



BOARD OF APPEALS

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FINAL COPY

**November 10, 2015
Minutes**

TOWN CLERK
TOWN OF SANDWICH

DEC 09 2015

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7:00pm
Upper Meeting Room
270 Quaker Meetinghouse Road

Present: James Killion, Chair, Robert Jensen, Vice Chair, Christopher Neeven, Erik Van Buskirk, Harold Mitchell, and David Schrader

Also Present: Josh Peters, Asst. Town Planner, Paul Spiro, Building Inspector, and Sam Jensen, Asst. Town Engineer

Approval of Minutes

Mr. Jensen moved to accept the minutes of the meeting held October 13, 2015 as written. Mr. Neeven seconded. The vote was unanimous.

Public Hearing

16 Putting Green Circle

MacLean Realty Trust, Barbara MacLean, Trustee

Variance #15-10

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

- Board of Health, David Mason, RS, CHO, Director of Public Health, letter dated October 29, 2015
- John J. Burke, Deputy Fire Chief, Sandwich Fire Department, letter dated October 20, 2015

Ms. Barbara MacLean, applicant, and Mr. Andrew MacLean were present. Ms. MacLean explained that she and her husband had bought the two lots planning to build on one and hold the other one to eventually sell as a nest egg. When she became aware of the proposed change to the by-laws regarding adjoining lots being held in common ownership, she did speak against it at Town Meeting. Mr. Jensen asked if she still received two separate tax bills, which she does. Mr. Spiro had no comment other than that this is Section 2550c.

Mr. Killion opened the meeting for public comment. Mr. Andrew MacLean, Nashua, NH spoke in favor of granting the Variance request.

Mr. Jensen motioned to close the public hearing for Variance #15-10. Mr. Neeven seconded. The vote was unanimous.

Public Hearing
20 Freezer Road
Two Brothers Realty Investments, LLC
Special Permit #15-11

Mr. Killion read the Public Hearing Notice into the record. The following comment letters were also read into the record:

- Sam Jensen, PE, Asst. Town Engineer, letter dated November 5, 2015
- Department of the Army, Lawrence T. Davis, Canal Manager, letter dated November 2, 2015
- David Mason, RS, CHO, Director of Public Health, letter dated October 29, 2015

Atty. Christopher Kirrane, Rich Tabaczynski, PE, Atlantic Design Engineers, LLC, Michael Singer, architect, and Robert Colbert, applicant, were present. Atty. Kirrane outlined the requests for the proposal: a Special Permit for the Flood Plain District and utilizing a small part of the restaurant for the sale of fresh seafood under "other retail" in Section 2200 of the Zoning By-Laws. The requirements for open space, frontage, setbacks, lot coverage, and parking are all met. There will be 62 parking spaces; 60 are required. The proposed project already has Historic approval and is going before the Conservation Commission on the 19th of November. Mr. Jensen asked if the proposed 164 seats are both inside and outside seating combined, which is the case. The seafood retail is proposed to be approximately 350 sq. ft.

Mr. Tabaczynski reviewed the site plans with the Board. The site grading will be minimal. He discussed bio-retention area; the hydrant at the end of the property; above ground utilities already in place, required grease traps for the restaurant, and the septic system to be placed in the center of the parking lot. Mr. Jensen asked how much screening would be needed. Mr. Tabaczynski that currently along Freezer Road there is no existing vegetated area. The plans call for a post and rail vinyl fence to be installed. The patio area will probably have shells; he did not want to call for paving in that area. Mr. Neeven asked if the entire project is in the special hazard zone, which it is. Mr. Jensen asked if the parking lot would be shells. Mr. Tabaczynski said the parking lot would be paved. The Board also wanted to make sure that the building would be within the required 35. It is actually below that height. The Board also noted that sidewalks were included in the plan presented but not on the original plans submitted. They argued that the Engineering Department could make a determination regarding the sidewalks on this project going forward in the construction process.

Mr. Killion opened the meeting for public comment; there was none.

Mr. Jensen motioned to close Public Hearing #15-11 for 20 Freezer Road. Mr. Neeven seconded. The vote was unanimous.

Deliberations

20 Freezer Road

The Board reviewed and discussed 20 Freezer Road, Special Permit #15-11. The Board voted to grant the Special Permit with conditions. The decision, findings, and conditions are on file in the Planning and Development office.

16 Putting Green Circle

The Board reviewed and discussed 16 Putting Green Circle, Variance #15-10. The Board voted to grant the Variance with conditions. The decision, findings, and conditions are on file in the Planning and Development office.

Board Discussion

224 & 52 Pinkham Road, OSRD, Special Permit, Scenic Road Permit

SSYMCA

After a brief discussion, the Board had no comment for the Planning Board.

Other Board Discussion

The Board decided there would be no meeting held on November 24, 2015.

Mr. Mitchell asked why the proposed change for Section 2550c was not on the warrant for the Special Town Meeting. The Planning Board tabled any discussion of this change until the spring. The Board wondered how this proposed change could get on the warrant for the Annual Town Meeting. It is possible that P & D staff could propose the change. It was suggested to have Town Counsel give an opinion.

Mr. Jensen moved to adjourn the meeting. Mr. Neeven seconded. The vote was unanimous. The meeting adjourned at 8:18pm.

Respectfully submitted,

Marilyn K. Bassett