

Town Of Sandwich
THE OLDEST TOWN ON CAPE COD



PLANNING BOARD

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FINAL COPY

MINUTES
September 17, 2013

TOWN CLERK
TOWN OF SANDWICH

NOV 06 2013

9 H 48 M A M/F
RECEIVED & RECORDED

7:05pm
Town Hall
130 Main Street

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

Approval of Minutes

Ms. Regan motioned to accept the minutes of September 3, 2013 as written. Mr. Torrey seconded. The vote was unanimous.

Teaberry Lane

Road Plan

Cotter

Mr. Cotter was not present at the Public Hearing and the Board had received no communication from him. Ms. Regan moved that the Public Hearing for Teaberry Lane Road Plan be closed. Mr. Torrey seconded. The vote was unanimous.

Scenic Road Permit

Windmill Bog Way and Cranberry Trail

Hannah

Mr. Rakov read the Public Hearing Notice into the record. He also read a letter from J.J. Burke, Sandwich Fire Department dated August 27, 2013, into the record. Mr. Losordo updated the Board on the road maintenance:

- Main roadwork is done
- Temporary entrance has been installed
- The Stanton's have allowed temporary use of their property
- Fire Department truck went down Cranberry Trail with no difficulty
- Letter from the Meadow Spring Farms Homeowners Assoc. granting permission to remove the tree and improve the road
- Still awaiting Conservation Commission approval for tree removal – the next meeting will be held on October 2, 2013

Mr. Jensen told the Board that Town Engineer Paul Tilton had consulted with Patrick Ellis, Acting Tree Warden, who provided input. The tree is not historic and shows some rotting. Two trees need to be planted to replace this one that will be taken down.

Mr. Rakov asked for public comment. Ms. Iris Hills, Cranberry Trail, asked if the Board had a plan showing the change to the road required by the cutting down of this tree. She also asked if Mr. Bracken is a registered land surveyor. The Board responded that they are comfortable with what is before them. Ms. Hills also stated that she believes the tree is on her property.

- Atty. Paul Revere, representing the Homeowner's Association, spoke to the Board indicating that the HOA has granted its permission to remove the tree.
- Ms. Claire Lamontagne, 35 Cranberry Trail, talked about when Cranberry Trail was all field with no Homeowners Association; she wants to see who really owns the property that the tree is on. If it is diseased, however, it must come down.
- Mr. John Williams, 35 Cranberry Trail, felt that not enough notice had been given to residents of Cranberry Trail, and he is upset by this.
- Mr. John Stanton, 2 Windmill Bog Way, had a survey done recently by Down Cape Engineering.
- Iris Hills, property owner on Cranberry Trail, questioned the existence of a plan showing the change to the road required for removing the tree and asked if Mr. Bracken is a registered land surveyor. She also stated she believes the tree to be on her property. The Board stated that its members are comfortable with what is before them. Ms. Hills also asked the Board to confirm that they had refused to put her on agenda as an agenda item. Ms. Regan confirmed that because Ms. Hills had nothing before the Board requiring a decision.

After further discussion regarding the temporary turnaround and the minor work still left to be done, Mr. Burbank motioned that the Board, acting as the Scenic Road Committee, vote to remove the tree at Cranberry Trail and Windmill Bog Way. Ms. Regan seconded. The vote was unanimous.

Proposed Zoning Bylaw Amendments

Public Hearing

Mr. Rakov read the Public Hearing notice into the record. It was decided to discuss and vote on the article relating to Cottage Colonies first.

Recommendation Vote – Proposed Zoning Bylaw Amendments for Special Town Meeting Fall 2013

Mr. Rakov read proposed Article #2. Mr. Jones showed a power point presentation. There was no public comment. The Board suggested changes to Sections 4710 and 4740. The Board expressed concern that things be done they way they should be with careful and strict attention to the interpretation of the bylaw. Ms. Regan pointed out that the Planning Board members are always welcome to attend the Board of Appeals meetings and that each application will be sent to the Planning Board for comment before the public hearing. Mr. Rakov was in favor of replacing the Zoning Board of Appeals with the Planning Board in Section 4710. Mr. Burbank moved that the Board approve replacing the Zoning Board of Appeals with the Planning Board in Section 4710. Ms. Regan seconded. The vote was unanimous. Ms. Regan moved that the Board recommend that Special Town Meeting approve the following proposed by-law amendment:

Item #2:

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article IV, Section 4700, Conversion of Seasonal or Intermittent Use Structures, to allow for revisions to the Cottage Colonies By-law Section 4710 facilitating possible conversion of structures by Special Permit and compliance set forth in Section 4700, Procedures. Ms. Cotter seconded.

