

Town Of Sandwich
THE OLDEST TOWN ON CAPE COD



PLANNING BOARD

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FINAL COPY

**MINUTES
June 3, 2014**

TOWN CLERK
TOWN OF SANDWICH

JUL 16 2014

1 H 00 M P M
RECEIVED & RECORDED

7:03pm

Lower Meeting Room
Human Services Building
270 Quaker Meetinghouse Road

Present: William Burbank Chair, Sarah Regan, Vice Chair, Elizabeth Cotter, David Darling, Robert King, and Lori Caron

Absent: Stanley Torrey

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

Approval of Minutes

Ms. Regan motioned to accept the minutes of April 1, 2014 as written. Ms. Cotter seconded. The vote was unanimous. Ms. Regan motioned to accept the minutes of April 4, 2014 as written. Ms. Cotter seconded. The vote was unanimous. Ms. Regan motioned to accept the minutes of April 18, 2014 as written. Ms. Cotter seconded. Ms. Regan motioned to accept the minutes of May 20, 2014 as written. Mr. Darling wanted to amend the minutes to read: "David Darling presented each Board member with a handout regarding the benefits of successful economic development entitled "Economic Development".

New Plans

No new plans were presented.

Special Permit

8 Bowman's Way

Three Ponds District

Nurse

Mr. Burbank read the Public Hearing Notice into the record. He also read the following letters into the record:

- Sandwich Water District, Jeff Rose, Asst. Superintendent, letter dated May 27, 2014
- Sandwich Fire Department, J.J. Burke, Fire Prevention, letter dated May 16, 2014
- Sandwich Conservation Commission, David DeConto, Asst. Director, Natural Resources Dept., letter dated May 14, 2014

Atty., Ben Losordo and Roger Michniewicz were present representing the applicant, Ronald Nurse, who was also present. This lot was part of a cluster subdivision created in the 1990's. This special permit application is for the complete renovation of the present house, adding a second story. Except for the 12' addition to the garage, these renovations will be within the current footprint. The basement will become unfinished with living space on the second floor. The space over the garage will be used for storage. The Conservation Commission is currently reviewing a Notice of Intent application for this proposed renovation as well. Atty. Losordo told the Board that the proposed changes are not more than 60% of the current habitable space; there actually is a decrease from 2160 sq. ft. to 1850 sq. ft. of habitable living space.

Atty. Losordo said that a number of changes to the plans were made due to Conservation Commission requirements. Their review was continued to June 4th.

In answer to a question from the Board, Atty. Losordo said that it follows the same line as the current garage and the addition would be 13' from the lot line.

Ms. Regan questioned the wording of the application – the request does not match the plans. She suggesting amending the current application before the June 17th meeting of the Planning Board. Mr. King then suggested that it would be easier to include the basement space with the other changes to the plan. Mr. King asked if the basement space was included in the habitable space, would it still be within the 60% requirement. When the applicant said that it would, Mr. King suggested that the plan be amended to show the basement as living space so that if the applicants decided to use this in the future, they would only need to apply for a building permit.

There were no public comments.

Ms. Regan motioned to continue the Special Permit for 8 Bowmans Way to June 17, 2014 at 7pm. Ms. Cotter seconded. The vote was unanimous.

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Minor Modification of a Subdivision

46 Roos Road

Idlewild Acres, LLC

Mr. Burbank read the following into the record:

- Email from Mike Karl, abutter, dated June 3, 2014
- Letter from David Thulin, Engineer, dated May 30, 2014

In response to the email from Mr. Karl, Ms. Regan asked if NSBE was a private way; it is. Mr. King asked if NSBE was even passable; there is a pond in the middle. He also noted that there had been more public comment for than against the plan. Ms. Cotter commented that this is private property, there are wetlands and a pond so it would not be possible to reroute NSBE.

David Thulin, Engineer, was present with the applicants Peter and Betsy Wild. He presented the plans to the Board. The plan has been approved for filing with the Land Court subject to endorsement by the Planning Board.

Mr. Burbank opened the meeting for public comment. There was none.

Mr. King moved that the public hearing for the minor modification request for 46 Roos Road be closed. Ms. Cotter seconded. The vote was unanimous.

