

# Town Of Sandwich

THE OLDEST TOWN ON CAPE COD



TOWN CLERK  
TOWN OF SANDWICH

## PLANNING BOARD

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AUG 22 2013

MINUTES  
March 19, 2013

7:01pm

Meeting Room  
Town Office Building,  
16 Jan Sebastian Drive

8 H 35 M A M S L  
RECEIVED & RECORDED

FINAL COPY

**Present:** Sarah Regan, Chair, John Campanale, Vice Chair, Stanley Torrey, and William Burbank  
Town Planner Nathan Jones and Assistant Town Engineer Sam Jensen

**Absent:** Henry Rakov and Joseph Vaudo

### Approval of Minutes

Mr. Campanale motioned to accept the minutes of February 19, 2013 as written. Mr. Torrey seconded. The vote was unanimous.

Due to the anticipated lengthy discussions of the proposed zoning changes for Annual Town Meeting, Chair Sarah Regan asked the Board to support taking items out of order on the agenda. The Board agreed with her.

### Black Hall Woods

#### Endorsement of Plan

#### Acceptance of HOA

Attorney Jonathan Fitch, representing the owners, asked the Board to accept the Homeowners Association covenants and endorse the plan for Black Hall Woods, formerly 21 Manor Drive. The owner will sign the HOA and Atty. Fitch will have the document recorded as required under conditions of the Special Permit. Once it has been recorded, he will send a copy to the office. Mr. Burbank motioned that the Board endorse the plan of Black Hall Woods, prepared for Rick Hall, by Warwick and Associates, Inc., dated 01/27/12 and revised 03/13/2013. Mr. Torrey seconded. The vote was unanimous.

### Board Discussion

#### Atkins Road

#### Cluster Subdivision

Brian Yergatian, P.E., LEED AP, BSC Group, project manager, and Attorney Greg Bradford represented the applicant, Monomoy Properties, LLC. He asked the Board for comments regarding the proposed plans during an informal discussion.

After much discussion, the Board still has concerns regarding the following:

- Access to Lot #16
- Drainage
- Revegetation
- Emergency access – if Atkins Road is non-transversable, how would the subdivision be serviced?

Mr. Yergatian thanked the Board for their input which will be reflected in future plans.

### Public Hearing for Proposed Zoning Bylaw Amendments

Ms. Regan read the Public Hearing Notice into the record. Mr. Jones then told the Board that Town Counsel had made some last minute minor changes that he would address where appropriate.

### Recommendation Vote – Proposed Zoning Bylaw Amendments for Annual Town Meeting May 6, 2013

Ms. Regan read proposed amendment, Article 1.

There was Board discussion and public comment on this article. Atty. Jonathan Fitch questioned the wording of the definition of Accessory Dwelling Unit. He suggested that the last word should be "smaller", not "larger". The Board agreed. Atty. Fitch also asked if the Board was comfortable with the Seasonal Dwelling definition. Michael Karl, 82 Roos Road, asked if this conflicted with Section 4133. There is no conflict. After further discussion the words "non-owner occupied" were inserted between A and dwelling. "Private Way" was changed to "Street, Private" for consistency. Cathy Walter, 82 Roos Road, also commented on the definition. Exterior Storage was changed to reflect that it refers to commercial and temporary storage. Mr. Jones noted that it is necessary to delete reference to "Village Center, 6A Corridor, the "s" on Shore District, and "Limited"



with Business-2 as these district are either not part of the amendments being proposed or they need to have the correct designation. In response to a question by Ms. Walter, Mr. Jones said that removing the phrase "and having access to a street" was to prevent redundancy. He also told the Board that on advice of Town Counsel the discretionary measure needs to be removed from Exterior Storage and Holiday or Seasonal Attraction definitions.

Mr. Campanale moved the Board recommend that Town Meeting approve the following proposed by-law amendment:

Item #1:

Proposed additions and amendments to the Definitions Section of the current Sandwich Protective Zoning Bylaws to add, change or modify 36 (thirty six) definitions.

Mr. Torrey seconded.

Voted:

Sarah Regan	Yes
John Campanale	Yes
William Burbank	Yes
Stanley Torrey	Yes

The vote was unanimous.

