

Town Of Sandwich
THE OLDEST TOWN ON CAPE COD



PLANNING BOARD

16 Jan Sebastian Drive, Sandwich, MA 02563
Phone: 508 833 8001
Fax: 508 833 8006
E-mail: planning@townofsandwich.net

FINAL COPY

MINUTES
November 20, 2012

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

Present: Sarah Regan, Chair, John Campanale, Vice Chair, Henry Rakov, Joseph Vaudo, and Stanley Torrey
Town Planner Nathan Jones, Sam Jensen, Asst. Town Engineer
Absent: William Burbank and Nicole King

Approval of Minutes

Mr. Rakov motioned to accept the minutes of September 21, 2012 as written. Mr. Torrey seconded. The vote was unanimous.

Submission of New Plans

ANR
354 Phillips Road
Burke

Mr. Al Taylor, Canal Land Surveying and Permitting, Inc. appeared before the Board representing the property owner John F. Burke asking the Board to approve the creation of two lots. Currently there are 10 cottages on the property. The owner would like to demolish these buildings and build two residential units. Mr. Mitchell read a letter from Sean Harrington, Engineering Technician. The new addresses will be 360 and 370 Phillips Road.

Mr. Campanale moved that the Board endorse the ANR request for the creation of two separate lots at 354 Phillips Road. Mr. Vaudo seconded. The vote was unanimous.

ANR
108 Old County Road
McLaughlin

Mr. David Thulin, PE, PLS, appeared before the Board representing the property owners Debra and William McLaughlin asking the Board to approve the creation of two lots, one of which does not meet current zoning dimensional standards and is presently not a buildable lot. The remaining lot meets dimensional standards and does not create less conforming conditions with respect to dimensional standards or building setbacks.

Mr. Rakov moved that the Board endorse the ANR request for the creation of two lots at 108 Old County Road, one of which is unbuildable under current zoning dimensional standards. Mr. Campanale seconded. The vote was unanimous.

Cluster Subdivision and Special Permit, Continued
21 Manor Drive
Black and Hall

Mr. Campanale recused himself.

Attorney Jon Fitch, applicant Rick Hall, and Gary LaBrie, design engineer, were present. Atty. Fitch presented a revised Cluster Subdivision Plan that shows an easement reserved for future roadway. This easement would be granted to the Town in the Covenants of Manor Drive Cluster Subdivision. There was brief Board discussion regarding the designation of Open Space; there was concern that recreational use language would support tennis courts, swimming pools, and the like. Ms. Regan reminded the Board that the conditions of the Special Permit designate what can and cannot happen.

DEC 05 2012
3 H 23 M P M
RECEIVED & RECORDED

Ms. Regan opened the meeting to public comment. Mr. John Campanale, Manor Drive, said that he is in favor the of subdivision after hearing tonight's comments.

Mr. Rakov motioned to close the Public Hearing for Special Permit and Cluster Subdivision for 21 Manor Drive. Mr. Torrey seconded. The vote was unanimous.

Mr. Campanale rejoined the Board.

Special Permit Amendment, Continued

8 Fox Trot Run

Larson

Ms. Regan read a memorandum from Sam Jensen, Asst. Town Engineer, into the record. Mr. Larson presented a plan showing the cross section of the driveway to the Board. He told the Board that this plan was satisfactory to Mr. Jensen. Mr. Larson said it is not a simple thing to accomplish, but it can be done. The Engineering Department would be involved in overseeing the construction. He asked the Board to approve his Special Permit Amendment request and accept the new Order of Conditions.

Ms. Regan opened the meeting to public comment.

Dr. David Romeiser, 6 Fox Trot Run, was concerned that the steepness of the driveway would lead to a washout on his property. He also expressed concern that the safety of several large trees be protected. Mr. Jensen assured him that the Engineering department will require that safety measures are in place during construction of the driveway. Mr. Larson stated that he does not want to take down any tree. Dr. Romeiser would like to see precautions as part of the permitting process. Mr. Larson assured the Board that he is happy to accommodate requests of the abutters as much as is possible.

Mr. Campanale motioned that the Board close the Public Hearing for the Special Permit Amendment for 8 Fox Trot Run. Mr. Rakov seconded. The vote was unanimous.

Mandatory Referral to Cape Cod Commission

Greenwood Meadows Solar Photovoltaic Component

Attorney Jonathan Fitch presented a request to the Board for a mandatory referral to the Cape Cod Commission for the proposed solar array. He showed the Board an aerial view that shows the area set aside for the solar component is already scarred. He also told the Board that the Division of Fisheries and Wildlife has sent notification that the property is within Priority Habitat and Estimated Habitat which will require further filing with the NHESP. He said that the Commission intends to hold a hearing here in Sandwich in December.

Mr. Rakov motioned that the Board send the Mandatory Referral to the Cape Cod Commission regarding Greenwood Meadows Solar Component. Mr. Torrey seconded. The vote was unanimous.

Certification of Way

24 Teaberry Lane

Cotter

The Board is being asked to make a certification of way. Ms. Regan reminded the Board that they can endorse, not endorse, or do nothing with regard to this request. Mr. Vaudo asked Mr. Jones about Town Counsel's opinion regarding Teaberry Lane which had been forwarded to the Board. There followed Board discussion of the contents of the opinion letter. Atty. Garner, representing Mr. Cotter asked to respond. He stated that the request should not have been submitted as an ANR. Mr. Landers, the abutting property owner, also stated his opposition to certifying Teaberry Lane as a way. Ms. Regan asked Mr. Garner if he were withdrawing the ANR. He responded that he would withdraw it immediately. The Board said that first the road must meet standards; then the issue of frontage can be addressed. Mr. Jensen stated that currently Teaberry Lane plan submitted by Mr. Cotter is not acceptable. The Board agreed to accept the withdrawal of the ANR.

Deliberations

8 Fox Trot Run

Larson

The Board reviewed and discussed 8 Fox Trot Run, Special Permit Amendment. The Board voted to grant the Special Permit with conditions. The decision, findings, and conditions are on file in the Planning and Development Office.

Special Permit and Cluster Subdivision

21 Manor Drive

The Board reviewed and discussed 21 Manor Drive, Special Permit and Cluster Subdivision. The Board voted to grant the Special Permit with conditions. The decision, findings, and conditions are on file in the Planning and Development Office.

Board Discussion

Teaberry Lane

Mr. Rakov wondered if Mr. Cotter actually has the right to build the road. Mr. Cotter needs the approval. Ms. Regan said that this will be a civil matter between Mr. Cotter and Mr. Landers. Mr. Jensen told the Board that under Section 5S of the Subdivision Rules and Regulations, Mr. Cotter needs prior approval from the Board. Mr. Jones reminded the Board that Town Counsel advised that it is not for the Planning Board to determine sufficient frontage – it is a civil matter. The Board and Mr. Jensen would like the Planning and Development office to be sure that Mr. Cotter knows he must meet the requirements of Section 5S in the Subdivision Rules and Regulations. He must have the approval of both the Planning Board and the Engineering Department for the proposed improvement of Teaberry Lane . He must also present documentation granting or proving legal right to carry out the improvements.

Mr. Rakov also asked about Cranberry Trail. Mr. Jones said that Town Counsel's memo put the shed issue to bed when she said that there was not frontage on two ways. Also, the Planning Board has no authority to require anyone to move the way.

Mr. Vaudo moved the meeting adjourn. Mr. Campanale seconded. The vote was unanimous.
The meeting adjourned at 9:07pm.

Respectfully submitted,

Marilyn K. Bassett