Board Discussion

Informal Discussion

16 Spring Hill Road

Atty. Jon Fitch was present with his client, Michael Cardello. Atty. Fitch gave a brief history of the property – when the railroad tracks were built, the lots on the north side of the tracks were orphaned. It is easy to see on assessor's map where the lots on each side of the tracks match up. Mr. Cardello bought his lot (#33) within a year of his neighbor building a house and a barn on lot #34. Back in the 1970's these were considered buildable lots. When Mr. Cardello put his lot up for sale two years ago he found out that because of the lack of frontage, no building permit could be issued.

Atty. Fitch explained to the Board that there is a right of way adequate in width to construct an 18' wide gravel road. In response to a question from Mr. Burbank regarding the next step, Atty. Fitch said he would be bringing in a definitive plan showing this road out to Spring Hill Road. He will be meeting with Sam Jensen as well to go over the plans, including a turnaround that would afford his client the required frontage.

Other concerns raised by the Board:

- Concerns about the lot abutting Sandwich Conservation Trust land
- Are you asking easement to be a road?
- Necessary documentation to show that this is a way – changes from easement to way
- Any legal issues in having easement be a part of private road?

Mr. Jones noted that the applicant must be able to demonstrate to the Board that there is a way with proper frontage. In closing, Mr. Fitch said that there is work to do with Engineering, Town Planner, the neighbors, and the Land Court before he comes back to the Board.

Board Discussion

Summer Schedule

In response to a request from Planning and Development office regarding the summer schedule, Mr. Burbank said that there is much to discuss. Ms. Regan brought up the timing of the Fall Town Meeting and being able to get any articles to the Town Manager and Selectmen. The medical marijuana article is fine with the language, but perhaps there may be a problem with the location part of it. The Board will meet on July 15th, August 5th and 19th, and September 16th.

Deliberation

Minor Modification to a Subdivision

46 Roos Road

Idlewild Acres, LLC

Ms. Regan made a motion to accept the Minor Modification for Roos Road as depicted on the Plan of 46 Roos Road dated May 29, 2014 by David Thulin, 211 Mill Road, East Sandwich. Mr. Burbank seconded. The vote was unanimous.

Board Comments

349 Route 6A, Special Permit and Variance – No comment

3 The Mall Special Permit Amendment – Mr. Burbank recused himself – No comment

23 Jarves Street Special Permit – Board instructed Ms. Bassett to send a letter of comment to the Board of Appeals:

- Structure shouldn't be in place before the permit

- There are other options available

Mr. Burbank then asked the Board if the members were interested/willing to entertain an aggressive role in planning the future of Sandwich by taking back the role of the Planning Board as outlined in MA General Law. Mr. Darling stated he was on the Board to become part of a proactive team. He also handed out a copy of his resume to the Board members. Ms. Caron said she was still new to the Board; she wants to support this dynamic Board and looks to the Board for guidance.

Mr. Burbank would like to see Rte. 6A marketed as a place to live and a place to do business. There are many properties for sale along this route. Mr. Jones commented that it is not just 6A. Mr. Jones cited a medical building that has become an artist gallery as a positive while an old cottage colony is still vacant because an interested party wanted to run a bakery out of the front building. When the 6A did not pass, the abandonment clause remained in place so the use could not be changed to accommodate a bakery. There followed a discussion about Mr. Burbank's proposal to pull more power to the Board and making it answerable to the Board of Selectmen. Mr. King wants to hear both sides and the history behind some of the changes.

In answer to a question, Mr. Jones told the Board that their #1 goal and charge are the Subdivision Rules and Regulations, Special Permits and crafting of zoning by-laws. Mr. King Mr. Darling thanked Mr. Jones for his service. Mr. King asked Mr. Jones if he had anything to share as an important lesson or message. Mr. Jones urged the Board to look at economic development and what it means; looking to find the point of least resistance to accomplish those goals of economic development.

Mr. Darling wondered why the Town did not fast track a hotel for the 375 Celebration. Mr. Jones explained that there was not enough time to have all the approvals and permits in place to have one in place for the celebration. A project of this size would have to go through the DRI process at the Cape Cod Commission and then the permitting through the Town.

Mr. Darling motioned to adjourn. Mr. King seconded. The meeting adjourned at 9:40pm.

Respectfully submitted,

Marilyn K. Bassett