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

Mr. Campanale moved the Board recommend that Town Meeting approve the following proposed by-law amendment:

Item #2:

Proposal to strike Article VI Growth Center Technology District from the Sandwich Protective Bylaws and associated Zoning Map, Town of Sandwich, Massachusetts referenced in Article II, Section 2110 of the Sandwich Protective Bylaw. Parcels previously zoned as Growth Technology District shall revert to RD-2 (Ridge 2) zoning.

Mr. Torrey seconded.

Voted:

Sarah Regan	Yes
John Campanale	Yes
William Burbank	Yes
Stanley Torrey	Yes

The vote was unanimous.

Ms. Regan read proposed amendment, Article 3. There was Board discussion and public comment on this article. Sean Murray stated that he appreciated the hard work of the Board and Mr. Jones. He noted that fast food and take-out had not been defined. Mr. Jones said that if every term were defined, the definitions section of the would be unwieldy. Chris Bailey addressed the Board regarding the Use Table section of Recreational/Cultural Uses "Theatre". As proposed it is not an allowed use in the Flex District. Mr. Bailey told the Board that he feels this should be allowed by-right. After discussion the Board agreed with him. Theatre is "Y" in the Flex District and an "S" in the RD District. He also advocated to have Drive-Up or Drive- Through accessory use for pharmacies. The Board did not support this proposal.

Mr. Campanale moved the Board recommend that Town Meeting approve the following proposed by-law amendment:

Item #3:

Proposed amendment to Article II, Section 2100 of the Sandwich Protective Zoning Bylaw to establish a new Flexible Growth Zoning District ("Flex District") and to condense the pre-existing Ridge 1 and Ridge 2 (RD-1 & RD-2) into a single Ridge (RD) Zone. Additionally, amend language to other zone purposes as laid out in Section 2140. Amend the Zoning Map, Town of Sandwich Massachusetts referenced in Article II, Section 2110 of the Sandwich Protective Zoning Bylaw to display the new Flex Zone to be located in the current Industrial Zone of the Sandwich Industrial Park, as well as make associated minor expansions and to represent the single Ridge Zone and move the boundary of said zone to the end of the northerly bound of the Route 6 Mid-Cape Highway. Additional amendments shall include large-scale enhancements and revisions to Section 2300 Use Regulations Schedule and associated notes. Amendments to Section 2600 Intensity of Use Schedule and associated notes as well as any other associated bylaw language to accommodate the above listed new zone and enhanced use table proposals shall be considered.

Mr. Torrey seconded.

Voted:

Sarah Regan	Yes
John Campanale	Yes
William Burbank	Yes
Stanley Torrey	Yes

The vote was unanimous.

Ms. Regan read proposed amendment, Article 4. There was Board discussion and public comment on this article. Mr. Jones explained that the intent of this by-law was to allow for a small apartment to be occupied by family members/guests. There is not supposed to be a rental charged for this type of apartment. Mr. Bailey advocated for this type of apartment to be used for housing that young professionals and people just starting out could afford to rent. There was lengthy debate on by both the Board and Mr. Bailey. The Board decided against any change in the article.

Mr. Campanale moved the Board recommend that Town Meeting approve the following proposed by-law amendment:

Item #4:

Proposed amendment to Article IV, Section 4115 to allow for minor revisions to the By-Right Accessory Apartment bylaw allowing for location in detached accessory structures no further than 80 feet from the primary dwelling unit, allow for a maximum size of up to 800 square feet and to prohibit rental of such units.

Voted:

Sarah Regan	Yes
John Campanale	Yes
William Burbank	Yes
Stanley Torrey	No

The vote was four in favor of the recommendation and one against.

Ms. Regan read proposed amendment, Article 5. There was no Board discussion and no public comment.

Mr. Burbank moved the Board recommend that Town Meeting approve the following proposed by-law amendment:

Item #5:

Proposed amendment to enact a temporary one year moratorium on all uses pertaining to medical marijuana in the Town of Sandwich.

Voted:

Sarah Regan	Yes
John Campanale	Yes
William Burbank	Yes
Stanley Torrey	Yes

The vote was unanimous.

Mr. Campanale moved the Board adjourn. Mr. Burbank seconded. The meeting adjourned at 10:01pm.

Respectfully submitted,

Marilyn K. Bassett