Town Of Sandwich
THE OLDEST TOWN ON CAPE COD

PLANNING BOARD
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**MINUTES**
**July 17, 2012**

**7:00 pm**
**Meeting Room**
**Town Office Building,**
**16 Jan Sebastian Drive**

**Present:** Sarah Regan, Chair, Henry Rakov, Bill Burbank, Nicole King, and Stanley Torrey, Town Planner Nathan Jones and Assistant Town Engineer, Sam Jensen
**Absent:** John Campanale, Joe Vaudo

**Approval of Minutes**
Mr. Rakov motioned to accept the minutes of June 5, 2012 as written. Mr. Torrey seconded. The vote was unanimous.

**Submission of New Plans**
There were no plans submitted.

**7:05**
**Board Discussion**

**Atkins Road**
Ms. Regan informed the Board and the public that the applicant had withdrawn their request to have an informal discussion.

**Cranberry Trail**
Ms. Regan read a letter from Iris Hills regarding Cranberry Trail and the Board's recent determination.

Ms Hills was present.

Ms. Regan said that Mr. Spiro, the Building Inspector, had requested that the Planning Board make a determination whether Cranberry Trial from the intersection of Windmill Bog, east-northeastward toward Cape Cod Bay is considered a street as defined by the Sandwich Protective Zoning Bylaw.

The Board requested input from the Engineering Dept. and also members of the Board were going to visit the site. After comments from the Assistant Town Engineer, the Board unanimously voted that the Cranberry Trail as described above was a Way.

Ms. Hills had several questions related to road setbacks. Mr. Jones provided the setbacks. Mr. Jensen also provided information. Ms. Hill also discussed Mr. Jeff Hannah's permit and what had and had not been accomplished. Ms. Hills had copies of various communications

dating back to October 2002 from the Conservation Commission related to the road which she shared with the Board. Ms. Hills said she had tested the road and found only one inch of gravel and two to three inches of gravel before hitting of subsoil. Mr. Jensen questioned Ms. Hills if it was crushed stone over gravel. Mr. Jensen said the Engineering Department has been to the site several times. There was a lengthy discussion about the condition of the road.

Ms. Hills asked for the following to be included in the minutes: *Restricted access at the entrance road layout was wrong and proscriptive easement to Windmill Boggs Way has disappeared.*

Ms. Regan said when the Engineering Department makes a determination, with their knowledge, the Planning Department is comfortable making a determination. However, if you question that the road does not meet minimum requirements, possibly you should deal with the Engineering Department and the Town Planner. If the Planning Board made a judgment in error you could request that the determination be reassessed.

Mr. Burbank said Ms. Hills was within her rights to ask not only the Town Planner but the Building Inspector as well for clarification. Mr. Burbank said if Ms. Hills is going to come back for the next meeting, she should file for the necessary action from this Board. There is no way this is a traveled Way.

Ms. Regan told Ms. Hills that she didn't have to wait for the next Planning Board meeting but she should deal directly with Mr. Jensen and Mr. Jones which could be done during regular working hours. She would be able to provide them with a directive and this would allow for both the Town Planner and Assistant Town Engineer to provide the Board with the paper work so they can make a determination.

Ms. Hills provided additional history of road construction and Mr. Hannah's application. Ms. Regan said she had a plan from 1977 which was what the Board was going on. Ms. Hills said that the old road has disappeared. She also said that down the Cranberry Trail people were allowed to build but when they had someone to buy their property the observation was made that that the road had not been improved.

Mr. Jones said that he would do the research on this information and then speak with Ms. Hills. He further said that there are multiple files with different Boards that would require his attention. Ms. Regan suggested that if Ms. Hills had any further documentation she should share it with Mr. Jones because this would benefit the whole issue.

Mr. Burbank requested information on an application that was before the ZBA relative to Cranberry Trail this past spring.

Ms. Regan asked Ms. Hills if she was satisfied with how this issue was going to be handled. Ms. Hills said she would be in touch with Mr. Jones and Mr. Jensen. Mr. Jones said he would determine the status of the Way regarding minimum access and how it got to where it is today...requiring a mini history.

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Ms. Regan addressed Office Policy Plan that Mr. Jones had submitted to the Board. Mr. Jones said he put together for the Board's consideration some new policies that would be protection for the Board members and also would also better serve the public.

A lengthy discussion followed relative to taxes that are in arrears along with topics that may be covered under Board Discussion.

Mr. Cotter was not present for the portion of the meeting that comes under Submission of New Plans. The Board asked Mr. Cotter to present his application.

Mr. Cotter has been before the Board previously for 24 Teaberry Lane. New members of the Board were not aware of this application. Mr. Cotter presented plans that were stamped in. Mr. Cotter presented tax bills since 1954. He said the lot was created by a deed in 1949 or 1950. The deed states there is 54 foot frontage. He gave the dimensions of the property. Mr. Burbank asked what he wanted to accomplish and Mr. Cotter said he wants to build a house.

Ms. Regan said that to get to this property it would subdivide some else's land. Access to the property was discussed along with public safety and easements.

Mr. Jones said when given the history of this particular section of the road it was described to him as an ancient way that was carved as an access from the pond by Mr. Garner, Mr. Cotter's Attorney. The turnaround was used for getting boats into the pond. Now you are representing to the Board that it is to allow an actual Way for frontage purposes.

Mr. David Evans of 16 Teaberry Lane asked if he could speak and then gave a history of the road. He said it wasn't a driveway his family used it as road to Rte 130 until someone was killed and now the road doesn't exist but it wasn't a driveway.

Mr. Jones said that he along with the Board would review Mr. Cotter's new plans and put him on the next Planning Board Agenda. It would also give Mr. Garner, Mr. Cotter's Attorney, a chance to be at the meeting.

Mr. Burbank moved the meeting adjourn. Mr. Torrey seconded. The vote was unanimous. The meeting adjourned at 8:31 P.M.

Respectfully submitted,

Maureen Carty