasback Special Permit. Mr. Bennett made a very brief statement.

Mr. Marsters recapped that the Board would entertain input from all sides when the Homeowners Association makes an application to the Board with an appropriate plan. The Board suggested that the HOA have the plan and application into the Board in time for it to be on the agenda for April 19th.

Mr. Avratin said that he would try to have the DEP give him a date by which they should have reached a decision. He will appear before the Board at the January 18th meeting with this information.

Ms. Perkins asked to have the Building Inspector go back out to the area to determine if the cease and desist order is still in place and to confirm that there has been no additional clearing.

Board Discussion
Zoning By-law Draft

Director of Planning and Development Greg Smith updated the Board. A copy of the draft decision has been given to the Board of Selectmen. He will be presenting the draft to the Chamber of Commerce by the end of the month. The By-law Committee is scheduled to meet on January 16, 2011 to offer technical comments. Mr. Smith plans on having the draft decision before the Planning Board by February.

Ms. Perkins motioned to adjourn. Mr. Claytor seconded. The vote was unanimous. The meeting adjourned at 9:12pm.

Respectfully submitted,
Marilyn K. Bassett

