



PLANNING BOARD

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**FINAL COPY**

**MINUTES  
March 4, 2014**

TOWN CLERK  
TOWN OF SANDWICH

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**7:03pm**

**Lower Meeting Room  
Human Services Building,  
270 Quaker Meetinghouse Road**

**Present:** Joseph Vaudo, Chair, Sarah Regan, Stanley Torrey, Lori Caron, and William Burbank

**Absent:** Henry Rakov and Elizabeth Cotter

**Also Present:** Nate Jones, Town Planner, and Sam Jensen, Assistant Town Engineer

**Approval of Minutes**

Ms. Regan motioned to accept the minutes of February 4, 2014 as written. Mr. Burbank seconded. The vote was unanimous.

**ANR**

**28 and 30 Crestview Drive  
Swindler/Mullins**

Atty. Jon Fitch was present for the applicants. He told the Board he had been in discussion with Asst. Town Engineer Sam Jensen trying to determine if this was an ANR or a minor modification to a subdivision. He did not believe that a minor modification could be done under the Subdivision Control Rules and Regulations. He reviewed the history of this paper stub for the Board – Crestview Drive was created as part of a subdivision in 1970 with this stub between lots. Later the Town took Crestview Drive; the stub remained on paper only. Under MGL, "Orphaned Fee" Stature, the owner on each side of the stub had ownership to the ½ way point of the stub conveyed to each of them. The property owners would like to incorporate this section of the stub into their parcel. Atty. Fitch said that if the applicants are not creating a subdivision then they are entitled to an ANR.

Ms. Regan questioned what the objection to a minor modification of the subdivision was. She said that the plan must be vacated in the same means it was created. After comments from Mr. Jensen and Mr. Jones, the Board asked Atty. Fitch to bring the request back as a minor modification to the subdivision. He said he would be at the next meeting with that request.

**Paul's Way**

Attorney Jonathan Fitch requesting that this ANR be continued until the next Planning Board meeting on March 18, 2014.

Ms. Regan made a motion to continue the ANR for Paul's Way until March 18, 2014. Mr. Burbank seconded. The vote was unanimous.

**Route 6A Zoning  
William Burbank**

Mr. Burbank turned the floor over to Ms. Caron to bring the Board up to date on her discussions with several residents regarding zoning changes along 6A from Tupper Road to the Barnstable line. Ms. Caron reported that she has met with several people and sees the potential to bring this zoning proposal forward. She found support for the elimination of the abandonment section of the current Zoning By-Laws. She also found interest in the home occupation section of the by-law; the Board discussed this topic regarding easing sign restrictions, selling the property, and applying the home occupation rules across the board in all areas of Town. In response to one comment regarding selling

a property with a home occupation already in place, Building Inspector Paul Spiro reminded the Board that Sandwich does not have a use variance provision in its zoning by-laws. Mr. Burbank said that he would like to have the maps of 6A from Tupper Road to the Barnstable line to do a study in "real time" so that there might be better communication with the residents of the Town. Ms. Regan suggested that these maps could be displayed at the public outreach meetings. Mr. Harold Mitchell, chair of the Board of Appeals, spoke from the audience. He said that it is important to make the presentation as simple as possible and to make sure that the Planning Board was in agreement before the outreach meetings. Mr. Burbank said that it is better for the Board to have concrete information available at an outreach meeting; at the last zoning outreach meetings there were many emotional comments.

Ms. Regan moved the Board authorize Mr. Jones to request the series of maps of Route 6A from Tupper Road to the town line from the Engineering Department. Mr. Burbank seconded. The vote was as follows: Ms. Regan, Ms. Caron, Mr. Burbank, and Mr. Torrey voted Yes. Mr. Vaudo voted No.

## **Town Warrant Article**

### **William Burbank**

Mr. Jones excused himself to join the audience. Mr. Vaudo distributed a letter from Asst. Town Administrator Douglas Lapp. Mr. Burbank then read into the record his draft motion for a proposed warrant article for the Annual Town Meeting in May. Under MGL Chapter 41, sections 70 and 81 inclusive, he is proposing that the Planning Board "become the Primary Town agency to receive from all interested parties, all physical site development plans, meet, review, hire required outside consultants, paid for by proponent developers, and act on recommendations from other Town Boards and Commissions to approve or not approve said developments." He is also proposing:

- Mr. Jones be named Director of Planning and Development, receive a raise, and report directly to the Board of Selectmen.
- The Planning Board report monthly to the Board of Selectmen on all proposed developments submitted and being reviewed
- A change in the fee schedule for submission of plans to be reviewed by the Planning Board
- The Planning Board shall submit all required changes to the current Zoning By-Laws as a result of the approval and adoption of this Warrant Article by the next Town Meeting following Town Elections.

There followed lengthy Board discussion. Mr. Torrey supported Mr. Burbank's proposal, Ms. Caron expressed that she felt overwhelmed by this proposal and needed time to consider it, Ms. Regan is not sure that this is something that the Board can do and is not sure she would be qualified to serve on a Board with these responsibilities. Mr. Vaudo is not in favor.

## **Board Discussion**

Harold Mitchell, Sandwich representative to the Cape Cod Commission, distributed a handout from the Commission's website entitled "things you didn't know about the Cape Cod Commission". Ms. Regan asked if this was in response to the recent campaign by Ronald Beaty against the Commission. Mr. Mitchell said that this had been planned for awhile.

Mr. Burbank moved the meeting adjourn. Ms. Caron seconded. The vote was unanimous. The meeting adjourned at 8:40 P.M.

Respectfully submitted,  
Marilyn K. Bassett