Voted:

Henry Rakov	Yes
Sarah Regan	Yes
Stanley Torrey	Yes
Elizabeth Cotter	Yes
William Burbank	Yes

The vote was unanimous.

Mr. Rakov read proposed amendment, Article 1. Mr. Jones showed a power point presentation for the 6A Corridor part of the Article. This proposed zoning would remove “grandfathering” and replace it with Use Table as well as remove the two year abandonment clause. The following members of the public commented:

- Jonathan Shaw, Jarves Street
- Robert King, Liberty Street
- Darrell Davis, White Cap Path

There was brief Board discussion. It was decided to name the corridor the Route 6A Business District. Ms. Regan moved that the Board forward the Route 6A Business District to the Selectmen. Mr. Burbank seconded. The vote was unanimous.

Mr. Jones had a power point presentation for the Historic Village District in Sandwich Village, which is the second part of Article #1. The following member of the public commented:

- William Collins, Liberty Street
- Mary Anne Lally, Liberty Street
- Robert King, Summer Street
- Joseph Arnao, Nauset Street
- Ursula Dillingham, Water Street
- Jonathan Shaw, Jarves Street

There was Board discussion with the following points being discussed:

- Protect the flavor of the village from the BL1 zoning
- Include the complete Daniel Webster lot
- Include the Weather Store with the railroad tracks being a natural boundary
- What to call this district

Mr. Burbank motioned for the Board to adopt the map as proposed with the two houses, the full Daniel Webster lot, and the Weather Store. Ms. Regan seconded. The vote was unanimous. Mr. Burbank moved that the name of this zoning district be Village Business District in Sandwich Village. Ms. Regan seconded. The vote was unanimous.

Ms. Regan moved that the Board recommend that Special Town Meeting approve the following proposed by-law amendment:
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Item #1:
"To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article II Use and Intensity Regulations, Section 2100 Establishment of Districts, to establish a new Village Business District in Sandwich Village and a Route 6A Village Business District. Amend the Zoning Map, Town of Sandwich, referenced in Article II, Section 2110, to reflect the new zones. Additional amendments include enhancements and revisions to Section 2300, Use Regulations Schedule and associated notes regarding zones. 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 zones and enhanced Use Table proposals shall be considered". Mr. Burbank seconded.

Voted:
Henry Rakov Yes
Sarah Regan Yes
Stanley Torrey Yes
Elizabeth Cotter Yes
William Burbank Yes

The vote was unanimous.

Board Discussion

Grove Hill Lot #2

Palazesi

Mr. Rakov read an e-mail from Atty. Jonathan Fitch asking the Board to remove this discussion from the agenda as his client was unable to attend. Ms. Regan moved that the Board accept the withdrawal of Grove Hill Lot #2 from discussion. Mr. Torrey seconded. The vote was unanimous.

Cranberry Trail – Iris Hills

Ms. Hills asked the Board to consider the questions that she has submitted previously. Ms. Regan explained that her questions have been submitted to Town Counsel, and the Board is awaiting response from Town Counsel. Mr. Jones said that Town Counsel plans to have the answers to the Board by the first meeting in October. Ms. Hills was upset that she was not listed as an agenda item for this meeting; she was listed under Board Discussion. She asked the Board to confirm that it refused to do so; Ms. Regan confirmed this. Ms. Hills then asked to be placed on the agenda for October 1, 2013. This was noted by the Board. The Board also noted that she requested that the Board not take any action regarding Cranberry Trail until Town Counsel responded to her questions.

Ms. Regan motioned for adjournment. Mr. Torrey seconded. The vote was unanimous. The meeting adjourned at 9:50pm.

Respectfully submitted,

Marilyn K. Bassett