



PLANNING BOARD

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**MINUTES  
September 15, 2015**

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TOWN OF SANDWICH

OCT 21 2015

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**7:00pm**

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

**Present:** Sarah Regan, Chair, Scott Torrey, Vice Chair, Joseph Vaudo, Robert King, William Burbank, and Thomas Lynch

**Absent:** Lori Caron

**Also Present:** Blair Haney, Director of Planning & Economic Development

**Submission of New Plans**

**ANR**

**27 Grove Street**

**Mardis**

Mr. Vaudo recused himself. Ms. Regan read the comment letter from Sam Jensen, Asst. Town Engineer, dated September 14, 2015 into the record. Atty. Jonathan Fitch was present representing the applicant. The intention of the ANR plan is to give each of the three families access to and a view of the Shawme Pond. These lots are marked "Not a building lot" and no subdivision is being created. The Board expressed interest in knowing the progress of the plans as clearing and some cutting is done to make the lots more attractive. Atty. Fitch will keep the Board informed. There was no public comment. Mr. Torrey motioned for the Board to endorse the ANR plan for 27 Grove Street, Lenore Mardis. Mr. King seconded. The vote was unanimous.

Mr. Vaudo rejoined the Board.

**Public Hearing**

**Proposed Zoning Amendments**

Ms. Regan read the Public Hearing Notice into the record.

Mr. Haney explained that the purpose of this amendment is to create an overlay district inside the BL1 district. There are four parcels of approximately 29A total that would be in this overlay district. NRG would like to place a Ground Mounted Solar array by-right with a system that is greater than 250kw in this overlay district. Mr. Tom Atkins, Senior Director at NRG, addressed the Board. The plans call for a community solar project – NRG will sell the output of the 1.5 megawatt+/- system to local residents who either can't put solar panels on their homes or who don't want to have the solar panels. Presently, the BL1 District prohibits ground mounted solar arrays. Atty. Michael Ford was also present for NRG.

Ms. Regan questioned if the solar panels would be seen from Tupper Road. She referenced the right hand side of Tupper Road where it rises due to topography. Mr. Rich Tabaczynski, P.E. from Atlantic Design Engineers, LLC, indicated that the land is fairly flat and that grading would be done as well. Mr. Haney then spoke to the following points:

- This land use meets LCP goals Section 9.3 on sustainable energy
- There are currently industrial uses all around the sites currently
- No traffic impact/limited visual impact

- Still needs permitting from the Cape Cod Commission, Old King's Highway, Conservation Commission, and Building Department
- The space cannot be occupied

Ms. Regan commented that the title would have to be changed to "Ground Mounted Solar Overlay District". The Board also discussed the addition of language under 4182 Procedure excepting the need for a special permit under Section 4340 in the Solar Overlay District. Mr. Atkins said that the DRI was very comprehensive; Mr. Tabaczynski said that flood areas were under the Conservation Commission. Mr. Regan expressed concern that this would exempt applicants from getting Special Permits if proposed in an area that was part of a flood plain. Mr. Atkins assured the Board that NRG was respectful of the Board's views.

Ms. Regan opened the meeting for public comment; there was none. Mr. King motioned to close the Public Hearing. Mr. Vaudo seconded. Mr. Burbank abstained from voting. The vote was five in favor, none opposed, and one abstention.

Mr. King motioned that the Board recommend the following amendment to the Board of Selectmen for the Special Town Meeting with the changes discussed by the Board:

**ARTICLE #**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws to create a Ground Mounted Solar Overlay District, by amending Article II, Use and Intensity Regulations, Section 2100, Establishment of Districts by adding a new subsection p. to Section 2110 and the additional language to the end of Section 2110, as follows:

p. Ground Mounted Solar Overlay District. See Section 4180.

Ground Mounted Solar Overlay District, as described in Section 4180 is herein established as an overlay district, shall be considered to be superimposed over any other district established by this by-law. Land in the Ground Mounted Solar Overlay District shall be subject to the requirements of Section 4180.

And further,

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws Section 2210, Use Regulation Schedule, by adding Note 25 highlighted in bold, as follows:

				Industrial/Utility Uses							
Solar Photovoltaic Installation, Large-Scale Ground-Mounted (22)											
R-1	R-2	VIL (2,3)	BL-1 (2,3)	B-2	FLEX	IND	MAR (2,3)	RD	S	GD	
N	S	N	N (25)	N	Y	Y	N	S	N	S	

**25. Y - permitted by-right if in Ground Mounted Solar Overlay District.**

And further,

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws Section 4180, Large Scale Ground Mounted Solar Photovoltaic Installations, by adding the language highlighted below in bold, as follows:

**4180 LARGE SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS**

The Planning Board shall be the Special Permit Granting Authority for applications pertaining to sites outside the Industrial Limited District and the Ground Mounted Solar Overlay District.

The Ground Mounted Solar Overlay District is herein established as an overlay district and shall be superimposed over any other district established by this by-law. A plan entitled "Solar Overlay District" dated July 1, 2015 is on file in the Planning and Development Office delineating this district and is hereby made a part of this By-Law.

And further,

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws Section 4182, Procedure, by adding the language below in bold, as follows:

**4182 Procedure**

Large scale ground-mounted solar photovoltaic installations located within the Industrial Limited District **and the Ground Mounted Solar Overlay District** are allowed by right subject to compliance with sections 4180 through 4196 and other applicable sections of this bylaw.

Mr. Torrey seconded.

The vote is as follows:

Sarah Regan	Yes
Scott Torrey	Yes
William Burbank	Abstain
Robert King	Yes
Tom Lynch	Yes
Joseph Vaudo	Yes

**Board Discussion**

**311 Service Road #15-07 and #15-08**

**Rehabilitation Hospital**

The Special Permit Amendment and Variance are for an addition to the building and additional parking. After a short discussion, the Board has no recommendation for the Board of Appeals.

**Proposed Zoning Changes for Height Requirement in the B2 District**

Mr. Haney has continued to hold small group presentations to the community. The site of the proposed sports complex is two miles from Exit 2 with access from Exit 3 as well. Mr. Vaudo asked if the land had been purchased yet; Mr. Haney answered not yet. Mr. King spoke in support of the project. Mr. Haney explained the 70' height is the same as the interior space of the High School Auditorium. Mr. Burbank requested that the hotel be added to the height comparison sheet that was given to the Board. The average height of the vegetation could also be included. The Board reminded Mr. Haney that a 600' setback rather than the proposed 500' setback has been requested for the 70' structure. The legal ad for the proposed height amendment public hearing will be sent to the Sandwich Enterprise on Wednesday, September 16<sup>th</sup> for the October 6, 2015 meeting. There was a brief discussion on Chapter 23L infrastructure funds.

Mr. King would like the Board to consider tightening up the Scenic Road bylaw to be able to insure keeping Sandwich scenic. The Board will address this after the Special Town Meeting.

Mr. King motioned to adjourn. Mr. Torrey seconded. The vote was unanimous. The meeting adjourned at 8:50pm.

Respectfully submitted,

Marilyn K. Bassett